

**PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT**

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**DATE:** October 31, 2002

**TO:** Orange County Zoning Administrator

**FROM:** Planning and Development Services Department/Current Planning Services Division

**SUBJECT:** Public Hearing on Planning Application PA02-0068

**PROPOSAL:** The applicant is requesting approval of a Site Development Permit to construct a 4,000 square foot wireless telecommunications facility. This facility includes five equipment shelters for multiple (co-located) wireless carriers and a 4-sided 65-foot high lattice style cell tower. A Use Permit is requested to allow a 65-foot high tower when the standard height is 45 feet. The project proposes a minimal amount of grading in order to create a 15-foot x 200-foot road as a connector to an existing dirt road that serves an existing citrus operation.

**LOCATION:** The project site is located in unincorporated Orange County, east of the City of San Juan Capistrano, west of Antonio Parkway and north of Ortega Highway at 28803 Ortega Highway, San Juan Capistrano. Fifth Supervisorial District.

**APPLICANT:** RMV Telecom, LLC (a division of Rancho Mission Viejo Co.)

**STAFF CONTACT:** William V. Melton, Project Manager  
Phone: (714) 834-2541 FAX: (714) 667-8344

**SYNOPSIS:** Current Planning Services Division recommends Zoning Administrator approval of PA02-0068 for Site Development Permit and Use Permit subject to the attached Findings and Conditions of Approval.

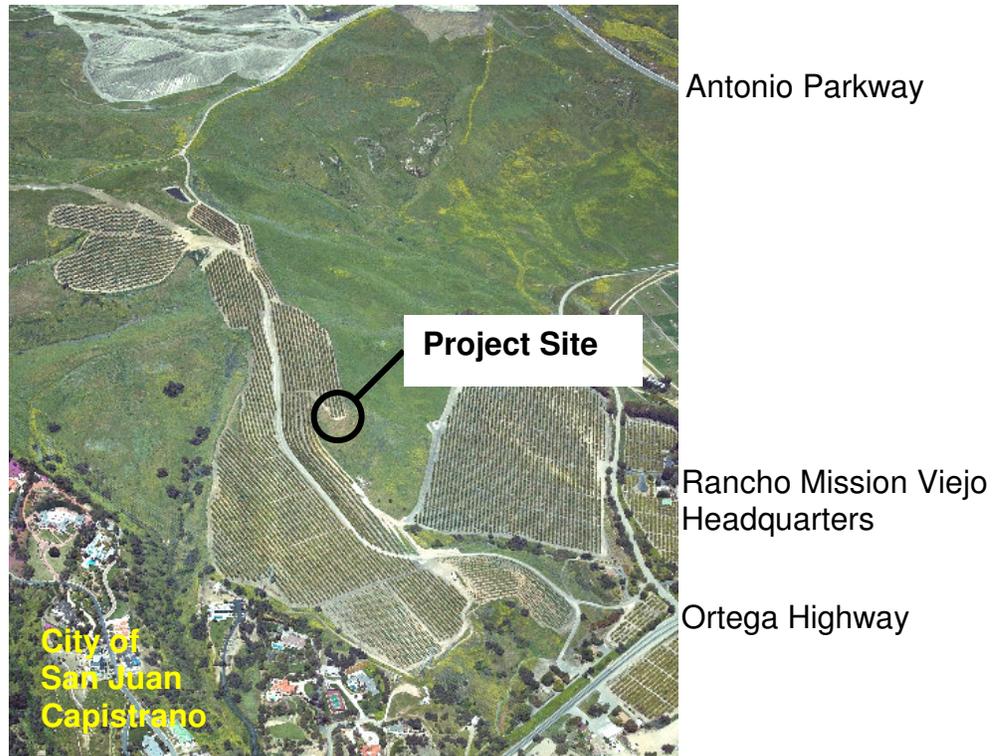
**BACKGROUND:**

The subject 4,000 square foot lease site measures in part 62 feet by 87 feet and is part of a larger site owned by the Rancho Mission Viejo Co. which is zoned A1 "General Agricultural" District. Rancho Mission Viejo Co. maintains its headquarters building on a portion of the site with the surrounding area used for agricultural purposes. The proposed cell site is presently used as a citrus grove, and approximately twelve lemon trees would be removed subject to project implementation. This cell site is referred to as the "Lemon Grove" site.

The proposal calls for the installation of a 65 feet tall, 4-sided cell tower with multiple antennas and equipment areas for up to five (5) cellular telephone providers, all within a fenced area. Access to the cell site is from an existing private agricultural road from Ortega Highway to a new unpaved access road to the site. The proposal is in association with other cell sites proposed and being constructed by the applicant in the Ladera Planned Community and other proposed locations near Ortega Highway.

**SURROUNDING LAND USE:**

The proposed project lease site and surrounding area is zoned A1 “General Agricultural” District and has a land use designation of OS “Open Space” in the County’s General Plan. The cell site and surrounding land use is agricultural and presently used as a citrus grove. The overall site is also used as the Rancho Mission Viejo Co. headquarters. The closest residential use is in the City of San Juan Capistrano approximately 1,200 feet to the southwest. The photo below depicts the surrounding land use.



**REFERRAL FOR COMMENT AND PUBLIC NOTICE:**

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject cell 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 distributed for review and comment to 6 County Divisions, the City of San Juan Capistrano, the Orange County Fire Authority and the Orange County Sheriff’s Department. As of the writing of this staff report, no comments raising issues with the project have been received from other County. The City of San Juan Capistrano did not submit comments. Comments from the Orange County Fire Authority and the Orange County Sheriff’s Department have been incorporated into the project’s Conditions of Approval.

**CEQA COMPLIANCE:**

Negative Declaration No. PA020068 (Exhibit 2) has been prepared for this proposal. It was posted for public review on October 7, 2002 and became final on October 28, 2002. Prior to project approval, the Zoning Administrator must find this ND adequate to satisfy the requirements of CEQA. Appendix A contains the required CEQA Finding.

**DISCUSSION/ANALYSIS:**

The cell site is zoned A1 “General Agricultural” District and Zoning Code Section 7-9-55.3 permits “communication transmitting, reception or relay facilities” subject to the approval of a Site Development Permit per Zoning Code Section 7-9-150. Section 7-9-150 permits approval of the Site Development Permit administratively without the need for a public hearing. However, the project’s proposed support tower exceeds the permitted antenna height of 45 feet and a Use Permit, for an over height antenna per Zoning Code Section 7-9-129.2 is required. Said Use Permit requires approval by the Zoning Administrator at a public hearing. Since part of the proposal requires a public hearing, the entire proposal is submitted to the Zoning Administrator for approval.

As mentioned in the Background section of this report, this cell site is part of a series of permanent cells sites proposed to provide wireless telephone service to residents of Ladera community to the north and also travelers on Ortega Highway. The first of these cell sites was approved by the Planning Commission in August 2002 under Planning Application PA02-0069 for a cell site for five (5) providers in the Urban Activity Planning Center, Planning Area 6 of the Ladera PC. A second cell site located further east on Ortega submitted under Planning Application PA02-0070 is still under review at this time. A third cell site, located between the Planning Area 6 site and this subject site, is being studied by the landowner and has not yet been submitted for County review. In addition to the permanent sites, several temporary portable cell facilities, referred to as *cell on wheels* or *COW*, have been approved. These COW sites serve both residents of Ladera and travelers on Ortega Highway and will be removed when the permanent sites become operational.

The proposed Lemon Grove cell site is located approximately 1,200 feet east of the nearest residential area, which is in the City of San Juan Capistrano. The site is separated from the residential area by existing overhead electrical transmission lines and support towers in two rows. The proposed site is located over 1,900 feet north of Ortega Highway. The applicant proposes to use a non-camouflaged, non-stealth 4-legged lattice type antenna structure. Since this structure is not located near residential uses or Ortega Highway, there should be little if any visual impacts.

The Rancho Mission Viejo Co. property around the site may in the future be developed into some type of residential use. The lattice antenna tower currently proposed may not be compatible with these future residential uses. However, there are no plans currently proposed for future surrounding uses that would allow in-depth visual elevations for compatibility of the proposed facility and future uses. Nonetheless, a mitigation measure in the Negative Declaration and a condition of approval to this Use Permit has been drafted and included to allow future evaluation. The tower may have to be removed and replaced with other more residential visibly compatible structure or structures. The Negative Declaration prepared for this proposal includes the following mitigation measure:

*Coincident with the approval of any development project(s) within 1,200 feet of PA020068 (the applicant is an affiliate of the owner of all lands within 1,200 feet of PA020068), but no later than every 5 years from the effective date of this permit, the applicant shall provide an update to the director of the Planning and Development Services Department regarding all proposed development within 1,200 feet of PA020068. If any such update indicates that new development of any lands within 1,200 feet of PA020068 is proposed, then the director of the Planning and Development Services Department may require the applicant to make modifications to the wireless facilities constructed under PA020068 which cause them to be visually compatible with any proposed new development. Such modifications shall be limited to those which lessen the visual impacts on surrounding development (i.e., camouflage, screening, “stealth” redesign or other similar techniques). Further, such proposed modifications shall be processed through the Changed Plan procedures of Zoning Code Section 7-9-150.3 (h). When all development approvals have been granted by the County for all lands within 1,200 feet of PA020068, this condition of approval shall terminate and the applicant shall no longer be required to submit the updates described above.*

The mitigation measure above has been incorporated into Condition of Approval Number 10 in Appendix B. With the above condition of approval staff can support the proposal. The facility is necessary to provide adequate cellular phone service to existing and future residents in the vicinity, and to travels on Ortega Highway. Project approval will allow a proposal that is compatible with existing and future land use. Staff submits a recommendation as follows.

**RECOMMENDED ACTION:**

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA02-0068 for Site Development and Use Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Chief  
CPSD/Site Planning Section

WVM

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**APPENDICES:**

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

**EXHIBITS:**

- 1. Site Plan/Use Permit Submittal Package including:
  - a. Applicant's Letter of Explanation
  - b. Supplemental project information
  - c. Expanded project location map
  - d. Photo simulations
  - e. View analysis maps
  - f. Project site plans
- 2. Environmental Documentation
- 3. Site aerial photos

**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 filing fee of \$760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to the Planning and Development Services Dept.