

ITEM #6

RESOURCES & DEVELOPMENT MANAGEMENT DEPARTMENT

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- DATE:** February 19, 2004
- TO:** Orange County Zoning Administrator
- FROM:** Resources and Development Management Dept/Current Planning Services Division
- SUBJECT:** Public Hearing on Planning Application PA03-0081 for Site Development Permit/Use Permit
- PROPOSAL:** The applicant request approval of a Site Development Permit/Use Permit to modify an established telecommunication facility on property zoned A1 "General Agricultural" District as permitted by Zoning Code Sections 7-9-55.3 and 7.9-129.2. A Use Permit is requested to allow the proposed antenna support monopole to exceed the standard 45 feet high limit permitted for antennas.
- LOCATION:** The project site is located east of the City of San Juan Capistrano, 5 miles east of Interstate 5 and 5,000+ feet north of Ortega Highway (SR 74). The site is just north of and accessed through an existing nursery operation called the Color Spot Nursery, which is near Christianitos Canyon Road. The site address is 31129 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 PA03-0081 for Site Development Permit/Use Permit subject to the attached Findings and Conditions of Approval.

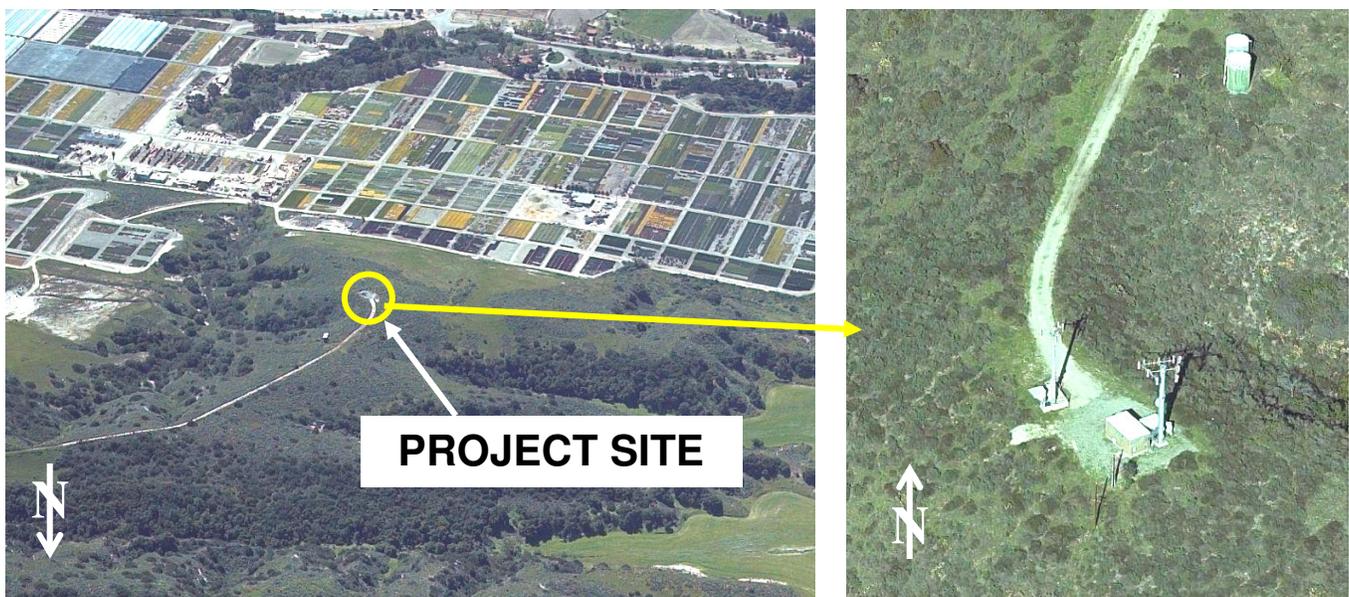
BACKGROUND:

The project site is located east of the City of San Juan Capistrano in a remote area of southern Orange County on a hill overlooking the San Juan Creek valley. The site is currently developed with two wireless phone cell facilities approved under Planning Applications PA95-0126 and PA98-0097 for Site Development Permits. Each of the existing cell site facilities includes a 45 feet high monopole with panel antennas and support equipment and equipment shelter. Access to the site is from an existing easement road through the Color Spot Nursery leading to Ortega Highway. A third wireless phone provider was approved under PA01-0125, which proposed using self-contained equipment and a 45 feet high sectional monopole mounted on a trailer. This type of facility is referred to as a Cell on Wheels or COW, which is typically an interim use designed to be replaced by a permanent facility. The COW was never established at the site and the Site Development Permit became invalid in February 2003.

The new proposal includes installation of one new 65 feet high antenna support monopole with 5 levels of panel antenna groups and microwave dishes. The two current wireless phone providers at the site and up to three additional wireless phone providers will use the new facility. The two existing 45 feet high antenna support poles and antennas will be removed after the operational status of the two wireless phone provider's relocated antennas. New equipment areas/shelters are included in the proposal. A small expansion of the site is proposed to provide for a fire truck turnaround area.

SURROUNDING LAND USE:

The project site and all surrounding properties are zoned A1 "General Agricultural" District. As seen in the air photo below, the property surrounding the site is undeveloped and owned by Rancho Mission Viejo Company. The area to the top of the picture (south of the site) is the Color Spot Nursery, which is also leased from Rancho Mission Viejo Company.



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 Color Spot 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. PA030081 (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 PA03-0080 (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 but had to be withdrawn because of a unique 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.

In addition to the 65 feet high monopole, the proposal includes new ground-mounted equipment on concrete slabs, one 10 feet high by 11 feet wide by 20 feet long equipment shelter and a new 1,000-gallon water storage tank to be used for fire fighting purposes. The new equipment areas will be surrounded on three sides by 5 feet high fence using steel pipe and cable to match existing cattle fences on surrounding properties. The equipment area and an equipment shelter used by the two existing carriers will remain in place. An existing overhead power pole at the south end of the site will be replaced with a similar power pole. All outside electrical power required to the site will be from that pole. 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 Color Spot nursery’s unpaved roads leading to Ortega Highway (see sheet A-1 of Exhibit 4 - Site Plans).

Because the site is in a remote area with no residential uses nearby and because the site is 5,000 feet away from Ortega Highway, staff is not recommending conditions for “stealth” (disguising of a monopole using plastic elements to make the pole look like a pine tree, palm tree, fir tree or other techniques), landscaping or a color palette for the equipment shelters. This is unlike the stealth, landscaping and color palette recommended for the two monopoles cell site near Ortega Highway proposed under Planning Application PA03-0080 (also scheduled to be heard at the February 19, 2004 Zoning Administrator hearing).

CONCLUSION:

The wireless cell site is an absolute necessity in today's mobile society. 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. Stealthing techniques are not being incorporated into the proposed 65 feet high monopole because it is located some 5,000 feet from Ortega Highway and there are no residential uses in the area. Staff also believes that if there were any visual impacts from Ortega Highway, the impacts on one 65 feet support pole should be less than the two existing 45 feet high support poles. 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 PA03-0081 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

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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.