



## CITY OF NEWPORT BEACH ZONING ADMINISTRATOR STAFF REPORT

April 30, 2026  
Agenda Item No. 7

**SUBJECT:** MarcWest Boat Operations (PA2025-0239)  
▪ Limited Term Permit, More than 90 Days  
▪ Coastal Development Permit

**SITE LOCATION:** 504 South Bay Front

**APPLICANT:** Sandie Marchese

**OWNER:** Robert Teller

**PLANNER:** Laura Rodriguez, Assistant Planner  
949-644-3216, lrodriguez@newportbeachca.gov

---

### **LAND USE AND ZONING**

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

### **PROJECT SUMMARY**

A request for a limited term permit (more than 90 days) (LTP) and coastal development permit (CDP) to authorize a boat rental operation for up to a one-year term. The applicant will offer two electric tri-toon boats for rental excursions on Newport Harbor. When not in use, each electric tri-toon will be docked at existing commercial slips in front of the property. Each boat accommodates up to 10 passengers. Boats will be available to rent from 10 a.m. to 5 p.m., daily. The property is considered legal nonconforming due to limited parking available on-site, and guests will be directed to park off-site. If approved, a Marine Activity Permit is required from the City's Harbor Department.

A public hearing was held by the Zoning Administrator on April 16, 2026. At the close of the public hearing, the Zoning Administrator continued the item to April 30, 2026, requesting the Applicant provide additional information related to total anticipated parking demand and enhanced parking management strategies, management of trash generated by the project, and a more thorough description of existing uses at the property.

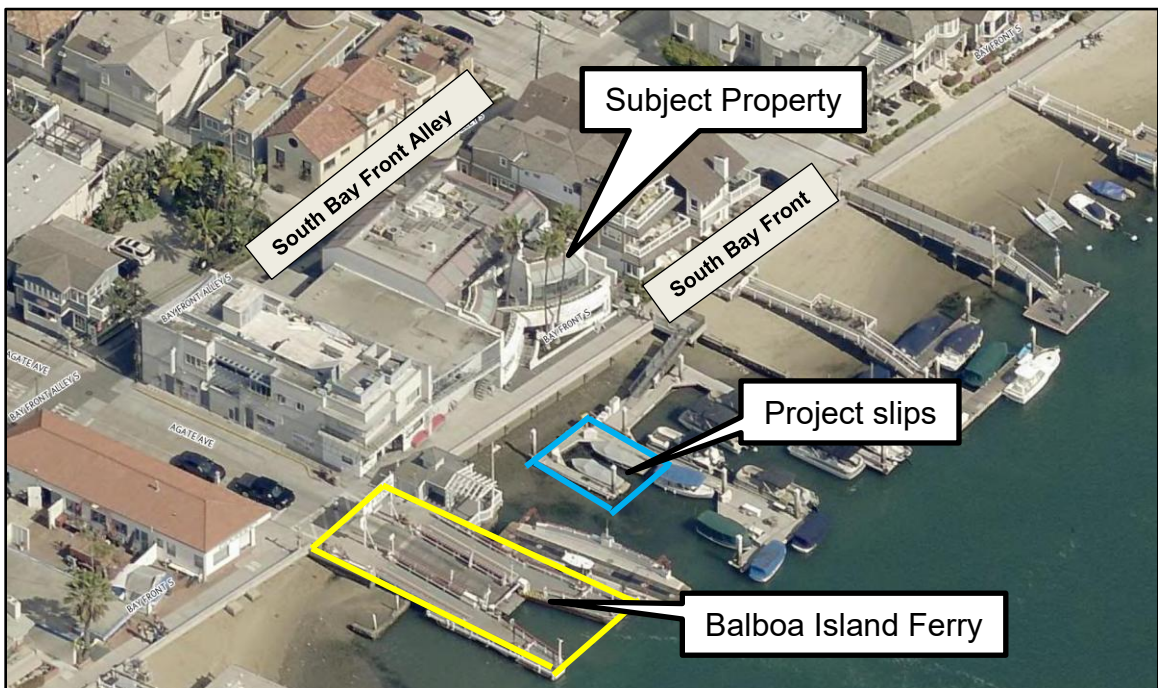
### **RECOMMENDATION**

- 1) Conduct a public hearing;

- 2) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities), and 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; and
- 3) Adopt Draft Zoning Administrator Resolution No. \_\_ approving Coastal Development Permit and Limited Term Permit filed as PA2025-0239 (Attachment No. ZA 1).

## **DISCUSSION**

- The project site is located on the south side of Balboa Island, near the Balboa Island Ferry (Figure 1, below). The site is zoned MU-W2 which applies to waterfront properties in which marine-related uses may be intermixed with general commercial, visitor-serving commercial and residential units on the upper floors. The project provides a marine dependent recreational activity and operates from within an existing mixed-use building, consistent with the City's Coastal Land Use Plan, General Plan, and Zoning Code.



*Figure 1: Oblique Aerial Image of Subject Property, Balboa Island Ferry (outlined in yellow), and the project's commercial slips (outlined in blue)*

- The project site was developed in 1986 pursuant to Use Permit No. 3178 with an 8,330-square-foot mixed-use building which is served by 12 on-site parking spaces. The building provides retail and parking on the first floor, office suites and residential units on the second floor, and a residential unit on the third floor. Use

Permit No. 3718 required that two spaces are intended for residential use, and the remaining 10 spaces are to be intended for commercial uses. The applicant will occupy an existing office suite on the second floor for administrative operations, replacing a prior professional office use. Currently, a duffy boat rental business also operates at the subject property. This business operated prior to the establishment of the Harbor Department. Therefore, it does not meet the current required parking requirements for MAPs and is considered legal non-conforming.

- The project involves the rental of two tri-toon boats, available daily from 10 a.m. to 5 p.m., docking at existing commercial slips in front of the property. No captain or crew is required to operate the tri-toons. Anyone operating a tri-toon must be at least 21 years of age, and the maximum speed is five miles per hour.
- No alcohol is permitted on the boats at this time. Should the applicant choose to permit alcoholic beverages in the future, consumption shall comply with Department of Alcoholic Beverage Control regulations.
- Walk-up rentals are not permitted. Boats are available for two-hour rental periods, with departure times staggered by approximately one hour to prevent customer overlap. After each rental, the tri-toon must be docked and recharged, as it operates on a battery. Charging currently takes several hours.
- During the first 90 days of the LTP, only one tri-toon will operate, with a maximum of two rentals per day. After 90 days, the second tri-toon will be introduced, allowing up to four rentals daily. This soft opening approach is to ensure predictable guest flow and a controlled launch.
- Public restrooms are available approximately 45 feet west of the property. A trash receptacle will be available on the boat for passengers. Upon return, the applicant will remove and dispose of all trash in the appropriate trash bins located at the property. A 96-gallon trash can is also available at the dock for errant trash generated by passengers. The applicant will empty the 96-gallon trash can daily.
- Although no captain or crew is required, the project is classified as an entertainment and excursion service for parking purposes. This use requires one space per three passengers, resulting in a maximum parking requirement of seven spaces.
- The project site is considered legal non-conforming due to limited parking available on-site, with only one parking space available for employees. Since there is no passenger parking available on-site, passengers will be directed to park off-site, at the Balboa Pier Lot. This municipal lot is located on the Balboa Peninsula and is accessible from East Balboa Boulevard and Palm Street. The lot provides 614

spaces and accommodates all-day parking. From this lot, customers would use the Balboa Island Ferry from the peninsula (see Figure 2, below) to take them directly across the harbor to Balboa Island. The ferry operates seven days a week from 6:30 a.m. to midnight and ensures that passengers will be able to use the ferry during the project's operating hours.

- While seven parking spaces represents the peak parking demand, it is unlikely all seven spaces will be needed consistently. The one-hour reservation stagger and required battery charging time between rentals reduce the likelihood of sustained peak parking demand.
- Upon booking a reservation, passengers will receive a confirmation email containing rules, regulations, and parking information. Guests will be encouraged via email to arrive approximately one hour early to allow time for parking, and will be advised to park at the Balboa Pier Lot. Guests will also be encouraged to use rideshare services in lieu of personal vehicles. To further encourage parking in the Balboa Pier Lot, the Applicant will offer a \$20 credit upon booking a reservation. Condition of Approval No. 12 memorializes this credit system.
- If a guest arrives at the subject property in a personal vehicle, the Applicant will be on-site to direct them to the Balboa Pier Lot.
- While guests would be parking at this municipal lot, the project is not expected to prevent coastal access. This lot operates on a first come first served basis, and is intended for the public to access the coast, regardless if that is to take part in the project's marine activity or other nearby attractions such as the beach. Both are both coastal dependent activities. The project provides the opportunity to cruise through Newport Harbor which requires proximity to the harbor. Ultimately, the use of the Balboa Pier Lot for boat rentals facilitates access to the coast.

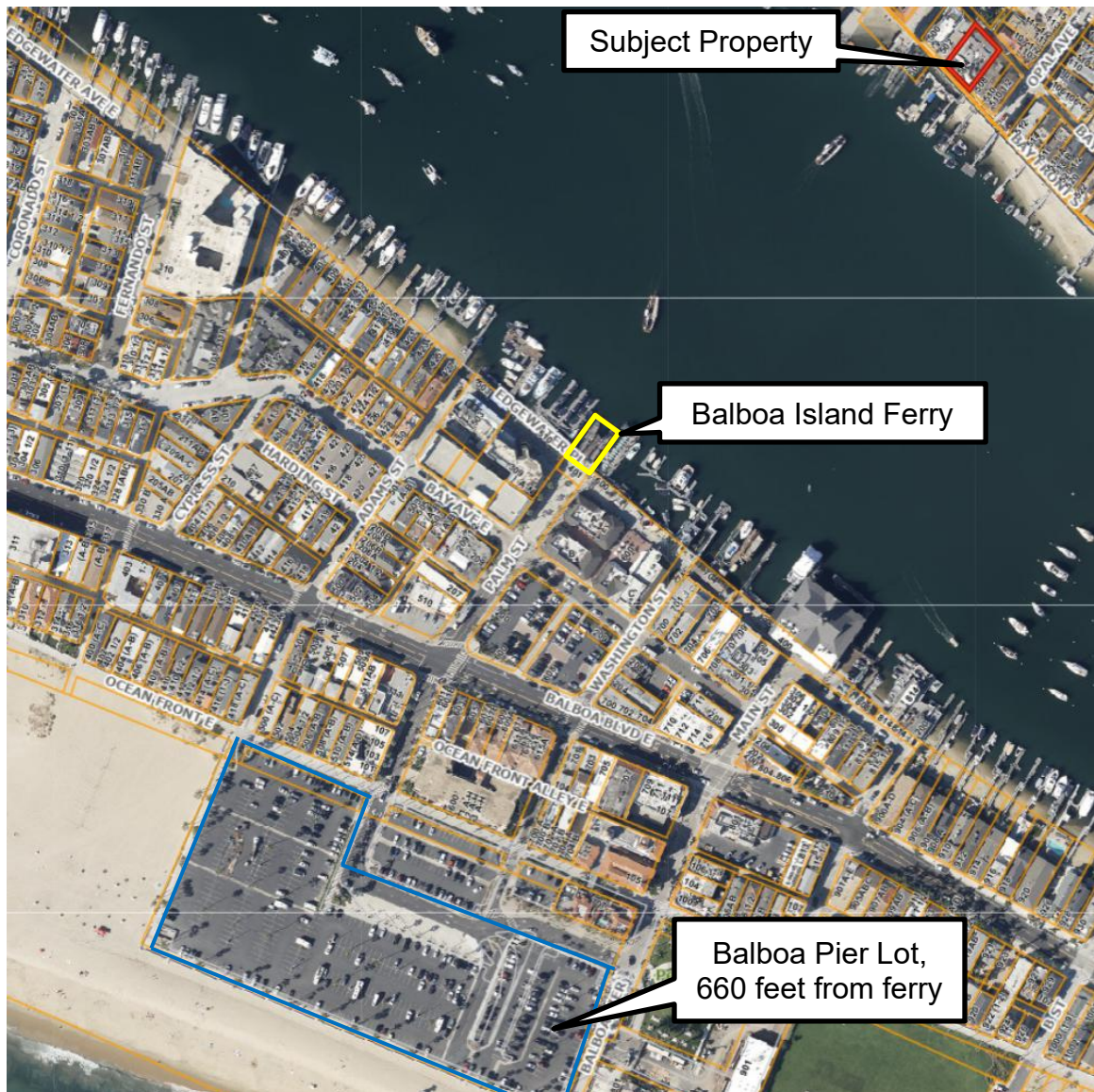


Figure 2: Distance from Balboa Pier Lot (outlined in blue) to Balboa Island Ferry (outlined in yellow).

- The project site is not located adjacent to a coastal view road or Coastal Viewpoint as identified in the Coastal Land Use Plan (CLUP). The nearest designated coastal viewpoint is the Grand Canal bridge on Balboa Island, which is approximately 2,700 feet east of property. The project does not propose any construction and therefore has no potential to degrade the visual quality of the coastal zone.
- The property is located between the nearest public road and the sea or shoreline. Section 21.30A.040 (Determination of Public Access/Recreation Impacts) of the NBMC requires that the provision of public access bear a reasonable relationship

between the requirement and the project's impact and be proportional to the impact. The project encourages access to and usage of the harbor.

- The property is located along the waterfront and adjacent to a public sidewalk along the perimeter of Balboa Island. Passengers will need to cross the public sidewalk to access the gangway; however, no improvements are proposed that would disrupt coastal access along the sidewalk.

## **ENVIRONMENTAL REVIEW**

This project is exempt from the California Environmental Quality Act (CEQA) under Sections 15301 and Section 15304 under Class 1 (Existing Facilities) and 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.

The Class 1 exemption includes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use. The Class 4 exemption consists of 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 and agricultural purposes. The project authorizes a temporary rental boat business that uses existing infrastructure. Therefore, the Class 1 and Class 4 exemptions are applicable.

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.

## **PUBLIC NOTICE**

Notice of this public hearing was published in the Daily Pilot, mailed to all owners and residential occupants of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways), including the applicant, and posted on the subject property at least 10 days before the scheduled hearing, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the city website.

## **APPEAL PERIOD:**

This action shall become final and effective 14 days following the date the Resolution is adopted unless within such time an appeal or call for review is filed with the Community Development Director by the provisions of Title 21 (Local Coastal Program [LCP] Implementation Plan) of the 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. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

Prepared by:



Laura Rodriguez, Assistant Planner  
JP/lr

Attachments:	ZA 1	Draft Resolution
	ZA 2	Vicinity Map
	ZA 3	Project Description
	ZA 4	Additional Project Operational Details
	ZA 4	Project Floor Plan

# **Attachment No. ZA 1**

Draft Resolution

## RESOLUTION NO. ZA2026-###

### A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A LIMITED TERM PERMIT AND COASTAL DEVELOPMENT PERMIT AUTHORIZING A TEMPORARY BOAT RENTAL OPERATION LOCATED AT 504 SOUTH BAY FRONT (PA2025-0239)

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Sandie Marchese (Applicant), concerning property located at 504 South Bay Front and legally described as Parcel 1 of Block 9 of Parcel Map No. 87-164 (Property).
2. The Applicant requests a limited term permit (LTP) and a coastal development permit (CDP) to authorize a boat rental operation for up to a one-year term. The Applicant will offer two electric tri-toon boats for rental excursions on Newport Harbor. When not in use, each electric tri-toon will be docked at existing commercial slips in front of the Property. Each boat accommodates up to 10 passengers. Boats will be available to rent between 10 a.m. to 5 p.m., daily. The Property is considered legal nonconforming due to limited parking available on-site and passengers will be directed to park off-site. If approved, a Marine Activity Permit (MAP) is required from the City's Harbor Department (Project).
3. The Property is designated as Mixed-Use Water 2 (MU-W2) by the General Plan Land Use Element and is located within the Mixed-Use Water (MU-W2) Zoning District.
4. The Property is located within the coastal zone. The Coastal Land Use Plan category is Mixed-Use Water Related (MU-W) and it is located within the Mixed-Use Water (MU-W2) Coastal Zoning District.
5. A public hearing was held on April 16, 2026, 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. A notice of the time, place, and purpose of the hearing was given in accordance with the California Government Code Section 54950 *et seq.* ("Ralph M. Brown Act") and Chapters 20.62 and 21.62 (Public Hearings) of the NBMC.
6. At the close of the hearing, the Zoning Administrator continued the item requesting the Applicant provide additional Project information, including but not limited to, total anticipated project and parking demand, clarification on boat rental operation, management of trash generated by the Project, and clarification of the existing uses at the Property. The Project was continued to the April 30, 2026, Zoning Administrator hearing.

7. A public hearing was held on April 30, 2026, 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 15301 and Section 15304 Division 6, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities) and Class 4 (Minor Alterations to Land), 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 use. The Class 4 exemption consists of 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 and agricultural purposes. The Project authorizes the temporary operation of a boat rental and charter business. No vegetation would be removed and no permanent construction is proposed. Therefore, the Class 1 and Class 4 exemptions are 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.

### ***Limited Term Permit***

By Section 20.52.040(G) (Limited Term Permits – Findings and Decision) of the Newport Beach Municipal Code (NBMC), the following findings and facts are set forth:

#### 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 Project to operate for up to a one-year term while the Applicant considers viability of the business and pursues approvals for a permanent operation.
2. The Project's hours of operation are limited to 10 a.m. through 5 p.m., daily. The early closing hour will prevent late night disembarkations and should help prevent any noise impacts on nearby properties.
3. While no crew or captain would be required to operate the boat, like a charter boat operation, the rental and use of vessels for entertainment and excursions are a common recreational activity on the harbor.
4. The Project allows for up to 10 passengers to board a tri-toon to cruise Newport Harbor. The boats will be available to rent for a two-hour period. No experience is required to operate the tri-toon. However, anyone operating the boat is required to be a minimum of 21 years of age. The maximum speed of the tri-toon is five miles per hour.
5. The Applicant does not propose allowing alcohol on the boats. Should the Applicant choose to allow passengers to bring alcoholic beverages onboard in the future, consumption shall comply with Department of Alcoholic Beverage Control regulations.
6. A trash receptacle will be available on the boat. Upon return to the dock, the Applicant (or porter, when needed) will remove and dispose of all trash in the appropriate trash bins located at the Property. A 96-gallon trash can is also available at the dock for errant trash generated by customers. Therefore, the Project does not pose a hazard to the public and ensures a cleanly environment at all times.

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 a 0.12-acre (5,181-square-foot) rectangular lot that abuts the harbor.
2. The Property was developed in 1986 pursuant to Use Permit No. 3178 with an 8,330-square-foot mixed-use building and 12 on-site parking spaces. The building's layout provides retail and parking on the first floor, office suites and residential units on the second floor, and a residential unit on the third floor. UP No. 3178 specifies that two spaces shall be designated for residential use and the remaining 10 spaces shall be used by commercial uses. Additionally, an existing duffy boat rental business operates at the Property. The duffy boat rental business is considered legal non-conforming since it began operating prior to the establishment of the Harbor Department and does not meet the parking requirements for a MAP.

3. The Applicant will occupy an existing office suite on the second floor, replacing a prior professional office use, and will conduct their administrative operations from within the suite. No customers will be inside the building. One parking space is available on-site for employees.
4. The Applicant proposes to operate with a maximum of two employees on-site at any given time. Given that the Project is a family business, the Applicant typically carools with her husband and will use the one parking space available for their business. When the Applicant is not on-site, a single porter will be available and use the parking space. The available on-site parking is sufficient to accommodate employee parking demand.
5. The Project operates on a reservation-only basis with no walk-up rentals. Each tri-toon will be available to rent for a two-hour period. The electric tri-toons can only operate for a two-hour period before requiring charge. A tri-toon requires approximately four hours of charging time, realistically limiting each tri-toon to a maximum of two excursions per day. Condition of Approval No. 11 limits each tri-toon to a maximum of two rentals per day.
6. To minimize foot traffic at the Project dock, the boat rental departure times will be staggered by approximately one hour to avoid guest overlap and maintain controlled activity levels.
7. During the first 90 days of the Project, the Applicant proposes only operating one tri-toon. This will allow the Applicant a measured and controlled launch. During this time period, rentals are not expected to exceed two rentals per day on a weekly basis. The second tri-toon will be introduced after the initial 90-day period. The predictable guest flow ensures that the Project has low impact to other properties located adjacent to and in the vicinity of the Property.
8. Public restrooms are available approximately 45-feet west of the Property, adjacent to the Balboa Island Ferry.
9. No additional square footage or construction is proposed for the Project.
10. The Project is surrounded by neighboring properties also zoned MU-W2 which allows for similar marine-related land uses. The Project is commensurate with other waterfront properties with commercial slips and will provide additional coastal dependent recreation opportunities. No impact to neighboring properties is expected.

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 reservation-only system ensures predicable and structured operations. Once customers arrive on the Property for their reservation, they will be directed along the Balboa Island boardwalk and onto a private gangway and dock.
2. On-site signage indicating that boat parking is not available shall be posted and visible at all times. Tow-away enforcement signage will also be visible.
3. No changes to existing harbor infrastructure are necessary to support the Project and Condition of Approval No. 13 prohibits modification to the docks.

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*

Fact in Support of Finding:

1. Pursuant to Section 20.40.040 (Off-Street Parking Spaces Required), entertainment and excursion services require a parking rate of one space per every three passengers and crew members. Each tri-toon can carry up to 10 passengers, and with two tri-toons in operation, the Project generates a maximum of 20 passengers. This yields a parking requirement of seven spaces. However, seven spaces represents the peak demand and is unlikely to be reached consistently, given the one-hour reservation stagger between trips and the time required for battery charging between uses. Even during peak demand periods, the Project is not anticipated to generate noticeable traffic or parking impacts.
2. Off-site parking is primarily available on the Balboa Peninsula. Public parking on the peninsula is available at the Balboa Pier Lot (614 spaces). This municipal lot is accessible from East Balboa Boulevard and Palm Street. From this parking lot, passengers can take the Balboa Island Ferry, which is located at the northern end of Palm Street, to the southern end of Agate Avenue on Balboa Island, approximately 60 feet west of the Property.
3. Upon booking a reservation, passengers will receive a confirmation email containing rules, regulations, and parking information. To ensure a smooth check-in experience, guests are encouraged to arrive approximately one hour early to allow time for parking, and will be advised to park at the Balboa Pier Lot. Guests will also be encouraged to use rideshare services in lieu of personal vehicles. A 20-dollar refund/credit will be provided to guests that provide proof of off-parking and/or rideshare.
4. If a guest arrives at the Property in a personal vehicle, the Applicant (or porter) will be on-site to direct them to the Balboa Pier Lot.
5. To further encourage parking in the Balboa Pier Lot, the Applicant will offer a \$20 credit upon proof. Condition of Approval No. 12 memorializes this credit system.

6. The Balboa Island Ferry operates seven days a week from 6:30 a.m. to midnight, ensuring passengers can travel to and from the Property at any time during operating hours.
7. The municipal lot should be sufficient for both the Project and other commercial and recreation uses, as the Balboa Pier Lot accommodates full-day parking.
8. The Balboa Pier Lot is available to the public on first-come, first-served basis. Project passengers parking at the lot does not prevent coastal access, as all users, whether visiting the Project or other nearby attractions, are arriving to access the coast. Excursions on Newport Harbor are a coastal-dependent use requiring proximity to the water, just as visiting the beach is a coastal-dependent activity. Regardless of who occupies a parking space, the purpose of the visit remains coastal access.

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 Mixed-Use Water 2 (MU-W2) by the General Plan Land Use Element. The MU-W2 designation is applied to waterfront locations in which marine-related uses may be intermixed with buildings that provide residential on the upper floor. The Project is consistent with the MU-W2 land use categorization as boat rentals and excursion services are marine-related uses.
2. The Property is zoned MU-W2. Boat rentals and marine entertainment and excursion vessels are permitted land uses in the MU-W2 Zoning District. Typically, these marine services require a zoning clearance letter from the Planning Department confirming adequate availability of on-site parking, and a MAP from the Harbor Department. The Applicant has requested an LTP pursuant to Section 20.52.040 (Limited Term Permits) of the NBMC to authorize the use of off-site parking for marine activity, for up to a 12-month term.
3. The site is not located within a specific plan area.

***Coastal Development Permit***

By Section 21.52.015 (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:

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

Facts in Support of Finding:

1. The Property is categorized by the Coastal Land Use Plan (CLUP) as Mixed-Use Water Related (MU-W). MU-W is intended to provide areas appropriate for commercial development on or near the bay in a manner that will encourage the continuation of coastal-dependent, coastal-related uses, and visitor-serving uses. The Project provides a coastal dependent use that is compatible with other marine related commercial businesses around the Property.
2. The Property is within the Mixed-Use Water (MU-W2) Coastal Zoning District. Both boat rentals and marine entertainment and excursion vessels are allowed within the MU-W2 Coastal Zoning District.
3. The Facts in Support of Finding D are hereby incorporated by reference.
4. The Property is not located adjacent to a coastal view road or Coastal Viewpoint as identified in the CLUP. The nearest designated coastal viewpoint is Grand Canal bridge on Balboa Island, approximately 2,700 feet east of Property. The Project is for the limited duration operation of a boat rental service using existing infrastructure. The Project does not contain any permanent construction or unique features that could degrade the visual quality of the coastal zone.

Finding:

- G. *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 within the coastal zone.*

Facts in Support of Finding:

1. The Property is located between the nearest public road and the sea or shoreline. Section 21.30A.040 (Determination of Public Access/Recreation Impacts) requires that the provision of public access bear a reasonable relationship between the requirement and the Project's impact and be proportional to the impact. In this case, the Project is temporary in nature and provides an additional recreation marine activity for residents and visitors. The Project encourages access to and usage of the harbor.
2. The Property is located along the waterfront and adjacent to a public sidewalk that loops around Balboa Island. Passengers will need to cross the public sidewalk to access the gangway; however, no improvements are proposed that would disrupt access along the sidewalk.

SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act under Sections 15301 and Section 15304 under Class 1 (Existing Facilities) and 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 (More Than 90 Days) and Coastal Development Permit filed as PA2025-0239, subject to the conditions outlined in Exhibit "A," which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director by the provisions of Title 21 (Local Coastal Program Implementation Plan) of the NBMC. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 (Appeal to the Coastal Commission) of the City's certified LCP and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

**PASSED, APPROVED, AND ADOPTED THIS 30<sup>TH</sup> DAY OF APRIL 2026.**

---

Liz Westmoreland, AICP, Zoning Administrator

**EXHIBIT "A"**

CONDITIONS OF APPROVAL

*(project specific conditions are italicized)*

1. The development shall be in substantial conformance with the approved floor plan dated with the date of this approval (except as modified by applicable conditions of approval).
2. Any change in operational characteristics or expansion in area, shall require a subsequent review by the Planning Department, and may require an amendment to this CDP and LTP or the processing of a new Coastal Development Permit and Limited Term Permit.
3. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
4. All federal, state, county of Orange, and City statutes, rules, ordinances, laws and regulations shall be obeyed. A material violation of any of those laws in connection with the use may be caused by the revocation of this CDP and LTP.
5. *The Applicant shall obtain a Marine Activity Permit (MAP) prior to operating the temporary boat excursions.*
6. *The Project shall not block access to the public sidewalk. The sidewalk shall remain accessible at all times to the public.*
7. *Outdoor storage of equipment shall be prohibited.*
8. *This Limited Term Permit and Coastal Development Permit shall expire 12 months from the issue date of the MAP unless an extension of up to one additional period of 12 months is granted by the Zoning Administrator in compliance with 20.52.040 (Limited Term Permits) of the NBMC. A letter requesting the extension shall be submitted to the Planning Division no later than 30 days prior to the expiration date of this permit.*
9. *The hours of operation for boat rental services shall be from 10 a.m. to 5 p.m., daily.*
10. *Each tri-toon shall be limited to 10 passengers per reservation.*
11. *Each tri-toon shall be limited to two rentals per day.*
12. *To encourage off-site parking at the municipal lot on Balboa Peninsula, guests will be receiving a 20 dollar credit/refund upon proof of off-site parking.*
13. *Structural alterations/modifications to the commercial docks shall be prohibited.*
14. *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.*

15. *The trash can on the commercial dock shall be equipped with a lid and kept covered when not actively in use.*
16. All proposed signage shall be in conformance with the provisions of Chapter 20.42 (Signs) of the NBMC.
17. This Limited Term Permit and 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.
18. 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 the **MarcWest Boat Operations including but not limited to the Limited Term Permit and Coastal Development Permit filed as PA2025-0239**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages, which the City incurs in enforcing the indemnification provisions outlined in this condition. The applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

### **Building Division**

19. A building permit shall be required when there is a change of use and/or occupancy, and if there is any construction proposed that is not exempt per chapter 105 of the California Building Code.

# **Attachment No. ZA 2**

Vicinity Map

# VICINITY MAP



Limited Term Permit (More Than 90 Days and  
Coastal Development Permit (PA2025-0239)  
**504 South Bay Front**

# **Attachment No. ZA 3**

Project Description

March 02, 2026

MarcWest.us

Application Number: PA2025-0239 Limited Term Permit more than 90 days

504 S Bay Front

Proposed Operations: Operate in May 1, 2026- May 1, 2027

Hours of Operations: 10:00 a.m. – 5:00 p.m.

1. Justification and Required Findings:

- A. The operation of the LTP at 504 S Bay Front will not be detrimental to the harmonious and orderly growth of the city. The project will not endanger, jeopardize or create a hazard to the public. The project will not affect health, interest, safety or general welfare of people residing or working in the neighborhood of the dock.
  - The property is a mixed use building that provides 12 parking spaces. The building consists of three stories – first floor is retail and parking, second floor is commercial spaces, which includes the unit that serves MarcWest, and the third floor is the residential space of the property owner. It is a large dock that has been used for rentals and private use since it was constructed in the 1980's. There will be no change in its operation.
  - It is an existing mix use facility that carries existing commercial uses with no issues.
  - There is no change of use to the existing spaces.
  - The existing office will be used for administration only. No customers will be in the building.
- B. The marina is adequate in size and shape to accommodate the LTP use without material detriment to the use and enjoyment of other properties in the area.
  - Existing commercial uses are not affected by the proposed operation. It is actually beneficial because it will attract tourism. We want to be an active member of the Balboa Island community.
- C. The marina is adequately served by streets and sidewalks to accommodate any traffic that the LTP could reasonably be expected to generate.
  - Parking can be across on the Balboa peninsula and if a customer takes the ferry, then we will reimburse for the ferry fee. Ferry operates seven days a week, 6:30 a.m. until midnight.
  - There are 2 city lots at Bay and Washington, there are the city beach lots and there is public on street parking on Palm. There is also a parking ramp on Palm. These lots have easy access to the ferry and the dock at 504 is right next to the Ferry on Bay Front.
- D. This operation will be at the dock in front of the property at 504 S Bay Front. This project is to operate a boat rental business with two ELECTRIC Tri-toon boats. Eight passengers for each tri-toon. Two Tri-toon boats will be docked and rented from this location. This location has had boat rental operations since 2000 and before. No customers will be in the building at this location. All rental paperwork and documents will be completed online. Dock will be used for mooring boats and boarding as it has since its construction.
- E. This project will comply with all necessary plans, codes and regulations. This project will provide a family friendly location harmonious with the area.

# **Attachment No. ZA 4**

Additional Project Operational Details

MarcWest.us, LLC  
504 South Bay Front  
Balboa Island, CA 92662

April, 22, 2026

City of Newport Beach  
Planning Division

Re: PA2025-0239 – Project Responses and Operational Clarifications from Zoning Meeting

Thank you for the opportunity to provide additional information and clarification regarding our proposed operations. We appreciate the City’s guidance and consideration, and our goal is to ensure that our business operates in full alignment with established harbor practices and community expectations.

**Requested Clarifications to RESOLUTION NO. ZA2026-###**

1. Passenger Count

Any reference to a maximum of 12 passengers should be revised to reflect a maximum of 10 passengers per vessel.

2. Permit Term Clarification

We respectfully request clarification regarding the duration and extension provisions of the Limited Term Permit.

As discussed, it is our understanding that the permit may be extended, allowing for a total term of up to three (3) years.

Exhibit A currently states:

*“This Limited Term Permit and Coastal Development Permit shall expire 12 months from the issue date of the MAP unless an extension of up to one additional period of 12 months is granted by the Zoning Administrator...”*

We would appreciate confirmation that the permit may be extended beyond one additional 12-month period, consistent with NBMC 20.52.040, to allow for the full potential term discussed.

## Project Responses

### **1) What kind of demand is expected from the project?**

During the initial 90-day period, operations will be limited to one vessel in service, allowing for a measured and controlled launch. We anticipate approximately two rentals per day, seven days per week. We will introduce the second vessel after the initial 90-day period, once initial operations have stabilized.

Due to the charging limitations and battery capacity, each rental is a maximum of two hours. The operating schedule of two rentals per day with a two-hour maximum per vessel reflects the maximum daily capacity.

This level of activity represents a moderate and manageable demand, designed to support a safe, enjoyable experience for our guests while remaining mindful of overall harbor activity.

### **2) Are both boats operating at the same time?**

Currently, only one boat is in operation.

When the second vessel is introduced, both boats may operate on the same day; however, departure times will be staggered by approximately one hour to avoid guest overlap, maintain controlled activity levels, and minimize congestion at the dock.

### **3) More information on the existing uses that may be relevant**

The property is a mixed-use building consisting of retail, office, and residential uses.

It includes an approximately 8,400 square-foot commercial marina, which currently accommodates a Duffy boat rental operation as well as privately owned, non-commercial boat slips.

This marina has supported a combination of private and commercial uses since its construction in 1989, establishing a long-standing precedent for this type of activity.

Our operation differs in that it is reservation-based, structured, and scheduled, with no walk-up rentals, resulting in a more predictable and controlled use of the site.

### **4) How will trash be collected?**

Trash collection will be fully managed as part of our operations.

Each vessel has a dedicated trash receptacle onboard. Guests are instructed to leave all trash on board the vessel upon return in the designated receptacles. Our porter will remove, bag, and dispose of all trash in the assigned on-site receptacles.

The property includes: **(See Exhibit A)**

- A 96-gallon trash container at the dock
- Additional 96-gallon receptacles located at the rear of the building

This process ensures no use of public trash bins and maintains a clean and well-managed environment at all times.

## **5) How will parking be regulated at this site by your business?**

Our parking strategy is designed to eliminate on-site demand and align with accepted harbor practices.

### **1. Off-Site Parking as the Primary Method**

- All guests are directed to off-site parking location with access to the harbor via Ferry

### **2. Reservation-Based Flow Control**

- Advance reservations required
- No unmanaged walk-up traffic
- Booking system controls: Arrival timing & Guest flow
- Prevents clustering and parking overflow

### **3. Built-In Incentives to Guide Behavior**

- Pricing structure favors off-site parking or use of ride share alternatives
- Encourage no on-island vehicle traffic

### **4. Clear Pre-Arrival Communication**

- Every guest receives:
  - Booking confirmation emails and text with detailed parking instructions
  - Suggested locations and directions for use of public lot and ride share alternatives
  - Arrival timing guidance (45–60 minutes recommended)

### **6. Active Oversight**

- We will be available to guide guests if needed and redirect improper parking onsite. In the event we are not available our porter will guide guests and redirect them to the appropriate parking locations.
- On-site signage clearly indicating no on-site parking and tow-away enforcement

**6) The \$10 credit – is this something that is final, or are you proposing something different?**

We have revised the original \$10 credit to a more impactful structure.

We are proposing a \$20 refund/credit per booking. The patron will show us proof of off-site parking or rideshare services upon check-in to receive this. **(See Exhibit B)**

This enhanced incentive is designed to meaningfully influence guest behavior and further reduce parking demand near the property.

Our operational model is intentionally low-impact, structured, and aligned with established harbor practices, with a strong emphasis on:

- Controlled demand
- Off-site parking utilization
- Clean and contained site management
- Predictable guest flow

**Clarifications regarding my experience in this business**

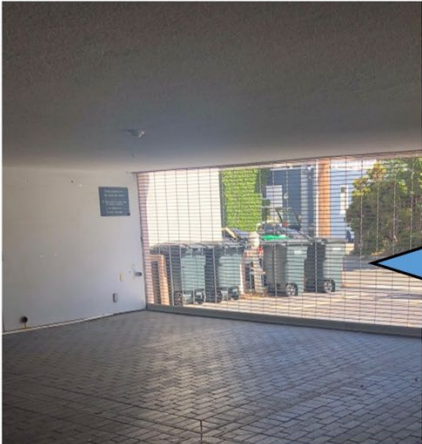
I have been the property and dock manager for 8 years, overseeing daily operations of a mixed-use waterfront property, coordinating residential, retail, and marina activity.

My experience as a dock manager supporting both commercial and private vessel users, with scheduling, safety, vendor coordination, and marina operations, directly supports the efficient and responsible operation of my boat rental business.

With over 40 years of experience in business and managing this mixed-use waterfront property, I bring a thoughtful and informed approach that supports the integration of an eco-conscious operation while maintaining a well-managed and community-oriented waterfront environment.

We appreciate the City's guidance and would welcome any additional direction to ensure our approach remains fully consistent with approved and effective harbor operations.

# Exhibit A Trash + Site photos



ADDITIONAL TRASH CANS AT REAR OF 504 S. BAY FRONT BUILDING



# Exhibit B Parking - Incentives Structure

*Draft booking confirmation language related to parking and ridesharing. This will be sent via email along with their booking confirmation.*

## OFF-SITE PARKING OR RIDESHARE CREDIT

For guests arriving by personal vehicle, parking is conveniently located off-site on the peninsula at the Balboa Pier Lot and enjoy a short ride on the Balboa Island Ferry to cross the harbor and reach the vessel boarding dock. Rideshare services such as Uber or Lyft offer a convenient alternative for arrival.

Simply show proof of off-site parking or your rideshare service at check-in and you'll receive a \$20.00 refund/credit per booking. The off-site parking and ferry route is often faster, more reliable, and a great way to start your day on the water, especially during busy times.

We recommend allowing 45–60 minutes for parking and ferry travel before your scheduled rental time to ensure a smooth check-in experience.

This helps keep dock access running smoothly for everyone so you can focus on enjoying your time on the water.



# **Attachment No. ZA 5**

Project Floor Plan

504 South Bay Street 2nd floor offices

