



**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 March 19, 2021.

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

Item 1: Pavilions Temporary Trailer – Limited Term Permit No. XP2021-001 (PA2021-038)  
Site Address: 3100 Balboa Boulevard

Action: Approved

Council District 1

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

(949) 644-3200

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## **ZONING ADMINISTRATOR ACTION LETTER**

<b>Subject</b>	<b>Pavilions Temporary Trailer (PA2021-038)</b> <ul style="list-style-type: none"><li>Limited Term Permit No. XP2021-001</li></ul>
<b>Applicant</b>	<b>Pavilions Grocery Store</b>
<b>Site Address</b>	<b>3100 Balboa Boulevard</b>
<b>Legal Description</b>	<b>Parcel 1 of Parcel Map No. 2009-135, as per map filed in Book 371, Pages 4 through 6 of Parcel Maps, in the office of the County Recorder in the County of Orange, California</b>

On **March 19, 2021**, the Zoning Administrator approved a limited term permit to allow one 40-foot dry trailer within the loading dock for a 76-day duration at the rear of the Vons Pavilions Grocery Store within The Landing Shopping Center (from March 22, 2021 to June 6, 2021). The trailer will be used for the store's remerchandising storage during the store's remodel. The property is located in the CN (Commercial Neighborhood) Zoning District. The 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);*

#### **Fact 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 trailer will be placed within the rear of the shopping center for a limited time period and will be ancillary to an existing commercial development.

Finding:

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

Facts in Support of Finding:

1. The limited term permit will allow one temporary dry storage trailer to store merchandising on-site as conditioned for the duration of their interior remodel.
2. The trailer does not include refrigeration that could pose a hazard to the general welfare of persons residing in the area. The trailer is limited from March 22, 2021 through June 6, 2021.
3. Temporary trailers have been used at the subject property on holiday weekends during similar hours in the past and the use has not proven detrimental.
4. Conditions of approval require the location of the trailer within the loading dock area, which is approximately 100 feet from the nearest residence and will be partially screened by existing trees and landscaping along 30<sup>th</sup> Street.

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 3.75 acres in size. Based upon the site plan, there is adequate area to accommodate the proposed trailer and existing use without impacting vehicle circulation. The dry trailer will be located within the loading dock for a limited duration (76 days).
2. The lot is bounded by Balboa Boulevard to the west, Newport Boulevard to the east, 32<sup>nd</sup> Street to the north, and 30<sup>th</sup> Street to the south. The adjacent right-of-way (30<sup>th</sup> Street) separates the lot from nearby residential properties within the R-2 (Two-Unit Residential) Zoning District. A public parking lot is located directly across 30<sup>th</sup> Street, adjacent to where the trailer will be parked.
3. The subject lot has four direct driveway approaches taken from Newport Boulevard, 32<sup>nd</sup> Street, Balboa Boulevard, and 30<sup>th</sup> Street. The 40-foot trailer's location within the loading dock will not impede access to the loading dock at the rear of the grocery store. The trailer's location will still allow for deliveries within the other half of the

loading dock during the 76-day period and will not impede any parking spaces. No traffic or site circulation issues are anticipated.

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 dry trailer will be located within the loading dock and will not generate additional traffic or impede access.
2. The limited duration use is for a temporary dry trailer for the grocery store's remerchandising while the store is going through a remodel.

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*

Fact in Support of Finding:

1. The proposed limited duration use will not create additional parking demand since it will be utilized for the store's remerchandising for the grocery store. The public will not have direct access to the temporary dry trailer.

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 land use designation for this site is Neighborhood Commercial (CN). The CN designation is intended to provide for a range of retail and service uses developed in one or more distinct centers oriented to serve the needs of and maintain compatibility with residential uses in the immediate area. The proposed use is accessory to the existing retail use, will be utilized for a limited duration on-site, and will not impede use of the site consistent with the CN designation.
2. The site is located in the Commercial Neighborhood (CN) Zoning District. The CN designation is intended to provide for a range of retail and service uses developed in one or more distinct centers oriented to serve the needs of and maintain compatibility with residential uses in the immediate area. The proposed trailer is

ancillary to the existing retail use, will be utilized for a limited duration on-site, and will not impede use of the site consistent with the CN designation. The CN zoning district allows temporary uses as specified within the Zoning Code and the proposed limited duration use is consistent with this designation.

3. The site is not located within a specific plan area.

### **CONDITIONS**

*(Project-specific conditions are in italics)*

1. The development shall be in substantial conformance with the approved site plan except as noted in the following conditions.
2. Anything not specifically approved by this limited term permit is prohibited and must be addressed by a separate and subsequent review.
3. *The temporary trailer shall be located within the rear loading dock as shown on the site plan (Attachment No. ZA 2).*
4. *The temporary trailer shall be limited to the storage of merchandising from the grocery store.*
5. *The 40-foot temporary dry trailer is permitted on-site for a 76-day duration from March 22, 2021 through June 6, 2021. Storage of a trailer or trailers on-site other than the dates specified is prohibited.*
6. *The applicant shall provide a 24-hour contact number for emergencies, complaints, or concerns to Code Enforcement and interested parties upon request during the time period the trailer is authorized.*
7. *The temporary trailer shall not restrict vehicle circulation, truck access to the loading dock, or the public right-of-way at the rear of the grocery store.*
8. *Access for emergency vehicles must be maintained around the temporary trailer within the parking area. A minimum clearance of 14 feet is required adjacent to the trailer. Twenty feet of clearance is required in all other areas of the required fire access roadway around Pavilions Grocery Store.*
9. *The trailer shall not block any firefighting equipment such as fire hydrants, standpipe connections, or fire department connections.*
10. *The trailer must be registered by the Department of Motor Vehicles (DMV) to be exempt from requirements for building permits.*

11. The Limited Term Permit is for the operation of one temporary dry storage trailer on-site for the hours and dates specified and does not authorize the use or operation of additional storage trailers on-site.
12. Should the temporary trailer 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.
13. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the **Pavilions Temporary Trailer** including, but not limited to, **Limited Term Permit No. XP2021-001 (PA2021-038)**. 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 unless a different period of time is specified by the Municipal Code. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.



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Jaime Murillo  
Zoning Administrator

MKN/vk

Attachments:   ZA 1 Vicinity Map  
                  ZA 2 Site Plan

# **Attachment No. ZA 1**

Vicinity Map

# VICINITY MAP



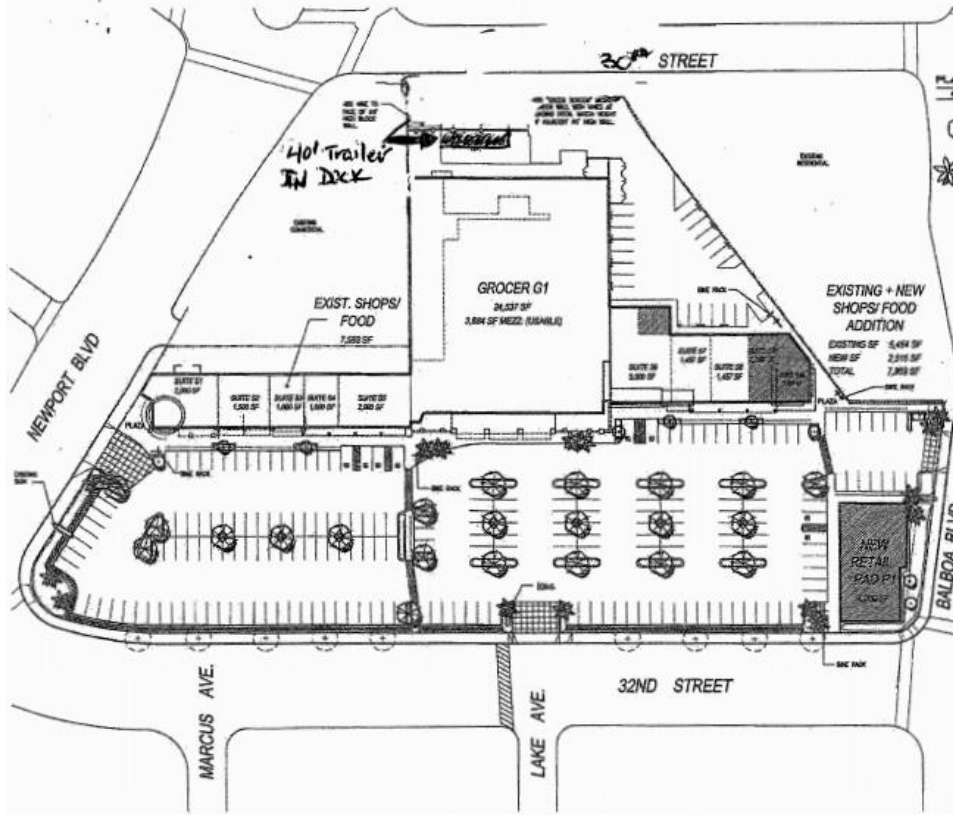
Limited Term Permit No. XP2021-001  
(PA2021-038)

**3100 Balboa Boulevard**



# **Attachment No. ZA 2**

Site Plan



**PLANTING LEGEND**

SYMBOL	SYMBOLICAL NAME	COMMON NAME	SIZE	SPACING / NOTES
(Symbol)	ORNAMENTAL JARDONIA	NON-FRUITING LOGAN	34" BOX	NATURAL DOUBLE SHADE
(Symbol)	ORNAMENTAL JARDONIA	ORNAMENTAL LOGAN	34" BOX	STANDARD DOUBLE SHADE
(Symbol)	ORNAMENTAL JARDONIA	ORNAMENTAL LOGAN	34" BOX	STANDARD DOUBLE SHADE
(Symbol)	ORNAMENTAL JARDONIA	ORNAMENTAL LOGAN	34" BOX	STANDARD DOUBLE SHADE
(Symbol)	ORNAMENTAL JARDONIA	ORNAMENTAL LOGAN	34" BOX	STANDARD DOUBLE SHADE

1. ALL PLANTING AND REMEDIATION TO BE COMPLETED WITHIN 120 DAYS OF THE COMMENCEMENT OF CONSTRUCTION. ALL PLANTING SHALL BE INSTALLED TO THE TOP OF THE FINISHED GRADE SURFACE. ALL PLANTING SHALL BE INSTALLED TO THE TOP OF THE FINISHED GRADE SURFACE. ALL PLANTING SHALL BE INSTALLED TO THE TOP OF THE FINISHED GRADE SURFACE.
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BALBOA CENTER NEWPORT BEACH, CA

PRELIMINARY PLANTING PLAN



**ARCHITECTS ORANGE**  
144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92668 (714) 638-8882



PA2014-082 for XP2014-002  
3100 Balboa Boulevard  
Pavilions Grocery Store