



CITY OF NEWPORT BEACH COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION ACTION REPORT

TO: CITY COUNCIL, CITY MANAGER, AND PLANNING COMMISSION
FROM: Jaime Murillo, Community Development Director
SUBJECT: Report of actions taken by the Zoning Administrator, and/or Community Development Director for the week ending February 27, 2026.

ZONING ADMINISTRATOR PUBLIC HEARING ACTIONS FEBRUARY 26, 2026

- Item 1: Sky Thai Massage Minor Use Permit (PA2024-0201)
Site Address: 2737 East Coast Highway
Action: Approved by Resolution No. ZA2026-008 Council District 6
- Item 2: Hogan Residence Coastal Development Permit Variance (PA2025-0143)
Site Address: 1529 Dolphin Terrace
Action: Approved by Resolution No. ZA2026-009 Council District 5
- Item 3: Engstrom Residence Coastal Development Permit (PA2025-0240)
Site Address: 2200 Pacific Drive
Action: Approved by Resolution No. ZA2026-010 Council District 6
- Item 4: Annino Residence Coastal Development Permit (PA2025-0209)
Site Address: 239 61st Street
Action: Approved by Resolution No. ZA2026-011 Council District 1
- Item 5: 3036 Breakers LLC Condominium Conversion (PA2025-0144)
Site Address: 3036 Breakers Drive and 3047 Ocean Boulevard
Action: Approved by Resolution No. ZA2026-012 Council District 6

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

Item 1: Birdhouse Sign Program Comprehensive Sign Program (PA2025-0258)
Site Address: 1303 Avocado Avenue

Action: Approved

Council District 5

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. ZA2026-008

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A MINOR USE PERMIT AND ADJUSTING THE PARKING RATE FOR A MASSAGE ESTABLISHMENT LOCATED AT 2737 COAST HIGHWAY EAST, SUITE C (PA2024-0201)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Jack Meola of Sky Thai Massage, LLC (Applicant), with respect to property located at 2737 Coast Highway East Suite C, and legally described as Lot 4 in Block E of Tract No. 323, in the City of Newport Beach, County of Orange, State of California, as per map recorded in Book 14, pages 40 and 41 of Miscellaneous Maps, in the office of the county recorder of said county (Property).
2. The Applicant requests a minor use permit (MUP) to allow for the operation of a massage establishment within an approximately 382-square-foot suite located in an existing multi-tenant commercial building. The suite consists of one primary treatment room containing two massage beds, a unisex restroom, shower, kitchenette and storage area. There is one on-site parking space provided and it is designated for employee use. Provided services will include massage and assisted stretching. Proposed hours of operation are 10 a.m. to 7 p.m., daily and appointments are made online. Also included is a request to modify the parking rate for the massage establishment (Project).
3. The subject property is categorized as Corridor Commercial (CC) by the Land Use Element of the General Plan and is located within the Commercial Corridor (CC) Zoning District.
4. The subject property is located within the Coastal Zone. The Coastal Land Use Plan category is Corridor Commercial – (0.0 – 0.75 FAR) (CC-B) and the Coastal Zoning District is Commercial Corridor (CC). The Project is not considered an intensification of use, therefore, the Project is not considered development pursuant to Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (NBMC) and no coastal development permit is required.
5. A public hearing was held on February 26, 2026, online via Zoom. A notice of time, place and purpose of the hearing was given in accordance with the NBMC. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 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 Project does not propose any tenant improvements to accommodate the new use and no new floor area is proposed. Additionally, the Project is not considered an intensification of use. Therefore, the Class 1 exemption is applicable.

SECTION 3. REQUIRED FINDINGS.

Minor Use Permit

In accordance with Section 20.52.020(F) (Conditional Use Permits and Minor Use Permits – Findings and Decision) of the NBMC, the following findings and facts in support of 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 project site is categorized as CC by the Land Use Element of the General Plan. The CC categorization is intended to provide a range of neighborhood-serving retail and service uses along street frontages that are located and designed to foster pedestrian activity.
2. Land Use Policy LU 2.1 (Resident-Serving Land Uses) of the Land Use Element of the General Plan is intended to accommodate uses that support the needs of Newport Beach residents including housing, retail, services, employment, recreation, education, culture, entertainment, civic engagement, and social and spiritual activity that are in balance with community natural resources and open spaces.
3. The proposed massage establishment is consistent with the land uses suggested by the CC categorization as the proposed use will provide an additional service to nearby residents and visitors to the City in an otherwise vacant tenant space.
4. The subject property is not part of a specific plan area.

Finding:

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

Facts in Support of Finding:

1. The subject property is located within the CC Zoning District. Similar to the CC land use category, the CC Zoning District is intended to provide areas appropriate for a range of neighborhood-serving retail and service uses along street frontages that are located and designed to foster pedestrian activity.
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 permitted in the CC 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, the City may establish the parking requirements for a massage establishment through the use permit process. Two massage beds will be available in the 382-square-foot suite at any given time. Condition of approval No. 5 limits the Project to a maximum of two massage technicians providing massage services at any one time. While two massage beds are available, the suite size is small and only one client will be massaged at any one time, with the exception of couple's massage bookings which are less common. Due to the limited number of employees, patrons, and a low intensity of use, a one per 250 parking ratio is appropriate to support the use. Pursuant to Section 21.38.060(B)(1) (Nonconforming Parking) of the NBMC, a new use requiring one space per 250 square feet of gross building area is allowed to operate without proving additional parking, provided no intensification or enlargement occurs.
4. The proposed massage establishment 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 code sections provide standards for the establishment, location, and operation of independent massage establishments. The intent of the code sections 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 basement floor of a multi-tenant commercial building. The suite would require no improvements to implement the use, as the suite is already set up to offer one treatment room, a restroom, shower, kitchenette and storage area.

2. The existing commercial building is located within a commercial center where there are other commercial uses. Residential dwellings fronting Fernleaf Avenue are located adjacent to the parking lot serving the proposed use. The nearby residences are separated from the subject property by an alley. The nearest residential property is approximately 15 feet away from the entrance to the proposed massage establishment. With the suite being located below grade, there will be no noise or visual impact to the nearby residences.
3. Hours of operations are proposed from 10 a.m. to 7 p.m., daily. Surrounding uses within the same commercial center include fast casual restaurants, retail, general office, and other personal services. The project does not propose late hours (i.e., past 11 p.m.) and is not likely to cause noise or disruptions to surrounding uses.
4. While no construction is proposed, a building permit is required to document the change of use. Condition of Approval Nos. 22 and 23 require that construction plans meet all applicable State Disabilities Access requirements and show an accessible path of travel.

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; and*

Facts in Support of Finding:

1. The project site is located between Fernleaf Avenue and Goldenrod Avenue, within the basement level of an existing, two-story, multi-tenant, commercial building. There is one on-site parking space available in a surface parking lot, which is accessed from the alley at the rear of the property.
2. Fact 3 in Support of Finding B is hereby incorporated by reference.
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 are intended to encourage compatibility within the surrounding neighborhood.

2. The proposed massage establishment will provide therapeutic services to the residents in the surrounding area and to visitors within the City.
3. The project was reviewed by the Building Division, Public Works Department, Fire Department, Code Enforcement Division, 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 to this project as proposed. Condition of Approval No. 25 is included to ensure the applicant obtains an Operator's Permit from the NBPD in compliance with Chapter 5.50 (Massage Establishments) of the NBMC.
5. The Code Enforcement Division has reviewed the project and has no objections to this project as proposed. Condition of Approval No. 28 requires that all windows (except treatment room windows) remain visible and transparent in nature.

Location

In accordance with Section 20.48.120(B) (Massage Establishments and Services – Waiver of Location Restrictions) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

- F. The proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed;*

Facts in Support of Finding:

1. The intent of this section is to promote the operation of legitimate massage services and to prevent problems of blight and deterioration, which accompany and are brought about by a large number of massage establishments and the misuse of massage therapy as a front for prostitution and other illegal activities.
2. The project is located within 500 feet of the Sherman Library and Gardens, which is considered a cultural institution and conflicts with the location restrictions listed under Section 20.48.120 (Massage Establishments and Services) of the NBMC, as a cultural site. However, the project is not anticipated to have any impact on the nearby institution, as it is located on the basement level of an existing multi-tenant commercial building and will typically provide massage services to one person at a time, or a maximum of two people at one time when a couple's massage is booked.
3. The proposed use is within a managed, multi-tenant commercial building, which should help discourage the operation of illegal activities.

4. Condition of Approval No. 26 requires that all employees of the proposed use who conduct massage are certified by the California Massage Therapy Council.
5. The lack of late hours should also help prevent the business from being used for illegal activities.
6. Fact 4 in Support of Finding E is hereby incorporated by reference.

Finding:

- G. *The proposed use will not enlarge or encourage the development of an urban blight area; and*

Facts in Support of Finding:

1. The subject property is not located within a blighted area and is well maintained.
2. Although the project is located within 500 feet of other massage establishments, the project is not anticipated to produce a blighting effect as the proposed use is not visible from the street because the suite is at the basement level, it is oriented towards the interior of the property, and is within an existing multi-tenant commercial building.
3. The proposed use is within 500 feet of two other massage establishments at 2744 East Coast Highway and 2721 East Coast Highway. 2744 East Coast Highway is located across a multi-lane roadway (East Coast Highway) and the public walkways that serve this location do not pass near or around the subject massage establishment. 2721 East Coast Highway obtained a waiver to permit massage as an accessory use within 500 feet of another massage establishment. While there are other massage establishments nearby, the proposed establishment is located at the basement level which reduces the perceived number of massage establishments in the immediate area, and the maximum number of customers at one time would be two, when a couple's massage is booked.
4. Condition of Approval No. 6 requires any signage to comply with the requirements of Chapter 20.42 (Signs) of the NBMC. This prevents the proliferation of signs advertising massage services or the installation of prohibited sign types, such as animated and changeable copy signs or luminous tube lighting (i.e., neon).

Finding:

- H. *The proposed use will not adversely affect a religious institution, school, park, or playground;*

Facts in Support of Finding:

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

2. The NBPD has reviewed the request for a waiver of location restrictions and has no concerns regarding the location.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves the Minor Use Permit filed as PA2024-0201, 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 NBMC.

PASSED, APPROVED, AND ADOPTED THIS 26TH DAY OF FEBRUARY, 2026.



Benjamin M. Zueba, AICP, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

Planning Division

1. The development shall be in substantial conformance with the approved site plan and floor plan stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. 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 Minor Use Permit.
4. *The hours of operation shall be between 10 a.m. and 7 p.m., daily.*
5. *There shall be no more than two (2) massage technicians onsite at any given time.*
6. All proposed signs shall be in conformance with the provisions of Chapter 20.42 (Signs) of the NBMC.
7. This Minor Use Permit, as part of PA2024-0201, 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.
8. 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 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.
9. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require subsequent review by the Planning Division and may require an amendment to this Use Permit or the processing of a new Use Permit.
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. 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.
13. 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 a.m. and 6:30 p.m., Monday through Friday. Noise-generating construction activities are not allowed on Saturdays, Sundays or Holidays.
14. No outside paging system shall be utilized in conjunction with this establishment.
15. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
16. 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).
17. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10 p.m. and 7 a.m. on weekdays and Saturdays and between the hours of 10 p.m. and 9 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.
18. Storage outside of the building in the front or at the rear of the property shall be prohibited, with the exception of the required trash container enclosure.
19. 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.
20. 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 **Sky Thai Massage Spa including, but not limited to, the Minor Use Permit filed as PA2024-0201**. 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.

Fire Department

21. *Fire sprinkler plans shall be submitted for any tenant improvement work that may obstruct or affect the water spray pattern of the fire sprinkler system.*

Building Division

22. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code (CBC). The construction plans must meet all applicable State Disabilities Access requirements.
23. *An accessible path of travel is required from the parking lot and public right of way to the tenant space, in accordance with 11B-202.3 of the CBC.*

Police Department

24. *Strict adherence to Chapter 5.50 (Massage Establishments) of the NBMC shall be required.*
25. *Prior to operation, the applicant shall apply for and obtain an Operator's Permit from the Chief of Police and keep said permit in good standing.*
26. *All employees of the applicant business who conduct massage services on the premises must be certified by the California Massage Therapy Council (CAMTC) (physicians, physical therapists, and chiropractors exempt).*
27. *The business shall maintain requirements of operation and submit to inspections by officers of the NBPD.*

Code Enforcement Division

28. *All windows (except treatment room windows) shall remain visible and transparent in nature. Window signage shall comply with the NBMC.*
29. *The names of employees shall be posted upon entry and contact information and list of state certifications shall be provided upon request. A current list of employees shall be kept on-site and maintained at all times.*

30. *The owner, operator, or responsible manager's contact information for the massage establishment shall be provided to the City of Newport Beach Code Enforcement Division.*

RESOLUTION NO. ZA2026-009

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT AND COASTAL VARIANCE TO DEMOLISH AN EXISTING SINGLE-UNIT RESIDENCE AND CONSTRUCT A NEW TWO-STORY SINGLE-UNIT RESIDENCE AND ATTACHED THREE-CAR GARAGE WITH AN ENCROACHMENT INTO BLUFF (B) OVERLAY DEVELOPMENT AREA B LOCATED AT 1529 DOLPHIN TERRACE (PA2025-0143)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Geoff Sumich, concerning property located at 1529 Dolphin Terrace, and legally described as Lot 17 in Tract 2334, requesting approval of a coastal development permit.
2. The applicant proposes a coastal development permit to allow the demolition of the existing single-unit residence and the construction of a new, 9,337-square-foot, 14-foot-tall single-unit residence including a 644-square-foot, 3-car garage and a 2,901-square-foot basement. The development includes a coastal variance to The property is located within the Bluff (B) Overlay District of Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (NBMC). The development includes a coastal variance to the Bluff (B) Overlay standards of Title 21 (Local Coastal Program Implementation Plan) to allow the principal structure to extend beyond Development Area A into Development Area B. The property is within the Categorical Exclusion Area (CEO) but does not qualify under the exclusion with the proposed coastal variance. The proposed development includes additional appurtenances such as a pool, walls, fences, patios, hardscape, drainage devices, and landscaping. With the exception of the variance to the Bluff (B) Overlay of Title 21, the project complies with all development standards.
3. The subject property is designated Single Unit Residential Detached (RS-D) by the General Plan Land Use Element and is located within the Single-Unit Residential (R-1) Zoning District.
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single Unit Residential Detached (RSD-A) (0.0 – 5.9 DU/AC) and it is located within the Single-Unit Residential (R-1) Coastal Zone District and Bluff (B) Overlay District.
5. A public hearing was held on February 26, 2026, online via Zoom. A notice of the time, place, and purpose of the hearing was given by the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is categorically exempt pursuant to Title 14 of the California Code of Regulations Section 15303, Division 6, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 3 (New Construction or Conversion of Small Structures) because it has no potential to have a significant effect on the environment.
2. Class 3 exempts the demolition and the construction of one single-unit residence. The proposed project consists of the demolition of one single-unit residence and the construction of a new two-story, 9,337-square-foot, 14-foot-tall single-unit residence including a 644-square-foot, 3-car garage and a 2,901-square-foot basement.
3. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

SECTION 3. REQUIRED FINDINGS.

By Section 21.52.015 (Coastal Development Permits, Findings, and Decision) of the Newport Beach Municipal Code, the following findings, and facts in support of such findings are set forth:

Finding:

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

Facts in Support of Finding:

1. The proposed development complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and parking.
 - a. The maximum floor area limitation is 18,982 square feet and the proposed floor area is 9,337 square feet.
 - b. The proposed development provides the minimum required setbacks, which are 5 feet along the front property line abutting Dolphin Terrace, 4 feet along each side property line, and 10 feet along the rear property line abutting Bayside Drive. The project includes a coastal variance to allow principal structure encroachments into the Bluff Overlay Development Area B.
 - c. The proposed height is approximately 14 feet and is less than 24 feet from the established grade, which complies with the maximum height requirements.

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- d. The project includes garage parking for a total of three vehicles, complying with the minimum three-car garage parking requirement for single-family residences with more than 4,000 square feet of habitable floor area.
2. The neighborhood is predominantly developed with two-story, single-unit residences. The proposed design, bulk, and scale of the development are consistent with the existing neighborhood pattern of development.
 3. The development is located on an inland property in a developed area approximately 260 feet from the bay. The project site is separated from the bay (the nearest body of water) by Bayside Drive, a row of residences, and a yacht club. The proposed development including the slope stability and preliminary geotechnical report was reviewed and approved by the City's Civil Engineer. A final geotechnical review will be performed during building plan check.
 4. The finished floor elevation of the proposed single-unit residence is 76.50 feet (NAVD88), which complies with the minimum 9.00 feet (NAVD88) elevation standard.
 5. Under NBMC Section 21.30.030(C)(3)(i)(iv), the property owner will be required to agree with the City waiving any potential right to protection to address situations in the future in which the development is threatened with damage or destruction by coastal hazards (e.g., waves, erosion and sea level rise). This requirement is included as a condition of approval that will need to be satisfied before the final building permit inspection, respectively.
 6. The property owner will also be required to acknowledge any hazards present at the site and unconditionally waive any claim to damage or liability against the decision authority, consistent with NBMC Section 21.30.015(D)(3)(c). This requirement is included as a condition of approval that will need to be satisfied before the issuance of building permits, respectively.
 7. The property is in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code (CBC) and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved before the issuance of building permits. Permit issuance is also contingent on the inclusion of design mitigation identified in the investigations. Construction plans are reviewed for compliance with approved investigations and CBC before building permit issuance.
 8. The property is located within 300 feet of coastal waters. A Construction Erosion Control Plan was provided to implement temporary Best Management Practices (BMPs) during construction to minimize erosion and sedimentation and to minimize pollution of runoff and coastal waters derived from construction chemicals and materials. The project design also addresses water quality through the inclusion of a post-construction drainage system that includes drainage and percolation features designed to retain dry weather and minor rain event runoff on-site. Any water not retained on-site is directed to the City's storm drain system.

9. Under Municipal Code Section 21.35.050, due to the proximity of the development to the shoreline and the development containing more than 75% of impervious surface area, a Water Quality and Hydrology Plan (WQHP) is required. A preliminary WQHP has been prepared for the project by Toal Engineering, Inc. dated, June 25, 2025. The WQHP includes a polluted runoff and hydrologic site characterization, a sizing standard for BMPs, the use of a LID approach to retain the design storm runoff volume on-site, and documentation of the expected effectiveness of the proposed BMPs.
10. Proposed landscaping complies with Implementation Plan Section 21.30.075. A condition of approval is included that requires drought-tolerant species. Before the issuance of building permits, the final landscape plans will be reviewed to verify invasive species are not planted.
11. The project site is not located adjacent to a coastal view road, public access way, or Coastal Viewpoint as identified in the Coastal Land Use Plan. The nearest coastal viewpoint is at Irvine Terrace Park over 1,000 feet away and is not visible from the site. The proposed single-unit residence complies with all applicable Local Coastal Program (LCP) development standards (with the exception of the variance) and maintains a building envelope consistent with the existing neighborhood pattern of development. Additionally, the project does not contain any unique features that could degrade the visual quality of the coastal zone.

Finding:

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

Fact in Support of Finding:

1. The project site is not located between the nearest public road and the sea or shoreline. Implementation Plan Section 21.30A.040 requires that the provision of public access bear a reasonable relationship between the requirement and the project's impact and be proportional to the impact. In this case, the project replaces an existing single-unit residence located on a standard R-1 lot with a new single-unit residence. Therefore, the project does not involve a change in land use, density or intensity that will result in increased demand for public access and recreation opportunities. Furthermore, the project is designed and sited (appropriate height, setbacks, etc.) so as not to block or impede existing public access opportunities.
2. The project site is located adjacent Bayside Drive. There is a vertical and lateral access point next to Bahia Corinthian Yacht Club approximately 300 feet south of the rear of the property across Bayside Drive. The project does not include any features that would obstruct access along these routes.

By Section 21.52.090 (Relief from Implementation Plan Development Standards) of the NBMC, the following findings, and facts in support of such findings are set forth:

Finding:

C. The Zoning Administrator has considered the following:

- i. Whether or not the development is consistent with the certified Local Coastal Program to the maximum extent feasible; and*
- ii. Whether or not there are feasible alternatives that would provide greater consistency with the certified Local Coastal Program and/or that are more protective of coastal resources.*

Facts in Support of Finding:

1. The proposed development is consistent with the certified Local Coastal Program to the extent feasible as it would not extend further than the adjacent principal or accessory structure development adjacent to the bluff, consistent with Coastal Land Use Plan Policy 4.4.3-5. The project design would also comply with Development Areas B and C of the Bluff (B) Overlay and all other relevant development standards of Title 21.
2. Redevelopment of the property pursuant to strict application of Development Area A would reduce the footprint of the existing principal structure by approximately 10 feet. Strict application of Development Area A would substantially reduce the buildable area of the property including the functionality of usable floor area on the street level floor that includes the required three-car garage. Strict application of the code could cause the applicant to excavate further to provide another basement level to make up the floor area. This solution is not feasible from a financial or design perspective.
3. The project does not include any improvements within Development Area C, leaving approximately 83 feet of bluff and vegetation undisturbed. Restricting construction of the principal structure to Development Area A would not result in greater protection of coastal resources because the bluff is already disturbed in Development Area B. Additionally, Development Area B allows significant grading to provide a daylighting basement that is permitted in Development Area A. Furthermore, the majority of the properties along the Dolphin Terrace bluff have developed more of the bluff than the existing development on the subject property.
4. The neighborhood is developed with one-story dwelling units with entry levels at the street level and lower levels below the street, with maximum heights of approximately 14 feet. An alternative was considered to increase the height of the building to address the floor plan limitation from the Bluff (B) Overlay. However, this alternative was determined to be impractical as it would be inconsistent with the neighborhood pattern of development and would not comply with the homeowners' association restriction on maximum height.

Finding:

D. The granting of the variance is necessary due to special circumstances applicable to the property, including location, shape, size, surroundings, topography, and/or other physical features, the strict application of the development standards otherwise applicable to the property denies the property owner privileges enjoyed by other property owners in the vicinity and in the same coastal zoning district.

Facts in Support of Finding:

1. Facts 1-4 in Support of Finding C are hereby incorporated by reference.
2. The bluffs along Bayside Drive were at one time exposed to the Lower Newport Bay. However, these bluffs separated from the shoreline when abutting tidelands were filled and reclaimed in the 1920s and later developed into the communities of Promontory Bay, Beacon Bay and Bayside. Later development of Irvine Terrace and Promontory Point cut and filled these bluffs. Development in these areas is subject to limits established for bluffs not subject to marine erosion. Coastal Land Use Plan (CLUP) Policy 4.4.3-5 requires on bluffs not subject to marine erosion (e.g. Dolphin Terrace), that all primary structures and major accessory structures be setback from the bluff edge in accordance with the predominant line of existing development. This policy of using predominant line of development “stringlines” to limit development was in practice prior to the adoption of Title 21 in 2017.
3. The proposed coastal variance to allow development of the principal structure within Area B would be consistent with Policy 4.4.3-5 and the existing pattern of development in Dolphin Terrace and on the subject property. The existing principal structure encroaches 9 feet 4 inches into Development Area B, therefore, strict application of Development Area A would substantially reduce the buildable footprint of the property as it exists today.
4. The proposed principal structure would encroach approximately 18 feet, 10 inches into Development Area B. Consistent with CLUP Policy 4.4.3-5, the principal structure would be developed in compliance with the predominant line of development. The existing development on both neighbors’ properties includes principal structures and accessory structures that are further into the bluff than the existing development on the subject property. In fact, the majority of developments on Dolphin Terrace are developed further into the bluff than the subject property. Therefore, using the predominant line of development to limit the buildable area on the property is a more accurate reflection of the existing bluff’s top of slope.
5. The variance would allow the property owner to redevelop their site consistent with the existing development on the property and surrounding property owners in the vicinity within same coastal zoning district.
6. The bluff within Development Area B has already been altered by the existing principal and accessory structures on the site.

7. Further demonstrating that the existing bluff has been altered, at the bottom of the bluff slope there is an existing utility yard for Southern California Edison (SCE). The existing facility cuts 100 feet up into the bluff running parallel to the property line of the subject property. In contrast, the proposed project would retain approximately 83 feet of bluff and vegetation on the slope.

Finding:

- E. The variance complies with the findings required to approve a coastal development permit in Section 21.52.015(F).*

Facts in Support of Finding:

1. Facts in support of Findings A and B are hereby incorporated by reference.

Finding:

- F. The variance will not result in development that blocks or significantly impedes public access to and along the sea or shoreline and to coastal parks, trails, or coastal bluffs.*

Facts in Support of Finding:

1. The property's rear property line is adjacent to the SCE utility yard and Bayside Drive. The rear property line is approximately 260 feet from the bay. The bluff is not subject to marine erosion and there is no access to the property or bluff currently. The project site is separated from the bay (the nearest body of water) by Bayside Drive, a row of residences, and a yacht club. The property does not currently provide public access along the bluff or public access along the sides of the property down to Bayside Drive. Therefore, the project, including the coastal variance would not impact access to/along the shoreline or coastal parks, trails or bluffs.

Finding:

- G. The variance will not result in development that blocks or significantly impairs public views to and along the sea or shoreline or to coastal bluffs and other scenic coastal areas.*

Facts in Support of Finding:

1. Facts in support of Findings A and B are hereby incorporated by reference
2. The proposed variance to allow the principal structure to encroach into Development Area B will not impact identified views or access. There is no development proposed within Development Area C, leaving approximately 83 feet of bluff including vegetation. The project will replace an existing single-unit residence with a new single-unit residence that complies with all applicable Local Coastal Program (LCP) development standards (other than the variance) and maintains a building envelope consistent with the existing neighborhood pattern of development.

3. The existing exception for Dolphin Terrace allows basements in Development Area A to daylight into Development Area B, resulting in significant grading in Area B to accommodate the daylighting condition of the basement. Therefore, the proposed 14-foot-high principal structure within a portion of Area B would not create a substantial visual impact beyond what is currently permitted in Dolphin Terrace.

Finding:

- H. The variance will not result in development that has an adverse effect, either individually or cumulatively, on coastal resources, including wetlands, sensitive habitat, vegetation, or wildlife species.*

Facts in Support of Finding:

1. The property's rear property line is adjacent Bayside Drive approximately 260 feet from the bay. The bluff is not subject to marine erosion. The project site is separated from the bay (the nearest body of water) by Bayside Drive, a row of residences, and a yacht club.
2. The project is conditioned so that construction shall comply with the Migratory Bird Treaty Act to protect any native birds. The property is not adjacent to any environmental study areas or environmentally sensitive habitat areas (ESHA), and no impacts to sensitive habitat or other environmental resources is anticipated.
3. As previously stated, the exception for Dolphin Terrace allows basements to daylight into Area B. Therefore, the variance to allow the principal structure to encroach in Area B results in no greater disturbance to the slope than already permitted by Title 21.

Finding:

- I. The granting of the variance will not be contrary to, or in conflict with, the purpose of this Implementation Plan, nor to the applicable policies of the certified Local Coastal Program.*

Facts in Support of Finding:

1. The encroachment into Development Area B will align with the predominant line of existing development for principal structures on both adjacent neighbors' properties, consistent with the intent of the LCP.
2. The proposed single-unit residence would comply with all other Bluff (B) Overlay Development Area standards. This area of Irvine Terrace, along Dolphin Terrace is identified as a bluff that is not subject to marine erosion. The proposed residence with the principal structure matching the predominant line of existing development has been designed to encroach into Development Area B. Development Area B allows for decks, patios, cantilevered decks from Area A; and specifically for the Dolphin Terrace bluffs, an exception allows the basement of the principal structure in Area A to daylight into Area B, and on-grade trails and stairways are allowed in Development Area C. The exemption and allowances for this segment of Irvine Terrace along Dolphin Terrace to allow development into the bluff face demonstrates that the bluff is a less significant coastal resource

compared to other bluffs in the City. The subject bluff is adjacent to Bayside Drive and not adjacent to the beach or bay, nor is it subject to marine erosion.

3. Although the principal structure would encroach into Development Area B, the remaining design of the project complies with Development Area B and Development Area C. Development Area C will remain as is with no development and maintaining approximately 83 feet of bluff and vegetation.

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 5303 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. The exceptions to this categorical exemption under Section 15300.2 are not applicable.
2. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit filed as PA2025-0143 subject to the conditions outlined in Exhibit "A," which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director by the provisions of Title 21 Local Coastal Program (LCP) Implementation Plan, of the Newport Beach Municipal Code. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 (Appeal to the Coastal Commission) of the City's certified LCP and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

PASSED, APPROVED, AND ADOPTED THIS 26TH DAY OF FEBRUARY, 2026.



Benjamin M. Zieba, AICP, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

1. The development shall be in substantial conformance with the approved site plan, floor plans, and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. *Before the final building permit inspection, an agreement in a form approved by the City Attorney between the property owner and the City shall be executed and recorded waiving rights to the construction of future shoreline protection devices to address the threat of damage or destruction from waves, erosion, storm conditions, landslides, seismic activity, bluff retreat, sea level rise, or other natural hazards that may affect the property, or development of the property, today or in the future. The agreement shall be binding against the property owners and successors and assigns.*
3. *Before the issuance of a building permit, the property owner shall submit a notarized signed letter acknowledging all hazards present at the site, assuming the risk of injury or damage from such hazards, unconditionally waiving any claims of damage against the City from such hazards, and to indemnify and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including without limitation, attorney's fees, disbursements, and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the development. This letter shall be scanned into the plan set before building permit issuance.*
4. No demolition or construction materials, equipment debris, or waste, shall be placed or stored in a location that would enter the sensitive habitat, receiving waters, or storm drains or result in impacts to environmentally sensitive habitat areas, streams, the beach, wetlands or their buffers. No demolition or construction materials shall be stored on public property.
5. The applicant is responsible for compliance with the Migratory Bird Treaty Act (MBTA). In compliance with the MBTA, grading, brush removal, building demolition, tree trimming, and similar construction activities shall occur between August 16 and January 31, outside of the peak nesting period. If such activities must occur inside the peak nesting season from February 1 to August 15, compliance with the following is required to prevent the taking of native birds under MBTA:
 - A. The construction area shall be inspected for active nests. If birds are observed flying from a nest or sitting on a nest, it can be assumed that the nest is active. Construction activity within 300 feet of an active nest shall be delayed until the nest is no longer active. Continue to observe the nest until the chicks have left the nest and activity is no longer observed. When the nest is no longer active, construction activity can continue in the nest area.

- B. It is a violation of state and federal law to kill or harm a native bird. To ensure compliance, consider hiring a biologist to assist with the survey for nesting birds, and to determine when it is safe to commence construction activities. If an active nest is found, one or two short follow-up surveys will be necessary to check on the nest and determine when the nest is no longer active.
6. 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.
 7. 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.
 8. Debris from demolition shall be removed from work areas each day and removed from the project site within 24 hours of the completion of the project. Stockpiles and construction materials shall be covered, enclosed on all sites, not stored in contact with the soil, and located as far away as possible from drain inlets and any waterway.
 9. Trash and debris shall be disposed of in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed of in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
 10. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
 11. The project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
 12. The applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may be caused by the revocation of this Coastal Development Permit.
 13. This Coastal Development Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained are detrimental to the public health, and welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained to constitute a public nuisance.
 14. *Before the issuance of building permits, the applicant shall submit a final construction erosion control plan. The plan shall be subject to review and approval by the Building Division.*
 15. *Before the issuance of building permits, the applicant shall submit a final drainage and grading plan. The plan shall be subject to review and approval by the Building Division.*

16. *Before issuance of a building permit, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.*
17. *Before 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. *Before issuance of building permits, the final WQMP shall be reviewed and approved by the Building Division. The implementation shall comply with the approved CPPP and WQMP and any changes could require separate review and approval by the Building Division.*
19. All landscape materials and irrigation systems shall be maintained by the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing, and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.
20. 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 a.m. and 6:30 p.m., Monday through Friday. Noise-generating construction activities are not allowed on Saturdays, Sundays, or Holidays.
21. *Before the issuance of the building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.*
22. 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.
23. This Coastal Development Permit filed as PA2025-00143 shall expire unless exercised within 24 months from the date of approval as specified in Section 21.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.
24. 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 Hogan Residence including but not limited to, Coastal Development Permit filed as PA2025-0143. This indemnification shall include, but not be

limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages, which the City incurs in enforcing the indemnification provisions outlined in this condition. The applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

Building Division

25. The finish floor elevation shall comply with 2022 California Building Code, Section 1808.7.4 and NBMC 15.10.060.
26. Pursuant to Building Code Section R310, bedrooms shall comply with emergency escape and rescue opening with an operable window and access to light well.

Public Works Department

27. No encroachments shall be permitted within the public right-of-way, including, but not limited to walls, stairs and planter caissons temporary shoring.
28. New curb, gutter, and sidewalk shall be installed along the entire Dolphin Terrace frontage.
29. The new driveway shall be designed and installed per City Standard 163.
30. A new sewer clean out shall be installed on the existing sewer lateral per City Standard 406. The new sewer clean out shall be located in the public right of way.

Fire Department

31. A residential fire sprinkler system complying with 2022 NFPA13D shall be required.
32. At least one unobstructed walk path from the front to the rear of the property at a minimum of 36 inches wide shall be required for emergency access.

RESOLUTION NO. ZA2026-010

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A TENTATIVE PARCEL MAP AND COASTAL DEVELOPMENT PERMIT FOR THE SUBDIVISION OF AN EXISTING PARCEL LOCATED AT 2200 PACIFIC DRIVE (PA2025-0240)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Brent Engstrom (Applicant) on behalf of Sharon Engstrom (Owner) with respect to property located at 2200 Pacific Drive and legally described as Lots 5, 6, 7, and 8 of Block 328 of the Corona Del Mar Tract (Property), requesting approval of a tentative parcel map (TPM) and a coastal development permit (CDP).
2. The Property is a 125-foot-wide lot developed with an existing single-unit residence. The Property consists of 4 underlying parcels, per the original subdivision map. The Property has an existing covenant agreement with the City of Newport Beach (City), dated March 16, 1983, to hold Lots 5, 6, 7, and 8 as a single parcel, unless released by the authority of the Planning Director of the City of Newport Beach.
3. The Applicant requests a TPM and CDP for the subdivision of an existing parcel into three separate parcels for future development of three single-unit residences. The existing parcel is 125 feet wide and is currently developed with an existing single-unit residence, whereas the proposed subdivision would create three parcels (one 54-foot-wide parcel and two 35-foot-wide parcels). The proposed subdivision includes a deviation from design standards of Title 19 (Subdivisions) for minimum lot area and dimensions for new lots (Project).
4. The Property is designated Single Unit Residential (RS-D) by the General Plan Land Use Plan and is located within the Single-Unit Residential (R-1) Zoning District.
5. The Property is located within the coastal zone. The Coastal Land Use Plan (CLUP) category is Single Unit Residential Detached (RSD B – 6.0 – 9.9 DU/AC) and it is located within the Single-Unit Residential (R-1) Coastal Zoning District.
6. The Property is located within the Categorical Exclusion Area. The tentative parcel map for the creation of additional parcels requires a coastal development permit due to its location in the coastal zone.
7. A public hearing was held on February 26, 2026, 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) pursuant to Section 15315 under Class 15 (Minor Land Divisions) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.
2. The Class 15 exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and Zoning Code, no variances or exceptions are required, all services and access to the proposed parcels are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20%. The Project is for a subdivision of an existing parcel into three separate parcels with substandard lot area and width. However, since the Project complies with the provisions of Title 19 (Subdivisions) and provides findings addressed within this resolution, it is considered compliant with the Zoning Code. No variances or exceptions are proposed as part of the Project. Therefore, the Project is eligible for the Class 15 exemption.

SECTION 3. REQUIRED FINDINGS.

Tentative Parcel Map

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

Finding:

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

Facts in Support of Finding:

1. The TPM is for the subdivision of an existing parcel into three separate parcels, for the potential development of three single-unit residences. The RS-D General Plan and R-1 zoning designations apply to single-unit residences. The Property is currently developed with a single-unit residence, with the intention of being demolished for future development. The proposed subdivision and improvements will continue to be consistent with the density of the RS-D and R-1 designations.
2. Footnote 2 of Table 2-2 of Newport Beach Municipal Code (NBMC) Section 20.18.030 requires any new subdivisions that would result in additional dwelling units beyond what the original underlying lots would allow are not permitted unless authorized by an amendment of the General Plan. The original Corona del Mar subdivision map from September 7, 1904, shows that Block 328 was originally developed with 8 parcels, which

allowed 8 dwelling units on the block. The Project would increase the number of dwelling units from 5 to 7, which does not exceed what the original underlying lots would allow. Therefore, the Project does not require an amendment to the General Plan.

3. The Property is not located within a specific plan area.

Finding:

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

Facts in Support of Finding:

1. The Property is physically suitable for the subdivided parcels along with the future redevelopment of three single-unit residences. It is compatible in shape and size with the surrounding lots in the neighborhood and the Project's lot length and dimensions will be similar to other residences on the Pacific Drive block. Residences between the 2216 to 2328 Pacific Drive block share a lot length between 100 and 220 feet and lot widths between 30 and 35 feet.
2. The demolition and construction of future single-unit residences will be reviewed in compliance with all requirements of the NBMC Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan).
3. The Property is accessible from Pacific Drive and the rear alleyway. Existing and proposed vehicular access will be taken from the alley.
4. The Property is adequately served by all existing utilities to accommodate the proposed parcels. The Project has been conditioned by the Public Works Department to underground any existing overhead utilities. Furthermore, the Building Division has conditioned the utilities for this Project to not cross the proposed property lines, nor shall cross-lot drainage be allowed between each proposed parcel as shown on Condition of Approval No. 25.

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

1. The Project has been conditioned to require public improvements, including the reconstruction of sidewalks, curbs, and gutters along Pacific Drive and Avocado Avenue frontage, as needed. The utilities will be undergrounded, consistent with Title 19 (Subdivisions) of the NBMC.
2. The TPM is for residential purposes. All improvements associated with the project will comply with all Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. Public improvements will be required of the developer per 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 use, will be provided and that these easements will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record or to easements established by the judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision.*

Fact in Support of Finding:

1. The Public Works Department has reviewed the Project and determined that the design of the development will not conflict with easements acquired by the public at large, for access through, or use of the Property within the proposed development because no public easements are located on the Property.

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Fact in Support of Finding:

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

Finding:

- I. *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 would allow for the development of three single-unit residences on each parcel, replacing the existing single-unit dwelling, consistent with the provisions of the R-1 Zoning District. Therefore, the TPM for residential purposes will not negatively affect the City in meeting its regional housing need. The Project further allows the City to support and balance its housing needs by increasing residential density in the area.

Finding:

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

Fact in Support of Finding:

1. The proposed subdivision is designed to discharge waste into the existing sewer system and complies with the Regional Water Quality Control Board (RWQCB) requirements.

Finding:

- K. *For subdivisions lying partly or wholly within the Coastal Zone, 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 Property is located within the coastal zone and a CDP is therefore requested in conjunction with the proposed TPM. The Project complies with the certified Local Coastal Program (LCP) and public access and recreation policies of Chapter 3 of the Coastal Act. The Facts in Support of Findings Q and R for the CDP (below) are hereby incorporated by reference.

Deviation from Design Standards

Pursuant to Section 19.24.050(A) (Lot Design, Lot Size), of the NBMC, 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 proposed subdivision would result in parcels which do not meet the lot width and/or area standards required by Title 20 (Planning and Zoning) for new subdivisions within the R-1 Zoning District, which requires new subdivision corner lots to be a minimum 60 feet wide and 6,000 square feet in area, and interior lots to be a minimum 50 feet wide and 5,000 square feet in area. Parcel 1, as identified by the proposed TPM, is a corner lot and is approximately 54 feet wide and 6,502 square feet in area. Parcel 2 and Parcel 3, which are interior lots, will share the same approximate lot width of 35 feet, although they differ in lot area. Parcel 2 has a lot area of 4,526 square feet and Parcel 3 has a lot area of 4,728 square feet. The required findings to deviate from the standards and facts in support of those findings are as follows:

Finding:

- L. *The requested deviations will create a land plan or development design equal or superior to that under the baseline design standards in this Chapter.*

Facts in Support of Finding:

1. The proposed parcels are comparable in width, length, and area with the majority of the original subdivision block where parcels had widths between 30 and 35 feet and lot depths between 116 and 156 feet. However, the Property became a single, 125-foot-wide parcel held together by a covenant agreement which was recorded on April 25, 1983. The other parcels of the southern portion of Block 328 have remained consistent to the original subdivision. The dimensions of the proposed subdivision are more consistent with the original subdivision than the existing Property.
2. The proposed subdivision would create lot sizes not less than the original underlying lots on the same block face (2216 through 2328 Pacific Drive) in the same zoning district. The proposed subdivision would divide the existing 125-foot-wide, 15,756-square-foot R-1 parcel into one 54-foot-wide, 6,502-square-foot parcel, and two 35-foot-wide parcels both under 5,000 square feet, which exceed the sizes of the original underlying lots and are compatible with the pattern of the surrounding subdivision and neighboring parcels.
3. The existing lot orientation with vehicular access from the alley will be maintained.

Finding:

- M. *The deviations will not negatively impact the carrying capacity of the local vehicular circulation network.*

Facts in Support of Finding:

1. Although the proposed subdivision would create two additional parcels in comparison to the current configuration, the number of parcels decreases by one compared to that of the original subdivision. Therefore, the requested deviations will not negatively impact

the carrying capacity of the local vehicular circulation network, since the Property was originally intended for 4 parcels.

2. No improvements or changes are proposed that would cause additional capacity to the roadways.

Finding:

N. The deviations will not negatively impact pedestrian circulation.

Facts in Support of Finding:

1. The proposed subdivision will not reduce, encroach or change the size or location of the Pacific Drive or Avocado Avenue sidewalk. The Public Works Department has conditioned the Applicant to install one new 36" box tree along the Avocado Avenue frontage and a new 36" street tree along the Parcel 3 frontage of Pacific Drive as shown on Condition of Approval No. 16.
2. The proposed subdivision will not eliminate or impede pedestrian circulation provided that the necessary improvements are 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. Fact 1 in support of Finding L is hereby incorporated as reference.
2. The Property is 125 feet wide and 15,756 square feet in area, which is the largest lot within the same block face. The proposed subdivision would result in one 54-foot-wide, 6,502 square foot lot, and two other 35-foot-wide lots, under five-thousand square feet which is more compatible with the surrounding lots than the existing configuration.

Finding:

P. 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. The proposed subdivision to re-subdivide the existing parcel in a manner more consistent to the underlying legal lots would allow one unit to be constructed on each parcel in accordance with the General Plan. The Project does not introduce an incompatible land use, and the resulting subdivision design would not be detrimental to

the residents as vehicular and pedestrian access would be maintained. Any development must be in accordance with the conditions of approval and the Municipal Code. The resulting lot widths are consistent with the lot widths of the original subdivision or the existing development pattern of the neighborhood.

Coastal Development Permit

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

Finding:

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

Facts in Support of Finding:

1. The Project is for a tentative parcel map for the subdivision of an existing parcel for residential purposes. There is an existing single unit residence developed on the Property. All future residential development must conform to all applicable development standards, including floor area limit, setbacks, height, and off-street parking. Additionally, since the Project is in the Categorical Exclusion Area of the coastal zone, all future residential development is required to comply with the Categorical Exclusion Order process through the City and the California Coastal Commission. The Property is located within the Coastal Commission Appeal Area.
2. The proposed subdivision complies with Coastal Land Use Plan Policy 2.8.1-3, which states that land divisions shall avoid hazardous areas and minimize risks to life and property from coastal and other hazards. The Project also complies with Implementation Plan Section 21.30.025, which states that subdivisions within the Coastal Zone shall be designed to avoid current hazardous areas, as well as areas that may become hazardous due to future changes. Additionally, there shall be no division of land near the shoreline unless the new or reconfigured parcels can be developed safe from geologic and other hazards for a minimum of 75 years, and unless shoreline protective devices are prohibited to protect development on the resultant parcels.
3. The Property is not located adjacent to a coastal view road, or public viewpoint as identified in the Coastal Land Use Plan (CLUP). The nearest coastal viewpoint is Begonia Park, approximately 480 feet southeast. The Property is not located within the view shed of the park.
4. The Project does not have the potential to degrade the visual quality of the Coastal Zone or to result insignificant adverse impacts to public view.

Finding:

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

Facts in Support of Finding:

1. The Property is not located between the nearest public road and the sea or shoreline. Implementation Plan Section 21.30A.040 requires that the provision of public access bear a reasonable relationship between the requirement and the project's impact and be proportional to the impact. In this case, the Project is a subdivision that subdivides a single parcel into 3 parcels. Although the Project increases the existing single-unit residence into a potential of three dwelling units (one per each parcel), it is considered a decrease in density based on the original subdivision, which has the potential of 4 units. Therefore, the project does not involve a change in land use, density, or intensity that will result in increased demand for public access and recreation opportunities, when compared to the original subdivision design. Furthermore, the future residential development is to be designed and sited (appropriate height, setbacks, etc.) so as not to block or impede existing public access opportunities per Title 21 standards.
2. Vertical access to the beach is available adjacent to the site along Carnation Avenue, approximately 660 feet east of the Property. Lateral access is available to the water, approximately 560 feet southeast, at the intersection of Bayside Drive and Bayside Place. 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 Sections 15315 under Class 15 (Minor Land Divisions) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves the Tentative Parcel Map and Coastal Development Permit filed as PA2025-0240, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
3. The action on the Coastal Development Permit shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 21 Local Coastal Implementation Plan, of the Newport Beach Municipal Code (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.

4. The action on the Tentative Parcel Map shall become effective 10 days following the date this Resolution was adopted unless within such time an appeal is filed in accordance with the provisions of Title 19 (Subdivisions) of the NBMC.

PASSED, APPROVED, AND ADOPTED THIS 26TH DAY OF FEBRUARY, 2026.



Benjamin M. Zueba, AICP, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

Planning Division

1. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the Conditions of Approval.
2. 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 the revocation of this tentative parcel map.
3. 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 of the Newport Beach Municipal Code.
4. *Prior to demolition of the existing residence, complete plan check submittals proposing a minimum of one principal dwelling unit for each of the three subdivided parcels shall be received by the Community Development Department.*
5. *Prior to demolition of the existing residence, Covenant Agreement No. 83-173502 shall be released, subject to the approval of the Community Development Director.*
6. *Prior to the recordation of the Tentative Parcel Map, the existing single-unit residence and all existing structures part of the existing development across the proposed lot lines shall be demolished.*
7. *Prior to the recordation of the Tentative Parcel Map, an In-Lieu Park Dedication Fee for two additional residential units shall be paid in accordance with the fee effective at the time of payment.*
8. *Prior to the issuance of the building permit for construction, a Fair Share Fee for two additional residential units shall be paid in accordance with the fee effective at the time of payment.*
9. *Prior to the issuance of building permits for any new residential units, the Tentative Parcel Map shall be recorded at the County.*
10. Prior to the approval of the final map, a "Purpose Statement" shall be added to the map to clarify that the map is for the subdivision of an existing parcel into three separate parcels.
11. 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 **Engstrom Residence Coastal Development Permit, but not limited to, Tentative Parcel Map and Coastal Development Permit (PA2025-0240)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of the City's costs, attorney's fees, and damages that which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Public Works Department

12. Prior to the building permit final inspection, a Parcel Map shall be recorded. The Map shall be prepared on the California coordinate system (NAD83). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. The Map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.
13. 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 the construction project.
14. All improvements shall be constructed as required by Ordinance and the Public Works Department.
15. *The Applicant shall dedicate in-fee to the City of Newport Beach a 10-foot radius corner cut-off at the Pacific Drive and Avocado Avenue intersection.*
16. *The Applicant shall install one new 36" box tree along the Avocado Avenue frontage and a new 36" street tree along the Parcel 3 frontage of Pacific Drive.*
17. An encroachment permit shall be required for all work activities within the public right-of-way.
18. *Existing broken and/or otherwise damaged concrete curb, gutter and sidewalk panels along the Avocado Avenue and Pacific Drive frontages, and any damaged concrete panels along the alley frontage shall be reconstructed.*

19. All existing overhead utilities shall be undergrounded.
20. *The existing stone paving, fence, and pilaster within the parkway along the Pacific Drive property frontage shall be removed.*
21. *An ADA compliant curb ramp at the Pacific Drive and Avocado Avenue intersection along the Project frontage shall be installed per City Standard.*
22. Each unit shall be served by its individual water service/meter and sewer lateral/cleanout.
23. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
24. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way shall be required at the discretion of the Public Works Inspector.

Building Division

25. The Applicant shall not install cross lot drainage between each proposed parcel.
26. The Applicant shall ensure that the proposed utilities for each parcel shall not cross each proposed property line. Each parcel shall have its own utilities within its own property.

RESOLUTION NO. ZA2026-011

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A COASTAL DEVELOPMENT PERMIT TO ALLOW AN ADDITION GREATER THAN 10 PERCENT AND AN INCREASE IN HEIGHT GREATER THAN 10 PERCENT TO AN EXISTING SINGLE-UNIT DWELLING LOCATED AT 239 61ST STREET (PA2025-0209)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Jason Richart (Applicant), on behalf of Joseph and Michelle Annino (Owners), concerning property located at 239 61st Street and legally described as Lot G in Block 1 of Tract Map No. 772 (Property) requesting approval of a coastal development permit (CDP).
2. The Applicant proposes a 731-square-foot addition (43%) to an existing 1,699-square-foot, one-story, nonconforming single-unit dwelling, including the construction of a second story. The residence is considered nonconforming because the Newport Beach Municipal Code (NBMC) requires a 3-foot side yard setback and a 5-foot rear yard setback, whereas the existing structure only provides 2-foot-9-inch side yard setbacks and a 4-foot-9-inch rear yard setback. As the proposed addition exceeds 10% of the existing gross floor area and the additional story represents an increase in height greater than 10%, a CDP is required (Project).
3. The Property is categorized as Single Unit Residential Detached (RS-D) by the Land Use Element of the General Plan and is located within the Single-Unit Residential (R-1) Zoning District.
4. The Property is located within the coastal zone. The Coastal Land Use Plan category is Single Unit Residential Detached – (10.0 – 19.9 DU/AC) (RSD-C) and it is located within the Single-Unit Residential (R-1) Coastal Zoning District.
5. A public hearing was held on February 26, 2026, online via Zoom. A notice of the time, place, and purpose of the hearing was given by the NBMC. Evidence, both written and oral, was presented to and considered by the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is categorically exempt pursuant to Title 14 of the California Code of Regulations Section 15301 Division 6, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities), because it has no potential to have a significant effect on the environment.
2. Class 1 exempts additions to an existing structure of up to 10,000 square feet if the project is in an area where all public services and facilities are available and the area in

which the project is located is not environmentally sensitive. The Project is a 731-square-foot addition to an existing single-unit dwelling in a developed neighborhood, served by existing utilities, and is not within an environmentally sensitive area. Therefore, the Class 1 exemption is applicable.

SECTION 3. REQUIRED FINDINGS.

Coastal Development Permit

In accordance with Section 21.52.015 (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 all applicable residential development standards, including, but not limited to, floor area limitation, setbacks, height and parking.
 - a. The maximum floor area limitation for the Property is 4,198 square feet and the Project will result in a total floor area of 2,430 square feet.
 - b. The Project provides the minimum required setbacks, which are five feet from the front property line along 239 61st Street, three feet from each side property line, and five feet from the rear property line. While the existing residence only provides 2 feet 9 inches of setback from each side property line and only 4 feet 9 inches from the rear property line, the areas of addition will provide the minimum required setbacks. The existing nonconformities will not be affected by the Project.
 - c. The highest guardrail is less than 24 feet above the established grade, and the highest ridge is no more than 29 feet above the established grade, which complies with the maximum height requirements.
 - d. The existing residence provides a two-car garage, complying with the minimum two-car parking requirement for a single-unit dwelling with less than 4,000 square feet of habitable floor area.
2. Section 21.38.040 (G)(1) of the NBMC allows for the expansion of nonconforming structures and the retention of existing nonconforming elements subject to the following:
 - a. *Does not impede public access to and along the sea or shoreline and to coastal parks, trails, or coastal bluffs;*
 - b. *Does not block or impair public views to and along the sea or shoreline or to coastal bluffs and other scenic coastal areas;*
 - c. *Conforms to coastal resource protection development regulations of Section 21.28.040 (Bluff (B) Overlay District), Section 21.28.050 (Canyon (C) Overlay*

District), Section 21.30.030 (Natural Landform and Shoreline Protection), Chapter 21.30A (Public Access and Recreation), or Chapter 21.30B (Habitat Protection); and

d. Is not located within an area identified as hazardous due to erosional factors or coastal hazards.

In this case, the Project is located midblock, on an inland property, and in a developed area, approximately 100 feet from Semeniuk Slough. The existing residence does not block or impair public access to and along the slough because the Property does not abut the slough and is not located next to a public access way or coastal access point. While the Project is near a designated coastal viewpoint, Newport Shores Park, the views of the slough would not be obstructed from this park since the Property is not between the park and the slough. The Property is not located in the designated Bluff or Canyon Overlay Districts and the Property is not near any natural landforms, or abutting a shoreline, and is separated from the slough by a paved road and park.

3. Section 21.38.040 (G)(2) allows a nonconforming structure to be expanded up to 50% of the existing gross floor area. The Project is proposing a 731-square-foot addition (43%) which complies with the limitation for nonconforming residential structures.
4. When reviewing a CDP for an expansion of a nonconforming residential structure, the review authority shall consider the following:
 - a. *Whether the nonconforming structure can be modified to, or replaced with, a conforming structure that would restore or enhance visual quality in a visually degraded area;*
 - b. *Whether the nonconforming structure, with or without the proposed addition, is visually compatible with the character of the surrounding area; and*
 - c. *Whether the nonconforming structure is architecturally or historically significant.*

Creating a compliant single-unit dwelling with the required side and rear setbacks would require the removal of the entire side and rear exterior walls. The intent of the Project is to provide additional living area by proposing a 36-square-foot addition on the first floor, to extend the kitchen and entry hallway, and a 695-square-foot addition to create a second story. The Project is not proposing to significantly reframe any of the exterior walls, rather it is proposing minor alterations to existing windows and doors. The neighborhood is also predominantly developed neighborhood with one- and two-story, single-unit dwellings. The Project would not result in a visually degrading area since the addition is not creating significant massing. The second floor addition is substantially setback from the front property line and passed the easterly side yard setback which reduces massing. The addition to the existing residence is consistent with the existing neighborhood pattern of development since the Project will result in a two-story single-unit dwelling. The nonconforming residence is not considered architecturally or historically significant.

5. The Property is located within a developed area of West Newport and not adjacent to the harbor or shoreline. The Property's existing finished floor elevation is 8.3 feet National American Vertical Datum of 1988 (NAVD88), which is below the minimum 9.0

feet NAVD88 top of slab elevation requirement for new structures. However, the Project is for an addition to an existing residence and is not considered a new single-unit dwelling. Therefore, the Property is not required to raise the finished floor elevation to 9.00 feet (NAVD88). Furthermore, the Property is located within an area designated by the Federal Emergency Management Agency (FEMA) as Flood Zone X and has reduced flood risk due to nearby levees.

6. The Property is in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code (CBC) and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved before the issuance of building permits. Permit issuance is also contingent on the inclusion of design mitigation identified in the investigations. Construction plans are reviewed for compliance with approved investigations and CBC before building permit issuance.
7. The property is located within 115 feet of the Semeniuk Slough. A Construction Pollution Prevention Plan was provided to implement temporary Best Management Practices (BMPs) during construction to minimize erosion and sedimentation and to minimize pollution of runoff and coastal waters derived from construction chemicals and materials. The Project also addresses water quality through the inclusion of a post-construction drainage system that includes drainage and percolation features designed to retain dry weather and minor rain event runoff on-site. Any water not retained on-site is directed to the City's storm drain system.
8. Pursuant to Section 21.35.050 (Water Quality and Hydrology Plan) of the NBMC, due to the Project containing more than 75% of impervious surface area, a Water Quality and Hydrology Plan (WQHP) is required. A preliminary WQHP has been prepared for the Project by Thomas M. Ruiz dated, October 10, 2025. The WQHP includes a polluted runoff and hydrologic site characterization, a sizing standard for BMPs, the use of a LID approach to retain the design storm runoff volume on-site, and documentation of the expected effectiveness of the proposed BMPs. The final priority WQHP shall be reviewed and approved by the Building Division during plan check.
9. The Project does not propose any new landscaping. However, any future landscaping shall comply with Section 21.30.075 (Landscaping) of the NBMC.
10. The Property is not located adjacent to a coastal view road but is located near a designated Coastal Viewpoint as identified in the Coastal Land Use Plan. The nearest coastal viewpoint is Newport Shores Park, which is 85 feet away from the Property. This viewpoint is accessible to the public and may provide views of the slough. While the park may provide potential views of the pacific ocean, the Property is outside of this viewshed from the park. Therefore, the Project would not obscure views from this public area. The proposed second story addition may be visible from the park. However, the Project complies with all applicable Local Coastal Program (LCP) development standards and maintains a building envelope consistent with the existing neighborhood pattern of development. Therefore, the Project does not contain any unique features that could degrade the visual quality of the coastal zone.

Finding:

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

Fact in Support of Finding:

1. The Project is not located between the nearest public road and the sea or shoreline. As such, it is not necessary to assess the consistency with the public access and public recreation policies of Chapter 3 of the Coastal Act. However, vertical access to the beach is available in proximity to the Property, along 61st Street. Lateral access begins at the 61st Street end and is available along these routes.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act under Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves the Coastal Development Permit filed as PA2025-0239 subject to the conditions outlined in Exhibit "A," which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director by the provisions of Title 21 (Local Coastal Program Implementation Plan), of the Newport Beach Municipal Code. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 (Appeal to the Coastal Commission) of the City's certified LCP and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

PASSED, APPROVED, AND ADOPTED THIS 26TH DAY OF FEBRUARY, 2026.



Benjamin M. Zueba, AICP, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

1. The development shall be in substantial conformance with the approved site plan, floor plans, and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. No demolition or construction materials, equipment debris, or waste, shall be placed or stored in a location that would enter the sensitive habitat, receiving waters, or storm drains or result in impacts to environmentally sensitive habitat areas, streams, the beach, wetlands or their buffers. No demolition or construction materials shall be stored on public property.
3. *Prior to the issuance of building permits, the Applicant shall submit a final construction erosion control plan. The plan shall be subject to review and approval by the Building Division.*
4. *Prior to the issuance of building permits, the Applicant shall submit a final drainage and grading plan. The plan shall be subject to review and approval by the Building Division.*
5. *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.*
6. *Prior to the issuance of building permits, the final WQHP/WQMP shall be reviewed and approved by the Building Division. The implementation shall comply with the approved CPPP and WQHP/WQMP and any changes could require separate review and approval by the Building Division.*
7. The Applicant is responsible for compliance with the Migratory Bird Treaty Act (MBTA). In compliance with the MBTA, grading, brush removal, building demolition, tree trimming, and similar construction activities shall occur between August 16 and January 31, outside of the peak nesting period. If such activities must occur inside the peak nesting season from February 1 to August 15, compliance with the following is required to prevent the taking of native birds under MBTA:
 - A. The construction area shall be inspected for active nests. If birds are observed flying from a nest or sitting on a nest, it can be assumed that the nest is active. Construction activity within 300 feet of an active nest shall be delayed until the nest is no longer active. Continue to observe the nest until the chicks have left the nest and activity is no longer observed. When the nest is no longer active, construction activity can continue in the nest area.
 - B. It is a violation of state and federal law to kill or harm a native bird. To ensure compliance, consider hiring a biologist to assist with the survey for nesting birds, and to determine when it is safe to commence construction activities. If an active nest is

found, one or two short follow-up surveys will be necessary to check on the nest and determine when the nest is no longer active.

8. 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.
9. 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.
10. Debris from demolition shall be removed from work areas each day and removed from the project site within 24 hours of the completion of the project. Stockpiles and construction materials shall be covered, enclosed on all sites, not stored in contact with the soil, and located as far away as possible from drain inlets and any waterway.
11. Trash and debris shall be disposed of in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed of in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
12. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
13. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
14. The Applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may be caused by the revocation of this Coastal Development Permit.
15. This Coastal Development Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained are detrimental to the public health, and welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained to constitute a public nuisance.
16. Proposed landscaping shall comply with NBMC 20.36.070 (Landscape and Irrigation Plan Standards). 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.
17. All landscape materials and irrigation systems shall be maintained by the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be

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

18. 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.
19. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code. The maximum noise shall be limited to no more than depicted below for the specified periods unless the ambient noise level is higher:
20. Prior to the issuance of the building permit, the Applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
21. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by the current property owner or agent.
22. This Coastal Development Permit shall expire unless exercised within 24 months from the date of approval as specified in Section 21.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.
23. 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 **Annino Residential Addition including but not limited to, the Coastal Development Permit filed as PA2025-0209**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages, which the City incurs in enforcing the indemnification provisions outlined in this condition. The applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

Fire Department

24. *Clearance on at least one unobstructed pathway from the front to the rear of the Property shall be required for emergency access.*

25. A residential fire sprinkler system shall be required to comply with the National Fire Protection Agency 13D.

Public Works Department

26. A new sewer cleanout on the existing sewer lateral shall be installed per City Standard 406.

RESOLUTION NO. ZA2026-012

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A CONDOMINIUM CONVERSION, TENTATIVE PARCEL MAP, AND COASTAL DEVELOPMENT FOR TWO-UNIT RESIDENTIAL CONDOMINIUM PURPOSES LOCATED AT 3036 BREAKERS DRIVE AND 3047 OCEAN BOULEVARD (PA2025-0144)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by property owners Jason Bartusick and Jennifer Bartusick (Applicant) concerning property located at 3036 Breakers Drive and 3047 Ocean Boulevard and legally described as Lot 4 of Tract Map No. 1026 (Property).
2. The Applicant requests a condominium conversion and tentative parcel map to convert an existing duplex into two residential condominiums and allow an airspace subdivision of the units for individual sale. The Property is currently developed with two detached, two-story dwelling units. The unit addressed as 3036 Breakers Drive is under renovation pursuant to building permit no. XR2024-0792 to meet condominium standards while the unit addressed as 3047 Ocean Boulevard was originally constructed in accordance with condominium standards. No waivers of Title 19 (Subdivisions) of the Newport Beach Municipal Code (NBMC) are proposed. A coastal development permit (CDP) is required because the Property is in the coastal zone (Project).
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 (RT-C) (10.0-19.9 DU/AC) and it is located within the Two-Unit Residential (R-2) Coastal Zoning District.
5. A public hearing was held on February 26, 2026, 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 Sections 15301, Division 6, Chapter 3 Guidelines for Implementation of the California Environmental Quality Act (CEQA) 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 the existing or former use. In this case, the Project will convert an existing duplex into residential condominiums and improvements are limited to remodeling, with no expansion or intensification of use. Therefore, the Class 1 exemption is applicable.

SECTION 3. REQUIRED FINDINGS.

Condominium Conversion

In accordance with Section 19.64.070 (Standards for Condominium Conversions) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

- A. *The minimum number and the design and location of off-street parking spaces shall be provided in conformance with the provisions of the off-street parking regulations contained within Title 20 of this Code, in effect at the time of approval of the conversion.*

Fact in Support of Finding:

1. The Project is located on a sloping property between Breakers Drive and Ocean Boulevard. The unit addressed as 3036 Breakers Drive is located on the lower level of the property and is also developed with two separate attached garages that are intended to serve each unit.
2. Pursuant to NBMC 20.40.040 (Off-Street Parking Spaces Required) a two-unit dwelling is required to provide four parking spaces. The parking configuration for each unit may consist of one parking space in a garage and one parking space covered or in a garage. The minimum interior parking dimensions required for single car/tandem parking are 10 feet wide by 20 feet deep (35 feet deep tandem) and 20 feet wide by 20 feet deep for a two-car garage per NBMC 20.40.090 (Parking Standards for Residential Uses). In this case, the garage serving 3047 Ocean Boulevard consists of a two-car tandem parking configuration and the garage serving 3036 Breakers, allows parking for two vehicles, side by side. The four parking spaces meet the number of spaces and interior parking dimensions as required (two per unit) per NBMC Chapter 20.40 (Off-Street Parking).

Finding:

- B. *Each dwelling unit within a building shall have a separate sewer connection to the City sewer.*

Fact in Support of Finding:

1. A special inspection was completed on November 26, 2025, by the City's Building Division. The special inspection and subsequent report, henceforth referred to as the

special inspection report, confirmed that both units are served by separate sewer connections.

Finding:

C. *Each sewer lateral shall be retrofitted/fitted with a cleanout at the property line.*

Fact in Support of Finding:

1. The special inspection report confirmed that there is an approved cleanout installed at the property line for each sewer lateral. Additionally, Condition of Approval No. 13 requires each unit maintain separate sewer laterals and cleanouts.

Finding:

D. *Each unit shall maintain a separate water meter and water meter connection.*

Fact in Support of Finding:

1. The special inspection report confirmed that each unit is served by its own water meter and piping. Additionally, Condition of Approval No. 7 requires each unit shall maintain separate water connections.

Finding:

E. *The electrical service connection shall comply with the requirements of Chapter 15.32 (Underground Utilities) of the Newport Beach Municipal Code.*

Fact in Support of Finding:

1. The existing duplex was constructed with an electrical service connection that was determined to be in compliance with the requirements of the NBMC Chapter 15.32 (Underground Utilities).

Finding:

F. *The applicant for a condominium conversion shall request a special inspection from the Building Division for the purpose of identifying any building safety violations. The applicant shall correct all identified safety violations prior to the approval of a final map for the condominium conversion.*

Fact in Support of Finding:

1. The special inspection report noted that the unit addressed as 3036 Breakers Drive does not fully comply with the minimum standards of the uniform housing code adopted by the City at this time. The unit is under renovation pursuant to building permit no. XR2024-

0792 to upgrade and correct any deficiencies. Condition of Approval No. 2 requires the Applicant to correct all identified safety violations prior to approval of the final parcel map. Additionally, the Applicant is also required to have a second special inspection report to verify that the unit meets the minimum standards of the uniform housing code adopted by the City.

2. There is an open building permit, XR2023-1365, for the unit addressed as 3047 Ocean Boulevard. XR2023-1365 permitted a 440-square-foot addition and a 500-square-foot interior remodel. It is pending final inspection. However, no violations were noted for this unit in the special inspection report.

Finding:

- G. *Permanent lot stakes and tags shall be installed at all lot corners by a licensed surveyor or civil engineer unless otherwise required by the City Engineer.*

Fact in Support of Finding:

1. Condition of Approval No. 9 requires the installation of permanent lot stakes prior to the recordation of the final parcel map.

Finding:

- H. *For residential conversions, the project shall be consistent with the adopted goals and policies of the General Plan, particularly with regard to the balance and dispersion of housing types within the City.*

Facts in Support of Finding:

1. The Property is categorized as RT by the Land Use Element of the General Plan. The existing duplex is consistent with the RT land use category, which is intended to provide areas appropriate for the development of two-unit dwelling units such as duplexes and townhomes. Therefore, the Project is consistent with the adopted goals and policies of the Land Use Element and other Elements of the General Plan.
2. The Project involves a two-unit dwelling being converted into residential condominiums for individual sale. The density will not be affected.

Finding:

- I. *The establishment, maintenance, or operation of the use or building applied for shall not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City.*

Fact in Support of Finding:

1. The Project will convert an existing duplex into residential condominiums for individual sale. The Project is not anticipated to 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.

Tentative Parcel Map

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

Finding:

- J. 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 Property is categorized as RT by the Land Use Element of the General Plan. The tentative parcel map is for two-unit residential condominium purposes. The special inspection report demonstrates that the existing duplex does not meet current condominium requirements since one of the units, 3036 Breakers Drive, is under renovation. However, the proposed subdivision and improvements are consistent with the density of the RT General Plan Land Use category. Additionally, Condition of Approval No. 2 requires the Applicant to correct all identified safety violations prior to the approval of the final map.
2. The Property is not located within a specific plan area.

Finding:

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

Facts in Support of Finding:

1. While the lot features a substantial downslope from Ocean Boulevard to Breakers Drive, the Property is physically suitable for a duplex and has been developed with a duplex since 1965.
2. The Property is accessible by pedestrians from Ocean Boulevard. Vehicular access is currently available from Breakers Drive and will not change as a result of the Project.

Finding:

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

Facts in Support of Finding:

1. The Property is located in a developed residential area. While the Property is abutting Corona del Mar State Beach, the Property does not contain any sensitive vegetation or habitat on-site. The Property is also not considered one of the twenty-eight Environmental Study Areas within the City.
2. The Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines. The key consideration of Class 1 is whether the Project involves a negligible or no expansion of use. In this case, the Project will not increase the density of the Property and will not create a significant effect on the environment.

Finding:

- M. *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 1 in Support of Finding I is hereby incorporated by reference.
2. 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. Public improvements will be required of the Applicant per Section 19.28.010 (General Improvement Requirements) of the NBMC and Section 66411 (Local agencies to regulate and control design of subdivisions) of the Subdivision Map Act. All ordinances of the City and all Conditions of Approval shall be complied with.

Finding:

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

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

Fact in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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

Finding:

- P. *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 Property is not located within a specific plan area.

Finding:

- Q. *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:

- R. *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 dwelling units on the Property. No changes are proposed to the number of units on the Property. Therefore, the Project will not affect the City in meeting its regional housing needs.

Finding:

- S. *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. As conditioned, wastewater discharge into the existing sewer system shall comply with the Regional Water Quality Control Board (RWQCB) requirements.

Finding:

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

Facts in Support of Finding:

1. The Property is located within the coastal zone. Therefore, a CDP is required in conjunction with the proposed tentative parcel map and condominium conversion application. The Project complies with the certified Local Coastal Program (LCP) and public access and recreation policies of Chapter 3 of the Coastal Act.
2. Facts in support of Findings U and V for the CDP are hereby incorporated by reference.

Coastal Development Permit

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

Finding:

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

Facts in Support of Finding:

1. The Property is developed with an existing duplex. While the Project is not proposing new construction, a CDP is required pursuant to Section 21.52.035.2(G) (Projects Exempt from Coastal Development Permit Requirements – Other Existing Structures) of the NBMC, because the subdivision is considered “development” as defined in Chapter 21.70 (Definitions) of the NBMC.
2. The Project will convert an existing duplex into two residential condominiums. The existing development conforms to all applicable development standards, including floor area limit, setbacks, height, and off-street parking. The Project is also consistent with the density of the R-2 Coastal Zoning District.

Finding:

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

Facts in Support of Finding:

1. The Property is located between the nearest public road and the sea or shoreline. 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. While the Property is abutting Corona del Mar State Beach, public recreation and access to the beach is available from the Corona del Mar Main Beach ramp, which is accessible from Ocean Boulevard. This ramp will not be affected by this Project. The Project will not involve a change in land use, density or intensity that will result in increased demand for public access and recreation opportunities. Furthermore, the Property was designed and sited (appropriate height, setbacks, etc.) so as not to block or impede existing public access opportunities within proximity of the Property.
2. The Property is approximately 515 feet north of the ocean. The Property is abutting Ocean Boulevard, which is identified as a Public View Road, and identifies three public viewpoints. The first public viewpoint, Lookout Point, is approximately 630 feet west of the Property. The second public viewpoint is approximately 640 feet east of the Property. Lastly, the third public viewpoint, Inspiration Point, is approximately 1,260

feet east of the Property. The Project will not affect public views since it is not directly abutting these three viewpoints. While the roofline of the existing duplex may be visible from these viewpoints, the Project is not proposing additional floor area or raising the structural height of the building that would obstruct these public viewpoints. Therefore, existing views of the water would not be affected as a result of the Project.

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 Sections 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves the condominium conversion, tentative parcel map, and coastal development permit filed as PA2025-0144 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 a call for review is filed with the Community Development Director by the provisions of Title 21 (Local Coastal Program Implementation Plan) of the NBMC. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 of the City's certified LCP and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.
4. This action for the tentative parcel map shall become final and effective 10 days after the adoption of this Resolution unless within such time an appeal or call for review is filed with the Director of Community Development by the provisions of Title 19 (Subdivisions), of the NBMC.

PASSED, APPROVED, AND ADOPTED THIS 26TH DAY OF FEBRUARY, 2026.



Benjamin M. Zueba, 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 is required to correct all identified safety violations prior to approval of a final map for the condominium conversion.*
3. *The Applicant shall obtain a building permit for the condominium conversion. The building permit for the condominium conversion shall not receive final inspection until after the recordation of the parcel map.*
4. The Applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may be caused the revocation of this approval.
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) and Title 21 (Local Coastal Program Implementation Plan) of the NBMC.
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 **3036 Breakers, LLC Residential Condominiums** including, but not limited to, **Condominium Conversion, Tentative Parcel Map, and Coastal Development Permit filed as PA2025-0144**. 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

7. The Project shall maintain separate utilities (water, electrical and gas).

Public Works Department

8. 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.**
9. 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.
10. All improvements shall be constructed as required by Ordinance and the Public Works Department.
11. An encroachment permit shall be required for all work activities within the public right-of-way.
12. The decorative sidewalk within the Ocean Boulevard right of way shall be removed and a standard concrete sidewalk per City Standard 180 shall be installed.
13. Each unit shall maintain its individual water service/meter and sewer lateral/cleanout.
14. *Prior to the recordation of the Final Parcel Map, the Applicant shall process and obtain a waiver of City Council Policy L-6 from the Planning Commission for the non-compliant stairs, railings, planters, and chains located within the Ocean Boulevard right-of way; or all non-compliant improvements shall be removed within the Ocean Boulevard right-of-way.*
15. In case of done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way shall be required at the discretion of the Public Works Inspector.



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915
949-644-3200
www.newportbeachca.gov

ZONING ADMINISTRATOR ACTION LETTER

Subject: Birdhouse Sign Program (PA2025-0258)
▪ Comprehensive Sign Program

Site Location: 1301 and 1303 Avocado Avenue

Applicant: Kenney Relic Sign Company

Legal Description: Parcel 7, Block 25 of Resubdivision No. 260

On **February 26, 2026**, the Zoning Administrator approved the Comprehensive Sign Program filed as PA2025-0258 (CSP), authorizing signage at an existing multi-tenant commercial building on the western side of Avocado Avenue. This approval is in accordance with the provisions of Chapter 20.42 (Sign Standards) of the Newport Beach Municipal Code (NBMC).

LAND USE AND ZONING

- **General Plan Land Use Plan Category:** CO-R (Regional Commercial Office)
- **Zoning District:** OR (Office – Regional)

PROJECT SUMMARY

The existing multi-tenant commercial building located at 1301 and 1303 Avocado Avenue (Property) has one primary frontage (Frontage A) and two secondary frontages (Frontages B and C). Frontage A is 100 linear feet and prominently visible from Avocado Avenue. Frontage B is 115 linear feet and perpendicular to Avocado Avenue along the driveway entrance. Frontage C is 100 linear feet and faces a large surface parking lot that is shared by multiple commercial buildings, including the Property. An existing street-view photo of the building is provided as Figure 1 on the following page.

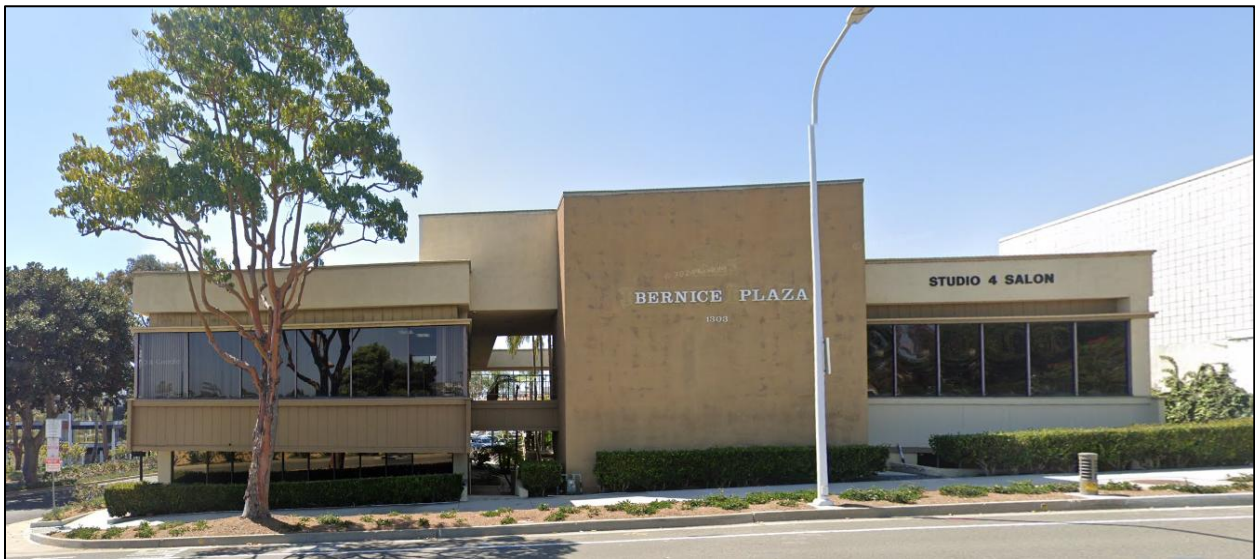
The Property was recently acquired by a new owner who is proposing renovations to improve the existing building, including new branding and refreshed signage. The signage includes three building identification signs, seven tenant wall signs, 16 pedestrian-oriented tenant blade signs, and one freestanding monument sign. This CSP is required for the building because the building is proposed to have multiple primary wall signs and wall signs on the second story of the existing multi-story structure. The CSP will allow the following deviations from Chapter 20.42 (Sign Standards) of the NBMC:

1. **Quantity.** The allowance of three building identification wall signs located on three separate building frontages facing Avocado Avenue (Frontage A [Primary]), the building's southwestern frontage (Frontage B [Secondary]), and the western

frontage (Frontage C [Secondary]), where the NBMC allows one wall sign per primary frontage and one wall sign per secondary frontage;

2. **Placement.** The allowance of the secondary building identification wall signs to not be located within the middle 50% of their respective building frontages;
3. **Letter/Logo Height.** The allowance of the primary wall sign to exceed the maximum 36-inch letter/logo height;
4. **Sign Size.** The allowance of the primary and secondary wall signs to exceed the 75-square-foot maximum by no more than 30%; and
5. **Freestanding Sign Location.** The allowance of a monument sign to face the parking lot frontage, where the NBMC requires freestanding signs to only be located on a street frontage.

A rendering of the proposed signage on Frontage A is provided as Figure 2 below.



Figures 1 and 2, Street View of 1303 Avocado Avenue (top); Rendering of proposed signage (bottom)

As listed in the attached CSP Matrix (Attachment No. ZA 2) and required by Section 20.42.120 (Comprehensive Sign Program) of the NBMC, the CSP covers all signage for the building, including building identification signs, tenant wall signs, interior tenant blade signs, and a monument sign. This approval is based on the following findings and standards and subject to the following conditions.

FINDINGS AND STANDARDS FOR APPROVED SIGNS

Finding

- A. *The project is exempt from environmental review under the requirements of the California Environmental Quality Act pursuant to Section 15311, Class 11 (Accessory Structures).*

Fact in Support of Finding

Class 11 exempts minor structures accessory to existing commercial facilities, including signs. The proposed CSP includes signs are incidental and accessory to the principal commercial use of the property, and do not intensify or alter the use.

Standard

- B. *The proposed sign program shall comply with the purpose and intent of this Chapter [Chapter 20.42 (Sign Standards)], any adopted sign design guidelines, and the overall purpose and intent of this Section [Section 20.42.120 – Comprehensive Sign Program].*

Facts in Support of Standard

1. The purpose of this CSP is to integrate all project signs. Additionally, it provides flexible application of sign regulations for projects that require multiple signs, which gives incentive and latitude in the design and display of signs. As proposed, the CSP will allow the installation of three building identification wall signs on three separate frontages, multiple tenant wall signs, 16 tenant blade signs, and one monument sign. The font, colors and materials of all proposed signage are coordinated to complement the architecture of the building.
2. The CSP complies with the purpose and intent of Chapter 20.42 of the NBMC because it provides the office building with adequate identification while guarding against an excessive proliferation of signs. Project identification signs and tenant signs will be limited to reverse illuminated channel letters proportional to the building façade in the general locations depicted on the project plans. One monument sign with a height of approximately 4 feet and width of 6 feet is proposed.
3. The CSP includes one monument sign that is set back approximately 15 feet from the edge of the curb abutting the vehicular entrance facing the parking lot, where the NBMC allows freestanding signs to be located on the street frontage only. However, the sign has been positioned to comply with City's Sight Distance

standards. The Public Works Department has determined that the monument sign will provide adequate sight distance at the parking entrance and has no objections to its location. The monument sign is intended to identify a single tenant located on the westerly side of the building facing the parking lot and therefore is in an appropriate and necessary location.

4. The CSP includes three building identification wall signs, where a maximum of one wall sign per primary building frontage is allowed. The proposed building identification wall sign on the primary frontage is 84 square feet, where this CSP can authorize an increase of the NBMC's maximum 75 square feet by an additional 30% (a total of 97.5 square feet allowed). The proposed building identification wall sign on Frontage B and Frontage C (per the approved plans) are 32 square feet each, where the CSP could allow up to 48.75 square feet. A building identification wall sign on a third frontage (Frontage C) is necessary since the frontage faces a parking lot which is shared amongst multiple buildings along Newport Center Drive, San Miguel Drive, and Avocado Avenue. This sign will allow patrons to identify the building from the parking lot.
5. The CSP is consistent with the Citywide Sign Design Guidelines because the proposed signs are designed to be compatible with the building design in terms of scale, size and materials. The proposed signs are designed to effectively identify the facility, property and commercial tenants without creating sign clutter by using legible text that contrasts with the background. The placement and size of the signs are consistent with the proportions of the building frontages on which they are located. The proposed signage is adequately spaced to prevent large clusters of signage and appear less obtrusive to neighboring motorists and pedestrians. Furthermore, the CSP will aid in the identification of the multiple tenants in the space by creating visible signage in the form of the proposed blade and wall signs.
6. The proposed tenant wall signs comply with the regulations for permanent signs identified in Table 3-16 of Section 20.42.070 (Standards for Permanent Sign Types) of the NBMC. The seven proposed tenant wall signs are approximately 15 square feet in area. For flexibility of future tenant improvements, the CSP allows a maximum of one tenant wall sign per tenant, with a maximum sign area of 1.5 square feet per lineal foot of tenant frontage, up to a maximum of 75 square feet.

Standard

- C. *The proposed signs shall enhance the overall development, be in harmony with, and relate visually to other signs included in the Comprehensive Sign Program, to the structures and/or developments they identify, and to surrounding development when applicable.*

Facts in Support of Standard

1. The Property is currently developed with an existing multi-tenant office building, and the signage design has been integrated with the design and character of a

proposed remodel of the building. The number and location of signs will not contribute to an overabundance of signage that will have a detrimental effect on the neighborhood.

2. The proposed building identification wall signs are located along Avocado Avenue (Frontage A), the building's southwestern frontage (Frontage B), and the western frontage (Frontage C). The signs are designed such that they are visible to motorists along Avocado Avenue and are compatible with the design of the development. The proposed monument sign is intended to identify a tenant facing the parking lot and is intentionally placed to not disrupt the vehicular safety visibility. The sign is designed and sited such that it is visible to motorists and pedestrians without being excessively visually obtrusive to other visitors to the area.
3. Each tenant occupying the multi-tenant building will be permitted signage per the CSP Matrix (Attachment No. ZA 2), allowing up to 16 blade signs. These blade signs are intended for pedestrian visibility at 2.25 square feet with a maximum letter/logo height of 12 inches. They are limited to the interior frontages within the building's courtyard. The size and location of the letters and logos of the signs will ensure that adequate visibility is provided and not be abrupt in scale with the individual tenant frontage.
4. All proposed signage will be in harmony with the character and architectural style of the building. The placement and size of the project identification signs are complementary to the building's frontage and will comply with the limitations in the CSP Matrix and project plans. The proposed signs have been designed to use a consistent color pallet that is complementary to the building façade. The proposed signs are not excessively illuminated.
5. All proposed signage will be in harmony with the character and architectural style of the building. The placement and size of the wall signs are complementary to and in scale with the building's large frontage and will comply with the limitations in the CSP Matrix included in the project plans.

Standard

- D. The sign program shall address all signs, including permanent, temporary, and exempt signs.*

Fact in Support of Standard

The CSP includes all project signage. Any future temporary and exempt signs not specifically addressed in the program shall be regulated by the provisions of Chapter 20.42 of the NBMC.

Standard

- E. *The sign program shall accommodate future revisions that may be required because of changes in use or tenants.*

Fact in Support of Standard

The CSP has been developed to be effective for the existing commercial office building, which is intended to undergo a future remodel. The CSP provides adequate identification from Avocado Avenue, Civic Center Drive and the shared parking lot. It is not anticipated that future revisions to the comprehensive sign program will be necessary to accommodate changes in tenants or uses. However, consistent with Section 20.42.120 (Sign Standards, Comprehensive Sign Program) of the NBMC, the Community Development Director may approve minor revisions to the CSP if the intent of the original approval is not affected.

Standard

- F. *The program shall comply with the standards of this Chapter [Chapter 20.42 (Sign Standards)], except that deviations are allowed with regard to sign area, total number, location, and/or height of signs to the extent that the Comprehensive Sign Program will enhance the overall development and will more fully accomplish the purposes and intent of this Chapter [Chapter 20.42(Sign Standards)].*

Facts in Support of Standard

1. Facts 1, 3 and 4 in Support of Standard B are hereby incorporated by reference.
2. The secondary building identification wall signs are not required to be located within the middle 50% of their respective building frontages. This allows flexibility for the signage to be strategically installed for the best visibility of motorists traveling within the parking lot and along Avocado Avenue.
3. The primary building identification wall sign is not required to have a maximum letter/logo height so that the sign can clearly identify the building to motorists traveling along Avocado Avenue. Since it is located on a relatively large frontage and limited to 97.5 square feet, the proposed maximum 60-inch letter/logo height is appropriate to adequately identify the building.

Standard

- G. *The approval of a Comprehensive Sign Program shall not authorize the use of signs prohibited by this Chapter [Chapter 20.42 (Sign Standards)].*

Fact in Support of Standard

The CSP does not authorize the installation of any new prohibited signs.

Standard

H. Review and approval of a Comprehensive Sign Program shall not consider the signs' proposed message content.

Fact in Support of Standard

The CSP contains no regulations affecting sign message content.

CONDITIONS OF APPROVAL

Planning Division

1. The development signage shall be in substantial conformance with the approved site plan, details, and elevations, except as noted in the following conditions.
2. All signage is limited to the designated areas and shall comply with the limitations specified in the CSP Matrix included in Attachment No. ZA 2.
3. All signs shall be maintained in accordance with Section 20.42.170 (Sign Standards, Maintenance Requirements) of the NBMC. Temporary and exempt signs not specifically addressed in the program shall be regulated by the provisions of Chapter 20.42 (Sign Standards) of the NBMC.
4. In accordance with 20.42.060 (Sign Standards, Provisions Applying to All Sign Types), each illuminated sign shall be subject to a 30-day review period, during which time the Director may determine that a reduction in illumination is necessary due to negative impacts on surrounding property or the community in general. In addition, and at any time, the Director may order the dimming of any illumination found to be excessively bright. The Director's determination will be made without regard to the message content of the sign.
5. In accordance with Section 20.42.120(F) (Sign Standards, Comprehensive sign Program) of the NBMC, the Community Development Director may approve minor revisions to the CSP if the intent of the original approval is not affected. This may include deviations to the tenant configurations, such as combining or dividing suites.
6. A building permit shall be obtained prior to commencement of the construction and/or installation of the signs.
7. A copy of the approval action letter, including conditions of approval and sign matrix, shall be incorporated into the City and field sets of plans prior to issuance of the building permits for the freestanding signs, and the initial wall sign installations to identify this approval as the authority for location, size and placement.

8. To the fullest extent permitted by law, applicant shall indemnify, defend 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 the **Birdhouse Sign Program including, but not limited to Comprehensive Sign Program filed as PA2025-0258** and the determination that the project is exempt under the requirements of the California Environmental Quality Act. 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

9. All illuminated signs shall comply with the 2025 California Energy Code.

Public Works Department

10. The freestanding monument sign shall comply with City Sight Distance Standard 105.

Fire Department


11. Prior to the issuance of a building permit, the applicant shall provide premise identification in the elevation drawings that complies with the NBMC in terms of size and location.

APPEAL PERIOD: An appeal or call for review may be filed with the Director of Community Development or City Clerk, as applicable, within 14 days following the date the action or decision was rendered. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

Prepared by:

Approved by:


Cameron Younger, Planning Technician


Benjamin M. Zueba, AICP, Zoning Administrator

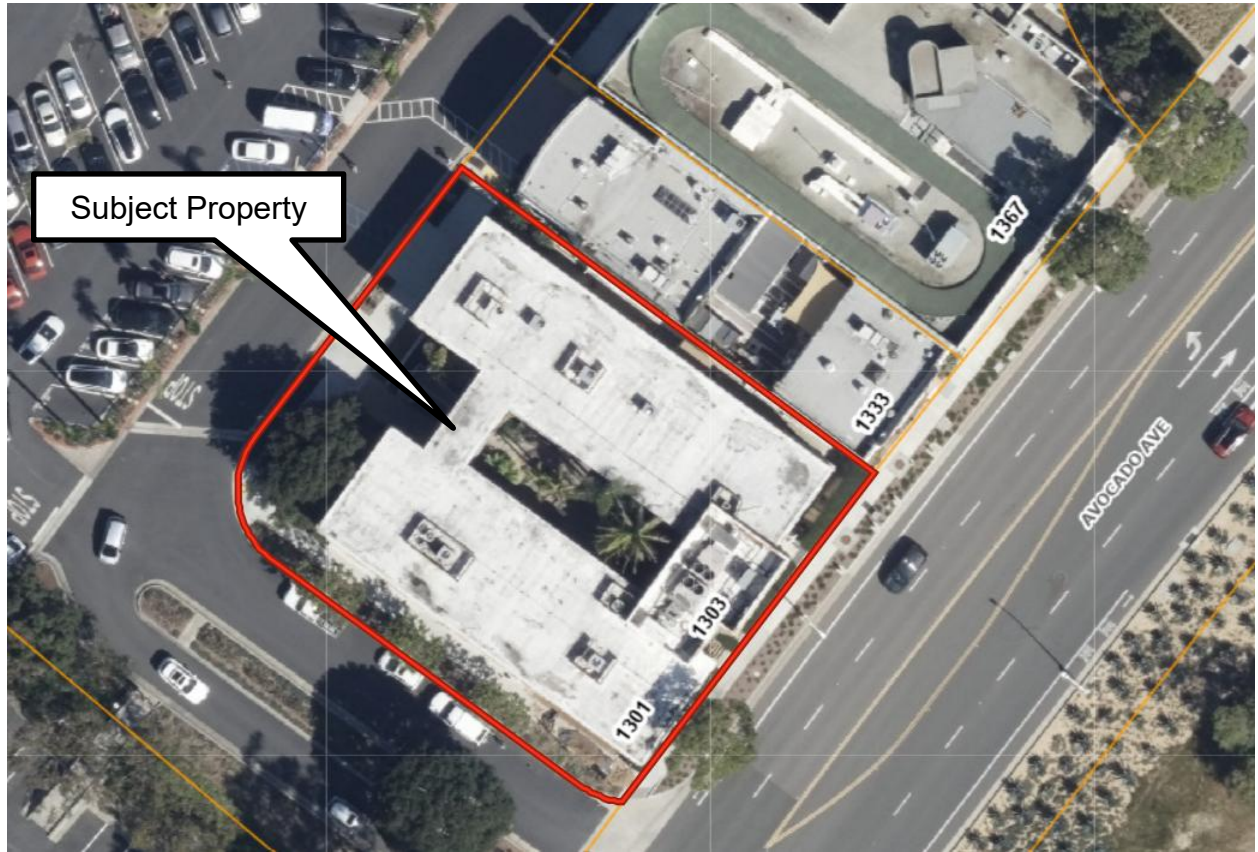
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Attachments: ZA No. 1 Vicinity Map
ZA No. 2 Comprehensive Sign Program Matrix
ZA No. 3 Project Plans

Attachment No. ZA 1

Vicinity Map

VICINITY MAP



Comprehensive Sign Program
PA2025-0258

1303 Avocado Avenue

Attachment No. ZA 2

Comprehensive Sign Program Matrix

Exhibit "B"

Comprehensive Sign Program Matrix

Sign Type	Maximum Number	Location(s)	Max. Sign Area	Additional Requirements
Primary Building ID Wall Sign	One per Building	Avocado Avenue (Frontage A)	97.5 square feet	Location per approved plans 60 inches maximum letter/logo height
Secondary Building ID Wall Sign	Two per Building	West Elevation (Frontage B) and South Elevation (Frontage C)	48.75 square feet	No requirement for location of middle 50% of building frontage
Tenant ID Wall Sign	One per Tenant	No limitation	1.5 square feet of sign area per lineal foot of tenant frontage, up to 75 square feet	No requirement for location of middle 50% of building frontage 36 inches maximum letter/logo height
Blade Sign	One per Tenant	Facing Building Interior Only	2.25 square feet	12 inches maximum letter/logo height
Monument Sign	One per Building	Western Corner of Building facing Parking Lot	75 square feet	Location per approved plans Maximum 6 feet average height Landscaping required per attached plans

NOTES/REQUIREMENTS

- Requirements for all signs are per Newport Beach Municipal Code Section 20.42, except as provided in this sign matrix
- All signs are permitted to be illuminated, per the approved plans
- All signs are permitted to have logos as part of its maximum sign area

Attachment No. ZA 3

Project Plans

PROJECT INFORMATION

Prepared for: The Lab Holding LLC
Name of Project: Birdhouse
Project Address: 1303 Avacado Avenue, Newport Beach, CA 92660
County: Orange
Submarket: Newport Beach
APN Number: 442-091-08
Legal Description: P BK 25 PG 1 PAR 7
Lot Size: .038 Acres
Subdivision: Irvines Subdivision
CBSA: Anaheim-Santa Ana-Irvine, CA
Tenant Name: Chris Bennett
Tenant Phone: 949.933.5296
Email: Chris@thelab.com
Tenant Address: 709 Randolph, Costa Mesa, CA 92626



1303 AVOCADO AVENUE
NEWPORT BEACH, CA 92660

SIGNAGE PROGRAM FOR REVIEW
KR JOB NUMBER: 250475

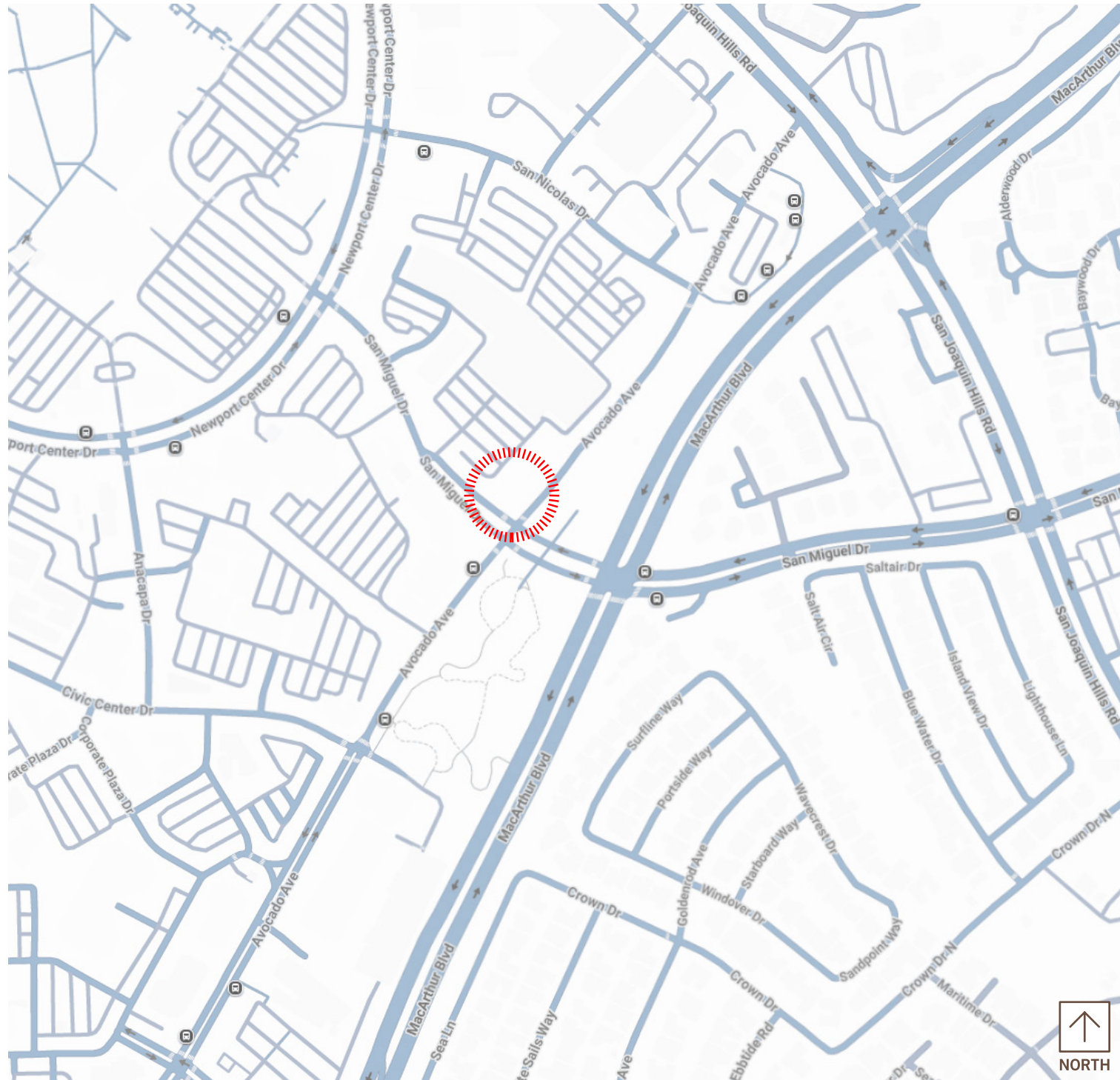
NOTES:

- PROJECT SIGNAGE PROGRAM FOR SUBMISSION AND REVIEW

DATE: 02.25.2026 FINAL REVISION

KENNEY RELIC
ESTD. **SIGN CO.** 2015
CUSTOM MANUFACTURING & WRAPS

2560 JASON COURT
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Vicinity Map

TABLE OF CONTENTS

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Table of Contents

This conceptual design is based upon a preliminary review of zoning and entitlement requirements and on unverified and possibly incomplete site and/or building information, and is intended merely to assist in exploring how the project might be developed. Signage shown is for illustrative purposes only and does not necessarily reflect municipal code compliance.



BRAND STRATEGY + WAYFINDING CONCEPT STUDIES
1303 AVOCADO AVENUE, NEWPORT BEACH, CALIFORNIA 92660 - JOB #250475



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A. PURPOSE AND INTENT

The purpose of this sign program is to ensure that the signage at 1303 Avocado Avenue reflects the integrity and overall aesthetic values of the City of Newport Beach, CA. Conformity with this program will be strictly enforced, and any non-conforming signs will be removed by the Owner's Association at the building owner's expense.

B. GENERAL OWNER/TENANT REQUIREMENTS

1. Prior manufacture of any sign in 1303 Avocado Avenue, each building owner shall submit to Owner for written approval, two copies detailed drawings. These drawings shall include the building elevation to which the signs are to be attached, sign dimensions, graphics, location, colors, and method of attachment. This approval must be obtained prior to submittal to the City of Newport Beach, CA.

2. All signs shall be reviewed for conformance with this criteria and overall design quality. Approval or disapproval of sign submittals based on aesthetics of design shall remain the sole right of the Owner's Association.

3. Prior to the install and manufacture of any sign, the Owner shall obtain a sign permit from the City of Newport Beach, CA.

4. The owner shall pay for all signs, related materials, and installation fees. (including final inspection costs).

5. Fascia signs will be limited to occupant's name, logo, and/or logotype. The use of brand name logos will not be allowed on the sign unless it is specifically included in the tenant D.B.A.

6. In the event an occupant vacates his premise, it is his responsibility to patch holes and paint surface(s) to match existing color fascia.

7. The Owner's Association reserves the right to periodically hire an independent sign inspector, at occupant's sole expense, to inspect the installation of all signs. Each building owner will be required to have any discrepancies and/or code violations, request for sign removals, or discrepancies not corrected within fifteen (15) days of notice, may be corrected by the Owner's Association at Building Owner's expense.

8. All building sign shall be installed prior to opening for business, only after City permits are secured.

9. Cooperative occupant advertising, signing or seasonal event signing will require a specialty event sign permit from the City of Newport Beach, CA.

C. GENERAL SPECIFICATIONS

1. Sign sizes shall be limited to maximum widths shown on each building elevation, and also shall not exceed the general sizes outlined. Owner has the final discretion when reviewing the proposed signage and reserves the right to not allow signage, even if it meets this criteria herein.

2. Signs shall be fabricated per the specifications shown.

3. All signs and their installation shall comply with all local building and electrical codes.

4. Sign company to be fully licensed with the City and State and shall have full workman's compensation and general liability insurance.

5. All electrical signs will be fabricated by a U.L. approved sign company, according to U.L. specifications.

6. All penetrations of exterior fascia are to be sealed watertight (color and finish to match existing building exterior) No roof penetrations shall be made without Owner's prior written consent.

7. Tenant, at tenant's expense, shall immediately repair any damage caused by tenant's sign contractor which has occurred to the premises during the course of installation of tenant's sign (s).

6. All conduits, transformers, junction boxes and openings in building surfaces shall be concealed. Any necessary exposed hardware must specifically approved by Owner and City prior to installation and must be finished in a manner consistent with quality fabrication practices. Exposed hardware shall be finished in a manner consistent with quality fabrication practices.

7.- Signs shall be placed in locations as shown on elevations with Owner's approval.

8.- All signs shall have its sign permit number, name of fabricator, and date of installation in a visible location.

9.- Any tenant's sign left thirty (30) days after that occupant vacates the premises shall become the property of the Owner's Association unless previous arrangements have been agreed upon by Owner's Association unless previous arrangements have been agreed upon by Owner's Association and Building Owner.

A. PROHIBITED SIGNS

1. Permanent advertising devices such as attraction boards, posters, balloons, pennants, banners and flags. Temporary signage requires advanced express written Owner approval prior to installation.

2. Flashing, animated, audible, revolving or other signs that create the illusion of animation are not permitted.

3. Signs constituting a traffic hazard. No person shall install or maintain, or cause to be installed or maintained, any sign which simulates or imitates in size, color, lettering or design any traffic sign or signal, or which makes use of the words "STOP", "LOOK", "DANGER" or any other words, phrases, symbols or characters in such manner as to interfere with, mislead, or confuse traffic.

4. Signs in proximity to utility lines. Signs which have less horizontal or vertical clearance from authorized communication or energized electrical power lines than are prescribed by the Laws of the State of California are prohibited.

5. Signs within the public right-of-way except those required by law for traffic control, information and hazard identification.

6. Any sign erected or attached to any tree, utility pole or traffic control pole or box within any public right-of-way with the exception for City identification signs.

7. Any sign or sign structure which is structurally unsafe or constitutes a hazard to the health, safety, or welfare of persons by reason of design, inadequate maintenance or dilapidation.

8. Any advertising device involving animals and human beings.

9. Signage painted directly on wall.

10. Vehicle signs. Signs on or affixed to trucks, automobiles, trailers, or other vehicles which advertise, identify or provide direction to a use or activity not related to its lawful activity are prohibited.

11. Light Bulb String. External display, other than temporary decorative holiday lighting which consist of unshielded light bulbs are prohibited. An exception hereto may be granted by the owner when the display is an integral part of the design character of the activity to which it relates.

12. Signs not deemed architecturally compatible with the entire center per the approval of owner and all applicable city departments.

Sign Plan and Schedule

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NORTH

Site Plan: Sign 6 Location

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Frontage C: Existing Conditions: North Elevation - From Parking



Frontage B: Existing Conditions: West Elevation



Frontage A: Existing Conditions: South Elevation - Avocado Avenue

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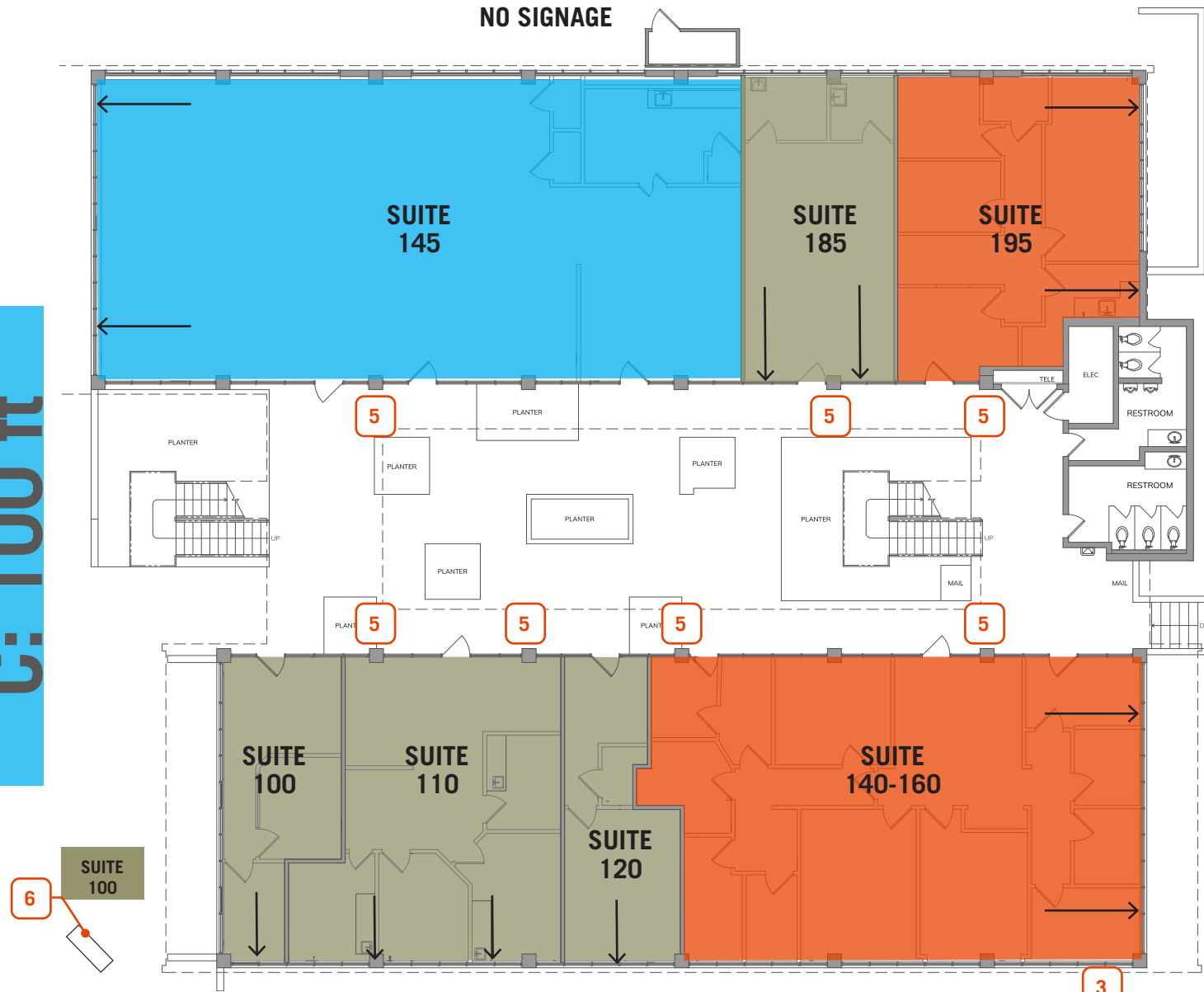


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D: 125 ft

NO SIGNAGE

C: 100 ft



DRIVEWAY

B: 115 ft

D: 125 ft

NO SIGNAGE



B: 115 ft

Primary: A: 100 ft

SIGN SCHEDULE

Building Exterior Signs

1. Exterior Building Identification Sign - South Elevation
2. Exterior Building Identification Sign - North Elevation
3. Exterior Building Identification Sign - West Elevation

Retail Signs

5. Retail Tenant Globe (Blade) Signs
6. Retail Monument Sign (*See Site Plan)
7. Retail Identification Signs



NORTH

Suite Designations

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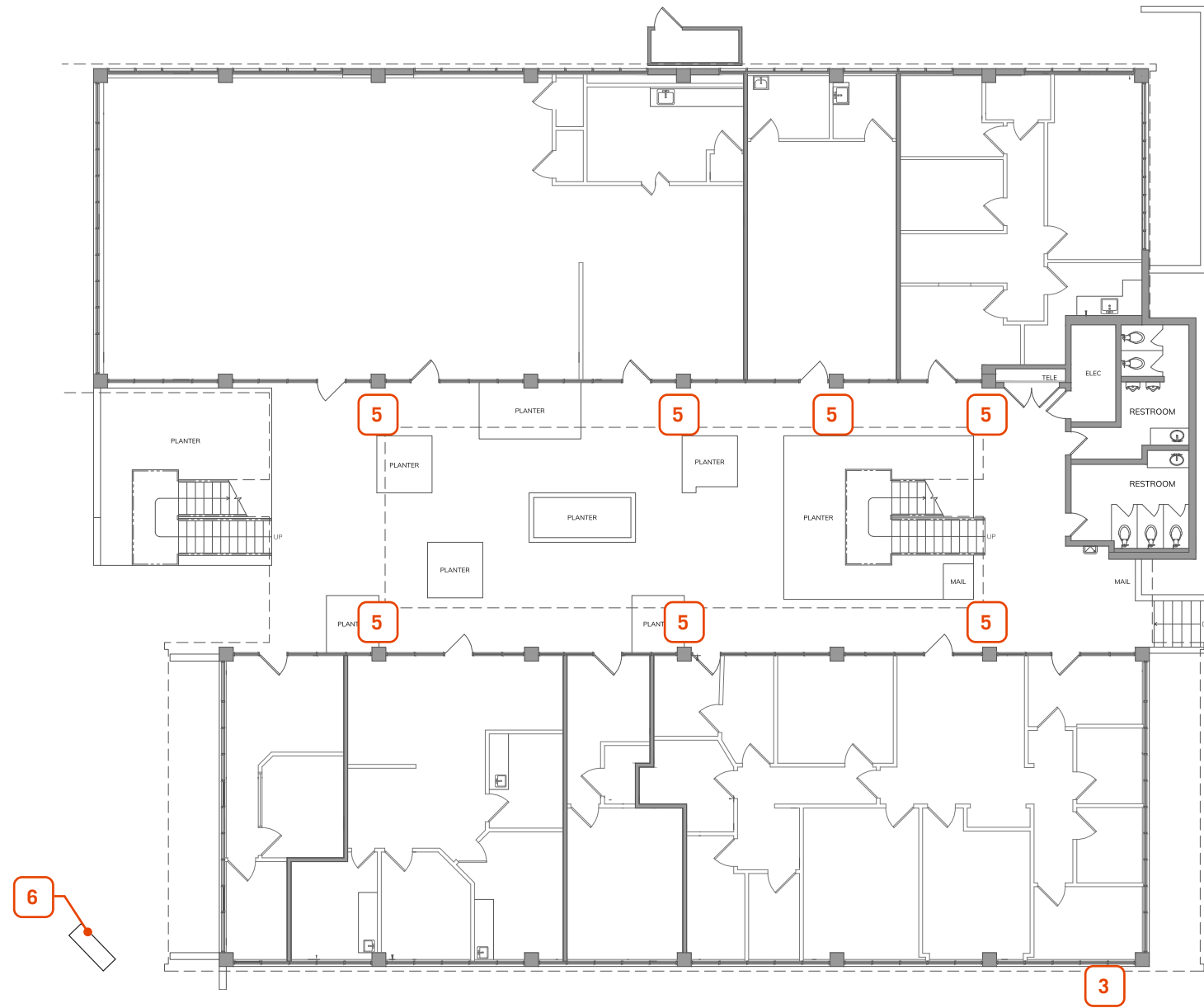


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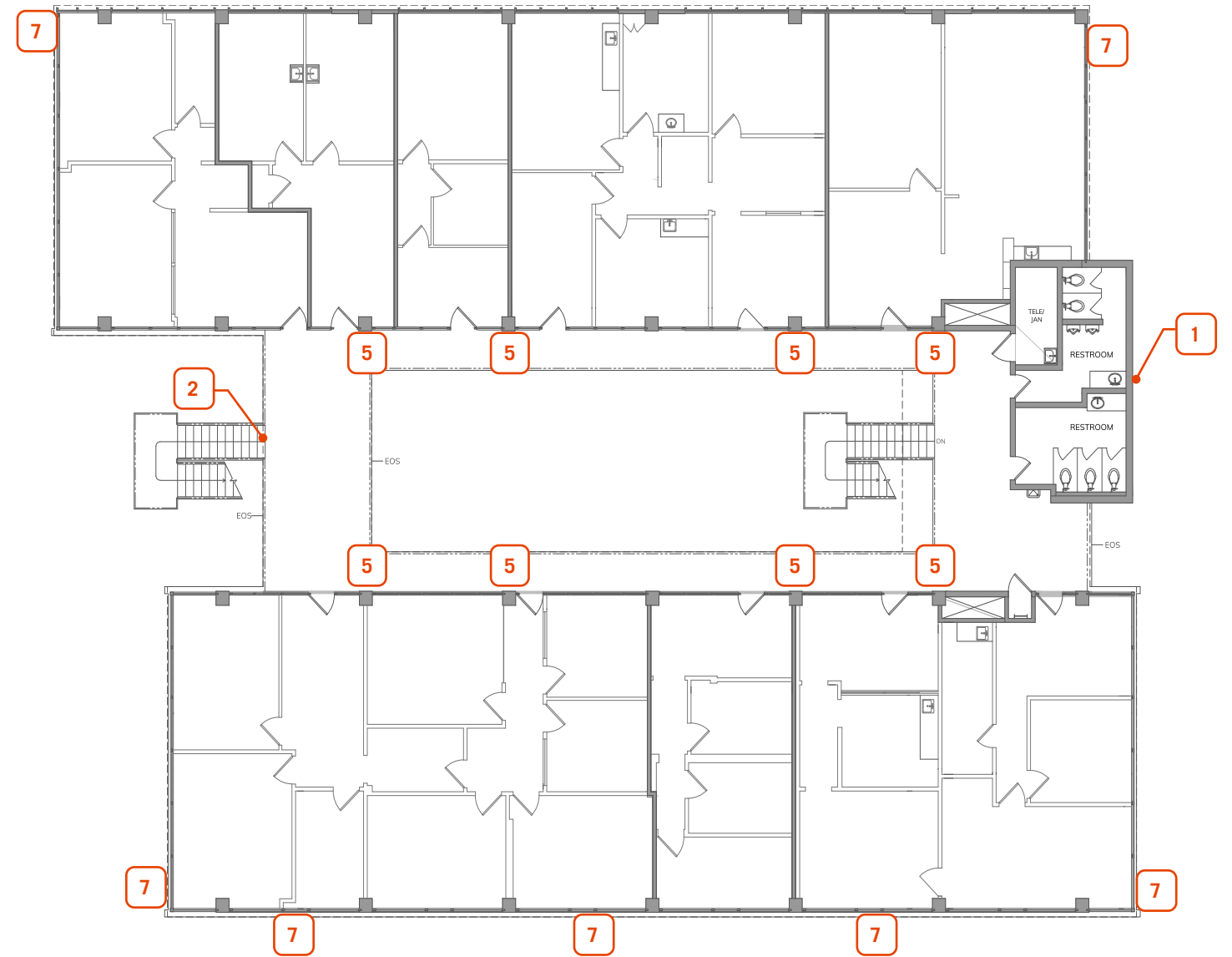
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Ground Level



Level 2

SIGN SCHEDULE

Building Exterior Signs

- 1. Exterior Building Identification Sign - South Elevation
- 2. Exterior Building Identification Sign - North Elevation
- 3. Exterior Building Identification Sign - West Elevation
- 4. Not Used

Retail Signs

- 5. Retail Tenant Globe (Blade) Signs
- 6. Retail Monument Sign (*See Site Plan)
- 7. Retail Identification Signs



Sign Plan and Schedule

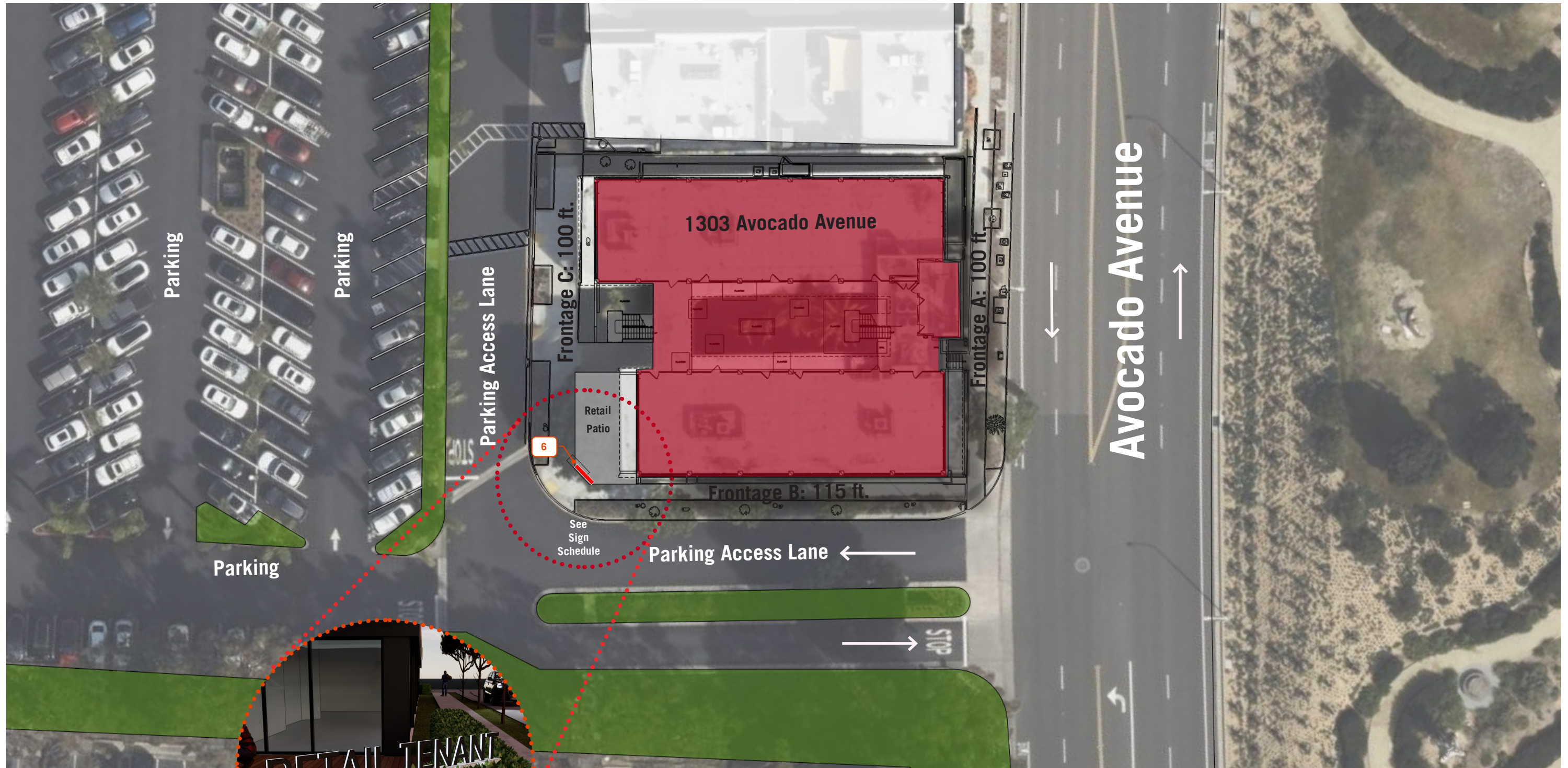
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Site Plan (Sign 6 Location)

BirdHouse

1303 Avocado Avenue, Newport Beach, CA 92056

Sign Program Matrix

Page	Sign Code	Description	Sign Location	Max. Quantity Per Building	Max Sign Area Per Sign	Min. & Maximum Lettering Height	Logos Allowed	Illumination Permitted	Sign Permit Required
1		Property ID Wall Sign	East Elevation	1 Per Elevation	84 SF	60 Inches	YES	YES	YES
2		Property ID Wall Sign	South Elevation	1 Per Elevation	32 SF	36 Inches	YES	YES	YES
3		Property ID Wall Sign	West Elevation	1 Per Elevation	32 SF	36 Inches	YES	YES	YES
4		Not Used	N/A	N/A	N/A	N/A	N/A	N/A	N/A
5		Blade Sign	1 Per Retail Tenant	16 Total	2.25 SF	12 Inches	YES	YES	NO
6		Monument Sign	Building SW Ground	1 Per Building	24 SF	13.5 Inches	YES	YES	YES
7		Retail ID sign	1 Per Select Retail	7 Per Building	15 SF	12 Inches	YES	YES	YES

Signage Matrix

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Primary Frontage

SIGN 1: 84 sf



Sign 1 Street Facade: Day View



Sign 1 Street Facade: Night View



Elevation: Avocado Avenue

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