

**PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT**

**DATE:** October 18, 2006

**TO:** Orange County Planning Commission

**FROM:** PDS/D/Land Use Services Division

**SUBJECT:** Public Hearing on Planning Application PA06-0048 for Use Permit

**PROPOSAL:** T-Mobile requests approval of a Use Permit under Orange County Zoning Code Sections 7-9-150 and 7-9-129.2 and County Ordinance 02-014 to allow modification of an existing tower supporting the electrical powerline grid, non-conforming as to height limit, to add cellular communications equipment up to 66 feet off the ground and at ground level, in the C1 "Local Business" District.

**LOCATION:** In the southwest Anaheim unincorporated area at 10713 Brookhurst Street, Anaheim. Fourth Supervisorial District.

**APPLICANT:** Edison Securities Company, owner, and T-Mobile, tenant

**SYNOPSIS:** Land Use Services Division recommends Planning Commission approval of PA06-0048 subject to the attached findings and conditions.

**STAFF PLANNER/CONTACT:** J. Alfred Swanek, Project Manager  
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**BACKGROUND:**

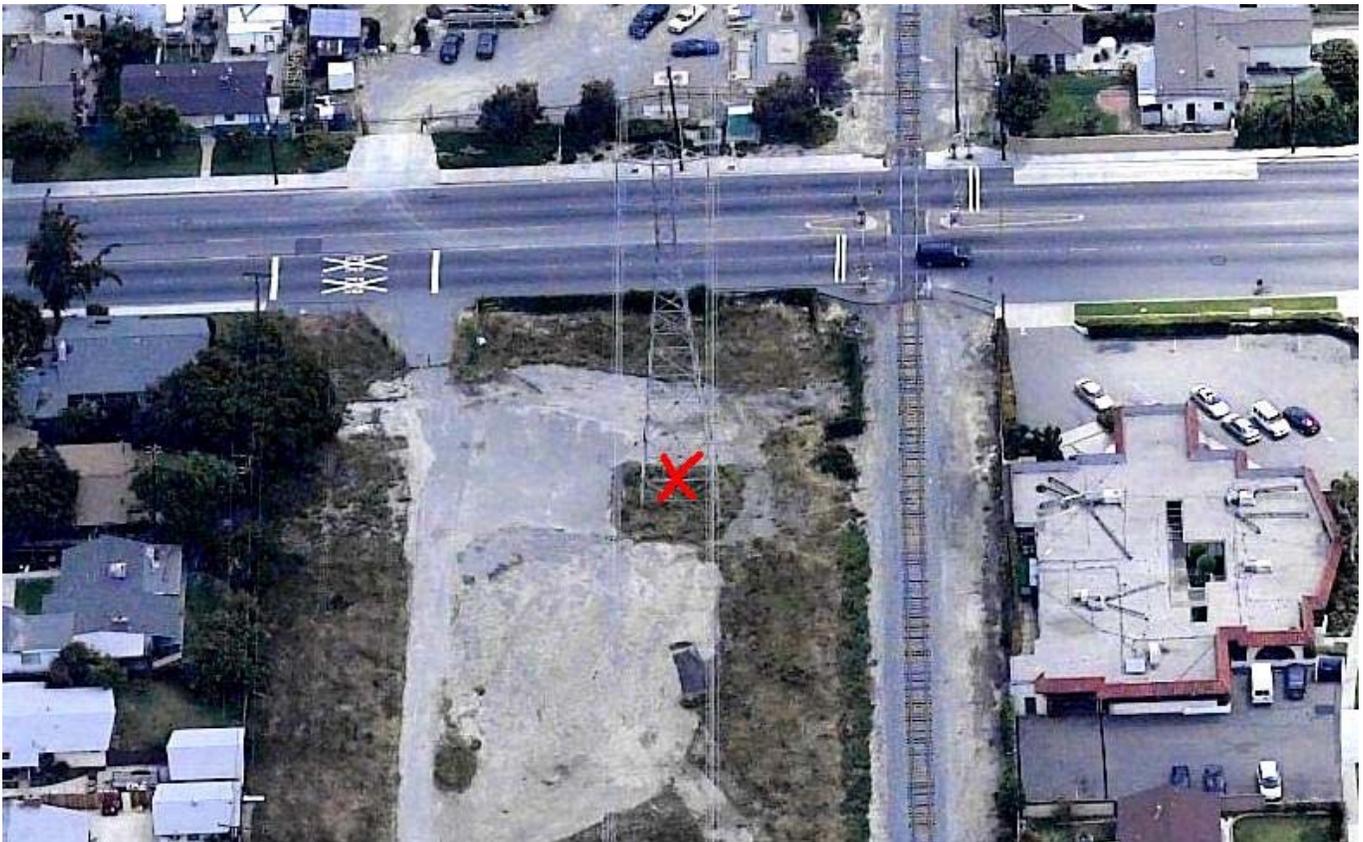
The proposed project is within a future self-storage complex, which was approved by the Planning Commission in 2003 as PA020102. The location is directly under the pylons supporting one of the Edison powerline towers closest to the self-storage complex entrance. The area around the tower will generally be landscaped with groundcover, although the area immediately between the pylons shows on PA020102 as "crushed stone". Screening of the "cellsite" from adjoining uses to the self-storage complex will be accomplished as part of the PA020102 approval. It includes a block wall and Crape Myrtle trees screening from the nearest residences, chain link with vines screening the railroad tracks, and Crape Myrtle and red-flowering New Zealand Christmas trees screening from Brookhurst. Internal screening of the cell site equipment enclosure from the rest of the self-storage complex will be by chain-link fencing with color-matching vinyl slatting.

Ordinance 02-014, which rezoned the property in 2003 from the A1 "General Agriculture" District to the C1 (Cond.) "Local Business" District, reads: "All principle uses allowed by the C1 District shall be subject to the completion of an Initial Study per CEQA and a use permit approved by the Planning Commission". This would be a separate principal use than the previously approved self-storage complex.

**SURROUNDING LAND USE:**

The project site is zoned C1 and includes 100 foot tall towers supporting the weight of lines transmitting electrical current. The towers were constructed under authority of the State Public Utilities Commission.

<b>Direction</b>	<b>Land Use Designation</b>	<b>Existing Land Use</b>
Project Site	C1 “Local Business”	Transmission towers
North	County R1 “Single-Family Residence”	Single family dwellings
South	City of Anaheim zoning	Commercial
East	City of Anaheim zoning	Transmission towers and nursery
West	City of Stanton zoning	Transmission towers and nursery



**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, notice was posted at the site and as required by law. A copy of the planning application and proposed plans were distributed to the City of Anaheim and County Divisions for technical review and comment. City of Anaheim staff suggested consideration be given to screening the actual ground level equipment enclosure should the approved self-storage complex not be constructed.

**CEQA COMPLIANCE:**

The proposed project has been determined to be Categorical Exempt as “Class 1”, or the “minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use”. Prior to project approval, the decision-maker must concur in this determination. A finding to that effect is included.

**ANALYSIS:**

As noted previously, this modification of an existing powerline tower and the installation of support equipment at ground level is deemed an additional principle use to that of the existing towers, lines, and power transmission, as well as the previously approved but not yet constructed self-storage complex. Since the self-storage complex was approved with a development agreement and is not limited by the standard 3-year time frame to begin construction, this cellular installation could conceivably be built before that complex. Based on ongoing work with that applicant, staff believes it is unlikely this cell-site would be “alone for long”, and that the entire program of screening approved under PA020102 will be installed in relatively short order.

The modifications to the existing towers, nonconforming as to height, to install antennae would occur at a height well above the 35 foot height limit of the base C1 District. However, Zoning Code 7-9-129.2 provides that any height for antennae installation may be provided by the approval of a use permit. Staff suggests the changes to the existing towers to add antennae features are innocuous enough in nature to allow the required finding to be made that:

“The location, size, design and operating characteristics of the proposed use will not create unusual conditions or situations that may be incompatible with other permitted uses in the vicinity”

**RECOMMENDATION**

Land Use Services Division recommends the Planning Commission:

- a. Receive staff presentation and public testimony as appropriate; and
- b. Approve Application PA060048 subject to the attached Findings and Conditions of Approval.

Respectfully submitted,

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Timothy S. Neely, Director  
Planning and Development Services

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Applicant's Letter of Explanation

Exhibits: (Planning Commissioners' distribution only)

Plan Packages (including site photos and photo simulations)

**APPEAL PROCEDURE**

Any interested person may appeal the decision of the Planning Commission on this permit to the Orange County Board of Supervisors within 15 calendar days of the decision, upon submittal of required documents and appeal processing fee, filed at the Development Processing Center, 300 N. Flower, Santa Ana.



## Appendix A Findings PA060048

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|---|---------------------|-----------------|
| 1   | <b>GENERAL PLAN</b> | <b>PA060048</b> |
| That the use or project proposed is consistent with the objectives, policies, and general land uses and programs specified in the General Plan adopted pursuant to the State Planning and Zoning Law. |                     |                 |
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|--|---------------|-----------------|
| 2  | <b>ZONING</b> | <b>PA060048</b> |
| That the use, activity or improvement(s) proposed, subject to the specified conditions, is consistent with the provisions of the Zoning Code, or specific plan regulations applicable to the property. |               |                 |
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|--|----------------------|-----------------|
| 3  | <b>COMPATIBILITY</b> | <b>PA060048</b> |
| That the location, size, design and operating characteristics of the proposed use will not create unusual conditions or situations that may be incompatible with other permitted uses in the vicinity. |                      |                 |
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- |   |                        |                 |
|---|------------------------|-----------------|
| 4   | <b>GENERAL WELFARE</b> | <b>PA060048</b> |
| That the application will not result in conditions or circumstances contrary to the public health and safety and the general welfare. |                        |                 |
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|--|--------------------------|-----------------|
| 5  | <b>PUBLIC FACILITIES</b> | <b>PA060048</b> |
| That the approval of the permit application is in compliance with Codified Ordinance Section 7-9-711 regarding public facilities (fire station, library, sheriff, etc.). |                          |                 |
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|--|-----------------------------|--------------------------|
| 6  | <b>CATEGORICALLY EXEMPT</b> | <b>PA060048 (Custom)</b> |
| That the proposed project is Categorically Exempt (Class 1) from the provisions of CEQA. |                             |                          |



## Appendix B Conditions of Approval PA060048

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**1 CP CP NA BASIC/ZONING REG PA060048**

This approval constitutes approval of the proposed project only to the extent that the project complies with the Orange County Zoning Code and any other applicable zoning regulations. Approval does not include any action or finding as to compliance of approval of the project regarding any other applicable ordinance, regulation or requirement.

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**2 CP CP NA BASIC/TIME LIMIT PA060048**

This approval is valid for a period of 36 months from the date of final determination. If the use approved by this action is not established within such period of time, this approval shall be terminated and shall thereafter be null and void.

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**3 CP CP NA BASIC/PRECISE PLAN PA060048**

Except as otherwise provided herein, this permit is approved as a precise plan. If the applicant proposes changes regarding the location or alteration of any use or structure, the applicant shall submit a changed plan to the Director, PDS, for approval. If the Director, PDS, determines that the proposed change complies with the provisions and the spirit and intent of the approval action, and that the action would have been the same for the changed plan as for the approved plot plan, he may approve the changed plan without requiring a new public hearing.

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**4 CP CP NA BASIC/COMPLIANCE PA060048**

Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Orange County Planning Commission.

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**5 CP CP NA BASIC/OBLIGATIONS PA060048**

Applicant shall defend at his/her sole expense any action brought against the County because of issuance of this permit. Applicant shall reimburse the County for any court costs and attorneys fees that the County may be required to pay as a result of such action. The County may, at its sole discretion, participate in the defense of any action, but such participation shall not relieve applicant of his/her obligations under this condition.

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**6 CP CP NA BASIC/APEAL EXACTIONS PA060048**

Pursuant to Government Code Section 66020, the applicant is hereby informed that the 90-day approval period in which the applicant may protest the fees, dedications, reservations or other exactions imposed on this project through the conditions of approval has begun.

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**7 S S U SHERIFF DEPARTMENT/ANAHEIM CLEARANCE OF PA060048 (Custom)  
OPERATIONS**

Prior to activation of the facility, the applicant shall submit a letter to the building department indicating that the City of Anaheim and the Orange County Sheriff Department have reviewed this proposal and concur that the proposed communication facilities will not cause interference in operation with their respective communication systems.

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**8 BI LUS UO COLORED SLATTING AND GATE ORIENTATION PA060048 (Custom)**

Prior to issuance of certificates of occupancy, evidence shall be provided to the satisfaction of the Manager, Building Inspection, that vinyl slatting of a gray color intended to match the chain link fencing (as oxidized with weathering) has been installed through the links, and that the gate to the fenced ground level equipment enclosure is oriented to the west.

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**9 F F SGB HAZARDOUS MATERIALS PA060048 (Custom)  
[Com] Service Code: 1.39**

Prior to the issuance of a grading or building permit, the applicant shall submit to the Fire Chief a list of all hazardous, flammable and combustible liquids, solids or gases to be stored, used or handled on site. These materials shall be classified according to the Uniform Fire Code and a document submitted to the Fire Chief with a summary sheet listing the totals for storage and use for each hazard class. Please contact the Orange County Fire Authority at (714) 744-0499 or visit the Orange County Fire Authority website to obtain a copy of the "Guideline for Completing Chemical Classification Packets."

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**10 BP BP G CONSTRUCTION NOISE PA060048 (Custom)**

A. Prior to the issuance of any construction permits, the project proponent shall produce evidence acceptable to the Manager, Building Permit s Services, that:

- (1) All construction vehicles or equipment, fixed or mobile, operated within 1,000' of a dwelling shall be equipped with properly operating and maintained mufflers.

(2) All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).

(3) Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.

B. Notations in the above format, appropriately numbered and included with other notations on the front sheet of the project's permitted plans, will be considered as adequate evidence of compliance with this condition.