CITY OF NEWPORT BEACH STAFF ACTION REPORT

TO:

CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

FROM:

Planning Department

Javier Garcia, Zoning Administrator jgarcia@city.newport-beach.ca.us

SUBJECT:

Report of actions taken by Planning Department Staff for the week ending June

13, 2008

Item 1:

Royal Street Communications California, LLC on behalf of property owner Hankey Investment Company, LP – Telecom Permit No. TP2007-015 (PA2007-258)

2043 Westcliff Drive

The Planning Director approved the applicants request to to install a new wireless telecom facility on an existing commercial building. The project includes the installation of six (6) panel antennas and one (1) parabolic antenna below the roofline on the walls of the existing building behind new radio frequency ("RF") friendly screen walls. A total four (4) support equipment cabinets, a Global Position System ("GPS") antenna, and appurtenant components to the facility are proposed to be installed within an 8-foot-tall solid block wall security enclosure located on the southwest side of the building immediately adjacent to parking stalls.

Approved – June 11, 2008

Council District 3

On behalf of David Lepo, Planning Director

M Brown, Associate Planner

The decision of the Planning may be appealed to the Planning Commission within 14 days of the action date. A \$600.00 filing fee shall accompany any appeal filed. No building permits may be issued until the appeal period has expired.

David Lepo, Planning Director (e-mail) C:

Sharon Wood, Assistant City Manager (e-mail)

David Keely, Public Works Senior Civil Engineer (e-mail)

Kay Sims, Assistant Planner (e-mail)

Sgt. Ron Vallercamp, Vice/Narcotics (e-mail) Code Enforcement Division (e-mail)

Erin Steffen, Office Assistant (e-mail)

Iris Lee, Public Works (e-mail)

Evelyn Tseng, Revenue (e-mail)



TELECOM PERMIT NO. TP2007-015

(PA2007-258)

Planning Department 3300 Newport Boulevard Newport Beach, CA 92663 (949) 644-3200; FAX (949) 644-3229

Staff Person:

Janet Johnson Brown (949) 644-3236

APPLICATION:

Telecom Permit No. TP2007-015 (PA2007-258)

APPLICANT:

Royal Street Communications California, LLC

LOCATION:

2043 [CS] Westcliff Drive

LEGAL DESCRIPTION:

Lots 1 and 2, Tract 4225

PROJECT REQUEST AND DESCRIPTION

Royal Street Communications California, LLC has submitted an application requesting to install a new wireless telecom facility on an existing commercial building. The project includes the installation of six (6) panel antennas and one (1) parabolic antenna below the roofline on the walls of the existing building behind new radio frequency ("RF") friendly screen walls. A total four (4) support equipment cabinets, a Global Position System ("GPS") antenna, and appurtenant components to the facility are proposed to be installed within an 8-foot-tall solid block wall security enclosure located on the southwest side of the building immediately adjacent to parking stalls. The property is located in the RSC (Retail and Service Commercial) District.

DIRECTOR'S ACTION: APPROVED WITH CONDITIONS - JUNE 11, 2008

In approving this application, the Planning Director analyzed issues regarding compliance with Chapter 15.70 of the Newport Beach Municipal Code. This approval is based on the findings and subject to the following conditions attached to this report.

The Planning Director determined in this case that the proposed wireless telecommunications facility ("telecom facility") meets the provisions of Chapter 15.70. The panel and parabolic antennas are being installed on the walls of an existing commercial building and will be screened from view behind new RF-friendly screen walls that will be painted to match the color and texture of the existing building. The GPS antenna and support equipment cabinets will be screened from view in a new solid block wall security enclosure that will also be painted to match the color and texture of the existing building.

APPEAL PERIOD

The applicant may appeal any denial of the application or any conditions of approval to the City Council within 14 days of the date of written notification of action by the Planning Director. The City Council's action on appeals shall be final. Any appeal filed shall be accompanied by a filing fee of \$340.00.

On behalf of David Lepo, Planning Director

Janet Johnson Brown Associate Planner

Attachments:

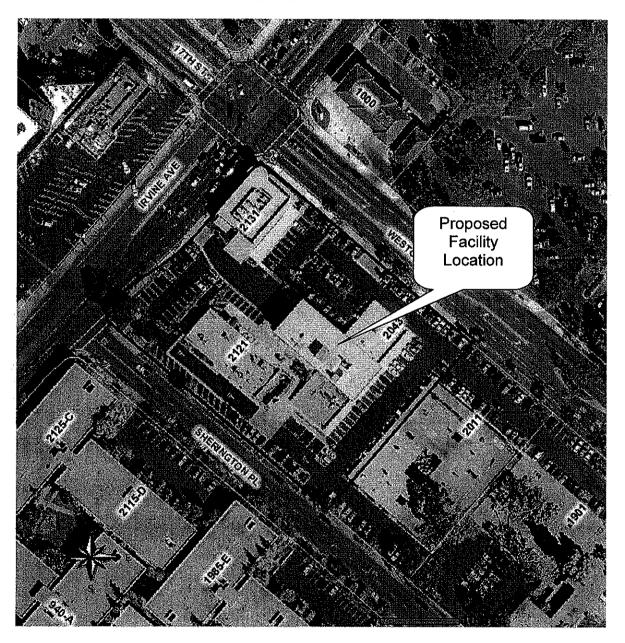
Vicinity Map

Findings and Conditions of Approval

Site Plan & Elevations

VICINITY MAP

2043 [CS] Westcliff Drive



TP2007-015 (PA2007-258)

FINDINGS AND CONDITIONS OF APPROVAL

TP2007-015 (PA2007-258)

FINDINGS

- 1. The telecommunications facility as proposed meets the intent of Chapter 15.70 of the Newport Beach Municipal Code (NBMC), while ensuring public safety, reducing the visual effects of telecom equipment on public streetscapes, protecting scenic ocean and coastal views, and otherwise mitigating the impacts of such facilities for the following reasons:
 - The proposed telecom facility will not be detrimental to public health or safety because it is required to comply with the applicable rules, regulations and standards of the Federal Communications Commission (FCC) and the California Public Utilities Commission (CPUC).
 - The proposed telecom facility will be located on an existing building. Any
 future facility proposed to be located within 1,000 feet of the new facility
 shall be required to co-locate on the same site so as to limit the adverse
 visual effects of proliferation of facilities in the City.
 - The proposed telecom facility antennas will be wall-mounted on an existing commercial building and screened from view with new screen walls. The new support equipment cabinets and other appurtenant components of the facility will be screened from view in a new solid block wall security enclosure. Due to the location and design of the facility, there is no impact to public views.
- 2. The telecommunications facility as proposed conforms to the technology, height, location and design standards for the following reasons:
 - The telecom facility approved under this permit utilizes the most efficient available technology in order to reduce the visual impact.
 - The panel antennas and parabolic antenna for the proposed telecom facility approved by this permit do not exceed the upper maximum building height of 50 feet, as allowed by Section 15.70.050 A.1 of the Telecom Ordinance.
 - The antennas for the telecom facility approved by this permit will be wall mounted and will be screened from public view in a manner consistent with the architectural style, color and materials of the existing building to avoid adverse impacts to views from land or buildings at higher elevations.
 - The GPS antenna and support equipment cabinets for the proposed telecom facility will be ground-mounted and will be screened from public view within a new solid block wall security enclosure. The security enclosure will be painted to match the color and texture of the existing building.
- 3. This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 3 (New Construction or Conversion of Small Structures).

CONDITIONS

- 1. The development shall be in substantial conformance with the approved plot plan, antenna and equipment plans, and elevations, except as noted in the following conditions.
- 2. Anything not specifically approved by this Telecom Permit is not permitted and must be addressed in a separate and subsequent Telecom Permit review.
- 3. The six (6) panel antennas and one (1) parabolic antenna shall be installed below the roofline on the walls of the existing building, as depicted on the plans date stamped May 27, 2008.
- 4. The six (6) panel antennas and one (1) parabolic antenna shall be screened from public view behind new RF-friendly screen walls that will be painted and textured to match the existing building. The new screen wall for antenna Sectors A, B, E and F shall not exceed the height of the existing penthouse structure (or an elevation of 135.3 as shown on the site survey attached to the plans). The new screen wall for antenna Sectors C and D shall not exceed the height of the existing equipment screen wall (or an elevation of 132.7 as shown on the site survey).
- 5. The applicant shall obtain a roof height certification prepared by a licensed surveyor to certify the height of the new screen walls for all antenna sectors do not exceed the height of the existing building. The roof height certification shall be submitted to the Planning Department prior to the final of building permits.
- 6. Prior to the issuance of any permits, new exterior elevation plans shall be drawn to accurately depict the height of the existing and new RF-friendly screen walls at antenna Sectors C and D at an elevation of 132.7, as shown on the site survey submitted with the plans. A copy of the corrected plans shall be submitted to the Planning Department for inclusion in the telecom permit file.
- 7. The four (4) support equipment cabinets, one (1) GPS antenna and other appurtenant components to the facility shall be installed in a new solid block wall security enclosure on the southwest side of the building as depicted on the plans date stamped May 27, 2008. No portion of the equipment or GPS antenna shall exceed the top of the new security enclosure. The new security enclosure shall be painted and textured to match the existing building. Evergreen vines may be planted adjacent to the new security enclosure.
- 8. The proposed evergreen vines along the frontage of the existing parking stalls may eventually conceal the proposed 4-foot-high bollards. The Public Works Department provides two options so that damage to any proposed bollards, vehicles or the new block wall security enclosure is minimized. Option #1: remove evergreen vines and remove/relocate the parking stall wheel stops as

necessary based on the installation of the 4-foot high bollards. Option #2: Install a 4 to 6-inch high planter curb in the parking stall overhang area that functions as a wheel stop and plant grass/sod between the new block wall security enclosure and planter curb.

- 9. All proposed changes to the parking lot layout shall comply with City Standard No. 805-L-A/B and further be reviewed by the Public Works Department based on the above proposed options.
- 10. If any of the existing public improvements surrounding the site are damaged by the private work, new concrete sidewalk, curb and gutter, alley/street pavement, and other public improvements will be required by the City at the time of private construction completion. Said determination and the extent of the repair work shall be made at the discretion of the Public Works Inspector.
- 11. The storage of all project-related equipment during construction shall be on-site.
- 12. A Temporary Street Closure Permit and/or Encroachment Permit are required for all work activities in the public right-of-way.
- 13. The proposed private 12-foot-wide Royal Street Communications' Access Easement extending from Sherington Place shall begin at the right-ofway/property line and not the public right-of-way as shown on Sheet A-1 of the plans.
- 14. The telecom facility approved by this permit shall comply with all applicable rules, regulations and standards of the Federal Communications Commission (FCC) and the California Public Utilities Commission (CPUC).
- 15. Any future facilities proposed by other carriers to be located within 1,000 feet from the subject property shall be approved to co-locate at the same site by the property owner or authorized agent, unless otherwise approved by the Planning Director.
- 16. The telecom facility shall comply with all regulations and requirements of the Uniform Building Code, Uniform Fire Code, Uniform Mechanical Code and National Electrical Code. All required permits shall be obtained prior to commencement of the construction.
- 17. Prior to the issuance of any building, mechanical and/or electrical permits, architectural drawings and structural design plans shall be submitted to the City of Newport Beach for review and approval by the applicable departments. A copy of this approval letter shall be incorporated into the drawings approved for the issuance of permits.
- 18. Appropriate information warning signs or plates shall be posted at the access locations and each transmitting antenna. In addition, contact information (e.g. a

telephone number) shall be provided on the warning signs or plates to arrange for access to the roof top area. The location of the information warning signs or plates shall be depicted on the plans submitted for construction permits.

- 19. No advertising signage or identifying logos shall be displayed on the telecom facility except for small identification, address, warning and similar information plates. A detail of the information plates depicting the language on the plate shall be included in the plans submitted for issuance of building permits.
- 20. The facility shall transmit at a frequency range of 1975 to 1990 MHz, and shall receive at a frequency range of 1895 to 1919 MHz. Any change or alteration to the frequency range shall require the prior review and approval of the Planning Director.
- 21. 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. The applicant shall provide the Planning Department with documentation from the OCSCD that the meeting has taken place.

The applicant recognizes that the frequencies used by the cellular facility located at **2043 [CS] Westcliff Drive** are extremely close to the frequencies used by the City of Newport Beach 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 Communications Commission (FCC).

- 22. The applicant shall not prevent the City of Newport Beach from having adequate spectrum capacity on the City's 800 MHz radio frequencies at any time.
- 23. Prior to activation of the facility, the applicant shall submit to a post-installation test to confirm that "advanced planning and frequency coordination" of the facility was successful in not interfering with the City's Public Safety radio equipment. This test will be conducted by the Communications Division of the Orange County Sheriff-Coroner 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.
- 24. Prior to activation of the facility, the applicant shall submit a letter to the Planning Director prepared by the Orange County Sheriff-Coroner Department indicating

- that the OCSD has reviewed the results of the post-installation test and that the facility will not cause interference with the City's Public Safety radio equipment.
- 25. Within 30 days after installation of the telecom facility, a radio frequency (RF) compliance and radiation report prepared by a qualified RF engineer acceptable to the City shall be submitted in order to demonstrate that the facility is operating at the approved frequency and complies with FCC standards for radiation. If the report shows that the facility does not so comply, the use of the facility shall be suspended until the facility is modified to comply and a new report has been submitted confirming such compliance.
- 26. Prior to issuance of building permits, a deposit of \$1,000 shall be paid to the City of Newport Beach. This deposit is required by the Planning Department to ensure preparation and submittal of the RF Compliance and Radiation Report, referenced in the above Condition. The deposit will be used to defray any and all fees associated with review of the report by an independent technical consultant, pursuant to Section 15.70.070 B-10 of the Telecom Ordinance. Any unused deposit fees will be refunded to the applicant upon determination of compliance with the approved frequency and FCC standards.
- 27. The applicant shall provide a "single point of contact" in its Engineering and Maintenance Departments that is monitored 24 hours a day to insure continuity on all interference issues, and to which interference problems may be reported.

 The name, telephone number, fax number and e-mail address of that person shall be provided to the Planning Department and Newport Beach Police Department's Support Services Commander prior to activation of the facility.
- 28. Should interference with the City's Public Safety radio equipment occur, use of the facility shall be suspended until the radio frequency is corrected and verification of the compliance is reported.
- 29. The applicant shall insure 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 the applicant to comply.
- 30. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the applicant, current property owner or leasing agent.
- 31. The telecom facility approved by the permit shall comply with any easements, covenants, conditions or restrictions on the underlying real property upon which the facility is located.
- 32. The telecom facility shall not be lighted except as deemed necessary by the Newport Beach Police Department for security lighting. The night lighting shall be at the lowest intensity necessary for that purpose and such lighting shall be shielded so that direct rays do not shine on nearby properties. Prior to the final of

- building permits, the applicant shall schedule an evening inspection by the Code Enforcement Division to confirm compliance with this condition.
- 33. The operator of the telecom facility shall maintain the facility in a manner consistent with the original approval of the facility.
- 34. The City reserves the right and jurisdiction to review and modify any telecom permit approved pursuant to Chapter 15.70 of the Newport Beach Municipal Code, including the conditions of approval, based on changed circumstances. The operator shall notify the Planning Department of any proposal to change the height or size of the facility; increase the size, shape or number of antennas; change the facility's color or materials or location on the site; or increase the signal output above the maximum permissible exposure (MPE) limits imposed by the radio frequency emissions guidelines of the FCC. Any changed circumstance shall require the operator to apply for a modification of the original telecom permit and obtain the modified telecom permit prior to implementing any change.
- 35. This telecom permit may be modified or revoked by the City Council should they determine that the facility or operator has violated any law regulating the telecom facility or has failed to comply with the requirements of Chapter 15.70 of the NBMC, or this telecom permit.
- 36. Any operator who intends to abandon or discontinue use of a telecom facility must notify the Planning Director by certified mail no less than 30 days prior to such action. The operator or property owner shall have 90 days from the date of abandonment or discontinuance to reactivate use of the facility, transfer the rights to use the facility to another operator, or remove the telecom facility and restore the site.

Royal Street Communications California, LLC

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2043 WESTCLIFF

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2043 WESTCLIFF LA-2508B

NEWPORT BEACH, CA 92660 2043 WESTCLIFF DR.

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05/08/08

CITY OF NEWPORT BEACH MAY 87 2008



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CALIFORNIA CODE COMPLIANCE

THIS IS AN UMANNED TELECOMMUNICATIONS FACILITY FOR ROYAL STREET COMMUNICATIONS CONSESSING OF INSTALLATION AND OPERATION OF ANTEN AND ASSOCIATED EQUIPMENT. I. NEW ROYAL STREET PANEL ANTERNAS MOUNTED BEHIND RF-FREINDLY SCREEN WALL

PROJECT DESCRIPTION

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2. NEW FOUR (4) ROYAL STREET COMMUNICATIONS EQUIPMENT CABINETS LOCATED ON GROUND LEVEL.

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PROJECT TEAM

APPLICANTALESSEE:
ROYAL STREET COMMUNICATIONS, LLC
33G COMMERCE DINNE, STE 200
RIGHAE, CV 958G2
PHONE: (714) 231-2992
BUALL: Prosporated-erfectives
CONTACT: JAME NORTHE

PDC CORPORATION TREET 1922S DAMILIZADN STREET POWAY, CA 920S4 PHONE: (838) 668—282 FAX: (858) 688—2827 EMAL: schellspaticoplant Contact: Schall, Stayl, PE

PROJECT INFORMATION

MAKEY RWESTMENT COMPAN. LP
4751 WILSHIE BING. STE. 110
CONTACT: SCOT DOEBINS
OFFICE: (223) 692-4022
EAK! (723) 692-4122
EAK! dobbingDomestments.com UMIN, PROFESSIONAL, FINANCI 2043 WESTCLIFF DR. NEWPORT BEACH, CA R2550 JOHN ASHAM (714) 237-6551 117 54' 29.85" 33 37 38,86 17-631-28 NUMBER OF STORIES;

CORFIE: 1226 w 1907H ST., SLITE 310 GARDEW, CA 90246 PHONE: (GAS) 231–8804 EMUI: GAN-OSCABIAGOOTE-IE-EOM CONTACT: DAN VOZENIEK

SITE ACQUISITION
CORTEL.
1222 W. 1907 ST. SUITE 310
ARDEN, C. 90248
PHORE: (94) 2243–1804
EMIL derweamlistGootel-lic.com
CONTACT: DAY VOZBALDY

ZONING MANAGER:

CONSTRUCTION MANAGER: METRO PCS.
350 COMMERCE, STE. 200
IRANE, CA. 92606
PHONE, (851) 541—8905
EMAIL: eferofologicaliserm.co

RF ENGINEER:

PROJECT AFEA

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FROM METRO PCS OFFICE, IRVINE, CA

DRIVING DIRECTIONS

Cortel 🚓

13225 DANELSON ST., SUITE 200 PONNY, CA 92064 TEL: (858) 668-2828 FAX: (858) 668-2827

PDC

	SHEET INDEX
знеет	DESCRIPTION
Ξ	TITLE SHEET, SITE INFORMATION AND VICINITY MAP
3	SITE SURVEY
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A-1	SITE PLAN
A-2	ENLPAGED SITE PLAN
A-3	EQUIPMENT LAYOUT, ANTENNA PLAN AND DETAILS
A.4	ELEVATIONS
A-5	SLEVATIONS

THOMAS GUIDE PAGE 889 - GRID AS

VICINITY MAP

APPROVALS
LANDLORD:
CONSTRUCTION MANAGER:
RF ENGINEERS
SITE ACQUISTION MANAGER:
ZONING MANGER
UTILITY COORDINATOR:
PROGRAM REGIONAL WANGER:
NETWORK OPERATIONS LANGER:

2

SHEET NUMBER TITLE SHEET

