



## 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 and Community Development Director for the week ending February 28, 2025.

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### ZONING ADMINISTRATOR PUBLIC HEARING ACTIONS FEBRUARY 27, 2025

Item 1: Jackson Residence Coastal Development Permit (PA2024-0183)  
Site Address: 2057 Ocean Boulevard

Action: Removed from Calendar	Council District	1
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Item 2: Chaba Thai Massage & Spa Minor Use Permit (PA2024-0202)  
Site Address: 4321 Birch Street, Suite 120

Action: Approved by Resolution No. ZA2025-010	Council District	3
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### COMMUNITY DEVELOPMENT DIRECTOR OR ZONING ADMINISTRATOR ACTIONS (Non-Hearing Items)

Item 1: Director's Determination Regarding the 100 Block of Newport Center Drive and Inclusion in the Housing Opportunity (HO) Overlay Zoning District (PA2025-0027)  
Site Address: Citywide Project

Action: Approved	Council District	5
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**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. ZA2025-010

### A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING A MINOR USE PERMIT FOR A MASSAGE ESTABLISHMENT LOCATED AT 4321 BIRCH STREET, SUITE 120 (PA2024-0202)

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Hattox Design Group LLC (Applicant) on behalf of Chaba Thai Massage and Spa, with respect to property located at 4321 Birch Street, Suite 120, and legally described as Lot 5 of Tract 5169 (Property) requesting approval of a minor use permit.
2. The Applicant requests a minor use permit to allow the operation of a massage establishment within an existing tenant space. The project involves the occupancy of a 3,074-square-foot suite with 14 individual massage rooms, lobby, and reception area. The project also includes a break room, lockers, laundry area, and storage for employee use. The massage establishment would operate daily between 10 a.m. and 8 p.m., and no late hours are proposed (after 11 p.m.) (Project).
3. The Property is designated Airport Office and Supporting Uses (AO) by the General Plan Land Use Element and is located within the Office-Airport (OA) Zoning District.
4. The Property is not located within the coastal zone.
5. A public hearing was held on February 27, 2025, online via Zoom. 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 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. The Class 1 exemption authorizes minor alterations to existing structures involving negligible or no expansion of use. The project includes tenant improvements to an existing office suite to convert it to a massage establishment. No expansion to the existing structure is proposed.

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**SECTION 3. REQUIRED FINDINGS.*****Minor Use Permit***

In accordance with Section 20.52.020(F) (Conditional Use Permits and Minor Use Permits – Findings and Decision) of the NBMC, 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 Property is designated AO (Airport Office and Supporting Uses) in the Land Use Element of the General Plan, which is intended to provide for areas appropriate for the development of properties adjoining the John Wayne Airport for uses that support or benefit from airport operations. These may include corporate and professional offices; automobile sales, rental, and service; aviation sales and service; hotels; and accessory retail, restaurant, and service uses.
2. Land Use Policy LU 2.1 (Resident-Serving Land Uses) of the Land Use Element of the General Plan is intended to accommodate uses that support the needs of Newport Beach's residents including housing, retail, services, employment, recreation, education, culture, entertainment, civic engagement, and social and spiritual activity that are in balance with community natural resources and open spaces.
3. The Project is consistent with the AO designation, as it will provide services that support the surrounding commercial uses and the region at large. The Project will serve and complement the nearby John Wayne Airport and the surrounding business community, as visitors and employees would be able to conveniently access massage services in close proximity to the airport.
4. The Project is consistent with the land uses permitted within this land use designation, as it will provide an additional service to the surrounding neighborhood in a tenant space that is currently vacant.
5. 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;*

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Facts in Support of Finding:

1. The Property is located in the OA (Office-Airport) Zoning District which is intended to provide for areas appropriate for the development of properties adjoining the John Wayne Airport for uses that support or benefit from airport operations. These may include corporate and professional offices; automobile sales, rental, and service; aviation sales and service; hotels; and accessory retail, restaurant, and service uses. The proposed use is considered a service use and is therefore consistent with the intent of the land use designation.
2. Pursuant to Table 2-4 of Section 20.22.020 (Commercial Zoning Districts Land Uses and Permit Requirements) of the NBMC, massage use may be permitted in the OA Zoning District subject to the approval of a minor use permit (MUP).
3. The tenant space in the existing medical office building is not located adjacent to residential neighborhoods. The properties located to the south and west are also in the OA (Office-Airport) Zoning District while those located to the east and north are within Commercial Planning Area 2 of the Newport Airport Village Planned Community (PC60). These areas provide for a range of commercial uses.
4. The existing medical and professional office building was constructed in the 1960s and does not comply with the current parking requirements of the NBMC. However, the proposed uses would not result in an intensification or increase in the degree of nonconformity. Further, evidence exists to support that the proposed use will ultimately result in a similar parking demand to the prior medical office use. Condition of Approval No. 12 has been included to maintain adequate parking on-site.
5. In 2005, a Zoning Code amendment (City Council Ordinance No. 2005-1) increased the parking requirement for medical office uses from one space per 250 net square-feet to one space per 200 gross square-feet of floor area, increasing the parking nonconformity. Therefore, the existing medical uses are nonconforming. The existing 19,965 square-feet of medical uses are still considered nonconforming under the current NBMC.
6. Proposed uses such as medical or massage that have the same rate as the existing medical use can occupy the building, to match the existing nonconforming medical use and maintain the same level of parking demand on the site. The existing nonconforming building includes a total of 19,965 square-feet of medical. Accordingly, up to 19,965 gross square-feet can be occupied with uses that require a rate of one space per 200 square-feet.
7. The existing 60 parking spaces have been adequate to accommodate parking demand for patrons and employees of the multi-tenant buildings. The proposed allowance for the massage use is not anticipated to result in an intensification of use and will not require the provision of additional parking. Conditions of approval are included to ensure that the future buildout of the various tenant spaces will not result in over 19,965 square-feet of uses that require a parking rate of one space per 200 square-feet of floor area.

8. The Project is consistent with the legislative intent of Section 20.48.120 (Massage Establishments and Services) and Chapter 5.50 (Massage Establishments) of the NBMC. These sections provide standards for the establishment, location, and operation of massage establishments operated as an independent use. The intent is to promote the operation of legitimate massage services and to prevent problems of blight and deterioration that may accompany and result from large numbers of massage establishments. While the Project is located within 500 feet of another proposed massage business at 4301 Birch Street, the NBPD has no objection to this project and supports waiving the restriction outlined in NBMC 20.48.120 (Massage Establishments and Services). The Applicant has successfully maintained another location in the City of Newport Beach for several years with no complaints or unsuccessful inspections.

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 Project is proposed within an approximately 3,074 square-foot tenant space within an existing medical building. The proposed use will consist of 14 individual massage rooms, a lobby, and reception area. The use also includes break room, lockers, laundry area, and storage for employee use.
2. The proposed hours of operations are between 10:00 a.m. and 8:00 p.m., daily. No late hours (after 11 p.m.) are proposed. The surrounding uses include a health and fitness studio, medical offices, and professional offices. The proposed hours of operation are compatible with the other uses in the vicinity and will not contribute to noise or other disruptions in the area.
3. The existing commercial building is oriented towards Birch Street and is not adjacent to any residential neighborhoods. The nearest residential zoning district is approximately 3,000 feet to the subject property.
4. The Property and surrounding area consist of a mixture of professional offices, a hotel, car rental services, as well as service uses that serve residents and visitors in the surrounding area. The Project will provide a service that supports residents, local employees, and visitors, consistent with the existing uses in the area.

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; and*

Facts in Support of Finding:

1. The Property is located on Birch Street within an existing multi-tenant medical building. The parking lot is located along the sides and at the rear of the property. It is accessed through a driveway approach along Birch Street.
2. Adequate public and emergency vehicle access, public services, and utilities are provided on the property and the proposed massage establishment and personal services uses will not change this.
3. Facts 4 through 7 in support of Finding B are hereby incorporated by reference.

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. Condition of Approval No. 11 has been included to limit operating hours from 10 a.m. to 8 p.m. in order to minimize any detriment to the surrounding area.
2. The proposed massage establishment will provide additional services to the residents and visitors in the surrounding area.
3. The Project has been reviewed by the Building, Public Works, Fire, and Police Departments. Recommended conditions of approval have been included in the attached Exhibit "A" to limit any detrimental effects to the surrounding neighborhood.
4. The NBPD has reviewed the project and has no objections to this project as proposed. Condition of Approval No. 24 has been included to ensure the Applicant obtains an Operator's Permit from the NBPD in compliance with Chapter 5.50 (Massage Establishments) of the NBMC.

***Waiver of Location Restrictions***

In accordance with Section 20.48.120(B) (Massage Establishments and Services – Waiver of Location Restrictions) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

- F. The proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed;*

Facts in Support of Finding:

1. The intent of this section is to promote the operation of legitimate massage services and the prevent problems of blight and deterioration, which accompany and are brought about by large number of massage establishments and the misuse of massage therapy as a front for prostitution and other illegal activities.
2. Although the Project is located within 500 feet of another proposed massage business at 4301 Birch Street, the NBPD has no objection to this Project and supports waiving the restriction outlined in NBMC 20.42.120. This Applicant has successfully maintained another location in the City of Newport Beach for several years with no complaints or unsuccessful inspections.
3. There will be no late hours of operation, as the Project is conditioned to operate between 10:00 a.m. and 8:00 p.m., daily.
4. A condition of approval is included to ensure the Applicant will obtain an Operator's Permit from the NBPD in compliance with Chapter 5.50 (Massage Establishments) of the NBMC prior to operation of the business.
5. Condition of Approval No. 25 has also been included to ensure that all employees that conduct massage services on the premises must be certified by the California Massage Therapy Council (CAMTC) (physicians, physical therapists, and chiropractors exempt).

Finding:

- G. *The proposed use will not enlarge or encourage the development of an urban blight area; and*

Facts in Support of Finding:

The Project is located in a single tenant space within a managed, multi-tenant medical office building, which will prevent problems and discourage the development of urban blight. The Property is not located within a blighted area, is well maintained, and is intended to provide a service that supports the surrounding residents and visitors to Newport Beach.

Finding:

- H. *The proposed use will not adversely affect a religious institution, school, park, or playground;*

Facts in Support of Finding:

1. The Property is located adjacent to John Wayne Airport and surrounding commercial uses. There are no public or private schools, playgrounds, or religious institutions within 500 feet of the Property.
2. The Property has adequate lighting and is visible from Birch Street.

3. The NBPD has reviewed the request for a waiver of location restrictions and has no concerns regarding the Project and its proposed location.

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 the Minor Use Permit (PA2024-0202), 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 this Resolution was 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 20 Planning and Zoning, of the Newport Beach Municipal Code.

**PASSED, APPROVED, AND ADOPTED THIS 27<sup>TH</sup> DAY OF FEBRUARY 2025.**



Liz Westmoreland, AICP, Zoning Administrator



**EXHIBIT "A"****CONDITIONS OF APPROVAL****Planning Division**

1. The development shall be in substantial conformance with the approved site plan and floor plans 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. Material violation of any of those laws in connection with the use may be cause for revocation of this Minor Use Permit.
4. 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 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.
5. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to this Minor Use Permit or the processing of a new Use Permit.
6. A copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
7. 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.
8. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the NBMC.
9. 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 the leasing agent.
10. 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 and 8:00 a.m. and 6:00 p.m., Saturdays. Noise-generating construction activities are not allowed on Sundays or Holidays.

11. *The hours of operation shall be between 10 a.m. and 8 p.m., daily.*
12. *The floor area of land uses which require a parking rate of one space per 200 square feet shall not exceed 19,965 square feet total within the Property.*
13. No outside paging system shall be utilized in conjunction with this establishment.
14. The exterior of the business shall be maintained free of litter and graffiti at all times. 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.
15. 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).
16. 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.
17. Storage outside of the building in the front or at the rear of the property shall be prohibited, with the exception of the required trash container enclosure.
18. A Special Events Permit is required for any event or promotional activity outside the normal operational 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.
19. All proposed signs shall be in conformance with the approved Comprehensive Sign Program for the project site and provisions of Chapter 20.42 (Signs) of the Newport Beach Municipal Code.
20. *This Minor Use Permit, as part of PA2024-0202, shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.*
21. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless 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 **Chaba Thai Massage and Spa including, but not limited to, Minor Use Permit (PA2024-0202)**. 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 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.

### **Building Division**

22. 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 may be required prior to the issuance of a building permit.

### **Police Department**

23. Strict adherence to Newport Beach Municipal Code Chapter 5.50 (Massage Establishments) shall be upheld.
24. Prior to operation, the Applicant's business shall apply for and obtain an Operator's Permit from the Chief of Police and keep said permit in good standing.
25. All employees of the Applicant's business who conduct massage services on the premises must be certified by the California Massage Therapy Council (CAMTC) (physicians, physical therapists, and chiropractors exempt).
26. As outlined in Newport Beach Municipal Code Section 5.50.030 (Requirements of Operation), the business shall maintain requirements of operation and submit to inspections by officers of the Police Department.

### **Fire Department**

27. The Applicant shall prepare and submit a fire sprinkler plan to the Newport Beach Fire Department for review.

### **Code Enforcement**

28. All windows (except treatment room windows) shall remain visible and transparent in nature. Window signage shall comply with the City of Newport Beach Municipal Code.

29. The names of employees shall be posted upon entry, meanwhile contact information and a list of state certifications shall be provided upon request. A current list of employees shall be kept on-site and maintained at all times.
30. The owner, operator, or responsible manager's contact information for the massage establishment shall be provided to the City of Newport Beach Code Enforcement Division.



**CITY OF NEWPORT BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT**

100 Civic Center Drive  
Newport Beach, California 92660

949 644-3200  
[newportbeachca.gov/communitydevelopment](http://newportbeachca.gov/communitydevelopment)

## Director's Determination

**To:** Planning Division  
**From:** Seimone Jurjis, Assistant City Manager/Community Development  
Department Director  
**Date:** February 28, 2025  
**Re:** Director's Determination Regarding the 100 Block of Newport Center Drive and Inclusion in the Housing Opportunity (HO) Overlay Zoning District (PA2025-0027)

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### Summary

In alignment with the 6<sup>th</sup> Cycle Regional Housing Needs Assessment (RHNA), the City Council adopted a certified-compliant Housing Element for the 2021-2029 planning period. Policy Actions 1A through 1G of the Chapter 4 (Housing Plan) commit the City to rezoning sites listed in the Adequate Sites Analysis (Appendix B) for potential redevelopment with housing projects. This effort was completed with the establishment of the Housing Opportunity (HO) Overlay Zoning Districts, which include five subareas:

- HO-1 Airport Area
- HO-2 West Newport Mesa
- HO-3 Dover-Westcliff
- HO-4 Newport Center
- HO-5 Coyote Canyon

Almost the entire 100 Block of Newport Center Drive was included in the HO-4 Subarea with exception of six individual footprint parcels developed with one office building each and addressed as 110, 120, 130, 140, 160, and 170 Newport Center Drive, as well as the northeastern corner parcel (150 Newport Center Drive), which has an approved housing project demonstrating it is feasible for redevelopment with residential. None of the six footprint parcels have separate on-site parking and they rely on the surrounding parking pool, so it was intended that the footprint parcels also be included as part of the redevelopment potential for this block.

## Background and Issue

The California Government Code requires cities and counties to adopt a housing element that assesses housing needs and establishes goals, policies, and programs to support housing development and preservation. As a mandatory component of the Newport Beach General Plan, the Housing Element must be updated periodically to comply with state law. The City's 6<sup>th</sup> Cycle Housing Element (2021–2029) outlines a strategy to meet the Regional Housing Needs Assessment (RHNA) allocation of 4,845 new housing units.

Beginning in 2019, the City engaged in extensive public outreach through the "Newport, Together" initiative, guided by the former General Plan Update Steering Committee, to gather community input. Additionally, the City Council established the Housing Element Update Advisory Committee (HEUAC), composed of nine residents with expertise in housing development, to ensure public participation, provide guidance, and make recommendations.

The HEUAC formed five subcommittees to evaluate potential redevelopment sites:

- Airport Area – East
- Airport Area – West
- Airport Area – 65dBA CNEL+
- West Newport Mesa
- Remainder of Town

Each subcommittee prepared a memorandum to memorialize its findings through listing sites as "feasible," "potentially feasible," or "infeasible" when it comes to the prospect of redevelopment with residential. The memoranda were shared with the full HEUAC and received-and-filed as part of the record. This comprehensive review of sites largely informed the City's efforts in preparing an adequate sites analysis included in the Housing Element as Appendix B.

The "Remainder of Town" Subcommittee, which included review of the Newport Center and outlying areas, issued its final memorandum to the HEUAC on March 31, 2021. The entire Block 100 was listed as "potentially feasible" for redevelopment as housing. This final memo is included as Attachment A for reference. While the narrative focuses on the larger parking pool parcel, it also discusses the smaller footprint parcels, as well as the northeastern corner parcel (150 Newport Center Drive) and includes them in the mapping exhibit. This is excerpted below as Figure 1 and marked up to show the location of Block 100.

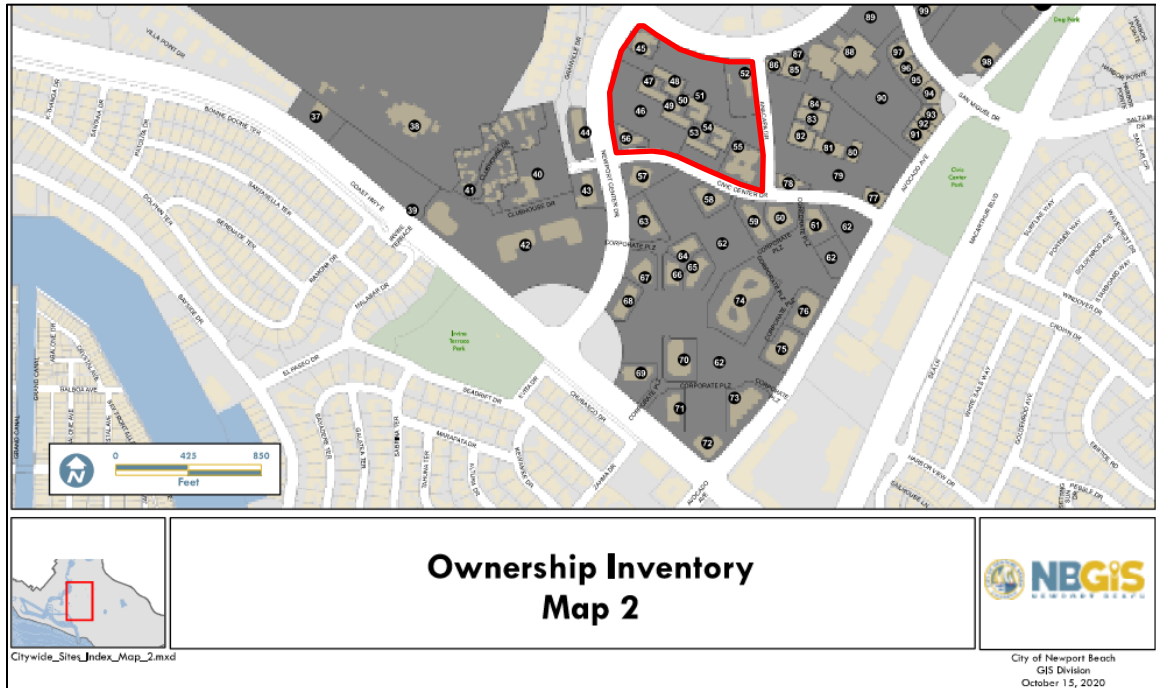


Figure 1, Excerpt of mapping document used by the HEUAC to identify housing sites.

Despite the initial intention of deeming Block 100 potentially feasible or feasible for residential units, the Housing Element and its implementing zoning inadvertently left the footprint parcels and the northeastern corner parcel out of the HO-4 Subarea. This is shown in the map excerpt below as Figure 2 and marked up to show the location of Block 100.

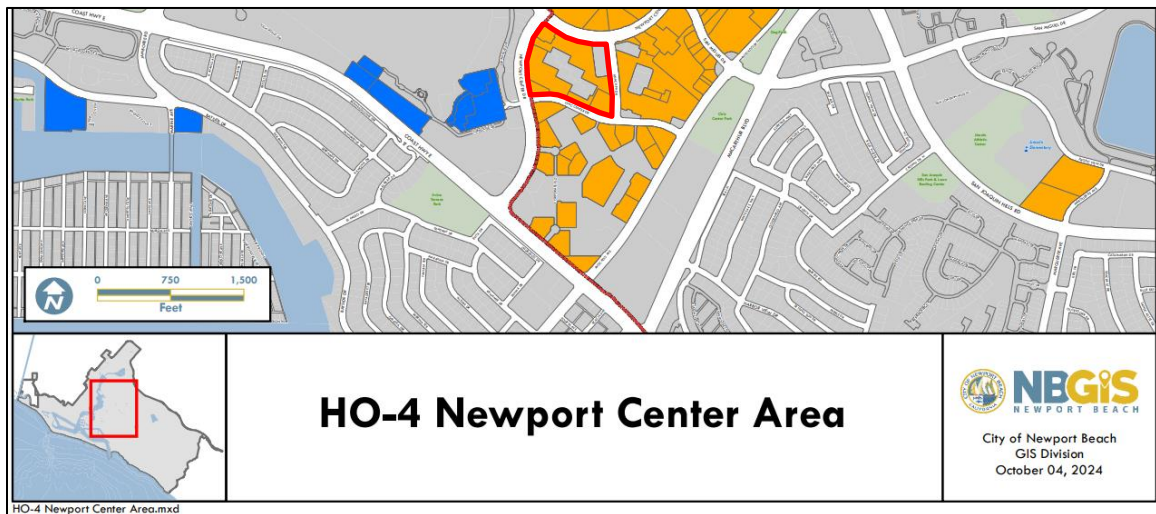


Figure 2, Excerpt of HO-4 Newport Center Area zoning map.

Authority

Section 20.12.020 (Rules of Interpretation) of the NBMC authorizes the Community Development Director to interpret the meaning and provisions of the Zoning Code, including maps, and to apply and/or enforce the codes.

Director's Determination

The Community Development Director of the City of Newport Beach hereby determines that the entire Block 100 of Newport Center Drive is within the HO-4 Subarea.

All decisions of the Director may be appealed to, or called for review by, the Planning Commission pursuant to Chapters 20.64 (Appeals) of the NBMC within fourteen (14) days following the date of this decision.



Seimone Jurjis,  
Assistant City Manager/Community Development Director

Attachments: A      Remainder of Town Subcommittee Final Memo  
                  B      HO-4 Map



# **Attachment A**

Remainder of Town Subcommittee Final Memo

**Housing Element Sites Subcommittee - - Remainder of Town**

Sites Reviewed in Zoom Meeting

October 20, 2020

Revised as of March 12, 2021

Subcommittee Members Present: Selich, Stevens & Tucker

Staff Members Present: Campbell & Zdeba

Note: NBGIS Staff prepared three Ownership Inventory Maps, identified as Map 1, Map 2 and Map 3 which are attached. Each of these 3 maps shows a number of Parcels, each of which is designated with a Parcel number. References to Parcel numbers referred to in Paragraphs 2-47 below correspond to the numbers assigned to each Parcel on the Ownership Inventory Maps. Additional maps used in this Report are described in Paragraph 1 below and also used in Paragraphs 48 and 49 below.

The Subcommittee only considered if the Parcels would physically be able to accommodate housing in place of or in addition to the current use of the Parcels. Parcels were assigned one of three grades: **Feasible, Potentially Feasible or Infeasible**. Feasible sites are those that appear that they could feasibly be redeveloped for housing or have housing added to the Parcel while the current use remains in whole or in part. Potentially Feasible sites are those that may work as housing, but due to the size and/or configuration of a Parcel, or the quality and functionality of existing improvements, a Parcel might be somewhat less likely to be a candidate for a housing use. Potentially Feasible sites may also include Parcels that would be infeasible standing alone, but if combined with adjacent Parcel(s) could become part of a potential housing site. Infeasible sites are those that the Subcommittee determined would not work as housing due to existing improvements on the site, insufficient size and/or inefficiencies due to the configuration of the Parcel. The Subcommittee acknowledges that it does not have all the facts about the various Parcels and therefore the designations may be somewhat subjective. Accordingly, some of the Parcels could have been wrongly assigned the grade of Feasible, Potentially Feasible or even Infeasible. Staff will be following up with many of the property owners and that follow-up should provide more pertinent information about each Parcel for which an owner responds.

Before any Parcel is finally approved for the Sites Inventory list, the Full Committee, after public input, would have to find that housing on a Parcel would be a suitable use. Among other things, the deliberations on suitability will involve density and could involve development standards. The Subcommittee is not endorsing housing on any particular Parcel, but rather is narrowing the Sites that staff will spend time looking into and that the Full Committee will consider adding to the Sites Inventory form after receiving public input.

1. All sites that were listed on Table H32 (attached) in the Sites Analysis and Inventory Summary of the 5<sup>th</sup> Cycle Housing Element (2014-2029) that have not been developed or are not expected to be occupiable by June 30, 2021, are still candidates for housing in the 6<sup>th</sup> Cycle. Attached are 5 additional maps (identified as Map 1, 2, 3, 4 and 5 "of 5") that specifically delineate those Parcels from the 5<sup>th</sup> Cycle Housing Element which have been completed or are under construction and expected to be occupiable by June 30, 2021. The remaining parcels from the 5<sup>th</sup> Cycle which have not been completed or are not expected to be occupiable by June 30, 2021 continue to be deemed feasible for the 6<sup>th</sup> Cycle. **Feasible**
2. Parcel 1 is the Newport-Mesa School District site contiguous to Banning Ranch and if found suitable it would be feasible. **Feasible**
3. Parcel 2, Sterling BMW. This Site is a viable commercial site and would not likely become a stand-alone housing site. **Infeasible**
4. Parcels 3, 4, 6-9, 10 and 12 are either too small and/or have viable commercial uses. **Infeasible**

5. Parcel 11 is a series of small commercial buildings of an older vintage. It might be possible for the owner to configure housing on the site and consolidate circulation to one access point. If the Site is found suitable, the property owner should be advised that a land use change to allow housing might be possible. **Potentially Feasible**
6. Parcel 13 is a large apartment complex with a large two-level parking structure. The addition of more units might be possible. If found suitable, the property owner should be advised that a land use change to allow more units to be added might be possible. **Feasible**
7. Parcels 14-17 is a series of office buildings, some appearing more updated than others. Some of the parcels could accommodate housing alone, or in combination with others. The owners of Parcels 14, 15 and 16 have contacted the City in the past about the potential for housing uses. If found suitable, the property owners should be advised that a land use change to housing might be possible. **Potentially Feasible**
8. Parcel 18 is a Church on a 2+ acre parcel with a sizable parking lot. If the site is found suitable, the owner should be made aware that a portion of the property could be designated to accommodate housing if that would fit in with the mission of the church. **Potentially Feasible**
9. Parcel 19 is developed with a medical facility and Parcel 20 has a small building on a oddly configured site. If found suitable, the property owner of Parcel 19 should be advised that a land use change to housing might be possible, and the owner of Parcel 20 should be advised of the same if it were to be combined with Parcel 19. **Potentially Feasible**
10. Parcel 21.1 has a functioning medical office project but could be a location for housing. If found suitable, the property owner should be advised that a land use change to housing might be possible. **Feasible**
11. Parcel 22 has approvals at both the City and Coastal Commission levels for a mixed used project that includes residential units. **Feasible**
12. The Dunes West of the Lagoon (no Parcel Number on Map). Although zoned for a "Family Inn" (a hotel), there is enough land for potential additional uses. Since the land is owned by the County, some of the land may also be feasible for an affordable housing project especially since the hotel and other Dunes employees would benefit from a nearby affordable housing use. If the site is found suitable, the property owner should be advised that a land use change to allow some housing might be possible. **Potentially Feasible**
13. Parcel 23 is the Hyatt Regency which is not very intensely developed and has land that is presently used for a few very short golf holes. If the site is found suitable, the property owner should be advised that a land use change to allow housing might be possible. **Potentially Feasible.**
14. Parcels 24 and 25 is the Palisades Tennis Club. Given the minor amount of building improvements, the site could readily be redeveloped for housing. If the site is found suitable, the property owner should be advised that a land use change to allow housing might be possible. **Feasible**
15. Parcel 26 is the Newport Beach Tennis Club. Given the minor amount of building improvements, the site could readily be redeveloped for housing. If the site is found suitable, the property owner should be advised that a land use change to allow housing might be possible. **Feasible**
16. Parcels 36 and 39 is the Newport Beach Country Club. Parcel 36 is primarily a golf course, with a Clubhouse and related supporting uses, and is deemed **Infeasible**. Parcel 39 is a large parking field that

will need to remain parking for the Club use but could potentially have some housing developed above the Club parking. If the site is found suitable, the property owner should be advised that a land use change to allow some additional housing might be possible. **Potentially Feasible**

17. Parcel 37 is Armstrong Nursery. Given the nature of the building improvements, the site could be redeveloped for housing. If the site is found suitable, the property owner should be advised that a land use change to allow housing might be possible. **Feasible**

18. Parcels 40 is an oversized tennis club facility that the owner has indicated may be downsized to make room for another use. Parcel 41 has been approved for a housing use. If Parcel 40 is found suitable for housing, the property owner should be advised that a land use change to allow housing, including combining with Parcel 40, might be possible. **Feasible**

19. Parcels 42, 43 and 44 are nicer office buildings that do not appear to be likely to be redeveloped into housing either because they are on too small of parcels or because the improvements are inconveniently located. **Infeasible**

20. Parcel 35 is the Marriott which is improved with two hotel towers and an irregularly shaped three-story hotel room building that might be proposed to be converted to housing. If the addition of housing is found suitable, the property owner should be advised that a land use change to allow some housing might be possible. **Potentially Feasible**

21. Parcel 34 has two mid-rise office buildings and a large parking structure with some adjacent surface parking that might be able to be reconfigured to create a housing site. If the site is found suitable, the property owner should be advised that a land use change to allow some housing might be possible. **Potentially Feasible**

22. Parcel 33 is the Pacific Mutual parcel which includes surface parking that might be to accommodate a pad for housing. If the site is found suitable, the property owner should be advised that a land use change to allow some housing might be possible. **Potentially Feasible**

23. Parcel 30 is a small irregularly shaped parcel improved with an office building overlooking Newport Beach Country Club. **Infeasible**

24. Parcel 29 and Parcel 30 are the Headquarters of the Newport Beach Police and a Fire Station, neither of which is likely to be changed in the 6<sup>th</sup> Cycle. **Infeasible**

25. Parcel 27 and Parcel 28 are improved with a Chevron Station and a newly renovated car dealership and are not expected to be changed in the 6<sup>th</sup> Cycle. **Infeasible**

26. Parcel 30 is a newer office building and its parking structure and is somewhat irregularly shaped and not large enough to justify modifications that would be needed for housing. **Infeasible**

27. Parcel 31 is an approved senior housing project and therefore is deemed **Feasible**.

28. Parcel 32 is a parking structure owned by the Irvine Company. The parking structure could be reconfigured to accommodate housing. If the site is found suitable, the property owner should be advised that a land use change to allow some housing might be possible. **Potentially Feasible**

29. Parcels 114-120 and Parcel 122 are high and low-rise office and parking structures that do not look like they would be able to be reconfigured to accommodate housing. **Infeasible**

30. Parcel 121 is the Fashion Island Hotel and parking structures that could be reconfigured to accommodate housing. If the site is found suitable, the property owner should be advised that a land use change to allow some housing might be possible. **Potentially Feasible**
31. Parcels 105-109 appear to be relatively efficient smaller buildings on smaller parcels that would not appear likely to be changed in the 6<sup>th</sup> Cycle. **Infeasible**
32. Parcel 104 is an older office building on a smaller parcel that is probably not a candidate for housing, but it potentially could be depending on the condition of the building. If the site is found suitable, the property owner should be advised that a land use change to allow housing might be possible. **Potentially Feasible**
33. Parcels 110-113 are Irvine Company headquarters and a new high rise with already reconfigured parking in structures. It is not likely that any change will happen to these Parcels within the 6<sup>th</sup> Cycle. **Infeasible**
34. County Bus Depot is located on Parcel 107. The Parcel is irregular in shape, serves an important public purpose and is not likely to be changed during the 6<sup>th</sup> Cycle. **Infeasible**
35. Parcels 98-102 are improved with medical buildings and surface and structured parking. The buildings are in one ownership and appear far enough apart to perhaps accommodate a building pad(s) by the reconfiguration of surface parking and adding more parking structure parking. If the site is found suitable, the property owner should be advised that a land use change to allow some housing might be possible. **Potentially Feasible**
36. Parcel 103 is a midrise office building with a larger surface parking lot that might be able to be relocated into a new parking structure to enable creation of a building pad for residential development. If the site is found suitable, the property owner should be advised that a land use change to allow some housing might be possible. **Potentially Feasible**
37. Parcels 91-97 look to be Parcels with no parking facilities on the Parcels (i.e. the Parcels are not much larger than the building footprints) but which all use the improved parking lot on Parcel 90. While it is possible that the surface parking on Parcel 90 could remain and that housing could be built above the parking, the configuration of the existing buildings on the Parcels and the location of any added housing over parking may not be an aesthetic or functional design. **Infeasible**
38. Parcels 87-89 are improved with two theatre buildings and a surface parking lot. With the status of the movie theatre business in doubt, it is possible that the property could be available to change over to a housing use during the 6<sup>th</sup> Cycle. If the site is found suitable, the property owner should be advised that a land use change to allow housing might be possible. **Potentially Feasible**
39. Parcels 77 and 78, 80-86 look to be Parcels with no parking facilities on the Parcels (i. e. the Parcels are not much larger than the building footprints) but which all use the improved parking lot on Parcel 79. It appears that in-fill housing could fit on some of the parking area. If any portion of Parcel 79 is found to be a suitable location for housing, the owner of Parcel 79 should be advised that a land use change to allow some housing might be possible. **Potentially Feasible**
40. Parcels 57-61 and 63-76 look to be Parcels with no parking facilities on the Parcels (i. e. the Parcels are not much larger than the building footprints) but which all use the improved parking lot on Parcel 62. It appears that in-fill housing could fit on some of the parking area. If any portion of Parcel 62 is found to be a suitable location for housing, the owner of Parcel 62 should be advised that a land use change to allow some housing might be possible. **Potentially Feasible**

41. Parcels 45 and 47-56 look to be Parcels with no parking facilities on the Parcels (i. e. the Parcels are not much larger than the building footprints) but which all use the improved parking lot on Parcel 46. It appears that in-fill housing could fit on some of the parking area. If any portion of Parcel 46 is found to be a suitable location for housing, the owner of Parcel 46 should be advised that a land use change to allow some housing might be possible. **Potentially Feasible**

42. Parcel 52 is or expected to imminently be subject to an application for housing on its own, so if the Parcel is found suitable, it would be deemed **Feasible**.

43. Fashion Island (No Parcel number on Map, but Fashion Island refers to the area inside the Newport Center ring road). With the changes happening in the retail mall real estate segment, it is quite possible that changes to the uses and configuration of improvements in Fashion Island will be necessary in order for Fashion Island to continue to be successful and remain an important community gathering place into the future. Due to an abundance of land area and a single ownership, Fashion Island would be a feasible area for housing. If Fashion Island is found to be a suitable location for housing, the owner of the property should be advised that a land use change to allow some housing might be possible. **Feasible**

44. Parcels 123 and 124 are Church parcels and would ordinarily be deemed infeasible due to the size of the buildings on the Parcels. However, the parking lots might be able to be combined in some fashion to generate a housing site and if the Churches deemed it to be in the interest of their missions to provide housing and if the sites were found suitable, then the Churches should be advised that a land use change to allow some housing might be possible. **Potentially Feasible**

45. Parcels 125 and 126 are improved with Churches but are smaller Parcels with a narrow configuration. **Infeasible**

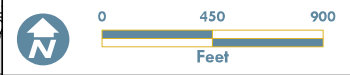
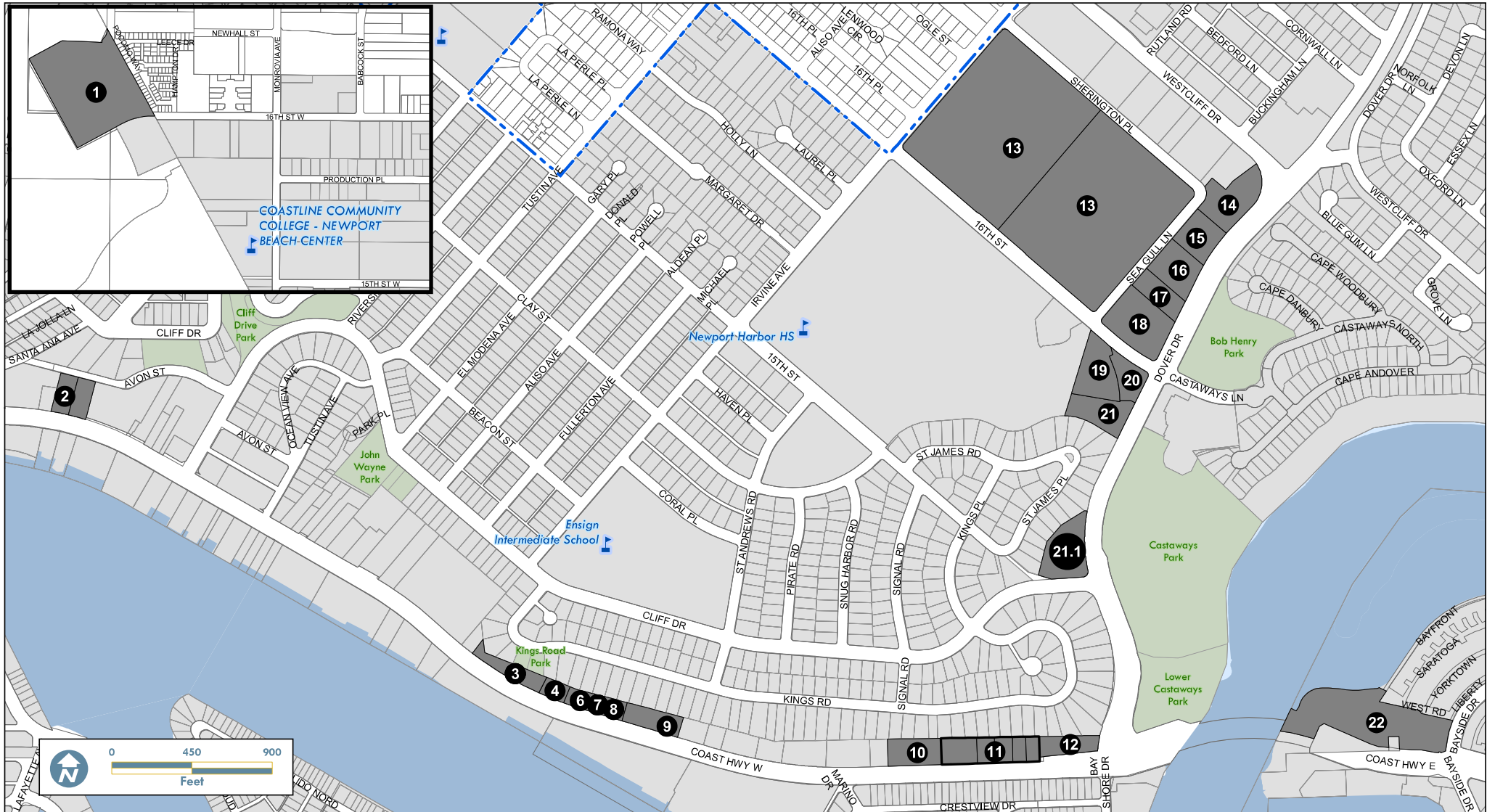
46. Parcel 127 is a site that was proposed for 21 units but apparently the application was withdrawn before it went before the Planning Commission. The Site looks to be feasible for housing, although the density may have to be reduced in order for a design to be achieved that meets any safety concerns. If found suitable, the owner of the property should be advised that a land use change to allow housing might be possible. **Feasible**

47. Parcel 128 is the Coyote Canyon landfill which is owned by the County of Orange. It has been the understanding of the City Staff that the site is not developable for housing since it is not practicable to put housing on top of a landfill due to regulatory and cost hurdles. However, unbeknownst to the City Staff, the northerly 32 acres of the site was never used as part of the landfill. The ground lessee of the property from the County of Orange is affiliated with a large civil engineering firm and after some due diligence, the ground lessee believes the 32-acre site is capable of being developed for housing. If the site is found to be suitable, the owner of the site should be advised that a land use change to allow a housing use on the 32 acres might be possible. **Feasible**

48. Parcel H92 (at Map 5 of 5) is a City owned parking lot contiguous to extension of Avon Street East of Tustin Ave. While the site is in a parking constrained area and the City will probably want to maintain flexibility to continue a parking use of the property, it is possible that the parking use could be retained and housing added above. **Potentially Feasible**

49. Parcels H98, H99 and H100 (of Map 5 of 5) includes the Balboa Marina parking lot owned by the Irvine Company. While the site is somewhat narrowly configured and the existing parking use would need to remain, it is possible that some housing could fit on the site. If found suitable, the owner of the property should be advised that a land use change to allow housing might be possible. **Potentially Feasible**

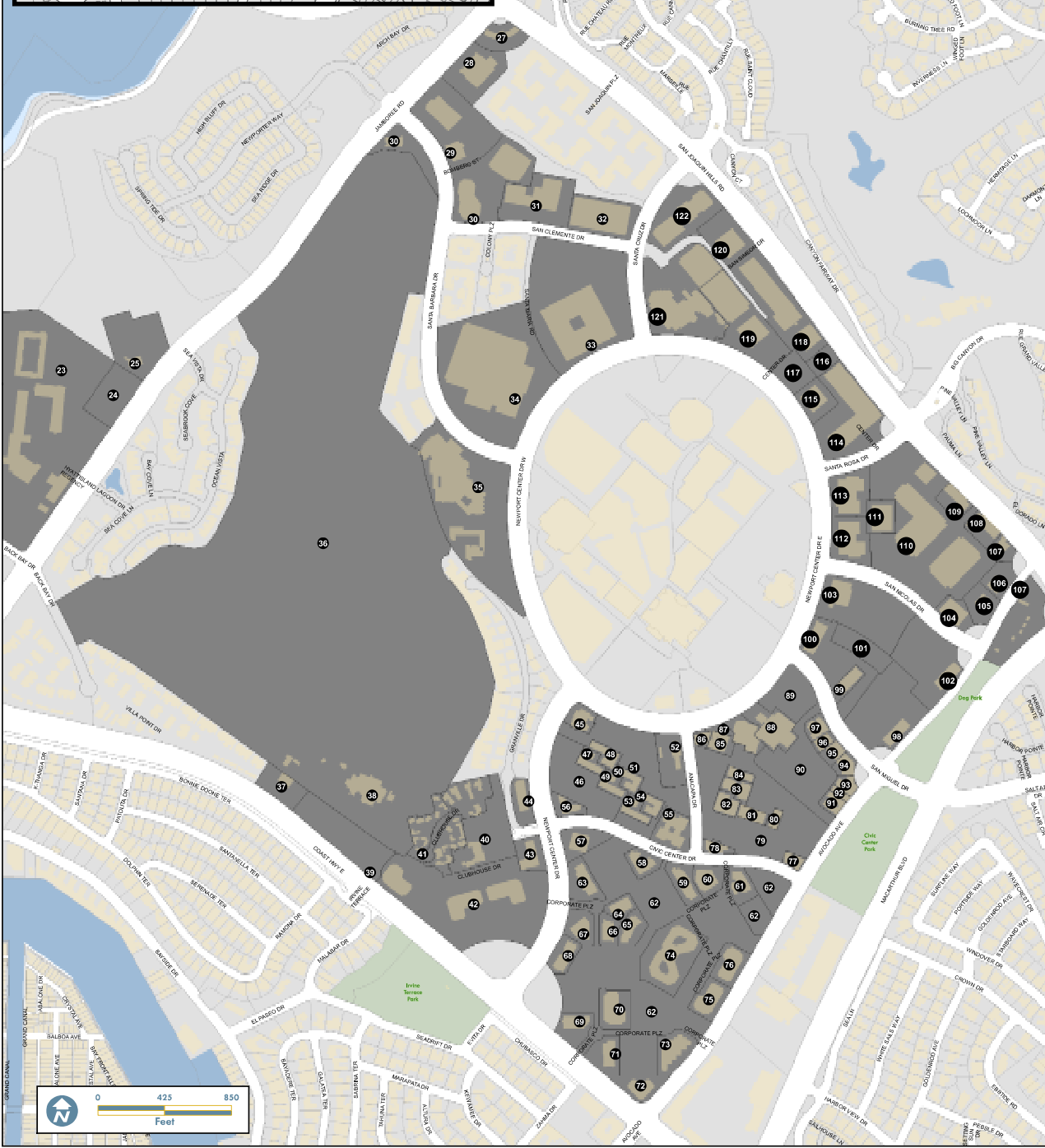
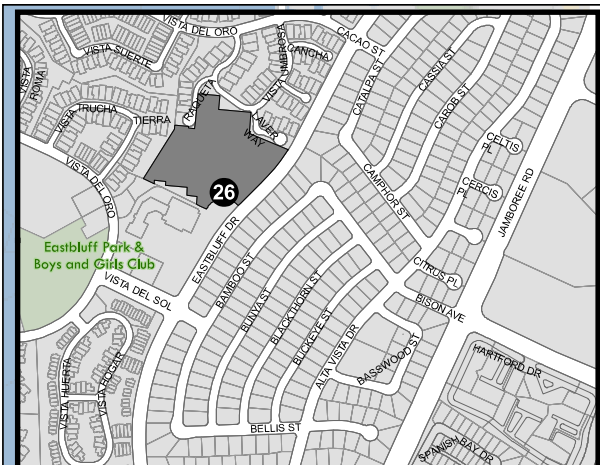




Citywide\_Sites\_Index\_Map\_1.mxd

# Ownership Inventory Map 1





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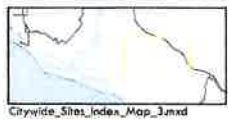
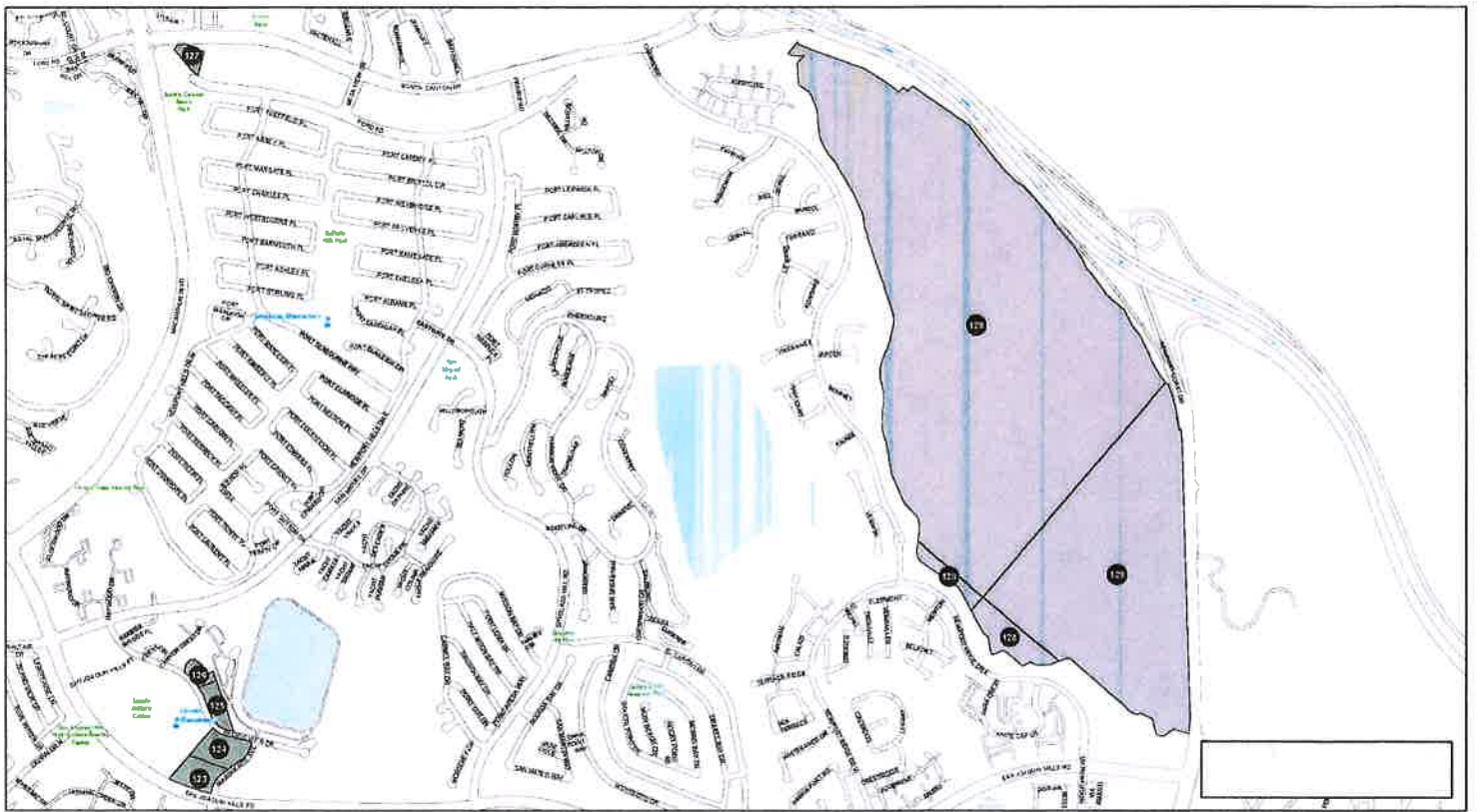


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## Ownership Inventory Map 2







### Ownership Inventory Map 3

City of Newport Beach  
GIS Division  
October 15, 2020

Citywide\_Sites\_10den\_Map\_3.mxd

Housing Element

**Table H32 Sites Analysis and Inventory Summary**

Areas	General Plan Designation	Zoning Designation	Realistic Dwelling Unit Capacity*	Density (du/acre) or Development Limit
<b>VACANT</b>				
Banning Ranch	RV and OS	Planned Community (PC)	1,375	Maximum development limit of 1,375 du
Corona del Mar	RM	RM	8	Development limit of 8 du permitted
<b>INFILL/MIXED-USE</b>				
John Wayne Airport Area	MU-H2	Planned Community (PC)	2061	30 du/ac minimum and 50 du/ac maximum. ** Development limit of 2,200 du permitted as replacement of existing uses (550 du permitted as infill)
Newport Center	MU-H3 and RM	Planned Community (PC)	608	Development limit of 608 du permitted as infill
Mariners' Mile	MU-W1 and MU-H1	MU-W1 and MU-MM	232	MU-W-1: ■ Mixed-Use FAR: 1.0, with 0.5 for residential ■ Multi-Family Residential: 12 du/acre (50% of site) MU-MM: ■ Mixed-Use: FAR 1.5, with 1.0 for residential
West Newport Mesa	RM	RM	71	18 du/ac
Dover Dr./ Westcliff Dr.	MU-H1	MU-DW	89	MU-DW: FAR 1.5, with 1.0 for residential
<b>Balboa Peninsula Area</b>			170	
Lido Marina Village	MU-W2 and RM (20/ac)	MU-W2 and (RM 2178)	62	MU-W2: FAR 1.5, with 0.8 for residential RM (20 du/acre)
Cannery Village	MU-H4 MU-W2	MU-CV/15 <sup>th</sup> St. and MU-W2	55	MU-CV/15 <sup>th</sup> St.: ■ Mixed-Use: FAR 1.5, with 1.0 for residential ■ Multi-Family: 20.1 to 26.7 du/net acre MU-W2: ■ Mixed-Use: FAR 1.25, with 0.75 for residential
Balboa Village	MU-V	MU-V	14	MU-V: FAR 1.5, with 1.0 for residential
McFadden Square	MU-W2	MU-W2	39	MU-W2: FAR: 1.25, with 0.75 for residential
<b>Total</b>			<b>4,612</b>	

SOURCE: City of Newport Beach Planning Division, General Plan, and Sites Analysis and Inventory

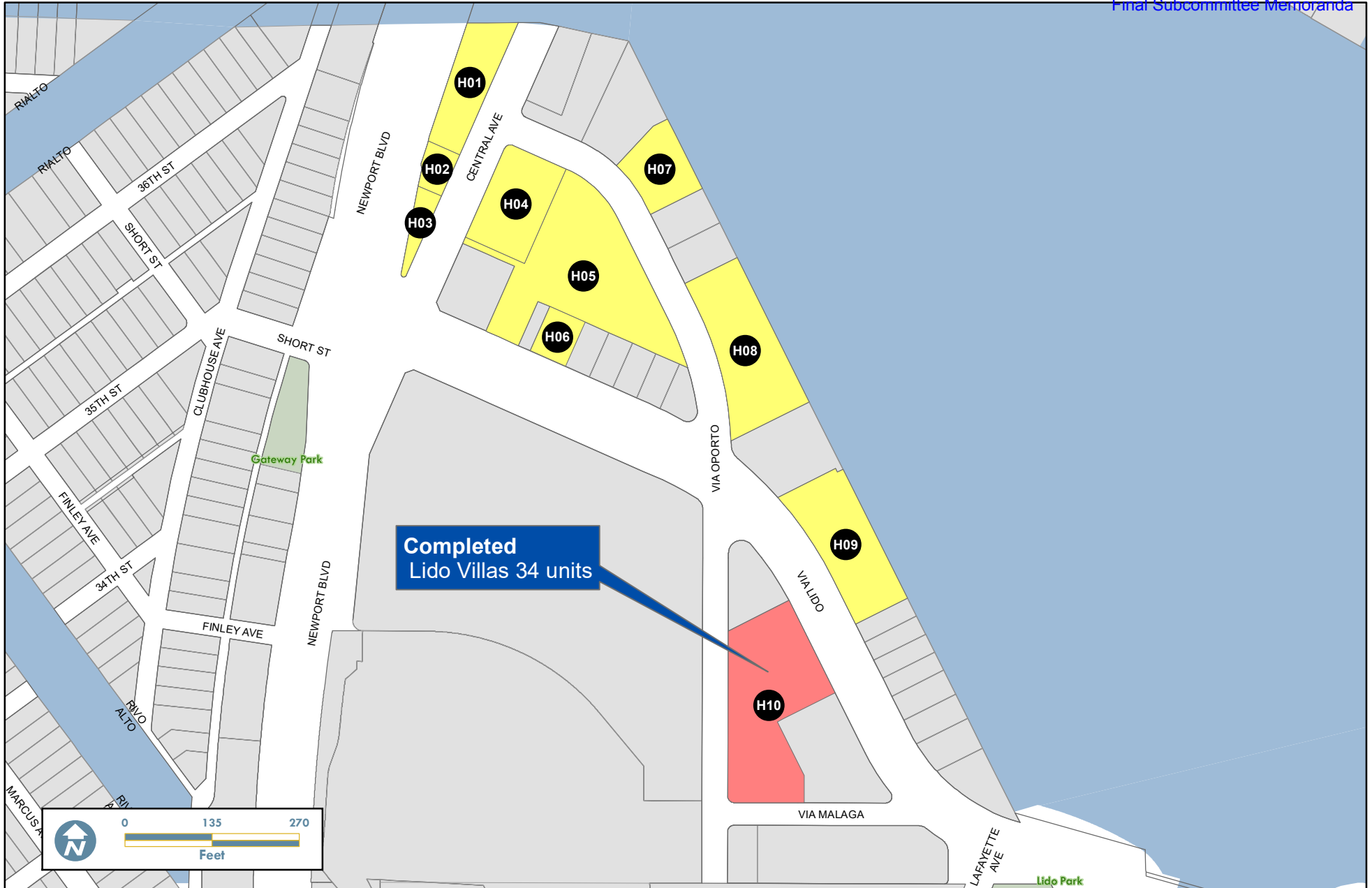
MU-H1 = Mixed-Use(MU) - Horizontal 1  
 MU-H2 = MU - Horizontal 2  
 MU-H3 = MU - Horizontal 3  
 MU-H4 = MU - Horizontal 4

MU-W1, MU-W2 = MU - Water 1, 2  
 MU-MM, MU-DW = MU - Mariners Mile, MU-Dover Westcliff  
 MU-CV/15<sup>th</sup> St. = MU-Cannery Village/15<sup>th</sup> St.

MU-V = MU-Vertical  
 RM = Multiple-Family Residential  
 RV = Residential Village, OS = Open Space  
 PC = Planned Community

\* Capacities reflect potential net increase in dwelling units above existing uses. As explained in detail within the Sites Analysis and Inventory, realistic capacities were based on average densities of actual constructed, permitted, or proposed projects within the City and accurately reflect achievable housing units. For example, although mixed-use designations permit densities of up to 26.7 du/ac, realistic capacities were calculated using 18 du/ac, based on actual mixed-use projects constructed within the City.

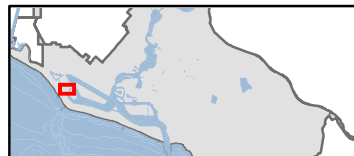
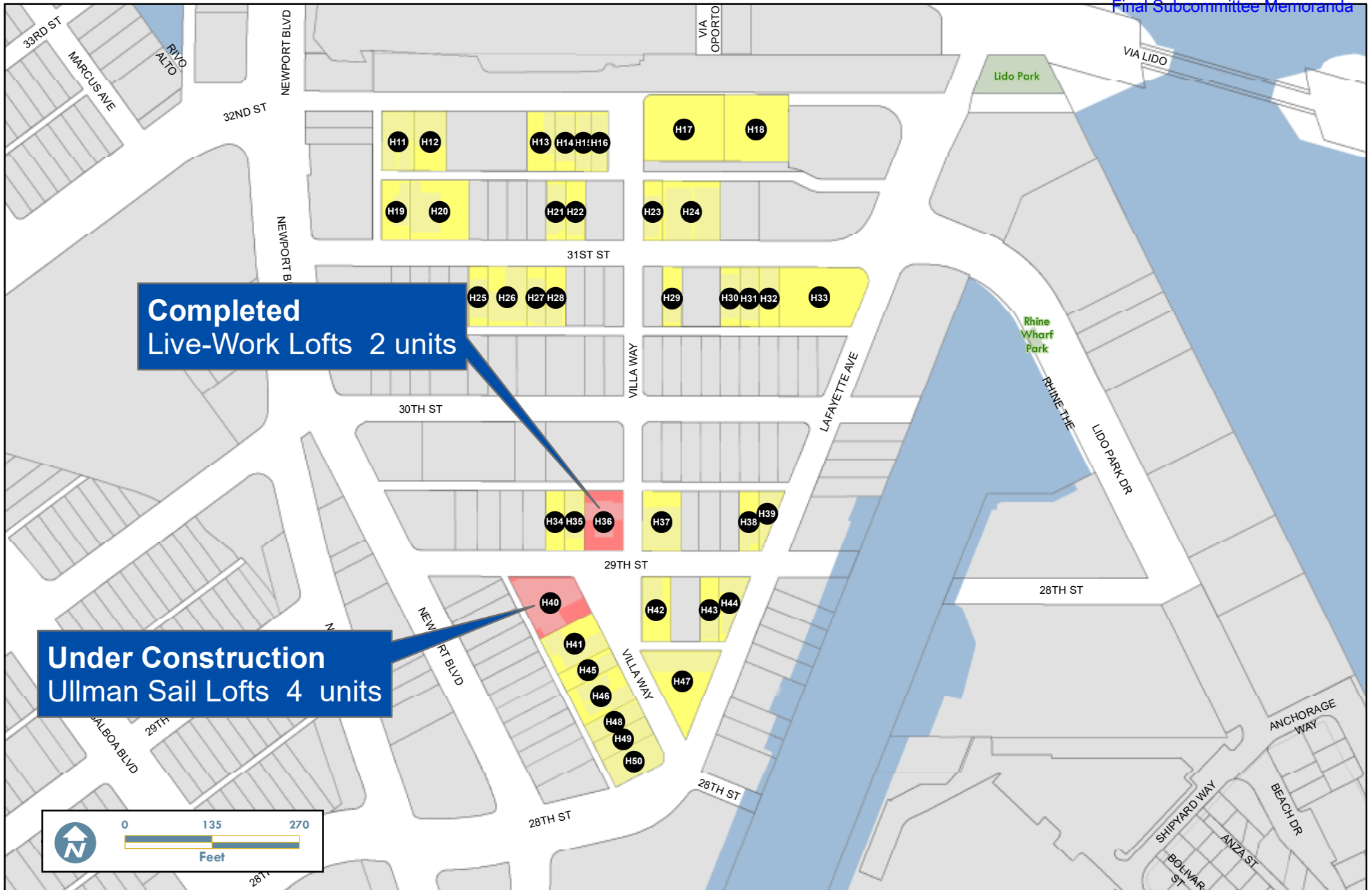
\*\* Pursuant to Government Code Section 65583.2, a minimum density of 30 du/ac shall be deemed appropriate to accommodate housing for lower-income households for urbanized areas.



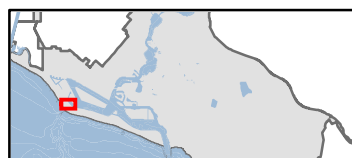
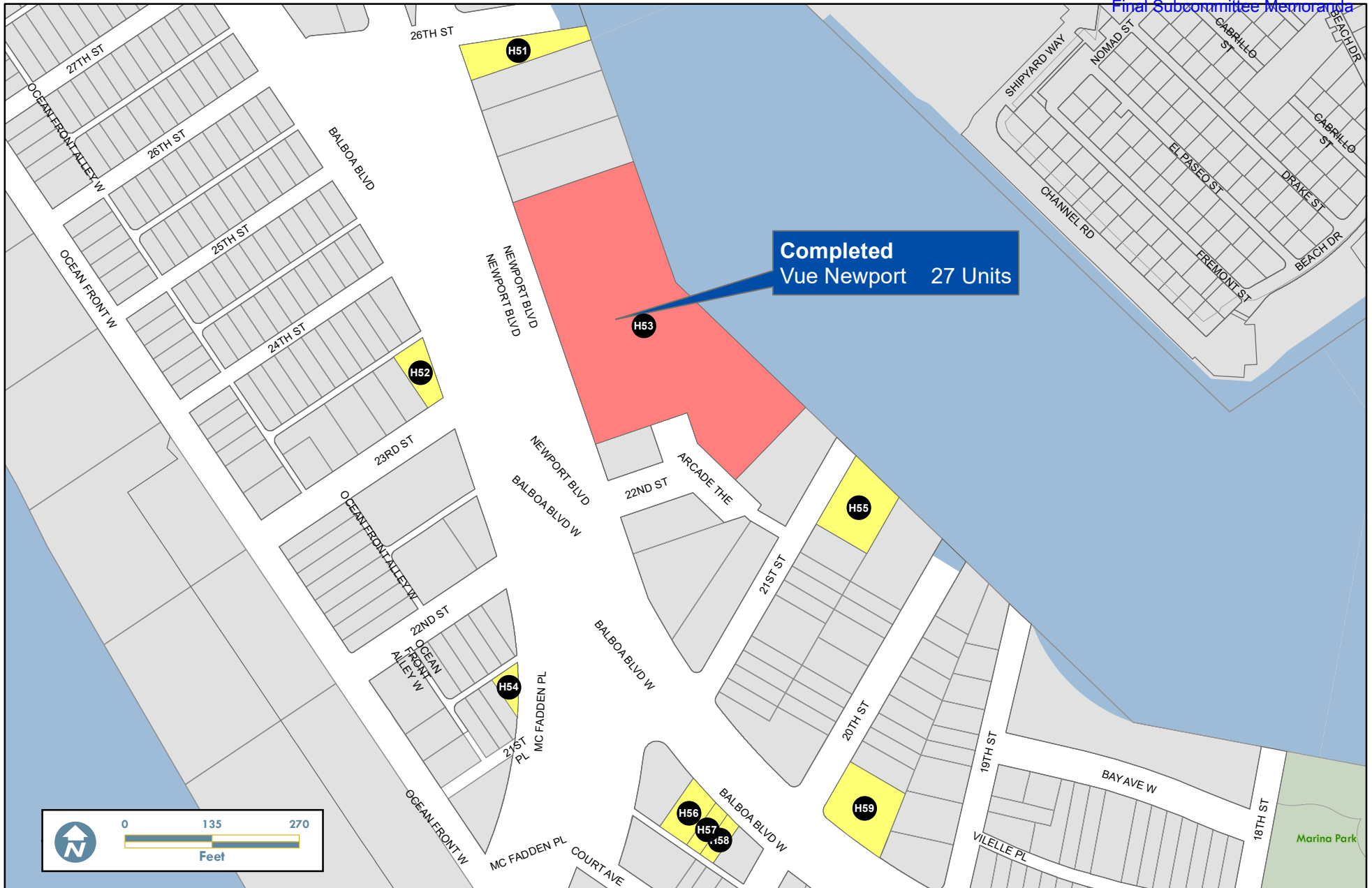
**Map 1 of 5**  
**(H01 - H10)**

## **Lido Marina Village**

### **Housing Element Sites Inventory**

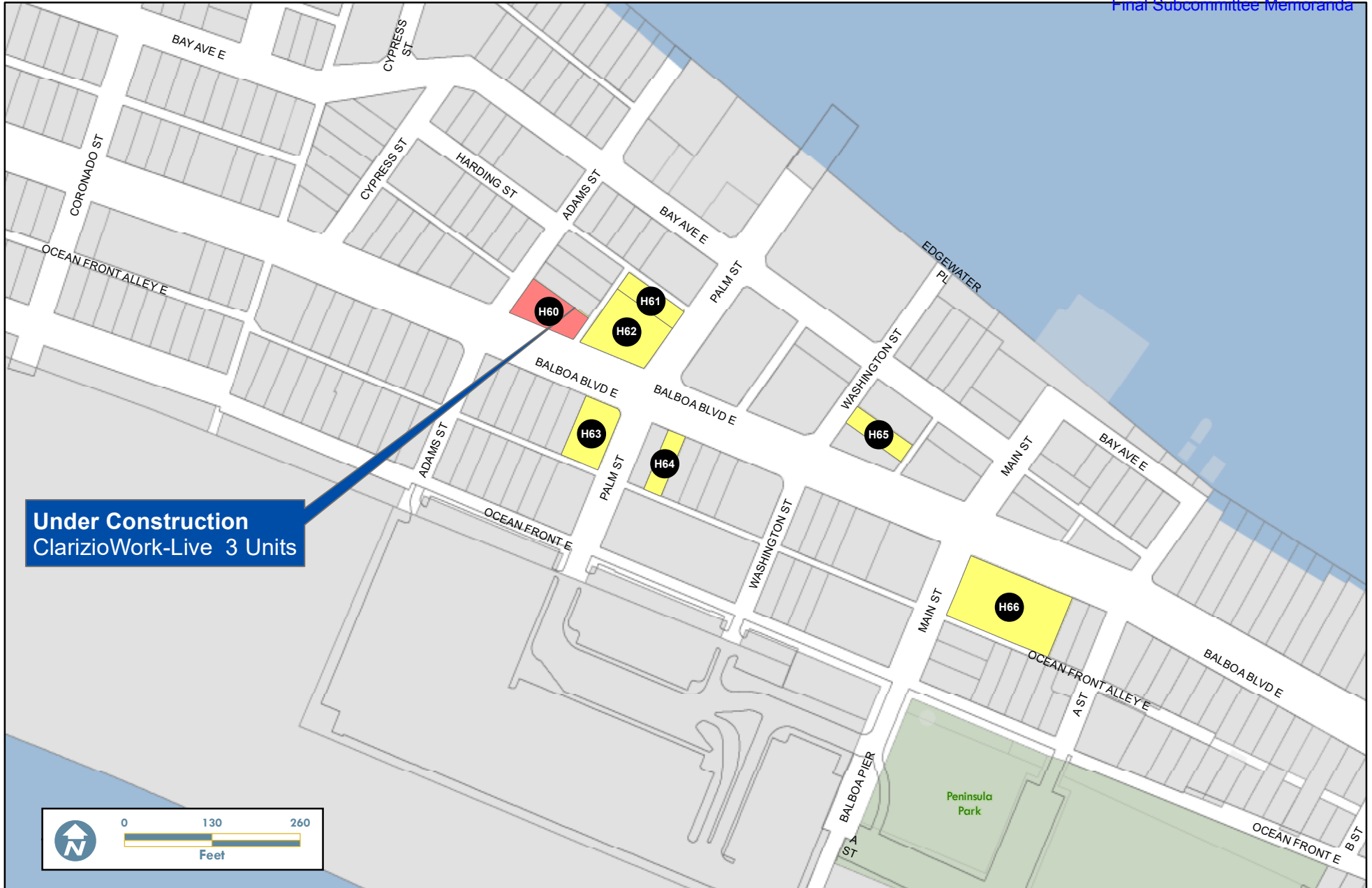


**Map 2 of 5**  
**(H11 - H50)**  
**Cannery Village**  
**Housing Element Sites Inventory**

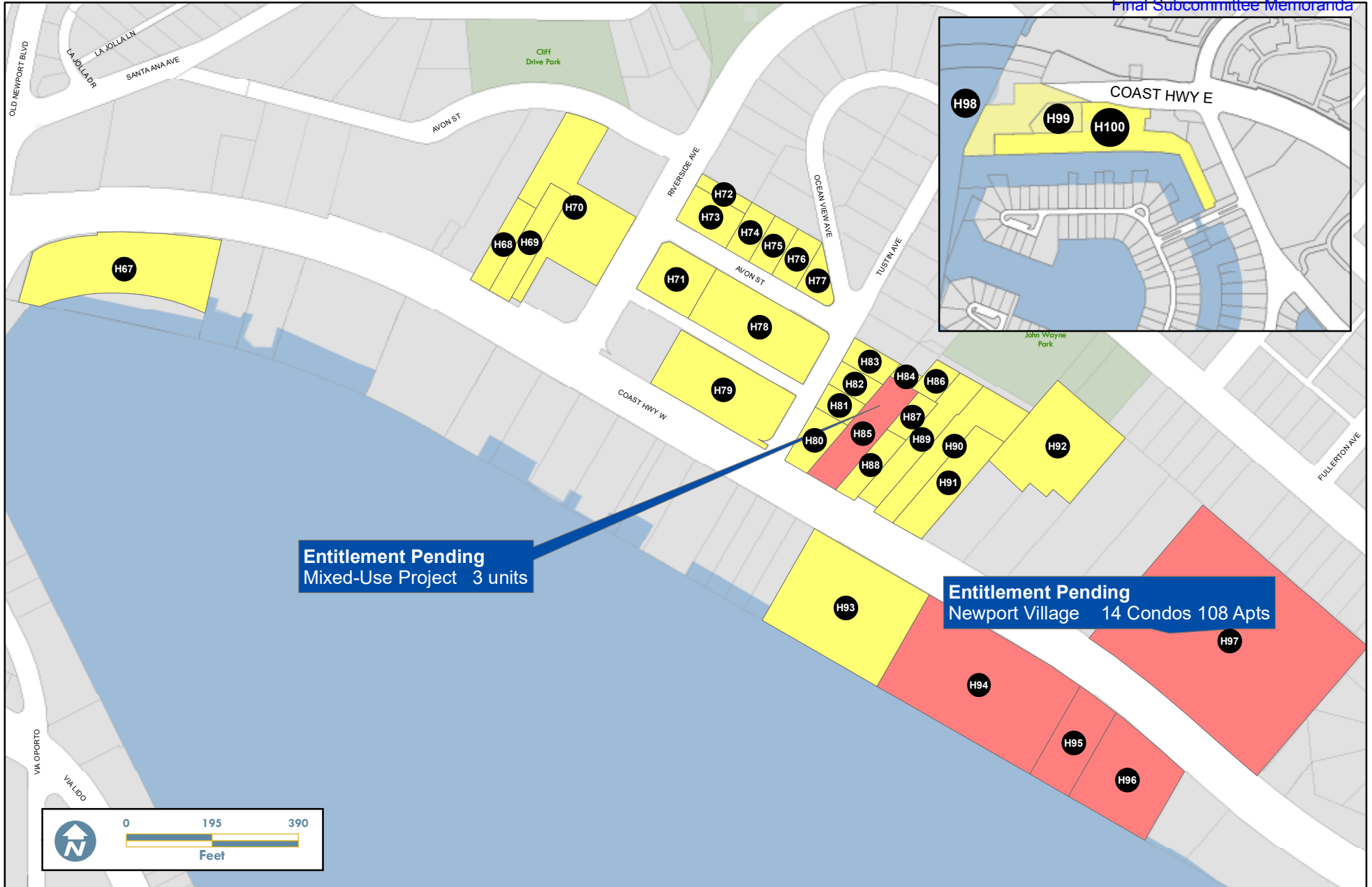


## Map 3 of 5      McFadden Square (H51 - H59)      Housing Element Sites Inventory





**Map 4 of 5**  
**(H60 - H66)**  
**Balboa Village**  
**Housing Element Sites Inventory**






# Map 5 of 5 Mariners' Mile H67 - H100) Housing Element Sites Inventory

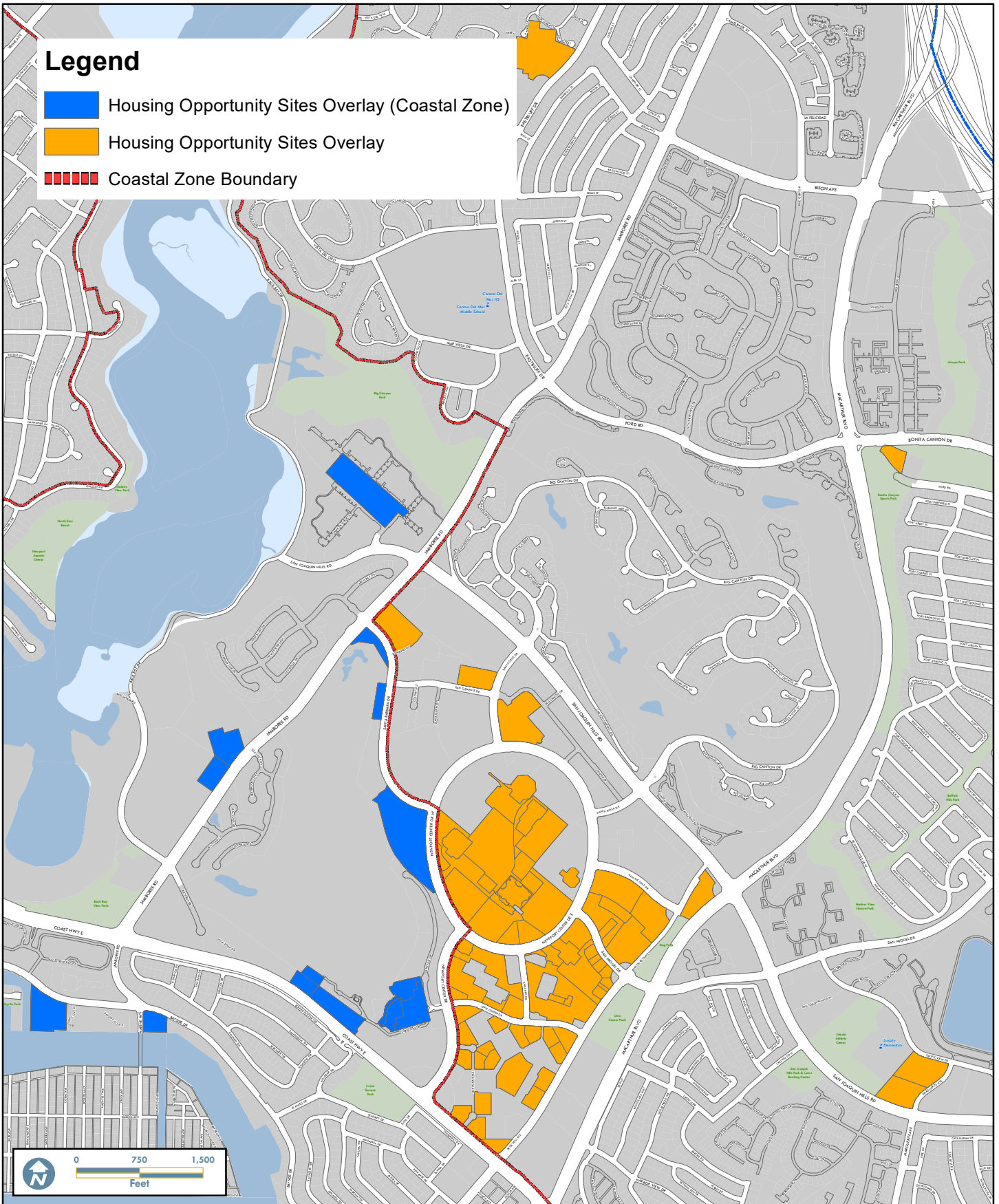
# **Attachment B**

HO-4 Map



# Legend

-  Housing Opportunity Sites Overlay (Coastal Zone)
-  Housing Opportunity Sites Overlay
-  Coastal Zone Boundary



## HO-4 Newport Center Area



City of Newport Beach  
GIS Division  
October 04, 2024