

PLANNING AND DEVELOPMENT SERVICES REPORT

DATE: May 31, 2007

TO: Orange County Zoning Administrator

FROM: PDSD/Current Planning Services Division

SUBJECT: Public Hearing of Planning Application PA060071 for Use Permit and Site Development Permit

PROPOSAL: Use Permit/Site Plan to add 6 antennas to existing monopine cell site plus a two foot microwave dish and a Global Positioning System (GPS) antenna with 4 supporting equipment cabinets plus power and telecommunication cabinets.

LOCATION: Church of Foothills Facility on 19211 Dodge Avenue, Santa Ana

APPLICANT: Royal Street Communications on behalf of Nextel Communications (Applicant)

SYNOPSIS: Planning and Development Services Department, Current Planning Services Division recommends Zoning Administrator approval subject to findings and conditions.

STAFF PLANNER/CONTACT: Chris Uzo-Diribe, Project Manager
Phone: (714) 834-2542, FAX: (714) 667-8344

BACKGROUND:

Royal Street Communications is seeking approval of Use Permit and Site Development Permit to add 6 collocated antennas, a two foot microwave dish and a Global Positioning System (GPS) antenna to an existing 59 foot high monopine cell site that is located within an existing church facility. The project will also include 4 supporting equipment cabinets plus power and telecommunication cabinets in the Public Quasi Public (PQP) zone of the North Tustin Specific Plan. The panel antennas will be 57" x 12" x 5" and be connected to the 4 supporting equipment, power/telecommunication cabinets.

In January 21, 1999, Nextel Communications received the original approval to establish unmanned Telecommunication Facility consisting of a 59 feet high tower with antenna & equipment cabinets at this church facility. The applicant maintains that cellular phone reception in the North Tustin area is not adequate for its targeted customers and the approval of proposed project will upgrade cellular service to a sufficient standard for customers of Metro PCS in the area. The County also approved a Use Permit for PacBell Mobile Services to create a wireless communications facility in May, 1996 in the same church site.

SITE ZONING AND SURROUNDING LAND USE:

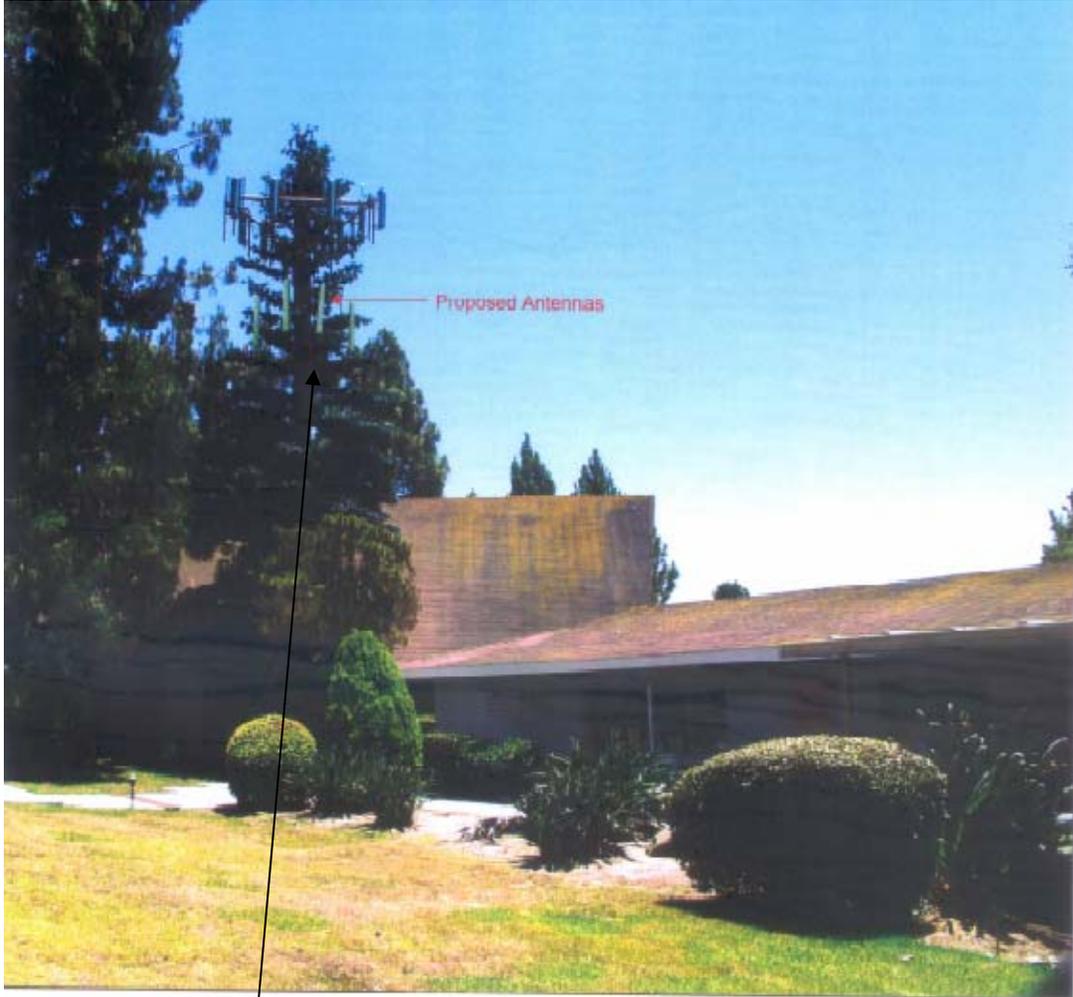
The site and all surrounding properties are within the North Tustin Specific Plan. The following pictures identify the project site and the surrounding land uses, in addition to the existing antenna structure in both the before and after condition.

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
Project Site	Church	Specific Plan (PQP)
North	High School	100-E4
South	Residential	Specific Plan (RSF)
East	Residential	Specific Plan (RSF)
West	Residential	90-E4





EXISTING



Proposed View Looking East

PROPOSED

CEQA COMPLIANCE:

Addendum PA 060071 to the previously approved Negative Declaration No. PA 980137 has been prepared for the subject proposal. It is attached for your consideration and must be approved together with the Negative Declaration prior to project approval with a finding that together, these documents are adequate to satisfy the requirements of CEQA.

PUBLIC NOTICES 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 and at the 300 N. Flower Building 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 the North Tustin Advisory Committee. In my e-mail contact with Ms. Sara Gerricks, Secretary of the Committee, she indicated that the Committee had recommended approval of the proposed project.

REVIEW AND ANALYSIS:

Royal Street Communications requests the approval of Use Permit and site development permit to incorporate the addition of six antennas with equipment cabinets to support the operation of the new addition to the existing 59 feet high wireless communication tower facility located at the Church of the Foothills, in the north Tustin area. These 6 antennas would be camouflaged by an existing artificial pine tree and painted green to blend in with the color of the pine and other surrounding trees.

A use permit approval is required to permit the height of the antenna above the existing approved height limit of 38 feet and to allow the 7 foot 7 inch high wrought iron fence that is necessary to protect the new equipment. The project site is designated PQP “Public Quasi-Public” District by the North Tustin Specific Plan. The communications facility is permitted by site development permit in accordance with Section III.D.2.e of the Specific Plan.

Antenna height is regulated by Zoning Code Section 7-9-129.2 “Antennas.” The basic provision of this section permits antennas to exceed the base district height limit by ten (10) feet. The height limit of the PQP district is 28 feet. However, Section 7-9-129.2 permits a higher height limit subject to Zoning Administrator approval of a Use Permit. It should be noted that the existing church building is 44 feet tall at the roof’s highest point and several natural existing pine trees nearby range to over 100 feet in height.

As noted in this report, a use permit, approved by the Zoning Administrator, is required to permit the height of antenna to exceed the base district by greater than 10 feet. The antennas would continue to be camouflaged as pine leaves, and therefore, would not create an adverse significant visual impact. The inclusion of a 7 foot 7 inch wrought iron fence to enclose the equipment structure is further deemed necessary to effectively screen the structure from public view as well as protect the expensive equipment from vandalism.

CONCLUSION:

The addition of the wireless antennas and the microwave antennas should not pose an inconvenience or disruption to activities conducted on site. The facility's equipment operates at a very low sound level and does not emit fumes, smoke or odors. The facility is unmanned and requires only periodic maintenance, which occurs approximately once per month. There will be no visual impact due to the project's unique design and camouflage provided by surrounding pine trees. The proposed cellular and microwave antennas would be painted green, a color close to the pine leaves. The ground equipment will be placed in an enclosure screened by landscaping and existing pine trees.

Staff does not have any major concern with the Use Permit and Site Development Permit proposals and recommends their approval. Findings 1, 2, 3 and 4 are necessary to support the recommended approval and are included in Appendix A.

RECOMMENDATION:

Current Planning Services Division recommends to the Zoning Administrator:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve Planning Application PA 060071 subject to the attached Findings and Conditions of Approval.

Respectfully submitted,

Ron Tippets, Chief
Current/Site Planning Section

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 (\$245.00) filed at the Development Processing Center, 300 N. Flower St., Santa Ana.

Appendices:

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

Exhibits: (Zoning Administrator package only)

- 1. Applicant's Letter of Explanation
- 2. Site Plan

**Appendix A
Findings PA060071**

1 [A01] GENERAL PLAN PA060071

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.

2 [A02] ZONING PA060071

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.

3 [A03] COMPATIBILITY PA060071

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.

4 [A03] COMPATIBILITY PA060071

That the height, size, design of the antennas, the microwave dish, the equipment cabinets as well as the fence will not create traffic hazards or situations that may be detrimental or incompatible with other permitted uses in the vicinity.

5 [A04] GENERAL WELFARE PA060071

That the application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.

6 [A05] PUBLIC FACILITIES PA060071

That the permit would not allow development of a project that would contribute to the need of fire or library facility for which a fee is required, as defined in Codified Ordinance Section 7-9-711 regarding public facilities (fire station, library, sheriff, etc.).

**7 [ED04] ADDENDUM TO NEGATIVE
DECLARATION PA 980137 PA060071 (Custom)**

Addendum **PA 060071** to Negative Declaration No. **PA 980137** has been prepared for the proposed project. Both the Addendum and ND are attached for your consideration and must be approved prior to project approval with a finding that together, they are adequate to satisfy the requirements of CEQA.

8 [NCCP] FISH & GAME REQUIREMENT PA060071

Find that pursuant to Section 711.4 of the California Fish and Game Code, this project may be subject to a 'No Effect Determination Notice' from California Department of Fish & Game if determined by the Dept. that no adverse impacts to wildlife resources will result from the project.

9 [NCCP] NCCP REQUIREMENT PA060071

Find that the proposed project will not have a significant unmitigated impact upon Coastal Sage Scrub habitat and, therefore, will not preclude the ability to implement the adopted Subregional Natural Communities Conservation Planning (NCCP) Programs.

10 COMPATIBILITY PA060071

Find that approval of PA06-0071 brings the total number of cellular communication facilities to three (3), which represents the maximum number of facilities that may be located at the Church of the Foothills and maintain land use compatibility with surrounding residential uses.

Appendix B
Conditions of Approval
PA060071

1 [Z01] CP CP NA BASIC/ZONING REG PA060071

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.

2 [Z02] CP CP NA BASIC/TIME LIMIT PA060071

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.

3 [Z03] CP CP NA BASIC/PRECISE PLAN PA060071

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.

4 [Z04] CP CP NA BASIC/COMPLIANCE PA060071

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.

5 [Z05] CP CP NA BASIC/OBLIGATIONS PA060071

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.

6 [Z06] CP CP NA BASIC/APPEAL EXACTIONS PA060071

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.

7[Z07] PRIVATE LANDSCAPING

PA 060071 (Custom)

Approval: SG SG/BI GU

A. Prior to the issuance of precise grading or any construction permits, the applicant shall prepare a detailed landscape plan for privately maintained common areas around the 12 x 18 equipment unit area, which shall be reviewed and approved by the Manager, Subdivision and Grading in consultation with the Manger, Environmental Planning. The plan shall be certified by a licensed landscape architect or a licensed landscape contractor, as required, as taking into account approved preliminary landscape plan (if any), County Standard Plans for landscape areas, adopted plant palette guides that would provide initial minimum 50% coverage at time of installation, applicable scenic and specific plan requirements, Water Conservation Measures contained in Board Resolution 90-487 (Water Conservation Measures), and Board Resolution 90-1341 (Water Conservation Implementation Plan).

B. Prior to the issuance of certificates of use and occupancy, applicant shall install said landscaping and irrigation system and shall have a licensed landscape architect or licensed landscape contractor, certify that it was installed in accordance with the approved plan.

C. Prior to the issuance of any certificates of use and occupancy, the applicant shall furnish said installation certification, including an irrigation management report for each landscape irrigation system, and any other implementation report determined applicable, to the Manager, Building Inspection Services

8 S S U SHERIFF

DEPARTMENT PA060071 (Custom)

CLEARANCE OF OPERATIONS

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

9 [FPC11] F F SGB HAZARDOUS MATERIALS PA060071 (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."

10 [N10] BP BP G CONSTRUCTION NOISE PA060071 (Custom)

A. Prior to the issuance of any construction permits, the project proponent shall produce evidence acceptable to the Manager, Building Permits 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.