

**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 October 29, 2010

ACTIONS TAKEN AT OCTOBER 28, 2010 ZONING ADMINISTRATOR HEARING

Item 1: Ong Lot Merger– Lot Merger No. LM2010-005 (PA2010-139)
481, 485, 493, and 495 Old Newport Boulevard

This item was approved.

Council District 2

ACTIONS TAKEN BY THE PLANNING DIRECTOR OR PLANNING DEPARTMENT STAFF

Item 2: AT&T Mobility – Telecom Permit No. TP2010-008 (PA2010-057)
21474 Vista Ridge Road

This item was approved on October 27, 2010

Council District 6

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 provisions of the Newport Beach Municipal Code.

APPLIES TO 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 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



ZONING ADMINISTRATOR ACTION LETTER

PLANNING DEPARTMENT
3300 NEWPORT BOULEVARD
NEWPORT BEACH, CA 92663
(949) 644-3200 FAX (949) 644-3229

Application No. • **Lot Merger No. LM2010-005 (PA2010-139)**
Applicant **Dr. Hung V. Ong**
Site Address **481, 485, 493, and 495 Old Newport Boulevard**
Ong Lot Merger
Legal Description **Lots 1, 2, and 3, Block 9, Tract 27 together with SE half of the 40-foot abandoned right-of-way adjacent to lots 1,2, and 3 in Block 9, Tract 27**

On **October 28, 2010**, the Zoning Administrator approved the following: A lot merger to combine three lots and 20 feet of the adjacent abandoned right-of-way into one parcel for redevelopment of the property with a new medical office building. Pursuant to Section 19.68.030 of the Municipal Code, mergers of continuous lots involving four or fewer parcels under one ownership are authorized with the approval of a lot merger. The property is located in the SP-9 (Old Newport Specific Plan, RSC) District. The Zoning Administrator's approval is based on the following findings and subject to the following conditions.

In accordance with Section 19.12.070.A (Required Findings for Approval) of the City of Newport Beach Municipal Code, the following finding and facts in support of such finding are set forth:

Finding:

- A. *The proposed project is in conformance with the California Environmental Quality Act.*

Facts in Support of the Finding:

- A-1. The project qualifies for an exemption from environmental review pursuant to Section 15305 (Class 15 Minor Land Divisions) of the Implementing Guidelines of the California Environmental Quality Act (CEQA), which consists of division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent. This exemption

includes a minor lot merger not resulting in the creation of any new parcel and complies with the conditions specified above.

Finding:

- B. Approval of the merger will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot merger is consistent with the legislative intent of Title 19.*

Facts in Support of Finding:

- B-1. The subject lots are currently developed with several single-story commercial buildings, which cross the interior property lines of Lots 1, 2, and 3. Per Section 19.04.035 of the Municipal Code (Development Across Property Lines), structures cannot be constructed across property lines. With the approval of the lot merger and the demolition of the existing structures, the proposed new office building can be constructed on the project site in conformance with the Code.
- B-2. The project is similar to the development of other properties on Old Newport Boulevard which have merged smaller lots into larger development sites; these developments have not been detrimental to the health, safety, peace, comfort or general welfare of persons residing or working in the neighborhood or injurious to property and improvements in the neighborhood or the general welfare of the City.

Finding:

- C. The lots to be merged are under common fee ownership at the time of the merger.*

Facts in Support of Finding:

- C-1. Lots 1, 2, and 3, Block 9, Tract 27 together with the southeast half of the 40-foot abandoned right-of-way adjacent to lots 1, 2, and 3 in Block 9, Tract 27 are under common ownership by CDO Properties, LLC.

Finding:

- D. The lots as merged will be consistent or will be more closely compatible with the applicable zoning regulations and will be consistent with other regulations relating to the subject property including, but not limited to, the General Plan and any applicable Coastal Plan or Specific Plan.*

Facts in Support of Finding:

- D-1. The lot merger will be consistent with the applicable SP-9/RSC district regulations and other regulations relating to the subject property. The resulting parcel will be 16,060 square feet in area, exceeding the minimum lot area requirements of 2,375 square feet, and no setback nonconformities would be directly created by the proposed merger.
- D-2. The Land Use Element of the General Plan designates the subject site as General Commercial Office (CO-G), which is intended to provide for administrative, professional, and medical offices with limited accessory retail and service uses. The lot merger will allow for the construction of a new office building, consistent with the intent of the CO-G land use designation.
- D-3. The lots are not located within the coastal zone.

Finding:

- E. Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger.*

Facts in Support of Finding:

- E-1. Neither the merged parcel nor the adjoining parcel will be deprived of legal access as a result of the merger as vehicular access to and from Old Newport Boulevard will remain unchanged.

Finding:

- F. The lots as merged will be consistent with the surrounding pattern of development and will not create an excessively large lot that is not compatible with the surrounding development.*

Facts in Support of Finding:

- F-1. The Old Newport Boulevard commercial corridor area consists of lots of varying size. Within the area, many properties have been merged allowing for redevelopment of properties previously developed as separate sites. The proposed lot merger would remove the lot lines on the subject property to permit the redevelopment of the lots as a single, unified site, and would not result in a development pattern, inconsistent with the existing development on Old Newport Boulevard.

In accordance with Section 19.08.030.A.3 (Waiver of Parcel Map Requirement) of the City of Newport Beach Municipal Code, the Zoning Administrator may approve a waiver

of the parcel map requirement in cases where no more than three parcels are eliminated. The following finding and facts in support of such finding are set forth:

Finding:

- A. *That the proposed division of land complies with requirements as to area, improvement and design, flood water drainage control, appropriate improved public roads and property access, sanitary disposal facilities, water supply availability, environmental protection, and other applicable requirements of Title 19, the Zoning Code, the General Plan, and any applicable Coastal Plan or Specific Plan*

Facts in Support of Finding:

- A-1. The proposed division of land complies with requirements as to area, improvement and design, flood water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and other applicable requirements of Title 19 and Title 20 of the Newport Beach Municipal Code and the General Plan.
- A-2. Approval of the proposed lot merger would remove the existing lot lines, and allow the property to be used as a single site for redevelopment. The lot merger in and of itself would not change the land use, density, and intensity. The proposed merged parcel would comply with all design standards and improvements required for new subdivisions by Title 19, the Zoning Code, and General Plan.
- A-3. The proposed lot merger does not result in the elimination of more than three lots

PROCEDURAL REQUIREMENTS

(project specific requirements are in italics)

1. *An encroachment permit is required for all work activities within the public right-of-way.*
2. *The applicant shall construct a new curb, gutter, and a 6-foot wide sidewalk along the project frontage on the Old Newport Boulevard right-of-way per City standards. Flowline of the new curb and gutter shall be located 34 feet west of the centerline of Old Newport Boulevard.*
3. *The proposed driveway approach to the subject property shall be constructed per City standards and meet the criteria for commercial driveway approaches per City Council Policy L-2.*

4. *The existing catch basin adjacent to the project on Old Newport Boulevard just south of Orange Avenue shall be relocated to match the location of the new curb and gutter per City standards.*
5. *The parking lot layout shall be per City Standard No. 805-L-A and B.*
6. *Any improvements adjacent to driveway approaches shall comply with the City's sight distance requirement per City Standard No. 110-L.*
7. *Damage to existing public improvements surrounding the development site by the private construction shall be repaired and additional construction within the public right-of-way may be required at the discretion of the Public Works Inspector.*
8. All applicable Public Works Department plan check fees shall be paid prior to review of the lot merger and grant deeds.
9. Prior to recordation of the lot merger, grant deeds indicating the changes in titles of ownership should be submitted to the Public Works Department for review and approval.
10. The lot merger and grant deeds reviewed and approved by the Public Works Department should be filed concurrently with the County Recorder and County Assessor's Offices.
11. Prior to final of the building permit for the any new construction on the properties, the Planning Department shall verify recordation of the lot merger document with the County Recorder.
12. This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 19.16.010 of the Newport Beach Municipal Code.

APPEAL PERIOD: 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 provisions of the Newport Beach Municipal Code. For additional information on filing an appeal, contact the Planning Department at 949 644-3200.

To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Ong Lot Merger including, but not limited to, the LM2010-005

(PA2010-139). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

By: 
Gregg Ramirez, Zoning Administrator

GR/mkn

Attachments: Vicinity Map
Lot Merger Plans

VICINITY MAP



Lot Merger No. LM2010-005
PA2010-139

481, 485, 493, and 495 Old Newport Boulevard

EXHIBIT "A"
CITY OF NEWPORT BEACH
LOT MERGER NO LM2010-005

(LEGAL DESCRIPTION)

OWNER	EXISTING PARCEL AP NUMBER	PROPOSED PARCEL REFERENCE NUMBER
CDO PROPERTIES, LLC	425-271-01 425-271-02	

EXISTING LEGAL DESCRIPTION:

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL 1:

LOTS 1, 2 AND 3, IN BLOCK 9, OF TRACT NO. 27, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 9, PAGE 26 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID ORANGE COUNTY.

PARCEL 2:

THAT PORTION OF THE SOUTHEASTERLY ONE-HALF OF THE 40 FOOT ROAD ADJACENT TO LOTS 1, 2 AND 3, IN BLOCK 9, OF TRACT NO. 27, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 9, PAGE 26 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID ORANGE COUNTY, AS ABANDONED BY THE ORDER OF THE BOARD OF SUPERVISORS OF ORANGE COUNTY ON JUNE 25, 1929.

PROPOSED LEGAL DESCRIPTION:

ALL THAT PORTION OF LOTS 1, 2 AND 3, IN BLOCK 9, OF TRACT NO. 27, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 9, PAGE 26 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID ORANGE COUNTY;

TOGETHER WITH THAT PORTION OF THE SOUTHEASTERLY ONE-HALF OF THE 40 FOOT ROAD ADJACENT TO LOTS 1, 2 AND 3, IN BLOCK 9, OF TRACT NO. 27, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 9, PAGE 26 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID ORANGE COUNTY, AS ABANDONED BY THE ORDER OF THE BOARD OF SUPERVISORS OF ORANGE COUNTY ON JUNE 25, 1929, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHWESTERLY PROD OF THE SOUTHWESTERLY LINE OF SAID LOT 3 WITH THE NORTHWESTERLY LINE OF SAID PORTION OF THE SOUTHEASTERLY ONE-HALF OF THE 40 FOOT ROAD; THENCE FROM SAID POINT OF BEGINNING ALONG SAID NORTHWESTERLY LINE NORTH 32° 44' 21" EAST 34.97 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 2,486.28 FEET, A RADIAL LINE BEARING FROM SAID POINT NORTH 57° 06' 00" WEST; THENCE NORTHEASTERLY ALONG SAID CURVE 264.10 FEET THROUGH A CENTRAL ANGLE OF 06° 05' 10" TO THE WESTERLY LINE OF THE STRIP OF LAND 80 FEET WIDE DESCRIBED IN DEED FOR RIGHT OF WAY OF A PUBLIC HIGHWAY RECORDED JULY 27, 1927, IN BOOK 72, PAGE 129, OFFICIAL RECORDS, SAID WESTERLY LINE BEING A NON-TANGENT CURVE, CONCAVE EASTERLY AND HAVING A RADIUS OF 2,351.16 FEET, A RADIAL LINE BEARING FROM SAID POINT SOUTH 80° 23' 39" EAST; THENCE SOUTHERLY ALONG SAID CURVE 85.69 FEET THROUGH A CENTRAL ANGLE OF 02° 05' 18" TO A TANGENT LINE; THENCE SOUTH 07° 31' 03" WEST 83.60 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE WESTERLY AND HAVING A RADIUS OF 947.80 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE 135.59 FEET THROUGH A CENTRAL ANGLE OF 08° 11' 47" TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE, A RADIAL LINE BEARING FROM SAID POINT NORTH 74° 17' 09" WEST; THENCE NORTH 66° 23' 39" WEST 108.13 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B"

CITY OF NEWPORT BEACH

LOT MERGER NO LM2010-005

(MAP)

OWNER	EXISTING PARCEL AP NUMBER	PROPOSED PARCEL REFERENCE NUMBER
CDO PROPERTIES, LLC	425-271-01 425-271-02	

SHEET 1 OF 2

SCALE: 1" = 50'

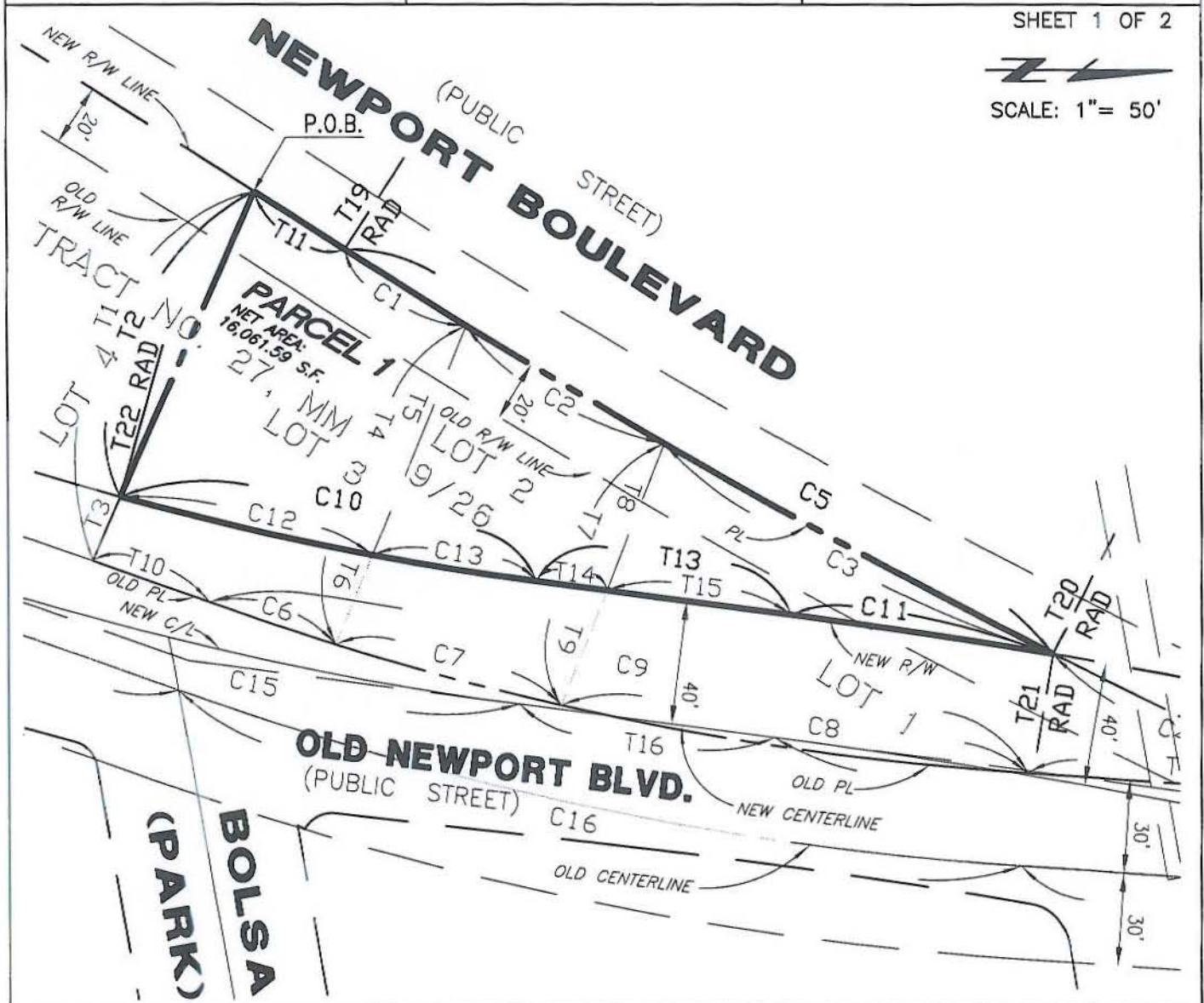


EXHIBIT "B" cont. CITY OF NEWPORT BEACH LOT MERGER NO LM2010-005

(MAP)

OWNER	EXISTING PARCEL AP NUMBER	PROPOSED PARCEL REFERENCE NUMBER
CDO PROPERTIES, LLC	425-271-01 425-271-02	

CURVE TABLE:

SHEET 2 OF 2

NO.	DELTA	RADIUS	LENGTH	TANGENT
C1	1°04'16"	2486.28'	46.48'	23.24'
C2	1°43'11"	2486.28'	74.63'	37.32'
C3	3°17'43"	2486.28'	142.99'	71.52'
C4	2°25'19"	2486.28'	105.10'	52.56'
C5	6°05'10"	2486.28'	264.10'	132.18'
C6	2°32'52"	970.00'	43.13'	21.57'
C7	4°27'11"	970.00'	75.39'	37.71'
C8	9°01'41"	970.00'	152.84'	76.58'
C9	16°01'43"	970.00'	271.36'	136.57'
C10	8°11'47"	947.80'	135.59'	67.91'
C11	2°05'18"	2351.16'	85.69'	42.85'
C12	4°59'54"	957.40'	83.52'	41.79'
C13	3°11'54"	957.40'	53.44'	26.73'
C14	9°59'12"	2311.16'	402.83'	201.93'
C15	12°20'36"	997.40'	214.87'	107.85'
C16	16°01'43"	1000.00'	279.75'	140.80'
C17	13°40'19"	867.55'	207.02'	104.00'

TANGENT TABLE:

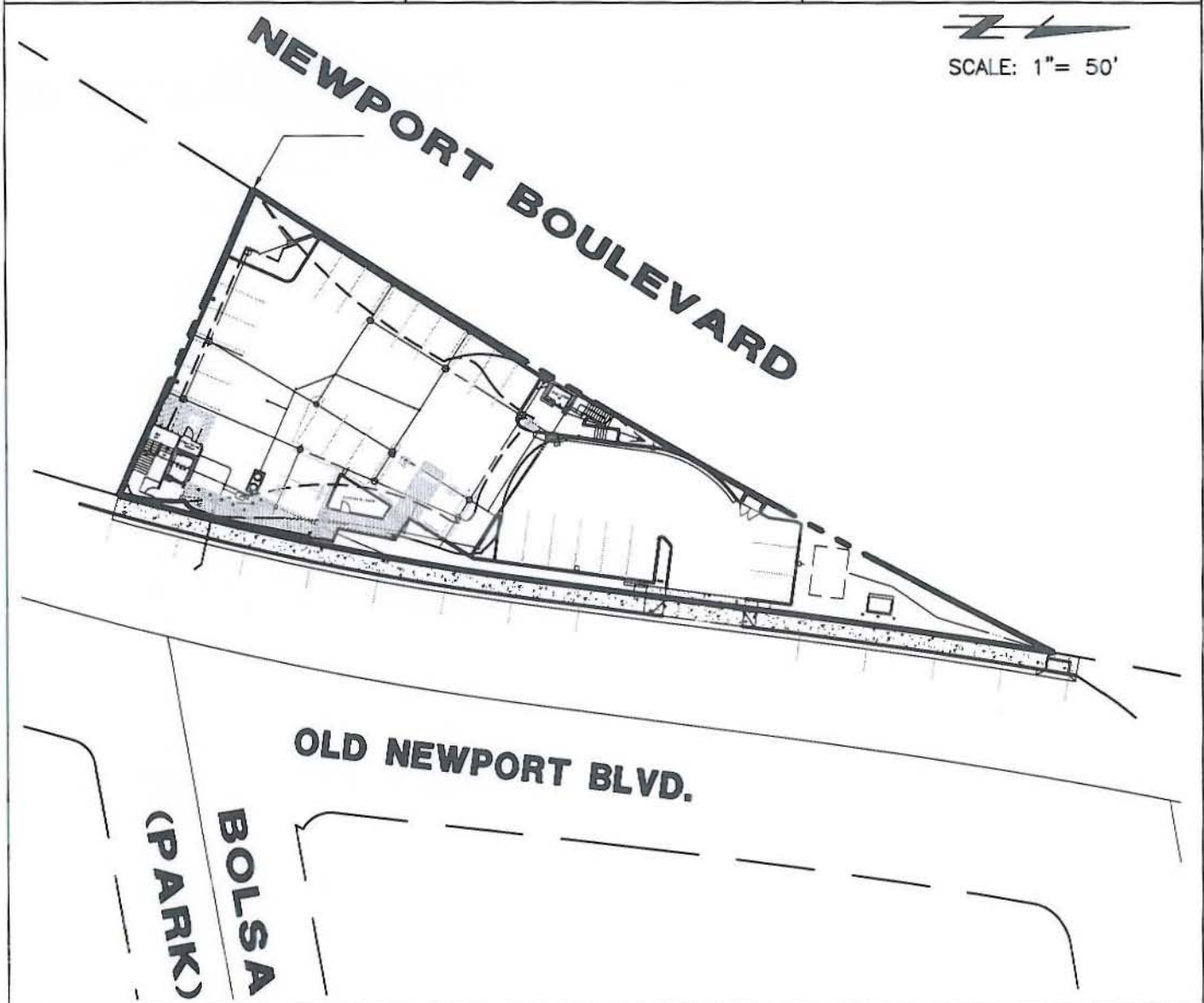
NO.	DISTANCE	BEARING
T1	130.68'	N 66°23'39" W
T2	108.13'	N 66°23'39" W
T3	22.55'	N 66°23'39" W
T4	111.70'	N 67°34'43" W
T5	80.46'	N 67°34'43" W
T6	31.24'	N 67°34'43" W
T7	90.99'	N 68°10'38" W
T8	51.13'	N 68°10'38" W
T9	39.86'	N 68°10'38" W
T10	39.89'	N 19°51'39" E

T11	34.97'	N 32°44'21" E
T12	104.76'	N 03°49'56" E
T13	83.60'	N 07°31'03" E
T14	23.11'	N 07°31'03" E
T15	60.49'	N 07°31'03" E
T16	83.60'	N 07°31'03" E
T17	107.65'	S 19°51'39" W
T18	110.55'	S 03°49'56" W
T19	(RADIAL)	N 57°06'00" W
T20	(RADIAL)	N 63°11'10" W
T21	(RADIAL)	S 80°23'39" E
T22	(RADIAL)	N 74°17'9" W

EXHIBIT "C"
CITY OF NEWPORT BEACH
LOT MERGER NO LM2010-005

(SITE PLAN)

OWNER	EXISTING PARCEL AP NUMBER	PROPOSED PARCEL REFERENCE NUMBER
CDO PROPERTIES, LLC	425-271-01 425-271-02	





TELECOM PERMIT NO. TP2010-008
(PA2010-057)

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

REVISED OCTOBER 28, 2010

APPLICATION: Telecom Permit No. TP2010-008 (PA2010-057)
APPLICANT: AT&T Mobility
LOCATION: 21474 Vista Ridge Road
LEGAL DESCRIPTION: Portion of Block 134 of Irvine's Subdivision

PROJECT REQUEST AND DESCRIPTION

AT&T Mobility has submitted an application requesting to modify an existing wireless telecommunications facility that is mounted on an existing 100-foot-high lattice tower. The project consists of installing a four-foot-wide microwave dish at a height of 38 feet above grade. The existing AT&T telecommunications facility consists of three panel antennas located at a height of 35 feet above grade and two equipment cabinets located on the ground. The property is located in the Newport Coast Planned Community (PC-52) District.

DIRECTOR'S ACTION: **Approved with Conditions – October 27, 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

Prior to annexation to Newport Beach, the subject property was part of the County of Orange. The original AT&T wireless telecommunications facility was approved for installation by the Orange County Planning and Development Services Department in July, 2002. In July, 2006, the City approved Telecom Permit No. TP2006-004 permitting the modification of the existing AT&T (formerly Cingular) telecommunications facility

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with the installation of an additional panel antenna and the replacement of four equipment cabinets with two new equipment cabinets in a reconfigured location.

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 W. Campbell, Acting Planning Director

By


Jaime Murillo
Associate Planner

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

VICINITY MAP



Telecommunications Permit No. TP2010-008
(PA2010-057)
21474 Vista Ridge Road

**FINDINGS AND
CONDITIONS OF APPROVAL**
TP2010-008 (PA2010-057)

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 telecom facility is co-located with other carriers on an existing lattice tower. The co-location of telecom facilities on the project site limits the adverse visual effects of proliferation of facilities in the City.
 - Due to the location and design of the facility at Signal Peak in Newport Coast, the impacts to scenic ocean, coastal or public views are minimized.
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 and diminutive available technology in order to minimize the number of facilities and reduce the visual impact.
 - The project site is located in the 32/50 Height Limitation Zone, as specified in the Zoning Code. The telecom facility approved by the permit does not exceed the maximum building height limit of 50 feet.
 - The microwave dish for the telecom facility approved by this permit will be painted to match the color of the existing telecommunications equipment and the lattice tower on which they are mounted.
 - No changes to the existing equipment cabinets are proposed and are currently ground-mounted and screened in a security enclosure.
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 1 (Existing Facilities) because the project consists of modifications to an existing telecom facility.

October 27, 2010 (Revised: 10/28/2010)

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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. The microwave dish shall not exceed a diameter of 4 feet and shall not be mounted at a height greater than 38 feet above grade. The microwave dish shall be painted to match the color of the existing lattice tower and equipment.
3. Anything not specifically approved by this Telecom Permit is not permitted and must be addressed in a separate and subsequent Telecom Permit review.
4. 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).
5. 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.
6. 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.
7. 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
8. 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.
9. ~~Prior to issuance of building permits, the applicant shall obtain a determination, in writing, from the Coastal Commission that the project as proposed is not a development under the California Coastal Act, or obtain Coastal Commission approval of the wireless telecommunications facility.~~

9. 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.
10. 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.
11. 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.
12. The facility shall transmit at a frequency range of 869-880, 890-891, 1930-1935, 1945-1950, 1965-1970, and 1975-1980, and shall receive at a frequency range (MHz) of 824-835, 845-846, 1850-1855, 1865-1870, 1885-1890, and 1895-1900. Any change or alteration to the frequency range shall require the prior review and approval of the Planning Director.
13. The applicant recognizes that the frequencies used by the cellular facility located at **21474 Vista Ridge Road** 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).
14. 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.
15. 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.
16. 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.

17. 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.
18. 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.
19. The operator of the telecom facility shall maintain the facility in a manner consistent with the original approval of the facility.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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

October 27, 2010 (Revised: 10/28/2010)

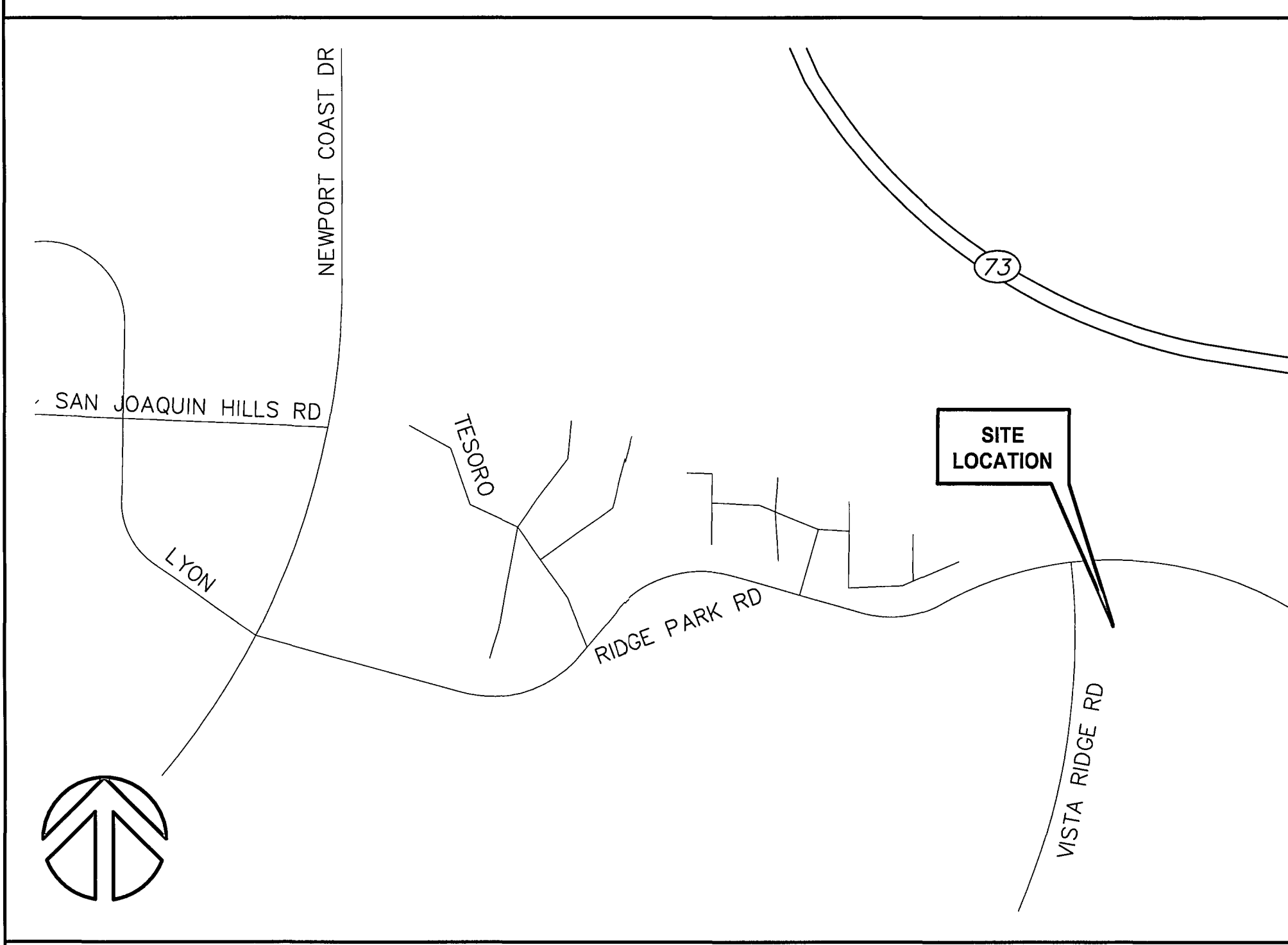
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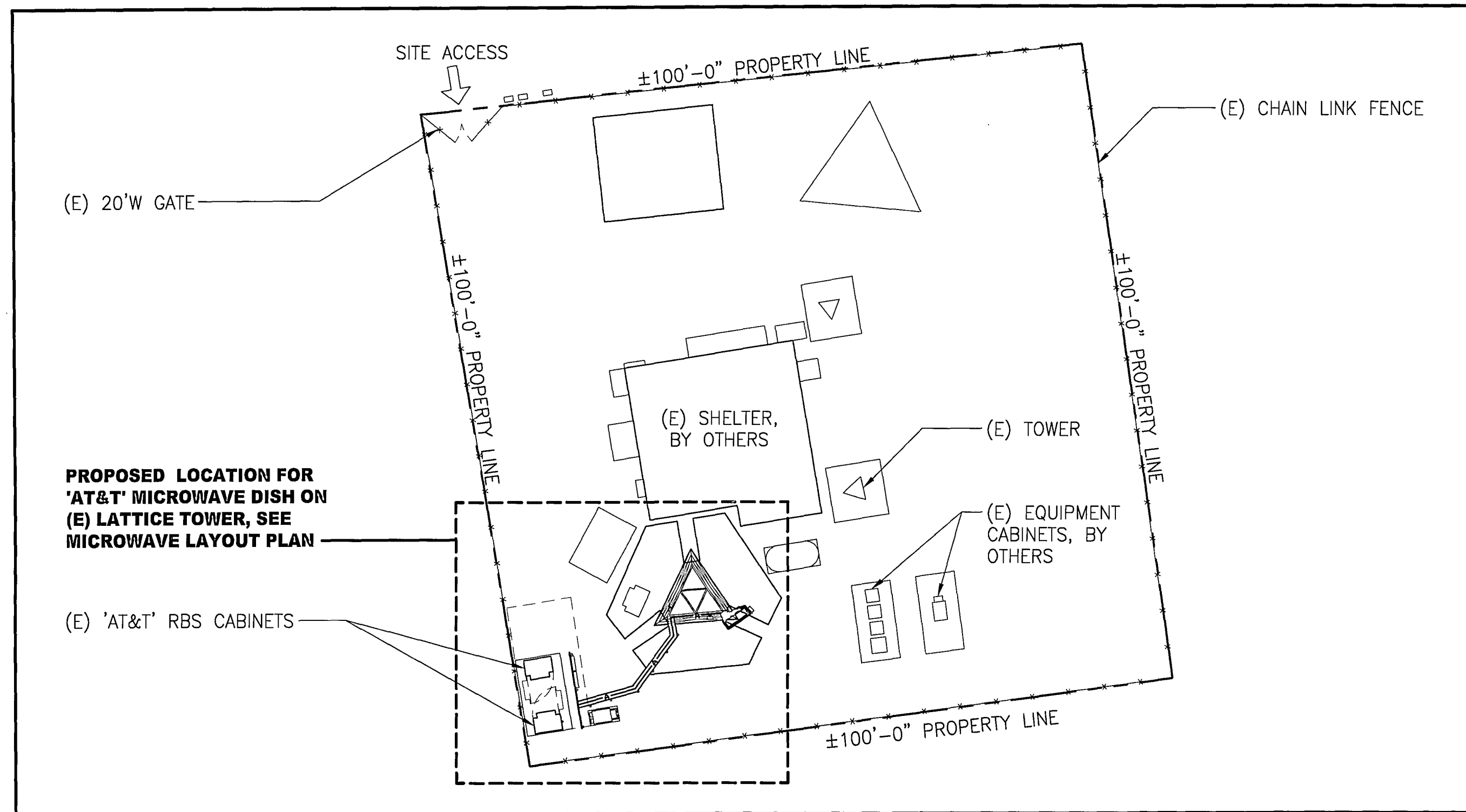
facility or has failed to comply with the requirements of Chapter 15.70 of the NBMC, or this telecom permit.

25. This approval shall expire unless exercised within 24 months from the date of approval.

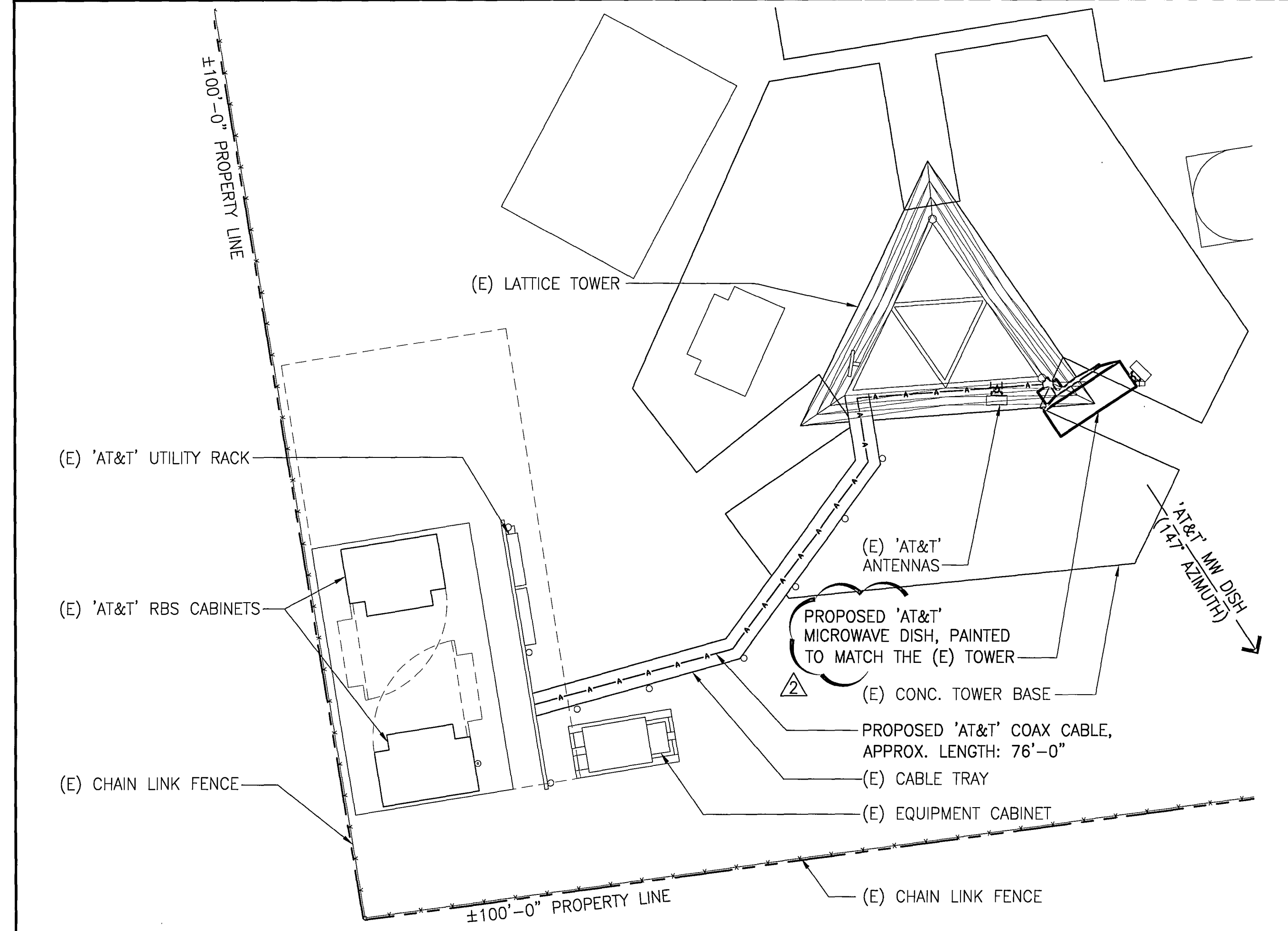
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<div>CODES COMPLIANCE</div> <div>ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.</div> <div><div>1. CALIFORNIA BUILDING CODE CBC-2007</div><div>2. CALIFORNIA ADMINISTRATIVE CODE (INCL. TITLES 24 & 25) 2007</div><div>3. ANSI/EIA-222-F LIFE SAFETY CODE</div><div>4. NFPA-101-2006</div><div>5. CALIFORNIA ELECTRICAL CODE CEC-2007</div><div>6. CALIFORNIA MECHANICAL CODE CMC-2007</div><div>7. CALIFORNIA PLUMBING CODE CPC-2007</div><div>8. LOCAL BUILDING CODE(S)</div><div>9. CITY AND/OR COUNTY ORDINANCES</div></div>		<div><div><div><div><div></div><div>at&t</div><div>AT&T MOBILITY</div></div><div><div>SITE NUMBER: OC0061A_MWD</div><div>(LA3051)</div><div>SITE NAME: PINNACLE TOWER</div></div></div></div></div>																																											
<div>DRAWING INDEX</div> <div>A-OC0061A_MWD-T01 TITLE SHEET</div> <div>A-OC0061A_MWD-Z01 LOCATION PLAN, SITE PLAN AND MICROWAVE LAYOUT PLAN</div> <div>A-OC0061A_MWD-Z02 ELEVATIONS</div> <div>A-OC0061A_MWD-D01 DETAILS</div>			<div>REV.</div> <div>2</div> <div>2</div> <div>2</div> <div>2</div>		<div>DIRECTIONS</div> <div>FROM AT&T CERRITOS OFFICE: TAKE CA-91 W; MERGE ONTO I-605 S; TAKE THE EXIT ON THE LEFT; MERGE ONTO I-405 S VIA EXIT 1B ON THE LEFT TOWARD SAN DIEGO/CA-22 EAST/GARDEN/CA-22 EAST/GARDEN GROVE; MERGE ONTO CA-73 S TOWARD SAN DIEGO; MERGE ONTO NEWPORT COAST DR. VIA EXIT 11; TURN LEFT ONTO RIDGE PARK RD; TURN RIGHT ONTO VISTA RIDGE RD; ARRIVE AT 21474 VISTA RIDGE RD.</div>				<div>PROJECT INFORMATION</div> <div><div>SCOPE OF WORK:</div><div>AN UNMANNED TELECOMMUNICATIONS FACILITY INCLUDING THE INSTALLATION OF: 1. ONE (1) MICROWAVE DISH 2. COAX RUN</div></div> <div><div>SITE ADDRESS:</div><div>21474 VISTA RIDGE ROAD, PREVIOUSLY LISTED AS 7304 RIDGE PARK ROAD NEWPORT BEACH, CA 92657</div><div><div>PROPERTY OWNER:</div><div>PINNACLE TOWER C/O GLOBAL SIGNAL 301 N. CATTEMEN RD., SUITE #300 SARASOTA, FL 34232</div><div><div>CONTACT PERSON:</div><div>J. DANIEL FOX (714) 747-7907</div><div><div>APPLICANT:</div><div>AT&T MOBILITY SERVICES 12900 PARK PLAZA DRIVE CERRITOS, CA 90703</div></div><div><div>JURISDICTION:</div><div>CITY OF NEWPORT BEACH</div><div><div>APN:</div><div>.</div><div><div>CURRENT ZONING:</div><div>.</div><div><div>CURRENT USE:</div><div>.</div><div><div>PROPOSED USE:</div><div>B (UNMANNED TELECOMMUNICATIONS FACILITY)</div></div></div></div><div><div>LATITUDE:</div><div>33.6054° N</div><div><div>LONGITUDE:</div><div>117.8114° W</div><div><div>LAT/LONG TYPE:</div><div>.</div><div><div>ELEVATION:</div><div>1138 FEET AMSL</div></div><div><div>POWER COMPANY:</div><div>SCE</div><div><div>CONTACT PERSON:</div><div>JERRY CHAMBERLAIN TEL. (909) 307-6731</div><div><div>TEL COMPANY:</div><div>PACBELL</div><div><div>CONTACT PERSON:</div><div>.</div></div><div><div>LEASE AREA:</div><div></div></div></div></div><div><div>APPROVED BY:</div><div><div><div><div></div><div>Planning Director</div></div><div><div><input type="checkbox"/> Planning Commission</div><div><input type="checkbox"/> City Council</div></div><div><div><input checked="" type="checkbox"/> As Submitted</div><div><input type="checkbox"/> As Modified</div></div></div><div><div>Refer to:</div><div><input type="checkbox"/> Resolution</div><div><input checked="" type="checkbox"/> Approval Letter</div></div><div><div># of Pgs Approved:</div><div>4</div><div><div>Date:</div><div>10/27/10</div></div></div></div></div></div><div><div>VICINITY MAP</div><div></div><div>PORTION OF 2008 THOMAS GUIDE MAP PAGE-GRID: 920-D1</div></div></div></div></div></div></div></div></div></div>																																				
<div><div><div><div></div><div>DCI</div><div>PACIFIC</div></div><div>ARCHITECTURE · ENGINEERING · CONSULTING</div><div>32 EXECUTIVE PARK, SUITE 110, IRVINE, CA 92614</div><div>PHONE: (949) 475-1000 FAX: (949) 475-1001</div></div></div>		<div>PINNACLE TOWER OC0061A_MWD (LA3051) 21474 VISTA RIDGE ROAD NEWPORT BEACH, CA 92657</div>		<div><div><div><div></div><div>at&t</div></div><div>12900 PARK PLAZA DRIVE CERRITOS, CA 90703</div><div>TEL: (562) 468-6702 FAX: (562) 468-6966</div></div></div>		<table><tr><td>2</td><td>10/19/10</td><td>PLANNING COMMENTS</td><td>MM3</td><td>BOK</td><td>DKD</td></tr><tr><td>1</td><td>05/13/10</td><td>UPDATED SITE ADDRESS</td><td>MM3</td><td>BOK</td><td>DKD</td></tr><tr><td>0</td><td>02/04/10</td><td>INCORPORATED DRW COMMENTS</td><td>MM3</td><td>BOK</td><td>DKD</td></tr><tr><td>A</td><td>02/01/10</td><td>ISSUED FOR ZD REVIEW AND COMMENT</td><td>MM3</td><td>BOK</td><td>DKD</td></tr><tr><td>NO.</td><td>DATE</td><td>REVISIONS</td><td>BY</td><td>CHK</td><td>APP'D</td></tr><tr><td colspan="2">SCALE</td><td>AS SHOWN</td><td>DESIGNED</td><td colspan="2">DRAWN</td></tr></table>		2	10/19/10	PLANNING COMMENTS	MM3	BOK	DKD	1	05/13/10	UPDATED SITE ADDRESS	MM3	BOK	DKD	0	02/04/10	INCORPORATED DRW COMMENTS	MM3	BOK	DKD	A	02/01/10	ISSUED FOR ZD REVIEW AND COMMENT	MM3	BOK	DKD	NO.	DATE	REVISIONS	BY	CHK	APP'D	SCALE		AS SHOWN	DESIGNED	DRAWN		<div>AT&T MOBILITY CERRITOS, CA</div> <div>TITLE SHEET</div> <div><div>JOB NO.</div><div>25471-610</div><div><div>DRAWING NUMBER</div><div>A-OC0061A_MWD-T01</div><div>REV.</div><div>2</div></div></div>	
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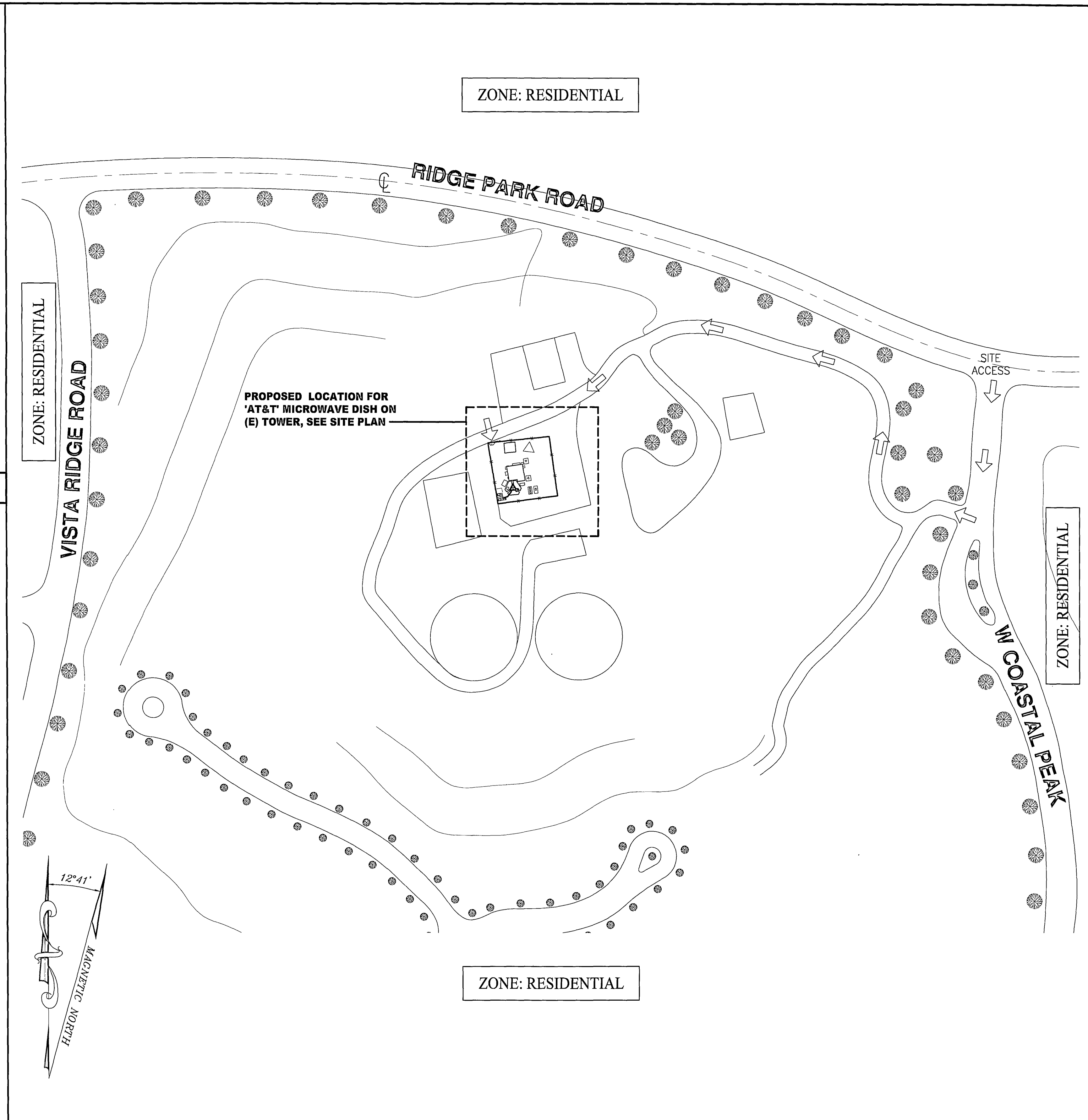
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SITE PLAN



MICROWAVE LAYOUT PLAN



LOCATION PLAN

DCO PACIFIC
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PHONE: (949) 475-1000 FAX: (949) 475-1001

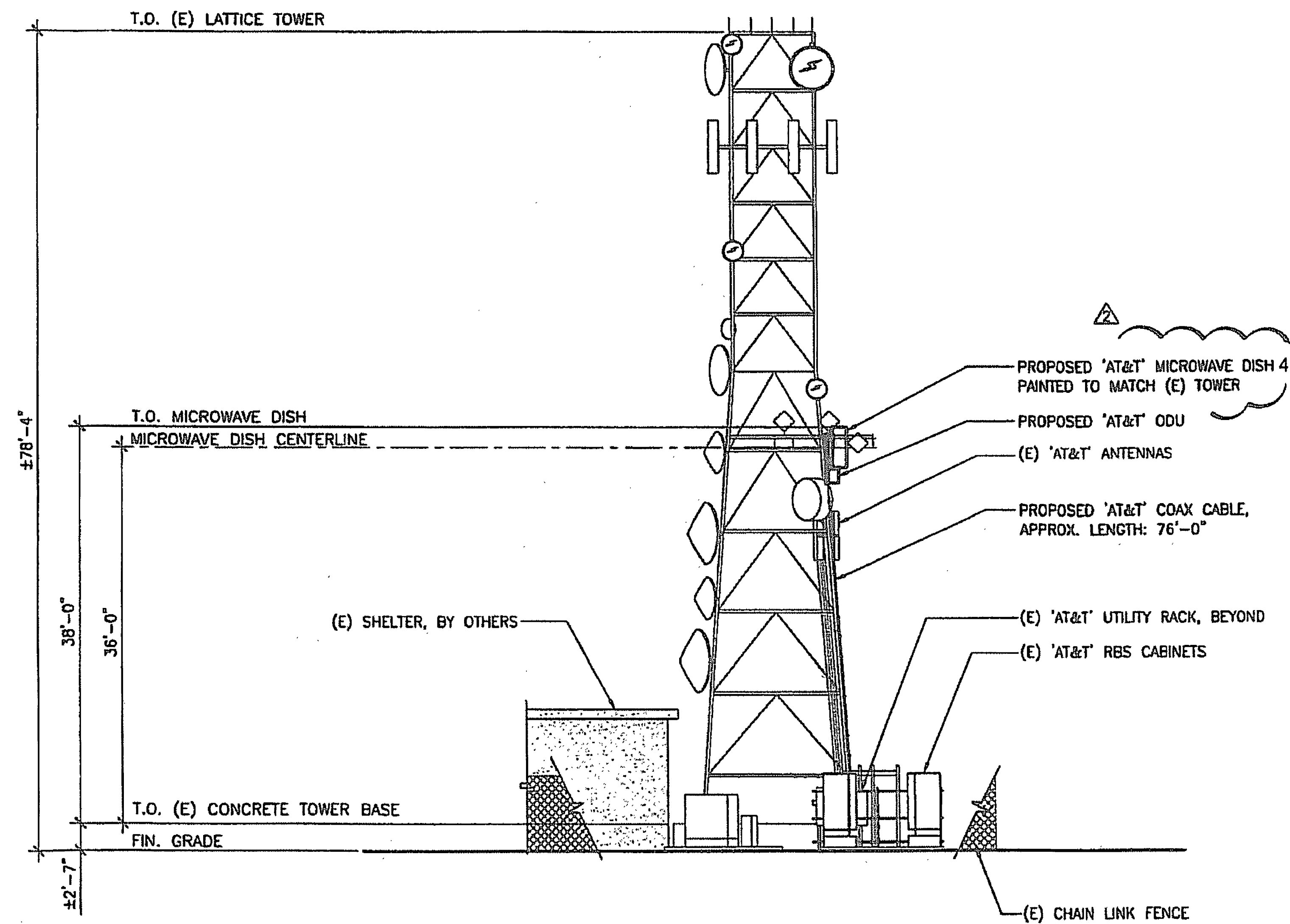
PINNACLE TOWER
OC0061A_MWD (LA3051)
21474 VISTA RIDGE ROAD
NEWPORT BEACH, CA 92657

at&t
12800 PARK PLAZA DRIVE
CERRITOS, CA 90703
TEL: (562) 468-6702 FAX: (562) 468-6966

NO.	DATE	REVISIONS	BY	CHK	APP'D
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1	05/13/10	UPDATED SITE ADDRESS	MM3	BOK	DKD
0	02/04/10	INCORPORATED DRM COMMENTS	MM3	BOK	DKD
A	02/01/10	ISSUED FOR 2D REVIEW AND COMMENT	MM3	BOK	DKD
SCALE	AS SHOWN	DESIGNED		DRAWN	

AT&T MOBILITY CERRITOS, CA			
LOCATION PLAN, SITE PLAN AND MICROWAVE LAYOUT PLAN			
JOB NO.	DRAWING NUMBER	REV.	
25471-610	A-OC0061A_MWD-Z01	2	

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WEST ELEVATION

SCALE: 1/8"=1'-0"

2

EAST ELEVATION

SCALE: 1/8"=1'-0"

1



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1	05/13/10	UPDATED SITE ADDRESS	MM3	BOX	DKD
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SCALE AS SHOWN DESIGNED DRAWN					

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CERRITOS, CA

ELEVATIONS

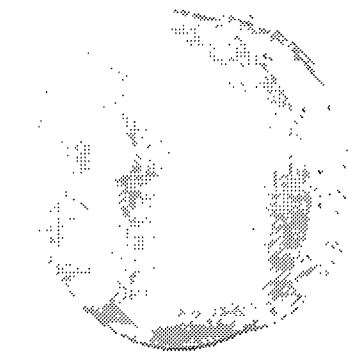
JOB NO.	DRAWING NUMBER	REV.
25471-610	A-OC0061A_MWD-Z02	2

Product Brief

VHP4114WH/B

ValuLine® High Performance, Point-to-Point Microwave Antenna

Low profile, single-polarized, high performance parabolic shielded antenna



Andrew Solutions VHP Series antennas are ideal for microwave applications demanding excellent point-to-point performance where space is at a premium and aesthetics are important.

Andrew Solutions specially engineered family of ValuLine Antennas provides exceptional performance and value in a low-profile design. In addition, ValuLine Antennas are designed to easily integrate with radio outdoor units to create a highly reliable, cost-effective transmission solution.

Andrew Solutions design and engineering capabilities for point-to-point microwave antennas that help operators to maximize bandwidth efficiency and increase system reliability while minimizing total capital and operating expenditures.

The intelligent design of VHP antennas can be reliable and transmitting only with high gain at while maintaining frequency components. The system with a parabolic reflector and a feed horn can be easily integrated with the system, providing a high performance and a low profile antenna. All are being tested and tested to the highest manufacturing standards.

Radiation Pattern Envelope Reference (RPE) is a standard for antenna design. Andrew Solutions is a complete range of antenna products, including RPE, which describes antenna shape provides an easy-to-read and informative presentation of how the antenna is built and how it performs. The antenna design is a key factor in the RPE, for each antenna are also on the antenna design, which is used to verify.

- Ideal for high capacity areas where space is at a premium and aesthetics are important
- Integrates easily with radio outdoor units
- Single polarized operation
- Low lifetime cost

www.commscope.com/andrew

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Product Specifications

VHP4114WH/B

1.2 m (4 ft) ValuLine® High Performance Low Profile Antenna, single-polarized, 10 700–11 700 GHz, PDR100, white antenna, polymer white radome without flash, standard pack—one-piece reflector

CHARACTERISTICS

General Specifications

Antenna Input	PDR100
Packing	Standard pack
Radome Color	White
Radome Material	Polymer
Reflector Construction	One-piece reflector
Antenna Color	White
Antenna Type	VHP - ValuLine® High Performance Low Profile Antenna, single-polarized
Diameter, nominal	1.2 m (4 ft)
Flash Included	No
Polarization	Single

Electrical Specifications

Beamwidth, Horizontal	1.5°
Beamwidth, Vertical	1.5°
Cross-Polarization Discrimination (XPD)	30 dB
Electrical Compliance	Brazil Anatel Class 2 ETSI 302 217 Class 3 US FCC Part 101A
Front-to-Back Ratio	67 dB
Gain, Low Band	40.0 dBi
Gain, Mid Band	40.4 dBi
Gain, Top Band	40.8 dBi
Operating Frequency Band	10.700–11.700 GHz
Radiation Pattern Envelope Reference (RPE)	7043B
Return Loss	17.7 dB
VSWR	1.30

Mechanical Specifications

Wind Arm Adjustment	±20°
Tilt Elevation Adjustment	±15°
Mounting Pipe Diameter	115 mm (4.5 in)
Net Weight	55 kg 121 lb
Side Struts, Included	1 inboard
Side Struts, Optional	1 inboard
Wind Velocity Operational	110 km/h 68 mph

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Product Specifications

VHP4114WH/B

Wind Velocity Survival Rating 250 km/h | 155 mph

Wind Forces At Wind Velocity Survival Rating

Axial Force (FA)	3163 N 711 lbf
Side Force (FS)	1567 N 352 lbf
Twisting Moment (MT)	1570 N-m
Weight with 1/2 in (12 mm) Radial Ice	115 kg 254 lb
Zug with 1/2 in (12 mm) Radial Ice	375 mm 15 in
Zug without Ice	250 mm 10 in

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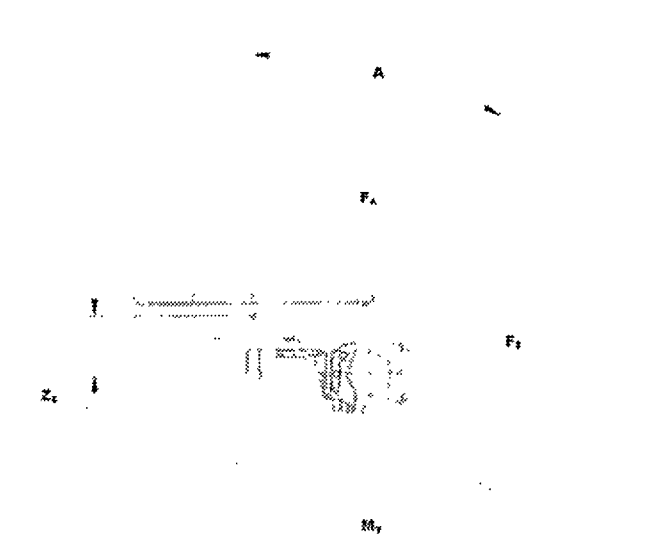
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Product Specifications

VHP4114WH/B

Wind Forces At Wind Velocity Survival Rating Image



Packed Dimensions

Gross Weight, Packed Antenna	102.0 kg 224.8 lb
Height	1375.0 mm 54.1 in
Length	1375.0 mm 54.1 in
Volume	1.3 m³
Width	710.0 mm 28.0 in

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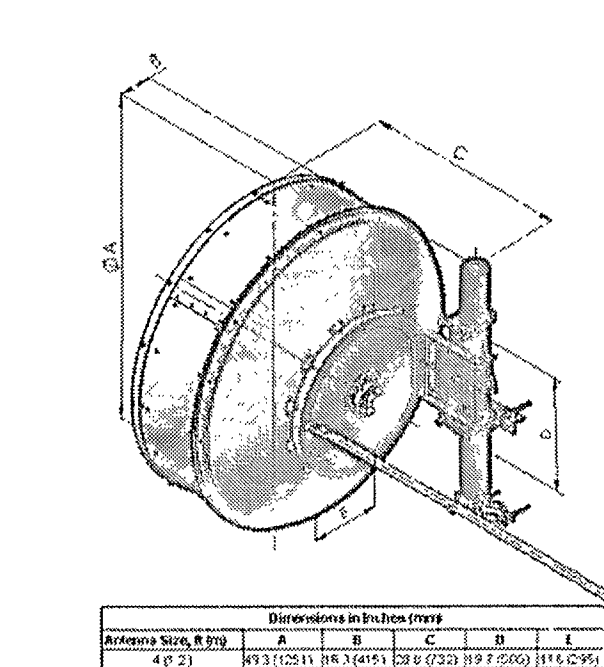
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Product Specifications

VHP4114WH/B

Antenna Dimensions And Mounting Information



* Footnotes

Axial Force (FA)	Maximum forces exerted on a supporting structure as a result of wind from the most critical direction for the parameter. The individual maximums specified may not occur simultaneously. All forces are referenced to the mounting pipe.
Cross Polarization Discrimination (XPD)	The difference between the peak of the co-polarized main beam and the maximum cross-polarized signal over an angle twice the 3 dB beamwidth of the co-polarized main beam.
Front-to-Back Ratio	Denotes highest radiation relative to the main beam, at 180° ±45°, across the band. Production antennas do not exceed rated values by more than 2 dB unless stated otherwise.
Gain, Mid Band	For a given frequency band, gain is primarily a function of antenna size. The gain of Andrew antennas is determined by either gain by comparison or by computer integration of the measured antenna patterns.
Operating Frequency Band	Bands correspond with FCC recommendations or common allocations used

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Product Specifications

VHP4114WH/B

Packing	throughout the world. Other ranges can be accommodated on special order. Andrew standard packing is suitable for export. Antennas are shipped as standard in totally recyclable cardboard or wire-bound crates (dependent on product). For your convenience, Andrew offers heavy duty export packing options.
Radiation Pattern Envelope Reference (RPE)	Radiation patterns determine an antenna's ability to discriminate against unwanted signals under conditions of radio congestion. Radiation patterns are dependent on antenna series, size, and frequency.
Return Loss	The figure that indicates the proportion of radio waves incident upon the antenna that are rejected as a value of those that are accepted.
Side Force (FS)	Maximum axial forces exerted on support structures by side struts as a result of a 200 km/h (125 mph) wind from the most critical direction and extreme angle permitted. The forces are a component of, not in addition to, the maximum forces specified above.
Twisting Moment (MT)	Maximum forces exerted on a supporting structure as a result of wind from the most critical direction for the parameter. The individual maximums specified may not occur simultaneously. All forces are referenced to the mounting pipe.
VSWR	Maximum is the guaranteed Peak Voltage-Standing-Wave-Ratio within the operating band.
Wind Velocity Operational	The wind speed where the antenna deflection is equal to or less than 0.1 degrees.
Wind Velocity Survival Rating	Microwave antennas, including mounts and radomes, where applicable, will withstand the simultaneous wind and ice conditions as specified.

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MICROWAVE DISH PRODUCT SPECIFICATIONS



ARCHITECTURE ENGINEERING CONSULTING
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NEWPORT BEACH, CA 92657



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NO.	DATE	REVISIONS	BY	CHK	APP'D
SCALE	AS SHOWN	DESIGNED			DRAWN

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CERRITOS, CA

DETAILS

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