



**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 9, 2017.

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

**Item 1:** Pavilions Temporary Trailers Limited Term Permit No. XP2017-004 (PA2017-102)  
**Site Address:** 3100 West 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](http://www.newportbeachca.gov)

**ZONING ADMINISTRATOR ACTION LETTER**

**Application No.** Limited Term Permit No. XP2017-004 (PA2017-102)  
**Applicant** Pavilions Grocery Store – Albertsons LLC  
**Site Address** 3100 West Balboa Boulevard  
Pavilions Temporary Trailers  
**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 9, 2017**, the Zoning Administrator approved a limited term permit to allow one 26-foot electric produce refrigeration trailer for a six day duration within the loading dock and one 40-foot electric ice trailer 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 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 30 through July 5, 2017 for the produce trailer and June 29 through July 7, 2017 for the ice trailer). 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 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 are limited to the hours of 7:00 a.m. to 9:00 p.m. The produce trailer is limited from June 30, 2017 through July 5, 2017, and the ice trailer is limited from June 29, 2017 through July 7, 2017, 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 30<sup>th</sup> Street. The generators 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 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 (8 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.
3. A public parking lot is located across 30<sup>th</sup> 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, 32<sup>nd</sup> Street, Balboa Boulevard, and 30<sup>th</sup> Street. The ice 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 ice trailer will occupy two required parking stalls for a limited period of time (8 days). There are no traffic issues 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.

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**

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 refrigeration trailers 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 an eight-day duration from June 29, 2017, through July 7, 2017. 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 a five-day duration from June 30, 2017, through July 5, 2017. 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. *Sound testing is required upon delivery of the temporary trailers. 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. 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.*
9. *The applicant shall provide a 24-hour contact number for emergencies 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 setback 20 feet from the rear property line along 30<sup>th</sup> 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 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 **Vons Pavilions Temporary Trailers** including, but not limited to, **Limited Term Permit No. XP2017-004 (PA2017-102)**. 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

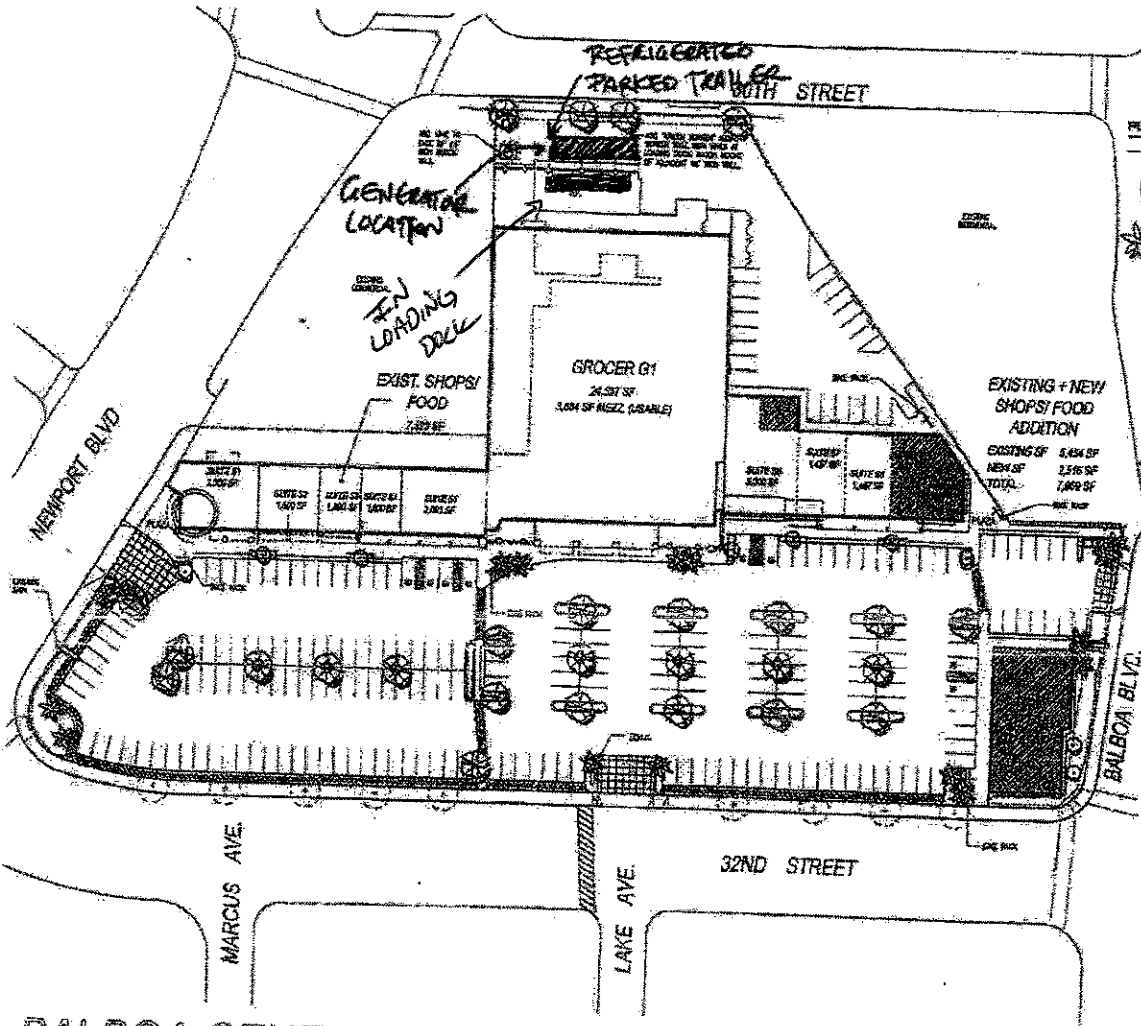
# VICINITY MAP



Limited Term Permit  
Limited Term Permit No. XP2017-004  
(PA2017-102)

**3100 West Balboa Boulevard**





**PLANTING LEGEND**

| SYMBOL   | CULTURAL CODE       | COMMON NAME | SIZE   | NUMBER / VEGETATION |
|----------|---------------------|-------------|--------|---------------------|
| (Symbol) | FRONTIERAL ARBOREAL | LIPODORON   | 24\"/> |                     |

1. ALL PLANTING SHOULD BE PLANTED WITHIN THE SPECIFIED SPACING AND DATES OF PLANTING TO BE PROVIDED BY THE LANDSCAPE ARCHITECT. ALL PLANTING SHOULD BE PLANTED TO THE DEPTH AND SPACING SPECIFIED.
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SITE PLAN

BALBOA CENTER NEWPORT BEACH, CA

PRELIMINARY PLANTING PLAN

**ARCHITECTS ORANGE**  
144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92665 (714) 679-3980

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

Pa. 2