

OC DEVELOPMENT SERVICES REPORT

DATE: December 7, 2023

TO: Orange County Zoning Administrator

FROM: OC Development Services / Planning Division

SUBJECT: Planning Application PA23-0120 for a Use Permit

PROPOSAL: The applicant is seeking a Use Permit for the installation of a new telecommunication facility that would include a new 70-foot-tall mono-eucalyptus, a new 3-foot-tall microwave antenna, two (2) new ODU's, one (1) new cabinet and a new equipment area at 33608 Ortega Highway, San Juan Capistrano, CA 92675.

ZONING: R/OPS(C3412) (SR) – "Research/Open Space Park" District with a "Sign Restrictions" overlay

GENERAL PLAN: 5 Open Space

LOCATION: The project is located at 33608 Ortega Highway, San Juan Capistrano, CA 92675 (within the Fifth (5th) Supervisorial District (APN 125-140-26))

APPLICANT: Quest Diagnostics, Property Owner
Kathi Ruele, 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:

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 provides for placement of minor structures accessory to (appurtenant to) existing industrial facilities
3. Approve Planning Application PA23-0120 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, Book 213, Page 31, Part 1, is located at 33608 Ortega Highway., within an area in unincorporated San Juan Capistrano. The subject site is located within hilly terrain. The lot is approximately 100 acres and is zoned R/OPS(C3412) (SR) – “Research/Open Space Park” District with a “Sign Restrictions” overlay. The irregular shaped lot has an average depth of 2,600 feet and average width of 1,300 feet. The subject property is located along Ortega Highway.

Planning Application UP86-74P was approved by the Board of Supervisor on December 17, 1986, following appeal of the Planning Commission’s approval on November 10, 1986, to allow for the construction of a 415,000 square foot medical research facility. SP89-149A was approved by the Director of Planning on October 10, 1989 for project site plan review approval for Phases I and II consisting of two (2) research and development buildings, one (1) recreation building, and pool, equipment and utility shed, gatehouse, and relocation of the helipad and water storage tanks consistent with the approvals granted under UP86-74P.

Proposed Project

The applicant is seeking a Use Permit for the installation of a new telecommunication facility that would include a new 70-foot-tall mono-eucalyptus, a new 3-foot-tall microwave antenna, two (2) new ODU’s, one (1) new cabinet and a new equipment area.

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	R/OPS(C3412) (SR) – “Research/Open Space Park” District	Medical Research Facility
North	OS - "Open Space" District	Open Space
South	OS - "Open Space" District	Open Space
East	OS - "Open Space" District	Open Space
West	OS - "Open Space" District	Open Space

Aerial of Project Site

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



DISCUSSION/ANALYSIS:

Below is a table comparing the development standards for the R/OPS(C3412) (SR) – “Research/Open Space Park” District with the Applicant’s proposal.

Project Comparison

STANDARD	REQUIRED	PROPOSED
Building Site Area	50 acres	100 acres (existing)
Maximum Building Height	Thirty-five (35) feet maximum	70’ tower*
Structural Setback	Front: 150 feet minimum Side and rear: 150 feet minimum when abutting a public ROW, otherwise, 50 feet minimum	1,633feet front setback 1,404 feet and 378 feet side setbacks 802 feet rear setback
Building Site Coverage	20%	Not Applicable

* Indicates deviation from County of Orange Zoning Code.

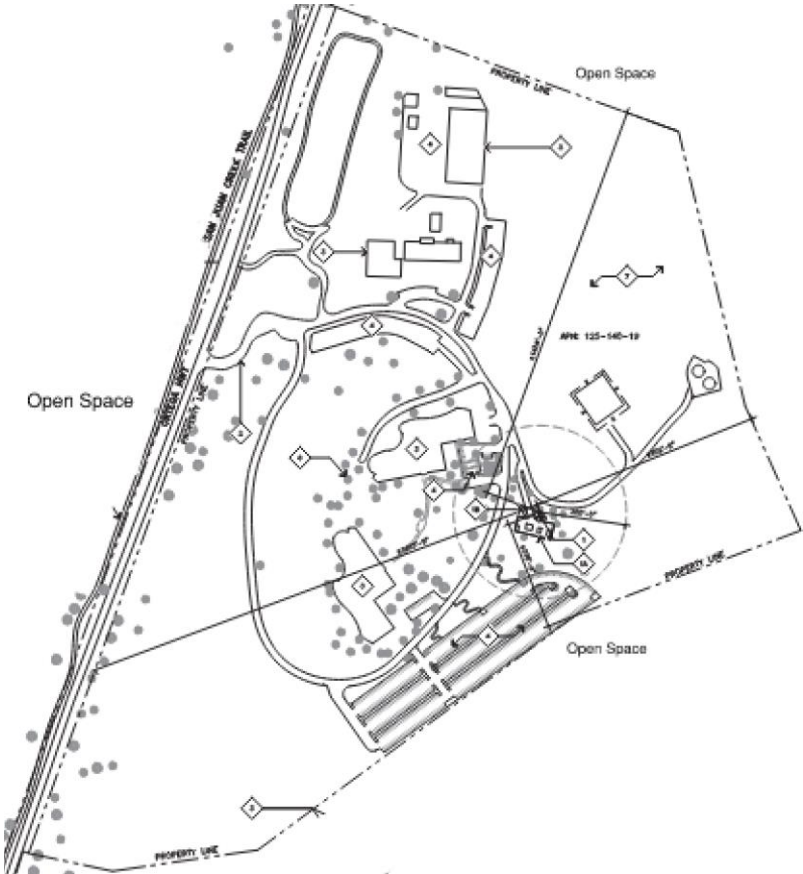
Below is a table comparing the development standards for the Wireless Communications Facility on Private Property Ordinance NO. 15-019 with the Applicant's proposal.

STANDARD	REQUIRED	PROPOSED
Maximum Building Height	No tower shall exceed the maximum permissible height for structures in the underlying zoning district. (Project Zone - Thirty-five (35) feet maximum.)	70' 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.	Equipment to be located within an existing fenced area.

* Indicates deviation from Wireless Facility Design Standards.

The project meets all but one (1) of the required development standards. Exception for the deviation noted in the tables above is requested by the applicant to be able to supply point to point network connectivity for Quest Diagnostics.

SITE PLAN



Proposed Facility

The applicant is proposing to build a new telecommunication facility that consisted of a new 70-foot-tall mono-eucalyptus, a new 3-foot-tall microwave antenna, two (2) new ODU's, one (1) new cabinet and a new equipment area.

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.

Quest Diagnostics has purchased two 1G ADE (AT&T Dedicated Ethernet) for network connectivity. A 70' tall Faux Mono-Eucalyptus Pole is required to accommodate the point-to-point network needs for Quest Diagnostics since the height of the tower is needed for a clear line of sight over the highest ridge line. The requested height of the tower is the minimum height needed to supply point to point network connectivity for Quest Diagnostics network needs.

The proposed tower will be located 1,330 feet away from the nearest street. The applicant has designed the equipment compound to blend with the surrounding community and landscaping thus minimizing the visual impact of the site. Brown paint will conceal the pole from 15' to the pole top. The microwave antenna and associated equipment will be disguised and screened from public view. Colors will be set to match any existing structures to better camouflage the design. Additionally, colors will also be painted in non-reflective to lessen the reflection and avoid any brightness hazards. The proposed facility is located in an un-intrusive area and the design of the facility is also un-intrusive, since the height, location, and materials will camouflage the facility to blend with the surrounding area.

Staff has analyzed the proposed project and concluded that the facility is therefore, located in an un-intrusive area and the 70-foot height tower is essential and required to provide the necessary network connectivity. 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 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 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 Guidelines Section 15311 because the exemption provides for placement of minor structures accessory to (appurtenant to) existing industrial 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 PA23-0120 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 July 25, 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.