



COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION

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CITY OF NEWPORT BEACH ZONING ADMINISTRATOR STAFF REPORT

January 12, 2017
Agenda Item No. 4

SUBJECT: Newport Dunes Limited Term Permit for AutoNation (PA2016-164)
101 Bayside Drive
▪ Limited Term Permit No. XP2016-009

APPLICANT: Newport Dunes Resort and Marina

OWNER: Terravista Management Inc.

PLANNER: Liz Westmoreland, Assistant Planner
949-644-3234, lwestmoreland@newportbeachca.gov

ZONING DISTRICT/GENERAL PLAN

- **Zone:** PC48 Newport Dunes
- **General Plan:** PR Parks and Recreation

PROJECT SUMMARY

A Limited Term Permit application (over 90 days) to store up to 300 vehicles from the AutoNation dealership in a temporary location at the Newport Dunes Resort and Marina. The parking area abuts residential uses to the west, marina related uses to the north, and additional Newport Dunes Resort and Marina parking to the south. AutoNation porters would retrieve vehicles from the existing AutoNation facility (445 East Coast Highway) via Bayside Drive and drive them to the AutoNation property between the hours of 10:00 am and 6:00 pm. No test drives, car washing, vehicle repair, sales, or other activities would occur at the vehicle storage site. The vehicles to be parked on the site include new or previously owned vehicles awaiting transportation and there will be no damaged or wrecked vehicles parked or stored at the site. There are currently no other vehicle storage leases for the site. The Limited Term Permit would expire one year from the effective date, unless the Zoning Administrator grants an extension for up to one additional year. The existing parking lot is paved and no additional structures or property improvements are proposed.

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. _ approving Limited Term Permit No. XP2016-009 (Attachment No. ZA 1).

DISCUSSION

Background

The project site is a surface parking lot within the Newport Dunes Resort. The parking lot is located in the northwest corner of the Newport Dunes Resort and is used for marina and overflow parking for special events.

The Applicant is requesting to use 300 of the parking spaces in the parking lot for the temporary storage of vehicles from the AutoNation dealership. The limited term permit would expire a year from the effective date unless extended for up to one additional year.

Analysis

The main issues are whether the temporary storage of vehicles interferes with the public access and recreation components of the Newport Dunes Resort and if the proposed use is compatible with the site and surrounding area. Under the terms of the Newport Dunes Settlement Agreement, the applicant is required to maintain boat launch and trailer parking, wash down, beach and day use facilities, bike trail, human-powered launch, and camping.

The temporary storage of vehicles will utilize no more than 300 of the 654 parking spaces in the marina/overflow parking lot. Furthermore, the proposed limited term use will not impact the beach and day use parking area, which has over 800 parking spaces. Under the terms of the Settlement Agreement, the applicant is only required to provide a minimum 645 parking spaces for day use beach area users. Therefore the limited term use will not impact the public access and recreation components of the Newport Dunes Resort.

The project site maintains adequate access from Bayside Drive and the temporary storage of vehicles does not generate an excess of vehicular traffic or significantly impact the parking for patrons and guests of the Newport Dunes Resort. The storage area would be blocked off from the public by landscape planters and temporary barricades. Adequate fire access would be maintained within the vehicle storage area by maintaining all drive aisles free of parked cars. The subject property has been used for temporary vehicle storage since at least December 2014 (by Newport Beach Maserati and AutoNation), and there is no evidence that this use has been detrimental

or hazardous to public convenience, health, or safety of persons residing or working in the neighborhood. The nearest residential use is the Bayside Village Mobile Home Park located west of the parking area, separated by a block wall and a row of garages. Due to the limited nature of the proposed vehicle storage activities and the proposed hours of use, the use is not expected to impact the surrounding neighborhood.

ENVIRONMENTAL REVIEW

Staff recommends the Zoning Administrator find the project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15304 under Class 4 (Minor Alterations to Land) 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. Class 4 consists of minor public or private alterations in the condition of land, water and/or vegetation which do not involve removal of mature, scenic trees except for forestry and agricultural purposes. The proposed land use would meet the definition of Class 4, F, which allows minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, outdoor festivals, sales of Christmas trees, and similar uses. The use is the temporary parking of vehicles for an off-site land use on an existing paved parking lot and does not involve any new construction.

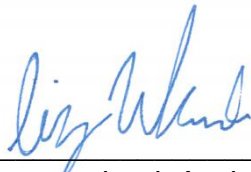
PUBLIC NOTICE

Notice of this application was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways), including the applicant, and posted on the subject property at least 10 days before the scheduled hearing, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

APPEAL PERIOD:

An appeal or call for review may be filed with the Director of Community Development within 14 days following the date of action. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

Prepared by:



Liz Westmoreland, Assistant Planner

Attachments: ZA 1 Draft Resolution

ZA 2 Vicinity Map
ZA 3 Project Plans

Attachment No. ZA 1

Draft Resolution

RESOLUTION NO. ZA2017- ###

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING A LIMITED TERM PERMIT NO. XP2016-009 FOR TEMPORARY VEHICLE STORAGE LOCATED AT 101 BAYSIDE DRIVE (PA2016-164)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Newport Dunes Resort and Marina with respect to property located at 101 Bayside Drive and legally described as Record of Survey RS_095_39-43, requesting approval of a Limited Term Permit for a period of more than 90 days.
2. The applicant proposes to store up to 300 vehicles from the AutoNation dealership in a temporary location at the Newport Dunes Resort and Marina. AutoNation porters would retrieve vehicles from the existing AutoNation facility (445 East Coast Highway) via Bayside Drive and drive them to the AutoNation property between the hours of 10:00 am and 6:00 pm. No test drives, car washing, vehicle repair, sales, or other activities would occur at the vehicle storage site.
3. The subject property is located within the Newport Dunes Planned Community (PC 48) Zoning District and the General Plan Land Use Element category is Parks and Recreation (PR).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Parks and Recreation (PR).
5. A public hearing was held on January 12, 2016, 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 meeting 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 meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15304 under Class 4 (Minor Alterations to Land) 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. Class 4 consists of minor public or private alterations in the condition of land, water and/or vegetation which do not involve removal of mature, scenic trees except for forestry and agricultural purposes.
2. The proposed land use would meet the definition of Class 4, F, which allows minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, outdoor festivals, sales of Christmas trees, and similar uses. The

application does not include any site improvements or the removal of mature, scenic trees. The use is the temporary parking of vehicles for an off-site land use on an existing paved parking lot and does not involve any new construction.

SECTION 3. REQUIRED FINDINGS.

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. *This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act Guidelines under Class 4 (Minor Alterations to Land).*

Facts in Support of Finding:

1. Class 4 exempts minor temporary uses of land having negligible or no permanent effects on the environment, such as temporary vehicle storage.

Finding:

- B. *The operation of the requested 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 use would be authorized for one year.
2. The proposed vehicle storage is a passive use, with porters transporting vehicles to and from the site approximately 5-10 times per day Monday through Saturday between the hours of 10:00 a.m. and 6:00 p.m., thereby reducing any potential effects to persons residing or working in the neighborhood.
3. The subject property has been used for temporary vehicle storage since at least December of 2014, and there is no evidence that this use has been detrimental or hazardous to public convenience, health, or safety of persons residing or working in the neighborhood.
4. The temporary storage of vehicles uses a maximum of 300 parking spaces in the marina/overflow parking area, which contains 654 parking spaces leaving adequate parking for the existing marina and other uses at the Newport Dunes.

5. The proposed parking area would be separated from the residential uses to the west by distance, landscaping, and a block wall. Additionally, the area would not be accessible to the public.
6. Minimum 26-foot wide drive aisles would be maintained thereby allowing access by the Fire Department in the event of an emergency.
7. The directly adjacent uses are nonresidential in nature.

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 temporary storage of vehicles uses a maximum of 300 parking spaces in the marina/overflow parking area, which contains 654 parking spaces. The parking area is separated from the main access drive aisle and vehicular access to the other component uses at the Newport Dunes will not be affected.
2. The temporary storage of vehicles in the marina/overflow parking area will not impact the 800-space beach day use parking area located east of the lagoon, which is required to provide a minimum 645 parking spaces for day use beach area users by the Settlement Agreement.
3. The temporary storage of vehicles using a small portion of a parking area that is used for the marina and overflow for events will not impact public access and recreation components of the Newport Dunes Resort.
4. No structures or property improvements are proposed or authorized.
5. As conditioned, the applicant is required to maintain public access and parking in accordance with the Newport Dunes Settlement Agreement, including, but not limited to boat launch and trailer parking, wash down, beach and day use facilities, bike trail, human-powered launch, and camping.

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 maintains adequate access from Bayside Drive via a two (2) lane access drive.
2. Traffic related to the proposed use would be minimal, consisting of approximately 5 to 10 porter trips per day.

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.*

Facts in Support of Finding:

1. The temporary storage of vehicles does not generate an excess of vehicular traffic or significantly impact the parking for patrons and guests of the Newport Dunes Resort and Marina.
2. The applicant, Newport Dunes Resort and Marina would maintain the Settlement required parking spaces.

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 General Plan and Zoning Code establish the policies and implementing regulations to promote public health, safety, general welfare, economic vitality of neighborhoods, as well as the orderly development of the City, and to ensure the beneficial development of the City. The site is designated for Parks and Recreation, and although the use is not Parks and Recreation, it is temporary and does not preclude use of the remainder of the site for existing recreational uses.
2. The use will not be detrimental to surrounding uses, thereby furthering the intent of the General Plan and Zoning Code. Facts in support of Findings B.1-B.7, C.4, D.1, and D.2 are hereby incorporated by reference to support this conclusion.
3. The temporary vehicle storage is conditioned such that it will comply with all applicable provisions of the General Plan, Municipal Code, and other City regulations.
2. The subject lot is not located within a specific plan.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Limited Term Permit No. XP2016-009 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 12th DAY OF JANUARY, 2017.

By:

Patrick J. Alford, Zoning Administrator

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EXHIBIT "A"**CONDITIONS OF APPROVAL**

1. Temporary vehicle storage shall be limited to the general area depicted on the site plan and may accommodate up to a maximum of 300 vehicles at any one time.
2. No test drives, car washing, vehicle repair, sales, painting, or other activities shall occur onsite.
3. Transport of vehicles from or to the project site shall be limited to the hours of 10:00 am to 6:00 pm Monday through Saturday.
4. All vehicles shall be stored in marked parking spaces and there shall be no vehicle stacking within drive aisles.
5. All vehicles stored on site shall be operable at all times. No wrecked or inoperable vehicles shall be stored onsite.
6. In the event that the stored vehicles must be removed from the site on a temporary basis due to a special event at the Newport Dunes, the vehicles shall not be parked on City streets or public parking lots. If a separate private parking lot is to be used during said special event, the owner of said private parking lot or AutoNation shall secure a Limited Term Permit for the temporary parking of vehicles in accordance with the Zoning Code.
7. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
8. 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.
9. This Temporary Use 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.
10. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to this Temporary Use Permit or the processing of a new Temporary Use Permit.
11. 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.

12. 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

13. 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.
14. No outside paging system shall be utilized in conjunction with this establishment.
15. The temporary vehicle storage location shall be maintained free of litter and graffiti at all times.
16. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 Planning and Zoning of the Newport Beach Municipal Code.
17. 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 Newport Dunes Limited Term Permit including, but not limited to, XP2016-009. 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.

Life Safety Conditions

18. Emergency vehicle access shall be maintained onsite at all times. The Life Safety Division's minimum drive aisle requirement is 20-feet in width. An emergency drive aisle loop shall be maintained that continues throughout the storage area. The loop shall be provided at the entrance drive and continue to an exit drive.

Public Works Conditions

19. Vehicle drop off and pick up shall occur entirely on private property.
20. The general public, including customers, shall not be permitted to use and/or drive through the vehicle storage area. Temporary traffic barricades or other means shall be installed to block public access to the vehicle storage area.

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Attachment No. ZA 2

Vicinity Map

VICINITY MAP



Limited Term Permit No. XP2016-009
PA2016-164

101 Bayside Drive

Attachment No. ZA 3

Project Plans



Newport
Beach
GIS



0 100 200
Feet

Disclaimer: Every reasonable effort has been made to assure the accuracy of the data provided, however, The City of Newport Beach and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use.

Imagery: 2009-2013 photos provided by Eagle Imaging www.eagleaerial.com

12/12/2016