



## CITY OF NEWPORT BEACH COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION ACTION REPORT

TO: CITY COUNCIL, CITY MANAGER, AND PLANNING COMMISSION

FROM: Jaime Murillo, Acting Community Development Director

SUBJECT: Report of actions taken by the Zoning Administrator, and/or Community Development Director for the week ending January 16, 2026.

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### ZONING ADMINISTRATOR PUBLIC HEARING ACTIONS JANUARY 15, 2026

Item 1: Mai Residence Coastal Development Permit (PA2025-0122)  
Site Address: 421 & 421 ½ Harding Street

Action: Approved by Resolution No. ZA2026-001	Council District	1
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Item 2: MacArthur, LLC Lot Line Adjustment (PA2025-0182)  
Site Address: 4343 & 4341 MacArthur Boulevard

Action: Approved by Resolution No. ZA2026-002	Council District	3
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### COMMUNITY DEVELOPMENT DIRECTOR OR ZONING ADMINISTRATOR ACTIONS (Non-Hearing Items)

Item 1: Sailhouse Poppy LLC Condominiums Tentative Parcel Map (PA2025-0198)  
Site Address: 413 Poppy Avenue

Action: Approved	Council District	6
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**APPEAL PERIOD:** An appeal or call for review may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

## RESOLUTION NO. ZA2026-001

### A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A COASTAL DEVELOPMENT PERMIT FOR THE DEMOLITION OF A TWO-UNIT RESIDENCE AND THE CONSTRUCTION OF A NEW SINGLE-UNIT RESIDENCE AND ACCESSORY DWELLING UNIT LOCATED AT 421 HARDING STREET (PA2025-0122)

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Darian Radac (Applicant) on behalf of Henry Mai (Owner) with respect to property located at 421 Harding Street and legally described as Lot 8 of Block 3 (Property) in the City of Newport Beach, requesting approval of a coastal development permit (CDP).
2. The Applicant requests a CDP to demolish the existing two-unit residence and construct a 2,316-square-foot single-unit residence, a 318-square-foot junior accessory dwelling unit (JADU), with an attached 155-square-foot two-car garage intended for tandem parking. The Project includes landscape, hardscape, and subsurface drainage facilities all within the confines of private property. The project complies with all development standards and no deviations from the Newport Beach Municipal Code (NBMC) are requested (Project).
3. The Property is designated Multiple Residential (RM) by the General Plan Land Use Element and is located within the Multiple Residential (RM) Zoning District.
4. The property is located within the Coastal Zone. The Coastal Land Use Plan category is Multiple Unit Residential (RM-E – 30.0 - 39.9 DU/AC) and it is located within the Multiple Residential (RM) Coastal Zoning District.
5. A public hearing was held on January 15, 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 15303, Division 6, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 3 (New Construction or Conversion of Small Structures) because it has no potential to have a significant effect on the environment.
2. Class 3 exempts the construction of limited numbers of small, new facilities or structures; installation of small equipment and facilities, and the conversion of existing small structures where only minor modifications are made in the exterior. This Project consists

of the demolition of an existing two-unit structure and the construction of a new single-unit residence with an attached JADU. Therefore, the Project is eligible for the Class 3 exemption.

3. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The Project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

### SECTION 3. REQUIRED FINDINGS.

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

#### Finding:

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

#### Facts in Support of Finding:

1. The proposed development complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and parking.
  - a. The Project proposes a gross floor area of 2,789 square feet, which complies with the maximum gross floor area of 2,789 square feet allowed for the Property.
  - b. The proposed development provides the minimum required setbacks, which are 5 feet along the front property line abutting Harding Street, 3 feet along each side property line, and 5 feet along the rear property line abutting the alley. The Project will conform to the required setbacks, including the required additional 15-foot third-floor front and rear step-backs, with no encroachments proposed on either side.
  - c. The highest guardrail is less than 28 feet from the established grade at 9.0 feet and the highest ridge is less than 33 feet from the established grade which complies with the maximum height requirements of the NBMC.
  - d. As the existing established grade is less than 9.0 feet based on the North American Vertical Datum of 1988 (NAVD88), the proposed development includes a minimum top of slab elevation of 9.0 feet (NAVD88), which meets the requirement of Section 21.30.060 (Height Limits and Exceptions) in the NBMC.
2. The neighborhood is predominantly developed with two- and three-story multiple unit residences. The proposed design, bulk, and scale of the development are consistent with the existing neighborhood pattern of development.

3. The Property is located inland in a developed area approximately 330 feet from the beach and approximately 835 feet from the Balboa Pier and Peninsula Park. Additionally, the Property is approximately 300 feet south of the bay.
4. The Property is in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code (CBC) and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved before the issuance of building permits. Permit issuance is also contingent on the inclusion of design mitigation identified in the investigations. Construction plans are reviewed for compliance with approved investigations and CBC before building permit issuance.
5. The Property is not located adjacent to a Coastal View Road, public access way, or Coastal Viewpoint as identified in the Coastal Land Use Plan. The nearest coastal viewpoints are at Peninsula Park and the adjacent Balboa Pier which are not visible from the site as they are located approximately 835 feet southeast of the Property. As currently developed, the existing property is not located within the view shed of the park and pier. The proposed two-unit residence complies with all applicable Local Coastal Program (LCP) development standards and maintains a building envelope consistent with the existing neighborhood pattern of development. Additionally, the Project does not contain any unique features that could degrade the visual quality of the coastal zone.

Finding:

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

Fact in Support of Finding:

1. The Project site is located between the nearest public road and the sea or shoreline. Implementation Plan Section 21.30A.040 requires that the provision of public access bear a reasonable relationship between the requirement and the project's impact and be proportional to the impact. In this case, the Project creates a new single-unit residence with an attached JADU to an existing RM zoned lot. Therefore, the Project does not involve a change in land use, density, or intensity that will result in increased demand for public access and recreation opportunities. Furthermore, the Project is designed and sited (appropriate height, setbacks, etc.) so as not to block or impede existing public access opportunities.
2. The Project is not located near a Public Beach Access point as identified in the CLUP. Vertical access to the beach is available adjacent to the site along Adams Street, approximately 330 feet south of the Property abutting a public boardwalk on East Ocean Front. Lateral access is available on the East Ocean Front public boardwalk. The Project does not include any features that would obstruct access along these routes.

**SECTION 4. DECISION.**

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Zoning Administrator of the City of Newport Beach hereby finds this Project is categorically exempt from the California Environmental Quality Act under Section 15303 under Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit filed as PA2025-0122, subject to the conditions outlined in Exhibit "A," which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director by the provisions of Title 21 LCP Implementation Plan, of the NBMC. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 (Appeal to the Coastal Commission) of the City's certified LCP and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

**PASSED, APPROVED, AND ADOPTED THIS 15<sup>TH</sup> DAY OF JANUARY 2026.**



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Benjamin M. Zdeba, AICP, Zoning Administrator

**EXHIBIT "A"****CONDITIONS OF APPROVAL**

1. The development shall be in substantial conformance with the approved site plan, floor plans, and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. No demolition or construction materials, equipment debris, or waste, shall be placed or stored in a location that would enter the sensitive habitat, receiving waters, or storm drains or result in impacts to environmentally sensitive habitat areas, streams, the beach, wetlands or their buffers. No demolition or construction materials shall be stored on public property.
3. Demolition beyond the approved scope of work requires planning division approval before the commencement of work. Approval of revisions to project plans is not guaranteed. Any changes in the current scope of work may require the entire structure to be demolished and redeveloped in conformance with the current Zoning Code Development Standards.
4. The Applicant is responsible for compliance with the Migratory Bird Treaty Act (MBTA). In compliance with the MBTA, grading, brush removal, building demolition, tree trimming, and similar construction activities shall occur between August 16 and January 31, outside of the peak nesting period. If such activities must occur inside the peak nesting season from February 1 to August 15, compliance with the following is required to prevent the taking of native birds under MBTA:
  - A. The construction area shall be inspected for active nests. If birds are observed flying from a nest or sitting on a nest, it can be assumed that the nest is active. Construction activity within 300 feet of an active nest shall be delayed until the nest is no longer active. Continue to observe the nest until the chicks have left the nest and activity is no longer observed. When the nest is no longer active, construction activity can continue in the nest area.
  - B. It is a violation of state and federal law to kill or harm a native bird. To ensure compliance, consider hiring a biologist to assist with the survey for nesting birds, and to determine when it is safe to commence construction activities. If an active nest is found, one or two short follow-up surveys will be necessary to check on the nest and determine when the nest is no longer active.
5. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) shall be implemented before and throughout the duration of construction activity as designated in the Construction Erosion Control Plan.
6. The discharge of any hazardous materials into storm sewer systems or receiving waters shall be prohibited. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. A designated fueling and vehicle maintenance area with appropriate berms and protection to prevent spillage shall be provided as far away from storm drain systems or receiving waters as possible.

7. Debris from demolition shall be removed from work areas each day and removed from the project site within 24 hours of the completion of the project. Stockpiles and construction materials shall be covered, enclosed on all sites, not stored in contact with the soil, and located as far away as possible from drain inlets and any waterway.
8. Trash and debris shall be disposed of in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed of in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
9. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
10. The project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
11. The Applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may be caused by the revocation of this CDP.
12. This CDP may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained are detrimental to the public health, and welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained to constitute a public nuisance.
13. *Before the issuance of building permits, the Applicant shall submit a final construction erosion control plan. The plan shall be subject to review and approval by the Building Division.*
14. *Before the issuance of building permits, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.*
15. *Before the issuance of building permits, the Applicant shall submit a final landscape and irrigation plan. These plans shall incorporate drought-tolerant plantings, non-invasive plant species, and water-efficient irrigation design. The plans shall be approved by the Planning Division.*
16. All landscape materials and irrigation systems shall be maintained by the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing, and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.
17. Construction activities shall comply with Section 10.28.040 (Construction Activity – Noise Regulations) of the NBMC, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday

through Friday Noise-generating construction activities are not allowed on Saturdays, Sundays, or Holidays.

18. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 (Community Noise Control), under Sections 10.26.025 (Exterior Noise Standards) and 10.26.030 (Interior Noise Standards), and other applicable noise control requirements of the Newport Beach Municipal Code (NBMC).
19. Before the issuance of the building permit, the Applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
20. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by the current property owner or agent.
21. This Coastal Development Permit No. PA2025-0122 shall expire unless exercised within 24 months from the date of approval as specified in Section 21.54.060 (Time Limits and Extensions) of the NBMC, unless an extension is otherwise granted.
22. To the fullest extent permitted by law, the Applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including without limitation nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of **Mai Residence, including but not limited to Coastal Development Permit No. PA2025-0122**). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the Applicant, City, and/or the parties initiating or bringing such proceeding. The Applicant shall indemnify the City for all of the City's costs, attorney's fees, and damages that which the City incurs in enforcing the indemnification provisions set forth in provisions outlined in this condition. The Applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

### **Fire Department**

23. The Project shall require the installation of fire sprinklers, complying with the 2022 NFPA 13D standards, unless otherwise directed by the Fire Department.
24. 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.

**Building Division**

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

## **RESOLUTION NO. ZA2026-002**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A LOT LINE ADJUSTMENT TO ADJUST THE BOUNDARY BETWEEN TWO CONTIGUOUS PARCELS LOCATED AT 4343 AND 4341 MACARTHUR BOULEVARD (PA2025-0182)**

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

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

1. An application was filed by Sanderson J. Ray Development (Applicant) on behalf of Sanderson J. Ray Macarthur, LLC (Owner), with respect to the properties located at 4343 and 4341 MacArthur Boulevard, and legally described as Parcel 1 and 2, respectively, of Parcel Map No. 95-172, as per map filed in Book 292, Pages 18 and 19 of Parcel Maps, records of Orange County, California (Properties).
2. The Applicant proposes to adjust the interior lot line between two contiguous parcels owned in common and developed with commercial buildings and surface parking lots. Approximately 1,690 square feet of land will be transferred from the southern portion of 4343 MacArthur Boulevard (Parcel 1) and added to 4341 MacArthur Boulevard (Parcel 2) and approximately 350 square feet will be transferred from the northwestern portion of Parcel 2 and added to Parcel 1, resulting in a net increase of approximately 1,340 square feet to Parcel 2. The adjusted lot line will allow for parking spaces originally constructed partially over the property line to be located entirely within Parcel 2. There will be no change in the number of parcels (Project).
3. The Properties are categorized as Mixed-Use Horizontal (MU-H2) by the General Plan Land Use Element and are located within the General Commercial Site 5 subarea of the Newport Place Planned Community (PC 11) Zoning District. The properties are also located within the Airport Area Environs Area (HO-1) subarea of the Housing Opportunity (HO) Overlay Zoning District.
4. The Properties are not located within the Coastal Zone.
5. A public hearing was held on January 15, 2026, online via Zoom. A notice of time, place, and purpose of the hearing was given in accordance with the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to and considered by the Zoning Administrator at this hearing.

#### **SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.**

1. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 under Class 5 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.

2. The Class 5 exemption applies to projects that propose minor alterations in land use limitations on properties with an average slope of less than 20% and that do not result in any change to land use or density. Examples include minor lot line adjustments, and side yard and setback variances not resulting in the creation of any new parcels. The Project proposes a minor lot line adjustment to accommodate existing parking spaces originally constructed over the property line. The Project will not result in a change in use or density. Therefore, the Class 5 exemption is applicable.
3. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

### SECTION 3. REQUIRED FINDINGS.

In accordance with Section 19.76.020(I) (Procedures for Lot Line Adjustments – Required Findings) of the NBMC, the following findings and facts in support of such findings are set forth:

#### Finding:

- A. *Approval of the lot line adjustment will 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, and further that the proposed lot line adjustment is consistent with the legislative intent of the title.*

#### Facts in Support of Finding:

1. The purpose and intent of Chapter 19.76 (Lot Line Adjustment) of the NBMC is to allow for lot line adjustments. A lot line adjustment is defined as a minor boundary adjustment involving four or fewer adjacent lots or parcels where the land transferred from one parcel is added to an adjacent parcel with the original number of parcels remaining unchanged after the adjustment. The Project will adjust the interior lot line between two contiguous parcels to transfer a portion of land from Parcel 1 that is between 3 and 12 feet wide and approximately 300 feet in length and add it to Parcel 2 and transfer portion of land from Parcel 2 approximately 6 feet in width and 60 feet in length and add it to Parcel 1. The adjusted boundary will allow for parking spaces originally constructed partially over the property line to be located entirely within Parcel 2. There will be no change to the overall number of lots or the number of onsite parking spaces. The Project is consistent with the definition of a lot line adjustment and the overall purpose and intent of Chapter 19.76 of the NBMC.

2. The Project does not negatively impact surrounding landowners as the adjustment affects a relatively small portion of an interior property line between two contiguous parcels.
3. Public improvements and infrastructure currently exist within the vicinity and the Project will not result in the need for additional improvements and/or facilities.

Finding:

B. *The number of parcels resulting from the lot line adjustment remains the same as before the adjustment.*

Fact in Support of Finding:

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

Finding:

C. *The lot line adjustment is consistent with applicable zoning regulations except that nothing herein shall prohibit the approval of a lot line adjustment as long as none of the resultant parcels is more nonconforming as to lot width, depth, and area than the parcels that existed prior to the lot line adjustment.*

Fact in Support of Finding:

1. PC 11 requires a minimum lot size of 30,000 square feet and does not establish minimum standards for lot width or depth. Parcel 1 will be reduced to approximately 64,102 square feet in lot area, and Parcel 2 will be increased to approximately 42,442 square feet. Both parcels will continue to meet the minimum lot size requirement.
2. Section 20.70 (Definitions), of the NBMC defines a “site” as a lot or adjoining lots under single ownership or single control, considered as a unit for the purposes of development or other use. The Properties are both owned by the Owner and therefore the entire shopping center is considered one site. The overall number of parking spaces within the shopping center will remain unchanged.

Finding:

D. *Neither the lots as adjusted nor adjoining parcels will be deprived of legal access as a result of the lot line adjustment.*

Fact in Support of Finding:

1. Legal access to the Properties is taken from Corinthian Way via a shared driveway and will not be affected by the Project. Legal access to the adjacent property located at 4545 MacArthur Boulevard is taken from Birch Street and a separate driveway along Corinthian Way which will also not be affected by the Project.

Finding:

*E. That the final configuration of the parcels involved will not result in the loss of direct vehicular access from an adjacent alley for any of the parcels that are included in the lot line adjustment.*

Facts in Support of Finding:

1. Vehicular access to both Properties is currently provided from Corinthian Way via a shared driveway. The final configuration of the Properties will not result in the loss of the existing direct vehicular access.
2. There are no alleys on or near the Properties.

Finding:

*F. That the final configuration of a reoriented lot does not result in any reduction of the street site setbacks as currently exist adjacent to a front yard of any adjacent key unless such reduction is accomplished through a zone change to establish appropriate street site setbacks for the reoriented lot. The Planning Commission and City Council in approving the zone change application shall determine that the street site setbacks are appropriate and are consistent and compatible with the surrounding pattern of development and existing adjacent setbacks.*

Fact in Support of Finding:

1. The project will not reorient the parcels. The setbacks currently applicable to the parcels shall continue to apply to the adjusted parcels and will not result in any nonconformities.

**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 15305 under Class 5 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves the Lot Line Adjustment filed as PA2025-0182, 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 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 in accordance with the provisions of Title 19 (Subdivisions), of the NBMC.

**PASSED, APPROVED, AND ADOPTED THIS 15<sup>TH</sup> DAY OF JANUARY 2026.**



Benjamin M. Zueba, AICP, Zoning Administrator

**EXHIBIT "A"**

**CONDITIONS OF APPROVAL**

*(Project-specific conditions are in italics)*

1. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
2. *Prior to the Recordation of the Lot Line Adjustment, the Applicant shall submit the Lot Line Adjustment exhibits to the Public Works Department for final review and approval. All applicable fees shall be paid.*
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 Section 20.54.060 (Time Limits and Extensions) of the NBMC.
4. 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 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 **MacArthur, LLC** including, but not limited to **Lot Line Adjustment filed as PA2025-0182**. 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 which the City incurs in enforcing the indemnification provisions set forth in this condition. The Applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

## **RESOLUTION NO. ZA2026-003**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, APPROVING A TENTATIVE PARCEL MAP FOR TWO-UNIT RESIDENTIAL CONDOMINIUM PURPOSES LOCATED AT 413 AND 413 ½ POPPY AVENUE (PA2025-0198)**

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

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

1. An application was filed by Matthew Watson (Applicant), on behalf of Sailhouse Poppy, LLC (Owner) with respect to property located at 413 and 413 ½ Poppy Avenue and is legally described as Lot 11 of Block 443 in the Corona del Mar Tract (Property), requesting approval of a tentative parcel map for condominium purposes.
2. The Applicant requests a tentative parcel map for two-unit residential condominium purposes. An existing duplex has been demolished, and a new duplex is under construction. The tentative parcel map would allow each unit to be sold individually. No waivers of Newport Beach Municipal Code (NBMC) Title 19 (Subdivisions) are proposed (Project).
3. The Property is categorized as Two Unit Residential (RT) by the General Plan Land Use Plan and is located within the Two-Unit Residential (R-2) Zoning District.
4. The Property is not located within the coastal zone; therefore, a coastal development permit (CDP) is not required.
5. On January 15, 2026, the Zoning Administrator reviewed a tentative parcel map filed as PA2025-0198. A notice of purpose of the review was given in accordance with the NBMC. No comments were received from the public, and written evidence was presented to and considered by the Zoning Administrator.

#### **SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.**

1. This Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15315 under Class 15 (Minor Land Divisions) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Class 15 Exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20%. The Project is for a two-unit

condominium subdivision and meets all identified criteria; therefore, it is eligible for the Class 15 Exemption.

### SECTION 3. REQUIRED FINDINGS.

#### ***Tentative Parcel Map***

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

##### Finding:

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

##### Facts in Support of Finding:

1. The Project includes a tentative parcel map for two-unit residential condominium purposes. The RT General Plan Land Use designation and R-2 Zoning District apply to a range of two-family residential units such as duplexes and town homes. The Property was previously developed with a duplex which has been demolished and a new duplex is currently under construction. The proposed subdivision and improvements will continue to be consistent with the density of the RT General Plan Land Use category and R-2 Zoning District.
2. The Property is not located within a specific plan area.

##### Finding:

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

##### Facts in Support of Finding:

1. The Property is physically suitable for a duplex because it is regular in shape and size. An existing duplex has been demolished and a new duplex is currently under construction, which complies with all the requirements of the NBMC Title 20 (Planning and Zoning).
2. The Property is accessible from both Poppy Avenue and the alley in the rear. Vehicular access is taken from the alley.
3. The Property is adequately served by existing utilities.

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

1. The Project is for residential condominium purposes. All improvements associated with the Project will comply with all Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. Public improvements will be required of the applicant per Section 19.28.010 (General Improvement Requirements) of the NBMC and Section 66411 (Local agencies to regulate and control design of subdivisions) of the Subdivision Map Act. All ordinances of the City and all Conditions of Approval will be complied with.
2. The Project has been conditioned to require public improvements, including all damaged sidewalk panels, curb, gutter, and street along the Poppy Avenue frontage and any damaged concrete alley panels along the alley property frontage shall be reconstructed as determined by the Public Works Department. The Project is also conditioned to install turf or drought tolerant landscaping, as approved by the City, throughout the entire Poppy Avenue parkway fronting the Property. The two existing street trees along the Poppy Avenue frontage shall be protected in place. The utilities will be undergrounded, consistent with Title 19 (Subdivisions) of the NBMC.

Finding:

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

Fact in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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

Finding:

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

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

Fact in Support of Finding:

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

Finding:

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

Fact in Support of Finding:

1. The proposed two-unit condominium will replace an existing duplex, which is consistent with the R-2 Zoning District and does not result in a net decrease in residential density. Therefore, the tentative parcel map for residential condominium purposes will not affect the City in meeting its regional housing need.

Finding:

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

Fact in Support of Finding:

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

Finding:

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

Fact in Support of Finding:

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

SECTION 4. DECISION.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act 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 Zoning Administrator of the City of Newport Beach hereby approves the Tentative Parcel Map filed as PA2025-0198, subject to the conditions set forth in Exhibit "A" and in substantial conformance with Exhibit "B," which are both attached hereto and incorporated by reference.
3. This action shall become final and effective 10 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Director of Community Development in accordance with the provisions of NBMC Title 19 (Subdivisions).

**PASSED, APPROVED, AND ADOPTED THIS 15<sup>TH</sup> DAY OF JANUARY 2026.**



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Benjamin M. Zdeba, AICP, Zoning Administrator

**EXHIBIT "A"**

**CONDITIONS OF APPROVAL**

**Planning Division**

1. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
2. After the recordation of the Parcel Map and prior to a building permit final inspection, the Applicant shall apply for a building permit for a description change of the subject project development from "duplex" to "condominium." The development will not be condominiums until this description change permit is final.
3. The Applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may be cause for revocation of this approval.
4. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 19 Subdivisions and Title 20 of the NBMC.
5. Prior to the approval of the final map, a "Purpose Statement" shall be added to the map to clarify that the map is for two residential condominium units and how common areas will be owned.
6. To the fullest extent permitted by law, the Applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including without limitation, attorney's fees, disbursements, and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of **Sailhouse Poppy LLC Residential Condominiums** including, but not limited to **Tentative Parcel Map (PA2025-0198)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by Applicant, City, and/or the parties initiating or bringing such proceeding. The Applicant shall indemnify the City for all of the City's costs, attorneys' fees, and damages, which the City incurs in enforcing the indemnification provisions set forth in this condition. The Applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

## **Public Works Department**

7. Prior to 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.**
8. Prior to recordation of the Parcel Map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual Subarticle 18. Monuments (1-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.
9. All improvements shall be constructed as required by Ordinance and the Public Works Department.
10. An encroachment permit shall be required for all work activities within the public right-of-way.
11. All damaged sidewalk panels, curb, gutter, and street along the Poppy Avenue frontage and any damaged concrete alley panels along the alley property frontage shall be reconstructed as determined by the Public Works Department.
12. All existing overhead utilities shall be undergrounded.
13. All existing private, non-standard improvements within the public right-of-way and/or extensions of private, non-standard improvements into the public right-of-way fronting the development site shall be removed.
14. Each unit shall be served by its individual water service/meter and sewer lateral/cleanout.
15. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
16. The existing pavers and loose rock among the Poppy Avenue right of way shall be removed. New turf or drought-tolerant landscaping approved by the City shall be installed throughout the entire Poppy Avenue parkway fronting the Property.

17. The three existing street trees along the Poppy Avenue frontage shall be protected in place.
18. 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**

19. Prior to recordation of the parcel map, independent utility services shall be provided for each unit, including water, electrical and gas.

### **Fire Department**

20. Prior to the recordation of the parcel map, a residential fire sprinkler system complying with the 2022 NFPA13D shall be required.
21. Prior to the recordation of the parcel map, each residential fire sprinkler system shall be served by separate water meters.
22. At least one unobstructed walk path from the front to the rear of the property at a minimum of 36 inches shall be required for emergency access.

**EXHIBIT "B"**

**Tentative Parcel Map**  
**County Parcel Map No. 2025-143**

**TENTATIVE PARCEL MAP NO. 2025-143**

BEING A SUBDIVISION OF:

LOT 11 IN BLOCK 443, CORONA DEL MAR, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 3, PAGES 41 AND 42 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID ORANGE COUNTY.

FOR CONDOMINIUM PURPOSES, 1 PARCEL (413 POPPY AVENUE)

DATE: 6/12/2025

BENCHMARK:

BENCH MARK #T-167-R54  
DATUM: NAVD88  
ELEVATION: 89.105

OWNER AND SUBDIVIDER:

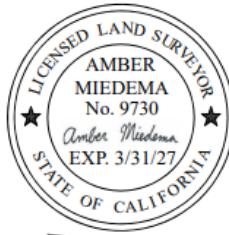
SAILHOUSE POPPY LLC, A  
CALIFORNIA LIMITED LIABILITY  
COMPANY

PREPARED BY:

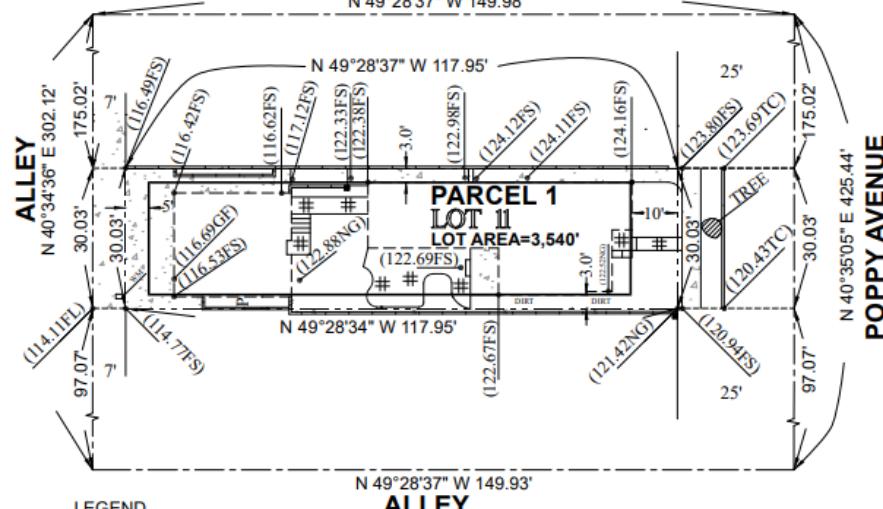
AMBER MIEDEMA L.S. 9730  
23016 LAKE FOREST DRIVE #409  
LAGUNA HILLS, CA 92653  
OFFICE: (949) 607-6039



SCALE 1"=30'



**SECOND AVENUE**  
N 49°28'37" W 149.98'



**LEGEND**

	DESCRIPTION
(123.45)	MEASURED ELEVATIONS
#	BRICK
—	WALL
—	PROPOSED BUILDING
—	EXISTING BUILDING
—	CENTER LINE
—	PROPERTY LINE
X — X	FENCE
FL	FLOW LINE
FS	FINISHED SURFACE
GF	GARAGE FLOOR
NG	NATURAL GRADE
TC	TOP OF CURB