



**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  
Brenda Wisneski, Deputy Community Development Director  
**SUBJECT:** Report of actions taken by the Zoning Administrator, Hearing Officer, and/or Planning Division staff for the week ending February 17, 2012

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**ZONING ADMINISTRATOR ACTIONS  
FEBRUARY 15, 2012**

- Item 1: The Cannery Generator - Minor Use Permit No. UP2011-035 (PA2011-218)  
3010 Lafayette Road  
Action: Approved by Resolution No. ZA 2012-004 Council District 1
- Item 2: Sambazon Minor Use Permit - Minor Use Permit No. UP2012-001 (PA2012-004)  
3138 Balboa Boulevard  
Action: Approved by Resolution No. ZA 2012-004 Council District 1

**COMMUNITY DEVELOPMENT DIRECTOR  
OR PLANNING DIVISION STAFF ACTIONS**

- Item 3: NextG Networks of California, Inc.– Telecommunications Permit No. TP2011-015  
(PA2011-166)  
2961 (CS) Cliff Drive - Utility pole in public right-of-way  
Action: Approved Council District 2
- Item 4: Commerce Center Sign Program – Comprehensive Sign Program No. CS2012-002 (PA2011-213)  
3990 - 4000 Westerly Place  
Action: Approved Council District 4

**APPEAL PERIOD:** An appeal may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

*Email* Jon Lewis, Support Services Lt., NBPD

## RESOLUTION NO. ZA2012- 004

### A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MINOR USE PERMIT NO. UP2011-035 FOR AN EMERGENCY ELECTRICAL GENERATOR AT 3010 LAFAYETTE ROAD (PA2011-218)

THE ZONING ADMINSTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by The Cannery with respect to property located at 3010 Lafayette Road, and legally described as Lots 1-7, Block 429, Lancaster's Addition, requesting approval of a Minor Use Permit.
2. The applicant requests a Minor Use Permit to allow for the installation of a standby emergency electrical generator (generator) at an existing restaurant.
3. The subject property is located within the MU-W2 (Mixed-Use Water Related) Zoning District and the General Plan Land Use Element category is MU-W2 (Mixed-Use Water Related).
4. The subject property is located within the coastal zone with a Coastal Land Use designation of MU-W (Mixed Use Water Related).
5. A public hearing was held on February 15, 2012, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

#### SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act, pursuant to Section 15303 (Class 3 – New Construction or Conversion of Small Structures).
2. Class 3 exempts the installation of small new equipment and facilities in small structures. The generator is to be installed to provide emergency power for a restaurant in the event of a disruption of commercial power due to natural or man-made interruptions to power.

#### SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.020.F (Findings and decision) of the NBMC, the following findings and facts in support of the findings for a Minor Use Permit are set forth:

Finding

*A. The use is consistent with the General Plan and any applicable specific plan.*

Facts in Support of Finding

1. The location of the proposed generator is consistent with its General Plan land use designation "Mixed-Use Water Related", which is applied to waterfront locations in which marine-related uses may be intermixed with buildings that provide residential on the upper floor. Permitted uses include those permitted by the CM (Recreation and Marine Commercial), CV (Visitor Serving Commercial), and MU-V (Mixed Use Vertical) designations. These designations allow for restaurant type uses. The proposed generator is a minor utility supporting the use of the restaurant. It neither changes the density or intensity nor the operational characteristics or use of the site.
2. The subject property is not part of a specific plan area.

Finding

*B. The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code.*

Facts in Support of Finding

1. The site is located in the MU-W2 (Mixed-Use Water Related) Zoning District. This zoning district applies to waterfront properties in which marine-related uses may be intermixed with general commercial, visitor serving, and residential dwelling units on the upper floors. The proposed generator is consistent with this designation as minor utility infrastructure is permitted within its designation.
2. Section 5.11.050.4. (Temporary Emergency Electrical Generators) of the NBMC indicates that if the business owner desires permanent status of a generator, then the applicant shall obtain a Use Permit. The placement and use of the generator complies with the provisions of Section 5.11.050.4.

Finding

*C. The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity.*

Facts in Support of Finding

1. A restaurant has been operated at this location since the 1970s and was originally approved by Use Permit No. UP1521 on April 29<sup>th</sup>, 1971. The use has not proven detrimental to the area. This demonstrates the location's capability of operating as a compatible use with other land uses in the vicinity. The purpose of the generator is to provide emergency power to the existing restaurant in the event of a disruption of

commercial power due to a natural or man-made interruption to power. The addition of the generator does not present any conflicts with the purpose and intent of the district and does not result in an increase in intensity of the existing use such that the operational characteristics of the site would change.

2. The generator will be ground-mounted and will comply with all screening, setback, and sound rating requirements. The generator will be located near the rear property line in the southwest corner of the property. It will be screened from view behind an existing 10-foot high wall designed in a manner consistent with the architectural style of the building.

Finding

*D. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities.*

Facts in Support of Finding

1. Adequate public and emergency vehicle access, public services, and utilities are provided within the existing property and the proposed project will not negatively affect emergency access.

Finding

*E. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, a safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

Facts in Support of Finding

1. The installation of the generator will comply with the requirements of the City's Building regulations and Fire Codes.
2. The proposed generator will comply with all exterior noise standards as regulated by the NBMC. Therefore, there will be no significant noise impact on the surrounding neighborhood.
3. The generator will only be operated during a power outage and limited routine system diagnostics as necessary.
4. Due to the design and location of the facility, there is no impact to public views. The generator will be ground-mounted and screened from adjacent view by an existing wall. The wall is consistent with the architectural style, color, and materials of surrounding structures.



SECTION 4. DECISION.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. UP2011-035, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. Minor Use Permit applications do not become effective until 14 days following the date of action. Prior to the effective date, the applicant or any interested party may appeal the decision of the Zoning Administrator to the Planning Commission by submitting a written appeal application to the Community Development Director. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

**PASSED, APPROVED, AND ADOPTED THIS 15<sup>TH</sup> DAY OF FEBRUARY, 2012.**

By: \_\_\_\_\_

Brenda Wisneski, AICP, Zoning Administrator

**EXHIBIT "A"**

**CONDITIONS OF APPROVAL**

1. The development shall be in substantial conformance with the approved plans dated with this date of approval (except as modified by applicable conditions of approval).
2. The installation of the generator shall comply with the requirements of the City's Building regulations and Fire Codes.
3. The use of the generator shall be limited to no more than two hundred (200) hours per year and shall be operated only during a power outage or during daytime hours for the purpose of performing system diagnostics.
4. The applicant shall obtain a South Coast Air Quality Management District Permit for the generator if it exceeds fifty (50) horsepower.
5. The generator shall comply with all acceptable levels for noise as established by the NBMC. If the Community Development Director determines that the generator exceeds acceptable levels for noise and/or creates excessive negative impacts to air quality, the license may be automatically revoked.
6. The generator and any related support mechanical equipment shall be screened from any public right-of-way and/or public property as required by the Zoning Code.
7. This Minor Use Permit may be modified or revoked by the Zoning Administrator should he/she determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
8. Any substantial change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to this Minor Use Permit or the processing of a new Minor Use Permit.
9. This approval was based on the particulars of the individual case and does not in and of itself or in combination with other approvals in the vicinity or Citywide constitute a precedent for future approvals or decisions.
10. Minor Use Permit No. UP2011-035 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the Newport Beach Zoning Code, unless an extension is otherwise granted.
11. Should this business be sold or otherwise come under different ownership, any future owners or assignees shall be notified in writing of the conditions of this approval by the current owner or leasing company.

12. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
13. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
14. A copy of this resolution shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
15. Prior to issuance of building permits, the applicant shall submit to the Planning Department an additional copy of the approved architectural plans for inclusion in the Modification Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11-inches by 17-inches. The plans shall accurately depict the elements approved by this Planning Director's Use Permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
16. 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 Cannery Generator including, but not limited to Minor Use Permit No. UP2011-035 (PA2011-218) and the determination that the project is exempt under the requirements of the California Environmental Quality Act. 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.

## RESOLUTION NO. ZA2012-005

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING USE PERMIT NO. UP2012-001 FOR A FOOD SERVICE, EATING AND DRINKING ESTABLISHMENT LOCATED AT 3138 BALBOA BOULEVARD (PA2012-004)**

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Sambazon, with respect to property located at 3138 Newport Boulevard, and legally described as lots E, F, and H on Parcel Map, as per map filed in book 32, page 41 of Parcel Maps, in the office of the County Recorder in the County of Orange, together with that portion of Lake Avenue shown as Parcel "G" on said Parcel Map, vacated and abandoned by Resolution No. 1012 of the City Council of Newport Beach, recorded May 15, 1981 as Instrument No. 40308 in book 14079, page 939 of official records in the office of said County Recorder, also together with a portion of Section 28, Township 6 south, range 10 west, San Bernardino Meridian, as per Parcel Nos. 1, 2, and 3 of the official plat filed in the district land office August 4, 1980, requesting approval of a minor use permit.
2. The applicant requests a minor use permit to allow, Sambazon Acai Café, an eating and drinking establishment (food service, no late hours) serving health juices, smoothies, and healthy snacks. The gross floor area of the establishment is 998 square feet and the interior net public area will be 462 square feet. The establishment will provide a maximum of 32 interior seats. The requested hours of operation are from 7:00 a.m. to 11:00 p.m., daily. Alcohol service is not proposed as part of this request.
3. The subject property is located within the CN (Commercial Neighborhood) Zoning District and the General Plan Land Use Element category is CN (Neighborhood Commercial).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is CN (Neighborhood Commercial).
5. A public hearing was held on February 15, 2012 in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

#### SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. The project is categorically exempt under Section 15303, of the California Environmental Quality Act (CEQA) Guidelines - Class 3 (New Construction or Conversion of Small Structures). The Class 3 exemption includes a store, motel,

office, restaurant or similar structure not involving significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area.

2. The proposed project involves the establishment of a restaurant in an existing tenant space. The proposed use is less than 2,500 square feet. Therefore, the use qualifies for a categorical exemption under Class 3.

### SECTION 3. REQUIRED FINDINGS.

#### *Minor Use Permit*

In accordance with Section 20.52.020.F of the Newport Beach Municipal Code, the following findings and facts in support of the findings for a use permit are set forth:

#### Finding

- A. *The use is consistent with the General Plan and any applicable specific plan:*

#### Facts in Support of Finding

- A-1. The General Plan land use designation for this site is CN (Neighborhood Commercial). The CN designation is intended to provide for a limited range of retail and service uses developed in one or more distinct centers oriented to serve the needs of and maintain compatibility with residential uses in the immediate area. A food service, eating and drinking is a consistent use within this land use designation. Restaurant uses can be expected to be found in this area and similar locations and are complementary to the surrounding commercial and residential uses.
- A-2. Eating and drinking establishments are common in the vicinity along the Balboa Peninsula and are frequented by visitors and residents alike. The establishment is compatible with the land uses permitted within the surrounding neighborhood. The new establishment will improve and revitalize the existing retail building and the surrounding neighborhood.
- A-3. The subject property is not part of a specific plan area.

#### Finding

- B. *The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code:*

#### Facts in Support of Finding

- B-2. The site is located in the CN (Commercial Neighborhood) Zoning District. The CN zoning district is intended to provide for areas appropriate for a limited range of retail and service uses developed in one or more distinct centers oriented to serve primarily the needs of and maintain compatibility with residential uses in the immediate area.

The proposed food service, eating and drinking establishment is consistent with land uses permitted by the CN Zoning District.

- B-3. The proposed use will comply with all applicable development and parking standards including those specific to the food service, eating and drinking use classification.

#### Finding

- C. *The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity:*

#### Facts in Support of Finding

- C-1. The hours of operation will be from 7:00 a.m. to 11:00 p.m. daily.
- C-2. Sambazon Acai Café will occupy a vacant tenant space at the west end of The Landing Shopping Center, which was recently renovated in 2011. Prior to the renovation, a restaurant had operated in this location since 1982 pursuant to Use Permit Nos. UP2067 and UP2069 and had not proven detrimental to the area. The tenant space within the shopping center has operated as an eating and drinking establishment in the past and demonstrated the location's capability of operating as a compatible use with other land uses in the vicinity.
- C-3. The project includes conditions of approval to ensure that potential conflicts are minimized to the greatest extent possible. The restaurant is oriented toward the parking lot and is located approximately 225 feet from residential properties across 32<sup>nd</sup> Street. The applicant is also required to control trash and litter around the subject property.
- C-4. Alcohol service is not proposed. The project has been conditioned so that no dancing or live entertainment will be permitted on the premises.
- C-5. The surrounding commercial corridor contains various retail and visitor commercial uses including restaurants and take-out eating establishments. The proposed establishment is compatible with the existing and permitted uses within the neighborhood.

#### Finding

- D. *The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities:*

#### Facts in Support of Finding

- D-1. The existing parking lot provides adequate circulation and parking spaces for patrons.

- D-2. Adequate public and emergency vehicle access, public services, and utilities are provided within the renovated shopping center.
- D-3. The project site is located within an existing retail building and the tenant space is designed and developed for an eating and drinking establishment. The design, size, location, and operating characteristics of the use are compatible with the surrounding neighborhood.
- D-4. The tenant improvements to the project site will comply with all Building, Public Works, and Fire Codes. All ordinances of the City and all conditions of approval will be complied with.

### Finding

- E. *Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, a safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

### Facts in Support of Finding

- E-1. The project has been reviewed and includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the subject property and adjacent properties during business hours, if directly related to the patrons of the establishment.
- E-2. The food service, eating and drinking establishment will serve the surrounding residential community. The proposed establishment will provide dining services as a public convenience to the surrounding neighborhood and visitors. This will revitalize the project site and provide an economic opportunity for the property owner to update the retail tenants and services, which best serve the quality of life for the surrounding residential community.
- E-3. The applicant is required to install a grease interceptor, obtain Health Department approval prior to opening for business, and comply with the California Building Code to ensure the safety and welfare of customers and employees within the establishment.


## SECTION 4. DECISION.

### **NOW, THEREFORE, BE IT RESOLVED:**

1. The Zoning Administrator of the City of Newport Beach hereby approves Use Permit No. UP2012-001, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.

2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the Community Development Department in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

**PASSED, APPROVED AND ADOPTED THIS 15<sup>TH</sup> DAY OF FEBRUARY, 2012.**

By:  \_\_\_\_\_  
Brenda Wisneski, AICP, Zoning Administrator



**EXHIBIT "A"****CONDITIONS OF APPROVAL****PLANNING****Planning Department Conditions**

1. The development shall be in substantial conformance with the approved site plan, floor plan(s) and building elevations dated with this date of approval. (Except as modified by applicable conditions of approval.)
2. This Minor Use Permit may be modified or revoked by the Zoning Administrator should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
3. Any change in operational characteristics, hours of operation, expansion in area, or other modification to the approved plans, shall require an amendment to this Use Permit or the processing of a new Use Permit.
4. This approval was based on the particulars of the individual case and does not in and of itself or in combination with other approvals in the vicinity or Citywide constitute a precedent for future approvals or decisions.
5. Minor Use Permit No. UP2012-001 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the Newport Beach Zoning Code, unless an extension is otherwise granted.
6. Should this business be sold or otherwise come under different ownership, any future owners or assignees shall be notified in writing of the conditions of this approval by the current owner or leasing company.
7. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
8. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
9. A copy of this approval letter shall be incorporated into the Building Department and field sets of plans prior to issuance of the building permits.
10. *The establishment shall provide a maximum of 32 interior seats.*

11. *The hours of operation for food service, eating and drinking establishment are limited from 7:00 a.m. to 11:00 p.m., daily.*
12. *Prior to the issuance of tenant improvement building permits for an eating and drinking establishment at 3138 Balboa Boulevard, building permits shall be issued for Gina's Pizza, located at 3142 Balboa Boulevard, to reduce the outdoor dining patio by 40 square feet. If building permits are not required for the scope of work at 3142 Balboa Boulevard, a planting plan demonstrating the 40-square-foot reduction in the outdoor dining patio shall be submitted to the Planning Division prior to the issuance of building permits for 3138 Balboa Boulevard.*
13. *Live entertainment, dancing, and alcohol service shall be prohibited as a part of the regular operation.*
14. *A covered wash-out area for refuse containers and kitchen equipment, with minimum useable area dimensions of 36-inches wide, 36-inches deep and 72-inches high, shall be provided, and the area shall drain directly into the sewer system, unless otherwise approved by the Building Director and Public Works Director in conjunction with the approval of an alternate drainage plan.*
15. No outside paging system shall be utilized in conjunction with this establishment.
16. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m., daily, unless otherwise approved by the Planning Director, and may require an amendment to this use permit.
17. 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 Sambazon Acai Café including, but not limited to Use Permit No. UP2012-001(PA2012-004) and the determination that the project is exempt under the requirements of the California Environmental Quality Act. 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.

Building and Fire Department Conditions

18. *Public sanitation facilities shall be available to the general public (patrons) during regular business hours of the operation, unless otherwise approved by the Building Department.*
19. The applicant is required to obtain all applicable permits from the City Building and Fire Departments. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The facility shall be designed to meet entrance, path of travel, restroom, dining room seating, and fire protection requirements as specified by the California Building Code and shall be subject to review and approval by the Building Department. Complete sets of drawings including architectural, electrical, mechanical, and plumbing plans shall be required at plan check.
20. The construction plans must meet all applicable State Disabilities Access requirements.
21. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
22. *A Type I hood shall be required if any cooking is conducted that produces grease laden vapors per C.F.C. Section 609.2.*
23. *A wet chemical extinguishing system complying with UL300 will be required if cooking is conducted that produces grease laden vapors per C.F.C. Section 904.*
24. *A portable fire extinguisher shall be provided and maintained per C.F.C. Section 904.11.5. A 2A 10BC shall be required for the serving area. A fire extinguisher with a class K rating shall be provided where a type I hood is required and provided with a fire extinguishing system.*
25. The rear doors of the facility shall remain closed at all times. The use of the rear door shall be limited to deliveries and employee use only. Ingress and egress by patrons is prohibited unless there is an emergency.
26. All exits shall remain free of obstructions and available for ingress and egress at all times.

Public Works Department Conditions

27. County Sanitation District fees shall be paid prior to the issuance of any building permits.



COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
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(949) 644-3200 Fax: (949) 644-3229  
[www.newportbeachca.gov](http://www.newportbeachca.gov)

**COMMUNITY DEVELOPMENT DIRECTOR**  
**ACTION LETTER**

**APPLICATION:** Telecommunications Permit No. TP2011-015 (PA2011-166)  
**APPLICANT:** NextG Networks of California, Inc.  
**LOCATION:** 2961 (CS) Cliff Drive - Utility pole in public right-of-way

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**PROJECT REQUEST AND DESCRIPTION**

NextG Networks of California, Inc. (NextG) has submitted an application requesting a Telecommunications (Telecom) Permit for a proposed Distributed Antenna System (DAS) installation on an existing wood utility pole. NextG holds a Certificate of Public Convenience and Necessity (CPCN) issued by the California Public Utilities Commission (CPUC) to provide facilities-based telephone service in portions of California, including Newport Beach. NextG constructs and operates DAS networks, which provide access and signal transfer services to third-party commercial wireless service providers. The property is located in the public right-of-way on an existing Southern California Edison utility pole located on Santa Ana Avenue between Cliff Drive and Old Newport Boulevard. Additional equipment will be located on a utility pole on Cliff Drive near Santa Ana Avenue.

**BACKGROUND**

On July 27, 2010, the City Council approved Resolution No. 2010-89 for Telecom Permit No. TP2009-009, for a DAS installation located at the intersection of Santa Ana Avenue and Old Newport Boulevard. The subject application is in place of Telecom Permit No. TP2009-009 because NextG determined that location, as approved, would not meet the desired coverage objectives.

**ACTION:** **Approved with Conditions – February 16, 2012**

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.

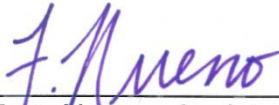
The Community Development Director determined that the proposed wireless telecom facility meets the provisions of Chapter 15.70 because the new antenna and equipment will be located on an existing utility pole, and the antenna and appurtenant equipment and cables will be blended and screened from public view and painted to match the existing utility pole. The application meets the design, height, and location requirements of Chapter 15.70.

### **APPEAL PERIOD**

Telecommunications Permits 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

By:

  
\_\_\_\_\_  
Fern Nueno, Assistant Planner

GBR/fn

Attachments: CD 1 Vicinity Map  
CD 2 Findings and Conditions of Approval  
CD 3 Photo Simulations  
CD 4 Project Plans



# VICINITY MAP



2961 (CS) Cliff Drive - Utility pole in public right-of-way

Telecommunications Permit No. TP2011-015  
(PA2011-166)

**FINDINGS AND  
CONDITIONS OF APPROVAL  
TELECOMMUNICATIONS PERMIT NO. TP2011-015  
(PA2011-166)**

**FINDINGS**

1. The proposed telecommunications facility 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 located on an existing utility pole. The location of the telecom facility is within 1,000 feet of an existing telecom facility; however, based on evidence submitted by the applicant, co-location is not feasible. 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, pursuant to Municipal Code Section 15.70.050 (Height and Location).
  - Due to the location and design of the facility, there is no impact to public views.
  
2. The proposed telecommunications facility 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. As indicated by the applicant, the proposed project is intended to close a significant gap in coverage by the least intrusive means.
  - The telecom facility approved by the permit does not exceed the maximum height limit of 35 feet for antennas located on utility poles, as specified in Section 15.70.050 (Height and Location) of the Municipal Code.
  - The telecom facility is located on an existing utility pole, which is the second priority location per Section 15.70.050.B (Location) of the Municipal Code.
  - The antennas and support equipment for the telecom facility will be attached to a utility pole and will be blended or screened from public view in a manner

consistent with the architectural style, color, and materials of the pole to avoid adverse impacts to views. The size of the equipment is compatible with the utility poles and surrounding area.

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 15301 Class 1 (Existing Facilities) for the following reason:
  - The proposed antenna and equipment will be located on existing utility poles.

### **CONDITIONS OF APPROVAL**

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. This approval shall supersede Telecom Permit No. TP2009-009 (PA2009-124) located on a Southern California Edison utility pole on Santa Ana Avenue near Old Newport Boulevard.
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. Approval of the California Coastal Commission is required prior to issuance of an encroachment permit for construction of the facility.
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 Community Development Director.
7. 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 NBMC.
8. The telecom facility shall comply with all regulations and requirements of Chapter 13.20 of the NBMC. All work in the public right-of-way (PROW) shall require an approved Encroachment Permit. All required permits shall be obtained prior to commencement of the construction.



9. All equipment shall be painted and blended to match the utility pole on which it is located.
10. Prior to the issuance of any encroachment permit, architectural drawings and structural design plans shall be submitted to the City of Newport Beach for review and approval by the applicable departments. The construction plans shall satisfy NBMC Section 13.20.080 (Construction Plan) for permit application review and processing. A copy of this action letter shall be incorporated into the drawings approved for the issuance of permits to construct the facility.
11. All work in the public right-of-way will be subject to inspection by the Public Works Department prior to final of the construction permit(s).
12. The applicant shall assume 100 percent of all costs associated with any alterations to the existing improvements along Santa Ana Avenue and Cliff Drive for development of the telecom facility.
13. The applicant shall be responsible for the repair and/or replacement of any curb and gutters, concrete sidewalk, alley/street pavement that may be damaged through the course of construction, as directed by the Public Works Department.
14. The applicant is required to protect all City landscaping, trees, and irrigation in place. If any damage should occur, the contractor will be required to plant and/or replant as directed by the City and guarantee work for a minimum of one (1) year.
15. 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.
16. No advertising signage or identifying logos shall be displayed on the telecom facility except for small identification, address, RF 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 construction permits.
17. 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.
18. The applicant recognizes that the frequencies used by the cellular facility located at **2961 (CS) Cliff 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).

19. 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.
20. 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.
21. Prior to issuance of an encroachment permit, 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.
22. The applicant shall provide a "single point of contact" in its Engineering and Maintenance Departments that is monitored 24 hours per day to ensure 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 Division and Newport Beach Police Department's Support Services Commander prior to activation of the facility.
23. The applicant shall ensure 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.
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. 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.
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 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, 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 Community Development Director or 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. Any operator who intends to abandon or discontinue use of a telecom facility must notify the Community Development 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. This approval shall expire unless exercised within 24 months from the date of approval.
31. 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 **NextG Utility Pole Santa Ana** including, but not limited to **Telecommunications Permit No. TP2011-015 (PA2011-166)** and the determination that the project is exempt under the requirements of the California Environmental Quality Act. 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.

**Existing**



**Proposed**



Proposed strand-mounted  
Phazar antenna

Proposed pole-mounted  
equipment, painted to  
match pole

**MPC1032CA-SOC02m1**  
**Row adjacent to**  
**272 Santa Ana Ave.**  
**City of Newport Beach, CA**



**Existing**



**Proposed**



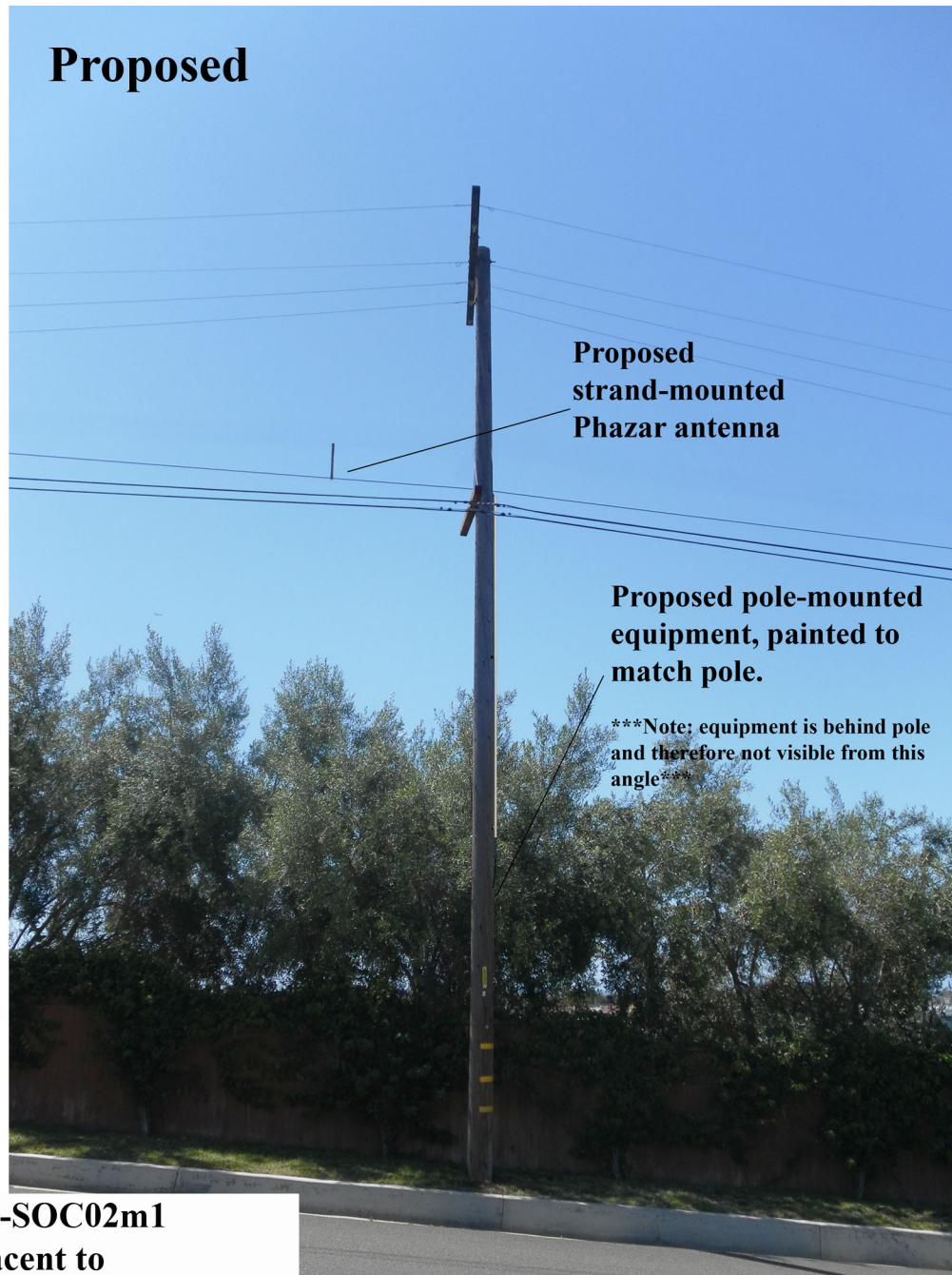
**MPC1032CA-SOC02m1**  
**Row adjacent to**  
**272 Santa Ana Ave.**  
**City of Newport Beach, CA**



**Existing**



**Proposed**



**Proposed  
strand-mounted  
Phazar antenna**

**Proposed pole-mounted  
equipment, painted to  
match pole.**

**\*\*\*Note: equipment is behind pole  
and therefore not visible from this  
angle\*\*\***

**MPC1032CA-SOC02m1  
Row adjacent to  
272 Santa Ana Ave.  
City of Newport Beach, CA**



**Existing**

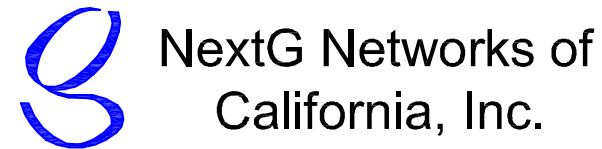


**Proposed**



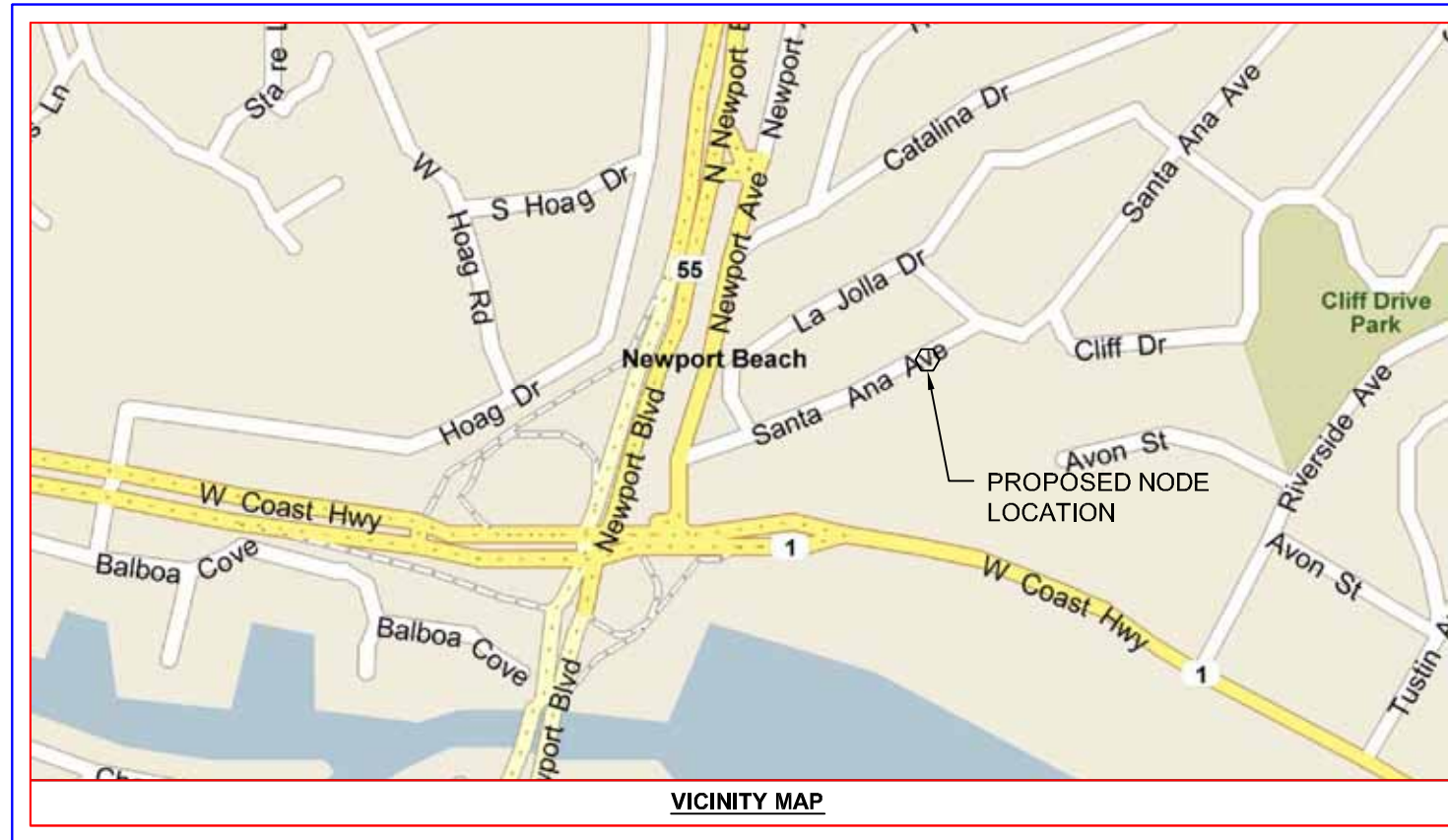
**MPC1032CA-SOC02m1**  
**Row adjacent to**  
**2961 Cliff Dr.**  
**City of Newport Beach, CA**





# MPC1032CA-SOC02m1

POLE #651985H  
 ROW ADJACENT TO  
 2961 CLIFF DR,  
 CITY OF NEWPORT BEACH, CA



GENERAL NOTES

- INDEMNIFICATION CLAUSE: THE CONTRACTOR AGREES AND SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY OF THE JOBSITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING THE SAFETY OF ALL PERSONS AND PROPERTIES. THAT THESE REQUIREMENTS SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS AND CONDITIONS. THE CONTRACTOR FURTHER AGREES TO DEFEND INDEMNIFY AND HOLD REPRESENTATIVES, AND ENGINEERS HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED IN CONNECTION WITH THE PERFORMANCE OF THE WORK ON THIS PROJECT.
- PRIOR TO THE BEGINNING OF ANY CONSTRUCTION AND THROUGHOUT THE COURSE OF CONSTRUCTION WORK, THE CONTRACTOR SHALL FULLY COMPLY WITH "CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH" ACT OF 1973 INCLUDING ALL REVISIONS AND AMENDMENTS THERETO.
- ALL WORK SHALL CONFORM TO THE LATEST EDITION OF GO 95, 128, AND THE STANDARD "SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION", AS ADOPTED BY THE CITY, COUNTY, OR STATE AS MODIFIED BY STANDARDS PLANS AND ADDENDUMS.
- THE EXISTENCE AND LOCATION OF UTILITIES AND OTHER AGENCIES FACILITIES AS SHOWN HEREON ARE OBTAINED BY A SEARCH OF AVAILABLE RECORDS. OTHER FACILITIES MAY EXIST. THE CONTRACTOR SHALL VERIFY PRIOR TO THE START OF CONSTRUCTION AND SHALL USE EXTREME CARE AND PROTECTIVE MEASURES TO PREVENT DAMAGE TO THESE FACILITIES. THE CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION OF ALL UTILITY OR AGENCY FACILITIES WITHIN THE LIMITS OR WORK, WHETHER THEY ARE SHOWN ON THIS PLAN OR NOT.
- THE CONTRACTOR SHALL NOTIFY UNDERGROUND SERVICE ALERT (800) 227-2600, AT LEAST TWO WORKING DAYS PRIOR TO THE START OF ANY EXCAVATION.
- THE CONTRACTOR SHALL NOTIFY THE CITY, COUNTY, OR STATE ENGINEER INSPECTION DEPARTMENT, AT LEAST TWO DAYS BEFORE START OF ANY WORK REQUIRING THEIR INVOLVEMENT.
- ALL WORK AREA AND STREET TRAFFIC CONTROL SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS OF THE WORK AREA TRAFFIC CONTROL HANDBOOK AND SPECIFICATIONS FROM THE CITY, COUNTY OR STATE.
- THE CITY, COUNTY OR STATE SHALL SPECIFY THE EXPIRATION PERIOD OF THE PERMIT FOR THE FINISHED GRADE AT ALL TIMES.
- THE MINIMUM COVER FOR ALL CONDUITS PLACED UNDERGROUND SHALL BE 24 INCHES TO THE FINISHED GRADE AT ALL TIMES.
- THE CONTRACTOR SHALL TUNNEL ALL CURB AND GUTTERS AND BORE ALL CONCRETE DRIVEWAYS AND WALKWAYS AT THE DIRECTION OF THE CITY, COUNTY, OR STATE INSPECTOR.
- ALL AC AND / OR CONCRETE PAVEMENT SHALL BE REPLACED AT THE DIRECTION OF THE CITY, COUNTY, OR STATE ENGINEERS.
- ALL SHRUBS, PLANTS OR TREES THAT HAVE BEEN DAMAGED OR DISTURBED DURING THE COURSE OF THE WORK, SHALL BE REPLANTED AND / OR REPLACED SO AS TO RESTORE THE WORK SITE TO ITS ORIGINAL CONDITION.
- IF DAMAGE OCCURS TO THE CITY OR COUNTY FACILITIES, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY TRAFFIC CONTROL LIGHTING, AND STREET LIGHTING.
- AT LEAST TWO DAYS PRIOR TO THE COMMENCEMENT OF ANY WORK, NOTIFY THE POLICE TRAFFIC BUREAU AND THE FIRE DEPARTMENT.
- THE CONTRACTOR WILL BE RESPONSIBLE FOR THE PROCESSING OF ALL APPLICATION PERMIT FORMS ALONG WITH THE REQUIRED LIABILITY INSURANCE FORMS, CLEARLY DEMONSTRATING THAT THE CITY, COUNTY OR STATE IS ALSO INSURED WITH THE REQUIRED LIABILITY INSURANCE IN THE AMOUNT OF \$1,000,000 FOR THIS CONSTRUCTION PROJECT.
- VAULTS, PEDESTALS, CONDUITS AND OTHER TYPES OF SUBSTRUCTURE ARE EITHER SPECIFIED ON THIS PLAN OR WILL BE SPECIFIED BY THE CONSTRUCTION ENGINEER, ANY AND ALL DEVIATIONS FROM THE SPECIFIED TYPES OF MATERIAL MUST BE APPROVED BY THE SYSTEM ENGINEER IN WRITING BEFORE INSTALLATION THEREOF.
- ALL U.G. CONDUIT MUST BE SCHEDULE 40 OR BETTER.
- CONDUIT REQUIREMENTS:  
 UG-SCHEDULE 40 EXCEPT ALL RADIUS CONDUITS TO BE SCH. 80 RISERS-SCHEDULE 80  
 ALL CONDUIT MANDRELED & EQUIPPED WITH 3/8" PULL ROPE & MEASURING TAPE
- GROUND REQUIREMENTS:  
 5/8" ROD-10' LENGTH  
 #2 GROUND WIRE  
 WOOD MOLDING, STAPLED EVERY 3' AND AT EACH END GROUNDS 2' FROM POLE
- POWER REQUIREMENT FOR 3 WIRE SERVICE: 120/240V
- CONTRACTOR SHALL NOTIFY POWER COMPANY THREE DAYS PRIOR TO TRENCH EXCAVATION FOR CONDUIT INSPECTION.

REV	DATE	DESCRIPTION	BY



1-800-227-2600  
 CALL AT LEAST TWO DAYS BEFORE YOU DIG

UNDERGROUND SERVICE ALERT

TICKET # \_\_\_\_\_

SHEET INDEX:

TITLE SHEET	SHEET 1 OF 8
SITE PLAN	SHEET 2 OF 8
POLE PROFILE	SHEET 3 OF 8
DETAIL SHEET	SHEET 4 OF 8
DETAIL SHEET	SHEET 5 OF 8
DETAIL SHEET	SHEET 6 OF 8
TRAFFIC CONTROL COVERSHEET	SHEET 7 OF 8
TRAFFIC CONTROL	SHEET 8 OF 8



COASTAL COMMUNICATIONS  
 3355 Mission Ave Ste. 234  
 Oceanside, Ca 92058  
 (760) 754-9240

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS ARE TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THE LATEST EDITIONS OF THE FOLLOWING CODES.

- |  |  |
|--|--|
| 1. CALIFORNIA ADMINISTRATIVE CODE (INCL TITLES 24 & 25)  | 5. ANSIDIA-222-F LIFE SAFETY CODE NEPA-101 |
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| 4. UNIFORM MECHANICAL CODE   | 8. LOCAL BUILDING CODE                     |
|  | 9. CITY/COUNTY ORDINANCES                  |

CODE COMPLIANCE

GENERAL CONTRACTOR NOTES

CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

PROJECT DESCRIPTION

THIS PROJECT CONSISTS OF THE INSTALLATION OF ANTENNAS AND ANCILLARY EQUIPMENT IS TO BE MOUNTED ON STREETLIGHTS, TRAFFIC SIGNALS, WOOD POLES AND / OR STEEL POLES.

PROJECT MANAGER

NAME: NEXTG NETWORKS  
 ADDRESS: 2125 WRIGHT AVE STE C9  
 CITY, STATE, ZIP: LA VERNE, CA 91750  
 CONTACT: DANIEL NUESKE  
 PHONE: (909) 247-8218  
 EMAIL: DNUESKE@NEXTGNETWORKS.NET

PROJECT MANAGER  
 NAME: HP COMMUNICATIONS INC.  
 ADDRESS: 13341 TEMESCAL CANYON RD  
 CITY, STATE, ZIP: CORONA, CA 92883  
 CONTACT: JORGE BECERRA  
 PHONE: (951) 572-1252  
 EMAIL: JORGE.BECERRA@HPCOM/INC.COM

PROJECT TEAM

POWER MANAGER

NAME: NEXTG NETWORKS  
 ADDRESS: 2125 WRIGHT AVE STE C9  
 CITY, STATE, ZIP: LA VERNE, CA 91750  
 CONTACT: JOE ARNOLD  
 PHONE: (909) 593-9700  
 EMAIL: JARNOLD@NEXTGNETWORKS.NET

NODE ENGINEER  
 NAME: COASTAL COMMUNICATIONS  
 ADDRESS: 3355 MISSION AVE STE. 234  
 CITY, STATE, ZIP: OCEANSIDE, CA 92058  
 CONTACT: TODD THREW  
 PHONE: (760) 754-9240 ext. 101  
 EMAIL: TODD@COASTALCOM/INC.COM

DESIGN TYPE: NODE DESIGN PHASE: 1K  
 T.B.G. MAP NO.: 888-H6  
 TOTAL TRENCH FOOTAGE: NA  
 ENGINEERED BY: CCI DATE: 07/01/11  
 DRAFTED BY: ANTHONY RANDALL REVISED DATE: 12/23/11  
 ELECTRONIC FILE NAME: MPC1032CA-SOC02m1

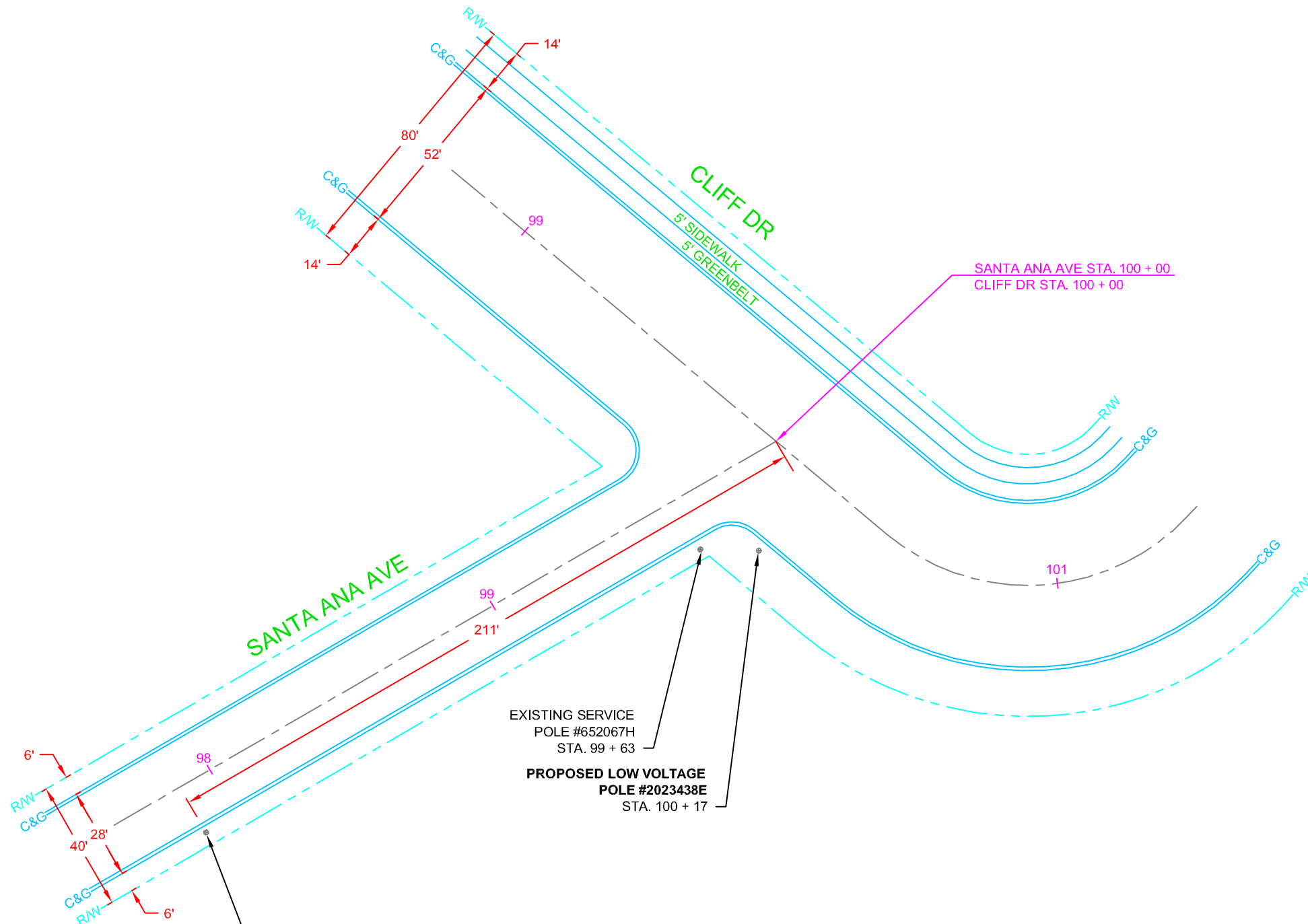
LATITUDE: 33.6225  
 LONGITUDE: -117.927  
 HEADEND: SOUTH ORANGE COUNTY  
 BASE STATION ID: NA  
 CASCADE ID: NA  
 SITE NO.: MPC1032CA-SOC02m1

## TITLE SHEET

LOCATION:  
 ROW ADJACENT TO  
 2961 CLIFF DR  
 CITY OF NEWPORT BEACH, CA

PLAN No.: SHEET 1 OF 8





**EQUIPMENT LEGEND**

- = SERVICE POLE
- = RIGHT OF WAY
- = CENTERLINE
- = PROPERTY LINE
- = CURB & GUTTER

**NORTH**

SCALE 1" = 40'

**DIGALERT**

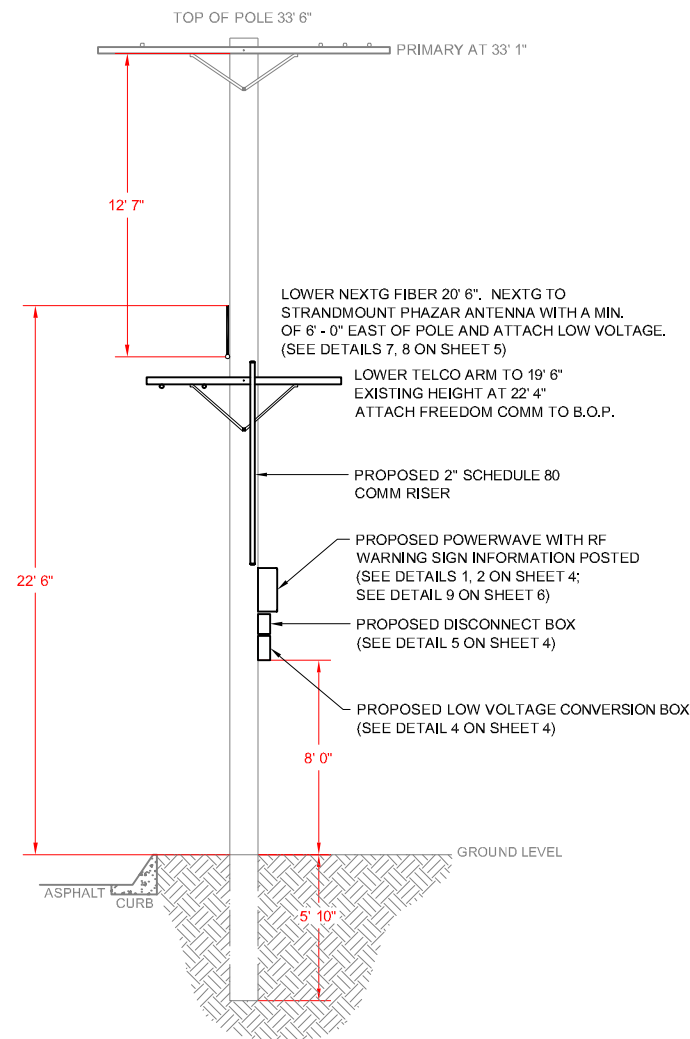
1-800-227-2600  
CALL AT LEAST TWO DAYS BEFORE YOU DIG

UNDERGROUND SERVICE ALERT  
TICKET # \_\_\_\_\_

<p><b>CCI</b> TELECOMMUNICATIONS CONSULTANTS</p> <p>COASTAL COMMUNICATIONS 3355 Mission Ave Ste. 234 Oceanside, Ca 92058 (760) 754-9240</p>	<p>ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS ARE TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THE LATEST EDITIONS OF THE FOLLOWING CODES.</p>	<p><b>GENERAL CONTRACTOR NOTES</b></p> <p>CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.</p>	<p><b>PROJECT DESCRIPTION</b></p> <p>THIS PROJECT CONSISTS OF THE INSTALLATION OF ANTENNAS AND ANCILLARY EQUIPMENT IS TO BE MOUNTED ON STREETLIGHTS, TRAFFIC SIGNALS, WOOD POLES AND / OR STEEL POLES.</p>	<p><b>PROJECT MANAGER</b></p> <p>NAME: NEXTG NETWORKS ADDRESS: 2125 WRIGHT AVE STE C9 CITY, STATE, ZIP: LA VERNE, CA 91750 CONTACT: DANIEL NUESKE PHONE: (909) 247-8218 EMAIL: DNUESKE@NEXTGNETWORKS.NET</p>	<p><b>PROJECT TEAM</b></p>	<p><b>POWER MANAGER</b></p> <p>NAME: NEXTG NETWORKS ADDRESS: 2125 WRIGHT AVE STE C9 CITY, STATE, ZIP: LA VERNE, CA 91750 CONTACT: JOE ARNOLD PHONE: (909) 593-9700 EMAIL: JARNOLD@NEXTGNETWORKS.NET</p>	<p>DESIGN TYPE: NODE DESIGN    PHASE: IX</p> <p>T.B.G. MAP NO.: 888-H6</p> <p>TOTAL TRENCH FOOTAGE: NA</p> <p>ENGINEERED BY: CCI    DATE: 07/01/11</p> <p>DRAFTED BY: ANTHONY RANDALL    REVISED DATE: 12/23/11</p> <p>ELECTRONIC FILE NAME: MPC1032CA-SOC02m1</p>	<p>LATITUDE: 33.6225</p> <p>LONGITUDE: -117.927</p> <p>HEADEND: SOUTH ORANGE COUNTY</p> <p>BASE STATION ID: NA</p> <p>CASCADE ID: NA</p> <p>SITE NO.: MPC1032CA-SOC02m1</p> <p>LOCATION: ROW ADJACENT TO 2961 CLIFF DR CITY OF NEWPORT BEACH, CA</p>						
	<p><b>CODE COMPLIANCE</b></p> <table border="0"> <tr> <td>1. CALIFORNIA ADMINISTRATIVE CODE (INCL TITLES 24 &amp; 25)</td> <td>5. ANSIDIA-222-F LIFE SAFETY CODE NEPA-101</td> </tr> <tr> <td>2. 2010 CALIFORNIA BUILDING CODE WHICH ADOPTS THE 2010 UBC, 2010 UMC, 2010 UPC AND THE 2010 NEC.</td> <td>6. UNIFORM PLUMBING CODE</td> </tr> <tr> <td>3. BUILDING OFFICIALS AND CODE ADMINISTRATORS (BOCA)</td> <td>7. NATIONAL ELECTRIC CODE</td> </tr> <tr> <td>4. UNIFORM MECHANICAL CODE</td> <td>8. LOCAL BUILDING CODE</td> </tr> <tr> <td></td> <td>9. CITY/COUNTY ORDINANCES</td> </tr> </table>	1. CALIFORNIA ADMINISTRATIVE CODE (INCL TITLES 24 & 25)	5. ANSIDIA-222-F LIFE SAFETY CODE NEPA-101	2. 2010 CALIFORNIA BUILDING CODE WHICH ADOPTS THE 2010 UBC, 2010 UMC, 2010 UPC AND THE 2010 NEC.	6. UNIFORM PLUMBING CODE	3. BUILDING OFFICIALS AND CODE ADMINISTRATORS (BOCA)	7. NATIONAL ELECTRIC CODE	4. UNIFORM MECHANICAL CODE	8. LOCAL BUILDING CODE		9. CITY/COUNTY ORDINANCES	<p><b>PROJECT MANAGER</b></p> <p>NAME: HP COMMUNICATIONS INC. ADDRESS: 13341 TEMESCAL CANYON RD CITY, STATE, ZIP: CORONA, CA 92883 CONTACT: JORGE BECERRA PHONE: (951) 572-1252 EMAIL: JORGE.BECERRA@HPCOMMINC.COM</p>	<p><b>NODE ENGINEER</b></p> <p>NAME: COASTAL COMMUNICATIONS ADDRESS: 3355 MISSION AVE STE. 234 CITY, STATE, ZIP: OCEANSIDE, CA 92058 CONTACT: TODD THREW PHONE: (760) 754-9240 ext. 101 EMAIL: TODD@COASTALCOMMINC.COM</p>	<p><b>SITE PLAN</b></p>
1. CALIFORNIA ADMINISTRATIVE CODE (INCL TITLES 24 & 25)	5. ANSIDIA-222-F LIFE SAFETY CODE NEPA-101													
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LOW VOLTAGE SOLUTION

STRAND MOUNT



**MAKE READY**

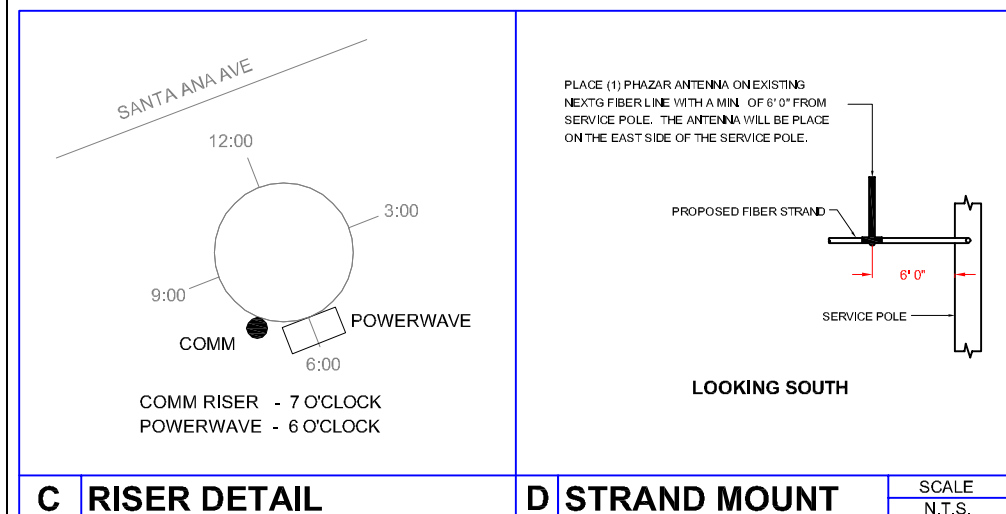
WOODEN POLE

**NEW CONSTRUCTION**

NEXTG TO MOUNT LOW VOLTAGE CONVERSION BOX, DISCONNECT BOX AND POWERWAVE AT 8' 0" ABOVE GROUND LEVEL.. RF WARNING SIGN INFORMATION POSTED ON SIDE OF POWERWAVE.  
 LOWER TELCO ARM TO 19' 6". EXISTING HEIGHT AT 22' 4". ATTACH FREEDOM COMM TO B.O.P.  
 REMOVE CROSS ARM AT 25' 5".  
 LOWER AND ATTACH EXISTING NEXTG FIBER AT 20' 6". NEXTG TO STRAND MOUNT PHAZAR ANTENNA WITH A MIN. OF 6' - 0" EAST OF POLE.  
 NEXTG TO ATTACH LOW VOLTAGE ON EXISTING NEXTG FIBER.

**NOTES:**

TOP OF POLE: 33' 6"  
 TOP OF ANTENNA: 22' 6"



**A POLE #651985H**

**9 O'CLOCK VIEW**

SCALE  
N.T.S.

**B DIGITAL PHOTO**

**9 O'CLOCK VIEW**

SCALE  
N.T.S.

**DIGALERT**



1-800-227-2600  
 CALL AT LEAST TWO DAYS  
 BEFORE YOU DIG

UNDERGROUND SERVICE ALERT

TICKET # \_\_\_\_\_

**SERVICE EQUIPMENT POLE PROFILE**



COASTAL COMMUNICATIONS  
 3355 Mission Ave Ste. 234  
 Oceanside, Ca 92058  
 (760) 754-9240

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 PHONE: (951) 572-1252  
 EMAIL: JORGE.BECERRA@HPCOMMINC.COM

**PROJECT TEAM**

**POWER MANAGER**

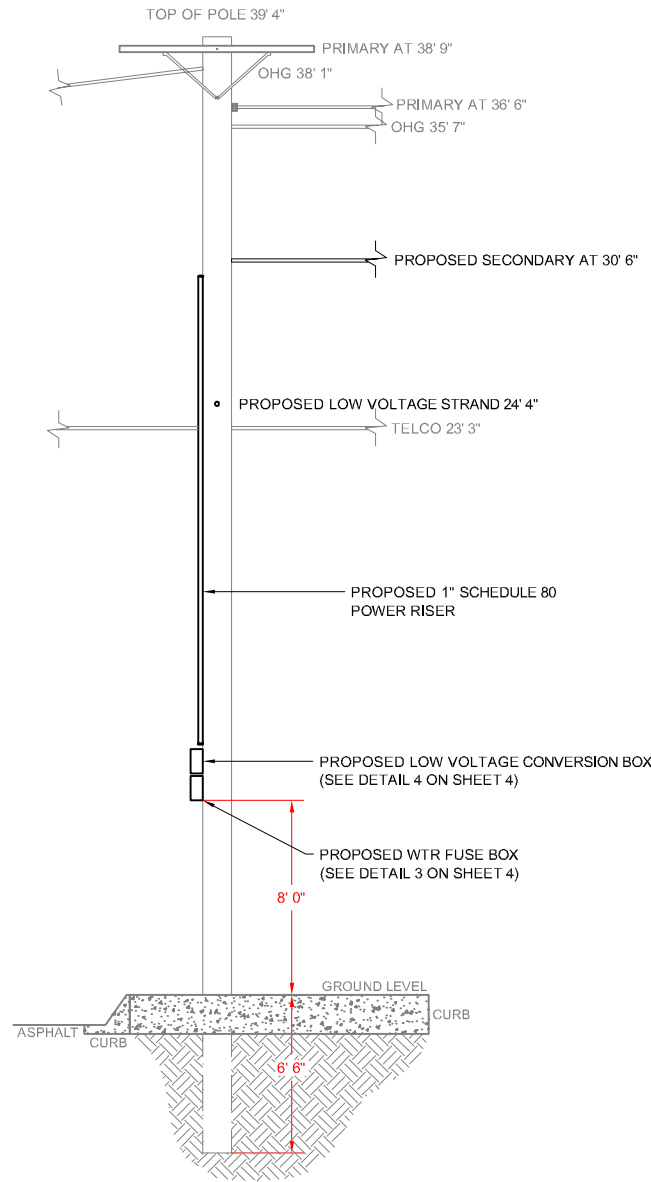
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 CONTACT: TODD THREW  
 PHONE: (760) 754-9240 ext. 101  
 EMAIL: TODD@COASTALCOMMINC.COM

DESIGN TYPE: NODE DESIGN	PHASE: IK	LATITUDE: 33.6225
T.B.G. MAP NO.: 888-H6		LONGITUDE: -117.927
TOTAL TRENCH FOOTAGE: NA		HEADEND: SOUTH ORANGE COUNTY
ENGINEERED BY: CCI	DATE: 07/01/11	BASE STATION ID: NA
DRAFTED BY: ANTHONY RANDALL	REVISED DATE: 12/23/11	CASCADE ID: NA
ELECTRONIC FILE NAME: MPC1032CA-SOC02m1		SITE NO.: MPC1032CA-SOC02m1
<b>POLE PROFILE</b>		LOCATION: ROW ADJACENT TO 2961 CLIFF DR CITY OF NEWPORT BEACH, CA
		PLAN No.: SHEET 3 OF 8

**LOW VOLTAGE SOLUTION**



**LOOKING NORTHEAST  
ON SANTA ANA AVE**

**A POLE #2023438E 9 O'CLOCK VIEW SCALE N.T.S.**



**B DIGITAL PHOTO 9 O'CLOCK VIEW SCALE N.T.S.**

**MAKE READY**

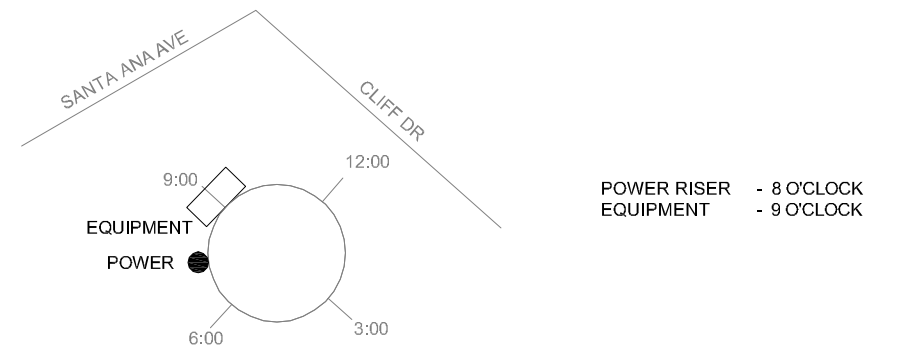
STEP POLE

**NEW CONSTRUCTION**

NEXTG TO MOUNT WTR FUSE BOX AND LOW VOLTAGE CONVERSION BOX AT 8' 0" ABOVE GROUND LEVEL.  
PROPOSED LOW VOLTAGE STRAND 24' 4".

**NOTES:**

TOP OF POLE: 39' 4"



**C RISER DETAIL**

SCALE N.T.S.

**DIGALERT**



1-800-227-2600  
CALL AT LEAST TWO DAYS BEFORE YOU DIG

UNDERGROUND SERVICE ALERT

TICKET # \_\_\_\_\_

**SERVICE EQUIPMENT POLE PROFILE**



COASTAL COMMUNICATIONS  
3355 Mission Ave Ste. 234  
Oceanside, Ca 92058  
(760) 754-9240

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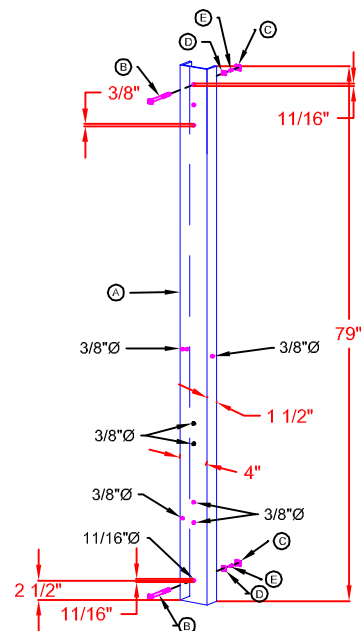
**POLE PROFILE**

LOCATION: ROW ADJACENT TO 2961 CLIFF DR CITY OF NEWPORT BEACH, CA

PLAN No.: SHEET 4 OF 8

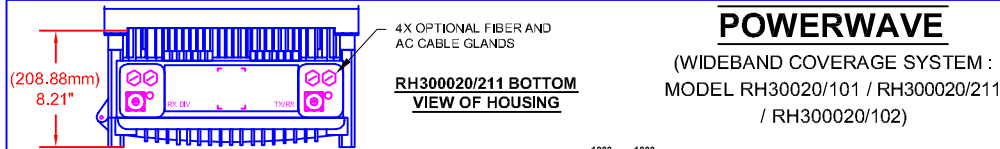


### POLE MOUNTING BACK PLATE



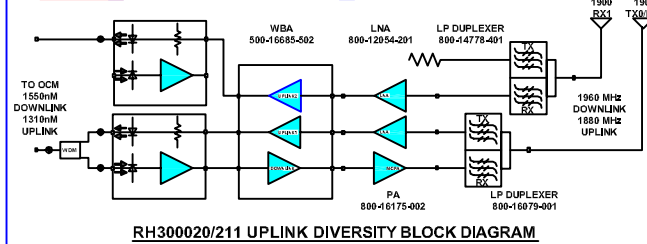
PART LIST		
CALL OUT	QTY	DESCRIPTION
A	1	MOUNTING PLATE 79" L X 4" W X 1.5D" D
B	2	MACHINE BOLT 16" X 5/8"
C	2	SQUARE NUT 5/8"
D	2	FLAT SQUARE WASHER 41/2" X 41/2"
E	2	DOUBLE COIL SPRING WASHER

1 SCALE N.T.S.



### POWERWAVE

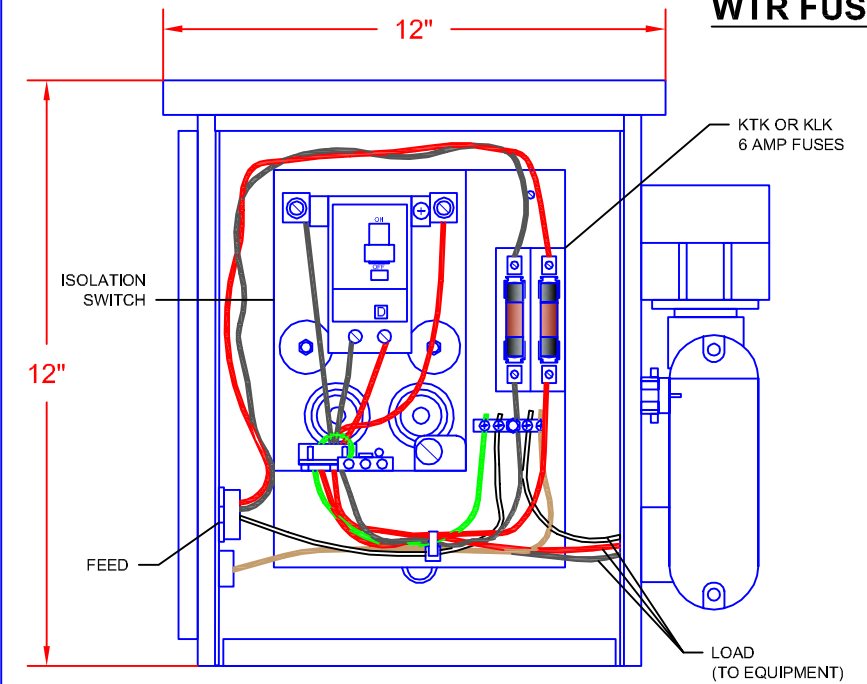
(WIDEBAND COVERAGE SYSTEM :  
MODEL RH30020/101 / RH300020/211 / RH300020/102)



TECHNICAL SPECIFICATIONS		ELECTRICAL DATA		MECHANICAL DATA	
FREQUENCY RANGE UPLINK	1850 - 1915 MHz	SIZE, WxHxD	465 x 531 x 208mm (18 x 20.9 x 8.2 in.)		
FREQUENCY RANGE DOWNLINK	1930 - 1995 MHz	WEIGHT	SINGLE BAND IS <25 kg (55 lbs.)		
FIBER LINK BUDGET	10 dB	RF CONNECTORS	7/16 DIN FEMALE		
GAIN ADJUSTMENT RANGE (1 dB STEPS)	25 dB	TEMPERATURE RANGE	-25°C TO +55°C		
GAIN STEP RESOLUTION	1 dB	INGRESSION PROTECTION	IP65 / NEMA 4		
OUTPUT POWER (COMPOSITE PER BAND)	+43 dBm	SAFETY	EN 60950, ETL		
OUTPUT POWER DL (dBm/CARRIER)	# cCARRIERS	ENVIRONMENT	ETS 300 019 2, 2.4E		
		EMC	ETS 300 489-1		
		RADIO	FCC PART 24, FCC PART 22		
ALARM	FAULT	LED AND BY REMOTE CONTROL	115/230 VACOR 2448 VDC		
POWER SUPPLY OPTIONS		POWER CONSUMPTION	210W TYPICAL		
MECHANICAL DATA					
ENVIRONMENTAL DATA					
APPROVALS AND TEST					

2 SCALE N.T.S.

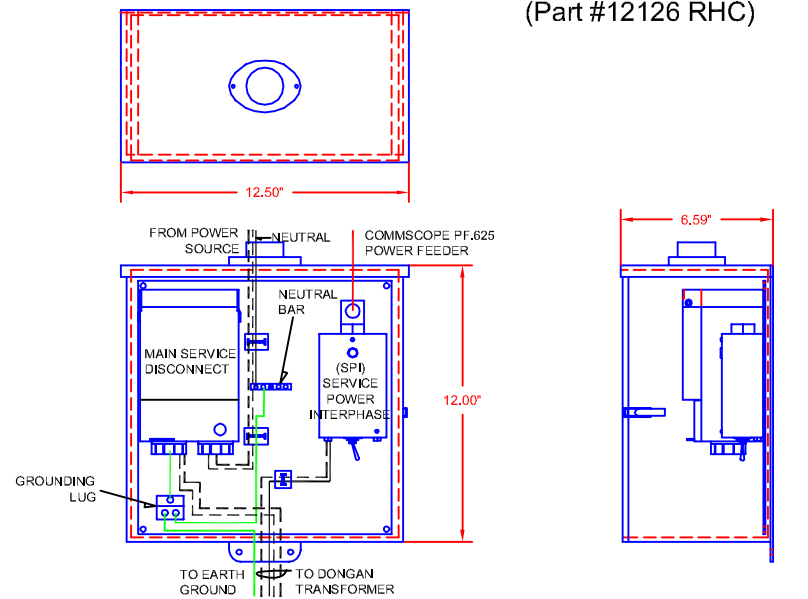
### WTR FUSE BOX



3 SCALE N.T.S.

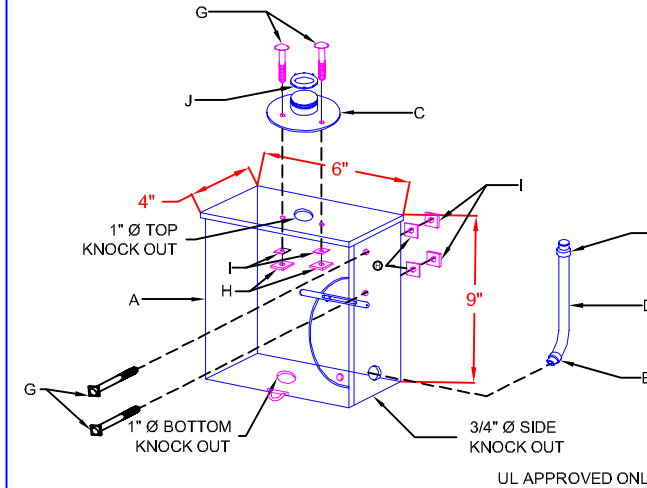
### LOW VOLTAGE CONVERSION BOX

Weigmann Enclosure 12 x 12 x 6-3R  
(Part #12126 RHC)



4 SCALE N.T.S.

### DISCONNECT BOX

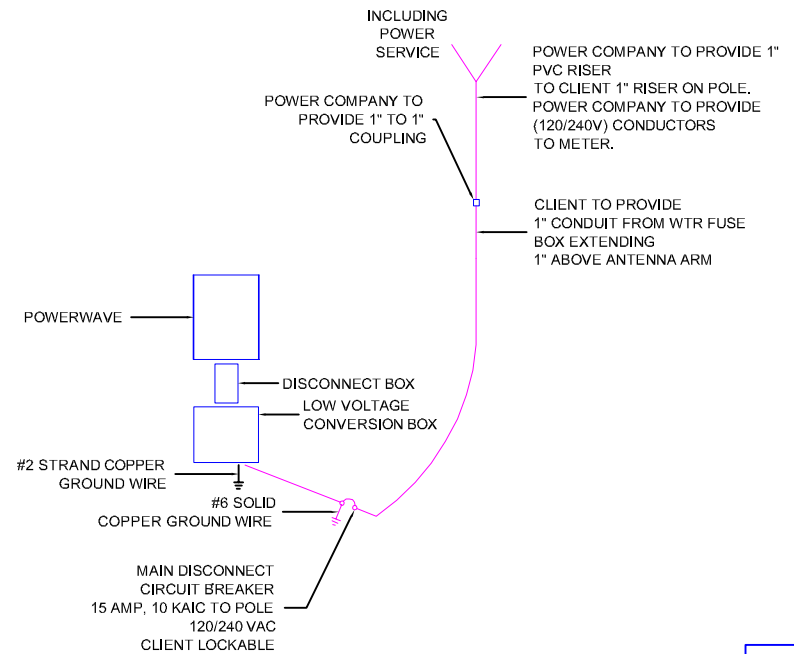


- NOTES:
1. MAIN DISCONNECT BREAKER.
  2. MANUFACTURER SQUARE D - (OR EQUIVALENT).
  3. BREAKER SIZE AND INCIDENTAL WIRING SPECIFIED BY CLIENT.
  4. KAIC SPECIFIED BY POWER COMPANY.
  5. 1" CLOSE NIPPLE FOR FEED FROM POWER SOURCE.
  6. 3/4" LIQUID FLEX TO TRANSCEIVER.
  7. CABINET LOCKABLE FOR CLIENT ONLY

PART LIST		
CALL OUT	QTY	DESCRIPTION
A	1	CABINET WATER PART
B	1	BREAKER AMP KAIC 2 POLE 120/140 VAC SINGLE PHASE
C	1	1" CLOS NIPPLE STRAIGHT
D	1	3/4" X 4' LIQUID TIGHT METALLIC FLEX CONDUIT WITH CONNECTOR
E	1	3/4" LIQUID TIGHT FLEX CONNECTOR 45°
F	1	3/4" LIQUID TIGHT FLEX CONNECTOR - STRAIGHT
G	4	5/16" X 1" BOLT - STAINLESS STEEL
H	4	5/16" LOCK WASHER
I	4	5/16" NUT - STAINLESS STEEL
J	1	1" LOCK NUT

5 SCALE N.T.S.

### ELECTRIC SINGLE LINE DIAGRAM



6 SCALE N.T.S.



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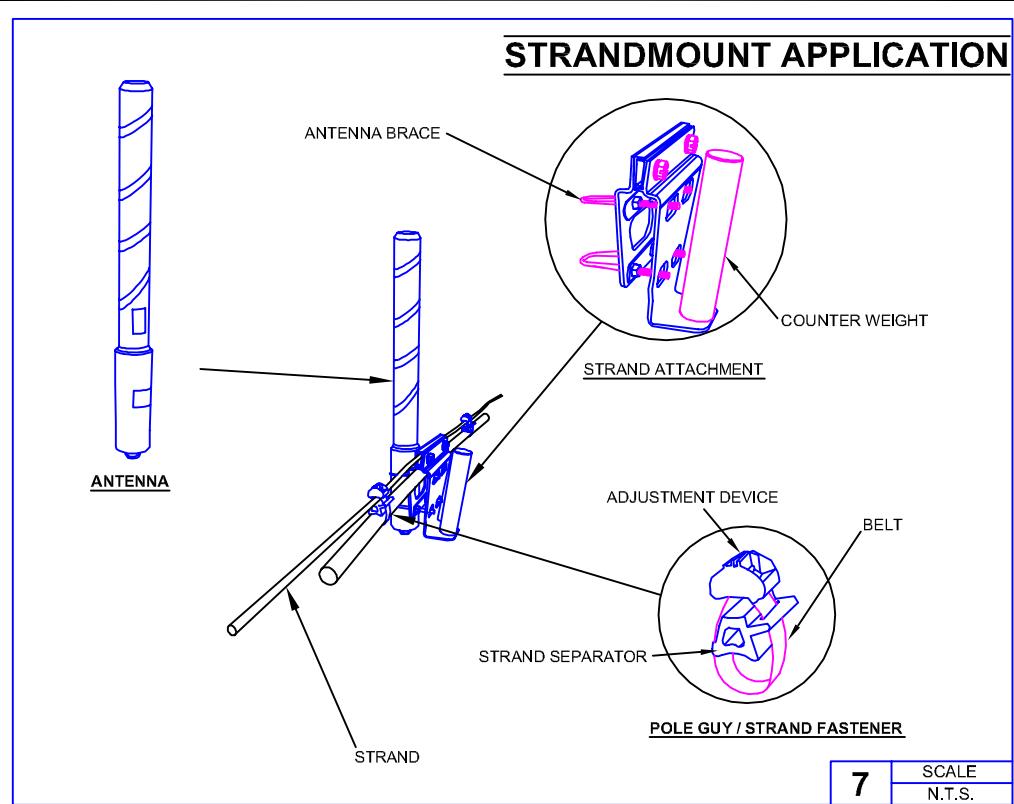
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		PLAN No.: SHEET 5 OF 8



### PHAZAR OMNI ANTENNA

**E1710 - 2155 MHz OMNI-DIRECTIONAL ANTENNA**

- RUGGED, FIBERGLASS RADOME
- FREQUENCY COVERAGE FOR ENTIRE AWS BAND

**MODEL AWS360-1710-7-T0-N**

#### ELECTRICAL SPECIFICATIONS

FREQUENCY RANGE	1710-2155MHz
VSWR	1.7:1 VSWR MAX
FORWARD GAIN	7 dBi
POLARIZATION	VERTICAL
MAXIMUM POWER INPUT	200 WATTS
INPUT IMPEDANCE	50 ohms
VERTICAL -3dB BEAMWIDTH	16" +/- (NOMINAL)
HORIZONTAL -3dB BEAMWIDTH	360°
AZIMUTH RIPPLE	+/- .5 dB
ELECTRICAL DOWNTILT	2 AND 4" (T2 AND T4 FOR PART NUMBER)

#### MECHANICAL & ENVIRONMENTAL SPECIFICATIONS

CONNECTOR	TYPE 'N' MALE OR 716 DIN
MOUNTING	SIDE MOUNT; CLAMPS PROVIDED
DIMENSION AND WEIGHT	26 INCHES X 2.0 INCH O.D. / < 10 lbs.
COLOR	WHITE STANDARD (COLOR OPTIONS AVAILABLE)
WIND SURVIVAL	120 MPH
LIGHTNING PROTECTION	DIRECT GROUND

### RF WARNING SIGN INFORMATION

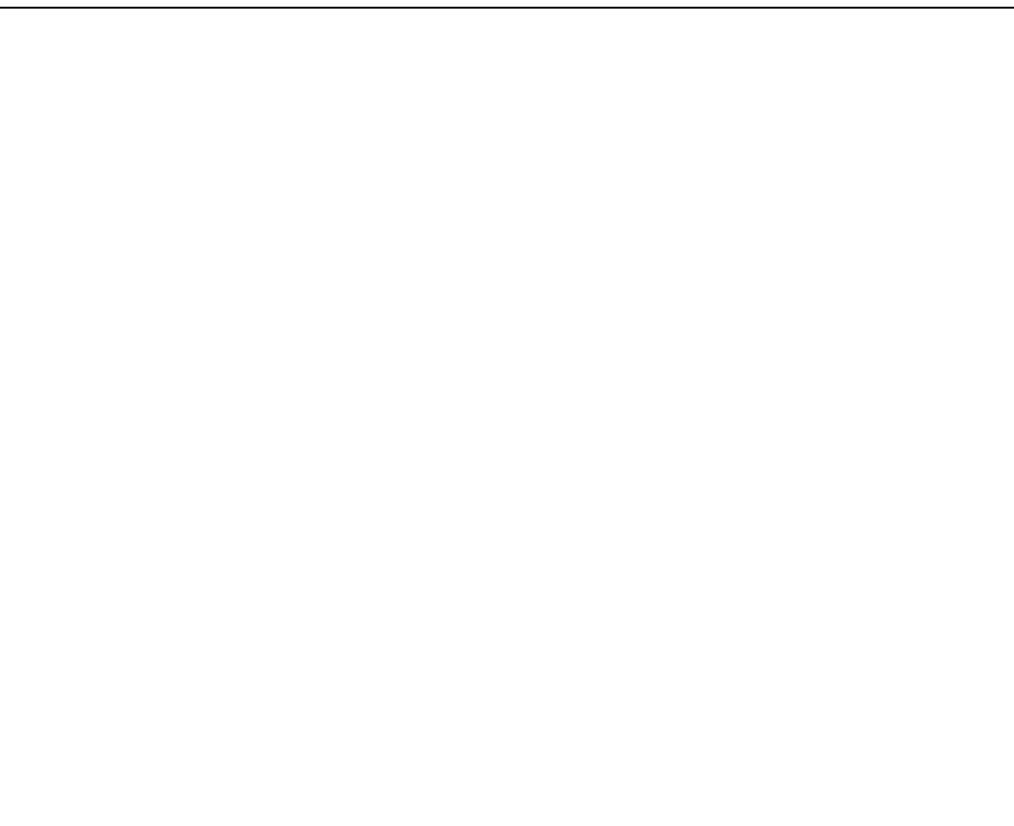
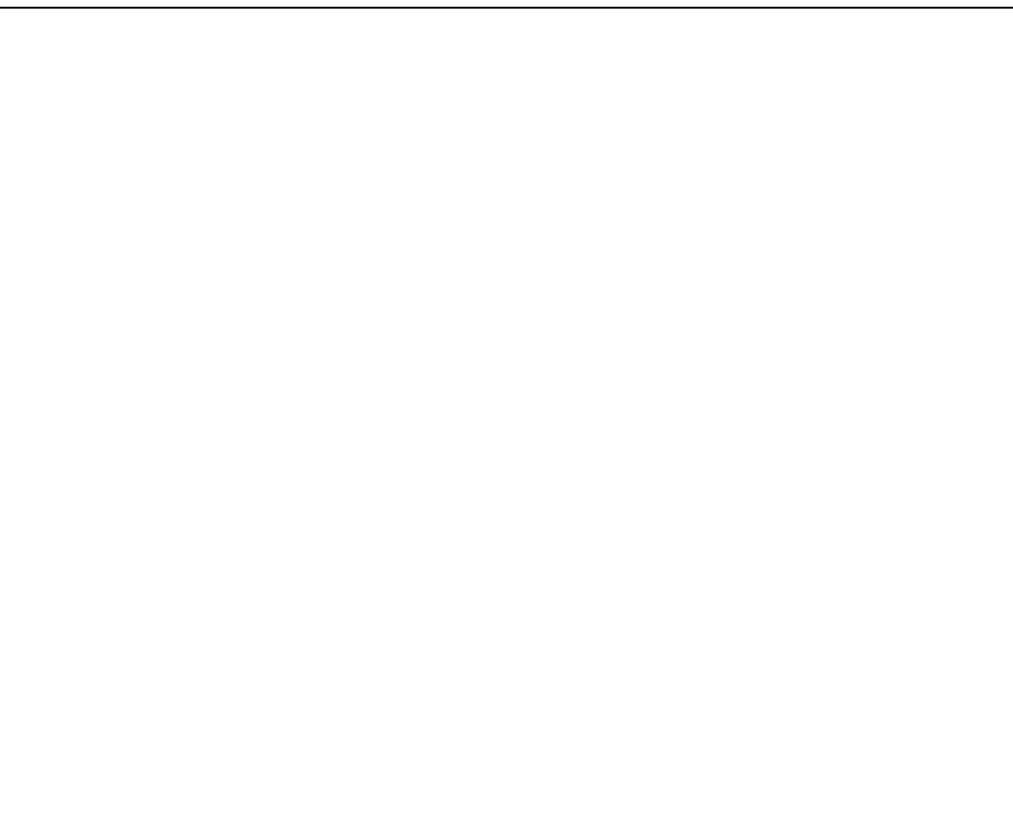
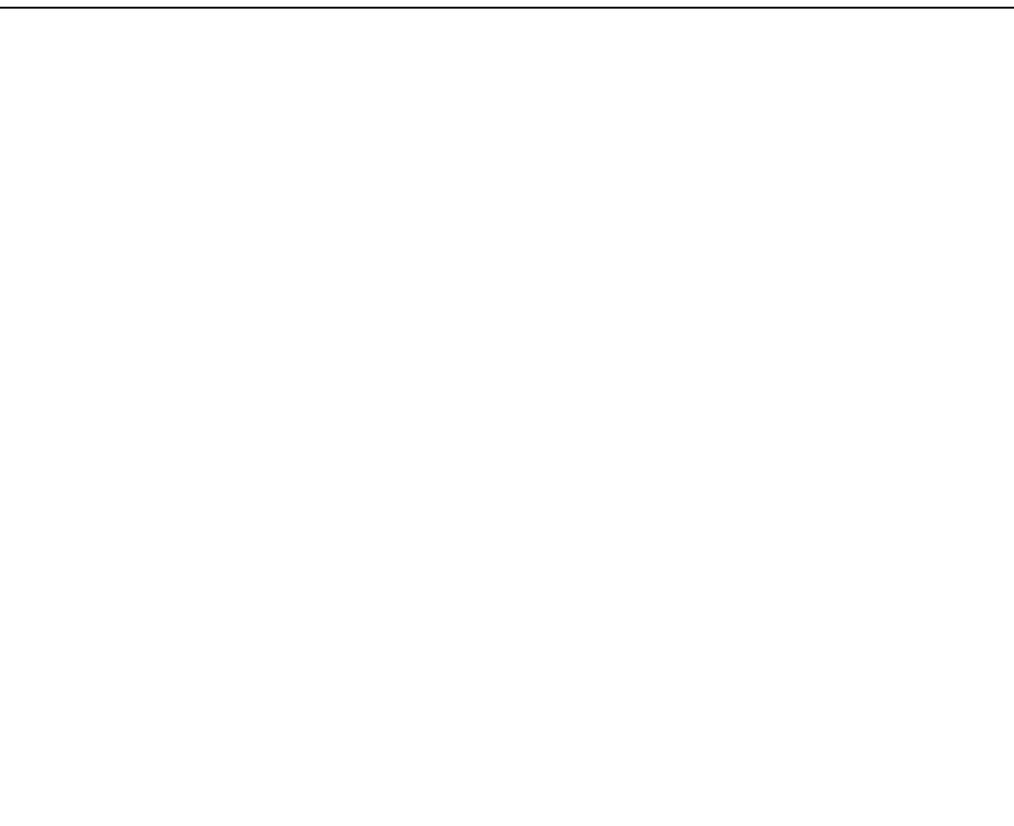
The Radio frequency (RF) emissions at this site have been evaluated for potential RF exposure to personnel who may need to work near these antennae.

**RF EXPOSURE AT THIS SITE DOES NOT EXCEED THE FCC PUBLIC EXPOSURE STANDARD AND THUS HAS BEEN DETERMINED TO BE SAFE FOR THE GENERAL POPULATION.**

Call With Questions  
**1-866-446-3984**

Reference Federal Communications Commission (FCC) Public Exposure Standard OET Bulletin 65 Edition 07/01, August 1997

**RF WARNING SIGN INFORMATION POSTED ON THE SIDE OF THE POWERWAVE**



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PLAN No.: SHEET 6 OF 8

## DETAIL SHEET



COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION

3300 Newport Boulevard, Building C, Newport Beach, CA 92663  
(949) 644-3200 Fax: (949) 644-3229

[www.newportbeachca.gov](http://www.newportbeachca.gov)

**ZONING ADMINISTRATOR ACTION LETTER**

**Application No.**            **Comprehensive Sign Program No. CS2012-002 (PA2011-213)**

**Applicant**                **Zee Sign Systems, Inc.**

**Site Address**            **3990 - 4000 Westerly Place**

**Legal Description**      **Parcel 3, Resubdivision No. 312**

On **February 15, 2012**, the Zoning Administrator approved the following: A comprehensive sign program to modify an existing sign program approved by Modification Permit No. MD2008-009 (PA2008-012) to allow the relocation of Sign Type B (wall signs, building top location) and Sign Type D (address numerals) along the primary, Westerly Place frontage. The applicant also requested an increase in the overall sign height for Sign Type B (wall signs, building top location) allowed under the sign program from 30 inches to 68 inches along the Westerly Place frontage. The properties are located in the PC-11(Newport Place Planned Community) Zoning District. The approval is based on the following findings and subject to the following conditions.

**FINDINGS**

Finding

- A. The project is exempt from environmental review pursuant to Section 15311, Class 11 (Accessory Structures).

Fact in Support of Finding

1. Class 11 includes construction or replacement of minor structures such as on-premise signs accessory to and appurtenant to existing commercial facilities. The proposed signage is incidental and accessory to the principal commercial use of the property and does not intensify or alter the use.

In accordance with Section 20.42.120 (E. Comprehensive Sign Program Standards) of the Newport Beach Municipal Code (NBMC), the following standards and facts in support of such standards are set forth:

Standard

- B. *The proposed sign program shall comply with the purpose and intent of this Chapter [Chapter 20.42], any adopted sign design guidelines, and the overall purpose and intent of this Section [Section 20.42.120].*

Facts in Support of Standard

1. The Land Use Element of the General Plan and the Newport Place Planned Community District Regulations designate the site for “General Office” use and the existing office structures are consistent with this designation. The signs are accessory to the primary use.
2. A comprehensive sign program is required whenever three or more separate tenant spaces are created or proposed on the same lot. The applicant has requested to amend the existing sign program approved through Modification Permit No. MD2008-09 (PA2008-012).
3. In compliance with the purpose and intent of Chapter 20.42 (Sign Standards), the proposed Comprehensive Sign Program, as modified, provides the use with adequate identification without excessive proliferation of signage. Furthermore, it preserves community appearance by regulating the type, number, design, and area of signage.

Standard

- C. *The proposed signs shall enhance the overall development, be in harmony with, and relate visually to other signs included in the Comprehensive Sign Program, to the structures and/or developments they identify, and to surrounding development when applicable.*

Fact in Support of Standard

1. The site is used by multiple tenants and the signage has been designed to improve visibility of the primary building tenant and address to direct visitors to the property. The number and location of the tenant identification signs will not contribute to an overabundance of signs that will have a detrimental effect on the neighborhood.
2. The current exterior architectural theme of the building is contemporary. The amended location and size of the address and building wall signs along Westerly Place will continue to enhance the design and character of the building. The signage is intended to promote economic viability for the property and the surrounding area through better sign visibility.

3. The proposed signage will not obstruct public views from adjacent roadways or parks because there are no public views through or across the subject property that are affected by the proposed project.
4. The signs will not interfere with sight distance from any street or driveway.

Standard

- D. *The sign program shall address all signs, including permanent, temporary, and exempt signs.*

Fact in Support of Standard

1. The proposed Comprehensive Sign Program addresses all project signage. Temporary and exempt signs not specifically addressed in the sign program shall be regulated by the provisions of the PC-11 (Newport Place Planned Community) text.

Standard

- E. *The sign program shall accommodate future revisions that may be required because of changes in use or tenants.*

Fact in Support of Standard

1. The project site is for Commerce Center and has been designed to be effective for the office tenants that occupy both buildings on the subject property.
2. The Comprehensive Sign Program establishes type, number, design, and area of signage to accommodate the existing and future tenants on-site.
3. It is not anticipated that future revisions of the Comprehensive Sign Program will be necessary to accommodate changes in tenants or uses. However, the Community Development Director may approve minor revisions to the sign program if the intent of the original approval is not affected.

Standard

- F. *The program shall comply with the standards of this Chapter [Chapter 20.42], except that deviations are allowed with regard to sign area, total number, location, and/or height of signs to the extent that the Comprehensive Sign Program will enhance the overall development and will more fully accomplish the purposes and intent of this Chapter [Chapter 20.42].*

Fact in Support of Standard

1. This Comprehensive Sign Program allows for deviations with regards to the total number, sign area, height, and location of signs permitted. The applicant has



requested deviations in the sign locations and height allowed under the existing sign program approved through Modification Permit No. MD2008-09 (PA2008-012). The size of the signage is not abrupt in scale to the elevations of the buildings.

2. Given the orientation and architectural design of the building, allowing the deviations for the building top wall sign (Sign Type B) and address signage (Sign Type D) locations on the Westerly Place frontage is merited to allow the applicant more effective sign placement. The building top walls signs are limited to a single tenant entity.
3. The buildings face Westerly Place and the interior parking lot. Secondary signs that are smaller signs and the main building identification signs face those two frontages for optimum visibility. Allowing the signs on the Westerly Place frontage, oriented toward the street rather than the parking area allows for increased sign visibility for motorists driving along Westerly Place.
4. The number of permanent wall signs is reasonable given the number of lots, the size, and location of buildings on the subject properties.

#### Standard

- G. *The approval of a Comprehensive Sign Program shall not authorize the use of signs prohibited by this Chapter [Chapter 20.42].*

#### Fact in Support of Standard

1. The Comprehensive Sign Program does not authorize the use of prohibited signs.

#### Standard

- H. *Review and approval of a Comprehensive Sign Program shall not consider the signs' proposed message content.*

#### Fact in Support of Standard

1. The Comprehensive Sign Program contains no regulations affecting sign message or content.

### **CONDITIONS**

1. All proposed signs shall be in conformance with the approved plans, Comprehensive Sign Program Matrix Table, and provisions of the PC-11 (Newport Place Planned Community), unless otherwise indicated in the following conditions.
2. The signs shall adhere to the regulations outlined in the attached Comprehensive Sign Program Matrix Table.

3. The sign area shall be measured by two perpendicular sets of parallel lines that surround the proposed sign copy area.
4. Signs shall not be located within the public right-of-way.
5. A building permit shall be obtained prior to commencement of installation of the signs. All work shall comply with the current codes. Installation plans including, but not limited to, sign weights, and attachment details shall be provided for the Building Division at plan check review.
6. A copy of this letter shall be incorporated into the plan check sets of plans prior to issuance of the building permits.
7. The final location of signs shall be reviewed by the City Traffic Engineer and shall conform to City Standard 110-L to ensure that adequate vehicular sight distance is provided.
8. The signs shall be maintained in a clean and orderly condition.
9. The Community Development Director may approve revisions to the Comprehensive Sign Program if the intent of the original approval is not affected. Revisions that would substantially deviate from the original approval shall require approval of a new/revised Comprehensive Sign Program by the Zoning Administrator.
10. Any future revisions or changes to the signs approved by this Comprehensive Sign Program due to a change in the use or tenants of the building shall be reviewed and approved by the Planning Division, so long as the sign size, copy configuration and number of signs authorized by this approval does not substantially change or increase.
11. The Zoning Administrator may add to or modify conditions of this approval, or revoke this approval upon a determination that any sign that is authorized by this approval has been altered beyond the parameters of the authorization and therefore beyond the justification.
12. This approval was based on the particulars of the individual case and does not, in and of itself or in combination with other approvals in the vicinity or Citywide, constitute a precedent for future approvals or decisions.
13. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.
14. 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 Commerce Center Comprehensive Sign Program including, but not limited to, the Comprehensive Sign Program No. CS2012-002 (PA2011-213). 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.

**APPEAL PERIOD:** An appeal may be filed with the Director of Community Development, within fourteen (14) days following the date the action or decision was rendered. For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

On behalf of Brenda Wisneski, Zoning Administrator,

By:   
Makana Nova, Assistant Planner

BW/mkn

Attachments: CDD 1 Vicinity Map  
CDD 2 Comprehensive Sign Program Matrix Table  
CDD 3 Site Photos  
CDD 4 Project Plans

# **Attachment No. ZA 1**

Vicinity Map

# VICINITY MAP



Comprehensive Sign Program No. CS2012-002  
PA2011-213

**3990 - 4000 Westerly Place**










# **Attachment No. ZA 2**

Comprehensive Sign Program  
Matrix Table



**MASTER SIGN PROGRAM**  
**3990 - 4000 Westerly Place Newport Beach, CA 92660**

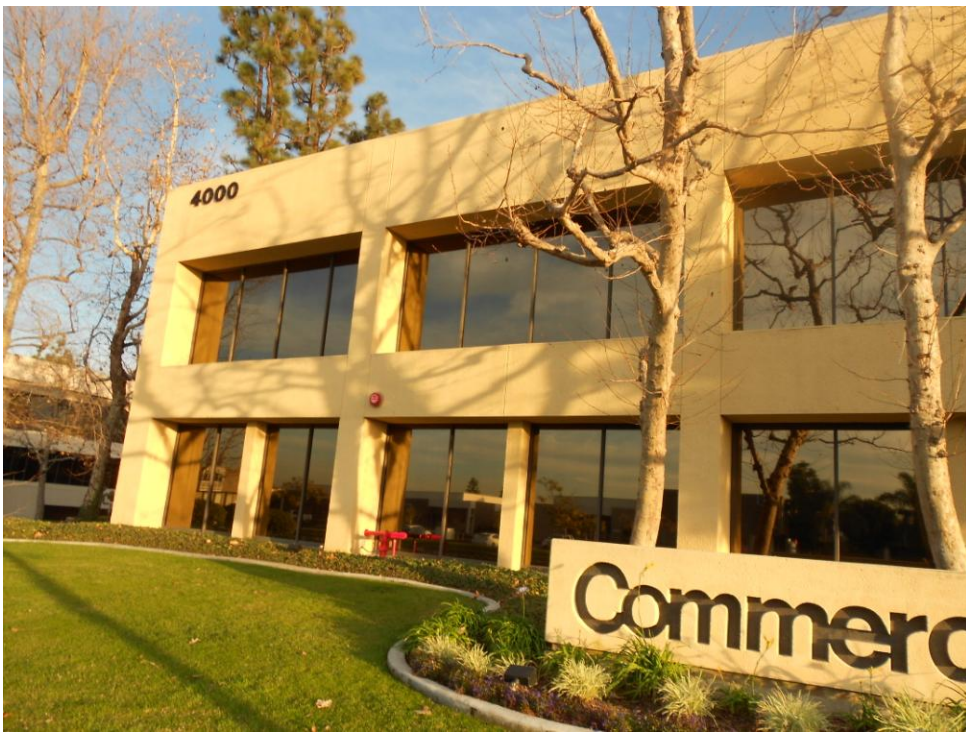
**TABLE I: Includes Frontage Designation and Size Limitations**

Sign Designation	Primary Frontage Size limitations where applicable	Secondary Frontage Size limitations, where applicable
 Monument Signs	<b>Westerly Place</b> Project Identification Only- No tenant identification allowed. One monument sign per lot/ parcel at street frontage only. MAX- Height: 36" / Width: 258" / Depth: 8" / S.F.: 64.5 Max area of 65 sq ft. Maximum vertical dimension, sign or logos, 36-inches. Minimum distance shall be 30 linear feet from the secondary sign.	N/A
 Wall Signs- Building Top Location	<b>Westerly Place</b> Single Tenant Identification Only Max Height: 68" / Max Width: 24'-0" / Max S.F.: 48.00 Max Logo: 30"H <b>Project Identification limited to single frontage only</b>	<b>Parking Lot</b> Single Tenant Identification Only Max Height: 30" / Max Width: 156" / Max S.F.: 32.5 Max Logo: 30"H <b>Project Identification limited to single frontage only</b>
 Wall Signs – Brow Location	<b>Westerly Place</b> Maximum Number Two per Building Max Height: 24" / Max Width: 120" / Max S.F.: 20 Max Logo: 24"H	<b>Parking Lot</b> Maximum Number Two per Building Max Height: 24" / Max Width: 120" / Max S.F.: 20 Max Logo: 24"H
 Address Numerals	<b>Westerly Place</b> Not limited by this approval Height: 18" / Width: 55" / Depth: 2" S.F.: 6.8	N/A
 Address Numerals At entry	N/A	<b>Parking Lot</b> Height: 8" / Width: 26" / Depth: 2" S.F.: 1.44
 Leasing Signs	<b>Westerly Place</b> Height: 4' / Width: 5' / Depth: 4.5" S.F.: 20	N/A
 Double-Faced Leasing Sign	<b>Westerly Place</b> SHALL BE REMOVED OR CONSOLIDATED WITH SIGN "F" PLACEMENT SHALL NOT BE LOCATED WITHIN THE PUBLIC RIGHT-OF-WAY Height: 90" / Width: 102.5" / Depth: 51" S.F.: 180	N/A
 	<b>Parking Lot</b> Height: 3" / Type: Arial Bold Position: 2" from top of glass  Height: 5" / Position: 60" from floor on Latch side of door or right side of paired doors	

# **Attachment No. ZA 3**

Site Photos





4000 Westerly Place-Westerly Place frontage



3990 Westerly Place-Westerly Place frontage



4000 Westerly Place-interior parking lot frontage



3990 Westerly Place-interior parking lot frontage

# **Attachment No. ZA 4**

Project Plans

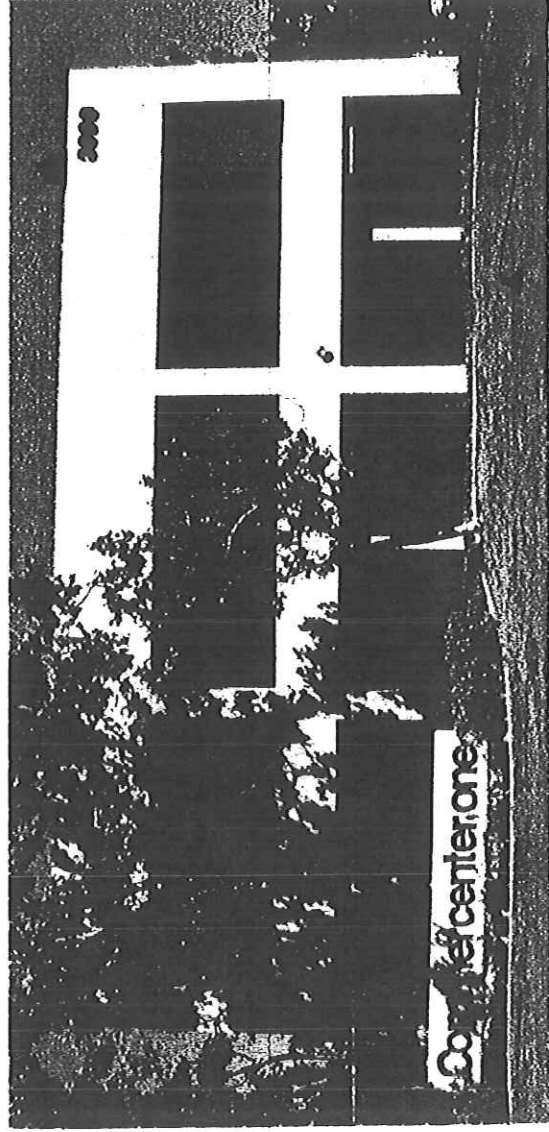


*Project Plans for Modification Permit No. MD2008-009*

*City of*  
**Newport Beach**

# **MASTER SIGN PROGRAM**

# **Centercenter**



*For Illustration  
purposes only*

**3990 - 4000 Westerly Place • Newport Beach, CA 92660**

09/17/07

PA2008-012 for MD2008-009

3990 & 4000 WESTERLY PLACE

DATE OF MEETING - January 28, 2008










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COMMUNITY

JAN 17 2012

DEVELOPMENT  
CITY OF NEWPORT BEACH










**MASTER SIGN PROGRAM**  
 3990 - 4000 Westerly Place Newport Beach, CA 92660

**TABLE I: Includes Frontage Designation and Size Limitations**

Sign Designation	Primary Frontage Size limitations where applicable	Secondary Frontage Size limitations, where applicable
 Monument Signs	<b>Westerly Place</b> Project Identification Only- No tenant identification allowed. One monument sign per lot/ parcel at street frontage only. MAX- Height: 36" / Width: 258" / Depth: 8" / S.F.: 64.5 Max area of 65 sq ft. Maximum vertical dimension, sign or logos, 36-inches. Minimum distance shall be 30 linear feet from the secondary sign.	N/A
 Wall Signs- Building Top Location	<b>Westerly Place</b> Single Tenant Identification Only Max Height: 68" / Max Width: 24'-0" / Max S.F.: 48.00 Max Logo: 30"H <b>Project Identification limited to single frontage only</b>	<b>Parking Lot</b> Single Tenant Identification Only Max Height: 30" / Max Width: 156" / Max S.F.: 32.5 Max Logo: 30"H <b>Project Identification limited to single frontage only</b>
 Wall Signs – Brow Location	<b>Westerly Place</b> Maximum Number Two per Building Max Height: 24" / Max Width: 120" / Max S.F.: 20 Max Logo: 24"H	<b>Parking Lot</b> Maximum Number Two per Building Max Height: 24" / Max Width: 120" / Max S.F.: 20 Max Logo: 24"H
 Address Numerals	<b>Westerly Place</b> Not limited by this approval Height: 18" / Width: 55" / Depth: 2" S.F.: 6.8	N/A
 Address Numerals At entry	N/A	<b>Parking Lot</b> Height: 8" / Width: 26" / Depth: 2" S.F.: 1.44
 Leasing Signs	<b>Westerly Place</b> Height: 4' / Width: 5' / Depth: 4.5" S.F.: 20	N/A
 Double-Faced Leasing Sign	<b>Westerly Place</b> SHALL BE REMOVED OR CONSOLIDATED WITH SIGN "F" PLACEMENT SHALL NOT BE LOCATED WITHIN THE PUBLIC RIGHT-OF-WAY Height: 90" / Width: 102.5" / Depth: 51" S.F.: 180	N/A
 	<b>Parking Lot</b> Height: 3" / Type: Arial Bold Position: 2" from top of glass  Height: 5" / Position: 60" from floor on Latch side of door or right side of paired doors	

**SCHEDULE OF SIGN TYPES**

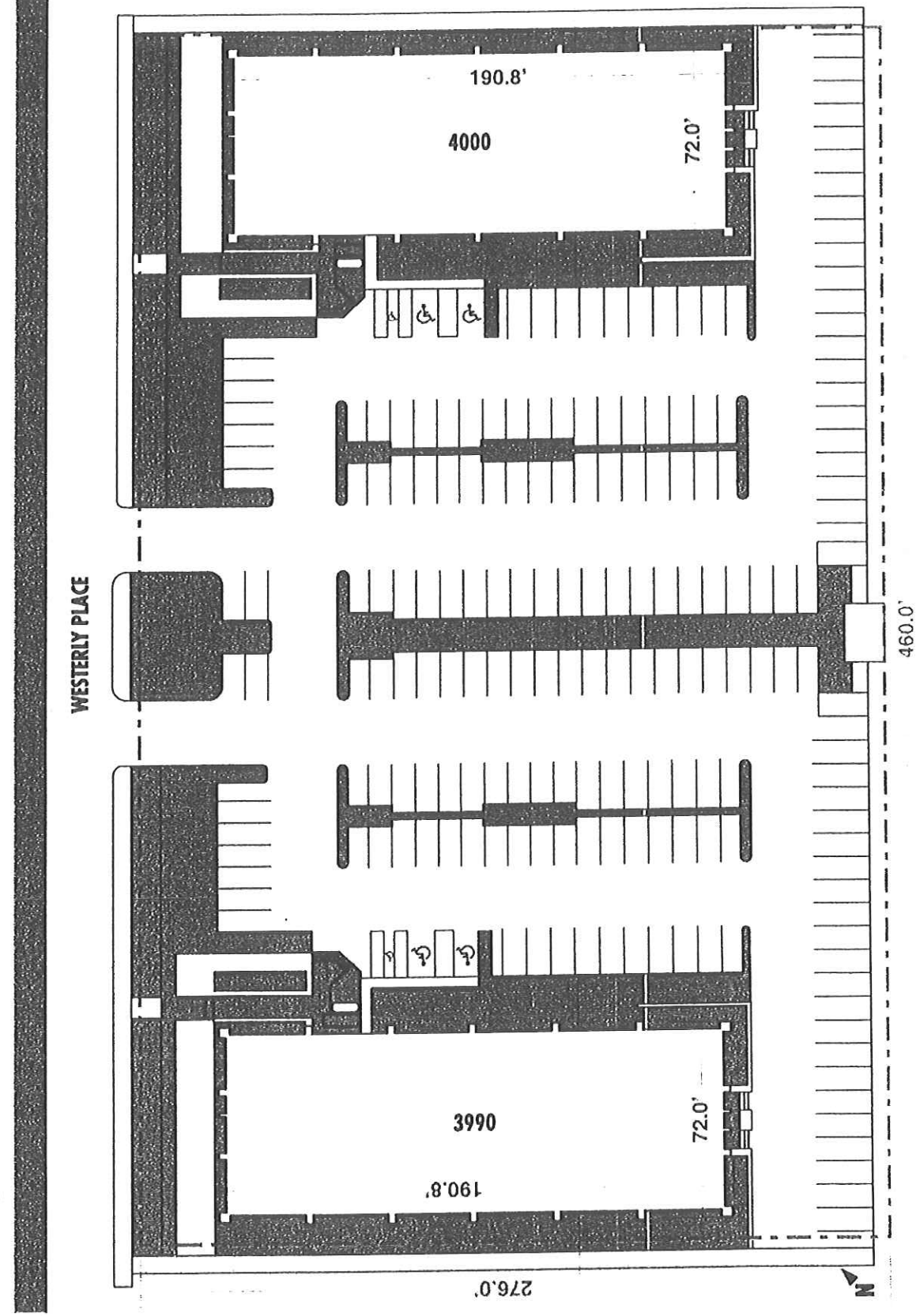
---

	Qty.
-Sign Type 1 - (Monument Signage)	
 - Individual Building Monument Signs _____	2
-Sign Type 2 - (Building Signage)	
 - Building Top Signs _____	4
 - Eyebrow Signs _____	6
 - Address Numbers-Large _____	2
 - Address Numbers-Small _____	2
-Sign Type 3 - (Leasing Signage)	
 - Standard Leasing Signs _____	2
 - Building Specific Leasing Signs _____	1
-Sign Type 4 - (Entry/Service Entry Lettering)	
 - Suite Numbers _____	2
 - Handicap Accessible Symbol _____	2

City of **4**  
**Newport Beach**

**PLOT PLAN - BUILDING ADDRESSES**

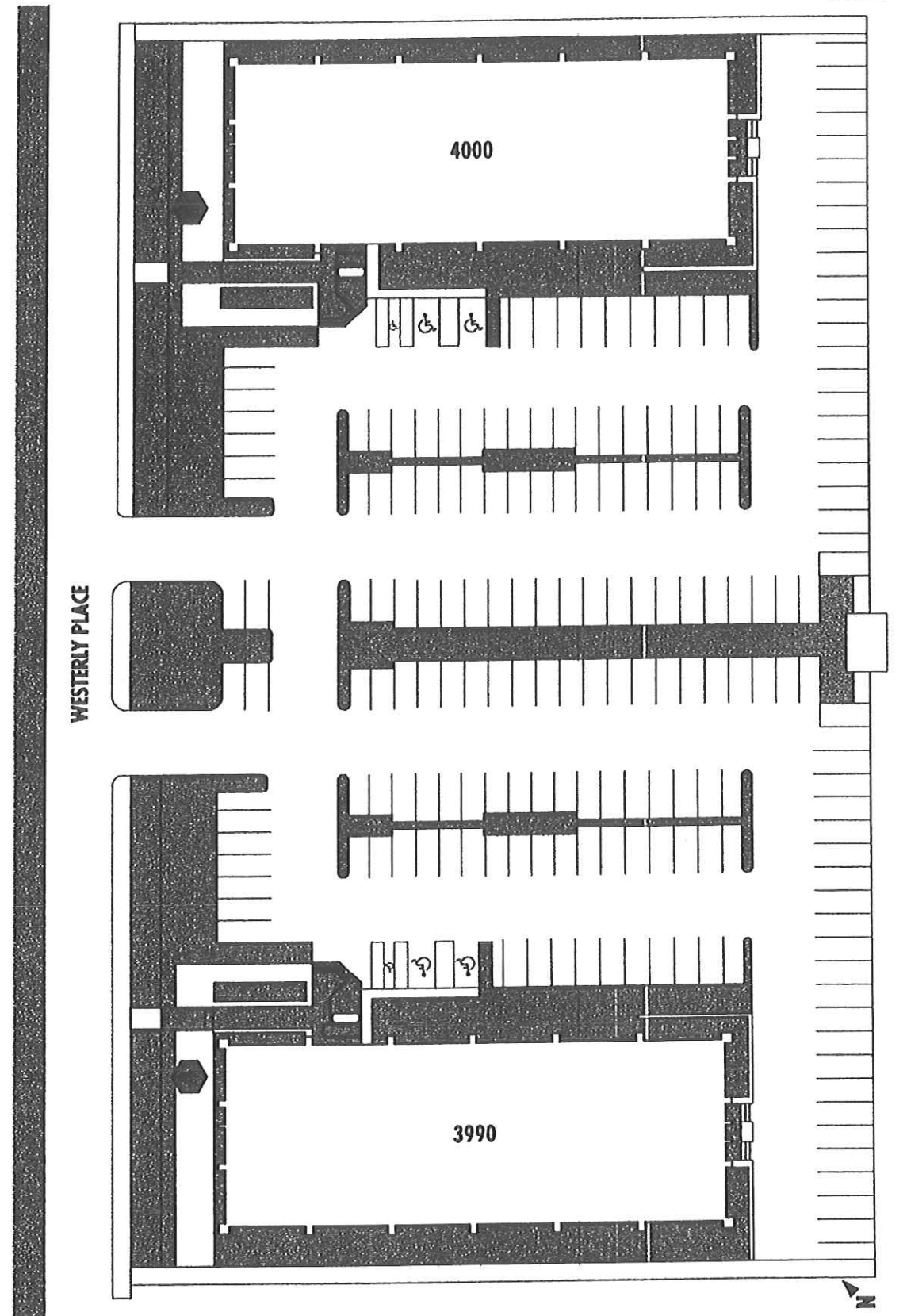
Property Line = - - - - -



City of  
**Newport Beach**

**PLOT PLAN - SIGN TYPE 1 (Monument Signage)**

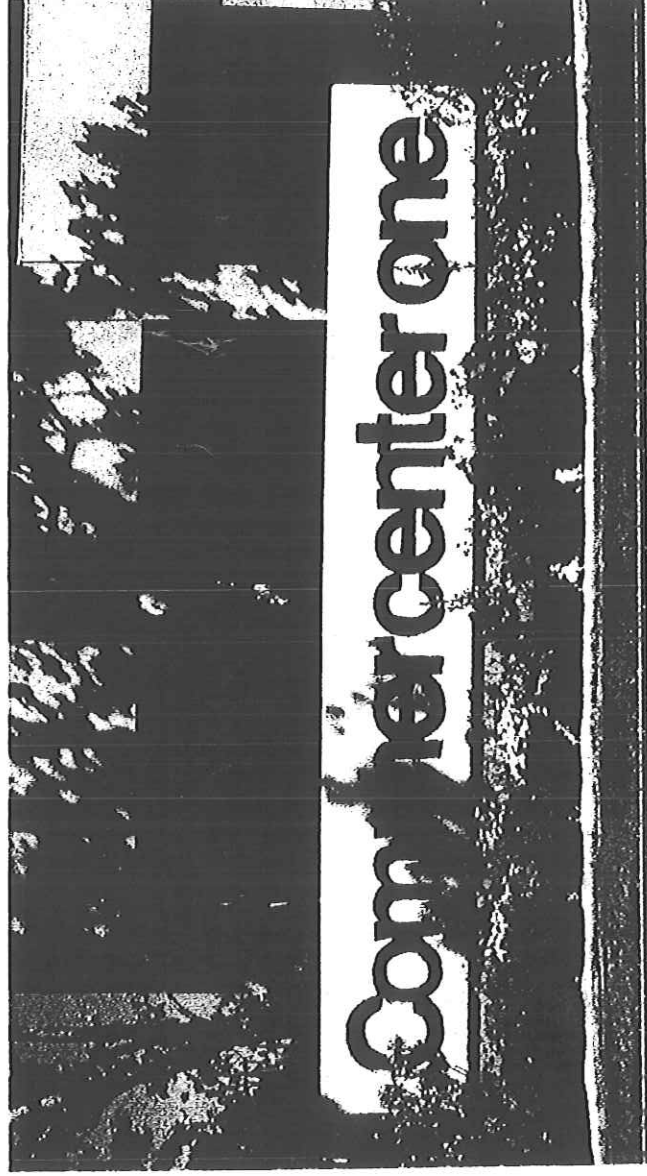
Individual Building Monument Signs - 2 Locations (Existing)



# City of Newport Beach 6

## SIGN TYPE 1-A Individual Building Monument Signage Qty. - 1 (Existing)

Monument sign are made from cast concrete with inset letters. This sign is one sided and is set in front of building 3990. Colors are listed below. The overall size of monument is 36" (3') tall by 258" (21'-6") wide by 8" deep.



\*Note: These monuments may be updated and/or upgraded to include tenant listings using a separate permit application through the City of Newport Beach.

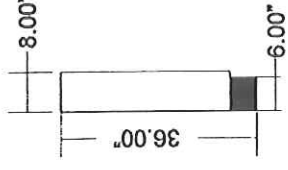
### COLORS USED



BEIGE



MEDIUM GREY



258.00"

Commercenter one

36.00"

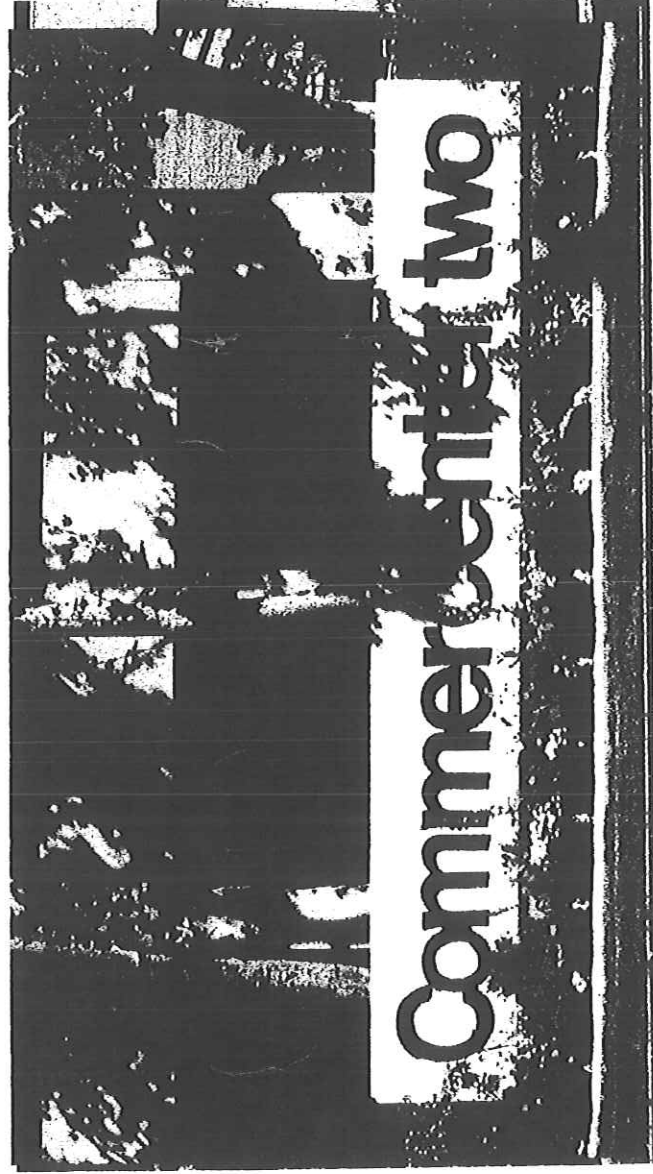




# City of Newport Beach 7

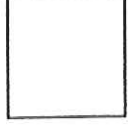
## SIGN TYPE 1-B Individual Building Monument Signage Qty. - 1 (Existing)

Monument sign are made from cast concrete with inset letters. This sign is one sided and is set in front of building 4000. Colors are listed below. The overall size of monument is 36" (3') tall by 258" (21'-6") wide by 8" deep.



\*Note: These monuments may be updated and/or upgraded to include tenant listings using a separate permit application through the City of Newport Beach.

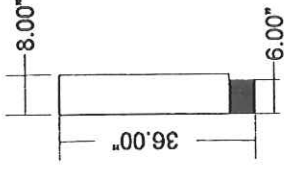
### COLORS USED



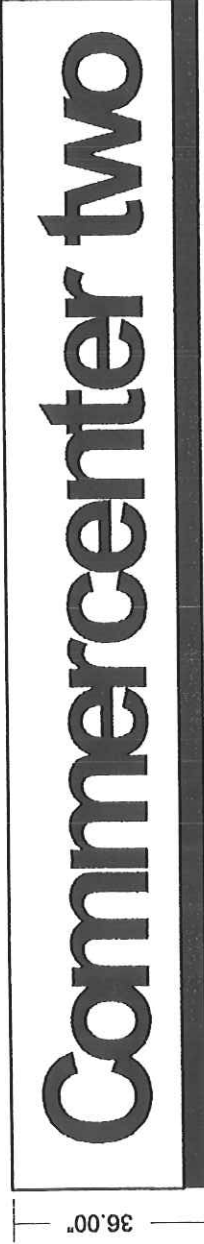
BEIGE



MEDIUM GREY



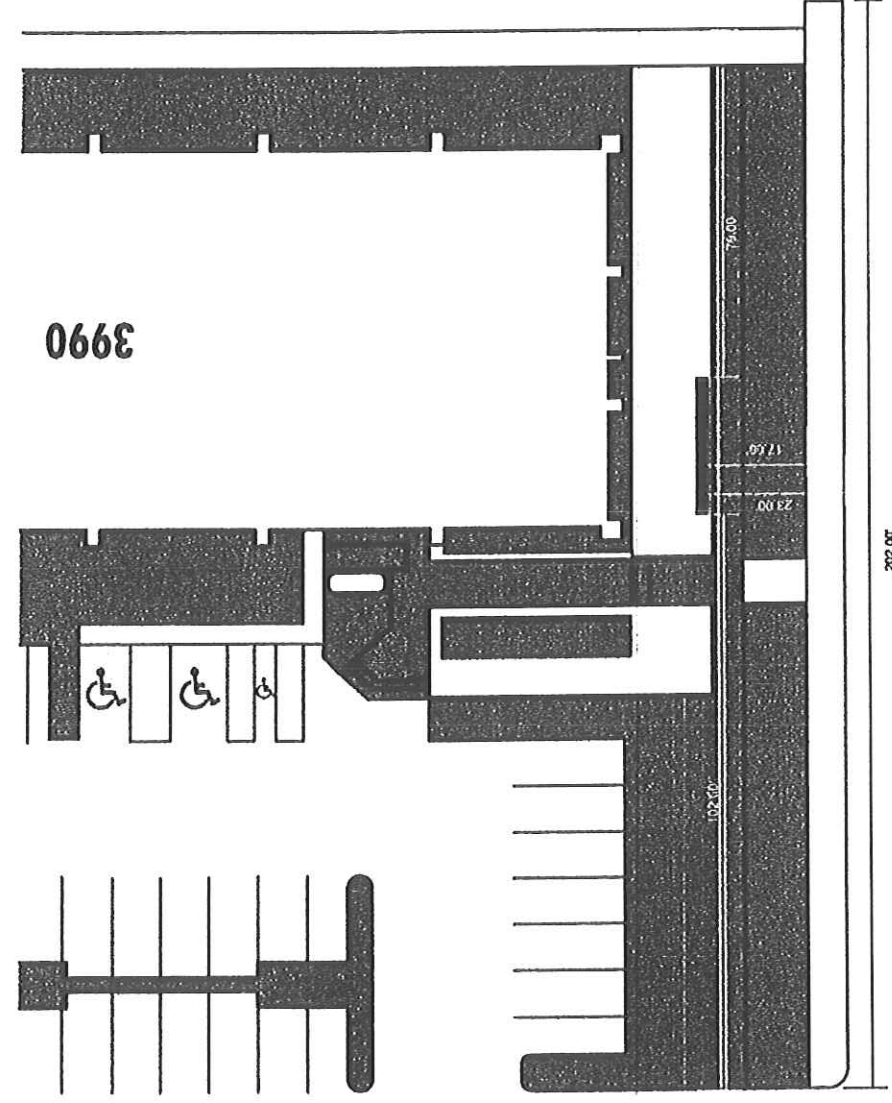
258.00"



**City of**  
**Newport Beach** ⑧

**SIGN TYPE 1-A Individual Building Monument Signage**

**Setback Information (Existing)**



Monument Sign Represented  
by Red Rectangle



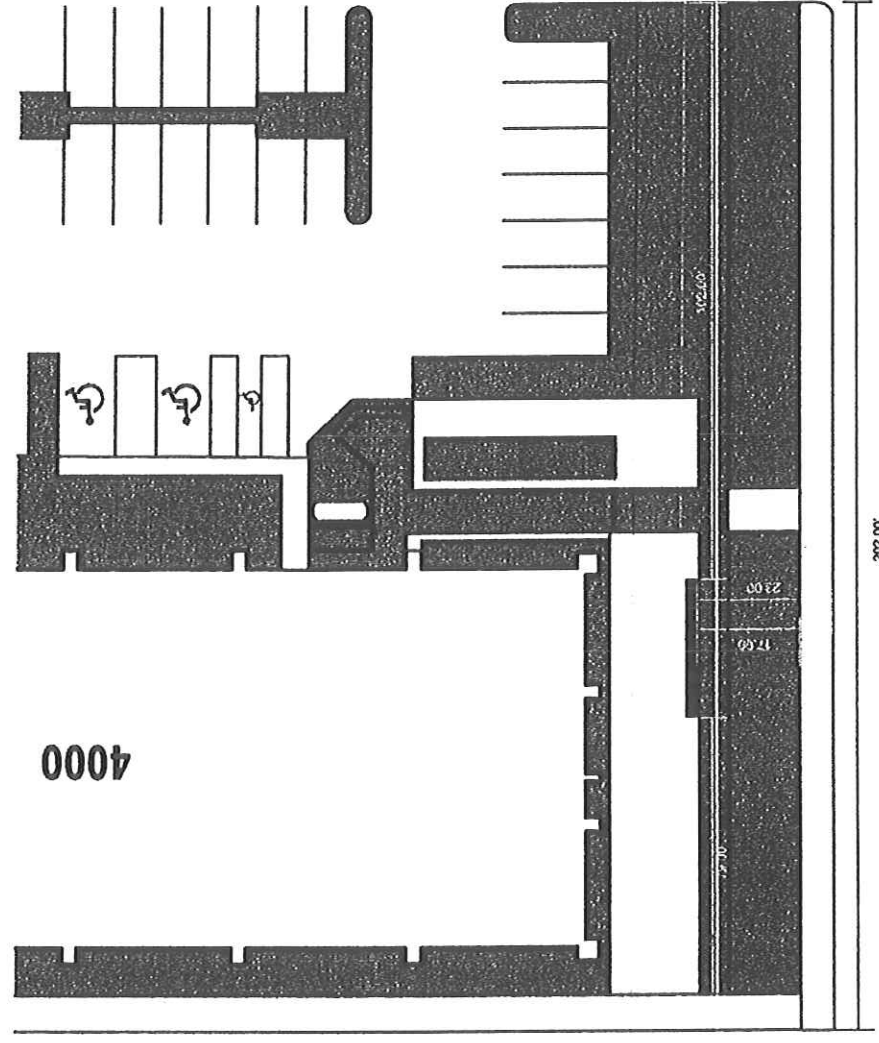
79' from East property line.  
102' from central entrance.  
17' from sidewalk.  
23' from Westerly  
Overall berm is 202'



*City of*  
**Newport Beach** 9

**SIGN TYPE 1-B Individual Building Monument Signage**

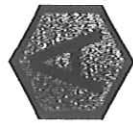
**Setback Information (Existing)**



Monument Sign Represented  
by Red Rectangle



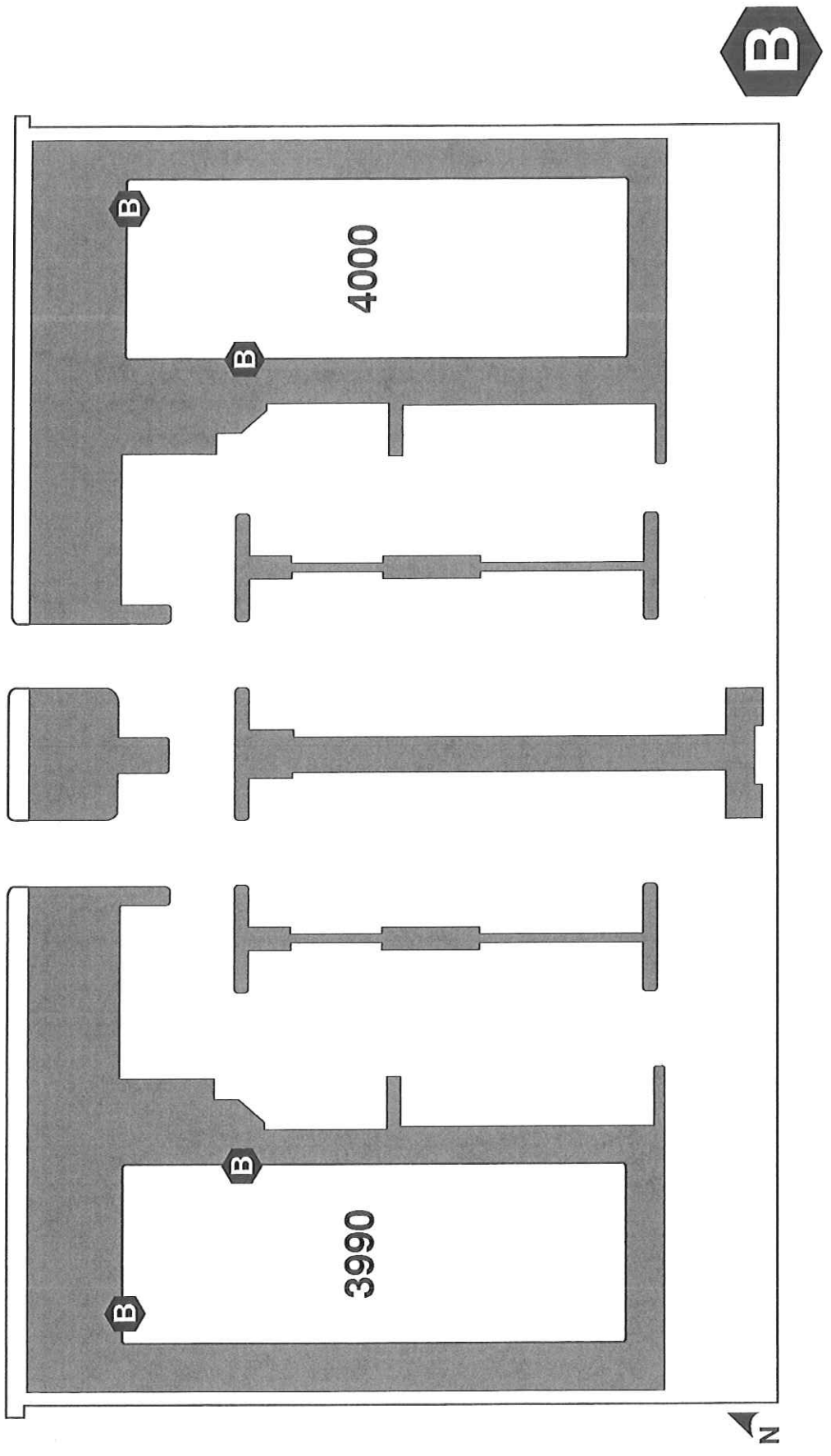
79' from West property line.  
102' from central entrance.  
17' from sidewalk.  
23' from Westerly  
Overall berm is 202'



PLOT PLAN - SIGN TYPE 2 (Building Signage)

**B** Building Top Signs - 4 Locations

WESTERLY PLACE



SIGN TYPE 2-B (Building Signage)

**B** Building Top Signs - 4 Locations

1. Major tenants will be allowed Building Top signs in locations shown on plot plan on page 10 and elevations on page 14. Eligibility will be the sole discretion of the Building Management.
2. Overall size of Building Top signs are not to exceed 5'-8" (68") by 24'-0" wide. Maximum allowable letter height is 24" for a single line of copy.
3. Logos have a maximum allowable height of 30" tall. Logos shall be restricted to the exterior form/shape of the logo only. Any/all unnecessary background space must be eliminated.
4. Maximum size of sign is not to exceed 24'-0" in length and 68" in height, whatever size limitation is first encountered.
5. Maximum allowable square footage per sign is 48 sq. ft. Under no circumstances shall a tenant exceed the maximum square footage or place part of their sign beyond the designated sign placement area.
6. Illuminated and/or non-illuminated letters and logos are allowed. They may be fabricated from aluminum, stainless steel or polystyrene foam (minimum 2lbs density). All foam letters to be sealed with silica (stucco) finish.
7. Sign shall be limited to the business name, logo, corporate brand, and/or registered trademark.
8. At its discretion, Building Owner or its Designee retains the right to approve or disapprove the design and/or dimensions of any sign (Landlord discretion-pending City approval).
9. Sign shall be limited to business name, logo and corporate brand and/or registered trademark.

**288" (24'-0") Max. Overall Length (48.00 sq. ft. max.)**

**68"  
(5'-8") Max.  
Overall  
Height**

Logo, Trademark  
or Corporate Brand  
(Optional)  
Maximum Size:  
H=30" W = 36"

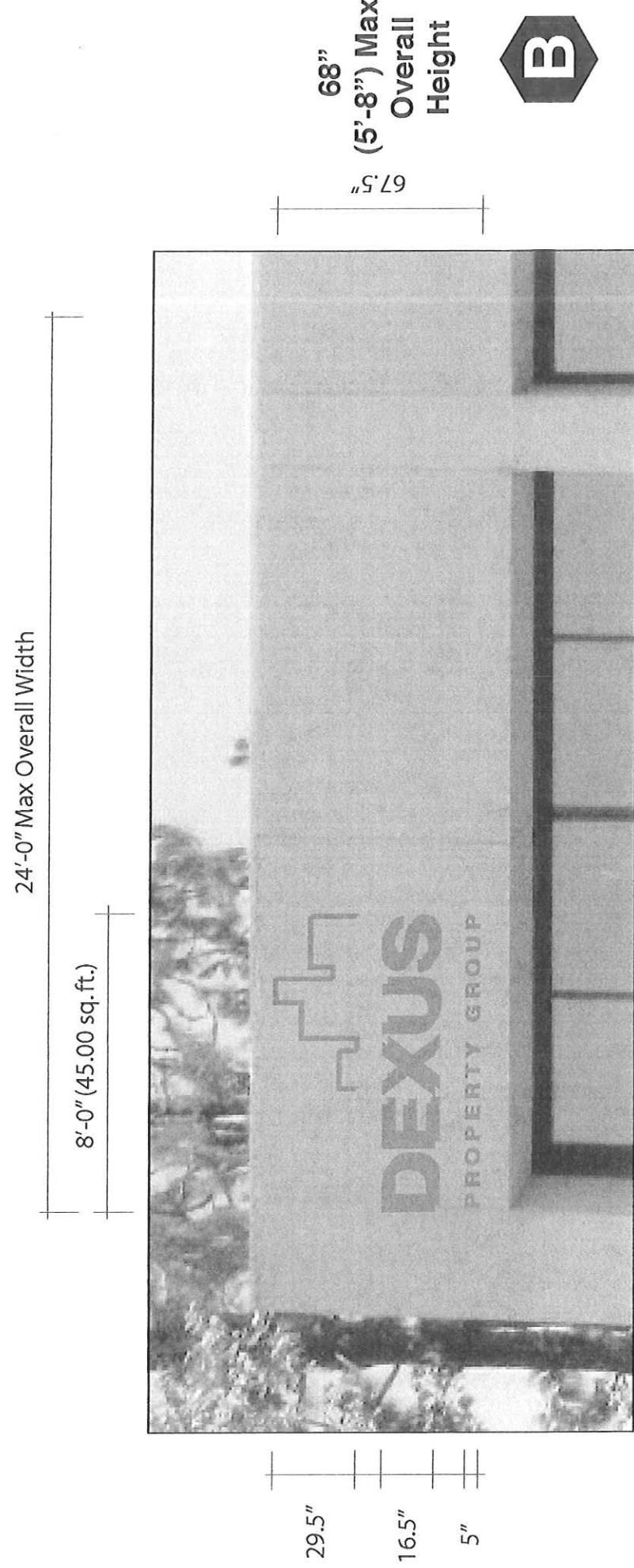
**TENANT NAME**

**24"  
Max. Ltr.  
Height**



SIGN TYPE 2-B (Building Signage)

**B** Building Top Signs - 4 Locations (4000 Westerly)



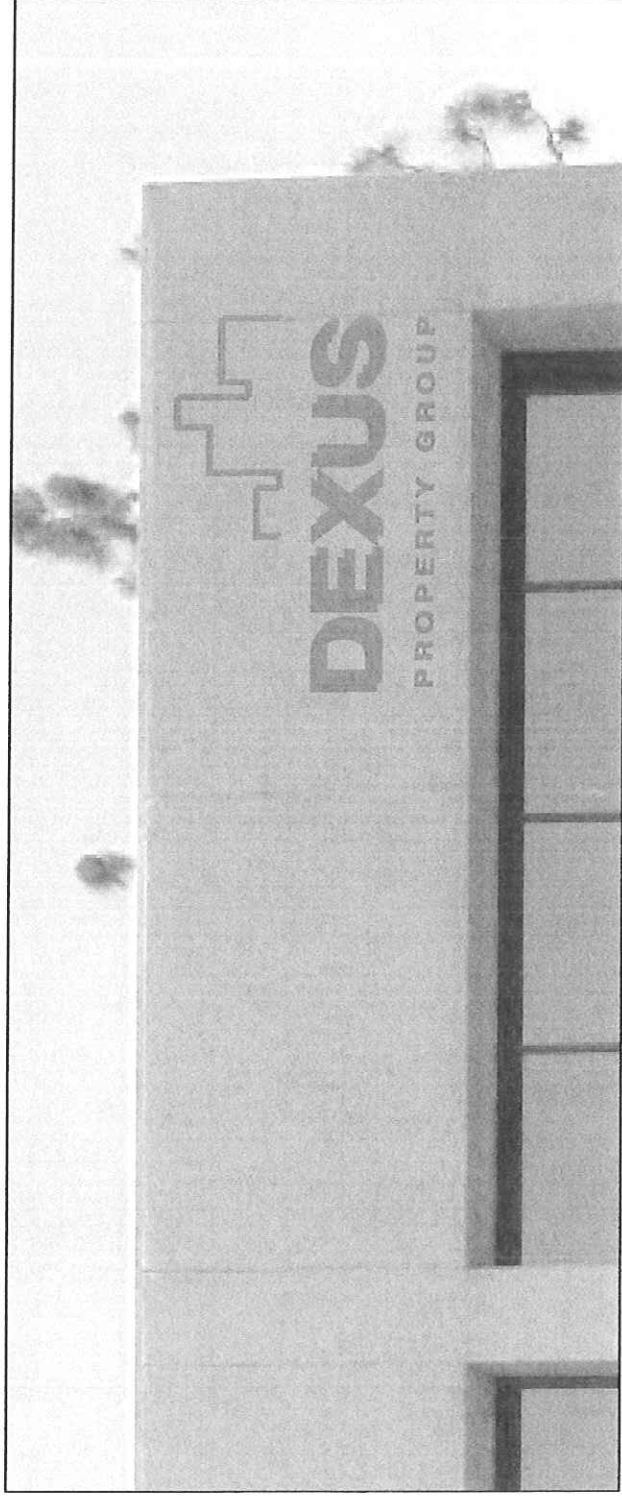


SIGN TYPE 2-B (Building Signage)

**B** Building Top Signs - 4 Locations (3990 Westerly)

24'-0" Max Overall Width

8'-0" (45.00 sq.ft.)



29.5"

16.5"

5"

67.5"

68"  
(5'-8") Max  
Overall  
Height





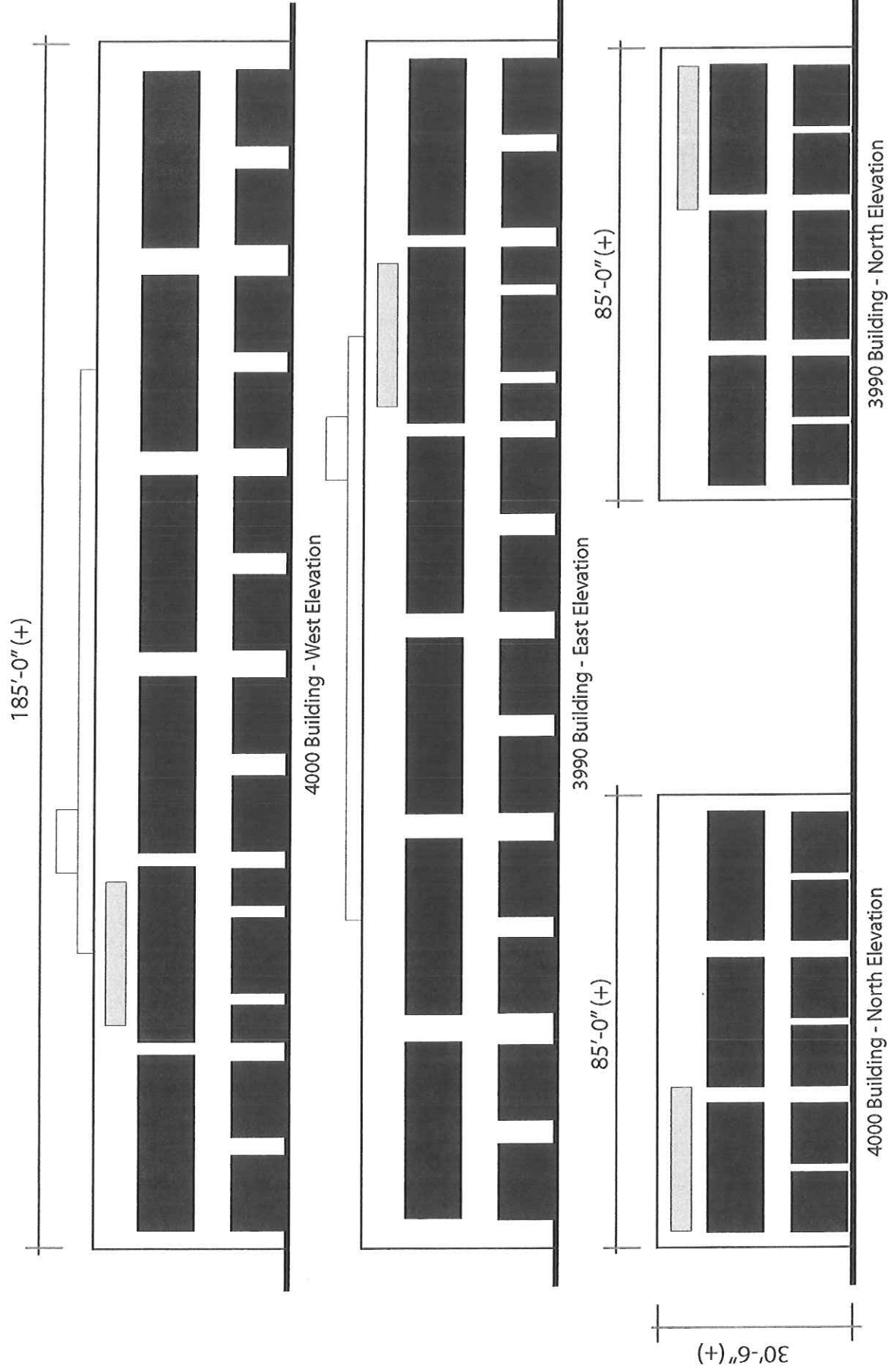
185'-0" (+)

14

# City of Newport Beach

## SIGN TYPE 2-B (Building Top Signage)

### B Building Top Signs - 4 Locations (3990 Westerly)



B

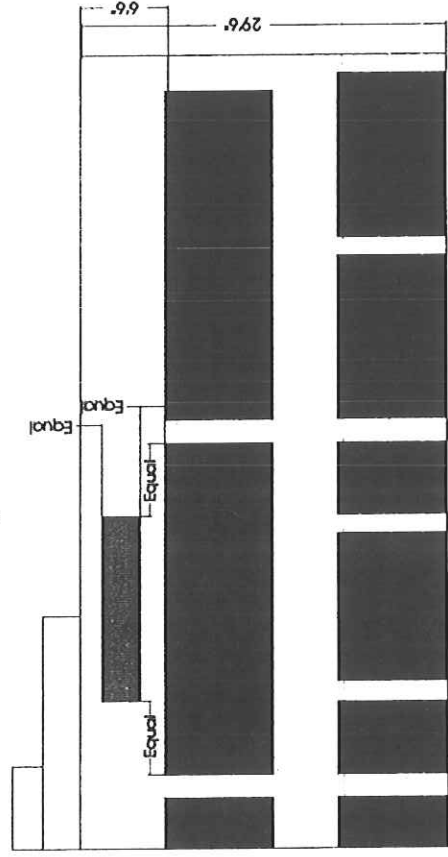
**SIGN TYPE 2-B Elevations Building Top Signage -Proposed Locations**


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**Installation Parameters for Proposed Building Top Signs**

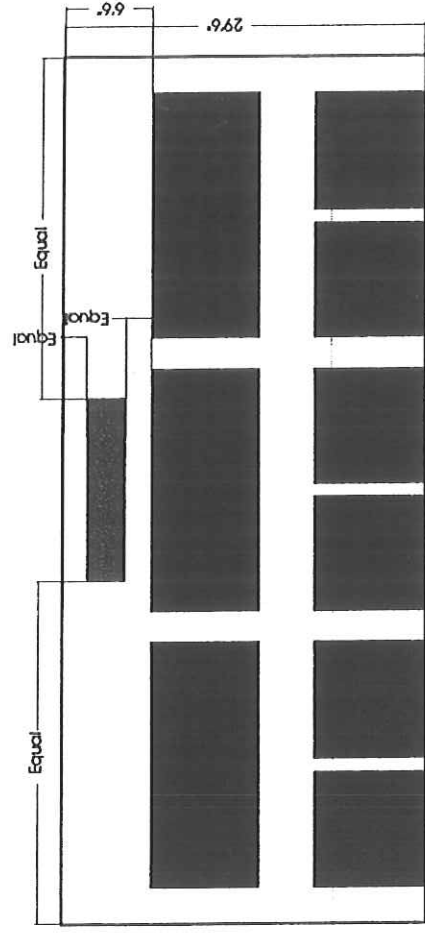
- Proposed Locations Marked as Orange Box:

Building Top Sign installation location:  
 Centered vertically between Roof Line & top of windows.  
 Centered horizontally above window section as shown.



3990 Bldg - East Elevation

Building Top Sign installation location:  
 Centered vertically between Roof Line & top of windows.  
 Centered horizontally on building fascia as shown.

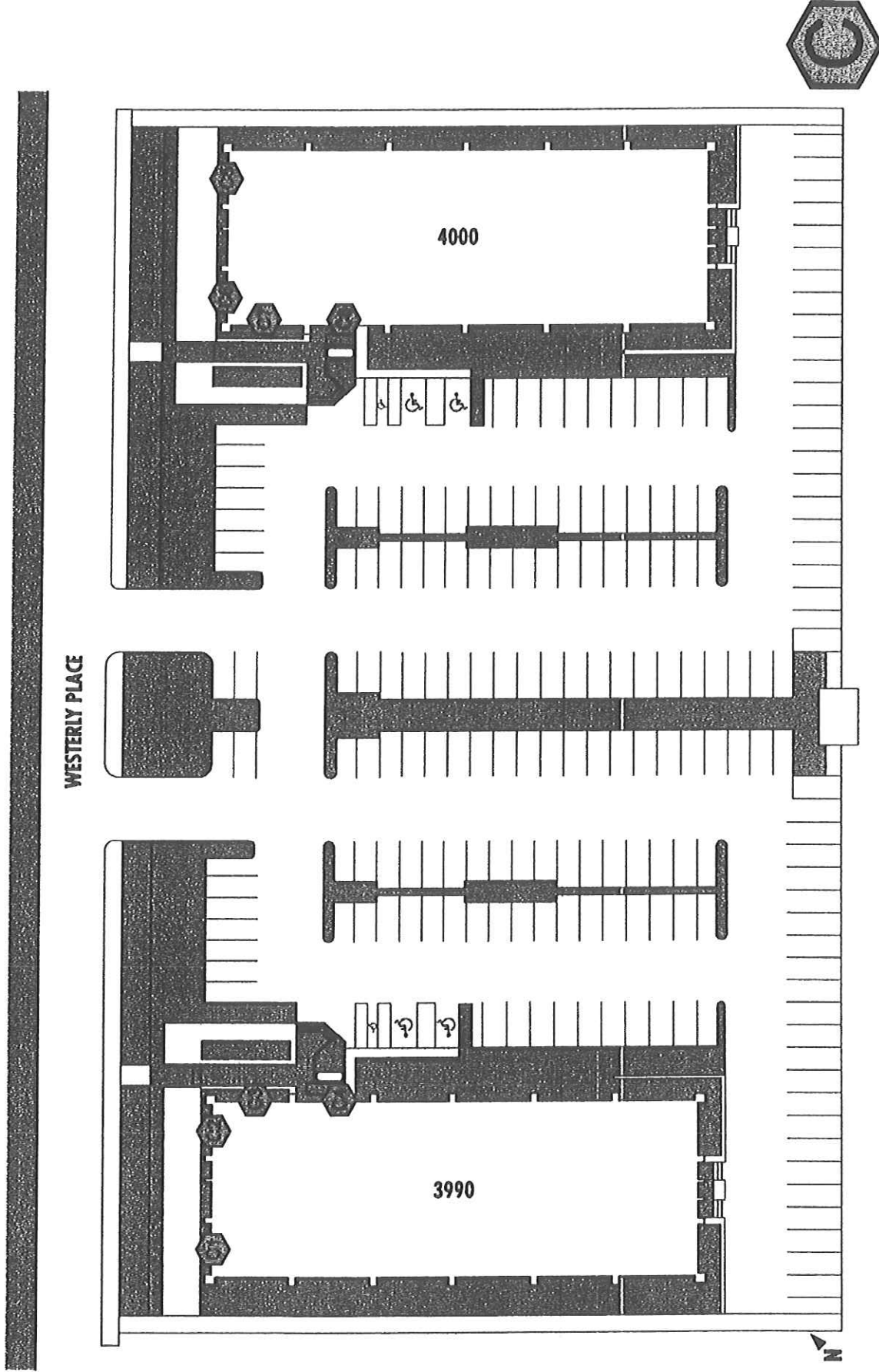


3990 Bldg - North Elevation

City of  
**Newport Beach**

**PLOT PLAN - SIGN TYPE 3 (Eyebrow Signage)**

◆ - Eyebrow Signs - 8 Locations (Proposed)



**SIGN TYPE 2-C (Eyebrow Signage)**

 - Eyebrow Signs - 8 Locations (Proposed)

1. Major tenants will be allowed Eyebrow Signs in locations shown on plot plan on page 16 and elevations on pages 18-22. Eligibility will be the sole discretion of the Building Management.
2. Overall size of Eyebrow Signs are not to exceed 24" tall and 10' wide. Maximum allowable letter height is 18" for a single line of copy.
3. Logos have a maximum allowable size of 24" tall by 24" wide. Logos shall be restricted to the exterior form/shape of the logo only. Any/all unnecessary background space must be eliminated.
4. Maximum size of sign is not to exceed 10' in length and 24" in height, whatever size limitation is first encountered.
5. Maximum allowable square footage per sign: 20 sq.ft. Under no circumstances shall a tenant exceed maximum square footage or place any part of their sign beyond the designated sign placement area.
6. Only individual 2" thick foam letters & logos will be allowed. Foam letters & logos returns (edges) will be black in all cases. Typeface restrictions will not be enforced. Logos shall be approved or disapproved on an individual basis. (Landlord discretion-Pending City Approval)
7. Sign shall be limited to the business name & registered logo.

**120" (10') Max Overall Length**

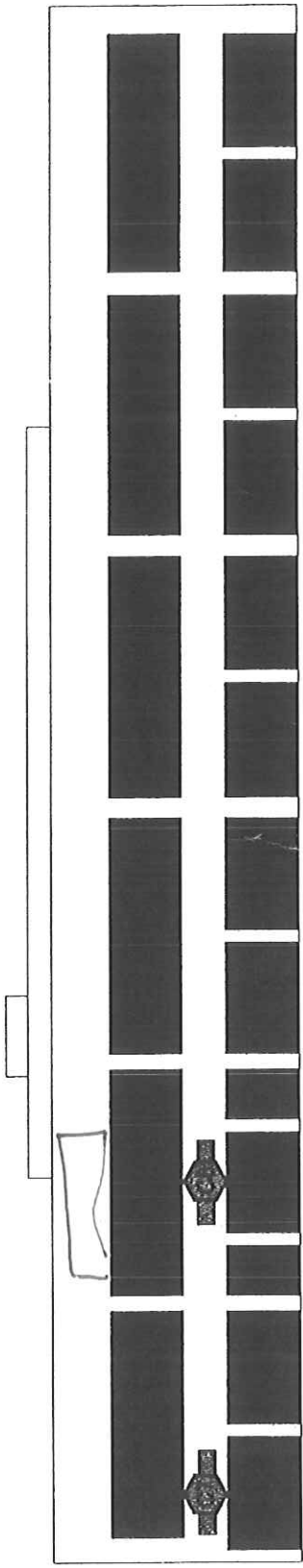
<p>Logo (Optional) Maximum Size: H-24" x W-24"</p>	<p>Foam Letters Not To Exceed 18" Tall</p> <p><b>TENANT NAME</b></p>	<p><b>24" Max Overall Height</b></p>
--	--	--------------------------------------



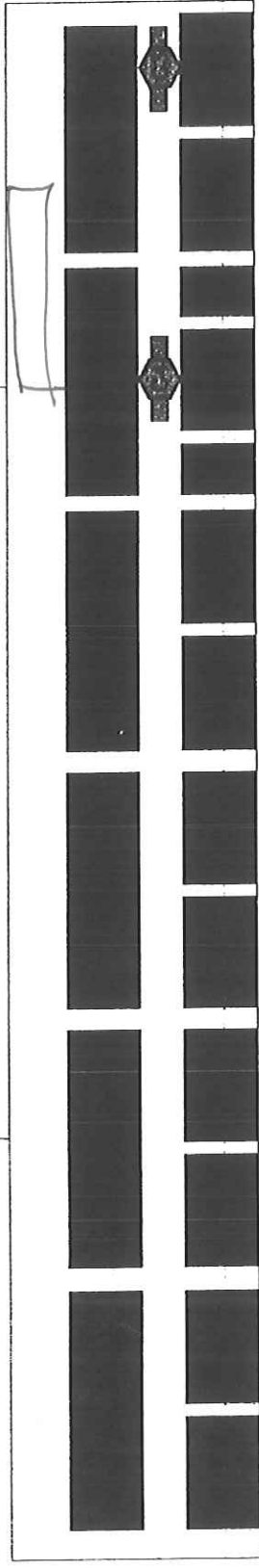
\*Note: Sign and/or Logo shall not exceed size limitations in either direction. Whatever size limitation is first encountered will dictate the size of the sign.

**SIGN TYPE 2-C Elevations Eyebrow Signage** 6 Potential Locations

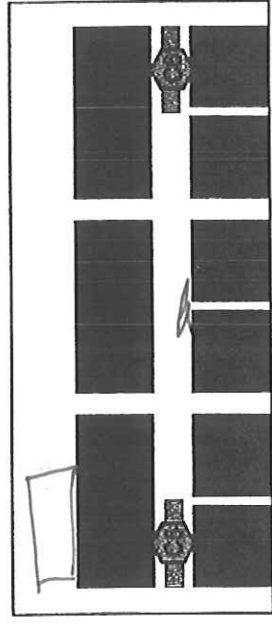
 - Eyebrow Signs - Locations Marked as Turquoise Box:



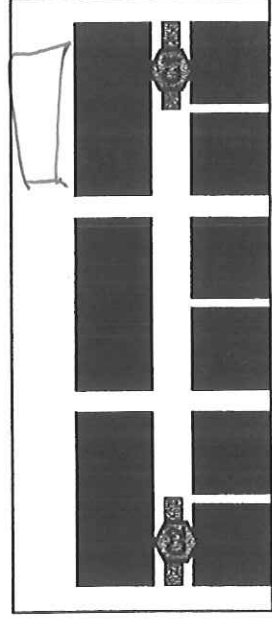
4000 Bldg - West Elevation



3990 Bldg - East Elevation



4000 Bldg - North Elevation



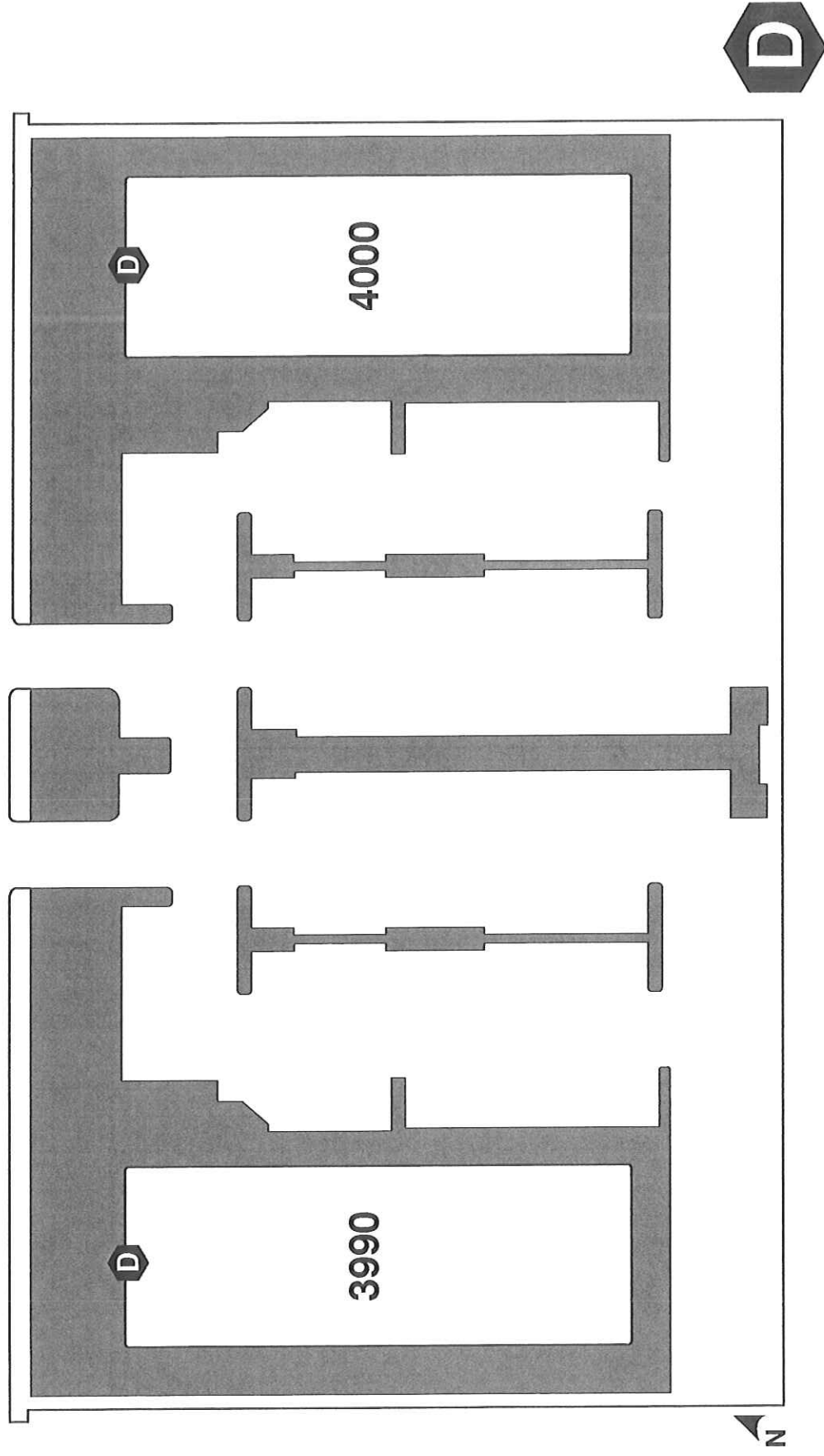
3990 Bldg - North Elevation



**PLOT PLAN - SIGN TYPE 2-D (Address Numbers - Large)**

**D** Address Numbers - Large (move from exiting location to new location as shown).

WESTERLY PLACE





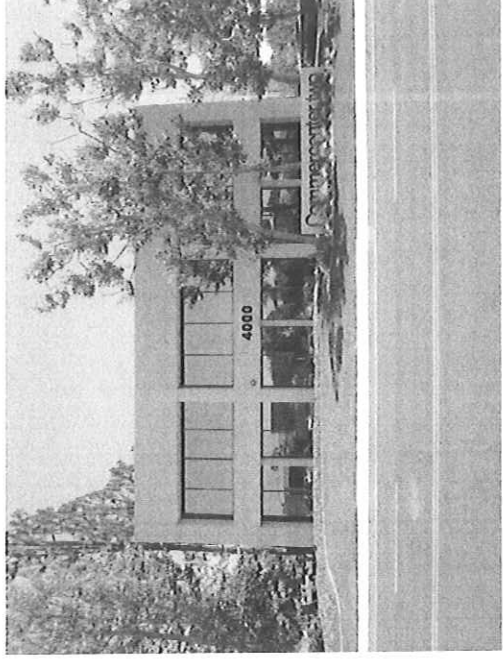
SIGN TYPE 2-D Elevations (Address Numbers - Large)

**D** Address Numbers - Large - 2 Locations (Existing)

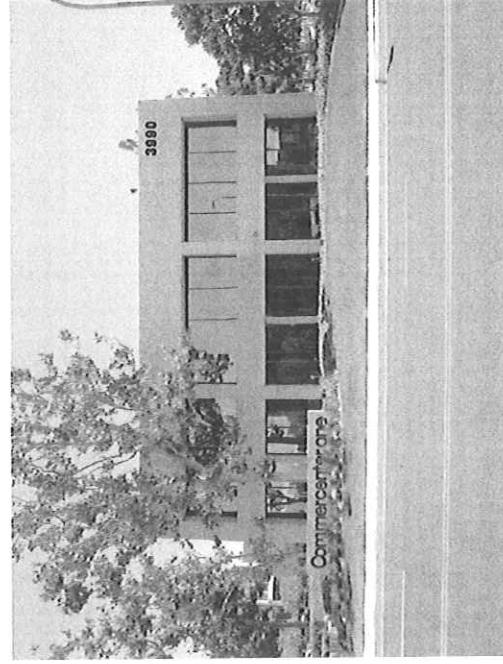
Remove existing address numbers and relocate as shown below:



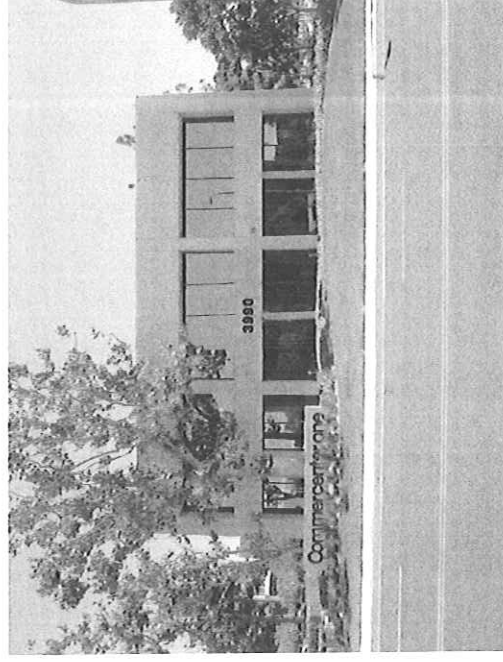
4000 Existing Address Location



4000 New Address Location



3990 Existing Address Location



3990 New Address Location





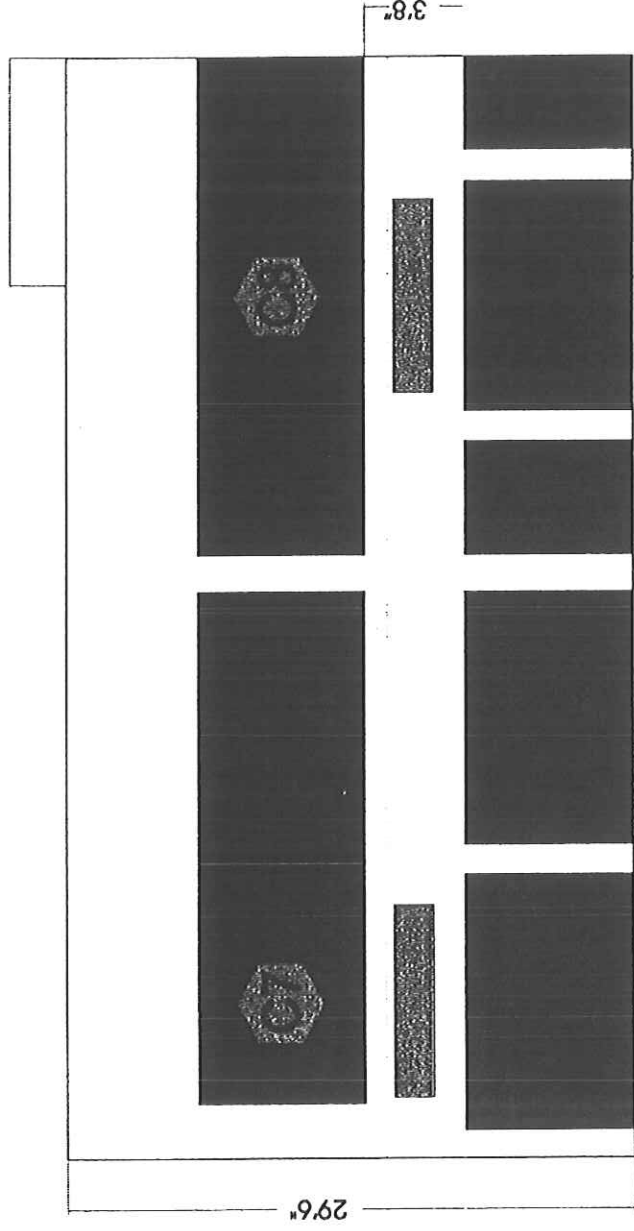
**SIGN TYPE 2-C Elevations Eyebrow Signage 6 Potential Locations**

---

**Installation Parameters for Proposed Eyebrow Signs**

- Proposed Locations Marked as Turquoise Box: 

Signs C7 & C8 installation locations:  
Centered vertically between bottom windows & top windows.  
Centered horizontally above Bottom section of windows.



4000 Bldg - West Elevation

**SIGN TYPE 2-C Elevations Eyebrow Signage**    6 Potential Locations

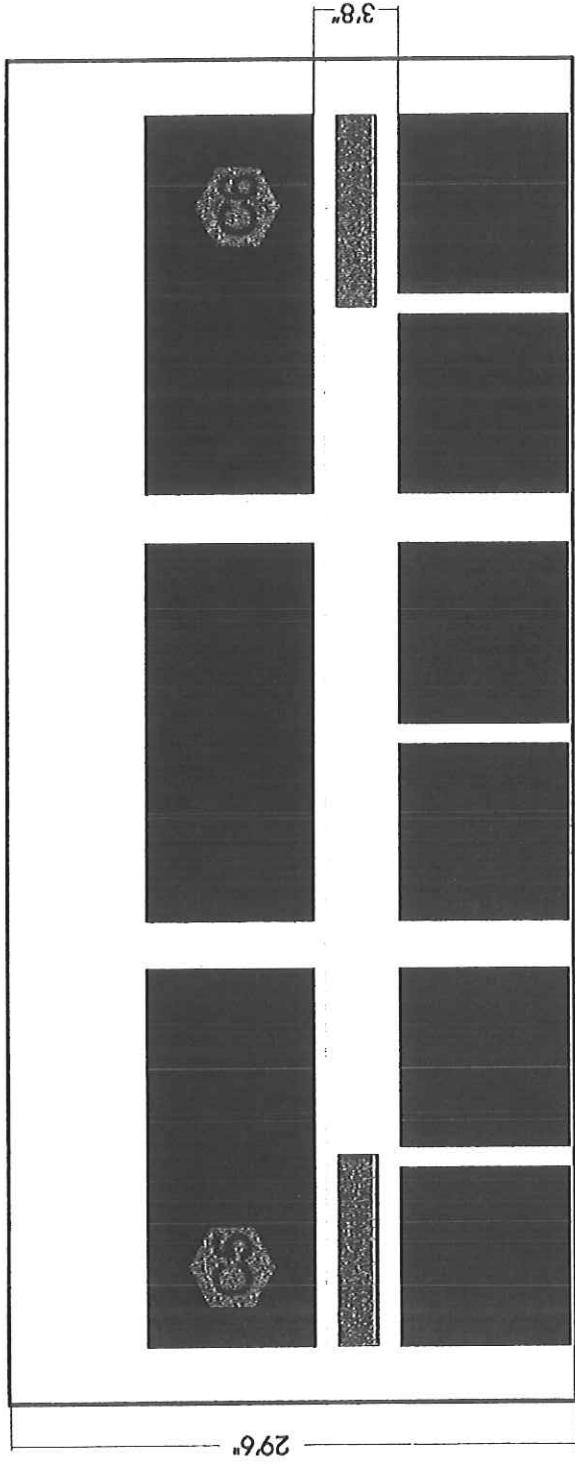
---

**Installation Parameters for Proposed Eyebrow Signs**

- Proposed Locations Marked as Turquoise Box:

Signs C5 installation locations:  
Centered vertically between  
bottom windows & top windows.  
Mounted Flush Left with Bottom  
section of windows.

Signs C6 installation locations:  
Centered vertically between  
bottom windows & top windows.  
Mounted Flush Right with Bottom  
section of windows.

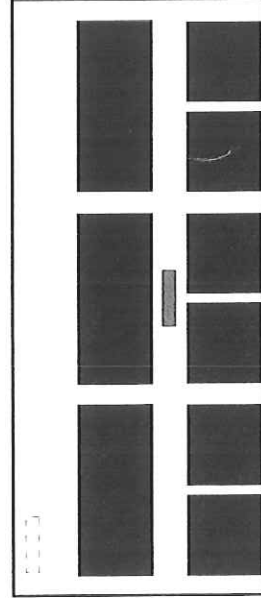


4000 Bldg - North Elevation

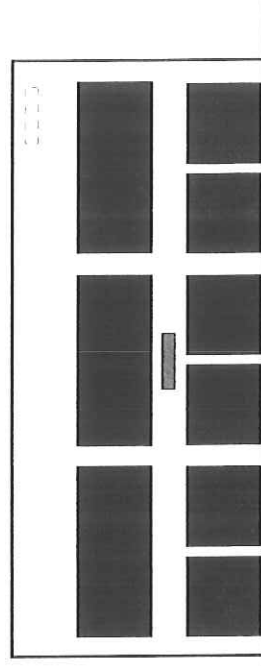
SIGN TYPE 2-D Elevations (Address Numbers - Large)

 Address Numbers - Large

 = Existing Location  
 = New Location



4000 Building - North Elevation



3990 Building - North Elevation

**SIGN TYPE 2-C Elevations Eyebrow Signage** 6 Potential Locations

---

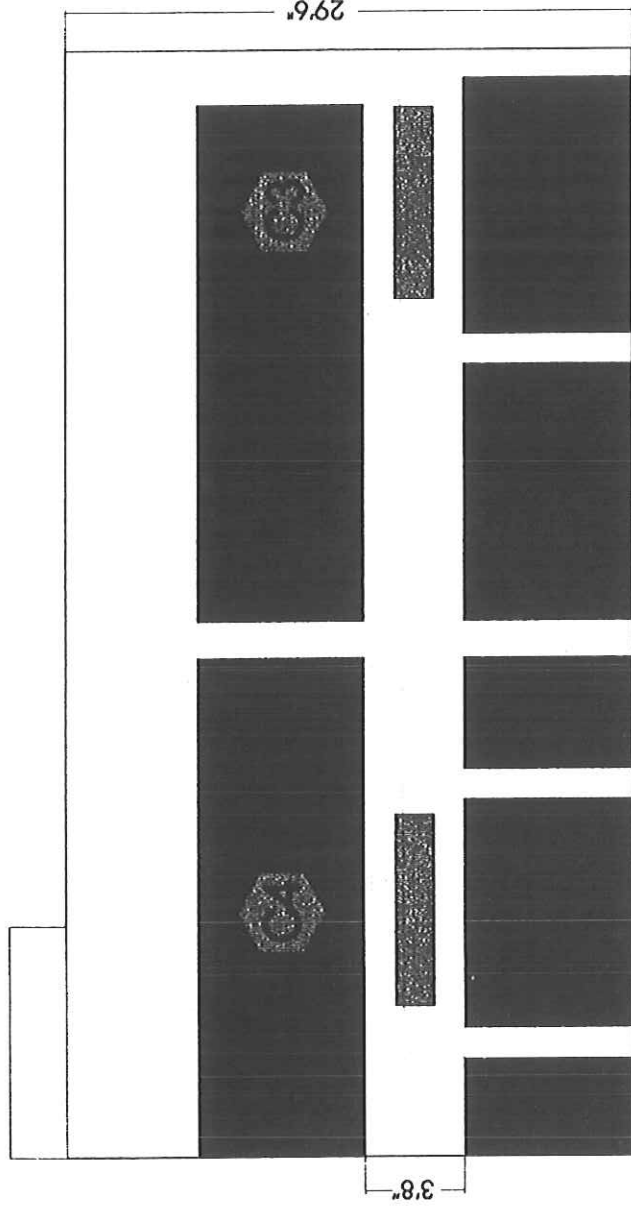
**Installation Parameters for Proposed Eyebrow Signs**

- Proposed Locations Marked as Turquoise Box: 

Signs C3 & C4 installation locations:

Centered vertically between bottom windows & top windows.

Centered horizontally above Bottom section of windows.



3990 Bldg - East Elevation

**SIGN TYPE 2-C Elevations Eyebrow Signage**    6 Potential Locations

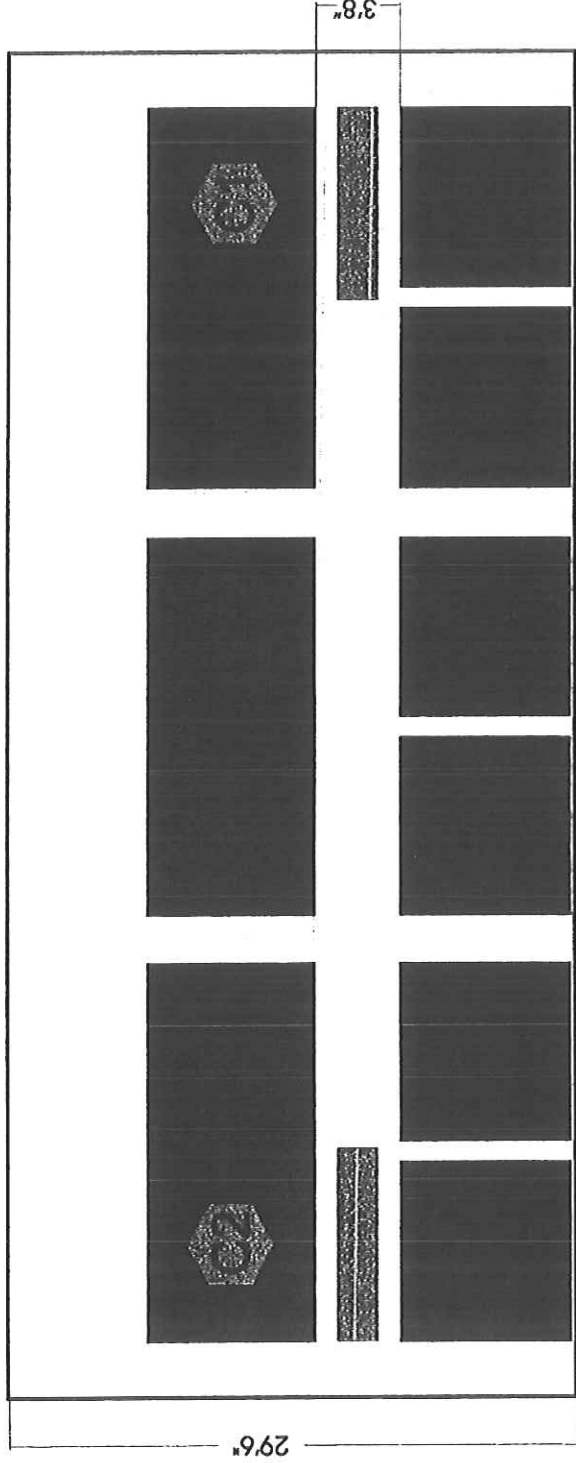
---

**Installation Parameters for Proposed Eyebrow Signs**

- Proposed Locations Marked as Turquoise Box:

Signs C5 installation locations:  
 Centered vertically between  
 bottom windows & top windows.  
 Mounted Flush Left with Bottom  
 section of windows.

Signs C6 installation locations:  
 Centered vertically between  
 bottom windows & top windows.  
 Mounted Flush Right with Bottom  
 section of windows.



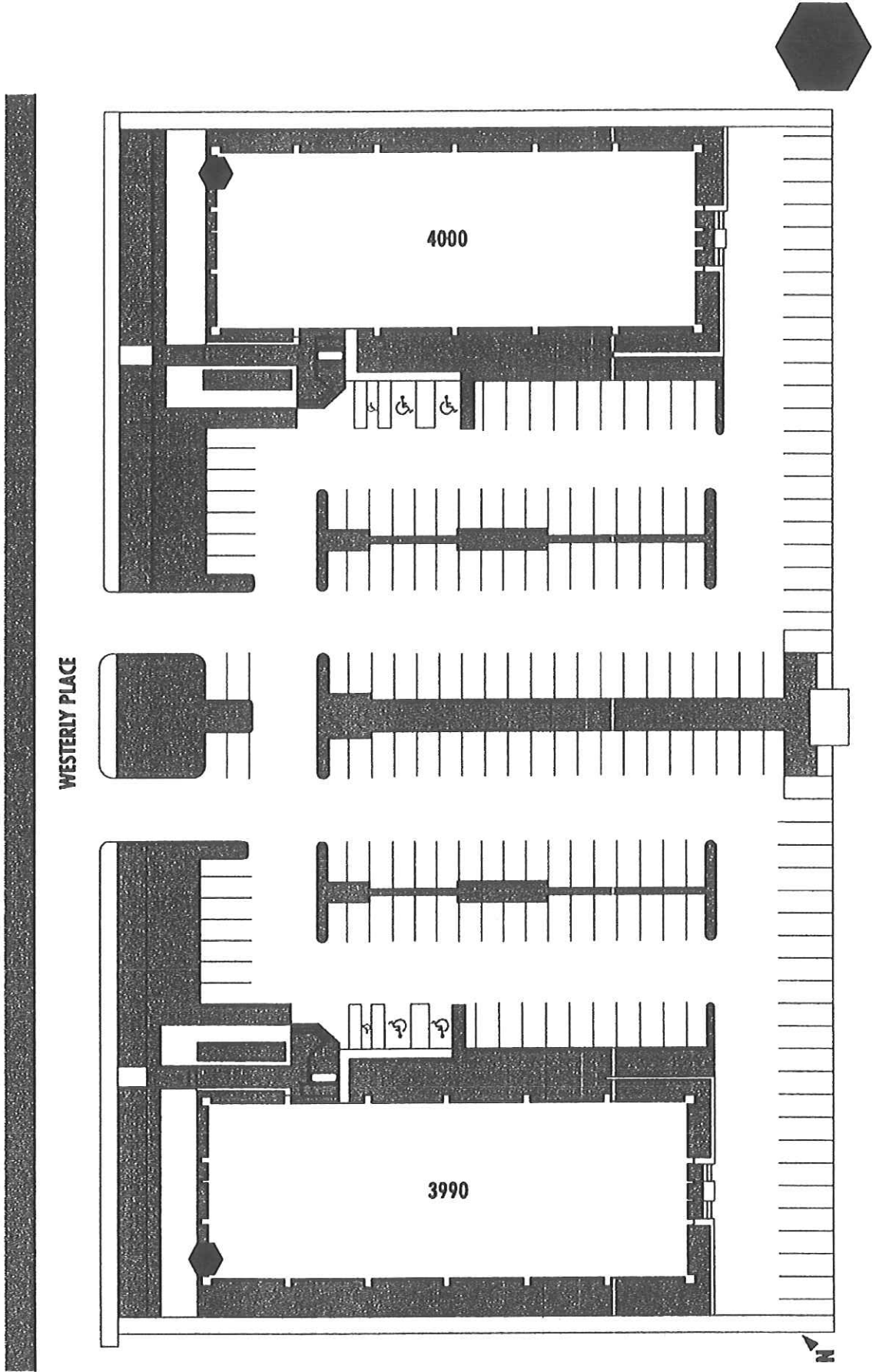
3990 Bldg - North Elevation



City of  
**Newport Beach**

**PLOT PLAN - SIGN TYPE 2-D (Address Numbers-Large)**

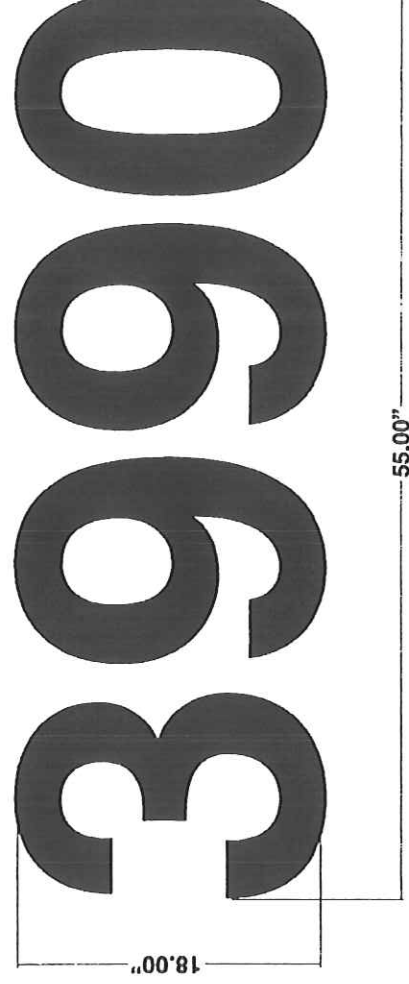
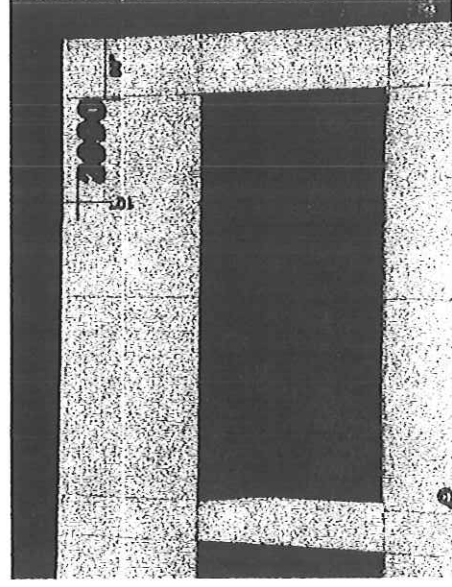
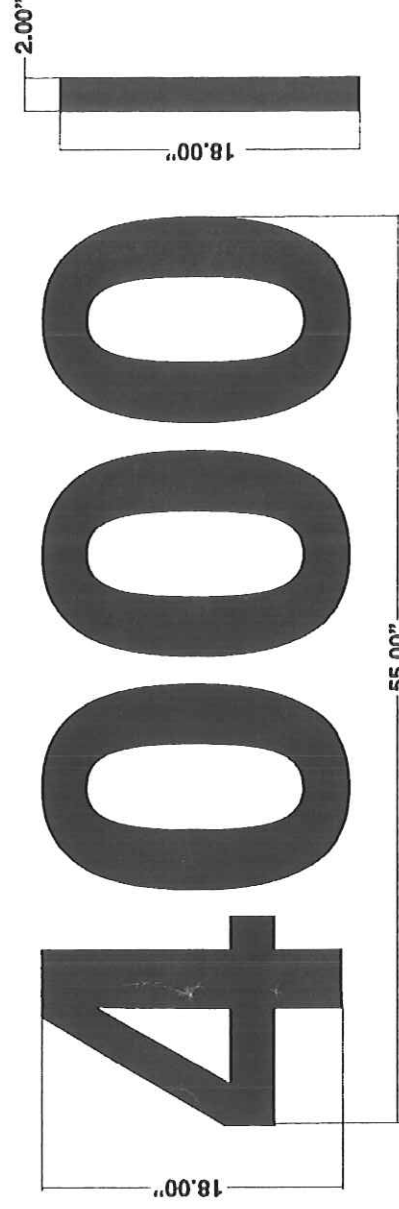
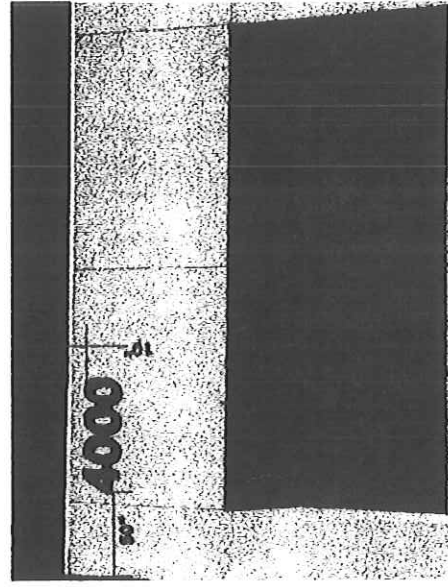
◆ - Address Numbers-Large 2 Locations (Existing)



**SIGN TYPE 2-D (Building Signage)**

◆ - Address Numbers-Large - 2 Locations (Existing)

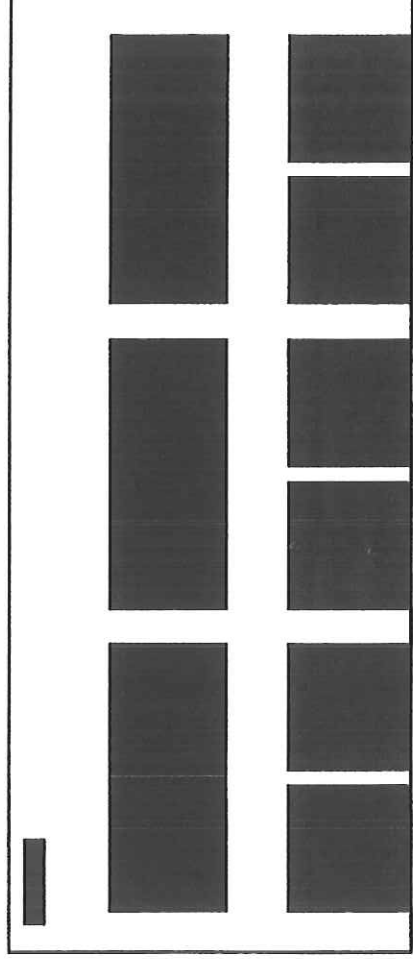
1. Buildings will have 2" thick sealed cell foam numbers with black faces & edges (returns). Addresses will face Westerly (shown on page 17 - North elevations of buildings 4000 & 3990). See elevations on page 17 for locations.
2. Numbers will be 18" tall & mounted directly to building fascia using silicone rubber cement aggressive double sided tape.



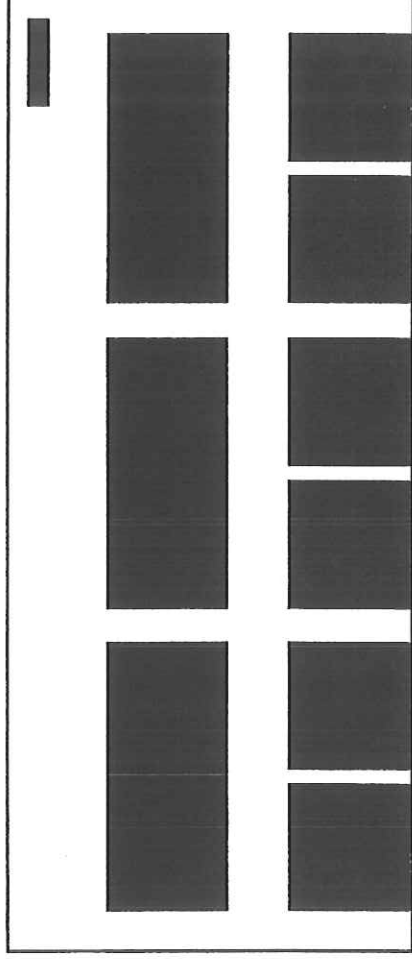
**SIGN TYPE 2-D Elevations (Address Numbers-Large) Existing**

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◆ - Address Numbers-Large Locations Marked as Red Box: ■



4000 Bldg - North Elevation



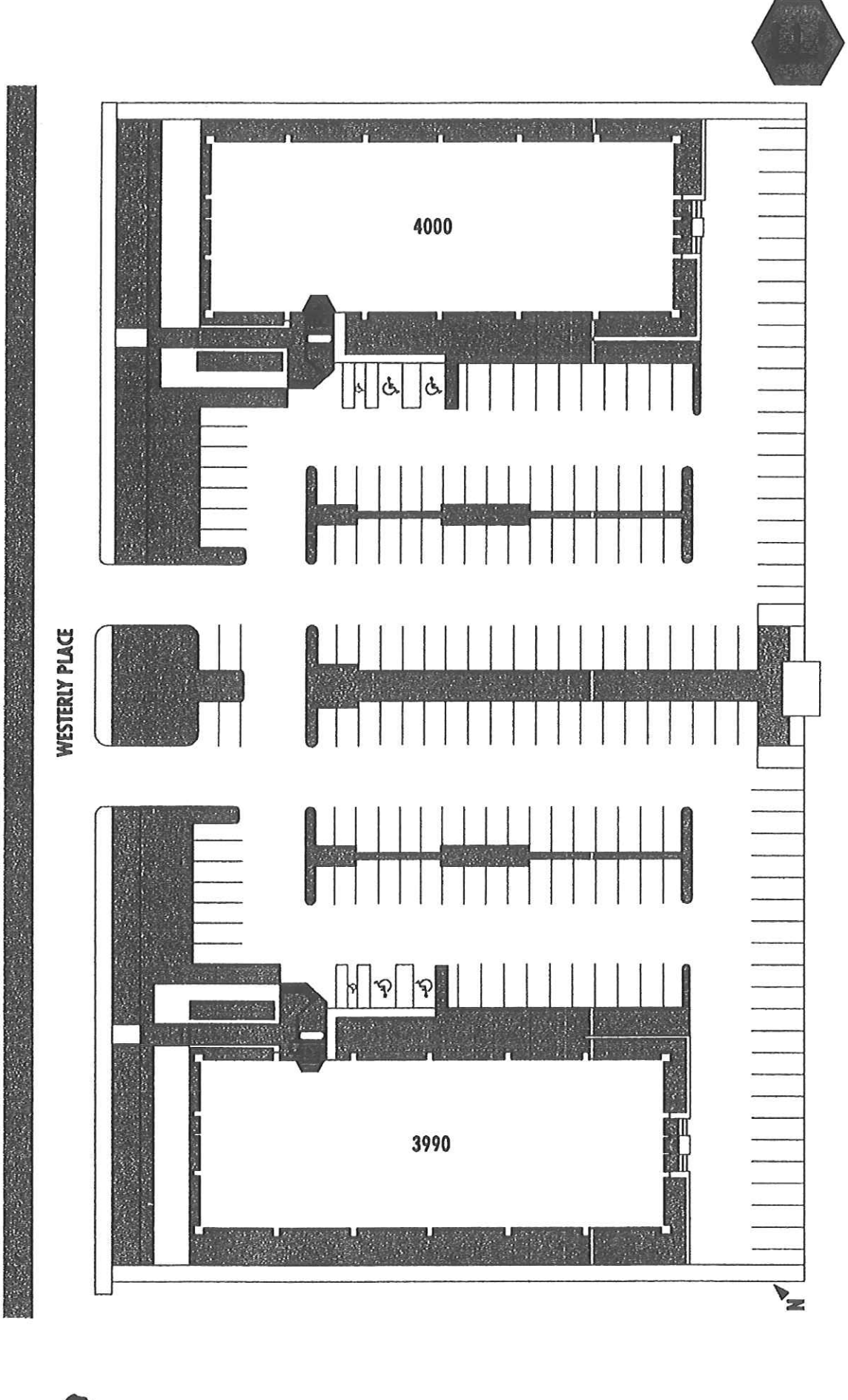
3990 Bldg - North Elevation



City of  
**Newport Beach**

**PLOT PLAN - SIGN TYPE 2-E (Address Numbers-Small)**

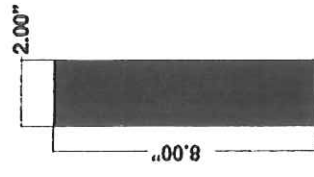
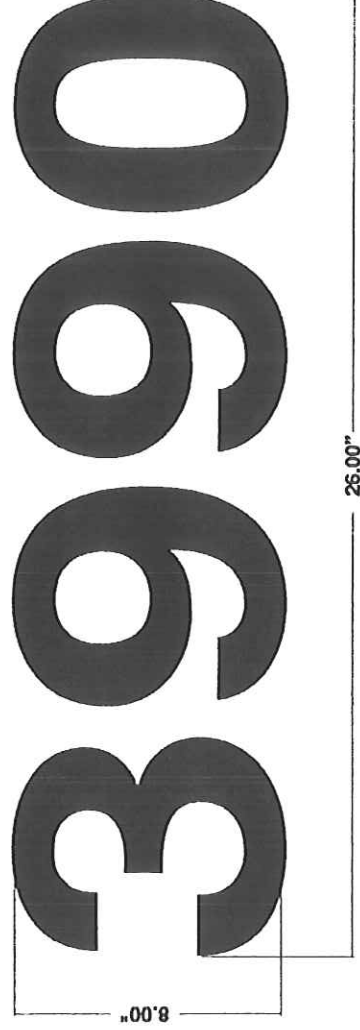
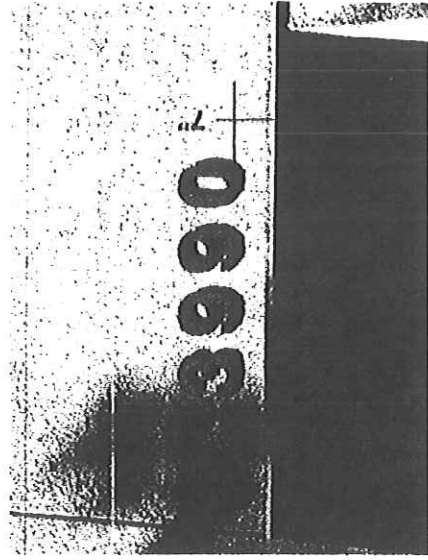
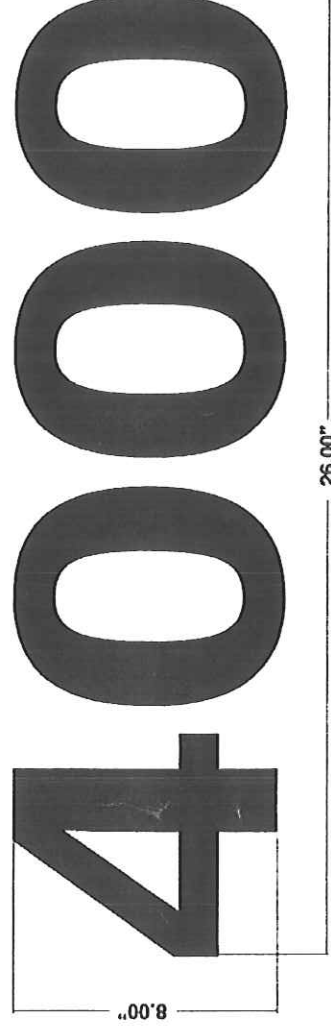
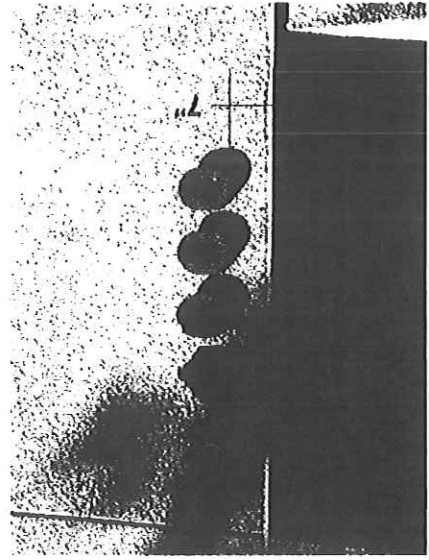
◆ - Address Numbers-Small 2 Locations (Existing)



**SIGN TYPE 2-E (Address Numbers-Small)**

◆ - Address Numbers-Small    2 Locations (Existing)

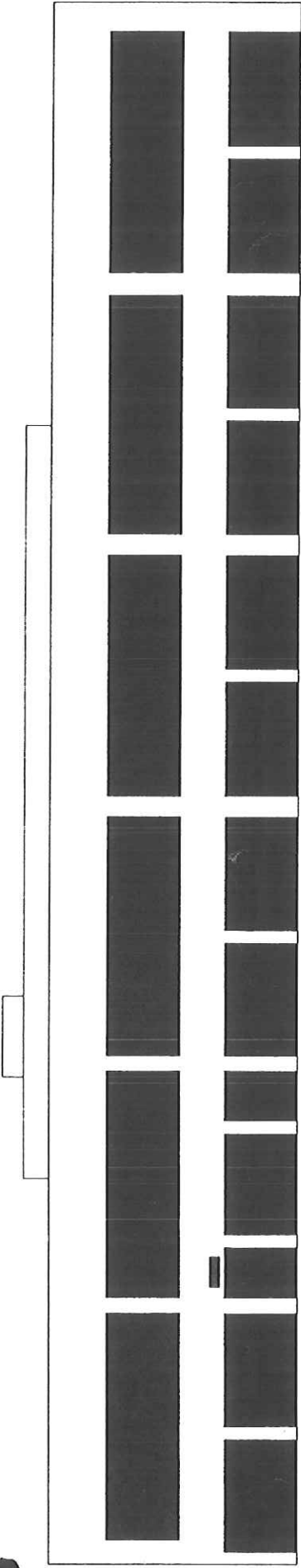
1. Buildings will have 2" thick sealed cell foam numbers with black faces & edges (returns). Addresses will be placed above main entrances to each building (shown on page 19 - East elevation of building 3990 & West elevation of building 4000). See elevations on page 20 for locations.
2. Numbers will be 8" tall & mounted directly to building fascia using silicone rubber cement aggressive double sided tape.



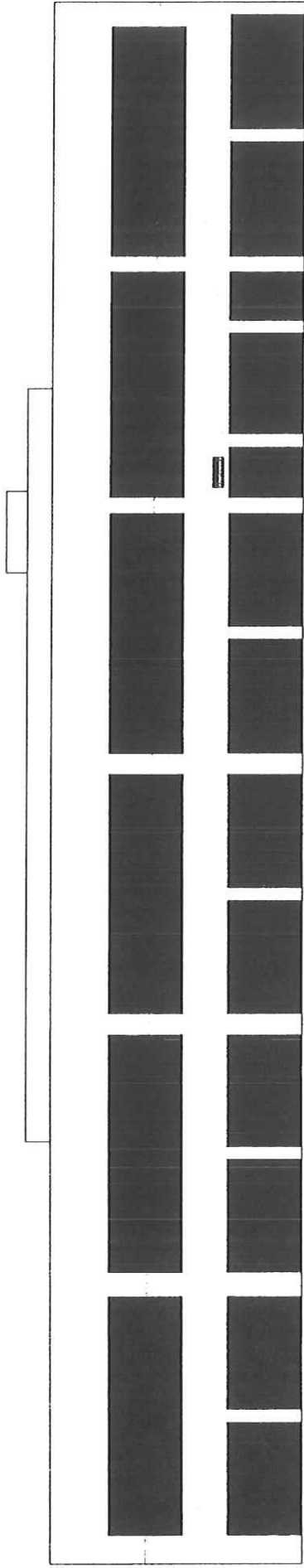


**SIGN TYPE 2-E Elevations (Address Numbers-Small)**

◆ - Address Numbers-Small    Locations Marked as Orange Box: ■



4000 Bldg - West Elevation



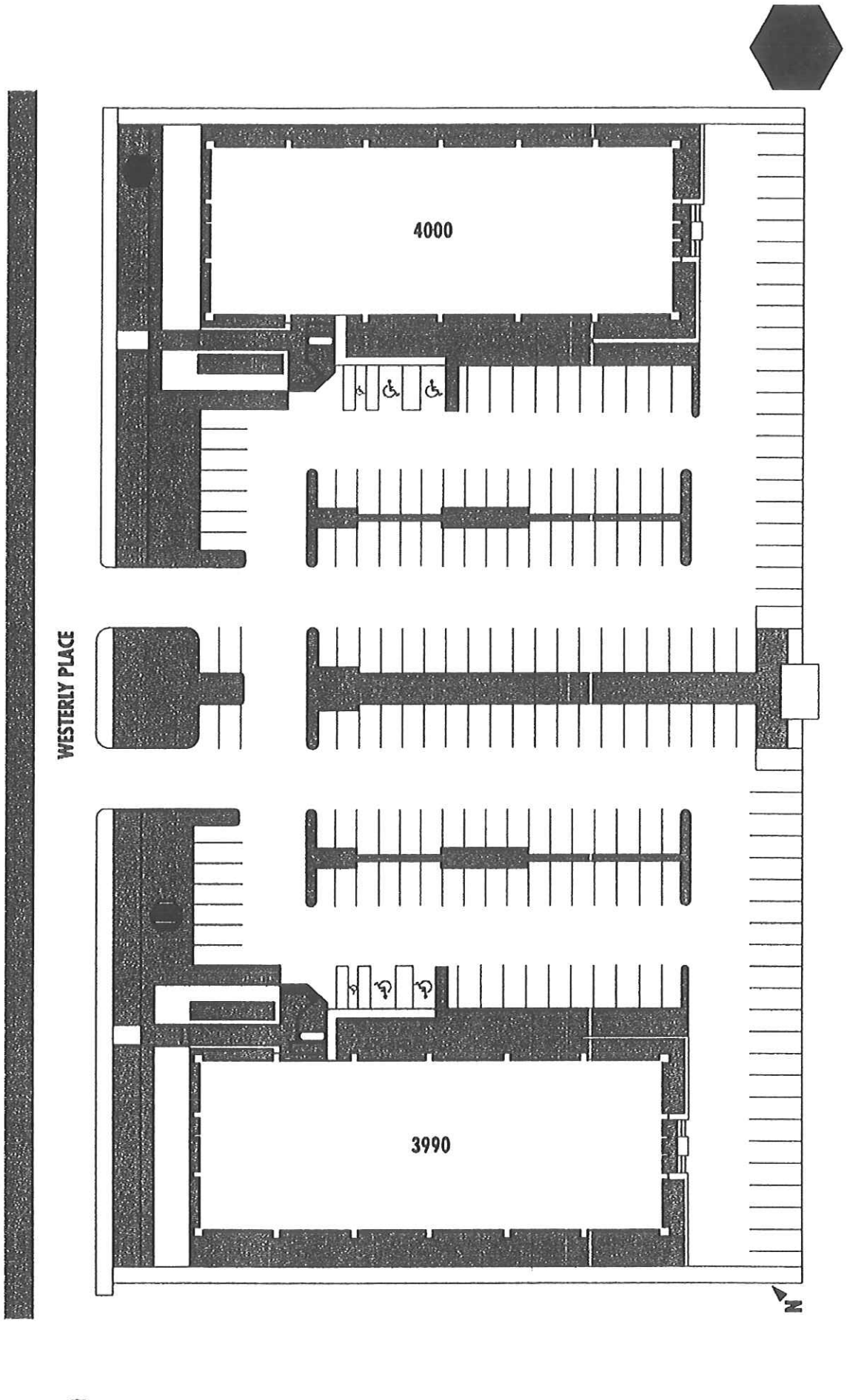
3990 Bldg - East Elevation



City of  
**Newport Beach**

**PLOT PLAN - SIGN TYPE 3-F (Standard Leasing Signs)**

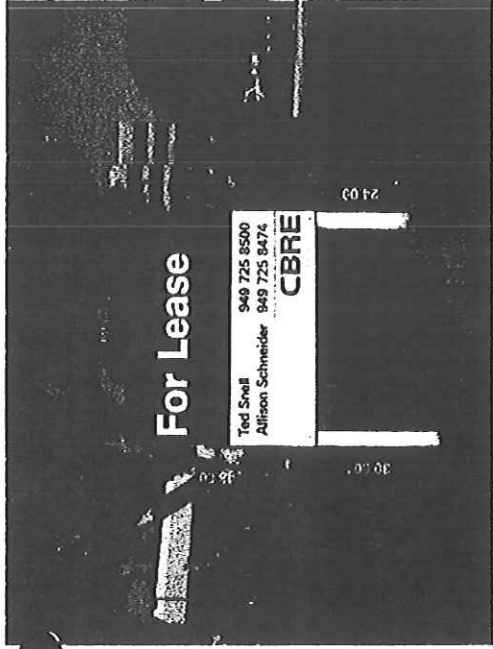
◆ - Standard Leasing Signs 2 Locations (Existing)



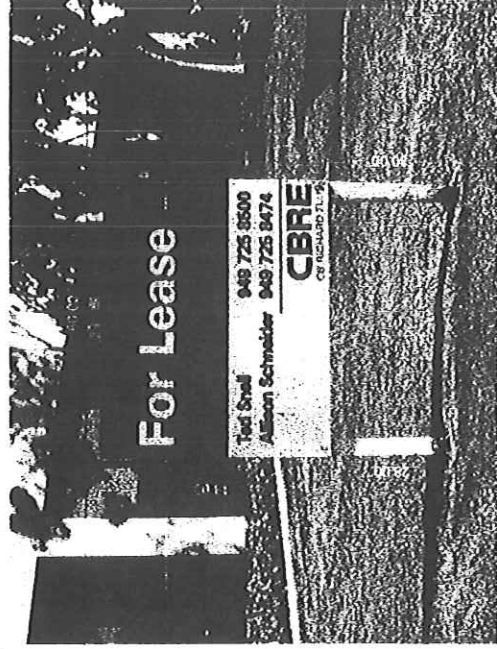
**SIGN TYPE 3-F (Standard Leasing Signs)**

◆ - Standard Leasing Signs 2 Locations (Existing)

3990 Bldg. Location



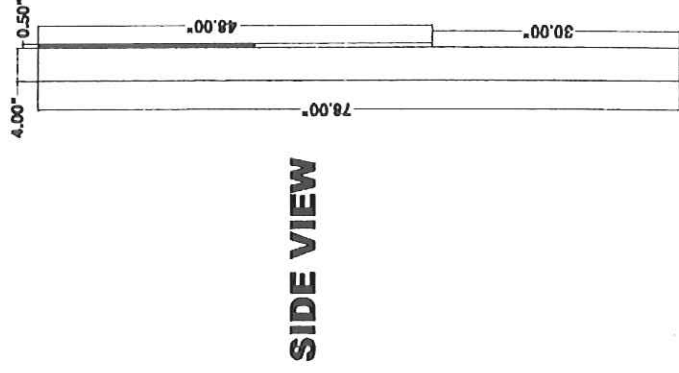
4000 Bldg. Location



1. Buildings will have 1/2" thick MDO plywood leasing signs as shown mounted on 4'x4" posts. Overall size of leasing sign is 4' tall by 5' wide with graphics as shown.

2. Leasing signs are single sided. Signs are installed in front of each building at a slight angle towards oncoming traffic.

3. Signs are installed in front of each building respectively. See page 23 for setback information.



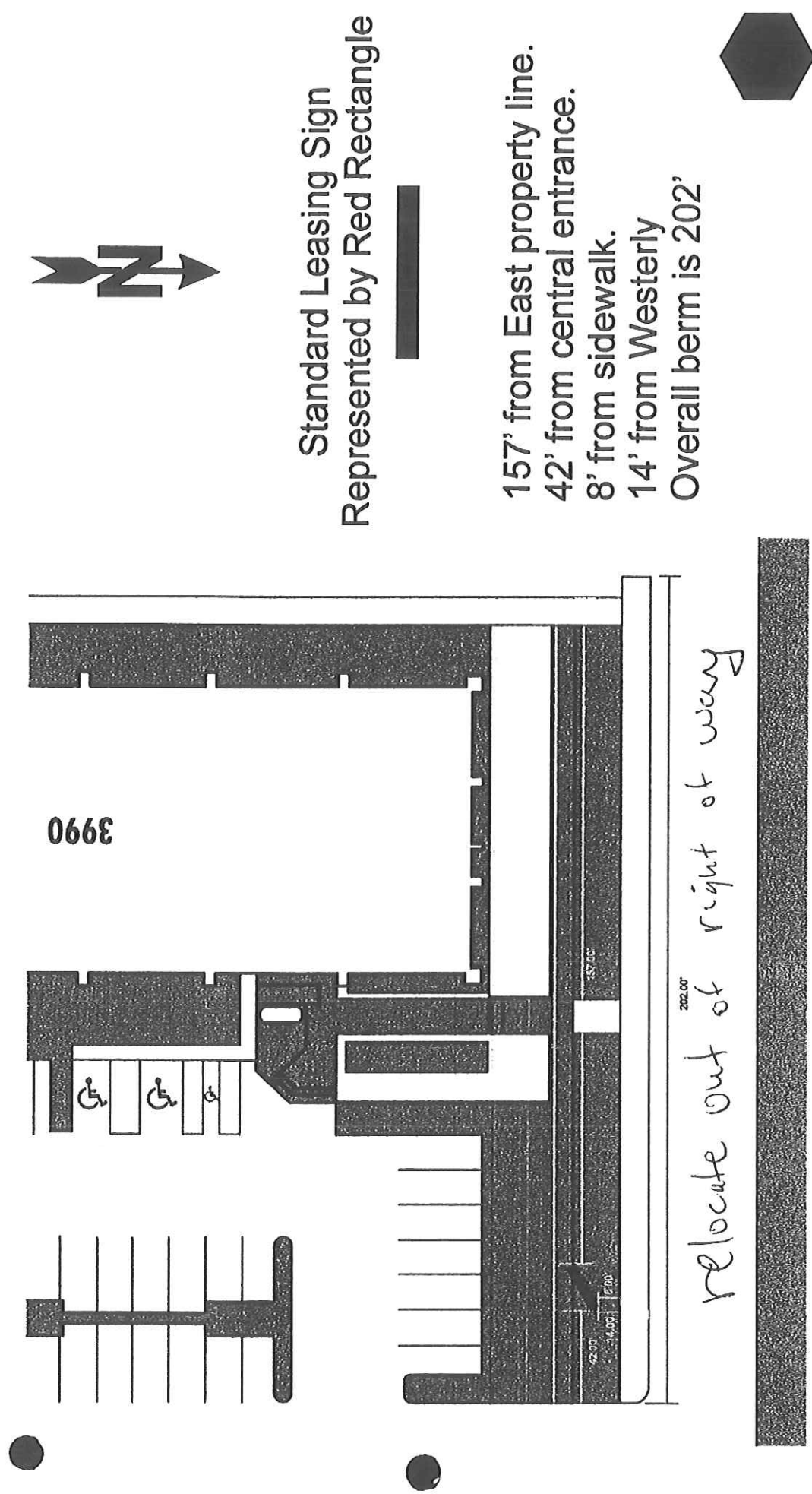
*Handwritten note:*  
~~to within right-of-way~~  
 No signs permitted within truck ROW.



City of **Newport Beach** 31

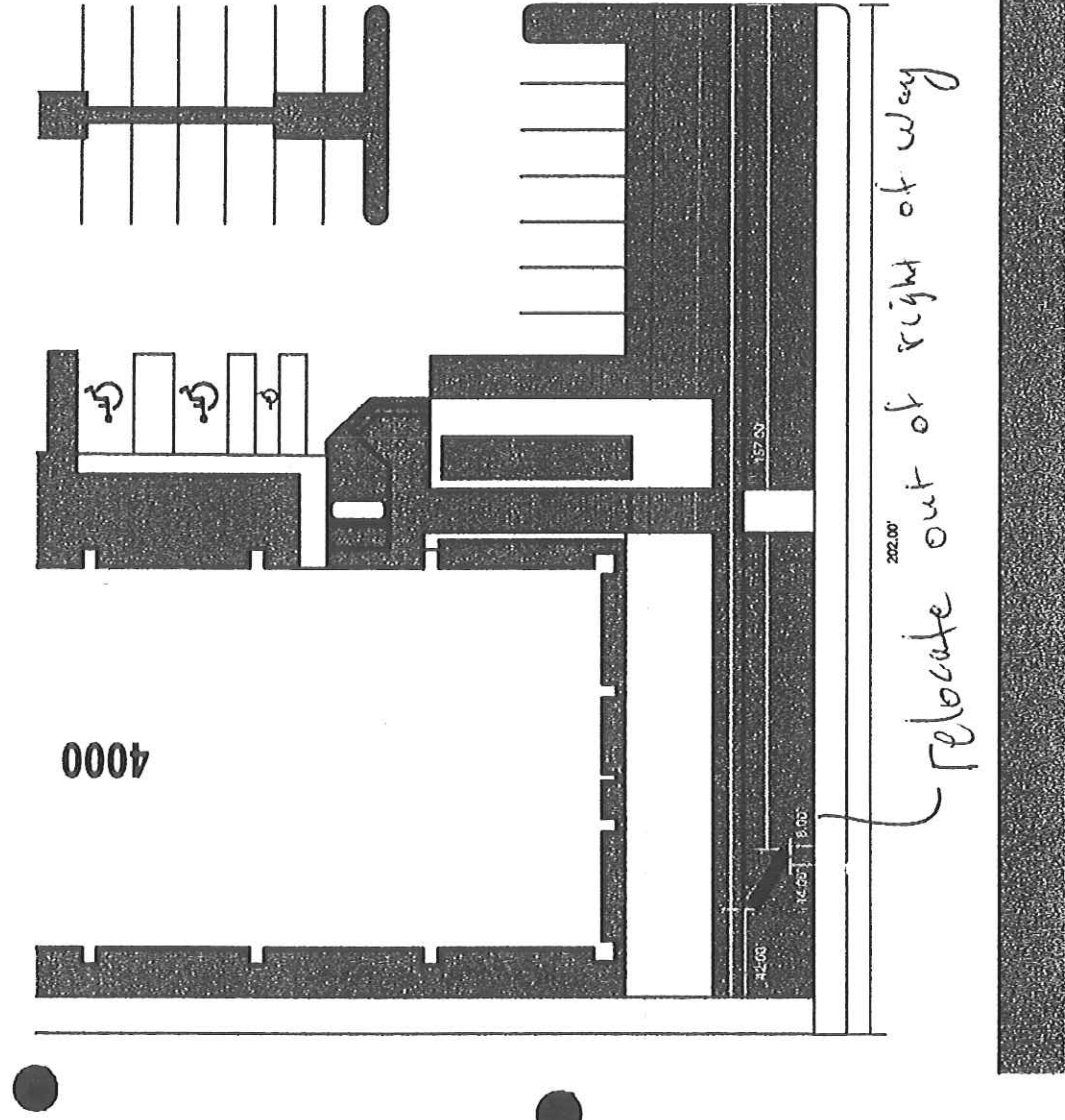
**SIGN TYPE 3-F** (Standard Leasing Signs)

Setback Information - 3990 Westerly



**SIGN TYPE 3-F (Standard Leasing Signs)**

**Setback Information - 4000 Westerly**



Standard Leasing Sign  
Represented by Red Rectangle



42' from West property line.  
157' from central entrance.  
8' from sidewalk.  
14' from Westerly  
Overall berm is 202'

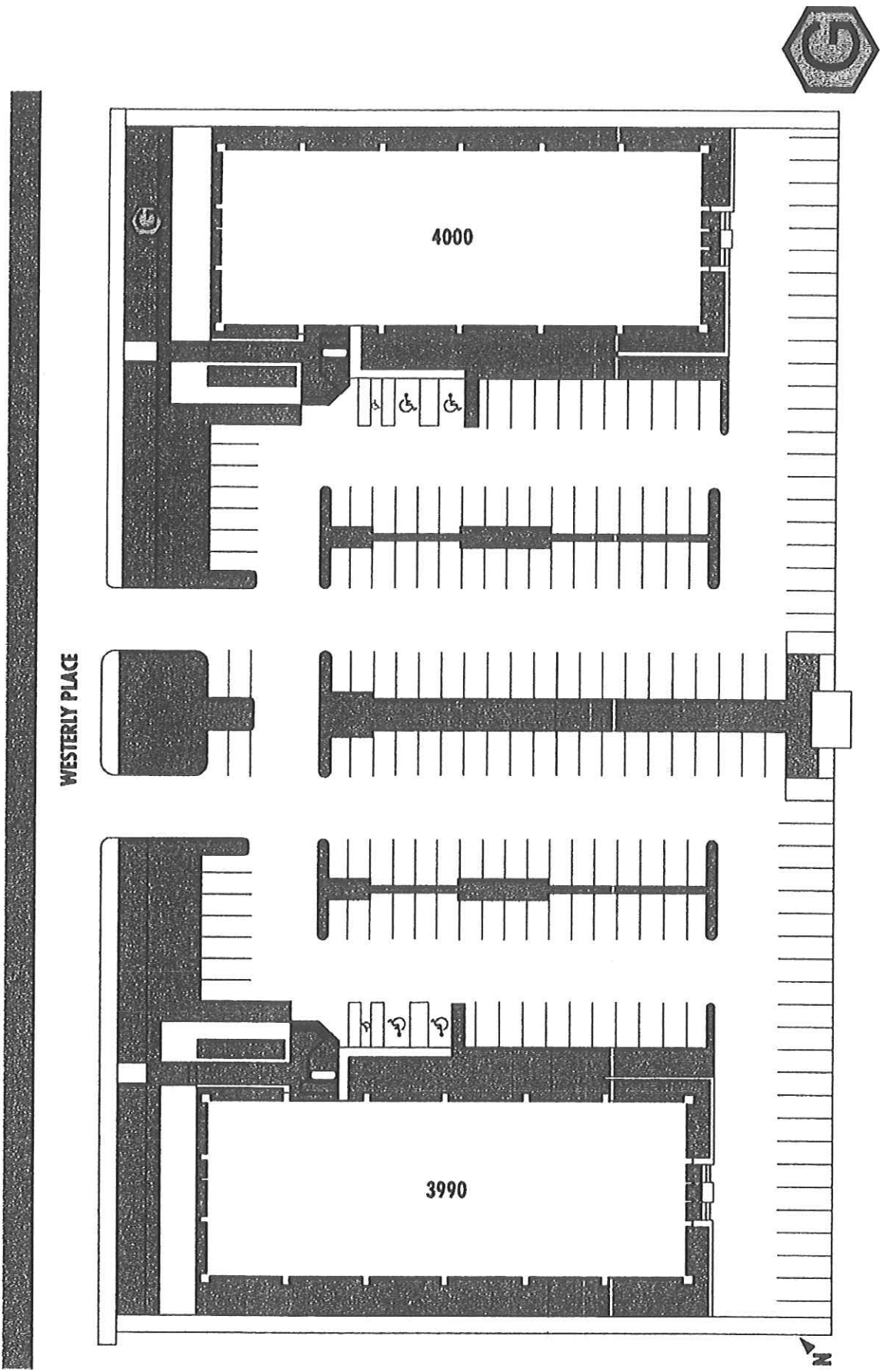




# City of Newport Beach

## PLOT PLAN - SIGN TYPE 3-G (Building Specific Leasing Signs)

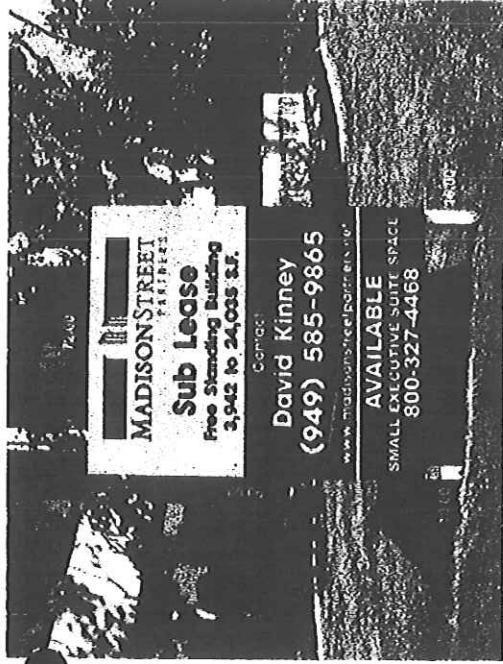
 - Building Specific Leasing Signs (Existing)



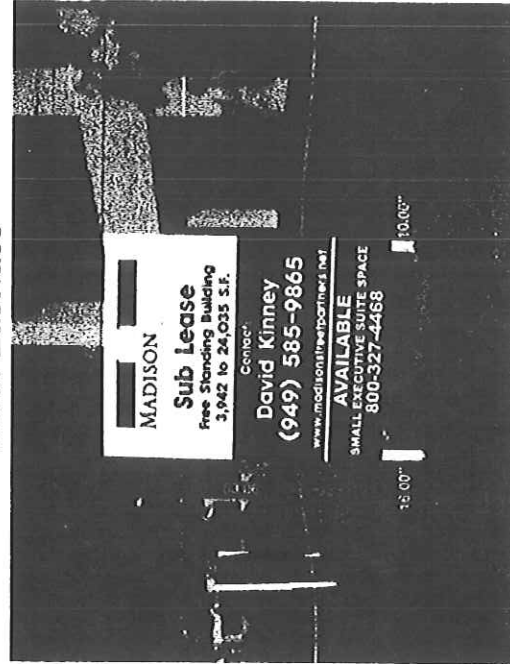
**SIGN TYPE 3-G (Building Specific Leasing Signs)**

- Building Specific Leasing Signs (Existing)

North-West face



North-East face

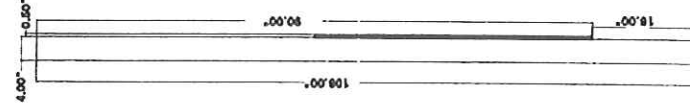


**1.** Leasing Sign has two (2) 1/2" thick MDO plywood faces as shown mounted on three 4"x4" posts. Overall size of leasing sign faces are 90" tall by 6' wide with graphics as shown.

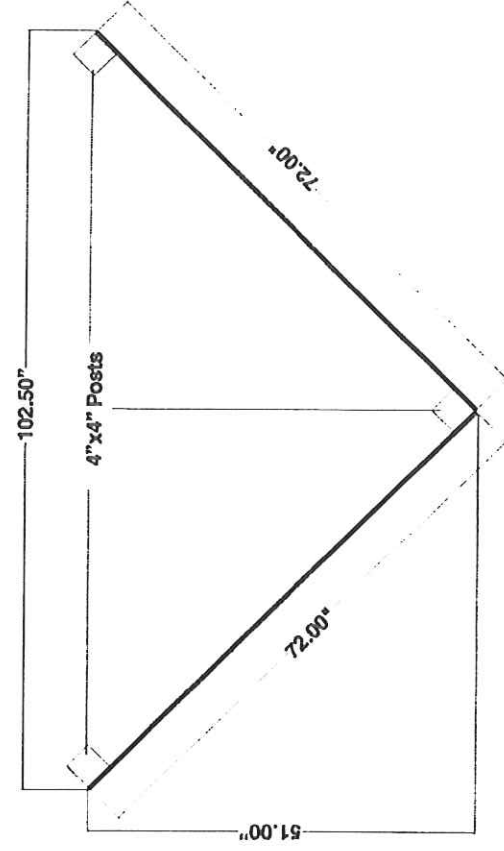
**2.** Leasing signs is "V" shaped. Sign is installed in front of 4000 building with connecting point of 2 faces pointed at Westerly Place.

**3.** See page 28 for setback information.

**SIDE VIEW**



**TOP VIEW**



**Westerly Place**

