

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

HEARING DATE: February 7, 2007

TO: Orange County Planning Commission

FROM: Planning and Development Services

SUBJECT: PA 06-0068, a Site Development Permit and Use Permit per Foothill-Trabuco Specific Plan Section III.D.11.3.7 to establish a cellular communications site in the Public/Quasi-Public Facilities (PQF) District and modify an existing legal non-conforming antennae tower (non-conforming as to overall height – 107 feet, as compared to District height limit of 35 feet).

LOCATION: 20437 Live Oak Canyon Road, Foothill-Trabuco (District 3)

APPLICANT: Royal Street Communications, tenant, and Verizon Wireless, landowner

STAFF CONTACT: Jim Swanek (Jim.Swanek@pdsd.ocgov.com)
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PROPOSAL: The applicant is proposing:

- a) an additional cellular communications site user in the Public/Quasi-Public (PQF) Facilities District to a site with two users at present, first established in 1984;
- b) modifications to an existing tower at a height exceeding the PQF District height limit of 35 feet; and
- c) permanent use of chain-link fencing prohibited by FTSP Section III.D.11.7.a.

SYNOPSIS: Planning & Development Services recommends Planning Commission approval of PA06-0068 for Site Development Permit and Use Permit, subject to the Recommended Conditions of Approval and Findings herein

PROJECT ANALYSIS:

The project site is located in the Public/ Quasi-Public Facilities (PQF) District of the Foothill-Trabuco Specific Plan. The 5.59-acre lot, created by the Santa Ana Mountains County Water District without compliance with the Subdivision Map Act, was then sold to private parties in 1984. The County has issued discretionary and building permits since that time on the basis of its original creation as a public utility site.

The proposed use is consistent with the purpose and intent of the PQF District, which states in part: “The Public/Quasi-Public Facilities (PQF) District is established to provide for the continued development and maintenance of the existing public and quasi-public facilities within the Specific Plan Area.” Cellular communications facilities are consistent with the broader meaning of a “quasi-public facility”.

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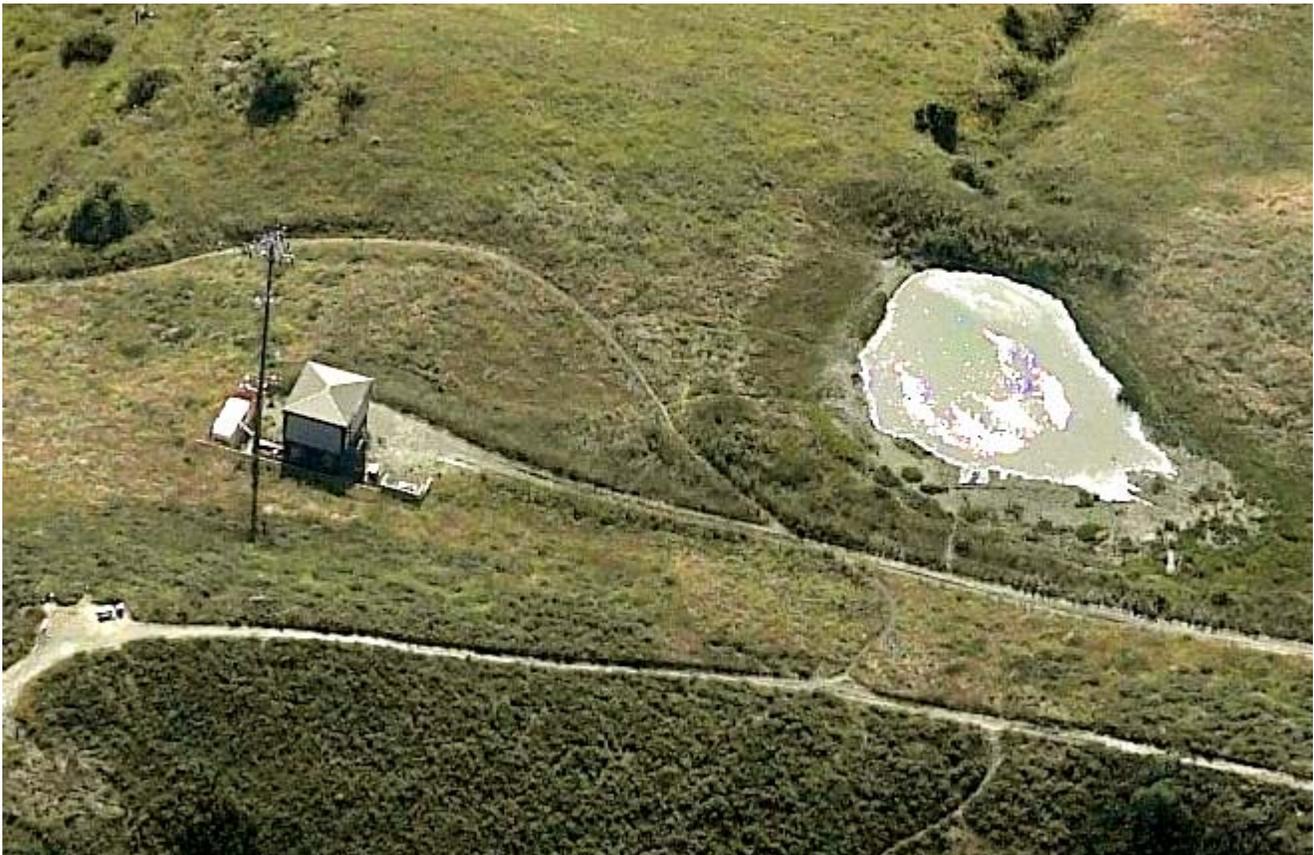
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The other cellular communications users on this site are: Verizon (formerly also PacTel, Airtouch and Vodafone), established via UP84-54/SP84-68/VA84-16; and Cingular (formerly also AT&T Wireless, PacBell Wireless, and L.A. Cellular), established via SP93026 and PA010130.

The site is not visible from Live Oak Canyon Road, or other roads designated by the Specific Plan Resources Component as scenic corridors. The modifications to the existing tower, nonconforming as to height, to install additional antennae would occur at a height of 60 feet off the ground, or well above the 35 foot height limit of the base PQF District. However, Zoning Code 7-9-129.2 indicates 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.”



A landscaping plan as specified by Specific Plan Section III.E.1.0.b.1) was not prepared, as allowed by Specific Plan Section III.G.2.0.f. The Foothill-Trabuco Specific Plan Review Board reviewed the same plans that were transmitted to the Planning Commission, and recommended no additional landscaping with its recommendation of project approval. It would be notably difficult to screen even the 27 foot tall equipment building from public view with landscape materials consistent with the Specific Plan plant palette, let alone to screen any portion of the existing 107 foot tall tower.

The distance of the site from wildlife corridors, oak woodlands, streambeds, and major rock outcroppings indicates no impacts to these and no requirements for additional specialized studies.

Finally, the applicant asks the Commission to allow existing legal non-conforming perimeter chain-link fencing to remain, and that such type of fencing be added to for security around new ground level equipment. The Specific Plan (Section III.D.11.7.a) prohibits the use of chain-link fencing in the PQF District. Staff recognizes the need to provide additional security in the expanded facility; however, other methods to achieve the objective can be realized without the use of prohibited chain link fencing.

The site plan will need to be revised to reflect the Planning Commission action. Condition of Approval #9 requires the submittal of a revised plan within 30 days to the Director of Planning.

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

Notices of Hearing were mailed and posted as required by State law. Additionally, notice has been mailed to those parties that have specifically requested notification on projects in the Foothill-Trabuco Specific Plan area. As of the writing of this staff report, no objections to the project have been received from said noticing.

A copy of the planning application and proposed plans were distributed to the City of Rancho Santa Margarita and several County Divisions for technical review and comment. The City provided extensive comments largely of a technical nature, which are attached for the Commission's review as Exhibit 2. Among the City's comments was that: a) a period of 1 year of non-use should trigger demolition of the improvements; and b) the permit be reviewed every 3 years for new technologies that would reduce visual impacts. Staff recommends these comments not be incorporated as project conditions; however, other City comments dealing with assuring non-interference with emergency communications and equipment coloring are recommended and have been incorporated into recommended conditions of approval.

On November 10, 2006, the Foothill-Trabuco Specific Plan Review Board reviewed this project. Their Minutes recommending approval are attached as Exhibit 3.

CEQA COMPLIANCE:

Pursuant to the California Environmental Quality Act (CEQA), the proposed project is deemed Categorical Exempt from CEQA's documentation requirements, Class 1, as a "minor modification to an existing structure". Prior to project approval, the decision-maker must concur in this determination. A finding to that effect is included.

SUMMARY:

Attached as Exhibit 5 is the Foothill-Trabuco Specific Plan Project Consistency Checklist completed for this project. Staff concludes the project proposal is consistent with Specific Plan Regulations, Guidelines, Goals and Objectives, as described in the Checklist.

RECOMMENDED ACTION:

1. Receive staff presentation and public testimony; and
2. Approve PA06-0068, subject to recommended findings and conditions (Appendices A-B).

Respectfully submitted,

Tim Neely, Director
Planning and Development Services

APPENDICES:

- A. Recommended Findings for Project Approval
- B. Recommended Conditions for Project Approval

EXHIBITS:

1. Applicant's Letter of Justification
2. City of Rancho Santa Margarita comments
3. Foothill-Trabuco Specific Plan Review Board meeting minutes
4. Project Plans (Planning Commission copies only)
5. Foothill-Trabuco Specific Plan Project Consistency Checklist (Planning Commission only)

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