



**CITY OF NEWPORT BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION ACTION REPORT**

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

FROM: Kimberly Brandt, Community Development Director
Brenda Wisneski, Deputy Community Development Director

SUBJECT: Report of actions taken by the Zoning Administrator, Hearing Officer, and/or Planning Division staff for the week ending March 23, 2012

**COMMUNITY DEVELOPMENT DIRECTOR
OR PLANNING DIVISION STAFF ACTIONS**

Item 1: Landrover Newport Beach Service Center – Staff Approval No. SA2012-003
(PA2012-017)
2101 Dove Street

Action: Approved

Council District 3

APPEAL PERIOD: An appeal may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949 644-3200.



COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

3300 Newport Boulevard, Building C, Newport Beach, CA 92663

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COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER

Application No.: Staff Approval No. SA2012-003 (PA2012-017)

Applicant: Pendragon Properties, Inc.
(Landrover Newport Beach Service Center)

Site Address: 2101 Dove Street

Legal Description: TRACT 3201, LOT 20 AND LOTS 21 & 22 AND LOTS 40 TO 42
INC

On **March 21, 2012**, the Community Development Director determined that the applicant's request for a Staff Approval to allow limited new and pre owned vehicle sales from the existing Landrover Newport Beach Service Center was in substantial conformance with Use Permit No. UP2004-043, approved May 9, 2006. The Director, therefore, approved the application as requested. The property is located in the OA (Office Airport) Zoning District.

I. Project Description

The subject site is approximately 4.19 acres (182,707 square feet) and is located adjacent to Dove Street between Campus Drive and Birch Street. The existing Landrover facility (58,063 square feet) operates as a vehicle service, maintenance, preparation, and storage facility for new and used vehicles in conjunction with the Landrover vehicle sales facility located at 1540 Jamboree Road. The vehicle sales area approved will be limited to the use of two office suites (275 square feet total) within the existing service and storage facility. Display of the new and pre owned vehicles for sale will be limited to 16 existing parking spaces located adjacent to Campus Drive at the front of the site. The site currently has an excess of 16 parking spaces not required for the existing vehicle service and storage uses on the site (total 172 spaces on site). The vehicle sales operation will be Monday through Friday 10:00 a.m. to 7:00 p.m., Saturday 7:30 a.m. to 5:00 p.m. and Sunday 11:00 a.m. to 4:00 p.m. With the exception of the Sunday hours of operation (vehicle service operation is closed), these hours of operation are during the hours of operation of the existing vehicle service department. In the event that there is an increase in the number of parking spaces or area utilized for the vehicle sales use, an amendment to Use Permit No. UP2004-043 would be required.

II. Background

The Landrover Newport Beach Service Center was formerly an industrial site with a vacant manufacturing building. The property was approved for redevelopment and change of use to a vehicle service and storage center May 23, 2006, with approval of the Use Permit No. UP2004-043. The approval of the use permit was in conjunction with approvals for a General Plan Amendment and Code Amendment to change the Land Use Element and Zoning Code designations of the site to conditionally allow the new use. City Council Resolution No. 2006-36 is attached (CD 4). Complete information relating to the approvals for the property is available from the Planning Division of Newport Beach Community Development Department at (949) 644 3200, reference number PA2004-249.

III. Determination

The subject Staff Approval has been reviewed and the determination has been made that the proposed changes to the existing vehicle service facility are in substantial conformance with the original approval action.

The proposed changes are as follows:

- Utilize two existing office suites (275 square feet total) within the existing vehicle service and storage facility for the purpose of new and pre owned vehicle sales.
- Utilize 16 existing excess parking spaces located adjacent to Campus Drive at the front of the site for display of new and pre owned vehicle sales.

IV. Conditions of Approval

1. The development authorized by this staff approval shall be in substantial conformance with the plans submitted with the application stamped and dated February 29, 2012.
2. The vehicle sales area approved shall be limited to the use of two office suites (275 square feet total) within the existing service and storage facility.
3. Display of the new and pre owned vehicles for sale shall be limited to 16 existing parking spaces located adjacent to Campus Drive at the front of the site.
4. A copy of this approval letter shall be incorporated into both the Building Division and field sets of plans prior to issuance of any building permits.
5. The vehicle sales operation shall be the same as the service center facility, with the exception of a Sunday operation between the hours of 11:00 a.m. until 4:00 p.m.

6. In the event that there is an increase in the number of parking spaces or area utilized for the vehicle sales use, an amendment to Use Permit No. UP2004-043 shall be required.
7. All previous conditions of approval of Use Permit No. UP2004-043 and any amendments shall remain in force.
8. Staff Approval No. SA2012-003 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 of the Newport Beach Municipal Code, or an extension is otherwise granted.
9. The Community Development Director may add to or modify conditions of approval to this staff approval, or revoke this staff approval upon determination that the operation, which is the subject of this staff approval, causes injury, or is detrimental to the health, safety, peace, comfort, or general welfare of the community.
10. *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 LANDROVER STAFF APPROVAL including, but not limited to, the SA2012-003 (PA2012-017). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.*

APPEAL PERIOD: An appeal may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

On behalf of Kimberly Brandt, Community Development Director

By: 
Kay Sims, Assistant Planner

GR/ks

Attachments:

- CD 1 Vicinity Map
- CD 2 Applicant's Project Description
- CD 3 Plans
- CD 4 City Council Resolution 2006-36

Attachment No. CD 1

Vicinity Map

VICINITY MAP



Landrover Newport Beach Service Center No.
SA2012-003
PA2012-017

2101 Dove Street

Attachment No. CD 2

Applicant's Project Description



PROJECT DESCRIPTION – Jaguar Land Rover Service Center
2101 Dove St
Newport Beach

Objective

To sell used and demonstrator vehicles to our customers. This location is our main service facility for Jaguar Land Rover Newport Beach and we receive many inquiries relating to our new and pre owned Vehicles at this location from existing and drive by customers.

All our new and pre owned vehicles are prepared for sale at the Dove St location. Many existing customers when in for service end up purchasing one of these vehicles. We would like to be able to complete the sale at Dove St rather than take the customer over to our Jamboree location.

We are proposing to utilize 16 existing parking spaces on the front elevation of Campus to display a selection of demonstrators and pre owned vehicles. There is no additional construction involved.

The proposed hours of operation are Monday thru Friday 10:00 am to 7:00 pm, Saturday 7:30 am to 5:00 pm and Sunday 11:00 am to 4:00 pm. These hours of operation are concurrent with our existing service department hours with the exception of Sunday.

Attachment No. CD 3

Plans

Attachment No. CD 4

City Council Resolution 2006-36

RESOLUTION NO. 2006- 36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH ADOPTING MITIGATED NEGATIVE DECLARATION (SCH NO. 2006-021036) AND APPROVING GENERAL PLAN AMENDMENT NO. 2004-009, USE PERMIT NO. 2004-043 AND TRAFFIC STUDY NO. 2005-006 FOR PROPERTY LOCATED AT 2101 DOVE STREET (PA 2004-249)

WHEREAS, an application was filed by Pendragon North America with respect to property located at 2101 Dove Street, and legally described as Lots 20, 21, 22, 40, 41, & 42 of Tract No. 3201, as shown on map recorded in Book 130, pages 25-30 of Miscellaneous Maps, in the Office of the County Recorder to redevelop a former industrial property into a vehicle service and storage facility. The application requests approval of a General Plan Amendment to change the land use designation of the property from Administrative, Professional & Financial Commercial to Retail & Service Commercial. The application also requests a Code Amendment to rezone the subject property from APF (Administrative Professional, Financial to RSC (Retail and Service Commercial) and a Use Permit to allow the operation of a vehicle service and storage facility. Finally, the application also requires a Traffic Study pursuant to the Traffic Phasing Ordinance (TPO).

WHEREAS, on April 6, 2006, the Planning Commission held a noticed public hearing in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California at which time the project applications, the Mitigated Negative Declaration and comments received thereon were considered. Notice of time, place and purpose of the public hearing was given in accordance with law and testimony was presented to, and considered by, the Planning Commission at the hearing. With a vote of 4 ayes and one no (2 absent), the Planning Commission recommended approval of the applications to the City Council.

WHEREAS, pursuant to Section 20.94 of the Newport Beach Municipal Code, the City Council held a noticed public hearing on May 9, 2006, to consider the proposed recommendations of the Planning Commission.

WHEREAS, the project is located in the Campus Drive Area (Statistical Area L4) of the Land Use Element and has a land use designation of Administrative, Professional & Financial Commercial (APF) and is zoned APF (Administrative, Professional, Financial).

WHEREAS, a General Plan Amendment to change the land use designation of the site from Administrative, Professional & Financial Commercial to Retail & Service Commercial is necessary since vehicle service and vehicle storage uses are only permitted as ancillary uses in the APF designation. The change in land use designation to RSC would allow vehicle repair as a primary use and vehicle storage would then be allowed as an ancillary use at the subject site. The change in land use designation would result in the 4.19-acre site to be used for retail commercial uses as opposed to being used primarily for office uses. The General Plan Amendment will not increase the potential building area entitlement but simply would allow the property to be improved with uses that are predominantly retail in character which provide goods and services to the general public.

WHEREAS, the proposed change of use and proposed vehicle related use will be compatible with the surround land uses which include a mixture of office and retail uses, a carwash/service station, automotive related uses and John Wayne Airport. Additionally, since APF and the RSC land use designations are both part of the City's commercial districts, many of the uses allowed within these two districts are the same. The vehicle service and storage facility, therefore, will be consistent with the proposed Retail & Service Commercial land use designation.

WHEREAS, the proposed project results in the redevelopment of an older and underutilized property. With the improvements proposed to be made by the applicant, the value of the property will be increased. The proposed FAR of 0.32 is within the allowable floor area limits and the traffic generated by the proposed project will not exceed the level of service desired by the City as demonstrated by the Traffic Study.

WHEREAS, Charter Section 423 requires all proposed General Plan Amendments to be reviewed to determine if the square footage, peak hour vehicle trip or dwelling unit thresholds have been exceeded and a vote by the public is required. As the request is a change in land use designation from APF to RSC with no increase in building floor area, the General Non-Residential Use Category of Commercial is used. This category includes the current land use of APF as well as the proposed designation and assigns the same trip rate for both of these use categories. The trip generation rates are 3 for morning and 4 for evening peak hour per each 1,000 square feet of floor area. Based on these identical rates the proposed land use designation change will result in no additional peak hour trips. In other words, if the site were redeveloped consistent with either land use designation, on average, there would not be a difference in traffic generation. Also, with all previously approved amendments, none of the Charter Section 423 thresholds would be exceeded. Therefore, a vote of the electorate would not be required.

WHEREAS, the change in zoning designation from APF to RSC would not cause the property to become nonconforming under the RSC development standards. The proposed project complies with all development standards of the RSC zone including floor area, the 375-foot height limitation zone, on-site parking, signage, lighting, building bulk and setbacks.

WHEREAS, the proposed location of vehicle service and storage facility and the proposed conditions under which it would be operated and maintained will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood. The subject property is surrounded by one and two-story office and commercial buildings, automotive related uses and John Wayne Airport. There is no surrounding residential that would be disturbed or could be impacted by the proposed use.

WHEREAS, a Traffic Study has been prepared by RK Engineering Group, Inc. under the supervision of the City Traffic Engineer pursuant to the TPO and its implementing guidelines (Appendix D of the Mitigated Negative Declaration), CEQA analysis for cumulative projects and intersection capacity utilization (ICU), and General Plan analysis. The project will result in a net increase of 1,193 new average daily trips, 113 vehicle trips during morning (AM) peak hour and 102 vehicle trips during the afternoon (PM) peak hour. The study concluded that the proposed project will not cause a significant impact at the study area.

intersections as all intersections will operate at LOS D or better; therefore, no improvements are required at these intersections.

WHEREAS, On April 20, 2006, the Orange County Airport Land Use Commission considered and determined that the proposed project is consistent with the John Wayne Airport Environs Land Use Plan.

WHEREAS, an Initial Study and Mitigated Negative Declaration (MND) have been prepared in compliance with the Environmental Quality Act (CEQA), the State CEQA Guidelines, and City Council Policy K-3. The Draft MND was circulated for public comment between February 9 and March 10, 2006. Comments were received from the Orange County Airport Land Use Commission (ALUC), California Cultural Resource Preservation Alliance, Inc. (CCRSA) and Department of Toxic Substances Control (DTSC). During the preparation of the responses, new avoidable significant effects were identified. As a result, three (3) mitigation measures have been drafted to reduce these effects to a less than significant level. These issues were identified related to Cultural Resources, Hazards and Hazardous Materials and Noise. The introduction of three (3) mitigation measures, however, prompted the need to recirculate the MND pursuant to Section 15073.5.b.1 of the California Environmental Quality Act. The MND has been revised to include the additional mitigation measures (CR-1, HM-5 & N-3) and one minor change to an existing mitigation measure (HM-1). The revised document was recirculated for public review between April 12 and May 2, 2006 (20 days). Comments were received from the Orange County Transportation Authority.

WHEREAS, on the basis of the entire environmental review record, the proposed project will have a less than significant impact upon the environment and there are no known substantial adverse effects on human beings that would be caused. Additionally, there are no long-term environmental goals that would be compromised by the project, nor cumulative impacts anticipated in connection with the project. The mitigation measures identified are feasible and reduce potential environmental impacts to a less than significant level. The mitigation measures are applied to the project and are incorporated as conditions of approval.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newport Beach does hereby adopt Mitigated Negative Declaration (SCH No. 2006-021036); approve General Plan Amendment No. 2004-009 by amending the Land Use Element, Statistical Area L4, Campus Drive Area of the General Plan as depicted in Exhibit "A" and Land Use map in Exhibit "B", Use Permit No. 2004-043 and Traffic Study No. 2005-006, subject to the conditions of approval listed in Exhibit "C"

This resolution shall take effect immediately upon adoption. Passed and adopted by the City Council of Newport Beach at a regular meeting held on the 9th day of May 2006 by the following vote to wit:

AYES, COUNCIL MEMBERS Curry, Selich, Rosansky, Ridgeway, Daigle,
Nichols, Mayor Webb

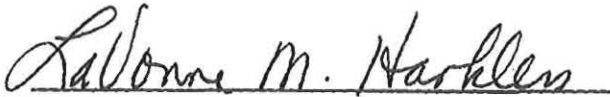
NOES, COUNCIL MEMBERS None

ABSENT, COUNCIL MEMBERS None



MAYOR

ATTEST:



CITY CLERK



Exhibit "A"

THE FOLLOWING CHANGES WILL BE MADE TO THE LAND USE ELEMENT AND OTHER PROVISIONS OF THE LAND USE ELEMENT SHALL REMAIN UNCHANGED:

3. Campus Drive. This area is bounded by Campus Drive, MacAuthor Boulevard, Birch Street and Bristol Street North. The area is designated for Administrative, Professional and Financial Commercial and **Retail and Service Commercial** land uses. The maximum allowed floor area ratio is 0.5/0.75.

Exhibit "B"

PROPOSED CHANGE TO THE GENERAL PLAN LAND USE MAP FROM ADMINISTRATIVE, PROFESSIONAL, & FINANCIAL COMMERCIAL TO RETAIL AND SERVICE COMMERCIAL.

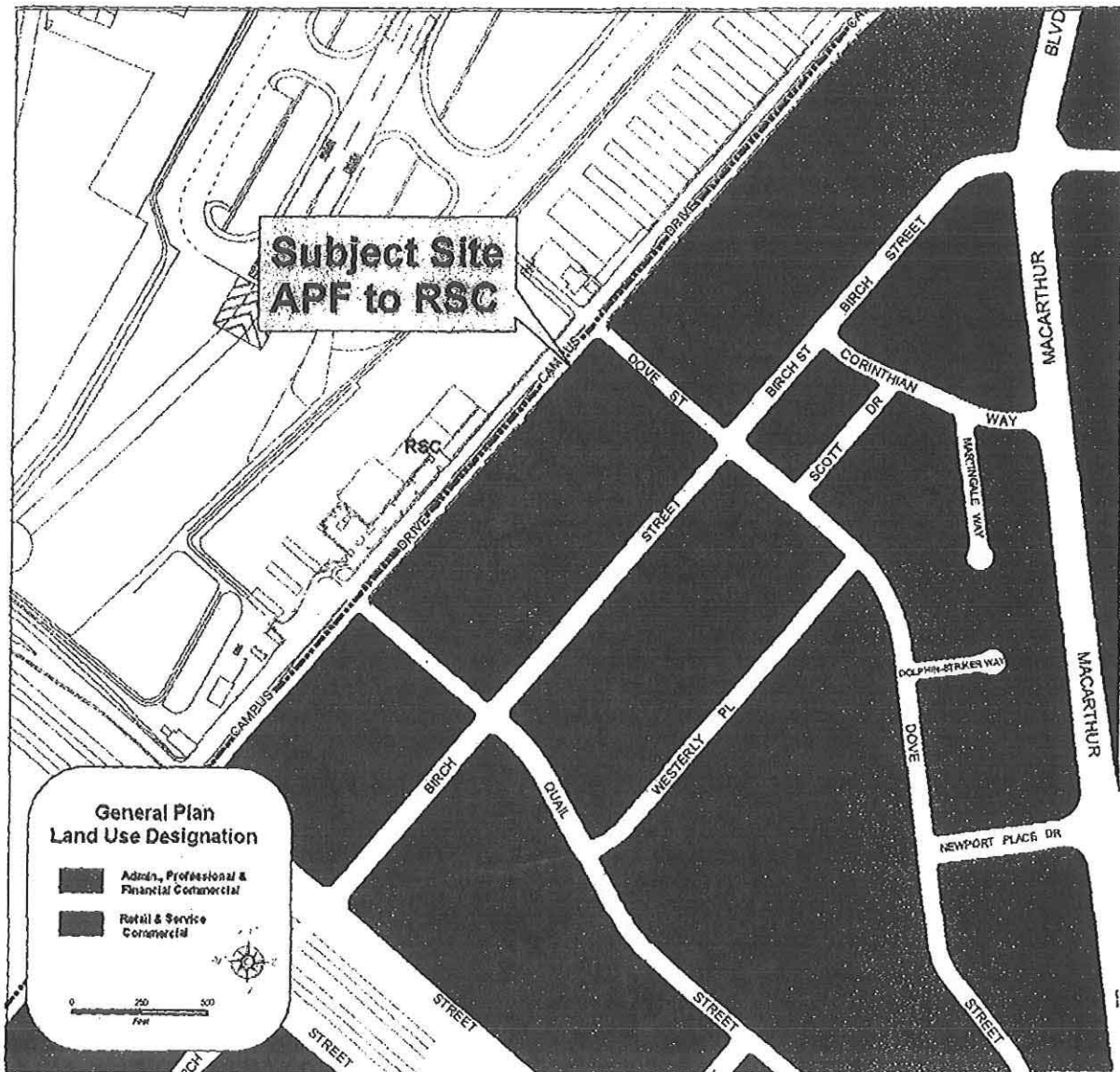


Exhibit "C"

CONDITIONS OF APPROVAL

Use Permit No. 2004-043 and Traffic Study No. 2005-006 (PA2004-249)

1. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
2. The development shall be in substantial conformance with the approved plans date stamped of March 23, 2006.
3. Project approvals shall expire unless exercised within 24 months from the effective date of approval as specified in Section 20.91.050A of the Newport Beach Municipal Code. Reasonable extensions may be granted by the Planning Director in accordance with applicable regulations.
4. 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.
5. Should this operation be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
6. The applicant is required to obtain all applicable permits from the City Building and Fire Departments. The construction plans must comply with the most recent, City-adopted version of the California Building Code.
7. The facility shall be designed to meet fire protection requirements and shall be subject to review and approval by the Newport Beach Building Department.

Traffic Engineering

8. All parking stall dimensions shall comply with City's Standard Drawings STD-805-L-A and STD-805-L-B.
9. Sight distance at all entrances (monument signs, walls, display vehicles and landscaping etc.) shall conform to the City's Sight Distance Standard 110-L. The design shall be reviewed and approved by the City Traffic Engineer.
10. No deliveries shall occur on any portion of public right-of-way. All deliveries shall be handled on-site. All delivery routes shall be approved by the City Traffic Engineer.
11. Driveway approaches shall be constructed per City Standard STD-160-L, modified to comply with current ADA requirements. The driveway shall be minimum of 26 feet

wide (measured from bottom X to bottom X). The abandoned driveway approaches shall be reconstructed per City Standard STD-165-L.

12. Parking plans shall be fully dimensioned. The center parking aisle near Campus Drive shall shift toward Campus Drive to improve the overall circulation within the parking area.
13. Gate openings shall be a minimum of 24 feet wide to accommodate two-directional travel.
14. A new driveway approach shall be provided on Dove Street for access to the customer parking area. The final location and design of the driveway approach shall be reviewed and approved by the Traffic Engineer.
15. Staging of construction equipment shall not be permitted on the public right-of-way.
16. All work conducted within the public right-of-way shall be approved under an encroachment permit issued by the Public Works Department.
17. All walkways and planters within the parking lot shall be widened, where applicable, to act as wheel stops. The maximum allowable parking stall overhang is 2 feet 6 inches.

Fire Department

18. Prior to the issuance of building permit, fire sprinkler contractor or fire protection engineer shall determine the use and viability of existing sprinkler system as the existing system may not be adequate for the proposed use.
19. Prior to the issuance of building permit, fire service shall be provided underground with a double backflow preventor. An encroachment permit from Public Works Department shall be required. A fire permit shall also be required.
20. Prior to the issuance of occupancy permit, the Fire Department connection to Dove Street shall be relocated and shall be within 150 feet of a fire hydrant.
21. Fire sprinkler system shall be monitored indefinitely.
22. Sprinkler demand may be increased depending on the types of materials stored in the inventory storage.
23. A special building features for high stockpile shall be required if the storage has piles, pallets, racks or shelves exceed 12 feet in height in the inventory area.
24. The applicant must indicate occupancy classification, type of construction and square footage comply with the 2001 Edition of the California Building Code.

Development Services Engineering

25. Prior to the issuance of building permit, the applicant shall coordinate with the Orange County Transportation Authority to ascertain that the proposed frontage improvements along Birch Street will not conflict with OCTA operations.
26. Prior to the issuance of building permit, an ADA travel path shall be required between the Birch Street sidewalk and the new building.
27. The current sidewalk location within the Campus Drive right-of-way fronting this development shall remain as a "Path of Travel".
28. Given the existing topography, on-site drainage shall not be routed in a manner that would cause any spillage onto the existing development southerly of this project.
29. All surface runoff shall be directed toward and treated by an at/below grade storm water clarifier before the water can be discharged.
30. Except for storm overflows, no curb drains shall be installed to allow the discharge of polluted on-site runoff onto the public right-of-way.
31. Prior to the issuance of building permit, the existing curb drains along Dove Street shall either be eliminated or retrofitted for storm overflows only. New curb/gutter shall be constructed where the existing curb drains have been removed.
32. Prior to the issuance of building permit, depending upon the final site drainage design, additional on-site drainage provisions may be required.
33. Prior to the issuance of building permit, the existing curb access ramp at the southeast corner of Campus Drive/Dover Street and at the southwest corner of Dover Drive/Birch Street shall be reconstructed to comply with the current ADA requirements.
34. Prior to the issuance of occupancy permit, the existing uplifted/damaged/displaced concrete sidewalk, curb, and gutter that surround this development shall be reconstructed per City Standards.
35. Prior to the issuance of occupancy permit, all existing street trees shall be protected in place. Additionally, per Chapter 13 of the City of Newport Beach Municipal Code, new street trees shall be installed along the street frontages that surround this development.
36. Upon completion of construction, the existing red curbs that surround this development shall be repainted. The applicant shall reimburse the City for the cost of such work.
37. Prior to the issuance of occupancy permit, "No Parking" signs shall be installed along new red curbs per City Standards.

38. Upon completion of construction, the portion of the existing Campus Drive roadway fronting this development, from the easterly roadway edge of gutter up to the northbound No. 2/3 traffic lane line shall be ground and capped with a 3-inch thick AC pavement overlay. New sprayable thermoplastic traffic striping and markings and raised pavement markers shall be installed within the limits of said roadway work.
39. In the event that the City's Birch Street roadway rehabilitation project is completed prior to the development construction completion, any damage done to the Birch Street new roadway pavement by the applicant will cause the applicant to repave the roadway at no cost to the City.

Utilities Department

40. Prior to the issuance of building permit, the fire service shall be upgraded per STD 517-L.
41. Prior to the issuance of building permit, a 2-inch RPP backflow device shall be installed to the existing water meter.
42. Prior to the issuance of building permit, sewer cleanout at the property line shall be required.

Building Department

43. The proposed project shall conform to the requirements of the Uniform Building Code, any local amendments to the UBC, and State Disabled Access requirements, unless otherwise approved by the Building Department.
44. Prior to the issuance of the grading or building permit, the applicant shall prepare a Water Quality Management Plan (WQMP) specifically identifying the Best Management Practices (BMP's) that will be used on site to control predictable pollutant runoff. The plan shall identify the types of structural and non-structural measures to be used. The plan shall comply with the Orange County Drainage Area Management Plan (DAMP). Particular attention should be addressed to the appendix section "Best Management Practices for New Development." The WQMP shall clearly show the locations of structural BMP's, and assignment of long term maintenance responsibilities (which shall also be included in the Maintenance Agreement). The plan shall be prepared to the format of the DAMP title "Water Quality Management Plan Outline" and be subject to the approval of the City.

Mitigation Measures of the Mitigated Negative Declaration

45. The Project Applicant shall comply with SCAQMD Rule 403 requirements as follows:
 - a. Exposed pits (i.e., gravel, soil, dirt) with 5 percent or greater silt content shall be watered twice daily, enclosed, covered, or treated with non-toxic soil stabilizers according to manufacturers' specifications.

- b. All other active sites shall be watered twice daily.
 - c. All grading activities shall cease during second stage smog alerts and periods of high winds (i.e., greater than 25 mph) if soil is being transported to off-site locations and cannot be controlled by watering.
 - d. All trucks hauling dirt, sand, soil, or other loose materials off-site shall be covered or wetted or shall maintain at least two feet of freeboard (i.e., minimum vertical distance between the top of the load and the top of the trailer).
 - e. All construction roads internal to the construction site that have a traffic volume of more than 50 daily trips by construction equipment, or 150 total daily trips for all vehicles, shall be surfaced with base material or decomposed granite, or shall be paved.
 - f. Streets shall be swept hourly if visible soil material has been carried onto adjacent public paved roads.
 - g. Construction equipment shall be visually inspected prior to leaving the site and loose dirt shall be washed off with wheel washers as necessary.
 - h. Water or non-toxic soil stabilizers shall be applied, according to manufacturers' specifications, as needed to reduce off-site transport of fugitive dust from all unpaved staging areas and unpaved road surfaces.
 - i. Traffic speeds on all unpaved roads shall not exceed 15 mph.
46. During construction activities if any archaeological resources are encountered, all work shall cease in that area until a qualified archaeologist can evaluate the nature and significance of the find. If major archaeological resources are discovered which require long-term halting or redirection of grading, the archaeologist shall report such findings to the applicant and the City of Newport Beach Planning Department. The archaeologist, in consultation with appropriate agencies and Native American organization, shall determine appropriate action which ensures proper exploration and/or salvage.
47. Prior to issuance of occupancy permit, the applicant shall provide verification (i.e., sample results) to the City of Newport Beach that on-site soils have been tested. Any soils encountered or removed during construction activities (particularly within the building's interior or behind the building near the loading dock) shall be sampled for total petroleum hydrocarbons (TPH) and volatile organic compounds (VOCs). If soil contamination is discovered, the applicant shall work with the City of Newport Beach and the appropriate regulatory agency to determine the appropriate action (i.e. remediation or excavation of soils).
48. Prior to issuance of building permit, the applicant shall submit verification to the City of Newport Beach that an asbestos survey has been conducted within the existing building. If asbestos is found, the Project Applicant shall follow all procedural

requirements and regulations of South Coast Air Quality Management District Rule 1403.

49. Prior to issuance of occupancy permit, the applicant shall file a Hazardous Materials Business Plan with the City Newport Beach Fire Department detailing all hazardous materials at the project site, storage methods, and spill prevention plans.
50. Prior to issuance of occupancy permit, the applicant shall prepare and implement a Spill Prevention Control and Countermeasures Plan to the City of Newport Beach as mandated by the State Water Resources Control Board (SWRCB).
51. Prior to issuance of building permit, the applicant shall submit verification to the City of Newport Beach that lead-based paint and mercury surveys have been conducted within the existing building. If lead-based paint or mercury is found, the applicant shall follow all procedural requirements and regulations for proper removal and disposal of such hazardous substances.
52. Prior to issuance of grading or building permit, the applicant shall develop and submit a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) to the Santa Ana RWQCB for compliance with the Statewide NPDES permit for construction activity. The SWPPP shall contain Best Management Practices (BMPs) to be implemented during construction to minimize impacts to local receiving water from pollutants in storm water runoff. The Project Applicant shall provide the City of Newport Beach with a copy of the NOI and their application check as proof of filing with RWQCB.
53. The applicant shall demonstrate implementation of appropriate source control and treatment control Best Management Practices as specified in the Draft Water Quality Management Plan (WQMP) prepared by Walden & Associates dated October 7, 2004, subject to the approval of the Public Works Department.
54. Construction activities shall be confined to any weekday between the hours of 7:00 A.M. and 6:30 P.M. and on any Saturday between the hours of 8:00 A.M. and 6:00 P.M.
55. Noise-generating equipment operated at the project site shall be equipped with effective noise control devices (i.e., mufflers, lagging, and/or motor enclosures). All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.
56. The applicant shall comply with John Wayne Airport's Airport Environs Land Use Plan Noise Impact Zone I requirements to ensure the service advisor offices and customer lounge are sufficiently sound attenuated from the combined input of all present and projected exterior noise to meet 55 dBA Leq. These measures shall be incorporated during the detailed design stage of the project to comply with the minimum sound insulation requirement. The final design shall be subject to the approval of the Building Department. Achieving this level of sound insulation may include the followings:

- a. Installation of air-conditioning/mechanical ventilation such as the interior space will not have to rely on open windows for ventilation;
 - b. Installation of dual insulating glazed systems;
 - c. Provision of doors and openings to the exterior with acoustic seals;
 - d. Addition of additional wall insulation; and/or
 - e. Provision of fitting vents with dampers and/or acoustic louvers.
57. Prior to issuance of building permit, the applicant shall pay a fair share contribution fee to the City of Newport Beach per Section 15.38 of the Municipal Code.
58. New landscaping shall incorporate drought-tolerant plant materials and drip irrigation systems where possible.
59. Water leaving the project site due to over-irrigation of landscape shall be minimized. If an incident such as this is reported, a representative from the Code and Water Quality Enforcement Division of the City Manager's Office shall visit the location, investigate, inform the tenant if possible, leave a note, and in some cases shut off the water.
60. Watering shall be done during the early morning or evening hours to minimize evaporation (between 4:00 P.M. and 9:00 A.M. the following morning)
61. All leaks shall be investigated by a representative from the Code and Water Quality Enforcement Division of the City Manager's Office and the Project Applicant shall complete all required repairs.
62. Water should not be used to clean paved surfaces such as sidewalks, driveways, parking areas, etc. except to alleviate immediate safety or sanitation hazards.
63. Reclaimed water shall be used whenever available, assuming it is economically feasible.

Planning Department

64. Prior to the issuance of the building permit, the applicant shall submit a detailed landscape and irrigation plan prepared by a licensed landscape architect for the proposed landscape areas. These plans shall incorporate drought tolerant plantings and water efficient irrigation practices, and the plans shall be approved by the Planning Department, General Services Department and Public Works Department. All planting areas shall be provided with a permanent underground automatic sprinkler irrigation system of a design suitable for the type and arrangement of the plant materials selected. The irrigation system shall be adjustable based upon either a signal from a satellite or an on-site moisture-sensor. Planting areas adjacent to vehicular activity shall be protected by a continuous concrete curb or similar permanent barrier. Landscaping shall be located so as not to impede vehicular sight distance to the satisfaction of the Traffic Engineer.
65. All landscape materials and landscaped areas shall be installed and maintained in accordance with the approved landscape plan. 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.

66. Prior to the issuance of occupancy permit, the applicant shall schedule an inspection by the Code and Water Quality Enforcement Division to confirm that all landscaping materials and irrigation systems have been installed in accordance with the approved plans.
67. The applicant shall be responsible for the payment of all administrative costs identified by the Planning Department within 30 days of receiving a final notification of costs or prior to the issuance of a Building Permit.

STATE OF CALIFORNIA }
COUNTY OF ORANGE }
CITY OF NEWPORT BEACH } ss.

I, LaVonne M. Harkless, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; that the foregoing resolution, being Resolution No. 2006-36 was duly and regularly introduced before and adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 9th day of May 2006, and that the same was so passed and adopted by the following vote, to wit:


Ayes: Curry, Selich, Rosansky, Ridgeway, Daigle, Nichols, Mayor Webb

Noes: None

Absent: None

Abstain: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 10th day of May 2006.



City Clerk
Newport Beach, California

(Seal)

