

Attachment D

Community Development Director Action
Letter from July 3, 2025 (No Attachments)



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915
949-644-3200
www.newportbeachca.gov

**COMMUNITY DEVELOPMENT DIRECTOR ACTION
LETTER**

Subject: Balboa Branch Library and Fire Station No. 1 (PA2025-0130)
▪ Staff Approval

Site Location 100 East Balboa Boulevard

Applicant City of Newport Beach - Public Works Department

Legal Description Block 2 of the East Newport Tract

On **July 3, 2025**, the Community Development Director approved Staff Approval No. PA2025-0130 authorizing a minor change to Coastal Development Permit No. PA2024-0140, which the City Council previously approved for the demolition and reconstruction of the City's Balboa Branch Library and Fire Station No. 1. The proposed change consists of revised landscape plans that include replacement tree plantings which further supports the nesting of herons. This approval is based on the following findings and is subject to the following conditions.

LAND USE AND ZONING

- **General Plan Land Use Plan Category:** Public Facilities (PF)
- **Zoning District:** Public Facilities (PF)
- **Coastal Land Use Plan Category:** Public Facilities (PF)
- **Coastal Zoning District:** Public Facilities (PF)

I. BACKGROUND AND PROPOSED CHANGES

On September 24, 2024, the City Council approved Coastal Development Permit (CDP) No. PA2024-0140, authorizing the demolition of the existing Balboa Branch Library and Fire Station No. 1, along with the removal of two diseased trees (see Resolution No. 2024-72 as Attachment No. CD 2). The City Council also authorized the construction of a new fire station and library of approximately 10,900 square feet. The proposed structure is approximately 33 feet 6 inches tall with a sloped roof and includes the installation of a 3,675 square-foot green space and a 1,500-square-foot playground area (Project). The project was exempted from Title 20 requirements pursuant to Section 20.10.040(A) (Applicability of Zoning Code) of the Newport Beach Municipal Code (NBMC), and a CDP was required due to the property's location within the Coastal Zone.

On October 24, 2024, the project was appealed to the Coastal Commission by Chris Pitet, on behalf of The Friends of Library Park, due to concerns about the removal of a Blue Gum Eucalyptus tree and the potential displacement of nesting blue herons. Subsequent to the

appeal being filed, City and Coastal Commission staff have been working collaboratively on appropriate revisions to the landscape plan included in the originally approved CDP to address the appellants' concerns. The revisions propose the replacement of Catalina Ironwood trees along Island Avenue and California Sycamore trees along East Bay Ave, with Western Sycamore trees, in order to better support nesting birds such as great blue herons. Additionally, the planting areas within the parking lot along East Bay Avenue will feature a Sweetshade and Australian Willow tree, replacing the originally proposed California Sycamores. The proposed changes will alter the parking layout and result in the loss of one parking space.

II. **FINDINGS**

A. *The changes are consistent with all applicable provisions of this Zoning Code.*

Facts in Support of Finding:

1. The Project is located in the PF General Plan Land Use Plan Category, Coastal Land Use Plan Category, Zoning District, and Coastal Zoning District. These designations are intended to provide public facilities, including public schools, cultural institutions, government facilities, libraries, community centers, public hospitals, and public utilities. The property is currently developed with a fire station and library and will be reconstructed to operate in the same manner. The proposed changes do not alter the Project's land use and remain consistent with the intent of the PF designations.
2. As conditionally approved in the CDP, the revised landscape plan complies with Title 21 (Local Coastal Program Implementation Plan) Subsection 21.30.075 (Landscaping) of the NBMC. While the revised landscape modifies the species of some of the trees, it continues to be consistent with Title 21 landscape standards. Additionally, the landscape plan does not include any invasive plant species and is still subject to compliance with the Migratory Bird Treaty Act.
3. The City utilized a biologist from Dudek Consultants, which provided an evaluation memorandum of the proposed tree replacement on May 5, 2025 (Attachment No. CD 4). The report recommended the use of Western Sycamore due to its ecological value, compatibility with Southern California's climate, and structural suitability for nesting birds, such as great blue herons. The report also concluded that mature eucalyptus trees located at the intersection of Island Avenue and West Bay Avenue, which are directly across from the Project, provide branching structure and sufficient canopy height well-suited to heron rookeries during the removal and replanting phase for the Project. The report also noted that an existing hoop pine which is located in the median southeast of the library also provides viable nesting options.
4. As conditionally approved in the CDP, the City is required to conduct a pre-construction nesting survey. The survey allows the City to identify areas with active nests and to create buffers to protect the nests from disturbance during construction.

Finding:

- B. *The changes do not involve a feature of the project that was a basis for or subject of findings or exemptions in a negative declaration or Environmental Impact Report for the project.*

Facts in Support of Finding:

1. Per the approved CDP, the project is categorically exempt from the requirements of CEQA under Sections 15301 Class 1 (Existing Facilities), Class 2 (Replacement or Reconstruction), and Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3. The Class 1 exemption applies to additions to existing structures provided that the additional will not result in an increase of more than 10,000 square feet if the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the areas in which the project is located are not environmentally sensitive. Additionally, Class 3 exempts the construction and location of limited numbers of new, small facilities or structures including but not limited to structures not exceeding 10,000 square feet in floor area in urbanized areas on sites zoned for such use. In this case, the Project, including the tree's removal, consists of the demolition of the existing 4,140-square-foot branch library, 360-square-foot Balboa Historical Museum, and 3,423-square-foot fire station and replacement with construction of a new Balboa Branch Library and Fire Station No. 1 of approximately 10,900 square feet. As proposed, the Project provides a floor area increase of approximately 3,000 square feet, does not require any change in the zoning designation, and is located in an urbanized area with adequate public services to serve the area. Therefore, the Project has no potential to have a significant effect on the environment and is a replacement of an existing structure with a new structure that is substantially the same size, purpose, and capacity.
2. The proposed changes primarily affect landscaping which are intended to support bird nesting habitats. No alterations to the Project's approved floor area, height, or use are being requested. While the revised landscape plan will result in the loss of one parking space, the Project will continue to provide sufficient on-site parking. Therefore, the requested changes will not affect the original Class 1 (Existing Facilities), Class 2 (Replacement or Reconstruction), and Class 3 (New Construction or Conversion of Small Structures) exemptions under the CEQA Guidelines.

Finding:

- C. *The changes do not involve a feature of the project that was specifically addressed or was the subject of a condition(s) of approval for the project or that was a specific consideration by the applicable review authority in the project approval.*

Facts in Support of Finding:

1. Facts 1 and 3 in support of Finding A are hereby incorporated as reference.
2. Fact 2 in support of Finding B is hereby incorporated as reference.

Finding:

- D. The changes do not result in an expansion or change in operational characteristics of the use*

Facts in Support of Finding:

1. The approved CDP authorized the demolition of the Balboa Branch Library and Fire Station No. 1, along with the removal of two diseased trees, to allow for the construction of a new City fire station and library. The revised landscape plan does not change the approved use, height, or floor area of the Project. While the revised landscape plan will result in the loss of one parking space, the Project will continue to provide sufficient on-site parking.

III. CONDITIONS

1. All previous conditions of approval for Coastal Development Permit (PA2024-0140) shall remain in full force and effect.
2. The development authorized by this Staff Approval shall be in substantial conformance with the revised landscape plan (Attachment No. CD 5)
3. The Community Development Director may add to or modify conditions to this staff approval or revoke this staff approval upon determination that the addition, which is the subject of this staff approval, causes injury, or is detrimental to the public health, safety, peace, or general welfare of the community if the property is operated or maintained so as to constitute a public nuisance.

APPEAL PERIOD: An appeal or call for review may be filed with the Director of Community Development or City Clerk, as applicable, within 14 days following the date the action or decision was rendered. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

Prepared by:

Approved by:



Laura Rodriguez, Assistant Planner

Seimone Jurjis, Assistant City Manager

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Attachments: CD 1 Vicinity Map
 CD 2 Resolution No. 2024-72
 CD 3 Originally Approved Landscape Plan
 CD 4 Dudek Memorandum
 CD 5 Revised Landscape Plan