

ITEM #5

RESOURCES & DEVELOPMENT MANAGEMENT DEPARTMENT

MS Word Export To Multiple PDF Files Software - Please purchase license.

- DATE:** February 19, 2003
- TO:** Orange County Zoning Administrator
- FROM:** Resources and Development Management Dept/Current Planning Services Division
- SUBJECT:** Public Hearing on Planning Application PA03-0080 for Site Development Permit/Use Permit
- PROPOSAL:** The applicant request approval of a Site Development Permit/Use Permit to establish a wireless telecommunication facility on property zoned A1 "General Agricultural" District as permitted by Zoning Code Sections 7-9-55.3 and 7.9-129.2. The proposal facility includes the installation of two monopoles and equipment areas/shelters for up to five (5) wireless phone providers, all within a fenced lease area measuring approximately 30 feet x 100 feet. One monopole is 80 feet high with 5 levels of panel antenna groups. The second monopole is 65 feet high with 2 levels of panel antenna groups) The monopoles are proposed to be camouflaged in a way to resemble pine trees. A use permit is requested to allow the monopoles to exceed the 45 feet standard height limit.
- LOCATION:** The project site is located east on the City of San Juan Capistrano within an existing nursery operation called the Tree of Life Nursery. The proposed facility is located on the west side of the nursery and 100 feet north of Ortega Highway (SR 74). The site address is 33201 Ortega Highway, San Juan Capistrano. Fifth Supervisorial District
- APPLICANT:** Rancho Mission Viejo Company/RMV Telecom, LLC, owner/developer
Jay Bullock, Planning Solutions, agent
- STAFF CONTACT:** William V. Melton, Project Manager
Phone: (714) 834-2541 FAX: (714) 834-3522
- SYNOPSIS:** Current Planning Services Division recommends Zoning Administrator approval of PA03-0080 for Site Development Permit/Use Permit subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The proposal is located in an existing nursery called the Tree of Life. A 30 feet x 100 feet lease area on the western portion of the nursery has been set aside for use as wireless telecommunication facility project. The proposed site is adjacent to dense rows of trees on the west and south side of the project. On the west side of the site, the tops of the trees range in height between 30 to 43 feet above the site's finished pad elevation. On the south side of the site (between the site and Ortega Highway and runs along the complete nursery frontage on Ortega Highway), the tops of the trees range in height between 23 to 43

feet above the site's finished pad elevation (see surrounding land use photo below). The project site is level and minimal grading will be required to establish the required equipment and antenna support monopoles. Access to the Tree of Life nursery is from the north side of Ortega Highway. Access to the project site is from existing unpaved nursery roads. The nursery land is owned by the Rancho Mission Viejo Company (RMVC) and leased to the Tree of Life. RMV Telecom, LCC is a subsidiary of RMVC, and was created to provide a network of wireless telephone cell sites for multiple wireless providers on RMVC owned properties in the Ladera PC and surrounding areas.

The purpose of this proposal (and a similar project being concurrently processed under Planning Application PA03-0081) is to provide additional wireless telephone coverage along Ortega Highway for the residents of Ladera and other travelers along the highway. This proposal, together with other approved and constructed wireless telephone cell sites in Ladera and surrounding areas will help provide a complete network of wireless telephone coverage on Ortega Highway from Interstate 5 to the Orange/Riverside boundary.

SURROUNDING LAND USE:

The leased site area and all surround properties are zoned A1 "General Agricultural" District with a SR "Sign Restriction" District overlay. The Tree of Life nursery surrounds the project site area. Land to the south of Ortega Highway carries the same zoning and is undeveloped open space.



REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site (which is only the applicant). Additionally, a notice was posted at the site (on Ortega Highway and the Tree of Live Nursery entrance driveway), 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 seven County Divisions, the Orange County Sheriffs Department and the City of San Juan Capistrano. As of the writing of this staff report, no comments raising issues with the project, except from the Orange County Fire Authority, have been received from other County divisions. The City of San Juan Capistrano did not submit comments. The Fire Authority originally did not provide comments or conditions because the site was not able to meet fire access requirements. The applicant and the Fire Authority have since agreed on an "Alternate Materials and Method Request" to provide adequate fire coverage for the site. The Fire Authority conditions required for this proposal are included as Condition of Approval No. 7 as requested by the Orange County Fire Authority's letter dated February 3, 2004 (Exhibit 2).

CEQA COMPLIANCE:

Negative Declaration No. PA030080 (Exhibit 3) has been prepared for this proposal. It was posted for public review on September 24, 2003 and became final on October 14, 2003. Prior to project approval, this ND must be found adequate to satisfy the requirements of CEQA by the Zoning Administrator. Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

The proposed wireless site, along with sites previously approved under PA02-0068, PA02-0069, PA03-0041 in the Ladera Planned Community and a pending site being processed under PA03-0081 (also scheduled to be heard by the Zoning Administrator on February 19, 2004), are part of the RMVC master plan to provide wireless telephone coverage, in Ladera, along Ortega Highway and the company's future development areas. There was another site (located further east and on the north side of Ortega Highway) submitted under PA02-0070 was withdrawn because of a zoning issue. An additional site in the southern portion of the Ladera PC is being considered by the applicant but has yet to be submitted to the County. Each site in the master plan is designed to provide facilities for up to five wireless telephone providers. Each site is unique and designed with different elements to help blend the facility in with the surrounding area that it is located and incorporate visual issues.

Because the location of the proposed facility is close to Ortega Highway, the applicant along with staff determined that two monopoles, 80 and 65 feet in height, camouflaged to resemble pine trees, which is called a "monopine", would be appropriate for this site. The alternate to the two monopines would be a much taller support tower (100 feet in height) to accommodate the equipment required by the five wireless providers. The applicant submitted both proposals to staff to review. See the photo simulations of the two proposals in Exhibit 1. The taller monopine would have antennas for three carriers and a microwave dish at the 80-foot level. The shorter monopole would have antennas for two carriers. The proposed monopines have branches that extend an additional five feet above the top of the structure

bringing the total height to 85 feet and 70 feet. The lowest branches of each monopine starts at a height of 30 feet above grade. The smaller monopine is located closest to Ortega Highway.

In addition to the two monopines, the proposal includes ground-mounted equipment required by all five carriers. This includes several equipment cabinets and four equipment shelters up to 10 feet high by 12 feet wide by 20 feet long. All the equipment will be on a concrete pad and surround by a 6 feet high security fence with three strands of barbed wire. All equipment required for this proposal is all within a 30 feet x 100 feet lease area. All outside electrical power required to the site will be underground. Emergency back-up power will be by on-site batteries. No above ground or below ground flammable fuel storage is proposed. Access to the wireless facility is from existing Tree of Life nursery unpaved roads leading to Ortega Highway (see sheet A-1 of Exhibit 4 Site Plans). Because the site is close to Ortega Highway, HBP commented that Ortega Highway was in a Viewshed Corridor and recommend a building Color Palette plan and a Landscape Palette plan. Their recommendations are included as Conditions of Approval Numbers 11 and 12.

CONCLUSION:

The wireless cell site is an absolute necessity in today's mobile society. The location of the proposed cell site is in an excellent choice because of the existing screening from Ortega Highway provided by the rows of trees to the west and south. The proposed use of monopines has proven to be a good stealthing technique in sensitive and urban areas where reduction of potential visual impacts is required. Conditions addressing building color and additional landscaping have been incorporated into the project to further reduce any visual impacts. The proposal is part of the RMVC master plan for providing wireless phone coverage. Staff was made aware of this site and other cell sites several years ago. This proposal complements the other sites that have been approved or are pending approval. Staff supports this proposal and makes a recommendation for approval as shown below.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA03-0080 for Site Development Permit/Use Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

(signed original on file)

Chad G. Brown, Chief
CPSD/Site Planning Section

WVM

Folder: My Documents/Use Permits/Use Permits 2003/PA03-0080 Staff 2-19 Tree of Life

APPENDICES:

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

EXHIBITS:

- 1. Applicant's Letter of Explanation, including photo simulations of proposal
- 2. OCFA comment letter dated January 27, 2004
- 3. Negative Declaration
- 4. Site Photos
- 5. 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 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 Resources and Development Management Department.