



FILE: PA00-0127

DATE: December 8, 2000

TO: File/Record/Applicant

FROM: Thomas B. Mathews, Director, Planning and Development Services Department

SUBJECT: Planning Application PA00-0127 for Site Development Permit

APPLICANT: XM Satellite Radio, applicant
Fluor Daniel/Wilmington Realty Trust, property owner
LCC International, Inc., agent

I. NATURE OF PROJECT:

XM Satellite Radio requests approval of unmanned, wireless satellite radio repeater facility on the top of an existing 4-story office building. The proposal includes the installation of one omnidirectional (“whip”) antenna 70” tall; one satellite dish 26” in diameter, and an equipment cabinet up to 4’ tall. All equipment will be around an elevator mechanical equipment room in the center of the building roof, thus being essentially invisible from all but those areas in Aliso Viejo topographically much higher. A comparable facility was also previously approved for the roof of this building for Skytel via PA99-0077.

The project site is the Fluor Building at One Enterprise, Aliso Viejo. The project site is in Planning Area 40 of the Aliso Viejo Planned Community and has a land use designation of “Town Center”. The proposed communication facility is a permitted use subject to the Approval of a Site Development Permit. The proposal was reviewed by AVAPC (Aliso Viejo Advisory Planning Committee). At its October 25, 2000 meeting AVAPC recommended the County approve the proposal as submitted, with the added provision that the whip antenna be painted sky blue-gray.

II. REFERENCE: (Authority for Administrative action is given by what ordinance, regulation, etc.)

Orange County Zoning Code Section 7-9-150 "Discretionary Permits and Procedures"; and, Sections VI “Town Center Use Regulations” and XXIV “Site Plan Regulations and Procedures of the Aliso Viejo Planned Community Development Plan and Supplemental Text.

III. ENVIRONMENTAL DOCUMENTATION:

The proposed project is covered by Final EIR 088 previously certified on 10-19-82. Prior to project approval, the Director found this EIR adequate to satisfy the requirements of CEQA. Appendix A contains the required CEQA Finding.

IV. CERTIFICATION:

I hereby certify that the subject proposal has been Conditionally Approved as noted below.

Thomas B. Mathews, Director
Planning and Development Services Department

By: _____

Charles Shoemaker, Section Chief
CPSD/Site Planning Section

ATTACHMENTS:

Appendix A - Findings

Appendix B - Conditions of Approval

APPEAL PROCEDURE

Any interested person may appeal the decision of the Director on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.

Appendix A
Findings
PA000127

1 GENERAL PLAN PA000127

That the use or project proposed is consistent with the objectives, policies, and general land uses and programs specified in the General Plan adopted pursuant to the State Planning and Zoning Law.

2 ZONING PA000127

That the use, activity or improvement(s) proposed, subject to the specified conditions, is consistent with the provisions of the Zoning Code, or specific plan regulations applicable to the property.

3 COMPATIBILITY PA000127

That the location, size, design and operating characteristics of the proposed use will not create unusual noise, traffic or other conditions or situations that may be objectionable, detrimental, or incompatible with other permitted uses in the vicinity.

4 GENERAL WELFARE PA000127

That the application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.

5 PUBLIC FACILITIES PA000127

That the approval of the permit application is in compliance with Codified Ordinance Section 7-9-711 regarding public facilities (fire station, library, sheriff, etc.).

6 PREVIOUS EIR PA000127 (Custom)

That Final EIR 088 previously certified on 10/19/82, satisfies the requirements of CEQA and is approved as a Program EIR for the proposed project based on the following findings:

- A. It is found that the EIR serves as a Program EIR for the proposed project; and
- B. The approval of the previously certified Final EIR for the project reflects the independent judgment of the lead agency.

Appendix B
Conditions of Approval
PA000127

1 CP CP NA BASIC/ZONING REG PA000127

This approval constitutes approval of the proposed project only to the extent that the project complies with the Orange County Zoning Code and any other applicable zoning regulations. Approval does not include any action or finding as to compliance of approval of the project regarding any other applicable ordinance, regulation or requirement.

2 CP CP NA BASIC/TIME LIMIT PA000127

This approval is valid for a period of 24 months from the date of final determination. If the use approved by this action is not established within such period of time, this approval shall be terminated and shall thereafter be null and void.

3 CP CP NA BASIC/PRECISE PLAN PA000127

Except as otherwise provided herein, this permit is approved as a precise plan. If the applicant proposes changes regarding the location or alteration of any use or structure, the applicant shall submit a changed plan to the Director, PDS, for approval. If the Director, PDS, 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 plot plan, he may approve the changed plan without requiring a new public hearing.

4 CP CP NA BASIC/COMPLIANCE PA000127

Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Orange County Planning Commission.

5 CP CP NA BASIC/OBLIGATIONS PA000127

Applicant shall defend at his/her sole expense any action brought against the County because of issuance of this permit. Applicant shall reimburse the County for any court costs and attorneys fees that the County may be required to pay as a result of such action. The County may, at its sole discretion, participate in the defense of any action, but such participation shall not relieve applicant of his/her obligations under this condition.

6 CP CP NA BASIC/APPEAL EXACTIONS PA000127

Pursuant to Government Code Section 66020, the applicant is hereby informed that the 90-day approval period in which the applicant may protest the fees, dedications, reservations or other exactions imposed on this project through the conditions of approval has begun.

7F F B HAZARDOUS MATERIALS PA000127 (Custom)

- A. Prior to the issuance of a building permit, the applicant shall contact the Orange County Fire Authority Hazardous Materials Disclosure Office at (714) 744-0463 to obtain a "Hazardous Materials Business Information and Chemical Inventory Packet". This shall be completed and submitted to the Fire Chief prior to the issuance of any building permit.
- B. Prior issuance of any building permits, the applicant shall submit to the Fire Chief a list of the quantities of all hazardous, flammable and combustible materials, liquids or gases to be stored, used, or handled on site. These liquids and materials shall be classified according to the Uniform Fire Code using the "Orange County Fire Authority Chemical Classification Handout". The submittal shall provide a summary sheet listing each hazard class, the total quantity of chemicals stored per class, and the total quantity of chemicals used in that class. All forms of materials are to be converted to units of measure in pounds, gallons, and cubic feet.

8CP CP U ANTENNA COLORING PA000127 (Custom)

Prior to final building permit sign-off, the building inspector shall verify that the "whip" antenna is painted a "sky blue-gray" color.

9 S S B SHERIFF DEPARTMENT PA000127 (Custom)

Prior to activation of the facility, the applicant shall submit a letter to the building department indicating that the Orange County Sheriff Dept. has reviewed this proposal and that the proposed communication facility will not cause interference with the Sheriff Department's communication system.