

Attachment No. PC 1

Draft Resolution with Findings and Conditions

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RESOLUTION NO. PC2026-014

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A COASTAL DEVELOPMENT PERMIT TO ALLOW THE DEMOLITION OF AN EXISTING SINGLE-UNIT DWELLING AND CONSTRUCTION OF A NEW SINGLE-UNIT DWELLING WITH ACCESSORY DWELLING UNIT AND A VARIANCE FOR SET BACK ENCROACHMENTS FOR THE PROPERTY LOCATED AT 2441 CRESTVIEW DRIVE (PA2025-0179)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Bruce Manzer of Manzer and Associates (“Applicant”), on behalf of property owner, Therese K. Poitevin (“Owner”) concerning property located at 2441 Crestview Drive and legally described as Lot 91 of Tract Map No. 1140 (“Property”).
2. The Applicant requests 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 a 782-square-foot accessory dwelling unit (“ADU”). The existing single-unit dwelling has already been demolished. Therefore, the CDP would formally authorize the demolition. (“Project”). Additionally, the Applicant requests a variance from Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (“NBMC”) to allow the first and second floor of the Project to encroach five feet into the required ten foot setback abutting a 20-foot alley.
3. The Property is categorized as Single-Unit Residential Detached (RS-D) by the General Plan Land Use Element and is located within the Single-Unit Residential (R-1) Zoning District.
4. The Property is located within the coastal zone. The Coastal Land Use Plan (“CLUP”) category is Single Unit Residential Detached – (6.0-9.9 DU/AC) (RSD-B) and is located within the Single-Unit Residential (R-1) Coastal Zoning District.
5. A public hearing was held on April 23, 2026, in the Council Chambers at 100 Civic Center Drive, Newport Beach. A notice of the time, place, and purpose of the hearing was given in accordance with Government Code Section 54950 *et seq.* (“Ralph M. Brown Act”) and Chapter 20.62 and 21.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to and considered by the Planning Commission 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 15303 under Class 3 (New Construction or Conversion of Small Structures) of

the California Code of Regulations, Title 14, Division 6, Chapter 3 (“CEQA Guidelines”) because it has no potential to have a significant effect on the environment.

2. 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.
3. 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.

SECTION 3. REQUIRED FINDINGS.

Variance

In accordance with Section 20.52.090(F) (Variances – Findings and Decision) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

- 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.*

Facts in Support of Finding:

1. The Project is located within Bayshores, a private gated community which includes 246 single-unit residences, and is located on the Lido Channel, southwest of Coast Highway and the Newport Bay Bridge. Bayshores provides waterfront residential lots along Bay Shore Drive, with shoreline on the south and east sides of the community.
2. The Property is one of six residences located within the 2400 block of Crestview Drive. The 2400 block is located on the western perimeter of the community and is bound by Crestview Drive and a 20-foot-wide alley, with the neighboring Balboa Bay Club beyond. Six residences within the 2400 block (2431 – 2441 Crestview Drive) require a 10-foot front setback from both Crestview Drive and the alley. One nearby property, 2401 Bay Shore Drive, fronts Bay Shore Drive and is required only a 4-foot setback from the aforementioned alley.
3. The required setbacks for properties zoned Single-Unit Residential (R-1) are established pursuant to Table 2-2 (Development Standards for Single-Unit Residential Zoning

Districts) of Chapter 20.18.030 (Residential Zoning Districts General Development Standards) of the NBMC unless otherwise modified by a setback map. A typical 40-foot wide or less R-1 property 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 for the Property are modified by Setback Map S-6 – Cliffhaven / Bay Shores. Setback Map S-6 requires the Property to provide a 10-foot setback from Crestview Drive and the alley. In the absence of Setback Map S-6, Table 2-2 would otherwise require no rear setback, as no setback is required when a property abuts an alley 20 feet wide.

4. Alleys providing garage access are common within Bayshores. While the alley serving the Property is located beyond the property line, alleys within the interior blocks of Bayshores are provided onsite. For the interior blocks, 20-foot vehicular access alleys are provided via an easement with 10 feet located on each property. The 10-foot alley easement is consistent with the standard rear setback requirement for residential properties zoned Single-Unit Residential (R-1). No additional alley setback is required on these interior lots. Only the properties on Crestview Drive have the alley occurring offsite and the additional required setback.
5. The modified setbacks pursuant to Setback Map S-6 are regulated as front setbacks. Subsequently, the Project is required to provide a 10-foot setback along Crestview Drive and the alley, resulting in two 10-foot front setbacks. Double front setbacks are generally in response to specific site conditions. The intent of double front setbacks is to regulate the placement of building mass and restrict the height of accessory structures. Properties with double front setbacks are commonly found along the waterfront. Within Bayshores, waterfront properties along Bay Shore Drive generally have double front setbacks. These double front setbacks preserve views along the waterfront and prevent building placement from occurring right against the property line abutting Bay Shore Drive. The application of double front setbacks on an inland property with an alley frontage is inconsistent with the intent of double front setbacks.

Finding:

- 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.*

Facts in Support of Finding:

1. The setbacks established by Setback Map S-6 derive from Districting Map No. 23, first adopted in 1951 as part of Ordinance No. 646. At that time, the map identified a 10-foot setback from both Crestview Drive and the alley for the 2400 block of Crestview Drive. Districting maps were later converted into the current setback maps as part of the 2010 comprehensive Zoning Code update. In 2021, a Zoning Code Amendment and Local Coastal Program (LCP) Amendment (PA2020-006) was approved to correct errors in Setback Maps citywide, including Bayshores. Within Bayshores, the amendment 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 this amendment despite having double front setbacks also inconsistent with existing development.

2. Over the last 50 years, all neighboring properties within the 2400 block have been authorized to encroach into the 10-foot setback abutting the alley through approval of a modification permit. Previous approvals also identified two easements, a 10-foot water and 10-foot utilities easements, which make up the 20-foot alley abutting the Property. The Project's five-foot setback would not encroach into these easements and therefore, not restrict vehicular maneuverability. Past justifications for the approved modification permits, which involved new development and additions, found that the required 10-foot setback exceeds what is typically required for a standard 20-foot alley, which does not require a setback; additionally, the 10-foot setback identified in Districting Map No. 23 is not consistent with the existing building setbacks abutting the 20-foot alley.
3. As part of the 2010 comprehensive Zoning Code update, the total amount of encroachment that could be approved pursuant to a modification permit was restricted to no more than a 10% deviation from the standard. Therefore, a request for a variance is appropriate for this Project and consistent with previous modification permits.
4. The development at 2401 Bay Shore Drive and 50-feet south of the Property, is identified by Setback Map S-6 as requiring a 10-foot front setback from Bay Shore Drive. The westerly property line abutting the alley is not identified on Setback Map S-6 and is therefore only required to provide a four-foot side setback from the alley, consistent with Table 2-2. The proposed five-foot setback from the alley at the Property is greater than the required 4-foot setback at 2401 Bay Shore Drive.

Finding:

- C. *Granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the applicant.*

Facts in Support of Finding:

1. Facts 2 and 3 in Support of Finding A is hereby incorporated by reference.

Finding:

- 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*

Facts in Support of Finding:

1. The Project will not result in additional buildable area or floor area than what is already permissible with the original setbacks. Therefore, the Project is consistent in size to the identically zoned surrounding properties.

2. The neighboring properties within the 2400 block of Crestview Drive encroach into the required front setback as a result of previous approvals of modification permits. Approval of the Variance will allow the Project to be constructed in alignment with the adjacent properties and does not constitute a special privilege.

Finding:

- 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*

Facts in Support of Finding:

1. The Project will not affect traffic maneuverability within the alley or create a maneuverability hazard. Today, the minimum size for successful maneuvering within an alley is 20 feet. The alley is 20 feet wide and the Project will be setback 5 feet from the property line, providing 25 feet of overall clearance.
2. The Public Works Department has confirmed that the encroachment will not negatively affect traffic safety visibility or site distances for the Property or neighboring properties.
3. Only the first and second floor will encroach into the required setback. The third floor is setback a total of 25-feet, 6-inches from the property line. The Project's third floor complies with the additional 15-foot third floor step back requirement provided in Section 20.48.180 (Residential Development Standards and Design Criteria) of the NBMC, as measured from the original 10-foot setback line. Maintaining the step back from the original setback line concentrates the tallest amount of building mass at the center of the proposed building footprint, consistent with Section 20.48.180 (Residential Development Standards and Design Criteria) of the NBMC.
4. The Project's 5 foot encroachment into the setback would not decrease light or air given that a total of 25 feet would continue to be provided between the Property and the adjacent Balboa Bay Club. Further, light and air to the neighboring residential properties will not be affected by the encroachment.
5. The Building Division, Public Works Department, and Fire Department have reviewed the Project to ensure adequate public and emergency vehicle access is provided and do not have any concerns with the Project.

Finding:

- 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.*

Facts in Support of Finding:

1. Granting the Variance would not increase the density beyond what is planned for the area and is not expected to result in additional traffic, parking, or demand for other services.
2. The Property is not located adjacent to a coastal view road, public access way, or Coastal Viewpoint as identified in the CLUP. Therefore, granting the Variance would not impact any coastal viewpoints as identified in the Local Coastal Program.
3. The Project will comply with all other applicable development standards of the NBMC.
4. The Property is not located within a specific plan area.

Coastal Development Permit

In accordance with Subsection 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:

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

Finding:

1. The Property is located within the Coastal Zone. The CLUP category is Single Unit Residential Detached – (6.0 – 9.9 DU/AC) (RSD-B) and the Coastal Zoning District is Single-Unit Residential (R-1). The Project would authorize the demolition of the previous single-unit dwelling and the construction of a new single-unit dwelling with an ADU.
2. The Property consists of one legal lot. It is rectangular in shape, 40 feet wide by 100 feet deep, and is 4,000 square feet in area.
3. The Property is located within an area predominantly developed with one- and two-story, single-unit dwellings. The Project will allow for a development that is still compatible with the design, bulk, and scale of the existing and future neighborhood pattern of development.
4. The Project is consistent with Section 21.52.090 (Relief from Implementation Plan Development Standards) of the NBMC, which allows for a waiver or modification of certain standards of Title 21 (Local Coastal Program Implementation Plan) of the NBMC due to special circumstances, including a property’s location, shape, size, surroundings, topography, or other physical features. The requested setback encroachment allows the Project to be consistent with the surrounding development of the 2400 block of Crestview Drive. While the Project could be constructed with a building footprint that terminates at the required 10-foot setback, this would deprive the Owner of the privileges enjoyed by its neighboring properties.
5. With the granting of the Variance, the Project will comply with applicable residential

development standards including, but not limited to, floor area limitation, height, open volume, and parking.

- a. The maximum floor area limitation is 5,440 square feet and the floor area of the Project's single unit dwelling is 3,763 square feet, including the two-car garage. The floor area of the Project's ADU is 782 square feet. The total square footage of the Project is 4,545 square feet.
 - b. The ADU is classified as an attached ADU. The maximum size for a studio or one-bedroom attached ADU is 850 square feet. The Project proposes a 782-square-foot ADU and complies with the size limitations provided in the NBMC.
 - c. As approved by this Variance, the Project's first floor will encroach 5 feet into the required 10-foot front setback along the alley. The Project will comply with the required 10-foot front setback along Crestview Drive and the 3-foot side setbacks.
 - d. 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.
 - e. The highest guardrail/ parapet is below 24 feet from the established grade, and the highest ridge is 29 feet from the established grade. Therefore, the Project complies with the maximum height requirements.
 - f. A minimum of 408 square feet of open volume is required and the Project provides 503 square feet of open volume area.
 - g. The Project will provide a two-car garage which complies with the minimum parking requirements for a single-unit dwelling with less than 4,000 square feet in floor area.
 - h. Pursuant to Section 21.48.200(G)(8)(d)(ii) parking for an ADU is not required if 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 is 0.4 miles away from the Property. Therefore, an additional onsite parking space for the ADU is not required.
6. The Property is approximately 280 feet from the Lido Channel and is separated from the water by a row of residences and Bay Shore Drive. Therefore, a Coastal Hazards Report is not required for this Project.
 7. 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.

8. A Construction Erosion Control Plan was provided to implement temporary Best Management Practices (“BMPs”) during construction to minimize erosion and sedimentation and to minimize pollution of runoff and coastal waters derived from construction chemicals and materials. The Project design also addresses water quality through the inclusion of a post-construction drainage system that includes drainage and percolation features designed to retain dry weather and minor rain event runoff on-site. Any water not retained on-site is directed to the City’s storm drain system.

9. Pursuant to Section 21.35.050 (Water Quality and Hydrology Plan) of the NBMC, due to the proximity of the development to the shoreline and the development containing more than 75% of impervious surface area, a Water Quality and Hydrology Plan (“WQHP”) is required. A preliminary WQHP has been prepared for the Project by ABI Engineering Consultants, Inc. on November 25, 2025. WQHP includes a polluted runoff and hydrologic site characterization, a sizing standard for BMPs, the use of a Low Impact Development approach to retain the design storm runoff volume on-site, and documentation of the expected effectiveness of the BMPs.

10. Landscaping is not proposed for the Project. However, a condition of approval is included which requires drought-tolerant species. Prior to issuance of building permits, the final landscape plans will be reviewed to verify compliance with the Newport Beach Water Efficient Landscape Ordinance (“WELO”).

11. The Property is within a neighborhood that is adjacent to Coast Highway, a designated coastal view road. However, the segment of Coast Highway abutting Bayshores is excluded from this designation. Therefore, 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. The nearest coastal viewpoint is Lower Castaways Park and is approximately 1,780 feet north of the Property. While the Property may fall within the general coastal viewshed from this park, the Property is not directly visible due to intervening development. The Project complies with all applicable Local Coastal Program (“LCP”) development standards, with the exception of the requested setback encroachment, and maintains a building envelope consistent with the existing neighborhood pattern of development. Therefore, the Project does not have the potential to degrade the visual quality of the Coastal Zone or result in significant adverse impacts to public views.

Finding:

- H. 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.*

Facts in Support of Finding:

1. The Property is located between the first public road and the sea. Developed in 1941 and prior to the Coastal Act, Bayshores is a private, gated, community. The 39-unit

Bayshore Apartment complex and Dove Landing marine are adjacent to the Bayshore community and are accessible outside of the gated community. The Bayshore community is accessible from West Coast Highway via Bay Shore Drive, a private street. The shoreline is on the south and east sides of the community and consists of bulkheads and two small sandy beaches. The public does not have access to these beaches through the community, and the beaches are not considered public coastal access locations.

2. 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 bears a reasonable relationship between the requirement and the Project's impact in that it is proportional to the impact. In this case, the Project replaces an existing single-unit dwelling with a new single-unit dwelling with an ADU. While the Project adds an ADU unit, no significant impact to demand for public access or recreation opportunities is anticipated considering Bayshores is a private, gated community that does not provide public access.
3. The Property does not currently provide public coastal access. Vertical and lateral access to the harbor is available to the public adjacent to the Bayshores community, at the Balboa Bay Club, immediately west of the Bayshores community.

In accordance with Section 21.52.090 (Relief from Implementation Plan Development Standards) of the NBMC, the Planning Commission may approve a waiver to a development standard of the Implementation Plan only after making all of the following findings:

Finding:

- I. The Planning Commission has considered the following:*
 - i. Whether or not the development is consistent with the certified Local Coastal Program to the maximum extent feasible; and*
 - ii. 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*

Facts in Support of Finding:

1. Property development standards identified in Title 21 (Local Coastal Program Implementation Plan) replicates much of Title 20 (Planning and Zoning) of the NBMC. Concerning the front setback, the Property would be overseen by Setback Map No. 6. However, in accordance with 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, if no setback map was created, then properties abutting a 20-foot alley are not required to provide a setback.

2. An alternative to this Project would be to construct a compliant 10-foot front setback, as identified by Setback Map No. S-6, along the alley. However, without encroaching into this setback, the application of Setback Map No.6 would deprive the Owner of similar setback encroachments to neighboring properties that were authorized through previous discretionary actions.
3. The Property is not located near a coastal viewpoint as discussed in detail in Finding G; thus, the Project is not expected to impact existing views of the coast. The Property is located within a block of neighboring properties that already encroach 5 feet into the 10-foot front setback. Additionally, there are substantially tall trees surrounding the perimeter of the gated community. Therefore, requiring the Property to abide by the required 10-foot front setback would not improve views within this area.
4. The Property has been developed with an existing residence since 1951 and is located within a developed gated community. As described above, the Project would not negatively impact coastal resources.

Finding:

- J. *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.*

Fact in Support of Finding:

Facts in Support of Finding A and B are hereby incorporated by reference.

Finding:

- K. *The variance complies with the findings required to approval a coastal development permit in NBMC Section 21.52.015(F).*

Fact in Support of Finding:

Facts in Support of Finding G and H are hereby incorporated by reference.

Finding:

- L. *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 bluffs.*

Facts in Support of Finding:

1. The Property does not currently provide public access to coastal parks, trails, or coastal bluffs.
2. Facts in Support of Finding H are hereby incorporated by reference.

Finding:

- M. *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.*

Fact in Support of Finding:

Fact 10 in Support of Finding G and Facts in Support of Finding H are hereby incorporated by reference.

Finding:

- N. *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.*

Fact in Support of Finding:

The Project is consistent with Chapter 4 (Coastal Resources) of the CLUP:

- a. **4.1.2 (Marine Resource):** The Coastal Act requires that marine resources be maintained, enhanced, and, where feasible, restored. The Property is located inland in a developed area where marine resources would not be affected by the Project. The preliminary WQHP was prepared by ABI Engineering Consultants, Inc., on November 25, 2025, and reviewed by the Building Division, verified that the proposed drainage system will not pose a geological or geotechnical hazard to the Project or neighboring properties.
- b. **4.1.3 (Environmental Study Areas):** The City has several undeveloped areas that contain natural habitats and may be capable of supporting sensitive biological resources. These areas are identified as environmental study areas (“ESAs”). The Property is not identified as an ESA as shown on Map 4-1 of the CLUP. Additionally, pursuant to Section 21.30B.030 (Environmentally Sensitive Habitat Areas) of the NBMC, an Environmentally Sensitive Habitat Area (“ESHA”) is defined as any area in which plant or animal life, or their habitats are either rare or are especially valuable because of their special nature or role in an ecosystem that could easily be disturbed or degraded by human activities and developments. Given that the Project is located in a developed neighborhood area, and is not considered an ESA or an ESHA, the Project does not have the potential to affect sensitive habitats.

- c. **4.4.1 (Coastal Views):** When feasible, visual and scenic qualities of coastal areas shall be considered and protected as a resource of public importance. Within the properties in the Project’s vicinity, double front setbacks are common, and the Project’s setback encroachment along the 20-foot alley would not impair public views. The Property is not a waterfront property nor adjacent to coastal viewpoints.
- d. **4.5.2 (Historical Resources):** The Property is not considered to be a historical landmark that is representative of the history of the community.

Finding:

- O. *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.*

Fact in Support of Finding:

Facts in Support of Finding G and H above are hereby incorporated by reference

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. Planning Commission of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act 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.
2. The Planning Commission of the City of Newport Beach hereby approves the coastal development permit and variance filed as PA2025-0179, subject to the conditions outlined in Exhibit A, which is attached hereto and incorporated herein 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 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the NBMC. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 (Appeal to the Coastal Commission) of the NBMC and Title 14 California Code of Regulations, Sections 13111 through 13120, as well as Section 30603 of the California Public Resources Code.

PASSED, APPROVED, AND ADOPTED THIS 23RD DAY OF APRIL 2026.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
Tristan Harris, Chair

BY: _____
Jon Langford, Secretary

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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. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
3. 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 cause the revocation of this Variance and Coastal Development Permit.
4. *Prior to the issuance of a building permit, a copy of the Resolution, including conditions of approval Exhibit “A” shall be incorporated into the Building Division and field sets of plans.*
5. *Prior to the issuance of a building permit, the Applicant shall submit a final construction erosion control plan. The plan shall be subject to review and approval by the Building Division.*
6. *Prior to the issuance of a building permit, the Applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.*
7. *Prior to the issuance of a building permit, the final WQHP/WQMP shall be reviewed and approved by the Building Division. The implementation shall comply with the approved CPPP and WQHP/WQMP and any changes could require separate review and approval by the Building Division.*
8. *Prior to the issuance of a building permit, the Applicant shall submit a final landscape and irrigation plan. These plans shall incorporate drought-tolerant plantings, non-invasive plant species, and water-efficient irrigation design. The plans shall be subject to review and approval by the Planning Division.*
9. 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:

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- 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.
10. 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.
 11. 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.
 12. Revisions to the approved plans may require an amendment to this Coastal Development Permit and Variance or the processing of a new coastal development permit.
 13. 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).
 14. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, 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.
 15. 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 leasing agent.
 16. 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.

17. 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.
18. Trash and debris shall be disposed in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
19. 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.
20. This Variance and Coastal Development Permit may be modified or revoked by the Commission should they determine 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.
21. This Variance and Coastal Development Permit shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of specified in Section 21.54.060 (Time Limits and Extensions) of the NBMC.
22. To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including without limitation, attorney's fees, disbursements, and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of **Poitevin Residence, including, but not limited to a Variance and Coastal Development Permit filed as PA2025-0179**. 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 the such proceeding. The applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages that which City incurs in enforcing the indemnification provisions outlined in this condition. The applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

Fire Department

23. A residential fire sprinkler system complying with 2025 National Fire Protection Agency (NFPA) 13D shall be required.
24. One unobstructed minimum 36-inch passageway from the front to the rear of the property shall be required for emergency access.

Public Works Department

25. A new sewer clean out shall be installed on the existing sewer lateral within the Crestview Drive right of way adjacent to the property line. The sewer cleanout shall be accessible at all times and not located behind fences or gates.