

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

DATE: November 20, 2002

TO: Orange County Planning Commission

FROM: Planning & Development Services Department/Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA02-0052

PROPOSAL: Site Development Permit for a wireless communication facility to be constructed in the form of a 38-foot high mono-palm. The project will be located in the parking lot of an existing office building within the Residential Single-Family – Garden Office Overlay District

LOCATION: The site is located in the North Tustin area at 12241 Newport Avenue, within the 3rd Supervisorial District.

APPLICANT: Verizon Wireless, applicant
Mericom Corporation, agent

STAFF James Thue, Project Manager

CONTACT: Phone: (714) 834-2179 FAX: (714) 834-4652

SYNOPSIS: Current Planning Services Division recommends Planning Commission approval of PA02-0052 subject to the attached Findings and Conditions of Approval.

BACKGROUND:

Verizon Wireless is proposing the installation of a stealth communication facility to be located at an existing office building in the North Tustin area. The project site is zoned “Specific Plan” and is designated by the North Tustin Specific Plan as RSF-GO (Residential Single-Family – Garden Office Incentive Overlay District). The existing office building was approved under Site Development Permit SP84-65 and VA84-17. SP84-65 permitted the office building to be constructed and variance VA84-17 permitted the structure to encroach into the rear yard setback. The approved site plan and variance allowed for the demolition of an existing single-family dwelling and the construction of an 11,712 square foot office building. The office building measures 28 feet high, which is the maximum permitted height for office buildings in the RSF-GO District. Site Plan SP84-65 required a total of 42 parking spaces. The site currently contains 43 parking spaces and a garage structure. The proposed facility will require the elimination of one parking space, however the parking requirements per SP84-65 will still be met.

According to the North Tustin Specific Plan, public and private utility structures and uses are a principal use permitted subject to a site development permit. However, the maximum permitted height for the district is 28 feet. Zoning Code Section 7-9-129.2 permits antennas to exceed the district height by ten feet.

Therefore, the facility is permitted to a height of 38 feet. The project as originally submitted called for a 43’ tall stealth flagpole – a deviation of 5 feet. The flagpole was to be located in a landscaped island in the center of the parking lot. Approval of a Use Permit is required for over-height structures.

SURROUNDING LAND USE:

Direction	Zoning	Land Use Designation/Existing Land Use
Project Site	North Tustin Specific Plan	RSF-GO (Garden Office)/ Office
North	North Tustin Specific Plan	RSF-GO (Garden Office)/Office
South	North Tustin Specific Plan	RSF-GO (Garden Office)/Office
East	North Tustin Specific Plan	RSF-PD (Planned Development)/Residential
West	North Tustin Specific Plan	RSF-CI (Consolidated Incentive)/Residential



REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed and posted as required by law. A copy of the planning application and a copy of the proposed site plan were distributed to various county divisions for review and comment. As of the writing of this staff report, no objections to the project have been received from County Divisions. The proposal was also sent to the North Tustin Advisory Committee for review. NTAC denied the proposal on September 18, 2002. See below for a detailed discussion of NTAC actions.

CEQA COMPLIANCE:

Negative Declaration No. PA020052 has been prepared and was posted for public review on August 22, 2002. It is attached for your consideration and must be approved prior to project approval with a finding that it is adequate to satisfy the requirements of CEQA.

DISCUSSION/ANALYSIS:

Due to issues raised by the North Tustin Advisory Committee (NTAC) the proposal has been redesigned. The facility will be stealthed as a 38' tall mono-palm. The monopalm will be located near the southern property line away from the nearby residential neighborhood. The stealth communication facility will also require the installation of four equipment cabinets located inside an enclosure. All the equipment will be located adjacent to an existing trash enclosure adjacent to a landscaped island. The proposed equipment enclosure will be designed to match the existing trash enclosure. Due to the reduced height of 38' tall a Use permit is no longer required for the proposal.

The Verizon lease area will measure 150 square feet and will be located on an existing landscaped area in the middle of the parking lot for the existing office building. The lease area will include a concrete enclosure measuring 9 feet wide, 16'8" long, and 7' tall. Five associated equipment cabinets and a GPS antenna along with other supporting equipment will be located behind the wall. The supporting equipment will require the loss of one parking space. See Exhibit 3 for detailed site plans.

NTAC:

The project went before the North Tustin Advisory Committee (NTAC) on four separate occasions. March 20, 2002 the applicant went to NTAC as an off agenda item. NTAC recommended that the applicant change the design from a flagpole design to a tree design and move it further from residences. June 19, 2002 the applicant met as an on addenda item and presented the same flagpole design. NTAC requested that the proposal be revised. July 17, 2002 the applicant met as an off agenda item and presented a redesigned flag pole proposal. NTAC was not in support of the proposal and asked the applicant to make some inquiries about the design and location. September 18, 2002 the applicant went before NTAC and presented a mono-palm design to be located further from the residential neighborhood and closer to the street. The applicant explained that there were other palm trees in the neighborhood and that Verizon would plant an additional palm tree to help create a stealthed facility. Neighbors voiced concerns about health effects and visual impacts to the local community. NTAC denied the project.

FCC REGULATIONS:

The Federal Communications Commission (FCC) has required cellular companies to meet minimum guidelines regarding safe human exposure to radiation frequency (RF) emissions. There is no conclusive evidence that any negative health impacts are associated with facilities operated below Federal standards. However, the FCC and research agencies are continuing to study the possible effects of cellular equipment on humans. Under the provisions of the Telecommunications Act of 1996 Section 704, the FCC was charged with setting guidelines for environmental radio-frequency emissions. The Telecommunications Act of 1996 Section 704 states, "No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions."

CONCLUSION AND SUMMARY

The proposed project is a principle permitted use within the Residential Single Family (RSF) District as designated in the North Tustin Specific Plan subject to a Site Development Permit. Several existing live palms are located on the project site. Three palms are located in front of the existing office building, one behind the office building, one behind the property, and Verizon is proposing to add an additional palm tree adjacent to the proposed mono-palm. Staff, therefore, believes the stealthed mono-palm will fit in with the existing landscape. This site plan permits the revised proposal to locate the antennas at a maximum height of 38 feet. Staff supports approval of this project provided the applicant agree to the conditions of approval recommended for this project as stated in Appendix B.

RECOMMENDED ACTION:

Planning and Development Services Department/Current Planning Services Division recommends the Planning Commission:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve PA02-0052 for Site Development Permit subject to the attached findings and conditions of approval.

Respectfully submitted

George Britton, Manager
Current Planning Services

APPENDICES:

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

EXHIBITS:

- 1. Site Photo
- 2. Applicant's Letter of Explanation
- 3. Site Plans

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Orange County Planning Commission on this permit to the Board of Supervisors 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.