

**CALIFORNIA COASTAL COMMISSION**

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# Th7b

Filed: 3/24/2015  
150th Day: 9/3/2015  
Staff: A. Dobson -LB  
Staff Report: 7/23/2015  
Hearing Date: 8/13/2015

## STAFF REPORT: CONSENT CALENDAR

**Application No.:** 5-14-1927

**Applicant:** AT&T Mobility and Verizon Wireless

**Location:** 1600 Newport Center Drive, Newport Beach, Orange County

**Project Description:** Construct two 43 foot tall communication towers side-by-side and support equipment in an existing commercial area.

**Staff Recommendation:** Approval with conditions

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## SUMMARY OF STAFF RECOMMENDATION

The applicants propose to construct two 43 foot tall communication towers and an 8 foot tall support equipment enclosure in an existing commercial office development, surrounded by a parking lot. The project site is inland of Pacific Coast Highway and approximately 2,000 feet inland of Newport Bay. The towers will be visible, but will not significantly impact the existing public coastal views, and will be painted a shade of green to blend with the existing vegetation. The towers will not impact coastal views from any other vantage points or scenic areas designated in the coastal Land Use Plan. The project has been conditioned to minimize additional view impacts by requiring revised plans for low-growing landscaping surrounding the towers, co-location of future antennas, and Commission review of future improvements. The proposed development, as conditioned, is consistent with the visual resource protection policies of the Coastal Act.

Deed restrictions on similar projects have been imposed in the past. The applicants seek to clarify the language of the conditioned generic deed restriction and have provided minor changes to the language that are specific to the project. Staff concurs with the proposed language of the deed restriction. Staff recommends **APPROVAL** of the proposed project with additional special conditions relating to construction responsibilities, future development, and a deed restriction.

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### EXHIBITS

- Exhibit 1 – Location Map and Site Plan
- Exhibit 2 – Project plans
- Exhibit 3 – View analysis
- Exhibit 4-- Modified generic deed restriction

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all of the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

### Resolution:

*The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

## II. STANDARD CONDITIONS:

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITIONS:

This permit is granted subject to the following special conditions:

1. **Co-Location of Future Antennas.** BY ACCEPTANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicants and landowner(s) agree(s) on behalf of themselves and all successors and assigns to cooperate with other communication companies in co-locating additional antennas and/or equipment on the proposed development in the future, provided such shared use does not impair the operation of the approved facility, nor have any adverse impacts on public coastal views. Upon the Executive Director's request, the permittee shall provide an independently prepared technical analysis to substantiate the existence of any practical technical prohibitions against the operation of a co-use facility.
2. **Future Redesign.** BY ACCEPTANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicants (or its successor/assignee) agrees that if, in the future, the facility is no longer needed, the applicant (or its successor/assignee) shall abandon the facility and be responsible for removal of all permanent structures and restoration of the site as needed to re-establish the area consistent with the character of the surrounding area. Before performing any work in response to the requirements of this condition, the applicant (or its successor/assignee) shall contact the Executive Director of the California Coastal Commission to determine if an amendment to this coastal development permit or a new coastal development permit is necessary.
3. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.** The permittees shall comply with the following construction-related requirements:
  - A. No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
  - B. No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
  - C. Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
  - D. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
  - E. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
  - F. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
  - G. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an

- amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- H. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
  - I. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
  - J. The discharge of any hazardous materials into any receiving waters shall be prohibited.
  - K. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
  - L. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.
  - M. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.
4. **Future Development.** This permit is only for the development described in coastal development permit No. 5-14-1927. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106, including, but not limited to, a change in the density or intensity of use land, shall require an amendment to Permit No. 5-14-1927 from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission or from the applicable certified local government.
  5. **Vegetation Height and Maintenance.** BY ACCEPTANCE OF THIS PERMIT, the applicants and landowner(s) agree(s) on behalf of themselves and all successors and assigns that the site surrounding the towers shall not be planted with trees or other vegetation that would negatively impact public coastal views from surrounding public streets. Any vegetation planted in the area must be low to moderate height shrubs or trees that shall be maintained to a height low enough not to impact public coastal views. Vegetation shall not exceed 20 feet in height.
  6. **Landscaping - Drought Tolerant, Non Invasive Plants.** Vegetated landscaped areas shall consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by

California Department of Water Resources (See:  
<http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>).

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and approval revised Landscaping plans meeting the criteria set forth in special condition 5 and 6, above.

7. **Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized the development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

#### **IV. FINDINGS AND DECLARATIONS:**

##### **A. PROJECT LOCATION & DESCRIPTION**

The applicants are proposing to construct two 43 foot tall, 30 inch diameter slimline wireless communication monopoles that will house 6 six-foot tall antennas for AT&T Mobility and 6 six-foot tall antennas for Verizon Wireless (**Exhibit 2**). The 450 sq. ft. associated support equipment enclosure will be 8 feet tall, adjacent to the towers, and will house 18 remote radio units, 3 GPS antennas, 5 radio cabinets, and 1 power plant cabinet. The towers will be secured behind 8 foot high masonry walls. The poles will be painted a green color to blend with existing vegetation. The proposed project will enhance wireless communication throughout the area and improve coverage to the residential and commercial areas, and address service gaps that occur during peak times.

The proposed project is inland of Pacific Coast Highway, off Newport Center Drive and is near the commercial development surrounding Fashion Island (**Exhibit 1**). The site is approximately 2,000 feet inland of Newport Bay. The project will be constructed in an existing parking lot of a corporate office plaza, without removing any existing parking spaces. The area is an existing landscaped area between parking lots that is not used for pedestrian access or recreation. The proposed location is preferable to the project constructed in an existing public right-of-way, like similar communication towers. The site is owned by the Irvine Company and is licensed to the applicants. The site is zoned COG-B, General Commercial Office in the City of Newport Beach's certified Coastal Land Use Plan (LUP), designated for business, professional, and commercial land uses. The height limits are normally limited to 32 feet in this area, provided the structure does not exceed the sight plane limit established by the corporate plaza planned community regulations of the City. The existing commercial buildings in the corporate plaza are limited to 32 feet high. According to the regulations,

the City Council may approve telecom structures up to 15 feet above the height limit, which is what was done in this case. The City of Newport Beach issued an Approval-in-Concept (No. AIC2014-086) for the proposed project on December 11, 2014. The project was approved by City Council through Resolution No. 2014-76. The proposed project is consistent with the City's requirements and consistent with the coastal LUP.

The proposed project is located landward/outside of the City of Newport Beach's Shoreline Height Limitation Zone (which restricts heights to 35 feet). The applicant has submitted a view simulation from designated viewpoints around the project site. While the project is visible from the adjacent areas, the project will not block or impact views from the surrounding viewpoints with one exception: the project will minimally impact public views of the coast and Newport Bay looking southwest from Newport Center Drive, designated a "scenic road" in the City's Coastal Land Use Plan (**Exhibit 3**). However, the impact is minimal and the view shed is impacted already by existing light poles, development, and trees. The proposed project will be visible in the distance, but will not contribute significantly to the coastal view impacts because of the distance from Newport Center Drive and the existing vegetation and development.

Landscaping is proposed to surround the enclosure, including non-invasive plants, with the exception of *Washingtonia robusta*, palm tree species that are invasive and that are in excess of 65 feet high upon maturity. [Special Conditions 5 and 6](#) require that the vegetation surrounding the towers not contribute to blocking the public coastal view from Newport Center Drive, and therefore be limited to 20 feet in height. As seen from the view analysis submitted (**Exhibit 3**), the majority of the trees seen in the horizon are existing *Washingtonia robusta*. A revised landscape plan shall be required before permit issuance with species selected that shall not exceed 20 feet in height to maintain existing coastal views looking southwest from Newport Center Drive. A faux-tree design was initially considered for this project, but was not pursued due to lack of interest from the public, landowners and applicants.

While the proposed facility will not have a significant adverse impact on the visual quality of the area, the Commission is concerned that cumulatively, installation of additional similar projects in the area could have adverse impacts on visual resources. As demand for wireless communication facilities increases, it is likely that other service providers will be interested in placing additional structures, antennas and equipment in the project area, and the Commission is concerned that cumulatively, installation of additional similar projects in the area could have adverse impacts on visual resources. Co-location is the preferred way to provide future telecommunication services. If co-location is not possible, then the visual impacts of such structures must be mitigated either through project design or siting so as not to result in adverse cumulative visual impacts. Co-location is only preferred if the future telecommunication devices can be located on these towers, as proposed, with no additional impacts to coastal views. If a new tower or additional exterior antennas need to be constructed, then a new location for the improvements may be required. The applicants have demonstrated that there are no existing co-location opportunities within 1,000 feet of the proposed site. The project does include co-location as proposed in that 2 wireless companies will have antennas onsite. There may be opportunities in the future to include other carriers or additional wireless companies, which will reduce the need for additional towers in this location or elsewhere in the coastal zone.

As such, [Special Conditions 1 and 2](#) are imposed on this permit. [Special Condition 1](#) requires that the applicants agree to cooperate with other communication facilities in co-locating additional antenna on the proposed development, unless the applicant can demonstrate a substantial technical conflict to doing so. Of course, the visual impacts associated with a co-located facility compared with another location would also need to be analyzed to determine which option has the least impact. [Special Condition 2](#) requires the applicants (or its successor or assignee) to agree to remove the structure and restore this site in the future should technological advances make this facility obsolete. In this way, it can be assured that the proliferation of these types of facilities can be limited to appropriate locations, and that the area will not be littered with outdated and obsolete facilities in the future.

As specified in California Code of Administrative Regulations Section 13253, addition of antennas to an existing structure may be exempt from permit requirements (barring any additional coastal view impacts) and therefore may be exempt from further Commission review. As conditioned, the proposed project would not pose a significant impact to visual resources. However, future co-location of additional antennas onto the structure in the future may result in a significant increase in the number of attached antennas. Without Commission review, this may result in significant increased visual impacts. Therefore, the Commission imposes [Special Condition 4](#), requiring Commission review of changes to the proposed development. Therefore, as conditioned, the Commission finds the project is consistent with Chapter 3 policies of the Coastal Act with respect to protecting visual resources. The project will not have any negative impacts on public access.

[Special Condition 3](#) ensures construction responsibilities and BMPs are followed for the protection of water quality in the surrounding coastal and bay environments. [Special Condition 7](#) requires a deed restriction on the site referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use of the site.

Deed restrictions on similar projects have been imposed in the recent past where potential view impacts may occur (CDP 5-11-063). The applicants have provided minor changes to the deed restriction language that are specific to the project (**Exhibit 4**). Commission legal staff concurs with the proposed language of the deed restriction. As such, staff continues to recommend approval of the project, with the proposed language of the deed restriction.

## **B. DEVELOPMENT**

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that the future development of the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission finds that a Future Development [Special Condition 4](#) must be imposed. As conditioned the development conforms to the Chapter 3 policies of the Coastal Act.

## **C. VISUAL RESOURCES**

To minimize the project's impact on visual resources, the project has been conditioned to: maintain low-growing vegetation and return to the Commission in the event of any future improvements. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30251 of the Coastal Act regarding protection of scenic and visual qualities.

## **D. PUBLIC ACCESS**

The proposed development will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, the proposed development, as conditioned, conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

## **E. WATER QUALITY**

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, the use of non-invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms to Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

## **F. DEED RESTRICTION**

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes [Special Condition 7](#) requiring that the applicants and property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the land use and enjoyment of the land in connection with the authorized development, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

## **G. LOCAL COASTAL PROGRAM (LCP)**

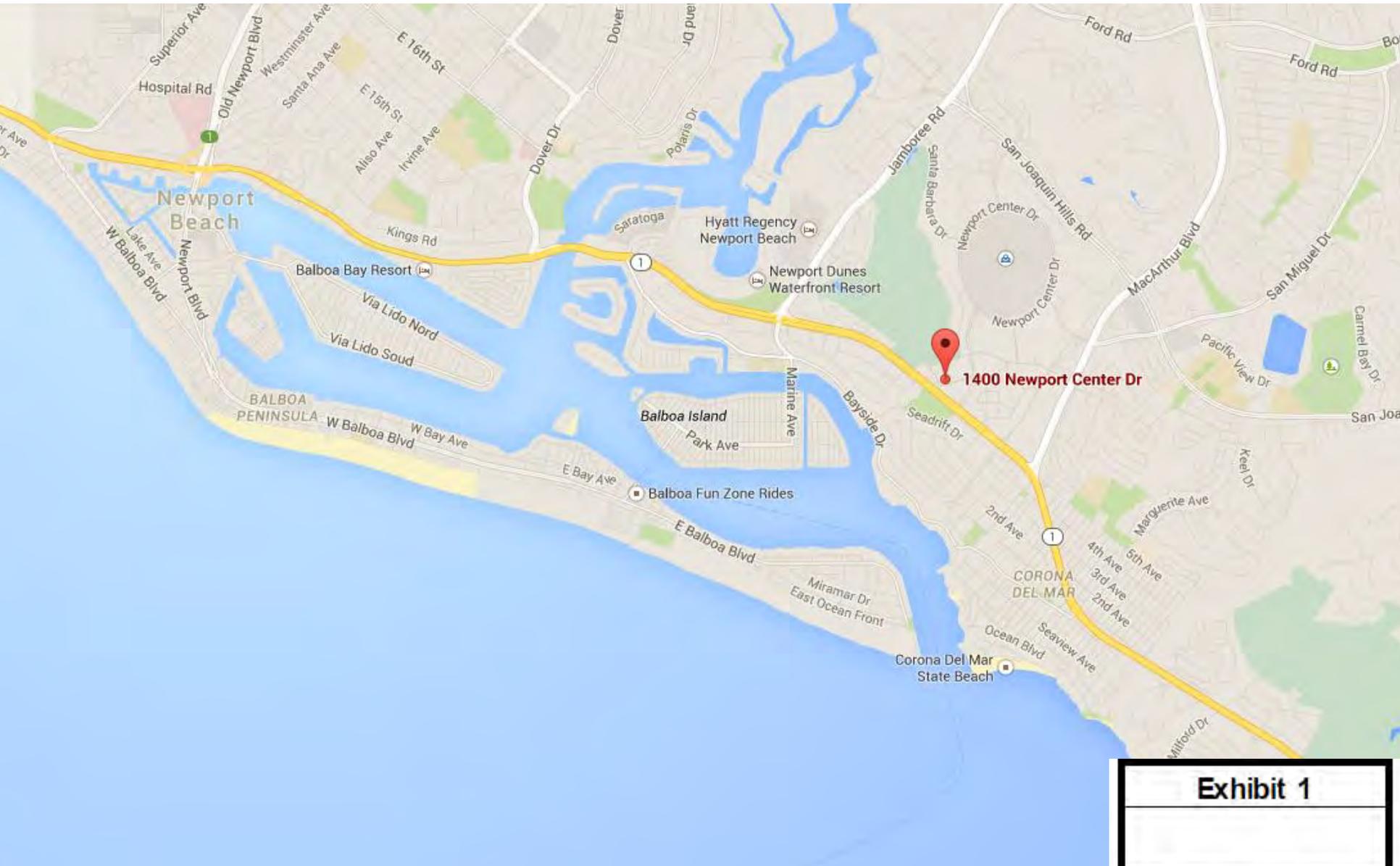
Coastal Act Section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Land Use Plan for the City of Newport Beach was effectively certified on May 19, 1982. The certified

LUP was updated in October 2009. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity the provisions of Chapter 3 of the Coastal Act.

## **H. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

# PROJECT LOCATION



**Exhibit 1**



California Coastal  
Commission

# PROJECT SITE

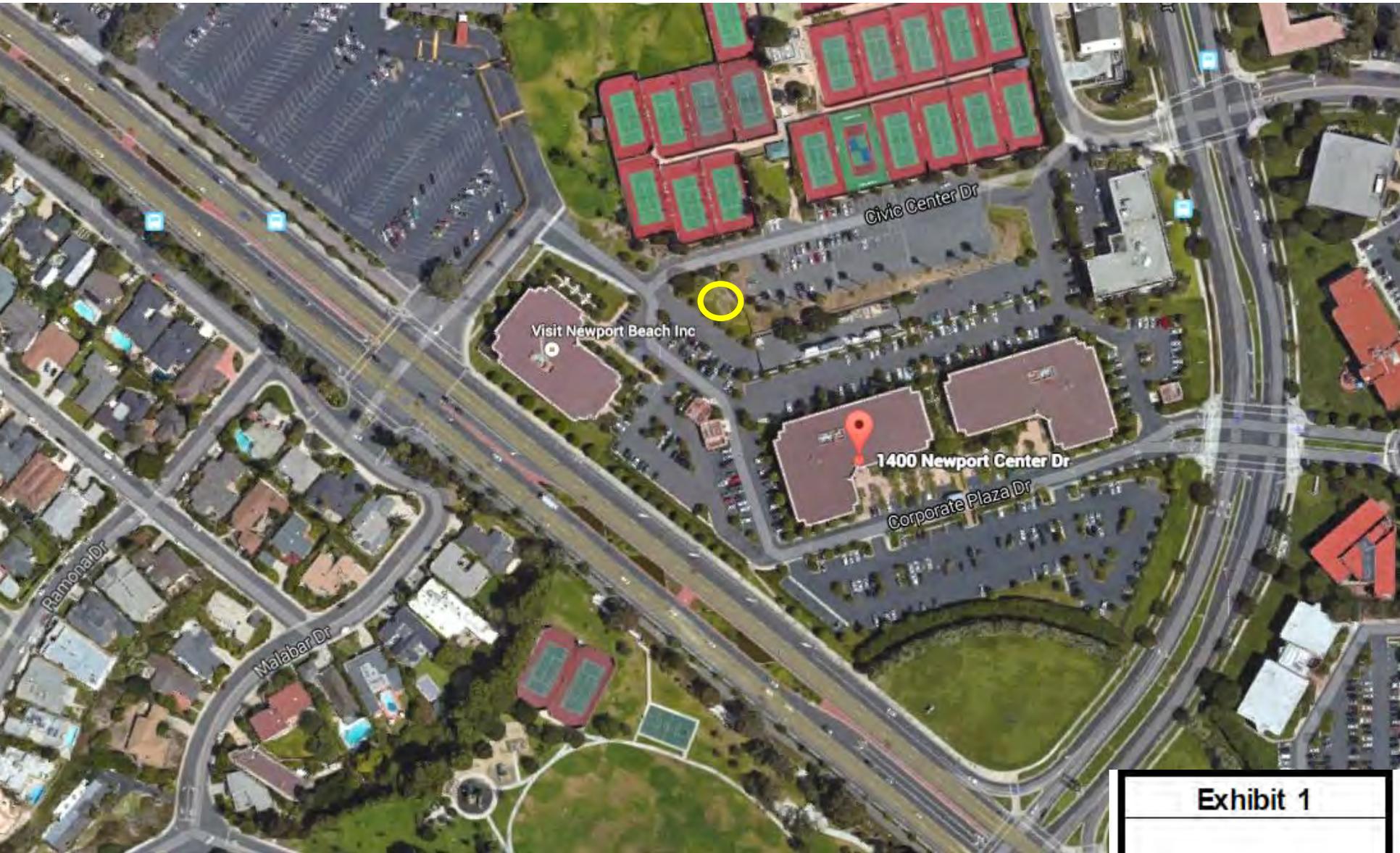


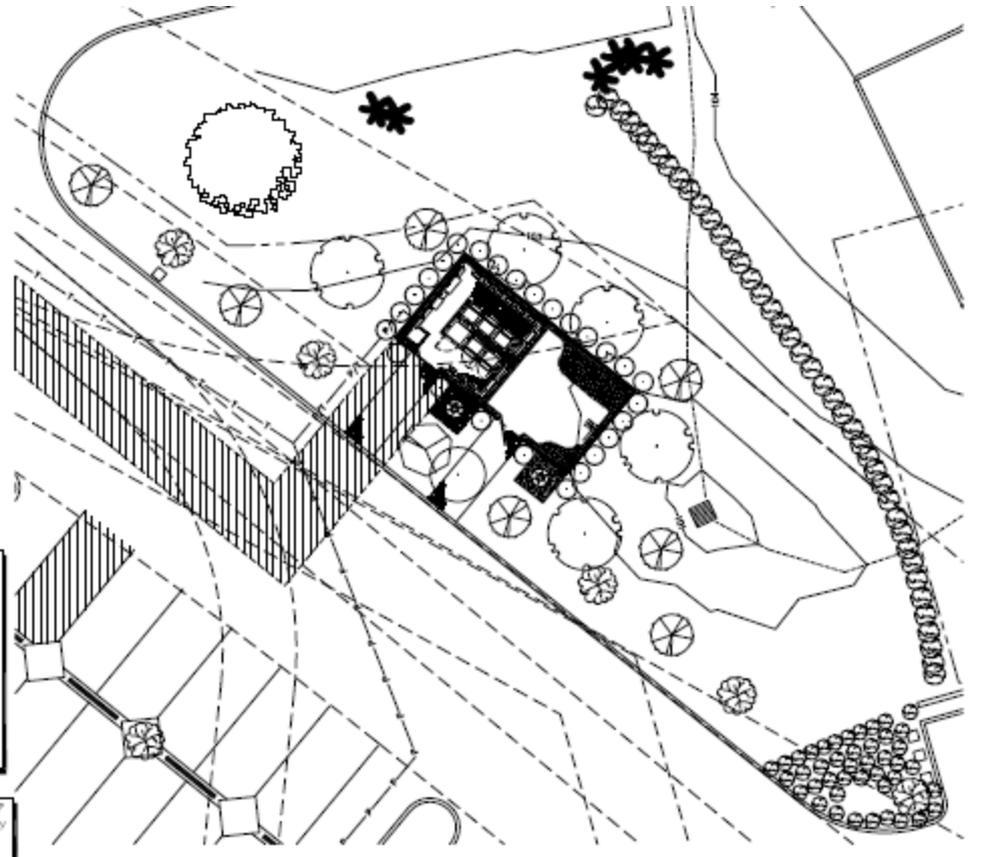
Exhibit 1



California Coastal  
Commission

# PROJECT PLANS

PLANT MATERIAL KEY				
SYMBOL	SCIENTIFIC NAME	COMMON NAME	HT.	COUNT
	<i>Noyahya indica</i>	Indian Hawthorn	3' High	multiple
	<i>Polycarpus monophyllus</i>	Yucca Pine	15' High	4
	<i>Laurus nobilis</i>	Sweet Bay	25' High	1
	<i>Wisteria robusta</i>	Wisteria Fan Palm	65' High	2
<b>PLANTING TYPE TO BE APPROVED:</b>				
	<i>Polycarpus monophyllus</i>	Yucca Pine	15' High	1
<b>LOCATION OF RELOCATED TREE INDICATED ABOVE:</b>				
<b>APPROVED TREES:</b>				
	<i>Pinus torreyana</i>	Monterey Pine	28" Dia 15' Tall	5
	<i>Pinus radiata</i>	Redwood Pine	36" Dia	2
<b>APPROVED SHRUBS:</b>				
	<i>Noyahya indica</i>	Indian Hawthorn	5' Dia	28



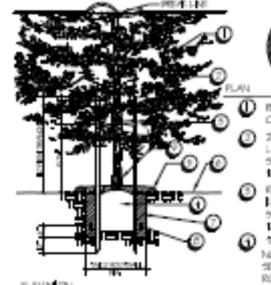
**NOTES**  
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF SAN DIEGO PERMITS DEPARTMENT. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF SAN DIEGO PERMITS DEPARTMENT. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF SAN DIEGO PERMITS DEPARTMENT.

2. THE LOCATION AND DIMENSIONS AND SHALL BE SUBJECT TO CHANGE BY THE LANDOWNER FOR THE IMPROVED PROJECTS.  
 3. IF PLANTING OCCURS, ALL PLANTS ARE TO BE PROVIDED IN AN ACCEPTABLE STATE FOR THE SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DELIVERY TO THE SITE.  
 4. NO WORK SHALL BE DONE ON THE FOLLOWING SOILS: ALLUVIAL SANDS AND SILTS, CLAYEY SANDS, AND SILTY CLAYEY SANDS.  
 5. 1-20" ORGANIC DECOMPOSTED ORGANIC MATERIAL  
 6. 20-30" ORGANIC DECOMPOSTED ORGANIC MATERIAL  
 7. 30-40" ORGANIC DECOMPOSTED ORGANIC MATERIAL  
 8. 40-50" ORGANIC DECOMPOSTED ORGANIC MATERIAL  
 9. 50-60" ORGANIC DECOMPOSTED ORGANIC MATERIAL  
 10. 60-70" ORGANIC DECOMPOSTED ORGANIC MATERIAL  
 11. 70-80" ORGANIC DECOMPOSTED ORGANIC MATERIAL  
 12. 80-90" ORGANIC DECOMPOSTED ORGANIC MATERIAL  
 13. 90-100" ORGANIC DECOMPOSTED ORGANIC MATERIAL

**PLANTING NOTES**  
 1. ALL EXISTING TREES AND SHRUBS WITHIN THE PROPERTY LINE SHALL BE PROTECTED IN PLACE. NO TREE OR SHRUB SHALL BE REMOVED AS PART OF THE PROJECT. LANDOWNER CONTRACTOR TO VERIFY EXISTING TREES AT LOCATION OF PROPOSED ENCLOSURE AND ADDRESS. IF EXISTING TREES ARE REMOVED OR DAMAGED DURING CONSTRUCTION OF ENCLOSURE AND INSTALLATION OF ORIGINAL CONTRACTOR TO REPLACE WITH AT SPECIES.  
 2. ALL EXISTING TREES AND SHRUBS WITHIN PLANTING PREPARATION SHALL BE PROTECTED FROM ORGANIC MATTER DEBRIS AS A FIRST MAINTENANCE PRACTICE FOR STORM WATER SOURCE CONTROL. NO ORGANIC MATTER IS ALLOWED.  
 3. A 3" DEEP LAYER OF APPROVED ORGANIC MULCH SHALL BE APPLIED TO COVER THE SOIL WITHIN 30" OF THE BOUNDARY LINE ON THE SUBJECT PROPERTY WITHIN THE PLANTING COMPLEX.

**DIG-ALERT NOTE**  
 1. CONTRACTOR SHALL NOTIFY UNDERGROUND SERVICE ALERT BEFORE START OF CONSTRUCTION (2 WORKING DAYS OR 48 HOURS). CONTRACTOR SHALL VERIFY EXISTING LOCATION OF UTILITIES AS NECESSARY TO IDENTIFY LOCATION.

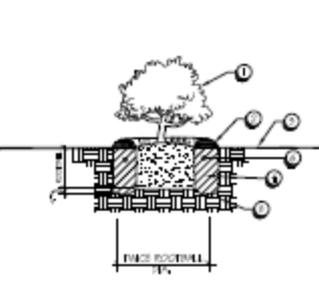
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 90. 770" SOIL BY VOLUME  
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 93. 800" SOIL BY VOLUME  
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**A TREE STAKING**  
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**B SHRUB PLANTING**  
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**C TREE PLANTING**  
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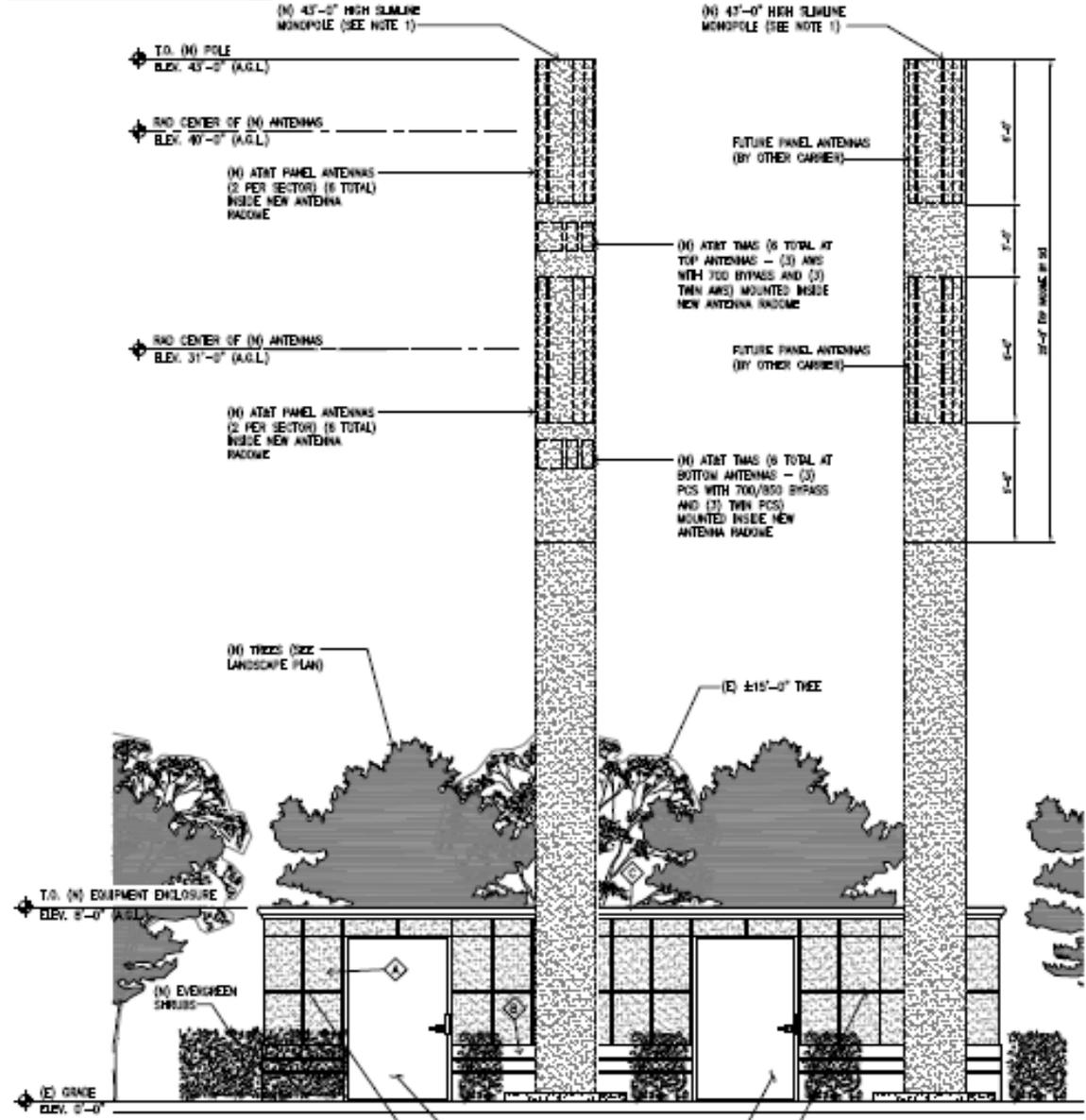
## Exhibit 2

**California Coastal Commission**



# PROJECT PLANS

**NOTE:**  
 1. (N) 43'-0" HIGH SLIMLINE MONOPOLE TO BE PAINTED WITH SHELVIN-WILLIAMS-POYOSKY BRONZE (SW 2846) OR APPROVED EQUIVALENT.



# PROJECT PLANS



Project without landscaping



Project with landscaping

# View Analysis





# OC0392 Newport Center

1600 Newport Center Drive, Newport Beach, CA 92660



Viewpoint B

Viewpoint C

Viewpoint D

Viewpoint A

- Viewpoint A (Newport Center Drive)**
  - View 1 – Looking southwest
  - View 2 – Looking northwest
- Viewpoint B (Irvine Terrace Park)**
  - View 1 – Looking southwest
  - View 2 – Looking north
- Viewpoint C (Back Bay View Park)**
  - View 1 – Looking southeast
  - View 2 – Looking northwest
- Viewpoint D (Jamboree Road)**
  - View 1 – Looking southeast
  - View 2 – Looking west



# OC0392 Newport Center

1600 Newport Center Drive, Newport Beach, CA 92660



Proposed Slimline Poles



Viewpoint A – View 1 – Looking southwest from Newport Center Drive

Back Bay Beyond Horizon



Viewpoint A – View 2 – Looking northwest from Newport Center Drive



# OC0392 Newport Center

1600 Newport Center Drive, Newport Beach, CA 92660



Viewpoint B – View 1 – Looking southwest from Irvine Terrace Park



Approximate Project Location

Back Bay Beyond Horizon

Viewpoint B – View 2 – Looking north from Irvine Terrace Park

# Modified Deed Restriction



**RECORDING REQUESTED BY:**

**WHEN RECORDED MAIL TO:**

California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060-4508  
Attn: Legal Division

**DEED RESTRICTION**

I. ~~WHEREAS,~~

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WHEREAS, The Irvine Company LLC, a Delaware limited liability company, (hereinafter referred to as “**Owner(s)**”) is/~~are~~ the record owner(~~s~~) of the real property described in **Exhibit A**, attached hereto and incorporated herein by reference (hereinafter referred to as the “**Property**”); and

II. WHEREAS, the California Coastal Commission (hereinafter referred to as the “**Commission**”) is a public agency created and existing under the authority of section 30300 of the California Public Resources Code (hereinafter referred to as the “**PRC**”), a section of the California Coastal Act of 1976 (Division 20 of the PRC; hereinafter referred to as the “**Act**”); and

III. WHEREAS, the Property is located within the coastal zone as defined in the Act (PRC § 30103); and

IV. WHEREAS, pursuant to section 30600(a) of the PRC, ~~Owner(s)~~New Cingular Wireless PCS, LLC, a Delaware limited liability company, by its manager, AT&T Mobility Corporation (hereinafter referred to as the “Applicant”), and Los Angeles SMSA Limited Partnership, a California limited partnership, doing business as Verizon Wireless (hereinafter referred to as the “Co-Applicant”), each of which plans to enter into a cell site license agreement with Owner for the operation of a wireless communications facility and to construct communications towers and equipment enclosures on the Property (hereinafter collectively referred to as the “Wireless Facilities”), has applied to the Commission for a coastal development permit to undertake development, as defined in the Act (PRC§ 30106), of the Wireless Facilities on the Property; and

V. WHEREAS, on \_\_\_\_\_, 20\_\_\_\_, the Commission conditionally approved coastal development permit number \_\_\_\_\_5-14-1927 (hereinafter referred to as the “**Permit**”), subject to, among other conditions, the conditions listed under the heading “Special Conditions” in the Notice of Intent to Issue Permit dated \_\_\_\_\_, 20\_\_\_\_, attached hereto as ~~EXHIBIT~~Exhibit B and incorporated herein by reference (hereinafter referred to as the “**Special Conditions**”), for the reasons stated in the “Findings and Declarations” adopted by the Commission in support of its action, which findings and declarations (along with any other documents that the Permit required to be submitted to the Commission and with which the Permit requires compliance) are available from the Commission upon request; and

VI. WHEREAS, the Commission found that, but for the imposition of the Special Conditions, the proposed development could not be found consistent with the provisions of the Act and that a permit could therefore not have been granted; and

VII. WHEREAS, ~~Owner(s) has/ve~~Applicant and Co-Applicant, with the concurrence of Owner, have elected to comply with the Special Conditions, which require, among other things, execution and recordation of this Deed Restriction affecting title to the Property of Owner, so as to enable ~~Owner(s)~~ Applicant and Co-Applicant to undertake the development authorized by the Permit;

NOW, THEREFORE, in consideration of the issuance of the Permit to ~~Owner(s)~~Applicant and Co-Applicant by the Commission, the undersigned Owner(s), ~~for himself/herself/themselves and for his/her/their heirs,~~ for itself and its assigns, and successors-in-interest, hereby irrevocably ~~covenant(s)covenants~~ with the Commission that the Special Conditions (shown in **Exhibit B** hereto) shall for the duration specified below at all times on and after the date on which this Deed Restriction is recorded, constitute for all purposes covenants, conditions and restrictions on the use and enjoyment of the Property that are hereby attached to the deed to the Property as fully effective components thereof.

1. DURATION. (a) This Deed Restriction shall remain in full force and effect and shall bind Owner(s) and all ~~his/her/their~~its licensees, assigns or successors-in-interest during the period that either the development authorized by the Permit, or any part or modification thereof, or the Permit, or any modification or amendment thereof, remains in existence on or with respect to, and thereby confers benefit upon, the Property.

(b) Furthermore, in the event of a termination or extinguishment of this Deed Restriction other than pursuant to a Commission-approved amendment to the Permit, the Special Conditions shall, notwithstanding any such termination or extinguishment, continue to restrict the use and enjoyment of the Property as they did prior to that termination or extinguishment and to bind Owner(s) and ~~his/her/their~~its successors-in-interest, so long as either or both of the conditions described in paragraph (a) continue to exist on or with respect to the Property.

2. TAXES AND ASSESSMENTS. It is intended that this Deed Restriction is irrevocable and shall constitute an enforceable restriction within the meaning of a) Article XIII, section 8, of the California Constitution; and b) section 402.1 of the California Revenue and Taxation Code or successor statute. Furthermore, this Deed Restriction shall be deemed to constitute a servitude upon and burden to the Property within the meaning of section 3712(d) of the California Revenue and Taxation Code, or successor statute, which survives a sale of tax-deeded property.

3. RIGHT OF ENTRY. The Commission or its agent may enter onto the Property at times reasonably acceptable to Owner(s) to ascertain whether the use restrictions set forth above are being observed.

4. REMEDIES. Any act, conveyance, contract, or authorization by Owner(s), whether written or oral, which uses or would cause to be used or would permit use of the

Property contrary to the terms of this Deed Restriction will be deemed a violation and a breach hereof. The Commission and Owner(s) may pursue any and all available legal and/or equitable remedies to enforce the terms and conditions of this Deed Restriction. In the event of a breach, any forbearance on the part of either party to enforce the terms and provisions hereof shall not be deemed a waiver of enforcement rights regarding any subsequent breach.

5. SEVERABILITY. If any provision of these restrictions is held to be invalid, or for any reason becomes unenforceable, no other provision shall be affected or impaired.

Dated: \_\_\_\_\_, 20\_\_

Business Name (if property is owned by a business): \_\_\_\_\_

Signed: \_\_\_\_\_ Signed: \_\_\_\_\_

~~PRINT/TYPE NAME & CAPACITY OF ABOVE PRINT/TYPE NAME & CAPACITY OF ABOVE~~

The Irvine Company LLC,  
a Delaware limited liability company

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

Steven M. Case  
Executive Vice President  
Office Properties

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

Christopher M. Popma  
Vice President, Operations  
Office Properties

**\*\* NOTARY ACKNOWLEDGMENT ON THE NEXT PAGE \*\***

