

**CITY OF NEWPORT BEACH
STAFF ACTION REPORT**

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

FROM: Planning Department
Javier Garcia, Zoning Administrator
jgarcia@city.newport-beach.ca.us

SUBJECT: Report of actions taken by Planning Department Staff for the week ending June 20, 2008

Item 1: Platinum Motors LLC on behalf of property owner Levon Gugasian – Planning Director’s Use Permit UP2008-009 (PA2008-060)
950 West Coast Highway

The Planning Director approved the applicants request to allow the establishment of an automobile sales facility, limited, specializing in exotic vehicles. Vehicle display will be within the tenant space only. There is no outdoor display or overnight outdoor storage of vehicles proposed at this time.

Approved – June 17, 2008

Council District 3

Prepared and submitted by: -



Javier S. Garcia, Zoning Administrator

APPEAL:

The decision of the Planning Director may be appealed to the Planning Commission within 14 days of the action date. A \$600.00 filing fee shall accompany any appeal filed. No building permits may be issued until the appeal period has expired.

c: David Lepo, Planning Director (*e-mail*)
Sharon Wood, Assistant City Manager (*e-mail*)
David Keely, Public Works Senior Civil Engineer (*e-mail*)
Kay Sims, Assistant Planner (*e-mail*)
Sgt. Ron Vallercamp, Vice/Narcotics (*e-mail*)
Code Enforcement Division (*e-mail*)
Erin Steffen, Office Assistant (*e-mail*)



USE PERMIT NO. UP2008-009

(PA2008-060)

PLANNING DEPARTMENT
3300 NEWPORT BOULEVARD
NEWPORT BEACH, CA 92663
(949) 644-3200 FAX (949) 644-3229

Staff Person: Javier S. Garcia, 644-3206
Appeal Period: 14 days after approval date

Application: Planning Director's Use Permit No. UP2008-009 (PA2008-060)

Applicant: Platinum Motors LLC

Site Address: 950 West Coast Highway

Legal Description: Parcel 1 of PM recorded in Book 83, Page 12-13

Request as Modified and Approved:

To allow the establishment of an automobile sales facility, limited, specializing in exotic vehicles. Vehicle display will be within the tenant space only. There is no outdoor display or overnight outdoor storage of vehicles proposed at this time. The property is located in the RSC-MM (Retail Service Commercial, Mariner's Mile Overlay) District.

DIRECTOR'S ACTION **APPROVED - JUNE 17, 2008**

Application Request:

In approving this Use Permit, the Planning Director analyzed issues with regard to parking standards and operation characteristics of the use. The detailed analysis can be found in the attached appendix. In consideration of that aspect, the Planning Director determined, in this case, that the proposal would not be detrimental to persons, property or improvements in the neighborhood. The Use Permit, as approved, would be consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code based on the following findings and conditions of approval.

FINDINGS

1. The property is designated for "General Commercial" use by the Land Use Element of the General Plan. The proposed use is consistent with that designation.
2. The project has been reviewed, and it qualifies for a categorical exemption pursuant to the California Environmental Quality Act under Class 1 (Minor Alteration of Existing Structures). This exemption allows for the operation, repair, maintenance and minor alteration of existing buildings.

3. That the proposed location of the use is in accord with the objectives of this code and the purposes of the district in which the site is located.
 - The proposed use is a support use for the residential, office and commercial uses in the area.
4. The proposed automotive sales facility is consistent with the General Plan and the purpose of the district in which the site is located, will not be detrimental to the public health, safety, peace, morals, comfort, or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to the properties or improvements in the vicinity or to the general welfare of the City, for the following reasons:
 - The automotive sales use will be located within a commercial retail center designated for such development. Automobile sales is considered consistent with the General Commercial (CG) designation of the General Plan.
 - The proposed use is a support use for the residential, office and commercial uses in the area.
 - The automotive sales facility will have a parking demand similar or less than a typical retail use (a permitted use on the subject property).
5. The automobile sales facility, under the conditions imposed by this Use Permit that it will be operated and maintained, complies with the provisions of the Zoning Code and the Mariner's Mile Design Framework and Guidelines.

CONDITIONS

1. The development shall be in substantial conformance with the approved plot plan, floor plan and elevations, except as noted below.
2. The paved parking areas on the subject property shall be resurfaced in areas of unusual wear. Also, the parking lot layout shall be prepared and the striping shall be marked with approved traffic markers or painted white lines (not less than 4 inches wide) and shall be approved by the City Traffic Engineer prior to the implementation of the subject request.
3. Building facade changes shall comply with the Mariner's Mile Strategic Vision and Design Framework Guidelines. Substantial changes to the facade shall require the approval of a Development Plan Review in accordance with the provisions of Section 20.57.050 of the Newport Beach Zoning Code which states that new or substantially-altered development shall be reviewed for consistency with adopted design policies contained within the Mariner's Mile Strategic Vision and Design Framework, in order to implement the goals and objectives and preserve and promote the health, safety, and general welfare of the community.

4. Vehicle storage outside of the tenant space is prohibited. Employees shall not drive or transport vehicles through the residential neighborhoods in the vicinity. Vehicles entering or exiting the property for delivery or pick up of patrons shall be from the Coast Highway access drives only. The on-site parking, vehicular circulation and pedestrian circulation systems will be subject to further review by the City Traffic Engineer. Delivery and off loading by transport vehicles on Coast Highway is prohibited.
5. All mechanical equipment and trash areas shall be completely roofed and screened from Coast Highway and from view of the adjoining residential uses overlooking the property. The Planning Department may approve screening of the view from above by a combination of vertical screens and paint to match the roof surface as a means of screening to satisfy this condition.
6. All repair and service activities, including the storage of tires and other auto related parts or merchandise, shall be prohibited on site. Outdoor storage and overnight storage of vehicles outside of the tenant space/building is prohibited.
7. No vehicles waiting for delivery or pickup shall be stored on Coast Highway, any other public street, public property or private property.
8. All employees shall park on-site at all times.
9. The daily hours of operation shall be limited to between 8:00 a.m. and 10:00 p.m. Use of noise generating mechanical equipment, including but not limited to compressors or impact wrenches, shall be prohibited.
10. Prior to issuance of building permits, the applicant shall demonstrate to the Building Official that the occupancies of the tenant spaces that adjoin the subject facility comply with the Building Code requirements. This may require additional building code upgrades to the common wall between the tenant spaces.
11. The applicant shall submit a plan detailing how the existing on-site runoff will be retained on-site, unless otherwise approved by the Public Works Department and the Building Department.
12. The existing area drain (located adjacent to the front parking spaces), which is connected to an existing curb drain that outlets to the Coast Highway gutter, shall be retrofitted to serve only as a storm overflow outlet.
13. Provisions shall be made for and around the existing trash enclosure to prevent debris and polluted runoff (originating from the trash enclosure) from entering the public right-of-way. Please refer to the City's Building Department Guidelines as to how on-site runoff containment could be accomplished.

14. All improvements shall be constructed as required by Ordinance and the Public Works Department.
15. The operator of the automotive facility shall be responsible for the control of noise generated by the subject facility. The noise generated by the proposed use shall comply with the provisions of Chapter 10.26 of the Newport Beach Municipal Code. That is, the sound shall be limited to no more than depicted below for the specified time periods:

	Between the hours of 7:00 a.m. and 10:00 p.m.;	Between the hours of 10:00 p.m. and 7:00 a.m.
Measured at the property line of commercially zoned property:	65 dBA	60 dBA
Measured at the property line of residentially zoned property:	60 dBA	50 dBA

16. No outside paging system or sound system shall be utilized in conjunction with this establishment.
17. If this business is sold or otherwise comes under different ownership, the current business owner, property owner or the leasing company shall notify future owners or assignees of the conditions of this approval.
18. No temporary "sandwich" signs, balloons or similar temporary signs shall be permitted, either on-site or off-site, to advertise the automotive repair facility, unless specifically permitted in accordance with the Sign Ordinance of the Municipal Code. Temporary signs shall be prohibited in the public right-of-way.

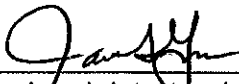
STANDARD CITY REQUIREMENTS

1. All signs shall conform to the requirements of the Sign Code of the Newport Beach Municipal Code and the Mariner's Mile Design Framework and Guidelines. Signs indicating "for sale" or "lease" shall not be permitted in or on the windshield or exterior of any vehicles/autos or elsewhere on the site. All signs shall conform to the provisions of Chapter 20.67 of the Municipal Code.
2. The Planning Director or the Planning Commission may add or modify the conditions of approval to this use permit, or recommend to the City Council the revocation of this use permit, upon a determination that the operation which is the subject of this use permit causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.
3. This approval shall expire unless exercised within 24 months from the end of the appeal period, in accordance with Section 20.91.050 of the Newport Beach Municipal Code.

APPEAL PERIOD

The decision of the Planning Director may be appealed by the applicant or any interested party to the Planning Commission within 14 days of the decision date. Any appeal filed shall be accompanied by a filing fee of \$600.00.

On behalf of Planning Director David Lepo,



Zoning Administrator Javier S. Garcia, AICP

JSG/rm

Attachments: Appendix

Vicinity Map

Letter Describing the Proposed Use

Aerial Photo showing existing rooftop mechanical equipment

Site Plan

Floor Plan

(No elevation or facade changes were proposed or approved with this Use Permit)

APPENDIX

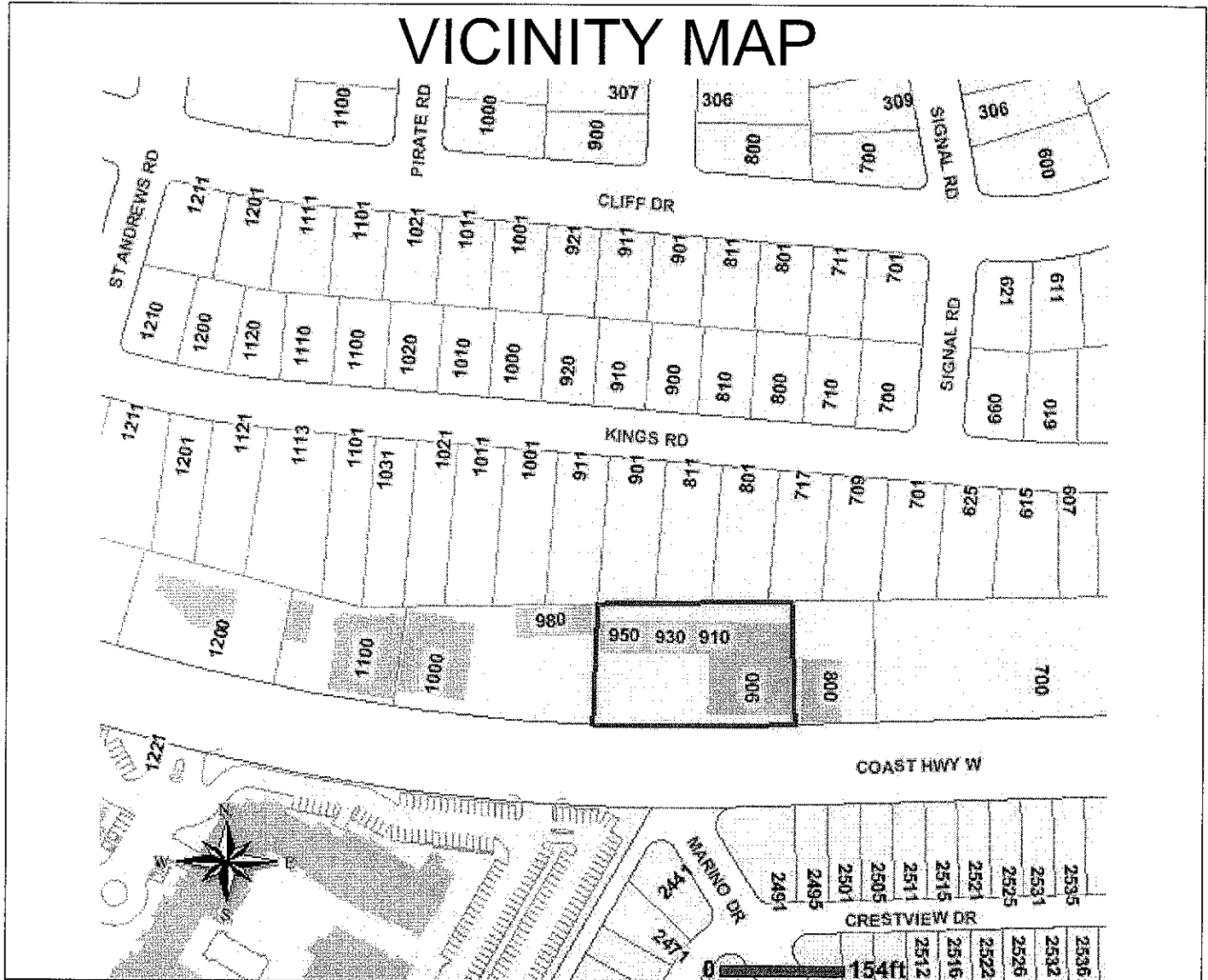
Operation

The facility is described in the attached letter from the applicant and it is anticipated that the majority of customer parking will be in the shared parking lot at the front and that vehicles will not remain on site once the vehicle transfer transaction has been completed.

Parking Requirement

In accordance with the provisions of Chapter 20.66 Municipal Code, parking for an automotive sales facility, limited, is the same as a general retail commercial use, based on one space for each 250 square feet, with the exception of a vehicle display area requirement of the California DMV which will be provided within the interior of the building. The subject tenant space is only one tenant of several on the property and the parking lot is shared with the other on site uses. It is anticipated that since the vehicle sales use will not displace any on site parking spaces for vehicle display, the parking demand for the vehicle sales facility can be accommodated by the available on site parking.

VICINITY MAP



Planning Director's Use Permit UP2008-009
 Project No. PA2008-060

Site Address: 950 West Coast Highway

June 6, 2008

RECEIVED BY
PLANNING DEPARTMENT

JUN 06 2008

CITY OF NEWPORT BEACH

Mr. Jay Garcia
Planning Department
City of Newport Beach
3300 Newport Boulevard
Newport Beach, CA 92663

Re: 950 West Coast Highway

Dear Mr. Garcia:

This letter shall act as a Project Description and Justification for the above mentioned space. The goal of the tenant is to establish a space where higher end/exotic automobiles could be displayed and sold. There will be no cars outside of the space for display. There will be neither a service bay nor a parts department either. Strictly to have a showroom and sell autos.

Please let me know if you should have any questions. The perspective tenants, and I very much appreciate your attention and time to this matter.

Regards,

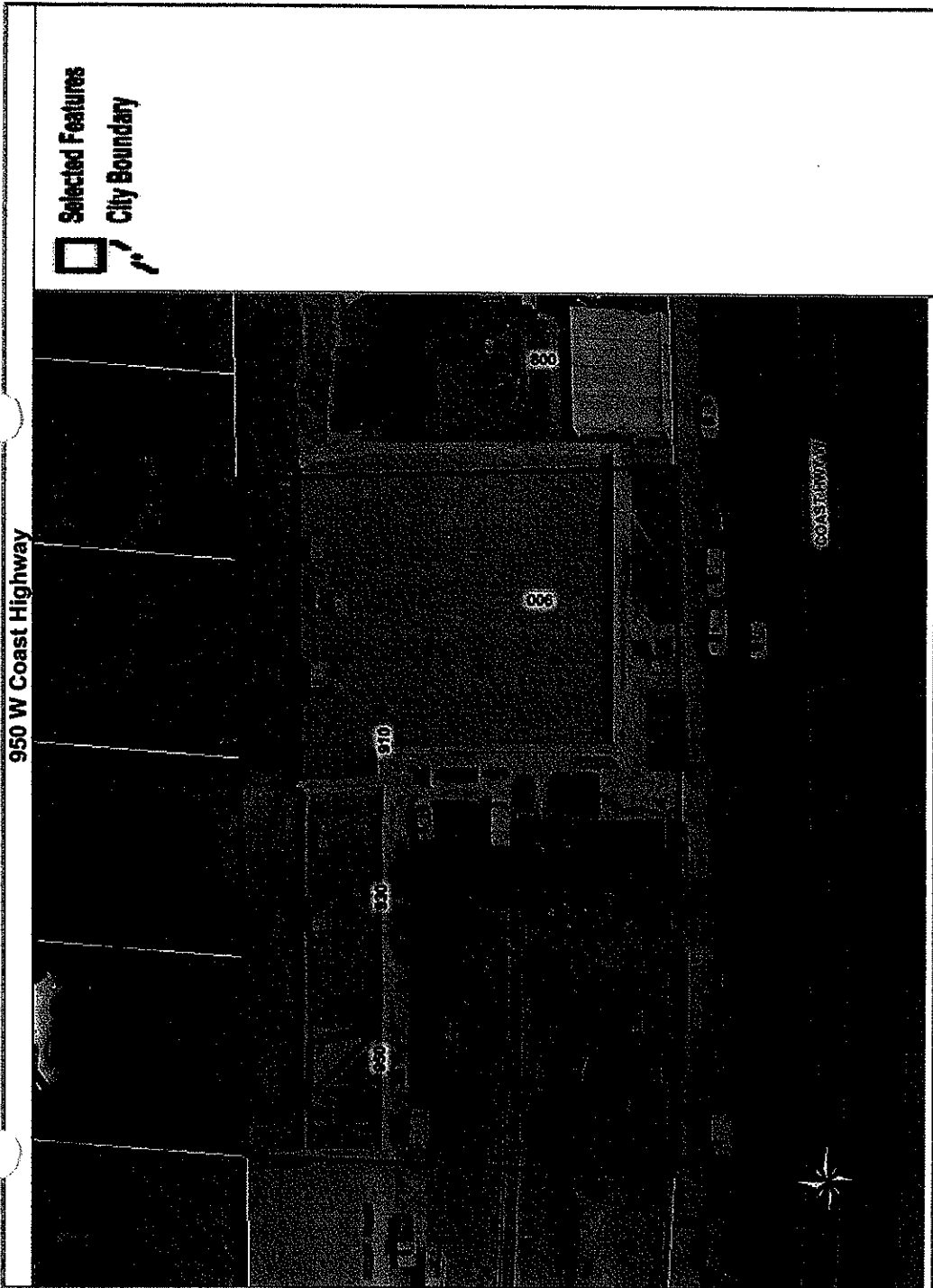
Nazar Shahinian
Shahinian Construction
P. O. Box 1524
Newport Beach
CA 92659

Tel: 949-212-0063
Fax: 714-389-9043
Nazshah@aol.com

License No.: B-803170

PA2008-060 for UP2008-009
950 WEST COAST HIGHWAY
Platinum Motors LLC

PA2008-060 for UP2008-009
950 WEST COAST HIGHWAY
Platinum Motors LLC



JVK3 LLC

950 WEST COAST HIGHWAY NEWPORT BEACH, CA

RECEIVED BY
PLANNING DEPARTMENT

48'-0"

12'-0"

CITY OF NEWPORT BEACH
JUN 02 2008

30'-4"

3'-4"

14'-0"

5'-10"

48'-0"

14'-0"

5'-10"

14'-0"

12'-4"

3'-4"

6'-9"

10'-3"

8'-10"

3'-8"

OFFICE

OFFICE

RR

16'-6"

8'-4"

4'-8"

OPEN AREA
DISINAY AREA

PA2008-060 for UP2008-009
950 WEST COAST HIGHWAY
Platinum Motors LLC

PARTIAL FLOOR PLAN

SCALE: 1/8" = 1'-0"