



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

**TO:** CITY COUNCIL, CITY MANAGER, AND PLANNING COMMISSION

**FROM:** Jaime Murillo, Acting Community Development Director

**SUBJECT:** Report of actions taken by the Zoning Administrator, and/or Community Development Director for the week ending November 14, 2025.

---

### **ZONING ADMINISTRATOR PUBLIC HEARING ACTIONS NOVEMBER 13, 2025**

- Item 1: Tenaglia Residence Coastal Development Permit (PA2025-0188)  
Site Address: 262 Colton Street
- |                                               |                  |   |
|-----------------------------------------------|------------------|---|
| Action: Approved by Resolution No. ZA2025-069 | Council District | 1 |
|-----------------------------------------------|------------------|---|
- Item 2: Murray Residence Coastal Development Permit (PA2025-0072)  
Site Address: 2608 Cove Street
- |                                               |                  |   |
|-----------------------------------------------|------------------|---|
| Action: Approved by Resolution No. ZA2025-070 | Council District | 6 |
|-----------------------------------------------|------------------|---|
- Item 3: Painter Residential Condominiums Condominium Conversion, Tentative Parcel Map and Coastal Development Permit (PA2025-0011)  
Site Address: 710 Avocado Avenue, Units A & B
- |                                               |                  |   |
|-----------------------------------------------|------------------|---|
| Action: Approved by Resolution No. ZA2025-071 | Council District | 6 |
|-----------------------------------------------|------------------|---|
- Item 4: Noblin Residence Tentative Parcel Map and Coastal Development Permit (PA2025-0186)  
Site Address: 612 & 612 ½ Begonia Avenue
- |                                               |                  |   |
|-----------------------------------------------|------------------|---|
| Action: Approved by Resolution No. ZA2025-072 | Council District | 6 |
|-----------------------------------------------|------------------|---|

**COMMUNITY DEVELOPMENT DIRECTOR  
OR ZONING ADMINISTRATOR ACTIONS**

(Non-Hearing Items)

- Item 1: Peninsula Village LLC Short Term Rental Permits (PA2025-0165)  
Site Address: 2210 Newport Boulevard, Suites 301-304, 2210 Newport Boulevard, Suites 301-304, 2230 Newport Boulevard, Suites 201-202, 301-302, 2240 Newport Boulevard, Suites 201-202, 302, 2250 Newport Boulevard, Suites 301, 2260 Newport Boulevard, Suites 202, 301-302, 2270 Newport Boulevard, Suites 201, 301, 2280 Newport Boulevard, Suites 201-207
- |                  |                  |   |
|------------------|------------------|---|
| Action: Approved | Council District | 1 |
|------------------|------------------|---|
- Item 2: Marovic Short-Term Lodging (PA2025-0166)  
Site Addresses: 110 22nd Street, 112 22nd Street, 114 22nd Street, 114 22nd Street, 116 ½ 22nd Street, 2112 West Ocean Front, 2116 West Ocean Front
- |                  |                  |   |
|------------------|------------------|---|
| Action: Approved | Council District | 1 |
|------------------|------------------|---|
- Item 3: The Village Inn Limited Term Permit (PA2025-0217)  
Site Address: 123 Marine Avenue
- |                  |                  |   |
|------------------|------------------|---|
| Action: Approved | Council District | 5 |
|------------------|------------------|---|

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

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

## **RESOLUTION NO. ZA2025-069**

### **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 262 COLTON STREET (PA2025-0188)**

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

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

1. An application was filed by Phil Edmondson (Applicant) on behalf of John Tenaglia (Owner) with respect to property 262 Colton Street, legally described as Lot 15 of Block 6 (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 166-square-foot bedroom addition to an existing 1,937-square-foot single-unit residence. The project complies with all development standards and no deviations from the Newport Beach Municipal Code (NBMC) are requested (Project). The Project requires a CDP due to an increase of building height greater than 10% within the coastal zone.
3. The Property is categorized as Single Unit Residential Detached (RS-D) by the General Plan Land Use and is located within the Single-Unit Residential (R-1) Zoning District.
4. The Property is located within the Coastal Zone. The Coastal Land Use Plan (CLUP) category is Single-Unit Residential (RSD-C – 10.0 -19.9 DU/AC) and it is located within the Single-Unit Residential (R-1) Coastal Zoning District.
5. A public hearing was held on November 13, 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 categorically exempt pursuant to Title 14 of the California Code of Regulations Section 15303, Division 6, Chapter 1, 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 repair, maintenance, and minor alterations of existing public or private structures, including additions to existing structures. The project consists of a 166-square-foot bedroom in addition to an existing second floor. 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 Project complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, and height.
  - a. The maximum floor area limitation for conforming structures is 3,500 square feet. The existing floor area of the property is 2,192 square feet and the new square footage with the proposed improvements will bring the Property to 2,358 square feet. Therefore, the Project complies with the maximum floor area allowed.
  - b. The existing single-unit residence provides one 255-square-foot single-car garage space, which is considered non-conforming parking. NBMC Section 21.38.060(A) (Nonconforming Parking - Residential) allows for a 10% addition to the existing floor area within a ten-year period. Since the existing floor area of the property is 2,192 square feet, the maximum addition is 219 square feet. The proposed addition of the Project is 166 square feet and complies with the nonconforming parking allowances of the NBMC.
  - c. The proposed development provides the minimum required setbacks, which are 5 feet along the front property line along Colton Street, 3 feet along each side property line, and 5 feet along the rear property line along the alley. The Project will conform to the required setbacks with no encroachments proposed on either side.
  - d. The Project requires a CDP due to an increase of building height of more than 10%, while being located within the Coastal Zone. The existing height of the structure is approximately 22 feet from grade. With the proposed addition, the height of the structure will be approximately 28 feet from grade, consistent Section 21.30.060(C) – Height Limits and Exceptions of the NBMC.
  - e. The highest guardrail is less than 24 feet from the established grade, and the highest ridge is less than 29 feet from the established grade, which complies with the maximum height requirements of the NBMC.
2. The neighborhood is predominantly developed with single and two-story, single-unit residences. The proposed design, bulk, and scale of the development are consistent with the existing neighborhood pattern of development.



3. The development is located on an inland property in a developed area approximately 1,000 feet northeast from the beach and approximately 240 feet southeast from the Semeniuk Slough canal. The Property is separated from the canal by a row of residences on both Canal and Orange Street.
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 CLUP. The nearest Coastal Viewpoint is located on the eastern corner of Canal and 62<sup>nd</sup> Street, where there is a public view of the canal. The Viewpoint is not visible from the Property as it is located approximately 880 feet northeast. As currently developed, the Property is not located within the view shed of the Viewpoint. 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:

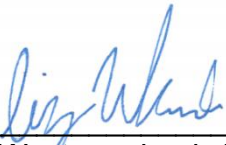
1. Implementation Plan Section 21.30A.040 requires that the provision of public access bears a reasonable relationship between the requirement and the Project's impact and be proportional to the impact. In this case, the Project adds an additional bedroom to the second story on an existing two-story, 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. The Project is located near various Public Beach Access points as identified in the CLUP and provides vertical access through the street ends of Lancaster Street (approximately 260 feet northwest of the Property) and Sunset Drive (approximately 400 feet north of the Property). Lateral access to the coast is available through West Coast Highway which is approximately 550 feet south of the Property. The Project does not include any features that would obstruct access along these routes.

SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby finds this Project is categorically exempt from the California Environmental Quality Act under Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 1 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 PA2025-0188, 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 13<sup>TH</sup> DAY OF NOVEMBER 2025.**



---

Liz Westmoreland, 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. 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.
6. 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.

7. 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.
8. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
9. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
10. 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.
11. 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.
12. *Before the issuance of building permits, the Applicant shall submit a final construction erosion control plan. The plan shall be subject to review and approval by the Building Division.*
13. 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.
14. *Before the issuance of building permits, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.*
15. 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.
16. 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. to 6:00 p.m., on Saturday. Noise-generating construction activities are not allowed on Sundays, or Holidays.

17. 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).
18. 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.
19. 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.
20. This Coastal Development Permit No. PA2025-0188 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.
21. To the fullest extent permitted by law, the Applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including without limitation nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of **Tenaglia Residence, including but not limited to Coastal Development Permit No. PA2025-0188**. 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.

### **Building Division**

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

### **Public Works Department**

23. The Applicant shall install a new sewer cleanout on the existing sewer lateral per City Standard 406. The new sewer cleanout shall be located within the sidewalk area along the Colton Street frontage.

## **RESOLUTION NO. ZA2025-070**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A COASTAL DEVELOPMENT PERMIT TO DEMOLISH AN EXISTING SINGLE-UNIT DWELLING AND CONSTRUCT A NEW SINGLE-UNIT DWELLING WITH AN ATTACHED TWO-CAR GARAGE LOCATED AT 2608 COVE STREET (PA2025-0072)**

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

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

1. An application was filed by Brandon Architects (Applicant) on behalf of John William Murray and Sindy Lin Murray (Owners), concerning the property located at 2608 Cove Street and legally described as Lot 5 and a portion of Lot 13 of Block A32 of the Corona del Mar Tract (Property).
2. The Applicant requests a coastal development permit (CDP) to demolish an existing 1,111-square-foot, one-story single-unit dwelling, including an attached one-car garage, and to construct a new 1,422-square-foot, three-story, single unit dwelling with an attached 402-square-foot two-car garage. The project also includes landscaping, hardscaping, and site walls (Project). The Project complies with all development standards and no deviations from the Newport Beach Municipal Code (NBMC) are requested. All improvements authorized by this CDP will be located on private property.
3. The Property is categorized as Single Unit Residential Detached (RS-D) by the General Plan Land Use Element and is located within the Single-Unit Residential (R-1) Zoning District.
4. The Property is located within the coastal zone. The Coastal Land Use Plan category is Single Unit Residential Detached – 10.0 - 19.9 DU/AC (RSD-C), and it is located within the Single-Unit Residential (R-1) Coastal Zoning District
5. A public hearing was held on November 13, 2025, online via Zoom. A notice of the time, place, and purpose of the hearing was given in accordance with Chapter 21.62 (Public Hearings) of 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, Division 6, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 3 (New Construction or Conversion of Small Structures) because it has no potential to have a significant effect on the environment.

2. Class 3 exempts the demolition of up to three single-unit dwellings and the construction or conversion of up to three single-unit dwellings. The Project consists of the demolition of a single-unit dwelling and the construction of a new single-unit dwelling located in the R-1 Coastal Zoning District. Therefore, the Class 3 exemption is applicable.
3. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

### SECTION 3. REQUIRED FINDINGS.

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

#### Finding:

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

#### Facts in Support of Finding:

1. The Project complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and parking.
  - a. The maximum floor area limitation is 1,825 square feet and the proposed floor area is 1,825 square feet.
  - b. The Project provides the minimum required setbacks, which are five feet along the front property line abutting Cove Steet, four feet along each side property line, and 10 feet along the rear property line abutting 2609 Way Lane.
  - c. The highest guardrail is 24 feet from established grade (12.73 feet based on the North American Vertical Datum of 1988 NAVD [NAVD 88]) and the highest ridge is 29 feet from established grade, which complies with the maximum height requirements.
  - d. The Project includes a two-car garage, complying with the minimum two-car garage parking requirement for single-unit dwelling with less than 4,000 square-feet of habitable floor area.
  - e. The Project proposes a minimum top of slab elevation of 12.55 feet NAVD 88 which complies with the minimum 9.0-foot NAVD 88 top of slab elevation requirement for interior living areas of new structures.

2. The neighborhood is predominantly developed with two- and three-story, single-unit dwellings. The proposed design, bulk, and scale of the development is consistent with the existing neighborhood pattern of development and expected future development.
3. A Coastal Hazards Report was prepared for the Project by Skelly Engineering, dated October 20, 2024. The report utilizes the latest adopted Sea Level Rise Guidance: 2024 Update provided by the State of California. While the Property does not directly abut a shoreline, it is adjacent to a portion of the China Cove Beach, situated in the Newport Beach Bay Entrance Channel, and thus may be subject to coastal hazards such as flooding, runoff, and erosion. The report concludes that the Project is reasonably safe from shoreline erosion due to being over 200 feet from the shoreline and the lack of waves or wakes, which have allowed the beach to maintain its 100-foot width over the last 50 years. The report also analyzes future sea level rise scenarios assuming an increase in the maximum bay water level (7.7 feet NAVD 88) over the next 75 years (i.e., the life of the structure) of about 4.5 feet, resulting in a projected bay water elevation of 12.2 feet NAVD 88 (the likely range for sea level rise over 75-year design life of the structure based on intermediate-high risk aversion estimates). The finished floor elevation of the first floor of the proposed structure is 12.55 NAVD 88, which complies with the minimum 9.0-foot NAVD 88 elevation standard for new structures and exceeds the sea level rise scenario. Based on the data provided, the study concludes that coastal hazards will not significantly impact the Property over the next 75 years and there is no anticipated need for a shore protection device over the life of the Project.
4. Pursuant to Section 21.30.030(C)(3)(i)(iv) (Natural Landform and Shoreline Protection) of the NBMC, the Owners will be required to enter into an agreement with the City waiving any potential right to protection to address situations in the future in which the development is threatened with damage or destruction by coastal hazards (e.g., waves, erosion, and sea level rise). The Owners will also be required to acknowledge any hazards present at the site and unconditionally waive any claim to damage or liability against the decision authority, consistent with Section 21.30.015(D)(3)(c) (General Site Planning and Development Standards) of the NBMC. These requirements are included as Condition of Approval Nos. 8 and 9 which will need to be satisfied prior to final building inspection, and prior to the issuance of building permits, respectively.
5. The Property is in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code (CBC) and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved 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.
6. The Property is located adjacent to a sandy beach and is within proximity of coastal waters. A Construction Erosion Control Plan was provided to implement temporary Best Management Practices (BMPs) during construction to minimize erosion and sedimentation and to minimize pollution of runoff and coastal waters derived from construction chemicals and materials. The Project design also addresses water quality through the inclusion of a post-construction drainage system that includes drainage and percolation features.



designed to retain dry weather and minor rain event runoff on-site. Any water not retained on-site is directed to the City's storm drain system.

7. The Project landscaping complies with Section 21.30.075 (Landscaping) of the NBMC. Condition of Approval No. 17 requires that landscaping be designed to provide drought tolerant and non-invasive plant species with water efficient irrigation. A final landscape plan shall be reviewed and approved prior to the issuance of a building permit to verify invasive species are not planted.
8. The Property is located within the vicinity of coastal view roads and coastal viewpoints as identified in the Coastal Land Use Plan (CLUP), for which the potential to degrade those views has been analyzed in accordance with Section 21.30.100 (Scenic and Visual Quality Protection) of the NBMC.
  - a. The Property is located approximately 200 feet from Ocean Boulevard, which is identified as a coastal view road by the CLUP. Ocean Boulevard is situated approximately 58 to 68 feet above the elevation of the Property. Additionally, there are several two- and three-story single-unit dwellings between the Property and Ocean Boulevard, which are situated up to 38 feet above the elevation of the Property, which results in higher surrounding building elevations. Additionally, several two-story single-unit dwellings are located in front of the Property along the China Cove Beach, which limit views of the beach from the 2500 and 2600 block of Ocean Boulevard.
  - b. The nearest identified coastal viewpoint is approximately 450 feet to the north of the Property and is located at the corner of Ocean Boulevard and Carnation Avenue, however the Project is not visible from that location due to the intervening development. The Property is also with the vicinity of other coastal viewpoints including Lookout Point, located approximately 550 feet south of the Property and West Jetty View Park, located approximately 1,000 feet west of the Property across the Newport Beach Bay Entrance Channel.
  - c. Site evaluation revealed that the Property is visible from portions of Ocean Boulevard, Lookout Point and portions of West Jetty View Park. While the Project replaces a single-story dwelling with a new three-story dwelling, the Project design complies with all applicable Title 21 (Local Coastal Program Implementation Plan) development standards and maintains a building envelope that is consistent and visually blends in with the existing pattern of development within the China Cove neighborhood. As designed, the Project will not negatively impact the existing coastal views from the locations identified above; therefore, it does not have the potential to degrade the visual quality of the Coastal Zone or result in significant adverse impacts on public views.
9. The Project serves as an opportunity to enhance an aging structure built in 1949 with a new building that includes a high quality contemporary coastal design, typical of new developments throughout the City. The design includes the use of large balconies and decks and incorporates glass guardrails and large windows to soften the façade and provides more than the required open volume resulting in a substantial amount of articulation to reduce the massing.

Finding:

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

Facts in Support of Finding:

1. The Property is located between the first public road and the sea. Section 21.30A.040 (Determination of Public Access/Recreation Impacts) of the NBMC requires that the provision of public access bears a reasonable relationship between the requirement and the Project's impact and be proportional to the impact. In this case, the Project replaces an existing single-unit dwelling with a nonconforming one-car garage with a new single-unit dwelling with a two-car garage, consistent with the existing neighborhood pattern of development and applicable development standards. Therefore, the Project does not involve a change in land use or intensity that will result in increased demand for public access and recreation opportunities. The Project's new two-car garage is expected to enhance coastal public access opportunities by providing an additional on-site parking space and thereby reducing the Property's demand for public street parking that could otherwise be used by the public.
2. The Property is located adjacent to the China Cove public beach. Lateral access to the beach is provided directly in front of the Property at the street end of Cove Street. Vertical access to the beach is provided at the street end of Fernleaf Avenue. The Project is located entirely within the confines of private property and does not include any features that would obstruct coastal access along these routes. The Project includes the removal of existing unpermitted encroachments into Cove Street right-of-way, including planters and patio furniture, which will improve the existing coastal access along Cove Street.

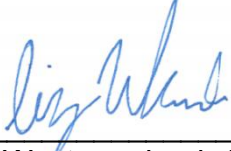
SECTION 4. DECISION.

**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 that the exceptions to this Exemption do not apply.
2. The Zoning Administrator of the City of Newport Beach hereby approves the Coastal Development Permit filed as PA2025-0072, 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 in accordance with the provisions of Title 21 (Local

Coastal Program Implementation Plan), of the NBMC. Final action taken by the City may be appealed to the Coastal Commission in accordance with Section 21.64.035 (Appeal to the Coastal Commission) of the City's certified Local Coastal Program and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

**PASSED, APPROVED, AND ADOPTED THIS 13<sup>TH</sup> DAY OF NOVEMBER 2025.**



---

Liz Westmoreland, AICP, Zoning Administrator

**EXHIBIT “A”**

**CONDITIONS OF APPROVAL**

*(Project-specific conditions are in italics)*

**Planning Division**

1. The Project shall be in substantial conformance with the approved site plan, floor plans, and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new Coastal Development Permit.
3. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
4. The Applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may be caused by the revocation of this Coastal Development Permit.
5. This Coastal Development Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained are detrimental to the public health, and welfare or materially injurious to property or improvements in the vicinity or if the Property is operated or maintained to constitute a public nuisance.
6. Prior to the issuance of a building permit, a copy of the Resolution, including conditions of approval Exhibit “A” shall be incorporated into the Building Division and field sets of plans.
7. This Coastal Development Permit shall expire unless exercised within 24 months from the date of approval as specified in Section 21.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.
8. *Prior to final building permit inspection, an agreement in a form approved by the City Attorney between the 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.*
9. *Prior to the issuance of a building permit, the Owner shall submit a notarized signed letter acknowledging all hazards present at the site, assuming the risk of injury or damage from such hazards, unconditionally waiving any claims of damage against the City from such hazards, and to indemnify and hold harmless City, its City Council, its*

*boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of development.*

10. This Coastal Development Permit does not authorize any development on or beyond the beach area adjacent to the Property.
11. *Prior to the issuance of a demolition permit or grading permit, the Applicant shall submit a construction management and delivery plan to be reviewed and approved by the Planning Division and Public Works Department. The plan shall include a discussion of project phasing, parking arrangements during construction, anticipated haul routes and construction mitigation. Upon approval of the plan, the Applicant shall be responsible for implementing and complying with the stipulations outlined in the approved plan*
12. This Coastal Development Permit does not authorize any new or existing improvements (including landscaping) on State tidelands, public beaches, or the public right-of-way.
13. No demolition or construction materials, equipment debris, or waste, shall be placed or stored in a location that would enter sensitive habitat, receiving waters, or a storm drain or result in impacts to environmentally sensitive habitat areas, streams, the beach, wetlands or their buffers.
14. 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.
15. 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.
16. Debris from demolition shall be removed from work areas each day and removed from the Property within 24 hours of the completion of the Project. Stock-piles and construction materials shall be covered, enclosed on all sites, not stored in contact with the soil, and located as far away as possible from drain inlets and any waterway.
17. Trash and debris shall be disposed in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
18. Prior to the issuance of a building permit, the Applicant shall submit a final landscape and irrigation plan. These plans shall incorporate drought tolerant plantings, non-

invasive plant species and water efficient irrigation design. The plans shall be approved by the Planning Division.

19. 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.
20. The Applicant is responsible for compliance with the Migratory Bird Treaty Act (MBTA). In compliance with the MBTA, grading, brush removal, building demolition, tree trimming, and similar construction activities shall occur between August 16 and January 31, outside of the peak nesting period. If such activities must occur inside the peak nesting season from February 1 to August 15, compliance with the following is required to prevent the taking of Native Birds pursuant to MBTA:
  - A. The construction area shall be inspected for active nests. If birds are observed flying from a nest or sitting on a nest, it can be assumed that the nest is active. Construction activity within 300 feet of an active nest shall be delayed until the nest is no longer active. Continue to observe the nest until the chicks have left the nest and activity is no longer observed. When the nest is no longer active, construction activity can continue in the nest area.
  - B. It is a violation of state and federal law to kill or harm a native bird. To ensure compliance, consider hiring a biologist to assist with the survey for nesting birds, and to determine when it is safe to commence construction activities. If an active nest is found, 2 or 1 short follow-up surveys will be necessary to check on the nest and determine when the nest is no longer active.
21. Construction activities shall comply with Section 10.28.040 (Construction Activity – Noise Regulations) of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday. Noise-generating construction activities are not allowed on Saturday, Sundays, or Holidays.
22. All noise generated by the proposed use shall comply with Chapter 10.26 (Community Noise Control) and other applicable noise control requirements of the NBMC.
23. Prior to the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
24. 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.

25. 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 **Murray Residence, including but not limited to, the Coastal Development Permit filed as PA2025-0072**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages, which the City incurs in enforcing the indemnification provisions outlined in this condition. The applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

### **Building Division**

26. Prior to the issuance of a building permit, the Applicant shall submit a final drainage and grading plan. The plan shall be subject to review and approval by the Building Division.
27. Prior to the issuance of a building permit, the Applicant shall submit a final construction erosion control plan. The plan shall be subject to review and approval by the Building Division.
28. Prior to the issuance of a building permit, the final Water Quality and Hydrology Plan/ Water Quality Management Plan (WQHP/WQMP) shall be reviewed and approved by the Building Division. Implementation shall comply with the approved Construction Pollution Prevention Plan and WQHP/WQMP and any changes could require separate review and approval by the Building Division.

### **Public Works Department**

29. All private improvements and items within Cove Street right-of-way including, but not limited to, planters, fencing, and patio furniture shall be removed.
30. A new sewer cleanout shall be installed on the existing sewer lateral per City Standard 406.
31. A portion of the Cove Street right-of-way shall be reconstructed per City Standard 140.
32. An encroachment permit and agreement shall be required for the proposed colored concrete walkway along the existing three-foot wide storm drain easement.

### **Fire Department**

33. The installation of a residential fire sprinkler system complying with the National Fire Protection Association (NFPA) 13D shall be installed.



## **RESOLUTION NO. ZA2025-071**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING A CONDOMINIUM CONVERSION, TENTATIVE PARCEL MAP, AND COASTAL DEVELOPMENT PERMIT TO CONVERT AN EXISTING DUPLEX INTO A TWO-UNIT CONDOMINIUM LOCATED AT 710 UNIT A AND 710 UNIT B AVOCADO AVENUE (PA2025-0011)**

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

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

1. An application was filed by Andrew Goetz (Applicant), on behalf of Robert Painter (Owner), concerning property located at 710 Avocado Avenue, Units A and B, and legally described as Lot 7 of Tract Map No. 682 (Property), requesting approval of a condominium conversion, tentative parcel map, and coastal development permit.
2. The Applicant requests a condominium conversion and tentative parcel map to allow an existing duplex to be converted into a two-unit residential condominium. A former duplex was demolished, and a new duplex was constructed per condominium standards in 2023. The condominium conversion and the tentative parcel map will allow each unit to be sold individually. No waivers of Title 19 (Subdivisions) of the Newport Beach Municipal Code (NBMC) are proposed. A coastal development permit (CDP) is required because the Property is in the coastal zone (Project).
3. The Property is designated RT (Two Unit Residential) by the General Plan Land Use Element and is located within the R-2 (Two-Unit Residential) Zoning District.
4. The Property is located within the coastal zone. The Coastal Land Use Plan category is Two Unit Residential (RT-D) (20.0-29.9 DU/AC) and it is located within the R-2 (Two-Unit Residential) Coastal Zoning District.
5. A public hearing was held on November 13, 2025, online via Zoom. A notice of the time, place, and purpose of the hearing was given in accordance with the NBMC. Evidence, both written and oral, was presented to and considered by the Zoning Administrator at this hearing.

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

1. This Project is exempt from the California Environmental Quality Act (CEQA) under Sections 15301 and 15315, Division 6, Chapter 3 Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities) and Class 15 (Minor Land Divisions) because it has no potential to have a significant effect on the environment.

2. Class 1 exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of the existing or former use. In this case, the Project consists of converting an existing three-story, two-unit dwelling with attached garages and carports to condominiums. No new construction is being proposed as a part of the Project.
3. Class 15 exempts 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 existing duplex is a permitted use, and the site has not been subject to a prior subdivision and does not have a slope of greater than 20%

### SECTION 3. REQUIRED FINDINGS.

#### **Condominium Conversion**

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

##### Finding:

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

##### Fact in Support of Finding:

1. The Property currently provides a one-car garage and a one-car carport for each dwelling unit. The four parking spaces provided meet the number of spaces and interior parking dimensions as required (two per unit) per NBMC Section 20.40 (Off-Street Parking).

##### Finding:

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

##### Fact in Support of Finding:

1. A condominium conversion inspection report was completed on September 3, 2025, by the City's Building Division. The report confirms that each unit provides separate sewer connections. Additionally, Condition of Approval No. 16 requires that each unit maintain separate sewer connections.

Finding:

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

Fact in Support of Finding:

1. The condominium conversion inspection report confirmed that the Property carries an approved cleanout installed at the property line. Additionally, Condition of Approval No. 16 requires each unit to provide separate sewer laterals and cleanouts.

Finding:

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

Fact in Support of Finding:

1. The condominium conversion inspection report confirmed that each unit is served by its own water meter and piping. Additionally, Condition of Approval No. 16 requires each unit to be served by separate water connections.

Finding:

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

Fact in Support of Finding:

1. The existing duplex was constructed in 2020 with an electrical service connection that was determined to comply with the requirements of NBMC Chapter 15.32 (Underground Utilities). The construction of the two-unit dwelling received a final inspection which was approved on March 30, 2023, under Permit No. X2019-4122. No upgrades or changes are required to the existing service connections.

Finding:

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

Fact in Support of Finding:

1. The special inspection was conducted on September 3, 2025, and a condominium conversion inspection report was completed by the City's Building Division. The report concludes that the Property complies with the required minimum standards of the Uniform Housing Code and does not carry any building safety violations.

Finding:

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

Fact in Support of Finding:

1. Condition of Approval No. 11 requires the Project to comply with Finding G prior to the recordation of the final parcel map.

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Fact in Support of Finding:

1. The Project does not negatively impact surrounding landowners and will not in itself be detrimental to the health, safety, peace, comfort, and general welfare of people residing or working in the neighborhood, as the Project is to convert an existing duplex into condominiums.

**Tentative Parcel Map**

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

Finding:

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

Facts in Support of Finding:

1. The Property is categorized by the General Plan Land Use Plan as RT. The tentative parcel map is for two-unit residential condominium purposes. The existing duplex complies with current condominium requirements. The proposed subdivision and improvements are consistent with the density of the RT General Plan Land Use category.
2. The Property is not located within a specific plan area.

Finding:

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

Facts in Support of Finding:

1. The Property is physically suitable for a single-unit and/or a duplex based on the lot being relatively flat and the Property's lot width and area. The Property has been developed as a duplex since 2023.
2. The Property is accessible by pedestrians from Avocado Avenue and from the alley at the westerly side and rear of the Property. Vehicular access is currently available from the alley and will not change as a result of the Project.

Finding:

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

Facts in Support of Finding:

1. The Property is located in a developed residential and commercial area that does not contain any sensitive vegetation or habitat on-site.

2. The Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 under Class 5 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines.

Finding:

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

Facts in Support of Finding:

1. Fact 1 in Support of Finding I is hereby incorporated by reference.
2. All improvements associated with the Project shall comply with the applicable Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. Public improvements will be required of the Applicant per NBMC Section 19.28.010 (General Improvement Requirements) and Section 66411 (Local agencies to regulate and control design of subdivisions) of the Subdivision Map Act. All ordinances of the City and all Conditions of Approval will be complied with.

Finding:

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

Fact in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support in Finding:

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

Finding:

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

Fact in Support of Finding:

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

Finding:

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

Fact in Support of Finding:

1. The Project is consistent with the R-2 Zoning District, which allows up to two dwelling units on the Property. No changes are proposed to the number of units on the Property. Therefore, the Project will not affect the City in meeting its regional housing needs.

Finding:

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

Fact in Support of Finding:

1. The two-unit dwelling was designed so that wastewater discharge into the existing sewer system complies with the Regional Water Quality Control Board (RWQCB) requirements.

Finding:

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

Fact in Support of Finding:

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

**Coastal Development Permit**

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

Finding:

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

Facts in Support of Finding:

1. The Property is located within the Categorical Exclusion Area of the coastal zone, which allows for the demolition and construction of a new duplex without obtaining a CDP, contingent upon providing notice of a Categorical Exclusion Order to the Coastal



Commission. Construction of the existing duplex was authorized under Categorical Exclusion Order No. CEO2020002 on January 17, 2020. The CEO became effective on February 20, 2020. However, a CDP is still required to accompany the proposed tentative parcel map and condominium conversion since the Property is located in the coastal zone.

2. The Project is for a tentative parcel map and condominium conversion for two-unit residential condominium purposes. The existing duplex conforms to all applicable development standards, including floor area limit, setbacks, height, and off-street parking. The Project is also consistent with the density of the R-2 Coastal Zoning District.

Finding:

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

Facts in Support of Finding:

1. The Property is not located between the nearest public road and the sea or shoreline. Implementation Plan Section 21.30A.040 (Determination of Public Access/Recreation Impacts) requires that the provision of public access bear a reasonable relationship between the requirement and the project's impact and be proportional to the impact. In this case, the Project includes the conversion of an existing duplex into a two-unit condominium. 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 Property was designed and sited (appropriate height, setbacks, etc.) so as not to block or impede existing public access opportunities.
2. The Property is approximately 2,000 feet west of the harbor. The approval of the tentative parcel map and condominium conversion will not affect public recreation, access, or views. Additionally, there are no existing views of the water through the Property, which would not be affected as a result of this Project.

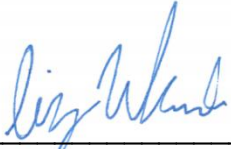
SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act under Sections 15301 and 15315 under Class 1 (Existing Facilities) and Chapter 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 PA2025-0011, subject to the conditions outlined in Exhibit A, which is attached hereto and incorporated by reference.

3. The action for the coastal development permit shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or a call for review is filed with the Community Development Director by the provisions of Title 21 Planning and Zoning, of the Newport Beach Municipal Code.
4. The action for the tentative parcel map shall become final and effective 10 days after the adoption of this Resolution unless within such time an appeal or call for review is filed with the Director of Community Development by the provisions of Title 19 Subdivisions, of the Newport Beach Municipal Code.

**PASSED, APPROVED, AND ADOPTED THIS 13<sup>TH</sup> DAY OF NOVEMBER, 2025.**



---

Liz Westmoreland, AICP, Zoning Administrator

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

*(Project-specific conditions are in italics)*

**Planning Division**

1. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
2. *The Applicant shall obtain a building permit for the condominium conversion. The building permit for the condominium conversion shall not receive final inspection until after the recordation of the parcel map.*
3. The Applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may be caused the revocation of this 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 20 Planning and Zoning of the Newport Beach Municipal Code.
5. 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 **Painter Residential Condominiums** including, but not limited to, **Condominium Conversion, Tentative Parcel Map, and Coastal Development Permit No. PA2025-0011**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing the such proceeding. The applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages that which City incurs in enforcing the indemnification provisions outlined in this condition. The applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

**Fire Department**

6. Residential fire sprinklers shall be installed per 2016 NFPA 13D.
7. The water supply shall be from separate water meters.

8. The addressing of individual condominiums shall be in accordance with municipal code 9.04.170.

### **Building Division**

9. The Project shall be serviced by separate utilities (water, electrical, and gas).

### **Public Works Department**

10. 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.**
11. Prior to recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set On Each Lot Corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
12. All improvements shall be constructed as required by Ordinance and the Public Works Department.
13. An encroachment permit shall be required for all work activities within the public right-of-way.
14. The existing broken and/or otherwise damaged concrete curb, gutter and sidewalk panels along the Avocado Avenue frontage shall be reconstructed. All damaged and/ or broken alley panels along the alley frontages shall be reconstructed.
15. All existing overhead utilities shall be undergrounded.
16. Each unit shall be served by its individual water service/meter and sewer lateral/cleanout.
17. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
18. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way shall be required at the discretion of the Public Works Inspector.

## **RESOLUTION NO. ZA2025-072**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING A TENTATIVE PARCEL MAP AND COASTAL DEVELOPMENT PERMIT FOR A TWO-UNIT RESIDENTIAL CONDOMINIUM LOCATED AT 612 and 612 ½ BEGONIA AVENUE (PA2025-0186)**

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 James Noblin (Owner) concerning property located at 612 and 612 ½ Begonia Avenue and legally described as Lot 14 of Block 630 of the Corona Del Mar Tract (Property), requesting approval of a tentative parcel map and coastal development permit.
2. The Applicant requests a tentative parcel map and coastal development permit (CDP) for two-unit condominium purposes. The property owner has demolished an existing duplex and a new duplex is under construction. No waivers of Title 19 (Subdivisions) of the Newport Beach Municipal Code (NBMC) are proposed. The tentative parcel map would allow each unit to be sold individually as condominiums. A CDP is required because the Property is located within the coastal zone (Project).
3. The Property is designated RT (Two Unit Residential) by the General Plan Land Use Element and is located within the R-2 (Two-Unit Residential) Zoning District.
4. The Property is located within the coastal zone. The Coastal Land Use Plan category is Two Unit Residential (RT-D) (20.0 - 29.9 DU/AC) and it is located within the R-2 (Two-Unit Residential) Coastal Zoning District.
5. A public hearing was held on November 13, 2025, online via Zoom. A notice of the time, place, and purpose of the hearing was given in accordance with the NBMC. Evidence, both written and oral, was presented to and considered by the Zoning Administrator at this hearing.

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

1. This Project is exempt from the California Environmental Quality Act (CEQA) under Section 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 4 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 the separate sale of two-unit condominiums that will conform to all development standards and is therefore consistent with and eligible for the Class 15 Exemption.

### SECTION 3. REQUIRED FINDINGS.

#### **Tentative Parcel Map**

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

##### Finding:

- 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 for two-unit condominium purposes. The property owner has demolished an existing duplex and a new duplex is under construction. The parcel map will allow for the separate sale of each unit as condominiums. The proposed subdivision and improvements are consistent with density of the R-2 (Two-Unit Residential) Zoning District and the RT (Two Unit Residential) General Plan Land Use designation.
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 attached residential dwellings, as it is regular in shape and size with access from Begonia Avenue and the alley in the rear. The Property carried a residential two-unit dwelling has been demolished and is being redeveloped with an attached, two-unit residential condominium.
2. The Property is accessible by pedestrians from Begonia Avenue and provides vehicular access from the alley.
3. The Property is adequately served by existing utilities, including electrical, water, and sewer. Per Conditions of Approval Nos. 16, separate utility connections shall be required for each condominium unit.

4. There is no proposed change in density, since a duplex was demolished and is being replaced with two-unit condominiums.

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 a developed 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.

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. The Project shall comply with all ordinances of the City and all Conditions of Approval.
2. The Project includes conditions of approval requiring public improvements, including the reconstruction of sidewalks, curbs, and gutters along the Begonia Avenue frontage and along the alley frontages as needed. Any existing private improvements within the public right of way will be removed, and installation of new 36-inch box City tree along the Begonia Avenue frontage will be required. 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. There are no existing public easements 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 lies 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. 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:

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

Finding:

- 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 Project is consistent with the R-2 Zoning District, which allows up to two residential units on the Property. Therefore, the Project will not affect the City in meeting its regional housing needs.

Finding:

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

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 located within the coastal zone. Therefore, a CDP is required in conjunction with the proposed tentative parcel map. The Project complies with the certified Local Coastal Program (LCP) and public access and recreation policies of Chapter 3 of the Coastal Act. The Facts in Support of Findings L and M for the coastal development permit (below) are hereby incorporated by reference.

**Coastal Development Permit**

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

Finding:

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

Facts in Support of Finding:

1. The Property is located within the Categorical Exclusion Area of the coastal zone, which allows for the demolition and construction of a new two-unit residential structure without obtaining a CDP, contingent upon providing a Categorical Exclusion Order (CEO) to the California Coastal Commission (CCC). The City provided CEO No. 20230030 to the CCC on May 23, 2023, for the proposed demolition and construction. The CEO became effective on June 27, 2023.
2. The Project is for a tentative parcel map for two-unit residential condominium purposes. The proposed subdivision and improvements are consistent with the density of the R-2 Coastal Zoning District.
3. The neighborhood is predominantly developed with two- and three-story single- and two-unit dwellings. The proposed subdivision, which will allow for a two-unit residential condominium, is consistent with the existing neighborhood pattern of development.

Finding:

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

Facts in Support of Finding:

1. The Property is not located between the nearest public road and the sea or shoreline. Implementation Plan Section 21.30A.040 (Determination of Public Access/Recreation Impacts) requires that the provision of public access bear a reasonable relationship between the requirement and the project's impact and be proportional to the impact. In this

case, the Project proposes a two-unit residential condominium map on a property developed with a residential duplex. 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, future site development shall be required to comply with applicable development standards sited (appropriate height, setbacks, etc.) so as not to block or impede existing public access opportunities.

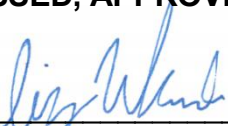
2. The Property is approximately 1,700 feet west of the harbor and is not near any natural landforms or environmentally sensitive areas. The approval of the tentative parcel map will not affect public views, as the existing duplex will be replaced with a new two-unit condominium building.

#### SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby finds this project categorically exempt from the California Environmental Quality Act under 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 and Coastal Development Permit (PA2025-0186) subject to the conditions outlined in Exhibit A, which is attached hereto and incorporated by reference.
3. The action for the tentative parcel map shall become final and effective 10 days after the adoption of this Resolution unless within such time an appeal or call for review is filed with the Director of Community Development by the provisions of Title 19 Subdivisions, of the Newport Beach Municipal Code.
4. The action for the coastal development permit shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director by the provisions of Title 21 Local Coastal Implementation Plan, of the Newport Beach Municipal Code. Administrative procedures for appeals are provided in the Newport Beach Municipal Code Chapters 19.12 (Tentative Map Review) and 21.64 (Appeals and Calls for Review). A fee is not required to appeal any final action on a coastal development permit to the Planning Commission. The project site is not located within the appeal area of the coastal zone; therefore, final action by the City may not be appealed to the California Coastal Commission.

**PASSED, APPROVED, AND ADOPTED THIS 13<sup>TH</sup> DAY OF NOVEMBER 2025.**



Liz Westmoreland, AICP, Zoning Administrator

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

*(Project-specific conditions are in italics)*

**Planning Division**

1. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
2. *Prior to the recordation of the final parcel map, the existing residential duplex shall be demolished.*
3. *Prior to the building permit final and after the recordation of the Parcel Map, 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.*
4. 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.
5. 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.
6. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 Planning and Zoning of the Newport Beach Municipal Code.
7. 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 **Noblin Tentative Parcel Map and Coastal Development Permit (PA2025-0186)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing the such proceeding. The applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages that which City incurs in enforcing the indemnification provisions outlined in this condition. The applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

**Fire Department**

8. Fire sprinklers shall be required according to the California Fire Code and NFPA 13D standard.
9. Fire sprinklers shall be on a separate water meter for each condominium.

**Public Works Division**

10. 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.**
11. Prior to recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set On Each Lot Corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
12. All improvements shall be constructed as required by Ordinance and the Public Works Department.
13. An encroachment permit shall be required for all work activities within the public right-of-way.
14. The existing broken and/or otherwise damaged concrete curb, gutter and sidewalk panels along the Begonia Avenue frontage shall be reconstructed. All damaged and/or broken alley panels along the alley frontage shall also be reconstructed.
15. All existing overhead utilities shall be undergrounded.
16. Each unit shall be served by its individual water service/meter and sewer lateral/cleanout.
17. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
18. A new 36-inch box City tree along the Begonia Avenue frontage shall be installed.

19. Brick paving and rock along the parkway within the property frontage of Begonia Avenue shall be removed.
20. 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.



**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)

**COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER**

**Subject:** **Peninsula Village LLC Short Term Rental Permits (PA2025-0165)**  
▪ Staff Approval

**Site Locations:** **2210 Newport Boulevard, Suites 301-304**  
**2230 Newport Boulevard, Suites 201-202, 301-302**  
**2240 Newport Boulevard, Suites 201-202, 302**  
**2250 Newport Boulevard, Suites 301**  
**2260 Newport Boulevard, Suites 202, 301-302**  
**2270 Newport Boulevard, Suites 201, 301**  
**2280 Newport Boulevard, Suites 201-207**

**Applicant:** **GBR Planning LLC**

**Owner:** **Peninsula Village LLC**

**Legal** **Lot 1 of Tract 16594**  
**Description:**

On **November 13, 2025**, the Community Development Director approved a staff approval authorizing 24 units as eligible to apply for short-term lodging permits pursuant to Section 21.48.115 (G) (Additional Requirements for the Mixed-Use Water Zoning District [MU-W2] and Mixed-Use Cannery Village and 15<sup>th</sup> Street Zoning District [MU-CV/15<sup>th</sup> Street] of the Newport Beach Municipal Code (NBMC).

**LAND USE AND ZONING**

- **General Plan Land Use Plan Category:** Mixed Use Water 2 (MU-W2)
- **Zoning District:** Mixed-Use Water (MU-W2)
- **Coastal Land Use Plan Category:** Mixed-Use Water Related (MU-W)
- **Coastal Zoning District:** Mixed-Use Water (MU-W2)

**BACKGROUND**

On July 22, 2025, the City Council approved Ordinance Nos. 2025-15 and 2025-16, amending Chapter 5.95 (Short Term Lodging Permit) and Section 21.48.115 (Short Term Lodging) of the NBMC. These amendments authorize up to 1,550 short term lodging permits city-wide, of which 1,475 may be located within residential districts and up to 75 within the MU-CV/15<sup>th</sup> Street and MU-W2 Coastal Zoning Districts. Ordinance No. 2025-16 also

establishes eligibility criteria for the 75 short term lodging permits allocated to the two mixed-use zones.

### **ZONING AUTHORIZATION REQUEST**

The applicant has requested approval of a management plan and authorization to apply for up to 24 short-term lodging permits within the Peninsula Village development, on the Balboa Peninsula. A vicinity map (Attachment No. CD 1) identifies the location of the site.

Peninsula Village is a waterfront mixed use development, with commercial uses on the ground floor and residential units above. The development is served by a subterranean parking garage, with individual private spaces dedicated to serve each residential unit.

### **FINDINGS**

In accordance with Section 21.48.115(G) (Additional Requirements for the Mixed-Use Water Zoning District [MU-W2] and Mixed-Use Cannery Village and 15<sup>th</sup> Street Zoning District [MU-CV/15<sup>th</sup> Street) of the NBMC, the findings and facts in support of such findings for approval of a management plan (Attachment No. CD 2) are set forth as follows:

#### **Finding:**

- A. *Written acknowledgement and method of compliance for the operational standards identified in Subsection 21.48.115(E) for all short-term lodging units.*

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

1. The applicant has submitted a written declaration acknowledging the operational standards in Section 21.48.115(E) of the NBMC and proposing a strategy for compliance. This includes the following standards, acknowledgements, and strategies:
  - a) By written agreement, the owner shall limit overnight occupancy to the maximum permitted by the Building Code and Fire Code.
    - i) The Applicant has submitted occupancy data for each unit based on the formula of one occupant per 200 square feet in the attached management plan and agrees to abide by those limits.
    - ii) The Applicant's rental contracts shall include maximum occupancy limit information, and guests shall be notified that exceeding the limit may result in immediate eviction.
  - b) The owner shall use best efforts to prevent unreasonable noise and disturbances, disorderly conduct, violations of the NBMC and any State or federal law pertaining to noise, disorderly conduct, the consumption of alcohol, or the use of illegal drugs.



- i) Guests will be provided with a copy of the City of Newport Beach's "Being a Good Neighbor" color brochure.
  - ii) All communication with guests regarding booking confirmation and arrival/departure information will include rules reminders regarding, noise and quiet hours, parking, trash disposal, use of illegal drugs and smoking.
  - iii) The City of Newport Beach required interior posting template will be displayed within each unit.
  - iv) Rental agreements will state rules and guest expectations. Agreements will clearly state that violations may result in eviction and forfeiture of lodging fees and deposits.
  - v) Peninsula Village is patrolled by on-site security 24 hours a day, seven days a week.
- c) Upon notification that any transient user, occupant and/or guest of his or her short-term lodging unit has created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of this Code or any State or Federal law pertaining to noise, disorderly conduct, the consumption of alcohol or the use of illegal drugs, promptly use best efforts to prevent a recurrence of such conduct by any transient user, occupant or guest.
- i) Guest communication will be via email and a text message system monitored at all times of the day and night where guests can contact management and management can contact guests.
  - ii) All communication with guests regarding booking confirmation and arrival/departure information will include remainders regarding, noise and quiet hours, parking, trash disposal, use of illegal drugs and smoking.
  - iii) Upon receiving a complaint, a management team member will contact the guest directly via phone or text to address the issue and implement immediate corrective action as needed. On-site private security will also be available to resolve any rules violations.
  - iv) Rental agreements will state rules and guest expectations. Agreements will clearly state that violations may result in eviction and forfeiture of lodging fees and deposits.
  - v) The responding manager will promptly follow up with the complainant (via phone, text, email, etc.) to confirm that the concerns have been addressed. The follow-up will include a brief description of the actions taken, and if applicable, the time frame for resolution.
  - vi) All complaints will be documented and accessible to landlord and property management. This information will include guest name, date, time, nature of the complaint, the responding

party, details of the corrective action, and confirmation of follow up with the complainant.

- d) Use best efforts to ensure compliance with applicable health and sanitation regulations relating to waste disposal.
  - i) Shared trash dumpsters/cans are conveniently located throughout Peninsula Village.
  - ii) Check-in/check-out instructions will include trash receptacle locations and trash pick-up days.
  - iii) Emergency maintenance needs will be addressed in a timely and efficient manner.
  - iv) Following the posted check out time, management team members will inspect each unit and ensure trash and waste is disposed of properly.
- e) Post a copy of any applicable permits and conditions in a conspicuous place within the unit.
  - i) The City of Newport Beach's "Required Interior Posting" will be displayed in each unit.
- f) Not rent let, advertise for rent, or enter into an agreement for the rental of any lodging unit, for less than two consecutive nights.
  - i) All units will be listed for and rented for a minimum of 2 consecutive nights.
- g) The City Manager shall have the authority to impose additional standard conditions, applicable to all short-term lodging units, as necessary to achieve the objectives of this section.
  - i) Applicant acknowledges that the City Manager may impose additional standard conditions at their discretion.

Finding:

*B. Identification of professional management responsible for administering the permit.*

Facts in Support of Finding:

1. The STL units will be professionally managed by:

Redwood West Property Management  
2210 Newport Boulevard, Suite 204  
Newport Beach, CA 92663  
24-hour emergency contact: Adrian Garcia (949) 274-6628

Finding:

*C. Evidence of eligibility and compliance with ownership requirements of Subsection 21.48.115(C)(4).*

Facts in Support of Finding:

1. Subsection 21.48.115(C)(4) establishes that only a property owner that owns twenty (20) or more units under common ownership within the same Statistical Area as defined by the Land Use Element of the General Plan shall be eligible to obtain a short-term lodging permit(s) in the MU-W2 and/or MU-CV/15th St. districts.
2. The application request is to authorize 24 units as eligible to apply for short-term lodging permits. Applicant has submitted sufficient evidence, available as confirming their ownership of more than 20 dwelling units, which are located in Statistical Area B5.

Finding:

*D. Demonstration that on-site amenities are provided to guests.*

Facts in Support of Finding:

1. Each unit will include a variety of beach gear such as towels, chairs, sand toys, boogie boards, etc. for use by guests.
2. Peninsula Village is a mixed-use development located between Newport Boulevard and Newport Harbor. Coastal access, eating and drinking establishments, and visitor-serving retail are within walking distance of each unit.
3. Each unit is provided with an outdoor deck/balcony and a dedicated 2-car garage.
4. On-site common areas include outdoor seating areas with waterfront fire pits that provide views of Newport Harbor.
5. Each guest will have access to an on-site gym, subject to a signed liability waiver.
6. Each guest will have access to an on-site dog park.
7. Day Porter & Concierge Services will be available to support guests.

Finding:

- E. *Parking management plan ensuring all available on-site parking remains free of obstructions and available for use by the short-term lodging user. For short-term lodging units that are non-conforming due to number of parking spaces provided, there shall be sufficient data to indicate that parking demand will be satisfied by the provided number of spaces or that alternative modes of transportation are available (e.g., bicycles and e- bikes, bus and trolley routes, rideshare services, private offsite parking lots, greater than normal walk in trade, etc.) such that use or operation of the short-term lodging permit will not rely on the City's stock of public on-street and off-street parking or reduce availability of parking in nearby residential neighborhoods.*

Facts in Support of Finding:

1. Each short-term lodging is provided with a dedicated two-car garage consistent with Table 21.40-1 in Section 21.40.040 (Off-Street Parking Spaces Required) of the NBMC. Guests will be required to park their vehicles in the garage. Management will ensure the parking spaces always remain clear of obstructions and available for parking of two vehicles.
2. License plates of guest vehicles will be required to be provided as part of rental agreement.
3. Guests will be provided with tips on how to make their stay on Balboa Peninsula as car-free as possible. This will include information showing the location of bike rental shops, walking/biking routes to the beach, Newport Pier, recreational sites, retail shops and restaurants. Additionally, public transit information for the Newport Trolley and OCTA routes will be provided and use of rideshare services will be suggested to reduce demand on public and private parking lots.

Finding:

- F. *No deed-restricted affordable housing units shall be used for short-term lodging.*

Fact in Support of Finding:

1. The subject properties do not contain any deed-restricted affordable housing units.

**SUMMARY**

The Applicant has submitted documentation demonstrating compliance with the requirements of Section 21.48.115(G), including a management plan, which is a prerequisite to permit issuance. Based on the information provided, the Community Development Director has determined that the proposed short-term lodging permits

comply with Section 21.48.115(G) and is eligible to apply for issuance of short-term lodging permits, which shall be subject to the following conditions of approval listed below.

**CONDITIONS**

1. The applicant shall comply with all applicable provisions of NBMC Chapter 5.95 (Short Term Lodging Permit) and Section 21.48.115 (Short Term Lodging Permit).
2. The applicant is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
3. The professional management team for the rental units, Redwood West Property Management, located at 2210 Newport Boulevard, Suite 204, Newport Beach, CA 92663 with 24-hour emergency contact Adrian Garcia (949) 274-6628, shall be responsible for ensuring compliance with the management plan. The Applicant shall notify the Planning and Revenue divisions of any substantial changes to the management team.
4. Should the properties be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or leasing agent.
5. The applicant shall operate short term lodging units in conformance with the approved management plan.
6. Each unit shall provide parking for tenants within their corresponding two-car garage.
7. All on-site parking available to guests shall be kept free of obstructions.
8. The on-site amenities described in the management plan shall remain available for guests for the entire duration of each stay.
9. No deed-restricted affordable housing units shall be used for short term lodging.
10. The Community Development Director may add to or modify conditions to this staff approval or revoke this staff approval upon determination that the operations, which is the subject of this staff approval, causes injury, or is detrimental to the public health, safety, peace, or general welfare of the community or if the property is operated or maintained so as to constitute a public nuisance.
11. To the fullest extent permitted by law, Applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the

**Peninsula Village LLC Short Term Rental Permits** including, but not limited to, a **Staff Approval** under PA2025-0165. 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 City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The Applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

**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. For additional information on filing an appeal, contact the Planning Division at 949-644-3235.

Prepared by:



Daniel Kopshever, Assistant Planner

Approved by:



Jaime Murillo, AICP

Acting Community Development Director

JP/djk

Attachments: CD 1 Vicinity Map  
CD 2 Management Plan

# **Attachment No. CD 1**

Vicinity Map

# VICINITY MAP



---

Staff Approval  
PA2025-0165

2110, 2230, 2240, 2250, 2260, 2270, and 2280 Newport Boulevard



# **Attachment No. CD 2**

Management Plan

# Short term Lodging Permit Management Plan for Peninsula Village Redwood West, LLC

## Management Company

Redwood West Property Management  
2210 Newport Boulevard, Suite 204  
Newport Beach, CA 92663  
949-945-2650  
24-hour emergency Contact: Adrian Garcia (949-274-6628)

## Maximum Occupancy

- Maximum occupancy per short-term lodging unit has been determined by the building code formula of one occupant per 200 square feet provided on the STL application. Occupancy limits will be included in the short-term lodging rental agreements/contracts, and the Applicant agrees to abide by those limits. Please refer to Exhibit No.1 to view the occupancy for each unit.
- Rental contracts will include maximum occupancy limit and guests are notified that exceeding the limit may result in immediate eviction.
- Maximum occupancy will be strictly enforced.

## STL Permit Posting

- The City of Newport Beach's "Required Interior Posting" will be displayed in each unit.

## Minimum Stays

- All units will be advertised for and rented for a minimum of 2 consecutive nights.

## Good Neighbor Notification and Rules

- Guests will be provided with a copy of the City of Newport Beach's "Being a Good Neighbor" color brochure.
- All communication with guests regarding booking confirmation and arrival/departure information will include rules remainders regarding, noise and quiet hours, parking, trash disposal, use of illegal drugs and smoking.
- The City of Newport Beach required interior posting template will be displayed within each unit.

- Rental agreements will state rules and guest expectations. Agreements will clearly state that violations may result in eviction and forfeiture of lodging fees and deposits.
- Peninsula Village is patrolled by on-site security 24 hours a day/seven days a week to help ensure a safe and peaceful community.

### Noise and Disorderly Conduct Resolution

- Guest communication will be via email and a 24/7 textline where guests can contact management and management can contact guests.
- All communication with guests regarding booking confirmation and arrival/departure information will include reminders regarding, noise and quiet hours, parking, trash disposal, use of illegal drugs and smoking.
- Upon receipt of violations, management will contact guests via a 24/7 textline or phone call. On-site private security will also be available to resolve violation of rules.
- Management will follow-up with the complainant (via phone, text, email, etc) to confirm that contact with the guest has been made. The follow-up will include a brief description of the actions taken, and if applicable, the time frame for resolution.
- All complaints will be documented by property management. This information will include guest name, date, time, nature of the complaint, the responding party, details of the corrective action, and confirmation of follow up with the complainant.
- Rental agreements will state rules and guest expectations. Agreements will clearly state that violations may result in eviction and forfeiture of lodging fees and deposits.

### Health and Sanitation

- Shared trash dumpsters are conveniently located throughout Peninsula Village.
- Check-in/check-out instructions will include trash receptacle locations and trash pick-up days.
- Emergency maintenance needs will be addressed in a timely and efficient manner.
- Following the posted check out time, management team members will inspect each unit and ensure trash and waste is disposed of properly.

### On-Site Amenities

- Peninsula Village is a well-designed mixed-use development located between Newport Boulevard and Newport Harbor.
- Each unit will be well-appointed guests provided with a top-tier stay. Each unit is provided with an outdoor deck/balcony and dedicated 2- car garage.
- Peninsula Village's on-site amenities include coastal access to and along Newport Harbor and multiple dining and shopping opportunities.
- Outdoor seating areas with views of Newport Harbor are available for guest use.

- A residence gym that is available to residents and accessible to STL permit guests with a signed liability waiver.
- An on-site dog park maintained and available for use by STL permit guests.
- Waterfront firepits are available to STLP permit guests that provide a signature waterfront experience.
- Day Porter & Concierge Services will be available to support guests and ensure their visit to Newport Beach is seamless and memorable.
- Each unit will include a variety of beach gear (e.g. towels, chairs, sand toys, boogie board, etc.) for use by guests.

### Guest Parking

- Each short-term lodging is provided with a dedicated two-car garage consistent with implementation plan/zoning code requirements (Section 21.40.040 Table 21.40-1). Guests will be required to park their vehicles in the garage. Management will ensure the parking spaces always remain clear of obstructions and available for parking of two vehicles.
- License plates of guest vehicles will be required to be provided as part of rental agreement.
- Guests will be provided with tips on how to make their stay on Balboa Peninsula as car-free as possible. This will include information showing the location of bike rental shops, walking/biking routes to the beach, Newport Pier, recreational sites, retail shops and restaurants. Additionally, public transit information for the Newport Trolley and OCTA routes will be provided and use of rideshare services will be suggested to reduce demand on public and private parking lots.

## Peninsula Village Unit Descriptions Short Term Lodging Permit

### Property Address: 2210 Newport Boulevard

APN	Unit Number	Gross Square Feet (per unit)	Max Occupancy* (GSQ ÷ 200)	Number Of Bedrooms	Number of Parking Spaces Available	Parking Description (ex: garage/driveway)
932 71-301	301	1917	9	2	2	Enclosed garage
932 71-302	302	1940	9	2	2	Enclosed garage
932 71-303	303	1947	9	2	2	Enclosed garage
932 71-304	304	1762	8	2	2	Enclosed garage

### Property Address: 2230 Newport Boulevard

	Unit Number	Gross Square Feet (per unit)	Max Occupancy* (GSQ ÷ 200)	Number Of Bedrooms	Number of Parking Spaces Available	Parking Description (ex: garage/driveway)
932 71-334	201	2161	10	3	2	Enclosed Garage
932 71-335	202	2161	10	3	2	Enclosed Garage
932 71-336	301	2073	10	3	2	Enclosed Garage
932 71-337	302	2073	10	3	2	Enclosed Garage

### Property Address: 2240 Newport Boulevard

	Unit Number	Gross Square Feet (per unit)	Max Occupancy* (GSQ ÷ 200)	Number Of Bedrooms	Number of Parking Spaces Available	Parking Description (ex: garage/driveway)
932 71-340	201	2161	10	3	2	Enclosed Garage
932 71-341	202	2161	10	3	2	Enclosed Garage
932 71-343	302	2073	10	3	2	Enclosed Garage

### Property Address: 2250 Newport Boulevard

	Unit Number	Gross Square Feet (per unit)	Max Occupancy* (GSQ ÷ 200)	Number Of Bedrooms	Number of Parking Spaces Available	Parking Description (ex: garage/driveway)
932 71-347	301	1959	9	3	2	Enclosed Garage

**Property Address: 2260 Newport Boulevard**

APN	Unit Number	Gross Square Feet (per unit)	Max Occupancy* (GSQ ÷ 200)	Number Of Bedrooms	Number of Parking Spaces Available	Parking Description (ex: garage/driveway)
932 71-317	202	2161	10	3	2	Enclosed Garage
932 71-318	301	2073	10	3	2	Enclosed Garage
932 71-319	302	2073	10	3	2	Enclosed Garage

**Property Address: 2270 Newport Boulevard**

APN	Unit Number	Gross Square Feet (per unit)	Max Occupancy* (GSQ ÷ 200)	Number Of Bedrooms	Number of Parking Spaces Available	Parking Description (ex: garage/driveway)
932 71-357	201	2166	10	3	2	Enclosed Garage
932 71-358	301	2073	10	3	2	Enclosed Garage

**Property Address: 2280 Newport Boulevard**

APN	Unit Number	Gross Square Feet (per unit)	Max Occupancy* (GSQ ÷ 200)	Number Of Bedrooms	Number of Parking Spaces Available	Parking Description (ex: garage/driveway)
932 71-322	201	2778	13	3	2	Enclosed Garage
932 71-323	202	2798	13	3	2	Enclosed Garage
932 71-324	203	2825	14	3	2	Enclosed Garage
932 71-325	204	2798	13	3	2	Enclosed Garage
932 71-326	205	2798	13	3	2	Enclosed Garage
932 71-327	206	2833	14	3	2	Enclosed Garage
932 71-328	207	3049	15	3	2	Enclosed Garage

\*NBMC Subsection 5.95.045(A)(3)(b): Maximum occupancy is calculated based on guidelines in California Building Code Section 1004.1.2

## STREET ADDRESS

This Unit is used and permitted as a  
SHORT-TERM LODGING

**Responsible Person Contact Information.** For questions, comments, or complaints about the use of this unit, contact:

OWNERS FIRST & LAST NAME

RENTAL AGENCY NAME (if applicable)

PHONE NUMBER #1 (OWNER)

PHONE NUMBER #2 (AGENT)

PHONE NUMBER #3 (24/7 EMERGENCY CONTACT WITHIN 25 MILES)  
CONTACT PERSON MUST RESPOND TO CITY WITHIN 30 MINUTES

**Parking.** Parking for individuals renting or visiting this unit is designated at:

GARAGE # \_\_\_\_ space(s)    CARPORT # \_\_\_\_ space(s)    SIDE YARD # \_\_\_\_ space(s)

**Refuse Collection.** Receptacles can be placed out for collection after 7:00 p.m. the day before collection and must be brought in by 7:00 p.m. on collection day. Trash collection for this unit is ONE/TWO time(s) a week on (circle one or more):

**MONDAY    TUESDAY    WEDNESDAY    THURSDAY    FRIDAY    SATURDAY**

Trash receptacles are stored \_\_\_\_\_ and are to be placed  
\_\_\_\_\_ for trash pick-up.

Curbside, alley, etc

**Street Sweeping:** Street sweeping occurs \_\_\_\_\_ per week on \_\_\_\_\_  
Day(s) of the week

Street sweeping schedule for all public right-of-ways within 300 feet of the unit can be found at:  
[http://nbgis.newportbeachca.gov/NewportHTML5Viewer/?viewer=publicsite&run=Show\\_Street\\_Sweeping](http://nbgis.newportbeachca.gov/NewportHTML5Viewer/?viewer=publicsite&run=Show_Street_Sweeping)

**Disturbing the Peace.** Pursuant to NBMC §5.95.045(A)(5), "...occupants and/or guests of the short term lodging unit (shall) not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this code or any State Law pertaining to noise, disorderly conduct, the consumption of alcohol, or the use of illegal drugs." Persons who violate Chapter 5.95 of the NBMC shall be subject to fines up to \$3,000, a suspension and or revocation of the lodging permit, and/or a misdemeanor.

- No amplified sound or reproduced sound is allowed outside our audible from the property line between the hours of 10:00 p.m. and 10:00 a.m.
- The unit may only be used for residential purposes and may not be used for non-residential uses, including but not limited to, large commercial gatherings, non-commercial gatherings, commercial filming, or non-owner wedding receptions

**THE CITY OF NEWPORT BEACH ENCOURAGES YOU TO ENJOY YOUR STAY. HOWEVER, WE TAKE ALL RESIDENTS' RIGHTS TO THE QUIET ENJOYMENT OF OUR COMMUNITY VERY SERIOUSLY. IF YOU, YOUR VISITORS, OR OTHER GUESTS ARE DISRUPTIVE OF THE COMMUNITY AND/OR IN VIOLATION OF CITY LAWS, YOU, YOUR VISITORS, AND OTHER GUESTS ARE SUBJECT TO CITATION, FINE, OR MORE SERIOUS PENALTIES.**





# Dogs\*

*\*If allowed by rental agreement*

**We get it. Dogs are family, too.  
But they also need to use their  
indoor voices.**

- **Dogs must be on a leash** whenever they are in any open public areas.
- **Dogs are not allowed on the beach** or any beachfront sidewalk between 10:00 a.m. and 4:30 p.m. This also includes bay front beaches.
- **Pick up and dispose** of your pet's waste.
- **Do not leave your pets unattended**
  - loud animals often result in neighbor complaints.



**Contact your owner  
or agent if you have any  
questions:**

AGENT/OWNER NAME:

AGENT/OWNER PHONE:

If you have any questions or need  
additional information, contact:

**City of Newport Beach  
Revenue Division**

100 Civic Center Drive  
Newport Beach, CA 92660  
949-718-1997

*lodging@newportbeachca.gov*

**NEWPORTBEACHCA.GOV/SHORTTERMRENTALS**

# Being a Good Neighbor

## WELCOME TO NEWPORT BEACH!

*We hope you have a wonderful stay.*

This brochure highlights ways you can be a good neighbor.

Please remember that you are staying as a guest in a residential community. Be respectful of your neighbors, who value a quiet and safe place to live. We look to you for your help in preserving that sense of peace and quiet.

**Being a vacation renter also means being a good neighbor.**







# Noise & Neighborhood Disruption

You're in a quiet residential neighborhood. And not everyone likes the same music you do.

We think it is a great idea if you introduce yourself to the neighbors. Neighbor relations can go a long way during your stay.

- **Keep the volume of your voices and music at a reasonable level** throughout the day. A guest can be cited anytime of the day for noise disturbances.
- **Minimize outside noise**, and be aware that open windows and doors may allow sounds to carry and disturb others. Use your indoor voice.
- **The City of Newport Beach provides a 24/7** contact number that neighbors may call to file a complaint. Any noise disturbances can result in fines and possible eviction.
- **You also deserve a quiet** and peaceful experience. If another resident or guest is causing a disturbance, we encourage you to call the City's 24/7 answering service at \_\_\_\_\_. In case of emergency, please call 911.
- **Do not loiter in alleyways** or gather outside the property in a manner disruptive to neighbors.
- **The City prohibits the use of a rental unit** to be used for any commercial purposes including, but not limited to, large commercial gatherings, commercial filming and or non-owner wedding receptions.
- **The number of overnight guests** cannot exceed the property's posted occupancy.



# Parking

Parking is scarce in Newport Beach. Always park legally or be prepared to receive a citation. Choose your space carefully.

- **The owner is required to make any onsite parking spaces** available to their guests. So, if there is onsite parking – use it! Look for the required interior posting to direct you to onsite parking availability.
- **Read all posted parking** regulations. Failure to adhere to these regulations will result in parking citations. We'd much rather you use your dollars to dine out, buy souvenirs, go paddle boarding, or do many of the other wonderful things Newport Beach offers.
- **Never park in someone else's driveway**, block a fire lane, or otherwise park in a manner that would negatively impact a neighbor's access. If your car does not fit in the driveway, you may not encroach on a sidewalk or onto the street.
- **Parking in an alley** is always illegal in Newport Beach.
- **Please help the sweepers** keep our streets clean. It is one of the most effective ways to protect our water quality and keep our City clean. Street sweeping occurs weekly. Look for the required interior posting that advises you of how often and what days of the week.



# Trash

No one wants to see it. Look for the required interior posting for trash day and receptacle placement.

- **Receptacles can be placed out** for collection after 7:00 p.m. the night before and must be brought in by 7:00 p.m. on collection day.
- **Properties must be kept clean**, with no visible trash.
- **All garbage items should be bagged**, tied closed, and placed in the trash cans.
- **Please ensure there is no trash overflow** – if there is more trash than there is container space, contact the owner to secure a commercial bin service.

**Do not place your trash in bins** that are not specifically dedicated to your property.



Ownership information available for review at the city upon request, please contact Assistant Planner Daniel Kopshever at [dkopshever@newportbeachca.gov](mailto:dkopshever@newportbeachca.gov)



**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)

**COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER**

**Subject:** **Marovic Short-Term Lodging (PA2025-0166)**  
▪ Staff Approval

**Site Locations:** **110 22<sup>nd</sup> Street**  
**112 22<sup>nd</sup> Street**  
**114 22<sup>nd</sup> Street**  
**114 22<sup>nd</sup> Street**  
**116 ½ 22<sup>nd</sup> Street**  
**2112 West Ocean Front**  
**2116 West Ocean Front**

**Owner and Applicant:** **Mario Marovic**

**Legal Description:** **Parcel 1 in Book 412 Page 30**

On **November 13, 2025**, the Community Development Director approved a staff approval authorizing 27 units as eligible to apply for short term lodging permits pursuant to Section 21.48.115 (G) (Additional Requirements for the Mixed-Use Water Zoning District [MU-W2] and Mixed-Use Cannery Village and 15<sup>th</sup> Street Zoning District [MU-CV/15<sup>th</sup> Street] of the Newport Beach Municipal Code (NBMC).

**LAND USE AND ZONING**

- **General Plan Land Use Plan Category:** Mixed Use Water 2 (MU-W2)
- **Zoning District:** Mixed-Use Water (MU-W2)
- **Coastal Land Use Plan Category:** Mixed-Use Water Related (MU-W)
- **Coastal Zoning District:** Mixed-Use Water (MU-W2)

**BACKGROUND**

On July 22, 2025, the City Council approved Ordinance Nos. 2025-15 and 2025-16, amending Chapter 5.95 (Short Term Lodging Permit) and Section 21.48.115 (Short Term Lodging) of the NBMC. These amendments authorize up to 1,550 short-term lodging permits city-wide, of which 1,475 may be located within residential zoning districts and 75 within the MU-CV/15<sup>th</sup> Street and MU-W2 Coastal Zoning Districts. Ordinance No. 2025-16 also establishes eligibility criteria for the 75 short term lodging permits allocated to the two mixed-use zones.

**ZONING AUTHORIZATION REQUEST**

The applicant has requested approval of a management plan and authorization to apply for up to 27 short-term lodging permits located in and adjacent to McFadden Square on the Balboa Peninsula. A vicinity map (Attachment No. CD 1) identifies the location of the sites.

McFadden Square is a mixed-use area surrounding the Newport Pier and public parking lots with restaurants and visitor-serving retail uses on the ground floor and residential units above. McFadden Square is a pedestrian-oriented area comprised of brick and masonry buildings of two to four stories, where properties fronting 22<sup>nd</sup> Street, West Ocean Front and McFadden Place provide a variety of retail and restaurant store fronts aimed at beach visitors. As noted in the table below, some of the units do not provide the required off-street parking for residential. These units are within buildings built in the 1920s that did not require parking at the time.

Address	Number of Units	Parking
110 22nd Street	3	2 spaces per unit in an enclosed garage
112 22nd Street	1	2 spaces in an enclosed garage
114 22nd Street	1	2 spaces in an enclosed garage
116 ½ 22nd Street	6	No parking provided
2112 West Ocean Front	2	1 space per unit, 1 carport and 1 garage
2116 West Ocean Front	6	No parking provided

**FINDINGS**

In accordance with Section 21.48.115(G) (Additional Requirements for the Mixed-Use Water Zoning District [MU-W2] and Mixed-Use Cannery Village and 15<sup>th</sup> Street Zoning District [MU-CV/15<sup>th</sup> Street) of the NBMC, the findings and facts in support of such findings for approval of a management plan (Attachment No. CD 2) are set forth as follows:

**Finding:**

- A. *Written acknowledgement and method of compliance for the operational standards identified in Subsection 21.48.115(E) for all short-term lodging units.*

**Facts in Support of Finding:**

1. The applicant has submitted a written declaration acknowledging the operational standards in Section 21.48.115(E) of the NBMC and proposing a strategy for compliance. This includes the following standards, acknowledgements, and strategies:
  - a) By written agreement, the owner shall limit overnight occupancy to the maximum permitted by the Building Code and Fire Code.

- i) The Applicant has submitted occupancy data for each unit based on the formula of one occupant per 200 square feet in the attached management plan and agrees to abide by those limits.
  - ii) The Applicant's rental contracts shall include maximum occupancy limit information, and guests shall be notified that exceeding the limit may result in immediate eviction.
- b) The owner shall use best efforts to prevent unreasonable noise and disturbances, disorderly conduct, violations of the NBMC and any State or federal law pertaining to noise, disorderly conduct, the consumption of alcohol, or the use of illegal drugs.
  - i) Guests will be provided with a copy of the City of Newport Beach's "Being a Good Neighbor" color brochure.
  - ii) All communication with guests regarding booking confirmation and arrival/departure information will include rules reminders regarding, noise and quiet hours, parking, trash disposal, use of illegal drugs and smoking.
  - iii) The City of Newport Beach required interior posting template will be displayed within each unit.
  - iv) Rental agreements will state rules and guest expectations. Agreements will clearly state that violations may result in eviction and forfeiture of lodging fees and deposits.
- c) Upon notification that any transient user, occupant and/or guest of his or her short-term lodging unit has created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of this Code or any State or Federal law pertaining to noise, disorderly conduct, the consumption of alcohol or the use of illegal drugs, promptly use best efforts to prevent a recurrence of such conduct by any transient user, occupant or guest.
  - i) Guest communication will be via email, phone and text where guests can contact management and management can contact guests.
  - ii) All communication with guests regarding booking confirmation and arrival/departure information will include remainders regarding, noise and quiet hours, parking, trash disposal, use of illegal drugs and smoking.
  - iii) Upon receiving a complaint, a management team member will contact the guest directly via phone, text or in person to address the issue and implement immediate corrective action as needed. Since some management team members staff nearby ownership restaurants, the proximity allows in-person

- contact within minutes. Additionally, the property owner lives minutes away and can respond as well.
- iv) Rental agreements will state rules and guest expectations. Agreements will clearly state that violations may result in eviction and forfeiture of lodging fees and deposits.
  - v) The responding manager will promptly follow up with the complainant (via phone, text, email, etc.) to confirm that the concerns have been addressed. The follow-up will include a brief description of the actions taken, and if applicable, the time frame for resolution.
  - vi) All complaints will be documented and accessible to landlord and property management. This information will include guest name, date, time, nature of the complaint, the responding party, details of the corrective action, and confirmation of follow up with the complainant.
- d) Use best efforts to ensure compliance with applicable health and sanitation regulations relating to waste disposal.
- i) Trash dumpsters/cans are provided for each STL location.
  - ii) Check-in/check-out instructions will include trash receptacle locations and trash pick-up days.
  - iii) A maintenance team is available to be dispatched immediately for any issues in furtherance of maintenance a clean orderly rental property.
  - iv) Following the posted check out time, management team members will inspect each unit and ensure trash and waste is disposed of properly.
- e) Post a copy of any applicable permits and conditions in a conspicuous place within the unit.
- i) The City of Newport Beach's "Required Interior Posting" will be displayed in each unit.
- f) Not rent let, advertise for rent, or enter into an agreement for the rental of any lodging unit, for less than two consecutive nights.
- i) All units will be listed for and rented for a minimum of 2 consecutive nights.
- g) The City Manager shall have the authority to impose additional standard conditions, applicable to all short-term lodging units, as necessary to achieve the objectives of this section.
- i) Applicant acknowledges that the City Manager may impose additional standard conditions at their discretion.

Finding:

- B. Identification of professional management responsible for administering the permit.*

Facts in Support of Finding:

1. The STL units will be professionally managed by:  
  
Lounge Group  
3334 East Coast Highway  
Corona del Mar, CA 92625  
24-hour emergency Contact: Mario Marovic (949) 813-5683

Finding:

- C. Evidence of eligibility and compliance with ownership requirements of Subsection 21.48.115(C)(4).*

Facts in Support of Finding:

1. Subsection 21.48.115(C)(4) establishes that only a property owner that owns twenty (20) or more units under common ownership within the same Statistical Area as defined by the Land Use Element of the General Plan shall be eligible to obtain a short-term lodging permit(s) in the MU-W2 and/or MU-CV/15th St. districts.
2. The application request is to authorize 27 units as eligible to apply for short-term lodging permits. Applicant has submitted sufficient evidence, available as confirming their ownership of more than 20 dwelling units, which are located in Statistical Area B5.

Finding:

- D. Demonstration that on-site amenities are provided to guests.*

Facts in Support of Finding:

1. On-site amenities which include beach gear such as towels, chairs, sand toys, and boogie boards.
2. Each guest will have access to a concierge service with information on dining and alternative vehicle transportation methods.

3. The primary amenities for the units are the beach, Newport Pier, and eating and drinking establishments owned by the applicant which are within walking distance of the units.
4. PJ's Surfrider which is located in the same building as several of the rental units and is within walking distance of all the rental units will provide rental discounts for bicycles, beach chairs, surf boards, easy ups, and boogie boards.

Finding:

- E. Parking management plan ensuring all available on-site parking remains free of obstructions and available for use by the short-term lodging user. For short-term lodging units that are non-conforming due to number of parking spaces provided, there shall be sufficient data to indicate that parking demand will be satisfied by the provided number of spaces or that alternative modes of transportation are available (e.g., bicycles and e- bikes, bus and trolley routes, rideshare services, private offsite parking lots, greater than normal walk in trade, etc.) such that use or operation of the short-term lodging permit will not rely on the City's stock of public on-street and off-street parking or reduce availability of parking in nearby residential neighborhoods.*

Facts in Support of Finding:

1. The applicant has submitted a parking management plan in accordance with Section 21.48.115(G)(1)(e) of the NBMC, which is available within Attachment No. CD 2.
2. Since not all of the short-term lodging units provide parking as required by Table 21.40-1 in Section 21.40.040 of the NBMC, the parking management plan includes data indicating that parking demand will be satisfied by the alternative modes of transportation available and that the short-term lodging permits would not rely on the City's stock of public on-street and off-street parking nor reduce the availability of parking in nearby residential neighborhoods. In this case, the short-term lodging units are all within close proximity to the beach, the Newport Pier, retail shops, and restaurants.
3. When provided, guests will be required to park their vehicles in the onsite carport or garage. Management will ensure the parking spaces remain clear of obstructions and are available for parking of vehicles.
4. Rental listings for units without the required off-street parking spaces will clearly state that no parking is provided and guests will be highly encouraged to arrive by taxi, rideshare, carpool, bus or other means.
5. Public transit information for Newport Trolley and OCTA routes will be provided. An OCTA stop is located within 500 feet of all proposed short-term lodging units and dedicated rideshare spaces are located within McFadden Square.



6. Guests will be provided with tips on how to make their stay on the Newport Peninsula as car-free as possible. This will include information showing the location of bike rental shops, walking and biking routes to the beach, Newport Pier, recreational sites, retail shops and restaurants.
7. License plates of guest vehicles will be required to be provided as part of rental agreement.

Finding:

*F. No deed-restricted affordable housing units shall be used for short-term lodging.*

Fact in Support of Finding:

1. The subject properties do not contain any deed-restricted affordable housing units.

**SUMMARY**

The Applicant has submitted documentation demonstrating compliance with the requirements of Section 21.48.115(G), including a management plan, which is a prerequisite to permit issuance. Based on the information provided, the Community Development Director has determined that the proposed short-term lodging permits comply with Section 21.48.115 (G) and is eligible to apply for issuance of short-term lodging permits, which shall be subject to the following conditions of approval listed below.

**CONDITIONS**

1. The applicant shall comply with all applicable provisions of NBMC Chapter 5.95 (Short Term Lodging Permit) and Section 21.48.115 (Short Term Lodging Permit).
2. The applicant is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
3. Should the properties be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or leasing agent.
4. The applicant shall operate short term lodging units in conformance with the approved management plan.
5. The professional management team for the rental units, Lounge Group, located at 3334 East Coast Highway Corona del Mar, CA 92625 with 24-hour emergency contact Mario Marovic (949) 813-5683, shall be responsible for ensuring compliance with the management plan. The Applicant shall notify the Planning and Revenue divisions of any substantial changes to the management team.

6. The on-site amenities described in the management plan shall remain available for guests for the entire duration of each stay.
7. Any on-site parking available to guests shall be kept free of obstructions.
8. The applicant shall implement all measures described in the approved parking management plan.
9. No deed-restricted affordable housing units shall be used for short term lodging.
10. The Community Development Director may add to or modify conditions to this staff approval or revoke this staff approval upon determination that the operations, which is the subject of this staff approval, causes injury, or is detrimental to the public health, safety, peace, or general welfare of the community or if the property is operated or maintained so as to constitute a public nuisance.
11. To the fullest extent permitted by law, Applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the **Marovic Short Term Rental Permits** including, but not limited to, a **Staff Approval** under PA2025-0166. 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 City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The Applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

**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. For additional information on filing an appeal, contact the Planning Division at 949-644-3235.

Prepared by:



Daniel Kopshever, Assistant Planner

Approved by:



Jaime Murillo, AICP  
Acting Community Development Director

JP/djk

Attachments: CD 1 Vicinity Map  
CD 2 Management Plan

# **Attachment No. CD 1**

Vicinity Map

# VICINITY MAP



---

## Staff Approval PA2025-0166

110 22nd Street, 112 22nd Street, 114 22nd Street, 116 1/2  
22nd Street, 2112 West Ocean Front, 2116 West Ocean Front

# **Attachment No. CD 2**

Management Plan

## Short Term Lodging Permit Management Plan and Parking Management Plan for McFadden Square

### Management Company

Lounge Group

3334 East Coast Highway

Corona del Mar, CA 92625

24-hour emergency Contact: Mario Marovic (949) 813-5683

### Maximum Occupancy

- Maximum occupancy per short term lodging unit has been determined by the building code formula of one occupant per 200 square feet provided on the STL application unless other sections of building code are applicable. Occupancy limits will be included in the short-term lodging rental agreements/contracts, and the Applicant agrees to abide by those limits. Please refer to Management Plan to view the occupancy for each unit.
- Rental contracts will include maximum occupancy limit information, and guests are notified that exceeding the limit may result in immediate eviction.
- Maximum occupancy will be strictly enforced.

### STL Permit Posting

- The City of Newport Beach's "Required Interior Posting" will be displayed in each unit.

---

### Minimum Stays

- All units will be advertised for and rented for a minimum of 2 consecutive nights.

### Good Neighbor Notification and Rules

- Guests will be provided with a copy of the City of Newport Beach's "Being a Good Neighbor" color brochure.
- All communication with guests regarding booking confirmation and arrival/departure information will include rules remainders regarding, noise and quiet hours, parking, trash disposal, use of illegal drugs and smoking.
- The City of Newport Beach required interior posting template will be displayed within each unit.

- Rental agreements will state rules and guest expectations. Agreements will clearly state that violations may result in eviction and forfeiture of lodging fees and deposits.

### Noise and Disorderly Conduct Resolution

- Guest communication will be via email, phone and text where guests can contact management and management can contact guests.
- All communication with guests regarding booking confirmation and arrival/departure information will include reminders regarding, noise and quiet hours, parking, trash disposal, use of illegal drugs and smoking.
- Upon receiving a complaint, a management team member will contact the guest directly via phone, text or in person to address the issue and implement immediate corrective action as needed. Since some management team members staff nearby ownership restaurants, the proximity allows in-person contact within minutes. Additionally, the property owner lives minutes away and can respond as well.
- Rental agreements will state rules and guest expectations. Agreements will clearly state that violations may result in eviction and forfeiture of lodging fees and deposits.
- The responding manager will promptly follow up with the complainant (via phone, text, email, etc.) to confirm that the concerns have been addressed. The follow-up will include a brief description of the actions taken, and if applicable, the time frame for resolution.
- All complaints will be documented and accessible to landlord and property management. This information will include guest name, date, time, nature of the complaint, the responding party, details of the corrective action, and confirmation of follow up with the complainant.

### Health and Sanitation

- Trash dumpsters/cans are provided for each STL location.
- Check-in/check-out instructions will include trash receptacle locations and trash pick-up days.
- A maintenance team is available to be dispatched immediately for any issues in furtherance of maintaining a clean orderly rental property.
- Following the posted check out time, management team members will inspect each unit and ensure trash and waste is disposed of properly.

### On-Site Amenities

- Each unit will be well appointed commensurate with the size and location of the unit. Amenities include WI-FI, beach gear commensurate with the size and occupancy of the units and, several units have balconies/decks and some have an ocean view. Beach gear will include a combination of towels, chairs, beach toys, etc.)



- Each guest at a unit will have access to a VIP concierge that will provide suggestions for dining, activities and alternative vehicle transportation methods.
- Each unit is located steps away from the boardwalk, beach, pier and the harbor is a short walk away. Additionally, these units are located in the same block and sometimes same building as classic Newport Beach restaurants, bars and beach shops. The beach is the main amenity for guests renting these units.
- All units are located steps away from several eating and drinking establishments owned by the Applicant. These include Dory Deli, Super Panga, and Stag Bar + Kitchen. These are essentially located on the same block as many of the units and Malarky's Irish Pub (also owned by the Applicant) is located within a very short walking distance. Guests will be offered VIP dining specials and discounts with these restaurants for breakfast, lunch and dinner. Additionally, PJ's Sporting Goods, which is located very near the units, will provide rental discounts for bicycles, beach chairs, surf boards, boogie boards and easy ups along with VIP service.

### Parking Management Plan/Guest Parking

- Many of the units provide parking as required by Table 21.40-1 in NBMC Section 21.40.040; however, due to their age and grandfathered status some do not. When provided, guests will be required to park their vehicles in the onsite carport or garage. Management will ensure the parking spaces always remain clear of obstructions and are available for parking of vehicles.
- Rental listings for units without the required off-street parking spaces will clearly state that no parking is provided and guests will be highly encouraged to arrive by taxi, rideshare, carpool, bus or other means. All listings will include proximity to the beach, pier, shops and restaurants. This close proximity to sought after destinations ensures that vehicles, and the associated parking requirements, are not required for these STL units.
- Guests will be provided with tips on how to make their stay on the Newport Peninsula as car-free as possible. This will include information showing the location of bike rental shops, walking/biking routes to the beach, Newport Pier, recreational sites, retail shops and restaurants. A concierge will be available to assist guests with transportation planning.
- Public transit information for Newport Trolley and OCTA routes will be provided and use of rideshare services will be suggested to eliminate or reduce demand on public and private parking lots. A major OCTA stop is located within 500 feet of all units and dedicated rideshare pick-up and drop off spots are located steps away from all units.
- License plates of guest vehicles will be required to be provided as part of rental agreement.

## McFadden Square Unit Descriptions Short Term Lodging Permit

**Property No. 1 (3 units)**  
**110 Lofts, LLC**  
**110 22nd Street, Newport Beach**  
**APN: 047 151 14**

### Description/Amenities

110 Lofts is a new mixed-use development on 22<sup>nd</sup> Street consisting of three dwelling units and three commercial spaces. These units are located steps from the beach and McFadden Square. Each dwelling unit has two dedicated off-street carport parking spaces. Each unit has a private entrance and private outdoor deck or balcony.

Unit Number	Gross Square Feet (per unit)	Max Occupancy* (GSQ ÷ 200)	Number Of Bedrooms	Number of Parking Spaces Available	Parking Description (ex: garage/driveway)
Unit D	2500	12.5	3	2	Enclosed Garage
Unit E	2500	12.5	3	2	Enclosed Garage
Unit P	2950	14.75	3	2	Enclosed Garage

\*NBMC Section 5.95.045 (A)(3)(b): Maximum occupancy is calculated based on guidelines in California Building Code Section 1004.1.2

**Property No. 2 (1 unit)**  
**Orange Plaza Square LLC**  
**112 22nd Street, Newport Beach**  
**APN: 047 151 03**

### Description/Amenities:

112 22nd Street is classic beach cottage on its own lot with a private two car garage and outdoor patio overlooking 22<sup>nd</sup> Street and the beach and ocean beyond. This single unit is located steps away from the boardwalk, beach and a wide variety of shops and restaurants.

Gross Square Feet (per unit)	Max Occupancy* (GSQ ÷ 200)	Number Of Bedrooms	Number of Parking Spaces Available	Parking Description (ex: garage/driveway)
1085	5.425	Two	Two	Enclosed Garage

\*NBMC Section 5.95.045(A)(3)(b): Maximum occupancy is calculated based on guidelines in California Building Code Section 1004.1.2

**Property No. 3 (1 unit)**  
**McFadden Place, LLC**  
**114 22nd Street, Newport Beach**  
**APN: 047 151 02**

**Description/Amenities:**

The 114 22nd Street unit is located on the second floor of a mixed-use building. This unit includes an outdoor deck and two dedicated garage parking spaces. Downstairs is local and visitor favorite Banzai Bowls. This unit is located steps away from the boardwalk, beach and a wide variety of shops and restaurants.

Unit Number	Gross Square Feet (per unit)	Max Occupancy* (GSQ ÷ 200)	Number Of Bedrooms	Number of Parking Spaces Available	Parking Description (ex: garage/driveway)
B-Upstairs	1541	7.705	3	2	Enclosed Garage

\*NBMC Section 5.95.045(A)(3)(b): Maximum occupancy is calculated based on guidelines in California Building Code Section 1004.1.2

**Property No. 4 (6 units)**  
**McFadden Place, LLC**  
**116.5 22nd Street, Newport Beach**  
**APN: 047 151 01**

**Description/Amenities:**

These six units are studio apartments located on the second floor of a mixed-use building. The lower floor area of the mixed-use building is occupied by local favorites TK Burger and Taco Bell Cantina. Although no parking spaces are provided due to their grandfathered status, these units are located steps away from the boardwalk, beach, pier and a wide variety of shops and restaurants making having a car unnecessary.

Unit Number	Gross Square Feet (per unit)	Max Occupancy* (GSQ ÷ 200)	Number Of Bedrooms	Number of Parking Spaces Available	Parking Description (ex: garage/driveway)
#1	334	1.67	Studio	0	N/A <sup>1</sup>
#2	334	1.67	Studio	0	N/A
#3	334	1.67	Studio	0	N/A

<sup>1</sup> The Parking Management Plan ensures that even though these six units do not provide the code required parking, due to their grandfathered status, these units comply with NBMC Section 21.48.115(G) by ensuring there are alternate modes of transportation available, such as bicycles and e-bikes, bus and trolley routes, rideshare services, private offsite parking lots such that these units use as an STL will not rely on the City's stock of public on-street and off-street parking or reduce the availability of parking in nearby residential neighborhoods.



#4	334	1.67	Studio	0	N/A
#5	334	1.67	Studio	0	N/A
#6	334	1.67	Studio	0	N/A

\*NBMC Section 5.95.045(A)(3)(b): Maximum occupancy is calculated based on guidelines in California Building Code Section 1004.1.2

**Property No. 5 (2 units)**  
**Orange Plaza Square LLC**  
**2112 West Oceanfront, Newport Beach**  
**APN: 047 151 08**

**Description/Amenities:**

These units share a mixed-use building with eating and drinking establishments located on the first floor. These two units are located on the second floor, and each unit has three bedrooms. The lower floor area of the mixed-use building is occupied by Super Panga Taqueria, which is also owned by the Applicant. These two units provide some, but not all, of the code required parking spaces due to their grandfathered status. These units are located steps away from the boardwalk, beach, pier and a wide variety of shops and restaurants making having a car unnecessary to enjoy the Newport Peninsula.

Unit Number	Gross Square Feet (per unit)	Max Occupancy* (GSQ ÷ 200)	Number Of Bedrooms	Number of Parking Spaces Available	Parking Description (ex: garage/driveway)
#1	1322	6.61	Three	One <sup>2</sup>	Enclosed Garage
#2	1081	5.405	Three	One	Carport

\*NBMC Section 5.95.045(A)(3)(b): Maximum occupancy is calculated based on guidelines in California Building Code Section 1004.1.2

**Property No. 6 (14 units)**  
**McFadden Place, LLC**  
**2116 West Oceanfront, Newport Beach**  
**APN: 047 151 07**

**Description/Amenities:**

The majority of these 14 units are studio apartments, with two one-bedroom units, and are located on the second floor above ocean sports shop PJ's Surfrider and eating and drinking establishments. These units are located directly adjacent to the boardwalk and some have ocean views. Although no parking spaces are provided, these units are located steps away from the beach, pier and a wide variety of shops and restaurants, making having a car unnecessary to enjoy the Newport Peninsula.

---

<sup>2</sup> Please see footnote 1 above regarding alternate means of transportation to avoid the use of personal vehicles.

Unit Number	Gross Square Feet (per unit)	Max Occupancy* (GSQ ÷ 200)	Number Of Bedrooms	Number of Parking Spaces Available	Parking Description (ex: garage/driveway)
#200	400	2	One	0 <sup>3</sup>	N/A
#201	300	1.5	Studio	0	N/A
#202	300	1.5	Studio	0	N/A
#203	300	1.5	Studio	0	N/A
#204	300	1.5	Studio	0	N/A
#205	300	1.5	Studio	0	N/A
#206	300	1.5	One	0	N/A
#207	300	1.5	Studio	0	N/A
#208	300	1.5	Studio	0	N/A
#209	300	1.5	Studio	0	N/A
#210	380	1.9	Studio	0	N/A
#211	300	1.5	Studio	0	N/A
#212	315	1.575	Studio	0	N/A
#213	300	1.5	Studio	0	N/A

\*NBMC Section 5.95.045(A)(3)(b); Maximum occupancy is calculated based on guidelines in California Building Code Section 1004.1.2

---

<sup>3</sup> Please see footnote 1 above regarding alternate means of transportation to avoid the use of personal vehicles.



## STREET ADDRESS

This Unit is used and permitted as a  
SHORT-TERM LODGING

**Responsible Person Contact Information.** For questions, comments, or complaints about the use of this unit, contact:

OWNERS FIRST & LAST NAME

RENTAL AGENCY NAME (if applicable)

PHONE NUMBER #1 (OWNER)

PHONE NUMBER #2 (AGENT)

PHONE NUMBER #3 (24/7 EMERGENCY CONTACT WITHIN 25 MILES)  
CONTACT PERSON MUST RESPOND TO CITY WITHIN 30 MINUTES

**Parking.** Parking for individuals renting or visiting this unit is designated at:

GARAGE # \_\_\_\_ space(s)    CARPORT # \_\_\_\_ space(s)    SIDE YARD # \_\_\_\_ space(s)

**Refuse Collection.** Receptacles can be placed out for collection after 7:00 p.m. the day before collection and must be brought in by 7:00 p.m. on collection day. Trash collection for this unit is ONE/TWO time(s) a week on (circle one or more):

**MONDAY    TUESDAY    WEDNESDAY    THURSDAY    FRIDAY    SATURDAY**

Trash receptacles are stored \_\_\_\_\_ and are to be placed  
\_\_\_\_\_ for trash pick-up.

Curbside, alley, etc

**Street Sweeping:** Street sweeping occurs \_\_\_\_\_ per week on \_\_\_\_\_  
Day(s) of the week

Street sweeping schedule for all public right-of-ways within 300 feet of the unit can be found at:  
[http://nbgis.newportbeachca.gov/NewportHTML5Viewer/?viewer=publicsite&run=Show\\_Street\\_Sweeping](http://nbgis.newportbeachca.gov/NewportHTML5Viewer/?viewer=publicsite&run=Show_Street_Sweeping)

**Disturbing the Peace.** Pursuant to NBMC §5.95.045(A)(5), "...occupants and/or guests of the short term lodging unit (shall) not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this code or any State Law pertaining to noise, disorderly conduct, the consumption of alcohol, or the use of illegal drugs." Persons who violate Chapter 5.95 of the NBMC shall be subject to fines up to \$3,000, a suspension and or revocation of the lodging permit, and/or a misdemeanor.

- No amplified sound or reproduced sound is allowed outside our audible from the property line between the hours of 10:00 p.m. and 10:00 a.m.
- The unit may only be used for residential purposes and may not be used for non-residential uses, including but not limited to, large commercial gatherings, non-commercial gatherings, commercial filming, or non-owner wedding receptions

**THE CITY OF NEWPORT BEACH ENCOURAGES YOU TO ENJOY YOUR STAY. HOWEVER, WE TAKE ALL RESIDENTS' RIGHTS TO THE QUIET ENJOYMENT OF OUR COMMUNITY VERY SERIOUSLY. IF YOU, YOUR VISITORS, OR OTHER GUESTS ARE DISRUPTIVE OF THE COMMUNITY AND/OR IN VIOLATION OF CITY LAWS, YOU, YOUR VISITORS, AND OTHER GUESTS ARE SUBJECT TO CITATION, FINE, OR MORE SERIOUS PENALTIES.**



# Dogs\*

*\*If allowed by rental agreement*

We get it. Dogs are family, too.  
But they also need to use their  
indoor voices.

- **Dogs must be on a leash** whenever they are in any open public areas.
- **Dogs are not allowed on the beach** or any beachfront sidewalk between 10:00 a.m. and 4:30 p.m. This also includes bay front beaches.
- **Pick up and dispose** of your pet's waste.
- **Do not leave your pets unattended**
  - loud animals often result in neighbor complaints.



**Contact your owner  
or agent if you have any  
questions:**

AGENT/OWNER NAME:

AGENT/OWNER PHONE:

If you have any questions or need  
additional information, contact:

**City of Newport Beach  
Revenue Division**

100 Civic Center Drive  
Newport Beach, CA 92660  
949-718-1997

*lodging@newportbeachca.gov*

**NEWPORTBEACHCA.GOV/SHORTTERMRENTALS**

# Being a Good Neighbor

## WELCOME TO NEWPORT BEACH!

*We hope you have a wonderful stay.*

This brochure highlights ways you can be a good neighbor.

Please remember that you are staying as a guest in a residential community. Be respectful of your neighbors, who value a quiet and safe place to live. We look to you for your help in preserving that sense of peace and quiet.

**Being a vacation renter also means being a good neighbor.**







# Noise & Neighborhood Disruption

You're in a quiet residential neighborhood. And not everyone likes the same music you do.

We think it is a great idea if you introduce yourself to the neighbors. Neighbor relations can go a long way during your stay.

- **Keep the volume of your voices and music at a reasonable level** throughout the day. A guest can be cited anytime of the day for noise disturbances.
- **Minimize outside noise**, and be aware that open windows and doors may allow sounds to carry and disturb others. Use your indoor voice.
- **The City of Newport Beach provides a 24/7** contact number that neighbors may call to file a complaint. Any noise disturbances can result in fines and possible eviction.
- **You also deserve a quiet** and peaceful experience. If another resident or guest is causing a disturbance, we encourage you to call the City's 24/7 answering service at \_\_\_\_\_. In case of emergency, please call 911.
- **Do not loiter in alleyways** or gather outside the property in a manner disruptive to neighbors.
- **The City prohibits the use of a rental unit** to be used for any commercial purposes including, but not limited to, large commercial gatherings, commercial filming and or non-owner wedding receptions.
- **The number of overnight guests** cannot exceed the property's posted occupancy.



# Parking

Parking is scarce in Newport Beach. Always park legally or be prepared to receive a citation. Choose your space carefully.

- **The owner is required to make any onsite parking spaces** available to their guests. So, if there is onsite parking – use it! Look for the required interior posting to direct you to onsite parking availability.
- **Read all posted parking** regulations. Failure to adhere to these regulations will result in parking citations. We'd much rather you use your dollars to dine out, buy souvenirs, go paddle boarding, or do many of the other wonderful things Newport Beach offers.
- **Never park in someone else's driveway**, block a fire lane, or otherwise park in a manner that would negatively impact a neighbor's access. If your car does not fit in the driveway, you may not encroach on a sidewalk or onto the street.
- **Parking in an alley** is always illegal in Newport Beach.
- **Please help the sweepers** keep our streets clean. It is one of the most effective ways to protect our water quality and keep our City clean. Street sweeping occurs weekly. Look for the required interior posting that advises you of how often and what days of the week.



# Trash

No one wants to see it. Look for the required interior posting for trash day and receptacle placement.

- **Receptacles can be placed out** for collection after 7:00 p.m. the night before and must be brought in by 7:00 p.m. on collection day.
- **Properties must be kept clean**, with no visible trash.
- **All garbage items should be bagged**, tied closed, and placed in the trash cans.
- **Please ensure there is no trash overflow** – if there is more trash than there is container space, contact the owner to secure a commercial bin service.

**Do not place your trash in bins** that are not specifically dedicated to your property.







# FREE

## SERVICE DAYS

SATURDAY & SUNDAY  
AND THE FOURTH OF JULY  
7:30 AM TO 9:30 PM

## LEGEND

- TROLLEY STOP
- BIKE ROUTE
- FREE TROLLEY PARKING
- PUBLIC PARKING

TROLLEYS ARRIVE AT STOPS  
EVERY 15 MINUTES.

Service may be delayed during  
heavy traffic conditions.

- 1 HOAG LOT & FREE TROLLEY PARKING
- 2 NEWPORT & SHORT
- 3 NEWPORT & 29TH
- 4 BALBOA & 20TH
- 5 MARINA PARK
- 6 BALBOA & 14TH
- 7 BALBOA & 11TH
- 8 BALBOA & 8TH
- 9 BALBOA & ISLAND
- 10 BALBOA & ADAMS
- 11 BALBOA PIER
- 12 BALBOA & ADAMS
- 13 BALBOA LIBRARY
- 14 BALBOA & 3TH
- 15 BALBOA & 12TH
- 16 MARINA PARK
- 17 BALBOA & 20TH
- 18 NEWPORT & 28TH
- 19 NEWPORT & FINLEY

## DOWNLOAD THE APP!

Search for 'Ride Systems' in the app store and then select  
'Newport Beach' from the list of agencies.

# BALBOA PENINSULA TROLLEY

## PENINSULATROLLEY.COM

Access the website or download the app for a real-time shuttle tracker.

#PENINSULATROLLEY

Ownership information available for review at the city upon request, please contact Assistant Planner Daniel Kopshever at [dkopshever@newportbeachca.gov](mailto:dkopshever@newportbeachca.gov)



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:** The Village Inn Temporary Outdoor Dining Patio (PA2025-0217)  
▪ Limited Term Permit (Less Than 90 Days)

**Site Location:** 123 Marine Avenue

**Applicant:** Dan Miller, Village Inn

**Legal Description:** Lot 14 of Block 1 of the Balboa Island Tract

On **November 13, 2025**, the Zoning Administrator approved a limited term permit to allow a temporary outdoor dining patio within the front yard area of the property at 123 Marine Avenue (Property), which has common ownership with the Village Inn restaurant property at 127 Marine Avenue. The temporary patio is approximately 1,200 square feet with six tables and 26 total seats. As approved, it will be in place for less than 90 days and is permitted to operate from December 1, 2025, to January 1, 2026. 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:** RT (Two Unit Residential)
- **Zoning District:** R-BI (Two-Unit Residential, Balboa Island)
- **Coastal Land Use Plan Category:** RT-E (Two Unit Residential – 30.0 – 39.9 DU/AC)
- **Coastal Zoning District:** R-BI (Two-Unit Residential, Balboa Island)

**II. 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 (CEQA) under Class 1 (Existing Facilities) and Class 3 (New Construction or Conversion of Small Structures);*

Fact in Support of Finding:

1. The Class 1 exemption includes 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 use. The Class 3 exemption includes a store, motel, office, restaurant, or similar structure not involving the use of significant amounts of hazardous substances, not exceeding 2,500 square feet in floor area or 10,000 square feet in floor area in urbanized areas zoned for such use. The project includes an approximately 1,200-square-foot temporary outdoor dining patio and is within the parameters noted for these exemptions and will not have a significant effect on the environment. There are no known exceptions listed in the CEQA Guidelines Section 15300.2 that would invalidate the use of these exemptions.

Finding:

- B. The operation of the 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 Limited Term Permit (LTP) will allow the use of a temporary patio on a residential lot owned in common with the Village Inn restaurant for less than 90 days. As conditioned, the temporary patio will be used from December 1, 2025, through January 1, 2026. The temporary patio would serve as additional outdoor seating for restaurant guests and is fully located on private property.
2. As conditioned, the operation of the temporary patio is limited to the hours between 10:00 a.m. and 9:30 p.m., daily. This limited operation serves to help reduce the impact of noise and traffic for surrounding residents.
3. The temporary patio is approximately 1,200 square feet with 26 seats and is located within the front yard of the Property. An existing residence is located towards the rear of the lot, adjacent to the alley. There is an existing property line fence and landscaped area between the temporary patio and the neighboring residence, which help to serve as a physical barrier that contains the operation and buffers visibility. Other than seating for patrons, ambient lighting, heat lamps, and shade awnings, there are no temporary or permanent structures that are proposed to be constructed for the purpose of the temporary patio.
4. The proposed operation of the temporary patio includes alcohol service. As conditioned, the temporary patio shall be operated in compliance with applicable State Department of Alcoholic Beverage Control (ABC) requirements.
5. The Property abuts the Village Inn restaurant to the north and additional residences to the south, to the east across Marine Avenue, and to the west across the alley in the rear. As conditioned, the temporary patio shall be maintained daily for the removal of trash. All trash shall be stored within the trash enclosures of the Village Inn restaurant, screened from view of neighboring properties.

6. An identical temporary patio was previously permitted through LTP No. PA2025-0060, which allowed for the patio to operate from May 24, 2025, to August 20, 2025. Code Enforcement has reviewed the proposed temporary patio and provided recommended conditions of approval. Additionally, Code Enforcement confirmed that the previous allowance of the patio operated daily without incident.
7. The Village Inn operates with Use Permit No. UP2016-012. All applicable conditions of approval from UP2016-012 shall be adhered to with operation of this temporary patio, unless otherwise modified by the Conditions of Approval contained herein. As conditioned, no live entertainment, exterior amplified music, sound systems, televisions, paging systems, etc. shall be permitted within the temporary patio.

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 Property is approximately 2,550 square feet and is developed with a two-story, single-unit residence located on the rear portion of the lot. Based on the site plan, there is adequate area in the front of the Property for the temporary patio.
2. The Property is improved with an existing wood fence and gate along the front property line and includes large trees and landscaping along the side property line adjacent to the neighboring residence at 121 Marine Avenue. These elements provide some visual screening of the patio from surrounding residences in the neighborhood. Additionally, the temporary patio is not visible from the alley, as the existing residence in the rear of the Property also serves as a noise barrier and visual screen.
3. Facts 2, 6, and 7 in support of Finding B are hereby incorporated as reference.

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 Property is located on Balboa Island, near the corner of Marine Avenue and Park Avenue. Since the Property is developed as a single-unit residence with alley access, vehicular access to the Property is available for residential occupants through the garage adjacent to the alley. Since the temporary patio is intended as additional

dining area for the Village Inn restaurant, street parking is available on both Marine and Park Avenues for patrons of the restaurant. Additionally, there is a bicycle rack in front of the restaurant on Marine Avenue which provides additional transportation options for patrons of the restaurant. The temporary patio will occupy the Property for less than 90 days.

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; and*

Facts in Support of Finding:

1. The temporary patio is not expected to generate a significant amount of vehicular traffic, as it is intended to provide an additional outdoor dining option for patrons of the Village Inn during the winter season. The Property is located on Balboa Island, which is one of the most densely populated neighborhoods in the County and pedestrian and bicycle travel is prominent year-round. A parking study conducted by the City in 2008 recognized parking limitations during peak periods. However, patrons of the restaurant are known to be local residents or vacation visitors who walk or bike. Additionally, street parking is available within the neighborhood, especially on Marine and Park Avenues. A large bicycle rack is also located in front of the restaurant on Marine Avenue.
2. Fact 6 of Finding B is hereby incorporated by reference.

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 General Plan land use category for this site is RT (Two Unit Residential) and is located in the R-BI (Two-Unit Residential, Balboa Island) Zoning District. These designations apply to a range of two-unit residential dwellings, such as duplexes and townhomes. The Village Inn restaurant is located on the adjacent property at 127 Marine Avenue, which is designated as MU-W2 (Mixed-Use Water 2) and located within the MU-W2 (Mixed-Use Water) Zoning District. These designations are intended to provide for commercial development on or near the bay in a manner that will encourage the continuation of coastal-dependent and coastal-related uses. The proposed temporary patio serves as additional dining space for the Village Inn restaurant, which is a use that is consistent with the mixed-use designation. While the temporary patio for the restaurant would be located on a residentially designated property, temporary uses are permitted with the approval of a limited term permit

pursuant to Table 2-1 (Allowed Uses and Permit Requirements) in Section 20.18.020 (Residential Zoning Districts Land Uses and Permit Requirements) of the NBMC.

2. The Property is located within the Coastal Zone. However, a coastal development permit is not required as the proposed temporary patio is: (1) for a limited duration of less than 90 days; (2) does not increase the floor area or height of the existing residence on-site or the adjacent restaurant; and (3) does not include the construction of any temporary or permanent structures. Additionally, the temporary patio is located on private property and will not impact the public use of roadways or parking areas or otherwise impact public use or access to coastal waters.
3. The Property is not located within a specific plan area.

### **III. CONDITIONS OF APPROVAL**

1. *All conditions of approval from Use Permit No. UP2016-012 shall be adhered to unless specifically modified by the following set of conditions.*
2. The development shall be in substantial conformance with the approved site plan except as noted in the following conditions.
3. Anything not specifically approved by this LTP is prohibited and must be addressed by a separate and subsequent review.
4. *Smoking shall be prohibited in the temporary patio and its surrounding area.*
5. *The exterior of the temporary patio shall be maintained free of trash, litter, and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris, and graffiti from the premises and on all abutting sidewalks within 10 feet of the premises.*
6. *There shall be no trash receptacles located at the Property (123 Marine Avenue). All trash shall be disposed of in the screened trash enclosure of the Village Inn restaurant.*
7. *All lighting for the temporary patio shall be shielded or positioned to not create glare onto adjacent properties.*
8. The Property shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, in the opinion of the Director of Community Development, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
9. *The temporary patio is permitted at the Property for a duration between December 1, 2025, and January 1, 2026 (32 days). Operation of the temporary patio outside of*

*this duration is prohibited. Subsequent to the expiration of this LTP, the applicant shall remove the patio, clean, and restore the site to previous conditions within 30 days after expiration.*

10. *Hours of operation of the temporary patio shall be between 10:00 a.m. and 9:30 p.m., daily.*
11. *No temporary or permanent structures, other than the placement of tables and chairs as shown on the approved site plan, shall be constructed or placed within the temporary patio. Temporary heat lamps, shade awnings, and lighting shall be permitted.*
12. The temporary patio shall be operated in compliance with applicable State Department of Alcoholic Beverage Control (ABC) requirements.
13. *There shall be no food preparation within the temporary patio. All food shall be prepared within the Village Inn restaurant.*
14. A Special Events Permit is required for any event or promotional activity outside the normal operating characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the NBMC to require such permits.
15. *The residential garage shall not be used for storage purposes for the temporary patio.*
16. *There shall be no attachment of items on public property, including, but not limited to, outdoor tarps onto signposts.*
17. No outside paging system shall be utilized in conjunction with this establishment.
18. *All doors and windows of the Village Inn restaurant shall be closed prior to the commencement of live entertainment within the restaurant. No live entertainment is permitted within the temporary patio.*
19. 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 NBMC.
20. *The temporary patio shall not obstruct the public right-of-way. Patrons shall be prohibited from standing or waiting within the public right-of-way on Marine Avenue.*
21. *Storage outside of the temporary patio in the front or at the rear of the Property shall be prohibited.*



22. *Should the temporary patio become a detriment to the public health, comfort, convenience, safety, and general welfare of the peace and quiet of the neighboring properties and their inhabitants, this permit may be revoked.*
23. *The Community Development Director may impose whatever reasonable conditions are deemed necessary to assure that the temporary patio is compatible with adjoining uses and does not result in significant negative impacts to the health, safety, peace, comfort and the welfare of persons residing or working in the general vicinity.*
24. *The temporary patio shall provide 5% (minimum of 1) accessible seating for each type of seating.*
25. An accessible path shall be provided to the temporary patio.
26. *The tops of dining surfaces and work surfaces shall be between 28 and 34 inches above the finished floor.*
27. *All exiting paths, public walks, and sidewalks shall be a minimum of 48 inches free and clear.*
28. All building exits shall remain free and clear of any obstacle that would impede exiting from a building or suite and accessing the nearest public right of way.
29. Accessible routes, including under canopy(ies) and other overhead improvements shall maintain a minimum clear height of 80 inches.
30. All electrical distribution lines shall be in good working order and shall be protected from pedestrian and vehicular traffic and shall accommodate accessibility.
31. Any areas used for temporary commercial or institutional use shall be accessible to disabled persons.
32. The temporary patio's exit shall be clearly marked with exit signage and unobstructed at all times.
33. A 2A:10BC fire extinguisher shall be readily available on the patio mounted on the wall at a height of 48" AFF max.
34. The temporary patio occupant load shall not exceed 49.
35. To the fullest extent permitted by law, applicant shall indemnify, defend, and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise


from or in any manner relate (directly or indirectly) to City's approval of the **Village Inn Outdoor Dining Patio** including, but not limited to, the **LTP filed as PA2025-0217**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages, which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

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

Prepared by:

Approved by:

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

  
\_\_\_\_\_  
Liz Westmoreland, AICP, Zoning Administrator

DL/jl

Attachments:   ZA 1 Vicinity Map  
                      ZA 2 Applicant's Project Description  
                      ZA 3 Site Plan

# **Attachment No. ZA 1**

Vicinity Map

## VICINITY MAP



# Limited Term Permit (PA2025-0217)

# 123 Marine Avenue

# **Attachment No. ZA 2**

Applicant's Project Description

**PROJECT DESCRIPTION AND JUSTIFICATION**  
**Temporary Patio Dining on Adjacent Residential Property**  
**123/127 Marine Avenue, Balboa Island**  
**The Village Inn**

**Project Setting**

The Village Inn Restaurant, 127 Marine Avenue, is located at the southwest corner of Marine Avenue and Park Avenue on Balboa Island. The lot is approximately 4,252 square feet (SF) in area. The Village Inn currently operates from 10:00 AM to 12:00 AM daily and has many walk-in customers from Balboa Island. The property is designated MU-W2, Mixed-Use Water Related, by the City's General Plan and is zoned MU-W2, Mixed-Use Water Related.

Immediately adjacent to the Village Inn is 123 Marine Avenue, also owned by the property owner, with an apartment, and an open space (garden) area which was used for dining throughout the COVID emergency order without incident. The site is designated RT, Two-Unit Residential, by the City's General Plan and is zoned R-BI (Balboa Island).

**Project Description**

The applicant is requesting a limited term permit from December 1, 2025 to January 1, 2026 (32 days) of the garden patio located on 123 Marine Avenue. The patio hours of operation would be offered to guests from 10am to 9:30pm daily during this period. There would be a total of 26 seats added as noted in the plans. The garden is accessible directly through the Village Inn so as not to infringe on the public right-of-way, and would be operated and maintained by Village Inn staff and management. Marine and Park Avenue on Balboa Island support parking for the restaurant and this use.

**Use Permit Justification and Findings**

- (1) The operation will be maintained on private property adjacent to the Village Inn. The operation will flow directly from the Village Inn maintaining public convenience without hazards in the public right-of-way. The hours of operation will control use and maintain the general welfare of the community and employees.
- (2) The lot is of adequate size to maintain the number of seats requested providing adequate walkways and emergency exit through the rear fence as needed.
- (3) The lot is served by Marine Avenue and Park Avenue which will reasonably accommodate the traffic flow with minimal impact on current activity.
- (4) Marine and Park Avenue currently maintain parking for The Village Inn and would adequately provide for the limited number of seats on the patio.
- (5) The plan and its limited duration are in compliance with the General Plan and City regulation.

# **Attachment No. ZA 3**

Site Plan

