

OC DEVELOPMENT SERVICES REPORT

DATE: October 19, 2023

TO: Orange County Zoning Administrator

FROM: OC Development Services / Planning Division

SUBJECT: Planning Application PA23-0084 for a Use Permit

PROPOSAL: The applicant, AT&T, is seeking a Use Permit to increase the height of a telecommunication pole from 52'3" to 58'6" at an existing wireless communication facility.

ZONING: A1 - General Agriculture

GENERAL PLAN: 1B Suburban Residential

LOCATION: The project is located at 29634 Oso Parkway, Rancho Santa Margarita, CA 92688 (within the Fifth (5th) Supervisorial District [APN 125-099-15])

APPLICANT: Santa Margarita Water District, Property Owner
Clay Gallagher, Agent

STAFF CONTACT: Phone: (714) 667-8898
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RECOMMENDED ACTION(S):

OC Development Services/Planning recommends the:

1. Receive the staff report and public testimony as appropriate
2. Find that the proposed project is exempt from CEQA because the Class 1 exemption Section 15301, provides for minor alterations of existing utility facilities involving negligible expansion of existing use
3. Approve Planning Application PA23-0084 for a Use Permit subject to the Findings and Conditions of Approval provided as attachments #1 and #2 to this report.

BACKGROUND AND EXISTING CONDITIONS:

The subject property, Township 7 Range 7 of Portion of Section 4, is located at 29634 Oso Parkway, within unincorporated Rancho Santa Margarita. The subject site is flat in topography, approximately 18,800 square feet and is zoned A1 “General Agricultural” District. The rectangular shaped lot has an average depth of 113 feet, average width of 175 feet and is located along Oso Parkway.

Planning Application PA050031 was approved by the Director of Planning on June 30, 2005 for the placement of wireless antennae on a 45-foot monopole disguised as a palm tree with a supporting ground level equipment shelter within lease space at the Santa Margarita Water District (SMWD) pump station site. Changed Plan CP050035 was approved by the Director of Planning on January 10, 2006 to replace the mono-palm antennae design with a Slim Line Pole antennae design.

Proposed Project

The applicant is seeking a Use Permit to increase the height of a telecommunication pole from the current 52’3” to 58’6” at an existing wireless communication facility located at 29634 Oso Parkway, Rancho Santa Margarita, CA 92688.

Per the Wireless Communications Facility on Private Property Ordinance an increase in the height of a tower by more than 10% is considered a substantial change and requires approval of a Use Permit. Since the applicant is proposing to expand the height from the existing 52’3” to 58’6” which would be an increase of approximately 12% approval of a Use Permit is required.

SURROUNDING LAND USES:

Zoning and existing land uses for the project site and for other surrounding properties are as follows.

DIRECTION	ZONING DISTRICT	EXISTING LAND USE
Project Site	A1 “General Agricultural” District	Pump Station
North	City of Rancho Santa Margarita	Vacant
South	The Ranch Plan Planned Community	Vacant
East	A1 “General Agricultural” District	Pump Station
West	The Ranch Plan Planned Community	Vacant

Aerial of Project Site

An aerial photograph of the Project site and surrounding area is provided below.



DISCUSSION/ANALYSIS:

Below is a table comparing the development standards for the A1 “General Agricultural” District with the applicant’s proposal.

Project Comparison

STANDARD	REQUIRED	PROPOSED
Building Site Area	4 acres minimum	18,800 sq. ft. (existing)
Maximum Building Height	Thirty-five (35) feet maximum	58’6” tower*
Structural Setback	20’ minimum front setback 5’ minimum side setback 25’ minimum rear setback	103’6” front setback (existing) 23’6” and 186’1” side setbacks (existing) 14’ rear setback (existing)
Building Site Coverage	Not Applicable	Not Applicable

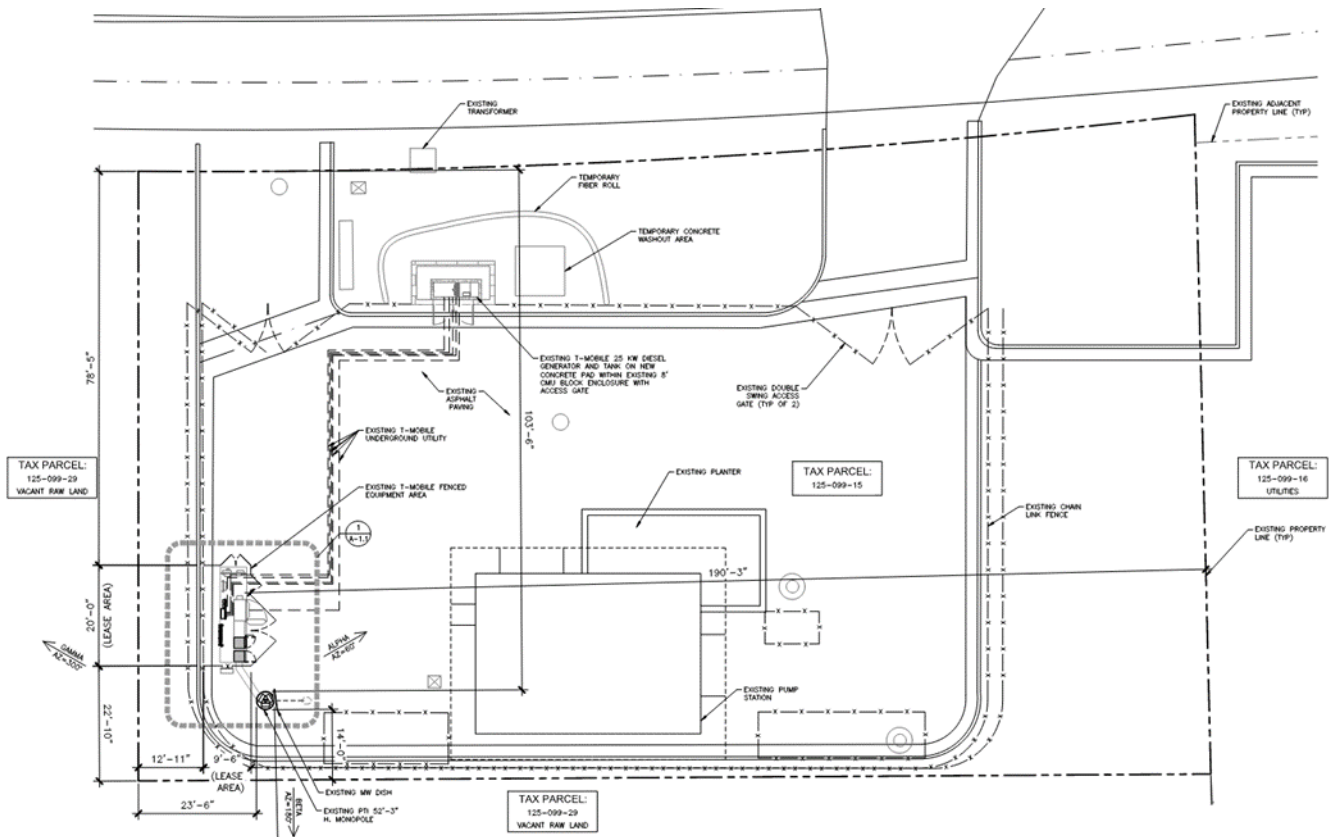
* Indicates deviation from County of Orange Zoning Code.

Below is a table comparing the development standards for the Wireless Communications Facility on Private Property Ordinance with the applicant's proposal.

STANDARD	REQUIRED	PROPOSED
Maximum Building Height	No tower shall exceed the maximum permissible height for structures in the underlying zoning district. (Thirty-five (35) feet maximum.)	58'6" tower*
Fences and Walls	Fences shall not exceed a maximum height of six (6) feet.	No new fencing is proposed
Screening	Ground-mounted transmission equipment and associated enclosures for new wireless communication shall be located either underground or completely within a fenced area.	No new equipment enclosure proposed

* Indicates deviation from Wireless Facility Design Standards.

SITE PLAN



Proposed Facility

The project meets all but one (1) of the required development standards. The applicant is proposing to increase the height of an existing pole from 52'3" to 58'6", add six (6) panel antennas, add three (3) new Radio Remote Units (RRUs), add one (1) new support cabinet and support equipment to the

existing equipment enclosure. The increase in height of the pole is necessary to accommodate the proposed equipment. In addition, the height modification would allow for increased network reach in a remote area that can benefit the nearby residences and businesses. Furthermore, the proposed project would include a canister design that would stealth the equipment and be consistent with the existing design of the facilities on the site to be the least intrusive. As such, the facility is designed to minimize aesthetic and visual impacts by including appropriate stealth techniques given the proposed location, environment, and nearby uses.

Safety of Communications

The Sheriff-Coroner Department has reviewed the proposed project in light of the need to ensure no potential conflict with the Sheriffs emergency communications network and their comment, provided as Attachment #6, indicates no concern with the project as proposed, or the need for any post construction inspection.

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A copy of the planning application and the proposed site plan were distributed for review and comment to appropriate County divisions. Staff has reviewed all comments received, and where appropriate, has addressed the comments through recommended Conditions of Approval, which are provided as Attachment #2. Public notices were mailed to all owners of record within 300 feet of the subject property, posted in front of the project site, in a local newspaper, and in the lobby at the County Administration North building located at 601 N. Ross Street, Santa Ana, CA 92701, at least ten days prior to this public hearing, as required by established public hearing posting procedures. As of the writing of this staff report, no comments raising issues with the project have been received from OCFA or other County divisions.

CEQA COMPLIANCE:

The proposed project is categorically exempt (Class 1) from the provisions of CEQA, pursuant to CEQA Guidelines Section 15301 because the exemption provides for minor alterations of existing utility facilities involving negligible expansion of existing use.

CONCLUSION:

Staff has analyzed the proposed project and concluded that the size and scale of the proposed project is not detrimental to surrounding land uses, and that it has been planned in a manner that is the least intrusive, both on the project site and to the surrounding community. Staff therefore supports the applicant’s proposal and recommends approval of Planning Application PA23-0084 subject to Findings and Conditions of Approval provided as Attachments #1 and #2 to this report. Approval of this Use Permit does not invalidate PA050031 and the project site remains subject to all applicable Conditions of Approval from PA050031.

Submitted by:

Cynthia Burgos

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Cynthia Burgos, Contract Planner
OC Development Services/Planning

Concurred by:

Justin Kirk

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Justin Kirk, Deputy Director
OC Public Works/Development Services

ATTACHMENTS:

1. Recommended Findings
2. Recommended Conditions of Approval
3. Applicant's Letter of Explanation
4. Site Plans
5. Site Photos
6. Sheriff-Coroner Review Comments dated May 30, 2023

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the OC Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing deposit of \$500 filed at the Development Processing Center, 601 N. Ross Street, 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 OC Development Services/Planning Division.