October 30, 2025 Agenda Item No. 5

SUBJECT: DeFranco Residence

Coastal Development Permit No. (PA2025-0088)

SITE LOCATION: 2772 Circle Drive

APPLICANT: Pat Austin

OWNER: Joey and Victoria DeFranco

PLANNER: James Miclat, Planning Technician

jmiclat@newportbeachca.gov, (949) 644-3202

LAND USE AND ZONING

• General Plan Land Use Plan Category: Single-unit Residential Detached (RS-D)

• **Zoning District:** Single-Unit Residential (R-1)

Coastal Land Use Plan Category: RSD-B Single Unit Residential Detached - (6.0 - 9.9 DU/AC)

• Coastal Zoning District: Single-Unit Residential (R-1)

PROJECT SUMMARY

A coastal development permit (CDP) to allow for the construction of a 709 square-foot addition and interior remodel to an existing single-unit residence. The addition is for two new bedrooms, two new bathrooms, a new laundry room and the expansion of the existing storage room. The project also includes an interior remodel to the existing kitchen and bathrooms. The project complies with all development standards and no deviations from the Newport Beach Municipal Code (NBMC) are requested.

RECOMMENDATION

- Conduct a public hearing;
- 2) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, 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. PA2025-0088 (Attachment No. ZA 1).

DISCUSSION

Land Use and Development Standards

- The subject property is in the R-1 Coastal Zoning District, which provides for single-unit residential development and is consistent with the City's Coastal Land Use Plan, General Plan, and Zoning Code. A coastal development permit is required, as it involves the increase of more than 10% of floor area within the coastal zone, while not being located within the Categorical Exclusion Area and located between the sea and first public road paralleling the sea.
- The property currently consists of one legal lot developed with a single-unit residence. The neighborhood is predominantly developed with single-family housing. 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.



Figure 1: Oblique Aerial Image of Neighborhood

 The proposed single-unit dwelling conforms to applicable development standards, including floor area limit, setbacks, and height as evidenced by the project plans and illustrated in Table 1 below.

Table 1 – Development Standards			
Development Standard	Standard	Proposed	
Setbacks (min.)			
Front	10 feet	10 feet	
Sides	3 feet	3 feet	
Rear	10 feet	10 feet	
Allowable Floor Area (max.)	5,120 square feet	3,373 square feet	
Open Space (min.)	384 square feet	1,122 square feet	
Parking (min.)	2 car garage	2 car garage	
Height (max.)	24-foot flat roof	23-foot 6-inch sloped roof	
	29-foot sloped roof		

• 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 a building permit. 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.

Public Access and Views

- The project site is located between the nearest public road and the sea or shoreline. Implementation Plan 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 and be proportional to the impact. In this case, the project is an addition and interior remodel to an existing single-unit residence located on a standard R-1 lot. 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 View Points are located at Castaways Park, which are not visible from the site as they are located approximately 1,300 feet northeast of the Property. As currently developed, the existing property and other residences along Circle Drive are located within the view shed of the park. However, the proposed single-unit residence 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.

 Vertical access to the bay is available nearby the property at the Crestview Drive Street end at 2400 Bayshore Drive. Lateral access to the bay is available on the Bay Shore Drive through a marina at 2550 Bay Shore Drive and a small beach at 2694 Bay Shore Drive. 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 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.

Class 1 exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. Examples include interior or exterior alterations and additions to existing structures provided that the addition will not result in an increase of more than 50% of the floor area of the structures or 2,500 square feet, whichever is less. This project consists of a 709 square-foot addition and interior remodel to an existing 2,818 square-foot single unit residence. Therefore, the project is eligible for the Class 1 exemption.

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

Prepared by:

James Miclat, Planning Technician

DL/jmic

Attachments: ZA 1 Draft Resolution

ZA 2 Vicinity Map ZA 3 Project Plans

Attachment No. ZA 1

Draft Resolution

RESOLUTION NO. ZA2025-###

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A COASTAL DEVELOPMENT PERMIT FOR AN ADDITION TO AN EXISTING SINGLE-UNIT RESIDENCE LOCATED AT 2772 CIRCLE DRIVE (PA2025-0088)

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

SECTION 1. STATEMENT OF FACTS.

- 1. An application was filed by Pat Austin (Applicant) on behalf of Joey DeFranco (Owner) with respect to property located at 2772 Circle Drive and legally described as Lot 33 of Tract 1014 (Property) in the City of Newport Beach, requesting approval of a coastal development permit (CDP).
- 2. The Applicant requests a CDP to allow for the construction of a 709 square-foot addition and interior remodel to an existing single-unit residence. The addition is for two new bedrooms, two new bathrooms, a new laundry room and the expansion of the existing storage room. The project also includes an interior remodel to the existing kitchen and bathrooms. The project complies with all development standards and no deviations from the Newport Beach Municipal Code (NBMC) are requested (Project).
- 3. The project requires a CDP as it involves the increase of more than 10% of floor area within the coastal zone, while not being located within the Categorical Exclusion Area and located between the sea and first public road paralleling the sea.
- 4. The Property is designated Single-Unit Residential Detached (RS-D) by the General Plan Land Use and is located within the Single-Unit Residential (R-1) Zoning District.
- 5. The Property is located within the Coastal Zone. The Coastal Land Use Plan (CLUP) category is RSD-B Single Unit Residential Detached (6.0 9.9 DU/AC) and it is located within the Single-Unit Residential (R-1) Coastal Zoning District.
- 6. A public hearing was held on October 30, 2025, 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 pursuant to Title 14 of the California Code of Regulations Section 15301, Division 6, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities) because it has no potential to have a significant effect on the environment.
- 2. Class 1 exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment,

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or topographical features, involving negligible or no expansion of existing or former use. Examples include interior or exterior alterations and additions to existing structures provided that the addition will not result in an increase of more than 50% of the floor area of the structures or 2,500 square feet, whichever is less. This Project consists of a 709-square-foot addition and interior remodel to an existing 2,818-square-foot single unit residence. Therefore, the Project is eligible for the Class 1 exemption.

SECTION 3. REQUIRED FINDINGS.

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:

A. Conforms to all applicable sections of the certified Local Coastal Program.

Facts in Support of Finding:

- 1. The proposed development complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and parking.
 - a. The maximum floor area limitation is 5,120 square feet. The existing floor area of the property is 2,818 square feet and the new square footage with the proposed improvements will increase the existing residence to 3,528 square feet. Therefore, the Project complies with the maximum square footage allowed.
 - b. The Project provides the minimum required setbacks, which are 10 feet along the front property line abutting Circle Drive, 3 feet along each side property line, and 10 feet along the rear property line abutting the alley. The Project will conform to the required setbacks.
 - c. The Project includes an addition within the second floor of the residence and includes a new roof which does not exceed the existing roof line. The highest ridge is 23.5 feet from established grade, which complies with the maximum height requirements.
 - d. The project includes garage parking for a total of two vehicles, complying with the minimum two parking requirements for single-unit residences with less than 4,000 square feet of habitable floor area.
- 2. The neighborhood is predominantly developed with two- and three-story single-unit residences. The proposed design, bulk, and scale of the development are consistent with the existing neighborhood pattern of development.
- 3. The Project is located on an inland property in a developed area approximately 260 feet from the bay. The Property is separated from the bay (the nearest body of water) by two rows of residences and Bay Shore Drive. The finished floor elevation of the first floor of the structure is 15.1 feet based on the North American Vertical Datum of 1988

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(NAVD88), which complies with the minimum 9.0-foot (NAVD88) elevation standard for new structures. The identified distances from the coastal hazard areas coupled with the 15.1-foot NAVD88 finish floor elevation will help to ensure the project is reasonably safe for the economic life of the structure.

- 4. 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.
- 5. 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 View Points are located at Castaways Park, which are not visible from the site as they are located approximately 1,300 feet northeast of the Property. As currently developed, the existing property and other residences along Circle Drive are located within the view shed of the park. However, the proposed single-unit residence 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:

B. 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 (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 and be proportional to the impact. In this case, the Project is an addition and interior remodel to an existing single-unit residence located on a standard R-1 lot. 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. Vertical access to the bay is available nearby the Property at the Crestview Drive Street end at 2400 Bayshore Drive. Lateral access to the bay is available on the Bay Shore Drive through a marina at 2550 Bay Shore Drive and a small beach at 2694 Bay Shore Drive. The Project does not include any features that would obstruct access along these routes.

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SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

- 1. The Zoning Administrator of the City of Newport Beach hereby finds this Project is categorically exempt from the California Environmental Quality Act under Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.
- 2. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit filed as PA2025-0088, 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.

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PASSED. APPRUVED.	AND ADOPTED THIS	JU''' DAT UF UG I UDER	K ZUZD.

Benjamin M. Zdeba, AICP, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

- 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).
- 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.
- 3. 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.
- 4. 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.
- 5. 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.
- 6. 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.

- 7. Debris from the Project 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.
- 8. 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.
- 9. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
- 10. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
- 11. 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.
- 12. 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.
- 13. <u>Before the issuance of building permits</u>, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.
- 14. 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 7:00 a.m. and 6:30 p.m., Monday through Friday, and 8:00 a.m. Noise-generating construction activities are not allowed on Saturdays, Sundays, or Holidays.
- 15. 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).
- 16. 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.
- 17. 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.

- 18. This Coastal Development Permit No. PA2025-0088 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.
- 19. 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 DeFranco Residence, including but not limited to Coastal Development Permit No. PA2025-0088. 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.

Fire Department

20. The Project shall require the installation of fire sprinklers and comply with the 2022 NFPA 13D standards, unless otherwise directed by the Fire Department.

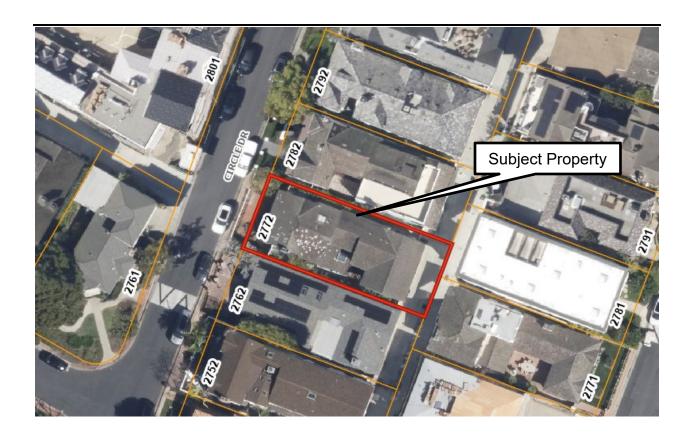
Building Division

21. The Applicant shall obtain all applicable permits from the City's Building Division and Fire Department. The construction plans shall comply with the most recent City-adopted version of the California Building Code (CBC).

Attachment No. ZA 2

Vicinity Map

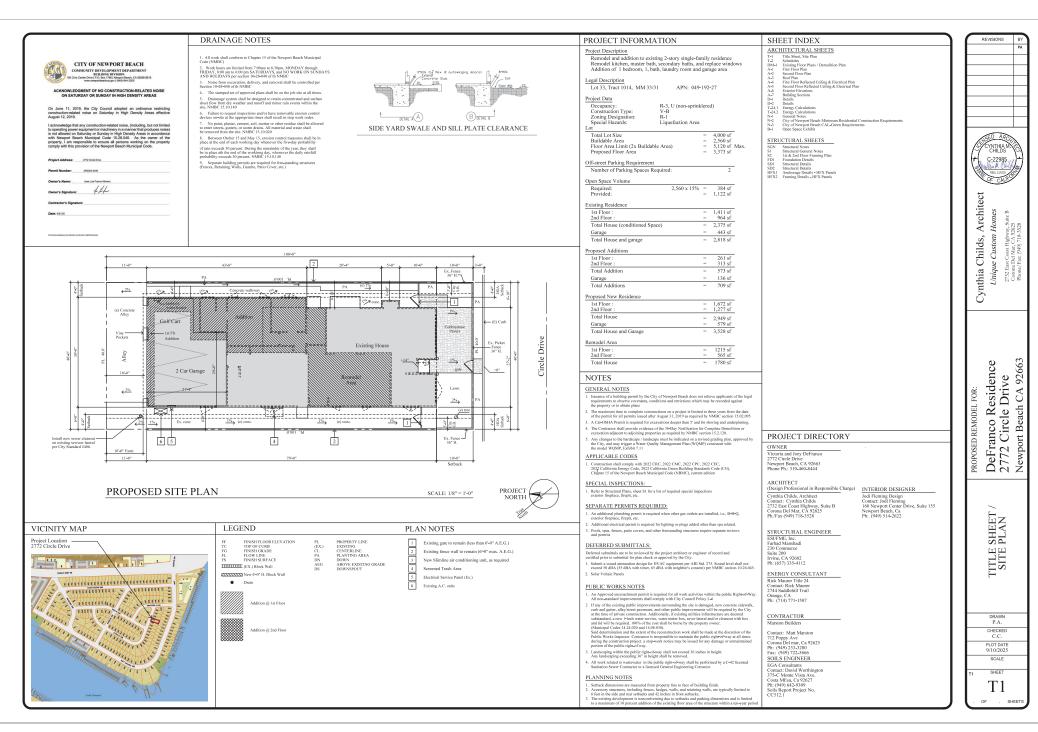
VICINITY MAP



Coastal Development Permit No. (PA2025-0088) **2772 Circle Drive**

Attachment No. ZA 3

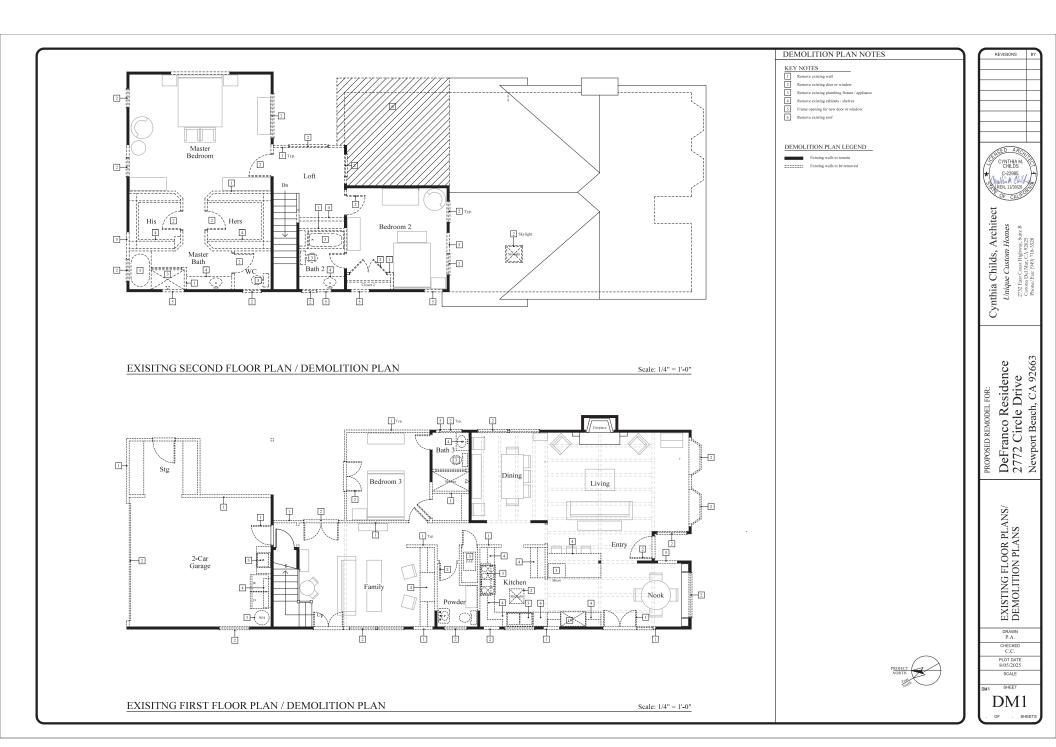
Project Plans

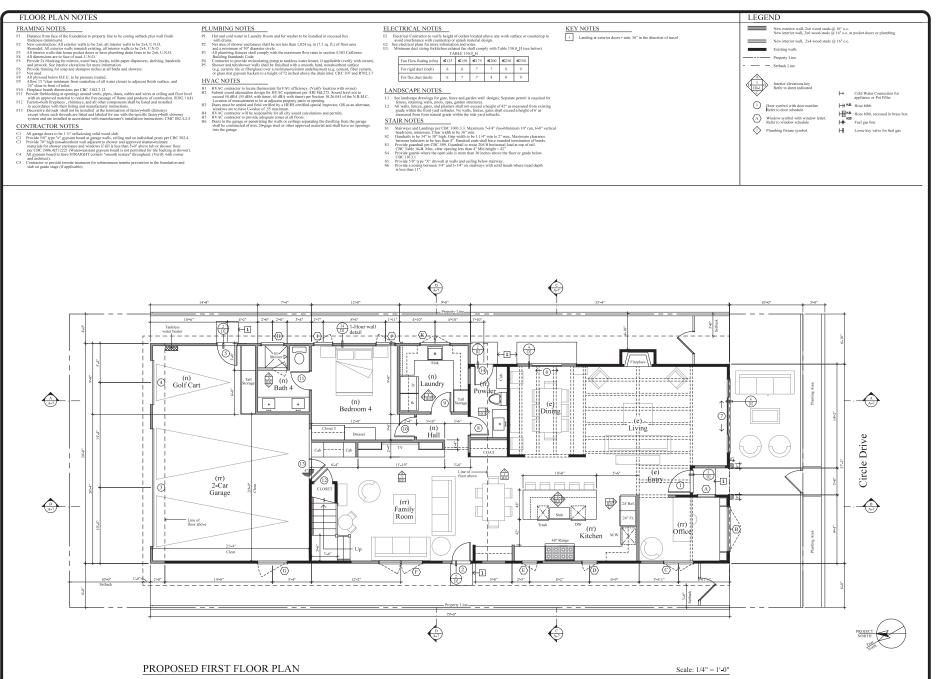


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Unique Custom Homes
ZTZ East Cast Highway, Sanza
Control Bolta, CA 20223
Phonel Fast (1997) 18-5328 DeFranco Residence 2772 Circle Drive Newport Beach, CA 92663 PROPOSED REMODEL FOR DOOR AND WINDOW SCHEDULES DRAWN P.A. CHECKED C.C. PLOT DATE 8/05/2025 SCALE SHEET

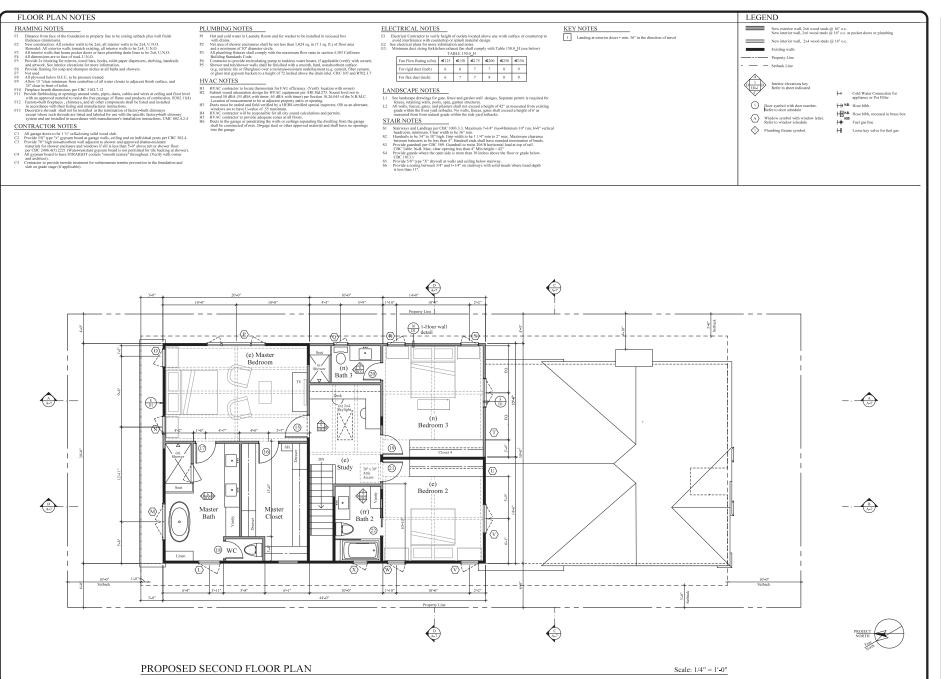
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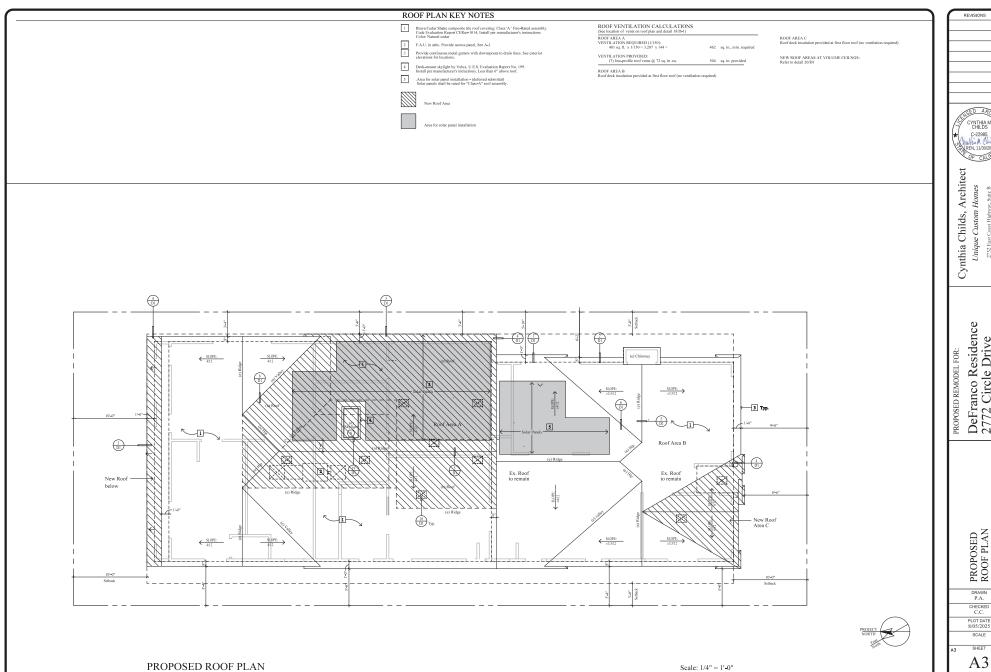


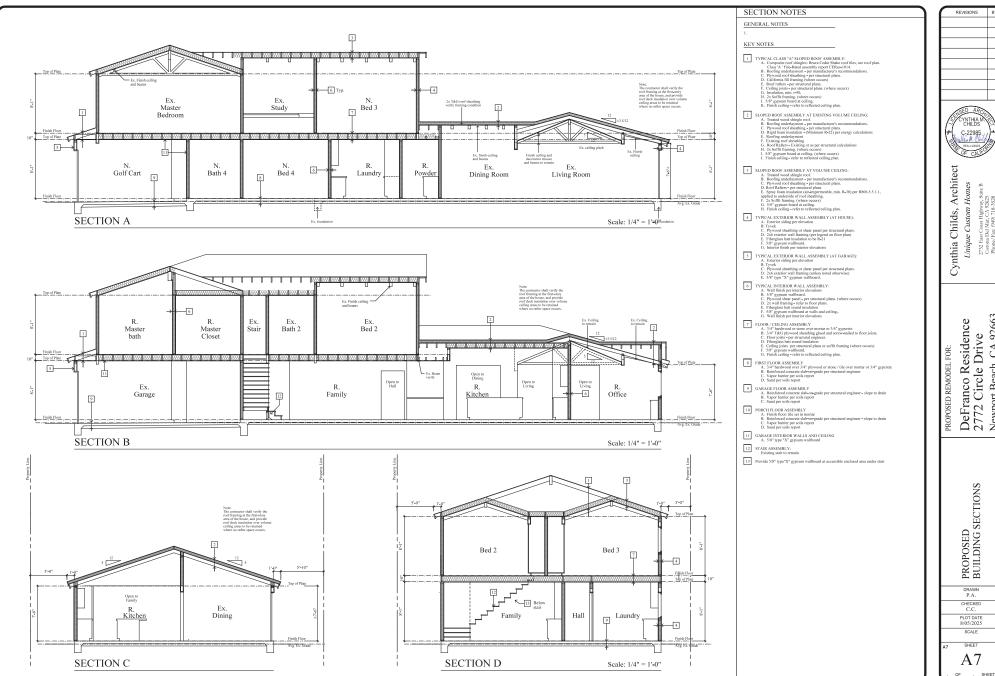


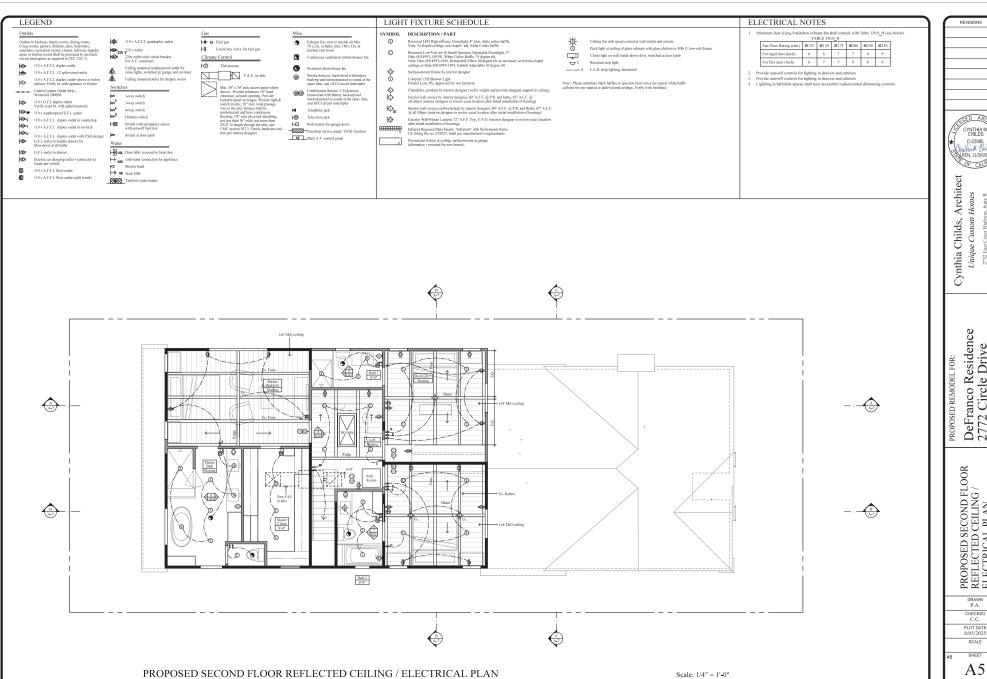












SHEETS



Cynthia Childs, Architect
Unique Custom Homes
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Common Del Mar. (Valozia Primer Franch Poly 118 3538)
Primer Franch Poly 118 3538 DeFranco Residence 2772 Circle Drive Newport Beach, CA 92663 PROPOSED ELEVATIONS DRAWN P.A. CHECKED C.C. PLOT DATE 8/05/2025

