



CITY OF NEWPORT BEACH COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION ACTION REPORT

TO: CITY COUNCIL, CITY MANAGER, AND PLANNING COMMISSION

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

SUBJECT: Report of actions taken by the Zoning Administrator and/or Community Development Director for the week ending August 15, 2025.

ZONING ADMINISTRATOR PUBLIC HEARING ACTIONS AUGUST 14, 2025

- Item 1: Doan Residential Condominiums Tentative Parcel Map and Coastal Development Permit (PA2025-0100)
Site Address: 605 and 605 ½ Carnation Avenue
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| Action: Approved by Resolution No. ZA2025-050 | Council District | 6 |
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- Item 2: Garcia Residence Coastal Development Permit (PA2023-0218)
Site Address: 6601 Seashore Drive
- | | | |
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| Action: Approved by Resolution No. ZA2025-051 | Council District | 1 |
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- Item 3: Dildine Residence Coastal Development Permit (PA2025-0023)
Site Address: 320 and 320 ½ East Balboa Boulevard
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| Action: Approved by Resolution No. ZA2025-052 | Council District | 1 |
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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. ZA2025-050

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A TENTATIVE PARCEL MAP AND COASTAL DEVELOPMENT PERMIT FOR A TWO-UNIT RESIDENTIAL CONDOMINIUM LOCATED AT 605 AND 605 ½ CARNATION AVENUE (PA2025-0100)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by William Rolph of CivilScapes Engineering (Applicant), concerning property located at 605 and 605 ½ Carnation Avenue, which is legally described as Lot 5, Block 630 of the Corona Del Mar Tract (Property).
2. The Applicant requests a tentative parcel map and coastal development permit for two-unit condominium purposes. The property owner has demolished the existing residential duplex and a new two-unit residential condominium building is under construction. No waivers of the Newport Beach Municipal Code (NBMC) Title 19 (Subdivisions) are proposed. The tentative parcel map would allow each unit to be sold individually. A coastal development permit is required because the Property is located within the coastal zone (Project).
3. The Property is designated 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 located within the coastal zone. The Coastal Land Use Plan category is Two Unit Residential (20.0-29.9 DU/AC) (RT-D) and it is located within the Two-Unit Residential (R-2) Coastal Zoning District.
5. A public hearing was held on August 14, 2025, online via Zoom. A notice of the time, place, and purpose of the hearing was given by the NBMC. Evidence, both written and oral, was presented to and considered by the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is categorically exempt from the California Environmental Quality Act (CEQA) 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 that will conform to all development standards and is therefore consistent with and eligible for the Class 15 Exemption.

SECTION 3. REQUIRED FINDINGS.

Tentative Parcel Map

In accordance with Section 19.12.070 (Required Findings for Action on Tentative Maps) of the NBMC, the following findings, and facts in support of such findings, are set forth:

Finding:

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

Facts in Support of Finding:

1. The tentative parcel map is for two-unit condominium purposes. The property owner has demolished the existing residential duplex and a new duplex is under construction. The tentative parcel map will allow for the separate sale of each unit in the future. The proposed subdivision and improvements are consistent with density of the R-2 Zoning District and the Two Unit Residential (RT) General Plan Land Use designation.
2. The Property is not located within a specific plan area.

Finding:

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

Facts in Support of Finding:

1. The Property is physically suitable for attached residential dwellings, as it is regular in shape and size with access to both Carnation Avenue and the alley in the rear. The Property was recently developed with a residential duplex that has now been and will be replaced with an attached, two-unit residential condominium which is currently under construction.
2. The Property is accessible by pedestrians from Carnation Avenue at the front property line and from the alley abutting the rear property line. Vehicular access is available only from the alley.
3. The Property is adequately served by existing utilities, including electrical, water, and sewer. Conditions of Approval Nos. 16, 18, and 20 require separate utility connections for each condominium unit, including fire sprinkler lines.

4. There is no proposed change in density. The Property has been developed with two residential units and is being redeveloped with two residential units, resulting in no net change of residential dwelling units.

Finding:

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

Facts in Support of Finding:

1. The Property is located within a developed residential neighborhood that does not contain any sensitive vegetation or habitat on-site.
2. This Project is exempt from CEQA pursuant to Section 15315 under Class 15 (Minor Land Divisions) of the CEQA Guidelines.

Finding:

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

Facts in Support of Finding:

1. The tentative parcel map is for 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 pursuant to 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. The Project shall comply with all ordinances of the City and all Conditions of Approval.
2. The Project has been conditioned to require public improvements, including the reconstruction of sidewalks, curbs, and gutters along the Carnation Avenue frontage and alley, as needed. Existing improvements (paving, fence, walls) within the Carnation Avenue parkway will be removed and replaced with new turf or other drought tolerant landscaping. 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 proposed tentative parcel map 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. *The subject to the detailed provisions of Section 66474.4 of the Subdivision Map Act, if the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act), the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use or the subdivision will result in residential development incidental to the commercial agricultural use of the land.*

Facts in Support of Finding:

1. The Property is not subject to the Williamson Act because the 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 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.*

Facts in Support of Finding:

1. The California Business and Professions Code Section 11000.5 has been repealed by the Legislature. However, this project site is not considered a "land project" as previously

defined in Section 11000.5 of the California Business and Professions Code because the Project site does not contain 50 or more parcels of land.

2. The Project is not located within a specific plan area.

Finding:

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

Fact in Support of Finding:

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

Finding:

- I. 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 Project is consistent with the R-2 Zoning District, which allows up to two residential units on the Property. Therefore, the tentative parcel map for a two-unit, residential, condominium will not affect the City in meeting its regional housing needs.

Finding:

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

Fact in Support of Finding:

1. 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 (3) of the Coastal Act.*

Fact in Support of Finding:

1. The Property is located within the coastal zone; therefore, a CDP is required in conjunction with the proposed tentative parcel map. The Project complies with the certified Local Coastal Program (LCP) and public access and recreation policies of Chapter 3 of the Coastal Act. The Facts in Support of Findings L and M for the coastal development permit (below) are hereby incorporated by reference.

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:

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

Facts in Support of Finding:

1. The property is located within an area of the coastal zone that is exempt from obtaining approval for a coastal development permit for specific types of development. This Categorical Exclusion Order (CEO) area allows for the demolition of residential structures and construction of a new two-unit residential structure without obtaining a coastal development permit, contingent upon providing notice of categorical exclusion to the Coastal Commission. The City provided the Coastal Commission Categorical Exclusion Order No. CEO2025-0001 on January 09, 2025, which consequently expired on February 13, 2025.
2. The Project is for a tentative parcel map for two-unit residential condominium purposes. The proposed subdivision and improvements are consistent with the density of the R-2 Coastal Zoning District.
3. The neighborhood is predominantly developed with two-story, residential buildings. The proposed subdivision, which will allow for a two-unit residential condominium, is consistent with the existing neighborhood pattern of development.
4. 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.
5. The tentative parcel map is for a property that is over 1,000 feet from the coast and is not near any natural landforms or environmentally sensitive areas.

Finding:

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

Facts in Support of Finding:

1. The project site is not located between the nearest public road and the sea or shoreline. Implementation Plan Section 21.30A.040 (Determination of Public Access/Recreation Impacts) 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 proposes a two-unit residential condominium map on a property that is currently under construction for a residential duplex. 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, future site development shall be required to comply with applicable development standards sited (appropriate height, setbacks, etc.) so as not to block or impede existing public access opportunities.
2. The tentative parcel map is for a property that is over 1,000 feet from the coast and the approval of the map will not affect public recreation, access, or views. There are several streets and blocks of residential properties between the subject property and the coast.

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 and Coastal Development Permit (PA2025-0100), subject to the conditions outlined in Exhibit "A" which is attached hereto and incorporated by reference.
3. The action on the Coastal Development Permit shall become final and effective 14 days following the date this Resolution is adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 21 (Local Coastal Program [LCP] Implementation Plan) of the NBMC. The Property is not located within the appeal area of the coastal zone; therefore, final action by the City may not be appealed to the California Coastal Commission.
4. The action on the Tentative Parcel Map shall become final and effective 10 days following the date this Resolution is adopted unless within such time an appeal or call for review is filed with the City Council in accordance with the provision of Title 19 (Subdivisions) of the NBMC.

PASSED, APPROVED, AND ADOPTED THIS 14TH DAY OF AUGUST 2025



Benjamin M. Zieba, 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. Approval of this project does not constitute approval or implied approval for any future property development permits, including but not limited to demolition permits, coastal development permits, grading permits, or building permits.
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 be cause for 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 21 (Local Coastal Implementation Plan) of the NBMC.
5. 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 **Doan Residential Condominiums** including, but not limited to **Tentative Parcel Map and Coastal Development Permit (PA2025-0100)**. 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 Applicant, City, and/or the parties initiating or bringing such proceeding. The Applicant shall indemnify the City for all of the City's costs, attorneys' fees, and damages, which the City incurs in enforcing the indemnification provisions set forth in this condition. The Applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Public Works Department

6. Prior to the final inspection of the building permit for new construction, a Parcel Map shall be recorded. The Parcel Map shall be prepared on the California coordinate system (NAD83). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. The Map to

be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.

7. Prior to recording 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, Sub article 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.
8. After the recordation of the Parcel Map and prior to the building permit final, the Applicant shall apply for a building permit for a description change of the subject project development from "duplex" to "condominium." The development will not be condominiums until this description change permit is final.
9. All improvements shall be constructed as required by Ordinance and the Public Works Department.
10. An encroachment permit is required for all work activities within the public right-of-way.
11. *All damaged sidewalk panels, curb, gutter, sidewalk, and street along Carnation Avenue and any damaged concrete panels along the alley frontage shall be reconstructed as determined by the Public Works Department.*
12. Prior to recording the Parcel Map, all existing overhead utilities shall be undergrounded.
13. *The Applicant shall remove the parkway paving, fence and walls from the Carnation Avenue frontage and install new turf or drought tolerant landscaping.*
14. *All improvements shall comply with the City's sight distance requirement per City Standard 110-L.*
15. *Each unit shall be served by its individual water service/meter and sewer lateral/cleanout. Each water meter and sewer cleanout shall be installed with a traffic-grade box and cover.*
16. *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.*

Building Division

17. Prior to recording the Parcel Map, separate utilities shall be provided for each unit, including water, electrical and gas.

Fire Department

18. A NFPA 13D fire sprinkler system shall be required for the Project.
19. Each unit shall have their own dedicated water meter for the fire sprinkler system.
20. An unobstructed, 36-inch minimum width, walkway from the front to the rear of the Property shall be provided for emergency access.

RESOLUTION NO. ZA2025-051

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A COASTAL DEVELOPMENT PERMIT TO DEMOLISH AN EXISTING SINGLE-UNIT RESIDENCE AND CONSTRUCT A NEW TWO-STORY SINGLE-UNIT RESIDENCE INCLUDING AN ATTACHED TWO-CAR GARAGE LOCATED AT 6601 SEASHORE DRIVE (PA2023-0218)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by John McNeely (Applicant), concerning property located at 6601 Seashore Drive, requesting approval of a coastal development permit.
2. The lot at 6601 Seashore Drive is legally described as Southeasterly half of Lot 8 in Block F of the Seashore Colony Tract.
3. The Applicant proposes a coastal development permit (CDP) to allow the demolition of an existing single-unit residence and construction of a new 2,121-square-foot, two-story, single-unit residence including an attached 490-square-foot two-car garage. The project includes landscape, hardscape, and subsurface drainage facilities all within the confines of private property. The design complies with all development standards including height, setbacks, and floor area limit and no deviations are requested.
4. The subject property is designated Two-Unit Residential (RT) by the General Plan Land Use Element and is located within the Two-Unit Residential (R-2) Zoning District.
5. The subject property is located within the coastal zone. The Coastal Land Use Plan (CLUP) category is Two-Unit Residential (RT-E) - (30.0 - 39.9 DU/AC) and it is located within the Two-Unit Residential (R-2) Coastal Zone District.
6. A public hearing was held on August 14, 2025, online via Zoom. A notice of the time, place, and purpose of the hearing was given by the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is categorically exempt pursuant to Title 14 of the California Code of Regulations Section 15303, 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 and additions of up to 10,000 square feet to existing structures. The proposed project consists of the demolition of one single-unit residence and the construction of a new 2,121-square-foot, single-unit residence, including an attached 490-square-foot, two-car garage.
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.

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:

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

Facts in Support of Finding:

1. The proposed development complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and parking.
 - a. The maximum floor area limitation is 2,511 square feet and the proposed floor area is 2,121 square feet.
 - b. The proposed development provides the minimum required setbacks, which are 4 feet along each side property line and 5 feet along the rear property line abutting the West Ocean Front alley. There is no required setback along the front property line abutting Seashore Drive.
 - c. The highest guardrail is less than 24 feet from the established grade (12.61 feet North American Vertical Datum of 1988 {NAVD 88}) 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 two vehicles, complying with the minimum two-car garage parking requirement for single-unit residences with less than 4,000 square feet of habitable floor area.
2. The project site is fronting Seashore Drive directly south of West Newport Park and is separated from the shoreline by a public alley and a block of residential development. The neighborhood is predominantly developed with two- and three-story, single- and

two-unit residences. The proposed design, bulk, and scale of the development are consistent with the existing neighborhood pattern of development.

3. The finished floor elevation of the proposed single-unit residence is 13.89 feet (NAVD 88), which complies with the minimum 9.00-foot (NAVD 88) elevation standard.
4. 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.
5. The project site is not located adjacent to a coastal view road, public access way, or Coastal Viewpoint as identified in the CLUP. The nearest coastal viewpoint is over 1,000 feet north at Newport Shores Park and is not visible from the site. The site is located adjacent to West Newport Park, which is accessible to the public. As currently developed, the existing property and other residences along Seashore Drive are located within the view shed of the park. However, the proposed single-unit residence complies with all applicable Local Coastal Program (LCP) development standards and maintains a building envelope consistent with the existing neighborhood pattern of development. Additionally, the project does not contain any unique features that could degrade the visual quality of the coastal zone.
6. The front and side of the proposed residence, which are visible from West Newport Park and Lugonia Street, contain substantial architectural treatment and visual interest, in keeping with the design guidelines of the Zoning Code. The new structure would comply with the required setbacks, including modulation of volume in the front with architectural articulation and on an open deck on the Lugonia Street frontage. Therefore, the project does not have the potential to degrade the visual quality of the coastal zone or result in significant adverse impacts on existing public views.

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 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 bears a reasonable relationship between the requirement and the project's impact and be proportional to the impact. In this case, the project replaces an existing single-unit residence located on a standard R-2 lot with a new single-unit residence. 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 coast is available on either side of the project site via the Colton Street and Lugonia Street street-ends. Lateral access is provided on the beach and through the West Ocean Front Alley. The project does not include any features that would obstruct access along these routes.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the CEQA under Section 15303 (New Construction or Conversion of Small Structures) under Class 3 of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit filed as PA2023-0218, 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 LCP Implementation Plan, of the NBMC. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 (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 14TH DAY OF AUGUST, 2025.



Benjamin M. Zueba, AICP, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

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 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.
3. 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.
4. 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.
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 project site within 24 hours of the completion of the project. Stockpiles and construction materials shall be covered, enclosed on all sides, 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 caused by the 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. *Before the issuance of building permits, the Applicant shall submit a final construction erosion control plan. The plan shall be subject to review and approval by the Building Division.*
13. *Before the issuance of building permits, the Applicant shall submit a final drainage and grading plan. The plan shall be subject to review and approval by the Building Division.*
14. *Before 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.*
15. 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.
16. 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.
17. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 (Community Noise Control), under Sections 10.26.025 (Exterior Noise Standards) and 10.26.030 (Interior Noise Standards), and other applicable noise control requirements of the NBMC.

18. Before the issuance of the building permit, the Applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
19. 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.
20. This Coastal Development Permit filed as PA2023-0128 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.
21. 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 **Garcia Residence** including but not limited to, **Coastal Development Permit filed as PA2023-0128**. 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.

RESOLUTION NO. ZA2025-052

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A COASTAL DEVELOPMENT PERMIT FOR AN ADDITION OF A NEW THIRD FLOOR DECK AND LOFT TO AN EXISTING TWO-UNIT RESIDENCE LOCATED AT 320 AND 320 ½ BALBOA BOULEVARD (PA2025-0023)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by David Bailey (Applicant) on behalf of Nicholas Dildine (Owner) with respect to property located at 320 and 320 ½ East Balboa Boulevard and legally described as Lot 7 of Block 28 (Property) in the City of Newport Beach, requesting approval of a coastal development permit (CDP).
2. The Applicant requests a CDP to allow for the construction of a 252-square-foot enclosed third-floor loft and a 737-square-foot open roof deck on an existing two-unit residence. The Project includes landscape, hardscape, and subsurface drainage facilities all within the confines of private property (Project). The Project complies with all development standards and no deviations from the Newport Beach Municipal Code (NBMC) are requested. The project requires a CDP as it involves the construction of an additional level within the coastal zone.
3. The Property is designated Two Unit Residential (RT) by the General Plan Land Use and is located within the Two-Unit Residential (R-2) Zoning District.
4. The property is located within the Coastal Zone. The Coastal Land Use Plan category is Two Unit Residential (RT-E – 30.0 -39.9 DU/AC) and it is located within the Two-Unit Residential (R-2) Coastal Zoning District.
5. A public hearing was held on August 14, 2025, online via Zoom. A notice of the time, place, and purpose of the hearing was given by 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 construction of limited numbers of small, new facilities or structures; installation of small equipment and facilities, and the conversion of existing small structures where only minor modifications are made in the exterior. This Project consists

of the construction of a new third-floor roof deck and loft. Therefore, the Project is eligible for the Class 3 exemption.

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.

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:

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

Facts in Support of Finding:

1. The proposed development complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, and height.
 - a. The maximum floor area limitation is 2,792 square feet. The existing floor area of the property is 2,539 square feet and the new square footage with the proposed improvements will bring the Property to 2,790 square feet, therefore, the Project complies with the maximum square footage allowed.
 - b. The proposed development provides the minimum required setbacks, which are 5 feet along the front property line abutting Balboa Boulevard, 3 feet along each side property line, and 5 feet along the rear property line abutting the alley. The Project will conform to the required setbacks, including the required additional 15-foot third-floor front and rear step-backs, with no encroachments proposed on either side.
 - c. The highest guardrail is less than 24 feet from the established grade at 8.56 feet) and the highest ridge is less than 29 feet from the established grade, which complies with the maximum height requirements of the North American Vertical Datum of 1988 (NAVD88).
 - d. The existing structure has nonconforming parking in the form of a 379-square-foot carport to accommodate two parking spaces. Although the project deviates from the two covered parking spaces per unit as required from the NBMC, it conforms to Section 21.38.060(A) (Nonconforming Parking - Residential) of the NBMC, which allows for a 10% addition to the existing floor area within a ten-year period. Due to the existing nonconforming parking, any proposed addition to the property is limited to up to 10% of the existing floor area. Since the existing floor area of the property is 2,539 square feet, the maximum square footage for the addition is 253 square

feet. The proposed addition of the Project is 252 square feet, meaning the Project is proposed to be built out to its maximum allowable addition. With the nonconforming parking, the floor area limitation for this Project is 2,792 square feet and the proposed floor area is 2,790 square feet.

2. The neighborhood is predominantly developed with two- and three-story, single- and two-unit residences. The proposed design, bulk, and scale of the development are consistent with the existing neighborhood pattern of development.
3. The development is located on an inland property in a developed area approximately 330 feet from the beach and approximately 1,200 feet from the Balboa Pier and Peninsula Park. To the northeast of the Property is the Lower Newport Bay, which is approximately 520 feet away. The Property is separated from the beach (the nearest body of water) by a row of residences on both Balboa Boulevard and abutting East Ocean Front.
4. 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.
5. The Property is not located adjacent to a Coastal View Road, public access way, or Coastal Viewpoint as identified in the Coastal Land Use Plan. The nearest coastal viewpoints are at Peninsula Park and the adjacent Balboa Pier which are not visible from the site as they are located approximately 1,200 feet southeast of the Property. As currently developed, the existing property is not located within the view shed of the park and pier. The proposed two-unit residence complies with all applicable Local Coastal Program (LCP) development standards and maintains a building envelope consistent with the existing neighborhood pattern of development. Additionally, the Project does not contain any unique features that could degrade the visual quality of the coastal zone.

Finding:

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

Fact 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. In this case, the Project creates a new third-story and open deck on an existing two-unit residence located on a standard R-2 lot. 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. The Project is not located near a Public Beach Access point as identified in the CLUP. Vertical access to the beach is available adjacent to the site along Coronado Street, approximately 330 feet south of the Property abutting a public boardwalk on East Ocean Front. Lateral access is available on the East Ocean Front public boardwalk. The Project does not include any features that would obstruct access along these routes.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this Project is categorically exempt from the California Environmental Quality Act under Section 15303 under Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit filed as PA2025-0023, 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 LCP Implementation Plan, of the NBMC. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 (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 14TH DAY OF AUGUST 2025.



Benjamin M. Zueba, AICP, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

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 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.
3. Demolition beyond the approved scope of work requires planning division approval before the commencement of work. Approval of revisions to project plans is not guaranteed. Any changes in the current scope of work may require the entire structure to be demolished and redeveloped in conformance with the current Zoning Code Development Standards.
4. 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.
5. 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.
6. 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.

7. 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.
8. 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.
9. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
10. The project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
11. 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 CDP.
12. This CDP 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.
13. *Before the issuance of building permits, the Applicant shall submit a final construction erosion control plan. The plan shall be subject to review and approval by the Building Division.*
14. *Before the issuance of building permits, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.*
15. *Before the issuance of building permits, 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.*
16. 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.
17. Construction activities shall comply with Section 10.28.040 (Construction Activity – Noise Regulations) of the NBMC, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday

through Friday, and 8:00 a.m. Noise-generating construction activities are not allowed on Saturdays, Sundays, or Holidays.

18. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 (Community Noise Control), under Sections 10.26.025 (Exterior Noise Standards) and 10.26.030 (Interior Noise Standards), and other applicable noise control requirements of the Newport Beach Municipal Code (NBMC).
19. Before the issuance of the building permit, the Applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
20. 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.
21. This Coastal Development Permit No. PA2025-0023 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.
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 nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of **Dildine Residence, including but not limited to Coastal Development Permit No. PA2025-0023**. 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 of the City's costs, attorney's fees, and damages that which the City incurs in enforcing the indemnification provisions set forth in 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.

Fire Department

23. The Project shall require the installation of fire sprinkler, complying the 2022 NFPA 13D standards, unless otherwise directed by the Fire Department.

Building Division

24. The Applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent City-adopted version of the California Building Code (CBC).