



CITY OF NEWPORT BEACH COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION ACTION REPORT

TO: CITY COUNCIL, CITY MANAGER, AND PLANNING COMMISSION
FROM: Seimone Jurjis, Assistant City Manager/Community Development Director
SUBJECT: Report of actions taken by the Zoning Administrator for the week ending February 2, 2024.

ZONING ADMINISTRATOR PUBLIC HEARING ACTIONS FEBRUARY 2, 2024

Item 1: Genesis Automobile Minor Use Permit, Minor Site Development Review, Modification Permit and Tentative Parcel Map (PA2023-0094)
Site Address: 320, 400, 410, 500 and 600 West Coast Highway

Action: Approved by Resolution No. ZA2024-005	Council District	2
---	------------------	---

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 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.

RESOLUTION NO. ZA2024-005

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING A MINOR USE PERMIT, MINOR SITE DEVELOPMENT REVIEW, MODIFICATION PERMIT, AND TENTATIVE PARCEL MAP FOR A NEW TWO-STORY AUTOMOBILE DEALERSHIP FOR GENESIS AUTOMOBILE LOCATED AT 320, 400, 410, 500, AND 600 WEST COAST HIGHWAY (PA2023-0094)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Gen Newport Beach, LLC, with respect to properties located at 320, 400, 410, 500, and 600 West Coast Highway, and legally described as Lots 7 through 17 of Tract Map No. 1210 requesting approval of a Minor Use Permit, Minor Site Development Review, Modification Permit, and Tentative Parcel Map.
2. The applicant requests a minor use permit, minor site development review, modification permit, and tentative parcel map to allow the demolition of the existing on-site structures, and the construction and operation of an automobile dealership. The proposed automobile dealership consists of an approximately 19,952 square foot two-story building that includes a showroom, sales office, storage area, electric vehicle (EV) lab, and employee areas. Parking is provided within a surface parking lot and at-grade parking structure at the rear of the property. The request includes a modification permit to allow a portion of the structure to encroach 6-inches into the 5-foot rear yard setback. The tentative parcel map is requested to merge 11 underlying legal lots into one lot. Lastly, the project includes improvements to the West Coast Highway right-of-way.
3. The subject property is designated General Commercial (CG) by the General Plan Land Use Element and is located within the Commercial General (CG) Zoning District.
4. The subject property is not located within the coastal zone.
5. A public hearing was scheduled on January 25, 2024, online via Zoom. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code (NBMC). The Zoning Administrator continued the item to the meeting of February 1, 2024, based on staff's request for a continuance.
6. A public hearing was held on February 1, 2024, online via Zoom. A notice of time, place, and purpose of the hearing was given in accordance with the Newport Beach Municipal Code (NBMC). 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 15332 under Class 32 (In-Fill Development Projects) and under Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. Class 32 exempts projects which are consistent with the applicable General Plan designation and applicable policies, as well as applicable zoning designations and regulations. The development must occur within city limits on a project site of no more than five acres substantially surround by urban uses. The project includes the demolition of existing on-site structures and construction of a new automobile dealership featuring electric vehicles (EVs). The site has no value as habitat for endangered, rare, or threatened species. The site is developed with six one and two-story buildings with paved surface parking lots. The project also includes a tentative parcel map to merge 11 lots that will total approximately 1.79 acres, which is less than five acres.
3. To qualify for the Class 32 exemption, the project cannot result in any significant effects relating to traffic, noise, air quality, or water quality. The net daily trip generation rate has been reviewed by the City's Traffic Engineer based on the average daily trips of the existing commercial uses on-site and the proposed automobile dealership. The project will generate a net increase of 299 daily trips. Therefore, the project would result in a net increase of fewer than 300 daily trips and no impacts related to VMT are anticipated based on City Council Policy K-3. The automobile dealership specializes in sales and repair of EVs that produce less noise than conventional automobiles. The project has been designed with enclosed parking at the rear of the property adjoining the residential zoning district to reduce operational noise, such as vehicle doors closing. The EV Lab will also be fully enclosed and high noise generating activities such as use of pneumatic lifts is prohibited. Compared to traditional internal combustion engines, EVs eliminate tailpipe pollution such as nitrogen oxides (NOx), carbon monoxide (CO) and hydrocarbons (HC) because there is no combustion process. As such, air quality emissions associated with the sale of EVs is considerably less compared to cars with internal combustion engines. Additionally, the project will not produce a significant effect related to water quality. The project would not result in changes in site drainage that cannot be addressed through standard conditions such as best management practices (BMPs) to prevent erosion and construction pollutants from contacting stormwater. A Water Quality Management Plan (WQMP) has been submitted and reviewed by the City's Geotechnical Engineer. The WQMP concludes that the project site is located outside of areas susceptible to erosion and the downstream channels and conveyance system will not be at risk of increased erosion due to project site developments. The project has been conditioned to require the property to be adequately served by all required utilities and public services.
4. Class 1 exempts projects involving the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or

former use. Specifically, 15301(c) exempts work on existing highways and streets, sidewalks, gutters, bicycle, and pedestrian trails, and similar facilities. The project includes improvements to West Coast Highway to realign the curb line, extend the existing transition area, and allow for the construction of a bike lane.

5. The exceptions to these categorical exemptions 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.

Minor Site Development Review

In accordance with Section 20.52.080(F) (Site Development Reviews – Findings and Decision) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

- A. *The proposed development is allowed within the subject zoning district;*

Facts in Support of Finding:

1. The property is located within the CG Zoning District which is intended to provide for areas appropriate for a wide variety of commercial activities oriented primarily to serve Citywide or regional needs. The project includes the construction of a new automobile dealership, specifically categorized as “Vehicle/Equipment Repair, limited” and “Vehicle/Equipment Sales, limited” land use. The Vehicle/Equipment Repair, limited land use requires approval of a minor use permit and the Vehicle/Equipment Sales, limited land use is allowed by right.
2. The NBMC defines Vehicle/Equipment Repair, limited as minor repair of automobiles, motorcycles, recreational vehicles, or light trucks, vans, or similar size vehicles. Examples of uses include brake adjustments and repairs; installation of electronic equipment (e.g., alarms, stereos, etc.); servicing of cooling, electrical, fuel, and exhaust systems; oil and lube shops; wheel alignment and balancing. This project, however, includes minor repair and maintenance as described and does not include services such as a full-service motor vehicle repair garage, machine shop, alarms, stereo, paint shop, tire sales and installation, towing services, or a transmission shop that would classify the automobile dealership as a more intense land use.
3. The NBMC defines Vehicle/Equipment Sales, limited as the sale of automobiles, including display, storage, minor maintenance, and incidental rental. The land use definition does not include maintenance and/or repair requiring pneumatic lifts. The

automobile dealership offers luxury automobiles that are purely electric and does not include any maintenance and/or repair services that would require pneumatic lifts.

4. The property has a maximum floor area to land ratio (FAR) of 0.30. The property consists of 11 lots to be merged and is approximately 78,001 square feet (1.79 acres). The project consists of 19,952 square feet of gross floor area; therefore, the project has a proposed FAR of 0.26, which complies with the maximum 0.30 FAR limit.

Finding:

- B. *The proposed development is in compliance with all of the following applicable criteria;*
 - i. *Compliance with this section, the General Plan, Title 20 (Planning and Zoning) of the NBMC, any applicable specific plan, and other applicable criteria and policies related to the use or structure;*
 - ii. *The efficient arrangement of structures on the site and the harmonious relationship of the structures to one another and to other adjacent developments; and whether the relationship is based on standards of good design;*
 - iii. *The compatibility in terms of bulk, scale, and aesthetic treatment of structures on site and adjacent developments and public areas;*
 - iv. *The adequacy, efficiency, and safety of pedestrian and vehicular access, including drive aisles, driveways, and parking and loading spaces;*
 - v. *The adequacy and efficiency of landscaping and open space areas and the use of water efficient plant and irrigation materials; and*
 - vi. *The protection of significant views from public right(s)-of-way and compliance with Section 20.30.100 (Public View Protection) of the NBMC.*

Facts in Support of Finding:

1. The property is categorized as CG (General Commercial) by the General Plan Land Use Element, which is intended to provide for a wide variety of commercial activities oriented primarily to serve citywide or regional needs. The project includes the construction of an automobile dealership that specializes in purely electric vehicles. Electric Vehicle (EV) services will be provided in a fully enclosed environment. This section of West Coast Highway includes several existing automobile dealerships. However, Genesis Automobile will offer specialized EV cars and will provide an additional offering for the residents of the City.

2. Land Use Policy LU 5.2.2 (Buffering Residential Areas) of the Land Use Element of the General Plan requires that commercial uses adjoining residential neighborhoods be designed to be compatible and minimize impacts through incorporation of landscaping, attractive architectural treatment of elevations facing residential neighborhoods, and location of automobile and truck access to prevent impacts on neighborhood traffic and privacy. The building will be constructed with basalt grey and matte black aluminum composite metal with a multi-pane glass frontage. The building will incorporate a modern design with a flat, non-reflective roof to reduce the visual impacts on the residential neighborhood behind the property. The multi-pane glass frontage of the showroom will be set back from the roof, providing visual interest, and the EV Lab and enclosed parking are further setback, providing appropriate architectural relief as viewed from the residential neighborhood of Bayshores across West Coast Highway. Parking lot light fixtures will be directed downward and will have back shields to prevent the spillage of light onto residential properties. Test drives through residential neighborhoods are prohibited to prevent impacts on neighborhood traffic. To address privacy concerns related to adjacent residential areas, parking behind the building will be enclosed, and no roof-top uses are proposed.
3. The Noise Element of the General Plan requires residential land uses and other sensitive receptors to be protected from excessive noise from motor vehicles. One of the major sources of traffic noise in the City is along Coast Highway which is considered to be a major arterial roadway. The project includes vehicle repair as classified as the Vehicle/Equipment Repair, Limited land use of the NBMC that includes minor repair of automobiles such as brake adjustments and repairs, installation of electronic equipment; servicing of cooling, electrical, fuel, and exhaust systems; oil and lube shops; and wheel alignment and balancing. Full-service vehicle repair, painting services, towing services, and transmissions shops are not offered at this location and pneumatic lifts are not proposed which ensures the project will not create noise impacts. The EV Lab is entirely enclosed, which will further ensure the project will not create noise impacts. Finally, EVs are quieter than conventional vehicles by nature, and will not create noise impacts during routine operation.
4. Section 2.51 (A Design Framework for Mariner's Mile) of the Mariner's Mile Strategic Vision and Design Framework encourages development of multiple lots and shared access agreements in order to consolidate curb cuts, thereby reducing potentially hazardous turning movements on and off Coast Highway. The project includes a tentative parcel map to merge 11 individual underlying legal lots into a single lot which is compatible with the Vision and Design Framework. The project will demolish several vacant buildings with individual uses to construct an automobile dealership across the merged lots.
5. Section 2.71 (Land Use Considerations – Sensitivity to Existing Neighborhoods) of the Mariner's Mile Strategic Vision and Design Framework encourages sensitivity to the adjacencies of the existing neighborhoods with proposed new uses and development projects. Mitigation of potential impacts to existing residents should be considered and may be accomplished through landscaping, equipment screening, limitations on signage, lighting and glare spill-off, building colors, or other appropriate measures. The

maximum height of the building is 26-feet with an allowed 6-inch increase for skylights. The roof will be a solid, non-reflective color to mitigate impacts to the residential neighborhood located at a significantly higher grade behind the property. All roof top equipment will be screened from view from all five sides. Parking lot lighting will be directed downward and will include back shields to prevent the spill of light on both up-slope residential properties as well as those across Coast Highway.

6. Section 3.21 (Pacific Coast Highway Edge Landscape) of the Mariner's Mile Strategic Vision and Design Framework encourages Washington Robusta (Mexican Fan Palm) to be planted across the entire frontage of the property. Additionally, landscaping is provided towards the rear of the property along the existing sloping landscaping area that is to remain. Prior to the issuance of building permits, a final landscape plan will be reviewed to ensure the project complies with Section 3.21 of the Vision and Design Framework, incorporates non-invasive plant species and water-efficient irrigation designs, and complies with Caltrans standards for plantings within or near the right-of-way.
7. The project includes a surface parking lot with indoor and outdoor parking spaces for customers, employees, and inventory parking. Appropriate drive aisles are provided for cars being serviced as well as customer parking for prospective buyers. The project has been reviewed by the Public Works Department and conditions of approvals are provided to ensure adequate queueing and loading space is provided on-site to prevent any queueing or stacking of cars onto West Coast Highway.
8. An EV Lab Service and Vehicle Queuing technical memorandum dated January 16, 2024, was provided by CAA Planning that addresses concerns regarding potential queueing into West Coast Highway. The project includes services by appointment only to ensure no more than four vehicles are arriving at the EV Lab at any one time. Additionally, vehicle technicians will be on-site to monitor the queue and direct vehicles to the enclosed parking area should the driveway reach capacity. EVs require less maintenance compared to conventional vehicles and Genesis is able to provide software updates via wireless communication to its customers eliminating the need to bring vehicles to the site for certain repairs. Furthermore, Genesis offers complimentary Service Valet for up to three years or 36,000 miles for vehicle pick-ups which will also contribute to the reduction of anticipated vehicles arriving to the EV Lab for service. Prior to building permit issuance, a final Queuing Analysis shall be reviewed and approved by Public Works Department.
9. Facts in support of Finding A are hereby incorporated by reference.
10. Pursuant to Land Use Policy 6.19.13 (Lot Consolidation on Inland Side of Coast Highway) of the Land Use Element of the General Plan, the FAR may be increased to 0.5 where parcels are consolidated to accommodate larger commercial development projects that provide sufficient parking. The project proposes sufficient parking and is compliant with the current FAR of 0.3 as the proposed FAR is 0.26. While the project includes lot consolidation, an increase in FAR to 0.5 is not proposed.

11. Pursuant to Section 20.30.100 (Public View Protection), the nearest public viewpoint is approximately 1,300 feet away at Castaways Park and the proposed development is not expected to obstruct this public viewpoint, or any other public viewpoint.
12. The property is not located within a specific plan area.

Finding:

- C. *Not detrimental to the harmonious and orderly growth of the City, nor endangers, jeopardizes, or otherwise constitutes a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed development.*

Facts in Support of Finding:

1. Facts 4 and 8 in support of Finding B are hereby incorporated by reference.
2. A test drive route was provided by the applicant to ensure that all test driving will occur on West Coast Highway. Additionally, a condition of approval is included to ensure that no test driving will occur in residential neighborhoods.
3. The project will be conditioned to ensure that new vehicles are driven individually to the project site and will not be delivered via car hauler on West Coast Highway. Any other delivery vehicles would be required to stage within the project site (e.g. FedEx, UPS, etc.).
4. The applicant has submitted a Fire Master Plan which has been reviewed and preliminarily approved by the Life and Safety Division (Fire Department). The plans have been reviewed to ensure adequate access to fire hydrants, hose pull, and building coverage is provided and any changes shall be reviewed and approved by the Fire Department.
5. The project has been designed to enclose the parking areas nearest residential uses and does not propose roof-top parking or other roof-top uses beyond mechanical equipment that will be screened.
6. As part of the development, the power lines behind the property will be eliminated.

Minor Use Permit

In accordance with Section 20.52.020(F) (Conditional Use Permits and Minor Use Permit – Findings and Decision) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

- D. *The use is consistent with the General Plan and any specific plan;*

Facts in Support of Finding:

1. Facts 1-3 in support of Finding B are hereby incorporated by reference.
2. The property is not located within a Specific Plan area.

Finding:

- E. *The use is allowed within the applicable zoning district and complies with all other applicable provisions of the Zoning Code and Municipal Code;*

Facts in Support of Finding:

1. Facts in support of Finding A are hereby incorporated by reference.
2. Section 20.30.120(D) (Solid Waste and Recyclable Materials Storage – Nonresidential Projects) of the NBMC requires 96 square feet of storage area for refuse and recycling for up to 25,000 square feet of structure. The total square footage of the proposed structure is 19,952 square feet. The project proposes 142 square feet of storage area for refuse and recycling in compliance with this requirement. The trash enclosure is situated in the middle of the property near the entrance to the enclosed parking and away from residential uses.

Finding:

- F. *The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity;*

Facts in Support of Finding:

1. Fact 2, 5, and 6 in support of Finding B are hereby incorporated by reference.
2. The EV Lab will be approximately 2,500 square feet within the total 19,952 square foot building and will include eight service areas, a storage room for parts, a general storage room, and employee areas. The EV services will be conducted in a fully enclosed building and will not use pneumatic lifts or other heavy repair equipment such as bodywork or painting. Additionally, EV batteries will not be stored on-site, but will rather be brought to the site on an as-needed basis with corresponding appointments for battery replacement. A condition of approval is included to ensure that no batteries are to be stored on-site and any future changes to the operational characteristics to propose on-site storage of batteries must be reviewed by the Fire Department.
3. The existing uses along West Coast Highway consist of several automobile dealerships and the project proposes similar hours of operation as these existing automobile dealerships and other retail and service uses along Mariner's Mile. The proposed hours of operation for sales will be between 9:00 a.m. and 8:00 p.m., Monday through Friday, between 9:00 a.m. and 7:00 p.m. on Saturday, and between 10:00 a.m. and 6:00 p.m.

on Sunday. The proposed hours of operation for services in the EV Lab will be between 8:00 a.m. and 6:00 p.m., Monday through Friday. Limited hours of service will be provided on Saturday and no services will be provided on Sunday. The adjacent McDonald's Restaurant drive thru is open 6:00 a.m. to 11:00 PM Sunday – Thursday and 6:00 a.m. to 1:00 a.m. Friday -Saturday.

Finding:

- G. *The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities;*

Facts in Support of Finding:

1. The project includes a tentative parcel map to merge 11 lots that will total approximately 1.79 acres and provide adequate space for the automobile dealership including all required parking spaces.
2. The project has been reviewed by the City's Fire, Public Works, and Building Departments. Adequate public and emergency vehicle access, public services, and utilities are provided to the property.
3. Fact 8 in support of Finding B is hereby incorporated by reference.
4. Facts 2 and 3 in support of Finding F are hereby incorporated by reference.

Finding:

- H. *Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare or persons residing or working in the neighborhood of the proposed use;*

Facts in Support of Finding:

1. The project has been reviewed by all relevant City Divisions and includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, and areas surrounding the subject property and adjacent properties during business hours, if directly related to the patrons of the establishment.
2. The project has been designed to be harmonious with persons residing or working in the neighborhood by enclosing the parking area behind the building and enclosing the EV Lab to ensure that project operations (e.g., parking cars, opening and closing of car doors, employee conversations, etc.) area not detrimental to said persons. Additionally, the project does not propose roof-top parking or any other roof-top uses which might generate noise or privacy concerns.

3. Facts in support of Finding C are hereby incorporated by reference.

Modification Permit

In accordance with Section 20.52.050(E) (Modification Permits – Required Findings) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

- I. *The requested modification will be compatible with existing development in the neighborhood;*

Facts in Support of Finding:

1. The property requires a five-foot rear setback when the property is adjacent to residential zoning districts. The Zoning District to the rear of the property is within the R-1 (Single-Unit Residential Zoning District). The project requests a modification permit to allow a 10%, or six-inch, deviation from the required setback. The request does not include an encroachment within an alley setback or bluff setback, which are not allowed pursuant to Section 20.52.050(2)(a) (Modification Permits – Setback Modifications) of the NBMC.
2. The residential neighborhood adjacent to the rear of the property is located at a substantially higher grade where the rear yard of these residential developments are approximately 30-40 feet above the elevation of the subject property. The height of the proposed structure is 26-feet with a flat roof and is not expected to obstruct or impede on any views for the residential neighborhood above.
3. The property is also adjacent to the shopping center located at 100 West Coast Highway to the east that is constructed within the five-foot rear setback along the rear property line. The proposed structure will only encroach six-inches into the required setback and will maintain four-feet six-inches from the rear property line, which is greater than 100 West Coast Highway, which was constructed with a zero-foot setback.

Finding:

- J. *The granting of the modification is necessary due to the unique physical characteristic(s) of the property and/or structure, and/or characteristics of the use;*

Facts in Support of Finding:

1. The subject property is located in the CG Zoning District. The proposed project is designed with an automobile dealership, surface parking for employees, customers, and inventory vehicles, and landscaping. The property also has existing landscaping on a hillside slope that is to remain. The project proposes new landscaping along the street frontage of Coast Highway that is compatible with the Mariner's Mile Strategic Vision and Design Framework to maintain and improve the visual aesthetic of Mariner's Mile.

2. The property is a long shallow lot that is approximately 140-feet in depth. Additionally, the Caltrans initiated improvements to West Coast Highway will require the curb line to be relocated and the depth of the property will be reduced by 12-feet. The six-inch encroachment in the rear setback is negligible in size compared to the 12-foot reduction at the front of the property and will allow the proposed building to have additional space to fit within the confines of the property after the reduction in lot depth.
3. The property is a shallow lot and the reduction in lot size after realigning the curb line will create a physical hardship in constructing the building with adequate space to accommodate the parking of vehicles as well as provide adequate drive aisles for cars to be serviced. The six-inch encroachment allows the EV Lab parking to be enclosed, designed with adequate parking spaces, as well as a 26-foot drive aisle as required by Table 3-13 (Standard Vehicle Space Requirements) of Section 20.40.070(C) (Development Standards for Parking Areas – Parking Space and Lot Dimensions) of the NBMC.
4. The requested six-inch encroachment is for the dealership building that extends across approximately one-third of the site. Approximately two-thirds of the site will not exceed the required setback. In the middle of the property, the setback to the rear property line will be approximately 50-feet, and along the western portion of the site the setback will be approximately 85-feet from the rear property line.

Finding:

- K. *The granting of the modification is necessary due to practical difficulties associated with the property and that the strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code;*

Facts in Support of Finding:

1. Section 20.30.110 (Setback Regulations and Exceptions) of the NBMC establishes setback standards to ensure the provision of open areas around structures for various reasons such as safety, privacy, and separation of incompatible uses. The subject property is in the CG Zoning District where the rear setback would be zero feet unless the property is abutting a residential zoning district; and in this instance would require a five-foot setback. The purpose and intent of this five-foot rear setback would be to separate commercial uses from the nearby residential uses. However, the commercial properties along Coast Highway are separated from this residential neighborhood by a substantial grade difference (30 to 40 feet) with sloping hillside landscaping.
2. Facts 2 and 3 in support of Finding J is hereby incorporated by reference.

Finding:

- L. *There are no alternatives to the modification permit that could provide similar benefits to the applicant with less potential detriment to surrounding owners and occupants, the neighborhood, or to the general public; and*

Facts in Support of Finding:

1. The automobile dealership requires a parking rate of one parking space per 1,000 square feet of lot area. The property requires 79 parking spaces, and the project proposes a total of 80 parking spaces with a combination of indoor and outdoor surface parking spaces. The proposed drive aisle within the facility is also required to ensure proper ingress/egress for cars being serviced in the facility and to allow for areas for vehicles to queue and park on-site without creating a detriment from cars stacking on Coast Highway.
2. The area where the structure encroaches six-inches into the rear setback is enclosed parking, which is proposed to increase compatibility with the up-slope residential properties. An alternative design is not possible while still providing the same level of compatibility.
3. Fact 8 in support of Finding B is hereby incorporated by reference.

Finding:

- M. *The granting of the modification would not be detrimental to public health, safety, or welfare, to the occupants of the property, nearby properties, the neighborhood, or the City, or result in a change in density or intensity that would be inconsistent with the provisions of this Zoning Code.*

Facts in Support of Finding:

1. The six-inch encroachment into the rear setback will not result in a change of density to the subject property nor will it allow for an intensity in proposed use that is inconsistent with the provisions of the Zoning Code.
2. The CG Zoning Designation allows 0.30 FAR and the automobile dealership proposes 0.26 FAR and adequate parking will be provided as required. The automobile dealership will be distanced from the residential neighborhood above by the existing hillside landscaping. The grade difference and the limited services provided in the enclosed EV Lab are not expected to create a noise detriment to the residential neighborhood above as compared to a typical general vehicle repair service station that is not enclosed and that has more intense vehicle service.
3. Compliance with Title 20 (Planning and Zoning) of the NBMC and the attached conditions of approval are required and will further ensure that the proposed use will not be detrimental to the occupants of the property, nearby properties, the neighborhood, or the City.

Tentative Parcel Map

In accordance with Section 19.12.070 (Required Findings for Action on Tentative Maps) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

- N. *That the proposed map and the design or improvements of the subdivision are consistent with the General Plan and any applicable specific plan, and with applicable provisions of the Subdivision Map Act and this Subdivision Code;*

Facts in Support of Finding:

1. Facts 1-3 in support of Finding B are hereby incorporated by reference.
2. The project proposes to merge 11 lots into one single contiguous lot. The tentative parcel map will not constitute a division of land or create any new lots.
3. The property is not located within a specific plan area.

Finding:

- O. *That the site is physically suitable for the type and density of development;*

Facts in Support of Finding:

1. The site was previously developed with six separate structures for various commercial retail and service uses. The proposed project will be developed as a single commercial use with surface parking areas that will further reduce the amount of potentially hazardous turning movements on and off West Coast Highway.
2. The subject property is accessible from West Coast Highway.

Finding:

- P. *That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision-making body may nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report;*

Facts in Support of Finding:

1. The property is located within an existing commercial area that does not contain any sensitive vegetation or habitat on-site.
2. The project is exempt from CEQA pursuant to Section 15332 under Class 32 (In-Fill Development Projects) and Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines. Section 2 of this Resolution is hereby incorporated by reference.

Finding:

- Q. *That the design of the subdivision or the type of improvements is not likely to cause serious public health problems;*

Facts in Support of Finding:

1. The tentative parcel map is to merge 11 lots into one contiguous lot. All improvements associated with the project will comply with all Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. Public improvements will be required of the developer per NBMC Section 19.28.010 (General Improvement Requirements) of the Subdivision Map Act. All ordinances of the City and all Conditions of Approval will be complied with.
2. Fact 2 in support of Finding N is hereby incorporated by reference.

Finding:

- R. *That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the decision-making body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these easements will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision;*

Facts in Support of Finding:

1. The Public Works Department has reviewed the proposed Tentative Parcel Map and has determined that the design of the development will not conflict with easements acquired by the public at large, for access through, or use of property within the proposed development.
2. The project includes a request to encroach six inches in the five-foot rear setback area which includes the five-foot Southern California Edison easement located in the rear of the property. A condition of approval is included to require the applicant to receive approval for the encroachment from the easement holder.

Finding:

- S. *That, subject to the detailed provisions of Section 66474.4 of the Subdivision Map Act, if the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act), the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use or the subdivision will result in residential development incidental to the commercial agricultural use of the land;*

Facts in Support of Finding:

1. The property is not subject to the Williamson Act because the property is not designated as an agricultural preserve and is less than 100 acres in area.
2. The property is in the CG Zoning District, which is intended for commercial uses. The CG Zoning District is not intended for residential development that is incidental to commercial agricultural uses.

Finding:

- T. *That, in the case of a “land project” as defined in Section 11000.5 of the California Business and Professions Code: (1) There is an adopted specific plan for the area to be included within the land project; and (2) the decision-making body finds that the proposed land project is consistent with the specific plan for the area;*

Facts in Support of Finding:

1. California Business and Professions Code Section 11000.5 has been repealed by the Legislature. However, this project site is not considered a “land project” as previously defined in Section 11000.5 of the California Business and Professions Code because the project site does not contain 50 or more parcels of land.
2. The project is not located within a specific plan area.

Finding:

- U. *That solar access and passive heating and cooling design requirements have been satisfied in accordance with Sections 66473.1 and 66475.3 of the Subdivision Map Act;*

Fact in Support of Finding:

1. The tentative parcel map and automobile dealership are subject to Title 24 of the California Building Code which requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The City’s Building Division enforces Title 24 compliance through the plan check and inspection process.

Finding:

- V. *That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City’s share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City’s residents and available fiscal and environmental resources;*

Fact in Support of Finding:

1. The proposed project is an automobile dealership consistent with the CG Zoning District for commercial uses. The property does not allow for residential uses nor is it identified as a housing opportunity site in the Housing Element of the General Plan. The demolition of the existing structures on-site does not include the demolition of any residential structures.

Finding:

- W. *That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board; and*

Fact in Support of Finding:

1. A condition of approval is included to require new sewer laterals and cleanouts to be installed per City Standard 406 and for sewer cleanouts to be placed adjacent to the property line within the public right-of-way.

Finding:

- X. *For subdivisions lying partly or wholly within the Coastal Zone, that the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter Three of the Coastal Act.*

Fact in Support of Finding:

1. The subject property is not located within the Coastal Zone.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act pursuant to Section 15332 under Class 32 (In-Fill Development Projects) and Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves a Minor Use Permit, Minor Site Development Review, Modification Permit, and Tentative Parcel Map (PA2023-0094), subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.

3. 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 1ST DAY OF FEBRUARY, 2024.



Benjamin M. Zueba, AICP, Zoning Administrator

EXHIBIT “A”**CONDITIONS OF APPROVAL**

(Project-specific conditions are in italics)

Planning Division

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) and the structure shall not exceed 19,999 square feet.
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 Minor Site Development Review, Minor Use Permit, Modification Permit, and Tentative Parcel Map.
4. *All proposed signs shall be in conformance with the provisions of Chapter 20.42 (Sign Standards) of the Newport Beach Municipal Code.*
5. 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.
6. *Prior to the issuance of building permits, a Traffic Fair Share Fee for the automobile dealership shall be paid in accordance with the fee effective at the time of payment.*
7. *Test driving of vehicles shall be prohibited on all residential and local streets, including but not limited to, the streets in the Newport Heights and Cliff Haven communities.*
8. *Vehicle service shall be performed entirely within the designated service areas of the building. No vehicle service or repair shall take place in any designated parking space, drive aisle, or outdoor area.*
9. *No vehicles shall be displayed with open hoods, doors, trunks, or tailgates outside.*
10. *Full-sized vehicles shall not be stored or displayed in parking spaces such that they extend into traffic aisles.*
11. *The applicant shall receive approval for any encroachments in the Southern California Edison utilities easement from the easement holder.*

12. *The hours of operation for vehicle services shall be between 8 a.m. and 6 p.m., Monday through Saturday. No vehicles services shall occur on Sunday.*
13. This Minor Site Development Review, Minor Use Permit, Modification Permit, and Tentative Parcel Map 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.
14. *Any change in operational characteristics, including changes that would add service of automobiles with internal combustion engines, expansion in area, or other modification to the approved plans, shall require an amendment to this Minor Site Development Review, Minor Use Permit, and Modification Permit or the processing of a new Minor Site Development Review, Minor Use Permit, and Modification Permit.*
15. 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.
16. *Prior to the issuance of a building permit, the applicant shall submit a landscape and irrigation plan prepared by a licensed landscape architect. These plans shall incorporate drought tolerant plantings and water efficient irrigation practices, and the plans shall be approved by the Planning Division. No invasive species shall be permitted, and the plans shall comply with the Mariner's Mile Strategic Vision and Design Framework to the extent feasible.*
17. All landscape materials and irrigation systems shall be maintained in accordance with the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.
18. 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.
19. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 (Community Noise Control) 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:

Location	Between the hours of 7:00AM and 10:00PM		Between the hours of 10:00PM and 7:00AM	
	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

20. 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.
21. Construction activities shall comply with Section 10.28.040 (Construction Activity – Noise Regulations) 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.
22. No outside paging system shall be utilized in conjunction with this establishment.
23. All trash shall be stored within the building or within dumpsters stored in the trash enclosure (three walls and a self-latching gate) or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies. The trash enclosure shall have a decorative solid roof for aesthetic and screening purposes.
24. 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.
25. 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.
26. 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).
27. *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. All deliveries shall be accommodated onsite and no delivery staging is permitted within the Coast Highway right-of-way.*

28. 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.
29. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.
30. 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 **Genesis Automobile Dealership including, but not limited to, a minor site development review, minor use permit, modification permit, and tentative parcel map (PA2023-0094)**. 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.

Fire Department

31. Automatic fire sprinklers shall be required for all new construction. The sprinkler system shall be monitored by a UL certified alarm service company.
32. *Batteries for electric vehicles shall not be stored on-site. Any changes to the operational characteristics that would require batteries to be stored on-site must be reviewed and approved by the Fire Department.*

Building Division

33. 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.
34. The applicant shall employ the following best available control measures ("BACMs") to reduce construction-related air quality impacts:

Dust Control

- Water all active construction areas at least twice daily.
- Cover all haul trucks or maintain at least two feet of freeboard.
- Pave or apply water four times daily to all unpaved parking or staging areas.
- Sweep or wash any site access points within two hours of any visible dirt deposits on any public roadway.
- Cover or water twice daily any on-site stockpiles of debris, dirt or other dusty material.
- Suspend all operations on any unpaved surface if winds exceed 25 mph.

Emissions

- Require 90-day low-NOx tune-ups for off road equipment.
- Limit allowable idling to 30 minutes for trucks and heavy equipment

Off-Site Impacts

- Encourage carpooling for construction workers.
- Limit lane closures to off-peak travel periods.
- Park construction vehicles off traveled roadways.
- Wet down or cover dirt hauled off-site.
- Sweep access points daily.
- Encourage receipt of materials during non-peak traffic hours.
- Sandbag construction sites for erosion control.

Fill Placement

- The number and type of equipment for dirt pushing will be limited on any day to ensure that SCAQMD significance thresholds are not exceeded.
- Maintain and utilize a continuous water application system during earth placement and compaction to achieve a 10% soil moisture content in the top six-inch surface layer, subject to review/discretion of the geotechnical engineer.

35. A list of “good housekeeping” practices will be incorporated into the long-term post-construction operation of the site to minimize the likelihood that pollutants will be used, stored or spilled on the site that could impair water quality. These may include frequent parking area vacuum truck sweeping, removal of wastes or spills, limited use of harmful fertilizers or pesticides, and the diversion of storm water away from potential sources of pollution (e.g., trash receptacles and parking structures). The Stage 2 WQMP shall list and describe all structural and non-structural BMPs. In addition, the WQMP must also identify the entity responsible for the long-term inspection, maintenance, and funding for all structural (and if applicable Treatment Control) BMPs.
36. *Prior to issuance of building permit, the applicant shall identify the occupancies of the building and provide occupancy separation or analysis as non-separated occupancy.*
37. *Prior to issuance of building permit, the applicant shall provide the required number of accessible EV parking separate from accessible parking.*
38. *Prior to issuance of building permit, the applicant shall provide the accessible route from outdoor parking and the public right-of-way to the building.*

39. *Prior to issuance of building permit, the applicant shall provide the required number of accessible outdoor and indoor parking.*
40. *Prior to issuance of building permit, the applicant shall provide ventilation for enclosed parking garage.*
41. *Prior to issuance of building permit, the applicant shall provide detectable warning in compliance with Section 11B-247 of the 2022 California Building Code. Detectable warning cannot be on the drive aisle and door maneuvering clearance.*
42. *Prior to issuance of building permit, the applicant shall provide, an egress court in compliance with Section 1029 of the 2022 California Building Code.*
43. *Prior to issuance of building permit, the applicant shall provide curb ramps on the exterior change in elevation towards the building.*

Public Works Department

44. *All improvements shall be constructed as required by Ordinance and the Public Works Department.*
45. *An encroachment permit shall be required for all work activities within the public right-of-way on City Facilities.*
46. *A Caltrans encroachment permit is required for all work within Caltrans right-of- way.*
47. *Prior to building permit issuance, the final Parking Management Plan shall be reviewed and approved by the Community Development Director and City Traffic Engineer, including the operation of the proposed tandem parking.*
48. *Parking layout shall comply with the City Parking Lot Standard 805. Dead-end drive aisle in public areas and/or unassigned parking areas shall provide a dedicated turn around space and minimum five-foot drive aisle extension.*
49. *Loading and unloading of vehicles shall occur entirely on-site and shall be prohibited from loading and unloading within the West Coast Highway public right-of-way.*
50. *Vehicles waiting for service shall be prohibited from encroaching into the public right-of-way, including the sidewalk area. Vehicle queueing shall be monitored at all times. Applicant shall implement operation defined in Genesis-EV Lab Service and Vehicle Queueing Memorandum dated January 16, 2024, to ensure queue does not impact the public right-of-way including the sidewalk and Coast Highway areas. Should vehicle queueing become an issue, as determined by the City, applicant shall propose new operation procedures to the Community Development Director and City Traffic Engineer for review and approval. Applicant shall implement the revised operation immediately upon approval.*

-
51. *The applicant shall provide a full twelve foot wide dedication along West Coast Highway right-of-way in fee to the City of Newport Beach. The applicant shall be responsible to design and construct the full width curb relocation on West Coast Highway along the entire property frontage per the Preliminary Striping Plan. The applicant shall also be responsible to design and construct the transitions on the adjacent property frontages as required (which shall be the minimum feasible length required to achieve the conceptual design depicted in the Preliminary Striping Plan). The applicant will be responsible for 100 percent of the cost of the curb relocation along the project frontage and transition at adjacent property frontages. Plans shall be reviewed and approved by the City of Newport Beach and Caltrans. The City will support the applicant in acquiring all necessary permits from Caltrans and construction access from neighboring properties. The curb relocation improvements shall be constructed with the initial project construction to the extent practicable to limit disruption to West Coast Highway. The applicant may also work with Caltrans, for Caltrans to physically construct the curb relocation plans, at the applicant's expense, if so agreed by Caltrans.*
52. *Prior to the recordation of the final parcel map, the applicant shall provide separate performance improvement bond and labor/materials improvement bond in the form and amount acceptable to the Public Works Director and City Attorney for 100 percent of the estimated improvement costs, as prepared by a Registered Civil Engineer and approved by the Public Works Director, for each of the following, but not limited to, street improvements, monuments, sidewalk, striping, signage, street lights, sewer systems, water systems, storm drain and water quality management systems, erosion control, landscaping and irrigation in the public right-of-way.*
53. *A parcel map (Map) shall be recorded prior to the issuance of building permit for new construction. The Map shall be prepared on the California coordinate system (NAD83). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital- graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. **The Map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.***
54. *Prior to recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set On Each Lot Corner unless otherwise approved by the City Engineer. Monuments shall be protected in place if installed prior to completion of construction project.*
55. *All unused water services shall be abandoned at the water main.*
56. *All unused sewer laterals to be abandoned shall be capped at the property line. If the sewer lateral to be abandoned has an existing cleanout, abandonment shall include*

removal of the cleanout riser, the "4TT" box and "wye". Sewer laterals shall then be capped where the "wye" used to be.

57. *New sewer laterals and cleanouts shall be installed per City Standard 406 and sewer cleanouts shall be placed adjacent to the property line within the public right-of-way.*
58. *The applicant is responsible for all improvements to the City's water and sewer systems necessary to accommodate the proposed project.*
59. *Caltrans is scheduled to repave West Coast Highway in Spring 2024 and any repaved trenching or damage to West Coast Highway as part of the proposed project will require street repair per the City's Moratorium Roadway Trench Resurfacing Standard 106-D.*
60. *Parking along the project frontage of West Coast Highway shall be prohibited. No vehicles shall be parked, staged, stored or placed in the public right-of-way for any duration of time. Vehicle deliveries are prohibited within public right-of-way.*
61. *Prior to submittal to Caltrans, roadway improvements plans, including, but not limited to, widening, drainage, signing, striping, curb markings and other related design items shall be reviewed by the Public Works Department. Applicant shall make revisions noted by the Public Works Department and resubmit prior to submittal to Caltrans.*
62. *Remove and required replacement of existing City trees along West Coast Highway is subject to further review and approval by the City Arborist.*
63. *Final design of the realigned City water main along the entire West Coast Highway project frontage is subject to final approval by the Public Works and Utilities Departments. Project is responsible for the cost and installation of the new water main.*
64. *All project driveways shall comply with the City Sight Distance Standard 105. All structures and landscaping shall comply with the height restrictions within the limited use area.*
65. *Final construction management plan shall be reviewed and approved by the City Traffic Engineer and Community Development Director prior to building permit issuance. Locations of construction fencing, and gates shall not impact the line of sight per City Standard. Final construction schedule shall be provided as part of the final construction management plan.*