

Planning Commission Regular Meeting Agenda

December 13, 2021

5:30 P.M.

Council Chamber

22 Civic Center Plaza
Santa Ana, CA

Members of the public may attend this meeting in-person or join via Zoom.

Join from your computer: <https://zoom.us/j/85729724287>

Join from your mobile phone via Zoom App. **Meeting ID:** 85729724287

Dial in from a mobile phone or landline. **(669) 900- 6833; Meeting ID: 85729724287**

*For viewing only: www.youtube.com/cityofsantaanavideos. **Please note:** There is up to a 30 second delay when viewing the meeting via YouTube. If you plan to provide a public comment during the meeting, please join the meeting via Zoom.

For detailed participation and commenting options, please review the instructions provided at the end of this agenda.

To download or view each item, select either Download PDF or View Item Details to the right of the agenda title.



THOMAS MORRISSEY
Chair, Ward 6 Representative

ERIC M. ALDERETE
Citywide Representative

BAO PHAM
*Vice-Chair,
Ward 1 Representative*

MIGUEL CALDERON
Ward 2 Representative

ISURI S. RAMOS
Ward 3 Representative

MARK McLOUGHLIN
Ward 4 Representative

ALAN WOO
Ward 5 Representative

MinhThai
Executive Director

John Funk
Legal Counsel

Fabiola Zelaya Melicher, AICP
Planning Manager

Sarah Bernal
Recording Secretary



In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this Meeting, contact Michael Ortiz, City ADA Program Coordinator, at (714) 647-5624. Notification 48 hours prior to the Meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting. The City Council agenda and supporting documentation can be found on the City's website – www.santa-ana.org/city-meetings.

CALL TO ORDER

Commissioners:

**Thomas Morrissey, Chair
Bao Pham, Vice-Chair
Eric M. Alderete
Miguel Calderon
Mark McLoughlin
Isuri S. Ramos
Alan Woo**

**Executive Director
Senior Asst. City Attorney
Planning Manager
Recording Secretary**

**Minh Thai
John Funk
Fabiola Zelaya Melicher
Christina Leonard**

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS (non agenda items)

CONSENT CALENDAR ITEMS

a. Minutes

Recommended Action: Approve Minutes from October 25, 2021 meeting.

b. Minutes

Recommended Action: Approve Minutes from November 8, 2021 meeting.

c. Excused Absences

Recommended Action: Excuse absent commissioners.

****End of Consent Calendar****

BUSINESS CALENDAR

Public Hearing: *The Planning Commission decision on Conditional Use Permits, Variances, Tentative Tract and Parcel Maps, Minor Exceptions, Site Plan Review, and Public Convenience or Necessity Determinations are final unless appealed within 10 days of the decision by any interested party or group (refer to the Basic Meeting Information page for more information). The Planning Commission recommendation on Zoning and General Plan amendments, Development Agreements, Specific Developments, and Specific Plans will be forwarded to the City Council for final determination. Legal notice was published in the OC X on X and notices were mailed on said date.*

1. 1. Conditional Use Permit No. 2021-13 - Heidi Jacinto, Case Planner.

Project Location: 2112 East Fourth Street located in the Professional/Metro East Mixed-Use Overlay (P/OZ1) zoning district.

Project Applicant: Crystal Rodrigues-Maramba with Coastal Business Group Inc., on behalf of AT&T Wireless (Applicant) and Nexus Garden Plaza, LLC (Property Owner).

Proposed Project: The applicant is requesting approval of Conditional Use Permit No. 2021-13 to construct a new 60-foot high major wireless communications facility disguised as a mono-pine.

Environmental Impact: The Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines – Class 11/Accessory Structures. Notice of Exemption, Environmental Review No. 2020-85 will be filed for this project.

Recommended Action: Adopt a resolution approving Conditional Use Permit No. 2021-13 as conditioned.

Administrative Matters

****End of Business Calendar****

STAFF COMMENTS

- Updates on SB9 and Future Zoning Code Amendments

COMMISSIONER COMMENTS

ADJOURNMENT

The next meeting of the Planning Commission will be on December 20, 2021 at 5:30 PM in the Council Chambers located at 22 Civic Center Plaza, Santa Ana, CA 92701.

FUTURE AGENDA ITEMS

APPEAL INFORMATION

The formal action by the Planning Commission shall become effective after the ten-day appeal period, unless the City Council in compliance with section 41-643, 41-644 or 41-645 holds a public hearing on the matter, then the formal action will become effective on the day following the hearing and decision by the City Council. An appeal from the decision or requirement of the Planning Commission may be made by any interested party, individual, or group. The appeal must be filed with the Clerk of the Council, accompanied by the required filing fee, and a copy sent to the Planning Department, within ten days of the date of the Commission's action, by 5:00 p.m. If the final day to appeal falls on a City Hall observed holiday or a day when City hall is closed, the final day to appeal shall be extended to the next day City Hall is open for public business. Please note: Under California Government Code Sec. 65009, if you challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the Planning Commission or City Council at or before the hearing.

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Planning Commission Regular Meeting Agenda

October 25, 2021

5:30 P.M.

Council Chamber

22 Civic Center Plaza
Santa Ana, CA



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Chair, Ward 6 Representative

ERIC M. ALDERETE

Citywide Representative

MIGUEL CALDERON

Ward 2 Representative

MARK McLOUGHLIN

Ward 4 Representative

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CALL TO ORDER

Commissioners:	Thomas Morrissey, Chair Bao Pham, Vice-Chair Eric M. Alderete Miguel Calderon Mark McLoughlin Isuri S. Ramos Alan Woo
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Executive Director	Minh Thai
Senior Asst. City Attorney	John Funk
Planning Manager	Fabiola Zelaya Melicher
Recording Secretary	Sarah Bernal

ROLL CALL

Minutes: **Chair Morrissey joined the meeting via Zoom during discussion of Item No. 1.*

PLEDGE OF ALLEGIANCE**PUBLIC COMMENTS** (non agenda items)**CONSENT CALENDAR ITEMS****a.** Minutes

Recommended Action: Approve Minutes from the September 27, 2021 meeting.

b. Excused Absences

Recommended Action: Excuse absent commissioners.

Moved by Commissioner Alderete, seconded by Commissioner Ramos to Approve Minutes.

YES: 6 – Eric Alderete, Miguel Calderon, Mark McLoughlin, Bao Pham, Isuri Ramos, Alan Woo

NO: 0 – ABSTAIN: 0 – ABSENT: 1 – Tom Morrissey
Status: 6 – 0 – 0 – 1 – Pass

****End of Consent Calendar****

BUSINESS CALENDAR

Public Hearing: *The Planning Commission decision on Conditional Use Permits, Variances, Tentative Tract and Parcel Maps, Minor Exceptions, Site Plan Review, and Public Convenience or Necessity Determinations are final unless appealed within 10 days of the decision by any interested party or group. The Planning Commission recommendation on Zoning and General Plan amendments, Development Agreements, Specific Developments, and Specific Plans will be forwarded to the City Council for final determination. Legal notice was published in the OC Register on October 13, 2021.*

1. Zoning Ordinance Amendment No. 2021-03 – Minh Thai, Executive Director

Project Location: Citywide

Project Applicant: City of Santa Ana

Proposed Project: The City is requesting adoption of Zoning Ordinance Amendment No. 2021-03 to amend Section 41-1900 et. al. of the Santa Ana Municipal Code (Chapter 41/Zoning) pertaining to the Housing Opportunity Ordinance (HOO). The proposed amendments will modernize, update and clarify various sections of the HOO and respond to current development and economic trends.

Environmental Impact: The Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 (b) (3) of the CEQA Guidelines – General Rule. Notice of Exemption, Environmental Review No. 2021-107 will be filed for this project.

Recommended Action: Recommend that the City Council adopt an Ordinance amending Article XVIII.I. of Chapter 1 of the Santa Ana Municipal Code regarding the Housing Opportunity Ordinance.

Minutes: *Commissioner Ramos disclosed that her employer, Latino Health Access, submitted a letter of support for the item.*

Recording Secretary reported that written communication was received.

Vice Chair Pham opened the Public Hearing. The following individuals spoke on the matter:

- *Araceli Robles spoke in opposition.*
- *Ana Charco spoke in support.*
- *Daisy, representing the Kennedy Commission, spoke in support.*
- *Andrew Gonzales, representing Sheet Metal Workers, spoke in opposition.*
- *Manny Escamilla provided general feedback.*
- *Luis Sarmiento, representing THRIVE, spoke in support.*
- *Ernesto Medrano spoke in support.*
- *Alan Wood, representing BIA, spoke in opposition.*
- *Rich Gomez, representing Southwest Regional Council of Carpenters, provided general feedback.*

There were no other speakers and the Public Hearing was closed.

Moved by Commissioner Ramos, seconded by Commissioner Morrissey to Recommend that the City Council adopt an Ordinance amending Article XVIII.I. of Chapter 1 of the Santa Ana Municipal Code regarding the Housing Opportunity Ordinance with the added recommendations:

- **Increase the minimum inclusionary percentage for all income categories**
- **Increase the minimum starting dollar amount in the proposed in-lieu fee sliding scale**
- **Permit projects that have been approved (entitled) by the City prior to the adoption date of the proposed Ordinance to vest the existing regulations and provisions of the Housing Opportunity Ordinance under Ordinance No. NS-2994**

YES: 4 – Eric Alderete, Bao Pham, Isuri Ramos, Alan Woo
NO: 3 – Miguel Calderon, Mark McLoughlin, Tom Morrissey
ABSTAIN: 0 – **ABSENT:** 0 – **Status:** 4 – 3 – 0 – 0 – **Pass**

****End of Business Calendar****

STAFF COMMENTS

COMMISSIONER COMMENTS

ADJOURNMENT

The next meeting of the Planning Commission will be on November 08, 2021 at 5:30 PM in the Council Chambers located at 22 Civic Center Plaza, Santa Ana, CA 92701.

FUTURE AGENDA ITEMS

- Public Hearing: General Plan Update
- Public Hearing: Conditional Use Permit 2021-13 to allow a new wireless communications facility located at 2112 E. 4TH Street
- Public Hearing: Conditional Use Permit 2021-11 to re-entitle existing major wireless facilities located at 2401 S. Pullman Street
- Public Hearing: Conditional Use Permit 2021-17 to re-entitle existing major wireless facilities located at 601 S. Santa Fe Street

APPEAL INFORMATION

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Deadline to submit written comments is 4:00 p.m. on the day of the meeting. Comments received after the deadline may not be distributed to the Commission but will be made part of the record.

Planning Commission Regular Meeting Agenda

November 8, 2021

5:30 P.M.

Council Chamber

22 Civic Center Plaza
Santa Ana, CA



THOMAS MORRISSEY

Chair, Ward 6 Representative

ERIC M. ALDERETE

Citywide Representative

MIGUEL CALDERON

Ward 2 Representative

MARK McLOUGHLIN

Ward 4 Representative

BAO PHAM

*Vice-Chair,
Ward 1 Representative*

ISURI S. RAMOS

Ward 3 Representative

ALAN WOO

Ward 5 Representative

MinhThai

Executive Director

John Funk

Legal Counsel

Fabiola Zelaya Melicher, AICP

Planning Manager

Sarah Bernal

Recording Secretary



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CALL TO ORDER

Commissioners:

Thomas Morrissey, Chair
 Bao Pham, Vice-Chair
 Eric M. Alderete
 Miguel Calderon
 Mark McLoughlin
 Isuri S. Ramos
 Alan Woo

Executive Director Minh Thai
Senior Asst. City Attorney John Funk
Planning Manager Fabiola Zelaya Melicher
Recording Secretary Sarah Bernal

ROLL CALL

Minutes: *Commissioner Alderete joined via Zoom at 6:04pm*

PLEDGE OF ALLEGIANCE**PUBLIC COMMENTS** (non agenda items)**CONSENT CALENDAR ITEMS**

a. Minutes

Recommended Action: Approve Minutes from the October 11, 2021 meeting.

b. Excused Absences

Recommended Action: Excuse absent commissioners.

Moved by Commissioner Woo, seconded by Commissioner Calderon to Adopt.

YES: 6 – Miguel Calderon, Mark McLoughlin, Tom Morrissey, Bao Pham, Isuri Ramos, Alan Woo

NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 1 – Eric Alderete

Status: 6 – 0 – 0 – 1 – Pass

****End of Consent Calendar****

BUSINESS CALENDAR

Public Hearing: *The Planning Commission decision on Conditional Use Permits, Variances, Tentative Tract and Parcel Maps, Minor Exceptions, Site Plan Review, and Public Convenience or Necessity Determinations are final unless appealed within 10 days of the decision by any interested party or group (refer to the Basic Meeting Information page for more information). The Planning Commission recommendation on Zoning and General Plan amendments, Development Agreements, Specific Developments, and Specific Plans will be forwarded to the City Council for final determination. Legal notice for item nos. 1 – 2 was published in the OC Reporter on October 29 and notices were mailed on said date. Legal notice for item no. 3 was published in the OC Register on October 28.*

1. Conditional Use Permit No. 2021-11 – Ivan Orozco, Case Planner.

Project Location: 2401 South Pullman Street located in the Light Industrial (M1) land use designation zoning district.

Project Applicant: Alec Adams with Core Development Services, on behalf of T-Mobile West Corporation (Applicant) and Pullman LP (Property Owner).

Proposed Project: The applicant is requesting approval of Conditional Use Permit No. 2021-11 to renew the entitlements of an existing 60-foot high major wireless communications facility disguised as a mono-palm.

Environmental Impact: The Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines – Class 1/Existing Facilities. Notice of Exemption, Environmental Review No. 2020-68 will be filed for this project.

Recommended Action: Adopt a resolution approving Conditional Use Permit No. 2021-11 as conditioned.

Minutes: *Chair Morrissey opened the Public Hearing. The applicant spoke in support of the matter. There were no other speakers and the Public Hearing was closed.*

Moved by Commissioner Woo, seconded by Commissioner Calderon to Adopt.

YES: 6 – Miguel Calderon, Mark McLoughlin, Tom Morrissey, Bao Pham, Isuri Ramos, Alan Woo

NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 1 – Eric Alderete

Status: 6 – 0 – 0 – 1 – **Pass**

2. Conditional Use Permit No. 2021-17 – Ivan Orozco, Case Planner.

Project Location: 601 S. Santa Fe Street located in the Heavy Industrial (M-2) land use designation zoning district.

Project Applicant: Nicole Comach with Virtual Site Walk, LLC, on behalf of SBA 2012 TC Assets, LLC (Applicant) and The Maxine E. Findley Trust (Property Owner)

Proposed Project: The applicant is requesting approval of Conditional Use Permit No. 2021-17 to renew the entitlements of an existing 60-foot tall major wireless facility disguised as a mono-pine.

Environmental Impact: The Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines – Class 1/Existing Facilities. Notice of Exemption, Environmental Review No. 2021-98 will be filed for this project.

Recommended Action: Adopt a resolution approving Conditional Use Permit No. 2021-17 as conditioned.

Moved by Commissioner McLoughlin, seconded by Commissioner Woo to Adopt.

YES: 6 – Miguel Calderon, Mark McLoughlin, Tom Morrissey, Bao Pham, Isuri Ramos, Alan Woo

NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 1 – Eric Alderete

Status: 6 – 0 – 0 – 1 – **Pass**

Minutes: Chair Morrissey opened the Public Hearing. There were no speakers and the Public Hearing was closed.

3. Final Recirculated Program Environmental Impact Report No. 2020-03 and General Plan Amendment No. 2020-06 – Melanie McCann, Case Planner.

Project Location: The City of Santa Ana, encompassing 27.3 square miles in Central Orange County.

Project Applicant: City of Santa Ana

Proposed Project: The Planning Commission of the City of Santa Ana will hold a public hearing to consider action on the comprehensive update of the City's General Plan. The eleven elements of the General Plan Update will provide a long-term policy direction and communicate the vision and values for the next 25 years, through 2045. The General Plan goals and policies will guide the City's physical development, fiscal and environmental sustainability, and overall quality of life for the community. The proposed General Plan identifies Five Focus Areas for potential change and new growth. These areas include South Main Street, Grand Avenue/17th Street, West Santa Ana Boulevard, 55 Freeway/Dyer Road, and South Bristol Street. The total long-term potential growth within these Focus Areas is estimated at 17,575 new housing units, 2,263,130 non-residential building square footage and 6,616 jobs. In order to facilitate the project, the City is requesting (1) certification of a Final Recirculated Program Environmental Impact Report (PEIR) No. 2020-03 (SCH No. 2020029087), including environmental findings of fact pursuant to the California Environmental Quality Act (CEQA) and adoption of a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program; and, (2) approval of General Plan Amendment (GPA) No. 2020-06 for the comprehensive update to the General Plan. <https://www.santa-ana.org/general-plan>

Environmental Impact: In accordance with the California Environmental Quality Act (CEQA), a Program Environmental Impact Report (Draft PEIR, August 2020 and Recirculated Draft PEIR, August 2021), Environmental Review No. 2020-03, was prepared for the project to analyze the potential impacts of the project and identify measures to mitigate the environmental effects. The Recirculated Draft PEIR indicates there may be significant unavoidable adverse environmental impacts associated with the following environmental categories: Air Quality, Cultural Resources (historic resources), Greenhouse Gas Emissions, Noise, Recreation, and Population and Housing (population growth). Upon compliance with regulatory requirements and recommended mitigation measures (as appropriate), all other environmental impacts were found to be less than significant.

Recommended Action: Recommend that the City Council:

1. Adopt a resolution certifying Final Recirculated Program Environmental Impact Report No. 2020-03 (SCH No. 2020029087), including adoption of environmental findings of fact pursuant to the California Environmental Quality Act, adoption of a Statement of Overriding Considerations, and adoption of a Mitigation Monitoring and Reporting Program; and
2. Adopt a resolution approving General Plan Amendment No. 2020-06

Minutes: *Chair Morrissey opened the Public Hearing. Commissioner Ramos*

disclosed that she had participated in a community forum regarding the item. Commissioner Alderete disclosed that he participated in community groups regarding the item.

Recording Secretary reported that written communication was received.

The following individuals spoke on the matter.

- *Adolfo Serrad spoke in opposition*
- *Patricia Flores spoke in opposition*
- *Katrina Torres spoke in opposition*
- *Leonal Flores spoke in opposition*
- *Karla Juarez spoke in opposition*
- *EJ Communities provided general feedback*
- *Ethan LaConn representing Environmental Law UCI spoke in opposition*
- *Cynthia Guerra spoke in support*
- *Emily Tanaka spoke in opposition*
- *Liz spoke in opposition*
- *Lossandro spoke in support*
- *Gemma Suarez representing OCEJ spoke in opposition*
- *Dell Helvig spoke in opposition.*

There were no other speakers and the Public Hearing was closed.

Moved by Commissioner Ramos, seconded by Commissioner Alderete to Continue the item in January 2022 for further discussion and to give public more opportunity to voice their opinion on the matter. .

YES: 2 – Eric Alderete, Isuri Ramos

NO: 5 – Miguel Calderon, Mark McLoughlin, Tom Morrissey, Bao Pham, Alan Woo

ABSTAIN: 0 – **ABSENT:** 0 – **Status:** 2 – 5 – 0 – 0 – **Fail**

Moved by Commissioner Woo, seconded by Commissioner McLoughlin to Adopt.

YES: 5 – Miguel Calderon, Mark McLoughlin, Tom Morrissey, Bao Pham, Alan Woo

NO: 2 – Eric Alderete, Isuri Ramos

ABSTAIN: 0 – **ABSENT:** 0 – **Status:** 5 – 2 – 0 – 0 – **Pass**

Administrative Matters

4. **Planning Commission review of architectural updates to street-facing elevations at the Westview Housing Residential Community located at 2530 and 2534 Westminster Avenue – Ali Pezeshkpour.**

Recommended Action: Receive and file.

Moved by Commissioner Woo, seconded by Commissioner Pham to Adopt.

YES: 6 – Miguel Calderon, Mark McLoughlin, Tom Morrissey, Bao Pham, Isuri Ramos, Alan Woo

NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 1 – Eric Alderete

Status: 6 – 0 – 0 – 1 – **Pass**

****End of Business Calendar****

STAFF COMMENTS

COMMISSIONER COMMENTS

ADJOURNMENT

The next meeting of the Planning Commission scheduled for November 22, 2021 at 5:30 PM is canceled. The next meeting will be held on December 13 at 5:30 p.m. in the Council Chambers located at 22 Civic Center Plaza, Santa Ana, CA 92701.

FUTURE AGENDA ITEMS

- Conditional Use Permit 21-13 to allow a new wireless communications facility disguised as a mono-pine for the property located at 2112 E. 4th Street.

- Zoning Ordinance Amendment No. 2021-04 to amend various sections of Chapter 41 (Zoning) of the Santa Ana Municipal Code relating to family daycare, regional planned sign program regulations, home occupation permits, and to define and prohibit short term rentals.

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**City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Planning Commission Staff Report
December 13, 2021**

Topic: CUP No. 2021-13 - New Major Wireless Communications Facility (2112 E. 4th St.)

RECOMMENDED ACTION

Adopt a resolution approving Conditional Use Permit No. 2021-13 as conditioned.

EXECUTIVE SUMMARY

Crystal Rodrigues-Maramba with Coastal Business Group Inc., on behalf of AT&T Wireless (Applicant) and Nexus Garden Plaza, LLC (Property Owner), is requesting approval of Conditional Use Permit (CUP) No. 2021-13 for new 60-foot high major wireless (“mono-pine”) communications facility located at 2112 East Fourth St. Pursuant to Section 41-198.3(b) of the Santa Ana Municipal Code (SAMC), major wireless communications facilities require approval of a CUP. Staff is recommending approval of the applicant’s request due to the facility’s location that minimizes aesthetic intrusion to the surrounding area and its ability to provide a community benefit.

DISCUSSION

The applicant is requesting approval of CUP No. 2021-13 to allow the construction of a new 60-foot high major wireless communications facility disguised as mono-pine containing nine panel antennas. The mono-pine would be installed at the rear parking lot of the subject property within a new landscape planter area and be screened by a 392 square foot, eight-foot block wall enclosure. The proposed ancillary equipment will also be located within the enclosure. To assist with camouflaging the facility, two new pine trees would be installed in front of the enclosure. Additionally, the applicant will be making site improvements, including upgrades to an existing trash enclosure and refreshing the existing on-site landscaping as part of this application.

Table 1: Project Location and Information

Item	Information	
Project Address & Council Ward	2112 East Fourth Street – Ward 3	
Nearest Intersection	Fourth Street and Grand Avenue	
General Plan Designation	District Center (DC)	
Zoning Designation	Professional/Metro East Mixed-Use Overlay (P/OZ1)	
Surrounding Land Uses	North	Professional

	East	Professional
	South	Community Commercial
	West	Professional
Property Size	0.34 Acres	
Existing Site Development	The site is currently developed with a two-story, 31,086-square foot office building and associated parking and landscaping.	
Use Permissions	Allowed with approval of a CUP	
Zoning Code Sections Affected	Uses	Section 41-198.3(b)
	Operational Standards	Section 41-198

Table 2: Development Standards

Standards	Required by SAMC	Provided
Screening Criteria	A stealth facility	Complies; mono-pine
Site Selection	Areas that will minimize aesthetic intrusion	Complies; the facility is located toward the rear of the property and away from sensitive land uses.
Height Criteria	Not to exceed 60 feet in height from ground level as measured from the nearest street curb	Complies; 60-feet high
Landscaping	Groundcover at the base of the facility and one twenty-four (24) inch box tree	Complies; the applicant would be refreshing existing landscape planters to comply with the City's landscape standards and installing two 36" box pine trees and ground cover .
Equipment Screening	Decorative fencing such as wrought iron or block around the wireless facility	Complies; 8 -foot high block wall

Project Background

The site was developed in 1972 with the existing two-story, 31,086-square foot office building, landscaping and surface parking locate at the rear.

On September 2, 2020, the applicant submitted to a development project application to the City for the construction of a major wireless facility. Since then, the applicant has worked with the City's Development Review Committee (DRC) to ensure the project complies with current regulations.

Project Analysis

CUP requests are governed by Section 41-638 of the SAMC. CUPs may be granted when it can be shown that the proposed project will not adversely impact the community. If these findings can be made, then it is appropriate to grant the CUP. Conversely, the inability to make these findings would result in a denial.

In July 1998, the City Council adopted Ordinance No. NS-2356, which established regulations for wireless communication facilities throughout the City. Major wireless communication facilities such as the proposed facility are required to have a stealth design and be located in an area that provides the greatest amount of visual screening. Further, these major facilities require the approval of a CUP by the Planning Commission. In analyzing the CUP request, staff believes that the following analysis warrants staff's recommendation of approval for the CUP.

The proposed wireless communication facility's equipment and mono-pine are located at the rear of the subject property and away from sensitive land uses. The nearest residential community is 160 feet from the wireless facility.

The facility will provide coverage and call capacity to an area surrounded by commercial and office uses. The applicant has provided propagation maps (Exhibit 7) that show a gap in coverage in the area, with this proposed facility reducing this coverage gap. This location is optimal to provide the coverage necessary for existing and expanding service for the provider. The proposed facility will provide a benefit to Santa Ana residents, businesses and motorists who subscribe to mobile phone services by providing cellular and data capacity in the area. The proposed facility will be in compliance with Federal law that governs health related issues for wireless facilities, including safety regulations from the Federal Communications Commission (FCC) and Federal Aviation Administration (FAA). In addition, the facility will be constructed to comply with the Importance Factor of 1.5 in the Building Code to be able to sustain an earthquake and be operational during such disaster.

Finally, the use will comply with all provisions pertaining to the construction and installation of wireless facilities identified in Chapter 41 (Zoning Code) of the SAMC. The facility will meet all height, location/zoning, and stealthing standards. The facility is not anticipated to adversely affect the General Plan, as cellular facilities that are designed to be compatible with the surrounding environment are consistent with the goals and objectives of the Land Use Element.

Public Notification and Community Outreach

Public notifications were posted, published, and mailed in accordance with City and State regulations. Copies of the public notice, including a 500-foot notification radius map, and the site posting are provided in Exhibit 8. The subject property is not located within the

boundaries of an established Neighborhood Association. At the time this report was printed, no issues of concern were raised regarding the proposed CUP.

ENVIRONMENTAL IMPACT

Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is exempt from further review pursuant to Section 15301 of the CEQA Guidelines (Class 11 - Accessory Structures). This exemption consists construction, or replacement of minor structures accessory to an existing commercial site. The project consists of construction of wireless communications facility accessory to an existing commercial site. Based on this analysis, a Notice of Exemption, Environmental Review No. 2020-85 will be filed for this project.

FISCAL IMPACT

There is no fiscal impact associated with this action.

EXHIBIT(S)

1. Resolution
2. Vicinity Zoning & Aerial View
3. Site Photo
4. Site Plan & Equipment Plan
5. Elevations
6. Photo Simulations
7. Propagation Maps
8. Copy of Public Notices

Submitted By:
Heidi Jacinto, Assistant Planner I

Approved By:
Sarah Bernal, Planning Commission Secretary, Planning and Building Agency

RESOLUTION NO. 2021-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2021-13 AS CONDITIONED TO ALLOW A NEW 60-FOOT TALL MAJOR WIRELESS COMMUNICATION FACILITY LOCATED AT 2112 EAST FOURTH STREET

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The Planning Commission of the City of Santa Ana hereby finds, determines and declares as follows:

- A. Crystal Rodrigues-Maramba with Coastal Business Group Inc., representing AT&T (“Applicant”), is requesting approval of Conditional Use Permit (CUP) No. 2021-13 to allow a 60-foot high major wireless (“mono-pine”) communications facility at 2112 East Fourth Street.
- B. On December 13, 2021, the Planning Commission held a duly noticed public hearing on CUP No. 2021-13.
- C. Pursuant to Santa Ana Municipal Code (“SAMC”) Section 41-198.10, a Conditional Use Permit is required for major wireless communications facilities established in the City of Santa Ana.
- D. In addition, SAMC Section 41-198.13 states that major wireless communications facilities shall be approved for a period not to exceed ten (10) years.
- E. The Planning Commission determines that the following findings, which must be established in order to grant this Conditional Use Permit pursuant to SAMC Section 41-638, have been established for Conditional Use Permit No. 2021-13 to allow a new 60-foot tall major wireless communication facility:
 1. That the proposed use will provide a service or facility which will contribute to the general well-being of the neighborhood or the community.

The project will provide a service or facility, which will contribute, to the community. The proposed mono-pine will provide a service to Santa Ana residents, businesses, and motorists who subscribe to AT&T Wireless services by reducing the gaps in cellular service and providing additional

calling capacity for its users in the central sector of Santa Ana.

2. That the proposed use under the circumstances of the particular case will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.

The proposed wireless facility at this location will not be detrimental to persons residing or working in the area as the proposed facility will comply with Federal law that govern health related issues for wireless facilities, including safety regulations from the Federal Communications Commission (FCC) and Federal Aviation Administration (FAA). Moreover, the nearest residential use is located 160 linear feet from the site, further reducing any potential for impacts.

3. That the proposed use will not adversely affect the present economic stability or future economic development of properties surrounding the area.

The proposed mono-pine will be compatible with the surrounding area and will not adversely affect the economic viability in the area. The stealth appearance and site enhancements will maintain and increase the economic stability for this industrial corridor by providing an additional service for business owners, workers, and residents in the area. Further, the stealth appearance and the chosen location for the facility will help blend in with existing mature trees found on the property.

4. That the proposed use shall comply with the regulations and conditions specified in Chapter 41 for such use.

The use will comply with all provisions pertaining to the construction and installation of wireless facilities identified in Chapter 41 (Zoning Code) of the Santa Ana Municipal Code. The proposed facility will be disguised as a pine tree, feature new and enhanced landscaping, will provide an equipment enclosure with landscaping, and will comply with other standards outlined in the SAMC.

5. That the proposed use will not adversely affect the General Plan or any specific plan of the City.

The proposed mono-pine will not adversely affect the General Plan, as cellular facilities that are designed to be compatible with the surrounding environment are consistent with the goals and objectives of the Land Use Element. Goal 1 promotes a balance of land uses to address community needs, which includes means of communication that will be served by the proposed mono-pine. In addition, Goals 3 and

5 require preservation of neighborhood character and integrity as well as mitigation of developments' impacts. The proposed mono-pine is designed to minimize visual impact on the area by implementing stealth design and using the prime location of the facility in relation to the existing mature trees on that side of the property to screen the facility. Further, Policy 2.2 encourages land uses that accommodate the City's needs for services. Enhancing a cell phone provider's coverage in the area enhances services that are readily available for business owners, workers, and residents in the immediate vicinity.

Section 2. In accordance with the California Environmental Quality Act (CEQA), the project is categorically exempt from further review pursuant to Section 15311 of the CEQA Guidelines (Class 11 – Accessory Structures). This exemption applies to construction of minor structures accessory to existing commercial, industrial, or institutional facilities. The project consists of the installation of a new wireless communications facility accessory to the existing commercial site. Based on the analysis, a Notice of Exemption, Environmental Review No. 2020-85, will be filed for this project.

Section 3. The Applicant shall indemnify, protect, defend and hold the City and/or any of its officials, officers, employees, agents, departments, agencies, authorized volunteers, and instrumentalities thereof, harmless from any and all claims, demands, lawsuits, writs of mandamus, referendum, and other proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to arbitrations, mediations, and such other procedures), judgments, orders, and decisions (collectively "Actions"), brought against the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City) for or concerning the project, whether such Actions are brought under the Ralph M. Brown Act, California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure sections 1085 or 1094.5, or any other federal, state or local constitution, statute, law, ordinance, charter, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that Applicant shall reimburse the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the Applicant of any Action brought and City shall cooperate with Applicant in the defense of the Action.

Section 4. The Planning Commission of the City of Santa Ana after conducting the public hearing hereby approves Conditional Use Permit No. 2021-13, as conditioned

in Exhibit A, attached hereto and incorporated herein. This decision is based upon the evidence submitted at the above said hearing, which includes, but is not limited to the Request for Planning Commission Action dated December 13, 2021, and exhibits attached thereto; and the public testimony, all of which are incorporated herein by this reference.

ADOPTED this 13th day of December 2021 by the following vote:

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:
ABSTENTIONS: Commissioners:

Thomas Morrissey
Chairperson

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: John M. Funk
John M. Funk
Sr. Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, CHRISTINA LEONARD, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2021-XXX to be the original resolution adopted by the Planning Commission of the City of Santa Ana on December 13, 2021.

Date: _____

Recording Secretary

EXHIBIT A

Conditions of Approval for Conditional Use Permit No. 2021-13

Conditional Use Permit No. 2021-13 is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with all applicable sections of the Santa Ana Municipal Code, the California Administrative Code, the California Building Standards Code and all other applicable regulations.

The Applicant must comply in full with each and every condition listed below prior to exercising the rights conferred by this conditional use permit.

The Applicant must remain in compliance with all conditions listed below throughout the life of the conditional use permit. Failure to comply with each and every condition may result in the revocation of the conditional use permit.

1. The Applicant must comply with all conditions and requirements of the Development Review Committee for the Development Project (DP No. 2020-25).
2. The proposed facility shall be maintained as per approved plans and any existing landscaping shall be enhanced and well maintained. Any damage to existing structures, walls, parking areas, or landscaping must be repaired.
3. The Applicant shall provide a 24-hour phone number to which interference problems may be reported. This condition will also apply to all existing facilities in the City of Santa Ana.
4. The Applicant will provide a “single point of contact” in its Engineering and Maintenance Departments to insure continuity on all interference issues. The name, telephone number, fax number and e-mail address of that person shall be provided to the City’s designated representative after approval of the CUP.
5. The Applicant shall ensure that lessee or other user(s) shall comply with the terms and conditions of this permit, and shall be responsible for the failure of any lessee or other users under the control of permit Applicant to comply. The Applicant of the facility shall submit and maintain current contact information at all times. The Applicant shall notify the City of any changes to the information submitted within 30 days of any change, including change of the name or legal status of the owner or operator. This information shall include the following:
 - (a) Identity, including name, address, and telephone number, and legal status of the owner of the facility including official identification numbers and FCC certification, and if different from the owner, the identity and legal status of the person or entity responsible for operating the facility.

- (b) Name address and telephone number of a local contact person for emergencies.
 - (c) Identification signs, including emergency phone numbers of the utility provider, shall be posted at the communication facility site.
- 6. All wireless telecommunication facilities shall comply at all times with all FCC regulations, rules, and standards.
- 7. The Applicant and/or property owner shall remove the facility and all associated equipment and restore the property to a condition in compliance with all Santa Ana Municipal Code standards and to the satisfaction of the Planning Manager within 90 days of abandonment, expiration, or termination of the CUP.
- 8. The major wireless facility shall be subject to any applicable California Building Code or federal requirements for seismic safety, retrofit, and/or upgrades as deemed necessary by the Building Division.
- 9. Conditional Use Permit No. 2021-13 expires 10 years from the date of Planning Commission approval.
- 10. Prior to issuance of a building permit, a Property Maintenance Agreement shall be recorded against the property. The agreement will be subject to review and applicability by the Planning and Building Agency, the Community Development Agency, the Public Works Agency, and the City Attorney to ensure that the property and all improvements located thereupon are properly maintained, Applicant (and the owner of the property upon which the authorized use and/or authorized improvements are located if different from the Applicant) shall execute a maintenance agreement with the City of Santa Ana which shall be recorded against the property and which shall be in a form reasonably satisfactory to the City Attorney. The maintenance agreement shall contain covenants, conditions and restrictions relating to the following:
 - a) Compliance with operational conditions applicable during any period(s) of construction or major repair (e.g., proper screening and securing of the construction site; implementation of proper erosion control, dust control and noise mitigation measure; adherence to approved project phasing etc.);
 - b) Compliance with ongoing operational conditions, requirements and restrictions, as applicable (including but not limited to hours of operation, security requirements, the proper storage and disposal of trash and debris, enforcement of the parking management plan, and/or restrictions on certain uses;

- c) Ongoing compliance with approved design and construction parameters, signage parameters and restrictions as well as landscape designs, as applicable;
- d) Ongoing maintenance, repair and upkeep of the property and all improvements located thereupon (including but not limited to controls on the proliferation of trash and debris about the property; the proper and timely removal of graffiti; the timely maintenance, repair and upkeep of damaged, vandalized and/or weathered buildings, structures and/or improvements; the timely maintenance, repair and upkeep of exterior paint, parking striping, lighting and irrigation fixtures, walls and fencing, publicly accessible bathrooms and bathroom fixtures, landscaping and related landscape improvements and the like, as applicable);
- e) If Applicant and the owner of the property are different (e.g., if the Applicant is a tenant or licensee of the property or any portion thereof), both the Applicant and the owner of the property shall be signatories to the maintenance agreement and both shall be jointly and severally liable for compliance with its terms;
- f) The maintenance agreement shall further provide that any party responsible for complying with its terms shall not assign its ownership interest in the property or any interest in any lease, sublease, license or sublicense, unless the prospective assignee agrees in writing to assume all of the duties, obligations and responsibilities set forth under the maintenance agreement;
- g) The maintenance agreement shall contain provisions relating to the enforcement of its conditions by the City and shall also contain provisions authorizing the City to recover costs and expenses which the City may incur arising out of any enforcement and/or remediation efforts which the City may undertake in order to cure any deficiency in maintenance, repair or upkeep or to enforce any restrictions or conditions upon the use of the property. The maintenance agreement shall further provide that any unreimbursed costs and/or expenses incurred by the City to cure a deficiency in maintenance or to enforce use restrictions shall become a lien upon the property in an amount equivalent to the actual costs and/or expense incurred by the City; and
- h) The execution and recordation of the maintenance agreement shall be a condition precedent to the issuance of final approval for any construction permit related to this entitlement.

CUP No. 2021-13 2112 East Fourth Street

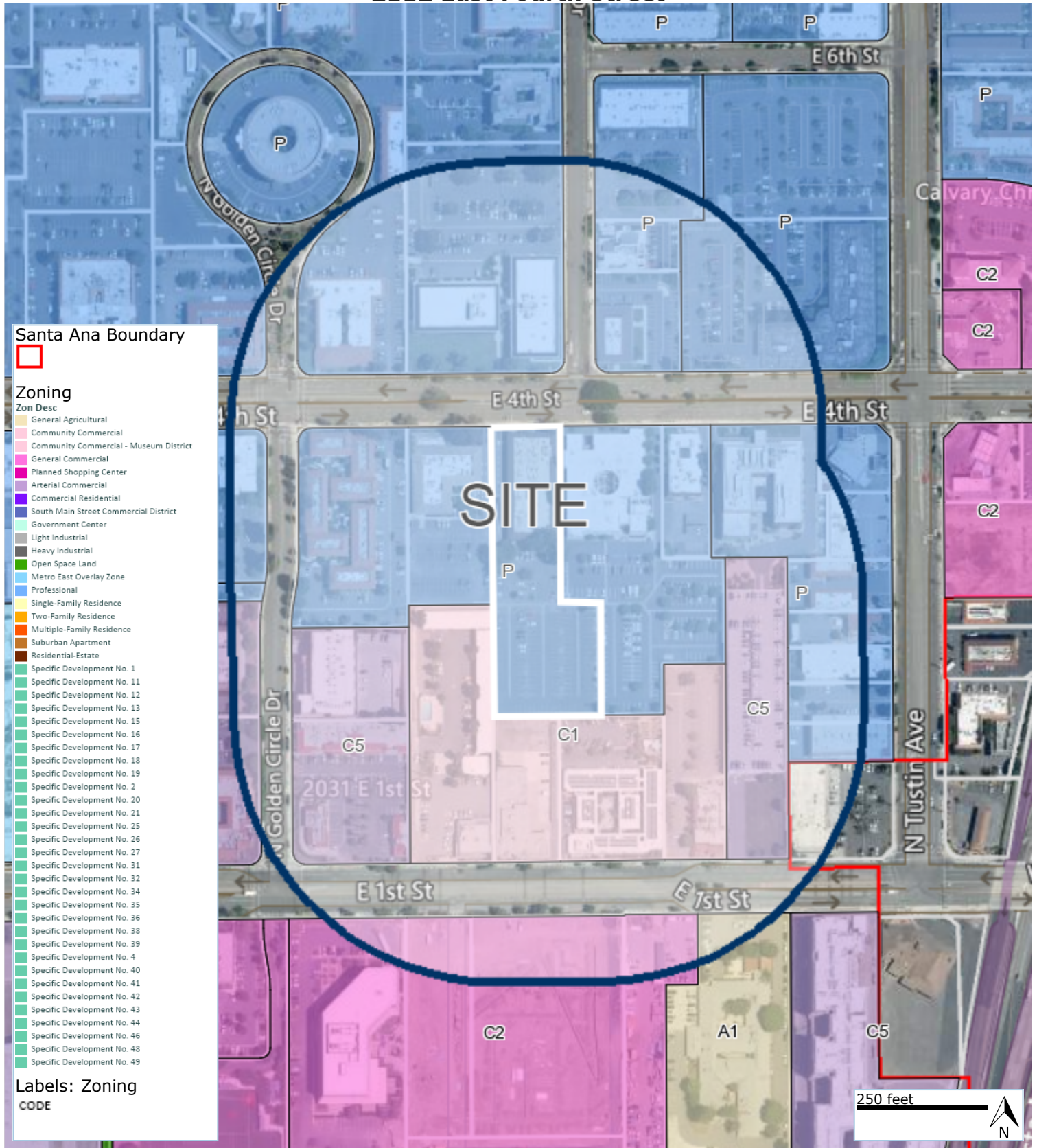


Exhibit 2 - Vicinity Zoning & Aerial Map



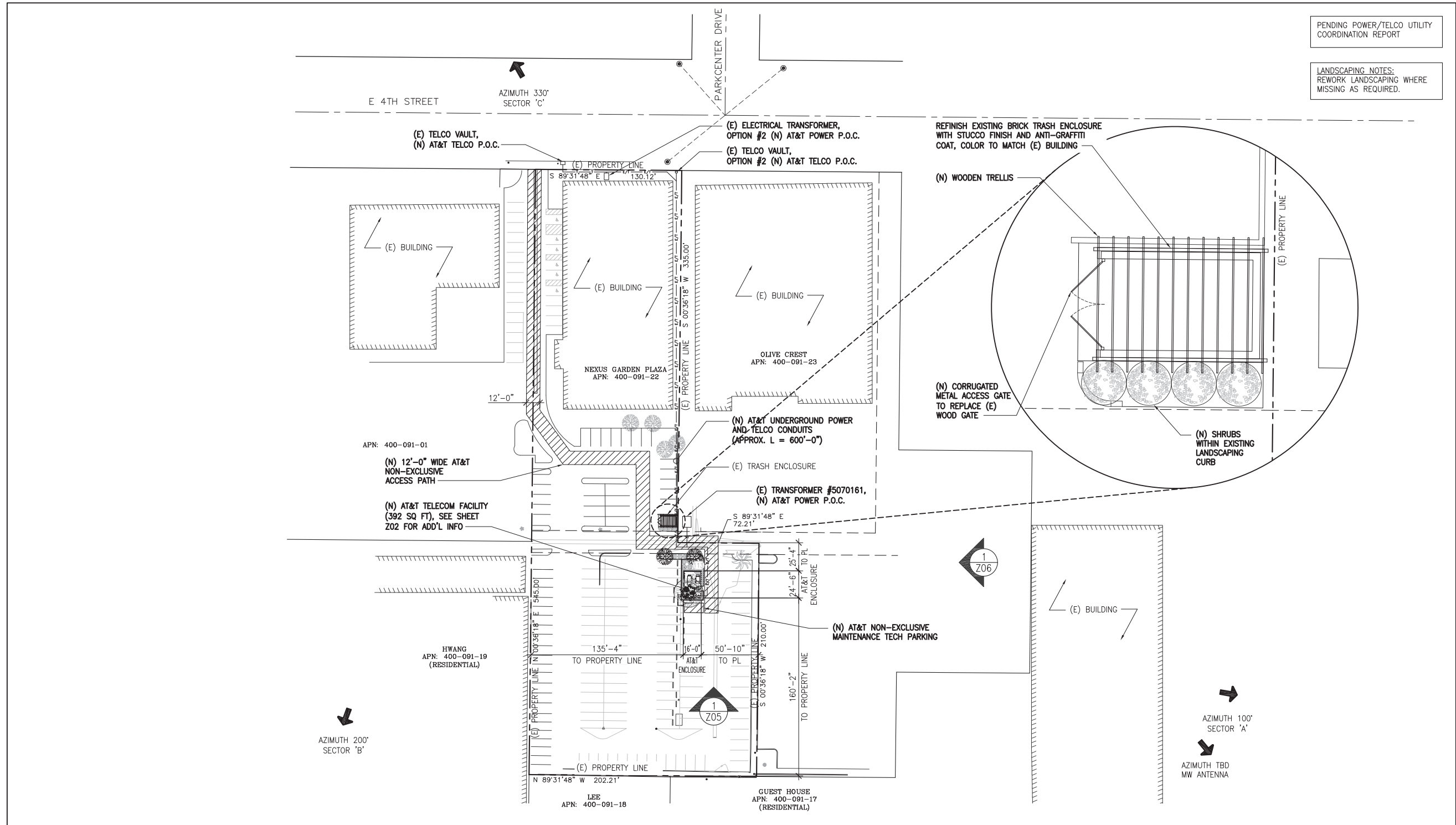
12/13/2021

CUP No. 2021-13
2112 East Fourth Street



Exhibit 3 – Site Photo

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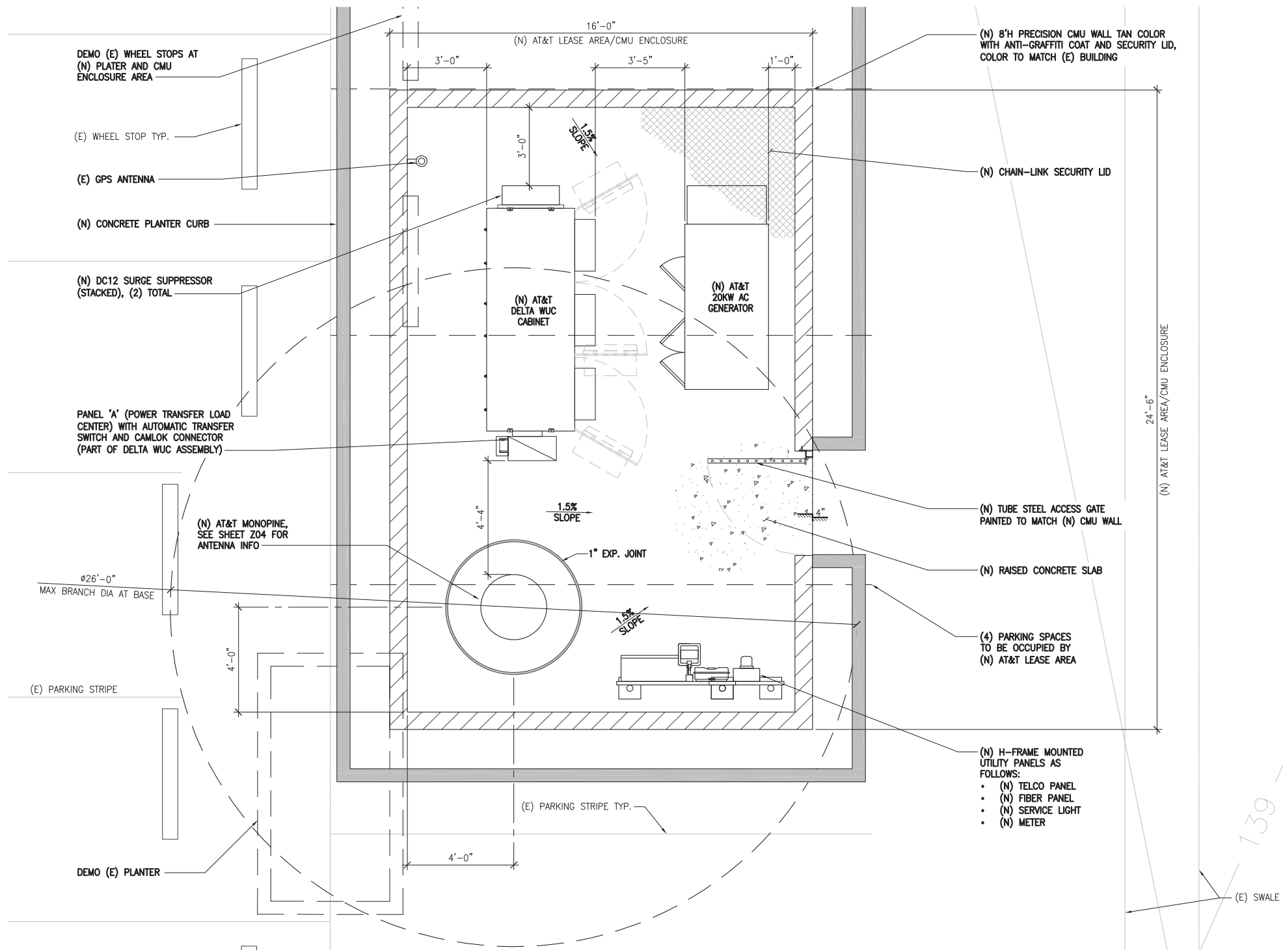
PENDING POWER/TELCO UTILITY COORDINATION REPORT

LANDSCAPING NOTES:
REWORK LANDSCAPING WHERE MISSING AS REQUIRED.

SITE PLAN		0 10' 20' 40'	SCALE: 1 <small>1"=40'-0"</small>																																				
DCI PACIFIC A/E/C WORKS <small>ARCHITECTURE ENGINEERING CONSULTING 26 EXECUTIVE PARK SUITE 170 IRVINE CA 92614</small>	CLL06392 NEXUS GARDEN PACE#: MRLOS011258 FA#: 12787064 USID#: 291387 2112 EAST 4TH STREET SANTA ANA, CA 92705	 <small>1452 EDINGER AVENUE, 3RD FLOOR TUSTIN, CA 92780</small>	<table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <tr> <td style="width: 5%;">3</td> <td style="width: 15%;">08/17/21</td> <td style="width: 45%;">INCRP. PLANNING COMMENTS AND RFDS</td> <td style="width: 5%;">RF</td> <td style="width: 5%;">BOK</td> <td style="width: 5%;">DKD</td> </tr> <tr> <td>2</td> <td>02/08/21</td> <td>INCRP. DRM COMMENTS</td> <td>RF</td> <td>BOK</td> <td>DKD</td> </tr> <tr> <td>1</td> <td>01/21/21</td> <td>SITE RELOCATION AND PARKING ANALYSIS</td> <td>RF</td> <td>BOK</td> <td>DKD</td> </tr> <tr> <td>0</td> <td>07/21/20</td> <td>ISSUED FOR ZONING PERMIT</td> <td>RF</td> <td>BOK</td> <td>DKD</td> </tr> <tr> <td>A</td> <td>06/24/20</td> <td>ISSUED FOR ZD REVIEW AND COMMENTS</td> <td>RF</td> <td>BOK</td> <td>DKD</td> </tr> <tr> <td>NO.</td> <td>DATE</td> <td>REVISIONS</td> <td>BY</td> <td>CHK</td> <td>APP'D</td> </tr> </table>	3	08/17/21	INCRP. PLANNING COMMENTS AND RFDS	RF	BOK	DKD	2	02/08/21	INCRP. DRM COMMENTS	RF	BOK	DKD	1	01/21/21	SITE RELOCATION AND PARKING ANALYSIS	RF	BOK	DKD	0	07/21/20	ISSUED FOR ZONING PERMIT	RF	BOK	DKD	A	06/24/20	ISSUED FOR ZD REVIEW AND COMMENTS	RF	BOK	DKD	NO.	DATE	REVISIONS	BY	CHK	APP'D
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AT&T MOBILITY TUSTIN, CA SITE PLAN		<table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <tr> <td style="width: 50%;">JOB NO</td> <td style="width: 50%;">DRAWING NUMBER</td> <td style="width: 50%;">REV.</td> </tr> <tr> <td></td> <td style="text-align: center;">AA-CLL06392-Z01</td> <td style="text-align: center;">3</td> </tr> </table>		JOB NO	DRAWING NUMBER	REV.		AA-CLL06392-Z01	3																														
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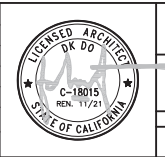
EQUIPMENT LAYOUT PLAN

DCI PACIFIC
 A|E|C WORKS
 ARCHITECTURE | ENGINEERING | CONSULTING
 26 EXECUTIVE PARK | SUITE 170
 IRVINE | CA 92614

CLL06392
 NEXUS GARDEN
 PACE#: MRLOS011258 | FA#: 12787064 | USID#: 291387
 2112 EAST 4TH STREET
 SANTA ANA, CA 92705

1452 EDINGER AVENUE, 3RD FLOOR
 TUSTIN, CA 92780

3	08/17/21	INCRP. PLANNING COMMENTS AND RFDS	RF	BOK	DKD
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A	06/24/20	ISSUED FOR ZD REVIEW AND COMMENTS	RF	BOK	DKD
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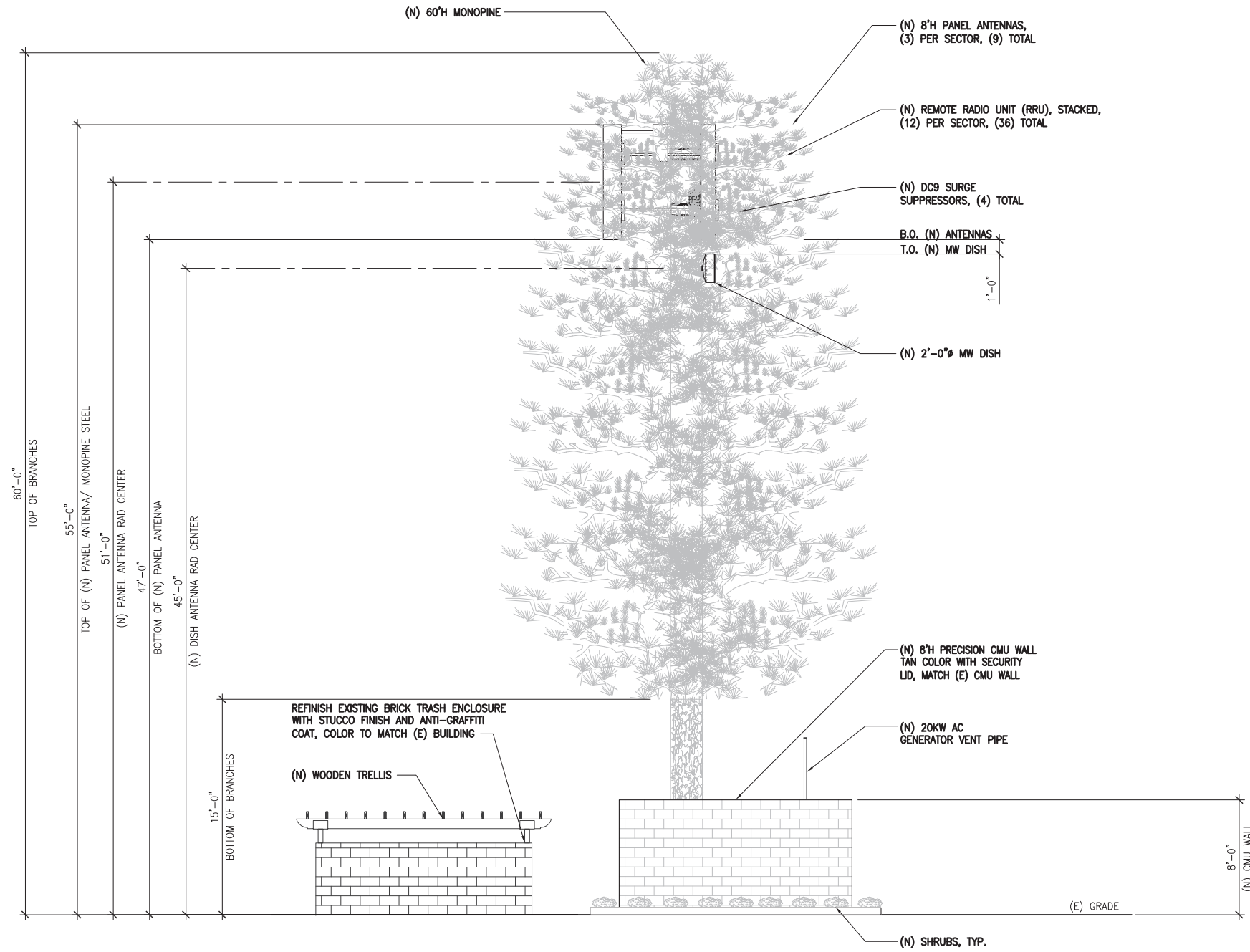


AT&T MOBILITY
 TUSTIN, CA
EQUIPMENT LAYOUT PLAN
 JOB NO. DRAWING NUMBER REV.
 AA-CLL06392-Z03 3

NORTH
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12/13/2021
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NOTES:
 1. PAINT ALL NEW ANTENNAS, SURGE SUPPRESSORS, RRU'S AND MOUNTING BRACKETS GREEN TO MATCH FOLIAGE.
 2. INSTALL FAUX FOLIAGE SLEEVE ON ALL NEW PANEL ANTENNAS.

SOUTH ELEVATION

DCI PACIFIC
 A|E|C WORKS

ARCHITECTURE | ENGINEERING | CONSULTING
 26 EXECUTIVE PARK | SUITE 170
 IRVINE | CA 92614

CLL06392
 NEXUS GARDEN
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2112 EAST 4TH STREET
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AT&T MOBILITY
 TUSTIN, CA

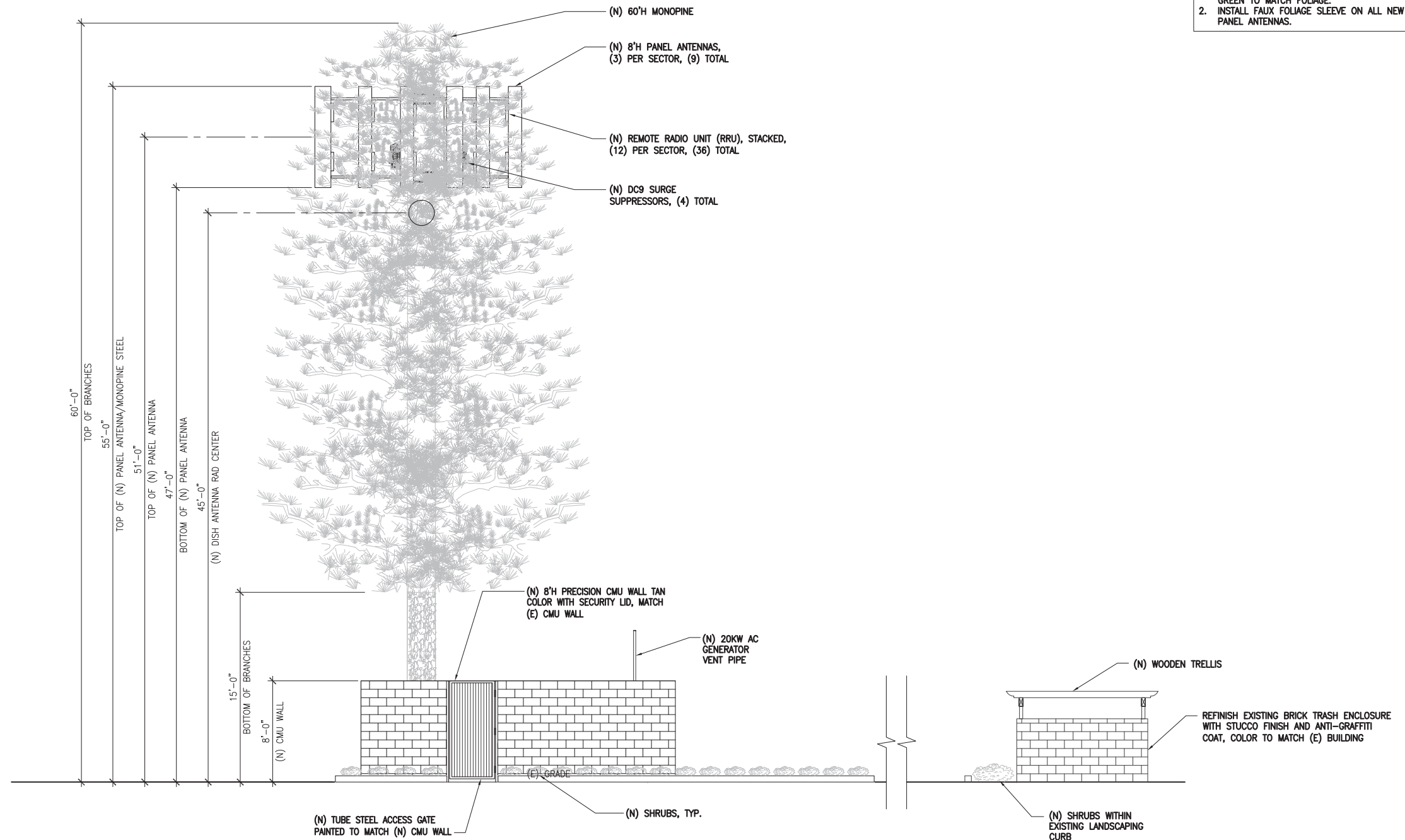
ELEVATION

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12/13/2021
 Planning Commission
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- NOTES:**
1. PAINT ALL NEW ANTENNAS, SURGE SUPPRESSORS, RRU'S AND MOUNTING BRACKETS GREEN TO MATCH FOLIAGE.
 2. INSTALL FAUX FOLIAGE SLEEVE ON ALL NEW PANEL ANTENNAS.

EAST ELEVATION

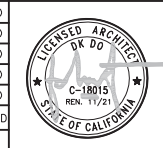
SCALE: 1/4"=1'-0" **1**

DCI PACIFIC
A/E/C WORKS
ARCHITECTURE | ENGINEERING | CONSULTING
26 EXECUTIVE PARK | SUITE 170
IRVINE | CA 92614

CLL06392
NEXUS GARDEN
PACE#: MRLOS011258 | FA#: 12787064 | USID#: 291387
2112 EAST 4TH STREET
SANTA ANA, CA 92705

at&t
Mobility
1452 EDINGER AVENUE, 3RD FLOOR
TUSTIN, CA 92780

3	08/17/21	INCRP. PLANNING COMMENTS AND RFDS	RF	BOK	DKD
2	02/08/21	INCRP. DRM COMMENTS	RF	BOK	DKD
1	01/21/21	SITE RELOCATION AND PARKING ANALYSIS	RF	BOK	DKD
0	07/21/20	ISSUED FOR ZONING PERMIT	RF	BOK	DKD
A	06/24/20	ISSUED FOR ZD REVIEW AND COMMENTS	RF	BOK	DKD
NO.	DATE	REVISIONS	BY	CHK	APP'D
SCALE	AS SHOWN	DESIGNED		DRAWN	



AT&T MOBILITY
TUSTIN, CA
ELEVATION
JOB NO. DRAWING NUMBER REV.
AA-CLL06392-Z06 3

12/13/2021
Planning Commission
 1 dash; 17
 dash;

AERIAL MAP



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EXISTING



PROPOSED



PHOTO PROVIDED BY: CBG


 24310 MOULTON PARKWAY
 SUITE 0 #1009
 LAGUNA HILLS, CA 92637-3306
 CONTACT: FRANK ORTEGA
 12/13/2021



CLL06392
NEXUS GARDEN
 2112 EAST 4TH STREET
 SANTA ANA, CA 92705

VIEW	SHEET
A	1 / 3

AERIAL MAP



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24310 MOULTON PARKWAY
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NEXUS GARDEN
2112 EAST 4TH STREET
SANTA ANA, CA 92705

VIEW	SHEET
B	2 / 3

AERIAL MAP



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EXISTING



PROPOSED



PHOTO PROVIDED BY: CBG



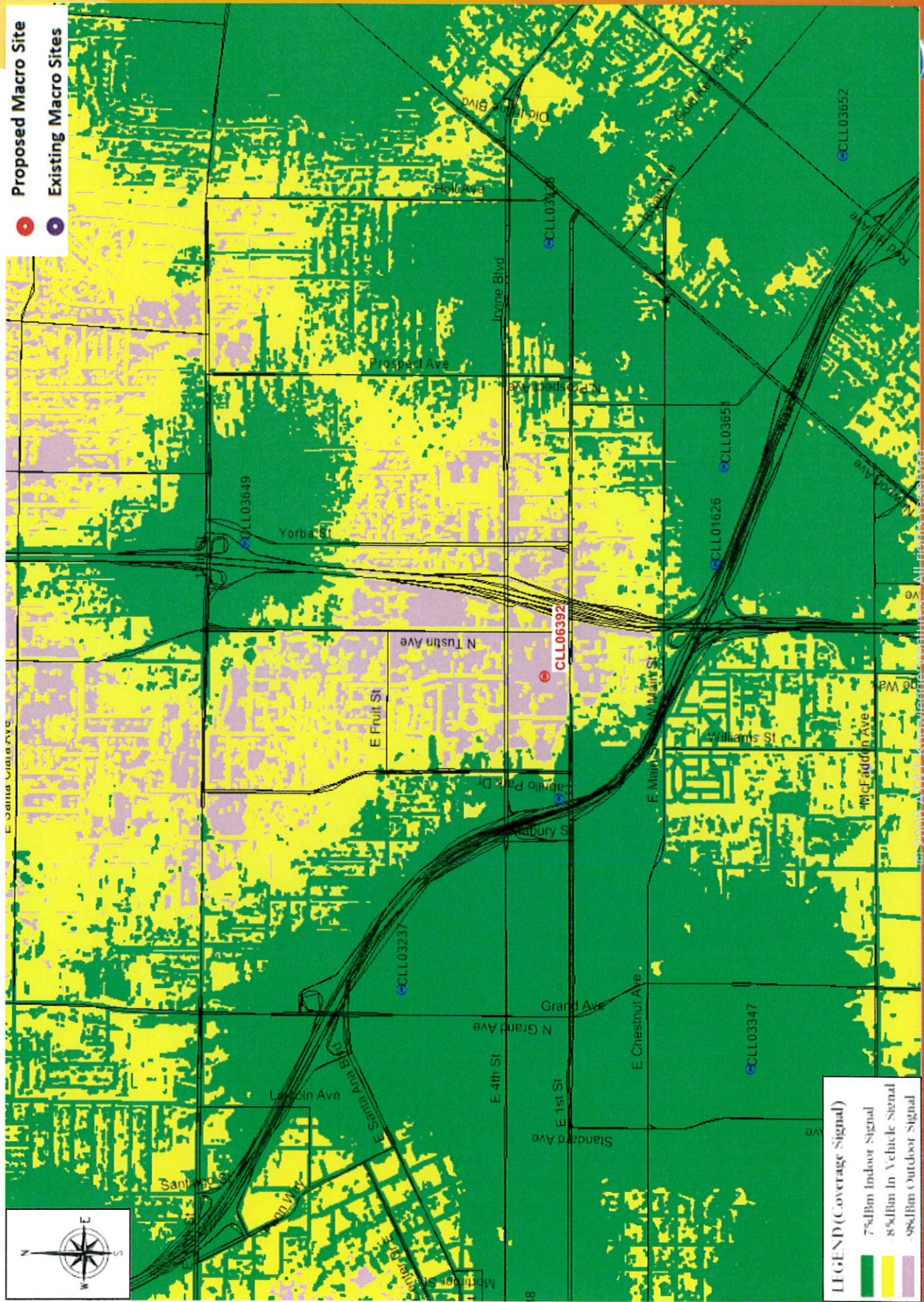
24310 MOULTON PARKWAY
SUITE 0 #1009
LAGUNA HILLS, CA 92637-3306
CONTACT: FRANK ORTEGA
12/13/2021



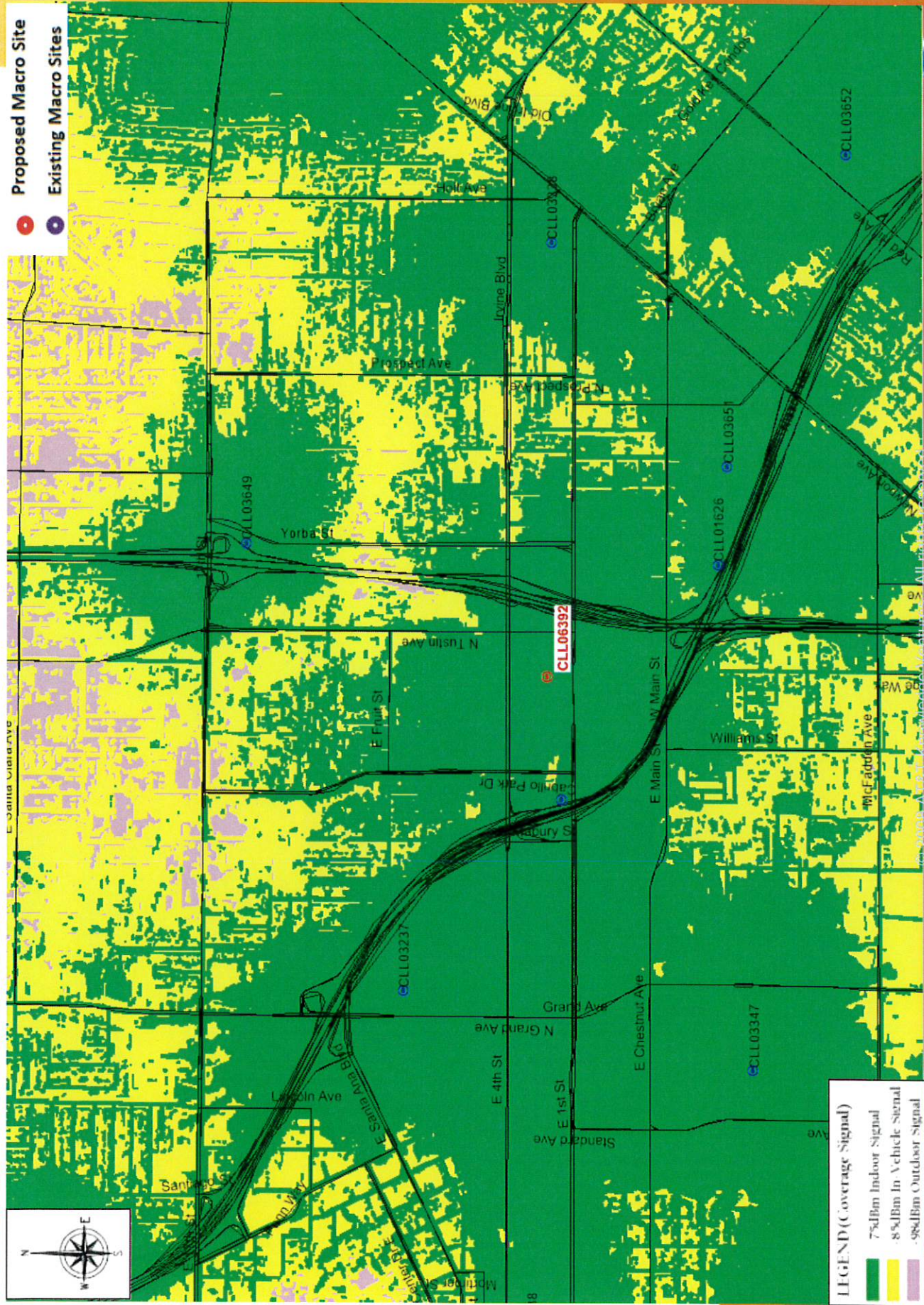
CLL06392
NEXUS GARDEN
2112 EAST 4TH STREET
SANTA ANA, CA 92705

VIEW	SHEET
C	3 / 3

LTE Coverage Before site CLL06392



LTE Coverage After site CL06392



LTE Coverage standalone site CLL06392

