

CA 5032
LA 2741



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

April 23, 2009

Ms. Sandra Jacobs
SFC Communications, Inc.
26012 Marguerite Parkway, Suite H424
Mission Viejo, CA 92692

**RE: EXTENSION OF TIME FOR ZONING APPLICATION ZA-07-50
MINOR CONDITIONAL USE PERMIT FOR A 60-FOOT HIGH MONOPINE
1701 GOLF COURSE DRIVE, COSTA MESA**

Dear Ms. Jacobs:

Review of the minor conditional use permit for the above-referenced project has been completed. The application, as described in the attached project description, has been approved, based on the findings and subject to the conditions of approval (attached). The decision will become final at 5:00 p.m. on April 30, 2009, unless appealed by an affected party (including filing of the necessary application and payment of the appropriate fee) or is called up for review by a member of the Planning Commission or City Council.

If you have any questions regarding this letter, please feel free to contact the project planner, Rebecca Robbins, at (714) 754-5609.

Sincerely,


KIMBERLY BRANDT, AICP
Zoning Administrator

Attachments: Project Description
 Findings
 Conditions of Approval & Code Requirements
 Approved Conceptual Plans

cc: Gary Wong, Engineering
Fire Protection Analyst
Building Division
Anna Tellez, Telecommunications

Raymond Ott
P.O. Box 2437
Costa Mesa, CA 92628-2437

DESCRIPTION

- The site is zoned Institutional and Recreational (I&R) and is bounded by residential uses to the north, Placentia Avenue to the west, the City's maintenance yard to the south, and Fairview State Hospital to the east. The site is owned by the City and leased for use as the Costa Mesa Country Club.
- On November 21, 2007, the Zoning Administrator approved a 60-foot high wireless facility (monopine) at the southernmost portion of the property. The equipment cabinets were approved to be enclosed within an 8-foot high block wall abutting the maintenance yard property line with the material and color of the block wall to be compatible with the existing building at the site.
- The applicant is requesting a one-year time extension to allow time to complete processing the lease agreement with the City and submit for permits. Although the expiration of the application was in November 2008, the proposed project is the same project as previously approved and there have been no changes in the City's Zoning Code that affect the project.
- Conditions of approval and Code requirements have been updated and included in this time extension.

FINDINGS

1. The information presented substantially complies with Section 13-29(g)(2) and Section 13-144(b) of the Costa Mesa Municipal Code in that:
 - a. The proposed use is substantially compatible with development in the same general area and would not be materially detrimental to other properties within the area in that the equipment cabinets will be located behind a block wall and the antennas and support pole will be camouflaged in the form of a pine tree.
 - b. Granting the minor conditional use permit will not be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to property and improvements within the immediate neighborhood. The antennas will transmit and receive at frequency ranges between 1975MHz and 1990MHz and 1895MHz and 1919MH, respectively. The environmental radio frequency radiation generated by the antennas will not exceed ANSI/IEEE standards and conditions have been included to ensure that the antennas do not transmit frequency that is used by the City's public safety agencies. This radio wave frequency is non-ionizing and not harmful to people or the environment.
 - c. Strict conformance with the 30-foot height limit will unreasonably limit, or prevent, reception or transmission of signals, or result in excessive expense in light of the cost of purchase, installation, and operation of the antennas.
 - d. The deviation from applicable development standards represents the minimum adjustment necessary to prevent unreasonable limitations on the reception or transmission of signals.
 - e. Granting the minor conditional use permit will not allow a use, density, or intensity which is not in accordance with the General Plan designation for the property.

2. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt under Section 1503, New Construction, of CEQA.
3. The project is exempt from Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

CONDITIONS OF APPROVAL

- Plng.
1. The antennas and support pole shall be camouflaged in the form of a pine tree. As part of the plan check submittal package, submit to the Planning Division materials to be used for the "bark" and "branches/needles" of the monopine. Materials must resemble texture and color of live pine trees.
 2. Depending on their location, the antennas shall be painted the appropriate colors to imitate the bark, branches, and needles of the pine tree.
 3. All equipment cabinets shall be screened from view. Screening material and color shall be compatible with the existing building at the subject property.
 4. Landscaping in the form of fast-growing, evergreen vines shall be planted on the equipment enclosure to deter graffiti, under the direction of Planning staff and the Telecommunications Manager.
 5. Any future additions or modifications to the equipment, antennas, or support pole shall be done with the approval of Planning staff and may require filing and approval of a minor conditional use permit.
 6. The working drawings shall clearly delineate any wiring, indicating if it is to be exposed or how it is to be screened. The plans shall also delineate the method of mounting the antennas to the pole.
 7. The monopine and all associated equipment shall be completely removed upon discontinuance of use. The applicant shall notify the Planning Division when this occurs and obtain the necessary demolition permits to remove the monopine and all support equipment.
 8. A copy of the conditions of approval for the minor conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
 9. The applicant recognizes that the frequencies used by the cellular facility located at the subject property are extremely close to the frequencies used by the City of Costa Mesa for Public Safety. This proximity will require extraordinary "comprehensive advanced planning and frequency coordination" engineering measures to prevent interference, especially in the choice of frequencies and radio ancillary hardware. This is encouraged in the "Best Practices Guide" published by the Association of Public Safety Communications Officials, International, Inc. (APCO), and as endorsed by the Federal Communication Commission (FCC). Prior to the issuance of any permits to install the facility, the applicant shall meet in

- good faith to coordinate the use of frequencies and equipment with the Communications Division of the Orange County Sheriff-Coroner Department to minimize, to the greatest extent possible, any interference with the Public Safety 800 MHz Countywide Coordinated Communications System (CCCS). Similar consideration shall be given to any other existing or proposed wireless communications facility that may be located on the subject property.
10. At all times, the applicant shall not prevent the City of Costa Mesa from having adequate spectrum capacity on the City's 800 MHz radio frequency.
 11. Before activating its facility, the applicant shall submit to a post-installation test to confirm that "advanced planning and frequency coordination" of the facility does not interfere with the City of Costa Mesa Public Safety radio equipment. This test shall be conducted by the Communications Division of the Orange County Sheriff's Department or a Division-approved contractor at the expense of the applicant. This post-installation testing process shall be repeated for every proposed frequency addition and/or change to confirm the intent of the "frequency planning" process has been met.
 12. The applicant shall provide a 24-hour phone number to which interference problems may be reported.
 13. The applicant shall provide a "single point of contact" in its Engineering and Maintenance Departments to ensure continuity on all interference issues. The name, telephone number, fax number, and e-mail address of that person shall be provided to City's designated representative upon activation of the facility.
 14. The applicant shall ensure that the lessee or other user(s) shall comply with the terms and conditions of this permit and shall be responsible for the failure of any lessee or other users under the control of the applicant to comply.
 15. The applicant shall contact the Planning Division to arrange for an inspection of the site prior to the release of utilities. This inspection is to confirm that the conditions of approval and Code requirements have been satisfied.
 16. The conditions of approval, code requirements, and special district requirements of Minor Conditional Use Permit ZA-07-50 shall be blue-printed on the face of the site plan.

CODE REQUIREMENTS

The following list of federal, state, and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- Plng. 1. Approval of the zoning application is valid for one (1) year from the effective date of this approval and will expire at the end of that period

(November 28, 2009) unless applicant establishes the use by obtaining building permits for the authorized construction and initiates construction. If the applicant is unable to establish the use/obtain building permits within the one-year time period, the applicant may request an extension of time. The Planning Division must receive a written request for the time extension prior to the expiration of the zoning application.

2. Once the use is legally established, the zoning application herein approved shall be valid until revoked. The Development Services Director or his designee may refer the zoning application to the Planning Commission for modification or revocation at any time if, in his opinion, any of the following circumstances exist: 1) the use is being operated in violation of the conditions of approval; 2) the use is being operated in violation of applicable laws or ordinances or 3) one or more of the findings upon which the approval was based are no longer applicable.
3. Building permits shall not be issued until City Council approves the Lease Agreement between the City and the wireless facility company. The Telecommunications Manager, Anna Tellez, shall notify Planning staff once the lease has been approved and signed.
4. No sign of any kind shall be posted or displayed on any antenna, monopine, or screening wall.
5. All electrical and antenna wiring shall be encased in tubing or other devices acceptable to the Planning Division and/or concealed to the maximum extent feasible to minimize visual impact.
6. Any mechanical equipment and duct work shall be screened from view in a manner approved by the Planning Division.
7. All antennas not screened either by solid opaque wall(s), fence(s), vegetation, landscaping or other material(s) deemed acceptable by the Planning Division, shall be finished in a color deemed unobtrusive to the neighborhood in which it is located, under the direction of the Planning Division.
8. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy, and utility releases will not be granted until all such licenses have been obtained.
9. Comply with the requirements of the 2007 California Building Code.
10. Obtain Building permit(s) and Engineering permits as required. Pay required permit fee and cash deposit, per Sections 15-31 and 15-32, C.C.M.M.C.
11. Submit legal description for proposed 12-foot wide access easement, plat of new easement area, both prepared by a registered Civil Engineer or Land Surveyor, and updated Title Report of subject property.
12. Correct DIRECTIONS TO SITE detail on sheet number C-1.
13. Revise plans to show existing utilities, utility easements, and other telecommunication easements (i.e., Cox Communication, AT&T Wireless). Applicant to coordinate any conflicts, since the existing utility and telecommunication facilities have prior rights. Provide title report to verify all

- Fire 14. existing easements on subject properties.
Provide quantity of lead acid batteries for the project.