



**CITY OF NEWPORT BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION ACTION REPORT**

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

FROM: Kimberly Brandt, Community Development Director
Brenda Wisneski, Deputy Community Development Director

SUBJECT: Report of actions taken by the Zoning Administrator, and/or Planning Division staff for the week ending June 17, 2016

**ZONING ADMINISTRATOR ACTIONS
JUNE 16, 2016**

- Item 1: 1 Pinehurst Lane Lot Line Adjustment No. LA2016-002 (PA2016-024)
Site Address: 1 Pinehurst Lane and 1 Big Canyon Drive
Action: Approved by Resolution No. ZA2016-034 Council District 5
- Item 2: 735 Cameo Highlands Drive Lot Line Adjustment No. LA2016-004 (PA2016-041)
Site Address: 735 Cameo Highlands Drive
Action: Approved by Resolution No. ZA2016-035 Council District 6
- Item 3: Ebb Tide Temporary Sales Office Limited Term Permit No. XP2016-001 (PA2016-042)
Site Address: 1560 Placentia Avenue
Action: Approved by Resolution No. ZA2016-036 Council District 2
- Item 4: Annual Review of Development Agreement for North Newport Center (PA2009-023)
Site Address: Sub-areas of Fashion Island; Block 100, Block 400, Block 500, Block 600, and Block 800 of Newport Center Drive; and San Joaquin Plaza
Action: *Item Continued to June 30, 2016 ZA Hearing* Council District 5

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

- Item 1: Moulin Bistro Staff Approval No. SA2016-005 (PA2016-062)
Site Address: 1000 Bristol Street North
- Action: Approved Council District 3
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- Item 2: Pavilions Grocery Store Limited Term Permit No. XP2016-005 (PA2016-099)
Site Address: 3100 W. Balboa Boulevard
- Action: Approved Council District 1

APPEAL PERIOD: An appeal 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.

RESOLUTION NO. ZA2016-034

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING LOT LINE ADJUSTMENT NO. LA2016-002 TO ADJUST THE BOUNDARIES OF PARCELS LOCATED AT 1 PINEHURST LANE AND 1 BIG CANYON DRIVE (PA2016-024)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Big Canyon Country Club, on behalf of The Big Canyon Country Club and Wade H. Cable, with respect to property located at 1 Pinehurst Lane and 1 Big Canyon Drive, and legally described as Lot 68 of Tract 7223 and a portion of Block 55, 56, 92 and 93 of Irvine's Subdivision, respectively, requesting approval of a lot line adjustment.
2. The applicant proposes to adjust the boundary between two (2) contiguous parcels located in the Big Canyon Planned Community (PC8). Land taken from 1 Big Canyon Drive will be reallocated to 1 Pinehurst Lane. There will be no change in the number of parcels.
3. The property at 1 Big Canyon Drive is the golf course area of the Big Canyon Planned Community (PC8) Zoning District and the General Plan Land Use Element category is Parks and Recreation (PR). The property at 1 Pinehurst Lane is located within Low Density Residential Area 12 of the PC8 Zoning District and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D).
4. The subject properties are not located within the coastal zone.
5. A public hearing was held on June 16, 2016, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt pursuant to Title 14 of the California Code of Regulations (Section 15305, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act) under Class 5 (Minor Alterations in Land Use Limitations) of the Guidelines for CEQA.
2. This exemption consists of minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density, including minor lot line adjustments. The proposed boundary adjustment affects

the property line between two (2) parcels and is for the purpose of accommodating existing residential accessory structures entirely on one parcel, 1 Pinehurst Lane.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 19.76.020 (Procedures for Lot Line Adjustments) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

- A. *Approval of the lot line adjustment will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot line adjustment is consistent with the legislative intent of the title.*

Facts in Support of Finding:

1. The proposed lot line adjustment will not change the existing use of either property. The General Plan Land Use Designation of Single-Unit Residential Detached will be maintained for the 1 Pinehurst Lane parcel. The Parks and Recreation designation will be maintained for the 1 Big Canyon Drive parcel.
2. The proposed lot line adjustment will not result in a development pattern that is inconsistent with the surrounding neighborhood. The 1 Pinehurst Lane property will continue to allow for single-unit development consistent with the applicable General Plan Land Use and zoning designation. The proposed 1 Big Canyon Drive parcel will remain a golf course and development will continue to be consistent with limits specified by the General Plan and zoning designation.
3. The proposed lot line adjustment is consistent with the purpose identified in Chapter 19.76 (Lot Line Adjustment) of the Newport Beach Municipal Code. The lot line adjustment constitutes a minor boundary adjustment involving two (2) adjacent lots where land taken from one lot is added to an adjacent lot. The original number of lots will remain unchanged after the adjustment.
4. The subdivision is consistent with the General Plan, does not negatively impact surrounding land owners, and will not in itself be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood, as the adjustment affects interior property lines between two (2) adjacent parcels.

Finding:

- B. *The number of parcels resulting from the lot line adjustment remains the same as before the adjustment.*

Facts in Support of Finding:

1. The proposed lot line adjustment will adjust the property line between two (2) contiguous parcels. The number of parcels remains the same as before the lot line adjustment.

Finding:

- C. The lot line adjustment is consistent with applicable zoning regulations except that nothing herein shall prohibit the approval of a lot line adjustment as long as none of the resultant parcels is more nonconforming as to lot width, depth and area than the parcels that existed prior to the lot line adjustment.*

Facts in Support of Finding:

1. The 1 Pinehurst Lane property is located within Low Density Residential Area 12 of the Big Canyon Planned Community (PC8) Zoning District, which is intended to provide for detached single-unit dwellings. The 1 Big Canyon Drive is located in an area of the PC8 Zoning District which is intended for a golf course. The proposed lot line adjustment will not change the existing use of the parcels affected.
2. The proposed boundary adjustment will shift the property line between the subject parcels to the northwest, reallocating 391 square feet of land from 1 Big Canyon Drive to 1 Pinehurst Lane. The resulting boundary will allow existing residential accessory structures to be located entirely on the parcel of 1 Pinehurst Lane.
3. The proposed 1 Pinehurst Lane parcel will continue to exceed the minimum site area requirement of the Big Canyon Planned Community development regulations. Lots in Area 12 are required to provide a minimum lot area of 8,000 square feet. In this case, the proposed 1 Pinehurst Lane parcel is compliant in size with an area of 18,739 square feet.
4. The proposed parcels comply with all applicable lot size regulations of the Big Canyon Planned Community Development Plan and will not result in a change in allowed land uses, density, or intensity on the properties.

Finding:

- D. Neither the lots as adjusted nor adjoining parcels will be deprived legal access as a result of the lot line adjustment.*

Facts in Support of Finding:

1. The proposed lot line adjustment affects the interior property lines between two (2) adjacent parcels. Legal access to the subject properties is not affected by the adjustment.

Finding:

- E. That the final configuration of the parcels involved will not result in the loss of direct vehicular access from an adjacent alley for any of the parcels that are included in the lot line adjustment.*

Facts in Support of Finding:

1. Vehicular access to the existing properties is from Big Canyon Drive, Jamboree Road, and Pinehurst Lane, and the final configuration will not change.

Finding:

- F. That the final configuration of a reoriented lot does not result in any reduction of the street site setbacks as currently exist adjacent to a front yard of any adjacent key, unless such reduction is accomplished through a zone change to establish appropriate street site setbacks for the reoriented lot. The Planning Commission and City Council in approving the zone change application shall determine that the street site setbacks are appropriate, and are consistent and compatible with the surrounding pattern of development and existing adjacent setbacks.*

Facts in Support of Finding:

1. The final configuration of the proposed parcels does not result in a requirement for revised setbacks since the parcels are not proposed to be reoriented. The required setbacks applicable to parcels in the PC8 Zoning District shall continue to apply to the adjusted parcels per the Planned Community Development.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Lot Line Adjustment No. LA2016-002, subject to the conditions set forth in Exhibit "A", which is attached hereto and incorporated by reference.
2. This action shall become final and effective ten (10) days following the date this Resolution was adopted unless within such time an appeal is filed with the Community Development Director in accordance with the provisions of Title 19 (Subdivisions) of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 16th DAY OF JUNE, 2016.

BY:



Patrick J. Alford, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

1. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
2. The 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 19 (Subdivisions) of the Newport Beach Municipal Code.
3. Prior to recordation of the lot line adjustment, the applicant shall submit the exhibits to the Public Works Department for final review.
4. 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 1 Pinehurst Lane Lot Line Adjustment including, but not limited to, Lot Line Adjustment No. LA2016-002 (PA2016-024). 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.

RESOLUTION NO. ZA2016-035

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING LOT LINE ADJUSTMENT NO. LA2016-004 TO ADJUST THE BOUNDARIES OF PARCELS LOCATED AT 735 CAMEO HIGHLANDS DRIVE AND THE THREE UNADDRESSED ADJACENT PROPERTIES TO THE EAST (PA2016-041)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Guida Surveying, on behalf of Gary Sauter, PH Finance LLC, and The Irvine Company LLC, with respect to property located at 735 Cameo Highlands Drive and the unaddressed adjacent properties to the east (Parcel 2, Parcel 3, and Parcel 4), and legally described as Lot 59 of Tract No. 3519; a portion of Lots 3 and 7 of Tract No. 14131 and a portion of Lot 1 of Tract No. 13859; a Triangular Strip in Block 130 of Tract No. 361 of Irvine's Subdivision; and an Irregular Strip in Block 131 of Tract No. 361 of Irvine's Subdivision, requesting approval of a lot line adjustment.
2. The applicant proposes to adjust the interior lot line between four (4) contiguous parcels located at 735 Cameo Highlands Drive and the adjacent unaddressed parcels to the east (Parcel 2, Parcel 3, and Parcel 4). Land taken from Parcel 2, Parcel 3, and Parcel 4 will be reallocated to 735 Cameo Highlands Drive. There will be no change in the number of parcels.
3. The property at 735 Cameo Highlands Drive is located in the Single Unit Residential (R1-6000) Zoning District and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D). Parcel 2 is located in the Newport Coast Planned Community (PC 52) Zoning District and the General Plan Land Use Element category is Parks and Recreation (PR). Parcel 3 and Parcel 4 are located in the Open Space (OS) Zoning District and the General Plan Land Use Element category is Open Space (OS).
4. The subject properties are located within the coastal zone within the categorical exclusion area.
5. A public hearing was held on June 16, 2016, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt pursuant to Title 14 of the California Code of Regulations (Section 15305, Article 19 of Chapter 3, Guidelines for

Implementation of the California Environmental Quality Act) under Class 5 (Minor Alterations in Land Use Limitations) of the Guidelines for CEQA.

2. This exemption consists of minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density, including minor lot line adjustments. The proposed boundary adjustment affects the property line between four (4) parcels and is for the purpose of accommodating existing residential accessory structures entirely on one parcel, 735 Cameo Highlands Drive.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 19.76.020 (Procedures for Lot Line Adjustments) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

- A. *Approval of the lot line adjustment will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot line adjustment is consistent with the legislative intent of the title.*

Facts in Support of Finding:

1. The proposed lot line adjustment will not change the existing use of any of the four parcels. The General Plan Land Use Designation Single-Unit Residential Detached will be maintained for the 735 Cameo Highlands Drive parcel. The Parks and Recreation designation will be maintained for Parcel 2. The Open Space designation will be maintained for Parcel 3 and Parcel 4.
2. The proposed lot line adjustment will not result in a development pattern that is inconsistent with the surrounding neighborhood. The 735 Cameo Highlands Drive property will continue to allow for single-unit development consistent with the applicable General Plan Land Use and zoning designation. Parcel 2, Parcel 3, and Parcel 4 will maintain their current zoning and General Plan designation and the uses will continue to be consistent with these designations.
3. The proposed lot line adjustment is consistent with the purpose identified in Chapter 19.76 (Lot Line Adjustment) of the Newport Beach Municipal Code. The lot line adjustment constitutes a minor boundary adjustment involving four (4) adjacent lots where land taken from three lots is added to an adjacent lot. The original number of lots will remain unchanged after the adjustment.
4. The lot line adjustment is consistent with the General Plan, and does not negatively impact surrounding land owners, as the adjustment affects interior property lines

between four (4) adjacent parcels. The existing land uses will remain and have not proven to be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood.

Finding:

- B. The number of parcels resulting from the lot line adjustment remains the same as before the adjustment.*

Facts in Support of Finding:

1. The proposed lot line adjustment will adjust the property line between four (4) contiguous parcels. The number of parcels remains the same as before the lot line adjustment.

Finding:

- C. The lot line adjustment is consistent with applicable zoning regulations except that nothing herein shall prohibit the approval of a lot line adjustment as long as none of the resultant parcels is more nonconforming as to lot width, depth and area than the parcels that existed prior to the lot line adjustment.*

Facts in Support of Finding:

1. The 735 Cameo Highlands Drive property is located within the Single Unit Residential Zoning District, which is intended to permit detached single-unit dwellings. Parcel 2 is located within Golf Course Planning Area 10A of the Newport Coast Planned Community (PC 52) Zoning District, which is intended for a golf course. Parcel 3 and Parcel 4 are located within the Open Space Zoning District, which is intended to maintain and protect open space areas. The proposed lot line adjustment will not change the existing use of the parcels affected.
2. The proposed boundary adjustment will change the internal property lines between the subject properties, reallocating 425.75 square feet of land from Parcel 2, Parcel 3, and Parcel 4 to 735 Cameo Highlands Drive. The resulting boundaries will allow existing residential accessory structures to be located entirely on the parcel of 735 Cameo Highlands Drive.
3. The proposed 735 Cameo Highlands Drive parcel will continue to exceed the 6,000 square-foot minimum site area requirement of the Single Unit Residential (R1-6000) Zoning District, with a proposed lot area of 15,609 square feet. There are no minimum lot area requirements for properties within the Open Space Zoning District.
4. Parcel 2 complies with all applicable lot size regulations of the Newport Coast Planned Community Development Plan and will not result in a change in allowed land uses, density, or intensity on the property.

Finding:

D. Neither the lots as adjusted nor adjoining parcels will be deprived legal access as a result of the lot line adjustment.

Facts in Support of Finding:

1. The proposed lot line adjustment affects the interior property lines between four (4) adjacent parcels. Legal access to the subject properties is not affected by the adjustment.

Finding:

E. That the final configuration of the parcels involved will not result in the loss of direct vehicular access from an adjacent alley for any of the parcels that are included in the lot line adjustment.

Facts in Support of Finding:

1. Vehicular access to the existing properties is taken from Cameo Highlands Drive and East Coast Highway. The final configuration will not change.
2. There are no alleys located within or near the subject parcels.

Finding:

F. That the final configuration of a reoriented lot does not result in any reduction of the street site setbacks as currently exist adjacent to a front yard of any adjacent key, unless such reduction is accomplished through a zone change to establish appropriate street site setbacks for the reoriented lot. The Planning Commission and City Council in approving the zone change application shall determine that the street site setbacks are appropriate, and are consistent and compatible with the surrounding pattern of development and existing adjacent setbacks.

Facts in Support of Finding:

1. The final configuration of the adjusted parcels does not result in a requirement for revised setbacks since the parcels are not proposed to be reoriented. The required setbacks applicable to parcels in the R1-6000, OS, and PC 52 Zoning Districts shall continue to apply to the adjusted parcels.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Lot Line Adjustment No. LA2016-004, subject to the conditions set forth in Exhibit "A", which is attached hereto and incorporated by reference.

2. This action shall become final and effective ten (10) days following the date this Resolution was adopted unless within such time an appeal is filed with the Community Development Director in accordance with the provisions of Title 19 (Subdivisions) of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 16th DAY OF JUNE, 2016.

BY:



Patrick J. Alford, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

1. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
2. The 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 19 (Subdivisions) of the Newport Beach Municipal Code.
3. Prior to recordation of the lot line adjustment, the applicant shall submit the exhibits to the Public Works Department for final review.
4. 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 735 Cameo Highlands Drive Lot Line Adjustment including, but not limited to, Lot Line Adjustment No. LA2016-004 (PA2016-041). 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.

RESOLUTION NO. ZA2016-036

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING LIMITED TERM PERMIT NO. XP2016-001 LOCATED AT 1560 PLACENTIA AVENUE FOR A TEMPORARY SALES OFFICE AND PARKING (PA2016-042)

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

SECTION 1. STATEMENT OF FACTS.

1. On August 6, 2015, the Planning Commission adopted Resolution 1990 approving the Ebb Tide project consisting of the development of 81 residential condominium units on a 4.7-acre site located at 1560 Placentia Avenue (PA2014-110). The Planning Commission adopted a Mitigated Negative Declaration consistent with the California Environmental Quality Act.
2. In December of 2015, a demolition permit and rough grading permit were issued to remove the former Ebb Tide Mobile Home Park.
3. An application was filed by Ebb Tide, LLC, with respect to property located at 1560 Placentia Avenue, and legally described as a portion of Lot 714 of First Addition to Newport Mesa Tract, requesting approval of a limited term permit (90 days or more).
4. The applicant proposes to operate a temporary sales office with related parking, temporary signage, and a temporary fire access driveway to support sales of the approved 81-unit condominium development currently being constructed on the site.
5. The subject property is located within the Multiple-Unit Residential (RM) Zoning District and the General Plan Land Use Element category is Multiple-Unit Residential (RM).
6. The subject property is not located within the coastal zone.
7. A public hearing was held on June 16, 2016, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. A Mitigated Negative Declaration (SCH No. 2015071007) was prepared for the 81-unit Ebb Tide Subdivision project in accordance with the implementing guidelines of the California Environmental Quality Act (CEQA). The use of a temporary modular sales office, customer parking areas and temporary signage are customary and incidental changes to the approved project. The temporary improvements will be removed near

the end of the construction phase. Subsequent environmental review for the temporary improvements is not required to be prepared pursuant to CEQA Guidelines Section 15162 because the proposed project involves minor design changes to provide a sales office, to construct related parking spaces and signage for a limited duration of time. These changes do not constitute “substantial changes” to the project that would involve new significant environmental effects or result in additional mitigation measures.

2. The Zoning Administrator finds that judicial challenges to the City's CEQA determinations and approvals of land use projects are costly and time consuming. In addition, project opponents often seek an award of attorneys' fees in such challenges. As project applicants are the primary beneficiaries of such approvals, it is appropriate that such applicants should bear the expense of defending against any such judicial challenge, and bear the responsibility for any costs, attorneys' fees, and damages which may be awarded to a successful challenger.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.040(G) (Limited Term Permits – Findings and Decisions) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

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

Facts in Support of Finding:

1. The property is currently under construction with 81 new residential dwelling units consistent with the Planning Commission's prior approval. Three (3) of the units will be used as model homes and will be constructed within the first phase of development that consists of utilities and precise grading for the entire tract and common area amenities.
2. The temporary sales office, customer parking lot and a temporary Fire Department driveway will be located in areas adjacent to the model homes. The common area amenities will also be constructed with the model homes. One garage within the model home complex will be converted to a design studio and will be restored as a 2-car garage prior to occupancy of the unit by the initial homeowner.
3. The model homes, sales office, and temporary parking lot are proposed in the central part of the proposed project. The sales office will operate with a limited number of employees during typical business hours. A dedicated six-space on-site

parking lot will provide customers a safe area for parking with a designated path of travel to each of the units.

4. The guest parking adjacent to the common amenity area will also be available for customers and guests of the initial occupants of the project.
5. A temporary Fire Department driveway will facilitate appropriate access for Fire Department vehicles.
6. Landscaping will be provided in front yard setbacks along Placentia Avenue and around to the model home complex and temporary parking area.
7. After the model home complex is completed, production of the remainder of the homes will commence starting at the southwest corner of the site near Placentia Avenue and proceed in a counterclockwise direction. Construction traffic will be routed along the northerly internal driveway and customers and future residents will utilize the southerly internal driveway. Temporary fences are included to separate customers and future residents from construction areas for safety.
8. Temporary signage, both internal to the tract and along Placentia Avenue, will be located entirely on-site. Illumination of signs will be residential in character and must comply with applicable standards of the Municipal Code. Fourteen banners will be located along Placentia Avenue in the landscaped area. A temporary monument sign (main project ID sign) is proposed to be located in the center median of the project access driveway. The project ID sign is 7-foot-high by 45-inches-wide and is setback from the street to ensure adequate vehicle sight distance. A limited number of on-site directional signs internal to the project are also provided to enhance wayfinding. The number, size and location of the temporary signs as shown on the project plans are not excessive given the size and frontage of the project site.
9. All improvements associated with this limited term permit will be removed during the final construction phase ensuring that the overall project is completed consistent with the Planning Commission's approval of the Ebb Tide project

Finding:

B. The subject lot is adequate in size and shape to accommodate the limited duration use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the lot.

Facts in Support of Finding:

1. The subject lot is approximately 4.7 acres in size with approximately 325 feet of street frontage along Placentia Avenue. The site has been found adequate to support the 81-unit Ebb Tide project based upon the Planning Commission's approval of the Ebb Tide project.

2. The development will be constructed in phases, with the model homes, temporary sales office, and parking lot constructed first after the utilities and precise grading is completed. Given the two internal driveways planned, construction traffic and customer/future resident parking conflicts can be minimized with construction traffic using the northerly on-site driveway and customers/future residents using the southerly on-site driveway. Once constructed, customers will benefit from safe access and parking to the model home complex and initial phases of construction while the remaining units in the development are constructed.
3. Given the size of the lot and proposed sequencing of construction, the lot can accommodate sales office parking demands on-site with little disruption to surrounding residential uses and adjacent public parking lot.
4. The model homes, sales office, and parking lot are located in the central part of the proposed project separating it from adjacent uses.
5. The number of temporary signs are limited in number and are appropriately located to ensure on-site wayfinding and to maintain adequate vehicle sight distances.

Finding:

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

Facts in Support of Finding:

1. The sales office will typically operate between 10:00 a.m. and 7:00 p.m. daily, and is expected to generate minimal traffic given a limited number of employees. The conversion of one of the model home garages to a design studio does not eliminate parking for the future homeowner and these spaces are not used for the operation of the model home sales.
2. Customers and future residents accessing the site will utilize the main driveway from Placentia Avenue and the southerly internal driveway. Construction traffic will use main access from Placentia Avenue given there is only one access point from the public right-of-way and will use the northerly internal driveway. The ability to separate construction traffic and customer/future resident traffic using the two internal driveways reduces potential conflicts to the maximum extent possible.

Finding:

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

Facts in Support of Finding:

1. A temporary 6-space parking lot will be constructed and maintained on-site in conjunction with the operation of the sales office. Additionally, 4 guest parking spaces at the common area will be available for customers and future residents during construction.
2. The parking lot will include parking reserved for disabled persons and accessible path of travel.

Finding:

E. The limited duration use is consistent with all applicable provisions of the General Plan, any applicable specific plan, the Municipal Code, and other City regulations.

Facts in Support of Finding:

1. The RM (Multiple-Unit Residential) designation of the Land Use Element of the General Plan is intended to provide primarily for multi-family residential development containing attached or detached dwellings. The proposed temporary sales office use and associated parking is customary and incidental to the efficient construction and occupancy of the proposed residential use. The limited duration uses and improvements will be removed at the conclusion of sales and will not impede the ultimate use of the site as a residential condominium development, consistent with the RM designation.
2. Section 20.18.020 of the Municipal Code allows temporary uses within the RM (Multiple-Unit Residential) Zoning District subject to the approval of a Limited Term Permit. Limited Term Permits may authorize uses that might not meet the development or use standards of the applicable zoning district, but may otherwise be acceptable because of their temporary or limited nature. In this case, the sales office and related parking and signage are limited duration uses that will cease operating prior to completion of the new residential condominium development.
3. The proposed use is conditioned such that it will comply with all other applicable provisions of the General Plan, Municipal Code, and other City regulations. Applicable ministerial permits must be obtained prior to construction.
4. The site is not located within a specific plan area.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Limited Term Permit No. XP2016-001, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.

2. This action shall become final and effective fourteen (14) days following the date this Resolution was adopted unless within such time an appeal 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 16TH DAY OF JUNE, 2016.



Patrick J. Alford
Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**

1. The development shall be in substantial conformance with the approved site plan stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. Anything not specifically approved by this limited term permit is prohibited and shall be addressed by a separate and subsequent review.
3. The Limited Term Permit shall expire twelve (12) months from the effective date of the license agreement to implement this permit, unless an extension of up to one (1) additional permit of twelve (12) months is granted by the Zoning Administrator.
4. The sales office hours of operation shall be limited to between the hours of 10:00 a.m. and 7:00 p.m., daily.
5. Temporary signage shall be limited to the signs shown in the project plans. Illumination of signs shall be residential in character and must comply with applicable standards of the Municipal Code.
6. All temporary signage shall be located outside the traffic safety visibility area, subject to the review and approval of the City's Traffic Engineer.
7. All temporary improvements shall be removed after the conclusion of initial sales to ensure completion of the construction of the tract as approved by the Planning Commission.
8. An accessible restroom facility shall be provided and available to the public for the duration of the sales office use.
9. 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.
10. Per California Fire Code Section 3312.1, an approved water supply (fire hydrant) for fire protection shall be made available as soon as combustible material arrives on the site.
11. Prior to occupancy of the sales office, an all-weather fire access road shall be provided consistent with Newport Beach Fire Department Guideline C.01 standards.
12. Prior to occupancy of the sales office, the emergency fire access road needs to be marked *No Parking* on both sides, consistent with Newport Beach Fire Department Guidelines C0.1.

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13. Per Newport Beach Fire Department Guidelines C0.1, any locked gates shall have a lock approved by the Fire Department for emergency access.
 14. Prior to the occupancy of the sales office, the automatic sprinkler system installation shall be tested and approved by the Fire Department.
 15. A 2A 10BC fire extinguisher shall be installed on a wall in an accessible location within the sales office.
 16. 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.
 17. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless the 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 the City's approval of the Ebb Tide Temporary Sales Office including, but not limited to, Limited Term Permit No. XP2016-001 (PA2016-042). 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, the City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of the City's costs, attorneys' fees, and damages which the 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.



COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

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

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COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER

Application No. **Staff Approval No. SA2016-005 (PA2016-062)**

Applicant **Moulin Bistro**

Site Address **1000 Bristol Street North**
Moulin Restaurant Staff Approval

Legal Description **Parcel No. 2, Page 43, Book 81**

On **June 16, 2016**, the Community Development Director approved Staff Approval No. SA2016-005 authorizing alterations to an existing eating and drinking establishment and finding said alterations to be minor and in substantial conformance with Use Permit No. UP3508. This approval is based on the following findings and subject to the following conditions.

ZONING DISTRICT/GENERAL PLAN

- **Zone:** PC-11 (Newport Place)
- **General Plan:** CG (General Commercial)

I. BACKGROUND

On September 13, 1993, City Council approved Use Permit No. UP3508 authorizing the establishment of a 2,700-square-foot take-out restaurant in Suites 9 and 10 (Pascal's Epicerie), in combination with catering, retail wine store, on-sale beer and wine, incidental interior seating, and a waiver of a portion of the required off-street parking spaces (48 spaces). The hours of operation are limited to 8:00 a.m. to 9:00 p.m., Monday through Saturday, and 8:00 a.m. to 2:00 p.m. on Sunday.

On June 23, 2014, a building permit was issued for a tenant improvement to reconfigure the restaurant for a new operator (Moulin Bistro). The changes consisted of kitchen improvements and reconfigured product displays and interior seating. The improvements remained in substantial conformance with the approved Use Permit.

On January 16, 2014, the Community Development Director approved Staff Approval No. SA2014-032 for Moulin to expand into the abutting retail space (Suite

8) for enlargement of a walk-in cooler and freezer, expansion of the pastry kitchen and the additional retail space with no additional dining.

II. PROPOSED CHANGES

Moulin proposes to reduce the product display case within the existing take-out restaurant area to allow for 145-square-feet of additional dining area and 15 additional seats. These changes are within the existing take-out restaurant area and do not change the gross floor area or the operational characteristics.

III. FINDINGS

Pursuant to Section 20.54.070 (Changes to an Approved Project), the Community Development Director may authorize minor changes to an approved site plan, architecture, or the nature of the approved use without a public hearing, and waive the requirement for a new use permit application. In this case, the Community Development Director has determined that the proposed expansion is in substantial conformance with the existing restaurant operation.

Finding:

A. *Are consistent with all applicable provisions of this Zoning Code.*

Facts in Support of Finding:

1. Restaurants are a permitted use in General Commercial Site 3 of the Newport Place Planned Community District (PC-11), subject to the approval of a use permit. The proposed changes are consistent with the operational characteristics approved by Use Permit No. UP3508.
2. Adequate off-street parking is provided in conjunction with the proposed remodel of the existing take-out service restaurant. Per the Zoning Code and Use Permit, required parking for the take-out restaurant is based on gross floor area. Since no changes to gross floor area are proposed, no additional parking is required.
3. The proposed floor plan changes remain consistent with the operational characteristics of the previously approved take-out restaurant and retail bakery use.

Finding:

B. *Do not involve a feature of the project that was a basis for or subject of findings or exemptions in a negative declaration or Environmental Impact Report for the project.*

Facts in Support of Finding:

1. The proposed changes to the existing restaurant will not compromise the original Class 1 (Existing Facilities) exemption under the California Environmental Quality Act (CEQA) Guidelines since the request involves minor alterations to the floor plan and operational characteristics that will not exceed 50 percent of the existing floor area or 2,500 square feet.

Finding:

- C. *Do not involve a feature of the project that was specifically addressed or was the subject of a condition(s) of approval for the project or that was a specific consideration by the applicable review authority in the project approval.*

Facts in Support of Finding:

1. The proposed minor changes do not involve a feature that was specifically addressed in the staff report or the minutes prepared for Use Permit No. UP3508.
2. Use Permit No. UP3508 does not limit the area of dining or number of seats within the take-out restaurant.

Finding:

- D. *Do not result in an expansion or change in operational characteristics of the use.*

Facts in Support of Finding:

1. The proposed additional seats and 145-square-foot increase to the dining area is minor in nature and does not represent a substantial change in the operational characteristics of the existing take-out restaurant and retail-bakery that was approved.
2. The proposed reduction in the product area and additional dining area with additional seats does not result in additional employees. The hours of operation will remain as conditioned by Use Permit No. UP3508.

IV. DETERMINATION

This staff approval has been reviewed and the determination has been made that the proposed changes to the existing take-out restaurant are in substantial conformance with the original approval actions.

CONDITIONS

1. All applicable conditions of approval for Use Permit No. UP3508 shall remain in effect.
2. The revised floor plan and seating plan shall remain in substantial conformance with the approved revised seating and floor plan found in Attachment No. CD 2.
3. The applicant is required to obtain all applicable permits from the City Building Division and Fire Department. Prior to the issuance of any building, mechanical, and/or electrical permits, architectural drawings and structural design plans shall be submitted to the City of Newport Beach for review and approval by the applicable departments. A copy of these conditions of approval shall be incorporated into the drawings approved for the issuance of permits.
4. The outdoor seating area shall remain common area for the shopping center and at no times shall be exclusive for Moulin Bistro. A sign stating "Common Seating Area" shall be placed and maintained visible in the outdoor dining area.
5. The existing outdoor employee area shall be used by employees only and not for customers.
6. The Community Development Director may add to or modify conditions to this staff approval, or revoke this staff approval upon determination that the operations, which is the subject of this staff approval, causes injury, or is detrimental to the public health, safety, peace, or general welfare of the community or if the property is operated or maintained so as to constitute a public nuisance.
7. This staff approval shall expire unless exercised within twenty-four (24) months from the end of the appeal period, in accordance with Section 20.54.060 of the Newport Beach Municipal Code.
8. To the fullest extent permitted by law, the 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 staff approval of the Moulin Bistro Expansion including, but not limited to, Staff Approval No. SA2016-005 (PA2016-062). 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 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.

On behalf of Kimberly Brandt, AICP, Community Development Director

By:



Melinda Whelan
Assistant Planner

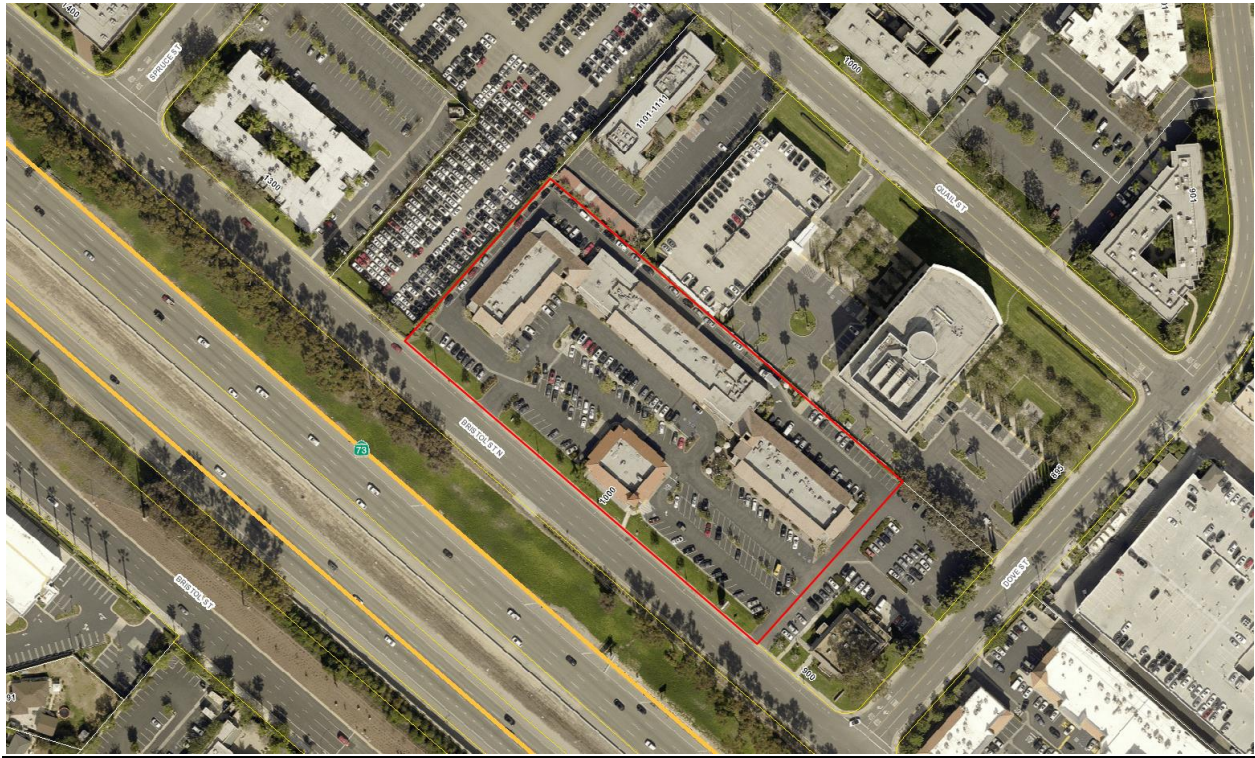
JM/msw

Attachments: CD 1 Vicinity Map
CD 2 Existing and Revised Floor Plan

Attachment No. CD

Vicinity Map

VICINITY MAP

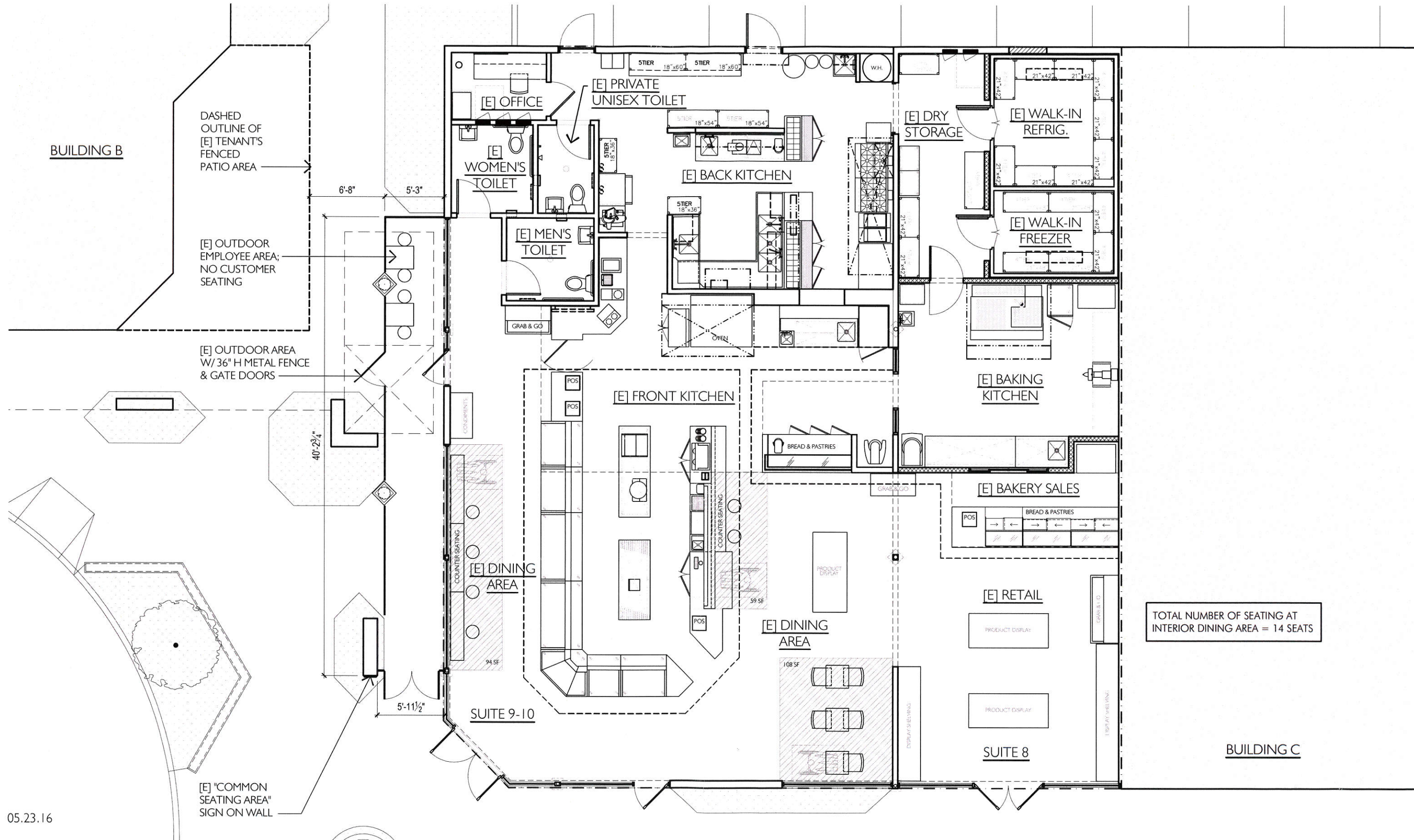


Staff Approval No. SA2016-005
PA2016-062

1000 Bristol Street North

Attachment No. CD 2

Existing and Revised Seating Plan



05.23.16

MOULIN

1000 Bristol St. North, Suites 8, 9 & 10
Newport Beach, CA

Existing Interior Seating Plan

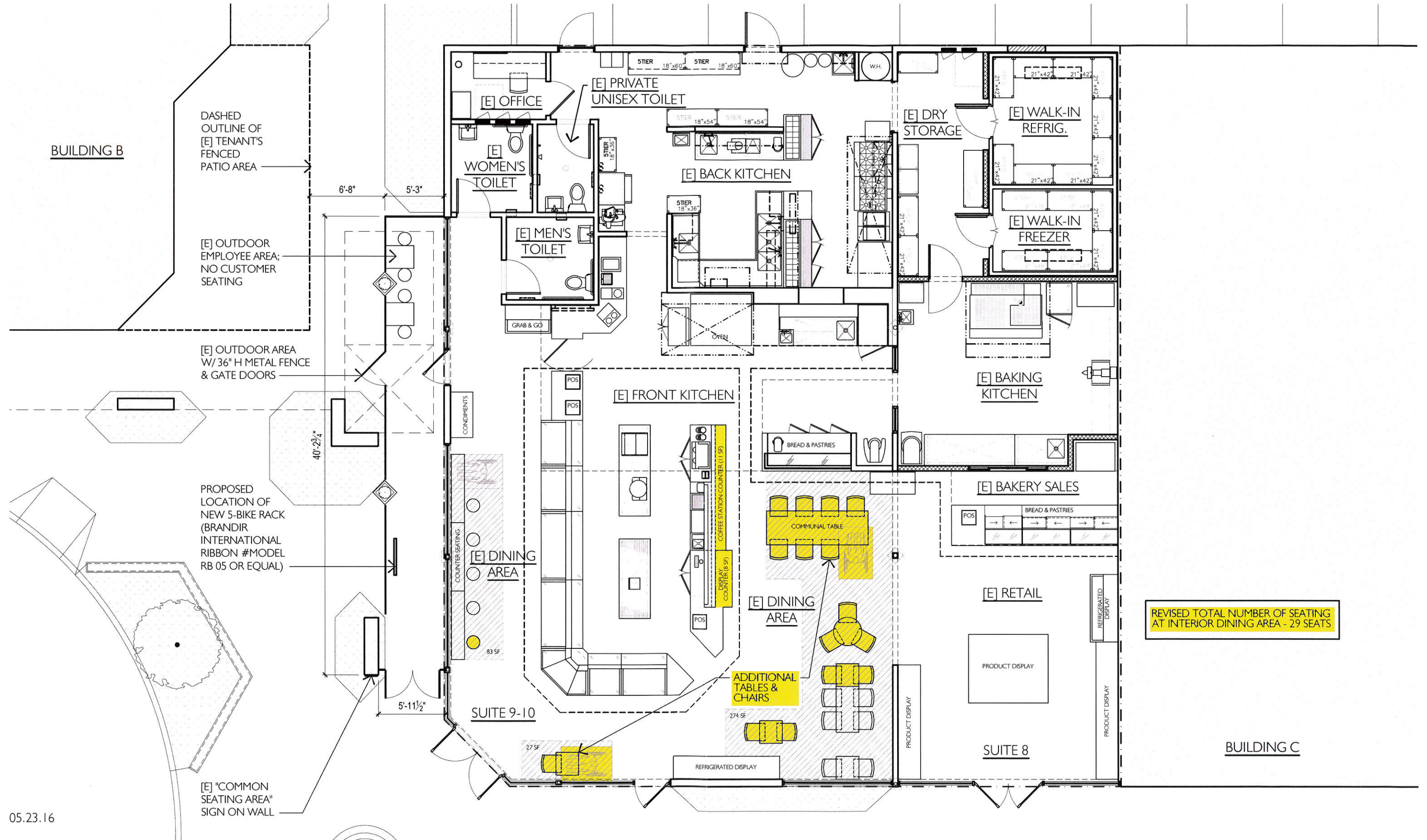
Scale: 1/8" = 1'-0"

robinson hill architecture, inc.



A California Corporation 3195 B Airport Loop Drive Costa Mesa, California 92626 telephone: 714.825.8888

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05.23.16

MOULIN

1000 Bristol St. North, Suites 8, 9 & 10
Newport Beach, CA

Proposed Interior Seating Plan

Scale: 1/8" = 1'-0"

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ZONING ADMINISTRATOR ACTION LETTER

Application No. Limited Term Permit No. XP2016-005 (PA2016-099)
Applicant Pavilions Grocery Store
Site Address 3100 W. Balboa Boulevard
Pavilions Temporary Trailer
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 17, 2016**, the Zoning Administrator approved a limited term permit to allow a 40-foot electric refrigeration trailer to store ice for an eight day duration adjacent to the loading dock at the rear of the Vons Pavilions grocery store within The Landing Shopping Center. The trailer's refrigeration unit will operate only between the hours of 7:00 a.m. through 9:00 p.m., daily, to store ice for the Independence Day holiday period beginning June 29 through July 7, 2016. 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).*

Facts in Support of Finding:

1. Class 11 exempts the placement of seasonal or temporary use of items such as lifeguard towers, mobile food units, portable restrooms, or similar items. The proposed temporary trailer will be placed within the rear of the shopping center for a temporary time period and will be accessory 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 a temporary electric refrigeration trailer to store ice on-site for the Independence Day holiday as conditioned.
2. The operation of the electric refrigeration unit is limited to the hours of 7:00 a.m. to 9:00 p.m., June 29, 2016 through July 7, 2016, 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 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 generator will be oriented to face away from nearby residents.

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 uses without impacting vehicle circulation. The trailer location will occupy two required parking spaces for a limited duration (8 days).
2. The lot is bounded 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) serves as a buffer between the majority of nearby residential properties within the R-2 (Two-Unit Residential) Zoning District.
3. A public parking lot is located across 30th street, adjacent to 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 temporary electric refrigeration 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 temporary electric refrigeration trailer will occupy two required parking stalls for a limited period of time (8 days). There are no traffic issues anticipated.
2. The limited duration use is a temporary electric refrigeration trailer for the grocery store to store ice 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 it will be utilized to store ice for the grocery store. The two parking spaces that the 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 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 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

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. 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

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 trailer shall be located adjacent to the rear loading dock area as shown on the plan (Attachment No. ZA 2). The generator on the refrigeration trailer shall face away from the nearby residences and shall be oriented toward 3011 Newport Boulevard.
4. The temporary electric refrigeration trailer shall be limited to the storage of ice for the grocery store. Alcohol and other store merchandise shall not be stored within the temporary trailer.
5. The temporary electric refrigeration trailer is permitted on-site for an eight-day duration from June 29, 2016, through July 7, 2016. Storage of a trailer on-site other than the dates specified is prohibited.
6. Operation of the refrigeration unit within the temporary trailer shall be limited to the hours of 7:00 a.m. to 9:00 p.m., daily.
7. The generator on the temporary electric refrigeration trailer shall be setback 20 feet from the rear property line along 30th Street and 5 feet from any adjacent structures.
8. The temporary trailer shall not restrict vehicle circulation, or truck access to the loading dock at the rear of the grocery store.
9. The Limited Term Permit is for the operation of one temporary electric refrigeration trailer on-site for the hours and dates specified and does not authorize the use or operation of additional storage trailers on-site.
10. The refrigeration trailer must be registered by the DMV to be exempt from requirements for building permits.
11. An electrical permit shall be required if power is used elsewhere than the generator on the trailer.

12. The refrigeration trailer 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. In the event the sound is found to be excessive by Code Enforcement staff, sound barrier materials shall be installed to inhibit the noise where practical.
13. Should the temporary refrigeration 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.
14. 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 **Vons Pavilions Temporary Trailer** including, but not limited to, Limited Term Permit No. **XP2016-005 (PA2016-099)**. 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.



Patrick J. Alford, Zoning Administrator
JWC/mkn

Attachments: ZA 1 Vicinity Map
ZA 2 Site Plan

VICINITY MAP



Pavilions Temporary Trailer
Limited Term Permit No. XP2016-005
(PA2016-099)

3100 W. Balboa Boulevard

