

# COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> 2.a.	<b>SITE LOCATION:</b> Northwest corner of Valley View Street and Chapman Avenue, at 11891 Valley View Street
<b>HEARING DATE:</b> November 12, 2015	<b>GENERAL PLAN:</b> Residential/Commercial Mixed Use 2
<b>CASE NO.:</b> Conditional Use Permit No. CUP-052-2015	<b>ZONE:</b> C-2 (Community Commercial)
<b>APPLICANT:</b> New Cingular Wireless	<b>APN:</b> 224-222-20
<b>OWNER:</b> Domain Corporation	<b>CEQA DETERMINATION:</b> Exempt

## **REQUEST:**

The applicant is requesting Conditional Use Permit approval to construct and operate a new 60'-0" tall wireless telecommunications facility disguised as a pine tree (mono-pine) along with related ground-mounted equipment.

## **BACKGROUND:**

The subject site is an approximately 13.6-acre multi-tenant commercial shopping center, called Eastgate Plaza, located on the northwest corner of Valley View Street and Chapman Avenue. Current commercial retail tenants include Vons, Rite-Aid, Wells Fargo, Souplantation, ACE Hardware, along with a mix of several other types of commercial businesses.

The subject development site is zoned C-2 (Community Commercial) with a Land Use Designation of Residential/Commercial Mixed Use 2. The subject development abuts R-3 (Multiple-Family Residential) zoned properties to the west and north, PUD-107-71 (Planned Unit Development), PUD-104-73, and C-2 zoned properties, across Chapman Avenue to the south, and C-2 and C-1 (Neighborhood Commercial) zoned properties across Valley View Street to the east.

The specific area the applicant is proposing to construct the new mono-pine is located at the northwest corner of the development, within a parking lot, behind the existing commercial retail buildings. An alley, thirty feet in width, provides a buffer to the residential properties along the westerly and northerly property lines of the Eastgate Plaza development. The new mono-pine, along with the ground-mounted equipment, will be located within an existing triangular-shaped planter in this rear parking lot area.

On June 26, 2014, the City of Garden Grove approved Conditional Use Permit No. CUP-014-2014, which allowed the applicant to construct and operate a new 60'-0" tall wireless telecommunications facility disguised as a pine tree (mono-pine)

along with related ground-mounted equipment. Subsequent to the approval of CUP-014-2014, the applicant submitted construction plans to the Building Division for plan check, the plan check was approved, and a building permit (Permit No. 14-2391) was issued on October 13, 2014. Municipal Code Section 9.32.160 (Expiration of Granted Land Use Actions) states, "Unless a time extension is granted in accordance with Section 9.24.030, any discretionary action becomes null and void if not exercised within the time specified in the approval of the discretionary action or, if no date is specified, within one year from the date of approval of such discretionary action." In this case, the applicant never requested a time extension or commenced construction of the project, and thereby failed to exercise the granted land use action within the allotted time of one year from the date of approval. Therefore, the granted land use action of CUP-014-2014 expired on July 18, 2015. Since the granted land use action has expired, the applicant is requesting to reinstate the approval of CUP-014-2014. The applicant has noted to Staff that they are now in a position to commence construction of the project within the new allotted time, should CUP-052-2015 be approved.

**DISCUSSION:**

The scope of work of the proposed project has not significantly changed since the original approval under CUP-014-2014. Details of the project involve the following:

New Cingular Wireless is proposing to lease approximately 370 square feet of land area, within an existing triangular-shaped planter, to install a wireless telecommunications facility disguised as a mono-pine, along with the related ground-mounted equipment, all within a new equipment enclosure.

The mono-pine will consist of twelve (12) 8'-0" tall mounted antennas (three sectors with four antennas per sector), one (1) 2'-6" (in diameter) microwave dish, twenty-four (24) RRU's (Remote Radio Units) (eight per sector) installed and stacked behind the panel antennas, and four (4) power surge suppressors attached to the arms of the three (3) arrays (and located close to the pole of the antenna supporting structure). Each antenna array is 9'-0" in width with 3'-0" spacing in between panel antennas. Conditions of Approval have been incorporated that will allow the mono-pine to maintain a natural appearance and for the panel antennas, and other aforementioned equipment, to remain stealth.

The proposed ground-mounted equipment will be located at grade and within a block-wall enclosure. The enclosure will be 21'-4" by 17'-4" and 8'-0" in height with a 4'-0" wide secured access gate. Both the mono-pine and the ground-mounted equipment will be located within the enclosure. The equipment enclosure will be screened from view by providing landscaping around the enclosure.

Currently, there is a lack of compatible or similar trees (similar to a pine tree) in the immediate area. The applicant is required to install three (3) live canary island pine trees, with a minimum height of 25'-0" at installation. The (3) live canary island pine trees will be installed within the existing planter adjacent to the proposed

mono-pine, and in the specific areas designated on the submitted plans, in order to help mitigate any potential negative aesthetic impacts, as well as to ensure that the new wireless telecommunications facility is stealth in appearance.

The applicant has noted, on the submitted plans, an exclusive maintenance parking space for the proposed wireless telecommunications facility. The use of this exclusive maintenance parking space is very minimal and will only be used when the facility requires maintenance, repair, or other related activities. This parking space may also provide space for the temporary use of an emergency generator. Finally, the use of this parking space will not usurp any required parking spaces on-site.

The location and configuration of the antennas on the wireless telecommunications facility have been selected to achieve the functional requirements set by New Cingular Wireless. The wireless telecommunications facility will help expand the service provider's coverage area within the City and help fill gaps that currently exist in their network. The increased coverage will help the service provider's customers to make and maintain calls as they travel through the City, with the calls transferred from one facility to another. Situating this facility at this location will also help reduce the burden on the provider's network and accommodate an increase in customer demand. Additionally, the applicant is required to plant/install three (3) live canary island pine trees to ensure that the new mono-pine is stealth in appearance and within its immediate surroundings to mitigate any potential issues to nearby residential areas. The mono-pine will be designed to have a natural appearance with minimum branch counts and enough foliage to ensure that the panel antennas, and other related equipment, installed on the facility will be stealth in appearance.

**RECOMMENDATION:**

Staff recommends that the Zoning Administrator take the following action:

1. Approve Conditional Use Permit No. CUP-052-2015, subject to the recommended conditions of approval.

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