

REQUEST FOR Planning Commission Action



PLANNING COMMISSION MEETING DATE:

SEPTEMBER 9, 2019

TITLE:

**PUBLIC HEARING – CONDITIONAL USE
PERMIT NO. 2019-23 TO RENEW THE
ENTITLEMENTS OF AN EXISTING 60-
FOOT HIGH MAJOR WIRELESS
COMMUNICATIONS FACILITY LOCATED
AT 1825 EAST NEWPORT CIRCLE
{STRATEGIC PLAN NOS. 3,2; 3,5}**

PLANNING COMMISSION SECRETARY

APPROVED

- ☐ As Recommended
- ☐ As Amended
- ☐ Set Public Hearing For _____

DENIED

- ☐ Applicant's Request
- ☐ Staff Recommendation

CONTINUED TO _____

Prepared by Jerry C. Guevara

[Signature]
Executive Director

[Signature]
Interim Planning Manager

RECOMMENDED ACTION

Adopt a resolution approving Conditional Use Permit No. 2019-23 as conditioned.

Executive Summary

Alexander Lew with Core Development Services, representing Crown Castle, is requesting approval of a conditional use permit (CUP) to renew the entitlements of an existing 60-foot high major wireless ("mono-palm") communications facility at 1825 East Newport Circle. Pursuant to Section 41-198.3(b) of the Santa Ana Municipal Code (SAMC), major wireless communications facilities require approval of a CUP and are required to be renewed every 10 years. 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 continue to provide a community benefit.

Table 1: Project and Location Information

Item	Information								
Project Address	1825 East Newport Circle								
Nearest Intersection	Newport Circle and Ritchey Street								
General Plan Designation	Industrial (IND)								
Zoning Designation	Light Industrial (M1)								
Surrounding Land Uses	<table border="1"> <tr> <td>North</td><td>Industrial</td></tr> <tr> <td>East</td><td>Costa Mesa (SR 55) Freeway</td></tr> <tr> <td>South</td><td>Industrial</td></tr> <tr> <td>West</td><td>Industrial</td></tr> </table>	North	Industrial	East	Costa Mesa (SR 55) Freeway	South	Industrial	West	Industrial
North	Industrial								
East	Costa Mesa (SR 55) Freeway								
South	Industrial								
West	Industrial								
Property Size	0.49 acres								
Existing Site Development	The site is developed with a 10,395-square foot industrial building and associated parking and landscaping.								
Use Permissions	Allowed with a conditional use permit (CUP).								

Item	Information	
Zoning Code Sections Affected	Use	SAMC Section 41-198.3 (b)
	Operational Standards	SAMC Section 41-198 (Wireless Communication Facilities)

Project Description

The applicant is requesting approval of a CUP to renew the entitlements of an existing 60-foot-high mono-palm wireless communications facility. This facility currently provides cellular coverage and call capacity to a predominantly industrial area of the City. The wireless communication facility's equipment is located within a 240-square foot room inside the building and the mono-palm is located within the front yard of the site and is screened by mature Mexican fan palms. As part of this application, the applicant is also proposing modifications to the wireless communications facility consisting of removing and replacing eight (8) panel antennas, removing and replacing three (3) remote radio units (RRU's), and adding nine (9) RRU's and one (1) surge suppressor. In addition, the applicant is proposing to refresh the existing front yard landscaping by planting new shrubs.

Table 2: Development Standards

Standards	Required by SAMC	Provided
Screening Criteria	A stealth facility	Mono-palm
Site Selection	Areas that will minimize aesthetic intrusion	The facility is located in a predominantly industrial area and away from sensitive land uses. In addition, the tower is surrounded by mature Mexican fan palms that assist in screening the facility.
Height Criteria	Not to exceed 60 feet in height from ground level as measured from the nearest street curb	60-feet high
Landscaping	Groundcover at the base of the facility and one twenty-four (24) inch box tree	Complies
Equipment Screening	Decorative fencing such as wrought iron or block around the wireless facility	Equipment is located within an equipment room inside the building.

Project Background

On September 22, 2003, the Planning Commission approved Conditional Use Permit No. 2003-22 allowing the construction of the subject wireless communications facility. Pursuant to SAMC Section 41-198.3(3), a CUP is required for all major wireless communications facilities in the City. Furthermore, Section 41-198.13 of the SAMC states that major wireless communications facilities shall be approved for a period not to exceed 10 years. As the current entitlements have reached the 10-year lifespan, the applicant is required to apply for a new CUP in order to maintain the entitlements current for the facility.

Project Analysis

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 subject 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 conditional use permit. Staff has reviewed the applicant's request to maintain and renew the entitlements of the major wireless communication facility at this location. In analyzing the conditional use permit request, staff believes that the following analysis warrants staff's recommendation of approval for the conditional use permit.

As part of the development review of the project, staff worked closely with the applicant to identify improvements to enhance the overall appearance of the site. Based on these discussions, improvements will be made to the existing landscaping to comply with SAMC standards. In processing wireless communications facilities, the City of Santa Ana must consider provisions contained within Section 6409(a) of the Middle Class Tax Relief Act [47 U.S.C. § 1455(a)], which limits the ability of local agencies to impose additional conditions of approval when cell phone tower permits are renewed. These limits include additional stealthing if such screening or stealthing was not required at the time of original construction and/or seismic retrofits, which, according to a study by the City of Los Angeles, cost as much as constructing a new tower.

This location is optimal to provide the coverage necessary for existing and expanding service. The proposed facility provides 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).

Finally, the use will continue to comply with all provisions pertaining to the construction and installation of wireless facilities identified in Chapter 41 (Zoning Code) of the SAMC. The facility continues to meet all height, location/zoning, and stealthing standards. The facility 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.

Table 3: CEQA. Strategic Plan Alignment and Public Notification & Community Outreach

CEQA, Strategic Plan Alignment, and Public Notification & Community Outreach	
CEQA	
CEQA Type	Class 1 "Existing Facilities"
Document Type	Categorical Exemption (ER No. 2019-25)
Reason(s) Exempt or Analysis	Pursuant to the California Environmental Quality Act (CEQA), the project is categorically exempt per Section 15301, Existing Facilities, of the CEQA Guidelines. This exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The project consists of the renewal of a permit and minor alterations to the existing wireless communications facility.

Strategic Plan Alignment	
Goal(s) and Policy(s)	Approval of this item supports the City's efforts to meet Goal No.3 (Economic Development) Objective No. 2 of creating new opportunities for business/job growth and encourage private development through new General Plan and Zoning Ordinance policies, and Objective No. 5 to leverage private investment that results in tax base expansion and job creation citywide.
Public Notification & Community Outreach	
Required Measures	In compliance with Chapter 41 (Zoning), Article V of the Santa Ana Municipal Code, notice of the hearing was posted and published in the "Orange County Reporter" newspaper and mailed to surrounding property owners and occupants within 500 feet of the subject project at least 10 days before the Public Hearing.

Conclusion

Based on the analysis provided within this report, staff recommends that the Planning Commission approve Conditional Use Permit No. 2019-23 as conditioned.



Jerry C. Guevara
Assistant Planner I

Exhibits: 1 – Resolution
 2 – Vicinity Zoning & Aerial View
 3 – Site Photo
 4 – Site Plan
 5 – Elevations

EXHIBIT 1

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RESOLUTION NO. 2019-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2019-23 AS CONDITIONED TO RENEW THE ENTITLEMENTS OF AN EXISTING 60-FOOT TALL MAJOR WIRELESS COMMUNICATION FACILITY LOCATED AT 1825 EAST NEWPORT CIRCLE

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. Alexander Lew with Core Development Services, representing Crown Castle USA, Inc. ("Applicant"), is requesting approval of Conditional Use Permit ("CUP") No. 2019-23 to renew the entitlements of an existing 60-foot tall major wireless communications facility disguised as a mono-palm located at 1825 East Newport Circle.
- B. On September 22, 2003, the Planning Commission approved Conditional Use Permit No. 2003-22 allowing the construction of the subject major wireless communications facility.
- 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. As the current facility has approached its 10-year lifespan, the Applicant is required to apply for a new CUP in order to maintain the entitlements for the current facility.
- F. On September 9, 2019, the Planning Commission held a duly noticed public hearing on Conditional Use Permit No. 2019-23.
- G. 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. 2019-23 to renew the entitlements of an existing 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 major wireless communication facility will continue to provide a service to Santa Ana residents, businesses and motorists who subscribe to cellular services by providing cellular service and data coverage for its users within the vicinity. The issuance of a new conditional use permit will allow the provider to continue to provide a service to the surrounding community.

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 issuance of a new conditional use permit to maintain a wireless facility at this location will not be detrimental to persons residing or working in the area as the facility will remain 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).

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

The facility is compatible with the surrounding area and will not adversely affect the economic viability in the area. The stealthing provided by the facility's location at the rear of the site will maintain and increase the economic stability for this industrial area by providing an additional service for business owners, workers, and residents in the area.

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

The use will continue to comply with all provisions pertaining to the continuation of existing wireless facilities identified in Chapter 41 (Zoning Code) of the Santa Ana Municipal Code. The facility will continue to be stealthed by its design and surrounding landscape 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 major wireless communication facility 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 facility. In addition, Goals 3 and 5 require preservation of neighborhood character and integrity as well as mitigation of developments' impacts. The monopine location minimizes visual impact on the area and assists with the stealthing of the equipment. Further, Policy 2.2 encourages land uses that accommodate the City's needs for services. Maintaining a cell phone provider's coverage in the area adds to the services that are readily available for business owners, workers, visitors and residents in the immediate vicinity.

Section 2. In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is categorically exempt pursuant to Section 15301, Existing Facilities. This exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The project consists of the renewal of a permit and minor alterations to the existing wireless communications facility with no expansion of use. Categorical Exemption Environmental Review No. 2019-25 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. 2019-23, 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 September 9, 2019, and exhibits attached thereto; and the public testimony, all of which are incorporated herein by this reference.

ADOPTED this 9th day of September, 2019 by the following vote:

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

Mark McLoughlin
Chairperson

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

By: _____
Lisa Storck
Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, SARAH BERNAL, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2019-xx to be the original resolution adopted by the Planning Commission of the City of Santa Ana on September 9, 2019.

Date: _____

Recording Secretary

EXHIBIT A

Conditions of Approval for Conditional Use Permit No. 2019-23

Conditional Use Permit No. 2019-23 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. 2018-08).
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 new 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.
6. 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.
7. Conditional Use Permit No. 2019-23 expires 10 years from the date of Planning Commission approval.

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EXHIBIT 2

4-13

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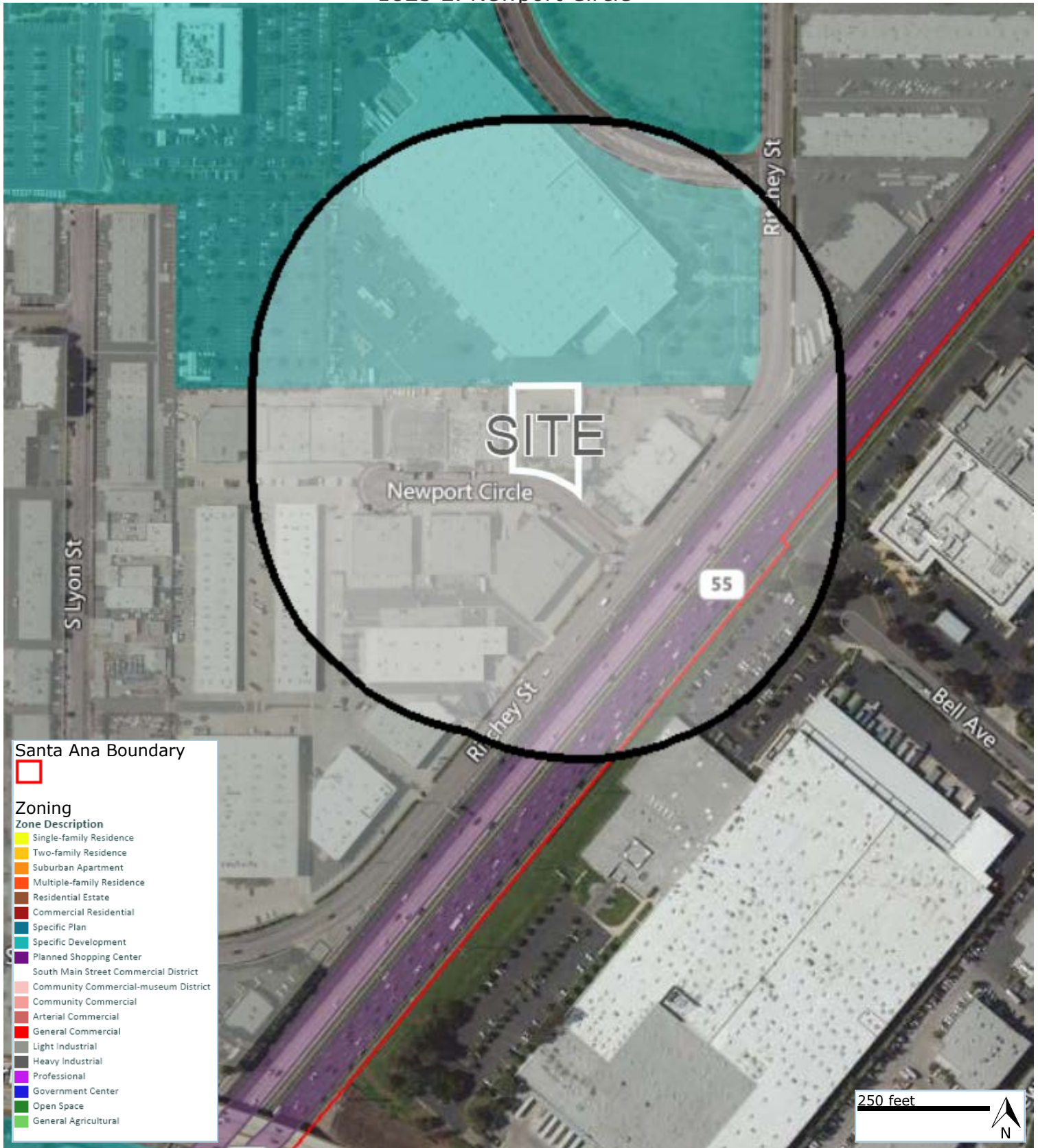


Exhibit 2 - Vicinity Zoning & Aerial View



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EXHIBIT 3

4-17

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**CUP No. 2019-23
1825 E. Newport Circle**



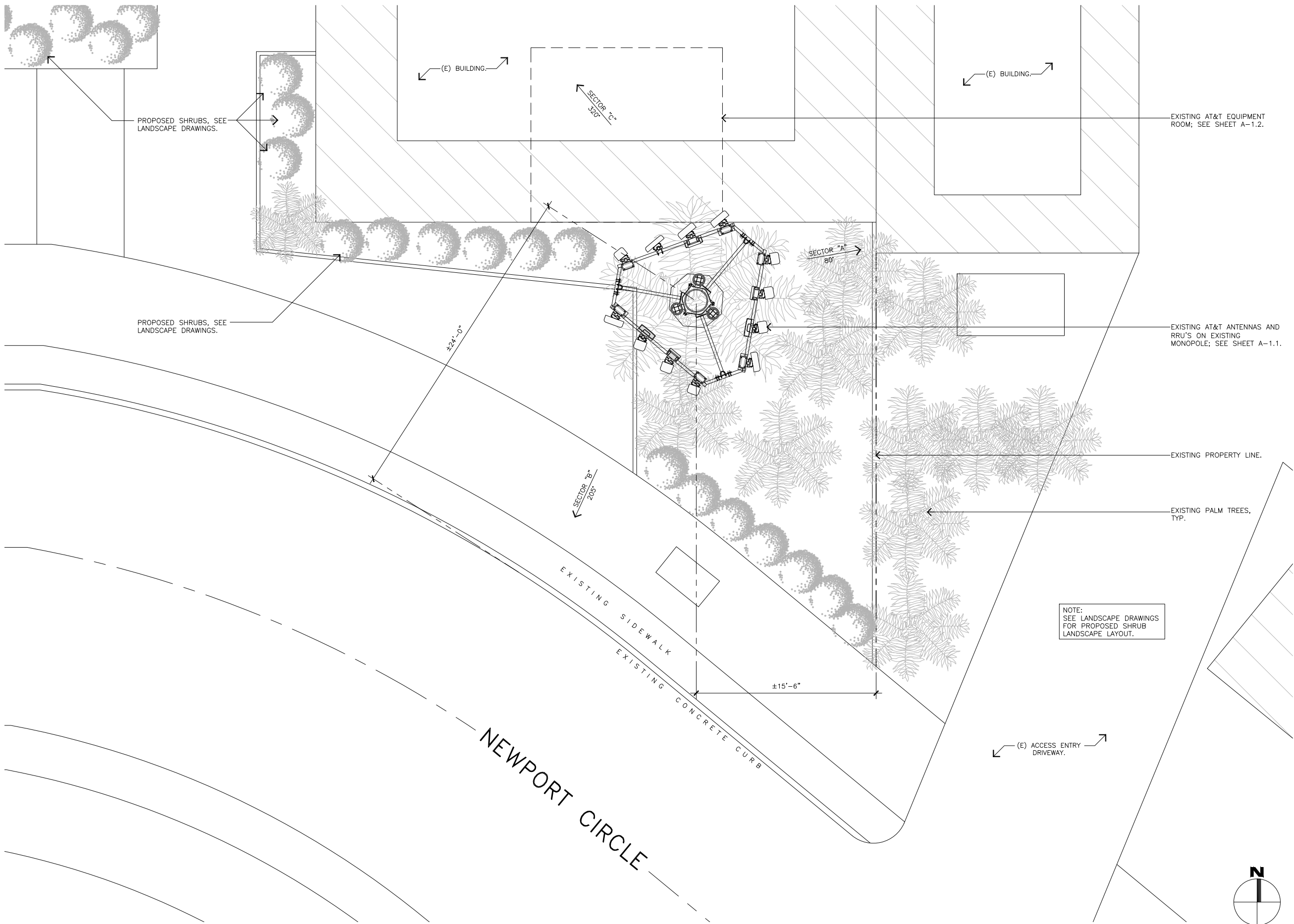
**Exhibit 3 – Site Photo
4-19**

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EXHIBIT 4

4-21

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ENLARGED SITE PLAN

11x17	SCALE: 1/8"=1'-0"		1
24x36	SCALE: 1/4"=1'-0"		



200 SpectrumCenter Drive, Suite 1700
Irvine, California 92618



633 S. Brea Boulevard, Suite 1
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www.core.us.com

Vendor:



Jeffrey Rome | ASSOCIATES
architecture | telecommunications
131 Innovation Drive, Suite 100
Irvine, California 92617
tel 949.760.3929 | fax 949.760.3931

AT&T Site ID:

LAC049

AT&T FA NO:	10087202
JRA PROJECT NO:	181154
DRAWN BY:	AU
CHECKED BY:	RN

REV	DATE	DESCRIPTION
1	02/06/19	CLIENT COMMENTS
0	01/23/19	100% ZD'S
A	01/07/19	90% ZD'S

Licenser:

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Issued For:

TUSTIN

1825 EAST NEWPORT CIRCLE
SANTA ANA, CALIFORNIA 92705

SHEET TITLE:

ENLARGED SITE PLAN

SHEET NUMBER:

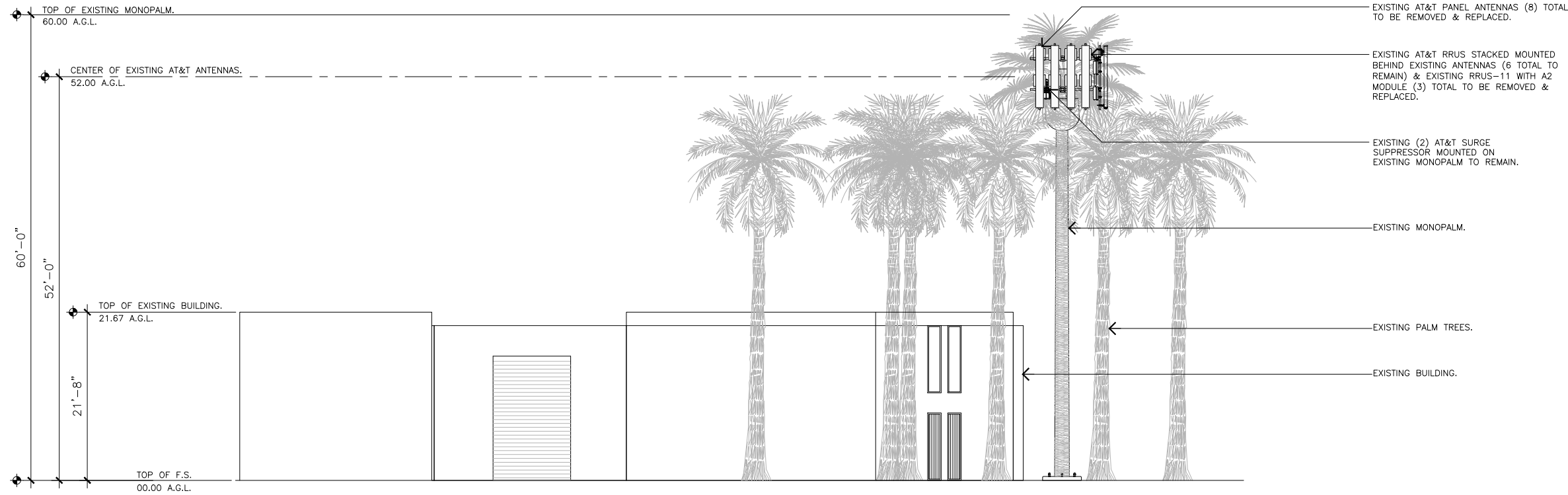
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EXHIBIT 5

4-25

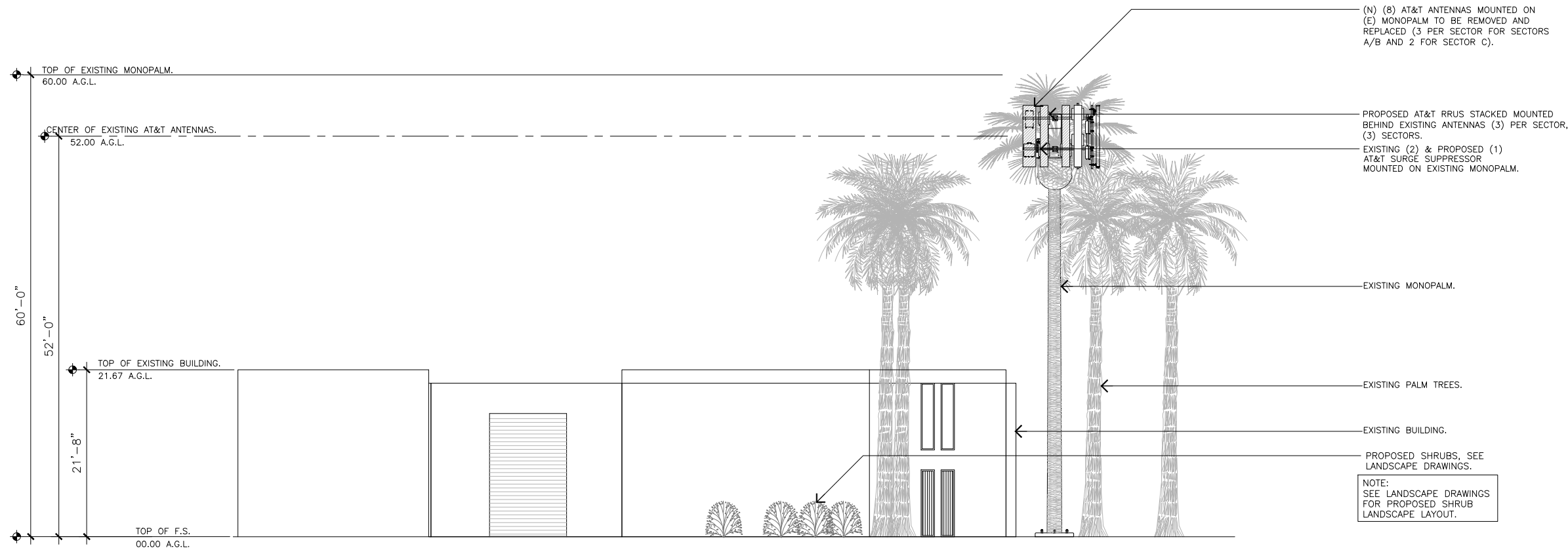
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EXISTING WEST ELEVATION

11x17 SCALE: 1/16"=1'-0"
24x36 SCALE: 1/8"=1'-0"
0 4' 8' 16'

2



PROPOSED WEST ELEVATION

11x17 SCALE: 1/16"=1'-0"
24x36 SCALE: 1/8"=1'-0"
0 4' 8' 16'

1

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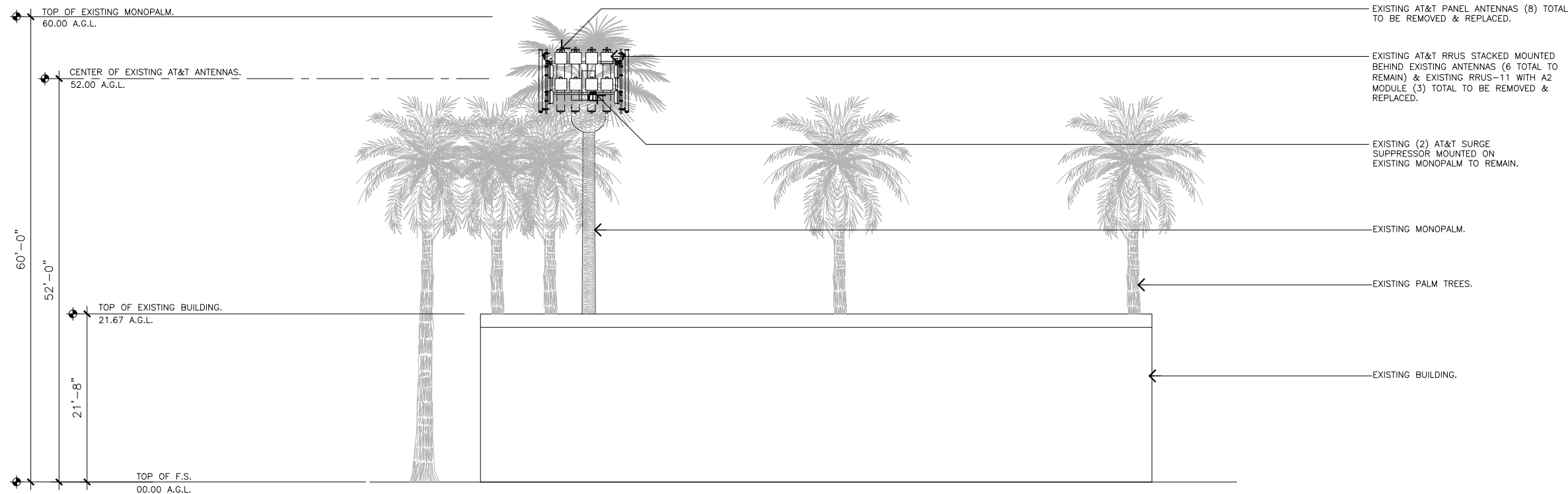
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1825 EAST NEWPORT CIRCLE
SANTA ANA, CALIFORNIA 92705

SHEET TITLE:

EXISTING NORTH & WEST ELEVATIONS

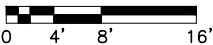
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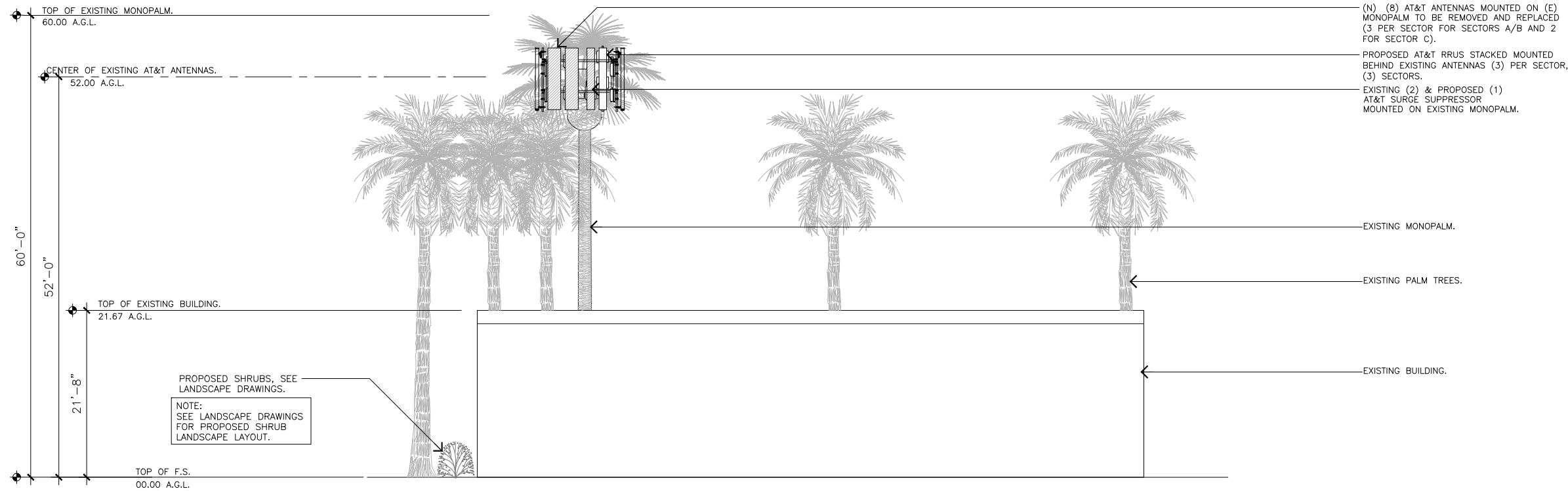


EXISTING NORTH ELEVATION

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24x36 SCALE: 1/8"=1'-0"



2



PROPOSED NORTH ELEVATION

11x17 SCALE: 1/16"=1'-0"
24x36 SCALE: 1/8"=1'-0"



1

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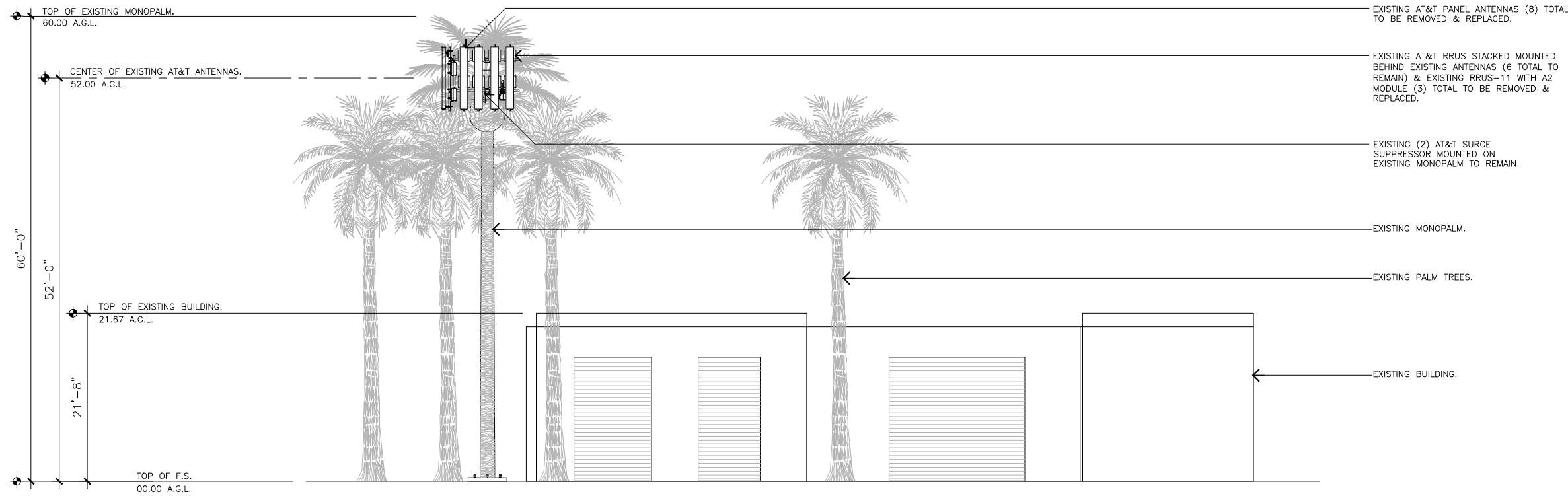
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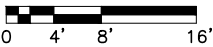
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PROPOSED NORTH & WEST ELEVATIONS

SHEET NUMBER:
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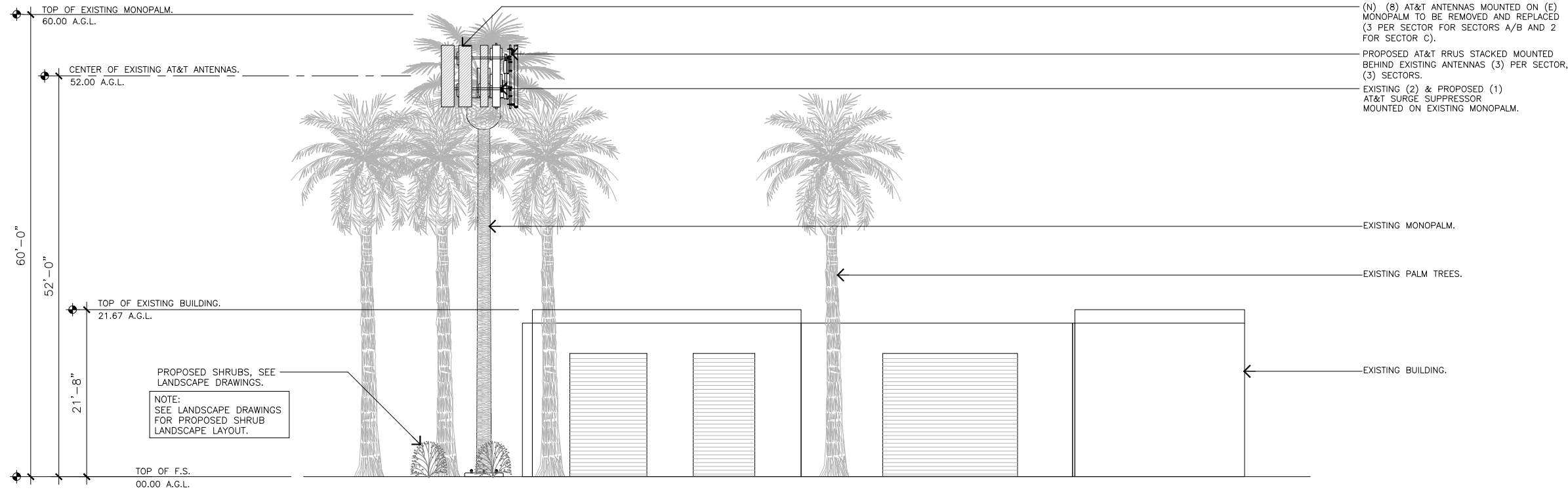


EXISTING EAST ELEVATION

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24x36 SCALE: 1/8"=1'-0"

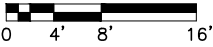


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PROPOSED EAST ELEVATION

11x17 SCALE: 1/16"=1'-0"
24x36 SCALE: 1/8"=1'-0"



1

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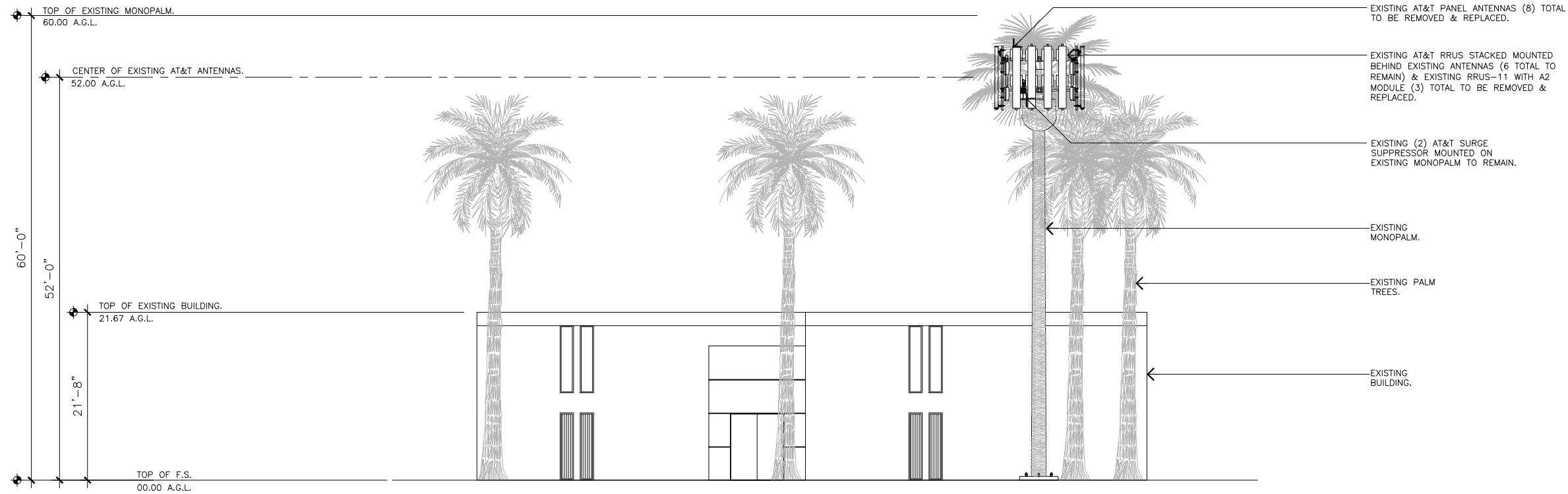
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SHEET TITLE:

**EXISTING EAST &
SOUTH ELEVATIONS**

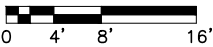
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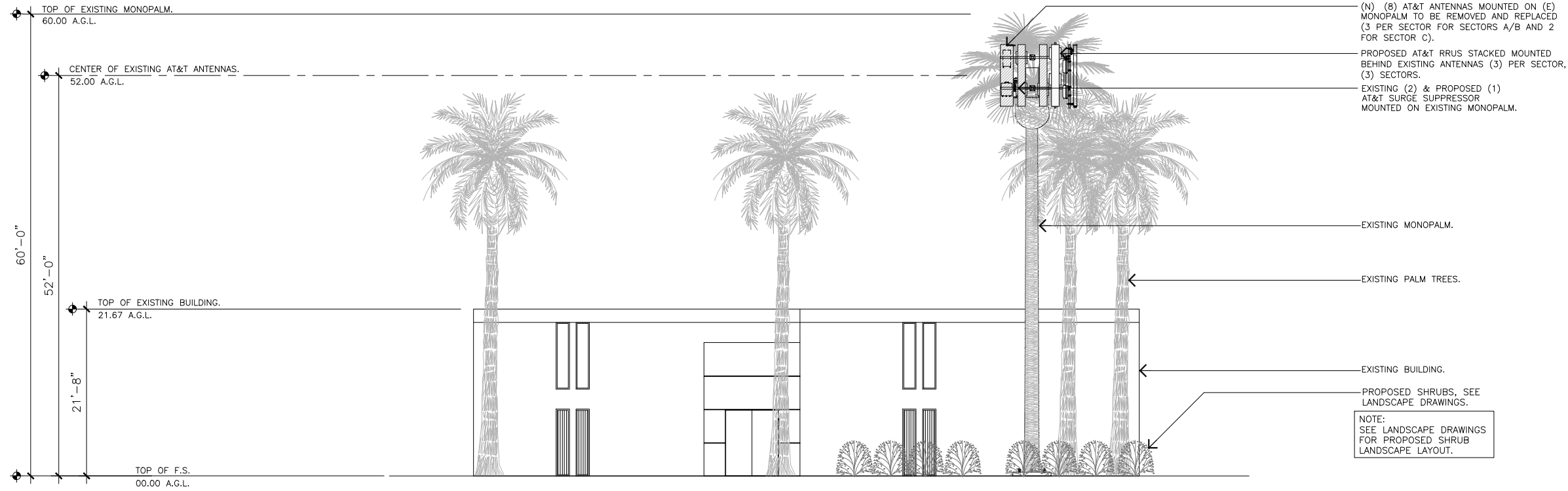


EXISTING SOUTH ELEVATION

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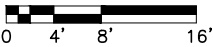


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PROPOSED SOUTH ELEVATION

11x17 SCALE: 1/16"=1'-0"
24x36 SCALE: 1/8"=1'-0"



1

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1825 EAST NEWPORT CIRCLE
SANTA ANA, CALIFORNIA 92705

SHEET TITLE:
PROPOSED SOUTH & EAST ELEVATIONS

SHEET NUMBER:
A-5.1

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