



CITY OF NEWPORT BEACH COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION ACTION REPORT

TO: CITY COUNCIL, CITY MANAGER, AND PLANNING COMMISSION
FROM: Seimone Jurjis, Assistant City Manager/Community Development Director
SUBJECT: Report of actions taken by the Zoning Administrator for the week ending July 11, 2025.

ZONING ADMINISTRATOR PUBLIC HEARING ACTIONS JULY 10, 2025

- Item 1: Uptown Newport-TowerJazz Tentative Parcel Map (PA2025-0110)
Site Address: 4321 Jamboree Road, North side of Jamboree Road, between MacArthur Boulevard and Birch Street
- | | | |
|---|------------------|---|
| Action: Approved by Resolution No. ZA2025-042 | Council District | 3 |
|---|------------------|---|
- Item 2: One Twenty-Two Holdings LLC Residential Condominiums Tentative Parcel Map and Coastal Development Permit (PA2025-0094)
Site Address: 122 and 122 ½ 29th Street
- | | | |
|---|------------------|---|
| Action: Approved by Resolution No. ZA2025-043 | Council District | 1 |
|---|------------------|---|
- Item 3: Five-One-Zero Holdings LLC Residential Condominiums Tentative Parcel Map and Coastal Development Permit (PA2025-0095)
Site Address: 510 35th Street
- | | | |
|---|------------------|---|
| Action: Approved by Resolution No. ZA2025-044 | Council District | 1 |
|---|------------------|---|
- Item 4: SKINIC Day Spa Minor Use Permit (PA2024-0239)
Site Address: 3838 East Coast Highway
- | | | |
|---|------------------|---|
| Action: Approved by Resolution No. ZA2025-045 | Council District | 6 |
|---|------------------|---|

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

Wendy Joe, Civilian Investigator, NBPD (*Telecom - Massage – ABC License*)
Mark Short, Police Sergeant, NBPD (*Massage – ABC License*)

RESOLUTION NO. ZA2025-042

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING A TENTATIVE PARCEL MAP (COUNTY TENTATIVE PARCEL MAP NO. 2025-139) FOR CONVEYANCE PURPOSES ONLY FOR PHASE 2 UPTOWN NEWPORT PLANNED COMMUNITY LOCATED AT 4321 JAMBOREE ROAD (PA2025-0110)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by William A. Shopoff on behalf of Uptown Newport Jamboree LLC, property owner (Applicant), with respect to property located at 4321 Jamboree Road, and legally described as remainder portions of Parcel 1 and Parcel 4 of Parcel Map No. 2013-108 (Property), requesting approval of a tentative parcel map (TPM).
2. The Applicant proposes combining the remnants of Parcel Nos. 1 & 4 of Parcel Map No. 2013-108 into one parcel and subdivide the consolidated parcel into two parcels for conveyance purposes only for Phase 2 future development in Uptown Newport Planned Community (PC-58). No exceptions to Title 19 (Subdivisions) are requested as part of this application (Project).
3. The Property is currently occupied by Tower Semiconductor (TowerJazz) facility and is currently improved with an existing industrial building, a surface parking lot, driveways, and ancillary improvements. No development or improvements are proposed as part of this application.
4. The Property is designated Mixed-Use Horizontal 2 (MU-H2) by the General Plan Land Use Element and located within the Uptown Newport Planned Community Zoning District (PC-58).
5. The subject property is not located within the coastal zone; therefore, a coastal development permit is not required.
6. A public hearing was held on July 10, 2025, online via Zoom. A notice of the time, place, and purpose of the hearing was given in accordance with the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to and considered by the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. All significant environmental concerns for the proposed Project have been addressed in the previously certified Environmental Impact Report No. ER2012-001 (SCH No. 2010051094), First Addendum No. ER2012-001, and Second Addendum No. ER2020-001, and the City of Newport Beach intends to use said documents for the above noted

project, and further that there are no additional reasonable alternative or mitigation measures that should be considered in conjunction with said project. Copies of the previously prepared environmental document are available for public review and inspection at the Planning Division or at the City of Newport Beach website at www.newportbeachca.gov/cegadocuments.

SECTION 3. REQUIRED FINDINGS.

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

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 Property has a General Plan designation of Mixed-Use District Horizontal-2 (MU-H2) which provides for a horizontal intermixing of uses that may include regional commercial office, multifamily residential, vertical mixed-use buildings, industrial, hotel rooms, and ancillary neighborhood commercial uses. Uptown Newport Planned Community (PC-58), Development Agreement No. DA2012-003 (DA), Tentative Tract Map No. 17438 and other land use entitlements were approved on March 12, 2013, for the development of a mixed-use planned community consisting of 1,244 residential units, 11,500 square feet of neighborhood-serving retail space, and approximately two acres of public park, consistent with the uses permitted by the MU-H2 designation. The term of the DA is 15 years, with two five-year extensions. The DA became effective on April 11, 2013, and the earliest expiration could be in 2028 (2013+15). Consequently, Phase 1 Tract Map No. 17763 was recorded on June 19, 2015, for Phase 1 development.
2. On June 27, 2013, Zoning Administrator adopted Resolution ZA2013-033, approving Tentative Parcel Map No. 2013-010 filed as PA2013-085 and recorded as County Parcel Map No. 2013-108 on December 20, 2013, to allow a four-lot subdivision for conveyance purposes to accommodate PC-58 future development. The tentative parcel map also included a declaration of easements for various ingress, egress, reciprocal parking and traffic circulation, and utilities.
3. The proposed TPM will consolidate the remnants of Parcel Nos. 1 & 4 of Parcel Map No. 2013-108 into one parcel and subdivide the consolidated parcel into two parcels for conveyance purposes only for Phase 2 future development in PC-58. These underlying remnant parcels were created when Phase 1 Tract Map No. 17763 was recorded over the parcel boundaries of Parcel Map No. 2013-108. In this process, the remainder Parcel No. 1, which is a small gap of land between the boundaries of Tract Map No. 17763 and

the Parcel No. 1 boundary lines, was inadvertently created. The remnant of Parcel No. 4 is the remaining Parcel No. 4 of 2013 Parcel Map after Phase 1 Tract Map was recorded.

4. No development or improvements are requested with the proposed TPM. Any improvements within Phase 2 development will require future application submittals and approvals including recordation of subdivision map(s), prior to development of the Property pursuant to PC-58.
5. PC-58 permits the existing industrial development currently located on the subject property as an allowed interim use until the existing TowerJazz lease expires. An amendment to DA is being considered to extend its allowable term for an additional 3.5 years, from March 12, 2027, to September 12, 2030. Also, a request to exercise the DA's first of two 5-year time extensions, pursuant to Section 5.1 (Extension) of the DA has been submitted by the applicant to extend the term of the DA to 2033. The existing light industrial use, therefore, will continue operating as a legal, nonconforming use pursuant to the Newport Beach Municipal Code.
6. The proposed TPM is for conveyance purposes in preparation for Phase 2 development and is therefore consistent with the intent of MU-H2 and phasing development allowed by PC-58.

Finding:

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

Facts in Support of Finding:

1. No development or improvements are requested with the proposed TPM. The proposed TPM is for conveyance purposes only for the future development in Phase 2 of PC-58. Any improvements within Phase 2 development will require future application submittals and approvals including recordation of subdivision map(s), as required per PC-58.

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 Project has been reviewed and is deemed consistent with the previously certified Environmental Impact Report No. ER2012-001 (SCH No. 2010051094), First Addendum No. ER2012-001 and Second Addendum No. ER2020-001 for PC-58.

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. No development or improvements are requested with the proposed TPM. Any improvements within Phase 2 development will require future application submittals and approvals, including recordation of subdivision map(s), as required by PC-58 and will comply with all Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. All ordinances of the City and all Conditions of Approval will be complied with.

Finding:

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

Facts in Support of Finding:

1. The design of the TPM will not conflict with easements acquired by the public at large, for access through, or use of property within the proposed TPM as there are no public easements located on the Property.
2. The proposed easements are in favor of the proposed parcels for on-site access and utility purposes to accommodate future Phase 2 development and to be in compliance with Condition Nos. 2 and 3.

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.

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. The Property is not a “land project” as defined in Section 11000.5 of the California Business and Professions Code because the proposed subdivision does not contain 50 or more parcels.
2. The Project is located within PC-58 and is currently improved with the existing light industrial development. TowerJazz is a permitted interim use until its existing lease expires. The Project is for conveyance purposes only to accommodate future Phase 2 development and therefore consistent with PC-58.

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.*

Facts in Support of Finding:

1. The proposed TPM does not include development or improvements. Any future improvements within Phase 2 development, under separate entitlement application(s), will be subject to Title 24 of the California Building Code that requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The Newport Beach Building Division enforces Title 24 compliance through the plan check and inspection process.

Finding:

- I. *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 needs 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.

Facts in Support of Finding:

1. The TPM proposes the consolidation of remnants Parcel Nos. 1 & 4 of Parcel Map No. 2013-108 into one parcel and subdivide the consolidated parcel into two parcels for conveyance purposes. Although no development or improvements are requested, and any improvements will require future application submittals and approvals including recordation of subdivision map(s), the proposed TPM will accommodate the conveyance of parcels intended for the future residential development of Phase 2. Therefore, the proposed TPM will not affect the City in meeting its share of the regional housing needs.

Finding:

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

Facts in Support of Finding:

1. No development or improvements are proposed. Existing wastewater discharge into the existing sewer system are designed to comply 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.*

Facts in Support of Finding:

1. The Project is not located within the Coastal Zone and therefore is not applicable in regard to conformance with the certified Local Coastal Program and public access and recreation policies of Chapter Three of the Coastal Act.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Statement of Facts, CEQA Determination and Required Findings set forth above are true and correct and incorporated herein by reference.
2. The Zoning Administrator of the City of Newport Beach hereby approves Tentative Parcel Map filed as PA2025-0110 (County Tentative Parcel Map No. 2025-139), subject to the conditions outlined 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 is filed with the Director of Community Development by the provisions of Title 19 Subdivisions, of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 10TH DAY OF JULY, 2025.



Benjamin M. Zueba, AICP, Zoning Administrator

EXHIBIT “A”**CONDITIONS OF APPROVAL**

(Project-specific conditions are in italics)

Planning Division

1. *The approval of Tentative Parcel Map (TPM) filed as PA2025-0110 (County Tentative Parcel Map No. 2025-139) shall be for financing and conveyance purposes only. Any improvements shall require future application submittals and approvals and recordation of subdivision map(s), as required per PC-58.*
2. *A reciprocal access and parking agreement, subject to the review and approval of the Community Development Department and City Attorney’s Office, shall be recorded prior to the recordation of TPM, to ensure access and parking will be continually provided for the existing industrial development until its lease expires and the facility is demolished, unless other arrangements can be provided to the satisfaction of Community Development.*
3. *The proposed 46-foot-wide access easement to Birch Street shall be maintained until a final map for Phase 2 development is recorded with a private roadway and consistent in size, design and location to accommodate the proposed future private roadway for Phase 2 development or as otherwise approved by the Community Development and Public Works Departments.*
4. This TPM shall expire if the map has not been recorded within 24 months of the date of approval, unless an extension is granted by the Director of Community Development in accordance with the provisions of Section 19.16 of the Newport Beach Municipal Code.
5. 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 **Uptown Newport-TowerJazz Parcel Map including, but not limited to, the TPM filed as PA2025-0110 (County Tentative Parcel Map No. 2025-139)**. 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.

Public Works Department

6. 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.**
7. 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.

RESOLUTION NO. ZA2025-043

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A TENTATIVE PARCEL MAP AND COASTAL DEVELOPMENT PERMIT FOR TWO-UNIT RESIDENTIAL CONDOMINIUM PURPOSES LOCATED AT 122 and 122 ½ 29TH STREET (PA2025-0094)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Thomas Decker (Applicant) on behalf of Scott Visner (Owner) with respect to property located at 122 and 122 ½ 29th Street and legally described as Lot 16 of Block 28 of the Newport Beach Tract (Property), requesting approval of a tentative parcel map, and associated coastal development permit (CDP) for condominium purposes.
2. The Applicant requests a tentative parcel map and coastal development permit for a two-unit condominium. A duplex has been demolished, and a new duplex is currently under construction. The tentative parcel map will allow each unit to be sold individually. No waivers of Newport Beach Municipal Code (NBMC) Title 19 (Subdivisions) are proposed. A CDP is required because the property is located in the coastal zone (Project).
3. The Property is designated 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 located within the coastal zone. The Coastal Land Use Plan category is Two Unit Residential (RT-E – 30.0-39.9 DU/AC) and it is located within the Two-Unit Residential (R-2) Coastal Zoning District.
5. The Property is located within the Categorical Exclusion Area. Categorical Exclusion Order No. CEO20255015 was issued for the demolition of an existing two-unit dwelling and construction of a new duplex. The tentative parcel map for condominium purposes requires a coastal development permit. The proposed residence conforms with Title 21 Local Coastal Program Implementation Plan in the NBMC.
6. A public hearing was held on July 10, 2025, online via Zoom. A notice of the time, place, and purpose of the hearing was given in accordance with the NBMC. Evidence, both written and oral, was presented to and considered by the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is exempt from the California Environmental Quality Act (CEQA) 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 will conform to all development standards. 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 Tentative Parcel Map is for two-unit residential condominium purposes. The RT and R-2 designations apply to a range of two-unit residential dwelling units such as duplexes and townhomes. The Property was previously developed as a duplex, which has been demolished. A new duplex is currently under construction. The proposed subdivision and improvements will continue to be consistent with the density of the RT and R-2 designations.
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 two-unit condominium development 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 requirements of the NBMC Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan).

2. The Property is accessible from 29th Street and the rear alleyway. Existing and proposed vehicular access is taken from the alley.
3. The Property is adequately served by all existing utilities to accommodate the two new dwelling units being constructed. The Project does not alter the anticipated utility demand generated from the site.

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 the 29th Street frontage, as needed. The utilities will be undergrounded, consistent with Title 19 (Subdivisions) of the NBMC.

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

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 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, 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 tentative parcel map. The Project complies with the certified Local Coastal Program (LCP) and public access and recreation policies of Chapter 3 of the Coastal Act. The Facts in Support of Findings L and M for the Coastal Development Permit (below) are hereby incorporated by reference.

Coastal Development Permit

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

Finding:

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

Facts in Support of Finding:

1. The Project is for a tentative parcel map for two-unit residential condominium purposes. A duplex has been demolished, and a new duplex is under construction. The duplex conforms to all applicable development standards, including floor area limit, setbacks, height, and off-street parking. The proposed subdivision and improvements are consistent with the density of the R-2 Coastal Zoning District.
2. The Property is not located adjacent to a coastal view road, or public viewpoint as identified in the Coastal Land Use Plan (CLUP). The Project does not have the potential to degrade the visual quality of the Coastal Zone or to result in insignificant adverse impacts to public view. The nearest coastal viewpoint is Lido Park, which is approximately 1,800 feet northeast of the property. The Property and other residences along 29th Street are not located within the view shed of the park.
3. The Property is located in an area known for the potential of seismic activity. All projects are required to comply with the California Building Code and Building Division standards and policies, which includes all required mitigation for seismic hazards.

Finding:

- M. *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 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 duplex located on a standard R-2 lot with new two-unit condominiums. Therefore, the Project does not involve a change in land use, density, or intensity that will result in increased demand for public access and recreation opportunities. Furthermore, the Project is designed and sited (appropriate height, setbacks, etc.) so as not to block or impede existing public access opportunities.
2. Vertical access to the beach is available adjacent to the site along 29th Street. Lateral access is available on the beach to the west and the 29th Street end where there is an access point as identified by the CLUP. There is also a public boardwalk along West Ocean Front, which is approximately 275 feet southwest of the Property. 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 PA2025-0094, 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 10TH DAY OF JULY, 2025.



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. After the recordation of the Parcel Map and prior to 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 the revocation of this tentative parcel map.
4. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 19 (Subdivisions) and Title 21 of the Newport Beach Municipal Code.
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 **122 and 122 ½ 29th Street Residential Condominiums, but not limited to, Tentative Parcel Map and Coastal Development Permit (PA2025-0094)**. 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

7. 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.
8. Prior to recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set on each lot corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of 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. Existing broken and/or otherwise damaged concrete curb, gutter and sidewalk panels along the 29th Street frontages, and any damaged concrete panels along the alley frontage shall be reconstructed.
12. All existing overhead utilities shall be undergrounded.
13. Each unit shall be served by its individual water service/meter and sewer lateral/cleanout.
14. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
15. 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.

Fire Department

16. Each condominium shall have its own water meter and source to supply the fire sprinkler system.

Building Division

17. Prior to the recordation of the parcel map, separate utility services shall be required for each unit.

RESOLUTION NO. ZA2025-044

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A TENTATIVE PARCEL MAP AND COASTAL DEVELOPMENT PERMIT FOR TWO-UNIT RESIDENTIAL CONDOMINIUM PURPOSES LOCATED AT 510 35TH STREET (PA2025-0095)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Thomas Decker (Applicant) on behalf of Scott Visner (Owner) with respect to property located at 510 35th Street and legally described as Lot 6 of Block 534 (Property), requesting approval of a tentative parcel map, and associated coastal development permit (CDP) for condominium purposes.
2. The Applicant requests a tentative parcel map and coastal development permit for a two-unit condominium. A single-unit residence has been demolished, and a new duplex is currently under construction. The tentative parcel map will allow each unit to be sold individually. No waivers of Newport Beach Municipal Code (NBMC) Title 19 (Subdivisions) are proposed. A CDP is required because the property is located in the coastal zone (Project).
3. The Property is designated 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 located within the coastal zone. The Coastal Land Use Plan category is Two Unit Residential (RT-D – 20.0-29.9 DU/AC) and it is located within the Two-Unit Residential (R-2) Coastal Zoning District.
5. The Property is located within the Categorical Exclusion Area. Categorical Exclusion Order No CEO20250017 was issued for the demolition of an existing single-unit dwelling and construction of a new duplex. The tentative parcel map for condominium purposes requires a coastal development permit. The proposed residence conforms with Title 21 Local Coastal Program Implementation Plan in the NBMC.
6. A public hearing was held on July 10, 2025, online via Zoom. A notice of the time, place, and purpose of the hearing was given in accordance with the NBMC. Evidence, both written and oral, was presented to and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is exempt from the California Environmental Quality Act (CEQA) 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 will conform to all development standards. 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 Tentative Parcel Map is for two-unit residential condominium purposes. The RT and R-2 designations apply to a range of two-unit residential dwelling units such as duplexes and townhomes. The Property was previously developed as a single-unit residence, which has been demolished. A new duplex is currently under construction. The proposed subdivision and improvements will continue to be consistent with the density of the RT and R-2 designations.
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 two-unit condominium development because it is regular in shape and size. An existing single-unit residence has been demolished, and a new duplex is currently under construction, which complies with all requirements of

the NBMC Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan).

2. The Property is accessible from 35th Street and the rear alleyway. Existing and proposed vehicular access is taken from the alley.
3. The Property is adequately served by all existing utilities to accommodate the two new dwelling units being constructed. The Project does not alter the anticipated utility demand generated from the site.

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 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. *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 the 35th Street frontage, as needed. The utilities will be undergrounded, consistent with Title 19 (Subdivisions) of the NBMC.
2. The tentative parcel map is for two-unit 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 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 located 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. 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. 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 proposed two-unit condominiums will replace an existing single-unit residence, which is consistent with the R-2 Zoning District and is an increase in residential density. Therefore, the tentative parcel map for condominium purposes will not negatively affect the City in meeting its regional housing need.

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 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, 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 tentative parcel map. The Project complies with the certified Local Coastal Program (LCP) and public access and recreation policies of Chapter 3 of the Coastal Act. The Facts in Support of Findings L and M for the Coastal Development Permit (below) are hereby incorporated by reference.

Coastal Development Permit

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

Finding:

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

Facts in Support of Finding:

1. The Project is for a tentative parcel map for two-unit residential condominium purposes. A single-unit residence has been demolished, and a new duplex is under construction. The duplex conforms to all applicable development standards, including floor area limit, setbacks, height, and off-street parking. The proposed subdivision and improvements are consistent with the density of the R-2 Coastal Zoning District.
2. The Property is not located adjacent to a coastal view road, or public viewpoint as identified in the Coastal Land Use Plan (CLUP). The Project does not have the potential to degrade the visual quality of the Coastal Zone or to result in significant adverse impacts to public view. The nearest coastal viewpoint is located on the northeast corner of Central Avenue and Via Oporto, which is approximately 820 feet northeast of the property. The Property and other residences along 35th Street are not located within the view shed of the coastal viewpoint or public view road.
3. The Property is not located in an area known for the potential of seismic activity. All projects are required to comply with the California Building Code and Building Division standards and policies, which includes all required mitigation for seismic hazards.

Finding:

- M. *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 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-2 lot with new two-unit condominiums. Therefore, the Project does not involve a change in land use, density, or intensity that will result in increased demand for public access and recreation opportunities. Furthermore, the Project is designed and sited (appropriate height, setbacks, etc.) so as not to block or impede existing public access opportunities.
2. Vertical access to the Rivo Alto Channel is available adjacent to the site along 35th Street. Lateral access to the 35th Street street-end, which is a coastal access point as identified by the CLUP, is available from Finley Street. 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 PA2025-0095, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
3. This 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 and appeal is filed in accordance with the provisions of Title 19 (Subdivisions) of the NBMC.

PASSED, APPROVED, AND ADOPTED THIS 10TH DAY OF JULY, 2025.



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. After the recordation of the Parcel Map and prior to 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 the revocation of this tentative parcel map.
4. Prior to the recordation of the parcel map, an In-Lieu Park Dedication Fee for one additional residential unit shall be paid in accordance with the fee effective at the time of payment.
5. Prior to the issuance of the building permit for construction, a Fair Share Fee for one additional residential unit shall be paid in accordance with the fee effective at the time of payment.
6. 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.
7. 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.
8. 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 **Five-One-Zero Holdings LLC Residential Condominiums, but not limited to, Tentative Parcel Map and Coastal Development Permit (PA2025-0095)**. 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 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

9. 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.
10. 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.
11. All improvements shall be constructed as required by Ordinance and the Public Works Department.
12. An encroachment permit shall be required for all work activities within the public right-of-way.
13. Existing broken and/or otherwise damaged concrete curb, gutter and sidewalk panels along the 35th Street frontages, and any damaged concrete panels along the alley frontage shall be reconstructed.
14. All existing overhead utilities shall be undergrounded.
15. Each unit shall be served by its individual water service/meter and sewer lateral/cleanout.
16. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
17. 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.

18. No encroachments are permitted within the limits of the five-foot-wide sewer easement along the alley frontage.

Fire Department

19. Each condominium shall have its own water meter and source to supply the fire sprinkler system.

Building Division

20. Prior to the recordation of the parcel map, separate utility services shall be required for each unit.

RESOLUTION NO. ZA2025-045

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A MINOR USE PERMIT FOR A DAY SPA (PERSONAL SERVICES, RESTRICTED LAND USE) LOCATED AT 3838 EAST COAST HIGHWAY (PA2024-0239)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Angela Lindsay of SoCal h2H on behalf of Marinho Cassiana of The 3838 Corona LLC with respect to property located at 3838 East Coast Highway and legally described as Lots 52 of Block B of Tract No. 673, requesting approval of a minor use permit.
2. A request for a minor use permit to allow the operation of a day spa establishment (Personal Services, Restricted), which includes accessory massage services. The applicant proposes to improve a 2,270-square-foot, single-story, commercial building to provide services such as: facials, superficial chemical peels, and accessory massage. The establishment would operate daily until 8:00 p.m., and no late hours (i.e., after 11:00 p.m.) are proposed.
3. The subject property is designated Corridor Commercial (CC) by the General Plan Land Use Element and is located within the Commercial Corridor (CC) Zoning District.
4. The subject property is not located within the coastal zone.
5. A public hearing was held on July 10, 2025, online via Zoom. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) 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. This exemption authorizes minor alterations to existing structures involving negligible or no expansion of use. The proposed project includes the operation of a day spa with minor alternations to the tenant space.

SECTION 3. REQUIRED FINDINGS.

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 General Plan Land Use category for this property is CC (Corridor Commercial), which 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. The proposed day spa is a personal service use that is consistent with the land uses permitted within this land use designation. The use is intended to serve nearby residents of Corona del Mar as well as visitors to the City.
3. The proposed day spa would be located within an existing commercial building. While the tenant space is adjacent to residential neighborhoods, the building is oriented towards East Coast Highway where the properties fronting East Coast Highway are also in the CC (Commercial Corridor) Zoning District.
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 day spa is a permitted use in the CC (Commercial Corridor) Zoning District. The day spa (Personal Services, Restricted) use is permitted with the approval of a minor use permit. A minor use permit is required as the restricted uses may tend to have a blighting and/or deteriorating effect upon surrounding areas and may need to be dispersed from other similar uses to minimize adverse impacts.
2. Section 20.70 (Definitions) of the NBMC defines the personal services, restricted land use as a personal service use that may have a blighting and/or deteriorating effect on surrounding areas and that may need to be dispersed from other similar uses to minimize adverse impacts. The NBMC provides specific examples of personal services, restricted land uses including day spas, healing arts, tanning salons, and body piercing studios.

3. Section 20.70 (Definitions) of the NBMC defines a massage services, accessory land use as a massage establishment that is regulated by State law and operated as an accessory use in conjunction with an approved health club, athletic club, gym, or hotel or in conjunction with a medical office or chiropractic office. For the purpose of this definition, an establishment that includes less than 25% of its floor area dedicated toward massage services is considered accessory. The proposed day spa includes lipomassage services which is considered accessory massage given it comprises less than 10% of the service offerings. The project was reviewed by the Police Department and determined not to require a massage permit under the Municipal Code given that lipomassage is not directly regulated or covered by the California Massage Therapy Council (CAMTC) certification.
4. A body piercing studio, another personal services, restricted land use, is located across Hazel Drive approximately 55 feet from the proposed day spa. The surrounding commercial uses are primarily retail, food service, beauty shops, and other commercial uses not classified as personal services, Restricted. Although not a personal services, restricted land use, the nearest massage business is located approximately 650-feet from the property. Therefore, the use is adequately dispersed from similar uses that may create adverse impacts.
5. The project site is nonconforming because it does not provide the required number of parking spaces. However, Section 20.38.060(B)(1) of the NBMC indicates that a use may be changed to a new use without providing additional parking provided no intensification or enlargement occurs and the new use requires a parking rate of no more than one space per 250-square-feet of gross building area. The proposed day spa is located within a vacant tenant space. Although the three previous suites were merged into one suite, the overall floor area was reduced by approximately 122 square feet. Therefore, no intensification or enlargement is proposed that would trigger additional parking. The primary use of the suite is personal services, which requires a parking rate of one space per 250-square-feet. Therefore, the project would not result in an intensification that requires additional parking pursuant to Section 20.38.060(B)(1).

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 proposed day spa is located within an existing commercial building that is compatible with the surrounding uses including retail commercial uses.
2. The existing commercial building is oriented towards East Coast Highway and facing away from the adjacent residential neighborhoods. The surrounding properties fronting East Coast Highway are also in the CC (Commercial Corridor) Zoning District to provide a range of commercial uses to serve nearby residential neighborhoods. The nearest residential dwelling is approximately 30 feet from the subject building and separated by the existing parking spaces for the building and an alley.

3. Condition of Approval No. 4 limits the hours of operation from 10:00 a.m. to 8:00 p.m., daily. The project does not propose late hours (past 11:00 p.m.) which will minimize any potential disturbance to the residential uses near the property.

Finding:

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

Facts in Support of Finding:

1. The project site is located west of the East Coast Highway and Hazel Drive intersection. East Coast Highway is a busy commercial corridor with heavy vehicular traffic and pedestrian activity. The onsite parking lot is located at the rear of the property and is conveniently located for patrons and employees. Vehicular access to the parking lot is available via an alley in the rear of the property that is accessible from Hazel Drive. The proposed day spa is not expected to result in increased vehicular and pedestrian traffic.
2. The day spa is proposed to be located within a recently improved 2,270-square-foot commercial building. The existing building was previously comprised of three tenant spaces; however, a tenant improvement was recently completed to combine the three tenant spaces into one. As a result, and in an effort to improve the site accessibility, a new entrance ramp has been incorporated which has resulted in a reduction in the gross floor area from 2,392 square feet to 2,270 square feet. The proposed day spa use will require a tenant improvement to construct ten individual treatment rooms, an office, employee breakroom, a lobby, and reception area. The design, location, shape, size, and operating characteristics of the use are compatible with the existing retail, personal services, and martial arts studio within the surrounding areas.
3. The Fire Prevention Division has reviewed the project to ensure adequate public and emergency vehicle access is provided and does not have any concerns with the proposed use.

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. Fact 3 in support of Finding C is hereby incorporated by reference.
2. The proposed day spa has been reviewed by the Building Division, Fire Prevention Division, and Public Works Department and the resolution includes appropriate conditions

of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The business operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, and areas surrounding the subject property and adjacent properties during business hours, if directly related to the patrons of the establishment.


3. The Newport Beach Police Department (NBPD) has reviewed the Project and has no objections. In addition, it was determined by NBMC that the project does not require a massage permit under the Municipal Code given that lipomassage is not directly regulated or covered by the California Massage Therapy Council (CAMTC) certification.

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, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 10TH DAY OF JULY, 2025.



Benjamin M. Zueba, AICP, Zoning Administrator

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

1. The Project shall be in substantial conformance with the approved site plan and floor plans stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
3. The Applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may cause the revocation of this Minor Use Permit.
4. *The hours of operation shall be limited from 10:00 a.m. to 8:00 p.m., daily.*
5. *The Project’s accessory massage services shall be limited to a maximum of 25% of the overall operation.*
6. This Minor Use Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained are detrimental to the public health, welfare, or materially injurious to the Property or improvements in the vicinity or if the Property is operated or maintained to constitute a public nuisance.
7. Any change in operational characteristics, expansion in the area, or other modification to the approved plans shall require review by the Planning Division. An amendment to this Minor Use Permit or the processing of a new minor use permit may be required.
8. 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.
9. Prior to the issuance of a building permit, a copy of this Resolution including conditions of approval Exhibit “A” shall be incorporated into the Building Division and field sets of plans
10. 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.
11. Construction activities shall comply with Section 10.28.040 (Construction Activity – Noise Regulations) of the NBMC, which restricts hours of noise-generating construction

activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m. Monday through Friday. Noise-generating construction activities are not allowed on Saturdays, Sundays or Holidays.

12. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 (Community Noise Control) and other applicable noise control requirements of the NBMC.
13. The business operator shall take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the Property and adjacent properties during business hours, if directly related to the patrons of the establishment.
14. 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.
15. All proposed signs shall be in conformance with the provisions of Chapter 20.42 (Sign Standards) of the NBMC.
16. All lighting shall conform to the standards of Section 20.30.070 (Outdoor Lighting) of the NBMC. The Community Development Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
17. 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.
18. The Project shall provide adequate, accessible, and convenient enclosed areas with solid roofs for collecting and loading solid waste, organic materials, and recyclable materials in compliance with Section 20.30.120 (Solid Waste and Recyclable Materials Storage) of the NBMC to the greatest extent possible as determined by the Community Development Department Director.
19. All trash shall be stored within the building or within dumpsters stored in the trash enclosure (if available), except when placed for pick-up by refuse collection agencies. 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).
20. Trash receptacles for patrons shall be conveniently located inside of the establishment.

21. Storage outside of the building in the front or at the rear of the Property shall be prohibited, with the exception of the trash container on pick-up days.
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 either the current business owner, property owner or leasing agent.
23. 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 the **SKINIC Day Spa** including, but not limited to, **the Minor Use Permit filed as PA2024-0239**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which the City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Building Division

24. The Applicant shall 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.
25. *The Project shall include an accessible path from the parking area and the public right of way to the tenant space.*

Fire Department

26. *This project will require a fire sprinkler system in accordance with 2022 CFC 903 and 2022 NFPA13.*

Public Works Department

27. *The Project parking layout shall comply with City Standard 105.*
28. *The Applicant shall install a new sewer clean out on the existing sewer lateral per City Standard 406.*