



**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 November 8, 2019.

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

Item 1: Pavilions Temporary Trailers – Limited Term Permit No. XP2019-009 (PA2019-177)  
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. XP2019-009 (PA2019-177)  
**Applicant** Pavilions Grocery Store  
**Site Address** 3100 West 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 **November 8, 2019**, the Zoning Administrator approved a limited term permit to allow one 40-foot storage trailer within the loading dock for a less than 90-day duration at the rear of the Pavilions Grocery Store within The Landing Shopping Center. The trailer will be used to store nonperishable store merchandise for a limited period (September 20, 2019 through December 19, 2019). The property is located in the CN (Commercial Neighborhood) Zoning District. The approval is based on the following findings and subject to the following conditions:

### **FINDINGS**

#### Finding:

- A. *This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 11 (Accessory Structures)*

#### Fact in Support of Finding:

1. Class 11 exempts the placement of seasonal or temporary use of items such as lifeguard towers, mobile food units, portable restrooms, or similar items. The proposed temporary trailer will be placed within the rear of the shopping center in an existing loading dock area for a temporary time period (less than 90 days) and will be ancillary to an existing commercial development.

Finding:

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

Facts in Support of Finding:

1. The limited term permit will allow one storage trailer to store nonperishable store merchandise as conditioned. The trailer will not have a refrigeration or heating unit.
2. The placement of the storage trailer is limited from September 20, 2019 through December 19, 2019, to reduce the visual conflicts with surrounding residents. The applicant is seeking a permanent solution to store nonperishable merchandise and accommodate the store's back-of-house needs.
3. Trailers have been parked at the loading dock on holiday weekends in the past and the use has not proven to be detrimental.
4. The location of the storage unit in the loading dock area will not displace other loading activities at the loading dock due to the size of the loading dock, the limited size of the request (one 40-foot trailer), and volume of anticipated deliveries. Thereby, the trailer location avoids the loading and unloading activities in areas not previously used for said activity.
5. Conditions of approval require the location of the trailer within the loading dock area, which is approximately 100 feet from the nearest residence and will be partially screened by existing trees and landscaping along 30<sup>th</sup> Street.

Finding:

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

Facts in Support of Finding:

1. The subject lot is approximately 3.75 acres in size. Based upon the site plan, there is adequate area to accommodate the proposed trailer and existing uses without impacting vehicle circulation. The storage trailer will be located within the loading dock for a limited duration (less than 90 days).
2. The lot is bound by Balboa Boulevard to the west, Newport Boulevard to the east, 32<sup>nd</sup> Street to the north, and 30<sup>th</sup> Street to the south. The adjacent right-of-way (30<sup>th</sup> Street) separates the lot from nearby residential properties within the R-2 (Two-Unit

Residential) Zoning District. A public parking lot is located directly across 30<sup>th</sup> Street, adjacent to where the trailer will be parked.

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 40-foot trailer's location within the loading dock will not impede access or truck access to the loading dock at the rear of the grocery store. No traffic or site circulation issues are anticipated.
2. The trailer will be parked at the loading dock and will not generate additional traffic or impede access to nearby parking or loading areas.
3. The limited duration (less than 90 days) use is for one storage trailer for the grocery store to keep nonperishable merchandise while a more permanent storage solution is sought to accommodate the store's back-of-house needs.

Finding:

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

Fact in Support of Finding:

1. The proposed limited duration use will not create additional parking demand since the trailer will be utilized to store nonperishable merchandise for the grocery store. The public will not have direct access to the temporary storage trailer.

Finding:

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

Facts in Support of Finding:

1. The General Plan land use designation for this site is Neighborhood Commercial (CN). The CN designation is intended to provide for a range of retail and service uses developed in one or more distinct centers oriented to serve the needs of and maintain compatibility with residential uses in the immediate area. The proposed

use is accessory to the existing retail use, will be utilized for a limited duration on-site, and will not impede use of the site consistent with the CN designation.

2. The site is located in the Commercial Neighborhood (CN) Zoning District. The CN designation is intended to provide for a range of retail and service uses developed in one or more distinct centers oriented to serve the needs of and maintain compatibility with residential uses in the immediate area. The proposed 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 storage trailer shall be located within the rear loading dock as shown on the site plan (Attachment No. ZA 2). The trailer shall not be refrigerated or utilize a generator.*
4. *The storage trailer shall be limited to the storage of nonperishable store merchandise. Alcohol shall not be stored within the temporary trailer.*
5. *The 40-foot temporary storage trailer is permitted on-site from September 20, 2019, through December 19, 2019. Storage of a trailer or trailer on-site other than the dates specified is prohibited.*
6. *The applicant shall provide a 24-hour contact number for emergencies, complaints, or concerns to Code Enforcement and interested parties upon request during the time period the trailer are authorized.*
7. *The temporary trailer shall not restrict vehicle circulation, truck access to the loading dock, or the public right-of-way at the rear of the grocery store.*
8. *Access for emergency vehicles must be maintained around the temporary trailer within the loading dock. Twenty feet of clearance is required in all other areas of the required fire access roadway around Pavilions Grocery Store.*
9. *The trailer shall not block any firefighting equipment such as fire hydrants, standpipe connections, or fire department connections.*

10. *The storage trailer must be registered by the Department of Motor Vehicles (DMV) to be exempt from requirements for building permits.*
11. The Limited Term Permit is for the operation of one temporary storage trailer on-site for the dates specified and does not authorize the use or operation of additional storage trailer on-site.
12. Loading and unloading of merchandise for the grocery store shall only occur at the loading dock.
13. Should the temporary storage 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 **Pavilions Temporary Trailer** including, but not limited to, **Limited Term Permit No. XP2019-009 (PA2019-177)**. 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.

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James Campbell, Zoning Administrator  
GR/mkn

Attachments:   ZA 1 Vicinity Map  
                  ZA 2 Site Plan

# **Attachment No. ZA 1**

Vicinity Map



# VICINITY MAP



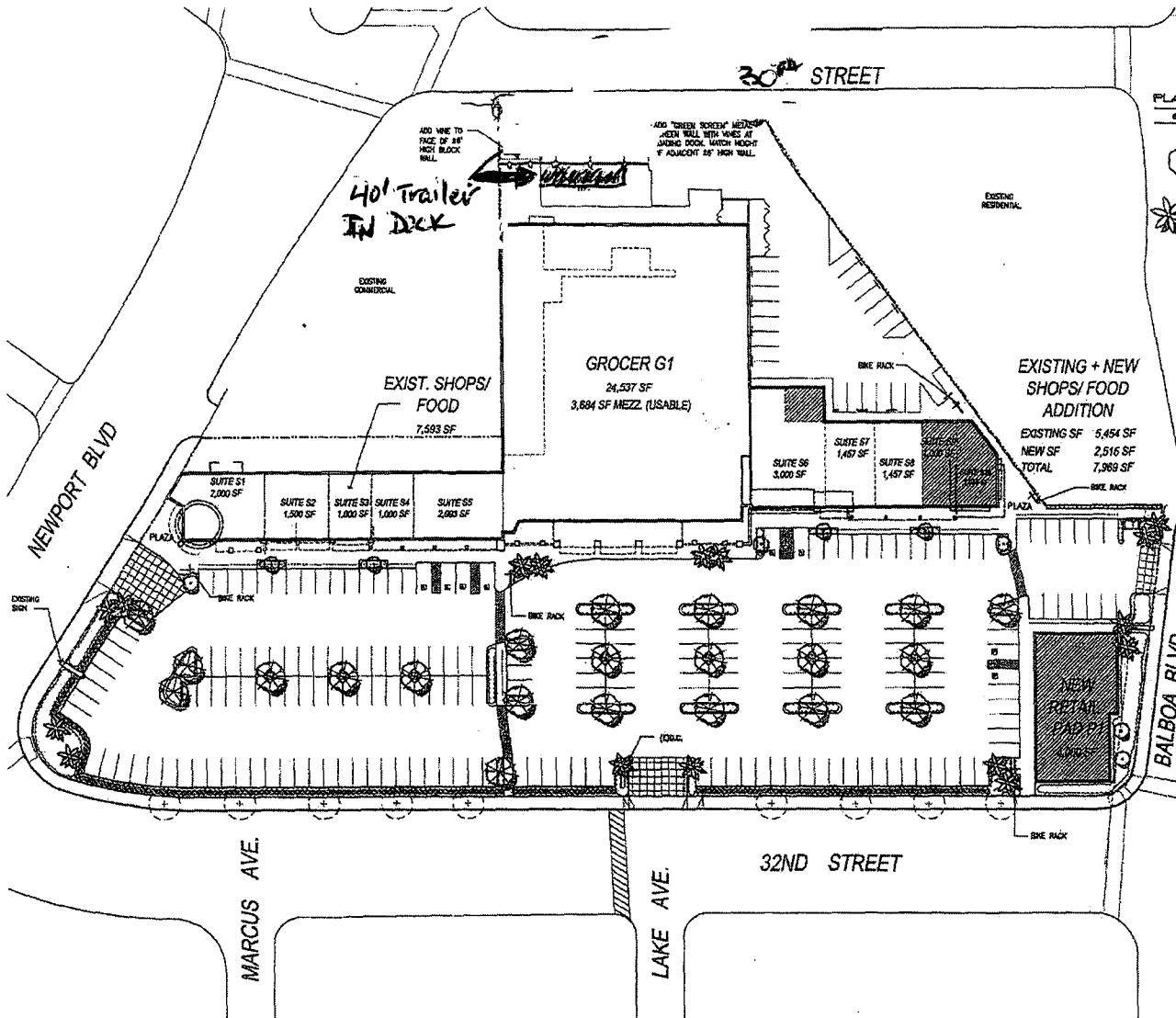
Limited Term Permit No. XP2019-009  
(PA2019-177)

**3100 West Balboa Boulevard**



# **Attachment No. ZA 2**

Site Plan



**PLANTING LEGEND**

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS / QUANTITY
<b>TREES</b>				
	ERIODOTRYA JAPONICA DOFFERBERG LOGLIAT	NON-FRUITING LOGLIAT	24" BOX	NATURAL DOUBLE STAKE M
	FRAX LANCEA	AFRICAN BUTAC	24" BOX	STANDARD DOUBLE STAKE L
	WASHINGTONIA ROUSTA	MEXICAN FAN PALM	24" MIN. BRONZ TRUNK HEIGHT	L
	EXISTING STREET TREES	PROTECT IN PLACE		VERIFY IN FIELD
<b>SHRUBS AND GROUNDCOVERS</b>				
	LIGULARIA J. TEGANUT	TEXAS PRIVET	3 GAL / 3 GAL	3'-0" O.C. M
	DIODAPHYLEA SPP.	BOURBAINVILLEA	5 GAL	4'-0" O.C. L
	CALLISTEMON LITTLE JOHN	DEW-BOTTLEDROSH	3 GAL	3'-0" O.C. L
	LANTANA TORREADENS SUNSHINE	NCH	1 GAL	3'-0" O.C. L
	ROMA FLORENDIA 'ICEBERG'	ICEBERG ROSE	3 GAL	30" O.C. M
	ROSEMARINUS ORIGINALIS 'TRINE'	NCH	1 GAL	24" O.C. L
	PERLANTHUS PELTATUS	NY GERANIUM	4" POTS	12" O.C. M
	ANOGONTHOS FLAVIDUS	RED KANGAROO PAW	5 GAL	3'-0" O.C. M
	PESTUCA OVINA GALLIAGA	BLUE PEEBEE	4" POTS	8" O.C. L
	HEPEROCALLIS HYBRID	EVERGREEN DAYLILY	1 GAL	30" O.C. M
	HABELLA TENUSORTA	MEXICAN FEATHERGRASS	1 GAL	12" O.C. L
	PHORTRIUM TEXAS 'YELLOW WAVE'	YELLOW WAVE PLAX	6 GAL	3'-0" O.C. M
<b>VINE</b>				
	TRACHELOSPERMUM JASMINOIDES	STAR JASMINE	3 GAL	SPRAY ON WALL AND GREEN SCREY

**NOTES:**

- ALL PLANT, SHRUB AND GROUNDCOVER AREAS TO BE TOP DRESSED WITH 2" LAYER OF FINE SANDWICHED REDWOOD BARK MULCH. ALL SLOPE AREAS 2% OR GREATER TO BE TOP DRESSED WITH 4" LAYER OF FINE SANDWICHED REDWOOD BARK MULCH. ALL TOP DRESSING TO BE INSTALLED TO TOP OF SULK.
- ALL STREET TREES AND ALL TREES WITHIN 5' OF HARDSCAPE ELEMENTS, SUCH AS CURBS, WALLS, BUILDINGS OR BALUS, SHALL BE PROVIDED WITH APPROVED ROOT BARRIER CONTAINING DIVIDERS SUCH AS TROLO, INC. 84-1. AVAILABLE FROM: (800) 450-7888 OR WWW.ACCOPLANS.COM. INSTALLATION TO BE PER MANUFACTURER'S RECOMMENDATIONS AND SPECIFICATIONS AND BE A MINIMUM OF 18 LINEAL FEET.
- CONTRACTOR TO REPAIR OR REPLACE ANY EXISTING WORK DONE BY OTHERS DAMAGED DUE TO CONSTRUCTION.
- A POST GRADING AGRONOMIC SOIL ANALYSIS IS REQUIRED. CONTRACTOR TO ARIED SOIL IN ACCORDANCE WITH SOIL REPORT RECOMMENDATIONS.
- CONTRACTOR TO VERIFY ALL UTILITIES AND EXISTING CONDITIONS IN FIELD PRIOR TO CONSTRUCTION.
- ALL PLANTING TO BE IRRIGATED WITH LOW VOLUME SPRAY HEADS OR BUSINESSES CONNECTED AUTOMATIC IRRIGATION CONTROL TO VALVES AND TIED INTO A CENTRAL AUTOMATIC CONTROLLER.
- ALL PLANTING AND IRRIGATION TO COMPLY WITH CITY OF NEWPORT BEACH LANDSCAPE GUIDELINES.

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2008.132 12-17-09

BALBOA CENTER NEWPORT BEACH, CA

PRELIMINARY PLANTING PLAN

**CATELLUS™**  
A PROLOGIS COMPANY

**ARCHITECTS ORANGE**  
144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92666 (714) 639-9860