



**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 February 14, 2025.

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**ZONING ADMINISTRATOR PUBLIC HEARING ACTIONS  
FEBRUARY 13, 2025**

Item 1: Bayshore Café Minor Use Permit (PA2024-0132)  
Site Address: 100 West Coast Highway, Suite 104

Action: Continued to a future Zoning Administrator Meeting. Council District 2

**COMMUNITY DEVELOPMENT DIRECTOR  
OR ZONING ADMINISTRATOR ACTIONS  
(Non-Hearing Items)**

Item 1: Pelican Fund LLC Residential Condominiums Tentative Parcel Map (PA2024-0220)  
Site Address: 1611 and 1611 ½ Cliff Drive

Action: Approved Council District 2

**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.

## RESOLUTION NO. ZA2025-009

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A TENTATIVE PARCEL MAP FOR TWO-UNIT RESIDENTIAL CONDOMINIUM PURPOSES LOCATED AT 1611 AND 1611 ½ CLIFF DRIVE (PA2024-0220)**

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Daniel Rubio (Applicant), on behalf of Mario Marovic (Owner) with respect to property located at 1611 and 1611 ½ Cliff Drive, and legally described as Lot 3 of Block A in the Cliff Haven Tract (Property), requesting approval of a tentative parcel map for condominium purposes.
2. The Applicant requests a tentative parcel map for two-unit residential condominium purposes. An existing duplex has been demolished, and a new duplex is under construction. The Tentative Parcel Map would allow each unit to be sold individually. No waivers of Newport Beach Municipal Code (NBMC) Title 19 (Subdivisions) are proposed (Project).
3. The Property is categorized as Two Unit Residential (RT) by the General Plan Land Use Plan and is located within the Two-Unit Residential (R-2) Zoning District.
4. The Property is not located within the coastal zone; therefore, a coastal development permit (CDP) is not required.
5. On February 13, 2025, the Zoning Administrator reviewed a tentative parcel map filed as PA2024-0220. A notice of purpose of the review was given in accordance with the NBMC. Written evidence was presented to and considered by the Zoning Administrator. No public comments were given.

#### SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15315 under Class 15 (Minor Land Divisions) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Class 15 Exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20%. The Project is for a two-unit

condominium subdivision and meets all identified criteria; therefore, it is eligible for the Class 15 Exemption.

### SECTION 3. REQUIRED FINDINGS.

#### ***Tentative Parcel Map***

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

#### Finding:

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

#### Facts in Support of Finding:

1. The Project is a tentative parcel map for two-unit residential condominium purposes. The RT General Plan Land Use designation and R-2 Zoning District apply to a range of two-unit residences such as duplexes and town homes. The Property was previously developed with a duplex which has been demolished and a new duplex is currently under construction. The proposed subdivision and improvements will continue to be consistent with the density of the RT General Plan Land Use category and R-2 Zoning District.
2. The Property is not located within a specific plan area.

#### Finding:

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

#### Facts in Support of Finding:

1. The Property is physically suitable for a duplex because it is regular in shape and size. An existing duplex has been demolished and a new duplex is currently under construction, which complies with all the requirements in Title 20 (Planning and Zoning) of the NBMC.
2. The Property is not abutting an alley and maintains an existing curb cut and driveway approach on Cliff Drive, which provides vehicular access.
3. The Property is adequately served by existing utilities.

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

1. The Project is for residential condominium purposes. All improvements associated with the Project will comply with all Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. Public improvements will be required of the applicant per Section 19.28.010 (General Improvement Requirements) of the NBMC and Section 66411 (Local agencies to regulate and control design of subdivisions) of the Subdivision Map Act. All ordinances of the City and all Conditions of Approval will be complied with.
2. The Project has been conditioned to require public improvements, including all damaged sidewalk panels, curb, gutter, and street along the Cliff Drive frontage. Any damaged concrete alley panels along the alley property frontage shall be reconstructed as determined by the Public Works Department. The Project is also conditioned to install turf or drought tolerant landscaping, as approved by the City, throughout the entire Cliff Drive parkway fronting the Property. A new 36" box street tree along the Cliff Drive parkway shall be installed. Street tree installation shall be per City Standard 118 and City Council Policy G-6. The utilities will be undergrounded, consistent with Title 19 (Subdivisions) of the NBMC.

Finding:

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

Fact in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Fact in Support of Finding:

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

Finding:

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

Fact in Support of Finding:

1. The proposed two-unit condominium will replace an existing duplex, which is consistent with the R-2 Zoning District and does not result in a net decrease in residential density. Therefore, the tentative parcel map for residential condominium purposes will not affect the City in meeting its regional housing need.

Finding:

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

Fact in Support of Finding:

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

Finding:

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

Fact in Support of Finding:

1. The Property is not located within the coastal zone.

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 15315 under Class 15 (Minor Land Divisions) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves the Tentative Parcel Map filed as PA2024-0220, subject to the conditions set forth in Exhibit "A" and in substantial conformance with Exhibit "B," which are both attached hereto and incorporated by reference.
3. This action shall become final and effective 10 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Director of Community Development in accordance with the provisions of NBMC Title 19 (Subdivisions).

**PASSED, APPROVED, AND ADOPTED THIS 13<sup>TH</sup> DAY OF FEBRUARY 2025.**



Benjamin M. Zueba, AICP, Zoning Administrator

**EXHIBIT “A”**

## CONDITIONS OF APPROVAL

**Planning Division**

1. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
2. After the recordation of the Parcel Map and prior to a building permit final inspection, the Applicant shall apply for a building permit for a description change of the subject project development from “duplex” to “condominium.” The development will not be condominiums until this description change permit is final.
3. 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 cause for revocation of this approval.
4. This approval 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 Title 19 Subdivisions and Title 20 of the NBMC.
5. Prior to the approval of the final map, a “Purpose Statement” shall be added to the map to clarify that the map is for two residential condominium units and how common areas will be owned.
6. 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 **Pelican Fund LLC Residential Condominiums** including, but not limited to **Tentative Parcel Map No. PA2024-0220**. 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 Applicant, City, and/or the parties initiating or bringing such proceeding. The Applicant shall indemnify the City for all of the City's costs, attorneys' fees, and damages, which the 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.



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**Public Works Department**

7. Prior to building permit final inspection, a parcel map shall be recorded. The Map shall be prepared on the California coordinate system (NAD83). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. **The Map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.**
8. Prior to recordation of the Parcel Map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual Subarticle 18. Monuments (1-inch iron pipe with tag) shall be set **on each lot corner** unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of the construction project.
9. All improvements shall be constructed as required by Ordinance and the Public Works Department.
10. An encroachment permit shall be required for all work activities within the public right-of-way.
11. All damaged sidewalk panels, curb, gutter, and street along the Cliff Drive frontage and any damaged concrete alley panels along the alley property frontage shall be reconstructed as determined by the Public Works Department.
12. All existing overhead utilities shall be undergrounded.
13. All existing private, non-standard improvements within the public right-of-way and/or extensions of private, non-standard improvements into the public right-of-way fronting the development site shall be removed.
14. Each unit shall be served by its individual water service/meter and sewer lateral/cleanout.
15. All improvements shall comply with the City's sight distance requirement per City Standard 110-L.
16. New turf or drought tolerant landscaping shall be installed throughout the remaining Cliff Drive parkway.

17. A new 36" box street tree shall be installed along the Cliff Drive parkway. Street tree installation shall be per City Standard 118 and City Council Policy G-6.
18. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way shall be required at the discretion of the Public Works Inspector.

**Building Division**

19. Prior to recordation of the Parcel Map, independent utility services shall be provided for each duplex, including water, electrical and gas.

**EXHIBIT "B"**

Tentative Parcel Map  
County Parcel Map No. 2024-157

