

**CITY OF NEWPORT BEACH
STAFF ACTION REPORT**

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

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

SUBJECT: Report of actions taken by Planning Director, Zoning Administrator and/or Planning Department staff for the week ending October 31, 2008

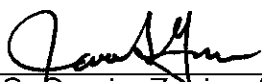
Item 1: Newport European Motors, Ltd – Planning Director's Use Permit Activity No. UP2008-057 (PA2008-175)
4040 Campus Drive

To allow the establishment of vehicle sales facility for an interim period. The facility will primarily engage in vehicle sales and the sale of small parts and accessories. The interim use of the site will extend for a maximum of two years from the date of approval.

Approved – October 28, 2008

Council District 4

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*)
Jim Campbell, Senior Planner (*e-mail*)
Code Enforcement Division (*e-mail*)
Sgt. Ron Vallercamp, Vice/Narcotics (*e-mail*)
Iris Lee, Public Works (*e-mail*)
Evelyn Tseng, Revenue (*e-mail*)



USE PERMIT NO. UP2008-057

(PA2008-175)

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. UP2008-057 (PA2008-175)

Applicant: Newport European Motors, Ltd

Site Address: 4040 Campus Drive

Legal Description: Lot 17, Tract 3201

Request as Approved:

To allow the establishment of vehicle sales facility for an interim period. The facility will primarily engage in vehicle sales and the sale of small parts and accessories. The interim use of the site will extend for a maximum of two years from the date of approval. The property is located in the AO (Airport Office and Supporting Uses) land use designation and APF (Administrative, Professional, and Financial Commercial) Zoning District.

DIRECTOR'S ACTION APPROVED – OCTOBER 28, 2008

Section 20.60.015.A (Temporary Structures and Uses) of the Newport Beach Municipal Code provides that the Planning Director may approve an interim use of land consistent with the General Plan and the health, safety, peace, comfort, and general welfare of persons residing in the neighborhood. The Planning Director determined, in this case, that the establishment of a vehicle sales facility as an interim use of the subject property is consistent with the General Plan and an appropriate use of the property based on the following findings and as conditioned below:

FINDINGS

1. The Land Use Element of the General Plan designates the subject property as "Airport Office and Supporting Uses (AO)". This designation is intended to provide for the development of properties adjoining the John Wayne Airport for uses that support or benefit from airport operations, including professional offices, aviation retail, automobile rental and sales, service hotels, ancillary retail, restaurant, and service uses. The proposed interim use of the subject property as a vehicle sales facility is consistent with this designation.
2. No new development is proposed for the site. Project improvements are minor and consist primarily of cosmetic changes resulting from the elimination of the service/repair bays and expansion of showroom area.

3. The elimination of the service and repair bays constitutes a reduction in the intensity of the land use.
4. Based on a trip generation study conducted by Austin-Faust Associates, Inc. at a similar dealership at 1100 West Coast Highway, the proposed exotic vehicle sales facility is anticipated to generate a total 51 ADT, which is significantly less than the 160 ADT that a permitted general office use is anticipated to generate.
5. The required off-street parking exists in the parking lot for the proposed establishment as required by Newport Beach Municipal Code Commercial District Regulations.
6. 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 1 (Existing Facilities).
7. The Planning Director's approval of Use Permit No. UP2008-057 will not, under the circumstances of this case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of the city for the following reasons:
 - The proposed use is a vehicle sales facility and office use that will generally take delivery, show and sell automobiles in the course of regular business.
 - The surrounding commercial uses will not be adversely affected by the vehicle sales use since the previous facility sold, serviced and delivered vehicles for sale.
 - The proposed use of the site as an exotic vehicles sales facility is expected to generate fewer vehicle trips and parking demands than a typical dealership; thereby, reducing traffic and noise impacts associated with vehicles entering, exiting, and parking on the site.
 - No vehicle service or repair is proposed thereby eliminating noise impacts associated with such activities.
 - Automobile washing and detailing will be performed indoors within the detail bay area, minimizing any disturbances associated with such activities.
 - A majority of the vehicles stored on site are hidden from view from the public roadway.

CONDITIONS

1. Development shall be in substantial conformance with the approved site plan, floor plan and elevations, except as noted in the following conditions.
2. All work performed to alter the subject property shall be first approved by the Building Department prior to issuance of building permits. The applicant is advised that seismic retrofit requirements may be required by the Building Department,

including but not limited to lateral analysis and roof diaphragm analysis (as described in the letter from the Building Official dated May 16, 1995, copy attached), unless otherwise approved in conjunction with the review and approval of the structural integrity of the existing structure by the Building Department.

3. The hours of operation for shall be limited to the daily hours of 8:00 am to 9:00 pm. Outdoor activities associated with the vehicle transactions, including the delivery of vehicles, shall be prohibited before 8:00 am and after 9:00 pm, daily. Any increase in the hours of operation for outdoor activities or vehicle delivery shall be subject to the approval of an amendment to this use permit. General office opening and closing hours may extend to 6:00 am and 10:00 pm, respectively. Unresolved noise complaints associated with the increased office hours may result in administrative action by the Code Enforcement Division and the reduction in the office hours by the Planning Director.
4. The area outside of the establishment, including the public sidewalks/walkways or common walkways, shall be maintained in a clean and orderly manner. All landscape areas shall be maintained to prevent encroachment into the public right-of-way.
5. All mechanical equipment shall be screened from the view of adjacent properties and public streets and shall be sound attenuated in accordance with Chapter 10.26 of the Newport Beach Municipal Code, Community Noise Control, unless otherwise approved by the Planning Department.
6. The vehicle display area located within the 15-foot front yard setback shall be limited to a single vehicle only (on a solid concrete pad measuring no more than 10 feet by 20 feet, exclusive of any required turf block access drive) and adequate sight distance for vehicles exiting the subject property shall be provided to the satisfaction of the Public Works Department, in accordance with the provisions of City Standard 110-L. Staff may review and approve physical alteration and/or relocation of the front building wall to accommodate a vehicle display area outside of or that partially encroaches into the 15-foot front yard setback.
7. There shall be only one vehicle on display in the designated display area within the front yard setback area of the property at any one time. Any increase in the number of vehicles for display in front of the building shall require the approval of an amendment to this use permit. The exterior illumination of the display vehicle space shall be prohibited, unless otherwise approved by the Planning Director in conjunction with the approval of a detailed lighting plan for the property to include ground mounted accent up-lighting.
8. Storage outside of the building in the front or at the rear of the property shall be prohibited, with the exception of the required trash container enclosure, and the vehicle display area.

9. Deliveries and refuse collection for the facility shall be prohibited between the daily hours of 10:00 pm to 8:00 am, unless otherwise approved by an amendment to this permit. All deliveries shall be performed on the private property. The off-loading of vehicles within the public right-of-way or public property is prohibited, unless otherwise approved by the Public Works Department.
10. The operator of the subject facility shall be responsible for the clean-up of all on-site trash, garbage and litter.
11. All trash shall be stored within the building, within dumpsters stored in the trash enclosure (three walls and a gate), or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies. The trash dumpsters shall have a top, which shall remain closed at all times, except when being loaded or while being collected by the refuse collection agency.
12. At least 21 parking spaces shall be provided on site for the proposed facility.
13. Employees shall park on-site at all times.
14. No outside paging system shall be utilized in conjunction with this establishment.
15. Should this business be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing company.
16. The site shall comply with the provisions of the water quality plans approved by the Public Works Department and the Water Quality and Code Enforcement Division.
17. The washing, detailing or servicing of vehicles is prohibited, except when performed within a fully enclosed building. The use of misting type sprayers or the use of soap, detergent or cleaning agents with no water runoff is permitted.
18. No temporary "sandwich" signs, balloons or similar temporary signs shall be permitted, either on-site or off-site, to advertise the proposed establishment, unless specifically permitted in accordance with the Sign Ordinance of the Municipal Code, with the exception of the banner/mural authorized by this approval with maximum copy/text area of 75 square feet. Additionally, temporary signs shall be prohibited within the public right-of-way.

STANDARD CITY REQUIREMENTS

1. All signs shall conform to the provisions of Chapter 20.67 of the Newport Beach Municipal Code.
2. The facility shall be designed to meet exiting and fire protection requirements as specified by the Uniform Building Code and shall be subject to review and approval by the Building Department.

October 28, 2008

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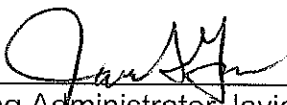
Page 4

3. The project shall comply with State Disabled Access requirements.
4. The Planning Director or the Planning Commission may add to or modify the "conditions of approval" for this use permit or revoke this use permit upon a determination that the operation, which is the subject of this approval, causes injury or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.
5. 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

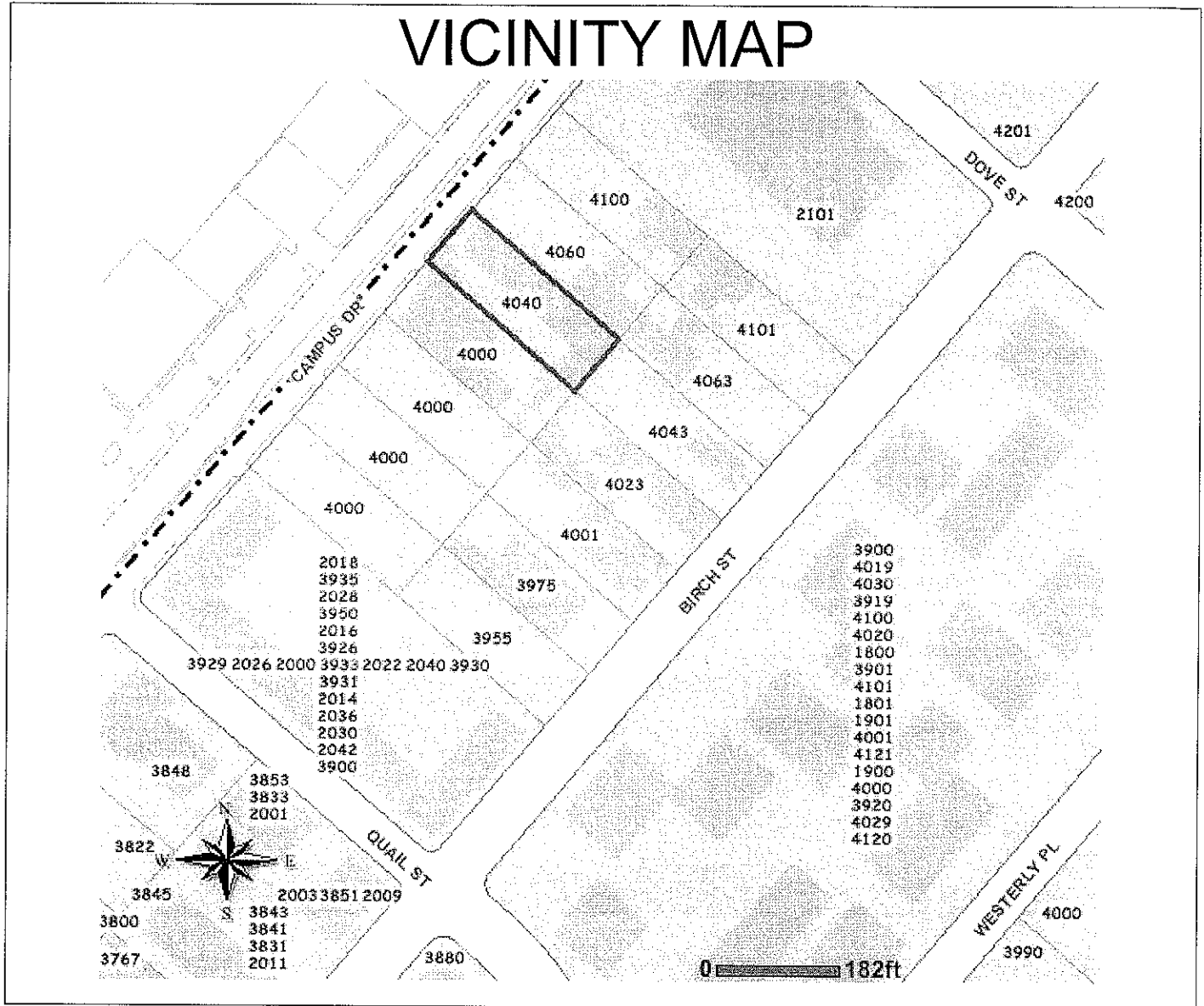
- Attachments: Appendix
- Vicinity Map
 - Letter from the Applicant Describing the Project
 - Elevation Showing Temporary Banner/Future Facility Sign
 - Site Plan, Elevations and Floor Plan

APPENDIX

Parking Requirement

In accordance with the provisions of Chapter 20.66 of the Municipal Code, parking for an automobile/vehicle sales facility of the type proposed by this application, is one parking space per 1,000 square feet of lot area. Based on the subject property area that would generate a requirement of 29 parking spaces (the site is 29,000 square feet). The facility provides 21 surface parking spaces which should be adequate to serve this small vehicle sales facility since no vehicle servicing is provided at this location. Staff believes that the on site parking provided is adequate to serve the proposed temporary vehicle sales use; and will not adversely impact the parking demand of the neighborhood since the peak demand is generally the same as an office use and the availability of pool parking on-site.

VICINITY MAP



Planning Director's Use Permit UP2008-057
 Project No. PA2008-175

Site Address: 4040 Campus Drive

Newport European Motorcars, Ltd.
Temporary Use Permit Application
City of Newport Beach

Project Description

Our desire is to relocate the sales operations of Newport European Motorcars, Ltd. from our current facility at 1100 W. Coast Highway to this site at 4040 Campus. The project consists of an existing building of approximately 14,000 square feet on approximately 28,000 square feet of land. The desire is to use the property as an automobile sales facility housing Rolls Royce and Lotus new cars and a variety of premium/exotic pre owned vehicles.

Currently the building consists of approximately ½ showroom/office, and ¼ service and ¼ warehouse space. Our intention is for the existing service bays and warehouse space to be converted to showroom space. We would continue to have one wash bay for detailing vehicles. We would have no service on this site as our service will remain in Costa Mesa.

Our improvements will be primarily cosmetic including new flooring and paint. We will also address some deferred maintenance, including a new roof and HVAC units. In the courtyard area not visible from Campus, we plan to differentiate the showroom areas with distinctive entry features we refer to as "portals". We also intend to replace a few of the garage doors with either storefront glass, or glass panel garage doors.

These improvements will allow vehicles to be displayed almost exclusively inside. Our proposed site plan shows the required number of parking spaces. We are requesting approval of two display pads directly in front of the building for purposes of displaying vehicles during operating hours. We believe it is important and beneficial to have this small visible display area.

Our hours will be 9 a.m. to 6 p.m. on weekdays and Saturday and 10 a.m. to 5 p.m. on Sunday. We will continue with the number of employees we currently have at our PCH location, 7. We do not envision ever having more than 10 employees.

Due to the high dollar value of the vehicles we sell, the number of test drives is very minimal. Our intended route (should a test drive be necessary) would be to turn right out of the drive onto Campus, proceed on Campus to McArthur, turn right on McArthur and proceed a few blocks before going over to Bristol and then back to Campus and the location using only right turns.

Since we only sell exotic vehicles, trip generation for the facility is lower than a typical vehicle sales facility. The projected average daily trips ("ADT") for the proposed facility is only approximately 65.25 trips, well below the 300 ADT threshold requiring the preparation of a traffic study pursuant to the City's Traffic Phasing Ordinance. A two-day (May 11 and 12, 2004) hourly traffic count of the existing dealership at 1100 West Coast Highway conducted by Austin -Foust Associates Inc. determined that the facility only generated 3.5 ADT per thousand square feet (TSF). The AM peak hour trip rate was zero and the PM peak hour trip rate was 0.35 trip per TSF.

PA2008-175 for UP2008-057
4040 CAMPUS DRIVE
Newport European Motors, Ltd

Newport European Motorcars, Ltd.
Temporary Use Permit Application
City of Newport Beach

Justification

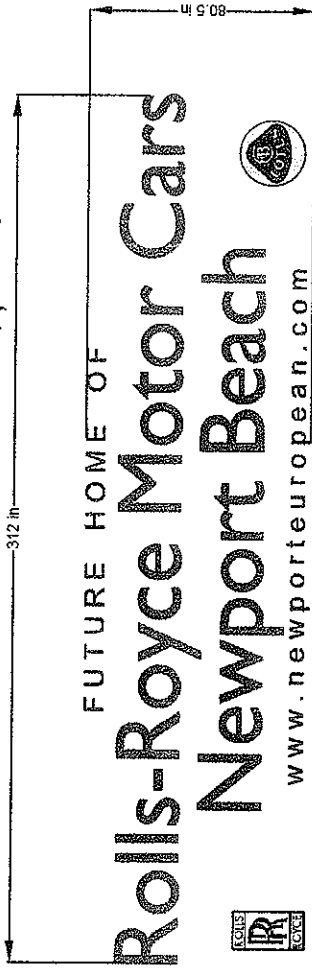
Our project is in line with the City's stated objective for the area. Our intended use as an automobile sales facility is consistent with and complimentary to recent developments in the area (Land Rover and Jaguar) and the rezoning project currently being conducted for the area by the City. Our lease on Coast Hwy. expires January 6, 2009 and we need to occupy this site with our Rolls Royce and Lotus sales operations.

RECEIVED BY
PLANNING DEPARTMENT

SEP 29 2006

CITY OF NEWPORT BEACH

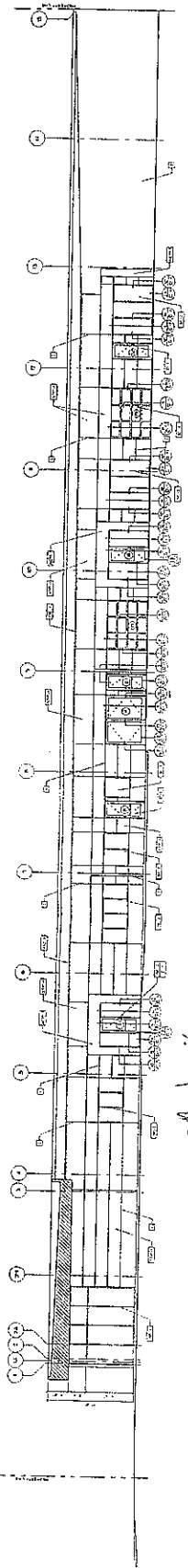
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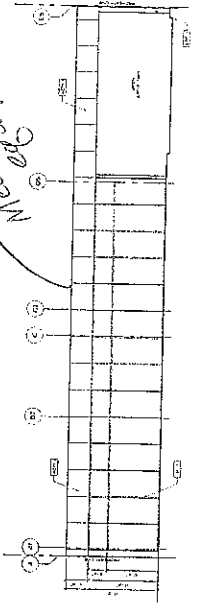
Proposed Temporary Signage on Showroom Windows
 Rolls Royce Motorcars Newport Beach
 4040 Campus, Newport Beach
 08/29/08

GERARD
 Signs & Graphics, Inc.
 2000 Newport Blvd., Suite 100
 Newport Beach, CA 92660
 (949) 440-1111

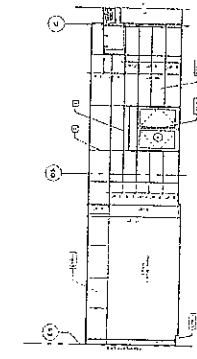
GERARD SIGNS & GRAPHICS, INC. IS AN EQUAL OPPORTUNITY EMPLOYER. WE DO NOT DISCRIMINATE ON THE BASIS OF RACE, GENDER, RELIGION, NATIONAL ORIGIN, ANCESTRY, COLOR, SEX, OR AGE. ANY DISCRIMINATION BY THIS COMPANY WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW.



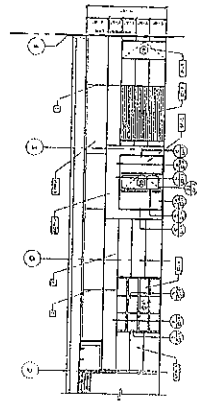
SOUTH ELEVATION



WEST ELEVATION • ROLLS ROYCE SHOWROOM



EAST ELEVATION • ROLLS ROYCE SHOWROOM

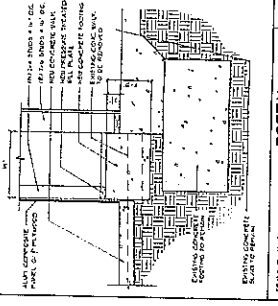


WEST ELEVATION • LOTUS SHOWROOM

EXTERIOR COLOR & MATERIAL SCHEDULE

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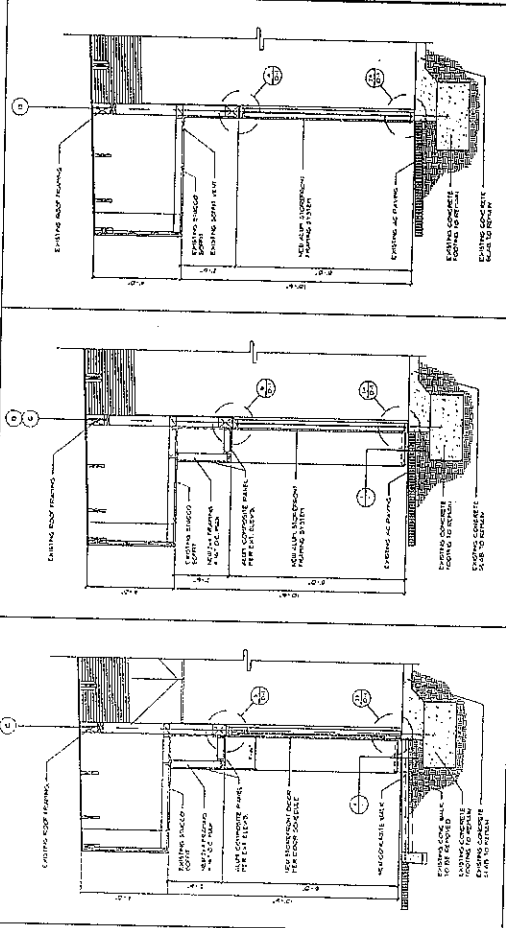
Mechanical
Garage/Plaza



PORTAL BASE 1

LEGEND
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 2. DIMENSIONED - REFER TO EXAMINATION OF THE FIELD

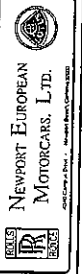
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 2. CHECKING SHEET NO. 100-100
 3. PRINTED BY THE ARCHITECTURAL RECORD COMPANY



WS-1 SCALE: 1/4" = 1'-0"
 WS-2 SCALE: 1/4" = 1'-0"
 WS-3 SCALE: 1/4" = 1'-0"

EXTERIOR ELEVATIONS AND WALL SECTIONS

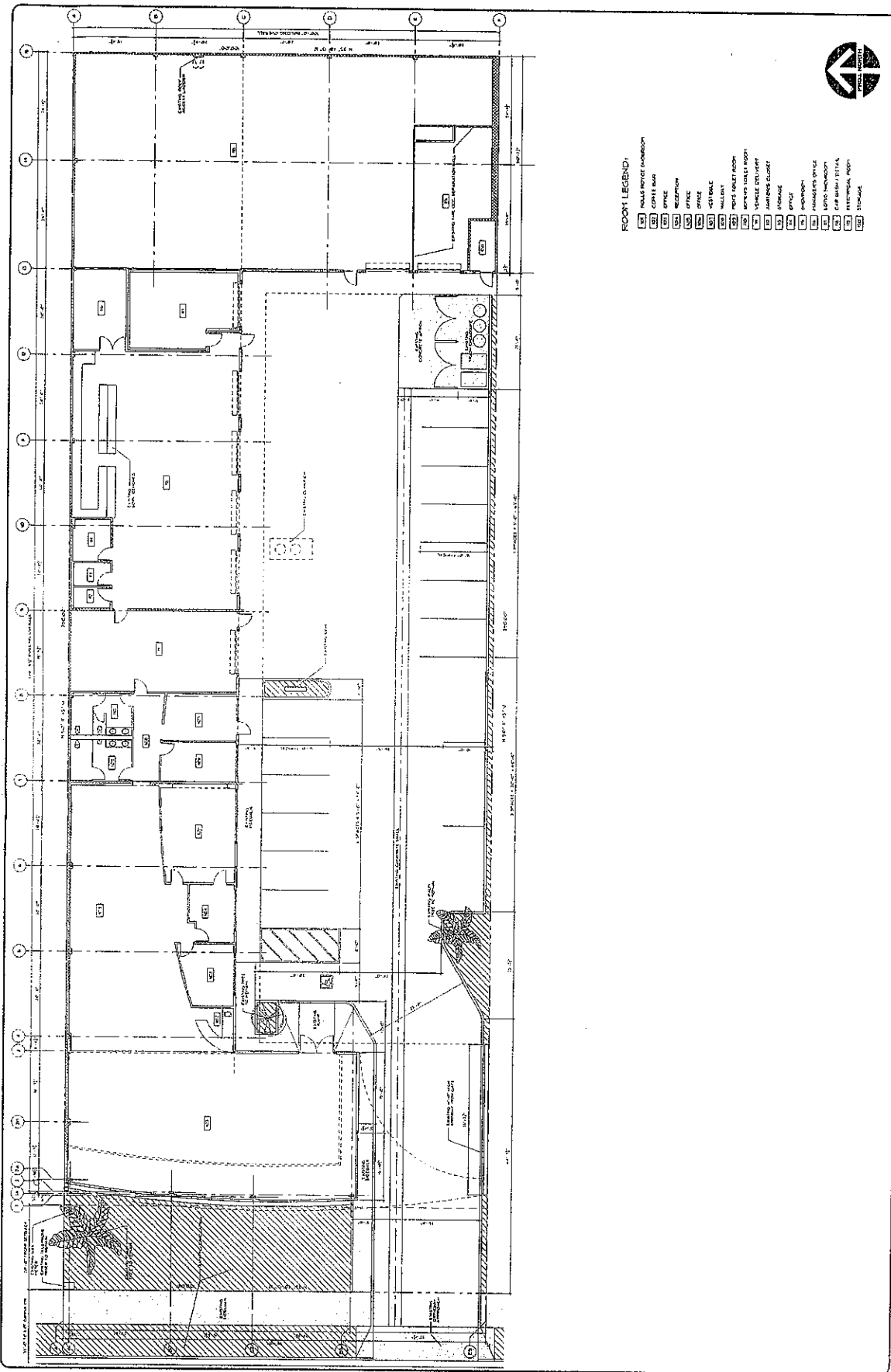
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BY	WALKER
CHECKED	WALKER
SCALE	1/4" = 1'-0"
PROJECT	NEWPORT EUROPEAN MOTORCARS, LTD.
SHEET	A-2



WALKER / RANCOURT + ASSOCIATES
 17800 ANTLERBURN
 ONE S. AMBURNBERRY DRIVE, WILSON, SECOND FLOOR, SAN JOSE, CA 95131
 (415) 353-1000



FORLAND DEVELOPMENT, INC.
 3707 E. PALM CANYON DRIVE
 PALM SPRINGS, CA 92264
 PH: (760) 324-7200
 FAX: (760) 328-0065



- ROOM LEGEND:**
- 101 MAINT. OFFICE / STORAGE
 - 102 OFFICE
 - 103 OFFICE
 - 104 RECEPTION
 - 105 OFFICE
 - 106 OFFICE
 - 107 VESTIBULE
 - 108 HALLWAY
 - 109 TOILET ROOM
 - 110 WAITING ROOM
 - 111 STORAGE OFFICE
 - 112 JANITOR'S CLOSET
 - 113 OFFICE
 - 114 KITCHEN
 - 115 BREAK ROOM
 - 116 LOUNGE
 - 117 CONFERENCE ROOM
 - 118 MEETING ROOM
 - 119 COMPUTER ROOM
 - 120 SERVER ROOM
 - 121 CONTROL ROOM
 - 122 SECURITY ROOM
 - 123 JANITOR'S CLOSET
 - 124 REST ROOM
 - 125 STORAGE CLOSET
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 - 130 STORAGE ROOM



EXISTING FLOOR PLAN

DATE	07/20/00
SCALE	1/8" = 1'-0"
PROJECT	EA-1

NEWPORT EUROPEAN MOTORCARS, LTD.

10000 S. WILSON AVENUE, SUITE 100
 PALM SPRINGS, CALIFORNIA 92264
 TEL: (760) 328-2266
 FAX: (760) 328-2266

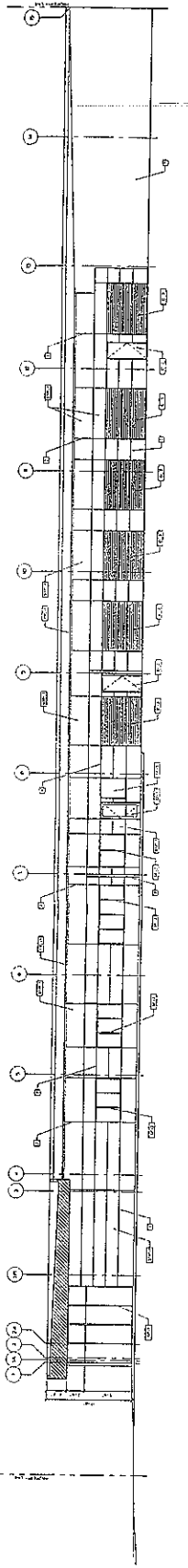
WIRIA

ARCHITECTS
 6780 - 480-8578
WEBER / RANGLUFT - ASSOCIATES
 1110 N. HANCOCK AVENUE, SUITE 100
 PALM SPRINGS, CALIFORNIA 92264
 TEL: (760) 328-2266
 FAX: (760) 328-2266

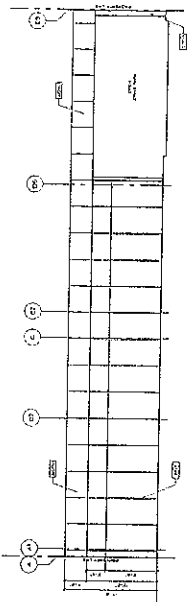


FDI LAND DEVELOPMENT, INC.
 3077 E. PALM CANYON DRIVE
 PALM SPRINGS, CA 92264
 TEL: (760) 328-2266
 FAX: (760) 328-2266

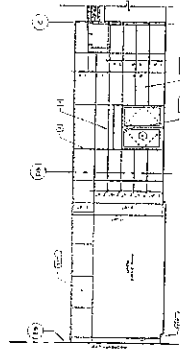




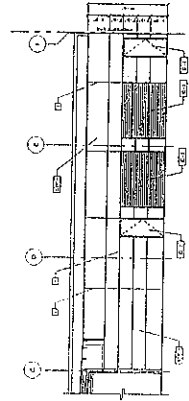
SOUTH ELEVATION



PARTIAL WEST ELEVATION



PARTIAL EAST ELEVATION



PARTIAL WEST ELEVATION

EXTERIOR COLOR & MATERIAL SCHEDULE

CODE	MATERIAL	FINISH	DESCRIPTION	LOCATION	REMARKS
01	CONCRETE	PAINTED	CONCRETE	FOUNDATION	
02	WOOD	PAINTED	WOOD	DOORS	
03	GLASS	PAINTED	GLASS	WINDOWS	
04	BRICK	PAINTED	BRICK	WALLS	
05	STUCCO	PAINTED	STUCCO	WALLS	
06	ROOFING	PAINTED	ROOFING	ROOF	
07	CEILING	PAINTED	CEILING	CEILING	
08	FLOORING	PAINTED	FLOORING	FLOOR	
09	WALLS	PAINTED	WALLS	WALLS	
10	DOORS	PAINTED	DOORS	DOORS	
11	WINDOWS	PAINTED	WINDOWS	WINDOWS	
12	ROOF	PAINTED	ROOF	ROOF	
13	CEILING	PAINTED	CEILING	CEILING	
14	FLOOR	PAINTED	FLOOR	FLOOR	

LEGEND
 SEE EXISTING - REFER TO EXISTING SCHEDULE OR THIS SHEET
 NEW - REFER TO EXISTING SCHEDULE OR THIS SHEET
 REFER TO EXISTING SCHEDULE OR THIS SHEET

DRAWING NOTES
 ALL DIMENSIONS ARE IN FEET AND INCHES
 ALL DIMENSIONS ARE IN METERS
 ALL DIMENSIONS ARE IN MILLIMETERS

DATE: 07/20/88
 DRAWN BY: J. J. JONES
 CHECKED BY: J. J. JONES
 PROJECT: EA-2

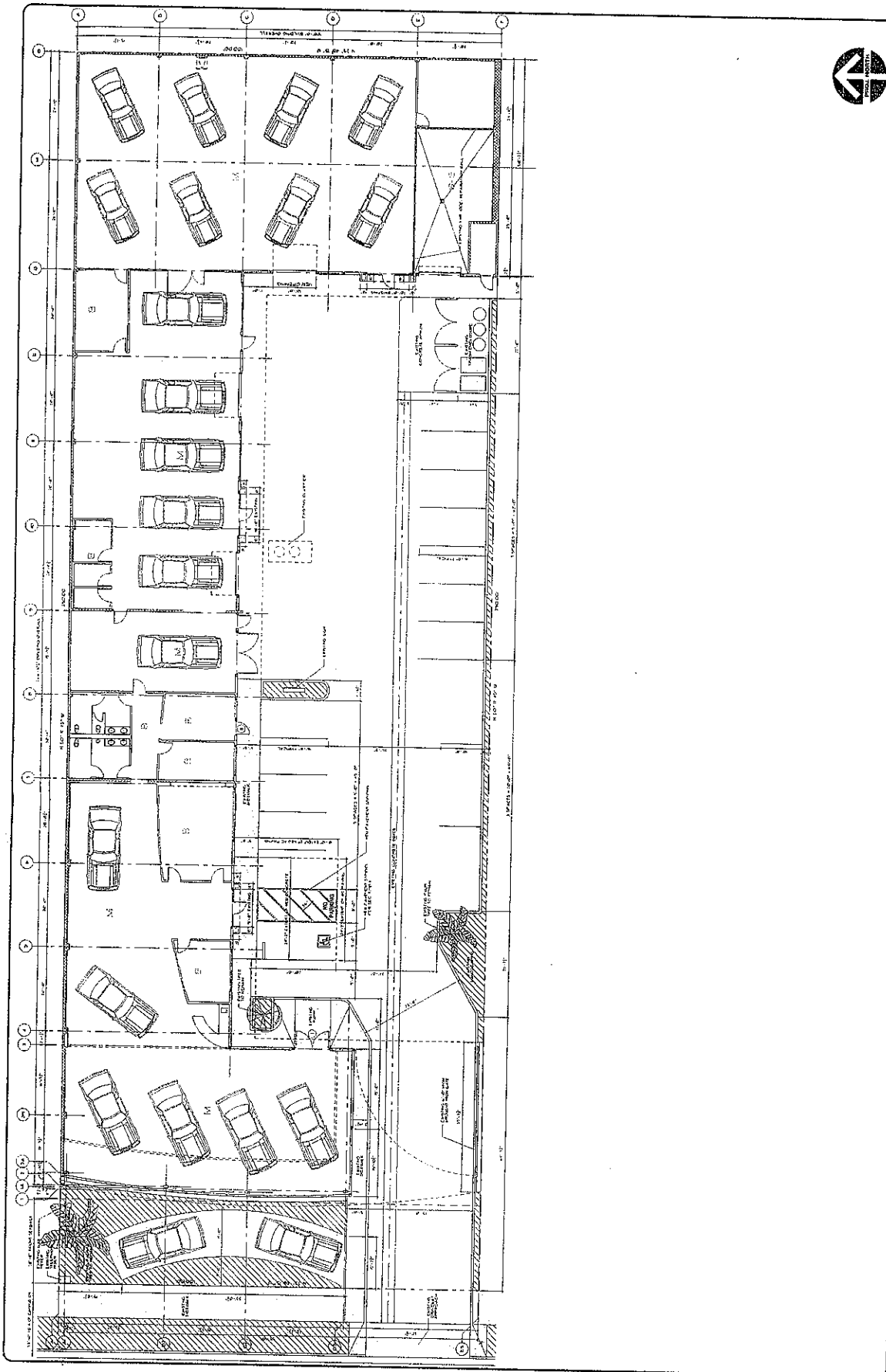
EXISTING EXTERIOR ELEVATIONS

NEWPORT EUROPEAN MOTORCARS, LTD.
 10000 S. GARDEN AVENUE, GARDEN GROVE, CALIF. 92640

WALKER / RANOCOURT + ASSOCIATES
 111 S. ANDREWS DRIVE, RINDA FLOOR, RICHMOND, CA 94804

ARCHITECTS

FIRLAND DEVELOPMENT, INC.
 3737 E. PALM CANYON DRIVE
 PALM SPRINGS, CA 92264
 FAX: (760) 338-2285



SITE PLAN

DATE	10/11/82
PROJECT	NEWPORT EUROPEAN MOTORCARS, L.T.D.
SCALE	1/4" = 1'-0"
PROJECT NO.	SP-1

REVISIONS	
NO.	DESCRIPTION

NEWPORT EUROPEAN MOTORCARS, L.T.D.

W/ER/A ARCHITECTS
WALKER / RANCOURT + ASSOCIATES

1000 W. 10TH STREET
 WALKER / RANCOURT + ASSOCIATES
 1000 W. 10TH STREET, SUITE 1000, SACRAMENTO, CA. 95829



FOHLAND DEVELOPMENT, INC.
 3727 E. HAYLACRES, CA. 95824
 916-485-1111
 FAX: (916) 335-5255

