



CITY OF NEWPORT BEACH PLANNING COMMISSION STAFF REPORT

April 23, 2026
Agenda Item No. 3

SUBJECT: Poitevin Residence (PA2025-0179)
▪ Coastal Development Permit
▪ Variance

SITE LOCATION: 2441 Crestview Drive

APPLICANT: Bruce Manzer, Manzer and Associates

OWNER: Terese K. Poitevin

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

PROJECT SUMMARY

A request for a coastal development permit (CDP) to demolish an existing single-unit dwelling with an attached garage and construct a new, three-story, 3,161-square-foot single-unit dwelling with an attached 602-square-foot two-car garage, and an attached 782-square-foot accessory dwelling unit (ADU). While the existing single-unit dwelling has already been demolished, the CDP would formally authorize the demolition. A variance from Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (NBMC) is requested to allow the first and second floors to encroach five feet into the required 10-foot setback abutting a private street.

RECOMMENDATION

- 1) Conduct a public hearing;
- 2) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 under Class 3 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 Resolution No. PC2026-014 approving the Coastal Development Permit and Variance filed as PA2025-0179 (Attachment No. PC 1).

INTENTIONALLY BLANK PAGE

INTRODUCTION

Project Setting

The project site is located within the private community known as Bayshores. Bayshores was originally developed in 1941 and was annexed to the City in 1947. Bayshores is located southwest of West Coast Highway and the Newport Bay Bridge and includes 246 one- and two-story single-unit residences. There are two private sandy beaches within the community that are accessible to residents. Bayshores is accessible from West Coast Highway and Dover Drive, through a gate and guard shack, and circulation within the community is provided via private streets and private alleys. The 39-unit Bayshore Apartment complex and Dover Landing marina are adjacent to the Bayshore community; however, these are accessible outside of the gate and guard shack.

The project site is a rectangular lot, that is 40 feet wide and 100 feet deep. The lot was previously developed with a one-story, single-unit residence constructed in 1950, with a 12-foot setback from Crestview Drive and a five-foot setback from an unnamed street. The residence was demolished sometime in January 2026 without the benefit of permits.

Setback Background Affecting 2400 Block of Crestview Drive

The property is one of six residences located within the 2400 block of Crestview Drive (2431 – 2441 Crestview Drive), situated on the western perimeter of the community. The block is bounded by Crestview Drive and a narrow, 20-foot-wide, unnamed, private street. It provides vehicular access to residential garages and features characteristics common to other City alleys including narrow width, pavement as opposed to asphalt, and a V-ditch for stormwater runoff. Given its layout and function, the Public Works Department considers this unnamed street an alley. For the remainder of the staff report, this unnamed street is referred to as an alley. Within this alley, two easements exist: a 10-foot water easement and a 10-foot utilities easement. Figure 1 on the following page shows the existing condition of the 2400 block.

(Balance of this page left intentionally blank)



Figure 1, Aerial Image of the 2400 block of Crestview Drive (outlined in purple), project site (outlined in red), the alley, and location of easements.

All residences within the 2400 block are subject to a 10-foot front setback from both Crestview Drive and the alley. Over the last 50 years, all neighboring properties within the 2400 block have been authorized to encroach into the required 10-foot alley setback through the approval of a modification permit. These modification permits were approved for both new development and additions to existing development. Previous justifications for the modification permits outlined: 1) how the encroachment would not restrict vehicle maneuverability; 2) inconsistency of the setback requirement identified in Districting Map No. 23 and existing setbacks within this block of properties; and 3) how the requested

encroachment is similar to other residential properties within the City that abut a 20-foot alley and do not require a setback.

The 10-foot setback requirement is established by Setback Map S-6 – Cliffhaven / Bay Shores and is provided as Attachment No PC 2. The setbacks shown on Setback Map S-6 originate from Districting Map No. 23, which is also provided as Attachment No. PC 3. A comparison of the 2400 block in Setback Map S-6 and Districting Map No. 23 is provided in Figure 2, below.

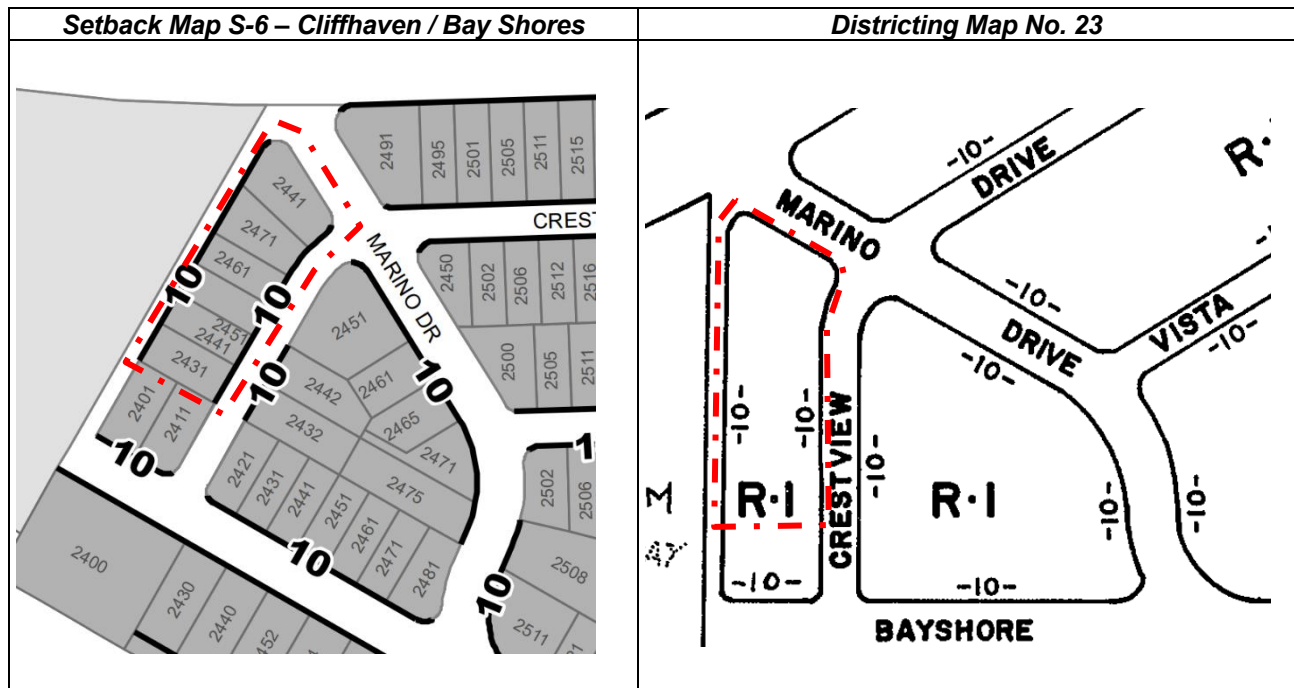


Figure 2, Comparison of required front setbacks within the 2400 Block of Crestview Drive (dashed in red).

Historically, Districting Maps were referenced solely for the purpose of establishing an alternative dimension for measuring required front yard setbacks at the block level and were not intended to apply to side or rear setbacks. Previous versions of the Zoning Code specifically acknowledged that the Districting Maps should only be used to establish alternative front setback dimensions that differ from the default standard specified in Zoning Code. The Setback Maps introduced as part of the 2010 Comprehensive Zoning Code Update were intended to carry over the setbacks indicated on the Districting Maps they replaced, while providing greater specificity by illustrating individual lots (instead of block level) and the application of setbacks to each. The 2010 Comprehensive Zoning Code Update also changed how Setback Maps were to be used. Instead of establishing alternative setback dimensions for front yards only, the current Zoning Code refers to Setback Maps for the purposes of establishing modified setbacks for any yard area (i.e., front, side, or rear) and when identified shall also be considered front setback areas for the purpose of regulating accessory structures.

In 2021, a Zoning Code Amendment and a Local Coastal Program (LCP) Amendment filed as PA2020-006 were approved to correct errors in Setback Maps citywide, including Bayshores. Within Bayshores, the amendments focused on applying front setbacks that had been omitted and eliminating double front setbacks from corner lots that were inconsistent with existing development. The 2400 block was inadvertently omitted from these amendments despite having double front setbacks also inconsistent with existing development.

Project Description

The applicant requests a CDP to demolish an existing single-unit dwelling and construct a new, three-story, 3,161-square-foot single-unit dwelling, with an attached 602-square-foot two-car garage, and an attached 782-square-foot ADU. Although the existing single-unit dwelling has already been demolished, the CDP would formally authorize that demolition. The principal unit will provide three bedrooms and four bathrooms across two floors. The first floor includes one bedroom, two bathrooms, a living room, a kitchen, and a dining area. The second floor includes two bedrooms, two bathrooms, an office, and a laundry room. An open rooftop deck is located on the third floor. The ADU is located above the garage on the second floor. The ADU consists of one bedroom, one bathroom, and a full kitchen with a stovetop and sink. The ADU is accessible from the side yard along the southern perimeter of the property via a staircase. The two-car garage will be accessible from the alley and will provide 15 feet of clearance from the centerline of the alley. Full architectural plans are available as Attachment No. PC 4.

A variance from Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the NBMC is requested to allow the first and second floors to encroach five feet into the required 10-foot setback abutting the alley.

DISCUSSION

Analysis

General Plan and Local Coastal Land Use Consistency

The property is categorized as Single-Unit Residential Detached (RS-D) by the Land Use Element of the General Plan and is categorized as Single-Unit Residential Detached – 6.0–9.9 DU/AC (RSD-B) by the Coastal Land Use Plan (CLUP). Both RS-D and RSD-B permit single-unit dwellings with ADUs.

A full General Plan consistency analysis is provided in the draft resolution (Attachment No. PC 1).

Zoning Code Consistency and Implementation Plan Consistency

The property is zoned R-1 (Single-Unit Residential). Apart from the requested variance, the project complies with R-1 residential development standards and ADU development standards, as detailed in Tables 1 and 2 below. As further detailed in the “Coastal Development Permit Findings” section below, the project complies with all applicable development standards except for the 10-foot setback from the alley.

Table 1 – Development Standards – Principal Dwelling Unit		
Development Standard	Standard	Proposed
Setbacks (min.)		
Front (Crestview Drive)	10 feet	10 feet
2 nd Front (alley)	10 feet	5 feet
Sides	3 feet	4 feet
Allowable Floor Area (max.)	5,440 square feet	4,545.1 square feet (includes ADU)
Allowable 3rd Floor Area (max.)	408 square feet	125.6 square feet
Allowable 3rd Floor Area & Covered (max.)	1360 square feet	125.6 square feet
Open Space (min.)	408 square feet	503 square feet
Parking (min.)	2-car garage	2-car garage
Height (max.)	24-foot flat roof 29-foot sloped roof	29-foot sloped roof

Table 2 – Development Standards – Attached ADU		
Development Standard	Standard	Proposed
Setbacks (min.)		
Front (Crestview Drive)	10 feet	70 feet
2 nd Front (alley)	10 feet	5 feet
Sides	3 feet	4 feet
Parking (min.)	None required ¹	None provided
Height (max.)	24 feet flat roof 29 feet sloped roof	25 feet 9 inches sloped roof
Square Footage (max.)	Up to 850 square feet for a 1 bedroom	782 square feet

¹ Parking for an ADU is not required when the unit is located within one-half mile walking distance of public transit. The nearest public transit is an Orange County Transportation Authority (OCTA) bus stop located on West Coast Highway and 0.4 miles away from the property. Therefore, an additional onsite parking space for the ADU is not required.

Variance Request and Findings

A variance is a request to waive or modify certain standards when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other physical features, the strict application of the development standards otherwise applicable to the property denies the property owner privileges enjoyed by other property owners in the vicinity and in the same zoning district. A variance should be

granted to maintain parity between the variance site and nearby properties in the same zoning district to avoid the granting of special privileges to one property. In this case, the applicant is requesting for the first and second floors to encroach five feet into the 10-foot setback from the alley. The third floor will comply with the required setback, as well as the additional third-floor setback.

Section 20.52.090(F) (Variances - Findings and Decision) of the Zoning Code requires the Planning Commission to make the following findings before approving a variance:

- A. *There are special or unique circumstances or conditions applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification;*
- B. *Strict compliance with Zoning Code requirements would deprive the subject property of privileges enjoyed by other properties in the vicinity and under an identical zoning classification;*
- C. *Granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the applicant;*
- D. *Granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district;*
- E. *Granting of the variance will 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; and*
- F. *Granting of the variance will not be in conflict with the intent and purpose of this section, this Zoning Code, the General Plan, or any applicable specific plan*

The required setbacks for properties zoned R-1 are established pursuant to Table 2-2 (Development Standards for Single-Unit Residential Zoning Districts) of Section 20.18.030 (Residential Zoning Districts General Development Standards) of the NBMC. A typical R-1 property that is 40-feet wide or less is required to provide a 20-foot front setback, 3-foot side setbacks, and a 10-foot rear setback, unless otherwise modified by a setback map. In this case, the required setbacks are modified by Setback Map S-6, and the property has two front setbacks despite clearly fronting Crestview Drive.

A property having two front setbacks is not a typical or standard condition, particularly when fronting an alley. Double front setbacks are generally required in response to specific site conditions. The intent of a front setback is to both regulate the placement of a building and restrict the height of accessory structures. Such conditions are more commonly found on waterfront properties, where double front setbacks preserve views

along the waterfront and prevent excessive building mass from dominating the streetscape.

Alleys providing residents with garage access are common within Bayshores. For the interior blocks, 20-foot-wide alleys are provided across the rear of lots via easement. To create the 20-foot alleys, 10 feet of the alley is located on each property.



Figure 3, Inland block with alley provided on property

The 10-foot alley easement for these inland properties is consistent with the standard rear setback requirement for R-1 properties and the 0-foot setback requirement for R-1 properties abutting a 20-foot alley. No additional setback from the easement is required on these interior lots and residences can be built to the edge of the alley. Only the properties on Crestview Drive have the alley occurring offsite and the additional required setback. Had the unnamed street behind the project site been officially classified as an alley consistent with its function, no setback would be required. Therefore, the application of double front setbacks on an inland property with an alley frontage is inconsistent with the intent of double front setbacks.

The requested encroachment will not affect traffic maneuverability. The minimum size for successfully maneuvering two vehicles side by side within an alley is 20 feet. The alley is 20 feet wide and the proposed residence will be setback five feet from the property line, providing 25 feet of overall clearance. The Building Division, Public Works Department, and Fire Department have reviewed the project design to ensure adequate public and

emergency vehicle access is provided and do not have any concerns with the project design or variance request.

The project complies with the floor area limit for the property. The requested encroachment does not result in a building that is larger than what could otherwise be built on the identically zoned surrounding properties. Additionally, only the first and second floor will encroach into the required 10-foot setback. The third floor is setback a total of 25-feet, 6-inches from the property line and complies with the additional third floor requirements provided in Section 20.48.180 (Residential Development Standards and Design Criteria) of the NBMC.

The requested setback encroachment addresses a site constraint unique to the 2400 block of Crestview Drive, and would be consistent with the neighboring properties that were historically granted relief through modification permits. Therefore, the setback encroachment does not constitute a special privilege, create a maneuverability hazard, or conflict with the General Plan or Zoning Code.

Coastal Development Permit Findings

Pursuant to Subsection 21.52.015(F) (Coastal Development Permits - Findings and Decision) the following findings to approve the CDP are as follows:

1. *Conforms to all applicable sections of the certified Local Coastal Program.*
2. *Conforms with the public access and public recreation policies of Chapter 3 of the Coastal Act if the project is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.*

The project complies with the R-1 Coastal Zoning development standards with the exception of the requested setback encroachment. Additionally, the project proposes a finish floor elevation of 11.50 feet based on the North American Vertical Datum of 1988 ("NAVD 88"), which complies with the minimum 9.0-foot NAVD 88 requirement for new structures. A Coastal Hazards Report is not required for this project given that that property is approximately 280 feet from the harbor and separated from the water by a row of residences and Bay Shore Drive. Since the project is in area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code (CBC) and Building Division standards and policies. A preliminary Water Quality and Hydrology Plan (WQHP) was prepared by ABI Engineering and reviewed by the City's Building Division for compliance.

The property is located between the first public road and the sea. As previously mentioned, Bayshores is a gated community. The community's development predates the California Coastal Act and is accessible from West Coast Highway via Bay Shore Drive. While West Coast Highway is a designated coastal view road under the CLUP, the segment abutting Bayshores is excluded from this designation. The nearest designated coastal viewpoint is Lower Castaways Park, approximately 1,780 feet to the north. The

property falls within the general coastal viewshed from the park but is not directly visible due to intervening development. Therefore, the project would not degrade the visual quality of the Coastal Zone or result in significant adverse impacts to public views.

There are sandy beaches within Bayshores, however there is no public access through the community and the beaches are not considered public coastal access locations. Coastal Land Use Plan Policy 3.1.5-3 requires public access consistent with public access policies for any new development in private/gated communities causing or contributing to adverse public access impacts. 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 in that it is proportional to the impact. In this case, the project would replace an existing single-unit dwelling within a private gated community with a new single-unit dwelling and ADU. This is not considered an increase in density that would significantly impact demand for public access or recreation opportunities. Vertical access and lateral access to the harbor is available to the public at the Balboa Bay Club, which is located immediately west of the gated community. The project does not have any components that would negatively impact coastal access along those routes.

Compliance with the LCP and Feasible Alternatives

Additional findings are required in accordance with Section 21.52.090 (Relief from Implementation Plan Development Standard) to approve the requested waivers to development standards. Staff believes facts to support the findings in the draft resolution are sufficient to demonstrate compliance with the Local Coastal Program (LCP) and that the project would not impact any coastal resources, including access or views. The Planning Commission may approve a waiver to a development standard of the Implementation Plan only after making all of the following findings:

- 1. Whether or not the development is consistent with the certified Local Coastal Program to the maximum extent feasible; and*
- 2. Whether or not there are feasible alternatives that would provide greater consistency with the certified Local Coastal Program and/or that are more protective of coastal resources.*
- 3. The granting of the variance is necessary due to special circumstances applicable to the property, including location, shape, size, surroundings, topography, and/or other physical features, the strict application of the development standards otherwise applicable to the property denies the property owner privileges enjoyed by other property owners in the vicinity and in the same coastal zoning district.*
- 4. The variance complies with the findings required to approval a coastal development permit in NBMC Section 21.52.015(F).*

5. *The variance will not result in development that blocks or significantly impedes public access to and along the sea or shoreline and to coastal parks, trails, or coastal.*
6. *The variance will not result in development that blocks or significantly impairs public views to and along the sea or shoreline or to coastal bluffs and other scenic coastal areas.*
7. *The variance will not result in development that has an adverse effect, either individually or cumulatively, on coastal resources, including wetlands, sensitive habitat, vegetation, or wildlife species.*
8. *The granting of the variance will not be contrary to, or in conflict with, the purpose of this Implementation Plan, nor to the applicable policies of the Local Coastal Program.*

Staff believes that sufficient facts exist to support each finding and has determined that proposed development is consistent with the certified LCP to the maximum extent feasible. Mirroring Title 20 development standards, Table 21.18-2 (Development Standards for Single-Unit Residential Coastal Zoning Districts) of Section 21.18.030 (Residential Coastal Zoning Districts General Development Standards) of the NBMC requires a 0-foot setback for properties abutting a 20-foot alley. The applicant is requesting to encroach five feet into the 10-foot setback. Rather than encroaching further into the setback, or to the property line, the development will be aligned with the neighboring properties.

Further, there is one nearby property, 2401 Bay Shore Drive, that has a side property line abutting the alley. 2401 Bay Shore Drive had its requirement to provide a 10-foot setback from the alley eliminated as part of PA2020-006. With the Zoning Code and LCP amendment, 2401 Bay Shore Drive is now only required to provide a 4-foot setback from the alley. The requested encroachment for the project is reasonable and more conservative than the setback applied to 2401 Bay Shore Drive.

An alternative to the project would be to construct a residence in accordance with the required 10-foot front setback. However, the requirement would deprive the owners from constructing a single-unit dwelling with encroachments similar to the neighboring properties and would be inconsistent with previous treatment of this condition. As the property is located in an existing gated community where no public access occurs, the project would not result in a negative impact on coastal access. Additionally, there are no opportunities to provide public access to coastal parks, trails, or coastal bluffs through the property. The property is located in a developed neighborhood, it is not considered to be an environmentally sensitive habitat area or environmentally sensitive area under Section 21.30B.030 (Environmentally Sensitive Habitat Area) of the NBMC. As previously noted, coastal views would not be impacted by the project since the subject property is abutting an alley and is not located near any viewpoints. Marine resources would also not be

affected since the subject property is located within a developed area. While the property is near the harbor, the proposed drainage system was reviewed by the Building Division to ensure the project design would not pose a hazard to the property or neighboring properties.

Summary and Alternatives

Staff finds the project consistent with both Title 20 (Planning and Zoning), Title 21 (Local Coastal Program Implementation Plan), General Plan, and Coastal Land Use Plan as discussed in the analysis above. Based on the existing site conditions and the historical acknowledgement of the excessive setback requirement, staff believes the variance for a five foot encroachment is warranted and compatible with the development of the neighboring properties.

Should the Planning Commission feel the facts are not in evidence of support for the project application, the following alternative actions are available:

1. The Planning Commission may suggest specific changes that are necessary to alleviate any concerns. If the requested changes are substantial, the item could be continued to a future meeting. Should the Planning Commission choose to do so, staff will return with a revised resolution incorporating new findings and/or conditions.
2. If the Planning Commission believes that there are insufficient facts to support the findings for approval and a denial action is more appropriate, staff would recommend a continuance to prepare a resolution reflecting this course of action.

Environmental Review

This project is exempt from the California Environmental Quality Act (CEQA) under Section 15303 under Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.

Class 3 exempts the demolition of up to three single-unit dwellings and additions of up to 10,000 square feet to existing structures. The Project includes the demolition of one existing single-unit dwelling and construction of a new single-unit dwelling with ADU located within the Single-Unit Residential (R-1) Zoning District and the Single-Unit Residential (R-1) Coastal Zoning District.

The exceptions to this categorical exemption under Section 15300.2 of the CEQA Guidelines 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.

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 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. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

Prepared by:

Submitted by:



Laura Rodriguez, Assistant Planner



Benjamin M. Zdeba, AICP
Acting Deputy Community
Development Director

JP/lr

ATTACHMENTS

- PC 1 Draft Resolution with Findings and Conditions
- PC 2 Setback Map S-6 – Cliffhaven / Bay Shores
- PC 3 Districting Map No. 23
- PC 4 Project Plans

INTENTIONALLY BLANK PAGE