

OC DEVELOPMENT SERVICES REPORT

DATE: December 7, 2023

TO: Orange County Zoning Administrator

FROM: OC Development Services / Planning Division

SUBJECT: Planning Application PA22-0177 for a Use Permit

PROPOSAL: The applicant is seeking a Use Permit for a new telecommunication facility that consists of one (1) new 50-foot tall mono-eucalyptus, nine (9) new panel antennas, eighteen (18) new RRUs, one (1) new diesel generator, one (1) new GPS antenna, two (2) new power cabinets, four (4) new Purcell cabinets, utility panels, four (4) new surge suppressors, three (3) new DC12 units and a new 6-foot tall CMU fence enclosure at 10000 Crawford Canyon Road, Orange, CA 92705

ZONING: B1(SR) – “Buffer” District and CC(SR)(H) "Commercial Community" District with a "Sign Restrictions" and “Housing” overlays

GENERAL PLAN: Open Space and Community Commercial

LOCATION: The project is located at 10000 Crawford Canyon Road, Orange (within the Third (3rd) Supervisorial District [APN 393-390-12])

APPLICANT: Logan Frick, Property Owner
Willy Kazimi, Agent

STAFF CONTACT: Cynthia Burgos, Contract Staff Planner
Phone: (714) 667-8898 E-mail: Cynthia.Burgos@ocpw.ocgov.com

RECOMMENDED ACTION(S):

OC Development Services/Planning recommends the Zoning Administrator:

1. Receive the staff report and public testimony as appropriate
2. Find that the proposed project is exempt from CEQA because the Class 11 exemption, CEQA Guidelines Section 15311 allows for placement of minor structures accessory to (appurtenant to) existing commercial facilities
3. Approve Planning Application PA22-0177 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, Lot 42 of Tract El Modena Citrus is located at 10000 Crawford Canyon Road in unincorporated Orange. The subject site is on a hillside and has an existing restaurant and parking lot. The project lot is approximately 7.82 acres and is zoned B1(SR) "Buffer" District and CC(SR)(H) "Commercial Community" District with a "Sign Restrictions" and "Housing" overlays. The L shaped lot has an average depth of 725 feet and average width of 515 feet and is located along Crawford Canyon Road.

Planning Application PA960062 was approved by the Director of Planning on June 21, 1996 for the placement of wireless antennae on the existing OC Mining Company restaurant and supporting ground level equipment shelter within the lease space on the project site.

Proposed Project

The applicant is seeking approval of a Use Permit for an unmanned wireless telecommunications facility consisting of a new 50-foot-tall faux Eucalyptus tree, nine (9) new panel antennas, eighteen (18) new Radio Remote Units (RRUs), one (1) new diesel generator, one (1) new GPS antenna, two (2) new power cabinets, four (4) new Purcell cabinets, utility panels, four (4) new surge suppressors three (3) new DC12 units and a new 6-foot tall concrete masonry unit (CMU) wall.

SURROUNDING LAND USES:

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

| DIRECTION | ZONING DISTRICT | EXISTING LAND USE |
|--------------|--|-------------------|
| Project Site | B1(SR) – "Buffer" District and CC(SR)(H) "Commercial Community" District with a "Sign Restrictions" and "Housing" overlays | Restaurant |
| North | B1(SR) – "Buffer" District and CC(SR)(H) "Commercial Community" District with a "Sign Restrictions" and "Housing" overlays | Vacant |
| South | City of Orange | Vacant |
| East | City of Orange | Vacant |
| West | AR-20000 (SR) and City of Orange | Vacant |

Aerial of Project Site

An aerial photograph of the Project site and surrounding properties within unincorporated Orange is provided below.



DISCUSSION/ANALYSIS:

Although the subject property is located within two zoning districts, the proposed telecommunication facility will only be located within the B1(SR) – “Buffer” District and CC(SR)(H) "Commercial Community" District. Consequently, only the Buffer District regulations are required for this project. Below is a table comparing the development standards for the B1(SR) – “Buffer” District with the Applicant’s proposal.

Project Comparison

| STANDARD | REQUIRED | PROPOSED |
|-------------------------|---------------------------------|--|
| Building Site Area | No minimum | 7.82 acres existing |
| Maximum Building Height | Eighteen (18) feet maximum | 50-foot-tall faux Eucalyptus tree * |
| Structural Setback | 20 feet from all property lines | 162 feet front setback 118 feet and 608 feet side setbacks 251 feet rear setback |
| Building Site Coverage | Not Applicable | Not Applicable |

* Indicates deviation from County of Orange Zoning Code.

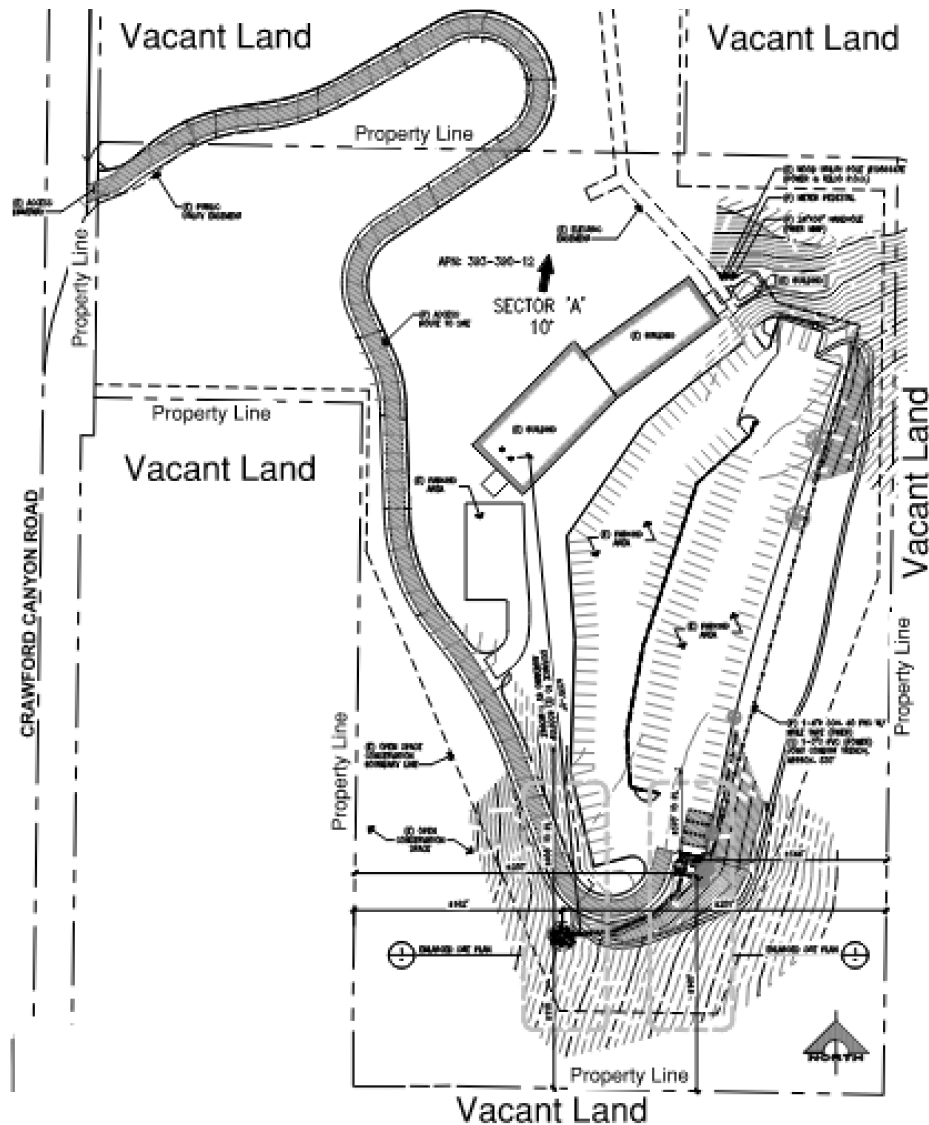
Below is a table comparing the development standards for the Wireless Communications Facility on Private Property Ordinance NO. 15-019 with the Applicant's proposal.

| STANDARD | REQUIRED | PROPOSED |
|-------------------------|--|--|
| Maximum Building Height | No tower shall exceed the maximum permissible height for structures in the underlying zoning district. (Project Zone - Eighteen (18) feet maximum.) | 50-foot-tall faux Eucalyptus tree * |
| Fences and Walls | Fences shall not exceed a maximum height of six (6) feet. | 6-foot-tall CMU wall |
| Screening | Ground-mounted transmission equipment and associated enclosures for new wireless communication shall be located either underground or completely within a fenced area. | Equipment to be within new 6-foot tall, fenced area. |

* Indicates deviation from Wireless Facility Design Standards.

The project meets all but one (1) of the required development standards. Exceptions for the deviation noted in the tables above are requested by the applicant to provide fill-in coverage to communities and neighborhoods in the area.

SITE PLAN



Proposed Facility

The applicant is proposing a new unmanned wireless telecommunications facility consisting of a 50-foot-tall faux Eucalyptus tree, nine (9) panel antennas, eighteen (18) Radio Remote Units, a diesel generator, two (2) power cabinets, four (4) Purcell cabinets, utility panels, four (4) surge suppressors, three (3) DC12 units and a six (6) foot tall equipment enclosure.

Per the Wireless Communications Facility on Private Property Ordinance new wireless communications facilities shall be permitted subject to a use permit to the Zoning Administrator. The ordinance's site development standard also states that no tower shall exceed the maximum permissible height for structures in the underlying zoning district. Pursuant to the Wireless Ordinance in order to approve a deviation from the site development standard the following two (2) specific findings need to be made. These findings are:

- a. It has been demonstrated that adherence to applicable zoning regulations will make the project technically infeasible.
- b. The proposed wireless communications facility is the least intrusive means by which to locate and design the facility to the extent feasible.

Per the Wireless Ordinance the applicant shall demonstrate that the wireless communications facility is the least intrusive means by which to locate and design the facility. The Wireless Ordinance states that facilities shall be in areas where existing topography, vegetation, buildings or other structures naturally conceal the facility, which is what the applicant is proposing. The proposed facility is adjacent to undeveloped properties and is located in hillside topography. Due to the surrounding topography, a tower that exceeds the County's 35-foot height standard is essential to provide the necessary coverage for the surrounding area. These types of broadcast facilities could not provide the same coverage area if they had to operate at the 35-foot height required per the Ordinance. Staff has analyzed the proposed project and concluded that the facility is therefore, located in an un-intrusive area and the 50-foot height tower is essential and required to provide the necessary coverage areas for the surrounding community. The size and scale of the proposed project with its camouflaged tower is not detrimental to surrounding land uses, and that the tower location has been planned in a manner that is the least intrusive, both on the project site and to the surrounding community.

Safety of Communications

The Sheriff-Coroner Department has reviewed the proposed project in light of the need to ensure no potential conflict with the Sheriff's 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 division. 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 400 W Civic Center Dr, 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 11) from the provisions of CEQA, pursuant to CEQA Section 15311 because the exemption allows for placement of minor structures accessory to (appurtenant to) existing commercial facilities.

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 PA22-0177 subject to Findings and Conditions of Approval provided as Attachments #1 and #2 to this report.

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 November 15, 2022

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.