



Agenda Item

Design Review Committee

Item #: 3.2.

10/2/2024

File #: 24-0574

TO: Chair and Members of the Design Review Committee

THRU: Chad Ortlieb, Principal Planner

FROM: Arlen Beck, Associate Planner

1. SUBJECT

A request for a new wireless colocation facility for AT&T on the rooftop of the existing Elks Lodge building, 211 E. Chapman Avenue (Design Review No. 5152-24).

2. SUMMARY

The applicant proposes to install a new rooftop colocation wireless communication facility at the existing Elks Lodge building in the Old Towne Orange Historic District to increase overall coverage, capacity, and call quality.

3. RECOMMENDED ACTION

Approval by the Design Review Committee with staff recommended conditions.

4. BACKGROUND INFORMATION

Applicant: New Cingular Wireless PCS, LLC (AT&T Mobility), Sonal Thakur

Owner: Orange Elks Lodge Building Association, Robert Wilson (Elks VP)

Property Location: 211 E. Chapman Avenue

General Plan Designation: Old Towne Mixed Use-15S, 6-15 du/ac; Max. 0.6 FAR
(OTMIX-15S)

Zoning Classification: Old Towne Mixed Use Spoke Street-15S (OTMU-15S)

Existing Development: Elks Lodge Building

Associated Application: Minor Site Plan Review No. 1175-24.

Previous DRC Project Review: None.

5. PROJECT DESCRIPTION

The major exterior components of this project include:

- Remove the existing abandoned 3-foot by 3-foot Fiberglass Reinforced Polyester (FRP) enclosure and replace with a new 6-foot by 6-foot FRP enclosure matching existing height.

- Install three 4-foot panel antennas (one per sector) and three 31-inch panel antennas (one per sector) all within the proposed FRP enclosure.
- Install six remote radio units (RRU) and three surge suppression devices (Raycap) on the rooftop at the proposed roof mounted H-frame.
- Install two Global Positioning System (GPS) antennas onto the existing abandoned rooftop chimney.
- Install a new cable tray from point of connection (POC) to the equipment lease area.

6. EXISTING SITE

The site is developed with the two-story Elks Lodge building which measures 48 feet high to the top of the parapet wall. According to historic Sanborn Fire Insurance maps, the site has historically been the location of the Elks Lodge building since its construction in 1924. The existing building is comprised of a currently vacant tenant space at 201 E. Chapman Avenue, a coffee shop and stationary store (Contra) at 115 N. Orange Street, and the Elks Lodge at 211 E. Chapman Avenue. The existing building is a contributor to the Old Towne Orange Historic District.

7. EXISTING AREA CONTEXT

The Elks Lodge building is located on the north side of the 200 block of E. Chapman Avenue in the National Register listed Old Towne Orange Historic District. The site is zoned Old Towne Mixed Use-15S (OTMU-15S). The property to the north of the site is zoned OTMU-15 and is used as a surface parking lot. Properties to the south of the site across Chapman Avenue are zoned OTMU-15 and are one- and two-story office and retail uses. The property to the east is zoned OTMU-15S and used as a one-story building with retail and offices. The property to the west across Orange Street is zoned OTMU-15S and is developed with a two-story office building and surface parking lot.

8. ANALYSIS AND STATEMENT OF THE ISSUES

Issue 1 Visibility of Equipment:

The applicant is proposing to take over an existing vacated wireless lease space at the project site. The antennas will be completely screened by the proposed 6'x6' FRP enclosure which will match the building's exterior color. Exterior equipment includes:

- three 4-foot panel antennas (one per sector)
- three 31-inch panel antennas (one per sector) all within the proposed FRP enclosure
- two GPS antennas attached to the existing abandoned chimney
- a new roof mounted H-frame with RRU and Raycap devices
- a new roof mounted cable tray

All equipment is located near the center of the building's rooftop. Photo simulations have been included as Attachment 4 to show the visibility of the proposed 6-foot by 6-foot FRP enclosure, which

is the only part of the proposed project visible from the street level. The proposed 6-foot by 6-foot FRP enclosure will match the height of the existing enclosure will be minimally visible from the street level. The proposed colocation will result in minimal changes to the rooftop that can be reversed in the future should the wireless communications facility no longer be in use.

Issue 2 Impact on the Historic District and Historic Properties:

Prior to scheduling the DRC hearing, the applicant provided proof of compliance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) prepared by a consultant meeting the Secretary of the Interior's Professional Qualifications standards. The report concluded that there will be no direct adverse impacts to historic properties within the ½ mile radius Area of Potential Effect (APE). The documentation of the reviews was provided to the State Historic Preservation Office (SHPO) on April 24, 2024, via Form 621. In a letter dated May 29, 2024, SHPO concurred that the proposed undertaking will have no impact in the direct APE and the Visual APE. As a result, the preparation of an Environmental Assessment is not required, and no further Section 106 action is required for the proposed wireless installation.

Staff concurs with SHPO and the Section 106 report. The project will be limited to the rooftop and will not result in the addition of any exterior equipment that will alter the streetscape or appearance of the Historic District. The proposed 6-foot by 6-foot FRP enclosure will match the height of the existing enclosure and will be minimally visible from street level. Should the wireless communication facility be discontinued in the future, the exterior alterations are reversible and will not impact the overall integrity of the building's structure.

9. ADVISORY BOARD RECOMMENDATION

None.

10. PUBLIC NOTICE

Notice was provided to 156 owners and occupants within 400 feet of the project on or before September 19, 2024, and the site was posted on or before that date.

11. ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15301 (Class 1 - Existing Facilities), because it consists of a new co-located wireless facility located at the rooftop of an existing building in the same lease dimensions of a previous wireless facility that it is replacing.

12. STAFF RECOMMENDATION AND REQUIRED FINDINGS

Findings for DRC applications come from four sources:

- The Orange Municipal Code
- The Infill Residential Design Guidelines
- The Historic Preservation Design Standards for Old Towne (commonly referred to the Old Towne Design Standards or OTDS)
- Orange Eichler Design Standards (or OEDS)

The Findings are applied as appropriate to each project. Based on the following Findings and statements in support of such Findings, staff recommends the DRC approve the project with recommended conditions.

- In the Old Towne Historic District, the proposed work conforms to the prescriptive standards and design criteria referenced and/or recommended by the DRC or other reviewing body for

the project (OMC 17.10.070.G.1).

The proposed project conforms to the Historic Preservation Design Standards, which are the prescriptive standards and design criteria for projects within the Historic District. The proposed project complies with the Historic Preservation Design Standards for Old Towne, in that the Mechanical equipment is located in areas that are minimally visible from the street, the proposed equipment will be mounted on a flat roof with parapet walls and is fully screened, and the proposed equipment is attached using the least invasive method, without damaging historic features of the building as outlined under the Mechanical Systems section of the OTDS.

- In any National Register Historic District, the proposed work complies with the Secretary of the Interior's standards and guidelines (OMC 17.10.07.G.2).

As proposed, the major wireless components will be contained at the rooftop and within the basement lease space. The proposed rooftop equipment will be minimally visible from the street, painted to match the building, and will not result in an impact or loss of integrity of the Historic District. The project will not have any adverse impacts on the Direct or surrounding historic properties. Furthermore, should the wireless communication facility be discontinued in the future, the exterior alterations are reversible and will not impact the overall integrity of the building's structure.

- The project design upholds community aesthetics through the use of an internally consistent, integrated design theme and is consistent with all adopted specific plans, applicable design standards, and their required findings (OMC 17.10.07.G.3).

The project is internally consistent and has an integrated design theme by matching the existing building's wall color to the proposed FRP screening. The screening is also visually compatible with other wireless facility and mechanical equipment screening on the roof of the building.

13. CONDITIONS

The approval of this project is subject to the following conditions:

1. This project is approved as a precise plan. All work shall conform in substance and be maintained in general conformance with the plans (date stamped approved October 2, 2024, and in the project case file), including modifications required by the conditions of approval, and as recommended for approval by the Design Review Committee.
2. After any application has been approved, if changes are proposed regarding the location or alteration of any use or structure, a changed plan may be submitted to the Community Development Director for approval. If the Community Development Director determines that the proposed change complies with the provisions and the spirit and intent of the approval action, and that the action would have been the same for the changed plan as for the approved plan, the Community Development Director may approve the changed plan without requiring a new public meeting.
3. The applicant agrees, as a condition of City's approval of Design Review No. 5152-24, to

indemnify, defend, and hold harmless, at applicant's expense, the City, its officers, agents, and employees ("City") from and against any claim, action or proceeding brought against the City, including, but not limited to, any claim, action or proceeding commenced within the time period provided in Government Code Section 66499.37 to attack, review, set aside, void or annul the City's approval, to challenge the determination made by the City under the California Environmental Quality Act ("CEQA") or to challenge the reasonableness, legality or validity of any condition attached hereto. City shall promptly notify applicant of any such claim, action or proceeding to which the City receives notice and to cooperate fully with the applicant in the defense thereof. Applicant shall reimburse the City for any and all costs and expenses, including, but not limited to, court costs and attorney's fees that the City may be required to pay, including any expenses ordered by a court or expenses incurred through the Office of the City Attorney in connection with said claim, action or proceeding. City may, in its sole discretion, participate in the defense of any claim, action or proceeding but such participation shall not relieve applicant of the obligations of this condition. In the event the applicant is required to defend City in connection with such claim, action or proceeding, City shall have the right to approve counsel to so defend the City, approve all significant decisions concerning the manner in which the defense is conducted and approve any all settlements, which approval(s) shall not be unreasonably withheld. The obligations set forth herein remain in full force and effect throughout all stages of litigation including any and all appeals of any lower court judgment rendered in the proceeding. Further, applicant agrees to indemnify, defend and hold harmless the City for all costs and expenses incurred in enforcing this provision.

4. The applicant shall comply with all federal, state, and local laws, including all City regulations. Violation of any of those laws in connection with the use may be cause for revocation of this permit.
5. The final approved conditions of approval shall be reprinted on the first or second page of the construction documents when submitting to the Building Division for the plan check process.
6. Construction permits shall be obtained for all future construction work, as required by the City of Orange, Building Division. Failure to obtain the required building permits will be cause for revocation of this permit.
7. In accordance with Orange Municipal Code (OMC) Section.17.12.025.B.5, any owner of a wireless communication facility and any person or entity leasing property for a wireless communication facility shall provide written notification to the City of the discontinuance of the use of a wireless communication facility for wireless communication purposes for any period of longer than thirty (30) days. The notice shall state the date the facility was discontinued and shall be addressed to City of Orange, Community Development Department at 300 East Chapman Avenue, Orange, CA 92866 and shall be placed in the United States mail within thirty-one (31) days of such discontinuance.
8. Any wireless communication facility whose use has been terminated or otherwise revoked

shall be removed within ninety (90) days of the date of termination or revocation. Failure to comply with this provision shall constitute a public nuisance, which may be abated pursuant to OMC Chapter 8.04.

9. Any wireless communication facility, other than the applicant, interested in collocating on the transmission tower will be subject to a Land Use Application submittal and review with the Planning Division.
10. Maintenance of the facility equipment shall occur in perpetuity for the duration of the existence of the site and wireless improvements. The facility and all improvements shall be removed if the use is discontinued for a period greater than 30 days, unless a time extension is granted by the Community Development Director.
11. Should the project necessitate any new or upsized exterior visible vents, conduit, or transformers, utility meters, or support upgrades of the like, which are not shown on the approved plans and are visible from any grade elevation, the project shall return to the Design Review Committee for approval.
12. If not utilized, project approval expires twenty-four months from the approval date. Extensions of time may be granted in accordance with OMC Section 17.08.060. The Planning entitlements expire unless building permits are pulled within two (2) years of the original approval.
13. All construction activities shall conform to the City's Noise Ordinance, OMC Chapter 8.24, and shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Saturday. No construction activity will be permitted on Sundays and Federal holidays

14. ATTACHMENTS

- Attachment 1 - Vicinity Map
- Attachment 2 - Letter of Explanation
- Attachment 3 - Project Plans
- Attachment 4 - Photo Simulations
- Attachment 5 - Section 106 Report
- Attachment 6 - DPR Form
- Attachment 7 - Paint Color Sample (physical example provided at meeting)
- Attachment 8 - Development Standards Table
- Attachment 9 - Elks Letter of Support