

## 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, and/or Planning Division staff for the week

ending May 19, 2017.

### COMMUNITY DEVELOPMENT DIRECTOR OR PLANNING DIVISION STAFF ACTIONS

(Non-Hearing Items)

Item 1: Fletcher Jones Staff Approval No. SA2016-025 (PA2016-211)

Site Address: 3300 Jamboree Road

Action: Approved Council District 3

APPEAL PERIOD: An appeal or call for review 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

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### COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER

Application No. Staff Approval No. SA2016-025 (PA2016-211)

**Applicant** Fletcher Jones Motorcars

Site Location 3300 Jamboree Road

Fletcher Jones Staff Approval

Legal Description Irvine Sub Blk 51 Lot 146 Por of Lot

On <u>May 18, 2017</u>, the Community Development Director approved Staff Approval No. SA2016-025 to allow alterations to an existing vehicle sales facility, and found the proposed changes to be minor, and in substantial conformance with previously approved Use Permit No. UP3565. This approval is based on the following findings and is subject to the following conditions.

### **PROJECT SUMMARY**

The applicant is requesting a staff approval for a determination of substantial conformance with Use Permit No. UP3565, which permitted the construction and operation of the Fletcher Jones Motorcars vehicle sales facility. The proposal involves the installation of photovoltaic arrays (solar panels) on the roof of the existing showroom building (Building A) and new carport canopies on the ground level. In addition, the existing car wash facility will be demolished and a new car wash facility will be constructed toward the rear of the facility.

### Solar Panels

- Solar panels totaling approximately 66,000 square feet in area would be constructed above roof top parking area of Building A.
- Two ground-mounted solar panel canopies, approximately 4,000 square feet (northwestern) and 3,000 square feet (northeastern), would be constructed and would serve as covered parking for vehicle detailing operations.

### Car Wash

 To enhance site circulation and minimize congestion at project entry on Bayview Way, the existing 1,377-square-foot car wash structure will be demolished and a replacement car wash structure will be constructed toward the rear of the facility to allow for increased vehicle stacking and staging.  The new car wash structure would consist of a 90-foot long car wash tunnel and an equipment enclosure room totaling 2,000 square feet in area, and a 500square-foot covered bay for vehicle vacuuming.

#### Site Work

- The rear access road will be realigned and widened to allow for enhanced vehicular circulation through site.
- The existing car wash area will be resurfaced to provide replacement parking and to accommodate a relocated fuel tank.
- Related site paving and landscaping improvements to accommodate changes in new car delivery and vehicle washing operations.

### **ZONING DISTRICT/GENERAL PLAN**

- **Zone:** PC-24 (San Diego Creek North Planned Community District)
- **General Plan:** CG (General Commercial)

### **BACKGROUND**

Use Permit No. UP3565 was conditionally approved by the City Council on August 24, 1995, authorizing a new and used vehicle sales and leasing facility offering vehicle repair and body work services, a parts department, customer service lounge, and boutique retail sales area (Attachment No. CD2).

On July 12, 2010, the Planning Director approved Staff Approval No. SA2010-006, authorizing alterations and additions to the existing facility, including a 5,289-square-foot addition to the existing 156,124-square-foot main sales and service building (Building A), conversion of existing storage space to office spaces within the existing 7,308-square-foot building (Building B) located on the northerly portion of site, and site improvements for enhanced vehicular circulation and customer waiting areas (Attachment No. CD3).

On July 14, 2010, the Planning Director approved Staff Approval No. SA2010-008, authorizing 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 uses, and the replacement and improvement of existing onsite lighting with energy efficient fixtures (Attachment CD4).

#### **FINDINGS**

Pursuant to Section 20.54.070, the Community Development Director may authorize minor changes to an approved site plan, architecture, or the nature of the approved use, without a public hearing, and waive the requirement for a new permit application. This staff approval is based on the following findings and facts in support of the findings.

### Finding:

A. Are consistent with all applicable provisions of this Zoning Code.

### Facts in Support of Finding:

- 1. The site is located within the San Diego Creek North and Jamboree/MacArthur Planned Community (PC-24) Zoning District, and is designated for retail and service commercial uses. Automobile sales facilities, and related repair facilities, are permitted with the approval of a use permit. The existing vehicle sales operates pursuant to Use Permit No. UP3565.
- 2. The site will continue to provide a total of 561 parking spaces on-site, exceeding the Zoning Code parking requirement of 420 parking spaces (1 space per 1000 square feet of lot area).
- 3. The proposed improvements are consistent with the findings and conditions of Use Permit No. UP3565.
- 4. Pursuant to Newport Beach Municipal Code Section 20.30.060.D.12, equipment and panels used for the production of solar energy are exempt from the height limits.

### Finding:

B. Do not involve a feature of the project that was a basis for or subject of findings or exemptions in a negative declaration or Environmental Impact Report for the project.

### Facts in Support of Finding:

- The environmental impacts of the approved project were analyzed under the Environmental Impact Report (EIR NO. 155) that was certified for the project by the City Council on August 24, 1995. The proposed improvements do not involve features that were the basis for findings or exemption in the EIR in that the intensity of the project has not changed. The addition of solar panels and relocation of the car wash will not result in a change of intensity of the dealership operations, but rather enhance the efficiency and circulation of the existing operations and improve energy conservation.
- 2. The relocation of the car wash facility is approximately 385 feet to the north behind the showroom building and significantly increases the buffer distance to the existing wetland located adjacent to the southeast corner of the site (across Bayview Way to the south).
- 3. The installation of solar panels on the roof of buildings and over parking lots is statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 21080.35 of the CEQA Guidelines.

### Finding:

C. Do not involve a feature of the project that was specifically addressed or was the subject of a condition(s) of approval for the project or that was a specific consideration by the applicable review authority in the project approval.

### Facts in Support of Finding:

- 1. The proposed modifications demonstrate the ability to comply with all required conditions of approval, and said conditions will continue to be required through project implementation.
- 2. Use Permit No. UP3565 authorized rooftop parking and included Condition No. 30 requiring that illumination of the parking area to be designed and maintained in such a manner to eliminate direct light and glare on adjoining properties southerly and westerly of the site. The installation of the solar panels will require the removal of the roof top light standards and replacement lighting would be mounted below the panels. Therefore, the illumination of the roof top parking as visible from adjacent properties will be greatly reduced and will continue to be controlled via a timer device turning off any light by 10:00 p.m. daily.
- 3. Consistent with Condition No. 6, the modified on-site parking and circulation system has been reviewed by the Public Works Department and found to be acceptable and compliant with City standards.
- 4. Existing vacuum operations occur outdoors (uncovered) adjacent to the existing car wash. Condition No. 28 requires that all automobile servicing, repair, washing, and detailing shall be conducted within the building. The relocated car wash structure accommodates bays for engine cleaning and the solar canopy structures will function as dedicated vacuum and detailing bays at the rear of the site screened from public view.
- 5. No other proposed improvements involve a feature that was specifically addressed in the staff report, meeting minutes, or subject to a condition of approval for Use Permit No. UP3565.

### Finding:

D. Do not result in an expansion or change in operational characteristics of the use.

### Facts in Support of Finding:

 Although the size of the car wash structure has increased slightly to accommodate a longer tunnel and housing for the related mechanical equipment, no increase in intensity of the accessory car wash functions would occur. The current number of car washes would continue, but with increased efficiency and improvements to overall site circulation.

### **DETERMINATION**

This staff approval has been reviewed and a determination has been made that the proposed changes to existing vehicle sales facility are minor, and in substantial conformance with the Use Permit No. UP3565.

#### **CONDITIONS OF APPROVAL**

All previous findings and conditions of approval of Use Permit No. UP3565, Staff Approval No. SA2010-006, and Staff Approval No. SA2010-008, shall remain in full force and effect as stated in Attachment Nos. CD 2, CD 3, and CD 4, with the addition of the following conditions:

- 1. A building permit shall be obtained prior to commencement of construction. A copy of this approval letter shall be incorporated into both the Building Division and field sets of plans prior to issuance of the building permits.
- 2. <u>Prior to issuance of building permits</u>, approval of an amendment to the existing Coastal Development Permit, or determination of exemption, shall be obtained from the California Coastal Commission.
- 3. The existing landscape screen along the northeastern project boundary that screens the service area from view from the Jamboree Road southbound on-ramp and from the bicycle trail shall be enhanced with additional plantings and/or equivalent barrier to provide a more effective screen.
- 4. All wash water shall drain into the sanitary sewer system and grease traps shall be provided in all drains where petroleum residues may enter the sewer system, unless otherwise approved by the Building Division or Public Works Department.
- 5. Solar array must meet Newport Beach Guideline D.04 and California Fire Code (CFC) Section 605.11.
- 6. Storage batteries (Tesla-Lithium Ion) must be installed per manufactures specifications and Newport Beach Fire Department recommendation upon review of specifications. Typically, lithium ion batteries require protection from mechanical damage and exposure to fire/heat from an external source. Temperatures must be maintained below 300 degrees, which can be compensated with fire sprinklers in the effect of a fire.
- 7. Fire access must be provided within 150 feet of all portions of the car wash.
- 8. Fire hydrant required within 150 feet of the car wash.
- 9. Fire flow required for the car wash. Fire flow form must be included with plan review.

- 10. No structures shall be permitted within any easement without prior approval from the easement holder. Approvals shall be provided to the City prior to building permit issuance.
- 11. Prior to the issuance of a building permit, a noise study of the car wash and vacuuming system, and their locations, shall be prepared by a qualified acoustical engineer. The noise study shall show that the noise levels of the car wash system and vacuuming system as designed will comply with the City's Noise Ordinance.
- 12. The operator of the facility shall be responsible for control of noise generated by the subject facility. The noise generated by the facility shall comply with the provisions of Chapter 10.26 of the Newport Beach Municipal Code.
- 13. 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 Fletcher Jones Motorcars Renovations including, but not limited to, SA2016-025 (PA2016-211). 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 or call for review 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, AICP, Community Development Director

By:

Jaime Murillo Senior Planner

### BW/jm

Attachments: CD 1 Vicinity Map

CD 2 Use Permit No. 3565

CD 3 Staff Approval No. SA2010-006 CD 4 Staff Approval No. SA2010-008

CD 5 Project Plans

### **Attachment No. CD 1**

Vicinity Map

### VICINITY MAP



Staff Approval No. SA2016-025 PA2016-211

### 3300 Jamboree Road

### **Attachment No. CD 2**

Use Permit No. UP3565

### **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:

- 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.
- 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.
- That the analysis and conclusions contained in the proposed Final EIR reflect the independent judgment of the Planning Commission.
- 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:

- 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.

- 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.
- 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.
- 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.
- 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.
- The velocity of concentrated run-off from the project site shall be evaluated and erosive velocities controlled as part of the project design.
- 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.
- 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.
- 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.
  - 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 devise 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.
- 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 mikanoides)
- 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.

Should be prohibited in areas adjacent to natural open spaces.

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.
- 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.
- 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, fulltime monitoring may be required.
- 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.

R	General Plan Amendment No. 95-1(D):
Ado	Resolution Norecommending City Council approval of GPA 95-1(D).
<u>C</u>	Local Coastal Program Amendment No. 39:
	Resolution Norecommending City Council approval of Local Coastal Programment No. 39.
<u>D.</u>	Amendment No. 823:
Ado	Resolution No recommending City Council approval of Amendment No. 823.

### E. Traffic Study No. 108:

### Findings:

- 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.
- 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:

- 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.
- 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:

- 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.
- That adequate on-site parking is available for the existing and proposed uses.
- That the proposed development will not have any significant environmental impact.
- 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.
- That the Police Department has indicated that they do not contemplate any problems from the proposed operation.

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- 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.
- 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:

- That development shall be in substantial conformance with the approved site plan, floor plan and elevations, except as noted below.
- That the required on-site parking be provided consistent with the approved site plan.
- 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..
- That the project shall comply with State Disabled Access requirements.
- That all improvements be constructed as required by Ordinance and the Public Works
  Department.
- 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.
- 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.

- That all vehicular access rights to Jamboree Road be released and relinquished to the City of Newport Beach.
- 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.

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- 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.
- 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.
- That on-site fire hydrants shall be provided as required in the Uniform Building Code and Fire/Marine standards.
- 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.
- 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.
- 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.

- That the project comply with the Uniform Building Code, disabled access, and energy regulations.
- 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):

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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)

Item	Status
Shielding	Lower parking lot complete Upper parking lot complete
Service entrance lenses	Complete
Automatic lighting control	<ul> <li>Independent lighting engineer verifies system is programmed to do the following:</li> <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.

### **Attachment No. CD 3**

Staff Approval No. SA2010-006

# OH LIFORNIA CALIFORNIA

### 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 <u>July 12, 2010</u>, 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:

- 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.
- 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;
- 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;
- 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.
- All original applicable conditions of Use Permit No. 3565 shall remain in effect and are applicable to this approval.
- 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.
- 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

### **Attachment No. CD 4**

Staff Approval No. SA2010-008

# NEWPORT PRACE

### 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 <u>July 14, 2010</u>, 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:

- 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.

### <u>FINDING</u>

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:

 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.

- 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 luminaries that have no direct up-light. The full cut-off design luminaries will significantly minimize sky-glow above the project site and glare impacts to individuals when the luminaries are viewed from a distance. The combination of the lighting locations, the design of the luminaries, 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).
- 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

- 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.

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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

Ja

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

#### **Attachment No. CD 5**

Project Plans



# FLETCHER JONES MOTORCARS

# Mercedes Benz of Newport Beach

3300 Jamboree, Newport Beach, CA 92660



#### Gensler

Architect/Interior Designer 5420 LBJ Freeway Suite 1100 2 Lincoln Center Dallas, TX 75240 Telephone: 214.273.1500 Facsimile: 214.273.1505

KJWW Engineering
Structural, Mechanical, Electrical & Plumbing 231 S LaSalle Street Suite 600

Chicago, IL 60604 Telephone: 630.527.2320 Facsimile: 630.527.2321

### CaliChi Design Group

Civil Engineers 1 N. LaSalle **Suite 3950** Chicago, IL 60602 Telephone: 312.940.4393

### David Neault Associates

Landscape Architect - Davide Neault 41877 Enterprise Circle North Suite140 Temecula, CA 92590

Telephone: 951.296.3430 Facsimile: 951.296.3431

### **Skender Construction**

General Contractor Andrew Vesh 200 W. Madison St. Suite 1300 Chicago IL 60606

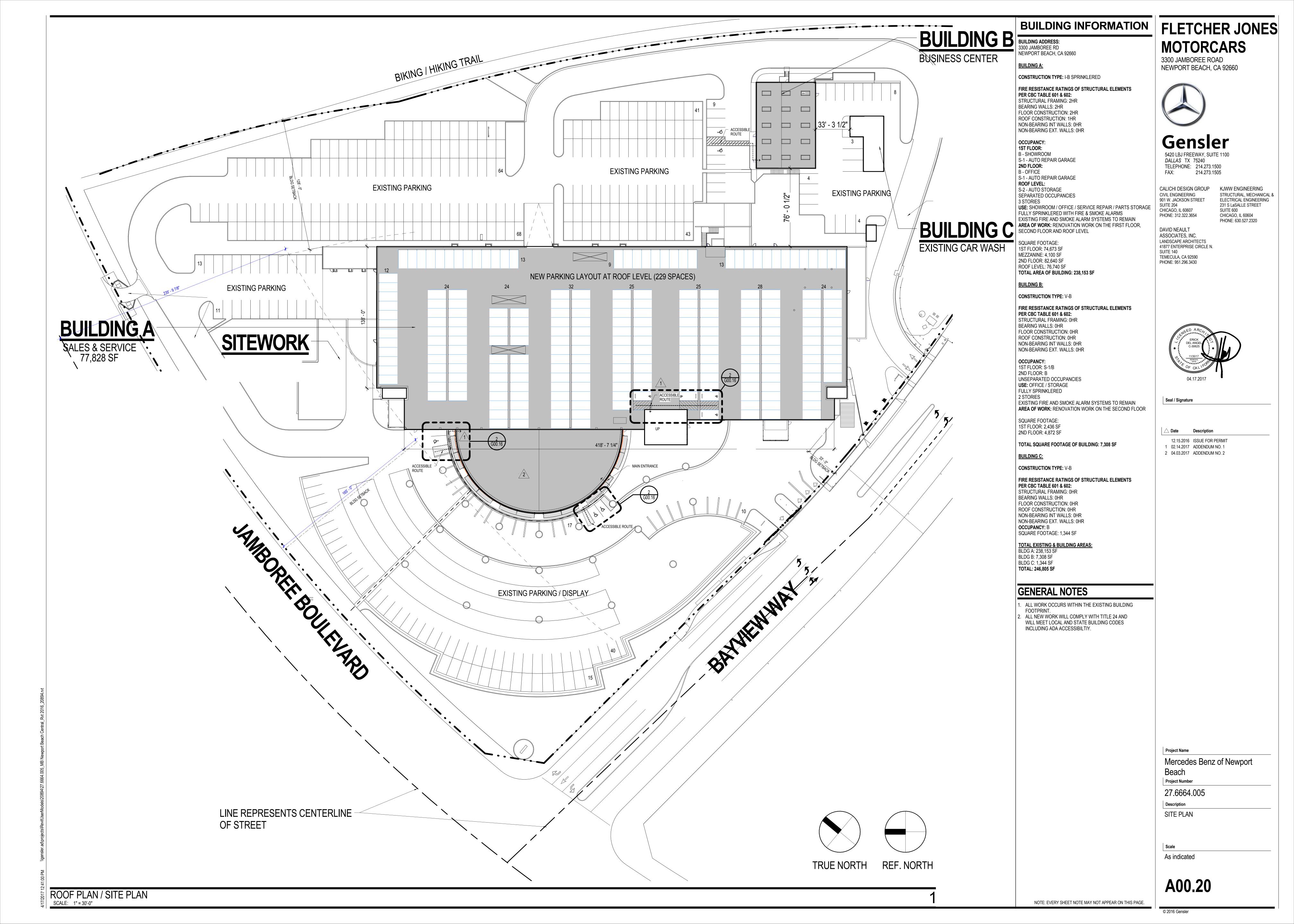
Telephone: 312.781.0265 Facsimile: 312.781.0279

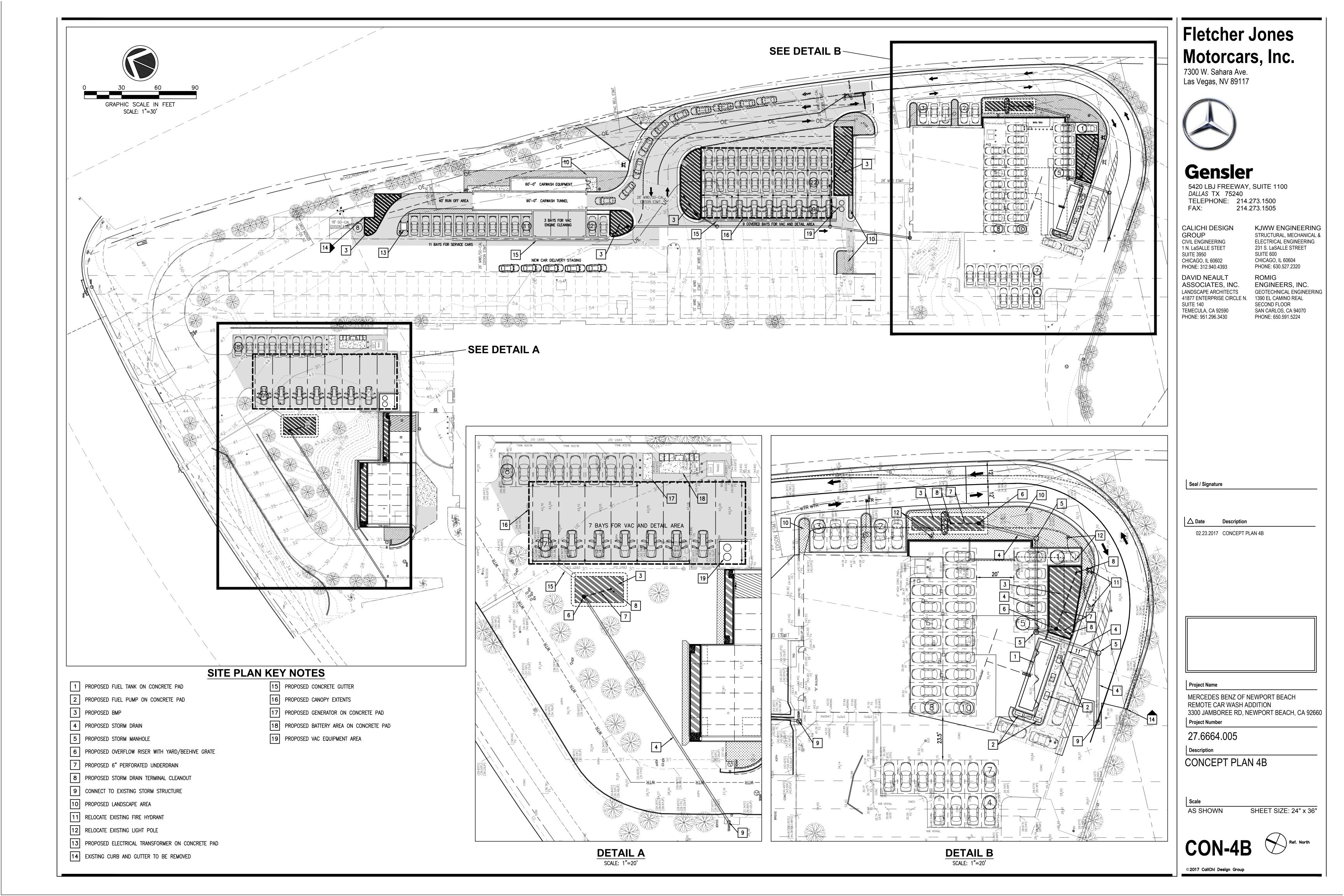
# 03/14/2017 STAFF APPROVAL APPLICATION SUBMITTAL

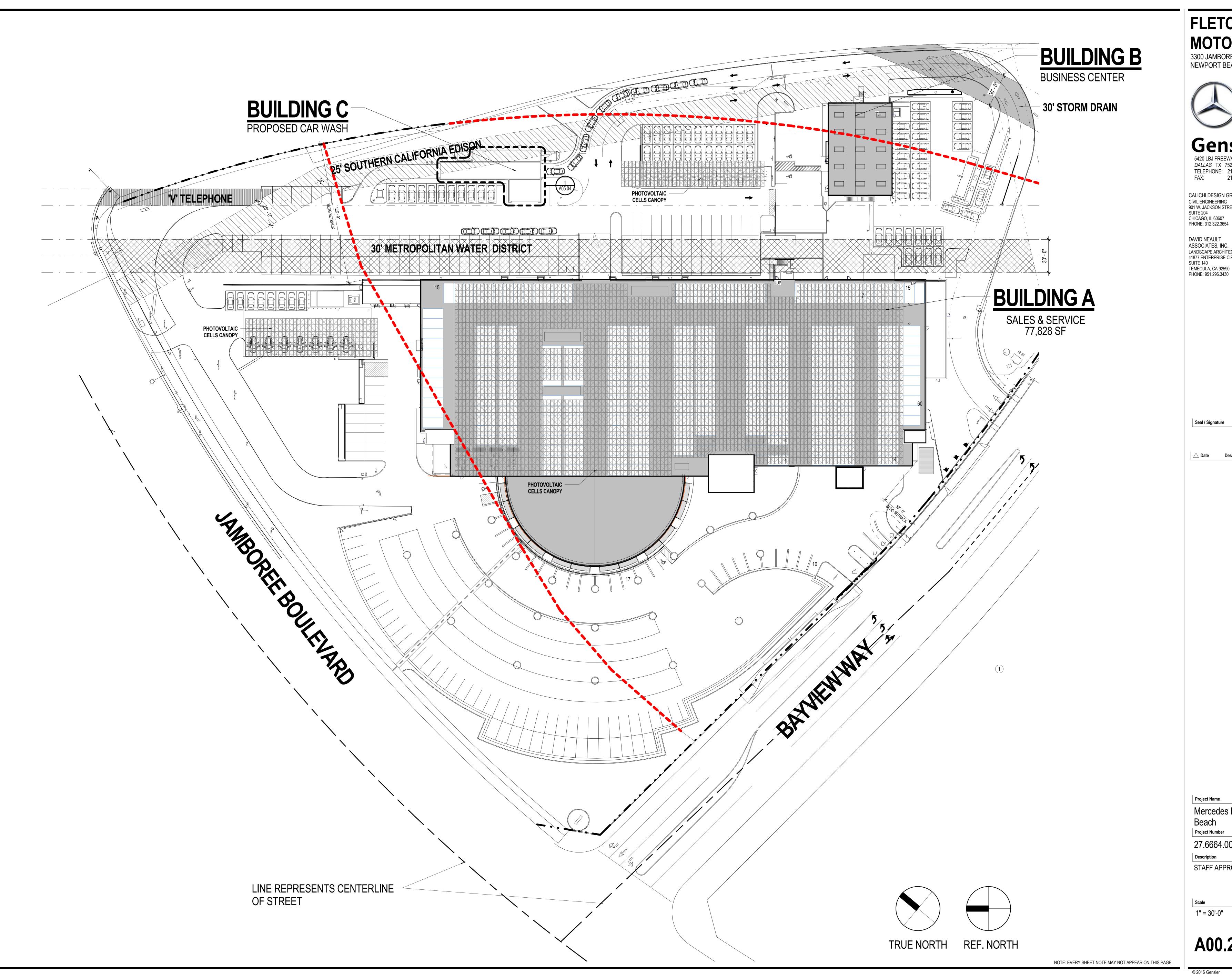
FLETCHER JONES MOTORCARS, INC. 3300 JAMBOREE ROAD NEWPORT BEACH, CA 92660

## SHEET INDEX:

A00.21B - STAFF APPROVAL SITE PLAN STUDY **CON-4B CONCEPT PLAN 4B** A05.04 CAR WASH AND ELEVATIONS **A101 SITE PLAN A102 SITE PLAN** S1.0 GENERAL STRUCTURAL NOTES AND DETAILS E101 ELECTRICAL ONE-LINE







## **FLETCHER JONES MOTORCARS**

3300 JAMBOREE ROAD NEWPORT BEACH, CA 92660



### Gensler

5420 LBJ FREEWAY, SUITE 1100 DALLAS TX 75240 TELEPHONE: 214.273.1500 FAX: 214.273.1505

CALICHI DESIGN GROUP 901 W. JACKSON STREET

ELECTRICAL ENGINEERING 231 S LaSALLE STREET SUITE 600 CHICAGO, IL 60604 PHONE: 630.527.2320

DAVID NEAULT
ASSOCIATES, INC.
LANDSCAPE ARCHITECTS
41877 ENTERPRISE CIRCLE N.
SUITE 140
TEMECULA, CA 92590
PHONE: 951.296.3430

**∑** Date Description

Mercedes Benz of Newport

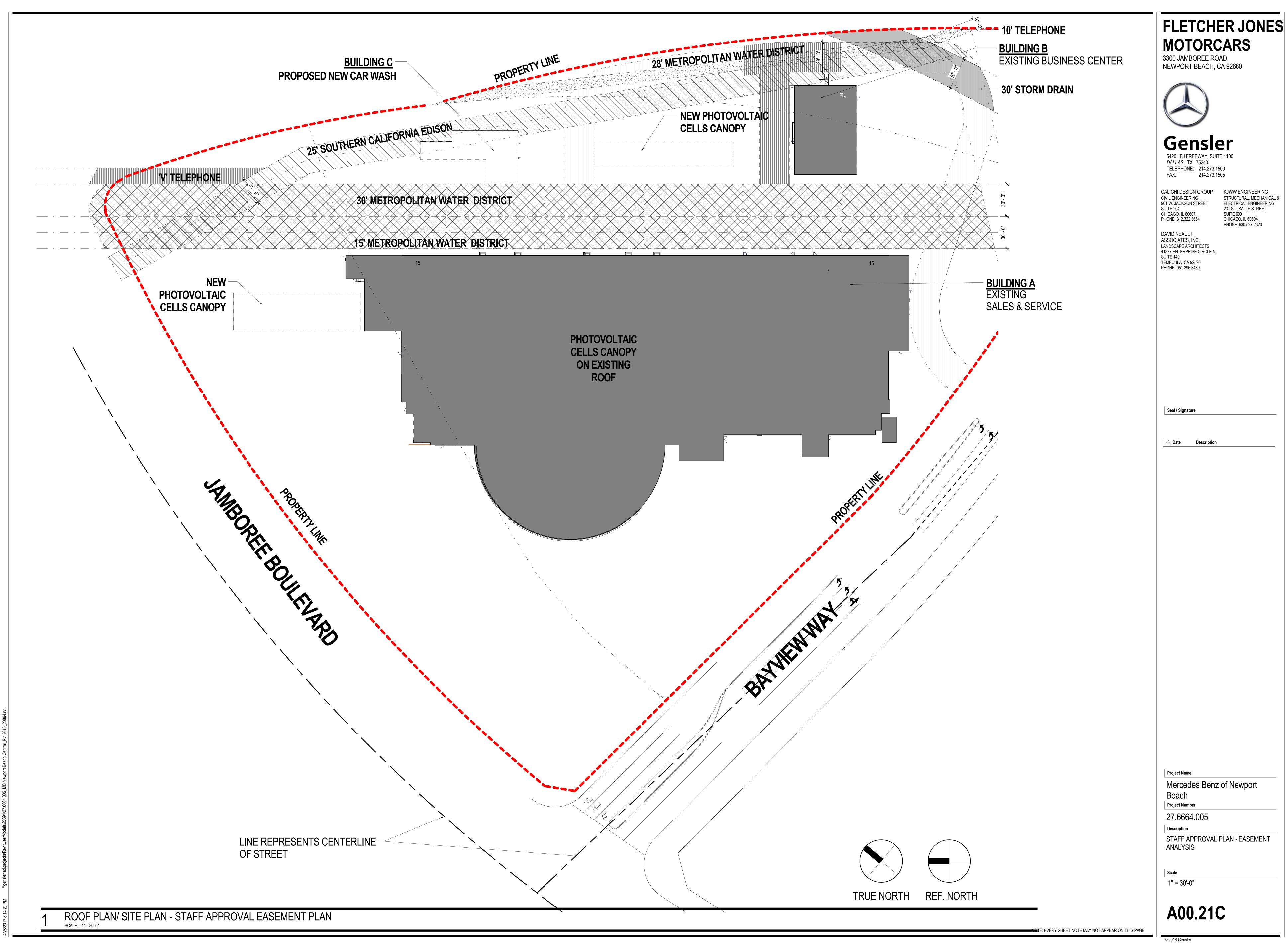
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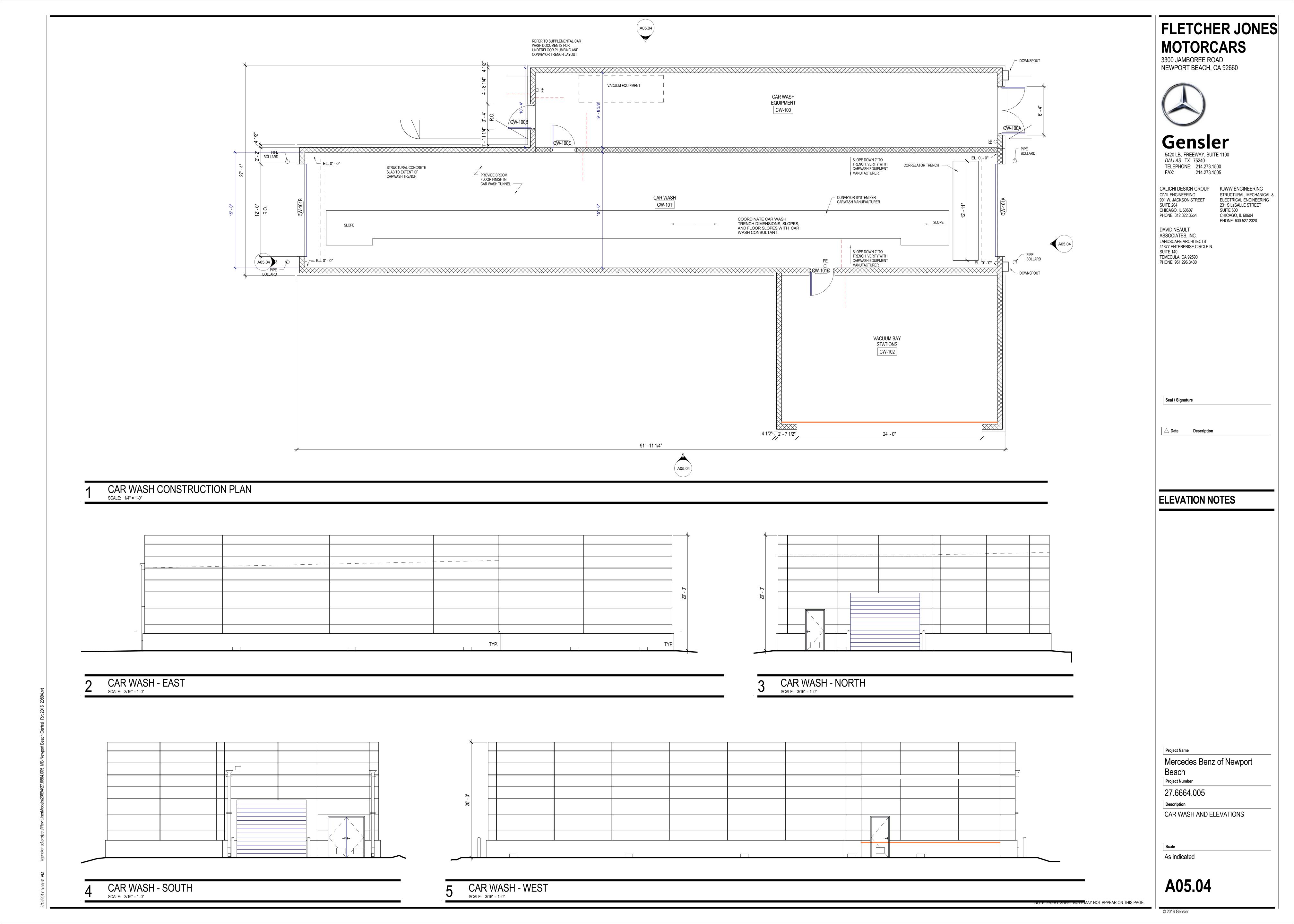
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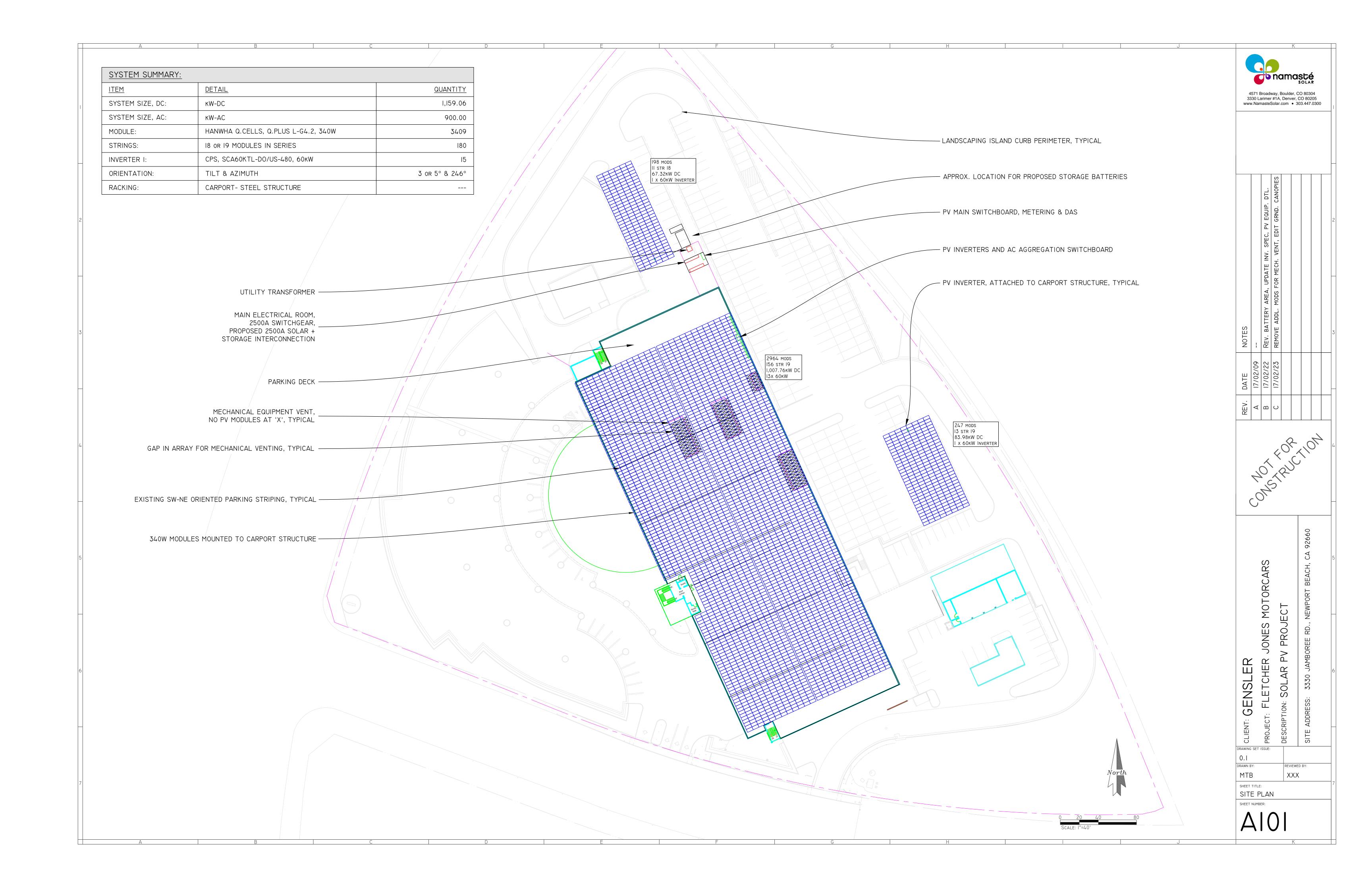
STAFF APPROVAL SITE PLAN STUDY

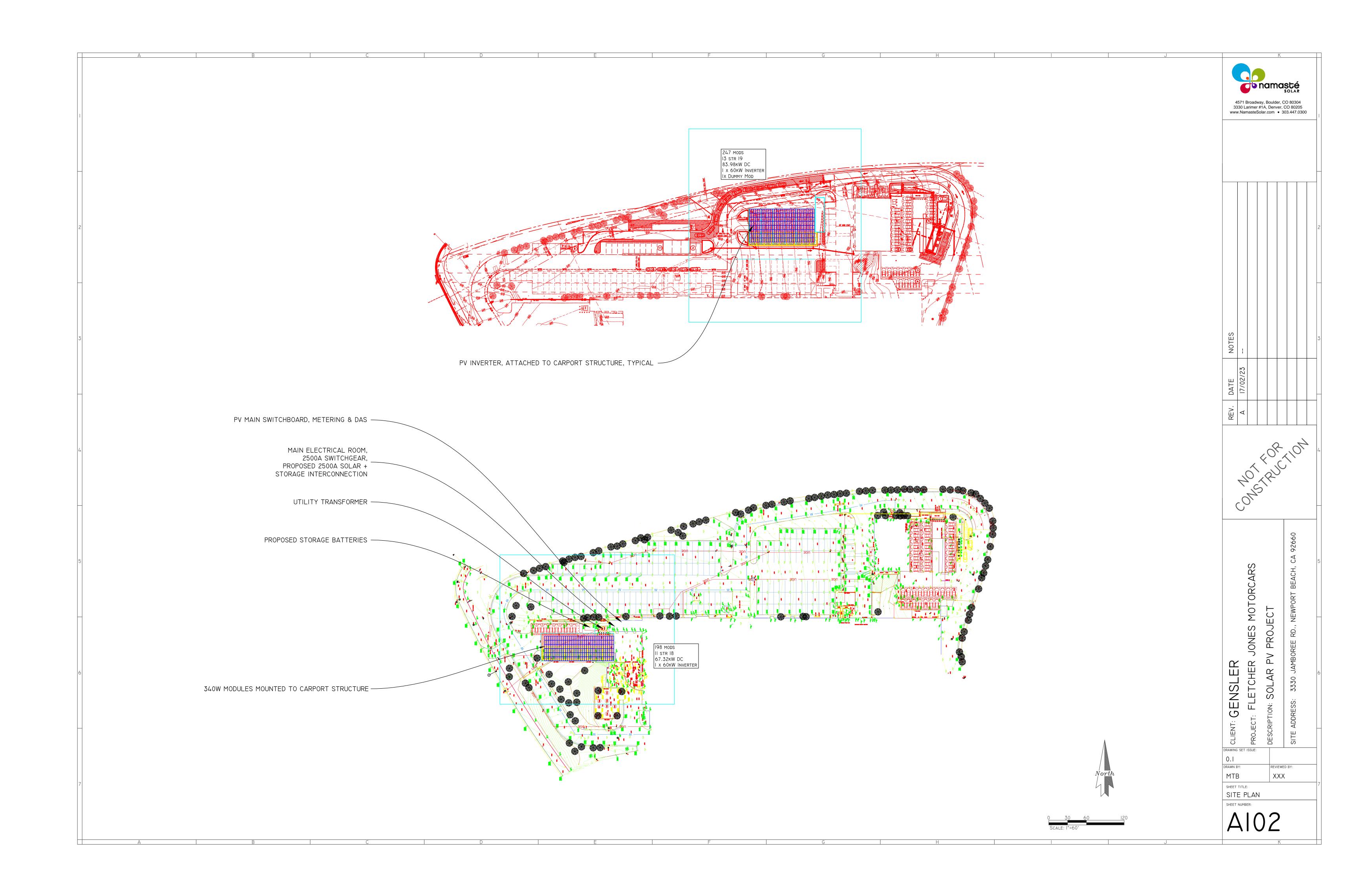
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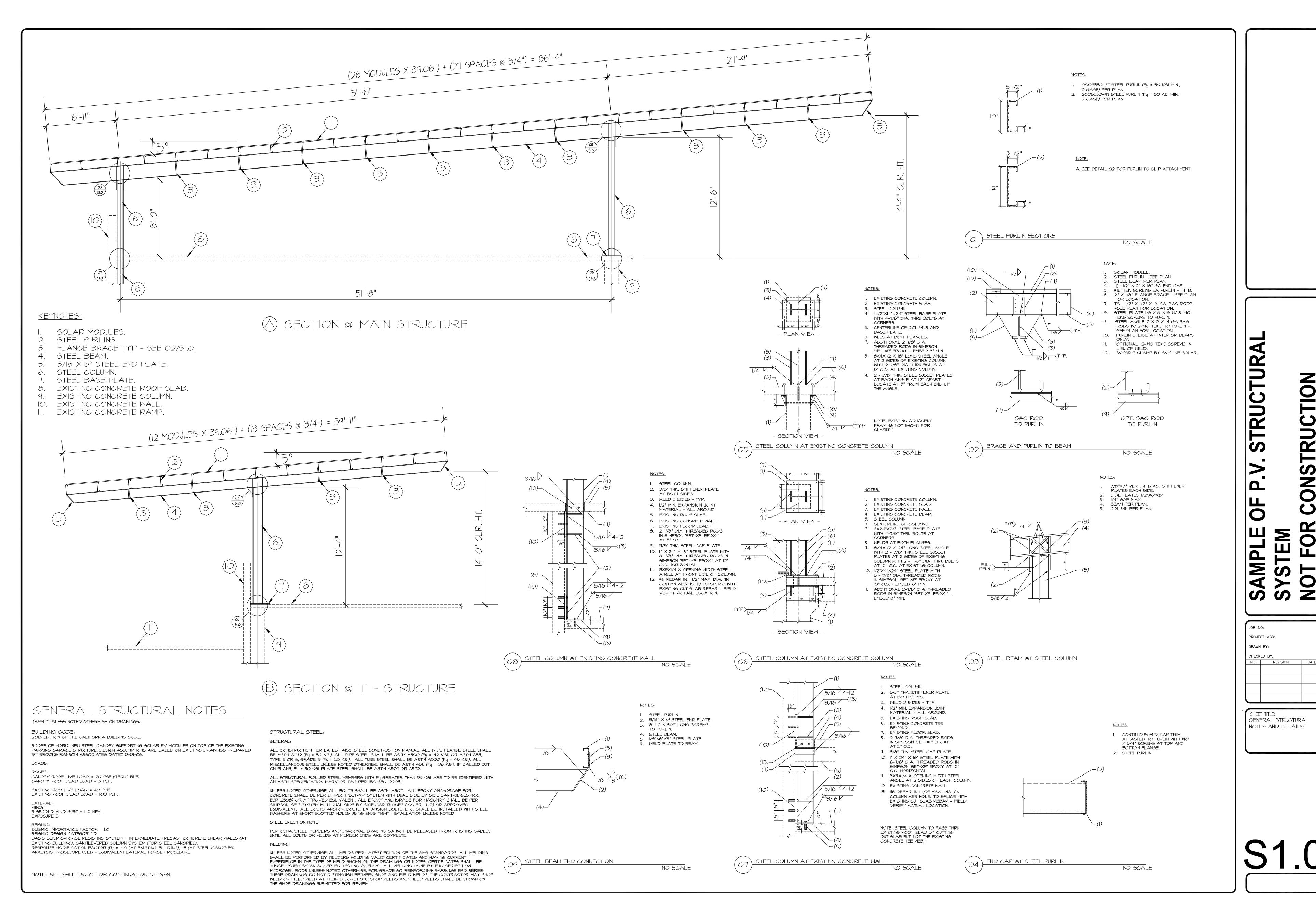
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<u>ELECTRICAL EQUIPMENT SCHEDULE - PV</u>			
KEY	ITEM	DESCRIPTION	QTY
01	Module	HANWHA QCELLS, Q.PLUS L-G4.2 340, 340W, 1000V-DC MAX, UL 1703 COMPLIANT	3510
02	INVERTER, 60KW	CPS, SCA60KTL-DO/US-480, 60kW, 1000VDC, 480VAC, 3P/4W, 72.2A, INTEGRATED DC & AC DISCONNECTS, UL 1741 COMPLIANT	15
03	INVERTER, 36KW	CPS, SCA36KTL-DO/US-480, 36kW, 1000VDC, 480VAC, 3P/4W, 43.5A, INTEGRATED DC & AC DISCONNECTS, UL 1741 COMPLIANT	I
04	SWITCHBOARD 02	277/480V, 1600A BUS, 1500A MAIN SWITCH, 3P/4W, XXKAIC, NEMA3R	I
05A	SWITCHBOARD 01 - PV SECTION	277/480V, 2500A BUS, I500A MAIN SWITCH 3P/4W, 65KAIC, NEMA3R	I
05в	SWITCHBOARD OI - UTIL. CT CAB.	277/480V, 2500A BUS, MLO, 3P/4W, 65KAIC, NEMA3R, SCE UTILITY METER (PV PRODUCTION)	I
05c	SWITCHBOARD 01 - STORAGE SECT.	277/480V, 2500A BUS, 2500A MAIN SWITCH, 3P/4W, 65KAIC, NEMA3R	I
06	DATA ACQUISITION SYSTEM, 'DAS'	Locus Energy, inverter direct & revenue grade monitoring	I
07	DAS WEATHER STATION	POA IRRADIANCE, CELL TEMPERATURE, AMBIENT TEMPERATURE, & WIND SPEED SENSORS	I

ELEC.	TRICAL EQUIPMENT SCHEDU	JLE - STORAGE	
KEY	ITEM	DESCRIPTION	QTY
01	BATTERY	Tesla, Powerpack, 250kW	I
02	INVERTER	DYNAPOWER	I
03	AMS GATEWAY	REQUIRES 2P/20A, 480V BREAKER	I
04	BATTERY SITE MASTER CONTROL	TESLA, REQUIRES 2P/20A, 480V BREAKER	I
05	METER	ACUVIM IIR METER (UTILITY FEED, BATTERY & SOLAR PV)	3



REV B

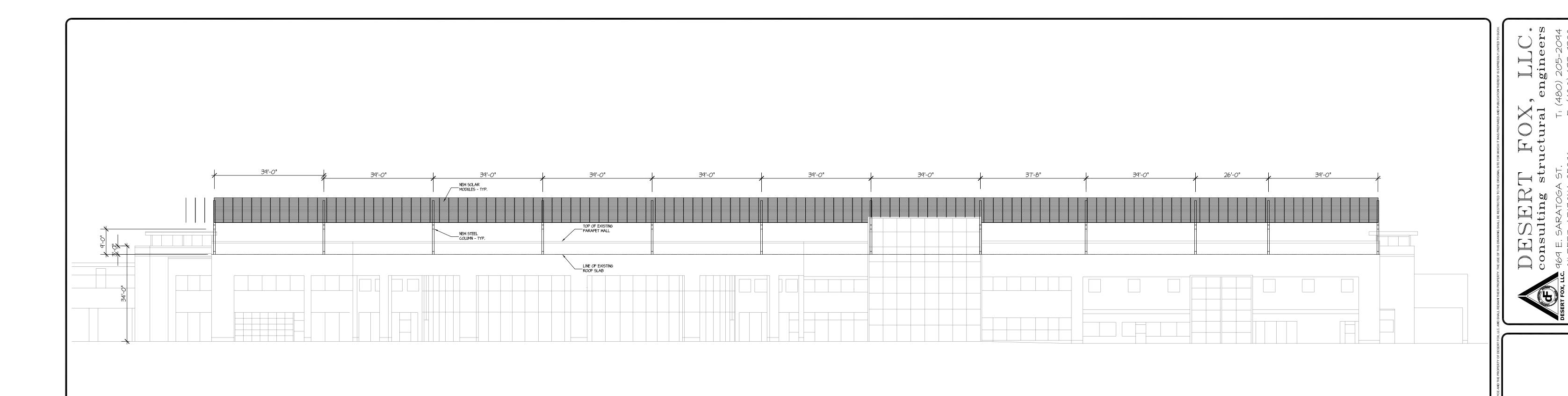
JONES MOTORCARS DESCRIPTION: SOLAR PV PROJECT CLIENT: GENSLER

DRAWING SET ISSUE:

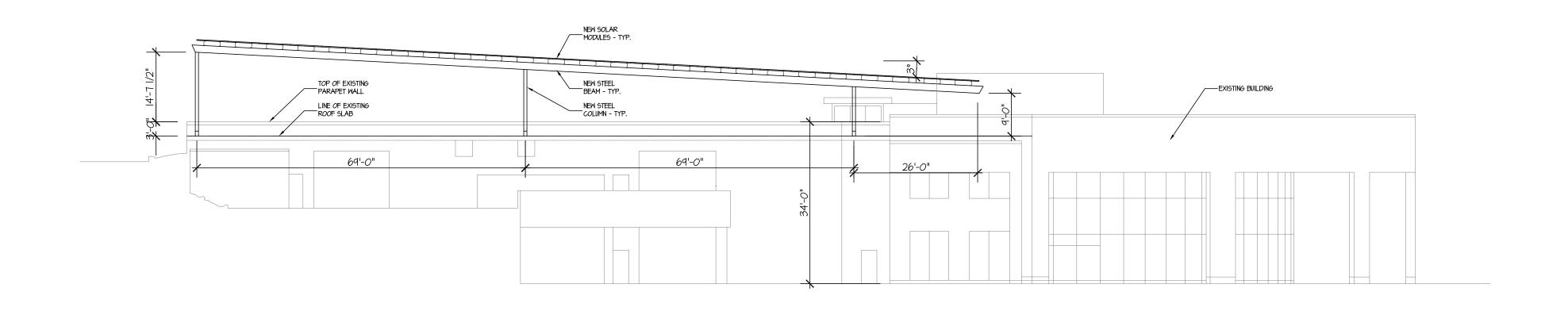
XXX ELECTRICAL ONE-LINE

EIOI

------ PV SYSTEM & STORAGE EQUIPMENT ---- EXISTING EQUIPMENT PV DAS EQUIPMENT SITE LAN -----SITE LAN ------\_\_\_\_\_\_ WEATHER STATION 20A/3P 20A/2P AMS GATEWAY PV DAS -----400A/3P BATTERIES NORTH CANOPY 100A/3P 20A/2P TESLA SMC [ 198 MODULES ] 01 EAST CANOPY AC INV-I5 DC 02 100A/3P AC INV-14 DC 03 60A/3P 100A/3P INV-13 | 480/277V, 3P/4W, 2500A, 65KAIC 2500A/3P o TYPICAL FOR 13 INVERTERS AC INV-0I 100A/3P MAIN SWITCHBOARD DISTRIBUTION CIRCUIT (SCE) I500A/3P 2500A/3P 1500A/3P B SWITCHBOARD 01 - PV SECTION SWITCHBOARD 01 - STORAGE SECT. (C) SCE METERING CABINET 8.4KV <u>H</u> PV SWITCHBOARD 02 SCE CT / METER CABINET GROUNDING ELECTRODE SYSTEM PV ARRAY TRANSFORMER PAD ELECTRICAL ROOM



FRONT ELEVATION



PRELIMINARY

PROJECT MGR: RRD

CHECKED BY: RRD

SHEET TITLE: ELEVATIONS

NOT FOR CONSTRUCTION

A10
ISSUE DATE: 02/20/2017

NORTH ELEVATION



