

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: May 15, 2003

TO: Orange County Zoning Administrator

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

SUBJECT: Public Hearing on Planning Application PA03-0028 for Site Development Permit and Use Permit

PROPOSAL: The applicant requests approval of a Site Development Permit to establish a wireless telecommunication facility (cell site) on leased land measuring 40 feet x 50 feet. The project site is zoned A1 "General Agricultural" District, where cell sites are permitted under Zoning Code Section 7-9-55.3. A Use Permit per Zoning Code Section 7-9-129-2 is required because the monopole exceeds a height of 45 feet. The proposal also includes a temporary "cell on wheels" portable cell facility including a 56 feet high antenna support mast and a portable generator.

LOCATION: The proposed cell site is located southerly of Irvine Blvd. between Sand Canyon Ave and the Eastern Transportation Corridor (SR 133). Third Supervisorial District

APPLICANT: The Irvine Company, land owner
Verizon Wireless, site developer

STAFF William V. Melton, Project Manager

CONTACT: Phone: (714) 834-2541 FAX: (714) 667-8344

SYNOPSIS: Current Planning Services Division recommends Zoning Administrator approval of PA03-0028 for Site Development Permit and Use Permit subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The project site is located within an active farming area. The applicant requests approval of a Site Development Permit to establish a wireless telecommunication facility (cell site) measuring 40 feet x 50 feet on leased land. The project site is zoned A1 "General Agricultural" District, where cell sites are permitted under Zoning Code Section 7-9-55.3. The project is within the sphere of influence of the City of Irvine. The Irvine Company has processed an application with LAFCO for annexation of the site and surrounding properties into the City of Irvine. It is expected the annexation will take place in the summer of 2003. Accordingly, the applicant has involved the City of Irvine Development Services Department in the processing of this application to ensure consistency with Irvine's applicable development regulations. The subject parcel has been pre-zoned by the City of Irvine as 5.5 E, Medical and Science, allowing for biomedical, high technology, medical research and education, and light manufacturing. Land to the north and south of the subject parcel are also pre-zoned 5.5 E. Proposed land uses to the east, across SR 133, is

the MCAS El Toro, which will become part of the City’s Great Park plan. Land use across Sand Canyon Avenue to the west is multi-use, retail/commercial

The proposed cell site includes fencing/walls, an equipment shelter, an emergency generator and 33 panel antennas (21 antennas for this Verizon proposal and up to 12 antennas for a possible second carrier) and two microwave dish antennas up to 4 feet in diameter mounted to a 60 feet tall co-locatable monopole. A Use Permit per Zoning Code Section 7-9-129-2 is required because the monopole exceeds a height of 45 feet. The proposal also includes a temporary “cell on wheels” (referred to as a COW) portable cell facility including a 56 feet high antenna support mast and a portable generator that the applicant estimates will be in use for approximately 5 months. The proposed permanent cell site may replace one or two existing sites located to the west on Jeffery Road near Irvine Blvd approved under PA95-0149 and PA96-0103 that are being displaced due to landowner development in the area.

SURROUNDING LAND USE: (also see air photo on next page)

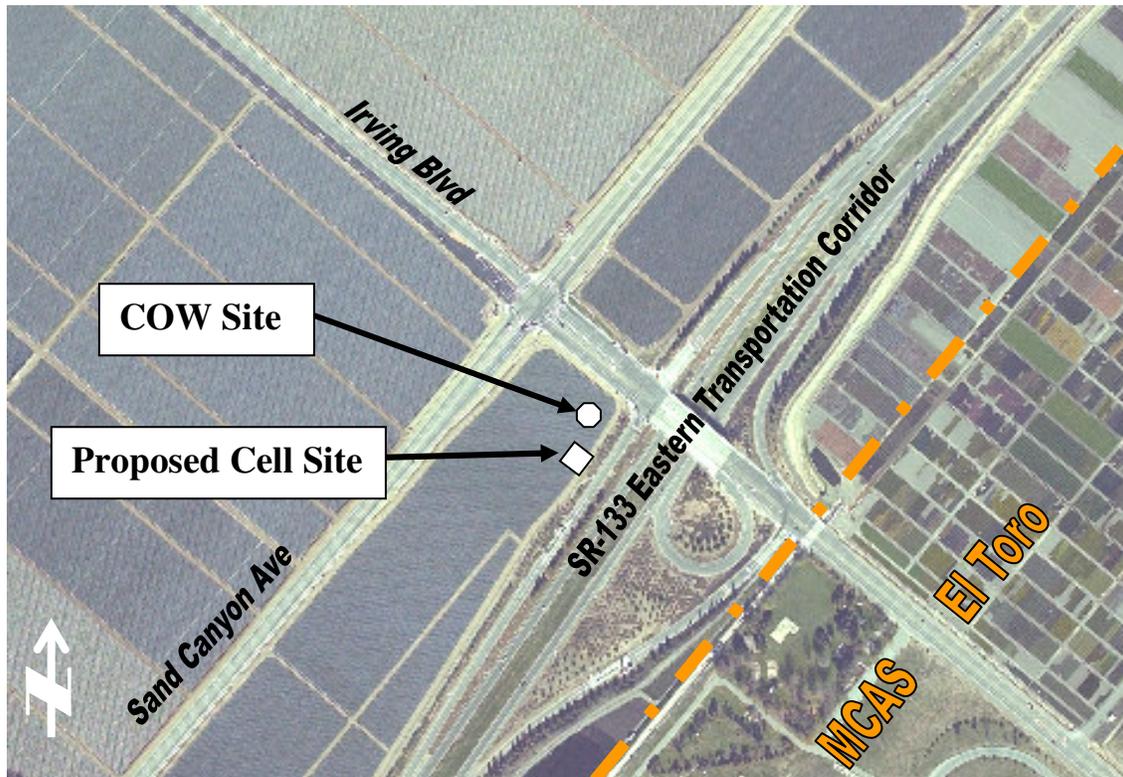
Direction	Zoning District	Current Land Use
Project Site	A1 “General Agricultural”	Agricultural uses
North	A1 “General Agricultural”	Agricultural uses
South	A1 “General Agricultural”	Agricultural uses
East	A1 “General Agricultural”	Eastern Transportation Corridor (SR 133) and the closed MCAS El Toro
West	A1 “General Agricultural”	Agricultural uses

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

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 distributed for review and comment to five County Divisions, the Airport Land Use Commission, the City of Irvine and the North Irvine Villages Association. As of the writing of this staff report, no comments raising issues with the project have been received from other County that could not be addressed through the incorporation of Conditions of Approval.

The City of Irvine Development Services commented in a letter dated April 29, 2003 (Exhibit 2) that they supported the proposal because they felt that the use would be appropriate with the property because a light industrial use when the City’s annexation of the site is complete. The North Irvine Villages Association commented in a letter dated April 11, 2003 (Exhibit 3) that they had no serious objections to the proposal but suggested that the microwave dishes be painted an earth tone color with no name/label or advertising to appear on the dishes. The Airport Land Use Commission commented in a memo dated April 16, 2003 that the proposal might be subject to review by the FAA.

(Surrounding land use air photo)



CEQA COMPLIANCE:

PDSD/Environmental Planning Services Division determined that the proposed project is Categorically Exempt (Class 3, construction of limited numbers of new small structures or facilities) per Section 15031 of the CEQA Guidelines. Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

The applicant is proposing to install a typical unmanned mobile cellular telecommunications facility that includes the use of a monopole with antennas mounted on support arms and small microwave dishes on two levels of the monopole. Because the site is not located near a sensitive open space/park area or near residential areas, “stealthing” of the support tower and antennas was not essential for this proposal. The facility has been designed to have the capacity to serve more than one telecommunications carrier. It is staff’s understanding that the proposed facility could result in the consolidation of two nearby wireless communication facilities currently located along Jeffery Road (see Exhibit 1, photos 2 and 3) to the north that will be removed from the site because of new development on the site by the Irvine Company. The applicant indicated that the second carrier, Cingular Wireless, is being offered the right of first refusal to be located at this Verizon facility.

The height of the pole, 60 feet, exceeds the 45-foot limitation for antennas in the A1 zoning District, however, Zoning Code Section 77-9-129.2, "Antennas," provides that this limit may be exceeded with approval of a use permit by the Zoning Administrator. The proposed 60 feet high antenna support tower is necessary to provide telecommunications service to the area and is offset by the benefits of potentially consolidating two nearby antenna poles, and in meeting the increasing demand for wireless communication service. Additionally, the proposed monopole is similar in height and design to the two previously approved monopoles on Jeffery.

As noted, this proposal also includes the use of a temporary COW facility. As explained by the applicant, because of several technical reasons and so as to provide uninterrupted coverage in the service area, both the existing facility on Jeffery and a temporary facility are required to be operational until the new permanent system becomes fully functional. Once the permanent system is operational, the COW facility will be removed from the site. The applicant has provided an estimate that the COW facility will be required for approximately 5 months. A condition of approval requires the COW facility to be removed within 30 days following the permanent wireless cell facility becoming operational.

The site and permanent monopole will be highly visible from nearby streets and roads because it is located in a flat field adjacent to other flat fields. To help mitigate potential visual impacts, a block wall and landscaping will surround the site and the monopole and antennas and dishes will be painted in earth tone colors as suggested by the North Irvine Villages Association. Staff notes that since the COW site is temporary, no landscaping is proposed. As The Irvine Company develops the subject property with permitted uses under City of Irvine zoning, it is likely that the cell site will be substantially screened from view by the public traveling on Irvine Boulevard and Sand Canyon Avenue. Importantly, the applicant noted the City of Irvine Development Services staff have been included in the consideration of this planning application.

It should be noted that because MCAS El Toro remains under the ownership of the Federal Government, this application was forwarded to the Airport Land Use Commission. The ALUC commented that the project "may" require FAA review due to Federal Aviation Regulations requiring structures exceeding certain heights to seek an FAA determination that the structure does not pose a hazard to air navigation. The applicant will submit documentation confirming this telecommunications facility does not require notice to the FAA due to its height and location.

CONCLUSION:

The proposed site has an A1 District zoning designation and a Land Use Element of Open Space in the General Plan, where communication facilities are a permitted use. Further, the City of Irvine has expressed no major concerns with the compatibility of the site to the proposed future development of the area. This antenna project is consistent with Orange County's land use designation providing for opportunities for low-intensity, high technology facilities that do not require a commitment of significant infrastructure. Wireless communication facilities are based on technical requirements, which include service area, geographical elevations, alignment with neighboring sites and customer demand components. The proposed site's characteristics meet all these requirements, thus enabling effective provision of telecommunications service in the area, in addition to being party of a continuing countywide effort to provide adequate communication services throughout the transportation corridors. Staff therefore supports the applicant's proposal and makes 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 PA03-0028 for Site Development Permit and Use Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Chief
CPSD/Site Planning Section

WVM

Folder: C:\My Documents\Use Permits\Use Permit 2003\PA03-0028 Staff Verizon.doc

APPENDICES:

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

EXHIBITS:

1. Applicant's Letter of Explanation
2. Comment letter from the City of Irvine
3. Comment letter from the North Irvine Villages Association
4. Environmental Documentation
5. Site Photos
6. Site Plans

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 Street, Ground Floor, 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 Department.