



**CITY OF NEWPORT BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION ACTION REPORT**

TO: CITY COUNCIL, CITY MANAGER, AND PLANNING COMMISSION
FROM: Seimone Jurjis, Assistant City Manager/Community Development Director
SUBJECT: Report of actions taken by the Zoning Administrator for the week ending November 15, 2024.

**ZONING ADMINISTRATOR PUBLIC HEARING ACTIONS
NOVEMBER 14, 2024**

Item 1: DD Real Estate, LLC Residence Coastal Development Permit (PA2024-0071)
Site Address: 616 West Ocean Front

Action: Approved by Resolution No. ZA2024-059 Council District 1

Item 2: SweatHouz Minor Use Permit (PA2024-0079)
Site Address: 2210 Newport Boulevard, Unit 104

Action: Approved by Resolution No. ZA2024-060 Council District 1

APPEAL PERIOD: An appeal or call for review may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

Wendy Joe, Civilian Investigator, NBPD (*Telecom - Massage – ABC License*)
Mark Short, Police Sergeant, NBPD (*Massage – ABC License*)

RESOLUTION NO. ZA2024-059

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2024-0071 TO DEMOLISH AN EXISTING SINGLE-UNIT DWELLING AND CONSTRUCT A NEW THREE-STORY SINGLE-UNIT DWELLING AND ATTACHED TWO-CAR GARAGE LOCATED AT 616 WEST OCEAN FRONT (PA2024-0071)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by DD Real Estate, LLC (Applicant), with respect to property located at 616 West Ocean Front and legally described as Lot 22 in of Tract 628, requesting approval of a coastal development permit (CDP).
2. The Applicant requests a coastal development permit (CDP) to allow the demolition of an existing single-unit dwelling and the construction of a new, approximately 2,754-square-foot, three-story residence including an attached 393-square-foot- two)-car garage. The project also includes additional appurtenances such as landscaping, hardscaping, and drainage. The design complies with all applicable development standards and no deviations are requested.
3. The subject property is designated RS-D (Single Unit Residential Detached) by the General Plan Land Use Element and is located within the R-1 (Single-Unit Residential) Zoning District.
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is RSD-C (Single Unit Residential Detached – 10.0 – 19.9 DU/AC) and it is located within the R-1 (Single-Unit Residential) Coastal Zoning District.
5. A public hearing was held online on November 14, 2024. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code (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 15303, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 3 (New Construction or Conversion of Small Structures), California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. Class 3 exempts the demolition of up to three single-family residences and additions of up to 10,000 square feet to existing structures. The proposed project consists of the

demolition of one single-unit dwelling and the construction of a new three-story, 2,754-square-foot residence including an attached two-car garage.

3. The exceptions to this categorical exemption under Section 15300.2 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.

In accordance with Section 21.52.015 (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 2,832 square feet and the proposed floor area is 2,754 square feet.
 - b. The proposed development provides the minimum required setbacks, which are six feet along the property line abutting West Ocean Front, three feet along each side property line and five feet along the property line abutting the alley.
 - c. The highest guardrail/parapet is below 24 feet from established grade and the highest ridge is below 29 feet from established grade. The proposed development complies with all height requirements.
 - d. The project includes garage parking for a total of two vehicles, complying with the minimum two car garage parking requirements for single-family residences with less than 4,000 square feet of habitable floor area.
2. The neighborhood is predominantly developed with two- and three -story single-family and two-unit residences. The proposed design, bulk, and scale of the development is consistent with the existing neighborhood pattern of development and consistent with applicable development standards.
3. A Coastal Hazards Report and Sea Level Rise Analysis were prepared by William Simpson & Associates, Inc., dated April 3, 2024, for the project. The project site is separated from the water by a wide sandy beach. The site is approximately 500 feet from the mean high tide line. The report concludes that the proposed project is reasonably safe from shoreline

erosion due to the lack of waves or wakes that can erode sand from the beach. The report also concludes that the project will be reasonably safe from future sea level rise assuming an increase up to 10.9 feet NAVD 88 (the likely range for sea level rise over the 75-year design life of the structure based on low-risk aversion estimates for sea level rise provided by the State of California, Sea Level Rise Guidance: 2018 Update). The finished floor elevation of the first floor of the proposed structure is 12.23 feet based on the North American Vertical Datum of 1988 (NAVD 88), which exceeds the minimum 9.0-foot (NAVD 88) elevation standard for new structures and exceeds the minimum requirements for sea-level rise. Furthermore, the report concluded that due to the distance of the property from the current mean high tide line (approximately 500 feet) that it is unlikely that the mean high tide line will reach the property within the next 75 years.

4. Pursuant to NBMC Section 21.30.030(C)(3)(i)(iv) (Natural Landform and Shoreline Protection), the property owner will be required to enter into an agreement with the City waiving any potential right to protection to address situations in the future in which the development is threatened with damage or destruction by coastal hazards (e.g., waves, erosion, and sea level rise). The property owner will also be required to acknowledge any hazards present at the site and unconditionally waive any claim to damage or liability against the decision authority, consistent with NBMC Section 21.30.015(D)(3)(c) (General Site Planning and Development Standards). Both requirements are included as conditions of approval that will need to be satisfied prior to the issuance of building permits for construction.
5. The property is located 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 prior to 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 prior to building permit issuance.
6. The project design addresses water quality with a construction erosion control plan and a post-construction drainage system that includes drainage and percolation features designed to retain dry weather runoff and minor rain event runoff on-site. Any water not retained on-site is directed to the City's storm drain system.
7. Proposed landscaping complies with NBMC Section 21.30.075 (Landscaping). A condition of approval is included that requires drought-tolerant species. Prior to issuance of building permits, the final landscape plans will be reviewed to verify invasive species are not planted.
8. 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 the Balboa Pier which is located approximately 2,800 feet to the east of the project site. Due to the distance of the subject property from the viewpoint, the proposed project would not be visible from the viewpoint. The site is located adjacent to the West Ocean Front public board walk along the public beach, which provides views of the beach and ocean. However, the project will replace an existing single-unit dwelling with a new

single-unit dwelling that 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.

9. The front and side of the proposed residence, which are visible from the West Ocean Front public boardwalk and beach, contain substantial architectural treatment and visual interest, in keeping with the design guidelines of the Zoning Code. The new structure complies with the required setbacks and the design includes modulation of volume throughout the structure, and low walls that prevent the appearance of the site from being walled off from the boardwalk or beach. Therefore, the project does not have the potential to degrade the visual quality of the Coastal Zone or result in significant adverse impacts on existing public views.

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 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) 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 replaces an existing single-unit dwelling located on a standard R-1 lot with a new single-family 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. Vertical access to the beach is available approximately 185 feet west of the site at the terminus of 7th Street and West Ocean Front beach and boardwalk; and approximately 200 feet east of the site at the terminus of 6th Street and West Ocean Front beach and boardwalk. The public beach is also the start of a six-foot-wide public sidewalk providing lateral access and views of the ocean in front of the project site. 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 pursuant to 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. The exceptions to this categorical exemption under Section 15300.2 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.
2. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit filed as PA2024-0071, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
3. 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 in accordance with the provisions of Title 21 (Local Coastal 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 of the City's certified LCP and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

PASSED, APPROVED, AND ADOPTED THIS 14TH DAY OF NOVEMBER 2024.



Benjamin M. Zueba, 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).
2. *Prior to final building permit inspection, an agreement in a form approved by the City Attorney between the property owner and the City shall be executed and recorded waiving rights to the construction of future shoreline protection devices including the repair and maintenance, enhancement, reinforcement, or any other activity affecting the bulkhead, that results in any encroachment seaward of the authorized footprint of the bulkhead or other shoreline protective device. The agreement shall be binding against the property owners and successors and assigns.*
3. *Prior to the issuance of a building permit, the property owner shall submit a notarized signed letter acknowledging all hazards present at the site, assuming the risk of injury or damage from such hazards, unconditionally waiving any claims of damage against the City from such hazards, and to indemnify and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all 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 development. This letter shall be scanned into the plan set prior to building permit issuance.*
4. No demolition or construction materials, equipment debris, or waste, shall be placed or stored in a location that would enter sensitive habitat, receiving waters, or a storm drain 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.
5. This approval does not authorize any new or existing improvements (including landscaping) on State tidelands, public beaches, or the public right-of-way.
6. *This Coastal Development Permit does not authorize any development seaward of the private property.*
7. 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 pursuant to 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 (1) or two (2) short follow-up surveys will be necessary to check on the nest and determine when the nest is no longer active.
8. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) shall be implemented prior to and throughout the duration of construction activity as designated in the Construction Erosion Control Plan.
9. 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.
10. 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.
11. 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.
12. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
13. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
14. The Applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Coastal Development Permit.
15. This Coastal Development Permit 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 is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.

16. Prior to the issuance of building permits, the Applicant shall submit a final construction erosion control plan. The plan shall be subject to the review and approval by the Building Division.
17. Prior to the issuance of building permits, the Applicant shall submit a final drainage and grading plan. The plan shall be subject to the review and approval by the Building Division.
18. Prior to 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.
19. Prior to the issuance of building permits, 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 approved by the Planning Division.
20. All landscape materials and irrigation systems shall be maintained in accordance with 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.
21. Construction activities shall comply with Section 10.28.040 (Construction Activity – Noise Regulations) of the Newport Beach Municipal Code, 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. Noise-generating construction activities are not allowed on Saturdays, Sundays, or holidays.
22. Prior to the issuance of building permit, the Applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
23. 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.
24. This Coastal Development Permit (PA2024-0071) 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 Newport Beach Municipal Code, unless an extension is otherwise granted.
25. 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 and all 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 DD Real Estate, LLC Residence, including, but not limited to, Coastal Development Permit (PA2024-0071). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by Applicant, City, and/or the parties initiating or bringing such proceeding. The Applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages, which City incurs in enforcing the indemnification provisions set forth in this condition. The Applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

RESOLUTION NO. ZA2024-060

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A MINOR USE PERMIT FOR A WELLNESS STUDIO (PERSONAL SERVICES, RESTRICTED) LOCATED AT 2210 NEWPORT BOULEVARD, SUITE 104 (PA2024-0079)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Chandler Clark, on behalf of Peninsula Village LLC (Applicant), concerning property located at 2210 Newport Boulevard, Suite 104, and legally described as Lot 1 of Tract 16594 (Property) requesting approval of a minor use permit.
2. The Applicant proposes a minor use permit to operate a wellness studio, which is classified as a "Personal Services, Restricted" land use. The studio is proposed to operate within a 1,265- square-foot tenant space and offers an infrared sauna, a cold plunge, and other wellness services. The studio has proposed hours of operation from 7:00 a.m. to 8:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday and Sunday (Project).
3. The Property is designated Mixed-Use Water 2 (MU-W2) by the General Plan Land Use Element and is located within the Mixed-Use Water (MU-W2) Zoning District.
4. The Property is located within the coastal zone. The Coastal Land Use Plan category is Mixed-Use Water Related (MU-W) and it is located within the Mixed-Use Water (MU-W2) Coastal Zoning District.
5. A coastal development permit is not required since the Project does not involve an intensification of use as the required off-street parking rate does not change from the previous use.
6. A public hearing was held on November 14, 2024, online via Zoom. A notice of the time, place, and purpose of the hearing was given in accordance with the Newport Beach Municipal Code. 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 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.

2. This exemption authorizes minor alterations to existing structures involving negligible or no expansion of use. The Project includes the operation of a wellness studio within an existing tenant space. No additional square footage is proposed for the Project.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.020 (F) (Conditional Use Permits and Minor Use Permits – Findings and Decision) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

- A. *The use is consistent with the General Plan and any applicable specific plan.*

Facts in Support of Finding:

1. The General Plan Land Use category for this property is Mixed-Use Water 2 (MU-W2), which is intended to provide commercial development on or near the bay in a manner that encourages the continuation of coastal-dependent and coastal-related uses in accordance with the Recreational and Marine Commercial (CM) designation, as well as allow for the integrated residential development. The MU-W2 land use category specifically applies to waterfront locations where marine-related uses may be intermixed with buildings that provide residential on the upper floors. The Project is located within the Peninsula Village mixed-use development on the waterfront, which consists of commercial uses on the first floor and residential units above.
2. The Property is not part of a specific plan area.

Finding:

- B. *The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code.*

Fact in Support of Finding:

1. The Property is located within the MU-W2 Zoning District, which allows a Personal Services, Restricted land use with the approval of a minor use permit. A minor use permit is required as the restricted uses may tend to have a blighting and/or deteriorating effect upon surrounding areas and may need to be dispersed from other similar uses to minimize adverse impacts.
2. As previously noted, the Property is located within Peninsula Village, which is an existing mixed-use development that allows for commercial uses on the first floor. The surrounding commercial uses from the Property include retail, food service, and other similar commercial uses not classified as Personal Services, Restricted. Therefore, the use is dispersed from similar uses that may create adverse impacts.

3. The previous use in the existing tenant space operated as a retail store. The Project does not involve an intensification of use as it requires off-street parking at a rate of 1 space per 250 square feet of gross floor area, which is the same parking requirement as the previous use. In addition, residential parking at the Property is provided through the existing parking garage. Since there is no intensification of use associated with the Project, a coastal development permit is not required.

Finding:

- C. *The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity.*

Facts in Support of Finding:

1. The proposed wellness studio is located within Peninsula Village, which is an existing mixed-use development that is compatible with the surrounding uses at the project site and in the surrounding area. The Project's tenant space is located on the first floor alongside other existing commercial uses such as retail and a health and fitness facility. In addition, the Property faces Newport Boulevard between 21st and 26th Street and is directly across several existing commercial uses on Balboa Boulevard, which are also identified as mixed-use zoning districts. Those properties are currently operating as restaurants and retail stores.
2. The wellness studio is proposed to operate from 7:00 a.m. to 8:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday and Sunday. However, Condition of Approval No. 5 includes a later closing hour of 7:00 p.m. on Saturday and Sunday to provide flexibility for the Applicant while helping to safeguard against potential nuisances for surrounding residents and businesses. The Project does not propose late hours (past 11:00 p.m.), which will further minimize any potential disturbance to residences nearby the Property.

Finding:

- D. *The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access, and public services and utilities.*

Facts in Support of Finding

1. The Property is located on Newport Boulevard between 21st and 26th Street, with heavier vehicular traffic and pedestrian activity in the vicinity as the public beach is approximately 645 feet west of the Property. Additionally, the Property is adjacent to the Newport Harbor. There are also multiple public parking spaces along Newport Boulevard and across the street on West Balboa Boulevard which can serve as supplemental parking for patrons visiting the Property.

2. The Project will occupy an existing tenant space in an existing commercial building serviced by all necessary utilities. No additional square footage is proposed as part of this Project. In addition, the design, location, shape, size, and operating characteristics of the use are compatible with the existing commercial related services. The Project offers wellness services that include an infrared sauna and a cold plunge.
3. The Fire Department has reviewed the Project and provided conditions of approval which are outlined in the attached "Exhibit A".

Finding:

- E. Operation of the use at the location proposed would 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 of the proposed use.*

Facts in Support of Finding:

1. Per Condition of Approval No. 5, the Project shall operate during the hours that have been stated in this Resolution which will minimize disturbances from neighboring residences and ensure compliance with noise from the project site.
2. The Peninsula Village's mixed-use development under PA2001-210 extensively reviewed parking, vehicular and pedestrian access, and commercial uses offered at the Property. Given that the Project's proposed use will operate in an existing tenant space of Peninsula Village, it is not anticipated that the use will be detrimental to the harmonious growth of the City or constitute as a public inconvenience to the surrounding neighborhood.
3. Fact 3 in support of Finding B is hereby incorporated for reference.

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 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.
2. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. PA2024-0079 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 a call for review is filed with the

Community Development Director by the provisions of Title 20 (Planning and Zoning), of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 14TH DAY OF NOVEMBER 2024.



Benjamin M. Zueba, 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. 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 Minor Use Permit.
4. *This minor use permit, as part of PA2024-0079, shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 of the Newport Beach Municipal Code unless an extension is otherwise granted.*
5. *The project shall operate from 7:00 a.m. to 8:00 p.m., Monday through Friday, and 8:00 a.m. to 7:00 p.m. on Saturday and Sunday.*
6. This Minor Use Permit 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, welfare, or materially injurious to property or improvements in the vicinity or if the property is operated or maintained to constitute a public nuisance.
7. Any change in operational characteristics, expansion in the area, or other modification to the approved plans, shall require subsequent review and approval of the Planning Division. Depending on the nature of the request, an amendment to this Minor Use Permit or the processing of a new Use Permit, may be required.
8. If construction or alterations are proposed that would require a building permit, a copy of the Resolution, including Exhibit “A”'s Conditions of Approval, shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
9. The applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
10. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 (Community Noise Control) and other applicable noise control requirements of the Newport Beach Municipal Code.

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11. 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.
 12. Construction activities shall comply with Section 10.28.040 (Construction Activity – Noise Regulations) of the Newport Beach Municipal Code, 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. Noise-generating construction activities are not allowed on Saturdays, Sundays, or Holidays.
 13. No outside paging system shall be utilized in conjunction with this establishment.
 14. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and Saturdays and between the hours of 10:00 p.m. and 9:00 a.m. on Sundays and Federal holidays unless otherwise approved by the Director of Community Development and may require an amendment to this Use Permit.
 15. All trash shall be stored within the building or within dumpsters stored in the trash enclosure (three walls and a self-latching gate) or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies. The trash enclosure shall have a decorative solid roof for aesthetic and screening purposes.
 16. Trash receptacles for patrons shall be conveniently located both inside and outside of the establishment, however, not located on or within any public property or right-of-way.
 17. The exterior of the business shall be always maintained free of litter and graffiti. The owner or operator shall provide for daily removal of trash, litter debris, and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
 18. The applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).
 19. Storage outside of the building in the front or at the rear of the property shall be prohibited, except for the required trash container enclosure.
 20. A Special Events Permit is required for any event or promotional activity outside the normal operating characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.

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21. 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 **SweatHouz Wellness Studio including, but not limited to, Minor Use Permit No. PA2024-0079**. 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 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

22. A fire sprinkler deferred submittal shall be required.
23. A fire alarm deferred submittal shall be required for buildings equipped with fire alarms.
24. Services including oxygen enriched environments, hyperbaric chambers, cryogenic treatments, or introduction of other hazardous materials shall be prohibited. Introduction of any additional services shall require the review and approval by the Newport Beach Fire Department and Building Division.

Building Division

25. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required before the issuance of a building permit.