



**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 June 4, 2021.

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

Item 1: Pavilions Temporary Trailers Limited Term Permit No. XP2021-002 (PA2021-114)
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

www.newportbeachca.gov

ZONING ADMINISTRATOR ACTION LETTER

Application No.	Pavilions Temporary Trailers (PA2021-114) <ul style="list-style-type: none">Limited Term Permit No. XP2021-002
Applicant	Pavilions Grocery Store
Site Address	3100 Balboa Boulevard
Legal Description	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

On **June 4, 2021**, the Zoning Administrator approved a limited term permit to allow one 26-foot electric produce refrigeration trailer within the loading dock and one 40-foot electric ice trailer adjacent to the loading dock for a eight-day duration at the rear of the Pavilions Grocery Store within The Landing Shopping Center. The trailers' refrigeration units will operate only between the hours of 7:00 a.m. through 9:00 p.m., daily, to store ice and produce for the Independence Day holiday period (June 29, 2021 through July 7, 2021). The applicant will incorporate a noise reduction plan that includes sound barrier blankets on the backside of both trailers. 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 trailers will be placed within the rear of the shopping center for a temporary 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 two temporary electric refrigeration trailers to store ice and produce on-site for the Independence Day holiday as conditioned.
2. The operation of the electric refrigeration units is limited to the hours of 7:00 a.m. to 9:00 p.m. The trailers are limited from June 29, 2021, through July 7, 2021, to reduce the impact of noise to surrounding residents.
3. Electric refrigeration 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 and adjacent to the loading dock area, which is approximately 100 feet from the nearest residence and will be partially screened by existing trees and landscaping along 30th Street. The generators will be oriented to face away from nearby residents. Sound blankets are also required to reduce noise impacts.

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 trailers and existing uses without impacting vehicle circulation. The ice trailer will be located adjacent to the loading dock and will occupy two required parking spaces for a limited duration (eight days).
2. The lot is bound by Balboa Boulevard to the west, Newport Boulevard to the east, 32nd Street to the north, and 30th Street to the south. The adjacent right-of-way (30th 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 30th Street, where the trailer will be parked.

Finding:

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

Facts in Support of Finding:

1. The subject lot has four direct driveway approaches taken from Newport Boulevard, 32nd Street, Balboa Boulevard, and 30th Street. The trailer's location above the loading dock will not impede access or truck access to the loading dock at the rear of the grocery store. The trailer will occupy two required parking stalls for a limited period of time (eight days). The 26-foot produce trailer's location within the loading dock will still allow for deliveries within the other half of the loading dock during the eight-day period and will not impede any parking spaces. No traffic or site circulation issues are anticipated.
2. The produce trailer will be located within the loading dock and will not generate additional traffic or impede access.
3. The limited duration use is for two temporary electric refrigeration trailers for the grocery store to store ice and produce during the holiday weekends when significant demand is anticipated.

Finding:

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

Facts in Support of Finding:

1. The proposed limited duration use will not create additional parking demand since they will be utilized to store ice and produce for the grocery store. The two parking spaces that the ice trailer will occupy will not have a detrimental effect on parking demand within the shopping center since these spaces are typically underutilized due to their location at the rear loading dock area. The public will not have direct access to the temporary electric refrigeration trailers.
2. The subject property has an existing limited term permit for an on-site trailer which is effective until the date of June 6, 2021. The existing trailer is being used for the store's remerchandising storage during the store's remodel. The dates from the existing and proposed limited term permits will not overlap or coincide, therefore parking or circulation for the site will not be conflicted.

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 CN (Neighborhood Commercial). 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 CN (Commercial Neighborhood) 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 use 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

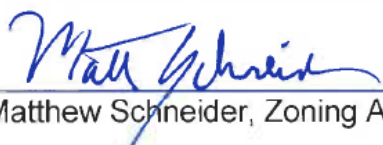
(Project-specific conditions are in italics)

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 electric refrigeration trailers shall be located within the rear loading dock and adjacent to the rear loading dock area as shown on the site plan (Attachment No. ZA 2). The generator on the ice trailer shall face away from the nearby residences and shall be oriented southeast toward 3011 Newport Boulevard.*
4. *The temporary electric refrigeration trailers shall be limited to the storage of ice and produce for the grocery store. Alcohol and other store merchandise shall not be stored within the temporary trailer.*

5. *The 40-foot temporary electric refrigeration trailer for ice is permitted on-site for a eight-day duration from June 29, 2021, through July 7, 2021. Storage of a trailer or trailers on-site other than the dates specified is prohibited.*
6. *The 26-foot temporary electric refrigeration trailer for produce is permitted on-site for an eight-day duration from June 29, 2021, through July 7, 2021. Storage of a trailer or trailers on-site other than the dates specified is prohibited.*
7. *Operation of the refrigeration units within the temporary trailers shall be limited to the hours of 7:00 a.m. to 9:00 p.m., daily. If the hours of operation are not adhered to, the applicant shall be subject to fines in accordance with Chapter 1.05.020 (Authority and Administrative Citation Fines). Fines may reflect the maximum amount, as authorized by the City Manager or his designee.*
8. *The refrigeration trailers shall comply with the noise standards of Chapter [10.26 \(Community Noise Control\)](#) of the City of Newport Beach Municipal Code. The maximum noise generated by the proposed use shall not exceed a noise level equal to the value of the noise standard plus 20 DBA for any period of time, as measured using A-weighted slow response. Sound barrier materials (blankets) shall be installed at all times to inhibit the noise. The Code Enforcement Officer may require additional sound testing and attenuation at his/her discretion to comply with the noise standards of the Municipal Code.*
9. *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 trailers are authorized.*
10. *The applicant shall identify an individual whose job it is to shut down the generator on or before 9:00 p.m. each evening. This person's name shall be provided to the City of Newport Beach Police Department Watch Commander via email each day that the generator is in operation.*
11. *The generators on each temporary electric refrigeration trailer shall be set back 20 feet from the rear property line along 30th Street and 5 feet from any adjacent structures.*
12. *The temporary trailers shall not restrict vehicle circulation, truck access to the loading dock, or the public right-of-way at the rear of the grocery store.*
13. *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.*
14. *The trailers shall not block any firefighting equipment such as fire hydrants, standpipe connections, or fire department connections.*

15. *The refrigeration trailers must be registered by the Department of Motor Vehicles (DMV) to be exempt from requirements for building permits.*
16. *An electrical permit and proper grounding and bonding shall be required if power is used elsewhere than the generator on the trailers.*
17. The Limited Term Permit is for the operation of two temporary electric refrigeration trailers on-site for the hours and dates specified and does not authorize the use or operation of additional storage trailers on-site.
18. Should the temporary refrigeration trailers 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.
19. 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 Trailers** including, but not limited to, **Limited Term Permit No. XP2021-002 (PA2021-114)**. 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.



Matthew Schneider, Zoning Administrator

MKN/aa

Attachments: ZA 1 Vicinity Map
ZA 2 Site Plan

Attachment No. ZA 1

Vicinity Map

VICINITY MAP



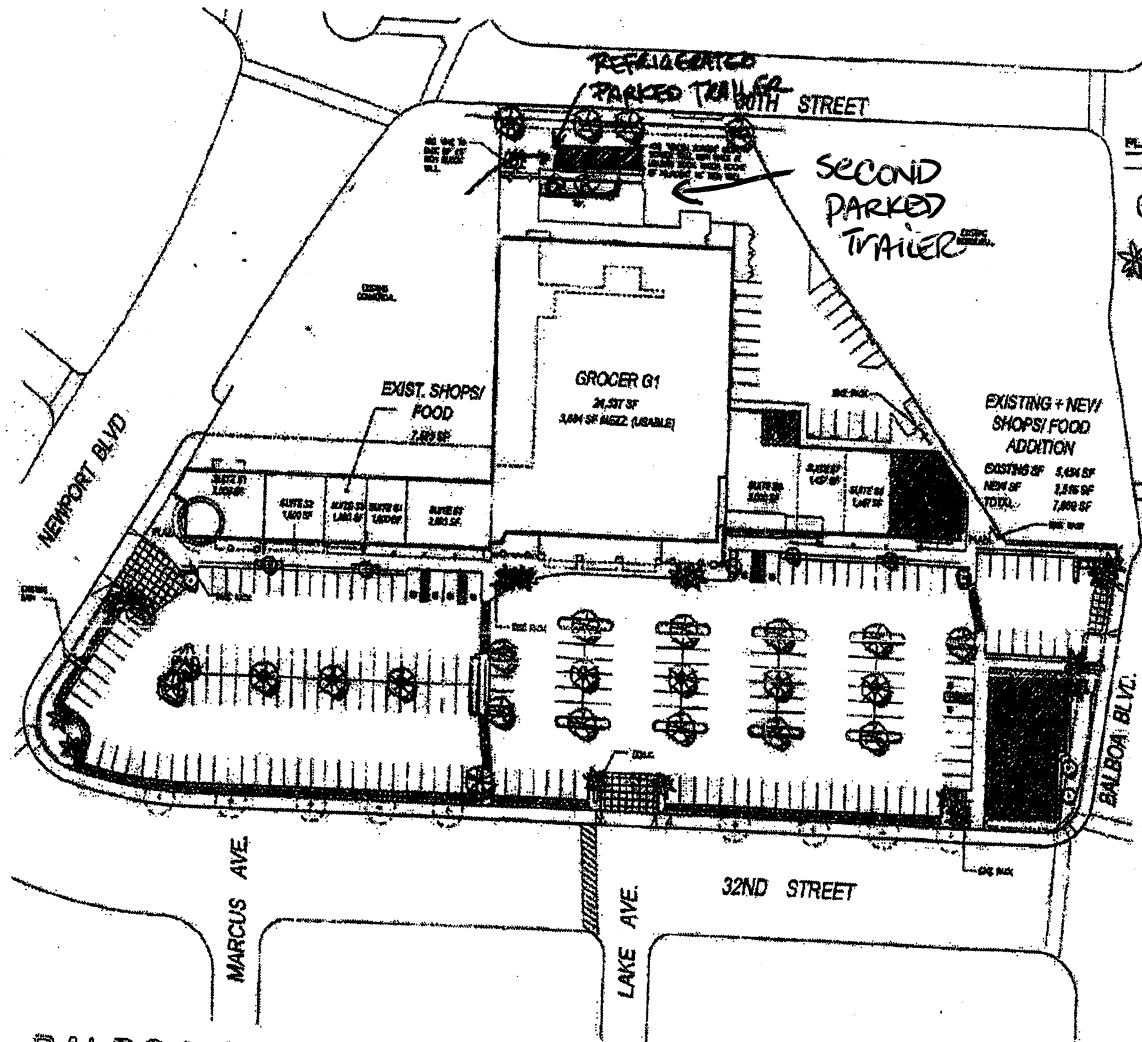
Limited Term Permit No. XP2021-002
(PA2021-114)

3100 West Balboa Boulevard

Attachment No. ZA 2

Site Plan

PA2015-107



PLANTING LEGEND

SYMBOL	SCIENTIFIC NAME	CULTIVAR	SIZE	REPLANT RATIO 1" @
(Symbol)	BRIGNONIA (ARIZONA) COFFERBUSH LOCAL	NON-IRRIGATED LOCAL	24" BOX	MEDIAL DOUBLE STAKE
(Symbol)	RED LARCEL	IRIDIAN SPINE	24" BOX	STANDARD DOUBLE STAKE
(Symbol)	GERANIUM BEVERLY	PERCIVAL PAULI	24" BOX	STANDARD DOUBLE STAKE
(Symbol)	BERNARD STREET TREE	PROTECTED IN PLACE	24" BOX	TRUCK MOUNT
(Symbol)				YERBY IN FIELD

SYMBOL	SCIENTIFIC NAME	CULTIVAR	SIZE	REPLANT RATIO 1" @
(Symbol)	LIBRARY A TRUMP	ROAD PRIVE	8" GAL. 7" @ GAL	5" @ GAL
(Symbol)	ROSA ANIELLA BIR	ROSA ANIELLA	3" GAL	4" @ GAL
(Symbol)	CALLIBON LITTE BIR	SHAW BOTTLE BRON	3" GAL	4" @ GAL
(Symbol)	CANTINA SPIDERS BIR	HEN	1" GAL	3" @ GAL
(Symbol)	ROMA FLORENCE YERBY	WIKING ROAD	1" GAL	3" @ GAL
(Symbol)	TRINITY SPIDERS BIR	HEN	1" GAL	3" @ GAL
(Symbol)	PALANQUO PULVARI	TY GERMAN	1" GAL	3" @ GAL
(Symbol)	PROBACON BLANCO	RED GALAPAGO PIR	1" GAL	3" @ GAL
(Symbol)	RENOVA PIRI GALBA	OLD FOGGIE	1" GAL	3" @ GAL
(Symbol)	MONTECALIN YERBY	EVERGREEN OFFICER	1" GAL	3" @ GAL
(Symbol)	MARTELLA THAMPA	TRINITY PIRI GALBA	1" GAL	3" @ GAL
(Symbol)	PROBACON BLANCO	TRINITY PIRI GALBA	1" GAL	3" @ GAL
(Symbol)	TRICOLORUM AIRWOODS	STAR ANINE	1" GAL	3" @ GAL

- A. ALL SOIL ABOVE AND BELOW THE FINISHED FLOOR LEVELS SHALL BE AMENDED WITH 7% LIMES OF THE FINISHED GRADE TO A DEPTH OF 36" BELOW FINISHED GRADE AND 12" ABOVE FINISHED GRADE TO A DEPTH OF 12" BELOW FINISHED GRADE.
- B. ALL EXISTING AND NEW PLANTING SHALL BE PLANTED WITHIN THE SPECIFIED PLANTING AREAS AND SHALL BE PLANTED AT THE SPECIFIED PLANTING RATIO AND SHALL BE PLANTED AT THE SPECIFIED PLANTING SIZE AND SHALL BE PLANTED AT THE SPECIFIED PLANTING DATE.
- C. CONTRACTOR TO MAINTAIN OR REPLACE ANY EXISTING SOIL BANK BY OTHER DISTURBED DUE TO CONSTRUCTION.
- D. A POST-ANNUAL GROWING COLOR ANALYSIS IS REQUIRED. CONTRACTOR TO APPLY SOIL IN ACCORDANCE WITH SOIL REPORT RECOMMENDATIONS.
- E. CONTRACTOR TO VERIFY ALL WATER AND DRAINAGE CONDITIONS FIELD PRIOR TO CONSTRUCTION.
- F. ALL PLANTING TO BE PLANTED WITHIN 14 DAYS AFTER MOVER OR SHALL BE PLANTED WITHIN 14 DAYS AFTER MOVER AND SHALL BE PLANTED WITHIN 14 DAYS AFTER MOVER.
- G. ALL PLANTING TO BE PLANTED WITHIN 14 DAYS AFTER MOVER AND SHALL BE PLANTED WITHIN 14 DAYS AFTER MOVER.

BALBOA CENTER NEWPORT BEACH, CA
MARCUS AVE. **LAKE AVE.** **32ND STREET**



PRELIMINARY PLANTING PLAN

ARCHITECTS ORANGE
 144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92666 (714) 839-8800

NORTH
 1" = 30' @
 0' 10' 20' 30'
 DATE
 N. DALY THOMPSON
 LANDSCAPE ARCHITECT
 144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92666
 (714) 839-8800
 F.S. 01-100

PA2021-114 for XP2021-002
 3100 Balboa Boulevard
 Pavilions Grocery Store