CITY OF NEWPORT BEACH PLANNING DEPARTMENT ACTION REPORT

- TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION
- FROM: James W. Campbell, Acting Planning Director
- SUBJECT: Report of actions taken by the Zoning Administrator, Planning Director, and/or Planning Department staff for the week ending September 10, 2010.

ACTIONS TAKEN BY THE PLANNING DIRECTOR OR PLANNING DEPARTMENT STAFF

Item 1: Wireless Development Resources, LLC on behalf of A T & T Mobility (PA2010-074) 3333 West Coast Highway

Telecom Permit No. TP2010-011

This item was approved on September 9, 2010

Council District 3

On behalf of James W. Campbell, Acting Planning Director:

Patrick J. Alford, Planning Manager

APPEAL PERIOD: Modification Permit applications do not become effective until 14 days after the date of action, during which time an appeal may be filed with the Planning Commission Secretary in accordance with the provisions of the Newport Beach Municipal Code. Tentative Parcel Map, Condominium Conversion, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of action, during which time an appeal may be filed with the Planning Commission Secretary in accordance with the Newport Beach Municipal Code.

TELECOM APPEAL:

The applicant or any interested party may appeal the decision of the Planning Director to the City Council by a written request to the City Council within 14 days of the action date. A \$4,010.00 filing fee shall accompany any appeal filed. The City Council's action on appeals shall be final.

Email City Council Planning Commission James Campbell, Action Planning Director Dana Smith, Assistant City Manager Leonie Mulvihill, Assistant City Attorney David Keely, Public Works Senior Civil Engineer Code Enforcement Division Jon Lewis, Support Services Lt., NBPD

TELECOM PERMIT NO. TP2010-011 (PA2010-074)



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. TP2010-011 (PA2010-074)
APPLICANT:	Wireless Development Resources, LLC
LOCATION:	3333 West Coast Highway
LEGAL DESCRIPTION:	Portion of Block 2, Irvine Subdivision

PROJECT REQUEST AND DESCRIPTION

Wireless Development Resources, LLC has submitted an application on behalf of AT&T Mobility requesting to modify an existing wireless telecommunications facility. The project consists of the relocation of existing support equipment from the fifth floor of the building to the roof level. The equipment would be screened from view behind an existing mechanical screen wall. A new screen wall will be installed around four existing panel antennas in order to screen the existing antennas from public view. The property is located in the SP-5 (Mariners Mile Specific Plan) District.

DIRECTOR'S ACTION: Approved with Conditions – September 9, 2010

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.

BACKGROUND

The existing AT&T wireless telecom facility was approved for installation administratively through the issuance of building permits prior to the adoption of Chapter 15.70. The facility is comprised of twelve (12) existing panel antennas, which are roof mounted, and support equipment cabinets.

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 \$4,010.00.

On behalf of James Campbell, Acting Planning Director

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Assistant Planner

JJB/ems

Attachments: Vicinity Map Findings and Conditions of Approval Site Plan & Elevations

VICINITY MAP



Telecommunications Permit No. TP2010-011 (PA2010-074) 3333 West Coast Highway

FINDINGS AND CONDITIONS OF APPROVAL TP2010-011 (PA2010-074)

FINDINGS

- 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), the California Public Utilities Commission (CPUC), and the NBMC.
 - The telecom facility is located on an existing building, and any future proposed facility to be located within 1,000 feet of the existing facility shall be required to co-locate on the same site to limit the adverse visual effects of proliferation of facilities in the City.
 - 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 minimize the number of facilities and reduce the visual impact.
 - The modifications to the existing telecom facility approved by this permit do not increase or change the height of the existing building.
 - The antennas for the telecom facility approved by this permit are roofmounted and are screened from public view in a manner consistent with the architectural style, color, and materials of the building so as to avoid adverse impacts to views from land or buildings at higher elevations.
 - The support equipment for the telecom facility will be roof-mounted and will be screened from public views in a manner consistent with the architectural style, color, and materials of the building.

 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 i.e., Class 1 (Existing Facilities) because the project consists of modifications to an existing telecom facility.

CONDITIONS

- 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.
- The telecom facility approved by this permit shall comply with all applicable rules, regulations and standards of the Federal Communications Commission (FCC), the California Public Utilities Commission (CPUC), and the NBMC.
- 4. 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.
- A new screen wall shall be installed around the existing Sector 'A' panel antennas in order to screen the existing antennas from view. The new screen wall shall be painted and textured to match the existing building and existing mechanical screen walls.
- The support equipment shall be relocated to the roof of the building behind the existing upper mechanical screen wall. No portion of the support equipment may exceed the top of the existing upper mechanical screen wall.
- The telecom facility approved by this permit shall comply with any easements, covenants, conditions, or restrictions on the underlying real property upon which the facility is located.
- 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
- Prior to issuance of building permits, the applicant shall obtain a determination in writing from the California Coastal Commission that the project as proposed is not a development under the California Coastal Act, or the applicant shall obtain Coastal Commission approval of the wireless telecommunications facility.

- 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. <u>A copy of this approval letter shall be incorporated into the drawings approved for the issuance of permits.</u>
- 11. 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.
- 12. 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.
- 13. The facility shall transmit at a frequency range of 869-880, 890-891.5, and 1945-1965 MHz, and shall receive at a frequency range of 824-835, 845-846.5, and 1865-1885 MHz. Any change or alteration to the frequency range shall require the prior review and approval of the Planning Director.
- 14. The applicant recognizes that the frequencies used by the cellular facility located at 3300 West Coast Highway 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).
- 15. 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 submitted is modified to comply and a new report has been submitted confirming such compliance.
- 16. 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.
- 17. The applicant shall provide a "single point of contact" in its Engineering and Maintenance Departments that is monitored 24 hours per 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.

- 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 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.
- 21. The operator of the telecom facility shall maintain the facility in a manner consistent with the original approval of the facility.
- 22. 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 the applicant, current property owner, or leasing agent.
- 23. The applicant shall insure 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.
- 24. 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.
- 25. 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.

- 26. 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.
- 27. This approval shall expire unless exercised within 24 months from the date of approval.

RECEIVED BY

PLANNING DEPARTMENT

AUG 1 9 2010



RF ENGINEER



EQUIPMENT RELOCATION SITE NUMBER: LAC448 SITE NAME: NEWPORT / BALBOA SITE ADDRESS: 3333 PACIFIC COAST HWY, NEWPORT BEACH, CA

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ABBREVIATIONS:

AGL BTS	ABOVE GRADE LEVEL BASE TRANSCEIVER STATION
	EXISTING
MAX	MAXIMUM
MIN	MINIMUM
N.T.S.	NOT TO SCALE
REF	REFERENCE
RF	RADIO FREQUENCY
T.B.D.	TO BE DETERMINED
T.B.R.	TO BE RESOLVED
TYP	TYPICAL
REQ	REQUIRED
EGR	EQUIPMENT GROUND RING
AWG	AMERICAN WIRE GAUGE
MGB	MASTER GROUND BAR
EG	EQUIPMENT GROUND
BCW	BARE COPPER WIRE
SIAD	SMART INTEGRATED ACCESS DEVICE
GEN	GENERATOR
IGR	INTERIOR GROUND RING (HALO)
RBS	RADIO BASE STATION

SYMBOLS:

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SOLID GROUND BUS BAR SOLID NEUTRAL BUS BAR SUPPLEMENTAL GROUND CONDUCTOR 2-POLE THERMAL-MAGNETIC CIRCUIT BREAKER CHEMICAL GROUND ROD GROUND ROD DISCONNECT SWITCH METER CADWELD TYPE CONNECTOR COMPRESSOR TYPE CONNECTION GROUND WIRE

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