

## 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 and/or Planning Division staff for

the week ending January 11, 2013

## ZONING ADMINISTRATOR ACTIONS JANUARY 10, 2013

Item 1: Hershey's Market Minor Use Permit No. UP2012-020 (PA2012-125)

200 Marine Avenue

Action: Approved by Resolution No. ZA2013-001 Council District 5

Item 2: Island Cinema Minor Use Permit - Amendment 1 to UP2011-029 (PA2012-144)

999 Newport Center Drive

Action: Approved by Resolution No. ZA2013-002 Council District 5

Item 3: Ink Yard Tattoo Studio Minor Use Permit No. UP2012-028 (PA2012-159)

2233 W. Balboa Blvd., Suite 106

Action: Approved by Resolution No. ZA2013-003 Council District 1

## COMMUNITY DEVELOPMENT DIRECTOR OR PLANNING DIVISION STAFF ACTIONS

Item 4: Core Development Services on behalf of Sprint PCS/Alcatel Lucent -

Telecommunications Permit No. TP2012-009 (PA2012-106)

309 Palm Street

Action: Approved Council District 1

Item 5: Core Development Services on behalf of Sprint PCS/Alcatel-Lucent –

Telecommunications Permit No. TP2012-013 (PA2012-128)

3140 (CS) East Coast Highway

Action: Approved Council District 6

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.

#### **RESOLUTION NO. ZA2013-001**

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MINOR USE PERMIT NO. UP2012-020 FOR ACCESSORY FOOD SERVICE WITHIN AN EXISTING GROCERY STORE LOCATED AT 200 MARINE AVENUE (PA2012-125)

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

#### SECTION 1. STATEMENT OF FACTS.

- 1. An application was filed by BB&C LLC., DBA Hershey's Market, with respect to property located at 200 Marine Avenue, and legally described as Lots 1 and 2, Block 11, Balboa Island Section 4, requesting approval of a Minor Use Permit.
- 2. The applicant proposes accessory food service use within the existing grocery store and delicatessen, which will include six (6) tables and 12 chairs.
- 3. The subject property is located within the Mixed-Use Water Related (MU-W2) Zoning District and the General Plan Land Use Element category is Mixed-Use Water Related (MU-W2).
- 4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Mixed-Use Water Related (MU-W).
- 5. A public hearing was held on January 10, 2013, 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 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 ("CEQA") under Class 1 (Existing Facilities).
- Class 1 exempts minor alterations to existing facilities involving negligible expansion of use. The addition of tables for an accessory food service use is a negligible expansion of the existing retail grocery store use.

#### SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.020 of the Newport Beach Municipal Code, the following findings and facts in support of such findings 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 project site is designated as Mixed-Use Water Related (MU-W2) by the Land Use Element of the General Plan, which is intended to provide for commercial development near the bay while integrating residential development on the upper floors. The existing grocery store and delicatessen use and the proposed accessory food service use are consistent with the MU-W2 designation.
- Retail sales and eating and drinking establishment uses are prevalent in the vicinity along Marine Avenue and are frequented by both visitors and residents. The establishment is compatible with the land uses allowed within the surrounding neighborhood.
- 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:

- 1. Pursuant to Section 20.70.020 (Definitions of Specialized Terms and Phrases), a grocery store is classified as a retail sales land use. An accessory food service use is a typical use within grocery stores and does not change the principal use.
- 2. The subject property is located in the MU-W2 Zoning District. A retail sales use is allowed by right within the MU-W2 Zoning District pursuant to Section 20.22.020 (Mixed-Use Zoning Districts Land Uses and Permit Requirements) of the Zoning Code. Subject to the approval of a Minor Use Permit by the Zoning Administrator, the accessory use is allowed within the MU-W2 Zoning District.
- 3. Pursuant to Zoning Code Section 20.40.040 (Off-Street Parking Spaces Required), retail sales uses require one parking space per 250 square feet of gross floor area. The parking is nonconforming as the site does not provide any off-street parking; however, the addition of an accessory use does not change or increase the parking requirement.

#### 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. The proposed project is located within a nonresidential zoning district with residential uses nearby. The operational characteristics are that of retail sales establishment, and not of a restaurant, bar, or nightclub.
- 2. The gross floor area of the building is approximately 4,300 square feet. The proposed seating area is approximately 120 square feet in area.
- 3. The hours of operation are from 7:30 a.m. to 8:00 p.m. daily.
- 4. On-sale alcoholic beverage service is not proposed. The approval includes conditions prohibiting dancing or live entertainment on the premise.
- 5. The surrounding area along Marine Avenue contains various commercial uses including restaurants and retail sales. The proposed establishment is compatible with the existing and allowed 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:

- 1. The subject lot is 60 feet by 75 feet (4,500 square feet in area) and is developed with an approximately 4,300-square-foot building.
- 2. The subject lot is located at the intersection of two public streets and also has alley access. The existing building has functioned effectively with the current configuration.

#### Finding:

E. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

#### Facts in Support of Finding:

- 1. The restrictions on seating area and number of chairs will prevent adverse traffic impacts for the surrounding residential and commercial uses. Patrons who are nearby residents or visitors to the area will likely walk or ride a bicycle to the subject site.
- 2. The hours of operation are from 7:30 a.m. to 8:00 p.m., daily, which will eliminate any late-night noise impacts on the neighboring residential uses.

3. The proposed accessory food service use will provide an economic opportunity for the property owner and provide additional services for the residents and visitors in the surrounding area who patronize the grocery store.

SECTION 4. DECISION.

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

- 1. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. UP2012-020, 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 Director of Community Development in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 10<sup>TH</sup> DAY OF JANUARY, 2013.

BY:

Brenda Wisneski, AICP, Zoning Administrator

#### **EXHIBIT "A"**

#### CONDITIONS OF APPROVAL

- 1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval, except as modified by applicable conditions of approval.
- 2. The hours of operation shall be limited to 7:30 a.m. to 8:00 p.m., daily.
- 3. The seating area shall be limited to 200 square feet in area.
- 4. DELETED.
- 5. Approval is required from the Orange County Health Department.
- 6. The project shall comply with accessibility requirements as required by the Building Division.
- 7. The project may necessitate additional plumbing fixtures as required by the Building Division.
- 8. The addition of the tables and chairs shall be reviewed and approved by the Fire Department and the door and exiting requirements may change based on the occupant load.
- 9. Dancing and live entertainment are prohibited unless an amendment to this Minor Use Permit is first approved.
- 10. 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.
- 11. Any change in operational characteristics, expansion in area, or other modification to the approved plans, may require an amendment to this Minor Use Permit or the processing of a new Minor Use Permit.
- 12. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
- 13. No outside paging system shall be utilized in conjunction with this establishment.
- 14. Trash receptacles for patrons shall be conveniently located inside the establishment.

- 15. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
- 16. The applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).
- 17. Storage outside of the building in the front or at the rear of the property shall be prohibited, with the exception of the required trash container enclosure.
- 18. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m., daily, unless otherwise approved by the Community Development Director, and may require an amendment to this Minor Use Permit.
- 19. A Special Event Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages for on-site consumption, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.
- 20. Minor Use Permit No. UP2012-020 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 of the Newport Beach Municipal Code, unless an extension is otherwise granted.
- 21. 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 Hershey's Market including, but not limited to, the Minor Use Permit No. UP2012-020. 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. ZA2013-002**

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING AMENDMENT 1 TO MINOR USE PERMIT NO. UP2011-029 FOR A MOVIE THEATER WITH FOOD AND ALCOHOLIC BEVERAGE SERVICE LOCATED AT 999 NEWPORT CENTER DRIVE (PA2012-144)

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

#### SECTION 1. STATEMENT OF FACTS.

- 1. An application was filed by Cindy Block on behalf of the Irvine Company and Regal Cinemas, Inc., with respect to property located at 999 Newport Center Drive, and legally described as Parcel 2 of Lot Line Adjustment LA2009-001 requesting approval of an amendment to a Minor Use Permit.
- 2. On November 9, 2011, the Zoning Administrator approved Minor Use Permit No. UP2011-029 (PA2011-170) to allow the addition of a Type 41 (On Sale Beer and Wine, Eating Place) Alcoholic Beverage Control ("ABC") license at the existing movie theater.
- 3. The applicant proposes the addition of two outdoor dining areas totaling approximately 800 square feet in area, a change in the approved hours of operation to allow the theater to open and serve alcohol at 11:00 a.m., the addition of a second concession area dedicated to the sale of beer and wine, the service and consumption of alcohol during all movie screenings, and the option to order food and alcohol from a server within the theater screening rooms and outdoor dining areas.
- 4. The subject property is located within the North Newport Center Planned Community (PC-56) Zoning District and the General Plan Land Use Element category is Regional Commercial (CR).
- 5. The subject property is not located within the coastal zone.
- 6. A public hearing was held on January 10, 2013, 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 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 ("CEQA") under Class 1 (Existing Facilities).

 Class 1 exempts minor alterations to existing facilities involving negligible expansion of use. The change in alcoholic beverage service and the addition of tables for outdoor dining use is a negligible expansion of the existing movie theater use.

#### SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.48.030 and Section 20.52.020 of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

#### Finding:

A. The use is consistent with the purpose and intent of Section 20.48.030 (Alcohol Sales) of the Zoning Code.

#### Facts in Support of Finding:

- The project has been reviewed and conditioned to ensure that the purpose and intent of Section 20.48.030 (Alcohol Sales) of the Zoning Code is maintained and that a healthy environment for residents and businesses is preserved. The service of beer and wine is intended for the convenience of movie theater patrons. Operational conditions of approval recommended by the Police Department relative to the sale of beer and wine will ensure compatibility with the surrounding uses and minimize alcohol related impacts.
- 2. Due to the high concentration of commercial land uses, the calls for service, crime rate, and number of arrests are greater than adjacent reporting districts containing residential uses.
- 3. Fashion Island does not abut sensitive land uses and is separated from other uses by parking lots, roadways and other commercial uses. The proposed use is not located in close proximity to residential districts, day care centers, park and recreation facilities, places of religious assembly, or schools. The Police Department has reviewed the Minor Use Permit application and recommended conditions of approval to ensure that the design and security of the movie theater are properly addressed.
- 4. Several restaurants in the Fashion Island Sub-Area provide alcohol service as an amenity to customers. The number of alcohol licenses and the type of alcohol service proposed is typical and expected to be found at a regional mall such as Fashion Island.
- 5. The movie theater does not have any current objectionable conditions.
- 6. The provision of food service and beer and wine sales will not substantially change the operational characteristics of the movie theater.
- 7. The existing movie theater is an allowed use in the Fashion Island Sub-Area of the North Newport Center Planned Community. The on-site consumption of beer and wine

provides a public convenience by allowing the sale of beer and wine in addition to other concession items offered for sale.

#### Finding:

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

#### Facts in Support of Finding:

- 1. The property is designated as Regional Commercial (CR) by the Land Use Element of the General Plan. The theater use is consistent with that designation as it is a supporting use that is integrated as part of a retail multi-tenant commercial center, an allowed use under the CR designation.
- 2. The existing movie theater is consistent with General Plan Anomaly 44, which limits Fashion Island to 1,700 movie theater seats.
- 3. The food and alcohol concessions for the movie theater are compatible with the existing and allowed land uses in Fashion Island.
- 4. The subject property is not part of a specific plan area.

#### Finding:

C. 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 subject property is located within the Fashion Island Sub-Area of PC-56, which allows commercial recreation and entertainment uses (including movie theaters) and eating and drinking establishments by right. Alcohol sales is an allowed use upon the approval of a Minor Use Permit by the Zoning Administrator.
- The intent of the PC-56 Zoning District is to allow for uses that support existing retail, dining, and commercial entertainment uses. Fashion Island is intended to be a vibrant regional retail and entertainment center and a day/evening destination with a wide variety of businesses that serve visitors, residents, and employees of the area. The proposed changes to the beer and wine service at the movie theater are compatible with other uses within Fashion Island.
- The existing movie theater is within the limits of the 1,700 seat limit allocated for the Fashion Island portion of the North Newport Center Planned Community. The proposed outdoor dining areas do not affect the development limit because they are not enclosed.

- 4. Fashion Island has a Regional Commercial parking requirement of 3 spaces per 1,000 square feet. The proposed amendment does not change or increase the parking requirement.
- 5. The proposed project is consistent with the on-sale alcohol sales provisions within Chapter 20.48 of the Zoning Code (Standards for Specific Land Uses).

#### Finding:

D. 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 movie theater has operated in this location since 1989 and the use has not proven detrimental to the area. The movie theater has provided food service in the past and demonstrated the location's capability of operating as a compatible use with other land uses in the vicinity. The existing alcohol service has been offered for approximately a year and no problems have been brought to the City's attention.
- 2. The service of alcohol will be restricted to between the hours of 11:00 a.m. and 1:00 a.m., daily.
- 3. The movie theater is located within the center of the Fashion Island Mall on the second floor. Beer and wine sales will be limited to two concession areas within the main lobby dedicated for only beer and wine sales.
- 4. Outdoor dining areas with alcoholic beverage service are typical and expected uses within a regional mall such as Fashion Island.
- 5. There are no residential properties, or other incompatible land uses, within the immediate vicinity of the theater.
- 6. The operational conditions of approval recommended by the Police Department relative to the sale of beer and wine will ensure compatibility with the surrounding uses and minimize alcohol related impacts.
- 7. The movie theater is required to comply with the California Building Code and requirements of the California Department of Alcoholic Beverage Control to ensure the safety and welfare of customers and employees within the movie theater.

#### Finding:

E. 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. The project site is located within an existing movie theater building. The lobby and theater screening rooms are designed and developed for food and beverage service.
- Adequate public and emergency vehicle access, public services, and utilities are provided within the existing infrastructure. Fashion Island is an outdoor mall with wide and open walkways. Fashion Island is encircled by Newport Center Drive and is developed with several surface parking and loading areas.

#### Finding:

F. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

#### Facts in Support of Finding:

- 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 nuisance areas surrounding the subject property and adjacent properties during business hours, if directly related to the patrons of the movie theater.
- 2. The proposed beer and wine service is provided as a public convenience to movie theater patrons. The service of beer and wine will provide an economic opportunity to maintain a successful business at this location in a way which best serves the quality of life for the surrounding community.
- 3. The hours of operation will be between 11:00 a.m. and 1:00 a.m., daily.
- 4. The proposed changes will not change the principal movie theater use.
- 5. Fashion Island provides the required parking for the entire mall and the proposed amendment does not change or increase the parking requirement.

#### SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby approves Amendment 1 to Minor Use Permit No. UP2011-029, 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 Director of Community Development in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.
- 3. This Resolution supersedes Zoning Administrator Action Letter dated November 9, 2011, for the approval of Minor Use Permit No. UP2011-029 (PA2011-170), which upon vesting of the rights authorized by this application, shall become null and void.

PASSED, APPROVED, AND ADOPTED THIS 10<sup>TH</sup> DAY OF JANUARY, 2013.

BY:

Brenda Wisneski, AICP, Zoning Administrator

#### **EXHIBIT "A"**

#### **CONDITIONS OF APPROVAL**

- 1. The development shall be in substantial conformance with the approved site plan and floor plan 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 upon a finding of failure to comply with the conditions set forth in Chapter 20.82 of the Municipal Code, other applicable conditions and regulations governing alcohol service, or 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 minor use permit or the processing of a new use permit.
- 4. Amendment 1 to Minor Use Permit No. UP2011-029 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.
- 5. Should the alcohol license be transferred, any future license holders, operators or assignees shall be notified of the conditions of this approval by either the current licensee, business operator, or the leasing company. Future licensees, operators or assignees shall submit, within 30 days of transfer of the alcohol license, a letter to the Planning Division acknowledging their receipt and acceptance of the limitations, restrictions and conditions of approval of this minor use permit.
- 6. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
- 7. 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 Minor Use Permit.
- 8. Approval is required from the Orange County Health Department.
- 9. The project shall comply with Building Code requirements regarding egress/exit analysis and occupant load. The project may necessitate additional requirements, as required by the Building Division.
- 10. Approval is required from the Fire Department. The project may necessitate additional requirements regarding exit discharge widths, as required by the Fire Department.

- 11. The approval is only for beer and wine sales with the sale and service of alcoholic beverages incidental to the theater use. The type of alcoholic beverage license issued by the California Department of Alcoholic Beverage Control shall be a Type 41(On Sale Beer and Wine, Eating Place) in conjunction with the movie theater as the principal use of the facility.
- 12. The hours of operation for sales, service, and consumption of alcohol at the movie theater shall be allowed only between the hours of 11:00 a.m. to 1:00 a.m., daily. Any increase in the hours of operation shall be subject to the approval of an amendment to this Minor Use Permit.
- 13. Prior to implementation of this Minor Use Permit amendment, the operator of the theater shall obtain an Operator License pursuant to Chapter 5.25 of the Municipal Code to ensure the business is operated in a safe manner. The Operator License may be subject to additional and/or more restrictive conditions to regulate and control potential late-hour nuisances associated with the operation of the theater. Future operators are required to obtain an Operator License prior to assuming management of the movie theater.
- 14. The alcoholic beverage sales concession shall be limited to a maximum of two concession areas and shall be used in conjunction with the related food service concessions. Any change in the operation of beer and wine service or increase in the counter space devoted to alcohol sales shall be subject to the approval of an amendment to this Minor Use Permit issued by the Zoning Administrator.
- 15. There shall be no exterior advertising or signs of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs, which are clearly visible to the exterior, shall constitute a violation of this condition.
- All owners, managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling beer and wine. The certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service or other certifying/licensing body, which the State may designate. The movie theater shall comply with the requirements of this section within 180 days of the issuance of the certificate of occupancy. Records of each owner's, manager's and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Newport Beach.
- 17. A Special Event Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned.
- 18. There shall be no on-site radio, television, video, film, or other electronic media broadcasts, including recordings to be broadcasted at a later time, which include the service of alcoholic beverages, without first obtaining an approved Special Event Permit.

- 19. Patrons shall be required to show valid identification to verify age at the point of sale for alcohol.
- 20. This approval does not permit the premises to operate as a bar, tavern, cocktail lounge or nightclub as defined by the Municipal Code, unless the Zoning Administrator first approves a new or amended Minor Use Permit.
- 21. Alcoholic beverages shall be dispensed, sold, and served in containers that are easily distinguishable from non-alcoholic beverage containers.
- 22. The sale of alcoholic beverages for consumption off the premises shall be prohibited.
- 23. No more than two (2) alcoholic beverages shall be sold or served to any one (1) person during a single transaction. The delivery of alcoholic beverages to patrons inside the auditoriums shall be limited to two (2) per patron per screening.
- 24. All sales or service of alcoholic beverages in the licensed premises shall be made only from the concession bars or servers.
- 25. During the period of time from the initiation of seating until the completion of the feature presentation, ambient lighting in the auditoriums shall remain at a level sufficient enough to allow a reasonable person to observe patrons who may be consuming alcoholic beverages.
- 26. Orders from patrons seated in theater seats must be made to the server serving that area and the alcoholic beverages ordered must be personally delivered to the patron by the server who took the order.
- 27. Servers shall not carry a supply of unordered alcoholic beverages.
- 28. The petitioner shall post and maintain professional quality signs measuring 12 inches by 12 inches with lettering no smaller than 2 inches in height that read, "No Alcoholic Beverages Beyond This Point" at all premise exits.
- 29. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
- 30. The petitioner shall not share any profits or pay any percentage or commission to a promoter or any other person based upon monies collected as a door charge or cover charge, or any other form of admission charge, including minimum drink orders or the sale of drinks. This does not include ticket sales or any other fee for the standard movie theater use.
- 31. Live entertainment and dancing shall be prohibited as a part of the regular operation of the movie theater.
- 32. Strict adherence to the occupancy limits is required.

- 33. The quarterly gross sales of beer and wine shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records, which reflect separately the gross sales of food and the gross sales of beer and wine of the licensed business. These records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department on command.
- 34. No exterior amplified music, public address speakers, outside paging system, loudspeaker, sound system, or other noise generating device shall be utilized in conjunction with this movie theater.
- 35. The beer and wine outlet operator shall take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the beer and wine outlet and adjacent properties during business hours, if directly related to the patrons of the subject beer and wine outlet. If the operator fails to discourage or correct nuisances, the Zoning Administrator may review, modify, or revoke this minor use permit in accordance with Chapter 20.68 of the Zoning Code (Enforcement).
- 36. The area outside of the movie theater shall be maintained in a clean and orderly manner. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting walkways within 20 feet of the premises. The operator of the movie theater use shall be responsible for the clean-up of all on-site and off-site trash, garbage, and litter generated by the use.
- 37. All trash shall be stored within dumpsters inside the mall buildings or designated areas.
- 38. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees. and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Island Cinema Minor Use Permit including, but not limited to, Minor Use Permit No. UP2011-029 (PA2011-170) and Amendment No. 1 to Minor Use Permit No. UP2011-029 (PA2012-144). 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. ZA2013-003**

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING USE PERMIT NO. UP2012-028 FOR A TATTOO STUDIO (PERSONAL SERVICE, RESTRICTED USE) LOCATED AT 2233 WEST BALBOA BOULEVARD, SUITE 106 (PA2012-159)

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

#### SECTION 1. STATEMENT OF FACTS.

- 1. An application was filed by Aaron Burrows on behalf of Emilio Flores, with respect to property located at 2233 West Balboa Boulevard, Suite 106, and legally described as Lot 9, 10, 11, 12, 13, 14 and 15, in Block 22 of Newport Beach, as shown on map recorded in Book 3, Page 26, Miscellaneous Maps, Records of said Orange County requesting approval of a Minor Use Permit.
- 2. The applicant proposes to convert an 890-square-foot, currently vacant retail tenant space to a tattoo studio (personal service, restricted use).
- 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. The Coastal Land Use Plan category is MU-W (Mixed-Use Water Related)
- 5. A public hearing was held on January 10, 2013 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 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 under Class 1 (Existing Facilities).
- 2. The project is a change of use in an existing building whereby no improvements are proposed for the existing commercial tenant space and the proposed use has an equal intensity to the previous retail or office use.

#### 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

- 1. The General Plan land use designation for the site is MU-W2 (Mixed-Use Water-Related), which applies to properties on or near the waterfront in which marine-related uses may be intermixed with general commercial, visitor-serving commercial and residential dwelling units on the upper floors.
- 2. The proposed personal service, restricted use is consistent with the General Plan Mixed-Use Water Related (MU-W2) land use designation as it is intended to provide a service not only to visitors, but also to residents within the immediate area.
- 3. The proposed project is a tattoo studio (personal service, restricted use) to be located within a vacant tenant space on the ground floor of an existing mixed-use building.
- 4. 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 within the Mixed-Use Water Related (MU-W2) Zoning District of the Newport Beach Zoning Code. The intent of this district is 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 personal service, restricted use is consistent with the land uses permitted within this zoning district and the conditions of approval will ensure that the use is compatible with the adjacent residential areas.
- 2. Pursuant to Section 20.22.020 (Table 2-9 Allowed Uses and Permit Requirements), the proposed project requires approval of a minor use permit.

- 3. Pursuant to Section 20.38.060 (Nonconforming Parking), a nonconforming use in a nonresidential zoning district may be changed to a new use allowed in that zoning district without providing additional parking, provided no intensification or enlargement (e.g., increase in floor area, or lot area) occurs, and the new use requires a parking rate of no more than one space per 250 square feet of gross building area. Personal Service, Restricted uses have a required parking ratio of one space per 250 square feet of gross floor area.
- 4. The proposed project complies with the requirements of Section 20.38.060 (Nonconforming Parking) because the square footage of the existing suite will not be increased; the tattoo studio use requires the same number of parking spaces required for the currently vacant retail space (890/250 = 4 spaces).

#### 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. Although the proposed project involves no tenant improvements, furniture and equipment will be placed within an existing vacant retail space to operate the service use. The six existing parking spaces on site will be maintained.
- 2. The proposed operation will consist of a waiting area, an open tattooing area, and a private tattooing room. Four tattoo artists registered and licensed by the Orange County Health Department will provide the body art services. Each individual artist will schedule his or her client appointments and greet walk-in clients. No designated receptionist will be provided. A maximum of four tattoo artists will be present at any one time. The hours of operation will be 10:00 a.m. to 11:00 p.m. Monday-Saturday and 10:00 a.m. to 10:00 p.m. Sunday.
- 3. The proposed tattoo studio use is a service use that will be complementary to the other uses in the commercial building, which include retail stores and an eating and drinking establishment (Tutti Frutti Frozen Yogurt). Its operating characteristics are similar to other service uses such as barber and beauty shops, and tanning salons.
- 4. The proposed tattoo studio will provide a service for residents of the neighborhood and visitors to the area and will not require the provision of additional parking spaces on the site.
- 5. The proposed tattoo studio use will be located within an existing commercial floor of a mixed-use building on a site located at the corner of West Balboa Boulevard and 23<sup>rd</sup> Street on the Balboa Peninsula. It will serve clients by appointment and walk-in customers. Due to its corner location, opportunities for

on-street parking will be available along West Balboa Boulevard and 23<sup>rd</sup> Street in addition to the parking spaces provided on the site. Furthermore, its close proximity to the boardwalk is anticipated to yield walking and biking customers.

#### 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. The proposed project will be located in a tenant space within an existing commercial floor of a mixed-use building and will not involve any improvements of the space. The design, size, location, and operating characteristics of the use are compatible with the existing uses on the site and within the surrounding area.
- 2. Adequate public and emergency vehicle access, public services, and utilities are provided on-site and are accessed from 23<sup>rd</sup> Street, West Ocean Front Alley, or the alley at the rear of the site.
- 3. Although no tenant improvements are proposed to accommodate the change of use, the project is required to comply with all Building, Public Works, and Fire Codes.

#### **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 project has been reviewed and this approval includes conditions to establish the permitted hours of operation and the maximum number of tattoo artists allowed to operate on site at any one time. These conditions will ensure that the proposed personal service, restricted use will be compatible with the uses on site and within the surrounding neighborhood.
- 2. The proposed tattoo studio use will help revitalize the project site and provide an economic opportunity for the property owner while providing additional services to the residents and visitors in the surrounding area.

#### SECTION 4. DECISION.

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

- 1. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. UP2012-028 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 Director of Community Development in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 10<sup>TH</sup> DAY OF JANUARY, 2013.

Wisneski, AICP, Zoning Administrator

Tmplt: 05/16/2012

#### **EXHIBIT "A"**

#### CONDITIONS OF APPROVAL

- 1. The development shall be in substantial conformance with the approved site plan and floor plans stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
- 2. The hours of operation for the tattoo studio shall be 10:00 a.m. to 11:00 p.m., Monday through Saturday, and 10:00 a.m. to 10:00 p.m. on Sunday.
- 3. The number of tattoo artists operating at one time shall be limited to four, and each artist shall be registered and licensed with the Orange County Health Department.
- 4. Use Permit No. UP2012-028 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 of the Newport Beach Municipal Code, unless an extension is otherwise granted.
- 5. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
- 6. 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.
- 7. This Use Permit may be modified or revoked by the Zoning Administrator should they determine that the proposed use 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. All proposed signs shall be in conformance with the provisions of Chapter 20.42 (Signs) of the Newport Beach Municipal Code.
- 9. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
- 10. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
- 11. 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 **Ink Yard Tattoo Studio** including, but not limited to **Minor Use Permit No. UP2012-028**. 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.

# CALIFORNIA CALIFORNIA

#### COMMUNITY DEVELOPMENT DEPARTMENT

#### PLANNING DIVISION

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

#### COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER

**APPLICATION:** Telecommunications Permit No. TP2012-009 (PA2012-106)

APPLICANT: Sprint PCS/Alcatel-Lucent

CARRIER: Sprint

**LOCATION:** 309 Palm Street

Sprint Telecom Upgrades

**LEGAL DESCRIPTION** Balboa Bayside Tract, Block 3, Lot 1 and Block 3, Portions of

Lots 2, 3, 10 and 11

On **January 10, 2013**, the Community Development Director approved Telecommunications Permit No. TP2012-009. This approval is based on the findings and subject to the following conditions attached to this report (Attachment No. CD 1).

In approving this application, the Community Development Director analyzed issues regarding compliance with Chapter 15.70 of the Newport Beach Municipal Code and determined in this case that the proposed wireless telecommunications facility ("telecom facility") meets the provisions of Chapter 15.70.

#### PROJECT SUMMARY

Core Development Services has submitted an application on behalf of Sprint PCS/Alcatel-Lucent requesting a Wireless Telecommunications Facility Permit to modify, for the purpose of upgrading, an existing facility approved with issuance of a building permit in 1999. The proposed modifications include the following: (1) replacing three existing 4.5-foot panel antennas with 6-foot panel antennas in the same location(one in each of three arrays); (2) replacing one GPS antenna; (3) replacing one existing battery backup cabinet; (4) upgrading one existing equipment cabinet; (5) addition of three new RRH (Remote Radio Head) units; (6) addition of backhaul equipment and associated cables, and (7) providing screening for all antenna arrays that complements the associated building façade.

The subject property consists of a commercial/retail building and an associated parking structure that utilizes an automated parking system. The building exterior is composed of horizontal siding and various grid and single pane windows. Towards the upper portion of the building's elevations, there are decorative, vertical, iron framing bars angled at approximately 45 degrees. The existing Sprint facility is collocated on the site

with an existing AT&T telecom facility and consists of three antenna arrays (four antennas each) that are attached to the façades of the building facing Newport Harbor, Bay Avenue East, and Adam Street. The associated telecom equipment is located within the building on the first floor. Because the building was constructed on the Bay Avenue East property line, the existing and proposed antennas and screening encroach up to 2 feet into the public right-of-way. The Public Works Department has reviewed the project and has determined that, pursuant to Council Policy L-6, Section E.3, these encroachments will not require approval of an encroachment permit.

Photographic visual simulations depicting the existing and proposed conditions at the site have been prepared by the applicant and are included as Attachment No. CD 3. The proposed changes to the existing exterior conditions of the site are minor and the screening proposed is consistent with the architectural style, color and materials of the building façade on which it is mounted. A copy of the project site plan and elevations depicting the proposed project are included as Attachment No. CD 4.

#### **ZONING DISTRICT/GENERAL PLAN**

• **Zone:** MU-V (Mixed-Use Vertical)

General Plan: MU-V (Mixed-Use Vertical)

#### **APPEAL PERIOD**

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

On behalf of Kimberly Brandt, Community Development Director

By:

Kay Sims, Assistant Planner

GR/ks - lower case

Attachments: CD 1 Findings and Conditions of Approval

CD 2 Vicinity Map

CD 3 Photographic Simulations CD 4 Site Plan & Elevations

## **Attachment No. CD 1**

Findings and Conditions of Approval

## FINDINGS AND CONDITIONS OF APPROVAL TELECOMMUNICATIONS PERMIT NO. TP2012-009 (PA2012-106)

#### **FINDINGS**

- 1. The telecommunications facility as proposed meets the intent of Chapter 15.70 of the Newport Beach Municipal Code (NBMC), while ensuring public safety, reducing the visual effects of telecom equipment on public streetscapes, protecting scenic ocean and coastal views, and otherwise mitigating the impacts of such facilities for the following reasons:
  - The proposed telecom facility will not be detrimental to public health or safety because it is required to comply with the applicable rules, regulations and standards of the Federal Communications Commission (FCC) and the California Public Utilities Commission (CPUC).
  - The telecom facility is located on an existing building and is collocated. Any
    future proposed facility to be located within 1,000 feet of the existing facility
    shall be required to co-locate on the same site to limit the adverse visual
    effects of proliferation of facilities in the City.
  - Due to the location and design of the facility, there is no impact to public views.
- 2. The telecommunications facility as proposed conforms to the technology, height, location and design standards for the following reasons:
  - The telecom facility approved under this Permit utilizes the most efficient and diminutive available technology in order to minimize the number of facilities and reduce the visual impact.
  - The telecom facility and modifications approved by this Permit are wall mounted and do not exceed the maximum building height limit of 26/31 feet allowed in the Mixed-Use Vertical (MU-V) Zoning District, as specified in the Zoning Code.
  - The antennas for the telecom facility approved by this Permit will be wall mounted and the screening provided will be consistent with the architectural style, color and materials of the associated building façade on which they are mounted.
  - The proposed upgraded support equipment will located within the building adjacent to the facilities existing support equipment.
- 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 15302 Class 2 (Replacement or Reconstruction) since the project consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

#### **CONDITIONS**

- 1. The development shall be in substantial conformance with the approved plot plan, antenna and equipment plans, and elevations, except as noted in the following conditions.
- 2. Anything not specifically approved by this Telecom Permit is not permitted and must be addressed in a separate and subsequent telecom permit review.
- 3. The telecom facility approved by this Permit shall comply with all applicable rules, regulations and standards of the Federal Communications Commission (FCC) and the California Public Utilities Commission (CPUC).
- 4. The telecom facility shall comply with all regulations and requirements of the Uniform Building Code, Uniform Fire Code, Uniform Mechanical Code, and National Electrical Code. All required permits shall be obtained prior to commencement of the construction.
- The telecom facility approved by the permit shall comply with any easements, covenants, conditions or restrictions on the underlying real property upon which the facility is located.
- 6. An approved encroachment permit is required for all construction work activities within the public right-of-way.
- 7. If any of the existing public improvements surrounding the site is damaged by the private work, new concrete sidewalk, curb and gutter, alley/street pavement, and other public improvements will be required by the City at the time of private construction completion. Said determination and the extent of the repair work shall be made the discretion of the Public Works Inspector.
- 8. The storage of all project related equipment during construction shall be on-site and outside the public right-of-way.
- Any future facilities proposed by other carriers to be located within 1,000 feet from the subject property shall be approved to co-locate at the same site by the property owner or authorized agent, unless otherwise approved by the Planning Division.
- 10. <u>Prior to issuance of building permits</u>, a deposit of \$5,000 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.

- 11. <u>Prior to issuance of building permits,</u> the applicant shall obtain a determination, in writing, from the Coastal Commission that the project as proposed is not a development under the California Coastal Act, or obtain Coastal Commission approval of the wireless telecommunications facility.
- 12. <u>Prior to the issuance of any building</u>, mechanical and/or electrical permits, architectural drawings and structural design plans shall be submitted to the City of Newport Beach for review and approval by the applicable departments. <u>A copy of this approval letter shall be incorporated into the drawings approved for the issuance of permits.</u>
- 13. 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.
- 14. Should interference with the City's Public Safety radio equipment occur, use of the telecom facility authorized by this Permit shall be suspended until the radio frequency interference is corrected and verification of the compliance is reported.
- 15. The applicant recognizes that the frequencies used by the cellular facility located at **309 Palm Street** 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).
- 16. The applicant shall provide a "single point of contact" in its Engineering and Maintenance Departments that is monitored 24 hours per day to insure continuity on all interference issues, and to which interference problems may be reported. The name, telephone number, fax number and e-mail address of that person shall be provided to the Planning Division and Newport Beach Police Department's Support Services Commander prior to activation of the facility.
- 17. Appropriate information warning signs or plates shall be posted at the access locations and each transmitting antenna. In addition, contact information (e.g. a telephone number) shall be provided on the warning signs or plates to arrange for access to the roof top area. The location of the information warning signs or plates shall be depicted on the plans submitted for construction permits.
- 18. No advertising signage or identifying logos shall be displayed on the telecom facility except for small identification, address, warning and similar information

- plates. A detail of the information plates depicting the language on the plate shall be included in the plans submitted for issuance of building permits.
- 19. The telecom facility shall not be lighted except as deemed necessary by the Newport Beach Police Department for security lighting. The night lighting shall be at the lowest intensity necessary for that purpose and such lighting shall be shielded so that direct rays do not shine on nearby properties. Prior to the final of building permits, the applicant shall schedule an evening inspection by the Code Enforcement Division to confirm compliance with this condition.
- 20. The operator of the telecom facility shall maintain the facility in a manner consistent with the original approval of the facility.
- 21. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the applicant, current property owner or leasing agent.
- 22. The applicant shall insure that lessee or other user(s) shall comply with the terms and conditions of this Permit, and shall be responsible for the failure of any lessee or other users under the control of the applicant to comply.
- 23. Any operator who intends to abandon or discontinue use of a telecom facility must notify the Planning Division by certified mail no less than 30 days prior to such action. The operator or property owner shall have 90 days from the date of abandonment or discontinuance to reactivate use of the facility, transfer the rights to use the facility to another operator, or remove the telecom facility and restore the site.
- 24. The City reserves the right and jurisdiction to review and modify any telecom permit approved pursuant to Chapter 15.70 of the Newport Beach Municipal Code, including the conditions of approval, based on changed circumstances. The operator shall notify the Planning Division of any proposal to change the height or size of the facility; increase the size, shape or number of antennas; change the facility's color or materials or location on the site; or increase the signal output above the maximum permissible exposure (MPE) limits imposed by the radio frequency emissions guidelines of the FCC. Any changed circumstance shall require the operator to apply for a modification of the original telecom permit and obtain the modified telecom permit prior to implementing any change.
- 25. This Telecom Permit may be modified or revoked by the City Council should they determine that the facility or operator has violated any law regulating the telecom facility or has failed to comply with the requirements of Chapter 15.70 of the NBMC, or this Telecom Permit.
- 26. This approval shall expire unless exercised within 24 months from the date of approval.

27. 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 309 Palm Avenue Sprint Wireless Facility including, but not limited to, the TP2012-009 (PA2012-106). 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.

## **Attachment No. CD 2**

Vicinity Map

## **VICINITY MAP**

309 Palm Street



Telecommunications Permit No. TP2012-009 (PA2012-106)

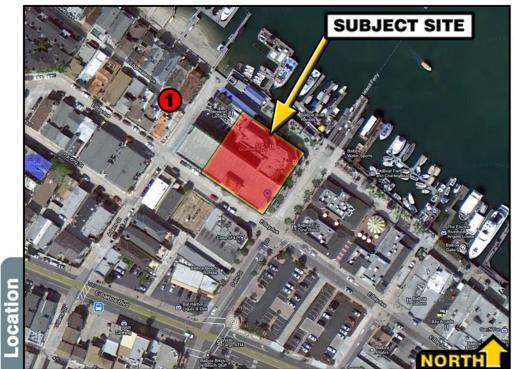
## **Attachment No. CD 3**

Photographic Simulations

## **OG35XC072**

**VALLEY** 







View #: 1 October 19, 2012



The illustration above is a representation of the proposed project based on information provided by the client. Actual construction may vary dependent on approved construction plans and therefore the A&E firm will not be held responsible for any post production design changes.

Prepared by: RLT

Approved by: RLT

**Sprint PCS** 310 Commerce Irvine, CA 92602

Julia Malisos - Phone: (714) 512-4770





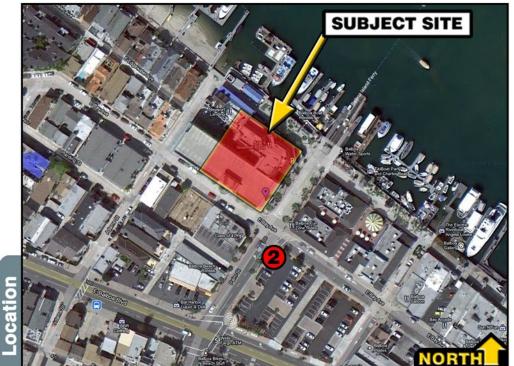
Sprint



# **OG35XC072**

**VALLEY** 













View #: 2 October 19, 2012



The illustration above is a representation of the proposed project based on information provided by the client. Actual construction may vary dependent on approved construction plans and therefore the A&E firm will not be held responsible for any post production design changes.

Prepared by: RLT

Approved by: RLT

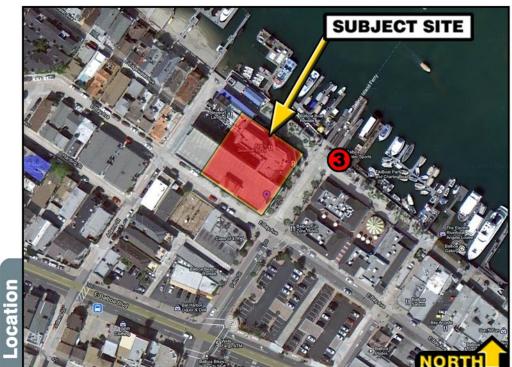




# **OG35XC072**

**VALLEY 309 PALM STREET** 







View #: 3 October 19, 2012



The illustration above is a representation of the proposed project based on information provided by the client. Actual construction may vary dependent on approved construction plans and therefore the A&E firm will not be held responsible for any post production design changes.

**Sprint PCS** 310 Commerce Irvine, CA 92602





Office: (714) 729-8404 | Fax: (714) 333-4441

Sprint

# Attachment No. CD 4

Site Plan & Elevations



APPROVAL.

SITE OWNER

IN-MARKET CONSTRUCTION LEAD

ALU RF ENGINEER

ALU SITE ACQUISITION

PLANING CONSULTANT

SPRINT REPRESENTATIVE

PLANNING CONSULTANT: PLANNING CONSULTANT: CORE DEVELOPMENT SERVICES 2749 SATURN STREET BIEA, CALIFORNIA, 92821 CONTACT: MAREE HOEGER PHONE: 949.280.2531

ELECTRICAL ENGINEER: CHARLIE YU AND ASSOCIATES 9080 TELSTAR AVENUE, SUITE 304 EL MONTE, CA 91770 CONTACT: CHARLIE YU — E.E. PHONE: 626.571.2080

POWER COMPANY:

P.O. BOX BOO ROSEMEAD, CA 91770 PHONE: 800.655.4555

FIBER VENDOR:

THERN CALIFORNIA EDISON (SCE)

SITE NAME: VALLEY

OG35XC072 SITE NUMBER:

SITE ADDRESS: 309 PALM STREET

**NEWPORT BEACH, CA 92661** 

SITE TYPE: ROOFTOP

PROJECT: **NETWORK VISIONS MMBTS LAUNCH** 

MARKET: ORANGE COUNTY

REV	DATE/BY	DESCRIPTION	
0	03.28.12	PRELIMINARY CONSTRUCTION	
•	BML	PREDMINANT CONSTRUCTION	
134	04.30.12	FINAL CONSTRUCTION	
	RD	FINAL CONSTRUCTION	
2	07.11.12	ISSUED FOR SUBMITIAL OITY COMMENTS	
-	JMB		
7.	10.31.12		
,	RO		
-	ENGINEER	/ CONSULTANT	



SITE BUILDER



A&E DEVELOPMENT



SEAL

SITE INFORMATION VALLELY OG35XC072

309 PALM ROAD NEWPORT BEACH, CA 92661

SHEET TITLE

TITLE SHEET

DR	AWING INFORMA	TION
DRAWN BY	CHECKED BY	ISSUE DATE
JMB	APP	07.11.2012

SHEET NUMBER

T-1

SITE INFORMATION AREA MAP APPLICABLE CODES DRAWING INDEX ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL COVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONTOWNING TO THESE CODES: ARCHITECT: ANGHITECTI
CORE DEVELOPMENT SERVICES
2749 SATURN STREET
BREA, CALIFORNIA, 92821
CONTACT: ANDREW PEREZ (PM)
PHONE: 714.729.8404 SHEET T-1 TITLE SHEET 2010 CALIF. ADMINISTRATIVE CODE (INCL. TITLES 24 & 25)
2010 CALIFORNIA BUILDING CODES
2010 CALIFORNIA ELECTRICAL CODES
2010 CALIFORNIA ELECTRICAL CODES
2010 CALIFORNIA PLUMBING CODES
2010 CALIFORNIA FILER CODES
2010 CALIFORNIA FIRE CODES EQUIPMENT SUPPLIER: A-1 SITE PLAN CEVA LOGISTICS ATTN: ALCATEL-LUCENT 5555 JURUPA AVE A-2 ANTENNA AND EQUIPMENT AREA PLANS ONTARIO, CA 91761 CONTACT: TROY PLOTKIN PHONE: 951.733.9478 A-3 SOUTH ELEVATIONS A-4 WEST ELEVATIONS ANSI/EIA-222-F LIFE SAFETY CODE NFPA-101
 LOCAL BUILDING CODES
 CITY/COUNTY ORDINANCES STRUCTURAL ENGINEER: A-5 NORTH ELEVATIONS PNP ENGINEERING 35 SPARROWHAWK IRVINE, CA92604 CONTACT: Y.J. KANC PhD, PE PHONE: 949.351.5020 A-6 EQUIPMENT DETAILS A-7 FOLIPMENT DETAILS PROJECT ALU CONSTRUCTION MANAGER: ALCATEL-LUCENT 1250 CORONA POINTE CT, SUITE 406 CORONA, CA. 92879 CONTACT: SCOTT MCMILLIAN PHONE: 310.569.4645 PERFORM SITE MODIFICATIONS TO AN EXISTING WIRELESS SITE PERFORM SITE MODIFICATIONS TO AN EXISTING WIRELESS
COMMUNICATIONS FACILITY, INCLUDING:
-REPLACEMENT OF (3) PANEL ANTENNAS
-REPLACEMENT OF (1) GPS ANTENNAS
-REPLACEMENT OF (1) EXISTING EQUIPMENT CABINET
-ADDITION OF (3) RRH UNITS
-ADDITION OF (3) RRH UNITS
-ADDITION OF BACKHAUL EQUIPMENT AND ASSOCIATED CABLES PACIFIC CYCAN DRIVING DIRECTIONS ALU SITE ACQ MANAGER: FROM SO'NN NAME ARRORT IN KNIKE
HAD SOUTHWEST ON JAW RAGAWAY TOWARD S ARRORT WAY TURN RIGHT ONTO CAMPUS DR
TAKE THE 1ST RIGHT ONTO N BRISTICL ST. THEN MAKE A SLIGHT LEFT TO MERGE ONTO CA-73 N
TAKE ENT 178 TO MERGE ONTO CA-65 S/COSTA MASS NEW, CONTINUE TO FOLLOW CA-65 S. FLOW THE TAKE ST. THE ST. AND THE ST. T ALCATEL-LUCENT 1250 CORONA POINTE CT, SUITE 406 ANTENNA COUNT PRE UPGRADE: (12) ANTENNA COUNT POST UPGRADE: (12)

SIGNATURE BLOCK

NAME

COMPANY / TITLE

SIGNATURE

DATE

PROJECT DATA SUMMARY

EQUIPMENT CABINET COUNT PRE UPGRADE: (4)
EQUIPMENT CABINET COUNT POST UPGRADE: (4)

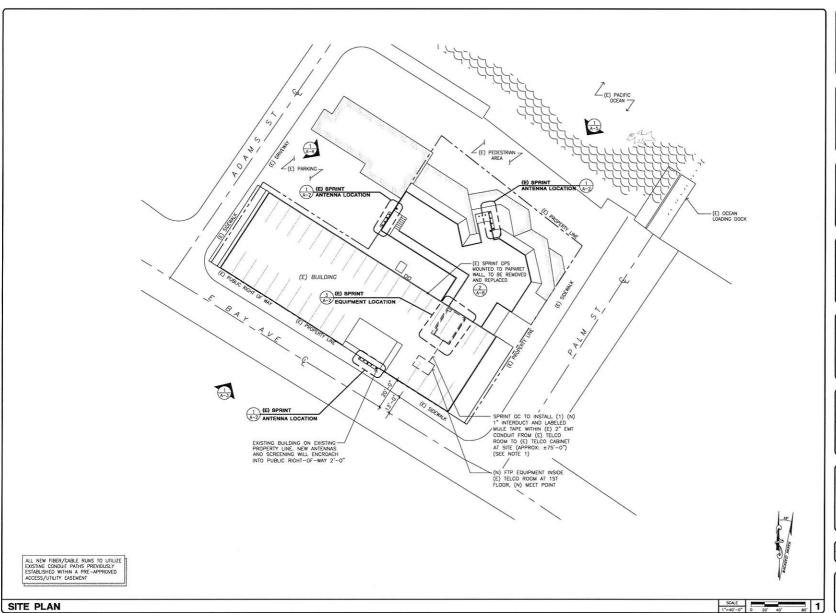
APPLICANT:

PROPERTY OWNER: VALLEY INVESTMENTS L.P. 508 S. BAY FRONT, SITE DATA: ZONING CLASSIFICATION: IBC MIXED-USE VERTICAL CONSTRUCTION TYPE: OCCUPANCY: CALIFORNIA A BUILDING CODE: 2010 EDITION JURISDICTION: CITY OF NEWPORT BEACH EXISTING USE: TELECOMMUNICATIONS NEW USE: TELECOMMUNICATIONS

LATITUDE: 33" 36" 12.45" N LONGITUDE: -117 54' 2.88" W LEASE AREA: (UNCHANGED) PARCEL NUMBER: 048-112-22

811

DESCRIPTION



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REV	DATE/BY	DESCRIPTION	
0	03.28.12	PRELIMINARY CONSTRUCTION	
	JMB		
1	04.30.12	FINAL CONSTRUCTION	
	RD		
-	07.11.12	ISSUED FOR SUBMITTAL	
2	JMB		
3	10.31.12	CITY COMMENTS	
	RD		

ENGINEER / CONSULTANT



SITE BUILDER



A&E DEVELOPMENT



SEAL



VALLELY OG35XC072

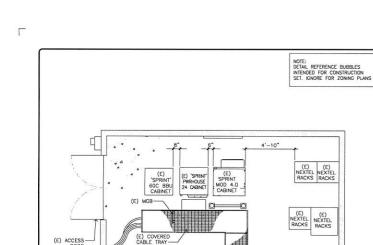
SHEET TITLE

SITE PLAN

DRAWING INFORMATION		
DRAWN BY	CHECKED BY	ISSUE DATE
JMB	APP	07.11.2012

SHEET NUMBER

**A-1** 



(N) POWER AND FIBER RUN TO (N) MMBS CABINET WITHIN (2)
(N) 1-1/2" LIQUID-TIGHT
FLEXIBLE METALLIC CONDUITS
(APPROX: ±8'-0")

(E) 'SPRINT' PWRHOUSE 24 CABINET

(E)
'SPRINT'
60C BBU
CABINET

(E) MGB-

(E) 'SPRINT'— TELCO CABINET

FINAL EQUIPMENT PLAN

(N) (3) 1 1/4" HYBRIFLEX MULTI-FIBER CABLE TO (N) ANTENNAS ON (E) BUILDING

**EXISTING EQUIPMENT PLAN** 

(1) (A-6)

(N) CIENA 3911 AND UAM FIBER EQUIPMENT TO BE MOUNTED ON (E) WALL

(E) ACCESS-DOOR

-(E) SUB-PANEL

-(E) AC PANEL

(N) SPRINT DC/FIBER DISTBUTION BOX

5'-5"

(E) (E) NEXTEL NEXTEL RACKS

(E) NEXTEL RACKS RACKS

FINAL ANTENNA PLAN

4

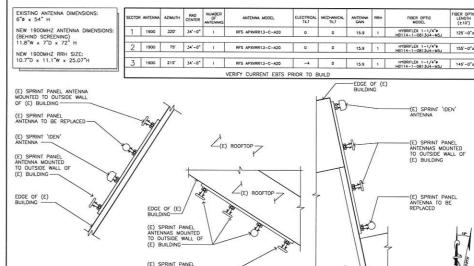
(E) SUB-PANEL

(E) AC PANEL

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(RETROFIT) MMBTS CABINET



	(E) SPRINT PANEL ANTENNA TO BE REPLACED
	<b>V</b> *
3	EXISTING ANTENNA PLAN
	(N) FRP SCREEN TO MATCH MATCH (E) BUILDING HORZONTAL GRAY SIDING (N) FRP SCREEN TO MATCH GRAY SIDING WITH TRIM  (N) SPRINT INV PANEL ANTENNA MOUNTED TO (E) BUILDING, BEHND (N) FRP SCREEN  (E) SPRINT IDEN  (E) S

REV	DATE/BY	DESCRIPTION	
	03.28.12		
0	JMB	PRELIMINARY CONSTRUCTION	
1 2	04.30.12	FINAL CONSTRUCTION  ISSUED FOR SUBMITTAL	
	RD		
	07.11.12		
	JMB		
3	10.31.12	CITY COMMENTS	
	RD.		

ENGINEER / CONSULTANT



SITE BUILDER



A&E DEVELOPMENT



SEAL



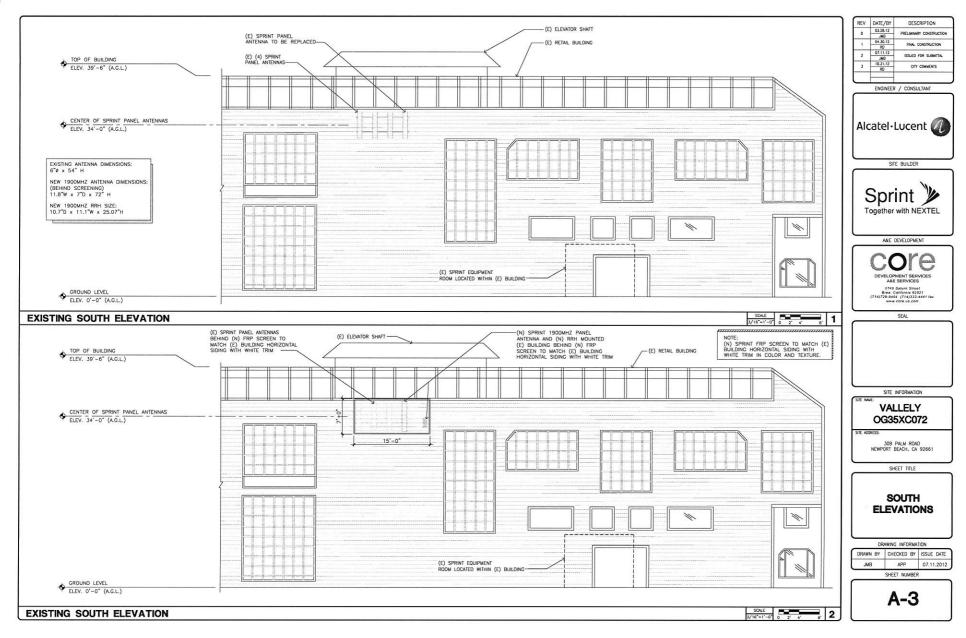
#### VALLELY OG35XC072

309 PALM ROAD NEWPORT BEACH, CA 92661

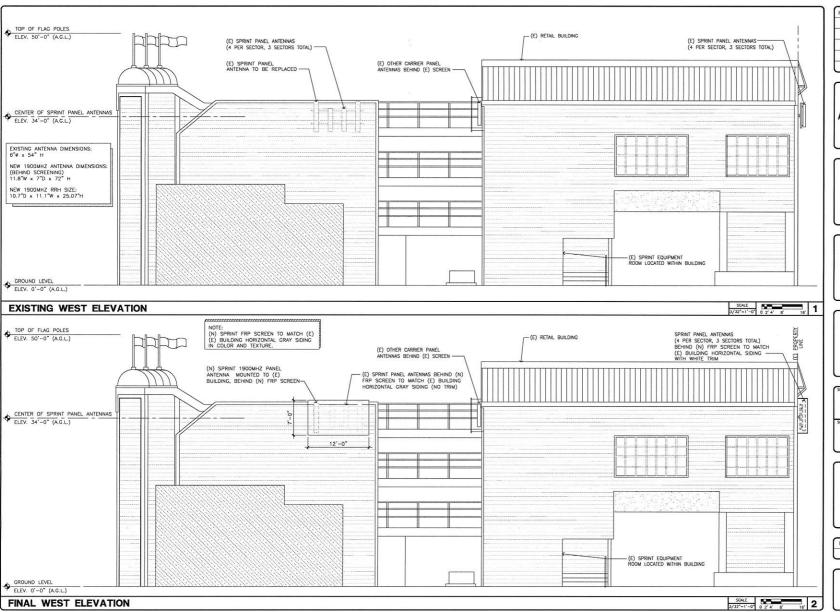
SHEET TITLE

#### ANTENNA AND **EQUIPMENT AREA PLANS**

DRAWING INFORMATION		TION
DRAWN BY	CHECKED BY	ISSUE DATE
JMB	APP	07.11.2012
	CUEST MUNICIPAL	



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REV DATE/BY DESCRIPTION 0 03.28.12 JWB 1 04.30.12 PRELIMINARY CONSTRUCTION FINAL CONSTRUCTION 2 07.11,12 ISSUED FOR SUBMITTAL CITY COMMENTS

ENGINEER / CONSULTANT



SITE BUILDER



A&E DEVELOPMENT

2749 Saturn Street Bree, California 92021 (714)729-8404 (714)333-4441 fax www.core.us.com

SEAL

SITE INFORMATION

VALLELY OG35XC072

309 PALM ROAD NEWPORT BEACH, CA 92661

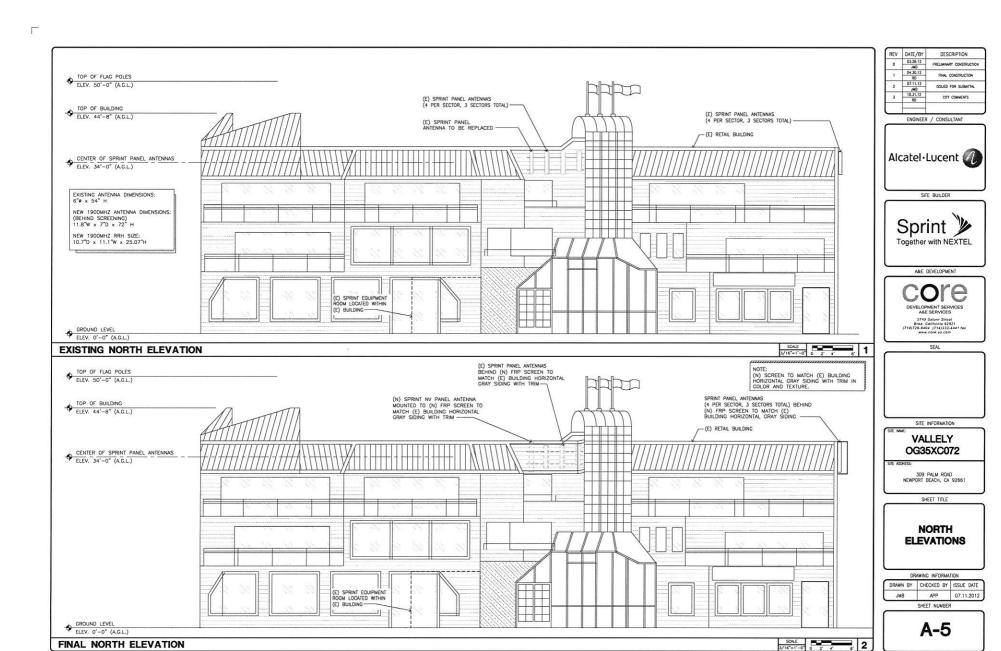
SHEET TITLE

WEST **ELEVATIONS** 

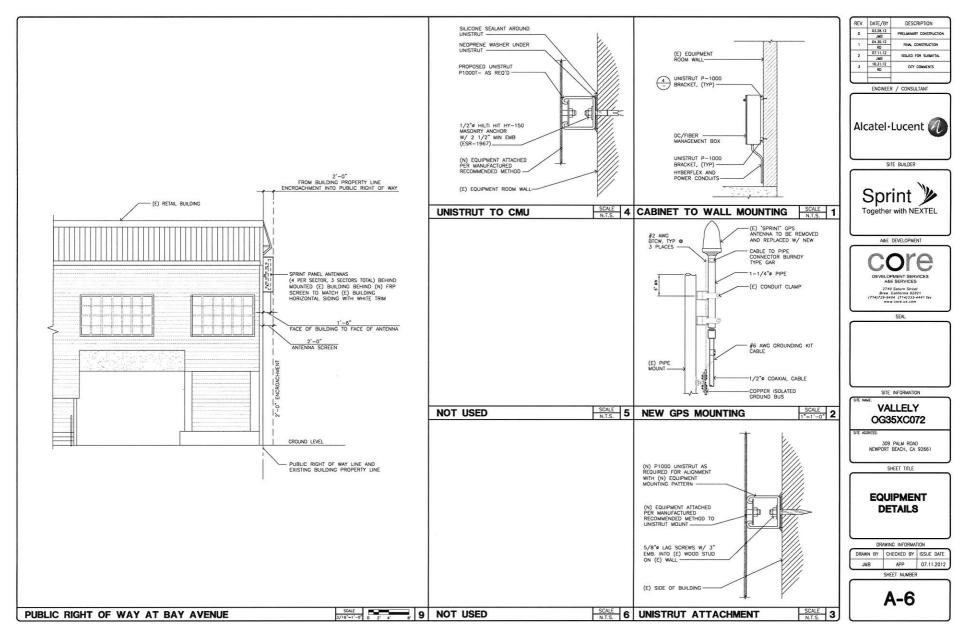
DRAWING INFORMATION DRAWN BY CHECKED BY ISSUE DATE JMB APP 07.11.2012

SHEET NUMBER

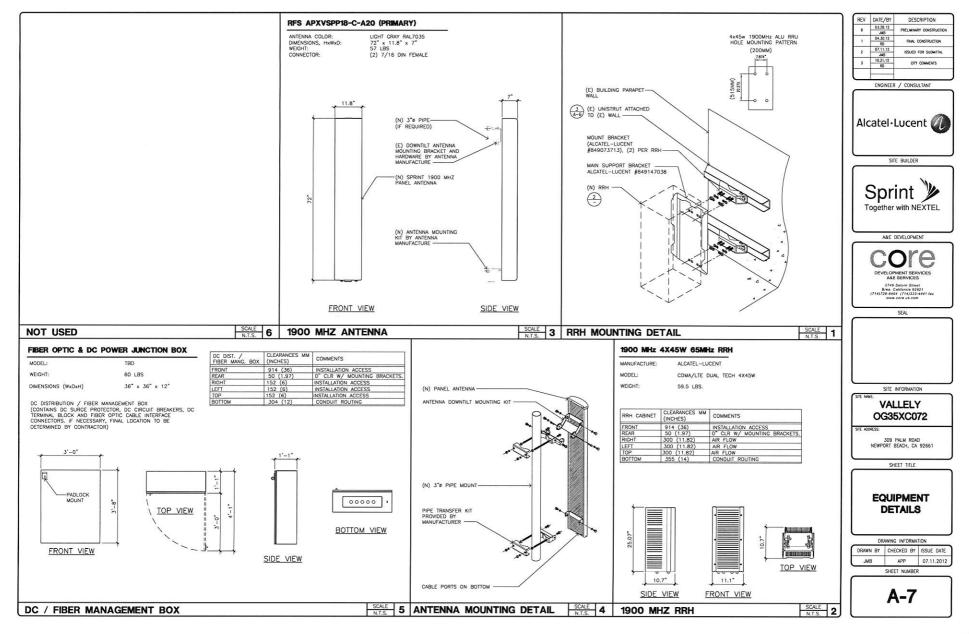
**A-4** 



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#### COMMUNITY DEVELOPMENT DEPARTMENT

#### PLANNING DIVISION

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

#### COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER

**APPLICATION:** Telecommunications Permit No. TP2012-013 (PA2012-128)

**APPLICANT:** Core Communications

CARRIER: Sprint Alcatel-Lucent

**LOCATION:** 3140 (CS) East Coast Highway

**LEGAL DESCRIPTION** Lots 3,4 and 5, Block Q, Tract 323

On <u>January 10, 2013</u>, the Community Development Director approved Telecommunications Permit No. TP2012-013. This approval is based on the findings and subject to the following conditions attached to this report (Attachment No. CD 1).

In approving this application, the Community Development Director analyzed issues regarding compliance with Chapter 15.70 of the Newport Beach Municipal Code and determined in this case that the proposed wireless telecommunications facility ("telecom facility") meets the provisions of Chapter 15.70.

#### **PROJECT SUMMARY**

Core Development Services has submitted an application on behalf of Sprint Alcatel-Lucent requesting the modification of the existing facility to replace three existing panel antennas, replace one existing GPS antenna, upgrade three existing equipment cabinets, addition of three RRH units and the addition of fiber backhaul equipment and associated cables.

#### **ZONING DISTRICT/GENERAL PLAN**

• **Zone:** CC (Commercial Corridor)

• General Plan: CC (Corridor Commercial)

#### **BACKGROUND**

The existing commercial building has three carriers co-located on the roof, Metro PCS, Sprint, and Nextel (associated with Sprint). Metro PCS has three existing panel antennas within the roof parapet and an existing equipment shelter located on the ground. Sprint/Nextel has four existing panel antennas within an existing roof sign and two existing panel antennas flush-mounted to the southwest side of the building. All carriers were established with a building permit prior to the Telecom Ordinance and prior to the Sign Ordinance which prohibited roof signs. Sprint/Nextel is aware that the roof-top sign is prohibited and subject to abatement by October 2020 per the Sign Ordinance which will require future relocation and a new telecom permit. This is also a condition of approval.

#### **APPEAL PERIOD**

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

On behalf of Kimberly Brandt, Community Development Director

By:

Melinda Whelan Assistant Planner

GR/msw

Attachments: CD 1 Findings and Conditions of Approval

Ishelan

CD 2 Vicinity Map

CD 3 Visual Simulations

CD 4 Project Plans dated December 6, 2012

### **Attachment No. CD 1**

Findings and Conditions of Approval

# FINDINGS AND CONDITIONS OF APPROVAL TELECOMMUNICATIONS PERMIT NO. TP2012-013 (PA2012-128)

#### **FINDINGS**

- 1. The telecommunications facility as proposed meets the intent of Chapter 15.70 of the Newport Beach Municipal Code (NBMC), while ensuring public safety, reducing the visual effects of telecom equipment on public streetscapes, protecting scenic ocean and coastal views, and otherwise mitigating the impacts of such facilities for the following reasons:
  - The proposed telecom facility will not be detrimental to public health or safety because it is required to comply with the applicable rules, regulations and standards of the Federal Communications Commission (FCC) and the California Public Utilities Commission (CPUC).
  - The telecom facility is located on an existing building, and any future proposed facility to be located within 1,000 feet of the existing facility shall be required to co-locate on the same site to limit the adverse visual effects of proliferation of facilities in the City.
  - The existing facility is located on an existing commercial building and within an existing roof sign that does not impact public views.
  - The antennas are screened within an existing roof-top sign and are not visible from the surrounding neighborhood. Furthermore, the existing antenna that is mounted on the building wall facing East Coast Highway that is being replaced will be painted to match the building.
- 2. The telecommunications facility as proposed conforms to the technology, height, location and design standards for the following reasons:
  - The telecom facility approved under this Permit utilizes an existing site that was established in 2000 and is only an upgrade. The replacement equipment utilizes more efficient and diminutive available technology that will minimize the number of facilities and reduce the visual impact.
  - One antenna being replaced on the southwest elevation will be flushmounted to the building and will be painted to match the color of the wall on which it is mounted, consistent with the existing antenna it is replacing.
  - The two existing antennas that are being upgraded will be roof-mounted within an existing roof-top sign and screened from view within the existing stealth fabric cover of the sign.

- Since the roof sign where the antennas are located is subject to abatement per Section 20.42.140 of the Municipal Code, the antennas are required to be removed concurrently with the removal of the roof sign.
- The existing support equipment for the telecom facility is located within an
  existing equipment shelter located on the ground. The upgraded equipment
  cabinets approved by this Telecom Permit will all be located within the
  existing shelter with no exterior expansion. All equipment will remain
  screened from public view.
- 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 15302, Class 2 (Replacement or Reconstruction) because the project consists of the replacement or reconstruction of existing an existing facility where the new antennas and equiment will be located in the same location and have subbstantially the same purpose and cpacity of the equipment being replaced.

#### **CONDITIONS**

- 1. The development shall be in substantial conformance with the approved plot plan, antenna and equipment plans, and elevations, dated December 6, 2012, except as noted in the following conditions.
- 2. Anything not specifically approved by this Telecom Permit is not permitted and must be addressed in a separate and subsequent telecom permit review.
- 3. The telecom facility approved by this Permit shall comply with all applicable rules, regulations and standards of the Federal Communications Commission (FCC) and the California Public Utilities Commission (CPUC).
- 4. The telecom facility shall comply with all regulations and requirements of the Uniform Building Code, Uniform Fire Code, Uniform Mechanical Code, and National Electrical Code. All required permits shall be obtained prior to commencement of the construction.
- 5. The telecom facility approved by the permit shall comply with any easements, covenants, conditions or restrictions on the underlying real property upon which the facility is located.
- 6. Any future facilities proposed by other carriers to be located within 1,000 feet from the subject property shall be approved to co-locate at the same site by the property owner or authorized agent, unless otherwise approved by the Planning Division.
- 7. The two antennas that are flush-mounted to the existing building wall (one is remaining and one is being replaced) shall remain flush with the existing building wall (not to extend above existing building parapet and painted to match the existing building wall.

http://citynet.newportbeachca.gov/cdd/Planning\_Division/Current\_Templates/Action\_Letter\_Telecom\_Template.dotx Page 5

- 8. The existing roof sign is subject to Municipal Code Section 20.42.140 Nonconforming Signs. A. Abatement of Nonconforming Signs. All of the antennas within the existing roof-top sign will need to be removed and/or relocated. This will require an amendment to this Telecom Permit or a new telecom permit, which will be determined by the Deputy Community Development Director, depending on the design and location.
- 9. If any of the existing public improvements surrounding the site is damaged by the private work, new concrete sidewalk, curb and gutter, alley/street pavement, and other public improvements will be required by the City at the time of private construction completion. Said determination and the extent of the repair work shall be made at the discretion of the Public Works Director.
- 10. An encroachment permit is required for all work activities within the public right-of-way.
- 11. The storage of all project related equipment during construction shall be on-site and minimize impact to the public right-of-way.
- 12. <u>Prior to the issuance of any building</u>, mechanical and/or electrical permits, architectural drawings and structural design plans shall be submitted to the City of Newport Beach for review and approval by the applicable departments. <u>A copy of this approval letter shall be incorporated into the drawings approved for the issuance of permits.</u>
- 13. 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.
- 14. Should interference with the City's Public Safety radio equipment occur, use of the telecom facility authorized by this Permit shall be suspended until the radio frequency interference is corrected and verification of the compliance is reported.
- 15. The applicant recognizes that the frequencies used by the cellular facility located at **3140 (CS) East Coast Highway** are extremely close to the frequencies used by the City of Newport Beach for public safety. This proximity will require extraordinary "comprehensive advanced planning and frequency coordination" engineering measures to prevent interference, especially in the choice of frequencies and radio ancillary hardware. This is encouraged in the "Best Practices Guide" published by the Association of Public-safety Communications Officials-International, Inc. (APCO), and as endorsed by the Federal Communications Commission (FCC).
- 16. Within 30 days after installation of the telecom facility, during which time the telecom facility may be allowed operate under a 30-day temporary certificate of occupancy, 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

http://citynet.newportbeachca.gov/cdd/Planning\_Division/Current\_Templates/Action\_Letter\_Telecom\_Template.dotx
Page 6

- 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.
- 17. Prior to issuance of building permits, a deposit of \$5,000 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.
- 18. The applicant shall provide a "single point of contact" in its Engineering and Maintenance Departments that is monitored 24 hours per day to insure continuity on all interference issues, and to which interference problems may be reported. The name, telephone number, fax number and e-mail address of that person shall be provided to the Planning Division and Newport Beach Police Department's Support Services Commander prior to activation of the facility.
- 19. Appropriate information warning signs or plates shall be posted at the access locations and each transmitting antenna. In addition, contact information (e.g. a telephone number) shall be provided on the warning signs or plates to arrange for access to the roof top area. The location of the information warning signs or plates shall be depicted on the plans submitted for construction permits.
- 20. No advertising signage or identifying logos shall be displayed on the telecom facility except for small identification, address, warning and similar information plates. A detail of the information plates depicting the language on the plate shall be included in the plans submitted for issuance of building permits.
- 21. The telecom facility shall not be lighted except as deemed necessary by the Newport Beach Police Department for security lighting. The night lighting shall be at the lowest intensity necessary for that purpose and such lighting shall be shielded so that direct rays do not shine on nearby properties. Prior to the final of building permits, the applicant shall schedule an evening inspection by the Code Enforcement Division to confirm compliance with this condition.
- 22. The operator of the telecom facility shall maintain the facility in a manner consistent with the original approval of the facility.
- 23. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the applicant, current property owner or leasing agent.
- 24. The applicant shall insure that lessee or other user(s) shall comply with the terms and conditions of this Permit, and shall be responsible for the failure of any lessee or other users under the control of the applicant to comply.

http://citynet.newportbeachca.gov/cdd/Planning\_Division/Current\_Templates/Action\_Letter\_Telecom\_Template.dotx Page 7

- 25. Any operator who intends to abandon or discontinue use of a telecom facility must notify the Planning Division by certified mail no less than 30 days prior to such action. The operator or property owner shall have 90 days from the date of abandonment or discontinuance to reactivate use of the facility, transfer the rights to use the facility to another operator, or remove the telecom facility and restore the site.
- 26. The City reserves the right and jurisdiction to review and modify any telecom permit approved pursuant to Chapter 15.70 of the Newport Beach Municipal Code, including the conditions of approval, based on changed circumstances. The operator shall notify the Planning Division of any proposal to change the height or size of the facility; increase the size, shape or number of antennas; change the facility's color or materials or location on the site; or increase the signal output above the maximum permissible exposure (MPE) limits imposed by the radio frequency emissions guidelines of the FCC. Any changed circumstance shall require the operator to apply for a modification of the original telecom permit and obtain the modified telecom permit prior to implementing any change.
- 27. This Telecom Permit may be modified or revoked by the City Council should they determine that the facility or operator has violated any law regulating the telecom facility or has failed to comply with the requirements of Chapter 15.70 of the NBMC, or this Telecom Permit.
- 28. This approval shall expire unless exercised within 24 months from the date of approval.
- 29. 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 Sprint Telecom Permit including, but not limited to, the PA2012-128 for TP2012-013. 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.

# **Attachment No. CD 2**

Vicinity Map

# **VICINITY MAP**

3140 (CS) East Coast Highway



Telecommunications Permit No. TP2012-013 (PA2012-128)

# **Attachment No. CD 3**

Site Plan & Elevations

# Sprint

SITE NAME:

**CORONA DEL MAR** 

SITE NUMBER:

OG03XC167

SITE ADDRESS:

3140 EAST COAST HWY

CORONA DEL MAR, CA 92825

SITE TYPE:

ROOFTOP

PROJECT:

**NETWORK VISIONS MMBTS LAUNCH** 

MARKET:

**ORANGE COUNTY** 

SITE INFORMATION AREA MAP APPLICABLE CODES DRAWING INDEX ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN DESCRIPTION ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES TITLE SHEET FORD RD NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES: T-3 SINGAGE AND NOTES 2010 CALIF. ADMINISTRATIVE CODE (INCL. TITLES 24 & 25)
 2010 CALIFORNIA BUILDING CODES A-1 SITE PLAN 2010 CALIFORNIA ELECTRICAL CODES 2010 CALIFORNIA MECHANICAL CODES A-2 EXISTING AND FINAL EQUIPMENT PLANS SAN JOAQUIN HILLS RD 2010 CALIFORNIA PLUMBING CODES
 2010 CALIFORNIA FIRE CODES A-3 EXISTING AND FINAL ANTENNA PLANS 2008 CALIFORNIA ENERGY CODES A-4 SOUTHWEST ELEVATIONS ANSI/EIA-222-F LIFE SAFETY CODE NFPA-101 . LOCAL BUILDING CODES A-5 NORTHEAST ELEVATIONS · CITY/COUNTY ORDINANCES A-6 EQUIPMENT DETAILS PROJECT A-7 EQUIPMENT DETAILS A-8 EQUIPMENT DETAILS PERFORM SITE MODIFICATIONS TO AN EXISTING WIRELESS COMMUNICATIONS FACILITY, INCLUDING; RF ANTENNA AND EQUIPMENT WIRING DIAGRAM NORTH -REPLACEMENT OF (1) GPS ANTENNAS -REPLACEMENT OF (3) PANEL ANTENNAS -UPGRADE OF (3) EQUIPMENT CABINET FIBER ROUTING PLAN ELECTRICAL NOTES DRIVING DIRECTIONS -ADDITION OF (3) RRH UNITS GROUNDING, LINE DIAGRAM AND DETAILS -ADDITION OF BACKHAUL EQUIPMENT AND ASSOCIATED CABLES FROM JOHN WAYNE AIRPORT IN IRVINE: HEAD SOUTHWEST ON JWA ROADWAY. SLIGHT LEFT TOWARD N AIRPORT WAY
SLIGHT RIGHT ONTO N AIRPORT WAY. TAKE THE 1ST RIGHT ONTO MACARTHUR BLVD. TURN LEFT ONTO
CA-1 S. MAKE A U-TURN AT LARKSPUR AVE. DESTINATION WILL BE ON THE RIGHT ANTENNA COUNT PRE UPGRADE: (10) ANTENNA COUNT POST UPGRADE: (10) EQUIPMENT CABINET COUNT PRE UPGRADE: (3)
EQUIPMENT CABINET COUNT POST UPGRADE: (3)

FINAL CONSTRUCTION ENGINEER / CONSULTANT

DESCRIPTION PRELIMINARY CONSTRUCTION

REV DATE/BY



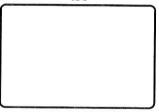
SITE BUILDER



A&E DEVELOPMENT



SEAL



SITE INFORMATION

#### CORONA DEL MAR OG03XC167

3140 EAST COAST HIGHWAY CORONA DEL MAR, CA 92625

> ORANGE COUNTY SHEET TITLE

TITLE SHEET

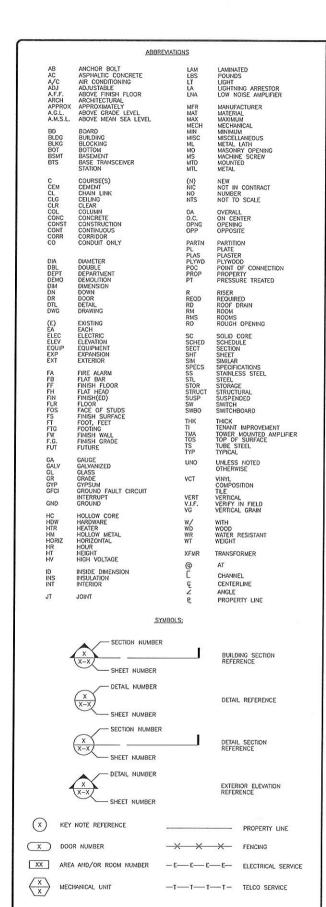
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SR	AP	11.19.2012
	SHEET NUMBER	2

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ARCHITECT: CORE DEVELOPMENT SERVICES 2749 SATURN STREET BREA, CA 92821 CONTACT: ANDREW PEREZ (PM) PHONE: 714.729.8404 EQUIPMENT SUPPLIER: CEVA LOGISTICS ATTN: ALCATEL-LUCENT 5555 JURUPA AVE ONTARIO, CA 91761 CONTACT: TROY PLOTKIN PHONE: 951.733.9478 STRUCTURAL ENGINEER: PNP ENGINEERING IRVINE, CA 92604 CONTACT: Y.J. KANG PhD, PE PHONE: 949.351.5020 ALU CONSTRUCTION MANAGER: ALCATEL-LUCENT 1250 CORONA POINTE CT, SUITE 406 CORONA, CA 92879 CONTACT: SCOTT MCMILLIAN PHONE: 310.569.4645 ALU SITE ACQ MANAGER: ALCATEL-LUCENT
1250 CORONA POINTE CT, SUITE 406
CORONA, CA 92879
CONTACT: KAREN SIPP PHONE: 949.584.8201 PLANNING CONSULTANT: CORE DEVELOPMENT SERVICES 2749 SATURN STREET BREA, CA 92821 CONTACT: MAREE HOEGER PHONE: 949.280.2531 POWER COMPANY: SOUTHERN CALIFORNIA EDISON (SCE) ROSEMEAD, CA 91770 PHONE: 800.655.4555 FIBER VENDOR: CONTACT: TOM ASBURY PHONE: 714-394-5924 ENGINEERING/MAINTENANCE/INTERFERENCE 24HR CONTACT: JAMES CROWTHER OF LANDLORD SOLUTION TEAM FAX: 913.523.9735
EMAIL: LANDLORDSOLUTIONS@SPRINT.COM

T-2 GENERAL NOTES, SPECIFICATIONS & ABBREVIATIONS SIGNATURE BLOCK PROJECT SUMMARY APPROVAL COMPANY / TITLE SIGNATURE DATE APPLICANT: SITE DATA: SPRINT PCS ZONING CLASSIFICATION: N/A SITE OWNER 310 COMMERCE CALIFORNIA A BUILDING CODE: 2010 EDITION IRVINE, CA 92602 CONTACT: TBD JURISDICTION: CITY OF CORONA DEL MAR IN-MARKET UNDERGROUND SERVICE ALERT OF SOUTHERN CALIFORNIA CONSTRUCTION LEAD EXISTING USE: TELECOMMUNICATIONS NEW USE: TELECOMMUNICATIONS ALU RF ENGINEER Call: TOLL FREE PROPERTY OWNER: LATITUDE: 33' 35' 51.8562" N 811 COX FAMILY TRUST 1781 SHADY CREST PLACE LONGITUDE: -117' 52' 16.7268" W ALU SITE ACQUISITION LEASE AREA: (UNCHANGED) TWO WORKING DAYS BEFORE YOU DIG EL CAJON, CA 92020 CONTACT: MYRTLE L. COX PHONE: N/A PLANING CONSULTANT PARCEL NUMBER: 459-192-02 SPRINT REPRESENTATIVE



ABBREVIATIONS & SYMBOLS

GENERAL CONSTRUCTION NOTES

- ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE LOCAL BUILDING CODE, THE LATEST EDITION AND ALL OTHER APPLICABLE CODES AND ORDINANCES.
- CONTRACTOR SHALL CONSTRUCT SITE IN ACCORDANCE WITH THESE DRAWINGS AND CONSTRUCTION SPECIFICATIONS 80-T1196-1 REV
  H. THE SPECIFICATION IS THE RULING DOCUMENT AND ANY DISCREPANCIES BETWEEN THE SPECIFICATION AND THESE DRAWINGS SHOULD BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO PROCEEDING WITH CONSTRUCTION
- CONTRACTOR SHALL VISIT THE JOB SITE AND SHALL FAMILIARIZE HIMSELF WITH ALL CONDITIONS AFFECTING THE PROPOSED WORK AND SHALL MAKE PROVISIONS AS TO THE COST THEREOF CONTRACTOR SHALL BE RESPONSIBLE FOR FAMILIARIZING HIMSELF WITH ALL CONTRACT DOCUMENTS FIELD CONDITIONS AND DIMENSIONS AND CONFIRMING THAT THE WORK MAY BE ACCOMPLISHED AS SHOWN PRIOR TO PROCEEDING WITH CONSTRUCTION. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO THE COMMENCEMENT OF WORK. NO COMPENSATION WILL BE AWARDED BASED ON CLAIM OF LACK OF KNOWLEDGE OF FIELD CONDITIONS
- PLANS ARE NOT TO BE SCALED. THESE PLANS ARE INTENDED TO BE A DIAGRAMMATIC OUTLINE ONLY UNLESS OTHERWISE NOTED. THE WORK SHALL INCLUDE FURNISHING MATERIALS, EQUIPMENT AND APPURTENANCES AND LABOR NECESSARY TO FEFECT ALL MATERIALS WILL INCLUDE THE FOLLOWING, UNLESS NOTED
- A) TRANSMITTER
- B) RF FILTER
- C) MFTS RACK
- D) AUXILIARY EQUIPMENT IN MFTS RACK
- E) PUMP ASSEMBLY
- F) HEAT EXCHANGER
- G) HOSE AND HOSE MANIFOLDS (ANY COPPER OR STEEL SECTIONS PROVIDE BY CONTRACTOR)
- H) UHF ANTENNA AND MOUNTING BRACKETS, GPS ANTENNAS AND
- UHF COAX AND HANGERS
- K) 480-208 AND 208-400 ELECTRICAL TRANSFORMERS (RE: E-2 FOR SPECIALIZED TRANSFORMERS PROVIDED BY CONTRACTOR
- L) AUTOMATIC TRANSFER SWITCH AND GENERATOR
- M) EQUIPMENT SHELTER (SHELTERS FURNISHED IN FACTORY W/ HVAC EQUIPMENT AND ELECTRICAL DISTRIBUTION PANEL)
- N) INTEGRATED LOAD CENTER
- DIMENSIONS SHOWN ARE TO FINISH SURFACES UNLESS OTHERWISE NOTED. SPACING BETWEEN EQUIPMENT IS REQUIRED CLEARANCE. THEREFORE, IT IS CRITICAL SHOULD THERE BE ANY TO FIELD VERIFY DIMENSIONS. QUESTIONS REGARDING THE CONTRACT DOCUMENTS, EXISTING CONDITIONS AND/OR DESIGN INTENT, THE
- CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING A THE WORK. DETAILS ARE INTENDED TO SHOW DESIGN INTENT. MODIFICATIONS MAY BE REQUIRED TO SUIT JOB DIMENSIONS OR CONDITIONS, AND SUCH MODIFICATIONS SHALL BE INCLUDED AS PART OF THE WORK.
- CONTRACTOR SHALL RECEIVE CLARIFICATION IN WRITING, AND SHALL RECEIVE IN WRITING AUTHORIZATION TO PROCFED BEFORE STARTING WORK ON ANY ITEMS NOT CLEARLY DEFINED OR IDENTIFIED BY THE CONTRACT DOCUMENTS.
- CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK USING THE BEST CONSTRUCTION SKILLS AND ATTENTION. CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES AND FOR COORDINATING ALL PORTIONS OF THE WORK UNDER CONTRACT,
- CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF THE WORK AREA, ADJACENT AREAS AND BUILDING OCCUPANTS THAT ARE LIKELY TO BE AFFECTED BY THE WORK UNDER THIS CONTRACT. WORK SHALL CONFORM TO ALL OSHA REQUIREMENTS.
- 10. CONTRACTOR SHALL COORDINATE HIS WORK WITH THE SUPERINTENDENT OF BUILDINGS & GROUNDS AND SCHEDULE HIS ACTIVITIES AND WORKING HOURS IN ACCORDANCE WITH THE
- 11. CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING HIS WORK WITH THE WORK OF OTHERS AS IT MAY RELATE TO RADIO EQUIPMENT, ANTENNAS AND ANY OTHER PORTIONS OF THE WORK
- 12. INSTALL ALL EQUIPMENT AND MATERIALS IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS UNLESS SPECIFICALLY
  OTHERWISE INDICATED OR WHERE LOCAL CODES OR REGULATIONS TAKE PRECEDENCE.
- 13. MAKE NECESSARY PROVISIONS TO PROTECT EXISTING SURFACES EQUIPMENT, IMPROVEMENTS, PIPING ETC. AND IMMEDIATELY REPAIR ANY DAMAGE THAT OCCURS DURING CONSTRUCTION.

- 14. IN DRILLING HOLES INTO CONCRETE WHETHER FOR FASTENING OR ANCHORING PURPOSES, OR PENETRATIONS THROUGH THE FLOOR FOR CONDUIT RUNS, PIPE RUNS, ETC., MUST BE CLEARLY UNDERSTOOD THAT REINFORCING STEEL SHALL NOT BE DRILLED INTO, CUT OR DAMAGED UNDER ANY CIRCUMSTANCES (UNLESS NOTED OTHERWISE ). LOCATIONS OF REINFORCING STEEL ARE NOT DEFINITELY KNOWN AND THEREFORE MUST BE SEARCHED FOR BY APPROPRIATE METHODS AND
- 15. REPAIR ALL EXISTING WALL SURFACES DAMAGED DURING CONSTRUCTION SUCH THAT THEY MATCH AND BLEND IN WITH ADJACENT SURFACES.
- 16. SEAL PENETRATIONS THROUGH FIRE RATED AREAS WITH U.L. LISTED AND FIRE CODE APPROVED MATERIALS.
- 17. KEEP CONTRACT AREA CLEAN, HAZARD FREE, AND DISPOSE OF ALL DIRT, DEBRIS, AND RUBBISH FOUIPMENT NOT SPECIFIED AS REMAINING ON THE PROPERTY OF THE OWNER SHALL BE REMOVED. LEAVE PREMISES IN CLEAN CONDITION AND FREE FROM PAINT SPOTS, DUST, OR SMUDGES OF ANY NATURE. CONTRACTOR SHALL RESPONSIBLE FOR MAINTAINING ALL ITEMS UNTIL COMPLETION CONSTRUCTION
- MINIMUM BEND RADIUS OF ANTENNA CABLES SHALL BE IN ACCORDANCE WITH CABLE MANUFACTURERS RECOMMENDATIONS.
- ALL EXISTING INACTIVE SEWER, WATER, GAS, ELECTRIC AND OTHER UTILITIES. WHICH INTERFERE WITH THE EXECUTION OF THE WORK SHALL BE REMOVED AND/OR CAPPED, PLUGGED OR OTHERWISE DISCONTINUED AT POINTS WHICH WILL NOT INTERFERE WITH THE EXECUTION OF THE WORK, SUBJEC
- 20. CONTRACTOR SHALL MINIMIZE DISTURBANCE TO EXISTING SITE DURING CONSTRUCTION. EROSION CONTROL MEASURES, IF REQUIRED DURING CONSTRUCTION SHALL BE IN CONFORMANCE WITH JURISDICTIONAL OR STATE AND LOCAL CHIDELINES FOR EROSION AND SEDIMENT CONTROL AND COORDINATED WITH LOCAL REGULATORY AUTHORITIES.
- LIGHT SHADED LINES AND NOTES REPRESENT WORK PREVIOUSLY DONE, DARK SHADED LINES AND NOTES REPRESENT THE SCOPE OF WORK FOR THIS PROJECT, CONTRACTOR SHALL VERIFY IF EXISTING CONSTRUCTION IS COMPLETE. CONTRACTOR SHALL NOTIFY ENGINEER OF ANY EXISTING CONDITIONS THAT DEVIATE FROM THE DRAWINGS PRIOR TO BEGINNING CONSTRUCTION
- 22. CONTRACTOR SHALL SECURE ALL NECESSARY PERMITS AND/OR WIRING CERTIFICATES REQUIRED FOR THE ELECTRICAL SERVICE UPGRADE. IN ADDITION, CONTRACTOR SHALL PROVIDE ALL NECESSARY COORDINATION AND SCHEDULING WITH THE SERVING ELECTRICAL UTILITY AND LOCAL INSPECTION AUTHORITIES.

#### ANTENNA & HYBRIFLEX NOTES

- VERIFY EACH CABLE LENGTH, DIAMETER, ROUTING, COLOR CODING AND ALL APPURTENANCES WITH SPRINT.
- THE MAXIMUM FIBER CABLE LENGTH AND CORRESPONDING FIBER CABLE DIAMETER HAS BEEN ESTIMATED ON SHEET A-2.1. THIS CABLE LENGTH IS APPROXIMATE, AND IS NOT TO BE USED FOR FABRICATION OR CONSTRUCTION. ACTUAL ANTENNA CABLE LENGTH(S) MAY VARY FROM ESTIMATED MAXIMUM LENGTH AND MUST BE VERIFIED. FIBER CABLE SHALL BE PROVIDED BY SPRINT.
- ALL MAIN CABLES SHALL UTILIZE GROUND KITS, GROUNDED AS FOLLOWS:
  - A. NEAR ANTENNA RAD CENTER ELEVATION,
  - B. MIDDLE OF TOWER (MID-HEIGHT OF ANTENNA), IF CABLE RUN IS
- C BOTTOM OF TOWER
- D. AT MASTER GROUND BAR 3'-0" FROM RBS CABINET.
- ALL TOP JUMPERS SHALL BE LENGTHS AS SHOWN, SUPPLIED BY SPRINT, AND INSTALLED BY CONTRACTOR.
- ALL MAIN CABLES SHALL BE COLOR CODED AT FOUR (4) LOCATIONS AS FOLLOWS:
- AT ANTENNA PRIOR TO JUMPER
- B. AT THE BOTTOM OF TOWER
- C. AT THE MASTER GROUND BAR, AND D. INTERIOR OF THE RBS CABINET.
- BANDING SHALL BE AS FOLLOWS: A. MAIN LINE COLOR BANDS SHALL BE 2" WIDE. MAINTAIN 1" SPACING BETWEEN COLORS
- B. JUMPER COLOR BANDS SHALL BE 1" WIDE. WITH 1" SPACE.
- START COLOR BANDS 2" BEYOND WEATHERPROOFING. D. START SELECTOR COLOR NEXT TO END CONNECTORS
- FINAL FIBER ANTENNA CABLE SIZES SHALL BE DETERMINED BY SPRINT RF ENGINEER. SEE ANTENNA SCHEDULE SHEET A-2.1.

- ALL FIBER CABLE WILL BE SECURED TO THE DESIGNED SUPPORT STRUCTURE AT DISTANCES NOT TO EXCEED 3' OR THE CABLE MANUFACTURES SPECIFICATIONS WHICHEVER IS LESS WITH HARDWARE SPECIFIED IN THE FIBER CABLE ROUTING DETAILS OF THE SUPPLIED STRUCTURAL REPORT.
- PROVIDE AT LEAST 6" OF SLACK IN THE MAIN FIBER CABLES AT THE ANTENNA MOUNTING ELEVATION TO PROVIDE FOR FUTURE CONNECTOR REPLACEMENT.

REV	DATE/BY	DESCRIPTION	
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	12.03.2012	FINAL CONCEDUCTION	
- 31	RD	FINAL CONSTRUCTION	
		1919	

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SITE BUILDER



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SITE INFORMATION

#### CORONA DEL MAR **OG03XC167**

3140 FAST COAST HIGHWAY CORONA DEL MAR, CA 92625

SHEET TITLE

#### **GENERAL NOTES,** SPECIFICATIONS & **ABBREVIATIONS**

DRAWING INFORMATION

DRAWN BY	CHECKED BY	ISSUE DATE	
SR	AP	11.19.2012	

SHEET NUMBER

**T-2** 

1

**GENERAL NOTES & SPECIFICATIONS** 

#### BATTERY INFORMATION AND NOTES:

BATTERY MFG:

EAST PENN MANUFACTURING

MODEL NUMBER:

12AVR-145L

ELECTROLYTE CONTENT PER BATTERY: 2.17 GALLONS

ELECTROLYTE HAZARD CLASSIFICATION
PER '07 C.F.C. ( 8.7% SULFURIC ACID): CORROSIVE

NUMBER OF BATTERIES TO

BE INSTALLED: 20 MAX (20 PER CABINET)

TOTAL ELECTROLYTE CONTAINED ON SITE (2.17 X 20):

43.4 GALLONS MAX

- A. QUANTITIES OF 500 GALLONS OR LESS ARE EXEMPT PER TABLE 3-E OF THE 2010 U.B.C.
- B. SINGLE VESSEL CAPACITIES OF 10 GALLONS OR LESS, AND AGGREGATE QUANTITIES NOT IN EXCESS OF 100 GALLONS ARE EXEMPT PER ARTICLE 64 OF THE 2010 C.F.C.
- C. QUANTITIES LESS THAN 50 GALLONS ARE EXEMPT FROM C.F.C. ARTICLE 80, AND SHALL NOT REQUIRE REMIT.
- D. ANY CHANGES OR ADDITIONS TO BACK-UP BATTERIES MUST COMPLY WITH 2010 C.F.C. ARTICLE 64, AND SHALL NOT CONTAIN ELECTROLYTE QUANTITIES IN EXCESS OF 50.

FIRE DEPARTMENT NOTES:

- 1. FIRE DEPARTMENT FINAL INSPECTION REQUIRED. SCHEDULE INSPECTION 2 DAYS IN ADVANCE.
- $2.\ A.\ CFC$  PERMIT TO OPERATE BATTERY SYSTEMS WITH STATIONARY LEAD-ACID BATTERIES IS NOT REQUIRED FOR THE QUANTITIES ON SITE.
- 3. A. CFC PERMIT AY BE REQUIRED FOR THE HAZARDOUS MATERIALS ON SITE.
- 4. A HAZARDOUS MATERIALS IDENTIFICATION SIGN IS REQUIRED FOR ALL ENTRANCES INTO BATTERY STORAGE AREAS. LETTERS MUST BE AT LEAST 1" IN HEIGHT AND IN A COLOR WHICH CONTRASTS TO THE BACKGROUND OF THE SIGN AND USE THE FOLLOWING:

CLASS 1 WATER REACTIVE LIQUID TOXIC LIQUID CORROSIVE LIQUID OTHER HEALTH HAZARD LIQUID

- 5. AN APPROVED METHOD TO NEUTRALIZED SUPPLIED ELECTROLYTE SHALL BE PROVIDED IN THE BATTERY ROOM.
- 6. BATTERIES SHALL BE PROVIDED WITH SAFETY VENTING CAPS
- 7. LOCATIONS AND CLASSIFICATIONS OF EXTINGUISHERS SHALL BE IN ACCORDANCE WITH THE UNIFORM FIRE CODE STANDARD 10-1 AND PLACEMENT IS SUBJECT TO APPROVAL OF THE INSPECTOR.
- 8. STORAGE, DISPENSING OR USE OF ANY FLAMMABLE AND COMBUSTIBLE LIQUIDS, FLAMMABLE AND COMPRESSED GASES, AND OTHER HAZARDOUS MATERIALS SHALL COMPLY WITH UNIFORM FIRE CODE REGULATIONS.
- 9. EXIT DOORS SHALL BE ABLE TO OPEN FROM THE INSIDE WITHOUT THE USE OF KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT.
- 10. ADDRESS NUMBERS SHALL BE A MINIMUM 6 INCHES HIGH AND PLAINLY VISIBLE FROM ROADWAY BUILDING ADDRESS IS FROM.
- 11. REQUIRED SIGNAGE SHALL INCLUDE LETTERING HEIGHT OF AT LEAST ONE INCH, IN A COLOR THAT CONTRAST TO THE SIGN BACKGROUNDS, AND SHALL BE PROMINENTLY DISPLAYED.
- 12. REQUIRED SIGNAGE SHALL INCLUDE BUT MAY NOT BE LIMITED TO APPLICABLE TYPES FROM EXAMPLES SHOWN HEREIN; SEE DETAILS 1, 2, AND 3.

# IN CASE OF EMERGENCY CALL

1-866-400-6040

SITE NUMBER: OG03XC167 SITE NAME: CORONA DEL MAR

#### SITE IDENTIFICATION SIGNAGE







#### HAZARDOUS MATERIAL SIGNAGE (AS REQUIRED)

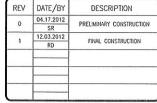


Radio frequency fields at this site may exceed FCC rules for human exposure.

For your safety, obey all posted signs and site guidelines for working in radio trequency environments.







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1

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Brea, California 92821
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SITE INFORMATION

#### CORONA DEL MAR OG03XC167

SITE ADDRESS.

3140 EAST COAST HIGHWAY CORONA DEL MAR, CA 92625

ORANGE COUNTY

SHEET TITLE

# SIGNAGE AND NOTES

DRAWING INFORMATION

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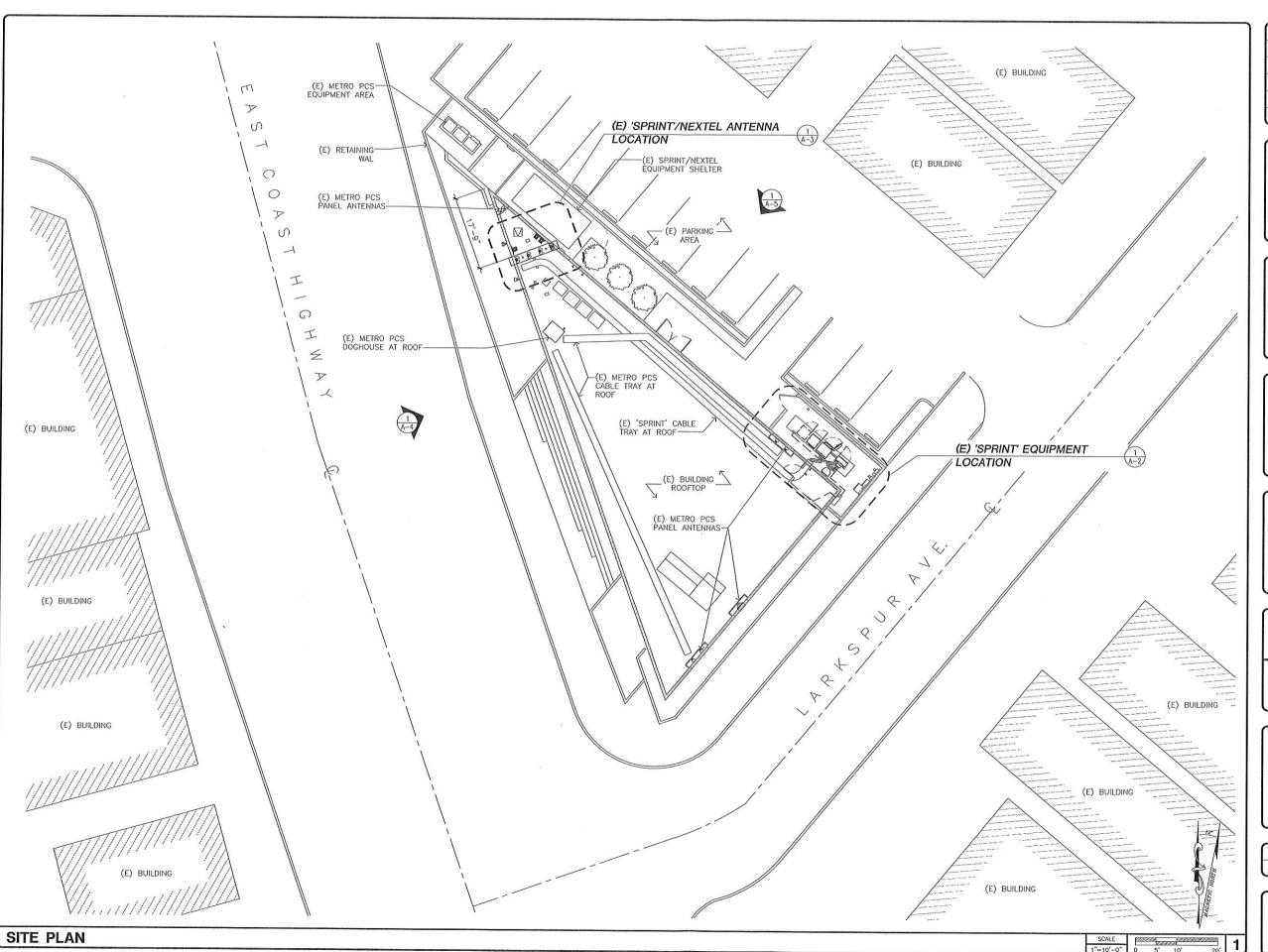
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**T-3** 

**BATTERY INFORMATION AND NOTES** 

RF SIGNAGE

3



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	12.03.2012	FINAL CONSTRUCTION	
- 1	RD	FINAL CONSTRUCTION	

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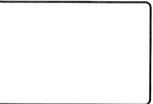


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SITE INFORMATION

#### CORONA DEL MAR OG03XC167

SITE ADDRESS

3140 EAST COAST HIGHWAY CORONA DEL MAR, CA 92625

ORANGE COUNTY

SHEET TITLE

#### SITE PLAN

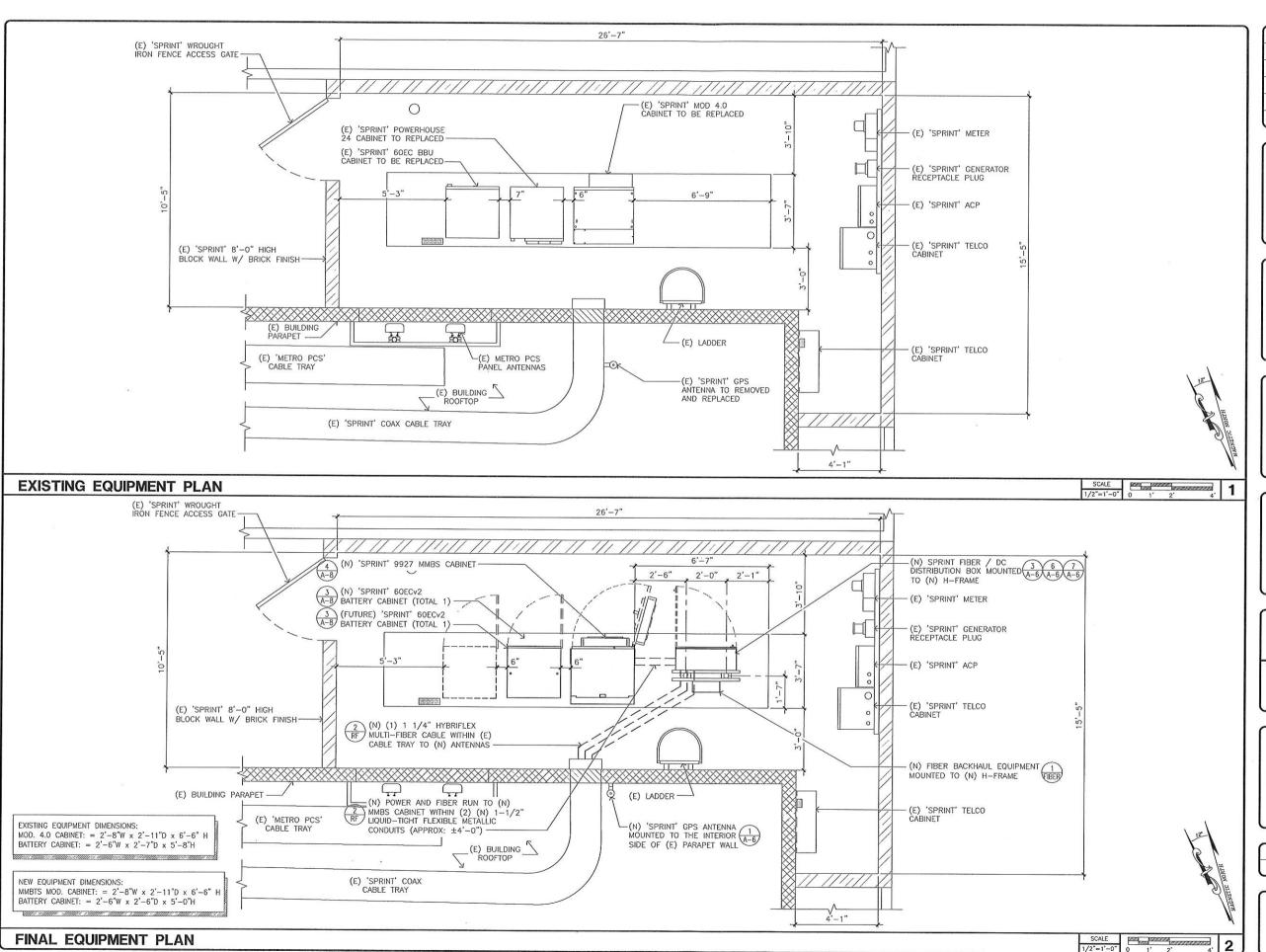
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Alcatel·Lucent <a>∅</a>



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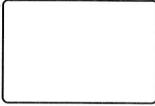


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SITE INFORMATION

#### CORONA DEL MAR OG03XC167

SITE ADDRES

3140 EAST COAST HIGHWAY CORONA DEL MAR, CA 92625

ORANGE COUNTY

SHEET TITLE

# EXISTING AND FINAL EQUIPMENT PLANS

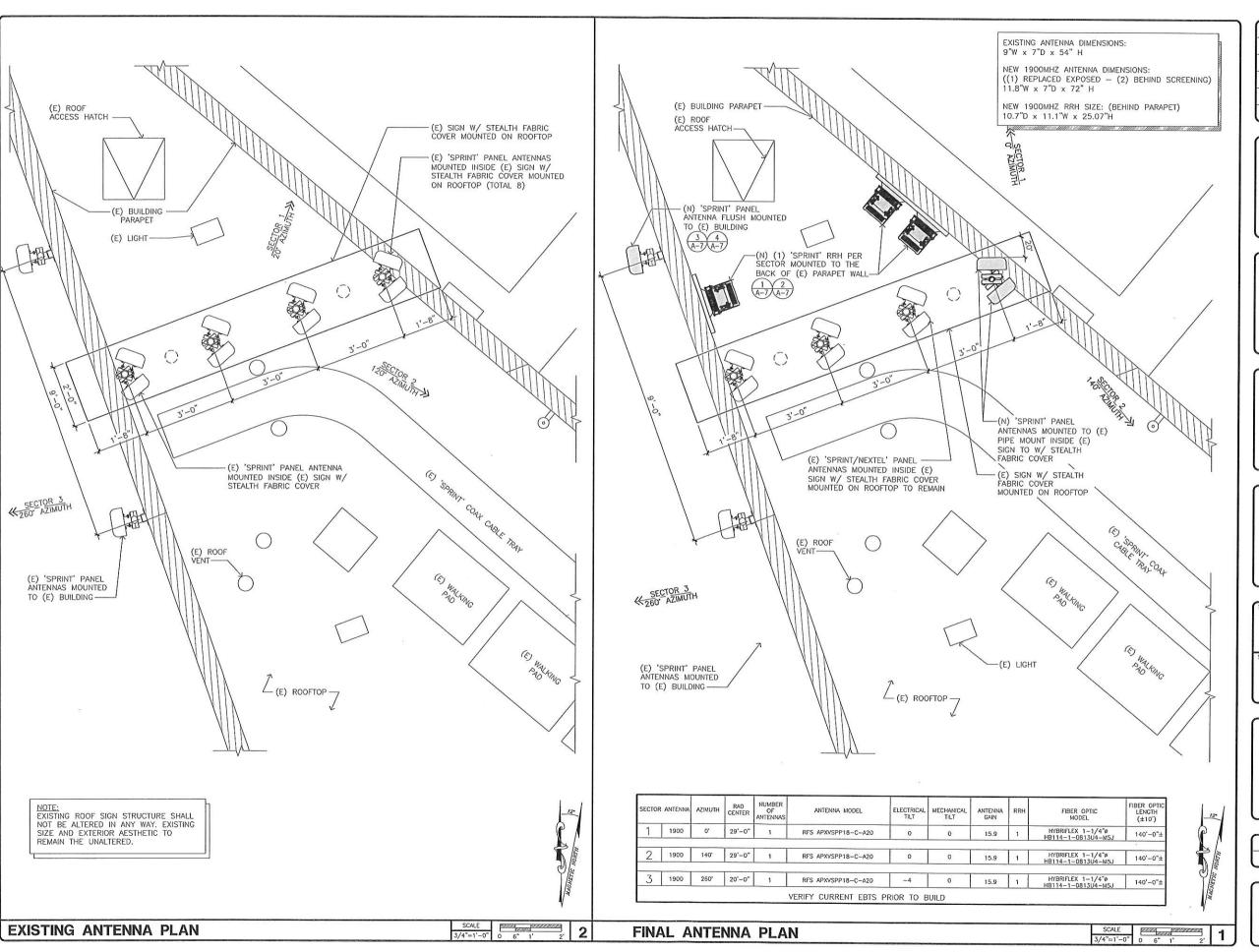
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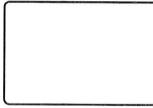


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SITE INFORMATION

#### CORONA DEL MAR OG03XC167

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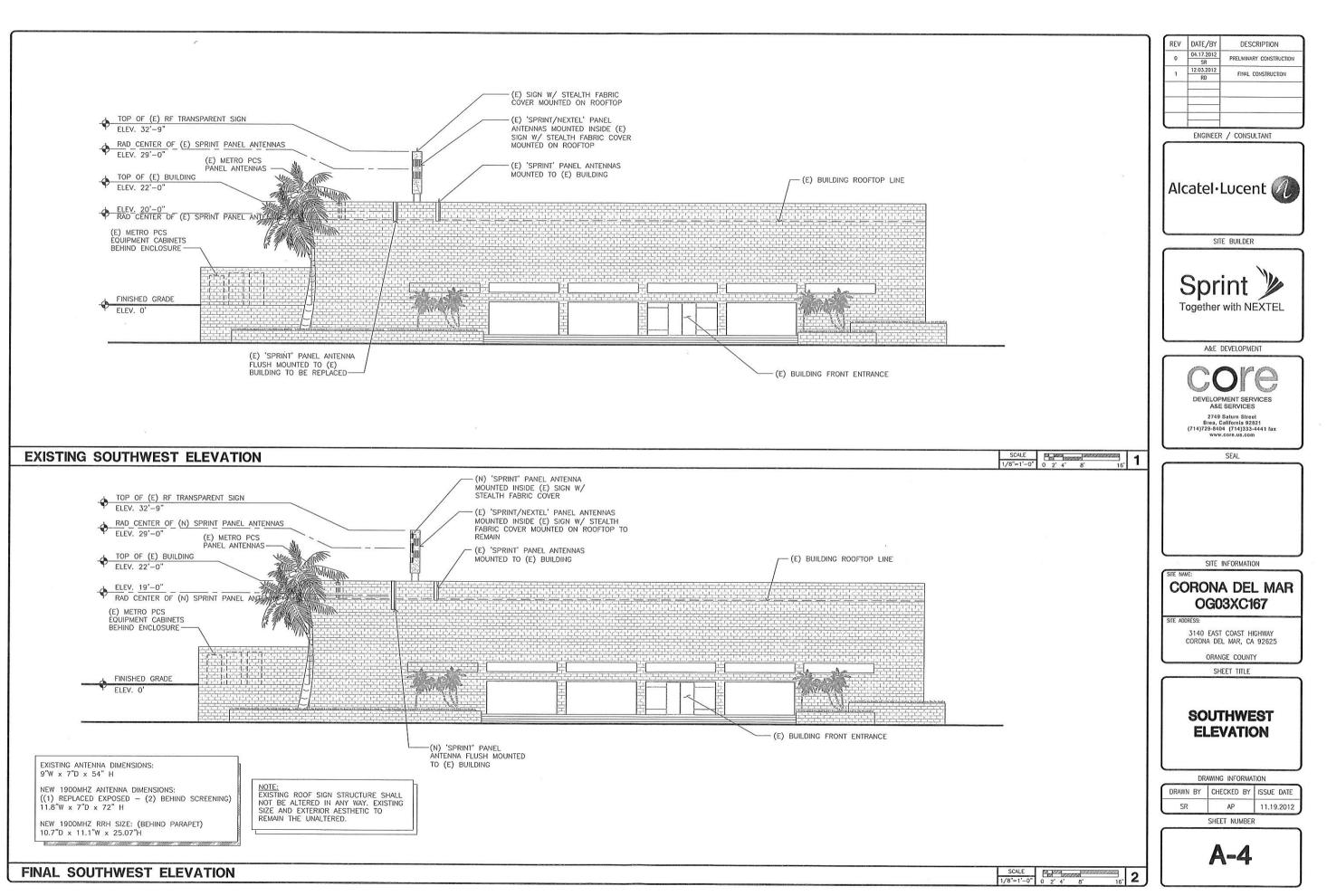
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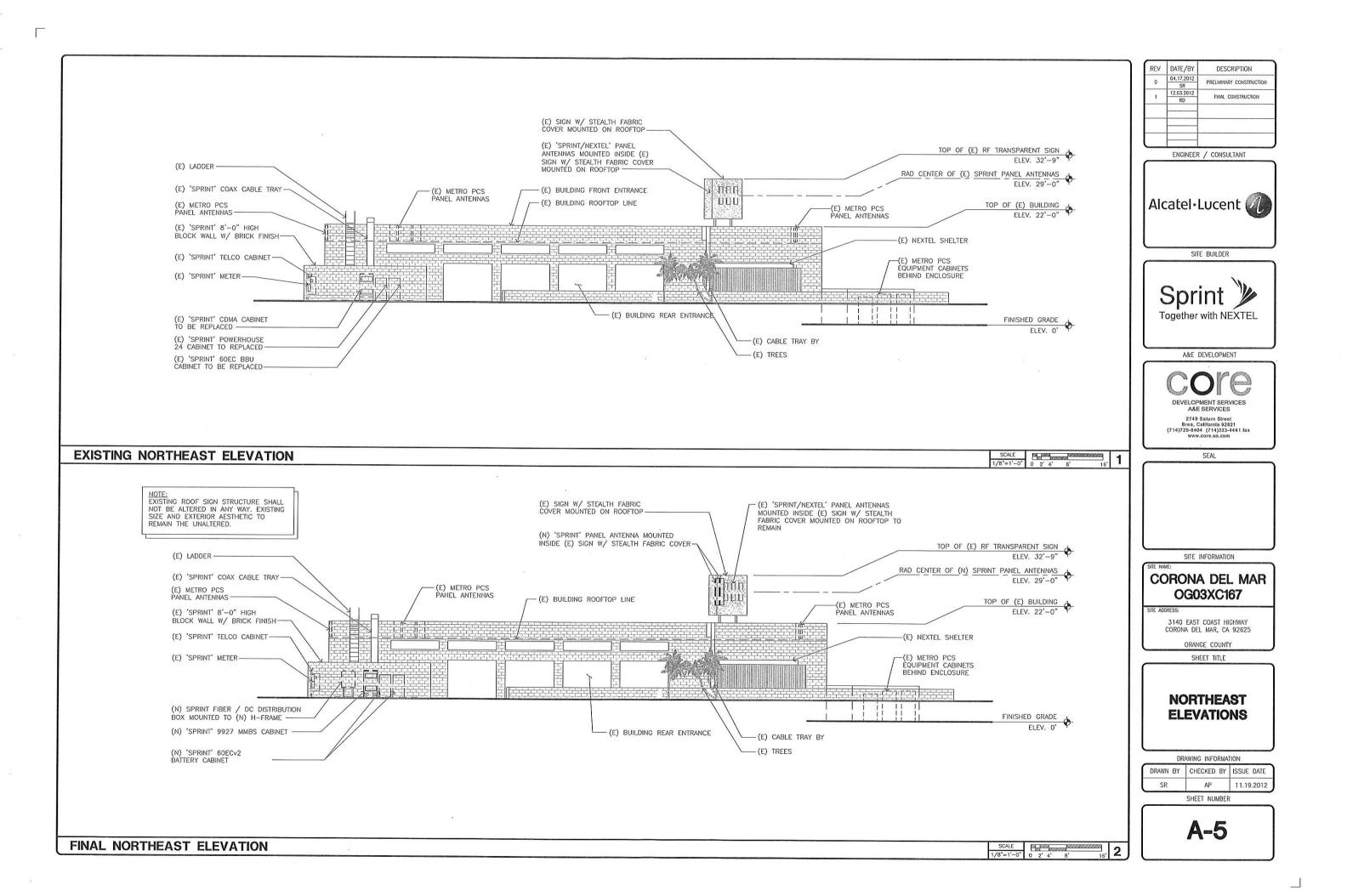
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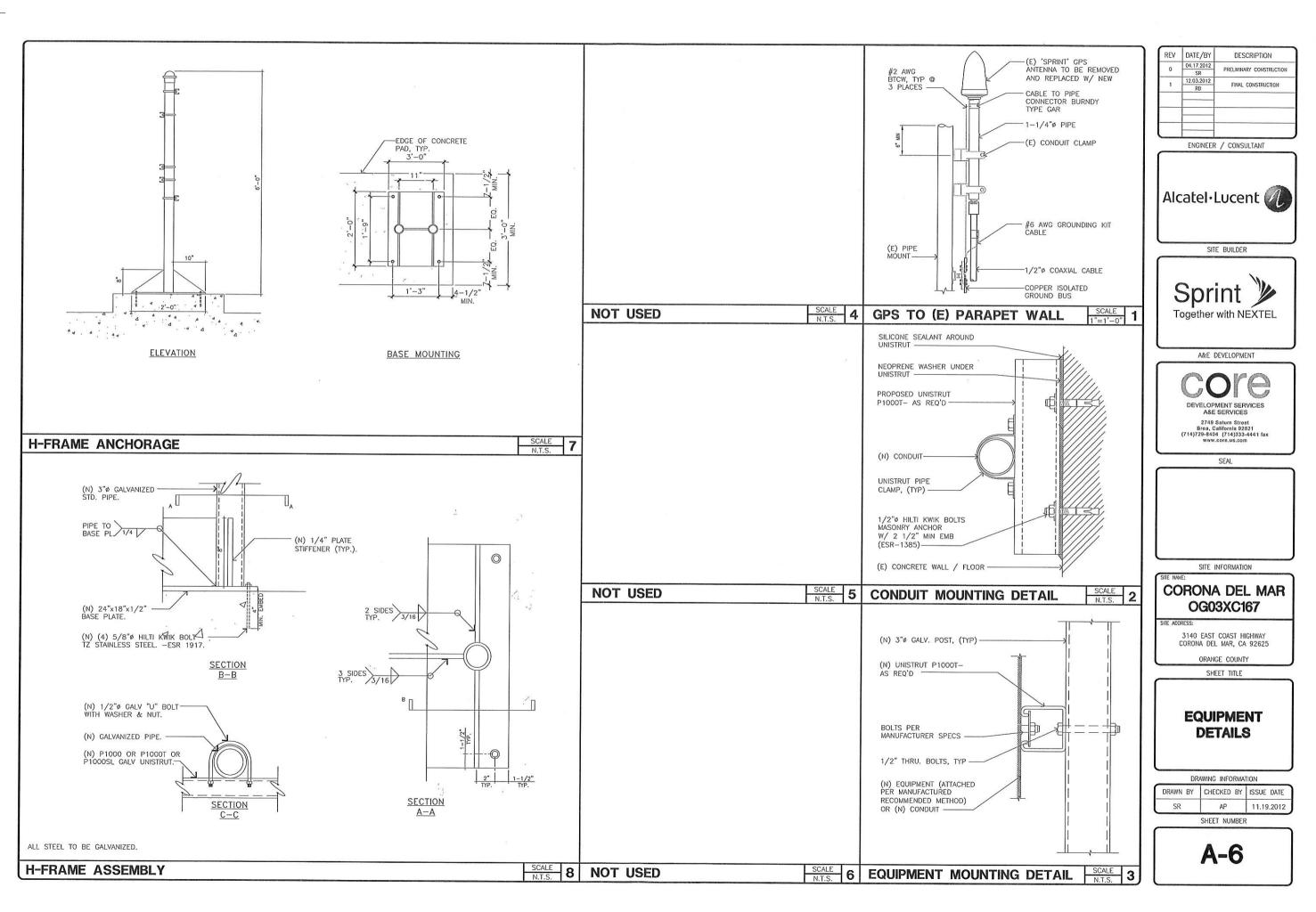
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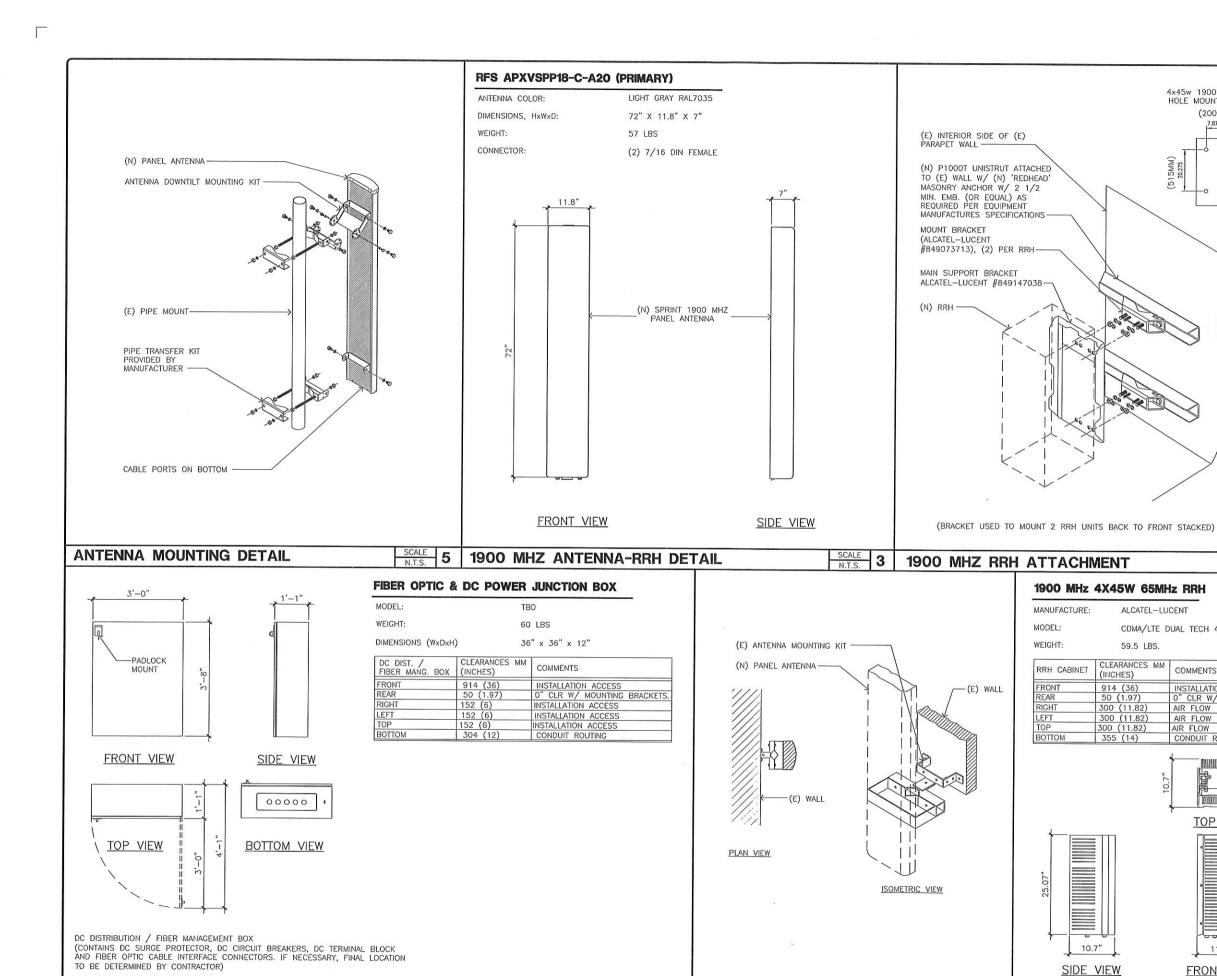
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**A-3** 









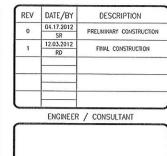
DC / FIBER MANAGEMENT BOX

SCALE 6

ANTENNA MOUNTING DETAIL

SCALE 4

1900 MHZ RRH



4x45w 1900MHz ALU RRU HOLE MOUNTING PATTERN

(200MM)



SITE BUILDER

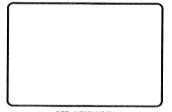


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SITE INFORMATION

#### CORONA DEL MAR OG03XC167

SCALE N.T.S.

ALCATEL-LUCENT

59.5 LBS.

CLEARANCES MM

(INCHES)

CDMA/LTE DUAL TECH 4X45W

COMMENTS

AIR FLOW

AIR FLOW AIR FLOW

CONDUIT ROLLTING

TOP VIEW

11.1"

FRONT VIEW

SCALE N.T.S.

INSTALLATION ACCESS

0" CLR W/ MOUNTING BRACKET:

3140 EAST COAST HIGHWAY CORONA DEL MAR, CA 92625

ORANGE COUNTY

SHEET TITLE

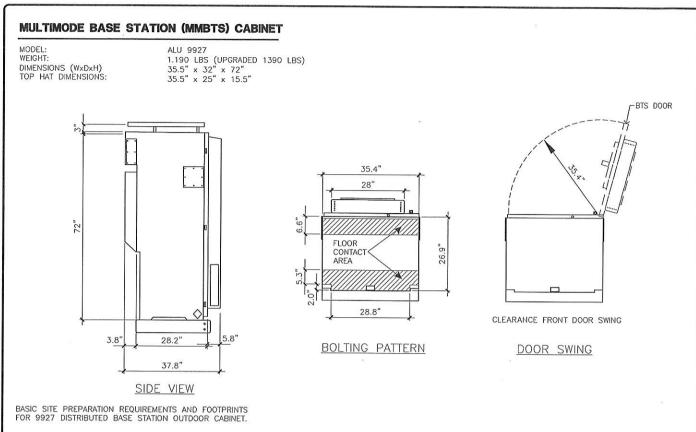
#### **EQUIPMENT DETAILS**

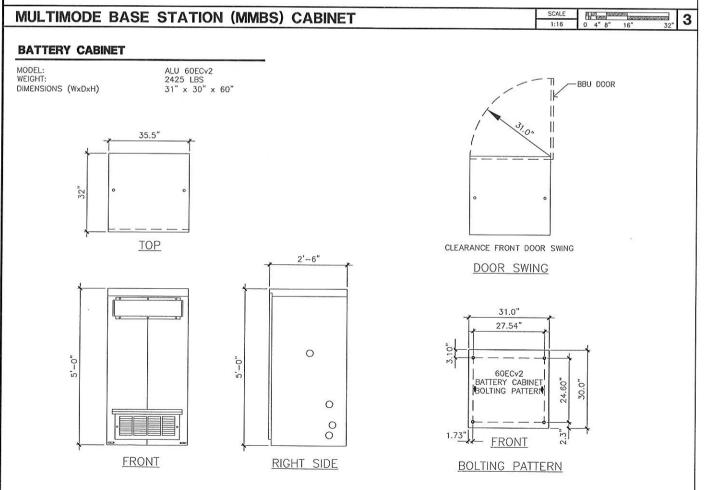
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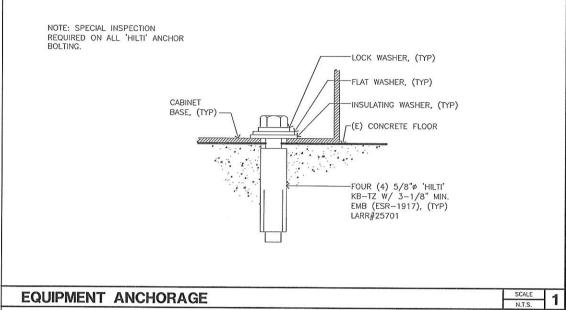
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**A-7** 

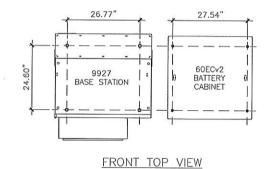




**BATTERY CABINET** 

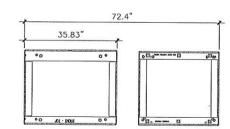


BATTERY AND RADIO CABINET ANCHORING LAYOUT WITHOUT MOUNTING BASE



S2

BATTERY AND RADIO CABINET ANCHORING LAYOUT WITH MOUNTING BASE



INSTALLATION INSTRUCTIONS INTERFACE KIT FOR ATTACHMENT OF 60ECV2 BATTERY CABINET TO OUTDOOR 9928 DISTRIBUTED BASE STATION CABINET WITH INTEGRATED POWER

SEISMIC ZONE	WRENCH	TORQUE NEWTON METERS	TORQUE FOOT POUNDS
USE CURRENT MANUFACTURE RECOMMENDED METHODS FOR SPECIFIC	3/4"	24NM	18 FT-LB
SEISMIC ZONES	19MM	79NM	58 FT-LB

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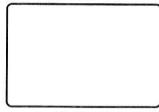
SITE BUILDER



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SITE INFORMATION

#### CORONA DEL MAR OG03XC167

SITE ADDRESS:

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SHEET TITLE

# EQUIPMENT DETAILS

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**A-8** 

BBU AND BTS ANCHORING LAYOUT

SCALE 1:16 0 4" 8" 16"

1:16 2

N.T.S,