



CITY OF NEWPORT BEACH COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION ACTION REPORT

TO: CITY COUNCIL, CITY MANAGER, AND PLANNING COMMISSION

FROM: Seimone Jurjis, Assistant City Manager/Community Development Director

SUBJECT: Report of actions taken by the Zoning Administrator and/or Community Development Director for the week ending May 16, 2025.

ZONING ADMINISTRATOR PUBLIC HEARING ACTIONS MAY 15, 2025

- Item 1: Charron Tentative Parcel Map and Coastal Development Permit (PA2024-0217)
Site Address: 209 Via Dijon
- | | | |
|---|------------------|---|
| Action: Approved by Resolution No. ZA2025-023 | Council District | 1 |
|---|------------------|---|
- Item 2: Burcher Residence Coastal Development Permit (PA2024-0237)
Site Address: 2104 East Balboa Boulevard
- | | | |
|---|------------------|---|
| Action: Approved by Resolution No. ZA2025-024 | Council District | 1 |
|---|------------------|---|
- Item 3: Mona Residential Condominiums Tentative Parcel Map and Coastal Development Permit (PA2025-0009)
Site Address: 515 36th Street
- | | | |
|---|------------------|---|
| Action: Approved by Resolution No. ZA2025-025 | Council District | 1 |
|---|------------------|---|
- Item 4: OC Skin Care Center Minor Use Permit (PA2025-0040)
Site Address: 1220 Bison Avenue, Suite A3
- | | | |
|---|------------------|---|
| Action: Approved by Resolution No. ZA2025-026 | Council District | 3 |
|---|------------------|---|
- Item 5: Temporary Fire Station No. 1 Limited Term Permit (PA2025-0031)
Site Address: 711 East Ocean Front
- | | | |
|---|------------------|---|
| Action: Approved by Resolution No. ZA2025-027 | Council District | 1 |
|---|------------------|---|

COMMUNITY DEVELOPMENT DIRECTOR OR ZONING ADMINISTRATOR ACTIONS (Non-Hearing Items)

- Item 1: Iris Property Group 700 LLC Condominiums Tentative Parcel Map (PA2024-0200)
Site Address: 700 and 700 ½ Iris Avenue
- | | | |
|------------------|------------------|---|
| Action: Approved | Council District | 6 |
|------------------|------------------|---|

Item 2: Molo Restaurant Staff Approval for Substantial Conformance (PA2024-0208)

Site Address: 251 Shipyard Way

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 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. ZA2025-023

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A TENTATIVE PARCEL MAP AND COASTAL DEVELOPMENT PERMIT FOR THE SUBDIVISION OF AN EXISTING PARCEL LOCATED AT 209 VIA DIJON (PA2024-0217)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Paul Craft, concerning property located at 209 Via Dijon, and legally described as Lot 1036, 20 feet of Lot 1035, and 20 feet of Lot 1037 of Tract 907.
2. The applicant proposes a tentative parcel map and coastal development permit to subdivide the property into two separate parcels for the future development of two single-unit dwellings. The existing lot configuration is comprised of two underlying lots developed with one single-unit dwelling. The parcel map includes a deviation to the minimum lot size and minimum lot width standards associated with the proposed subdivision. No new construction is proposed as a part of this project.
3. The subject property is designated Single Unit Residential Detached (RS-D) by the General Plan Land Use Element and is located within the Single-Unit Residential (R-1) Zoning District.
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single Unit Residential Detached 10.0-19.9 DU/AC (RSD-C) and it is located within the Single-Unit Residential (R-1) Coastal Zoning District.
5. A public hearing was held on May 15, 2025 online via Zoom. A notice of the time, place, and purpose of the hearing was given in accordance with the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to and considered by the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15315 under Class 15 (Minor Land Divisions) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Class 15 exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and Zoning, no variances or exceptions are required, and all services and access to the proposed parcels are available, the parcel was not

involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20%. The Tentative Parcel Map and Coastal Development Permit will allow the subdivision of the existing 70-foot-wide lot into two parcels for future development consistent with the Zoning District and General Plan Land Use designation. The project is consistent with all of the requirements Class 15 exemption.

SECTION 3. REQUIRED FINDINGS.

Tentative Parcel Map

The Zoning Administrator determined in this case that the Tentative Parcel Map is consistent with the legislative intent of Title 19 (Subdivisions) of the NBMC and is approved based on the following findings per Section 19.12.070 (Required Findings for Action on Tentative Maps) of Title 19:

Finding:

- A. *That the proposed map and the design or improvements of the subdivision are consistent with the General Plan and any applicable specific plan, and with applicable provisions of the Subdivision Map Act and this Subdivision Code.*

Facts in Support of Finding:

1. The Tentative Parcel Map is for the purpose of subdividing the existing 70-foot-wide lot into two separate parcels. The existing structure on the property is a two-story, single-unit dwelling including a two-car garage that will be demolished prior to recording the Parcel Map. The two separate parcels would allow the future construction of two separate, single-unit dwellings (i.e. one on each lot) consistent with the density of the R-1 Zoning District and RS-D General Plan Land Use designation.
2. The proposed subdivision includes a deviation to the minimum lot size standard of 5,000 square feet and lot width standard of 50 feet for new subdivisions. However, pursuant to Footnote 2 of Table 2-3 of the Planning and Zoning Code (Title 20) and Footnote 6 of Table 21.18-2 of Local Coastal Program Implementation Plan (Title 21) of the Newport Beach Municipal Code (NBMC), lots may be subdivided so that the resulting lot area and dimensions are less than the standard, provided the minimum lot size shall not be less than the original underlying lots on the same block face and in the same zoning district. In this case, the proposed 30-foot-wide and 40-foot-wide lots are comparable in size with the original subdivision in which a majority of lots had widths between 30 and 40 feet, and depths of 88 feet (no change in depth is proposed).
3. The subject property is not located within a specific plan area.

4. The project has been conditioned to require public improvements, including the reconstruction of curbs and gutters along the Via Dijon frontage, consistent with the Subdivision Code (Title 19).

Finding:

B. That the site is physically suitable for the type and density of development.

Facts in Support of Finding:

1. The existing configuration of the lot provides a maximum density of one unit, consistent with the R-1 Zoning designation. The proposed subdivision would create two separate parcels. Parcel 1 would be approximately 2,641 square feet and 30-feet-wide on Via Dijon and Strada Cordova. Parcel 2 would be approximately 3,202 square feet, 40 feet-wide on Via Dijon, and 32.54 feet-wide on Strada Cordova (slightly irregular lot shape)
2. Each lot is physically suitable for the development of a single-unit dwelling because they are regular in shape. Additionally, the proposed lot configuration is consistent with the original Tract.
3. Each lot would be accessible from Via Dijon and would be adequately served by existing utilities.

Finding:

C. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision-making body may nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

Facts in Support of Finding:

1. A single-unit structure will be demolished, and as part of the proposed project the lot will be subdivided into two separate parcels. A future development would allow one dwelling per parcel pursuant maximum density standards.
2. The property is located in an urbanized area that does not contain any sensitive vegetation or habitat.
3. The project is categorically exempt under Section 15315 (Article 19 of Chapter 3), of the California Environmental Quality Act (CEQA) Guidelines – Class 15 (Minor Land Divisions).

Finding:

D. That the design of the subdivision or the type of improvements is not likely to cause serious public health problems.

Facts in Support of Finding:

1. The Tentative Parcel Map is for the purpose of subdividing an existing lot into two distinct parcels. All improvements associated with the project will comply with all Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. Public improvements will be required of the developer per Section 19.28.010 (General Improvement Requirements) of the Municipal Code and Section 66411 (Local Agencies to Regulate and Control Design of Subdivisions) of the Subdivision Map Act. The applicant will be required to comply with all ordinances of the City and all Conditions of Approval.

Finding:

E. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the decision-making body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these easements will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision.

Fact in Support of Finding:

1. There is an existing 4-foot utility easement in favor of the City of Newport Beach located directly behind the right of way of Via Dijon. The easement will remain, and the Public Works Department has reviewed the easement and determined that the proposed subdivision will not conflict with easements acquired by the public at large, for access through, or use of property within the proposed development.

Finding:

F. That, subject to the detailed provisions of Section 66474.4 of the Subdivision Map Act, if the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act), the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use or the subdivision will result in residential development incidental to the commercial agricultural use of the land.

Facts in Support of Finding:

1. The property is not subject to the Williamson Act because the subject property is not designated as an agricultural preserve and is less than 100 acres in area.
2. The site is developed for residential use and is located in a Zoning District that permits residential uses.

Finding:

G. That, in the case of a “land project” as defined in Section 11000.5 of the California Business and Professions Code: (1) there is an adopted specific plan for the area to be included within the land project; and (2) the decision-making body finds that the proposed land project is consistent with the specific plan for the area.

Fact in Support of Finding:

1. California Business and Professions Code Section 11000.5 has been repealed by the Legislature. However, this project site is not considered a “land project” as previously defined in Section 11000.5 of the California Business and Professions Code because the project site does not contain 50 or more parcels of land.
2. The project is not located within a specific plan area.

Finding:

H. That solar access and passive heating and cooling design requirements have been satisfied in accordance with Sections 66473.1 and 66475.3 of the Subdivision Map Act.

Fact in Support of Finding:

1. The Tentative Parcel Map and any future improvements are subject to Title 24 of the California Building Code that requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The Newport Beach Building Division enforces Title 24 compliance through the plan check and inspection process.

Finding:

I. That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City’s share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City’s residents and available fiscal and environmental resources.

Fact in Support of Finding:

1. The subdivision would create two distinct parcels with the potential for up to one single unit dwelling on each parcel. A single-unit dwelling on each lot would be consistent with the R-1 Zoning District, existing development in the community, and the underlying lot configuration of the original Tract 907. Therefore, the Tentative Parcel Map will not affect the City in meeting its regional housing need.

Finding:

- J. That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board.*

Fact in Support of Finding:

1. The proposed subdivision would divide a parcel into two individual parcels and would not create waste that would result in a violation of the existing requirements prescribed by the Regional Water Quality Control Board.

Finding:

- K. For subdivisions lying partly or wholly within the Coastal Zone, the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter Three of the Coastal Act.*

Fact in Support of Finding:

1. The subject property is within the Coastal Zone. The facts in support of findings L and M below are hereby incorporated by reference.

Coastal Development Permit

By Section 21.52.015(F) (Coastal Development Permits - Findings and Decision) of the NBMC, the following findings, and facts in support of such findings are set forth:

Finding:

- L. That the proposed map conforms to all applicable sections of the certified Local Coastal Program.*

Facts in Support of Finding:

1. The Tentative Parcel Map is for the purpose of subdividing an existing lot into two distinct parcels and meets all of the requirements of the Local Coastal Program, including 21.30.025 (Coastal Zone Subdivisions) and Section 21.18.030 (Residential Coastal Zoning Districts General Development Standards) (Footnote 6 of Table 21.18-2) as it relates to lot width and area.

2. The proposed subdivision complies with Coastal Land Use Plan Policy 2.8.1-3, which states that land divisions shall avoid hazardous areas and minimize risks to life and property from coastal and other hazards. The proposed subdivision also complies with Implementation Plan Section 21.30.025, which states that subdivisions within the Coastal Zone shall be designed to avoid current hazardous areas, as well as areas that may become hazardous due to future changes. Additionally, there shall be no division of land near the shoreline unless the new or reconfigured parcels can be developed safe from geologic and other hazards for a minimum of 75 years, and unless shoreline protective devices are prohibited to protect development on the resultant parcels.
3. The proposed subdivision is for a property located within a developed neighborhood on Lido Isle, mid-block, and over 300 feet from the bay with no potential impact to coastal resources. Given its inland location, the existing property does not include nor propose shoreline protective devices.
4. The property is located in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code and Building Division standards and policies.
5. No natural or cultural resources are located on the site, which has been developed for approximately 90 years. The future demolition will remove the existing dwelling, landscaping, and hardscape improvements. Best management practices (BMP) will be required to ensure that the demolition will not result in water quality impacts due to construction debris or run-off. Future development of each single unit dwelling on each new parcel will require a Notice pursuant to the Categorical Exclusion Order during plan check to the California Coastal Commission. The subject lots and development are not within the Coastal Commission Appeal area.

Finding:

M. Conforms with the public access and public recreation policies of Chapter 3 of the Coastal Act if the project is between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.

Facts in Support of Finding:

1. The project site is not located between the nearest public road and the sea or shoreline.
2. The project site is on Lido Isle, mid-block, and over 300 feet from the bay with no potential impact to public access or recreation. There are no existing or proposed public access routes on the property.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act under Section 15315 under Class 15 of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves the Tentative Parcel Map and Coastal Development Permit filed as PA2024-0217, subject to the conditions outlined in Exhibit A, which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date the Resolution is adopted unless within such time an appeal or call for review is filed with the Community Development Director by the provisions of Title 21 (Local Coastal Program [LCP] Implementation Plan) and Title 19 (Subdivisions) of the Newport Beach Municipal Code. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

PASSED, APPROVED, AND ADOPTED THIS 15th DAY OF MAY, 2025.



Benjamin M. Zueba, AICP, Zoning Administrator

EXHIBIT “A”**CONDITIONS OF APPROVAL****Planning Division**

1. The development shall be in substantial conformance with the Tentative Parcel Map stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. The project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
3. The Tentative Parcel Map and Coastal Development Permit filed as PA2024-0217 shall expire unless exercised within 24 months from the date of approval except where an extension of time is approved in compliance with the provisions of Title 19 Subdivisions and Title 21 of the NBMC.
4. *Prior to recordation of the Tentative Parcel Map, a park dedication fee shall be assessed for one unit.*
5. *Prior to recordation of the Tentative Parcel Map, the existing single-unit dwelling and all existing structures part of the existing development across the lot lines shall be demolished.*
6. Prior to the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
7. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or leasing agent.
8. Construction activities shall comply with Section 10.28.040 (Construction Activity – Noise Regulations) of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday. Noise-generating construction activities are not allowed on Saturdays, Sundays, or Holidays.
9. To the fullest extent permitted by law, the 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 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 **Charron Tentative Parcel Map and Coastal Development Permit including, but not limited to, PA2024-0217**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney’s fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether

incurred by the applicant, City, and/or the parties initiating or bringing the such proceeding. The applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages that which City incurs in enforcing the indemnification provisions outlined in this condition. The applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

Public Works Department

10. A parcel Map shall be recorded. The Map shall be prepared on the California coordinate system (NAD83). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. The Map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.
11. Prior to recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Section s 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set On Each Lot Corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
12. All improvements shall be constructed as required by Ordinance and the Public Works Department.
13. An encroachment permit is required for all work activities within the public right-of-way.
14. *The curb and gutter along the entire Via Dijon frontage shall be reconstructed per City Standard.*
15. *All unpermitted encroachments within Strada Cordova public right of way including but not limited to decorative walkways shall be removed.*
16. Each property shall be served by its individual water service/meter and sewer lateral/cleanout.
17. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
18. *New turf or drought tolerant landscaping shall be installed throughout the entire Strada Cordova parkway.*
19. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.

RESOLUTION NO. ZA2025-024

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING A COASTAL DEVELOPMENT PERMIT TO DEMOLISH AN EXISTING SINGLE-UNIT DWELLING AND CONSTRUCT A NEW THREE-STORY, SINGLE-UNIT DWELLING INCLUDING A BASEMENT AND ATTACHED GARAGE LOCATED AT 2104 EAST BALBOA BOULEVARD (PA2024-0237)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by EBTA Architects, with respect to property located at 2104 East Balboa Boulevard, requesting approval of a coastal development permit.
2. The lot at 2104 East Balboa Boulevard is legally described as Parcel 2 of Resubdivision No. 250.
3. The applicant requests a coastal development permit to allow the demolition of an existing single-unit dwelling and construction of a three-story 8,086-square-foot, single-unit dwelling with an attached 1,053-square-foot 4-car garage and a 3,376-square-foot subterranean basement. The project includes reinforcement and raising of the existing bulkhead. Additionally, the project includes landscape, hardscape, and drainage. The project complies with all applicable development standards and no deviations are requested. All improvements authorized by this Coastal Development Permit (CDP) will be located on private property.
4. The subject property is bisected by the coastal permit jurisdiction boundary resulting in a portion of the property within the California Coastal Commission's permit jurisdiction. This Coastal Development Permit is intended to cover portions of the project within the City's permit authority as designated in the certified Local Coastal Program (LCP) (Title 21 of the Newport Beach Municipal Code).
5. The subject property is designated RS-D (Single Unit Residential Detached) by the General Plan Land Use Element and is located within the R-1 (Single-Unit Residential) Zoning District.
6. The subject property is located within the coastal zone. The Coastal Land Use Plan category is RSD-B (Single Unit Residential Detached) (6.0-9.9 DU/AC) and it is located within the R-1 (Single-Unit Residential) Coastal Zoning District.
7. A public hearing was held on May 15, 2025, online via Zoom. A notice of the time, place, and purpose of the hearing was given by the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to and considered by the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is categorically exempt pursuant to Title 14 of the California Code of Regulations Section 15303, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 3 (New Construction or Conversion of Small Structures), because it has no potential to have a significant effect on the environment.
2. The Class 3 exemption includes the demolition and construction of limited numbers of new, small structures, including one single-family residence. The project consists of the demolition of an existing single-unit dwelling and construction of a new three-story 8,086-square-foot, single-unit dwelling with an attached 1,053-square-foot 4-car garage and a 3,376-square-foot subterranean basement.
3. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 21.52.015(F) (Coastal Development Permits - Findings and Decision) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

- A. *Conforms to all applicable sections of the certified Local Coastal Program.*

Facts in Support of Finding:

1. The proposed development complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and parking.
 - a. The maximum floor area limitation is 19,424 square feet and the proposed floor area is 9,139 square feet.
 - b. The proposed development provides the minimum required setbacks, which are 0 feet along the front property line abutting Balboa Boulevard, 4 feet along each side property line, and 30 feet along the front property line on the waterfront.
 - c. The highest guardrail is 24 feet from the established grade of 11.82 feet North American Vertical Datum of 1988 (NAVD88) and the highest ridge is no more than 29 feet from the established grade, which complies with the maximum height requirements.

- d. The project includes garage parking for a total of four vehicles, complying with the minimum three-car garage parking requirement for single-unit dwellings with more than 4,000 square feet of habitable floor area.
2. The neighborhood is predominantly developed with two- and three-story, single-unit dwellings. The proposed design, bulk, and scale of the development is consistent with the existing neighborhood pattern of development.
3. A Coastal Hazards Report and Sea Level Rise Analysis was prepared by PMA Consulting, Inc. dated December 17, 2024, for the project. The maximum bay water elevation is 7.7 feet North American Vertical Datum of 1988 (NAVD 88) and may exceed the current top of bulkhead elevation of 8.77 feet NAVD 88 during high tide or storm events. The report analyzes future sea level rise scenarios, assuming a 3.2-foot increase in the maximum water level over the next 75 years (i.e., the life of the structure). Therefore, the sea level is estimated to reach approximately 10.9 feet NAVD 88 (the likely range for sea level rise over the 75-year design life of the structure based on low-risk aversion estimates for sea level rise provided by the State of California, Sea Level Rise Guidance: 2018 Update). Once the existing seawall/bulkhead is reinforced and raised per the report's recommendations, flooding, wave run-up, and erosion will not significantly impact this property over the proposed 75-year economic life of the development. The report concludes that the proposed project will be safe from flooding hazards for the next 75 years with the reinforced/capped bulkhead. Therefore, the project has been conditioned to raise the bulkhead up to 10.9 feet NAVD 88.
4. On March 23, 2021, the City Council approved updated Waterfront Project Design Guidelines and Standards, Harbor Design Criteria Commercial & Residential Facilities. The guidelines require that any bulkhead structure permitted within the years 2021 through 2025 must have a minimum bulkhead elevation of 10.9 feet (NAVD 88) with a design for adaptability elevation of 14.4 feet (NAVD 88). The Project has been conditioned to raise the bulkhead to an elevation of 10.9 feet (NAVD 88). Additionally, the Coastal Hazards Report prepared by PMA Consulting, Inc. confirms that the bulkhead design can be raised to 14.4 feet (NAVD 88) if needed to comply with the updated guidelines.
5. The finished floor elevation of the proposed single-unit residence is 11.26 feet (NAVD88), which complies with the minimum 9.00-foot (NAVD88) elevation standard.
6. Under NBMC Section 21.30.030(C)(3)(i)(iv) (Natural Landform and Shoreline Protection), the property owner will be required to agree with the City waiving any potential right to protection to address situations in the future in which the development is threatened with damage or destruction by coastal hazards (e.g., waves, erosion, and sea level rise). The Waiver of Future Protection is included as a condition of approval that will need to be satisfied before the final building inspection.
7. The property owner will also be required to acknowledge any hazards present at the site and unconditionally waive any claim to damage or liability against the decision authority, consistent with NBMC Section 21.30.015(D)(3)(c) (General Site Planning and

Development Standards). The Acknowledgement of Coastal Hazards is included as a condition of approval that will need to be satisfied before the issuance of building permits.

8. The Property is in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code (CBC) and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved before the issuance of building permits. Permit issuance is also contingent on the inclusion of design mitigation identified in the investigations. Construction plans are reviewed for compliance with approved investigations and CBC before building permit issuance.
9. The Property is located adjacent to coastal waters. A Construction Erosion Control Plan was provided to implement temporary Best Management Practices (BMPs) during construction to minimize erosion and sedimentation and to minimize pollution of runoff and coastal waters derived from construction chemicals and materials. The Project design also addresses water quality through the inclusion of a post-construction drainage system that includes drainage and percolation features designed to retain dry weather and minor rain event runoff on-site. Any water not retained on-site is directed to the City's storm drain system.
10. Under Municipal Code Section 21.35.050 (Water Quality and Hydrology Plan), due to the proximity of the development to the shoreline and the development containing more than 75% of impervious surface area, a Water Quality and Hydrology Plan (WQHP/WQMP) is required. A WQHP/WQMP has been prepared for the project by W.H. Civil dated March 13, 2025. The WQHP/WQMP includes a polluted runoff and hydrologic site characterization, a sizing standard for BMPs, the use of a LID approach to retain the design storm runoff volume on-site, and documentation of the expected effectiveness of the proposed BMPs.
11. Proposed landscaping complies with Implementation Plan Section 21.30.075 (Landscaping). A condition of approval is included that requires drought-tolerant species. Before the issuance of building permits, the final landscape plans will be reviewed to verify that invasive species are not planted.
12. The project site is not located adjacent to a coastal view road, public access way, or Coastal Viewpoint as identified in the Coastal Land Use Plan. The nearest coastal viewpoints are the West Jetty View Park, the public beach southeast of the County of Orange Harbor Patrol and a fire access/utility road off Bayside Drive adjacent to the entrance of Bayside Place. The project site is not visible from the West Jetty View Park. The Project site is visible from the public beach southeast of the County of Orange Harbor Patrol and the fire access/utility road off Bayside Drive adjacent to the entrance of Bayside Place. However, the project will replace an existing single-unit dwelling with a single-unit dwelling that complies with all applicable Local Coastal Program (LCP) development standards and maintains a building envelope consistent with the existing neighborhood pattern of development. The proposed single-family residence complies with all applicable Local Coastal Program (LCP) development standards and maintains a building envelope consistent with the existing neighborhood pattern of development. Additionally, the project

does not contain any unique features that could degrade the visual quality of the coastal zone.

Finding:

- B. Conforms with the public access and public recreation policies of Chapter 3 of the Coastal Act if the project is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.*

Facts in Support of Finding:

13. The project site is located between the nearest public road and the sea or shoreline. Implementation Plan Section 21.30A.040 requires that the provision of public access bear a reasonable relationship between the requirement and the project's impact and be proportional to the impact. In this case, the project replaces an existing single-unit dwelling located on a standard R-1 lot with a new single-unit dwelling. Therefore, the project does not involve a change in land use, density, or intensity that will result in increased demand for public access and recreation opportunities. Furthermore, the project is designed and sited (appropriate height, setbacks, etc.) so as not to block or impede existing public access opportunities.
14. Vertical access to the bay and beach is available at street ends throughout the Balboa Peninsula, including K Street approximately 650 west of the subject property. Lateral access is available on the beach on the south side of the Balboa Peninsula. The project does not include any features that would obstruct access along these routes.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this Project is categorically exempt from the California Environmental Quality Act under Section 15303 under Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit (PA2024-0237), subject to the conditions outlined in Exhibit "A," which is attached hereto and incorporated by reference.

This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director by the provisions of Title 21 Local Coastal Program (LCP) Implementation Plan, of the Newport Beach Municipal Code. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 (Appeal to the Coastal Commission) of the City's certified LCP and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

PASSED, APPROVED, AND ADOPTED THIS 15TH DAY OF MAY, 2025.



Benjamin M. Zieba, AICP, Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**Planning Division

1. The development shall be in substantial conformance with the approved site plan, floor plans, and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. *Prior to final building permit inspection, the existing seawall shall be reinforced and capped to 10.90 feet (NAVD 88) and capable of being raised up to 14.4 feet (NAVD 88), in compliance with the City of Newport Beach Waterfront Project Guidelines and Standards, Harbor Design Criteria Commercial & Residential Facilities. The existing seawall shall be reinforced consistently with the recommendations provided in the Coastal Hazards Report and Sea Level Rise Analysis prepared by PMA Consulting, Inc. dated December 17, 2024 .*
3. *Prior to building permit issuance for any improvements within the California Coastal Commission's jurisdiction, an Approval in Concept (AIC) from the City and separate authorization from the California Coastal Commission (CCC) is required.*
4. *This approval does not authorize any new or existing improvements (including landscaping) on California Coastal Permit Jurisdiction, State tidelands, public beaches, or the public right-of-way. Any improvements located on tidelands, submerged lands, and/or lands that may be subject to public trust shall require a coastal development permit (CDP) approved by the California Coastal Commission (Coastal Commission). Prior to the issuance of building permits, the Applicant shall provide a copy of said coastal development permit or CDP waiver or documentation from the Coastal Commission that subject improvements are not subject to the permit requirements of the Coastal Act and/or not located within the permit jurisdiction of the Coastal Commission.*
5. *Prior to the final building permit inspection, an agreement in a form approved by the City Attorney between the property owner and the City shall be executed and recorded waiving rights to the construction of future shoreline protection devices to address the threat of damage or destruction from waves, erosion, storm conditions, landslides, seismic activity, bluff retreat, sea level rise, or other natural hazards that may affect the property, or development of the property, today or in the future. The agreement shall be binding against the property owners and successors and assigns*
6. *Prior to the issuance of a building permit, the property owner shall submit a notarized signed letter acknowledging all hazards present at the site, assuming the risk of injury or damage from such hazards, unconditionally waiving any claims of damage against the City from such hazards, and to indemnify and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any 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 development. This letter shall be scanned into the plan set before building permit issuance.

7. No demolition or construction materials, equipment debris, or waste shall be placed or stored in a location that would enter the sensitive habitat, receiving waters, or storm drains or result in impacts to environmentally sensitive habitat areas, streams, the beach, wetlands or their buffers. No demolition or construction materials shall be stored on public property.
8. This Coastal Development Permit does not authorize any development bayward of the private property.
9. The Applicant is responsible for compliance with the Migratory Bird Treaty Act (MBTA). In compliance with the MBTA, grading, brush removal, building demolition, tree trimming, and similar construction activities shall occur between August 16 and January 31, outside of the peak nesting period. If such activities must occur inside the peak nesting season from February 1 to August 15, compliance with the following is required to prevent the taking of native birds under MBTA:
 - A. The construction area shall be inspected for active nests. If birds are observed flying from a nest or sitting on a nest, it can be assumed that the nest is active. Construction activity within 300 feet of an active nest shall be delayed until the nest is no longer active. Continue to observe the nest until the chicks have left the nest and activity is no longer observed. When the nest is no longer active, construction activity can continue in the nest area.
 - B. It is a violation of state and federal law to kill or harm a native bird. To ensure compliance, consider hiring a biologist to assist with the survey for nesting birds, and to determine when it is safe to commence construction activities. If an active nest is found, one or two short follow-up surveys will be necessary to check on the nest and determine when the nest is no longer active.
10. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) shall be implemented before and throughout the duration of construction activity as designated in the Construction Erosion Control Plan.
11. The discharge of any hazardous materials into storm sewer systems or receiving waters shall be prohibited. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. A designated fueling and vehicle maintenance area with appropriate berms and protection to prevent spillage shall be provided as far away from storm drain systems or receiving waters as possible.
12. Debris from demolition shall be removed from work areas each day and removed from the project site within 24 hours of the completion of the project. Stockpiles and construction materials shall be covered, enclosed on all sites, not stored in contact with the soil, and located as far away as possible from drain inlets and any waterway.

13. Trash and debris shall be disposed of in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed of in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
14. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
15. The project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
16. The Applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may be caused by the revocation of this Coastal Development Permit.
17. This Coastal Development Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained are detrimental to the public health, and welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained to constitute a public nuisance.
18. *Prior to the issuance of building permits, the Applicant shall submit a final construction erosion control plan. The plan shall be subject to review and approval by the Building Division.*
19. *Prior to the issuance of building permits, the Applicant shall submit a final drainage and grading plan. The plan shall be subject to review and approval by the Building Division.*
20. *Prior to issuance of a building permit, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.*
21. *Prior to the issuance of a building permit, the Applicant shall submit a final landscape and irrigation plan. These plans shall incorporate drought-tolerant plantings, non-invasive plant species, and water-efficient irrigation design. The plans shall be approved by the Planning Division.*
22. *Prior to the issuance of building permits, the final WQHP/WQMP shall be reviewed and approved by the Building Division. The implementation shall comply with the approved CPPP and WQHP/WQMP and any changes could require separate review and approval by the Building Division.*
23. All landscape materials and irrigation systems shall be maintained by the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing, and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.

24. Construction activities shall comply with Section 10.28.040 (Construction Activity – Noise Regulations) of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday. Noise-generating construction activities are not allowed on Saturdays, Sundays, or Holidays.
25. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 (Community Noise Control) and other applicable noise control requirements of the Newport Beach Municipal Code.
26. *Prior to the issuance of a building permit, the Applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.*
27. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by the current property owner or agent.
28. This Coastal Development Permit (PA2024-0237) shall expire unless exercised within 24 months from the date of approval as specified in Section 21.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.
29. To the fullest extent permitted by law, the 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 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 **Burcher Residence, including but not limited to, Coastal Development Permit (PA2024-0237)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the Applicant, City, and/or the parties initiating or bringing such proceeding. The Applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages, which the City incurs in enforcing the indemnification provisions outlined in this condition. The Applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

Public Works Department

30. *Prior to the building permit final*, the Applicant shall install a new sewer clean out on the existing sewer lateral per City Standard 406.
31. *Prior to the issuance of a building permit*, the Applicant shall install a new driveway per City Standard 162. The existing driveway does not comply with City Standard 162 or City Council Policy L-2. The maximum width of the approach bottom is 20 feet.

32. Prior to the issuance of a building permit, the proposed decorative driveway shall be consistent with City Council Policy L-6 and owner shall obtain an encroachment permit and encroachment agreement.

RESOLUTION NO. ZA2025-025

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING A TENTATIVE PARCEL MAP AND COASTAL DEVELOPMENT PERMIT FOR TWO-UNIT CONDOMINIUM PURPOSES AND SUPERCEDING TENTATIVE PARCEL MAP NO. 2019-124 AND COASTAL DEVELOPMENT PERMIT NO. CD2019-027 LOCATED AT 515 36th STREET (PA2025-0009)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Michael Benesh of Robin B. Hamers & Associates, Inc. (Applicant), with respect to property located at 515 36th Street, and legally described as Lot 8 and the northeasterly one-half of Lot 7 in Block 536, Canal Section (Property).
2. The Applicant requests a tentative parcel map (TPM) and a coastal development permit (CDP) for two-unit condominium purposes. A single-unit dwelling was demolished and a new duplex is under construction. The TPM would allow for each unit to be sold individually. No waivers of Title 19 (Subdivisions) are proposed. The TPM also requires the approval of a CDP pursuant to Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (NBMC) (Project).
3. The demolition of the single-unit dwelling and the construction of the duplex was originally approved pursuant to CDP No. CD2018-077 (PA2018-223). A TPM and CDP filed under PA2019-096 were subsequently approved for two-unit condominium purposes, but the approval expired prior to final map recordation. Therefore, a new TPM and CDP are requested.
4. The Property is located within the Two-Unit Residential (R-2) Zoning District and the General Plan Land Use Element category is Two Unit Residential.
5. The Property is located within the coastal zone. The Coastal Land Use Designation is Two Unit Residential (RT-D) and the Coastal Zoning District is Two-Unit Residential (R-2).
6. A public hearing was held on May 15, 2025 online via Zoom. A notice of time, place and purpose of the hearing was given in accordance with the NBMC. Evidence, both written and oral, was presented to, and considered by the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15315 under Class 15 (Minor Land Divisions) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.

2. The Class 15 exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and Zoning, no variances or exceptions are required, all services and access to the proposed parcels are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent. The Project is consistent with all of the requirements of the Class 15 exemption.

SECTION 3. REQUIRED FINDINGS.

Tentative Parcel Map

The Zoning Administrator determined in this case that the TPM is consistent with the legislative intent of Title 19 (Subdivisions) of the NBMC and is approved based on the following findings per Section 19.12.070 (Required Findings for Action on Tentative Maps) of Title 19:

Finding:

- A. *That the proposed map and the design or improvements of the subdivision are consistent with the General Plan and any applicable specific plan, and with applicable provisions of the Subdivision Map Act and this Subdivision Code.*

Facts in Support of Finding:

1. The TPM is for two-unit residential condominium purposes. A single-family dwelling has been demolished and a two-unit dwelling is under construction. The proposed subdivision and improvements are consistent with the density of the R-2 Zoning District and the RT General Plan Land Use Designation.
2. The subject property is not located within a specific plan area.
3. The Project has been conditioned to provide public improvements, including the reconstruction of sidewalks, curbs, and gutters along the 36th Street frontage consistent with Title 19 (Subdivisions) of the NBMC.

Finding:

- B. *That the site is physically suitable for the type and density of development.*

Facts in Support of Finding:

1. The lot is physically suitable for a two-unit development because it is relatively flat, adequate in size, and regular in shape.
2. The subject property is accessible from 36th Street and is adequately served by existing utilities.

Finding:

C. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision-making body may nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

Facts in Support of Finding:

1. A single-family dwelling has been demolished and a new two-unit dwelling is currently under construction.
2. The property is located within an urbanized area that does not contain any sensitive vegetation or habitat.
3. The Project is categorically exempt under Section 15315 (Article 19 of Chapter 3), of the CEQA Guidelines – Class 15 (Minor Land Divisions).

Finding:

D. That the design of the subdivision or the type of improvements is not likely to cause serious public health problems.

Fact in Support of Finding:

1. The TPM is for residential condominium purposes. All improvements associated with the Project will comply with all Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. Public improvements will be required of the developer per Section 19.28.010 (General Improvement Requirements) of the NBMC and Section 66411 (Local Agencies to Regulate and Control Design of Subdivisions) of the Subdivision Map Act. All ordinances of the City and all conditions of approval will be complied with.

Finding:

E. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the decision-making body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these easements will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to

determine that the public at large has acquired easements for access through or use of property within a subdivision.

Fact in Support of Finding:

1. The design of the development will not conflict with easements acquired by the public at large, for access through, or use of property within the proposed development, because there are no public easements located on the property.

Finding:

F. That, subject to the detailed provisions of Section 66474.4 of the Subdivision Map Act, if the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act), the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use or the subdivision will result in residential development incidental to the commercial agricultural use of the land.

Facts in Support of Finding:

1. The Property is not subject to the Williamson Act because the subject property is not designated as an agricultural preserve and is less than 100 acres in area.
2. The site is developed for residential use and is located in a Zoning District that permits residential uses.

Finding:

G. That, in the case of a "land project" as defined in Section 11000.5 of the California Business and Professions Code: (1) there is an adopted specific plan for the area to be included within the land project; and (2) the decision-making body finds that the proposed land project is consistent with the specific plan for the area.

Facts in Support of Finding:

1. California Business and Professions Code Section 11000.5 has been repealed by the Legislature. However, the Property is not considered a "land project" as previously defined in Section 11000.5 of the California Business and Professions Code because the Property does not contain 50 or more parcels of land.
2. Fact 2 in support of Finding A is hereby incorporated for reference.

Finding:

H. That solar access and passive heating and cooling design requirements have been satisfied in accordance with Sections 66473.1 and 66475.3 of the Subdivision Map Act.

Fact in Support of Finding:

1. The TPM and any future improvements are subject to Title 24 of the California Building Code that requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The Newport Beach Building Division enforces Title 24 compliance through the plan check and inspection process.

Finding:

- I. That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City's share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City's residents and available fiscal and environmental resources.*

Fact in Support of Finding:

1. The proposed two-unit dwelling is consistent with the R-2 Zoning District, which allows two residential units on the property. Therefore, the TPM for condominium purposes will not affect the City in meeting its regional housing need.

Finding:

- J. That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board.*

Fact in Support of Finding:

1. The new two-unit dwelling will be designed so that wastewater discharge into the existing sewer system complies with the Regional Water Quality Control Board (RWQCB) requirements.

Finding:

- K. For subdivisions lying partly or wholly within the Coastal Zone, that the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter Three of the Coastal Act.*

Fact in Support of Finding:

1. The Property is within the Coastal Zone. The facts in support of findings L and M below are hereby incorporated by reference.

Coastal Development Permit

By Section 21.52.015(F) (Coastal Development Permits - Findings and Decision) of the NBMC, the following findings, and facts in support of such findings are set forth:

Finding:

L. That the proposed map conforms to all applicable sections of the certified Local Coastal Program.

Facts in Support of Finding:

1. The TPM is for condominium purposes and meets all of the requirements of the Local Coastal Program, including NBMC Section 21.30.025 (Coastal Zone Subdivisions).
2. The Property is located in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code and Building Division standards and policies that address seismic issues including liquefaction.
3. The TPM is for a property within a developed neighborhood. The Property is adjacent to the Rialto waterway of the Newport Bay. The development of the duplex was approved pursuant to CDP No. CD2018-077 (PA2018-191) on October 25, 2018. The development's impact to coastal resources and potential impacts from coastal hazards were analyzed as a part of PA2018-191.

Finding:

M. Conforms with the public access and public recreation policies of Chapter 3 of the Coastal Act if the project is between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.

Fact in Support of Finding:

1. The Property is located between the nearest public road and the sea or shoreline. The residential lot does not currently provide nor inhibit public coastal access. Section 21.30A.040 (Determination of Public Access/Recreation Impacts) of the NBMC requires that the provision of public access bear a reasonable relationship between the requirement and the Project's impact and should be proportional to the impact. In this case, a single-unit dwelling is being replaced with a new duplex. While the additional dwelling unit authorized pursuant to PA2018-191 does increase density, PA2018-191 concluded no impact to coastal resources and the parcel map associated with the development does not increase density or result in increased demand on public access and recreation opportunities. The development of the duplex was approved pursuant to CDP No. CD2018-077, which analyzed the development's impact to coastal resources and potential impacts from coastal hazards.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act under Section 15315 under Class 15 of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves the TPM and CDP filed as PA2025-0009, superseding TPM No. NP2019-009 and CDP No. CD2019-027, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 21 (Local Coastal Program Implementation Plan) of the NBMC. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 of the City's certified LCP and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

PASSED, APPROVED, AND ADOPTED THIS 15th DAY OF MAY, 2025.



Benjamin M. Zieba, AICP, Zoning Administrator

EXHIBIT “A”**CONDITIONS OF APPROVAL**

(Project-specific conditions are in italics)

Planning Division

1. The development shall be in substantial conformance with the Tentative Parcel Map stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. The Project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. *Prior to the recordation of the Tentative Parcel Map, a park fee shall be assessed for one unit.*
4. Subsequent to the recordation of the Parcel Map, the Applicant shall apply for a building permit for a description change of the subject project development from “duplex” to “condominium.” The development will not be condominiums until this permit is final. The building permit for the new construction shall not be final until after recordation of the parcel map.
5. Prior to the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division
6. This 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) and Title 21 (Local Coastal Program Implementation Plan) of the NBMC.
7. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or leasing agent.
8. Construction activities shall comply with Section 10.28.040 (Construction Activity – Noise Regulations) of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday. Noise-generating construction activities are not allowed on Saturdays, Sundays, or Holidays.
9. To the fullest extent permitted by law, the 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 City's approval of the **Mona Residential Condominiums including, but not limited to, the TPM and CDP filed as PA2025-0009**. 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 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.

Public Works Department

10. A parcel map shall be recorded. The Map shall be prepared on the California coordinate system (NAD83). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. **The Map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.**
11. Prior to recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set On Each Lot Corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
12. All improvements shall be constructed as required by Ordinance and the Public Works Department.
13. All damaged sidewalk panels, curbs, and gutters along the 36th Street property frontage shall be reconstructed as determined by the Public Works Department.
14. The abandoned portion of the existing driveway approach shall be plugged per City Standards.
15. A new driveway approach shall be installed per City Standards.
16. All existing overhead utilities shall be undergrounded.
17. Each unit shall be served by its individual water meter and sewer lateral and cleanout. Each water meter and sewer cleanout shall be installed per City standard with a traffic-

grade box and cover. Each water meter and sewer clean out shall be located within the public right of way.

18. An encroachment permit shall be required for all work activities within the public right-of-way.
19. All improvements shall comply with the City's sight distance requirement per City Standard 110-L.
20. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.
21. The driveway profile on the Map shall be corrected to be consistent with the approved building permit plans.

Building Division

22. Independent utility services shall be provided for each unit.
23. Construction shall comply with the California Code of Regulations.

Fire Department

24. Fire sprinklers shall be required according to the California Fire Code and NFPA 13D Standard.
25. Fire Sprinklers shall be on separate water meters.

RESOLUTION NO. ZA2025-026

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A MINOR USE PERMIT FOR A PERSONAL SERVICES, RESTRICTED LAND USE LOCATED AT 1220 BISON AVENUE, SUITE A-3 (PA2025-0040)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Rad Ahad (Applicant), with respect to property located at 1220 Bison Avenue, Suite A-3 and legally described as Lot 6 of Tract Number 12309 (Property).
2. The Applicant proposes to convert a 1,200-square-foot commercial tenant space, Suite A-3, within the Newport North Shopping Center into a day spa (Personal Services, Restricted) use. The Applicant will reconfigure the suite from a former Pilates studio into a day spa with four treatment rooms, reception area, lobby area, office, break room, and restroom. The day spa will offer traditional facials, microneedling, and hydrofacials from 9:00 a.m. to 8:00 p.m., daily, by appointment only (Project).
3. The Property is zoned North Ford Planned Community (PC-5) and located within the Area 3 (Commercial) subarea. The Property is categorized as General Commercial (CG) by the Land Use Element of the General Plan.
4. The Property is not located within the Coastal Zone; therefore, a coastal development permit is not required.
5. A public hearing was held on May 15, 2025, online via Zoom. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. The Project is exempt from the California Environmental Quality Act (CEQA) under Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment. The exceptions to this categorical exemption under Section 15300.2 are not applicable.
2. The Class 1 exemption authorizes minor alterations of existing structures involving negligible or no expansion of use. The Project will improve a vacant suite within an existing building to operate a day spa with no increase in floor area and no intensification of use. Therefore, the Class 1 exemption is applicable.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.020 (F) (Conditional Use Permits and Minor Use Permits - Findings and Decision) of the NBMC, the following findings and facts in support of the minor use permit are set forth:

Finding:

- A. *The use is consistent with the General Plan and any applicable specific plan.*

Facts in Support of Finding:

1. The Property is categorized as General Commercial (CG) by the Land Use Element of the General Plan. The CG category is intended to provide for a wide variety of commercial activities oriented primarily to serve citywide or regional needs. These may include professional and medical offices, restaurants, retail, and service uses. The day spa proposes a personal service use consistent with this land use designation.
2. Policy LU 2.1 (Resident-Serving Land Uses) of the Land Use Element of the General Plan is intended to accommodate uses that support the needs of Newport Beach residents including housing, retail, services, employment, recreation, education, culture, entertainment, civic engagement, and social and spiritual activity that are in balance with community natural resources and open spaces. The Project supports Policy LU 2.1 by providing a personal service which enhances the well-being, health, and quality of life of local residents. Skin care services are increasingly recognized as part of holistic wellness, supporting physical and mental health through preventive care, stress relief, and self-care routines. Locating such services within the community ensures convenient access for residents, reduces the need for travel outside the city, and helps maintain a balanced mix of services that support daily life. Additionally, the project contributes to the local economy by generating employment opportunities and encouraging small business activity, all while fitting harmoniously within developed commercial areas and without adversely impacting natural resources or open space.
3. The Property is not part of a specific plan area.

Finding:

- B. *The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code.*

Facts in Support of Finding:

1. The Property is within the Commercial land use (Area 3) of the North Ford Planned Community (PC-5). This area of PC-5 allows the location of light, general commercial activities engaged in the sale of products to the general public. The Project is a day spa, which is a service use, and is consistent with categorization.
2. Section VI.B (Commercial, Area 3 – Permitted Uses) of PC-5 allows service uses of a convenience nature by right. As convenience nature is not further defined, the NBMC is

used to better classify the use. In this case, the proposed operational characteristics suggest the use is most similar to a day spa, which the NBMC considers a “Personal Services, Restricted” land use. The NBMC requires the approval of a MUP to operate a Personal Services, Restricted land use within commercial zoning districts, therefore an MUP is required for the Project.

3. Section VI.H (Commercial, Area 3 - Parking) of PC-5 provides a parking requirement of one space per 250 square feet of gross floor area and one loading space for each 10,000 square feet of gross floor area. Other compatible commercial uses, as determined by the Community Development Director, are parked in accordance with Section 20.40.030 (Requirements for Off-Street Parking) of the NBMC. The NBMC provides that Personal Services uses, including Personal Services, Restricted, are parked at a rate of one space per every 250 square feet of gross floor area. The Project does not increase the parking demand of the shopping center.
4. Based upon the parking rate provided in PC-5, the shopping center requires 257 parking spaces. As the Project site is served by a 270-space surface parking lot, adequate parking is available onsite.

Finding:

- C. *The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity.*

Facts in Support of Finding:

1. Adjacent uses include residential apartments to the north, office and industrial uses to the west, the Bluffs Shopping Center to the east, and single-family residential properties to the south, across Bison Avenue.
2. The Project is compatible with the surrounding uses as it proposes similar hours of operation to the surrounding commercial land uses, is fully contained within an existing suite, and operates by appointment only.
3. Although the requested hours of operation are from 9:00 a.m. to 6:00 p.m. daily, Condition of Approval No. 6 allows the day spa to operate until 8:00 p.m., to allow for greater operational flexibility. The conditioned hours of operation are similar to the other uses in the shopping center and limit operational conflicts with nearby land uses during the evenings and weekends.

Finding:

- D. *The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities.*

Facts in Support of Finding:

1. The Newport North Shopping Center is rectangularly shaped, 4.84 acres in size, and developed with two in-line multi-tenant buildings, two freestanding buildings, and a service station. Vehicular access is provided from either Bison Avenue or Camelback Street. The shopping center has functioned satisfactorily in the current configuration and the Project will not modify the layout or change the operational characteristics of the shopping center.
2. Adequate public and emergency vehicle access, public services, and utilities are provided within the Property. The Project will not negatively affect emergency access, as the Project is limited to the conversion of a vacant commercial suite.
3. Three trash enclosures are provided in proximity to the Project suite and within the on-site parking lot. The nearest enclosure to the Project is in the westernmost area of the parking lot. The size of the trash enclosure is adequate to accommodate the Project and is conveniently located where materials can be deposited and collected. The enclosure does not block or impede access to the parking spaces. The existing trash enclosure is adequately screened pursuant to Section VI.L (Commercial, Area 3 – Refuse Collection Areas) of PC-5

Finding:

- E. *Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, a safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

Facts in Support of Finding:

1. The Project was reviewed by the Building, Fire, and Public Works departments. There are no objections to the Project.
2. Conditions of Approval Nos. 7 and 8 are intended to minimize potential conflicts with the surrounding land uses by limiting the number of treatment rooms to four and by conditioning the hours of operation to 9:00am to 8:00pm daily, similar to the other personal service uses in the shopping center.
3. The Project will serve the surrounding neighborhood, as it provides an additional personal service option for residents and visitors, and is anticipated to be consistent with the harmonious and orderly growth of the city.
4. The Project is not anticipated to create noise impacts to the nearby residential uses, as the Project is entirely enclosed within an existing building. There are no unusual services offered with potential to adversely impact the surrounding environment.
5. The Project is not authorized to provide accessory massage services. Condition of Approval No. 10 requires an amendment to this use permit should the applicant propose to add massage at a later time.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves the Minor Use Permit filed as PA2025-0040, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
3. This action shall become final and effective 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 Section 20.54.060 (Time Limits and Extensions) of the NBMC.

PASSED, APPROVED AND ADOPTED THIS 15TH DAY OF MAY, 2025.



Benjamin M. Zueba, AICP, Zoning Administrator

EXHIBIT “A”

CONDITIONS OF APPROVAL

(Project-specific conditions are in italics)

Planning Division

1. The Project shall be in substantial conformance with the approved site plan, and floor plans stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. The project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
3. The Applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may cause the revocation of this Minor Use Permit.
4. This Minor Use Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained are detrimental to the public health, welfare, or materially injurious to the Property or improvements in the vicinity or if the Property is operated or maintained to constitute a public nuisance.
5. Any change in operational characteristics, expansion in the area, or other modification to the approved plans shall require review by the Planning Division. An amendment to this minor use permit or the processing of a new use permit may be required.
6. This 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 Section 20.54.060 (Time Limits and Extensions) of the NBMC.
7. *The hours of operation shall be limited to between 9:00 a.m. and 8:00 p.m., daily.*
8. *The use shall be limited to a maximum of four treatment rooms.*
9. *All treatments shall take place within one of the four treatment rooms.*
10. *Massage services are prohibited under this Minor Use Permit. Any provision of massage services, whether incidental or primary to the approved use, shall require subsequent review by the Planning Division and an amendment to this use permit.*
11. Prior to the issuance of a building permit, a copy of this Resolution including conditions of approval Exhibit “A” shall be incorporated into the Building Division and field sets of plans

12. Prior to the issuance of a building permit, the Applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
13. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of this day spa that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the NBMC to require such permits.
14. Construction activities shall comply with Section 10.28.040 (Construction Activity – Noise Regulations) of the NBMC, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m. Monday through Friday, and 8:00 a.m. and 6:00 p.m. on Saturdays. Noise-generating construction activities are not allowed on Sundays or Holidays.
15. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 (Community Noise Control) and other applicable noise control requirements of the NBMC.
16. The business operator shall take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the Property and adjacent properties during business hours, if directly related to the patrons of the establishment.
17. The reciprocal arrangement for ingress, egress and parking that applies to the subject property shall remain in effect for the duration of this day spa.
18. All signs shall conform to the provisions of the North Ford Planned Community District regulations and Chapter 20.42 (Signs) of the NBMC, where applicable.
19. All lighting shall conform to the standards of Section 20.30.070 (Outdoor Lighting) of the NBMC. The Community Development Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
20. All trash shall be stored within the building or within dumpsters stored in the trash enclosure (three walls and a self-latching gate) or otherwise screened from the view of neighboring properties, except when placed for pick-up by refuse collection agencies. The trash enclosure shall have a decorative solid roof for aesthetic and screening purposes.
21. All trash shall be stored within the building, except when placed for pick-up by refuse collection agencies. The Applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).
22. Trash receptacles for patrons shall be conveniently located inside of the establishment.

23. The exterior of the business shall be always maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
24. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and Saturdays and between the hours of 10:00 p.m. and 9:00 a.m. on Sundays and Federal holidays unless otherwise approved by the Director of Community Development and may require an amendment to this Use Permit.
25. Storage outside of the building in the front or at the rear of the property shall be prohibited, with the exception of the required trash container on pick-up days.
26. Should the Property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner, or leasing agent.
27. 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 City's approval of **OC Skincare Minor Use Permit including, but not limited to, PA2025-0040**. 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 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.

Building Division

28. 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.

RESOLUTION NO. ZA2025-027

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A LIMITED TERM PERMIT TO ALLOW A TEMPORARY CITY FIRE STATION TO BE LOCATED WITHIN THE CITY-OWNED AND CITY-OPERATED EAST OCEAN FRONT PARKING LOT ADDRESSED AS 711 EAST OCEAN FRONT (PA2025-0031)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by the City of Newport Beach (City) Public Works Department (Applicant), concerning property located at 711 East Ocean Front, and legally described as Block B, C, and portion of Block D of Balboa Tract (Property) requesting approval of a limited term permit with a duration of greater than 90 days to allow the installation and operation of a temporary fire station.
2. The Applicant proposes the installation of a 1,440-square-foot modular building to use as a temporary fire station during the replacement construction of Fire Station No.1. The temporary fire station is anticipated to operate for approximately 18 months from September 2025 to March 2027. Additionally, a 170-square-foot storage container is proposed to store supplies and equipment, as well as a canopy cover for exercise equipment. The Project is located within the southern portion of the East Ocean Front Lot which is accessible from East Balboa Boulevard and Palm Street (Project).
3. The Property is categorized as Public Facilities (PF) by the General Plan Land Use Element and is located within the Public Facilities (PF) Zoning District.
4. The Property is located within the coastal zone. The Coastal Land Use Plan category is Public Facilities (PF) and it is located within the Public Facilities (PF) Coastal Zone District. Due to the Property being in the Coastal Zone, staff analyzed the Project's operation and its compliance with Section 21.52.035(D) (Project Exempt from Coastal Development Permit Requirements) of the Newport Beach Municipal Code (NBMC). While the Project will temporarily occupy 42 of the 93 parking spaces available in the East Ocean Front Parking Lot, the adjoining Balboa Pier Parking Lot will continue to provide 614 parking spaces. As such, the temporary installation of structures on an existing improved parking lot and the related temporary displacement of parking are not expected to significantly impact coastal resources, including public access and coastal views. The Project is also a limited duration and does involve permanent structures. Therefore, no coastal development permit is required.
5. A public hearing was held on May 15, 2025, online via Zoom. A notice of the time, place, and purpose of the hearing was given in accordance with the NBMC. Evidence, both written and oral, was presented to and considered by the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is categorically exempt from the California Environmental Quality Act (CEQA) under 15303 under Class 3 (New Construction or Conversion of Small Structures), Section 15304 under Class 4 (Minor Alterations to Land), and Section 15311 under Class 11 (Accessory Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Class 3 exemption includes the construction and location of a commercial structure not involving the use of significant amounts of hazardous substances and not exceeding 2,500 square feet in floor area. In this case, the Project includes the location of a 1,440-square-foot modular building to be used as a temporary fire station.
3. The Class 4 exemption consists of minor public alterations in the condition of land, which do not involve removal of healthy, mature, scenic trees. The Project will include minor changes to the parking area to accommodate the temporary use (i.e., fencing, utilities, parking spaces), including minor landscaping improvements. However, no trees will be removed as part of this Project.
4. The Class 11 consists of construction, or replacement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to on-premise signs, small parking lots, placement of seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms or similar items in generally the same locations from time to time in publicly owned parks, stadiums, or other facilities designed for public use. In this case, the Project is a 1,440-square-foot single-story modular building being placed within a developed public parking lot, which will remain the predominant use of the Property and surrounding area.
5. The exceptions to these categorical exemptions under Section 15300.2 are not applicable. The Project does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

SECTION 3. REQUIRED FINDINGS.

By Section 20.52.040(G) (Limited Term Permits – Findings and Decision) 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 consists of two parking lots, which are East Ocean Front Lot and Balboa Pier Lot. The Project will utilize East Ocean Front Lot, which consists of 93 public parking spaces and is approximately 0.6-acre in size. The Project will occupy 42 of the 93 parking spaces in the southern portion of the East Ocean Front Lot. A single-story, 1,440-square-foot modular building will be temporarily placed on the parking lot, including a 170-square-foot storage container to store supplies and equipment, and a canopy cover for exercise equipment. A perimeter fence will be placed on the Project site to secure the temporary facility and provide parking for the fire engine, department vehicles, and employee parking.
2. The Property was strategically selected for emergency responses, as it is located less than half a mile southeast of the permanent fire station property at 100 East Balboa Boulevard. A temporary fire station location is determined when accounting for proximity and time efficiency to respond to emergencies for residents and businesses within the Balboa Peninsula area. If Fire Station No.1 is not temporarily replaced, the closest fire station is located at 2807 Newport Boulevard (Fire Station No. 2) and is approximately 2 miles northwest of the Property, which will cause a delay in responding to emergency calls.
3. Alternative sites have been considered for the Project. Specifically, the Palm Street Lot at 606 East Balboa Boulevard is a nearby lot that was determined to have a significant impact to the public if used for the Project.
 - a. The lot provides 60 parking spaces and is approximately 0.7 acres in size. While the parking lot's acreage is similar to the Project's and holds less parking spaces, Palm Street Lot is often utilized by the neighboring commercial businesses during their daily operations such as Newport Landing and Balboa Island Ferry, and charter vessels such as Catalina Flyer and Balboa Water Sports.
 - b. Many visitors rely on utilizing Palm Street Lot to take part in commercial activities in the surrounding area. Therefore, placing the Project on Palm Street Lot would create a significant impact because it would impede the operations of the surrounding commercial businesses.
 - c. The northern end of Palm Street may generate vehicular traffic due to visitors wanting to utilize the ferry, which causes a delay in accessing Palm Street Lot from Palm Street. As a result, this creates a significant impact on providing efficient circulation for the fire engine to maneuver into the lot and exit the lot without causing an additional delay in vehicular traffic.
4. The remaining 51 parking spaces in the East Ocean Front Lot will remain available for public use. Parking is also available in the Balboa Pier Lot which is adjacent to the East

Ocean Front lot and provides up to 614 parking spaces. Between the two parking lots, the Project utilizes approximately 6% of the available parking spaces.

5. The Property is accessible from East Balboa Boulevard and Palm Street. Palm Street and Washington Street are one-way streets which support the required ingress and egress needed for the Fire Department's fire engine and ambulance.
6. The Project is not expected to create a nuisance in regards to noise emission. Since the Property is only accessible from Palm Street, the Fire Department has indicated that the need for back up alarms will not be of issue because the fire engine will be driving forward into the lot and instead of backing in. The use of sirens are for emergency purposes and would not be any more frequent than typical fire stations.
7. All improvements associated with the Project will be removed once the permanent fire station has been reconstructed.

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 Project utilizes the East Ocean Front Lot, which is approximately 0.06 acres in size. The parking area is rectangular in shape and is accessible from Palm Street. The Project will be located in the southern portion of the parking lot.
2. Given the size of the parking area and the Project's location, the temporary use can be accommodated on-site with little disruption to surrounding residential uses and access to the public beach.
3. Fact 3 of Finding A is hereby incorporated for reference.
4. Public access to the remaining parking spaces on the East Ocean Front Lot, as well as the 614 spaces on the Balboa Pier Lot, remain open to the public and is accessible from East Balboa Boulevard and Palm Street.
5. The Project is adjacent to the East Ocean Front boardwalk which provides a path along the beach for pedestrian and bicycle use. Since the parking lot is accessible from Palm Street, the Project does not include any features that would block or impede access along the boardwalk.

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;*

Fact in Support of Finding:

1. Access to the Property is not expected to generate traffic since Palm Street is a one-way street. Palm Street provides adequate maneuverability for the Fire Department's vehicles to enter the parking lot and exit the lot by utilizing Washington Street.

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. Additional public parking areas near the Property are available at Palm Street Lot, which is accessible on the north side of Palm Street end and East Balboa Boulevard, approximately 650 feet away from the Property. Parking is also available on A Street Lot and B Street Lot, which are located 350 feet away and 950 feet easterly from the Property, respectively. All three sites provide a total of 158 parking spaces for public use.
2. Improvements in the parking area will not impede the use of parking reserved for ADA and an accessible path of travel.

Finding:

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

Facts in Support of Finding:

1. The PF designation of the Land Use Element of the General Plan is intended to provide public facilities, including public schools, cultural institutions, government facilities, libraries, community centers, public hospitals, and public utilities. The proposed temporary fire station is considered a public facility which is consistent with this designation.
2. Section 20.26.020 (Special Purpose Zoning Districts Land Uses and Permit Requirements) of the Newport Beach Municipal Code (NBMC) allows temporary uses within the PF 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 proposed fire station is a limited duration that would cease upon the completion of the newly reconstructed Fire Station No.1.

3. The Project is conditioned such that it will comply with all other applicable provisions of the General Plan, NBMC, and other City regulations. Applicable ministerial permits must be obtained prior to construction.
4. The Project 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 finds this Project is categorically exempt from the California Environmental Quality Act under Section 15303 under Class 3 (New Construction or Conversion of Small Structures), Section 15304 under Class 4 (Minor Alternations to Land), and Section 15311 under Class 11 (Accessory Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment and the exceptions to these categorical exemptions under Section 15300.2 are not applicable.
2. The Zoning Administrator of the City of Newport Beach hereby approves Limited Term Permit filed as PA2025-0031, subject to the conditions outlined in Exhibit "A," which is attached hereto and incorporated by reference.
3. The action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 20 (Planning and Zoning) of the NBMC.

PASSED, APPROVED, AND ADOPTED THIS 15TH DAY OF MAY, 2025.



Benjamin M. Zueba, AICP, Zoning Administrator

EXHIBIT “A”**CONDITIONS OF APPROVAL**

(Project-specific conditions are in italics)

Planning Division

1. The Project shall be in substantial conformance with the approved site plan, floor plans, and building elevations 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 through a separate and subsequent review with the Planning Division.
3. This Limited Term Permit shall expire 12 months from the issued date unless an extension of up to one additional period of 12 months is granted by the Zoning Administrator in compliance with 20.52.040 (Limited Term Permits) of the NBMC, unless an extension is otherwise granted. A letter requesting the extension shall be submitted to the Planning Division no later than 30 days prior to the expiration date of this permit.
4. *Temporary barriers shall be placed to secure off the temporary fire station area from the public.*
5. All temporary signage shall be located outside the traffic safety visibility area, subject to the review and approval of the City’s Traffic Engineer.
6. *All temporary improvements authorized by this Limited Term Permit shall be removed after the permanent fire station has received its certificate of occupancy.*
7. *There shall be no washing of any Fire Department apparatuses or vehicles conducted on the Property.*
8. *Notwithstanding routine inspections, there shall be no maintenance of Fire Department apparatuses or vehicles conducted on the Property.*
9. *Any use of sirens on the Property and immediately adjacent to it shall be limited to only the minimum necessary for the safe operation of the temporary fire station.*
10. This 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.
11. A copy of the Resolution, including conditions of approval Exhibit “A” shall be incorporated into the Building Division and field sets of plans before issuance of the building permits.

12. All landscape materials and irrigation systems shall be maintained by the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing, and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.
13. The exterior of the temporary modular building shall be always maintained free of litter and graffiti. The owner or operator shall provide for daily removal of trash, litter debris, and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
14. This 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 20 (Planning and Zoning) of the NBMC.
15. To the fullest extent permitted by law, the 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 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 Temporary Fire Station No.1 including, but not limited to, the Limited Term Permit filed as PA2025-0031. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages that which City incurs in enforcing the indemnification provisions outlined in this condition. The applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

Building Division

16. The Project's construction documents shall show all required egress in compliance with California Building Code, Chapter 10.
17. The Project's construction documents shall incorporate a State Approval stamp.
18. The Project's modular structure shall be required to be on the State list of approved pre-checked (PC) designs.
19. The Project's construction documents shall show a state approved accessible ramp to the door.
20. The Project shall show accessible routes compliant with the California Building Code, Chapter 11B.

RESOLUTION NO. ZA2025-028

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING FOR A TENTATIVE PARCEL MAP FOR TWO-UNIT RESIDENTIAL CONDOMINIUM PURPOSES LOCATED AT 700 AND 700 ½ IRIS AVENUE (PA2024-0200)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Andrew Goetz (Applicant), on behalf of Iris Property Group 700, LLC ("Owner"), with respect to the property located at 700 Iris Avenue, legally described as Lot 2 in Block 736 of Corona Del Mar (Property), requesting approval of a tentative parcel map for condominium purposes.
2. The Applicant requests a tentative parcel map for two-unit residential condominium purposes. An existing duplex has been demolished, and a new duplex is under construction. The tentative parcel map would allow each unit to be sold individually. No waivers of Newport Beach Municipal Code (NBMC) Title 19 (Subdivisions) are proposed (Project).
3. The Property is designated as Two Unit Residential (RT) by the General Plan Land Use Element and is located within the Two-Unit Residential (R-2) Zoning District.
4. The subject property is not located within the coastal zone; therefore, a coastal development permit is not required.
5. On May 15, 2025, the Zoning Administrator reviewed a tentative parcel map filed as PA2024-0200. A notice of purpose of the review was given in accordance with the NBMC. Written evidence was presented to and considered by the Zoning Administrator. Two members of the public submitted an email in support of the Project.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15315 under Class 15 (Minor Land Divisions) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Class 15 Exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20%. The Project is for a two-unit

condominium subdivision and meets all identified criteria; therefore, it is eligible for the Class 15 Exemption.

SECTION 3. REQUIRED FINDINGS.

Tentative Parcel Map

The Zoning Administrator determined the Tentative Parcel Map is consistent with the legislative intent of NBMC Title 19 (Subdivisions) and is approved based on the following findings per Section 19.12.070 (Required Findings for Action on Tentative Maps):

Finding:

- A. *The proposed map and the design or improvements of the subdivision are consistent with the General Plan and any applicable specific plan, and with applicable provisions of the Subdivision Map Act and this Subdivision Code.*

Facts in Support of Finding:

1. The Project includes a tentative parcel map for two-unit residential condominium purposes. The RT General Plan Land Use designation and R-2 Zoning District apply to a range of two-unit residential dwellings such as duplexes and town homes. The Property was previously developed with a duplex which has been demolished, and a new duplex is currently under construction. The proposed subdivision and improvements will continue to be consistent with the density of the RT General Plan Land use category and R-2 Zoning District.
2. The Property is not located within a specific plan area.

Finding:

- B. *The site is physically suitable for the type and density of development.*

Facts in Support of Finding:

1. The Property is physically suitable for a duplex because it is regular in shape and size. An existing duplex has been demolished, and a new duplex is currently under construction, which complies with all the requirements of the NBMC Title 20 (Planning and Zoning).
2. The property is accessible from both Iris Avenue and the alley in the rear. Vehicular access is taken from the alley.

Finding:

- C. *The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife*

or their habitat. However, notwithstanding the foregoing, the decision-making body may nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

Facts in Support of Finding:

1. The Property is located within an existing residential neighborhood that does not contain any sensitive vegetation or habitat on-site.
2. This Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15315 under Class 15 (Minor Land Divisions) of the CEQA Guidelines. Section 2 of this Resolution is hereby incorporated by reference.

Finding:

- D. The design of the subdivision or the type of improvements is not likely to cause serious public health problems.*

Facts in Support of Finding:

1. The Project is for residential condominium purposes. All improvements associated with the Project will comply with all Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. Public improvements will be required of the applicant per Section 19.28.010 (General Improvement Requirements) of the NBMC and Section 66411 (Local agencies to regulate and control design of subdivisions) of the Subdivision Map Act. All ordinances of the City and all Conditions of Approval will be complied with.
2. The Project has been conditioned to require public improvements, including all damaged sidewalk panels, curb, gutter, and street along the Iris Avenue frontage and any damaged concrete alley panels along the alley property frontage shall be reconstructed as determined by the Public Works Department. The Project is also conditioned to install turf or drought tolerant landscaping, as approved by the City, throughout the entire Iris Avenue parkway fronting the Property. The utilities will be undergrounded, consistent with Title 19 (Subdivisions) of the NBMC.

Finding:

- E. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the decision-making body may approve a map if it finds that alternate easements, for access or use, will be provided and that these easements will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record or to easements established*

by the judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision.

Fact in Support of Finding:

1. The Public Works Department has reviewed the Project and determined that the design of the development will not conflict with easements acquired by the public at large, for access through, or use of Property within the proposed development because the Project is keeping the existing easements in place and providing an additional 8-foot-wide sewer easement.

Finding:

- F. The subject to the detailed provisions of Section 66474.4 of the Subdivision Map Act, if the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act), the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use or the subdivision will result in residential development incidental to the commercial agricultural use of the land.*

Fact in Support of Finding:

1. The Property is not subject to the Williamson Act because the subject property is not designated as an agricultural preserve and is less than 100 acres in area.
2. The Property is developed for residential use and is located in the R-2 Zoning District, which permits residential uses.

Finding:

- G. In the case of a “land project” as defined in Section 11000.5 of the California Business and Professions Code: (1) there is an adopted specific plan for the area to be included within the land project; and (2) the decision-making body finds that the proposed land project is consistent with the specific plan for the area.*

Fact in Support of Finding:

1. The California Business and Professions Code Section 11000.5 has been repealed by the Legislature. However, this project site is not considered a “land project” as previously defined in Section 11000.5 of the California Business and Professions Code because the Project site does not contain 50 or more parcels of land.
2. The Project is not located within a specific plan area.

Finding:

- H. Solar access and passive heating and cooling design requirements have been satisfied in accordance with Sections 66473.1 and 66475.3 of the Subdivision Map Act.*

Fact in Support of Finding:

1. The Project and any future improvements are subject to Title 24 of the California Building Code which requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The City's Building Division enforces Title 24 compliance through the plan check and inspection process.

Finding:

- I. The subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City's share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City's residents and available fiscal and environmental resources.*

Fact in Support of Finding:

1. The proposed two-unit condominium will replace an existing duplex, which is consistent with the R-2 Zoning District and does not result in a net decrease in residential density. Therefore, the tentative parcel map for residential condominium purposes will not affect the City in meeting its regional housing needs.

Finding:

- J. The discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board.*

Fact in Support of Finding:

1. The Project's wastewater is designed to discharge into the existing sewer system and complies with the Regional Water Quality Control Board (RWQCB) requirements.

Finding:

- K. For subdivisions lying partly or wholly within the coastal zone, that the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter Three of the Coastal Act.*

Fact in Support of Finding:


1. The Property is not located within the coastal zone.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act under Section 15315 under Class 15 (Minor Land Divisions) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves the Tentative Parcel Map filed as PA2024-0200 subject to the conditions outlined in Exhibit "A" and in substantial conformance with Exhibit "B", which are both attached hereto and incorporated by reference.
3. This action shall become final and effective 10 days after the adoption of this Resolution unless within such time an appeal or call for review is filed with the Director of Community Development by the provisions of Title 19 Subdivisions, of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 15TH DAY OF MAY, 2025.



Benjamin M. Zueba, AICP, Zoning Administrator

EXHIBIT “A”**CONDITIONS OF APPROVAL****Planning Division**

1. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
2. After the recordation of the Parcel Map and prior to a building permit final inspection, the Applicant shall apply for a building permit for a description change of the subject project development from “duplex” to “condominium.” The development will not be condominiums until this description change permit is final.
3. The Applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may cause the revocation of this approval.
4. This 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 and Title 20 of the NBMC.
5. Prior to the approval of the final map, a “Purpose Statement” shall be added to the map to clarify that the map is for two residential condominium units and how common areas will be owned.
6. To the fullest extent permitted by law, the 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 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 **Iris Property Group 700 LLC Condominiums** including, but not limited to, **Tentative Parcel Map No. PA2024-0200**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney’s fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all the City’s costs, attorneys’ fees, and damages that which City incurs in enforcing the indemnification provisions outlined in this condition. The applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

Public Works Department

7. Prior to building permit final inspection, a Parcel Map shall be recorded. The Map shall be prepared on the California coordinate system (NAD83). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor

and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. The Map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.

8. Prior to recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set on each lot corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
9. All improvements shall be constructed as required by Ordinance and the Public Works Department.
10. An encroachment permit shall be required for all work activities within the public right-of-way.
11. Reconstruction shall be required for existing broken and/or damaged concrete curb, gutter and sidewalk panels along the Iris Avenue and Fourth Avenue frontages. Reconstruction shall be required for any damaged concrete panels along the alley frontages.
12. The installation of a 4-foot-wide sidewalk along the Fourth Avenue frontage shall be required per City standard.
13. All existing overhead utilities shall be undergrounded.
14. All existing private, non-standard improvements, including but not limited to brick planters, loose rock, and decorative walkways, within the Iris Avenue public right-of-way fronting the development site shall be removed.
15. Each unit shall be served by its individual water service/meter and sewer lateral/cleanout.
16. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
17. Installation of new turf or drought tolerant landscaping shall be required throughout the entire Iris Avenue and Fourth Avenue parkways.
18. In case of damage done to public improvement surrounding the development site by the private construction, additional reconstruction within the public right-of-way shall be required at the discretion of the Public Works Inspector.

19. An 8-foot-wide easement shall be provided for sewer purposes as shown on Plan Check No. PC2023-1168.
20. The applicant shall dedicate in fee a 10-foot radius corner cut-off at the Iris Avenue and Fourth Avenue intersection.
21. The installation of a new ADA compliant curb ramp shall be required at the corner of Iris Avenue and Fourth Avenue per City standard.

Building Division

22. Prior to recordation of the parcel map, independent utility services shall be provided for each unit, including water, electrical and gas.

Fire Department

23. Prior to recordation of the parcel map, the Project shall require a fire sprinkler system in accordance with 2022 CFC 903 and 2022 NFPA13D.
24. Prior to recordation of the Parcel Map, the side yards shall be required to maintain an opening width of a minimum of 36 inches from front to rear of property for emergency access.

EXHIBIT “B”

Tentative Parcel Map
County Tentative Parcel Map No. 2022-115

SHEET 1 OF 3 SHEETS
 ALL OF TENTATIVE PARCEL
 MAP NO. 2022-115
 NUMBER OF PARCELS: 1 NUMBERED
 AREA: 3.539 S.F. GROSS
 3.517 S.F. NET
 DATE OF SURVEY: FEBRUARY 2022
 PA 2024-0200

PARCEL MAP NO. 2022-115

IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA.
 BEING A SUBDIVISION OF LOT 2 IN BLOCK 736, AS SHOWN ON THE MAP OF CORONA DEL MAR, FILED IN BOOK 3,
 PAGES 41 AND 42 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID ORANGE COUNTY.

LOREN G. SANDBERG, P.L.S. 8365 LGS ENGINEERING, INC.
 FOR CONDOMINIUM PURPOSES

ACCEPTED AND FILED AT THE REQUEST OF
 CHICAGO TITLE COMPANY
 DATE _____
 TIME _____ FEE \$ _____
 INSTRUMENT NO. _____
 BOOK _____ PAGE _____
 HUGH NORTON
 COUNTY CLERK-RECORDER
 BY _____ DEPUTY

OWNERSHIP CERTIFICATE:
 WE, THE UNDERSIGNED, BEING ALL PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND COVERED BY THIS MAP, DO HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF SAID MAP, AS SHOWN WITHIN THE DISTINCTIVE BORDER LINE.
 THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED IN FEE FOR PUBLIC STREET AND PUBLIC UTILITY PURPOSES: IRIS AVENUE AND FOURTH AVENUE.
 WE ALSO HEREBY DEDICATE TO THE CITY OF NEWPORT BEACH
 1. AN 8.00' WIDE EASEMENT FOR SEWER LINE AND INCIDENTAL PURPOSES, AS SHOWN ON SAID MAP.
 2. A BLANKET EASEMENT OVER PARCEL 1 OF SAID MAP, FOR SEWER LINE ACCESS AND INCIDENTAL PURPOSES.
 IRIS PROPERTY GROUP 700, L.L.C., A CALIFORNIA LIMITED LIABILITY COMPANY, OWNER
 BY: _____
 NAME: HENRY PHILIP SCHNEPP
 TITLE: CEO & MANAGING MEMBER

SURVEYORS STATEMENT:
 THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF HENRY SCHNEPP, IN FEBRUARY, 2022. I HEREBY STATE THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY.
 LOREN G. SANDBERG
 P.L.S. 8365
 3-10-2025
 DATE

CITY ENGINEERS STATEMENT:
 I HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND HAVE FOUND IT TO BE SUBSTANTIALLY IN CONFORMANCE WITH THE TENTATIVE MAP, IF REQUIRED, AS FILED WITH, AMENDED AND APPROVED BY THE CITY PLANNING COMMISSION. THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND CITY SUBDIVISION REGULATIONS HAVE BEEN COMPLIED WITH. THIS STATEMENT WILL BE EFFECTIVE ON THE DATE UPON WHICH THE COUNTY OF ORANGE APPROVES THE MAP AS TECHNICALLY CORRECT.
 DATED THIS _____ DAY OF _____, 2025.
 JAMES M. HOLLIMAN
 DEPUTY PUBLIC WORKS DIRECTOR / CITY ENGINEER
 CITY OF NEWPORT BEACH
 RICE 51546, REGISTRATION EXPIRES: 6/30/26

NOTARY ACKNOWLEDGMENT:
 A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.
 STATE OF _____ } ss
 COUNTY OF _____ }
 ON _____, 2025, BEFORE ME, _____, NOTARY PUBLIC,
 PERSONALLY APPEARED _____ HENRY PHILIP SCHNEPP
 WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY AND THAT BY HIS SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.
 I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.
 WITNESS MY HAND:
 NOTARY PUBLIC IN AND FOR SAID STATE _____ MY PRINCIPAL PLACE OF BUSINESS IS _____
 (NAME TYPED OR PRINTED) _____ IN _____ COUNTY.
 MY COMMISSION EXPIRES _____

ACCEPTANCE CERTIFICATE:
 STATE OF CALIFORNIA } ss
 COUNTY OF ORANGE }
 CITY OF NEWPORT BEACH }
 PURSUANT TO THE PROVISIONS OF RESOLUTION NO. 92-82 APPROVED JULY 22, 1992, OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, STATE OF CALIFORNIA, I, GRACE K. LEUNG, CITY MANAGER OF THE CITY OF NEWPORT BEACH, HEREBY REQUEST RECORDED OF THIS PARCEL MAP AND ALSO ACCEPT THE REAL PROPERTY DESCRIBED AS DEDICATED TO THE PUBLIC IN FEE FOR PUBLIC STREET AND PUBLIC UTILITY PURPOSES: IRIS AVENUE AND FOURTH AVENUE.
 AND DO ALSO ACCEPT ON BEHALF OF THE CITY OF NEWPORT BEACH:
 1. THE 8.00' WIDE EASEMENT FOR SEWER LINE AND INCIDENTAL PURPOSES, AS DEDICATED.
 2. THE BLANKET EASEMENT OVER PARCEL 1 OF SAID MAP, FOR SEWER LINE ACCESS AND INCIDENTAL PURPOSES, AS DEDICATED.
 DATED THIS _____ DAY OF _____, 2025.
 GRACE K. LEUNG, MANAGER OF THE CITY OF NEWPORT BEACH

COUNTY SURVEYORS STATEMENT:
 I HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND FOUND THAT ALL MAPPING PROVISIONS OF THE SUBDIVISION MAP ACT HAVE BEEN COMPLIED WITH AND I AM SATISFIED SAID MAP IS TECHNICALLY CORRECT.
 DATED THIS _____ DAY OF _____, 2025.
 LLY M. N. SANDBERG, CHIEF DEPUTY COUNTY SURVEYOR
 P.L.S. 8402

COUNTY TREASURER-TAX COLLECTORS CERTIFICATE:
 STATE OF CALIFORNIA } ss
 COUNTY OF ORANGE }
 I HEREBY CERTIFY THAT ACCORDING TO THE RECORDS OF MY OFFICE, THERE ARE NO LIENS AGAINST THE LAND COVERED BY THIS MAP OR ANY PART THEREOF FOR UNPAID STATE, COUNTY, MUNICIPAL, OR LOCAL TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES, EXCEPT TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES NOT YET PAYABLE.
 AND DO CERTIFY TO THE RECORDER OF ORANGE COUNTY THAT THE PROVISIONS OF THE SUBDIVISION MAP ACT HAVE BEEN COMPLIED WITH REGARDING DEPOSITS TO SECURE PAYMENT OF TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES ON THE LAND COVERED BY THIS MAP.
 DATED THIS _____ DAY OF _____, 2025.
 SHAW L. FREDERICH
 COUNTY TREASURER - TAX COLLECTOR
 BY: _____
 TREASURER - TAX COLLECTOR

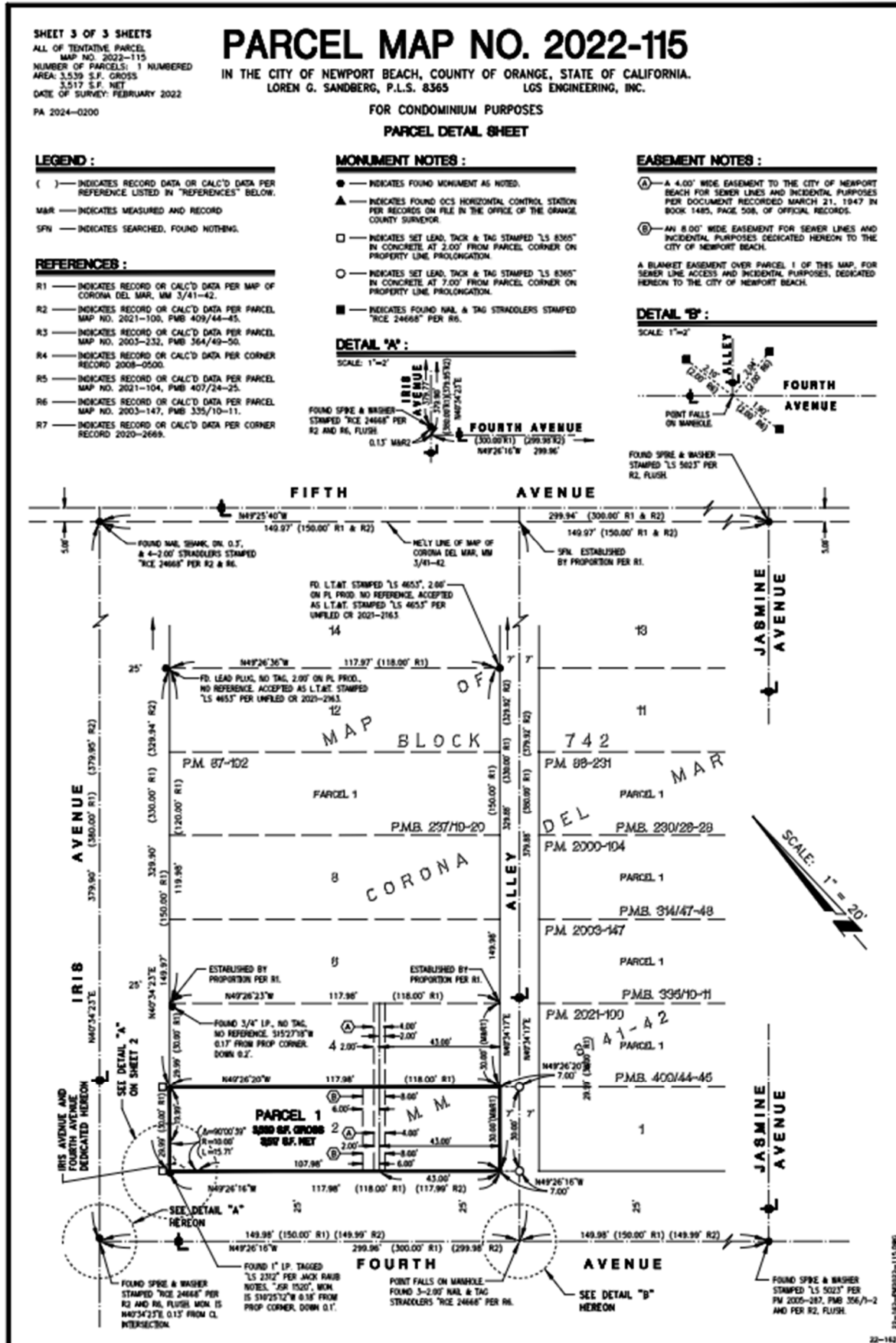
SIGNATURE COMMISSION:
 IN ACCORDANCE WITH SECTION 66436 (4)(3)(A) OF THE SUBDIVISION MAP ACT, THE FOLLOWING SIGNATURE HAS BEEN OMITTED:
 1. THE CITY OF NEWPORT BEACH, HOLDER OF A 4.00' WIDE EASEMENT FOR SEWER LINES AND INCIDENTAL PURPOSES PER DOCUMENT RECORDED MARCH 21, 1947 IN BOOK 1485, PAGE 508, OF OFFICIAL RECORDS.

STATEMENT OF PURPOSE:
 THE PURPOSE OF THIS PARCEL MAP IS TO CREATE ONE PARCEL FOR CONDOMINIUM PURPOSES FROM ONE EXISTING LOT.

IMPROVEMENT CERTIFICATE:
 PURSUANT TO SECTION 66411.1 OF THE SUBDIVISION MAP ACT, NOTICE IS HEREBY GIVEN THAT THE FOLLOWING IMPROVEMENTS ARE REQUIRED TO BE CONSTRUCTED:
 1. EACH DWELLING UNIT SHALL BE SERVED WITH INDIVIDUAL WATER, SEWER, GAS, AND ELECTRIC CONNECTIONS.
 2. OVERHEAD UTILITIES SERVING THE SITE SHALL BE UNDERGROUND TO THE NEAREST APPROPRIATE POLE.

22-142-115-040







COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915
949-644-3200

www.newportbeachca.gov

COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER

Subject: **Molo Restaurant (PA2024-0208)**

- Staff Approval for Substantial Conformance

Site Location **251 Shipyard Way**

Applicant **Juan Ibarra, AO Architects**

Assessor's Parcel Number **047 010 09**

On **May 15, 2025** the Community Development Director approved the Staff Approval filed as PA2024-0208 authorizing alterations to an existing eating and drinking establishment and finding said alterations in substantial conformance with Use Permit No. UP3266 (as amended) and Outdoor Dining Permit No. OD2008-002. This approval is based on the following findings and subject to the following conditions.

LAND USE AND ZONING

- **General Plan Land Use Plan Category:** Recreational and Marine Commercial (CM)
- **Zoning District:** PC 6 Lido Peninsula – Amendment 413
- **Coastal Land Use Plan Category:** Recreational and Marine Commercial (CM-B) 0.0-0.5 FAR
- **Coastal Zoning District:** PC 6 Lido Peninsula Amendment 413

PROJECT DESCRIPTION

Molo Restaurant (Applicant) proposes to remove the existing 273 square foot entry and waiting area and convert it to an employee-only area as part of the kitchen, which would reduce the net public area by 273 square feet. Additionally, the project includes expanding into the adjacent commercial suite to create a new customer waiting area of 220 square feet and a new take-out/pick-up area of 220 square feet for employee use only. There is no increase in the interior net public area or the existing outdoor patio area. There will be no change to the existing on-site shared parking. There are no changes to any of the operational characteristics, including the hours of operation.

BACKGROUND

On May 7, 1987, the Planning Commission approved Use Permit No. UP3266 authorizing the establishment of a take-out restaurant serving sandwiches only (no cooking on-site) with incidental interior seating and a waiver of 19 parking spaces.

On November 9, 1988, the Planning Commission approved an amendment to the Use Permit for the take-out restaurant to allow alcohol sales and expand operations. Specifically, the changes were as follows: add outdoor dining; allow cooking on-site; extend the hours of operation from closing at 3:30 p.m. to closing at 9:00 p.m., daily; increase the interior seating from 28 seats to 37 seats; add a Type 41 On-Sale Beer and Wine Alcohol Beverage License, and waive the additional nine parking spaces required for these changes.

On July 18, 1991, the Planning Commission approved a second amendment authorizing additional changes in the operational characteristics. The amendment expanded both the interior and exterior dining areas and changed the use from a take-out restaurant to a full-service restaurant. This change included the following: expansion of the existing restaurant into the adjacent commercial space allowing a maximum 641 square feet of interior net public area, expanding the outdoor dining area allowing a maximum of 521 square feet of net public area, and extending the hours of operation to close at 11:00 p.m., daily. The full-service restaurant parking requirement of one space per 40 square feet of net public area was not waived with the approval and 30 spaces were required to be provided on-site. The parking was provided.

On July 8, 1993, the Planning Commission approved a third amendment of Use Permit No. UP3266 allowing the expansion of the restaurant into the adjacent commercial space. The maximum interior net public area was increased to 1,151 square feet. The approval increased the required parking for the restaurant by 11 spaces, therefore a total of 41 parking spaces were provided on-site.

On May 23, 2008, the Planning Director approved Accessory Outdoor Dining Permit No. OD2008-002 authorizing an expansion to the existing outdoor dining area. The expanded outdoor dining area was increased by 287 square feet for a total of 772 square feet. All findings and conditions of approval for Use Permit No. UP3266 and its amendments remained in effect with the approval of the outdoor dining permit.

In 2016, the Community Development Director approved [Staff Approval No. SA2016-012 \(PA2016-167\)](#) authorizing changes that are similar to the proposed project. The prior Staff Approval authorized several improvements including expanding the kitchen area into existing dining areas and retail service areas of the existing restaurant and offsetting the displacement of the dining and service retail areas by expanding the restaurant into the adjacent commercial suite. The project also included the creation of an accessory retail space. Lastly, the request included reconstructing and modernizing the existing outdoor patio area with trees, hardscape and a new permanent canopy. The applicant installed the outdoor patio cover, but did not exercise the Staff Approval. Therefore, the approval expired.

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 changes to the restaurant are not an expansion of the use and they are in substantial conformance with the Use Permit No. UP3266 as amended and Accessory Outdoor Dining Permit No. OD2008-002.

Finding:

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

Facts in Support of Finding:

1. Restaurants are a permitted use in the Lido Peninsula Planned Community District (PC-6), subject to the approval of a use permit. The proposed changes are consistent with the operational characteristics approved by Use Permit No. UP3266 as amended and Accessory Outdoor Dining Permit No. OD2008-002.
2. The site provides 92 spaces for the mixture of uses on-site and 91 spaces are required. Therefore, adequate off-street parking is provided in conjunction with the proposed remodel of the existing restaurant. Per the Title 20 (Planning and Zoning Code) of the Newport Beach Municipal Code and existing Use Permit, required parking for the restaurant is based on one space per 40 square feet of net public area. The project includes no increase in net public area. Therefore, no additional parking is required.
3. The proposed floor plan changes remain consistent with the operational characteristics of the previously approved restaurant. For example, no changes to hours of operation or alcohol service are proposed.

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 reconfiguration of the interior areas to accommodate a new entry and take-out area in exchange for added kitchen/employee area, does impact the net public area used to calculate parking. Therefore, the changes are not related to specific findings addressed by the Planning Commission or Planning Director as part of the processing of Use Permit No. UP3266 as amended and Outdoor Dining Permit No. OD2008-002.
2. The operational characteristics, type of alcohol service, size of interior and exterior dining areas, and hours of operation remain unchanged.

Finding:

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

Facts in Support of Finding:

1. The proposed reconfiguration of the interior areas such as relocating the entrance, waiting area, and take out area into the adjacent commercial space are minor in nature and do not represent a substantial change in the operational characteristics of the existing restaurant that was previously authorized.
2. The proposed changes do not result in additional employees. The hours of operation will remain unchanged as conditioned by Use Permit No. UP3266 (5:30 a.m. to 11:00 p.m., daily).

CONDITIONS

Planning

1. All applicable conditions of approval for Use Permit No. UP3266 and its amendments and Outdoor Dining Permit No. OD2008-002 shall remain in effect.
2. The revised floor plans and outdoor dining shall remain in substantial conformance with the approved revised floor plan and outdoor dining found in Attachment No. CD 2.
3. This approval does not relieve the applicant of compliance with other City or State requirements. 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 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.
5. 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.
6. *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 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 **Molo Restaurant including, but not limited to, Staff Approval PA2024-0208.** This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing the such proceeding. The applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages that which City incurs in enforcing the indemnification provisions outlined 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.*

Building

7. The project plans shall include an accessible path of travel to tenant improvement space from parking and public right of way.

Fire

8. Provide total occupant load for existing and remodeled areas on the plans. A-2 occupancies with 100 or more occupant load shall require the installation of a NFPA 13 fire sprinkler system.
9. Exiting shall comply with Chapter 10 of the California Fire Code.
10. Exit signs shall be provided and an occupant load sign shall be placed in a conspicuous location.

11. Panic hardware shall be provided, and doors shall open in the path of egress travel.

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 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.

Prepared by:



Melinda Whelan
Assistant Planner

Approved by:



Assistant City Manager

LAW/msw

Attachments:

CD 1 Vicinity Map

CD 2 Use Permit 3266 Exhibit A Findings and Conditions

CD 3 Plans

Attachment No. CD 1

Vicinity Map

VICINITY MAP



PA2024-0208

251 Shipyard Way

Attachment No. CD 2

Use Permit 3266 Exhibit A Findings and
Conditions

EXHIBIT "A"
FINDINGS AND CONDITIONS OF APPROVAL
FOR USE PERMIT NO. 3266 (Amended)
(July 8, 1993)

FINDINGS:

1. That the proposed development is consistent with the Land Use Element of the General Plan and the Local Coastal Program, Land Use plan, and is compatible with the surrounding land uses.
2. That the project will not have any significant environmental impact.
3. That adequate parking is available on-site to accommodate the proposed facility and the other uses existing on the subject property.
4. That the waiver of the development standards as they pertain to walls, utilities, parking lot illumination, and landscaping will not be detrimental to adjoining properties given the developed characteristics of the existing facility.
5. That the approval of Use Permit No. 3266 (Amended) will not, under the circumstances of this case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing and working in the neighborhood or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City.

CONDITIONS:

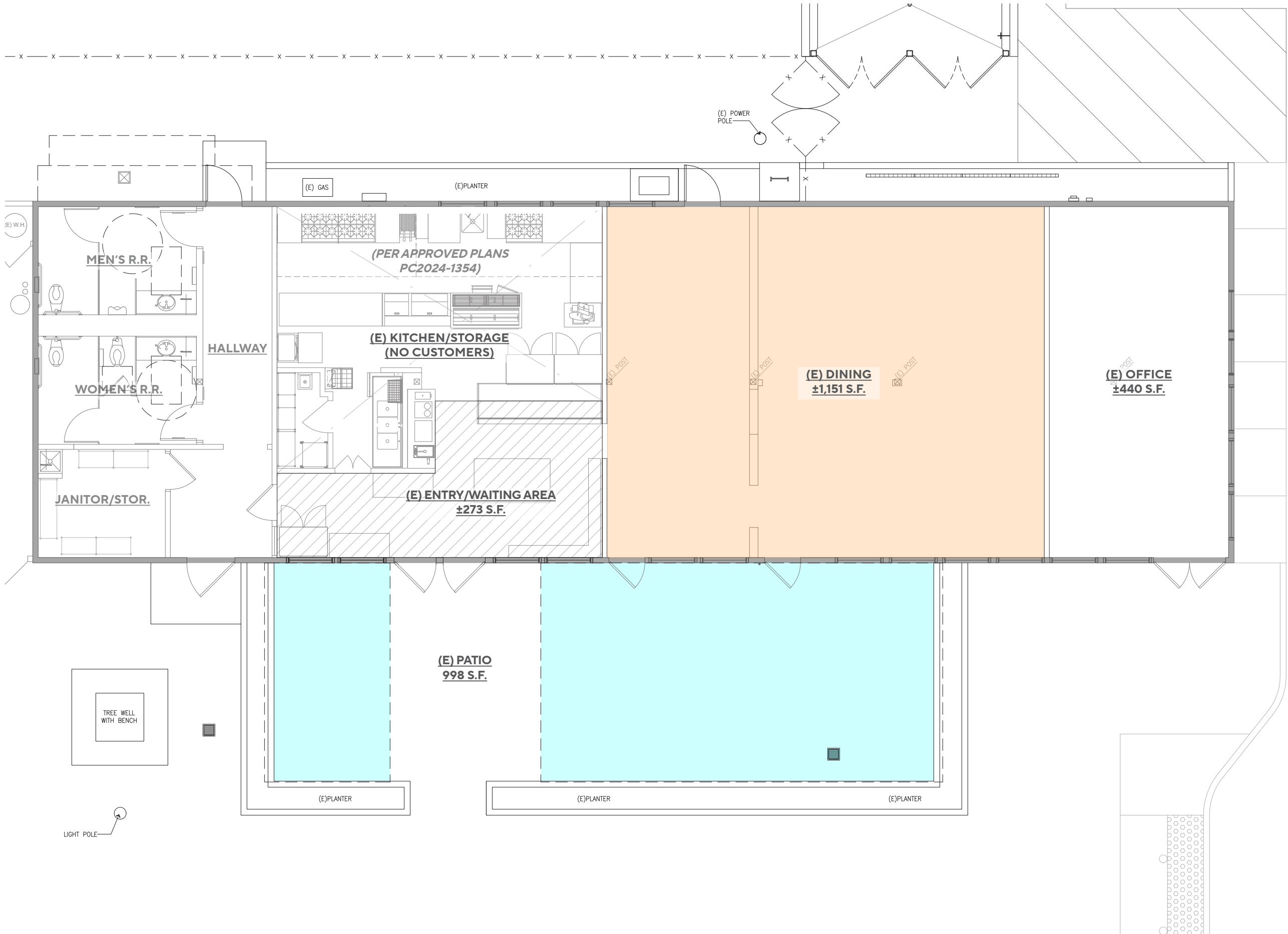
1. That the proposed development shall be in substantial conformance with the approved plot plan and floor plan, except as noted in the following conditions.
2. That prior to the issuance of building permits or implementation of the proposed expansion, the applicant shall pay the appropriate fair share fee contribution in accordance with Section 15.38 of the Newport Beach Municipal Code.
3. That prior to the issuance of building permits or implementation of the proposed expansion, the applicant shall submit an as-built parking plan for the on-site parking which shall be subject to the review and approval of the City Traffic Engineer. Any required alteration to the existing parking design shall be the responsibility of the applicant.
4. That the required number of handicapped parking spaces shall be designated within the on-site parking area and shall be used solely for handicapped self-parking. One handicapped sign on a post and one handicapped sign on the pavement shall be required for each handicapped space.

TO: Planning Commission - 10

5. That a building permit shall be obtained for the proposed changes to the existing tenant and newly expanded tenant space as required by the Uniform Building Code and the Building Department.
6. That all signs shall conform to the provisions of Chapters 20.06 of the Municipal Code.
7. That all previously applicable conditions of Use Permit No. 3266, approved May 7, 1987 and Use Permit No. 3266 (Amended), approved November 9, 1988 and July 18, 1991, shall remain in effect.
8. That 41 parking spaces shall be provided on-site for the subject restaurant, based on one parking space for each 40 square feet of "net public area". The outdoor dining area shall be limited to a maximum "net public area" of 485± square feet and the interior dining area be limited to a maximum "net public area" of 1,151± square feet.
9. That the pedestrian walkway in front of the facility shall be kept clean and regularly maintained. Said walkway shall be swept, vacuumed, or washed in such a manner that any debris or waste-water does not enter the storm drain system or the Bay.
10. That Coastal Commission approval shall be obtained prior to issuance of building permits for the tenant improvements or implementation of the expansion associated with this approval.
11. That live entertainment or dancing shall not be permitted in conjunction with this restaurant unless an amendment to this use permit is first approved by the Planning Commission.
12. That the Planning Commission may add or modify conditions of approval to the use permit, or recommend to the City Council the revocation of this use permit, upon a determination that the operation which is the subject of this use permit, causes injury, or is detrimental to the health, safety, peace, morals, comfort or general welfare of the community.
13. That this use permit shall expire if not exercised within 24 months from the date of approval as specified in Section 20.80.090A of the Newport Beach Municipal Code.

Attachment No. CD 3

Plans



EXISTING G.B.A. = 3,013 S.F.

EXISTING RESTAURANT = 2,450 S.F. G.L.A.
(PER CofO PERMIT #B9302239)

EXISTING OFFICE = ±440 S.F. G.L.A.

(E) INDOOR DINING AREA = 1,151 S.F. G.L.A.

PATIO DINING AREA = 772 S.F.
(PER EXIST. CUP #PA2008-055)

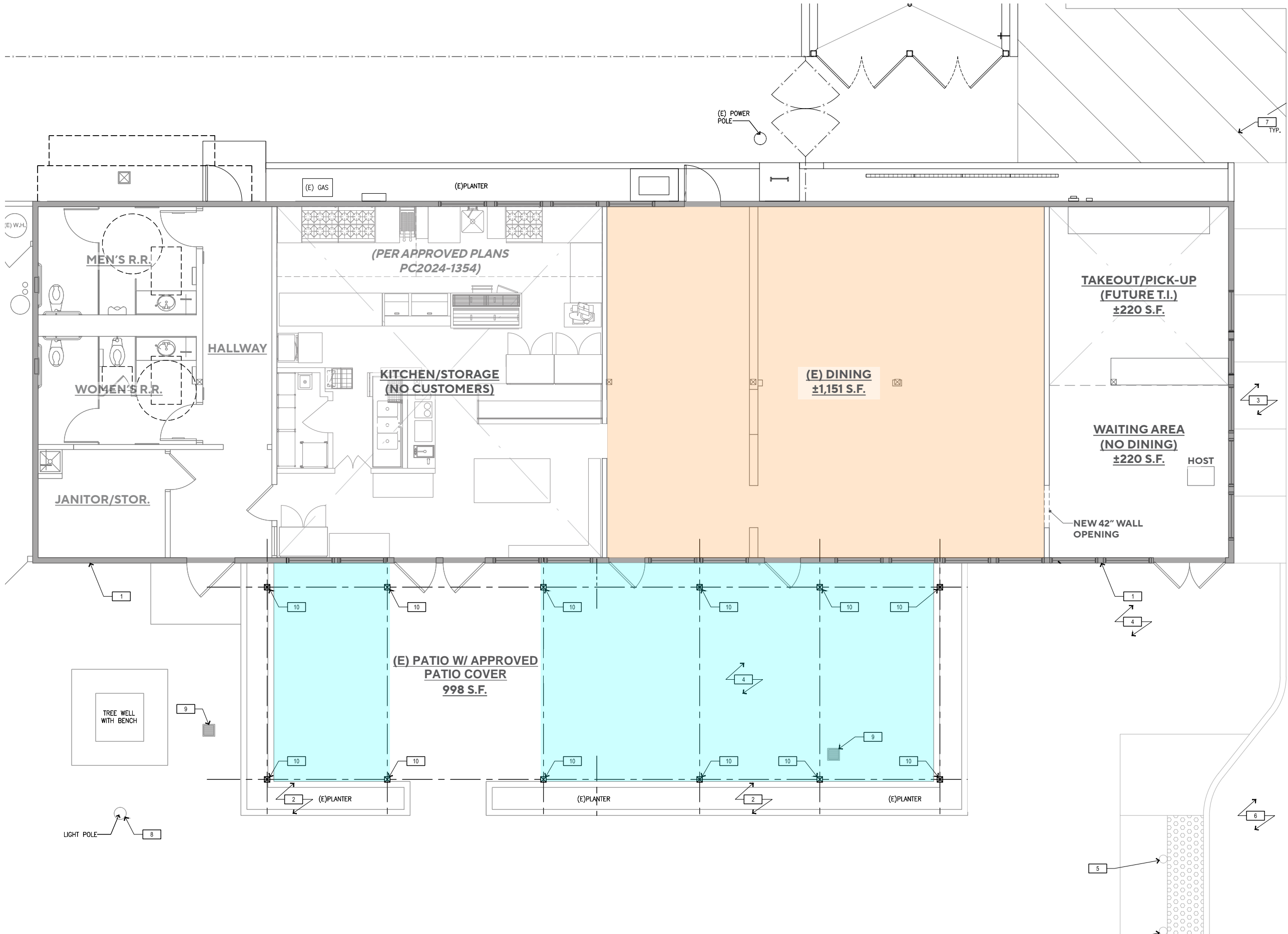


MOLO - LIDO PENINSULA

251 Shipyard Way, Newport Beach, CA

EXISTING FLOOR PLAN SUBSTANTIAL CONFORMANCE REVIEW





- ### KEYNOTES
- 1 EXISTING BUILDING TO REMAIN
 - 2 EXISTING LANDSCAPE TO REMAIN
 - 3 EXISTING SIDEWALK TO REMAIN
 - 4 EXISTING HARDSCAPE TO REMAIN
 - 5 EXISTING PIPE BOLLARD TO REMAIN
 - 6 EXISTING DRIVEWAY TO REMAIN
 - 7 EXISTING STRIPING TO REMAIN
 - 8 EXISTING LIGHT POLE TO REMAIN
 - 9 EXISTING FLOOR DRAIN TO REMAIN
 - 10 NEW PATIO COLUMN - SEE STRUCTURAL DRAWINGS FOR ADDITIONAL INFORMATION

EXISTING G.B.A. = 3,013 S.F.
EXISTING RESTAURANT = 2,450 S.F. G.L.A.
(PER CofO PERMIT #B9302239)
NEW TAKEOUT/PICK-UP & WAITING AREA = ±440 S.F.

(E) INDOOR DINING AREA = 1,151 S.F. G.L.A.

PATIO DINING AREA = 772 S.F.
(PER EXIST. CUP #PA2008-055)



MOLO - LIDO PENINSULA
251 Shipyard Way, Newport Beach, CA

PROPOSED FLOOR PLAN
SUBSTANTIAL CONFORMANCE REVIEW



02

Scale
Job No.
Date
1/8" = 1'-0"
2013-274
2024-10-29