

PLANNING APPLICATION NO. 25-0104

RESOLUTION NO. PC 12-26

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ORANGE APPROVING CONDITIONAL USE PERMIT NO. 25-0104 AND MINOR SITE PLAN REVIEW NO. 25-0104 TO CONSTRUCT AND OPERATE A NEW STEALTH GROUND-MOUNTED WIRELESS FACILITY ON A 70-FOOT-TALL MONO-EUCALYPTUS TOWER CONSISTING OF 12 PANEL ANTENNAS, 16 REMOTE RADIO UNITS, ONE GPS ANTENNA, FOUR DC9 AND ONE DC50 SURGE SUPPRESSION UNIT WITH ANCILLARY SUPPORTING EQUIPMENT WITHIN A 636-SQUARE-FOOT EQUIPMENT ENCLOSURE ON COUNTY OF ORANGE FLOOD CONTROL PROPERTY APN 386-521-19 ADJACENT TO THE WEST REAR PROPERTY LINE OF 744 N. ECKHOFF STREET

APPLICANT: AT&T MOBILITY

WHEREAS, the Planning Commission has authority per Orange Municipal Code (OMC) Table 17.08.020 and Sections 17.10.030.C, 17.12.025, and 17.22080 to take action on Conditional Use Permit No. 25-0104 and Minor Site Plan Review No. 5-0104, to construct and operate a new stealth ground-mounted wireless facility on a 70-foot-tall mono-eucalyptus tower consisting of 12 panel antennas, 16 remote radio units, one GPS antenna, four DC9 and one DC50 surge suppression unit with ancillary supporting equipment within a 636-square-foot equipment enclosure on County of Orange Flood Control property APN 386-521-19 adjacent to the west rear property line of 744 N. Eckhoff street; and

WHEREAS, the height of the mono-eucalyptus tower exceeds the allowed height in the zoning district without a Conditional Use Permit, thereby, necessitating Planning Commission approval of the project; and

WHEREAS, Conditional Use Permit No. 25-0104 and Minor Site Plan Review No. 25-0104 were filed in accordance with the provisions of the City of Orange Municipal Code; and

WHEREAS, Conditional Use Permit No. 25-0104 and Minor Site Plan Review No. 25-0104 were processed in the time and manner prescribed by state and local law; and

WHEREAS, Conditional Use Permit No. 25-0104 and Minor Site Plan Review No. 25-0104 are categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Sections 15303 (Class 3 – New Construction or Conversion of Small Structures); and

WHEREAS, the Planning Commission conducted a duly advertised public hearing on May 21, 2026, at which time interested persons had an opportunity to testify either in support of, or opposition to, the proposal and for the purpose of considering Conditional Use Permit No. 25-0104 and Minor Site Plan Review No. 25-0104.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission approves Conditional Use Permit No. 25-0104 and Minor Site Plan Review No. 25-0104, to construct and operate a new stealth ground-mounted wireless facility on a 70-foot-tall mono-eucalyptus tower consisting of 12 panel antennas, 16 remote radio units, one GPS antenna, four DC9 and one DC50 surge suppression units with ancillary supporting equipment within a 636-square-foot equipment enclosure on county of orange flood control property APN 386-521-19 adjacent to the west rear property line of 744 N. Eckhoff street.

SECTION 1 – FINDINGS

General Plan Required Findings:

- 1. The project must be consistent with the goals and policies stated within the City's General Plan.*

The project is consistent with the goals and policies stated within the City's General Plan Infrastructure Element in that the installation of a wireless communication facility will help to provide adequate telephone and data services in an area with demonstrated need for additional service. The project is also consistent with the goals and policies of the Land Use Element in that the facility is an appropriate accessory use for a recreational use property and is designed to be adequately screened from adjacent properties and neighborhood surroundings

Conditional Use Permit Required Findings:

- 1. A Conditional Use Permit shall be granted only if the wireless communication facility can be installed and operated in a manner that preserves the aesthetic character of the portion of the community in which it is located (OMC 17.12.025.B.11.a).*

The location, design, and operation of the proposed wireless communication facility has been carefully considered and conditioned, such that it preserves the aesthetic character and integrity of the project site and surrounding community. The property is .65 acres and is developed for open space uses. The proposed stealth facility's antennas would be concealed by the mono-eucalyptus tower branches and existing vegetation. Ground-mounted equipment would be concealed in a screen fenced enclosure matching the existing fencing.

The proposed facility is unmanned and only has occasional on-site servicing of the facility. Service vehicles will use the existing on-site parking spaces. The wireless communications facility will not create noise or other negative effects within the neighborhood.

2. *A Conditional Use Permit shall not be granted if it will cause deterioration of aesthetics for the area in which it is located (OMC 17.12.025.B.11.b).*

The proposed facility and antennas will not cause deterioration of properties bordering the project site, nor cause special problems for its surrounding area because the stealth design of the wireless communication facility and existing vegetation will appropriately screen it from adjacent off-site uses, including the adjacent 57 Freeway. Additionally, the wireless facility is significantly distanced from off-site uses.

3. *A Conditional Use Permit shall be granted if it can be found that the distance separation standards between ground-mounted wireless communication facilities precludes the wireless supplier from providing service (OMC 17.12.025.B.11.c).*

The proposed wireless communication facility is located approximately 50 feet from the nearest existing wireless facility. The existing facility will be decommissioned and demolished during construction of the proposed facility. The new facility will enhance and improve the coverage and capacity for the high-use freeway-adjacent area.

Minor Site Plan Review Findings:

1. *The project design is compatible with surrounding development and neighborhoods (OMC 17.10.060.H.1).*

The project is compatible with the open space character of the property in that its stealth eucalyptus-foliage design features and the existing vegetation screen antennas and a landscaped enclosure screens related equipment. Although the requested increase in height is necessary for the facility, the screening will cause the facility to blend in appropriately with the existing foliage in vertical height and density to resemble the surrounding areas natural features. The large distance between the facility and adjacent properties also ensures that it will not negatively affect surrounding land uses.

2. *Minor Site Plan approval shall be granted if the project conforms to City development standards and any applicable special design guidelines or specific plan requirements (OMC 17.10.060.H.2).*

There are no applicable special design guidelines or specific plan requirements for this property. The project conforms to City development standards, including parking and the allowance for additional height in a Recreational Open Space zone for a ground-mounted wireless communication facility through a Conditional Use Permit.

3. *Minor Site Plan approval shall be granted if the project provides for safe and adequate vehicular and pedestrian circulation, both on- and off-site (OMC 17.10.060.H.3).*

The project does not change the property's existing safe and adequate access or circulation for vehicles and pedestrians. Proposed to be unmanned facility.

4. *Minor Site Plan approval shall be granted if City services are available and adequate to serve the project (OMC 17.10.060.H.4).*

A review of the Project with all City Departments concludes that City services will be available and adequate to serve this site, including water, sewer, police, and fire services.

5. *Minor Site Plan approval shall be granted if the project has been designed to fully mitigate or substantially minimize adverse environmental effects (OMC 17.10.060.H.5).*

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15303 (Class 3 – New Construction or Conversion of Small Structures). Projects that qualify for exemption from the requirements of CEQA through a Categorical Exemption are those that, by their nature, do not cause significant effect upon environment.

SECTION 2 – ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the provisions of CEQA per State CEQA Guidelines 15303 (Class 3 – New Construction or Conversion of Small Structures) because the project involves the construction of a new wireless communication facility involving a new tower facility with ancillary supporting equipment not exceeding 2,500 square feet in area on property owned by the City of Orange.

SECTION 3– CONDITIONS OF APPROVAL

BE IT FURTHER RESOLVED that the following conditions are imposed with approval:

1. The project shall conform in substance and be maintained in general conformance with the plans submitted (date stamped March 11, 2026) and as recommended for approval by the Planning Commission.
2. 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 will be cause for revocation of this permit.
3. The applicant agrees, as a condition of City's approval Conditional Use Permit No. 25-0104 and Minor Site Plan Review No. 25-0104, 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. Except as otherwise provided herein, this project is approved as a precise plan. 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 administratively approve the changed plan.
5. Conditional Use Permit No. 25-0104 and Minor Site Plan Review No. 25-0104 shall become void if not vested within two years from the date of approval. Time extensions may be granted pursuant to OMC Section 17.08.060.
6. Building permits shall be obtained for all site and tenant improvements, as required by the City of Orange, Community Development Department's Building Division. Failure to obtain the required building permits will be cause for revocation of this permit.
7. These conditions shall be reprinted on the first or second page of the construction documents for site and/or tenant improvements when submitting to the Building Division for the plan check process.
8. In conjunction with construction, all activity will 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.
9. At such time as the antennas authorized by this permit are no longer in use, all antennas and improvements associated with the site shall be removed from the premises within 90 days after discontinuation of use.
10. Any graffiti shall be removed within 72 hours from the applicant/property owner's receipt of the City's notification. Notification shall be deemed received in sent by certified mail to the mailing address of the applicant/property owner.

11. In accordance with 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 longer than thirty (30) days. The notice shall state the date the use was discontinued and shall be addressed to City of Orange Community Development Director, 300 E. Chapman Avenue, Orange, CA 92866 and shall be placed in the United States mail within thirty-one (31) days of such discontinuance.
12. Any wireless communication facility, other than the applicant, interested in collocating on the transmission tower will be subject to a Planning Application submittal and review with the Planning Division.
13. Accessory equipment associated with the operation of facility shall be screened and fully enclosed. All facilities shall be designed so as to be resistant to and minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions which would result in hazardous conditions, visual blight or attractive nuisances.
14. Prior to the operation of any business, the applicant shall file for, or if applicable, amend a business license with the Business License Division. Failure to obtain the required business license will cause for revocation of this approval.
15. The project approval includes certain fees and/or other exactions. Pursuant to Government Code Section 66020, these conditions or requirements constitute written notice of the fees and/or exactions. The applicant is hereby notified that the 90-day protest period commencing from the date of approval of the project has begun. If the applicant fails to file a protest regarding these conditions or requirements, the applicant is legally barred from later challenging such exactions per Government Code Section 66020.
16. All construction shall conform in substance and be maintained in general conformance with plans and exhibits (date stamped received March 11, 2026), including any modifications required by conditions of approval, and as recommended for approval by the Planning Commission. Any future expansion in area or in the nature and operation of the use approved by Conditional Use Permit No. 25-0104, Minor Site Plan Review No. 25-0104, shall require an application for a new or amended Site Plan Review. Specifically, this project shall maintain faux-eucalyptus foliage at the quantity shown on project plans and as photo documented at the time of final inspection. Should any faux foliage be lost, it shall be immediately replaced.

Fire Department

17. Prior to issuance of building permits, onsite Fire department access will require reciprocal easement recording and shall be reviewed for approval. The easement shall include

reciprocal access amongst all properties. Recording shall include a Declaration of Restrictions in perpetuity, to include impact and liability being created by the shared obligation of all property owners and future individuals with interest to each property. All maintenance of, including but not limited to roadways, utility mains, fire lane signage, markings, fire lines, fire hydrants testing and service, and all equipment thereto within the reciprocal easement.

18. Plans submitted for Building Plan Review shall comply with the California Fire Code as amended by the City and as frequently amended and in effect at the time of application for building permits.

Public Works – Water Division

19. The site shall remain in compliance with OMC Chapter 7 relating to the requirement for removal of any pollutants from the site; requirement to perform general maintenance of the site so as to remove and dispose of all windblown and deposited material; and the prohibition of the discharge of liquids other than stormwater from the site.

ADOPTED this 1st day of June, 2026.

Isaiah Leslie, Planning Commission Chair

I hereby certify that the foregoing Resolution was adopted by the Planning Commission of the City of Orange at a regular meeting thereof held on the 1st day of June 2026, by the following vote:

AYES:

NOES:

ABSENT:

Hayden Beckman, Planning Manager