



## **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 for the week ending June 13, 2025.

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### **ZONING ADMINISTRATOR PUBLIC HEARING ACTIONS JUNE 12, 2025**

- Item 1: Zak Residence Modification Permit and Coastal Development Permit (PA2025-0051)  
Site Address: 34 Castaways North
- |   |                  |   |
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| Action: Approved by Resolution No. ZA2025-032 | Council District | 3 |
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- Item 2: Taylor Residence Coastal Development Permit (PA2025-0075)  
Site Address: 213 Tremont Drive
- |   |                  |   |
|---|------------------|---|
| Action: Approved by Resolution No. ZA2025-033 | Council District | 4 |
|---|------------------|---|
- Item 3: Bay House 2100, LLC Residence Coastal Development Permit and Lot Merger (PA2025-0007)  
Site Address: 2100 and 2102 East Balboa Boulevard
- |   |                  |   |
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| Action: Approved by Resolution No. ZA2025-034 | Council District | 1 |
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- Item 4: Bayshore Café Minor Use Permit and Operator License (PA2024-0132)  
Site Address: 100 West Coast Highway, Suite 104
- |   |                  |   |
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| Action: Approved by Resolution No. ZA2025-035 | Council District | 2 |
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### **COMMUNITY DEVELOPMENT DIRECTOR OR ZONING ADMINISTRATOR ACTIONS (Non-Hearing Items)**

- Item 1: Linos Condominiums Tentative Parcel Map (PA2025-0058)  
Site Address: 611 Marguerite Avenue

Action: Approved	Council District	6
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**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.

Wendy Joe, Civilian Investigator, NBPD (*Telecom - Massage – ABC License*)  
Mark Short, Police Sergeant, NBPD (*Massage – ABC License*)

## **RESOLUTION NO. ZA2025-032**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING A MODIFICATION PERMIT AND COASTAL DEVELOPMENT PERMIT FOR AN ADDITION GREATER THAN 10% TO A SINGLE-UNIT DWELLING WITH A LEGAL NONCONFORMING GARAGE LOCATED AT 34 CASTAWAYS NORTH (PA2025-0051)**

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

#### **SECTION 1. STATEMENT OF FACTS.**

1. An application was filed by Oscar Almendarez, concerning property located at 34 Castaways North, and legally described as Lot 44 in Tract 15012 requesting approval of a modification permit.
2. The applicant requests a modification permit to allow an addition to an existing single-unit dwelling that is greater than 10% of the existing square footage. The existing single-unit dwelling is nonconforming due to the dimensions of the existing garage. Title 20 (Planning and Zoning) of the Newport Beach Municipal Code (NBMC) limits additions to a maximum of 10% of the existing gross floor area when a residence has nonconforming parking. The addition includes 390 square feet on the first floor and 710 square feet on the second floor (1,100 square feet total), which is a 24% addition. The addition otherwise complies with all applicable development standards and no other deviations are requested. Since the project is located within the coastal zone, a coastal development permit is also required.
3. The subject property is designated Single Unit Residential Detached (RS-D) by the General Plan Land Use Element and is located within the PC43 (Upper Castaways) Zoning District.
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single Unit Residential Detached (RSD-A) (0.0 - 5.9 DU/AC) and it is located within the PC43 (Upper Castaways) Coastal Zoning District.
5. A public hearing was held on June 12, 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 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.

2. The exemption includes additions to existing structures up to 50% of the floor area before the addition, or 2,500 square feet, whichever is less. The proposed project includes a 1,100 square-foot addition and remodel to an existing single-family residence with nonconforming interior parking dimensions in a developed neighborhood with no potential impact to the environment.

### SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.050(E) (Modification Permits – Required Findings) of the NBMC, the following findings and facts in support of such findings are set forth:

#### Finding:

- A. *The requested modification will be compatible with existing development in the neighborhood.*

#### Facts in Support of Finding:

1. The surrounding neighborhood is comprised of one- and two-story single-unit dwellings. The Modification Permit will allow an addition to the existing two-story, single-unit dwelling, which is compatible with other properties in the neighborhood. The Project includes an addition on the first floor for a butler's pantry and a lounge area off the kitchen. The addition on the second floor includes bathrooms, an office, a laundry room and a closet. The density or intensity does not change as a result of the project.
2. The proposed addition will result in a total floor area of 5,740 square feet (including the 687-square-foot garage). The resulting bulk and scale of the Project is compatible with other single-unit dwellings within the neighborhood.

#### Finding:

- B. *The granting of the modification is necessary due to the unique physical characteristic(s) of the property and/or structure, and/or characteristics of the use.*

#### Facts in Support of Finding:

1. The existing interior clear dimensions of the property's two-car garage is approximately 20 feet, 1 inch wide by 18 feet 10-inches-deep; and the one-car garage is 10 feet wide by 17 feet, 3 inches deep. These interior clear dimensions were approved with the original construction of the dwelling. However, due to the updated Zoning Code development standards of 20 feet wide by 20 feet deep interior clear dimensions (two-car garage) and 10 feet wide by 20 feet deep interior clear dimensions (single-car garage), the existing dwelling now has nonconforming parking spaces. Neither garage meets the minimum depth requirement.
2. NBMC Subsection 20.38.030(C) (Determination of Nonconformity – Nonconforming Structure) defines a "legal nonconforming structure" as any structure that was lawfully

erected but does not conform with the current development standards for the zoning district in which it is located by reason of adoption or amendment of the Zoning Code. The existing structure is considered legal nonconforming as it was legally permitted but is now nonconforming due to the substandard interior garage dimensions. At the time of construction in 1997, there were no minimum size requirements for parking spaces.

3. Modifying the garage wall of the two-car garage is not feasible because it will require removing the powder bathroom and reframing the garage, which is not part of the project scope. Modifying the one-car garage is restricted as the garage is oriented perpendicular to the side property line with the existing exterior wall already abutting the setback line. Furthermore, the entry of the one-car garage could not be pushed out because it would obstruct the existing entrance to the dwelling. These changes would significantly impact the objectives, costs and scope of the project without benefit to the applicant.
4. The granting of the modification permit is necessary to allow a reasonable addition to an existing dwelling that was constructed in compliance with garage standards in effect at the time of original construction, and that are adequate in width for the parking of two vehicles.

Finding:

- C. *The granting of the modification is necessary due to practical difficulties associated with the property and that the strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code*

Facts in Support of Finding:

1. Facts in Support of Finding B are hereby incorporated by reference.
2. Relocating the interior walls 14 inches to achieve the 20-foot clear depth would eliminate the existing powder bathroom that is part of the original construction of the single-unit dwelling. Modifying the one-car garage depth is restricted due to the orientation of the existing garage that is perpendicular and abutting the minimum side setback. The one-car garage entrance is also adjacent to the existing entrance to the dwelling, leaving no space to push out.
3. A redesign to reduce the size of the addition to 464 square feet (i.e. 10% addition) or extend the garage walls significantly impact the objectives of the project and would not provide similar benefits to the applicant. These alternatives would be contrary to the purpose of the Project and would be costly to implement.

Finding:

- D. *There are no alternatives to the modification permit that could provide similar benefits to the applicants with less potential detriment to surrounding owners and occupants, the neighborhood, or to the general public.*

Facts in Support of Finding:

1. Fact 2 of Finding C is hereby incorporated by reference.
2. The intent of the Project is to provide additional living areas on the first level towards the middle and rear of the existing structure; and on the second level second floor reorienting and adding bathrooms and adding an office and laundry room. A redesign to reduce the size of the addition to 464 square feet will significantly impact the objectives of the Project and would not provide similar benefits to the homeowner.

Finding:

- E. *The granting of the modification would not be detrimental to public health, safety, or welfare, to the occupants of the property, nearby properties, the neighborhood, or the City, or result in a change in density or intensity that would be inconsistent with the provisions of this Zoning Code.*

Facts in Support of Finding:

1. The Project conforms to all applicable development standards, including floor area limit, setbacks, and height, and will provide adequate protection for light, air, and privacy. The Project is consistent in scale with other dwellings in the neighborhood.
2. The Project maintains more than the minimum three-foot side yard for emergency access in accordance with NBMC Section 20.30.110 (Setbacks Regulations and Exceptions), Subsection A(1)(c).
3. The approval of this Project is conditioned such that the Applicant is required to obtain all necessary permits in accordance with the Building Code and other applicable Codes.
4. The Property includes a driveway adequate in size which measures 20 feet wide by 20 feet deep to accommodate parking for the two guest parking spaces per unit pursuant to the PC 43 regulations, thereby minimizing demand for on-street parking.

***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:

- F. *That the proposed project 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. There is no maximum floor area limitation in PC 43 (Upper Castaways) Planned Community.
  - b. The proposed development provides the minimum required setbacks, which are 10 feet along the front property line, 5 feet along each side property line or 10 feet on one side and 0 on the other, and 10 feet along the rear property line.
  - c. 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 two vehicles, complying with the minimum two-car garage parking requirement for single-family residences within the PC 43 (Upper Castaways) Planned Community. Since Title 21 does not specify interior clear dimensions of the required two-car garage, findings from Section 21.52.090 (Relief from Implementation Plan Development Standards) are not required as part of the coastal development permit.
2. The neighborhood is predominantly developed with two-story, single-family residences. The proposed design, bulk, and scale of the development are consistent with the existing neighborhood pattern of development.
3. 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.
4. 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 viewpoint is along the blufftop access approximately 470 feet south of the subject property. The subject property is not visible from the viewpoint.
5. The proposed addition is for a property located within a developed neighborhood in a gated community, and over 300 feet from the coastal bluff and bay with no potential impact to coastal resources. Given its inland location, the existing property does not include nor propose shoreline protective devices.

6. No natural or cultural resources are located on the site, which has been developed for approximately 29 years.

Finding:

- G. *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 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. Public access along the coastal blufftop is provided by a public path along the bluff adjacent the bay approximately 240 feet south of the subject property. The proposed addition will not impact the blufftop access and public pathway.
2. The project site is within the gated community of PC 43 and over 300 feet from the coastal bluff and 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 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 Modification Permit and Coastal Development Permit filed as PA2025-0051, 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 this Resolution was adopted unless within such time an appeal or a call for review is filed with the Community Development Director by the provisions of Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program 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 12<sup>th</sup> DAY OF JUNE 2025.**



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Liz Westmoreland, 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. 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 Modification Permit and Coastal Development Permit.
4. This Modification Permit and 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, welfare, or materially injurious to property or improvements in the vicinity or if the property is operated or maintained to constitute a public nuisance.
5. The project shall require the approval of a building permit for the proposed construction.
6. Any change to the approved plans shall require review by the Planning Division. An amendment to or the processing of a new modification permit may be required.
7. 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.
8. *Each parking space within the two-car garage shall be permanently available and maintained for parking purposes. The interior clear dimensions (20 feet 1 inch wide by 18 feet 10 inches deep) shall be kept clear of obstructions including cabinets, shelving, or similar that may impact the ability to adequately park two vehicles.*
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. 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.
11. 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.
12. 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.
13. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
14. 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.
15. Construction activities shall comply with Section 10.28.040 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, and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays, or Holidays.
16. Before 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.

17. 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.
18. 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 Newport Beach Municipal Code.
19. 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 **Zak Residence including, but not limited to, Modification Permit and Coastal Development Permit filed as PA2025-0051**. 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 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.

#### **Building Division Requirements**

20. The building permit plans shall comply with the California Residential Code 2022.

## **RESOLUTION NO. ZA2025-033**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A COASTAL DEVELOPMENT PERMIT TO REMOVE AN EXISTING SINGLE-FAMILY MANUFACTURED HOME AND INSTALL A NEW SINGLE-STORY, SINGLE-FAMILY MANUFACTURED HOME LOCATED AT 213 TREMONT DRIVE (PA2025-0075).**

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

#### **SECTION 1. STATEMENT OF FACTS.**

1. An application was filed by Steve Almquist ("Applicant") on behalf of Jay Taylor ("Owner"), with respect to property located at 213 Tremont Drive, legally described as Parcel 1 of Resubdivision No. 0995 (Parcel Map No. 93-111), requesting approval of a coastal development permit.
2. The Applicant proposes the removal of an existing single-story, single-family manufactured home and the installation of a new single-story, single-family manufactured home (Project). The development also includes a driveway, patio, walkways, and entry stairs. The development complies with all applicable Newport Beach Municipal Code (NBMC) standards and no deviations are requested.
3. The Property is designated Multiple Residential (RM) by the General Plan Land Use Element and is located within the Bayside Village Mobile Home Park Planned Community (PC-1).
4. The Property is located within the coastal zone. The Coastal Land Use Plan (CLUP) category is Multiple Unit Residential – (10.0 – 19.9 DU/AC) (RM-C) and it is located within the Bayside Village Mobile Home Park (PC-1) Coastal Zoning District.
5. A public hearing was held on June 12, 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 pursuant to Title 14 of the California Code of Regulations Section 15303, Division 6, 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. Class 3 exempts the demolition of up to three single-family residences, additions of up to 10,000 square feet to existing structures, and new construction of a single family residence. The proposed Project consists of the removal of an existing single-family manufactured home and installation of a new single-family manufactured home.
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 NBMC Section 21.52.015(F) (Coastal Development Permits - Findings and Decision), 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 development standards identified by the PC-1 Development Plan and the proposed design is in substantial conformance with the approved site plan.
  - a. The Project is within the confines of the manufactured home site lines.
  - b. The Project includes a parking area for one vehicle, complying with the minimum parking requirement per site.
2. The Bayside Village Mobile Home Park is predominantly developed with single- and two-story, mobile/manufactured homes. The proposed design, bulk, and scale of the development is consistent with the existing pattern of development and expected future development is consistent with applicable development standards.
3. The Bayside Village Mobile Home Park is comprised of Parcel 1 (south) and Parcel 2 (north) of Parcel Map No. 93-111. The Property is centrally located within the south parcel, surrounded by other homes, and is more than 600 feet from Newport Bay. The Project site is at an approximate elevation of 14 feet based on the North American Vertical Datum of 1988 (NAVD 88).
4. The Project design addresses water quality with a construction erosion control plan and a post-construction drainage system that includes drainage and percolation features designed to retain dry weather and minor rain event run-off on-site. Any water not retained on-site is directed to the City's storm drain system.

5. The building codes for the construction and installation of a manufactured home are contained within the California Health and Safety Code. The State of California Department of Housing and Community Development (HCD) issues all construction permits. The applicant has provided evidence of approval from the State.
6. The mobile/manufactured home park abuts East Coast Highway, which is a public coastal view road as identified by the CLUP. It is separated from the public right-of-way by an existing site wall that is approximately 7 feet tall and provides limited views across. An investigation of the Property and surrounding area did not identify any other public view opportunities. The Property may be located within the viewshed of distant public viewing areas. However, the Project will replace an existing single-family manufactured home with a new single-family manufactured home that complies with all applicable Local Coastal Program development standards and maintains a building envelope consistent with the existing pattern of development. Therefore, the Project does not have the potential to degrade the visual quality of the coastal zone or result in significant adverse impacts on public views.

Finding:

- B. Conforms to 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:

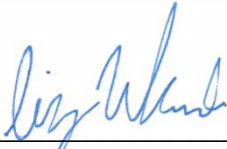
1. The Property is located between the nearest public road and the sea or shoreline, and the existing residential development neither provides nor inhibits public coastal access. Section 21.30A.040 (Determination of Public Access/Recreation Impacts) of the NBMC requires that the provision of public access bear a reasonable relationship between the requirement and the Project's impact and be proportional to the impact. In this case, the Project replaces an existing single-family manufactured home within an existing mobile/manufactured home park with a new single-family manufactured home. Therefore, the Project does not involve a change in land use, density, or intensity that will result in increased demand for public access and recreational opportunities.
2. Bayside Drive bisects the northern and southern parcels of the Bayside Village Mobile Home Park and provides access to the Newport Dunes, which includes several coastal recreational opportunities for the public's use.

**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 pursuant to 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 the Coastal Development Permit (PA2025-0075), 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 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 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 12<sup>th</sup> DAY OF JUNE 2025.**



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Liz Westmoreland, 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. 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 results in impacts to environmentally sensitive habitat areas, streams, the beach, wetlands, or their buffers.
3. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) shall be implemented prior to and throughout the duration of construction activity as designated in the Construction Pollution Prevention Plan (CPPP).
4. Prior to the issuance of a building permit, the Property owner shall sign 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. The letter shall be scanned into the plan set prior to building permit issuance.
5. 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.
6. Debris from demolition shall be removed from work areas each day and removed from the Property 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.
7. 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.



8. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
9. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
10. 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 cause for revocation of this Coastal Development Permit.
11. 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.
12. All landscape materials and irrigation systems shall be maintained in accordance with 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. 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.
14. This Coastal Development Permit No. PA2025-0075 shall expire unless exercised within 24 months from the date of approval as specified in NBMC Section 21.54.060 (Time Limits and Extensions) unless an extension is otherwise granted.
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 **Taylor Residence** including, but not limited to, **Coastal Development Permit (PA2025-0075)**. 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, 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.

## **RESOLUTION NO. ZA2025-034**

### **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 ACCESSORY STRUCTURES ACROSS TWO LOTS, MERGE TWO LOTS, AND CONSTRUCT A NEW TWO-STORY SINGLE-UNIT DWELLING, A DETACHED CARRIAGE HOUSE, INTERNAL ACCESSORY DWELLING UNIT, AND THREE ONE-CAR GARAGES LOCATED AT 2100 AND 2102 EAST BALBOA BOULEVARD (PA2025-0007)**

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

#### **SECTION 1. STATEMENT OF FACTS.**

1. An application was filed by CAA Planning (Applicant) on behalf of Bay House 2100, LLC (Owner), concerning property located at 2100 and 2102 East Balboa Boulevard and legally described as Parcel 3 and 4 of Resubdivision No. 250 (Property), requesting approval of a coastal development permit (CDP) and lot merger.
2. The Applicant requests a CDP to demolish a 9,158-square-foot, single-unit dwelling and accessory structures located across two lots and a lot merger to combine the lots into a single lot. The Applicant proposes to construct a 16,211-square-foot, two-story single-unit dwelling with a 2,730-square-foot basement, and a detached 3,752-square-foot carriage house with a 994 square-foot internal accessory dwelling unit (ADU). The structures include three one-car garages for the single-unit dwelling. The project includes landscape, hardscape, and subsurface drainage facilities all within the confines of private property (Project).
3. The Property is bisected by the coastal permit jurisdiction boundary resulting in a portion of the lot merger and front patio accessory improvements, the bulkhead improvements, and dock improvements within California Coastal Commission's (CCC) permit jurisdiction. This CDP is intended to cover portions of the project within the City's permit authority as designated in the Local Coastal Program (Title 21 of the Newport Beach Municipal Code).
4. The 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.
5. The Property is located within the coastal zone. The Coastal Land Use Plan (CLUP) category is Single Unit Residential Detached – (6.0 – 9.9 DU/AC) (RSD-B) and it is located within the Single-Unit Residential (R-1) Coastal Zone District.
6. A public hearing was held on June 12, 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 exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 under Class 3 (New Construction and Conversion of Small Structure) and 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. Class 3 exempts the demolition and construction of up to three single-unit dwellings in an urbanized area. The Project consists of the demolition of one single-unit dwelling and accessory structures and the construction of a new 20,957-square-foot, two-story single-unit dwelling that includes a basement, detached carriage house, internal ADU, and three one-car garages.
3. 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%. This exemption includes a minor lot merger not resulting in the creation of any new parcel that complies with the conditions specified above. The Project includes a lot merger to combine two lots into a single lot by eliminating the lot line between the two lots.
4. The exceptions to Class 3 under Section 15300.2 are not applicable. The Property 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.

### ***Coastal Development Permit***

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 (LCP).*

#### Facts in Support of Finding:

1. The Project complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and parking.

- a. The Property consists of two lots that will be combined for a total lot area of 31,350 square feet. The maximum floor area limitation after the lots are merged is 50,055 square feet and the proposed total floor area is 18,539 square feet.
  - b. The Project provides the minimum required setbacks, which are 30 feet along the front property line abutting Newport Harbor, 0 feet along the front property line abutting East Balboa Boulevard, and 4 feet along each side property line.
  - c. The highest guardrail is less than 24 feet from the established grade (11.43 feet NAVD88 for the main residence and 10.19 feet NAVD88 for the carriage house) 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 three 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. The internal ADU does not require parking.
2. The neighborhood is predominantly developed with one- and two-story, single-unit dwellings. The proposed design, bulk, and scale of the development are 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 March 18, 2024, for the Project. The current maximum bay water elevation is 7.7 NAVD88 (North American Vertical Datum of 1988) and may exceed the existing 8.7 feet NAVD88 top of bulkhead elevation 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 NAVD88 (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).
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 NAVD88 with a design for adaptability elevation of 14.4 feet NAVD88. The project has been conditioned to raise the bulkhead to an elevation of 10.9 feet NAVD88. PMA Consulting, Inc. has confirmed the bulkhead design can be raised to 14.4 feet NAVD88 if needed and in compliance with the updated guidelines.
5. A CDP (Application No. 5-24-0359) was approved by the California Coastal Commission on March 13, 2025, with conditions requiring reinforcement and raising of the two existing bulkheads through the installation of 12 tiebacks, two 30-inch diameter caissons, two 132 square-foot trench drains, and a 2.2-foot-tall concrete wall atop the

existing bulkheads. The CDP also includes a like-for-like replacement of two 20-square-foot wooden stairways atop the existing bulkheads and 16 cubic yards of cut and no fill.

6. Once the existing seawall/bulkhead is reinforced and raised per Application No. 5-24-0359 to an elevation of 10.9 feet NAVD88 minimum, flooding, wave runup, and erosion will not significantly impact this property over the proposed 75-year economic life of the development. Flood shields (sandbags and other barriers) can be deployed across the openings to protect and prevent flooding to the structure. The report concludes that the proposed project will be safe from flooding hazards for the next 75 years with the reinforced/capped bulkhead.
7. The finished floor elevation is 11.33 feet NAVD88 for the main residence and 11-feet NAVD88 for the carriage house, which complies with the minimum 9.00 feet NAVD88 elevation standard. The Coastal Hazard Report concludes that the bay water elevation (currently 7.7 feet NAVD88) will not exceed the proposed seawall for the anticipated 75-year life of the structure.
8. Pursuant to Section 21.30.030(C)(3)(i)(iv) (Bulkheads for nonresidential and residential waterfront development) of the NBMC, the 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). This requirement is included as a condition of approval that will need to be satisfied before the final building permit inspection, respectively
9. The 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 Section 21.30.015(D)(3)(c) (General Site Planning and Development Standards) of the NBMC. This requirement is included as a condition of approval that will need to be satisfied prior to issuance of building permits.
10. 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.
11. 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 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.

12. Pursuant to Section 21.35.050 (Water Quality and Hydrology Plan) of the NBMC, 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) is required. A preliminary WQHP has been prepared for the project by LC Engineering Group, Inc. dated, April 11, 2025. The WQHP includes a polluted runoff and hydrologic site characterization, a sizing standard for BMPs, the use of a Low Impact Development (LID) approach to retain the design storm runoff volume on-site, and documentation of the expected effectiveness of the proposed BMPs.
13. Proposed landscaping complies with Section 21.30.075 (Landscaping) of the NBMC. 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 invasive species are not planted.
14. The Property is located approximately 1,400 feet northwest of the West Jetty View Park, which is a designated public viewpoint in the CLUP and offers public views of Newport Harbor. Additionally, there are two viewpoints across Newport Harbor at Begonia Park and the intersection of Carnation Avenue and Ocean Boulevard that are over 1,500 feet away from the Property. The Project does not obstruct any views of Newport Harbor from West Jetty View Park and the Property is obstructed from view at West Jetty View Park by the rows of residential development along Channel Road. Additionally, there is a designated viewpoint on Bayside Drive between 2323 Bayside Drive and 115 and 117 Bayside Place that overlooks Newport Harbor. The public viewpoints across Newport Harbor are at a far enough distance where the Property is not within these viewsheds, and the Project does not obstruct any views at these viewpoints. The Project proposes a single-unit dwelling and an ADU that conforms to the maximum allowed height for the Zoning District and will not disrupt the pattern of development in the neighborhood that would affect the view from any designated public viewpoint.
15. The CLUP designates Ocean Boulevard as the closest Coastal View Road that is located over 1,500 feet away from the Property across Newport Harbor. Similar to the two public viewpoints across Newport Harbor, the Project does not obstruct any public viewpoints, and the Property cannot be seen across the horizon of Newport Harbor.
16. The Project proposes to demolish the existing single-unit dwelling across two lots, merge the two lots into a single lot, and construct a single-unit dwelling and internal ADU. The Project is consistent with the General Plan, Local Coastal Program, and Zoning designations that allow the single-unit dwelling and accessory dwelling unit land uses. Under the Coastal Land Use Plan Table 2.1.1-1, the Single Unit Residential Detached (RSD-B) category is intended for single-unit dwelling development. Section 21.18.020 of the Local Coastal Program Implementation Plan shows “Single-Unit Dwellings” and “Accessory Dwelling Units” as allowed uses in the R-1 Coastal Zoning District. Therefore, the project of a single-unit dwelling and ADU to replace an existing single-unit dwelling is consistent with the R-1 zoning and land use designations, does not result in a loss of residential density after the lots are merged, and will not affect the City in meeting its regional housing needs.

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.*

Fact in Support of Finding:

1. The Property is located between the nearest public road and the sea or shoreline. 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 be proportional to the impact. In this case, the Project will merge two lots that are currently being used as a single lot with one single-unit dwelling, garage, and accessory structures, and replace it with a single-unit dwelling and carriage house with an internal ADU. The ADU is less than 1,000 square-feet in size and is an accessory use to the primary 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.
2. Vertical access to the bay and beach is available at streets ends throughout the Balboa Peninsula with the closest being K Street approximately 530 feet West of the Property. Lateral access is available on the beach along the south side of the Balboa Peninsula. Additionally, vertical and lateral access is available along Channel Road at the end the Balboa Peninsula, as this area has a sandy beach area, and a pier located approximately 460 feet East of the Property. The Project does not include any features that would obstruct access along these routes.

***Lot Merger***

In accordance with Section 19.68.030(H) (Lot Mergers – Required Findings) of the NBMC, the following findings, and facts in support of such findings are set forth:

Finding:

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

Fact in Support of Finding:

1. The Project is consistent with the purpose and intent of Section 19.04.020 (Purpose and Applicability) of Title 19 (Subdivisions) of the NBMC. The lot merger will not result in the creation of additional parcels by removing the interior lot line between them and will ensure all development is contained within the Property.

2. Development of the Property will be subject to Title 20 (Planning and Zoning) of the NBMC, which is intended to promote orderly development, protect neighborhood character, and preserve public health, safety, and general welfare of the City.
3. The Project has been reviewed by the Building Division, Fire Department, and Public Works Department and conditions of approval are included to ensure any potential conflicts with the surrounding area are minimized to the greatest extent possible.

Finding:

*D. The lots to be merged are under common fee ownership at the time of the merger.*

Fact in Support of Finding:

1. The two lots to be merged are under common fee ownership, as evidenced by the Preliminary Title Report submitted with the application.

Finding:

*E. The lots as merged will be consistent or will be more closely compatible with the applicable zoning regulations and will be consistent with other regulations relating to the subject property including, but not limited to, the General Plan and any applicable Coastal Plan or Specific Plan.*

Facts in Support of Finding:

1. The Land Use Element of the General Plan designates the two lots as Single Unit Residential Detached (RS-D), which applies to a range of single-family residential dwelling units. Additionally, both parcels are located within the Single-Unit Residential (R-1) zoning district, consistent with the surrounding area. The R-1 Zoning District is intended to provide areas appropriate for a detached single-family residential dwelling unit located on a single legal lot.
2. The CLUP designates both properties as Single Unit Residential Detached (6.0 – 9.9 DU/AC) (RSD-B), which provides for density ranging from 6.0 – 9.9 dwelling units per acre. The Property is 31,350 square feet (0.71 acres) after the two lots are merged. However, the density ranges are not intended to establish minimum densities on individual sites, but rather to evaluate neighborhoods on a regional scale. Title 21 (Local Coastal Program Implementation Plan) of the NBMC does not include development standards that require residential structures to adhere to any minimum density limits (Table 21.18-2). The Properties are currently being used as one lot with a single-unit dwelling at 2102 East Balboa Boulevard while 2100 East Balboa Boulevard is developed with a garage and accessories structures supporting the single-unit dwelling. The Project will construct a single-unit dwelling and carriage house with an internal ADU across the two lots and the merger is consistent with the land use designations of the CLUP. A CDP, CDP waiver, or



other documentation will be required to be provided by the California Coastal Commission as a portion of the lots to be merged are located within their permit jurisdiction.

3. Section 20.18.030 (Residential Zoning Districts General Development Standards) of the NBMC establishes minimum lot area and width requirements. The proposed merger would result in a 31,350-square-foot parcel that is in conformance to the minimum 6,000-square foot corner lot area standard of the NBMC. Also, the proposed merger would create one approximately 107-foot-wide parcel, exceeding the minimum 60-foot interior lot width standard pursuant to Chapter 20.70 (Definitions) of the NBMC.
4. The Properties are not located within a specific plan area.

Finding:

- F. Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger.*

Fact in Support of Finding:

1. Legal access to the merged parcels would be provided along East Balboa Boulevard along the front of the Property and Seville Avenue and East Bay Avenue along the side of the Property and will remain unchanged if the parcels are merged.
2. The lot merger will not deprive the adjacent parcels with legal access. Adjacent parcels will maintain the same legal access either from East Balboa Boulevard, Seville Avenue, or East Bay Avenue.

Finding:

- G. The merged lots will be consistent with the pattern of development nearby and will not result in a lot width, depth or orientation, or development site that is incompatible with nearby lots. In making these findings, the review authority may consider the following:*
- i. Whether the development of the merged lots could significantly deviate from the pattern of development of adjacent and/or adjoining lots in a manner that would result in an unreasonable detriment to the use and enjoyment of other properties.*
  - ii. Whether the merged lots would be consistent with the character or general orientation of adjacent and/or adjoining lots.*
  - iii. Whether the merged lots would be conforming or in greater conformity with the minimum lot width and area standards for the zoning district.*

Facts in Support of Finding:

1. Any future development on the merged lots will be required to meet all applicable development standards and, therefore, will not significantly deviate from the pattern of

development of adjacent and/or adjoining lots in a manner that would result in an unreasonable detriment to the use and enjoyment of other properties.

2. The Project will create a parcel that is consistent with the character or general orientation of adjacent and/or adjoining lots. Although the current configuration of the property includes two lots, the property is used like a single parcel with one single-unit residence since at least 2019. As a result, the proposed merger will not result in a visible change in the character of the neighborhood and will continue to allow the property to be used as a single-unit property.
3. The Project will create a parcel that conforms to the minimum lot width and area standards for the zoning district and will be developed subject to the development standards for the zoning district.
4. The Property will have a lot size of approximately 31,350 square-feet and a width of approximately 83-feet after the lot merger. The property at 2106 East Balboa Boulevard, which is two properties over from the subject Property, is approximately 22,288 square-feet with a width of approximately 83-feet and was originally comprised of underlying lots before it was merged into a larger parcel and developed with a single-unit dwelling. Likewise, the property at 2124 East Balboa Boulevard is approximately 13,959 square-feet with a width of approximately 80-feet and is comprised of two underlying lots that is developed with a single-unit dwelling. Although the Property has a deeper length that contributes to a greater lot size, the width of the lot is comparable to other lots in the vicinity when traveling along East Balboa Boulevard. The Project would not significantly deviate from the pattern of development in the area as viewed from the public right-of-way.

In accordance with Section 19.08.30.(A)(3) (Waiver of Parcel Map Requirement – Activities Eligible for Waiver) of the NBMC, the Zoning Administrator may approve a waiver of the parcel map requirement in cases where no more than three parcels are eliminated. The following finding and facts in support of such findings are set forth:

Finding:

- H. The proposed division of land complies with requirements as to area, improvement and design, flood water drainage control, appropriate improved public roads and property access, sanitary disposal facilities, water supply availability, environmental protection, and other applicable requirements of this title, the Zoning Code, the General Plan, and any applicable Coastal Plan or Specific Plan.*

Facts in Support of Finding:

1. Approval of the Project would remove the existing interior lot line, and allow the Property to be used as a single site. The proposed lot would comply with all design standards and improvements required for new subdivisions of Title 19 (Subdivisions) of the NBMC, the General Plan, and the Coastal Land Use Plan.
2. The Properties are 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 and Conversion of Small Structure) and 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 Coastal Development Permit and Lot Merger filed as PA2025-0007, 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 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 12<sup>th</sup> DAY OF JUNE 2025.**



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Liz Westmoreland, 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 the final building permit inspection, the existing seawall shall be reinforced and capped to 10.90 feet NAVD88 and capable of being raised up to 14.4 feet NAVD88, in compliance with the City of Newport Beach Waterfront Project Guidelines and Standards, Harbor Design Criteria Commercial & Residential Facilities and pursuant to Coastal Development Permit No. 5-24-0359 approved by the California Coastal Commission (CCC) dated March 13, 2025.*
3. *Prior to issuance of building permits, a Fair Share Fee for the accessory dwelling unit (ADU) shall be paid in accordance with the fee effective at the time of payment.*
4. *Prior to the issuance of building permits, the property owner shall record a deed restriction with the County Recorder's Office, the form and content of which is satisfactory to the City Attorney, prohibiting the use of the accessory dwelling unit for short-term rentals (i.e., up to 30 days) and prohibiting the sale of the ADU separate from the principal dwelling. This deed restriction shall remain in effect so long as the accessory dwelling unit exists on the property.*
5. Prior to 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 including the repair and maintenance, enhancement, reinforcement, or any other activity affecting the bulkhead, that results in any encroachment seaward of the authorized footprint of the bulkhead or other shoreline protective device. The agreement shall be binding against the property owners and successors and assigns. Alternatively, and if required by the CCC, the agreement may be recorded between the property owner and the CCC that equally satisfies the above provisions. A copy of this recorded agreement shall be provided to the Planning Division.
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 the City's approval of the development.

7. This approval does not authorize any new or existing improvements (including landscaping) within 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 the public trust shall require a coastal development permit (CDP) approved by the California Coastal Commission (CCC). Prior to the issuance of building permits, the Applicant shall provide a copy of said CDP, CDP waiver, or documentation from the CCC that subject improvements are not subject to the permit requirements of the Coastal Act and/or not located within the permit jurisdiction of the CCC.
8. 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.
9. This CDP does not authorize any development seaward of the private property.
10. This Coastal Development Permit 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 NBMC, unless an extension is otherwise granted.
11. 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.
12. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
13. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.

14. 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.
15. 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 the Property or improvements in the vicinity or if the Property is operated or maintained to constitute a public nuisance.
16. *Prior to the 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.*
17. *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.*
18. 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.
19. 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. Noise-generating construction activities are not allowed on Saturdays, Sundays, or Holidays.
20. *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.*
21. 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.
22. 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 the City's approval of **Bay House 2100, LLC Residence including but**

**not limited to, Coastal Development Permit and Lot Merger (PA2025-0007).** 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.

### **Building Division**

23. *Prior to the issuance of a building permit, the Applicant shall submit a final construction erosion control plan. The plan shall be subject to review and approval by the Building Division.*
24. *Prior to the issuance of a building permit, the Applicant shall submit a final drainage and grading plan. The plan shall be subject to review and approval by the Building Division.*
25. *Prior to the issuance of a building permit, 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.*
26. 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.
27. 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.
28. 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.
29. 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.
30. The foundation shall be designed for liquefaction mitigation pursuant to California Building Code (CBC) Sections 1803.5.11 and 1803.5.12.
31. One (1)-hour fire-rated wall and sound block level of STC 50 sound separation shall be provided between dwelling units.

**Fire Department**

32. New construction of the single-unit dwelling and ADU shall be equipped throughout with a fire sprinkler system in compliance with the 2022 National Fire Protection Association (NFPA) 13D.
33. One side yard of the Property shall have a clear opening of 36 inches minimum from the front of the Property to the rear of the Property for emergency access.

**Public Works Department**

34. All improvements shall be constructed in conformance with the NBMC and the Public Works Department.
35. An encroachment permit is required for all work activities within the public right-of-way.
36. *The existing broken and/or otherwise damaged concrete curb, gutter and sidewalk panels along the East Balboa Boulevard frontage shall be reconstructed.*
37. *Install new sewer cleanout on existing sewer laterals per City Standard 406. If the existing sewer laterals are sub-standard, new sewer laterals will be required.*
38. *The existing gas meter to private property shall be relocated.*
39. The proposed water service and meter shall be installed per City Standard.
40. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
41. *The existing City trees along the East Balboa Boulevard frontage shall be protected in place.*
42. *The existing driveway approach on East Balboa Boulevard shall be removed per City Standard 105.*
43. *The parkway paving along East Balboa Boulevard shall be removed and turf or other drought tolerant landscaping shall be installed in its place.*
44. *Southern California Edison transformers and pool equipment shall be located within private property and shall not be located within easements.*
45. *Prior to final building permit inspection, the Project shall relocate the existing 4-inch water main located near the existing property line wall to a location within Seville Avenue. The design of the new waterline shall be reviewed as part of the building plan check. Final design shall be approved by the Public Works Department and Utilities Department prior to building plan check approval.*



46. *Prior to the issuance of a building permit, the proposed sewer easement vacation shall be processed, approved by City Council, and recorded. If City Council denies the proposed easement vacation, the proposed project will require a redesign since the existing sewer easement impacts the proposed building.*
47. *Prior to the issuance of a building permit, the lot merger shall be recorded since the proposed building extends over the existing lot lines. The Applicant shall obtain any necessary approvals related to the lot merger from the California Coastal Commission prior to recordation.*
48. 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. ZA2025-035**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, APPROVING A MINOR USE PERMIT TO INCREASE THE HOURS OF OPERATION, LIVE ENTERTAINMENT, AND DANCING FOR AN EXISTING EATING AND DRINKING ESTABLISHMENT LOCATED AT 100 WEST COAST HIGHWAY, SUITE 104 (PA2024-0132)**

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

#### **SECTION 1. STATEMENT OF FACTS.**

1. An application was filed by Abolhassan Hassanzadeh (Applicant) concerning property located at 100 West Coast Highway, Suite 104 and legally described as Parcel 1 of Parcel Map No. 2010-133 (Property), requesting approval of a minor use permit (MUP).
2. The Applicant requests a minor use permit to increase the hours of operation by one hour for an existing eating and drinking establishment, Bayshore Café (Restaurant), which currently holds a Type 47 (On-Sale General – Eating Place) Alcohol Beverage Control (ABC) License. The current hours of operation are 6:00 a.m. to 10:00 p.m., daily, and the proposed hours of operation are 6:00 a.m. to 11:00 p.m. daily. Live entertainment and dancing for private events are also requested. The Applicant is required to obtain an operator's license from the Newport Beach Police Department (NBPD) to allow alcoholic beverages for on-site consumption in combination with live entertainment and dancing. No late hours (after 11:00 p.m.) are requested. If approved, this amendment will supersede Minor Use Permit No. UP2021-036 and all relevant conditions of approval will be consolidated and incorporated (Project).
3. The Property's land use is an existing eating and drinking establishment (Bayshore Café) which currently holds a Type 47 (On Sale General – Eating Place) Alcoholic Beverage Control (ABC) License. The Restaurant and Type 47 ABC License were approved through Use Permit Nos. UP2015-007 and UP2021-036. All conditions of approval related to the use were consolidated and incorporated into UP2021-036.
4. The Property is designated General Commercial (CG) by the General Plan Land Use Element and is located within the Commercial General (CG) Zoning District.
5. The Property is not located within the coastal zone. Therefore, a coastal development permit is not required.
6. A public hearing was held on June 12, 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 is exempt from the California Environmental Quality Act (CEQA) under Section 15301 under Class 1 (Existing Facilities) 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 1 exemption includes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The Project includes live entertainment, dancing, and extending the hours of operation to an existing Restaurant within an existing multi-tenant commercial building.

## SECTION 3. REQUIRED FINDINGS.

### *Alcohol Sales*

In accordance with Section 20.48.030 (Alcohol Sales) of the Newport Beach Municipal Code (NBMC), the following findings and facts in support of such findings are set forth:

#### Finding:

- A. *The use is consistent with the purpose and intent of Section 20.48.030 (Alcohol Sales) of the Zoning Code.*

#### Facts in Support of Finding:

In finding that the proposed use is consistent with Section 20.48.030 of the NBMC, the following criteria must be considered:

- i. *The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City:*
  1. The Property is in an area the NBPD has designated as Reporting District (RD) 26 which encompasses the Mariner's Mile area from Dover Drive to Tustin Avenue. The NBPD is required to report offenses of Part One Crimes (criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny, theft, and motor vehicle theft), combined with all arrests for other crimes, both felonies and misdemeanors (except traffic citations) to the Department of Alcoholic Beverage Control (ABC). RD 26 is reported as a high crime area as compared to adjacent reporting districts in the City, including RD 25, RD 28, and RD 41. RD 26 has a crime count of 157, which is 40% over the City-wide crime count average of 112. The highest volume of crime in this area is theft and the highest volume of arrests in the area are drug-related offenses.

2. Since RD 26 has a crime count that is 40% over the City-wide crime count average as determined from all crime reporting districts within the City, the area is found to have undue concentration. In comparison, the neighboring RD 25 is 54% above the City-wide average, RD 28 is 104% above the City-wide average, and RD 41 is 7% below the City-wide average. Of the 38 RDs in Newport Beach, 10 are reported to ABC as high crime areas.
3. The NBPD has reviewed the project and has no objection to the request. The Property is in a high crime area and there are no late hours requested. The Project will be subject to appropriate conditions of approval and all NBPD recommended conditions of approval have been included in Exhibit "A" of this Resolution. While the Project includes the request for an Operator's License, the Operator's License application is subject to further review and approval by the NBPD and may be subject to additional conditions such as a security plan to regulate and control potential late-hour nuisances as noted under Condition of Approval No. 32.

ii. *The number of alcohol-related calls for service, crimes, or arrests in the reporting district and in adjacent reporting districts.*

<b>Reporting District</b>	<b>Alcohol Related Arrests<sup>1</sup></b>	<b>Total Arrests</b>
RD 26 (Project)	17	107
RD 25	33	129
RD 28	3	139
RD 41	12	75
Newport Beach	421	2,976

<sup>1</sup> Alcohol Related Arrests includes DUI (alcohol), public intoxication, and liquor law related arrests.

1. In RD 26, DUI, public intoxication, and liquor law violations make up 21% of arrests. In comparison, the figure for neighboring RD 25 is 34%, RD 28 is 6%, and RD 41 is 24%. These statistics reflect the City of Newport Beach's data for 2022, which is the latest available data.
2. The NBPD has reviewed the application and has provided operational conditions of approval to help minimize any potential detrimental impacts. The NBPD has no concerns with the Applicant's request. Additionally, the Applicant will take appropriate action to discourage and correct objectionable conditions that constitute a nuisance.

iii. *The proximity of the establishment to residential zoning districts, day care centers, hospitals, park and recreation facilities, place of worship, schools, other similar uses, and any uses that attract minors.*

1. The nearest residential zoning district to the Property is the single family-residential neighborhood located on Kings Road, which is above a hill abutting the Property. Although there are residential properties within proximity to the

Property, the Restaurant is oriented towards West Coast Highway which is within Commercial General Zoning District. This Zoning District is typically developed with commercial uses oriented primarily to serve citywide or regional needs. The operational characteristic of the Restaurant is similar to the existing restaurants within a multi-tenant commercial building.

2. The nearest place of worship is Newport Harbor Lutheran Church and School located approximately 1,750 feet to the north of the property at 798 Dover Drive in Newport Beach. The Church is typically open Monday through Friday 9:00 a.m. to 4:00 p.m., and on Sunday from 9:15 a.m. to 11:30 a.m.
3. Although the Property is within the proximity of a residential neighborhood and school which may attract minors, the Applicant's existing license is similar to another existing restaurant (Sushi II) located at the Property, which also holds an active ABC Type 47 License.

*iv. The proximity to other establishments selling alcoholic beverages for either off-site or on-site consumption.*

1. The closest restaurant selling alcoholic beverages is Sushi II which is located on the second floor of the Property. There is no evidence suggesting these uses have been detrimental to surrounding properties or the neighborhood.

*v. Whether or not the proposed amendment will resolve any current objectionable conditions.*

1. The restaurant has operated at the Property since 2015 with an existing ABC License and no operating issues or complaints related to alcohol have been reported.
2. The Project has been reviewed and conditioned to ensure that the purpose and intent of Section 20.48.030 (Alcohol Sales) of the NBMC is maintained and that a healthy environment for residents and businesses is preserved. The service of alcohol is intended for the convenience of customers dining at the establishment. Operational conditions of approval recommended by the Police Department relative to the sale of alcoholic beverages will ensure compatibility with the surrounding uses and minimize alcohol related impacts. The Operator License will provide tools to control noise, loitering, litter, disorderly conduct, parking/circulation and other potential disturbances that could result from the use, and will provide the NBPD with means to modify, suspend, or revoke the operator's ability to maintain its license.
3. The proposed hours of operation for the Restaurant will minimize the potential effects on land use. The Restaurant is proposed to be closed by 11:00 p.m., daily, which will help to ensure the use does not become a late-night bar, tavern, or nightclub.

*Minor Use Permit*

By 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 such findings are set forth:

Finding:

B. *The use is consistent with the General Plan and any applicable specific plan;*

Facts in Support of Finding:

1. The General Plan designates the site as General Commercial (CG), which is intended to provide a variety of commercial activities oriented primarily to serve citywide or regional needs.
2. The Restaurant is located within a multi-tenant commercial building on the northwesterly corner of West Coast Highway and Dover Drive. The Property is consistent with CG land use designation as it provides commercial uses such as personal services, retail, and eating and drinking establishments for both visitors and residents. The Project is to increase the Restaurant's operating hours by one hour while also requesting live entertainment and dancing for private events. Live entertainment and dancing are ancillary to the Restaurant's operation. Therefore, the Project is consistent with the General Plan.
3. The Property is not a part of a specific plan area.

Finding:

C. *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 in the Commercial General (CG) Zoning District and is intended to provide for areas appropriate for a wide variety of commercial activities oriented primarily to serve Citywide or regional needs. Eating and drinking establishments are permitted uses subject to the approval of a minor use permit.
2. The existing Restaurant operates under Minor Use Permit No. UP2021-036, which allows for interior and exterior seating, hours of operation from 6:00 a.m. to 10:00 p.m. daily, and the use of a Type 47 (On-Sale General - Eating Place) ABC License. An increase to the current operating hours to close at 11:00 p.m., daily, requires the approval of a Minor Use Permit to supersede UP2021-036. Additionally, an Operator's License is required to allow the Restaurant to operate as a food service establishment with a Type 47 ABC license with live entertainment and dancing during private events.

3. The use will continue as an eating and drinking establishment and the extension of operating hours until 11:00 p.m., daily, which are not considered late hours, will not alter or intensify the existing use. While the Project requests live entertainment and dancing for private events, these two requests are ancillary to the primary use. Live entertainment is requested during the Restaurant's operating hours to provide dining guests with ambient background music and during private events in order to accommodate dancing. Given that the use will remain a restaurant, and no late hours are requested, the intent of the operation does not constitute as a nightclub.
4. The proposed floor plan layout, which includes a 16-square-foot dance floor, has been reviewed and conceptually approved by applicable City departments.
5. The existing parking structure serving the multi-tenant commercial building currently provides 143 parking spaces on site and is accessible from West Coast Highway. The Applicant indicated that unpermitted interior alterations have taken place within the Restaurant and understands that the net public area must not exceed 484 square feet to remain in compliance with the existing parking requirements for the Project and multi-tenant commercial development as a whole. Condition of Approval No. 5 is included to ensure compliance with the allowable net public area. Since live entertainment and dancing are ancillary to the primary use, and the net public area will remain in compliance, the Project will not intensify parking.

Finding:

- D. *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. The request to extend hours of operation by one hour from 6:00 a.m. to 10:00 p.m., daily, to be 6:00 a.m. to 11:00 p.m. daily, with live entertainment and dancing, in accordance with the included conditions of approval, will not significantly alter the operating characteristics of the Restaurant. The Applicant is proposing live entertainment in the form of a DJ, live musician, and a small band. Conditions of approval related to noise, nuisances, and ABC license conditions, would continue to be enforced in order to support the operational characteristics of the Restaurant. Additionally, the Operator's License application is subject to a separate review and approval by the NBPd, which may include additional conditions.
2. The Project will remain complementary to the other uses in the Mariner's Pointe shopping center, which will include retail stores, other food services, and a variety of commercial uses.
3. The Project will continue to provide a convenience for residents of the neighborhood and visitors to the area with adequate parking within the parking structure on-site. Other than the proposed operational changes, there is no physical expansion proposed to the

Restaurant. Additionally, live entertainment will take place indoors and dancing is only to take place during private events.

Finding:

- E. *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 Project is in a multi-tenant commercial building which has proven to be physically suitable in terms of design, location, shape, and size to support the use.
2. Adequate public and emergency vehicle access, public services, and utilities are provided for on-site.
3. The Project is located along an existing walkway which is adjacent to West Coast Highway and is considered to be Caltrans-right-of-way. The Restaurant is conditioned to be maintained entirely on private property with no encroachments into the Caltrans-right-of-way.

Finding:

- F. *Operation of the use at the location proposed 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 proposed use;*

Facts in Support of Finding:

1. The Project has been reviewed by various City departments and includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible.
2. The Restaurant has previously received multiple violations for operating a smoking lounge as well as operating past the approved operating hours which is in violation of UP2021-036. However, the Applicant has corrected previous violations, ceasing all services related to a smoking lounge, and has remained in good standing with the Code Enforcement Division. Code Enforcement and the Police Department have not encountered issues with the Restaurant's operation within the last nine months.
3. Based on the Property's history, the Applicant has agreed to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance such as smoking lounge services, which is not a permissible land use in the City. The Applicant has also been discouraging nuisances from customers in parking areas, sidewalks and areas on the Property and adjacent properties during business hours.



4. The Property will continue to service the neighborhood by providing dining services as a public convenience to the surrounding residential neighborhood as well as visitors which is the intent of the commercial area. The existing Restaurant with live entertainment and dancing during private events provides an economic opportunity for the Applicant to maintain a successful business in a way which best serves the community.
5. A building permit is required prior to any occupancy load increase. Any tenant improvements to the Property will comply with all Building, Public Works, and Fire Codes.
6. Per Condition of Approval No. 25, the Applicant acknowledges that if a new violation including but not limited to smoking, operating hours, or violation of live entertainment approval, is issued by Code Enforcement, the City may pursue revocation of this Minor Use Permit.

#### 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 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 Minor Use Permit No. PA2024-0132, 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 this Resolution was adopted unless within such time an appeal or a call for review is filed with the Community Development Director by the provisions of Title 20 Planning and Zoning, of the NBMC.
4. This resolution supersedes Zoning Administrator Resolution No. ZA2022-046 (UP2021-036) which upon vesting of the rights authorized by this Minor Use Permit, shall become null and void.

**PASSED, APPROVED, AND ADOPTED THIS 12<sup>th</sup> DAY OF JUNE 2025.**



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Liz Westmoreland, 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 floor plan, 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. *This Resolution approves Minor Use Permit No. PA2024-0132, amending and superseding the existing Use Permit No. UP2021-036. All appropriate conditions of approval for the restaurant are included and shall be abided by.*
4. 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 the revocation of this Minor Use Permit.
5. *The maximum interior net public area shall be 484 square feet. A building permit is required to address any unpermitted work and/or alterations. Prior to building permit issuance, the Planning Division will conduct onsite inspection to verify the design is consistent with project plans.*
6. *The hours of operation for the establishment shall be limited to 6:00 a.m. through 11:00 p.m., daily. Live entertainment shall be limited to 7:00 a.m. through 11:00 p.m.*
7. *Live entertainment shall only be conducted only within the interior of the restaurant.*
8. *Live entertainment and dancing shall not occur prior to the Applicant obtaining an Operator’s License by the NBPD and Live Entertainment permit from the City.*
9. *The outdoor dining shall not exceed 121 square feet (25% of the net public area) and shall remain entirely on private property with no encroachment into the public right-of-way or the Caltrans right-of-way.*
10. *The establishment shall not provide any services that constitute a “smoking lounge” as defined by Chapter 20.70 (Definitions) of the NBMC. This shall include but not be limited to the menu of the Restaurant, including tobacco or tobacco-like substances for smoking by patrons on the premises.*
11. *Minor Use Permit No. PA2024-0132 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.91.050 of the NBMC unless an extension is otherwise granted.*

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12. 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.
  13. *Parking shall be provided at a rate of one space for each 40 square feet of net public area and shall comply with the approved parking management plan in effect for the Property. Any change to this would require an amendment to this Use Permit.*
  14. Any change in operational characteristics, expansion in the area, or other modification to the approved plans, shall require an amendment to this Minor Use Permit or the processing of a new Use Permit.
  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 Newport Beach Municipal Code. The operator of the facility shall be responsible for the control of noise generated by the subject facility including, but not limited to, noise generated by patrons, food service operations, and mechanical equipment.*
  16. No outside paging system shall be utilized in conjunction with this establishment.
  17. 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 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.
  18. Trash receptacles for patrons shall be conveniently located both inside and outside of the establishment, however, not located on or within any public property or right-of-way.
  19. Temporary refrigerated trash storage shall be provided to control odors associated with food waste, unless otherwise approved by the Community Development Director.
  20. The exterior of the business 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.
  21. 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. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m., daily, unless otherwise approved by the Director of Community Development, and may require an amendment to this use permit.

23. Storage outside of the building in the front or at the rear of the property shall be prohibited, except for the required trash container enclosure.
24. Kitchen exhaust fans shall be installed and maintained in accordance with the Uniform Mechanical Code.
25. A Special Events Permit is required for any event or promotional activity outside the normal operating characteristics of the approved use, as conditioned, or 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.
26. *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 property or improvements in the vicinity or if the property is operated or maintained to constitute a public nuisance, including but not limited to, being used as a smoking lounge, operating past permitted hours, or violation of live entertainment approval.*
27. 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 **Bayshore Café**, including, but not limited to, **Minor Use Permit (PA2024-0132)**. 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**

28. *The occupant load shall be limited to 49. If the occupant load exceeds 49, two exits and plumbing fixture analysis shall be required.*
29. *An accessible path of travel shall be required from parking and public right of way to the Restaurant.*

**Police Department**

30. The ABC License shall be limited to a Type 47 (On-Sale General – Eating Place). Any substantial change in the ABC license type shall require subsequent review and potential amendment of the Use Permit.
31. *The operator must obtain a Live Entertainment Permit issued by the City.*
32. *An Operator License is required to be obtained, pursuant to Chapter 5.25 (Operator License for Establishments Offering Alcoholic Beverages for On-Site Consumption in Combination with Late Hours, Entertainment, and/or Dance) of the NBMC. The Project may be subject to additional and/or more restrictive conditions such as a security plan to regulate and control potential late-hour nuisances associated with the operation of the establishment.*
33. *All owners, managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages within 60 days of hire. The certified program must meet the standards of the certifying/licensing body designated by the State of California. The establishment shall comply with the requirements of this section within 60 days of approval. Records of each owner's, manager's, and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Newport Beach.*
34. The Applicant shall comply with all federal, state, and local laws, and all conditions of the ABC License. Material violation of any of those laws or conditions in connection with the use is a violation and may be cause for revocation of the use permit.
35. The Applicant shall maintain a security recording system with a 30-day retention and make those recording available to police upon request.
36. Approval does not permit the premises to operate as a bar, tavern, cocktail lounge, or nightclub as defined by the NBMC.
37. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
38. No games or contests requiring or involving the consumption of alcoholic beverages shall be allowed.
39. Petitioner shall not share any profits or pay any percentage or commission to a promoter, or any other person based upon monies collected as a door charge, cover charge, or any form of admission charge, including minimum drink orders or the sale of drinks.
40. Food service shall be made available to patrons until closing.

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41. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The license shall at all times maintain records, which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. These records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department on demand.
  42. There shall be no exterior advertising or signs of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
  43. Strict adherence to maximum occupancy limit is required.
  44. "VIP" passes or other passes to enter the establishment, as well as door charges, cover charges, or any other form of admission charge, including minimum drink order of the sale of drinks is prohibited (excluding charges for prix fixe meals).
  45. The outdoor dining patio shall be separated from the public right-of-way with a solid decorative barrier (subject to ADA compliance) around the perimeter of the consumption area to meet the minimum requirements of ABC and shall not be located beyond private property.
  46. The Applicant shall post and maintain professional quality signs measuring 12 inches by 12 inches with lettering no smaller than two (2) inches in height that read, "No alcoholic Beverages Beyond This Point" at all premises exits.
  47. There shall be no reduced-price alcoholic beverage promotions after 9:00 p.m.
  48. Off sales of alcohol shall not be permitted.

## **RESOLUTION NO. ZA2025-036**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING A TENTATIVE PARCEL MAP FOR TWO-UNIT RESIDENTIAL CONDOMINIUM PURPOSES LOCATED AT 611 AND 611 ½ MARGUERITE AVENUE (PA2025-0058)**

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

#### **SECTION 1. STATEMENT OF FACTS.**

1. An application was filed by Matthew Watson ("Applicant"), on behalf of Michael Linos ("Owner"), with respect to the property located at 611 Marguerite Avenue and 611 ½ Marguerite Avenue, legally described as Lot 13 in Block 638 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 the 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 Property is not located within the coastal zone; therefore, a coastal development permit is not required.
5. On June 12, 2025, the Zoning Administrator reviewed a tentative parcel map filed as PA2025-0058. 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. No written comments were received.

#### **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 two condominiums 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 Marguerite 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 Marguerite 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 Marguerite 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 no public easements are located on the Property.

Finding:

- F. 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 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. 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, this 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:

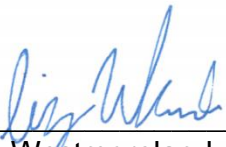
1. The Property is not located within the coastal zone.

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 PA2025-0058 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 12<sup>th</sup> DAY OF JUNE 2025.**



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Liz Westmoreland, 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 considered 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 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 **Linos Condominiums** including, but not limited to, **Tentative Parcel Map (PA2025-0058)**. 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 the 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 AutoCAD 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 Marguerite Avenue frontage. Reconstruction shall be required for any damaged concrete panels along the alley frontage.
12. All existing overhead utilities shall be undergrounded.
13. Each unit shall be served by its individual water service/meter and sewer lateral/cleanout.
14. All improvements shall comply with the City's sight distance requirement pursuant to City Standard 110-L.
15. The existing City trees along the Marguerite Avenue frontage shall be protected in place.
16. Any existing parkway paving, planters, and wall within the Marguerite Avenue frontage shall be removed. Installation of turf or other drought tolerant landscaping shall be required within the Marguerite Avenue parkway.
17. In case of damage done to public improvements 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.

### **Building Division**

18. Prior to recordation of the Parcel Map, independent utility services shall be provided for each unit, including water, electrical, and gas.

**Fire Department**

19. Prior to recordation of the Parcel Map, the Project shall require a fire sprinkler system in accordance with 2022 CFC 903 and 2022 NFPA13D.

**EXHIBIT "B"**

Tentative Parcel Map  
County Tentative Parcel Map No. 2024-146

