

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: February 23, 2006

TO: Orange County Zoning Administrator

FROM: PDSD/Land Use Services Division

SUBJECT: Public Hearing for Planning Application PA05-0064 for Site Development Permit/Use Permit

PROPOSAL: Request to add a new fifty foot tall antennae pole and wireless telecommunications facility to an existing retail used car dealership display area. Proposal will entail a fifty foot tall flag pole with U.S. flag over three panel antennas and twelve tower mounted amplifiers. All antennae, coaxial cables, and other apparatus will be concealed in the pole. Base transceiver station equipment cabinets and related electronic equipment will be located in an existing garage at the north end of the property.

LOCATION: In the Midway City unincorporated area at 8463 Bolsa, First Supervisorial District.

APPLICANT: T-Mobile Wireless, Lessee
Cherri Nguyen, Owner
Sequoia Deployment Services, Agent

SYNOPSIS: Land Use Services Division recommends Zoning Administrator approval subject to findings and conditions.

STAFF PLANNER/CONTACT: Jim Swanek, Project Manager
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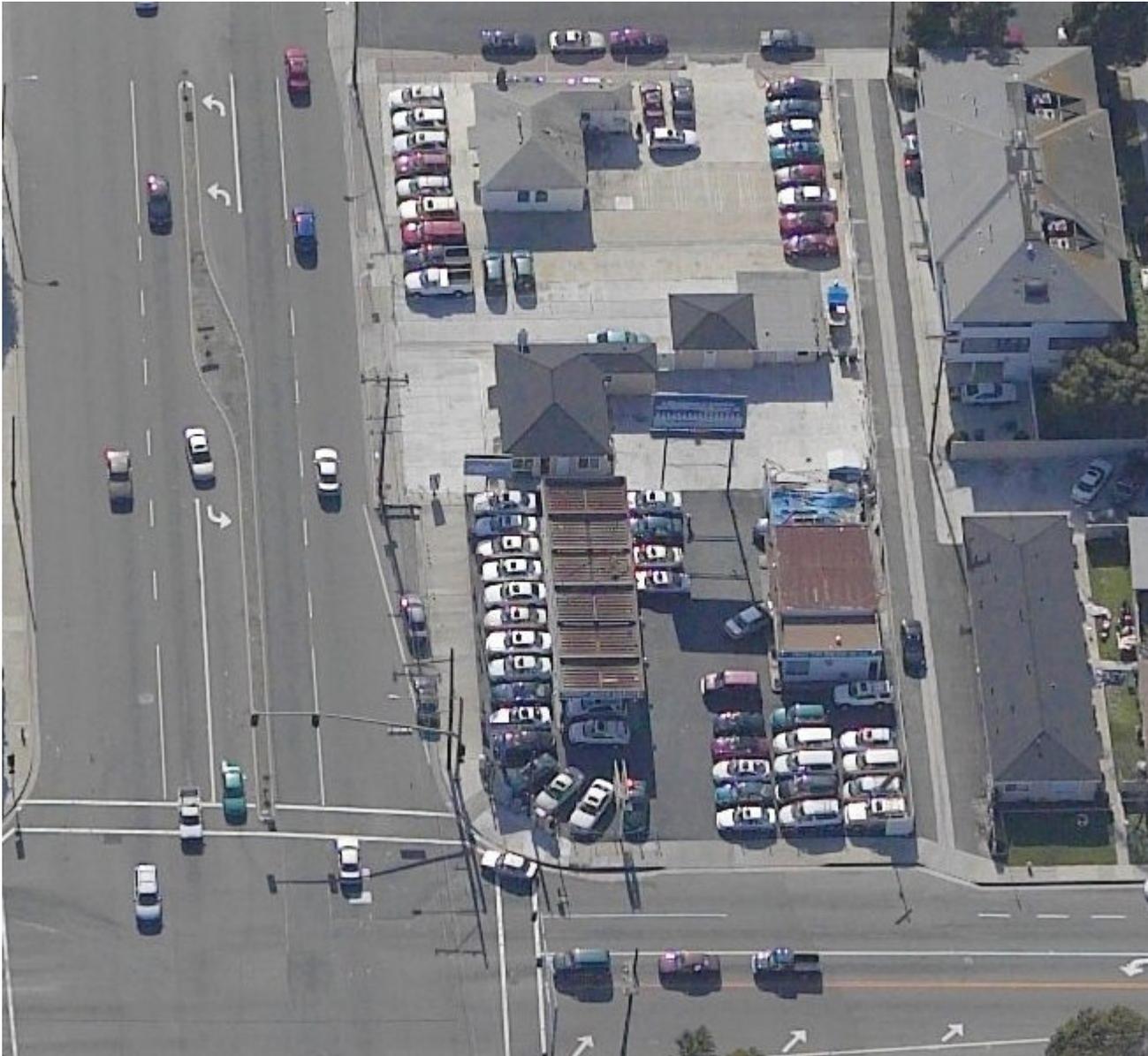
BACKGROUND:

The proposed project is classified as a principal use and would be permitted subject to approval of a Site Development Permit within the applicable C2 "General Business" District zoning. Communications antennae are permitted with a height limit of 45' (10' more than the District height limitation). However, the request is for a total height limit of 50'. An additional use permit per Zoning Code Section 7-9-129.2 is therefore required for the height limit for the antennae structure to be increased from 45' to 50'.

SITE ZONING AND SURROUNDING LAND USE:

The site, zoned C2 "General Commercial" is located along the north side of Bolsa Avenue at its intersection with Newland Street. Both are major thoroughfares minimizing any use conflicts across either. Multiple-family residential development (mostly apartments but including some condominiums and multiple single family homes on one lot), zoned R3 (1950) "Apartment", is to the north on the other side

of an alley. Two single family dwellings zoned commercial that may be presently used for unpermitted office businesses on an otherwise entirely paved lot are to the west (“up” in photo below), then another used car dealer.



CEQA COMPLIANCE:

Pursuant to the California Environmental Quality Act (CEQA), the proposed project is documented by a Negative Declaration, IS PA050064, which became final without appeal on November 28, 2005. Mitigation measures were included in the ND to address construction-term noise and long-term operational compatibility with the County’s emergency communications frequencies. These have been transposed into recommended conditions of approval. Prior to project approval, the decision-maker must conclude that this Negative Declaration is adequate to satisfy the requirements of CEQA for the proposed project. A finding to that effect is included.

PUBLIC NOTICES, DISTRIBUTION FOR REVIEW, AND COMMENTS RECEIVED:

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 previously distributed for review and comment to the Midway City HOA and Chamber of Commerce, City of Westminster, and various County departments. The only response of note was from the Midway City group, which requested assurance that the installation would not interfere with any possible future widening of Bolsa. The applicant's agent has provided correspondence showing the site has already dedicated ultimate right of way for Bolsa. Traffic Engineering also made no objection.

Technical comments received have been incorporated into recommended Conditions of Approval.

REVIEW AND ANALYSIS:

The proposal is to add a cellular communications user to the paved display area of a used car business, and related equipment cabinets to the rear of an existing garage used for vehicle storage and detailing. This current use was established under Site Development Permit SP93-105A and occupancy permit NR940302. There is also, as was noted in SP93-105A, a long-standing billboard structure. No recommendation was made at that time, nor at this time, for its removal.

The ground placement of the flag pole will not eliminate any required parking spaces nor significantly interfere with any thru-driveway. The pole will be illuminated at night by two spot/can lights placed near the pole and directed upward such that their beams hit the pole itself just below the flag. The flag is then illuminated by reflection off the pole. Due to changing wind conditions, this has proven a superior means in the field of illuminating flags.

RECOMMENDATION

Land Use Services Division recommends the Zoning Administrator:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve Application PA 05-0064 subject to the attached Findings and Conditions of Approval.

Respectfully submitted,

Charles Shoemaker, Chief
LUSD/Site Planning

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 fee of \$760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.

Attachments:

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

Exhibits: (Zoning Administrator package only)

- 1. Applicant's Letter of Explanation
- 2. Site Plans
- 3. Correspondence
- 4. Photos