

RESOLUTION NO. 2026-06
RESOLUTION OF THE ZONING ADMINISTRATOR OF
ORANGE COUNTY, CALIFORNIA
FEBRUARY 19, 2026

By action of the Zoning Administrator, the following Resolution was adopted:

WHEREAS, Planning Application PA25-0026 was submitted by the applicant, Gabe Von Wellsheim, requesting approval of a Coastal Development Permit, for the installation of a 165.00 KW ground mounted photovoltaic solar energy system at Marriott's Newport Coast Villas.

WHEREAS, the project does not involve grading or alter existing land use designations, and will not result in impacts to public access, recreational amenities, or environmentally sensitive habitat areas;

WHEREAS, the project is consistent with the City of Newport Beach General Plan Land Use Element and the Visitor Serving Commercial Land Use Designation;

WHEREAS, the project is consistent with the Coastal Zone development standards pursuant to Zoning Code Section 7-9-72 and TC "Tourist Commercial" zoning designation under the certified Newport Coast Local Coastal Program;

WHEREAS, the proposed project is Categorically Exempt (Class 11) from the provisions of CEQA pursuant to Section 15311, because the proposed project is minor structures, accessory to (appurtenant to) existing commercial facility.

WHEREAS, a duly noticed public hearing was held on February 19, 2026, before the Orange County Zoning Administrator, at which time all interested persons were given the opportunity to be heard, and the Zoning Administrator reviewed and considered all evidence presented, including the staff report and public testimony;

WHEREAS, the Zoning Administrator reviewed and fully considered the proposed Coastal Development Permit PA25-0026 and has heard and considered any public comments received on this request and determined after review and consideration to approve Coastal Development Permit PA25-0026.

NOW, THEREFORE, BE IT RESOLVED THAT the Orange County Zoning Administrator adopts this resolution to:

1. Find that the project is categorically exempt from the California Environmental Quality Act (CEQA), Class 11 (Accessory Structures) pursuant to CEQA Guidelines section 15311.
2. Adopt Planning Application PA25-0026 for a Coastal Development Permit for the installation of a 165.00 KW ground-mounted photovoltaic solar energy system consisting of 300 modules and three (3) inverters at Marriott's Newport Coast Villas subject to the Findings and Conditions of Approval contained within the Resolution.

Recommended Findings:

1. General Plan
 - a. The proposed project is consistent with Land Use Element goal 2.6 City of Newport Beach General Plan as the solar installation is an accessory improvement to the existing development and provide renewable energy.
2. Zoning Code
 - a. The use, activity or improvement(s) proposed, subject to the specified conditions, is consistent with the provisions of the Zoning Code Section 7-9-72, which allows solar energy systems as an accessory to existing development. The ground-mounted solar system is an accessory improvement to the existing resort and does not alter the approved land use or zoning designation.
3. California Environmental Quality Act (CEQA)
 - a. The proposed project is Categorically Exempt (Class 11) from the provisions of CEQA pursuant to Section 15311, because the proposed project is minor structures, accessory to (appurtenant to) existing commercial facility.
4. Compatibility
 - a. That the location, size, design and operating characteristics of the proposed use will not create unusual conditions or situations that may be incompatible with other permitted uses in the vicinity.
5. General Welfare
 - a. That the application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.
6. Public Facilities
 - a. The approval of the permit application complies with Codified Ordinance Section 7-9-711 regarding public facilities (fire station, library, sheriff, etc.) because the

proposed project would be required to pay into development impact fees prior to the issuance of building permits.

7. Local Coastal Program

- a. That the development project proposed by the application conforms to the certified Newport Coast LCP.
- b. The project conforms to the public access and public recreation policies of the California Coastal Act.
- c. The approval of the application will result in full compliance with the requirements of the certified land use plan.

Recommended Conditions of Approval:

1. Basic/Zoning Regulations

- a. This approval constitutes approval of the proposed project only to the extent that the project complies with the Orange County Zoning Code and any other applicable zoning regulations. Approval does not include any action or finding as to compliance or approval of the project regarding any other applicable ordinance, regulation or requirement.

2. Basic/Time Limit

- a. This approval is valid for a period of 36 months from the date of final determination. If the use approved by this action is not established within such period, this approval shall terminate and become null and void, unless a valid extension is approved.

3. Basic/Plan

- a. If the applicant proposes changes regarding the location or alteration of any use or structure, the applicant shall submit a changed plan to the Director, OC Planning, for approval. If the Director, OC Planning, determines that the proposed change complies with the provisions and the spirit and intent of the original approval action, and that the action would have been the same for the changed plan as for the approved plot plan, he may approve the changed plan without requiring a new public hearing.

4. Basic/Compliance

- a. Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Orange County Zoning Administrator.

5. Indemnification

- a. Applicant shall defend with counsel approved by the County of Orange in writing, indemnify and hold harmless the County of Orange, its officers, agents and employees from any claim, action or proceeding against the County, its officers, agents or employees to attack, set aside, void, or annul any approval of the application or related decision, or the adoption of any environmental documents, findings or other environmental determination, by the County of Orange, its Board of Supervisors, Planning Commission, Zoning Administrator, Director of OC Public Works, or Deputy Director of OC Development Services concerning this application. The County may, at its sole discretion, participate in the defense of any action, at the applicant's expense, but such participation shall not relieve applicant of his/her obligations under this condition. The County may, at its sole discretion, require the Applicant to post a bond, enter into an escrow agreement, obtain an irrevocable letter of credit from a qualified financial institution, or provide other security, to the satisfaction of the County, in anticipation of litigation and possible attorney's fee awards. Applicant shall reimburse the County for any court costs and attorney's fees that the County may be required to pay as a result of such action. The County shall promptly notify the applicant of any such claim, action or proceeding.

6. Basic/Appeal Exactions

- a. Pursuant to Government Code Section 66020, the applicant is hereby informed that the 90-day approval period in which the applicant may protest the fees, dedications, reservations or other exactions imposed on this project through the conditions of approval has begun.

7. California Building Code Compliance

- a. Prior to the issuance of any building permits and throughout all phases of construction, the project shall comply with all applicable requirements of the current California Building Code (CBC), as adopted and amended by the local jurisdiction. Compliance shall be demonstrated to the satisfaction of the Building Official.

8. Archaeological Monitoring

- a. On-site archaeological resource surveillance shall be required during all grading activities within Planning Area 13B. Monitoring shall be conducted in accordance with County requirements and to the satisfaction of the Manager, Building and Safety Services.

9. Building and Safety Requirements

- a. The project shall comply with the latest adopted California Codes and Standards, including County of Orange amendments, in effect at the time of Building Permit Application submittal.
- b. Structural plans and calculations shall be submitted for review and approval as part of the Building Permit application.
- c. The proposed structure shall maintain required setbacks from the existing slope in accordance with the latest adopted California Building Code.

10. Construction Noise

- a. Prior to the issuance of any grading permits, the project proponent shall produce evidence acceptable to the Manager, Building and Safety Division, that:
 - i. All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with properly operating and maintained mufflers.
 - ii. All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).
 - iii. Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.
- b. Notations in the above format are appropriately numbered and included with other notations on the front sheet of the project's permitted grading plans, will be considered as adequate evidence of compliance with this condition.

11. Erosion and Sediment Control Plan

- a. Prior to the issuance of any grading or building permit, the applicant shall submit an Erosion and Sediment Control Plan (ESCP) in a manner meeting approval of the Manager, Building and Safety Division, to demonstrate compliance with the County's NPDES Implementation Program and state water quality regulations for grading and construction activities. The ESCP shall identify how all construction materials, wastes, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments, etc. shall be properly covered, stored, and secured to prevent transport into local drainages or coastal waters by wind, rain, tracking, tidal erosion or dispersion. The ESCP shall also describe how the applicant will ensure that all BMPs will be maintained during construction of any future public right-of-ways. The ESCP shall be updated as needed to address the changing circumstances of the project site. A copy of the current ESCP shall be kept at the project site and be available for County review on request.

12. Standard Condition Bio-1 Migratory Bird Treaty Act

Prior to the issuance of any grading permit that would impact potentially suitable nesting habitat for avian species, the project applicant shall adhere to the following:

1. Vegetation removal activities shall be scheduled outside the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to the extent feasible to avoid potential impacts to nesting birds and/or ground nesters.
2. Any construction activities that occur during typical nesting season (February 15 to August 31 for songbirds; January 15 to August 31 for raptors) will require that all suitable habitat, on-site and within 300-feet surrounding the site (as feasible), be thoroughly surveyed for the presence of nesting birds by a qualified biologist before commencement ground disturbances. If active nests are identified, the biologist would establish buffers around the vegetation (500 feet for raptors and sensitive species, 200 feet for non-raptors/non-sensitive species). All work within these buffers would be halted until the nesting effort is finished (i.e. the juveniles are surviving independent from the nest). The onsite biologist would review and verify compliance with these nesting boundaries and would verify the nesting effort has finished. Work can resume within these areas when no other active nests are found. Alternatively, a qualified biologist may determine that construction can be permitted within the buffer areas and would develop a monitoring plan to prevent any impacts while the nest continues to be active (eggs, chicks, etc.). Upon completion of the survey and any follow-up construction avoidance management, a report shall be prepared and submitted to County for mitigation monitoring compliance record keeping.

I HEREBY CERTIFY that the foregoing Resolution No. 2026-06 was adopted on February 19, 2026 by the Orange County Zoning Administrator.

By: Justin Kirk, Deputy Director OC Public Works
ORANGE COUNTY ZONING ADMINISTRATOR