



CITY OF NEWPORT BEACH ZONING ADMINISTRATOR STAFF REPORT

April 30, 2026
Agenda Item No. 6

SUBJECT: 1209 W. Balboa Boulevard Residence Coastal Development Permit

- Tentative Parcel Map No. 2025-182
- Coastal Development Permit No. (PA2025-0238)

SITE LOCATION: 1209 West Balboa Boulevard

APPLICANT: Joseph Remick

OWNER: 1209 W. Balboa Partners LLC/ Blair Porteous

PLANNER: Cameron Younger, Planning Technician
cyounger@newportbeachca.gov, (949) 644-3228

LAND USE AND ZONING

- **General Plan Land Use Plan Category:** RT (Two Unit Residential)
- **Zoning District:** R-2 (Two-Unit Residential)
- **Coastal Land Use Plan Category:** Two Unit Residential (RT-D) (20.0-29.9 DU/AC)
- **Coastal Zoning District:** Two-Unit Residential (R-2)

PROJECT SUMMARY

The applicant requests a coastal development permit (CDP) and accompanying tentative parcel map (TPM) for two-unit condominium purposes. Currently, there is a two-story, three-unit residence that will be demolished, and a 3,690-square-foot, two-unit residence (Units A and B), a 245-square-foot internal accessory dwelling unit (ADU) located on the lower level, and an attached 470-square-foot two-car garage is proposed to be constructed. The TPM is requested to allow Units A and B to be sold individually while the ADU is not permitted to be sold individually. The project complies with all development standards and no deviations from the Newport Beach Municipal Code (NBMC) are requested (Project).

RECOMMENDATION

- 1) Conduct a public hearing;
- 2) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15315 under Class 15 (Minor Land Divisions) 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 No. PA2025-0238 (Attachment No. ZA 1).

DISCUSSION

Background, Setting and Development Standards

- The subject property is located on the Balboa Peninsula, on West Balboa Boulevard between 12th and 13th Streets. The property consists of one legal lot developed with an existing, legal non-conforming three-unit residence proposed to be demolished (Figure 1, below).



Figure 1: Oblique Aerial Image of Neighborhood

- The subject property is in the R-2 Zoning and Coastal Zoning Districts, which provides for two-unit residential development. The property has an existing legal nonconforming third unit. The proposed project includes a third unit in the form of an internal ADU to comply with the zoning requirements and maintain the existing density.
- The neighborhood is predominantly developed with two- and three-story, multi-unit residences. The proposed design, bulk and scale of the development are consistent with the existing neighborhood pattern of development and expected future development consistent with applicable development standards. In accordance with State law, the ADU is not to be sold separately.

- Since the property is in the Categorical Exclusion Area of the coastal zone, all proposed residential development is required to comply with the Categorical Exclusion Order process through the City and the California Coastal Commission. Furthermore, the property is located within the Coastal Commission Appeal Area. Since the property is in the coastal zone, a CDP is required to accompany the TPM for condominium purposes.

Tentative Parcel Map

- Pursuant to Section 19.12.070 (Required Findings for Action on Tentative Maps) of Title 19 (Subdivisions) of the NBMC, the project includes a tentative parcel map for two-unit condominium purposes. Furthermore, the property was previously developed as a legal, nonconforming three-unit residence. The Applicant has submitted project plans filed under permit no. XR2026-0893 for the demolition and construction of the proposed two-unit residence. The proposed subdivision and improvements will continue to be consistent with the density of the RT General Plan Land Use category and R-2 Zoning District.
- The proposed internal ADU will be located on the lower level of the property. Pursuant to the provisions of Section 20.48.200 (Accessory Dwelling Units) and Section 21.48.200 (Accessory Dwelling Units) in the Local Coastal Program Implementation Plan of the NBMC, the ADU may not be sold or otherwise conveyed separately from the lot and either of the two-unit residences.
- All improvements associated with the Project will comply with all Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. Public improvements will be required of the applicant per Section 19.28.010 (General Improvement Requirements) of the NBMC and Section 66411 (Local agencies to regulate and control design of subdivisions) of the Subdivision Map Act.
- The Project has been conditioned to require public improvements, including replacement of all damaged sidewalk panels, curb, gutter and street along the West Balboa Boulevard frontage.

Coastal Development Permit

- As the property is located within the coastal zone, the TPM requires an accompanying CDP. The proposed parcel map conforms to Title 21 (Local Coastal Program Implementation Plan) of the NBMC. The CDP meets the required findings found in NBMC Section 21.52.015(F) (Coastal Development Permits – Findings and Decision). Complete findings and facts in support are numbered in the draft resolution (Attachment No. ZA 1)

- The project site is located between the nearest public road and the sea or shoreline. Implementation Plan Section 21.30A.040 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 creates a new two-unit residence with an internal ADU located on a standard R-2 lot, previously occupied with three-units. Therefore, the project does not involve a change in land use, density or intensity that will result in increased demand for public access and recreation opportunities. Furthermore, the project is designed and sited (appropriate height, setbacks, etc.) so as not to block or impede existing public access opportunities.
- The project site is not located adjacent to a coastal view road, public access way, or Coastal Viewpoint as identified in the Coastal Land Use Plan. The nearest coastal viewpoint is located at Veteran's Memorial Park which is not visible from the site as it is located approximately 1,200 feet southeast of the property. The existing property and proposed development are not located within the view shed of the park. The proposed two-unit residence and ADU comply with all applicable Local Program (LCP) development standards and maintains a building envelope consistent with the existing neighborhood pattern of development. Additionally, the project does not contain any unique features that could degrade the visual quality of the coastal zone.
- The project is not located near a Public Beach Access point as identified in the CLUP. Vertical access to the beach is available adjacent to the site along 12th Street, approximately 100 feet east of the property, abutting a public boardwalk on West Ocean Front. Lateral access is available on the West Ocean Front public boardwalk. The project does not include any features that would obstruct access along these routes.

ENVIRONMENTAL REVIEW

This project is exempt from the California Environmental Quality Act (CEQA) under Section 15315 under Class 15 (Minor Land Divisions) 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 15 exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and Zoning Code, no variances or exceptions are required, all services and access to the proposed parcels are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20%. The Project is a TPM for condominium purposes and meets all identified criteria. 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 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.

The Action on the Tentative Parcel Map shall become effective 10 days following the date this Resolution is adopted unless within such time an appeal is filed in accordance with the provisions of Title 19 (Subdivisions) of the NBMC. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

Prepared by:



Cameron Younger, Planning Technician

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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 TENTATIVE PARCEL MAP AND COASTAL DEVELOPMENT PERMIT FOR RESIDENTIAL CONDOMINIUM PURPOSES LOCATED AT 1209 WEST BALBOA BOULEVARD (PA2025-0238)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Joseph Remick (Applicant) on behalf of 1209 West Balboa Partners LLC (Owner) with respect to property located at 1209 West Balboa Boulevard and legally described as Lot 22, Block 12, of Tract 234 (Property), requesting approval of a coastal development permit (CDP) and tentative parcel map (TPM).
2. The Applicant requests a TPM and an accompanying CDP for two-unit condominium purposes. Currently, there is a two-story, three-unit residence that will be demolished, and a 3,569-square-foot, two-unit residence (Units A and B), a 245-square-foot internal accessory dwelling unit (ADU) located on the lower level, and an attached 516-square-foot two-car garage is proposed to be constructed. A TPM is requested to allow Units A and B to be sold individually while the ADU is not permitted to be sold individually. The project complies with all development standards and no deviations from the Newport Beach Municipal Code (NBMC) are requested. Since the Property is located within the Coastal Zone, an accompanying CDP is required (Project).
3. The Property is designated Two Unit Residential (RT) by the General Plan Land Use Element and is located within the Two-Unit Residential (R-2) Zoning District.
4. The Property is located within the Coastal Zone. The Coastal Land Use Plan (CLUP) category is Two Unit Residential (RT-D- 20.0 - 29.9 DU/AC) and it is located within the Two-Unit Residential (R-2) Coastal Zoning District.
5. The Property has an existing legal nonconforming third unit located in the R-2 Zoning District, which permits up to two-unit residences. In accordance with State law, the Applicant is proposing a third unit in the form of an ADU to maintain the Property's existing unit density.
6. The Property is located within the Categorical Exclusion Area. A TPM for condominium purposes requires an accompanying CDP due to its location in the Coastal Zone.
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 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 from the California Environmental Quality Act (CEQA) pursuant to Section 15315 under Class 15 (Minor Land Divisions) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment
2. The Class 15 exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and Zoning Code, no variances or exceptions are required, all services and access to the proposed parcels are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20%. The Project is a TPM for condominium purposes and meets all identified criteria. No variances or exceptions are proposed as part of the Project. Therefore, the Project is eligible for the Class 15 exemption.

SECTION 3. REQUIRED FINDINGS.

Tentative Parcel Map

The Zoning Administrator determined that the Tentative Parcel Map is consistent with the legislative intent of NBMC Title 19 (Subdivisions) is approved based on the following findings per Section 19.12.070 (Required Findings for Action on Tentative Maps):

Finding:

- A. *The proposed map and the design or improvements of the subdivision are consistent with the General Plan and any applicable specific plan, and with applicable provisions of the Subdivision Map Act and this Subdivision Code.*

Facts in Support of Finding:

1. The Project is a tentative parcel map for two-unit residential condominium purposes. The RT General Plan Land Use designation and R-2 Zoning District apply to a range of two-unit residences such as duplexes and town homes. The Property was previously developed as a three-unit residence, which is considered legally nonconforming. The Applicant has submitted project plans filed under permit no. XR2026-0893 for the demolition and construction of the proposed two-unit residence and ADU. The proposed subdivision and improvements will continue to be consistent with the density of the RT General Plan Land Use category and R-2 Zoning District.
2. The Property is not located within a specific plan area.

Finding:

- B. *The site is physically suitable for the type and density of development.*

Facts in Support of Finding:

1. The Property is physically suitable for the Project because it is regular in shape and size. The Applicant is proposing to demolish the existing three-unit dwelling and the proposed two-unit dwelling and attached ADU complies with all the requirements in Title 20 (Planning and Zoning) of the NBMC.
2. The Property is abutting an alley. Vehicular access will be taken from the rear alleyway.
3. The Property is adequately served by existing utilities.

Finding:

- C. *The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision-making body may nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.*

Facts in Support of Finding:

1. The Property is located within an existing residential neighborhood that does not contain any sensitive vegetation or habitat on-site.
2. This Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15315 under Class 15 (Minor Land Divisions) of the CEQA Guidelines. Section 2 of this Resolution is hereby incorporated by reference.

Finding:

- D. *The design of the subdivision or the type of improvements is not likely to cause serious public health problems.*

Facts in Support of Finding:

1. The Project is for residential condominium purposes. All improvements associated with the Project will comply with all Building, Public Works and Fire Codes, which are in place to prevent serious public health problems. Public improvements will be required of the applicant per Section 19.28.010 (General Improvement Requirements) of the NBMC and Section 66411 (Local agencies to regulate and control design of subdivisions) of the Subdivision Map Act. All ordinances of the City and all Conditions of Approval will be complied with.
2. The Project has been conditioned to require public improvements, including replacement of all damaged sidewalk panels, curb, gutter, and street along the West

Balboa Boulevard frontage. Any damaged concrete alley panels along the alley property frontage shall be reconstructed as determined by the Public Works Department. The utilities will be undergrounded, consistent with Title 19 (Subdivisions) of the NBMC.

Finding:

- E. *The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the decision-making body may approve a map if it finds that alternate easements, for access or use, will be provided and that these easements will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record or to easements established by the judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision.*

Fact in Support of Finding:

1. The Public Works Department has reviewed the Project and determined that the design of the development will not conflict with easements acquired by the public at large, for access through, or use of Property within the proposed development because no public easements are located on the Property.

Finding:

- F. *The subject to the detailed provisions of Section 66474.4 of the Subdivision Map Act, if the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act), the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use or the subdivision will result in residential development incidental to the commercial agricultural use of the land.*

Facts in Support of Finding:

1. The Property is not subject to the Williamson Act because the Property is not designated as an agricultural preserve and is less than 100 acres in area.
2. The Property is developed for residential use and is located in the R-2 Zoning District, which permits residential uses.

Finding:

- G. *In the case of a "land project" as defined in Section 11000.5 of the California Business and Professions Code: (1) there is an adopted specific plan for the area to be included within the land project; and (2) the decision-making body finds that the proposed land project is consistent with the specific plan for the area.*

Facts in Support of Finding:

1. California Business and Professions Code Section 11000.5 has been repealed by the Legislature. However, this project site is not considered a “land project” as previously defined in Section 11000.5 of the California Business and Professions Code because the Project site does not contain 50 or more parcels of land.
2. The Project is not located within a specific plan area.

Finding:

- H. Solar access and passive heating and cooling design requirements have been satisfied in accordance with Sections 66473.1 and 66475.3 of the Subdivision Map Act.*

Fact in Support of Finding:

1. The TPM and any future improvements are subject to Title 24 of the California Building Code which requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The City’s Building Division enforces Title 24 compliance through the plan check and inspection process.

Finding:

- I. The subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City’s share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City’s residents and available fiscal and environmental resources.*

Fact in Support of Finding:

1. The existing three-unit dwelling is not consistent with the provisions of the R-2 Zoning District due to a legal nonconforming third unit. However, the proposed two-unit dwelling and internal ADU is consistent with the City’s zoning standards. Furthermore, the proposed ADU allows the Property to retain its existing residential density in accordance with State law. Therefore, the tentative parcel map for residential condominium purposes will not affect the City in meeting its regional housing needs.

Finding:

- J. The discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board.*

Fact in Support of Finding:

1. The Project wastewater is designed to discharge into the existing sewer system and complies with the Regional Water Quality Control Board (RWQCB) requirements.

Finding:

- K. For subdivisions lying partly or wholly within the coastal zone, that the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter Three of the Coastal Act.*

Fact in Support of Finding:

1. Facts in support of Findings L and M are hereby incorporated as reference.

Coastal Development Permit

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

Finding:

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

Facts in Support of Finding:

1. The Project is for a TPM for the conversion of a proposed two-unit residence for condominium purposes. All future residential development must conform to all applicable development standards, including floor area limit, setbacks, height and off-street parking. Additionally, since the Project is in the Categorical Exclusion Area of the coastal zone, all future residential development is required to comply with the Categorical Exclusion Order process through the City and the California Coastal Commission. The Property is located within the Coastal Commission Appeal Area.
2. The neighborhood is predominantly developed with two- and three-story multi-unit residences. The proposed design, bulk and scale of the Project are consistent with the existing neighborhood pattern of development. The proposed Project design will remain consistent with the neighborhood as a three-story, multi-unit residence.
3. The Property is in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code (CBC) and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved before the issuance of building permits. Permit issuance is also contingent on the inclusion of design mitigation identified in the investigations. Construction plans are reviewed for compliance with approved investigations and CBC before building permit issuance.
4. The Property is not located adjacent to a Coastal View Road, public access way, or Coastal Viewpoint as identified in the Coastal Land Use Plan (CLUP). The nearest coastal viewpoint is located at Veteran's Memorial Park which is not visible from the site as it is

located approximately 1,200 feet southeast of the Property. The existing Property and proposed development are not located within the view shed of the park. The proposed two-unit residence and ADU complies with all applicable Local Coastal Program (LCP) development standards and maintains a building envelope consistent with the existing neighborhood pattern of development. Additionally, the Project does not contain any unique features that could degrade the visual quality of the coastal zone.

Finding:

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

Fact in Support of Finding:

1. The Property is located between the nearest public road and the sea or shoreline. Implementation Plan Section 21.30A.040 requires that the provision of public access bears a reasonable relationship between the requirement and the project's impact and be proportional to the impact. In this case, the Project creates a new two-unit residence with an internal ADU to an existing R-2 zoned lot, currently developed with a legal, nonconforming three-unit residence. Therefore, the Project does not involve a change in land use, density, or intensity that will result in increased demand for public access and recreation opportunities. Furthermore, the Project is designed and sited (appropriate height, setbacks, etc.) so as not to block or impede existing public access opportunities.
2. The Property is not located near a Public Beach Access Point as identified in the CLUP. Vertical access to the beach is available adjacent to the site along 12th Street, approximately 100 feet east of the Property, abutting a public boardwalk on West Ocean Front. Lateral access is available on the West Ocean Front public boardwalk. The Project does not include any features that would obstruct access along these routes.

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 15315 under Class 15 (Minor Land Divisions) 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 Coastal Development Permit filed as PA2025-0238, 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 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.

4. The action on the Tentative Parcel Map shall become effective 10 days following the date this Resolution was adopted unless within such time an appeal is filed in accordance with the provisions of Title 19 (Subdivisions) of the NBMC.

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

Liz Westmoreland, AICP, Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**

(Project-specific conditions are in italics)

Planning Division

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. After the recordation of the Parcel Map and prior to a building permit final inspection, the Applicant shall apply for a building permit for a description change of the subject project development from "duplex" to "condominium." The development will not be condominiums until this description change permit is final.
3. No demolition or construction materials, equipment debris, or waste, shall be placed or stored in a location that would enter the sensitive habitat, receiving waters, or storm drains or result in impacts to environmentally sensitive habitat areas, streams, the beach, wetlands or their buffers. No demolition or construction materials shall be stored on public property.
4. Demolition beyond the approved scope of work requires planning division approval before the commencement of work. Approval of revisions to project plans is not guaranteed. Any changes in the current scope of work may require the entire structure to be demolished and redeveloped in conformance with the current Zoning Code Development Standards.
5. The Applicant is responsible for compliance with the Migratory Bird Treaty Act (MBTA). In compliance with the MBTA, grading, brush removal, building demolition, tree trimming, and similar construction activities shall occur between August 16 and January 31, outside of the peak nesting period. If such activities must occur inside the peak nesting season from February 1 to August 15, compliance with the following is required to prevent the taking of native birds under MBTA:
 - A. The construction area shall be inspected for active nests. If birds are observed flying from a nest or sitting on a nest, it can be assumed that the nest is active. Construction activity within 300 feet of an active nest shall be delayed until the nest is no longer active. Continue to observe the nest until the chicks have left the nest and activity is no longer observed. When the nest is no longer active, construction activity can continue in the nest area.
 - B. It is a violation of state and federal law to kill or harm a native bird. To ensure compliance, consider hiring a biologist to assist with the survey for nesting birds, and to determine when it is safe to commence construction activities. If an active nest is found, one or two short follow-up surveys will be necessary to check on the nest and determine when the nest is no longer active.

6. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) shall be implemented before and throughout the duration of construction activity as designated in the Construction Erosion Control Plan.
7. 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.
8. Debris from demolition shall be removed from work areas each day and removed from the project site within 24 hours of the completion of the project. Stockpiles and construction materials shall be covered, enclosed on all sites, not stored in contact with the soil, and located as far away as possible from drain inlets and any waterway.
9. Trash and debris shall be disposed of in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed of in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
10. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
11. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
12. The Applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may be caused by the revocation of this CDP.
13. *The ADU may not be sold or otherwise conveyed separately from the lot and either of the two-unit dwellings.*
14. This CDP 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.
15. *Before the issuance of building permits, the Applicant shall submit a final construction erosion control plan. The plan shall be subject to review and approval by the Building Division.*
16. *Before the issuance of building permits, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.*
17. All landscape materials and irrigation systems shall be maintained by the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing

condition and shall receive regular pruning, fertilizing, mowing, and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.

18. Construction activities shall comply with Section 10.28.040 (Construction Activity – Noise Regulations) of the NBMC, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7 a.m. and 6:30 p.m., Monday through Friday. Noise-generating construction activities are not allowed on Saturdays, Sundays, or Holidays.
19. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 (Community Noise Control), under Sections 10.26.025 (Exterior Noise Standards) and 10.26.030 (Interior Noise Standards), and other applicable noise control requirements of the Newport Beach Municipal Code (NBMC).
20. Before the issuance of the building permit, the Applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
21. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by the current property owner or agent.
22. This Coastal Development Permit and Tentative Parcel Map No. PA2025-0238 shall expire unless exercised within 24 months from the date of approval as specified in Section 21.54.060 (Time Limits and Extensions) of the NBMC, unless an extension is otherwise granted.
23. 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 nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of **1209 West Balboa Residence, including, but not limited to, Coastal Development Permit and Tentative Parcel Map No. PA2025-0238**. 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 of the City's costs, attorney's fees, and damages that which the City incurs in enforcing the indemnification provisions set forth in 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.

Public Works Department

24. Prior to building permit final inspection, a parcel map shall be recorded. The Map shall be prepared on the California coordinate system (NAD83). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. **The Map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.**
25. Prior to recordation of the Parcel Map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual Subarticle 18. Monuments (1-inch iron pipe with tag) shall be set **on each lot corner** unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of the construction project.
26. All improvements shall be constructed as required by Ordinance and the Public Works Department.
27. An encroachment permit is required for all work activities within the public right-of-way.
28. *All damaged sidewalk panels, curb, gutter, and street along the West Balboa Boulevard frontage and any damaged concrete alley panels along the alley property frontage shall be reconstructed as determined by the Public Works Department.*
29. Each unit shall be served by its individual water service/meter and sewer lateral/cleanout.
30. All improvements shall comply with the City's sight distance requirement per City Standard 110-L.
31. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way shall be required at the discretion of the Public Works Inspector.

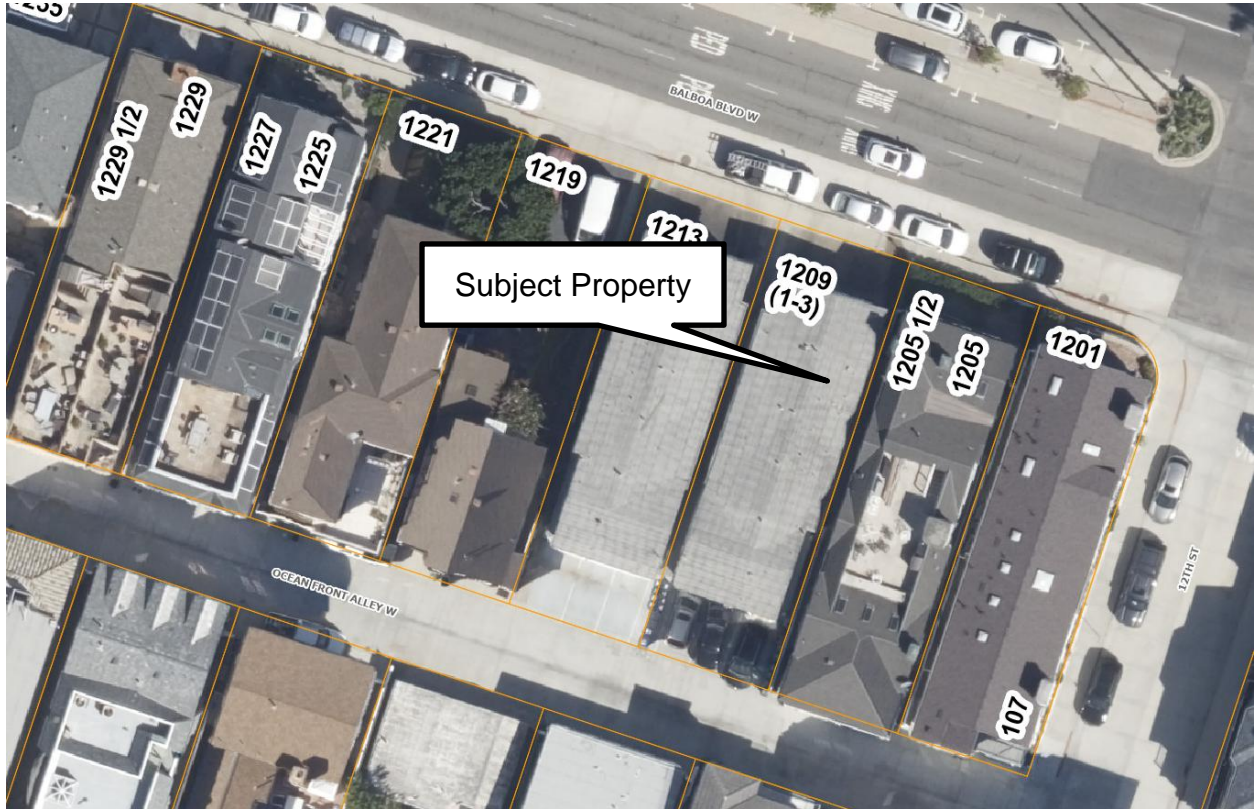
Building Division

32. *Prior to the issuance of building permits, the Applicant shall provide a note on the plans identifying the building permit is for condominium purposes and final inspection shall not be issued until the TPM is recorded.*

Attachment No. ZA 2

Vicinity Map

VICINITY MAP



Coastal Development Permit No. (PA2025-0238)
1209 West Balboa Boulevard

Attachment No. ZA 3

Project Plans

TENTATIVE PARCEL MAP NO. 2025-181

BEING A SUBDIVISION OF:

LOT 22 IN BLOCK 12 OF TRACT NO. 234, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13, PAGES 36 AND 37 OF MISCELLANEOUS MAPS, IN THE OFFICE OF COUNTY RECORDER OF SAID COUNTY.

FOR CONDOMINIUM PURPOSES, 1 PARCEL (1209 W BALBOA BOULEVARD)

DATE: 12/8/2025

BENCHMARK:

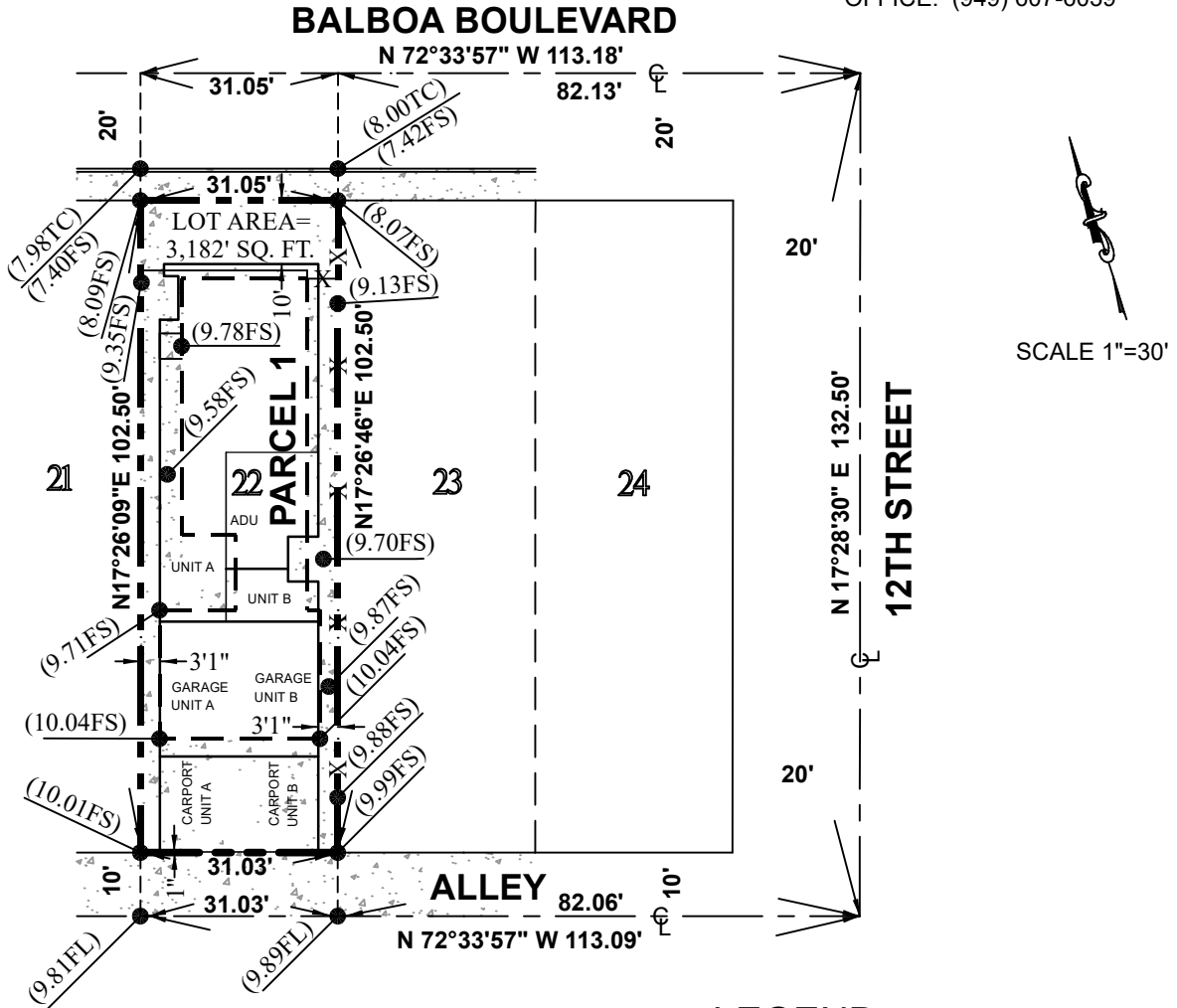
BENCH MARK #1E-123-14
 DATUM: NAVD88
 ELEVATION: 7.217

OWNER AND SUBDIVIDER:

1209 WEST BALBOA PARTNERS LLC
 2021 AVY AVENUE #7129
 MENLO PARK, CA 94026

PREPARED BY:

RON MIEDEMA L.S. 4653
 23016 LAKE FOREST DRIVE #409
 LAGUNA HILLS, CA 92653
 OFFICE: (949) 607-6039



LEGEND

	DESCRIPTION
(123.45)	MEASURED ELEVATIONS
	PROPOSED BUILDING
	EXISTING BUILDING
	CENTER LINE
	PROPERTY LINE
	FENCE
FL	FLOW LINE
FS	FINISHED SURFACE
TC	TOP OF CURB

