



**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 December 12, 2025.

**ZONING ADMINISTRATOR PUBLIC HEARING ACTIONS
DECEMBER 11, 2025**

Item 1: The Place Limited Term Permit (PA2025-0139)

Site Address: 2920 East Coast Highway

Action: Approved by Resolution No. ZA2025-076

Council District

6

Item 2: Brighton Road Investments LLC Residence Coastal Development Permit and Modification Permit (PA2025-0048)

Site Address: 1530 Galaxy Drive

Action: Approved by Resolution No. ZA2025-077

Council District

3

Item 3: Fletcher Jones Temporary Lot Limited Term Permit (More than 90 days) (PA2025-0141)

Site Address: 20052 Birch Street

Action: Approved by Resolution No. ZA2025-078

Council District

3

Item 4: Annual Review of North Newport Center Development Agreement (PA2025-0197)

Site Address: Fashion Island; Block 100, Block 400, Block 500, Block 600 and Block 800 of Newport Center Drive and San Joaquin Plaza

Action: The Zoning Administrator found that the North Newport Center is in good faith compliance with the terms of the Development Agreement.

Council District

5

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

Item 1: 5160 Campus Drive Parking Reduction (PA2025-0124)
Site Address: 5160 Campus Drive

Action: Approved

Council District 3

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

RESOLUTION NO. ZA2025-076

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A LIMITED TERM PERMIT FOR A TEMPORARY OUTDOOR DINING AREA LOCATED AT 2920 EAST COAST HIGHWAY (PA2025- 0139)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Katie Flamson, concerning property located at 2920 East Coast Highway, and legally described as Lot 2, Block O, Tract 323 in the City of Newport Beach, Orange County, California requesting approval of a Limited Term Permit.
2. The applicant proposes a limited term permit to allow a maximum 500-square-foot temporary outdoor dining area for up to a one-year term. The existing temporary outdoor dining area was previously authorized through a Limited Term Permit (PA2023-0230).
3. The subject property is designated CC (Corridor Commercial) by the General Plan Land Use Element and is located within the CC (Commercial Corridor) Zoning District.
4. The subject property is not located within the coastal zone.
5. A public hearing was held on December 11, 2025, online via Zoom. A notice of the time, place, and purpose of the hearing was given in accordance with the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is categorically exempt pursuant to Title 14 of the California Code of Regulations pursuant to Section 15301, Division 6, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities) and Section 15303 because it has no potential to have a significant effect on the environment.
2. 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 an existing or former use. The project authorizes a temporary 500-square-foot outdoor dining area within the parking lot of an existing restaurant and qualifies under the parameters of the Class 1 exemption.

3. The exceptions to the categorical exemptions 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.

Limited Term Permit

In accordance with Section 20.52.040(G) (Limited Term Permits – Findings and Decision) of the Newport Beach Municipal Code (NBMC), the findings and facts in support of such findings are set forth as follows:

Finding:

- A. *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 will allow a temporary outdoor dining area within the rear parking lot of The Place restaurant. The restaurant was authorized in 1983 through Use Permit No. 3058 (as amended). The temporary outdoor dining area was originally authorized pursuant to a Limited Term Permit (PA2022-119). The Limited Term Permit expired on December 31, 2023. A second Limited Term Permit (PA2023-0230) was approved by the Zoning Administrator on January 16, 2025, and expired on July 16, 2025. On August 27, 2025, the Applicant applied for another Limited Term Permit (PA2025-0139) to retain the temporary outdoor dining patio for one additional year.
2. The temporary outdoor dining area would serve as additional outdoor seating for patrons and is fully located on private property. A temporary barrier is installed within the parking lot to both separate the outdoor dining area from the parking lot and alley and to delineate the area dedicated for outdoor dining and alcohol service. There are no existing City utilities within the expanded dining area.
3. The existing hours of operation for the restaurant are 9:00 a.m. to 12:00 a.m., daily. The temporary outdoor dining area is conditioned to close by 9:00 p.m., daily.
4. The Public Works Department, Building Division, and Fire Department have reviewed the project and provided appropriate conditions of approval to ensure the temporary outdoor dining area does not become a hazard to the public.

5. Condition of Approval No. 1 requires all conditions of approval of Use Permit No. 3058 be adhered to, unless otherwise modified by the conditions of approval contained herein. No amplified sound or live entertainment shall be permitted within the temporary outdoor dining area.
6. The permitted use shall adhere to applicable State of California and Orange County Health Care Agency guidelines for the safe operation of the use. It is the responsibility of the permittee to implement and follow industry-specific guidance of the State of California and the Orange County Health Care Agency guidelines, as required by Condition of Approval No. 12.
7. The permitted use must be operated in compliance with applicable State Department of Alcoholic Beverage Control (ABC) requirements, as required by Condition of Approval No. 14.
8. The proposed operation is conditioned to be accessible to all persons, including those with disabilities, in accordance with the Americans with Disabilities Act (ADA), as required by Condition of Approval No. 21.
9. The Newport Beach Police Department (NBPD) has reviewed the request and is not opposed to the outdoor dining area application.

Finding:

B. 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 subject lot is approximately 0.08 acres in size and is adjacent to East Coast Highway. Based on the site plan, there is adequate area to accommodate the temporary outdoor dining area without impacting vehicular or pedestrian circulation. The temporary outdoor dining area would be a maximum of 500 square feet.
2. The lot frontage is on East Coast Highway and the use is within a shared building with other commercial uses. The existing food service use has existed at this site since the early 1980s. The expanded outdoor dining area will be located at the rear of the building and will not impede use and enjoyment of the properties in the area.
3. The proposed outdoor area will occupy two of four onsite parking spaces. One accessible stall and one standard stall will be maintained on site.
4. Given the outdoor dining area is located entirely on private property, impacts to pedestrian circulation are not anticipated.

5. No traffic or site circulation issues were experienced during the previous operation of the temporary outdoor dining area and therefore, are not anticipated with this approval.

Finding:

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

Fact in Support of Finding:

1. The subject site has direct access to East Coast Highway and an alley connecting to Third Avenue. The temporary outdoor dining area is located within the private parking lot abutting the restaurant and will not impede access. Parking for the property will remain accessible from the alley.

Finding:

D. 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 outdoor dining area will occupy two of the existing four parking spaces with appropriate delineation and temporary substantial physical barricades, which will not encroach into the drive-aisles. One accessible parking space and one standard parking space will be maintained for the restaurant's use for the duration of the Limited Term Permit. Removal of the two existing parking spaces would be temporary.
2. The proposed outdoor dining patio is small, at 500 square feet, and is not expected to result in a significant parking demand beyond the existing restaurant's parking demand. The commercial corridor of Corona del Mar provides public on-street parking along East Coast Highway. Additionally, The Place historically serves the surrounding neighborhood with a higher volume of bike and pedestrian traffic.
3. Fact 1 in Support of Finding C incorporated by reference.

Finding:

E. 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 CC (Corridor Commercial). The CC designation is intended to provide a range of neighborhood-serving retail and service uses along street frontages that are located and designed to foster pedestrian activity. Permitted uses include those permitted in the CC Zoning designation, which includes restaurants by obtaining a use permit. The expanded outdoor dining use is accessory to the existing restaurant, will be utilized for a limited duration on-site, and will be in furtherance of the intention for this land use category.
2. The site is in the Commercial Corridor (CC) Zoning District. The CC Zoning District is intended to provide for areas appropriate for a range of neighborhood-serving retail and service uses along street frontages that are located and designed to foster pedestrian activity. The expanded outdoor dining use is accessory to the existing restaurant, will be utilized for a limited duration on-site, and will not impede use of the site consistent with the CC designation. The CC District also allows temporary uses as specified within the Zoning Code and the proposed limited duration use is consistent with this designation.
3. The Limited Term Permit for temporary outdoor dining would complement and be consistent with the other commercial uses permitted within the CC Zoning District in that it provides amenities that support visitors to the area and provides a social gathering place for those who live and work in the neighborhood, consistent with General Plan Land Use Element Goal LU 2, below. Additional benefits from the proposed amendment include providing opportunities for the continuation of local businesses that generate sales tax and provide opportunities for employment, which is consistent with General Plan Land Use Element Policy LU 2.4 (Economic Development):

Goal LU 2 *A living, active, and diverse environment that complements all lifestyles and enhances neighborhoods, without compromising the valued resources that make Newport Beach unique. It contains a diversity of uses that support the needs of residents, sustain and enhance the economy, provide job opportunities, serve visitors that enjoy the City's diverse recreational amenities, and protect its important environmental setting, resources, and quality of life.*

Policy LU 2.4 Economic Development *Accommodate uses that maintain or enhance Newport Beach's fiscal health and account for market demands, while maintaining and improving the quality of life for current and future residents (Imp 1.1, 24.1).*

4. Council Policy D-9 recognizes the need to balance economic development objectives with protection of the environment and the health and safety of the community. The policy recognizes the need to provide effective and efficient structures for implementing economic programs, utilizing staffing to provide healthy, thriving businesses, and maintain a healthy economy while preserving the unique commercial villages in Newport Beach. The proposed Limited Term Permit would support local business and economic prosperity while maintaining the unique character of the Corona del Mar community.
5. The Property is not located within a specific plan area.

6. The Corona del Mar Study (CdM Study) currently in process could result in code changes that allow the subject patio to remain on a permanent basis. For example, the CdM Study could result in streamlined review of use permits and/or changes to the parking requirements for restaurants and outdoor dining patios. Therefore, on August 27, 2025, the Applicant applied for a Limited Term Permit to authorize the outdoor patio for one additional year while the CdM Study and associated Zoning Code Amendments are processed. At the end of the one-year period, the Applicant would be required to obtain a Conditional Use Permit for the use and/or comply with the new procedures and requirements of the Zoning Code.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act under Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves Limited Term Permit filed as PA2025-0139 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 a call for review is filed with the Community Development Director by the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 11TH DAY OF DECEMBER, 2025.



Benjamin M. Zdeba, AICP, Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL****Planning Division**

1. *All conditions of approval from Use Permit No. 3058 shall be adhered to unless specifically modified by the following set of conditions.*
2. *The temporary outdoor dining area shall be in substantial conformance with the approved site plan stamped and dated with the date of this approval, except as modified by applicable conditions of approval.*
3. *The barrier between the alley and the temporary outdoor dining area shall be moved to maintain the minimum 5-foot, 1-inch setback from the alley property line to match the approved plan. Additionally, there shall be a one-foot clearance maintained between the barrier and the parking space to match the approved plan.*
4. *The approval of this Limited Term Permit shall be effective from the effective date of this approval until December 26, 2026. The applicant shall be required to cease all permitted operations and remove any temporary improvements made to the outdoor spaces as part of this Limited Term Permit on or before December 26, 2026.*
5. *Approval of this Limited Term Permit does not constitute approval of the temporary outdoor dining patio on a permanent basis. If the applicant wishes to establish a permanent outdoor dining area, then the applicant shall apply for the appropriate permit and be prepared to make improvements or changes to the outdoor dining area, if said permit is approved.*
6. *The outdoor dining area shall not exceed 500 square feet and shall occupy no more than two on-site parking spaces. One accessible parking space and one standard space shall be maintained clear and accessible for use at all times.*
7. *The existing allowed hours of operation of the establishment shall not be extended. The hours of operation of the temporary outdoor dining area as part of this approval shall not extend beyond 9:00 p.m., daily.*
8. *There shall be no use of amplified sound or live entertainment in the temporary outdoor dining area.*
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 provide adequate trash receptacles within the outdoor dining area and the operator shall provide for periodic and appropriate removal of trash, litter, debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.*

11. The Applicant shall ensure that the trash receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).
12. *The applicant shall install and maintain a physical barrier between any area used and adjacent common pedestrian walkways in accordance with the requirements of the State Department of Alcoholic Beverage Control (ABC).*
13. The Applicant shall adhere to all applicable State of California and Orange County Health Care Agency guidelines for the safe operation of the outdoor dining area.
14. The Applicant shall comply with all federal, state, and local laws, and all conditions of the Alcoholic Beverage License. Material violation of any of those laws or conditions in connection with the use may be cause for revocation of the Limited Term Permit.
15. The Applicant shall obtain and maintain authorization from the State Department of Alcoholic Beverage Control (ABC) for all areas where the sale, service or consumption of alcohol is under the control of the applicant. The establishment shall abide by all applicable regulations of the State Department of Alcoholic Beverage Control.
16. The sale of alcohol "to go" to patrons that dine within the temporary outdoor dining area shall be prohibited.
17. The Applicant shall be responsible for the control of noise generated by the subject facility including, but not limited to, noise generated by patrons, food service operations, and mechanical equipment. All noise generated by the proposed use shall comply with the provisions of NBMC Chapter 10.26 (Community Noise Control) and other applicable noise control requirements of the NBMC.
18. This Limited Term Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
19. The Community Development Director or designee may inspect the modified area at any time during normal business hours.
20. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to this Limited Term Permit.

21. 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 this **Limited Term Permit (PA2025-0139) for The Place Temporary Outdoor Patio**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by Applicant, City, and/or the parties initiating or bringing such proceeding. The Applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The Applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Building Department

22. Any areas used for temporary commercial or institutional use shall be accessible to disabled persons.
 - a. A minimum 4-ft wide accessible path to all functional areas shall be provided.
 - b. Access to restrooms shall be provided at all times.
 - c. Accessible parking stalls shall not be used for seating areas when onsite parking is provided.
 - d. At least one accessible seating area shall be provided.
 - e. Detectable warnings are required when pedestrian paths cross or are adjacent to a vehicular way where no physical barrier is provided to separate the two.
 - f. All exiting paths shall be a minimum 48 inches free and clear. All public walks and sidewalks shall be a minimum 48 inches free and clear.
23. Provide not less than 5% accessible seating at tables and counters with knee clearance of at least 27-inches-high, 30-inches-wide, and 19-inches-deep.
24. The tops of dining surfaces and work surfaces shall be 28 inches to 34 inches above the finish floor.
25. All exiting paths shall be a minimum 48 inches free and clear. All public walks and sidewalks shall be a minimum 48 inches free and clear.
26. All building exits shall remain free and clear of any obstacles that would impede exiting from a building or suite and accessing the nearest public right-of-way.
27. Accessible routes, including under canopy(ies) and other overhead improvements shall maintain a minimum clear height of 80 inches.

- 28. All electrical distribution lines shall be in good working order and shall be protected from pedestrian and vehicular traffic and shall accommodate accessibility.

Fire Department

- 29. Heaters or other heat emitting devices shall not be used under any flammable or combustible material.
- 30. Tents shall meet all requirements of Chapter 31 of the California Fire Code. All documents shall be available for inspection.
- 31. One 2-A: 10BC fire extinguisher shall be mounted and in a conspicuous, readily accessible location.
- 32. Two exits shall be provided for any area with an occupant load exceeding 49.
- 33. All fire department appurtenances shall remain accessible with 3 feet of clearance in all directions.

Public Works Department

- 34. *A substantial barricade (k-rail, water-filled barrier or other barrier, approved by the Public Works Department) shall be provided between the proposed outdoor dining area within the parking spaces and the alley. This barrier shall also be provided between the outdoor dining area and any parking drive aisles and parking stalls. Efforts shall be made by the operator to provide an alternative design to the bare, exposed substantial barrier to soften the look and improve the aesthetic to the neighborhood while still meeting the minimum substantial barricade requirements. The operator shall provide the conceptual ideas to the Planning Division for review and approval by Planning and Public Works.*
- 35. *The dining area and substantial barricades shall not encroach into the existing drive aisle or alley right of way.*
- 36. There shall be a minimum of 5 feet of space around all overhead facilities, such as poles, and 15 feet of space around all underground facilities, such as vault lids, manholes, vent pipes, pad-mounted transformers, etc.
- 37. Seating or structures below overhead conductors and/or under the 'drip line' shall be prohibited.
- 38. Public eating/dining at tables shall not be situated on top of energized vault lids, energized underground structures, or next to vent pipes, etc.

RESOLUTION NO. ZA2025-077

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT AND MODIFICATION PERMIT TO ALLOW AN ADDITION TO AN EXISTING SINGLE UNIT DWELLING AND CONSTRUCTION OF A NEW ACCESSORY DWELLING UNIT LOCATED AT 1530 GALAXY DRIVE (PA2025-0048)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Maisons the Art of Design, concerning property located at 1530 Galaxy Drive, requesting approval of a coastal development permit and modification permit.
2. The lot at 1530 Galaxy Drive is legally described as Lot 63 of Tract 4224.
3. The applicant requests a coastal development permit (CDP) to authorize the construction of a 1,243-square-foot addition to an existing 3,326-square-foot one-story single-unit dwelling and attached 748-square-foot three-car garage. The addition includes a 683-square-foot detached accessory dwelling unit (ADU), along with landscaping, hardscape, and drainage facilities. A modification permit is also requested to allow the reconstruction of the existing driveway leading to the three-car garage. The existing and proposed driveway is 29 feet, 6 inches wide, which exceeds the maximum permitted width of 25 feet for a three-car garage under Subsection 20.40.090(A)(3)(c) (Driveway Width) of the Newport Beach Municipal Code. Aside from the driveway width, the project complies with all applicable development standards, and no other deviations are requested. All improvements authorized by this CDP will be located on private property.
4. The subject property is designated Single Unit Residential Detached (RS-D) by the General Plan Land Use Element and is located within the Single-Unit Residential (R-1-6000) Zoning District.
5. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single Unit Residential Detached - (0.0 – 5.9 DU/AC) (RSD-A) and it is located within the Single-Unit Residential (R-1-6000) Coastal Zone District.
6. A public hearing was held on December 11, 2025, online via Zoom. A notice of the time, place, and purpose of the hearing was given by the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to and considered by the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is categorically exempt pursuant to Title 14 of the California Code of Regulations Section 15303, Division 6, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under class 3 (New Construction or Conversion of Small Structures), because it has no potential to have a significant effect on the environment.
2. Class 3 exempts the demolition of up to three (3) single-family residences and additions of up to 10,000 square feet to existing structures. The project consists of a remodel and addition of 1,243 square feet to an existing 3,326-square-foot one-story single unit dwelling and attached 748-square-foot three-car garage. The addition includes a 643-square-foot detached ADU. Therefore, the project is consistent with this exemption.
3. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

SECTION 3. REQUIRED FINDINGS.

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

Finding:

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

Facts in Support of Finding:

1. The proposed development complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and parking.
 - a. Site coverage is limited to 60% (7,752 square feet) of the 12,920-square-foot lot area. The proposed site coverage area is approximately 56.4% (7,288 square feet).
 - b. The proposed development provides the minimum required setbacks, which are 20 feet along the front property line adjacent to the bluff, 6 feet along each side property line (one portion of the existing dwelling provides 5 feet 10 inches), and 6 feet along the rear property line of Galaxy Drive. In addition, the detached ADU complies with the required setbacks, which are 4 feet along the side property line and 4 feet along the rear property line of Galaxy Drive.

- c. The highest roof ridge is approximately 14 feet 7 inches from established grade (89.23 feet based on the North American Vertical Datum of 1988 [NAVD88]), significantly less than the 24-foot maximum height limit.
- d. The project includes garage parking for a total of three vehicles, complying with the minimum two-car garage parking requirement for single-family residences with less than 4,000 square feet of habitable floor area. In addition, the project includes a third car garage space to comply with the minimum requirement of one parking space for a detached ADU.
- e. The property is located within the Bluff Overlay District of the Local Coastal Program Implementation Plan, which establishes special development standards for identified bluff areas of the City. Pursuant to the Bluff Overlay Map B-9D (Upper Newport Bay Bluffs), the property is located on a bluff subject to marine erosion. Consistent with the Bluff Overlay standards, the existing principal dwelling and major accessory structures are located within Development Area A and setback, at a minimum, 25 feet from the bluff edge. The proposed ADU and additional floor area are located within Area A. Minor accessory structures are proposed within Development Area B and setback, at a minimum, 10 feet back from the bluff edge. No new accessory structures are proposed within Development Area C.
- f. There are existing encroachments (wrought iron fence, brick pavers, and concrete) that extend into the State of California property to the east of the subject property. As conditioned, the project would be required to remove all existing encroachments.

2. The neighborhood is predominantly developed with one-story and two-story, single-family residences. The proposed design, bulk, and scale of the development are consistent with the existing neighborhood pattern of development and expected future development consistent with applicable development standards.

3. The finished floor elevation of the first floor of the existing structure is 90.18 feet based on the North American Vertical Datum of 1988 (NAVD88), which complies with the minimum 9.0-foot (NAVD88) elevation standard for new structures. The identified distances from the coastal hazard areas coupled with the 9.00-foot NAVD88 finish floor elevation will help to ensure the project is reasonably safe for the economic life of the structure.

4. Under NBMC Section 21.30.030(C)(3)(i)(iv), the property owner will be required to agree with the City waiving any potential right to protection to address situations in the future in which the development is threatened with damage or destruction by coastal hazards (e.g., waves, erosion, and sea level rise). This requirement is included as a condition of approval that will need to be satisfied before the final building permit inspection, respectively.

5. The property owner will also be required to acknowledge any hazards present at the site and unconditionally waive any claim to damage or liability against the decision authority, consistent with NBMC Section 21.30.015(D)(3)(c). This requirement is included as a condition of approval that will need to be satisfied before the issuance of building permits, respectively.

6. The property is in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code (CBC) and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved before the issuance of building permits. Permit issuance is also contingent on the inclusion of design mitigation identified in the investigations. Construction plans are reviewed for compliance with approved investigations and CBC before building permit issuance.
7. Under NBMC Section 21.35.050 (Water Quality and Hydrology Plan), due to the proximity of the development to the shoreline and the development containing more than 75% of impervious surface area, a preliminary Water Quality and Hydrology Plan (WQHP) is required. A preliminary WQMP has been prepared for the project by Advanced Civil Group dated August 12, 2025. The WQHP includes a polluted runoff and hydrologic site characterization, a sizing standard for BMPs, the use of a LID approach to retain the design storm runoff volume on-site, and documentation of the expected effectiveness of the proposed BMPs. Construction plans will be reviewed for compliance with the approved WQHP before building permit issuance.
8. The project design addresses water quality with a construction erosion control plan and a post-construction drainage system that includes drainage and percolation features designed to retain dry weather runoff and minor rain event runoff on-site. Any water not retained on-site is directed to the City's storm drain system.
9. Proposed landscaping complies with NBMC Section 21.30.075 (Landscaping). Condition of Approval Nos. 20 and 21 are included that require drought-tolerant species. Prior to the issuance of building permits, the final landscape plans will be reviewed to verify invasive species are not planted and only temporary irrigation is installed within 10 feet of the bluff edge (Bluff Development Area C).
10. The project site is located approximately 1,100 feet north of Galaxy View Park, a designated public viewpoint as identified in the Coastal Land Use Plan. The viewpoint primarily offers public views to the east and southeast of Upper Newport Bay and is not visible from the property. The project site is also located approximately 770 feet south of the Mariners Drive cul-de-sac viewpoint as identified in the Coastal Land Use Plan. The viewpoint primarily offers public views to the north and northeast of Upper Newport Bay and is not visible from the property. The project site is also located approximately 1,900 feet east of the Upper Newport Bay State Marine Conservation Area, a public viewpoint as identified in the Coastal Land Use Plan. The viewpoint primarily offers public views to the east and north of Upper Newport Bay. The project site is within distant view sheds of the Big Canyon Park, Newporter North, and Back Bay Drive. The project will add floor area to an existing single-unit dwelling and a detached ADU. Furthermore, the project addition is a single-story with a maximum height of approximately 15 feet above the existing grade and the detached ADU has a maximum height of 14 feet 7 inches from existing grade. Additionally, the overall structure height is approximately 9 feet 5 inches lower than the allowable height for flat roofs in the R-1-6000 coastal zoning district. Therefore, the residence will be no more visible from Upper Newport Bay than the surrounding neighborhood and will not degrade the visual quality of the Coastal Zone or result in significant adverse impacts to public views.

Finding:

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

Fact in Support of Finding:

1. The project site is located between the nearest public road and the sea or shoreline. Implementation Plan Section 21.30A.040 (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 construction of additional floor area and a detached accessory dwelling unit to an existing single-family residence located on a standard R-1-6000 lot. The ADU consists of one bedroom, is an allowed use within the R-1-6000 Zoning District, is not expected to create a substantial demand on public access. Therefore, the project does not involve a change in land use, density, or intensity that will result in increased demand for public access and recreation opportunities. Furthermore, the project is designed and sited (appropriate height, setbacks, etc.) so as not to block or impede existing public access opportunities.
2. Vertical and lateral access to/along the bay and beach is available at North Star Beach approximately 1,700 feet south of the project site. The project does not include any features that would obstruct access along these routes.

Modification Permit

In accordance with Section 20.52.050(E) (Modification Permits – Required Findings) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

C. *The requested modification will be compatible with existing development in the neighborhood.*

Facts in Support of Finding:

1. The existing development is a 3,326-square-foot, single-unit dwelling with an attached three-car garage. The neighborhood is comprised of one-story and two-story single-unit dwellings with driveways along the street. The modification permit will allow the reconstruction of the existing driveway leading to the three-car garage.
2. The addition would provide more living area for the residents by increasing the size of the dwelling unit by 560 square feet and constructing an ADU. The addition and ADU are one story and consistent with the design and height of other properties in the neighborhood. The proposed modification for the driveway would not impact the bulk or scale of the existing dwelling and proposed addition and ADU. Other properties within

the vicinity of the project have existing nonconforming driveway widths, similar to the Property.

Finding:

D. The granting of the modification is necessary due to the unique physical characteristic(s) of the property and/or structure, and/or characteristics of the use.

Facts in Support of Finding:

1. The existing structure was built in the early 1960s and complied with development standards, including parking requirements and driveway widths, at the time of construction. Subsequent amendments to the standards have rendered the driveway width of the existing three-car garage nonconforming.
2. The project includes the reconstruction of the existing driveway leading to the three-car garage. The existing three-car garage includes two garage doors (a two-car door and a single car door), which would be shifted slightly to the south as part of the project to improve the design of the exterior of the building (by centering the doors with the exterior walls). Accordingly, the driveway would be shifted over slightly (1 foot 6 inches) to the south to provide for the redesign of the garage doors. The width of the driveway would remain the same at 29 feet, 6 inches wide, which exceeds the maximum permitted width of 25 feet for a three-car garage. Reducing the driveway width that leads to the existing three-car garage would result in a driveway width that does not provide sufficient access to the existing garage. Strict application of the code would result in a 4-foot 6-inch reduction in the driveway width making it so that vehicles using the two outermost garage spaces (the side garage spaces) would need to drive over the sloped curb and landscaping to access the garage door openings, reducing maneuverability and access to the garage.
3. Fact in support of Finding E is hereby incorporated by reference.

Finding:

E. The granting of the modification is necessary due to practical difficulties associated with the property and that the strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code.

Fact in Support of Finding:

The granting of the modification is necessary given that the existing and proposed driveway is 29 feet, 6 inches wide, which exceeds the maximum permitted width of 25 feet for a three-car garage under Subsection 20.40.090(A)(3)(c) of the Newport Beach Municipal Code. Bringing the driveway into compliance with current Zoning Code requirements would provide a negligible benefit, but would unreasonably affect the accessibility of the required garage. Given the project is proposing to construct a detached ADU, an additional off-street parking space is required in addition to the two-car garage required for the existing single unit dwelling. The ADU parking space is being provided within the existing three-car garage as the existing

driveway depth of approximately 7 feet is not adequate to park a vehicle. Therefore, the third parking space in the garage needs to be available for ADU parking, and the Applicant cannot reduce the number of spaces in the garage to provide a narrower driveway width.

Finding:

F. *There are no alternatives to the modification permit that could provide similar benefits to the applicants with less potential detriment to surrounding owners and occupants, the neighborhood, or to the general public.*

Facts in Support of Finding:

1. Bringing the driveway into compliance with current Zoning Code requirements would provide a negligible benefit, but would unreasonably affect the accessibility of the required garage. Given the project is proposing to construct a detached ADU, an additional off-street parking space is required in addition to the two-car garage required for the existing single unit dwelling. The ADU parking space is being provided within the existing three-car garage as the existing driveway depth of approximately 7 feet is not adequate to park a vehicle. Therefore, the third parking space in the garage needs to be available for ADU parking, and the Applicant cannot reduce the number of spaces in the garage to provide a narrower driveway width.
2. The intent of the project is to provide for a new office, powder room, expanded family room, and detached ADU. A redesign to reduce the size of the driveway would significantly impact reasonable access to the garage. The garage is currently constructed with a clear width of 33 feet, where 28 feet 3 inches is required. An alternative would be to reduce the garage width and the associated driveway width to align with the NBMC minimum width for three-car garages. However, reducing the width of the garage would require complete reconstruction of exterior walls of the garage, where the project does not include the removal or replacement of garage walls (other than the doors). This alternative would increase the scope of the work and cost of the project. Reducing the size of the garage would also result in limited space for storage or minor mechanical equipment typically found in a garage, such as water heaters, reducing the functionality and practical use of the garage. Reducing the size of the garage doors would also create challenges for accessing the garage, especially with a short (7-foot deep) driveway. The alternatives analyzed would not provide similar benefits to the applicant nor reduce any potential impacts.
3. Reducing the size of the driveway to comply with the NBMC would not result in the creation of additional on-street spaces that could provide a benefit to the public.
4. Fact in support of Finding E is hereby incorporated by reference.

Finding:

G. *The granting of the modification would not be detrimental to public health, safety, or welfare, to the occupants of the property, nearby properties, the neighborhood, or the*

City, or result in a change in density or intensity that would be inconsistent with the provisions of this Zoning Code.

Facts in Support of Finding:

1. The proposed remodel and construction will comply with all applicable development standards, including height, setbacks, lot coverage and will provide adequate protection for light, air, and privacy (with the exception of driveway width). Maintaining the existing driveway width of 29 feet 6 inches would not affect nearby properties or residents and would not change the density on the site. The addition of floor area to the primary dwelling and the development of an ADU will not preclude access to the dwelling and will be consistent in scale with other dwellings in the neighborhood.
2. The approval of this modification permit is conditioned such that the Applicants are required to obtain all necessary permits in accordance with the Building Code and other applicable Codes.
3. The Public Works Department City Engineer and City Traffic Engineer have reviewed the proposed design and determined that the requested 29-foot 6-inch-wide approach bottom is a minor dimensional variance pursuant to City Council Policy L-2 and are supportive of the modification request.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act pursuant to Section 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. 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, and is not a hazardous waste site, and is not identified as a historical resource.
2. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit and Modification Permit PA2025-0048, 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 20 (Planning and Zoning) and Title 21 Local Coastal Program (LCP) Implementation Plan, of the Newport Beach Municipal Code. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 (Appeal to the Coastal Commission)

of the City's certified LCP and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

PASSED, APPROVED, AND ADOPTED THIS 11TH DAY OF DECEMBER, 2025.



Benjamin M. Zdeba, AICP, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

1. The development shall be in substantial conformance with the approved site plan, floor plans, and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. Prior the final building permit inspection, an agreement in a form approved by the City Attorney between the property owner and the City shall be executed and recorded waiving rights to the construction of future shoreline protection devices to address the threat of damage or destruction from waves, erosion, storm conditions, landslides, seismic activity, bluff retreat, sea level rise, or other natural hazards that may affect the property, or development of the property, today or in the future. The agreement shall be binding against the property owners and successors and assigns.
3. Prior the issuance of a building permit, the property owner shall submit a notarized signed letter acknowledging all hazards present at the site, assuming the risk of injury or damage from such hazards, unconditionally waiving any claims of damage against the City from such hazards, and to indemnify and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including without limitation, attorney's fees, disbursements, and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the development. This letter shall be scanned into the plan set before building permit issuance.
4. This approval does not authorize any new or existing improvements (including landscaping) on California Coastal Permit Jurisdiction, State tidelands, public beaches, or the public right-of-way.
5. 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.
6. This Coastal Development Permit does not authorize any new development bayward of the private property.
7. *Prior to the building permit final, the Applicant shall remove all existing, unpermitted encroachments outside the confines of the private property along the bluff edge, including, but not limited to, wrought iron fence, brick pavers, and concrete. Prior to the removal of these encroachments, all required permits and/or authorizations shall be obtained by all appropriate jurisdictions (e.g., Department of Fish and Wildlife, State of California, and/or other relevant agencies). Replanting with native vegetation along the*

bluff edges shall be required unless alternative restoration is directed by an appropriate agency).

8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
14. The project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.

15. 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.
16. 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.
17. *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.*
18. *Before the issuance of building permits, the applicant shall submit a final drainage and grading plan. The plan shall be subject to review and approval by the Building Division.*
19. *Before issuance of a building permit, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.*
20. *Before the issuance of a building permit, the applicant shall submit a final landscape and irrigation plan. These plans shall incorporate drought-tolerant plantings, non-invasive plant species, and water-efficient irrigation design. The plans shall be approved by the Planning Division.*
21. *Before issuance of building permits, the final WQHP/WQMP shall be reviewed and approved by the Building Division. The implementation shall comply with the approved CPPP and WQHP/WQMP and any changes could require separate review and approval by the Building Division.*
22. 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.
23. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday, and 8:00 a.m. through 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.
24. 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.

25. 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.
26. This Coastal Development Permit and Modification Permit PA2025-0048 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) and Section 21.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.
27. 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 **Brighton Road Investments LLC Residence** including but not limited to, **Coastal Development Permit and Modification Permit (PA2025-0048)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages, which the City incurs in enforcing the indemnification provisions outlined in this condition. The applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

Fire Prevention Division

28. The Project shall provide a residential fire sprinkler system in compliance with 2022 NFPA 13D.

Building Division

29. Exterior walls of dwellings, guesthouses, garages, carports and/or accessory structures closer than 5 ft. (3 ft. if sprinklered) to the property line and the imaginary property line between buildings shall be 1-hour fire-resistance-rated construction.
30. Where the exterior walls of non-sprinklered group R-3/U occupancies are located between 3 feet and 5 feet from the property line and the imaginary property line between buildings, the total area of protected and unprotected openings (including vents) is limited to 25% of the wall area on each floor (not including garage wall). Provide area calculations on exterior elevations (Table R302.1(1) and (2)).

Public Works Department

31. The Project shall remove the existing hardscape within the Galaxy Drive right-of-way and install sod or other drought tolerant landscaping.

32. The Project shall install a minimum 36-inch box street tree within the Galaxy Drive right-of-way. Tree species shall be consistent with City Council Policy G-6.
33. The new driveway shall be constructed per City Standard 162 with the exception of a 29.5-foot-wide driveway approach bottom. The City Engineer and City Traffic Engineer has reviewed the proposed design and determined that the requested 29.5-foot-wide approach bottom is a minor dimensional variance pursuant to City Council Policy L-2. 5.
34. A new sewer cleanout shall be installed on the existing sewer lateral per City Standard 406. The new sewer clean out shall be located within the public right of way in the sidewalk area.
35. Relocate the existing gas meter to private property.
36. Reconstruct all damaged or broken concrete sidewalk, curb, and gutter along Galaxy Drive project frontage per City Standards.

RESOLUTION NO. ZA2025-078

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A LIMITED TERM PERMIT FOR A TEMPORARY PARKING LOT LOCATED AT 20052 BIRCH STREET (PA2025-0141)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Austin Hahn of Allegro Civil Engineers (Applicant) on behalf of Jones Bristol Parcel LLC (Owner), with respect to property located at 20052 Birch Street and legally described as northeasterly one half of Lot 140 of Tract 706, Harbor View addition to Santa Ana Heights, as shown on a map recorded in Book 21, Page 25 of Miscellaneous Maps, Records of Orange County, California (Property).
2. Fletcher Jones Motorcars (Fletcher Jones) currently operates an airport shuttle and carwash facility on an adjacent property addressed as 2172, 2192 and 2222 South Bristol Street which offers vehicle parking, carwash and shuttle service to and from John Wayne Airport to preferred customers. On February 23, 2023, the Planning Commission approved a Conditional Use Permit (PA2022-128) to allow the redevelopment of the facility to include a new carwash and with detailing bays and retention of the shuttle office. The shuttle is authorized to operate between the hours of 5 a.m. to 10 p.m., Monday through Saturday, and 6 a.m. to 10 p.m. on Sunday.
3. The Applicant requests a limited term permit (LTP) to allow the operation of a temporary vehicle parking lot from January 26, 2026, through January 26, 2027, between the hours of 5 a.m. to 10 p.m., Monday through Saturday, and 6 a.m. to 10 p.m. on Sunday. The parking lot would operate as an extension of the adjacent Fletcher Jones airport shuttle facility by providing overflow parking, establishing vehicular connectivity to create an exit route onto Birch Street for shuttle vehicles, and accommodating construction staging for the facility's redevelopment. The project includes the installation of semi-permeable gravel, two temporary light fixtures, and two temporary mobile surveillance trailers with camera equipment for security purposes. No permanent improvements to the Property are proposed. Full-time security personnel would also be onsite 24 hours a day to further increase security (Project). The Project would allow for the continued operation of the airport shuttle service during the redevelopment of the adjacent shuttle and carwash facility.
4. The Property is categorized as General Commercial Office (CO-G) by the Land Use Element of the General Plan and is located within the Santa Ana Height Specific Plan Business Park (SP-7 BP) Zoning District.
5. The Property is currently developed with a single-unit residence, a two-unit residence, and accessory structures. This existing development has been approved to be demolished pursuant to Building Permit Nos. U2025-0470 and U2025-0520 through

U2025-0522, in compliance with the Housing Crisis Act of 2019. Residential uses are not allowed within SP-7 BP District and are considered legal nonconforming.

6. A public hearing was held on December 11, 2025, online via Zoom. A notice of the time, place, and purpose of the hearing was given in accordance with the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to and considered by the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is exempt from the California Environmental Quality Act (CEQA) under Section 15304 under Class 4 (Minor Alterations to Land) 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 4 exemption is for minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Class 4 exemption also includes minor temporary uses of land having negligible or no permanent effects on the environment including but not limited to carnivals or sales of Christmas trees. The Project is for a temporary parking lot which utilizes temporary improvements resulting in a negligible effect on the environment. Therefore, the Class 4 exemption is applicable.
3. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The Project does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.040(G) (Limited Term Permits – Finding and Decision) of the Newport Beach Municipal Code (NBMC), the findings and facts in support of such findings are set forth as follows:

Finding:

- A. *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 LTP will allow the operation of the temporary parking lot for more than 90 days. Condition of Approval No. 5 establishes the duration of the Project from January 26, 2026,

through January 26, 2027. The Project will allow for the continued operation of the Fletcher Jones airport shuttle service during the redevelopment of the facility.

2. Condition of Approval No. 6 limits the hours of operation of the Project to between 5 a.m. to 10 p.m., Monday through Saturday, and 6 a.m. to 10 p.m. on Sunday. These operating hours align with the operating hours of the airport shuttle facility.
3. The Project will include the installation of semi-permeable gravel throughout the Property and will install two temporary mobile surveillance trailers. All temporary improvements specific to the Project will be removed at the conclusion of this Limited Term Permit, unless an extension is granted. No permanent improvements to the Property are proposed.
4. The Property is located on Birch Street, which primarily developed multi-story, medical and professional office buildings which are also located within the SP-7 BP District. The Property is bounded by a Starbucks coffee shop and the Fletcher Jones airport shuttle facility to the north, a single-unit residential equestrian property developed with a storage facility to the east, and a multi-tenant, medical and professional office building to the south. There is a multi-unit residential development approximately 200 feet south of the Property along Birch Street followed by four single-unit residences situated further south. Residential uses are not allowed within SP-7 BP District and are considered legal nonconforming. The Project is not anticipated to generate any public inconveniences such as noise, light or odors. Condition of Approval No. 11 requires that Fletcher Jones take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the Property and adjacent properties during business hours, if directly related to the patrons or employees of the Project.
5. The Project has been reviewed and includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. Based on the NBMC requirements and the proposed conditions of approval, the Project is not anticipated to impact the nearby nonconforming residences, will maintain compatibility with the surrounding neighborhood and should not result in a detriment to the surrounding land uses.
6. Fact 7 in support of Finding E is hereby incorporated by reference.

Finding:

- B. *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 18,041 square feet in area, is rectangular in shape, and is located within a developed neighborhood. The Property is adequate in size and shape to

accommodate the Project during construction of the adjacent carwash and shuttle facility.

2. Vehicular access to the Property will be created from the adjacent Fletcher Jones airport shuttle facility located at 2172, 2192 and 2222 South Bristol Street. The Public Works Department has reviewed the Project and included Condition of Approval Nos. 25 and 26, which require the Property's driveway to operate as a one-way outbound access onto Birch Street for shuttle bus operators only. These conditions ensure that patrons of the airport shuttle service do not enter the Property which mitigates any queuing impacts along Birch Street. Additionally, Condition of Approval No. 27 requires the Applicant to monitor the surrounding public streets and remove any gravel that enters the public right-of-way.
3. While the existing public vehicular access to the Property from Birch Street will be restricted, emergency vehicle access to the Property will still be available on the Birch Street curb opening. Additionally, adequate public services and utilities are provided on the Property.
4. The Building Division and Fire Department have reviewed the Project and have provided Conditions of Approval Nos. 20-24. The Applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent City-adopted version of the California Building Code.

Finding:

- C. *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.*

Facts in Support of Finding:

1. The Property will be accessed through the adjacent Fletcher Jones airport shuttle facility, which is accessed through Bristol Street, a three-lane, one-way street that is approximately 50 feet wide.
2. The Fletcher Jones airport shuttle facility has been operating since 2006 with no operational issues or complaints related to traffic. The Project will allow for the continued operation of the airport shuttle service on a temporary site during the redevelopment of the facility and is not expected to generate additional traffic beyond the typical traffic already associated with the use. The operating history of the Fletcher Jones airport shuttle facility suggests that the temporary parking lot, shuttle access and temporary construction staging is not expected to create any future objectionable traffic conditions.

Finding:

- D. *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 Project is for a temporary parking lot for overflow vehicles associated with the Fletcher Jones airport shuttle service. Parking at the main facility will still be available; however, the temporary parking lot will offset any temporary loss of parking due to the construction activities.
2. The temporary parking lot will provide approximately 41 vehicle parking spaces. Therefore, sufficient onsite parking will exist to accommodate the continued operation of the airport shuttle facility.

Finding:

E. *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 Property is categorized as General Commercial Office (CO-G) by the Land Use Element of the General Plan. Table LU 1 (Land Use Plan Categories) specifies that the CO-G category is intended to provide areas for the development of administrative, professional, and medical offices with limited accessory retail and service uses. Hotels, motels, and convalescent hospitals are explicitly prohibited. The Project proposes a temporary parking lot use as an extension of the Fletcher Jones airport shuttle facility. While the airport shuttle facility and the Project will maintain slightly later hours than a typical administrative or professional office, it will not maintain overnight hours common to hotels, motels, or hospitals.
2. The Property is one of 17 properties within the 20,000 block of Birch Street which are also categorized as CO-G by the Land Use Element of the General Plan. Most of these properties are developed with commercial uses such as multi-story office buildings. The Project will not change the overall balance of development within the area or result in an overconcentration of service uses. The Project will serve as an opportunity to introduce low-intensity parking use on presently nonconforming property.
3. The Property has historically been developed with a single-unit residence, a two-unit residence and accessory structures. The residences and accessory structures will be demolished pursuant to Building Permit Nos. U2025-0470 and U2025-0520 through U2025-0522, in conformance with the Housing Crisis Act of 2019. Residential uses are not intended for areas categorized as CO-G by the Land Use Element of the General Plan. General Plan Policy LU 3.3 (Opportunities for Change/Santa Ana Heights) places importance on the use of properties consistent with the adopted Specific Plan and Redevelopment Plan. The Project will replace an inconsistent residential development with temporary parking lot use, which is consistent with both the Specific Plan and CO-G Land Use Element category.
4. The Project is located approximately one mile to the south of John Wayne Airport and within the 65-70 dBA Community Noise Equivalent Level (CNEL) noise contour area. A

wide range of commercial activities are normally compatible with this level of noise pursuant to Table N2 (Land Use Noise Compatibility Matrix) of the General Plan Noise Element, whereas the former residential uses were incompatible. The Project does not include any permanent structures; therefore, there is no applicable ambient noise mitigation for the Project.

5. General Plan Policy LU 2.1 (Resident-Serving Land Uses) encourages uses that support the needs of the city's residents, including services, that are in balance with community natural resources and open spaces. The Project will ensure the continued operation of the airport shuttle service which provides residents with convenient transportation to and from John Wayne Airport. Additionally, the Project is within an already developed neighborhood and does not include any permanent structures, which ensures minimal impact on existing open space.
6. The Property is located within the Santa Ana Height Specific Plan Business Park (SP-7 BP) Zoning District. The SP-7 BP District was established to provide for the development and maintenance of professional and administrative offices, commercial uses, specific uses related to product development, and limited light industrial uses. Pursuant to subsection 20.90.120 (C) (Business Park District: SP-7 BP – Temporary Uses Permitted) of the NBMC, outdoor storage of vehicles and vans, equipment, materials and temporary structures directly associated with these uses are allowed within the BP District, subject to approval of a LTP.
7. The Project complies with applicable site development standards for temporary uses as specified in subsection 20.90.120 (C)(6) (Business Park District: SP-7 (BP) – Site Development Standards for Temporary Uses) of the NBMC including, but not limited to, site fencing, setbacks, height, and surface material.
 - a. The Project provides the minimum required site fencing by retaining the existing 6-foot wall along the side and rear property lines.
 - b. The Project requires a 10-foot setback for any temporary building, wall, fencing or storage area from any public street. The Project does not include any temporary building wall or fencing. Condition of Approval No. 10 requires that vehicles, mobile surveillance trailers, or similar temporary equipment be set back a minimum of 10 feet from the property line abutting Birch Street.
 - c. The Project requires landscaping within the 10-foot front setback to screen temporary uses that may be visible from the public street. Landscaping is required to comply with the standards specified in Section 20.90.030 (Design Guidelines) of the NBMC. Condition of Approval No. 8 requires the Applicant to submit a Final Landscape Plan to ensure compliance with the screening requirements.
 - d. The Project includes two temporary lighting fixtures. Condition of Approval No. 9 prohibits the Property from being excessively illuminated and authorizes the Community Development Director the authority to order the dimming of light sources should the light sources create an unacceptable negative impact on surrounding land uses.

- e. The Project does not include any utility poles within the 10-foot front setback area.
- f. The Project requires an all-weather surface including asphalt, concrete or another approved material which is at least four inches thick for all temporary storage areas. The Project includes the installation of semi-permeable gravel and the retention of an existing concrete driveway.
- g. The height of vehicles, equipment and materials stored on the Property are limited to 10 feet in height and 6 feet in height if within 10 feet of a perimeter wall or fence. Condition of approval No. 7 requires that vehicles and equipment stored on the property do not exceed these height limits.
- h. Temporary commercial operations are limited to between the hours of 7 a.m. to 10 p.m. to ensure compatibility with surrounding uses. On February 23, 2023, the Planning Commission approved a Conditional Use Permit (PA2022-128) to allow the redevelopment of the adjacent Fletcher Jones airport shuttle and carwash facility which would operate from 5 a.m. to 10 p.m., Monday through Saturday, and 6 a.m. to 10 p.m. on Sunday. While the Conditional Use Permit is tied to the adjacent property, the Property is intended to operate as an extension of the airport shuttle facility. Additionally, while the Project is for temporary use, the Applicant has also applied for a Conditional Use Permit (PA2023-0220) to establish the permanent use of the Property as a parking lot to serve the airport shuttle facility.

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 15304 under Class 4 (Minor Alterations to Land) 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 Limited Term Permit filed as PA2025-0141, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal is filed with the Community Development Director in accordance with the provisions of Chapter 20.64 (Appeals) of the NBMC.

PASSED, APPROVED, AND ADOPTED THIS 11TH DAY OF DECEMBER, 2025.



Benjamin M. Zdeba, 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 stamped and dated with the date of this approval, except as modified by applicable conditions of approval.
2. The Project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. The Applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may cause the revocation of this approval.
4. This Limited Term Permit may be modified or revoked by the Zoning Administrator should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the Property is operated or maintained so as to constitute a public nuisance.
5. *The Project shall be permitted on the Property between January 26, 2026, through January 26, 2027. Operation of the Project outside of this duration is prohibited without subsequent review by the Planning Division and the potential processing of a new limited term permit.*
6. *The Project shall be permitted to operate between the hours of 5 a.m. to 10 p.m., Monday through Saturday, and 6 a.m. to 10 p.m. on Sunday, consistent with the Fletcher Jones airport shuttle facility.*
7. *The Project components, including vehicle storage, mobile surveillance trailers, or any similar temporary equipment or structures, shall be setback a minimum of 10 feet from the property line abutting Birch Street.*
8. *Prior to issuance of a building permit, the Project Applicant shall submit a Final Landscaping Plan for review by the Planning Division to ensure compliance with landscape setbacks screening requirements. The landscape types shall comply with the Design Guidelines of the Santa Ana Heights Specific Plan.*
9. 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 Property is excessively illuminated.

10. *The height of vehicles, equipment and materials stored on the Property shall be limited to 10 feet in height, and 6 feet in height if within 10 feet of a perimeter wall or fence.*
11. *The Property Owner shall take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in the temporary parking area, sidewalks and areas surrounding the Property and adjacent properties during operating hours, if directly related to the patrons or employees of the businesses.*
12. *The Property shall be cleaned of all debris, litter, amenities and temporary structures and amenities specific to the Project, within 30 days of the expiration of the LTP, unless any extension is approved.*
13. All noise generated by the Project shall comply with the provisions of Chapter 10.26 (Community Noise Control) and other applicable noise control requirements of the NBMC.
14. Construction activities shall comply with Section 10.28.040 (Construction Activity – Noise Regulations) of the NBMC, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday, and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.
15. 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.
16. 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 Community Development Director, 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 Property is excessively illuminated.
17. The Applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).
18. Prior to the operation of the Project, the Applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.

19. 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 **Fletcher Jones Temporary Lot** including, but not limited to the **Limited Term Permit filed as PA2025-0141**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by Applicant, City, and/or the parties initiating or bringing such proceeding. The Applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The Applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Building Division

20. *The Applicant shall obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent City-adopted version of the California Building Code.*
21. *Egress and existing on the temporary parking lot shall be maintained.*
22. *Prior to issuance of a building permit, the Applicant shall prepare a Water Quality Management Plan (WQMP) consistent with the Model WQMP, Exhibit 7.II.*

Fire Department

23. *Prior to issuance of a building permit, the Applicant shall prepare a fire access plan that shows all designated fire lanes marked by red curb or signage complying with the Newport Beach Fire Department (NBFD) Guideline C.01.*
24. *A knox key switch for any gates or manual gate locks shall be required for any gates that are installed across the driveway.*

Public Works Department

25. *The driveway accessing Birch Street shall be one-way and outbound only. Pavement markings and applicable signage shall be required for one-way outbound drive aisles. Pavement markings shall be per the latest Caltrans standard plans and signage shall be per the lastest California Manual of Uniform Traffic Control Devices (MUTCD).*
26. *The Birch Street driveway shall be used by shuttle bus operators only. Patrons and employees shall not be permitted to use the Birch Street driveway.*

27. *The Applicant shall monitor the surrounding public streets and remove any gravel that enters the public right-of-way.*



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

COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER

Subject: **5160 Campus Drive Parking Reduction (PA2025-0124)**
▪ Staff Approval

Site Location **5160 Campus Drive**

Applicant **Bob Bunyan**

Legal Description **Parcel 3 of Resubdivision No. 542**

On December 11, 2025, the Community Development Director approved Staff Approval No. PA2025-0124 in accordance with Subsection 20.40.110.D. (Reduction of Required Off-Street Parking by Director) of the Newport Beach Municipal Code (NBMC) to authorize a 14% reduction in required off-street parking for an existing professional office building that is proposed to be converted to a medical office building. The applicant has provided a parking study, which was prepared by RK Engineering Group Inc. This approval is based on the following findings and is subject to the following conditions.

LAND USE AND ZONING

- **General Plan Land Use Plan Category:** Mixed-Use Horizontal (MU-H2)
- **Zoning District:** Koll Center Planned Community (PC15 Koll Center)

I. INTRODUCTION

Project Setting and Background

The property is located in the Koll Center Planned Community (PC15), near the corner of Campus Drive and Teller Avenue. The property is specifically designated as Office Site E, which is intended for commercial activities engaged in the sale of products or services, including medical office uses. The subject property is developed with a professional office building located on a footprint lot that is rectangular in shape and 0.18 acres in size (Figure 1, below). The property currently utilizes a shared parking lot between four other professional office buildings (4700 Teller Avenue, 5100, 5120, and 5140 Campus Drive), providing a total of 113 parking spaces. Previous building tenants offered general business and legal services, which required a parking rate of one parking space for every 225 square feet of net floor area.



Figure 1: Oblique aerial image of the property (outlined in blue) and surrounding office buildings that utilize the shared parking lot (outlined in gold)

Proposed Operation

The applicant proposes operating a medical and surgical optometry office, which requires a parking rate of five spaces for each doctor or one space for every 200 square feet of gross-floor area, whichever is greater. The project's proposed hours of operation are Monday through Friday, 8:00 a.m. to 5:00 p.m., and Saturday. The medical office intends to operate primarily on an appointment basis with one doctor on site. However, walk-ins may be permitted at the office's discretion for urgent cases. The change of use to a medical office is permitted by-right by PC15's Professional and Business Offices District. However, the project's parking rate of one parking space for every 200 square feet of gross floor area creates an intensification of parking and requires a total of 130 parking spaces to be provided on site, where 113 are currently provided. Furthermore, parking lot improvements are proposed (further described below), which result in a total of 112 spaces. Therefore, the proposed project will result in an 18-space deficit based on PC-12 standards.

Parking Study

To verify that the existing shared parking lot provides sufficient parking for the project, the applicant has provided a parking study prepared by RK Engineering Group Inc., dated October 15, 2025 (Attachment CD 3). The survey methodology for the parking study was

reviewed and accepted by the City's Public Works Traffic Engineering Division prior to conducting the parking study. The study analyzed the four office building developments (4700 Teller Avenue, 5100 Campus Drive, 5120 Campus Drive, and 5140 Campus Drive), as well as the project site (5160 Campus Drive), since they share the parking lot. The four office buildings include a variety of tenants, with various professional office uses and one medical office.

The parking study provides a proposed parking layout designed to correct existing ADA compliance deficiencies and ensure the parking lot meets current City code requirements. These improvements result in the loss of one parking space, which lowers the total number of spaces to 112. Observational parking counts were documented from 7:00 a.m. to 6:00 p.m., at one-hour intervals, on a typical Tuesday, Wednesday, and Thursday in August of 2025. The observed parking counts determined a peak parking demand ratio for the shared parking lot. The parking study determined that the observed peak parking was 60 spaces out of the 112 parking spaces, resulting in a parking utilization rate of 54% during peak conditions. Since only 112 parking spaces will be provided and the project requires 130 spaces, an 18-parking space waiver (14%) is required and supported by the study provided.

Staff Approval

Pursuant to Section 20.40.110(D) (Reduction of Required Off-Street Parking by Director) of the Newport Beach Municipal Code (NBMC), the Community Development Director may authorize a reduction of off-street parking by a maximum of 20% using any combination of the following findings below.

II. FINDINGS

A. *The applicant has provided sufficient data, including a parking study if required by the Director, to indicate that parking demand will be less than the required number of spaces or that other parking is available*

Fact in Support of Finding:

1. The Applicant has provided a parking study prepared by RK Engineering Group Inc., dated October 15, 2025. The parking study shows that the shared parking lot with 112 spaces can adequately serve both the subject property and the four adjacent office buildings. The project would convert an existing 4,806-square-foot office building into a medical office, which requires 25 on-site parking spaces. Based on the parking requirements for the existing uses and the project, a reduction of 18 additional parking spaces is required to accommodate the project site. The study concluded that the parking lot's peak demand would utilize 60 of the proposed 112 parking spaces, leaving 52 spaces available. Since 52 spaces would be available and the project needs only 25, the parking study supports the request of a 14% reduction.

Finding:

B. *On-Site Bicycle Facilities. Required nonresidential off-street parking may be reduced where there is a demonstrated use of bicycles as a mode of transportation. The Director may reduce the number of required parking spaces by one space for every three bicycle parking spaces provided on the same site they serve, up to five percent of the total requirement in compliance with the following conditions:*

- i. *The applicant has provided sufficient evidence to substantiate that there exists a demand for bicycle parking; and*
- ii. *The bicycle parking spaces are located completely within the private property they serve.*
- iii. *An additional five percent reduction may be allowed when enhanced end-of-trip facilities are provided on the same site they serve, including, but not limited to, showers and locker facilities.*

Fact in Support of Finding:

1. Since the parking study justifies the requested 14% reduction of parking requirements, the Applicant is not proposing to add on-site bicycle facilities to the property.

Finding:

C. *Space for Shared Mobility. Required nonresidential off-street parking may be reduced by up to ten percent in compliance with the following conditions:*

- i. *Exclusive of curb space needed for emergency access purposes (e.g., a fire lane), the development includes at least twenty linear and contiguous feet of on-site dedicated curb-space located entirely on private property; or*
- ii. *There is one off-street parking space designated and with proper signage for the use of shared-mobility vehicles and/or pick-up/drop-off located on private property and on the same site it is intended to serve*

Fact in Support of Finding:

1. Since the parking study supports the requested 14% reduction of parking requirements, the Applicant is not proposing any off-streeting parking space for the use of rideshare.

III. CONDITIONS

1. The parking lot shall be resurfaced with seal coat and re-striped.
2. The parking layout shall comply with City Standard 805.
3. A building permit shall be required for the change of use.

4. An accessible path of travel is required from the parking lot and public right of way.
5. An elevator shall be required for the medical building, to the satisfaction of the Building Division.
6. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements.
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 the City's approval of the **5160 Campus Drive Parking Reduction including, but not limited to, the Staff Approval No. PA2025-0124**. 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 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 is specified by the Municipal Code (e.g., Title 19 allows 10 day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

Prepared by:


Laura Rodriguez, Assistant
Planner

Approved by:


Jaime Murillo, AICP
Acting Community Development Director

Attachments:

CD 1 Vicinity Map

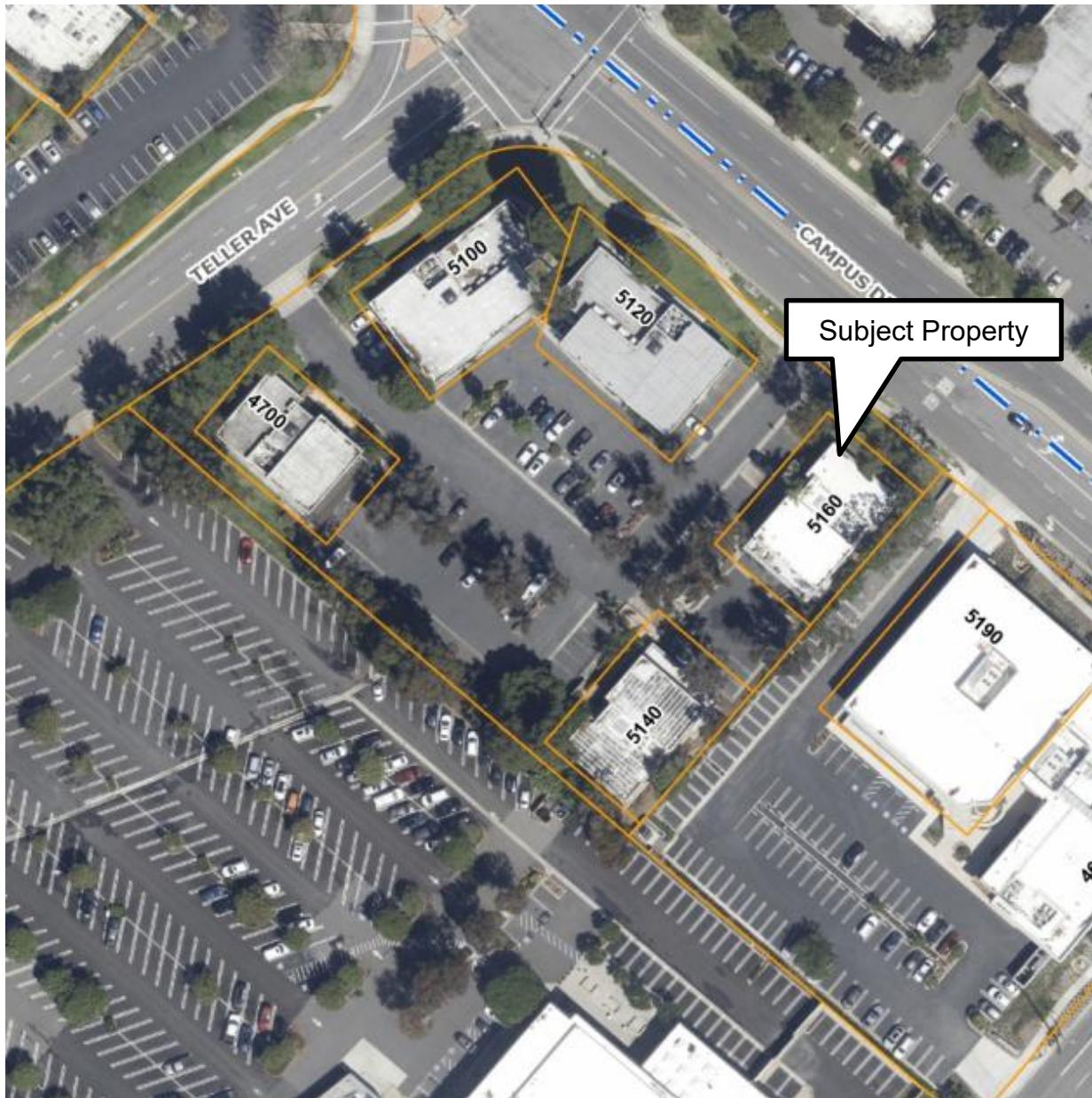
CD 2 Project Description and Operational Summary

CD 3 RK Engineering Group Inc. Observed Parking Study,
October 15, 2025

Attachment No. CD 1

Vicinity Map

VICINITY MAP



Staff Approval
PA2025-0124
5160 Campus Drive

Attachment No. CD 2

Project Description and Operational Summary



Visionary Eye Institute
5160 Campus Dr, Newport Beach, CA 92660
Phone: (949) 528-3608 | www.visionaryeyeinstitute.com

5160 Campus Dr – Use Description and Operational Summary

Dear [City Official's Name],

Thank you for your email and for outlining the information needed. Please find below the details for the proposed use at 5160 Campus Dr, Newport Beach:

1. Detailed Description of Medical Services/Care Provided

The facility will be occupied by Visionary Eye Institute, a full-scope ophthalmology and optometry practice specializing in medical and surgical eye care. Services include cataract evaluation and surgery (including advanced technology lens implants), glaucoma diagnosis and treatment, diabetic eye exams, dry eye therapy, pterygium removal, premium laser vision correction consultations, and comprehensive routine eye exams. Minor outpatient procedures will be performed in designated treatment rooms—no general anesthesia or hospital-grade surgeries are planned at this site.

2. Days and Hours of Operation

- Monday through Friday: 8:00 AM – 5:00 PM
- Saturday: By appointment only (occasional)
- Sunday: Closed

3. Staffing (Medical & Non-Medical Personnel)

Full-Time:

- 1 Board-Certified Ophthalmologist
- 1 Optometrist
- 2 Medical Assistants/Technicians
- 1 Office Manager

Part-Time:

- 1 Billing/Insurance Specialist
- 1 Front Office Support
- 1 Surgical Counselor

Staff will be present during all business hours. Peak staffing may include 7 team members on-site simultaneously.

4. Floor Plan and Functional Use (Approximate – One Level, ~5,000 Sq Ft)

- Reception/Waiting Area – front of office, patient check-in/out



Visionary Eye Institute
5160 Campus Dr, Newport Beach, CA 92660
Phone: (949) 528-3608 | www.visionaryeyeinstitute.com

- Exam Rooms (4-5) – for eye exams, diagnostics, and minor procedures
- Testing Room – housing visual field, OCT, and topography equipment
- Doctor's Office – private space for physician use
- Administrative Office – for billing, insurance, and managerial tasks
- Break Room – for staff meals and rest
- Surgical Consult Room – pre- and post-op counseling and education

5. Patient Scheduling Protocol

Patients are seen by appointment only via our online scheduling system or direct office booking. Walk-in visits are not standard unless urgent/emergency care is required and a provider is available. This ensures controlled patient volume and efficient workflow.

6. Background of the Medical Practice

Founded in 2019, Visionary Eye Institute is led by Dr. Ehsan Sadri, MD, FACS, a board-certified ophthalmologist with over 20 years of clinical and surgical experience and more than 85,000 procedures performed. The practice maintains a strong focus on patient care, innovation, and community outreach.

Other active office locations:

- Newport Beach, CA (flagship clinic)
- Downtown Los Angeles/Pasadena (satellite clinic opening)

Dr. Sadri is certified by the American Board of Ophthalmology, licensed to practice in California, and is a member of multiple surgical and academic organizations, including AAO and ASCRS.

7. Estimated Patient and Staff Volume

- Average patients per day: 25-30
- Maximum patients per day: 40
- Maximum occupancy at any time (patients + staff): 10-12 individuals

Warm regards,

Ehsan Sadri, MD, FACS
Founder & Medical Director
Visionary Eye Institute

Attachment No. CD 3

RK Engineering Group Inc. Observed
Parking Study, October 15, 2025



ENGINEERING
GROUP INC.

OCTOBER 15, 2025

Dr. Ehsan Sadri, M.D.
VISIONARY EYE INSTITUTE
351 Hospital Road, Suite 324
Newport Beach, CA 92663

SUBJECT: 5160 CAMPUS DRIVE OBSERVED PARKING STUDY, CITY OF NEWPORT BEACH

Dear Dr., Sadri:

INTRODUCTION

RK Engineering Group, Inc. (RK) has been retained to conduct an observed parking study for the office campus located at 4700 Teller and 5100 - 5160 Campus Drive in the City of Newport Beach. The site comprises four office buildings that share a surface parking lot.

The proposed project involves converting approximately 4,806 gross floor area of existing general office space to a medical office use in Building 5160, Campus Drive. This conversion is permitted under the Koll Center Planned Community (PC-15) Zoning; however, it triggers the need for a parking study to demonstrate that sufficient parking will remain available to support the proposed and existing uses on site. An RK representative completed a field review of the study area on Tuesday, July 22, 2025.

Exhibit A includes a Location Map, and **Exhibit B** consists of the Floor Plan.

The existing parking lot provides a total of 113 spaces, consisting of 110 standard spaces and 3 ADA-compliant stalls. Based on the total number of parking spaces provided, five (5) accessible parking stalls are required in accordance with the California Building Code (CBC) Sections 11B-502.2 and 11B-502.3.4, which govern the required number, location, and access aisle configuration for accessible parking. A conceptual parking lot design has been prepared to reflect this adjustment. As a result, the future condition will include 112 total parking spaces, with 5 designated as ADA, in compliance with current code standards.

Exhibits C-1 & C-2 include the Conceptual Parking Lot Design.

This parking supply is generally shared among all tenants within the development, all of whom are currently occupied except building 5160 Campus Drive (proposed project). Signage is posted on-site to restrict parking for non-tenant uses.

To satisfy this requirement, RK is performing an observed parking analysis, which includes collecting and evaluating real-time parking utilization data. The results of this study will help determine whether

rkengineer.com

the site provides adequate parking in accordance with the City's current standards and typical weekday demand conditions with the proposed 4,806 gross floor area of medical office space in operation.

PROJECT DESCRIPTION

Visionary Eye Institute is a boutique ophthalmology practice based in Newport Beach, California, led by board-certified, fellowship-trained surgeon Dr. Ehsan Sadri, M.D., FACS. The practice specializes in advanced cataract surgery with premium intraocular lenses, LASIK and other refractive procedures, and cutting-edge glaucoma treatments, including minimally invasive glaucoma surgery (MIGS). Visionary Eye Institute distinguishes itself through a concierge-style approach—prioritizing personalized care, state-of-the-art diagnostics, and minimal patient wait times. All services are delivered by a highly trained team committed to excellence in both surgical outcomes and patient experience.

The practice also offers comprehensive medical eye care, including dry eye therapies (such as LipiFlow and iLux), management of retinal conditions like macular degeneration and diabetic retinopathy, cosmetic procedures (such as Botox, fillers, and eyelid rejuvenation), and access to clinical trials and charitable outreach through its Visionary Charity Foundation. All patients are seen by appointment only; no walk-ins are accepted to ensure individualized attention and efficient care. The office operates Monday through Friday, from 8:00 AM to 5:00 PM, with one doctor on-site.

RESERVED PARKING SUMMARY, SHARED USE, AND LOT CONDITIONS

The site will feature a total of 112 parking spaces, located in a surface parking lot that serves the multi-tenant office complex. Of these, 96 spaces are unreserved and shared among all tenants, allowing for flexible use and accommodating varying daily parking demands across the site. Of the 96 shared spaces, five are designated as ADA-compliant. The remaining 16 spaces are defined as reserved, including one 20-minute short-term space.

The reserved parking spaces are allocated as follows:

- 4700 Teller Avenue: 4 reserved spaces
- 5100 Campus Drive: 3 reserved spaces
- 5120 Campus Drive: 4 reserved spaces
- 5140 Campus Drive: 1 reserved space and one reserved 20-minute short-term space
- 5160 Campus Drive: 3 reserved spaces

This results in a total of 15 long-term reserved spaces and one short-term reserved space, all positioned near building entries to support direct access for tenants and their visitors. Except for the 20-minute reserved space, all reserved parking spaces are located immediately adjacent to their designated buildings, providing carport-style convenience and ensuring close and consistent access for users. The reserved parking spaces are identified by posted signage and pavement stencils indicating their designation.

Signage is posted at each driveway entrance and throughout the site stating that parking is for tenants only. These signs reinforce that on-site parking is restricted to authorized users, discouraging public or unauthorized use of the lot.

The condition of the surface parking lot is notably weathered. Pavement cracking and general wear are visible throughout the site, and the striping used to delineate individual stalls and reserved spaces has faded, potentially compromising visibility and usability. Maintenance efforts, such as surface repair and restriping, are recommended to enhance the clarity, appearance, and overall functionality of the parking area.

TABLE 1: CITY OF NEWPORT BEACH PARKING REQUIREMENTS

Per the City of Newport Beach Planned Community Development Regulations and Standards for Koll Center (PC-15), the proposed 4,806 gross floor area of Visionary Eye Institute space is classified as medical office use. This land use category requires five (5) parking spaces per doctor or one (1) parking space per 200 square feet of gross floor area, whichever is greater. Based on a total gross floor area of 4,806 square feet and the presence of one doctor, the parking requirement is calculated using the 1 space per 200 square feet ratio, resulting in a total of 25 off-street parking spaces.

Table 1 provides a cumulative summary of the parking requirements for all tenants within the shared commercial property. Based on the applicable code standards, the total required parking for the site is 130 spaces, while the current on-site supply consists of 107 standard stalls and 5 ADA stalls, totaling 112 spaces. This results in a parking deficiency of eighteen (18) spaces or 14% deficient per code, which is the focus of the analysis. The proposed project is requesting a waiver of 18 parking spaces.

It is essential to note that the City's parking code does not account for shared parking or staggered operating hours between tenants. The required parking is calculated based on each use as if it were operating independently at full capacity. In practice, however, the various tenants on-site—including office and medical office tenants may have non-overlapping peak periods, which enables the shared use of parking spaces throughout the day. This dynamic is further evaluated through the analysis of observed parking presented in the following sections.

PARKING ANALYSIS APPROACH AND METHODOLOGY

To evaluate the adequacy of parking for the proposed medical office use, RK Engineering Group conducted an observed parking study focused exclusively on on-site conditions at the project location. The purpose of this analysis is to determine whether sufficient parking is available to accommodate the proposed use under real-world operating conditions. Parking utilization surveys were conducted on a typical Tuesday, Wednesday, and Thursday—days that represent peak demand periods for the site. Counts were recorded at one-hour intervals between 7:00 AM and 6:00 PM, fully encompassing the operational hours of the proposed medical office. The study area included all on-site parking spaces.

The parking requirement associated with the proposed medical use is 25 spaces. This requirement was added to the observed parking demand to simulate a full occupancy condition at the site. The methodology used in this study follows accepted transportation engineering practices and is consistent with the City of Newport Beach's Planned Community Development Regulations and Standards for the Koll Center (PC-15) Zoning. The analysis incorporates code-based parking demand calculations, supplemented with observed utilization data, to provide a site-specific, data-driven evaluation of parking adequacy for the proposed project.

Appendix A includes the City of Newport Beach's Planned Community Development Regulations and Standards, specifically for the Koll Center (PC-15).

TABLES 2-4: OBSERVED PARKING SURVEY

To assess the adequacy of on-site parking for the proposed medical office conversion at 5160 Campus Drive, RK conducted an observed parking study. The purpose of the study was to quantify actual parking demand under a full tenant occupancy scenario and compare it to available parking supply, including the anticipated demand from the proposed 4,806 gross floor area of medical office space (equivalent to 25 required parking spaces).

Survey Dates and Conditions

Observed parking counts were conducted on three representative days:

- **Table 2: Tuesday, August 5, 2025, 7 AM - 6 PM at 1-Hour Intervals**
- **Table 3: Wednesday, August 6, 2025, 7 AM - 6 PM at 1-Hour Intervals**
- **Table 4: Thursday, August 7, 2025, 7 AM - 6 PM at 1-Hour Intervals**

These days were selected to capture typical weekday parking conditions, peak periods associated with the proposed project, and surrounding commercial activity. Surveys were performed under normal weather and operating conditions, with no construction, street closures, or special events observed in the study area that could have influenced parking availability.

Observation Hours

Parking occupancy was documented hourly from 7:00 AM to 6:00 PM on each survey day by Counts Unlimited, Inc., resulting in 36 hours of counts. This time frame was selected to encompass both the proposed projects' operating hours and those of its adjacent commercial tenants.

Exhibit D includes the Parking Survey Study Area, and **Appendix B** contains the raw parking count data.

Summary of Observed Parking Utilization

The observed parking counts provide a snapshot of actual parking conditions in and around the project site throughout the day. Surveys captured usage during the AM and PM periods to determine when peak parking demand occurred and whether the surrounding supply could accommodate it.

Based on the data collected, the peak parking demand and availability for each study day are summarized below. The analysis includes the entire study. The results are included below:

Table 2: Tuesday, August 5, 2025, Observations

- **Peak Demand Hours: 12:00 PM and 2:00 PM**
- **Total Observed Parking Demand: 60**
- **Total Proposed On-Site Parking Supply: 112 Spaces**
- **Spaces Remaining at Peak Demand: 52 Spaces**
- **Parking Utilization Rate: 54%**

Table 3: Wednesday, August 6, 2025, Observations

- **Peak Demand Hour: 11:00 AM**
- **Total Observed Parking Demand: 61**
- **Total Proposed On-Site Parking Supply: 112 Spaces**
- **Spaces Remaining at Peak Demand: 51 Spaces**
- **Parking Utilization Rate: 54%**

Table 4: Thursday, August 7, 2025, Observations

- **Peak Demand Hour: 10:00 AM**
- **Total Observed Parking Demand: 61**
- **Total Proposed On-Site Parking Supply: 112 Spaces**
- **Spaces Remaining at Peak Demand: 51 Spaces**
- **Parking Utilization Rate: 54%**

Table 5 provides a summary of the observed parking demand for all days surveyed with a complete tenant occupancy scenario. The observed parking data confirms that adequate parking is available to support the proposed project. Over the three survey days, the peak parking demand ranged from 60 to 61 occupied spaces out of a total proposed supply of 112 parking spaces. This resulted in utilization rates of approximately 54% during peak conditions.

These results indicate that the parking area offers sufficient capacity throughout key operating hours for all existing and proposed tenancies.

CONCLUSIONS

This analysis incorporates code-based parking demand calculations and is supported by observed utilization data collected for the site. Together, these inputs provide a location-specific and data-driven evaluation of parking availability for the proposed medical office use.

While the observed parking demand confirms that the proposed medical office use is adequately supported under existing conditions, a conceptual parking lot design was developed to address ADA compliance deficiencies and bring the striping and layout into alignment with current City of Newport Beach standards. As a result of these improvements, one parking space will be removed, reducing the total to 112 stalls. Despite this minor reduction, the revised layout provides sufficient parking to accommodate both existing and proposed site uses.

Based on a review of the proposed medical office conversion and the results of the observed parking analysis, RK has determined that adequate on-site parking is available to accommodate the operational needs of the project. The study assessed parking utilization during representative peak weekday periods and incorporated the applicable parking requirement of 25 spaces for the proposed medical use to simulate full occupancy conditions. Therefore, the waiver of 18 parking spaces is supported.

The observed data confirm that sufficient capacity remains within the on-site parking lot during all surveyed hours. Furthermore, the shared parking arrangement and complementary demand patterns among existing tenants support the conclusion that the existing parking supply is adequate to serve the proposed medical office without creating adverse impacts to the site or surrounding operations.

RK Engineering Group, Inc. appreciates the opportunity to support this project. If you have any questions about this study, please contact us at (949) 474-0809.

Sincerely,

RK ENGINEERING GROUP, INC.

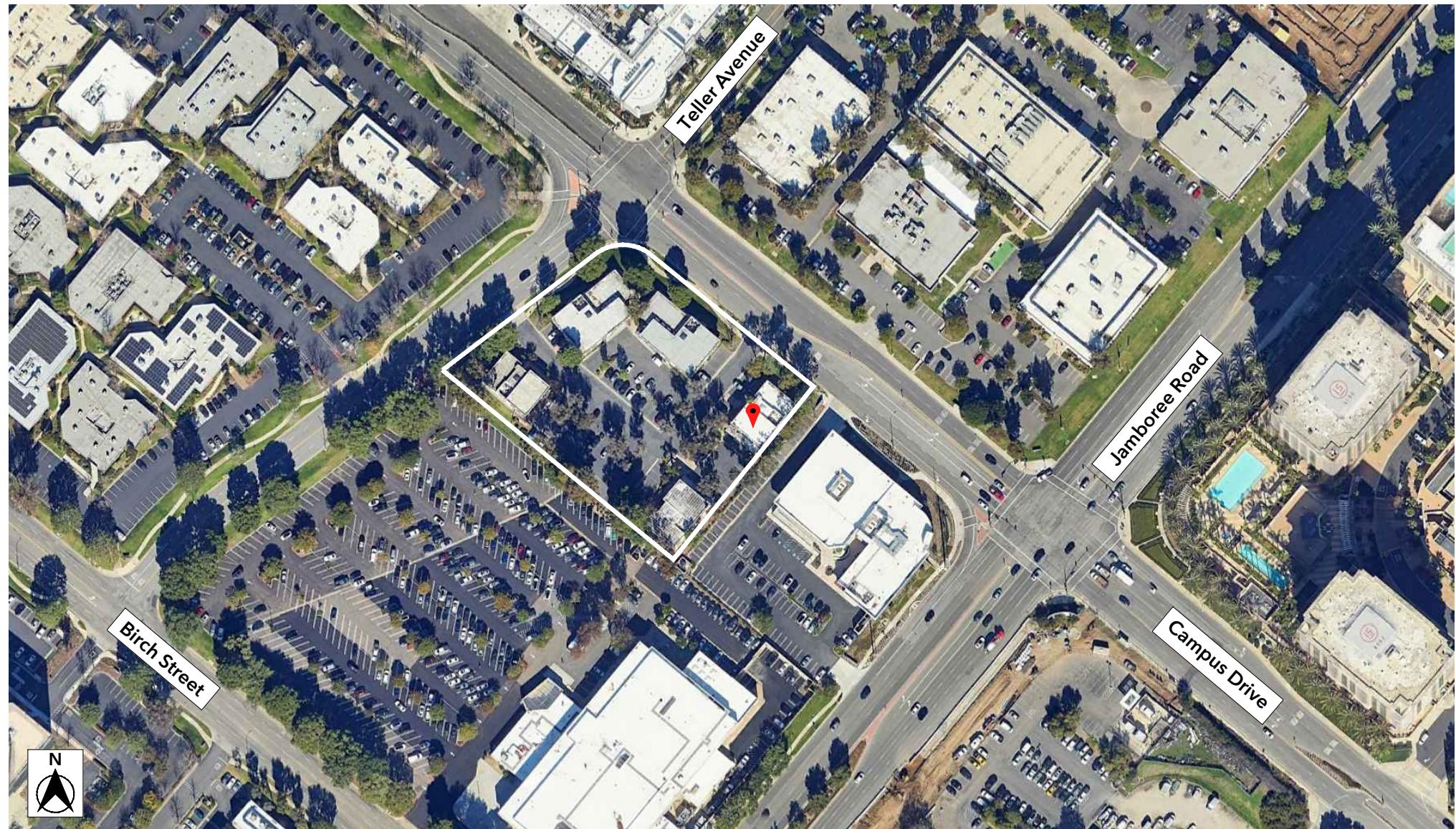


Rogier Goedecke
President



Exhibits





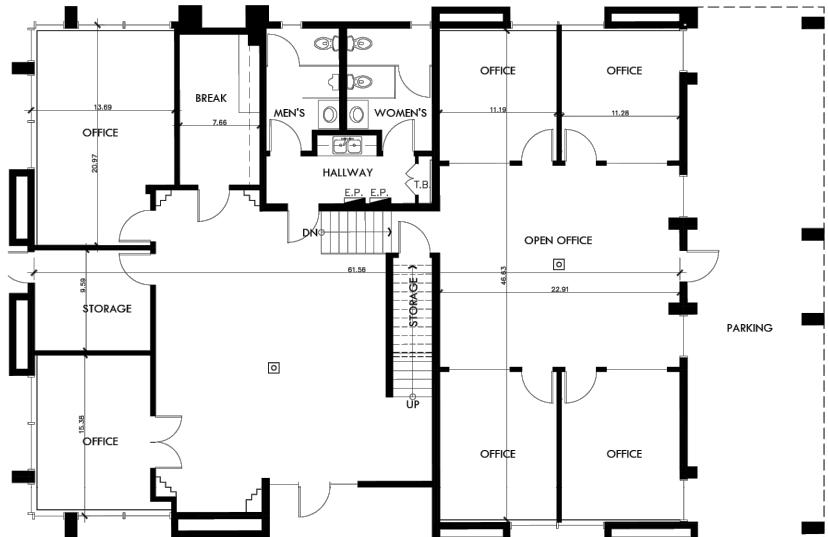
Legend

- = Project Site Boundary
- 📍 = 5160 Campus Drive

Exhibit A

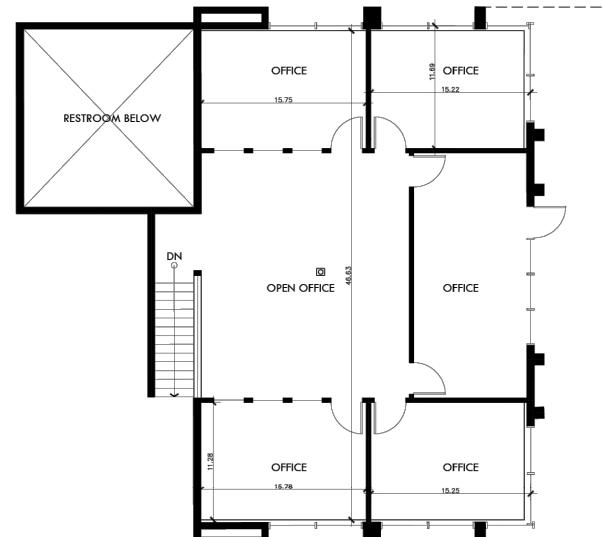
Location Map

5160 CAMPUS BUILDING



LOWER LEVEL

MID LEVEL



UPPER LEVEL

REFERENCE
NORTH



4,806 Square Feet of Gross Floor Area

Exhibit B
Floor Plan

**Minimum Dimensions of Parking Spaces per
City of Newport Beach Std. Drawing 805**

MINIMUM DIMENSIONS OF PARKING SPACES AND AISLES					
"A" ANGLE OF PARKING	"B" WIDTH OF SPACE	"C" DEPTH OF SPACE PERPENDICULAR TO AISLE	"D" WIDTH OF AISLE	"E" WIDTH OF SPACE PARALLEL TO AISLE	
30°	8'-6"	16'	14'	17'	
45°	8'-6"	18'	14'	12'	
60°	8'-6"	19'	18'	9'-10"	
90°	8'-6"	17'	26'	8'-6"	

Note: Per City of Newport Beach Std. Drawing 805 Sheet 2, Standard 3, "Aisles and entrances intended for two-directional travel shall not be less than 24' wide".

Available Parking		Ex.
P	Standard	110
H	Handicapped (ADA)	2
H*	Van Accessible (ADA)	1
Total		113

Notes:

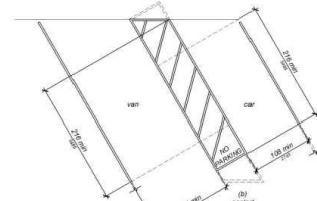
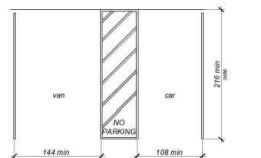
1. Existing pavement to be resurfaced. Remove all striping that conflicts with the proposed striping shown on Exhibit C-2. Refresh all remaining existing striping per the dimensions shown on this plan.
2. All handicapped parking and walkways to meet ADA standards and be painted blue.
3. All parking to meet minimum dimensions outlined in City of Newport Beach Std. Drawing 805.

Legend

- = Existing Curb
- = Existing Curb to be Removed
- = New Curb
- = Existing Striping to be Refreshed
- = Existing Striping to be Removed



Minimum Dimensions for Accessible Spaces
per CBC 11B-502.2 and 11B-502.3.4



Available Parking		Ex.	Prop.
P	Standard	110	107
H	Handicapped (ADA)	2	2
H*	Van Accessible (ADA)	1	3
Total		113	112

Notes:

1. Existing pavement to be resurfaced. Remove all striping that conflicts with the proposed striping shown on this plan. Refresh all remaining existing striping (see Exhibit C-1 for dimensions).
2. All handicapped parking and walkways to meet ADA standards and be painted blue.
3. All parking to meet minimum dimensions outlined in City of Newport Beach Std. Drawing 805.

Legend

- = Existing Curb
- = Existing Curb to be Removed
- = New Curb
- = Existing Striping to be Refreshed
- = Proposed Striping



Exhibit C-2

Conceptual Parking Lot Design



Legend

— = Study Area

Exhibit D

Study Area



Tables



Table 1
4700 Teller and 5100 - 5160 Campus Drive, Newport Beach
Proposed Project Parking Spaces Required
City of Newport Beach Planned Community Development Regulations and Standards Koll Center (PC-15)¹

Building	Suite	Tenant	Land Use	Hours of Operation	Gross Floor Area (SF) ²	Net Floor Area (SF) ²	Percent of Gross Floor Area	City Parking Requirement	Parking Spaces Required	
4700 Teller	100	Accident Attorney Group	Office	Daily 7 AM - 7 PM	2,650	2,406	9%	1 Space per 225 Net Floor Area	10.69	
	200	Dara Jhajavi LLP	Office	Monday - Friday 9 AM - 5 PM	1,690	1,500	6%	1 Space per 225 Net Floor Area	6.67	
					Subtotal	4,340	3,906	14%	Subtotal	17.36
5100 Campus	100	Energy Medicine Institute	Medical Office	Monday, Wednesday & Friday 8 AM - 5 PM	1,750	1,575	6%	1 Space per 200 Gross Floor Area	8.75	
	200	Sehat Law Firm	Office	Monday - Friday 9 AM - 5 PM	1,965	1,769	6%	1 Space per 225 Net Floor Area	7.86	
	300	Investment Building Group	Office	Monday - Friday 8 AM - 5 PM	4,658	4,192	15%	1 Space per 225 Net Floor Area	18.63	
					Subtotal	8,373	7,536	27%	Subtotal	35.24
5120 Campus	100	Bidna & Keys APLC	Office	Monday - Friday 9 AM - 5 PM	4,187	3,768	14%	1 Space per 225 Net Floor Area	16.75	
	200	Local Roofs Inc.	Office	Monday - Friday 7 AM - 6 PM Saturday 7 AM - 3 PM	4,186	3,768	14%	1 Space per 225 Net Floor Area	16.75	
					Subtotal	8,373	7,536	27%	Subtotal	33.49
5140 Campus		Junior League of OC HQ	Office	Monday - Friday 8 AM - 5 PM	4,802	4,322	16%	1 Space per 225 Net Floor Area	19.21	
5160 Campus		Visionary Eye Institute Proposed Project	Medical Office	Monday - Friday 8 AM - 5 PM	4,806	4,325	16%	1 Space per 200 Gross Floor Area	24.03	
					Total	30,694	27,625	100%	Total Required Parking	130
								Parking Spaces Provided³	112	
								Parking Spaces Deficient per Code	-18	
								Percent Deficient per Code	-14%	

¹ The land uses are consistent with the City of Newport Beach Parking Code Requirements (Koll Center Newport, PC15). Parking requirement for office is based on "net floor area" and medical office is based on "square feet of gross floor area". The total parking spaces required are rounded up to the nearest whole number.

² Gross square feet confirmed by CoStar Group. A standard load factor per the Uniform Building Code of 10% is applied to convert gross floor area to net floor area, meaning the net floor area is 90% of the gross floor area.

³ The existing parking lot provides a total of 113 spaces, consisting of 110 standard spaces and 3 ADA-compliant stalls. Based on the total number of parking spaces provided, five (5) accessible parking stalls are required in accordance with the California Building Code (CBC) Sections 11B-502.2 and 11B-502.3.4. A conceptual parking lot design (Exhibits C-1 & C-2) has been prepared to reflect this adjustment. As a result, the future condition will include 112 total parking spaces, with 5 designated as ADA, in compliance with current code standards.

Table 2
4700 Teller and 5100 - 5160 Campus Drive, Newport Beach
Observed Parking Survey with Full Tenant Occupancy Scenario¹
Tuesday, August 5, 2025

Hour	Time	On-Site Parking ²			Total Observed Parking Demand	Proposed Project Visionary Eye Institute Required Parking (4,806 SF / 200 = 25)	Total Observed Plus Project Projected Parking Demand	Number of Parking Spaces Available	Percent Occupied
		Shared Parking 97 Spaces		Building Reserved 16 Parking Spaces					
		Surface Parking Lot	ADA	Reserved					
Parking Spaces		91	5	16	112			112	
1	7:00 AM	1	0	0	1	25	26	86	23%
2	8:00 AM	7	0	1	8	25	33	79	29%
3	9:00 AM	19	0	4	23	25	48	64	43%
4	10:00 AM	25	0	7	32	25	57	55	51%
5	11:00 AM	26	0	8	34	25	59	53	53%
6	12:00 PM	27	0	8	35	25	60	52	54%
7	1:00 PM	22	0	4	26	25	51	61	46%
8	2:00 PM	27	0	8	35	25	60	52	54%
9	3:00 PM	23	0	8	31	25	56	56	50%
10	4:00 PM	23	0	7	30	25	55	57	49%
11	5:00 PM	22	0	5	27	25	52	60	46%
12	6:00 PM	23	0	1	24	25	49	63	44%
								5	60
		Number of Parking Spaces Provided						112	
		Number of Parking Spaces Available at Peak Parking Demand Time						52	
		Percent of Parking Spaces Available at Peak Parking Demand Time						46%	

¹ Hourly parking demand was surveyed by Counts Unlimited Inc, during typical operating hours and weather conditions.

² The existing parking lot provides a total of 113 spaces, consisting of 110 standard spaces and 3 ADA-compliant stalls. Based on the total number of parking spaces provided, five (5) accessible parking stalls are required in accordance with the California Building Code (CBC) Sections 11B-502.2 and 11B-502.3.4. A conceptual parking lot design (Exhibits C-1 & C-2) has been prepared to reflect this adjustment. As a result, the future condition will include 112 total parking spaces, with 5 designated as ADA-compliant, in compliance with current code standards.

Table 3
4700 Teller and 5100 - 5160 Campus Drive, Newport Beach
Observed Parking Survey with Full Tenant Occupancy Scenario¹
Wednesday, August 6, 2025

Hour	Time	On-Site Parking ²			Total Observed Parking Demand	Proposed Project Visionary Eye Institute Required Parking (4,806 SF / 200 = 25)	Total Observed Plus Project Projected Parking Demand	Number of Parking Spaces Available	Percent Occupied
		Shared Parking 97 Spaces		Building Reserved 16 Parking Spaces					
		Surface Parking Lot	ADA	Reserved					
Parking Spaces		91	5	16	112			112	
1	7:00 AM	2	0	0	2	25	27	85	24%
2	8:00 AM	5	0	1	6	25	31	81	28%
3	9:00 AM	17	0	4	21	25	46	66	41%
4	10:00 AM	27	0	7	34	25	59	53	53%
5	11:00 AM	28	1	7	36	25	61	51	54%
6	12:00 PM	28	0	6	34	25	59	53	53%
7	1:00 PM	25	0	7	32	25	57	55	51%
8	2:00 PM	25	0	6	31	25	56	56	50%
9	3:00 PM	25	0	8	33	25	58	54	52%
10	4:00 PM	25	0	7	32	25	57	55	51%
11	5:00 PM	18	0	4	22	25	47	65	42%
12	6:00 PM	11	0	0	11	25	36	76	32%
								Maximum Projected Parking Demand	61
								Number of Parking Spaces Provided	112
								Number of Parking Spaces Available at Peak Parking Demand Time	51
								Percent of Parking Spaces Available at Peak Parking Demand Time	46%

¹ Hourly parking demand was surveyed by Counts Unlimited Inc, during typical operating hours and weather conditions.

² The existing parking lot provides a total of 113 spaces, consisting of 110 standard spaces and 3 ADA-compliant stalls. Based on the total number of parking spaces provided, five (5) accessible parking stalls are required in accordance with the California Building Code (CBC) Sections 11B-502.2 and 11B-502.3.4. A conceptual parking lot design (Exhibits C-1 & C-2) has been prepared to reflect this adjustment. As a result, the future condition will include 112 total parking spaces, with 5 designated as ADA-compliant, in compliance with current code standards.

Table 4
4700 Teller and 5100 - 5160 Campus Drive, Newport Beach
Observed Parking Survey with Full Tenant Occupancy Scenario¹
Thursday, August 7, 2025

Hour	Time	On-Site Parking ²			Total Observed Parking Demand	Proposed Project Visionary Eye Institute Required Parking (4,806 SF / 200 = 25)	Total Observed Plus Project Projected Parking Demand	Number of Parking Spaces Available	Percent Occupied
		Shared Parking 97 Spaces		Building Reserved 16 Parking Spaces					
		Surface Parking Lot	ADA	Reserved					
Parking Spaces		91	5	16	112			112	
1	7:00 AM	1	0	0	1	25	26	86	23%
2	8:00 AM	5	0	1	6	25	31	81	28%
3	9:00 AM	15	0	3	18	25	43	69	38%
4	10:00 AM	28	0	8	36	25	61	51	54%
5	11:00 AM	28	0	7	35	25	60	52	54%
6	12:00 PM	27	0	8	35	25	60	52	54%
7	1:00 PM	28	0	7	35	25	60	52	54%
8	2:00 PM	29	0	5	34	25	59	53	53%
9	3:00 PM	26	0	9	35	25	60	52	54%
10	4:00 PM	26	0	8	34	25	59	53	53%
11	5:00 PM	23	0	7	30	25	55	57	49%
12	6:00 PM	10	0	1	11	25	36	76	32%
Maximum Projected Parking Demand									
Number of Parking Spaces Provided									
Number of Parking Spaces Available at Peak Parking Demand Time									
Percent of Parking Spaces Available at Peak Parking Demand Time									

¹ Hourly parking demand was surveyed by Counts Unlimited Inc, during typical operating hours and weather conditions.

² The existing parking lot provides a total of 113 spaces, consisting of 110 standard spaces and 3 ADA-compliant stalls. Based on the total number of parking spaces provided, five (5) accessible parking stalls are required in accordance with the California Building Code (CBC) Sections 11B-502.2 and 11B-502.3.4. A conceptual parking lot design Exhibits C-1 & C-2 has been prepared to reflect this adjustment. As a result, the future condition will include 112 total parking spaces, with 5 designated as ADA-compliant, in compliance with current code standards.

Table 5
4700 Teller and 5100 - 5160 Campus Drive, Newport Beach
Summary of Projected Parking Demand (Full Tenant Occupancy Scenario)

Table	Date & Time	Parking Space Inventory	Peak Parking Demand	Number of Spaces Available	Percent Occupied
2	Tuesday, August 5th, 12 PM & 2 PM	112	60	52	54%
3	Wednesday, August 6th, 11 AM		61	51	54%
4	Thursday, August 7th, 10 AM		61	51	54%



Appendices





Appendix A

City of Newport Beach Planned Community Development Regulations and Standards Koll Center (PC-15)



DEVELOPMENT CONSIDERATIONS (1) (34)

This Planned Community Development is a project of The Koll Company. This area is most appropriate for commercial and light industrial uses, and residential where specifically permitted. Attached drawings indicate land use, grading and roads, storm drains, water and sewer, topography, residential overlay zone, and pedestrian connection diagram to Uptown Newport mixed-use development.

The site is comprised of approximately 154.0 acres and is generally bounded on the northeast by Campus Drive, on the southeast by Jamboree Road and on the west by MacArthur Boulevard. (10) (33)

In order to ensure development consistent with the master plan concept, a review shall be required. Prior to the issuance of any building permits, a site development review application shall be submitted by the developer to the Community Development Director for review. The application shall conform to the requirements of this Planned Community text and all other applicable codes and regulations and shall be approved prior to submission by The Koll Company. Included in the plan review material shall be:

1. Building Criteria

- a. size
- b. location
- c. height
- d. materials
- e. number of residential units, if applicable

2. Parking Criteria

- a. areas, including drives and accesses
- b. quantity
- c. size

3. Landscaped Areas

- a. setbacks
- b. walls
- c. plazas
- d. pools, fountains and/or other amenities

4. Signage Criteria

- a. location
- b. size
- c. quantity

5. All other information as required by the City or as directed by the Community Development Director and as recommended below. Items 5a through 5e inclusive.

a. Sewage System Criteria

PART III. GENERAL PARKING REQUIREMENTS

Section I A. Adequate off-street parking shall be provided to accommodate all parking needs for the site. The intent is to eliminate the need for any on-street parking.

Required off-street parking shall be provided on the site of the use served, or on a contiguous site, or within three hundred (300) feet of the subject site. Where parking is provided on other than the site concerned, a recorded document shall be approved by the City Attorney and filed with the Community Development Department and signed by the owners of the alternate site stipulating to the permanent reservation of use of the site for said parking.

B. Parking requirements for specific sites shall be based upon the following parking criteria. All parking shall be determined based upon building type and the area within allotted to the following functions:

1. Business & Professional Offices

One (1) space for each 225 square feet of net floor area. The parking requirement may be lowered to one (1) space for each 250 square feet of net floor area upon review and approval of the modification committee.

Company parking stalls shall not exceed twenty-five (25) percent of the total number of required parking spaces. The number and design of compact parking stalls shall be reviewed and approved by the Community Development Director. (11)

Exception: (11)

Parking Requirement for Business and Professional Office Buildings based on Parking Pool. The parking requirements for office buildings within a contiguous office site may be modified in accordance with the following schedule when the net building area or areas served exceeds 100,000 square feet.

- a. For the first 125,000 square feet, parking shall be provided at one space per 250 square feet of net floor area.
- b. For the next 300,000 square feet, parking shall be provided at one space per 300 square feet of net floor area.
- c. Any additional floor area, parking shall be provided at one space per 350 square feet of net floor area.
- d. For pools based on more than 425,000 square feet of net floor area, the Planning Commission may modify the parking formula by use permit, based on a demonstrated formula.

2. Medical & Dental Offices

Five (5) spaces for each doctor or one (1) space for each 200 square feet of gross floor area, whichever is greater.

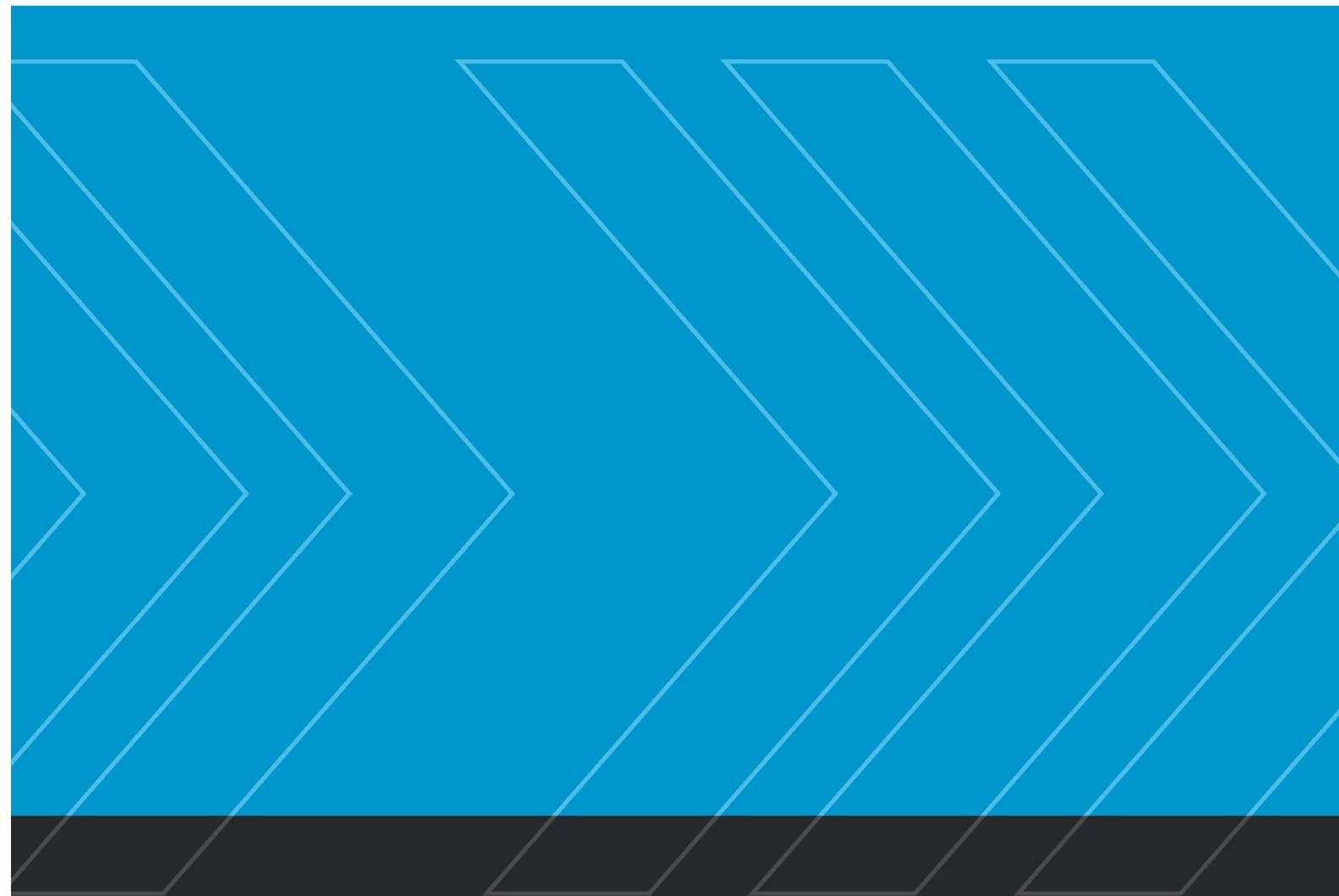
3. Manufacture, Research and Assembly - Deleted. (33)
4. Warehouse - Deleted. (33)
5. Lodge Halls, Private Clubs, Athletic Clubs, Union Headquarters (1) (4) (5)
 - a. One (1) space for each 75 square feet of gross floor area plus one (1) space for each 250 square feet of gross office floor area.
 - b. Specific parking requirements shall be developed for private clubs or athletic clubs based upon functions and occupancies within this use. Parking shall be in conformance to existing City of Newport Beach requirements for said occupancies or at a demonstrated formula agreeable to the Community Development Director. (4) In the event that private clubs or athletic clubs are converted to another use, parking requirements for the new use shall be subject to review by the Community Development Director. (5)
6. Restaurants, Bars or Theater/Nightclubs, Outdoor, Drive-In and Take-Out Restaurants (7)
 - a. Restaurant, bar or theater/nightclub parking shall be in accordance with Title 20 of the Newport Beach Municipal Code, except as noted under "b" and "c" below.
 - * b. Restaurants, other than outdoor, drive-in or take-out restaurants, within retail and service centers shall provide one (1) space for each 200 square feet of net floor area and one (1) loading space for each 10,000 square feet of gross floor area, to the extent that the net floor area of all restaurants does not exceed twenty (20) percent of the net floor area of the retail and service center. In the event that any restaurant causes the total of all restaurant uses in the retail and service center to exceed the twenty (20) percent limitation noted above, that entire restaurant and any subsequent restaurants shall provide parking as noted under "a" above.
 - c. Parking for outdoor, drive-in and take-out restaurants shall be provided in accordance with Section 20.53.060 of the Newport Beach Municipal Code.
7. Commercial Retail and Service Center (5)

One (1) space for each 200 square feet of net floor area. One (1) loading space for each 10,000 square feet of gross floor area. Professional and business office parking shall be provided per Part III,



Appendix B

Raw Parking Data



Newport Beach

5160 Campus Drive, Newport Beach, CA 92660

Tuesday, August 5th, 2025

		Inventory	7:00 AM	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM	4:00 PM	5:00 PM	6:00 PM
Parking Survey	Regular	94	1	7	19	25	26	27	22	27	23	23	22	23
	Handicap	3	0	0	0	0	0	0	0	0	0	0	0	0
	Reserved	16	0	1	4	7	8	8	4	8	8	7	5	1
	Subtotal	113	1	8	23	32	34	35	26	35	31	30	27	24
Total Occupancy		113	1	8	23	32	34	35	26	35	31	30	27	24
Total Percent			1%	7%	20%	28%	30%	31%	23%	31%	27%	27%	24%	21%

Newport Beach

5160 Campus Drive, Newport Beach, CA 92660

Wednesday, August 6th, 2025

		Inventory	7:00 AM	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM	4:00 PM	5:00 PM	6:00 PM
Parking Survey	Regular	94	2	5	17	27	28	28	25	25	25	25	18	11
	Handicap	3	0	0	0	0	1	0	0	0	0	0	0	0
	Reserved	16	0	1	4	7	7	6	7	6	8	7	4	0
	Subtotal	113	2	6	21	34	36	34	32	31	33	32	22	11
Total Occupancy		113	2	6	21	34	36	34	32	31	33	32	22	11
Total Percent			2%	5%	19%	30%	32%	30%	28%	27%	29%	28%	19%	10%

Newport Beach

5160 Campus Drive, Newport Beach, CA 92660

Thursday, August 7th, 2025

		Inventory	7:00 AM	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM	4:00 PM	5:00 PM	6:00 PM
Parking Survey	Regular	94	1	5	15	28	28	27	28	29	26	26	23	10
	Handicap	3	0	0	0	0	0	0	0	0	0	0	0	0
	Reserved	16	0	1	3	8	7	8	7	5	9	8	7	1
	Subtotal	113	1	6	18	36	35	35	35	34	35	34	30	11
Total Occupancy		113	1	6	18	36	35	35	35	34	35	34	30	11
Total Percent			1%	5%	16%	32%	31%	31%	31%	30%	31%	30%	27%	10%