



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 9, 2019.

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

Item 1: Jaguar Land Rover Temporary Modular Buildings Limited Term Permit No. XP2019-007 (PA2019-131)
Site Address: 2101 Dove Street

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

100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915

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ZONING ADMINISTRATOR ACTION LETTER

Application No. Jaguar Land Rover Temporary Modular Buildings Limited Term Permit – Less than 90 Days No. XP2019-007 (PA2019-131)
Applicant Pendragon North America
Site Location 2101 Dove Street
Legal Description Lots 20, 21, 22, 40 and 42 of Tract 3201

On **August 9, 2019**, the Zoning Administrator approved a Limited Term Permit for a duration of less than 90 days, authorizing the placement of two additional modular office buildings that will be used for Jaguar Land Rover employees during the renovation of an existing car dealership. The property is located adjacent to John Wayne Airport on Dove Street, between Campus Drive and Birch Street.

The requested modular buildings, marked as “D” and “E” on the submitted site plan, will be located to the east of existing modular buildings “A”, “B” and “C”, in the parking lot behind the existing car dealership. A separate limited term permit was approved for these buildings on November 15, 2018, for a period of 12 months (Attachment ZA 2).

As permitted by the previous limited term permit, the dealership will continue to utilize off-site parking agreements with the 800 and 888 San Clemente Drive properties. In the parking structure at 800 San Clemente Drive, the existing 400 parking spaces will continue to be utilized for inventory vehicles. In the parking structure at 888 San Clemente Drive, additional employee parking will continue to be provided. These off-site parking agreements will be utilized during the renovation. 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 rear of the car dealership for a temporary period of time and will be ancillary to an existing commercial development that is currently 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 two temporary modular office buildings to be used by the dealership's employees during the renovation of the car dealership. These modular office buildings will be in addition to the two existing temporary modular office buildings and modular restroom.
2. The operation of the temporary modular buildings is limited to 90 days from the date of building 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 to 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. Adequate parking for employees is being provided on the subject property. Furthermore, there is an off-site parking agreement between the existing car dealership and a parking structure located at 888 San Clemente Drive for additional employee parking. This off-site parking structure has a surplus of 129 parking spaces available for the dealership. A shuttle service will be provided for employees between the parking structure and the car 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 4.19 acres in size. As illustrated on the submitted 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 behind the existing car dealership.
2. The placement of the temporary modular buildings has been conditioned to ensure that it will not negatively impact on-site circulation.
3. The lot is bounded by Dove Street to the north, Campus Drive to the west, Birch Street to the east, and office buildings 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. The modular buildings are not located within the rear setback abutting neighboring office buildings. The existing 10-foot landscape buffer with mature trees provide adequate screening between the modular buildings and the adjacent office buildings.

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 ingress/egress driveway approaches from Birch Street, Dove Street, and Campus Drive. The temporary modular buildings' location in the rear 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. The placement of the additional modular buildings will temporarily displace a total of 16 employee parking stalls. However, the on-site parking lot still provides adequate parking for all employees and customers. Additional employee parking is available at 888 San Clemente Drive, and a shuttle service will continue to provide transportation for employees between the off-site parking location and the dealership. 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.

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 shall be 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 shall be 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 facilities 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 operation of the existing dealership 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 shall be maintained.
10. The drive aisle adjacent to the ramp of the modular buildings shall be closed to vehicular traffic.
11. All drive aisles shall be a minimum of 26 feet wide.
12. The dead-end drive aisle shall be accompanied by a 5-foot hammerhead/drive aisle extension
13. 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.
14. The modular buildings shall not block any firefighting equipment such as fire hydrants, standpipe connections, or fire department connections.
15. The Limited Term Permit is for the operation of two temporary modular buildings on-site (Buildings D and E) 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.
16. 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.

17. 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.
18. Construction vehicles shall not be located in the emergency fire access roadway.
19. 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 offered for sale, rent, or lease in California. Federal label is issued by the US Department of Housing and Urban Development (HUD).
20. Fire Extinguishers 2A 10BC shall be required in the temporary modular buildings.
21. 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.
22. The off-site parking structure located at 800 San Clemente Drive shall not operate after the hours of operation of the Jaguar Land Rover car dealership. The hours of operation shall be between 7:00 a.m. and 9:00 p.m., daily.
23. A shuttle service shall be provided for employees that park in the off-site parking structure located at 888 San Clemente Drive.
24. A shuttle service shall be provided for customers to rental car facilities located at 2222 Bristol Street and 4500 Campus Drive.
25. 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.
26. 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 Temporary Modular Buildings** including, but not limited to, **Limited Term Permit No. XP2019-007 (PA2019-131)**. 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 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.

Prepared by:


David S. Lee, Assistant

Approved by:


Rosalinh Ung
Zoning Administrator

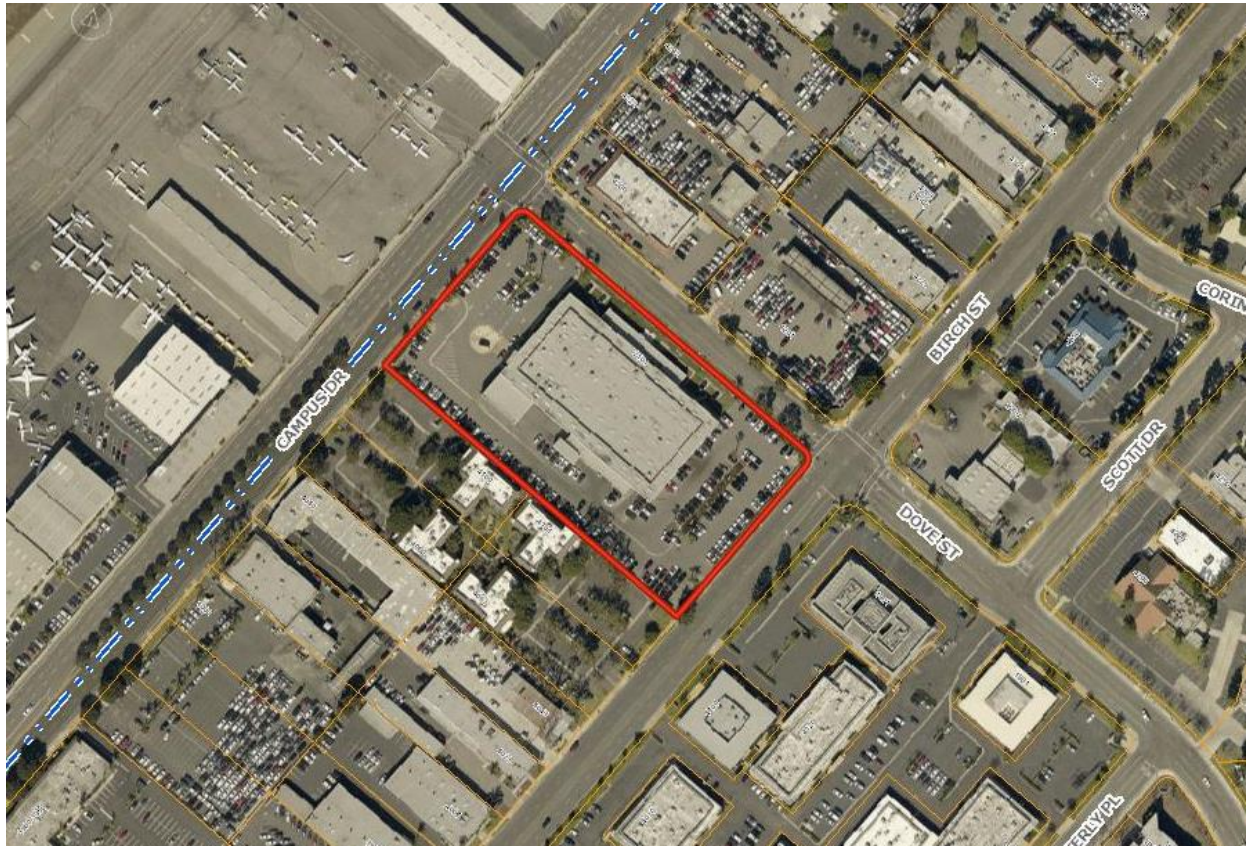
JM/dl

Attachments: ZA 1 Vicinity Map
 ZA 2 Limited Term Permit No. XP2018-005 (approved November 15, 2018)
 ZA 3 Plans

Attachment No. ZA 1

Vicinity Map

VICINITY MAP



Limited Term Permit – Less than 90 Days No.
XP2019-007 (PA2019-131)

2101 Dove Street

Attachment No. ZA 2

Limited Term Permit No. XP2018-005
(approved November 15, 2018)

RESOLUTION NO. ZA2018-123

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING XP2018-005 FOR TEMPORARY MODULAR BUILDINGS TO BE USED AS OFFICES DURING THE REMODEL OF THE VEHICLE SALES AND SERVICE FACILITY LOCATED AT 2101 DOVE STREET (PA2018-129)

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Pendragon North America, with respect to property located at 2101 Dove Street, and legally described as a Lots 20, 21, 22, 40, and 42 of Tract 3201, requesting approval of a Limited Term Permit (More than 90 days).
2. The applicant proposes to place two modular office buildings and one modular restroom at the existing Jaguar Land Rover car dealership. The modular buildings will be used by employees during the renovation of the car dealership. The modular buildings will be located in the parking lot behind the existing car dealership.
3. The subject property is designated Airport Office and Supporting Uses (AO) by the General Plan Land Use Element and is located within the Office Airport (OA) Zoning District.
4. The subject property is not located within the coastal zone.
5. A public hearing was held on November 15, 2018 in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15311 under Class 11 (Accessory Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.
2. Class 11 exempts the placement of seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar items. The proposed temporary modular buildings will be placed within the rear of the car dealership for a temporary period of time and will be ancillary to an existing commercial development under renovation.

3. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

SECTION 3. REQUIRED FINDINGS.

Limited Term Permit

In accordance with Section 20.52.040 of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

- A. *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 two temporary modular office buildings and one temporary modular restroom for employees to relocate during the renovation of the car dealership.
2. 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.
3. Adequate parking for employees are provided on-site. However, 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. A shuttle service will be provided for employees between the parking structure and the car dealership.
4. 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:

- B. 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 4.19 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 behind the existing car dealership.
2. The placement of the temporary modular buildings has been conditioned to ensure that it will not negatively impact on-site circulation.
3. The lot is bounded by Dove Street to the north, Campus Drive to the west, Birch Street to the east, and office buildings 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. Modular Building 'A' is located within the front setback abutting Campus Drive, but will be located outside of the 5-foot utilities easement which also abuts Campus Drive.
6. An existing hedge within the front setback abutting Campus Drive shall be maintained and 6 new trees shall be added in front of the modular building to screen and soften the visual bulk of the building as viewed from Campus Drive. Also, the modular buildings are not located within the rear setback abutting neighboring office buildings. However, existing trees provide a buffer between the modular buildings and the adjacent office buildings.

Finding:

- C. 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 direct driveway approaches taken from Birch Street, Dove Street, and Campus Drive. The temporary modular buildings' location in the rear parking lot will not impede access to the existing car dealership. There are no traffic issues anticipated.

Finding:

- D. 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. The placement of the modular buildings will displace 15 vehicle service stalls. However, the on-site parking lot will provide adequate parking for all employees and customers. 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.

Finding:

- E. 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:

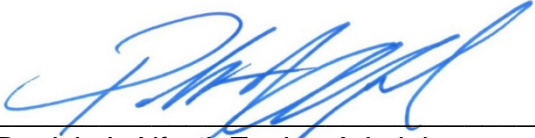
1. The temporary modular office is conditioned to comply with all applicable provisions of the General Plan, Municipal Code, and other City regulations.
2. The site is not located within a specific plan area.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves XP2018-005, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 15TH DAY OF NOVEMBER, 2018.



Patrick J. Alford, Zoning Administrator

EXHIBIT “A”**CONDITIONS OF APPROVAL**

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
4. This approval shall expire and become void unless exercised prior to the expiration of Limited Term Permit No. XP2018-004.
5. This Limited Term Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
6. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to Limited Term Permit or the processing of a new Limited Term Permit.
7. A copy of the Resolution, including conditions of approval Exhibit “A” shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
8. Prior to issuance of building permits, the applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Limited Term Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Coastal Development Permit and Limited Term Permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
9. This Limited Term Permit shall expire twelve (12) months from the issued date of building occupancy, unless an extension of up to one (1) additional period of 12 months is granted by the Zoning Administrator in compliance with Section 20.54.060 (Time Limits and Extensions) of the Zoning Code. A letter requesting the extension shall be submitted to the Planning Division no later than thirty (30) days prior to the expiration date of this permit.

10. All temporary structures shall be anchored and a building permit shall be secured for those structures as required by the Building Division.
11. 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.
12. 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 Director of Community Development, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
13. 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.
14. 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.
15. The existing hedge within the front setback abutting Campus Drive shall be maintained and six (6) new trees shall be added in front of the modular building to screen and soften the visual bulk of the building as viewed from Campus Drive.
16. The existing accessible parking stall and path of travel adjacent to the temporary modular building must be maintained.
17. The drive aisle adjacent to the ramp of the modular buildings shall be closed to vehicular traffic.
18. The dead-end drive aisle shall be accompanied by a 5-foot hammerhead/drive aisle extension.
19. The modular buildings shall not block any firefighting equipment such as fire hydrants, standpipe connections, or fire department connections.
20. 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.

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21. 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.
 22. Construction vehicles shall not be located in the emergency fire access roadway.
 23. 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).
 24. Fire Extinguishers 2A 10BC shall be required in the temporary modular buildings.
 25. 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.
 26. The off-site parking structure located at 800 San Clemente Drive shall not operate after the hours of operation of the Jaguar Land Rover car dealership. The hours of operation shall be between 7:00 a.m. and 9:00 p.m., daily.
 27. A shuttle service shall be provided for employees that park in the off-site parking structure located at 888 San Clemente Drive.
 28. A shuttle service shall be provided for customers to rental car facilities located at 2222 Bristol Street and 4500 Campus Drive.
 29. 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.
 30. 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.
 31. Prior to the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
 32. 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. The maximum noise shall be limited to no more than depicted below for the specified time periods unless the ambient noise level is higher:

| | Between the hours of 7:00AM and 10:00PM | | Between the hours of 10:00PM and 7:00AM | |
|---|---|----------|---|----------|
| Location | Interior | Exterior | Interior | Exterior |
| Residential Property | 45dBA | 55dBA | 40dBA | 50dBA |
| Residential Property located within 100 feet of a commercial property | 45dBA | 60dBA | 45dBA | 50dBA |
| Mixed Use Property | 45dBA | 60dBA | 45dBA | 50dBA |
| Commercial Property | N/A | 65dBA | N/A | 60dBA |

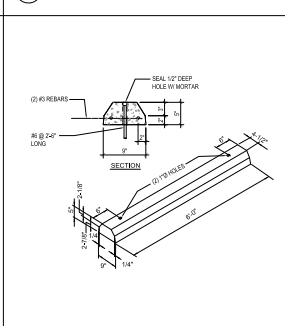
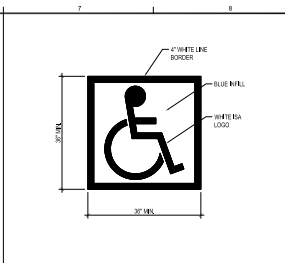
33. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
34. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.
35. No outside paging system shall be utilized in conjunction with this establishment.
36. All trash shall be stored within the building or within dumpsters stored in the on-site trash enclosures or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies.
37. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
38. Trash receptacles for patrons shall be conveniently located both inside and outside of the establishment, however, not located on or within any public property or right-of-way.
39. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
40. The applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).
41. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and Saturdays and between the hours of 10:00


p.m. and 9:00 a.m. on Sundays and Federal holidays, unless otherwise approved by the Director of Community Development, and may require an amendment to this Use Permit.

42. Storage outside of the building in the front or at the rear of the property shall be prohibited, with the exception of the required trash container enclosure.
43. 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 Temporary Modular Buildings** including, but not limited to, **Limited Term Permit No. XP2018-005 (PA2018-129)**. 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.

Attachment No. ZA 3

Plans



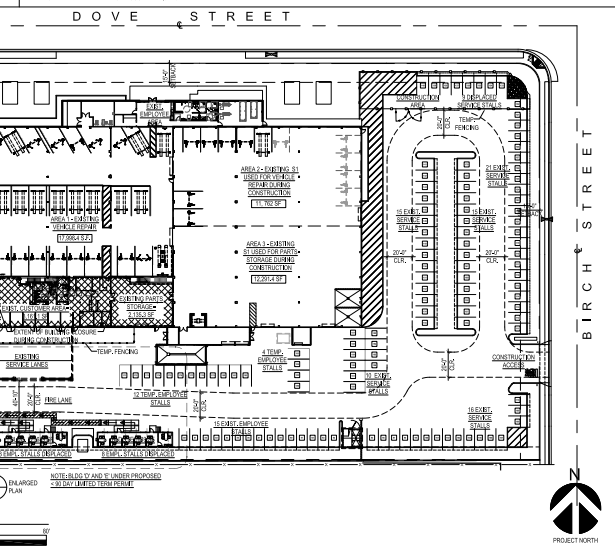
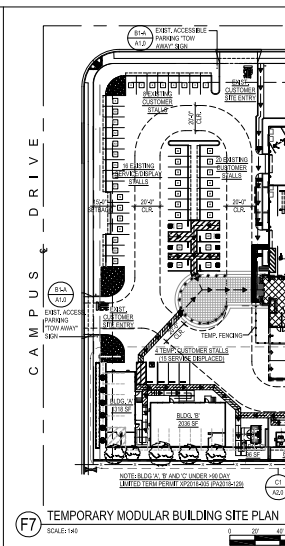
| | | |
|--|---|----|
| | 11 | 12 |
|  | <h2>DESCRIPTION OF WORK</h2> <p>TEMPORARY SMOKE BUILDINGS FOR USE AS SERVICE ADVISOR AND SALLER OFFICES DURING FACILITY REMODEL.</p> | |
| | <h2>PROJECT INFORMATION</h2> | |
| | <p><u>PROJECT ADDRESS:</u></p> <p>2111 DOWE STREET NEWPORT BEACH, CA 92660</p> | |
| | <p><u>ASSOCIATED PERMITS:</u></p> <p>BUILDING PC #K242-2017 PLANNING S0420-12-03 PLANNING XPD2018-005 (PA2018-129)</p> | |
| | <p><u>CONSTRUCTION DURATION:</u></p> <p>ESTIMATED START DATE: 11-1-2018 (IN PROGRESS) ESTIMATED COMPLETION: 6-30-2019</p> | |

| CONTACT INFORMATION | |
|---|---|
| <u>APPLICANT</u> | <u>ARCHITECT</u> |
| PENDRAGON NORTH AMERICA CONTACT: DERMOT BRENNAN 2171 CAMPUS DR. SUITE 260 IRVINE, CA 92612 | SDA PARTNERSHIP USA, INC. CONTACT: ANNA MARIE BARD 3161 MICHELSON DRIVE, STE. 420 IRVINE, CA 92612 (949) 756-0450, X105 |

| DOC | USE | AREA | RATE | REQUIRED | PROVIDED |
|--|---|-----------|-------|----------|----------|
| B | OFFICE, CUSTOMER AREA | 7,011.51 | 1,000 | 29 | 29 |
| S-1 | PARTY HOUSE, COURTNEY | 5,985.57 | 1,000 | 14 | 14 |
| S-1 | AREA 1 - DENT, VEHICLE SERVICE | 17,866.64 | 1,000 | 80 | 80 |
| S-1 | PROPOSED VEHICLE SERVICE (CHANGED FROM S-2 STORAGE) | 24,054.54 | 1,000 | 81 | 80 |
| TOTAL PARKING STALLS | | | | 188 | 188 |
| ACCESSIBLE PARKING STALLS PROVIDED INCLUDES 2 VAN STALLS | | | | 6 | 6 |

| DOC | USE | AREA | RATE | REQUIRED | PROVIDED |
|--|---|-------------|------|----------|----------|
| E-1 | EMPT. EMPLOYEE AREA, ADMIN. | 3,892 SF | 1000 | 18 | 18 |
| E-2 | TEMP. MOBILE VEH. (SALES, SERVICE ADVISOR, ADMIN.) | 4,739 SF | 1000 | 18 | 18 |
| P-1 | PARTS STORAGE, EQUIPMENT, REDUCED DURING CONSTRUCTION | 6,862 SF | 1000 | 14 | 14 |
| S-1 | AREA 1 - EMPT. VEHICLE SERVICE | 17,866 S.F. | 1000 | 60 | 60 |
| S-1 | AREA 2 - EMPT. VEHICLE SERVICE | 11,760 S.F. | 1000 | 40 | 40 |
| S-1 | AREA 3 - TEMPORARY PARTS STORAGE DURING CONSTRUCTION | 12,251 S.F. | 1000 | 25 | 7 |
| TOTAL PARKING SPOTS | | | | 170 | 158 |
| ACCESSIBLE PARKING SPOTS PROVIDED INCLUDES 2 EMPT. VAN SPOTS, 1 TEMP. VAN SPOT | | | | 7 | 7 |

NOTE: OFFICE PARKING WITH SHUTTLE AND TRUCK TRAILER PROVIDED DURING CONSTRUCTION

[illegible][illegible]



| ISSUED FOR: | | |
|-------------|------|-------------|
| # | DATE | DESCRIPTION |

[illegible]

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