



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 November 28, 2025.

ZONING ADMINISTRATOR PUBLIC HEARING ACTIONS NOVEMBER 26, 2025

Item 1: Hale Residence Coastal Development Permit (PA2024-0238)
Site Address: 1402 & 1402 ½ West Ocean Front

Action: Approved by Resolution No. ZA2025-073	Council District	1
---	------------------	---

Item 2: Sjodin Residence Addition Modification Permit (PA2025-0137)
Site Address: 1977 Port Seabourne Way

Action: Approved by Resolution No. ZA2025-074	Council District	5
---	------------------	---

Item 3: Vive Spa Minor Use Permit (PA2025-0167)
Site Address: 410 West Coast Highway Suite E

Action: Approved by Resolution No. ZA2025-075	Council District	2
---	------------------	---

APPEAL PERIOD: An appeal or call for review may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

RESOLUTION NO. ZA2025-073

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A COASTAL DEVELOPMENT PERMIT TO DEMOLISH AN EXISTING TWO-UNIT DWELLING AND CONSTRUCT A NEW, TWO-UNIT DWELLING WITH ATTACHED GARAGES AND CARPORT FOR THE PROPERTY LOCATED AT 1402 AND 1402 ½ WEST OCEAN FRONT (PA2024-0238)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Brandon Architects (Applicant), on behalf of Aaron Hale (Owner), with respect to property located at 1402 and 1402 ½ West Ocean Front, and legally described as Lot 2, Block 14 of Tract 234 (Property).
2. The Applicant requests a coastal development permit (CDP) to demolish an existing two-unit dwelling with an attached garage and construct a new 3,709-square-foot, three-story, two-unit dwelling with two attached single-car garages totaling 502 square feet and two carport spaces. The project also includes landscape, hardscape, drainage, and accessory structures (Project). The Project complies with all development standards and no deviations are requested. All improvements authorized by this CDP will be located on private property.
3. The Property is categorized as Two Unit Residential (RT) by the General Plan Land Use Element and is located within the Two-Unit Residential (R-2) Zoning District.
4. The Property is 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 November 26, 2025, online via Zoom. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. The Project is 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 and construction of up to three single-unit dwellings in urbanized areas. The Project will demolish an existing two-unit dwelling and construct a new two-unit dwelling, consistent with 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.

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

Finding:

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

Facts in Support of Finding:

1. The Project 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 4,496 square feet and the proposed floor area is 4,169 square feet.
 - b. The Project provides the minimum required setbacks, which are 10 feet from the front property line abutting West Ocean Front, three feet from each side property line, and zero feet from the rear property line abutting West Ocean Front Alley.
 - c. Both the highest flat roof and guardrails are less than 24 feet from established grade (34.91 feet based on the North American Vertical Datum of 1988 (NAVD 88)), and the highest ridge is no more than 29 feet from established grade (39.91 feet NAVD 88). The Project complies with all height requirements.
 - d. The Project provides one single-car garage for each dwelling unit and one covered carport space for each dwelling unit for a total of four parking spaces, which complies with the minimum parking requirement for two-unit dwellings.
 - e. The Project proposes a minimum top of slab elevation of 11.10 feet NAVD 88, which complies with the minimum 9.0-foot NAVD 88 top of slab elevation requirement for interior living areas of new structures.

2. The surrounding neighborhood is predominantly developed with two- and three-story dwellings. The proposed design, bulk, and scale of the Project is consistent with the existing neighborhood pattern of development.
3. A Coastal Hazards Report and Sea Level Rise Analysis was prepared by PMA Consulting, Inc. dated August 26, 2024. The report utilizes the adopted Sea Level Rise Guidance: 2018 Update provided by the State of California. As an ocean front property, the report analyzes the coastal hazards of shoreline erosion, flooding, wave runup, and sea level rise. The report analyzes future sea level rise scenarios assuming an increase in the maximum water level over the next 75 years (i.e., the life of the structure) of about 3.20 feet, resulting in a projected water elevation of 10.9 feet NAVD 88. However, based on the latest adopted Sea Level Rise Guidance: 2024 Update provided by the State of California, the sea level is estimated to reach approximately 12.6 feet NAVD 88 (the likely range for sea level rise over 75-year design life of the structure based on intermediate-high risk aversion estimates). The report concludes that given the wide nature of the beach, lack of long-term shoreline erosion, and a high finished first floor elevation, the Project is reasonably safe from coastal hazards and sea level rise. In the event that sea level rises as currently estimated or higher, the report states that masonry block walls along site property lines with a top of wall elevation of 14.4 NAVD 88 can act as a protection device.
4. Pursuant to Section 21.30.030(C)(3)(i)(iv) (Natural Landform and Shoreline Protection) of the NBMC, the Owners will be required to enter into an agreement with the City waiving any potential right to protection to address situations in the future in which the Project is threatened with damage or destruction by coastal hazards (e.g., waves, erosion, and sea level rise). The Owners will also be required to acknowledge any hazards present at the site and unconditionally waive any claim to damage or liability against the decision authority, consistent with Section 21.30.015(D)(3)(c) (General Site Planning and Development Standards) of the NBMC. These requirements are included as Condition of Approval Nos. 5 and 6 which will need to be satisfied prior to final building inspection, and prior to the issuance of building permits, respectively.
5. 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 prior to the issuance of a building permit. 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 the CBC prior to building permit issuance.
6. The Property is located in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code (CBC) and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved prior to 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 prior to building permit issuance.

7. The Property is separated from the Pacific Ocean by a wide sandy beach and is over 500 feet from the high tide line. Pursuant to Section 21.35.030 (Construction Pollution Prevention Plan) of the NBMC, a Construction Pollution Prevention Plan (CPPP) is required to implement temporary Best Management Practices (BMPs) during construction to minimize erosion and sedimentation, and to minimize pollution of runoff, and coastal waters derived from construction chemicals and materials. The Project design also addresses water quality through the inclusion of a post-construction drainage system that includes drainage and percolation features designed to retain dry weather and minor rain event runoff on-site. Any water not retained on-site is directed to the City's storm drain system. A CPPP has been provided and construction plans will be required to adhere to the CPPP.
8. Pursuant to Section 21.35.050 (Water Quality and Hydrology Plan) of the NBMC, a preliminary Water Quality Management Plan (WQMP) is required due to the proximity of the development to the shoreline and the development containing more than 75% of impervious surface area. The preliminary WQMP was prepared by CivilScapes Engineering, Inc. dated April 7, 2025. The WQMP includes a polluted runoff and hydrologic site characterization, a sizing standard for BMPs, use of a Low impact Development (LID) approach to retain the design storm runoff volume on site, and documentation of the expected effectiveness of the proposed BMPs. Prior to the issuance of a building permit, construction plans will be reviewed for compliance with the approved WQHP.
9. Proposed landscaping complies with Section 21.30.075 (Landscaping) of the NBMC. Condition of Approval No. 17 requires that landscaping be drought tolerant and non-invasive plant species. Prior to the issuance of a building permit, the final landscape plans will be reviewed to verify invasive species are not planted.
10. The Property is not located adjacent to a coastal view road or coastal viewpoint as identified in the Coastal Land Use Plan. The nearest designated coastal viewpoint is at Marina Park, approximately 925 feet northwest of the Property, and the nearest designated coastal view road segment is located along Newport Boulevard, over 5,700 feet away. The Project is not visible from either due to the distance from the points and intervening structures. The Property is located in the viewshed of the public beach, which is not a designated viewpoint but provides scenic views of the ocean. The Project replaces an existing two-unit dwelling built 80 years ago with a new two-unit dwelling that complies with all applicable Local Coastal Program (LCP) development standards and maintains a building envelope consistent with the existing and anticipated neighborhood pattern of development. The Project should blend in with existing development and 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.*

Facts in Support of Finding:

1. The Property is located on the Balboa Peninsula and between the nearest public road and the sea. Section 21.30A.040 (Determination of Public Access/Recreation Impacts) of the NBMC requires that the provision of public access bear a reasonable relationship between the requirement and the project's impact and be proportional to the impact. In this case, the Project includes the demolition of a two-unit dwelling and the construction of a two-unit dwelling on an R-2 zoned lot. The Project maintains the same number of units as the existing development and does not involve a change in land use, density or intensity that will result in increased demand on 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 Property via the 14th and 15th Street ends. Lateral access is provided on the beach and along the Oceanfront 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 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 and that the exceptions to this Exemption do not apply.
2. The Zoning Administrator of the City of Newport Beach hereby approves the Coastal Development Permit filed as PA2024-0238, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 21 Local Coastal Implementation Plan, of the 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 26TH DAY OF NOVEMBER, 2025.



Benjamin M. Zueba, 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. Revisions to the approved plans require review by the Planning Division and may require an amendment to this coastal development permit or the processing of a new coastal development permit.
3. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
4. The Coastal Development Permit filed as PA2024-0238 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.
5. *Prior to the issuance of a building permit, the Owner shall submit a signed and notarized letter acknowledging all hazards present at the site, assuming the risk of injury or damage from such hazards, unconditionally waiving any claims of damage against the City from such hazards, and to indemnify and hold harmless 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 development. The letter shall be scanned into the plan set prior to building permit issuance.*
6. *Prior to final building permit inspection, an agreement in a form approved by the City Attorney between the property owner and the City shall be executed and recorded waiving rights to the construction of future shoreline protection devices to address the threat of damage or destruction from waves, erosion, storm conditions, landslides, seismic activity, bluff retreat, sea level rise, or other natural hazards that may affect the Property, or development of the Property, today or in the future. The agreement shall be binding against the property owners and successors.*
7. *Prior to the issuance of a building permit, the final WQHP/WQMP shall be reviewed and approved by the Building Division. Implementation shall comply with the approved CPPP and WQHP/WQMP; any changes could require separate review and approval by the Building Division.*

-
8. Prior to the issuance of a building permit, the Applicant shall submit a final construction erosion control plan. The plan shall be subject to the review and approval by the Building Division.
 9. Prior to the issuance of a building permit, the Applicant shall submit a final drainage and grading plan. The plan shall be subject to review and approval by the Building Division.
 10. Prior to the issuance of a building permit, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.
 11. 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.
 12. This approval does not authorize any new or existing improvements (including landscaping) on State tidelands, public beaches, or the public right-of-way.
 13. No demolition or construction materials, equipment debris, or waste, shall be placed or stored in a location that would enter sensitive habitat, receiving waters, or a storm drain or result in impacts to environmentally sensitive habitat areas, streams, the beach, wetlands, or their buffers.
 14. 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.
 15. 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. Stock-piles 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.
 16. Trash and debris shall be disposed in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
 17. Prior to the issuance of a building permit, the Applicant shall submit a final landscape and irrigation plan. These plans shall incorporate drought tolerant plantings, non-invasive plant species and water efficient irrigation design. The plans shall be approved by the Planning Division.
 18. All landscape materials and irrigation systems shall be maintained in accordance with the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing, and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be

kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.

19. Construction activities shall comply with Section 10.28.040 (Construction Activity – Noise Regulations) of the NBMC, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday. Noise-generating construction activities are not allowed on Saturdays, Sundays, or holidays.
20. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 (Community Noise Control) and other applicable noise control requirements of the NBMC.
21. 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 pursuant to 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.
22. 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 Coastal Development Permit.
23. 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.
24. 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 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.

25. 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.
26. 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 **Hale Residence including, but not limited to the Coastal Development Permit (PA2024-0238)**. 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, attorneys' fees, and damages, which the City incurs in enforcing the indemnification provisions outlined in this condition. The Applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

Building Division

27. The foundation shall be designed for liquefaction mitigation, pursuant to California Building Code (CBC) Policy No. CBC 1803.5.
28. Habitable levels greater than one story above or below an egress door shall not exceed the 50-foot maximum travel distance from any occupied point to a stairway or ramp that provides egress from said habitable level.

Fire Department

29. Installation of an NFPA 13D fire sprinkler system is required.

Public Works Department

30. The Applicant shall install a new sewer clean out on the existing sewer lateral, pursuant to City Standard 406.
31. The Applicant shall remove all existing encroachments within the Ocean Front right of way and install a new sidewalk to match.
32. The existing water service shall be abandoned at the water main. Proposed service and meter shall be installed pursuant to City Standard 502.

RESOLUTION NO. ZA2025-074

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING A MODIFICATION PERMIT FOR A 17-PERCENT ADDITION TO AN EXISTING SINGLE-UNIT RESIDENCE WITH NONCONFORMING PARKING LOCATED AT 1977 PORT SEABOURNE WAY (PA2025-0137)

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 Hohmann (Applicant), on behalf of Terri Sjodin (Owner), for 1977 Port Seaborne Way which is legally described as Lot 30 in Tract 7027 (Property), requesting approval of a modification permit.
2. The Applicant proposes a 358-square-foot addition (17%) to an existing nonconforming single-unit residence where the Zoning Code limits additions to 10% of the existing gross floor area when the required parking dimensions are not provided. The Property currently provides interior garage dimensions of 19 feet 4 inches in width and 20 feet in depth. Given that the Property's lot width exceeds 40 feet, the Newport Beach Municipal Code (NBMC) requires a minimum interior garage dimension of 20 feet in width by 20 feet in depth for the two-car garage (Project).
3. The Property is designated Single Unit Residential Detached (RS-D) by the General Plan Land Use Element and is located within the Harbor Views Hills (PC3) Zoning District.
4. The Property is not located within the coastal zone.
5. A public hearing was held on November 26, 2025, online via Zoom. A notice of the time, place, and purpose of the hearing was given in accordance with the NBMC. Evidence, both written and oral, was presented to and considered by the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is exempt from the California Environmental Quality Act (CEQA) under Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.
2. The Class 1 exemption includes additions to existing structures up to 50% of the floor area before the addition, or 2,500 square feet, whichever is less. The Project is a 358-square-foot addition to an existing single-unit dwelling in a developed neighborhood and is not within an environmentally sensitive area. Therefore, the Project is consistent with the intent of Class 1.

SECTION 3. REQUIRED FINDINGS.

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

Finding:

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

Facts in Support of Finding:

1. The surrounding neighborhood is comprised of one- and two-story single-unit residences. The modification permit will allow an addition to the existing one-story single-unit residence, which is compatible with other properties in the neighborhood. The Project includes additional floor area to expand the existing kitchen, family room, and two bedrooms. There is no change to the density or intensity as a result of the Project.
2. The PC3 Zoning District limits site coverage to 60%, which is 3,627 square feet of the 6,045-square-foot lot. The project includes an addition of 358 square feet for a total gross floor area of 2,478 square feet (49% site coverage). The resulting bulk and scale of the Project is compatible with other single-unit dwellings within the neighborhood.

Finding:

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

Facts in Support of Finding:

1. While the Property provides a two-car garage as required by the PC3 district regulations, the regulations are silent in the minimum interior dimensions for enclosed spaces. Therefore, the applicability of Section 20.40.040 (Parking Standards for Residential Uses) of the NBMC requires a two-car garage to provide a 20-foot wide by 20-foot deep interior dimensions due to the Property's lot width being more than 40 feet. The Property currently provides interior garage dimensions of 19 feet 4 inches in width and 20 feet in depth. Therefore, the Property's existing 2-car garage is considered legal nonconforming due to insufficient width.
2. NBMC Subsection 20.38.030(C) (Determination of Nonconformity – Nonconforming Structure) defines a "legal nonconforming structure" as any structure that was lawfully erected but does not conform with the current development standards for the zoning district in which it is located by reason of adoption or amendment of the Zoning Code. The Property does provide a two-car garage; however, it is considered legal nonconforming due to its substandard interior garage dimensions. The existing nonconforming garage measures approximately 19 feet 4 inches in width by 20 feet in

depth, where the Zoning Code requires minimum dimensions of 20 feet wide by 20 feet deep.

3. The granting of the modification permit is necessary to allow a reasonable addition to an existing single unit dwelling that was constructed in compliance with the required number of parking spaces in effect at the time of original construction, and that are adequate in width for the parking of two vehicles.

Finding:

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

Facts in Support of Finding:

1. Facts in Support of Finding B are hereby incorporated by reference.
2. To create a compliant two-car garage with the required interior dimensions would result in practical difficulties and physical hardships. Relocating the interior walls 6 inches to the west to achieve the required 20-foot width interior clearance would reduce the size of the existing bedroom. Relocating the interior wall to the east is not permitted since it encroaches into the required 5-foot side yard setback. These alternatives would make the Project infeasible and are inconsistent with the purpose and intent of the Zoning Code.

Finding:

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

Facts in Support of Finding:

1. Fact 2 of Finding C is hereby incorporated by reference.
2. The intent of the Project is to provide additional living area to expand the existing kitchen, family room, and two bedrooms. A redesign to reduce the size of the addition to 212 square feet will significantly impact the objectives of the Project and would not provide similar benefits to the Owner.

Finding:

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

Facts in Support of Finding:

1. The Project conforms to the applicable development standards such as floor area limit and height, which will provide adequate protection for light, air, and privacy. The Project also complies with the required 5-foot side yard setback and 10-foot rear yard setback. The Property is required to have 19-foot front yard setback along Port Seabourne Way. However, the existing single-unit dwelling maintains an 18-foot, 6-inch setback from the front property line. While the building's existing yard setback is legal-nonconforming, the Project does not further intensify this condition, as the nonconforming setback pertains to the existing garage, which is not within the Project's scope.
2. The Project maintains more than the minimum 3-foot side yard for fire access in accordance with Zoning Code Section 20.30.110 (Setbacks Regulations and Exceptions), Subsection A(1)(c).
3. As conditioned, the Applicant is required to obtain all necessary permits in accordance with the Building Code and other applicable Codes.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act under Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves Modification Permit (PA2025-0137), subject to the conditions outlined in Exhibit A, which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or a call for review is filed with the Community Development Director by the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 26TH DAY OF NOVEMBER, 2025.

Benjamin M. Zueba, AICP, Zoning Administrator

EXHIBIT “A”**CONDITIONS OF APPROVAL**
*(Project-specific conditions are in italics)***Planning Division**

1. The Project shall be in substantial conformance with the approved site plan, floor plans, and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
3. The Applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may be caused the 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 are detrimental to the public health, welfare, or materially injurious to property or improvements in the vicinity or if the property is operated or maintained to constitute a public nuisance.
5. Any change to the approved plans shall require review by the Planning Division. An amendment to or the processing of a new modification permit may be required.
6. *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.*
7. *Each parking space within the garage shall be permanently available and maintained for parking purposes. The interior clear dimensions (19 feet 4 inches wide by 20 feet deep) shall be kept clear of obstructions including cabinets, shelving, or similar that may impact the ability to adequately park three vehicles*
8. A copy of the Resolution, including conditions of approval Exhibit “A” shall be incorporated into the Building Division and field sets of plans before issuance of the building permits.
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 leasing agent.

11. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday, and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.
12. 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.
13. 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 **Sjodin Residence Addition including, but not limited to, Modification Permit No. PA2025-0137**. 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

14. The existing planter within the public right of way shall be removed, and an encroachment permit for the removal shall be obtained.
15. An encroachment permit and encroachment agreement shall be obtained for the decorative driveway pavers within the public right of way.

Fire Department

16. The Project shall be fire sprinklered per 2022 NFPA13D if the existing dwelling is equipped with a fire sprinkler system.

RESOLUTION NO. ZA2025-075

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING A MINOR USE PERMIT FOR A MASSAGE ESTABLISHMENT LOCATED AT 410 WEST COAST HIGHWAY, SUITE E (PA2025-0167)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Anh Nyguen (Applicant) of Vive Spa, concerning property located at 410 West Coast Highway, Suite E, and legally described as Lots 10 and 11 of Tract No.1210 (Property) requesting approval of a minor use permit.
2. The Applicant requests a minor use permit to allow the operation of a massage establishment within an existing multi-tenant commercial building. The establishment is located within a 325-square-foot suite and is proposing to operate daily with no late hours (after 11:00 p.m.). No alteration or improvement to the existing suite are proposed (Project).
3. The Property is designated General Commercial (CG) by the General Plan Land Use Element and is located within the Commercial General (CG) Zoning District.
4. The Property is not located within the coastal zone.
5. A public hearing was held on November 26, 2025, online via Zoom. A notice of the time, place, and purpose of the hearing was given in accordance with the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to and considered by the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is exempt from the California Environmental Quality Act (CEQA) under Section 15301 under Class 1 (Existing Facilities) 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 1 exemption authorizes minor alterations to existing structures involving negligible or no expansion of use. The Applicant indicated that no tenant improvements were requested as a result of the Project. The existing commercial suite is proposed to operate as a massage establishment with no intensification of use. Additionally, no new floor area is proposed.

SECTION 3. REQUIRED FINDINGS.

Minor Use Permit

By Section 20.52.020(F) (Conditional Use Permits and Minor Use Permits – Findings and Decision) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

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

Facts in Support of Finding:

1. The Property is designated CG by the Land Use Element of the General Plan. The CG category is intended to provide for areas appropriate for a wide variety of commercial activities oriented primarily to serve citywide or regional needs.
2. The Project is consistent with the land uses permitted within this land use designation. The Project will provide a massage therapy service to the nearby residents and visitors to the City in an otherwise vacant tenant space.
3. The Property is not a part of a specific plan area.

Finding:

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

Facts in Support of Finding:

1. Fact 1 in Support of Finding A is hereby incorporated by reference.
2. Pursuant to Table 2-5 of Section 20.20.020 (Commercial Zoning Districts Land Uses and Permit Requirements) of the NBMC, a massage establishment is a permitted land use in the CG Zoning District, subject to approval of a minor use permit.
3. Pursuant to Table 3-10 of Section 20.40.040 (Off-Street Parking Spaces Required) of the NBMC, massage establishments must provide one parking space per 200 square feet of gross-floor area. Alternatively, the City may also establish the parking requirements for a massage establishment through the use permit process. Based on a massage establishment's required parking ratio, the Project is required to provide two parking spaces on site. The suite was previously used as an administrative office, which was also required to provide two parking spaces. Since there is no change to the parking requirement of two spaces, the Project complies with the parking requirements of the NBMC.

4. The Project is consistent with the legislative intent of Section 20.48.120 (Massage Establishments and Services) and Chapter 5.50 (Massage Establishments) of the NBMC. These sections provide standards for the establishment, location, and operation of massage establishments operated as an independent use. The intent is to promote the operation of legitimate massage services and to prevent problems of blight and deterioration that may result from an overconcentration of massage establishments.

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 tenant space is located on the first floor of a multi-tenant commercial building. The Project is proposed within an existing 325-square-foot suite and no tenant improvements are proposed as a result of the Project.
2. The proposed hours of operation are Monday through Friday, 10:00 a.m. to 7:00 p.m., Saturday 11:00 a.m. to 6:00 p.m., and Sunday 11:00 a.m. to 5:00 p.m. The surrounding uses consists of office, personal services, restaurants, and retail. The proposed hours of operation are compatible with the surrounding uses.
3. The Property is oriented towards West Coast Highway and approximately 120 feet from residential dwellings across West Coast Highway south of the property. Additionally, the Property directly abuts residential properties located north of the site on Kings Road. However, the Project is not expected to disturb the nearby residences as there are limited hours of operation, and the establishment is relatively small (325 square feet).

Finding:

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

Facts in Support of Finding:

1. The Project is located within an existing multi-tenant commercial building along West Coast Highway in Mariner's Mile. The Property includes an 18-space, on-site parking lot which is accessible from West Coast Highway.
2. Given that the Project does not intensify parking on the Property, the provided parking should be adequate to accommodate the Project.
3. The Fire Department has reviewed the Project to ensure adequate public and emergency vehicle access is provided and has no concerns with the Project.

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 is conditioned with typical daytime and evening hours of operation that will minimize any detriment to the surrounding area and encourage compatibility with the existing uses in the surrounding neighborhood.
2. The Project will provide additional services to the residents in the surrounding area and visitors to the City.
3. The Project has been reviewed by the Building Division, Public Works Department, Fire Department, and Newport Beach Police Department (NBPD). All recommended conditions of approvals have been included to help limit any negative effects to persons visiting or working in the surrounding neighborhood.
4. The NBPD has reviewed the Project and has no objections. Condition of Approval No. 30 has been included to ensure the applicant obtains an Operator's Permit from the NBPD in compliance with Chapter 5.50 (Massage Establishments) of the NBMC.

Location Requirements

In accordance with Section 20.48.120 (A) (Massage Establishments and Services – Location Requirements) of the Newport Beach Municipal Code (NBMC), the following findings and facts in support of such findings are set forth:

Finding:

- F. The massage establishment shall not be located within 500 feet of a public or private school, park or playground, civic center, cultural site, or religious institution.*

Facts in Support of Finding:

1. The intent of this section is to promote the operation of legitimate massage services and prevent problems of blight and deterioration, which accompany and are brought about by large number of massage establishments and the misuse of massage therapy as a front for prostitution and other illegal activities.
2. The nearest park is Lower Castaways Park, which is located at the corner of East Coast Highway and Dover Drive and is approximately 725 feet east of the Property.

3. The nearest school is Ensign Intermediate School, which is located at the corner of Cliff Drive and Irvine Avenue and is approximately 1,700 feet northwest of the Property.
4. The nearest religious institution is Saint Andrew Presbyterian Church which is located at the corner of Saint Andrews Road and Clay Street and is approximately 1,820 feet north of the Property.

Finding:

- G. *The massage establishment shall not be located within 500 feet of another massage establishment site.*

Fact in Support of Finding:

1. The Project is not located within 500 feet of another massage establishment.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act under Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit (PA2025-0167) subject to the conditions outlined in Exhibit A, which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or a call for review is filed with the Community Development Director by the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 26TH DAY OF NOVEMBER, 2025.



Benjamin M. Zdeba, 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. 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 Minor Use Permit.
3. 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.
4. Prior to the issuance of a building permit, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.
5. *The hours of operation shall be between Monday through Friday, 10:00 a.m. to 7:00 p.m., Saturday 11:00 a.m. to 6:00 p.m., and Sunday 11:00 a.m. to 5:00 p.m.*
6. This Minor Use Permit shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the NBMC, unless an extension is otherwise granted.
7. This Minor Use Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained are detrimental to the public health, welfare, or materially injurious to property or improvements in the vicinity or if the property is operated or maintained to constitute a public nuisance.
8. Any change in operational characteristics, expansion in the area, or other modification to the approved Project, shall require an amendment to this Minor Use Permit or the processing of a new Use Permit.
9. The site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, in the opinion of the Director of Community Development, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
10. 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).

11. 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.
12. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday, and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.
13. No outside paging system shall be utilized in conjunction with this establishment.
14. All trash shall be stored within the building or within dumpsters stored in the trash enclosure (three walls and a self-latching gate) or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies. The trash enclosure shall have a decorative solid roof for aesthetic and screening purposes.
15. 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.
16. The exterior of the business shall be always maintained free of litter and graffiti. The owner or operator shall provide for daily removal of trash, litter debris, and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
17. 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).
18. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and Saturdays and between the hours of 10:00 p.m. and 9:00 a.m. on Sundays and Federal holidays unless otherwise approved by the Director of Community Development and may require an amendment to this Use Permit.
19. 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.
20. A Special Events Permit is required for any event or promotional activity outside the normal operating characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site

media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.

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 **Vive Spa including, but not limited to, Minor Use Permit (PA2025-0167)**. 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.

Building Division

22. The Applicant shall obtain a building permit for the change of use and/or occupancy.
23. An accessible path of travel shall be required from the parking lot and public right of way to the tenant space.

Fire Department

24. A fire extinguisher sized at 2A:10BC shall be installed within the tenant space.

Police Department

25. Strict adherence to the NBMC Section 5.50 (Massage Establishments) shall be upheld.
26. All employees of the Applicant business who conduct massages shall be certified by the California Massage Therapy Council (CAMTC) (physicians, physical therapists, and chiropractors exempt).
27. The Applicant or primary massage therapist shall obtain and hold in good standing, a Massage Operator License issued by the Newport Beach Police Department.