



# City of Costa Mesa

## Inter Office Memorandum

**TO:** CITY COUNCIL AND PLANNING COMMISSION  
**CC:** TOM HATCH, PETER NAGHAVI, AND CLAIRE FLYNN  
**FROM:** WILLA BOUWENS-KILLEEN, ZONING ADMINISTRATOR  
**DATE:** FEBRUARY 7, 2013  
**SUBJECT:** ZONING ADMINISTRATOR DECISION(S)

*W Bouwens-Killeen*

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This is to advise you of the following decision(s) made by the Zoning Administrator within the last week. The decision(s) will become final unless a member of the Planning Commission or City Council requests a review of the decision(s) or an interested party files an appeal by 5:00 p.m. on February 14, 2013. Project descriptions have been kept brief for this notice. As a result, there may be details to the project or conditions of approval that would be of interest to you in deciding whether to request a review of a decision. Please feel free to contact me by e-mail at [willa.bouwens-killeen@costamesaca.gov](mailto:willa.bouwens-killeen@costamesaca.gov) if you have any questions or would like further details.

**ZA-12-36 1725 Pomona Avenue**

Minor Conditional Use Permit to install a 60-foot high wireless communication facility disguised as a pine tree (monopine) with 12 panel antennas and an equipment shelter adjacent to the monopine.

Approved, subject to conditions.

Comments received: One, general comments only (neither in opposition or support).



# CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

February 7, 2013

Ms. Cindy Leinart  
25595 Budapest Avenue  
Mission Viejo, CA 92691

**RE: ZONING APPLICATION ZA-12-36  
MINOR CONDITIONAL USE PERMIT FOR A WIRELESS COMMUNICATION  
FACILITY DESIGNED AS A PINE TREE (MONOPINE)  
1725 POMONA AVENUE, COSTA MESA**

Dear Ms. Leinart:

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 February 14, 2013, unless appealed by an affected party (including filing of the necessary application and payment of the appropriate fee) or 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, Raynald F. Pascua, at (714)754-5692, or via email at [ray.pascua@costamesaca.gov](mailto:ray.pascua@costamesaca.gov).

Sincerely,

WILLA BOUWENS-KILLEEN, AICP  
Zoning Administrator

Attachments:      Project description  
                         Findings  
                         Conditions of approval  
                         Approved conceptual plans

cc:                      Engineering  
                         Fire Protection Analyst  
                         Building Division

## **PROJECT DESCRIPTION**

### ***Site Location***

- The 2.4-acre property is zoned General Industrial (MG) and is surrounded by industrially-zoned properties to the north, west and south, and across Pomona Avenue to the east.
- The property is improved with separate self-storage buildings and an office totaling 48,141 square feet.

### ***Proposed Use***

- The applicant proposes to install a 60-foot tall wireless communication facility designed as a pine tree (monopine) and related equipment cabinets.
- The monopine is proposed to be located at the southwest corner of the property, between an existing self-storage building to the north and parking spaces to the south.
- The equipment cabinets are proposed to be installed within the adjacent self-storage building.
- The monopine is designed to accommodate the collocation of future carriers.

### ***Analysis***

- The proposed antennas and support pole will be camouflaged in the form of a pine tree. The proposed height exceeds the maximum allowable height of 30 feet per Zoning Code; therefore, consistent with Table 13-142, approval of a Minor Conditional Use Permit is required for this request.
- The proposed location does not affect the number of parking spaces or the existing site layout.
- The applicant has submitted a letter explaining that the monopine will operate in full compliance with the US standards for radiofrequency emissions, as published by the American National Standards Institute (ANSI).
- Consistent with other wireless antennas, the FCC has jurisdictional authority with regard to the health and safety of telecommunications facility and the City of Costa Mesa is preempted by Federal regulations on this issue.
- Conditions have been included to ensure antenna frequencies do not interfere with the frequency used for Public Safety communications.
- The proposed use is consistent with General Plan Community Design Element Goal CD-8A.8 in that the proposed antennas and support pole will be camouflaged in the form of a pine tree.

## **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 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 because the environmental radio frequency radiation generated by the antennas will not exceed ANSI/IEEE standards. Conditions have also been included to insure that the antennas do not interfere with the frequencies used by the City for public safety purposes.
  - c. 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 since the antennas and dishes will not be readily visible, minimizing visual impacts.
  - d. Per applicant, the proposed height will improve transmission of signals from the site to the surrounding community, provide alternative emergency response communications for police, fire, paramedics and other emergency services, and better voice and reception quality through the use of the all-digital technology. Applying the 30-foot height limit will restrict the delivery of these service enhancements. In addition, the increased height will allow an alternative for future co-location.
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 15303, 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**

- P1ng.
1. The antennas and support pole shall be camouflaged in the form of a pine tree. As part of the plan check submittal package, sample materials to be used for the "bark" and "pine branches and needles" of the monopine shall be submitted to the Planning Division. Materials shall resemble texture and color of live pine trees.
  2. Depending on their locations, the antennas shall be painted the appropriate colors to match the bark and needles of the pine tree.
  3. The plans shall be revised to show the correct property dimensions and location of property lines.
  4. The site address shall be blueprinted on the site plan and on all floor plans in the working drawings.
  5. Any future additions or modifications to the equipment or antennas 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 and methods of screening.
  7. The antennas, dishes, 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 wireless facility and associated equipment.
8. At all times, the applicant shall not prevent City of Costa Mesa from having adequate spectrum capacity on City's 800 MHz radio frequency.
  9. The applicant shall provide a 24-hour phone number to which interference problems may be reported.
  10. 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.
  11. The applicant shall ensure that 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 applicant to comply.
  12. The conditions of approval and Code requirements of Zoning Application ZA-12-36 shall be blueprinted on the face of the site plan.
  13. 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.
  14. A copy of the conditions of approval for the 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.
  15. The applicant shall design the branches of the monopine such that they extend past the length of the antenna panels and related equipment, so as to achieve a more natural appearance of a pine tree. Details of this design shall be reflected on the site plan and elevations.
  - Public Svcs. 16. The applicant shall plant one 24-inch box Pyrus Calleryana "Chanticleer". This will require saw-cutting a five-foot by five-foot tree well in the existing sidewalk.
  - Police 17. 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, 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.

## 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 planning application is valid for one (1) year from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by obtaining building permits for the authorized construction and initiates construction. If the applicant is unable to 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 planning 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. All noise-generating construction activities shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday and 9:00 a.m. to 6:00 p.m. Saturday. Noise-generating construction activities shall be prohibited on Sunday and the following Federal holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
4. No sign or banner of any kind shall be posted or displayed on the antennas or equipment enclosure.
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. Installation of all utility meters shall be performed in a manner so as to obscure the installation from view from any place on or off the property. The installation shall be in a manner acceptable to the public utility and shall be in the form of a vault, wall cabinet, or wall box under the direction of the Planning Division.
7. Show method of screening for all ground-mounted equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.). Ground-mounted equipment, including transformers, shall not be located in any landscaped street setback, except when required by applicable uniform codes, and shall be screened from view, under the direction of Planning staff.
- Bus. 8. All contractors and subcontractors must have valid business licenses to do  
Lic. business in the City of Costa Mesa. Final inspections will not be granted until all such licenses have been obtained.
- Bldg. 9. Comply with the requirements of the 2010 California Building Code, 2010 California Electrical Code, 2010 California Mechanical Code, and 2010 California Energy Code (or the applicable adopted California Building Code, California Electrical Code, California Mechanical Code, and California

- Energy Code at the time of plan submittal) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa.
10. The applicant shall provide a plan to the Orange County Health Department for review and approval.
  11. Comply with the Sanitary Code Requirements #16. Applicant shall contact the Air Quality Management District (AQMD) at (800) 288-7664 for potential additional conditions of development, or for additional permits required by AQMD.
  12. This project shall comply with the In-Building Public Safety Radio System Coverage per sections 5-130 to 5-137 of the Costa Mesa Municipal Code. At plan check submittal, 6 copies of an In-Building Public Safety Radio System Coverage shall be submitted to the Building and Safety Division. The Radio System report shall be certified by an FCC licensed radio technician as provided by the property owner/applicant. The licensed radio technician is required by section 5-133 to conduct initial test and shall be employed by the owner, the engineer or architect of record, or agent of the owner but not by the contractor or any other persons responsible for the work.
  13. The applicant shall submit a soils report for this project. The soil's report recommendations shall be blueprinted on both the architectural and grading plans.
  - Eng. 14. A Construction Access Permit and deposit of \$580 will be required by City of Costa Mesa, Engineering Division prior to start of any on-site work necessary during construction for street sweeping and to guarantee replacement costs in case of damage to existing public improvements.
  - Fire 15. Installation shall comply with the California Fire Code, 2010.

### **SPECIAL DISTRICT REQUIREMENTS**

The requirements of the following special districts are hereby forwarded to the applicant:

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| AQMD | 1. Applicant shall contact the Air Quality Management District (800) 288-7664 for potential additional conditions of development or for additional permits required by the district.  |
| CDFA | 2. Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants exist on the property prior to any soil movement or excavation. Call CDFA for information. |