

RDMD/Planning and Development Services

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DATE: February 9, 2005

TO: Orange County Planning Commission

FROM: RDMD/PDS/Current and Advance Planning Services

SUBJECT: Public Hearing on Planning Application PA04-0090 for Site Development Permit

PROPOSAL: The applicant requests site plan approval of a private, non-commercial neighborhood recreational facility "Mission Hills Park" and a telecommunication facility "cell site" on a 1.9 acre (83,600 square feet) site. The park site will be developed on and around two existing to be buried water storage tanks and includes a tot lot, an open courtyard area, pathways, turf areas and off site street parking. The cell site will be housed in a mission design 52 feet high, four level structure. The structure is designed to accommodate multiple wireless telephone providers.

LOCATION: The project is located in the Covenant Hills development area of the Ladera Planned Community, north of Ortega Highway and west of Antonio Parkway. The project site is located north of the intersection of Bell Pasture Road and Crespi Circle at 29411 Bell Pasture Road. Fifth Supervisorial District.

APPLICANT: DMB Ladera, LLC/RMV Telecom LLC property owner/developer
Jay Bullock, Planning Solutions, agent

STAFF CONTACT: William V. Melton, Project Manager
Phone: (714) 834-2541 FAX: (714) 834-3522

SYNOPSIS: RDMD/PDS/Current and Advanced Planning Services recommends Planning Commission approval of PA04-0090 for Site Development subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The subject project is located in the southern area of the Ladera PC, in Planning Area 5, which is referred to as Covenant Hills Village. Planning Area 5 has a land use designation of Residential and has an approved Area Plan that was approved June 29, 1999 under Planning Application PA99-0061. The approved Area Plan provided for a 1.0 to 3.9-acre neighborhood park in this area. The site is developed with two water storage tanks under construction and to be buried. The larger of the two tanks has a diameter of approximately 165 feet (located in the center of the site) and the smaller tank has a diameter of approximately 75 feet (located northerly of the large tank).

The proposed park plan calls for an open court area, with a decomposed granite surface area, over the large buried tank, which is located in the center of the park area. A tot lot with resilient surfacing and play

equipment is proposed over the smaller buried tank (located northerly of the large tank). Seating areas, some with wooden overhead structures, are located throughout the park area and are connected by handicapped accessible pathways. The other areas in the park will have turf and landscaping. A 6 feet high tubular steel fence will enclose this area of the park site.

A wireless telephone facility for up to five providers is proposed on southerly side of the site. The facility is configured as a “mission” style building with a tower element 52 feet in height. The building has a footprint of 1,800 square feet (42 feet x 43 feet) and four levels. The first level is for electrical equipment and back-up batteries. The antennas are located on the three upper levels of the structure and will not be visible from outside.

The proposed cell site is one of seven master planned throughout the community of Ladera and adjacent areas to provide wireless telephone service to all residents and visitors. The cell sites were all part of the Ladera developer’s master plan of cell sites originally shown to County planning staff in 2001. Each cell sites provide for use by up to 5 provides. Following is a list of previously approved (except as noted) cell sites.

- PA02-0068 – Lemon Grove, located north of Ortega Highway near the Rancho Mission Viejo headquarters (outside the Ladera PC). The proposal included the installation of a 65 feet tall, 4-sided cell tower with multiple antennas and equipment areas
- PA02-0069 – Corporate Terrace, located in a self-storage facility in the Planning Area 6 of the Ladera PC. The proposal included 65 feet and a 70 feet high antenna support monopoles and five building pads for the providers.
- PA02-0070 – Ortega Rock, located in a rock quarry north of Ortega Highway near the Orange/Riverside County Line. The proposal included a 65 feet high antenna support monopole. This proposal had to be withdrawn because the site’s SG “Sand and Gravel” zoning did not allow for telecommunication facilities.
- PA03-0041 – North Arroyo Trabuco, located on a ridge top area between Ladera PC and the adjacent Arroyo Trabuco Golf Course (now in the City of Mission Viejo). The facility has no antenna support tower and was designed to resemble a series of “remnant” appurtenances from historical ranching operations.
- PA03-0080 – Tree of Life, located north of Ortega Highway, east of Antonio Parkway (The Ranch Plan PC, PA 4). The proposal included 80 feet and 65 feet high monopoles camouflaged in a way to resemble pine trees.
- PA03-0081 – Color Spot, located north of Ortega Highway and east of PA03-0080 (The Ranch Plan PC, PA 3). This was an existing cell site and the new proposal included the replacement of two existing 45 feet high towers with a new 65 feet high antenna support monopole with 5 levels of panel antenna groups and microwave dishes.

SURROUNDING LAND USE: (Also see sheet 3 of the site plans in Exhibit 3)

Direction	Ladera PC Planning Area	Land Use Designation	Existing Land Use
Project Site	5	Residential	Two water storage tanks to be buried
North	5	Residential	Custom home site, vacant
South	5	Residential	Custom home site, vacant
East	5	Residential	Custom home site, vacant
West	5	Residential	Custom home site, vacant

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 eight County Divisions and Orange County Sheriff. As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions.

CEQA COMPLIANCE:

The proposed project is covered by Final EIR 555, previously certified on October 17, 1995 and Addendum PA990061 (see Exhibit 2). Prior to project approval, the Planning Commission must find this EIR and Addendum adequate to satisfy the requirements of CEQA. Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

The project has two parts: a private neighborhood park and a wireless communication facility. The park is designated as a “community facility” in the Ladera PC development regulations. The project site has a land use designation of Residential. A community facility is a principal permitted use subject to the approval of an Area Plan and a Site Development Permit. As previously noted, a neighborhood park site up to a maximum of 3.9 acres was originally approved through Area Plan PA99-0061, which covers all of Planning Area 5 of the Ladera PC.

The park site is currently developed with two Santa Margarita Water District to be buried water storage tanks. The applicant submitted documentation that the water will allow the proposed use on top of the water tanks. The top area of the smaller 75 feet diameter underground tank will be used as a “tot lot” with

play equipment. The top of the larger 165 feet diameter underground tank is designated “open court area” on the site plans. Seating areas and walkways surround these two areas. The proposed park conforms to all applicable site development standards and would normally require approval of a Site Development by the Director. However, the proposed cell site requires Planning Commission approval, so the entire proposal is being submitted for review and approval to the Planning Commission.

Like the proposed park, the proposed telecommunication facility is also classified as “community facilities” and is permitted in the Ladera PC subject to the approval of an Area Plan or Site Development Permit. Since the Area Plan for Planning Area 5 did not indicate a site for telecommunication facilities a Site Development Permit is required. The maximum building height on the site is 35 feet, unless modified by a Site Development Permit approved by the Planning Commission. Additionally, an agreement between staff and the applicant provides for Planning Commission review of all cell sites in the Ladera PC.

The proposed cell site and tower completes the cell site installation for the Ladera PC proposed under the applicant’s cell site master program presented to the County in 2001 (except for the cell site proposed under PA02-0070). Each cell site was designed to provide the necessary wireless telephone coverage area and still be compatible with surrounding land use with regards to visual impacts. A number of the cell site antenna towers were camouflaged or “stealthed” because of their location near residential area or highways. Antenna towers that were not located adjacent to residential use or were located far away from major highways did not include camouflaging.

The proposed cell site is located in the middle of a custom lot residential area and a high degree of stealthing is required in order to make the communication facility visually compatible with surrounding residential uses. The site is located on the southerly portion of the park site, on the opposite side of the site from the tot lot. The cellular structure and tower is located 55 feet from an adjoining residential lot. The applicant has achieved complete stealthing by locating all equipment and antennas inside a “mission” style structure. As is with all the previous cell sites, the structure has been designed to accommodate up to 5 wireless telephone providers.

The design of the proposed cellular structure should have no adverse visual impacts on surrounding property owners. No panel antennas, no electrical equipment or cables, no support tower(s) and no microwave dishes will be visible. Persons driving by the site will be unaware that the mission building is a cellular telephone facility. While the structure is very stealthy, staff is of the opinion that nearby residents should be made aware that this is a wireless communication facility. Since this is a custom home subdivision, there will be no model home complex that usually accompanies home sales in a subdivision. A Model home complex normally requires approval of a Site Development Permit, which requires a condition for a “buyer notification map” to be displayed in the sales office. A buyer notification map would show surrounding land use including this cell site proposal. In lieu of the buyer notification map, staff recommends the following Condition of Approval No. 22.

Prior to the issuance of a building permit for the cell site structure, the applicant shall provide documentation on how each existing and future property owners within 300 feet of the proposed cell site will be provided notification that up to five wireless telephone providers will be located in the structure approved by this Site Development Permit, in a manner meeting the approval of the Manager, Current and Advance Planning Services.

Staff is of the opinion that both the park site and the cellular site will be compatible with the surrounding residential land use. The park site was previously approved through an area plan. Both the park and the cell site are permitted uses in the residential land use category of the Ladera PC. Both the park site and the cell site (except for building height) conform to the applicable site development regulations. The cell site is in conformance with the developer's master plan for cell sites in the community. The applicant has done an excellent job in make the cell site structure 100% stealthy. Staff recommends Planning Commission approval of this proposal as follows.

RECOMMENDED ACTION:

RDMD/PDS/Current Planning Services Division recommends the Planning Commission:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve PA04-0090 for Site Development Permit subject to the attached findings and conditions of approval.

Respectfully submitted

John B. Buzas, Manager
PDS/Current and Advanced Planning Services

WVM

Folder: My Documents/Ladera/Staff 2-9 Cell PA5

APPENDICES:

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

EXHIBITS:

1. Applicant's Letter of Explanation
2. Site Photos
3. Environmental Documentation
4. 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., and 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.