

**CITY OF NEWPORT BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION 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 March 4, 2011

ACTIONS TAKEN BY THE PLANNING DIRECTOR OR PLANNING DEPARTMENT STAFF

- Item 1: Director Determination of Alternative Setback Area Locations (PA2011-029)
421 Dahlia Avenue and 2520 First Street
Determination Date: February 28, 2011 Council District 6
- Item 2: Mesa Consolidated Water District – Telecom Permit No. TP2010-007 (PA2010-048)
2119 (CS) Bristol Street
This item was approved on March 4, 2011 Council District 4

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



Patrick J. Alford, Planning Manager

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



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

Director Determination of Alternative Setback Area Locations (PA2011-029)

Address: 421 Dahlia Avenue Date: 02/28/2011


Section 20.30.110 C (Setback Regulations and Exceptions – Alternative setback area location)

In cases where the orientation of an existing lot and the application of the setback area are not consistent with the character or general orientation of other lots in the vicinity, the Director may redefine the location of the front, side, and rear setback areas to be consistent with surrounding properties. The reorientation of setback areas is not applicable to the bluff overlay district.

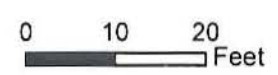
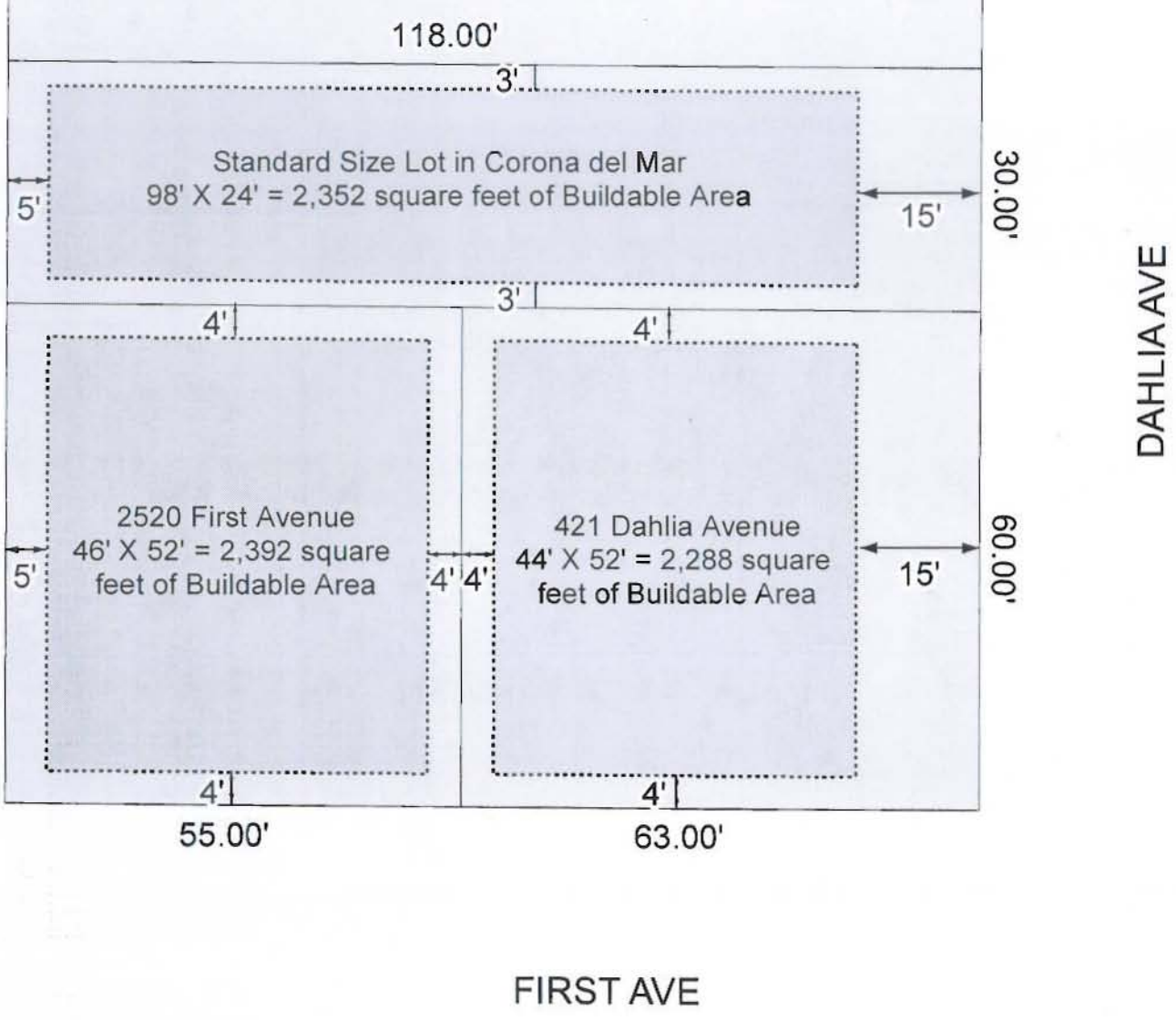
Pursuant to this section, the Acting Planning Director established the following alternative setbacks for 421 Dahlia Avenue:

Yard	Setback	Description
Front	15'	Dahlia Avenue
Side	4'	First Avenue
Side	4'	
Rear	4'	
Other		

Comments: If the curb cut is located on Dahlia Avenue, the garage shall be setback 20 feet from the front property line adjacent to Dahlia Avenue. For purposes of determining buildable area, the 15-foot front setback shall be used along Dahlia Avenue.

By: 
James W. Campbell, Acting Planning Director

Attachments: Plans showing setbacks and buildable area



421 Dahlia Avenue and 2520 First Avenue Director Determination of Alternative Setback Area Locations





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3300 NEWPORT BOULEVARD
NEWPORT BEACH, CA 92663
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Director Determination of Alternative Setback Area Locations (PA2011-029)


Address: 2520 First Avenue Date: 02/28/2011

Section 20.30.110 C (Setback Regulations and Exceptions – Alternative setback area location)

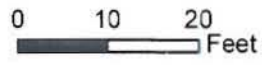
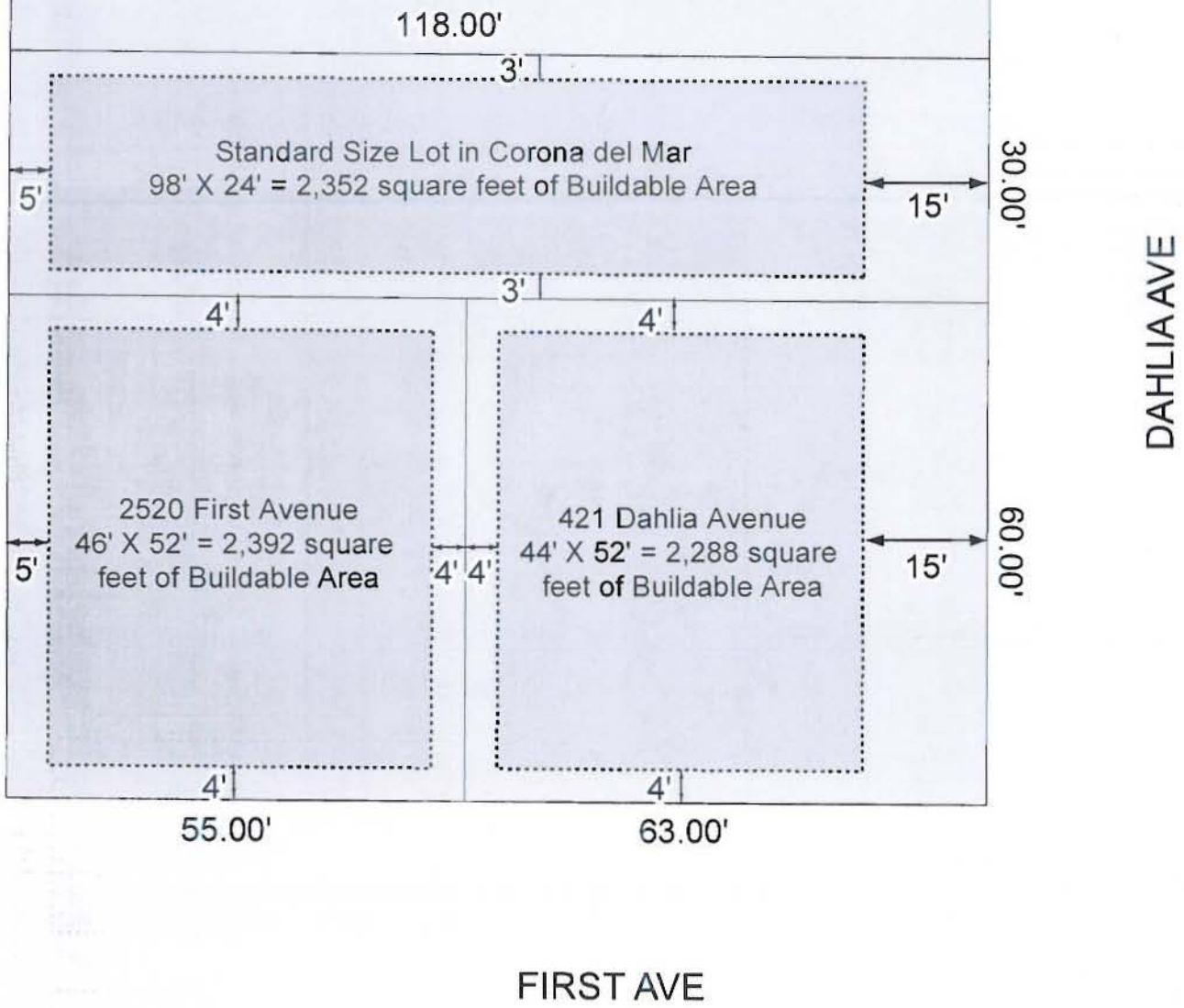
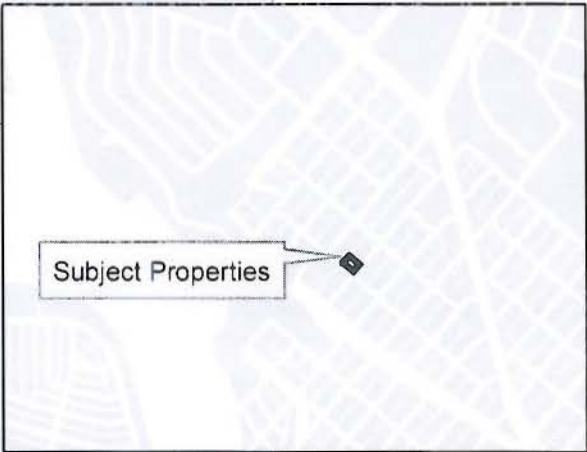
In cases where the orientation of an existing lot and the application of the setback area are not consistent with the character or general orientation of other lots in the vicinity, the Director may redefine the location of the front, side, and rear setback areas to be consistent with surrounding properties. The reorientation of setback areas is not applicable to the bluff overlay district.

Pursuant to this section, the Acting Planning Director established the following alternative setbacks for 2520 First Avenue:

Yard	Setback	Description
Front	4'	First Avenue
Side	5'	Adjacent to Alley
Side	4'	
Rear	4'	
Other		

By: 
James W. Campbell, Acting Planning Director

Attachments: Plans showing setbacks and buildable area



421 Dahlia Avenue and 2520 First Avenue Director Determination of Alternative Setback Area Locations





COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

3300 Newport Boulevard, Building C, Newport Beach, CA 92663

(949) 644-3200 Fax: (949) 644-3229

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PLANNING DIRECTOR ACTION LETTER

APPLICATION: Telecom Permit No. TP2010-007 (PA2010-048)

APPLICANT: Mesa Consolidated Water District

LOCATION: 2119 (CS) Bristol Street

LEGAL DESCRIPTION: Public Right-of-Way on Bristol Street near the northeast corner of Campus Drive and Bristol Street.

PROJECT REQUEST AND DESCRIPTION

Mesa Consolidated Water District (Mesa) has submitted an application requesting to install a supervisory control and data acquisition (SCADA) system located in the public right-of-way (PROW) on Bristol Street near the northeast corner of Campus Drive and Bristol Street. The project would consist of a 24-inch long Yagi directional antenna attached horizontally to an existing traffic sign post. The sign post will be upgraded to a more sturdy, non-breakaway pole approximately 3.5 inches in diameter and moved approximately 2 feet 4 inches from its current location to behind an existing guardrail. An existing Mesa-owned cabinet located adjacent to the sign post will be replaced with a new cabinet at the same size and location to house the system's support equipment.

DIRECTOR'S ACTION: **Approved with Conditions – March 4, 2011**

In approving this application, the Planning Director analyzed issues regarding compliance with Chapter 15.70 (Wireless Telecommunication Facilities) of the Newport Beach Municipal Code (NBMC). 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 because the new antenna will be located on an existing traffic sign post, designed to blend in and be compatible with its surroundings; and any appurtenant equipment will be screened from public views behind new landscaping.

ENCROACHMENT PERMIT

An encroachment permit issued and approved by the Public Works Department shall be required to allow installation and construction of the project in the PROW.

LICENSE AGREEMENT

A license agreement issued and approved by the Revenue Division shall be required to allow installation and construction of the project on city owned property located within the PROW.

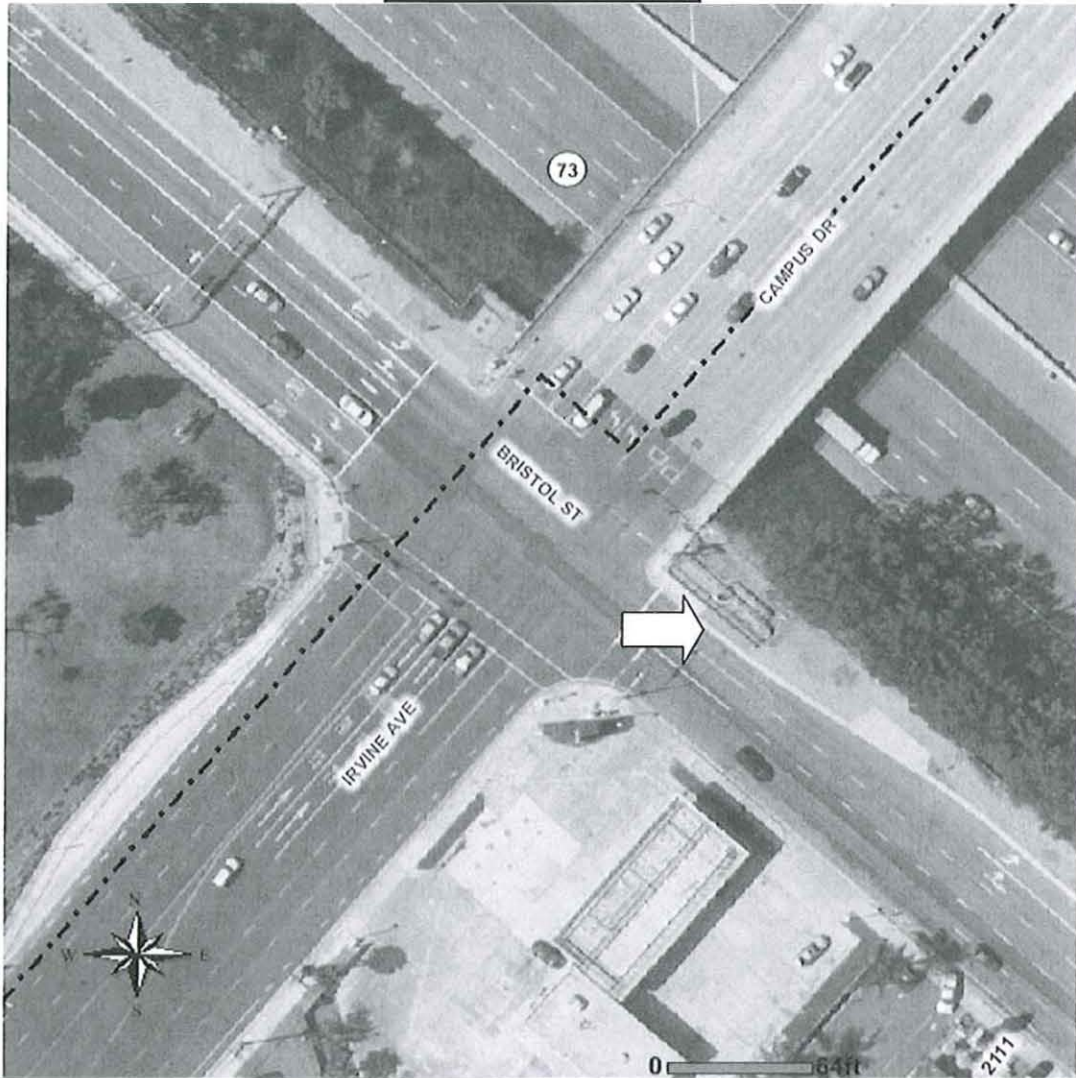
APPEAL PERIOD

The applicant may appeal the decision of the Planning Director to the City Council within 14 days of the action date. The City Council's action on appeals shall be final. For additional information on filing an appeal, contact the City Clerk at 949 644-3005.

By 
James Campbell, Acting Planning Director

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

VICINITY MAP



Telecommunications Permit No. TP2010-007
PA2010-048

2119 Bristol Street (Public Right-Of-Way)

**FINDINGS AND
CONDITIONS OF APPROVAL
TP2010-007 (PA2010-048)**

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 will 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 will be located in the public right-of-way (PROW) on an existing traffic sign post 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.
 - The 24-inch Yagi directional antenna is minimal in size. It will be painted white to match the existing sign and placed in a horizontal position to reduce its visibility.
 - To protect the facility from potential vehicular damage, the sign post will be moved approximately 2 feet 4 inches from its current location. It will be placed behind an existing guardrail and upgraded to a more sturdy, non-breakaway pole approximately 3.5 inches in diameter. The relocated sign post will meet site distance requirements.
 - The support equipment will not alter the existing appearance of the site as it will be located in a new above-ground cabinet replacing an existing cabinet of the same size and in the same location. Additionally, the cabinet will be screened from public views with new landscaping.
 - The proposed facility will not have an effect on public streetscapes, or scenic ocean and coastal views because the facility is proposed to be installed on an existing sign post located in the PROW, and in an area where there are no scenic ocean or coastal views.

2. The telecommunications facility as proposed conforms to the technology, height, location and design standards for the following reasons:
 - Per Chapter 15.70 of the NBMC, the existing traffic sign post is a priority location for the installation of a telecom facility. Antennas are allowed to be installed on poles within the PROW at a height up to 35 feet. The

proposed antenna for the telecom facility will be closely mounted to the utility pole at a height not to exceed 13 feet.

- The support equipment for the telecom facility will be screened from public view, as it will be placed in a new above-ground cabinet replacing an existing cabinet at the same size and location in the PROW adjacent to the sign post. Additionally, as conditioned, the cabinet will be screened from public views with landscaping.
 - The above-ground support equipment and power source located in the PROW will comply with the provisions of Title 13 of the NBMC and with all requirements of the American's with Disabilities Act (ADA).
3. This project qualifies for an exemption from environmental review pursuant to Section 15303 (Class 3 New Construction or Conversion of Small Structures) of the Implementing Guidelines of the California Environmental Quality Act (CEQA). Class 3 consists of the installation of small new equipment and facilities in small structures. The proposed facility is a small structure that would be mounted on an existing traffic post.

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. A single Yagi directional antenna for the telecom facility approved by this permit shall be closely mounted to the traffic sign post not to exceed a height of 13 feet and painted to match the color and texture of the utility pole on which it is mounted.
3. The existing sign post shall be replaced with a new, relocated sign post. The new sign post shall closely match the existing sign post, but deviations are allowed for the locations and diameter of the post as approved by the Public Works Department and Community Development Department as part of the Encroachment Permit application.
4. The relocated sign post construction shall satisfy California MUTCD 2010, Chapter 2A, Section 2A.19: "ground-mounted sign supports shall be breakaway, yielding, or shielded with a longitudinal barrier or crash cushion if within the clear zone."
5. The two existing traffic signs on the existing post shall be transferred to the new, relocated sign post.
6. Any cables connecting the antenna to the support equipment associated with the facility shall run inside the sign post.

7. The final location and design of the power source for the proposed facility shall be reviewed and approved by the Public Works Department as part of the Encroachment Permit application.
8. The support equipment shall be screened and/or have a buffer landscaping, unless otherwise approved by the Community Development and Public Works Departments.
9. Landscaping plans showing that the site is adequately screened will be reviewed and approved as part of the Encroachment Permit application, which will be reviewed by both the Community Development and Public Works departments.
10. The specific size and location of the support equipment and all appurtenant above-grade equipment associated with the telecom facility shall be designed and installed to the satisfaction of the Public Works Department.
11. The location in which this facility is proposed is not currently in an approved Underground Assessment District. In the future, if or when an Underground Assessment District is approved in this location, the applicant shall be required to relocate the facility underground, pursuant to Section 13.20.030 of the NBMC.
12. Anything not specifically approved by this Telecom Permit is not permitted and must be addressed in a separate and subsequent Telecom Permit application.
13. 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.
14. 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.
15. 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.
16. Appropriate information RF warning signs or plates shall be posted at the access locations and each transmitting antenna. The location of the information warning signs or plates shall be depicted on the plans submitted for construction permits.
17. The facility shall transmit and receive in the 900 MHz band. Any change or alteration to the frequency shall require prior review and approval of the Planning Director.

18. The applicant shall not prevent or otherwise interfere with the City of Newport Beach from having adequate spectrum capacity on the City's 800 MHz radio frequencies at any time.
19. No radio frequency (RF) compliance and radiation report is required unless the applicant exceeds the 100 watts ERP.
20. 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.
21. Should interference with the City's Public Safety radio equipment occur, radio transmissions from the facility shall immediately be suspended until the radio frequency is corrected and verification of the compliance is reported.
22. 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.
23. Should the approved telecom facility 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. Failure by the current property owner or leasing agent to provide the required notice or failure of the assignees to unconditionally accept these conditions shall be a basis for the City to terminate this permit.
24. 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.
25. The telecom facility shall not be lighted except as deemed necessary by the Newport Beach Police Department for security lighting or for short periods at night when service of the facility is required. 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.
26. The operator of the telecom facility shall maintain the facility in a manner consistent with the original approval of the facility.
27. The City reserves the right and jurisdiction to review and modify any telecom permit approved pursuant to Chapter 15.70 of the NBMC, 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

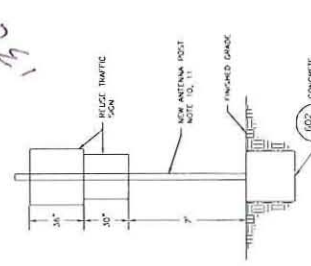
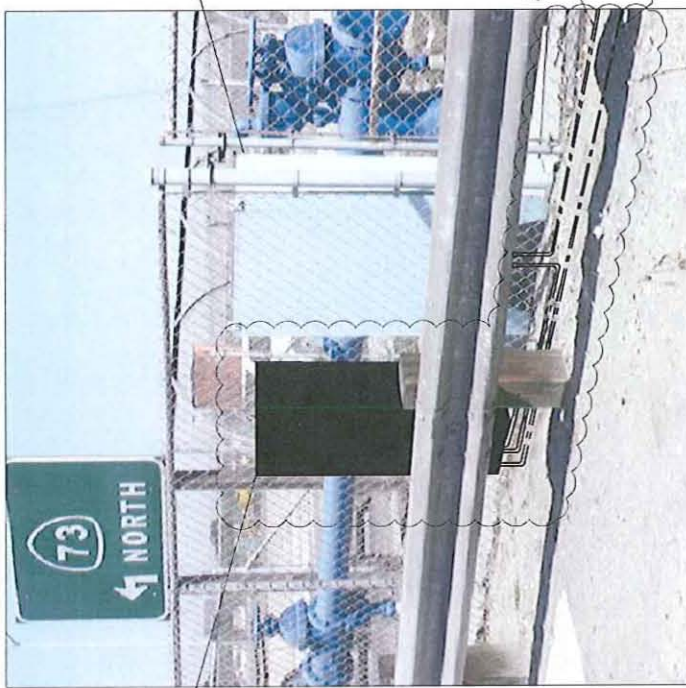
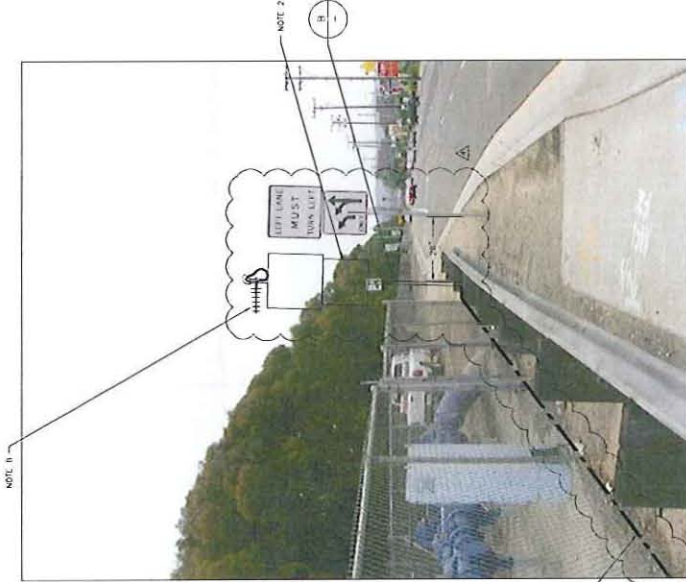
the facility; increase the size, shape or number of antennas; change the facility's color or materials or location on the site; or increase the signal output above the maximum permissible exposure (MPE) limits imposed by the radio frequency emissions guidelines of the FCC. Any changed circumstance shall require the operator to apply for a modification of the original telecom permit and obtain the modified telecom permit prior to implementing any change.

28. 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.
29. If the applicant or subsequent owner intends to abandon or discontinue use of a telecom facility, he or she 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.
30. If any of the existing public improvements surrounding the site is damaged by the private work, new concrete sidewalk, curb and gutter, alley/street pavement, and other public improvements shall 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.
31. The applicant shall protect all City landscape, trees, and irrigation in place. If any damage should occur, the contractor will be required to repair as directed by the General Services Department and guarantee work for a minimum of one (1) year.
32. The storage of all project related equipment shall not be located in the public right-of-way overnight.
33. All underground conduit/cable runs shall maintain a minimum five-foot clearance from City utilities, unless otherwise approved by City.
34. A Public Works Encroachment Permit and Temporary Street Closure Permit are required for all work activities within the public right-of-way. These permits require:
 - Construction plans providing a detail showing the antenna mounting on the sign post with the conduit and foundation information.
 - Construction plans showing all existing utilities within the vicinity of the proposed telecom facility (i.e. gas, traffic signal, street light, water, sewer, etc.).
 - Landscape plans showing that the support equipment is adequately screened from public views.

- Structural/Wind Calculations for the sign post taking into account the existing attachment and the new Yagi antenna. The calculations shall be signed/stamped by a California Registered Civil Engineer.
 - A traffic control plan shall be submitted as part of the Temporary Street Closure Permit application.
35. All roadway trench, pothole, bore, and repairs shall be per City Standards STD-105-L and STD-106-L.
 36. Traffic and Pedestrian control shall be per WATCH (2006) or as directed by the Public Works Department.
 37. This approval shall expire unless exercised within 24 months from the date of approval.
 38. 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 Mesa Consolidated Water District Telecom Permit, including, but not limited to, Telecommunications Permit No. TP2010-007 (PA2010-048). 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.

NOTES:

1. CONTRACTOR SHALL USE THE PROVIDED ENCLOSURE WITH THE ANTENNA AND MOUNT IT INTO THE EXISTING ENCLOSURE'S CURRENT LOCATION. ALL CONDUITS ENTERING THE PROVIDED ENCLOSURE SHALL BE INSTALLED IN THE SAME LOCATION PER DETAIL 'D' ON THIS SHEET.
2. CONTRACTOR SHALL VERIFY THE ANTENNA POLE PER DETAIL 'D' ON THIS SHEET.
3. 1-1/2" CONDUIT AND 1" CONDUIT SHALL BE PVC UNLESS OTHERWISE SPECIFIED. ALL CONDUITS SHALL BE INSTALLED FROM THE EXISTING INTO ENCLOSURE TO THE ANTENNA LOCATION.
4. CONTRACTOR SHALL VERIFY THE ANTENNA POLE PER DETAIL 'D' ON THIS SHEET.
5. CONTRACTOR SHALL VERIFY THE ANTENNA POLE PER DETAIL 'D' ON THIS SHEET.
6. NOT USED.
7. EQUIPMENT SHALL BE LOCATED INSIDE THE EXISTING FENCE PER DETAIL 'E' ON THIS SHEET.
8. MOUNT THE ANTENNA IN HORIZONTAL POSITION ON TOP OF THE EXISTING ENCLOSURE WITH THE ANTENNA ORIENTED TO THE ANTENNA STATION.
9. CONTRACTOR SHALL VERIFY THE ANTENNA POLE PER DETAIL 'D' ON THIS SHEET.
10. CONTRACTOR SHALL VERIFY THE ANTENNA POLE PER DETAIL 'D' ON THIS SHEET.
11. CONTRACTOR SHALL VERIFY THE ANTENNA POLE PER DETAIL 'D' ON THIS SHEET.



B ANTENNA POLE WITH TRAFFIC SIGN DETAIL

A SITE PLAN

ELECTRICAL	
SITE 7	
CAMPUS & BOSCO IMPORT STATION	
POLES PLAN	
DATE	DATE
DESIGNED BY	DATE
PROJECT NO.	7E-2
SCALE	NOT TO SCALE
SHEET NO.	22
TOTAL SHEETS	22

NO.	REVISION	DATE

Atkins Consolidated
Water District
 YOUR INDEPENDENT WATER AGENCY
 1849 431-10th
 1025 INDUSTRIAL CENTER - COLTON, MISS. CO. 80527

CONFORMED DOCUMENTS FOR CONSTRUCTION

DLT&V
SYSTEMS ENGINEERING
 100 W. 1st Ave. Suite 100
 Fort Collins, CO 80501

DATE: 1/17/20
 DRAWN BY: JLD
 CHECKED BY: JLD

