

**CITY OF NEWPORT BEACH  
PLANNING DEPARTMENT ACTION REPORT**

**TO:** CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION  
**FROM:** David Lepo, Planning Director  
**SUBJECT:** Report of actions taken by the Zoning Administrator, Planning Director and/or Planning Department staff for the week ending July 16, 2010.

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**ACTIONS TAKEN AT JULY 15, 2010 ZONING ADMINISTRATOR HEARING**

Item 1: Parcel Map No. NP2009-009 (PA2009-126)  
3322, 3324, 3326, and 3328 Via Lido

This item was approved.

Council District 1

**ACTIONS TAKEN BY THE PLANNING DIRECTOR OR PLANNING DEPARTMENT STAFF**

Item 2: A Market – Use Permit No. UP2010-008 and Outdoor Dining Permit No. OD2010-001 (PA2010-033)  
3400 West Coast Highway

Approved July 15, 2010

Council District 3

Item 3: Fletcher Jones Motorcars – Staff Approval No. SA2010-006 and SA2010-008 (PA2010-063)  
3300 Jamboree Road

SA2010-006 approved July 12, 2010  
SA2010-008 approved July 14, 2010

Council District 4

Item 4: Klein & Wilson Wall Signs– Comprehensive Sign Program No. CS2010-001 (PA2010-085)  
326 Old Newport Boulevard

Approved July 15, 2010

Council District 2

On behalf of David Lepo, Planning Director:



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Patrick J. Alford, Planning Manager

**APPEAL PERIOD:** Modification Permit applications do not become effective until 14 days after the date of action, during which time an appeal may be filed with the Planning Commission Secretary in accordance with the provisions of the Newport Beach Municipal Code. Tentative Parcel Map, Condominium Conversion, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of action, during which time an appeal may be filed with the Planning Commission Secretary in accordance with the provisions of the Newport Beach Municipal Code.

*Email* City Council  
Planning Commission  
David Lepo, Planning Director  
Sharon Wood, Assistant City Manager  
David Keely, Public Works Senior Civil Engineer  
Code Enforcement Division  
Bryan Moore, NBPD  
Sgt. John Freeman, NBPD



## **ZONING ADMINISTRATOR ACTION LETTER**

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

**Application No.**                      **Parcel Map No. NP2009-009**  
   **County Tentative Parcel Map No. 2009-125**  
   **(PA2009-126)**

**Applicant**                              **Stiles Surveying**

**Site Address**                        **3322, 3324, 3326, and 3328 Via Lido**

**Legal Description**                **P M 59-44 PAR 1 UNIT 4 OF PROJECT LOCATED ON AP 423-123-13 TOGETHER**

On **July 15, 2010**, the Zoning Administrator approved the following: A parcel map application to subdivide an existing parcel into two parcels. The parcel was previously merged from portions of three parcels by Resubdivision 435. The proposed lot line will be located between two existing two-unit buildings. The parcel map will not result in an increase in the number of dwelling units permitted under the provisions of the Zoning Code at either of the two proposed parcels. The property is located in the MFR (Multiple-Family Residential) District.

The Zoning Administrator determined in this case that the proposed parcel map is consistent with the legislative intent of Title 19 of the Newport Beach Municipal Code and is approved based on the following findings and conditions per Section 19.12.070 of Title 19:

1. **Finding:** That the proposed map and the design or improvements of the subdivision are consistent with the General Plan and any applicable specific plan, and with applicable provisions of the Subdivision Map Act and this Subdivision Code.

### **Facts in Support of Finding:**

- The proposed Parcel Map would subdivide an existing parcel into two parcels. The subdivision would not result in additional dwelling units because the permitted number of dwelling units on the existing and proposed parcels is based on a ratio of the parcel's area.



2. **Finding:** That the site is physically suitable for the type and density of development.

**Facts in Support of Finding:**

- The slope of the lot is less than 20 percent and is suitable for development.

3. **Finding:** That the design of the subdivision or the proposed improvements will not cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision-making body may nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

**Facts in Support of Finding:**

- 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 15 (Minor Land Divisions) because the project shall not harm or damage any environmentally sensitive area, wildlife, or biological resources.

4. **Finding:** That the design of the subdivision or the type of improvements is not likely to cause serious public health problems.

**Facts in Support of Finding:**

- The proposed Parcel Map would subdivide an existing parcel into two parcels. The subdivision shall comply with all Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. Public improvements will be required of the property owners per Section 19.28.010 of the Municipal Code and Section 66411 of the Subdivision Map Act. All ordinances of the City and all Conditions of Approval shall be complied with.

5. **Finding:** That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the decision-making body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these easements will be substantially equivalent to easements previously acquired by the public. This finding shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision.

**Facts in Support of Finding:**

- The design of the development will not conflict with any easements acquired by the public at large for access through or use of property within the proposed development.
6. **Finding:** That, subject to the detailed provisions of Section 66474.4 of the Subdivision Map Act, if the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act), the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use or the subdivision will result in residential development incidental to the commercial agricultural use of the land.

**Facts in Support of Finding:**

- The property is not subject to the Williamson Act because the subject property is not considered an agricultural preserve and is less than 100 acres.
  - This site developed for residential use in a residentially-zoned area.
7. **Finding:** That, in the case of a "land project" as defined in Section 11000.5 of the California Business and Professions Code: (a) there is an adopted specific plan for the area to be included within the land project; and (b) the decision-making body finds that the proposed land project is consistent with the specific plan for the area.

**Facts in Support of Finding:**

- The property is not a "land project" as defined in Section 11000.5 of the California Business and Professions Code.
  - The project is not located within a specific plan area.
8. **Finding:** That solar access and passive heating and cooling design requirements have been satisfied in accordance with Sections 66473.1 and 66475.3 of the Subdivision Map Act.

**Facts in Support of Finding:**

- The proposed Parcel Map and improvements are subject to Title 24 of the California Building Code that requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The Newport Beach Building Department enforces Title 24 compliance through the plan check and inspection process.



9. **Finding:** That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City's share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City's residents and available fiscal and environmental resources.

**Facts in Support of Finding:**

- The proposed Parcel Map is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City's share of the regional housing need. The designated residential density on the site will remain the same. No affordable housing units are being eliminated based upon the fact that the existing units are not occupied by low or moderate income households.
10. **Finding:** That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board.

**Facts in Support of Finding:**

- The method of wastewater discharge into the existing sewer system will remain the same, which does not violate Regional Water Quality Control Board (RWQCB) requirements.
11. **Finding:** For subdivisions lying partly or wholly within the Coastal Zone, that the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter Three of the Coastal Act.

**Facts in Support of Finding:**

- The proposed subdivision conforms to the Local Coastal Program and has been conditioned to be reviewed by the California Coastal Commission.

Per Section 19.24.050.A of Title 19 (Lot Design, Lot Size), new subdivisions must meet the applicable zoning district regulations stated in Title 20 (Zoning Code). Deviation from the design standards set forth in Chapter 19 of Title 19 may be approved by the Zoning Administrator subject to specific findings stated per Section 19.24.130.C. The proposed subdivision would create lots which would not meet the lot width and lot area standards required by the Zoning Code for new subdivisions within the MFR Zoning District. The required findings and facts to support those findings are the following:

12. **Finding:** The requested deviations will create a land plan or development design equal or superior to that under the baseline design standards in this Chapter.

**Facts in Support of Finding:**

- The Zoning Code requires new subdivision lots to be 50 feet wide, and have a lot area of 5,000 square feet. Although the proposed parcel map would create two new, smaller lots from the existing lot, each of the new lots would be greater in lot width and lot area than the 40-foot wide lots created by the original Tract Map 1622 in 1952, when the area was originally subdivided for development.

13. **Finding:** The deviations will not negatively impact the carrying capacity of the local vehicular circulation network.

**Facts in Support of Finding:**

- The existing lot orientation with vehicular and pedestrian access taken from Via Lido would be maintained with approval of the proposed subdivision.
- Since the proposed subdivision would not increase the density of the residential structures on the proposed lots, the vehicular carrying capacity of Via Lido would not be affected.

14. **Finding:** The deviations will not negatively impact pedestrian circulation

**Facts in Support of Finding:**

- Since the proposed subdivision would not increase the density or intensity allowed on the proposed lots, approval of the proposed subdivision would not have any impact to pedestrian circulation in the area.

15. **Finding:** The resulting subdivision will be compatible with the pattern of surrounding subdivisions.

**Facts in Support of Finding:**

- The original subdivision along Via Lido adjacent to Newport Harbor was developed with 40-foot wide lots. The proposed subdivision would divide an existing 83-foot wide lot into two 41.5-foot wide lots. The proposed lots would be more consistent with the lot width and size of the lots originally developed in the area by Tract Map 1622 in 1952 and the neighboring parcel map to the north that established four parcels with width of 31.25 feet each.



- Since existing residential lots adjacent to the proposed subdivision site have not been merged and remain 40 feet wide or less, the lot width and area of the proposed lots would be more compatible with the surrounding pattern of development than the existing large lot.
16. **Finding:** The resulting subdivision design and improvements will not be materially detrimental to the residents or tenants of the proposed subdivision or surrounding properties, nor to public health or safety.

**Facts in Support of Finding:**

- The proposed subdivision would create a separate lot for each of the two existing, two-unit dwellings. The density and intensity allowed on each lot would remain consistent with the General Plan, Zoning Code, and Coastal Land Use Plan designations. Approval of the proposed parcel map would not introduce an incompatible land use, and the resulting subdivision design would not be detrimental to the residents because the existing vehicular and pedestrian access would be maintained. Any new development would be required to conform to the California Building Code, Newport Beach Municipal Code and the following Conditions of Approval.

**Conditions**

1. A Final Parcel Map shall be recorded. The Map shall be prepared on the California coordinate system (NAD83). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. The Map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.
2. Prior to recordation of the Final Parcel Map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set On Each Lot Corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
3. All improvements shall be constructed as required by Ordinance and the Public Works Department.

4. The existing configuration of sewer and water service/connections for each building may remain as currently exists. However, should the existing sewer or water services/connections for each building be altered in the future, each unit on the parcel involved shall be served by its own individual water meter and sewer lateral and cleanout located within the utility easement or public right-of-way. If replaced, each water meter and sewer cleanout shall be installed with a traffic-grade box and cover.
5. An encroachment permit is required for all work activities within the public right-of-way.
6. All on-site drainage shall comply with the latest City Water Quality requirements.
7. Prior to release of the parcel map for recordation, the project proponents shall plant one street tree along the project frontage on Via Lido, unless otherwise determined by the General Services Department and the Public Works Department. The tree shall be a 36-inch box size *Metrosideros Excelsus* (New Zealand Christmas Tree), unless a replacement species is approved by the General Services Department. The location shall be determined by the General Services and Public Works Department.
8. Coastal Commission approval shall be obtained prior to recordation of the Parcel Map.
9. All improvements required by the Building Code shall be completed prior recordation of the Parcel Map, unless otherwise approved by the Building Official and the Planning Department (in conjunction with the application and diligent pursuit of building permits and corrective construction) to remedy any outstanding Building Code issues caused by the introduction of the new interior property line.
10. In case of damage done to public improvements within the public right-of-way surrounding the development site by the private construction, additional reconstruction within the public right-of-way may be required at the discretion of the Public Works Inspector.
11. This Parcel Map shall expire if the map has not been recorded within three years of the date of approval, unless an extension is granted by the Planning Director in accordance with the provisions of Section 19.16 of the Newport Beach Municipal Code.



**APPEAL PERIOD**

Tentative Parcel Map, Condominium Conversion, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of action, during which time an appeal may be filed with the Planning Commission Secretary in accordance with the provisions of the Newport Beach Municipal Code. A \$4,280.00 filing fee shall accompany any appeal filed. For additional information on filing an appeal, contact the Planning Department at 949 644-3200.

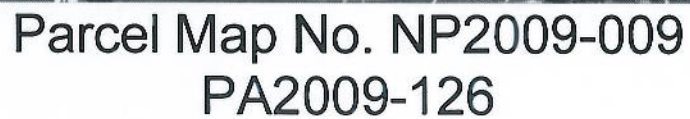
By:   
Gregg B Ramirez, Zoning Administrator

GBR/cms/ks/jg

Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None



## 3322, 3324, 3326, and 3328 Via Lido





## **PLANNING DIRECTOR ACTION LETTER**

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

**Application No.**                      **Use Permit No. UP2010-008**  
   **Outdoor Dining Permit No. OD2010-001 (PA2010-033)**

**Applicant**                              **A Market**

**Site Address**                        **3400 West Coast Highway**

**Legal Description**                **Lot 170, Block 2, Tract Irvine Subdivision 361**

On July 15, 2010, the Planning Director approved the following: A use permit and outdoor dining permit application for a full-service, small-scale eating and drinking establishment with accessory outdoor dining. The establishment currently operates as a liquor store with alcoholic beverage sales under a Type 21 (Off-Sale General) Alcoholic Beverage Control license. The current operator, A Market, has converted 975 square feet of the interior sales area into net public area for dining. The retail sale of alcohol remains an accessory use to the eating and drinking establishment within the net public area. The size of the accessory outdoor dining area will be reduced from the as-built condition of 283 square feet to 108 square feet, which is approximately 11 percent of the interior net public area. The establishment provides a maximum of 25 seats including six outdoor seats. The subject property provides 55 parking spaces on-site. The property is located in the SP-5 (Mariner's Mile Specific Plan) Zoning District in the Retail and Service Commercial Sub-Area. The approval is based on the following findings and subject to the following conditions.

### **FINDINGS**

#### **Finding:**

- A.     *The proposed project is in compliance with the California Environmental Quality Act (CEQA).*

#### **Facts in Support of Finding:**

- A-1.   This project qualifies for an exemption from environmental review pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures) of the Implementing Guidelines of the California Environmental Quality Act (CEQA), which exempts the conversion of existing small structures from one use to another where only minor modifications are made in the exterior structure. The project proposal involves minimal construction including interior alterations. The addition of



the outdoor dining and patio area is considered an accessory structure, which also qualifies for an exemption under Class 3.

### Use Permit Required Findings

#### Finding:

- B. *That the proposed location of the use is in accord with the objectives of the Zoning Code and the purpose of the district in which the site is located.*

#### Facts in Support of Finding:

- B-1. The project is located in the SP- 5 (Mariner's Mile Specific Plan) Zoning District within the Retail Service Commercial Sub-Area. The Retail and Service Commercial Sub-Area encourages the continuation of "marine-oriented" uses and the "marine" theme or character of the area; encourages mutually supportive businesses, a continuity of shopping and pedestrian orientation, and prohibits uses, which would interrupt this continuity; and minimizes the number of curb cuts on Coast Highway. The full-service, small-scale eating and drinking establishment with existing off-site alcoholic beverage sales is a mutually supportive commercial use that serves visitors, residents, and employees in the area. Eating and drinking establishments are a permitted use in this land use district with the approval of a use permit. Therefore, the full-service, small-scale eating and drinking establishment with accessory outdoor dining is consistent with the purposes of the Mariner's Mile Specific Plan for the Retail Service Commercial Sub-Area.
- B-2. The two primary buildings on-site, 3334 and 3400 West Coast Highway, were originally constructed and utilized as one business establishment, the Arches. The use of the property was later split into two separate business entities, the A Restaurant and the A Market, when the Arches closed. The uses on the subject property were established prior to the requirement for a use permit. Therefore, there are no previous use permits or conditions of approval that apply to the project site. The current business operators on the subject property have obtained the required permits from the Department of Alcoholic Beverage Control and the City has signed a Zoning Affidavit for the subject property acknowledging that the subject property does not require a use permit due to the date the uses were established. The current application does not propose any change to the existing, Type 21 (Off-Sale General) alcoholic beverage license.
- B-3. The subject property provides adequate surface parking on-site for the proposed use. The Planning Department has determined that where a use was established prior to the requirement for a use permit, a change in use shall be permitted (for parking purposes), so long as the new use does not result in additional parking demand. The parking requirement for the food and beverage sales use at the establishment required one parking space per 200 square feet of gross floor



area. This requirement results in a parking demand of 13 parking spaces for the subject property ( $2,505/200 = 12.52$ ). The proposed full-service, small-scale eating and drinking establishment requires one parking space per 75 square feet of net public area and will also require 13 parking spaces ( $975/75 = 13$ ). Therefore, the proposed change in use does not result in a demand for additional parking on-site.

- B-4. Another form of analysis to evaluate the parking demand for uses which were established prior to the requirement for a use permit allocates a proportional share of parking based on the square footage for each structure on the subject property. Each structure is allotted a proportional share of the available parking on-site based on the gross square footage. For the subject property, there are 55 parking spaces available on-site and the proportional share includes two storage buildings located at the rear of the subject property. Please refer to Table 1.1, below, for a breakdown of the proportional share of parking for each structure on the subject property.

**Table 1.1: 3400 West Coast Highway: Parking Allotment**

Structure	Gross Sq. Ft.	Proportion	Parking Allotted	Spaces Per Structure
Storage Building 1 (NW)	795	9%	4.95	5
Storage Building 2 (NE)	700	8%	4.4	5
3334 W. Coast Hwy	4,463	53%	29.15	29
3400 W. Coast Hwy.	2,505	30%	16.5	16
<b>TOTAL</b>	<b>8463</b>	<b>100%</b>	<b>55</b>	<b>55</b>

As shown in Table 1.1 above, the 13 parking spaces required for the eating and drinking establishment are well within the proportional allocation of 16 parking spaces for the subject establishment at 3400 West Coast Highway.

Finding:

- C. *That the proposed location of the Use Permit and the proposed conditions under which it would be operated or maintained will be 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.*

Facts in Support of Finding:

- C-1. The Land Use Element of the General Plan designates the project site as General Commercial (CG), which is intended to provide for a wide variety of

commercial activities oriented primarily to serve citywide or regional needs. The proposed eating and drinking establishment with existing off-sale alcoholic beverage sales is a use that serves citywide and regional residents.

- C-2. The General Plan Land Use Plan sets a development intensity limit of 0.5 floor area to land area ratio (FAR). The maximum permitted building square footage is 16,650 square feet (33,300 square feet x 0.5). The total square footage for all buildings on-site equals 8,463 square feet, which results in an FAR of 0.25 for the subject property. Thus, the square footage on the subject property complies with the 0.5 FAR limitation.
- C-3. The proposed full-service, small-scale eating and drinking establishments with existing alcoholic beverage sales and accessory outdoor dining will not be detrimental to the site or to the community based upon information provided by the Police Department and the proposed conditions of approval. The Police Department has no objections to the operation as proposed by the applicant.
- C-4. The use authorized by this permit is not a bar, tavern, cocktail lounge, nightclub or an establishment where live entertainment, recreational entertainment or dancing is provided. The City has experienced land use conflicts, nuisance issues, and issues requiring police intervention with these types of activities in the past. Prohibition of these uses or activities will minimize potential land use conflicts, nuisances and police intervention.

Finding:

- D. *That the proposed use will comply with the provisions of this Zoning Code, including any specific condition required for the proposed use in the district in which it would be located.*

Facts in Support of Finding:

- D-1. The proposed use complies with the development standards for the SP-5 (Mariner's Mile Specific Plan) District. The proposed conditions of approval ensure that all conflicts with surrounding land uses are eliminated or minimized to the greatest extent possible.
- D-2. This approval has been conditioned to require an amendment to the use permit to allow the on-sale consumption of alcohol at the subject property.
- D-3. The proposed hours of operation will not change. The hours of operation for the establishment are 6:00 a.m. to 7:00 p.m., daily.



## Outdoor Dining Required Findings:

### Finding:

- E. That the proposed outdoor dining is accessory to the Eating and Drinking Establishment.*

### Facts in Support of Finding:

- E-1. In accordance with the provisions of Chapter 20.82 of the Newport Beach Municipal Code, accessory outdoor dining requires no additional parking if it is less than 25 percent of the interior net public area. The subject establishment complies with this requirement the interior net public area is 975 square feet, which allows a maximum outdoor dining area of 244 square feet. The as-built outdoor dining area has been reduced to 108 square feet (11 percent of the net public area) to accommodate three tables and seating for 6 persons which complies with the limitations of the ordinance. The project has been conditioned to require the boundaries of the outdoor dining area to be marked so that the Code Enforcement division can easily identify the limits for the outdoor dining area.

### Finding:

- F. The establishment, maintenance or operation of the accessory outdoor dining will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood or injurious to property or improvements in the area.*

### Facts in Support of Finding:

- F-1. The outdoor dining permit and the interior of the food service operation shall be governed by the existing hours of operation. Increases in the hours of operation for the outdoor dining area shall require approval of an amendment to this application.
- F-2. The outdoor dining is accessory to the restaurant use, subject to the operational characteristics of the restaurant use, except as limited by this approval and is not an independent use.
- F-3. The outdoor dining area, as conditioned, is compatible with the surrounding land uses. The establishments limited hours of operation and restricted size requirement should alleviate potential noise from adversely impacting the nearby residential uses since the proposal does not include any noise generating activities outside of the facility (i.e., entertainment). The approval has been conditioned to prohibit these uses in the outdoor dining area.

- F-4. The operation of the proposed development is anticipated to increase the outdoor noise level in the immediate vicinity. Consequently, the provision of limited and restricted hours of use and limited number of tables and patron seating is necessary to minimize noise impacts on the residential uses located to the rear of the property that overlook the facility. If use of the outdoor dining area results in noise complaints, the Planning Department may require the removal of all, or a portion, of the outdoor seating or choose another remedy in accordance with Conditions of Approval Nos. 15 through 23.
- F-5. The approval has also been conditioned to prohibit the use of a sound system, speakers, pre-recorded music, or paging of patrons in the outdoor dining area.
- F-7. The restrictions on the use of solid roof structures as applied to this approval are consistent with the intent and purpose of the accessory outdoor dining.

Finding:

- G. *That the proposed accessory outdoor dining will not be located so as to result in reduction of existing parking spaces.*

Facts in Support of Finding:

- G-1. In accordance with the provisions of Chapter 20.82 of the Newport Beach Municipal Code, accessory outdoor dining requires no additional parking if it is less than 25 percent of the interior net public area.
- G-2. The accessory outdoor dining is located at the front of the business and does not result in a reduction of existing parking spaces.

**CONDITIONS** *(Project-specific conditions are in italics)*

1. The development shall be in substantial conformance with the approved site plan and floor plan, dated May 6, 2010, except as noted in the following conditions.
2. *A total of 13 parking spaces shall be provided on-site for the full-service, small-scale eating and drinking establishment.*
3. *The accessory outdoor dining shall be used in conjunction with the related adjacent food establishment and shall be limited to 108 square feet in area consisting of three tables with seating for six persons maximum.*
4. *The seating and dining in the outdoor area shall be limited to dining table height (approximately 30 inches) and table surface area of 30 inches by 30 inches minimum. The use of elevated counters and barstools is prohibited in the outdoor dining area.*



5. *The boundary of the accessory outdoor dining area shall be marked to define the maximum 108 square foot area on the pavement or through the use of fences, walls, or similar barriers. Fences, walls or similar barriers shall serve only to define the outdoor dining area and not constitute a permanent all weather enclosure.*
6. *The installation of roof coverings shall not have the effect of creating a permanent enclosure. The use of umbrellas for shade purposes shall be permitted. The use of any other type of overhead covering shall be subject to review and approval by the Planning Director and may require an amendment to this permit.*
7. All on-site runoff generated (including rainfall runoff) within the outdoor dining area shall be plumbed for discharge into the existing on-site sanitary sewer system, unless otherwise approved by the Building Department and the Water Quality and Code Enforcement Division. City (Public Works Department, Code Enforcement and Water Quality Division and Utilities Department) approval of such discharge system is required. The washing of the patio surface with any cleaning solutions is prohibited; the use of high pressure or steam cleaning devices is recommended.
8. *A building permit is required to allow the change in use from food and beverage sales to an eating and drinking establishment. All plans and work must comply with the California Building Code.*
9. A copy of this approval letter shall be incorporated into the Building Department and field sets of plans prior to issuance of the building permits.
10. Prior to the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Department.
11. A covered wash-out area (36 inches wide by 36 inches deep by 6 feet high) for refuse containers and kitchen equipment shall be provided and shall drain directly into the sewer system, unless otherwise approved by the Building Director, Planning Department, and Public Works Director in conjunction with the approval of an alternative drainage plan. The washout area shall be specifically shown on the construction drawings submitted for building permits.
12. The facility shall be designed to meet exiting and fire protection requirements as specified by the California Building Code and shall be subject to review and approval by the Building Department.
13. *A 4-foot walkway shall be provided for pedestrian travel from parked vehicles to the entrance of the establishment.*
14. The project shall comply with State Disabled Access requirements.

15. *Approval is required by the Orange County Health Department prior to the issuance of building permits.*
16. Public sanitation facilities shall be available to the general public (patrons) during regular business hours of the operation, unless otherwise approved by the Building Department.
17. The interior of the restaurant operation and the outdoor dining shall be subject to all existing hours of operation and operational characteristics. The hours of operation are limited to between 6:00 a.m. and 7:00 p.m., daily. All activities within the outdoor dining area, including cleanup activities, shall cease at the specified closing hour and no later.
18. The noise generated by the outdoor dining activity 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:	55 dBA	50 dBA

19. The applicant shall retain a qualified engineer specializing in noise/acoustics to monitor the sound generated by the outdoor dining activity to insure compliance with these conditions, if required by the Planning Director.
20. No audible paging system or speaker system shall be utilized anywhere on the premises at any time.
21. No amplified music or entertainment is permitted in the outdoor dining area. No outside paging system, loudspeaker or other noise generating device shall be utilized in conjunction with this outdoor dining area.
22. There shall be no live entertainment allowed on the premises.
23. There shall be no dancing allowed on the premises.
24. The proprietor shall actively control any noise generated by the patrons of the facility.



25. Should problems arise with regard to noise associated with the outdoor dining areas, the Planning Department shall require the removal of all or a portion of the outdoor dining area seating in the areas which contribute to the noise problems or complaints. The Planning Director may also curtail or reduce hours of operation and use of the outdoor dining area in response to noise complaints or loud and unreasonable noise generated by the outdoor dining use.
26. *Approval does not permit the premises to operate as a bar, tavern, cocktail lounge or nightclub as defined by the Newport Beach Municipal Code.*
27. On-sale alcoholic beverage service in the eating and drinking establishment is not permitted. The establishment of on-sale alcoholic beverage service shall require the approval of an amendment to this Use Permit and Outdoor Dining Permit, approval by the Police Department, and the approval from the State Department of Alcoholic Beverage Control.
28. Strict adherence to maximum occupancy limits is required.
29. All mechanical equipment shall be screened from view of adjacent properties and adjacent public streets, and shall be sound attenuated in accordance with Chapter 10.26 of the Municipal Code, Community Noise Control.
30. The area outside of the food establishment, including the public sidewalks, shall be maintained in a clean and orderly manner and may be subject to providing periodic steam cleaning of the public sidewalks as required by the Public Works Department.
31. The site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if in the opinion of the Planning Director, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Planning Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
32. Light sources within the outdoor dining area and the parking lot, if altered or modified, shall be designed or altered to eliminate light and glare spillage onto adjacent properties or uses. Prior to issuance of a certificate of occupancy, the applicant shall demonstrate to the Planning Department that the exterior lighting system has been designed and directed in such a manner as to conceal the light source and to minimize light spillage and glare to the adjacent properties. Prior to issuance of the certificate of occupancy or final of building permits, the applicant shall schedule an evening inspection by the Code Enforcement Division to confirm control of light and glare specified by this condition of approval.
33. All trash shall be stored within the building or within public dumpsters provided for the convenience of businesses in the area, 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.

34. The applicant shall maintain the trash dumpsters or receptacles so as to control odors which may include the provision of fully self-contained dumpsters or may include periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Department. Trash generated by the establishment shall be adequately contained in sealed plastic bags to control odors prior to placement in the trash dumpster. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).
35. The operator of the food service use shall be responsible for the clean-up of all on-site and off-site trash, garbage and litter generated by the use.
36. The exterior of the establishment shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter, and debris from the premises and on all abutting sidewalks within 20 feet of the premises. Graffiti shall be removed within 48 hours of written notice from the City.
37. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.
38. Storage outside of the building shall be prohibited.
39. All signs and displays must conform to the City Municipal Code requirements.
40. No temporary "sandwich" signs, balloons or similar temporary signs shall be permitted, either on-site or off-site, to advertise the proposed food establishment, unless specifically permitted in accordance with the Sign Ordinance of the Municipal Code. Temporary signs shall be prohibited in the public right-of-way, unless otherwise approved by the Public Works Department in conjunction with the issuance of an encroachment permit or encroachment agreement.
41. There shall be no exterior advertising or signs of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.



42. A Special Event Permit is required for any event or promotional activity outside the normal operational characteristics of this restaurant business that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.
43. The applicant shall comply with all federal, State, and local laws. Material violation of any of those laws in connection with the use will be cause for revocation of this permit.
44. Any changes in the physical and/or operational characteristics of the project, as determined by the Planning Director, shall require an amendment to this Use Permit or the processing of a new use permit.
45. Should the business, subject to the Use Permit conditioned herein, be sold or otherwise come under different ownership or a change in operators, any future owners, operators, or tenants shall be notified of the conditions of this approval by either the current business owner, property owner, or the leasing agent.
46. Such additional conditions the Planning Director deems necessary or appropriate to ensure operation of the outdoor dining is consistent with the findings made at the time of approval. The Planning Department may add to or modify conditions of approval to this outdoor dining permit, or revoke this approval upon a finding of failure to comply with the conditions governing the food establishment. The Planning Director may also revoke this 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.
47. Use Permit No. UP2010-008 and Outdoor Dining Permit No. OD2010-001 shall expire unless exercised within 24 months from the end of the appeal period as specified in Section 20.91.050 of the Newport Beach Municipal Code.
48. This approval shall be subject to review by the Planning Department at any time after the first 30 days of use of the outdoor dining use (no sooner than 30 days after final of the building permit or use of the outdoor dining area) to determine compliance with the conditions of approval and to determine the effectiveness of the conditions of approval to prevent, mitigate or alleviate noise impacts or problems.
49. This Use Permit may be modified or revoked by the City Council or Planning Commission should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.



50. 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 A Market including, but not limited to, the Use Permit No. UP2010-008 (PA2010-033). 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.

This approval was based on the particulars of the individual case and does not in and of itself or in combination with other approvals in the vicinity or Citywide constitute a precedent for future approvals or decisions.

**APPEAL PERIOD**

The applicant or any interested party may appeal the decision of the Planning Director, Zoning Administrator and department staff to the Planning Commission by a written request to the Planning Director within 14 days of the action date. A \$4,280.00 filing fee shall accompany any appeal filed. For additional information on filing an appeal, contact the Planning Department at 949 644-3200.

On behalf of David Lepo, Planning Director

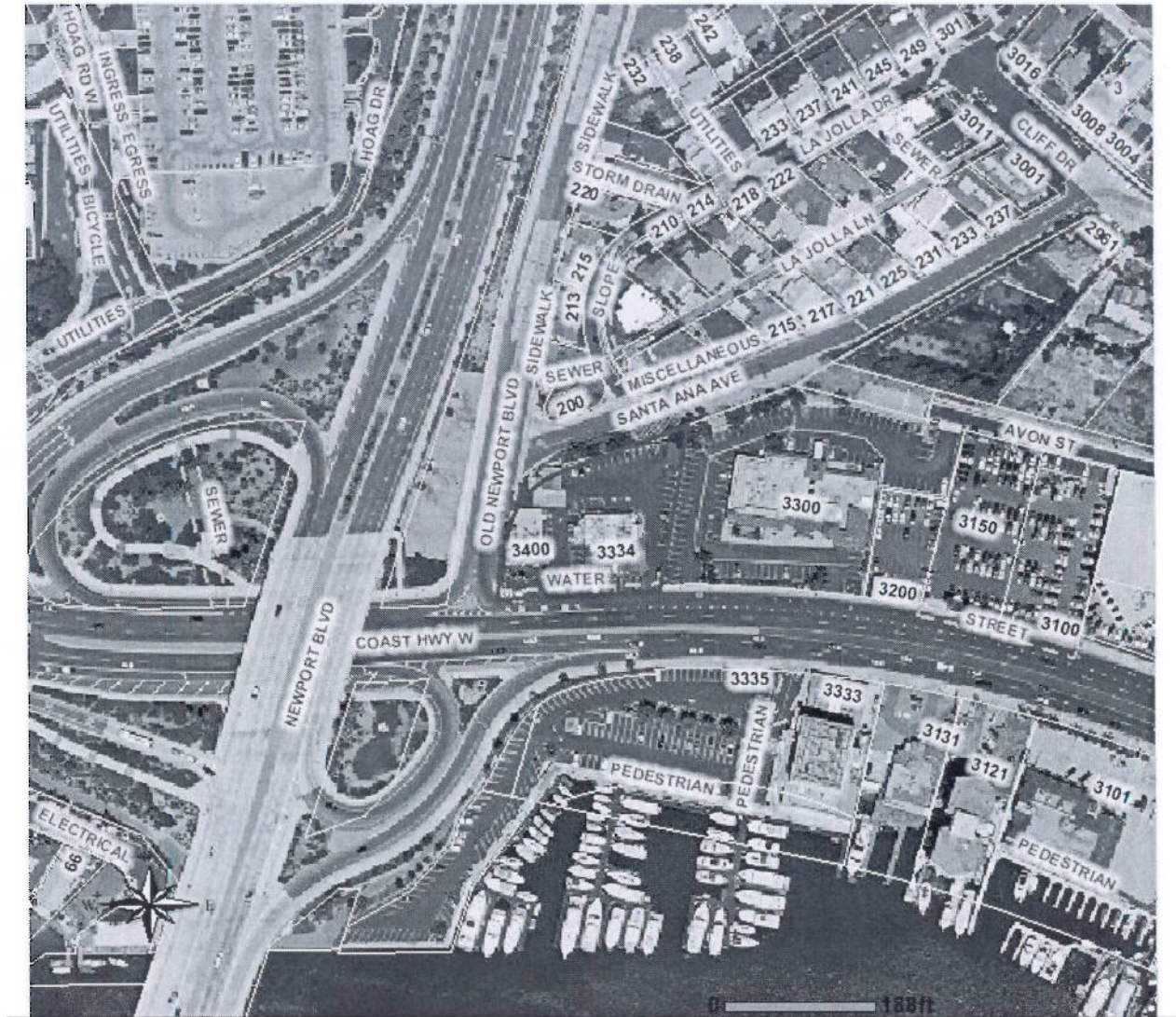
By:   
Javier S. Garcia, Senior Planner

JSG/mkn

Attachments: PD 1 Vicinity Map  
PD 2 Applicant's Project Description  
PD 3 Sample Menu  
PD 4 Site Photos  
PD 5 Project Plans



## VICINITY MAP



Use Permit No. UP2010008  
PA2010-033

**3400 West Coast Highway**



DATE: May 5, 2010 WITH ADDENDUM

SUBMITTED BY: Betsy Van't Hof, on behalf of the operators of "A" Market  
949.422.5012  
[bubsisboo@aol.com](mailto:bubsisboo@aol.com)

RECEIVED BY  
PLANNING DEPARTMENT

ADDRESS: "A" Market  
3400 West Coast Highway  
Newport Beach, CA 92663  
949.650.6515

MAY 06 2010

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**CITY OF NEWPORT BEACH/PLANNING DEPARTMENT CITY OF NEWPORT BEACH**  
**APPLICATION FOR FULL SERVICE, SMALL SCALE PERMIT**  
**(EATING AND DRINKING ESTABLISHMENTS)**

**PART IV: OTHER INFORMATION AND MATERIALS**

**C: PROJECT DESCRIPTION AND JUSTIFICATION**

**"A" MARKET**

"A" Market has been designed to serve the local community as an upscale gourmet market and liquor store, featuring fresh-brewed coffee, delicious pastries, sandwiches, salads, soups, gourmet foods, interesting gifts, select liquor, and fine wine from 6:30 a.m. to 7 p.m. daily.

Formerly a run-down and decrepit liquor store which attracted a less than desirable element to one of the most storied corners in Newport Beach, "A" Market has now become a favorite stop for moms and dads, ladies who lunch, businessmen, Hoag Hospital doctors and staff, Newport Harbor High School students, surfers, cyclists, and anybody else seeking a place to refresh and recharge. Some sit and open up their laptops, while others pop in for a "quick sec" to grab a sandwich and hit the road.

"A" Market's Culinary Director/General Manager, Shelly Register, has increased her following and enhanced her reputation as a chef of the highest quality since opening the market in October 2008. Customers rave about Shelly's amazing sandwiches, red velvet cake, and her edited selection of cheeses and charcuterie.

"A" Market offers a little something for everybody. A "yummy and fresh and wholesome and welcoming spot" was exactly what the new operators hoped to achieve when they walked through the old liquor store. Even with its chain-link, padlocked "liquor cage," featuring cigarettes and porn magazines at the checkout counter, the investors could see that this little gem was really just in need of a good polish.

Property owner Mrs. Marianne Brooks, and her children, local businessman and attorney Forrest Wylder, and his sister Greer Wylder, author of the popular "Greer's OC," have given their hearty stamp of approval to the rebirth of their beloved property. With a history stretching back to the mid 1920's, the corner of West Pacific Coast Highway and Newport Boulevard has been brought to life again for a new generation of Newport's residents and visitors to enjoy.



Customer testimonials, a listing of investors, or any further information deemed necessary may be obtained by contacting Betsy Van't Hof at the number or email above. Thank you for your time and consideration.

Sincerely,

The "A" Market Family

**-ADDENDUM-  
PROJECT DESCRIPTION AND JUSTIFICATION  
SPECIFIC TO  
SECTION 20.91.035(A) AND 20.82.050(B)  
AS REQUESTED BY CITY OF NEWPORT BEACH PLANNING DEPARTMENT**

**20.91.035(A) 1.** The proposed location of the use of a full service/small scale dining permit for A Market is in accord with the objectives of this code. As such, dining takes place within the confines of the existing A Market building, as well as outdoors on the small concrete pad located at the front of the building. The purposes of the district in which the site is located is also deemed to be in accord with a full service, small scale dining permit. A Market is located on West Pacific Coast Highway, in an area that features other such establishments, such as Jack Shrimp, Villa Nova, C'est si Bon, The Alley, Nesai, etc.

**20.91.035(A) 2.** The proposed location of the use permit and the proposed conditions under which it will be operated and maintained are consistent with the General Plan and the purpose of the district in which the site is located. As mentioned above, A Market is located in a busy commercial area of West Pacific Coast Highway which currently features many similar such establishments, i.e. Jack Shrimp, Villa Nova, C'est si Bon, The Alley, Nesai, etc. A Market is not detrimental to the public health, safety, peace, morals, comfort, or welfare of persons residing or working in or adjacent to the neighborhood. The reimagining of the existing structure is an improvement to the area. A Market maintains a clean, safe site for the benefit of its patrons and its employees. Prior to the current incarnation of A Market, the same building was a run-down liquor store featuring less-than-morally-desirable products such as pornographic magazines, cheap liquor, beer, and wine, and cigarettes. A Market features upscale wine, beer, and a small selection of high-end liquor. These items comprise a small percentage of overall sales when compared to the percentage of sales that includes sandwiches, salads, pastries, small gifts and such. A Market is not detrimental to the properties or improvements in the vicinity or to the general welfare of the city. A Market must be considered a significant improvement to the general welfare of the city.

**20.91.035(A) 3.** To the best of our knowledge the proposed use complies with the provisions of this code, including any specific condition required for the proposed use in the district in which A Market is located.

**20.91.035(A) 4.** This provision does not apply to A Market, as it is not located in a residential district.

**20.82.050(B) 1.** As pertains to A Market, the proposed outdoor dining is accessory to the Eating and Drinking Establishment. There is a small, raised concrete pad/patio area in front of the A Market façade which is ideally suited to providing seating for our patrons who prefer to sit outdoors. Please refer to submitted plans, which include three bistro tables and six chairs in this area.

**20.82.050(B) 2.** The establishment, maintenance or operation of the accessory outdoor dining area is not, under the circumstances of this particular case, detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood, nor is it injurious to property or improvements in the area. As stated above, A Market maintains a clean, safe environment which is an improvement to the surrounding area.

**20.82.050(B) 3.** The proposed accessory outdoor dining is not located so as to result in reduction of existing parking spaces. A Market's outdoor dining area has been placed in a previously existing area, and in no way negatively impacts existing parking spaces.





## MARKET

### Sandwiches • Cold

**ROAST BEEF:** roast beef, horseradish havarti, watercress, tomato, red onion, and mayo on a crusty roll • \$8.25

**SHELLY'S KICK BUTT COLD CUT SANDWICH:** turkey, honey ham, hot cappacola, provolone, shaved red onion, tomato, romaine, avocado, & mayo on a rustic roll • \$8.25

**THE STANDARD:** turkey, provolone, lettuce, tomato and mayo on a baguette (add apple wood-smoked bacon or avocado/\$1.00 each) • \$7.75

**BLTA:** apple wood-smoked bacon, arugula, tomato, avocado and mayo on multi-grain pain de mie • \$8.25

**VEGGIE:** goat cheese, cucumbers, watercress, tomato, avocado & tapenade • \$7.75

**MY FAVORITE TURKEY SANDWICH:** turkey, avocado, pear and ginger marmalade, honey mustard, and watercress on marbled corn rye • \$8.50

**TUNA SANDWICH:** tomato, red onion, arugula, mustard & mayo on toasted whole wheat • \$8.50

### Sandwiches • Hot • Pressed

**REUBEN:** corned beef, havarti, house made coleslaw, on marbled rye • \$9.25

**FRESH MOZZARELLA:** with oven-dried tomato, fresh basil, pesto on country white (add prosciutto/\$2.00) • \$8.50

**CUBANO:** prime smoked meats honey cured ham, swiss, pickles, yellow mustard and mayonnaise on baguette • \$8.00

**GRILLED CHEESE:** mozzarella, cheddar and jack on country white • \$7.00

**CHICAGO DOG:** bobak hot dog with all of the fixings; mustard, ketchup, relish, sauerkraut, diced red onion • \$6.50





Date of Pick-Up: \_\_\_\_\_ Time of Pick-Up: \_\_\_\_\_ AM PM

MON TUE WED THU FRI SAT SUN

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

PAYMENT OPTIONS || Cash Visa/Mastercard Amex

Card #: \_\_\_\_\_ Exp: \_\_\_\_\_

Order Taken By: \_\_\_\_\_ Date: \_\_\_\_\_



MARKET

3400 West Coast Highway  
Newport Beach, CA 92663  
P 949.650.6515 F 949.650.6508

CATERING

### Continental Breakfast

assorted pastries | coffee  
fresh squeezed orange juice  
Small | 8 - 14 guests | \$60 \_\_\_\_  
Large | 20 - 32 guests | \$120 \_\_\_\_

### Breakfast Meeting

assorted scones | croissants | sugar buns  
low-carb no crust quiche | jo-to-go container | jams  
Small | 8 - 14 guests | \$75 \_\_\_\_  
Large | 20 - 32 guests | \$150 \_\_\_\_

### Sandwich Platter

Choose a variety of our cold sandwiches  
served with house-made bread & butter pickles  
8 guests | \$48 \_\_\_\_ || 12 guests | \$96 \_\_\_\_  
additional guests \$5 per guest  
add side salads to sandwich platter | \$5 per side salad

Fresh Mozzarella \_\_\_\_ Pasta Salad \_\_\_\_  
Roasted Beets \_\_\_\_ Potato Salad \_\_\_\_

### Boxed Lunches

sandwich | cookie  
side salad or chips  
\$12.50

### Large Salads

**A Caesar**  
roamine hearts  
herb croutons  
parmesan cheese || \$25 \_\_\_\_

**Pasta**  
gemelli | currants  
smoked mozzarella  
tomatoes | basil || \$32 \_\_\_\_

**Butterleaf Wedge**  
bacon | tomatoes | red onion  
blue cheese crumbles  
blue cheese dressing || \$32 \_\_\_\_

**Simple Green Salad**  
arugula | endive | radicchio  
walnuts | dried cranberries  
nut pesto || \$25 \_\_\_\_

### Burgers, Buns & Fixings

4 'A' special ground sirloin | 4 brioche buns | cheddar  
house-made pickles | 1000 island dressing || \$26

### Enchiladas

12 chicken enchiladas | queso fresco | red chili sauce || \$30

### Hot Dogs

4 Boback all pork hot dogs | 4 brioche buns || \$24

### Turkey Chili

1 quart turkey chili | sour cream | onions | cheddar || \$14

### Crudite Platter

organic selection of vegetables | house-made buttermilk blue cheese dressing  
Small | 8 - 10 guests | \$90 \_\_\_\_ || Large | 20 - 25 guests | \$180 \_\_\_\_

### Cheese Platter

selection of domestic and  
imported artisanal cheeses  
accompaniments | nuts | honey  
assorted breads and crackers  
Small | 8 - 14 guests | \$100 \_\_\_\_  
Large | 20 - 32 guests | \$200 \_\_\_\_

### Combination Cheese & Charcuterie Platter

Small | 8 - 14 guests | \$115 \_\_\_\_  
Large | 20 - 32 guests | \$230 \_\_\_\_

### Charcuterie Platter

selection of domestic & imported  
cured meats | selection of breads  
house-made chicken liver terrine  
cornichons | olives | whole grain mustard  
Small | 8 - 14 guests | \$110 \_\_\_\_  
Large | 20 - 32 guests | \$220 \_\_\_\_

### Market Sweets

#### cookies

chocolate chip cookies | ginger snaps  
chocolate espresso cookies | brownies  
pecan shortbread cookies

half dozen each | \$48 \_\_\_\_  
dozen each | \$96 \_\_\_\_

#### cupcakes

red velvet cupcakes with raspberry frosting  
vanilla cupcake with strawberry frosting  
chocolate cupcake with vanilla icing

half dozen each \$49 \_\_\_\_  
dozen each \$99 \_\_\_\_

### CAKES

9 inch round | 4 layers  
Serves up to 16 people

raspberry red velvet | cream cheese frosting \_\_\_\_  
dark chocolate cake | milk chocolate frosting \_\_\_\_

\$48

sub-total \_\_\_\_\_ sales tax \_\_\_\_\_ TOTAL \_\_\_\_\_



## *Soup*

### FRENCH ONION

gruyere | parmesan reggiano || 10

### BROCCOLI

parmesan + garlic crostini || 9

## *Salad*

### A CAESAR

romaine heart | anchovy dressing  
parmesan reggiano | fried caper || 11

### BUTTERLEAF WEDGE

vine ripe tomato | red onion | maple glazed bacon  
point Reyes blue cheese and buttermilk dressing || 12

### HEARTS OF PALM

tomato | avocado | cucumber  
mint | tamarind vinaigrette || 11

### BEEF

salt roasted beef | granny smith apple  
pistachio vinaigrette | honey || 12

### PEAR

port wine poached pear | arugula | black pepper gastrique  
rogue creamery smokey blue cheese | candied walnut || 14

## DAILY PRIX FIXE

### *Starter*

#### BUTTERLEAF WEDGE

point Reyes blue cheese and buttermilk dressing  
heirloom tomato | red onion | maple glazed bacon

### *Entree*

#### ROASTED CHICKEN

spinach | roasted cherry vine ripe tomato | pan jus

#### SCOTTISH SALMON

grilled salmon | roasted asparagus | basil emulsion

#### PETTIT FILET AND FRIES

6 oz. vintage natural filet | herbed butter | french fries

### *Dessert*

#### BUTTERSCOTCH PUDDING

caramel | whipped cream | salted peanut  
butterscotch shortbread cookie

## Charuterie

### OYSTERS ON THE HALF SHELL

1/2 dozen 18 || dozen 36

### SPICY YELLOW FIN TUNA

crispy eggplant | chili aioli | sweet soy glaze || 15

### CRAB CAKE

tangerine aioli | herb salad || 17

### CHICKEN LIVER TERRINE

preserved kumquat | cornichon | whole grain mustard || 14

### GRILLED ARTICHOKE

globe artichoke | yuzu aioli | fleur de sel || 11

### STEAK TARTAR

hand cut filet | white truffle oil | quail egg  
tabasco | olive tapenade || 16

### PRAWNS

serrano ham | saffron aioli | celery salad || 14

### SHISHITO PEPPER

tempura | yuzu aioli | sea salt || 9

### CALAMARI

crisp calamari | ginger | garlic | sweet + sour chili glaze || 12

### ROASTED TOMATO TART

slow roasted tomato | whipped goat's milk cheese | balsamic || 11

### MARROW BONE

roasted marrow bone | sea salt | pickled cipollini || 12

### FLATBREAD

gruyere | parmesan | crème fraîche  
caramelized onion | crisp bacon || 14

## Selection of Charcuterie

PROCIUTTO SAN DANILLO | DUCK SALAMI CHORIZO SORIA  
WAGYU BRUSOLA | SALUMI TARUTO | SALUMI PICANTE

*served with accompaniments*

three selections || 14      five selections || 22

## Selection of Cheese

HOOK'S 10 YEAR CHEDDAR | SMOKEY BLUE | MINNETT  
HUMBOLDT FOG | PLEASANT RIDGE RESERVE | PICCOLO

*served with accompaniments*

three selections || 12      five selections || 18

## Combination

three cheese | three charcuterie || 26



## Burgers + Sandwiches

### A BURGER

caramelized onion | blue cheese | bacon  
arugula | 1000 island | french fries || 14

### GRILLED SALMON BURGER

chili aioli | butterleaf lettuce  
vine ripe tomato | red onion | french fries || 19

### GRILLED CHICKEN CLUB

vine ripe tomato | butterleaf lettuce | crispy bacon  
avocado | sourdough bread | french fries || 12

### FRENCH DIP

roast beef | horseradish cream  
jus | brioche bun | french fries || 12

### SHORT RIB GRILLED CHEESE

braises short rib | aged cheddar  
house made potato chips || 18

## Daily Specials

### monday

#### FRIED CHICKEN

organic free range jidori chicken | cole slaw || 23

### tuesday

#### CHICKEN PICCATA

capers | lemon | tomato and basil salad || 21

### wednesday

#### BLACK COD

'en papillote' | seasonal vegetables  
preserved lemon | soy + ginger || 25

### thursday

#### SPAGHETTI + MEATBALLS

pork | veal | classic tomato sauce | parmesan || 19

### friday

#### CHICKEN POT PIE

organic free range jidori chicken | pea | carrot || 21

### saturday

#### LASAGNA

bolognese | porcini mushroom | bechamel || 18

## Main Courses

### CRISPY TROUT

cauliflower puree | brown butter  
capers | herb salad || 18

### SCOTTISH SALMON

grilled salmon | roasted asparagus  
basil emulsion || 23

### SCALLOPS

potato puree | bacon jus  
chanterelle mushrooms | béarnaise || 28

### FISH + CHIPS

black cod | steak cut french fries  
malted tartar sauce || 22

### ROASTED CHICKEN

spinach | roasted cherry vine ripe tomato | pan jus || 23

### STROGONOFF

hand made egg noodles | beef tournedos  
mushrooms | crème fraîche || 19

### POT ROAST

fingerling potatoes | carrots  
onions | mushrooms | braising jus || 24

### MEATLOAF

crispy bacon | potato puree | roasted carrot  
spiced tomato glaze || 17

### PORK CHOP

chili rub | brussels sprouts | bacon jus | pickled red onion || 19

## Broiled Steaks

vintage natural steaks | herbed butter

FLAT IRON 8 oz. || 19

FILET 8 oz. || 32

RIBEYE 16 oz. || 38

NEW YORK 14 oz. || 41

BONE-IN FILET 16 oz. || 51

## Vegetables + The Liko

ONION RINGS | FRENCH FRIES | POTATO PUREE || 5

MUSHROOMS | BROCCOLINI || 6

MARKET VEGETABLES | BRUSSELS SPROUTS | ASPARAGUS || 6

SWEET CORN GRATIN | SPINACH GRATIN || 8

MACARONI & CHEESE aged white cheddar | blue cheese || 8

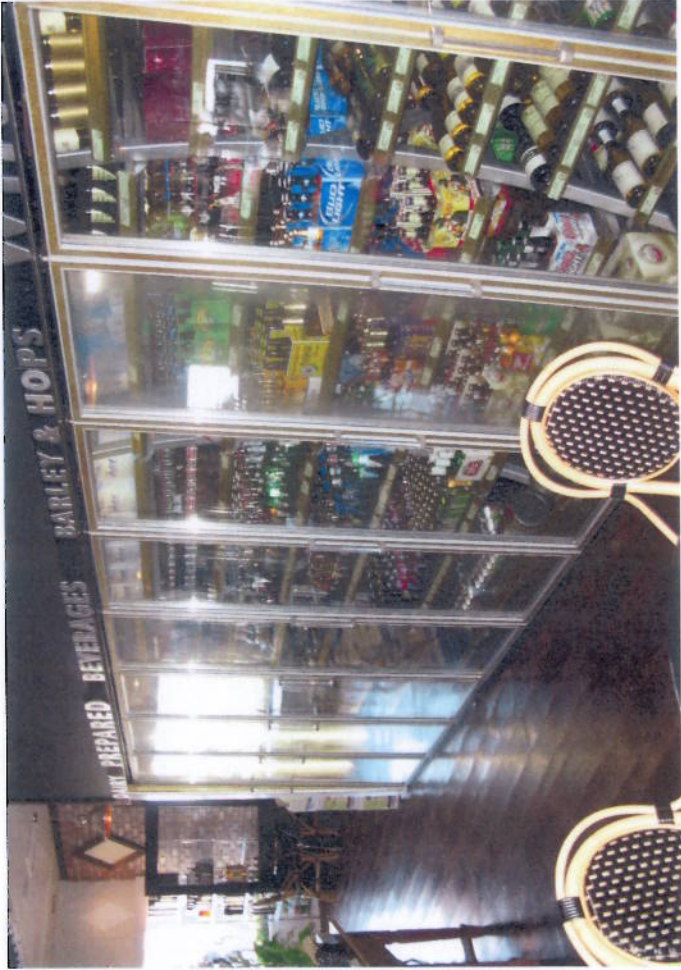




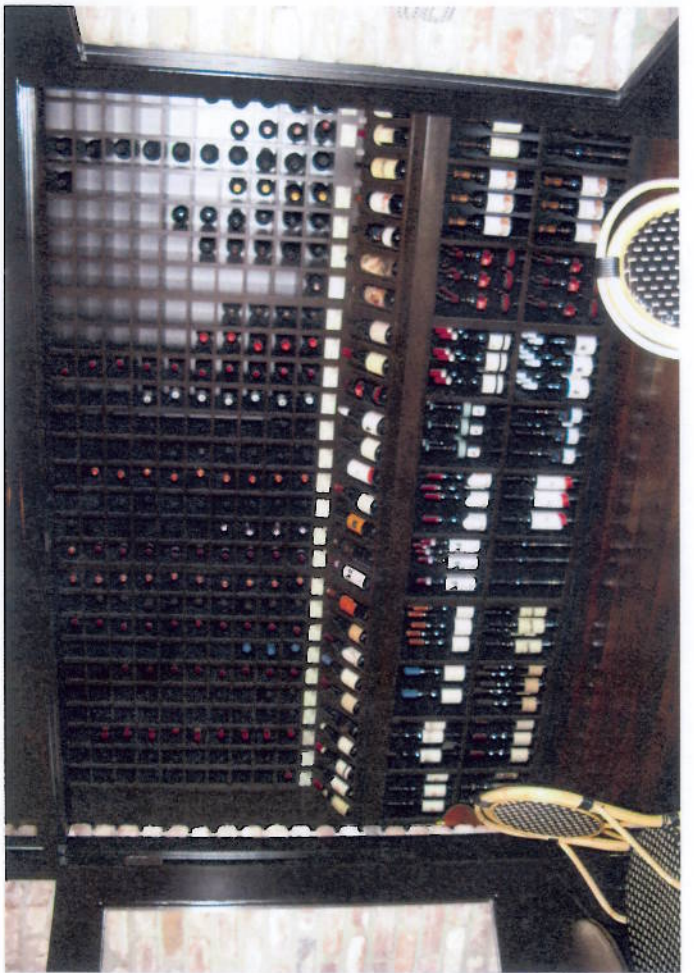














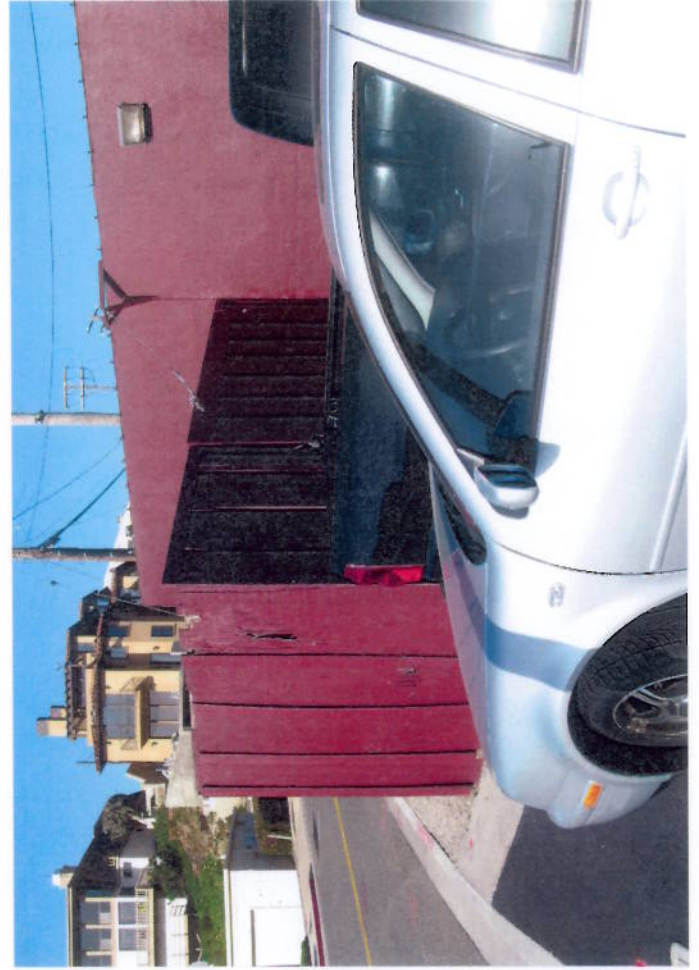








PA2010-33 for UP2010008 OD2010-001  
3400 West Coast Highway  
A Market

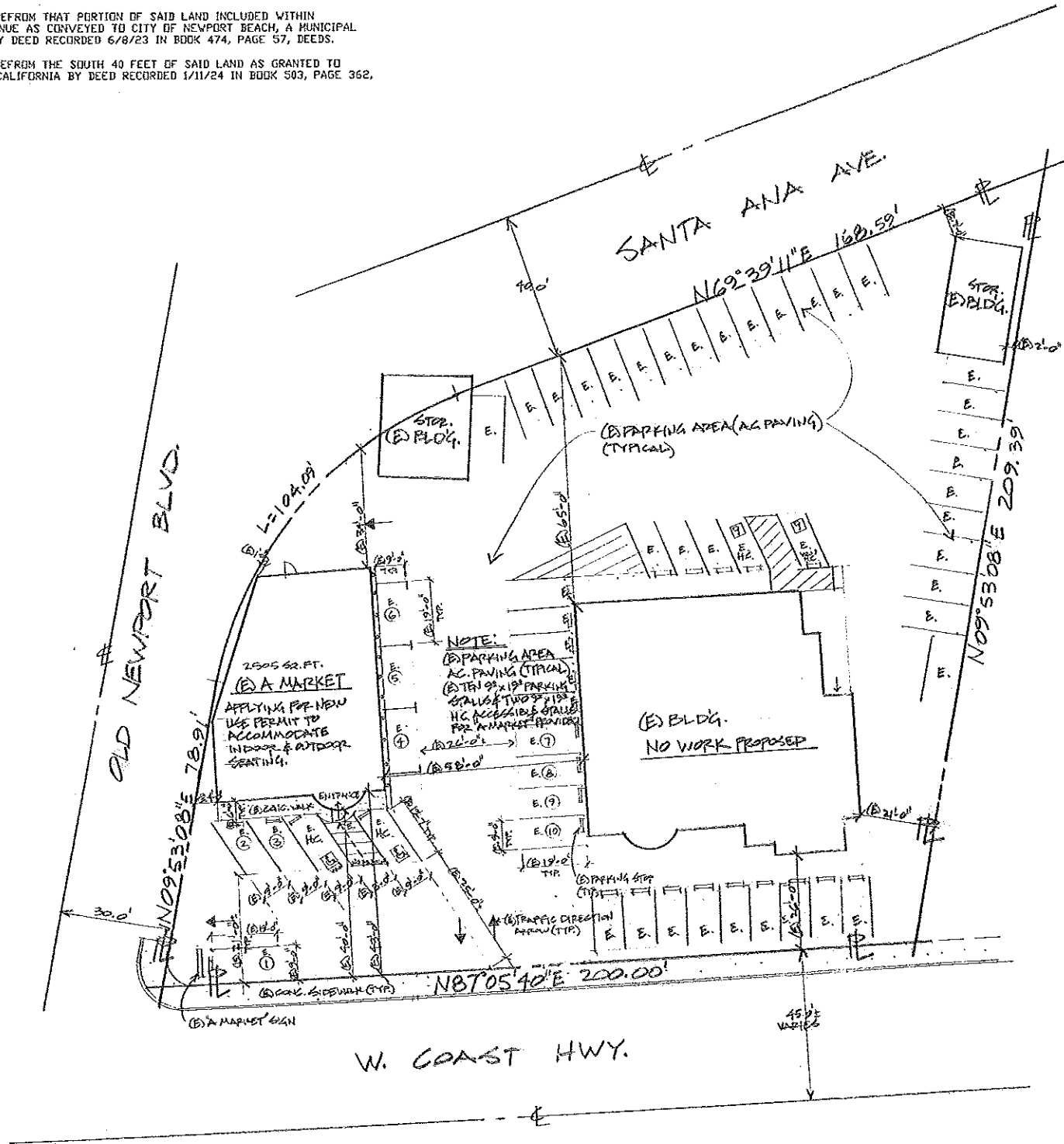


# LEGAL DESCRIPTION:

BEGINNING AT THE POINT OF INTERSECTION OF THE CENTER LINE OF THE 60 FOOT ROAD CONVEYED TO THE COUNTY OF ORANGE BY DEED RECORDED IN BOOK 243, PAGE 116, DEED, WITH THE SOUTHWESTERLY EXTENSION OF THE CENTER LINE OF THE 80 FOOT RIGHT-OF-WAY FOR STATE HIGHWAY CONVEYED TO THE STATE OF CALIFORNIA, BY DEED RECORDED IN BOOK 503, PAGE 362, DEEDS, AND RUNNING THENCE NORTH 86 DEGREES 13'00" EAST ALONG THE CENTER LINE OF SAID RIGHT-OF-WAY FOR STATE HIGHWAY AND THE SOUTHWESTERLY EXTENSION THEREOF, 230 FEET TO A POINT; THENCE NORTHERLY TO A POINT IN THE NORTHERLY LINE OF SAID 80 FOOT RIGHT-OF-WAY FOR STATE HIGHWAY, WHICH POINT IS 200 FEET EASTERLY MEASURED ALONG SAID NORTHERLY LINE FROM THE EASTERLY LINE OF SAID 60 FOOT ROAD CONVEYED TO THE COUNTY OF ORANGE; THENCE NORTHEASTERLY PARALLEL WITH THE CENTER LINE OF SAID 60 FOOT ROAD CONVEYED TO THE COUNTY OF ORANGE TO AN INTERSECTION WITH THE CENTER LINE OF SANTA ANA AVENUE, AS SHOWN ON MAP OF TRACT NO. 444, RECORDED IN BOOK 19, PAGE 29, MISCELLANEOUS MAPS, RECORDS OF SAID ORANGE COUNTY; THENCE SOUTH 68 DEGREES 44'02" WEST ALONG THE CENTER OF SAID SANTA ANA AVENUE AND THE SOUTHWESTERLY EXTENSION THEREOF TO AN INTERSECTION WITH THE CENTER LINE OF SAID 60 FOOT ROAD CONVEYED TO THE COUNTY OF ORANGE; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 216.40 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION OF SAID LAND INCLUDED WITHIN SANTA ANA AVENUE AS CONVEYED TO CITY OF NEWPORT BEACH, A MUNICIPAL CORPORATION, BY DEED RECORDED 6/8/23 IN BOOK 474, PAGE 57, DEEDS.

EXCEPTING THEREFROM THE SOUTH 40 FEET OF SAID LAND AS GRANTED TO THE STATE OF CALIFORNIA BY DEED RECORDED 1/11/24 IN BOOK 503, PAGE 362, DEEDS.



NOTE:  
E. = EXISTING

EXISTING SITE PLAN

PA2010-33 for UP2010008 OD2010-001  
3400 West Coast Highway  
A Market

PROJECT DESCRIPTION: "A MARKET"  
APPLYING FOR NEW USE PERMIT TO ACCOMMODATE INDOOR AND OUTDOOR SEATING JUSTIFIED PER SECTION 20.91.035(A) AND 20.62.050(B) OF THE ZONING CODE.

## PROJECT INFORMATION:

PROJECT ADDRESS: A MARKET  
3400 W. COAST HWY.  
NEWPORT BEACH, CA. 92663

OWNER: LOS-ARCOS LLC  
140 NEWPORT CENTER DR. STE 100  
NEWPORT BEACH, CA. 92663

OCCUPANCY GROUP: B/M

CONSTRUCTION TYPE: V-B NON-SPRINKLERED UNPROTECTED

NO. OF STORIES: 1

ZONING: C-1

BLDG. SQ. FOOTAGE: 2505 SF

FIRE EXITING OCCUPANT LOAD: 93 OCCUPANTS

TWO EXIT DOORS W/ MIN. CLR. OPENG. OF 32"

MIN. CORRIDOR/AISLE WIDTH = 44"

MAX. TRAVEL DISTANCE TO EXIT = 100'

NET PUBLIC AREA: 967 SF  
INCLUDES SEATING AREA, SALES AREA,  
DISPLAY AREA, WINE ROOM

OUTDOOR DINING AREA: 108 SF

GROSS FLOOR AREA: 2505 SF

TOTAL PARKING ON SITE: 55 STALLS

PARKING: (10) ON SITE 9'x19' + (2) HC ACCESSIBLE STALLS ON SITE.  
FOR "A MARKET"

NUMBER OF EMPLOYEES: 15

NUMBER OF SEATS: 25 TOTAL

INSIDE SEATING: (5) 2' DIA. BISTRO TABLES W/ (2) CHAIRS EA.  
(1) 11' LONG x 2'-6" WIDE TABLE W/ (9) CHAIRS.

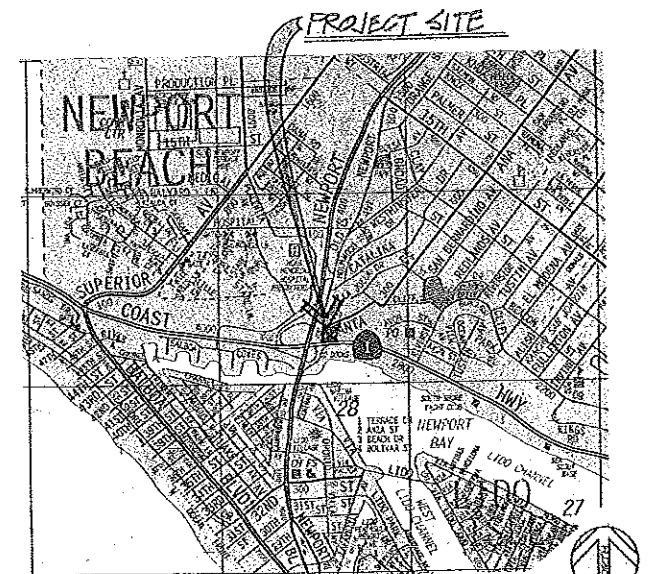
OUTSIDE SEATING: (3) 2' DIA. BISTRO TABLES W/ (2) CHAIRS EA.

HOURS OF OPERATION: 6:30AM - 6:00PM DAILY

RECEIVED BY  
PLANNING DEPARTMENT

MAY 06 2010

CITY OF NEWPORT BEACH



VICINITY MAP

REVISIONS	BY
4.14.2010	UB
5.5.2010	UB
Plans Prepared by: Betsy Vanthof 3400 W. Coast Hwy. Newport Beach, CA, 92663 (949) 422-5012	
PROJECT INFORMATION SITE PLAN VICINITY MAP	
Date: 2.2.2010	
Scale: AS NOTED	
Drawn:	
Job:	
Sheet:	
1	
Of: 2 Sheets	







## **PLANNING DIRECTOR ACTION LETTER**

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

**Application No.**      Staff Approval No. SA2010-006 (PA2010-063)  
                                 Use Permit No. 3565

**Applicant**              Government Solutions, Inc.

**Site Address**          3300 Jamboree Road

**Legal Description**    Irvine Sub Blk 51 Lot 146 Por of Lot

On **July 12, 2010**, the Planning Director approved the following: A request that proposed alterations and additions to an existing vehicle sales facility be found in substantial conformance with Use Permit No. 3565, as approved by the City Council on September 11, 1995.

The proposed changes are as follows:

1. A 5,289-square-foot addition to the existing 156,124-square-foot main sales and service building (Building A) fronting the property; which includes the enclosure of an existing covered vehicle display area that results in a 4,437-square-foot addition to the primary sales showroom area, and an 853-square-foot addition to an existing interior customer lounge area.
2. The conversion of 4,872 square feet of existing storage space to office space located within the existing 7,308-square-foot building (Building B) located on the north easterly portion of the site;
3. The expansion of the existing customer entrance driveway and the construction of a new customer exit driveway off of Bayview Way to improve ingress and egress of service vehicles from the site and to relieve vehicle congestion at the existing easterly driveway;
4. The conversion of an existing customer putting green area into an exterior customer seating and waiting area; and
5. Minor landscape improvements and enhancements associated with the driveway improvements and exterior customer seating area.

The property is located in the San Diego Creek North Planned Community District (PC-24). This determination is based on the following findings and subject to the following conditions.



## **FINDINGS**

Pursuant to Section 20.91.055A, the Planning Director waives the requirement for a new application for a use permit because the changes to the project are minor, do not involve substantial alterations or additions to the plan or the conditions of approval, and are consistent with the intent of the original approval. The facts support the finding:

1. The proposed changes to the vehicle sales facility buildings and site based upon the project plans are minor, support the operation of the facility, and will remain consistent with the intent of the original approval of Use Permit No. 3565. Use permit No. 3565 was approved in 1995 to allow a new and used car sales and leasing dealership, offering auto service, including body work, a parts department, customer lounge, and boutique retail sales area.
2. The project site is consistent with the General Commercial land use designation (CG, 0.50FAR) of the General Plan, which is intended to provide for a wide variety of commercial activities, including vehicle sales facility, oriented primarily to serve citywide or regional needs. With the total proposed addition of 5,290 gross square feet, the floor area ratio of the project site would be approximately 0.41 FAR, and would not exceed the allowable 0.50 FAR of the site.
3. The proposed addition to the primary show room will be under an existing canopy and will enclose and convert an existing exterior automobile display area to an interior automobile display area. No lighting is proposed on the outside of the canopy of the new addition and all interior lighting has been designed to meet or reduce current light levels.
4. The proposed addition to the customer lounge area will occur under an existing roofed building area and provide an area for a shoe shine service to be added. The addition will provide customers a place to wait for their cars out of the main covered driveway in the service area.
5. The conversion of storage space to office space in Building B will be contained entirely within the shell of the existing building and will not change the exterior appearance or height of the building with the exception of curb and gutter modifications for creation of ADA accessible entrance and parking. The purpose of the conversion is for the relocation of the business call center and its 28 existing employees from Building A to Building B. No new or additional employees are proposed with the relocation of the business call center.
6. Improvements to service driveways, landscaping, and customer seating and lounge areas are substantially consistent with the existing approved plans for the site and will assist in improving customer operations and vehicular circulation patterns and access at the facility. Additionally, all final designs for construction of new and/or improved driveways will be approved by the Public Works and Fire Department to ensure adequate vehicular circulation and (emergency) access at the facility.



7. The site currently provides a total of 571 parking spaces, exceeding the Zoning Code parking requirement of 420 parking spaces (1 space / 1000 sq. ft. of lot area).
8. The 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).

### CONDITIONS

1. The development shall be in substantial conformance with the approved plot plan, floor plans, and elevations, except as noted in the following conditions.
2. All original applicable conditions of Use Permit No. 3565 shall remain in effect and are applicable to this approval.
3. The applicant shall obtain necessary building permits from the Building Department prior to the commencement of construction.
4. Prior to issuance of building permits, a copy of this approval letter shall be incorporated into the Building Department and field sets of plans.
5. Prior to issuance of building permits, the applicant shall submit to the Planning Department an additional copy of the approved plot plan, floor plans and elevations for inclusion in the Staff Approval Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall be reduced in size to 11 inches by 17 inches shall accurately depict the elements approved by this Staff Approval highlighting the approved elements such that they are readily discernible from other elements of the plans.
6. The site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if in the opinion of the Planning Director, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Planning Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
7. Interior showroom lighting shall be turned off by 10 p.m., except for minimal security lighting.
8. An easement shall be recorded for the sidewalk along the Jamboree Road frontage.
9. The Planning Director or the Planning Commission may add to or modify conditions of approval to this staff approval, or revoke this 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.

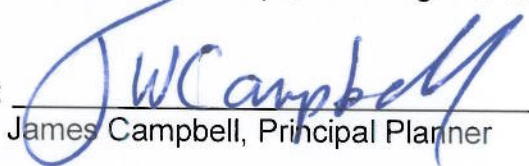
10. To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, 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 Fletcher Jones Staff Approval including, but not limited to, SA2010-006 (PA2010-063). 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**

The applicant or any interested party may appeal the decision of the Planning Director to the Planning Commission by a written request to the Planning Director within 14 days of the action date. A \$3,070.00 filing fee shall accompany any appeal filed. For additional information on filing an appeal, contact the Planning Department at 949 644-3200.

On behalf of David Lepo, Planning Director

By:

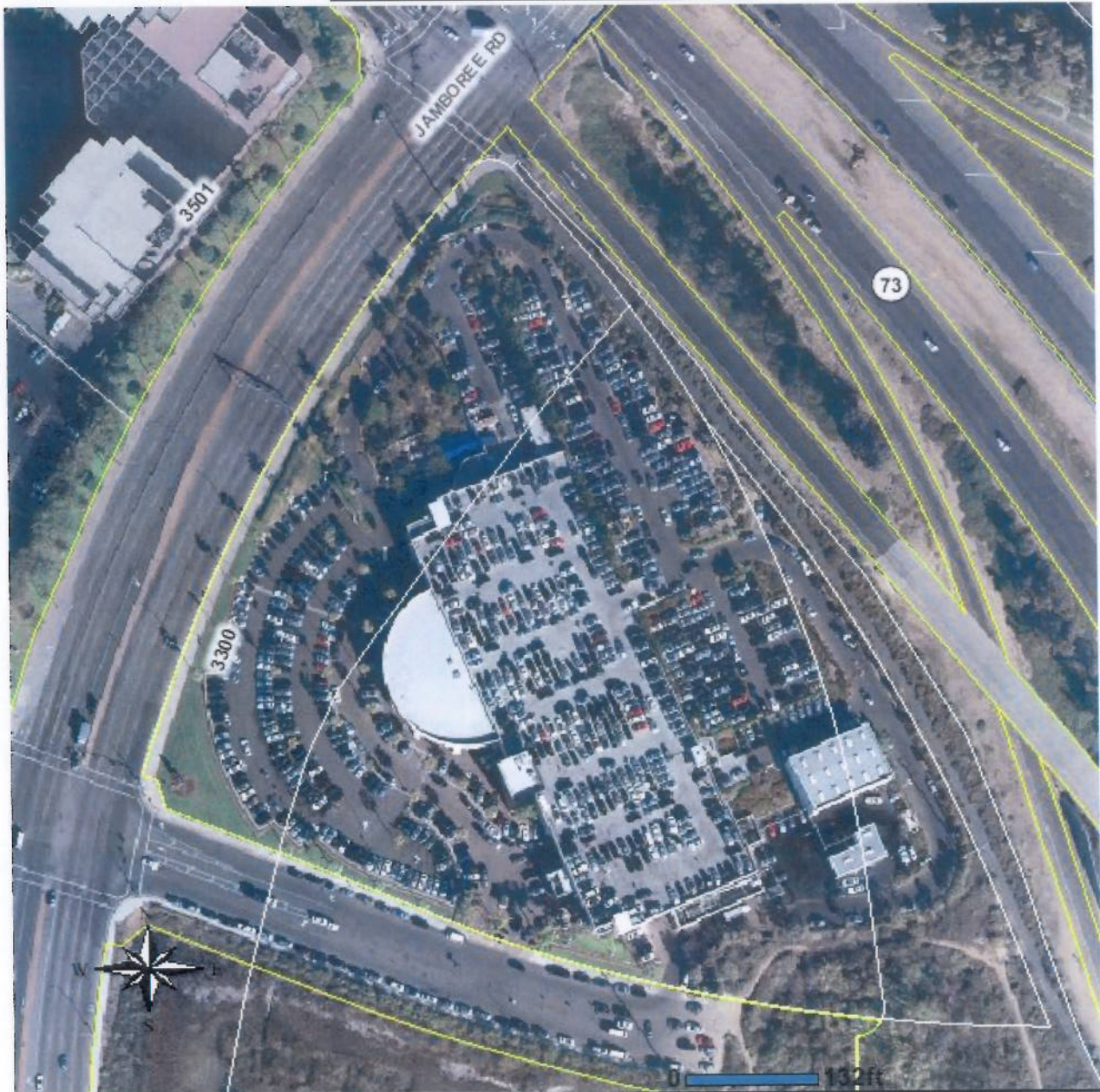
  
James Campbell, Principal Planner

JC/ems

Attachments: PD 1 Vicinity Map  
PD 2 Applicant's Site and Building Modification Overview  
PD 3 Findings and Conditions of Approval for Fletcher Jones Motorcars  
under Use Permit No.3565



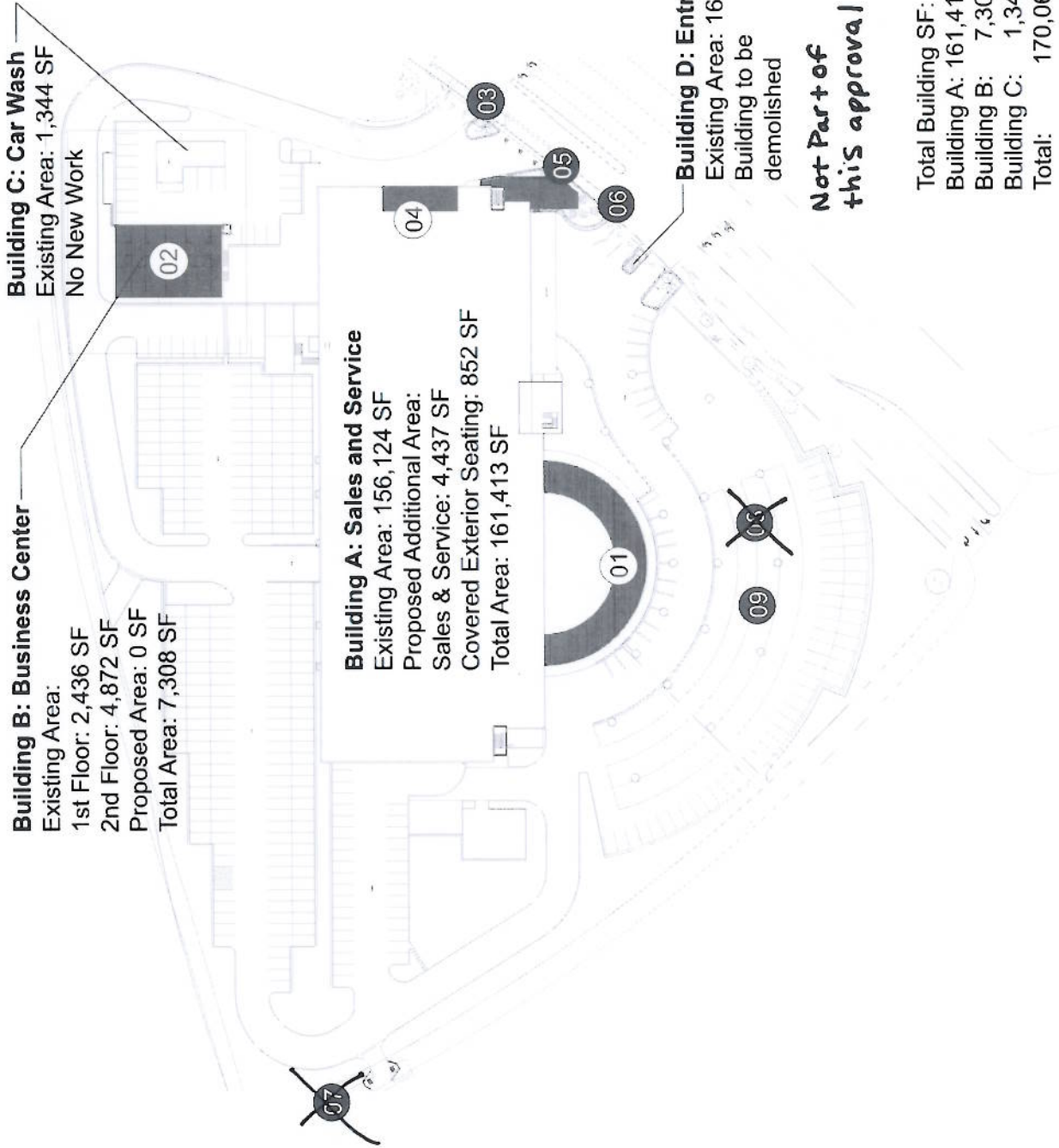
## VICINITY MAP



Staff Approval No. SA2010-006  
PA2010-063

**3300 Jamboree Road**





## EXHIBIT "A"

### FINDINGS AND CONDITIONS OF APPROVAL

#### Fletcher Jones Motorcars

EIR No. 155

General Plan Amendment No. 95-1 (D)

Local Coastal Program Amendment No. 39

Amendment No. 823

Traffic Study No. 108

Use Permit No. 3565

Development No. 6 (CIOSA)

Development Agreement No. 9

#### A. Environmental Impact Report No. 155:

##### Findings:

1. That an Environmental Impact Report has been prepared for the project in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines and City Policy.
2. That the proposed Final EIR, which includes the Draft EIR, Comments and Responses, revisions to the Draft EIR, and all related documents in the record is complete and adequate to satisfy all the requirements of CEQA for the proposed project.
3. That the analysis and conclusions contained in the proposed Final EIR reflect the independent judgment of the Planning Commission.
4. That the Planning Commission has reviewed and considered the information contained in the proposed Final EIR prior to making its recommendations to the City Council.

##### Mitigation Measures:

1. Prior to issuance of a grading permit, the grading contractor shall identify a spoils site for deposition of exported material. Such spoils site shall have obtained CEQA clearance in accordance with the requirements of the local jurisdiction where the site is located.
2. As specified in the geotechnical report prepared for the site (Pacific Soils Engineering, Inc., May 1995), all loose, compressible natural soils and/or loose, compressible on-site fill soils should be removed from fill areas where exposed at final grade and replaced with compacted fills in accordance with the recommendations of the geotechnical engineer. All grading should be accomplished under the observation and testing of the project soils engineer and engineering geologist in accordance with the recommendations contained in



the project geotechnical report, the current grading ordinance of the City of Newport Beach and earthwork specifications contained in Appendix F of the geotechnical report. The site preparation recommendations outlined in section 5.3 of the geotechnical report shall be followed.

3. Prior to issuance of a grading permit, the applicant or successor in interest shall demonstrate to the City of Newport Beach Building Department that all facilities will be designed and constructed as specified in the City adopted version of the Uniform Building Code.
4. Development of the site shall be subject to a grading permit to be approved by the Building and Planning Departments. The application for grading permit shall be accompanied by a grading plan and specifications and supporting data consisting of soils engineering and engineering geology reports or other reports if required by the building official.
5. The grading plan shall include a complete plan for temporary and permanent drainage facilities, to minimize any potential impacts from silt, debris, and other water pollutants.
6. The grading plan shall include a description of haul routes, access points to the site, watering, and sweeping program designed to minimize impact of haul operations.
7. An erosion, siltation and dust control plan shall be submitted prior to issuance of grading permits and be subject to the approval of the Building Department and a copy shall be forwarded to the California Regional Water Quality Control Board, Santa Ana Region.
8. The velocity of concentrated run-off from the project site shall be evaluated and erosive velocities controlled as part of the project design.
9. Grading operations and drainage requirements shall meet the standards set forth in the City's Building Code (Appendix Chapter 70 - Excavation and Grading, Sections 7001-7019) and the Building Department's General Grading Specifications.
10. The erosion control measures shall be completed on any exposed slopes within thirty days after grading, or as approved by the Building Department.
11. Fugitive dust emissions during construction shall be minimized by watering the site for dust control, containing excavated soil on-site until it is hauled away, and periodically washing adjacent streets to remove accumulated materials.
12. Prior to the issuance of any building permits a specific soils and foundation study shall be prepared and approved by the Building Department.
13. Sites where the potential for liquefaction has been identified, or any other site where the potential for liquefaction may be encountered during subsequent investigations, shall be further evaluated by a geotechnical consultant to verify the low potential for liquefaction.



The evaluation shall include subsurface investigation with standard penetration testing or other appropriate means of analysis for liquefaction potential. The project geotechnical consultant shall provide a statement concerning the potential for liquefaction and its possible impact on proposed development. If necessary, the geotechnical consultant shall provide mitigation measures which could include mechanical densification of liquefiable layers, dewatering, fill surcharging or other appropriate measures. The Geotechnical Consultant's report shall be signed by a Certified Engineering Geologist and a Registered Civil Engineer and shall be prepared to the satisfaction of the Building Department prior to issuance of Grading Permit. Grading and building plans shall reflect the recommendations of the study to the satisfaction of the Building Department.

14. Any necessary diversion devices, catchment devices, or velocity reducers shall be incorporated into the grading plan and approved by the Building Department prior to issuance of grading permits. Berms or other catchment devices shall be incorporated into the grading plans to divert sheet flow runoff away from areas which have been stripped of natural vegetation. Velocity reducers shall be incorporated into the design, especially where drainage devices exit to natural ground.
15. All fill slopes shall be properly compacted during grading in conformance with the City Grading Code and verified by the project Geotechnical Consultant. Slopes shall be planted with vegetation upon completion of grading. Conformance with this measure shall be verified by the Building Department prior to the issuance of occupancy permits.
16. Berms and brow ditches shall be constructed to the satisfaction and approval of the Building Department. Water shall not be allowed to drain over any manufactured slope face. Top-of-slope soil berms shall be incorporated into grading plans to prevent surface runoff from draining over future fill slopes. Brow ditches shall be incorporated into grading plans to divert surficial runoff from ungraded natural areas around future cut slopes. The design of berms and brow ditches shall be approved by the Building Department prior to issuance of grading permits.
17. Prior to the issuance of grading permits, appropriate artificial substances shall be recommended by the project landscape architect and approved by the Building Department for use in reducing surface erosion until permanent landscaping is well established. Upon completion of grading, stripped areas shall be covered with artificial substances approved by the Building Department.
18. Prior to the issuance of grading permits, written recommendations for the mitigation of compressible/collapsible soil potential for the project site shall be provided by the geotechnical consultant. Foundation recommendations shall be included. Recommendations shall be incorporated as conditions of approval for the site-specific tentative tract maps and grading plans to the satisfaction of the Building Department. Recommendations shall be based on surface and subsurface mapping, laboratory testing and analysis. Mitigation, if necessary, could include: removal and recompaction of identified compressible/collapsible zones, fill surcharging and settlement monitoring, compaction grouting, or foundation design which utilizes deep piles, or other



recommended measures. The geotechnical consultant's site-specific reports shall be signed by a Certified Engineering Geologist and Registered Civil Engineer, and shall be approved by the Building Department.

19. Written recommendations for the mitigation of expansive and corrosive soil potential for each site, shall be provided by the project corrosion consultant, geotechnical consultant and/or Civil engineer. Foundation recommendations shall be included. Recommendations shall be based on surface and subsurface mapping, laboratory testing and analysis and shall be incorporated into final building plans prior to issuance of building permits. The geotechnical consultant's site-specific reports shall be signed by a Certified Engineering Geologist and Registered City Engineer, and shall be approved by the Building Department.
20. The project geotechnical consultant and/or civil engineer shall prepare written site-specific reviews of the tentative tract maps and grading plans addressing all salient geotechnical issues, including groundwater. These reports shall provide findings, conclusions and recommendations regarding near-surface groundwater and the potential for artificially induced groundwater as a result of future development, and the effects groundwater may have on bluffs, slopes and structures. The reports shall also address the potential for ground subsidence on the site and properties adjacent to the sites if dewatering is recommended. The geotechnical consultant and/or civil engineer's reports shall be signed by a Certified Engineering Geologist and Registered Civil engineer and shall be completed to the satisfaction of the Building Department prior to issuance of a grading permit.
21. Prior to issuance of any grading permit, an erosion, siltation, and dust control plan shall be submitted, and shall be subject to the approval of the Building Department.
22. Prior to the issuance of any grading permit, the design engineer shall verify that the discharge of surface runoff from development of any site will be performed in a manner so that increased peak flows from the site will not increase erosion immediately downstream of the system. As part of this review, the velocity of concentrated runoff from the project shall be evaluated, and erosive velocities controlled as part of the final project design. This report shall be reviewed by the Planning Department and approved by the Building Department.
23. Erosion control measures contained in the erosion siltation and dust control plan shall be implemented on any exposed slopes within 30 days after grading, or as otherwise directed by the Building Department.
24. Any existing on-site drainage facilities shall be improved as required, or updated concurrent with grading and development, to the satisfaction of the Public Works and Building Departments. Improvement plans shall be approved by the Public Works Department prior to issuance of a grading permit.
25. Prior to the issuance of grading permits, the applicant (or applicant's grading contractor) shall provide to the Building and Public Works Departments haul route plans that include



- a description of haul routes, access points to the sites, and watering and sweeping program designed to minimize impacts of the haul operation. These plans shall be reviewed and approved by the Public Works Department. Copies of the plans shall be submitted to the City's Planning Department.
26. Prior to the issuance of grading permits, the applicant shall incorporate the following erosion control methods into grading plans and operations to the satisfaction of the Building Department.
- a. An approved material such as straw, wood chips, plastic or similar materials shall be used to stabilize graded areas prior to revegetation or construction.
  - b. Airborne and vehicle borne sediment shall be controlled during construction by: the regular sprinkling of exposed soils and the moistening of vehicles loads.
  - c. An approved material such as riprap (a ground cover of large, loose, angular stones) shall be used to stabilize any slopes with seepage problems to protect the topsoils in areas of concentrated runoff.
27. Prior to the issuance of grading permits, the project geotechnical consultant and/or civil engineer shall develop a plan for the diversion of stormwater away from any exposed slopes during grading and construction activities. The plan shall include the use of temporary right-of-way diversions (i.e., berms or swales) located at disturbed areas or graded right-of-ways. The plan will be approved by the Public Works and Building Departments, and implemented during grading and construction activities.
28. The applicant shall provide a temporary gravel entrance located at every construction site entrance. The location of this entrance shall be incorporated into grading plans prior to the issuance of grading permits. To reduce or eliminate mud and sediment carried by vehicles or runoff onto public rights-of-way, the gravel shall cover the entire width of the entrance, and its length shall be no less than 50 feet. The entrance plans shall be reviewed and approved by the Public Works and Building Departments concurrent with review and approval of grading plans.
29. The applicant shall construct filter berms or other approved device for the temporary gravel entrance. The berms shall consist of a ridge of gravel placed across graded right-of-ways to decrease and filter runoff levels while permitting construction traffic to continue. The location of berms shall be incorporated into grading plans prior to the issuance of grading permits. The plans shall be reviewed and approved by the Public Works and Building Departments.
30. During grading and construction, the applicant shall provide a temporary sediment basin located at the point of greatest runoff from any construction area. The location of this basin shall be incorporated into grading plans. It shall consist of an embankment of compacted soils across a drainage. The basin shall not be located in an area where its



failure would lead to loss of life or the loss of service of public utilities or roads. The plan shall be reviewed and approved by the Building Department.

31. Notice of Intent. Prior to the approval of a grading permit, the project sponsor shall submit a Notice of Intent (NOI) with the appropriate fees for coverage of the project under the General Construction Activity Storm Water Runoff Permit to the State Water Resources Control Board at least 30 days prior to initiation of construction activity at the site. The NOI shall include information about the project such as construction activities, material building/management practices, site characteristics, and receiving water information.

As required by the General Construction Permit, the project shall develop and implement a Stormwater Pollution Prevention Plan (SWPPP), including inspection of stormwater controls structures and pollution prevention measures. The SWPPP shall be implemented concurrent with the beginning of the construction activities, and the plan shall be kept on site.

32. Structural BMP Controls. Prior to the issuance of any Grading Permit, the project proponent shall ensure that the project includes implementation of appropriate structural Best Management Practices (BMPs) to reduce the extent of pollutants in stormwater flows from the site. Said structural BMPs shall meet the approval of the Public Works Department. The following structural BMPs are suggested for consideration at the project site:

- Grassed or landscaped swales
- Reduction in the amount of directly connected impervious area (DCIA)
- Inlet trash racks or bars
- Filter strips.

Maintenance of the selected structural BMPs will be required throughout the life of the project to ensure proper operation.

33. Non-Structural BMP Controls. Prior to the issuance of certificates of use and occupancy, the project proponent shall submit an operations plan that ensures that the project operation shall include non-structural BMPs, including the following:

- Periodic cleaning (i.e., street sweeping)
- Routinely cleaning on-site storm drain manholes and catch basins
- Source control surveys of all on-site industrial facilities

- Controlling washdown of non-stormwater discharges from project development facilities
- Providing information to employees on disposal of waste oil, grease, and pesticide containers
- Carefully controlling pesticide and fertilizer usage
- Providing covered areas for trash receptacles, or enclosed features to prevent direct contact with precipitation
- Efficient landscaping irrigation
- Common area litter control
- Housekeeping of loading docks.

All non-structural BMPs shall meet the approval of the Public Works Department.

34. Water Quality Management Plan. Prior to the issuance of any building permit, consistent with the Drainage Area Management Plan (DAMP) prepared by the County of Orange for compliance with their municipal storm water NPDES permit requirement, the project proponent shall prepare a Water Quality Management Plan (WQMP). Said WQMP shall meet the approval of the Public Works Department. The WQMP shall indicate the proposed structural and non-structural, permanent stormwater quality control measure to be utilized for the project, shall identify the potential pollutant source on the project, and shall describe how the project implements the objectives outlined in the DAMP.
35. Prior to issuance of a grading permit, the final plan of water, sewer and storm drain facilities shall be approved by the Public Works Department. Any systems shown to be required by the review shall be the responsibility of the developer, unless otherwise provided for through an agreement with the property owner or serving agency.
36. Prior to approval of building permits, the project should contribute, on a fair share basis, towards the cost of the improvement at the intersection of Jamboree Road/Bristol Street North. Said contributions shall meet with the approval of the Director of Public Works.
37. Standard dust control practices dictated by SCAQMD Rule 403 shall be followed.
38. The applicant shall specify the use of concrete, emulsified asphalt, or asphaltic cement, none of which produce significant quantities of VOC emissions.
39. Any rooftop or other mechanical equipment shall be sound attenuated in such a manner as to achieve a maximum sound level of 55 dBA at the property line.



40. Any mechanical equipment and emergency power generators shall be screened from view, and noise associated with said installations shall be sound attenuated so as not to exceed 55 dBA at the property line. The latter shall be based upon the recommendations of a licensed engineer practicing in acoustics, and shall be approved by the Planning Department.
41. Pursuant to the City of Newport Beach Noise Ordinance Section 10.28.040, construction adjacent to existing residential development shall be limited to the hours of 7:00 a.m. to 6:30 p.m. Monday through Friday, and 8:00 a.m. through 6:00 p.m. on Saturday. Construction shall not be allowed outside of these hours Monday through Saturday or at any time on Sundays and federal holidays. Verification of this shall be provided to the Planning Department.
42. Final project design will include measures to buffer the project from adjacent wetland areas, including the SJHTC mitigation site and the existing wetland adjacent to the southeast corner of the project. The final buffer design shall be approved by the California Department of Fish and Game and the California Coastal Commission. While a combination of landscaping and the presence of the Bayview extension may be considered adequate to buffer the project from the SJHTC mitigation site, additional measures will likely be required for the nearer existing wetland site. Design measures to be considered include a five foot high concrete block wall or equivalent barrier that will preclude human access from the project site and reduce the effects of human activity.
43. Impacts resulting from the use of non-native, invasive plant species will be mitigated by developing a landscape plan that avoids the use of non-native invasive plants. A landscape plan prepared with consideration of the following information must be approved by the City prior to the issuance of building permits:

#### *Prohibited Species*

All non-native plants that are potentially invasive via airborne seeds, or that are particularly difficult to control once escaped, will be prohibited from all parts of the project. Such species include, but are not limited to, the following:

- Tree-of-heaven (*Ailanthus* spp.)
- Giant reed (*Arundo donax*)
- Garland chrysanthemum (*Chrysanthemum coronarium*)
- Pampas grass (*Cortaderia* spp.)
- Brooms (*Cytisus* spp.)
- Bermuda buttercup (*Oxalis pes-caprae*)
- Fountain/Kikuyu grass (*Pennisetum* spp.)
- German ivy (*Senecio mikanooides*)
- Tamarisk (*Tamarix* spp.).

### *Permitted Species*

Some invasive, exotic species are known to be controllable in well managed situations. Such species may be used in project landscaping if a City approved biologist approves the species and proposed use. For example, areas that are separated from existing wetland areas by a substantial area of paving could be planted with hybrid bermuda grass. Non-native, invasive species that could be used under these circumstances include, but are not limited to, the following:

- Hottentot-fig (*Carpobrotus edulis*)<sup>2</sup>
- Bermuda grass (*Cynodon dactylon*)<sup>3</sup>
- Myoporum (*Myoporum laetum*)
- Pepper trees (*Schinus* spp.)
- Cape Honeysuckle (*Tecomaria capensis*)<sup>1</sup>
- Periwinkle (*Vinca* spp.).

44. The effects of night lighting on adjacent natural areas, including the SJHTC mitigation site, will be reduced by the design of lighting that is either low intensity or highly directional.

Prior to the issuance of building permits, a lighting plan shall be approved by the City, demonstrating that appropriate lighting will be installed for the display area, parking lots and areas adjacent to wetlands to minimize spillage into the habitat areas. The plan will include, but not be limited to, lighting directed onto the project site, and the use of soft light intensity fixtures.

Prior to the issuance of any certificate of use and occupancy, the project proponent shall provide evidence, meeting the approval of the City, that the installed lighting meets the objectives of the plan. If necessary, shields on the back of lights or other screening shall be placed to cut off light beyond project area.

45. Prior to the issuance of grading permits for the project, a detailed Interim Habitat Loss Mitigation Plan (IHLMP) shall be prepared by the City and submitted to the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) for approval. The purpose of these measures is to increase the amount and quality of scrub habitat that can be utilized by the California gnatcatcher and other species that require this habitat. This will both compensate for the project induced loss of potential breeding habitat and increase the potential for wildlife movement by increasing the size of important populations.

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<sup>2</sup> Should be prohibited in areas adjacent to natural open spaces.

<sup>3</sup> Hybrid Bermuda grass, which is sterile or produces only sterile seed, should be permitted in landscaped areas, when surrounded by an appropriate hardscape buffer or an apron of non-invasive plant species (to prevent vegetative spread into natural areas).



The specific habitat replacement and exotic weed removal measures discussed below are to be incorporated into the detailed IHLMP, although they may be modified with the approval of the California Department of Fish and Game and the U.S. Fish and Wildlife Service. The detailed IHLMP will include the following elements:

- Overview/Objective
- Plant Palettes and Planting Densities
- Planting Methods and Timing
- Site Preparation
- Exotic Weed Removal
- Irrigation
- Maintenance
- Performance Standards
- Monitoring
- Remedial Measures.

The implementation of these measures will occur at the first feasible opportunity, with consideration of site preparation and plant propagule collection requirements.

46. An approximately 3.5 acre portion of the City owned property in the Big Canyon area adjacent to Upper Newport Bay shall be restored/converted to coastal sage scrub habitat. It is estimated that the additional habitat to be created is sufficient to increase the California gnatcatcher population by at least one pair.
47. As part of the Big Canyon restoration effort, the City will implement a three year program for the removal of pampas grass and myoporum from City property in the mouth of Big Canyon (Figure 4.7.2). The first year will concentrate on initial removal at an appropriate time of year, i.e., prior to seed formation. The following two years will consist of spot removal of new seedlings or root sprouts.
48. City Council Policy K-5 outlines the City's requirements with respect to archaeological resources. The following specific measures are recommended in conformance with Policy K-5.
  - A. A qualified archaeologist shall be present during pregrade meetings to inform the project sponsor and grading contractor of the results of any previous studies. In addition, an archaeologist shall be present during grading activities to inspect the underlying soil for cultural resources. If significant cultural resources are uncovered, the archaeologist shall have the authority to stop or temporarily divert construction activities for a period of 48 hours to assess the significance of the find.
  - B. In the event that significant archaeological remains are uncovered during excavation and/or grading, all work shall stop in that area of subject property until an appropriate data recovery program can be developed and implemented. The cost of such a program shall be the responsibility of the project sponsor.

- C. Prior to issuance of any grading or demolition permits, the applicant shall waive the provisions of AB 952 related to City of Newport Beach responsibilities for the mitigation of archaeological impacts in a manner acceptable to the City Attorney.
49. Any sites uncovered shall be mitigated pursuant to Council Policy K-5. Where further testing or salvage is required, the applicant shall select a City approved, qualified archaeologist to excavate a sample of the site. All testing and salvage shall be conducted prior to issuance of grading permits or use of an area for recreational purposes. A written report summarizing the findings of the testing and data recovery program shall be submitted to the Planning Department within 90 days of the completed data recovery program.
50. The applicant shall donate all archaeological material, historic, or prehistoric, recovered during the project to a local institution that has the proper facilities for curation, display and study by qualified scholars. All material shall be transferred to the approved facility after laboratory analysis and a report have been completed. The appropriate local institution shall be approved by the Planning Department based on a recommendation from the qualified archaeologist.
51. A pre-grade reconnaissance of the area shall be made by a qualified paleontologist to assess whether any significant fossils currently are exposed. Any fossils observed and deemed significant shall be salvaged.
52. A qualified paleontologist shall be retained to monitor and, if necessary, salvage scientifically significant fossil remains.
53. The paleontologist shall have the power to temporarily divert or direct grading efforts to allow the evaluation and any necessary salvage of exposed fossils.
54. Monitoring shall be on a full-time basis during grading in geologic units of high paleontologic sensitivity.
55. Spot-checking of low sensitivity sediments shall be conducted by a qualified paleontologist. Should significant fossils be observed during grading in these units, full-time monitoring may be required.
56. All collected fossils shall be donated to a museum approved by the City of Newport Beach Planning Department.
57. A final report summarizing findings, including an itemized inventory and contextual stratigraphic data, shall accompany the fossils to the designated repository; an additional copy shall be sent to the appropriate Lead Agency.
58. A landscape screen and/or equivalent barrier shall be constructed along the northeastern project boundary to screen service areas from view from the Jamboree Road southbound on-ramp and from the bicycle trail that will parallel the on-ramp.



59. Prior to approval of a grading permit, grading specifications for the project shall require the following to the satisfaction of the Building Department:
- a) All trash on the site shall be disposed of properly.
  - b) Hazardous materials residue in the vicinity of the five gallon solvent can and the tar residue identified on the wood debris and soils shall be removed and disposed of properly. After removal of the debris, soils in the vicinity of the contaminated sites shall be tested to ensure proper cleanup, per the recommendations of the environmental remediation engineer.
  - c) Creosote treated power poles shall be removed and disposed of properly upon relocation, per the recommendations of the environmental remediation engineer.
  - d) Any abandoned septic tanks systems encountered during grading shall be disposed of properly, per City of Newport Beach requirements.
60. Prior to the approval of a grading permit, the project proponent shall determine the appropriate method of wastewater disposal to the satisfaction of the Public Works Department.
61. If disposal through a septic tank system is selected, the project proponent shall construct the system in compliance with "On-Site Sewage Absorption System Guidelines" prepared by the Orange County Health Care Agency. Consistency with said guidelines shall be determined by the Public Works Department prior to issuance of a grading permit for any septic tank facilities. The septic tank shall be operated in a manner to avoid pollution of local groundwater supplies.

B. General Plan Amendment No. 95-1(D):

Adopt Resolution No. \_\_\_\_\_ recommending City Council approval of GPA 95-1(D).

C. Local Coastal Program Amendment No. 39:

Adopt Resolution No. \_\_\_\_\_ recommending City Council approval of Local Coastal Program Amendment No. 39.

D. Amendment No. 823:

Adopt Resolution No. \_\_\_\_\_ recommending City Council approval of Amendment No. 823.

E. Traffic Study No. 108:

Findings:

1. That a Traffic Study has been prepared which analyzes the impact of the proposed project on the peak-hour traffic and circulation system in accordance with Chapter 15 of the Newport Beach Municipal Code and City Policy S-1.
2. That the Traffic Study indicates that the project-generated traffic will neither cause nor make worse an unsatisfactory level of traffic on any 'major,' 'primary-modified,' or 'primary' street.
3. That the Traffic Study indicates that the project-generated traffic will be greater than one percent of the existing traffic during the 2.5 hour peak period on six of the nineteen study intersections and that the ICU analysis for five of those six intersections indicates that the resulting ICU is not made worse and is not considered a significant impact.

Conditions:

1. That per the Traffic Phasing Ordinance (TPO) Analysis, no significant project impacts are identified. Currently scheduled and fully-funded projects will be completed prior to or at project occupancy to off-set any project impacts.
2. That in the General Plan buildout, the project contributes towards a significant impact at the intersection of Jamboree Road/Bristol Street North. That the project should contribute, on a fair share basis, towards the cost of the improvements identified at that project study area intersection.

F. Use Permit No. 3565. Approve the use permit, making the following findings and with the following conditions of approval:

Findings:

1. That the proposed development is consistent with the General Plan and the Local Coastal Program, Land Use Plan, and is compatible with surrounding land uses.
2. That adequate on-site parking is available for the existing and proposed uses.
3. That the proposed development will not have any significant environmental impact.
4. That the design of the proposed improvements will not conflict with any easements acquired by the public at large for access through or use of property within the proposed development.
5. That the Police Department has indicated that they do not contemplate any problems from the proposed operation.



6. That the proposed use of roof top parking will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of the persons residing or working in the neighborhood or the general welfare of the city.
7. That public improvements may be required of a developer per Section 20.80.060 of the Municipal Code.
8. That adequate provision for vehicular traffic circulation is being made for the auto sales facility.
9. The approval of Use Permit No. 3565 will not, under the circumstances of the case be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or be detrimental or injurious to property or improvements in the neighborhood or the general welfare of the City and further that the proposed modification related to the proposed signing is consistent with the legislative intent of Title 20 of this Code.

Conditions:

1. That development shall be in substantial conformance with the approved site plan, floor plan and elevations, except as noted below.
2. That the required on-site parking be provided consistent with the approved site plan.
3. That all signs shall conform to the provisions of Chapter 20.06 of the Newport Beach Municipal Code. Said signs shall be approved by the City Traffic Engineer if located adjacent to the vehicular ingress and egress..
4. That the project shall comply with State Disabled Access requirements.
5. That all improvements be constructed as required by Ordinance and the Public Works Department.
6. That the on-site parking, vehicular circulation and pedestrian circulation systems be subject to further review by the City Traffic Engineer.
7. That the intersection of the private drives at Bayview Way be designed to provide sight distance for a speed of 50 miles per hour. Slopes, landscape, walls and other obstruction shall be considered in the sight distance requirements. Landscaping within the sight line shall not exceed twenty four inches in height. The sight distance requirement may be modified at non-critical locations, subject to approval of the Traffic Engineer.
8. That the applicant shall prepare a landscape plan to be approved prior to the issuance of Building Permits. Said plan shall be approved by the Public Works Department, Planning Department, and the General Services Department.
9. That asphalt or concrete access roads shall be provided to all public utilities, vaults, manholes, and junction structure locations, with width to be approved by the Public Works Department.

10. That all vehicular access rights to Jamboree Road be released and relinquished to the City of Newport Beach.
11. That County Sanitation District fees be paid prior to issuance of any building permits.
12. That the construction of the Bayview Way improvements be in accordance with the agreements between the City of Newport Beach and Fletcher Jones Motor Cars. That a sidewalk be constructed along the Jamboree Road frontage. All work within the public right-of-way shall be completed under an encroachment permit issued by the Public Works Department.
13. That street, drainage and utility improvements be shown on standard improvement plans prepared by a licensed civil engineer.
14. That a drainage plan be prepared by the applicant and approved by the Public Works Department. Any modification or extensions to the existing storm drain, water and sewer systems shown to be required by the study shall be the responsibility of the developer.
15. That the Edison transformer serving the site be located outside the sight distance planes as described in City Standard 110-L.
16. Disruption caused by construction work along roadways, and by movement of construction vehicles shall be minimized by proper use of traffic control equipment and flagmen. Traffic control and transportation of equipment and materials shall be conducted in accordance with state and local requirements. A traffic control plan shall be reviewed and approved by the Public Works Department. There shall be no construction storage or delivery of materials within the Jamboree Road right-of-way.
17. That a fire protection system acceptable to the Fire Department be installed by the developer and tested by the Fire Department prior to storage of any combustible materials or start of any structural framing.
18. That the developer obtain permission from the Metropolitan Water District and Mesa Consolidated Water District to construct within their easements.
19. That the raised island nose at the entrance/exit shall be pulled back so that it is entirely on private property.
20. That the landscaping at the entrance shall conform to City sight Distance Standard No. 110-L.
21. That HC (handicap) parking be shown on the parking plan and that adequate customer and employee parking be provided to current City standards. All handicap parking shall be designated with a sign and pavement marking.



22. That the monument signs, slopes, walls and landscaping along the Jamboree Road frontage shall be considered in the site distance requirements. The Bayview Way and Jamboree Road intersection shall be designed to provide sight distance of 50 miles per hour.
23. That all unloading and loading of vehicles shall be done on-site.
24. That site access shall be provided for emergency access per City Fire/Marine and Public Works standards.
25. That on-site fire hydrants shall be provided as required in the Uniform Building Code and Fire/Marine standards.
26. That all buildings shall be fully sprinklered per NFPA 13 and Fire/Marine standards.
27. That the applicant shall provide fire protection equipment and devices associated with special hazards presented in design of the facility and protect those hazards as prescribed in the Uniform Building Code and nationally recognized standards as approved by the Fire/Marine Departments.
28. That all automobile servicing, repair, washing and detailing shall be conducted within the building.
29. That all wash water shall drain into the sanitary sewer system and that grease traps shall be provided in all drains where petroleum residues may enter the sewer system, unless otherwise approved by the Building Department and the Public Works Department.
30. That the illumination of any open automobile display area or roof top parking area shall be designed and maintained in such a manner as to eliminate direct light and glare on adjoining properties southerly and westerly of the site. A timing device shall turn off any light facing towards the residential properties or neighboring properties at 10:00 p.m. every night. Said design features shall be incorporated into a lighting plan prepared and signed by a Licensed Electrical Engineer, with a letter from the engineer stating that, in his opinion, that these requirements have been met. That the lighting and illumination plan for the roof top parking area shall be subject to the approval of the Planning Director.
31. That no outdoor loudspeaker or paging system shall be permitted in conjunction with the proposed operation unless otherwise approved the Planning Department.
32. That no windshield signs shall be permitted, and that all signs shall meet the requirements of Chapter 20.06 of the Municipal Code.
33. That no banners, pennants, balloons, wind signs, moving signs, or flashing or animated electrical signs shall be displayed.
34. That a Use Permit shall be required for the establishment of a restaurant that is open to the general public, within the facility.

35. That the project comply with the Uniform Building Code, disabled access, and energy regulations.
36. Health Department approval is required for the food establishment located within the project.
37. That where grease may be introduced into the drainage systems, grease interceptors shall be installed on all fixtures as required by the Uniform Plumbing Code, unless otherwise approved by the Building Department and the Utilities Department.
38. That all employees shall park on-site.
39. That the hours of operation shall be limited between 6:00 a.m. and 10:00 p.m. daily.
40. That all trash areas shall be screened from adjoining properties and streets.
41. That the project shall be designed to eliminate light and glare spillage on adjacent uses.
42. That a washout area for refuse containers be provided in such a way as to allow direct drainage into the sewer system and not into the Bay or storm drains, unless otherwise approved by the Building Department and the Public Works Department.
43. That Coastal Commission approval shall be obtained prior to issuance of any grading or building permits unless otherwise approved by the Public Works Department and the Planning Department.
44. That the Planning Commission may add to or modify 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.
45. That this Use Permit shall expire unless exercised within 24 months from the date of approval as specified in Section 20.80.090A of the Newport Beach Municipal Code.

G. Development Agreement No. 6 (CIOSA):

Adopt Resolution No. \_\_\_\_\_ recommending City Council approval of Revisions to Development Agreement No. 6.

H. Development Agreement No. 9:

Adopt Resolution No. \_\_\_\_\_ recommending City Council approval of Development Agreement No. 9.





## **PLANNING DIRECTOR ACTION LETTER**

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

**Application No.** Staff Approval No. SA2010-008 (PA2010-063)  
Use Permit No. 3565

**Applicant** Government Solutions, Inc.

**Site Address** 3300 Jamboree Road

**Legal Description** Irvine Sub Blk 51 Lot 146 Por of Lot

On **July 14, 2010**, the Planning Director approved the following: A request that proposed alterations to an existing vehicle sales facility be found in substantial conformance with Use Permit No. 3565, as approved by the City Council on September 11, 1995.

The proposed changes are as follows:

1. The reconstruction of the existing emergency-only access driveway onto Jamboree Road at the north westerly corner of the site into a right-turn exit only driveway for service technician use;
2. The replacement and improvement of existing onsite lighting with energy efficient fixtures.

The property is located in the San Diego Creek North Planned Community District (PC-24). This determination is based on the following findings and subject to the following conditions.

### **FINDING**

Pursuant to Section 20.91.055A, the Planning Director waives the requirement for a new application for a use permit because the changes to the project are minor, do not involve substantial alterations or additions to the plan or the conditions of approval, and are consistent with the intent of the original approval. The facts support the finding:

1. The proposed changes to the site based upon the project plans are minor, support the operation of the facility, and will remain consistent with the intent of the original approval of Use Permit No. 3565. Use permit No. 3565 was approved in 1995 to allow a new and used car sales and leasing dealership, offering auto service,

including body work, a parts department, customer lounge, and boutique retail sales area.

2. The project site is consistent with the General Commercial land use designation (CG, 0.50FAR) of the General Plan, which is intended to provide for a wide variety of commercial activities, including vehicle sales facility, oriented primarily to serve citywide or regional needs.
3. The reconstruction of the existing emergency-only access onto Jamboree Road at the north westerly corner of the site into a right-turn exit only driveway for service technician use has been reviewed and approved by the City's Traffic Engineer. The design for the right turn-out driveway meets site distance regulations and has further been conditioned to ensure safety and maintain compliance with the existing standards.
4. Lighting improvements include the replacement of the existing exterior light standards with new light standards of reduced height and quantity and mounted with full cut-off luminaires that have no direct up-light. The full cut-off design luminaires will significantly minimize sky-glow above the project site and glare impacts to individuals when the luminaires are viewed from a distance. The combination of the lighting locations, the design of the luminaires, and the reduced height and quantity of the light standards, will minimize light and glare impacts and ensure that illumination of no more than one-foot candle occurs at the perimeters of the property. Any and all new fixture replacements will be operated by automatic controls. Furthermore, the project has been properly conditioned to avoid any lighting/illumination which could create unacceptable negative impacts on surrounding land uses or environmental resources.
5. The site currently provides a total of 571 parking spaces, exceeding the Zoning Code parking requirement of 420 parking spaces (1 space / 1000 sq. ft. of lot area).
6. The 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).

### **CONDITIONS**

1. The development shall be in substantial conformance with the approved plot plan, light fixture schedule (full cutoff with flat glass lens), and photometric plans except as noted in the following conditions.
2. All original applicable conditions of Use Permit No. 3565 shall remain in effect and are applicable to this approval.
3. The applicant shall obtain necessary building permits from the Building Department prior to the commencement of construction.



4. Prior to issuance of building permits, a copy of this approval letter shall be incorporated into the Building Department and field sets of plans.
5. Prior to issuance of building permits, the applicant shall submit to the Planning Department an additional copy of the approved plot plan, floor plans and elevations for inclusion in the Staff Approval Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall be reduced in size to 11 inches by 17 inches shall accurately depict the elements approved by this Staff Approval highlighting the approved elements such that they are readily discernible from other elements of the plans.
6. The site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if in the opinion of the Planning Director, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Planning Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
7. Exterior on-site lighting shall be shielded and confined within site boundaries. No direct rays or glare are permitted to shine onto public streets or adjacent sites or create a public nuisance.
8. Prior to the issuance of building permits, the applicant shall prepare a photometric study in conjunction with a final lighting plan for approval by the Planning Department. The survey shall show that lighting values are "1" or less at all property lines.
9. The project shall adhere to the lighting requirements set forth in the Fletcher Jones Lights Action Plan approved by the City Council on February 23, 1998. Those lighting requirements, which shall be operated using automatic controls, include the following:
  - Upper parking lot (rooftop parking lot) lights shall be turned off at 7 p.m.;
  - Lower parking lot lights shall be turned off at 10 p.m.; and
  - Service entry lights, including the LED displays, shall be automatically turned off at 7:00 p.m.; however, three lights in each service aisle may remain on until 10:00 p.m., when they then shall be turned off automatically.
10. Prior to issuance of the certificate of occupancy or final building inspection, the applicant shall schedule an evening inspection by the Code and Water Quality Enforcement Division to confirm control of light and glare specified in conditions of approval Nos. 6, 7, 8 and 9.
11. Not less than 180 days and no more than 240 days after the installation of the new lighting system, a photometric survey completed and prepared by a licensed



engineer measuring the current light levels of the site shall be submitted to the Planning Department. The Planning Department will review and analyze the survey to confirm compliance with all applicable regulations and conditions of approval associated with Staff Approval No. SA2010-008.

12. The Public Works and Fire Department shall approve a final design for any construction of new and/or improved driveways proposed with this project. The design shall provide adequate vehicular circulation and (emergency) access at the facility.
13. The right-turn exit only driveway onto Jamboree shall be limited to technician test drives only and shall be limited to use between the hours of 9 a.m. and 3 p.m., Monday through Friday.
14. Service test drivers using the right-turn exit only driveway shall exit onto northbound Jamboree Road and then proceed directly to the southbound SR-73 to minimize potential vehicular conflicts with vehicles traveling northbound on Jamboree Road.
15. A vehicle control gate equipped with a touchpad or other similar device for exiting the property shall be installed at the proposed right-turn exit only driveway on Jamboree Road. Service test drivers using the right turn-out must pass through this gate upon exiting the site.
16. The Planning Director or the Planning Commission may add to or modify conditions of approval to this staff approval, or revoke this 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.
17. To the fullest extent permitted by law, the 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 Fletcher Jones Staff Approval including, but not limited to, SA2010-008 (PA2010-063). 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**

The applicant or any interested party may appeal the decision of the Planning Director to the Planning Commission by a written request to the Planning Director within 14 days of the action date. A \$4,010.00 filing fee shall accompany any appeal filed. For additional information on filing an appeal, contact the Planning Department at 949 644-3200.

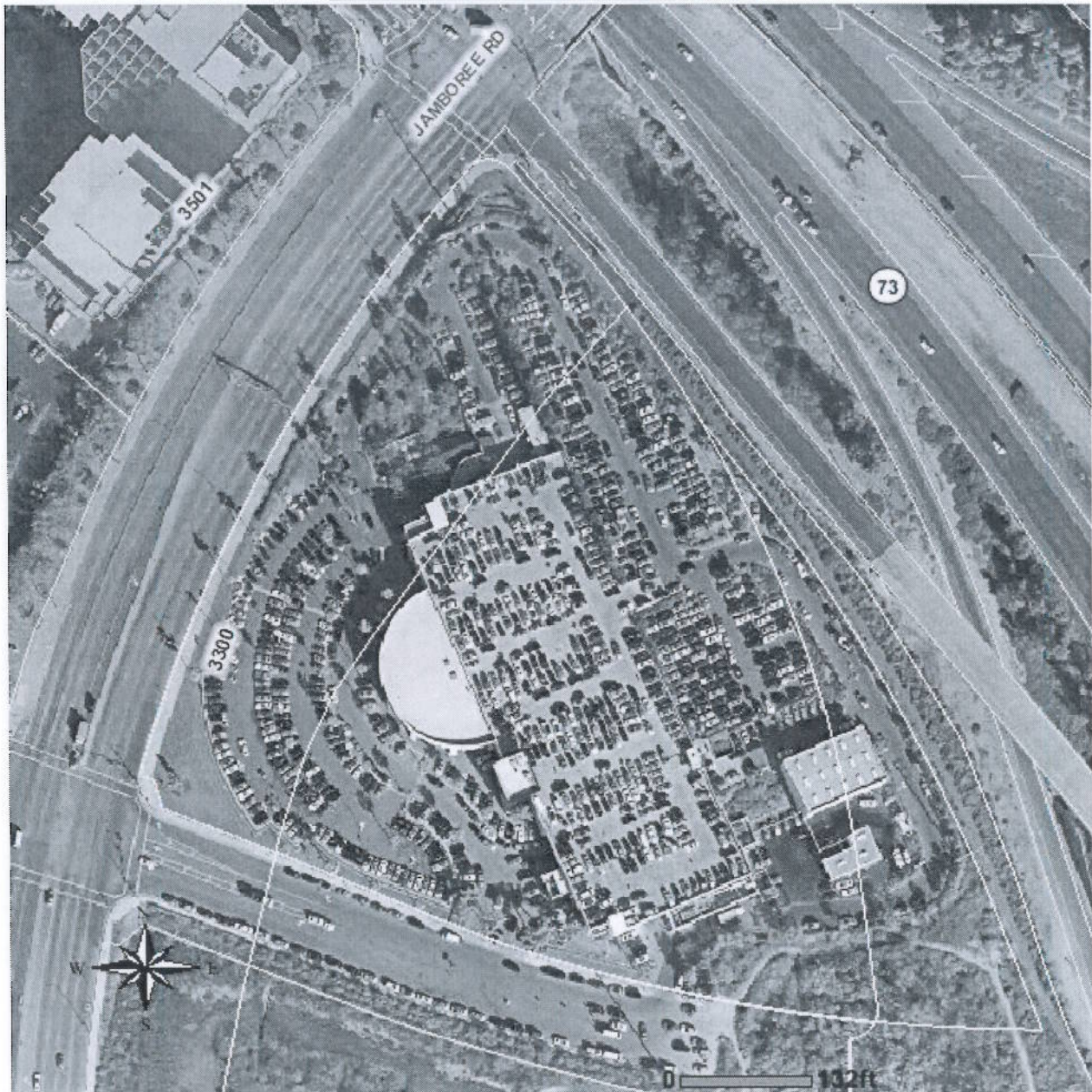
On behalf of David Lepo, Planning Director

By:   
James Campbell, Principal Planner

JC/ems

Attachments: PD 1 Vicinity Map  
PD 3 Findings and Conditions of Approval for Fletcher Jones Motorcars  
under Use Permit No.3565  
PD 4 Fletcher Jones Lights Action Plan approved by the City Council  
on February 23, 1998

## VICINITY MAP



Staff Approval No. SA2010-008  
PA2010-063

**3300 Jamboree Road**



## EXHIBIT "A"

### FINDINGS AND CONDITIONS OF APPROVAL

#### Fletcher Jones Motorcars

EIR No. 155

General Plan Amendment No. 95-1 (D)

Local Coastal Program Amendment No. 39

Amendment No. 823

Traffic Study No. 108

Use Permit No. 3565

Development No. 6 (CIOSA)

Development Agreement No. 9

#### A. Environmental Impact Report No. 155:

##### Findings:

1. That an Environmental Impact Report has been prepared for the project in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines and City Policy.
2. That the proposed Final EIR, which includes the Draft EIR, Comments and Responses, revisions to the Draft EIR, and all related documents in the record is complete and adequate to satisfy all the requirements of CEQA for the proposed project.
3. That the analysis and conclusions contained in the proposed Final EIR reflect the independent judgment of the Planning Commission.
4. That the Planning Commission has reviewed and considered the information contained in the proposed Final EIR prior to making its recommendations to the City Council.

##### Mitigation Measures:

1. Prior to issuance of a grading permit, the grading contractor shall identify a spoils site for deposition of exported material. Such spoils site shall have obtained CEQA clearance in accordance with the requirements of the local jurisdiction where the site is located.
2. As specified in the geotechnical report prepared for the site (Pacific Soils Engineering, Inc., May 1995), all loose, compressible natural soils and/or loose, compressible on-site fill soils should be removed from fill areas where exposed at final grade and replaced with compacted fills in accordance with the recommendations of the geotechnical engineer. All grading should be accomplished under the observation and testing of the project soils engineer and engineering geologist in accordance with the recommendations contained in

the project geotechnical report, the current grading ordinance of the City of Newport Beach and earthwork specifications contained in Appendix F of the geotechnical report. The site preparation recommendations outlined in section 5.3 of the geotechnical report shall be followed.

3. Prior to issuance of a grading permit, the applicant or successor in interest shall demonstrate to the City of Newport Beach Building Department that all facilities will be designed and constructed as specified in the City adopted version of the Uniform Building Code.
4. Development of the site shall be subject to a grading permit to be approved by the Building and Planning Departments. The application for grading permit shall be accompanied by a grading plan and specifications and supporting data consisting of soils engineering and engineering geology reports or other reports if required by the building official.
5. The grading plan shall include a complete plan for temporary and permanent drainage facilities, to minimize any potential impacts from silt, debris, and other water pollutants.
6. The grading plan shall include a description of haul routes, access points to the site, watering, and sweeping program designed to minimize impact of haul operations.
7. An erosion, siltation and dust control plan shall be submitted prior to issuance of grading permits and be subject to the approval of the Building Department and a copy shall be forwarded to the California Regional Water Quality Control Board, Santa Ana Region.
8. The velocity of concentrated run-off from the project site shall be evaluated and erosive velocities controlled as part of the project design.
9. Grading operations and drainage requirements shall meet the standards set forth in the City's Building Code (Appendix Chapter 70 - Excavation and Grading, Sections 7001-7019) and the Building Department's General Grading Specifications.
10. The erosion control measures shall be completed on any exposed slopes within thirty days after grading, or as approved by the Building Department.
11. Fugitive dust emissions during construction shall be minimized by watering the site for dust control, containing excavated soil on-site until it is hauled away, and periodically washing adjacent streets to remove accumulated materials.
12. Prior to the issuance of any building permits a specific soils and foundation study shall be prepared and approved by the Building Department.
13. Sites where the potential for liquefaction has been identified, or any other site where the potential for liquefaction may be encountered during subsequent investigations, shall be further evaluated by a geotechnical consultant to verify the low potential for liquefaction.



The evaluation shall include subsurface investigation with standard penetration testing or other appropriate means of analysis for liquefaction potential. The project geotechnical consultant shall provide a statement concerning the potential for liquefaction and its possible impact on proposed development. If necessary, the geotechnical consultant shall provide mitigation measures which could include mechanical densification of liquefiable layers, dewatering, fill surcharging or other appropriate measures. The Geotechnical Consultant's report shall be signed by a Certified Engineering Geologist and a Registered Civil Engineer and shall be prepared to the satisfaction of the Building Department prior to issuance of Grading Permit. Grading and building plans shall reflect the recommendations of the study to the satisfaction of the Building Department.

14. Any necessary diversion devices, catchment devices, or velocity reducers shall be incorporated into the grading plan and approved by the Building Department prior to issuance of grading permits. Berms or other catchment devices shall be incorporated into the grading plans to divert sheet flow runoff away from areas which have been stripped of natural vegetation. Velocity reducers shall be incorporated into the design, especially where drainage devices exit to natural ground.
15. All fill slopes shall be properly compacted during grading in conformance with the City Grading Code and verified by the project Geotechnical Consultant. Slopes shall be planted with vegetation upon completion of grading. Conformance with this measure shall be verified by the Building Department prior to the issuance of occupancy permits.
16. Berms and brow ditches shall be constructed to the satisfaction and approval of the Building Department. Water shall not be allowed to drain over any manufactured slope face. Top-of-slope soil berms shall be incorporated into grading plans to prevent surface runoff from draining over future fill slopes. Brow ditches shall be incorporated into grading plans to divert surficial runoff from ungraded natural areas around future cut slopes. The design of berms and brow ditches shall be approved by the Building Department prior to issuance of grading permits.
17. Prior to the issuance of grading permits, appropriate artificial substances shall be recommended by the project landscape architect and approved by the Building Department for use in reducing surface erosion until permanent landscaping is well established. Upon completion of grading, stripped areas shall be covered with artificial substances approved by the Building Department.
18. Prior to the issuance of grading permits, written recommendations for the mitigation of compressible/collapsible soil potential for the project site shall be provided by the geotechnical consultant. Foundation recommendations shall be included. Recommendations shall be incorporated as conditions of approval for the site-specific tentative tract maps and grading plans to the satisfaction of the Building Department. Recommendations shall be based on surface and subsurface mapping, laboratory testing and analysis. Mitigation, if necessary, could include: removal and recompaction of identified compressible/collapsible zones, fill surcharging and settlement monitoring, compaction grouting, or foundation design which utilizes deep piles, or other



recommended measures. The geotechnical consultant's site-specific reports shall be signed by a Certified Engineering Geologist and Registered Civil Engineer, and shall be approved by the Building Department.

19. Written recommendations for the mitigation of expansive and corrosive soil potential for each site, shall be provided by the project corrosion consultant, geotechnical consultant and/or Civil engineer. Foundation recommendations shall be included. Recommendations shall be based on surface and subsurface mapping, laboratory testing and analysis and shall be incorporated into final building plans prior to issuance of building permits. The geotechnical consultant's site-specific reports shall be signed by a Certified Engineering Geologist and Registered City Engineer, and shall be approved by the Building Department.
20. The project geotechnical consultant and/or civil engineer shall prepare written site-specific reviews of the tentative tract maps and grading plans addressing all salient geotechnical issues, including groundwater. These reports shall provide findings, conclusions and recommendations regarding near-surface groundwater and the potential for artificially induced groundwater as a result of future development, and the effects groundwater may have on bluffs, slopes and structures. The reports shall also address the potential for ground subsidence on the site and properties adjacent to the sites if dewatering is recommended. The geotechnical consultant and/or civil engineer's reports shall be signed by a Certified Engineering Geologist and Registered Civil engineer and shall be completed to the satisfaction of the Building Department prior to issuance of a grading permit.
21. Prior to issuance of any grading permit, an erosion, siltation, and dust control plan shall be submitted, and shall be subject to the approval of the Building Department.
22. Prior to the issuance of any grading permit, the design engineer shall verify that the discharge of surface runoff from development of any site will be performed in a manner so that increased peak flows from the site will not increase erosion immediately downstream of the system. As part of this review, the velocity of concentrated runoff from the project shall be evaluated, and erosive velocities controlled as part of the final project design. This report shall be reviewed by the Planning Department and approved by the Building Department.
23. Erosion control measures contained in the erosion siltation and dust control plan shall be implemented on any exposed slopes within 30 days after grading, or as otherwise directed by the Building Department.
24. Any existing on-site drainage facilities shall be improved as required, or updated concurrent with grading and development, to the satisfaction of the Public Works and Building Departments. Improvement plans shall be approved by the Public Works Department prior to issuance of a grading permit.
25. Prior to the issuance of grading permits, the applicant (or applicant's grading contractor) shall provide to the Building and Public Works Departments haul route plans that include



- a description of haul routes, access points to the sites, and watering and sweeping program designed to minimize impacts of the haul operation. These plans shall be reviewed and approved by the Public Works Department. Copies of the plans shall be submitted to the City's Planning Department.
26. Prior to the issuance of grading permits, the applicant shall incorporate the following erosion control methods into grading plans and operations to the satisfaction of the Building Department.
- a. An approved material such as straw, wood chips, plastic or similar materials shall be used to stabilize graded areas prior to revegetation or construction.
  - b. Airborne and vehicle borne sediment shall be controlled during construction by: the regular sprinkling of exposed soils and the moistening of vehicles loads.
  - c. An approved material such as riprap (a ground cover of large, loose, angular stones) shall be used to stabilize any slopes with seepage problems to protect the topsoils in areas of concentrated runoff.
27. Prior to the issuance of grading permits, the project geotechnical consultant and/or civil engineer shall develop a plan for the diversion of stormwater away from any exposed slopes during grading and construction activities. The plan shall include the use of temporary right-of-way diversions (i.e., berms or swales) located at disturbed areas or graded right-of-ways. The plan will be approved by the Public Works and Building Departments, and implemented during grading and construction activities.
28. The applicant shall provide a temporary gravel entrance located at every construction site entrance. The location of this entrance shall be incorporated into grading plans prior to the issuance of grading permits. To reduce or eliminate mud and sediment carried by vehicles or runoff onto public rights-of-way, the gravel shall cover the entire width of the entrance, and its length shall be no less than 50 feet. The entrance plans shall be reviewed and approved by the Public Works and Building Departments concurrent with review and approval of grading plans.
29. The applicant shall construct filter berms or other approved device for the temporary gravel entrance. The berms shall consist of a ridge of gravel placed across graded right-of-ways to decrease and filter runoff levels while permitting construction traffic to continue. The location of berms shall be incorporated into grading plans prior to the issuance of grading permits. The plans shall be reviewed and approved by the Public Works and Building Departments.
30. During grading and construction, the applicant shall provide a temporary sediment basin located at the point of greatest runoff from any construction area. The location of this basin shall be incorporated into grading plans. It shall consist of an embankment of compacted soils across a drainage. The basin shall not be located in an area where its

failure would lead to loss of life or the loss of service of public utilities or roads. The plan shall be reviewed and approved by the Building Department.

31. Notice of Intent. Prior to the approval of a grading permit, the project sponsor shall submit a Notice of Intent (NOI) with the appropriate fees for coverage of the project under the General Construction Activity Storm Water Runoff Permit to the State Water Resources Control Board at least 30 days prior to initiation of construction activity at the site. The NOI shall include information about the project such as construction activities, material building/management practices, site characteristics, and receiving water information.

As required by the General Construction Permit, the project shall develop and implement a Stormwater Pollution Prevention Plan (SWPPP), including inspection of stormwater controls structures and pollution prevention measures. The SWPPP shall be implemented concurrent with the beginning of the construction activities, and the plan shall be kept on site.

32. Structural BMP Controls. Prior to the issuance of any Grading Permit, the project proponent shall ensure that the project includes implementation of appropriate structural Best Management Practices (BMPs) to reduce the extent of pollutants in stormwater flows from the site. Said structural BMPs shall meet the approval of the Public Works Department. The following structural BMPs are suggested for consideration at the project site:

- Grassed or landscaped swales
- Reduction in the amount of directly connected impervious area (DCLA)
- Inlet trash racks or bars
- Filter strips.

Maintenance of the selected structural BMPs will be required throughout the life of the project to ensure proper operation.

33. Non-Structural BMP Controls. Prior to the issuance of certificates of use and occupancy, the project proponent shall submit an operations plan that ensures that the project operation shall include non-structural BMPs, including the following:

- Periodic cleaning (i.e., street sweeping)
- Routinely cleaning on-site storm drain manholes and catch basins
- Source control surveys of all on-site industrial facilities



- Controlling washdown of non-stormwater discharges from project development facilities
- Providing information to employees on disposal of waste oil, grease, and pesticide containers
- Carefully controlling pesticide and fertilizer usage
- Providing covered areas for trash receptacles, or enclosed features to prevent direct contact with precipitation
- Efficient landscaping irrigation
- Common area litter control
- Housekeeping of loading docks.

All non-structural BMPs shall meet the approval of the Public Works Department.

34. Water Quality Management Plan. Prior to the issuance of any building permit, consistent with the Drainage Area Management Plan (DAMP) prepared by the County of Orange for compliance with their municipal storm water NPDES permit requirement, the project proponent shall prepare a Water Quality Management Plan (WQMP). Said WQMP shall meet the approval of the Public Works Department. The WQMP shall indicate the proposed structural and non-structural, permanent stormwater quality control measure to be utilized for the project, shall identify the potential pollutant source on the project, and shall describe how the project implements the objectives outlined in the DAMP.
35. Prior to issuance of a grading permit, the final plan of water, sewer and storm drain facilities shall be approved by the Public Works Department. Any systems shown to be required by the review shall be the responsibility of the developer, unless otherwise provided for through an agreement with the property owner or serving agency.
36. Prior to approval of building permits, the project should contribute, on a fair share basis, towards the cost of the improvement at the intersection of Jamboree Road/Bristol Street North. Said contributions shall meet with the approval of the Director of Public Works.
37. Standard dust control practices dictated by SCAQMD Rule 403 shall be followed.
38. The applicant shall specify the use of concrete, emulsified asphalt, or asphaltic cement, none of which produce significant quantities of VOC emissions.
39. Any rooftop or other mechanical equipment shall be sound attenuated in such a manner as to achieve a maximum sound level of 55 dBA at the property line.

40. Any mechanical equipment and emergency power generators shall be screened from view, and noise associated with said installations shall be sound attenuated so as not to exceed 55 dBA at the property line. The latter shall be based upon the recommendations of a licensed engineer practicing in acoustics, and shall be approved by the Planning Department.
41. Pursuant to the City of Newport Beach Noise Ordinance Section 10.28.040, construction adjacent to existing residential development shall be limited to the hours of 7:00 a.m. to 6:30 p.m. Monday through Friday, and 8:00 a.m. through 6:00 p.m. on Saturday. Construction shall not be allowed outside of these hours Monday through Saturday or at any time on Sundays and federal holidays. Verification of this shall be provided to the Planning Department.
42. Final project design will include measures to buffer the project from adjacent wetland areas, including the SJHTC mitigation site and the existing wetland adjacent to the southeast corner of the project. The final buffer design shall be approved by the California Department of Fish and Game and the California Coastal Commission. While a combination of landscaping and the presence of the Bayview extension may be considered adequate to buffer the project from the SJHTC mitigation site, additional measures will likely be required for the nearer existing wetland site. Design measures to be considered include a five foot high concrete block wall or equivalent barrier that will preclude human access from the project site and reduce the effects of human activity.
43. Impacts resulting from the use of non-native, invasive plant species will be mitigated by developing a landscape plan that avoids the use of non-native invasive plants. A landscape plan prepared with consideration of the following information must be approved by the City prior to the issuance of building permits:

#### *Prohibited Species*

All non-native plants that are potentially invasive via airborne seeds, or that are particularly difficult to control once escaped, will be prohibited from all parts of the project. Such species include, but are not limited to, the following:

- Tree-of-heaven (*Ailanthus* spp.)
- Giant reed (*Arundo donax*)
- Garland chrysanthemum (*Chrysanthemum coronarium*)
- Pampas grass (*Cortaderia* spp.)
- Brooms (*Cytisus* spp.)
- Bermuda buttercup (*Oxalis pes-caprae*)
- Fountain/Kikuyu grass (*Pennisetum* spp.)
- German ivy (*Senecio mikanooides*)
- Tamarisk (*Tamarix* spp.).



### *Permitted Species*

Some invasive, exotic species are known to be controllable in well managed situations. Such species may be used in project landscaping if a City approved biologist approves the species and proposed use. For example, areas that are separated from existing wetland areas by a substantial area of paving could be planted with hybrid bermuda grass. Non-native, invasive species that could be used under these circumstances include, but are not limited to, the following:

- Hottentot-fig (*Carpobrotus edulis*)<sup>2</sup>
- Bermuda grass (*Cynodon dactylon*)<sup>3</sup>
- Myoporum (*Myoporum laetum*)
- Pepper trees (*Schinus* spp.)
- Cape Honeysuckle (*Tecomaria capensis*)<sup>1</sup>
- Periwinkle (*Vinca* spp.).

44. The effects of night lighting on adjacent natural areas, including the SJHTC mitigation site, will be reduced by the design of lighting that is either low intensity or highly directional.

Prior to the issuance of building permits, a lighting plan shall be approved by the City, demonstrating that appropriate lighting will be installed for the display area, parking lots and areas adjacent to wetlands to minimize spillage into the habitat areas. The plan will include, but not be limited to, lighting directed onto the project site, and the use of soft light intensity fixtures.

Prior to the issuance of any certificate of use and occupancy, the project proponent shall provide evidence, meeting the approval of the City, that the installed lighting meets the objectives of the plan. If necessary, shields on the back of lights or other screening shall be placed to cut off light beyond project area.

45. Prior to the issuance of grading permits for the project, a detailed Interim Habitat Loss Mitigation Plan (IHLMP) shall be prepared by the City and submitted to the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) for approval. The purpose of these measures is to increase the amount and quality of scrub habitat that can be utilized by the California gnatcatcher and other species that require this habitat. This will both compensate for the project induced loss of potential breeding habitat and increase the potential for wildlife movement by increasing the size of important populations.

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<sup>2</sup> Should be prohibited in areas adjacent to natural open spaces.

<sup>3</sup> Hybrid Bermuda grass, which is sterile or produces only sterile seed, should be permitted in landscaped areas, when surrounded by an appropriate hardscape buffer or an apron of non-invasive plant species (to prevent vegetative spread into natural areas).

The specific habitat replacement and exotic weed removal measures discussed below are to be incorporated into the detailed IHLMP, although they may be modified with the approval of the California Department of Fish and Game and the U.S. Fish and Wildlife Service. The detailed IHLMP will include the following elements:

- Overview/Objective
- Plant Palettes and Planting Densities
- Planting Methods and Timing
- Site Preparation
- Exotic Weed Removal
- Irrigation
- Maintenance
- Performance Standards
- Monitoring
- Remedial Measures.

The implementation of these measures will occur at the first feasible opportunity, with consideration of site preparation and plant propagule collection requirements.

46. An approximately 3.5 acre portion of the City owned property in the Big Canyon area adjacent to Upper Newport Bay shall be restored/converted to coastal sage scrub habitat. It is estimated that the additional habitat to be created is sufficient to increase the California gnatcatcher population by at least one pair.
47. As part of the Big Canyon restoration effort, the City will implement a three year program for the removal of pampas grass and myoporum from City property in the mouth of Big Canyon (Figure 4.7.2). The first year will concentrate on initial removal at an appropriate time of year, i.e., prior to seed formation. The following two years will consist of spot removal of new seedlings or root sprouts.
48. City Council Policy K-5 outlines the City's requirements with respect to archaeological resources. The following specific measures are recommended in conformance with Policy K-5.
  - A. A qualified archaeologist shall be present during pregrade meetings to inform the project sponsor and grading contractor of the results of any previous studies. In addition, an archaeologist shall be present during grading activities to inspect the underlying soil for cultural resources. If significant cultural resources are uncovered, the archaeologist shall have the authority to stop or temporarily divert construction activities for a period of 48 hours to assess the significance of the find.
  - B. In the event that significant archaeological remains are uncovered during excavation and/or grading, all work shall stop in that area of subject property until an appropriate data recovery program can be developed and implemented. The cost of such a program shall be the responsibility of the project sponsor.



- C. Prior to issuance of any grading or demolition permits, the applicant shall waive the provisions of AB 952 related to City of Newport Beach responsibilities for the mitigation of archaeological impacts in a manner acceptable to the City Attorney.
49. Any sites uncovered shall be mitigated pursuant to Council Policy K-5. Where further testing or salvage is required, the applicant shall select a City approved, qualified archaeologist to excavate a sample of the site. All testing and salvage shall be conducted prior to issuance of grading permits or use of an area for recreational purposes. A written report summarizing the findings of the testing and data recovery program shall be submitted to the Planning Department within 90 days of the completed data recovery program.
50. The applicant shall donate all archaeological material, historic, or prehistoric, recovered during the project to a local institution that has the proper facilities for curation, display and study by qualified scholars. All material shall be transferred to the approved facility after laboratory analysis and a report have been completed. The appropriate local institution shall be approved by the Planning Department based on a recommendation from the qualified archaeologist.
51. A pre-grade reconnaissance of the area shall be made by a qualified paleontologist to assess whether any significant fossils currently are exposed. Any fossils observed and deemed significant shall be salvaged.
52. A qualified paleontologist shall be retained to monitor and, if necessary, salvage scientifically significant fossil remains.
53. The paleontologist shall have the power to temporarily divert or direct grading efforts to allow the evaluation and any necessary salvage of exposed fossils.
54. Monitoring shall be on a full-time basis during grading in geologic units of high paleontologic sensitivity.
55. Spot-checking of low sensitivity sediments shall be conducted by a qualified paleontologist. Should significant fossils be observed during grading in these units, full-time monitoring may be required.
56. All collected fossils shall be donated to a museum approved by the City of Newport Beach Planning Department.
57. A final report summarizing findings, including an itemized inventory and contextual stratigraphic data, shall accompany the fossils to the designated repository; an additional copy shall be sent to the appropriate Lead Agency.
58. A landscape screen and/or equivalent barrier shall be constructed along the northeastern project boundary to screen service areas from view from the Jamboree Road southbound on-ramp and from the bicycle trail that will parallel the on-ramp.

59. Prior to approval of a grading permit, grading specifications for the project shall require the following to the satisfaction of the Building Department:
- a) All trash on the site shall be disposed of properly.
  - b) Hazardous materials residue in the vicinity of the five gallon solvent can and the tar residue identified on the wood debris and soils shall be removed and disposed of properly. After removal of the debris, soils in the vicinity of the contaminated sites shall be tested to ensure proper cleanup, per the recommendations of the environmental remediation engineer.
  - c) Creosote treated power poles shall be removed and disposed of properly upon relocation, per the recommendations of the environmental remediation engineer.
  - d) Any abandoned septic tanks systems encountered during grading shall be disposed of properly, per City of Newport Beach requirements.
60. Prior to the approval of a grading permit, the project proponent shall determine the appropriate method of wastewater disposal to the satisfaction of the Public Works Department.
61. If disposal through a septic tank system is selected, the project proponent shall construct the system in compliance with "On-Site Sewage Absorption System Guidelines" prepared by the Orange County Health Care Agency. Consistency with said guidelines shall be determined by the Public Works Department prior to issuance of a grading permit for any septic tank facilities. The septic tank shall be operated in a manner to avoid pollution of local groundwater supplies.

B. General Plan Amendment No. 95-1(D):

Adopt Resolution No. \_\_\_\_\_ recommending City Council approval of GPA 95-1(D).

C. Local Coastal Program Amendment No. 39:

Adopt Resolution No. \_\_\_\_\_ recommending City Council approval of Local Coastal Program Amendment No. 39.

D. Amendment No. 823:

Adopt Resolution No. \_\_\_\_\_ recommending City Council approval of Amendment No. 823.



E. Traffic Study No. 108:

Findings:

1. That a Traffic Study has been prepared which analyzes the impact of the proposed project on the peak-hour traffic and circulation system in accordance with Chapter 15 of the Newport Beach Municipal Code and City Policy S-1.
2. That the Traffic Study indicates that the project-generated traffic will neither cause nor make worse an unsatisfactory level of traffic on any 'major,' 'primary-modified,' or 'primary' street.
3. That the Traffic Study indicates that the project-generated traffic will be greater than one percent of the existing traffic during the 2.5 hour peak period on six of the nineteen study intersections and that the ICU analysis for five of those six intersections indicates that the resulting ICU is not made worse and is not considered a significant impact.

Conditions:

1. That per the Traffic Phasing Ordinance (TPO) Analysis, no significant project impacts are identified. Currently scheduled and fully-funded projects will be completed prior to or at project occupancy to off-set any project impacts.
2. That in the General Plan buildout, the project contributes towards a significant impact at the intersection of Jamboree Road/Bristol Street North. That the project should contribute, on a fair share basis, towards the cost of the improvements identified at that project study area intersection.

F. Use Permit No. 3565. Approve the use permit, making the following findings and with the following conditions of approval:

Findings:

1. That the proposed development is consistent with the General Plan and the Local Coastal Program, Land Use Plan, and is compatible with surrounding land uses.
2. That adequate on-site parking is available for the existing and proposed uses.
3. That the proposed development will not have any significant environmental impact.
4. That the design of the proposed improvements will not conflict with any easements acquired by the public at large for access through or use of property within the proposed development.
5. That the Police Department has indicated that they do not contemplate any problems from the proposed operation.

6. That the proposed use of roof top parking will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of the persons residing or working in the neighborhood or the general welfare of the city.
7. That public improvements may be required of a developer per Section 20.80.060 of the Municipal Code.
8. That adequate provision for vehicular traffic circulation is being made for the auto sales facility.
9. The approval of Use Permit No. 3565 will not, under the circumstances of the case be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or be detrimental or injurious to property or improvements in the neighborhood or the general welfare of the City and further that the proposed modification related to the proposed signing is consistent with the legislative intent of Title 20 of this Code.

Conditions:

1. That development shall be in substantial conformance with the approved site plan, floor plan and elevations, except as noted below.
2. That the required on-site parking be provided consistent with the approved site plan.
3. That all signs shall conform to the provisions of Chapter 20.06 of the Newport Beach Municipal Code. Said signs shall be approved by the City Traffic Engineer if located adjacent to the vehicular ingress and egress..
4. That the project shall comply with State Disabled Access requirements.
5. That all improvements be constructed as required by Ordinance and the Public Works Department.
6. That the on-site parking, vehicular circulation and pedestrian circulation systems be subject to further review by the City Traffic Engineer.
7. That the intersection of the private drives at Bayview Way be designed to provide sight distance for a speed of 50 miles per hour. Slopes, landscape, walls and other obstruction shall be considered in the sight distance requirements. Landscaping within the sight line shall not exceed twenty four inches in height. The sight distance requirement may be modified at non-critical locations, subject to approval of the Traffic Engineer.
8. That the applicant shall prepare a landscape plan to be approved prior to the issuance of Building Permits. Said plan shall be approved by the Public Works Department, Planning Department, and the General Services Department.
9. That asphalt or concrete access roads shall be provided to all public utilities, vaults, manholes, and junction structure locations, with width to be approved by the Public Works Department.



10. That all vehicular access rights to Jamboree Road be released and relinquished to the City of Newport Beach.
11. That County Sanitation District fees be paid prior to issuance of any building permits.
12. That the construction of the Bayview Way improvements be in accordance with the agreements between the City of Newport Beach and Fletcher Jones Motor Cars. That a sidewalk be constructed along the Jamboree Road frontage. All work within the public right-of-way shall be completed under an encroachment permit issued by the Public Works Department.
13. That street, drainage and utility improvements be shown on standard improvement plans prepared by a licensed civil engineer.
14. That a drainage plan be prepared by the applicant and approved by the Public Works Department. Any modification or extensions to the existing storm drain, water and sewer systems shown to be required by the study shall be the responsibility of the developer.
15. That the Edison transformer serving the site be located outside the sight distance planes as described in City Standard 110-L.
16. Disruption caused by construction work along roadways, and by movement of construction vehicles shall be minimized by proper use of traffic control equipment and flagmen. Traffic control and transportation of equipment and materials shall be conducted in accordance with state and local requirements. A traffic control plan shall be reviewed and approved by the Public Works Department. There shall be no construction storage or delivery of materials within the Jamboree Road right-of-way.
17. That a fire protection system acceptable to the Fire Department be installed by the developer and tested by the Fire Department prior to storage of any combustible materials or start of any structural framing.
18. That the developer obtain permission from the Metropolitan Water District and Mesa Consolidated Water District to construct within their easements.
19. That the raised island nose at the entrance/exit shall be pulled back so that it is entirely on private property.
20. That the landscaping at the entrance shall conform to City sight Distance Standard No. 110-L.
21. That HC (handicap) parking be shown on the parking plan and that adequate customer and employee parking be provided to current City standards. All handicap parking shall be designated with a sign and pavement marking.

22. That the monument signs, slopes, walls and landscaping along the Jamboree Road frontage shall be considered in the site distance requirements. The Bayview Way and Jamboree Road intersection shall be designed to provide sight distance of 50 miles per hour.
23. That all unloading and loading of vehicles shall be done on-site.
24. That site access shall be provided for emergency access per City Fire/Marine and Public Works standards.
25. That on-site fire hydrants shall be provided as required in the Uniform Building Code and Fire/Marine standards.
26. That all buildings shall be fully sprinklered per NFPA 13 and Fire/Marine standards.
27. That the applicant shall provide fire protection equipment and devices associated with special hazards presented in design of the facility and protect those hazards as prescribed in the Uniform Building Code and nationally recognized standards as approved by the Fire/Marine Departments.
28. That all automobile servicing, repair, washing and detailing shall be conducted within the building.
29. That all wash water shall drain into the sanitary sewer system and that grease traps shall be provided in all drains where petroleum residues may enter the sewer system, unless otherwise approved by the Building Department and the Public Works Department.
30. That the illumination of any open automobile display area or roof top parking area shall be designed and maintained in such a manner as to eliminate direct light and glare on adjoining properties southerly and westerly of the site. A timing device shall turn off any light facing towards the residential properties or neighboring properties at 10:00 p.m. every night. Said design features shall be incorporated into a lighting plan prepared and signed by a Licensed Electrical Engineer, with a letter from the engineer stating that, in his opinion, that these requirements have been met. That the lighting and illumination plan for the roof top parking area shall be subject to the approval of the Planning Director.
31. That no outdoor loudspeaker or paging system shall be permitted in conjunction with the proposed operation unless otherwise approved the Planning Department.
32. That no windshield signs shall be permitted, and that all signs shall meet the requirements of Chapter 20.06 of the Municipal Code.
33. That no banners, pennants, balloons, wind signs, moving signs, or flashing or animated electrical signs shall be displayed.
34. That a Use Permit shall be required for the establishment of a restaurant that is open to the general public, within the facility.



35. That the project comply with the Uniform Building Code, disabled access, and energy regulations.
36. Health Department approval is required for the food establishment located within the project.
37. That where grease may be introduced into the drainage systems, grease interceptors shall be installed on all fixtures as required by the Uniform Plumbing Code, unless otherwise approved by the Building Department and the Utilities Department.
38. That all employees shall park on-site.
39. That the hours of operation shall be limited between 6:00 a.m. and 10:00 p.m. daily.
40. That all trash areas shall be screened from adjoining properties and streets.
41. That the project shall be designed to eliminate light and glare spillage on adjacent uses.
42. That a washout area for refuse containers be provided in such a way as to allow direct drainage into the sewer system and not into the Bay or storm drains, unless otherwise approved by the Building Department and the Public Works Department.
43. That Coastal Commission approval shall be obtained prior to issuance of any grading or building permits unless otherwise approved by the Public Works Department and the Planning Department.
44. That the Planning Commission may add to or modify 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.
45. That this Use Permit shall expire unless exercised within 24 months from the date of approval as specified in Section 20.80.090A of the Newport Beach Municipal Code.

G. Development Agreement No. 6 (CIOSA):

Adopt Resolution No. \_\_\_\_\_ recommending City Council approval of Revisions to Development Agreement No. 6.

H. Development Agreement No. 9:

Adopt Resolution No. \_\_\_\_\_ recommending City Council approval of Development Agreement No. 9.

**FLETCHER JONES LIGHTS  
ACTION PLAN  
(Revised 2/20/98)**

<u>Item</u>	<u>Status</u>
Shielding	Lower parking lot complete Upper parking lot complete
Service entrance lenses	Complete
Automatic lighting control	Independent lighting engineer verifies system is programmed to do the following : <ul style="list-style-type: none"><li>• Upper parking lot off at 7:00 p.m.</li><li>• Lower parking lot off at 10:00 p.m.</li><li>• LED and most of service entrance off at 7:00 p.m.</li><li>• Remainder of service entrance off at 10:00 p.m.</li></ul>
Interior lighting	Metal halide lights to be replaced with incandescent focus lights at night, with automatic control; to be completed by 2/27/98  Letter from FJM to cleaning company requiring minimal lights in each area only as it is being cleaned
Landscaping	Landscape architect to complete off-site landscaping plan by March 27, 1998.





## **ZONING ADMINISTRATOR ACTION LETTER**

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

**Application No.**                      **Comprehensive Sign Program No. CS2010-001 (PA2010-085)**  
**Applicant**                              **Klein & Wilson**  
**Site Address**                          **326 Old Newport Boulevard**  
   **Klein & Wilson Wall Signs**  
**Legal Description**                  **Parcel 1 of PM 162/34**

On July 15, 2010 the Zoning Administrator approved the following: A comprehensive sign program to allow two wall signs for identification of a single tenant located at the second floor of a multi-story, mixed use building. The primary wall sign, located on the westerly building elevation, faces Old Newport Blvd; and the secondary wall sign, located on the southerly building elevation faces the neighboring property. The signs are not proposed to be illuminated at this time. The property is located in the SP 9 (Old Newport Boulevard Specific Plan Area, RSC Retail and Service Commercial) District. The Zoning Administrator's approval is based on the following findings and subject to the following conditions.

### ***FINDINGS***

1. The Land Use Element of the General Plan designates the site for "General Commercial Office" land use. The signs are accessory to the existing commercial use.
2. The project has been determined to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 11 (Accessory Structures). Class 11 exempts "on-premise signs" from the requirements of CEQA. The proposed wall signs shall be located on the subject property.
3. The proposed sign program is consistent with the legislative intent of Title 20, Chapter 20.67 of the Newport Beach Municipal Code with regard to the sign regulations based on the following reasons:
  - Chapter 20.67 of the Newport Beach Municipal Code requires a comprehensive sign program for buildings with three or more tenants, wall signs located on the second floor or above, and multi-story buildings in order to "integrate the project's signs into a unified architectural statement." The proposed signs are complementary in size and design.

- The proposed square footage of the primary sign shall not exceed a maximum of 75 square feet (1.5 times the lineal footage of the tenant space frontage, westerly building elevation); and the secondary wall sign (southerly building elevation) shall not exceed 48 square feet as approved by this application.
- The proposed sign program, as conditioned, will not interfere with sight distance from any street, alley or driveway.

### **CONDITIONS**

1. The development shall be in substantial conformance with the approved plot plan and sign details, except as noted in the following conditions.
2. The sign area shall be contained within the frame, cabinet, fixture, or design that is enclosed in no more than 4 lines drawn at right angles.
3. The square footage of the primary sign shall not exceed a maximum of 75 square feet (1.5 times the lineal footage of the tenant space frontage, westerly building elevation); and the secondary wall sign (southerly building elevation) shall not exceed 48 square feet as approved by this application.
4. The wall signs shall maintain a minimum horizontal distance of 28 feet apart; each will be located 14 feet from the corner of the building facade element where they are located. All signs are limited to the designated building facades and shall comply with the limitations specified in the Sign Matrix Table included as an attachment to this approval letter.
5. The secondary sign on the southerly building elevation shall remain non-illuminated at all times. The primary sign on the westerly building elevation may be illuminated internally or externally. No illumination is proposed at the time of this application. The Planning Department shall review the illumination of the signage, if proposed at a later date, to address any potential adverse impact. A photometric study shall be conducted to determine if an adverse impact occurs, if deemed necessary by the Planning Department.
6. Unless specified otherwise in this action letter, all signs shall be in compliance with Section 20.67.080 I, Wall Signs, of the City of Newport Beach Municipal Code.
7. Anything not specifically approved by this Comprehensive Sign Program is prohibited. Revisions to the program may be approved by the Planning Director if the intent of the original approval is not affected. Revisions that substantially deviate from the original approval must be addressed in a separate and subsequent amendment to this Comprehensive Sign Program.



8. A building permit shall be obtained prior to commencement of installation of the signs.
9. All work performed within the public right-of-way shall be reviewed and approved by the Public Works Department under an encroachment permit/agreement if required.
10. The Planning Director or the Planning Commission may add to or modify conditions of this approval, or revoke this approval upon a determination that any sign that is authorized by this approval has been altered beyond the parameters of the authorization and therefore beyond the justification.
11. This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.95.050 of the Newport Beach Municipal Code, unless an extension is approved prior to the expiration date of this approval, in accordance with Section 20.93.055 (B) of the Newport Beach Municipal Code.
12. 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 Sign Program for Klein & Wilson including, but not limited to, the Comprehensive Sign Program No. CS2010-001 (PA2010-085). 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**

The applicant or any interested party may appeal the decision of the Planning Director, Zoning Administrator and department staff to the Planning Commission by a written request to the Planning Director within 14 days of the action date. A \$4,280.00 filing fee shall accompany any appeal filed. For additional information on filing an appeal, contact the Planning Department at 949 644-3200.

On behalf of James W. Campbell, Zoning Administrator

By:   
Javier S Garcia AICR Senior Planner

JWC/jg

Attachments:   ZA 1 Vicinity Map  
                  ZA 2 Sign Matrix Table  
                  ZA 3 Project Plans  
                  ZA 4 Photos



## VICINITY MAP



Comprehensive Sign Program No. CS2010-001  
PA2010-085

**326 Old Newport Boulevard**

**COMPREHENSIVE SIGN PROGRAM CS2011-001  
(PA2010-085)**

**SIGN TABLE MATRIX - 326 OLD NEWPORT BLVD**

**Designated Frontage**

Frontages: Street Frontage facing Old Newport Blvd

Southerly Facing Building Elevation

No other building frontages are included or allowed signs.

<b>Building Address</b>	<b>Primary Frontage Size limitations where applicable</b>	<b>Secondary Frontage Size limitations, where applicable</b>
326 Old Newport Blvd	<p><b>Old Newport Blvd-</b> One wall sign maximum area 1.5 Sq.Ft. Per Lineal Ft. of Building Frontage or maximum of <b><u>75 square feet.</u></b></p> <p>Wall sign location shall comply with the provisions of Section 20.67.080 (I) 1 through 7, inclusive (copy attached), except as noted herein.</p> <p>Minimum horizontal distance shall be 28 feet from the secondary sign, <b>minimum <u>14 feet</u></b> from the corner of the building element on which the sign is located.</p>	<p><b>Southerly Facing Building Elevation-</b> One wall sign at this secondary frontage with maximum area of 50% of primary sign allowance (half of 75 sf = 37.5 square feet) plus approximately 30% increase for an overall total of <b><u>48 square feet.</u></b></p> <p>Wall sign location shall comply with the provisions of Section 20.67.080 (I) 1 through 7, inclusive (copy attached) except as noted herein.</p> <p>Minimum horizontal distance shall be 28 feet from the primary sign, <b>minimum <u>14 feet</u></b> from the corner of the building element on which the sign is located.</p>
Nonexempt signs	None have been requested and shall not be included without a separate review and approval for inclusion with this review.	None have been requested and shall not be included without a separate review and approval for inclusion with this review.



Excerpt of Zoning Code: Sign Code Chapter 20.67.080, Section I.

I. Wall Signs.

1. Signs shall be located only on a designated building frontage and shall not extend above an eave or parapet, or above or below a fascia on which they are located.

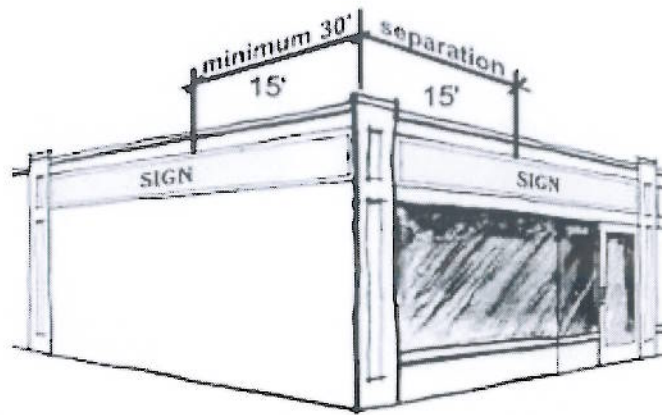


**Appropriate Wall Sign Location**



**Not Allowed**

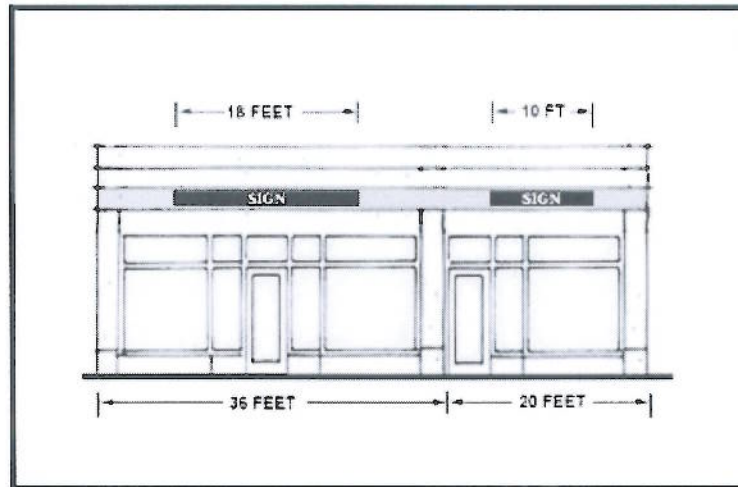
2. Signs located on adjacent walls on the same building shall be separated by a minimum of 30 feet measured along the exterior walls of the building.



#### **Required Separation of Wall Signs**

3. Signs may be either internally or externally illuminated. Internally illuminated cabinet signs shall comply with the provisions of Subsection 20.67.060(H) (Illuminated Signs).
4. Electrical raceways shall be integrated with the overall design of the sign to the greatest degree. Raceways shall not extend beyond the outside edges of the sign copy and shall be painted to match the color of the background on which they are placed.
5. Signs shall be placed flat against the wall and shall not project from the wall more than required for normal construction purposes and in no case more than 12 inches.
6. Signs shall be located within the middle 50 percent of the building or tenant frontage measured from lease line to lease line. The Planning Director may waive this requirement where it can be clearly demonstrated that it severely limits proper sign placement.





**Appropriate Wall Sign Location**

7. Signs attached to the sloping face of hipped/sloped roofs, mansard overhangs, or similar architectural features intended to resemble or imitate roof structures shall require approval of a Modification Permit.

Before



After



NOTE: Layout and positioning of letters are approximate and may vary from the finished product.





TOTAL Size: ~ 254"x42.5" = ~ 75 sqft

KLEIN & WILSON:

K & W Size: ~ 24.7" tall

Length: ~ 254"

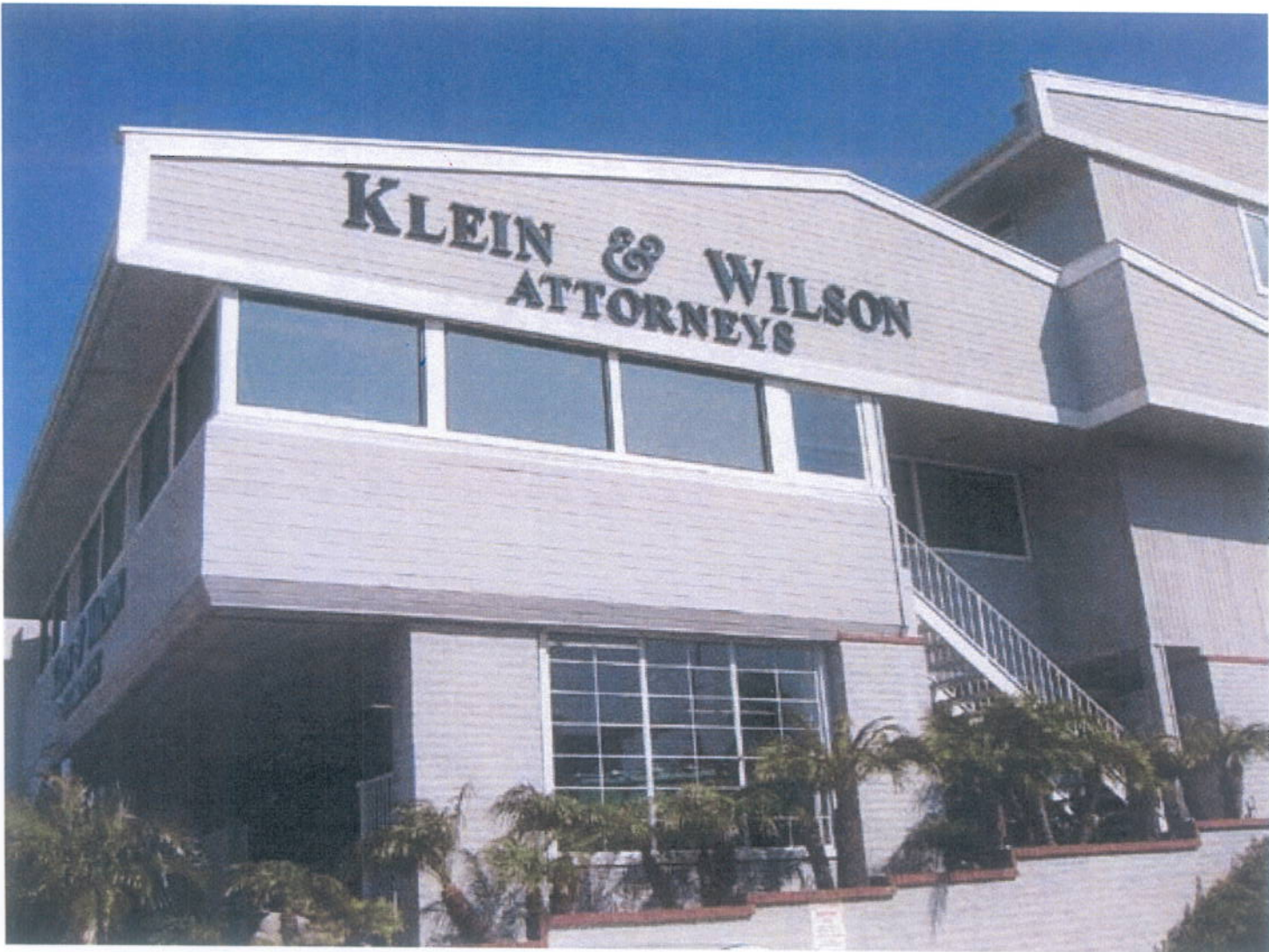
BUSINESS TRIAL LAWYERS:

~ 9.7" tall

NOTE: Layout and positioning of letters are approximate  
and may vary from the finished product.



Before



After



NOTE: Layout and positioning of letters are approximate and may vary from the finished product.





TOTAL Size: ~ 203"x34.1" = ~ 48.1 sqft

KLEIN & WILSON:

K & W Size: ~ 19.8" tall

Length: ~203.3"

BUSINESS TRIAL LAWYERS:

~ 7.8" tall

NOTE: Layout and positioning of letters are approximate  
and may vary from the finished product.



