

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT
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DATE: May 10, 2001

FROM: P&DSD/Current Planning Services Division

SUBJECT: Public Meeting on Planning Application PA00-0143 for Site Development Permit

PROPOSAL: Sprint PCS requests approval of unmanned, wireless telephone facility on the sides of an existing 34' tall water tank. The proposal includes the installation of six panel antennae between 26' and 32' off the ground, seven related equipment cabinets on the ground immediately adjoining the tank, and new 6' tall screening chain link fence and retaining wall.

LOCATION: In the Coto de Caza area at 31983 Violeta Lane, Third Supervisorial District.

APPLICANT: Sprint PCS, applicant
Santa Margarita Water District, property owner
Compass Telecom Services, agent

SYNOPSIS: Current Planning Division recommends Zoning Administrator approval subject to findings and conditions.

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BACKGROUND:

The proposed project is classified as a principal use (private utility/community facilities) and would be permitted subject to approval of a Site Development Permit per the Coto de Caza Specific Plan (Planning Area 1 - "Rural Residential"). However, since the proposed project has not received endorsement of the Coto de Caza Specific Plan Board of Review, staff chose to bring the item to the Zoning Administrator for review of the findings of compatibility that are required for project approval.

SITE ZONING AND SURROUNDING LAND USE:

The site is located within a long-established Santa Margarita Water District tank farm of approximately 1 acre, in the "Los Ranchos" community which began to be built around it to the south, west, and north in the late 1970s. The tank basically sits on the ridgeline separating Coto de Caza from the Dove Canyon Planned Community in the City of Rancho Santa Margarita to the east. Newer single family detached

homes in the City back onto a narrow landscape lot separating them from the tank site. One of two water tanks on the site is involved with this application; the other has no antennae, existing or proposed.

CEQA COMPLIANCE:

The proposed project was found to be Categorically Exempt from the provisions of CEQA as the installation of small new equipment in existing structures, or "Class 3". Prior to project approval, the decision-maker must make a finding to this effect (recommended in Attachment A) for the proposed project.

PUBLIC NOTICES, DISTRIBUTION FOR REVIEW, AND COMMENTS RECEIVED:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were previously distributed for review and comment to the Coto de Caza Specific Plan Board of Review, City of Rancho Santa Margarita, the Orange County Fire Authority, Sheriff's Communications, and County of Orange Traffic Engineering. Technical comments received have been incorporated into this staff report's discussion and conditions of approval, including those from the City of Rancho Santa Margarita, which raised no objection. The objections raised by the Coto de Caza Specific Plan Board of Review will be addressed below in the Review and Analysis section. No comments arising from posting or mailing of the public meeting notice have been received to date.

REVIEW AND ANALYSIS:

The proposal is for approval of the addition of unmanned, wireless telephone facilities on the sides of an existing 34' tall water tank. Specifically, the proposal includes the installation of six panel antennae between 26' and 32' off the ground, seven related equipment cabinets on the ground immediately adjoining the tank, and new 6' tall screening chain link fence and retaining wall.

A comparable facility, including panel antennae on the sides of the tank (also six in total), was previously approved for Pacific Bell via PA97-0122, and installed. Additionally, a nearby 45' tall freestanding antennae and associated ground equipment was approved by SP92-075 for L.A. Cellular but not installed.

The project site, 31983 Violeta Lane, is one of two tanks at this location. The other tank does not have antennae. In the unincorporated area of Coto de Caza, the nearby area to the south, west, and north of the project site is made up of 4-acre minimum lots. There are exactly 3 lots in the Los Ranchos Estates within 400' of the site. Lots 6 and 8, owned by the current parties since 1991 and 2000, respectively, are vacant. Lot 5 at 31932 Violeta has been occupied by a single owner since 1988. The home is at a lower elevation and has very little view of the tank.

To the east, the single family dwellings in Dove Canyon backing up to this installation are on much smaller lots, and far more are within several hundred feet. The City of Rancho Santa Margarita, acting on their behalf, does not oppose the application.

In response to comments received from the Coto de Caza Specific Plan Board of Review, General Note N. on Page 52 of the General Regulations of the Coto de Caza Specific Plan states that "All projects requiring discretionary review by the County shall be referred to the appropriate County authorized review panel or panels in existence at the time, including the Coto de Caza Specific Plan Board of Review for comment within the time frame established for such referrals and comments. Such comment if forthcoming shall be advisory only and not binding upon the County or any agency thereof." In accordance with this text, the project was referred to the Coto de Caza Board of Review for comment.

The Board met on this item on January 10, 2001, at which time concern was expressed for aesthetic "mitigation efforts". As a result of that meeting, the applicant revised the project plans to scale the project down from twelve panel antennae to the current six. At a subsequent Board of Review meeting on February 21, 2001, at which the revised and scaled down plans were submitted, the Board nonetheless acted to "deny (recommend denial of) the applicant's plan due to their failure to provide requested mitigation." This letter is attached.

The Specific Plan Board of Review then submitted a letter dated February 22, 2001 (also attached) indicating they had "met on March 14, 2001" (sic) and remained seriously concerned with the "overall aesthetics of the proposed site", "alternative installations to address the negative aesthetic impact this proposal would have on the community", and "aesthetic mitigation".

The applicant first met with the Review Board in January, which made known in the record of that January 10, 2001 meeting its concern with "proposed mitigation efforts", and acted immediately to mitigate project impacts by scaling down the number of antennae of the proposed installation. The antennae are proposed to be flush-mounted and painted to match the existing color of the water tank and the antennae already present.

It should be noted that the findings needed to approve a development project do not require the project to make an overt positive contribution, on-site or off-site, financial or otherwise, to its surrounding community. The findings require only that the project not have sufficiently adverse impacts on the community to make its construction and operation incompatible with its surroundings. In this context, staff asked the Santa Margarita Water District, as owner of the subject tank where panel antennae have already been present since late 1997, for copies of any complaints they have received on the aesthetics of the installation. Despite such facts as that the nearest homeowner to the tank resided there for nearly ten years before panel antennae were added, and 3½ years since, there have been no complaints.

Reviewing all of this evidence, the Zoning Administrator is therefore requested to make a determination as to whether: the location, size, design and operating characteristics of the proposed use will or 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; and whether the application will or will not result in conditions or circumstances contrary to the public health and safety and the general welfare.

Providing this determination can be made in favor of the project, staff believes the public service being provided to both the unincorporated area and the City of Rancho Santa Margarita outweighs the Review Board's stated objections to additional panel antennae that will be painted to match both the tank on which they will be flush-mounted and existing panel antennae on the same tank.

Staff therefore recommends, in the context of a needed public service facility being provided that must be placed at heights above grade in this vicinity coincident with the existing water tank surface. No other new man-made structure of this height above grade would be less obtrusive than attachments to the existing tank.

RECOMMENDATION

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve Application PA 00-0143 subject to the attached Findings and Conditions of Approval.

Respectfully submitted,

Chad Brown, Chief
CPSD/Site Planning Section

APPEAL PROCEDURE

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

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval

Exhibits: (Zoning Administrator package only)

1. Applicant's Letter of Explanation
2. Site Plans
3. Coto de Caza Review Board letters dated January 11, 2001 and February 22, 2001 (two letters)