



CITY OF NEWPORT BEACH COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION ACTION REPORT

TO: CITY COUNCIL, CITY MANAGER, AND PLANNING COMMISSION

FROM: Jaime Murillo, Acting Community Development Director

SUBJECT: Report of actions taken by the Zoning Administrator, and/or Community Development Director for the week ending September 26, 2025.

ZONING ADMINISTRATOR PUBLIC HEARING ACTIONS SEPTEMBER 25, 2025

- Item 1: 207 43rd Street LLC and Gibson Residences Tentative Parcel Map and Coastal Development Permit (PA2024-0189)
Site Address: 207 43rd Street and 209 & 209 ½ 43rd Street
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| Action: Approved by Resolution No. ZA2024-057 | Council District | 1 |
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- Item 2: Cue Zone Minor Use Permit and Staff Approval (PA2025-0134)
Site Address: 4229 Birch Street, Suite 175 & 180
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| Action: Approved by Resolution No. ZA2024-058 | Council District | 3 |
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- Item 3: Greaves Residence Modification Permit (PA2025-0157)
Site Address: 910 Kings Road
- | | | |
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| Action: Approved by Resolution No. ZA2024-059 | Council District | 2 |
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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. ZA2025-057

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING A COASTAL DEVELOPMENT PERMIT AND A TENTATIVE PARCEL MAP TO ADJUST A SHARED INTERIOR PROPERTY LINE BETWEEN TWO PARCELS WITH DEVIATIONS OF LOT WIDTH AND AREA STANDARDS LOCATED AT 207 43RD STREET AND 209 AND 209 1/2 43RD STREET (PA2024-0189)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by 207 43rd Street LLC and Douglas and Coranne Gibson (Applicants), concerning properties located at 207 43rd Street and 209 & 209 ½ 43rd Street, legally described as Parcel 1 of Lot Line Adjustment 87-07 (207 43rd Street) and Lot 10 of Block 143 of Canal Section (209 43rd Street) (Properties) requesting approval of a tentative parcel map and coastal development permit.
2. The Applicant proposes a tentative parcel map and a coastal development permit (CDP) to adjust the shared interior property lines between two parcels, with deviations of lot width and lot area standards. The adjustment will result in approximately 232 square feet being reallocated from 207 43rd Street to 209 43rd Street. There is no proposed change in the number of parcels. A CDP is required because the Properties are located within the coastal zone (Project).
3. The Properties are 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 Properties are located within the coastal zone. The Coastal Land Use Plan category is Two Unit Residential (RT-E) and it is located within the Two-Unit Residential (R-2) Coastal Zone District.
5. A public hearing was held on September 25, 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 categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 under Class 5 (Minor Alterations in Land Use Limitations) 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 5 exemption consists of minor alterations in land use limitation in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to, minor lot line adjustments, side yard, and set back variances not resulting in creation of any new parcel; issuance of minor encroachment permits; and reversion to acreage in accordance with the Subdivision Map Act. In this case, the Project adjusts the shared interior property line between two parcels and will result in a larger lot area for 209 43rd Street. While the tentative parcel map requests deviations for lot area and lot width, the Project complies with the intent of Class 5.
3. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The Project's 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.

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 Properties are both categorized by the General Plan Land Use Plan as Two Unit Residential (RT). The tentative parcel map is for the purpose of adjusting a shared interior property line location between two parcels. 207 43rd Street is being redeveloped from an existing single-unit dwelling to a new single-unit dwelling. 209 43rd Street is developed with an existing duplex. The proposed subdivision and improvements are consistent with density of the RT General Plan Land Use category.
2. The Project is consistent with the General Plan, does not negatively impact surrounding landowners, and will not in itself be detrimental to the health, safety, peace, comfort, and general welfare of people residing or working in the neighborhood, as the Project affects an interior property line between two adjacent parcels.
3. The Properties are 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. 207 43rd Street is being redeveloped with a single-unit dwelling and 209 43rd Street is currently developed as a duplex. The Project will not result in a change of use or density on the Properties as it is a minor adjustment of an interior property line between the two Properties.
2. The Properties are physically suitable for single-unit and/or two-unit dwellings based on each lot being relatively flat and the Project's proposed lot width and area. The adjusted interior lot line will not result in non-conforming setbacks, rather the shifted interior lot line will result in a compliant 3-foot setback side yard setback for 207 and 209 43rd Street, respectively.
3. The Properties are accessible by pedestrians from 43rd Street at the front property line and from the alley abutting the rear property line. Vehicular access is available from the alley and will not change as a result of the Project.

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 Properties are located within a developed residential neighborhood that does not contain any sensitive vegetation or habitat on-site.
2. The Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 under Class 5 (Minor Alterations in Land Use Limitations) 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. Fact 2 in Support of Finding A is hereby incorporated by reference.
2. The Project is to adjust a shared interior property line location between two existing parcels. All improvements associated with the Project shall comply with the applicable Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. The proposed setbacks are compliant and ensure that there is adequate light and air between each property as well as proper emergency access. Public improvements will be required of the Applicant per NBMC Section 19.28.010 (General Improvement Requirements) and Section 66411 (Local agencies to regulate and control design of subdivisions) of the Subdivision Map Act. All ordinances of the City and all Conditions of Approval will be complied with.

Finding:

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

Facts in Support of Finding:

1. There are no existing public easements located on the Properties.

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support in Finding:

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

Finding:

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

Fact in Support of Finding:

1. The 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 its plan check and inspection process.

Finding:

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

Fact in Support of Finding:

1. The Project is consistent with the R-2 Zoning District, which allows up to two residential units on the Property. Therefore, the Project 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. 207 43rd Street is being redeveloped and is subject to comply with all development standards, including the Regional Water Quality Control Board (RWQCB) requirements. While 209 43rd Street is developed with an existing duplex, any future development is subject to comply with all development standards.

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 3 of the Coastal Act.*

Fact in Support of Finding:

1. The Properties are located within the coastal zone. Therefore, a CDP is required in conjunction with the proposed tentative parcel map. The facts in support of Findings R and S for the CDP are hereby incorporated by reference.

Deviation from Design Standards

Pursuant to NBMC Section 19.24.050(A) (Lot Design - Lot Size), new subdivisions must meet the applicable zoning district regulations of Title 20 (Planning and Zoning) of the NBMC. Deviation from the design standards set forth in Title 19 (Subdivisions) may be approved subject to specific findings in Section 19.24.130(C) (Deviation from Design Standards, Required Finding to Allow Deviation) of the NBMC. The subdivision would create lots which do not meet the lot width standards required by Title 20 (Planning and Zoning) for new subdivisions within the R-2 Zoning District, which requires new subdivision interior lots to be 50 feet wide and have a lot area of 5,000 square feet. The adjusted interior lot line results in lots which are approximately 31.5 feet wide and 2,660 to 2,678 square feet in area. The required findings to deviate from the standards and facts in support of those findings are as follows:

Finding:

- L. *The requested deviation(s) will create a land plan or development design equal or superior to that under the baseline design standards in this chapter.*

Fact in Support of Finding:

1. The Project's proposed lots are comparable in width, length, and area with the majority of the lots within the surrounding neighborhood. As previously noted, the adjusted interior lot line results in lots which are approximately 31.5 feet wide and 2,660 to 2,678 square feet in area. The surrounding lots on 43rd Street carry a lot width between approximately 28 to 30 feet. The number of parcels will remain unchanged as a result of the tentative parcel map and there will be no change in the density or intensity of development. The existing lot area of 207 43rd Street is approximately 2,909 square feet. The existing lot area of 209 43rd Street is approximately 2,429 square feet. The Project

will result in 207 43rd Street's lot area decreasing to 2,678 square feet and 209 43rd Street's lot area increasing to 2,660 square feet.

2. The Properties' existing lot orientation with vehicular access from the rear alley will not change as a result of the Project.

Finding:

- M. *The deviation(s) will not negatively impact the carrying capacity of the local vehicular circulation network.*

Fact in Support of Finding:

1. The Project would not negatively impact the carrying capacity of the local vehicular circulation network. No additional lot is being created and there is no proposed change to the density of the Properties. Additionally, no improvements or changes are proposed that would change capacity to the roadways.

Finding:

- N. *The deviation(s) will not negatively impact pedestrian circulation.*

Facts in Support of Finding:

1. The Project will not reduce, encroach or change the size or location of the 43rd Street sidewalk.
2. The Project will not eliminate or impede pedestrian circulation provided that the necessary improvements are provided in accordance with applicable Public Works design standards and permitting.

Finding:

- O. *The resulting subdivision will be compatible with the pattern of surrounding subdivisions.*

Facts in Support of Finding:

1. The Project will result in a subdivision that is compatible with the pattern of surrounding subdivision as the Project will shift the interior property line between two legal parcels 2.72feet to the west. Land taken from the 207 43rd Street parcel will be added to the 209 43rd Street parcel. The number of parcels will remain unchanged as a result of the tentative parcel map and there will be no change in the density or intensity of development.
2. The Properties are in a block that is designated RT by the General Plan and R-2 by the Zoning Code. The Project would not alter the General Plan and Zoning Code designation.

3. Fact 1 in Support of Finding L is hereby incorporated by reference.

Finding:

- P. The resulting subdivision design and improvements will be consistent with the General Plan and any applicable specific plan and will conform to the Subdivision Map Act and all other provisions of this Subdivision Code.*

Facts in Support of Finding:

1. The Project will remain as two parcels. 207 43rd Street will carry one residential unit and 209 43rd Street will carry two units, where the General Plan allows for up to two dwelling units on each parcel. Therefore, the subdivision is consistent with the density of the RT General Plan Land Use Designation.
2. Fact 3 of support of Finding A is hereby incorporated by reference.

Finding:

- Q. The resulting subdivision design and improvements will not be materially detrimental to the residents or tenants of the proposed subdivision or surrounding properties, nor to public health or safety.*

Fact in Support of Finding:

1. Fact 2 in Support of Finding A is hereby incorporated by reference.

Coastal Development Permit

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

Finding:

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

Facts in Support of Finding:

1. The Properties are located within the Categorical Exclusion Area of the coastal zone, which allows for certain types of development, such as the demolition and construction of single or two-unit residences, to be excluded from the requirement of obtaining a CDP. This is contingent upon providing a Categorical Exclusion Order (CEO) to the Coastal Commission. The City provided the Coastal Commission with CEO20240045 on November 6, 2024, concerning new development that is to occur at 207 43rd Street for a new single-unit dwelling. The CEO subsequently expired on December 11, 2024. However, a CDP is still required to accompany the proposed tentative parcel map since the Properties are located in the coastal zone.

2. The Project is for a tentative parcel map to shift the interior property line between the two Properties and request deviations for lot width and lot area. Per Footnote 6 of Table 21.18-3 (Development Standards for Two-Unit Residential Coastal Zoning Districts) of NBMC Section 21.18.030 (Residential Coast Zoning Districts General Development Standards), lots may be subdivided so that the resulting lot dimensions and area for each new lot are less than that identified in the R-2 development standards and subsequently comply with the provisions of Title 19 (Subdivisions). Since findings for deviation to design standards of Title 19 are addressed by Findings L through Q, additional relief from Title 21 standards are not required.
3. Facts in support of Findings L through Q are hereby incorporated by reference.

Finding:

- S. *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 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. 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 development on both Properties shall be required to comply with applicable development standards (i.e., height, setbacks, floor area.) so as not to block or impede existing public access opportunities.
2. The Properties are approximately 230 feet east of the bay and are not near any natural landforms or environmentally sensitive areas. The approval of the tentative parcel map will not affect public views. Additionally, there are no existing views through the Properties, which would not be affected as a result of this Project. While an existing single unit dwelling will be replaced with a new single unit dwelling at 207 43rd Street, the proposed development complies with applicable residential development standards. No new development has been proposed for 209 43rd Street at this time.

SECTION 4. DECISION.**NOW, THEREFORE, BE IT RESOLVED:**

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act pursuant to Section under 15305 under Class 5 (Minor Alterations in Land Use Limitations) 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 Tentative Parcel Map and Coastal Development Permit No. PA2024-0189 subject to the conditions outlined in Exhibit A, which is attached hereto and incorporated by reference.
3. The action for the Coastal Development Permit 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 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.
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 Director of Community Development in accordance with the provisions of Title 19 (Subdivisions), of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 25TH DAY OF SEPTEMBER 2025.

Liz Westmoreland, AICP, Zoning Administrator

EXHIBIT “A”**CONDITIONS OF APPROVAL**

(Project-specific conditions are in italics)

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. 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.
3. 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
4. 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.
5. 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 Newport Beach Municipal Code.
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 **207 43rd Street LLC and Gibson Residences including, but not limited to Tentative Parcel Map and Coastal Development Permit (PA2024-0189)** This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing the such proceeding. The applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages that which City incurs in enforcing the indemnification provisions outlined in this condition. The applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

Public Works Department

7. Prior to the final inspection of the building permit for new construction, a parcel Map shall be recorded. The Map shall be prepared on the California coordinate system

(NAD83). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. The Map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.

8. Prior to recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one-inch iron pipe with tag) shall be set On Each Lot Corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
9. All improvements shall be constructed as required by Ordinance and the Public Works Department.
10. An encroachment permit shall be required for all work activities within the public right-of-way.
11. The sidewalk, curb, and gutter along the entire frontage of 207 and 209 43rd Street shall be reconstructed per City Standard.
12. *The existing drain outlet from the front wall along 209 43rd Street shall be modified so that it no longer discharges onto the City sidewalk.*
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. See City Standard 110-L.
15. *Additional reconstruction within the public right-of-way shall be required at the discretion of the Public Works Inspector in case of damage is done to public improvements surrounding the development site by the private construction.*

RESOLUTION NO. ZA2025-058

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A MINOR USE PERMIT AND STAFF APPROVAL FOR AN INDOOR CUE SPORTS CLUB (LARGE HEALTH/FITNESS FACILITY), LOCATED AT 4229 BIRCH STREET, SUITE 175 & 180 (PA2025-0134)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Amirhessam Samadaghaei (Applicant) with respect to property located at 4229 Birch Street, Suite 175 & 180 and legally described as the Parcel 2 of Tract 5169 (Property), seeking approval of a minor use permit and staff approval.
2. The Applicant requests a minor use permit to allow an indoor cue sports club (Large Health/Fitness Facility – Over 2,000 square feet) within an existing 5,200-square-foot commercial tenant space. The club is membership-based and focuses on the coaching and development of various indoor cue sports. The applicant is proposing minor modifications to the interior of space. No late hours (after 11:00 p.m.) or alcohol service are proposed. Additionally, the Applicant requests a staff approval to reduce the off-street parking requirement by 14% in order to accommodate the use with the existing parking supply on-site (Project).
3. The Property is categorized Airport Office and Supporting Uses (AO) by the General Plan Land Use Element and is within the Office-Airport (OA) Zoning District.
4. The Property is not located in the coastal zone.
5. A public hearing was held on September 25, 2025, online via Zoom. A notice of time, place, and purpose of the hearing was given in accordance with the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to, and considered by the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) because it has no potential to have a significant effect on the environment.
2. Class 1 exempts 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 use beyond that existing at the time of the lead agency's determination.

3. The Project involves the establishment of a membership-based professional cue sports club within an existing tenant space in the OA (Office-Airport) zone and improvements are limited to minor tenant improvements within the existing building. The Project therefore qualifies for the Class 1 categorical exemption.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.020 (Conditional Use Permits and Minor Use Permits) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

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

Facts in Support of Finding:

1. The AO (Airport Office and Supporting Uses) land use designation of the General Plan Land Use Plan is intended to provide for the development of properties adjoining the John Wayne Airport for uses that support or benefit from airport operations including professional offices, retail, and service uses. The Project is consistent with the land use designation as identified in the General Plan.
2. The Property is not located within a specific plan area.

Finding:

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

Facts in Support of Finding:

1. The OA (Office-Airport) Zoning District is intended to provide for the development of properties adjacent to the John Wayne Airport for uses that support or benefit from airport operations including professional offices, retail, and service uses. Large Health/Fitness Facilities (over 2,000 square feet) are specified as an allowed use within the OA zoning district, subject to a minor use permit.
2. The Project will provide a membership-based indoor cue-sports facility to train athletes focused on a variety of cue-sport disciplines. The Project does not include late hours (after 11:00 p.m.) and does not include alcohol service. The Project layout includes a lobby and reception area, a waiting area, restrooms, and 14 cue tables for the use of patrons.
3. The operational conditions of approval will promote compatibility with the surrounding land uses, which are predominately industrial uses. The proposed use will comply with all other applicable provisions of the NBMC.

4. The Project includes a staff approval per NBMC Section 20.40.110 (D) (Reduction of Required Off-Street Parking by Director) for the reduction in required parking. Facts in support of Findings F through H are hereby incorporated by reference.

Finding:

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

Facts in Support of Finding:

1. The Project is located within an existing commercial building formerly occupied by a pharmaceutical laboratory and retail pharmacy. The property includes a 37-space parking lot on-site and is accessed from Birch Street. The design, size, location, and operating characteristics of the use are compatible with the surrounding existing land uses.
2. Project implementation will consist of a tenant improvement to the existing tenant space, in compliance with Building and Fire Code safety and accessibility requirements. The design of the tenant improvements will comply with all Building, Public Works, and Fire Codes.
3. Per the requirements of NBMC Section 20.40.040 (Off-Street Parking Spaces Required), the Project creates a deficiency in required parking. 37 spaces are provided on-site, where 43 spaces are required. Facts in support of Findings F through H, below, are hereby incorporated.

Finding:

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

Facts in Support of Finding:

1. All proposed tenant improvements, with the exception of signage, are limited to the inside of the existing building and will not affect pedestrian circulation, parking spaces, or access to existing tenants. Adequate public and emergency vehicle access is taken from Birch Street. Public services and utilities are adequately provided on-site.
2. The design of the improvements will comply with all Building, Public Works, and Fire Codes, and plans will be reviewed prior to the issuance of building permits.

Finding:

- E. *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 includes conditions of approval to ensure that potential conflicts with the surrounding land uses and City as a whole are minimized to the greatest extent possible. The operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance within the facility, adjacent properties, or surrounding public areas, sidewalks, or parking lots, during business hours, if directly related to the patrons of the business.
2. The proposed business will be located within an existing tenant space in a multi-tenant commercial building and the (OA) Office-Airport zone allows the proposed use, subject to a minor use permit. The space has not proven unsuitable for this type of use.
3. The proposal has been reviewed by the Building Division, Public Works, and Fire Departments, and recommended conditions of approval have been included to limit any detriment to the City or general welfare of persons visiting or working in the surrounding neighborhood.

Staff Approval

Pursuant to Section 20.40.110(D) (Reduction of Required Off-Street Parking by Director) of the Newport Beach Municipal Code (NBMC), the Community Development Director may authorize a reduction of off-street parking by a maximum of 20% using a combination of the following:

Finding:

- F. The applicant has provided sufficient data, including a parking study if required by the Director, to indicate that parking demand will be less than the required number of spaces or that other parking is available.*

Facts in Support of Finding:

1. The Applicant has provided a parking study prepared by Adler Consulting dated August 8, 2025, documenting that the Property's existing shared parking lot sufficiently accommodates the Project and other existing uses within the Property. The existing commercial building includes an 1,850-square-foot vacant tenant space which previously was used as a retail pharmacy, a 4,674-square-foot vacant tenant space, which was previously used as a pharmaceutical laboratory, and the 5,200-square-foot tenant space where the Project is located. The parking study surveyed two other similar indoor cue sports facilities in other cities to evaluate their peak parking rates and demand. The study concludes that the surveyed peak demand is 1.1 vehicles per table. Since the Project includes 15 tables, the peak demand is 17 spaces, which is less than the 26 parking spaces required by the Zoning Code.

2. Since there are 37 onsite parking spaces on the Property and 43 spaces are required on site to accommodate the Project, the Applicant is requesting a reduction of six required parking spaces. The parking study supports this requested reduction, as the peak demand is 17 spaces, which is nine spaces less than the required parking for the Project.

Finding:

- G. *On-Site Bicycle Facilities. Required nonresidential off-street parking may be reduced where there is a demonstrated use of bicycles as a mode of transportation. The Director may reduce the number of required parking spaces by one space for every three bicycle parking spaces provided on the same site they serve, up to five percent of the total requirement in compliance with the following conditions:*
 - i. *The applicant has provided sufficient evidence to substantiate that there exists a demand for bicycle parking; and*
 - ii. *The bicycle parking spaces are located completely within the private property they serve.*
 - iii. *An additional five percent reduction may be allowed when enhanced end-of-trip facilities are provided on the same site they serve, including, but not limited to, showers and locker facilities.*

Facts in Support of Finding:

1. The Applicant is not proposing to add bicycle parking to the property, but instead will include a single ride-share space. The Applicant has also provided a parking study to justify the requested 14% reduction of parking requirements.

Finding:

- H. *Space for Shared Mobility. Required nonresidential off-street parking may be reduced by up to ten percent in compliance with the following conditions:*
 - i. *Exclusive of curb space needed for emergency access purposes (e.g., a fire lane), the development includes at least twenty linear and contiguous feet of on-site dedicated curb-space located entirely on private property; or*
 - ii. *There is one off-street parking space designated and with proper signage for the use of shared-mobility vehicles and/or pick-up/drop-off located on private property and on the same site it is intended to serve.*

Fact in Support of Finding:

1. The Applicant is proposing one off-street parking space designated with proper signage for the use of rideshare. It is located to the north corner of the Property directly adjacent to the entrance of the suite and is in a convenient area for pick-up and drop-off. The rideshare space is located on private property in the center and intends to serve patrons for the various uses 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), 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 and Staff Approval No. PA2025-0134 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 20 (Planning and Zoning) of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 25th DAY OF SEPTEMBER 2025.



Liz Westmoreland, AICP, Zoning Administrator

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

1. The Project shall be in substantial conformance with the approved site 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. The Applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
4. The Applicant is required to obtain all applicable permits from the City’s Building Division and Fire Department.
5. *The allowed hours of operation for this establishment shall be limited to the hours of 11:00 a.m. to 11:00 p.m., daily.*
6. *The sale, service, or consumption of alcohol shall not be permitted.*
7. *Live entertainment shall not be permitted.*
8. *No more than 14 cue tables shall be maintained on-site for patrons.*
9. All proposed signs shall be in conformance with provisions of Chapter 20.42 (Sign Standards) of the NBMC and any future approved Comprehensive Sign Program.
10. The screening of roof-mounted and ground-mounted mechanical equipment shall be required in all zoning districts at the time of new installation or replacement in conformance with NBMC Section 20.30.020 (Buffering and Screening).
11. 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.
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.

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13. This Minor Use Permit and Staff Approval shall expire unless exercised within 24 months from the date of approval as specified in the NBMC Section 20.54.060 (Time Limits and Exceptions), unless an extension is otherwise granted.
 14. This Minor Use Permit and Staff Approval 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 is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
 15. Any change in operational characteristics, expansion in area, or other modification to the approved plans, may require an amendment to this Use Permit or the processing of a new Use Permit.
 16. *A minimum of thirty-seven (37) onsite parking spaces shall be maintained on the Property.*
 17. Trash dumpsters and stored items blocking parking spaces shall be relocated to render all parking spaces available for the parking of vehicles.
 18. A copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
 19. 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.
 20. The exterior of the business shall always be 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. 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.
 23. A Special Events Permit is required for any event or promotional activity outside the normal operational 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.

24. To the fullest extent permitted by law, Applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of **Cue Zone including, but not limited to, Minor Use Permit and Staff Approval No. (PA2025-0134)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by Applicant, City, and/or the parties initiating or bringing such proceeding. The Applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which 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.

Building Division

25. The Applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements.

Fire Department

26. Prior to the issuance of a building permit, the Applicant shall provide occupancy analysis for the proposed tenant use complying with the 2022 California Fire Code. Any occupant load greater than 49 people shall require a second exit.
27. Prior to the issuance of a building permit, the Applicant shall provide exit analysis and identify the required second exit on the floor or egress plan.

Public Works Department

28. The parking layout shall comply with City Standard 805.
29. Employees shall not park in the public right-of-way.

RESOLUTION NO. ZA2025-059

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A MODIFICATION PERMIT FOR AN ADDITION GREATER THAN 10 PERCENT TO A SINGLE-UNIT DWELLING WITH A LEGAL NONCONFORMING GARAGE LOCATED AT 910 KINGS ROAD (PA2025-0157)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Christopher Greaves (Applicant), with respect to property located at 910 Kings Road, and legally described as Lot 10 of Block G of Tract 1219 (Property).
2. The Applicant requests a modification permit to allow a 515 square-foot addition to an existing 2,912 square-foot, two-story, single-unit dwelling with an attached 422 square-foot two-car garage that is considered legal nonconforming due to its interior dimensions. The existing garage provides the minimum required depth; however, the existing width is substandard at 19 feet, 8 inches, where the requirement is 20 feet. A modification permit is required pursuant to Section 20.38.060 (Nonconforming Parking) of Newport Beach Municipal Code (NBMC) as the Applicant proposes an addition greater than 10% of the existing gross square footage of the dwelling without altering the garage for compliance (Project). The Project meets all other applicable development standards, and no other deviations are requested.
3. 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.
4. The Property is not located within the coastal zone.
5. A public hearing was held on September 25, 2025, online via Zoom. A notice of time, place and purpose of the hearing was given in accordance with Chapter 20.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 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 Class 3 exempts the demolition of up to three single-unit dwellings and additions of up to 10,000 square feet to existing structures. The Project is remodel and 515-square-foot addition to an existing single-unit dwelling within a developed neighborhood. Therefore, the Class 3 exemption is applicable.
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.

Modification Permit

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 Property is developed with a 2,912-square-foot, two-story, single-unit dwelling with an attached 422-square-foot two-car garage. The modification permit will allow for a 515-square-foot addition to the first floor of an existing two-story, single-unit dwelling to accommodate an expanded kitchen and dining area, and an expansion to the master bedroom walk-in closet. The Project results in a total interior living area of 3,397 square feet.
2. The surrounding neighborhood is comprised of single-, two- and three-story, single-unit dwellings which are between 3,000 to 6,000 square feet in size. The addition is proposed on the first floor of a two-story dwelling which conforms with all other applicable development standards, including, but not limited to, floor area limit, setbacks, and height. The Project will be consistent with the size and height of other dwellings in the neighborhood.
3. Table 3-10 (Off-Street Parking Requirements) of Section 20.40.040 (Off-Street Parking Spaces Required) of the NBMC requires a minimum of two parking spaces, in a garage, for a detached single-unit dwelling with less than 4,000 square feet of habitable area. The Project includes a nonconforming two-car garage that will continue to provide the minimum number of required parking spaces.

4. Pursuant to Table 3-14 (Minimum Interior Dimensions) of Section 20.40.090 (Parking Standards for Residential Uses) of the NBMC, residential properties with lot width exceeding 40 feet require a two-car garage to provide a minimum interior dimension of 20-feet wide by 20-feet deep. However, on lots that are 30 feet wide or less, only a 17-foot, 6-inch wide and 19-feet deep garage is required. The Property is approximately 65 feet wide and therefore requires a 20-foot by 20-foot garage. The Project maintains a nonconforming two-car garage that is 19 feet, 8 inches wide by 20 feet, 1 inch deep which is adequately sized for the parking of two vehicles. The Property will continue to provide the same amount of off-street parking as other similar sized dwellings in the neighborhood.
5. The Project will not result in a change to the density or the use of the Property.

Finding:

- B. *The granting of the modification permit 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. Section 20.38.060 (Nonconforming Parking) of the NBMC specifies that residential developments are considered to have nonconforming parking if the developments do not have the required number or type of parking spaces or because amendments to the NBMC have changed the dimensions of required parking spaces subsequent to the original construction. The existing single-unit dwelling was built in 1955 and is in conformance with the development standards at the time of construction, including parking. As a result of the amendments to Title 20 (Planning and Zoning) of the NBMC in 2010, a 20-foot width and 20-foot depth is now required for a two-car garage and the dwelling is considered to be legal nonconforming for parking.
2. The proposed addition and remodel does not include any changes to the attached garage. Modifying the garage walls for compliance with the 20-foot width requirement would require the relocation of the left side garage wall footing, widening the garage slab, widening the driveway, and reframing the garage wall and roof. Altering the garage width by 4 inches to meet the 20-foot requirement would significantly increase the scope and cost of the Project while providing negligible benefits as the garage can still accommodate the parking of two vehicles with the current width.
3. The granting of the modification permit is necessary to allow an addition of 15% to an existing single-unit dwelling that was constructed in compliance with garage standards in effect at the time of original construction. Although the existing garage width dimension is not in compliance with current development standards, it is adequate in size for the parking of two vehicles.

Finding:

- C. *The granting of the modification permit is necessary due to practical difficulties associated with the property and 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. A strict application of the NBMC would require the relocation of the left garage wall by 4 inches to achieve the 20-foot width requirement which would subsequently require widening the garage slab, widening of the driveway and reframing of the garage wall and roof, adding significant scope and cost to the Project.
2. The purpose and intent of the NBMC's parking requirements is for single-unit dwellings under 4,000 square feet of livable area to provide a garage that accommodates the parking of two vehicles. Although the existing garage has substandard width, the garage still provides an area suitable for the parking of two vehicles, consistent with the intent of the parking requirement for single-unit dwellings.

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. Modifying the garage for compliance with current interior garage dimension requirements would provide a negligible benefit and would unreasonably require significant alterations to the garage, which is beyond the scope of the planned addition and alterations. If the garage is brought into compliance with the required garage dimensions, the number of parking spaces provided would not increase and would not provide additional off-street parking. The 19-foot 8-inch garage width has not proven to be detrimental to any neighboring properties.
2. The Applicant intends to create additional kitchen and dining space and additional storage in the master bedroom closet for total increase of 515 square feet. An alternative to the project would be to reduce the size of the addition from 515 to 333 square feet, 10% of the existing gross-floor area of the structure, as authorized by Subsection 20.38.060(A) of the NBMC. However, this alternative would significantly reduce the amount of addition, impact the objectives of the Project and would not provide similar benefits to the Applicant.
3. Although the width of the garage does not meet the minimum 20-foot requirement, there is adequate space in the garage to accommodate two vehicles. The 19-foot 8-inch garage width has not proven to be detrimental to the occupants of the dwelling or any neighboring properties.

Finding:

- E. The granting of the modification permit 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. Fact 1 in support of Finding D is hereby incorporated by reference.
2. The Property is also developed with a driveway in front of the garage that is 20 feet wide by 20 feet deep. Section 20.40.090 (Parking Standards for Residential Uses) of the NBMC allows parking on driveways located within the front setback that are at least 20 feet deep. Although driveway parking spaces are not required, the driveway would accommodate two additional parking spaces that help offset the marginally narrower parking spaces inside the garage and results in up to four on-site parking spaces.
3. The proposed first floor addition conforms to all applicable development standards, including, but not limited to setbacks, height, and will maintain adequate protection of light, air, and privacy. The addition will not preclude access to the dwelling and will be consistent with the scale of other two-story dwellings in the neighborhood.
4. The Project complies with the maximum floor area limitation of 9,002 square feet as the proposed addition will result in a total floor area is 3,849 square feet. Therefore, the proposed addition would not result in a change in intensity that is inconsistent with the provisions of the NBMC.
5. The approval of this Modification Permit is conditioned such that the Applicant is required to obtain all necessary permits in accordance with the Building Code and other applicable Codes.
6. The approval of this Modification Permit is conditioned that the Applicant is required to maintain the garage to be permanently available for parking purposes with its existing interior dimensions to remain unobstructed.

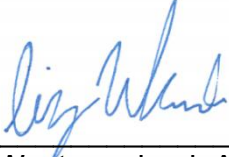
SECTION 4. DECISION.

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 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 Modification Permit filed as PA2025-0157, 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 Chapter 20.64 (Appeals) of the NBMC.

PASSED, APPROVED, AND ADOPTED THIS 25TH DAY OF SEPTEMBER 2025



Liz Westmoreland, AICP, Zoning Administrator

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

1. The Project shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. 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. Material violation of any of those laws in connection with the use may be cause for revocation of this Modification Permit.
4. This Modification 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 is 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. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 (Planning and Zoning) of the NBMC.
6. *Any change to the approved plans, including any demolition or addition beyond the approved scope of work shall require review by the Planning Division prior to commencement of work. Significant changes may require an amendment to or the processing of a new modification permit or may require the garage structure to be modified into compliance with Section 20.40.090 (Parking Standards for Residential Uses) of the NBMC.*
7. Prior to issuance of the 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
8. *The garage shall be permanently available and maintained for parking purposes. The interior clear dimensions (19 feet, 8 inches wide by 20 feet, 1 inch deep) shall be kept clear of obstructions including cabinets, shelving, or similar features, except as provided in Section 20.40.090 (Parking Standards for Residential Uses) of the NBMC, that prevents the ability to adequately park two vehicles.*
9. 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.

10. 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 the leasing agent.
11. Construction activities shall comply with Section 10.28.040 (Construction Activity – Noise Regulations) of the NBMC, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday and 8:00 a.m. and 6:30 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.
12. To the fullest extent permitted by law, Applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of **Greaves Residence including, but not limited to Modification Permit No. PA2025-0157**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by Applicant, City, and/or the parties initiating or bringing such proceeding. The Applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The Applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Building Division

13. 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.

Public Works Department

14. The Applicant is required to obtain an encroachment permit for all work located within the public right of way.
15. The Applicant shall remove the existing brick wall, concrete wall and steps from the public right of way.