

# 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 April 4, 2014

### COMMUNITY DEVELOPMENT DIRECTOR OR PLANNING DIVISION STAFF ACTIONS

(Non-Hearing Items)

Item 1: Bay Shores Peninsula Hotel Telecommunications Permit No. TP2013-004

(PA2013-039)

1800 W. Balboa Boulevard (Bay Shores Peninsula Hotel)

Action: Approved Council District 1

Item 2: Jack's Surfboard/Jack's Girls Outdoor Sales Extension of Limited Term Permit

No. XP2013-001 (PA2013-052)

2727 Newport Boulevard

Action: Approved Council District 1

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.

Lt. Dennis Birch, NBPD (Telecom Permit)



#### COMMUNITY DEVELOPMENT DEPARTMENT

#### PLANNING DIVISION

100 Civic Center Drive, Newport Beach, CA 92660 (949) 644-3200 Fax: (949) 644-3229 www.newportbeachca.gov

### COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER

**APPLICATION:** Telecommunications Permit No. TP2013-004 (PA2013-039)

**APPLICANT:** Tim Miller, Trillium Consulting

**CARRIER:** AT&T Mobility

**LOCATION:** 1800 W. Balboa Boulevard (Bay Shores Peninsula Hotel)

**LEGAL DESCRIPTION** Lots 1, 2, and 3, Block 118, Section B, Newport Beach Tract

On **April 4, 2014**, the Community Development Director approved Telecommunications Permit No. TP2013-004. 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.

Although the City Council adopted Ordinance No. 2014-1 on January 28, 2014, repealing Chapter 15.70 (Wireless Telecommunication Facilities) of the Municipal Code and establishing Chapter 20.49 (Wireless Telecommunication Facilities), the Ordinance allows pending applications to continue being processed under the previous provisions. In this case, the application was submitted February 15, 2013, and review continued under the provisions of Chapter 15.70.

#### PROJECT SUMMARY

Trillium Consulting has submitted an application on behalf of AT&T Mobility requesting a Telecommunications Facility Permit (Telecom Permit) for the purpose of upgrading and modifying an existing wireless facility that was previously granted a Telecommunications Permit on September 25, 2006 (TP2006-001). The existing telecom facility is located on the roof of the Bay Shores Peninsula Hotel. The project consists of the following upgrades:

- Replacement of six existing antennas with 11 new antennas.
- Replacement of three existing equipment cabinets with two new equipment cabinets within the existing rooftop equipment enclosure.
- Installation of 24 new remote radio units (RRU's).

- Installation of three DC surge suppressors.
- Installation of one new global positioning system (GPS) antenna within the rooftop equipment enclosure.
- Installation of new screening that will complement the building façade for five RRU's and one DC surge suppressor.

The subject property consists of a three-story hotel and an onsite parking lot. The building exterior is composed of a stucco finish with various balcony and awning projections along the Balboa Boulevard and 18<sup>th</sup> Street frontages. An existing equipment enclosure is located on the roof at the westerly side of the building. Towards the southeast corner of the building are two existing vertical projections, a penthouse, and a smaller rectangular screening element. AT&T currently utilizes all three areas as part of their telecom facility.

The proposed equipment upgrades will predominantly occur behind existing screening and will not involve noticeable changes to the building architecture or façade. The proposed upgrades to each area of the telecom facility are as follows:

<u>Penthouse</u> – four existing antennas mounted behind existing screening will be replaced with eight new antennas. A total of nine RRU's and two DC surge suppressors will also be mounted on the penthouse behind existing and new screening. New screening proposed at the southwesterly side of the penthouse will be architecturally compatible and painted to match the existing building façade.

<u>Rectangular Screening Element</u> – two existing antennas mounted within the screening element will be replaced with three new antennas. Three RRU's and one DC surge suppressor will also be mounted within the screening element.

<u>Equipment Enclosure</u> – three existing equipment cabinets within the equipment enclosure will be replaced with two new equipment cabinets. One existing GPS antenna will be relocated within the enclosure and an additional GPS antenna will be added. A total of 12 RRU's are also proposed to be mounted on the interior of the enclosure. No expansion to the existing enclosure is proposed.

All new antennas and equipment comply with the definition for a stealth facility (NBMC 15.70.030) as they will be mounted to the building and concealed behind screening. 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 project plans are included as Attachment No. CD 4.

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

**General Plan:** CV (Visitor Serving Commercial) **Zone:** CV (Commercial Visitor-Serving)

#### **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:

Jason Van Patten Planning Technician

JM/jvp

Attachments: CD 1 Findings and Conditions of Approval

CD 2 Vicinity Map

CD 3 Photographic Simulations

CD 4 Project Plans

Findings and Conditions of Approval

## FINDINGS AND CONDITIONS OF APPROVAL TELECOMMUNICATIONS PERMIT NO. TP2013-004 (PA2013-039)

#### **FINDINGS**

- 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 hotel building, and any future facility proposed to be located within 1,000 feet of the existing facility shall be required, if feasible, to co-locate on the same site to limit the adverse visual effects of a proliferation of facilities in the City.
  - The design of the facility mitigates visual impacts due to the placement of antennas behind existing and new screening. Equipment placed behind new screening at the southwesterly side of the penthouse will be located at a level and location that has no impact on public views.
  - The telecom facility is not located adjacent to a Coastal View Road or Coastal View Point.
- 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 Telecom Permit utilizes the most efficient and diminutive available technology in order to minimize the number of facilities and reduce visual impact.
  - The subject property is zoned Commercial Visitor Serving (CV) and is located within the 26/35 Shoreline Height Limit Zone per the Zoning Code. The telecom facility and modifications as proposed and approved by this Telecom Permit comply with Section 15.70.050 (Height and Location) of Chapter 15.70 because they do not exceed the upper maximum building height allowed in the Zoning District as specified in the Zoning Code.

- All antennas for the telecom facility approved by this Telecom Permit will be wall
  mounted and located behind existing screening which are painted to match the
  color and texture of the wall on which the antennas are mounted.
- All equipment for the telecom facility approved by this Telecom Permit will be roof-mounted within an existing equipment enclosure and located behind screening. All roof mounted equipment complies with the 26/35 Shoreline Height Limitation Zone applicable to the building in the CV Zoning District.
- The equipment enclosure is not proposed to be expanded as part of the telecom facility approved by this Telecom Permit.
- 3. The project has been reviewed, and it has been determined that it qualifies for a Class 2 (Replacement or Reconstruction) categorical exemption pursuant to Title 14 of the California Code of Regulations (Section 15315, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act). The Class 2 exemption 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. The proposed project is intended as an upgrade to the existing telecom facility equipment. The new telecom facility will have substantially the same purpose as the previous facility.

### **CONDITIONS**

- 1. The development shall be in substantial conformance with the approved plot plan, antenna and equipment plans, elevations, and photographic visual simulations, except as noted in the following conditions.
- 2. Anything not specifically approved by this Telecom Permit is not permitted and must be addressed in a separate and subsequent Telecom Permit review.
- 3. This approval supersedes Telecom Permit No. TP2006-001 (PA2006-003) which upon vesting of the rights authorized by this application, shall become null and void following the issuance of building permits for the proposed project.
- 4. The telecom facility approved by this Telecom Permit shall comply with all applicable rules, regulations and standards of the Federal Communications Commission (FCC) and the California Public Utilities Commission (CPUC).
- 5. The applicant is required to obtain all applicable permits from the City Building Division and Fire Department. Prior to the issuance of any building, mechanical, and/or electrical permits, architectural drawings and structural design plans shall be submitted to the City of Newport Beach for review and approval by the applicable departments. A copy of this approval letter shall be incorporated into the drawings approved for the issuance of permits.

- 6. The telecom facility shall comply with all regulations and requirements of the California Building Code (CBC), California Fire Code, California Mechanical Code, and California Electrical Code. All required permits shall be obtained prior to commencement of the construction.
- 7. Any future facilities proposed by other carriers to be located within 1,000 feet from the subject property shall be approved to co-locate at the same site by the property owner or authorized agent, unless otherwise approved by the Planning Division.
- 8. The telecom facility approved by this Telecom Permit shall comply with any easements, covenants, conditions or restrictions on the underlying real property upon which the facility is located.
- 9. If any of the existing public improvements surround the site are 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 time discretion of the Public Works Inspector.
- 10. The storage of all project related equipment during construction shall be on-site and outside of the public right-of-way.
- 11. An approved Encroachment Permit is required for all work activities within the public right-of-way.
- 12. All work in the public right-of-way shall follow the City's Municipal Code Chapter 13.20.
- 13. A total of 11 new antennas shall be installed in a manner and location consistent with the plans approved by this Telecom Permit. All antennas are to be screened from view behind the existing screen wall.
- 14. A total of two new equipment cabinets shall be installed within the existing roof-top equipment enclosure in a manner and location consistent with the plans approved by this Telecom Permit.
- 15. Expansion to the existing equipment enclosure is prohibited without first amending this Telecom Permit or applying for a new telecom permit.
- 16. Structural analysis of the existing structure(s), including review of the existing lateral and vertical load resisting systems shall be made available if requested for review with the submitted plans due to the relocated weight of the rooftop equipment within the enclosure.

- 17. Applicant shall provide number of batteries per cabinet and electrolyte capacity per battery for review and approval with the submitted plans. Cabinets with batteries which exceed 50 gallons of electrolyte will be required to meet CFC Section 608.1.
- 18. 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.
- 19. The facility shall transmit at the approved frequency ranges established by the FCC. The applicant shall inform the City in writing of any proposed changes to the frequency range in order to prevent interference with the City's Public Safety radio equipment.
- 20. The applicant recognizes that the frequencies used by the cellular facility located at 1800 W. Balboa Boulevard 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).
- 21. Should interference with the City's Public Safety radio equipment occur, use of the telecom facility authorized by this Telecom Permit shall be suspended until the radio frequency interference is corrected and verification of the compliance is reported.
- 22. Prior to the final inspection of building permits, a radio frequency (RF) compliance and radiation report prepared by a qualified RF engineer acceptable to the City shall be submitted in order to demonstrate that the facility is operating at the approved frequency and complies with FCC standards for radiation. If the report shows that the facility does not so comply, the use of the facility shall be suspended until the facility is modified to comply and a new report has been submitted confirming such compliance.
- 23. <u>Prior to final inspection of building permits</u>, the Planning Division shall conduct an on-site inspection to ensure materials and colors match existing architecture as approved and to the satisfaction of the Planning Division.
- 24. 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.

- 25. 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.
- 26. 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.
- 27. 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.
- 28. The operator of the telecom facility shall maintain the facility in a manner consistent with the original approval of the facility.
- 29. 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.
- 30. The applicant shall ensure that lessee or other user(s) shall comply with the terms and conditions of this Telecom Permit, and shall be responsible for the failure of any lessee or other users under the control of the applicant to comply.
- 31. 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.
- 32. The City reserves the right and jurisdiction to review and modify any telecom permit approved pursuant to Chapter 20.49 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.

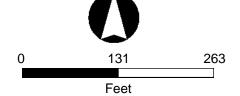
- 33. This Telecom Permit may be modified or revoked by the Community Development Director should they determine that the facility or operator has violated any law regulating the telecom facility or has failed to comply with the requirements of Chapter 15.70 of the NBMC, or this Telecom Permit.
- 34. This approval shall expire unless exercised within 24 months from the date of approval.
- 35. 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 Bay Shores Peninsula Hotel Telecom Facility including, but not limited to, the TP2013-004 (PA2013-039). 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.

Vicinity Map



Newport Beach **GIS** 





Disclaimer: Every reasonable effort has been made to assure the accuracy of the data provided, however, The City of Newport Beach and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use.

Imagery: 2009-2012 photos provided by Eagle Imaging www.eagleaerial.com

Photographic Simulations













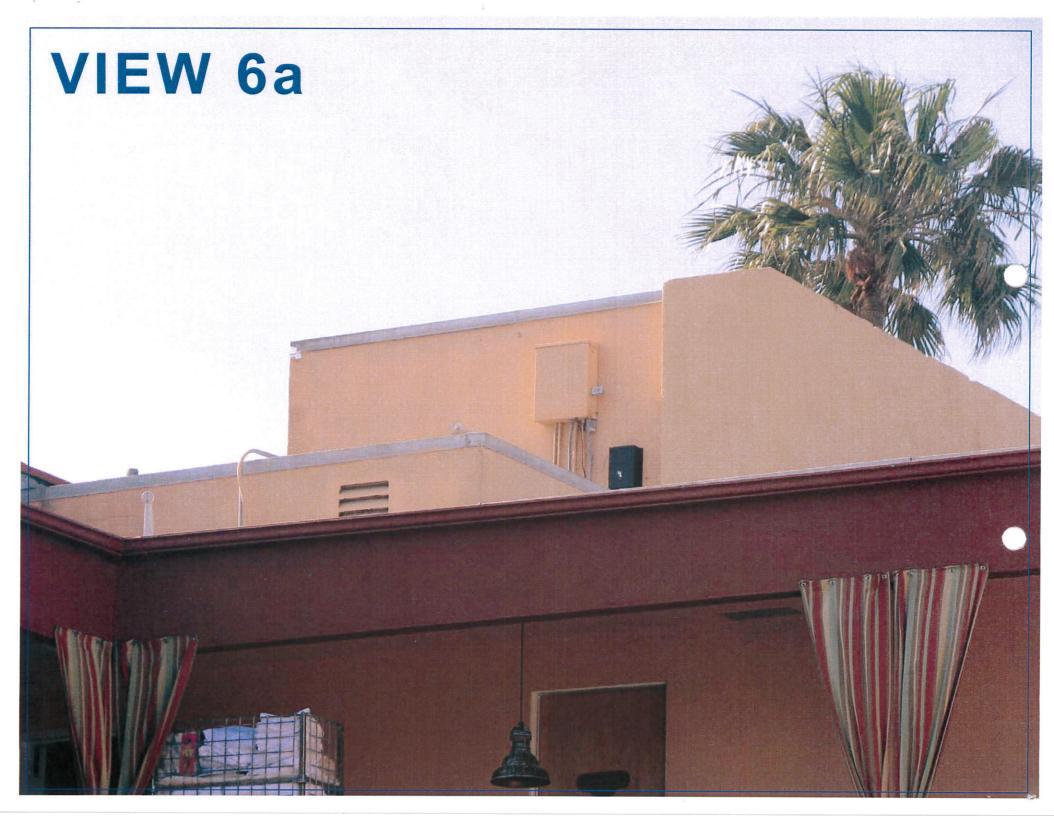


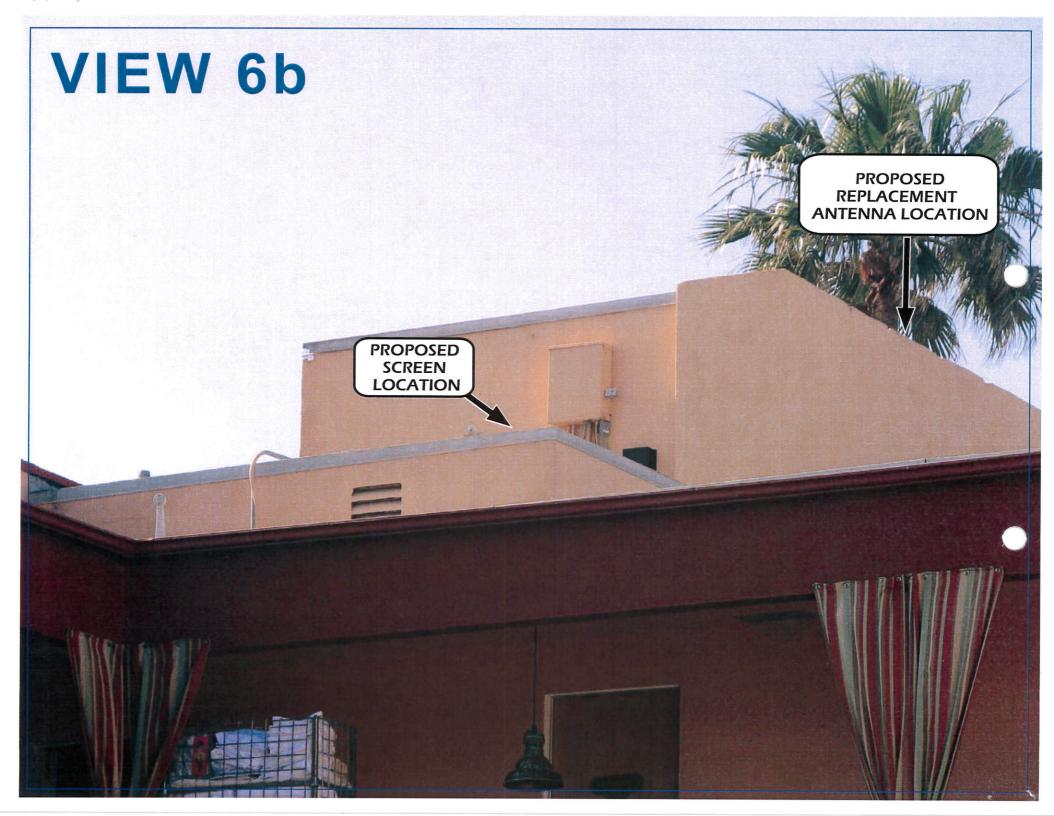












Project Plans

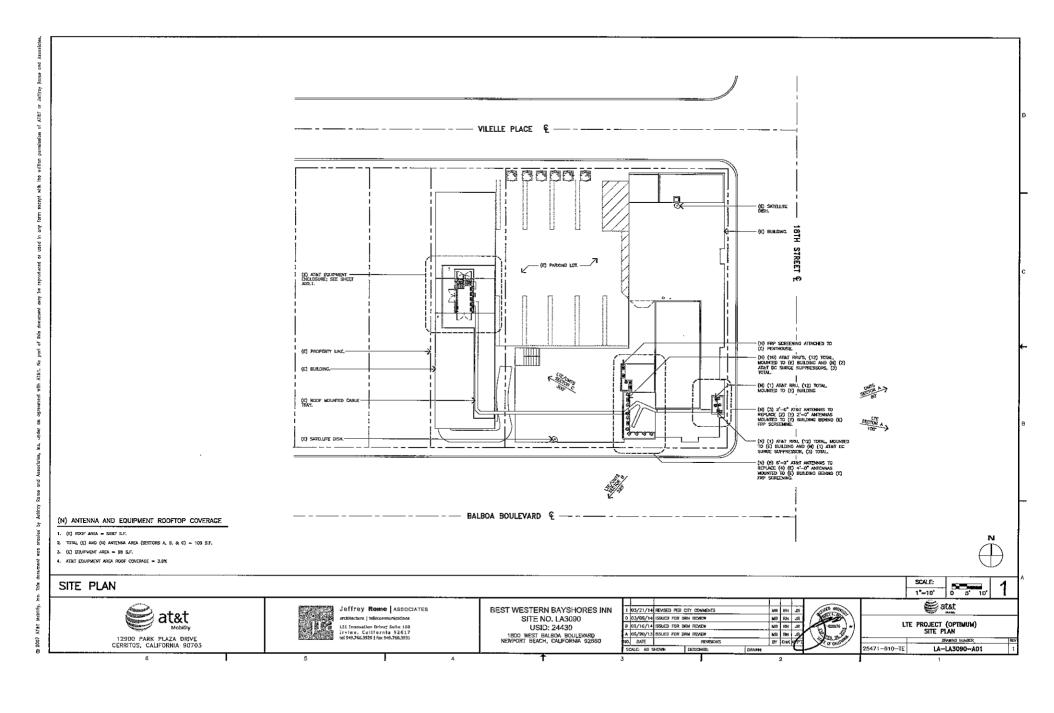


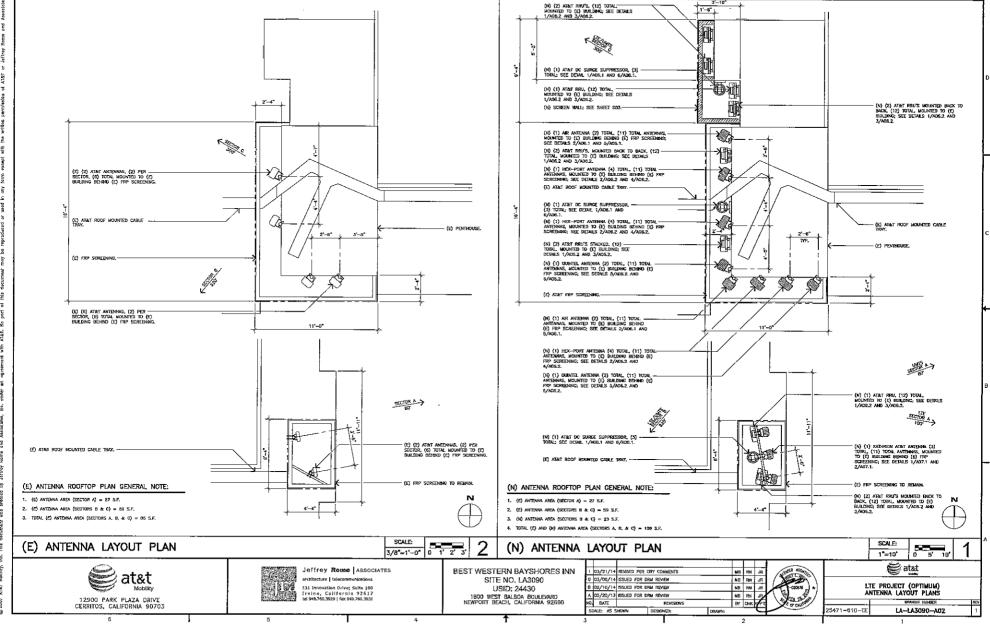
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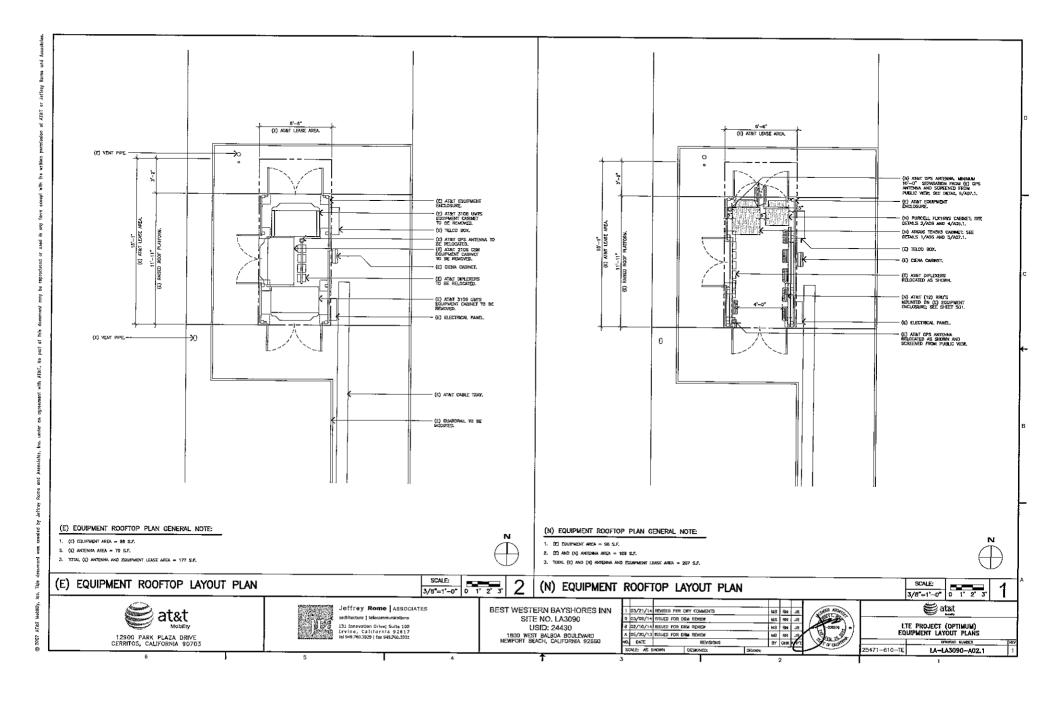
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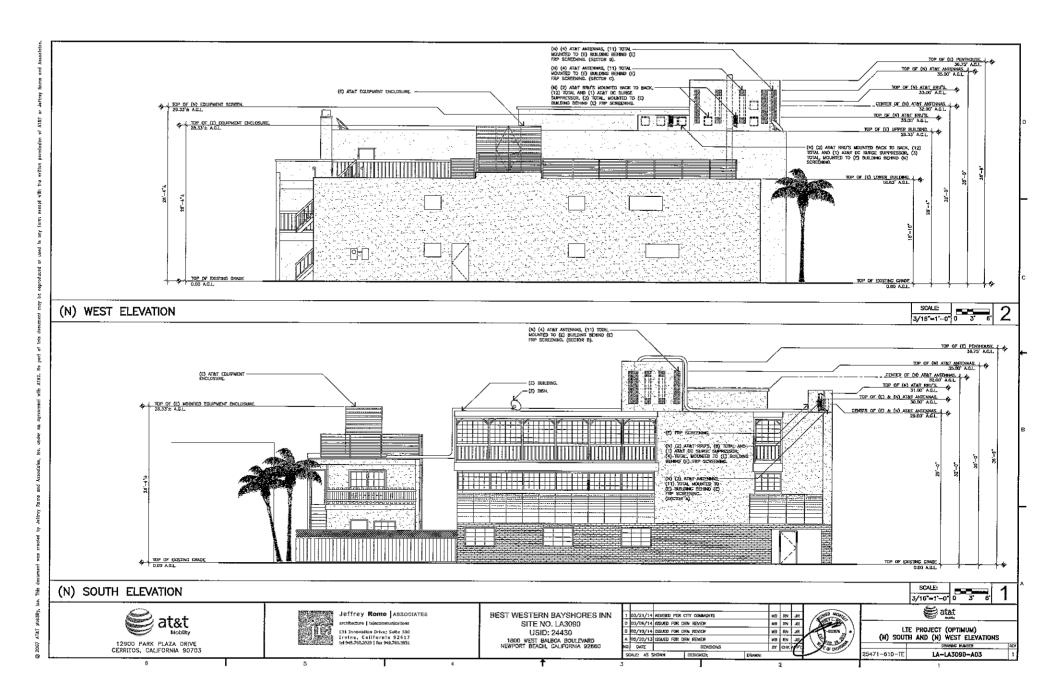
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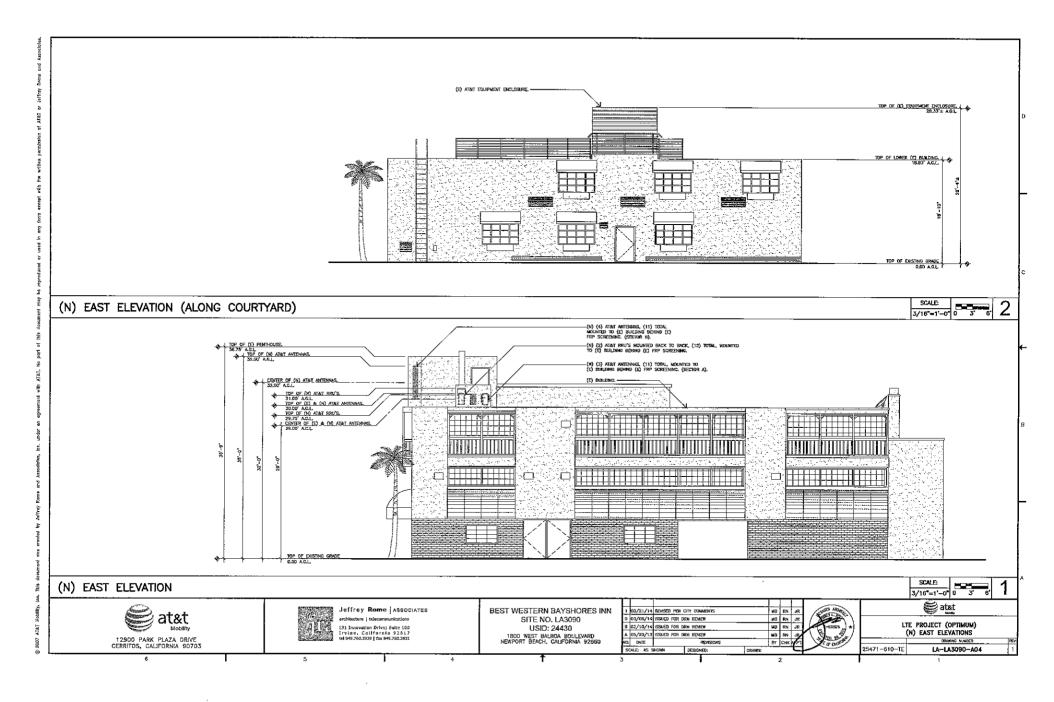
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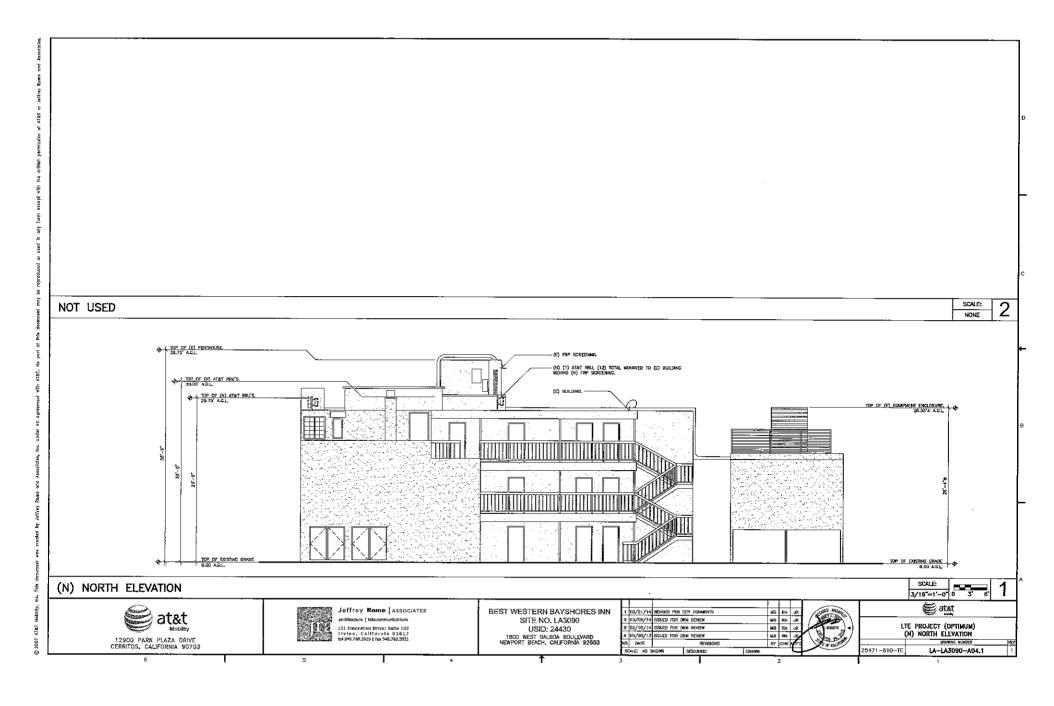


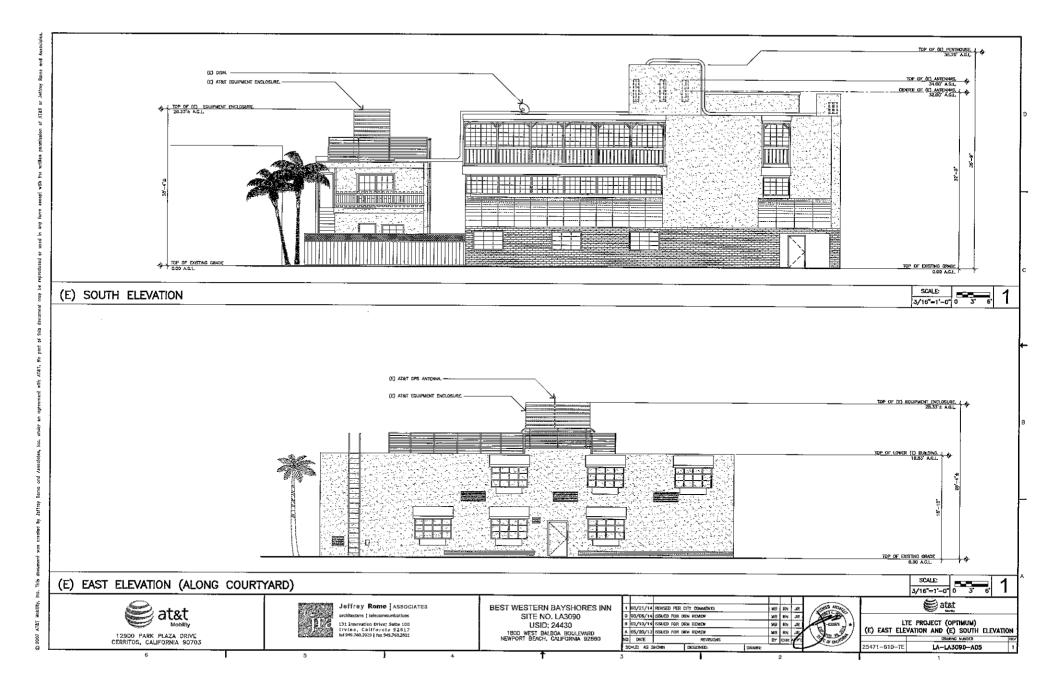


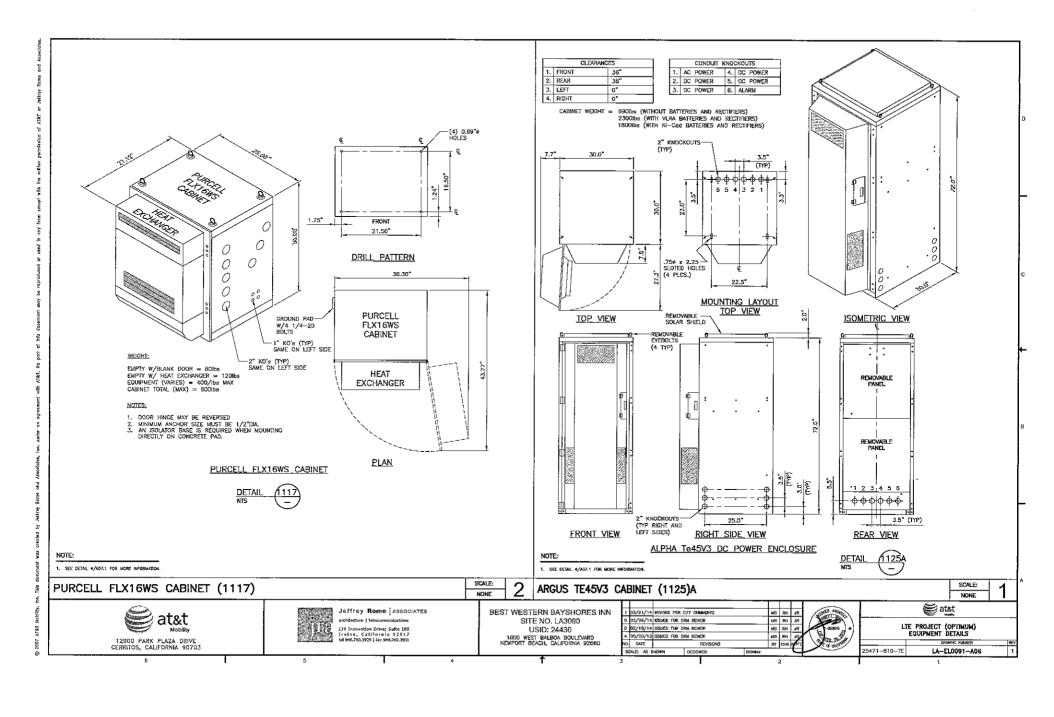


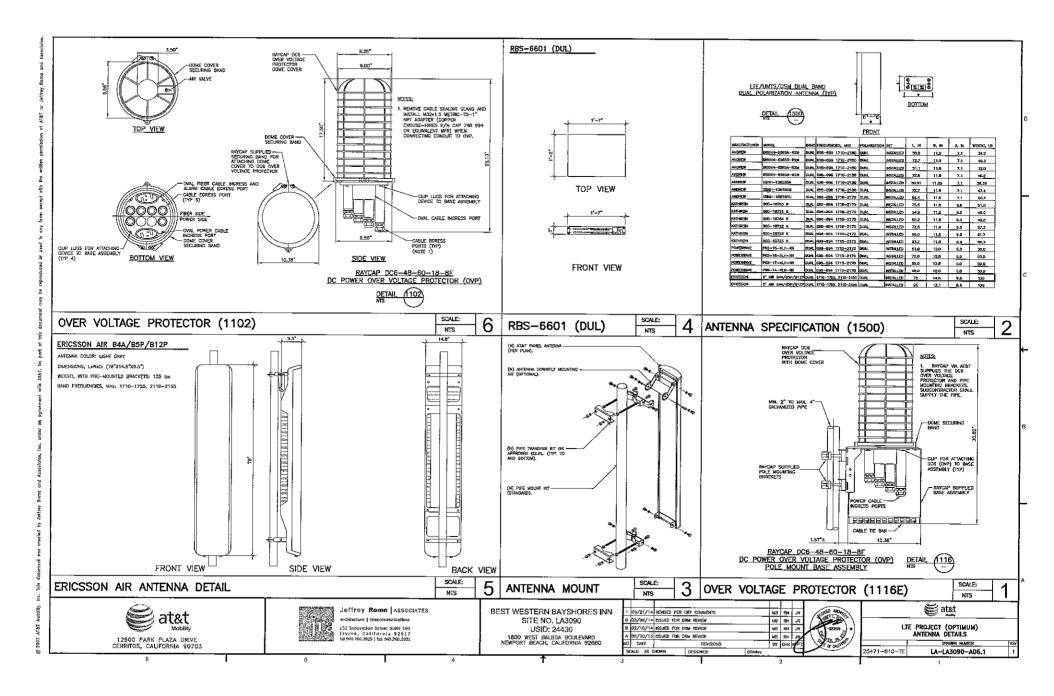


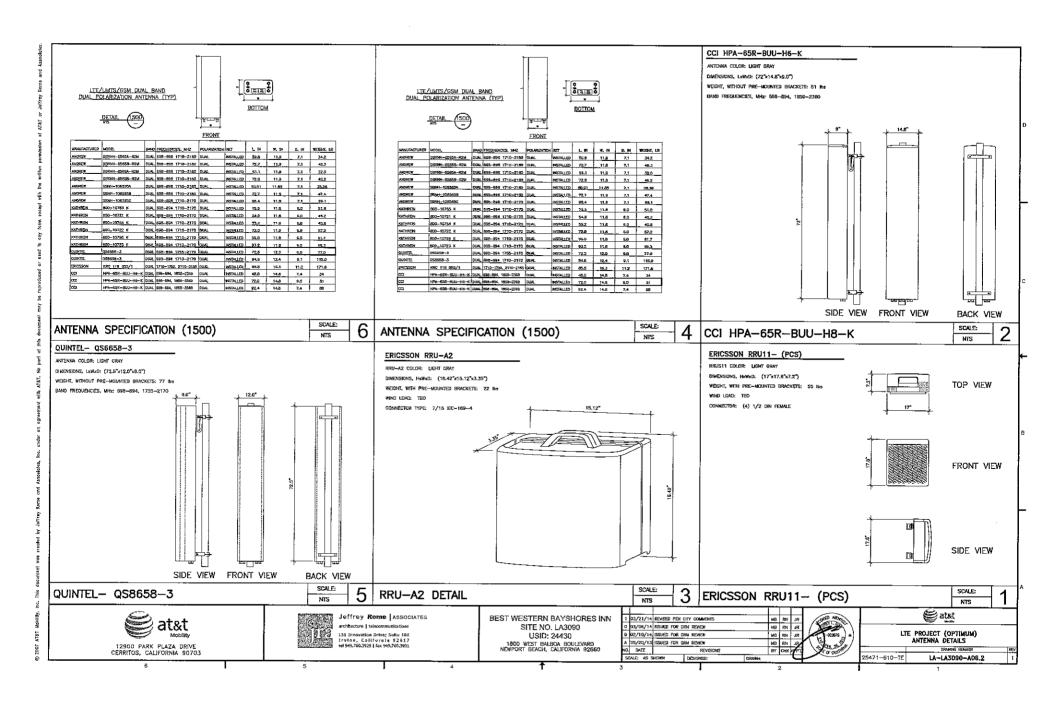


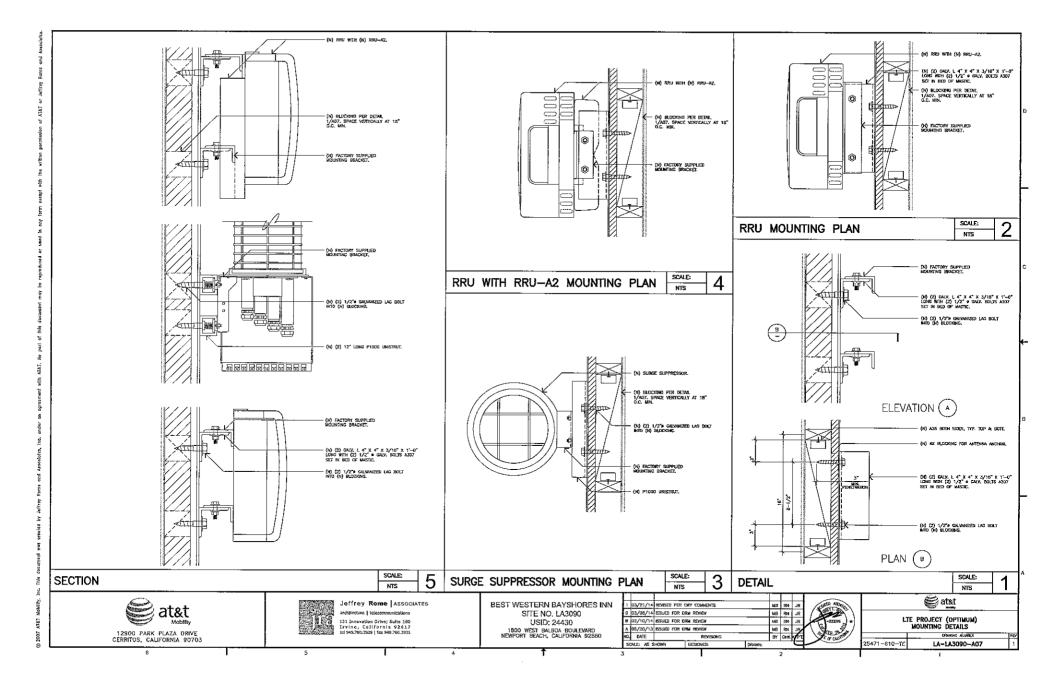


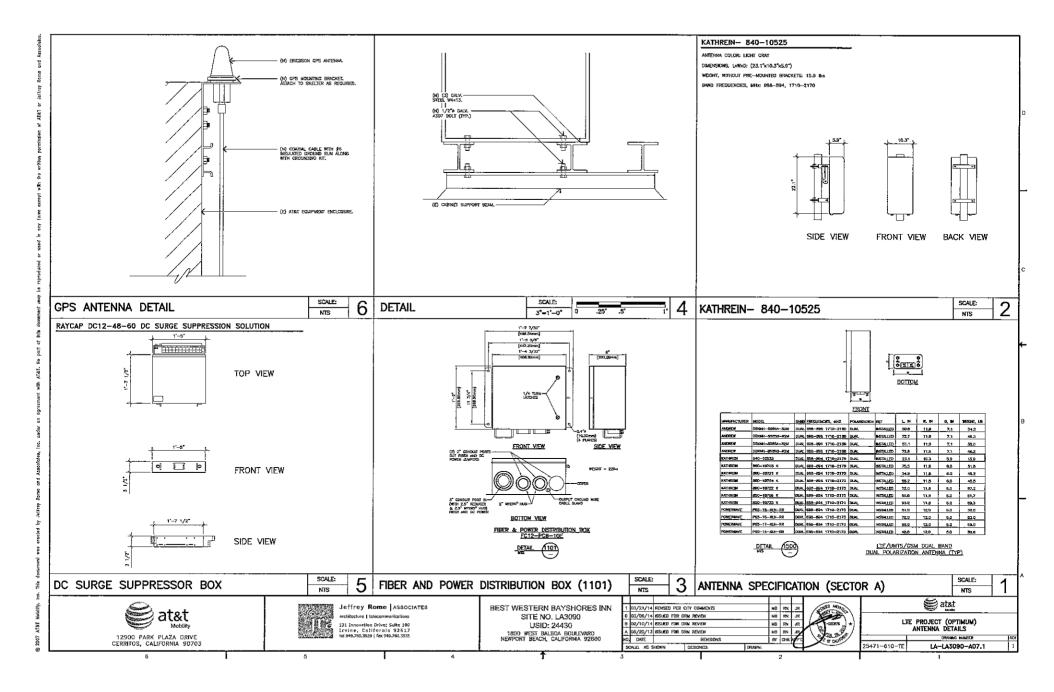


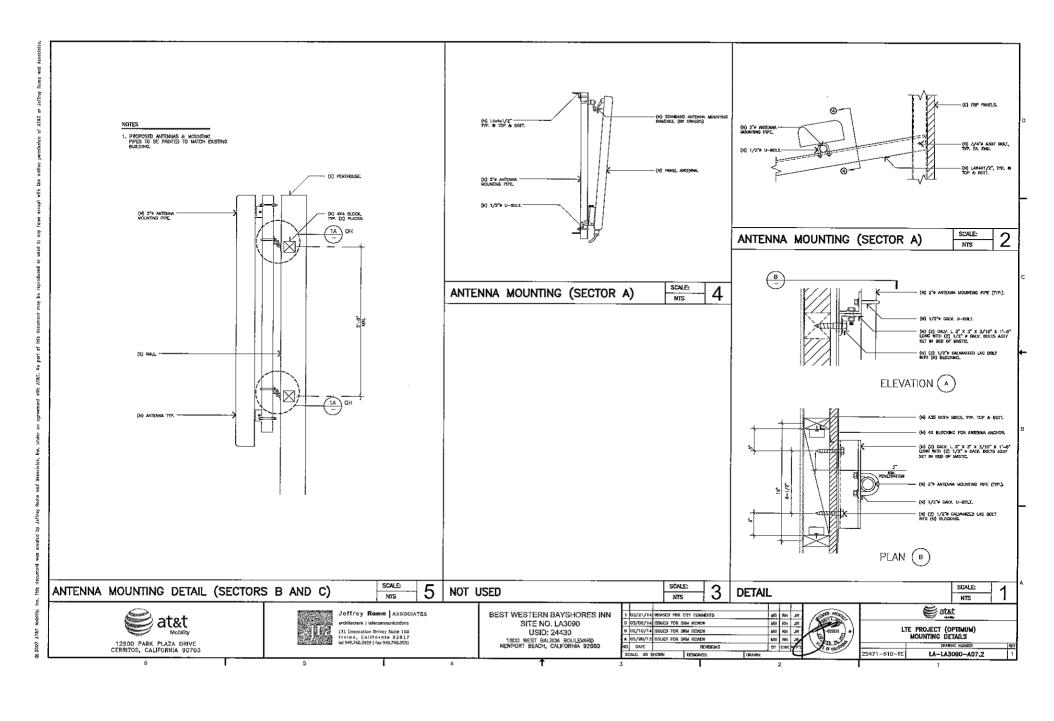


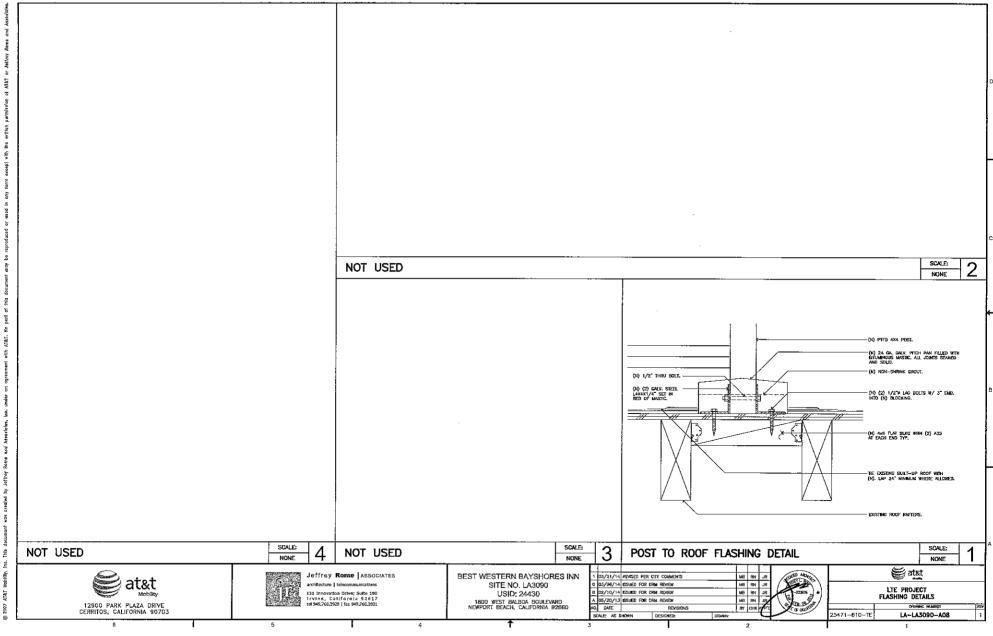


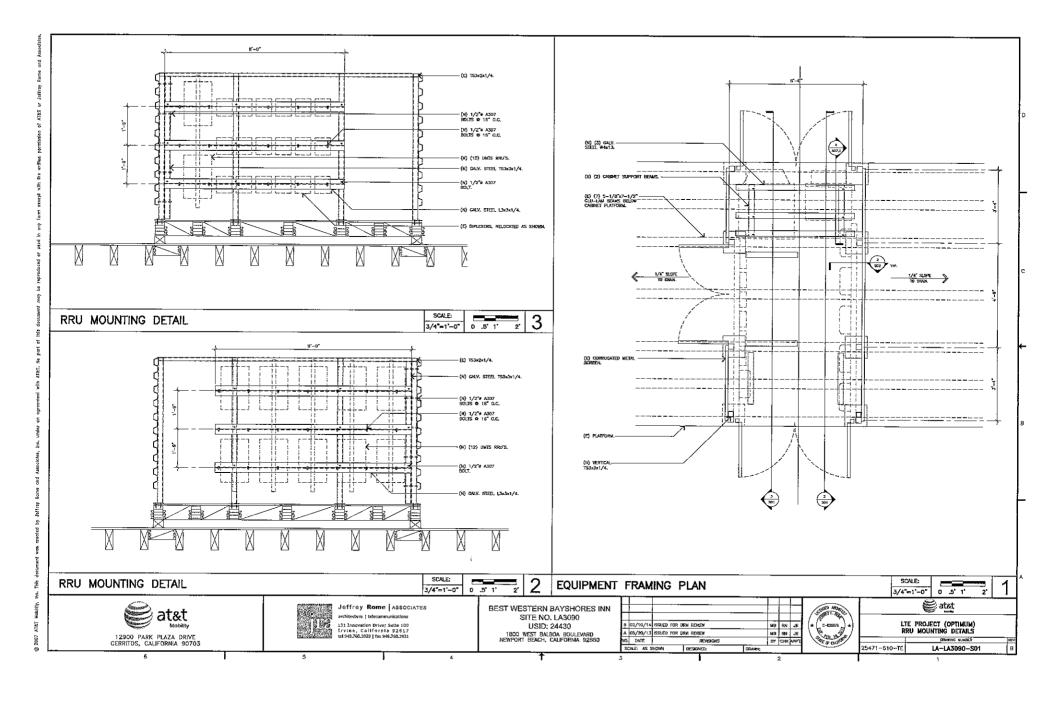


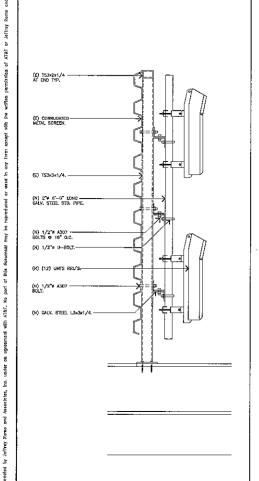












- 1. CONSTRUCTION SHALL BE IN CONFORMITY WITH THE 2013 EDITION OF THE CALEDRINA BUILDING CODE (CBC) AND ALL APPLICABLE LOCAL AND STATE CODES AND GROIMMORES.
- CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT JOB SITE PRIOR TO ORDERING ANY MATERIAL AND/OR COMMENCING WORK AND SHALL REPORT ANY DISCREPANCIES TO THE ARCHITECT/ENGINEER.
- CONTRACTOR SHALL FLILLY PROTECT ALL ADJACENT PROPERTIES BEFORE COMMERCING ANY WORK.
- CONTRACTOR SHALL PROVIDE BARRICADES AND PEDESTRIAN PROTECTION AS REQUIRED BY STATE AND LOCAL CODES.
- 5. CONTRACTOR SHALL CONSULT WITH REPRESENTATIVES OF CITY AND LITHLITY COMPANIES CONCERNING AVAILABLE FACILITIES BEFORE COMMERCING WORK OR CONNECTION. TO SEMEN, PIPING OR WARNE, ETC., AND REPORT ANY PROBLEMS TO THE ARCHITECT/PROBLEMER.
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- S. TYPICAL DETAILS SHOWN SHALL APPLY WHERE NO SPECIAL DETAIL IS SHOWN 10. WRITTEN DIMENSIONS, NOT SCALED DIMENSIONS, SHALL HE LISED.
- 11, WHERE A DETAIL, TYPICAL DETAIL, SECTION, TYPICAL SECTION, OR A NOTE IS SHOWN FOR ONE CONDITION, IT SHALL ALSO APPLY FOR ALL UNE OR SIMILAR CONDITIONS LINLESS NOTED OTHERWISE.
- 12. TEMPORARY ERECTION BRACING AND SYNERIO SHALL BE PROVIDED AS REQUIRED ON ALL BEAMS, WALLS, ETC., ADCOUNT TO PROVIDE FULL STRUCTURES STRUCTURES STRUCTURES STRUCTURES STRUCTURES STRUCTURES ASSETTLY REPORT SHALL NOT BE PROVIDED UNTIL THE ELEMENTS ARE FILLY CONNECTED AND ARE CAPABLE OF SUPPORTING THE DESIGN LONGS.
- 13. CONTROLLOR ACREES THAT HE SHALL ASSUME SOME AND COMPUTE RECOGNISHED AND COMPUTE RECOGNISHED AND CONTROLLOR OF THE CONTROLLOR OF THE CONTROLLOR OF THE PROPERTY HAT THIS FREUDENSHED SHALL APPLY CONTROLLOR AND NOT DE LIMITED TO NORMAL WORKING BOUSE, AND THAT THE CONTRACTOR SHALL DEPOSIT AND ADDRESS OF THE CONTRACTOR OF THE CONTRACTOR OF THE ADDRESS OF THE STANDARD OF THE CONTRACTOR OF THE ADDRESS OF THE STANDARD OF THE CONTRACTOR OF THE ADDRESS OF THE STANDARD OF THE CONTRACTOR OF THE ADDRESS OF THE STANDARD OF THE CONTRACTOR OF THE ADDRESS OF THE STANDARD OF ARCHITECT/ENGINEER
- 14. ALL A.S.T.M. SPECIFICATIONS NOTED ON THE DRAWINGS SHALL BE IN ACCURDANCE WITH THE LATEST ISSUE OF THE A.S.T.M.
- DESERVATION VISITS TO THE PROJECT SITE BY THE ARCHITECT/ENGINEER SHALL NOT BE CONSTRUED AS ANY REPETITION AS REQUIRED BY CODE.
- 16. POLIPMENT WEIGHTS, WHERE SHOWN ON THE STRUCTURAL DRAWINGS, ARE MAXIMUM OPERATING WEIGHTS, INCLUDING CURBS AND ACCESSORIES. THE CONTRACTOR SHALL VERBY THE EQUIPMENT SPECIFICATIONS AND BRING ANY DEMATIONS TO THE IMMEDIATE ATTENTION OF THE ARCHITECT/EMBINEAR.

#### ROOFING AND WATERPROOFING NOTES:

- CONTRACTOR SHALL CONTACT BULDING OWNER TO DETERMINE IF ROOF IS NOT THE PROPERTY OF THE PROPERY
- CONTRACTOR SHALL USE METHODS & MATERIALS SIMILAR AND COMPATIBLE WITH EXISTING MATERIALS & CONDITIONS FOR ROOF PATCHING, NEW PENETRATIONS, FTC.
- THÉ CONTRACTOR SHALL PROPERLY SEAL ALL NEW ROOF & BUILDING ENVELOPE PHETRADONS SUCH THAT THE INTEGRITY OF THE ORIGINAL BUILDING ASSENBLY AND ALL APPLICABLE WARRANTES, ARE MAINTAIN.
- 4. F. II. IS DELMED NECESSARY TO REMOVE EXCENS FINISHESS AND/ OR MATERIALS, THE CONTRACTOR SHALL BE RESPONSIBLE FOR RECONSTRUCTION ON MATERIALS TO LIVE-NEW CODDING. CONTRACTOR SHALL MAINTAIN THE ORICINAL COLORS, TEXTURES AND PRIMERS SHALL SHALL SHALL WITE TO THE CONTRACT OR APPROPED BY THE CONTRESS CONTRACTOR CONTRACT
- 5. AT THE CHRIBES CONCERNATION MANAGETS DIFFERENCE HER CONTINCTOR SHALL PRODUCE PROTECT MANAGES TO ALL SHE DESIGNARY REQUESTED ANTENNAS AND ETS LINITS AND ALONG COAN CAULE FOUTING, OR CONSYNTHANIA ROOFING, THE BURK PARES SHALL BE TRANSFERENCE TO SHALL PRODUCE AND ALONG THE PROPERTY AND ALL SEQUENCE A PRODUCT ASSET AND ALONG THE MEMBRANE ROOPS WILL REQUIRE A SPECIFIC PRODUCT AS NOTED ON PLANS OR AS REQUESTED BY ROITES I AZ ABOVE.

#### GOVERNING CODES, STRESSES AND MATERIALS

CALIFORNIA RINI DINC CODE 2013 FOIDON

SEISMICS
PRICORS
INFORMACE FACTOR = 1.25
OCCUPANCY CATEGORY — III
SS = 1.427
S1 = 0.551
SDS = 0.989
SDI = 0.551
STE CLASS D
SDE = E op 1.0 Ro + 2.5

WIND

EXPOSURE C - CHAPTER 18. BASIC WIND SPEED = 115 MPH.

STRUCTURAL STEEL, NEW SHAPES, PLATES, ANGLES, PARS

ASTM A572, Fy = 50,000 PSI ASTM A56, Fv = 36,000 PSI HOLLOW STEEL SECTIONS
TUBES
PIPE ASTM A 500, CRADE B, Fy = 46,000 PSI ASTM A53, CRADE B, Fy = 35,000 PSI

GALVANIZE STEEL

ASTM A123 ASTM A153 ASTM A570 GRADE 50. ASTM A570 GRADE 50, MINIMUM OF 18 METAL SHEET, STEEL, METAL SIDING, STEEL CONING

CAUGE
WELDING
EDTHS ELECTRODE
EDTHS ELECTRODE
SUBCTRODES, ANSI/ANS
THREADED BOLTS, NEW ASTM ASHS [Fy = 50,000 FS].

METAL STUDS 3 5/8-INCH DEEP METAL STUD (18 GA.), C-SECTION, SPACED16 INCHES ON CENTER. DRY PACK GROUT W.R. MEADOWS, NC., "PAC-II" EXPANSIVE DRY PACK

EXISTENC BUILDING CONSTRUCTION CONTRACTOR SHALL DISTAIN AND REVIEW EXISTING BUILDING DRAWINGS FOR THE NEW CONSTRUCTION.

#### STANDARD STRUCTURAL STEEL NOTES:

- ALL STRUCTURAL STEEL SHALL BE IN ACCORDANCE WITH THE SPECIFICATION GALVANIZED ASTM A892. UNLESS NOTED DITHERWISE, MISCELLANEOUS STEEL MAY CONFORM TO ASTM 36.
- STRUCTURAL TUBING MEMBERS SHALL COMPORM TO ASSM ASOD, BRADE 8.
   PUPE MEMBERS SHALL COMPORM TO ASSM ASS BRADE 8.
- ALL WELDING SHALL BE DONE USING EZOXX ELECTRODES AND WELDING SHALL DONFORM TO ASSC AND ANS DIT.1. WERE FALCT WELD SIZES ARE NOT SHOWN, PROVIDE THE MINIMUM SIZE PER TABLE JZ.4. DI THE ASSC "JAMPALLY OF STEEL CONSTRUCTION", STIT EDITION.
- 4. BOLTED CONNECTIONS SHALL USE A307 BOLTS (3/4" DM.) AND SHALL HAVE A MINIMUM OF TWO BOLTS
- NON-STRUCTURAL CONNECTIONS FOR HANDRAIL, LADDERS AND STEEL GRATING MAY USE 5/8" DM.
  CALVANIZED ASTM ASSY BOLITS U.N.O.
- 6. SPECIAL INSPECTION IS REQUIRED FOR ALL FIELD WELDING
- 7. ALL STEEL MUST BE FABRICATED IN A CITY APPROVED FABRICATION SHIP
- 8. SUBMIT 2 SETS OF SHOP DRAWINGS TO THE ARCHITECT/ENGINEER FOR REVIEW BEFORE
- ALL EPOXY ANCHORS SHALL USE THE HILTI HIT HY 150 OR HIT REGIOD ADHESIVE ANCHOR SYSTEM, SIZE AS INDICATED ON THE PLANS, (ICC ESR-2262 OF ESR-2322) OR APPROVED EQUAL.
- ALL EXPANSION ANCHORS SHALL BE FILTI KB-TZ OR KB3 ANCHORS, SIZE AS INDICATED ON THE PLANS (ESR-1917 OR ESR 1385) OR APPROVED FOLIAL
- 11. A CEXTIFICATE OF SATISFACTORY COMPLETION OF WORK REQUIRING SPECIAL INSPECTION MUST 8E COMPLETED AND SUBMITTED TO THE INSPECTION SERVICES DIVISION
- 12. ALL STEEL MEMBERS AND CONNECTIONS SHALL BE CALVANIZED AND PAINTED.

#### PLYWOOD SHEATHING NOTES

- 1. PLYNOOD SHEATHING SHALL CONFIRM TO PRODUCT STANDARD PS1-09 OR PSZ-10 AND CBC SECTION 2303.1.4.
- INDIVIDUAL ROOF PLYHOOD SHEETS SHALL BE NOT LESS THAN 2'-0" IN LEAST CIMENSION NOR LESS THAN 8 SQUARE FECT OF ARCA. USE FULL SIZE SHEETS WHENEVER POSSIBLE.
- PLACE ROOF PLYMOOD SHEET WITH FACE PILES PERPENDICULAR TO FRAMING MEMBERS UNLESS NOTED OR SHOWN OTHERWISE, FRAMING LAYOUT SHALL, BE COORDINATED WITH 4"—0" MODULE AS RELATED TO
- ORIENTED STRAND BOARD (OSE) MAY BE USED IN LIEU OF PLYMOOD PROVIDED IT POSSESSES THE SAME APA NATING AS SPECIFIED PLYMOOD MATERIAL.
- 5. PLYWOOD THICKNESS SHALL HE NOTED ON THE DESIGN DRAWINGS WITH 5 PLIPS MINIMUM
- 6. MOISTURE CONTENT SHALL BE 15% OR LESS AT THE TIME OF INSTALLATION.
- 7. SHEATHING SHALL BE INSPECTED PRIOR TO PLACEMENT.

#### FRAMING LUMBER NOTES

- ALL VISUALLY GRADED FRAMING LUMBER SHALL CONFORM TO THE GRADING RULES SET FORTH BY THE TEST COST LIMBER INSPETION SUREAU (MCLES) OR THE WESTERN WILLD PRODUCT ASSISTANT (WWPA), EACH PIECE SHALL BEAR THE GRADE STAMP OF AN APPROVED CRADING ACENCY, EXCEPT EXPOSED LIMBER SHALL BEAR NO MARKINGS WHICH WILL BE VISIBLE AFTER INSTALLATION.
- FINALING LIABER SHALL BE DOUGLAS FIR-LARCH, UNLESS DIMERKISK NOTED, 2x AND 4x SANN LUMBER SHALL HAVE A MOSTURE CONTENT NOT MORE THAN 19% AT TIME OF FREEDRICHTON, THE FOLLOWING GRADES SHALL BE THE MANUAL ACCEPTABLE CRADES, LIMITES OF THE PROPERTY FOR THE PROPERTY OF THE PROPERTY FOR THE PROPERTY FOR

MINIMAN COADE STUDS: STRUCTURAL JOISTS AND LIGHT FRAMING: 2" TO 4" THICK. 4" AND WIDER .....

5" AND THICKER 6" AND WINES

5" x 5" AND LARGER

3 % 3 MAD LAWSE MINISTER STRUCTURE AND STRUCTURE STRUCTURE STRUCTURE STRUCTURE AND STR

4. FRAMING HARDWARE SHALL BE SIMPSON "STRONG TIE" OR EQUAL, UNLESS OTHERWISE NOTED.
SUBSTITUTIONS SHALL BEAR LORIO, APPROVAL.

E NAMENIC SCHEDULE TYPICAL HALPES PROFESSIONE NOTED ON DOMBNICS.

COMMON NAILS JOIST TO SILL OR GROBER, TOE MAIL GROBERG TO JOIST, TOE MAIL EACH END SOLE PLATE TO JOIST OR BLOCKING, FACE MAIL 2 -80 18d © 18 0.c. (4) 8d TDE NAILS © R (2) 18d END NAILS 18d © 24 0.c. 18d © 18 0.c. 2 - 18d SOLE PLATE TO JUST OR BLOCKING, FACE MAIL TOP PLATE TO STUD, BON MAIL DOUBLE STUD, FACE MAIL DOUBLE TOP PLATES, FACE MAIL TOP PLATES, LAPS & INTERSECTIONS, FACE MAIL CONT. HEADER, 2 PRECES, FACE MAIL ALONG EDGES 164 B 15 no CERING JOISTS TO PLATE THE MAIL 3 - 8d 4 - 8d CONT. HEADER TO STUD. TOF NAIL COLINE INSTELLARS MED DIDTIFFIE CAPE MAIL 3 - 18d 3 - 18d CHING MISTS TO PAPALE PARTERS FACE NAME RAFTER TO PLATE, TOE NAIL, ADDITIONAL NAILING MOTES:

A ALL NAILS SHALL BE COMMON WALS IN CONFORMANCE WITH FEDERAL SPECIFICATION FF—N=1058, UNLESS OTHERWISE SPECIFIED ON DRAWNESS, SINKERS SHALL NOT BE SUBSTITUTED UNLESS SPECIFICALLY APPRICADE BY THIS ENGINEER.

- B. ALL NAILS EXPOSED TO THE WEATHER SHALL BE GALVANIZED,
- C. THE NAILS SHALL BE DRIVEN AT AN ANGLE OF SO DEGREES TO THE PIECE SURFACE AND BE STARTED AT 1/3 THE LENGTH FROM THE EDGE OF THE RICCE
- R. WOOD SCREWS SHALL BE IN CONFORMANCE WITH A N.S.L. R1R.S.1.
- BOLE HAT LAS CHERKS SHALL CONFIDENT TO ANS. BEB.2.1. ALL BOLTS THEN WOOD SHALL HAVE SUMMED OF THE PROPERTY DESCRIPTION OF THE THE SHEET PLATES ARE SHEETEND, BOLT HOLES SHALL BE DOWN THE PROPERTY OF THE SHALL BE SHALL SHEET SHEET SHEET SHEET SHEET SHEET SHEET SHEET CONFIDENCING SHALL RISINGLA SHEETON BR-574-58 WITH (4) SIDE 3/4 x 1.1/2 SECONDS AT ALL HOUSE APPLICATION OF PLASTER, PAYMOD, 2TC.
- B. ALL WOOD BEARING ON CONCRETE OR MASONRY IF LESS THAN 4'-0" ABOVE GRADE SHALL BE PRESSURE TREATED DOUGLAS FIX.
- 9. STRUCTURAL MEMBERS SHALL BE NOT OUT FOR PIPES, ETC. UNLESS SPECIFICALLY NOTED OR DETAILED.
- 10. SEL PLATES SAME ME SELVED TO TRUMPATION WITH MINIMUM 5/26" DEL ANCIDIOR WITH 7 MARGINES DESCRIBER, ANCIDERS SAME DESCRIBER SAME DESCRIBER SAME DESCRIBER DESCRIBER SAME DESCRIBER SAME DESCRIBER SAME DESCRIBER SAME DE

RRU MOUNTING SECTION



at&t



STRUCTURAL NOTES

Jeffrey Rome | ASSOCIATES architecture I telecommunications 131 Innovation Driver Suite 106

SITE NO. LA3090 USID: 24430

BEST WESTERN BAYSHORES INN 1800 WEST BALBOA BOULEVARD NEWPORT BEACH, CALIFORNIA 92660

ME RAN JR 102/10/14 ISSUFT FOR DRM REVIEW 05/20/13 ISSUED FOR DRM REVIEW MR RN JR NO. DATE REVISIONS BA CHR MAG.





25471-610-TE LA-LA3090-S02

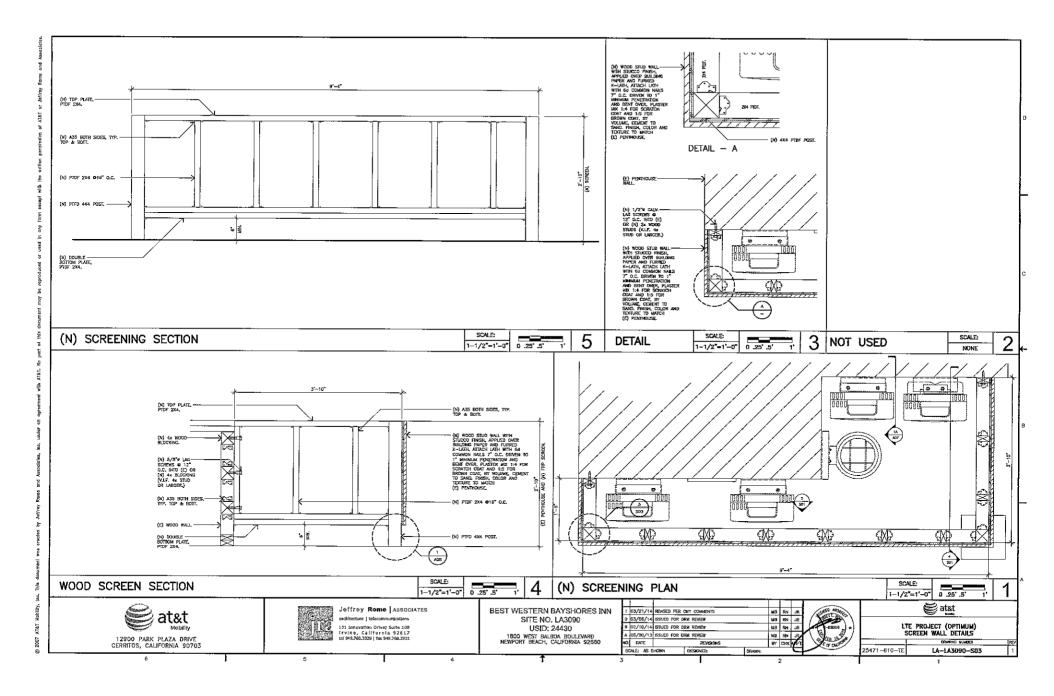
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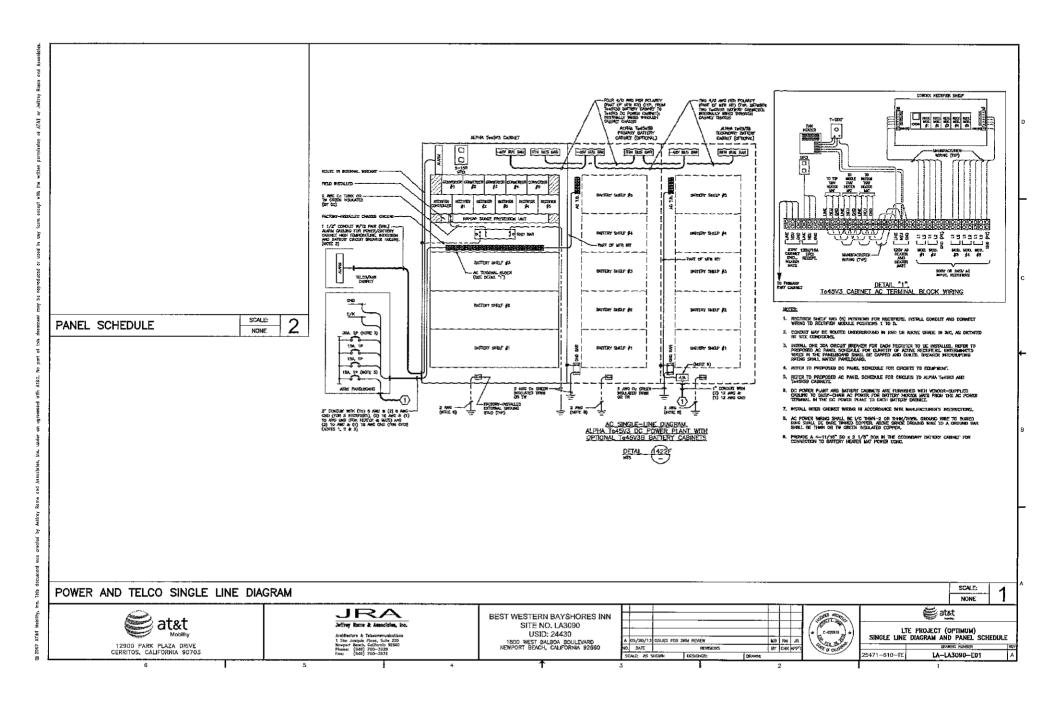
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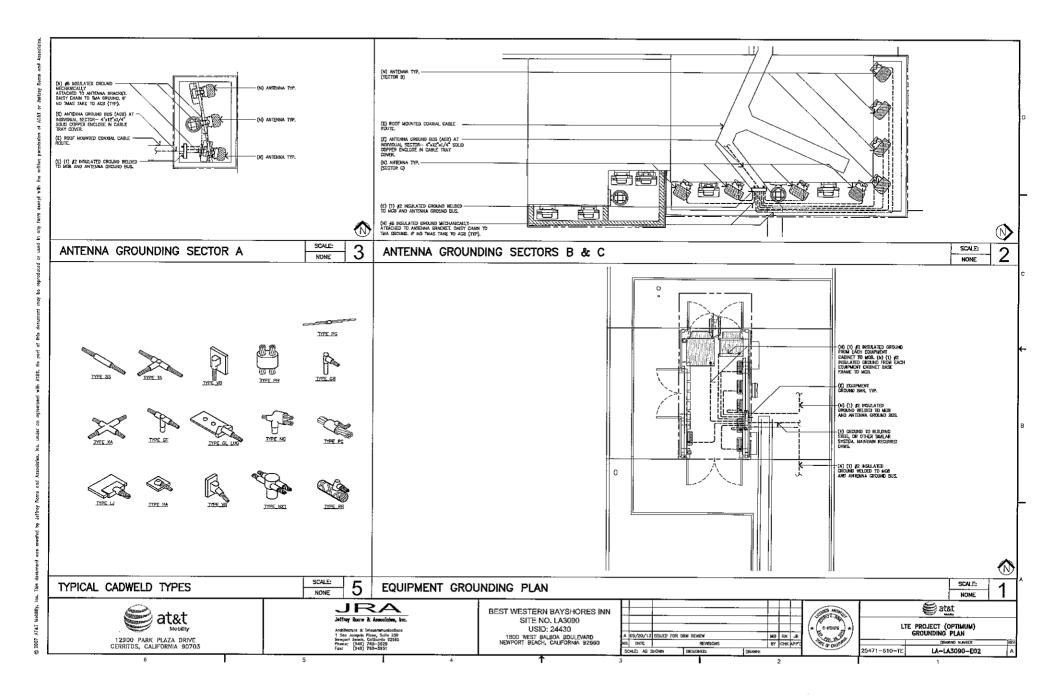
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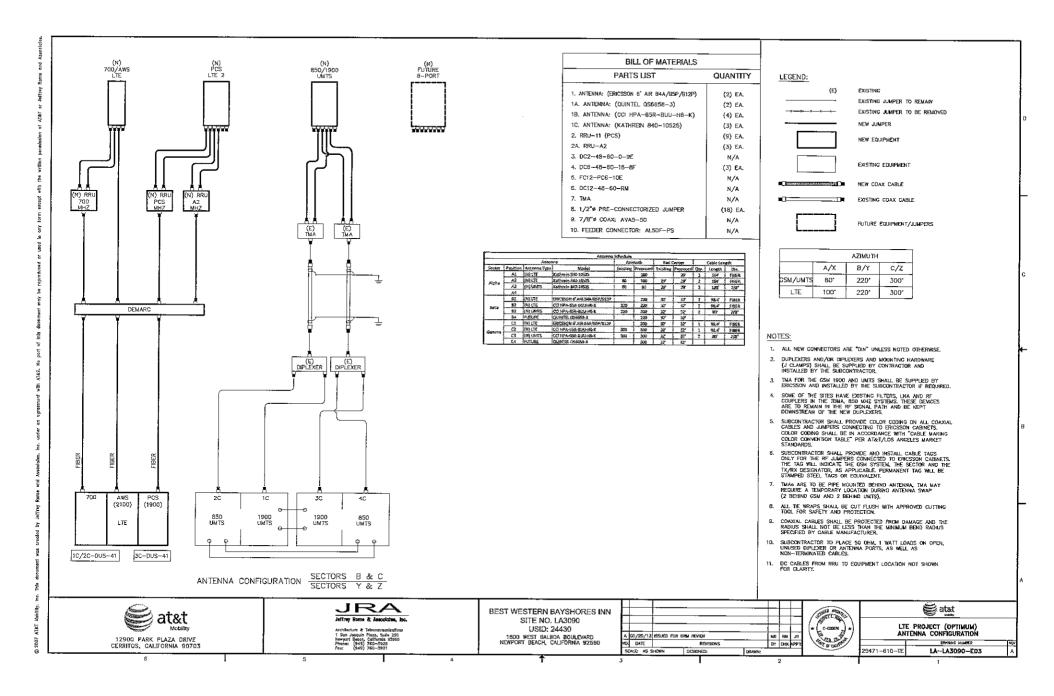


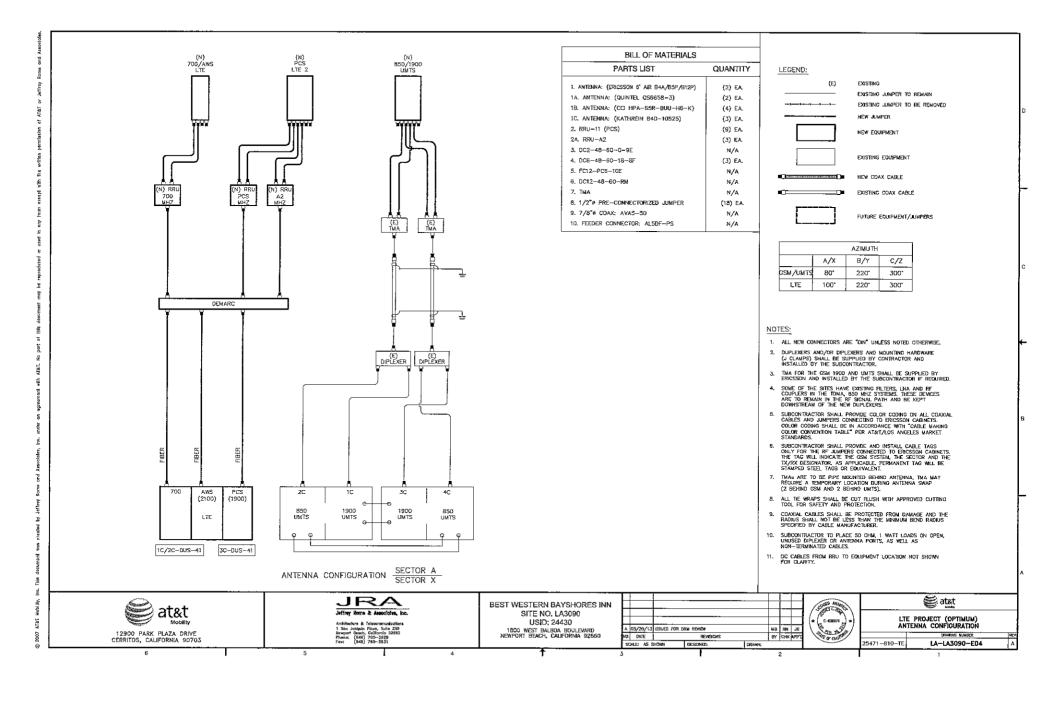
Irvine, California 92617 tel 949.760.3929 | fax 949,760,3931

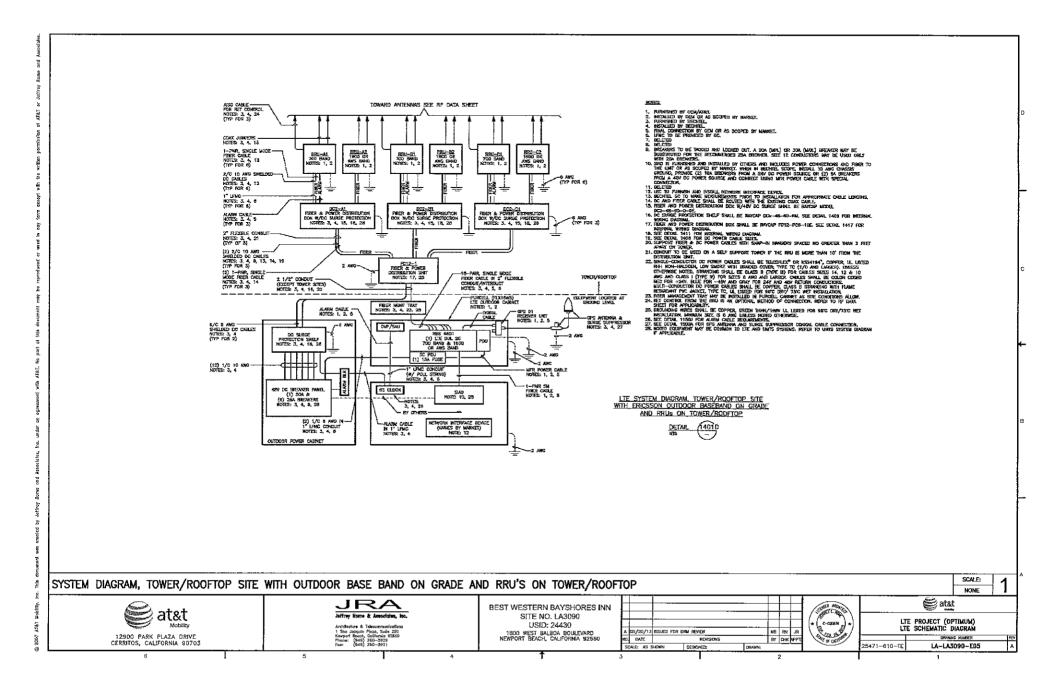














# COMMUNITY DEVELOPMENT DEPARTMENT

#### PLANNING DIVISION

100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915 (949) 644-3200 Fax: (949) 644-3229 www.newportbeachca.gov

# REQUEST FOR EXTENSION

April 3, 2014

LJ Soapes 16350 Gothard Street Huntington Beach, CA 92647 Ljs.adc@gmail.com

RE: PA2013-052 for Extension of Limited Term Permit XP2013-001

2727 Newport Boulevard Jack's Surfboards

Dear Ms. Soapes:

This notice acknowledges your request to extend the effectiveness of Limited Term Permit No. XP2013-001 as approved by the Zoning Administrator on May 30, 2013, effective June 14, 2013 for a period of 12 months to allow outdoor sales of store merchandise within three parking spaces of the on-site parking lot in front of the Jack's Surfboards/Jack's Girls location.

Per Condition No. 3 of Resolution No. ZA2013-028 the Limited Term Permit would have expired in August 2014, but pursuant to Section 20.54.060 it has been extended for one additional period of 12 months. Consistent with Condition No. 3, the outdoor sales shall be limited to nine times throughout a 12 month period beginning with the date of the first sale requested during August 2014. Each sale may last up to 4 consecutive days, with the exception of the sale requested during December 2014, which may last up to 5 consecutive days and provided the number of sale days does not exceed 30 within the 12 month period. The dates requested by the applicant and approved with this extension are as follows: 2014 - August 7, 8, 9; 10 August 14, 15, 16; 17 August 29, 30, 31 September 1, November 28, 29, 30 December 19, 20, 21, 22, 23, December 26, 27, 28, 29, 2015 – April 4, 5, July 2, 3, 4, 5. Any changes to the dates specified shall require that the City be notified in advance. Additionally, all conditions of approval found in Resolution No. ZA2013-028 remain in effect.

On behalf of Kimberly Brandt, Community Development Director

By:

Melinda Whelan Assistant Planner

Attachments:

Resolution No. ZA 2013-028

#### **RESOLUTION NO. ZA2013-028**

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING LIMITED TERM PERMIT NO XP2013-001 FOR OUTDOOR SALES FOR JACK'S SURFBOARDS/JACK'S GIRLS LOCATED AT 2727 NEWPORT BOULEVARD (PA2013-052).

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

#### SECTION 1. STATEMENT OF FACTS.

- 1. An application was filed by Jack's Surfboards, with respect to property located at 2727 Newport Boulevard, and legally described as Lake Tract, Lot 4 Block 127, and Lots 5 to 14 including portion of Lots 2/3 lying northerly of 26<sup>th</sup> Street, and all -except street-Lots 15 to 19 including all in Block 127, Tract 418, requesting approval of a Limited Term Permit for a period of 12 months to allow outdoor sales of store merchandise within three parking spaces of the on-site parking lot in front of the Jack's Surfboards/Jack's Girls location. The outdoor sales may take place on various dates, up to nine times throughout a 12 month period beginning with the date of the first sale during August 2013. Each sale may last up to 4 consecutive days, with the exception of the sale occurring in December, which may last up to 5 consecutive days.
- 2. The subject property is located within the Commercial Visitor-Serving (CV) Zoning District and the General Plan Land Use Element category is Visitor Serving Commercial (CV).
- 3. The subject property is located within the coastal zone. The Coastal Land Use Plan Category is Visitor Serving Commercial (CV-A 0.00- 0.75 FAR).
- 4. A public hearing was held on May 30, 2013, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. 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 Section 15304, of the California Environmental Quality Act (CEQA) Guidelines Class 4 (Minor Alterations to Land), which exempts minor temporary uses of land having negligible or no permanent effects on the environment.
- This project qualifies for this exemption because there will be no permanent improvements to the site. The two canvas canopies and temporary significant (waterfilled or similar) barricades permitted to delineate the temporary sales area within three

parking spaces of the on-site parking lot during the sales are conditioned to be removed at the end of each sale.

#### SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.040.G (Findings and Decision) of the Newport Beach Municipal Code, the following findings and facts in support of the findings for a Limited Term Permit are set forth:

## Finding:

A. The operation of the requested limited duration use at the location proposed and within the time period specified 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, safety, or general welfare of persons residing or working in the neighborhood of the requested limited duration.

## Facts in Support of Finding:

- The limited term permit will allow outdoor sales, which will be limited to nine times throughout a 12 month period beginning with the date of the first sale during August 2013. Each sale may last up to 4 consecutive days, with the exception of the outdoor sale occurring in December, which may last up to 5 consecutive days.
- 2. The outdoor sales will be limited to the sale of typical store merchandise and will be conducted in conjunction with the normal hours of operation of Jack's Surfboards/Jack's Girls, typically from 8:00 a.m. to 9:00 p.m.
- Set-up for each sale day will occur prior to opening of the store, and all unsold merchandise will be removed from the outdoor sales area at the end of each sale day.
- 4. The outdoor sales area will be limited to a maximum of three parking spaces located adjacent to the Jack's Surfboards/Jack's Girls storefront. Portable canopies (approximately 10 feet by 10 feet) may be erected within the three parking spaces. As conditioned, no ADA parking spaces will be utilized as part of the outdoor sales area.
- 5. In order to enhance patron safely from vehicular traffic, the applicant has provided and the City Traffic Engineer has approved, a plan illustrating the placement of significant barricades around the perimeter of the outdoor sales area to delineate it from the adjacent parking spaces and drive aisles.
- 6. Similar outdoor sales for Jack's Surfboards, as conditioned and in the same location within the adjacent parking area, have been conducted in the past with approval of the City and have not proven to be detrimental.

### Finding:

B. The subject lot is adequate in size and shape to accommodate the limited duration use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the lot.

### Facts in Support of Finding:

- The subject site is a commercial property, which is .94 acre in size and developed with two detached buildings occupied by various retail and service uses. Jack's Surfboards/Jack's Girls are retail sales stores which occupy most of the square footage of the larger of the two detached buildings, which is located within the southerly portion of the site.
- 2. The outdoor sales will be conducted within three parking spaces located directly in front of Jack's Surfboards/Jack's Girls storefront. Based upon the site plan, the use of the three parking spaces will not impede traffic circulation on the site, nor will it negatively impact the required parking for other uses on the site. As conditioned, no ADA parking spaces will be utilized as part of the outdoor sales area.
- 3. The subject site is bounded by Newport Boulevard to the east and Balboa Boulevard to the west, 28<sup>th</sup> Street to the north, and 26<sup>th</sup> Street to the south. The adjacent rights-of-way (Newport Boulevard and Balboa Boulevard) serve as buffers between the nearby residential properties within the R-2 (Two-Unit Residential) Zoning District.

## Finding:

C. The subject lot is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the limited duration use would or could reasonably be expected to generate.

# Facts in Support of Finding:

1. The subject site has two direct driveway approaches, one from Newport Boulevard on the easterly side of the site and one from Balboa Boulevard on the westerly side. The location of the outdoor sales area will not impede access to the site, and no traffic issues resulting from the outdoor sales are anticipated.

# Finding:

D. Adequate temporary parking to accommodate vehicular traffic to be generated by the limited duration use would be available either on-site or at alternate locations acceptable to the Zoning Administrator.

# Facts in Support of Finding:

- 1. As conditioned, a maximum of three parking spaces (86 parking spaces on site) will be utilized for the outdoor sales area, and no ADA parking spaces will be utilized as part of the outdoor sales area.
- 2. It is anticipated that, in addition to customers whose destination would be Jack's Surfboards/Jack's Girls, the outdoor sales could attract both pedestrian and vehicular customers of other uses on the site as well as in the surrounding area.
- 3. Per City Code Enforcement records, previous outdoor sales conducted with approval of a use permit by the City and conditioned similarly to this permit have not negatively impacted the parking for neighboring uses on the subject site.

#### Finding:

E. The limited duration use is consistent with all applicable provisions of the General Plan, any applicable specific plan, Municipal Code, and other City regulations.

# Facts in Support of Finding:

- The General Plan Land Use Element category for the site is CV (Commercial Visitor-Serving. The CV designation is intended to provide for accommodations, goods, and services intended to primarily serve visitors to the City. The proposed use is accessory to the existing retail use, will be utilized for a limited duration on-site, and will not impede use of the site consistent with the CV designation.
- 2. The site is located in the CV (Commercial Visitor-Serving) Zoning District. The CV zoning designation is intended to provide for areas appropriate for accommodations, goods, and services intended to serve primarily visitors to the City. The proposed use is accessory to the existing retail use, will be utilized for a limited duration on-site, and will not impede use of the site consistent with the CV designation. The CV zoning district allows temporary uses as specified within the Zoning Code and the proposed limited duration use is consistent with this designation.
- 3. The site is not located within a specific plan area.

#### SECTION 4. DECISION.

# NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves XP2013-001, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.

2. Limited Term Permit applications do not become effective until 14 days following the date of action. Prior to the effective date, the applicant or any interested party may appeal the decision of the Zoning Administrator to the Planning Commission by submitting a written appeal application to the Community Development Director. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

PASSED, APPROVED AND ADOPTED THIS 30th DAY OF MAY, 2013.

Brenda Wisneski, AICP, Zoning Administrator

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

#### CONDITIONS OF APPROVAL

- 1. The development shall be in substantial conformance with the approved site plan except as noted in the following conditions.
- 2. Anything not specifically approved by this limited term permit is prohibited and must be addressed by a separate and subsequent review.
- 3. The outdoor sales shall be limited to nine times throughout a 12 month period beginning with the date of the first sale requested during August 2013. Each sale may last up to 4 consecutive days, with the exception of the sale requested during December 2013, which may last up to 5 consecutive days and provided the number of sale days does not exceed 30 within the 12 month period. The dates requested by the applicant and approved with this permit are as follows: 2013 August 9, 10, 11; August 16, 17, 18; August 30, 31, September 1, 2; November 29, 30, December 1; December 20, 21, 22, 23, 24; 2014 April 17, 18, 19, 20; June 12, 13, 14, 15; July 3, 4, 5, 6. Any changes to the dates specified shall require that the City be notified in advance.
- 4. To request a change to the sale dates approved with this Limited Term Permit, the applicant shall submit a letter to the Community Development Director requesting the change at least one week prior to the new date.
- 5. This Limited Term Permit shall expire 12 months from the date of the first sale requested in August 2013, unless an extension of up to one additional period of 12 months is granted by the Zoning Administrator in compliance with Section 20.54.060 (Time Limits and Extensions) of the Zoning Code. A letter requesting the extension shall be submitted to the Planning Division no later than 30 days prior to the expiration date of this permit.
- 6. The Limited Term Permit shall be limited to outdoor sales of merchandise associated with Jack's Surfboards/Jack's Girls only and does not permit the outdoor sales as an independent use. The sale of snacks, food and beverages shall be prohibited.
- 7. The outdoor sales shall take place in conjunction with the normal hours of operation of Jack's Surfboards/Jack's Girls, typically from 8:00 a.m. to 9:00 p.m. Set-up for the sale shall occur before the store opens. All areas shall be kept clean throughout the day. Any unsold merchandise and any related items shall be removed from the outdoor sales area at the end of each day by 10 p.m. The significant (water-filled or similar) barricades may remain until the end of the last date of each sale.
- 8. The outdoor sales area shall occupy no more than three parking spaces located directly in front of the Jack's Surfboards storefront as shown on the approved plot plan (approximately 20 feet by 10 feet = 200 square feet) and shall not extend into the public right-of-way. No ADA parking spaces shall be utilized as part of the outdoor sales area.

- 9. The outdoor sales area shall be separated from the adjacent building by a minimum of 20 feet.
- 10. No activities related to the outdoor sales are permitted on public property including any portion of a public street or public sidewalk.
- 11. The outdoor sales shall not create a pedestrian or traffic hazard. The sales area shall be surrounded by significant barricades (i.e. water-filled barricades or other barricades approved by the Planning Division and Public Works Department) to delineate the sales area and provide patron safety from adjacent vehicular traffic.
- 12. Any change to the approved plot plan/site plan delineating the location of the outdoor sales area, barricade locations, and barricade type shall be reviewed and approved by the Planning Division and City Traffic Engineer prior to the sale date and shall be submitted to the Planning Division to include in the project file.
- 13. The sales area shall be signed to clearly identify that the area is closed for vehicular parking.
- 14. No posting of promotional signs is permitted on any portion of public property, including trees, utility poles, street signs, etc. All signage located on-site shall comply with Chapter 20.42 (Sign Standards) of the Zoning Code.
- 15. No amplified sound is permitted.
- 16. No smoking or open flames are permitted inside the canopies.
- 17. The sales area and vicinity will be kept clean at all times.
- 18. 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 Jack's Surfboards/Jack's Girls Outdoor Sales including, but not limited to, the XP2013-001 (PA2013-052). 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.