



**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 December 19, 2014

**COMMUNITY DEVELOPMENT DIRECTOR
OR PLANNING DIVISION STAFF ACTIONS**
(Non-Hearing Items)

Item 1: Balboa Bay Resort Temporary Mobile Wireless Facility Limited Term Permit No. XP2014-006 (PA2014-214)
1221 W. Coast Highway

Action: Approved

Council District 3

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, P.O. Box 1768, Newport Beach, CA 92658-8915

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ZONING ADMINISTRATOR ACTION LETTER

Application No. Limited Term Permit No. XP2014-006 (PA2014-214)
Applicant Verizon Wireless
Site Address 1221 W. Coast Highway
Balboa Bay Resort Temporary Mobile Wireless Facility
Legal Description Portion of Lot 171, Block 54 of Irvine's Subdivision as shown on a map thereof filed in Book 1, Page 88 of Miscellaneous Record Maps in the Office of the County Recorder of Orange County, California.

On **December 19, 2014**, the Zoning Administrator approved a Limited Term Permit application (less than 90 days) for a temporary mobile wireless facility in the Balboa Bay Resort parking lot located in the PC 45 (Balboa Bay Club) Zoning District. The wireless facility will be deployed January 2 through January 8, 2015, and will service a two-day (January 6 and 7) Verizon Wireless convention held at the resort. The Zoning Administrator's approval is based on the following findings and subject to the following conditions.

ZONING DISTRICT/GENERAL PLAN

- **Zone:** PC 45 (Balboa Bay Club)
- **General Plan:** CV (Visitor Serving Commercial)

REQUIRED FINDINGS

In accordance with Section 20.52.040 (Limited Term Permits) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

- A. *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 Class 11 (Accessory Structures).*

Facts in Support of Finding:

1. Class 11 exempts the placement of seasonal or temporary use of items such as lifeguard towers, mobile food units, portable restrooms, or similar items. The proposed limited duration use will be placed towards the rear of the property for a temporary time period and will be accessory to the existing commercial use.

Finding:

- B. 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, 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 requested limited duration use.*

Facts in Support of Finding:

1. The limited term permit will allow a temporary mobile wireless facility to provide increased telecommunication service to attendees of a two-day convention held at the Balboa Bay Resort.
2. The operation of the wireless facility will be limited to a seven-day period from January 2 through January 8, 2015. Although operational 24 hours a day, the facility will be unmanned and will not emit noise or light, limiting any impact on nearby residents.
3. The wireless facility is integrated into a light truck body which will be parked adjacent to a loading area at the rear of the property. Similar types of vehicles have been used at the subject property in the past and have not proven detrimental. The truck will not be running when parked.
4. The wireless facility will be located approximately 60 feet from the nearest residence which is buffered from the temporary use by an existing block wall, landscaping, and access drive.

Finding:

- C. 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:

1. The subject property is approximately 8.2 acres in size and consists of 494 parking spaces which is adequate in size to accommodate the wireless facility and the existing use of the property without impacting vehicle circulation.

2. The wireless facility will be located towards the rear of the property and will occupy six parking spaces which represents less than one percent of all parking spaces on-site.

Finding:

- D. 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 limited duration use is a temporary mobile wireless facility that will not generate traffic, but provides additional telecommunications service to attendees of a two-day convention held at the Balboa Bay Resort.
2. The subject property is accessed by two driveway approaches taken from West Coast Highway. The wireless facility will be located at the rear of the property near a loading area and will not impede access within the parking lot or to the resort. The wireless facility will occupy six parking stalls for a limited period of time and will not be moved once in place.
3. The project is conditioned requiring that access through the parking lot and to the loading area be maintained.

Finding:

- E. 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. The proposed limited duration use will not create additional parking demand as it is only intended to provide increased telecommunications capacity to attendees of the convention. The six parking spaces occupied by the facility will not have a detrimental effect on parking demand within the resort parking lot because they represent less than one percent of all available parking spaces.

Finding:

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

Facts in Support of Finding:

1. The General Plan land use designation for this site is CV (Visitor Serving Commercial). The CV designation is intended to provide for accommodations,

goods, and services intended to primarily serve visitors to the City of Newport Beach. The proposed temporary use is accessory to the existing resort, 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 PC 45 (Balboa Bay Club) Zoning District. The PC 45 designation is intended to provide for the development of the Balboa Bay Club, a water oriented, multi-use facility, and allows accessory uses servicing the needs of the resort. The proposed temporary use is accessory to the existing resort, will be utilized for a limited duration on-site, will not impede use of the site, and will service the needs of guests, consistent with the PC 45 designation.
3. The limited duration use is conditioned such that it will comply with all applicable provisions of the General Plan, Municipal Code, and other City regulations.
4. The subject lot is not located within a specific plan.

CONDITIONS OF APPROVAL

1. The temporary mobile wireless facility is permitted on-site for a seven-day duration from January 2, 2015, through January 8, 2015. Storage or use of the mobile wireless facility on-site outside the dates specified is prohibited.
2. Anything not specifically approved by this limited term permit is prohibited and must be addressed by a separate and subsequent review.
3. The studio generator shall only be used in the event of a power outage or for emergency purposes.
4. The mobile wireless facility shall not restrict vehicle circulation through the parking lot, or vehicular access to the loading area at the rear of the Balboa Bay Resort.
5. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code. The maximum noise shall be limited to no more than depicted below for the specified time periods unless the ambient noise level is higher:

Location	Between the hours of 7:00AM and 10:00PM		Between the hours of 10:00PM and 7:00AM	
	Interior	Exterior	Interior	Exterior
Residential Property	45dBA	55dBA	40dBA	50dBA
Residential Property located within 100 feet of a commercial property	45dBA	60dBA	45dBA	50dBA
Mixed Use Property	45dBA	60dBA	45dBA	50dBA
Commercial Property	N/A	65dBA	N/A	60dBA

6. The site occupied by the limited duration use shall be cleaned of debris, litter, or any other evidence of the limited duration use upon completion or removal of the use.
7. The approval of the requested limited term permit is contingent upon compliance with applicable provisions of the Municipal Code and the successful granting of all required permits from any other department or governing agency.
8. 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 Balboa Bay Resort Temporary Mobile Wireless Facility including, but not limited to, XP2014-006 (PA2014-214). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

APPEAL PERIOD

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

On behalf of Brenda Wisneski, Zoning Administrator

By:



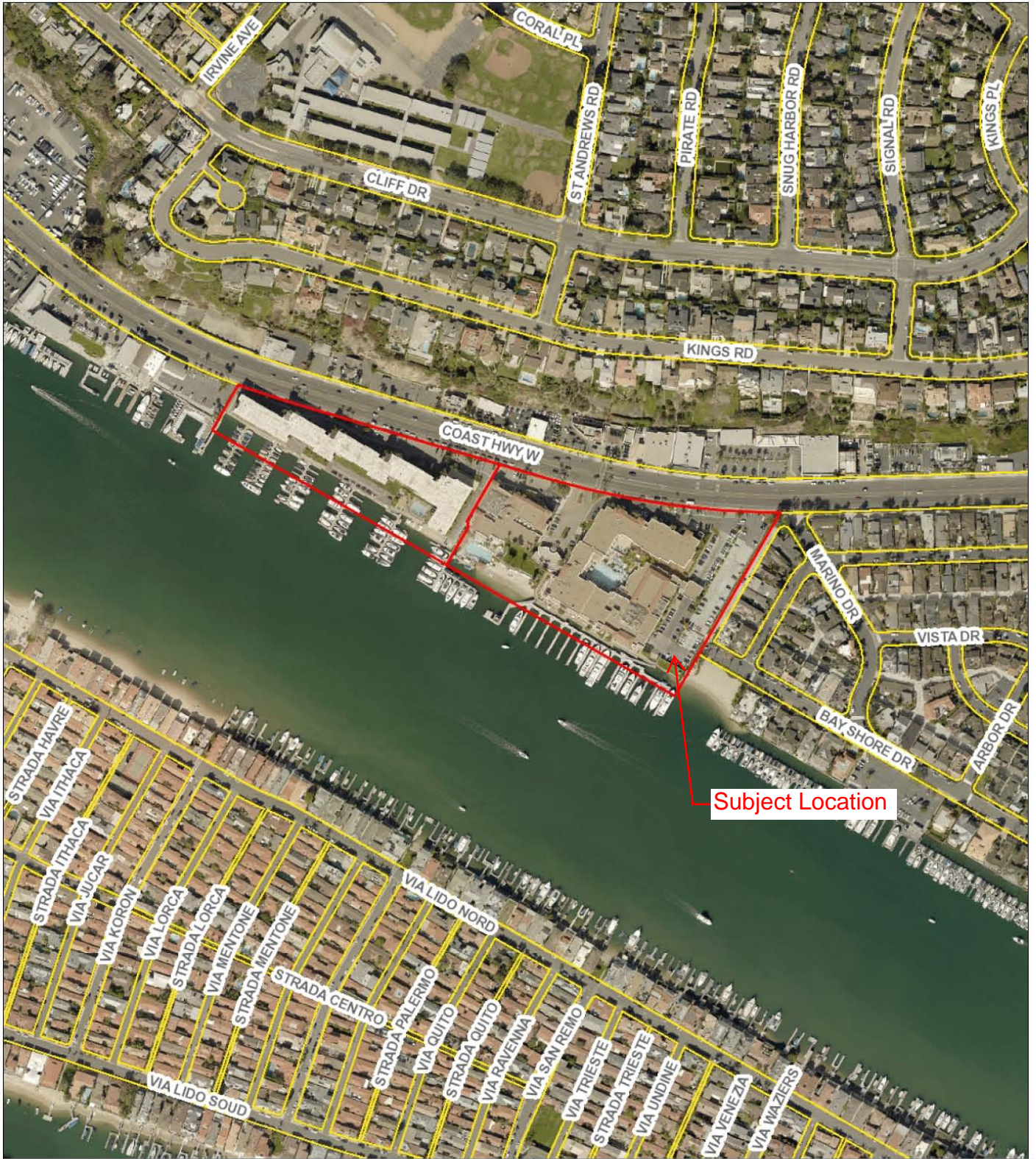
Jason Van Patten
Planning Technician

JM/jvp

Attachments: ZA 1 Vicinity Map
 ZA 2 Applicant's Project Description
 ZA 3 Project Plans

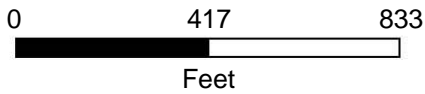
Attachment No. ZA 1

Vicinity Map



Subject Location

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: 2009-2013 photos provided by Eagle Imaging www.eagleaerial.com

Attachment No. ZA 2

Applicant's Project Description

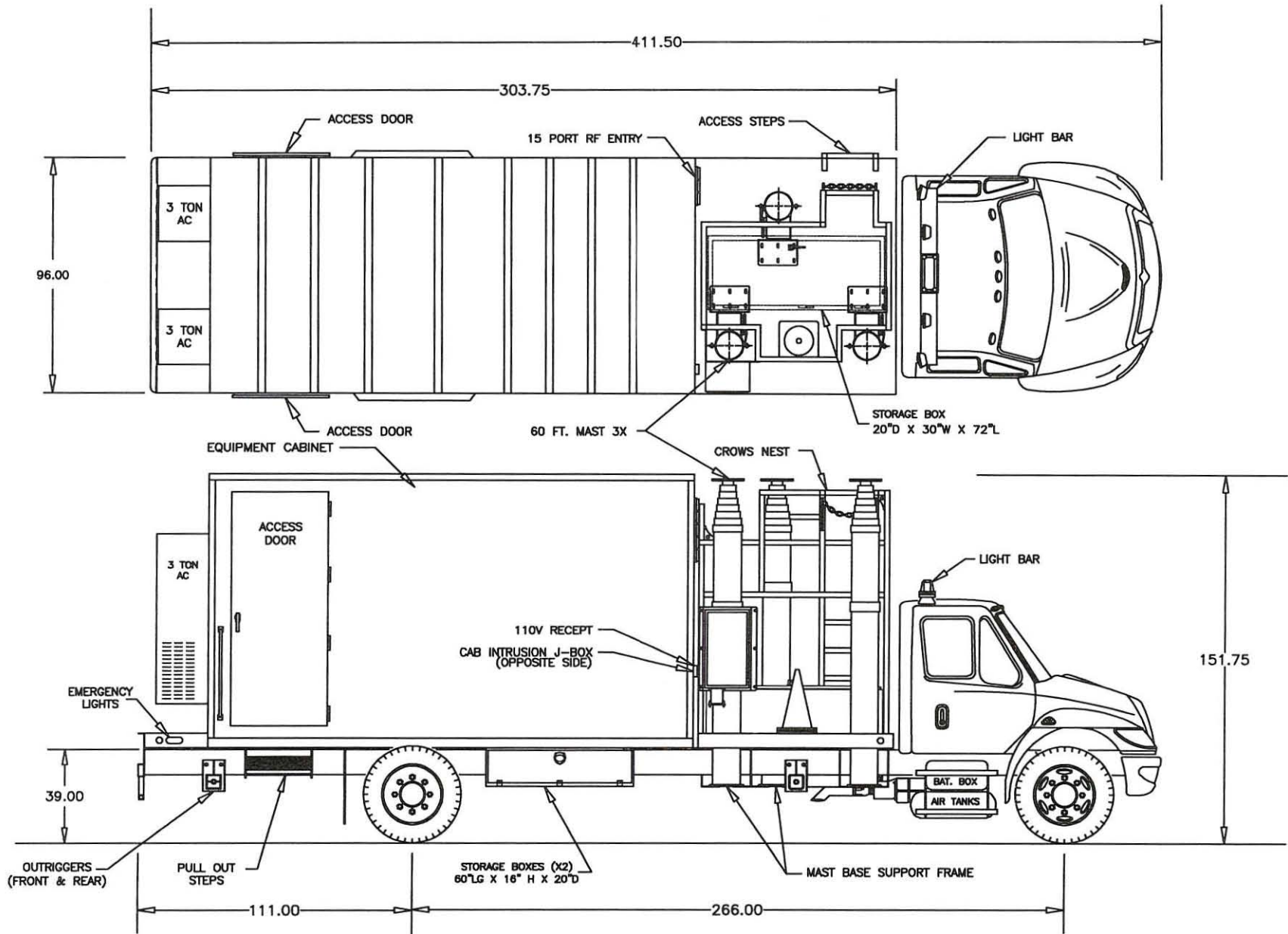
Balboa Bay Resort Project Description

Verizon Wireless is proposing to deploy a COLT (cell on light truck) from January 2, 2015 through January 8, 2015. The COLT will be servicing a Verizon Wireless convention January 6th and January 7th at the Balboa Bay Resort. Once the COLT is online January 6th, it will operate 24/7 until it is deconstructed January 8th. The COLT will be parked in the parking lot (as depicted in the aerial submitted) and will use an approximate 18' X 50' parcel commonly known as parking spaces E233-E238. The site will be powered by a commercial power source provided by the resort and will have one studio generator (very light noise), which will be used only in the event of a power outage. The temporary site is needed to increase capacity in the area due to the number of Verizon Wireless service members that will be attending the seminar.

RECEIVED BY
COMMUNITY
DEC 10 2014
DEVELOPMENT
CITY OF NEWPORT BEACH

Attachment No. ZA 3


Project Plans



PROPRIETARY PROPOSAL

**** PROPRIETARY AND CONFIDENTIAL ****

THIS DOCUMENT AND THE INFORMATION HEREIN IS THE SOLE PROPERTY OF SUN WEST ENGINEERING INC. DUPLICATION OF THIS INFORMATION WITHOUT PRIOR CONSENT OF SUN WEST ENGINEERING IS FORBIDDEN.

		SUN WEST ENGINEERING, INC. <small>8002 E. BROADWAY, FREDERICK, AL. 86040 (800) 875-0888</small>	
		TITLE: INTERNATIONAL (MODEL 4300) TRUCK "COW W/ EQUIPMENT CABINET"	
PLOT SCALE: 1:1		SHEET: 1 of 1	
DRAWN BY: <i>ELM</i>		DATE DRAWN: 1-26-11	
REVISED: 05-10-11		DWG. No. SW-3580	

PA2014-214 for XP2014-006
 1221 W. Coast Highway
 Verizon Wireless



DGK70B Specifications				
Alternator	Generator Type		Revolving Field Brushless AC	
	Rated Output		kVA 70	
			kW 56	
	Voltage – Three phase		V 240, 480	
	Voltage – Single phase		V 120, 139, 240, 277	
	Amps	Single phase - 120V		A 155.5 (4 wire), 168x2(Zig-zag)
		Single phase - 240V		A 77.8 (4 wire), 168(Zig-zag)
		Three phase - 240V		A 168
		Three phase - 480V		A 84
	Frequency		Hz 60	
	Rated speed		rpm 1800	
	Winding		3-phase, 4-wire Star with neutral / Zig-zag	
	Power factor		.8	
Insulation class		H		
Excitation		Static excitation (brushless)		
No. of poles		4		
Engine	Type		Vertical Water-cooled 4cycle Diesel Engine	
	Model (Manufacturer)		4BG1T (ISUZU) EPA2	
	No. of Cylinders (bore x stroke)		(in./mm) 4 (4.13 x 4.92/105 x 125)	
	Continuous rated output		hp 82	
	Rated speed		rpm 1800	
	Displacement		Cu .in./liters 264.2/4.329	
	Combustion system		Direct Fuel Injection, Turbo Charger	
	Cooling method		Radiator	
	Lubricating method		Forced lubrication	
	Starting method		Electric	
	Fuel		Diesel	
	Lubricant oil		CD class or higher	
	Fuel tank capacity		gal./liters 33/125	
	Fuel Consumption	Full Load	gal./liters 4.39/16.6	
		75%	gal./liters 3.33/12.6	
		50%	gal./liters 2.38/9.0	
		25%	gal./liters 1.51/125	
	Lubricant volume		gal./liters 3.8/5.7	
	Cooling water volume		gal./liters 4.5/17	
	Starting motor capacity		V-kW 12V, 2.5 kW	
Charging alternator capacity		V-A 12V-60A		
Battery capacity		V-AH 12V-80AH		
Meters	Voltage/Frequency/Amperage/Hour			
Voltage Regulation	Automatic Voltage Regulator			
Shutdowns	Oil pressure, Water temperature		Lamp indication with shutdown	
Warning	Battery charge		Lamp indication	
Unit	Dimensions (L x W x H)		in./mm 82.3x34.6x48.8/2090x880x1240	
	Dry weight		lbs./kg 2745/1245	
Sound Level	No Load		62 dBA (23 feet)	
	Full Load		65 dBA (23 feet)	

Specifications are subject to change without notice.

Shindaiwa Construction Products 11975 SW Herman Road Tualatin, OR 97062

Voice 503-692-3070 Fax 503-692-6696 www.kwietpower.com