



## **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 October 31, 2025.

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### **ZONING ADMINISTRATOR PUBLIC HEARING ACTIONS OCTOBER 30, 2025**

- Item 1: Balboa Residence Coastal Development Permit (PA2025-0140)  
Site Location: 1204 East Balboa Boulevard
- |   |                  |   |
|---|------------------|---|
| Action: Approved by Resolution No. ZA2024-064 | Council District | 1 |
|---|------------------|---|
- Item 2: Uptown Newport Development Agreement Annual Review (PA2025-0159)  
Site Address: 4321 Jamboree Road
- |  |                  |   |
|--|------------------|---|
| Action: The Zoning Administrator received and filed the annual report and found that Uptown Newport Development is in good faith compliance with the terms of the Development Agreement. | Council District | 3 |
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- Item 3: DeCarrier Residential Condominiums Tentative Parcel Map and Coastal Development Permit (PA2025-0029)  
Site Location: 306 Marguerite Avenue, Unit A, B & C
- |   |                  |   |
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| Action: Approved by Resolution No. ZA2024-065 | Council District | 6 |
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- Item 4: DeFranco Residence Coastal Development Permit (PA2025-0088)  
Site Address: 2772 Circle Drive
- |   |                  |   |
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| Action: Approved by Resolution No. ZA2024-066 | Council District | 2 |
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### **COMMUNITY DEVELOPMENT DIRECTOR OR ZONING ADMINISTRATOR ACTIONS (Non-Hearing Items)**

- Item 1: CDM Properties LLC Residential Condominiums Tentative Parcel Map (PA2025-0154)  
Site Address: 518 and 518 ½ Poinsettia Avenue
- |                  |                  |   |
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| Action: Approved | Council District | 6 |
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- Item 2: Kalanaki Residential Condominiums Tentative-Parcel Map (PA2025-0151)  
Site Address: 705 Narcissus Avenue
- |                  |                  |   |
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| Action: Approved | Council District | 6 |
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Item 3: Newport Dunes Christmas Tree Lot Limited Term Permit (PA2025-0185)

Site Address: 1131 Back Bay Drive

Action: Approved

Council District 4

**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. ZA2025-064**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING A COASTAL DEVELOPMENT PERMIT TO DEMOLISH AN EXISTING TWO-UNIT DWELLING AND CONSTRUCT A NEW SINGLE-UNIT DWELLING, JUNIOR ACCESSORY DWELLING UNIT, AND ATTACHED TWO-CAR GARAGE LOCATED AT 1204 EAST BALBOA BOULEVARD (PA2025-0140)**

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

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

1. An application was filed by Jeff Van Voorhis of Van Voorhis Architects (“Applicant”) on behalf of the owner, concerning property located at 1204 East Balboa Boulevard, requesting approval of a coastal development permit (CDP).
2. The lot at 1204 East Balboa Boulevard is legally described as Lot 3 of Block 9 of East Side Addition to the Balboa Tract (Property).
3. The Applicant requests a CDP to demolish an existing duplex and construct a new three-story 2,490 square-foot single-unit dwelling with an attached 307 square foot junior accessory dwelling unit (JADU) and attached 434 square-foot two-car garage. 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 municipal code are requested (Project).
4. The Property is bisected by the coastal permit jurisdiction boundary resulting in a portion of the patio accessory improvements and the seawall improvements to be within the California Coastal Commission’s (CCC) permit jurisdiction. This CDP is intended to cover portions of the Project within the City’s permit authority as designated in Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (NBMC).
5. The Property is designated Single Unit Residential Detached (RS-D) by the General Plan Land Use Element and is located within the Single-Unit Residential (R-1) Zoning District.
6. The Property is located within the coastal zone. The Coastal Land Use Plan (CLUP) category is Single Unit Residential Detached – (6.0 – 9.9 DU/AC) (RSD-B) and it is located within the Single-Unit Residential (R-1) Coastal Zone District.
7. A public hearing was held on October 30, 2025, 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 exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 under Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. Class 3 exempts the demolition of up to three single-unit dwellings in urbanized areas. The Project consists of the demolition of one two-unit dwelling and the construction of a new 2,490 square-foot single-unit dwelling with an attached 307 square-foot JADU and attached 434 square-foot two-car garage.
3. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The Property does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

## SECTION 3. REQUIRED FINDINGS.

By Section 21.52.015 (Coastal Development Permits, Findings, and Decision) of the 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 maximum floor area limitation is 3,366 square feet and the proposed floor area is 3,231 square feet.
  - b. The proposed development provides the minimum required setbacks, which are 6 feet for the primary structure and 2.5 feet for the garage along the front property line abutting East Balboa Boulevard, 3 feet along each side property line, and 0 feet along the front property line measured from the abandoned right-of-way, formerly known as Bay Avenue as shown on the East Side Addition to the Balboa Tract.
  - c. The highest guardrail is less than 24 feet from the established grade (9.00 feet NAVD88) and the highest ridge is no more than 29 feet from the established grade, which complies with the maximum height requirements.

- d. The Project includes garage parking for a total of two vehicles, complying with the minimum two-car garage parking requirement for single-unit dwellings with less than 4,000 square feet of habitable floor area. No additional parking is required for the JADU.
2. The neighborhood is predominantly developed with two and three-story, single-unit dwellings. The proposed design, bulk, and scale of the development are consistent with the existing neighborhood pattern of development.
3. A Coastal Hazards Report and Sea Level Rise Analysis was prepared by Skelly Engineering dated May 12, 2025, for the Project. Additionally, a Bulkhead Conditions Report was prepared by William Simpson & Associates, Inc. dated September 15, 2025. The current maximum bay water elevation is 7.7 NAVD88 (North American Vertical Datum of 1988) and may exceed the existing 8.63 feet NAVD88 top of bulkhead elevation during high tide or storm events. The report analyzes future sea level rise scenarios, assuming a 2.8-foot increase in the maximum water level over the next 75 years (i.e. the life of the structure). Therefore, the sea level is estimated to reach approximately 10.5 feet NAVD88 (the likely range for sea level rise over the 75-year design life of the structure based on low-risk aversion estimates for sea level rise provided by the State of California, Sea Level Rise Guidance: 2018 Update).
4. On March 23, 2021, the City Council approved the updated Waterfront Project Design Guidelines and Standards, Harbor Design Criteria Commercial & Residential Facilities. The guidelines require that any bulkhead structure permitted within the years 2021 through 2025 must have a minimum bulkhead elevation of 10.9 feet (NAVD 88) with a design for adaptability elevation of 14.4 feet (NAVD 88). The Project has been conditioned to raise the bulkhead to an elevation of 10.9 feet (NAVD 88). William Simpson & Associates, Inc. has confirmed the bulkhead design can be raised up to 14.4 feet (NAVD 88) if needed and in compliance with the guidelines.
5. Once the existing seawall is repaired and reinforced per the report's recommendations, flooding, wave run-up, and erosion will not significantly impact this property over the proposed 75-year economic life of the development. The report concludes that the Project will be safe from flooding hazards for the next 75 years with the reinforced bulkhead. Therefore, the Project has been conditioned to raise the bulkhead up to 10.9 feet (NAVD88).
6. The finished floor elevation of the proposed single-unit dwelling and JADU is 9.0 feet (NAVD88), which complies with the minimum 9.00 feet (NAVD88) elevation standard. The Coastal Hazard Report concludes that the bay water elevation (currently 7.7 feet NAVD88) will not exceed the proposed flood protection curb around the single-unit dwelling and JADU at 10.9 feet (NAVD88 datum) for the anticipated 75-year life of the structure.
7. The Property is in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code (CBC) and Building

Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved before the issuance of building permits. Permit issuance is also contingent on the inclusion of design mitigation identified in the investigations. Construction plans are reviewed for compliance with approved investigations and CBC before building permit issuance.

8. The Property is located adjacent to coastal waters. A Construction Erosion Control Plan was provided to implement temporary Best Management Practices (BMPs) during construction to minimize erosion and sedimentation and to minimize pollution of runoff and coastal waters derived from construction chemicals and materials. The Project design also addresses water quality through the inclusion of a post-construction drainage system that includes drainage and percolation features designed to retain dry weather and minor rain event runoff on-site. Any water not retained on-site is directed to the City's storm drain system.
9. Pursuant to Section 21.35.050 (Water Quality and Hydrology Plan) of the NBMC, due to the proximity of the development to the shoreline and the development containing more than 75% of impervious surface area, a Water Quality and Hydrology Plan (WQHP) is required. A preliminary WQHP has been prepared for the project by Thomas M. Ruiz dated, September 8, 2025. The WQHP includes a polluted runoff and hydrologic site characterization, a sizing standard for BMPs, the use of a Low Impact Development (LID) approach to retain the design storm runoff volume on-site, and documentation of the expected effectiveness of the proposed BMPs.
10. Proposed landscaping complies with Section 21.30.075 (Landscaping) of the NBMC. A condition of approval is included that requires drought-tolerant species. Before the issuance of building permits, the final landscape plans will be reviewed to verify that invasive species are not planted.
11. The Property is not located adjacent to a coastal view road, public access way, or Coastal Viewpoint as identified in the CLUP. The nearest coastal viewpoint is on Peninsula Park, approximately 1,100 feet away, and the property is not visible from the site due to distance and intervening structures. The Property is also approximately 160 feet away from the public beach, separated by East Balboa Boulevard and a row of residential development. Lastly, the Property is visible from the Bay, which offers views of the property and surrounding development. The proposed single-unit dwelling and JADU 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.
12. The Project proposes to demolish the existing two-unit dwelling and construct a single-unit dwelling and JADU. The existing two-unit dwelling is considered legal nonconforming because the Property includes two units where one unit is allowed. The Project is consistent with the General Plan, Local Coastal Program, and Zoning designations that allow the single-unit dwelling and junior accessory dwelling unit land uses. Under the Coastal Land Use Plan Table 2.1.1-1, the Single Unit Residential Detached (RSD-B) category is intended for single-unit dwelling development. Section 21.18.020

(Residential Coastal Zoning Districts Land Uses) of the Local Coastal Program Implementation Plan shows “Single-Unit Dwellings” and “Junior Accessory Dwelling Units” as allowed uses in the R-1 Coastal Zoning District. Therefore, the Project of a single-unit dwelling and JADU to replace an existing two-unit dwelling is consistent with the R-1 zoning and land use designations, does not result in a loss of residential density, and will not affect the City in meeting its regional housing needs.

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 Property is located between the nearest public road and the sea or shoreline. Section 21.30A.040 (Determination of Public Access/Recreation Impacts) of the NBMC requires that the provision of public access bear a reasonable relationship between the requirement and the project’s impact and be proportional to the impact. In this case, the Project replaces an existing nonconforming two-unit dwelling located on a standard R-1 lot with a new single-unit dwelling and JADU. 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 bay and beach is available approximately 60 feet to the west along D Street. Lateral access is available on the public beach approximately 160 feet to the south along the East Ocean Front boardwalk. The Project does not include any features that would obstruct access along these routes, and all development will be within private property.

SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act 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, and the exceptions to this Exemption do not apply.
2. The Zoning Administrator of the City of Newport Beach hereby approves the Coastal Development Permit filed as PA2025-0140, subject to the conditions outlined in Exhibit “A,” which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the

Community Development Director by the provisions of Title 21 (Local Coastal Program (LCP) Implementation Plan), of the 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 30<sup>TH</sup> DAY OF OCTOBER 2025.**



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Benjamin M. Zueba, AICP, Zoning Administrator



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

1. The development shall be in substantial conformance with the approved site plan, floor plans, and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. *Prior to final building permit inspection, the existing seawall shall be reinforced and capped to 10.90 feet (NAVD 88) and capable to be raised up to 14.4 feet (NAVD 88), in compliance with the City of Newport Beach Waterfront Project Guidelines and Standards, Harbor Design Criteria Commercial & Residential Facilities. The existing seawall shall be reinforced pursuant to the recommendations provided in the Bulkhead Conditions Report prepared by William Simpson & Associates, Inc. dated September 15, 2025.*
3. *Prior to final building permit inspection, an agreement in a form approved by the City Attorney between the property owner and the City shall be executed and recorded waiving rights to the construction of future shoreline protection devices including the repair and maintenance, enhancement, reinforcement, or any other activity affecting the bulkhead, that results in any encroachment seaward of the authorized footprint of the bulkhead or other shoreline protective device. The agreement shall be binding against the property owners and successors and assigns.*
4. *Prior to issuance of building permits, an agreement in a form approved by the City Attorney between the property owner and the City shall be executed and recorded waiving rights to the construction of future shoreline protection devices to address the threat of damage or destruction from waves, erosion, storm conditions, landslides, seismic activity, bluff retreat, sea level rise, or other natural hazards that may affect the property, or development of the property, today or in the future. The agreement shall be binding against the property owners and successors and assigns.*
5. *Prior to the issuance of building permits, the property owner shall record a deed restriction with the County Recorder's Office, the form and content of which is satisfactory to the City Attorney, prohibiting the use of the junior accessory dwelling unit (JADU) for short-term rentals (i.e., less than 30 days) and prohibiting the sale of the JADU separate from the principal dwelling. This deed restriction shall remain in effect so long as the JADU exists on the Property.*
6. This CDP does not authorize any development seaward of the private property.
7. This approval does not authorize any new or existing improvements (including landscaping) on California Coastal Permit Jurisdiction, State tidelands, public beaches, or the public right-of-way. Any improvements located on tidelands, submerged lands, and/or lands that may be subject to the public trust shall require a coastal development permit (CDP) approved by the California Coastal Commission (Coastal Commission). Before the issuance of building permits, the Applicant shall provide a copy of said coastal development permit or CDP waiver or documentation from the Coastal Commission that

subject improvements are not subject to the permit requirements of the Coastal Act and/or not located within the permit jurisdiction of the Coastal Commission.

8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.

14. Revisions to the approved plans may require an amendment to this CDP or the processing of a new CDP.
15. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
16. 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.
17. 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.
18. *Prior to 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.*
19. *Prior to issuance of building permits, the Applicant shall submit a final drainage and grading plan. The plan shall be subject to review and approval by the Building Division.*
20. *Prior to 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.*
21. *Prior to 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.*
22. *Prior to issuance of building permits, the final WQHP/WQMP shall be reviewed and approved by the Building Division. The implementation shall comply with the approved CPPP and WQHP/WQMP and any changes could require separate review and approval by the Building Division.*
23. 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.
24. 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.

25. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 (Community Noise Control) of the NBMC and other applicable noise control requirements of the NBMC.
26. Prior to issuance of building permits, Applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
27. 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.
28. This CDP 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.
29. 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 the City's approval of ***Balboa Residence including but not limited to, Coastal Development Permit (PA2025-0140)***. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages, which the City incurs in enforcing the indemnification provisions outlined in this condition. The applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

## **RESOLUTION NO. ZA2025-065**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, APPROVING A COASTAL DEVELOPMENT PERMIT TO DEMOLISH AN EXISTING TRIPLEX AND CONSTRUCT A NEW THREE-STORY TWO-UNIT DWELLING WITH AN ACCESSORY DWELLING UNIT AND A TENTATIVE PARCEL MAP FOR CONDOMINIUM PURPOSES LOCATED AT 306 MARGUERITE AVENUE UNITS A, B, AND C (PA2025-0029)**

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

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

1. An application was filed by Mark Teale of Teale Architecture (Applicant) on behalf of the owner John DeCarrier (Owner) with respect to property located at 306 Marguerite Avenue, and legally described as Lot 8, Block 239, of the Corona Del Mar Tract (Property), requesting approval of a coastal development permit (CDP) and a tentative parcel map (TPM).
2. The Applicant requests a CDP to demolish an existing triplex and construct a new, three-story, 3,886 square-foot two-unit residence with 430 square feet of attached, single-car garages, and two carport spaces for a total of four parking spaces. The project also includes a 304 square-foot internal Accessory Dwelling Unit (ADU) for a total of three dwelling units proposed on the site. Also proposed is the construction of additional appurtenances such as walls, fences, patios, hardscape, drainage devices, and landscaping. The project complies with all applicable development standards and no deviations are requested. A TPM is requested to allow for an airspace subdivision of the primary units for individual sale (i.e., for condominium purposes). No waivers of the Newport Beach Municipal Code (NBMC) Title 19 (Subdivisions) are proposed. The TPM would allow the two primary dwelling units to be sold individually (Project).
3. The Property is categorized as RM (Multiple Residential) by the General Plan Land Use Element and is located within the RM (Multiple Residential) Zoning District.
4. The Property is located within the coastal zone. The Coastal Land Use Plan category is RM-E (Multiple Unit Residential) - (30.0 – 39.9 DU/AC) and it is located within the RM (Multiple Residential) Coastal Zoning District.
5. A public hearing was held on October 30, 2025, online via Zoom. A notice of time, place and purpose of the hearing was given in accordance with the NBMC. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

## SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. The Project is categorically exempt from the California Environmental Quality Act (CEQA) 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. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made to the exterior of the structures. Class 3 also exempts the demolition of up to three single-unit dwellings and additions of up to 10,000 square feet to existing structures and allows the construction or conversion of up to three single-unit dwellings. In this case, the Project will demolish an existing three-unit triplex and construct a new 3,886 square-foot, three-story, two-unit residence with an ADU.
3. This Project is also categorically 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.
4. 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 that will conform to all development standards and is therefore consistent with and eligible for the Class 15 Exemption.
5. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The Project 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.

### ***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:

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

Facts in Support of Finding:

1. The proposed development complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and parking.
  - a. The maximum floor area limitation is 3,888 square feet and the proposed floor area is 3,886. The proposed floor area exempts 200 square feet from each of the two attached single car garages, consistent with Table 21.18-4 of NBMC 21.18.030 (Residential Coastal Zoning Districts General Development Standards).
  - b. The Project provides the minimum required setbacks, which are five feet along the front property line fronting Marguerite Avenue, three feet along each side property line, and five feet along the rear property line abutting the alley.
  - c. The highest guardrail is less than 28 feet from established grade, an elevation of 141.45 feet North American Vertical Datum of 1988 (NAVD 88) and the highest ridge is no more than 33 feet from established grade. The Project therefore complies with all height requirements.
  - d. The Project provides a total of four parking spaces, two single-car garages and two carport spaces, meeting the minimum requirement for a two-unit dwelling. No parking is required for the ADU.
  - e. The Project proposes a minimum top of slab elevation of 112.74 feet NAVD 88, which complies with the minimum 9.0-foot top of slab elevation requirement for interior living areas of new structures.
2. The surrounding neighborhood is developed with a mix one- to three-story single, two-, and three-unit dwellings. The proposed design, bulk, and scale of the Project is consistent with the existing neighborhood pattern of development.
3. The Project proposes to demolish the existing triplex on-site to construct a two-unit residence and attached ADU. The Project complies with the Housing Crisis Act of 2019 and Senate Bill 8 (Skinner) because it does not result in the loss of residential density. The State Department of Housing and Community Development ("HCD") has verified with the City in an email dated March 23, 2022, that an ADU is considered a housing unit under Government Code Section 66300 provisions to replace existing units. The Property Owner has certified that the units are not "protected" units under Section 66330 Subdivision (d)(2). The Project is consistent with the General Plan, Local Coastal Program, and Zoning designations that allow two-unit residences and accessory dwelling unit land uses. Under Coastal Land Use Plan Table 2.1.1-1, the Multiple Unit Residential (RM) category is intended to provide primarily for multi-family residential development containing attached or detached dwelling units. Implementation Program (IP) Table 21.18-1 in Section 21.18.020 (Residential Coastal Zoning Districts Land Use) of NBMC shows "Two-Unit Dwellings" and "Accessory Dwelling Units" as allowed uses in the RM Coastal Zoning District. Therefore, the project of a two-unit residence and

ADU to replace the existing triplex is consistent with the RM zoning and land use designations and does not result in a loss of residential density.

4. The Property is within a developed neighborhood, is located more than 800 feet from the beach, and is not located near or adjacent to any natural landforms including coastal bluffs, and is not within the proximity of any environmentally sensitive areas.
5. Proposed landscaping complies with Section 21.30.075 (Landscaping) of the NBMC. Condition of approval no. 33 is included, which requires drought-tolerant species. Before the issuance of building permits, the final landscape plans will be reviewed to verify invasive species are not planted.
6. 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 viewpoint is from Ocean Boulevard, approximately 635 feet southwest of the property. Similarly, the nearest coastal view road segments are located along Ocean Boulevard. These areas offer views of the Pacific Ocean and the Newport Harbor. The Property is upland of these viewpoints and lies outside their viewshed.
7. The proposed three-story design is consistent with the existing neighborhood pattern of development. The project will not affect the existing views afforded from the viewing areas. The project will replace an existing triplex with a new two-unit dwelling and ADU that complies with all applicable development standards. The project presents the opportunity to enhance views by updating a structure built in 1950 with a new building with an updated design and is not near the Pacific Ocean or Newport Harbor, where public views are oriented. Therefore, the project does not have the potential to degrade the visual quality of the coastal zone or result in significant adverse impacts to public views.

Finding:

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

Facts in Support of Finding:

1. The project site is not located between the nearest public road and the sea or shoreline. As such, it is not necessary to assess the consistency with the public access and public recreation policies of Chapter 3 of the Coastal Act. Implementation Plan Section 21.30A.040 (Determination of Public Access/Recreation Impacts) of the NBMC requires that the provision of public access bear a reasonable relationship between the requirement and the project's impact and be proportional to the impact. In this case, the project includes the demolition of a triplex and the construction of a two-unit dwelling with an ADU on an RM zoned lot. Therefore, the project does not involve a change in land use, density or intensity that will result in increased demand on public access and recreation opportunities. Furthermore, the project is designed and sited (appropriate height, setbacks, etc.) so as not to block or impede existing public access opportunities.



2. Coastal access is currently provided and will continue to be provided along Ocean Boulevard, by Inspiration Point which is approximately 800 feet south of the Property and by the Corona del Mar Main Beach Ramp which is approximately 900 feet south west of the Property. The project would not impact coastal access opportunities.
3. The TPM is for a property that is over 850 feet from the nearest beach and the approval of the map will not affect public recreation, access, or views. There are several streets and blocks of residential properties between the subject property and the Newport Harbor.

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

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

#### Finding:

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

#### Facts in Support of Finding:

1. The TPM is for two-unit condominium purposes. The property owner proposes to demolish the existing residential triplex and construct a new two-unit condominium building with an ADU. The TPM will allow for the separate sale of each primary unit in the future. The ADU is proposed as accessory to Unit A. The proposed subdivision and improvements are consistent with the allowed density of the RM Zoning District and the Multiple Residential (RM) General Plan Land Use designation.
2. The Property is not located within a specific plan area.

#### Finding:

- D. *That the site is physically suitable for the type and density of development.*

#### Facts in Support of Finding:

1. The Property is physically suitable for attached residential dwellings, as it is regular in shape and relatively flat. The Property is currently developed with a residential triplex that will be replaced with an attached, two-unit residential condominium with an ADU.
2. The Property is accessible by pedestrians from Marguerite Avenue at the front property line and from the alley abutting the rear property line. Vehicular access is available only from the alley.
3. The Property is adequately served by existing utilities, including electrical, water, and sewer. Conditions of Approval Nos. 30, 35, 36 and 37 require separate utility connections for each condominium unit, including fire sprinkler lines.

4. There is no proposed change in density. The Property is currently developed with three residential units and will be redeveloped with a total of three units, resulting in no net change in number of dwelling units.

Finding:

- E. *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 a developed residential neighborhood that does not contain any sensitive vegetation or habitat on-site.
2. This Project is exempt from CEQA pursuant to Section 15315 under Class 15 (Minor Land Divisions) of the CEQA Guidelines.

Finding:

- F. *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 TPM 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 pursuant to 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. The Project shall comply with all ordinances of the City and all Conditions of Approval.
2. The Project has been conditioned to require public improvements, including the reconstruction of sidewalks, curbs, and gutters along the Marguerite Avenue frontage and the alley, as needed.
3. Existing improvements (paving, fence, walls) within the Marguerite Avenue parkway will be removed and replaced with new turf or other drought tolerant landscaping.
4. Utilities shall be undergrounded, consistent with Title 19 (Subdivisions) of the NBMC.

Finding:

- G. *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 TPM 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:

- H. *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 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 in the RM Zoning District, which permits residential uses.

Finding:

- I. *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 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:

- J. *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 TPM and any future improvements are subject to Title 24 of the California Code of Regulations (the California Building Code) which 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:

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

Fact in Support of Finding:

1. The Project is consistent with the RM Zoning District, which allows for multi-unit residential developments. Therefore, the TPM for a two-unit, residential, condominium with an ADU will not affect the City in meeting its regional housing needs.

Finding:

- L. *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. Wastewater is designed to discharge into the existing sewer system and complies with the Regional Water Quality Control Board (RWQCB) requirements.

Finding:

- M. *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 (3) of the Coastal Act.*

Fact in Support of Finding:

1. The Property is located within the coastal zone; therefore, a CDP is required in conjunction with the proposed TPM. The Project complies with the certified Local Coastal Program (LCP) and public access and recreation policies of Chapter 3 of the


Coastal Act. The Facts in Support of Findings A and B for the CDP (above) are hereby incorporated by reference.

**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 CEQA pursuant to Section 15303 under Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, and 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. Furthermore, the exceptions to these Exemptions do not apply.
2. The Zoning Administrator of the City of Newport Beach hereby approves the Coastal Development Permit and Tentative Parcel Map filed as PA2025-0029, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
3. This action on the Tentative Parcel Map shall become final and effective 10 days following the date this Resolution was adopted unless within such time an appeal is filed with the City Council in accordance with the provision of Title 19 (Subdivisions) of the NBMC.
4. 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 by the provisions of Title 20 (Planning and Zoning) of the NBMC.

**PASSED, APPROVED, AND ADOPTED THIS 30<sup>TH</sup> DAY OF OCTOBER 2025.**

  
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Benjamin M. Zueba, AICP, Zoning Administrator

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

1. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
2. The 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).
3. 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.
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 the Project 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. 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.
11. 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.
12. Construction activities shall comply with Section 10.28.040 (Construction Activity – Noise Regulations) of the NBMC, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday, and 8:00 a.m. Noise-generating construction activities are not allowed on Saturdays, Sundays, or Holidays.
13. 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).
14. 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.
15. 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.

16. Prior to recordation of the final parcel map, the existing residential triplex shall be demolished.
17. Approval of this project does not constitute approval or implied approval for any future property development permits, including but not limited to demolition permits, coastal development permits, grading permits, or building permits.
18. 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.
19. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 19 (Subdivisions) and Title 21 (Local Coastal Implementation Plan) of the NBMC.
20. 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 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 **DeCarrier Residential Condominiums including, but not limited to Coastal Development Permit and Tentative Parcel Map (PA2025-0029)**. 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**

21. Prior to the final inspection of the building permit for new construction, a Parcel Map shall be recorded. The Map shall be prepared on the California coordinate system NAVD 88. 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.
22. 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, Sub article 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.

23. After the recordation of the parcel map and prior to the building permit final, the Applicant shall apply for a building permit for a description change of the subject project development from “duplex with ADU to “condominium.” The development will not be condominiums until this description change permit is final.
24. All improvements shall be constructed as required by Ordinance and the Public Works Department.
25. An encroachment permit is required for all work activities within the public right-of-way.
26. *All damaged sidewalk panels, curb, gutter, sidewalk, and street along Marguerite Avenue and any damaged concrete panels along the alley frontage shall be reconstructed as determined by the Public Works Department.*
27. Prior to the recordation of the parcel map, all existing overhead utilities shall be undergrounded.
28. *The existing City trees along the Marguerite Avenue frontage shall be protected in place.*
29. *All improvements shall comply with the City’s sight distance requirement per City Standard 110-L.*
30. *Each for-sale unit shall be served by its individual water service/meter and sewer lateral/cleanout. Each water meter and sewer cleanout shall be installed with a traffic-grade box and cover.*
31. *In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.*
32. *Parkway paving, including the area between the back of walk and property line, within the Marguerite Avenue frontage shall be removed. Turf or other drought tolerant landscaping within the Marguerite Avenue parkway shall be installed.*
33. Prior to 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.
34. All landscape materials and irrigation systems shall be maintained in accordance with the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing, and trimming.

All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.

**Building Division**

35. Prior to the recordation of the parcel map, separate utilities shall be provided for each primary unit, including water, electrical, and gas.

**Fire Department**

36. A NFPA 13D fire sprinkler system shall be required for the Project.
37. Each primary unit shall have their own dedicated water meter for the fire sprinkler system.

## **RESOLUTION NO. ZA2025-066**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A COASTAL DEVELOPMENT PERMIT FOR AN ADDITION TO AN EXISTING SINGLE-UNIT RESIDENCE LOCATED AT 2772 CIRCLE DRIVE (PA2025-0088)**

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

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

1. An application was filed by Pat Austin (Applicant) on behalf of Joey DeFranco (Owner) with respect to property located at 2772 Circle Drive and legally described as Lot 33 of Tract 1014 (Property) in the City of Newport Beach, requesting approval of a coastal development permit (CDP).
2. The Applicant requests a CDP to allow for the construction of a 709 square-foot addition and interior remodel to an existing single-unit residence. The addition is for two new bedrooms, two new bathrooms, a new laundry room and the expansion of the existing storage room. The project also includes an interior remodel to the existing kitchen and bathrooms. The project complies with all development standards and no deviations from the Newport Beach Municipal Code (NBMC) are requested (Project).
3. The project requires a CDP as it involves the increase of more than 10% of floor area within the coastal zone, while not being located within the Categorical Exclusion Area and located between the sea and first public road paralleling the sea.
4. The Property is designated Single-Unit Residential Detached (RS-D) by the General Plan Land Use and is located within the Single-Unit Residential (R-1) Zoning District.
5. The Property is located within the Coastal Zone. The Coastal Land Use Plan (CLUP) category is RSD-B Single Unit Residential Detached - (6.0 - 9.9 DU/AC) and it is located within the Single-Unit Residential (R-1) Coastal Zoning District.
6. A public hearing was held on October 30, 2025, online via Zoom. A notice of the time, place, and purpose of the hearing was given as provided in accordance the NBMC. Evidence, both written and oral, was presented to and considered by the Zoning Administrator at this hearing.

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

1. This Project is categorically exempt pursuant to Title 14 of the California Code of Regulations Section 15301, Division 6, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities) because it has no potential to have a significant effect on the environment.

2. Class 1 exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. Examples include interior or exterior alterations and additions to existing structures provided that the addition will not result in an increase of more than 50% of the floor area of the structures or 2,500 square feet, whichever is less. This Project consists of a 709-square-foot addition and interior remodel to an existing 2,818-square-foot single unit residence. Therefore, the Project is eligible for the Class 1 exemption.

### 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 maximum floor area limitation is 5,120 square feet. The existing floor area of the property is 2,818 square feet and the new square footage with the proposed improvements will increase the existing residence to 3,528 square feet. Therefore, the Project complies with the maximum square footage allowed.
  - b. The Project provides the minimum required setbacks, which are 10 feet along the front property line abutting Circle Drive, 3 feet along each side property line, and 10 feet along the rear property line abutting the alley. The Project will conform to the required setbacks.
  - c. The Project includes an addition within the second floor of the residence and includes a new roof which does not exceed the existing roof line. The highest ridge is 23.5 feet from established grade, which complies with the maximum height requirements.
  - d. The project includes garage parking for a total of two vehicles, complying with the minimum two parking requirements for single-unit residences with less than 4,000 square feet of habitable floor area.
2. The neighborhood is predominantly developed with two- and three-story single-unit residences. The proposed design, bulk, and scale of the development are consistent with the existing neighborhood pattern of development.
3. The Project is located on an inland property in a developed area approximately 260 feet from the bay. The Property is separated from the bay (the nearest body of water) by two

rows of residences and Bay Shore Drive. The finished floor elevation of the first floor of the structure is 15.1 feet based on the North American Vertical Datum of 1988 (NAVD88), which complies with the minimum 9.0-foot (NAVD88) elevation standard for new structures. The identified distances from the coastal hazard areas coupled with the 15.1-foot NAVD88 finish floor elevation will help to ensure the project is reasonably safe for the economic life of the structure.

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 View Points are located at Castaways Park, which is located approximately 1,300 feet northeast of the Property. As currently developed, the existing property and other residences along Circle Drive are located within the view shed of the park. However, the proposed single-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 Property is located between the nearest public road and the sea or shoreline. Implementation Plan Section 21.30A.040 (Determination of Public Access/Recreation Impacts) of the NBMC requires that the provision of public access bear a reasonable relationship between the requirement and the project's impact and be proportional to the impact. In this case, the Project is an addition and interior remodel to an existing single-unit residence located on a standard R-1 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. Vertical access to the bay is available nearby the adjacent Balboa Bay Resort, as well as through Lower Castaways Park across West Coast Highway. Lateral access to the coast is available through various access points along West Coast Highway. 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 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 Coastal Development Permit filed as PA2025-0088, 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 30<sup>TH</sup> DAY OF OCTOBER 2025.**



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Benjamin M. Zueba, AICP, Zoning Administrator

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

1. The development shall be in substantial conformance with the approved site plan, floor plans, and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. No demolition or construction materials, equipment debris, or waste, shall be placed or stored in a location that would enter the sensitive habitat, receiving waters, or storm drains or result in impacts to environmentally sensitive habitat areas, streams, the beach, wetlands or their buffers. No demolition or construction materials shall be stored on public property.
3. 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 the Project 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, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.*
14. Construction activities shall comply with Section 10.28.040 (Construction Activity – Noise Regulations) of the NBMC, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday, and 8:00 a.m. Noise-generating construction activities are not allowed on Saturdays, Sundays, or Holidays.
15. 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).
16. 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.
17. 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.



18. This Coastal Development Permit No. PA2025-0088 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.
19. 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 **DeFranco Residence, including but not limited to Coastal Development Permit No. PA2025-0088**. 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**

20. The Project shall require the installation of fire sprinklers and comply with the 2022 NFPA 13D standards, unless otherwise directed by the Fire Department.

#### **Building Division**

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

## **RESOLUTION NO. ZA2025-067**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A TENTATIVE PARCEL MAP FOR TWO-UNIT RESIDENTIAL CONDOMINIUM PURPOSES LOCATED AT 518 AND 518 ½ POINSETTIA AVE (PA2024-0154)**

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 CDM Properties, LLC (Owner) with respect to property located at 518 and 518 ½ Poinsettia Avenue, and legally described as Lot 20, Block 543 of Tract Corona Del Mar (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 October 30, 2025, the Zoning Administrator reviewed a tentative parcel map filed as PA2025-0154. A notice of purpose of the review was given in accordance with the NBMC. Written evidence was presented to and considered by the Zoning Administrator. No public comments were received.

#### **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 that the Tentative Parcel Map is consistent with the legislative intent of NBMC Title 19 (Subdivisions) 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 is 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-unit residences such as duplexes and townhomes. 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 in Title 20 (Planning and Zoning) of the NBMC.
2. The Property is abutting an alley. Vehicular access will be taken from the rear alleyway.
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 removal of unpermitted encroachments and replacement of all damaged sidewalk panels, curb, gutter, and street along the Poinsettia Avenue frontage. Any damaged concrete alley panels along the alley property frontage shall be reconstructed as determined by the Public Works Department. 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 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 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 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 PA2025-0154, 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 30<sup>TH</sup> DAY OF OCTOBER 2025.**



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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 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 **CDM Properties LLC** including, but not limited to **Tentative Parcel Map No. PA2025-0154**. 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.**

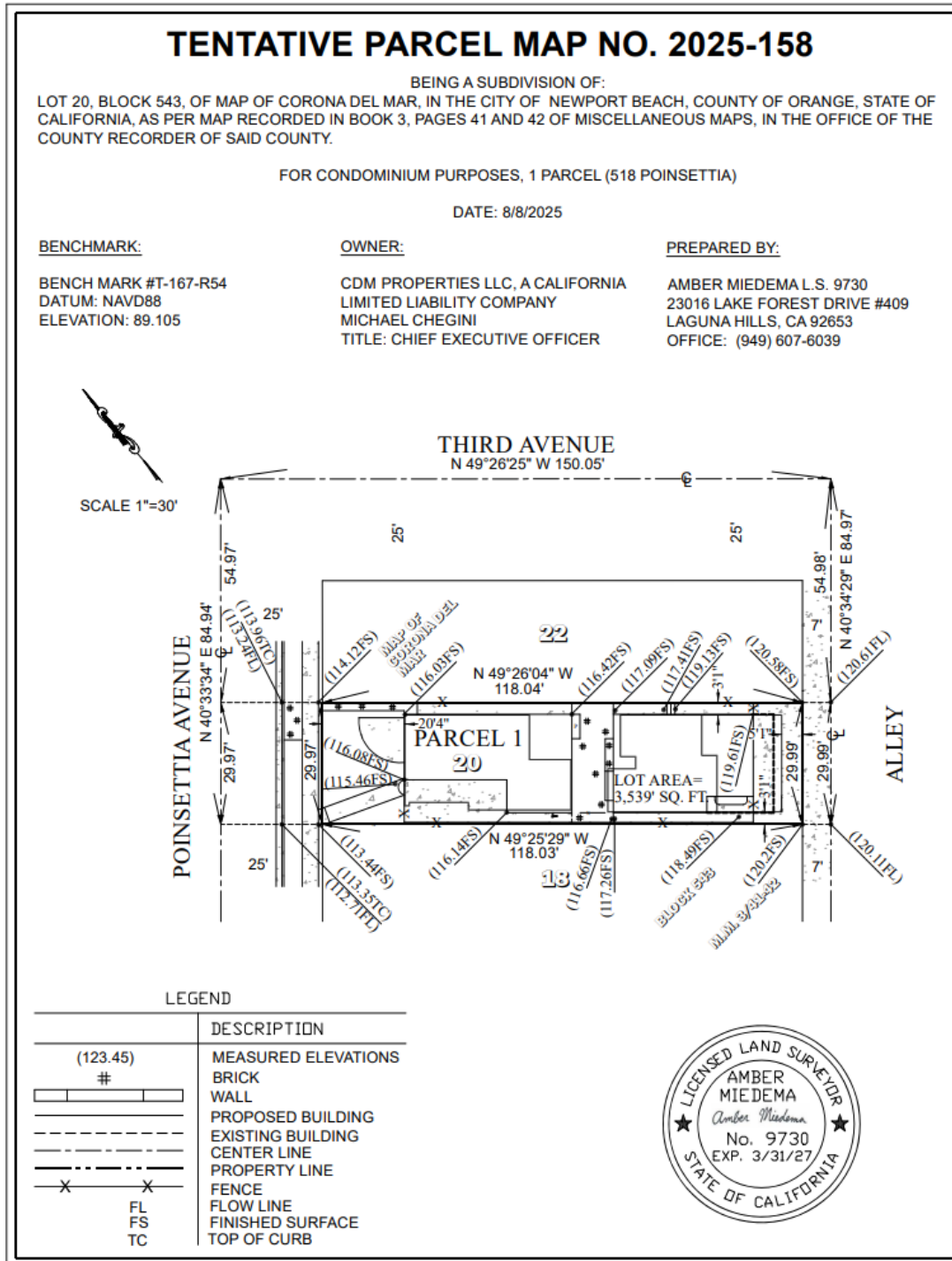
8. Prior to recordation of the Parcel Map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision 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. The owner shall reconstruct the existing broken and/or otherwise damaged concrete curb, gutter and sidewalk panels along the Poinsettia Avenue frontage. All damaged and/or broken alley 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. The existing City trees along the Poinsettia Avenue frontage shall be protected in place.
16. The property owner shall remove the parkway paving and fence within the Poinsettia Avenue frontage. Turf or other drought tolerant landscaping shall be installed within the entire Poinsettia Avenue parkway, including the area between the back of sidewalk and property line.
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.

**Building Division**

18. The duplex shall be serviced by separate utilities, including water, electrical, and gas.

**EXHIBIT "B"**

**Tentative Parcel Map  
County Parcel Map No. 2025-158**



## **RESOLUTION NO. ZA2025-068**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A TENTATIVE PARCEL MAP FOR TWO-UNIT RESIDENTIAL CONDOMINIUM PURPOSES LOCATED AT 705 AND 705 ½ NARCISSUS AVENUE (PA2025-0151)**

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

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

1. An application was filed by Hayedeh Kalanaki (Owner) with respect to property located at 705 and 705 ½ Narcissus Avenue, and legally described as Lot 5 of Block 740 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 October 30, 2025, the Zoning Administrator reviewed a tentative parcel map filed as PA2025-0151. A notice of purpose of the review was given in accordance with the NBMC. Written evidence was presented to and considered by the Zoning Administrator. No public comments were received.

#### **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 that the Tentative Parcel Map is consistent with the legislative intent of NBMC Title 19 (Subdivisions) 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 is 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-unit residences 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 in Title 20 (Planning and Zoning) of the NBMC.
2. The Property is abutting an alley. Vehicular access will be taken from the rear alleyway.
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 replacement of all damaged sidewalk panels, curb, gutter, and street along the Narcissus Avenue frontage. Any damaged concrete alley panels along the alley property frontage shall be reconstructed as determined by the Public Works Department. As conditioned, a new 36" box street tree along the Narcissus Avenue frontage shall be installed. Street tree installation shall be per City Standard 118 and City Council Policy G-6. 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 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 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 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 PA2025-0151, 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 30<sup>TH</sup> DAY OF OCTOBER 2025.**



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Benjamin M. Zuebs, 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 **OC Sunshine Properties LLC Residential Condominiums** including, but not limited to **Tentative Parcel Map No. PA2025-0151**. 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**

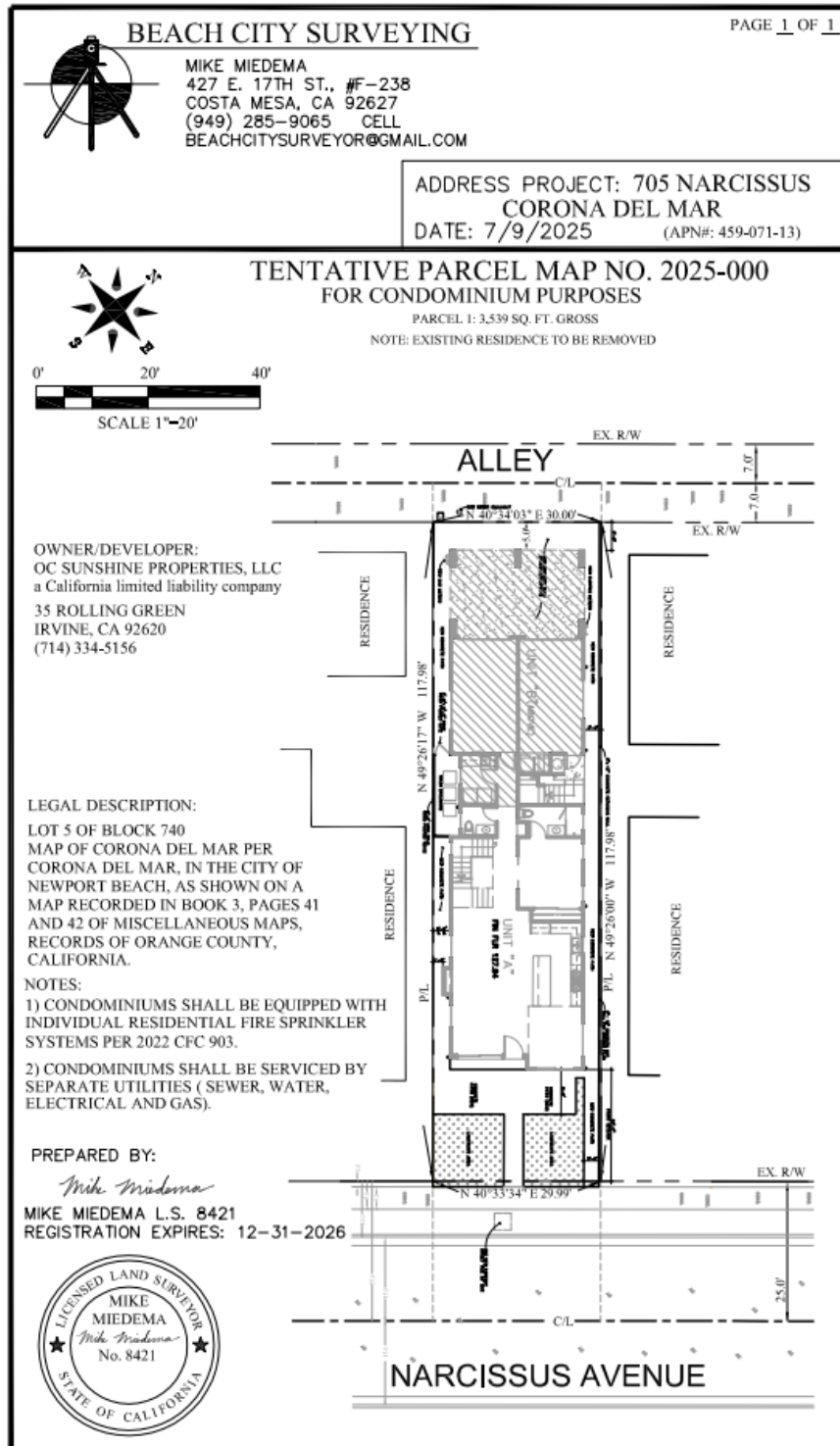
7. Prior to building permit final inspection, a parcel map shall be recorded. The Map shall be prepared on the California coordinate system (NAD83). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic 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 Narcissus 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. 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 per City Standard 110-L.
15. A new 36" box street tree shall be installed along the Narcissus Avenue frontage. Street tree installation shall be per City Standard 118 and City Council Policy G-6.
16. 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**

17. Prior to recordation of the Parcel Map, independent utility services shall be provided for the duplex, including water, electrical and gas.

**EXHIBIT "B"**

Tentative Parcel Map  
County Parcel Map No. 2025-000





## COMMUNITY DEVELOPMENT DEPARTMENT

### PLANNING DIVISION

100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915

949-644-3200

[www.newportbeachca.gov](http://www.newportbeachca.gov)

## **ZONING ADMINISTRATOR ACTION LETTER**

**Subject:** Santa's Garden Christmas Tree Lot at the Newport Dunes  
▪ Limited Term Permit (Less Than 90 Days)

**Site Location:** 1131 Back Bay Drive

**Applicant:** Jay Eyler

**Legal Description:** Assessor Parcel Number 440-132-42

On **October 30, 2025**, the Zoning Administrator approved a limited term permit (less than 90 days) for a temporary Christmas tree sales lot, including 6,400 square feet of tented display area and approximately 1,600 square feet of a separate tent area for storage to support the operation. The temporary use would operate within a portion of the Newport Dunes Resort and Marina parking lot and will be operational from November 24, 2025, to December 24, 2025 ("Project"). This approval is based on the following analysis and is subject to the Conditions of Approval thereafter.

### **I. LAND USE AND ZONING**

- **General Plan Land Use Plan Category:** Parks and Recreation (PR)
- **Zoning District:** Newport Dunes Planned Community (PC48)
- **Coastal Land Use Plan Category:** Parks and Recreation (PR)
- **Coastal Zoning District:** Newport Dunes (PC48)

### **II. REQUIRED FINDINGS**

In accordance with Section 20.52.040 (Limited Term Permits) of the Newport Beach Municipal Code (NBMC), the following findings and facts in support are set forth:

#### **Finding:**

- A. *This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act Guidelines under Class 4 (Minor Alterations to Land).*

#### **Facts in Support of Finding:**

1. Class 4 exempts minor temporary uses of land having negligible or no permanent effects on the environment. The Project, as proposed and conditioned, is anticipated to have no permanent effects on the environment.

Finding:

- B. *The operation of the requested limited duration use at the location proposed and within the time period specified 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 requested limited duration use.*

Facts in Support of Finding:

1. The Project's operation has been reviewed and conditioned to help prevent any detriment to the general welfare of the area.
2. The subject property has been used for temporary Christmas tree sales in the past and these uses have not proven detrimental or hazardous to public convenience, health, or safety of individuals residing or working in the neighborhood.

Finding:

- C. *The subject lot is adequate in size and shape to accommodate the limited duration use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the lot.*

Facts in Support of Finding:

1. The Project includes 6,400 square feet of tented area for tree display and a sales booth located on a portion of an existing parking lot on the eastern side of the subject property (see Vicinity Map in Attachment No. ZA 1). In addition, a separate 1,600-square-foot temporary tent area will be used for storage to support the operation.
2. All temporary structures and improvements will be erected on private property.
3. Adjacent properties to the northeast, east, and southeast are buffered from the limited duration use by Back Bay Drive and a private access drive into the parking lot.
4. Per Condition of Approval No. 2, the Applicant is required to maintain public access and parking in accordance with the Newport Dunes Settlement Agreement, including, but not limited to boat launch and trailer parking, wash down, beach and day use facilities, bike trail, human-powered launch, and camping.

Finding:

- D. *The subject lot is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the limited duration use would or could reasonably be expected to generate.*

Fact in Support of Finding:

1. The subject property maintains adequate access from Back Bay Drive via a four-lane access drive. The Project is located within a portion of the parking lot and is not expected to negatively impact the traffic flow in the surrounding area.

Finding:

- E. Adequate temporary parking to accommodate vehicular traffic to be generated by the limited duration use would be available either on-site or at alternate locations acceptable to the Zoning Administrator.*

Facts in Support of Finding:

1. The Project is not anticipated to generate an excess of vehicular traffic or impact the parking for patrons and guests of the Newport Dunes Resort and Marina because high turnover is expected.
2. Adequate temporary parking will be provided by way of the existing Newport Dunes Resort and Marina parking lot.
3. Per Condition of Approval No. 13, the Applicant shall ensure patron vehicles do not impact traffic flow on Back Bay Drive.

Finding:

- F. The limited duration use is consistent with all applicable provisions of the General Plan, any applicable specific plan, the Municipal Code, and other City regulations.*

Facts in Support of Finding:

1. The Project will operate no earlier than November 24, 2025, and end no later than December 24, 2025.
2. The Project is conditioned to comply with all applicable provisions of the General Plan, Municipal Code, and other City regulations.
3. The subject property is not located within a specific plan.
4. The Project is exempt from coastal development permit requirements pursuant to Section 21.52.035(D) (Special and Temporary Events) of the NBMC because the event will not occur between Memorial Day weekend and Labor Day, will not occupy any portion of a public sandy beach, no fee will be charged for general public admission, does not involve permanent structures or structures that involve grading or landform alteration for installation, and has no potential for adverse effect of sensitive coastal resources.



**III. CONDITIONS OF APPROVAL**

1. This limited duration sales use shall not commence operation prior to November 24, 2025, and shall conclude by end of day December 24, 2025.
2. At all times while the Project is in place, its operator shall maintain public access and parking in accordance with the terms of the Newport Dunes Settlement Agreement, including but not limited to, boat launch and trailer parking, wash down, beach and day use facilities, bike trail, human-powered launch, and camping.
3. The Project shall only operate between the hours of 9 a.m. and 10 p.m., daily.
4. The Project's operator shall be responsible for the control of noise generated by the subject facility including, but not limited to, noise generated by patrons and equipment. 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. If noise generation does not comply with the aforementioned provisions, the Community Development Director may require remediation measures which may include relocation of equipment.
5. No outdoor sound system, loudspeakers, or paging system shall be permitted in conjunction with the Project.
6. Operation of the Project shall not impact the vehicular circulation within the remaining parking areas.
7. The site shall be cleaned of debris, litter, or any other evidence of the limited duration use upon completion or removal of the use and shall continue to be used in compliance with the Zoning Code. The site shall be adequately cleaned by midnight on January 24, 2026. An inspection by Code Enforcement is required. Failure to adequately clean the site will result in a forfeiture of a portion or the entirety of the \$500 deposit.
8. A valid Business License Tax Certificate shall be secured from the Revenue Division prior to commencement of the limited duration use.
9. All signs shall be in compliance with Chapter 20.42 (Sign Standards) of the NBMC and the site is limited to two temporary banner signs not to exceed 75 square feet each. Placement of temporary signage shall be subject to Planning Division approval.
10. Signage shall be placed in a manner that does not impact the view of drivers while entering and exiting the site.
11. Lighting shall comply with applicable standards of the NBMC. Exterior on-site lighting shall be shielded and confined within site boundaries. No direct rays or glare are permitted to shine onto public streets or adjacent sites or create a public nuisance.

"Walpak" type fixtures are not permitted. If in the opinion of the Community Development Director, the existing illumination creates an unacceptable negative impact on surrounding land uses or sensitive habitat areas, the dimming of light sources or other remediation may be ordered. An electrical permit shall be secured for lighting as required by the Building Division.

12. All electrical distribution lines shall be in good working order and shall be protected from pedestrian and vehicular traffic and shall accommodate accessibility.
13. The Applicant shall take all reasonable steps to ensure that patron vehicles do not impact traffic flow on Back Bay Drive.
14. Any areas used for temporary commercial or institutional use shall be accessible to disabled persons. An accessible path to all functional areas shall be provided. Access to restrooms shall be provided at all times. Accessible parking stalls shall not be used for seating areas when on-site parking is provided. Detectable warnings are required when pedestrian paths cross or are adjacent to a vehicular way where no physical barriers are provided to separate the two.
15. All exiting paths, public walks and sidewalks shall be a minimum of 48 inches free and clear.
16. Accessible routes, including under canopy(ies) and other overhead improvements shall maintain a minimum clear height of 80 inches.
17. The site driveway access shall have adequate sight distance pursuant to City Standard 105.
18. Fire access lanes shall be maintained around all portions of the tents.
19. If generators are used, they shall be maintained at least 20 feet from all tent and membrane structures.
20. A special event permit shall be obtained for the tent from the Newport Beach Fire Department.
21. To the fullest extent permitted by law, the Applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including without limitation, attorney's fees, disbursements, and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the **Santa's Garden Christmas Tree Lot at the Newport Dunes** including, but not limited to, the **Limited Term Permit (PA2025-0185)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of


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

**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.

Prepared by:

  
\_\_\_\_\_  
Jasmine Leon  
Planning Technician

Approved by:

  
\_\_\_\_\_  
Benjamin M. Zieba, AICP, Zoning Administrator

DL/jl

Attachments:   ZA 1 Vicinity Map  
                      ZA 2 Site Plan

# **Attachment No. ZA 1**

Vicinity Map

# VICINITY MAP



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Limited Term Permit  
(PA2025-0185)  
**1131 Back Bay Drive**

# **Attachment No. ZA 2**

Site Plan



SANTA'S GARDEN TREE LOT  
AT: NEWPORT DUNES

FIRE EXTINGUISHER = ▲ FE  
NO SMOKING SIGNS = ● NS  
TENT WALLS - W

EXPECTED NO.  
OF PATRONS = MAX 40-50  
AT ONE TIME

