



CITY OF NEWPORT BEACH ZONING ADMINISTRATOR STAFF REPORT

July 30, 2026
Agenda Item No. 3

SUBJECT: Childs Residence (PA2026-0093)
• Modification Permit

SITE LOCATION: 2391 Azure Avenue

APPLICANT: Wayne Rizzo

OWNER: David Childs

PLANNER: Jasmine Leon, Planning Technician
jleon@newportbeachca.gov or 949-644-3201

LAND USE AND ZONING

- **General Plan Land Use Plan Category:** RS-D (Single Unit Residential Detached)
- **Zoning District:** SP-7 (Santa Ana Heights Specific Plan)

PROJECT SUMMARY

A request for a modification permit to allow a 947-square-foot addition to an existing 1,505-square-foot single-unit residence with nonconforming parking (63% addition). Title 20 (Planning and Zoning) of the Newport Beach Municipal Code (NBMC) limits additions to a maximum of 10% of the existing gross floor area when a residence has nonconforming parking. The existing garage is considered nonconforming due to the width, as the garage only provides an interior clear dimension of 19 feet, 4 inches wide by 21 feet, 3 inches deep, where 20 feet wide by 20 feet deep is required. The addition otherwise complies with all applicable development standards, and no other deviations are requested.

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) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and
- 3) Adopt Draft Zoning Administrator Resolution No. __ approving the Modification Permit filed as PA2026-0093 (Attachment No. ZA 1).

DISCUSSION

Background and Setting

- The property is designated as Single Unit Residential Detached (RS-D) by the Land Use Element of the General Plan and located in the Residential Single-Family District (RSF) within the Santa Ana Heights Specific Plan (SP-7). This area allows for the development and maintenance of medium single family detached residential neighborhoods.
- The Property was originally developed in 1953 with a 1,074-square-foot, one-story, single-unit residence with an attached 431-square-foot, two-car garage (see Figure 1, below). The Project would increase the floor area of the residence by 947 square feet and add a new primary bedroom, powder room, laundry room, and pantry. The project also includes an interior remodel of two bedrooms and the kitchen.



Figure 1: Oblique view of subject property

- Development along Azure Avenue predominantly consists of one- and two-story, single-unit, residences. The areas of addition will not exceed the maximum height allowed by SP-7 and are consistent with the size of other properties in the neighborhood. The addition will also keep the residence consistent with neighboring homes by remaining a one-story residence. The proposed addition will

comply with all other applicable development standards including lot coverage and setbacks.

Nonconforming Development Standards

- The subject property's existing interior garage dimensions are 19 feet, 4 inches in width and 21 feet, 3 inches in depth, where the interior garage dimensions of 20 feet in width and 20 feet in depth are required. NBMC Section 20.38.030(C) (Determination of Nonconformity) defines a "legal nonconforming structure" as any structure that was lawfully erected but does not conform with the current development standards for the zoning district. The existing interior garage dimensions at this property, although lawfully erected per the City's permit records of the property, are considered substandard and noncompliant with the current provisions of the NBMC. Therefore, the property's existing two-car garage is considered legal nonconforming due to insufficient width and depth.
- Zoning District SP-7 does not provide standards related to the required parking spaces in a garage or dimensions of the parking spaces but instead defers to the development standards provided within NBMC Section 20.40 (Off-Street Parking). NBMC Section 20.40.090 (Parking Standards for Residential Uses) requires the garage provide minimum interior clear dimensions of 20 feet wide by 20 feet deep for a two-car garage.

Modification Permit

- Section 20.38.060 (Nonconforming Parking) of the NBMC limits additions to residential structures with nonconforming parking to a maximum of 10% of the existing floor area within a 10-year period. Subsection (2)(b) however allows for larger additions, subject to the approval of a modification permit.
- The proposed 947-square-foot addition is to accommodate the construction of a new primary bedroom, powder room, interior laundry room, pantry and interior alteration to the two existing bedrooms, kitchen, and living room all located on the first floor. The areas of the addition will not exceed the maximum height allowed by SP-7 and are consistent with the size of other properties in the neighborhood. The proposed addition complies with all other applicable development standards including lot coverage and setbacks.
- Given the intent of the project, a redesign to reduce the size of the addition to 150 square feet, (10% maximum addition of the existing floor area of the structure) will significantly impact the objectives of the project and would not provide similar benefits to the applicant.
- The garage provides two useable parking spaces that are only substandard by eight inches. The existing conditions do not fulfill the intent of the NBMC by

providing adequate parking onsite because there are obstructions within the garage. The garage currently houses a closet for the water heater, a furnace, a washer and dryer, and a fireplace that encroaches into the garage providing a clearance of 17 feet, 2 inches wide by 18 feet deep. As conditioned, the applicant will remove or relocate said obstructions out of the garage providing a clearance of 19 feet, 4 inches wide by 21 feet, 3 inches deep. The applicant will continue to use the existing two-car garage and park onsite.

- The driveway in front of the garage allows for additional onsite parking. Although the driveway parking spaces do not count toward the parking requirement for single-unit dwellings, Section 20.40.090 (Parking Standards for Residential Uses) of the NBMC allows parking of vehicles on driveways within front setback areas that are in front of garages set back a minimum of 20 feet from the front property line. The driveway measures approximately 20 feet wide by 23 feet deep, which complies with the minimum depth required by the NBMC. A larger vehicle can use the driveway, which offsets the shorter parking space inside the garage.

ENVIRONMENTAL REVIEW

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

PUBLIC NOTICE

Notice of this public hearing was published in the Daily Pilot, mailed to all owners 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:

An appeal or call for review may be filed with the Director of Community Development within 14 days following the date of action. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

Prepared by:



Jasmine Leon
Planning Technician

DL/jl

Attachments: ZA 1 Draft Resolution
 ZA 2 Vicinity Map
 ZA 3 Project Plans

Attachment No. ZA 1

Draft Resolution

RESOLUTION NO. ZA2026-###

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING A MODIFICATION PERMIT FOR AN ADDITION TO AN EXISTING SINGLE-UNIT RESIDENCE WITH A NON-CONFORMING GARAGE LOCATED AT 2391 AZURE AVENUE (PA2026-0093)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Wayne Rizzo (Applicant), with respect to property located at 2391 Azure Avenue, and legally described as Lot 4 of Tract 1501 (Property), requesting approval of a modification permit.
2. The Applicant requests a modification permit to allow a 947-square-foot addition to an existing 1,505-square-foot single-unit residence with nonconforming parking (63% addition). Newport Beach Municipal Code (NBMC) Section 20.38.060 (Nonconforming Parking) limits additions to a maximum of 10% of the existing gross floor area when a residence has nonconforming parking. The existing garage is considered nonconforming due to width, as the garage only provides an interior clear dimension of 19 feet, 4 inches wide by 21 feet, 3 inches deep, where 20 feet wide by 20 feet deep is required. The addition otherwise complies with all applicable development standards, and no other deviations are requested (Project).
3. The Property is categorized as Single Unit Residential Detached (RS-D) by the General Plan Land Use Element and is located within the Residential Single-Family District (RSF) in the Santa Ana Heights Specific Plan (SP-7).
4. The Property is not located within the coastal zone.
5. A public hearing was held on July 30, 2026, online via Zoom. A notice of the time, place, and purpose of the hearing was given in accordance with Chapter 20.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to and considered by the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.
2. This exemption includes additions up to 10,000 square feet where public services and utilities are available, and the area is not considered environmentally sensitive. The proposed project is a 947-square-foot addition to an existing single-unit residence in a developed neighborhood and is not within an environmentally sensitive area.

SECTION 3. REQUIRED FINDINGS.

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:

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

Facts in Support of Finding:

1. The Property was originally developed in 1953 with a 1,074-square-foot, one-story, single-unit residence with an attached 431-square-foot, two-car garage. The Project would increase the floor area of the residence by 947 square feet and add a new primary bedroom, powder room, laundry room, and pantry. The Project also includes an interior remodel of two bedrooms and the kitchen.
2. Development along Azure Avenue predominantly consists of one- and two-story, single-unit, residences. The areas of addition will not exceed the maximum height allowed by SP-7 and are consistent with the size of other properties in the neighborhood. The addition will also keep the residence consistent with neighboring homes by remaining a one-story residence. The proposed addition will comply with all other applicable development standards including lot coverage and setbacks.
3. The driveway in front of the garage allows for additional onsite parking. Although the driveway parking spaces do not count toward the parking requirement for single unit residences, NBMC Section 20.40.090 (Parking Standards for Residential Uses) allows parking of vehicles on driveways within front setback areas that are in front of garages set back a minimum of 20 feet from the front property line. The driveway measures approximately 20 feet wide by 23 feet deep which complies with the minimum dimensions of the NBMC. A larger vehicle can use the driveway, which offsets the shorter parking spaces inside the garage.

Finding:

- B. *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 interior dimensions of the garage were compliant with the zoning standards in place at the time of construction in 1953. Due to subsequent amendments to the Zoning Code, the garage is now substandard in size and is considered legal nonconforming.
2. NBMC Section 20.38.060 (Nonconforming Parking) limits additions to residential structures with nonconforming parking to a maximum of 10% of the existing floor area within a 10-year period. However, Subsection (2)(b) allows for larger additions, subject to the approval of a modification permit.

3. The granting of the modification permit is necessary to allow the addition. Expanding the garage to comply with current standards is overly difficult and onerous due to the physical characteristics of the existing structure. The Project is located primarily at the rear of the Property and does not include any changes to the attached garage. Due to the age and current condition of the residence, modifying the garage to meet current zoning standards would greatly increase the project scope and cause the Project to be infeasible.
4. Expanding the garage east towards the side property line is not possible since it would encroach into the required 5-foot side yard setback. Expanding west into the habitable space on the first floor would require new framing and foundations. Reframing the garage and pouring additional footings are significant structural alterations which would increase the cost and scope of work of the Project while providing negligible benefit, since the existing non-conforming garage can still accommodate two cars.

Finding:

- C. *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.*

Facts in Support of Finding:

1. SP-7 does not provide standards related to the required parking spaces in a garage or dimensions of the parking spaces but instead defers to the development standards provided within NBMC Section 20.40 (Off-Street Parking). NBMC Section 20.40.090 (Parking Standards for Residential Uses) requires the garage provide minimum interior clear dimensions of 20 feet wide by 20 feet deep for a two-car garage.
2. The garage provides two useable parking spaces that are only eight inches less than the required length. The Applicant will also be removing the existing encroachments within the garage to provide a clearer interior dimension. The existing condition fulfills the intent of the NBMC by providing adequate parking onsite. As conditioned, the Applicant will continue to use the existing two-car garage and park onsite.
3. Fact 3 in support of Finding B is hereby incorporated by reference.

Finding:

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

Facts in Support of Finding:

1. An alternative to granting the modification permit is to require the garage to be brought into compliance with current NBMC standards. While bringing the garage into compliance would provide a negligible benefit, it would require significant alterations to

the structure well beyond the scope of the Project. Furthermore, relocating the interior garage wall eight inches into the existing habitable space would require significant alterations to both the roof framing, raised front porch, and the foundation.

2. Given the intent of the Project is to provide a new primary bedroom, powder room, laundry room, and increase the size of the two existing bedrooms, reducing the size of the addition to no more than 10% of the existing floor area of the structure as authorized under NBMC Section 20.38.060(A) (Nonconforming Parking - Residential) will significantly impact the objectives of the Project and would not provide similar benefits to the Applicant. They would be limited to only 150 square feet of their addition.
3. The Project is not anticipated to cause any detrimental effects to the neighborhood.

Finding:

- E. 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. Although the width of the parking spaces within the garage does not meet the minimum dimensions of the NBMC, the existing garage has sufficient depth and width to accommodate two vehicles of typical size and not generate a demand for on-street parking.
2. The proposed one-story addition would maintain all required setbacks and will provide adequate protection for light, air, and privacy. The addition will not preclude access to the residence and will be consistent in scale with other one-story residences in the neighborhood.
3. The proposed addition maintains more than the minimum 3-foot side yard for fire access in accordance with Section 20.30.110(A)(1)(c) (Setbacks Regulations and Exceptions) of the NBMC.
4. The approval of this Modification Permit is conditioned such that the applicant is required to obtain all necessary permits in accordance with the Building Code and other applicable Codes. The Building Division has reviewed the proposed project and has no comments on this project as presented.

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. The exceptions to this categorical exemption under Section 15300.2 of the CEQA Guidelines are not applicable.

2. The Zoning Administrator of the City of Newport Beach hereby approves PA2026-0093, 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 or call for review is filed with the Community Development Director in accordance with the provisions of Title 20 (Planning and Zoning) of the NBMC.

PASSED, APPROVED, AND ADOPTED THIS 30TH DAY OF JULY 2026.

Liz Westmoreland, AICP, Zoning Administrator

EXHIBIT “A”

CONDITIONS OF APPROVAL
(Project-specific conditions are in italics)

PLANNING

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. *Each parking space within the garage shall be permanently available and maintained for parking purposes. The interior clear dimensions (21 feet, 3 inches wide by 19 feet, 4 inches deep) shall be kept clear of obstructions including cabinets, shelving, or similar objects that may impact the ability to adequately park two vehicles, except as provided in Section 20.40.090(A)(4) (Parking Standards for Residential Uses) of the NBMC.*
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. Material violation of any of those laws in connection with the use may be cause for revocation of this Modification Permit.
5. This Modification 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, welfare, or materially injurious to property or improvements in the vicinity or if the property is operated or maintained to constitute a public nuisance.
6. Demolition beyond the approved scope of work requires Planning Division approval prior to commencement of work. Approval of revisions to project plans are not guaranteed and may require the garage to be redeveloped in conformance with the current NBMC development standards. Any change to the approved plans shall require review by the planning Division. An amendment to or the processing of a new modification permit may be required.
7. A copy of the Resolution, including conditions of approval Exhibit “A” shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
8. 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.
9. Construction activities shall comply with Section 10.28.040 (Construction Activity – Noise Regulations) of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00

a.m. and 6:30 p.m., Monday through Friday, and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.

10. This approval shall expire and become void unless exercised within 24 months from the actual date of review by authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 (Planning and Zoning) of the NBMC.
11. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the **Childs Residence including, but not limited to, the Modification Permit filed as PA2026-0093**. 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 the City's costs, attorneys' fees, and damages which the City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Attachment No. ZA 2

Vicinity Map

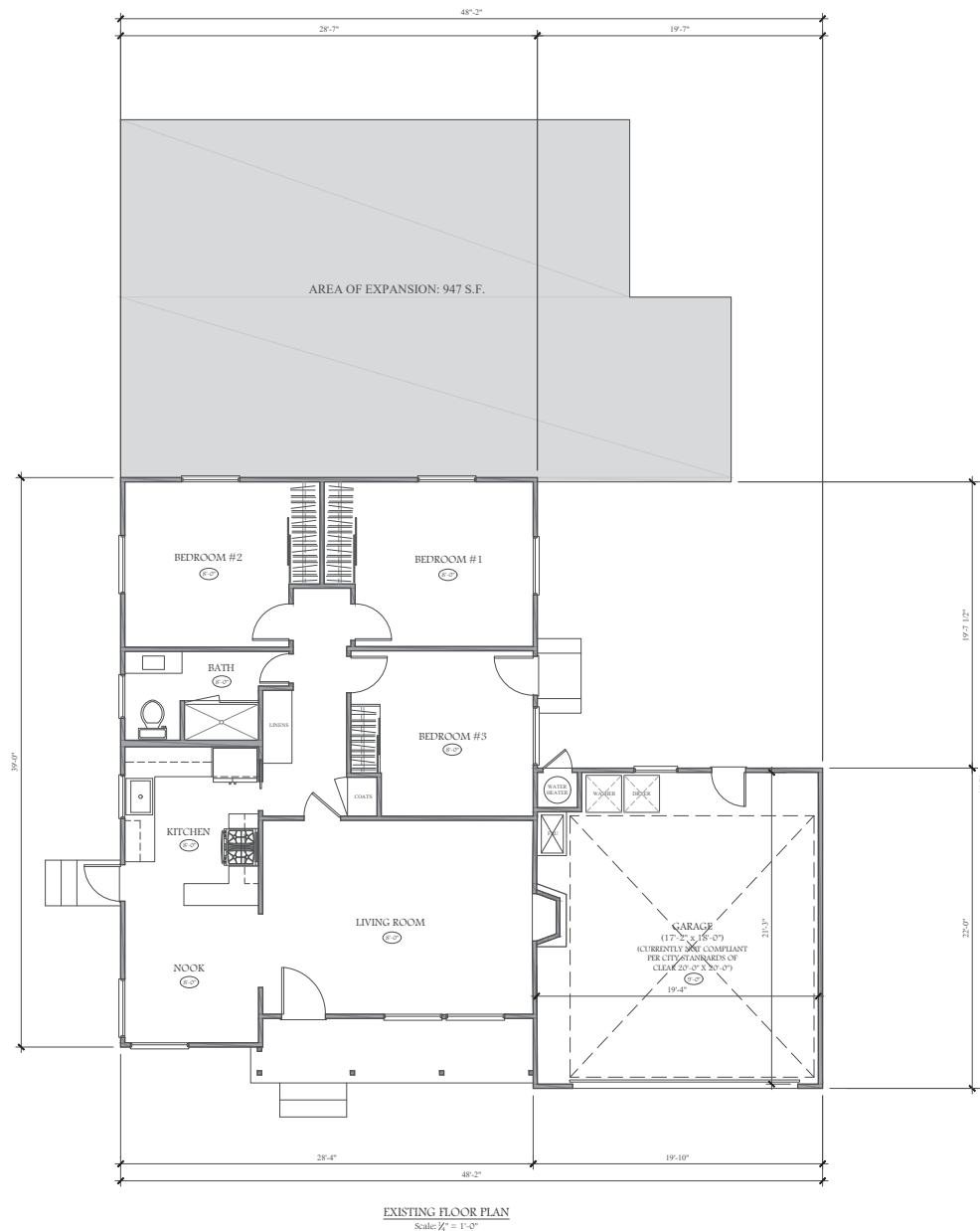
VICINITY MAP



Modification Permit (PA2026-0093)
2391 Azure Avenue

Attachment No. ZA 3

Project Plans



EXISTING FLOOR PLAN



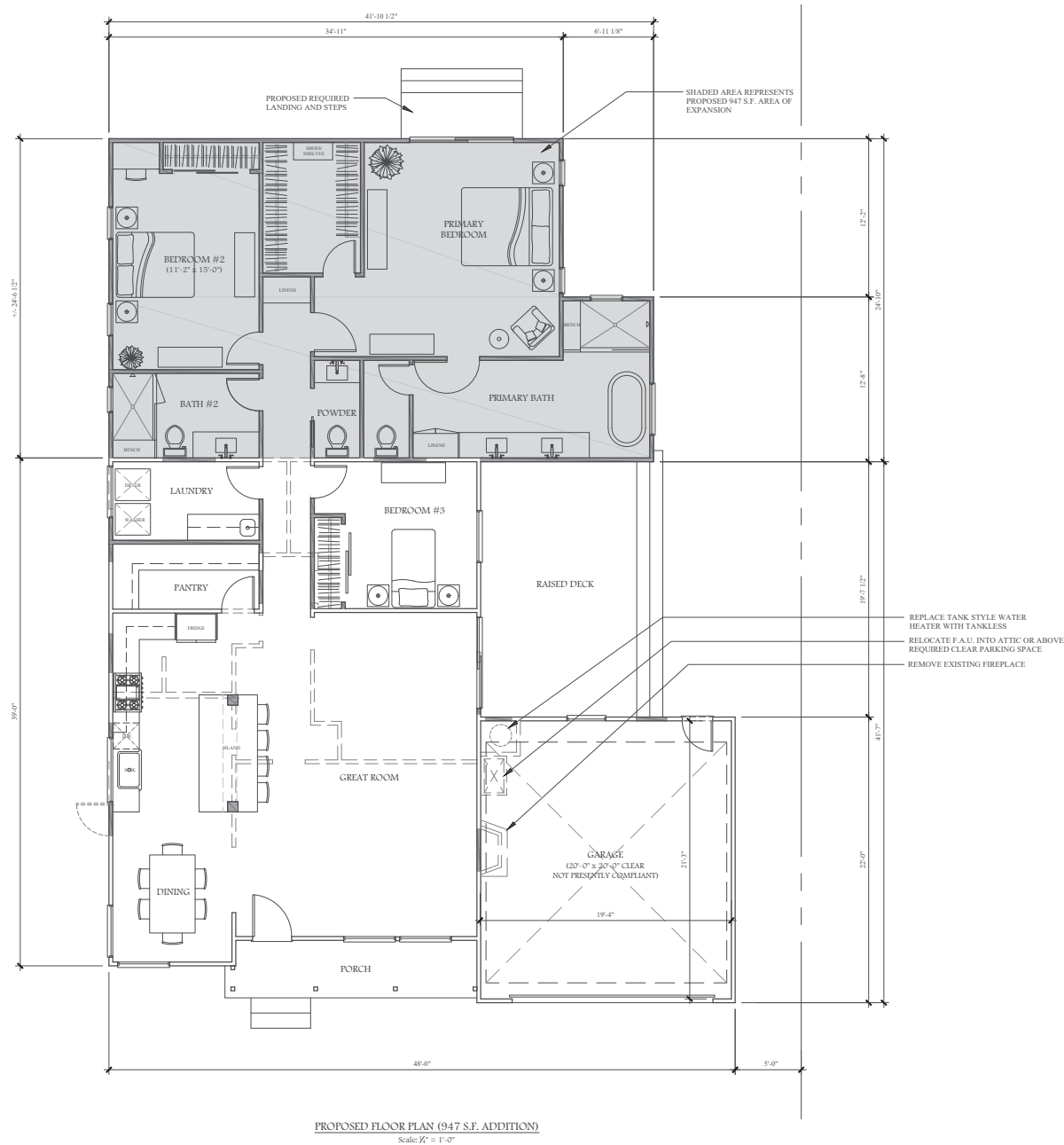
WMR DESIGN
WAYNE M. REZZO, AIA
CUSTOM HOMES,
RENOVATIONS & REMODELS

DRAWINGS PREPARED BY:
Author: _____
Date: WAYNE M. REZZO Date: _____

CHILDS REMODL AND ADDITION
2391 AZURE AVENUE
NEWPORT BEACH, CALIFORNIA 92660

SCALE: 1/4"=1'-0"
DRAWN: WMR
DATE: 4.25.26
JOB:CHILDS-AZURE
SHEET:

A1



PROPOSED FLOOR PLAN



A. DESIGNS, IDEAS & ARRANGEMENTS AS SHOWN ON THESE DRAWINGS ARE THE LEGAL PROPERTY OF WMR DESIGN (WAYNE M. RIZZO) AND SHALL BE RESTRICTED TO THE ORIGINAL SITE & SPECIFIC PROJECT FOR WHICH THEY WERE PREPARED. REPRODUCTION, PUBLICATION OR RE-USE IN ANY MANNER, WHOLE OR IN PART, WITHOUT EXPRESS WRITTEN CONSENT BY WMR DESIGN IS PROHIBITED. THERE SHALL BE NO CHARGE OR FEE FOR THE USE OF THESE DRAWINGS WITHOUT THE WRITTEN CONSENT OF WMR DESIGN. VISUAL CONTACT WITH THESE DRAWINGS SHALL CONSTITUTE PRIMA FAECE EVIDENCE OF THE ACCEPTANCE OF ALL THESE RESTRICTIONS WITHOUT PREJUDICE.

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Signature: _____
Name: WAYNE M. BEZZO Date: _____

CHILD'S REMODL AND ADDITION
2391 AZURE AVENUE

2391 AZURE AVENUE
NEWPORT BEACH, CALIFORNIA 92660

SCALE: 1/4"=1'-0"

DRAWN: WMR

DATE:	4.25.26
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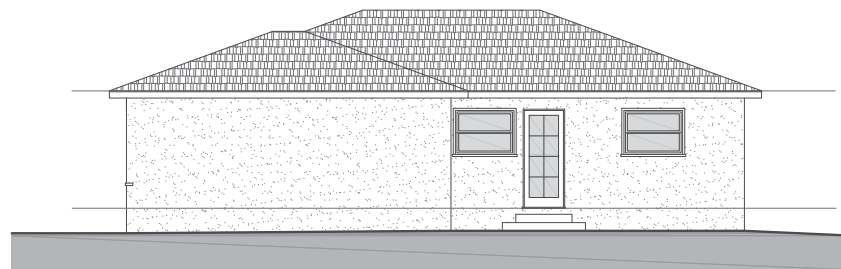
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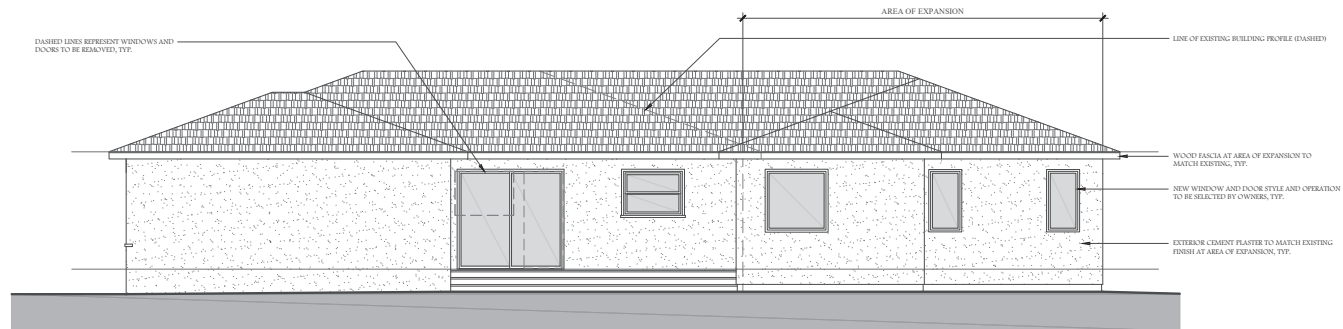
A2



FRONT (SOUTH) ELEVATION (No Change)
Scale: 1/8" = 1'-0"



EXISTING SIDE (EAST) ELEVATION
Scale: 1/8" = 1'-0"



PROPOSED SIDE (EAST) ELEVATION
Scale: 1/8" = 1'-0"

EXTERIOR ELEVATIONS



WMR DESIGN
WAYNE M. RIZZO, AIA
CUSTOM HOMES,
RENOVATIONS & REMODELS

DRAWINGS PREPARED BY:
WMMR
WMMR WAYNE M. RIZZO, AIA

CHILDS REMODL AND ADDITION
2391 AZURE AVENUE
NEWPORT BEACH, CALIFORNIA 92660

SCALE: 1/8" = 1'-0"
DRAWN: WMR
DATE: 4.25.26
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SHEET:

A3



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Author:

Date: WAYNE M. REZZO, AIA

CHILDS REMODL AND ADDITION

2391 AZURE AVENUE
NEWPORT BEACH, CALIFORNIA 92660

SCALE: 1/8"=1'-0"

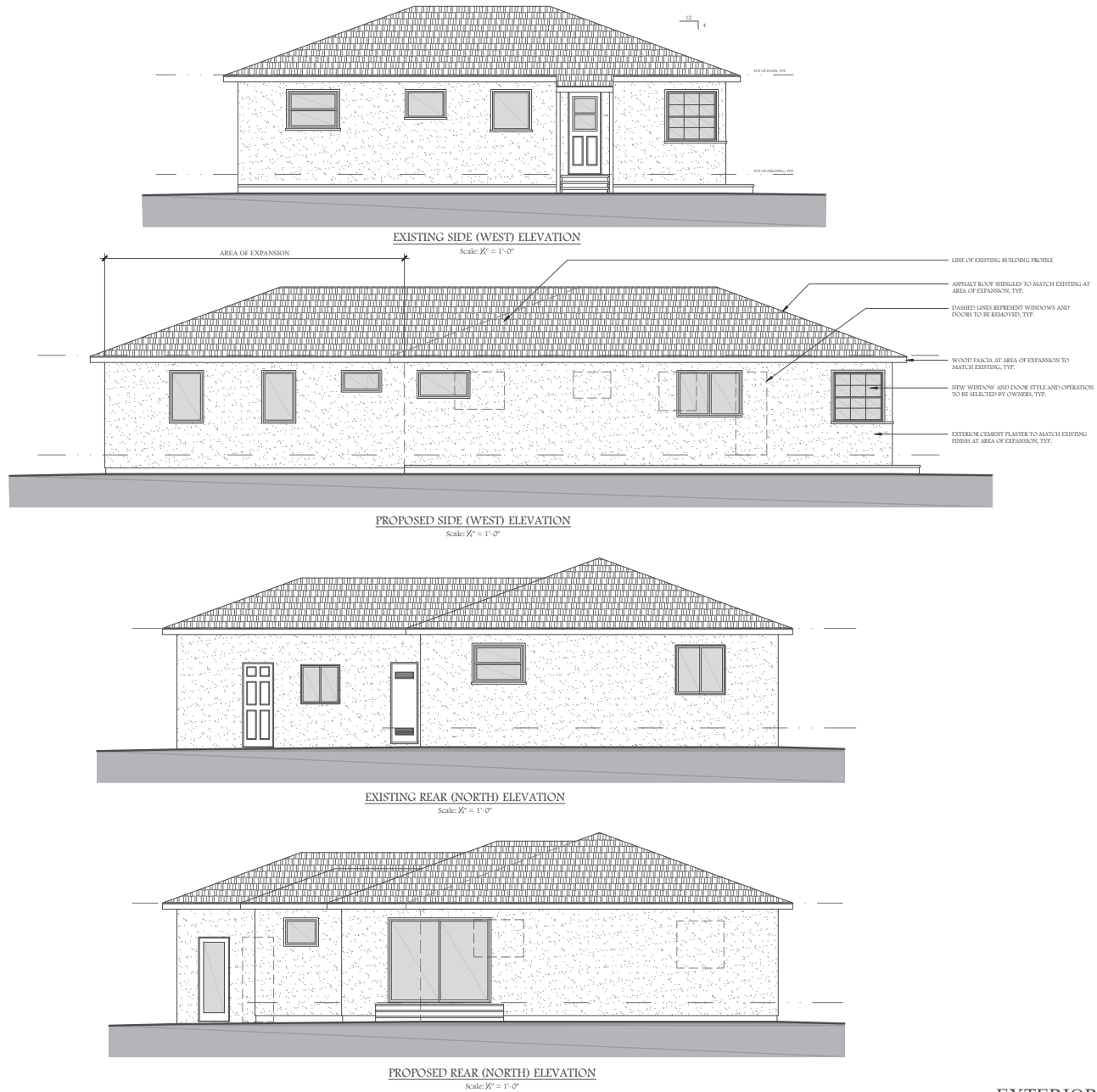
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JOB: CHILDS-AZURE

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A4



EXTERIOR ELEVATIONS