

Attachment No. PC 1

Draft Resolution

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RESOLUTION NO. PC2026-024

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO AUTHORIZE A PRIVATE PARKING LOT LOCATED AT 20052 BIRCH STREET (PA2023-0220)

THE PLANNING COMMISSION 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, PC (“Applicant”), on behalf of Jones Bristol Parcel, LLC (“Owner”), with respect to property located at 20052 Birch Street (“Property”). The Property is legally described as the northeasterly one half of Lot 140, Tract 706, City of Newport Beach, as shown on a map recorded in Book 21, Page 25 of Miscellaneous Maps, in the Office of the County Recorder of Orange County, California.
2. On December 11, 2025, the Zoning Administrator approved the Limited Term Permit (“LTP”) filed as PA2025-0141, authorizing the Property to operate as a temporary parking lot to provide additional parking for an existing airport shuttle and car washing facility (“Shuttle Facility”) operated by Fletcher Jones Motorcars (“Fletcher Jones”), which is located immediately north of the Property at 2172 – 2222 South Bristol Street. The temporary parking lot is approved to operate from January 26, 2026, through January 26, 2027.
3. The Applicant requests a Conditional Use Permit (“CUP”) to convert the temporary parking lot into a permanent, 39-space, private, parking lot that will operate as an extension of the Shuttle Facility. The Property will provide overflow parking for Shuttle Facility customer vehicles and connectivity from Bristol Street to Birch Street for the shuttle van. The Property will be improved with concrete pavement, a commercial driveway approach, an access gate along Birch Street, striping, site walls, light fixtures, electric vehicle charging infrastructure, and landscape buffers. The parking lot will operate between the hours of 5 a.m. to 10 p.m., Monday through Saturday, and 6 a.m. to 10 p.m. on Sundays, consistent with the approved Shuttle Facility operating hours. The parking lot will not be open to the public and will only be accessed by Fletcher Jones employees. The existing approval for the Shuttle Facility (PA2022-128) will not be affected (“Project”).
4. The Property is categorized as General Commercial Office (CO-G) by the General Plan Land Use Element and is located within the Santa Ana Heights Specific Plan (SP-7) Business Park (SP-7/BP) Zoning District.
5. The Property is not located within the coastal zone; therefore, a coastal development permit is not required.

6. A public hearing was held on August 6, 2026, in the Council Chambers at 100 Civic Center Drive, Newport Beach. A notice of the time, place, and purpose of the hearing was given in accordance with Government Code Section 54950 *et seq.* ("Ralph M. Brown Act") and Chapters 20.62 (Public Hearings) of the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to and considered by the Planning Commission at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15311 under Class 11 (Accessory Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Class 11 (Accessory Structures) exemption authorizes the construction or replacement of minor structures which are accessory and appurtenant to existing commercial, industrial or institutional facilities, including small parking lots. The Project is for a small parking lot which is accessory and appurtenant to the Shuttle Facility and only proposes minor structures such as site walls, gates, lighting and four electric vehicle charging stations. Therefore, the Class 11 exemption is applicable.
3. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The Project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

SECTION 3. REQUIRED FINDINGS.

Conditional Use Permit

In accordance with Section 20.52.020(F) (Conditional Use Permits - Findings and Decision) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

- A. *The use is consistent with the General Plan and any applicable Specific Plan.*

Facts in Support of Finding:

1. The 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 parking lot to be used as an extension of the Shuttle Facility. While the Project will maintain

slightly later hours than typical administrative or professional offices, it will not maintain overnight hours common to hotels, motels, or hospitals.

2. The Property was historically developed with three residential dwelling units, which were demolished in March 2026. Residential uses are not intended for areas categorized as CO-G.
3. The Property is one of 25 properties within the 20000 block of Birch Street which are categorized as CO-G by the Land Use Element of the General Plan. Many of these properties have been redeveloped from nonconforming residential uses to multi-story medical and professional office buildings. Similarly, a nonconforming residential use has been eliminated, and the Project will establish parking lot use that is appropriate within the CO-G land use category and maintains the continuous effort to transform Birch Street into a business park area.
4. The Project is consistent with General Plan Land Use, Noise, and Safety Element policies, including, but not limited to the following:

- a. **Land Use Element Policy LU-3.4 (Buffering Residential Areas).** *Require buffers between non-residential and residential areas to minimize potential impacts using landscaping, decorative walls, and other features.*

The Property abuts a single-unit residential neighborhood to the rear; however, a 6-foot-tall block wall and a 17-foot rear landscape buffer is proposed to soften the transition between the Project and the residential area.

- b. **Land Use Element Policy LU-4.9 (Ambient Lighting).** *Require that outdoor lighting be located and designed to prevent spillover onto adjoining properties or significantly increase the overall ambient illumination of their location.*

The Project includes the installation of six, 18-foot tall, light standards which directs light within the Property. A photometric study has been provided demonstrating that lighting does not exceed one footcandle at all property lines. Additionally, Condition of Approval No. 14 authorizes the Community Development Director the ability to order the dimming of light sources or other remediation upon finding that the Property is excessively illuminated.

- c. **Land Use Element Policy LU-7.5 (Parking Location).** *Locate open parking lots away from streets with screening such as landscaping and architectural walls.*

The Project includes an approximately 50-foot landscape buffer along the front property line abutting Birch Street and a 6-foot wrought iron gate which both serve to visually screen the parking lot from Birch Street.

- d. **Land Use Element Policy LU-17.4 (Community-Serving Uses).** *Support community-serving commercial uses that help create a balance of land uses and increase resident access to make Newport Beach a self-sustaining community with essential resources.*

The Project will ensure the continued operation of the Shuttle Facility, which provides residents with convenient and essential transportation to and from the Airport.

- e. **Noise Element Policy N-1.1 (Noise Compatibility of New Development).** *Require all proposed projects to be compatible with the noise environment according to standards presented in Table N-2, and enforce the interior and exterior noise standards in the NBMC.*

The Project is located approximately 1,100 feet south of the Airport and within the 65-70 dBA Community Noise Equivalent Level (“CNEL”) noise contour area. Pursuant to Table N2 (Land Use Noise Compatibility Matrix) of the Noise Element, a wide range of commercial activities are normally compatible with this level of noise, whereas the former residential uses were incompatible. The Project does not include any buildings; therefore, there is no applicable ambient noise mitigation for the Project.

- f. **Safety Element Policy S-9.1 (Land Use Compatibility).** *Participate in the planning process for projects related to John Wayne Airport, including any future updates to its Airport Environs Land Use Plan (AELUP). Continue to ensure new development land use intensity and compatibility align with the most currently available AELUP for the Airport to minimize potential safety impacts on residents.*

The Project is located within Safety Zone 3 (Inner Turning Zone) of the AELUP which is an area where aircraft are typically turning when departing or arriving. The AELUP prohibits buildings with more than three habitable floors and recommends avoiding moderate and high intense non-residential uses such as major shopping centers, theaters and meeting halls within Safety Zone 3. The Project is for a surface parking lot and does not include any buildings. It is not classified as a moderate or high intensity use and is consistent with the AELUP.

- 5. Facts 1, 2 and 3 in support of Finding B are hereby incorporated by reference.

Finding:

- B. *The use is allowed within the applicable zoning district and complies with all other applicable provisions in the Zoning Code and Municipal Code.*

Facts in Support of Finding:

- 1. The Property is located within the SP-7/BP Zoning District, which is intended for professional and administrative offices, commercial uses, specific uses related to product development, and limited light industrial uses. Section 20.90.120 (Business Park District: SP-7[BP]) of the NBMC neither permits nor prohibits parking lot uses; however, it authorizes the Planning Commission to review uses not otherwise addressed and to allow such uses if found to be consistent with the purpose and intent of the SP-7/BP Zoning District. Therefore, a CUP is required for the Project.

2. The Project is to redevelop a property previously developed with prohibited residential uses into a vehicle parking lot associated with the Shuttle Facility, which is consistent with the purpose and intent of the SP-7/BP Zoning District.
3. The Project complies with applicable site development standards as specified in subsection 20.90.120(F) (Business Park District: SP-7 (BP) - Site Development Standards) and Section 20.90.030 (Design Guidelines) of the NBMC including, but not limited to lighting, landscape setbacks and site walls.
 - a. Fact 4.B in Support of Finding B is hereby incorporated by reference.

The Project requires minimum landscape buffers including a 10-foot front, 3-foot side, and 10-foot rear landscape buffers as there is property within the Residential Equestrian (SP-7/REQ) Zoning District to the rear. The Project provides 50-foot front landscape buffer along Birch Street, 3-foot landscape buffer along the side property lines, and 17-foot landscape buffer along the rear property line.
 - b. The SP-7 includes design guidelines which require a specific planting pallet for all landscaping. The Project landscape buffers include the required pallet of trees, shrubs, and ground cover, which soften the view of the parking lot from Birch Street.
 - c. Consistent with the design guidelines, the Project will provide the minimum required site fencing, including a 6-foot concrete masonry wall along the side and rear property lines and a 6-foot wrought-iron gate along the front property
 - d. The Project does not propose any buildings; therefore, the development standards for floor area ratio (FAR), site coverage, building height, building design, building setbacks, and solid waste storage are not applicable.
 - e. As no commercial floor area is proposed on the Property, the Project is not subject to a minimum parking requirement. The proposed parking spaces are intended to function as overflow for the Shuttle Facility.
4. The Project complies with all applicable development standards specified within Section 20.40.070 (Development Standards for Parking Areas) of the NBMC, including but not limited to, parking lot surfacing, location of parking, and size of spaces.
 - a. The Project complies with the required parking lot surfacing by providing concrete pavement within the entire parking lot, including the parking spaces and maneuvering areas.
 - b. The Project complies with the minimum required parking space dimension of 8-foot, 6-inch wide by 17-foot-deep parking spaces and minimum drive isle width of 26 feet.

Finding:

- C. *The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity.*

Facts in Support of Finding:

1. Fact 3.C in Support of Finding B is hereby incorporated by reference.
2. The Property is located on Birch Street, which is primarily developed with multi-story, medical and professional office buildings also located within the SP-7/BP Zoning District. The Property is bounded by the Shuttle Facility and a Starbucks Café to the north, a storage facility and single-family residential neighborhood 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 dwellings further south. Residential uses are not allowed within SP-7/BP District and are considered legal nonconforming. These residential uses are intended to be redeveloped into nonresidential buildings over time.
3. Although the Project is adjacent to a storage facility to the rear, that property is located within the SP-7/REQ Zoning District which allows for single-unit residential development. However, as discussed in Fact 3.B Support of Finding B, the Project includes a 17-foot rear landscape buffer that includes trees, shrubs, and ground cover, which provides an adequate visual and physical separation between the Project and the SP-7/REQ zoned property.
4. The Project is not anticipated to generate any public inconveniences such as noise, light, odors, traffic, or other detrimental conditions that would negatively impact or prove to be incompatible with the other uses in the area. Customers will arrive to the adjacent Shuttle Facility from Bristol Street and are transported to the airport by a shuttle van. While the Property includes a 6-foot perimeter wall, there is a 26-foot-wide gap near the rear of the Property which provides connectivity to the Shuttle Facility for shuttle vans to access Birch Street. Only employees will have access to the parking lot.
5. Condition of Approval No. 9 limits parking lot access and operation 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 hours of the Shuttle Facility. In the event of a delayed evening flight, customer vehicles shall be relocated to the Shuttle Facility pick up area prior to 10 p.m. to the extent feasible to limit activity on the Property during later hours.
6. The parking lot will include six, 18-foot tall light standards which include full-cut off fixtures that are designed, shielded, aimed, located and maintained to shield adjacent properties from any glare. The lighting will include motion sensors ensuring that the parking lot is only illuminated when in use. Additionally, the lighting also includes a dimming function, ensuring that illumination can be reduced.
7. The parking lot will not be used as an area for detailing vehicles. Additionally, Condition of Approval No. 10 requires the parking lot to only be used by employees of the Shuttle Facility and prohibits the parking lot from being operated as a self-parking or independent parking lot. Condition of Approval No. 11 prohibits the parking lot from

being used as an employee break or smoking area. These conditions ensure that there is not an overconcentration of activity within the parking lot.

8. A temporary parking lot has existed on the Property since early 2026 and has operated successfully without incident or code enforcement complaints, suggesting that the Property is both suitable and appropriate for continued use as a parking lot. The Project will serve as an opportunity to establish a permanent parking lot with a higher quality design that is anticipated to remain compatible with the adjacent uses.

Finding:

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

Facts in Support of Finding:

1. The Property measures 18,041 square feet in area, is rectangular in shape, and is located within a developed business park that is adequately served by existing public services and utilities. The Project has been reviewed by the City's Fire, Public Works, and Building Departments and have determined that adequate public and emergency vehicle access, public services, and utilities are provided to the Property.
2. Vehicular access to the Property will continue to be provided along Birch Street via a new commercial driveway approach, which connects to the 26-foot-wide drive aisle, ensuring adequate public and emergency vehicle access. The gate along Birch Street will allow access to both shuttle vehicles and Shuttle Facility employees.
3. The Project does not include any buildings, therefore, compliance with the minimum refuse storage area as specified in Section 20.30.120 (Solid Waste and Recyclable Materials Storage) of the NBMC is not required.
4. The Building Division, Fire Department, and Public Works Department have reviewed the Project and provided conditions of approval which require the Applicant to obtain all applicable building permits and comply with the applicable Building, Fire, and Public Works Codes.

Finding:

- E. *Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

Facts in Support of Finding:

1. Facts 5, 6, 7, and 8 in Support of Finding C are hereby incorporated by reference.

2. The Project supports the Shuttle Facility by providing an area available for overflow parking and vehicle access for the shuttle to access Birch Street. The parking lot is not anticipated to endanger, jeopardize, or otherwise constitute a hazard to the public.
3. The Project also includes Condition of Approval No. 12 to only allow vehicles to be stored within the parking lot and requires them to be maintained in working order. This ensures that the parking lot use does not result in automobile junk and salvage yard, which is prohibited within the SP-7/BP Zoning District.
4. The Project has been reviewed and includes conditions of approval to help minimize potential conflicts with the surrounding land uses to the greatest extent possible. Condition of Approval No. 13 requires the business operator to 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 operation of the business. Based on the NBMC requirements and the proposed conditions of approval, the Project is expected to be compatible with the surrounding area.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby finds this Project is categorically exempt from the California Environmental Quality Act pursuant to Section 15311 under Class 11 (Accessory Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Planning Commission of the City of Newport Beach hereby approves the Conditional Use Permit filed as PA2023-0220, 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 is adopted unless within such time an appeal or call for review is filed with the City Clerk in accordance with the provisions of Chapter 20.64 (Appeals) of the NBMC.

PASSED, APPROVED, AND ADOPTED THIS 6TH DAY OF AUGUST, 2026.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
David Salene, Chair

BY: _____
Greg Reed, Secretary

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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 and landscape plan stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. Any substantial change to the operational characteristics, expansion in area, or other modification shall require subsequent Planning Division review and may require an amendment to this approval or the processing of a new application.
3. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
4. The Applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may cause the revocation of this Conditional Use Permit.
5. This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the NBMC, unless an extension is otherwise granted.
6. This approval may be modified or revoked by the Planning Commission or City Council 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.
7. Prior to issuance of the building permits, a copy of the Resolution, including conditions of approval Exhibit “A” shall be incorporated into the Building Division and field sets of plans.
8. 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 a.m. to 6:30 p.m., Monday through Friday, and 8 a.m. to 6:30 p.m. on Saturday. Noise-generating construction activities are not allowed on Sunday or federal holidays.
9. *The parking lot access and operation shall be limited to between the hours of 5 a.m. to 10 p.m., Monday through Saturday, and 6 a.m. to 10 p.m. on Sunday. In the event of a delayed evening flight, customer vehicles shall be relocated to the Shuttle Facility pick up area prior to 10 p.m. to the extent feasible.*

10. *The parking lot shall only be accessed by employees of the Shuttle Facility and shall not operate as a self-parking or independent parking lot.*
11. *The parking lot shall not be used as an employee break or smoking area.*
12. *Storage in the front or at the rear of the Property shall be prohibited, apart from vehicles. Vehicles on the Property shall be maintained in working order.*
13. The business operator shall take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the Property and adjacent properties during business hours, if directly related to the operation of the business.
14. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 (Community Noise Control) and other applicable noise control requirements of the NBMC.
15. The Property shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if 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.
16. All proposed signs shall comply with the provisions of Chapter 20.42 (Sign Standards) of the NBMC.
17. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10 p.m. and 7 a.m. on weekdays and Saturdays and between the hours of 10 p.m. and 9 a.m. on Sundays and Federal holidays, unless otherwise approved by the Director of Community Development, and may require an amendment to this Conditional Use Permit.
18. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the NBMC to require such permits.
19. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
20. Prior to the issuance of a building permit, the Applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.

21. To the fullest extent permitted by law, the Applicant and Owner 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 **Fletcher Jones Parking Lot, but not limited to, a Conditional Use Permit filed as PA2023-0220**. 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 and Owner 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 and Owner shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

Building Division

22. *The Applicant shall obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent City-adopted version of the California Building Code (CBC).*
23. *Prior to issuance of a building permit, a water quality management plan (WQMP) shall be submitted for review and approval.*
24. *Number of exits and exit travel distances shall comply with Chapter 10 of CBC.*
25. *An accessible path from public right-of-way shall be provided.*
26. *Clear width of sidewalks and walks shall be a minimum of 48 inches.*
27. *Circulation paths contiguous to vehicular traffic shall be physically separated from vehicular traffic.*

Fire Department

28. *Means of Fire Department access to the parking lot shall be provided by a knox key switch for the gate or knox pad lock.*
29. *Fire Department access lanes through the parking lot shall be maintained at a minimum of 20 feet wide and clearly identified.*

Public Works Department

30. *All improvements shall be constructed as required by Ordinance and the Public Works Department.*

31. *A Public Works Department encroachment permit shall be obtained for all work activities within the public right-of-way.*
32. *Prior to building permit final, an easement for street and utility purposes along the Birch Street property frontage shall be dedicated to the City and recorded.*
33. *The proposed parking lot layout shall comply with City Standard 805.*
34. *The proposed street improvements for the Project shall comply with City Standards.*
35. *The proposed water improvements for the Project shall be reviewed and approved by the Irvine Ranch Water District (IRWD).*
36. *In case of damage done to public improvements surrounding the Property by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.*