



FILE: PA00-0146

DATE: January 26, 2001

TO: File/Record/Applicant

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

SUBJECT: Planning Application PA00-0146 for Site Development Permit

LOCATION: 1281 Brea Canyon Road, Brea Canyon area

APPLICANT: XM Satellite Radio, applicant
Shell Western Energy & Power, Inc., property owner
LCC International, Inc., agent

I. NATURE OF PROJECT:

XM Satellite Radio, Inc. requests approval to co-locate on an existing wireless communication facility (PA94-0155). This site development plan application requests the addition of 1 (one) 70-inch high omnidirectional (“whip”) antenna, 1 (one) 26 inch dish antenna, and one small equipment cabinet on a new 4x3 foot pad, to an existing 45’ tall panel antenna monopole facility. The “whip” antenna will be placed at a height approximately 25 feet above ground on the existing monopole, and the 26-inch dish will be placed at a height 12 feet above ground on the existing monopole. New support equipment will be placed at the base of the existing monopole, on a new 4x3 foot concrete pad within the existing fenced equipment area.

Two other similar towers with panel antennae are also located within 100’ of this site, each established by separate previous County planning approvals. The project site is zoned A1 (General Agricultural) in the Brea Canyon area, in the City of Brea Sphere of Influence. The City corresponded on 1/25/01 that they have no concerns with the proposed additions to the existing tower facility.

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"; Section 7-9-129.2 “Height Limit – Antennas”; and Section 7-9-55.3 (c) “A1 District (land use) Regulations”.

III. ENVIRONMENTAL DOCUMENTATION:

The proposed project is deemed Categorical Exempt from the provisions of the California Environmental Quality Act (CEQA) under Class I (minor alteration of existing structures) of the CEQA Guidelines. For the action of the Director of Planning and Development Services in approving this project, 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: _____

Chad Brown, 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
PA000146

1 **GENERAL PLAN PA000146**

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 PA000146**

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 PA000146**

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 PA000146**

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

5 **PUBLIC FACILITIES PA000146**

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 **CATEGORICALLY EXEMPT PA000146 (custom)**

That the proposed project is Categorical Exempt (Class I) from the provisions of CEQA.

Appendix B
Conditions of Approval
PA000146

1 CP CP NA BASIC/ZONING REG PA000146

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 PA000146

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 PA000146

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 PA000146

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 PA000146

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 PA000146

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 PA000146 FP11

- 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 PA000146 (Custom)

Prior to final building permit sign-off, the building inspector shall verify that the “whip” and dish antennae are painted a color to match the existing monopole.

9 S S B SHERIFF DEPARTMENT PA000146 (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 concurs that the proposed communication facilities will not cause interference in their operations with the Sheriff Department’s communication systems.