



CITY OF NEWPORT BEACH COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION ACTION REPORT

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

FROM: Seimone Jurjis, Community Development Director

SUBJECT: Report of actions taken by the Zoning Administrator and/or Planning Division staff for the week ending August 17, 2018.

COMMUNITY DEVELOPMENT DIRECTOR OR PLANNING DIVISION STAFF ACTIONS (Non-Hearing Items)

Item 1: Jaguar Land Rover and Aston Martin Limited Term Permit No. XP2018-006 (PA2018-128)
Site Address: 1540 Jamboree Road

Action: Approved

Council District 5

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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ZONING ADMINISTRATOR ACTION LETTER

Application No. Limited Term Permit – Less than 90 days No. XP2018-006
(PA2018-128)

Applicant Pendragon North America

Site Location 1540 Jamboree Road
Jaguar Land Rover and Aston Martin Limited Term Permit – Less
than 90 days

Legal Description Parcel 1 of Resubdivision No. 460

On **August 17, 2018**, the Zoning Administrator approved a Limited Term Permit for a duration of less than 90 days authorizing the placement of temporary modular buildings. One modular office building and one modular restroom will be used by Jaguar Land Rover and Aston Martin employees temporarily during the renovation of the car dealership. The modular buildings will be located within the rear parking lot of the car dealership. The property is located on Jamboree Road between Santa Barbara Drive and San Joaquin Hills Road. This approval is based on the following findings and subject to the following conditions.

FINDINGS

Finding:

- A. *This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 11 (Accessory Structures).*

Facts in Support of Finding:

1. Class 11 exempts the placement of seasonal or temporary use of items such as lifeguard towers, mobile food units, portable restrooms, or similar items. The proposed temporary modular buildings will be placed within the parking lot of the car dealership for a temporary period of time and will be ancillary to an existing commercial development under renovation.

Finding:

- B. *The operation of the limited duration use at the location proposed and within the time period specified would not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the requested limited duration use;*

Facts in Support of Finding:

1. The limited term permit will allow one temporary modular office building and one temporary modular restroom for employees to relocate during the renovation of the car dealership.
2. The operation of the temporary modular buildings are limited to 90 days from the date of permit issuance and has been reviewed and conditioned to preclude any detriment to the general welfare of the area.
3. Throughout the duration of the renovation, there is an off-site parking agreement between the car dealership and a parking structure located at 800 San Clemente Drive for inventory vehicle storage. The 400 parking spaces that will be utilized by the dealership are excess spaces that have not been allocated to any specific use. The operation at the off-site parking structure has been conditioned to restrict noise and hours of operation.
4. There is an off-site parking agreement between the car dealership and a parking structure located at 888 San Clemente Drive for additional employee parking. The parking structure services an existing office building that requires 255 parking spaces. A surplus of parking is available, as the parking structure provides 384 parking spaces. Since the parking structure is located in the lot abutting the subject car dealership, employees who park in the structure will walk to the dealership.
5. Throughout the duration of the renovation, an on-demand shuttle service will be provided that runs from the dealership to nearby rental car centers for customers dropping off their vehicles for service.

Finding:

- C. *The subject lot is adequate in size and shape to accommodate the limited duration use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the lot;*

Facts in Support of Finding:

1. The subject lot is approximately 2.14 acres in size. Based upon the site plan, there is adequate area to accommodate the proposed modular buildings and existing uses

without impacting vehicle circulation. The modular buildings will be located in the parking lot of the car dealership.

2. The placement of the temporary modular buildings have been conditioned to ensure that it will not negatively impact on-site circulation.
3. The lot is bounded by a vehicle service station to the north, Jamboree Road to the west, residential apartments to the east, and the Newport Beach Police Department to the south. The temporary modular buildings will not affect any of the surrounding uses.
4. The temporary modular buildings will be placed on private property.
5. Existing landscaping shall remain between Modular Building 'A' and the abutting police department lot to screen and soften the visual bulk of the building as viewed from the police department. In addition, temporary trees and hedges shall be planted in front of Modular Building 'A' to screen the building as viewed from Jamboree Road. Both modular buildings are located in the rear of the parking lot, which reduces the visibility from Jamboree Road.

Finding:

- D. The subject lot is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the limited duration use would or could reasonably be expected to generate;*

Facts in Support of Finding:

1. The subject lot has two direct driveway approaches taken from Jamboree Road. The temporary modular buildings' location in the parking lot will not impede access to the existing car dealership. There are no traffic issues anticipated.

Finding:

- E. Adequate temporary parking to accommodate vehicular traffic to be generated by the limited duration use would be available either on-site or at alternate locations acceptable to the Zoning Administrator; and*

Facts in Support of Finding:

1. The proposed temporary modular buildings will not create additional parking demand since it will be utilized as a workspace for employees displaced during the renovation of the existing car dealership.
2. With the placement of the temporary modular buildings, the on-site parking lot will provide adequate parking for all employees, customers, service vehicles, and display vehicles. Inventory vehicles will be stored inside a parking structure at 800 San

Clemente Drive through an off-site parking agreement. The off-site parking structure will provide 400 parking spaces for inventory storage. Additional employee parking is provided at 888 San Clemente Drive through an off-site parking agreement.

Finding:

- F. *The limited duration use is consistent with all applicable provisions of the General Plan, any applicable specific plan, the Municipal Code, and other City regulations.*

Facts in Support of Finding:

1. The temporary modular buildings are conditioned to comply with all applicable provisions of the General Plan, Municipal Code, and other City regulations.
2. The site is not located within a specific plan area.

CONDITIONS

1. The development shall be in substantial conformance with the approved site plan except as noted in the following conditions.
2. Anything not specifically approved by this limited term permit is prohibited and must be addressed by a separate and subsequent review.
3. All temporary structures shall be anchored and a building permit shall be secured for those structures as required by the Building Division.
4. All temporary structures are required to be inspected by a Building Division Inspector. The applicant shall comply with all lawful orders and requirements of the Building Inspector.
5. The operator of the limited duration use shall be responsible for the control of noise generated by the subject facility including, but not limited to, noise generated by patrons and equipment. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code. If noise generation does not comply with the aforementioned provisions, the Community Development Director may require remediation measures which may include relocation of equipment.
6. No outdoor sound system, loudspeakers, or paging system shall be permitted in conjunction with the facility.
7. Lighting shall be in compliance with applicable standards of the Zoning Code. 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. "Walpak" type fixtures are not permitted. If in the opinion of the Community Development Director the existing illumination creates an

- unacceptable negative impact on surrounding land uses or sensitive habitat areas, the dimming of light sources or other remediation may be ordered. An electrical permit shall be secured for lighting as required by the Building Division.
8. All electrical shall be in good working order and shall be protected from pedestrian traffic. An electrical permit shall be obtained and the site inspected by the Building Division.
 9. The existing accessible parking stall and path of travel adjacent to the temporary modular building must be maintained.
 10. Prior to permit issuance, approval for the temporary modular building shall be obtained from the Metropolitan Water District for placement on their easement.
 11. Operation of the temporary modular building shall comply with all conditions from the Metropolitan Water District.
 12. The applicant shall provide a 24-hour contact number for emergencies to Code Enforcement and interested parties upon request during the period of time the modular buildings are authorized.
 13. The modular buildings shall not block any firefighting equipment such as fire hydrants, standpipe connections, or fire department connections.
 14. The Limited Term Permit is for the operation of three temporary modular buildings on-site for 90 days after the final inspection of the building permit is issued and does not authorize the use or operation of additional storage modular buildings on-site.
 15. Should the temporary modular buildings become a detriment to the public health, comfort, convenience, safety, and general welfare of the peace and quiet of the neighboring properties and their inhabitants, this permit may be revoked.
 16. The approval of the requested limited term permit is contingent upon compliance with applicable provisions of the Municipal Code and the successful granting of all required permits from any other department or governing agency.
 17. Construction vehicles shall not be located in the emergency fire access roadway.
 18. Health and Safety Code Section 18206 requires that all new and used commercial modular or special purpose commercial modular shall bear either a federal label or insignia when offer to sale, rent, or lease in California. Federal label is issued by the US Department of Housing and Urban Development (HUD).
 19. Fire Extinguishers 2A 10BC shall be required in the temporary modular buildings.

20. The off-site parking structure located at 800 San Clemente Drive shall be used for vehicle inventory only. Only authorized employees shall have access to the parking structure. No customers shall access the parking structure.
21. The off-site parking structure located at 800 San Clemente Drive shall not operate after the hours of operation of the Jaguar Land Rover and Aston Martin car dealership. The hours of operation shall be between 7:00 a.m. and 9:00 p.m., daily.
22. A shuttle service shall be provided for customers to rental car facilities located at 2222 Bristol Street and 4500 Campus Drive.
23. The inventory vehicles located at the off-site parking structure at 800 San Clemente Drive shall be monitored for any noise issues such as car alarms, which shall be shut off in a timely manner.
24. 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 **Jaguar Land Rover and Aston Martin Temporary Modular Buildings** including, but not limited to, **Limited Term Permit No. XP2018-006 (PA2018-128)**. 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. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

On behalf of Patrick J. Alford, Zoning Administrator

By:



David S. Lee, Assistant Planner

JM/dl

Attachments: ZA 1 Vicinity Map
 ZA 2 Plans

Attachment No. ZA 1

Vicinity Map

VICINITY MAP



Limited Term Permit – Less than 90 days
No. XP2018-006 (PA2018-128)

1540 Jamboree Road

Attachment No. ZA 2

Plans

