CITY OF NEWPORT BEACH COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION ACTION REPORT

- TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION
- FROM: Kimberly Brandt, Community Development Director
- SUBJECT: Report of actions taken by the Zoning Administrator and/or Planning Division staff for the week ending October 7, 2011

ACTIONS TAKEN BY THE COMMUNITY DEVELOPMENT DIRECTOR OR PLANNING DIVISION STAFF

Item 1: T-Mobile Telecommunications Permit No. TP2011-011 (PA2011-110) 2100 Mar Vista Drive

This item was approved on October 6, 2011

Council District 4

On behalf of Kimberly Brandt, Community Development Director

Patrick J. Alford, Planning Manager

APPEAL PERIOD: The applicant or any interested party may appeal the decision of the Community Development Director and division staff to the Planning Commission by submitting a written appeal application to the Community Development Director in accordance with the provisions of the Newport Beach Municipal Code. For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

Email Jon Lewis, Support Services Lt., NBPD



COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION 3300 Newport Boulevard, Building C, Newport Beach, CA 92663 (949) 644-3200 Fax: (949) 644-3229 www.newportbeachca.gov

COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER

APPLICATION:Telecommunications Permit No. TP2011-011 (PA2011-110)APPLICANT:Coastal Business GroupLOCATION:2100 Mar Vista DriveLEGAL DESCRIPTION:IRVINE SUB BLK 56, LOT 229 POR OF LOT - EX STR

PROJECT REQUEST AND DESCRIPTION

Coastal Business Group has submitted an application requesting a Telecommunications Permit to relocate an existing T-Mobile wireless telecommunications facility at 2406 Mar Vista Drive (current location of the Our Lady Queen of Angels church) to 2100 Mar Vista Drive (new location of church). The relocated facility consists of the following: six panel antennas (two panel antennas per sector, three sectors) located within the new church bell tower, six base transceiver station (BTS) equipment cabinets mounted on a concrete pad located within an eight-foot-high block wall enclosure adjacent to the bell tower, coax cable tray mounted at grade, and a Global Positioning System (GPS) antenna mounted on a pole within the equipment cabinet enclosure. The property is located in the PI (Private Institutions) District.

ACTION: Approved with Conditions – October 6, 2011

In approving this application, the Community Development 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 Community Development Director determined in this case that the proposed wireless telecommunications facility ("telecom facility") meets the provisions of Chapter 15.70.

BACKGROUND

The existing T-Mobile wireless telecom facility is located on the current site of the Our Lady Queen of Angels Church (2046 Mar Vista Drive). The facility was approved administratively through the issuance of building permits on September 15, 1998, which was prior to adoption of Chapter 15.70 (Wireless Telecommunications Facilities) of the

Newport Beach Municipal Code. On November 14, 2006, the City Council adopted Resolution No. 1696. The resolution included Use Permit No. 2005-020, which permitted the expansion of the Our Lady Queen of Angels Church facilities and construction of a new church sanctuary building at 2100 Mar Vista Drive. The use permit also allowed the new sanctuary building to exceed the permitted building height of 35 feet. The existing wireless telecom facility will be relocated to the site of the new church sanctuary building. The antennas will be located within the bell tower and the support equipment and GPS antenna will be located within a block wall enclosure adjacent to the outside wall of the bell tower facing Jamboree Road.

APPEAL PERIOD

Telecommunications Facility applications do not become effective until 14 days after the date of action, during which time the applicant or any interested party may appeal the decision of the Community Development Director and division staff to the City Council by submitting a written appeal application to the City Clerk. For additional information on filing an appeal, contact the City Clerk at 949 644-3005.

On behalf of Kimberly Brandt, Community Development Director

Bv Kav/Sims. Assistant Planner

KB/ks

Attachments: CD 1 Vicinity Map CD 2 Findings and Conditions of Approval CD 3 Site Plan & Elevations

Attachment No. CD 1 Vicinity Map

VICINITY MAP

2100 Mar Vista Drive



Telecommunications Permit No. TP2011-011 (PA2011-110)

Attachment No. CD 2

Findings and Conditions of Approval

FINDINGS AND CONDITIONS OF APPROVAL TELECOMMUNICATIONS PERMIT NO. TP2011-011 (PA2011-110)

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 will be located within the bell tower of the newly constructed Our Lady Queen of Angels Church structure located on a new site. The support equipment will be located within an eight foot high concrete wall enclosure adjacent to the bell tower that will be painted and textured to match the new church structure.
 - Any future facility to be located within 1,000 feet of the existing facility shall be required to co-locate on the same site to limit any adverse visual effects and proliferation of facilities within the City.
 - Due to the location and/or 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 and diminutive available technology in order to minimize the number of facilities and reduce the visual impact.
 - Pursuant to Section 15.70.050.A.3 ("Stealth" Telecommunication Installations within Structures), stealth facilities may be installed within structures that have received approval of a use permit to exceed the required height limits. The telecom facility approved by this permit will be located within the bell tower of the OLQA new church structure, which was permitted to exceed the zoning district height limit with approval of Use Permit No. UP2005-020.

- The support equipment for the telecom facility will be located within an eight foot high concrete wall enclosure adjacent to the bell tower that will be painted and textured to match the new church structure.
- 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 Section 15303 Class 3 (New Construction or Conversion of Small Structures) for the following reason(s):
 - The proposed project involves relocation of an existing telecommunications facility to the new location of the Our Lady Queen of Angels Church. The panel antennas will be located inside of a new bell tower and the GPS antenna and support equipment will be located within an eight foot high concrete wall enclosure adjacent to the bell tower.

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 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).
- 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.
- 5. 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.
- 6. 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 Division.
- 7. <u>Prior to issuance of building permits</u>, a deposit of \$1,000 shall be paid to the City of Newport Beach. This deposit is required by the Planning Division 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.

- 8. <u>Prior to the issuance of any building</u>, 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>
- 9. 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.
- 10. Should interference with the City's Public Safety radio equipment occur, use of the telecom facility authorized by this permit shall be suspended until the radio frequency interference is corrected and verification of the compliance is reported.
- 11. The facility shall transmit at a frequency range of 1970.4 to 1979.6 MHz, 1710 to 1735 MHz and 1745 to 1755 MHz, and shall receive at a frequency range of 1890.4 to 1899.6 MHz, 2110 2135 and 2145 2155 MHz. Any change or alteration to the frequency range shall require the prior review and approval of the Planning Division.
- 12. The applicant recognizes that the frequencies used by the cellular facility located at **2100 Mar Vista 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).
- 13. 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 in order to comply and a new report has been submitted confirming such compliance.
- 14. 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. <u>The name, telephone number, fax number and e-mail address of that person or contact center shall be provided to the Planning Division and Newport Beach Police Department's Support Services Commander prior to activation of the facility.</u>

- 15. 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.
- 16. No advertising signage or identifying logos shall be displayed on the telecom facility except for small identification, address, warning and similar information plates. <u>A detail of the information plates depicting the language on the plate shall be included in the plans submitted for issuance of building permits.</u>
- 17. 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.
- 18. The operator of the telecom facility shall maintain the facility in a manner consistent with the original approval of the facility.
- 19. 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.
- 20. 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.
- 21. Any operator who intends to abandon or discontinue use of a telecom facility must notify the Planning Division 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.
- 22. 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 Division 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.

- 23. 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.
- 24. This approval shall expire unless exercised within 24 months from the date of approval.

Attachment No. CD 3

Site Plan and Elevations

T-Mobile.

SITE NAME: SITE TYPE:

SITE NUMBER: LA64115 (aka LA02352) **CITY:** OUR LADY QUEEN OF ANGELS COUNTY: RAWLAND

NEWPORT BEACH ORANGE COUNTY JURISDICTION: CITY OF NEWPORT BEACH

SHEET INDEX: PROJECT SUMMARY: VICINITY MAP: SITE ADDRESS: 2100 MAR VISTA DR NEWPORT BEACH, CA 92660 ORANGE COUNTY . 19 SHEET: DESCRIPTION; Frid Rhuff Park 7-1 THE SHEET PROPERTY OWNER: NAME: ADDRESS: CITY, STATE ZIP CODE PHONE: THE ROMAN CATHOLIC DIOCESE OF ORANGE 2811 EAST VILLA REAL DRIVE ORANGE, CA 92867 (714) 282-3000 A-1 BOUNDARY DETAIL AND SITE PLAN Viala Del A-2 EQUIPMENT LAYOUT PLAN, ANTENNA LAYOUT lista Flora PLAN AND KEYNOTES APPLICANT: A-3 ARCHITECTURAL ELEVATIONS 15% T-HORIEF LISA 1-MOBILE USA 2008 McGAW AVE. IRVINE, CA 92614 REPRESENTATIVE: ZONING MANAGER: Vista Del Ore CELL # (949) 350-8789 (714) 204-2541 NAME: AIMEE WEEKS Provide CONSTRUCTION MANAGER: FRIC CHAVEZ SITE ACOUISITIONS: AMIEE WEEKS (949) 336-1550 PROJECT DESCRIPTION; THE PROJECT ENTAILS: THE DECOMMISSION AND REMOVAL OF AN EXISTING WIRELESS FACILITY. RELOCATION OF THE EXISTING WIRELESS FACILITY TO THE NEW CHURCH Manak Visto 'n Relocation of the existing wireless facility to the new church bell tower. The installation of (6) T-mobile BTS Equipment cabinets mounted on new concrete pad within new CMU enclosure, and the installation of (2) New panel antennas per Sector, (3) Sectors, (6) Antennas Total New T-mobile panel antennas to be mounted behind new FRP screening of New Bell Tower. BUILDING SUMMARY: Loggia OCCUPANCY CLASSIFICATION: TYPE OF CONSTRUCTION: I-B C-P COMMERCIAL PROFESSIONAL 70NING ^{lyh}tim Üt Ford Rd ROJECT ± 357 SQ. FT. EQUIPMENT LEASE AREA: ANTENNA LEASE AREA: TOTAL LEASE AREA: ± 194 SQ. FT. ± 551 SQ. FT. AREA NOTE: THE DRAWINGS HEREIN ARE CONCEPTUAL AND THE EXACT SQUARE FOOTAGE WILL BE DETERMINED FOLLOWING CHURCH CONSTRUCTION) "NI (). ASSESSORS PARCEL NUMBER: 440~092-013 (NEW) 440-092-68 & 440-092-69 (EXISTING) 33.631881 N LATITUDE: LONGITUDE 117.876653 W **RF CONFIGURATION INFORMATION** APPROVALS: CONSULTING TEAM: SECTOR AZIMUTH CENTERLINE # OF ANTENNAS ANTENNA MODEL # # OF COAX LINES COAX DIAMETER THE FOLLOWING PARTIES HEREBY APPROVE AND ACCEPT THESE DOCUMENTS AND AUTHORIZE THE CONTRACTOR TO PROCEED WITH THE CONSTRUCTION DESCRIBED HEREIN, ALL CONSTRUCTION DOCUMENTS ARE SUBJECT TO REVIEW BY THE LOCAL SAC/ZONING/PERMITTING; ARCHITECTURAL ENGINEERING; 0 66'-8" TMBXX-6516-R2M 7/8" COASTAL BUSINESS GROUP 16460 BAKE PARKWAY, SUITE 100 IRVINE, CA 92618 PHONE: (949) 336-1550 FAX: (949) 336-6665 CONTACT: JORDON M. DIBIASE NATIONAL ENGINEERING & CONSULTING, INC. 27 ORCHARD, SUITE 200 LAKE FOREST, CA 92630 66'-8" 120 TM8XX-6516-R2M 8 7/8" BUILDING DEPARTMENT AND ANY CHANGES AND MODIFICATIONS c 240 66'-8" THRXX-6516-82H 7/8" PHONE: (949) 716-9990 FAX: (949) 716-9997 PRINT NAME SIGNATURE DATE DIRECTIONS FROM T-MOBILE OFFICE: THOMAS GUIDE REGION: LOS ANGELES COUNTY PAGE: 889 GRID #: E-5 2008 MCGAW AVE., IRVINE, CA 92614 HEAD SOUTHEAST ON MCGAW AVE TOWARD VON KARMAN AVE. TAKE THE 15T RIGHT ONTC VON KARMAN AVE TURN LEFT AT DUPONT DR TURN RIGHT AT LAMBOREE RD., TURN RIGHT AT LASTBLLFF DR., TURN RIGHT AT WAR VISTA DR., DESTINATION WILL BE ON THE LEFT. 2046 MAR VISTA DRIVEWPORT BEACH, CA 92650 PHONE; (949) 378--3323 SPECIAL INSPECTIONS: LANDLORD NATIONAL ENGINEERING & CONSULTING. INC. ZONING REP 27 ORCHARD, SUITE 200 LAKE FOREST, CA 92630 PHONE: (949) 716-9990 FAX: (949) 715-9997 DEVELOP MGR ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDMONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES, NOTHING IN THESE PLANS IS TO BE CONSTRUED TO FERMIT WORK NOT CONFORMING TO THE LATEST EDITIONS OF THE FOLLOWING CODES. **POWER & TELCO UTILITY CONTACTS** CONST. MGR IELCO: POWER: COMPANY: SCE CONTACT: JERRY CHAMBERLAIN 2010 CALIFORNIA ADMINISTRATIVE CODE PROJECT MGR 2010 CALIFORNIA BUILDING CODE (CBC). 2010 CALIFORNIA BUILDING CODE (CBC). 2010 CALIFORNIA ELECTRICAL CODE (CEC) 2010 CALIFORNIA ENERGY CODE. PHONE: (714) 870-3105 ZONING MGR 2010 CALFORNIA ELEMENT CODE. 2010 CALFORNIA PLUMBING CODE (CMC). 2010 CALFORNIA PLUMBING CODE (CPC). ANSI/EM-222-F LIFE SAFETY CODE NFPA-101 LOCAL BUILDING CODE. RF ENGINEER LOCAL BURLING CODE. 2011 CITY OF LOS ANGELES BUILDING CODE. 2008 LA AMERIDMERT BUILDING CODE. 2008 LA AMERIDMERT ELECTRICAL CODE. 2008 LA AMERIDMENT FELORING CODE CODE. 2008 LA AMERIDMENT FELORING CODE CONTAINCE. LOS ANGELES GEREN BURLING CODE CONTAINCE. OPERATIONS SAC REP.



PA2011-110 for TP2011-011 2100 Mar Vista Drive Coastal Business Group





