CITY OF NEWPORT BEACH
CITY COUNCIL AGENDA

OCTOBER 28, 2025
COUNCIL CHAMBERS - 100 CIVIC CENTER DRIVE, NEWPORT BEACH, CA 92660

REGULAR MEETING - 4: 00 P.M.
CLOSED SESSION FOLLOWS MOTION FOR RECONSIDERATION

JOE STAPLETON, Mayor
LAUREN KLEIMAN, Mayor Pro Tem
MICHELLE BARTO, Councilmember
NOAH BLOM, Councilmember
ROBYN GRANT, Councilmember
SARA J. WEBER, Councilmember
ERIK WEIGAND, Councilmember

GRACE K. LEUNG, City Manager
AARON C. HARP, City Attorney
LENA SHUMWAY, City Clerk

NOTICE REGARDING PRESENTATIONS REQUIRING USE OF CITY EQUIPMENT
Any presentation requiring the use of the City of Newport Beach's equipment must be submitted to the City Clerk 24 hours prior to the scheduled City Council meeting.

LEVINE ACT
Under the Levine Act, Section 84308 of the Government Code, a party to a proceeding before the City involving a contract (other than competitively bid, labor, or personal employment contracts), franchise, license, permit, or other entitlement for use, is required to disclose on the record of the proceeding any contribution in an amount of more than five hundred dollars ($500) made within the preceding 12 months by the party or the party's agent to any elected or appointed officer of the City. If you have made a qualifying contribution, please ensure to make this disclosure on the record.

PUBLIC HEARINGS
If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

NOTICE TO THE PUBLIC
Any times listed in this agenda are provided as a courtesy and the actual item may be heard before or after the time given.
This agenda was prepared by the City Clerk, and staff reports are available in the City Council Chambers lobby at 100 Civic Center Drive or online at newportbeachca.gov/agendas. If you have any questions or require copies of any of the staff reports or other documentation regarding any item of business on the agenda, please contact City Clerk staff at 949-644-3005.
The City of Newport Beach's goal is to fully comply with the Americans with Disabilities Act (ADA). If you require special assistance to participate in this meeting, we will attempt to accommodate you in every reasonable manner. Please contact City Clerk staff prior to the meeting at 949-644-3005 or cityclerk@newportbeachca.gov so that reasonable accommodations can be made.

I. ROLL CALL - 4:00 p.m.

II. INVOCATION

Dave Manne, Pastor Emeritus, Calvary Chapel of Costa Mesa

III. PLEDGE OF ALLEGIANCE

IV. PRESENTATIONS

- **Proclaiming October 2025 as Emergency Room Nurses Week**
- **History of Newport Coast by Mike Stockstill**

V. PUBLIC COMMENTS ON AGENDA AND NON-AGENDA ITEMS

The City Council of Newport Beach welcomes and encourages community participation. Public comments are invited on items listed on the agenda and non-agenda items. Speakers must limit comments to three minutes per person to allow everyone to speak. Written comments are encouraged as well. The City Council has the discretion to extend or shorten the time limit on agenda or non-agenda items.

VI. CITY COUNCIL ANNOUNCEMENTS AND ORAL REPORTS FROM CITY COUNCIL ON COMMITTEE ACTIVITIES

VII. MATTERS WHICH COUNCILMEMBERS HAVE ASKED TO BE PLACED ON A FUTURE AGENDA (NON-DISCUSSION ITEM)

- **Consider exploring an Underground Utility Assessment Loan Program to help property owners who face significant financial hardship in paying assessment and private connection costs associated with the creation of future underground utility assessment districts (Submitted by Councilmember Barto).**

VIII. PUBLIC COMMENTS ON CONSENT CALENDAR

This is the time in which Councilmembers may pull items from the CONSENT CALENDAR for discussion (ITEMS 1 - 17 and S21). Public comments are also invited on Consent Calendar items. Speakers must limit comments to three minutes. Before speaking, please state your name for the record. If any item is removed from the Consent Calendar by a Councilmember, members of the public are invited to speak on each item for up to three minutes per item.

All matters listed under CONSENT CALENDAR are considered to be routine and will all be enacted by one motion in the form listed below. Councilmembers have received detailed staff reports on each of the items recommending an action. There will be no separate discussion of these items prior to the time the City Council votes on the motion unless members of the City Council request specific items to be discussed and/or removed from the Consent Calendar for separate action.

IX. CONSENT CALENDAR

READING OF MINUTES AND ORDINANCES

1. Minutes for the October 14, 2025, City Council Meeting

Waive reading of subject minutes, approve as written, and order filed.

Minutes

2. Reading of Ordinances

Waive reading in full of all ordinances under consideration and direct the City Clerk to read by title only.

ORDINANCES FOR ADOPTION

3. Ordinance Nos. 2025-32 and 2025-33: Amending Titles 20 and 21 of the Newport Beach Municipal Code Establishing the Special Flood Hazard (VE) Overlay

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3), and 15305 under Class 5 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines because it has no potential to have a significant effect on the environment;

b) Conduct a second reading and adopt Ordinance No. 2025-32, *An Ordinance of the City Council of the City of Newport Beach, California, Adopting Revisions to Zoning Code Amendment (PA2018-075) Amending Title 20 (Planning and Zoning) of the City of Newport Beach Municipal Code to Establish the Special Flood Hazard Area Overlay for Consistency with the California Coastal Commission's Modifications (PA2018-075);* and

c) Conduct a second reading and adopt Ordinance No. 2025-33, *An Ordinance of the City Council of the City of Newport Beach, California, Approving an Amendment to Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code, as Modified by the California Coastal Commission, to Establish the Special Flood Hazard Area Overlay (PA2018-075).*

Staff Report

Attachment A - Ordinance No. 2025-32

Attachment B - Ordinance No. 2025-33

RESOLUTIONS FOR ADOPTION

4. Resolution No. 2025-67: Vacation of Existing Sewer Easement at 124 Kings Place

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Adopt Resolution 2025-67, *A Resolution of the City Council of the City of Newport Beach, California, Summarily Vacating Public Sewer Easements at 124 Kings Place (Lot 10 of Block D, Tract 1219) and Directing the City Clerk to Record Same with the County Recorder's Office.*

Staff Report

Attachment A - Area Map

Attachment B - Map of Easement to be Vacated

Attachment C - Grant of New Easement

Attachment D - Resolution 2025-67

5. Resolution No. 2025-68: Certifying Funding Listed in the Federal Transportation Improvement Program

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Adopt Resolution No. 2025-68*, A Resolution of the City Council of the City of Newport Beach, California, Certifying that the City of Newport Beach has the Resources to Fund the Projects in the Federal Transportation Improvement Program for Federal Fiscal Years 2026-27 to 2031-32 and Affirming Its Commitment to Implement All City Projects in the Program.*

Staff Report

Attachment A - Resolution No. 2025-68

6. Resolution No. 2025-69: Accepting a Grant from the State of California, Division of Boating and Waterways for the Surrendered and Abandoned Vessel Exchange Program

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;

b) Adopt Resolution No. 2025-69*, A Resolution of the City Council of the City of Newport Beach, California, Accepting a Grant from the State of California, Department of Parks and Recreation, Division of Boating and Waterways for the Surrendered and Abandoned Vessel Exchange Program (SAVE);* and

c) Approve Budget Amendment No. 26-029 recognizing $100,000 in grant revenue from the California Division of Boating and Waterways (13501-431385-25H13) and

appropriating $100,000 to Account No. 13501-980000-25H13 and $10,000 to Account No. 10001-980000-25H13 Abandoned Watercraft Abatement.

Staff Report

Attachment A - Resolution No. 2025-69

Attachment B - Budget Amendment

S21. Resolution No. 2025-75: Ratifying the Proclamation of the Existence of a Local Emergency, and Declaring that the Local Emergency Shall Remain in Effect Until Terminated by the City Council

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15269(c), 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Adopt Resolution No. 2025-75, *A Resolution of the City Council of the City of Newport Beach, California, Ratifying in its Entirety the Proclamation of the Existence of a Local Emergency Issued by the Director of Emergency Services on October 22, 2025, and Declaring that the Local Emergency, Along with all Rules, Orders, and Regulations Issued by the Director of Emergency Services, Shall Remain in Effect Until the Emergency is Terminated by the City Council.*

Staff Report

Attachment A - Resolution 2025-75

CONTRACTS AND AGREEMENTS

7. San Diego Creek Trash Interceptor - Notice of Completion for Contract No. 7127-5 (17X12)

a) Determine that on July 11, 2023, City Council found the requirement for environmental review under the California Environmental Quality Act (CEQA) is satisfied by Adopting Mitigated Negative Declaration No. ND2018-002(SCH No. 2018081013) for the Newport Bay Water Wheel Project; and
b) Accept the completed work and authorize the City Clerk to file a Notice of Completion for the project.

Staff Report
Attachment A - Location Map

8. Central Library, OASIS Senior Center and VJ Community Center Carpet Replacement - Notice of Completion for Contract No. 9750-1 (25F02)

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
b) Accept the completed work and authorize the City Clerk to file a Notice of Completion for the project.

Staff Report
Attachment A - Location Map

9. Fiscal Year 2025-26 Citywide Park Fence Rehabilitation - Award of Contract No. 9837-1 to Dash Construction Company, Inc. (25P02)

a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 Class 1 (maintenance of existing facilities involving no expansion or an existing use) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because this project has no potential to have a significant effect on the environment;
b) Approve the project plans and specifications;
c) Award Contract No. 9837-1 to DASH Construction Company, Inc. for the total bid price of $392,500 for the Fiscal Year 2025-26 Citywide Park Fence Rehabilitation project, and authorize the Mayor and City Clerk to execute the contract; and
d) Establish a contingency of $39,250 (10% of the total bid) to cover the cost of unforeseen work not included in the original contract.

Staff Report
Attachment A - Location Map

10. Fiscal Year 2024-25 Playground Improvements Project - Award of Contract No. 9753-1 to R.E. Schultz Construction, Inc. (25P01)

a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because this project has no potential to have a significant effect on the environment;

b) Approve the project plans and specifications;
c) Find the bid submitted by Western State Builders Inc. to be non-responsive;
d) Award Contract No. 9753-1 to R E Schultz Construction, Inc. for the total bid price of $858,800 for the Fiscal Year 2024-25 Playground Improvements Project, and authorize the Mayor and City Clerk to execute the contract; and
e) Establish a contingency of $90,000 (approximately 10% of the total bid) to cover the cost of unforeseen work not included in the original contract.

Staff Report
Attachment A - Location Map
Attachment B - Protest Letter (R.E. Schultz)
Attachment C - Response to Protest (Western State Builders Inc.)

11. Cathodic Protection Upgrades Project - Award of Contract No. 9483-2 (24W11)

a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant Section 15301(b), Class 1 (operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use) of the CEQA Guidelines, because this project has no potential to have a significant effect on the environment;
b) Approve the project plans and specifications;
c) Approve Budget Amendment No. 26-035 transferring $701,593.80 from account 70201931-980000-26W12 and $1,201,266.08 from account 70201931-980000-16W12 to account 70201931-980000-24W11 for the Cathodic Protection Upgrades Project;
d) Award Contract No. 9483-2 to Teichert Energy & Utilities Group, Inc. for the total bid price of $3,673,467 for the Cathodic Protection Upgrades Project, and authorize the Mayor and City Clerk to execute the contract; and
e) Establish a contingency of $367,000 (approximately 10% of the total bid) to cover the cost of unforeseen work not included in the original contract.

Staff Report
Attachment A - Location Map
Attachment B - Budget Amendment

12. Approval of Vehicle Replacement Purchase Orders for Three Pickup Trucks, Four Sedans, and One Van.

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;
b) Approve a Purchase Order for three Toyota Tacoma TRD Off-Road 4WD double cab pickup trucks from RP Automotive of Downey, for a total amount of $160,899.63;
c) Approve a Purchase Order for four Ford Explorer SUVs from Ken Grody Ford of Redlands, for a total amount of $159,858.42;
d) Approve a Purchase order for one E-450 Ford Type B Transit Van from A-Z Bus Sales Inc., for a total amount of $135,888.17; and

e) Authorize a contingency of $22,000 (approximately 5% of total quotes) to cover the cost of unforeseen changes to the current quotes.

Staff Report

Attachment A - Bid Results RFB No. 26-10

Attachment B - Bid Results RFB No. 26-09

Attachment C - Transit Bus Quote

13. Fiscal Year 2025-26 Facilities Roofing Project - Award of Contract No. 9860-1 to AME Builders, Inc. (26F02)

a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(d), Class 1 (restoration or rehabilitation of deteriorated facilities involving negligible or no expansion of existing use) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because this project has no potential to have a significant effect on the environment;
b) Approve the project plans and specifications;
c) Award Contract No. 9860-1 to AME Builders, Inc. dba AME Roofing for the total bid price of $423,400 for the Fiscal Year 2025-26 Facilities Roofing Project, and authorize the Mayor and City Clerk to execute the contract; and
d) Establish a contingency of $42,340 (10% of the total bid) to cover the cost of unforeseen work not included in the original contract.

Staff Report

Attachment A - Location Map

14. Fiscal Year 2025-26 Citywide Facilities Painting Project - Award of Contract No. 9861-1 to D and T Painting (26F02)

a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(d), Class 1 (restoration or rehabilitation of deteriorated facilities involving negligible or no expansion of existing use) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because this project has no potential to have a significant effect on the environment;
b) Approve the project plans and specifications;
c) Award Contract No. 9861-1 to D and T Painting for the total bid price of $224,500 for the Fiscal Year 2025-26 Citywide Painting Project, and authorize the Mayor and City Clerk to execute the contract; and
d) Establish a contingency of $22,450 (10% of the total bid) to cover the cost of unforeseen work not included in the original contract.

Staff Report

Attachment A - Location Map

15. Amendment No. Three to Services Agreement with Harbor Pointe Air Conditioning & Control Systems for Heating, Ventilation and Air Conditioning of City Facilities (Contract No. 9669-1)

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Approve Amendment No. Three to On-Call Maintenance/Repair Services Agreement with Habor Pointe Air Conditioning & Control Systems, Inc. for On-Call HVAC Maintenance and Repair Services to increase the contract amount by $700,000, and authorize the Mayor and City Clerk to sign the amendment.

Staff Report

Attachment A - Amendment No. Three

MISCELLANEOUS

16. Grants and Donations Report for the Quarter Ending September 30, 2025

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;
b) Receive and file.

Staff Report

17. Planning Commission Agenda for the October 23, 2025, Meeting

Receive and file.

PC Action Report

PC Agenda

ACTION: MOVE AFFIRMATIVE ACTION OF THE CONSENT CALENDAR, EXCEPT FOR THOSE ITEMS REMOVED

X. ITEMS REMOVED FROM THE CONSENT CALENDAR

XI. PUBLIC HEARINGS

18. Resolution No. 2025-70: Appeal of Planning Commission's Approval of Minor Changes to Coastal Development Permit No. PA2024-0140 located at 100 East Balboa Boulevard (PA2025-0130)

a) Conduct a de novo public hearing;
b) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302 under Class 2 (Replacement or Reconstruction) of the CEQA Guidelines, because this project has no potential to have a significant effect on the environment; and
c) Adopt Resolution No. 2025-70, *A Resolution of the City Council of the City of Newport Beach, California, Denying an Appeal and Upholding the Planning Commission's Approval of Minor Changes to Coastal Development Permit No. PA2024-0140 for the Property Located at 100 East Balboa Boulevard (PA2025-0130).*

Staff Report

Attachment A - Resolution No. 2025-70

Attachment B - City Council Staff Report from September 24, 2024 (No Attachments)

Attachment C - Dudek Memo from May 5, 2025

Attachment D - Community Development Director Action Letter from July 3, 2025 (No Attachments)

Attachment E - Planning Commission Staff Report from September 18, 2025 (No Attachments)

Attachment F - Original Approved CDP Landscape Plan

Attachment G - Revised CDP Landscape Plan

Attachment H - Appellant's Appeal Application to Planning Commission

Attachment I - Resolution No. PC2025-021

Attachment J - Planning Commission Meeting Minutes from September 18, 2025

Attachment K - Appellant's Appeal Application to City Council

Attachment L - Dudek Memorandum from August 14, 2025

Attachment M - Figure NR2 Environmentally Study Areas

Attachment N - Figure NR1 Biological Resources

19. **Ordinance No. 2025-34: Extending a Temporary Moratorium on New Smoke Shops and Tobacco Retailer Businesses**

a) Conduct a public hearing;
b) Determine this action is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15262, Section 15060(c)(2), Section 15060(c)(3), Section 15305, and Section 15061(b)(3) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3;
c) Adopt Ordinance No. 2025-34, *An Urgency Ordinance of the City Council of the City of Newport Beach, California, Extending a Temporary Moratorium on the Establishment and Operation of New Tobacco Retailer Businesses and the Relocation or Physical Expansion of Existing Tobacco Retailer Businesses, Also Known as Smoke Shops;* and
d) Review, approve, and issue the 10-day report as required by Government Code 65858 for the extension of the temporary moratorium.

Staff Report

Attachment A - Ordinance No. 2025-34

Attachment B - Ordinance No. 2025-31

Attachment C - City Council Staff Report dated September 23, 2025

20. **Resolution Nos. 2025-71 through 2025-74: Overriding Orange County Airport Land Use Commission's Determination of Inconsistency and Approving the Snug Harbor Surf Park at 3100 Irvine Avenue (PA2024-0069)**

a) Conduct a public hearing;
b) Adopt Resolution No 2025-71, *A Resolution of the City Council of the City of Newport Beach, California, Approving a General Plan Amendment for the Surf*

Park Project Located at 3100 Irvine Avenue (PA2024-0069);
c) Adopt Resolution No 2025-72, *A Resolution of the City Council of the City of Newport Beach, California, Approving a Major Site Development Review, Conditional Use Permit, and Modification Permit to Authorize the Construction and Operation of the Surf Park with Ancillary Uses and Types 47 (On-Sale General Eating Place), 58 (Caterer), and 68 (Portable Bar) Alcoholic Beverage Control Licenses for the Property Located at 3100 Irvine Avenue (PA2024-0069)*;
d) Adopt Resolution No 2025-73, *A Resolution of the City Council of the City of Newport Beach, California, Certifying Environmental Impact Report (State Clearinghouse SCH Number 2024110238), Including a Mitigation Monitoring and Reporting Program and Adopting Findings for the Surf Park Project Located at 3100 Irvine Avenue (PA2024-0069)*; and
e) Adopt Resolution No 2025-74, *A Resolution of the City Council of the City of Newport Beach, California, Finding the Surf Park Project Located at 3100 Irvine Avenue Consistent with the Purposes of the State Aeronautics Act and Overriding the Orange County Airport Land Use Commission's Determination of Inconsistency with the 2008 John Wayne Airport Environs Land Use Plan (PA2024 -0069)*.

Staff Report
Attachment A - Resolution No. 2025-71
Attachment B - Resolution No. 2025-72
Attachment C - Resolution No. 2025-73
Attachment D - Resolution No. 2025-74
Attachment E- Parking Demand Analysis
Attachment F - Trip Generation Analysis
Attachment G - Planning Commission Staff Report (dated 09-04-2025)
Attachment H - Planning Commission Meeting Minutes of 09-04-2025
Attachment I - Planning Commission Resolution No. PC 2025-018
Attachment J - Correspondence
Attachment K - ALUC Comment Letter
Attachment L - Fiscal Impact Memo dated 10-01-2025
Attachment M - Plans

XII. MOTION FOR RECONSIDERATION

A motion to reconsider the vote on any action taken by the City Council at either this meeting or the previous meeting may be made only by one of the Councilmembers who voted with the prevailing side.

XIII. PUBLIC COMMENTS ON CLOSED SESSION

XIV. CLOSED SESSION - Council Chambers Conference Room

A. CONFERENCE WITH LABOR NEGOTIATORS
(Government Code § 54957.6): 1 matter.

Agency Designated Representative: Seimone Jurjis, Assistant City Manager and

Jonathan Holtzman, Esq., Negotiators.

Employee Organization: Newport Beach City Employees Association.

B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Government Code § 54956.9(d)(1)): 1 matter.

Newport Coast Community Association v. City of Newport Beach
Orange County Superior Court Case No. 30-2024-01375558-CU-BC-CJC

C. CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION - INITIATION OF LITIGATION Government Code § 54956. 9 (d)(4)): 1 matter.

XV. CLOSED SESSION REPORT

XVI. ADJOURNMENT

Testimony given before the City Council is recorded.
The timer light will turn yellow when the speaker has one minute remaining.
The timer light will turn red when the speaker has 10 seconds remaining.

PLEASE TURN CELL PHONES OFF OR SET IN SILENT MODE.

CITY OF NEWPORT BEACH

City of Newport Beach
October 14, 2025

I. ROLL CALL - 4:00 p.m.

Present: Mayor Joe Stapleton, Mayor Pro Tem Lauren Kleiman, Councilmember Michelle Barto, Councilmember Noah Blom, Councilmember Robyn Grant, Councilmember Sara J. Weber, Councilmember Erik Weigand

II. PRESENTATIONS

- Presentation of Proclamation to May Shen, Mayor's Youth Council Participant, and Recognition of Outstanding Community Service related to Homeless Advocacy

  Mayor Stapleton presented a proclamation to May Shen in recognition of her outstanding community service.

- Presentation of Proclamation to Ted Robinson

  Mayor Stapleton presented a proclamation to Jason Anguiano, accepting on behalf of Ted Robinson, who was unable to attend.

- Presentation of Commendation to Jack Jasper

  Mayor Stapleton presented a commendation to Jack Jasper.

- History of John Wayne Airport by former Mayor and Citizen of the Year, Thomas C. Edwards

  Thomas Edwards, former Mayor and Citizen of the Year, provided a PowerPoint presentation on the history of John Wayne Airport, noting it is one of the most regulated airports in the country. Mr. Edwards detailed a timeline including airline deregulation in 1978, the establishment of the Airport Working Group in 1982, the Master Plan of 1983, the 1985 JWA Settlement agreement, which governs airport noise, capacity, and curfew, and highlighted the collaborative efforts of all elected officials who participated.

III. STUDY SESSION

SS1. Clarification of Consent Calendar Items

There were none.

SS2. Discussion to Consider Possible Traffic Calming and Public Safety Measures in the Bayview Heights Neighborhood

As a follow-up to resident requested improvements and to a Policy A1 item request from Councilmember Weigand at the August 26, 2025 meeting, staff presented a review and discussion on Traffic Calming and Public Safety Measures in the Bayview Heights neighborhood of Santa Ana Heights.

City Manager Leung introduced the Study Session, followed by a staff presentation by Dave Webb, Director of Public Works, and Kevin Riley, Acting City Traffic Engineer.

Lieutenant Vincelet, representing the Police Department, spoke on potential traffic issues, low crime rates in the area, response time considerations, and Flock camera system locations.

Draft

Assistant Fire Chief Carr, representing the Fire Department, expressed concern that closing Spruce Avenue could lead to longer response times and impede patient transport to the new hospital on Jamboree Road.

Public Works Director Webb acknowledged the Level 1 traffic calming measures, expressed staff concerns about the implementation of speed cushions, and staff's opposition to the closure of Spruce Avenue.

Councilmember Weigand expressed gratitude to the staff for their work on this matter, sought information about the community's response rate concerning speed bumps and road closures, requested clarification on the method of tallying responses during the survey, inquired if the data from the last study in 2023 remains valid, and provided a summary of considerations.

Councilmember Blom emphasized that safety is a priority, questioned why Flock cameras were not currently present at the neighborhood's ingress and egress and expressed interest in seeing additional Flock cameras in the area.

Lieutenant Vincelet clarified that the Flock cameras were installed to capture incoming and outgoing traffic into the City and explained that certain neighborhoods have funded their own Flock cameras.

Councilmember Blom recognized that the neighborhood needs attention and noted he was in favor of traffic calming measures.

Councilmember Barto expressed support for speed cushions on Orchid Street.

PUBLIC COMMENTS –

1. Devon Wortmann Miller, a resident living on Orchid Street, noted that the street is not safe; noted the lack of signage; and expressed the community does not want to wait for a tragedy before traffic calming is enforced.
2. An unidentified speaker, an Orchid Street resident, emphasized that there should be no changes, no closing of Spruce Avenue, and no need for signage.
3. Treb Heining, resident of Bayview Avenue, noted the neighborhood should be protected, neighbors walk on the street to reach the upper bay, and requested speed bumps.
4. Ryan Schleiger, Spruce Avenue resident, noted the problem with traffic issues including cut through traffic, his participation in the petition process and noted residents' high approval rating of the potential closure of a subsection of Spruce Avenue.
5. Neal (Unknown Last Name), Orchard Drive resident, noted the need for traffic calming and supported the closure of Spruce Avenue.
6. Jeff Roberts noted the need for more attention for the Bayview Heights neighborhood and thanked Councilmember Weigand for his support.
7. Lucia Pounders, Orchid Street resident, expressed concern for speeding vehicles in the neighborhood and noted the need to help slow cars down.
8. Jim Roberts, Orchid Street resident, supported the addition of speed bumps.
9. Linda Geet, Bayview Heights resident, noted that closing Spruce at Bristol is a problem, and that 25 miles per hour signage would be helpful.
10. Holly Jarvis spoke in opposition to Spruce Avenue closing and noted the complications being in a horse community.
11. An unidentified speaker requested that Spruce Avenue not be closed, expressed safety concerns when walking at night, and noted that cars do not stop at certain stop signs.
12. Joe Bonafede requested no closure on Spruce Avenue, expressed concern with emergency evacuation, but noted the need to mitigate traffic.
13. Mike Smith requested Flock cameras in the area, noted speeding cars on Bayview Avenue; and suggested the installation of bollards.

Draft

14. Christine Sceberras noted traffic from the commercial buildings, emphasized that cross traffic was an issue, expressed concern for seniors living in the neighborhood and the lack of sidewalks, and spoke on pedestrian safety concerns.
15. Nhan Bui noted traffic from commercial areas and questioned whether the gates could be closed to the neighborhood.
16. Beth Darling, resident, spoke of using speed cushions to slow down traffic.
17. Kent Snyder, resident of Cypress Street, spoke against closing Spruce Avenue, and noted he did not think there was speeding or the need for traffic calming in his neighborhood; and that it was best to pay attention to the data, and not emotions over the issue.
18. Linda Newsom, long term resident, spoke on the possibility of edge lines, noted speed limit decals and raised medians could help, and spoke against the closing of Spruce Avenue, and was opposed to speed bumps.
19. An unidentified speaker noted the traffic study did not include the information that there were no sidewalks in the community.
20. Laurie Kelly expressed concern about traffic in the neighborhood.

Councilmember Grant spoke on the benefits of Study Sessions and resident input and inquired whether the community had a Homeowners Association. She emphasized the importance of engaging businesses that could be impacted by a potential road closure, questioned how the closing of the gates would provide a benefit, noted that adding sidewalks would be complicated but an interesting concept, noted that the Level 1 option would be easy to implement, and expressed interest in continuing discussions with staff regarding these options.

Councilmember Weigand questioned staff on the upcoming public hearing before the Planning Commission, did not see a consensus related to the closing of Spruce Avenue, noted the Level 1 option could be a viable approach and the City could move forward on that. He noted the upcoming slurry seal project could impact decisions, suggested that residents could compromise on speed cushion options and the phasing of speed cushions, recommended additional outreach to the community, noted a monument can help define the neighborhood and assist with traffic calming, and questioned whether Assessment Districts be required for street lighting.

Public Works Director Webb spoke on the process of incorporating street lighting in existing neighborhoods including the creation of lighting Assessment Districts.

Councilmember Weigand addressed the funding for Flock cameras, indicated that Level 1 might be feasible, expressed support for implementing speed bumps in a phased approach, noted the slurry seal project, and proposed further review of speed bumps on Orchard Drive. However, he did not support the closure of Spruce Avenue and suggested the consideration of other alternatives.

Councilmember Blom recognized the uniqueness of the equestrian neighborhood, noted the importance of reaching a consensus, and was supportive of signs and other mitigation measures.

Mayor Stapleton thanked the residents for attending the meeting, noted this neighborhood was the most unique in the City, noted he was in favor of the Level 1 options and of speed cushions where warranted, and was not in favor of closing Spruce Avenue.

Public Works Director Webb provided a summation of consensus of the City Council including:

- The preference of Level 1
- One or two speed bumps on Orchid Street
- A monument in the median on Spruce Avenue as an entry monument
- Examining gate closure of commercial property
- Incorporating 3 Flock cameras in the neighborhood

Draft

Councilmember Weigand noted that speed bumps could be gradually incorporated into the area and that residents could return if additional speed bumps are needed, and that if Spruce Avenue is not closed, incorporating speed bumps is an option.

Mayor Stapleton further summarized consensus to move forward with Level 1 calming measures, speed cushions on Orchid Street, incorporation of a median on Spruce Avenue, installation of Flock cameras, and further assessment of the commercial property gate issue.

Approved by a Straw Vote, 7-0.

IV. RECESS

There was no recess.

V. RECONVENE

Mayor Stapleton reconvened the meeting at 5:46 p.m., from Study Session.

VI. ROLL CALL

All members were present.

VII. INVOCATION - Julie Holdaway, Chief Strategy & Learning Officer, Merage Jewish Community Center of Orange County

VIII. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilmember Weber.

IX. CITY COUNCIL ANNOUNCEMENTS AND ORAL REPORTS FROM CITY COUNCIL ON COMMITTEE ACTIVITIES

Councilmember Weigand
- Attended an Orange County Mosquito and Vector Control District (OCMVCD) meeting and noted an increase in cases of West Nile virus locally.
- Announced Orange County Sanitation District (OCSAN) State of the District Luncheon to take place on Friday, October 17, 2025.

Mayor Pro Tem Kleiman
- Wished Councilmember Weber a happy birthday.
- Attended Orange County Council of Governments (OCCOG) September 2025 Board of Directors Meeting.
- Attended the Grand Reopening of the Corona del Mar Farmers Market.
- Attended the CdM Commercial Corridor Study Community Meeting.
- Announced a meeting of the Aviation Committee to take place on Monday, October 20, 2025, in the Civic Center Community Room.

Mayor Stapleton
- Announced the Newport Beach Film Festival taking place October 16–23, 2025.
- Congratulated the Friends of OASIS on a successful Boutique & Rumage Sale.
- Attended the Bonnie Lou Gibson Memorial Sailing for the Blind and Visually Impaired (SVI) event hosted by American Legion.
- Attended the Newport Beach Volleyball Invitational.
- Congratulated Corona del Mar High School for winning Battle of the Bay.

Draft

X. PUBLIC COMMENTS ON AGENDA AND NON-AGENDA ITEMS

Jim Mosher stated that he was pleased to hear that the Aviation Committee will be meeting; announced the General Plan Advisory Committee Open House on October 21, 2025, at 6:30 p.m. in the Civic Center Community Room and the GPAC Virtual General Plan Update Open House to be held virtually at 6:00 p.m. the following day. He further commented that in 1929, the City established an Airport Committee responsible for evaluating a potential airport site in Newport Beach; and provided context regarding the proposal of Lido Isle as a location for seaplanes and Mariner's Mile for land planes, which was ultimately considered unfeasible.

City Employee Association President Mariah Stinson, accompanied by, Jaime Gonzalez, Senior Labor Relations Representative, spoke on the current negotiations between the City and the Association.

XI. MATTERS WHICH COUNCILMEMBERS HAVE ASKED TO BE PLACED ON A FUTURE AGENDA (NON-DISCUSSION ITEM)

- Consideration of amendments to the Newport Beach Municipal Code to enhance enforcement of bicycle safety by prohibiting operation of a bicycle or e-bicycle in an unsafe manner, requiring helmets for all riders under 18, enhancing penalties for violations, applying bicycle regulations as set forth in Chapter 12.56 to e-bicycles, and updating sidewalks where riding bicycles and e-bicycles are permitted (Submitted by Councilmember Barto).

  Approved by a Straw Vote, 7-0.

XII. PUBLIC COMMENTS ON CONSENT CALENDAR

There were no Public Comments on Consent Calendar items.

XIII. CONSENT CALENDAR

Councilmember Weigand noted he would be voting "no" on Agenda Item 3 and requested removal of Agenda Item 8.

XIV. READING OF MINUTES AND ORDINANCES

1. **Minutes for the September 23, 2025, Regular City Council Meeting**
   Waive reading of subject minutes, approve as written, and order filed.

2. **Reading of Ordinances**
   Waive reading in full of all ordinances under consideration and direct the City Clerk to read by title only.

XV. ORDINANCES FOR ADOPTION

3. **Ordinance No. 2025-26: Adding Chapter 6.30 Prohibition of Sale and Distribution of Flavored Tobacco Products**
   a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
   b) Conduct a second reading and adopt Ordinance No. 2025-26, *An Ordinance of the City Council of Newport Beach, California, Amending Chapter 6.25 (Regulation of Smoking in Public Areas) and Adding Chapter 6.30 (Prohibition of Sale and Distribution of Flavored Tobacco Products) to Title 6 (Health and Sanitation) of the Newport Beach Municipal Code, Relating to Smoking and Tobacco Sales.*

Draft

Motion carried 6-1, Councilmember Weigand opposed.

4. **Ordinance No. 2025-27: Adding Chapter 6.40 Prohibition of Sale, Distribution and Use of Nitrous Oxide**
   a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
   b) Conduct a second reading and adopt Ordinance No. 2025-27, *An Ordinance of the City Council of Newport Beach, California, Adding Chapter 6.40 (Prohibition of Sale, Distribution, and Use of Nitrous Oxide) to Title 6 (Health and Sanitation) of the Newport Beach Municipal Code, Relating to Nitrous Oxide Sales.*

5. **Ordinance No. 2025-28: Amending Subsection B of Section 10.04.010 of Chapter 10.04 to define Possession of an Open Container**
   a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
   b) Conduct a second reading and adopt Ordinance No. 2025-28: *An Ordinance of the City Council of the City of Newport Beach, California, Amending Section 10.04.010 (Drinking in Public) of Chapter 10.04 (Intoxicating Liquor) of the Newport Beach Municipal Code Related to the Possession of Alcoholic Beverages.*

6. **Ordinance No. 2025-29: Adding Section 11.04.085 (Prohibiting the Use of Electric Bicycles and Similar Devices on the Newport Elementary School Playground) and Amending Section 11.04.130 (Exemption) of Chapter 11.04 (Parks, Park Facilities, and Beaches) of the Newport Beach Municipal Code**
   a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
   b) Conduct a second reading and adopt Ordinance No. 2025-29: *An Ordinance of the City Council of the City of Newport Beach, California, Adding Section 11.04.085 (Prohibiting the Use of Electric Bicycles and Similar Devices on the Newport Elementary School Playground) and Amending Section 11.04.130 (Exemption) of Chapter 11.04 (Parks, Park Facilities, and Beaches) of the Newport Beach Municipal Code.*

7. **Ordinance No. 2025-30: Amending Section 2.12.110 of Chapter 2.12 (Administrative Departments) of the Newport Beach Municipal Code to Include Education and Enforcement Related Provisions as a Function of the Recreation & Senior Services Department**
   a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
   b) Conduct second reading and adopt Ordinance No. 2025-30: *An Ordinance of the City Council of the City of Newport Beach, California, Amending Section 2.12.110 of Chapter 2.12 (Administrative Departments) of the Newport Beach Municipal Code to Include Education and Enforcement Related Provisions as a Function of the Recreation and Senior Services Department.*

XVI. RESOLUTIONS FOR ADOPTION

8. **Item pulled from the Consent Calendar.**

XVII. CONTRACTS AND AGREEMENTS

9. **Slurry Seal Program Fiscal Year 2024-25 - Notice of Completion for Contract No. 9717-1 (25R04)**

Draft

a) Accept the completed work and authorize the City Clerk to file a Notice of Completion for the project.

10. Balboa Yacht Basin Maintenance Dredging - Award of Contract No. 9944-1 (26H13)

a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15304 Class 4 (Minor Alterations to Land - Maintenance Dredging) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because this project has no potential to have a significant effect on the environment;
b) Approve the project plans and specifications;
c) Approve Budget Amendment No. 26-033 appropriating $2,049,344 in increased expenditures in Account No. 10101-980000-26H13 from the Tidelands Capital Fund unappropriated fund balance;
d) Award Contract No. 9944-1 to Pacific Dredge and Construction, LLC for the total bid price of $3,543,949 for the Balboa Yacht Basin Maintenance Dredging project, and authorize the Mayor and City Clerk to execute the contract; and
e) Establish a contingency of $354,395 (10% of total bid) to cover the cost of unforeseen work not included in the original contract.

11. Approval to Purchase Three 2026 or Newer Model Year Rescue Ambulances from Professional Sales and Service, L.C.

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;
b) Approve the selection and purchase of three 2026 or newer model year Horton 623FL Type 1 2WD ambulances on 2026 or newer Freightliner M2 Medium Duty Chassis, from Professional Sales and Service, L.C., using cooperative selection and pricing under Sourcewell Contract #122123-RVG;
c) Authorize the City Manager to execute any necessary purchase agreements related to the purchase on a form approved by the City Attorney; and
d) Approve Budget Amendment No. 26-032 appropriating $1,570,065.69 in increased expenditures in the vehicle replacement fund, account no. 7529032- 911016 from the Equipment Internal Service Fund (752) reserves.

12. Amendment to Services Agreement with Global Power Group, Inc., for Maintenance and Repair Services for City Generators

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
b) Approve Amendment No. One to the Maintenance Services Agreement with Global Power Group, Inc., to extend the existing agreement two years until December 31, 2027, and to increase the contract amount by $250,000, and authorize the Mayor and City Clerk to execute the Agreement.

13. Approval of the Lecture Hall Auditorium Naming Rights Agreement

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;
b) Approve the Newport Beach Public Lecture Hall Naming Rights Donation Agreement between the City of Newport Beach and the Newport Beach Public Library Foundation for the naming of the auditorium; and
c) Waive City Council Policy B-9, *Naming of City Parks and Facilities* and City Council Policy B-17, *Parks, Facilities, and Recreation Program Donations,* for the naming of the auditorium.

XVIII. MISCELLANEOUS

Draft

14. Annual Review of Visit Newport Beach Audited Financial Statements and Expenditure Report

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
b) Receive and file.

15. Planning Commission Agenda for the October 9, 2025, Meeting
Receive and file.

ACTION: MOVE AFFIRMATIVE ACTION OF THE CONSENT CALENDAR, EXCEPT FOR THOSE ITEMS REMOVED

Motion by Mayor Pro Tem Kleiman, seconded by Councilmember Grant, to approve the Consent Calendar including amendments to Agenda Item 1; the Minutes, a "no" vote on Agenda Item 3 by Councilmember Weigand, and removal of Agenda Item 8 for further discussion by Councilmember Weigand.

The motion carried 7-0.

XIX. ITEMS REMOVED FROM THE CONSENT CALENDAR

8. Resolution No. 2025-65: Creating the Newport Beach Police Headquarters Assessment Committee

a) Determine this action is exempt from the California Environmental Quality Act (CEQA pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA guidelines because this action will not result in a direct or indirect physical change to the environment; and
b) Adopt Resolution No. 2025-65, *A Resolution of the City Council of the City of Newport Beach, California, Creating the Newport Beach Police Headquarters Assessment Committee.*

This item was removed for separate discussion by Councilmember Weigand.

Councilmember Weigand questioned the composition of the proposed ad hoc, inquired whether its formation was necessary, offered that a Study Session would allow all Councilmembers to review the item at the same time, and requested clarification on formation of different ad hoc committees.

Assistant City Manager Jurjis explained the existing police station is slated for replacement in 2032, emphasized the need to quickly commence planning and development, noted Council has discretion in determining the approach, noted that a working group of Chamber representatives and City Council members would be subject to Brown Act requirements, and clarified that the decision on how to form the committee was ultimately up to the City Council.

Councilmember Blom questioned the scope of work for the proposed committee and emphasized the amount of work associated with this project, expressed a preference to avoid bond financing, and preferred if the ad hoc had only three City Council members to help expedite the project.

Councilmember Grant emphasized the importance of transparency and community input, noted that there were excellent resident resources in the community, thought the ad hoc should have community input, and preferred the item be brought back at a Study Session.

Mayor Stapleton thought that there should be at least four members of the public on the ad hoc committee.

Councilmember Weigand questioned whether the Dove Street property had required an ad hoc committee.

Draft

Assistant City Manager Jurjis reviewed the process that went into purchasing the Dove Street property.

PUBLIC COMMENT

Jim Mosher noted issues with fewer council members participating in discussion of complex projects; suggested staff provide a range of possibilities at a Study Session at which time an ad hoc committee could be created at that time.

Following public comment, Councilmember Blom offered an alternative to adjust the committee to a City Council-only ad hoc committee.

Councilmember Weigand concurred and thought a Council-only ad hoc would expedite the process.

Mayor Stapleton stated that he would be abstaining and respectfully removed himself as a representative on the ad hoc committee.

Motion by Councilmember Blom, seconded by Councilmember Weigand, to remove public members from the proposed committee and to have a City Council-only ad hoc, with three Councilmembers, to serve on the Newport Beach Police Headquarters Assessment Committee.

Motion carried 5-1-1 (Councilmember Grant opposed, Mayor Stapleton abstained).

XX. PUBLIC HEARINGS

16. Ordinance Nos. 2025-32 and 2025-33: Amending Titles 20 and 21 of the Newport Beach Municipal Code Establishing the Special Flood Hazard Area (VE) Overlay (PA2018-075)

Mayor Stapleton opened the public hearing at 6:22 p.m.

Hearing no testimony, Mayor Stapleton closed the public hearing at 6:22 p.m.

Motion by Councilmember Blom, seconded by Councilmember Weber, to: a) Conduct a public hearing; b) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3), and 15305 under Class 5 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines because it has no potential to have a significant effect on the environment; c) Waive full reading, direct City Clerk to read by title only, introduce Ordinance No. 2025-32, *An Ordinance of the City Council of the City of Newport Beach, California, Adopting Revisions to Zoning Code Amendment (PA2018-075) Amending Title 20 (Planning and Zoning) of the City of Newport Beach Municipal Code to Establish the Special Flood Hazard Area Overlay for Consistency with the California Coastal Commission's Modifications (PA2018-075),* and pass to second reading on October 28, 2025; and d) Waive full reading, direct City Clerk to read by title only, introduce Ordinance No. 2025-33, *An Ordinance of The City Council of the City of Newport Beach, California, Approving an Amendment to Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code, as Modified by the California Coastal Commission, to Establish the Special Flood Hazard Area Overlay (PA2018-075)*, and pass to second reading on October 28, 2025.

Motion carried 7-0.

17. Resolution No. 2025-66: Coyote Canyon Landfill Gas to Energy Facility Appeal (PA2022-063)

Councilmember Weigand, citing a potential conflict of interest, recused himself from the item.

Draft

Assistant City Manager Jurjis and Joselyn Perez, Senior Planner, presented the staff report and PowerPoint presentation.

Tyler Henson, Biofuels Coyote Canyon Biogas, LLC, on behalf of Archaea Energy, Inc (the applicant) provided an overview of their company's operations, highlighted their extensive experience in the renewable energy sector, provided comments related to the Planning Commission's decision and the ensuing appeal, noted short term impacts of this project which may include increased truck traffic, potential visual obstructions from construction equipment, noise and dust emissions; and spoke of responses to community concerns.

Kelilah D. Federman, of Adams Broadwell Joseph & Cardozo and representing Orange County Residents for Responsible Industry, provided comments related to the reasons regarding the appeal and the request to appeal Resolution No. 2025-66, citing environmental and CEQA concerns.

Placeworks CEQA Consultant, Dina El Chammas, provided an analysis and reviewed comments provided by the appellant including that the air quality concerns are under the purview of the South Coast AQMD citing they had no further comments; and noted the Fire Department reviewed the potential fire hazards and approved the fuel modification plan.

Councilmember Grant asked staff if they were comfortable moving forward with the project given the objections presented. Staff confirmed yes.

Mayor Stapleton opened the public hearing at 6:51 p.m.

PUBLIC COMMENTS

William Coons, representing Orange County Residents for Responsible Development, expressed concerns regarding the potential environmental impacts as well as public safety, and requested Council uphold the appeal.

Mayor Stapleton closed the public hearing at 6:55 p.m.

The applicant, Tyler Henson, Archaea Energy, Inc., made a brief closing statement citing the environmental concerns raised by the appellant.

Appellant Kelilah D. Federman, Adams Broadwell Joseph & Cardozo, supported the need for an environmental impact report.

Councilmember Grant questioned whether Sage Hill High School had participated in the outreach and was told by staff that they had participated and had not submitted an objection.

Moved by Councilmember Blom, seconded by Councilmember Weber, to: a) Conduct a de novo public hearing; and b) Adopt Resolution 2025-66; *A Resolution of the City Council of the City of Newport Beach, California, Denying an Appeal and Upholding the Decision of the Planning Commission to Adopt a Mitigated Negative Declaration and Approve a Conditional Use Permit to Construct and Operate a Landfill Gas-to-Energy Facility at 20662 Newport Coast Drive (PA2022-063).*

Motion carried 6-0-1 (Councilmember Weigand recused).

XXI. CURRENT BUSINESS

18. Appointment of Lena Shumway as City Clerk and Approval of Employment Agreement

Draft

Assistant City Manager Tara Finnigan presented the staff report and reviewed the elements of the proposed contract which include:

- A term from October 20, 2025 through December 31, 2028.
- A base salary of $200,977 with future increases after October 20th of this year tied to any percentage increase, schedule, or cost of living adjustment provided to key and management employees.
- An auto allowance of $400 per month.
- Deferred compensation effective the pay period that includes October 20th of this year.
- A biweekly contribution of 3% of the City Clerk's base salary to be made to her City sponsored 457 deferred compensation account.
- Flex leave to accumulate as provided for in the key and management compensation plan, executive management category, at the rate designated for employees with years of service in the 15 and over category.
- Effective October 20th, the City Clerk will receive 40 hours of paid administrative leave, and then effective January 1, 2026, she will receive 80 hours of administrative leave per calendar year.
- A severance term of up to 6 months of base salary and medical benefits if terminated without cause.
- All other benefits received by key and management employees, including reimbursement for an annual physical exam, a phone allowance, holiday pay, holiday closure leave, and participation of CalPERS in the LIUNA Supplemental Pension Program.

PUBLIC COMMENTS

Jim Mosher thanked outgoing Interim City Clerk Molly Perry for her service.

Motion by Mayor Stapleton, seconded by Councilmember Weber, to: a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; b) Pursuant to Charter Section 600, appoint Lena Shumway as City Clerk for the City of Newport Beach, effective October 20, 2025; and c) Approve and authorize the Mayor and City Clerk to execute an employment agreement between the City of Newport Beach and Lena Shumway, subject to the terms and conditions approved by the City Council.

Motion carried 7-0.

XXII. MOTION FOR RECONSIDERATION - None

Adjournment in Memoriam

Prior to recessing to Closed Session, Mayor Stapleton provided comments on the recent passing of Jeffrey John Bitetti and asked for the meeting to be adjourned in his memory.

XXIII. PUBLIC COMMENTS ON CLOSED SESSION

There were none.

XXIV. CLOSED SESSION - Council Chambers Conference Room

Mayor Stapleton requested City Attorney Harp read the Closed Session item and recessed at 7:02 p.m.

A. CONFERENCE WITH LEGAL COUNSEL
ANTICIPATED LITIGATION - INITIATION OF LITIGATION
Government Code § 54956. 9 (d)(4)): 1 matter.

Draft

XXV. CLOSED SESSION REPORT

Mayor Stapleton reconvened the meeting at 7:55 p.m. and City Attorney Harp noted there was no report.

XXVI. ADJOURNMENT IN MEMORIAM - JEFFREY JOHN BITETTI

Mayor Stapleton adjourned the meeting at 7:55 p.m.

The agenda was posted on the City's website and on the City Hall electronic bulletin board located in the entrance of the City Council Chambers at 100 Civic Center Drive, Newport Beach, on October 9, 2025, at 4:00 p.m.

_____
Joe Stapleton
Mayor

_____
Lena Shumway
City Clerk

Draft

CITY OF

NEWPORT BEACH

City Council Staff Report

October 28, 2025
Agenda Item No. 3

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	Jaime Murillo, Acting Community Development Director - 949-644-3209, jmurillo@newportbeachca.gov
PREPARED BY:	Liz Westmoreland, AICP, Principal Planner - 949-644-3234, lwestmoreland@newportbeachca.gov
TITLE:	Ordinance Nos. 2025-32 and 2025-33: Amending Titles 20 and 21 of the Newport Beach Municipal Code Establishing the Special Flood Hazard (VE) Overlay

ABSTRACT:

For the City Council's consideration is the adoption of Ordinance Nos. 2025-32 and 2025-33, which amend Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (NBMC) to establish the Special Flood Hazard Area (VE) Overlay. The amendments would establish the overlay and modify allowed setback encroachments to help provide access without impact to the buildable area of affected residential lots. These ordinances were introduced and considered at the October 14, 2025, City Council meeting.

RECOMMENDATIONS:

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3), and 15305 under Class 5 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines because it has no potential to have a significant effect on the environment;

b) Conduct a second reading and adopt Ordinance No. 2025-32, *An Ordinance of the City Council of the City of Newport Beach, California, Adopting Revisions to Zoning Code Amendment (PA2018-075) Amending Title 20 (Planning and Zoning) of the City of Newport Beach Municipal Code to Establish the Special Flood Hazard Area Overlay for Consistency with the California Coastal Commission's Modifications (PA2018-075);* and

c) Conduct a second reading and adopt Ordinance No. 2025-33, *An Ordinance of the City Council of the City of Newport Beach, California, Approving an Amendment to Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code, as Modified by the California Coastal Commission, to Establish the Special Flood Hazard Area Overlay (PA2018-075).*

DISCUSSION:

The proposed amendments would establish the Special Flood Hazard Area (VE) Overlay (i.e., the "VE Overlay") in Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the NBMC. The changes affect 166 properties located within the VE Overlay as designated by the Federal Emergency Management Agency (FEMA) in March 21, 2019, Flood Insurance Rate Maps (FIRMs). Residential construction in the VE Special Flood Hazard Area is required to raise the finished floor approximately three to five feet above the ground on posts, piers, or piles. The overlay is intended to resolve a design constraint by providing flexibility for the allowed height of encroachments in front, side, and rear setbacks, to allow for reasonable access to the elevated homes.

On June 13, 2023, the City Council introduced Ordinance No. 2023-10 to establish the VE Overlay in Title 20 of the NBMC for the Special Flood Hazard Area (VE) to modify allowed setback encroachments. The Ordinance was adopted on June 27, 2023, but deferred the effective date until the associated Title 21 amendments were approved by the California Coastal Commission (CCC). Concurrently, on June 13, 2023, the City Council adopted Resolution No. 2023-34, authorizing submittal of the Local Coastal Program Amendment (PA2018-075) to the CCC to similarly amend Title 21. The changes proposed to Titles 20 and 21 are consistent.

On July 10, 2025, the CCC approved the LCP Amendment with suggested modifications.

At October 14, 2025, City Council meeting, the City Council held a public hearing to consider the CCC suggested modifications and unanimously voted to accept the suggested modifications and introduced Ordinance Nos. 2025-32 and 2025-33. No further amendments were requested. If the ordinances are adopted, the Ordinance amendment to the LCP will be sent back to the CCC for final acceptance. Once accepted by the CCC, the ordinances will become effective.

FISCAL IMPACT:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Staff recommend that the City Council also find these amendments categorically exempt from CEQA pursuant to Section 15305 under Class 5 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines, because they have no potential to have a significant effect on the environment.

The Class 5 exemption allows minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density. The amendments seek to provide flexibility for potential encroachments into side, rear, and front setback areas for properties located within the VE Zone. The proposed changes to the NBMC could result in raised decks, landings, stairs, and other accessory features in the front, side, and rear setbacks for the affected properties. All changes are limited in scope and would only alter regulations for the height of accessory structures, which would not result in any changes to land use intensity or density.

The exceptions to this categorical exemption under Section 15300.2 are not applicable. The affected 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.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENTS:

Attachment A – Ordinance No. 2025-32 (Title 20)
Attachment B – Ordinance No. 2025-33 (Title 21)

Attachment A

Ordinance No. 2025-32 (Title 20)

ORDINANCE NO. 2025-32

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, ADOPTING REVISIONS TO ZONING CODE AMENDMENT (PA2018-075) AMENDING TITLE 20 (PLANNING AND ZONING) OF THE CITY OF NEWPORT BEACH MUNICIPAL CODE TO ESTABLISH THE SPECIAL FLOOD HAZARD AREA OVERLAY FOR CONSISTENCY WITH THE CALIFORNIA COASTAL COMMISSION'S MODIFICATIONS (PA2018-075)

WHEREAS, Section 200 of the City Charter, of the City of Newport Beach ("City"), vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the City Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges or procedures granted or prescribed by any law of the State of California;

WHEREAS, new Federal Emergency Management Agency ("FEMA") Flood Insurance Rate Maps ("FIRMs") went into effect on March 21, 2019, for Newport Beach and include the new designation of a Special Flood Hazard Area ("VE Zone") affecting 166 beachfront properties in the West Newport area between 24th Street and 48th Street;

WHEREAS, new development within the VE Zone must meet FEMA construction design criteria including elevation of structures with pilings, posts, piers, or columns to raise the main residential structure approximately three to five feet from existing grade so that these structures are designed and engineered to allow water to flow below the elevated floor system without damaging the foundation or creating substantial debris;

WHEREAS, of the 166 affected properties, 27 properties are within the VE 13 Zone and require elevating structures approximately three feet above existing grade while the remaining 139 properties are within the VE 15 Zone and require elevating structures approximately five feet above existing grade;

WHEREAS, compliance with the VE Zone design criteria presents several challenges for new residential development to meet the requirements of Title 20 (Planning and Zoning) ("Title 20") of the Newport Beach Municipal Code ("NBMC") since compliance with the VE Zone design criteria significantly limits means of access to the dwelling, as well as the usability of outdoor areas;

WHEREAS, the City Council adopted Resolution No. 2019-31 on March 26, 2019, initiating a Zoning Code Amendment ("ZCA") to Title 20 and Local Coastal Program Amendment ("LCPA") to amend Title 20 and Title 21 (Local Coastal Program Implementation Plan) ("Title 21") of the NBMC to modify the setback encroachment regulations for residential properties in the VE Zone;

WHEREAS, since adoption of the new FIRMs, the City has approved five variance applications for new residential projects in the VE Zone seeking relief from the setback standards in Titles 20 and 21 of the NBMC that directly conflict with the ability to comply with FEMA's VE Zone design criteria;

WHEREAS, approval and implementation of the ZCA and LCPA will facilitate compliance and minimize variance requests in the VE Zone;

WHEREAS, the affected properties are categorized as RS-D (Single Unit Residential Detached) and RT (Two Unit Residential) by the General Plan Land Use Element and are located within the R-1 (Single-Unit Residential) and R-2 (Two-Unit Residential) Zoning Districts;

WHEREAS, the affected properties are located within the Coastal Zone with a Coastal Land Use Plan category of RSD-D (Single Unit Residential Detached – 20.0-29.9 DU/AC) and RT-E (Two Unit Residential – 30.0 – 39.9 DU/AC) and Coastal Zoning District designations of R-1 (Single-Unit Residential) and R-2 (Two-Unit Residential);

WHEREAS, a draft of the ZCA was presented to the design community on December 2, 2021, and to affected and nearby property owners on January 19, 2022, via a virtual community meeting with comments incorporated into the proposed amendments to the extent feasible;

WHEREAS, the Planning Commission held a duly noticed public hearing on May 4, 2023, in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with the California Government Code Section 54950 *et seq.* ("Ralph M. Brown Act") and Chapters 20.62 and 21.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing;

WHEREAS, at the conclusion of the public hearing, the Planning Commission adopted Resolution No. PC2023-022 by unanimous vote (7 ayes, 0 nays) recommending approval of the ZCA and LCPA to the City Council;

WHEREAS, the City Council held a duly noticed public hearing on June 13, 2023, in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the hearing was given in accordance with the Ralph M. Brown Act and Chapters 20.62 and 21.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by, the City Council at this hearing;

WHEREAS, the City Council adopted Ordinance No. 2023-10 by a unanimous vote (7 ayes, 0 nays), on June 27, 2023, to approve the ZCA amending Title 20 of the NBMC with the effective date contingent upon the Coastal Commission's certification of the LCPA ;

WHEREAS, the City Council also adopted Resolution No. 2023-37 on June 13, 2023, by a unanimous vote (7 ayes, 0 nays), authorizing submittal of the LCPA filed as PA2018-075 to the Coastal Commission;

WHEREAS, the California Coastal Commission ("Coastal Commission") denied the LCPA (LCP-5-NPB-23-0039-3 Part B) on July 10, 2025, as submitted and approved it with suggested modifications deemed necessary to find consistency with the California Coastal Act;

WHEREAS, the Coastal Commission's revisions to the LCPA require this amendment to the ZCA for consistency with the LCPA; and

WHEREAS, the City Council held a public hearing on October 14, 2025, in the City Council Chambers located at 100 Civic Center Drive, Newport Beach, California. Notice of time, place and purpose of the public hearing was given in accordance with the Ralph M. Brown Act, Section 13515, and Chapters 20.62 and 21.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by, the City Council at this public hearing.

NOW THEREFORE, the City Council of the City of Newport Beach ordains as follows:

Section 1: The City Council does hereby approve the amendment to the ZCA (PA2018-075) as set forth in "Exhibit A," based upon the Facts in Support of Findings set forth in Exhibit "B," both of which are attached hereto and incorporated herein by reference.

Section 2: The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

Section 3: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 4: The City Council finds this ZCA is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the California Code of Regulations, Title 14, Division 6, Chapter 3, ("CEQA Guidelines") because it has no potential for resulting in physical change to the environment, directly or indirectly.

The City Council also finds this ZCA is categorically exempt from CEQA pursuant to Section 15305 under Class 5 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment. The Class 5 exemption allows minor alterations in land use limitations in areas with an average slope of less than twenty percent, which do not result in any changes in land use or density. The ZCA seeks to provide flexibility for potential encroachments into side, rear, and front setback areas for properties located within the VE Zone. The proposed changes to the NBMC could result in raised decks, landings, stairs, and other accessory features in the front, side, and rear setbacks for the affected properties. All changes are limited in scope and would only alter regulations for the height of accessory structures, which would not result in any changes to land use intensity or density.

The exceptions to this categorical exemption under Section 15300.2 are not applicable. The affected 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 5: Except as expressly modified in this ordinance, all other sections, subsections, terms, clauses and phrases set forth in the Newport Beach Municipal Code shall remain unchanged and shall be in full force and effect.

Section 6: The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the ordinance, or a summary thereof, to be published pursuant to City Charter Section 414. This ordinance shall be effective thirty (30) calendar days after its adoption.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 14th day of October, 2025, and adopted on the 28th day of October, 2025, by the following vote, to-wit:

AYES: _____

NAYS: _____

ABSENT: _____

_____
Joe Stapleton, Mayor

ATTEST:

_____
Lena Shumway, City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

_____
Aaron C. Harp, City Attorney

Attachment(s): Exhibit A – Zoning Code Amendment (PA2018-075)
Exhibit B – Facts in Support of Findings (PA2018-075)

Exhibit "A"

ZONING CODE AMENDMENT (PA2018-075)

I. The table of contents of Chapter 20.28 (Overlay Zoning Districts (MHP, PM, B, HO, H)) of the NBMC shall be amended to read as follows:

Chapter 20.28
OVERLAY ZONING DISTRICTS (MHP, PM, B, HO, H, VE)

Sections:

20.28.010 Purposes of Overlay Zoning Districts.
20.28.020 Mobile Home Park (MHP) Overlay Zoning District.
20.28.030 Parking Management (PM) Overlay District.
20.28.040 Bluff (B) Overlay District.
20.28.050 Housing Opportunity (HO) Overlay District.
20.28.060 Height (H) Overlay District.
20.28.070 Special Flood Hazard Area (VE) Overlay District.

II. Section 20.28.010 (Purposes of Overlay Zoning Districts) of the NBMC is amended to add subsection (F) to read as follows:

F. Special Flood Hazard Area (VE) Overlay Zoning District. The VE Overlay District is intended to modify certain development standards for properties subject to special flood hazards as identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for Orange County, California and Incorporated Area with accompanying FEMA Flood Insurance Rate Maps (FIRM).

III. Section 20.28.070 (Special Flood Hazard Area (VE) Overlay District) of the NBMC shall be added to read as follows:

Section 20.28.070 Special Flood Hazard Area (VE) Overlay District.

A. Applicability. This section applies to encroachments for residential properties identified as VE 13 or VE 15 on the Federal Emergency Management Agency's "Flood Insurance Study (FIS) for Orange County, California and Incorporated Area" revised March 21, 2019. For purposes of this section, "encroachments" are limited to balconies, decks, landings, patios, platforms, porches, steps, raised walkways, or terraces required for access. With the exception of the encroachments authorized herein, all development shall comply with the applicable residential development standards (e.g., floor area limit, setbacks, parking) of the underlying zoning district set forth in the NBMC. In situations where an inconsistency occurs between the development standards of the underlying zoning district and the standards in this section related to encroachments, the standards related to encroachments in this section shall

apply.

The encroachments allowed by this section shall only apply when the project is required to comply with Chapter 15.50 (Floodplain Management) for residential properties where the structure is required to raise the foundation above the design flood elevation. Nothing in this section shall be construed to constitute a waiver of, or exclusion from, the building standards set forth in Chapter 15.50 (Floodplain Management).

B. Allowed Encroachments in Side and Rear Setbacks. An encroachment may be located within a required side or rear setback area other than those abutting an alley subject to the following restrictions:

1. Access to the side yard setback shall comply with Section 20.30.110(A)(1)(c) (Access to Side Setback Area).

2. For interior lots, the encroachment may be located in one (1) or more side or rear setback and may extend to the property line abutting the side or rear setback. Encroachments in an interior side or rear setback may only be permitted to the minimum extent necessary to provide access to the dwelling from both the front and the rear of the property.

3. For corner lots, the encroachment may be located in the interior side or rear setback. Encroachments in a side or rear setback facing a street may only be permitted to the minimum extent necessary to provide access to the dwelling from both the front and the rear of the property. The encroachment shall comply with all other development standards of the underlying zoning district including Section 20.30.130 (Traffic Safety Visibility Area).

4. Excluding required guardrails or handrails, the finished surface of the encroachment shall not exceed six (6) inches above the finished floor of the dwelling unit(s).

5. Guardrails and handrails in the side and rear setback shall be constructed of either transparent material (except for supports) or opaque material (e.g. decorative grillwork, wrought iron, latticework, or similar materials) so that at least forty (40) percent of the guardrail or handrail is open. Handrails and guardrails shall not exceed the minimum height requirements set forth in the California Building Code for safety purposes.

C. Allowed Encroachments in Front Setbacks. Encroachments may be located within a required front setback area subject to the following restrictions:

1. For interior and corner lots, one set of access stairs from the grade level to the first elevated floor is allowed to encroach up to three (3) feet into the front setback. Excluding the required guardrails or handrails, the finished surface of the encroachment shall not exceed six (6) inches above the finished floor of the dwelling unit(s). Encroachments are subject

to compliance with all other development standards of the underlying zoning district including Section 20.30.130 (Traffic Safety Visibility Area).

a. Corner lots shall be developed in a manner that ensures visibility across the corners of the intersecting streets, alleys, sidewalks, private driveways, and the Ocean Front Boardwalk. Notwithstanding the requirements of this subsection (C), no encroachment over thirty (30) inches in height from existing grade shall be located within the traffic visibility triangle (i.e. the triangular-shaped area on a corner lot formed by measuring the five (5) feet from the intersection of the front and street side property lines adjacent to the Ocean Front Boardwalk).

b. Improvements or structures that exceed the allowable height limit for visibility in the traffic safety visibility area may be approved by the City Traffic Engineer if he/she determines that the location and/or height of the existing or proposed improvement or structure, or other obstruction allows for the unobstructed view of oncoming traffic including bicyclists, and pedestrians by a driver, bicyclist, or pedestrian approaching an intersection.

2. Guardrails and handrails in the front setback shall be constructed of either transparent material (except for supports) or opaque material (e.g. decorative grillwork, wrought iron, latticework, or similar materials) so that at least forty (40) percent of the guardrail or handrail is open. Handrails and guardrails shall not exceed the minimum height requirements set forth in the California Building Code for safety purposes.

D. Third Floor Limitations. All residential structures shall comply with Section20.48.180 (Residential Development Standards and Design Criteria). For purposes of determining the number of floors within the principal structure, the garage shall be considered the first level. In the case of a split-level design, the Director shall determine which portions of the split-level structure shall constitute a third floor for the purpose of implementing Section 20.48.180 (Residential Development Standards and Design Criteria).

IV. Subsection (f) shall be added to Section 20.30.110(D)(1) (General Regulations) of the NBMC to read as follows:

f. Special Flood Hazard Area (VE) Overlay. Encroachments allowed by this subsection shall apply to properties within the VE Overlay except as modified by Section 20.28.070 (VE Overlay). Refer to Section 20.28.070 (VE Overlay) for setback regulations and additional authorized encroachments.

V. The table of contents of Chapter 20.80 (Maps) of the NBMC shall be amended to read as follows:

Chapter 20.80
MAPS

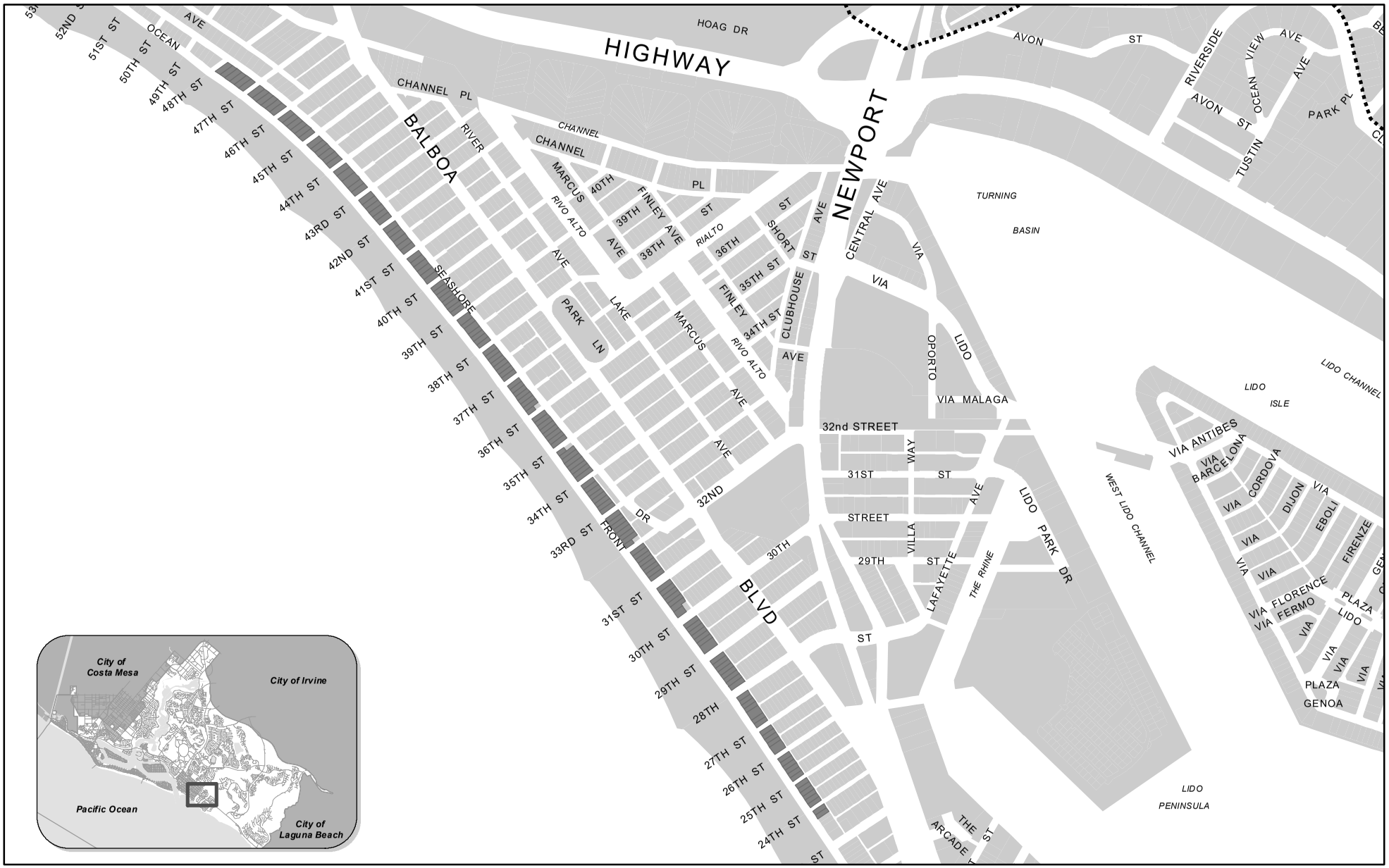
Sections:

20.80.010 Area Maps.
20.80.020 Bluff overlay.
20.80.025 Housing Opportunity Overlay Zoning Districts maps.
20.80.030 Height limit areas.
20.80.035 Parking Management Overlay District maps.
20.80.040 Setback maps.
20.80.045 Special Flood Hazard Area (VE) Overlay District map.

VI. Section 20.80.045 (Special Flood Hazard Area (VE) Overlay) of the NBMC shall be added to read as follows:

Section 20.80.045 Special Flood Hazard Area (VE) Overlay map.

VE-1 – Special Flood Hazard Overlay (PDF)



VE-1 - Special Flood Hazard Area (VE) Overlay

0 250 500 Feet

Name: VE-1 - Special Flood Hazard Area (VE) Overlay

EXHIBIT "B"

FACTS IN SUPPORT OF FINDINGS (PA2018-075)

An amendment to Title 20 (Planning and Zoning) of the NBMC is a legislative act. Neither Chapter 20.66 (Planning and Zoning, Amendments) of Title 20 (Planning and Zoning) of the NBMC, or Article 2 (Adoption of Regulations) of Chapter 4 (Zoning Regulations) of Division 1 (Planning and Zoning) of Title 7 (Planning and Land Use) of the California Government Code set forth any required findings for either approval or denial of such amendments.

Notwithstanding the foregoing, the Zoning Code Amendment is consistent with the City Council's initiation and allows for orderly residential development while protecting property rights, as identified below.

1. The Zoning Code Amendment is consistent with Coastal Land Use Plan Policy 2.7-1 and General Plan Land Use Element Policy LU 5.1.6, which require development to maintain appropriate setbacks for residential development to protect the character of established neighborhoods and to protect coastal access and coastal resources. The proposed amendments would only apply to private residential single-unit and two-unit properties and do not authorize any changes to public property.

2. The Zoning Code Amendment does not authorize any new development that will block coastal access, nor does it change the dimensions of setbacks. Instead, it will provide flexibility in the application of height requirements for accessory structures within front, side, and rear setbacks. No changes to density or to maximum height limits of principal structures are proposed as part of this amendment. All new residential development in the VE Zone will require approval of a coastal development permit to evaluate compliance with the Coastal Act, including potential impacts to views and access related to the proposed design and location.

3. Typical residential properties along the beach and boardwalk can achieve seamless indoor and outdoor living with front patios along the sand or boardwalk. As of the effective date of the new FIRMs, properties in the VE Zone are no longer able to achieve this design, as their finished floors are elevated well above the beach or boardwalk. The existing residential development standards in the NBMC limit accessory structures to 42 inches maximum within the front setback. However, in the VE Zone, no patios or decks attached to the principal structure can be located below the first-floor elevation. This significantly limits outdoor living space for the affected properties. Furthermore, no direct access to the ground is provided, as the required stairs and handrails or guardrails exceed height limits in the front setback. The Zoning Code Amendment is therefore necessary to provide parity between residential properties located in the VE Zone and typical residential properties throughout Coastal Zone. The changes will

allow for encroachments, such as raised landings, decks, patios, platforms, stairs, railings, and terraces to exceed the maximum height limits for accessory structures within front, side, and rear yard setbacks (with limitations) for new residential construction within the VE Zone.

4. New residential construction, substantial improvements, and substantial damage projects in the VE Zone are required to be elevated approximately three to five feet above existing grade and stairs are necessary to access the dwelling from the ground. Currently, the NBMC limits steps, landings, platforms, and similar features to 18 inches from existing grade in the side and rear setback. An 18-inch-high platform is not sufficient to reach the first floor of the new structure. The Zoning Code Amendment and Local Coastal Program Amendment would allow new residential construction to provide direct access to the dwelling from the side or rear setback without the need to reduce the floor area of the dwelling to accommodate the stairs. The required handrails or guardrails would also be allowed as part of the amendment to accommodate access in the side and rear setback areas.

5. With exception of the changes to allowable setback encroachments, all future development within the VE Zone would remain consistent with unchanged applicable standards of the R-1 and R-2 Zoning Districts. These include setbacks, height, floor area limitations, and parking standards.

Attachment B

Ordinance No. 2025-33 (Title 21)

ORDINANCE NO. 2025-33

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING AN AMENDMENT TO TITLE 21 (LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN) OF THE NEWPORT BEACH MUNICIPAL CODE, AS MODIFIED BY THE CALIFORNIA COASTAL COMMISSION, TO ESTABLISH THE SPECIAL FLOOD HAZARD AREA OVERLAY (PA2018-075)

WHEREAS, Section 200 of the City Charter, of the City of Newport Beach ("City"), vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the City Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges or procedures granted or prescribed by any law of the State of California;

WHEREAS, Section 30500 of the California Public Resources Code requires each county and city to prepare a Local Coastal Program ("LCP") for that portion of the coastal zone within its jurisdiction;

WHEREAS, the City adopted the City of Newport Beach LCP Coastal Land Use Plan in 2005, which has been amended from time to time;

WHEREAS, the California Coastal Commission ("Coastal Commission") effectively certified the City's LCP Implementation Plan on January 13, 2017, and the City added Title 21 (Local Coastal Program Implementation Plan) ("Title 21") of the City of Newport Beach Municipal Code ("NBMC") whereby the City assumed coastal development permit-issuing authority on January 30, 2017;

WHEREAS, new Federal Emergency Management Agency ("FEMA") Flood Insurance Rate Maps ("FIRMs") went into effect on March 21, 2019, for Newport Beach and include the new designation of a Special Flood Hazard Area ("VE Zone") affecting 166 beachfront properties in the West Newport area between 24th Street and 48th Street;

WHEREAS, new development within the VE Zone must meet FEMA construction design criteria, including elevation of structures with pilings, posts, piers, or columns to raise the main residential structure approximately three to five feet from existing grade, so that these structures are designed and engineered to allow water to flow below the elevated floor system without damaging the foundation or creating substantial debris;

WHEREAS, of the 166 affected properties, 27 properties are within the VE 13 Zone and require elevating structures approximately three feet above existing grade while the remaining 139 properties are within the VE 15 Zone and require elevating structures approximately five feet above existing grade;

WHEREAS, compliance with the VE Zone design criteria presents several challenges for new residential development to also meet the requirements of Title 21 of the NBMC since compliance with the VE Zone design criteria significantly limits means of access to the dwelling, as well as the usability of outdoor areas;

WHEREAS, City Council Policy K-1 (General Plan and Local Coastal Program) requires amendments to the City's certified LCP as implemented by and codified in Title 21 to be initiated by the City Council;

WHEREAS, the City Council adopted Resolution No. 2019-31 on March 26, 2019, initiating a Zoning Code Amendment ("ZCA") and Local Coastal Program Amendment ("LCPA") to amend Title 20 and Title 21 of the NBMC to modify the setback encroachment regulations for residential properties in the VE Zone;

WHEREAS, since adoption of the new FIRMs, the City has approved five variance applications for new residential projects in the VE Zone seeking relief from the setback standards in Titles 20 and 21 of the NBMC that directly conflict with the ability to comply with FEMA's VE Zone design criteria;

WHEREAS, approval and implementation of the LCPA will facilitate compliance and minimize variance requests in the VE Zone;

WHEREAS, the affected properties are categorized as RS-D (Single Unit Residential Detached) and RT (Two Unit Residential) by the General Plan Land Use Element and are located within the R-1 (Single-Unit Residential) and R-2 (Two-Unit Residential) Zoning Districts;

WHEREAS, the affected properties are located within the Coastal Zone with a Coastal Land Use Plan category of RSD-D (Single Unit Residential Detached – 20.0-29.9 DU/AC) and RT-E (Two Unit Residential – 30.0 – 39.9 DU/AC) and Coastal Zoning District designations of R-1 (Single-Unit Residential) and R-2 (Two-Unit Residential);

WHEREAS, a draft of the LCPA was presented to the design community on December 2, 2021, and to affected and nearby property owners on January 19, 2022, via virtual community meetings with comments incorporated into the proposed amendments to the extent feasible;

WHEREAS, the Planning Commission held a duly noticed public hearing on May 4, 2023, in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with the California Government Code Section 54950 *et seq*. ("Ralph M. Brown Act") and Chapters 20.62 and 21.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing**;**

WHEREAS, at the conclusion of the public hearing, the Planning Commission adopted Resolution No. PC2023-022 by unanimous vote (7 ayes, 0 nays) recommending approval of the ZCA and LCPA to the City Council;

WHEREAS, pursuant to Title 14 of the California Code of Regulations ("CCR") Section 13515 (Public Participation), drafts of the LCPA were made available, and a Notice of Availability was distributed at least six weeks prior to the final action date;

WHEREAS, the City Council held a duly noticed public hearing on June 13, 2023, in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the hearing was given in accordance with the Ralph M. Brown Act and Chapters 20.62 and 21.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by, the City Council at this hearing;

WHEREAS, the City Council adopted Resolution No. 2023-37 on June 13, 2025, by a unanimous vote (7 ayes – 0 nays), authorizing submittal of the LCPA filed as PA2018-075 to the Coastal Commission;

WHEREAS, the City Council also adopted Ordinance No. 2023-10 by a unanimous vote (7 ayes, 0 nays), on June 27, 2023, to approve the ZCA and update Title 20 of the NBMC with the effective date contingent upon the Coastal Commission's certification of the LCPA;

WHEREAS, the Coastal Commission denied the LCPA (LCP-5-NPB-23-0039-3 Part B) on July 10, 2025, as submitted and approved it with suggested modifications deemed necessary to find consistency with the California Coastal Act; and

WHEREAS, the City Council held a public hearing on October 14, 2025, in the City Council Chambers located at 100 Civic Center Drive, Newport Beach, California. Notice of time, place and purpose of the public hearing was given in accordance with the Ralph M. Brown Act, Section 13515, and Chapters 20.62 and 21.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by, the City Council at this public hearing.

NOW THEREFORE, the City Council of the City of Newport Beach ordains as follows:

Section 1: The City Council hereby approves the LCPA (PA2018-075) and accepts the suggested modifications approved by the Coastal Commission to amend Title 21 of the NBMC as set forth in "Exhibit A," based upon the Facts in Support of Findings set forth in Exhibit "B," both of which are attached hereto and incorporated herein by reference.

Section 2: The LCP, including the LCPA, will be carried out in full conformity with the California Coastal Act.

Section 3: The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

Section 4: The City Council hereby authorizes City staff to submit this ordinance for a determination by the Coastal Commission's Executive Director that this action satisfies the specific requirements of the Coastal Commission's July 10, 2025, action on LCPA Request No. LCP-5-NPB-23-0039-3 Part B.

Section 5: This ordinance shall not become effective for thirty days after adoption and until the Executive Director of the Coastal Commission certifies this ordinance complies with the Coastal Commission's July 10, 2025, action on LCPA Request No. LCP-5-NPB-23-0039-3 Part B.

Section 6: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 7: The City Council finds this LCPA is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the California Code of Regulations, Title 14, Division 6, Chapter 3 ("CEQA Guidelines"), because it has no potential for resulting in physical change to the environment, directly or indirectly.

The City Council also finds this LCPA is exempt categorically from CEQA pursuant to Section 15305 under Class 5 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment. The Class 5 exemption allows minor alterations in land use limitations in areas with an average slope of less than twenty percent, which do not result in any changes in land use or density. The LCPA seeks to provide flexibility for potential encroachments into side, rear, and front setback areas for properties located within the VE Zone. The proposed changes to the NBMC could result in raised decks, landings, stairs, and other accessory features in the front, side, and rear setbacks for the affected properties. All changes are limited in scope and would only alter regulations for the height of accessory structures, which would not result in any changes in land use intensity or density.

The exceptions to this categorical exemption under Section 15300.2 are not applicable. The affected 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 8: Except as expressly modified in this ordinance, all other sections, subsections, terms, clauses and phrases set forth in the Newport Beach Municipal Code shall remain unchanged and shall be in full force and effect.

Section 9: The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the ordinance, or a summary thereof, to be published pursuant to City Charter Section 414 and the same shall become final and effective as provided in Section 5 of this ordinance.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 14th day of October, 2025, and adopted on the 28th day of October, 2025, by the following vote, to-wit:

AYES: _____

NAYS: _____

ABSENT: _____

_____
Joe Stapleton, Mayor

ATTEST:

_____
Lena Shumway, City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

_____
Aaron C. Harp, City Attorney

Attachment(s): Exhibit A – Local Coastal Program Amendment (PA2018-075)
Exhibit B – Facts in Support of Findings (PA2018-075)

EXHIBIT "A"

LOCAL COASTAL PROGRAM AMENDMENT (PA2018-075)

I. The table of contents of Chapter 21.28 (Overlay Coastal Zoning Districts (MHP, PM, B, C and H) of the NBMC shall be amended to read as follows:

Chapter 21.28
OVERLAY ZONING DISTRICTS (MHP, PM, B, HO, H, VE)

Sections:

21.28.010 Purposes of Overlay Coastal Zoning Districts.
21.28.020 Mobile Home Park (MHP) Overlay Coastal Zoning District.
21.28.030 Parking Management (PM) Overlay District.
21.28.040 Bluff (B) Overlay District.
21.28.050 Canyon (C) Overlay District.
21.28.060 Height (H) Overlay District.
21.28.070 Special Flood Hazard Area (VE) Overlay District.

II. Section 21.28.010 (Purposes of Overlay Zoning Districts) of the NBMC is amended to add subsection (F) to read as follows:

F. Special Flood Hazard Area (VE) Overlay Zoning District. The VE Overlay District is intended to modify certain development standards for properties subject to special flood hazards as identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for Orange County, California and Incorporated Area with accompanying FEMA Flood Insurance Rate Maps (FIRM).

III. Section 21.28.070 (Special Flood Hazard Area (VE) Overlay District) of the NBMC shall be added to read as follows:

Section 21.28.070 Special Flood Hazard Area (VE) Overlay District.

A. Applicability. This section applies to encroachments for residential properties identified as VE 13 or VE 15 on the Federal Emergency Management Agency's "Flood Insurance Study (FIS) for Orange County, California and Incorporated Area" revised March 21, 2019. For purposes of this section, "encroachments" are limited to balconies, decks, landings, patios, platforms, porches, steps, raised walkways, or terraces required for access. With the exception of the encroachments authorized herein, all development shall comply with the applicable residential development standards (e.g., floor area limit, setbacks, parking) of the underlying zoning district set forth in the NBMC. In situations where an inconsistency occurs between the development standards of the underlying zoning district and the standards in this section related to encroachments, the standards related to encroachments in this section shall

apply.

The encroachments allowed by this section shall only apply when the project is required to comply with Chapter 15.50 (Floodplain Management) for residential properties where the structure is required to raise the foundation above the design flood elevation. Nothing in this section shall be construed to constitute a waiver of, or exclusion from, the building standards set forth in Chapter 15.50 (Floodplain Management).

B. Allowed Encroachments in Side and Rear Setbacks. An encroachment may be located within a required side or rear setback area other than those abutting an alley subject to the following restrictions:

1. For interior lots, the encroachment may be located in one (1) or more side or rear setback and may extend to the property line abutting the side or rear setback. Encroachments in an interior side or rear setback may only be permitted to the minimum extent necessary to provide access to the dwelling from both the front and the rear of the property.

2. For corner lots, the encroachment may be located in the interior side or rear setback. Encroachments in a side or rear setback facing a street may only be permitted to the minimum extent necessary to provide access to the dwelling from both the front and the rear of the property. The encroachment shall comply with all other development standards of the underlying zoning district including Section 20.30.130 (Traffic Safety Visibility Area).

3. Excluding required guardrails or handrails, the finished surface of the encroachment shall not exceed six (6) inches above the finished floor of the dwelling unit(s).

4. Guardrails and handrails in the side and rear setback shall be constructed of either transparent material (except for supports) or opaque material (e.g. decorative grillwork, wrought iron, latticework, or similar materials) so that at least forty (40) percent of the guardrail or handrail is open. Handrails and guardrails shall not exceed the minimum height requirements set forth in the California Building Code for safety purposes.

C. Allowed Encroachments in Front Setbacks. Encroachments may be located within a required front setback area subject to the following restrictions:

1. For interior lot and corner lots, one set of access stairs from the grade level to the first elevated floor is allowed to encroach up to three (3) feet into the front setback. Excluding the required guardrails or handrails, the finished surface of the encroachment shall not exceed six (6) inches above the finished floor of the dwelling unit(s). Encroachments are subject to compliance with all other development standards of the underlying zoning district including Section 21.30.130 (Traffic Safety Visibility Area).

a. Corner lots shall be developed in a manner that ensures visibility across the corners of the intersecting streets, alleys, sidewalks, private driveways, and the Ocean Front Boardwalk. Notwithstanding the requirements of this subsection (C), no encroachment over thirty (30) inches in height from existing grade shall be located within the traffic visibility triangle (i.e. the triangular-shaped area on a corner lot formed by measuring the five (5) feet from the intersection of the front and street side property lines adjacent to the Ocean Front Boardwalk).

b. Improvements or structures that exceed the allowable height limit for visibility in the traffic safety visibility area may be approved by the City Traffic Engineer if he/she determines that the location and/or height of the existing or proposed improvement or structure allows for the unobstructed view of oncoming traffic including bicyclists, and pedestrians by a driver, bicyclist, or pedestrian approaching an intersection.

2. Guardrails and handrails in the front setback shall be constructed of either transparent material (except for supports) or opaque material (e.g. decorative grillwork, wrought iron, latticework, or similar materials) so that at least forty (40) percent of the guardrail or handrail is open. Handrails and guardrails shall not exceed the minimum height requirements set forth in the California Building Code for safety purposes.

IV. Subsection (f) shall be added to Section 21.30.110(D)(1) (General Regulations) of the NBMC to read as follows:

f. Special Flood Hazard Area (VE) Overlay. Encroachments allowed by this subsection shall apply to properties within the VE Overlay except as modified by Section 21.28.070 (VE Overlay). See Section 21.28.070 (VE Overlay) for setback regulations and additional authorized encroachments.

V. The table of contents of Chapter 21.80 (Maps) of the NBMC shall be amended to read as follows:

Chapter 21.80
MAPS

Sections:

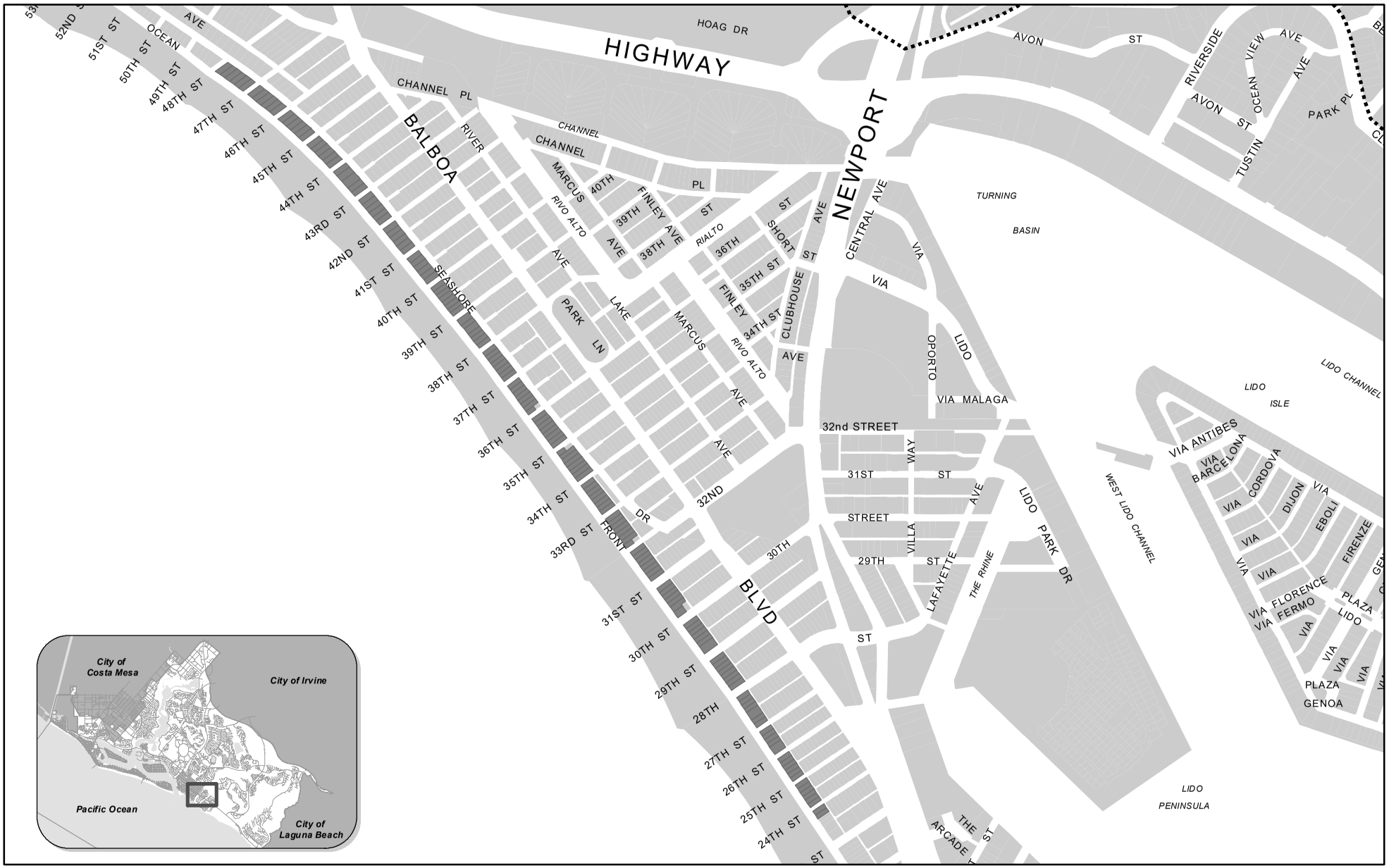
21.80.010 Area Maps.
21.80.020 Bluff overlay.
21.80.025 Housing Opportunity Overlay Zoning Districts maps.
21.80.030 Height limit areas.
21.80.035 Parking Management Overlay District maps.

21.80.040 Setback maps.
21.80.055 Planned Community Site Plans.
21.80.065 Planned Community Land Use Maps.
21.80.070 Special Flood Hazard Area (VE) Overlay map.

VI. Section 21.80.070 (Special Flood Hazard Area (VE) Overlay) of the NBMC shall be added to read as follows:

Section 21.80.070 Special Flood Hazard Area (VE) Overlay map.

VE-1 – Special Flood Hazard Overlay (PDF)



VE-1 - Special Flood Hazard Area (VE) Overlay

0 250 500 Feet

Name: VE-1 - Special Flood Hazard Area (VE) Overlay

EXHIBIT "B"

FACTS IN SUPPORT OF FINDINGS (PA2018-075)

An amendment to Title 21 (Planning and Zoning) of the NBMC is a legislative act. There are no required findings for either approval or denial of such amendments.

Notwithstanding the foregoing, the Local Coastal Program Amendment is consistent with the City Council's initiation and allows for orderly residential development while protecting property rights, as identified below.

1. The Local Coastal Program Amendment is consistent with Coastal Land Use Plan Policy 2.7-1 and General Plan Land Use Element Policy LU 5.1.6, which require development to maintain appropriate setbacks for residential development to protect the character of established neighborhoods and to protect coastal access and coastal resources. The proposed amendments would only apply to private residential single-unit and two-unit properties and do not authorize any changes to public property.

2. The Local Coastal Program Amendment does not authorize any new development that will block coastal access, nor does it change the dimensions of setbacks. Instead, it will provide flexibility in the application of height requirements for accessory structures within front, side, and rear setbacks. No changes to density or to maximum height limits of principal structures are proposed as part of this amendment. All new residential development in the VE Zone will require approval of a coastal development permit to evaluate compliance with the Coastal Act, including potential impacts to views and access related to the proposed design and location.

3. Typical residential properties along the beach and boardwalk can achieve seamless indoor and outdoor living with front patios along the sand or boardwalk. As of the effective date of the new FIRMs, properties in the VE Zone are no longer able to achieve this design, as their finished floors are elevated well above the beach or boardwalk. The existing residential development standards in the NBMC limit accessory structures to 42 inches maximum within the front setback. However, in the VE Zone, no patios or decks attached to the principal structure can be located below the first-floor elevation. This significantly limits outdoor living space for the affected properties. Furthermore, no direct access to the ground is provided, as the required stairs and handrails or guardrails exceed height limits in the front setback. The Local Coastal Program Amendment is therefore necessary to provide parity between residential properties located in the VE Zone and typical residential properties throughout Coastal Zone. The changes will allow for encroachments, such as raised landings, decks, patios, platforms, stairs, railings, handrails and terraces to exceed the maximum height limits for accessory structures within front, side, and rear yard setbacks (with limitations) for new residential construction within the VE Zone.

4. New residential construction, substantial improvements, and substantial damage projects in the VE Zone are required to be elevated approximately three to five feet above existing grade and stairs are necessary to access the dwelling from the ground. Currently, the NBMC limits steps, landings, platforms, and similar features to 18 inches from existing grade in the side and rear setback. An 18-inch-high platform is not sufficient to reach the first floor of the new structure. The Zoning Code Amendment and Local Coastal Program Amendment would allow new residential construction to provide direct access to the dwelling from the side or rear setback without the need to reduce the floor area of the dwelling to accommodate the stairs. The required handrails or guardrails would also be allowed as part of the amendment to accommodate access in the side and rear setback areas.

5. With exception of the changes to allowable setback encroachments, all future development within the VE Zone would remain consistent with unchanged applicable standards of the R-1 and R-2 Zoning Districts. These include setbacks, height, floor area limitations, and parking standards.

CITY OF

NEWPORT BEACH

City Council Staff Report

October 28, 2025
Agenda Item No. 4

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	David A. Webb, Public Works Director - 949-644-3311, dawebb@newportbeachca.gov
PREPARED BY:	Kevin Riley, Principal Civil Engineer - 949-644-3329, kriley@newportbeachca.gov
TITLE:	Resolution No. 2025-67: Vacation of Existing Sewer Easement at 124 Kings Place

ABSTRACT:

The property owner of 124 Kings Place has requested the vacation of an existing City of Newport Beach (City) sewer easement that crosses the property. In connection with new home construction at the site, the original 6-inch sewer main crossing the property was abandoned and replaced with a new 6-inch main located along the southerly property line within a newly granted 10-foot-wide sewer easement. The new main serves both 124 and 120 Kings Place. With the new improvements in place, the original sewer easement is no longer necessary.

RECOMMENDATIONS:

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Adopt Resolution 2025-67, *A Resolution of the City Council of the City of Newport Beach, California, Summarily Vacating Public Sewer Easements at 124 Kings Place (Lot 10 of Block D, Tract 1219) and Directing the City Clerk to Record Same with the County Recorder's Office*.

DISCUSSION:

A new home construction project is located at 124 Kings Place. Prior to the new construction project, the existing 6-inch City sewer main that ran across the property was abandoned. A new 6-inch sewer main was installed and a new 10-foot-wide sewer easement was granted along the southerly property line of 124 Kings Place. The new sewer mains served both 124 and 120 Kings Place. A location map is provided in Attachment A.

With the abandonment of the existing sewer main, and installation of a new sewer main and sewer easement, the existing sewer easement that runs across 124 Kings Place is no longer necessary. The property owner is requesting that the existing sewer easement be summarily vacated. Attachment B provides a map of the easement to be vacated. The new recorded sewer easement is provided in Attachment C.

According to City records and the Wastewater Master Plan, there are no other active City utilities nor are there plans to build within said easement. Pursuant to the California Streets and Highways Code Section 8333, the City Council may summarily vacate a City easement if any of the following conditions exist: (a) The easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation; (b) The date of dedication or acquisition is less than five years, and more than one year, immediately preceding the proposed dedication, and the easement was not used continuously since that date; or (c) The easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement. The sewer easement to be summarily vacated satisfies the previously mentioned condition (c) of the California Streets and Highways Code. The sewer easement to be summarily vacated is legally described in Exhibit A and Exhibit B of the attached Resolution in Attachment D.

FISCAL IMPACT:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

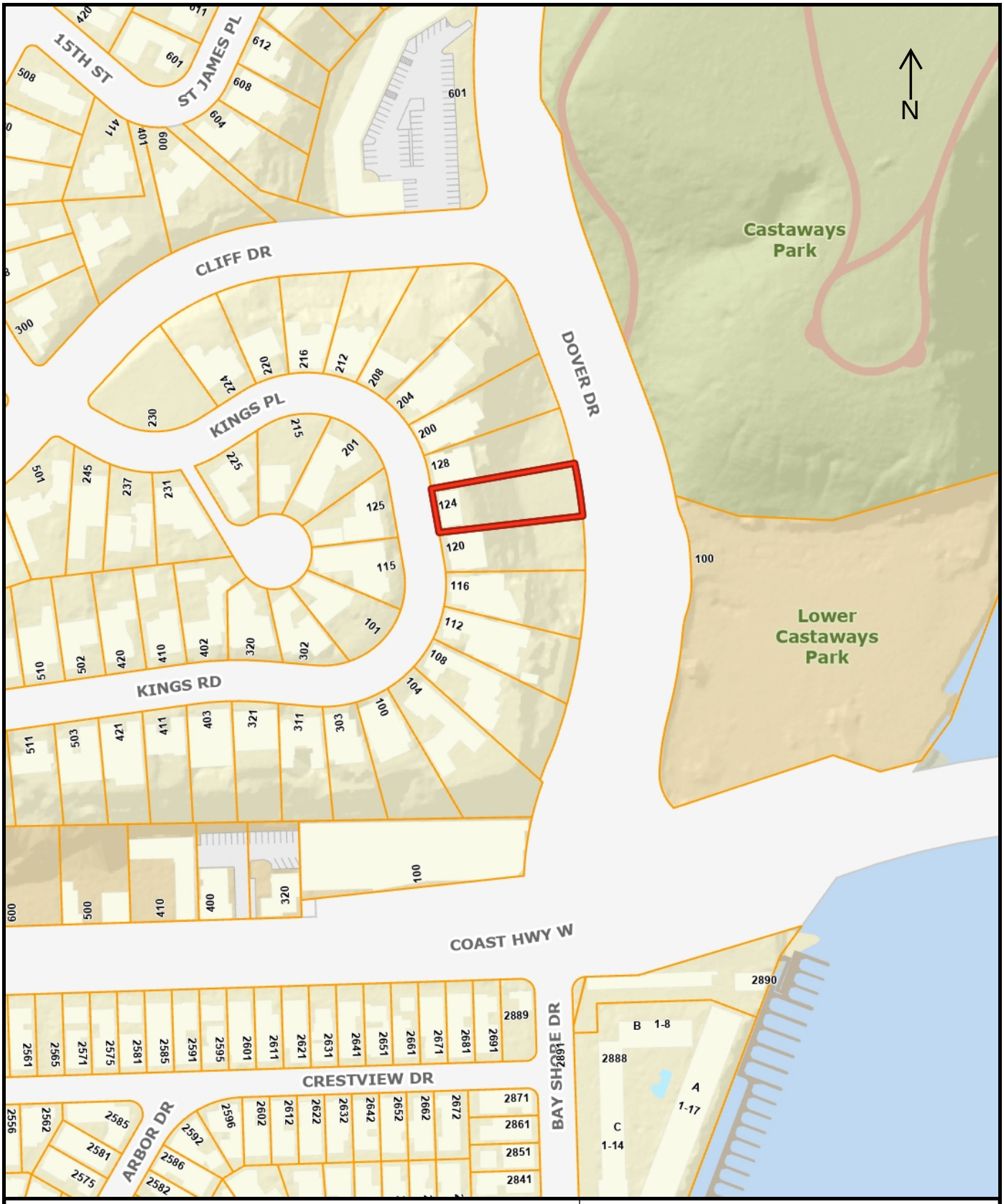
Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENTS:

Attachment A – Area Map
Attachment B – Map of Easement to be Vacated
Attachment C – Grant of new Easement (O.R. 2015000157842)
Attachment D – Resolution 2025-67



124 KINGS PLACE AREA MAP	CITY OF NEWPORT BEACH PUBLIC WORKS DEPARTMENT	
	CITY COUNCIL	OCT 14, 2025

MAP OF EASEMENT TO BE VACATED	CITY OF NEWPORT BEACH PUBLIC WORKS DEPARTMENT	
	CITY COUNCIL	OCT 14, 2025

RECORDING REQUESTED AND
WHEN RECORDED RETURN TO:

CITY OF NEWPORT BEACH
PUBLIC WORKS DEPARTMENT
P.O. BOX 1768
Newport Beach, CA 92658-1768

Recorded in Official Records, Orange County
Hugh Nguyen, Clerk-Recorder
NO FEE
* $ R 0 0 0 7 3 9 8 9 1 2 $ *
2015000157842 10:59 am 03/27/15
47 411 E01 4
0.00 0.00 0.00 0.00 9.00 0.00 0.00 0.00

NF
M
4P
FF

Recording Fee: Exempt
(Government Code – Section 6103)

(Space above this line for Recorder's use)

GRANT OF EASEMENT FOR SANITARY SEWER LINE PURPOSES

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Alex Mann, owner of certain real property commonly known as 124 Kings Place in the City of Newport Beach, County of Orange, State of California, hereinafter referred to as "OWNER," hereby grants to the CITY OF NEWPORT BEACH, a California municipal corporation and charter city, hereinafter referred to as "CITY," an exclusive easement for sanitary sewer purposes and the construction, re-construction, relocation, operations, maintenance and repair of sewer mains, facilities and appurtenances, in, over, under, along, and across said certain real property described and shown in Exhibit "A" which Exhibit is made a part of this document.

Dated: 5/21/14

Signature _____

Print Name Alex Mann

OWNER

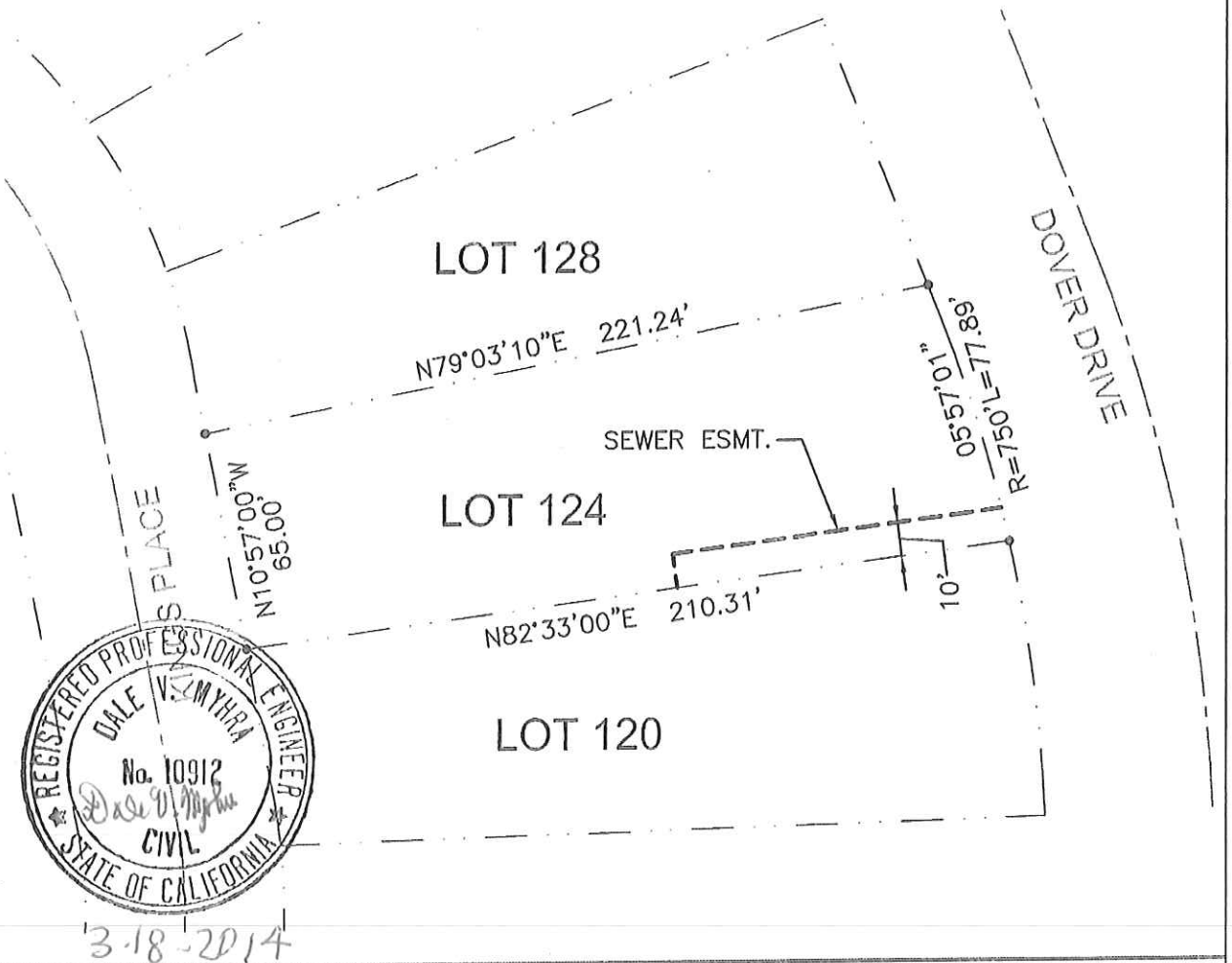
SEWER EASEMENT TO CITY OF NEWPORT BEACH

WITHIN

124 KINGS PLACE, NEWPORT BEACH, CA

BEING A PORTION OF LOT 10 OF BLOCK D, TRACT 1219 IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON THE MAP FILED IN BOOK 38, PAGE 27 OF MISCELLANEOUS MAPS IN THE OFFICE OF THE RECORDER OF SAID COUNTY AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHERLY 10.00 FEET OF THE EASTERLY 78.50 FEET FROM THE SOUTH EASTERLY CORNER ON A BEARING OF N 82°33'00" E OF SAID LOT 10 AS SHOWN ON THE ATTACHED EXHIBIT "A" ATTACHED HEREWITH AND MADE A PART OF HEREOF.



REGISTERED PROFESSIONAL ENGINEER
DALE V. MYHRA
No. 10912
CIVIL
STATE OF CALIFORNIA

3-18-2014

Myhra & Associates

202 Fashion Lane, Suite 113
Tustin, CA 92780
Phone: : (949) 382-1360
Fax: (949) 743-0956

EXHIBIT "A"
SKETCH FOR SEWER EASEMENT

W.O. No.
Engr. D.M. Chk'd. D.M.

Date: 01/19/2014
Sheet 1 of 1

ACKNOWLEDGMENT

State of California
County of Riverside } ss.

On May 21, 2014 before me, Tami K. Brown, Notary Public, personally appeared Alex Mann,who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(~~ies~~), and that by his/her/their signatures(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

TAMI K. BROWN
COMM. # 1967632
Notary Public - California
RIVERSIDE
My Commission Expires January 27, 2016

WITNESS my hand and official seal.

Signature (seal)

ACKNOWLEDGMENT

State of California
County of _____ } ss.

On _____ before me, _____, Notary Public, personally appeared _____,who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature (seal)

CERTIFICATE OF ACCEPTANCE

This **CERTIFICATE OF ACCEPTANCE** is to certify that the interest in real property conveyed by Grant of Easement for Sanitary Sewer Line Purposes at 124 Kings Place from ALEX MANN, as Grantor and the City of Newport Beach, a California municipal corporation, as Grantee, is hereby accepted on _____, 2014, by the undersigned officer on behalf of the City of Newport Beach pursuant to authority conferred by Resolution No. 1992-82 of the City Council adopted on July 27, 1992. The City consents to the recordation of said document in the Office of the Recorder of Orange County, State of California.

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE
Date: 3-27-14

By: Mary K Binning for
Aaron C. Harp
City Attorney

ATTEST:
Date: 3.10.15

By: Leilani I. Brown
Leilani I. Brown
City Clerk

CITY OF NEWPORT BEACH
a California municipal corporation
Date: 3.10.15

By: Dave Kiff
Dave Kiff
City Manager

RECOMMENDED FOR ACCEPTANCE:
PUBLIC WORKS DEPARTMENT
Date: _____

By: _____
David A. Webb
Public Works Director

State of California)
County of ORANGE)

On 3.10.15 before me, JENNIFER ANN MULVEY, Notary Public, personally appeared DAVE KIFF, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature on the instrument the person, or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ **(Seal)**

JENNIFER ANN MULVEY
Commission # 2045022
Notary Public - California
Orange County
My Comm. Expires Oct 12, 2017

ATTACHMENT D

RESOLUTION NO. 2025-67

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, SUMMARILY VACATING PUBLIC SEWER EASEMENTS AT 124 KINGS PLACE (LOT 10 OF BLOCK D, TRACT 1219) AND DIRECTING THE CITY CLERK TO RECORD SAME WITH THE COUNTY RECORDER'S OFFICE

WHEREAS, the City Council ("City Council") of the City of Newport Beach ("City"), pursuant to Chapter 4 of the Public Streets, Highways and Service Easements Vacation Law, Section 8330 *et seq.* of the California Streets and Highways Code, is authorized to summarily vacate a public service easement when the easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement;

WHEREAS, the property owner of 124 Kings Place, Newport Beach, California, 92663 ("Property") has requested the City vacate a ten-foot (10') easement and a six-foot (6') easement ("Easements"), which are legally described in Exhibit "A" and shown in Exhibit "B";

WHEREAS, in 2015, the property owner granted to the City, a new ten-foot (10') wide sewer easement along the Property's southerly property line. Subsequently, the property owner constructed a new six-foot (6') sewer main within the new ten-foot (10') wide easement and connected the sewer main to a manhole along Dover Drive thereby rerouting the sewer system;

WHEREAS, the segment of the sewer in the Easements are unnecessary for future sewer line purposes as the sewer main was relocated along the Property's southerly property line and there are no other sewer facilities within said Easements; and

WHEREAS, the City Council, having reviewed and considered the various elements of the General Plan of the City of Newport Beach prior to declaring its intent to summarily vacate the Easements on this Property, has determined that the proposed summary vacation is consistent with the General Plan.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows:

Section 1: The City Council does hereby summarily vacate the Easements described in Exhibit "A" and shown in Exhibit "B" on the grounds that the Easements are unnecessary as they have been relocated and there are no other public facilities therein.

Section 2: The City Clerk is hereby directed to have this resolution recorded by the Orange County Recorder, and that from and after the date this resolution is recorded, the portion of the sewer easements described in Exhibit "A" and depicted on Exhibit "B" shall be summarily vacated and no longer constitute public sewer easements.

Section 3: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 4: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 5: The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 6: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 28th day of October, 2025.

_____
Joe Stapleton
Mayor

ATTEST:

_____
Lena Shumway
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

_____
Aaron C. Harp
City Attorney

Attachment(s): Exhibit A – Legal Description of Easement Vacation
Exhibit B – Map of Sewer Easement Vacation

EXHIBIT A

Legal Description of Easement Vacation

TOAL ENGINEERING, INC.
139 AVENIDA NAVARRO
SAN CLEMENTE, CALIFORNIA 92672
(949) 492-8586
FAX (949) 498-8625

JOB 22237
SHEET NO. 1 OF 2
CALCULATED BY BG DATE 10/23/24
CHECKED BY WAB DATE 10/23/24
SCALE -

EXHIBIT 'A' - LEGAL DESCRIPTION

EASEMENT VACATION
PORTIONS OF SEWER EASEMENTS
CONVEYED IN DOCUMENTS RECORDED IN BOOK 3237, PAGE 507, O.R.
AND INSTRUMENT NO. 2008000217258 O.R.
LYING WITHIN LOT 10 OF BLOCK D, TRACT NO. 129, M.M. 38/26-27

HEREBY QUITCLAIM THAT PORTION OF THE 10 FEET (10') WIDE SEWER EASEMENT IN FAVOR OF THE CITY OF NEWPORT BEACH CONVEYED IN A DOCUMENT RECORDED OCTOBER 7, 1955 IN BOOK 3237, PAGE 507 OF OFFICIAL RECORDS IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA LYING WITHIN LOT 10 OF BLOCK D, TRACT NO. 1219 AS PER MAP FILED IN BOOK 38, PAGES 26 THROUGH 27 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID ORANGE COUNTY;

TOGETHER WITH:

THAT PORTION OF THE 6 FEET (6') WIDE SEWER EASEMENT IN FAVOR OF THE CITY OF NEWPORT BEACH CONVEYED IN A DOCUMENT RECORDED MAY 7, 2008 AS INSTRUMENT NO. 200800217258 OF OFFICIAL RECORDS IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA LYING WITHIN SAID LOT 10 OF BLOCK D, TRACT NO. 1219, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF SAID LOT 10;

THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 10 NORTH 83°33'00" EAST 72.98 FEET TO THE TRUE POINT OF BEGINNING;

THENCE LEAVING SAID SOUTHERLY LINE NORTH 3°00'00" WEST 6.02 FEET;

THENCE NORTH 83°33'00" EAST 58.36 FEET;

THENCE SOUTH 7°27'00" EAST 6.00 FEET TO A POINT ON THE SAID SOUTHERLY LINE OF SAID LOT 10;

THENCE ALONG SAID SOUTHERLY LINE SOUTH 82°33'00" WEST 58.82 FEET TO THE TRUE POINT OF BEGINNING.

ALSO AS SHOWN ON EXHIBIT 'B' ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

PREPARED BY ME OR UNDER MY DIRECTION ON: 4/02/25

Wm. Alan Brooks

ALAN BROOKS LS 6921

EXHIBIT B

Map of Sewer Easement Vacation

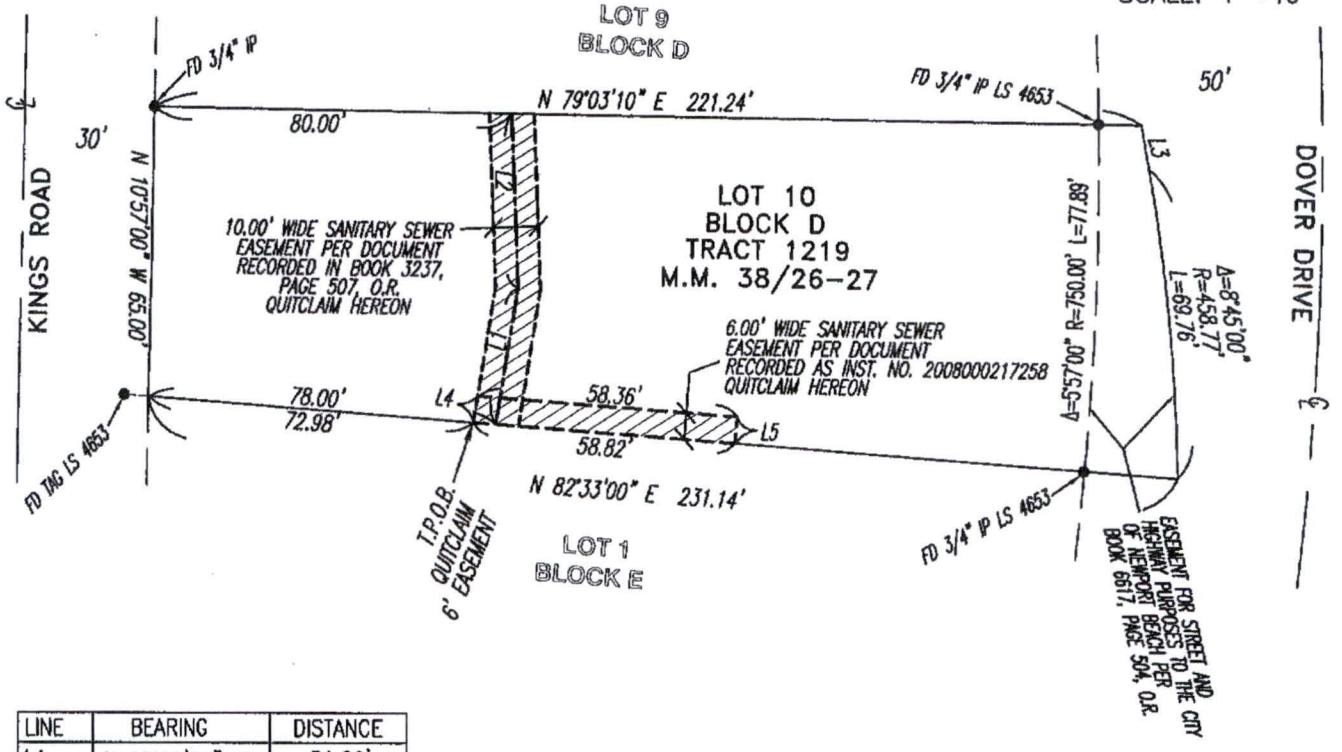
TOAL ENGINEERING, INC.
139 AVENIDA NAVARRO
SAN CLEMENTE, CALIFORNIA 92672
(949) 492-8586
FAX (949) 498-8625

JOB 22237
SHEET NO. 2 OF 2
CALCULATED BY BG DATE 10/23/24
CHECKED BY WAB DATE 10/23/24
SCALE 1"=40'

EXHIBIT 'B' - SKETCH

EASEMENT VACATION
PORTIONS OF SEWER EASEMENTS
CONVEYED IN DOCUMENTS RECORDED IN BOOK 3237, PAGE 507, O.R.
AND INSTRUMENT NO. 2008000217258 O.R.
LYING WITHIN LOT 10 OF BLOCK D, TRACT NO. 129, M.M. 38/26-27

SCALE: 1"=40'



LINE	BEARING	DISTANCE
L1	N 03°00'00" W	31.00'
L2	N 14°05'21" W	39.11'
L3	N 21°36'30" W	10.00'
L4	N 03°00'00" W	6.02'
L5	N 07°27'00" W	6.00'

LICENSED LAND SURVEYOR
WM ALAN BROOKS
No. 6921
STATE OF CALIFORNIA

LEGEND

CENTERLINE OF EXISTING EASEMENT TO BE QUITCLAIMED

EXISTING EASEMENT TO BE QUITCLAIMED

PREPARED BY ME OR UNDER MY DIRECTION ON: 4/02/25

Wm. Alan Brooks

ALAN BROOKS LS 6921

CITY OF

NEWPORT BEACH

City Council Staff Report

October 28, 2025
Agenda Item No. 5

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	David A. Webb, Public Works Director - 949-644-3311, dawebb@newportbeachca.gov
PREPARED BY:	Theresa Schweitzer, Public Works Finance/Administrative Manager - 949-644-3335, tschweitzer@newportbeachca.gov
TITLE:	Resolution No. 2025-68: Certifying Funding Listed in the Federal Transportation Improvement Program

ABSTRACT:

The Federal Transportation Improvement Program (FTIP) is a listing of all transportation projects over a six-year period that receive state or federal funding or are deemed regionally significant. The list is updated every two years. The 2027 FTIP covers federal Fiscal Years 2026-27 through 2031-32. Local agencies are required to adopt a resolution certifying that the agency has the resources to fund its projects listed in the FTIP. The City of Newport Beach currently has one project listed in the FTIP, which is the recently completed Newport Beach Bicycle and Pedestrian Bridge project.

RECOMMENDATIONS:

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Adopt Resolution No. 2025-68*, A Resolution of the City Council of the City of Newport Beach, California, Certifying that the City of Newport Beach has the Resources to Fund the Projects in the Federal Transportation Improvement Program for Federal Fiscal Years 2026-27 to 2031-32 and Affirming its Commitment to Implement All City Projects in the Program.*

DISCUSSION:

The FTIP is a listing of all capital improvement projects proposed over a six-year period that include state or federal transportation funding. Projects include highway improvements, transit, rail and bus facilities, high occupancy vehicle lanes, signal synchronization, intersection improvements, freeway ramps, bike facilities, etc. The Orange County Transportation Authority (OCTA) FTIP database also includes projects that are deemed regionally significant, regardless of the funding source, and allows local agencies access to view and amend their projects.

As part of the 2027 FTIP update, OCTA requires local jurisdictions to adopt a resolution affirming the agencies' intent to allocate resources to fund and implement projects on the FTIP. Currently, the City has one approved improvement project listed in the FTIP. The recently completed Newport Beach Bicycle and Pedestrian Bridge project was partially funded through the Bicycle Corridor Improvement Program (BCIP). This project, also known as the Superior Avenue Pedestrian/Bicycle Bridge and Parking Lot (Project No. 15T09), provides bicycle and pedestrian access across Superior Avenue to and from Sunset Ridge Park.

FISCAL IMPACT:

There is no fiscal impact related to this item since the Superior Avenue Pedestrian/Bicycle and Parking Lot project has been completed and no new projects have been added to the FTIP.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENT:

Attachment A – Resolution No. 2025-68

ATTACHMENT A

RESOLUTION NO. 2025-68

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, CERTIFYING THAT THE CITY OF NEWPORT BEACH HAS THE RESOURCES TO FUND THE PROJECTS IN THE FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM FOR FEDERAL FISCAL YEARS 2026-27 TO 2031-32 AND AFFIRMING ITS COMMITMENT TO IMPLEMENT ALL CITY PROJECTS IN THE PROGRAM

WHEREAS, the City of Newport Beach ("City") is located within the metropolitan planning boundaries of the Southern California Association of Governments;

WHEREAS, the City Council has authorized projects for submittal to the Orange County Transportation Authority's ("OCTA") Federal Transportation Improvement Program for federal fiscal years 2026-27 to 2031-32 ("FTIP");

WHEREAS, by adopting this resolution the City Council intends to certify that the City has the resources to fund the projects in the FTIP, affirm its commitment to implement the projects in the FTIP, and authorize the submittals of future projects for inclusion in the FTIP;

WHEREAS, the City is the lead agency for projects submitted by the City in the FTIP and will comply with applicable local, state, and federal provisions for the projects, including but not limited to the FTIP, California Environmental Quality Act, National Environmental Policy Act, Americans with Disabilities Act, and Build America Buy America; and

WHEREAS, the City agrees to construct "Transportation Control Measures" for its projects in the FTIP, as amended, in a timely manner, or to assist with finding a substitute project.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows:

Section 1: The City Council does hereby certify that the City has the resources to fund the projects in the FTIP, affirm its commitment to implement the projects in the FTIP, and authorize the submittals of future projects for inclusion in the FTIP.

Section 2: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 3: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 4: The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 5: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 28th day of October 2025.

Joe Stapleton
Mayor

ATTEST:

Lena Shumway
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

Aaron C. Harp
City Attorney

CITY OF

NEWPORT BEACH

City Council Staff Report

October 28, 2025
Agenda Item No. 6

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	Paul Blank, City Harbormaster - 949-270-8159, pblank@newportbeachca.gov
PREPARED BY:	Cynthia Shintaku, Management Analyst - 949-270-8159, cshintaku@newportbeachca.gov
TITLE:	Resolution No. 2025-69: Accepting a Grant from the State of California, Division of Boating and Waterways for the Surrendered and Abandoned Vessel Exchange Program

ABSTRACT:

The City of Newport Beach (City) applied for and has been awarded grant funding by the State of California, Department of Parks and Recreation, Division of Boating and Waterways for the Surrendered and Abandoned Vessel (SAVE) Exchange Program. Funding for this program will be used to remove and reduce abandoned and surrendered vessels in our waterways. For the City Council's consideration is a resolution to accept grant funds from the State of California.

RECOMMENDATIONS:

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;

b) Adopt Resolution No. 2025-69, *A Resolution of the City Council of the City of Newport Beach, California, Accepting a Grant from the State of California, Department of Parks and Recreation, Division of Boating and Waterways for the Surrendered and Abandoned Vessel Exchange Program (SAVE)*; and

c) Approve Budget Amendment No. 26-029 recognizing $100,000 in grant revenue from the California Division of Boating and Waterways (13501-431385-25H13) and appropriating $100,000 to Account No. 13501-980000-25H13 and $10,000 to Account No. 10001-980000-25H13 Abandoned Watercraft Abatement.

DISCUSSION:

Newport Harbor is one of the largest small-craft recreational harbors on the California Coastline and is a welcome port for many boaters as they cruise the Pacific Ocean or tour local waters. The City encourages public access to the water and offers slips and vacant moorings available to rent to both locals and visitors. With approximately 1,200 public moorings, the harbor also serves as home for a variety of permitted vessels.

While the majority of boaters and mooring permittees properly use the harbor, there are occasional issues of vessel abandonment, illegal berthing and derelict vessels. As a result, some vessels may face citations, impoundment or subsequent legal action (such as liens, junking and demolition). These vessels may pose on-the-water hazards and can be prone to discharges of oils, gas, sewage or other fluids; become platforms for wildlife to overrun; or worse, take on water and sink in the harbor. The City occasionally inherits these derelict and abandoned vessels, which results in disposal-related costs for the City, and as such, the City requires funding for proper disposal.

The SAVE program, formerly called the Abandoned Watercraft Abatement Fund and the Vessel Turn in Program, was enacted in 1998 and 2010. This program provides an efficient and cost-free alternative for boat owners to surrender an unwanted vessel to a participating agency in lieu of abandonment; it helps eliminate the expensive, difficult and time-consuming adjudication and removal process that abandoned vessels require.

Since 2014, the City has applied for and been awarded the SAVE Grant. Below is a chart that references the grant funding awarded, and number of vessels removed. The number of vessels removed from the program is determined by the size and condition of each vessel.

Grant Year	Award Amount	Vessels Removed
2014-2016	$125,700	30
2017-2019	$125,000	25
2019-2021	$175,000	47
2021-2023	$175,000	27
2023-2025	$175,000	37

The Harbor Department has proactively educated mariners on the SAVE program encouraging individuals to turn in vessels they can no longer care for. All the vessels processed through this program are either decaying, nonoperational and/or a financial detriment to their owners.

Recognizing the need and interest in the program, in April 2025, the City re-applied for the next round of SAVE grant funding. In July 2025, the City was notified by the State that funding for the SAVE grant would be reduced from $2 million to $1 million. The maximum award amount for applicants would be up to $100,000 or 10% of the grant. In September 2025, the City was awarded $100,000 for the SAVE grant program.

FISCAL IMPACT:

The Budget Amendment recognizes $100,000 in grant revenue from the State Department of Boating and Waterways and $110,000 in increased expenditure appropriations. This grant reimburses 90% of eligible SAVE grant expenditures, with the City providing a 10% match. This is a two-year grant program and will conclude on September 30, 2027.

The revenue will be posted to the Division of Boating and Waterways Contribution CIP fund account, 13501-4313855-25H13, and the services will be expensed to the Abandoned Watercraft Abatement CIP expenditure account, 13501-980000-25H13 and 1001-980000-25H13.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENTS:

Attachment A – Resolution No. 2025-69
Attachment B – Budget Amendment

RESOLUTION NO. 2025- 69

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, ACCEPTING A GRANT FROM THE STATE OF CALIFORNIA, DEPARTMENT OF PARKS AND RECREATION, DIVISION OF BOATING AND WATERWAYS FOR THE SURRENDERED AND ABANDONED VESSEL EXCHANGE PROGRAM (SAVE)

WHEREAS, the City of Newport Beach ("City") is desirous of preserving and promoting uses that contribute to the charm and character of Newport Harbor;

WHEREAS, the City removes abandoned and surrendered vessels from Newport Harbor and the greater Southern California region pursuant to local, country, state and federal regulations;

WHEREAS, the Division of Boating and Waterways of the California Department of Parks and Recreation ("State") is authorized to distribute grants, through the Surrendered and Abandoned Vessel Exchange Program ("SAVE") to local public agencies that have jurisdiction over navigable waterways in California for the removal of abandoned and surrendered vessels;

WHEREAS, the City submitted a grant application seeking funds from SAVE for the City's vessel removal program in Newport Harbor;

WHEREAS, the State reviewed and approved the City's grant application and awarded One Hundred Thousand Dollars and 00/100 ($100,000.00) for the City's removal of abandoned and surrendered vessels from Newport Harbor ("Grant"), subject to the terms and conditions of the grant agreement, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference; and

WHEREAS, in accordance with City Council Policy F-25 (Grant Administration), the City Council hereby intends to approve and accept the Grant.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows:

Section 1: The City Council hereby approves and accepts the Grant, made available through SAVE and administered by the State, subject to the terms and conditions of the grant agreement.

Section 2: The City Manager is hereby authorized to execute the grant agreement and any documents necessary for the City to secure payment of the Grant funds and effectuate the purposes for which the Grant was awarded.

Section 3: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 4: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 5: The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 6: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 28th day of October, 2025.

Joe Stapleton
Mayor

ATTEST:

Lena Shumway
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

Aaron C. Harp
City Attorney

Attachment: Exhibit A- Grant Agreement

State of California – Natural Resources Agency
DEPARTMENT OF PARKS AND RECREATION
DIVISION OF BOATING AND WATERWAYS

GRANT AGREEMENT - CERTIFICATE OF FUNDING

GRANTEE: City of Newport Beach

GRANT TITLE: SURRENDERED AND ABANDONED VESSEL EXCHANGE (SAVE-25)

GRANT AMOUNT: $100,000.00

GRANT NUMBER: C25S0606

GRANT TERM: _____ through September 30, 2027

The Grantee agrees to the terms and conditions of this agreement, hereinafter referred to as Agreement, and the State of California, acting through its Director of the Department of Parks and Recreation, and pursuant to the State of California agrees to fund the total State grant amount indicated below and in Exhibit F which is a part of the agreement consisting of: Exhibit A "Project Representatives", Exhibit B "Grant Terms and Conditions", Exhibit C "General Terms and Conditions", Exhibit D "Grantee Certification Clauses", Exhibit E "Darfur Contracting Act", Exhibit F "Application/Scope of Work".

Grantee: City of Newport Beach	Agency: Department of Parks and Recreation Division of Boating and Waterways
	ATTN: Gina Disney
Address: 100 Civic Center Drive, Newport Beach, CA 92627	Address: 4940 Lang Ave., Dock H, Administration, Floor 12 McClellan, CA 95652
Authorized Signature:	Authorized Signature:
Printed Name:	Printed Name: Keren Dill
Title of Authorized Representative:	Title: Staff Services Manager II
Date:	Date:

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE
Date:_____

By: _____ for
Aaron C. Harp, City Attorney

10.7.25
AC

CERTIFICATE OF FUNDING

(FOR STATE USE ONLY)

GRANTEE: City of Newport Beach

GRANT TITLE: FY 2025/26 Surrendered and Abandoned Vessel Exchange (SAVE)

GRANT AMOUNT: $100,000.00

GRANT NUMBER: C25S0606

END DATE: September 30, 2027

AGREEMENT NO C25S0606	AMENDMENT NO	SUPPLIER ID 0000035109			PROJECT NO 3790OTHER
AMOUNT ENCUMBERED BY THIS DOCUMENT $100,000.00	FUND DESCRIPTION Surrendered and Abandoned Vessel Exchange (SAVE-25)			AGENCY BILLING CODE NO 053709	
REPORTING STRUCTURE 37900709	Approp. Ref. Fund 3790-101-0577	CHAPTER 04	STATUTE 2025		FISCAL YEAR 2025/26
BUSINESS UNIT 3790	PROGRAM 2855023	ACTIVITY CODE 69996		ACCOUNT 5432000	ALT ACCOUNT 5432000000

STATE OF CALIFORNIA

Department of Parks and Recreation, Division of Boating and Waterways
P.O. Box 942896, Floor 12
Sacramento CA 94296

SURRENDERED AND ABANDONED VESSEL EXCHANGE (SAVE)

FISCAL YEAR 2025/26

EXHIBIT A - PROJECT REPRESENTATIVES

The services shall be performed in the jurisdiction of: City of Newport Beach

State Agency: Division of Boating and Waterways	Grantee (Agency Name): City of Newport Beach
Name: Gina Disney	Grantee Representative*: Paul Blank
Title: Grants Program Manager	Title: Harbormaster
Address: 4940 Lang Ave., Dock H, Administration, Floor 12 McClellan, CA 95652	Mailing Address: 100 Civic Center Drive, Newport Beach, CA 92627
	Remit to Address:
Phone: (916) 902-8821	Phone: (949) 270-8159
Fax:	Fax:
Email: gina.disney@parks.ca.gov	Email: harbormaster@newportbeachca.gov

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EXHIBIT B - GRANT TERMS AND CONDITIONS

SURRENDERED AND ABANDONED VESSEL EXCHANGE (SAVE) GRANT PROGRAM

1. PURPOSE OF THE PROGRAM:

a. Pursuant to its authority under Harbors and Navigation Code (HNC) section 525(1)(a), the Division of Boating and Waterways (DBW) wishes to contract with Grantee for the removal and disposal of:

(1) Abandoned property as described in HNC 522 (below) within Grantee's jurisdiction as listed in Exhibit A.

HNC Section 522: "Any hulk, derelict, wreck, or parts of any ship, vessel, or other watercraft sunk, beached, or allowed to remain in an unseaworthy or dilapidated condition upon publicly owned submerged lands, salt marsh, or tidelands within the corporate limits of any municipal corporation or other public corporation or entity having jurisdiction or control over those lands, without its consent expressed by resolution of its legislative body, for a period longer than 30 days without a watchman or other person being maintained upon or near and in charge of the property, is abandoned property."

(2) Surrendered vessels as defined in HNC 526.1

HNC Section 526.1: "surrendered vessel" means a recreational vessel that the verified titleholder has willingly surrendered to a willing public agency under both of the following conditions:

(a) The public agency has determined, in its sole discretion, that the vessel is in danger of being abandoned, and therefore has a likelihood of causing environmental degradation or becoming a hazard to navigation.

(b) The decision to accept a vessel is based solely on the potential of the vessel to likely be abandoned and cause environmental degradation or become a hazard to navigation."

(3) Wrecked or dismantled vessels, or parts thereof, or any other partially submerged object that pose a substantial hazard to navigation, from navigable waterways or adjacent public property, or private property with the landowner's consent.

b. The funds provided under this Agreement **shall not** be utilized for surrender, abatement, removal, storage, or disposal of commercial vessels. Commercial vessels include those vessels for which the most recent registration or documentation was commercial, even though that registration or documentation may have lapsed.

c. If Grantee is reimbursed for the costs related to the surrender, abatement, removal, storage, and/or disposal of an eligible water hazard by the registered or legal owner or other person or entity known to have an interest in the water hazard, then the water hazard shall no longer be eligible for funding under this Agreement. Grantee shall notify DBW in writing of such reimbursement and shall return all funds disbursed by DBW to Grantee with respect to such water hazard immediately.

d. Vessels listed in Exhibit F Application/Scope of Work are considered solely a demonstration of the agency's need for funding, not an approval that the individual

vessels are eligible for SAVE funding.

2. **RIGHT OF INSPECTION**

Grantee shall allow DBW and other state agency representatives, at any reasonable time, to inspect any site where Grantee or its subcontractors are performing work under this Agreement.

3. **ANNUAL MEETING**

Grantee's representative or alternate shall participate in an annual grant management and regional coordination one-day video or phone conference conducted by DBW during the term of this agreement.

4. **TIMELINESS**

Grantee agrees to complete the scope of work submitted in its application in a timely fashion.

5. **HAZARDOUS MATERIALS**

Grantee shall be responsible for securing any necessary or prudent studies, permits, or authorizations associated with treatment, removal, storage, or any other handling of hazardous substances including, but not limited to, toxic waste, petroleum waste, asbestos, and similar substances, prior to the removal of any vessel and water hazard pursuant to this Agreement.

Grantee shall be responsible for the proper and lawful handling, abatement, removal, storage, and/or disposal of any hazardous substances encountered in the execution of this Agreement.

6. **TITLES AND LIENS**

a. **Abandoned vessels**: Grantee shall comply with all relevant provisions of the Harbors and Navigation Code regarding notices, hearings and liens in the performance of this Agreement. Grantee (in conjunction with local law enforcement) shall conduct a title search for all vessels presumed to be abandoned, as provided by Harbors and Navigation Code section 526.

b. **Surrendered vessels**: Grantee shall comply with all relevant provisions of Harbors and Navigation Code section 526.1 in the performance of this Agreement, requiring that a surrendered vessel be that of the "verified titleholder."

c. Grantee shall comply with all Department of Motor Vehicles notification requirements related to the disposal of vessels and trailers.

7. **GRANTEE CITATIONS - ABANDONED VESSELS**

Grantee shall, in accordance with HNC 525(a–c), issue the last registered vessel owner a citation for abandoning a vessel and impose a fine of not less than $1,000 nor more than $3,000 for violation of this section. And shall seek every legally available method to have them pay for the removal and disposal of their abandoned vessel.

8. **MEDIA**

Grantee agrees to acknowledge DBW's financial support whenever work funded by this Agreement is publicized in any news media, brochures, or other type of promotional material.

9. MEDIA MATERIALS RELEASE

Grantee agrees to irrevocably grant to California State Parks, Division of Boating and Waterways, its employees, officers, agents, and assigns (hereinafter referred to as "DBW"), the non-exclusive, royalty-free, perpetual and worldwide right and permission to use, reproduce, publish, copy, distribute, alter, license, adapt, and display the photographs, motion pictures, caption information, and/or written quotes (hereinafter referred to collectively as "Photographs"), that the Grantee has submitted to DBW for art, editorial, advertising, marketing, trade, broadcast, print, educational programs, or any other lawful purpose whatsoever, in any and all media. In connection with the foregoing license, the Grantee agrees not to use, reproduce, adapt, or display the Photographs, or allow others to do so, in a manner that tends to subject DBW or its Abandoned Watercraft Abatement Fund Grants (AWAF), Vessel Turn In Program (VTIP) and/or Surrendered and Abandoned Vessel Exchange (SAVE) programs to ridicule, disparagement, mockery, satire, or that could tarnish the image of the DBW's AWAF, VTIP, and/or SAVE programs. Grantee hereby releases and discharges DBW from any and all claims and demands arising out of or in connection with the use of the Photographs, including without limitations, any and all claims for libel, defamation, invasion of privacy, and/or publicity rights. DBW assumes no responsibility for lost or damaged Photographs or for the use of same. DBW may sell, assign, license, or transfer all rights granted to it hereunder.

Grantee also grants DBW and its licensees the unrestricted right to use and disclose its name in connection with use of the Photographs. The Grantee understands that it will not be paid for any use or right granted herein.

Grantee understands and agrees that the Photographs may be used in whole or in part, at any time. The license granted herein to DBW includes the right and permission to conduct or have conducted such alterations to the Photographs as DBW deems necessary. Grantee releases and discharges DBW and agrees to indemnify and hold DBW harmless from any liability by virtue of any blurring, distortion, alteration, optical illusion or use in composite form, loss or damage, whether intentional or otherwise, that may occur in the use of the Photographs. Grantee waives any right to inspect or approve any finished product, advertising or other copy that may be used in connection therewith or the use to which it may be applied.

Grantee declares and avows that the Photographs it is submitting to DBW are its own original work in all respects. Grantee is the sole and exclusive owner of the Photographs; they are free, clear, and unencumbered. No part of them is taken from or based on any other work; no part infringes the copyright or any other right of any person; and the reproduction, publication, exhibition, or any other use by DBW of the Photographs in any form whatever will not in any way, directly or indirectly, infringe on the rights of any person. Grantee agrees to indemnify and hold DBW harmless from and against any and all loss, damage, costs, charges, legal fees, recoveries, judgments, amounts paid in settlement, penalties, and expenses that may be obtained against, imposed on, or suffered by DBW by reason of (1) any violation or infringement of any proprietary right or copyright; or (2) any libelous or unlawful matter contained in the Photographs. Grantee also agrees to indemnify and hold DBW harmless for any such amounts arising from its breach of any covenant, representation, or warranty of this agreement.

10. PERMITS AND DOCUMENTATION

Prior to the removal of any abandoned vessel, eligible water hazard, or surrendered vessel,

Grantee shall obtain all necessary permits, authorizations, and documentation necessitated by any applicable provision of law.

11. SECURING OF BIDS

Grantee shall comply with any applicable laws and regulations governing the competitive bidding process when awarding subcontracts under this Agreement. Grantee, upon request, must make available to DBW procurement documents such as requests for proposal, invitations for bid and independent cost estimates.

12. CONTRACTS WITH SERVICE PROVIDERS

All contracts/executed agreements with service providers for which grantee will request reimbursement must be in writing and shall be executed (signed) prior to commencement of any and all work completed. Upon request, grantee shall provide DBW copies of all executed agreements with service providers who are performing work funded by this SAVE grant.

13. SUBCONTRACTORS

Grantee agrees that it shall guarantee and shall be responsible for ensuring that any and all of its contractors and subcontractors hold a valid business license and carry general commercial liability insurance coverage sufficient to fully insure against any and all risks of hazardous activities associated with the work to be performed under this Agreement; and Grantee agrees that if any of Grantee's contractors or subcontractors fail to fulfill any of these requirements, that Grantee itself carries general commercial liability insurance coverage sufficient to fully insure against any and all risks of hazardous activities associated with the work to be performed under this Agreement, whether performed by the Grantee, Grantee's contractor(s), or Grantee's subcontractor(s). Upon request, grantee shall provide DBW with a certificate of insurance from any contractor(s) and subcontractor(s). Grantee's agreement number (C22SXXXX) must appear on the certificate of insurance.

14. TRAFFIC CONTROL AND TRAFFIC SAFETY

Grantee shall provide for adequate traffic control and safety measures at any site where Grantee and its subcontractors will perform any work under this Agreement.

15. AIR OR WATER POLLUTION VIOLATION

Grantee warrants that it is not (1) in violation of any order or resolution not subject to review promulgated by the State Air Resources Board or an air pollution control district; (2) subject to any cease and desist order not subject to review issued pursuant to Water Code section 13301 for violation of waste discharge requirements or discharge prohibitions; or (3) finally determined to be in violation of provisions of federal law relating to air or water pollution.

16. ENTIRE AGREEMENT

This Agreement consists of the terms of this Agreement and all attachments, which are expressly incorporated herein. No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties and approved as required.

17. APPROVAL OF AGREEMENT AND AMENDMENTS

This Agreement and any variation thereto is of no force or effect until signed by both parties and approved by the Department of General Services, if required. Commencement of performance prior to approval of this Agreement will be at the Grantee's own risk.

18. DISABLED VETERAN BUSINESS ENTERPRISE (DVBE) PARTICIPATION REQUIREMENT

There are no Disabled Veteran Business Enterprise participation requirements with this

agreement.

19. AUTHORITY TO CONTRACT

Grantee must provide DBW with evidence of its authority to enter into this Agreement. Grantee may provide a delegation of contracting authority from its local governing body that by law has authority to contract. Alternatively, Grantee shall provide DBW with a resolution, order, motion, or ordinance of its local governing body that by law has authority to contract, authorizing execution of this Agreement.

20. COMPLIANCE WITH LAW AND REGULATIONS

Grantee and its subcontractor(s) shall comply with all applicable laws and regulations of the State of California for all work to be performed under this Agreement. By signing this Agreement, Grantee certifies its compliance and the compliance of all subcontractors with: (a) applicable provisions of the California Environmental Quality Act; (b) Nondiscrimination Program requirements of Government Code section 12990 (a-f) and Title 2, California Code of Regulations, section 8103 (and section 8113 in contracts over $5,000) along with section 7285 et. seq. of the Fair Employment and Housing Act; (c) Drug-Free Workplace requirement of Government Code section 8350 et seq.; (d) National Labor Relations Board Certification of Public Contract Code section 10296; (e) Workers' Compensation requirement of Labor Code section 3700; and (f) Americans with Disabilities Act regulations issued pursuant to 42 U.S.C. section 12101 et seq.

21. INDEPENDENT CONTRACTOR

Grantee and its employees are independent contractors and shall not be considered officers or employees of DBW or agents of the State of California.

22. INSURANCE REQUIREMENTS

The abatement, removal, storage, and /or disposal of vessels under this Agreement is a hazardous activity. Grantee therefore must maintain commercial general liability insurance in an amount and of a type acceptable to DBW and to the Department of General Services/ Office of Risk and Insurance Management (ORIM).

a. GENERAL PROVISIONS APPLYING TO ALL POLICIES

(1) Coverage Term

Coverage needs to be in force for the complete term of the Agreement. Any new insurance must still comply with the original terms of the grant and be provided to DBW upon request.

(2) Policy cancellation or termination & notice of non-renewal

Insurance policies shall contain a provision stating coverage will not be cancelled without 30 days prior written notice to the DBW. In the event Grantee fails to keep in effect at all times the specified insurance coverage, the DBW may, in addition to any other remedies it may have, terminate this Agreement upon the occurrence of such event, subject to the provisions of this Agreement.

(3) Deductible

Grantee is responsible for any deductible or self-insured retention contained within their insurance program.

(4) Primary clause

Any required insurance contained in this Agreement shall be primary, and not excess or contributory, to any other insurance carried by the State.

(5) Insurance carrier required rating

All insurance companies must carry a rating acceptable to ORIM. If the Grantee is self-insured for a portion or all of its insurance, review of financial information including a letter of credit may be required by DBW or ORIM.

(6) Endorsements

Any required endorsements requested by the DBW must be physically attached to all requested certificates of insurance and not substituted by referring to such coverage on the certificate of insurance.

(7) Inadequate Insurance

Inadequate or lack of insurance does not negate the Grantee's obligations under the Agreement.

(8) Use of Subcontractors

In the case of Grantee's utilization of subcontractors to complete the contracted scope of work, Grantee shall include all subcontractors as insured's under Grantee's insurance or supply evidence of subcontractor's insurance to the State when requested equal to policies, coverages, and limits required of Grantee.

b. **INSURANCE REQUIREMENTS**

(1) Commercial General Liability

The Grantee shall maintain general liability on an occurrence form with limits of not less than $1,000,000 per occurrence for bodily injury and property damage liability combined with a $2,000,000 annual policy aggregate. The policy shall include coverage for liabilities arising out of premises, operations, independent subcontractors, products, completed operations, personal and advertising injury, and liability assumed under an insured agreement. This insurance shall apply separately to each insured against whom claim is made or suit is brought subject to the Grantee's limit of liability. The policy must include:

"The State of California, its officers, agents, employees and servants as additional insureds, but only with respect to work performed under the agreement."

This **endorsement** must be supplied under form acceptable to the Office of Risk and Insurance Management.

In the case of Grantee's utilization of subcontractors to complete the contracted scope of work, Grantee shall include all subcontractors as insured's under Grantee's insurance or supply evidence of insurance to the State equal to policies, coverages and limits required of Grantee.

(2) Automobile Liability

The Grantee shall maintain motor vehicle liability with limits not less than $1,000,000 combined single limit per accident. Such insurance shall cover

liability arising out of a motor vehicle including owned, hired and non-owned motor vehicles.

(3) Watercraft Liability

The Grantee shall maintain watercraft liability insurance with limits not less than $1,000,000 combined single limit per accident. Such insurance shall cover liability arising out of the maintenance and use of any watercraft (owned, hired or non-owned). The policy must include:

"The State of California, its officers, agents, employees and servants as additional insureds, but only with respect to work performed that is connected with or related to the activities contemplated in this Agreement."

This **endorsement** must be supplied under form acceptable to the Office of Risk and Insurance Management.

(4) Workers Compensation and Employers Liability

The Grantee shall maintain statutory worker's compensation and employer's liability coverage for all its employees who will be engaged in the performance of the Agreement. Employer's liability limits of $1,000,000 are required. The insurer waives any right of recovery the insurer may have against the State because of payments the insurer makes for injury or damage arising out of the work done under agreement with the State. A Waiver of Subrogation or Right to Recover endorsement in favor of the State must be attached to certificate.

If applicable, Grantee shall provide coverage for all its employees for any injuries or claims under the U.S. Longshoremen's and Harbor Workers' Compensation Act, the Jones Act or under laws, regulations, or statutes applicable to maritime employees. By signing this agreement, Grantee acknowledges compliance with these regulations.

c. **ENVIRONMENTAL/POLLUTION LIABILITY**

Grantee shall maintain Pollution Liability for limits not less than $1,000,000 occurrence covering the Grantee's liability for bodily injury, property damage and environmental damage resulting from pollution and related cleanup costs incurred arising out of the work or services to be performed under this agreement. The policy must include:

"The State of California, its officers, agents, employees and servants as additional insureds, but only with respect to work performed under the agreement."

This **endorsement** must be supplied under form acceptable to the Office of Risk and Insurance Management.

Coverage shall be provided for both work performed on site and during transportation as well as proper disposal of hazardous materials.

d. **SELF INSURANCE**

If the Grantee is self-insured for a portion or all of its insurance, the Grantee shall provide evidence of self-insurance when requested by DBW. Review of financial information including a letter of credit may be required. The DBW reserves the right to request financial information.

e. **STATEMENT OF INSURANCE COVERAGE:**

Grantee certifies and agrees that they have all required insurance coverages as stated in the grant agreement, which will be in effect for the entire term of the agreement.

Approver initials : **Date:**

Name:

Title:

23. TERMINATION

a. DBW may terminate this Agreement for any reason upon thirty (30) days written notice to Grantee.

b. If the Grantee fails to keep the required insurance in effect at all times during the term of this agreement, DBW may, in addition to other remedies it may have, terminate this agreement upon two days' written notice.

c. DBW may, by two-day written notice to Grantee and without any prejudice to its other remedies, terminate this agreement because of failure of Grantee to fulfill any of the requirements of this agreement.

d. Upon receipt of any notice terminating this Agreement, Grantee shall immediately discontinue all removal and disposal activities affected, unless the notice directs otherwise. In such event, DBW shall pay Grantee only for removal and disposal activities completed prior to the termination date.

24. ASSIGNMENT

This Agreement is not assignable by the Grantee, either in whole or in part, without the consent of the State in the form of a formal written amendment.

25. MATCHING 10% REQUIREMENT

a. Section 525(C) of the Harbors and Navigation Code states, "A grant awarded by the department pursuant to subparagraph (A) shall be matched by a 10% contribution from the local agency receiving the grant."

b. The 10% contribution is in addition to funds awarded in the grant and may be made by cash and/or in-kind contributions from agency's personnel hours (net hourly rate only with no benefits included) for work completed directly toward SAVE program objectives. Other SAVE-related expenses may be used with advance DBW approval in writing.

c. If using personnel hours for in-kind match, only net, raw hours will be accepted, and verification of in-kind contribution is required with reimbursement request(s). This in-kind contribution must be paid with local funding. State funds may not be used in any way - directly, indirectly, or as pass-through funds. The statement of in-kind hours must be on the form provided by DBW through the Online Grants Application (OLGA), or available upon request, and must include:

(1) Activity date

(2) Vessel/issue name or description

(3) Personnel name

(4) Description of SAVE program service provided

(5) Number of hours provided by each person (may not exceed more than 8 hours per person per day.)

(6) Hourly rate and total value

d. The burden of proof in complying with the 10-percent contribution requirement is the responsibility of the grantee. Funds will not be disbursed until the grantee has provided DBW with acceptable documentation that it complied with the 10-percent contribution requirement for each disbursement.

26 BUDGET DETAIL AND PAYMENT PROVISIONS

a. Covered Expenses and Reimbursement Claims Processes

(1) Rates charged by the Grantee's service providers, contractors, or subcontractors shall be pre-negotiated with the Grantee and documented in writing. DBW will reimburse the following contract-negotiated rate expenditures provided by Grantee's contracted service providers, contractors and/or subcontractors, within the scope of the SAVE program for **abandoned** vessels:

(a) Raising of submerged vessels from shallow waters. Depth of water over obstruction at low water must be 15 feet or less; objects submerged more than 15 feet at low water are not eligible without prior DBW approval.

(b) Mast and/or rigging removal if vessel is in waters greater than 15 feet deep at low water.

(c) Vessel removal from accessible locations

(d) Hazardous materials (hazmat) removal and disposal

(e) Towing

(f) Storage

i. Without lien sale: 60 days maximum

ii. With lien sale: 90 days maximum with justification

iii. If stored onsite at Grantee's facility, 100% of the normal rate of charge to the public may be used to satisfy the 10% in kind match requirement, and fee schedule is required for verification.

(g) Lien sale expenses: fees charged by lien sale service companies, postage, DMV fees, and advertising costs

(h) Public notice advertising

(i) Vessel appraisal

(j) Salvage and demolition

(2) Rates charged by the Grantee's service providers, contractors, or subcontractors shall be pre-negotiated with the Grantee and documented in writing. DBW will reimburse the following contract-negotiated rate expenditures provided by Grantee's contracted service providers, contractors and/or subcontractors, within the scope of the SAVE program for **surrendered** vessels:

(a) Vessel and/or hazardous material removal and disposal

(b) One tow to destruction site

(c) Demolition

(d) Raising of submerged surrendered vessels may only be reimbursed with DBW's advanced written approval

(3) Other expenses may be considered with advance written approval from DBW.

(4) Ineligible expenses include hand tools, consumables, grantee direct staffing, time and materials from subcontractors, etc. without prior written approval from DBW.

b. Reimbursement claim forms:

Reimbursement claim forms are available in DBW's Online Grant Application System (OLGA) or upon request. Grantee must sign and date each reimbursement claim in blue ink and submit with the following documents to DBW:

(1) Invoices from service providers, contractors and/or subcontractors to Grantee:

Invoices must contain the following:

(a) Name and address of Grantee

(b) Contract or invoice number

(c) Description of service performed

(d) Date the service was performed

(e) Location of each service

(f) Vessel name, CF# or HIN# if available; otherwise, description of vessel

(2) Proof of payment for all invoices.

The following acceptable forms of proof are:

(a) Cancelled check (with bank's cancelled stamp on back of check copy)

(b) Copy of credit card statement charge slip

(c) Invoices from service provider showing zero balance.

(d) Proof of Accounting Clearing House (ACH) or Electronic transfer showing date, amount and transaction confirmation number.

(3) 10% in-kind match contribution statement:

(a) If Grantee is matching the 10% requirement with in-kind services, complete the DPR265 Itemized 10% In-kind Contribution Statement located in OLGA or available upon request.

(b) Only net hourly rates will be accepted. Grantee must include verification of net rates with first claim and each time rates change.

(4) Photos of vessels (Required)

(a) **One photo** showing the vessel where it was abandoned and the CF or HIN number (if available). If the CF number is not visible/available, photo must show description used on claim form. Photos of surrendered vessels need to show the CF or HIN number, if available.

(5) For Surrendered Vessels ONLY:

DBW Vessel Release of Interest and Ownership must be completed in its

entirety and signed by the vessel owner(s) and the SAVE agency representative This form can be downloaded from OLGA.

One proof of vessel ownership must be provided. This can be a copy of the Certification of Ownership (title/pink slip or Coast Guard document) signed by the owner, DMV registration form, or a DMV issued junk slip. Power of Attorney or DMV issued marina lien documents showing the marina has legal interest are also acceptable. Keep the originals and provide DBW with copies.

The Grantee must obtain a signed DBW Release of Interest form from all known interested parties prior to the removal, destruction, or disposal of any vessel funded under this Agreement. This includes, but is not limited to, any legal owner, registered owner, lienholder, or individual or entity with a documented financial or legal claim to the vessel, including those owing penalties or back taxes.

NOTE: Vessel ownership verification is required; however, it is not required that boat owners bring their registration up to date to surrender their vessel through the VTIP.

(6) DO NOT INCLUDE DOCUMENTATION THAT IS NOT REQUIRED such as incident reports, internal routing forms, accounting journals, etc.

c. Submit one (1) hard copy and one (1) electronic copy of each reimbursement claim form and all supporting documentation to:

Division of Boating and Waterways

PO Box 942896, Floor 12

Sacramento, CA 94296

Attention: SAVE Unit

Email: gina.disney@parks.ca.gov

d. Submission of fraudulent invoices or other claim documentation is a breach of this Agreement, which shall result in forfeiture of all funds provided under this agreement.

e. Reimbursement requests and status updates shall be submitted at least quarterly, but not more frequently than monthly. If no reimbursable work has been completed, the Grantee shall submit a status update in lieu of a reimbursement request.

f. All final requests for payment must be submitted to DBW no later than forty-five (45) days after the expiration date of the agreement. DBW will not reimburse request(s) received after November 14, 2027.

27. BUDGET CONTINGENCY CLAUSE

a. It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this Agreement does not appropriate sufficient funds for the program, this Agreement shall be of no further force and effect. In this event, DBW shall have no liability to pay any funds whatsoever to Grantee or to furnish any other considerations under this Agreement and Grantee shall not be obligated to adhere to any provisions of this Agreement.

b. If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, DBW shall have the option to either cancel this Agreement with no liability occurring to DBW or to offer an agreement amendment to Grantee to reflect

the reduced amount.

28. INDEMNIFICATION

DPR shall not be answerable or accountable in any manner for, any loss or expense by reason of any damage or injury to person or property arising out of or related in any way to activities carried out by Grantee, its agents, officers, contractors, subcontractors and/or employees.

Under this Agreement, Grantee shall protect, hold harmless, indemnify and defend DPR, its agents, officers, and/or employees against any and all actions, claims, and damages to persons or property, penalties, obligations and liabilities that may be asserted or claimed by any person, firm, association, entity, corporation, political subdivision, or other organization or person arising out of or in connection with Grantee or Grantee's contractor's or subcontractor's activities hereunder, whether or not there is concurrent passive negligence on the part of DPR, its agents, officers, and/or employees.

29. FUNDS ASSIST

The Funds Assist process enables grantees with unused funds to assist other participating SAVE agencies in need. For up to six (6) months prior to the expiration date of the grant, Funds Assistant is voluntary. Thereafter, at DBW's discretion, participation shall be mandatory for grantees with anticipated remaining balances. Failure to participate shall negatively affect grantee's score on future grant applications for a period of up to three (3) years.

The Funds Assist process works as follows:

a. DBW will email all grantees to identify if funding will go unused or if all funding is needed. Grantee shall respond with a confirmation: all funds will be utilized, if all funds will go unutilized and how much, or if funds are needed and how much. DBW will prepare grant amendments to reduce or add funds to grantees as appropriate. Grantee shall execute amendments in a timely manner.

b. If grant amendments are not possible, DBW may require collaboration and reimbursement between agencies. Specifics for this process will be discussed with participating agencies when needed.

30. 90-DAY RETURN OF GRANT DOCUMENTS TO DBW

Grant agreements issued to the awarded agency must be completed and returned within 90 days of the date of issuance according to the instructions issued by DBW with the grant agreement. If extenuating circumstances prevent the ability of the agency to meet this deadline, approval from DBW must be obtained in writing. DBW retains the right to determine approval or denial of extensions.

31. ANTI-CORRUPTION

Grantees are required to report to DBW any written, suggested, or verbally implied cases whereby a contractor, subcontractor or other service provider increases their fee(s) due to the existence or balance of a SAVE grant in order to increase their fee(s). Such service providers may be investigated for price gouging. If investigated, a two-year history of charges applied to work of all known SAVE grant work by that contractor will be required by DBW for review.

32. AQUATIVE INVASIVE SPECIES

Grantees are required to ensure that they and all their sub-contractors take all necessary precautions to prevent the spread of aquatic invasive species when removing and transporting

vessels and other marine debris. At minimum, precautions will include draining all water and ensuring that material is dry prior to transporting from the water to a land-based location. Guidelines for preventing the spread of aquatic invasive species can be found at: dbw.parks.ca.gov/mussels.

EXHIBIT C

GENERAL TERMS AND CONDITIONS

1. **APPROVAL:**

This Agreement is of no force or effect until signed by both parties and approved by the Department of General Services, if required. Grantee may not commence performance until such approval has been obtained.

2. **EFFECTIVE DATE:**

Effective date means either the start date or the approval date by the Department of General Services (DGS), whichever is later. In cases where DGS approval is not required, this Agreement is of no force or effect until the date of the last DBW signature. No work shall commence until the effective date.

3. **AMENDMENT:**

No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or Agreement not incorporated in the Agreement is binding on any of the parties.

4. **ASSIGNMENT:**

This Agreement is not assignable by the Grantee, either in whole or in part, without the consent of the State in the form of a formal written amendment.

5. **AUDIT:**

Grantee agrees that the awarding department, the Department of General Services, the Bureau of State Audits, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. **Grantee agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated.** Grantee agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, Grantee agrees to include a similar right of the State to audit records and interview staff in any subcontract related to performance of this Agreement. (Gov. Code §8546.7, Pub. Contract Code §10115 et seq., CCR Title 2, Section 1896).

6. **INDEMNIFICATION:**

Grantee agrees to indemnify, defend and save harmless the State, its officers, agents and employees from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, suppliers, laborers, and any other person, firm or corporation furnishing or supplying work services, materials, or supplies in connection with the performance of this Agreement, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by the subcontractor or Grantee in the performance of this Agreement.

7. **DISPUTES:**

Grantee shall continue with the responsibilities under this Agreement during any dispute.

8. **TERMINATION FOR CAUSE:**

The State may terminate this Agreement and be relieved of any payments should the Grantee fail to perform the requirements of this Agreement at the time and in the manner

herein provided. In the event of such termination the State may proceed with the work in any manner deemed proper by the State. All costs to the State shall be deducted from any sum due the Grantee under this Agreement and the balance, if any, shall be paid to the Grantee upon demand.

9. RECYCLING CERTIFICATION:

The Grantee shall certify in writing under penalty of perjury, the minimum, if not exact, percentage of post-consumer material as defined in the Public Contract Code Section 12200, in products, materials, goods, or supplies offered or sold to the State regardless of whether the product meets the requirements of Public Contract Code Section 12209. With respect to printer or duplication cartridges that comply with the requirements of Section 12156(e), the certification required by this subdivision shall specify that the cartridges so comply (Pub. Contract Code §12205).

10. NON-DISCRIMINATION CLAUSE:

During the performance of this Agreement, Grantee and its subcontractors shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition (e.g., cancer), age (over 40), marital status, and denial of family care leave. Grantee and subcontractors shall insure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. Grantee and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12900 et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 11000 et seq.), the provisions of Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the Government Code (Gov. Code §§11135-11139.5), and the regulations or standards adopted by the awarding state agency to implement such article. GRANTEE shall permit access by representatives of the Department of Fair Employment and Housing and the awarding state agency upon reasonable notice at any time during the normal business hours, but in no case less than 24 hours' notice, to such of its books, records, accounts, and all other sources of information and its facilities as said Department or Agency shall require to ascertain compliance with this clause. Grantee and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other Agreement.(See Cal. Code Regs., tit. 2, §11105.)

Grantee shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the Agreement.

11. CERTIFICATION CLAUSES:

The GRANTEE CERTIFICATION CLAUSES contained in the document CCC 04/2017 are hereby incorporated by reference and made a part of this Agreement by this reference as if attached hereto.

12. TIMELINESS:

Time is of the essence in this Agreement.

13. COMPENSATION:

The consideration to be paid Grantee, as provided herein, shall be in compensation for all of Grantee's expenses incurred in the performance hereof, as outlined in Exhibit B, item #24.

14. GOVERNING LAW:

This Agreement is governed by and shall be interpreted in accordance with the laws of the State of California.

15. ANTITRUST CLAIMS:

The Grantee by signing this agreement hereby certifies that if these services or goods are obtained by means of a competitive bid, the Grantee shall comply with the requirements of the Government Codes Sections set out below.

a. The Government Code Chapter on Antitrust claims contains the following definitions:

(1) "Public purchase" means a purchase by means of competitive bids of goods, services, or materials by the State or any of its political subdivisions or public agencies on whose behalf the Attorney General may bring an action pursuant to subdivision (c) of

Section 16750 of the Business and Professions Code.

(2) "Public purchasing body" means the State or the subdivision or agency making a public purchase. Government Code Section 4550.

b. In submitting a bid to a public purchasing body, the bidder offers and agrees that if the bid is accepted, it will assign to the purchasing body all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, materials, or services by the bidder for sale to the purchasing body pursuant to the bid. Such assignment shall be made and become effective at the time the purchasing body tenders final payment to the bidder. Government Code Section 4552.

c. If an awarding body or public purchasing body receives, either through judgment or settlement, a monetary recovery for a cause of action assigned under this chapter, the assignor shall be entitled to receive reimbursement for actual legal costs incurred and may, upon demand, recover from the public body any portion of the recovery, including treble damages, attributable to overcharges that were paid by the assignor but were not paid by the public body as part of the bid price, less the expenses incurred in obtaining that portion of the recovery. Government Code Section 4553.

d. Upon demand in writing by the assignor, the assignee shall, within one year from such demand, reassign the cause of action assigned under this part if the assignor has been or may have been injured by the violation of law for which the cause of action arose and (a) the assignee has not been injured thereby, or (b) the assignee declines to file a court action for the cause of action. See Government Code Section 4554.

16. CHILD SUPPORT COMPLIANCE ACT:

For any Agreement in excess of $100,000, the Grantee acknowledges in accordance with Public Contract Code 7110, that:

a. The Grantee recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of information and

compliance with earnings assignment orders, as provided in Chapter 8 (commencing with section 5200) of Part 5 of Division 9 of the Family Code; and

b. The Grantee, to the best of its knowledge is fully complying with the earnings assignment orders of all employees and is providing the names of all new employees to the New Hire Registry maintained by the California Employment Development Department.

17. UNENFORCEABLE PROVISION:

In the event that any provision of this Agreement is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this Agreement have force and effect and shall not be affected thereby.

18. PRIORITY HIRING CONSIDERATIONS:

If this Agreement includes services in excess of $200,000, the Grantee shall give priority consideration in filling vacancies in positions funded by the agreement to qualified recipients of aid under Welfare and Institutions Code Section 11200 in accordance with Pub. Contract Code §10353.

19. SMALL BUSINESS PARTICIPATION AND DVBE PARTICIPATION REPORTING REQUIREMENTS:

a. If for this Agreement Grantee made a commitment to achieve small business participation, then Grantee must within 60 days of receiving final payment under this Agreement (or within such other time period as may be specified elsewhere in this Agreement) report to the awarding department the actual percentage of small business participation that was achieved. (Govt. Code § 14841.)

b. If for this Agreement Grantee made a commitment to achieve disabled veteran business enterprise (DVBE) participation, then Grantee must within 60 days of receiving final payment under this Agreement (or within such other time period as may be specified elsewhere in this Agreement) certify in a report to the awarding department: (1) the total amount the prime Grantee received under the Agreement; (2) the name and address of the DVBE(s) that participated in the performance of the Agreement; (3) the amount each DVBE received from the prime Grantee; (4) that all payments under the Agreement have been made to the DVBE; and (5) the actual percentage of DVBE participation that was achieved. A person or entity that knowingly provides false information shall be subject to a civil penalty for each violation. (Mil. & Vets. Code § 999.5(d); Govt. Code § 14841.)

20. LOSS LEADER:

If this agreement involves the furnishing of equipment, materials, or supplies then the following statement is incorporated: It is unlawful for any person engaged in business within this state to sell or use any article or product as a "loss leader" as defined in Section 17030 of the Business and Professions Code. (PCC 10344(e).)

EXHIBIT D

GRANTEE CERTIFICATION CLAUSES

I, the official named below, CERTIFY UNDER PENALTY OF PERJURY that I am duly authorized to legally bind the prospective Grantee to the clause(s) listed below. This certification is made under the laws of the State of California.

Grantee Agency Name (Printed) City of Newport Beach	Federal ID Number 95-6000751
By (Authorized Signature)	
Printed Name and Title of Person Signing	
Date Executed	Executed in the County of Orange

GRANTEE CERTIFICATION CLAUSES

1. STATEMENT OF COMPLIANCE:

Grantee has, unless exempted, complied with the nondiscrimination program requirements. (Gov. Code §12990 (a-f) and CCR, Title 2, Section 11102) (Not applicable to public entities.)

2. DRUG-FREE WORKPLACE REQUIREMENTS:

Grantee will comply with the requirements of the Drug-Free Workplace Act of 1990 and will provide a drug-free workplace by taking the following actions:

a. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations.

b. Establish a Drug-Free Awareness Program to inform employees about:

(1) the dangers of drug abuse in the workplace;

(2) the person's or organization's policy of maintaining a drug-free workplace;

(3) any available counseling, rehabilitation and employee assistance programs; and,

(4) penalties that may be imposed upon employees for drug abuse violations.

c. Every employee who works on the proposed Agreement will:

(1) receive a copy of the company's drug-free workplace policy statement; and,

(2) agree to abide by the terms of the company's statement as a condition of employment on the Agreement.

Failure to comply with these requirements may result in suspension of payments under the Agreement or termination of the Agreement or both and Grantee may be ineligible for award of any future State agreements if the department determines that any of the following has occurred: the Grantee has made false certification, or violated the certification by failing to carry out the requirements as noted above. (Gov. Code §8350 et seq.)

3. **NATIONAL LABOR RELATIONS BOARD CERTIFICATION:**

Grantee certifies that no more than one (1) final unappealable finding of contempt of court by a Federal court has been issued against Grantee within the immediately preceding two-year period because of Grantee's failure to comply with an order of a Federal court, which orders Grantee to comply with an order of the National Labor Relations Board. (Pub. Contract Code §10296) (Not applicable to public entities.)

4. **CONTRACTS FOR LEGAL SERVICES $50,000 OR MORE- PRO BONO REQUIREMENT:**

Grantee hereby certifies that Grantee will comply with the requirements of Section 6072 of the Business and Professions Code, effective January 1, 2003.

Grantee agrees to make a good faith effort to provide a minimum number of hours of pro bono legal services during each year of the agreement equal to the lessor of 30 multiplied by the number of full time attorneys in the firm's offices in the State, with the number of hours prorated on an actual day basis for any contract period of less than a full year or 10% of its agreement with the State.

Failure to make a good faith effort may be cause for non-renewal of a state agreement for legal services, and may be taken into account when determining the award of future contracts/agreements with the State for legal services.

5. **EXPATRIATE CORPORATIONS:**

Grantee hereby declares that it is not an expatriate corporation or subsidiary of an expatriate corporation within the meaning of Public Contract Code Section 10286 and 10286.1, and is eligible to contract with the State of California.

6. **SWEATFREE CODE OF CONDUCT:**

a. All Grantees contracting for the procurement or laundering of apparel, garments or corresponding accessories, or the procurement of equipment, materials, or supplies, other than procurement related to a public works contract, declare under penalty of perjury that no apparel, garments or corresponding accessories, equipment, materials, or supplies furnished to the state pursuant to the contract have been laundered or produced in whole or in part by sweatshop labor, forced labor, convict labor, indentured labor under penal sanction, abusive forms of child labor or exploitation of children in sweatshop labor, or with the benefit of sweatshop labor, forced labor, convict labor, indentured labor under penal sanction, abusive forms of child labor or exploitation of children in sweatshop labor. The Grantee further declares under penalty of perjury that they adhere to the Sweatfree Code of Conduct as set forth on the California Department of Industrial Relations website located at www.dir.ca.gov, and Public Contract Code Section 6108.

b. The Grantee agrees to cooperate fully in providing reasonable access to the Grantee's records, documents, agents or employees, or premises if reasonably required by authorized officials of the contracting agency, the Department of Industrial Relations, or the Department of Justice to determine the Grantee's compliance with the requirements under paragraph (a).

7. **DOMESTIC PARTNERS:**

For contracts over $100,000 executed or amended after January 1, 2007, the Grantee certifies that Grantee is in compliance with Public Contract Code section 10295.3.

8. **GENDER IDENTITY:**

For contracts of $100,000 or more, GRANTEE certifies that GRANTEE is in compliance with Public Contract Code section 10295.35.

DOING BUSINESS WITH THE STATE OF CALIFORNIA

The following laws apply to persons or entities doing business with the State of California.

1. **CONFLICT OF INTEREST:**

Grantee needs to be aware of the following provisions regarding current or former state employees. If Grantee has any questions on the status of any person rendering services or involved with the Agreement, the awarding agency must be contacted immediately for clarification.

Current State Employees (PCC 10410):

No officer or employee shall engage in any employment, activity or enterprise from which the officer or employee receives compensation or has a financial interest and which is sponsored or funded by any state agency, unless the employment, activity or enterprise is required as a condition of regular state employment.

No officer or employee shall contract on his or her own behalf as an independent contractor with any state agency to provide goods or services.

Former State Employees (PCC 10411):

For the two-year period from the date he or she left state employment, no former state officer or employee may enter into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements or any part of the decision-making process relevant to the contract while employed in any capacity by any state agency.

For the twelve-month period from the date he or she left state employment, no former state officer or employee may enter into a contract with any state agency if he or she was employed by that state agency in a policy-making position in the same general subject area as the proposed contract within the 12-month period prior to his or her leaving state service.

If Grantee violates any provisions of above paragraphs, such action by Grantee shall render this Agreement void. (PCC 10420)

Members of boards and commissions are exempt from this section if they do not receive payment other than payment of each meeting of the board or commission, payment for preparatory time and payment for per diem. (PCC 10430 (e))

2. **LABOR CODE/WORKERS' COMPENSATION:**

Grantee needs to be aware of the provisions which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions, and Grantee affirms to comply with such provisions before commencing the performance of the work of this Agreement. (Labor Code Section 3700)

3. **AMERICANS WITH DISABILITIES ACT:**

Grantee assures the State that it complies with the Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA. (42 U.S.C. 12101 et seq.)

4. **GRANTEE NAME CHANGE:**

An amendment is required to change the Grantee's name as listed on this Agreement. Upon receipt of legal documentation of the name change the State will process the amendment. Payment of invoices presented with a new name cannot be paid prior to approval of said amendment. Any changes of the Grantee's representative shall be notified to DBW within 30 days written notice on Grantee's letterhead.

5. **CORPORATE QUALIFICATIONS TO DO BUSINESS IN CALIFORNIA:**

a. When agreements are to be performed in the state by corporations, the contracting agencies will be verifying that the Grantee is currently qualified to do business in California in order to ensure that all obligations due to the state are fulfilled.

b. "Doing business" is defined in R&TC Section 23101 as actively engaging in any transaction for the purpose of financial or pecuniary gain or profit. Although there are some statutory exceptions to taxation, rarely will a corporate Grantee performing within the state not be subject to the franchise tax.

c. Both domestic and foreign corporations (those incorporated outside of California) must be in good standing in order to be qualified to do business in California. Agencies will determine whether a corporation is in good standing by calling the Office of the Secretary of State.

6. **RESOLUTION:**

A county, city, district, or other local public body must provide the State with a copy of a resolution, order, motion, or ordinance of the local governing body which by law has authority to enter into an agreement, authorizing execution of the agreement.

7. **AIR OR WATER POLLUTION VIOLATION:**

Under the State laws, the Grantee shall not be: (1) in violation of any order or resolution not subject to review promulgated by the State Air Resources Board or an air pollution control district; (2) subject to cease and desist order not subject to review issued pursuant to Section 13301 of the Water Code for violation of waste discharge requirements or discharge prohibitions; or (3) finally determined to be in violation of provisions of federal law relating to air or water pollution.

8. **PAYEE DATA RECORD FORM STD. 204:**

This form must be completed by all Grantees that are not another state agency or other governmental entity.

EXHIBIT E – DARFUR CONTRACTING ACT

If your agency hires a contractor to complete work under this grant, the contractor must fill out and sign the Darfur Contracting Act form prior to execution of the contract. A Sample of The Darfur Contracting Act form is provided on the next page; this form (DGS PD 1) can also be downloaded from the California Department of General Services website.

Effective January 1, 2009, all Invitations for Bids (IFB) or Requests for Proposals (RFP) for goods or services must address the requirements of the Darfur Contracting Act of 2008 (Act). (Public Contract Code sections 10475, et seq.; Stats. 2008, Ch. 272). The Act was passed by the California Legislature and signed into law by the Governor to preclude State agencies generally from contracting with "scrutinized" companies that do business in the African nation of Sudan (of which the Darfur region is a part), for the reasons described in Public Contract Code section 10475.

A scrutinized company is a company doing business in Sudan as defined in Public Contract Code section 10476. Scrutinized companies are ineligible to, and cannot, bid on or submit a proposal for a contract with a State agency for goods or services. (Public Contract Code section 10477(a)).

Therefore, Public Contract Code section 10478 (a) requires a company that currently has (or within the previous three years has had) business activities or other operations outside of the United States to certify that it is not a "scrutinized" company when it submits a bid or proposal to a State agency. (See # 1 on the sample Attachment).

The following sample Attachment may be included in an IFB or RFP to satisfy the Act's certification requirements of bidders and proposers.

EXHIBIT E – DARFUR CONTRACTING ACT

SAMPLE FORM

Public Contract Code Sections 10475 -10481 applies to any company that currently or within the previous three years has had business activities or other operations outside of the United States.

For such a company to bid on or submit a proposal for a State of California contract, the company must certify that it is either a) not a scrutinized company; orb) a scrutinized company that has been granted permission by the Department of General Services to submit a proposal.

If your company has not, within the previous three years, had any business activities or other operations outside of the United States, you do **not** need to complete this form.

OPTION #1 - CERTIFICATION

If your company, within the previous three years, has had business activities or other operations outside of the United States, in order to be eligible to submit a bid or proposal, please insert your company name and Federal ID Number and complete the certification below.

I, the official named below, CERTIFY UNDER PENALTY OF PERJURY that a) the prospective proposer/bidder named below is not a scrutinized company per Public Contract Code 10476; and b) I am duly authorized to legally bind the prospective proposer/bidder named below. This certification is made under the laws of the State of California.

Company/Vendor Name (Printed) City of Newport Beach	Federal ID Number 95-6000751
By (Authorized Signature)	Date
Printed Name and Title of Person Signing ,	

OPTION #2 - WRITTEN PERMISSION FROM DGS

Pursuant to Public Contract Code Section 10477(b), the Director of the Department of General Services may permit a scrutinized company, on a case-by-case basis, to bid on or submit a proposal for a contract with a state agency for goods or services, if it is in the best interests of the state. If you are a scrutinized company that has obtained written permission from the DGS to submit a bid or proposal, complete the information below.

We are a scrutinized company as defined in Public Contract Code section 10476, but we have received written permission from the Department of General Services to submit a bid or proposal pursuant to Public Contract Code section 10477(b). A copy of the written permission from DGS is included with our bid or proposal.

Company/Vendor Name (Printed) City of Newport Beach	Federal ID Number 95-6000751
By (Authorized Signature)	Date
Printed Name and Title of Person Signing ,	

General

1 Applicant Information

a.	Applicant Name	City of Newport Beach	
b.	Organizational Unit		
c.	Address	100 Civic Center Drive	
d.	Address 2		
e.	City	Newport Beach	State CA Zip 92627
f.	Federal ID Number	95-6000751	Unique Entity Id.
g.	Agency Type		

(•) City ( ) County

( ) Federally or State Recognized Native American Tribe ( ) District

Goals and Objectives

Based on an agency's application, DBW will prioritize funding according to agencies demonstrating the greatest need, cost effective methods, and prevention strategies. Additionally, points are awarded for agencies that work with their local private marina owners in the prevention of abandoned vessels.

2 Project Information

a.	Project Name	Surrendered and Abandoned Vessel Exchange (SAVE) Fiscal Year 2025/2026		
b.	Is implementing agency same as Applicant			(•) Yes ( ) No
c.	Implementing Agency Name			
d.	Project Start Date	Oct-01-2025	End Date	Sep-30-2027
e.	Amount of Funds Requested	$100,000.00	Project Cost	$110,000.00

3. **Billing Address**

If billing address is different than Applicant and/or Contact, please provide

a. Billing Agency Name:

Address:

City: State: Zip:

Phone:

3 Contacts

a. Authorized Representative

Name	Paul Blank				
Title	Harbormaster				
Mailing Address	100 civic center dr				
City	newport beach	State	CA	Zip	92660
Telephone	(949) 270-8159			Fax	
E-mail Address	harbormaster@newportbeachca.gov				

b. Project Administrator

Name	Cynthia Shintaku				
Title	Administrative Liaison				
Mailing Address	1600 W Balboa Blvd				
City	Newport Beach	State	CA	Zip	92663
Telephone	(949) 270-8159			Fax	
E-mail Address	harbormaster@newportbeachca.gov				

1. Minimum Qualifications

1. Does your agency have an enforcement program to address abandoned boats? (•) Yes ( ) No

   If Yes, describe: Harbor Code Enforcement officers are out on the water daily. Their duties include monitoring Newport Harbor as a whole, including private slips and anchorage areas. Our Harbor Department staff coordinate with the Harbor Code Enforcement officers to identify vessels that may be a potential or existing problem in the harbor. Thorough education and information is provided to vessel owners to promptly bring vessels into compliance or utilize the Vessel Turn In Program (VTIP). Owners may be issued a "Notice of Violation," if they fail to bring vessels into compliance within a specified timeframe. Vessels that are abandoned or have no identifiable owners are processed for the Abandoned AWF. Vessel condition, safety and environmental concerns are taken into consideration when prioritizing enforcement and the use of SAVE funds for destruction. Vessels at risk of sinking or represent other hazardous conditions are placed in priority status for the VTIP program.

2. Attach ordinance, resolution, or municipal code authorizing your agency's involvement and its jurisdiction for prevention and removal of abandoned vessels and accepting surrendered vessels. 45961_0_612_17.70 Enforcement.pdf

3. Has your agency been out of compliance with the terms of any other Department of Parks and Recreation contract or grant agreements within the past 3 years? ( ) Yes (•) No

1. California State Senate Districts

Select one or more of the California State Senate Districts where the proposed project activities will occur. Copy and Paste the URL (http://www.legislature.ca.gov/legislators_and_districts/districts/districts.html) in your browser to determine the State Senate district(s).

☐ State Senate 01	☐ State Senate 02	☐ State Senate 03	☐ State Senate 04	☐ State Senate 05
☐ State Senate 06	☐ State Senate 07	☐ State Senate 08	☐ State Senate 09	☐ State Senate 10
☐ State Senate 11	☐ State Senate 12	☐ State Senate 13	☐ State Senate 14	☐ State Senate 15
☐ State Senate 16	☐ State Senate 17	☐ State Senate 18	☐ State Senate 19	☐ State Senate 20
☐ State Senate 21	☐ State Senate 22	☐ State Senate 23	☐ State Senate 24	☐ State Senate 25
☐ State Senate 26	☐ State Senate 27	☐ State Senate 28	☐ State Senate 29	☐ State Senate 30
☐ State Senate 31	☐ State Senate 32	☐ State Senate 33	☐ State Senate 34	☐ State Senate 35
☐ State Senate 36	☑ State Senate 37	☐ State Senate 38	☐ State Senate 39	☐ State Senate 40

2. California State Assembly Districts

Select one or more of the California State Assembly Districts where the proposed project activities will occur. Copy and Paste the URL (http://www.legislature.ca.gov/legislators_and_districts/districts/districts.html) in your browser to determine the State Assembly district(s).

☐ State Assembly 01	☐ State Assembly 02	☐ State Assembly 03	☐ State Assembly 04
☐ State Assembly 05	☐ State Assembly 06	☐ State Assembly 07	☐ State Assembly 08
☐ State Assembly 09	☐ State Assembly 10	☐ State Assembly 11	☐ State Assembly 12
☐ State Assembly 13	☐ State Assembly 14	☐ State Assembly 15	☐ State Assembly 16
☐ State Assembly 17	☐ State Assembly 18	☐ State Assembly 19	☐ State Assembly 20
☐ State Assembly 21	☐ State Assembly 22	☐ State Assembly 23	☐ State Assembly 24
☐ State Assembly 25	☐ State Assembly 26	☐ State Assembly 27	☐ State Assembly 28
☐ State Assembly 29	☐ State Assembly 30	☐ State Assembly 31	☐ State Assembly 32
☐ State Assembly 33	☐ State Assembly 34	☐ State Assembly 35	☐ State Assembly 36
☐ State Assembly 37	☐ State Assembly 38	☐ State Assembly 39	☐ State Assembly 40
☐ State Assembly 41	☐ State Assembly 42	☐ State Assembly 43	☐ State Assembly 44
☐ State Assembly 45	☐ State Assembly 46	☐ State Assembly 47	☐ State Assembly 48
☐ State Assembly 49	☐ State Assembly 50	☐ State Assembly 51	☐ State Assembly 52
☐ State Assembly 53	☐ State Assembly 54	☐ State Assembly 55	☐ State Assembly 56
☐ State Assembly 57	☐ State Assembly 58	☐ State Assembly 59	☐ State Assembly 60
☐ State Assembly 61	☐ State Assembly 62	☐ State Assembly 63	☐ State Assembly 64
☐ State Assembly 65	☐ State Assembly 66	☐ State Assembly 67	☐ State Assembly 68
☐ State Assembly 69	☐ State Assembly 70	☐ State Assembly 71	☑ State Assembly 72
☐ State Assembly 73	☐ State Assembly 74	☐ State Assembly 75	☐ State Assembly 76
☐ State Assembly 77	☐ State Assembly 78	☐ State Assembly 79	☐ State Assembly 80

3. California Congressional Districts

Select one or more of the California Congressional Districts where the proposed project activities will occur. Copy and Paste the URL (https://www.govtrack.us/congress/members/CA) in your browser to determine the Congressional district(s).

☐ Congressional District 1	☐ Congressional District 2	☐ Congressional District 3
☐ Congressional District 4	☐ Congressional District 5	☐ Congressional District 6

☐ Congressional District 7	☐ Congressional District 8	☐ Congressional District 9
☐ Congressional District 10	☐ Congressional District 11	☐ Congressional District 12
☐ Congressional District 13	☐ Congressional District 14	☐ Congressional District 15
☐ Congressional District 16	☐ Congressional District 17	☐ Congressional District 18
☐ Congressional District 19	☐ Congressional District 20	☐ Congressional District 21
☐ Congressional District 22	☐ Congressional District 23	☐ Congressional District 24
☐ Congressional District 25	☐ Congressional District 26	☐ Congressional District 27
☐ Congressional District 28	☐ Congressional District 29	☐ Congressional District 30
☐ Congressional District 31	☐ Congressional District 32	☐ Congressional District 33
☐ Congressional District 34	☐ Congressional District 35	☐ Congressional District 36
☐ Congressional District 37	☐ Congressional District 38	☐ Congressional District 39
☐ Congressional District 40	☐ Congressional District 41	☐ Congressional District 42
☐ Congressional District 43	☐ Congressional District 44	☐ Congressional District 45
☐ Congressional District 46	☑ Congressional District 47	☐ Congressional District 48
☐ Congressional District 49	☐ Congressional District 50	☐ Congressional District 51
☐ Congressional District 52	☐ Congressional District 53	

4. County

Select one or more of the California Counties where the proposed project activities will occur.

☐ Alameda	☐ Alpine	☐ Amador	☐ Butte	☐ Calaveras	☐ Colusa
☐ Contra Costa	☐ Del Norte	☐ El Dorado	☐ Fresno	☐ Glenn	☐ Humboldt
☐ Imperial	☐ Inyo	☐ Kern	☐ Kings	☐ Lake	☐ Lassen
☐ Los Angeles	☐ Madera	☐ Marin	☐ Mariposa	☐ Mendocino	☐ Merced
☐ Modoc	☐ Mono	☐ Monterey	☐ Napa	☐ Nevada	☑ Orange
☐ Placer	☐ Plumas	☐ Riverside	☐ Sacramento	☐ San Benito	☐ San Bernardino
☐ San Diego	☐ San Francisco	☐ San Joaquin	☐ San Luis Obispo	☐ San Mateo	☐ Santa Barbara
☐ Santa Clara	☐ Santa Cruz	☐ Shasta	☐ Sierra	☐ Siskiyou	☐ Solano
☐ Sonoma	☐ Stanislaus	☐ Sutter	☐ Tehama	☐ Trinity	☐ Tulare
☐ Tuolumne	☐ Ventura	☐ Yolo	☐ Yuba		

3. Jurisdictional Control

List all waterbodies that are in your jurisdictional control and fill in the chart for each - What are your Primary Responsibilities in your AOR - Objective 4: Existence of an Active Enforcement Program

Waterbody Name	Acres or square miles of this waterbody in your jurisdiction	What are the corporate limits of your agency's jurisdictional control in each waterbody?	List all other agencies who share jurisdictional control of this waterbody.	Identify which agency has lead jurisdiction for removing abandoned vessels and accepting surrendered vessels in this waterbody.	How often does your agency monitor this area?	Identify your primary responsibilities in this waterbody
Newport Harbor	800 Acres	The City has jurisdiction of the whole harbor. It is the lead agency in regards to code enforcement, unless there is an emergency, which becomes the Orange County Sheriff's jurisdiction.	Orange County Sheriff Department Harbor Patrol (Emergencies Only)	City of Newport Beach-Harbor Department	Several times a day, 7 days a week	Code Enforcement Patrol

4. Staff Dedicated to Abandoned and Surrendered Vessel Activities

Staff dedicated to Abandoned and Surrendered Vessel Activities - Objective 4: Existence of an active enforcement program

List the names and titles of staff assigned in their job duties to the removal of abandoned vessels and receipt of surrendered vessels.	Total number of hours per week dedicated to removal of abandoned vessels	Total number of hours per week dedicated to receipt of surrendered vessels	Total hours per week
Harbormaster	5.00	5.00	10.00
Code Enforcement Supervisor	5.00	5.00	10.00
Code Enforcement Officer (3)	15.00	15.00	30.00
Administrative Coordinator	6.00	14.00	20.00

Objective 1: Prevention

5. Does your agency accept surrendered vessels? (•) Yes ( ) No

6. How does your agency advertise this program component?

Publicity Efforts:

- ☑ Advertised on your website
- ☑ Agency newsletters
- ☐ PSAs, billboards
- ☑ Social media
- ☑ Distributing brochures
- ☑ Other
  [Email Campaigns]

Number of methods selected to actively promote self turn-in: 5

Number of brochures distributed per year at:

# of Brochures	List names of Events
100	Monthly Harbor Commission Meetings
80	Community Meetings and Presentations

# of Brochures	List names of Marinas
20	Bayside Village Marina
20	Balboa Bay Club
20	Newport Dunes Waterfront
20	California Recreational Marina

# of Brochures	List names of Other Activities
1,200	Webpage visits
75	Brochures Available in Office

7. Did your agency have a plan to increase the number of surrendered vessels accepted over the last calendar year? If so, what was the plan and what were the results? Additionally, what plans does your agency have to increase the number of surrendered vessels you accept this year?

The Newport Beach City Council and Harbor Commission have an active interest in the condition of vessels in Newport Harbor. Staff regularly reports to the City Council and the Harbor Commission on the progress of remediating derelict vessels from the Harbor and those towed for disposal. Our Code Enforcement officers often recommends the VTIP to eligible candidates. In addition, the City has a web page, flyers, social media posts and email campaigned for VTIP outreach. Most program participants contact staff directly, through existing advertising efforts, referrals from previous VTIP participaants and the DBW SAVE Grant web page. In the coming year, the City would like to continue setting aside a portion of the SAVE Grant to specifically service VTIP vessels in Orange County and the surrounding counties.

In the 2021-2023 grant cycle, the City processed 26 surrendered vessels and 4 abandoned vessels. In our current 2023-2025 grant cycle, 26 surrendered vessels and 7 abandoned vessels have been processed. We are currently working on 2 additional surrendered vessels and continue to add interested applicants to our waitlist.

Newport Harbor is home to 1,200 moorings, 1,200 residential piers, dry storage and 60 marinas.

There is a a need in Newport Harbor to assist with a deteriorating and aging boating community. Removing problematic vessels clears the mooring fields, marinas and docks, creating more open space for recreation and providing more availability for new boaters to store vessels in Newport Harbor. The City certainly works to remediate issues in Newport Harbor, but accepts vessels from the surrounding cities and counties. City staff understands that the grant funding should assist the boating community in the Southern California region, as a whole.

8. How often does your agency coordinate with local boating groups or marinas to inform them of the surrendered vessel program? Describe activities and identify groups/marinas contacted in the last calendar year. (Answer only if you selected 'Yes' to Q 5.)

The City of Newport Beach has an ongoing waiting list of individuals who have reached out to the City with an interest in turning in their vessel. Neighboring agencies also refer constituents to us who may be qualified for this program. As the City makes its way down the waiting list of eligible vessels for the VTIP program, we send out email camapigns, social media blasts, notifications, and ads to local marina and boating groups to inform them and remind them of the VTIP program. Neighboring agencies frequently refer constituents, as they are aware that we are active in promoting the program and are efficient in the program process.

Below are some of the local boating groups that are notified of the VTIP program:
American Legion Yacht Club
Bahia Corinthian Yacht Club
Balboa Yacht Club
Lido Isle Yacht Club
Newport Beach Yacht Club
Newport Harbor Yacht Club
Newport Beach Yacht Club

9. Does your agency accept surrendered vessels from boaters outside its jurisdiction? (•) Yes ( ) No

If so, how many surrendered vessels have you received in the last calendar year? 15

If not, identify why?

10. Describe how your agency monitors abandoned vessel activity in your jurisdiction. Select all that apply.

- [x] Routine patrol of jurisdiction
- [x] Visit marinas/dockwalks
- [x] Direct contact with boat owners
- [x] Check vessel registration
- [x] Check seaworthiness (listing, occupancy, trash, bilge running, operable lights)
- [x] Abandoned vessel mapping and tracking
- [x] Multi-agency coordination
- [ ] Utilize NASA data

Number of methods selected to monitor abandoned vessel activity 7

11. Describe additional methodologies, if any, (besides participation in SAVE) your agency uses **to prevent abandoned vessels within** The City of Newport Beach Harbor Department staff works with the boating community to keep vessels seaworthy and operable. Harbor Department staff conducts patrols of the offshore

its jurisdiction?

mooring field, anchorage, public piers, private docks and marinas, actively inspecting vessel conditions. All vessels that anchor in our anchorages or rent moorings from us are required to pass a dye tab test, implemented by our staff annually. Additionally, mooring permittees must prove operability as a condition to obtain a permit.

All mooring permittees are required to submit proof of vessel insurance and registration. All short-term mooring renters and marina slip tenants are also required to demonstrate proof of insurance and registration.

Staff actively investigates reports of distressed vessels and when issues of concern are discovered, making contact with the owner on record. Annually, mooring live-aboard permittees are required to pass a vessel inspection conducted by our staff annually. The required vessel inspection demonstrates vessel operability and seaworthiness, and that the holding tank is in good working order and free of leaks.

The Newport Beach Harbor Commission has continuously supported staff in the identification and remediation of problem vessels.

Objective 2: Control

12. Describe methodologies, if any, your agency has implemented to control and **prevent abandoned vessels from entering its jurisdiction from other areas.**

The City of Newport Beach's Harbor Department staff works to identify problem vessels during their daily patrols and makes contact with vessel owners. Staff will determine whether the vessel can be brought into compliance and vessel owners are encouraged to work on their vessels.

Other vessels that are inoperable and not seaworthy are solicited for the VTIP program.
The City Harbor Department staff enforces Newport Beach Municipal Code Chapter 17, also known as the Harbor Code.

Since obtaining the SAVE Grant, the number of abandoned vessels have decreased due to this program. Staff encourages owners of derelict and neglected vessels to turn in their vessels, making the process as streamlined as possible for the vessel owners. However, there are instances when vessels are abandoned in the public anchorage, piers and mooring fields in Newport Beach or neighboring jurisdictions.

13. Does your agency collaborate with neighboring SAVE grantees that manage abandoned and surrendered vessels? (•) Yes ( ) No

If yes, list agencies and describe collaboration.

In 2024, our department removed 15 surrendered vessels from our neighboring agencies. Vessels that were surrendered to us ranged from Coachella, Burbank to our neighboring cities in Orange County. A number of agencies from Los Angeles County, Riverside County and San Bernarndino County have referred applicants to us. One of the main reason that we are able to assist our neighboring agencies is due to the program resources we have established. The City of Newport Beach has active contracts with our vendors that offer comeptitive pricing for vessel towing and destruction. Our program staff have also streamlined the SAVE grant process that effectively guides

our applicants from filling out program forms to getting their vessels removed by our selected vendors.

14. Does your agency have any special circumstances and/or conditions that contribute to abandoned vessels in your jurisdiction? Explain circumstances/conditions.

Newport Harbor is one of the largest small craft recreational harbors on the west coast. We welcome and service transient and local boaters alike. However, over the years, some boaters have found themselves financially unable to maintain their vessels, opting to turn in the vessel or simply letting the vessel become derelict and/or abandoned. Transient boaters frequently abandon vessels in Newport Harbor with the idea that the local agencies will remediate the blight. City of Newport Beach Harbor Department staff has extensive experience working with boaters as they request assistance turning in vessels. Due to the cost of hauling out and maintenance, some boaters resort to abandoning their vessels. In those cases, the City of Newport Beach takes action to relocate, investigate the case and ultimately destroy the vessel.

Objective 5: SNHAP

Per HNC 525, when evaluating an application DBW shall give greater weight to applicants who have an existing SNHAP.

15. Does your agency have a Submerged Navigational Hazard Abatement Plan (SNHAP)? (•) Yes ( ) No

If Yes, attach copy. 45985_0_150_17.70.30-.40.pdf

16. Summarize the detailed process in your SNHAP for the abatement of non-vessel related navigational hazards and commercial vessels.

17.70.030 Impound of Vessels or Structures.
The Harbormaster may authorize the impound of a vessel or structure located in or over the waters of Newport Harbor or the Pacific Ocean under any of the following circumstances:
A. Unless otherwise permitted under this title, the vessel or structure is attached to a mooring that is not the vessel or structure identified on the mooring permit.
B. An unpermitted vessel or structure is attached to a public mooring, dock, or slip.
C. A vessel or structure is in violation of the anchorage or berthing requirements of this title.
D. The vessel or structure is left unattended and is moored, docked, beached, or made fast to land in a position that obstructs the normal movement of traffic or in a condition that creates a hazard to other vessels using the waterway, to public safety, or to the property of another.
E. The vessel or structure interferes with, or otherwise poses a danger to, navigation or to the public
health, safety, or welfare.
F. The vessel or structure poses a threat to adjacent wetlands, levees, sensitive habitat, any protected wildlife species, or water quality.
G. A vessel or structure is found or operated upon a waterway with a registration expiration date
in excess of one year before the date on which it is found or operated on the waterway.
H. The vessel or mooring permittee does not have proper insurance or owes a debt to the City.
I. Federal or State law permits the City or any peace officer, lifeguard, or marine safety officer employed by the City to remove, and, if necessary, store a vessel removed from a public waterway.

17. Identify the SNHAP's funding source for the control/abatement of **non-vessel related** water hazards, hazardous floating debris (such as logs), submerged objects and abandoned piers and pilings

17.20.040 - All stray, unattended or abandoned vessels, timber or any other personal property found in the water or on the shore of Newport Harbor or the Pacific Ocean not int he lawful possession or control of some person, shall be immediately reported to the Harbormster. Any such vessel or property shall be dealt with as provided in the appropriate provisions of Chapter 1.20 and 17.70, or Section 510 et seq. of the California Harbor and Navigation Code, as the same now read or may hereafter be amended. For purposes of this section, any vessel on the Pacific Ocean shall be deemed to be stray, unattended and abandoned if the vessel is unoccupied by a person during:

A. Any nighttime hours (sunset to sunrise);
B. Any time period when a small craft advisory or greater has been issued by the National Oceanic and Atmospheric Administration; or
C. Daylight hours for more than three hours.

17.45.030 D - Refuse and Vessels on Shoreline. No person shall place or allow abandoned vessels or boats, materials, garbage, refuse, debris, litter, timber or other waster matter of any description to remain on or upon the shorelines of the Pacific Ocean or on the shorelines of Newport Harbor within the City. The City may remove the same with or without notice, and the cost thereof may be recovered from any person owning the same, or placing or causing it to be placed on the shoreline.

17.70.030 - Impound of Vessels or Structures: The Harbormaster may authorized the impound of a vessel or structure located in or over the waters of Newport Harbor or the Pacific Ocean under any of the following circumstances:

A. Unless otherwise permitted under this title, the vessel or structure is attached to a mooring that is not the vessel or structure identified on the mooring permit.
B. An permitted vessel or structure is attached to a public mooring, dock, or slip.
C. A vessel or structure is in violation of the anchorage or berthing requirements of this title.
D. The vessel or structure is left unattended and is moored, docked, beached, or made fast to land in a position that obstructs the normal movement of traffic or in a condition that creates a hazard to other vessels using the waterway, to public safety, or to the property of another.
E. The vessel or structure interferes with, or otherwise poses a danger to, navigation or to the public, health, safety, or welfare.
F. The vessel or structure poses a threat to adjacent wetlands, levees, sensitive habitat, any protected wildlife species, or water quality.
G. A vessel or structure is found or operated upon a waterway with a registration expiration date in excess of one year before the date on which it is found or operated on the waterway.
H. The vessel or mooring permittee does not have proper insurance or owes a debt to the City.
I. Federal or State law permits the City or any peace officer, lifeguard, or marine safety officer employed by the City to remove, and, if necessary, store a vessel removed from a public waterway. The City may charge or bring action in the courts of this state to recover any costs pursuant to impounding a vessel or structure.

Additionally, the City partners with a coalition of Orange County based environmental groups to further clean-up and identify non-vessel related hazards in Newport Harbor. Over 300 scuba divers and above-water volunteers on small vessels spend the day checking on problem areas in the

harbor and collecting trash, plastics, and other discarded water pollutants. Objects that are too difficult to retrieve during the day are marked and the appropriate professionals are brought in to assist in the retrieval of the object. Last year, over 5,000 pounds of non-vessel related debris was removed from Newport Harbor.

Funding for the removal of the marine debris is part of the Harbor Department's annual operating budget.

Objective 3: Cost Effectiveness

Has your agency been involved in abatement activities during the past 3 calendar years? (•) Yes ( ) No

If yes, provide the average cost to remove and destroy vessels in the chart below:

	ABANDONED VESSELS	AVERAGE COST	
18.	Vessels Less Than 30'	$1,500 or less	**LAST CALENDAR YEAR**
18a.	Vessels Less Than 30'	more than $3,000	**LAST 3 CALENDAR YEARS**
19.	Vessels Greater Than 31'	more than $5,000	**LAST CALENDAR YEAR**
19a.	Vessels Greater Than 31'	more than $5,000	**LAST 3 CALENDAR YEARS**
	SURRENDERED VESSELS		
20.	Vessels Less Than 30'	more than $1,000	**LAST CALENDAR YEAR**
20a.	Vessels Less Than 30'	more than $1,000	**LAST 3 CALENDAR YEARS**
21.	Vessels Greater Than 31'	more than $2,000	**LAST CALENDAR YEAR**
21a.	Vessels Greater Than 31'	more than $2,000	**LAST 3 CALENDAR YEARS**

22. Identify the last three CLOSED SAVE grants awarded and the percentage of unspent funding that was left in each grant.

ONLY LIST CLOSED GRANTS

Closed SAVE grants year awarded	Amount Awarded	Percentage of funding left over
2020	175,000.00	16
2021	175,000.00	3
2022	0.00	0

23. Identify the number of personnel currently working in the program with more than two years' experience managing the SAVE program. 3

24. What process/method/practice have you implemented in the last 24 months to reduce the grant program's cost of removing and destroying abandoned or surrendered vessels?

Harbor Code Enforcement officers are out on the water daily. Their duties include monitoring Newport Harbor as a whole, including private slips and anchorage areas. Our Harbor Department staff coordinate with the Harbor Code Enforcement officers to identify vessels that may be a potential or existing problem in the harbor. Through education and information is provided to vessel owners to promptly bring vessels into compliance or utilize the Vessel Turn in Program (VTIP). Owners may be issued a Notice of Violation if they fail to bring vessels into compliance within a specified timeframe. Vessels that are abandoned or have no identifiable owners are processed for the Abandoned AWF. Vessel condition is taken into consideration when prioritizing enforcement and the use of SAVE funds for destruction. Vessels at risk of sinking or represent other hazardous conditions are placed in priority status for the VTIP program.

25. Does your agency have additional funding sources (other than SAVE) for removal and disposal of abandoned vessels in the event you run out of grant funding or are not awarded the full grant request? ○ Yes ◉ No

If yes, list

26. Does your or a partner agency have vessel storage capabilities that can be used by your agency at no cost to SAVE? ◉ Yes ○ No

27. Does your agency have access/ability to dispose of vessels at a local or neighboring landfill? ○ Yes ◉ No

28. What is the number of abandoned vessels in your jurisdiction that will be ready for disposal during this grant period, if awarded? 10

How were these vessels identified?

Abandoned vessels in our harbor are impounded due to several code violations, vessel owners are unreachable after our staff have made several attempts to contact the them.

29. What is the number of surrendered vessels in your jurisdiction that will be ready for disposal during this grant period, if awarded? 30

How were these vessels identified?

Individuals contacted the City of Newport Beach through our staff providing education on the program, or through referral from neighboring agencies.

30. Did you collaborate with marinas in your jurisdiction to identify the number of potential surrendered vessels listed in your budget? (●) Yes ( ) No

If yes, list marinas.

American Legion Post 291; Bahia Corinthian Yacht Club; Balboa Bay Club; Balboa Boat Yard; Balboa Yacht Club; Balboa Yacht Club Marina; Villa Cove Marina; 28th Street Marina; Antibes Marina; Lido Resort/Moana Marina; Lido Peninsula Yacht Anchorage; Newport Harbor Yacht Club; South Coast Shipyard; Valley Marina; Vikings Port Marina

Budget

List Identified Abandoned Vessels (CF #s)	VESSEL LENGTH	ESTIMATED COST
Coast Guard Doc # 925952-Pescaholic	49	25,000.00
CF 4766 TF	41	20,000.00
CF 9964 SM	31	5,000.00
CF 0995 GV	25	2,000.00
	Total	52,000

List Identified Surrendered Vessels (CF #s)	VESSEL LENGTH	ESTIMATED COST
Coast Guard Doc # 568668	40	22,000.00
Coast Guard Doc# 277077	45	29,500.00
Coast Guard Doc #1047781	40	17,500.00
Coast Guard Doc #228270	45	29,500.00
Coast Guard Doc #626059	38	8,000.00
CF 3497 FB	20	2,000.00
Coast Guard Doc# 500764	28	3,500.00
	Total	112,000.00

Estimate Future Abandoned Vessels	Total number of vessels	APPROXIMATE VESSEL LENGTH	ESTIMATED COST
Estimated about 10 vessels being abandoned in two years	10	20-50	58,000.00
Total	10		58,000.00

Justification: We are estimating processing 10 abandoned vessels ranging between 20'-50' in the program in the next two years.

Estimate Future Surrendered Vessels	Total number of vessels	APPROXIMATE VESSEL LENGTH	ESTIMATED COST
Estimating about 20-30 vessels to be surrendered over the two years	30	9-50	28,000.00
Total	30		28,000.00

Justification: With the current demand of the VTIP program, we anticipate processing 30 vessels in the next two years. We will continue offering this program service to our constituents along with assisting our neighboring agencies.

TOTAL GRANT	250,000
REQUEST PLUS 10%	25,000
AGENCY MATCH	25,000
TOTAL PROJECT COST	275,000

1. Applicant Certification

Per Harbors and Navigation Code 525 (C) "A grant awarded by the department pursuant to subparagraph (A) shall be matched by a 10% contribution from the local agency receiving the grant." Matching fund may be rendered in cash, or through in-kind contributions which must be verified, and are at the discretion of DBW. These contributions may include (but are not limited to) the following: administrative costs, personnel hours, removal, and/or storage.

Grant monies WILL NOT be reimbursed by DBW unless 10% match for each reimbursement claim is met.

a. ☑ Under penalty of perjury, I certify that I have examined this application and the document(s), proposal(s), and statement(s) submitted in conjunction herewith, and that to the best of my information and belief, the information contained herein is true, accurate, correct, and complete.

b. ☑ I certify that I am the person authorized to submit this application on behalf of the applicant.

Prepared by:	Name:	Cynthia Shintaku	Date:	04/28/2025
Reviewed by:	Name:	Paul Blank	Date:	04/28/2025
Approving Officer:	Name:	Paul Blank	Date:	04/28/2025

City of Newport Beach

BUDGET AMENDMENT

2025-26

BA#: 26-029

Department: Harbor

Requestor: Cynthia Shintaku

ONE TIME: ☑ Yes ☐ No

☐ **CITY MANAGER'S APPROVAL ONLY**

☑ **COUNCIL APPROVAL REQUIRED**

Approvals		
City Clerk:		Date
Finance Director:	Jason al-Imam	Date 10/1/25
Budget Manager:		Date 09/30/25

EXPLANATION FOR REQUEST:

To increase revenue estimates and expenditure appropriations with the approval and acceptance of the State of California's Division of Boating and Waterways SAVE grant. The Save Grant requires a 10% match from the City.

- ☐ from existing budget appropriations
- ☑ from additional estimated revenues
- ☑ from unappropriated fund balance

REVENUES

Fund #	Org	Object	Project	Description	Increase or (Decrease) $
135	13501	431385	25H13	CONTRIBUTIONS FUND CIP - DEPT OF BOATING & WATERWA	100,000.00
100	10099	691010		INTERFUND TRANSFERS - TRANSFER IN GENERAL FUND	10,000.00
				-	
				-	
				-	
				-	
				-	
				Subtotal	$ 110,000.00

EXPENDITURES

Fund #	Org	Object	Project	Description	Increase or (Decrease) $
135	13501	980000	25H13	CONTRIBUTIONS FUND CIP - CIP EXPENDITURES FOR GL	100,000.00
100	10001	980000	25H13	TIDE&SUBMERGED LAND CIP - CIP EXPENDITURES FOR GL	10,000.00
010	01099	991100		GENERAL FUND INTERFUND TRANSFR - TRANSFER OUT TIDEI	10,000.00
				-	
				-	
				-	
				-	
				Subtotal	$ 120,000.00

FUND BALANCE

Fund #	Object	Description	Increase or (Decrease) $
135	300000	CONTRIBUTIONS FUND - FUND BALANCE CONTROL	-
100	300000	TIDE & SUBMERGED LANDS FUND - FUND BALANCE CONTROL	-
010	300000	GENERAL FUND - FUND BALANCE CONTROL	**(10,000.00)**
		-	
		Subtotal	**$ (10,000.00)**

Fund Balance Change Required

CITY OF

NEWPORT BEACH

City Council Staff Report

October 28, 2025
Agenda Item No. S21

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	Grace K. Leung, City Manager - 949-644-3001, gleung@newportbeachca.gov
PREPARED BY:	Alexandra Delmonico, Management Fellow – 949-644-3313, adelmonico@newportbeachca.gov
TITLE:	Resolution No. 2025-75: Ratifying the Proclamation of the Existence of a Local Emergency, and Declaring that the Local Emergency Shall Remain in Effect Until Terminated by the City Council

ABSTRACT:

For the City Council's consideration is the ratification and extension of the proclamation of a local emergency in accordance with Chapter 2.20 (Emergency Services) of the Newport Beach Municipal Code. The city manager, in her role as Director of Emergency Services, declared a local emergency after methane gas was detected at a residential home at 3606 Marcus Avenue on the Balboa Peninsula. The emergency declaration allows the City of Newport Beach (City) to take swift action to protect public health and safety and coordinate with regional and state agencies.

RECOMMENDATIONS:

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15269(c), 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Adopt Resolution No. 2025-75, *A Resolution of the City Council of the City of Newport Beach, California, Ratifying in its Entirety the Proclamation of the Existence of a Local Emergency Issued by the Director of Emergency Services on October 22, 2025, and Declaring that the Local Emergency, Along with all Rules, Orders, and Regulations Issued by the Director of Emergency Services, Shall Remain in Effect Until the Emergency is Terminated by the City Council.*

DISCUSSION:

On October 22, 2025, a local emergency was declared after methane seepage was detected at a residential home at 3606 Marcus Avenue on the Balboa Peninsula, believed to be caused by oil intrusion from an abandoned private oil well beneath the home. Out of an abundance of caution, several nearby homes on Marcus Avenue, Rialto and 36th Street have been temporarily evacuated, with the area being restricted to authorized personnel only.

Response crews from the City and multiple regulatory agencies are on the scene and assessing next steps. The City's top priority is the health and safety of residents, hence the recommendation that City Council ratifies and declares that the local emergency remains in effect until conditions warrant termination of the emergency.

FISCAL IMPACT:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15269(c) (the activity is necessary to prevent or mitigate an emergency), 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENT:

Attachment A – Resolution No. 2025-75

ATTACHMENT A

RESOLUTION NO. 2025-75

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, RATIFYING IN ITS ENTIRETY THE PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES ON OCTOBER 22, 2025, AND DECLARING THAT THE LOCAL EMERGENCY, ALONG WITH ALL RULES, ORDERS, AND REGULATIONS ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES, SHALL REMAIN IN EFFECT UNTIL THE EMERGENCY IS TERMINATED BY THE CITY COUNCIL

WHEREAS, Section 200 of the Charter of the City of Newport Beach ("City") vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges, or procedures granted or prescribed by any law of the State of California;

WHEREAS, Chapter 2.20 (Emergency Services) of the Newport Beach Municipal Code provides for the preparation and implementation of plans to provide services within Newport Beach in the event of an emergency, to empower certain City officials to promulgate orders and regulations necessary to provide for the protection of life and property or to preserve public order and safety, and to provide for the coordination of the emergency service functions of the City with all other public agencies and affected private persons, corporations, and organizations;

WHEREAS, Section 2.20.060(A) of the Newport Beach Municipal Code empowers the Director of Emergency Services to proclaim the existence of a local emergency when conditions of disaster or extreme peril to the safety of persons or property exist within the City of Newport Beach, and the City Council is not in session, provided that such proclamation shall be ratified by the City Council at the earliest practicable time, but in no event later than seven (7) days after issuance, or it shall have no further force or effect;

WHEREAS, Section 2.20.060(C)-(E) of the Newport Beach Municipal Code further authorizes the Director to control and direct the City's emergency organization, coordinate interagency response, and represent the City in dealings with public or private agencies during emergencies;

WHEREAS, on October 22, 2025, the Director of Emergency Services of the City of Newport Beach proclaimed the existence of a local emergency due to the seepage of methane gas and oil intrusion into a residential structure located at 3606 Marcus Avenue, reportedly originating from an abandoned or old oil well, which created conditions of extreme peril to the safety of persons and property;

WHEREAS, the Director of Emergency Services determined that these conditions required the evacuation of affectec and nearby properties, the restriction of access to the impacted area, and the mobilization of emergency personnel and resources to mitigate the danger and protect public heal:h and safety;

WHEREAS, pursuant to Section 2.20.070 of the Newport Beach Municipal Code, all rules, orders, and regulations issued under the authority of the Director of Emergency Services must: (1) be in writing; (2) receive widespread publicity and notice; and (3) be ratified and confirmed by the City Council within seven (7) days of issuance, or they shall have no further effect;

WHEREAS, the Director of Emergency Services has submitted to the City Council the written Proclamation of the Existence of a Local Emergency, attached hereto as Exhibit 1, all associated emergency orders and regulations, and a report describing the facts and circumstances necessitating the emergency proclamation in accordance with Section 2.20.070(B) of the Newport Beach Municipal Code;

WHEREAS, the City Council has reviewed the proclamation, the accompanying report, and the Director of Emergency Service's findings, and hereby determines that the conditions described therein continue to pose a threat to the public health, safety, and welfare, and that the proclamation and emergency regulations/orders were properly issued under the authority of the Newport Beach Municipal Code and the California Emergency Services Act; and

WHEREAS, pursuant to Section 2.20.065 of the Newport Beach Municipal Code, the City Council shall review the need for continuing the local emergency at least once every sixty (60) days until such time as the local emergency is terminated and shall proclaim termination at the earliest date that conditions warrant.

NOW, THEREFORE, the City Council of the City of Newport Beach ordains as follows:

Section 1: The City Council hereby ratifies and confirms the Proclamation of the Existence of a Local Emergency issued by the Director of Emergency Services on October 22, 2025, attached hereto as Exhibit 1 and incorporated herein by this reference, pursuant to Section 2.20.060(A) of the Newport Beach Municipal Code ("Proclamation of Emergency"). The City Council further adopts and affirms all findings and determinations set forth in the Proclamation of Emergency and declares that the Proclamation of Emergency shall remain in full force and effect until such time as the City Council proclaims that the local emergency has been terminated in accordance with applicable law.

Section 2: The City Council hereby ratifies and confirms all written emergency rules, orders, and regulations issued by the Director of Emergency Services pursuant to Section 2.20.070 of the Newport Beach Municipal Code, as set forth in the Proclamation of Emergency. The City Council further adopts and affirms said emergency rules, orders, and regulations, which shall remain in full force and effect until such time as the City Council proclaims that the local emergency has been terminated in accordance with applicable law or the Director of Emergency Services determines the specific rule, order or regulation is no longer necessary.

Section 3. The City Council affirms that the City's Emergency Operations Plan, adopted pursuant to Section 2.20.050 of the Newport Beach Municipal Code, is in full force and effect, and authorizes all City departments and the City's Emergency Organization to continue implementing and enforcing its provisions to protect life and property and mitigate the emergency conditions.

Section 4. The City Council shall review the need for continuing the local emergency at least once every sixty (60) days, in accordance with Section 2.20.065 of the Newport Beach Municipal Code and shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant.

Section 5: The City Manager, as the Director of Emergency Services of the City of Newport Beach, is authorized to take the actions delineated in Chapter 2.20 (Emergency Services) of the Newport Beach Municipal Code, in furtherance of the Proclamation of Local Emergency including applying for federal and state assistance.

Section 6: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 7: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 8: The City Council finds and determines that the introduction and adoption of this Proclamation of Local Emergency is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15269(c) (the activity is necessary to prevent or mitigate an emergency), 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 9: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 28th day of October, 2025.

Joe Stapleton
Mayor

ATTEST:

Lena Shumway
City Clerk

APPROVED AS TO FORM:

CITY ATTORNEY'S OFFICE

Aaron C. Harp

Exhibit 1 - Proclamation of the Existence of a Local Emergency issued by the Director of Emergency Services on October 22, 2025

EXHIBIT #1

PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY BY THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF NEWPORT BEACH OCTOBER 22, 2025

WHEREAS, Section 2.20.060 of the Newport Beach Municipal Code empowers the Director of Emergency Services of the City of Newport Bach to proclaim the existence of a local emergency due to the existence of conditions of disaster or extreme peril to the safety of persons or property within the City of Newport Beach, if the City Council is not in session; and

WHEREAS, the Emergency Services Director of the City of Newport Beach does hereby find that:

1. A hazardous condition has arisen at 3606 Marcus Avenue, Newport Beach, California 92663, involving the seepage of methane gas and oil intrusion into a residential structure, reportedly originating from an abandoned or old oil well;

2. The presence of oil and methane gas poses an immediate threat to the health, safety, and welfare of residents and the surrounding community, necessitating urgent protective measures;

3. In the interest of public safety, the evacuation of the affected residence and neighboring properties is required until the hazard can be assessed and mitigated;

4. Access to the affected area must be strictly controlled to prevent injury or interference with emergency response operations;

5. Such conditions of disaster or extreme peril are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the City of Newport Beach and require or are likely to require the combined forces of other political subdivisions and other agencies to combat; and

6. That the City Council of the City of Newport Beach is not in session.

NOW, THEREFORE, BE IT PROCLAIMED that a local emergency now exists within the City of Newport Beach.

PURSUANT TO THE AFORESAID PROCLAMATION, THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF NEWPORT BEACH HEREBY PROMULGATES AND ISSUES THE FOLLOWING ORDERS AND REGULATIONS:

1. All residents and the general public shall evacuate and remain clear of the affected area, which includes the properties located at 3610, 3608, 3602, 3600 and 3600 ½ Marcus Avenue; 312 The Rialto; and 313 36th Street, Newport Beach, California, as well as the

portions of the adjacent streets as depicted in Exhibit A, attached hereto and incorporated herein by reference (hereinafter referred to as the "Emergency Zone").

2. No person shall enter, be within, or remain within, any building or area within the designated Emergency Zone after receiving a written or oral order to either not enter or to leave such building or area from a peace officer.

3. No person shall enter the designated Emergency Zone unless authorized by the Director of Emergency Services, the Utilities Director, the Fire Chief, or the Police Chief.

4. All vehicles, except emergency response and authorized personnel vehicles, are prohibited from entering or parking on public streets within the Emergency Zone.

5. The provisions of Order Nos. 1 through 4 above shall not apply to any City of Newport Beach employee or contractor, as well as any police, fire, or emergency services personnel, while such person is engaged in providing police, fire, or other emergency services.

6. A violation of any of the above emergency orders and regulations shall be a misdemeanor punishable pursuant to Section 2.20.100 of the Newport Beach Municipal Code.

7. All peace officers are hereby authorized to enforce the above emergency orders and regulations and to arrest any person who does not obey said orders and regulations.

8. The City Attorney is authorized to seek a court order enjoining any responsible person from maintaining the public nuisance.

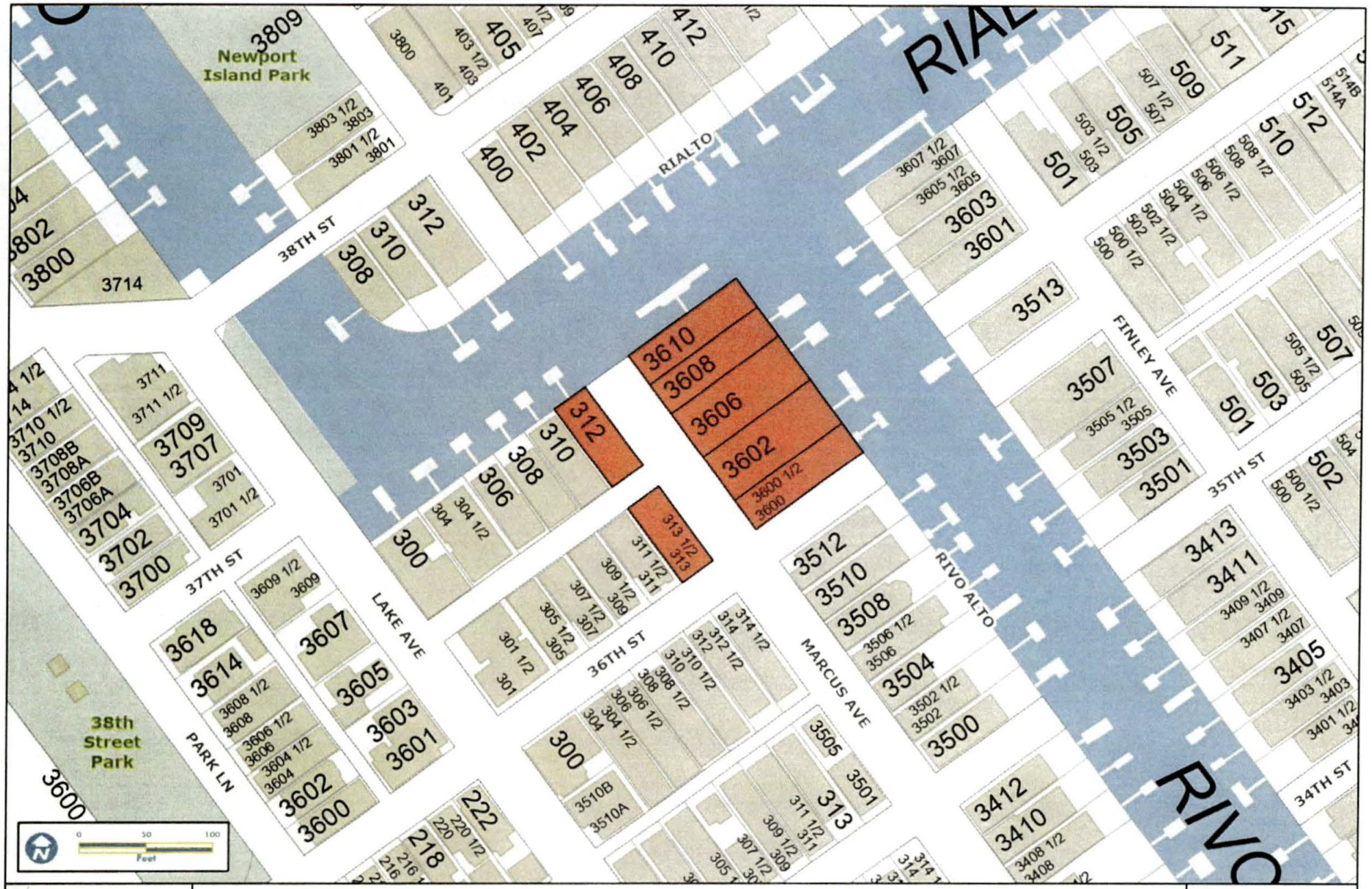
9. If the Director of Emergency Services determines that mitigation measures or summary abatement are necessary, City personnel/contractors and emergency personnel shall be authorized to take action to mitigate or summarily abate the public nuisance at the expense of the persons creating, causing, committing, or maintaining the public nuisance.

This proclamation is in effect beginning at 6:00 p.m. on October 22, 2025, and shall continue in full force and effect until rescinded or amended, or until the local emergency is proclaimed terminated.

Dated: October 22, 2025

Grace Leung,
Director of Emergency Services

EXHIBIT A



Properties To Be Evacuated

City of Newport Beach

NBGIS NEWPORT BEACH

City of Newport Beach
GIS Division
October 22, 2025

Map.aprx

CITY OF

NEWPORT BEACH

City Council Staff Report

October 28, 2025
Agenda Item No. 7

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: David A. Webb, Public Works Director - 949-644-3311, dawebb@newportbeachca.gov

PREPARED BY: Bob Stein, Assistant City Engineer - 949-644-3322, rstein@newportbeachca.gov

TITLE: San Diego Creek Trash Interceptor - Notice of Completion for Contract No. 7127-5 (17X12)

ABSTRACT:

On July 11, 2023, the City Council awarded Contract No. 7127-5 for the San Diego Creek Trash Interceptor to Jilk Heavy Construction, Inc. (Jilk). The project installed a one-of-a-kind floating trash wheel with a rail system and landside improvements for the removal of trash and debris from San Diego Creek prior to it entering the Newport Bay. The work is now complete and staff requests City Council acceptance of the project and close out of the contract.

RECOMMENDATIONS:

a) Determine that on July 11, 2023, City Council found the requirement for environmental review under the California Environmental Quality Act (CEQA) is satisfied by Adopting Mitigated Negative Declaration No. ND2018-002(SCH No. 2018081013) for the Newport Bay Water Wheel Project; and

b) Accept the completed work and authorize the City Clerk to file a Notice of Completion for the project.

DISCUSSION:

Overall Contract Cost/Time Summary

Awarded Contract Amount	Final Total Contract Amount	Total Contract Change Amount	Percent Contract Cost Change
$ 3,981,074.00	$4,644,826.56	$663,752.56	+16.7%

Allowed Contract Time + Approved Extensions (Days) =	541	Actual Time Used (Days)	513

The completed San Diego Creek Trash Interceptor (Trash Interceptor) project consists of a floating trash wheel, rail system and landside improvements that provide truck access to the dumpsters located on the rail sled (Attachment A). The trash wheel is a moored vessel that uses booms to move trash toward the trash wheel where rotating trash rakes convey floating trash and debris onto a conveyor belt that then moves the trash up and into two dumpsters that sit within a sled mounted to a short rail system. Once the dumpsters are full, the dumpster sled is winched landward and the dumpsters emptied by a standard front-loading trash truck.

Power for the floating trash wheel is provided by solar panels on top of the trash wheel. The solar panels charge batteries, that in turn, power submerged pumps to pump creek water into the vanes of the water wheel causing the water wheel to turn. The turning water wheel powers the trash rakes and the conveyor belt. Landside power for the lights, cameras, rail sled winch, and sliding entrance gate, is provided by a separate array of solar panels located at the top of the creek bank.

While still under construction, the Trash Interceptor was able to be operated and captured approximately 50 to 60 cubic yards of trash and debris during the last half of the rain season from February through April 2025. It is anticipated that during the upcoming full rain season, the Trash Interceptor will remove over 200 cubic yards of material from San Diego Creek.

The contracted work has now been completed to the satisfaction of the Public Works Department. A summary of the construction cost is as follows:

Original Bid Amount:	$	3,981,074.00
Actual Cost of Bid Items Constructed:	$	3,981,074.00
Total Change Orders:	$	663,752.56
Final Contract Cost:	**$**	**4,644,826.56**

The final total contract amount was $4,644,826.56, approximately 16.7% higher than the original bid amount. Given the project's complexity and the pilot-project nature of the Trash Interceptor installation, City of Newport Beach (City) staff, the designer, and the contractor refined the design during construction to improve reliability and resilience, which increased costs. Upgrades and design modifications were implemented on the trash wheel's power transmission system, custom-built conveyor, electrical system, pump system, skeletal structure and canopy, solar panel system, site lighting, cameras and SCADA (Supervisory Control and Data Acquisition) system. To accommodate City-requested design changes, 276 additional working days were granted to the contractor.

Project schedule milestones include:

Estimated Start of Construction per Annual Baseline Schedule	September 4, 2023
Actual Start of Construction Per Notice to Proceed	October 2, 2023
Estimated Completion per Annual Baseline Schedule	April 11, 2025
Substantial Completion Date Inclusive of Extra Work	October 3, 2025

FISCAL IMPACT:

The San Diego Creek Trash Interceptor was included within the Capital Improvement Program Budget. Funds for the construction contract were expended from the following accounts:

Account Description	Account Number	Amount
Contributions	13801-980000-17X12	$ 2,962,500.00
OCTA Measure M2	1230052-980000-17X12	500,000.00
Environmental Liability Fund Fees	16001-980000-17X12	$ 1,182,326.56
	Total:	**$ 4,644,826.56**

Contributions were received from the Ocean Protection Council and the State of California.

Measure M2 funds are provided by OCTA through their Project X "Environmental Clean Up" program. OCTA established and is administering an environmental cleanup grant funding program to address water quality degradation associated with transportation-generated pollution.

The Environmental Liability Fund Fees (ELFF) are authorized for use by the City for any expense associated with a City-hired commercial hauler recycling, diverting, recovering or disposing of trash collected in the city to fulfill State, federal or local law requirements. In this case, State regulations, promulgated in 2015, require heightened trash capture and removal. Construction of the trash interceptor facility allows access for one of the City's commercial trash haulers to collect and dispose of the trash captured in San Diego Creek and is therefore eligible for funding from the ELFF program, which currently has approximately $10 million in reserves.

ENVIRONMENTAL REVIEW:

On July 11, 2023, City Council found the requirement for environmental review under the California Environmental Quality Act (CEQA) is satisfied by the September 25, 2018 Council adoption of Resolution No. 2018-67, *A Resolution of the City Council of the City of Newport Beach, California, Adopting Mitigated Negative Declaration No. ND2018-002 (SCH No. 2018081013) for the Newport Bay Water Wheel Project (PA2018-153),* pursuant to the California Environmental Quality Act, State CEQA Guidelines and City Council Policy K-3.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENT:

Attachment – Location Map

CITY OF NEWPORT BEACH CALIFORNIA

NBGIS NEWPORT BEACH

0 100 200
Feet

Disclaimer:
Every reasonable effort has been made to assure the accuracy of the data provided, however, The City of Newport Beach and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use.

10/2/2025

CITY OF

NEWPORT BEACH

City Council Staff Report

October 28, 2025
Agenda Item No. 8

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: David A. Webb, Public Works Director - 949-644-3311, dawebb@newportbeachca.gov

PREPARED BY: Tom Sandefur, Assistant City Engineer - 949-644-3321, tsandefur@newportbeachca.gov

TITLE: Central Library, OASIS Senior Center and VJ Community Center Carpet Replacement - Notice of Completion for Contract No. 9750-1 (25F02)

ABSTRACT:

On May 13, 2025, the City Council awarded Contract No. 9750-1 for the Central Library, OASIS Senior Center and Vincent Jorgensen (VJ) Community Center Carpet Replacement project to Commercial Interior Resources. The project replaced aging carpets at the Central Library (1000 Avocado Ave.), OASIS Senior Center (801 Narcissus Ave.) and VJ Community Center (1300 Irvine Ave.) The work is now complete and staff requests City Council acceptance and closeout of the contract.

RECOMMENDATIONS:

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Accept the completed work and authorize the City Clerk to file a Notice of Completion for the project.

DISCUSSION:

Overall Contract Cost/Time Summary

Awarded Contract Amount	Final Total Contract Amount	Total Contract Change Amount	Percent Contract Cost Change
$151,070.00	$158,362.26	$7,292.26	4.8%

Allowed Contract Time + Approved Extensions/Suspensions (Days) =	40	Actual Time Used (Days)	40

This project is part of the Facilities Maintenance Master Plan (FMMP) and included the replacement of aging carpets at the Central Library, OASIS Senior Center and VJ Community Center providing improved aesthetic appeal and aesthetic durability by implementing patterns which will better mask future stains.

The contracted work has been completed to the satisfaction of the Public Works Department. A summary of the construction cost is as follows:

Original Bid Amount:	$	151,070.00
Actual Cost of Bid Items Constructed:	$	151,070.00
Total Change Orders:	$	7,292.26
Final Contract Cost:	**$**	**158,362.26**

The total contract amount was $158,362.26, approximately 4.8% higher than the original bid amount. The additional cost resulted from a discretionary post-construction design change to the Central Library carpet and an additional furniture moving scope beyond that covered by the original contract.

A summary of the project schedule milestones is as follows:

Estimated Start of Construction per Annual Baseline Schedule	September 22, 2025
Actual Start of Construction Per Notice to Proceed	Varied By Location
Estimated Completion Per Annual Baseline Schedule	October 31, 2025
Substantial Completion Date Inclusive of Extra Work	September 24, 2025

FISCAL IMPACT:

The Central Library, OASIS Senior Center and VJ Community Center Carpet Replacement project was included within the Fiscal Year 2024-25 Capital Improvement Program Budget. Funds for the construction contract were expended from the following account(s):

Account Description	Account Number		Amount
FMMP	57101-980000-25F02	$	153,077.26
General Fund	01080801-811008	$	5,285.00
	Total:	**$**	**158,362.26**

The FMMP includes a comprehensive condition assessment of all City facilities and prioritizes capital repairs and/or major maintenance based on a variety of factors including current condition and age of facilities. This program funds a variety of capital repair and maintenance projects in an effort to keep City facilities in good condition and is funded by the General Fund.

ENVIRONMENTAL REVIEW:

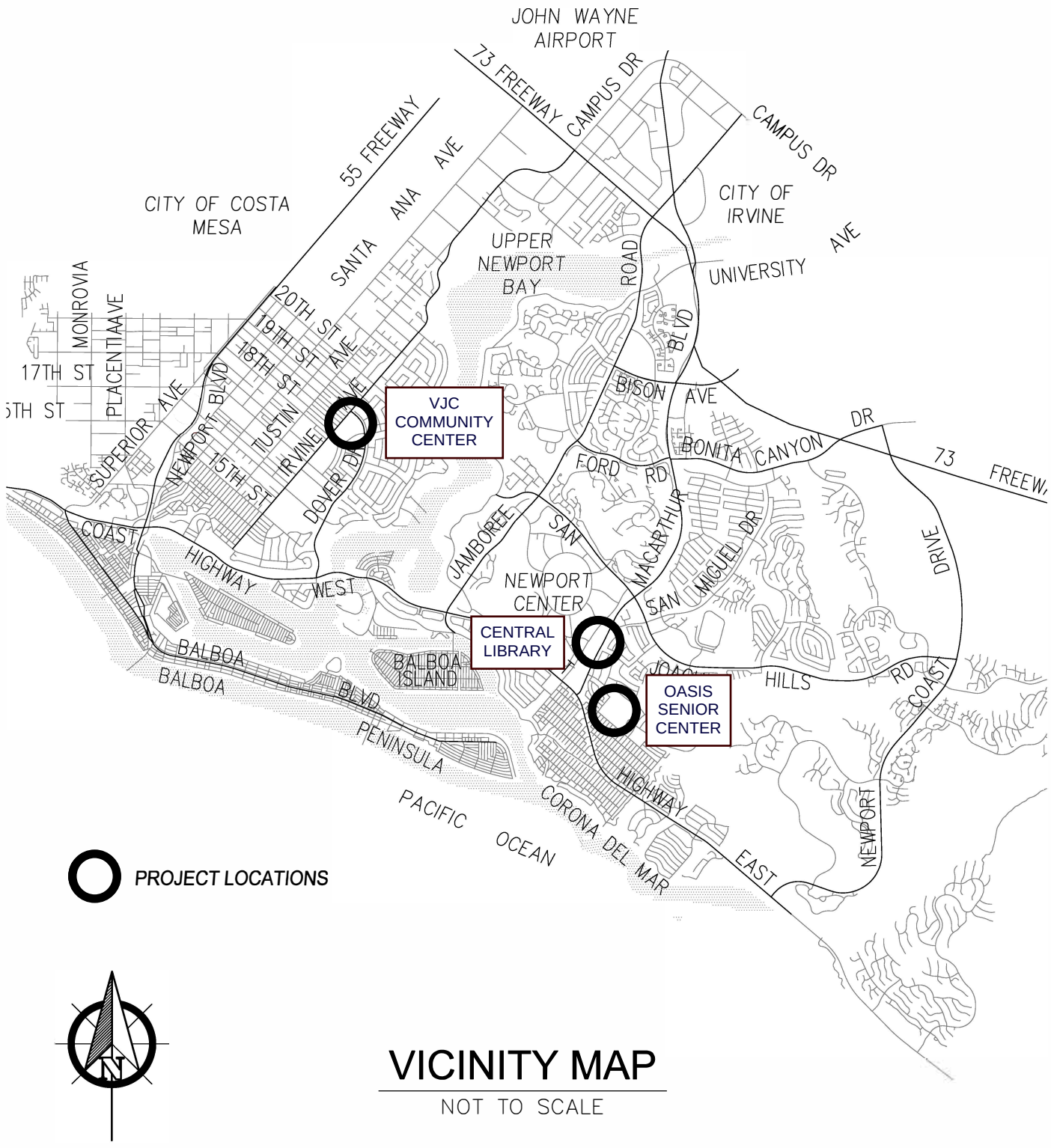
On May 13, 2025, City Council found this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENT:

Attachment A – Location Map



VICINITY MAP

NOT TO SCALE

CENTRAL LIBRARY, OASIS SENIOR CENTER AND VJC COMMUNITY CENTER CARPET REPLACEMENT

LOCATION MAP

CITY OF NEWPORT BEACH
PUBLIC WORKS DEPARTMENT

9750-1	10/28/25

CITY OF

NEWPORT BEACH

City Council Staff Report

October 28, 2025
Agenda Item No. 9

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	David A. Webb, Public Works Director - 949-644-3311, dawebb@newportbeachca.gov
PREPARED BY:	Tom Sandefur, Assistant City Engineer - 949-644-3321, tsandefur@newportbeachca.gov
TITLE:	Fiscal Year 2025-26 Citywide Park Fence Rehabilitation – Award of Contract No. 9837-1 to Dash Construction Company, Inc. (25P02)

ABSTRACT:

The City of Newport Beach received construction bids for the Fiscal Year 2025-26 Citywide Park Fence Rehabilitation project and staff requests City Council approval to award the construction contract to DASH Construction Company, Inc. of Woodland Hills. This project is part of the Park Maintenance Master Plan (PMMP) and involves removing and replacing chain link fencing and fence painting at Bonita Canyon Sports Park, Buffalo Hills Park, Mariners Park and West Newport Park.

RECOMMENDATIONS:

a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 Class 1 (maintenance of existing facilities involving no expansion or an existing use) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because this project has no potential to have a significant effect on the environment;

b) Approve the project plans and specifications;

c) Award Contract No. 9837-1 to DASH Construction Company, Inc. for the total bid price of $392,500 for the Fiscal Year 2025-26 Citywide Park Fence Rehabilitation project, and authorize the Mayor and City Clerk to execute the contract; and

d) Establish a contingency of $39,250 (10% of the total bid) to cover the cost of unforeseen work not included in the original contract.

DISCUSSION:

As part of the PMMP, City parks are periodically inspected for maintenance and repair issues.

The PMMP evaluation includes irrigation controllers, amenities, park equipment and fencing. Staff prioritize the various capital maintenance needs with an emphasis on items that keep parks in service.

This project focuses on fencing repairs, and the project locations are Bonita Canyon Sports Park, Buffalo Hills Park, Mariners Park and West Newport Park. The project addresses the fencing at the baseball fields, pickleball courts and tennis courts, which have deteriorated due to weathering, age and heavy use.

At 10 a.m. on September 3, 2025, the City Clerk opened and read the following bids for this project:

	BIDDER	TOTAL BID AMOUNT
Low	DASH Construction Company, Inc.	$ 392,500.00
2nd	Golden West Fence	$ 490,627.57
3rd	J & A Fence	$ 499,000.00
4th	Armor Fence Concepts	$ 767,632.00
5th	Quality Fence Co Inc	$ 818,888.00
6th	RED HAWK SERVICES, INC.	$ 1,644,405.00

The City received six bids for this project. Staff recommends awarding to the lowest bidder, DASH Construction Company, Inc., which is registered with the Department of Industrial Relations and possesses a valid and current California State Contractor's License Classification "C-13", as required by the project specifications. A check of DASH Construction Company, Inc. references indicates satisfactory completion of similar projects for other public agencies.

DASH Construction Company, Inc.'s bid amount was approximately 7.3% under the engineer's estimate of $470,700. The lower bid is attributed to a very competitive bid environment.

Pursuant to the contract specifications, the contractor will have 30 consecutive working days to complete the project. Work is scheduled to begin in the fall of 2025.

The project plans and specifications will be available for review at the October 28, 2025, City Council meeting or upon request.

FISCAL IMPACT:

The adopted Capital Improvement Program budget includes sufficient funding for the award of this contract. The project will be expensed to the PMMP.

The following funds will be expended:

Account Description	Account Number		Amount
PMMP	57001-980000-25P02	$	432,750
	Total:	**$**	**432,750**

Proposed fund uses are as follows:

Vendor	Purpose		Amount
DASH Construction Company, Inc.	Construction Contract	$	392,500
DASH Construction Company, Inc.	Construction Contingency	$	39,250
Various	Printing & Incidentals	$	1,000
	Total:	**$**	**432,750**

The PMMP includes a comprehensive condition assessment of all City parks and prioritizes capital repairs and major maintenance based on a variety of factors including current condition and age of parks. This program funds a variety of capital repair and maintenance projects in an effort to keep City parks in good condition and is funded through the General Fund.

Staff recommends establishing $39,250 (10% of the total bid) for contingency purposes and unforeseen conditions associated with construction.

ENVIRONMENTAL REVIEW:

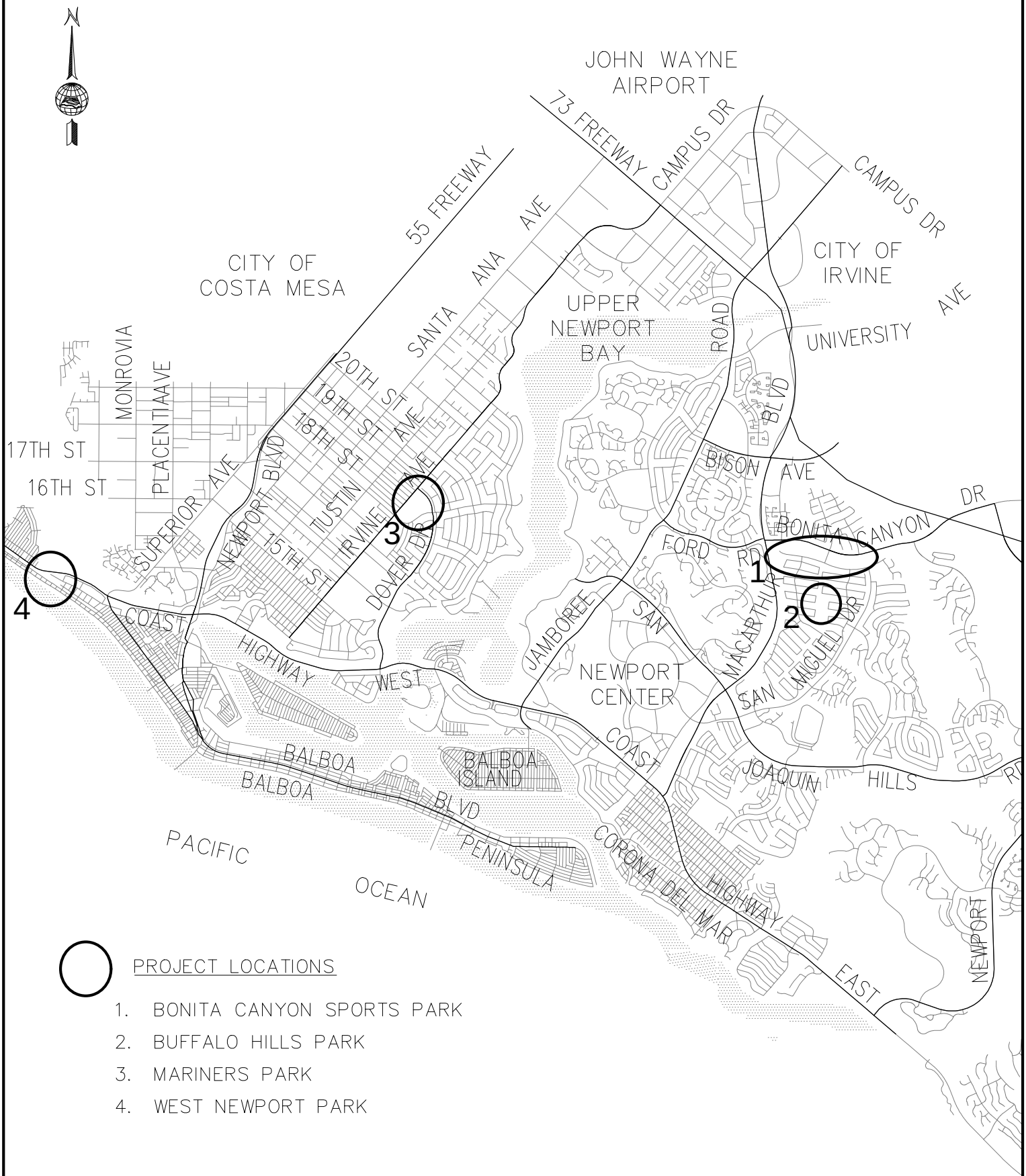
Staff recommends the City Council find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 Class 1 (maintenance of existing facilities involving no expansion of an existing use) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because this project has no potential to have a significant effect on the environment.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENT:

Attachment A – Location Map



2025-2026 CITYWIDE PARK FENCE REHABILITATION

LOCATION MAP

CITY OF NEWPORT BEACH
PUBLIC WORKS DEPARTMENT

C-9837-1	25P02	10/14/25

I:\Docs\PBWShared\Contracts\FY25-26 CURRENT\400_PRKS_HARBORS_BEACHES\PMMP 26P02\FY 2025-26 Citywd Fnce Rehab C-9837-1_25P02\COUNCIL MEMOS\Attachment A - Map Location.dwg 09/17/25 - 7:39am NCarstensen

CITY OF

NEWPORT BEACH

City Council Staff Report

October 28, 2025
Agenda Item No. 10

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	David A. Webb, Public Works Director - 949-644-3311, dawebb@newportbeachca.gov
PREPARED BY:	Tom Sandefur, Assistant City Engineer - 949-644-3321, tsandefur@newportbeachca.gov
TITLE:	Fiscal Year 2024-25 Playground Improvements Project - Award of Contract No. 9753-1 to R.E. Schultz Construction, Inc. (25P01)

ABSTRACT:

The City of Newport Beach (City) received bids for the FY 2024–25 Playground Improvements Project. Staff requests City Council approval to award a construction contract to R.E. Schultz Construction, Inc. (Orange) to replace aging playgrounds at Spyglass Hill Park (1 Narbonne) and Bonita Canyon Sports Park (1990 Ford Road).

RECOMMENDATIONS:

a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because this project has no potential to have a significant effect on the environment;

b) Approve the project plans and specifications;

c) Find the bid submitted by Western State Builders Inc. to be non-responsive;

d) Award Contract No. 9753-1 to R.E. Schultz Construction, Inc. for the total bid price of $858,800 for the Fiscal Year 2024-25 Playground Improvements Project, and authorize the Mayor and City Clerk to execute the contract; and

e) Establish a contingency of $90,000 (approximately 10% of the total bid) to cover the cost of unforeseen work not included in the original contract.

DISCUSSION:

Staff identified the playgrounds at Spyglass Hill Park and Bonita Canyon Sports Park as needing refurbishment as part of the annual Playground Refurbishment Program. Both playgrounds are over 25 years old and show signs of deterioration. The full replacement of both playgrounds along with staff identified improvements to amenities in the surrounding parks will ensure a high level of public enjoyment, continued smooth operation, and enhanced safety and Americans with Disabilities Act (ADA) compliance.

At 2 p.m. on September 24, 2025, the City Clerk opened and read the following bids for this project:

	BIDDER	TOTAL BID AMOUNT
Low	Western State Builders Inc. *	$855,118
2nd	R.E. Schultz Construction, Inc.	$858,800
3rd	Azas Engineering Inc	$863,689
4th	Micon Construction, Inc	$873,592
5th	ACC & Engineering LLC	$894,423
6th	ankor associates Inc.	$899,620
7th	Elegant Construction Inc.	$918,000
8th	Armstrong Cal Builders Inc.	$928,775
9th	Leonida Builders Inc.	$975,000
10th	diamond construction	$987,727
11th	JRH Construction, Inc.	$1,059,965
12th	AVA Builders, Inc.	$1,062,995
13th	Shiraz Construction	$1,077,777
14th	Environmental Construction, Inc.	$1,146,413
15th	Newman Midland Corp.	$1,193,100
16th	Crosby Plumbing Inc	$1,241,038

*Non-responsive Bid

The City received 16 bids for this project. As part of the staff review of the bids, it was identified that the apparent low bidder, Western State Builders Inc., does not possess an “LSI Certified Installer” designation as required in the project specifications. The City also received a bid protest from the second low bidder claiming a deficiency in the apparent low bidder’s responsiveness, specifically that they did not possess the project specification required “LSI Certified Installer” designation. The apparent low bidder provided a response letter which was reviewed as part of the recommendation process. City staff reviewed and confirmed the lower bidder, Western State Builders Inc, did not have the required certification as required in the project specification and thus is being disqualified. The protest letter and response are included as attachments to this report.

Staff recommends awarding the project to the 2nd low bidder, R.E. Schultz Construction, Inc., which possesses all licenses and certifications outlined as required in the project specifications. A review of references for R.E. Schultz Construction, Inc. shows satisfactory completion of similar contracts for public agencies including the City, Rialto Unified School District, the City of Monterey Park, the City of Sierra Madre, the City of Riverside and the City of Santa Clarita.

R.E. Schultz Construction, Inc., bid came in at approximately 10% below the engineer’s estimate of $950,000. The difference between the recommended low bid and engineer’s estimate reflects the extremely high level of interest in the project.

Pursuant to the project specifications, the contractor shall have 90 consecutive days for material and equipment procurement followed by 40 consecutive working days to complete the project. Work is scheduled to begin in the spring of 2026.

The project plans and specifications will be available for review at the October 28, 2025, City Council meeting or upon request.

FISCAL IMPACT:

The adopted Capital Improvement Program budget includes sufficient funding for the award of this contract. The project will be expensed to the General Fund, Building Excise Tax (BET) fund and the Park Maintenance Master Plan (PMMP) fund.

The following funds will be expended:

Account Description	Account Number		Amount
General Fund	01201929-980000-23P01	$	26,738
BET	14101-980000-24P01	$	102,309
General Fund	01201929-980000-25P01	$	148,489
PMMP	57001-980000-25P02	$	241,654
BET	14101-980000-25P01	$	132,810
BET	14101-980000-26P01	$	150,000
PMMP	57001-980000-26P01	$	150,000
		$	**952,000**

Proposed fund uses are as follows:

Vendor	Purpose		Amount
R.E. Schultz Construction, Inc.	Construction Contract	$	858,800
R.E. Schultz Construction, Inc.	Construction Contingency	$	90,000
Various	Printing & Incidentals	$	3,200
	Total:	**$**	**952,000**

The BET fund is used to account for property development taxes imposed on construction and occupancy of all residential, commercial, industrial units, and mobile home parks for which a building or construction permit is issued. BET funds can be used for acquiring, improving, expanding and equipping City fire stations, City libraries and City parks as provided by Chapter 3.12 of the Newport Beach Municipal Code.

The PMMP includes a comprehensive condition assessment of all City parks and prioritizes capital repairs and major maintenance based on a variety of factors including current condition and age of parks. This program funds a variety of capital repair and maintenance projects in an effort to keep City parks in good condition and is funded through the General Fund.

Staff recommends establishing $90,000 (approximately 10% of total bid) for contingency purposes and unforeseen conditions associated with construction.

ENVIRONMENTAL REVIEW:

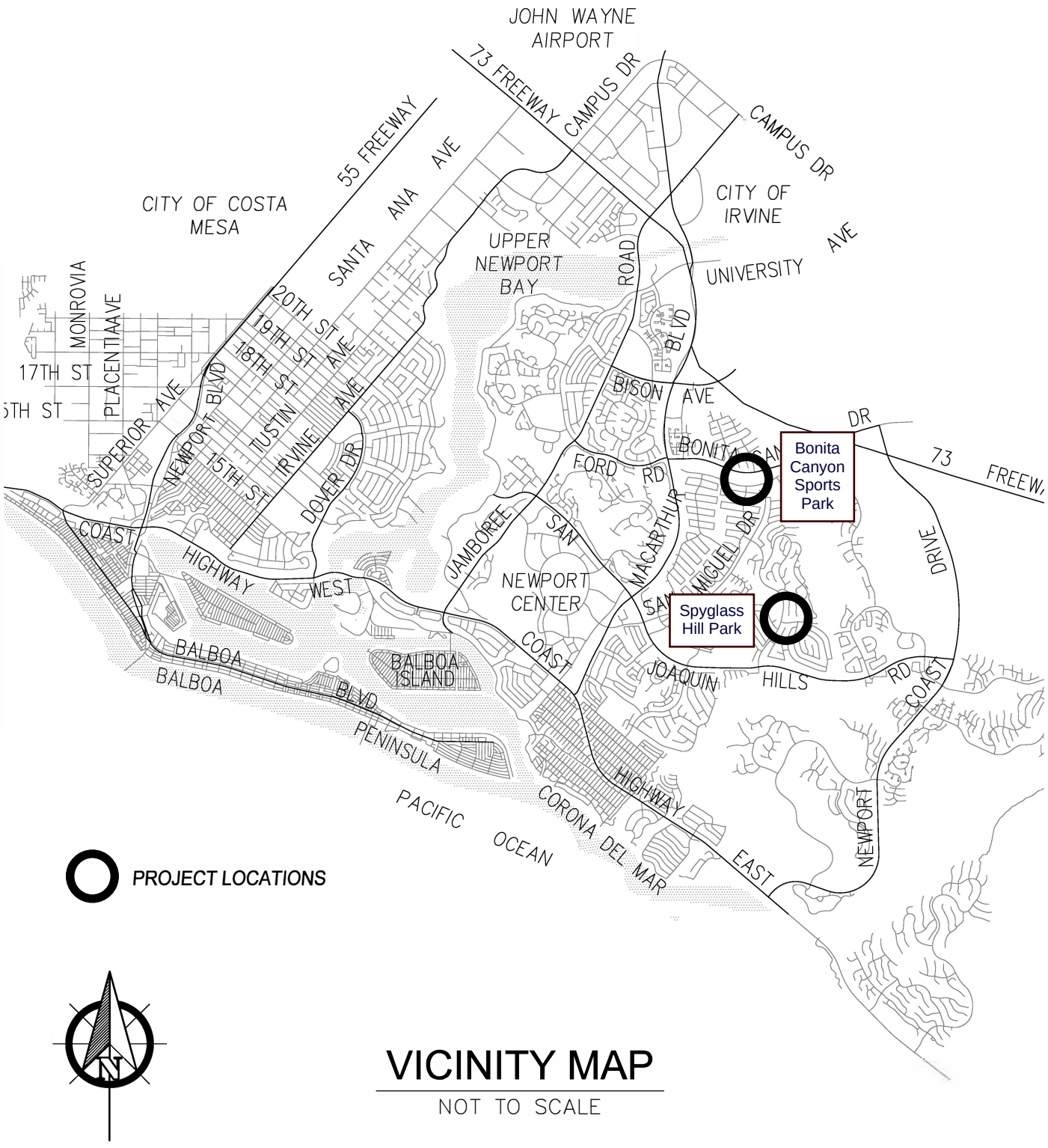
Staff recommends the City Council find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENTS:

Attachment A - Location Map
Attachment B - Protest Letter (R.E. Schultz Construction Inc.)
Attachment C - Response to Protest (Western State Builders Inc.)



VICINITY MAP

NOT TO SCALE

2024-2025 Playground Improvements

LOCATION MAP

CITY OF NEWPORT BEACH
PUBLIC WORKS DEPARTMENT

9753-1	10/28/25

Attachment B

Protest Letter (R. E. Schultz Construction Inc.)

R.E. Schultz Construction, Inc.
General Engineering
Contractors Lic. #1007195

September 25, 2025

City of Newport Beach
Attn: Ellis Petersen, Project Manager
100 Civic Center Drive, Bay 2D
Newport Beach, CA 92660

Re: Formal Bid Protest – 2024–2025 Playground Improvements Project / Contract No. C-9753-1

Dear Ms. Petersen:

On behalf of R.E. Schultz Construction, Inc., this letter serves as our **formal protest** regarding the apparent low bid submitted by Western State Builders, Inc. for the above-referenced project. After careful review, we believe their bid is **non-responsive** for the following reasons:

1. Lack of Required LSI Certification
Western State Builders, Inc. is **not a Landscape Structures, Inc. (LSI) Certified Installer** as required by the City's bid documents. Furthermore, they did not list an LSI-certified subcontractor for the installation of the playground equipment. The bid specifications (Section 2-1, Award and Execution of the Contract, subsection c) clearly state: *"LSI certified installer (Landscape Structures Incorporated)."* A current list of LSI-certified installers is enclosed for your reference.

2. No Addendum Issued Modifying Certification Requirements
During the bidding process, a clarification was requested regarding whether the installer must be a manufacturer-certified installer (Question 1.21). The response stated:
"The equipment installer must hold a D-34 license and be CPSI certified. No Playcraft Systems credentials are required. The holder of the D-34 license must demonstrate experience installing LSI equipment for public entities."
However, **no formal addendum was issued** to amend the original bid requirements. Accordingly, the City must enforce the specifications as written, which mandate an LSI-certified installer.

Conclusion
Based on these deficiencies, Western State Builders, Inc.'s bid should be deemed **non-responsive**. We respectfully request that the City reject their bid and award the contract to the most responsive and responsible bidder—**R.E. Schultz Construction, Inc.**

R.E. Schultz Construction, Inc. submitted a competitive bid fully compliant with all requirements. We have been a certified installer for Playcraft since 2016 and an LSI-certified installer since 2015. With over 25 years of experience, we have successfully completed hundreds of similar projects throughout California. Our firm holds the following licenses: A, B, C-61/D34, and C-61/D12.

R.E. Schultz Construction, Inc.
General Engineering
Contractors Lic. #1007195

We appreciate your consideration and the opportunity to continue serving the City of Newport Beach.

Sincerely,

Richard Schultz
President
R.E. Schultz Construction, Inc.
P: (714) 350-4269 | E: rick@reschultzconstruction.com

Cc: chelsea@reschultzconstruction.com
Cc: nicole@reschultzconstruction.com

Enclosures (5):

1. Excerpt – City of Newport Beach Bid Documents
2. Current List of LSI Certified Installers
3. Playcraft Certified Installer Certificate – RES
4. Landscape Structures Certified Installer Certificate – RES
5. CPSI Certificate – RES

CITY OF NEWPORT BEACH
PUBLIC WORKS DEPARTMENT

SPECIAL PROVISIONS

2024-2025 Playground Improvements Project

CONTRACT NO. C-9753-1

INTRODUCTION

All work necessary for the completion of this contract shall be done in accordance with (1) these Special Provisions; (2) the Plans (Drawing No. B-5332-S); (3) the City's Design Criteria and Standard Drawings for Public Works Construction, (2021 Edition); (4) Standard Specifications for Public Works Construction (2015 Edition) including supplements. The City's Design Criteria and Standard Drawings for Public Works Construction are available at the following website:

http://www.newportbeachca.gov/government/departments/public-works/resources

Copies of the Standard Specifications for Public Works Construction may be purchased online at www.bnibooks.com/products/standard-specifications-public-works-construction or call 888-BNI BOOK (888-264-2665).

The following Special Provisions supplement or modify the Standard Specifications for Public Works Construction as referenced and stated hereinafter:

PART 1 - GENERAL PROVISIONS

SECTION 1 – TERMS, DEFINITIONS, ABBREVIATIONS, UNITS OF MEASURE, AND SYMBOLS

1-2 TERMS AND DEFINITIONS

Add the following definition:

City – City of Newport Beach

SECTION 2 - SCOPE AND CONTROL OF THE WORK

2-1 AWARD AND EXECUTION OF THE CONTRACT

At the time of the award and until completion of work, the Contractor shall possess a Class "A" license. "D-34" (prefabricated equipment) and "D-12" (synthetic

products/rubber surfacing) license is required for installer of playground equipment and rubber surfacing, respectively. At the start of work and until completion, the Contractor and all Subcontractors shall possess a valid Business License issue by the City.

"D-34" licensed playground equipment installer (Prime or Subcontractor) shall possess the following current certifications by relevant members of the project team assigned to City project, at time of bid:

a) CPSI certification (Certified Playground Safety Inspector)
b) Factory certified installer (Playcraft Systems)
c) LSI certified installer (Landscape Structures Incorporated)

If there is a conflict or discrepancy, City CPSI representative's determination shall control.

If the "D-34" license holder is a Subcontractor, Contractor MUST provide an additional Technical Ability and Experience References form (Using the attached form) listing out the Subcontractor's experience with public agency playground related projects in the past 2 years and in excess of $150,000.

Additionally, Contractor MUST provide copies of certification (or D-34 Subcontractor's certification) as described in this section.

2-5 PLANS AND SPECIFICATIONS

2-5.2 Precedence of Contract Documents

If there is a conflict or discrepancy between different Contract Documents, the more stringent requirement as determined by the Engineer shall control.

2-6 WORK TO BE DONE

The work necessary for the completion of this contract consists of removing and disposing of the existing playgrounds at Spyglass Hill and Bonita Canyon Sports Parks (1 Narbonne Newport Beach, CA 92660 and 1990 Ford Rd, Newport Beach, CA 92660, respectively) and replacing them with new playgrounds along with associated improvements/work as outlined in the Plans (Drawing No. B-5332-S).

SECTION 3 - CHANGES IN WORK

3-3 EXTRA WORK

3-3.2 Payment

3-3.2.2 Basis for Establishing Cost

3-3.2.2.3 Tool and Equipment Rental

Here is a list of Certified Installers in California.

Blanchard Construction (Sacramento)	Tom	Blanchard	5010 Stirling St.co	Granite Bay	CA	95746	916-791-7127	707-483-4943	blanchardconstruction@msn.com
Leonard's Construction	John	Leonard		San Jose	CA	95111		408-799-3386	leonconst569@gmail.com
James Breneman, S.P.	Jim	Breneman		Concord	CA	94522		925-817-9875	Jim@Jbreneman.com
Creative Builders - Who Built (north of SF)	Jana	Gebhardt	80 Alta Dr.	Petaluma	CA	94954	707-763-6210		jana@whobuilt.biz
King Khan Drilling and Construction, inc.	T. Khan	Diep	9315 Fowler Ave.	Clovis	CA	93619	559-944-6025	559-944-6025	kingkhandrilling@aol.com
G & G Builders, inc.	Gerald	Callahan	4542 Contractors Place	Livermore	CA	94551	925-846-9023	925-570-7606	gcallahan@ggbuildersinc.com
Sierra Play Partners (Jessup Holdings)	Loren	Jessop	PO Box 30	Ripon	CA	95366	209-317-3026	209-541-9658	loren@sierraplaypartners.com
Community Playgrounds (Bay area)	Curt	Wear	1620 Grant Ave., Ste. 5	Novato	CA	94945-2241	415-892-1707	415-559-8883	cwear@commplay.us
R. E. Schultz Construction (South of LA)	Richard	Schultz	PO Box 6	Silverado	CA	92676	714-649-2627		chelsea@reschultzconstruction.com
Cicero Engineering (South LA)	Frank	Cicero	1372 E. Valencia Dr.	Fullerton	CA	92831		562-762-5147	fcicero@ciceroengineering.com
Coast Recreation, Inc.	Jack	Stiegel	14688 El Molino St.	Fontana	CA	92335	714-619-0100	909-229-4855	jstriegel@coastrecreation.net
Tot Lot Pros, Inc. (East LA)	Jack	Striegel	14688 El Molino St.	Fontana	CA	92335	909-229-4855	909-229-4855	jack@totlotpros.com
General 2 Constructors, Inc.	Jose	Gomez	6393 Frank Ave.	Mira Loma	CA	91752	909-561-9443	909-821-3828	g2constructors@gmail.com
Evergreen Environment Inc. (East LA area)	Juan	Sandoval	8609 Mission Blvd.	Riverside	CA	92509	951-377-1757		juan@evergreenenvironment.net
Play Foundations S of LA, N of San Diego)	Jack	Cox	1330 N Melrose Dr., Suite F	Vista	CA	92083	760-295-8645		jack@playfoundations.com
Central Coast Playgrounds	Matt	Norris	Box 2212	Orcutt	CA	93455		805-266-6617	Matt@centralcoastplaygrounds.com
Jaynes Brothers Construction (Bay Area)	Chase	Jaynes	30941 Agoura Rd Suite 128	Wes Lake Village	CA	91361		805-559-0163	Chase@Jaynesbrothers.com
Childs Play, Inc.	Chris	Childs	1852 Langley Ave	Irvine	CA	92614	949-252-1186	714-709-1782	Chris@cpparks.com

1.19 The plans note that the contractor is responsible for removing, disposing of, and replacing the existing concrete bench and picnic table. However, no specific manufacturer or product line is identified in the documents. Could you please confirm if a specific manufacturer or model is required for these items?

Answer The requested information is in the notes on page 2 of the plans

---

1.20 Line Item(s) #8 & #18 indicate that contractor is to include furnishing and placement of sand in the bid item, however, Section 220-1.1 states that Playground Sand will be furnished by the City. Please clarify.

Answer The city will not furnish sand. The contractor may either clean the existing sand or purchase new sand. Either way the sand must meet the stated material/quality specifications outlined.

1.21 We ask that the city of Newport Beach to Lift the Manufacture Certified Installer Preference from the bid specs. We ask the city to allow other higher requirement standards for playground installers to be allowed and excepted.

Answer The equipment installer must hold a "D-34" license and be CPSI certified. No Playcraft Systems credentials are required. The holder of the "D-34" license must demonstrate experience installing LSI equipment for public entities.

1.22 Could you please confirm whether substitutions are permitted for the playground equipment? If so, would the City consider a value engineering option as an acceptable alternative?

Answer These are fully designed playgrounds that have been vetted through significant public input. We do not have the autonomy to change designs. It's not clear how the same design would be achieved with different equipment.

1.23 In the upcoming bid there is a note requiring all installers to be manufacturer certified. We are not currently factory certified by Landscape Structures (LSI). It has become apparent that these manufacturers keep an “exclusive club” of installers and do not allow anyone else this privilege. This has been a volatile issue for many of us installers over the last several years, so much that several major manufacturers have acknowledged that apparent conflict it presents to bidding agencies, and opted to use the California title 22, division 4, article 1, para 65730 Assembly & Installation wherein the installing contractor may be manufacturer certified OR a NPSI auditor. We respectfully request the City of Newport Beach delete the ‘manufacturer certified’ verbiage from there documents and replace it with language more open to competitive bidding. We meet the 30+ years’ experience in playground/public works and are more than qualified to perform this scope of work. Thank you

Answer The equipment installer must hold a "D-34" license and be CPSI certified. No Playcraft Systems credentials are required. The holder of the "D-34" license must demonstrate experience installing LSI equipment for public entities.

---

landscape structures®

This Certificate Approves

R. E. Schultz Construction Inc.

As having met the high standards necessary to become a

Certified Installer

of equipment manufactured by Landscape Structures Inc.

Expires February 2027

Date

Official Validation

Landscape Structures Inc., 601 7th Street South, Delano, MN 55328 USA

CERTIFICATE of ACHIEVEMENT

THIS ACKNOWLEDGES THAT

RICK SCHULTZ
R.E. SCHULTZ CONSTRUCTION, INC.

HAS SUCCESSFULLY COMPLETED THE

Certified Installer Program

Issue Date: 2/28/2023
Exp. Date: 12/31/2025

CJ Schatza, VP/General Manager

PLAYCRAFT® SYSTEMS
A PLAYCORE Company

CPSI

NRPA NATIONAL RECREATION AND PARK ASSOCIATION

National Recreation and Park Association

Let it be known that

RICHARD SCHULTZ

has met the requirements of the standards set forth by the
National Certification Board
and is hereby granted certification as a

Certified Playground Safety Inspector

CHAIRPERSON

NRPA PRESIDENT AND CEO

Certified Playground Safety Inspector

April 30, 2024
DATE CERTIFIED

61173-527
CERTIFICATION NUMBER

May 01, 2027
EXPIRATION DATE

Attachment C

Response to Protest (Western State Builders Inc.)

September 26, 2025

WESTERN STATE BUILDERS INC.

2141 ORANGE AVE ESCONDIDO CA
LICENSE: 1069677

City of Newport Beach
Public Works Department
Attn: Ellis Petersen
100 Civic Center Drive
Newport Beach, CA 92660

Re: Response to Bid Protest – 2024–2025 Playground Improvements Project, Contract No. C-9753-1

Dear Ellis Petersen,

Western State Builders, Inc. ("WSB") respectfully submits this response to the bid protest filed in connection with the above-referenced project by R. E. Schultz Construction.

I. Background

The Special Provisions for this project originally stated that a D-34 licensed playground equipment installer at the time of bid must hold:

a. CPSI Certification
b. Playcraft Systems certification
c. LSI installer certification

Recognizing that this requirement was unduly restrictive, WSB submitted a **formal Bid Request for Information (RFI)** on September 10, 2025, requesting that the City lift the manufacturer-certified installer requirement and allow qualified, licensed, and industry-certified playground installers to bid (see **Exhibit A**)

WSB Bid RFI for Bid NO. 2024-2025 Playground Improvement Project (Attached)

II. City Clarifications

The city responded to WSB's RFI and others with similar questions on four separate occasions. In both instances, the City issued the same clarification:

- The installer must hold a valid **D-34 license**.
- The installer must be **CPSI certified**.
- **No Playcraft Systems credentials are required.**

- The holder of the D-34 license must **demonstrate experience installing LSI equipment for public entities.**

(See **Exhibit B**, City Clarifications).

Question

Section 2 - Scope and Control of the Work. 2-1 Award and Execution of Work states that a D-34 licensed Playground Equipment Installer at the time of the bid must have the following a. CPSI Certification. b. proof the contractor is a Certified Installer from Playcraft, c. Proof that the contractor is a Certified LSI installed. Please confirm this?

Answer

The equipment installer must hold a "D-34" license and be CPSI certified. No Playcraft Systems credentials are required. The holder of the "D-34" license must demonstrate experience installing LSI equipment for public entities.

Question

We ask that the city of Newport Beach to Lift the Manufacture Certified Installer Preference from the bid specs. We ask the city to allow other higher requirement standards for playground installers to be allowed and excepted.

Answer

The equipment installer must hold a "D-34" license and be CPSI certified. No Playcraft Systems credentials are required. The holder of the "D-34" license must demonstrate experience installing LSI equipment for public entities.

Question

In the upcoming bid there is a note requiring all installers to be manufacturer certified. We are not currently factory certified by Landscape Structures (LSI). It has become apparent that these manufacturers keep an "exclusive club" of installers and do not allow anyone else this privilege. This has been a volatile issue for many of us installers over the last several years, so much that several major manufacturers have acknowledged that apparent conflict it presents to bidding agencies, and opted to use the California title 22, division 4, article 1, para 65730 Assembly & Installation wherein the installing contractor may be manufacturer certified OR a NPSI auditor. We respectfully request the City of Newport Beach delete the 'manufacturer certified' verbiage from there documents and replace it with language more open to competitive bidding. We meet the 30+ years' experience in playground/public works and are more than qualified to perform this scope of work. Thank you

Answer

The equipment installer must hold a "D-34" license and be CPSI certified. No Playcraft Systems credentials are required. The holder of the "D-34" license must demonstrate experience installing LSI equipment for public entities.

These written clarifications supersede the original bid specification language and establish the operative requirements for all bidders as put forth from the City of Newport Beach prior to bid time.

III. Protest Is Without Merit

The pending protest appears to rely on the **original bid language** rather than the City's official bid clarifications. Because the City confirmed in writing four separate times that manufacturer certifications are not required, the protestor's position is inconsistent with the actual, controlling bid requirements.

WSB meets and exceeds the clarified requirements:

- We hold an active **D-34 license**.
- Our management and field staff maintain **CPSI certifications**.
- Our Management has physically been through the LSI Certification process with another company however he was the physical person from that company that attended the LSI training and Certification process in 2017
- WSB has successfully completed numerous public works projects involving the installation of **Landscape Structures Inc. (LSI) equipment** for public entities throughout Southern California. We enclosed a list of at least 10 City parks of like kind throughout southern California where LSI Equipment was installed. We have more references of other parks with LSI equipment we can share if necessary (see project references in Exhibit A)

Accordingly, WSB's bid is both **responsive responsible and apparently low bidder**.

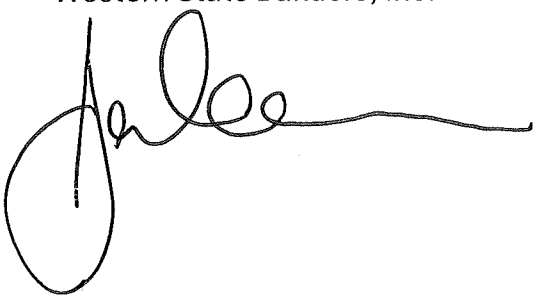
IV. Conclusion

For the foregoing reasons, WSB respectfully requests that the city deny the pending protest. WSB's bid complies fully with the clarified bid requirements, and we have the proven experience, certifications, and licenses to perform this project successfully in accordance with all applicable plans and specifications.

We appreciate the City's careful review and look forward to delivering this important public works project for the community.

Respectfully submitted,

Julian Moen
Vice President
Western State Builders, Inc.



WESTERN STATE BUILDERS

2141 ORANGE AVE ESCONDIDO, CA 92029

LICENSE: 1069677

Western State Builders has installed multiple Landscape Structures Inc play structures for cities throughout Southern California. Please see below list of references:

City of Moreno Valley: Towngate Park

Contact: Allen Yun, 951-413-3704, alleny@moval.org

City of Moreno Valley: JFK Memorial Park

Contact: Allen Yun, 951-413-3704, alleny@moval.org

City of Westminster: Bolsa Chica Park, Westminster Village Park, Bowling Green Park, College Park, Russell C Paris Park

Contact: Cindy Huynh, 714-548-3497, chuynh@westminster-ca.gov

City of San Diego: JFK Park

Contact: Amy Crandall, 619-449-4272, acrandall@fordyceconstruction.com

City of San Diego, Jerabek Park

Contact: Steve Scheidle, 619-579-0700, steve@whillockcontracting.com

WESTERN STATE BUILDERS INC.

2141 ORANGE AVE ESCONDIDO CA

September 10, 2025

City of Newport Beach
Purchasing Department
James M. Houlihan

To Whom this may Concern

Re: Bid NO. 2024-2025 Playground improvements Contract No: C-9753-1

Please accept this letter from Western State Builders Inc. as a bid RFI for the project referenced above.

Question — We ask that the city of Newport Beach to lift the Manufacture Certified Installer preference from bid Specs. We ask the city to allow other higher requirement standards for playground installers to be allowed and excepted.

8+ years in the industry installing playground equipment.

- NPSI Certification
- CPSI Certification

C61-D34 License
A License

Reasoning —

Item No.1 — Western State Builders Inc carries multiple certification companywide; these certificates include NPSI, better known as the National Playground Safety Institute. Several members of our organization are also certified as CPSI's, better known as Certified Playground Safety Inspectors. These members in our organization that hold these Certificates are not only our upper management but our field installation members, "Boots on the ground" also hold these certificates among other Certificates.

Per ASTM f1487-21 being certified by a manufacturer is not addressed to be lawfully allowed and required to construct playground equipment for public use. Please see excerpt from the U.S. Consumer Product Safety Commission for Public Playground Safety.

2.6 Assembly and Installation • Strictly follow all instructions from the manufacturer when assembling and installing equipment. • After assembly and before its first use, equipment should be thoroughly inspected by a person qualified to inspect playgrounds for safety. • The manufacturer's assembly and installation instructions, and all other materials collected concerning the equipment, should be kept in a permanent file. • Secure anchoring is a key factor to stable installation, and the anchoring process should be completed in strict accordance with the manufacturer's specifications.

Per California Health and Safety Code Section 115725; being certified by a manufacturer is not addressed to be lawfully allowed and able to construct playground equipment for public use. Please see excerpt.

(a) All new playgrounds open to the public built by a public agency, or any other entity shall conform to the playground-related standards set forth by the American Society for Testing and Materials and the playground-related guidelines set forth by the United States Consumer Product Safety Commission.

Per California Contractors State License Board, Installation of Publicly used playground equipment shall be installed by a licensed C61-D34 Licensed contractor which Western State Builders Inc holds and has held for many years.

California Code of Regulations

Title 16, Division 8, Article 3. Classifications

A prefabricated products/equipment contractor performs installations of prefabricated products/equipment, including but not limited to the following:

- (a) Theater Stage equipment, school classroom equipment, playground equipment, bleacher bench/seat component parts (no installation or renovation of any supporting or structural member); store fixtures, and display cases (either prefabricated or modular form); all forms and types of toilet/shower room partitions/acces5ories; and prefabricated closet systems.
- (b) Laboratory and medical equipment, dust collecting systems; factory-built fireplaces and accessories (no masonry facing); major appliance installations and ventilating hoods in connection with existing fuel and energy lines which are installed by others.
- (c) Bus stop shelters, prefabricated phone booths; prefabricated soundproof environmental clean rooms; panelized refrigerated walk-in boxes (not to include the work of refrigeration contractor); all types of modular office, institutional or home improvement systems including, but not limited to all types of pre-finished and/or UL listed pre-wired wall panels.

Western State Builders Inc. is properly licensed A, B, C-61 D-34, We are NPSI and CPSI certified and possess direct related experience of this scope of work and project scope as a whole for many years. The requirement to be specifically certified with a manufacture for a scope of work we believe is a preference of the city and should not constitute De-qualification per Spec Section 11 68 13, 1.03 Part B:

My understanding is that being manufacturer certified is not a request from specific manufacturers, however a preference from an agency. I do understand the reservations of an agency to have competent and qualified workmanship be used, I believe Federal and State Certifications should bear the same if not more weighted value, than a specific Manufacture Certification. Not being manufacture certified also should have limited or no effect on product warranties in our opinion per excerpt below, pulled from the manufacturer's website Specified for this project.

> 100-year warranty on post, 3-year limited warranty on swings
> The environment near a saltwater coast can be extremely corrosive. Some corrosion and/or deterioration is considered "normal wear" in this environment. Product installed within 500 yards (457 meters) of a saltwater shoreline will only be covered for half the period of the standard product warranty, up to a maximum of five year5, for defects caused by corrosion. Products installed in direct contact with saltwater or that are subjected to salt spray are not covered by the standard warranty for any defects caused by corrosion.
> This warranty does not include any cosmetic issues or wear and tear from normal use of the product, or misuse or abuse of the product. It is valid only if the play structure5 and/or equipment are erected to conform with Landscape Structures' installation instructions and maintained according to the maintenance procedures furnished by Landscape Structures Inc

There appears to have been no connection or discussion regarding warranty affected by manufacturer certified installation.

We urge the city to review the preference for the contractor to be Manufacture Certified and allow Industry Certified and Verified contractors to perform the Scope of work. We feel Western State Builders Inc. is certainly qualified to perform the work as outlined in the plans and specs. Western State Builders Possess all the legal licenses and certificates to execute this project lawfully and skillfully from a local, state, and federal level.

Item No. 2— Western State Builders Inc. has in the past installed the same specified manufactures equipment for the City and County of San Diego with great success. A few projects to reference would be:

Gamma Street Park/41st St Mini Park - 4105 Gamma St, San Diego, CA 92113
Paradise Creek Park Expansion — 1243 National City Blvd National City, Ca91950
Santa Clara Park — 1008 Santa Clara Place San Diego, Ca 92109
Island Avenue Mini Park - 3020 Island Ave, San Diego, CA 921029
City of Moreno Valley – Towngate Park 13051 Elsworth St, Moreno Valley, CA 92553
City of Moreno Valley –JFK Park 15111 Indian St, Moreno Valley, CA 92551

City of Westminster – 5 parks Multiple Parks addresses available if requested
City of San Diego – Jerabek Park 10150 Avenida Magnifica, San Diego, CA 92131
City of San Diego – JFK Park 4825 Ocean View Blvd, San Diego, CA 9211

In summary, Western State Builders Inc. complies with all the legalities addressed by many different state and federal organizations for similar projects to install playground equipment for public use. Western State Builders Inc. has a demonstrated history of completing similar like public works projects throughout Southern California and for many years and possess the skill, training, licenses, certifications as well to complete this project.
Western State Builders Inc. looks forward to your review.

Julian Moen Vice President
Western State Builders Inc.

City oJSon *Diego*

Small Local Business Enterprise (SLBE) Program Certification

Western State Builders, Inc.

Emerging Local Business Enterprise (ELBE)

Speciality ConsWncNon

(NAICS: 238990)

Certification Number: 1yWSlJJ6

Elective.- J/f›/£#£› -J/f›/£#£i7

Christian Silva
Program Manager
Equal Opportunity Contracting

yjpecr«a*'onandPary * SO.i„ ;,

Let it be known that

JAMES MOEN

has met the requirements of the standards set forth by the
National Certification Board
and iS hgrsby grant0cl cgrtificatign aS a

C ertified Playground Safety Inspector

CHAIRPERSON

NRPA PRESI DE NT IN D **CEO**

Certified Playground Safety Inspector

April 25, 2022
DATE CERTIFIED

54622-525
CERTS FICAT ION NUMBER

May 01, 2025
EXPIRATION DATE

yjpecr«a*'onandPary * SO.i„ ;,

Let it be known that

JESUS PEREDA

has met the requirements of the standards set forth by the
National Certification Board
and iS hgrsby grant0cl cgrtificatign aS a

C ertified Playground Safety Inspector

CHAIRPERSON

NRPA PRESI DE NT IN D CEO

Certified Playground 5afety lMsector

March 07, 2022
DATE CERTIFIED

53660-425
CERTS FICAT ION NUMBER

EXPIRATION DATE

177

10-28

April 01, 2025

EXPIRATION DATE

yjpecr«a*'onandPary * SO.i„ ;,

Let it be known that

DOUG LEWIS

has met the requirements of the standards set forth by the
National Certification Board
and iS hgrsby grant0cl cgrtificatign aS a

C ertified Playground Safety Inspector

CHAIRPERSON

NRPA PRESI DE NT IN D CEO

Certified Playground Safety Inspector

April 21, 2021
DATE CERTIFIED

51139-0524
CERTS FICAT ION NUMBER

May 01, 2024
EXPIRATION DATE

WESTERN STATE BUILDERS

2141 ORANGE AVE ESCONDIDO, CA 92029

LICENSE: 1069677

Western State Builders has installed multiple Landscape Structures Inc play structures for cities throughout Southern California. Please see below list of references:

City of Moreno Valley: Towngate Park

Contact: Allen Yun, 951-413-3704, alleny@moval.org

City of Moreno Valley: JFK Memorial Park

Contact: Allen Yun, 951-413-3704, alleny@moval.org

City of Westminster: Bolsa Chica Park, Westminster Village Park, Bowling Green Park, College Park, Russell C Paris Park

Contact: Cindy Huynh, 714-548-3497, chuynh@westminster-ca.gov

City of San Diego: JFK Park

Contact: Amy Crandall, 619-449-4272, acrandall@fordyceconstruction.com

City of San Diego, Jerabek Park

Contact: Steve Scheidle, 619-579-0700, steve@whillockcontracting.com

CPSI

NRPA NATIONAL RECREATION AND PARK ASSOCIATION

National Recreation and Park Association

Let it be known that

DOUG LEWIS

has met the requirements of the standards set forth by the
National Certification Board
and is hereby granted certification as a

Certified Playground Safety Inspector

CHAIRPERSON

NRPA PRESIDENT AND CEO

Certified Playground Safety Inspector

June 11, 2025
DATE CERTIFIED

64585-0630
CERTIFICATION NUMBER

June 30, 2028
EXPIRATION DATE

CPSI

NRPA NATIONAL RECREATION AND PARK ASSOCIATION

National Recreation and Park Association

Let it be known that

JAMES MOEN

has met the requirements of the standards set forth by the
National Certification Board
and is hereby granted certification as a

Certified Playground Safety Inspector

CHAIRPERSON

NRPA PRESIDENT AND CEO

Certified Playground Safety Inspector

June 11, 2025
DATE CERTIFIED

64584-0630
CERTIFICATION NUMBER

June 30, 2028
EXPIRATION DATE

CITY OF

NEWPORT BEACH

City Council Staff Report

October 28, 2025
Agenda Item No. 11

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	David A. Webb, Public Works Director - 949-644-3311, dawebb@newportbeachca.gov
PREPARED BY:	Michael J. Sinacori, Assistant City Engineer - 949-644-3342, msinacori@newportbeachca.gov
TITLE:	Cathodic Protection Upgrades Project – Award of Contract No. 9483-2 (24W11)

ABSTRACT:

The City of Newport Beach (City) received construction bids for the Cathodic Protection Upgrades Project and staff requests City Council approval to award the construction contract to Teichert Energy & Utilities Group, Inc. of Roseville. This project will upgrade the corrosion protection for water transmission main pipelines that distribute water from the City's water wells throughout the water system. Work consists of installing new buried sacrificial anodes, cathodic protection test stations and isolating flange kits.

RECOMMENDATIONS:

a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant Section 15301(b), Class 1 (operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use) of the CEQA Guidelines, because this project has no potential to have a significant effect on the environment;

b) Approve the project plans and specifications;

c) Approve Budget Amendment No. 26-035 transferring $701,593.80 from account 70201931-980000-26W12 and $1,201,266.08 from account 70201931-980000-16W12 to account 70201931-980000-24W11 for the Cathodic Protection Upgrades Project;

d) Award Contract No. 9483-2 to Teichert Energy & Utilities Group, Inc. for the total bid price of $3,673,467 for the Cathodic Protection Upgrades Project, and authorize the Mayor and City Clerk to execute the contract; and

e) Establish a contingency of $367,000 (approximately 10% of the total bid) to cover the cost of unforeseen work not included in the original contract.

DISCUSSION:

The proposed project has been broken down into 10 plan sets due to the multiple water transmission main pipelines that the City maintains, see Attachment A for the Location Map. The pipelines are concrete coated and cement mortar lined steel pipe (CC&ML) and ductile steel pipe. The base bid includes eight plan sets, while the other two plan sets are additive. The work included in this contract consists of traffic control; saw cutting, excavation, removal, and restoration of the roadway, parkway, and sidewalks; furnishing, installing and testing of the new cathodic protection systems and replacements, and all associated cathodic protection facilities. The work also includes applying for and obtaining all applicable encroachment permits from the City of Fountain Valley, the City of Costa Mesa, the City of Huntington Beach, the County of Orange and the Orange County Sanitation District. Staff intends to award all ten plan sets.

At 10 a.m. on October 7, 2025, the City Clerk opened and read the following bids for this project:

	BIDDER	TOTAL BID AMOUNT
Low	Teichert Energy & Utilities Group, Inc.	$ 3,673,467.00
2nd	Corrpro Companies Inc.	$ 3,806,172.00
3rd	TE Roberts Inc.	$ 4,379,107.00
4th	Calpromax Engineering, Inc.	$ 5,789,000.00
5th	EXARO Technologies Corporation	$ 6,229,298.81

The City received five bids for this project. The apparent low bidder, Teichert Energy & Utilities Group, Inc., possesses a California State Contractor's License Classification "A", and their affiliate, Teichert Electrical, Inc., possesses a "C-10" license as required by the project specifications. A review of references for Teichert Energy & Utilities Group, Inc. shows satisfactory completion of similar contracts for other municipalities.

The low bid came in at approximately 6% below the engineer's estimate of $3,900,000. The mobilization costs were lower than the engineer's estimate for all ten plan sets.

Pursuant to the contract specifications, the contractor will have 250 consecutive working days to complete the work. Work is scheduled to begin January 2026.

The project plans and specifications are available for review at this October 28, 2025 City Council meeting or upon request.

FISCAL IMPACT:

Upon approval of the proposed Budget Amendment and with the adopted Fiscal Year 2025-26 Capital Improvement Program budget, sufficient funding is available for the award of this contract. The Budget Amendment transfers $701,593.80 from Water Capital Fund account 70201931-980000-26W12 and $1,201,266.08 from account 70201931-980000-16W12, to account 70201931-980000-24W11.

The following funds will be expended:

Account Description	Account Number		Amount
Water Capital Master Plan	70201931-980000-24W11	$	4,040,467
	Total:	**$**	**4,040,467**

Proposed fund uses are as follows:

Vendor	Purpose		Amount
Teichert Energy & Utilities Group, Inc.	Construction Contract	$	3,673,467
Teichert Energy & Utilities Group, Inc.	Construction Contingency	$	367,000
	Total:	**$**	**4,040,467**

The Water Enterprise Fund generates revenue primarily through water rates collected from service users.

Staff recommends establishing $367,000 (approximately 10% of the total bid) for contingency purposes and unforeseen conditions associated with construction.

ENVIRONMENTAL REVIEW:

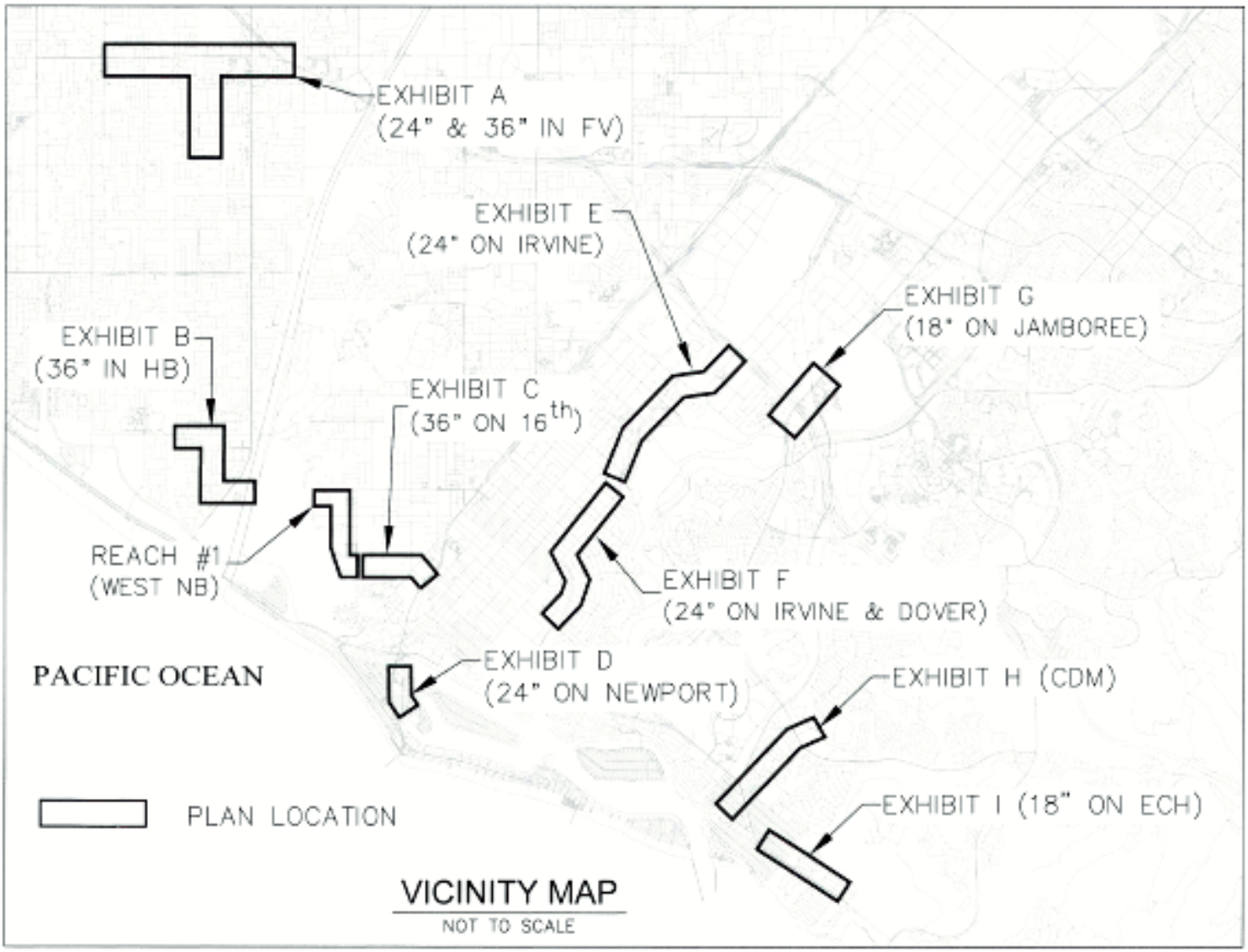
Staff recommends the City Council find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(b), Class 1 (operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because this project has no potential to have a significant effect on the environment.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENTS:

Attachment A – Location Map
Attachment B – Budget Amendment



CATHODIC PROTECTION UPGRADES PROJECT LOCATION MAP	CITY OF NEWPORT BEACH PUBLIC WORKS DEPARTMENT		
	C-9483-2	24W11	10/28/25

ATTACHMENT B

City of Newport Beach

BUDGET AMENDMENT

2025-26

BA#: 26-035

Department: Public Works

Requestor: Theresa Schweitzer

ONE TIME: ☑ Yes ☐ No

☐ **CITY MANAGER'S APPROVAL ONLY**

☑ **COUNCIL APPROVAL REQUIRED**

Approvals		
City Clerk:		**Date**
Finance Director:	Jaun Alcuaz	**Date** 10/15/25
Budget Manager:		**Date** 10/15/25

EXPLANATION FOR REQUEST:

To transfer budget from 70201931-980000-26W12 and 70201931-980000-16W12 to 70201931-980000-24W11 for the Cathodic Protection Upgrades Project.

☑ from existing budget appropriations
☐ from additional estimated revenues
☐ from unappropriated fund balance

REVENUES

Fund #	Org	Object	Project	Description	Increase or (Decrease) $
				-	
				-	
				-	
				Subtotal	$ -

EXPENDITURES

Fund #	Org	Object	Project	Description	Increase or (Decrease) $
702	70201931	980000	26W12	DISTRIBUTION & PIPING - CIP EXPENDITURES FOR GL	(701,593.80)
702	70201931	980000	16W12	DISTRIBUTION & PIPING - CIP EXPENDITURES FOR GL	(1,201,266.08)
702	70201931	980000	24W11	DISTRIBUTION & PIPING - CIP EXPENDITURES FOR GL	1,902,859.88
				-	
				-	
				-	
				Subtotal	$ -
				Net Transfer	$1,902,859.88

FUND BALANCE

Fund #	Object	Description	
702	300000	WATER CAPITAL FUND - FUND BALANCE CONTROL	-
		-	
		-	
		Subtotal	$ -

No Change In Fund Balance

CITY OF

NEWPORT BEACH

City Council Staff Report

October 28, 2025
Agenda Item No. 12

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	Mark Vukojevic, Utilities Director - 949-644-3011, mvukojevic@newportbeachca.gov
PREPARED BY:	Kyle Brodowski, Fleet and Facilities Superintendent - 949-718-3464, kbrodowski@newportbeachca.gov
TITLE:	Approval of Vehicle Replacement Purchase Orders for Three Pickup Trucks, Four Sedans and One Van

ABSTRACT:

The Public Works Department requests City Council approval to purchase three Toyota Tacoma trucks, four Ford Explorer SUVs, and one Ford E-450 Transit Van. These purchases will replace current vehicles that meet City Council Policy F-9 (City Vehicle/Equipment Replacement Guidelines) criteria. Total costs for the pickup trucks, SUVs and van are $456,646.22.

RECOMMENDATIONS:

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;

b) Approve a Purchase Order for three Toyota Tacoma TRD Off-Road 4WD double cab pickup trucks from RP Automotive of Downey, for a total amount of $160,899.63;

c) Approve a Purchase Order for four Ford Explorer SUVs from Ken Grody Ford of Redlands, for a total amount of $159,858.42;

d) Approve a Purchase order for one E-450 Ford Type B Transit Van from A-Z Bus Sales Inc., for a total amount of $135,888.17; and

e) Authorize a contingency of $22,000 (approximately 5% of total quotes) to cover the cost of unforeseen changes to the current quotes.

DISCUSSION:

The Public Works Department requests approval to purchase **t**hree Toyota Tacoma **t**rucks, **f**our Ford Explorer SUVs, and **o**ne Ford E-450 Transit Van. These purchases will replace current vehicles that meet City Council Policy F-9 criteria.

Toyota Trucks

The proposed trucks meet department specifications and will replace Unit Nos. 2809, 2810 and 2811. Each of these units entered service in September 2021 and meet the City Council Policy F-9 replacement criterion of four years for beach vehicles and ATVs. Due to the harsh environmental conditions at the beach and the intensive nature of their use, these vehicles experience accelerated wear compared to typical on-road use. As a result, replacement is required more frequently, and the schedule is based solely on age rather than mileage or hours of use. This is due to the relatively short travel distances combined with the frequent stop-and-go demands of emergency response and rescue operations.

On August 21, 2025, staff issued a Request for Bids (RFB) No. 26-10 for the purchase of three Toyota Tacoma TRD Off-Road 4WD double cab pickup trucks. Nine local Toyota dealerships were notified of the open bid. The bidding period closed on September 10, 2025, and the City of Newport Beach received one bid, submitted by RP Automotive of Downey, with a total cost of $160,899.63 (Attachment A).

Ford SUVs

The proposed SUVs meet department specifications and will replace Unit Nos. 2901, 7601, 7602, as well as one new unit approved for the Community Development Department. These vehicles were purchased in 2015 and meet the City Council Policy F-9 replacement criterion of ten years.

On August 14, 2025, staff issued RFB No. 26-09 seeking four Ford Explorer SUVs. Eleven bids were received, with Ken Grody Ford of Redlands identified as the lowest responsive and responsible bidder, quoting a total cost of $159,858.42 (Attachment B).

Transit Bus

The California Association for Coordinated Transportation (CalACT) is a nonprofit organization that has represented the interests of small, rural and specialized transportation providers since 1984. Its membership consists of individuals and agencies from diverse sectors including transportation, planning, government, social services, suppliers and consultants. The City has been a member since 2017. CalACT provides members with information, legislative advocacy, training and purchasing resources. One such resource is access to competitively solicited cooperative purchasing agreements, which reduce costs by leveraging nationwide volume purchasing. These agreements comply with both federal and California state procurement requirements. City purchasing staff have reviewed and confirmed that CalACT's cooperative agreements and solicitation processes meet the City's administrative requirements.

In October 2020, the Morongo Basin Transit Authority (MBTA), acting on behalf of CalACT, issued Request for Proposals (RFP) No. 20-01 for the procurement of accessible transit and paratransit vehicles. Seven proposals were received, and six were awarded contracts based on pricing and evaluation criteria including warranty, service and support, proposer experience, references, and vehicle types.

In September 2021, MBTA awarded Contract No. 20-01 AZ (ICE-1) to A-Z Bus Sales, Inc., which is available for use by all CalACT members.

On September 16, 2025, staff obtained a quote from A-Z Bus Sales, Inc. for a 10-passenger Ford Transit Van equipped with a wheelchair lift at a total cost of $135,888.17 (Attachment C). This new Transit Van will be replacing one of the current Oasis shuttle buses requiring replacement.

FISCAL IMPACT:

The adopted budget includes sufficient funding for these purchases. They will be expensed to the Rolling Equipment account in the Public Works Department Equipment Fund, 7529032-911016.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENTS:

Attachment A – Bid Results RFB No. 26-10
Attachment B – Bid Results RFB No. 26-09
Attachment C – Transit Bus Quote 9/16/2025

Attachment A

City of Newport Beach
Bid Results for Project (3) 2025 or Newer Toyota Tacoma TRD Off-Road 4WD Double Cab Pickup Trucks (26-10)
Issued on 08/21/2025
Bid Due on September 10, 2025 1:00 PM (PDT)
Exported on 09/10/2025

Line Totals (Unit Price * Quantity)

Item Num	Section	Item Code	Description	Unit of Measure	Quantity	rp automotive - Unit Price	rp automotive - Line Total	rp automotive - Response
1	Section 1		2025 or Newer Toyota Tacoma TRD Off-Road 4WD Double Cab Pickup Truck	EACH	3	$49,650.00	$148,950.00	Yes
2	Section 1		Tire Recycling Fee	EACH	15	$1.75	$26.25	Yes
3	Section 1		DMV Registration Fee (Exempt Plates)	VEHICLE	3	$0.00	$0.00	Yes
4	Section 1		DMV Documentation Fee	VEHICLE	3	$85.00	$255.00	Yes
5	Section 1		Other Miscellaneous Fee (if applicable)	VEHICLE	3	$35.00	$105.00	Yes
6	Section 1		Tax	LOT	1	$11,563.38	$11,563.38	Yes
7	Section 1		Delivery Charge (if applicable)	LOT	1	$0.00	$0.00	Yes
						Subtotal	$160,899.63	
						Total	$160,899.63	

ATTACHMENT B

City of Newport Beach
Bid Results for Project (4) 2026 Ford Explorer Active RWD (26-09)
Issued on 08/14/2025
Bid Due on September 02, 2025 1:00 PM (PDT)
Exported on 09/04/2025

Actual Results Post Purchasing Review

Bidder	Bid Amount	Responsive
Fleet Vehicle Source, Inc.	$ 141,023.35	No
KEN GRODY FORD REDLANDS (Lowest)	**$ 159,858.42**	
TUTTLE-CLICK FORD	$ 161,358.30	
Fairway Ford Sales, Inc.	$ 162,082.38	
David Wilson's Villa Ford	$ 162,115.68	
Norm Reeves Ford Superstore	$ 162,170.84	
Winner Chevrolet	$ 163,728.80	
PFVT Motors LLC	$ 164,727.55	
York Enterprises South, Inc	$ 167,251.64	
Envsion Ford of Duarte	$ 169,346.81	
The Sewell Family of Companies Inc.	$ 182,903.70	

Attachment C

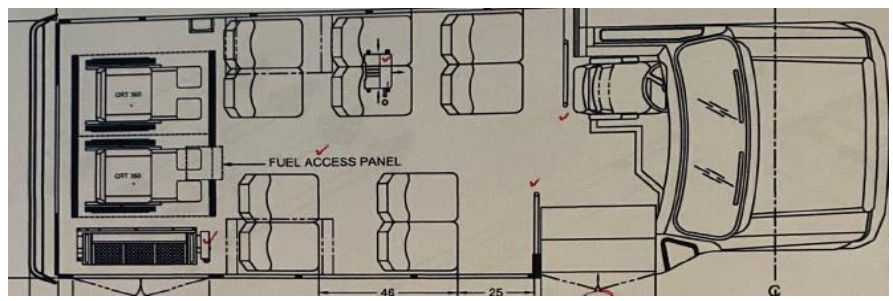
Transit Bus Quote 9/16/2025

MBTA CalACT Cooperative RFP 20-01

2026 Ford E450 10 Ambulatory + 2 Wheelchair Positions

Customer:	**City of Newport Beach**			**Quote Date**	9/16/2025
Address:	801 Narcissus Ave	County:	Orange	Expires	11/14/2025
City	Newport Beach	Zip Code:	92825		
Contact:	Kyle Brodowski	Office Phone:	949-718-3464	DSI Account:	
Email Address:	kbrodowski@newportbeachca.gov	Cell Phone:		Fax Number	
Sales Representative	Cole Crockett 714-294-4019	Type	B Ford Gasoline		

QTY				Contract Price	
Diamond Coach, TYPE B, FORD					
1	Gasoline - Cut-Away Chassis 10 + 2	Glaval	Chassis, E-450, 158", 7.3L V8		
			Sub-Total Base Unit		**110,246.00**
PUBLISHED OPTIONS					
2	Credit for seat delete			(189.00)	(378.00)
1	ADNIK Power Seat Base			617.00	617.00
1	Lift Pad Cover			379.00	379.00
1	Cruise Control - Standard			INCL	INCL
1	Backup Camera in Rearview Mirror			INCL	INCL
1	Braun 1,000 Pound Lift ILO 800 Pound			3,632.00	3,632.00
1	Mor/Ryde Rubberized Suspension			1,380.00	1,380.00
1	Delivery Zone 1			253.00	253.00
1	Documentation Charges			80.00	80.00
1	DMV/State Fees (Tire Recycling Fee)			12.25	12.25
			Sub-Total Published Options		**5,975.25**
NON PUBLISHED OPTIONS					
1	Entry Door Leaf Grab Handle			350.00	350.00
1	Altro Flooring: 2.2mm Meta Storm Gray			INCL	INCL
1	Custom Vinyl Graphics ($3,000) Value			3,000.00	3,000.00
1	Docket 90 Seat Covers w Fireblock			INCL	INCL
2	TDSS: "L" Track			397.00	794.00
1	Q'Straint Walker Storage Area			1,425.00	1,425.00
1	Recaro Driver's Seat with Power Controls			2,963.00	2,963.00
1	Upgrade Air Conditioner from 70,000btu to 80,000btu Low-Profile System			1,740.00	1,740.00
			Sub-Total Non-Published Options		**10,272.00**



SUMMARY

SPECIFICATION SUMMARY

Model Year	2026	Make:	Diamond Coach VIP 2200	Wheelchair Lift Model:	Braun 1,000#
Type:	B Gasoline	Chassis:	2026 Ford E-450	Wheelchair Lift Location	Rear
Passenger Capacity:	10+2	Wheelbase:	158"	Number of Tie Downs:	2
Seat Fabric:	Level 4, Docket 90	Engine:	7.3L V8	Alternator:	225 Amp OEM
Air Conditioning System:	XL Front & Rear	GVWR:	14,500	Tie Down Type	Q'Straint
Exterior Color/Graphics:	White Bus w Graphics	Body Length:	23'	Estimated Delivery:	120-150 Days

MBTA CalACT Cooperative RFP 20-01

2026 Ford E450 10 Ambulatory + 2 Wheelchair Positions

Customer:	**City of Newport Beach**			**Quote Date**	9/16/2025
Address:	801 Narcissus Ave	County:	Orange	Expires	11/14/2025
City	Newport Beach	Zip Code:	92825		
Contact:	Kyle Brodowski	Office Phone:	949-718-3464	DSI Account:	
Email Address:	kbrodowski@newportbeachca.gov	Cell Phone:		Fax Number	
Sales Representative	Cole Crockett 714-294-4019	Type	B Ford Gasoline		

QTY **Contract Price**

SUMMARY STANDARD BID FEATURES & EQUIPMENT

Aluminized Steel Cage Costruction
Galvanized Exterior Skins - Pressure Laminated Body Construction
One Piece FRP Roof Assembly
42" Electric Entry Door
Ergonomic Driver Control Panel with Quick Disconnect
Driver Side Running Board
Remote control & heated Exterior Mirrors

Dual Entry Grab Rails ~ Powdercoated Yellow
5/8" MarineTech Plywood Subfloor,
Integrated Track Seating System
Stanchion and Modesty Panel Behind Driver, with Plexiglass
Intermotive Flextech w/ Gateway Vehicle Monitoring System

Fully Insulated Body Assembly Process
ALL LED Exterior Lighting
FRP Interior Sidewalls, Roof, Rear Walls
Number, function, and color coded wiring
Braun, NCL 919, 800# capacity Rear Wheelchair Lift
Side Mounted Battery on Slide Out Tray w/High Amp Circuit Breakers
96" Body Width
Seating: Doc 90 upholstery, Grab Handles, USR's, aisle arm rests
ISO 9001:2008 Quality Manufacturing Process
Ford QVM Certified Manufacturer
Back Up Alarm, Anti-ride Rear Bumper
Front Mud Flaps
5 YEAR / 100,000 Mile Limited Body Warranty
Altoona Tested per CalACT Requirements (5 year / 150,000 miles)
Meets All Applicable FMVSS Requirements in Effect at time of Manufacture

CONTRACT PRICING SUMMARY

1	**Base Unit as Specified**	110,246.00	
1	**Published Options**	5,975.25	
1	**Non-Published Options**	10,272.00	
1	**Sub-total per Unit**	**126,493.25**	
1	**ADA Portion that is non taxable**	29,751.00	
1	**Taxable Amount** (subtotal less non taxable)	96,742.25	**Customer responsible for any change in Sales Tax from year to year.**
1	**Sales Tax**	**7,497.52**	7.750% **Newport Beach**
1	**CalACT MBTA fee of 1.5% of subtotal**	**1,897.40**	
1	**Delivery (first 100 miles free)**	**-**	
1	**Grand Total, Each**	**135,888.17**	
1	**Qty**	1	
1	**Grand Total**	**$ 135,888.17**	

Signature

Cole Crockett
Print Name

Signature Date

Print Name

COMPANY/AGENCY

CITY OF

NEWPORT BEACH

City Council Staff Report

October 28, 2025
Agenda Item No. 13

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	David A. Webb, Public Works Director - 949-644-3311, dawebb@newportbeachca.gov
PREPARED BY:	Tom Sandefur, Assistant City Engineer – 949-644-3321, tsandefur@newportbeachca.gov
TITLE:	Fiscal Year 2025-26 Facilities Roofing Project – Award of Contract No. 9860-1 to AME Builders, Inc. (26F02)

ABSTRACT:

The City of Newport Beach received construction bids for the Fiscal Year 2025-26 Facilities Roofing Project as part of the Facilities Maintenance Master Plan (FMMP). Staff requests City Council approval to award the construction contract to AME Builders, Inc. dba AME Roofing of Upland. The project includes the removal and disposal of existing roof systems and the installation of new built-up roofing systems at the Mariners Library and Fire Station No. 7.

RECOMMENDATIONS:

a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(d), Class 1 (restoration or rehabilitation of deteriorated facilities involving negligible or no expansion of existing use) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because this project has no potential to have a significant effect on the environment;

b) Approve the project plans and specifications;

c) Award Contract No. 9860-1 to AME Builders, Inc. dba AME Roofing for the total bid price of $423,400 for the Fiscal Year 2025-26 Facilities Roofing Project, and authorize the Mayor and City Clerk to execute the contract; and

d) Establish a contingency of $42,340 (10% of the total bid) to cover the cost of unforeseen work not included in the original contract.

DISCUSSION:

As part of the FMMP, City buildings are periodically inspected for maintenance and repair issues. Staff prioritizes the various capital maintenance needs of the facilities with an emphasis on scopes that will keep them in service. Staff has identified the existing roof systems at Mariners Library and Fire Station No. 7 as needing replacement. These roof systems are nearing 20 years old and are experiencing deterioration due to their age.

At 1 p.m. on September 25, 2025, the City Clerk opened and read the following bids for this Project:

	BIDDER	TOTAL BID AMOUNT
Low	AME Builders, Inc. dba AME Roofing	$423,400
2nd	Letner Roofing	$431,000
3rd	Chapman Coast Roof Co., Inc.	$442,368
4th	AOS Inc., dba Superior Roofing	$460,010
5th	Bishop, Inc.	$515,948
6th	Southland Roofing, Inc.	$666,000
7th	Rite-Way Roof Corporation	$691,000
8th	Best Contracting Services, Inc.	$720,830
9th	C.I. Services, Inc.	$824,000

The City received nine bids for this project. Staff recommends awarding to the lowest bidder, AME Builders, Inc. dba AME Roofing, which is registered with the Department of Industrial Relations and possesses a California State Contractor's License Classification "C-39", as required by the project specifications. A review of references for AME Builders, Inc. dba AME Roofing shows satisfactory completion of similar contracts for several school districts and public agencies, including the Newport-Mesa Unified School District, Los Alamitos School District, Montebello Unified School District, and the City of Redlands.

AME Builders, Inc.'s total bid amount was approximately 42% under the engineer's estimate of $727,000. The difference between the low bid and the engineer's estimate was primarily due to the lower than anticipated cost to remove the existing roof system and install a new roof system at Mariners Library and a more competitive bid environment.

Pursuant to the contract specifications, the contractor will have 80 consecutive working days to complete the project. Work is scheduled to begin in the fourth quarter of 2025 or first quarter of 2026.

The project plans and specifications will be available for review at the October 28, 2025, City Council meeting or upon request.

FISCAL IMPACT:

The adopted Capital Improvement Program budget includes sufficient funding for the award of this contract. The project will be expensed to the FMMP.

The following funds will be expended:

Account Description	Account Number		Amount
FMMP	57101-980000-26F02	$	**465,740**

Proposed fund uses are as follows:

Vendor	Purpose		Amount
Contractor	Construction Contract	$	423,400
Contractor	Construction Contingency	$	42,340
	Total:	**$**	**465,740**

The FMMP includes a comprehensive condition assessment of all City facilities and prioritizes capital repairs and/or major maintenance based on a variety of factors including current condition and age of facilities. This program funds a variety of capital repair and maintenance projects in an effort to keep City facilities in good condition and is funded by the General Fund.

Staff recommends establishing $42,340 (10% of the total bid) for contingency purposes and unforeseen conditions associated with construction.

ENVIRONMENTAL REVIEW:

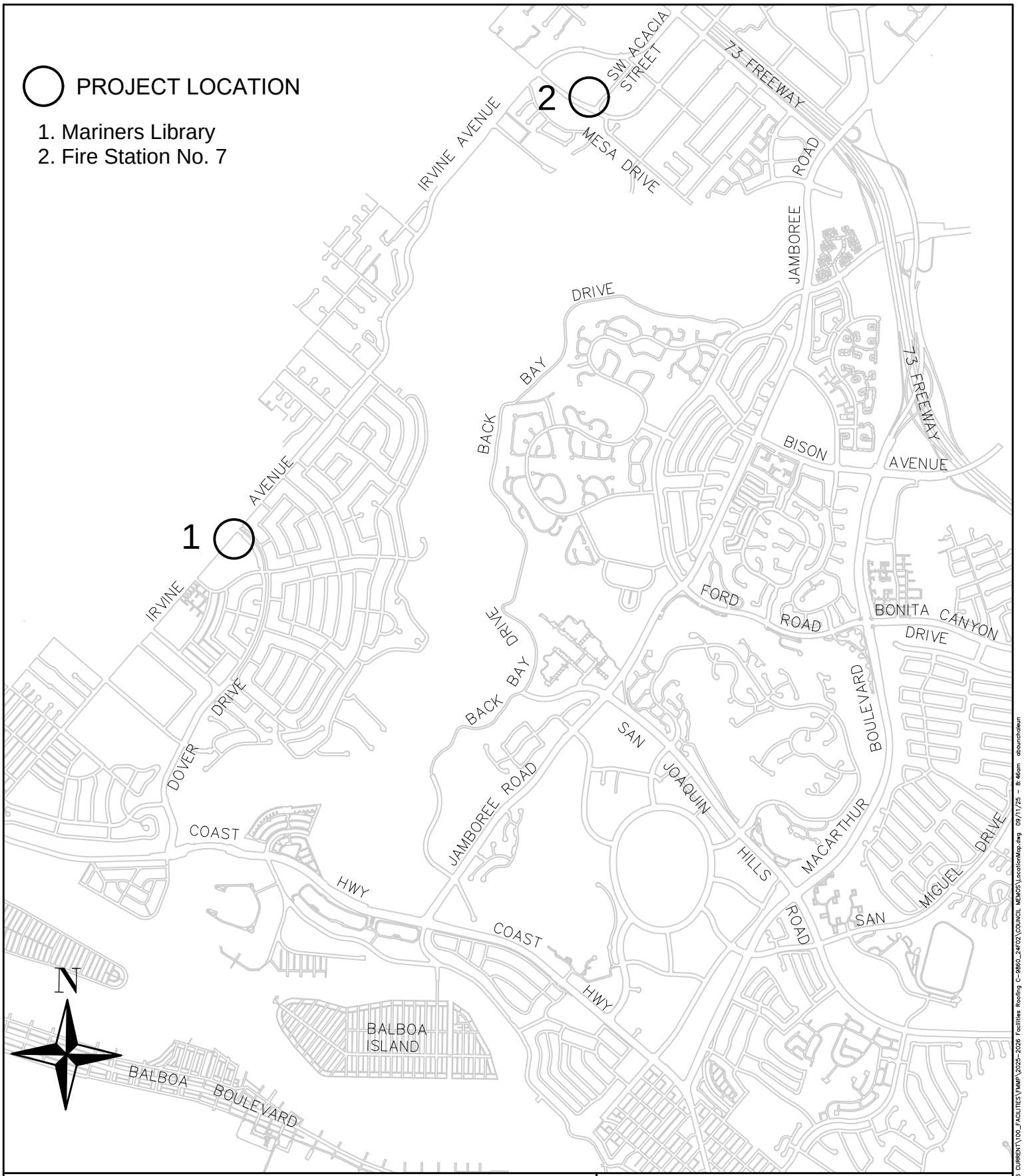
Staff recommends the City Council find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303(d), Class 1 (restoration or rehabilitation of deteriorated facilities involving negligible or no expansion of existing use) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because this project has no potential to have a significant effect on the environment.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENT:

Attachment A – Location Map



2025-2026 FACILITIES ROOFING PROJECT

LOCATION MAP

CITY OF NEWPORT BEACH
PUBLIC WORKS DEPARTMENT

C-9860-1	26F02	10/28/25

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CITY OF

NEWPORT BEACH

City Council Staff Report

October 28, 2025
Agenda Item No. 14

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	David A. Webb, Public Works Director - 949-644-3311, dawebb@newportbeachca.gov
PREPARED BY:	Tom Sandefur, Assistant City Engineer - 949-644-3321, tsandefur@newportbeachca.gov
TITLE:	Fiscal Year 2025-26 Citywide Facilities Painting Project – Award of Contract No. 9861-1 to D and T Painting (26F02)

ABSTRACT:

The City of Newport Beach received construction bids for the Fiscal Year 2025-26 Citywide Facilities Painting Project as part of the Facilities Maintenance Master Plan (FMMP). Staff requests City Council approval to award the construction contract to D and T Painting of Manteca, California. The project involves preparing mock-ups; removing cracked, peeled, or nonadherent paint and stain; repairing and patching damaged exterior surfaces; cleaning, preparing, and painting exterior surfaces; refinishing stone veneers, and removing existing wall signs and installing new or refurbished signs at the Civic Center, Central Library and Carroll Beek Community Center.

RECOMMENDATIONS:

a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(d), Class 1 (restoration or rehabilitation of deteriorated facilities involving negligible or no expansion of existing use) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because this project has no potential to have a significant effect on the environment;

b) Approve the project plans and specifications;

c) Award Contract No. 9861-1 to D and T Painting for the total bid price of $224,500 for the Fiscal Year 2025-26 Citywide Painting Project, and authorize the Mayor and City Clerk to execute the contract; and

d) Establish a contingency of $22,450 (10% of the total bid) to cover the cost of unforeseen work not included in the original contract.

DISCUSSION:

As part of the FMMP, City buildings are periodically inspected for maintenance and repair issues. Staff prioritize the various capital maintenance needs of facilities with an emphasis on scopes that will keep them in service. Staff have identified the exterior wood roof at

Civic Center and various exterior building surfaces at both the Central Library and Carroll Beek Community Center as needing maintenance and painting. This project addresses protective coatings on various facilities to protect the building materials from deterioration. This proactive approach will protect the metal, wood and other building materials from further damage that could result in more costly repair work in the future, while providing an additional benefit of a more aesthetically pleasing appearance of these facilities.

At 1 p.m. on September 25, 2025, the City Clerk opened and read the following bids for this project:

	BIDDER	TOTAL BID AMOUNT
Low	D and T Painting	$224,500
2nd	AJ Fistes Corporation	$225,500
3rd	Astro Painting Co, Inc.	$277,000
4th	Tony Painting	$366,200
5th	Optimus Construction & Painting, Inc.	$391,000
6th	Piana Construction & Painting, Inc.	$394,000
7th	Signature Painting, Inc.	$396,000
8th	United Contracting, LLC	$406,210
9th	Prime Painting Contractors, Inc.	$408,000
10th	Perfection Painting Corp	$423,000
11th	Color New Corp	$430,000
12th	ACC & Engineering, LLC.	$431,488
13th	R Dependable Const, Inc.	$440,000
14th	Mear Construction, Inc.	$454,000
15th	T&B Painting Co, Inc.	$480,921
16th	First Trade, LLC dba YMC	$483,500

The City received 16 bids for this project. Staff recommends awarding to the lowest bidder, D and T Painting, which is registered with the Department of Industrial Relations and possesses a California State Contractor's License Classification "C-33", as required by the project specifications. A review of references for D and T Painting shows completion of similar contracts for various school districts.

D and T Painting's total bid amount was approximately 52% below the engineer's estimate of $470,700. The difference between the low bid and the engineer's estimate is due to the lower cost to prepare and paint the Civic Center and Central Library and an increasingly competitive bid environment.

Pursuant to the contract specifications, the contractor will have 120 consecutive working days to complete the project. Work is scheduled to begin in the fourth quarter of 2025 or first quarter of 2026.

The project plans and specifications will be available for review at the October 28, 2025, City Council meeting or upon request.

FISCAL IMPACT:

The adopted Capital Improvement Program budget includes sufficient funding for the award of this contract. The Project will be expensed to the FMMP.

The following funds will be expended:

Account Description	Account Number	Amount
FMMP	57101-980000-26F02	$ **246,950**

Proposed fund uses are as follows:

Vendor	Purpose	Amount
Contractor	Construction Contract	$ 224,500
Contractor	Construction Contingency	$ 22,450
	Total:	**$ 246,950**

The FMMP includes a comprehensive condition assessment of all City facilities and prioritizes capital repairs and/or major maintenance based on a variety of factors including current condition and age of facilities. This program funds a variety of capital repair and maintenance projects in an effort to keep City facilities in good condition and is funded by the General Fund.

Staff recommends establishing $22,450 (10% of the total bid) for contingency purposes and unforeseen conditions associated with construction.

ENVIRONMENTAL REVIEW:

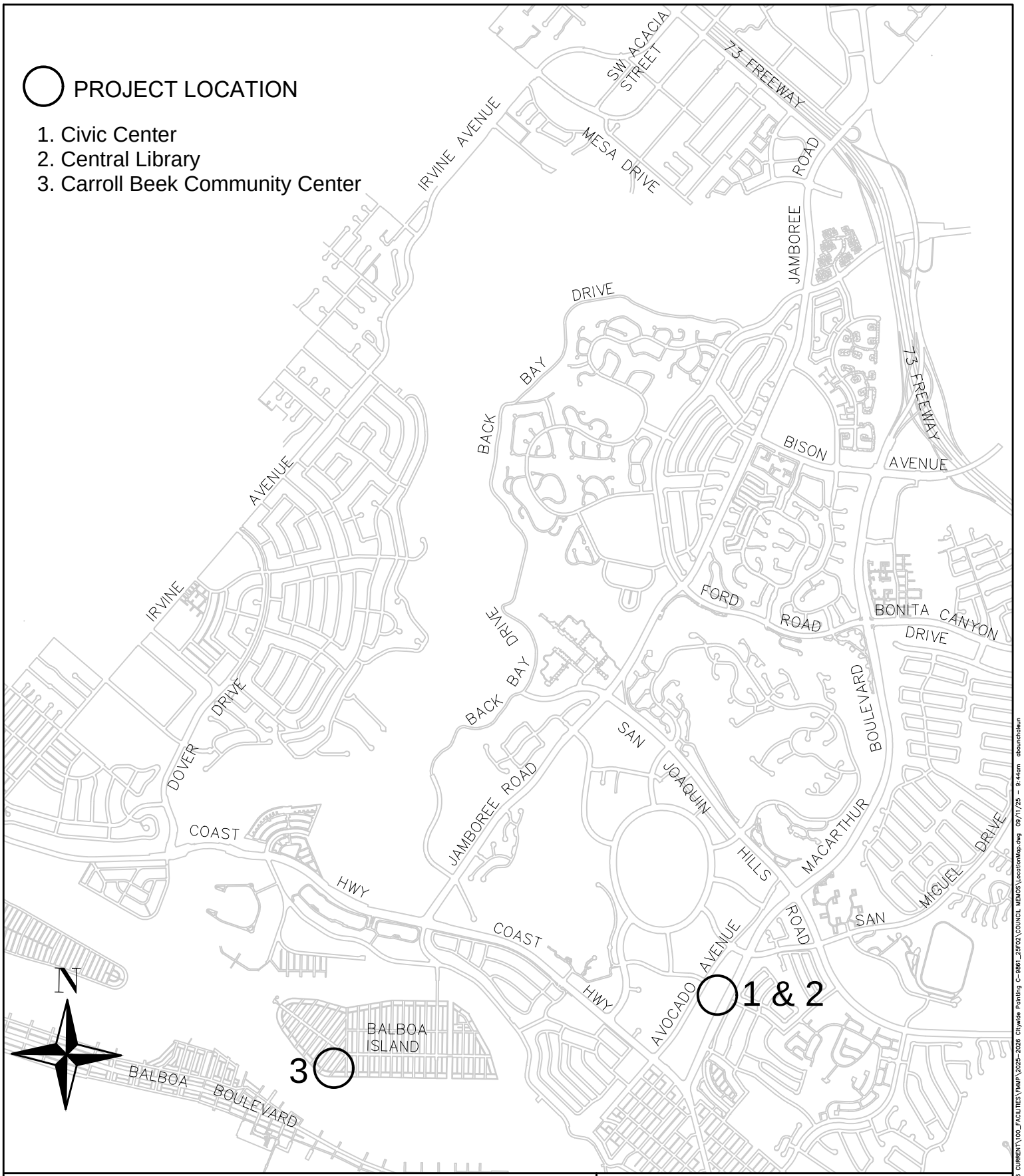
Staff recommends the City Council find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303(d), Class 1 (restoration or rehabilitation of deteriorated facilities involving negligible or no expansion of existing use) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because this project has no potential to have a significant effect on the environment.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENT:

Attachment A – Location Map



2025-2026 CITYWIDE PAINTING PROJECT

LOCATION MAP

CITY OF NEWPORT BEACH
PUBLIC WORKS DEPARTMENT

C-9861-1	26F02	10/28/25

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CITY OF

NEWPORT BEACH

City Council Staff Report

October 28, 2025
Agenda Item No. 15

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	Mark Vukojevic, Utilities Director - 949-644-3011, mvukojevic@newportbeachca.gov
PREPARED BY:	Kyle Brodowski, Equipment and Facilities Maintenance Superintendent - 949-718-3464, kbrodowski@newportbeachca.gov
TITLE:	Amendment No. Three to Services Agreement with Harbor Pointe Air Conditioning & Control Systems for Heating, Ventilation and Air Conditioning of City Facilities (Contract No. 9669-1)

ABSTRACT:

The City of Newport Beach (City) has over 100 separate heating, ventilation and air conditioning systems (HVAC) located throughout the City facilities (i.e. City Hall, Recreation Facilities, Fire Stations, etc.) that require regular preventive maintenance, testing and as-needed repair services. The HVAC systems are managed by the Public Works Municipal Operation Division with the assistance of a specialty contractor.

Recently Public Works assumed the direct responsibility for nine additional City recreation and library facilities. For the City Council's consideration is a third amendment to the existing service agreement with Harbor Pointe Air Conditioning & Control Systems. The amended agreement will allow up to $700,000 in additional services through the remaining agreement term which expires July 24, 2029.

RECOMMENDATIONS:

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Approve Amendment No. Three to On-Call Maintenance/Repair Services Agreement with Harbor Pointe Air Conditioning & Control Systems, Inc. for On-Call HVAC Maintenance and Repair Services to increase the contract amount by $700,000, and authorize the Mayor and City Clerk to sign the amendment.

DISCUSSION:

The Public Works Department utilizes the assistance of contractors to service and repair HVAC systems at various City facilities, including the Civic Center, corporation yards, police and fire stations, community centers and library branches. These systems require quarterly and annual preventive maintenance to ensure they remain in good working order.

On June 23, 2024, following a competitive selection process, an agreement for HVAC Maintenance and Repair Services was awarded to Harbor Pointe for a five-year $600,000 term.

During the first year of the agreement, two amendments were required:

- October 2024: The agreement was amended by $75,000 to include the Junior Lifeguard Headquarters.
- May 2025: A second amendment was approved to add the Balboa Library, Corona del Mar Library and Jetty Restaurant.

Beginning in July 2025, Public Works Maintenance Operations Division assumed the additional responsibility of nine Recreation and Senior Services Department buildings. Harbor Pointe worked with staff to visit each site, develop an inventory of equipment, assess overall system conditions, and provide a proposal for scheduled maintenance and regular inspections. The proposed annual cost for HVAC services at these nine buildings is approximately $100,000. In addition to routine maintenance, Harbor Pointe will continue to support unexpected repair needs and provide installation of replacement HVAC units when required. In previous years, annual costs for unplanned repairs ranged between $22,000 and $48,000.

The expected service life of industrial HVAC equipment is 10–15 years. The City's marine environment contributes to the corrosion of our HVAC systems. As systems age and reach the end of their useful life, staff anticipate an increase in both unforeseen repairs and replacement of critical components such as electronics, compressors, high-pressure lines and blower fans. Staff estimate these additional costs at approximately $50,000 annually.

The Fire Department has also requested additional service capacity to address various repair needs for its eight stations and two lifeguard facilities. Recent examples include the replacement of corroded HVAC system lines at Fire Station 3, evaporator coil repairs at Fire Station 8, and planned replacements of rusted exhaust fans and ducts at the Lifeguard headquarters building. The department has also temporarily increased preventative maintenance efforts at several facilities to mitigate recurring HVAC system issues.

The existing agreement with Harbor Pointe has a remaining term of 3.75 years. Staff recommends the existing term remain and requests City Council approval to increase the agreement's expenditure allowance by $700,000. This would bring the total not-to-exceed compensation amount to $1,375,000.

FISCAL IMPACT:

The adopted budget includes sufficient funding for this service. It will be expensed to the Maintenance and Repair Building accounts in the Public Works Department, 0108041-851031 and 0108041-851016. Additional funding for this contract may be expensed to the department(s)' facility maintenance and repairs budgets.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENT:

Attachment A – Amendment No. Three to the Maintenance and Repair Services Agreement

AMENDMENT NO. THREE TO ON-CALL MAINTENANCE/REPAIR SERVICES AGREEMENT WITH HARBOR POINTE AIR CONDITIONING & CONTROL SYSTEMS, INC. FOR ON-CALL HVAC MAINTENANCE AND REPAIR SERVICES

THIS AMENDMENT NO. THREE TO ON-CALL MAINTENANCE/REPAIR SERVICES AGREEMENT ("Amendment No. Three") is made and entered into as of this 28th day of October, 2025 ("Effective Date"), by and between the CITY OF NEWPORT BEACH, a California municipal corporation and charter city ("City"), and HARBOR POINTE AIR CONDITIONING & CONTROL SYSTEMS, INC., a California corporation ("Contractor"), whose address is 720 South Richfield Road, Placentia, CA 92870, and is made with reference to the following:

RECITALS

A. On July 23, 2024, City and Contractor entered into an On-Call Maintenance/Repair Services Agreement (Contract No. C-C-9669-1) ("Agreement") to perform on-call HVAC maintenance and repair services for City ("Project").

B. On October 25, 2024, City and Contractor entered into Amendment No. One to the Agreement ("Amendment No. One") to reflect additional services not included in the Agreement, to increase the total compensation, and to update the billing rates.

C. On May 6, 2025, City and Contractor entered into Amendment No. Two to reflect additional Services not included in the Agreement, as amended, and to update the billing rates.

D. The parties desire to enter into this Amendment No. Three to reflect additional Services not included in the Agreement, as amended, to increase the total compensation, update the billing rates, and update the insurance requirements.

NOW, THEREFORE, it is mutually agreed by and between the undersigned parties as follows:

1. SERVICES TO BE PERFORMED

Exhibit A to the Agreement shall be supplemented to include the Scope of Services, attached hereto as Exhibit A and incorporated herein by reference ("Services" or "Work"). Exhibit A to Amendment No. One, Exhibit A to Amendment No. Two, and Exhibit A to this Amendment No. Three shall collectively be known as "Exhibit A." The City may elect to delete certain Services within the Scope of Services at its sole discretion.

2. COMPENSATION TO CONTRACTOR

As of the Effective Date of this Amendment No. Three, Exhibit B to the Agreement shall be deleted in its entirety and replaced with the Schedule of Billing Rates, attached hereto as Exhibit B and incorporated herein by reference.

Section 4.1 of the Agreement is amended in its entirety and replaced with the following: "City shall pay Contractor for the Services on a time and expense not-to-exceed basis in accordance with the provisions of this Section and the Letter Proposal and the Schedule of Billing Rates attached hereto as Exhibit B and incorporated herein by reference. Except as otherwise provided herein, no rate changes shall be made during the term of this Agreement without the prior written approval of City. Contractor's compensation for all Services performed in accordance with this Agreement, including all reimbursable items, shall not exceed **One Million Three Hundred Seventy Five Thousand Dollars and 00/100 ($1,375,000.00)**, without prior written amendment to the Agreement."

The total amended compensation reflects Contractor's additional compensation for additional Services to be performed in accordance with this Amendment No. Three, including all reimbursable items and subconsultant fees, in an amount not to exceed **Seven Hundred Thousand Dollars and 00/100 ($700,000.00)**.

3. INSURANCE

As of the Effective Date of this Amendment No. Three, Exhibit C of the Agreement shall be deleted in its entirety and replaced with Exhibit C, attached hereto and incorporated herein by reference. Any reference to Exhibit C in the Agreement shall hereafter refer to Exhibit C attached hereto.

4. INTEGRATED CONTRACT

Except as expressly modified herein, all other provisions, terms, and covenants set forth in the Agreement shall remain unchanged and shall be in full force and effect.

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, the parties have caused this Amendment No. Three to be executed on the dates written below.

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE
Date: 10/09/25

By: _____
Aaron C. Harp
City Attorney

ATTEST:
Date: _____

By: _____
Lena Shumway
City Clerk

CITY OF NEWPORT BEACH,
a California municipal corporation
Date: _____

By: _____
Joe Stapleton
Mayor

CONTRACTOR:
HARBOR POINTE AIR CONDITIONING & CONTROL SYSTEMS, INC., a California corporation
Date: _____

By: _____
Gregory Howard Perez
Chief Executive Officer

Date: _____

By: _____
Sammi Dee Perez
Chief Financial Officer/Secretary

[END OF SIGNATURES]

Attachments: Exhibit A – Scope of Services
Exhibit B – Schedule of Billing Rates
Exhibit C – Insurance Requirements

EXHIBIT A
SCOPE OF SERVICES

Harbor Pointe
Air Conditioning & Control Systems, Inc.

CITY OF NEWPORT BEACH

Site: POLICE DEPARTMENT HEADQUARTERS

JOB LOCATION:
CITY OF NEWPORT BEACH - POLICE DEPARTMENT
870 SANTA BARBARA AVE
NEWPORT BEACH, CA 92660

JOB SUBJECT: PREFORM QUARTERLY MAINTENANCE ON THE REFRIGERATION EQUIPMENT SERVING THE POLICE STATION.

EQUIPMENT COVERED:

UNIT	MANUFACTURER	MODEL #	SERIAL	VOLTAGE
REACH IN	TRAULSEN	G22010	T51030F16	115
REACH IN	TRAULSEN	G22010	T53321L13	115
REACH IN	TRAULSEN	DHT 232 NUT	T449460 5M	115
REACH IN	TRAULSEN	G20010	T16455B06	115
REACH IN	TRUE MANUFACTURERING	STG2DT-2S	9779944	115
WALK IN UNIT EVAPORATOR	LRC	SLE-1065	143400-901	208/230 1PH
WALK IN UNIT EVAPORATOR	HEATCRAFT	LCE6120BMC6B	D04G02139	208/230 1PH
WALK IN UNIT CONDENSER	TECUMSEH	AVA2512ZXTHN	16K2913913099	208/230 3PH
WALK IN UNIT CONDENSER	HEATCRAFT	MOH026L63	T04F 06492	208/230 3PH

SCOPE OF WORK:

REACH IN UNITS:
VISUALLY INSPECT OVERALL UNIT CONDITION.
INSPECT DOOR GASKETS, HINGES FOR WEAR AND PROPER SEAL.
INSPECT THE COMPRESSOR FOR INCONSISTANT NOISE OR VIBRATION.
CHECK ELECTRICAL CONNECTIONS FOR SIGNS OF CORROSION, DAMAGE, OR LOOSE WIRES.
INSPECT FAN MOTOR AND BLADE FOR PROPER OPERATIONS.
TEST THERMOSTAT CALIBRATION TO ENSURE ACCURATE TEMPERATURE CONTROL.
INSPECT THE EVAPORATOR AND CONDENSER COIL FOR SIGNS OF OIL.
USE NITROGEN TO BLOW OUT COILS AND VACUUM THE REMAINING DIRT AND DEBRIS.
VERIFY PROPER DEFROST CYCLE OPERATIONS.
INSPECT TXV AND CAPILLARY TUBE FOR FOR RESTRICTIONS OR ICING.
WIPE DOWN EXTERIOR AND INTERIOR SURFACES.
CLEAN DOOR GASKET TO ENSURE PROPER SEAL.
POWER UNIT ON AND ALLOW UNIT TO CYCLE.
CONFIRM UNIT SATISFIES AND MAINTAINS PROPER TEMPERATURE.
CHECK DEFROST OPERATION AND TIMING FOR ABNORMAL CYCLING.
LOG TEMPERATURES OF BEFORE AND AFTER MAINTENANCE.

WALK IN UNIT:
INSPECT FOR SIGNS OF CORROSION ON EVAPORATOR COIL, COPPER PIPING, AND SOLDER JOINTS.
CONFIRM EVAPORATOR FAN MOTORS AND BLADES ARE OPERATING CORRECTLY.
LUBRICATE MOTORS IF APPLICABLE.
VISUALLY INSPECT WIRING FOR SIGNS OF AN ELECTRICAL SHORT.
INSPECT DRAIN PAN TO CONFIRM THERE ARE NO OBSTRUCTIONS OR ICE BUILD UP AND THAT WATER IS FLOWING PROPERLY.
CHECK OPERATION / CALIBRATION OF ALL FAN CYCLE AND DEFROST CONTROLS.
LOOK FOR ABNORMAL ACCUMULATUTION OF ICE PATTERNS AND ADJUST DEFROST CYCLES ACCORDINGLY.
INSPECT LINESET FROM THE EVAPORATOR COIL TO ROOF TOP CONDENSER FOR SIGNS OF DETERIORATION OR ICE BUILD UP.
INSPECT CONDENSER FOR SIGNS OF OIL OR A REFRIGERANT LEAK WITHIN THE COIL.
VERIFY ALL ELECTRICAL COMPONENTS ARE OPERATING PROPERLY.
WASH CONDENSER COIL.

Harbor Pointe
Air Conditioning & Control Systems, Inc.

CHECK UNIT SUPERHEAT AND COMPARE READING AGAINST MANUFACTURER CALL OUT.
LOG TEMPERATURES OF THE WALK IN BOX BEFORE AND AFTER MAINTENANCE.

Harbor Pointe
Air Conditioning & Control Systems, Inc.

CITY OF NEWPORT BEACH

Site: MARINA PARK

JOB LOCATION:
CITY OF NEWPORT BEACH - MARINA PARK
1600 WEST BALBOA BLVD
NEWPORT BEACH, CA 92663

JOB SUBJECT: PERFORM QUARTERLY HVAC MAINTENACE

EQUIPMENT LISTED:

BUILDING #	FLOOR	LOCATION	UNIT ID	MANUFACTURER	MODEL #	OUTDOOR CONDENSER
1	1ST	BALBOA ROOM	SFC 1-3	DAIKIN	FXMQ36PVJU	HRU-1
1	1ST	BALBOA ROOM	SFC 1-4	DAIKIN	FXMQ48MVJU	HRU-1
1	1ST	BOAT BAY OFFICE 1	SFC 1-5	DAIKIN	FXAQ07MVJU	HRU-1
1	2ND	LINDA ISLE	SFC 1-6	DAIKIN	FXMQ36PVJU	HRU-1
1	2ND	LINDA ISLE	SFC 1-7	DAIKIN	FXMQ30PVJU	HRU-1
1	2ND	UPPER MEZZANINE	SFC 1-8	DAIKIN	FXMQ48MVJU	HRU-1

1	2ND	CONFERENCE	SFC 1-9	DAIKIN	FXZQ18PVJU	HRU-1
1	2ND	HALLWAY TO OFFICES	SFC 1-10	DAIKIN	FXAQ24PVJU	HRU-1
1	2ND	2ND FLOOR OFFICES	SFC 1-11A	DAIKIN	FXAQ07PVJU	HRU-1
1	2ND	2ND FLOOR OFFICES	SFC 1-11B	DAIKIN	FXAQ07MVJU	HRU-1
1	2ND	2ND FLOOR OFFICES	SFC 1-11C	DAIKIN	FXAQ07MVJU	HRU-1
1	2ND	2ND FLOOR CORNER OFFICE	SFC 1-12	DAIKIN	FXAQ18MVJU	HRU-1
1	2ND	MFD ROOM	SFC 1-13	DAIKIN	FXAQ24MVJU	HRU-1
1	1	BOAT BAY OFFICE 2		DAIKIN	UNKNOWN	
2	1ST	NEWPORT ISLAND ROOM	SFC 2-1	DAIKIN	FXMQ48PVJU	HRU-2
2	1ST	NEWPORT ISLAND ROOM	SFC 2-2	DAIKIN	FXMQ48PVJU	HRU-2
2	1ST	ADMIN OFFICE ACROSS FROM LIDO ISLAND ROOM	SFC 2-3	DAIKIN	FXMQ30PVJU	HRU-2
2	1ST	ADMIN OFFICE ACROSS FROM LIDO ISLAND ROOM	SFC 2-4	DAIKIN	FXMQ30PVJU	HRU-2
2	1ST	NEWPORT ISLAND ROOM	SFC 2-5	DAIKIN	FXMQ18PVJU	HRU-2

2	2ND	BAY ISLAND ROOM	SFC 2-6	DAIKIN	FXMQ72MVJU	HRU-2
2	2ND	BAY ISLAND ROOM	SFC 2-7	DAIKIN	FXMQ48MVJU	HRU-2
2	2ND	WARMING KITCHEN	SFC 2-8	DAIKIN	FXMQ48MVJU	HRU-2
2	2ND	WARMING KITCHEN	SFC 2-9	DAIKIN	FXMQ36PVJU	HRU-2
2	2ND	WARMING KITCHEN	SFC 2-10	DAIKIN	FXMQ36PVJU	HRU-2
2	2ND	BAY ISLAND ROOM	SFC 2-11	DAIKIN	FXMQ18PVJU	HRU-2

CONDENSER INFORMATION

BUILDING #	FLOOR	LOCATION	UNIT ID	MANUFACTURER	MODEL #
1	2ND	MEZZANINE	HRU1	DAIKIN	REYQ336PYDN
2	1ST	MECHANICAL YARD	HRU2	DAIKIN	REYQ336PYDN

BRANCH SELECTOR BOXES

QTY	UNIT ID	MANUFACTURER	MODEL #
12	BS 3 TONX-Y	DAIKIN	BSVQ36
6	BS 5 TON X-Y	DAIKIN	BSVQ60
3	BS 8 TON X-Y	DAIKIN	BSVQ96

EXHAUST FANS

BUILDING #	FLOOR	LOCATION	UNIT ID	MANUFACTURER	MODEL #	CFM	TYPE

2	1ST	MECHANICAL YARD	EF2	GREENHECK	CWB-141HP	1300	BELT DRIVEN
1		ROOF TOP	EF3	GREENHECK	CUBE-141	1600	BELT DRIVEN

NOTE: THE EQUIPMENT BELOW WILL NOT BE SERVICED DURING THE MAINTENANCE PER LUKE MASON

BUILDING #	FLOOR	LOCATION	UNIT ID	MANUFACTURER	MODEL #	TYPE	BTU	VOLTAGE	OUTDOOR CONDENSER	BRANCH SELECTOR
1	2ND	BOAT BAY STORAGE	SFC 1-1	DAIKIN	FXMQ72MVJU	HORIZONTAL DISCHARGE	81000	208V/1PH/60HZ	HRU-1	BS 1-1 (8 TON)
1	1ST	RESTAURANT	SFC 1-2	DAIKIN	FXMQ24PVJU	HORIZONTAL DISCHARGE	27000	208V/1PH/60HZ	HRU-1	BS 1-2 (3TON)

BUILDING #	FLOOR	LOCATION	UNIT ID	MANUFACTURER	MODEL #	CFM	TYPE
1	ROOF TOP	RESTAURANT	EF 1	PANASONIC	FV-08VK1	80	DIRECT DRIVE

BUILDING #	FLOOR	LOCATION	UNIT ID	MANUFACTURER	MODEL #	HEATING BTU	VOLTAGE
1	1ST	BOAT BAY GARAG	RH1	SPACE RAY	CB 50	50000	120V/1PH/60HZ

1	1ST	E BOAT BAY GARAG E	R H2	SPACE RAY	CB 50	50000	120V/1P H/60HZ

SCOPE OF WORK:

CONDENSERS
INSPECT PHYSICAL CONDITION OF THE CONDENSER FOR SIGNS OF OIL AROUND THE CONDENSER COILS OR COMPRESSORS.
INSPECT REFRIGERANT LINE SET FOR PROPER INSULATION.
WASH THE CONDENSER COILS WITH WATER EACH TIME ONSITE.
INSPECT AND CLEAN THE FAN BLADES AND HOUSING.
CHECK REFRIGERANT PRESSURES AND OPERATING PARAMETERS.
INSPECT ALL ELECTRICAL CONNECTIONS, CONTACTORS AND RELAYS.
VERIFY PROPER OPERATION OF THE COMPRESSORS.
RECORD RUNNING AMPS, VOLTAGE, AND PRESSURES.

AIR HANDLERS
REMOVE AND REPLACE AIR FILTERS.
REMOVE AND WASH FILTERS WHEN APPLICABLE.
VERIFY PROPER OPERATION OF CONDENSATE PUMPS.
CLEAN EVAPORATOR COIL SURFACE WITH A BRUSH.
CONFIRM PROPER OPERATION OF THE INDOOR FAN MOTOR AND WHEEL.
INSPECT AND CLEAN DRAIN PANS, FLUSH DRAIN LINES WITH CO2 WHEN NECESSARY.
CONFIRM PROPER OPERATION OF ELECTRONIC EXPANSION VALVES.

BRANCH SELECTOR
INSPECT REFRIGERANT PIPING FOR SIGNS OF LEAKS
VERIFY SOLENOID OPERATION THROUGH SWITCHING FUNCTION AT THE CONTROLLER.

CONTROLLER
CONFIRM PROPER OPERATION OF SYSTEM CONTROLLERS.

NOTATE ANY ALARMS OR FAULT CODES.
CONFIRM PROPER OPERATION FROM CONTROLLER TO AIR HANDLER.

EXHAUST FANS
CONFIRM PROPER OPERATION OF BELT DRIVEN EXHAUST FANS.
CHANGE BELT ANNUALLY.
INSPECT PULLIES AND BEARINGS FOR SIGNS OF WEAR.
GREASE BEARINGS EACH VISIT.
CONFIRM PROPER OPERATION OF ELECTRICAL SWITCHES.
WIPE OUT INTERIOR OF THE MOTOR COMPARTMENT.

CITY OF NEWPORT BEACH

OASIS SENIOR CENTER

, ,

JOB LOCATION:
CITY OF NEWPORT BEACH - OASIS SENIOR CENTER
801 NARCISSUS AVE
CORNA DEL MAR, CA 92625

JOB SUBJECT: PREFROM QUARTERLY HVAC MAINTENANCE

EQUIPMENT LISTED:

ROOF TOP HVAC PACKAGE UNITS

UNIT ID	MANUFACTURER	MODEL #	BUILDING	SERVICE LOCATION	VOLTAGE
AC1	CARRIER	48PG14	FITNESS CENTER	DANCE / EXERCISE ROOM	208 VOLTAGE / 3 PHASE
AC2	CARRIER	48PG08	FITNESS CENTER	WELLNESS FITNESS CENTER SOUTH	208 VOLTAGE / 3 PHASE
AC3	CARRIER	48PG08	FITNESS CENTER	WELLNESS FITNESS CENTER NORTH	208 VOLTAGE / 3 PHASE
AC4	CARRIER	48PG08	EVENT CENTER	KITCHEN AND RESTROOMS	208 VOLTAGE / 3 PHASE
AC5	CARRIER	48PG03	EVENT CENTER	FACILITIES RR'S AND STORAGE	208 VOLTAGE / 1 PHASE
AC6	CARRIER	48PG05	EVENT CENTER	PLATFORM AND STORAGE	208 VOLTAGE / 1 PHASE

AC7	CARRIER	48PG14	EVENT CENTER	MAIN EVENT ROOM NORTH	208 VOLTAGE / 3 PHASE
AC8	CARRIER	48PG06	EVENT CENTER	MAIN EVENT ROOM SOUTH EAST	208 VOLTAGE / 1 PHASE
AC9	CARRIER	48PG06	EVENT CENTER	MAIN EVENT ROOM SOUTH WEST	208 VOLTAGE / 1 PHASE

INDOOR SPLIT SYSTEM FAN COIL UNIT

UNIT ID	MANUFACTURER	MODEL #	BUILDING	AREA SERVED	VOLTAGE
SFC-1	CARRIER	FX4C 060	OASIS SENIOR CENTER / ADMIN	MEETING ROOM A	208 VOLTAGE / 1 PHASE
SFC-2	CARRIER	FX4C 030	OASIS SENIOR CENTER / ADMIN	FAMILY ROOM LOBBY	208 VOLTAGE / 1 PHASE
SFC-3	CARRIER	FX4C 036	OASIS SENIOR CENTER / ADMIN	COMPUTER ROOM	208 VOLTAGE / 1 PHASE
SFC-4	CARRIER	FX4C 030	OASIS SENIOR CENTER / ADMIN	FAMILY ROOM LOBBY	208 VOLTAGE / 1 PHASE
SFC-5	CARRIER	FX4C 024	OASIS SENIOR CENTER / ADMIN	OFFICES / LOBBY	208 VOLTAGE / 1 PHASE
SFC-6	CARRIER	FX4C 018	OASIS SENIOR CENTER / ADMIN	OFFICES	208 VOLTAGE / 1 PHASE
SFC-7	CARRIER	FX4C 018	OASIS SENIOR CENTER / ADMIN	OFFICES	208 VOLTAGE / 1 PHASE
SFC-8	CARRIER	FX4C 018	OASIS SENIOR CENTER / ADMIN	OFFICES	208 VOLTAGE / 1 PHASE
SFC-9	CARRIER	FX4C 024	OASIS SENIOR CENTER / ADMIN	OFFICES / LOBBY	208 VOLTAGE / 1 PHASE
SFC-10	CARRIER	FX4C 024	OASIS SENIOR CENTER / ADMIN	OFFICES / LOBBY	208 VOLTAGE / 1 PHASE
SFC-11	CARRIER	FX4C 024	OASIS SENIOR CENTER / ADMIN	OFFICES / LOBBY	208 VOLTAGE / 1 PHASE
SFC-12	CARRIER	FX4C 030	OASIS SENIOR CENTER / ADMIN	FAMILY ROOM LOBBY	208 VOLTAGE / 1 PHASE
SFC-13	CARRIER	FX4C 024	OASIS SENIOR CENTER / ADMIN	OFFICES / LOBBY	208 VOLTAGE / 1 PHASE

SFC-14	CARRIER	FX4C 018	OASIS SENIOR CENTER / ADMIN	OFFICES	208 VOLTAGE / 1 PHASE
SFC-15	CARRIER	FX4C 018	OASIS SENIOR CENTER / ADMIN	OFFICES	208 VOLTAGE / 1 PHASE

OUTDOOR SPLIT SYSTEM CONDENSER UNIT

UNIT ID	MANUFACTURER	MODEL #	BUILDING	AREA SERVED	VOLTAGE
SHP-1	CARRIER	38QRR 060	OASIS SENIOR CENTER / ADMIN	MEETING ROOM A	208 VOLTAGE / 1 PHASE
SHP-2	CARRIER	38QRR 030	OASIS SENIOR CENTER / ADMIN	FAMILY ROOM LOBBY	208 VOLTAGE / 1 PHASE
SHP-3	CARRIER	38QRR 060	OASIS SENIOR CENTER / ADMIN	COMPUTER ROOM	208 VOLTAGE / 1 PHASE
SHP-4	CARRIER	38QRR 030	OASIS SENIOR CENTER / ADMIN	FAMILY ROOM LOBBY	208 VOLTAGE / 1 PHASE
SHP-5	CARRIER	38QRR 024	OASIS SENIOR CENTER / ADMIN	OFFICES / LOBBY	208 VOLTAGE / 1 PHASE
SHP-6	CARRIER	38QRR 018	OASIS SENIOR CENTER / ADMIN	OFFICES	208 VOLTAGE / 1 PHASE
SHP-7	CARRIER	38QRR 018	OASIS SENIOR CENTER / ADMIN	OFFICES	208 VOLTAGE / 1 PHASE
SHP-8	CARRIER	38QRR 018	OASIS SENIOR CENTER / ADMIN	OFFICES	208 VOLTAGE / 1 PHASE
SHP-9	CARRIER	38QRR 024	OASIS SENIOR CENTER / ADMIN	OFFICES / LOBBY	208 VOLTAGE / 1 PHASE
SHP-10	CARRIER	38QRR 024	OASIS SENIOR CENTER / ADMIN	OFFICES / LOBBY	208 VOLTAGE / 1 PHASE
SHP-11	CARRIER	38QRR 024	OASIS SENIOR CENTER / ADMIN	OFFICES / LOBBY	208 VOLTAGE / 1 PHASE
SHP-12	CARRIER	38QRR 030	OASIS SENIOR CENTER / ADMIN	FAMILY ROOM LOBBY	208 VOLTAGE / 1 PHASE
SHP-13	CARRIER	38QRR 024	OASIS SENIOR CENTER / ADMIN	OFFICES / LOBBY	208 VOLTAGE / 1 PHASE

SHP-14	CARRIER	38QRR 018	OASIS SENIOR CENTER / ADMIN	OFFICES		208 VOLTAGE / 1 PHASE
SHP-15	CARRIER	38QRR 018	OASIS SENIOR CENTER / ADMIN	OFFICES		208 VOLTAGE / 1 PHASE

INDOOR HEAT PUMP FAN COIL UNITS (VRFZ)

UNIT ID	MANUFACTURER	MODEL #	BUILDING	AREA SERVED	MANUFACTURER	MODEL #	VOLTAGE
SFC 16-1	MITSUBISHI	PDFY-P18NMHU-E	OASIS SENIOR CENTER / CLASS ROOM	STAFF LOUNGE	DAIKIN	FSXQ18MVJU	208 VOLTAGE / 1 PHASE
SFC 16-2A	MITSUBISHI	PDFY-P24NMHU-E	OASIS SENIOR CENTER / CLASS ROOM	MEETING ROOM B	DAIKIN	FXSQ24MVJU	208 VOLTAGE / 1 PHASE
SFC 16-2B	MITSUBISHI	PDFY-P24NMHU-E	OASIS SENIOR CENTER / CLASS ROOM	MEETING ROOM B	DAIKIN	FXSQ24MVJU	208 VOLTAGE / 1 PHASE
SFC 16-3A	MITSUBISHI	PDFY-P24NMHU-E	OASIS SENIOR CENTER / CLASS ROOM	MEETING ROOM C	DAIKIN	FXSQ24MVJU	208 VOLTAGE / 1 PHASE
SFC 16-3B	MITSUBISHI	PDFY-P24NMHU-E	OASIS SENIOR CENTER / CLASS ROOM	MEETING ROOM C	DAIKIN	FXSQ24MVJU	208 VOLTAGE / 1 PHASE
SFC 16-4A	MITSUBISHI	PDFY-P24NMHU	OASIS SENIOR	MEETING ROOM	DAIKIN	FXSQ24MVJU	208 VOLTAGE

		-E	CENTER / CLASS ROOM	D			E / 1 PHASE
SFC 16-4B	MITSUBISHI	PDFY-P24NMHU-E	OASIS SENIOR CENTER / CLASS ROOM	MEETING ROOM D	DAIKIN	FXSQ24MVJU	208 VOLTAGE / 1 PHASE
SFC 16-5A	MITSUBISHI	PDFY-P24NMHU-E	OASIS SENIOR CENTER / CLASS ROOM	MEETING ROOM E	DAIKIN	FXSQ24MVJU	208 VOLTAGE / 1 PHASE
SFC 16-5B	MITSUBISHI	PDFY-P24NMHU-E	OASIS SENIOR CENTER / CLASS ROOM	MEETING ROOM E	DAIKIN	FXSQ24MVJU	208 VOLTAGE / 1 PHASE
SFC 16-6A	MITSUBISHI	PDFY-P24NMHU-E	OASIS SENIOR CENTER / CLASS ROOM	MEETING ROOM F	DAIKIN	FXSQ24MVJU	208 VOLTAGE / 1 PHASE
SFC 16-6B	MITSUBISHI	PDFY-P24NMHU-E	OASIS SENIOR CENTER / CLASS ROOM	MEETING ROOM F	DAIKIN	FXSQ24MVJU	208 VOLTAGE / 1 PHASE
SFC 17-1A	MITSUBISHI	PDFY-P36NMHU-E	FITNESS CENTER / CLASS ROOM	ART CENTER	DAIKIN	FXSQ36MVJU	208 VOLTAGE / 1 PHASE
SFC 17-1B	MITSUBISHI	PDFY-P36NMHU-E	FITNESS CENTER / CLASS ROOM	ART CENTER	DAIKIN	FXSQ36MVJU	208 VOLTAGE / 1 PHASE
SFC 17-2A	MITSUBISHI	PDFY-P24NMHU-E	FITNESS CENTER / CLASS ROOM	MEETING ROOM G	DAIKIN	FXSQ24MVJU	208 VOLTAGE / 1 PHASE
SFC 17-2B	MITSUBISHI	PDFY-P24NMHU-E	FITNESS CENTER / CLASS	MEETING ROOM G	DAIKIN	FXSQ24MVJU	208 VOLTAGE / 1

			ROOM				PHASE
SFC 17-3A	MITSUBISHI	PDFY-P24NMHU-E	FITNESS CENTER / CLASS ROOM	MEETING ROOM H	DAIKIN	FXSQ24MVJU	208 VOLTAGE / 1 PHASE
SFC 17-3B	MITSUBISHI	PDFY-P24NMHU-E	FITNESS CENTER / CLASS ROOM	MEETING ROOM H	DAIKIN	FXSQ24MVJU	208 VOLTAGE / 1 PHASE

SPLIT SYSTEM OUTDOOR HEAT PUMP CONDENSER (VRFZ)

UNIT ID	MANUFACTURER	MODEL #	BUILDING	MANUFACTURER	MODEL #	VOLTAGE
SHP 16	MITSUBISHI	PUHY-P204	FITNESS CENTER	DAIKIN	RXYQ216PTJU	208 VOLTAGE / 3 PHASE
SHP17	MITSUBISHI	PUHY-P144	FITNESS CENTER	DAIKIN	RXYQ144PTJU	208 VOLTAGE / 3 PHASE

SUPPLY AND EXHAUST FANS

UNIT ID	MANUFACTURER	MODEL #	AREA SERVED	TYPE	HP MOTOR	VOLTAGE
EF-1	COOK	120 ACRUB	ROOM 128, 130, JANITOR 129	UPBLAST CENTRIFIGAL	1/6	120 VOLTAGE / 1 PHASE
EF-2	COOK	70ACEB	ROOM 137 & 138	DOWNBLAST CENTRIFIGAL	1/6	120 VOLTAGE / 1 PHASE
EF-3	COOK	60 ACEB	JANITOR 150	DOWNBLAST CENTRIFIGAL	1/6	120 VOLTAGE / 1

						PHASE
EF-4	COOK	135 ACRUB	WELLNESS CENTER RR'S	UPBLAST CENTRIFIGAL	1/6	120 VOLTAGE / 1 PHASE
EF-5	COOK	80 ACRUB	ELECTRICAL 156	DOWNBLAST CENTRIFIGAL	1/6	120 VOLTAGE / 1 PHASE
EF-6	COOK	120 ACRUB	RR'S 165 & 166	UPBLAST CENTRIFIGAL	1/6	120 VOLTAGE / 1 PHASE
EF-7	COOK	80 ACRUB	ELECTRICAL 173	DOWNBLAST CENTRIFIGAL	1/6	120 VOLTAGE / 1 PHASE
EF-8	COOK	80 ACRUB	JANITOR 170, RR 176, 177	DOWNBLAST CENTRIFIGAL	1/6	120 VOLTAGE / 1 PHASE
EF-9	COOK	80 ACRUB	DISHWASHER	UPBLAST CENTRIFIGAL	1/6	120 VOLTAGE / 1 PHASE
KEF-1	GREENHECK	240XP CUBE	KITCHEN	UPBLAST CENTRIFIGAL	2	230 VOLTAGE / 3 PHASE
SF-1	COOK	90 ASP-T	ADMIN EAST OUTDOOR AIR	TIERED ROOFTOP	1/3	120 VOLTAGE / 1 PHASE
SF-2	COOK	90 ASP-T	ADMIN WEST OUTDOOR AIR	TIERED ROOFTOP	1/6	120 VOLTAGE / 1 PHASE

NOTE: HARBOR POINTE WILL SCHEDULE TO BE ONSITE AND ACCESS THE CLASSROOM AIR HANDLERS DURING TIMES OF NON OCCUPANCY TO AVOID DISRUPTIONS WITH PLANNED ACTIVITIES.

SCOPE OF WORK:

CONDENSERS

INSPECT PHYSICAL CONDITION OF THE CONDENSER FOR SIGNS OF OIL AROUND THE CONDENSER COILS OR COMPRESSORS.
INSPECT REFRIGERANT LINE SET FOR PROPER INSULATION.
WASH THE CONDENSER COILS WITH WATER EACH TIME ONSITE.
INSPECT AND CLEAN THE FAN BLADES AND HOUSING.
CHECK REFRIGERANT PRESSURES AND OPERATING PARAMETERS.
INSPECT ALL ELECTRICAL CONNECTIONS, CONTACTORS AND RELAYS.
VERIFY PROPER OPERATION OF THE COMPRESSORS.
RECORD RUNNING AMPS, VOLTAGE, AND PRESSURES.

AIR HANDLERS
REMOVE AND REPLACE AIR FILTERS.
REMOVE AND WASH FILTERS WHEN APPLICABLE.
VERIFY PROPER OPERATION OF CONDENSATE PUMPS.
CLEAN EVAPORATOR COIL SURFACE WITH A BRUSH.
CONFIRM PROPER OPERATION OF THE INDOOR FAN MOTOR AND WHEEL.
INSPECT AND CLEAN DRAIN PANS, FLUSH DRAIN LINES WITH CO2 WHEN NECESSARY.
CONFIRM PROPER OPERATION OF ELECTRONIC EXPANSION VALVES.

BRANCH SELECTOR
INSPECT REFRIGERANT PIPING FOR SIGNS OF LEAKS
VERIFY SOLENOID OPERATION THROUGH SWITCHING FUNCTION AT THE CONTROLLER.

CONTROLLER
CONFIRM PROPER OPERATION OF SYSTEM CONTROLLERS.
NOTATE ANY ALARMS OR FAULT CODES.
CONFIRM PROPER OPERATION FROM CONTROLLER TO AIR HANDLER.

PACKAGE UNITS
REPLACE FILTERS EACH QUARTER.
INSPECT INDOOR BLOWER MOTOR, BEARINGS, BELT, AND PULLEY.
LUBRICATE BEARINGS WITH GREASE AS NECESSARY.
CHANGE BELT ANNUALLY.
INSPECT EVAPORATOR COIL, CONDENSER COILS, AND COMPRESSOR FOR SIGNS OF OIL.

COMFIRM COMPRESSOR OPERATION AND AMERAGE DRAW.
CONFIRM PROPER OPERATION OF THE CONDENSER FAN MOTOR AND FAN BLADES.
INSPECT ELECTRICAL CONNECTIONS, CONTACTORS, RELAYS, AND CAPACITORS.
WASH CONDENSER COILS EACH QUARTER.
CONFIRM CONDENSATE DRAIN LINES AND DRAIN PANS ARE CLEAR OF OBSTRUCTIONS.
VERIFY THERMOSTAT OPERATIONS.
CONFIRM SUPPLY AND RETURN AIR TEMPERATURE AT THE REGISTERS.

EXHAUST FANS
CONFIRM PROPER OPERATION OF BELT DRIVEN EXHAUST FANS.
CHANGE BELT ANNUALLY.
INSPECT PULLIES AND BEARINGS FOR SIGNS OF WEAR.
GREASE BEARINGS EACH VISIT.
CONFIRM PROPER OPERATION OF ELECTRICAL SWITCHES.
WIPE OUT INTERIOR OF THE MOTOR COMPARTMENT.

Harbor Pointe
Air Conditioning & Control Systems, Inc.

CITY OF NEWPORT BEACH

Site: NEWPORT COAST COMMUNITY CENTER

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JOB LOCATION:
CITY OF NEWPORT BEACH - NEWPORT COAST COMMUNITY CENTER
6401 SAN JOAQUIN HILLS ROAD
NEWPORT BEACH, CA 92657

JOB SUBJECT: PERFORM QUARTERLY HVAC MAINTENANCE

EQUIPMENT LISTED:

ROOF TOP
PACKAGE UNITS

UNIT ID	MANUFACTURER	MODEL #	TONNAGE	AREA SERVED	VOLTAGE
AC1	CARRIER	48PGD007	6	LOBBY	208 VOLTAGE 3. PHASE
AC2	CARRIER	48PGD007	6	COMMUNICATION ROOM 1A & 1B	208 VOLTAGE 3 PHASE
AC3	CARRIER	48PGD028	25	GYMNASIUM	208 VOLTAGE 3 PHASE
AC4	CARRIER	48PGD028	25	GYMNASIUM	208 VOLTAGE 3 PHASE
AC5	CARRIER	48PGD006	5	GALLERY	208 VOLTAGE 3 PHASE
AC6	CARRIER	48PGD006	5	COMMUNICATION ROOM #2	208 VOLTAGE 3 PHASE

AC7	CARRIER	48PGD006	5	COMMUNICATION ROOM #3	208 VOLTAGE 3 PHASE
AC8	CARRIER	48PGD005	4	PLATFORM C121	208 VOLTAGE 3 PHASE

EXHAUST FANS

UNIT ID	MANUFACTURER	MODEL #	DRIVE	AREA SERVED	LOCATION	VOLTAGE
EF1	COOK	120-ACEB	BELT	RESTROOM C112 & C114	GYM ROOF TOP	120 VOLT / 1 PHASE
EF2	COOK	80-ACEB	BELT	WARMING KITCHEN	GYM ROOF TOP	120 VOLT / 1 PHASE
EF3	COOK	GC-120	DIRECT	STORAGE C103	CEILING	120 VOLT / 1 PHASE
EF4	COOK	GC-140	DIRECT	MECH EQUIPMENT ROOM C104	CEILING	120 VOLT / 1 PHASE
EF5	COOK	GC-420	DIRECT	ELECTRICAL C106	CEILING	120 VOLT / 1 PHASE
EF6	COOK	GC-140	DIRECT	STORAGE C106A	CEILING	120 VOLT / 1 PHASE
EF7	COOK	80-ACEB	BELT	PLATFORM C121	GYM ROOF TOP	120 VOLT / 1 PHASE

SPLIT SYSTEM FAN COIL

UNIT ID	MANUFACTURER	MODEL #	LOCATION	VOLTAGE
FC1	CARRIER	40QNE-009	OFFICE C102	115 VOLT / 1 PHASE
FC2	CARRIER	40QNB-012	OFFICE C105	115 VOLT / 1 PHASE

SPLIT SYSTEM CONDENSER

UNIT ID	MANUFACTURER	MODEL #	LOCATION	VOLTAGE
CU1	CARRIER	38BK-009	GYM ROOF	208 VOLT / 1 PHASE
CU2	MITSUBISHI	38AN-012-1	GYM ROOF	208 VOLT / 1 PHASE

Harbor Pointe
Air Conditioning & Control Systems, Inc.

SCOPE OF WORK:

CONDENSERS
INSPECT PHYSICAL CONDITION OF THE CONDENSER FOR SIGNS OF OIL AROUND THE CONDENSER COILS OR COMPRESSORS.
INSPECT REFRIGERANT LINE SET FOR PROPER INSULATION.
WASH THE CONDENSER COILS WITH WATER EACH TIME ONSITE.
INSPECT AND CLEAN THE FAN BLADES AND HOUSING.
CHECK REFRIGERANT PRESSURES AND OPERATING PARAMETERS.
INSPECT ALL ELECTRICAL CONNECTIONS, CONTACTORS AND RELAYS.
VERIFY PROPER OPERATION OF THE COMPRESSORS.
RECORD RUNNING AMPS, VOLTAGE, AND PRESSURES.

AIR HANDLERS
REMOVE AND REPLACE AIR FILTERS.
REMOVE AND WASH FILTERS WHEN APPLICABLE.
VERIFY PROPER OPERATION OF CONDENSATE PUMPS.
CLEAN EVAPORATOR COIL SURFACE WITH A BRUSH.
CONFIRM PROPER OPERATION OF THE INDOOR FAN MOTOR AND WHEEL.
INSPECT AND CLEAN DRAIN PANS, FLUSH DRAIN LINES WITH CO2 WHEN NECESSARY.
CONFIRM PROPER OPERATION OF ELECTRONIC EXPANSION VALVES.

PACKAGE UNITS
REPLACE FILTERS EACH QUARTER.
INSPECT INDOOR BLOWER MOTOR, BEARINGS, BELT, AND PULLEY.
LUBRICATE BEARINGS WITH GREASE AS NECESSARY.
CHANGE BELT ANNUALLY.
INSPECT EVAPORATOR COIL, CONDENSER COILS, AND COMPRESSOR FOR SIGNS OF OIL.
COMFIRM COMPRESSOR OPERATION AND AMERAGE DRAW.
CONFIRM PROPER OPERATION OF THE CONDENSER FAN MOTOR AND FAN BLADES.
INSPECT ELECTRICAL CONNECTIONS, CONTACTORS, RELAYS, AND CAPACITORS.

Harbor Pointe
Air Conditioning & Control Systems, Inc.

WASH CONDENSER COILS EACH QUARTER.
CONFIRM CONDENSATE DRAIN LINES AND DRAIN PANS ARE CLEAR OF OBSTRUCTIONS.
VERIFY THERMOSTAT OPERATIONS.
CONFIRM SUPPLY AND RETURN AIR TEMPERATURE AT THE REGISTERS.

EXHAUST FANS
CONFIRM PROPER OPERATION OF BELT DRIVEN EXHAUST FANS.
CHANGE BELT ANNUALLY.
INSPECT PULLIES AND BEARINGS FOR SIGNS OF WEAR.
GREASE BEARINGS EACH VISIT.
CONFIRM PROPER OPERATION OF ELECTRICAL SWITCHES.

Harbor Pointe
Air Conditioning & Control Systems, Inc.

CITY OF NEWPORT BEACH

Site: COMMUNITY YOUTH CENTER

JOB LOCATION:
CITY OF NEWPORT BEACH - COMMUNITY YOUTH CENTER
3000 5TH AVE
NEWPORT BEACH, CA 92625

EQUIPMENT LISTED:

(5) AIR HANDLERS
(5) CONDENSERS
(1) ROOF TOP EXHAUST FAN

JOB SUBJECT: PERFORM QUARTERLY HVAC MAINTENANCE

SCOPE OF WORK:

CONDENSERS
INSPECT PHYSICAL CONDITION OF THE CONDENSER FOR SIGNS OF OIL AROUND THE CONDENSER COILS OR COMPRESSORS.
INSPECT REFRIGERANT LINE SET FOR PROPER INSULATION.
WASH THE CONDENSER COILS WITH WATER EACH TIME ONSITE.
INSPECT AND CLEAN THE FAN BLADES AND HOUSING.
CHECK REFRIGERANT PRESSURES AND OPERATING PARAMETERS.
INSPECT ALL ELECTRICAL CONNECTIONS, CONTACTORS AND RELAYS.

Harbor Pointe
Air Conditioning & Control Systems, Inc.

VERIFY PROPER OPERATION OF THE COMPRESSORS.
RECORD RUNNING AMPS, VOLTAGE, AND PRESSURES.

AIR HANDLERS
REMOVE AND REPLACE AIR FILTERS.
REMOVE AND WASH FILTERS WHEN APPLICABLE.
VERIFY PROPER OPERATION OF CONDENSATE PUMPS.
CLEAN EVAPORATOR COIL SURFACE WITH A BRUSH.
CONFIRM PROPER OPERATION OF THE INDOOR FAN MOTOR AND WHEEL.
INSPECT AND CLEAN DRAIN PANS, FLUSH DRAIN LINES WITH CO2 WHEN NECESSARY.
CONFIRM PROPER OPERATION OF ELECTRONIC EXPANSION VALVES.

EXHAUST FANS
CONFIRM PROPER OPERATION OF BELT DRIVEN EXHAUST FANS.
CHANGE BELT ANNUALLY.
INSPECT PULLIES AND BEARINGS FOR SIGNS OF WEAR.
GREASE BEARINGS EACH VISIT.
CONFIRM PROPER OPERATION OF ELECTRICAL SWITCHES.
WIPE OUT INTERIOR OF THE MOTOR COMPARTMENT.

Harbor Pointe
Air Conditioning & Control Systems, Inc.

CITY OF NEWPORT BEACH

Site: CLIFF DRIVE
COMMUNITY CENTER

JOB LOCATION:
CITY OF NEWPORT BEACH - CLIFF DRIVE COMMUNITY CENTER
301 RIVERSIDE AVE
NEWPORT BEACH, CA 92663

JOB SUBJECT: PERFORM QUARTERLY HVAC MAINTENANCE

EQUIPMENT LISTED:

LOCATION	MANUFACTURER	MODEL #	SERIAL #
OUTSIDE			
CONDENER	MITSUBISHI	TBD	TBD
INSIDE			
DUCTLESS FAN COIL	MITSUBISHI	PKA-A36KA7	14M02327

SCOPE OF WORK:

CONDENSERS
INSPECT PHYSICAL CONDITION OF THE CONDENSER FOR SIGNS OF OIL AROUND THE CONDENSER COILS OR COMPRESSORS.

Harbor Pointe
Air Conditioning & Control Systems, Inc.

INSPECT REFRIGERANT LINE SET FOR PROPER INSULATION.
WASH THE CONDENSER COILS WITH WATER EACH TIME ONSITE.
INSPECT AND CLEAN THE FAN BLADES AND HOUSING.
CHECK REFRIGERANT PRESSURES AND OPERATING PARAMETERS.
INSPECT ALL ELECTRICAL CONNECTIONS, CONTACTORS AND RELAYS.
VERIFY PROPER OPERATION OF THE COMPRESSORS.
RECORD RUNNING AMPS, VOLTAGE, AND PRESSURES.

AIR HANDLERS
REMOVE AND REPLACE AIR FILTERS.
REMOVE AND WASH FILTERS WHEN APPLICABLE.
VERIFY PROPER OPERATION OF CONDENSATE PUMPS.
CLEAN EVAPORATOR COIL SURFACE WITH A BRUSH.
CONFIRM PROPER OPERATION OF THE INDOOR FAN MOTOR AND WHEEL. INSPECT AND CLEAN DRAIN PANS, FLUSH DRAIN LINES WITH CO2 WHEN NECESSARY.
CONFIRM PROPER OPERATION OF ELECTRONIC EXPANSION VALVES.

Harbor Pointe
Air Conditioning & Control Systems, Inc.

CITY OF NEWPORT BEACH

THEATER ARTS CENTER

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JOB LOCATION:
CITY OF NEWPORT BEACH - THEATER ARTS CENTER
2501 CLIFF DR.
NEWPORT BEACH, CA 92663

JOB SUBJECT: PERFORM QUARTERLY HVAC MAINTENANCE

EQUIPMENT LISTED:

(3) AIR HANDLERS
(3) CONDENSERS
(1) ROOF TOP PACKAHE UNIT
(1) ROOF TOP EXHAUST FAN

LOCATION	MANUFACTURER	MODEL #	SERIAL #
DOWN STAIRS MECHANICAL ROOM			
AIR HANDLERS			
AIR HANDLERS	CARRIER	58CTX045-12	2007A15373
GROUND LEVEL OUTSIDE			
CONDENSER		N4H348AKE100	E110415032
CONDENSER		N4H348AKF200	E144219597

Harbor Pointe
Air Conditioning & Control Systems, Inc.

MAIN FLOOR THEATER ROOM

ROOF TOP PACKAGE UNIT	BDP	655ANX036000AAAF	2499G43394
ROOF TOP EXHAUST FAN (D/D)			
ROOF TOP CONDENSER			

SCOPE OF WORK:

CONDENSERS
INSPECT PHYSICAL CONDITION OF THE CONDENSER FOR SIGNS OF OIL AROUND THE CONDENSER COILS OR COMPRESSORS.
INSPECT REFRIGERANT LINE SET FOR PROPER INSULATION.
WASH THE CONDENSER COILS WITH WATER EACH TIME ONSITE.
INSPECT AND CLEAN THE FAN BLADES AND HOUSING.
CHECK REFRIGERANT PRESSURES AND OPERATING PARAMETERS.
INSPECT ALL ELECTRICAL CONNECTIONS, CONTACTORS AND RELAYS.
VERIFY PROPER OPERATION OF THE COMPRESSORS.
RECORD RUNNING AMPS, VOLTAGE, AND PRESSURES.

AIR HANDLERS
REMOVE AND REPLACE AIR FILTERS.
REMOVE AND WASH FILTERS WHEN APPLICABLE.
VERIFY PROPER OPERATION OF CONDENSATE PUMPS.
CLEAN EVAPORATOR COIL SURFACE WITH A BRUSH.
CONFIRM PROPER OPERATION OF THE INDOOR FAN MOTOR AND WHEEL.
INSPECT AND CLEAN DRAIN PANS, FLUSH DRAIN LINES WITH CO2 WHEN NECESSARY.
CONFIRM PROPER OPERATION OF ELECTRONIC EXPANSION VALVES.

PACKAGE UNITS
REPLACE FILTERS EACH QUARTER.
INSPECT INDOOR BLOWER MOTOR, BEARINGS, BELT, AND PULLEY.

LUBRICATE BEARINGS WITH GREASE AS NECESSARY.
CHANGE BELT ANNUALLY.
INSPECT EVAPORATOR COIL, CONDENSER COILS, AND COMPRESSOR FOR SIGNS OF OIL.
COMFIRM COMPRESSOR OPERATION AND AMERAGE DRAW.
CONFIRM PROPER OPERATION OF THE CONDENSER FAN MOTOR AND FAN BLADES.
INSPECT ELECTRICAL CONNECTIONS, CONTACTORS, RELAYS, AND CAPACITORS.
WASH CONDENSER COILS EACH QUARTER.
CONFIRM CONDENSATE DRAIN LINES AND DRAIN PANS ARE CLEAR OF OBSTRUCTIONS.
VERIFY THERMOSTAT OPERATIONS.
CONFIRM SUPPLY AND RETURN AIR TEMPERATURE AT THE REGISTERS.

EXHAUST FANS
CONFIRM PROPER OPERATION OF BELT DRIVEN EXHAUST FANS.
CHANGE BELT ANNUALLY.
INSPECT PULLIES AND BEARINGS FOR SIGNS OF WEAR.
GREASE BEARINGS EACH VISIT.
CONFIRM PROPER OPERATION OF ELECTRICAL SWITCHES.
WIPE OUT INTERIOR OF THE MOTOR COMPARTMENT.

CITY OF NEWPORT BEACH

Site: CARROLL BEEK CENTER

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JOB LOCATION:
CITY OF NEWPORT BEACH - CARROLL BEEK CENTER
115 AGATE AVE
NEWPORT BEACH, CA 92662

JOB SUBJECT: PERFORM QUARTERLY HVAC MAINTENANCE

EQUIPMENT LISTED:

LOCATION	MANUFACTURER	MODEL #	SERIAL #
CRAWL SPACE ABOVE KITCHEN			
AIR HANDLER			
ROOF TOP CONDENSER	INTERNATIONAL COMFORT PRODUCTS	N4A636GKA101	E154018498
EXHAUST FAN (BELT DRIVEN)			

SCOPE OF WORK:

CONDENSERS

INSPECT PHYSICAL CONDITION OF THE CONDENSER FOR SIGNS OF OIL AROUND THE CONDENSER COILS OR COMPRESSORS.
INSPECT REFRIGERANT LINE SET FOR PROPER INSULATION.
WASH THE CONDENSER COILS WITH WATER EACH TIME ONSITE.
INSPECT AND CLEAN THE FAN BLADES AND HOUSING.
CHECK REFRIGERANT PRESSURES AND OPERATING PARAMETERS.
INSPECT ALL ELECTRICAL CONNECTIONS, CONTACTORS AND RELAYS.
VERIFY PROPER OPERATION OF THE COMPRESSORS.
RECORD RUNNING AMPS, VOLTAGE, AND PRESSURES.

AIR HANDLERS
REMOVE AND REPLACE AIR FILTERS.
REMOVE AND WASH FILTERS WHEN APPLICABLE.
VERIFY PROPER OPERATION OF CONDENSATE PUMPS.
CLEAN EVAPORATOR COIL SURFACE WITH A BRUSH.
CONFIRM PROPER OPERATION OF THE INDOOR FAN MOTOR AND WHEEL.
INSPECT AND CLEAN DRAIN PANS, FLUSH DRAIN LINES WITH CO2 WHEN NECESSARY.
CONFIRM PROPER OPERATION OF ELECTRONIC EXPANSION VALVES.

EXHAUST FANS
CONFIRM PROPER OPERATION OF BELT DRIVEN EXHAUST FANS.
CHANGE BELT ANNUALLY.
INSPECT PULLIES AND BEARINGS FOR SIGNS OF WEAR.
GREASE BEARINGS EACH VISIT.
CONFIRM PROPER OPERATION OF ELECTRICAL SWITCHES.
WIPE OUT INTERIOR OF THE MOTOR COMPARTMENT.

Harbor Pointe
Air Conditioning & Control Systems, Inc.

CITY OF NEWPORT BEACH

Site: BONITA CREEK
COMMUNITY CENTER

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JOB LOCATION:
CITY OF NEWPORT BEACH - BONITA CREEK CENTER
3010 LA VIDA
NEWPORT BEACH, CA 92660

JOB SUBJECT: PERFORM QUARTERLY HVAC MAINTENANCE

EQUIPMENT LISTED:

LOCATION	MANUFACTURER	MODEL #	SERIAL #
GROUND LEVEL			
CONDENSER	BLUERIDGE	BM30Y18C	
FAN COIL (DUCTLESS)	BLUERIDGE	BM30Y18WM	
INDOOR CLOSET (FURNANCE)	RHEEM		
ROOF TOP			
CONDENSER	FUJITSU	AOU12RQ	BPN005374
FAN COIL (DUCTLESS)	FUJITSU		

Harbor Pointe
Air Conditioning & Control Systems, Inc.

SCOPE OF WORK:

CONDENSERS
INSPECT PHYSICAL CONDITION OF THE CONDENSER FOR SIGNS OF OIL AROUND THE CONDENSER COILS OR COMPRESSORS.
INSPECT REFRIGERANT LINE SET FOR PROPER INSULATION.
WASH THE CONDENSER COILS WITH WATER EACH TIME ONSITE.
INSPECT AND CLEAN THE FAN BLADES AND HOUSING.
CHECK REFRIGERANT PRESSURES AND OPERATING PARAMETERS.
INSPECT ALL ELECTRICAL CONNECTIONS, CONTACTORS AND RELAYS.
VERIFY PROPER OPERATION OF THE COMPRESSORS.
RECORD RUNNING AMPS, VOLTAGE, AND PRESSURES.

AIR HANDLERS
REMOVE AND REPLACE AIR FILTERS.
REMOVE AND WASH FILTERS WHEN APPLICABLE.
VERIFY PROPER OPERATION OF CONDENSATE PUMPS.
CLEAN EVAPORATOR COIL SURFACE WITH A BRUSH.
CONFIRM PROPER OPERATION OF THE INDOOR FAN MOTOR AND WHEEL.
INSPECT AND CLEAN DRAIN PANS, FLUSH DRAIN LINES WITH CO2 WHEN NECESSARY.
CONFIRM PROPER OPERATION OF ELECTRONIC EXPANSION VALVES.

EXHIBIT B
SCHEDULE OF BILLING RATES

Section 1: Monthly/Quarterly Preventative Maintenance Pricing

CITY FACILITY	ADDRESS	COST FOR MONTHLY MAINTENANCE	COST FOR QUARTERLY MAINTENANCE	TOTAL ANNUAL MAINTENANCE COST
Corporation Yard	592 Superior Ave		$1694.75	$6779.00
Utilities Yard	949 W. 16th St		$2501.77	$10007.08
Back Bay Science	600 Shellmaker Rd		$645.62	$2582.48
Police Dept. HQ	870 Santa Barbara Ave		$2897.02	$11588.08
Animal Shelter	20282 Riverside Dr		$322.81	$1291.24
Fire Station # 1	110 E Balboa Blvd		$80.70	$322.80
Fire Station # 2	2807 Newport Blvd	$1092.13		$13105.61
Fire Station # 3	868 Santa Barbara Dr		$888.50	$3554.00
Fire Station # 4	124 Marine Ave		$242.11	$968.44
Fire Station # 5	410 Marigold Ave		$706.70	$2826.80
Fire Station # 6	1348 Irvine Ave		$80.70	$322.80
Fire Station # 7	20401 SW Acacia St		$651.49	$2605.98
Fire Station # 8	6502 Ridge Park Rd		$570.79	$2283.17
Lifeguard HQ	70 Newport Pier	$621.28		$7455.38
Jr Lifeguard Building	901 East Ocean Front	$232.29		$2787.54
CDM Lifeguard HQ	3029 Ocean Blvd	$293.37		$3520.47
Balboa Library	100 E Balboa Blvd		$674.02	$2696.06
Corona Del Mar Library	410 Marigold Ave		$800.57	$3202.27

The Jetty Snack Shack	3029 Ocean Blvd	[redacted]	**$254.44**	**$1017.76**
Marina Park	1600 W Balboa Blvd		**$7294.48**	**$29,177.92**
Oasis Senior Center	801 Narcissus Ave		**$9338.98**	**$37,355.92**
Newport Coast Community Center	6401 San Joaquin Hills Rd		**$3240.00**	**$12,960.00**
Community Youth Center	3000 5th Ave		**$714.00**	**$2856.00**
Cliff Drive Youth Center	301 Riverside Ave		**$242.67**	**$970.68**
Newport Theater Arts Center	2501 Cliff Dr		**$726.82**	**$2907.28**
Carroll Beek	115 Agate Ave		**$417.03**	**$1668.12**
Bonita Creek Community Center	3010 La Vida		**$551.05**	**$2204.20**
Police Dept. HQ Refrigeration	870 Santa Barbara Ave		**$1433.77**	**$5735.08**
	Total for all Facilities	**$2,239.07**	**$36,970.79**	**$174,752.16**

Section 2: On-Call Repair Services Pricing

**For purposes of the project costs score, on-call will be estimated at 100 hours annually*

UNIT	MINIMUM HOURS	COST
Labor Charge	1 **Hours**	**$141.78 Per Hour**
After Hours Labor *(To be used for work performed after 4:30 PM Monday – Thursday, after 3:30 PM on Fridays, and all of Sat., Sun., and holidays.*	2 **Hours**	**$212.67 Per Hour**
Replacement Equipment, Parts, Materials, and Equipment Rentals Markup % (Maximum 15%)	15 %	

CPI ADJUSTMENT: Billing rates may be given up to a 2% annual CPI increase upon the first anniversary of the contract and each anniversary thereafter.

EXHIBIT C
INSURANCE REQUIREMENTS – MAINTENANCE/REPAIR/JANITORIAL SERVICES

1. Provision of Insurance. Without limiting Contractor's indemnification of City, and prior to commencement of Work, Contractor shall obtain, provide and maintain at its own expense during the term of this Agreement, policies of insurance of the type and amounts described below and in a form satisfactory to City. Contractor agrees to provide insurance in accordance with requirements set forth here. If Contractor uses existing coverage to comply and that coverage does not meet these requirements, Contractor agrees to amend, supplement or endorse the existing coverage.

2. Acceptable Insurers. All insurance policies shall be issued by an insurance company currently authorized by the Insurance Commissioner to transact business of insurance in the State of California, with an assigned policyholders' Rating of A- (or higher) and Financial Size Category Class VII (or larger) in accordance with the latest edition of Best's Key Rating Guide, unless otherwise approved by the City's Risk Manager.

3. Coverage Requirements.

   A. Workers' Compensation Insurance. Contractor shall maintain Workers' Compensation Insurance, statutory limits, and Employer's Liability Insurance with limits of at least one million dollars ($1,000,000) each accident for bodily injury by accident and each employee for bodily injury by disease in accordance with the laws of the State of California, Section 3700 of the Labor Code.

   Contractor shall submit to City, along with the certificate of insurance, a Waiver of Subrogation endorsement in favor of City, its City Council, boards and commissions, officers, agents, volunteers and employees.

   B. General Liability Insurance. Contractor shall maintain commercial general liability insurance and, if necessary, umbrella liability insurance, with coverage at least as broad as provided by Insurance Services Office form CG 00 01, in an amount not less than two million dollars ($2,000,000) per occurrence, four million dollars ($4,000,000) general aggregate. The policy shall cover liability arising from premises, operations, products-completed operations, personal and advertising injury, and liability assumed under an insured contract (including the tort liability of another assumed in a business contract).

   C. Automobile Liability Insurance. Contractor shall maintain automobile insurance at least as broad as Insurance Services Office form CA 00 01 covering bodily injury and property damage for all activities of Contractor arising out of or in connection with Work to be performed under this Agreement, including coverage for any owned, hired, non-owned or rented vehicles, in an amount not less than one million dollars ($1,000,000) combined single limit each accident.

4. Other Insurance Requirements. The policies are to contain, or be endorsed to contain, the following provisions:

   A. Waiver of Subrogation. All insurance coverage maintained or procured pursuant to this Agreement shall be endorsed to waive subrogation against City, its City Council, boards and commissions, officers, agents, volunteers and employees or shall specifically allow Contractor or others providing insurance evidence in compliance with these requirements to waive their right of recovery prior to a loss. Contractor hereby waives its own right of recovery against City, and shall require similar written express waivers from each of its subcontractors.

   B. Additional Insured Status. All liability policies including general liability, products and completed operations, excess liability, pollution liability, and automobile liability, if required, shall provide or be endorsed to provide that City, its City Council, boards and commissions, officers, agents, volunteers and employees shall be included as insureds under such policies.

   C. Primary and Non Contributory. All liability coverage shall apply on a primary basis and shall not require contribution from any insurance or self-insurance maintained by City.

   D. Notice of Cancellation. All policies shall provide City with thirty (30) calendar days notice of cancellation (except for nonpayment for which ten (10) calendar days notice is required) or nonrenewal of coverage for each required coverage.

5. Additional Agreements Between the Parties. The parties hereby agree to the following:

   A. Evidence of Insurance. Contractor shall provide certificates of insurance to City as evidence of the insurance coverage required herein, along with a waiver of subrogation endorsement for workers' compensation and other endorsements as specified herein for each coverage. Insurance certificates and endorsement must be approved by City's Risk Manager prior to commencement of performance. Current certification of insurance shall be kept on file with City at all times during the term of this Agreement. The certificates and endorsements for each insurance policy shall be signed by a person authorized by that insurer to bind coverage on its behalf. At least fifteen (15) days prior to the expiration of any such policy, evidence of insurance showing that such insurance coverage has been renewed or extended shall be filed with the City. If such coverage is cancelled or reduced, Contractor shall, within ten (10) days after receipt of written notice of such cancellation or reduction of coverage, file with the City evidence of insurance showing that the required insurance has been reinstated or has been provided through another insurance company or companies. City reserves the right to

require complete, certified copies of all required insurance policies, at any time.

B. City's Right to Revise Requirements. City reserves the right at any time during the term of the Agreement to change the amounts and types of insurance required by giving Contractor sixty (60) calendar days advance written notice of such change. If such change results in substantial additional cost to Contractor, City and Contractor may renegotiate Contractor's compensation.

C. Right to Review Subcontracts. Contractor agrees that upon request, all agreements with subcontractors or others with whom Contractor enters into contracts with on behalf of City will be submitted to City for review. Failure of City to request copies of such agreements will not impose any liability on City, or its employees. Contractor shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that City is an additional insured on insurance required from subcontractors. For CGL coverage, subcontractors shall provide coverage with a format at least as broad as CG 20 38 04 13.

D. Enforcement of Agreement Provisions. Contractor acknowledges and agrees that any actual or alleged failure on the part of City to inform Contractor of non-compliance with any requirement imposes no additional obligations on City nor does it waive any rights hereunder.

E. Requirements not Limiting. Requirements of specific coverage features or limits contained in this Section are not intended as a limitation on coverage, limits or other requirements, or a waiver of any coverage normally provided by any insurance. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue and is not intended by any party or insured to be all inclusive, or to the exclusion of other coverage, or a waiver of any type. If the Contractor maintains higher limits than the minimums shown above, the City requires and shall be entitled to coverage for higher limits maintained by the Contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City.

F. Self-insured Retentions. Any self-insured retentions must be declared to and approved by City. City reserves the right to require that self-insured retentions be eliminated, lowered, or replaced by a deductible. Self-insurance will not be considered to comply with these requirements unless approved by City.

G. City Remedies for Non-Compliance. If Contractor or any subcontractor fails to provide and maintain insurance as required herein, then City shall have the right but not the obligation, to purchase such insurance, to terminate this Agreement, or to suspend Contractor's right to proceed

until proper evidence of insurance is provided. Any amounts paid by City shall, at City's sole option, be deducted from amounts payable to Contractor or reimbursed by Contractor upon demand.

H. Timely Notice of Claims. Contractor shall give City prompt and timely notice of claims made or suits instituted that arise out of or result from Contractor's performance under this Agreement, and that involve or may involve coverage under any of the required liability policies. City assumes no obligation or liability by such notice, but has the right (but not the duty) to monitor the handling of any such claim or claims if they are likely to involve City.

I. Contractor's Insurance. Contractor shall also procure and maintain, at its own cost and expense, any additional kinds of insurance, which in its own judgment may be necessary for its proper protection and prosecution of the Work.

CITY OF

NEWPORT BEACH

City Council Staff Report

October 28, 2025
Agenda Item No. 16

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	Jason Al-Imam, Finance Director/Treasurer - 949-644-3240, jalimam@newportbeachca.gov
PREPARED BY:	Anthony Alannouf, Budget Analyst - 949-644-3192, aalannouf@newportbeachca.gov
TITLE:	Grants and Donations Report for the Quarter Ending September 30, 2025

ABSTRACT:

City Council Policy F-3,(*Budget Adoption and Administration*), requires quarterly reporting to the City Council of any grants or donations accepted by the City Manager.

RECOMMENDATIONS:

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Receive and file.

DISCUSSION:

Per City Council Policy F-3, the City Council must be formally notified of all accepted grants or donations on a quarterly basis by way of a “receive and file” report. During the quarter ending September 30, 2025, the City Manager accepted $34,115 in grants and donations. Information about the grants accepted is provided below:

Source	Date	Amount	Use
Newport Beach Public Library Foundation	08/19/2025	$1,640.00	Purchase of Lab Equipment
Newport Beach Public Library Foundation	8/21/2025	$22,475.00	Project Adult Literacy Services
Newport Harbor Foundation	8/12/2025	$10,000.00	Repairs and Improvement of Harbor Department Patrol Boat

FISCAL IMPACT:

Grants or donations accepted by the City Manager were included in the budget through budget amendments approved by the City Manager.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

CITY OF

NEWPORT BEACH

City Council Staff Report

October 28, 2025
Agenda Item No. 17

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: Jaime Murillo, Acting Community Development Director - 949-644-3209, jmurillo@newportbeachca.gov

PREPARED BY: Jaime Murillo, Acting Community Development Director, jmurillo@newportbeachca.gov

PHONE: 949-644-3209

TITLE: Planning Commission Agenda Report for October 23, 2025

CONSENT ITEMS:

ITEM NO. 1 **MINUTES OF OCTOBER 9, 2025**

SUMMARY: Draft minutes from October 9, 2025, meeting of the Planning Commission.

The Planning Commission approved the minutes as presented, by the following vote:

AYES:	Ellmore, Gazzano, Harris, Langford, and Rosene
NOES:	None
ABSENT:	Reed and Salene
ABSTAIN:	None

ACTION: Approved

PUBLIC HEARING ITEMS:

ITEM NO. 2 **EAST COAST HIGHWAY RESTAURANT SPACE (PA2024-0198)**
Site Location: 3840 East Coast Highway

SUMMARY: A request for a conditional use permit to establish a new 2,155-square-foot café style restaurant by remodeling and expanding a vacant restaurant space within Suite B into the adjacent vacant office space within Suite A. While a specific tenant has not yet been identified, the request includes the allowance for alcohol service through a Type 41 (On-Sale Beer and Wine – Eating Place) California Department of Alcohol Beverage Control (ABC) License and operating hours from 6 a.m. to 10 p.m., daily. No live entertainment, dancing, or late-hour operations are proposed. Also included in the request is a 16-space parking waiver to accommodate the expanded restaurant. Approval of the project will supersede Use Permit Nos. UP1848 and UP2006A.

The Planning Commission conducted a public hearing, considered public input, and approved the conditional use permit for the project with amendments by the following vote:

AYES: Ellmore, Gazzano, Harris, Langford, and Rosene
NOES: None
ABSENT: Reed and Salene
RECUSED: None

ACTION: Approved as amended

ITEM NO. 3 **MACARTHUR COURT (PA2025-0090)**
Site Location: 1580-1598 Monrovia Avenue and 865-899 West 16th Street

SUMMARY: A request for a development agreement and affordable housing implementation plan for the future development of MacArthur Court Campus, a mixed-use campus consisting of two new five-story residential buildings containing 700 residential units (MacArthur Court Apartments), and a new 10,000-square-foot retail building. The project would include the demolition of approximately 126,837 square feet of existing office buildings and retention of two existing high rise office towers and an existing parking garage. The applicant requests the following approvals to vest the development rights for the project:

- **Development Agreement (DA) -** A development agreement between the applicant and the City, pursuant to Chapter 15.45 (Development Agreements) of the Newport Beach Municipal Code (NBMC), which would provide the applicant with the vested right to develop the project for a term of 10 years and to provide negotiated public benefits to the City; and

- **Affordable Housing Implementation Plan (AHIP) -** A preliminary plan specifying how the project would contribute affordable housing as a public benefit, by providing affordable housing units equivalent to 7% of up to 700 market rate residential units, or up to 49 affordable housing units. The applicant will identify an appropriate site for development of the 49 affordable units at a future date.

The Project would require approval of a future Site Development Review prior to building permit issuance, as no specific design for the Project is included.

The Planning Commission conducted a public hearing, considered public input, and voted to recommend to the City Council approval of the Development Agreement and Affordable Housing Implementation Plan.

AYES: Ellmore, Gazzano, Harris, Langford, and Rosene
NOES: None
ABSENT: Reed and Salene
RECUSED: None

ACTION: Approved as amended

City of Newport Beach

Tentative Agenda Report - 10/19/2025 to 01/22/2026

	Project title	Activity	Address	Plan #	Staff Assigned	Status	District
October 20, 2025 - Board of Library Trustees Meeting (GP Update)							
October 21, 2025 - General Plan Update Open House (In-Person)							
October 22, 2025 - General Plan Update Open House (Virtual)							
October 23, 2025 - Planning Commission Meeting							
1	East Coast Highway Restaurant Space	Public Hearing	3840 COAST HWY E, A	PA2024-0198	Jerry Arregui	MORE INFO	District 6
2	MacArthur Court Apartments	Public Hearing	4665 MACARTHUR CT	PA2025-0090	Jenny Hannsun	MORE INFO	District 3

The tentative schedule is a tool to assist the preparation of future agendas. It does not provide a complete description of projects and it does not list all projects currently under review that could be scheduled. The tentative schedule changes without notice.

City of Newport Beach

Tentative Agenda Report - 10/19/2025 to 01/22/2026

	Project title	Activity	Address	Plan #	Staff Assigned	Status	District
October 28, 2025 - City Council Meeting							
1	Snug Harbor Surf Park	Tentative Public Hearing Date	3100 IRVINE AVE	PA2024-0069	Joselyn Perez	MORE INFO	District 3
2	Special Flood Hazard Area (VE) Overlay	Second Reading of Ordinances	1 CITYWIDE PROJECT	PA2018-075	Liz Westmoreland	MORE INFO	District 1
3	Staff Approval for Fire Station No.1 & Library	Public Hearing	100 BALBOA BLVD E, LIB	PA2025-0130	Laura Rodriguez	MORE INFO	District 1
4	ZC & LCP Amendment for Smoke Related Businesses	Public Hearing - Extension of Moratorium on New Smoke Shops	100 CIVIC CENTER DR	PA2025-0171	Oscar Orozco	MORE INFO	District 5
October 30, 2025 - Zoning Administrator Meeting							
1	Balboa Residence	Public Hearing	1204 BALBOA BLVD E	PA2025-0140	Jenny Hannsun	MORE INFO	District 1
2	DeCarrier Residential Condominiums	Public Hearing	306 MARGUERITE AVE, A	PA2025-0029	Daniel Kopshever	MORE INFO	District 6
3	DeFranco Residence	Public Hearing	2772 CIRCLE DR	PA2025-0088	James Miclat	MORE INFO	District 2
4	Kalanaki Residential Condominiums	Non-Hearing Item	705 NARCISSUS AVE	PA2025-0151	Cameron Younger	MORE INFO	District 6
5	Uptown Newport Development Agreement Annual Review	Public Hearing	4321 JAMBOREE RD	PA2025-0159	Daniel Kopshever	MORE INFO	District 3

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City of Newport Beach

Tentative Agenda Report - 10/19/2025 to 01/22/2026

	Project title	Activity	Address	Plan #	Staff Assigned	Status	District
November 04, 2025 - City Council Meeting							
1	CDM Commercial Corridor Study	Tentative - City Council Study Session	2201 COAST HWY E	PA2024-0002	Liz Westmoreland	MORE INFO	District 6
2	Newport Place PC Amendment- Affordability	Initiation - Consent	1 CITYWIDE PROJECT	PA2025-0196	Rosalinh Ung	MORE INFO	
November 06, 2025 - Planning Commission Meeting							
November 13, 2025 - Zoning Administrator Meeting							
1	Murray Residence	Public Hearing	2608 COVE ST	PA2025-0072	Jerry Arregui	MORE INFO	District 6
2	Noblin Residence TPM	Public Hearing	612 BEGONIA AVE	PA2025-0186	Laura Rodriguez	MORE INFO	District 6
3	Painter Residential Condominiums	Public Hearing	710 AVOCADO AVE, A	PA2025-0011	Laura Rodriguez	MORE INFO	District 6
4	Tenaglia Residence CDP	Public Hearing	262 COLTON ST	PA2025-0188	Cameron Younger	MORE INFO	District 1

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City of Newport Beach

Tentative Agenda Report - 10/19/2025 to 01/22/2026

	Project title	Activity	Address	Plan #	Staff Assigned	Status	District
November 18, 2025 - City Council Meeting							
1	Harbor Island Bridge Lease Agreement	Consent	1 CITYWIDE PROJECT	RP2025-0008	Lauren Wooding		District 5
2	MacArthur Court Apartments	Public Hearing (Tentative)	4665 MACARTHUR CT	PA2025-0090	Jenny Hannsun	MORE INFO	District 3
November 20, 2025 - Planning Commission Meeting							
1	Acacia Atrium Medical Office Condominiums CUP, TPM	Public Hearing (Tentative)	20280 ACACIA ST	PA2024-0236	Oscar Orozco	MORE INFO	District 3
2	General Plan Update	Discussion Item - Comments on Draft Land Use and Safety Elements	1 CITYWIDE PROJECT	PA2022-080	Benjamin Zdeba	MORE INFO	Citywide
November 26, 2025 - Zoning Administrator Meeting							
1	Hogan Residence CDP Variance	Public Hearing	1529 DOLPHIN TER	PA2025-0143	Melinda Whelan	MORE INFO	District 5
2	Sjodin Residence Mod. Permit	Public Hearing	1977 PORT SEABOURNE WAY	PA2025-0137	Laura Rodriguez	MORE INFO	
3	VIVE SPA	Public Hearing	410 COAST HWY W	PA2025-0167	Laura Rodriguez	MORE INFO	District 2

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City of Newport Beach

Tentative Agenda Report - 10/19/2025 to 01/22/2026

	Project title	Activity	Address	Plan #	Staff Assigned	Status	District
December 04, 2025 - Planning Commission Meeting							
1	ZC & LCP Amendment for Smoke Related Businesses	Public Hearing (Tentative)	100 CIVIC CENTER DR	PA2025-0171	Oscar Orozco	MORE INFO	District 5
December 09, 2025 - City Council Meeting							
December 11, 2025 - Zoning Administrator Meeting							
December 18, 2025 - Planning Commission Meeting							
Director or ZA Level Actions							
1	CDM Properties LLC Condominiums	Administrative Action. ZA Non-Hearing Item	518 POINSETTIA AVE	PA2025-0154	James Miclat	MORE INFO	District 6
2	Santa's Garden Christmas Tree Lot	Administrative Action. ZA Non-Hearing Item	1131 BACK BAY DR	PA2025-0185	Jasmine Leon	MORE INFO	District 4

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City of Newport Beach

Tentative Agenda Report - 10/19/2025 to 01/22/2026

	Project title	Activity	Address	Plan #	Staff Assigned	Status	District
Hearing Date to be Determined							
1	300 Newport Center Drive Condominiums	Tentative - Public Hearing	300 NEWPORT CENTER DR	PA2025-0102	Jenny Hannsun	MORE INFO	District 5
2	Palmilla Use Permit Amendment	Public Hearing (Tentative)	3110 NEWPORT BLVD	PA2025-0108	Melinda Whelan	MORE INFO	District 1
3	Parkhouse Residences Fee Credit	Administrative Action. Director Approval	4251 UPTOWN NEWPORT DR	PA2024-0229	Rosalinh Ung	MORE INFO	District 3
4	Saunders Self Storage		3848 CAMPUS DR	PA2023-0145	Liz Westmoreland	MORE INFO	District 3
5	Snow Residence Condominiums TPM/CDP/Conversion		400 40TH ST	PA2023-0147	Jerry Arregui	MORE INFO	District 1
Pending Coastal Commission							
1	Coastal Act 30613 CDP Jurisdiction Change	City Project	1 CITYWIDE PROJECT	PA2022-111	Jaime Murillo	MORE INFO	Citywide
2	Housing Element Implementation Program Amendments	LCP Amendment	1 CITYWIDE PROJECT	PA2022-0245	Benjamin Zdeba	MORE INFO	District 5

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City of Newport Beach

Tentative Agenda Report - 10/19/2025 to 01/22/2026

Planner Contact Information

Name & Title	Phone	Email
Benjamin Zdeba, Planning Manager	949-644-3253	bzdeba@newportbeachca.gov
Cameron Younger, Planning Technician	949-644-3237	cyounger@newportbeachca.gov
Dan Campagnolo, Systems and Administration Manager	949-644-3231	dcampagnolo@newportbeachca.gov
Daniel Kopshever, Assistant Planner	949-644-3235	dkopshever@newportbeachca.gov
David Blumenthal, Contract Planner		dblumenthal@newportbeachca.gov
David Lee, Principal Planner	949-644-3225	dlee@newportbeachca.gov
Jaime Murillo, Deputy CDD Director	949-644-3209	jmurillo@newportbeachca.gov
James Miclat, Planning Technician		jmiclat@newportbeachca.gov
Jenny Hannsun, Associate Planner	949-644-3212	jhannsun@newportbeachca.gov
Jerry Arregui, Assistant Planner	949-644-3249	jarregui@newportbeachca.gov
Joselyn Perez, Senior Planner	949-644-3312	jperez@newportbeachca.gov
Laura Rodriguez, Assistant Planner	949-644-3216	lrodriguez@newportbeachca.gov
Lauren Wooding, Real Property Administrator	949-644-3236	lwooding@newportbeachca.gov
Liz Westmoreland, Principal Planner	949-644-3234	lwestmoreland@newportbeachca.gov
Melinda Whelan, Assistant Planner	949-644-3221	mwhelan@newportbeachca.gov
Oscar Orozco, Associate Planner	949-644-3219	oorozco@newportbeachca.gov
Rosalinh Ung, Principal Planner (PT)	949-644-3208	rung@newportbeachca.gov
Seimone Jurjis, Assistant ACM/CDD Director	949-644-3282	sjurjis@newportbeachca.gov
Tonee Thai, Deputy CDD Director & Building Official	949-718-1867	tthai@newportbeachca.gov

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NEWPORT BEACH PLANNING COMMISSION AGENDA
CITY COUNCIL CHAMBERS – 100 CIVIC CENTER DRIVE
THURSDAY, OCTOBER 9, 2025
REGULAR MEETING – 6:00 P.M.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. PUBLIC COMMENTS

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to three (3) minutes. Before speaking, please state your name for the record and print your name on the blue forms provided at the podium.

V. REQUEST FOR CONTINUANCES

VI. CONSENT ITEMS

ITEM NO. 1 MINUTES OF SEPTEMBER 18, 2025

Recommended Action: Approve and file

VII. STUDY SESSION ITEMS

ITEM NO. 2 GENERAL PLAN UPDATE – INTRODUCTION OF LAND USE ELEMENT AND SAFETY ELEMENT (PA2022-080)
Site Location: Citywide

Summary:

A report to the Planning Commission outlining the progress made on the City of Newport Beach's ongoing comprehensive update to its General Plan, last revised in 2006. Following delays due to the State-mandated 6th Cycle Regional Housing Needs Assessment (RHNA), the City resumed its broader update process in 2022 with the formation of the General Plan Update Steering Committee (GPUSC) and the General Plan Advisory Committee (GPAC), including various subcommittees to review each Element. The update process consists of four phases; Phase 1 (Background Analysis + Visioning) is complete, and Phase 2 (Policy Development + General Plan Amendment) is nearly finalized. City staff, working closely with the GPAC, GPUSC, and consultant Dudek, developed draft goals and policies based on existing conditions reports and community input gathered through digital platforms and workshops. The Land Use Element and Safety Element are both required elements pursuant to State General Plan Law. Initial drafts have been prepared and are ready for broader community review.

City staff seeks preliminary feedback from the Commission before the draft is released for wider public review. Final drafts will return for formal endorsement by the Planning Commission in late 2025 or early 2026.

Recommended Actions:

1. Receive a brief presentation from City staff, receive and file the draft Land Use Element and Safety Element; and either

    a) Form an ad hoc committee to review the draft Elements and provide comments for the Planning Commission's consideration at a meeting in November 2025; or

    b) Have Planning Commissioners review individually and be prepared to discuss and provide feedback to City staff at a meeting in November 2025.

VIII. STAFF AND COMMISSIONER ITEMS

ITEM NO. 3 MOTION FOR RECONSIDERATION

ITEM NO. 4 REPORT BY THE COMMUNITY DEVELOPMENT DIRECTOR OR REQUEST FOR MATTERS WHICH A PLANNING COMMISSION MEMBER WOULD LIKE PLACED ON A FUTURE AGENDA

ITEM NO. 5 REQUESTS FOR EXCUSED ABSENCES

IX. ADJOURNMENT

CITY OF

NEWPORT BEACH

City Council Staff Report

October 28, 2025
Agenda Item No. 18

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	Jaime Murillo, Acting Community Development Director - 949-644-3209, jmurillo@newportbeachca.gov
PREPARED BY:	Laura Rodriguez - 949-644-3216, Assistant Planner, lrodriguez@newportbeachca.gov
TITLE:	Resolution No. 2025-70: Appeal of Planning Commission's Approval of Minor Changes to Coastal Development Permit No. PA2024-0140 located at 100 East Balboa Boulevard (PA2025-0130)

ABSTRACT:

For the City Council's consideration is an appeal of the Planning Commission's September 18, 2025, decision to uphold the Community Development Director's approval of minor changes to Coastal Development Permit (CDP) No. PA2024-0140. The CDP was previously approved by the City Council on September 24, 2024, for the demolition and reconstruction of the City's Fire Station No.1 and Balboa Branch Library. The City Council also approved the removal of two diseased trees located within the property. The minor changes approved by the director modified the previously approved landscape plans with replacement tree species to further support nesting birds such as great blue herons. The changes will alter the parking layout and result in the loss of one surplus parking space.

RECOMMENDATIONS:

a) Conduct a de novo public hearing;

b) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302 under Class 2 (Replacement or Reconstruction) of the CEQA Guidelines, because this project has no potential to have a significant effect on the environment; and

c) Adopt Resolution No. 2025-70, *A Resolution of the City Council of the City of Newport Beach, California, Denying an Appeal and Upholding the Planning Commission's Approval of Minor Changes to Coastal Development Permit No. PA2024-0140 for the Property Located at 100 East Balboa Boulevard (PA2025-0130).*

DISCUSSION:

The Balboa Branch Library was constructed in 1929. A fire station was added to the existing library and has been operating as Fire Station No. 1 since 1962. Both facilities total approximately 7,930 square feet of gross floor area (Figure 1, below). In 2021, an

assessment evaluating the facilities' condition was conducted, and both facilities were rated as "poor" condition due to age-related and environmental deterioration.

Figure 1: Existing Fire Station No.1 and Balboa Branch Library(as viewed from East Balboa Boulevard)

The property is categorized as Public Facilities (PF) by the General Plan Land Use Element, Planning and Zoning Code (Title 20), Coastal Land Use Plan, and Local Coastal Program Implementation Plan (Title 21). The PF categories are intended to provide public facilities, including public schools, cultural institutions, government facilities, libraries, community centers, public hospitals, and public utilities. The property has been historically used as a fire station and library and will continue to operate in that manner. Since the property is in the Coastal Zone, a CDP was required for the redevelopment of the fire station and library.

Project Background

On March 5, 2024, the Parks, Beaches, and Recreation Commission (PB&R) approved the removal of two Special City Landmark trees located on the subject property (Figure 2 on Page 3), due to disease and the decaying advancement rate.

On June 14, 2024, Christopher Pitet (Appellant), representing The Friends of the Library Park, filed an appeal of the PB&R Commission's decision to remove the Blue Gum Eucalyptus tree to the City Council.

On September 24, 2024, the City Council denied the appeal and upheld the PB&R Commission's decision to remove the two diseased Special Landmark trees. The City Council also approved a CDP for the demolition and reconstruction of the library and fire station. A detailed project description is included in September 24, 2024, City Council Staff Report (Attachment B).

Figure 2: Oblique Aerial Image of Property

On October 24, 2024, the CDP was appealed to the California Coastal Commission (CCC) by the Appellant, due to concerns about the removal of a Blue Gum Eucalyptus tree and the potential displacement of nesting great blue herons. The CDP is currently under review by the CCC staff pending the outcome of this hearing.

CCC Staff Feedback and Additional Analysis

After the appeal of the CDP was filed to the CCC, CCC staff conducted an initial review of the project and collaborated with City staff to resolve the issue of potential displacement of nesting great blue herons. CCC staff recommended that the City consider using Eucalyptus, Cypress, Western Sycamores, and Big Cone Spruce as alternative tree species to mitigate the removal of the existing trees on the property. Additionally, a Tree Evaluation Report, dated May 5, 2025 (Attachment C), was prepared by Dudek Consultants, which included a biologist and urban forester, to assist the City in preparation of a revised landscape plan.

Project Description

Based on the previously mentioned collaboration and analysis, the City prepared a revised landscape plan to address the potential displacement of nesting great blue herons. On July 3, 2025, the Community Development Director approved Staff Approval No. PA2025-0130 to incorporate minor changes to the landscape plans of the approved CDP (Attachment D).

The changes to the landscape plan include replacing the Catalina Ironwood trees along Island Avenue and the California Sycamore trees along East Bay Ave with Western Sycamore trees. Additionally, the planting areas within the parking lot along East Bay

Avenue will feature a Sweetshade tree and an Australian Willow tree, replacing the originally proposed California Sycamores. The revised landscape plan alters the parking layout and results in the loss of one surplus parking space (Figure 4, below).

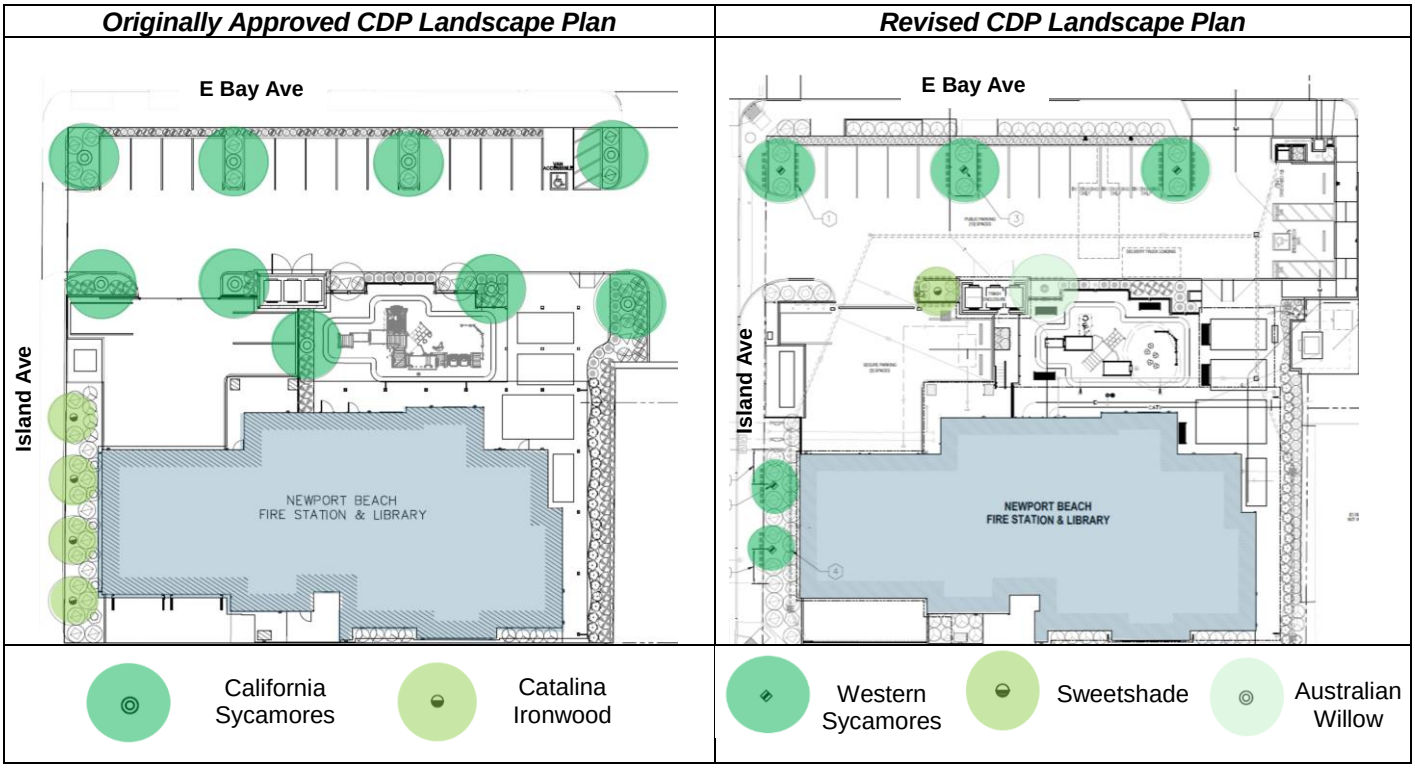

Figure 4: Comparison of the Original and Revised Landscape Plan

All required findings of Newport Beach Municipal Code (NBMC) Section 21.54.070 (Changes to an Approved Coastal Development Permit) are addressed in the draft resolution (Attachment A), under "Exhibit A", and was previously discussed in detail in the September 18, 2025, Planning Commission Staff Report (Attachment E). The originally approved landscape plan is included as Attachment F, and the revised landscape plan is included as Attachment G.

Additionally, the CDP's landscape plan is required to comply with NBMC Section 21.30.075 (Landscaping). The revised landscape plan proposes certain tree species for the purpose of supporting nesting birds, which will continue to comply with the Title 21 landscape standards, and does not include any invasive species. Although the revised landscape plan will alter the property's parking layout and result in the loss of one surplus parking space, the property will continue to provide sufficient on-site parking.

Appeal to the Planning Commission

On July 18, 2025, the Appellant filed an appeal of the Staff Approval to the Planning Commission. The appeal cited the following factors of concern (as summarized):

- Objection of the CEQA exemptions utilized;
- The replacement trees are insufficient for nesting birds; and

- The project does not protect environmentally sensitive habitat areas (ESHA).

The complete appeal application to the Planning Commission is provided as Attachment H.

On September 18, 2025, the Planning Commission held a public hearing to consider the appeal of the Staff Approval. During the hearing, the Appellant stated that the Blue Gum Eucalyptus tree and the property are considered an Environmentally Sensitive Habitat Area (ESHA) because it contains nests of great blue herons. Additionally, several members of the public spoke in opposition about the removal of the tree, objected to the utilized CEQA exemption, and compliance with the Local Coastal Program (LCP). In response, staff cited memorandums provided by the City's consultant, Dudek, which affirmed that the property and the Blue Gum Eucalyptus tree are not considered ESHA.

After considering all public comments and findings, both written and oral, the Planning Commission unanimously adopted Resolution No. PC2025-021 (Attachment I) denying the appeal and upholding the Community Development Director's approval of minor changes to CDP No. PA2024-0140. As previously noted, the Planning Commission staff report is referenced as Attachment E, and the meeting minutes are included as Attachment J.

Appeal to City Council

On October 2, 2025, the Appellant filed an appeal of the Planning Commission's decision to the City Council. The complete appeal application to the City Council is included as Attachment K.

Response to Appeal

While the appeal focuses predominately on the removal of the Blue Gum Eucalyptus tree, the subject of the appeal should be whether the revised landscape plan constitutes a minor change to Coastal Development Permit (CDP) No. PA2024-0140. The decision to remove the tree was previously approved by Coastal Development Permit (CDP) No. PA2024-0140 and is pending review at the California Coastal Commission on a separate appeal. Notwithstanding, the following are summarized reasons for the appeal of the Staff Approval by the appellant, followed by a response from staff.

Environmentally Sensitive Habitat Area *– The appellant expresses concern that the revised changes violate protections for Environmentally Sensitive Habitat Areas (ESHAs) and the City's Local Coastal Program (LCP).*

Sections 21.30B.030 (Environmentally Sensitive Habitat Areas) of the NBMC defines an ESHA in which plant or animal life or their habitats are either rare or are especially valuable because of their special nature or role in an ecosystem that could easily be disturbed or degraded by human activities and developments. Additionally, Section 21.30B.030 (A)(1) discusses exceptions and states that ESHAs do not include existing developed areas.

The appellant asserted that the Blue Gum Eucalyptus tree being removed and Library Park is considered an ESHA because it contains nests of great blue herons. The August 14, 2025, Dudek memorandum evaluated whether the Blue Gum Eucalyptus tree and the Property qualify as an ESHA (Attachment L) and concludes the following:

- The memorandum affirms that the property and eucalyptus tree qualify for an ESHA *exemption* under Section 21.30B.030(A)(1) of NBMC due to the property's existing development. The Balboa Branch Library was constructed in 1929. A fire station was added to the existing library and has been operating as Fire Station No. 1 since 1962. The two public facility buildings total approximately to 7,930 square feet and are surrounded by residential, commercial and mixed-used development.

- Notwithstanding the exemption, the memorandum analyzed the tree's potential as ESHA utilizing the criteria in Section 21.30B.030(C)(1) of NBMC and concludes that the tree is not an ESHA and further supports that its removal is not detrimental since it does not play a special role in an ecosystem given that it is located in a developed area as ornamental landscaping. The tree is also not a rare species and is non-native. Lastly, the property lacks natural communities, coastal streams, rare plants or wildlife, and connectivity to other natural areas given that it is surrounded by development.

In accordance with the City's Natural Resources Element of the General Plan, undeveloped areas supporting natural habitats that may be capable of supporting sensitive biological resources within the City are also referred to as Environmental Study Areas (ESAs) by the Local Coastal Plan. Portions of ESAs within the Coastal Zone that contain sensitive or rare species are referred to as ESHAs.

The property is also not identified as one of the 28 ESAs within the City under Figure NR2 (Environmentally Study Areas) of the General Plan's Natural Resources Element (Attachment M). Additionally, the property is not identified as a site with Biological Resources under General Plan Figure NR1 (Biological Resources) of the Natural Resources Element (Attachment N). Overall, the project complies with City's Local Coastal Program and is not affecting an ESHA.

Environmental Harm to Great Blue Herons *–The appellant claims that the removal of the Blue Gum Eucalyptus tree will cause environmental harm to great blue herons.*

As previously noted, the Dudek memorandum supports that the property and the tree would not be creating an environmental impact because they are not considered to be an ESHA. The memorandum also analyzes the protection status of nesting great blue herons. It states that great blue heron is protected under the Migratory Bird Treaty Act (MBTA) while nesting, but it is not federally listed as threatened or endangered under the Federal Endangered Species Act (FESA). Therefore, the great blue heron is not a federally protected species and is considered a secure species according to the California Department of Fish and Wildlife Natural Diversity Database. The memorandum also

affirms that herons that nest on site are only protected while actively nesting and rookeries are not protected further.

The Tree Evaluation Report, dated May 5, 2025, prepared by Dudek Consultants (Attachment C), also provided a biological and arboricultural analysis related to the revised landscape plan. The Western Sycamore tree species was recommended due to its ecological value, compatibility with Southern California's climate, and structural suitability for nesting birds, such as blue herons. The report also considered the availability of existing trees in the immediate area that can continue to support heron nesting activity during the reconstruction and replanting phase of the project. It indicated that mature eucalyptus trees located at the intersection of Island Avenue and West Bay Avenue, as well as a Hoop Pine tree in the median southeast of the library, exhibited the size, height, and structural characteristics to support heron nesting activity. The report concludes that the eucalyptus and hoop pine trees will mitigate the removal of the existing trees for the project and help minimize disruption to the nesting cycle during construction, while the newly planted trees mature and develop sufficient canopy coverage to support long-term habitat needs. Additionally, the report concluded that these trees are likely to serve as suitable interim nesting habitat for the local heron population due to their relative proximity to the original nesting site and their mature stature.

Furthermore, the project will not affect compliance with the Migratory Bird Treaty Act (MBTA), which is intended to ensure the sustainability of populations of all migratory bird species. As required by Condition of Approval No. 3 and 4 of the CDP, the applicant is required to conduct a pre-construction nesting survey prior to the demolition of the structures. The survey allows the applicant to identify areas with active nests and to create buffers to protect the nests from disturbance during construction. The future removal of the Blue Gum Eucalyptus tree and any remaining nests would be conducted outside of the nesting season (February through August) and after a biologist determines there is no active nesting. Overall, the project would not be causing environmental harm to the Great Blue Heron.

CEQA Clearance *– The appellant expresses concern for the Staff Approval utilizing the Class 2 CEQA exemption.*

The project is exempt from the California Environmental Quality Act (CEQA) under Section 15302 under Class 2 (Replacement or Reconstruction) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3.

The Environmental Review section on Page 8 of this staff report provides a detailed analysis of the CEQA exemption, including staff's clarification of the Class 2 CEQA exemption related to the originally approved CDP. The proposed changes requested by the City primarily affect landscaping and would not affect this CEQA exemption applied to the CDP.

Compliance with the Recreation and Natural Resource Element *– The appellant claims that the removal of the tree is not aligned with the intent of the recent draft Recreation and Natural Resources Element, dated June 27, 2025. Specifically, the use*

of reasonable efforts to evaluate tree canopy in parks and the public right-of-way and conversation, protection, development, and use of natural resources.

While the drafted Recreation and Natural Resources Element seek to evaluate tree canopy cover in parks and public right-of-ways, consider shade, and prioritize active transportation corridors, it does not prohibit tree removal. As previously discussed, the Blue Gum Eucalyptus tree is diseased and decaying. Its future removal would not affect natural resources because it is not considered an ESHA, nor is it identified as one of the 28 ESAs within the City under the General Plan's Natural Resources Element. The property is also not identified as a site with biological resources under the Natural Resources Element.

Claim of a Historic Underground Spring *– The appellant claims the property carries an underground spring.*

The appellant asserted that the Blue Gum Eucalyptus tree is absorbing the water and controlling the size of an underground spring below the property. The appellant's claim of an underground spring is not supported with supplemental evidence. Furthermore, upon review of the City's municipal sources and the City's Senior Engineer Geologist, there is no evidence to suggest that the property historically carries an underground spring. The property is located on the Balboa Peninsula, a relatively flat surface that generally lacks the necessary elevation to facilitate the emergence of underground spring water. The property's soils report also indicated that groundwater was encountered at a depth of 6 feet below existing ground surface and that the PH level of the soils is corrosive, indicating seawater exposure.

FISCAL IMPACT:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

Staff recommend the City Council find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302 under Class 2 (Replacement or Reconstruction) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.

Per the approved CDP, the overall project is exempt from the California Environmental Quality Act (CEQA) under Section 15302 under Class 2 (Replacement or Reconstruction) 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 Class 2 exemption applies to the replacement or reconstruction of existing structures where the new structure will be located on the same site as the structure being replaced and substantially have the same purpose and capacity. In this case, the originally approved CDP identifies the demolition and reconstruction of the fire station and library, including the removal of two diseased Special Landmark trees. The project is substantially

conforming to the scope of the approved CDP, which is the replacement or reconstruction of an existing library and fire station with a new library and fire station on the same project site. Therefore, the intent of Class 2 is still being met and the Project's minor changes to landscaping and parking will not affect the Class 2 exemption.

The exceptions to these categorical exemptions under Section 15300.2 are not applicable. The project's landscape changes do 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.

NOTICING:

Notice of this hearing was published in the Daily Pilot, mailed to all owners and residential occupants of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant, and posted on the subject property at least 10 days before the scheduled meeting, consistent with the provisions of the Municipal Code. Furthermore, the agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENTS:

Attachment A – Resolution No. 2025-70
Attachment B – City Council Staff Report from September 24, 2024 (No Attachments)
Attachment C – Dudek Memorandum from May 5, 2025
Attachment D – Community Development Director Action Letter from July 3, 2025 (No Attachments)
Attachment E – Planning Commission Staff Report from September 18, 2025 (No Attachments)
Attachment F – Original Approved CDP Landscape Plan
Attachment G – Revised CDP Landscape Plan
Attachment H – Appellant's Appeal Application to Planning Commission
Attachment I – Resolution No. PC2025-021
Attachment J – Planning Commission Meeting Minutes from September 18, 2025
Attachment K – Appellant's Appeal Application to City Council
Attachment L – Dudek Memorandum from August 14, 2025
Attachment M – Figure NR2 Environmentally Study Areas
Attachment N – Figure NR1 Biological Resources

Attachment A

Resolution No.2025-70

RESOLUTION NO. 2025-70

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, DENYING AN APPEAL AND UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF MINOR CHANGES TO COASTAL DEVELOPMENT PERMIT NO. PA2024-0140 FOR THE PROPERTY LOCATED AT 100 EAST BALBOA BOULEVARD (PA2025-0130)

WHEREAS, Section 200 of the City Charter, of the City of Newport Beach ("City"), vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the City Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges or procedures granted or prescribed by any law of the State of California;

WHEREAS, the underlying project involves an application filed by the City's Public Works Division ("Applicant"), with respect to the Property located at 100 East Balboa Boulevard and legally described as Block 2 of the East Newport Tract ("Property");

WHEREAS, the Property is comprised of the Balboa Branch Library which was constructed in 1929 and is approximately 4,500 square feet in area, including a 360-square-foot City museum along with Fire Station No. 1, which was constructed in 1962 and is approximately 3,400 square feet in area;

WHEREAS, the Applicant proposes the redevelopment of the Balboa Branch Library and Fire Station No. 1 along with a 3,675-square-foot green space and 1,500-square-foot playground area ("Project");

WHEREAS, the Property is designated as Public Facilities (PF) by the General Plan Land Use Element, which is intended to provide public facilities, including public schools, cultural institutions, government facilities, libraries, community centers, public hospitals, and public utilities;

WHEREAS, the Property is in the Public Facilities (PF) Zoning District, which is intended to provide public facilities, including public schools, cultural institutions, government facilities, libraries, community centers, public hospitals, and public utilities;

WHEREAS, the Property is designated as Public Facilities (PF) by the Coastal Land Use Plan and Coastal Zoning District, which is intended to provide public facilities, including cultural institutions, government facilities, libraries, community centers, public utilities, and public schools;

WHEREAS, a coastal development permit ("CDP") is required for completion of the Project;

WHEREAS, the Property contains various trees and landscaping including a Blue Gum Eucalyptus tree and Canary Island Date Palm tree that are designated as City landmark trees ("Trees") under City Council Policy G-1 (Retention, Removal, and Maintenance of City Trees) ("Council Policy G-1");

WHEREAS, a tree assessment completed in 2021 supported removal of the Trees due to incurable disease which has led to internal rot pursuant to City Council Policy G-1;

WHEREAS, the Parks, Beaches, and Recreation Commission ("PB&R") conditionally approved the removal of the Trees on March 5, 2024;

WHEREAS, the Friends of Library Park ("FLP"), an association comprised of Newport Beach residents represented by Christopher L. Pitet ("Appellant"), filed an appeal of PB&R's decision to the City Council on June 14, 2024;

WHEREAS, a public hearing was held by the City Council, in the City Council Chambers located at 100 Civic Center Drive, Newport Beach, California on September 24, 2024. A notice of time, place, and purpose of the hearing was given in accordance with California Government Code 54950 *et seq.* ("Ralph M. Brown Act"), Chapters 20. 62 and 21. 62 (Public Hearings) of the Newport Beach Municipal Code ("NBMC"). Evidence, both written and oral, was presented to, and considered by the City Council at this public hearing;

WHEREAS, at the public hearing, the City Council considered the appeal of PB&R's decision as well as the CDP application for the Project;

WHEREAS, at the conclusion of the hearing, the City Council unanimously adopted Resolution Nos. 2024-71 and 2024-72 upholding PB&R's approval of the removal of the Trees and approved CDP No. PA2024-0140 for the Project;

WHEREAS, the Appellant filed an appeal of the CDP with the California Coastal Commission ("CCC") on October 24, 2024, citing concerns about the removal of the diseased Blue Gum Eucalyptus tree and the potential displacement of nesting Great Blue Herons;

WHEREAS, City staff worked with CCC staff on appropriate revisions to the approved CDP Landscape Plan for the Project to incorporate tree species that better support nesting birds including Western Sycamore trees along Island Avenue and East Bay Avenue and a Sweetshade tree and Australian Willow tree within the planting areas of the parking lot along East Bay Avenue;

WHEREAS, the modifications to the CDP Landscape Plan alter the parking layout and result in the loss of one surplus parking space, requiring minor changes to CDP No. PA2024-0140;

WHEREAS, Section 21.54.070(B) (Changes to an Approved Coastal Development Permit) of the NBMC authorizes the Community Development Director to approve minor changes to the CDP without a public hearing;

WHEREAS, the Community Development Director approved Staff Approval No. PA2025-0130 on July 3, 2025, for the proposed landscape and parking layout changes to CDP No. PA2024-0140 to address issues raised in the appeal of the CDP;

WHEREAS, the Appellant filed an appeal of the Community Development Director's decision on July 18, 2025, alleging the modifications were not exempt under California Environmental Quality Act ("CEQA"), citing concerns that the replacement trees are insufficient for nesting birds, and alleging risks to Environmentally Sensitive Habitat Areas ("ESHAs");

WHEREAS, a public hearing was held by the Planning Commission in the City Council Chambers located at 100 Civic Center Drive, Newport Beach, California on September 18, 2025. A notice of time, place, and purpose of the hearing was given in accordance with the Ralph M. Brown Act, and Chapters 20. 62 and 21. 62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by the Planning Commission at this public hearing;

WHEREAS, at the conclusion of the hearing, the Planning Commission unanimously adopted Resolution No. PC2025-021, denying the appeal and upholding the Community Development Director's approval of landscaping and parking layout changes to CDP No. PA2024-0140 for the redevelopment of Fire Station No.1 and Balboa Branch Library;

WHEREAS, the Appellant filed an appeal of the Planning Commission's approval of the landscaping and parking layout changes, alleging that 1) the replacement trees are insufficient for nesting birds; 2) the landscaping and parking layout changes conflict with the intent of the Natural Resources Element of the General Plan; 3) the Project violates protections of ESHAs; and 4) the Property carries a historic underground spring beneath the Blue Gum Eucalyptus Tree and therefore requires an Environmental Impact Report ("EIR"); and

WHEREAS, a public hearing was held by the City Council on October 28, 2025, in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place, and purpose of the hearing was given in accordance with the Ralph M. Brown Act, Chapters 20. 62 and 21. 62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by the City Council at this public hearing.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows:

Section 1: The City Council does hereby uphold the Planning Commission's decision authorizing the approval of landscape and parking layout changes to the CDP, under Staff Approval No. PA2025-0130, based upon the findings set forth in Exhibit "A," and subject to the conditions of approval set forth in Exhibit "B," both of which are attached hereto and incorporated herein by reference.

Section 2: The City Council finds the adoption of this resolution is exempt from environmental review under CEQA pursuant to Section 154302 (Class 2 – Replacement or Reconstruction) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3. The Class 2 exemption applies to the replacement or reconstruction of existing structures where the new structure will be located on the same site as the structure being replaced and substantially have the same purpose and capacity.

In this case, the originally approved CDP identified the demolition and reconstruction of the fire station and library. The Project is substantially conforming to the scope of the approved CDP, which is the replacement or reconstruction of the existing Balboa Branch Library and Fire Station No. 1 with a new library and fire station on the same project site. Therefore, the intent of Class 2 is met and the Project's minor changes to landscaping and parking will not affect the Class 2 exemption.

The exceptions to this categorical exemption under Section 15300.2 are not applicable. The Project 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: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 4: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each solution, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more section, subsections, sentence, clause or phrases be declared invalid or unconstitutional.

Section 5: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 28th day of October 2025.

_____
Joe Stapleton
Mayor

ATTEST:

_____
Lena Shumway
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

_____
Aaron C. Harp
City Attorney

Attachments: Exhibit A - Findings for Approval of Minor Changes to CDP No. PA2024-0140
Exhibit B - Conditions of Approval

EXHIBIT "A"

FINDINGS FOR APPROVAL OF MINOR CHANGES TO CDP NO. PA2024-0140

In accordance with Section 21.54.070 (Changes to an Approved Coastal Development Permit) of the NBMC, the following findings and facts in support of such findings as set forth:

Finding of Consistency with Section 21.54.070(B)(1):

The changes are consistent with all applicable provisions of this Implementation Plan.

Facts in Support of Finding with 21.54.070(B)(1):

1. The Property is located in the Public Facilities (PF) General Plan Land Use Plan Category, Coastal Land Use Plan Category, Zoning District, and Coastal Zoning District. These designations are intended to provide public facilities, including public schools, cultural institutions, government facilities, libraries, community centers, public hospitals, and public utilities. The Property is currently developed with a fire station and library and will be reconstructed to operate in the same manner. The Project's minor changes related to landscaping and parking do not alter the Property's land use and remain consistent with the intent of the Public Facilities (PF) designations.

2. As conditionally approved in the CDP, the landscape plan is required to comply with Section 21.30.075 (Landscaping) of the NBMC. The Project revisions replace certain tree species for the purpose of supporting nesting birds, which will continue to comply with Section 21.30.075 (Landscaping) of the NBMC and do not include any invasive species. Although the revised landscape plan will alter the Property's parking layout and result in the loss of one surplus parking space, the Property will continue to provide sufficient on-site parking.

3. Tree Evaluation Report, dated May 5, 2025, was prepared by Dudek Consultants to assist the City in preparation of a revised landscape plan. The report, which was prepared by a biologist and urban forester, recommended the use of the Western Sycamore tree species due to its ecological value, compatibility with the Southern California climate, and structural suitability for nesting birds, such as Blue Herons. The report noted that mature eucalyptus trees located directly across from the Property at the intersection of Island Avenue and West Bay Avenue, provide the size, height, and structural characteristics, which are well-suited locations for heron nesting during the reconstruction and replanting phase of the Project. An existing hoop pine tree, which is located in the median southeast of the library, also

provides viable nesting options. The report notes that these trees should help minimize disruption to the nesting cycle during the Project's reconstruction while the newly planted trees mature and develop sufficient canopy coverage to support long-term habitat needs. The Project utilizes the recommendations of the report and has provided an updated landscape plan that better serves nesting birds.

4. As conditionally approved in the CDP, the demolition and reconstruction of Fire Station No.1 and Balboa Branch Library are subject to comply with the Migratory Bird Treaty Act ("MBTA"), which is intended to ensure the sustainability of populations of all migratory bird species. Additionally, the Applicant is required to conduct a pre-construction nesting survey prior to the demolition of the structures. The survey allows the Applicant to identify areas with active nests and to create buffers to protect the nests from disturbance during construction. The Project, which provides an updated landscaping plan and parking layout, will not affect compliance with these conditions of approval.

Finding of Consistency with Section 21.54.070.(B)(2):

The changes do not involve a feature of the project that was a basis for or subject of findings or exemptions in a negative declaration or Environmental Impact Report for the project.

Facts in Support of Finding with 21.54.070(B)(2):

1. The Project primarily affects landscaping which is intended to provide additional support to bird nesting habitats. No alterations to the CDP's approved floor area, height, or use are being requested. While the Project will result in the loss of one parking space, the Property will continue to provide sufficient on-site parking. The Project is substantially conforming to the scope of the approved CDP, which is the replacement or reconstruction of an existing library and fire station with a new library and fire station on the same site. Therefore, the requested changes will not affect the Class 2 (Replacement or Reconstruction) exemption under the CEQA Guidelines.

2. The findings set forth in Section 2 (California Environmental Quality Act Determination) in Resolution 2025-__ are hereby incorporated by reference.

Finding of Consistency with Section 21.54.070.(B)(3):

The changes do not involve a feature of the project that was specifically addressed or was the subject of a condition(s) of approval for the project or that was a specific consideration by the applicable review authority in the project approval.

Facts in Support of Finding 21.54.070.(B)(3):

1. The Project's proposed parking layout, which removes one surplus parking space, does not involve a feature that was specifically conditioned or addressed by the approved CDP.

2. While the Project proposes replacement tree species to provide added support to nesting birds, the revised landscape plan will continue to be consistent with Title 21 landscape standards. Therefore, the Project complies with Condition of Approval No. 14 of the approved CDP, which requires the Applicant to submit a final landscape and irrigation plan prior to the issuance of a building permit.

Finding of Consistency with Section 21.54.070.(B)(4):

The changes do not result in an expansion or change in operational characteristics of the use.

Fact in Support of Finding 21.54.070.(B)(4):

1. The approved CDP authorized the demolition of the Balboa Branch Library and Fire Station No. 1, along with the removal of two diseased trees, to allow for the construction of a new City fire station and library. The Project's revisions do not change the approved use, height, or floor area of the CDP. While the Project's changes will result in the loss of one surplus parking space, the Property will continue to provide sufficient on-site parking.

Finding of Consistency with Section 21.54.070.(B)(5):

Do not alter the facts in support of the findings required by Section 21.52.015(F) and any other application section of this Implementation Plan.

Facts in Support of Finding 21.54.070.(B)(5):

1. The Project's revisions will not alter the original facts in support of the findings that were made to support the CDP's approval given that the changes are primarily affecting landscaping and parking.

2. On August 14, 2025, a memorandum was prepared by Dudek Consultants which discussed the protection status of nesting Great Blue Herons. Section 21.30B.030 (Environmentally Sensitive Habitat Areas) ("ESHA") of the NBMC, defines ESHA as any area in which plant or animal life, or their habitats are either rare or are especially valuable because of their special nature or role in an ecosystem that could easily be disturbed or degraded by human activities and developments. The memorandum clarifies that while Great Blue Herons are provided protection under the MBTA, particularly while nesting, it is not federally listed as threatened or endangered under the Federal Endangered Species Act (FESA). Therefore, the Great Blue Heron is not a federally protected species and is considered a secure species, in California as well as globally, according to the California Department of Fish and Wildlife Natural Diversity Database. The memorandum also states that Great Blue Herons that nest on site are only protected while actively nesting and rookeries are not protected further.

3. The August 14, 2025, Dudek Consultants memorandum also evaluated whether the Blue Gum Eucalyptus tree qualifies as an ESHA. The memorandum states that the tree is not an ESHA and supports that its removal is not detrimental since it does not play a special role in an ecosystem given that it is located in a developed area as ornamental landscaping. The tree is also not a rare species and is non-native.

4. Additionally, Section 21.30B.030 (A)(1) (Environmentally Sensitive Habitat Areas – Exceptions) includes exceptions and states that ESHAs do not include existing developed areas. The Balboa Branch Library was constructed in 1929. A fire station was added to the existing library and has been operating as Fire Station No. 1 since 1962. The two buildings total approximately 7,930 square feet and are surrounded by residential, commercial, and mixed-used development. The August 14, 2025 Dudek memorandum affirms that the Property and eucalyptus tree qualify as exceptions under Section 21.30B.030(A)(1) of NBMC due to the Property's status as existing development. The memorandum also states that the Property lacks natural communities, coastal streams, rare plants or wildlife, and connectivity to other natural areas given that it is surrounded by development.

5. The Property is also not identified as one of the twenty-eight Environmental Study Areas within the City under Figure NR2 (Environmentally Study Areas) of the General Plan's Natural Resources Element. Additionally, the Property is not identified as a site with Biological Resources under General Plan Figure NR1 (Biological Resources) of the Natural Resources Element.

6. While existing trees on the Property will be removed, the Project provides proper mitigation by proposing a tree species that supports heron nesting. The future removal of the eucalyptus tree and any remaining nests would be conducted outside of the nesting season (February through August) and after there is no active nesting, as determined by a biologist. Overall, the Project's revised changes continue to comply with the MBTA.

7. The Appellant's claim of an underground spring was not supported with supplemental evidence. Furthermore, upon review of the City's municipal sources and the City's senior engineer geologist, there is no evidence to suggest that the Property historically carries an underground spring. The Property is located on the Balboa Peninsula which is a relatively flat surface. The City's geotechnical borings encountered groundwater six feet below the existing ground surface.

EXHIBIT "B"

CONDITIONS OF APPROVAL

(Project-specific conditions are in italics)

1. *All previous conditions of approval for Coastal Development Permit No. PA2024-0140 shall remain in full force and effect.*

2. The development authorized by the Staff Approval filed as PA2025-0130 shall be in substantial conformance with the revised landscape plan.

Attachment B

City Council Staff Report from September 24, 2024 (No Attachments)

CITY OF

NEWPORT BEACH

City Council Staff Report

September 24, 2024
Agenda Item No. 16

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: David A. Webb, Public Works Director - 949-644-3311, dawebb@newportbeachca.gov

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TITLE: Resolution No. 2024-71: Denying an Appeal and Upholding the Decision of the Parks, Beaches and Recreation Commission's Decision to Remove a Special City Landmark Blue Gum Eucalyptus Tree at the Balboa Branch Library and Fire Station; and Resolution No. 2024-72: Approving Coastal Development Permit and Zoning Exemption (PA2024-0140) to Allow the Demolition of the Existing Fire Station No. 1 and Balboa Branch Library, and Construct a New Two-story Fire Station No. 1 with an Attached City Library

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ABSTRACT:

On March 5, 2024, the Parks, Beaches and Recreation Commission (PB&R) approved the removal of the Special City Landmark Blue Gum Eucalyptus and Canary Island Date Palm trees located on the property of the Balboa Branch Library. The decision to remove the Special City Landmark Blue Gum Eucalyptus Tree has been appealed to the City Council.

Should the decision from the PB&R Commission be upheld, staff recommends City Council approval of a coastal development permit (CDP) and zoning exemption pursuant to Section 20.10.040(A) of the Newport Beach Municipal Code (NBMC) to allow the demolition of the existing, and construction of a new, Fire Station No. 1 and Balboa Branch Library.

RECOMMENDATIONS:

a) Conduct a public hearing;

b) Find this project and removal of the tree exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301 (Class 1 – Existing Facilities), Section 15302 (Class 2 – Replacement of Reconstruction), and 15303 (Class 3 – New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3;

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c) Adopt Resolution No. 2024-71, *A Resolution of the City Council of the City of Newport Beach California, Denying the Applicant's Appeal of the Parks, Beaches, and Recreation Commission's Decision to Approve the Removal of a Special City Landmark Blue Gum Eucalyptus Tree at the Balboa Branch Library and Fire Station No. 1*;

d) Find this project exempt from the provisions of Title 20 (Planning and Zoning) pursuant to Section 20.10.040(A) (Applicability of Zoning Code) of the Newport Beach Municipal Code ("NBMC"); and

e) Adopt Resolution No. 2024-72, *A Resolution of the City Council of the City of Newport Beach, California, Approving Coastal Development Permit and Zoning Exemption to Demolish an Existing City Fire Station and Library and Construct a New 5,400 Two-Story City Fire Station and an Attached 3,700 One-Story Library Location at 100 East Balboa Blvd. (PA2024-0140).*

INTRODUCTION:

Project Setting and Background

The City of Newport Beach's Balboa Branch Library and Fire Station No. 1 facility is located on the Balboa Peninsula, at 100 and 110 East Balboa Blvd. The original 566-square-foot branch library was constructed in 1929 at the northeast corner of Balboa Boulevard and Island Avenue. The building was eventually expanded to 4,500 square feet by 1962. Today, the building includes the 4,140-square-foot branch library and an approximately 360 square foot Newport Beach Historical Society Museum. A 3,423-square-foot fire station was added to the library building and has been operating as Fire Station No. 1 since 1962 (Figure 1, below).

Figure 1: Existing Fire Station No.1 and Balboa Branch Library (as viewed from East Balboa Boulevard)

A 2021 assessment of the facilities' condition found both were rated as being in poor condition due to environmental and age-related deterioration. As part of the City of Newport Beach's Facility Financing Plan (FFP), the Balboa Branch Library and Fire Station No. 1 facility is scheduled to be reconstructed in 2025. To support this effort, in January 2023, the City Council awarded a design contract to COAR Design Group (COAR) to prepare concepts, permitting and construction plans for a replacement facility.

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COAR worked with City staff and developed several alternative project site designs. On January 16, 2024, the design team presented the proposed design concept layouts and themes to the Board of Library Trustees and the public at a regularly scheduled meeting. The public comments received at the meeting mostly concerned the disposition of the remaining eucalyptus tree. After review and discussion, the Board of Library Trustees voted in support of a building layout located along Balboa Boulevard and the "Beach Cottage Style" exterior theme.

The alternative project site designs were presented to the PB&R Commission at a public meeting on March 5, 2024, along with the request to remove two Special City Landmark Trees – a Canary Island Date Palm tree and a Blue Gum Eucalyptus tree. PB&R approved the removal of the trees with certain conditions, including a pre-removal nest survey for the Blue Gum Eucalyptus, and scheduling the removal for September 2025 at the earliest.

Project Description

On May 14, 2024, staff presented the site design concepts at a publicly noticed City Council meeting. Council considered the prepared alternatives, heard from the public, and chose a facility layout option with the fire station fronting Balboa Boulevard and not including a Public Works garage on the site. Public testimony included extensive discussion regarding the proposed removal of the Blue Gum Eucalyptus tree. After Council approved the preferred project design concept, which aligned with the PB&R Commission recommendation that called for the removal of both the Special City Landmark Blue Gum Eucalyptus and Canary Island Date Palm located on the project site, staff posted both special trees on May 17, 2024, pursuant to City Council Policy G-1 advising of the decision and approval of their removal. The proposed project includes the following:

1. The demolition of the existing Balboa Branch Library and Fire Station No. 1 buildings and clearing the existing site including the removal of two diseased special city trees located within the property as detailed below; and

2. The construction of a new City fire station and library of approximately 10,900 square feet. The proposed structure is approximately 33 feet 6 inches tall with a sloped roof. The facility includes a proposed installation of a 3,675-square-foot green space and 1,500 square foot playground area (Figure 2, below).

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Figure 2: Renderings of Proposed Fire Station No.1 and Balboa Branch Library from East Balboa Boulevard (above) and the proposed parking lot (below)

DISCUSSION:

Tree Removal Appeal

City Council Policy G-1 (Retention, Removal, and Maintenance of City Trees) (Council Policy G-1) provides standards for the retention, removal, maintenance, reforestation, tree trimming standards, and supplemental trimming of City trees. The policy sets forth three classifications of trees including standard trees, problem trees, and special trees with special trees further subclassified as landmark trees, dedicated trees, and/or neighborhood. Section I (Special City Trees) of Council Policy G-1 permits the removal of special trees if removal is related to the death, disease, interference with infrastructure, or the creation of a hazardous condition. Additionally, a special tree that is considered a landmark tree requires a tree inspection report and Level 3 testing: advanced techniques to determine whether specific mitigation measures are feasible or whether it is practical to retain the tree. A tree removal request must not adversely affect the overall inventory, diversity and age of the City's urban forest.

In December 2022, Dudek Inc. conducted a tree risk assessment and sonic tomographic study for three eucalyptus trees located at the property. The study showed evidence of disease. At that time, a sonic tomographic analysis was conducted and found that due to the level of decay within the tree trunk of one of the trees, removal was necessary. Dudek conducted a second tree risk assessment and sonic tomography study in August 2023. Based on the assessment, two eucalyptus trees were removed due to their increased level of observed decay and risk of failure.

The Blue Gum Eucalyptus tree that is the subject of the appeal had detectable decay of 2% in December 2022, which rose to 7% in August 2023. Based on this rate of decay, the tree is on a path to reach a 30% level of decay, where there is a high risk of whole tree failure, within the next five years. Additionally, if the project were to move forward, impacts from demolition of the existing facilities and construction of the new library and fire station would further hasten the rate of decay and degrade the overall condition of the tree through damage to the tree's extensive root system, should construction be undertaken with the tree in place.

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The PB&R Commission held a public meeting on March 5, 2024, to review the preferred concept design of the library and fire station as well as City staff's recommendation to remove the tree. Members of the public in attendance shared concerns regarding the impact that removal of the tree would have on blue herons as approximately 10 mating pairs were observed at the site. According to the City's biologist, evidence was provided that blue herons are opportunistic and would find another local habitat if the current site was unavailable. City staff observed, and presented to the PB&R Commission, that there are numerous nesting site opportunities in nearby areas around the harbor. As to concerns regarding tree loss, the evidence presented demonstrates that the removal of the tree does not impact the City's inventory of trees as that has continually increased over the past two decades. For example, in 2005, there were 3,889 public trees in Newport Beach and as of this year, there are 4,573 public trees. There are many more privately owned trees that are not accounted for in this figure.

After considering the evidence, including the tomographic analysis, the planning of a new public library and fire station on the site, as well as public comments opposing the tree removal request, the PB&R Commission ultimately recommended approval of the preferred concept design and the removal of the remaining Landmark Blue Gum Eucalyptus tree. The decision was conditioned upon the removal of the tree not taking place until September 2025 following nesting season and, as a further precaution, confirmation that no nests are in place.

Subsequently, the City Council approved the new Balboa Branch Public Library and Fire Station Conceptual Design at its May 14, 2024, meeting.

After Council approved the preferred project design concept, which aligned with the PB&R recommendation that called for the removal of both the Special City Landmark Blue Gum Eucalyptus and the Canary Island Date Palm located on the project site, staff posted both special trees on May 17, 2024, pursuant to City Council Policy G-1, advising of the decision and approval of the trees' removal.

On June 14, 2024, the City received an appeal of the PB&R Commission's decision to approve the removal of the Blue Gum Eucalyptus tree (the Landmark Tree) from Christopher L. Pitet of Adkisson Pitet LLP on behalf of the Friends of Library Park.

The appeal outlined several objections to the PB&R Commission's approval as the basis for reconsideration of the decision. Those objections and staff responses are outlined below:

Objection 1:

The decision fails to comply with City Council Policy G-1, which mandates the retention of Special City Trees and the procedures for the removal of such trees.

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Staff Response 1:

The PB&R Commission's decision complied with City Council Policy G-1. Section I (Special City Trees) of Council Policy G-1 permits the removal of special trees if removal is related to the death, disease, interference with infrastructure, or the creation of a hazardous condition. Additionally, a special tree that is considered a landmark tree requires a Tree Inspection Report (TIR) and Level 3 testing: advanced techniques to determine whether specific mitigation measures are feasible or whether it is practical to retain the tree. A tree removal request must not adversely affect the overall inventory, diversity and age of the City's urban forest.

1. City staff prepared and presented a TIR for the tree, dated February 6, 2024, to the PB&R Commission at its March 5, 2024, meeting (pages 41-44 of the agenda packet).

2. A Level 3 Risk Assessment was performed on the tree on December 1, 2022, and again on August 29, 2023, and presented at the February 7, 2023, PB&R Commission meeting (pages 41-68 of the agenda packet) and November 7, 2023, PB&R Commission meeting (pages 24-49 of the agenda packet).

3. According to the report, the remaining Blue Gum Eucalyptus tree had detectable decay of 2% in December 2022, which rose to 7% in August 2023. Based on this rate of decay, this remaining tree is on a path to reach a 30% level of decay level where there is a high risk of whole tree failure within five years.

4. Additionally, impacts from the demolition of the existing facilities and construction of a new library and fire station at the present site would further hasten the rate of decay and degrade the overall condition of the tree through damage to the tree's extensive root system, should construction be undertaken with the tree in place.

5. The tree interferes with the project in that construction will further degrade the tree, even taking into account best management practices.

6. The removal of the tree does not impact the City's inventory of trees. In 2005, there were 3,889 public trees and, in 2024, that count increased to 4,573 trees. The tree inventory does not take into account the many more trees on private property.

Objection 2:

The decision fails to comply with the California Environmental Quality Act (CEQA).

Staff Response 2:

The PB&R Commission's decision complies with CEQA because removal of the tree is categorically exempt from CEQA pursuant to Sections 15301 (Class 1 – Existing Facilities), Section 15302 (Class 2 – Replacement of Reconstruction), and 15303 (Class 3 – New Construction or Conversion of Small Structures) of the CEQA Guidelines.

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The Class 1 exemption applies to additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet if the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the area in which the project is located is not environmentally sensitive; Class 2 exempts replacement or reconstruction of existing structures where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced; and Class 3 exempts the construction and location of limited numbers of new, small facilities or structures including but not limited to structures not exceeding 10,000 square feet in floor area in urbanized areas on sites zoned for such use.

In this case, the project, including removal of the tree, consists of the demolition of the existing 4,140-square-foot branch library, 360-square-foot Newport Beach Historical Society Museum and 3,423-square-foot fire station and replacement with construction of a new Fire Station No. 1 and Balboa Branch Library of approximately 10,900 square feet. The project as proposed results in a net public area increase of approximately 3,000 square feet, does not require any change in the zoning designation, and is located in an urbanized area with adequate public services to serve the area. Based on the foregoing, the project, including removal of the tree, is categorically exempt under the Class 1, Class 2 and Class 3 exemption.

The exceptions to these categorical exemptions under Section 15300.2 are not applicable. The project, including removal of the tree, 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. As detailed above, the City's arborist consultant determined that the tree to be removed is diseased. Concerns were also raised regarding impacts that removal of the tree would have on blue herons nesting. According to the evidence provided at the hearing, blue herons are opportunistic and would find other local habitat if the current site was unavailable. City staff observed and presented to the PB&R Commission that there are numerous nesting site opportunities around the harbor. Based on the public's concerns regarding nesting by blue herons, the PB&R Commission approved the removal of the diseased tree, subject to delaying removal of the tree until September 2025, following nesting season. And, as a further precaution, the commission conditioned removal of the tree on the City confirming no nests are in place prior to removal. Therefore, the exception to this categorical exception does not apply.

Objection 3:

The PB&R Commission has not publicly disclosed reports concerning the Landmark Tree (*e.g.,* the October 2023 Dudek Inc. report) detailing the current health and condition of the Landmark Tree.

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Staff Response 3:

Dudek's reports were made available to the public through PB&R Commission agenda materials. Specifically, Dudek's December 5, 2022, report was presented to the public at the February 7, 2023, PB&R Commission meeting (pages 41-68 of the agenda packet) and the October 11, 2023, report was presented to the public at the November 7, 2023, PB&R Commission meeting (pages 24-49 of the agenda packet).

Objection 4:

The PB&R Commission has not obtained a current arborist report addressing the present condition of the Landmark Tree (*i.e.*, after October 2023).

Staff Response 4:

Per Dudek's October 11, 2023, report, the defined timeframe for the risk assessment is 12 months. Thus, per International Society of Arboriculture Tree Risk Assessment Qualification standards, the report is deemed current.

Objection 5:

The PB&R Commission has not demonstrated that the Landmark Tree is sick, dying or otherwise presents safety concerns as required by City Council Policy G-1.

Staff Response 5:

The PB&R Commission was presented findings on November 7, 2023, which demonstrated by Level 3 testing that the detectable internal decay increased from 2% to 7% over a 10-month period. This is an untreatable decay and based on rates experienced in the neighboring Blue Gum trees (previously removed), will likely continue to progress to a point of high risk within five years. Also, a significant amount of the proposed project lies within the dripline of the tree and its root system would be negatively impacted by the necessary building demolition and grading using heavy equipment, if the City was to try to build with it in place. This disturbance will likely both increase the rate of the existing decay and the tree's risk level.

Objection 6:

The PB&R Commission has not considered the decision's impact on the nearly two dozen great blue herons currently nesting in the Landmark Tree.

Staff Response 6:

The PB&R Commission considered nesting blue herons at its March 5, 2024, meeting, where City staff presented its consultation with a biologist from Dudek. Approximately 10 mating pairs were observed, and the biologist stated to staff that blue herons are opportunistic and would find other local habitat if the current site was unavailable. City staff observed and presented to the PB&R Commission that there are numerous nesting site opportunities around the harbor.

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Objection 7:

The PB&R Commission's decision to remove the Landmark Tree is motivated solely by the City Council's desire to relocate the Balboa Branch Library and Firehouse rather than any legitimate concerns with the Landmark Tree itself as required by City Council Policy G-1.

Staff Response 7:

See Staff Response 1.

Staff recommends the City Council deny the appeal and uphold the decision by the PB&R Commission to approve the removal of a Special City Landmark Blue Gum Eucalyptus Tree at the Balboa Branch Library and Fire Station No. 1 based on staff's responses to the appeal's objections and the following findings:

1. The Landmark Tree has untreatable decay that is progressing based on sonic tomographic evidence and will very likely continue to progress to a point of high risk within five years.
2. Construction of the Balboa Branch Public Library and Fire Station No. 1 will negatively impact the condition of the tree and the rate of decay, should it remain in place.
3. The construction of the new Balboa Branch Public Library and Fire Station No. 1 is a City Council approved project, which is a criterion for removal of Special City Trees in City Council Policy G-1.

General Plan, Zoning Code, and Local Coastal Program

The property is designated as Public Facilities (PF) by the General Plan Land Use Element, Zoning Code, Coastal Land Use Plan, and Local Coastal Program Implementation Plan (Title 21). The PF categories are intended to provide public facilities, including public schools, cultural institutions, government facilities, libraries, community centers, public hospitals, and public utilities. The property has been historically used as a fire station and library and the proposed project does not change the existing land use as public facilities, which is consistent with the PF categories. Where the Zoning Code requires a minor use permit for governmental facilities, staff is requesting that the City Council exempt this City-implemented project from a minor use permit, since the project has been previously reviewed and conceptually approved by the City Council, per Section 20.10.040(A) (Applicability of Zoning Code) of the NBMC.

Coastal Development Permit

The subject property is located within the Coastal Zone. Therefore, the proposed replacement of the fire station and library requires a coastal development permit.

The property is in the PF coastal zoning district where government facilities are identified as an allowed use. As previously discussed, staff requests exemption from a minor use permit as the required development standards will be established through the coastal development permit.

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The proposed building floor area of approximately 10,900 square feet is appropriate for the approximately 24,000-square-foot property. The project provides a setback of approximately 11 feet from the property line along Island Avenue, approximately one foot from the property line along East Balboa Boulevard, approximately 15 feet from the eastern interior property line, and approximately 82 feet from the property line along East Bay Avenue.

The project is consistent with the required findings of the certified Local Coastal Program. The neighborhood is predominantly developed with residential uses to the north, south, and east, which includes two- and three-story, single- and two-unit dwellings. The block directly west of the property includes mixed-use and commercial development. The library's proposed design, bulk and scale of the development is intended to provide a modern, right-sized neighborhood branch library with a children's room and work/study areas, including up-to-date technology. The proposed layout of the fire station will be able to house four staff members and two apparatus bay parking spots. The proposed 1,500- square-foot playground area is to establish a recreational component in the neighborhood that complements the proposed library.

Zoning Exemption

Section 20.10.040(A) (Applicability of Zoning Code) of the NBMC authorizes the City Council to exempt City implemented projects by adopting a resolution at a noticed public hearing setting forth the specific NBMC provisions that apply in the absence of the exemption.

Building Height

The highest guardrail is less than 20 feet tall, and the highest ridge is approximately 33 feet and 6 inches tall, where Title 21 requires a maximum height of 26 feet for flat roofs and 31 feet for sloping roofs. The proposed sloping roof is designed as a mansard roof which will act as a mechanical well to support necessary rooftop equipment, and act as a screen of the equipment from the surrounding neighborhood. Alternatively, a lower roof would negatively impact the fire station's second floor ceiling height, create difficulty with mechanical equipment, and reduce the roof screening. Required findings for the increase in height above the base height limit per Section 21.30.060(C)(3)(a) of the NBMC are provided in the attached resolution.

Parking and Circulation

While the property currently provides eight on-site parking spaces and one street parking space on East Balboa Boulevard, the proposed project will provide 14 on-site parking spaces and increase the street parking supply by three spaces due to street layout improvements. Therefore, a net increase of eight parking spaces will be made available to the public.

Public Views and Access

The property is not located adjacent to a coastal view road, public access way, or Coastal Viewpoint as identified in the Coastal Land Use Plan.

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The nearest coastal viewpoint is Balboa Pier and is not visible from the site. The site is located adjacent to East Balboa Boulevard, which is accessible to the public and provides some limited opportunities to view the bay through Island Avenue, West Ocean Front, and the beach, which is located south of the property. Additionally, the project does not contain any unique features that could degrade the visual quality of the coastal zone.

Furthermore, while the property is located between the nearest public road and the sea, the project is the replacement of an existing fire station and library with a design that does not include any features that would obstruct vertical coastal access and lateral coastal access. As previously discussed, the project includes site improvements that increase the overall public parking supply onsite and on the street.

The draft resolution which addresses all required findings for this project is included as Attachment D.

FISCAL IMPACT:

The cost of preparing the plans, specifications and estimates for the project were included within the FY 2023/24 Capital Improvement Budget and have been encumbered into the existing design team contracts. The approval FY 2024/25 Capital Improvement Budget includes $9,500,000 budgeted for construction. With the new facility design concepts now complete, a rough construction cost estimate has been completed based on recent regional construction values and market conditions. The estimated rough cost for the construction for the new facility is estimated at approximately $16,000,000. This estimate does not include the cost of the temporary fire facility during the construction.

Once construction bids are received for the award of the construction contract, staff will review and revise the budget while asking the City Council to award the construction contract. All project funding is coming from the Facility Financing Plan fund, which is a combination of general funds and development fees.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council further find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301 (Class 1 – Existing Facilities), Section 15302 (Class 2 – Replacement of Reconstruction), and 15303 (Class 3 – New Construction or Conversion of Small Structures).

The Class 1 exemption applies to additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet if the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the areas in which the project is located is not environmentally sensitive; Class 2 exempts replacement or reconstruction of existing structures where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced; and Class 3 exempts the construction and location of limited numbers of new, small facilities or structures including but not limited to structures not exceeding 10,000 square feet in floor area in urbanized areas on sites zoned for such use.

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In this case, the project, including removal of the tree, consists of the demolition of the existing 4,140 square foot branch library, 360 square foot Newport Beach Historical Society Museum and 3,423-square-foot fire station and replacement with construction of a new Fire Station No. 1 and Balboa Branch Library of approximately 10,900 square feet. The project as proposed results in a net public area increase of approximately 3,000 square feet, does not require any change in the zoning designation, and is located in an urbanized area with adequate public services to serve the area. Based on the foregoing, the project including removal of the tree is categorically exempt under the Class 1, Class 2 and Class 3 exemption.

The exceptions to these categorical exemptions under Section 15300.2 are not applicable. The Project including removal of the tree 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. As detailed above, the City's arborist consultant, determined that the tree to be removed is diseased. Concerns were also raised regarding impacts that removal of the tree would have on blue herons nesting. According to the evidence provided at the hearing, blue herons are opportunistic and would find other local habitat if the current site was unavailable. City staff observed and presented to the PB&R Commission that there are numerous nesting site opportunities around the harbor. Based on the public's concerns regarding nesting by blue herons, the PB&R Commission approved the removal of the diseased tree, subject to the delaying removal of the tree until September 2025, following nesting season and, as a further precaution, the conditioned removal of the tree on the City confirming no nests are in place prior to removal. Therefore, the exception to this categorical exception does not apply.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item). Notice of this hearing was published in the Daily Pilot, mailed to all owners and occupants of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways), including the applicant and posted on the subject property at least 10 days before the scheduled meeting, consistent with the provisions of the Municipal Code. The item appeared on the agenda for this meeting, which was posted at City Hall and on the City website. Additionally, the appellate has been notified by both email and certified letter on the date and time on this Public Hearing.

ATTACHMENTS:

Attachment A – Adkisson Pitet Tree Removal Appeal Letter
Attachment B – Appeal of PBR Commission Approval
Attachment C – Resolution No. 2024-71
Attachment D – Resolution No. 2024-72
Attachment E – Project Plans
Attachment F – Dudek Inc. Reports from December 5, 2022, and October 11, 2023
Attachment G – City Council Policy G-1
Attachment H – Certified Letter Notice on the date and time on this Public Hearing

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Attachment C

Dudek Memorandum from May 5, 2025

DUDEK
27271 LAS RAMBLAS, SUITE 340
MISSION VIEJO, CALIFORNIA 92691
T 949.450.2525

MEMORANDUM

To:	Tom Sandefur, P.E., Assistant City Engineer, Public Works Department, City of Newport Beach
From:	Tommy Molioo, Senior Biologist and Chis Kallstrand, Senior Urban Forester
Subject:	Tree Evaluation Report for the Balboa Branch Library Replacement Project
Date:	May 5, 2025
Attachment(s):	Landscaping Plans

This memorandum includes the results of an evaluation of the proposed tree replacement activities for the Balboa Branch Library Replacement Project, located on the Balboa Peninsula in the city of Newport Beach, Orange County, California. Dudek's biologist and arborist met with city staff on site to conduct an evaluation of the existing trees that will be removed and trees proposed for replacement that would meet the requirements of both the landscaping design for the project, as well as provided adequate replacement habitat for nesting great blue herons (*Ardea herodias*) on site. This memo includes Dudek's recommendation for the replacement of tree species that are suitable from a biological and arboricultural perspective. This memo has also been prepared to respond to feedback from the California Coastal Commission (CCC) on suitable replacement trees.

Project Location and Description

The project site generally occurs north of the Pacific Ocean, south of Interstate 405, east of State Route 55, and west of Crystal Cove State Park. The project site is specifically located at the Balboa Branch Library at 100 East Balboa Boulevard on the Balboa Peninsula in the city of Newport Beach. The project proposes to demolish the existing Balboa Branch Library and construct a new fire department station with associated landscaping. All vegetation and trees on the project site will be removed for the proposed project. This includes a blue gum (*Eucalyptus globulus*) tree that contains an active heron rookery.

Biological Analysis

In coastal California, suitable trees for heron nesting are typically located in quiet, undisturbed habitats near estuaries, tidal marshes, or coastal wetlands. In other coastal states like Washington, herons sometimes nest on the ground, human-made structures, cliffs, and in shrubs, nesting mostly occurs in trees like alder, cedar, hemlock, pine, Douglas-fir (*Pseudotsuga menziesii*), spruce, hawthorn, bigleaf maple (*Acer macrophyllum*), and cottonwood (*Populus balsamifera*)[1]. However, in Southern California, they often frequent taller trees near coastal zones, regardless of human activity. Specifically, herons favor tall, mature trees with broad, sturdy branches that can support large nests and accommodate colony nesting. Species such as coast live oak (*Quercus agrifolia*), Monterey

[1] Azerrad 2012. Management Recommendations for Washington's Priority Habitats and Species. Great Blue Heron *Ardea Herodias*. Washington Department of Fish and Wildlife

cypress (*Hesperocyparis macrocarpa*), and California sycamore (*Platanus racemosa*) provide the height, structure, and canopy cover herons need for safe nesting. Non-native eucalyptus (*Eucalyptus spp.*) or hoop pine (*Araucaria cunninghamii*) also frequently serve as nesting sites due to their size and limb strength.

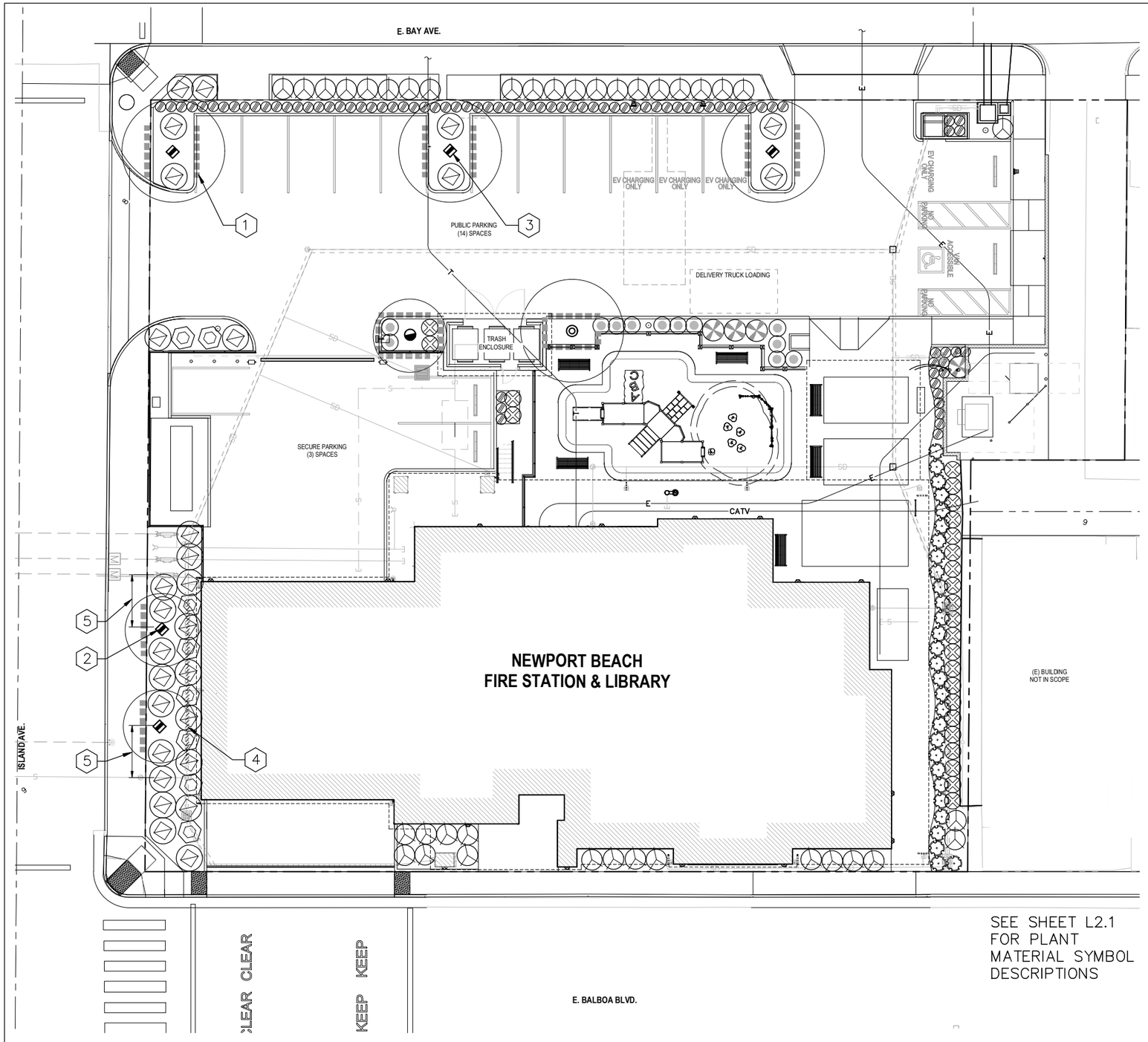
Arboricultural Analysis

Following an evaluation of the project site plans, available spacing, and nesting requirements, Dudek recommends the use of Western Sycamore (*Platanus racemosa*) as a replacement species due to its ecological value, structural suitability for nesting birds, and compatibility with Southern California's climate. As a native species, Western Sycamore supports local biodiversity and provides ideal branching structure and canopy coverage for colonial nesting birds such as herons. It has a moderate to fast growth rate, averaging 24 to 36 inches per year under favorable conditions, particularly when given adequate water during the establishment period. Western Sycamores typically reach maturity in approximately 20 to 30 years, at which point they can attain heights of 60 to 80 feet with broad, spreading canopies that offer excellent nesting opportunities. Their adaptability to riparian and urban environments, coupled with their proven value as wildlife habitat, makes them a strong candidate for long-term habitat mitigation and landscape integration.

Based on an assessment of the site plans and a review of the intended future use of the property, Dudek has determined that the site can reasonably support the planting of five Western Sycamore trees without compromising existing infrastructure, future development plans, or the overall functionality of the space. This estimate takes into consideration appropriate spacing for tree health and canopy development, as well as long-term growth characteristics of the species. As shown in Attachment A, the proposed placement of the Western Sycamores has been strategically planned to optimize their potential as long-term nesting habitat while ensuring compatibility with site constraints. The introduction of five Western Sycamore trees will, over time, establish a structurally diverse canopy capable of supporting colonial nesting birds such as herons, thereby offering a sustainable and ecologically valuable replacement for the tree proposed for removal.

During the removal and replanting phase, it is important to consider the availability of existing trees in the immediate area that can continue to support heron nesting activity. Several nearby trees already exhibit the size, height, and structural characteristics preferred by herons for nesting. Notably, the mature eucalyptus trees located at the intersection of Island Avenue and W. Bay Avenue, directly across the street from the library, offer substantial canopy height and branching structure well-suited to heron rookeries. Additionally, the hoop pine situated in the median southeast of the library provides another viable nesting option. These trees, due to their mature stature and relative proximity to the original nesting site, are likely to serve as suitable interim nesting habitat for the local heron population. Their presence should help minimize disruption to the nesting cycle during the transitional period while newly planted trees, such as the proposed Western Sycamores, mature and develop sufficient canopy coverage to support long-term habitat needs.

Attachment A
Landscaping Plans



0 10' 20' 40'
SCALE: 1" = 10'-0"

PLANTING NOTES

1. FINE GRADE ALL PLANTING AREAS PRIOR TO COMMENCEMENT OF PLANTING OPERATIONS.
2. CONTRACTOR IS RESPONSIBLE FOR PROVIDING SUFFICIENT PLANT MATERIAL TO COVER AREAS SHOWN ON THE PLANS.
3. INSTALL ALL PLANT MATERIALS IN ACCORDANCE WITH DETAILS. ALL FINISH GRADING AND PLANTING OPERATIONS SHALL BE CARRIED OUT IN ACCORDANCE WITH THE PLAN NOTES, DETAILS AND SPECIFICATIONS.
4. ALL NURSERY TYING MATERIALS AND TAPES SHALL BE REMOVED AT TIME OF PLANTING.
5. CONTRACTOR SHALL NOTIFY THE OWNER'S REPRESENTATIVE 48 HOURS PRIOR TO DELIVERY OF PLANT MATERIALS TO THE SITE IN ORDER THAT THE LANDSCAPE ARCHITECT CAN DETERMINE THE ACCEPTABILITY OF PLANT MATERIAL AT TIME OF DELIVERY.
6. CONTRACTOR SHALL LOCATE PLANT MATERIAL AS SHOWN ON THE PLANTING PLAN AND OBTAIN APPROVAL OF THE OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION. SCALE THE LOCATION OF TREES AND SHRUBS FROM CENTER OF INDIVIDUAL SYMBOLS BASED ON OFFSETS FROM BUILDING OR HARDSCAPE FEATURES.
7. CONTRACTOR SHALL INSTALL MINIMUM 3 INCH DEPTH OF WOOD MULCH IN ALL PLANTING AREAS. SEE SPECIFICATIONS FOR CLASS.
8. ALL PLANT MATERIAL IN SIMILAR CONTAINERS SHALL BE EVENLY MATCHED.
9. THE FINISH GRADE OF ALL SHRUB AND GROUNDCOVER AREAS SHALL BE FREE OF ROCKS 2 INCHES AND LARGER.
10. ALL LANDSCAPE AREAS SHALL BE GRADED TO MAINTAIN A MINIMUM SLOPE OF 2 PER CENT FROM THE BUILDING TO DRAINS, CURBS AND WALKS.
11. VERIFY ALL UNDERGROUND UTILITY LOCATIONS PRIOR TO EXCAVATING FOR PLANT MATERIAL. SEE CIVIL IMPROVEMENT PLANS FOR LOCATIONS.
12. THE SURFACE AND SUBSURFACE SOIL IN ALL PLANTING AREAS SHALL BE RIPPED TO A MINIMUM DEPTH OF 6 INCHES.
13. AFTER ROUGH GRADING, SOIL SAMPLES SHALL BE TAKEN FROM TWO (2) LOCATION ON SITE AS DETERMINED BY THE OWNER'S REPRESENTATIVE. CONTRACTOR SHALL CONDITION THE PLANTING BACKFILL PER THE SOIL LAB'S ANALYSIS RECOMMENDATIONS. SEE SPECIFICATIONS FOR ADDITIONAL REQUIREMENTS.
14. THE CONTRACTOR SHALL CONTACT THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING LANDSCAPE WORK SO THAT THE OWNER'S REPRESENTATIVE CAN REVIEW THE PROJECT UTILITY LOCATIONS AND REVISE PLANS ACCORDINGLY IF NECESSARY.
15. SEE SPECIFICATIONS CONCERNING WEED ERADICATION SCHEDULE PRIOR TO BEGINNING IRRIGATION AND PLANTING OPERATIONS.
16. ALL TREES, SHRUBS AND GROUNDCOVERS SHALL BE HAND WATERED WHILE IRRIGATION SYSTEMS ARE BEING REPAIRED OR REROUTED.

PLAN NOTES

1. ROOT BARRIER, TYPICAL THIS SYMBOL.
2. SET CENTER OF TREE TRUNK 3'-0" FROM EDGE OF PAVING, TYPICAL.
3. CENTER TREE IN LENGTH AND WIDTH OF PARKING ISLAND, ALIGN WITH ADJACENT TREES, TYPICAL.
4. BIOBARRIER ROOT CONTROL FABRIC, TYPICAL THIS SYMBOL. WRAP LENGTH OF STORM DRAIN PIPE WITH 19.5" WIDTH OF FABRIC, NODULES FACING OUT. OVERLAP FABRIC MINIMUM 1" AT FABRIC EDGE. EXTEND FABRIC WRAP 5'-0" FROM CENTER OF TREE TRUNK.
5. MAINTAIN 10'-0" OFFSET FROM WATER AND SEWER UTILITY.

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PARTERRE
SITE PLANNING
URBAN DESIGN
LANDSCAPE ARCHITECTURE
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SAN DIEGO, CALIFORNIA 92103
PHONE: (619) 296-3713

PROJECT:

CITY OF NEWPORT BEACH

NEWPORT BEACH FIRE STATION NO.1 & LIBRARY

110 E BALBOA BLVD
NEWPORT BEACH, CA 92661

CITY CONTRACT NO. C-8865-1

DESCRIPTION:	DATE:
50% DESIGN DEVELOPMENT	8/12/24
100% DD INTERNAL REVIEW	9/12/24
100% DESIGN DEVELOPMENT	9/30/24
60% CONSTRUCTION DOCUMENTS	1/15/25
PERMIT SUBMITTAL	3/11/25

NOT FOR CONSTRUCTION

PROJECT NUMBER:
202401

SHEET TITLE:
PLANTING PLAN AND NOTES

SHEET NUMBER:
L2.0

WATER EFFICIENCY LANDSCAPE WORKSHEET/CALCULATIONS

Referenced Evapotranspiration (ETo): 44.7

Landscape Area Sector Type: Non–Residential

Hydrozone And Planting Description	Plant Factor (PF)	Irrigation Method	Irrigation Efficiency (IE)	ETAF (PF/IE)	Landscape Area (Sq. Ft,)	ETAF x Area	Estimated Total Water Use (ETWU)
LOW 1 (ALL PLANTING AREAS IN LOW 1 CATEGORY)	0.2	SUBSURFACE DRIP	.81	.24	3,366 SF	808	22,381
				AVERAGE .24	TOTAL 3,366 SF	TOTAL 808	

Average ETAF for Regular Landscape Areas | IN COMPLIANCE | NOT IN COMPLIANCE

TOTAL LANDSCAPE AREA – 3,366
SITE WIDE ETAF – .24
ETWU TOTAL / GALLONS PER YEAR – 22,381
MAWA TOTAL / GALLONS PER YEAR – 41,972

PLANT MATERIAL LEGEND - TREE / SHRUBS

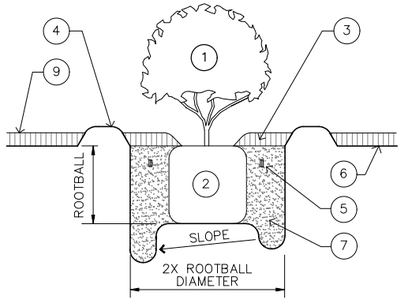
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS	MINIMUM CALIPER	DETAIL	WUCOL CLASS ZONE 3	QUANTITY
TREES								
	HYMENOSPORUM FLAVUM	SWEETSHADE	36" BOX	11'–13' HT. / 4'–5' SP. STANDARD	2.5"	A	MODERATE	1
	GEIJERA PARVIFLORA	AUSTRALIAN WILLOW	36" BOX	12'–14' HT. / 5'–6' SP. STANDARD	2.5"	A	LOW	1
	PLATANUS RACEMOSA	WESTERN SYCAMORE	36" BOX	13'–15' HT. / 6'–8' SP. STANDARD	2.5"	A	LOW	5
SHRUBS								
	ALOE DAWAI	ORANGE FLAME ALOE	5 GAL.	SUCCULENT LEAVES, GREEN COLOR		B	LOW	8
	CAREX DIVULSA	BERKLEY SEDGE	5 GAL.	FULL, BUSHY, GOOD GREEN COLOR		B	LOW	87
	CARPENDERIA CALIFORNICA "ELIZABETH"	BUSH ANEMONE	5 GAL.	FULL, BUSHY, GOOD GREEN COLOR		B	LOW	4
	LEYMUS CONDENSATUS "CANYON PRINCE" "CANYON PRINCE"	CANYON PRINCE WILD RYE	5 GAL.	FULL, BUSHY, GOOD GREEN COLOR		B	LOW	12
	LOMANDRA "PLATINUM BEAUTY"	VARIEGATED DWARF MATT RUSH	5 GAL.	FULL, BUSHY, GOOD GREEN COLOR		B	LOW	29
	ROSMARINUS OFFICINALIS "TUSCAN BLUE"	UPRIGHT ROSMARY	5 GAL.	FULL, BUSHY, GOOD GREEN COLOR		B	LOW	25
	WESTRINGIA FRUTICOSA "MORNING LIGHT"	MORNING LIGHT COAST ROSEMARY	5 GAL.	FULL, BUSHY, GOOD GREEN COLOR		B	LOW	38
	WESTRINGIA FRUTICOSA "MUNDI"	LOW COAST ROSEMARY	5 GAL.	FULL, BUSHY, GOOD GREEN COLOR		B	LOW	27

ROOT BARRIER

ROOT BARRIER, SEE PLAN FOR LOCATIONS. ANY TREE WITHIN 10' OF PAVING, FOOTING, BUILDING OR ANY OTHER HARDSCAPE SHALL HAVE ROOT BARRIER INSTALLED A MINIMUM OF 18" IN DEPTH, AND 0' IN LENGTH, CENTERED ON THE CENTERLINE OF THE TREE TRUNK (5' EACH SIDE). SEE SPECIFICATION FOR TYPE OF ROOT BARRIER.

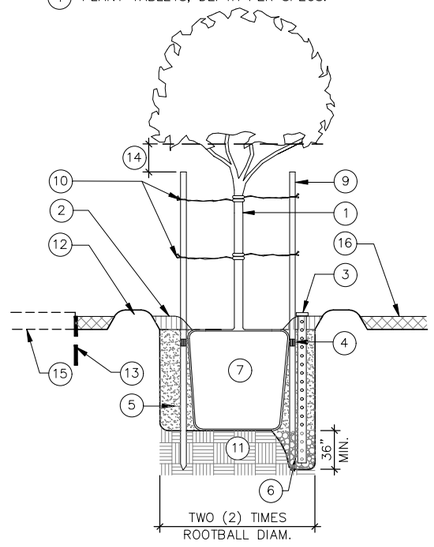
NOTE:
PLANT MATERIAL QUANTITIES LISTED IN THE LEGEND ARE FOR THE CONTRACTOR'S REFERENCE ONLY. THE CONTRACTOR IS REQUIRED TO COMPLETE A THOROUGH TAKEOFF OF REQUIRED PLANT MATERIAL SHOWN ON THE PLANS. THE CONTRACTOR SHALL NOTIFY THE OWNER PRIOR TO SUBMITTING A BID OF ANY DISCREPANCIES IN QUANTITIES LISTED. THE CONTRACTOR IS REQUIRED TO INSTALL ALL PLANT MATERIAL SHOWN ON THE PLANS AS PART OF THE CONTRACT.

1. SHRUB.
2. ROOTBALL. TOP OF ROOTBALL MIN. 1" ABOVE FINISH GRADE.
3. 3" DEPTH OF WOOD MULCH WITHIN BASIN.
4. 4" HIGH SOIL BERM, FIRMLY COMPACTED.
5. PLANT TABLETS.
6. FINISH GRADE, SLOPES 6:1 OR LESS.
7. PLANTING BACKFILL. PUDDLE AND SETTLE.
8. MAXIMUM 2:1 SLOPE.
9. WOOD MULCH PER PLANTING NOTE 7.



C SHRUB PLANTING
N.T.S.

1. SET TRUNK PLUMB /CENTER IN PIT
2. 3" DEPTH OF WOOD MULCH WITHIN BASIN, TYPICAL.
3. 4" ABS FILTER FABRIC WRAPPED PERFORATED STAND PIPE WITH REMOVABLE SOLID PVC CAP. MINIMUM LENGTH 5'–0".
4. PLANT TABLETS, DEPTH PER SPECS.
5. AMENDED BACKFILL SOIL. REMOVE ROCKS 4" AND LARGER.
6. 3 CU. FT. OF 3/4" GRAVEL AT BASE OF PIPE.
7. ROOT BALL. TOP OF ROOTBALL MIN. 1" ABOVE FINISH GRADE.
8. FINISH GRADE.
9. 2" DIA. LODGE POLE PINE STAKE, 2 EACH 10' MIN., 12' LONG FOR 24" AND 36" BOX TREE SIZE, SET ONE STAKE PERPENDICULAR TO PREVAILING WIND. FOR MULTI–TRUNK TREES INSTALL A MINIMUM OF 1 STAKE WITH TIES PER TRUNK.
10. "CINCH TIE" BY U.I.T. OR EQUAL, 2 LOCATIONS, 4 EACH.
11. SET ROOT BALL ON UNDISTURBED NATIVE SOIL.
12. 4" HIGH SOIL BERM, FIRMLY COMPACTED.
13. "CENTURY" ROOT BARRIER CP OR APPROVED EQUAL, SEE NOTE.
14. CUT STAKES 6" BELOW CANOPY.
15. CONC. WALK, STEP, WALL, CURB, FOUNDATION OR WATER QUALITY TREATMENT BMP LINER.
16. WOOD MULCH PER PLANTING NOTE 7.



A SPECIMEN TREE PLANTING / DOUBLE STAKE
N.T.S.

NOTE:
INSTALL STAND PIPE AND GRAVEL AT BASE WITH SPECIMEN (24" BOX & LARGER) TREE ONLY.

INSTALL 10 FOOT LENGTH OF ROOT CONTROL SYSTEM CENTERED ON THE TRUNK FOR ALL TREE ROOTBALLS LOCATED WITHIN 5'–0" OF CONC. WALKS, STEPS, CURBS, WALLS, OR FOUNDATIONS. MINIMUM 18" DEPTH.

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PHONE: (619) 296-3713

PROJECT:

CITY OF NEWPORT BEACH

NEWPORT BEACH FIRE STATION NO.1 & LIBRARY

110 E BALBOA BLVD
NEWPORT BEACH, CA 92661

CITY CONTRACT NO. C-8865-1

DESCRIPTION:	DATE:
50% DESIGN DEVELOPMENT	8/12/24
100% DD INTERNAL REVIEW	9/12/24
100% DESIGN DEVELOPMENT	9/30/24
60% CONSTRUCTION DOCUMENTS	1/15/25
PERMIT SUBMITTAL	3/11/25

NOT FOR CONSTRUCTION

PROJECT NUMBER:
202401

SHEET TITLE:
PLANTING LEGEND, DETAILS, WATER EFFICIENCY WORKSHEET

SHEET NUMBER:
L2.1

Attachment D

Community Development Director Action Letter from July 3, 2025 (No Attachments)

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915
949-644-3200
www.newportbeachca.gov

COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER

Subject:	**Balboa Branch Library and Fire Station No. 1 (PA2025-0130)** ▪ Staff Approval
Site Location	**100 East Balboa Boulevard**
Applicant	**City of Newport Beach - Public Works Department**
Legal Description	**Block 2 of the East Newport Tract**

On **July 3, 2025,** the Community Development Director approved Staff Approval No. PA2025-0130 authorizing a minor change to Coastal Development Permit No. PA2024-0140, which the City Council previously approved for the demolition and reconstruction of the City's Balboa Branch Library and Fire Station No. 1. The proposed change consists of revised landscape plans that include replacement tree plantings which further supports the nesting of herons. This approval is based on the following findings and is subject to the following conditions.

LAND USE AND ZONING

- **General Plan Land Use Plan Category:** Public Facilities (PF)
- **Zoning District:** Public Facilities (PF)
- **Coastal Land Use Plan Category:** Public Facilities (PF)
- **Coastal Zoning District:** Public Facilities (PF)

I. BACKGROUND AND PROPOSED CHANGES

On September 24, 2024, the City Council approved Coastal Development Permit (CDP) No. PA2024-0140, authorizing the demolition of the existing Balboa Branch Library and Fire Station No. 1, along with the removal of two diseased trees (see Resolution No. 2024-72 as Attachment No. CD 2). The City Council also authorized the construction of a new fire station and library of approximately 10,900 square feet. The proposed structure is approximately 33 feet 6 inches tall with a sloped roof and includes the installation of a 3,675 square-foot green space and a 1,500-square-foot playground area (Project). The project was exempted from Title 20 requirements pursuant to Section 20.10.040(A) (Applicability of Zoning Code) of the Newport Beach Municipal Code (NBMC), and a CDP was required due to the property's location within the Coastal Zone.

On October 24, 2024, the project was appealed to the Coastal Commission by Chris Pitet, on behalf of The Friends of Library Park, due to concerns about the removal of a Blue Gum Eucalyptus tree and the potential displacement of nesting blue herons. Subsequent to the

appeal being filed, City and Coastal Commission staff have been working collaboratively on appropriate revisions to the landscape plan included in the originally approved CDP to address the appellants' concerns. The revisions propose the replacement of Catalina Ironwood trees along Island Avenue and California Sycamore trees along East Bay Ave, with Western Sycamore trees, in order to better support nesting birds such as great blue herons. Additionally, the planting areas within the parking lot along East Bay Avenue will feature a Sweetshade and Australian Willow tree, replacing the originally proposed California Sycamores. The proposed changes will alter the parking layout and result in the loss of one parking space.

II. FINDINGS

A. The changes are consistent with all applicable provisions of this Zoning Code.

Facts in Support of Finding:

1. The Project is located in the PF General Plan Land Use Plan Category, Coastal Land Use Plan Category, Zoning District, and Coastal Zoning District. These designations are intended to provide public facilities, including public schools, cultural institutions, government facilities, libraries, community centers, public hospitals, and public utilities. The property is currently developed with a fire station and library and will be reconstructed to operate in the same manner. The proposed changes do not alter the Project's land use and remain consistent with the intent of the PF designations.

2. As conditionally approved in the CDP, the revised landscape plan complies with Title 21 (Local Coastal Program Implementation Plan) Subsection 21.30.075 (Landscaping) of the NBMC. While the revised landscape modifies the species of some of the trees, it continues to be consistent with Title 21 landscape standards. Additionally, the landscape plan does not include any invasive plant species and is still subject to compliance with the Migratory Bird Treaty Act.

3. The City utilized a biologist from Dudek Consultants, which provided an evaluation memorandum of the proposed tree replacement on May 5, 2025 (Attachment No. CD 4). The report recommended the use of Western Sycamore due to its ecological value, compatibility with Southern California's climate, and structural suitability for nesting birds, such as great blue herons. The report also concluded that mature eucalyptus trees located at the intersection of Island Avenue and West Bay Avenue, which are directly across from the Project, provide branching structure and sufficient canopy height well-suited to heron rookeries during the removal and replanting phase for the Project. The report also noted that an existing hoop pine which is located in the median southeast of the library also provides viable nesting options.

4. As conditionally approved in the CDP, the City is required to conduct a pre-construction nesting survey. The survey allows the City to identify areas with active nests and to create buffers to protect the nests from disturbance during construction.

Finding:

B. The changes do not involve a feature of the project that was a basis for or subject of findings or exemptions in a negative declaration or Environmental Impact Report for the project.

Facts in Support of Finding:

1. Per the approved CDP, the project is categorically exempt from the requirements of CEQA under Sections 15301 Class 1 (Existing Facilities), Class 2 (Replacement or Reconstruction), and Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3. The Class 1 exemption applies to additions to existing structures provided that the additional will not result in an increase of more than 10,000 square feet if the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the areas in which the project is located are not environmentally sensitive. Additionally, Class 3 exempts the construction and location of limited numbers of new, small facilities or structures including but not limited to structures not exceeding 10,000 square feet in floor area in urbanized areas on sites zoned for such use. In this case, the Project, including the tree's removal, consists of the demolition of the existing 4,140-square-foot branch library, 360-square-foot Balboa Historical Museum, and 3,423-square-foot fire station and replacement with construction of a new Balboa Branch Library and Fire Station No. 1 of approximately 10, 900 square feet. As proposed, the Project provides a floor area increase of approximately 3,000 square feet, does not require any change in the zoning designation, and is located in an urbanized area with adequate public services to serve the area. Therefore, the Project has no potential to have a significant effect on the environment and is a replacement of an existing structure with a new structure that is substantially the same size, purpose, and capacity.

2. The proposed changes primarily affect landscaping which are intended to support bird nesting habitats. No alterations to the Project's approved floor area, height, or use are being requested. While the revised landscape plan will result in the loss of one parking space, the Project will continue to provide sufficient on-site parking. Therefore, the requested changes will not affect the original Class 1 (Existing Facilities), Class 2 (Replacement or Reconstruction), and Class 3 (New Construction or Conversion of Small Structures) exemptions under the CEQA Guidelines.

Finding:

C. The changes do not involve a feature of the project that was specifically addressed or was the subject of a condition(s) of approval for the project or that was a specific consideration by the applicable review authority in the project approval.

Facts in Support of Finding:

1. Facts 1 and 3 in support of Finding A are hereby incorporated as reference.

2. Fact 2 in support of Finding B is hereby incorporated as reference.

Finding:

D. The changes do not result in an expansion or change in operational characteristics of the use

Facts in Support of Finding:

1. The approved CDP authorized the demolition of the Balboa Branch Library and Fire Station No. 1, along with the removal of two diseased trees, to allow for the construction of a new City fire station and library. The revised landscape plan does not change the approved use, height, or floor area of the Project. While the revised landscape plan will result in the loss of one parking space, the Project will continue to provide sufficient on-site parking.

III. CONDITIONS

1. All previous conditions of approval for Coastal Development Permit (PA2024-0140) shall remain in full force and effect.

2. The development authorized by this Staff Approval shall be in substantial conformance with the revised landscape plan (Attachment No. CD 5)

3. The Community Development Director may add to or modify conditions to this staff approval or revoke this staff approval upon determination that the addition, which is the subject of this staff approval, causes injury, or is detrimental to the public health, safety, peace, or general welfare of the community if the property is operated or maintained so as to constitute a public nuisance.

APPEAL PERIOD: An appeal or call for review may be filed with the Director of Community Development or City Clerk, as applicable, within 14 days following the date the action or decision was rendered. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

Prepared by:

Laura Rodriguez, Assistant Planner

Approved by:

Seimone Jurjis, Assistant City Manager

DL/ lr

Attachments:
CD 1 Vicinity Map
CD 2 Resolution No. 2024-72
CD 3 Originally Approved Landscape Plan
CD 4 Dudek Memorandum
CD 5 Revised Landscape Plan

Attachment E

Planning Commission Staff Report from September 18, 2025 (No Attachments)

CITY OF NEWPORT BEACH
PLANNING COMMISSION STAFF REPORT

September 18, 2025
Agenda Item No. 4

SUBJECT:	Fire Station No.1 and Balboa Branch Library Landscape Changes Appeal (PA2025-0130) ▪ Staff Approval
SITE LOCATION:	100 East Balboa Boulevard
APPELANT:	Christopher L. Pitet on behalf of The Friends of Library Park
APPLICANT:	City of Newport Beach – Public Works Department
OWNER:	City of Newport Beach
PLANNER:	Laura Rodriguez, Assistant Planner 949-644-3216, lrodriguez@newportbeachca.gov

PROJECT SUMMARY

An appeal of the Community Development Director's July 3, 2025, decision to approve minor changes to Coastal Development Permit (CDP) No. PA2024-0140. The CDP was previously approved by City Council on September 24, 2024, for the demolition and reconstruction of the City's Fire Station No.1 and Balboa Branch Library. The City Council also approved the removal of two diseased trees located within the property. The minor changes approved by the Director modified the previously approved landscaping plans by proposing replacement of tree species to further support nesting birds such as great blue herons. The changes will alter the parking layout and result in the loss of one surplus parking space.

RECOMMENDATION

1) Conduct a de novo public hearing;

2) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15302 under Class 2 (Replacement or Reconstruction) of the CEQA Guidelines, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment; and

3) Adopt Resolution No. PC2025-021 denying the appeal and affirming the Community Development Director's approval for Staff Approval filed as PA2025-0130 (Attachment No. PC 1).

VICINITY MAP

GENERAL PLAN

ZONING

LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	Public Facilities (PF)	Public Facilities (PF)	Fire Station and Library
NORTH	Single Unit Residential Detached (RS-D)	Single-Unit Residential (R-1)	Single- and multi-unit dwellings
SOUTH	RS-D	R-1	Single-unit dwellings
EAST	RS-D	R-1	Single- and two-unit dwelling
WEST	Mixed-Use Vertical (MU-V) Multiple Residential (RM)	Mixed-Use Vertical (MU-V) Multiple Residential (RM)	Restaurant and parking structure

INTRODUCTION

Project Setting and Background

The existing Balboa Branch Library and Fire Station No. 1 facility is located on the Balboa Peninsula, at 100 and 110 East Balboa Boulevard. The Balboa Branch Library was constructed in 1929. A fire station was added to the existing library and has been operating as Fire Station No. 1 since 1962. Both facilities total approximately 7,930 square feet of gross floor area (Figure 1, below). In 2021, an assessment evaluating the facilities' condition was conducted, and both facilities were rated as "poor" condition due to age-related and environmental deterioration. Given that the property's location is in the Coastal Zone, the reconstruction of the existing facilities requires a CDP.

Figure 1: Existing Fire Station No.1 and Balboa Branch Library (as viewed from East Balboa Boulevard)

On March 5, 2024, the Parks, Beaches, and Recreation Commission (PB&R) approved the removal of two Special City Landmark trees – a Blue Gum Eucalyptus and a Canary Island Date Palm, located on the subject property, due to disease and the decaying advancement rate (Figure 2, below).

Figure 2 (above): Oblique Aerial Image of Property

On June 14, 2024, Christopher Pitet (Appellant), representing The Friends of the Library Park, filed an appeal of the PB&R Commission's decision to remove the Blue Gum Eucalyptus tree to the City Council. The appeal outlined concerns that the removal of the tree fails to comply with the California Environmental Quality Act (CEQA) and City Council Policy G-1. Additionally, that the removal will affect great blue herons that nest on the tree.

On September 24, 2024, the City Council denied the appeal and upheld the PB&R Commission's decision to remove the two diseased Special Landmark trees. The City Council also approved a CDP for the demolition and reconstruction of the library and fire station, which is proposed to be 33 feet 6 inches tall, approximately 10,900 square feet in floor area and includes the installation of a 3,675-square-foot green space and a 1,500-square-foot playground area (Figure 3, below). The approved resolution is included as Attachment No. PC 2.

Figure 3: Renderings of Proposed Fire Station No.1 and Balboa Branch Library from East Balboa Boulevard (above) and from the proposed parking lot (below)

On October 24, 2024, the CDP was appealed to the California Coastal Commission (CCC) by Chris Pitet, on behalf of The Friends of Library Park, due to concerns about the removal of a Blue Gum Eucalyptus tree and the potential displacement of nesting great blue herons. Subsequent to the appeal being filed, the City and CCC staff worked collaboratively on appropriate revisions to the approved CDP landscape plan which would provide specific tree species planted to better support nesting birds.

Staff Approval for Minor Changes

On July 3, 2025, the Community Development Director approved Staff Approval No. PA2025-0130 for minor changes to the landscape plans of the approved CDP (Attachment No. PC 3), with the intention to address the CCC's concerns of the appeal and to better support nesting birds. The changes to the landscape plan include includes replacing the Catalina Ironwood trees along Island Avenue and the California Sycamore trees along East Bay Ave with Western Sycamore trees. Additionally, the planting areas

within the parking lot along East Bay Avenue will feature a Sweetshade tree and an Australian Willow tree, replacing the originally proposed California Sycamores. The revised landscape plan will alter the parking layout and result in the loss of one surplus parking space (Figure 4, below). The originally approved landscape plan is included as Attachment No. PC 4 and the revised landscape plan is included as Attachment No. PC 5.

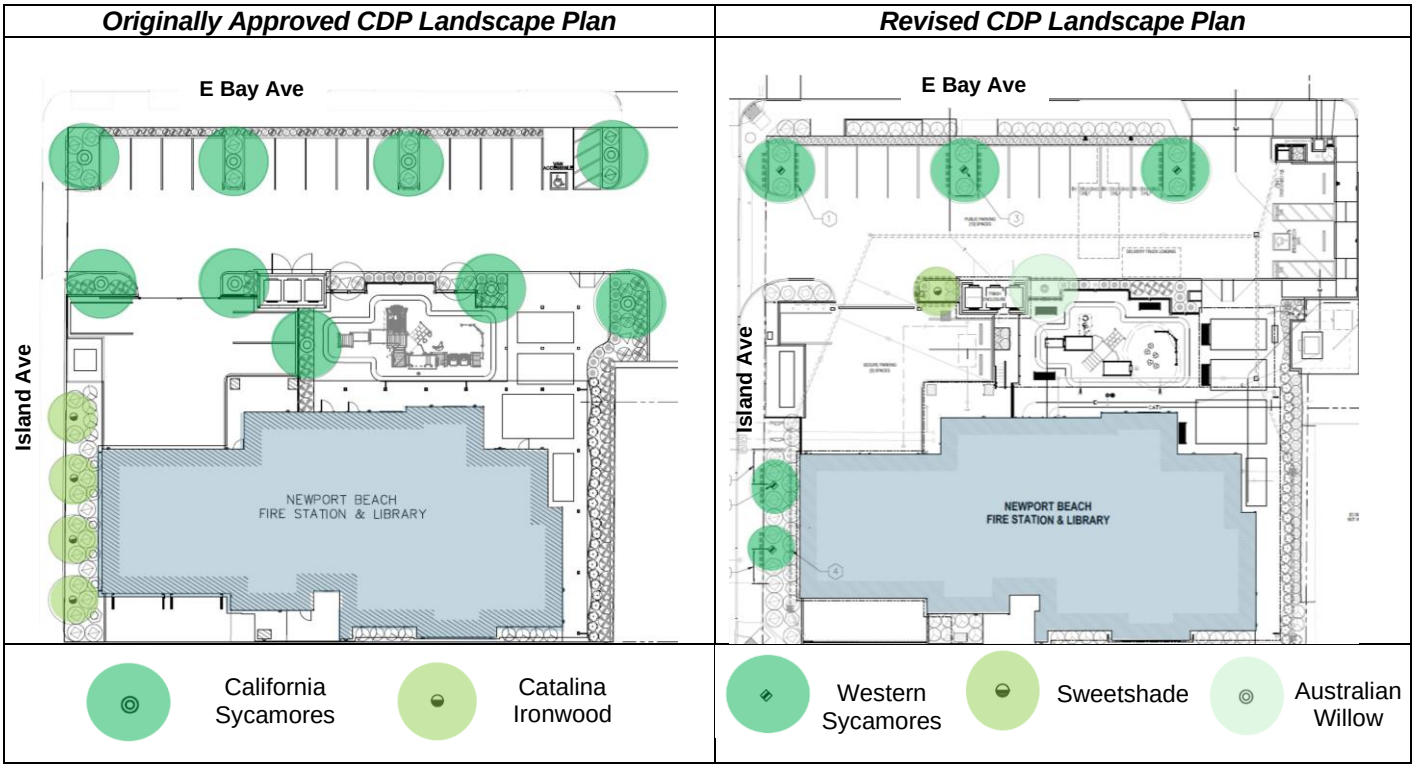


Figure 4: Comparison of the Original and Revised Landscape Plan

Appeal of Staff Approval

On July 18, 2025, Chris Pitet, on behalf of The Friends of Library Park, filed an appeal of the Staff Approval to the Planning Commission. The appellant cited objection towards the CEQA exemptions utilized, concerns that the replacement trees are insufficient for nesting birds, and that the project does not protect environmentally sensitive habitat areas (ESHA). The appellant's appeal application is included as Attachment No. PC 6.

Conduct of Hearing

Pursuant to Municipal Code Section 20.64.030.C.3 (Conduct of Hearing), a public hearing on an appeal is conducted "de novo," meaning that it is a new hearing. The prior action of the Community Development Director to approve Staff Approval No. PA2025-0130 has no force or effect. The Planning Commission is not bound by the Community Development Director's prior decision.

DISCUSSION

General Plan, Zoning Code, and Local Coastal Plan

The property is categorized as Public Facilities (PF) by the General Plan Land Use Element, Planning and Zoning Code (Title 20), Coastal Land Use Plan, and Local Coastal Program Implementation Plan (Title 21). The PF categories are intended to provide public facilities, including public schools, cultural institutions, government facilities, libraries, community centers, public hospitals, and public utilities. The property has been historically used as a fire station and library and will continue to operate in that manner. Therefore, the uses are consistent with the PF categories.

Zoning Code Requirements and Coastal Development Permit

Due to the property being located within the Coastal Zone, the reconstruction of the fire station and library required a coastal development permit. Typically, projects in the PF zoning district are also required to obtain a use permit to establish development standards and undergo a major site development review when a project proposes to go over the maximum allowable height within the Nonresidential Shoreline Height Limitation Zone. However, on September 24, 2024, pursuant to Section 20.10.040(A) (Applicability of Zoning Code) of the Newport Beach Municipal Code (NBMC), the City Council exempted the project from the use permit requirements under Title 20 and approved a coastal development permit (CDP). The CDP subsequently established the project's development standards. Along with the CDP approval, the City Council upheld the PB&R's decision to remove two diseased Special Landmark Trees.

Additionally, the CDP's landscape plan is required to comply with Subsection 21.30.075 (Landscaping) of Title 21 of the NBMC. The revised landscape plan proposes certain tree species for the purpose of supporting nesting birds, which will continue to comply with the Title 21 landscape standards, and do not include any invasive species. Although the revised landscape plan will alter the property's parking layout and result in the loss of one surplus parking space, the property will continue to provide sufficient on-site parking.

California Coastal Commission (CCC) Staff Feedback and Additional Analysis

Since the CDP was appealed to the CCC, a subsequent review of the project was conducted by CCC staff. The appellant cited concerns about the removal of the Blue Gum Eucalyptus tree and the potential displacement of nesting great blue herons. As a result, the City and Coastal Commission staff collaborated on landscape alternatives that would best support nesting birds such as great blue herons. The Coastal Commission staff's biologist recommended that City staff consider using Eucalyptus, Cypress, Western Sycamores, and Big Cone Spruce as alternative tree species to mitigate the removal of nesting trees on the property. Additionally, a Tree Evaluation Report, dated May 5, 2025, was prepared by Dudek Consultants in order to assist the City in preparation of a revised landscape plan (Attachment No. PC 7). The report was prepared by a biologist and urban forester.

Subsequently, the revised landscape plan is based on the report's recommendations to better serve nesting birds. A detailed analysis of the report is provided below in the Response to Appeal Section.

Condition of Approval Nos. 3 and 4 of the CDP, requires that the demolition and reconstruction of Fire Station No.1 and Balboa Branch Library comply with the Migratory Bird Treaty Act, which is intended to ensure the sustainability of populations of all migratory bird species. Additionally, the applicant is required to conduct a pre-construction nesting survey prior to the demolition of the structures. The survey allows the applicant to identify areas with active nests and to create buffers to protect the nests from disturbance during construction. The project, which provides an updated landscaping plan and parking layout, will not affect compliance with these conditions of approval.

Staff Approval Findings

Pursuant to NBMC Section 21.54.070 (Changes to an Approved Coastal Development Permit), the Community Development Director may authorize minor changes to an approved site plan, architecture, or the nature of the approved use, without a public hearing, and waive the requirement for a new coastal development permit. In this case, since the Staff Approval authorized by the Director has been appealed, the Planning Commission must determine that the proposed changes are in substantial conformance with CDP No. PA2024-0140 because the project's changes:

a. *Are consistent with all applicable provisions of this Implementation Plan;*
b. *Do not involve a feature of the project that was a basis for or subject of findings or exemptions in a negative declaration or Environmental Impact Report for the project;*
c. *Do not involve a feature of the project that was specifically addressed or was the subject of a condition(s) of approval for the project or that was a specific consideration by the applicable review authority in the project approval;*
d. *Do not result in an expansion or change in operational characteristics of the use; and*
e. *Do not alter the facts in support of the findings required by Section 21.52.015(F) and any other application section of this Implementation Plan.*

As previously discussed, the property is located in the PF Coastal Zoning District, which is intended to provide public facilities. The property has historically been used as a fire station and library, which will be reconstructed to operate with the same land use. The purpose of the Staff Approval is to revise the approved landscape plan to replace certain tree species for the purpose of supporting nesting birds. The landscape plan complies with the standards of the Implementation Plan and does not include any invasive species. Additionally, the CDP requires the project construction to comply with the Migratory Bird Treaty Act (MBTA), which is intended to ensure the sustainability of populations of all migratory bird species. The City is required to conduct a pre-construction nesting survey

prior to the demolition of the existing structures, which identifies and protects areas with active nests from disturbance during construction.

Since the Staff Approval primarily affects landscaping, no alterations to the proposed fire station and library's approved floor area, height, or use are being requested. The Project is substantially conforming to the scope of the approved CDP, which is the replacement or reconstruction of an existing library and fire station with a new library and fire station on the same project site. Therefore, the requested changes will not affect the Class 2 (Replacement or Reconstruction) exemption under the CEQA Guidelines, nor does it result in an expansion or change in operational characteristics of the use.

The minor revisions of the Staff Approval do not alter the original CDP findings required by the Implementation Plan. Since the appeal, staff has conducted additional analysis of the project site and has determined that it is not categorized as an ESHA as defined by NBMC Section 21.30B.030, nor are the great blue heron species federally listed as threatened or endangered. This is further discussed in the *Response to Appeal* section, below, as well as the Draft Resolution (Attachment No. PC 1) and Dudek Consultant Memorandum dated August 14, 2025 (Attachment No. PC 8). Therefore, the landscape revisions do not affect the project's conformance to all applicable sections of the Local Coastal Program and do not result in a change to public access or views of the beach or bay.

RESPONSE TO APPEAL

The following are summarized reasons for the appeal of the Staff Approval by the appellant, followed by a response from staff.

CEQA Clearance *– The appellant expresses concerns for the Staff Approval utilizing Classes 1, 2 and 3 for CEQA exemptions.*

The project is exempt from the California Environmental Quality Act (CEQA) under Section 15302 under Class 2 (Replacement or Reconstruction) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3. A detailed analysis of the CEQA exemption is provided below in the Environmental Review Section.

Staff clarified the appropriateness of the Class 2 CEQA exemption related to the originally approved CDP. The proposed changes requested by the City primarily affect landscaping and would not affect this CEQA exemption applied to the CDP.

Dudek Memorandum on Tree Replacement *– The appellant expresses concerns about the replacement trees not being sufficient for nesting birds.*

The City's Public Works staff sought assistance from a Dudek Consultant biologist in order to ensure the proposed changes were suitable for nesting blue herons. A Tree Evaluation Report, dated May 5, 2025, was prepared by Dudek Consultants in order to

assist the City in preparation of a revised landscape plan. The memorandum provided a biological and arboricultural analysis related to the proposed changes. The use of the Western Sycamore tree was recommended due to its ecological value, compatibility with Southern California's climate, and structural suitability for nesting birds, such as blue herons. The report also considered the availability of existing trees in the immediate area that can continue to support heron nesting activity. It indicated that mature Eucalyptus trees located at the intersection of Island Avenue and West Bay Avenue, as well a Hoop Pine tree in the median southeast of the library, exhibited the size, height, and structural characteristics to support heron nesting activity. While the appellant expressed concerns that these trees were not sufficient, the memorandum supports that the Eucalyptus trees, as well as the Hoop Pine tree, will mitigate the removal of the existing trees for the project. It also concluded that these trees are likely to serve as suitable interim nesting habitat for the local heron population due to their relative proximity to the original nesting site and their mature stature. The report also noted that these trees should help minimize disruption to the nesting cycle during the project's reconstruction while the newly planted trees mature and develop sufficient canopy coverage to support long-term habitat needs.

Migratory Bird Treaty Act *– The appellant states that the great blue heron species is federally protected.*

The City's Public Works staff coordinated with its Dudek Consultant biologist regarding this statement. Subsequently, a memorandum regarding the protection status of nesting great blue herons was prepared by Dudek Consultants on August 14, 2025 (Attachment No. PC 8). The memorandum clarifies that while great blue herons are provided protection under the Migratory Bird Treaty Act (MBTA), particularly while nesting, it is not federally listed as threatened or endangered under the Federal Endangered Species Act (FESA). Therefore, the great blue heron is not a federally protected species and is considered a secure species, in California as well as globally, according to the California Department of Fish and Wildlife Natural Diversity Database. The report also affirms that herons that nest on site are only protected while actively nesting and rookeries are not protected further. The future removal of the Blue Gum Eucalyptus tree and any remaining nests would be conducted outside of the nesting season (February through August) and after a biologist determines there is no active nesting. Overall, the project's revised changes continue to comply with the MBTA.

Environmentally Sensitive Habitat Area *– The appellant expresses concern that the revised changes violate protections for Environmentally Sensitive Habitat Areas (ESHAs) and the City's Local Coastal Program (LCP).*

Sections 21.30B.030 (Environmentally Sensitive Habitat Areas) of the NBMC defines an ESHA in which plant or animal life or their habitats are either rare or are especially valuable because of their special nature or role in an ecosystem that could easily be disturbed or degraded by human activities and developments. Additionally, Section 21.30B.030 (A)(1) discusses exceptions and states that ESHAs do not include existing developed areas.

The appellant asserted that the Blue Gum Eucalyptus tree being removed is considered an ESHA because it contains nests of federally protected herons. As discussed above, the great blue heron is not considered a threatened or endangered species under FESA and therefore, not a federally protected species. Additionally, the August 14, 2025, Dudek memorandum evaluates whether the Blue Gum Eucalyptus tree itself qualifies as an ESHA (Attachment No. PC 8) and concludes the following:

- The memorandum affirms that the property and eucalyptus tree qualifies for an ESHA *exemption* under Section 21.30B.030(A)(1) of NBMC due to the property's existing development. The Balboa Branch Library was constructed in 1929. A fire station was added to the existing library and has been operating as Fire Station No. 1 since 1962. The two public facility buildings total approximately to 7,930 square feet and are surrounded by residential, commercial, and mixed-used development.

- Notwithstanding the exemption, the memorandum analyzed the tree's potential as ESHA utilizing the criteria in Section 21.30B.030(C)(1) of NBMC and concludes that the tree is not an ESHA and further supports that its removal is not detrimental since it does not play a special role in an ecosystem given that it is located in a developed area as ornamental landscaping. The tree is also not a rare species and is non-native. Lastly, the property lacks natural communities, coastal streams, rare plants or wildlife, and connectivity to other natural areas given that it is surrounded by development.

In accordance with the City's Natural Resources Element of the General Plan, undeveloped areas supporting natural habitats that may be capable of supporting sensitive biological resources within the City are also referred to as Environmental Study Areas (ESAs) by the Local Coastal Plan. Portions of ESAs within the Coastal Zone that contain sensitive or rare species are referred to as ESHAs.

The property is also not identified as one of the twenty-eight ESAs within the City under Figure NR2 (Environmentally Study Areas) of the General Plan's Natural Resources Element (Attachment No. PC 9). Additionally, the property is not identified as a site with Biological Resources under General Plan Figure NR1 (Biological Resources) of the Natural Resources Element (Attachment No. PC 10). Overall, the project complies with City's Local Coastal Program and is not affecting an ESHA.

SUMMARY

In conclusion, the project consists of minor changes to the originally approved CDP. These changes are mainly related to landscape and alteration of the parking layout. The appropriate revisions to the approved CDP landscape plan are in line with the CCC staff recommendations and ultimately provide certain tree species planted to better support nesting birds. The project is consistent with the intent of supporting nesting birds such as

great blue herons. The project complies with the City's Local Coastal Program, the Natural Resources Element of the General Plan, and does not affect an ESHA. Staff believe the findings for approval can be made to support the proposed changes and the facts in support of the required findings are presented in the draft Resolution.

ENVIRONMENTAL REVIEW

Per the approved CDP, the overall project is exempt from the California Environmental Quality Act (CEQA) under Section 15302 under Class 2 (Replacement or Reconstruction) 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 Class 2 exemption applies to the replacement or reconstruction of existing structures where the new structure will be located on the same site as the structure being replaced and substantially have the same purpose and capacity. In this case, the originally approved CDP identifies the demolition and reconstruction of the fire station and library, including the removal of two diseased Special Landmark trees. The project is substantially conforming to the scope of the approved CDP, which is the replacement or reconstruction of an existing library and fire station with a new library and fire station on the same project site. Therefore, the intent of Class 2 is still being met and the Project's minor changes to landscaping and parking will not affect the Class 2 exemption.

The exceptions to these categorical exemptions under Section 15300.2 are not applicable. The project's landscape changes do 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.

PUBLIC NOTICE

Notice of this hearing was published in the Daily Pilot, mailed to all owners and residential occupants of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant, and posted on the subject property at least 10 days before the scheduled meeting, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the city website.

Prepared by:

Laura Rodriguez, Assistant Planner
DL/lr

Submitted by:

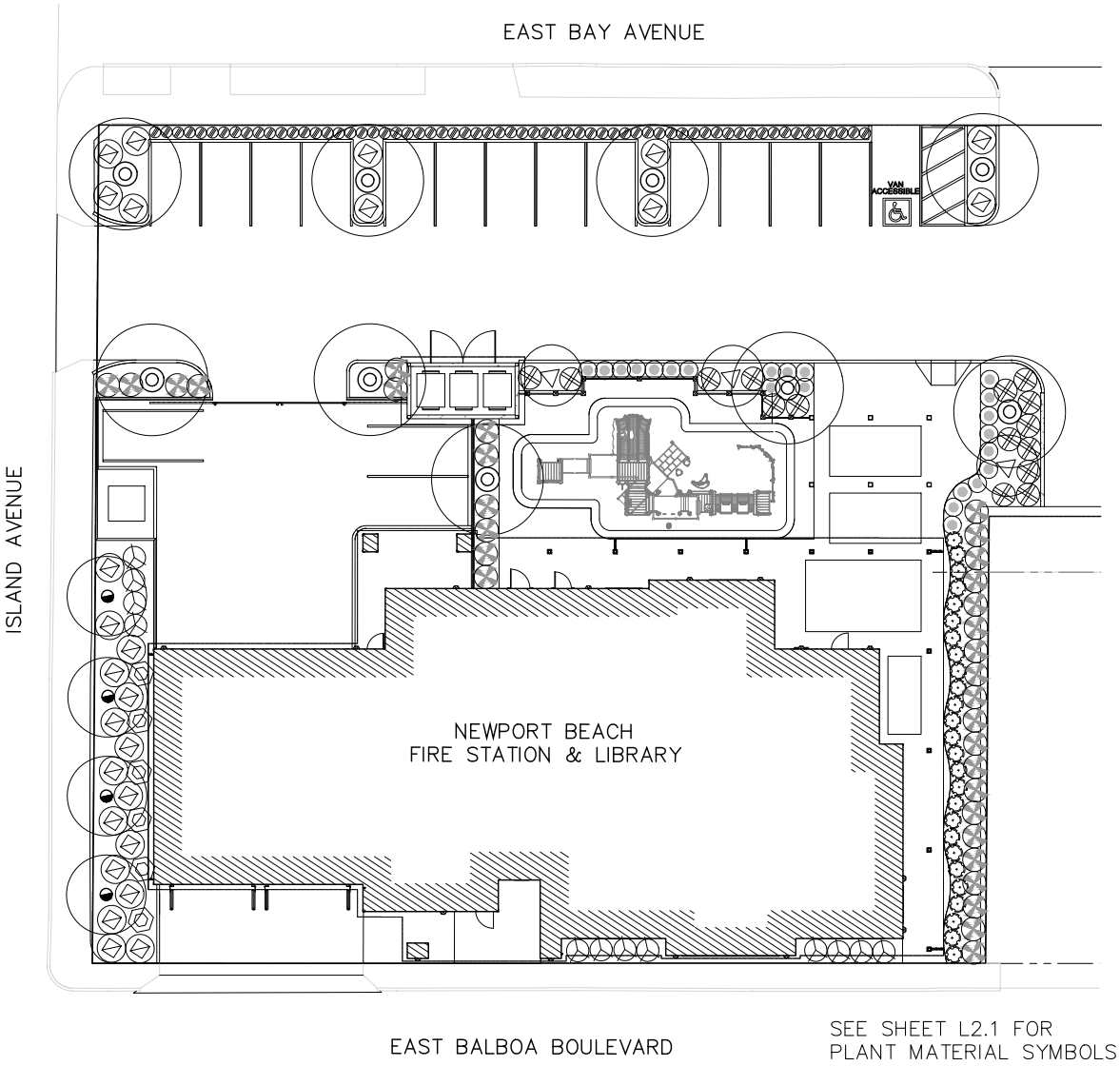
Jaime Murillo, AICP
Acting Community Development Director

ATTACHMENTS

PC 1 Draft Resolution
PC 2 Approved Resolution No. 2024-72 from September 24, 2024, City Council Hearing
PC 3 Community Development Director Action Letter from July 3, 2025
PC 4 Originally Approved CDP Landscape Plan
PC 5 Revised CDP Landscape Plan
PC 6 Appellant's Application of Appeal
PC 7 Dudek Memorandum from May 5, 2025
PC 8 Dudek Memorandum from August 14, 2025
PC 9 Figure NR2 Environmentally Study Areas
PC 10 Figure NR1 Biological Resources

Attachment F

Original Approved CDP Landscape Plan



SEE SHEET L2.1 FOR PLANT MATERIAL SYMBOLS

0 10' 20' 40'
SCALE: 1" = 10'-0"

LANDSCAPE IMPROVEMENTS GENERAL NOTES

1. THE CONTRACTOR SHALL VERIFY WITH THE ENGINEER THAT PLANS ARE CURRENT AND APPROVED.
2. LANDSCAPE IMPROVEMENTS SHALL BE IN ACCORDANCE WITH THE LANDSCAPE PLANS, SPECIFICATIONS AND REQUIREMENTS OF THE CITY OF NEWPORT BEACH LANDSCAPE DESIGN STANDARDS,
3. THE CONTRACTOR SHALL COMPLY WITH THE ENGINEERING SOILS REPORT RECOMMENDATIONS AS RELATE TO HIS WORK.
4. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY AND/OR REQUIRED PERMITS AND PAY ALL RELATED FEES AND/OR TAX REQUIRED TO INSTALL THE WORK ON THESE PLANS.
5. THE CONTRACTOR SHALL BE APPROPRIATELY LICENSED AS REQUIRED BY THE STATE OF CALIFORNIA.
6. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMMEDIATELY OF ANY ERRORS, OMISSIONS OR DISCREPANCIES IN EXISTING CONDITIONS OR WITH THE PLANS PRIOR TO BEGINNING THE WORK.
7. DETERMINATION OF "EQUAL" SUBSTITUTIONS SHALL BE MADE ONLY BY THE ENGINEER.
8. THE LANDSCAPE ARCHITECT OF RECORD, AND THE ENGINEER SHALL BE NOTIFIED NO LESS THAN 48 HOURS IN ADVANCE OF THE START OF CONSTRUCTION, ANY SITE OBSERVATION, OR MEETINGS. SITE OBSERVATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO:
   A. PRE-CONSTRUCTION MEETING
   B. LANDSCAPE GRADING AND SOIL AMENDING.
   C. LANDSCAPE CONSTRUCTION.
   D. SPOTTING OF SPECIMEN PLANTS.
   E. IRRIGATION PRESSURE AND COVERAGE TEST.
   F. PLANTING AND/OR HYDROSEEDING.
   G. PRE-MAINTENANCE.
   H. POST MAINTENANCE (FINAL).
   NOTE: "LANDSCAPE" SHALL REFER TO ALL IMPROVEMENTS WITHIN THIS SET OF DOCUMENTS THAT HAVE BEEN DESIGNED BY PARTERRE.
9. SITE OBSERVATIONS BY THE ENGINEER DURING ANY PHASE OF THIS PROJECT DO NOT RELIEVE THE CONTRACTOR OF HIS PRIMARY RESPONSIBILITY TO PERFORM ALL WORK IN ACCORDANCE WITH THE PLANS, SPECIFICATIONS AND GOVERNING CODES.
10. THE CONTRACTOR SHALL REPLACE ALL TREES, SHRUBS AND GROUND COVERS NOTED TO REMAIN IN PLACE DAMAGED BY PLANTING OR OTHER CONSTRUCTION OPERATIONS. THE GENERAL CONTRACTOR SHALL ALSO REPAIR OR REPLACE EXISTING IRRIGATION SYSTEMS DAMAGED BY CONSTRUCTION OPERATIONS.
11. THE CONTRACTOR SHALL PROVIDE PLANTING ESTABLISHMENT AND FULL MAINTENANCE OF ALL LANDSCAPE AREAS FOR A PERIOD OF 90 DAYS AFTER INITIAL WRITTEN CITY APPROVAL. CONTRACTOR SHALL GUARANTEE TREES AND IRRIGATION EQUIPMENT FOR A PERIOD OF ONE FULL YEAR AFTER WRITTEN ACCEPTANCE OF INSTALLATION. SEE SPECIFICATIONS FOR ADDITIONAL REQUIREMENTS.
12. CONTRACTOR SHALL SUBMIT AN AGRICULTURAL SUITABILITY AND FERTILITY ANALYSIS OF TWO (2) SAMPLE LOCATIONS TO BE DETERMINED BY THE ENGINEER AFTER DEMOLITION AND PRIOR TO PLANTING WORK. PLANTING REQUIREMENTS AND SOIL AMENDMENT SPECIFICATIONS ARE BASED ON A PRELIMINARY ANALYSIS OF ON-SITE SOILS.
13. THE LANDSCAPE CONTRACTOR SHALL PROVIDE A LETTER OF CERTIFICATION FOR WORK COMPLETED RELATED TO THE LANDSCAPE CONTRACT DOCUMENTS. THE LETTER SHALL SPECIFICALLY STATE THAT PLANTS WERE INSTALLED AS SPECIFIED AND THAT THE IRRIGATION SYSTEM WAS INSTALLED AS DESIGNED. THE LETTER SHALL BE SUBMITTED TO THE LANDSCAPE ARCHITECT OF RECORD PRIOR TO THE COMPLETION OF THE 60 DAY MAINTENANCE PERIOD.
14. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR SUBMITTING AN IRRIGATION AUDIT REPORT. THE AUDIT REPORT SHALL BE PREPARED BY A CERTIFIED LANDSCAPE IRRIGATION AUDITOR APPROVED BY THE OWNER'S REPRESENTATIVE. AUDIT MEMORANDUM AND SERVICES WILL INCLUDE ON SITE REVIEW WITH THE OWNER'S REPRESENTATIVE OF THE IRRIGATION SYSTEM, SYSTEM TUNE-UP, SYSTEM TEST WITH DISTRIBUTION UNIFORMITY, YEARLY IRRIGATION SCHEDULE, AND ASSOCIATED DATA PER IRRIGATION AUDIT INDUSTRY STANDARDS. THE REPORT SHALL BE SUBMITTED TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING THE MAINTENANCE PERIOD. COST FOR IRRIGATION AUDIT REPORT AND SERVICES SHALL BE PROVIDED BY THE CONTRACTOR.

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LANDSCAPE ARCHITECTURE
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PHONE: (619) 295-3713

PROJECT:
CITY OF NEWPORT BEACH
NEWPORT BEACH FIRE STATION & LIBRARY
110 E BALBOA BLVD
NEWPORT BEACH, CA 92661

DESCRIPTION:	DATE:
50% DESIGN DEVELOPMENT	8/12/24

NOT FOR CONSTRUCTION

PROJECT NUMBER:
202401

SHEET TITLE:
PLANTING PLAN AND NOTES

SHEET NUMBER:
L2.0

PLANT MATERIAL LEGEND – TREE / SHRUBS

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS	MINIMUM CALIPER	DETAIL	WUCOL CLASS ZONE 3	QUANTITY
TREES								
	LYONOTHAMNUS FLORIBUNDUS	CATALINA IRONWOOD	24" BOX	9'–10' HT. / 3'–4' SP. STANDARD	1.25"	A	LOW	
	PLATANUS RACEMOSA	CALIFORNIA SYCAMORE	24" BOX	10'–12' HT. / 3'–4' SP. STANDARD	1.25"	A	MODERATE	
SHRUBS								
	ALOE DAWAI	ORANGE FLAME ALOE	5 GAL.	SUCCULENT LEAVES, GREEN COLOR		B	LOW	
	CAREX DIVULSA	BERKLEY SEDGE	5 GAL.	FULL, BUSHY, GOOD GREEN COLOR		B	LOW	
	CARPENDERIA CALIFORNICA "ELIZABETH"	BUSH ANEMONE	5 GAL.	FULL, BUSHY, GOOD GREEN COLOR		B	LOW	
	LEYMUS CONDENSATUS "CANYON PRINCE" "CANYON PRINCE"	CANYON PRINCE WILD RYE	5 GAL.	FULL, BUSHY, GOOD GREEN COLOR		B	LOW	
	LOMANDRA "PLATINUM BEAUTY"	VARIEGATED DWARF MATT RUSH	5 GAL.	FULL, BUSHY, GOOD GREEN COLOR		B	LOW	
	RHUS INTEGRIFOLIA	LEMONADE BERRY	15 GAL.	FULL, BUSHY, GOOD GREEN COLOR		B	LOW	
	SALVIA CLEVELANDII "ALPINE"	ALPINE CLEVELAND SAGE	5 GAL.	FULL, BUSHY, GOOD GREEN COLOR		B	LOW	
	WESTRINGIA FRUTICOSA "MORNING LIGHT"	MORNING LIGHT COAST ROSEMARY	5 GAL.	FULL, BUSHY, GOOD GREEN COLOR		B	LOW	
	WESTRINGIA FRUTICOSA "MUNDI"	LOW COAST ROSEMARY	5 GAL.	FULL, BUSHY, GOOD GREEN COLOR		B	LOW	

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PROJECT:

CITY OF NEWPORT BEACH

NEWPORT BEACH FIRE STATION & LIBRARY

110 E BALBOA BLVD
NEWPORT BEACH, CA 92661

DESCRIPTION:	DATE:
50% DESIGN DEVELOPMENT	8/12/24

NOT FOR CONSTRUCTION

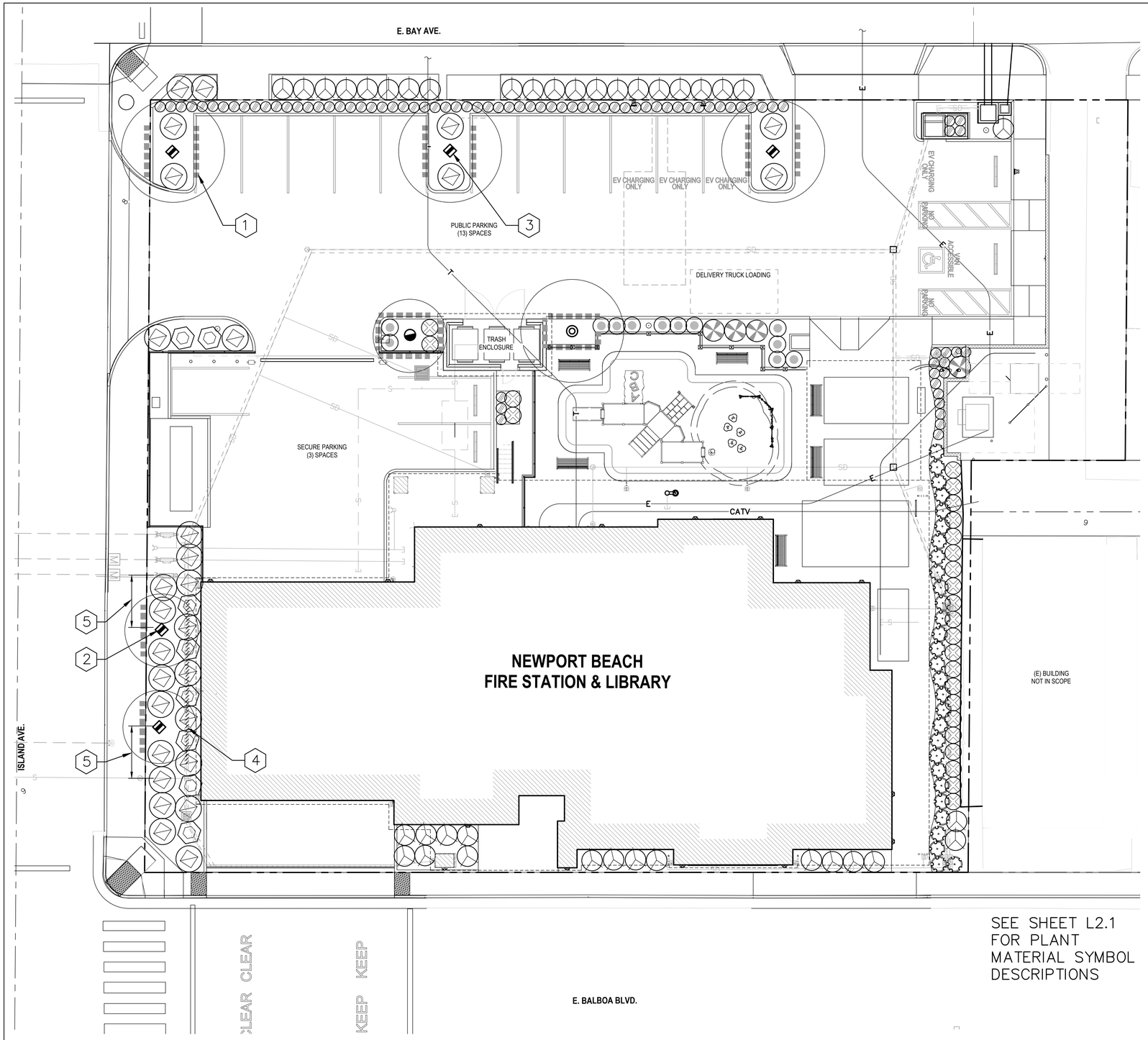
PROJECT NUMBER:
202401

SHEET TITLE:
PLANTING LEGEND AND NOTES

SHEET NUMBER:
L2.1

Attachment G

Revised CDP Landscape Plan



SEE SHEET L2.1 FOR PLANT MATERIAL SYMBOL DESCRIPTIONS

0 10' 20' 40'
SCALE: 1" = 10'-0"

PLANTING NOTES

1. FINE GRADE ALL PLANTING AREAS PRIOR TO COMMENCEMENT OF PLANTING OPERATIONS.
2. CONTRACTOR IS RESPONSIBLE FOR PROVIDING SUFFICIENT PLANT MATERIAL TO COVER AREAS SHOWN ON THE PLANS.
3. INSTALL ALL PLANT MATERIALS IN ACCORDANCE WITH DETAILS. ALL FINISH GRADING AND PLANTING OPERATIONS SHALL BE CARRIED OUT IN ACCORDANCE WITH THE PLAN NOTES, DETAILS AND SPECIFICATIONS.
4. ALL NURSERY TYING MATERIALS AND TAPES SHALL BE REMOVED AT TIME OF PLANTING.
5. CONTRACTOR SHALL NOTIFY THE OWNER'S REPRESENTATIVE 48 HOURS PRIOR TO DELIVERY OF PLANT MATERIALS TO THE SITE IN ORDER THAT THE LANDSCAPE ARCHITECT CAN DETERMINE THE ACCEPTABILITY OF PLANT MATERIAL AT TIME OF DELIVERY.
6. CONTRACTOR SHALL LOCATE PLANT MATERIAL AS SHOWN ON THE PLANTING PLAN AND OBTAIN APPROVAL OF THE OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION. SCALE THE LOCATION OF TREES AND SHRUBS FROM CENTER OF INDIVIDUAL SYMBOLS BASED ON OFFSETS FROM BUILDING OR HARDSCAPE FEATURES.
7. CONTRACTOR SHALL INSTALL MINIMUM 3 INCH DEPTH OF WOOD MULCH IN ALL PLANTING AREAS. SEE SPECIFICATIONS FOR CLASS.
8. ALL PLANT MATERIAL IN SIMILAR CONTAINERS SHALL BE EVENLY MATCHED.
9. THE FINISH GRADE OF ALL SHRUB AND GROUNDCOVER AREAS SHALL BE FREE OF ROCKS 2 INCHES AND LARGER.
10. ALL LANDSCAPE AREAS SHALL BE GRADED TO MAINTAIN A MINIMUM SLOPE OF 2 PER CENT FROM THE BUILDING TO DRAINS, CURBS AND WALKS.
11. VERIFY ALL UNDERGROUND UTILITY LOCATIONS PRIOR TO EXCAVATING FOR PLANT MATERIAL. SEE CIVIL IMPROVEMENT PLANS FOR LOCATIONS.
12. THE SURFACE AND SUBSURFACE SOIL IN ALL PLANTING AREAS SHALL BE RIPPED TO A MINIMUM DEPTH OF 6 INCHES.
13. AFTER ROUGH GRADING, SOIL SAMPLES SHALL BE TAKEN FROM TWO (2) LOCATION ON SITE AS DETERMINED BY THE OWNER'S REPRESENTATIVE. CONTRACTOR SHALL CONDITION THE PLANTING BACKFILL PER THE SOIL LAB'S ANALYSIS RECOMMENDATIONS. SEE SPECIFICATIONS FOR ADDITIONAL REQUIREMENTS.
14. THE CONTRACTOR SHALL CONTACT THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING LANDSCAPE WORK SO THAT THE OWNER'S REPRESENTATIVE CAN REVIEW THE PROJECT UTILITY LOCATIONS AND REVISE PLANS ACCORDINGLY IF NECESSARY.
15. SEE SPECIFICATIONS CONCERNING WEED ERADICATION SCHEDULE PRIOR TO BEGINNING IRRIGATION AND PLANTING OPERATIONS.
16. ALL TREES, SHRUBS AND GROUNDCOVERS SHALL BE HAND WATERED WHILE IRRIGATION SYSTEMS ARE BEING REPAIRED OR REROUTED.

PLAN NOTES

1. ROOT BARRIER, TYPICAL THIS SYMBOL.
2. SET CENTER OF TREE TRUNK 3'-0" FROM EDGE OF PAVING, TYPICAL.
3. CENTER TREE IN LENGTH AND WIDTH OF PARKING ISLAND, ALIGN WITH ADJACENT TREES, TYPICAL.
4. BIOBARRIER ROOT CONTROL FABRIC, TYPICAL THIS SYMBOL. WRAP LENGTH OF STORM DRAIN PIPE WITH 19.5" WIDTH OF FABRIC, NODULES FACING OUT. OVERLAP FABRIC MINIMUM 1" AT FABRIC EDGE. EXTEND FABRIC WRAP 5'-0" FROM CENTER OF TREE TRUNK.
5. MAINTAIN 10'-0" OFFSET FROM WATER AND SEWER UTILITY.

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LANDSCAPE ARCHITECTURE
1221 HAYES AVENUE
SAN DIEGO, CALIFORNIA 92103
PHONE: (619) 296-3713

PROJECT:

CITY OF NEWPORT BEACH

NEWPORT BEACH FIRE STATION NO.1 & LIBRARY

110 E BALBOA BLVD
NEWPORT BEACH, CA 92661

CITY CONTRACT NO. C-8865-1

DESCRIPTION:	DATE:
50% DESIGN DEVELOPMENT	8/12/24
100% DD INTERNAL REVIEW	9/12/24
100% DESIGN DEVELOPMENT	9/30/24
60% CONSTRUCTION DOCUMENTS	1/15/25
PERMIT SUBMITTAL	3/11/25

NOT FOR CONSTRUCTION

PROJECT NUMBER:
202401

SHEET TITLE:
PLANTING PLAN AND NOTES

SHEET NUMBER:
L2.0

WATER EFFICIENCY LANDSCAPE WORKSHEET/CALCULATIONS

Referenced Evapotranspiration (ETo)
44.7

Landscape Area Sector Type
Non–Residential

Hydrozone And Planting Description	Plant Factor (PF)	Irrigation Method	Irrigation Efficiency (IE)	ETAF (PF/IE)	Landscape Area (Sq. Ft,)	ETAF x Area	Estimated Total Water Use (ETWU)
LOW 1 (ALL PLANTING AREAS IN LOW 1 CATEGORY)	0.2	SUBSURFACE DRIP	.81	.24	3,366 SF	808	22,381
				AVERAGE .24	TOTAL 3,366 SF	TOTAL 808	

Average ETAF for Regular Landscape Areas — IN COMPLIANCE — NOT IN COMPLIANCE

TOTAL LANDSCAPE AREA – 3,366
SITE WIDE ETAF – .24
ETWU TOTAL / GALLONS PER YEAR – 22,381
MAWA TOTAL / GALLONS PER YEAR – 41,972

PLANT MATERIAL LEGEND - TREE / SHRUBS

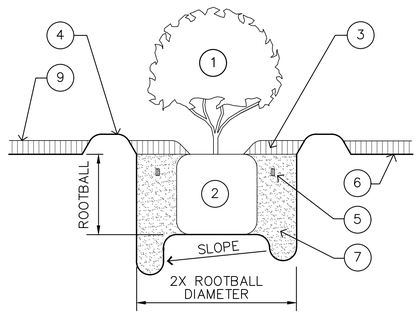
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS	MINIMUM CALIPER	DETAIL	WUCOL CLASS ZONE 3	QUANTITY
TREES								
	HYMENOSPORUM FLAVUM	SWEETSHADE	36" BOX	11'–13' HT. / 4'–5' SP. STANDARD	2.5"	A	MODERATE	1
	GEIJERA PARVIFLORA	AUSTRALIAN WILLOW	36" BOX	12'–14' HT. / 5'–6' SP. STANDARD	2.5"	A	LOW	1
	PLATANUS RACEMOSA	WESTERN SYCAMORE	36" BOX	13'–15' HT. / 6'–8' SP. STANDARD	2.5"	A	LOW	5
SHRUBS								
	ALOE DAWAI	ORANGE FLAME ALOE	5 GAL.	SUCCULENT LEAVES, GREEN COLOR		B	LOW	8
	CAREX DIVULSA	BERKLEY SEDGE	5 GAL.	FULL, BUSHY, GOOD GREEN COLOR		B	LOW	87
	CARPENDERIA CALIFORNICA "ELIZABETH"	BUSH ANEMONE	5 GAL.	FULL, BUSHY, GOOD GREEN COLOR		B	LOW	4
	LEYMUS CONDENSATUS "CANYON PRINCE" "CANYON PRINCE"	CANYON PRINCE WILD RYE	5 GAL.	FULL, BUSHY, GOOD GREEN COLOR		B	LOW	12
	LOMANDRA "PLATINUM BEAUTY"	VARIEGATED DWARF MATT RUSH	5 GAL.	FULL, BUSHY, GOOD GREEN COLOR		B	LOW	29
	ROSMARINUS OFFICINALIS "TUSCAN BLUE"	UPRIGHT ROSMARY	5 GAL.	FULL, BUSHY, GOOD GREEN COLOR		B	LOW	25
	WESTRINGIA FRUTICOSA "MORNING LIGHT"	MORNING LIGHT COAST ROSEMARY	5 GAL.	FULL, BUSHY, GOOD GREEN COLOR		B	LOW	38
	WESTRINGIA FRUTICOSA "MUNDI"	LOW COAST ROSEMARY	5 GAL.	FULL, BUSHY, GOOD GREEN COLOR		B	LOW	27

ROOT BARRIER

ROOT BARRIER, SEE PLAN FOR LOCATIONS. ANY TREE WITHIN 10' OF PAVING, FOOTING, BUILDING OR ANY OTHER HARDSCAPE SHALL HAVE ROOT BARRIER INSTALLED A MINIMUM OF 18" IN DEPTH, AND 0' IN LENGTH, CENTERED ON THE CENTERLINE OF THE TREE TRUNK (5' EACH SIDE). SEE SPECIFICATION FOR TYPE OF ROOT BARRIER.

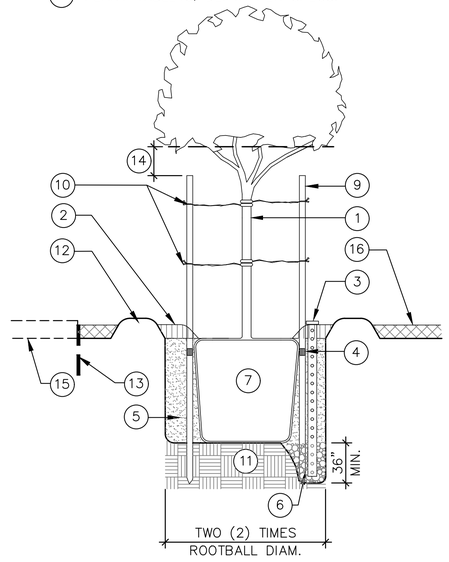
NOTE:
PLANT MATERIAL QUANTITIES LISTED IN THE LEGEND ARE FOR THE CONTRACTOR'S REFERENCE ONLY. THE CONTRACTOR IS REQUIRED TO COMPLETE A THOROUGH TAKEOFF OF REQUIRED PLANT MATERIAL SHOWN ON THE PLANS. THE CONTRACTOR SHALL NOTIFY THE OWNER PRIOR TO SUBMITTING A BID OF ANY DISCREPANCIES IN QUANTITIES LISTED. THE CONTRACTOR IS REQUIRED TO INSTALL ALL PLANT MATERIAL SHOWN ON THE PLANS AS PART OF THE CONTRACT.

1. SHRUB.
2. ROOTBALL. TOP OF ROOTBALL MIN. 1" ABOVE FINISH GRADE.
3. 3" DEPTH OF WOOD MULCH WITHIN BASIN.
4. 4" HIGH SOIL BERM, FIRMLY COMPACTED.
5. PLANT TABLETS.
6. FINISH GRADE, SLOPES 6:1 OR LESS.
7. PLANTING BACKFILL. PUDDLE AND SETTLE.
8. MAXIMUM 2:1 SLOPE.
9. WOOD MULCH PER PLANTING NOTE 7.



C SHRUB PLANTING
N.T.S.

1. SET TRUNK PLUMB /CENTER IN PIT
2. 3" DEPTH OF WOOD MULCH WITHIN BASIN, TYPICAL.
3. 4" ABS FILTER FABRIC WRAPPED PERFORATED STAND PIPE WITH REMOVABLE SOLID PVC CAP. MINIMUM LENGTH 5'–0".
4. PLANT TABLETS, DEPTH PER SPECS.
5. AMENDED BACKFILL SOIL. REMOVE ROCKS 4" AND LARGER.
6. 3 CU. FT. OF 3/4" GRAVEL AT BASE OF PIPE.
7. ROOT BALL. TOP OF ROOTBALL MIN. 1" ABOVE FINISH GRADE.
8. FINISH GRADE.
9. 2" DIA. LODGE POLE PINE STAKE, 2 EACH 10' MIN., 12' LONG FOR 24" AND 36" BOX TREE SIZE, SET ONE STAKE PERPENDICULAR TO PREVAILING WIND. FOR MULTI–TRUNK TREES INSTALL A MINIMUM OF 1 STAKE WITH TIES PER TRUNK.
10. "CINCH TIE" BY U.I.T. OR EQUAL, 2 LOCATIONS, 4 EACH.
11. SET ROOT BALL ON UNDISTURBED NATIVE SOIL.
12. 4" HIGH SOIL BERM, FIRMLY COMPACTED.
13. "CENTURY" ROOT BARRIER CP OR APPROVED EQUAL, SEE NOTE.
14. CUT STAKES 6" BELOW CANOPY.
15. CONC. WALK, STEP, WALL, CURB, FOUNDATION OR WATER QUALITY TREATMENT BMP LINER.
16. WOOD MULCH PER PLANTING NOTE 7.



NOTE:
INSTALL STAND PIPE AND GRAVEL AT BASE WITH SPECIMEN (24" BOX & LARGER) TREE ONLY.

INSTALL 10 FOOT LENGTH OF ROOT CONTROL SYSTEM CENTERED ON THE TRUNK FOR ALL TREE ROOTBALLS LOCATED WITHIN 5'–0" OF CONC. WALKS, STEPS, CURBS, WALLS, OR FOUNDATIONS. MINIMUM 18" DEPTH.

A SPECIMEN TREE PLANTING / DOUBLE STAKE
N.T.S.

coar DESIGN GROUP
9640 GRANITE RIDGE DR, SUITE 130
SAN DIEGO, CA 92123
619.698.9177 | www.coargroup.com

PARTERRE
SITE PLANNING
URBAN DESIGN
LANDSCAPE ARCHITECTURE
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PROJECT NUMBER:
202401

SHEET TITLE:
PLANTING LEGEND, DETAILS, WATER EFFICIENCY WORKSHEET

SHEET NUMBER:
L2.1

Attachment H

Appellant's Appeal Application to Planning Commission

Appeal Application

City Clerk's Office
100 Civic Center Drive / P.O. Box 1768
Newport Beach, CA 92658-8915
949-644-3005

Clerk's Date & Time Stamp

JUL 18 '25 PM2:59
REC'D CITY CLERKS OFFIC

Appeals are time sensitive and must be received by the City Clerk within the specified time period from a decision or final action by a decision-maker. It is advisable to consult with the Department managing the issue if there is question with regards to appealing an action. This is an appeal of the:

- ☒ (CDD222) Community Development Director Action to the Planning Commission - *$2116*
- ☐ (CDD222) Zoning Administrator Action to the Planning Commission - *$2116*
- ☐ (CDD222) Coastal Development Application CDP Appeal from Zoning Admin to the Planning Commission (only if appeal is solely based on the CDP portion of the application) – *No Fee*
- ☐ (CDD222) Planning Commission Action to the City Council - *$2116*
- ☐ (CDD222) Community Development Director Action to the Harbor Commission - *$623*
- ☐ (CDD222) Harbor Commission Action to the City Council (CDD – Planning) - *$498*
- ☐ (CDD222) Hearing Officer Action to the City Council - *$2116*
- ☐ (CDD223) Building Official/Fire Marshal Action to the Building/Fire Board of Appeals - *$1827*
- ☐ (CDD224) Chief of Police Action on an Operator License to the City Manager - *$1033*
- ☐ (RSS073) City Manager Action on a Special Events Permit to the City Council - *$1953*
- ☐ (HBR001) Harbormaster Action to the Harbor Commission - *$622*
- ☐ (HBR001) Harbor Commission Action to the City Council (Harbor Department) - *$498*
- ☐ (PBW018) Public Works Director Action to Harbor Commission - *$1446*
- ☐ (PBW018) Harbor Commission Action to City Council (Public Works Department) - *$691*
- ☐ Other - Specify decision-maker, appellate body, Municipal Code authority and fee: _____

Appellant Information:

Name(s): The Friends of Library Park

Address: c/o Christopher L. Pitet, 100 Bayview Circle, Suite 210

City/State/Zip: Newport Beach, CA 92660

Phone: (949) 502-7760 Email: cpitet@apjuris.com

Appealing Application Regarding:

Name of Applicant(s): City of Newport Beach - Public Works Dept. Date of Final Decision: July 3, 2025

Project No.: Staff Approval No. PA2025-0130 Activity No.: _____

Application Site Address: 100 East Balboa Boulevard

Description of application: Proposed changes to Coastal Development Permit No. PA2024-0140, consisting of revised landscape plans.

Reason(s) for Appeal (attach a separate sheet if necessary): See attached

Signature of Appellant: Christopher L. Pitet **Date**: July 18, 2025

FOR OFFICE USE ONLY:
Date Appeal filed and Administrative Fee received: July 18, 2025.

for Gary Jin
City Clerk

cc: Department Director, Deputy Director, Staff, File

ADKISSON PITET LLP

APJURIS.COM

ATTORNEYS AND COUNSELORS

NEWPORT BEACH | SAN MARCOS | LAS VEGAS

CORRESPONDING OFFICE

100 BAYVIEW CIRCLE, SUITE 210
NEWPORT BEACH, CA 92660

WRITER'S DIRECT E-MAIL

cpitet@apjuris.com

WRITER'S DIRECT DIAL NUMBER

949.502.7760

July 18, 2025

Laura Rodriguez
Assistant Planner
Community Development Department
100 Civic Center Drive
Newport Beach, CA 92660
LRodriguez@newportbeachca.gov

Re: Appeal of Staff Approval No. PA2025-0130

Dear Ms. Rodriguez:

We represent the Friends of Library Park ("FLP"), an association of residents from the City of Newport Beach (the "City") who strongly oppose the removal of the sole remaining Blue Gum Eucalyptus tree no. 3517580 (the "Landmark Tree") in Library Park at 100 Balboa Boulevard, Newport Beach, CA 92661. The subject of media coverage and a defining symbol of a community, the Landmark Tree must be preserved. *See* Michele Gile, *Newport Beach Residents Fight Back Against City's Plan to Remove Eucalyptus Tree Home to Great Blue Herons,* CBS News (Jan. 30, 2024), https://www.cbsnews.com/losangeles/news/newport-beach-residents-fight-back-against-citys-plan-to-remove-eucalyptus-tree-home-to-great-blue-herons/.

In September 2024, the City Council approved Coastal Development Permit No. PA2024-0140, which authorized (1) the demolition of the existing Balboa Branch Library and Fire Station No. 1, (2) the removal of the Landmark Tree, and (3) construction of a 10,900 square foot building that will house a new fire station and library. The City's initial approval of this project was based on faulty information, did not follow mandated protocols such as the City's Local Coastal Plan ("LCP") and G-1 Tree Policy. In fact, when confronted with evidence of the health of the Landmark Tree, and clear evidence showing removal was improper under the City's policies, Mayor Will O'Neill waived the City's G-1 Tree policy—which is designed to afford enhanced protection of Landmark Trees, especially those located within the Local Coastal Zone ("LCZ") that currently serve as a rookery for nearly two dozen Blue Herons. By waiving the City's only concrete guardrail for protecting Environmentally Sensitive Habitat Areas ("ESHAs"), it has become abundantly clear that the City lacks any protections for Landmark Trees, much less the sensitive natural habitat for wildlife in the LCZ.

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In October 2024, the FLP appealed the City's decision to the California Coastal Commission ("Coastal"). FLP's arguments included (but were not limited to) the irreparable harm that the project will cause to the federally protected, nesting Blue Heron birds and complete disregard for a healthy Landmark Tree solely because it is located on the site where an approximately 11,000 square foot building is proposed to be constructed.

On July 3, 2025, the FLP received a revised project approval and Staff report from Ms. Laura Rodriguez proposing a modification to Coastal Development Permit No. PA2024-0140, encompassing the elimination of one parking stall and addition of a single Western Sycamore tree in its place. This letter shall serve as the FLP's formal appeal of the revised project approval (the "Amended Proposal"). The FLP's grounds for appeal include, but are not limited to, the following:

The revised project still does not address the glaring deficiencies in the City's Local Coastal Plan. Rather than addressing FLP's core concerns about the City's lack of any standards in the LCP for protecting Landmark Trees (especially after the City's G-1 Tree policy was conveniently waived) and ESHAs, the Amended Proposal merely attempts to mitigate their symptoms—here, for example, the imminent harm that the federally protected nesting Blue Heron birds, in the sole remaining Landmark Tree located in Library Park, will suffer.

These mitigation efforts serve as a tacit concession that the project at issue will cause environmental harm—especially to the nearly two dozen Blue Heron birds that have long called the Landmark Tree "home." Until the City devises and implements an LCP that provides meaningful and clearly articulated guidelines for construction projects like the one here, the project will only highlight the flaws in the City's LCP. Given these deficiencies—which undermine any suggestion that the City has grounds for proceeding with the project—the Landmark Tree must be left unharmed, and the nesting Blue Heron birds undisturbed.

The City's proposed changes do not actually mitigate any environmental harm or demonstrate compliance with the Migratory Bird Treaty Act. The City's Amended Proposal suggests planting Western Sycamore trees "in order to better support nesting birds." (Amended Proposal at 2). But this suggestion—which relies on (without a valid basis) the Dudek Report — ignores a simple fact: the Western Sycamores will not reach maturity for 20-30 years after they are planted, and "herons favor tall, mature trees." (Dudek Report at 1). Thus, the City's proposed changes do nothing to protect the birds now, when mitigation matters most. And at bottom, they predicate the project's approval on the same problematic circumstances that prompted the City to revise the project in the first place.

Additionally, on June 27, 2025, the City, in consultation with Dudek, released its initial drafts[1] of the Recreation and Natural Resources Elements. One of its primary goals includes using reasonable efforts to evaluate tree canopy cover in parks and the public right-of-way. (Draft Report

[1] Available at https://newportbeach.legistar.com/View.ashx?M=F&ID=14325578&GUID=5E2BD777-3BA8-4B14-B40C-96D8C61D5475.

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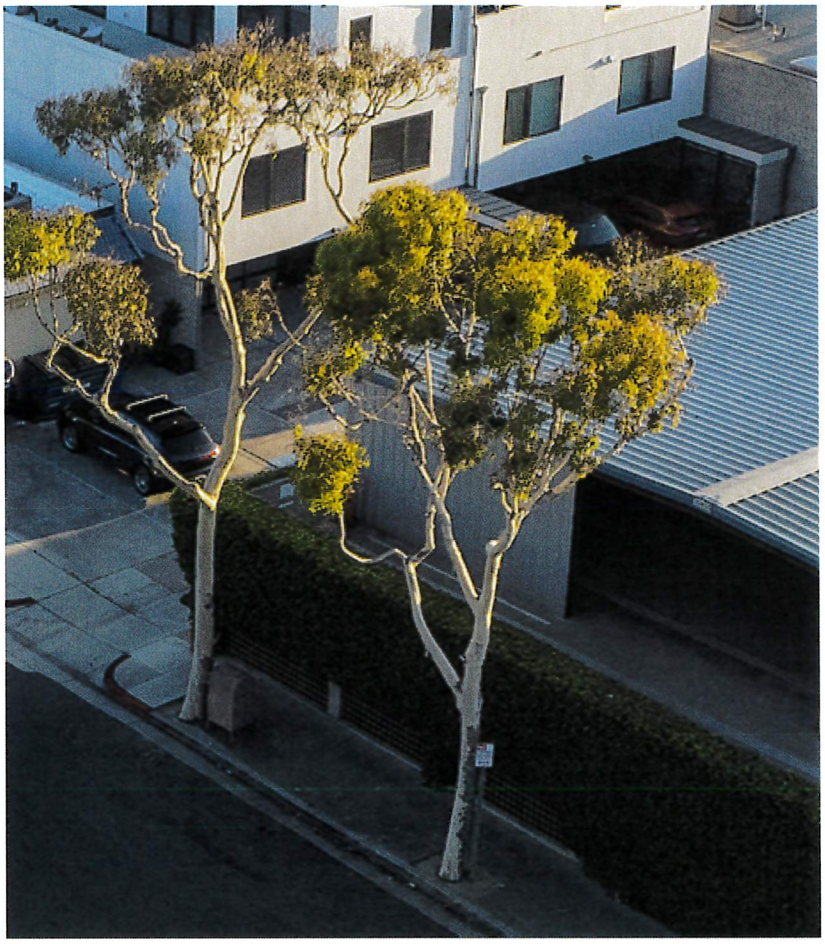
at 7). The Landmark Tree provides canopy cover to both the existing Mini Park located behind the Library at 100 Balboa Boulevard and the adjacent sidewalk, yet the City suggests chopping it down and replacing it with trees which will take numerous years to grow to the same height and will provide no coverage in the interim. Removing this beloved Landmark Tree will not further the Natural Resources Element guide's purpose of "guid[ing] the conservation, protection, development, and use of natural resources … as well as the preservation of cultural and historic resources." (Draft Report at 10).

Finally, the Dudek report speculates that two nearby Eucalyptus trees (across the street from Library Park) as temporary homes for the nesting Blue Herons. But the nearby trees are nowhere near adequate to home the current population of Blue Herons making an active rookery in the Landmark Tree.



If these trees were well-suited to housing Blue Herons, they would already be nesting in them right now, in the aftermath of the City's removal of several other Blue Gum Eucalyptus trees in Library Park. But as video footage[2] makes clear, there are no such rookeries in the surrounding trees. And there is little wonder why: compared to the towering, healthy, and thriving Landmark Tree, the surrounding trees would leave the Blue Herons vulnerable and exposed.

The City's proposal is not exempt under the California Environmental Quality Act. California Environmental Quality Act exemptions must be "construe[d] … narrowly in order to afford the fullest possible environmental protection[.]" *Save Our Carmel River v. Monterey Peninsula Water Mgmt. Dist.*, 141 Cal. App. 4th 677, 697 (2006), as modified (July 21, 2006). As previously explained in prior correspondence with the City, The Amended Proposal erroneously states that the project is categorically exempt from the California Environmental Quality Act ("CEQA") under Class 1, Class 2, and Class 3.

- Class 1 Exemptions apply to the operation, repair, maintenance, or minor alterations of existing public structures. The City's proposed project cannot be considered an alteration to an existing structure because the previous structures are to be demolished and replaced with an entirely new structure.

[2] Available at https://www.youtube.com/watch?v=9HkPH-RpO4k&feature=youtu.be.

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- Class 2 at most exempts the "[r]eplacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity," but it "does not cover expansions in use or capacity of the facility to be replaced or reconstructed." See § 15302(b). Here, the two existing buildings are not being replaced with buildings of substantially the same size, purpose, or capacity because the library is being replaced with a fire station and the fire station is being replaced with a library – buildings which have two very distinct and dissimilar purposes. After demolition of the two structures, the library and firehouse will be relocated to the site of the other.

- Class 3 applies to construction projects that do not exceed 10,000 square feet in floor area if the area surrounding the project is not "environmentally sensitive." But the City concedes the project here will take up 10,900 square feet and the construction will take place in a Mini Park located within the City's LCP in a clear ESHA. And it is no response to say the project only "nets" a 3,000 square foot addition, when accounting for the existing square footage of the two existing structures, because those structures will be demolished. Post demolition, the construction project will of necessity start from 0 square feet and reach approximately 11,000 square foot in total. There is no basis in CEQA regulations or case law interpreting CEQA that provides for square foot credit from prior structures that have been demolished or removed, Accordingly, the proposed 10,900 square foot addition necessarily exceeds Class 3's exemption.

The revised project violates Cal. P.R.C. § 30240's protections for ESHAs. ESHAs are defined as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments." Cal. P.R.C. § 30107.05. Examples of ESHAs provided in the City's LCP include native riparian habitats, because "of their rarity and because of their important roles in the ecosystem"—as evinced by the "many species of birds nest and roost in riparian habitat." (LCP 4-3). Here, the Landmark Tree provides a sanctuary for the federally protected nesting Blue Heron birds—thus playing vital role in the local ecosystem, and making it worthy of consideration as an ESHA.

Cal. P.R.C. § 30240 protects ESHAs "against any significant disruption of habitat values," and states that only "uses dependent on those resources shall be allowed within those areas." Cal. P.R.C. § 30240. The phrase "dependent on those resources" means "resources that make an area a protected habitat—i.e., 'plant or animal life or their habitats [that] are either rare or especially valuable because of their special nature or role in an ecosystem.'" *McAllister v. California Coastal Com.*, 169 Cal. App. 4th 912, 928 (2008), *as modified* (Jan. 20, 2009). Accordingly, developments inside ESHAs are limited "to uses that are dependent on the resources to be protected and that do not significantly disrupt habitat values." *Id.* at 929.

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The proposed construction project here does not contemplate a resource-dependent use. Instead, it proposes a resource-liquidating use: the removal of the Landmark Tree, and the Blue Heron nests which take refuge on it, in order to build a library and firehouse. Accordingly, the project runs afoul of Cal. P.R.C. § 30240.

We would appreciate you confirming receipt of this appeal by emailing me at the email address above. Further, please let us know the steps and timeline for the City Council's consideration of and action on this important appeal.

Thank you.

Very truly yours,

Christopher L. Pitet

Christopher L. Pitet

cc: planning@newportbeachca.gov

Attachment I

Resolution No. PC2025-021

Docusign Envelope ID: AA1F9A43-0620-4890-829C-2CF03DA488AA

RESOLUTION NO. PC2025-021

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA UPHOLDING THE COMMUNITY DEVELOPMENT DIRECTOR'S APPROVAL OF MINOR CHANGES TO COASTAL DEVELOPMENT PERMIT NO. PA2024-0140 FOR THE REDEVELOPMENT OF FIRE STATION NO. 1 AND BALBOA BRANCH LIBRARY LOCATED AT 100 EAST BALBOA BOULEVARD (PA2025-0130)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by the City of Newport Beach Public Works Division ("Applicant"), with respect to the property located at 100 East Balboa Boulevard and legally described as Block 2 of the East Newport Tract ("Property") requesting to uphold the Community Development Director's approval of Staff Approval No.PA2025-0130.

2. The Parks, Beach and Recreation ("PB&R") Commission held a public meeting on March 5, 2024, to consider the concept designs for the redevelopment of Fire Station No. 1 and Balboa Branch Library, as well as review recommendations for the removal of two diseased trees– a Blue Gum Eucalyptus tree and Canary Island Date Palm tree ("Special City Landmark Trees"). At the public meeting, the PB&R Commission approved the removal of the two diseased trees due to their decaying advancement rate.

3. On June 14, 2024, Christopher Pitet ("Appellant"), representing The Friends of the Library Park, filed an appeal of the PB&R Commission's decision to remove the Blue Gum Eucalyptus tree to the City Council. Appellant did not contest the removal of the Canary Island Date Plam tree.

4. A public hearing was held on September 24, 2024, in the Council Chambers at 100 Civic Center Drive, Newport Beach. A notice of the 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 City Council at this hearing. At the public hearing, the City Council reviewed the appeal for the removal of the tree, as well as a coastal development permit ("CDP") for the redevelopment of the fire station and library. Several members of the public, including the appellant, spoke in opposition to the project. The comments discussed the appropriate California Environmental Quality Act ("CEQA") exemptions for the CDP, the potential impact that the redevelopment could have to bird habitats on the Property, compliance with City Council Policy G-1, preservation of the Blue Gum Eucalyptus tree, and the project's design layout. Subsequent to the public comments, the City Council adopted Resolution No. 2024-72, approving Coastal Development Permit No. PA2024-0140, authorizing the demolition and reconstruction of the fire station and library. The City Council also denied the appeal and upheld the PB&R decision to remove the two diseased Special City

Docusign Envelope ID: AA1F9A43-0620-4890-829C-2CF03DA488AA

Landmark Trees. In accordance with Section 20.10.040(A) (Applicability of Zoning Code) of the NBMC, the project was exempted from Title 20 permitting requirements.

5. On October 24, 2024, the Appellant filed an appeal of the CDP with the California Coastal Commission ("CCC"), citing concerns about the removal of the diseased Blue Gum Eucalyptus tree and the potential displacement of nesting Great Blue Herons. In consideration of the appeal application, the City and CCC staff worked collaboratively on appropriate revisions to the approved CDP landscape plan which would provide modified tree species to better support nesting birds. The CCC has not made a final determination on the Appellant's appeal of the CDP.

6. On July 3, 2025, the Community Development Director approved Staff Approval No. PA2025-0130 for landscape and parking layout changes to CDP No. PA2024-0140, collectively referred to as the "Project." These changes address the CCC's concerns regarding the displacement of nesting birds. The Project includes replacing the Catalina Ironwood trees along Island Avenue and the California Sycamore trees along East Bay Ave with Western Sycamore trees. Additionally, the planting areas within the parking lot along East Bay Avenue will feature a Sweetshade tree and an Australian Willow tree, replacing the originally proposed California Sycamores. The revised landscape changes will alter the parking layout and result in the loss of one surplus parking space.

7. On July 18, 2025, the Appellant filed an appeal of the Project. The Appellant objected to the CEQA exemptions utilized citing concerns that the replacement trees are insufficient for nesting birds, and that the Project does not protect environmentally sensitive habitat areas ("ESHA").

8. The Property is designated Public Facilities (PF) by the General Plan Land Use Element and is located within the Public Facilities (PF) Zoning District.

9. The Property is located within the coastal zone. The Coastal Land Use Plan ("CLUP") category is Public Facilities (PF), and the Property is located within the Public Facilities (PF) Coastal Zoning District.

10. The Project entails minor changes and does not include or propose any change in the density or intensity of land use when compared to the approved CDP. Therefore, the Project is not considered development as defined in NBMC Chapter 21.70 (Definitions). For this reason, a new CDP is not required.

11. A public hearing was held by the Planning Commission on September 18, 2025, in the City Council Chambers at 100 Civic Center Drive, Newport Beach. A notice of the time, place, and purpose of the hearing was given in accordance with California Government Code Section 65950 *et seq*. ("Ralph M. Brown Act") and Chapter 20.62 (Public Hearings) and Chapter 21.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to and considered by the Planning Commission at this hearing

Docusign Envelope ID: AA1F9A43-0620-4890-829C-2CF03DA488AA

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is exempt from CEQA under Section 15302 under Class 2 (Replacement or Reconstruction) 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 2 exemption applies to the replacement or reconstruction of existing structures where the new structure will be located on the same site as the structure being replaced and substantially have the same purpose and capacity. In this case, the originally approved CDP identified the demolition and reconstruction of the fire station and library. The Project is substantially conforming to the scope of the approved CDP, which is the replacement or reconstruction of an existing library and fire station with a new library and fire station on the same project site. Therefore, the intent of Class 2 is being met and the Project's minor changes to landscaping and parking will not affect the Class 2 exemption.

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.

Pursuant to Section 21.54.070 (Changes to an Approved Coastal Development Permit) of the NBMC, the Community Development Director may authorize minor changes to an approved site plan, architecture, or the nature of the approved use without a public hearing following findings and facts in support of such findings are set forth:

Finding:

A. The changes are consistent with all applicable provisions of this Implementation Plan;

Facts in Support of Finding:

1. The Property is located in the PF General Plan Land Use Plan Category, Coastal Land Use Plan Category, Zoning District, and Coastal Zoning District. These designations are intended to provide public facilities, including public schools, cultural institutions, government facilities, libraries, community centers, public hospitals, and public utilities. The Property is currently developed with a fire station and library and will be reconstructed to operate in the same manner. The Project's minor changes related to landscaping and parking do not alter the Property's land use and remain consistent with the intent of the PF designations.

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2. As conditionally approved in the CDP, the landscape plan is required to comply with Section 21.30.075 (Landscaping) of the NBMC. The Project revisions replace certain tree species for the purpose of supporting nesting birds, which will continue to comply with Section 21.30.075 (Landscaping) of the NBMC and do not include any invasive species. Although the revised landscape plan will alter the Property's parking layout and result in the loss of one surplus parking space, the Property will continue to provide sufficient on-site parking.

3. A Tree Evaluation Report, dated May 5, 2025, was prepared by Dudek Consultants to assist the City in preparation of a revised landscape plan. The report, which was prepared by a biologist and urban forester, recommended the use of the Western Sycamore tree species due to its ecological value, compatibility with the Southern California climate, and structural suitability for nesting birds, such as Blue Herons. The report noted that mature eucalyptus trees located directly across from the Property at the intersection of Island Avenue and West Bay Avenue, provide the size, height, and structural characteristics, which are well-suited locations for heron nesting during the reconstruction and replanting phase of the Project. An existing hoop pine tree, which is located in the median southeast of the library, also provides viable nesting options. The report notes that these trees should help minimize disruption to the nesting cycle during the Project's reconstruction while the newly planted trees mature and develop sufficient canopy coverage to support long-term habitat needs. The Project utilizes the recommendations of the report and has provided an updated landscape plan that better serves nesting birds.

4. As conditionally approved in the CDP, the demolition and reconstruction of Fire Station No.1 and Balboa Branch Library are subject to comply with the Migratory Bird Treaty Act ("MBTA"), which is intended to ensure the sustainability of populations of all migratory bird species. Additionally, the Applicant is required to conduct a pre-construction nesting survey prior to the demolition of the structures. The survey allows the Applicant to identify areas with active nests and to create buffers to protect the nests from disturbance during construction. The Project, which provides an updated landscaping plan and parking layout, will not affect compliance with these conditions of approval.

Finding:

B. The changes do not involve a feature of the project that was a basis for or subject of findings or exemptions in a negative declaration or Environmental Impact Report for the project;

Facts in Support of Finding:

1. The Project primarily affects landscaping which is intended to provide additional support to bird nesting habitats. No alterations to the CDP's approved floor area, height, or use are being requested. While the Project will result in the loss of one parking space, the Property will continue to provide sufficient on-site parking. The Project is substantially conforming to the scope of the approved CDP, which is the replacement or reconstruction of an existing library and fire station with a new library and fire station on

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the same site. Therefore, the requested changes will not affect the Class 2 (Replacement or Reconstruction) exemption under the CEQA Guidelines.

2. The findings set forth in Section 2 (California Environmental Quality Act Determination) above are hereby incorporated for reference.

Finding:

C. The changes do not involve a feature of the project that was specifically addressed or was the subject of a condition(s) of approval for the project or that was a specific consideration by the applicable review authority in the project approval;

Facts in Support of Finding:

1. The Project's proposed parking layout, which removes one surplus parking space, does not involve a feature that was specifically conditioned or addressed by the approved CDP.

2. While the Project modifies certain proposed tree species to provide added support to nesting birds, the revised landscape plan will continue to be consistent with Title 21 landscape standards. Therefore, the Project complies with Condition of Approval No. 14 of the approved CDP, which requires the Applicant to submit a final landscape and irrigation plan prior to the issuance of a building permit.

Finding:

D. The changes do not result in an expansion or change in operational characteristics of the use;

Facts in Support of Finding:

1. The approved CDP authorized the demolition of the Balboa Branch Library and Fire Station No. 1, along with the removal of two diseased trees, to allow for the construction of a new City fire station and library. The Project's revisions do not change the approved use, height, or floor area of the CDP. While the Project's changes will result in the loss of one surplus parking space, the Property will continue to provide sufficient on-site parking.

Finding:

E. Do not alter the facts in support of the findings required by Section 21.52.015(F) and any other application section of this Implementation Plan.

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Facts in Support of Finding:

1. The Project's revisions will not alter the original facts in support of the findings that were made to support the CDP's approval given that the changes are primarily affecting landscaping and parking.

2. On August 14, 2025, a memorandum was prepared by Dudek Consultants which discussed the protection status of nesting Great Blue Herons. Section 21.30B.030 (Environmentally Sensitive Habitat Areas) of the NBMC, defines ESHA as any area in which plant or animal life, or their habitats are either rare or are especially valuable because of their special nature or role in an ecosystem that could easily be disturbed or degraded by human activities and developments. The memorandum clarifies that while Great Blue Herons are provided protection under the MBTA, particularly while nesting, it is not federally listed as threatened or endangered under the Federal Endangered Species Act (FESA). Therefore, the Great Blue Heron is not a federally protected species and is considered a secure species, in California as well as globally, according to the California Department of Fish and Wildlife Natural Diversity Database. The memorandum also states that Great Blue Herons that nest on site are only protected while actively nesting and rookeries are not protected further.

3. The August 14, 2025, Dudek Consultants memorandum also evaluated whether the Blue Gum Eucalyptus tree qualifies as an ESHA. The memorandum states that the tree is not an ESHA and supports that its removal is not detrimental since it does not play a special role in an ecosystem given that it is located in a developed area as ornamental landscaping. The tree is also not a rare species and is non-native.

4. Additionally, Section 21.30B.030 (A)(1) (Environmentally Sensitive Habitat Areas – Exceptions) includes exceptions and states that ESHAs do not include existing developed areas. The Balboa Branch Library was constructed in 1929. A fire station was added to the existing library and has been operating as Fire Station No. 1 since 1962. The two buildings total approximately 7,930 square feet and are surrounded by residential, commercial, and mixed-used development. The August 14, 2025 Dudek memorandum affirms that the Property and eucalyptus tree qualify as exceptions under Section 21.30B.030(A)(1) of NBMC due to the Property's status as existing development. The memorandum also states that the Property lacks natural communities, coastal streams, rare plants or wildlife, and connectivity to other natural areas given that it is surrounded by development.

5. The Property is also not identified as one of the twenty-eight Environmental Study Areas within the City under Figure NR2 (Environmentally Study Areas) of the General Plan's Natural Resources Element. Additionally, the Property is not identified as a site with Biological Resources under General Plan Figure NR1 (Biological Resources) of the Natural Resources Element.

6. While existing trees on the Property will be removed, the Project provides proper mitigation by proposing a tree species that supports heron nesting. The future removal of the eucalyptus tree and any remaining nests would be conducted outside of the

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nesting season (February through August) and after there is no active nesting, as determined by a biologist. Overall, the Project's revised changes continue to comply with the MBTA.

7. Fact 3 in support of Finding A above is hereby incorporated by reference.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act under Section 15302 under Class 2 (Replacement or Reconstruction) 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 Planning Commission of the City of Newport Beach upholds the Community Development Director's approval of Staff Approval No. PA2025-0130, subject to the conditions outlined in Exhibit A, which is attached hereto and incorporated by reference.

3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director by the provisions of Title 21 Local Coastal Implementation Plan, of the Newport Beach Municipal Code. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 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 18TH DAY OF SEPTEMBER, 2025.

AYES: Ellmore, Gazzano, Harris, Langford, Rosene, and Salene

NOES: None

ABSTAIN: None

ABSENT: Reed

BY: Tristan Harris
Tristan Harris, Chair

BY:
Jon Langford, Secretary

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EXHIBIT "A"

CONDITIONS OF APPROVAL

(Project-specific conditions are in italics)

1. *All previous conditions of approval for Coastal Development Permit No. PA2024-0140 shall remain in full force and effect.*

2. The development authorized by the Staff Approval filed as PA2025-0130 shall be in substantial conformance with the revised landscape plan.

Attachment J

Planning Commission Meeting Minutes
from September 18, 2025

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NEWPORT BEACH PLANNING COMMISSION MINUTES
CITY COUNCIL CHAMBERS – 100 CIVIC CENTER DRIVE
THURSDAY, SEPTEMBER 18, 2025
REGULAR MEETING – 6:00 P.M.

I. CALL TO ORDER - 6:00 p.m.

II. PLEDGE OF ALLEGIANCE – Commissioner Ellmore

III. ROLL CALL

PRESENT: Chair Tristan Harris, Vice Chair David Salene, Secretary Jonathan Langford, Commissioner Curtis Ellmore, Commissioner Michael Gazzano, Commissioner Mark Rosene

ABSENT: Commissioner Greg Reed

Staff Present: Acting Community Development Director Jaime Murillo, Principal Civil Engineer Kevin Riley, Deputy City Attorney Jose Montoya, Civilian Investigator Wendy Joe, Associate Planner Jenny Tran, Senior Planner Joselyn Perez, Assistant Planner Laura Rodriguez, and Administrative Assistant Clarivel Rodriguez

IV. PUBLIC COMMENTS – None

V. REQUEST FOR CONTINUANCES – None

VI. CONSENT ITEMS

ITEM NO. 1 MINUTES OF SEPTEMBER 4, 2025

Recommended Action: Approve and file.

Chair Harris opened public comment. There were none.

Motion made by Commissioner Ellmore and seconded by Chair Harris to approve the meeting minutes of September 4, 2025, and incorporating revisions recommended by Jim Mosher.

AYES:	Ellmore, Gazzano, Harris, Langford, Rosene, and Salene
NOES:	None
ABSTAIN:	None
ABSENT:	Reed

VII. PUBLIC HEARING ITEMS

ITEM NO. 2 SOL MEXICAN COCINA RESTAURANT (PA2023-0144)
Site Location: 251, 151 and 201 East Coast Highway and APNs 050-451-03 and 050-451-57

Summary:
A request for a conditional use permit and coastal development permit to permanently retain a 641-square-foot outdoor dining patio for an existing restaurant (Sol Mexican Cocina) and construct an approximately 7-foot, 6-inch-tall glass/acrylic guardrail along the front of the outdoor dining patio. The existing outdoor dining patio consists of a platform deck with seating that was permitted on a temporary basis. The project requests to expand the existing Type 47 (On-Sale General – Eating Place) Alcohol Beverage Control License to include the outdoor

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dining area and reauthorize the off-site parking located on the adjacent lots at Balboa Marina (151 and 201 East Coast Highway and APNs 050-451-03 and 050-451-57). The hours of operation for the restaurant and outdoor dining patio are between 10 a.m. and 11 p.m., daily. No live entertainment, dancing, or late hours (after 11 p.m.) are proposed. If approved, this Conditional Use Permit and Coastal Development Permit would supersede Use Permit Nos. UP621 and UP651 and Accessory Outdoor Dining Permit Nos. OD49 and OD49A.

Recommended Actions:

1. Conduct a public hearing;

2. Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) and Section 15303 under Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and

3. Adopt Resolution NO. PC2025-019 approving the Conditional Use Permit and Coastal Development Permit filed as PA2023-0144.

Associate Planner Jenny Tran used a PowerPoint presentation to present the project location, zoning, and surrounding land uses, project description, existing conditions, requested approvals required by the City, and recommended modifications to the Conditions of Approval. She reported on receiving public comments from Linda Isle residents concerned about noise and light pollution and thus incorporated a Condition of Approval requiring a seven-foot six-inch wall or partition on the water side of the patio.

In response to Chair Harris' inquiry, Associate Planner Tran confirmed that Code Enforcement has not received any complaints since 2020 for either the temporary dining patio or the permanent dining patio.

In response to Chair Harris' inquiry, all commissioners confirmed that they had no ex Parte communications about this item.

Chair Harris opened the public hearing.

In response to Chair Harris' inquiry, Keisker & Wiggle Architects, Inc. owner Gary Wiggle, speaking on behalf of the applicant, confirmed agreement with all Conditions of Approval, including the two modified to reflect the existing Parking Agreement.

In response to Secretary Langford's inquiries, Mr. Wiggle clarified that the permanent patio is fully enclosed with glass and thus contains its noise. He clarified that the temporary patio would gain a glass wall on the water side as a Condition of Approval, and it is also located further away from Linda Isle residents than the permanent patio. He reported that the permanent patio has glass sides up to where it meets the awning that serves as a roof.

Leann Benvenuti, a Linda Isle resident, stated that she did not report the noise from the patio during the pandemic out of courtesy for a small business' operations. She added that there is still the same amount of noise from the patio audible at her home and reported on her history of fighting for restrictions at the restaurant at 333 Bayside Dr. She lamented the noise created by food deliveries.

Jim Mosher stated that noise can be irritating even if residents have learned to live with it without

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complaint. He recommended limiting the outside use after 10:00 p.m. to coincide with the City's noise ordinance. He inquired about an entitlement issued to The Irvine Company to build a large restaurant at the western end of the parking lot and expressed concerns about parking if the entitlement remains valid. He inquired if Conditions of Approval on the property's existing CUP would all carry over to the new CUP presented in this item, citing a potential discrepancy in areas where alcohol sales are permitted in Condition of Approval No. 41.

Paul Rozo echoed the comments of his neighbor, Ms. Benvenuti, about not wanting to harm businesses during the pandemic but being less tolerant of the regular noise now. He stated that a prohibition on live entertainment and a single glass panel will not prevent the audible noise of general operations on the patio.

Donald McCalla, a Linda Isle resident, echoed the comments of Mr. Rozo and Ms. Benvenuti, recalling his years of fighting the 333 Bayside Dr. restaurant's plans due to noise concerns.

Debbie Hartunian, a Linda Isle resident, agreed with her neighbors about needing to strike a balance between the local business and the noise heard by residents across the water. She requested that the patio not become permanent. She expressed concerns about both SOL and The Irvine Company's project's impacts on parking, lamenting that the current parking spaces face into her home, causing unwanted nighttime illumination from headlights.

Mr. Wiggle reported that The Irvine Company's future parking needs were built into the site plan for SOL's patio. He added that there is a willingness on the applicant's behalf to limit the outdoor patio hours until 10:00 p.m.

Acting Community Development Director Jaime Murillo reported that the patio at 333 Bayside Dr. is allowed to stay open until midnight, but has additional requirements for sound attenuation attached to its CUP. He noted that the applicant has stated a willingness to close the patio earlier than 11:00 p.m., adding that the facility will remain subject to the City's noise ordinance. He confirmed that the parking analysis for a future development by The Irvine Company accounted for SOL's parking requirement. He clarified that the intent of Condition of Approval No. 41 is to prohibit the sale of to-go alcohol for the entire establishment and not just the patio.

Chair Harris closed the public hearing.

In response to Commissioner Gazzano's inquiry, Acting Community Development Director Murillo confirmed that the entitlement for The Irvine Company remains active.

In response to Vice Chair Salene's inquiries, Acting Community Development Director Murillo confirmed that Condition of Approval No. 16 is a standard noise-related condition for restaurants. He clarified that live entertainment is permitted under the current CUP but will not be under the new CUP.

In response to Commissioner Rosene's inquiries, Acting Community Development Director Murillo confirmed that the Commission can apply a Condition of Approval related to the positioning of speakers playing recorded music on the patio. He added that the Commission could request additional landscaping, acknowledging his uncertainty over whether the intersection of Bayside Dr. and East Coast Highway is designated as a coastal view area.

Commissioner Rosene reported that he visited the site this morning and agreed that it is easy to understand how light and sound could travel to Linda Isle.

In response to Commissioner Ellmore's inquiries, Acting Community Development Director Murillo

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reported that noise complaints received by the City go to the Code Enforcement staff, who investigate and confirm if there is a violation. He reported that the first stage is a notice of violation to the operator, where the City works with the operator to bring them into compliance. He added that repeated violations can escalate into citations and further Code Enforcement actions. He confirmed that the City's Code Enforcement staff is trained and authorized to use a sound meter. He reported that the number of warnings issued before a penalty process begins can vary depending on how closely the operators are cooperating with City staff. He clarified that a CUP remains in effect until modified or revoked by the Planning Commission, or when superseded by a new CUP similar to this request. He confirmed that SOL's new CUP's Condition of Approval No. 7 does not allow for live entertainment, recorded music is permissible, and the outdoor patio is currently allowed to have amplified music.

In response to Chair Harris' inquiry, Acting Community Development Director Murillo confirmed that restrictions on amplified music have been included as a Condition of Approval for other restaurants with patios near residential areas, adding that a similar condition could be included.

In response to Commissioner Ellmore's inquiry, Acting Community Development Director Murillo confirmed that the current proposal is for the patio's operating hours to be the same as the restaurant's, ending at 11:00 p.m. He added that another alternative could be requiring amplified music hours on the patio to end earlier than 11:00 p.m.

Vice Chair Salene expressed his support for the patio but not the noise. He stated amplified music on the patio should be shut down at a reasonable hour, such as 9:00 p.m. or 10:00 p.m.

Commissioner Ellmore agreed with Vice Chair Salene's thoughts on earlier hours to help balance the interests of the applicant and residents. He recommended 8:00 p.m. as a cutoff time for amplified music on the outdoor patio and revisiting the patio for future reevaluation.

In response to Commissioner Ellmore's inquiry, Acting Community Development Director Murillo confirmed that a future review of the noise can be a Condition of Approval, noting that 333 Bayside Dr. had a Condition of Approval calling for a one-year review.

In response to Commissioner Gazzano's inquiry, Acting Community Development Director Murillo confirmed that the restaurant would be subject to the City's noise ordinance relative to the volume of the amplified music.

Commissioner Ellmore moved to approve the item with Conditions of Approval for no amplified music on the patio after 8:00 p.m., a patio closing time of 10:00 p.m., and a one-year review of the patio's noise.

Vice Chair Salene seconded the motion.

Chair Harris reopened the public hearing.

In response to an inquiry by Megan Hays, Facilities Manager for the restaurant, Acting Community Development Director Murillo confirmed that a live disc jockey would be considered live entertainment. Chair Harris and Commissioner Ellmore both added that Condition of Approval No. 7 would prohibit this live entertainment anywhere at the restaurant and not just on the open-air patio.

Ms. Hays stated that they would be amenable to closing the outdoor patio by 9:00 p.m., acknowledging the residential noise concerns.

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In response to Commissioner Gazzano's inquiry, the applicant's representative agreed that they could work around a Condition of Approval barring amplified music on the patio after 8:00 p.m., although their preference would be to keep the music on until the patio closes at 9:00 p.m.

Commissioner Ellmore clarified that the Commission's proposed revised Conditions of Approval call for an 8:00 p.m. cessation of patio music, a 10:00 p.m. closing of the patio, and a one-year review of the noise.

Chair Harris clarified that the applicant accepts the 10:00 p.m. closing time and is further willing to close the patio earlier.

In response to Chair Harris' inquiry, Ms. Hays agreed to the Commission's revised Conditions of Approval.

Chair Harris closed the public hearing.

In response to Chair Harris' inquiry, Commissioner Ellmore stated that he will not modify his motion from a 10:00 p.m. patio closing time to 9:00 p.m.

Motion made by Commissioner Ellmore and seconded by Vice Chair Salene to approve the item with amended Conditions of Approval to include no amplified music on the patio after 8:00 p.m., a patio closing time of 10:00 p.m., and a one-year review of the patio's noise.

AYES:	Ellmore, Gazzano, Harris, Langford, Rosene, and Salene
NOES:	None
ABSTAIN:	None
ABSENT:	Reed

ITEM NO. 3 MONROVIA TOWNHOMES (PA2025-0062)
Site Location: 1580-1598 Monrovia Avenue and 865-899 West 16th Street

Summary:
A request to authorize the development of a for-sale residential townhome community with 89 dwelling units on a 4.34-acre property at the southeast corner of Monrovia Avenue and West 16th Street. The development includes four single-unit residences, 17 duplex buildings, and 51 attached townhome-style dwelling units ranging in size from approximately 2,000 gross square feet to 3,000 gross square feet. The single-unit and duplex buildings are located on the southern half of the site and will be a maximum of four stories, with a height up to 47 feet, 8 inches above finish grade. Townhome style units are located on the northern half of the site and will be a maximum of three stories, with a height up to 38 feet, 8 inches above finish grade. Private resident-serving amenities include a community pool and pedestrian walking paths with picnic tables and benches. Each unit will have an attached two-car garage with an additional 47 uncovered parking spaces distributed throughout the site for a total of 225 parking spaces. Vehicle access to the site is provided through two driveways on Monrovia Avenue and one driveway on 16th Street. The following approvals are required to implement the project:

- Major Site Development Review: Required for any project proposing five or more residential units with a tract map. The Major Site Development Review additionally allows for deviations from specific multi-unit objective design standards pursuant to Section 20.48.185 (Multi-Unit Objective Design Standards) of the Newport Beach Municipal Code (NBMC); and

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- Vesting Tentative Tract Map: Requested to merge two properties to create a single building site and allow for an airspace subdivision of the individual residential units for individual sale (i.e., for condominium purposes).

Recommended Actions:

1. Conduct a public hearing;

2. Find that this project is not subject to further environmental review pursuant to Section 21083.3 of the California Public Resources Code (PRC) and Section 15183 of the California Environmental Quality Act (CEQA) Guidelines because the Project is consistent with the previously certified Program Environmental Impact Report (SCH No. 2023060699); and

3. Adopt Resolution No. PC2025-020, approving the Major Site Development Review and Vesting Tentative Tract Map filed as PA2025-0062.

Senior Planner Joselyn Perez used a PowerPoint presentation to introduce the project location, existing conditions, zoning and surrounding land uses, a description of the project, the required approvals, and reviewed the development standards. She reported that staff received letters of support for the project from the California Housing Defense Fund, the Building Industry of Southern California, and a Newport Beach property owner. She added that one letter with concerns was submitted on behalf of Hixson Metal Finishing, raising issues of noise, aesthetics, ineligibility for a Section 15183 exemption under the California Environmental Quality Act (CEQA), and requests for notification to prospective tenants of nearby industrial uses. She confirmed that the notification to prospective tenants of nearby industrial uses and City noise ordinance compliance are required as Conditions of Approval. She also made minor modifications to the language in both Condition of Approval Nos. 9 and 10.

In response to Commissioner Rosene's inquiry, Senior Planner Perez confirmed that the municipal code does not require a bicycle repair station at the corner of Monrovia Ave. and West 16th St. as an amenity, so it would be acceptable for the Commission to strike Condition of Approval No. 18, if so moved.

In response to Chair Harris' inquiry, all Commissioners except for Vice Chair Salene reported ex Parte communications with the applicant.

Chair Harris opened the public hearing.

Rick Puffer, Executive Vice President of Intracorp Homes, stated that the applicant accepts the Conditions of Approval. He reported on other recent projects constructed by Intracorp, including the well-received 36-unit Isle at Mariner Shores in Newport Beach, and others in Orange County. He noted that the site was identified by the City as part of its current Regional Housing Needs Allocation (RHNA) cycle, with an overlay zoning district created for the site. He noted that the project complies with the zoning code, including a 20.5 units per acre density. He stated that the Publicly Accessible Open Space (PAOS) creates an inviting frontage to the community to be landscaped with shade trees, including undergrounding the power lines along Monrovia Ave. He noted that the project will exceed its parking requirement by 22 spaces between the garages and open spaces.

Mr. Puffer presented a map of the area, noting how it is transforming into a residential hub, citing bicycle paths leading to Coast Highway and the beach, the variety of nearby parks, along with the

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availability of dining and fitness centers. He stated that the project's community benefits include bringing new residents to Newport Beach, benefitting the economy, adding a development with high-quality aesthetically pleasing architecture and 10,000 square feet of PAOS, and providing $3,417,600 of Park In-Lieu Fees.

Chair Harris noted that Mr. Puffer confirmed that he agreed with the Conditions of Approval.

In response to Commissioner Rosene's inquiry, Mr. Puffer confirmed that he would be willing to replace the bicycle repair station and racks with a specimen tree and other landscaping should the Commission opt to amend Condition of Approval No. 18.

Mr. Mosher noted that he serves on the General Plan Advisory Committee's Noise Subcommittee but was speaking as an individual. He inquired whether the Commission had contemplated the unique noise concerns raised in the Hixson letter, discussed Condition of Approval No. 10's mandate to inform future residents of nearby industrial uses while lamenting that being notified does not prevent residents from complaining about industrial uses. He stated that the developer should be obligated through a Condition of Approval to pay for any potential future mitigation efforts for noise concerns He reported that this is the second major RHNA project to come forward, joining the Ford Road project, and neither has produced the number of units expected in the Housing Element, particularly at the lower income levels. He expressed concerns that future projects will require higher densities.

Bruce Greene, Environmental Health and Safety Manager at Hixson Metal Finishing, reported that their facility is located 130 feet from the proposed project. He expressed concerns regarding impacts to Hixson's facility, as CEQA documents did not account for this type of development within an industrial zone. He reported that the Ebb Tide housing development was built 300 feet from their facility and immediately generated noise complaints against Hixson, leading to the construction of custom sound walls at the company's expense. He expressed concerns that the proposed project, located closer to Hixson and with taller buildings, will create similar noise complaints leading to additional mitigation expenses. He requested denial of the project until appropriate noise and land use studies are performed as part of the CEQA process.

Adam Leverenz stated that any form of additional housing is appealing, considering the Statewide crisis, but lamented that the project is unlikely to be considered affordable housing based upon the renderings. He stated the City's housing proposals do not address the affordability issue. He commended the Covenants, Conditions and Restrictions (CC&R) that will require residents to park in their garages but expressed concerns over the potential for renters or others with the four-bedroom units exceeding the capacity of the two-car garages. He echoed Mr. Mosher and Mr. Greene's concerns about a long-existing job-providing business like Hixson potentially being forced out due to housing.

Adam Wood, Senior Vice President of the Building Industry of Southern California – Orange County Chapter, commended the high level of detail in the application and staff presentation. He noted that the Hixson concerns have been received, and staff still recommends approval, lauding the ability for Newport Beach to add 89 new for-sale housing units.

Mr. Puffer stated that the project attempts to accommodate different buyers by providing multiple product types. He confirmed that the existing industrial uses in the area will be disclosed to prospective residents, including ambient noise from facilities predating the housing development. He added that their homes are adequately noise-protected through the plan check process. He noted that the project's rooftop decks will be partially covered with windows, while 51 of the units will not have a rooftop deck. He added that, in addition to having 22 on-site parking spaces outside of resident garages, their parking figures do not include available street parking.

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Acting Community Development Director Murillo confirmed that Hixson has invested substantially in sound attenuation, specifically to address sound impacts from the installation of a new scrubber. He noted that Condition of Approval No. 9 puts the burden on the developer to attenuate the project from the ambient noise levels of the surrounding area.

Chair Harris recommended that the Noise Subcommittee look deeper into permissible noise levels in future housing developments, including mixed-use developments. He noted that it is an unusual case where there can be noise compliance at ground level but not at 30 feet above grade due to noise escaping from a roof.

In response to Commissioner Rosene's inquiry, Acting Community Development Director Murillo clarified that Hixson had added new equipment that was adding to the noise levels. He stated that the completion of their sound attenuation measures will establish a new ambient noise baseline.

Chair Harris closed the public hearing.

Secretary Langford lauded having a proposal for this area of the City. He expressed hopes that this development would encourage other builders to consider the area. He lauded the expanded sidewalk area as PAOS and expressed hopes that other developments could extend the PAOS and provide access to the Randall Preserve. He expressed confidence that the concerns from having industrial neighbors will be addressed through the Conditions of Approval. He commended Intracorp's work elsewhere in Newport Beach and expressed his support for the project.

Commissioner Ellmore stated that he can make the findings necessary to approve the project and moved to approve the item.

Commissioner Rosene lauded new for-sale housing within the area and called for consideration of the bicycle repair station to be removed and to provide for additional landscaping.

Vice Chair Salene commended the project and encouraged Intracorp to make the industrial uses disclaimer prominent and not buried in the CC&Rs. He expressed his sympathies for Hixson's burden, arising only after residents move in. He recommended modifying the motion to remove Condition of Approval No. 18, agreeing with Commissioner Rosene's call for more landscaping in place of the bicycle repair station.

In response to Chair Harris' inquiry, Acting Community Development Director Murillo confirmed that the public hearing would not have to be reopened because the applicant confirmed that they would be amenable to providing additional landscaping to replace the bicycle repair station.

Chair Harris lauded the project's PAOS and underground powerlines to help energize the area. He added that the industrial area is fine for living, so long as the applicant is up front with potential residents about industrial uses.

Commissioner Ellmore agreed to modify his motion to remove Condition of Approval No. 18.

Motion made by Commissioner Ellmore and seconded by Chair Harris to approve the item with the removal of Condition of Approval No. 18.

AYES:	Ellmore, Gazzano, Harris, Langford, Rosene, and Salene
NOES:	None
ABSTAIN:	None
ABSENT:	Reed

Chair Harris called for a recess at 7:33 p.m. The meeting resumed at 7:38 p.m.

Docusign Envelope ID: 51DF5D03-4004-4AC1-B42D-5F035B77F207

ITEM NO. 4 FIRE STATION NO. 1 AND BALBOA BRANCH LIBRARY LANDSCAPE CHANGES APPEAL (PA2025-0130)
Site Location: 100 East Balboa Boulevard

Summary:
An appeal of the Community Development Director's July 3, 2025, decision to approve minor changes to Coastal Development Permit (CDP) No. PA2024-0140. The proposed changes include replacement tree plantings to further support nesting birds, such as great blue herons. Additionally, the revised landscape changes will alter the parking layout and result in the loss of one surplus parking space. No alterations to the CDP's approved floor area, height, or land use are being requested.

Recommended Actions:

1. Conduct a de novo public hearing;

2. Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15302 under Class 2 (Replacement or Reconstruction) of the CEQA Guidelines, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment; and

3. Adopt Resolution No. PC2025-021 denying the appeal and affirming the Community Development Director's approval for Staff Approval filed as PA2025-0130.

Acting Community Development Director Murillo reported that the City is the applicant for this item, as this is a City project.

Assistant Planner Laura Rodriguez used a PowerPoint presentation to present the project location, project description, and existing conditions. She reported approvals from Parks, Beaches and Recreation (PB&R) Commission for the removal of two diseased Special City Landmark Trees, a Blue Gum Eucalyptus and a Canary Island Date Palm with the action being appealed to the City Council which denied the appeal and approved the project's CDP on September 24, 2024. She added that the City Council's decision was appealed to the California Coastal Commission (CCC) due to concerns over removing the blue gum eucalyptus tree and its potential displacement of nesting birds. She reported that City staff collaborated with the CCC, leading to landscape changes to the CDP which was subsequently approved by the Community Development Director. This action was then appealed and being heard now.

Assistant Planner Rodriguez clarified that the revised landscaping plan, created in collaboration with the CCC and with consultation from Dudek, Inc., reaffirmed the use of Western Sycamore tree species as a suitable replacement for the blue gum eucalyptus. She also noted that existing trees around the property would support nesting during the reconstruction and replanting phase of the project.

Assistant Planner Rodriguez reported the appeal cites CEQA exemptions, states that the replacement trees are insufficient, and notes that the current tree is considered an Environmentally Sensitive Habitat Area (ESHA) for great blue herons. She stated that staff considers the new landscaping plan appropriate for CEQA Class 2 replacement and reconstruction with no change in use. She added that a memorandum from Dudek written on August 14th states that; the site is not an ESHA due to existing development; a blue gum eucalyptus is not ESHA because it is not a native or rare species, and does not hold a special role in the ecosystem; and that the great blue heron is not federally protected, while cautioning that active nests are protected under the Migratory Bird Treaty Act (MBTA).

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In response to Vice Chair Salene's inquiry, Acting Community Development Director Murillo clarified that the finding of the blue gum eucalyptus tree being diseased was part of the PB&R Commission's review while following City Council Policy G-1.

In response to Commissioner Rosene's inquiry, Acting Community Development Director Murillo confirmed that great blue herons are protected under the MBTA as it relates to the act of nesting. He stated that nest removal is prohibited during the nesting season (September through January), and tree removal requires a monitoring biologist to ensure that there are no negative impacts.

In response to Chair Harris' inquiry, no commissioners disclosed ex Parte communications.

Chair Harris opened the public hearing.

Appellant Christopher Pitet stated that the trees are not diseased, adding that the report is now two years old and needs to be renewed. He acknowledged that the report showed some decay but added that the trees are improving.

Mr. Pitet stated that the staff report refers to the changes to the CDP as being minor, and yet they do not address the fundamental problems with the CDP for ignoring Policy G-1. He stated that there is no reference to the blue gum eucalyptus being a landmark tree, and the CDP authorizes its removal without any compelling reason to do so under Policy G-1. He stated that the arborist who assessed the tree was incentivized to come to this conclusion, adding that the report is now two years old. He called for a new tree assessment, adding that the appellant is willing to contribute to a new assessment.

Mr. Pitet stated that the minor changes proposed by City staff do not address the CDP's problems. He reported that the western sycamore trees are a cosmetic change and will not be mature and ready to support nests for decades. He stated that the Community Development Director's approval should be rejected, and the appeal granted.

A Newport Beach resident reported that the staff report only lists one CEQA exemption, whereas previously it listed three CEQA exemptions, adding that the current Class 2 exemption should not apply because the library and fire station are changing places on the lot, in addition to a playground replacing the current park.

Mr. Leverenz lamented the potential loss of the nesting herons. He reported that there have been conflicting discussions about the tree over the life of this project and recommended an updated assessment of the tree's health.

April Strong expressed her support of the tree, noting that it has a life span of close to 400 years old, but it is only about 100 years old now. She encouraged the Commission to save the tree.

Sage Garcia stated that the landmark tree should be protected as an ESHA as a decades-long nesting site for herons, which are protected under the MBTA. He decried City staff's assessment of the tree as being merely ornamental landscaping and called for its protection.

Mr. Mosher inquired why the number of trees would be reduced from the original CDP's landscaping plan to the current one. He pondered why the City did not privately make the CCC's requested modifications before the City's presentation, like many private entities, acknowledging that this could be a showing of transparency.

Jim Moloney decried the City's history of erroneously assessing trees as being sick and dying. He stated that the appeal is still pending before the CCC and the tree is not sick and dying, adding

Docusign Envelope ID: 51DF5D03-4004-4AC1-B42D-5F035B77F207

that the City Arborist only found 2-3% decay. He reported that the Friends of the Library Park hired Arborist Robert Booty to independently test the tree, but were prevented from doing so by City staff.

Joyce Flower expressed concerns about a playground being included in the plan because it will distract children from reading their books inside the library. She added that the playground will be a haven for the city's homeless population.

Annie Saunders stated that the City lacks a coherent Local Coastal Plan (LCP) with standards for protecting the landmark tree and nesting herons. She noted that the proposed western sycamore trees will not mature for 20-30 years. She called on the City to revise its LCP and protect the tree before it is removed.

Lisa Clifford stated that the tree and corner greenspace is essential to the health of her neighborhood and questioned why the City would want to remove the greenspace to add cement and parking spaces. She urged the Commission to save the tree and the greenspace.

Kristi Jacob thanked the Commissioners for attentively listening to the public speakers and urged them to save the tree. She encouraged the Commissioners to visit the tree in person, adding that it could be used as a teaching tool by the library.

Michelle Silver stated that the tree and pocket park mean a lot to her neighborhood. She added that the tree is healthy despite excessive trimming by the City. She requested that the City build the library and fire station around the tree rather than remove it.

Acting Community Development Director Murillo clarified that the City Council approved the CDP, and it has been appealed to the CCC, adding that what is before the Commission right now is a minor change to the CDP's landscape plan made by staff working collaboratively with the CCC. He clarified that the change to the replacement trees is to use ones more suitable for future heron nesting, adding that the larger trees now being proposed necessitated adjustments to the parking lot area. He confirmed that the only thing before the Commission today is the amended landscaping plan component of the CDP being appealed to the CCC.

In response to Chair Harris' inquiry, Acting Community Development Director Murillo confirmed that the City Council approved the CDP, which has been appealed to the CCC, with staff working with the CCC in the interim to amend the CDP's landscaping plan. He added that the standard for review for the CDP is the Coastal Act and the City's LCP, which was certified in 2017. He added that Policy G-1 is not a requirement or criterion for a CDP. He added that the City's LCP defines ESHA and that the site is exempt because it is already developed. He confirmed that the tree itself does not constitute ESHA. He acknowledged that the western sycamores would need time to mature, but the City's report shows that there are several suitable mature trees nearby to serve as an interim heron habitat.

In response to Chair Harris' inquiry, Acting Community Development Director Murillo confirmed that the planting area was widened from the original plan to allow for more mature trees with a larger root base to be planted.

Commissioner Ellmore clarified that the Commission is only looking at a change to a landscape plan, and the findings are substantial to support staff's recommendation and deny the appeal.

Motion made by Commissioner Ellmore and seconded by Commissioner Gazzano to deny the appeal and affirm the Community Development Director's approval.

Docusign Envelope ID: 51DF5D03-4004-4AC1-B42D-5F035B77F207

VIII. AYES: Ellmore, Gazzano, Harris, Langford, Rosene, and Salene
NOES: None
ABSTAIN: None
ABSENT: Reed

IX. STAFF AND COMMISSIONER ITEMS

ITEM NO. 5 MOTION FOR RECONSIDERATION - None

ITEM NO. 6 REPORT BY THE COMMUNITY DEVELOPMENT DIRECTOR OR REQUEST FOR MATTERS WHICH A PLANNING COMMISSION MEMBER WOULD LIKE PLACED ON A FUTURE AGENDA

Acting Community Development Director Murillo reported that at the next meeting on October 9th City staff will provide an update on the ongoing General Plan updating process and request the Commission's input on the Draft Land Use Element and Draft Safety Element.

ITEM NO. 7 REQUESTS FOR EXCUSED ABSENCES - None

X. ADJOURNMENT – With no further business, Chair Harris adjourned the meeting at 8:30 p.m.

The agenda for September 18, 2025, Planning Commission meeting was posted on Thursday, September 11, 2025, at 5:35 p.m. in the Chambers binder, on the digital display board located inside the vestibule of the Council Chambers at 100 Civic Center Drive, and on the City's website on Thursday, September 11, 2025, at 5:12 p.m.

Tristan Harris

Tristan Harris, Chair

Jonathan Langford, Secretary

Attachment K

Appellant's Appeal Application to City Council

Appeal Application

City Clerk's Office
100 Civic Center Drive / P.O. Box 1768
Newport Beach, CA 92658-8915
949-644-3005

Clerk's Date & Time Stamp

OCT 2 '25 PM3:26
REC'D CITY CLERKS OFFIC

Appeals are time sensitive and must be received by the City Clerk within the specified time period from a decision or final action by a decision-maker. It is advisable to consult with the Department managing the issue if there is question with regards to appealing an action. This is an appeal of the:

- ☐ (CDD222) Community Development Director Action to the Planning Commission - *$2116*
- ☐ (CDD222) Zoning Administrator Action to the Planning Commission - *$2116*
- ☐ (CDD222) Coastal Development Application CDP Appeal from Zoning Admin to the Planning Commission (only if appeal is solely based on the CDP portion of the application) – *No Fee*
- ☒ (CDD222) Planning Commission Action to the City Council - *$2116*
- ☐ (CDD222) Community Development Director Action to the Harbor Commission - *$623*
- ☐ (CDD222) Harbor Commission Action to the City Council (CDD – Planning) - *$498*
- ☐ (CDD222) Hearing Officer Action to the City Council - *$2116*
- ☐ (CDD223) Building Official/Fire Marshal Action to the Building/Fire Board of Appeals - *$1827*
- ☐ (CDD224) Chief of Police Action on an Operator License to the City Manager - *$1033*
- ☐ (RSS073) City Manager Action on a Special Events Permit to the City Council - *$1953*
- ☐ (HBR001) Harbormaster Action to the Harbor Commission - *$622*
- ☐ (HBR001) Harbor Commission Action to the City Council (Harbor Department) - *$498*
- ☐ (PBW018) Public Works Director Action to Harbor Commission - *$1446*
- ☐ (PBW018) Harbor Commission Action to City Council (Public Works Department) - *$691*
- ☐ Other - Specify decision-maker, appellate body, Municipal Code authority and fee: _____

Appellant Information:

Name(s): The Friends of Library Park

Address: c/o Christopher L. Pitet, 100 Bayview Circle, Suite 210

City/State/Zip: Newport Beach, CA 92660

Phone: (949) 502-7760 Email: cpitet@apjuris.com

Appealing Application Regarding:

Name of Applicant(s): Planning Commission Date of Final Decision: September 18, 2025

Project No.: Staff Approval No. PA2025-0130 Activity No.: _____

Application Site Address: 100 East Balboa Boulevard

Description of application: Planning Commission's decision to uphold the Community Development Director's approval of revised landscape plans to CDP No. PA2024-0140 for redevelopment of Fire Station No. 1 and Balboa Branch Library.

Reason(s) for Appeal (attach a separate sheet if necessary): See attached

Signature of Appellant: Christopher L. Pitet **Date:** October 2, 2025

FOR OFFICE USE ONLY:
Date Appeal filed and Administrative Fee received: 2nd / October, 2025.

City Clerk

cc: Department Director, Deputy Director, Staff, File

BY FAX

ADKISSON PITET LLP

APJURIS.COM

ATTORNEYS AND COUNSELORS

NEWPORT BEACH | SAN MARCOS | LAS VEGAS

CORRESPONDING OFFICE

100 BAYVIEW CIRCLE, SUITE 210
NEWPORT BEACH, CA 92660

WRITER'S DIRECT E-MAIL

cpitet@apjuris.com

WRITER'S DIRECT DIAL NUMBER

949.502.7760

October 2, 2025

We represent the Friends of Library Park ("FLP"), an association of residents from the City of Newport Beach (the "City") who strongly oppose the removal of the sole remaining Blue Gum Eucalyptus tree no. 3517580 (the "Landmark Tree") in Library Park at 100 Balboa Boulevard, Newport Beach, CA 92661. The subject of media coverage and a defining symbol of a community, the Landmark Tree must be preserved. *See* Michele Gile, *Newport Beach Residents Fight Back Against City's Plan to Remove Eucalyptus Tree Home to Great Blue Herons,* CBS News (Jan. 30, 2024), https://www.cbsnews.com/losangeles/news/newport-beach-residents-fight-back-against-citys-plan-to-remove-eucalyptus-tree-home-to-great-blue-herons/; *see also* Michele Gile, *Bird Lovers Fight Against Newport Beach's Plan to Cut Down a Tree*, CBS News (Sep. 18, 2025), https://www.cbsnews.com/losangeles/video/bird-lovers-fight-against-newport-beachs-plan-to-cut-down-a-tree/.

Preserving this tree does *not* have to come at the expense of future renovations to Balboa Branch Library and Fire Station No. 1. Both preservation *and* development can be accomplished, and FLP is willing to discuss a mutually agreeable solution with the City—one that will preserve the tree without bogging the City's renovation efforts in future appeals and litigation.

In September 2024, the City Council approved Coastal Development Permit No. PA2024-0140, which authorized (1) the demolition of the existing Balboa Branch Library and Fire Station No. 1, (2) the removal of the Landmark Tree, and (3) construction of a 10,900 square foot building that will house a new fire station and library.

From the start, FLP challenged the City for basing its project on faulty information. For example, the City relied on prior arborist reports—now more than two years old—with inconsistent results suggesting that, if anything, the tree's health was improving and nowhere near failing. Due to this unreliable analysis, FLP has even offered (and continues to offer) to pay for a new, up-to-date report by an independent arborist. But FLP's repeated attempts at questioning the City's primary justification for removing the tree—it purportedly being sick and dying—has repeatedly gone ignored. Perhaps nothing has highlighted the City's environmentally unsound, ends-means rationale more than its conduct after being confronted with the faulty information underlying its decision. Rather than following mandated protocols and the City's own policies, such as its Local Coastal Plan ("LCP") and G-1 Tree Policy, Mayor Will O'Neill waived the City's G-1 Tree Policy in order to get this project approved in the first place. And he functionally did so

despite the fact that the City designed that policy to afford enhanced protection of landmark trees, especially those located within the Local Coastal Zone ("LCZ"). The Landmark Tree is exactly that: a landmark tree, located within the LCZ, which currently serves as a rookery for nearly two dozen Blue Herons. By waiving the City's only concrete guardrail for protecting Environmentally Sensitive Habitat Areas ("ESHAs"), it has become abundantly clear that the City lacks any protections for—and perhaps does not *actually* care for—landmark trees, much less the sensitive natural habitat for wildlife in the LCZ.

In October 2024, the FLP appealed the City's decision to the California Coastal Commission ("Coastal"). FLP's arguments included (but were not limited to) its lack of meaningful guidelines for protecting the environment, the irreparable harm that the project will cause to the federally protected nesting Blue Heron birds, and the City's complete disregard for a healthy Landmark Tree solely because it is located on the site where an approximately 11,000 square foot building is proposed to be constructed.

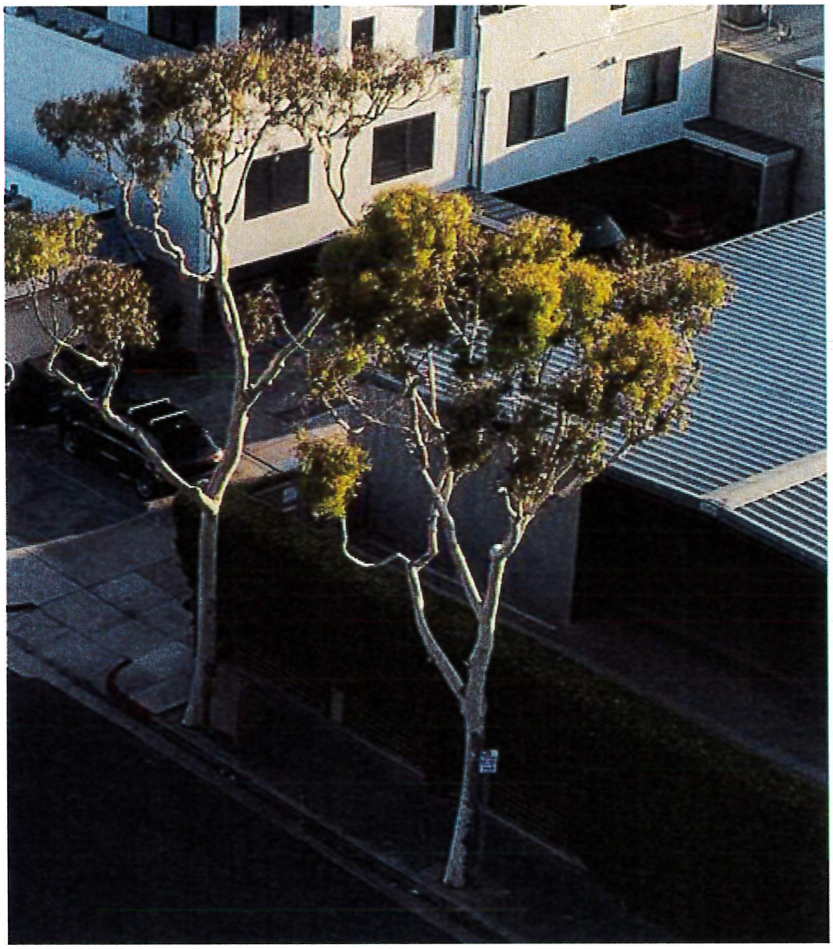
On July 3, 2025, the FLP received a revised project approval and Staff Report from Ms. Laura Rodriguez proposing a modification to Coastal Development Permit No. PA2024-0140, which would eliminate one parking stall and add a single Western Sycamore tree in its place. On July 18, 2025, the FLP appealed this revised proposal to the Newport Beach Planning Commission. Exactly one month later, on September 18, 2025, after public comments, the Planning Commission approved a motion to deny that appeal. This letter shall serve as the FLP's formal appeal of the revised project approval to the Newport Beach City Council (the "Amended Proposal"). The FLP's grounds for appeal include, but are not limited to, the following:

First, the revised project's attempt to mitigate the concerns outlined in FLP's numerous appeals functionally concedes that the project at issue will cause environmental harm—especially to the nearly two dozen Blue Heron birds that have long called the Landmark Tree "home." And it underscores the need for a substantively revised LCP. Until the City devises and implements an LCP that provides meaningful and clearly articulated guidelines for construction projects like the one at issue, this renovation project will only highlight the flaws in the City's LCP. Given these deficiencies, which undermine any suggestion that the City has grounds for proceeding with the project, the Landmark Tree must be left unharmed, and the nesting Blue Heron birds undisturbed.

To be sure, the proposed mitigation efforts are also nonstarters. They offer *nothing* to address the glaring deficiencies in the City's Local Coastal Plan for protecting Landmark Trees, ESHAs, and the Blue Heron birds. The lack of meaningful solutions is not surprising—City Staff *repeatedly* referred to the Amended Proposal as a *minor change*. And that minor change—planting Western Sycamore trees "in order to better support nesting birds" (Amended Proposal at 2)—ignores a simple fact: The Western Sycamores will not reach maturity for 20–30 years after they are planted, and "herons favor tall, mature trees." (Dudek Memo at 1). Thus, the City's proposed changes do nothing to protect the birds now, when mitigation matters most. And even if they could, the Western Sycamore can also be chopped down—again harming the Blue Heron

birds—without any reasonable justification based on the City's waiver of its G-1 Tree Policy and lack of guidelines for protecting ESHAs.

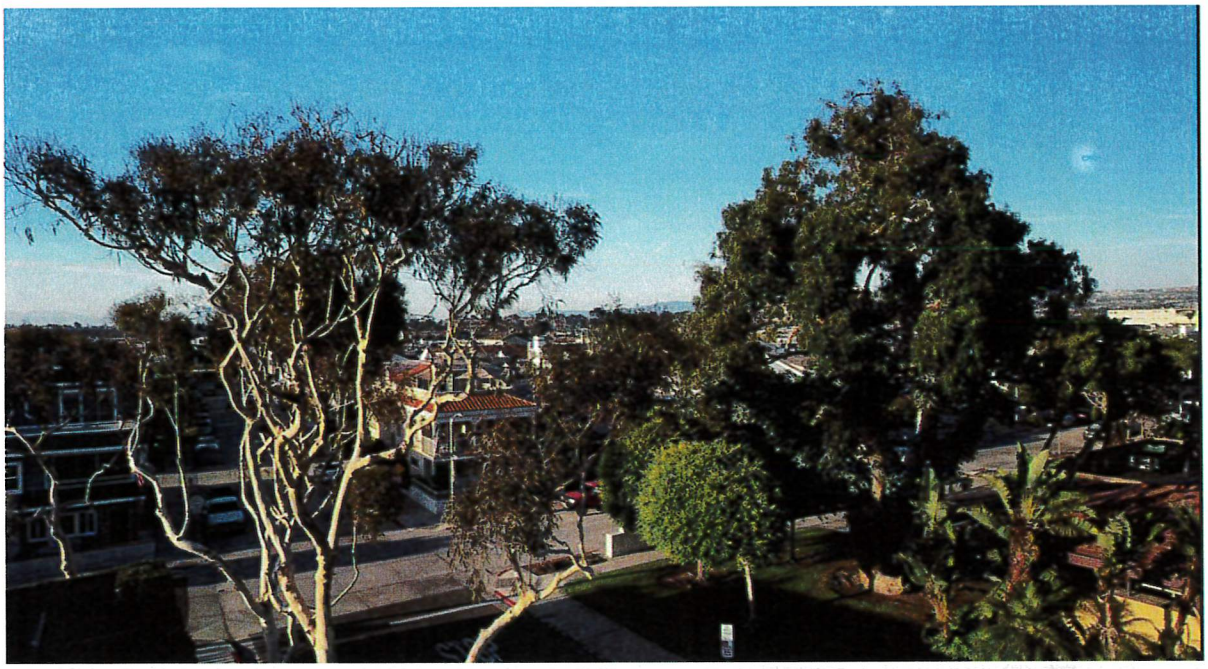
The Dudek memorandum on which the Staff Report relies also speculates that two nearby Eucalyptus trees (across the street from Library Park) and another nearby Hoop Pine tree could serve as temporary homes for the nesting Blue Herons. But these nearby trees are unable to support the current population of Blue Herons making an active rookery in the Landmark Tree.



If these Eucalyptus trees (as shown directly above) or the Hoop Pine tree were well-suited to housing Blue Herons, the Blue Herons would be nesting in them right now, after the City removed several other Blue Gum Eucalyptus trees in Library Park. Unfortunately, as video footage[1] makes

[1] Available at https://www.youtube.com/watch?v=9HkPH-RpO4k&feature=youtu.be.

clear, there are no rookeries in the surrounding trees. And there is little wonder why: Compared to the towering, healthy, and thriving Landmark Tree, the surrounding trees would leave the Blue Herons vulnerable and exposed.



Rather than waiving the protective policies it already has in place—as the City did when approving this project—it should commit to devising and implementing an LCP with meaningful and clearly articulated standards. Until then, this project—including with the "minor changes" approved by the Planning Commission—will merely highlight the flaws in the City's system, which protects the environment only in word, but not in deed.

Second, on June 27, 2025, the City, in consultation with Dudek, released its initial drafts[2] of the Recreation and Natural Resources Elements. One of the draft's primary goals includes using reasonable efforts to evaluate tree canopy cover in parks and the public right-of-way. (Draft Report at 7). The Landmark Tree provides canopy cover to both the existing Mini Park located behind the Library at 100 Balboa Boulevard and the adjacent sidewalk. But the City suggests chopping it down and replacing it with trees which will take decades to grow to the same height and will provide no coverage in the interim. Removing this beloved Landmark Tree will not further the Natural Resources Element guide's purpose of "guid[ing] the conservation, protection,

[2] Available at https://newportbeach.legistar.com/View.ashx?M=F&ID=14325578&GUID=5E2BD777-3BA8-4B14-B40C-96D8C61D5475.

development, and use of natural resources … as well as the preservation of cultural and historic resources." (Draft Report at 10).

Third, the City's proposal is not exempt under the California Environmental Quality Act ("CEQA"). CEQA exemptions must be "construe[d] … narrowly in order to afford the fullest possible environmental protection[.]" *Save Our Carmel River v. Monterey Peninsula Water Mgmt. Dist.*, 141 Cal. App. 4th 677, 697 (2006), as modified (July 21, 2006). Originally, the Amended Proposal erroneously stated that the project was categorically exempt from CEQA under Class 1, Class 2, and Class 3. Then, in the Planning Commission agenda for September 18, 2025, the City only addressed an exemption under Class 2, thereby effectively conceding that Classes 1 and 3 did not apply. But as explained below, Class 2 also does not apply, and thus, the project is not exempt under CEQA.

At most, Class 2 exempts the "[r]eplacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity," but it "does not cover expansions in use or capacity of the facility to be replaced or reconstructed." *See* § 15302(b). Here, the two existing buildings are not being replaced with buildings of substantially the same size, purpose, or capacity because the library is being replaced with a fire station and the fire station is being replaced with a library—buildings which have two very distinct and dissimilar purposes.

Fourth, the revised project violates Cal. P.R.C. § 30240's protections for ESHAs. ESHAs are defined as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments." Cal. P.R.C. § 30107.05. Section 30240 protects ESHAs "against any significant disruption of habitat values" and states that only "uses dependent on those resources shall be allowed within those areas." Cal. P.R.C. § 30240. The phrase "dependent on those resources" means "resources that make an area a protected habitat—i.e., 'plant or animal life or their habitats [that] are either rare or especially valuable because of their special nature or role in an ecosystem.'" *McAllister v. California Coastal Com.*, 169 Cal. App. 4th 912, 928 (2008), *as modified* (Jan. 20, 2009). Accordingly, developments inside ESHAs are limited "to uses that are dependent on the resources to be protected and that do not significantly disrupt habitat values." *Id.* at 929.

Examples of ESHAs provided in the City's LCP include native riparian habitats, because "of their rarity and because of their important roles in the ecosystem"—as evinced by the fact that "many species of birds nest and roost in riparian habitat." (LCP 4-3). Here, the Library Branch pocket park—especially the Landmark Tree and the Blue Herons nesting therein—is an ESHA. The Blue Heron birds are valuable to the Newport Beach ecosystem because they are predators who help regulate the populations of nearby fish, amphibians, and small mammals. Controlling the population size of smaller species is vital to biodiversity and the overall function of the food chain. Without a nesting place, the Blue Herons would be unable to fulfill their role in the

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ecological community. Therefore, the Landmark Tree provides a sanctuary for the birds and plays a vital role in the local ecosystem, making it worthy of consideration as an ESHA.

The Landmark Tree plays another vital role in the area as well. Newport Beach contains a historic underground spring that has existed for many years. This large body of water helps hydrate and supply the Landmark Tree with vital nutrients. Moreover, by absorbing the water, the Landmark Tree controls the size of the underground spring. But the city has not, at any point, considered the impacts of removing the Tree on this underground spring. Before proceeding with this significant project, the City should thus conduct an environmental impact report that analyzes the consequences which will follow from (1) removing the Landmark Tree, *and* (2) demolishing the current Library and Firehouse (and rebuilding structures that will exceed 10,000 square feet in size), on the natural springs lying beneath Library Park.

To be sure, the approved Staff Report also claimed the City's Municipal Code recognizes an "exception" for ESHAs. (Staff Report at 11-12). ESHAs, it explained, do not include "existing developed areas." *Id.* at 11. And because the Library and Fire Station are existing developments, the Landmark Tree is *exempted* from ESHA protections. FLP strongly objects to any attempt at using a local municipal code at undermining substantive protections demanded by the State of California. But regardless, the Report completely misunderstands FLP's position. FLP is not arguing that the *Library and Fire Station* are ESHAs. Instead, it is that the pocket park and the Landmark Tree—which are clearly *not* "developments"—get ESHA protections. Accordingly, the purported exemption for existing developments is simply irrelevant. And in fact, any contrary interpretation would mean, for example, that native riparian habitats and wetlands located in the same "area" as existing developments could freely be trampled *regardless* of strict ESHA protections. That dangerous (and incorrect) premise, however, necessarily follows from the Staff Report's exemption-argument—further confirming the City's lack of meaningful environmental protections and underscoring the need for granting FLP's appeal.

Next, the report also claims the Landmark tree "does not play a special role in an ecosystem given that it is located in a developed area as ornamental landscaping." *Id.* at 12. But the Blue Herons clearly think otherwise. Moreover, the Landmark Tree has been in place for decades, and even the City has recognized the Tree's special importance—when the City initially designated it as a Landmark Status tree. The Planning Commission also seems to suggest the special Library Park ecosystem is not an ESHA because Blue Herons are not endangered under FESA. But that is irrelevant: the municipal code does not say that *only* wildlife subject to the FESA (or the MBTA for that matter) are of special value to an ecosystem. Rather, it states that habitats that are valuable to an ecosystem and can be easily disturbed are protected. And there's no doubt the Blue Herons meet this definition.

For all of these reasons, the pocket park is an ESHA—meaning any construction project there must involve a resource-dependent use as required under Cal. P.R.C. § 30240. Instead, the Commission proposes a resource-*liquidating* use: the removal of the Landmark Tree, and the Blue

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Heron nests which take refuge on it, in order to build a library and firehouse. Accordingly, the project runs afoul of Cal. P.R.C. § 30240.

We would appreciate you confirming receipt of this appeal by emailing me at the email address above. Further, please let us know the steps and timeline for the City Council's consideration of and action on this important appeal.

Thank you.

Very truly yours,

Christopher L. Pitet

Christopher L. Pitet

Attachment L

Dudek Memorandum from August 14, 2025

DUDEK
27271 LAS RAMBLAS, SUITE 340
MISSION VIEJO, CALIFORNIA 92691
T 949.450.2525

MEMORANDUM

To:	Tom Sandefur, Assistant City Engineer, City of Newport Beach Public Works Department
From:	Tommy Molioo, Senior Biologist
Subject:	Protection Status of Nesting Great Blue Herons at the Balboa Branch Library
Date:	August 14, 2025
Attachment(s):	CDFW CNDDB Species Summary Table Report

The following memorandum documents the professional opinion of Dudek's Senior Biologist Tommy Molioo regarding the protection status of nesting great blue herons (*Ardea herodias*) at the Balboa Branch Library project site. This memorandum also addresses comments related to received by the City of Newport Beach in an appeal letter sent by Adkisson Pitet LLP on behalf of the Friends of Library Park (FLP) dated July 17, 2025. Specifically, Dudek is addressing comments related to the protection status of great blue herons and the eucalyptus tree on site planned for removal. The evaluation of the tree replacement has already been provided by Dudek in a letter to the City dated May 5, 2025.

Paragraph 1 of page 2 of the FLP letter states the great blue heron is a federally protected species. While the great blue heron is afforded protection under the Migratory Bird Treaty Act (MBTA), particularly while nesting, it is not federally listed as threatened or endangered under the Federal Endangered Species Act (FESA) and therefore, is not a federally protected species. After a review of the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database for great blue heron, it lists the species with a Global ranking of G5 and State ranking of S4, which is considered secure globally and in California (Attachment A). The species is only listed as sensitive by the California Department of Forestry and Fire Protection Services, particularly during timber operations.

Additionally, the MBTA extends federal protection to the majority of native migratory bird species in the United States, making it unlawful to cause any action that would result in "take" of a native migratory bird or its nest. Additionally, the California Fish and Game Code Sections 3503, 3503.5, and 3513 extend state protection to nests or eggs of any bird, birds of prey, and migratory non-game birds. Therefore, approximately less than a dozen great blue herons that nest at the project site are protected while nesting. And while rookeries may be afforded additional protection in other states or if designated as protected due to other means, the herons that nest on site are only protected while actively nesting and rookeries are not protected further. Lastly, previous tree trimming or maintenance activities conducted for the library while Dudek has been under contract with the City have been conducted outside of the nesting season and after clearance surveys conducted by Dudek's biologists determined the nests were inactive. Any future removal of the on-site eucalyptus tree and any remaining nests would also be conducted outside of the nesting season (February through August) and after a biologist can determine there is no active nesting.

The letter also asserts the eucalyptus tree on site that contains heron nests qualifies as an Environmentally Sensitive Habitat Area (ESHA) under the City's Local Coastal Plan (LCP). The City's LCP is written into the City's

Municipal Code as Chapter 21.30B.030, which designates ESHAs as, “Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments shall be designated as an environmentally sensitive habitat area (ESHA)”. The eucalyptus tree the letter refers to as a “landmark tree” is non-native and not a rare species, nor does it play a special role in an ecosystem as it is located in a developed area as ornamental landscaping. Additionally, the Municipal Code provides exceptions for ESHA as existing developed areas and existing fuel modification areas, of which the project site and eucalyptus tree would qualify for both due to the existing development, the Balboa Branch Library. The site also lacks natural communities, rare plants or wildlife, coastal streams, and connectivity to other natural areas as the site is surrounded by development. Therefore, the eucalyptus tree on the project site does not qualify as ESHA as defined by the City’s Municipal Code.

Attachment A

CNDDB Species Summary Table Report

Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database

Query Criteria: Species IS (Ardea herodias)

Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
Ardea herodias	G5	None	CDF_S-Sensitive	-230	156	23	21	10	2	3	97	132	24	153	3	0
great blue heron	S4	None	IUCN_LC-Least Concern	5,110	S:156											

Attachment M

Figure NR2 Environmentally Study Areas

CITY of NEWPORT BEACH
GENERAL PLAN

Figure NR2
ENVIRONMENTAL STUDY AREAS

1. Seminuik Slough
2. Northstar Beach
3. West Bay
4. Upper Newport Bay State Marine Park and Upper Newport Bay Nature Preserve
5. De Anza Bayside Marsh Peninsula
6. San Diego Creek
7. Eastbluff Remnant
8. Big Canyon
9. Newporter North
10. Buck Gully
11. Morning Canyon
12. Newport Beach Marine Life Refuge
13. Castaways
14. Banning Ranch
15. Newport Coast
16. Los Trancos, Pelican Hill
17. Ridge Park
18. Irvine Coast Marine Life Refuge
19. Giant Kelp Bed in Newport Harbor Entrance Channel
20. Bonita Canyon Creek Watershed
21. San Joaquin Reservoir
22. Arroyo Park
23. Coyote Canyon
24. MacArthur and Bison
25. MacArthur/SanMiguel
26. MacArthur/SanJoaquin
27. Spyglass Hill
28. Non-Coastal Buck Gully

0 0.5 1
Miles

Source: City of Newport Beach, 2005
PROJECT NUMBER: 10579-01
Date: 7/13/06

EIP ASSOCIATES

N:/GISProjects/NewportBeach_10579/cesa.mxd

Attachment N

Figure NR1 Biological Resources

CITY of NEWPORT BEACH
GENERAL PLAN

Figure NR1
BIOLOGICAL RESOURCES

Legend

- Eelgrass Bed
- Giant Kelp Bed
- Historic Grunion Spawning Area
- Upper Newport Bay Nature Preserve
- Upper Newport Beach State Marine Park
- City Boundary
- County

0 0.5 1
Miles

Source: City of Newport Beach, 2005
PROJECT NUMBER: 10579-01
Date: 6/29/06

EIP ASSOCIATES

N:/GISProjects/NewportBeach_10579/bio_resources.mxd

CITY OF

NEWPORT BEACH

City Council Staff Report

October 28, 2025
Agenda Item No. 19

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	Jaime Murillo, Acting Community Development Director - 949-644-3209, jmurillo@newportbeachca.gov
PREPARED BY:	Oscar Orozco, Associate Planner - (949) 644-3219, oorozco@newportbeachca.gov
TITLE:	Ordinance No. 2025-34: Extending the Temporary Moratorium on New Smoke Shops and Tobacco Retailer Businesses

ABSTRACT:

For City Council's consideration is an ordinance extending the current 45-day temporary moratorium established by Ordinance No. 2025-31 on the establishment and operation of new tobacco retailer businesses and the relocation or physical expansion of existing tobacco retailer businesses, also known as smoke shops, by an additional 10 months and 15 days.

RECOMMENDATIONS:

a) Conduct a public hearing;

b) Determine this action is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15262, Section 15060(c)(2), Section 15060(c)(3), Section 15305, and Section 15061(b)(3) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3;

c) Adopt Ordinance No. 2025-34, *An Urgency Ordinance of the City Council of the City of Newport Beach, California, Extending a Temporary Moratorium on the Establishment and Operation of New Tobacco Retailer Businesses and the Relocation or Physical Expansion of Existing Tobacco Retailer Businesses, Also Known as Smoke Shops;* and

d) Review, approve, and issue the 10-day report as required by Government Code 65858 for the extension of the temporary moratorium.

DISCUSSION:

On September 9, 2025, Mayor Pro Tem Kleiman requested initiating amendments to Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (NBMC) related to tobacco retail establishments, tobacco accessories/paraphernalia, smoke shops, smoking lounges and other smoke-related businesses pursuant to City Council Policy A-1.

In addition to the code update, the City Council also directed staff to prepare an urgency ordinance to establish a temporary moratorium on the establishment of new smoke shops pending the outcome of the code amendment review. The City Council voted unanimously (6-0), via a straw poll, in favor of staff returning with an item.

On September 23, the City Council voted unanimously to adopt Ordinance No. 2025-31 (Attachment B), imposing a 45-day moratorium on the establishment and operation of new tobacco retailer businesses as well as the relocation or physical expansion of existing tobacco retailer businesses. In addition, the City Council adopted Resolution No. 2025-64 formally initiating the requested Title 20 and Title 21 amendments.

As noted above, the City Council has directed staff to process amendments to the NBMC related to smoke shops. The urgency ordinance prevents the establishment of any new smoke shops (i.e. tobacco retailer businesses) while the amendments are being drafted for the City Council to review. This direction is supported by the evidence of a significant rise in public safety concerns related to the accessibility and use of nitrous oxide and flavored tobacco products among the youth, the significant number of businesses in the City that are currently licensed by the State to sell tobacco, unlawful activity at existing tobacco retailer businesses, the City's concern about this increase, and the harmful effect of nitrous oxide and flavored tobacco products on the residents. Statistics from the Newport Beach Police Department and additional background information on the topic are included in the prior City Council Staff Report (Attachment C).

The current 45-day temporary moratorium (Ordinance No. 2025-31) expires on November 7, 2025, unless extended by the City Council.

Proposed Moratorium Extension

Staff is currently in the process of developing reasonable regulations for tobacco retailers to address community concerns regarding underage access, public notification of new licenses and the proliferation of retailers. These potential regulation changes require additional study and public hearings with the Planning Commission and City Council. These tasks cannot be completed within the initial 45-day temporary moratorium which expires on November 7, 2025.

Therefore, the need for the moratorium remains and staff recommends the City Council adopt an ordinance (Attachment A) extending the current moratorium for a period of 10 months and 15 days pursuant to Government Code 65858. This action would extend the expiration date of the temporary moratorium from November 8, 2025, to September 23, 2026. Staff intend to return to City Council with code amendments in early 2026, and the extension would allow staff with sufficient time to process the code amendments.

10-Day Report

Pursuant to Government Code Section 65858(d), at least 10 days prior to the expiration of the original 45-day temporary moratorium, the City shall issue a written report (10-day Report) describing the measures taken to alleviate the conditions which led to the

adoption of the moratorium (Ordinance No. 2025-31). For example, staff have initiated review of NBMC regulations of peer cities to identify best practices and develop effective regulations for tobacco retailers and began drafting potential code language and planning hearing dates. Staff has included the required 10-day Report as Exhibit A of Attachment A of this staff report to satisfy the requirements of Government Code Section 65858(d). Approval and issuance of the 10-day Report on October 28, 2025, meets the minimum 10-day requirement prior to November 8, 2025, expiration date of the temporary moratorium in compliance with State Law.

FISCAL IMPACT:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

The urgency ordinance is not subject to the CEQA pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines; California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. In addition, the ordinance consists of minor alterations in land use limitations and does not result in any changes in land use or density. It is therefore not subject to the California Environmental Quality Act review pursuant to Title 14, Division 6, Chapter 3, Sections 15305 and 15061(b)(3) of the California Code of Regulations.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item). A public notice was also posted in a newspaper of local circulation 10 days prior to the public hearing in compliance with the Government Code Section 65090.

ATTACHMENTS:

Attachment A – Ordinance No. 2025-34: Extension of Urgency Ordinance for Moratorium
Attachment B – Ordinance No. 2025-31
Attachment C – City Council Staff Report dated September 23, 2025

Attachment A

Ordinance No. 2025-34: Extension of
Urgency Ordinance for Moratorium

ORDINANCE NO. 2025-34

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, EXTENDING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF NEW TOBACCO RETAILER BUSINESSES AND THE RELOCATION OR PHYSICAL EXPANSION OF EXISTING TOBACCO RETAILER BUSINESSES, ALSO KNOWN AS SMOKE SHOPS

WHEREAS, Section 200 of the City Charter, of the City of Newport Beach ("City"), vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the City Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges or procedures granted or prescribed by any law of the State of California;

WHEREAS, Government Code Section 65858 provides that to protect against any current and immediate threat to the public health, safety, or welfare, the City Council may adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the City is considering or studying or intends to study;

WHEREAS, the City Council adopted Urgency Ordinance 2025-31 on September 23, 2025, establishing a 45-day moratorium on the approval of granting of any permit, license, and land use entitlement for any new tobacco retailer business within the City to allow the City time to study viable solutions and municipal code amendments necessary to reasonably regulate tobacco retailers as more fully described in Ordinance No. 2025-31;

WHEREAS, the 45-day moratorium will expire on November 7, 2025;

WHEREAS, California Government Code section 65858(a) provides that, after notice pursuant to Government Code section 65090 and a public hearing, the City Council may extend Urgency Ordinance No. 2025-31 for ten months and fifteen days and subsequently extend Urgency Ordinance No. 2025-31 for one year;

WHEREAS, due notice for a public hearing requesting this temporary moratorium was given as required by Government Code Section 65090;

WHEREAS, pursuant to Government Code Section 65858(d), the City has taken steps to alleviate the conditions that necessitated the adoption of Ordinance No. 2025-31 and has issued a report describing the steps taken, which is attached as Exhibit "A" and incorporated herein by reference;

WHEREAS, pursuant to Government Code Section 65858 and City Charter Sections 412 and 416(d) an extension of an urgency measure requires a vote of at least six (6) City Councilmembers for adoption, and the extension shall be of no further force and effect ten months and fifteen days from the effective date of November 8, 2025;

WHEREAS, Government Code Section 65858(c) provides that the legislative body shall only extend any interim ordinance pursuant to this section if the ordinance contains legislative findings that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional use permits, variances, building permits, or any other applicable entitlement for use which is required in order to comply with a zoning ordinance would result in that threat to public health, safety, or welfare; and

WHEREAS, for reasons set forth above and in Ordinance No. No. 2025-31, which recitals are incorporated herein by reference, this urgency ordinance is declared by the City Council to be necessary, as without this ordinance, the approval of additional licenses, permits, and land use entitlements for any new tobacco retailers or the like would result in a current, immediate, and direct threat to the health, safety, and welfare of the community, and the recitals above and in Ordinance No. 2025-31 taken together constitute the City Council's statements of the reasons constituting such necessity and urgency.

NOW, THEREFORE, the City Council of the City of Newport Beach ordains as follows:

Section 1: The City Council hereby incorporates the recitals set forth above and in Ordinance No. 2025-31 into this urgency ordinance and finds, determines and declares that this urgency ordinance is adopted pursuant to Government Code Section 65858 and City Charter Section 412.

Section 2: Moratorium Extended.

Section 4(A) shall be amended to read as follows:

A. In accordance with the authority granted to the City of Newport Beach under Article XI, Sections 5 and 7 of the California Constitution, City Charter Sections 412 and 416(d) and California Government Code Section 65858, Urgency Ordinance No. 2025-31 shall be extended for a period of 10 months and fifteen days commencing November 8, 2025, and expiring on September 23, 2026. During this extended period, the following prohibitions shall apply: (1) no new tobacco retailer businesses shall be established or operate in the City of Newport Beach; (2) no existing tobacco retailer business shall relocate or expand its business in the City of Newport Beach; and (3) no entitlement for use, including, but not limited to, the issuance of a business license, building permit, conditional use permit, minor use permit or other land use approval, shall be approved or issued by the City of Newport Beach for the establishment or operation of a new tobacco retailer business and/or for the relocation or physical expansion of an existing tobacco retailer business. Additionally, the establishment and operation of a new tobacco retailer business or the relocation, or physical expansion of an existing tobacco retailer business is hereby expressly prohibited in all areas and zoning districts of the City of Newport Beach.

All other provisions of Ordinance No. 2025-31 shall remain in full force and effect during the extended term of the moratorium.

Section 3: Except as expressly modified in this urgency ordinance, all other sections, subsections, terms, clauses and phrases set forth in the Newport Beach Municipal Code shall remain unchanged and shall be in full force and effect.

Section 4: This urgency ordinance extending Ordinance No. 2025-31 is adopted pursuant to Government Code Section 65858 and City Charter Sections 412 and 416(d) and shall take effect immediately upon its passage by a vote of at least six (6) City Councilmembers. This urgency ordinance shall be in effect from November 8, 2025 for a period of ten (10) months and fifteen (15) days and by operation of law be of no further force and effect after September 23, 2026. However, after proper notice and a public hearing, the City Council may by a four-fifths (4/5) vote extend this urgency ordinance for an additional period of up to one year. Ten days prior to the expiration of this urgency ordinance or any extension, a written report describing the measures taken to alleviate the condition that led to the adoption of this ordinance shall be issued by the City of Newport Beach and shall be available online and at the City Clerk's Office.

Section 5: If any section, subsection, sentence, clause, or phrase of this urgency ordinance is, for any reason, held to be invalid or unconstitutional such decision shall not affect the validity or constitutionality of the remaining portions of this urgency ordinance. The City Council hereby declares that it would have passed this urgency ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared invalid or unconstitutional.

Section 6: The City Council finds that this urgency ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines; California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. In addition, the ordinance consists of minor alterations in land use limitations and does not result in any changes in land use or density. It is therefore not subject to the CEQA review pursuant to Title 14, Division 6, Chapter 3, Sections 15305 and 15061(b)(3) of the California Code of Regulations.

Section 7: The Mayor shall sign and the City Clerk shall attest to the passage of this urgency ordinance, which shall be effective as of November 8, 2025. The City Clerk shall cause this urgency ordinance, or a summary thereof, to be published pursuant to all applicable laws including Charter Section 414.

This ordinance was introduced and adopted as an urgency measure at a regular meeting of the City Council of the City of Newport Beach, held on the 28th day of October, 2025, by the following vote, to wit:

AYES: _____

NAYS: _____

ABSENT: _____

_____
Joe Stapleton, Mayor

ATTEST:

_____
Lena Shumway, City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

_____
Aaron C. Harp, City Attorney

Attachments: Exhibit A – City Report Describing Steps Taken to Alleviate Conditions Necessitating Adoption of Ordinance No. 2025-31

EXHIBIT A

10-Day Report on the City of Newport Beach's 45-day Urgency Moratorium Ordinance establishing a temporary moratorium on the establishment and operation of new tobacco retailer businesses as well as the relocation or physical expansion of existing tobacco retailer businesses within the City of Newport Beach pending the study and development of reasonable regulations pursuant to Government Code Section 65858(d)

BACKGROUND:

On September 23, 2025, pursuant to Government Code Sections 65858 and 36937, the City Council adopted Ordinance No. 2025-31, a 45-day urgency moratorium ordinance. Ordinance No. 2025-0031 was adopted in an effort to protect the public health, safety, and welfare by placing a 45-day moratorium on all new tobacco retailers with the City of Newport Beach pending completion of anticipated study and development of reasonable regulations for tobacco retailers.

Under Government Code Section 65858(d), at least 10 days prior to the expiration of the 45-day ordinance, the City is to issue a written report describing the measures taken to alleviate the conditions which led to the adoption of the moratorium. Issuance of this report satisfies the requirements of Government Code Section 65858(d). The 45-day moratorium is set to expire on November 7, 2025.

Measures taken to alleviate the conditions that led to the adoption of the urgency ordinance:

1. The City has assembled an internal-departmental team that will focus on the enforcement and review of potential new regulations related to tobacco retailers. This team is tasked with ensuring compliance with existing laws and identifying any illegal activities associated with tobacco sales, particularly those involving minors and illegal substances. This team will also review police activity associated with tobacco retailers to identify patterns of crime and develop regulations to better aid the City's enforcement activity.

2. City staff has initiated its review of municipal code regulations of peer cities to identify best practices and develop effective regulations for tobacco retailers. This review is aimed at curbing the sale of tobacco products to minors and preventing the proliferation of illegal substances.

3. The City's legal team, in close consultation with the City's internal-departmental team, is working diligently to draft amendments to the municipal code that will address community concerns, including underage access to tobacco products and the sale of illegal substances.

4. City staff has started developing lists of tobacco retailers in the City and any potential police activity associated with that business.

The above reflects actions undertaken during this short period. Conditions continue to exist that make it necessary to extend the interim urgency ordinance currently in effect to provide

staff with the necessary time to complete their analysis and research, develop appropriate regulations, and ensure the protection of the public health, safety, and welfare.

CONTINUED NEED FOR THE MORATORIUM

Actions addressing the underlying need for the moratorium are on-going. Specifically, at the direction of Council, staff is studying and will develop reasonable regulations for tobacco retailers, including a potential use permit, to address community concerns regarding underage access, public notification of licenses, and proliferation of retailers. These contemplated regulation changes require potential public outreach, additional study, a public hearing before the Planning Commission, and a second public hearing before the City Council. These tasks cannot be completed within the initial 45-day period which ends on November 7, 2025. Therefore, the need for the moratorium remains and staff recommends the City Council adopt an ordinance extending the current moratorium for a period of 10 months and 15 days. Unless extended by Council, the moratorium would automatically expire on November 7, 2025. Staff intends to return to Council with code amendments in early 2026, and the extension would allow staff with sufficient time to process the code amendments.

OPPORTUNITY FOR PUBLIC COMMENT: Members of the public will have the opportunity to comment on the extension of the Urgency Ordinance at the City Council hearing to be held on October 28, 2025. The City will publish notice for this meeting pursuant to Government Code § 65090.

Attachment B

Ordinance No. 2025-31

ORDINANCE NO. 2025-31

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, ESTABLISHING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF NEW TOBACCO RETAILER BUSINESSES AND THE RELOCATION OR PHYSICAL EXPANSION OF EXISTING TOBACCO RETAILER BUSINESSES, ALSO KNOWN AS SMOKE SHOPS

WHEREAS, Section 200 of the City Charter, of the City of Newport Beach ("City"), vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the City Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges or procedures granted or prescribed by any law of the State of California;

WHEREAS, pursuant to Government Code Section 65858, the City Council may adopt an interim urgency ordinance prohibiting any use that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time, if the members of the City Council by a vote of four-fifths (4/5) majority find that there is a current and immediate threat to the public safety, health, and welfare of the community;

WHEREAS, City Charter Section 412 provides for the adoption of an urgency ordinance as an emergency measure to preserve the public peace, health or safety by an affirmative vote of at least five City Council members;

WHEREAS, City Charter Section 416(d) allows an urgency ordinance to take effect immediately;

WHEREAS, tobacco retailer businesses, also known as smoke shops, have been a source of unlawful activities in the City, which, if not curtailed, present an immediate threat to the public health, safety, and welfare;

WHEREAS, the Newport Beach Police Department ("NBPD") served warrants at local tobacco retailer businesses and found evidence of ongoing illegal drug sales to adults and minors;

City of Newport Beach

WHEREAS, on May 15, 2024, NBPD detectives arrested a store clerk at Plugged N Smoke & Sneakers, located at 3555 East Coast Highway in Corona Del Mar, following a lengthy investigation that uncovered ongoing sales of illegal marijuana, controlled substances, and prohibited tobacco products to both minors and adults;

WHEREAS, on June 10, 2025, NBPD detectives served a search warrant at Tobacco and Accessories, located at 3617 East Coast Highway in Corona Del Mar, seizing over 454 pounds of illegal cannabis, psilocybin (magic mushrooms), nitrous oxide, and prohibited tobacco products;

WHEREAS, these two cases are part of a troubling trend that endangers the well-being of the City's residents, especially minors, highlighting the urgent need for swift and decisive action, as demonstrated by aggressive enforcement and stricter regulations recently adopted by neighboring cities like Anaheim, Orange, La Habra, and Redondo Beach; and

WHEREAS, the purpose of this urgency ordinance is to prohibit the establishment and operation of a new tobacco retailer businesses as well as the relocation or physical expansion of existing tobacco retailer businesses for 45 days, to give the City the opportunity to explore effective regulatory options that ensure the immediate protection of the public health, safety, and welfare.

NOW, THEREFORE, the City Council of the City of Newport Beach ordains as follows:

Section 1: The City Council hereby incorporates the recitals set forth above into this urgency ordinance and finds, determines and declares that this urgency ordinance adopted pursuant to Government Code Section 65858 and City Charter Section 412 , is necessary because:

A. Tobacco retailer businesses pose an immediate threat to the public health, safety, and welfare.

B. The establishment and operation of new tobacco retailer businesses as well as the relocation or physical expansion of existing tobacco retailers under current City regulations, would further jeopardize the public health, safety, and welfare.

C. The adoption of this urgency ordinance is essential to provide the City the time needed to study and evaluate various regulatory options to more

City of Newport Beach

effectively manage tobacco retailer businesses and ensure the immediate protection of the public health, safety, and welfare.

Section 2: In the interest of safeguarding the health, safety, and welfare of the residents of and visitors to the City of Newport Beach, the purpose and intent of this urgency ordinance is to impose a temporary moratorium on the establishment and operation of new tobacco retailer businesses as well as the relocation or physical expansion of existing tobacco retailers including, but not limited to, the issuance of any new permits, licenses, or other entitlements for tobacco retailer businesses, commonly known as smoke shops, within the jurisdictional boundaries of the City of Newport Beach.

Pursuant to Government Code Section 65858 and Charter Section 412, the City Council is authorized to adopt this urgency ordinance without following the standard procedures required for ordinance adoption, to protect public health, safety, and welfare. This ordinance is being adopted to protect the public health, safety and welfare by prohibiting uses that conflict with a contemplated general plan, specific plan, or zoning proposal that the City Council, Planning Commission, or Community Development Department is currently considering, studying, or intends to study within a reasonable timeframe.

Section 3: For purposes of this urgency ordinance, the following definitions shall apply:

A. "Person" means and includes any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or other legal entity.

B. "Premium cigar" means any cigar that is handmade, or hand rolled, is not mass produced by use of mechanization, has a wrapper, which is made entirely from whole tobacco leaf, and has a wholesale price of no less than twelve dollars ($12). A premium cigar does not have a filter, tip, or nontobacco mouthpiece and is capped by hand.

C. "Tobacco paraphernalia" means any item designed or marketed for the consumption, use, or preparation of a tobacco product.

D. "Tobacco product" means: (1) any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, aerosolized, vaporized, or ingested by any other means, including, but not

City of Newport Beach

limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, bidis, kreteks, snuff, e-liquids, or vape juice; and (2) any device or component, part, or accessory that delivers nicotine alone or combined with other substances to the person using the device, including, but not limited, to an electronic cigarette (or "e-cigarette"), electronic cigar (or "e-cigar'"), electronic pipe (or "e-pipe"), vape pen, electronic hookah (or "e-hookah"), cigars, or pipes, whether or not the device or component is sold separately. "Tobacco product" does not include any product that has been approved by the United States Food and Drug Administration for use as a tobacco cessation product where such product is marketed and sold solely for such an approved purpose nor does it include loose-leaf tobacco and premium cigars.

E. "Tobacco retailer business" means any person who sells, offers for sale, distributes, furnishes, or otherwise exchanges, with or without compensation, a tobacco product, tobacco paraphernalia, or tobacco-related item, to a consumer or end user, whether conducted in a physical storefront, through mobile or temporary setups, or via online or delivery-based platforms operating within the City of Newport Beach.

Section 4: Moratorium Imposed.

A. In accordance with the authority granted to the City of Newport Beach under Article XI, Sections 5 and 7 of the California Constitution, City Charter Sections 412 and 416(d) and California Government Code Section 65858, from and after the effective date of this urgency ordinance, and for a period of 45 days: (1) no new tobacco retailer businesses shall be established or operate in the City of Newport Beach; (2) no existing tobacco retailer business shall relocate or expand its business in the City of Newport Beach; and (3) no entitlement for use, including, but not limited to, the issuance of a business license, building permit, conditional use permit, minor use permit or other land use approval, shall be approved or issued by the City of Newport Beach for the establishment or operation of a new tobacco retailer business and/or for the relocation or physical expansion of an existing tobacco retailer business. Additionally, the establishment and operation of a new tobacco retailer business or the relocation, or physical expansion of an existing tobacco retailer business is hereby expressly prohibited in all areas and zoning districts of the City of Newport Beach.

City of Newport Beach

B. This urgency ordinance shall not prohibit the renewal of a business license for an existing tobacco retailer business, provided that the renewal seeks to maintain the business without physical expansion at its current location, and the tobacco retailer business is operating in a manner, and housed within a building, which complies with all City, State, Federal, or otherwise applicable, codes, rules, regulations, or laws.

C. The provisions of this urgency ordinance shall be enforceable pursuant to the general enforcement provisions in Title 1 of the Newport Beach Municipal Code. Nothing herein shall limit the authority of the City to revoke or suspend any existing license, permit, and/or entitlement as authorized under existing law.

Section 5: A code amendment to Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code is initiated by Resolution No. 2025-___. The Community Development Department and Planning Commission are hereby directed to analyze the desirability/appropriateness of smoke shops within the City of Newport Beach including, but not limited to, the potential direct and indirect impact of tobacco retail businesses, and if such facilities be thought appropriate, the extent of any zoning and regulatory controls necessary to protect the public health, safety, and welfare.

Section 6: Except as expressly modified in this urgency ordinance, all other sections, subsections, terms, clauses and phrases set forth in the Newport Beach Municipal Code shall remain unchanged and shall be in full force and effect.

Section 7: This urgency ordinance is adopted pursuant to Government Code Section 65858 and City Charter Sections 412 and 416(d) and shall take effect immediately upon its passage by a vote of at least six (6) City Councilmembers. This urgency ordinance shall by operation of law be of no further force and effect 45 days from September 23, 2025; provided, however, that after proper notice and a public hearing, the City Council may by a four-fifths (4/5) vote extend this urgency ordinance for an additional period of time of up to 10 months, 15 days, and subsequently extend the urgency ordinance for one year. Ten days prior to the expiration of this urgency ordinance, a written report describing the measures taken to alleviate the condition that led to the adoption of this ordinance shall be issued by the City of Newport Beach and shall be available online and at the City Clerk's Office.

Section 8: If any section, subsection, sentence, clause, or phrase of this urgency ordinance is, for any reason, held to be invalid or unconstitutional such decision shall not affect the validity or constitutionality of the remaining portions of this urgency

City of Newport Beach

ordinance. The City Council hereby declares that it would have passed this urgency ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared invalid or unconstitutional.

Section 9: The City Council finds that this urgency ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines; California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. In addition, the ordinance consists of minor alterations in land use limitations and does not result in any changes in land use or density. It is therefore not subject to the CEQA review pursuant to Title 14, Division 6, Chapter 3, Sections 15305 and 15061(b)(3) of the California Code of Regulations.

City of Newport Beach

Section 10: The Mayor shall sign and the City Clerk shall attest to the passage of this urgency ordinance, which shall be effective as of September 23, 2025. The City Clerk shall cause this urgency ordinance, or a summary thereof, to be published pursuant to all applicable laws including Charter Section 414.

This ordinance was introduced and adopted as an urgency measure at a regular meeting of the City Council of the City of Newport Beach, held on the 23rd day of September, 2025, by the following vote, to wit:

AYES: Mayor Stapleton, Mayor Pro Tem Kleiman, Councilmember Barto, Councilmember Blom, Councilmember Grant, Councilmember Weber, Councilmember Weigand

NAYS: None

Joe Stapleton, Mayor

ATTEST:

for Molly Perry, Interim City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

Aaron C. Harp, City Attorney

City of Newport Beach

STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss.
CITY OF NEWPORT BEACH }

I, Molly Perry, Interim City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; that the foregoing ordinance, being Ordinance No. 2025-31 was duly introduced on the 9th day of September, 2025, at a regular meeting, and adopted by the City Council at a regular meeting duly held on the 23rd day of September, 2025, and that the same was so passed and adopted by the following vote, to wit:

AYES: Mayor Joe Stapleton, Mayor Pro Tem Lauren Kleiman, Councilmember Michelle Barto, Councilmember Noah Blom, Councilmember Robyn Grant, Councilmember Sara J. Weber, Councilmember Erik Weigand

NAYS: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 24th day of September 2025.

for Molly Perry, MPA, CMC
Interim City Clerk
City of Newport Beach, California

CERTIFICATE OF PUBLICATION

STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss.
CITY OF NEWPORT BEACH }

I, Molly Perry, Interim City Clerk of the City of Newport Beach, California, do hereby certify that Ordinance No. 2025-31 has been duly and regularly published according to law and the order of the City Council of said City and that same was so published in the *Daily Pilot*, a newspaper of general circulation on the following dates:

Introduced Ordinance: August 30, 2025
Adopted Ordinance: **October 4, 2025**

In witness whereof, I have hereunto subscribed my name this 3rd day of October 2025.

Molly Perry, MPA, CMC
Interim City Clerk
City of Newport Beach, California

City of Newport Beach

Attachment C

City Council Staff Report dated September 23, 2025

CITY OF

NEWPORT BEACH

City Council Staff Report

September 23, 2025
Agenda Item No. 23

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: Jaime Murillo, Acting Community Development Director - 949-644-3209, jmurillo@newportbeachca.gov

PREPARED BY: Oscar Orozco, Associate Planner - (949) 644-3219, oorozco@newportbeachca.gov

TITLE: Initiation of Zoning Code and Local Coastal Program Amendments Related to Smoke Shops, Smoking Lounges, and Other Tobacco-Related Businesses and Establishing a Temporary Moratorium of Tobacco Retailer Businesses

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ABSTRACT:

For City Council's consideration is an initiation of amendments to Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (NBMC). The amendments relate to tobacco retail establishments, tobacco accessories, smoke shops, smoking lounges and other tobacco-related businesses. In addition, the City Council will consider a 45-day temporary moratorium on the establishment and operation of new tobacco retailer businesses and the relocation or physical expansion of existing tobacco retailer businesses, also known as smoke shops.

RECOMMENDATIONS:

a) Determine this action is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15262, Section 15060(c)(2), Section 15060(c)(3), Section 15305, and Section 15061(b)(3) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3;

b) Adopt Ordinance No. 2025-31, *An Urgency Ordinance of the City Council of the City of Newport Beach, California, Establishing a Temporary Moratorium on the Establishment and Operation of New Tobacco Retailer Businesses and the Relocation or Physical Expansion of Existing Tobacco Retailer Businesses, Also Known as Smoke Shops;* and

c) Adopt Resolution No. 2025-64, *A Resolution of the City Council of the City of Newport Beach, California, Initiating Amendments to Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code Pertaining to Smoke Shops, Smoking Lounges, and Other Tobacco-Related Businesses (PA2025-0171).*

DISCUSSION:

Background

Nitrous Oxide and Flavored Tobacco

In recent years, Newport Beach has experienced a significant rise in public safety concerns related to the accessibility and use of nitrous oxide and flavored tobacco products among the youth. Arrests involving nitrous oxide have surged by 720% from just five arrests in 2020 to 41 in 2024. Current trends in 2025 suggest this number may climb to approximately 50 arrests by year-end, marking another 20% increase over the previous year.

The Newport Beach Police Department (NBPD) has identified nitrous oxide being sold in local smoke shops and illegal dispensaries, contributing to its widespread availability. This accessibility poses a growing risk to the health and safety of young residents and underscores the need for stronger regulatory oversight.

Additionally, flavored tobacco products remain a major driver of youth vaping. According to the Centers for Disease Control and Prevention (CDC), 87.6% of U.S. students who vaped in 2024 used flavored products. In California, 85.6% of high school tobacco users reported using flavored varieties. These statistics highlight the disproportionate appeal of flavored tobacco to minors. Over the past two years, NBPD has received approximately 15 complaints from parents and community members regarding smoke shops, further emphasizing community concern.

Illegal Activity at Local Tobacco Retailers

According to State records, as of September 5, 2025, there are 41 locations within the City of Newport Beach that are licensed by the State of California for the retail sale of tobacco. Retailers range from large grocery stores to gas stations and convenience markets to retailers that appear to primarily sell tobacco.

Tobacco retailer businesses have been a source of unlawful activity in the City. The City has served warrants at local tobacco retailer businesses and found evidence of ongoing illegal drug sales to adults and minors. Specifically, on May 15, 2024, the NBPD detectives arrested an employee at Plugged N Smoke & Sneakers, located at 3555 East Coast Highway in Corona Del Mar, following a lengthy investigation that uncovered ongoing sales of illegal marijuana, controlled substances, and prohibited tobacco products to both minors and adults. Additionally, on June 10, 2025, NBPD detectives served a search warrant at Tobacco and Accessories, located at 3617 East Coast Highway in Corona Del Mar, seizing over 454 pounds of illegal cannabis, psilocybin (magic mushrooms), nitrous oxide, and prohibited tobacco products.

These two cases are part of a troubling trend that endangers the well-being of the City's residents, especially minors, highlighting the urgent need for swift and decisive action, as

demonstrated by aggressive enforcement and stricter regulations recently adopted in neighboring cities like Anaheim, Orange, La Habra, and Redondo Beach.

Initiation of Zoning Code and Local Coastal Program Amendments

On September 9, 2025, Mayor Pro Tem Kleiman requested initiating zoning code and local coastal program amendments related to tobacco retail establishments, tobacco accessories/paraphernalia, smoke shops, smoking lounges and other smoke-related businesses pursuant to City Council Policy A-1. In addition to the code update, the request also directed staff to prepare an Urgency Ordinance to establish a temporary moratorium on the establishments of new Smoke Shops pending the outcome of the code amendment review. The City Council voted unanimously (6-0), via a straw poll, in favor of staff returning with an item.

This agenda item is not a public hearing. If the City Council adopts the attached resolution to initiate the zoning code and local coastal program amendments, specific text changes will be drafted and considered by both the Planning Commission and the City Council at future public hearings. Additionally, amendments to the certified LCP will require certification by the California Coastal Commission to be effective.

Zoning Code Section 20.66.020 (Initiation of Amendment) provides that a code amendment may be initiated by the City Council with or without a recommendation from the Planning Commission. City Council Policy K-1 (General Plan and Local Coastal Program) provides that a City-sponsored amendment to the certified Local Coastal Program (LCP) shall be initiated by the City Council.

Focus of Amendments Proposed for Initiation

The sale of tobacco is currently defined as a “Retail Sales” land use in the NBMC. The retail sales land use is permitted by right in most zoning districts with a few exceptions. The NBMC does not include specific standards for retail sales of tobacco or tobacco related products. Additionally, Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) do not provide a definition for “Tobacco Retail Sales”, “Tobacco Retailer Business”, or “Smoke Shops”, nor do they include a land use category with objective land use regulations, such as limits on hours of operations, appropriate zoning districts, and/or separation requirements. Therefore, despite the aforementioned public safety implications, Tobacco Retailer Businesses and Smoke Shops are regulated no differently than a typical retail store.

Title 20 and 21 include a definition and a land use classification for “Smoking Lounge,” which is defined as “an establishment that is dedicated, in whole or part, to providing tobacco or other substances for smoking by patrons on the premises for a fee, including but not limited to establishments known as cigar lounges, hookah lounges, tobacco clubs, or tobacco bars. It does not include a “retail or wholesale tobacco shop,” which sells tobacco products and smoking accessories, but does not provide for on-premises use of

tobacco products." The smoking lounge land use classification is prohibited in all zoning districts.

Therefore, as part of the amendments staff will study potential changes to Title 20 and 21 related to the regulations of smoking lounges and of the sale of tobacco and tobacco-related products in the City.

Moratorium

The attached Urgency Ordinance (Attachment A) would establish a 45-day temporary moratorium on new tobacco retailer businesses, which are defined in the ordinance as: "any person who sells, offers for sale, or does or offers to exchange for any form of consideration tobacco products or tobacco paraphernalia without regard to the quantity sold, offered for sale, exchange, or offered for exchange."

City Charter Section 412 provides for the adoption of an urgency ordinance as an emergency measure to preserve the public peace, health or safety by an affirmative vote of at least five City Council members.

Additionally, pursuant to Government Code Section 65858, and in order to protect public safety, health, and welfare, the City Council may adopt an Urgency Ordinance prohibiting any uses that may be in conflict with a contemplated zoning proposal that the legislative body, Planning Commission or the Community Development Department is considering or studying or intends to study within a reasonable time. Approval of an Urgency Ordinance requires a minimum of a four-fifths vote of the legislative body for adoption and is effective immediately for 45 days from its date of adoption. After notice, pursuant to Section 65090, and a public hearing, the legislative body may, at a future date, extend the Urgency Ordinance for 10 months and 15 days, and subsequently extend the Urgency Ordinance for one year. These additional extensions will also require a minimum of a four-fifths vote for adoption. No more than two extensions may be adopted by the legislative body.

As noted above, the City Council has directed staff to initiate amendments to the NBMC related to Smoke Shops and an Urgency Ordinance would prevent the establishment of any new Smoke Shops (i.e. tobacco retailer businesses) while the amendments are being drafted for Council review and action. This direction is supported by the evidence of a significant rise in public safety concerns related to the accessibility and use of nitrous oxide and flavored tobacco products among the youth, the significant number of businesses in the City that are currently licensed by the State to sell tobacco, unlawful activity at existing tobacco retailer businesses, and the City Council's concern about this increase and the harmful effect of nitrous oxide and flavored tobacco products on the residents.

As previously described, the City has no regulations specific to retailers whose principal or core business involves selling tobacco products and related paraphernalia, that would

protect minors such as distance requirements from schools, parks, and other youth-oriented areas. In order to provide staff with the time to study options for the regulation of smoke shops, smoking lounges, and other tobacco-related businesses, staff is recommending approval of the subject urgency ordinance.

FISCAL IMPACT:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

The initiation of zoning and LCP amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15262 (Feasibility and Planning Studies) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment. No final action on any amendments will occur at this meeting and the initiation of the amendment does not have any legally binding effect upon future consideration of the amendments themselves. The City will conduct an environmental review prior to the consideration of approval of the amendments.

Additionally, the urgency ordinance is not subject to the CEQA pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines; California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. In addition, the ordinance consists of minor alterations in land use limitations and does not result in any changes in land use or density. It is therefore not subject to the California Environmental Quality Act review pursuant to Title 14, Division 6, Chapter 3, Sections 15305 and 15061(b)(3) of the California Code of Regulations.

NOTICING:

The NBMC does not require notice for the initiation of amendments. Notice of this item appeared on the agenda for this meeting, which was posted at City Hall and on the City website. Should the City Council initiate the amendment, public notice will be provided for subsequent public hearings before the Planning Commission and the City Council as required by the NBMC. Additionally, notice of the LCP amendments will be sent to all persons and agencies on the Notice of the Availability mailing list.

ATTACHMENTS:

Attachment A – Ordinance No. 2025-31 Urgency Ordinance for Moratorium
Attachment B – Resolution No. 2025-64 Initiation of Amendments

CITY OF

NEWPORT BEACH

City Council Staff Report

October 28, 2025
Agenda Item No. 20

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	Jaime Murillo, Acting Community Development Director - 949-644-3209, jmurillo@newportbeachca.gov
PREPARED BY:	Joselyn Perez, Senior Planner - 949-644-3312, jperez@newportbeachca.gov
TITLE:	Resolution Nos. 2025-71 through 2025-74: Overriding Orange County Airport Land Use Commission's Determination of Inconsistency and Approving the Snug Harbor Surf Park at 3100 Irvine Avenue

ABSTRACT:

Back Bay Barrells, LLC seeks to redevelop the central portion of the privately owned and operated Newport Beach Golf Course (NBGC). The existing driving range, putting green, pro shop, restaurant and bar, and three holes of golf would be removed and replaced with a new surf-focused outdoor commercial recreation use (surf park). The site would be improved with approximately five acres of surfing lagoon surrounded by viewing platforms, seating, pools, a spa, restrooms, landscaping, and 351 surface parking spaces. The proposed hours of operation for the surf park are from 6 a.m. to 11 p.m., daily. The project includes the construction of a new three-story amenity clubhouse building and a two-story athlete accommodation building with 20 rooms. As golf operations are proposed to continue, existing access would be maintained to the NBGC holes identified as the "front six" and the "back nine."

For the City Council's consideration is the adoption of four resolutions to authorize the project by: 1) approving the General Plan Amendment; 2) approving the site development review, conditional use permit and modification permit; 3) certifying the Environmental Impact Report; and 4) overriding the August 7, 2025, Orange County Airport Land Use Commission (ALUC) determination that the project is inconsistent with the 2008 John Wayne Airport Environs Land Use Plan.

Pursuant to California Public Utilities Code Section 21676(b), approval of the project and the adoption of the resolution to override the ALUC requires a two-thirds majority vote of the City Council.

RECOMMENDATIONS:

a) Conduct a public hearing;

b) Adopt Resolution No 2025-71, *A Resolution of the City Council of the City of Newport Beach, California, Approving a General Plan Amendment for the Surf Park Project Located at 3100 Irvine Avenue (PA2024-0069)*;

c) Adopt Resolution No 2025-72, *A Resolution of the City Council of the City of Newport Beach, California, Approving a Major Site Development Review, Conditional Use Permit, and Modification Permit to Authorize the Construction and Operation of the Surf Park with Ancillary Uses and Types 47 (On-Sale General Eating Place), 58 (Caterer), and 68 (Portable Bar) Alcoholic Beverage Control Licenses for the Property Located at 3100 Irvine Avenue (PA2024-0069)*;

d) Adopt Resolution No 2025-73, *A Resolution of the City Council of the City of Newport Beach, California, Certifying Environmental Impact Report (State Clearinghouse SCH Number 2024110238), Including a Mitigation Monitoring and Reporting Program and Adopting Findings for the Surf Park Project Located at 3100 Irvine Avenue (PA2024-0069)*; and

e) Adopt Resolution No 2025-74, *A Resolution of the City Council of the City of Newport Beach, California, Finding the Surf Park Project Located at 3100 Irvine Avenue Consistent with the Purposes of the State Aeronautics Act and Overriding the Orange County Airport Land Use Commission's Determination of Inconsistency with the 2008 John Wayne Airport Environs Land Use Plan (PA2024-0069)*.

DISCUSSION:

As shown in Figure 1 on the next page, the Newport Beach Golf Course (NBGC) is separated into three physically distinct areas: the northern, central, and southern portions. The northern portion is mostly located outside of Newport Beach's boundaries and is owned by the County of Orange. The central and southern portions are owned by Newport Golf Club, LLC. The NBGC is not a City-owned or City-operated golf course. The project is proposed for the central portion, located at 3100 Irvine Avenue (Site).

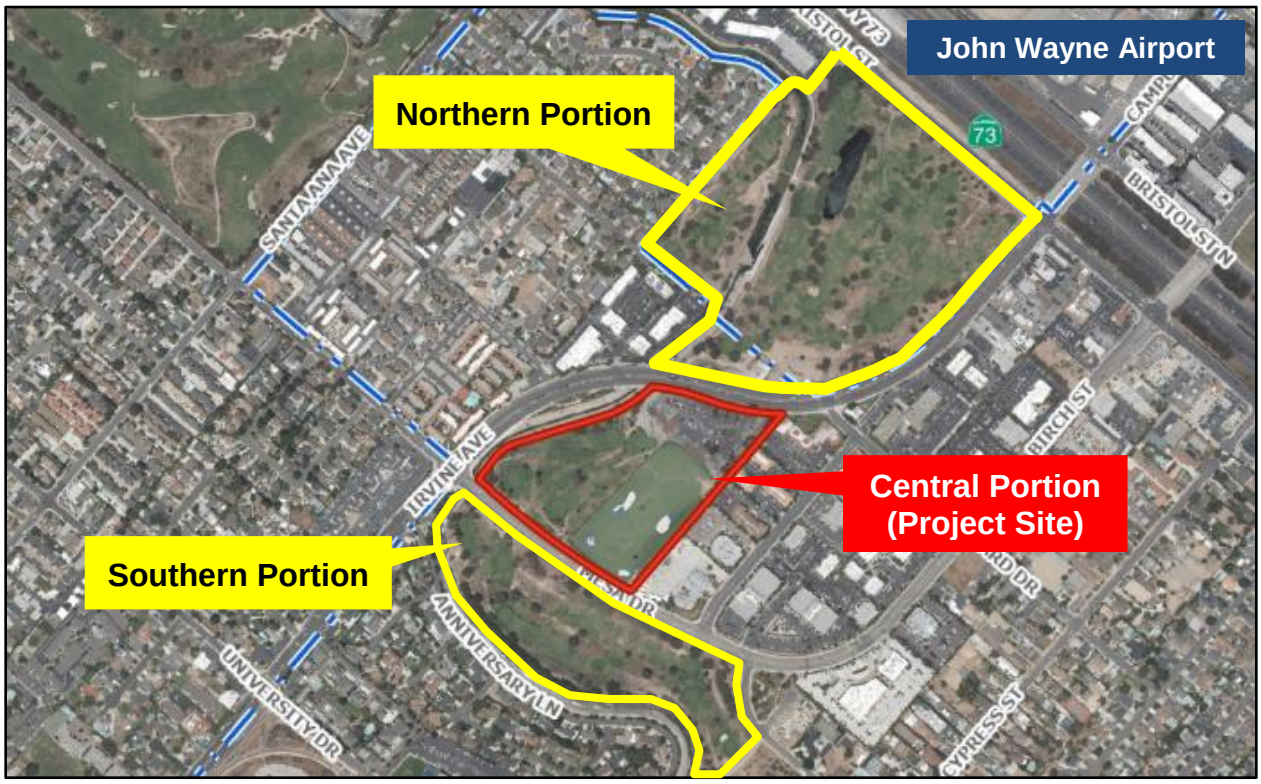

Figure 1, Extent of NBGC with project site outlined in red

The Site is located within an urban area of the City that is considerably developed. Beginning to the north of the Site and moving clockwise, surrounding land uses include the "The Jetty" commercial center, holes 10-18 of the NBGC, multi-tenant office buildings, Newport Beach Fire Station No. 7, holes 3-8 of the NBGC, "The Ranch" retail shopping center, and multi-family residential. The Santa Ana Delhi Channel is located along the northwesterly Site boundary.

The Site is currently developed with a 38-bay, partially covered, synthetic turf driving range, an approximately 1,050-square-foot putting green, a one-story, approximately 8,975-square-foot clubhouse building, and three holes of the NBGC (holes 1, 2, and 9). The existing clubhouse includes a pro shop and a restaurant that seats 233 people, and a surface parking lot with 280 parking spaces.

Project Description

Back Bay Barrels, LLC (Applicant) proposes to remove all existing improvements on the central portion of the NBGC and redevelop the Site into a new surf-focused outdoor commercial recreation use (surf park). As shown below in Figure 2, the Site would be improved with approximately five acres of surfing lagoon surrounded by viewing platforms, seating, pools, restrooms and landscaping.

Figure 2, Project rendering looking south

The surf lagoon would be divided into two, 5.1-million-gallon, hydrologically separated, basins that would be up to 13 feet deep. Wave machinery would bisect the basins. Light poles 71 feet high would light the lagoon for evening use, focusing down onto the surf lagoon. Additional lagoon equipment, such as the heating equipment, would have a height of approximately 15 feet and would be located northeast of the surf lagoon, near the northernmost parking area. Hours of operation for the surf park are proposed from 6 a.m. to 11 p.m., daily. The project includes a robust open space and landscaping plan with roughly 20% of the total site, or 143,844 square feet, planted with drought tolerant ornamental landscaping. Nearly 35% of the site, or 235,650 square feet, will be provided as open space. Also included in the project is the relocation of an existing, undersized driveway on Mesa Drive, roadway striping, and a sewer line upgrade and relocation.

The project includes the construction of a new three-story, 50-foot tall, amenity clubhouse building which would provide a reception and lobby area, surf academy, fitness facility, yoga center, administrative offices, locker rooms, retail space, a restaurant, viewing suites, and a coffee and snack bar. The basement level would provide space for golf cart storage, along with surfboard storage, facility storage, and mechanical equipment. Alcohol service would be provided within the clubhouse and throughout the grounds through Type 47 (On-Sale General - Eating Place), Type 58 (Caterer License), and Type 68 (Portable Bar) Alcohol Beverage Control (ABC) Licenses. The project also includes construction of a two-story, 40-foot-high athlete accommodation building with 20 rooms. In total, the project would construct approximately 79,533 square feet of area; however, 19,761 square feet is excluded from the total development limit of the site as incidental building area consistent with Table LU1 (Land Use Plan Categories) of the General Plan for properties categorized as Parks and Recreation.

The surf park will be served by 351 parking spaces across two surface lots, partially covered by 14- to 18-foot-high solar canopies. These canopies, along with solar panels on the surf park buildings, will provide onsite renewable energy to help offset the project's operational power needs.

As part of its operation and as an amenity for locals and a regional destination for visitors, the surf park anticipates hosting approximately 12 surf events or competitions annually. These special events will be ticketed and similar in scale to other local sporting events.

Golf operations are proposed to continue, with existing access maintained to the front six and back nine holes of the golf course. The NBGC currently operates under Use Permit No. UP1594, which will remain in full force and effect. Importantly, access to the northern and southern portions of the NBGC will be maintained both during construction and operation, minimizing any disruptions to golf availability.

Construction would take approximately 18 months and includes demolition, site preparation, grading, installation of infrastructure and utilities, followed by building construction, pavement, and then architectural coatings.

The following approvals are required from the City to implement the project as proposed:

- **General Plan Amendment (GPA)** – To increase the development limit from 20,000 square feet to 59,772 square feet for Anomaly Number 58, as identified in Table LU 2 of the General Plan Land Use Element;

- **Major Site Development Review (SDR)** – To construct a nonresidential building larger than 20,000 square feet in area;

- **Conditional Use Permit (CUP)** – To allow the operation of an outdoor commercial recreation use, to authorize alcohol sales within the amenity clubhouse and throughout the grounds of the surfing lagoon, to establish the appropriate parking rate, and to allow the construction of buildings taller than 18 feet;

- **Modification Permit (Mod)** – To allow for the construction of retaining walls taller than 8 feet in height; and

- **Environmental Impact Report (EIR)** – To address reasonably foreseeable environmental impacts resulting from the legislative and project specific discretionary approvals.

General Plan Amendment (GPA)

The Site is designated as Parks and Recreation (PR) in the General Plan Land Use Element. Intended uses for PR designated properties include active and passive parks, golf courses, marina support facilities, aquatic facilities, tennis clubs and courts, private

recreation, and similar facilities. The Site is also identified as Anomaly Number 58 in Table LU2 and carries a development limit of 20,000 square feet.

While the Project is fully consistent with the intended development type described for the PR designation, it requires a GPA to increase the development limit by 39,772 square feet to 59,772 square feet. The Site's PR designation will remain unchanged. The updated Table LU2 for Anomaly Number 58 is provided as Exhibit C of Attachment A.

A complete consistency analysis of each applicable General Plan policy is included as Exhibit D of Attachment A. The analysis concludes that the project is consistent with the adopted goals and policies of the General Plan.

Charter Section 423 (Measure S) Analysis ("Greenlight")

Charter Section 423 requires voter approval for any major GPA. A major GPA is defined as one that significantly increases allowed density or intensity by 40,000 square feet of non-residential floor area, increases traffic by more than 100 peak hour vehicle trips (AM or PM), or increases residential dwelling units by 100 units. These thresholds apply to the total increase resulting from the amendment itself, plus 80% of the increases from other amendments affecting the same Statistical Area adopted within the preceding 10 years.

The Site is located within Statistical Area J-5. As required by Charter Section 423, prior amendments within statistical areas are cumulatively tracked for a period of 10 years at 80% of their initial values. One GPA within Statistical Area J-5 has been approved in the last 10 years. Trip generation for the purpose of the Charter Section 423 analysis was calculated using the blended rate for "public, semi-public, and institutional uses" as specified in City Council Policy A-18.

Table 1 below summarizes the calculations used to determine whether a vote is required. Notably, none of the thresholds outlined in Charter Section 423 are exceeded; therefore, no voter approval is required should the City Council choose to approve this GPA.

Table 1, Charter Section 423, Measure S Analysis for Statistical Area J-5.

Amendments	Increased Density (DU)	Increased Intensity (SF)	Peak Hour Trip Increase	
			A.M.	P.M.
PA2020-041 (Shvetz Subdivision)	1	NA	0.75	1.01
Total Prior Increases	1	NA	0.75	1.01
80% of Prior Increases	.8	NA	0.60	.81
100% of Proposed PA2024-0069	0	39,772	59.66	59.66
Total	.8	39,772	60.26	60.26
Threshold	100	40,000	100	100
Remaining	99.2	228	39.74	39.74
Vote Required?	**No**	**No**	**No**	**No**

Tribal Consultation (Senate Bill 18 and Assembly Bill 52)

Pursuant to California Government Code Section 65352.3 (SB 18), a local government is required to contact the appropriate tribes identified by the Native American Heritage

Commission (NAHC) each time it considers a proposal to adopt or amend the General Plan. If requested by any tribe, the local government must consult for the purpose of preserving or mitigating impacts to cultural resources.

The City requested a Sacred Lands File (SLF) search on May 31, 2024, for the Site from the NAHC. On June 18, 2024, the NAHC responded that the findings of the search were positive and identified 20 Native American tribal representatives to contact for further information on potential tribal resources. To comply with the requirements of SB 18 and Assembly Bill 52, the City mailed notices of the Project to all the listed tribes. The City received responses from the Gabrielino Tongva Indians of California (Gabrielino Tongva) and the Gabrieleño Band of Mission Indians - Kizh Nation (Kizh Nation). The City engaged in good faith effort consultation with both tribes. Ultimately, they requested monitoring for tribal resources during ground disturbances. During the consultation process, Kizh Nation requested to be the sole onsite monitor and asserted that the Gabrielino Tongva have no direct historical, ancestral, or cultural ties to Newport Beach. However, the Gabrielino Tongva tribe was identified in the SLF search for the Site as a tribe having traditional lands or cultural places in its vicinity, and the tribe further provided the City with substantial evidence identifying the Site as being within Ancestral Tribal Territory. Therefore, the City determined monitors from both tribes should be accommodated.

Major Site Development Review (SDR)

Approval of an SDR is required to construct a nonresidential building larger than 20,000 square feet. The required findings ensure the Project is a quality proposal that is consistent with the General Plan and Zoning Code, compatible with physical characteristics of the site and surroundings, and reduces or minimizes potential negative impacts.

The architectural style of the Project is a contemporary interpretation of Southern California's surf and beach culture, expressed through low-profile forms and natural materials. The material palette includes horizontal wood siding, exposed mass timber, architectural concrete, dark bronze metal accents, and glass. The proposed color palette includes earth tones such as driftwood browns, soft greys, sandy beige, and weathered whites. They are designed to blend into the environment and soften the built form against the natural backdrop. It incorporates harmonious building placement and a cohesive architectural theme, with curved structures that mirror the form of the surf lagoon, creating an integrated layout that minimizes conflicts with surrounding uses. Specific examples of intentional design include siting the clubhouse in a location that will help to shield any noise generated by the Project from the multi-family residential development located across Irvine Avenue.

The Project demonstrates compatibility with surrounding development in terms of bulk, scale, and visual character. Although it introduces more urbanized features compared to the current condition, it remains in scale with nearby commercial structures, which include multi-story commercial office buildings, and is designed to minimize public view impacts. Lighting, noise, and structural mass are managed through setbacks, landscape screening, and strategic orientation. The surf lagoon and supporting buildings are

designed with water-efficient landscaping, efficient irrigation systems, and extensive open space totaling over 235,000 square feet, contributing to the Site's environmental performance. Access and circulation are also thoughtfully designed, with driveways configured to ensure safe ingress and egress, queuing controls, and clear separation of surf park and golf course operations. Vehicular access from Irvine Avenue will be provided via a right-turn-in, left-turn-in, and right-turn-out only driveway. Vehicular access from Mesa Drive via the relocated driveway will be restricted to a right-turn-in and right-turn-out only configuration to help prevent conflicts with motorists queuing to turn left at the nearby signalized intersection.

Lastly, the Project is designed to protect any significant views from public rights-of-way in compliance with Section 20.30.100 (Public View Protection) of the NBMC. All development within the Site would be set back from adjacent streets and would not encroach on existing public views along the roadway corridors adjacent to the site. The closest designated public viewpoint is approximately 0.3-mile southwest of the Site, along Irvine Avenue and south of University Drive. The viewpoint provides views of the Upper Newport Bay Preserve. Bayview Park, adjacent to Upper Newport Bay Preserve, is also designated as a public viewpoint. The Site is located northwest of these points not within the coastal scenic viewshed from either of these viewpoints. Therefore, the Project does not have the potential to obstruct public viewpoints or corridors, as identified on General Plan Figure NR 3 (Coastal Views).

The Findings required to approve an SDR and the Facts in Support of Findings are provided in Exhibit C of Attachment B.

Conditional Use Permit (CUP)

The CUP provides a mechanism to evaluate uses that may be appropriate within a zoning district but require site-specific review to assess their potential impacts. Similar to an SDR, a CUP also considers whether the Project use is consistent with the General Plan, is permitted within the zoning district, and complies with all relevant provisions of the NBMC. A CUP also considers whether the design, location, size and operating characteristics of the Project are compatible with surrounding uses, and if the site is physically suitable to support the use, including access for public and emergency services, and whether the Project will be detrimental to the orderly growth of the City or pose a hazard to the public health, safety, or general welfare of nearby residents or businesses.

The Site is in the Open Space and Recreation (OSR) District of the Santa Ana Heights Specific Plan (SP-7). Golf courses and commercial recreation uses are permitted subject to the approval of a CUP. The Project also proposes to serve alcohol under a Type 47 (On-Sale General – Eating Place), Type 58 (Caterer License), and Type 68 (Portable Bar) ABC license. Therefore, the CUP must also evaluate consistency with Section 20.48.030 (Alcohol Sales) of the NBMC. Lastly, Chapter 20.40 (Off-Street Parking) of the NBMC does not specify a parking requirement for outdoor recreational uses. Instead, it allows the requirement to be established through a use permit and Section 20.90.050(E) (Site

Development Standards) of the NBMC requires approval of a CUP to construct a building taller than 18 feet.

Section 20.90.050(E) of the NBMC provides development standards for the Site, summarized below in Table 2:

Table 2, Site Development Standards	
Building Site Area	One acre minimum
Building Height	18 feet maximum, unless otherwise provided for by use permit
Building Setbacks	20 feet minimum from all property lines
Off-Street Parking	Per Chapter 20.40
Lighting	All lighting shall be designed and located so that direct light rays are confined to the premises

The Project complies with the minimum building site area, required building setback, lighting standards, and is proposing a maximum building height of 50 feet above the existing grade for the amenity clubhouse and 40 feet above the existing grade for the visitor accommodation building. Existing grade for the purpose of measuring building height has been established pursuant to Section 20.30.050 (Grade Establishment) of the NBMC for properties where the slope of the lot is 5% or less. Parking for the Project was established in accordance with Chapter 20.40 (Off-Street Parking) of the NBMC. Furthermore, the Project proposes a trash enclosure consistent with section 20.30.120 (Solid Waste and Recyclable Materials Storage) of the NBMC.

Parking Requirement

To determine an appropriate parking rate, a Parking Demand Analysis was prepared by Gibson Transportation Consulting, Inc., dated July 14, 2025 (Attachment E). The analysis uses detailed program data from Wavegarden, an international surf park operator, including attendance projections, staffing, operational assumptions, and average vehicle ridership (AVR) ratios. The City Traffic Engineer reviewed and accepted the analysis.

- Visitors

  Table 3 summarizes expected daily attendance during a typical high-season weekday. Although weekend activity was also analyzed, the weekend AVR ratios effectively resulted in the high season weekday activity analysis being the more conservative of the two scenarios.

  Based on operational modeling, a maximum of 388 visitors would be onsite at one time. Assuming two visitors per vehicle, the parking requirement for visitors is 194 spaces.

Table 3, Projected Attendance Levels	
Surf Lagoon	700 daily visitors
Surf Academy	140 daily visitors
Restaurant	280 daily visitors

Shops	70 daily visitors
Fitness/Yoga Facilities	210 daily visitors
Total	1,400 visitors per day

- Employees

  The Project will employ 70 employees; however, only 35 employees are expected to be onsite at any given time. The Parking Analysis assumes that each employee will arrive in their own vehicle, resulting in a parking requirement for employees of 35 spaces.

- Golf

  The Parking Analysis uses Parking Generation, 6th Edition (Institute of Transportation Engineers, 2023) to estimate the parking demand of the remaining holes of golf, as golf patrons will park on the Site. The remaining 15 holes of golf have a parking requirement of 95 spaces.

- Total Parking Demand

  The Project proposes 351 parking spaces, resulting in a surplus of 27 spaces. Notably, the analysis is conservative as it assumes all access is by private vehicle and does not account for alternative transportation modes such as transit, rideshare, biking, or walking.

Traffic

Chapter 15.40 (Traffic Phasing Ordinance) of the NBMC provides a framework for analyzing and evaluating the traffic impacts of projects that generate 300 or more new average daily trips (ADTs). To determine whether the Project generates 300 or more new ADTs and if a Traffic Impact Analysis (TIA) would be required, a trip generation analysis (Trip Gen Analysis) was prepared by Gibson Transportation Consulting, Inc (Gibson), dated March 4, 2025, and is provided as Attachment F. Gibson estimated the ADTs for the surf lagoon and ancillary amenities on the same projected attendance and operational characteristics described in the parking section above. The Trip Generation Analysis includes the ADTs from retaining 15 holes of golf when estimating the ADTs for the Project. The Project is anticipated to generate 1,996 ADTs.

Using the Trip Generation Manual, 11th Edition (Institute of Transportation Engineers, 2021), the current configuration of the NBGC is estimated to have 1,810 ADTs.

As a result, the Project will generate 186 net new ADTs and is under the 300 new ADT threshold that would require a TIA to be prepared. The Trip Generation Analysis was reviewed and accepted by the City Traffic Engineer.

Special Events

Special events are contemplated as part of the Project's overall operations. The Conditions of Approval, provided in Exhibit B of Attachment B, establish limits on event capacity and hours under which events may occur without requiring notification to the City. Any event that exceeds these established thresholds, such as larger crowds, extended hours, or additional city resources, will require the Applicant to obtain a special events permit from the City in accordance with applicable regulations.

Utilities and Water Use

While the Project does not meet the thresholds established by SB 610 and SB 221 that would require preparation of a Water Supply Assessment, the EIR includes both a Water Demand Report (WDR) and a Water Supply Evaluation (WSE). The WDR assesses the Project's expected water use, while the WSE evaluates whether the City's existing water supplies are sufficient to meet that demand.

The WDR estimates the current water use of the Site, which includes three golf holes, the pro shop, clubhouse and restaurant, at approximately 19 acre-feet per year (AFY). Operation and maintenance of the proposed lagoon is expected to use approximately 70 AFY. This estimate accounts for draining, cleaning, evaporation and other losses. Additional amenities, including restrooms, warming pools, the clubhouse, and the visitor accommodation building, are projected to use another 19 AFY. Altogether, the total Project water demand is estimated at 89 AFY, which represents an increase of about 70 AFY over existing use. Currently, the golf course is primarily served by groundwater, while the Project will rely on potable water. Even with this change, the WSE concludes that the City has adequate water supplies to meet the Project's demand under a range of conditions, including normal years, single dry years, and multiple dry years.

The EIR also includes a Sewer Analysis, which determined that no upgrades to the existing Costa Mesa Sanitary District sewer mains are needed to serve the Project.

Noise

The EIR included a Noise Analysis to evaluate potential noise impacts on nearby sensitive receptors. The analysis examined potential noise increases at eight nearby locations, including the apartment building across Irvine Avenue, located approximately 170 feet from the Site boundary. The Noise Analysis concluded that there would be no significant impacts on sensitive receptors during either daytime or nighttime hours, demonstrating that the Project is appropriate for the site and is not expected to be detrimental to its surroundings.

CUP Summary

The Project has been reviewed and conditioned by all relevant City departments, including the Newport Beach Police Department, Newport Beach Fire Department, Utilities Department, building division, Recreation and Senior Services Department, and

Public Works Department, to help ensure compatibility with surrounding uses, including the mix of residential and commercial development. The consulted city departments have no objections to the Project, subject to the appropriate conditions of approval which are intended to ensure that the operation of the use will not pose a hazard to the public convenience, health, safety, or general welfare of those living or working in the neighborhood.

The Findings required to approve a CUP with alcohol sales, along with the Facts in Support of Findings are provided in Exhibit C of Attachment B.

Modification Permit

The Site features a significant grade differential of approximately 33 feet from the high point behind Fire Station No. 7 to the centerline of Irvine Avenue. The Project proposes multiple retaining walls to create a level building pad that minimizes the need to dispose of or import soil. While retaining walls along the westerly property line comply with the maximum 8 feet above finish grade height limit established by with Section 20.30.040 (Fences, Hedges, Walls, and Retaining Walls) of the NBMC, the retaining walls along the easterly property line exceed the limit, with heights ranging from 9 feet, 11 inches above finish grade to 16 feet, 4 inches above finish grade and require the approval of a modification permit.

Terraced walls, which achieve compliance with height limits, have been incorporated where feasible; however full terracing consistent with Section 20.30.040 would reduce usable site area and would impact the Project's viability. The tallest walls are set back, behind the Delhi Channel, and far from the centerline of Irvine Avenue. The walls are softened with landscaping, minimizing visibility and ensuring compatibility with neighborhood character. Figure 3 and 4 on the following page provide views of the existing condition and the taller retaining walls.

Figure 3: Existing and proposed, as seen from the southwest corner of Irvine Avenue and Mesa Drive.

Figure 4: Existing and proposed, as seen from Irvine Avenue, near The Jetty commercial center

No feasible alternatives exist that would meet grading and access requirements while achieving compliance with the 8-foot maximum.

The Findings required to approve a Modification Permit and Facts in Support of Findings are provided in Exhibit C of Exhibit B.

Planning Commission Review and Recommendation

On September 4, 2025, the Planning Commission held a duly noticed public hearing to consider the requested applications. Twenty-two members of the public spoke during the hearing, and 195 individuals submitted written comments. At the conclusion of the hearing, the Planning Commission adopted Resolution No. PC2025-008 by a unanimous vote (6 ayes, 1 recusal), recommending that the City Council approve the Project. The Planning Commission staff report, meeting minutes and resolution are included as Attachment Nos. G, H and I. Public comments received prior to the preparation of this report are provided as Attachment J.

Airport Land Use Commission (ALUC) Override

The Site is located approximately 0.4 miles southwest of John Wayne Airport (JWA) and falls within the Notification Area of the 2008 Airport Environs Land Use Plan (AELUP). In accordance with Section 4.3 of the AELUP and Section 21676(b) of the California Public Utilities Code (CPUC), the City is required to submit GPAs to the ALUC for a consistency determination with the AELUP.

On August 7, 2025, ALUC held a public hearing to consider the Project and determined by a vote of 5 to 1 that the Project is inconsistent with the AELUP. ALUC cited concerns related to noise exposure, safety and the concentration of people in areas susceptible to aircraft accidents, building height, and aircraft overflights.

Following this determination and after the Planning Commission hearing, the City Council conducted a public hearing on September 9, 2025, and adopted Resolution No. 2025-60, formally notifying ALUC and the California Department of Transportation, Division of Aeronautics of the City's intent to override ALUC's finding, as permitted under CPUC Section 21676(b). Notice of the Council's action was mailed on September 11, 2025, initiating a 45-day comment period.

The City received written comments from ALUC on October 8, 2025 (Attachment K). In its letter, ALUC reaffirmed its concerns related to noise exposure, safety, the concentration of people in areas susceptible to aircraft accidents, building height, and aircraft overflights. At the time of this report's preparation, the City had not received comments from the Division of Aeronautics. However, the deadline to respond to the Notice of Intent is Sunday, October 26, 2025. Any comments received will be addressed and provided as additional materials.

Project Consistency with AELUP Standards

- Noise

  The Project is consistent with the AELUP's noise standards. Most of the Site lies within the 65 dB CNEL noise contour as identified in both the 1985 Airport Master

Plan and the 2014 JWA Settlement Agreement Environmental Impact Report (EIR No. 617). While the Project does not fall squarely into a single AELUP land use category, it represents a hybrid of "Community Facilities" and "Commercial" uses. Both categories are deemed "Normally Consistent" with the 65 dB Community Noise Equivalent Level contour, provided standard construction methods are employed. The Project will comply with all applicable noise insulation requirements under state law and the NBMC. Although the AELUP does not prohibit outdoor recreational uses within this contour, it recommends signage to inform the public of aircraft activity. The Project will incorporate such signage.

- Safety Zones

  The 15.4-acre Site is trisected by three safety zones (Zones 2, 4 and 6), each of which includes specific limitations on land use and occupancy. The Project has been designed to comply with these restrictions, maintaining occupancy levels for normal operating conditions well within the allowable thresholds established by the AELUP and the Caltrans Airport Land Use Planning Handbook.

- Height

  On May 6, 2025, the Federal Aviation Administration (FAA) issued a Determination of No Hazard to Air Navigation under 14 CFR Part 77, confirming that the Project's proposed building heights do not exceed the applicable imaginary surfaces. Although an FAA determination does not automatically equate to AELUP consistency, no obstruction has been identified under AELUP Section 2.1.3. As such, the Project's height is consistent with both FAA and AELUP height limitations.

- Overflights

  Aircraft overflights of the Site will remain unchanged from existing conditions. While visitors to the Site will generally notice departing aircraft, it will be the same as the aircraft operations currently noticed over the golf course.

  As a final review authority on legislative acts, the City Council may choose to override ALUC's determination with a two-thirds vote if it makes specific findings that the Project is consistent with the purpose of Section 21670 of the CPUC to protect the public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.

FISCAL IMPACT:

Pursuant to General Plan Implementation Program 12.1, a fiscal impact analysis for the Project was prepared by Keyser Marston Associates, Inc., dated October 1, 2025 (Attachment L). The analysis uses a fiscal model to estimate the public revenues typically generated by each land use type, including property taxes, sales taxes, other taxes, and

various user charges and fees. City service costs are estimated based on the number of persons served (employees and visitors). Public service costs are then deducted from the estimated revenues to determine the net fiscal impact to the City.

The Project is projected to generate approximately $760,400 in annual revenue for the City, with estimated annual service costs of $504,690. This results in a net positive fiscal impact of approximately $256,000 per year. In comparison, the existing improvements on the Site currently result in a negative fiscal impact of approximately $14,000 annually.

ENVIRONMENTAL REVIEW:

In accordance with the California Environmental Quality Act (CEQA) and City Council Policy K-3, an Environmental Impact Report (EIR), referenced as State Clearinghouse No. 2024110238, was prepared for the Project by the City's environmental consultant, Environmental Planning Development Solutions, Inc., doing business as EPD Solutions.

Before taking action on the requested applications, the City Council must first review, consider, and certify the EIR (SCH No. 2024110238).

Draft EIR (DEIR)

The DEIR evaluated the environmental impacts associated with the construction and operation of the proposed Project.

During the initial environmental analysis, the Project was determined to have no potential to result in impacts in the following four CEQA topic areas: Agriculture and Forestry Resources, Mineral Resources, Population and Housing, and Wildfire. As a result, these areas were not analyzed in detail in the DEIR.

The DEIR included detailed analysis of the following CEQA topic areas:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Parks and Recreation
- Public Services
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems

The DEIR concluded that, with implementation of the proposed mitigation measures, there would be no significant and unavoidable impacts resulting from the Project. All potentially significant impacts can be reduced to a less-than-significant level through mitigation.

A Notice of Availability for the DEIR was circulated for a 45-day public review and comment period, beginning May 23, 2025, and ending July 7, 2025. A total of 126

comments were received, and responses to those comments are included in the Final EIR.

Final EIR (FEIR)

The FEIR consists of the Draft EIR dated May 2025, written comments received during the public review period along with written responses to those comments, revisions to the Draft EIR, and the Mitigation Monitoring and Reporting Program (MMRP). The MMRP includes mitigation measures related to Biological Resources, Cultural Resources and Tribal Cultural Resources to reduce potentially significant adverse impacts to less-than-significant levels. In compliance with Assembly Bill 52, Tribal Cultural Resources were addressed through consultation requests that were combined with the SB 18 consultation process described earlier in this report. The MMRP also requires compliance with various plans, programs, and policies to reduce potential impacts related to Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, and Hydrology and Water Quality to a level of no impact.

Based on the complete environmental record, the Project, with mitigation measures incorporated, will result in no project-level impacts or only less-than-significant impacts. There are no known significant and unavoidable environmental effects associated with the Project.

The EIR (including the FEIR, DEIR, and appendices) is available online at the City's website: https:www.newportbeachca.gov/ceqa.

NOTICING:

Notice of this hearing and availability of the FEIR was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant, agencies that provided comments on the DEIR, and posted on the subject property at least 10 days before the scheduled meeting. Additionally, the notice of hearing was emailed to the list of interested parties who had requested notice and all individuals that commented on the DEIR. Lastly, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

ATTACHMENTS:

Attachment A – Resolution No. 2025-71
Attachment B – Resolution No. 2025-72
Attachment C – Resolution No. 2025-73
Attachment D – Resolution No. 2025-74
Attachment E – Parking Demand Analysis
Attachment F – Gibson Trip Generation
Attachment G – Planning Commission Staff Report (September 4, 2025) *(Attachments Omitted)*
Attachment H – Planning Commission Meeting Minutes
Attachment I – Planning Commission Resolution No. 2025-018 *(Attachments Omitted)*
Attachment J – Correspondence
Attachment K – ALUC Comment Letters
Attachment L – Fiscal Impact Memorandum dated October 1, 2025
Attachment M – Project Plans

Attachment A

Resolution No. 2025-71

RESOLUTION NO. 2025-71

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A GENERAL PLAN AMENDMENT FOR THE SURF PARK PROJECT LOCATED AT 3100 IRVINE AVENUE (PA2024-0069)

WHEREAS, Section 200 of the City Charter, of the City of Newport Beach ("City"), vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the City Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges or procedures granted or prescribed by any law of the State of California;

WHEREAS, an application was filed by CAA Planning, on behalf of Back Bay Barrels, LLC ("Applicant"), concerning property located at 3100 Irvine Avenue, and legally described in Exhibit "A," which is attached hereto and incorporated herein by reference ("Property");

WHEREAS, the Applicant is requesting to redevelop the central 15.38-acre parcel of the privately owned Newport Beach Golf Course by removing the existing driving range and putting green, pro-shop, restaurant and bar, and three holes of golf and replacing it with a new surf-focused outdoor commercial recreation use ("Project");

WHEREAS, the Project's site improvements include approximately five acres of surfing lagoons surrounded by viewing platforms, seating, pools, spa, restrooms, landscaping, clubhouse with amenities, athlete accommodation building with 20 overnight rooms, and two parking lots with 351 parking spaces;

WHEREAS, the Project will be constructed on approximately 79,533 square feet of area; however, 19,761 square feet will be excluded from the total development limit of the Property as incidental building areas which is consistent with Table LU1 (Land Use Plan Categories) of the City's General Plan ("General Plan") for properties categorized as Parks and Recreation;

WHEREAS, the following approvals are requested or required to implement the Project as proposed:

- General Plan Amendment ("GPA"): To increase the development limit from 20,000 square feet to 59,772 square feet for Anomaly Number 58, as identified in Table LU 2 of the Land Use Element of the General Plan;

- Major Site Development Review ("SDR"): To construct a nonresidential building larger than 20,000 square feet in area;

- Conditional Use Permit ("CUP"): To allow the operation of an outdoor commercial recreation use including a restaurant with alcohol sales, establish the appropriate parking rate, and allow the construction of buildings taller than 18 feet;

- Modification Permit: To allow for the construction of retaining walls taller than eight feet in height from finish grade; and

- Environmental Impact Report ("EIR"): To address reasonably foreseeable environmental impacts resulting from the legislative and project specific discretionary approvals;

WHEREAS, the Property is categorized as Parks and Recreation (PR) by the General Plan Land Use Element and is located within the Santa Ana Heights Specific Plan/Open Space and Recreation (SP-7/OSR) Zoning District;

WHEREAS, the Property is not located within the coastal zone, therefore, a coastal development permit is not required;

WHEREAS, California Public Utilities Code ("CPUC") Section 21676(b) requires the City to refer the Project to the Orange County Airport Land Use Commission ("ALUC") to review for consistency with the 2008 John Wayne Airport Environs Land Use Plan ("AELUP");

WHEREAS, ALUC determined the Project to be inconsistent with the AELUP on August 7, 2025;

WHEREAS, a public hearing was held by the Planning Commission on September 4, 2025, in the Council Chambers at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the hearing was given in accordance with Government Code Section 54950 *et seq.* ("Ralph M. Brown Act"), and Chapter 20.62 (Public Hearings) of the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this hearing;

WHEREAS, at the hearing, the Planning Commission adopted Resolution No. PC2025-018 by a unanimous vote (6 ayes, 1 recusal) recommending the City Council approve the Project;

WHEREAS, after the Planning Commission's decision and pursuant to Sections 21670 and 21676 of the CPUC, the City Council held a duly noticed public hearing on September 9, 2025, and adopted Resolution No. 2025-60 (6 ayes, 1 absent) to notify ALUC and the State Department of Transportation Aeronautics Program of the City's intent to override ALUC's inconsistency finding; and

WHEREAS, a public hearing was held by the City Council on October 28, 2025, in the City Council Chambers located at 100 Civic Center Drive, Newport Beach, California to consider the Project. A notice of time, place, and purpose of the hearing was given in accordance with CPUC Section 21676(b), the Ralph M. Brown Act, Chapter 20.62 (Public Hearings) of the NBMC, City Council Policy K-1 (General Plan and Local Coastal Program) and City Council Policy K-3 (Implementation Procedures for the California Environmental Quality Act). Evidence, both written and oral, was presented to, and considered by, the City Council at this hearing.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows:

Section 1: The City Council does hereby make the findings attached hereto as Exhibit "B," and incorporated herein by this reference, and approves the GPA, which is also attached hereto as Exhibit "C," and incorporated herein by this reference.

Section 2: An EIR (State Clearinghouse No. 2024110238) was prepared for the Project in compliance with the California Environmental Quality Act ("CEQA"), California Public Resources Code Sections 21000 *et seq.*, Section 15000 *et seq.* as set forth in Title 14, Division 6, Chapter 3 of the California Code of Regulations ("CEQA Guidelines"), and City Council Policy K-3 (Implementation Procedures for the California Environmental Quality Act) to ensure that the Project will not result in significant environmental impacts. Based on the entire environmental review record, the City Council having final approval authority over the Project, found that the Project, with mitigation measures, will have a less than significant impact on the environment and there are no known substantial adverse effects on human beings. By Resolution No. 2025-73, the City Council adopted and certified the Final EIR as complete and adequate and adopted the Mitigation Monitoring and Reporting Program including all findings contained therein, which is hereby incorporated by this reference.

Section 3: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 4: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 5: The City Council finds that judicial challenges to the City's CEQA determinations and approvals of land use projects are costly and time consuming. In addition, project opponents often seek an award of attorneys' fees in such challenges. As project applicants are the primary beneficiaries of such approvals, it is appropriate that such applicants should bear the expense of defending against any such judicial challenge, and bear the responsibility for any costs, attorneys' fees, and damages which may be awarded to a successful challenger.

Section 6: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 28th day of October, 2025.

_____
Joe Stapleton
Mayor

ATTEST:

_____
Lena Shumway
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

_____
Aaron C. Harp
City Attorney

Attachment(s): Exhibit A - Legal Description
Exhibit B - Findings for Approval
Exhibit C - General Plan Amendment to Anomaly No. 58 of the

Newport Beach General Plan Land Use Element
Exhibit D - General Plan Consistency Analysis
Exhibit E - Tribal Consultation Timeline

EXHIBIT "A"

LEGAL DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL NO. 1 OF THAT CERTAIN CERTIFICATE OF COMPLIANCE NO. 94-2, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, RECORDED MAY 9, 1994 AS INSTRUMENT NO. 94-318607 OF OFFICIAL RECORDS.

EXCEPTING THEREFROM, THAT PORTION OF SAID LAND DESCRIBED IN THE DEED TO THE COUNTY OF ORANGE, RECORDED SEPTEMBER 4, 1997 AS INSTRUMENT NO. 97-428866 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA.

ALSO EXCEPTING THEREFROM THOSE PORTIONS THEREOF CONVEYED IN FEE TO THE COUNTY OF ORANGE BY DEED RECORDED OCTOBER 21, 2014 AS INSTRUMENT NO. 2014-427814 OF OFFICIAL RECORDS.

APN: 119-200-38 & 119-200-41

EXHIBIT "B"

FINDINGS FOR APPROVAL

An amendment to the Newport Beach General Plan Land Use Element is a legislative act. Neither Title 20 (Planning and Zoning) nor California Government Code Section 685000 *et seq.,* set forth any required findings for either approval or denial of such amendments. Nonetheless, a full General Plan Consistency Analysis has been prepared for the Project, is attached hereto as Exhibit "D," and is incorporated herein by this reference. In summary, the Project is consistent with the following General Plan Goals and Policies:

Land Use Element
Policy LU 1.6 (Public Views)
Policy LU 2.1 (Resident-Serving Land Uses)
Policy LU 2.2 (Sustainable and Complete Community)
Policy LU 2.5 (Visitor Serving Uses)
Policy LU 2.8 (Adequate Infrastructure)
Policy LU 3.1 (Neighborhoods, Districts, Corridors, and Open Spaces)
Policy LU 3.2 (Growth and Change)
Policy LU 3.3 (Opportunities for Change – Santa Ana Heights)
Policy LU 3.7 (Natural Resource and Hazardous Areas)
Policy LU 3.8 (Project Entitlement Review with Airport Land Use Commission)
Policy LU 4.1 (Land Use Diagram)
Policy LU 5.6.2 (Form and Environment)
Policy LU 5.6.3 (Ambient Lighting)

Historical Resources Element
Policy HR 2.1 (New Development Activities)
Policy HR 2.2 (Grading and Excavation Activities)
Policy HR 2.3 (Cultural Organizations)
Policy HR 2.4 (Paleontological or Archaeological Materials)

Circulation Element
Policy CE 2.2.1 (Safe Roadways)
Policy CE 7.1.1 (Vehicle Miles Traveled (VMT) Analysis)
Policy CE 7.1.2 (VMT Mitigation Measures)
Policy CE 7.1.5 (Support Facilities for Alternative Modes)
Policy CE 7.1.7 (Project Site Design Supporting Alternative Modes)
Policy CE 7.1.8 (Electric Vehicle (EV) Charging Stations)
Policy CE 9.1.10 (Development Requirements)

Recreation Element
Policy R 1.12 (Aircraft Overflight and Noise)
Policy R 4.1 (Provision of Recreation Services)
Policy R 4.2 (Compatible Recreation Activities)

Policy R 4.3 (Variety of Programs)
Policy R 4.5 (Variety of Adult Recreational Programs)

Natural Resources Element
Policy NR 1.1 (Water Conservation in New Development)
Policy NR 1.2 (Use of Water Conserving Devices)
Policy NR 3.4 (Storm Drain Sewer System Permit)
Policy NR 3.5 (Natural Water Bodies)
Policy NR 3.9 (Water Quality Management Plan)
Policy NR 3.10 (Best Management Practices)
Policy NR 3.11 (Site Design and Source Control)
Policy NR 3.12 (Reduction of Infiltration)
Policy NR 3.14 (Runoff Reduction on Private Property)
Policy NR 3.16 (Siting of New Development)
Policy NR 3.17 (Parking Lots and Rights-of-Way)
Policy NR 3.19 (Natural Drainage Systems)
Policy NR 3.20 (Impervious Surfaces)
Policy NR 4.3 (Restore Natural Hydrologic Conditions)
Policy NR 4.4 (Erosion Minimization)
Policy NR 6.1 (Walkable Neighborhoods)
Policy NR 6.4 (Transportation Demand Management Ordinance)
Policy NR 7.2 (Source Emission Reduction Best Management Practices)
Policy NR 10.2 (Orange County Natural Communities Conservation Plan)
Policy NR 10.3 (Analysis of Environmental Study Areas)
Policy NR 10.4 (New Development Siting and Design)
Policy NR 10.5 (Development in Areas Containing Significant or Rare Biological Resources)
Policy NR 10.6 (Use of Buffers)
Policy NR 10.7 (Exterior Lighting)
Policy NR 18.1 (New Development)
Policy NR 18.3 (Potential for New Development to Impact Resources)
Policy NR 18.4 (Donation of Materials)
Policy NR 20.1 (Enhancement of Significant Resources)
Policy NR 20.2 (New Development Requirements)
Policy NR 20.4 (Public View Corridor Landscaping)
Policy NR 23.1 (Maintenance of Natural Topography)
Policy NR 23.7 (New Development Design and Siting)
Policy NR 24.2 (Energy-Efficient Design Features)
Policy NR 24.3 (Incentives for Green Building Program Implementation)

Safety Element
Policy S 4.7 (New Development)
Policy S 5.1 (New Development Design within 100-year Floodplains)
Policy S 5.2 (Facility Use or Storage of Hazardous Materials Standards)
Policy S 5.3 (Minimization of Flood Hazard Risk)
Policy S 7.1 (Known Areas of Contamination)

Policy S 7.2 (Development Design within Methane Gas Districts)
Policy S 7.4 (Implementation of Remediation Efforts)

Noise Element
Policy N 1.1 (Noise Compatibility of New Development)
Policy N 1.7 (Commercial/ Entertainment Uses)
Policy N 1.8 (Significant Noise Impacts)
Policy N 4.2 (New Uses)
Policy N 4.6 (Maintenance of Construction Activities)
Policy N 5.1 (Limiting Hours of Activity)

Tribal Consultation Finding:

Pursuant to California Government Code Section 65352.3 ("SB18"), a local government is required to contact the appropriate tribes identified by the Native American Heritage Commission ("NAHC") each time it considers a proposal to adopt or amend the General Plan. If requested by any tribe, the local government must consult for the purpose of preserving or mitigating impacts to cultural resources.

Fact in Support of Finding Tribal Consultation Consistency:

The City received a response from the NAHC indicating that 20 tribal contacts should be provided notice regarding the GPA. SB 18 requires notification 90 days prior to Council action to allow tribal contacts to respond to the request to consult. To comply with both the requirements of SB 18 and Assembly Bill 52, the tribal contacts were provided notice on September 19, 2024. Two tribal contacts requested consultation: the Gabrieleno Band of Mission Indians - Kizh Nation ("Kizh Nation") and the Gabrielino Tongva Indians of California. The City engaged in a good faith effort for consultation for over a year with both tribes and both tribes requested monitoring for tribal resources during ground disturbances consisting of over 14 correspondence regarding mitigation measures to incorporate into the Project. A timeline of the tribal consultations is attached hereto as Exhibit "E" and incorporated herein by this reference. During the consultation process, the Kizh Nation requested to be the sole onsite monitor and asserted that the Gabrielino Tongva have no direct historical, ancestral, or cultural ties to Newport Beach. However, the Gabrielino Tongva tribe provided the City with substantial evidence identifying that the Property is within their Ancestral Tribal Territory. Furthermore, the Gabrielino Tongva tribe were identified by NAHC through a Sacred Lands File ("SLF") search establishing that the Property is within traditional lands or cultural places for the Gabrieleno Tongva. Therefore, the City incorporated mitigation measures into the Project allowing for tribal monitors from both tribes to address potential concerns regarding the protection of Tribal Cultural Resources.

Charter Section 423 Finding:

Pursuant to City Charter Section 423 and City Council Policy A-18, voter approval is required for any major amendment to the General Plan. A "major amendment" is one that significantly increases the maximum amount of traffic that allowed uses could generate or significantly increases allowed density or intensity. "Significantly increases" is defined as increases over 100 peak hour trips (traffic), or over 100 dwelling units (density), or over 40,000 square feet of floor area (intensity). The thresholds apply to both: 1) increases directly caused by the subject GPA, and 2) eighty percent of the increases caused by previous GPAs within the area plus the subject GPA.

The subject GPA is within Statistical Area J-5. One amendment (PA2020-041) has been approved within the last 10 years and continues to be cumulatively tracked consistent with the provisions of Charter Section 423.

Facts in Support of Finding Charter Section 423 Consistency:

The following table illustrates the increases attributable to the subject GPA, prior GPAs, and the resulting totals. Trip generation for the purpose of implementing Charter Section 423 was calculated using the blended rate for "public, semi-public, and institutional uses," as provided in City Council Policy A-18. Notably, none of the thresholds specified by Charter Section 423 are exceeded, therefore no vote of the electorate is required should the City Council choose to approve this GPA.

Charter Section 423, Measure S Analysis for Statistical Area J-5.				
Amendments	**Increased Density (DU)**	**Increased Intensity (SF)**	**Peak Hour Trip Increase**	
			A.M.	**P.M.**
PA2020-041 (Shvetz Residential Subdivision)	1	NA	0.75	1.01
Total Prior Increases	1	NA	0.75	1.01
80% of Prior Increases	.8	NA	0.60	.81
100% of Proposed PA2024-0069	0	39,772	59.66	59.66
Total	.8	39,772	60.26	60.26
Threshold	100	40,000	100	100
Remaining	99.2	228	39.74	39.74
Vote Required?	**No**	**No**	**No**	**No**

Additionally, while the Project requires a GPA, major site development review, conditional use permit, and modification permit, only the GPA may be subject to an initiative. (Elections Code Section 9200 *et seq.*; *DeVita v. County of Napa* (1995) 9 Cal. 4th 763, 775)

EXHIBIT "C"

GENERAL PLAN AMENDMENT TO ANOMALY NO. 58 OF TABLE LU2 OF THE NEWPORT BEACH GENERAL PLAN LAND USE ELEMENT

Anomaly Number	Statistical Area	Land Use Designation	Development Limit (SF)	Development Limit (other)	Additional Information
58	J5	PR	59,772		

EXHIBIT "D"

GENERAL PLAN CONSISTENCY ANALYSIS

Relevant General Plan Policies	Project Consistency
Land Use Element	
LU 1.6 Public Views. Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points.	**Consistent.** As discussed in Section 5.1 of the EIR, *Aesthetics*, all development within the proposed Project site would be set back from adjacent streets and would not encroach on the existing public long-distance views. The proposed buildings would have a minimum setback 20 feet from Mesa Drive, and 20 feet from Irvine Avenue. These setbacks would protect, and the proposed landscaping along the roadways would enhance public views. Therefore, the Project is consistent with Policy LU 1.6.
LU 2.1 Resident-Serving Land Uses. 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.	**Consistent.** As discussed in Section 3.0 of the EIR, *Project Description,* the proposed Project would develop a commercial recreational facility including a surf lagoon, amenity clubhouse, and athlete accommodations. The proposed uses would provide employment, recreation, culture, entertainment, and social activity in balance with community natural resources and open spaces. Therefore, the Project is consistent with Policy LU 2.1.
LU 2.2 Sustainable and Complete Community. Emphasize and support the development of uses that enable Newport Beach to be a complete community that maintains the ability to provide locally accessible opportunities for retail, goods and services, and employment.	**Consistent.** As discussed in Section 3.0 of the EIR, *Project Description,* the proposed Project would develop a commercial recreational facility including a surf lagoon, amenity clubhouse, and athlete accommodations that would provide retail goods and services, and employment. Therefore, the Project is consistent with Policy LU 2.2.
LU 2.5 Visitor Serving Uses. Provide uses that serve visitors to Newport Beach's ocean, harbor, open spaces, and	**Consistent.** As discussed in Section 3.0 of the EIR, *Project Description,* the proposed Project would develop a

Relevant General Plan Policies	Project Consistency
other recreational assets, while integrating them to protect neighborhoods and residents.	commercial recreational facility including a surf lagoon, amenity clubhouse, and athlete accommodations that would be integrated between golf course holes 10-8 to the north of the site across Irvine Avenue and holes 3-8 to the south of the site across Mesa Drive. The Project would be integrated into the existing development, between the existing roadways and the Santa Ana-Delhi Channel, along an arterial roadway near freeway access. Therefore, the Project is consistent with Policy LU 2.5.
LU 2.8 Adequate Infrastructure. Accommodate the types, densities, and mix of land uses that can be adequately supported by transportation and utility infrastructure (water, sewer, storm drainage, energy, and so on) and public services (schools, parks, libraries, seniors, youth, police, fire, and so on).	**Consistent.** As discussed in Section 5.14 of the EIR, *Transportation*, the proposed Project would result in 186 net new vehicle trips that would be accommodated by the existing street system. As discussed in Section 5.16 of the EIR, *Utilities and Service Systems*, implementation of the proposed Project would not result in the need for expanded utility infrastructure or provision of services. The proposed Project would be served by the existing infrastructure that is adequate to serve the Project and surrounding areas. Also, as detailed in Section 5.12 of the EIR, *Public Services*, the proposed Project would not require expansion or construction of new public facilities to serve the Project along with other service needs. Therefore, the Project is consistent with Policy LU 2.8.
LU 3.1 Neighborhoods, Districts, Corridors, and Open Spaces. Maintain Newport Beach's pattern of residential neighborhoods, business and employment districts, commercial centers, corridors, and harbor and ocean districts.	**Consistent.** As discussed in Section 3.0 of the EIR, *Project Description,* the proposed Project would develop a commercial recreational facility including a surf lagoon, amenity clubhouse, and athlete accommodations on the Project site, which would change the type of commercial recreation provided on the site. The Project would maintain and support the golf course holes 10-18 to the north of the site, across Irvine Avenue, and holes 3-8 to the south of the site across

Relevant General Plan Policies	Project Consistency
	Mesa Drive. The Project would not modify the street system that surrounds the site and would not change the pattern of development within the area. Therefore, the Project is consistent with Policy LU 3.1.
LU 3.2 Growth and Change. Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach's share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.	**Consistent.** As discussed in Section 3.0 of the EIR, *Project Description,* the proposed Project would redevelop the site to provide a different type of commercial recreational use; changing the existing golf-related facilities to a surf lagoon, amenity clubhouse, and athlete accommodations that would result in approximately the same number of employees on the site (as detailed in Section 3.0, *Project Description*). Thus, unplanned growth would not occur. Also, as discussed in Sections 5.12, *Public Services*, and 5.14, *Transportation*, the proposed Project would not result in impacts related to the street system or public services. Therefore, the Project is consistent with Policy LU 3.2.
LU 3.3 Opportunities for Change. Support opportunities for new development and improved physical environments for residents, businesses, and visitors in the following districts and corridors, as specified in Polices 6.3.1 through 6.22.7: **Santa Ana Heights:** Support continued implementation of the adopted Specific Plan and Redevelopment Plan.	**Consistent.** As discussed in Section 3.0 of the EIR, *Project Description,* the proposed Project would redevelop the existing golf-related facilities to a surf lagoon, amenity clubhouse, and athlete accommodations. As detailed within this section, the Project would implement the Santa Ana Heights Specific Plan land use designation for the site. The proposed Project would result in a new development with an improved physical environment and the facility would be available to residents and visitors, and would support local visitor and surf recreation related businesses. Therefore, the Project is consistent with Policy LU 3.3.
LU 3.7 Natural Resource and Hazardous Areas. Require that new	**Consistent.** The proposed Project is located on a site that is currently

Relevant General Plan Policies	Project Consistency
development is located and designed to protect areas with high natural resource value and protect residents and visitors from threats to life or property.	developed and surrounded by developed urban uses. The Project is not located within or adjacent to areas of high resource value; and as detailed in Section 5.8 of the EIR, *Hazards and Hazardous Materials*, the Project would not result in threats to life or property. Therefore, the Project is consistent with Policy LU 3.7.
LU 3.8 Project Entitlement Review with Airport Land Use Commission. Refer the adoption or amendment of the General Plan, Zoning Code, specific plans, and Planned Community development plans for land within the John Wayne Airport planning area, as established in the JWA Airport Environs Land Use Plan (AELUP), to the Airport Land Use Commission (ALUC) for Orange County for review, as required by Section 21676 of the California Public Utilities Code. In addition, refer all development projects that include buildings with a height greater than 200 feet above ground level to the ALUC for review.	**Consistent.** As discussed in Section 5.8 of the EIR, *Hazards and Hazardous Materials*, because the Project site is located within the AELUP Notification area for SNA and within the SNA planning area boundary, and the Project proposes a General Plan Amendment, the City is required to refer the proposed Project to the ALUC for review, pursuant to the California Public Utilities Code Section 21676. Therefore, the Project is consistent with Policy LU 3.8.
LU 4.1 Land Use Diagram. Support land use development consistent with the Land Use Plan. Figure LU1 depicts the general distribution of uses throughout the City and Figure LU2 through Figure LU15 depict specific use categories for each parcel within defined Statistical Areas. Table LU1 (Land Use Plan Categories) specifies the primary land use categories, types of uses, and, for certain categories, the densities/intensities to be permitted. The permitted densities/intensities or amount of development for land use categories for which this is not included in Table LU1, are specified on the Land Use Plan, Figure LU4 through Figure LU15. These are intended to convey maximum and, in some cases, minimums that may be permitted on any parcel within the designation or as otherwise specified by	**Consistent.** As discussed above, the proposed Project would be consistent with the site's current General Plan Land Use Designation of Parks and Recreation which permits parks (both active and passive), golf courses, marina support facilities, aquatic facilities, tennis clubs and courts, private recreation, and similar facilities (City of Newport Beach, 2006). The proposed Project would require a General Plan Amendment in order to modify Anomaly Number 58 that currently limits the allowable increase in development on the site to 20,000 SF. With implementation of the General Plan Amendment, development of the proposed Project would be consistent with the Geneal Plan development allowances for the site. Therefore, the Project is consistent with Policy LU 4.1.

Relevant General Plan Policies	Project Consistency
Table LU2 (Anomaly Locations). The density/intensity ranges exclude increases allowed through the applications of density bonus laws and are calculated based on actual land area, actual number of dwelling units in fully developed residential areas, and development potential in areas where the General Plan allows additional development. To determine the permissible development, the user should: a. Identify the parcel and the applicable land use designation on the Land Use Plan, Figure LU4 through Figure LU15 b. Refer to Figure LU4 through Figure LU15 and Table LU1 to identify the permitted uses and permitted density or intensity or amount of development for the land use classification. Where densities/intensities are applicable, the maximum amount of development shall be determined by multiplying the area of the parcel by the density/intensity. c. For anomalies identified on the Land Use Map by a symbol, refer to Table LU2 to determine the precise development limits. b. d. For residential development in the Airport Area., refer to the policies prescribed by the Land Use Element that define how development may occur.	
Policy LU 5.6.2. Form and Environment. Require that new and renovated buildings be designed to avoid the use of styles, colors, and materials that unusually impact the design character and quality of their location such as abrupt changes in scale, building form, architectural style, and the use of surface materials that raise local temperatures, result in glare and excessive illumination of adjoining properties and open spaces, or adversely modify wind patterns.	**Consistent**. As discussed in Section 5.1 of the EIR, *Aesthetics,* the proposed two- and three-story buildings would be consistent with the two- to three-story high commercial office buildings that are located on Mesa Drive, Acacia, and Irvine Avenue to the northwest of the site; and the three-story fire training tower that is adjacent to the site. The proposed development provides the same type of modern visual character as surrounding

Relevant General Plan Policies	Project Consistency
	residential, commercial, and office development that surrounds the site. In addition, the Project lighting would be required to comply with Municipal Code Section 21.30.070, Outdoor Lighting, through the City's permitting process to ensure that it would not result in glare and excessive illumination of adjoining properties. Therefore, the Project is consistent with Policy LU 5.6.2.
Policy LU 5.6.3. Ambient Lighting. Require that outdoor lighting be located and designed to prevent spillover onto adjoining properties or significantly increase the overall ambient illumination of their location.	**Consistent.** As discussed in Section 5.1 of the EIR, *Aesthetics,* the Project lighting would be required to comply with Municipal Code Section 21.30.070, Outdoor Lighting, through the City's permitting process to ensure that it would not result in glare and excessive illumination of adjoining properties. Therefore, the Project is consistent with Policy LU 5.6.3.
Historical Resources Element	
HR 2.1 New Development Activities. Require that, in accordance with CEQA, new development protect and preserve paleontological and archaeological resources from destruction, and avoid and mitigate impacts to such resources. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.	**Consistent.** As discussed in Section 5.4 of the EIR, *Cultural Resources*, and Section 5.6, *Geology and Soil*s, both archeological and paleontological resources studies were conducted (included as Appendix E and I to the EIR, respectively). Mitigation Measures CUL-1, CUL-2, and PAL-1 have been included to ensure that no significant impacts to either archeological or paleontological resources would occur. Therefore, the Project is consistent with Policy HR 2.1.
HR 2.2 Grading and Excavation Activities. Maintain sources of information regarding paleontological and archeological sites and the names and addresses of responsible organizations and qualified individuals, who can analyze, classify, record, and preserve paleontological or archeological findings. Require a qualified paleontologist/archeologist to monitor all	**Consistent.** As discussed in Section 5.4 of the EIR, *Cultural Resources*, and Section 5.6, *Geology and Soils*, both archeological and paleontological resources studies were conducted (included as Appendix E and I to the EIR, respectively). Mitigation Measures CUL-1, CUL-2, and PAL-1 have been included to provide for archeological and paleontological monitoring on the site

Relevant General Plan Policies	Project Consistency
grading and/or excavation where there is a potential to affect cultural, archeological or paleontological resources. If these resources are found, the applicant shall implement the recommendations of the paleontologist/archeologist, subject to the approval of the City Planning Department.	during grading and excavation activities to ensure that significant impacts to archeological and paleontological resources would not occur. Therefore, the Project is consistent with Policy HR 2.2.
HR 2.3 Cultural Organizations. Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow representatives of such groups to monitor grading and/or excavation of development sites.	**Consistent.** In accordance with AB 52 and SB 18, the City sent letters to 20 Native American representatives identified by NAHC, notifying them of the proposed Project. Agency to agency consultation occurred between the City and two tribes who stated that they have cultural affiliation with the Project region. While none of the tribes presented substantial evidence indicating that tribal cultural resources are present on the site, Mitigation Measures TCR-1 through TCR-3 have been included to provide for Native American monitoring on the site during grading and excavation activities to ensure that significant impacts to tribal cultural resources would not occur. Therefore, the Project is consistent with Policy HR 2.3.
HR 2.4 Paleontological or Archaeological Materials. Require new development to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach, or Orange County, whenever possible.	**Consistent.** As discussed in Section 5.4 of the EIR, *Cultural Resources*, and Section 5.6 of the EIR, *Geology and Soils*, both archeological and paleontological resources studies were conducted (included as Appendix E and I to the EIR, respectively). Mitigation Measures CUL-1, CUL-2, and PAL-1 would ensure that there would be no significant impacts on either archeological or paleontological resources. Therefore, the Project is consistent with Policy HR 2.4.
Circulation Element	
CE 2.2.1 Safe Roadways. Provide for safe roadway conditions by adhering to nationally recognized improvement standards and uniform construction and maintenance practices.	**Consistent.** As discussed in Section 5.14 of the EIR, *Transportation,* the proposed Project does not include improvements to public roadways. However, the new driveways that would provide vehicular

Relevant General Plan Policies	Project Consistency
	access to the site and the onsite circulation would be required to adhere to the City's public works and engineering recognized improvement standards and uniform construction and maintenance practices that would be verified through the City's construction permitting process. Therefore, the Project is consistent with Policy CE 2.2.1.
CE 2.2.4 Traffic Control. Design traffic control measures to ensure City streets and roads function with safety and efficiency for vehicles, bicycles, and pedestrians.	**Consistent.** As discussed in Section 5.14 of the EIR, *Transportation,* the proposed Project does not include traffic control measures for public roadways. However, the new driveways that would provide vehicular access to the site and the onsite circulation would be required to adhere to the City's public works and engineering recognized traffic control standards that would be verified through the City's construction permitting process. Therefore, the Project is consistent with Policy CE 2.2.4.
CE 2.2.5 Driveway and Access Limitations. Limit driveway and local street access on arterial streets to maintain a desired quality of traffic flow and limit hazards to active transportation modes. Wherever possible, consolidate and/or reduce the number of driveways and implement access controls during redevelopment of adjacent parcels.	**Consistent.** As discussed in Section 5.14 of the EIR, *Transportation,* the proposed Project would provide two driveway locations to access the site from two sides. In addition, City permitting would ensure that ingress and egress is consistent with the City of Newport Beach General Plan Circulation Element and development standards. Therefore, the Project is consistent with Policy CE 2.2.5.
CE 2.2.7 Emergency Access. Provide all residential, commercial, and industrial areas with efficient and safe access for emergency vehicles. An emergency evacuation map shall be prepared as part of an updated Safety Element.	**Consistent.** As discussed in Section 5.14 of the EIR, *Transportation,* the proposed Project would provide two driveway locations to access the site from two sides. In addition, City permitting would ensure that ingress and egress is consistent with the requirements in Section 503 of the California Fire Code (Title 24, California Code of Regulations, Part 9). Therefore, the Project would provide efficient and safe access for emergency vehicles and would be consistent with Policy CE 2.2.7.

Relevant General Plan Policies	Project Consistency
CE 5.2.6 Pedestrian Improvements in New Development Projects. Require new development projects to include safe and attractive sidewalks, walkways, and bike lanes in accordance with the Master Plan, and, if feasible, trails.	**Consistent.** As discussed in Section 5.14 of the EIR, *Transportation,* bike lanes and sidewalks currently exist adjacent to the Project site. The Project would provide onsite pedestrian walkways that would connect to the offsite sidewalks and bicycle parking facilities. Therefore, the Project provides onsite pedestrian and bicycle related improvements and is consistent with Policy CE 5.2.6.
CE 5.2.12 Bicycle Supporting Amenities. Require bicycle facilities such as bike racks, bike stations, or lockers according to national standards for long-term and short-term bicycle utilization on City property and with new development and encourage the addition of such bicycle facilities within existing development.	**Consistent.** As discussed in Section 3.0 of the EIR, *Project Description*, and Section 5.14, *Transportation,* the proposed Project would include installation of both temporary and long-term bicycle parking areas. Therefore, the Project is consistent with Policy CE 5.2.12.
CE 7.1.1 Vehicle Miles Traveled (VMT) Analysis. Follow the analysis methodology for vehicle miles traveled according to the Newport Beach VMT thresholds policy and as required in Senate Bill 743 and the revised California Environmental Quality Act (CEQA) Guidelines.	**Consistent.** As detailed in Section 5.14 of the EIR, *Transportation,* the analysis of VMT for the proposed Project follows the City's VMT thresholds policy and as required in SB 743 and CEQA. Therefore, the Project is consistent with Policy CE 7.1.1.
CE 7.1.2 VMT Mitigation Measures. Require implementation of CEQA project related VMT mitigation measures when warranted and monitor reductions in VMT from new development.	**Consistent.** As discussed in Section 5.14 of the EIR, *Transportation,* the proposed Project would not result in a potentially significant impact related to VMT and mitigation measures are not warranted. Therefore, the Project is consistent with Policy CE 7.1.1.
CE 7.1.5 Support Facilities for Alternative Modes. Require new development projects to provide facilities commensurate with development type and intensity to support alternative modes, such as preferential parking for carpools, bike racks, bike stations, bicycle lockers, showers, commuter information areas, rideshare vehicle loading areas, water	**Consistent.** As discussed in Section 3.0 of the EIR, *Project Description*, and Section 5.14 of the EIR, *Transportation,* the proposed Project supports alternative modes of travel and includes a drop-off and pick-up area for carpools and ride-shares, bicycle parking, and onsite pedestrian walkways that would complement the existing offsite sidewalks

Relevant General Plan Policies	Project Consistency
transportation docks, and bus stop improvements.	and bike paths. Therefore, the Project is consistent with Policy CE 7.1.5.
CE 7.1.7 Project Site Design Supporting Alternative Modes. Encourage increased use of public transportation by requiring project site designs that facilitate the use of public transportation and walking.	**Consistent.** As discussed in Section 3.0 of the EIR, *Project Description*, and Section 5.14 of the EIR, *Transportation,* the proposed Project supports alternative modes of travel and includes onsite pedestrian walkways that would complement the existing offsite sidewalks on Irvine Avenue with bus stops for OCTA Bus Route 178. Therefore, the Project facilitates the use of public transportation and walking and is consistent with Policy CE 7.1.7.
CE 7.1.8 Electric Vehicle (EV) Charging Stations. Install additional EV charging stations on City properties, support existing private development to add new EV charging stations and develop incentives for the installation of EV charging stations and other alternative fuels systems as part of new development.	**Consistent.** As discussed in Section 3.0 of the EIR, *Project Description* and Section 5.14 of the EIR, *Transportation,* the proposed Project includes installation of EV charging stations and EV parking spots on the Project site. Therefore, the Project is consistent with Policy CE 7.1.8.
CE 9.1.10 Development Requirements. Require development to provide the needed roadway improvements adjacent to a site, commensurate with project impact and in accordance with the Master Plan of Streets and Highways.	**Consistent.** As discussed in Section 5.14 of the EIR, *Transportation,* the proposed Project would not require or include any roadway improvements. However, the proposed driveways and onsite vehicular circulation would be required to adhere to the City's public works and engineering recognized traffic control standards that would be verified through the City's construction permitting process. Therefore, the Project is consistent with Policy CE 9.1.10.
Recreation Element	
R 1.12 Aircraft Overflight and Noise. Require that all public parks located within the noise impact zones as defined in the 1985 JWA Master Plan for John Wayne Airport be posted with a notification to users regarding aircraft overflight and noise.	**Consistent.** The proposed Project is a commercial recreation facility and would not be a public park. The Project site is located within the SNA 65 CNEL noise contour, which indicates that noise from aircraft on the Project site is 65 dB CNEL and is within the noise impact area related to SNA operations. However, as detailed in

Relevant General Plan Policies	Project Consistency
	Section 5.8 of the EIR, *Hazards and Hazardous Materials*, and Section 5.11 of the EIR, *Noise*, the AELUP for SNA states that community facilities and commercial land uses are "normally consistent" within the 65 CNEL contour. Therefore, the proposed Project would not result in an impact related to aircraft overflight and noise and would be consistent with Policy R 1.12.
R 4.1 Provision of Recreation Services. Provide high quality recreational services through professionally-trained recreational personnel to program participants.	**Consistent.** The proposed Project would provide high quality surf-related recreational services through professionally-trained recreational personnel to program participants. Therefore, the Project is consistent with Policy R 4.1.
R 4.2 Compatible Recreation Activities. Provide a variety of compatible recreational activities within a given location.	**Consistent.** The proposed Project would add to the variety of recreation activities in the area and the surfing activities would be compatible with the City's location near the ocean. Therefore, the Project is consistent with Policy R 4.2.
R 4.3 Variety of Programs. Provide a variety of quality programs offered in safe and secure environments for the community's youth that enhance and extend the learning day, promote health and wellness, encourage expansion of skills, and reinforce self-esteem, good character, and positive behavior.	**Consistent.** The proposed Project would provide surf-related recreational services in a safe and secure environment that would promote health and wellness, encourage expansion of skills, and reinforce self-esteem, good character, and positive behavior. Therefore, the Project is consistent with Policy R 4.3.
R 4.5 Variety of Adult Recreational Programs. Provide a variety of quality enrichment and recreational programs for the adult population that promote health and wellness; development and/or enhancement of skills and talents; extend learning opportunities; promote sportsmanship; and provide unique opportunities to engage in new activities.	**Consistent.** The proposed Project would provide surf-related recreational services in a safe and secure environment that would promote health and wellness, enhancement of skills, extend learning opportunities; promote sportsmanship; and provide unique opportunities to engage in a new activity. Therefore, the Project is consistent with Policy R 4.5.
Natural Resources Element	
NR 1.1 Water Conservation in New Development. Enforce water	**Consistent.** The proposed Project would be constructed according to Title 24

Relevant General Plan Policies	Project Consistency
conservation measures that limit water usage, prohibit activities that waste water or cause runoff, and require the use of water–efficient landscaping and irrigation in conjunction with new construction projects.	requirements of the 2022 California administrative code for water conservation and landscaping would be implemented throughout the Project site, including implementation of bioretention basins that would limit runoff. BMPs for stormwater management would also be implemented to direct stormwater into landscape areas to use for irrigation. Therefore, the Project is consistent with Policy N 1.1.
NR 1.2 Use of Water Conserving Devices. Establish and actively promote use of water conserving devices and practices in both new construction and major alterations and additions to existing buildings. This can include the use of rainwater capture, storage, and reuse facilities.	**Consistent.** As discussed in Section 5.16 of the EIR, *Utilities and Service Systems,* the proposed Project would be required to implement the CALGreen Code for efficient use of water. Additionally, as discussed in Section 5.9 of the EIR, *Hydrology and Water Quality,* development and construction of the Project site would require preparation and adherence to a Stormwater Pollution Prevention Plan (SWPPP) and Water Quality Management Plan (WQMP). Therefore, the Project would use water conserving devices and would be consistent with Policy NR 1.2.
NR 3.4 Storm Drain Sewer System Permit. Require all development to comply with the regulations under the City's municipal separate storm drain system permit under the National Pollutant Discharge Elimination System.	**Consistent.** As discussed in Section 5.9 of the EIR, *Hydrology and Water Quality*, construction of the Project site and operation of the proposed Project would require preparation and adherence to a SWPPP and a WQMP. Therefore, the Project is consistent with Policy NR 3.4.
NR 3.5 Natural Water Bodies. Require that development does not degrade natural water bodies.	**Consistent.** As discussed in Section 5.3 of the EIR, *Biological Resources,* there are no natural bodies of water within the Project site. In addition, as discussed in Section 5.9 of the EIR, *Hydrology and Water Quality*, a SWPPP and WQMP would be required to be implemented to ensure that the Project would not degrade offsite natural water bodies. Therefore, the Project is consistent with Policy NR 3.5.

Relevant General Plan Policies	Project Consistency
NR 3.9 Water Quality Management Plan. Require new development applications to include a Water Quality Management Plan (WQMP) to minimize runoff from rainfall events during construction and post-construction.	**Consistent.** As discussed in Section 5.9 of the EIR, *Hydrology and Water Quality*, construction of the Project site and operation of the proposed Project would require preparation and adherence to a SWPPP and a WQMP. Therefore, the Project is consistent with Policy NR 3.9.
NR 3.10 Best Management Practices. Implement and improve upon Best Management Practices (BMPs) for residences, businesses, development projects, and City operations.	**Consistent.** As discussed in Section 5.9, *Hydrology and Water Quality* of the EIR, the proposed Project would implement SWPPP and a WQMP, both of which would provide BMPs to reduce or eliminate soil erosion and pollution. During operation, onsite drainage features would include BMPs that have been designed to slow, filter, and slowly discharge stormwater into the offsite drainage system. Therefore, the Project is consistent with Policy NR 3.10.
NR 3.11 Site Design and Source Control. Include site design and source control BMPs in all developments. When the combination of site design and source control BMPs are not sufficient to protect water quality as required by the National Pollutant Discharge Elimination System (NPDES), structural treatment BMPs will be implemented along with site design and source control measures.	**Consistent.** As discussed in Section 5.9 of the EIR, *Hydrology and Water Quality*, the proposed Project would implement a WQMP that would be approved by the City and includes design and source control BMPs to protect water quality, which include landscaping and drainage features that have been designed to slow, filter, and slowly discharge stormwater into the offsite drainage system. Therefore, the Project is consistent with Policy NR 3.11.
NR 3.12 Reduction of Infiltration. Include equivalent BMPs that do not require infiltration, where infiltration of runoff would exacerbate geologic hazards. (Policy HB 8.12)	**Consistent.** As discussed in Section 5.9 of the EIR, *Hydrology and Water Quality*, infiltration is not feasible for the Project site. Thus, the Project would utilize modular wetland systems and bioretention basins which would collect flows, filter, and then direct runoff into the Santa Ana Delhi Channel, which is adjacent to the site. Therefore, the Project is consistent with Policy NR 3.12.
NR 3.14 Runoff Reduction on Private Property. Retain runoff on private property to prevent the transport of	**Consistent.** As discussed in Section 5. 9 of the EIR, *Hydrology and Water Quality*, the proposed Project would implement a

Relevant General Plan Policies	Project Consistency
pollutants into natural water bodies, to the maximum extent practicable. (Policy HB 8.14).	SWPPP and a WQMP that would provide BMPs to reduce or eliminate transport of pollutants into natural water bodies. Onsite drainage features would be installed that have been designed to slow and filter stormwater prior to discharge to reduce runoff and prevent transport of pollutants. Therefore, the Project is consistent with Policy NR 3.14.
NR 3.16 Siting of New Development. Require that development be located on the most suitable portion of the site and designed to ensure the protection and preservation of natural and sensitive site resources that provide important water quality benefits. (Policy HB 8.16).	**Consistent.** The Project site is a developed site that is used for golf-related recreation. The site does not contain a natural or sensitive site resource as detailed in Section 5.3 of the EIR, *Biological Resources*, and the site does not provide important water quality benefits. As discussed in Section 5.9, *Hydrology and Water Quality*, the proposed Project would require preparation and adherence to a SWPPP and a WQMP that would protect water quality. Therefore, the Project is consistent with Policy NR 3.16.
NR 3.17 Parking Lots and Rights-of-Way. Require that parking lots and public and private rights-of-way be maintained and cleaned frequently to remove debris and contaminated residue. (Policy HB 8.17)	**Consistent.** As discussed in the Preliminary WQMP (included as Appendix O to the EIR), operation of the Project shall include sweeping all onsite streets, drive aisles, and/or uncovered parking areas at minimum of a quarterly basis. Therefore, the Project is consistent with Policy NR 3.17.
NR 3.19 Natural Drainage Systems. Require incorporation of natural drainage systems and stormwater detention facilities into new developments, where appropriate and feasible, to retain stormwater in order to increase groundwater recharge. (Policy HB 8.19)	**Consistent.** As discussed in Section 5.9 of the EIR, *Hydrology and Water Quality*, infiltration and groundwater recharge is not feasible at the Project site. Thus, the Project would utilize modular wetland systems and bioretention basins which would collect flows, filter, and then direct runoff into the Santa Ana Delhi Channel, which is adjacent to the site. Therefore, the Project is consistent with Policy NR 3.19.
NR 3.20 Impervious Surfaces. Require new development and public	**Consistent.** As discussed in Section 5.9 of the EIR, *Hydrology and Water Quality*,

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improvements to minimize the creation of and increases in impervious surfaces, especially directly connected impervious areas, to the maximum extent practicable. Require redevelopment to increase area of pervious surfaces, where feasible. (Policy HB 8.20)	while the proposed Project would result in an increase of impervious surfaces, buildout of the proposed Project would result in a decrease the 100-year storm runoff flowrate by 11.1 percent and the proposed Project would maintain the existing drainage pattern by collecting runoff via roof drains, curbs, and area drains and conveying it to vegetated biotreatment systems utilizing permeable landscaping for treatment. Therefore, the Project is consistent with Policy NR 3.20.
NR 4.3 Restore Natural Hydrologic Conditions. Preserve, or where feasible, restore natural hydrologic conditions such that downstream erosion, natural sedimentation rates, surface flow, and groundwater recharge function near natural equilibrium states.	**Consistent.** As discussed in Section 5.9 of the EIR, *Hydrology and Water Quality*, infiltration and groundwater recharge is not feasible at the Project site. Thus, the Project would utilize modular wetland systems and bioretention basins which would collect flows, filter, and then direct runoff into the Santa Ana Delhi Channel, which is adjacent to the site. The Project would not impact hydrologic conditions, sedimentation, or erosion. Therefore, the Project is consistent with Policy NR 4.3.
NR 4.4 Erosion Minimization. Require grading/erosion control plans with structural BMPs that prevent or minimize erosion during and after construction for development on steep slopes, graded, or disturbed areas.	**Consistent.** As discussed in Section 5.6 of the EIR, *Geology and Soils*, the proposed Project would implement a SWPPP and provide BMPs to reduce or eliminate soil erosion and the loss of topsoil during construction. During operation, onsite drainage features would be installed that have been designed to slow, filter, and slowly discharge stormwater into the offsite drainage system. Therefore, the Project would minimize erosion and would be consistent with Policy NR 4.3.
NR 6.1 Walkable Neighborhoods. Provide for walkable neighborhoods to reduce vehicle trips by siting amenities such as services, parks, and schools in close proximity to residential areas.	**Consistent.** As discussed in Section 5.14 of the EIR, *Transportation*, existing sidewalks are located adjacent to the Project site, and the Project would install onsite walkways that would provide for pedestrian access to and from the site.

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	The Project is located at the existing NB Golf Course, which is a commercial recreation land use that is located along an arterial roadway near the freeways, but also, in close proximity to retail services (across Irvine Avenue) and residential areas within the City. Therefore, the Project is consistent with Policy NR 6.1.
NR 6.4 Transportation Demand Management Ordinance. Implement the Transportation Demand Management (TDM) Ordinance, which promotes and encourages the use of alternative transportation modes and provides those facilities such as bicycle lanes that support such alternate modes.	**Consistent.** As discussed in Section 5.14 of the EIR, *Transportation,* bike lanes and sidewalks currently exist adjacent to the Project site. The Project would provide onsite pedestrian walkways that would connect to the offsite sidewalks and bicycle parking facilities. Therefore, the Project supports these alternative modes of transportation and is consistent with Policy NR 6.4.
NR 7.2 Source Emission Reduction Best Management Practices. Require the use of Best Management Practices (BMP) to minimize pollution and to reduce source emissions.	**Consistent.** As discussed in Section 5.2 of the EIR, *Air Quality,* construction of the Project would implement all related SCAQMD Rules for reduction of source emissions. Therefore, the Project is consistent with Policy NR 7.2.
NR 8.1 Management of Construction Activities to Reduce Air Pollution. Require developers to use and operate construction equipment, use building materials and paints, and control dust created by construction activities to minimize air pollutants.	**Consistent.** As discussed in Section 5.2 of the EIR, *Air Quality,* the proposed Project would implement SCAQMD Rule 403 regarding construction dust and Rule 1113 regarding the use of low VOC architectural coatings. Therefore, the Project is consistent with Policy NR 8.1.
NR 10.2 Orange County Natural Communities Conservation Plan. Comply with the policies contained within the Orange County Natural Communities Conservation Plan.	**Consistent.** As discussed in Section 5.3 of the EIR, *Biological Resources,* the proposed Project would be consistent with the Orange County Natural Communities Conservation Plan as the Project site is listed as a development site and is not located within a Habitat Reserve System. Therefore, the Project is consistent with Policy NR 10.2.
NR 10.3 Analysis of Environmental Study Areas. Require a site-specific survey and analysis prepared by a	**Consistent.** As discussed in Section 5.3 of the EIR, *Biological Resources,* a biological resources assessment was

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qualified biologist as a filing requirement for any development permit applications where development would occur within or contiguous to areas identified as ESAs.	conducted and is included as Appendix C to the EIR which included a survey for ESA listed species on the Project site. The Project site does not contain and is not adjacent to any ESAs. Therefore, the Project is consistent with Policy NR 10.3.
NR 10.4 New Development Siting and Design. Require that the siting and design of new development, including landscaping and public access, protect sensitive or rare resources against any significant disruption of habitat values.	**Consistent.** As discussed in Section 5.3 of the EIR, *Biological Resources,* the Project site does not include any sensitive or rare resources. However, the western yellow bat has a low potential to roost in ornamental trees, including palms, on the Project site. Also, the Project site provides suitable foraging, breeding, and roosting habitat for bird and raptor species. Therefore, Mitigation Measures BIO-1 and BIO-2 would ensure that there are no significant impacts to nesting birds or roosting bats onsite. Therefore, the Project is consistent with Policy NR 10.4.
NR 10.5 Development in Areas Containing Significant or Rare Biological Resources. Limit uses within an area containing any significant or rare biological resources to only those uses that are dependent on such resources, except where application of such a limitation would result in a taking of private property. If application of this policy would likely constitute a taking of private property, then a non-resource-dependent use shall be allowed on the property, provided development is limited to the minimum amount necessary to avoid a taking and the development is consistent with all other applicable resource protection policies. Public access improvements and educational, interpretative and research facilities are considered resource dependent uses.	**Consistent.** As discussed in Section 5.3 of the EIR, *Biological Resources,* the Project site does not include any significant or rare biological resources. However, the western yellow bat has a low potential to roost in ornamental trees, including palms, on the Project site. Also, the Project site provides suitable foraging, breeding, and roosting habitat for birds and raptor species. Therefore, Mitigation Measure BIO-1 and BIO-2 would ensure that there are no significant impacts to biological resources. Therefore, the Project is consistent with Policy NR 10.4.
NR 10.6 Use of Buffers. Maintain a buffer of sufficient size around significant or rare biological resources, if present, to ensure the protection of these resources. Require	**Consistent.** As discussed in Section 5.3 of the EIR, *Biological Resources,* the Upper Newport Bay Nature Preserve and Ecological Reserve ("Upper Newport

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the use of native vegetation and prohibit invasive plant species within these buffer areas.	Bay") is located approximately 0.3 miles south of the Project site. The area between the Project site and Upper Newport Bay contains a hill with existing recreational and residential land uses which provides a buffer. Therefore, the Project would not result in substantial drainage, lighting, or noise impacts to the Upper Newport Bay. Therefore, the Project is consistent with Policy NR 10.6.
NR 10.7 Exterior Lighting. Shield and direct exterior lighting away from significant or rare biological resources to minimize impacts to wildlife.	**Consistent.** While there are no significant or rare biological resources on or adjacent to the site, the proposed Project would shield and direct light away from potential offsite sensitive species through compliance with Municipal Code Section 20.30.070 (Outdoor Lighting). Therefore, the Project is consistent with Policy NR 10.7.
NR 18.1 New Development. Require new development to protect and preserve paleontological and archaeological resources from destruction, and avoid and minimize impacts to such resources in accordance with the requirements of CEQA. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.	**Consistent.** As discussed in Section 5.4 of the EIR, *Cultural Resources*, and Section 5.6 of the EIR, *Geology and Soils*, both archeological and paleontological resource studies were conducted (included as Appendix E and I to the EIR, respectively). Mitigation Measures CUL-1, CUL-2, and PAL-1 were included to provide for monitoring during construction and excavation activities that would reduce potential impacts to archeological and paleontological resources to a less than significant level. Therefore, the Project is consistent with Policy NR 18.1.
NR 18.3 Potential for New Development to Impact Resources. Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow qualified representatives of such groups to monitor grading and/or excavation of development sites.	**Consistent.** In accordance with AB 52 and SB 18, the City sent letters to 20 Native American representatives identified by NAHC, notifying them of the proposed Project. Agency to agency consultation occurred between the City and two tribes. who stated that they have cultural affiliation with the Project region. While none of the tribes presented substantial evidence indicating that tribal cultural resources are present on the site,

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	Mitigation Measures TCR-1 through TCR-3 have been included to provide for Native American monitoring on the site during grading and excavation activities to ensure that significant impacts to tribal cultural resources would not occur. Therefore, the Project is consistent with Policy NR 18.3.
NR 18.4 Donation of Materials. Require new development, where on site preservation and avoidance are not feasible, to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach or Orange County, whenever possible.	**Consistent.** As discussed in Section 5.4 of the EIR, *Cultural Resources*, and Section 5.6 of the EIR, *Geology and Soils*, Mitigation Measures CUL-1, CUL-2, and PAL-1 provide for archeological and paleontological monitoring on the site during grading and excavation activities, which includes potential donation of materials and curation at scientific institutions. Therefore, the Project is consistent with Policy NR 18.4.
NR 20.1 Enhancement of Significant Resources. Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points, as shown in Figure NR3.	**Consistent.** As discussed in Section 5.1 of the EIR, *Aesthetics,* none of the adjacent roadways feature long range view of scenic vistas such as the Upper Newport Bay Preserve. The Upper Newport Bay Preserve can be seen from Irvine Avenue south of University Drive, as shown in General Plan Figure NR-3. The Project would not result in significant impacts to significant scenic and visual resources from public vantage points. Therefore, the Project is consistent with Policy NR 20.1.
NR 20.2 New Development Requirements. Require new development to restore and enhance the visual quality in visually degraded areas, where feasible, and provide view easements or corridors designed to protect public views or to restore public views in developed areas, where appropriate.	**Consistent.** As discussed in Section 5.1 of the EIR, *Aesthetics,* the proposed Project site is developed with the NB Golf Course and is mostly covered with both natural and artificial grasses and ornamental vegetation. The proposed Project would include landscaping that utilizes native draught tolerant vegetation and would provide new landscaping along the Irvine Avenue and Mesa Drive right-of-way. The proposed Project would not encroach upon public view corridors.

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	Therefore, the Project is consistent with Policy NR 20.2.
Policy NR 20.4. Public View Corridor Landscaping. Design and site new development, including landscaping, on the edges of public view corridors, including those down public streets, to frame, accent, and minimize impacts to public views.	**Consistent.** As discussed in Section 3.0 of the EIR, *Project Description* and Section 5.1, *Aesthetics,* the Project includes installation of new landscaping along the Irvine Avenue and Mesa Drive right-of-way and along both driveway entrances to the site. The new landscaping would frame and accent driveway entrances, and would screen views of the proposed parking areas, PV solar canopies, and proposed building structures to minimize impacts to public views. Therefore, the Project is consistent with Policy NR 20.4.
Policy NR 23.1 Maintenance of Natural Topography. Preserve cliffs, canyons, bluffs, significant rock outcroppings, and site buildings to minimize alteration of the site's natural topography and preserve the features as a visual resource.	**Consistent.** As discussed in Section 5.1 of the EIR, *Aesthetics,* the Project site does not include any cliffs, canyons, bluffs, significant rock outcroppings; and thus, these types of natural topographic features would not be impacted from implementation of the Project. The Project does involve grading of the site; however, as detailed in Section 5.1 of the EIR, *Aesthetics*, the natural southwestward slope of the site would as viewed from Mesa Drive would remain with implementation of the Project. Therefore, the Project is consistent with Policy NR 23.1.
Policy NR 23.7 New Development Design and Siting. Design and site new development to minimize the removal of native vegetation, preserve rock outcroppings, and protect coastal resources.	**Consistent.** As discussed in Section 5.1 of the EIR, *Aesthetics,* the Project site does not include any native vegetation, rock outcroppings, or coastal resources. The Project site is developed and contains ornamental vegetation, and no native vegetation, rock outcroppings, or coastal resources would be removed as part of the Project. Therefore, the Project is consistent with Policy NR 23.7.
NR 24.2 Energy-Efficient Design Features. Promote energy-efficient design features.	**Consistent.** As discussed in Section 5.5 of the EIR, *Energy,* the proposed Project would implement energy efficient practices

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	as outlined in Part 6 of Title 24 of the California Code of Regulations, adopted by the City in Municipal Code Chapter 15.17, which includes installation of solar panels on canopies in the parking areas and on building rooftops to maximize the use of renewable energy. Therefore, the Project is consistent with Policy NR 24.2.
NR 24.3 Incentives for Green Building Program Implementation. Promote or provide incentives for "Green Building" programs that go beyond the requirements of Title 24 of the California Administrative Code and encourage energy efficient design elements as appropriate to achieve "green building" status.	**Consistent.** As discussed in Section 3.0 of the EIR, *Project Description,* solar panels would be installed on building tops and solar canopies over portions of the parking areas to produce renewable energy to provide power to the proposed onsite operations. Therefore, the Project is consistent with Policy NR 24.2.
Safety Element	
S 4.7 New Development. Conduct further seismic studies for new development in areas where potentially active faults may occur.	**Consistent.** As discussed in Section 5.6 of the EIR, *Geology and Soils*, a Geotechnical Exploration was prepared for the Project site and is included as Appendix H to the EIR, which determined that there are no potentially active fault lines within 500 feet of the Project site. Therefore, the Project would be consistent with Policy S 4.7.
S 5.1 New Development Design within 100-year Floodplains. Require that all new development within 100-year floodplains incorporate sufficient measures to mitigate flood hazards including the design of onsite drainage systems that are connected with the City's storm drainage system, gradation of the site such that runoff does not impact adjacent properties, and buildings are elevated.	**Consistent.** The Project site is not located within a 100-year floodplain. The Federal Emergency Management Agency (FEMA) Flood Zone Map 06059C0267J identifies that the Project site is located in Flood Zone X, which are areas that are determined to be outside of the 0.2% annual chance of flooding. In addition, the proposed Project would install an onsite drainage system that would be connected to the existing drainage channel that is adjacent to the site. Therefore, the Project would be consistent with Policy S 5.1.
S 5.2 Facility Use or Storage of Hazardous Materials Standards. Require that all new facilities storing, using, or otherwise involved with	**Consistent.** As discussed in the previous response, the Project site is not located within a flood zone. Section 5.8 of the EIR, *Hazards and Hazardous Materials*, details

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substantial quantities of onsite hazardous materials within flood zones comply with standards of elevation, anchoring, and flood proofing, and hazardous materials are stored in watertight containers.	that the proposed Project would not use or store substantial quantities of hazardous materials and would comply with all required standards regarding the use, storage, and transportation of the limited quantities of hazardous materials that would be used by the Project. Therefore, the Project would be consistent with Policy S 5.2.
S 5.3 Minimization of Flood Mazard Risk. Require stormwater detention basins, where appropriate, to reduce the potential risk of flood hazards.	**Consistent.** As discussed in Section 5.9 of the EIR, *Hydrology and Water Quality*, the Project would utilize modular wetland systems and bioretention basins which would collect flows, filter, and then direct runoff into the Santa Ana Delhi Channel, which is adjacent to the site. The Project would not result in a potential flood risk, and the Project is consistent with Policy S 5.3.
S 7.1 Known Areas of Contamination. Require proponents of projects in known areas of contamination from oil operations or other uses to perform comprehensive soil and groundwater contamination assessments in accordance with American Society for Testing and Materials standards, and if contamination exceeds regulatory action levels, require the proponent to undertake remediation procedures prior to grading and development under the supervision of the County Environmental Health Division, County Department of Toxic Substances Control, or Regional Water Quality Control Board (depending upon the nature of any identified contamination).	**Consistent.** As discussed in Section 5.8 of the EIR, *Hazards and Hazardous Materials*, a Phase II Environmental Site Assessment (Appendix L to the EIR) was conducted on the Project site, which included soils sampling, determined that there were no levels of herbicides, organochlorine pesticides, or Per- and polyfluoroalkyl substances (PFAS) detected above laboratory reporting limits. Therefore, the Project would be consistent with Policy S 7.1.
S 7.2 Development Design within Methane Gas Districts. Ensure that any development within identified methane gas districts be designed consistent with the requirements of the Newport Beach Municipal Code.	**Consistent.** As detailed in Section 5.8 of the EIR, *Hazards and Hazardous Materials*, the Project site is not located within the Methane Gas Mitigation District as defined and listed in Municipal Code Section 15.55.030. Therefore, the Project is consistent with Policy S 7.2.

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S 7.4 Implementation of Remediation Efforts. Minimize the potential risk of contamination to surface water and groundwater resources and implement remediation efforts to any resources adversely impacted by urban activities.	**Consistent.** As discussed in Section 5.9 of the EIR, *Hydrology and Water Quality*, the proposed Project would implement a SWPPP and a WQMP that would provide BMPs to reduce or eliminate contamination to surface water or groundwater resources. Onsite drainage features would be installed that have been designed to slow and filter stormwater prior to discharge to reduce runoff and prevent transport of pollutants. Therefore, the Project is consistent with Policy S 7.4.
Noise Element	
N 1.1 Noise Compatibility of New Development. Require that all proposed projects are compatible with the noise environment through use of Table N2 and enforce the interior and exterior noise standards shown in Table N3.	**Consistent.** As discussed in Section 5.11 of the EIR, *Noise*, the proposed Project is compatible with the exterior noise environment and would not require implementation of mitigation measures. In addition, the City's development permitting process would ensure enforcement of the interior noise standards shown in Table N3. Therefore, the Project is consistent with Policy N 1.1.
N 1.7 Commercial/ Entertainment Uses. Limit hours and/or require attenuation of commercial/entertainment operations adjacent to residential and other noise sensitive uses in order to minimize excessive noise to these receptors.	**Consistent.** As discussed in Section 5.11 of the EIR, *Noise*, the Project site is not directly adjacent to sensitive receptors and would not result in excessive noise to sensitive receptors, would not exceed noise thresholds, and would not result in a substantial increase in ambient noise, as detailed in Section 5.11 of the EIR, *Noise*. Therefore, the Project is consistent with Policy N 1.7.
N 1.8 Significant Noise Impacts. Require the employment of noise mitigation measures for existing sensitive uses when a significant noise impact is identified. A significant noise impact occurs when there is an increase in the ambient CNEL produced by new development impacting existing sensitive uses. The CNEL increase is shown in the table below.	**Consistent.** As discussed in Section 5.11 of the EIR, *Noise*, the proposed Project would not result in significant impacts related to an increase in ambient noise. Table 5.11-10 and Table 5.11-11 identify that the Project would generate daytime ambient noise level increases ranging from less than 0.1 to 0.8 dBA Leq and nighttime noise level increases ranging from less than 0.1 to 2.0 dBA Leq at the

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	nearby receiver locations, which are less than the thresholds. Therefore, noise impacts related to Project operations would be less than significant and the Project is consistent with Policy N 1.8.
N 4.2 New Uses. Require that new uses such as restaurants, bars, entertainment, parking facilities, and other commercial uses where large numbers of people may be present adjacent to sensitive noise receptors obtain a use permit that is based on compliance with the noise standards in Table N3 and the City's Municipal Code.	**Consistent.** The Project site is not directly adjacent to sensitive receptors and would not result in an exceedance of noise thresholds or a substantial increase in ambient noise, as detailed in Section 5.11 of the EIR, *Noise*. In addition, the Project would be in compliance with the City's municipal code, as verified through the City's development review and permitting process, and would obtain use permits as required, per the detail in Section 3.0 of the EIR, *Project Description*. Therefore, the Project is consistent with Policy N 4.2.
N 4.6 Maintenance of Construction Activities. Enforce the Noise Ordinance noise limits and limits on hours of maintenance or construction activity in or adjacent to residential areas, including noise that results from in-home hobby or work related activities.	**Consistent.** As discussed in Section 5.11 of the EIR, *Noise*, construction of the proposed Project would comply with the City of Newport Beach Municipal Code Section 10.28.040 requiring construction activities to take place between 7:00 a.m. and 6:30 p.m. on weekdays and 8:00 a.m. and 6:00 p.m. on Saturdays. Therefore, the Project is consistent with Policy N 4.6.
N 5.1 Limiting Hours of Activity. Enforce the limits on hours of construction activity.	**Consistent.** As discussed in Section 5.1 of the EIR 1, *Noise*, construction of the proposed Project would comply with the City of Newport Beach Municipal Code Section 10.28.040 requiring construction activities to take place between 7:00 a.m. and 6:30 p.m. on weekdays and 8:00 a.m. and 6:00 p.m. on Saturdays. Therefore, the Project is consistent with Policy N 5.1.

EXHIBIT "E"

TRIBAL CONSULTATION TIMELINE

Snug Harbor Surf Park Tribal Consultation Timeline

June 2024 – City contacts the Native American Heritage Commission (NAHC) requesting a Sacred Lands File (SLF) records search and list of tribes to reach out to for SB 18 purposes.

June 18, 2024 – The NAHC responds with a consultation list of tribes with traditional lands or cultural places located in the Project. The letter states that the result of the Sacred Lands File (SLF) check was Positive and to contact the Gabrieleno/Tongva San Gabriel Band of Mission Indians for more information.

September 19, 2024 – Commence Tribal outreach process. The City has a completed Project application and the City sends all the tribes on its AB 52 list and those identified by the NAHC letters describing the Project and inviting tribes to request consultation per AB 52 / SB 18.

September 25, 2024 – The Gabrieleno Band of Mission Indians – Kizh Nation sends a letter in response stating that the Project location is within their Ancestral Tribal Territory; and the Tribal Government requests to schedule a consultation to discuss the Project and the surrounding location in further detail.

October 14, 2024 – The City responds to the Gabrieleno Band of Mission Indians – Kizh Nation request for consultation via email and sets a meeting for November 5, 2024 at 1:00 p.m.

November 4, 2024 – The City receives an email from the Gabrieleno Band of Mission Indians – Kizh Nation rescheduling the November 5, 2024, meeting due to Chairman illness, and states that the Tribal Chairman is unavailable for the rest of November. The City responds to email and agrees to an email consultation due to tribe unavailability and requests tribe to forward tribal information regarding the Project location or site.

January 9, 2025 – City emails Gabrieleno Band of Mission Indians – Kizh Nation follow up and requests tribal information and preferred mitigation. The tribe responded by providing their standard mitigation measures.

January 17, 2025 – City emails Gabrieleno Band of Mission Indians – Kizh Nation and accepts their recommended mitigation measures and closes consultation.

February 3, 2025 – Email received from Gabrielino Tongva Indians of California, forwarding an sent email sent on September 26, 2024 (that was not previously received by the City) requesting consultation.

February 18, 2025 – City has a consultation call with the Gabrielino Tongva Indians of California who assert ancestral ties to the Newport Beach and back bay area and the City requested that the tribe provide substantial evidence to meet AB 52 / SB 18 and CEQA criteria.

February 21, 2025 - City emails Gabrielino Tongva Indians of California proposed mitigation providing for consulting tribes to monitor excavation of native soils onsite. The Gabrielino Tongva

Indians of California agrees to proposed mitigation and provides substantial evidence of the Tongva Village site of Genga by Newport Bay and related tribal resources.

February 24, 2025 – City emails Gabrielino Tongva Indians of California acknowledges their agreement on the proposed mitigation measures for monitoring and closing consultation with the tribe.

May 16, 2025 – City emails the Gabrieleno Band of Mission Indians – Kizh Nation providing notification that as the Lead Agency, the City has modified the mitigation measures previously provided by the Kizh Nation in response to a request for consultation from another California Native American Tribe that is recognized by NAHC and eligible to engage in consultation for purposes of SB 18 and AB 52.

The Gabrieleno Band of Mission Indians – Kizh Nation responded to the City's email stating their objection and stating that determination of tribal ancestry is based on substantial evidence of traditional and cultural affiliation to the land in question and states that the Tongva have no direct historical, ancestral, or cultural ties to the Newport Beach.

June 4, 2025 – The City sends a response letter to Gabrieleno Band of Mission Indians – Kizh Nation responding to their objection stating that the Gabrielino Tongva Indians of California tribe provided the City with substantial evidence identifying that the Project area is within their Ancestral Tribal Territory. The SLF search completed for the Project by the NAHC resulted in a positive finding that the site is within traditional lands or cultural places for the Gabrieleno/Tongva San Gabriel Band of Mission Indians. As recently as 2023, the NAHC identified the Gabrielino Tongva Indians of California as a Native American Tribe that is traditionally or culturally affiliated with Orange County and the Project area. Therefore, in response to the findings of the SLF search and SB 18 and AB 52 consultation processes, which identify that more than one tribe may have resources within the Project area, the City as Lead Agency has determined that the mitigation measures that are modified from those provided previously by Kizh Nation shall be applicable to the Project. The letter further states that the City understands that the Kizh Nation would like to be the sole tribe monitoring the Project ground-disturbing activity. SB 18 and AB 52 simply prevent the City from feasibly reaching that conclusion given the information provided by the NAHC and the substantial evidence presented by Gabrielino Tongva Indians of California regarding that tribe's traditional and cultural affiliation to the Project site.

June 5, 2025 – City receives objection letter from the Gabrieleno Band of Mission Indians – Kizh Nation objecting to the response to the previous objection. The letter states that the City's recent unilateral actions to revise and dilute the agreed-upon significant mitigation measures constitute multiple legal violations under AB 52, SB 18, and CEQA. The letter states that it is not legally permissible to alter mitigation protocols in response to late letters from unrelated entities that offer no verifiable archaeological, historical, or ethnographic evidence of ancestral affiliation. The letter further states that The City's consideration of outside entities that have not been historically tied to the area is in violation of this statute.

June 23, 2025 – The City attorney sends a letter to the Gabrieleno Band of Mission Indians – Kizh Nation responding to the June 5 letter received stating that the City disputes allegations that the City is in violation of AB 52 and SB 18 and reiterates that the Kizh Nation is able to monitor ground disturbance and consult regarding any resources are discovered. The letter details the City's compliance with AB 52, SB 18, and the recent Koi Nation Decision.

September 3, 2025 – City receives an email from the Chairman of the Kizh Nation to City following up on June 5 correspondence stating that they have not received a response. The letter objects to any changes to the mitigation measures the tribe provided and stating that the changes are a violation of AB 52 and the tribe will request avoidance and oppose the Project.

September 4, 2025 – The City responds to the Gabrieleno Band of Mission Indians – Kizh Nation email from September 3 and re-sends the City's letter from June 23, 2025.

September 23, 2025 – City representative for Project calls tribe Chairman to discuss a potential monitoring agreement for the Project.

Attachment B

Resolution No. 2025-72

RESOLUTION NO. 2025- 72

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A MAJOR SITE DEVELOPMENT REVIEW, CONDITIONAL USE PERMIT, AND MODIFICATION PERMIT TO AUTHORIZE THE CONSTRUCTION AND OPERATION OF THE SURF PARK WITH ANCILLARY USES AND TYPES 47 (ON-SALE GENERAL EATING PLACE), 58 (CATERER) AND 68 (PORTABLE BAR) ALCOHOLIC BEVERAGE CONTROL LICENSES FOR THE PROPERTY LOCATED AT 3100 IRVINE AVENUE (PA2024-0069)

WHEREAS, Section 200 of the City Charter, of the City of Newport Beach ("City"), vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the City Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges or procedures granted or prescribed by any law of the State of California;

WHEREAS, an application was filed by CAA Planning, on behalf of Back Bay Barrels, LLC ("Applicant"), concerning property located at 3100 Irvine Avenue, and legally described in Exhibit "A," which is attached hereto and incorporated herein by reference ("Property");

WHEREAS, the Applicant is requesting to redevelop the central 15.38-acre parcel of the privately owned Newport Beach Golf Course by removing the existing driving range and putting green, pro-shop, restaurant and bar, and three holes of golf and replacing it with a new surf-focused outdoor commercial recreation use ("Project");

WHEREAS, the Project's site improvements include approximately five acres of surfing lagoons surrounded by viewing platforms, seating, pools, spa, restrooms, landscaping, clubhouse with amenities, athlete accommodation building with 20 overnight rooms, and two parking lots with 351 parking spaces;

WHEREAS, the Project will be constructed on approximately 79,533 square feet of area; however, 19,761 square feet will be excluded from the total development limit of the Property as incidental building areas which is consistent with Table LU1 (Land Use Plan Categories) of the City's General Plan ("General Plan") for properties categorized as Parks and Recreation;

WHEREAS, the following approvals are requested or required to implement the Project as proposed:

- General Plan Amendment ("GPA"): To increase the development limit from 20,000 square feet to 59,772 square feet for Anomaly Number 58, as identified in Table LU 2 of the Land Use Element of the General Plan;

- Major Site Development Review ("SDR"): To construct a nonresidential building larger than 20,000 square feet in area;

- Conditional Use Permit ("CUP"): To allow the operation of an outdoor commercial recreation use including a restaurant with alcohol sales, establish the appropriate parking rate, and allow the construction of buildings taller than 18 feet;

- Modification Permit: To allow for the construction of retaining walls taller than eight feet in height from finish grade; and

- Environmental Impact Report ("EIR"): To address reasonably foreseeable environmental impacts resulting from the legislative and project specific discretionary approvals;

WHEREAS, the Property is categorized as Parks and Recreation (PR) by the General Plan Land Use Element and is located within the Santa Ana Heights Specific Plan/Open Space and Recreation (SP-7/OSR) Zoning District;

WHEREAS, the Property is not located within the Coastal Zone; therefore, a coastal development permit is not required;

WHEREAS, California Public Utilities Code ("CPUC") Section 21676(b) requires the City to refer the Project to the Orange County Airport Land Use Commission ("ALUC") to review for consistency with the 2008 John Wayne Airport Environs Land Use Plan ("AELUP");

WHEREAS, the ALUC determined the Project to be inconsistent with the AELUP on August 7, 2025;

WHEREAS, a public hearing was held by the Planning Commission on September 4, 2025, in the Council Chambers at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the hearing was given in accordance with Government Code Section 54950 *et seq.* ("Ralph M. Brown Act"), and Chapter 20.62 (Public Hearings) of the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this hearing;

WHEREAS, at the hearing, the Planning Commission adopted Resolution No. PC2025-018 by a unanimous vote (6 ayes, 1 recusal) recommending the City Council approve the Project;

WHEREAS, after the Planning Commission's decision and pursuant to Sections 21670 and 21676 of the CPUC, the City Council held a duly noticed public hearing on September 9, 2025, and adopted Resolution No. 2025-60 (6 ayes, 1 absent) to notify ALUC and the State Department of Transportation Aeronautics Program of the City's intent to override ALUC's inconsistency finding; and

WHEREAS, a public hearing was held by the City Council on October 28, 2025, in the City Council Chambers located at 100 Civic Center Drive, Newport Beach, California to consider the Project. A notice of time, place, and purpose of the hearing was given in accordance with CPUC Section 21676(b), the Ralph M. Brown Act, Chapter 20.62 (Public Hearings) of the NBMC, City Council Policy K-1 (General Plan and Local Coastal Program) and City Council Policy K-3 (Implementation Procedures for the California Environmental Quality Act). Evidence, both written and oral, was presented to, and considered by, the City Council at this hearing.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows:

Section 1: The City Council has considered the recommendation of the Planning Commission and determined that modifications to the Project made by the City Council, if any, are not major changes that require referral back to the Planning Commission for consideration and recommendation.

Section 2: The City Council hereby approves the Major Site Development Review, Conditional Use Permit, and Modification Permit, collectively filed as PA2024-0069, subject to the conditions of approval set forth in Exhibit "B," based on the required findings and facts to support said findings, as set forth in in Exhibit "C." Both Exhibits are attached hereto and incorporated herein by this reference. Additionally, the City Council hereby approves the Reduced Amenities Alternative analyzed in Appendix F of the EIR as a Project alternative that may be implemented at the Applicant's election in that it substantially conforms with the Major Site Development Review.

Section 3: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 4: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 5: An EIR (State Clearinghouse No. 2024110238) was prepared for the Project in compliance with the California Environmental Quality Act ("CEQA") as set forth in Public Resources Code Sections 21000 *et seq.*, Section 15000 *et seq.* as set forth in Title 14, Division 6, Chapter 3 of the California Code of Regulations ("CEQA Guidelines"), and City Council Policy K-3 (Implementation Procedures for the California Environmental Quality Act) to ensure that the Project will not result in significant environmental impacts. Based on the entire environmental review record, the City Council having final approval authority over the Project, finds that the Project, with mitigation measures, will have a less than significant impact on the environment and there are no known substantial adverse effects on human beings. By Resolution No. 2025-73, the City Council adopted and certified the Final EIR as complete and adequate and adopted the Mitigation Monitoring and Reporting Program including all findings contained therein, which is hereby incorporated by this reference.

Section 6: The City Council finds that judicial challenges to the City's CEQA determinations and approvals of land use projects are costly and time consuming. In addition, project opponents often seek an award of attorneys' fees in such challenges. As project applicants are the primary beneficiaries of such approvals, it is appropriate that such applicants should bear the expense of defending against any such judicial challenge, and bear the responsibility for any costs, attorneys' fees, and damages which may be awarded to a successful challenger.

Section 7: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 28th day of October, 2025.

_____
Joe Stapleton
Mayor

ATTEST:

_____
Lena Shumway
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

_____
Aaron C. Harp
City Attorney

Attachment(s): Exhibit A – Legal Description
Exhibit B – Conditions of Approval
Exhibit C – Findings and Facts in Support of Findings

EXHIBIT "A"

LEGAL DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL NO. 1 OF THAT CERTAIN CERTIFICATE OF COMPLIANCE NO. 94-2, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, RECORDED MAY 9, 1994 AS INSTRUMENT NO. 94-318607 OF OFFICIAL RECORDS.

EXCEPTING THEREFROM, THAT PORTION OF SAID LAND DESCRIBED IN THE DEED TO THE COUNTY OF ORANGE, RECORDED SEPTEMBER 4, 1997 AS INSTRUMENT NO. 97-428866 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA.

ALSO EXCEPTING THEREFROM THOSE PORTIONS THEREOF CONVEYED IN FEE TO THE COUNTY OF ORANGE BY DEED RECORDED OCTOBER 21, 2014 AS INSTRUMENT NO. 2014-427814 OF OFFICIAL RECORDS.

APN: 119-200-38 & 119-200-41

EXHIBIT "B"

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 be cause for the revocation of this approval.

4. *The Applicant shall comply with all project design features, mitigation measures, and standard conditions contained within the approved Mitigation Monitoring Reporting Program (MMRP) of EIR SCH No. 2024110238.*

5. *The Major Site Development Review, Conditional Use Permit Use Permit, and Modification Permit filed as PA2024-0069 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 NBMC unless an extension is otherwise granted.*

6. *The maximum height of the amenity clubhouse building shall be limited to 50 feet above the existing grade established pursuant to 20.30.050 (Grade Establishment) of the NBMC.*

7. *The maximum height of the visitor accommodation building shall be limited to 40 feet above the existing grade established pursuant to 20.30.050 (Grade Establishment) of the NBMC. Guests of the athlete accommodations shall also be guests of the surf park to ensure the accommodations remain ancillary to the principal use and do not operate as a separate and distinct use.*

8. *The storage areas exempt from development intensity limits, as identified on the plans, shall not be converted to useable space without an additional General Plan Amendment to Anomaly No. 58.*

9. *Hours of operation are limited to 6 a.m. to 11 p.m., daily.*

10. *A total of 324 parking spaces shall be made permanently available for use, including 229 for guests and employees of the surf park and 95 for Golf Course guests.*

11. *If actual parking demand exceeds anticipated parking demand, the Applicant will be required to work with public works staff to implement parking solutions.*

12. *Employees arriving by car shall park on site.*

13. *Prior to final of building permits, a nighttime lighting inspection shall be conducted to confirm lighting will not cause a nuisance to nearby residential properties.*

14. *Illumination shall not exceed 1-foot candle beyond the property line.*

15. *Illumination of the surfing lagoon shall be subject to a thirty (30) day review period, during which time the Community Development Director may determine that a reduction in illumination or turning off of illumination is necessary due to negative impacts on surrounding property or the community in general. In addition, and at any time, the Director may order the dimming or turning off of any illumination found to be excessively bright.*

16. The Major Site Development Review, Conditional Use Permit Use Permit, and Modification Permit filed as PA2024-0069 may be modified or revoked by the City Council should they determine 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.

17. *Prior to Certificate of Occupancy, the Applicant shall pay Development Impact Fees.*

18. *Prior to the issuance of a building permit, the Applicant shall pay San Joaquin Transportation Corridor Association fees in accordance with the fee schedule at time of building permit issuance.*

19. *Prior to the issuance of a building permit, the Applicant shall pay any applicable Traffic Fair Share fees at time of building permit issuance.*

20. Changes in operational characteristics, expansion in the area, or other modification to the approved plans, shall require subsequent review by the Planning Division. Significant changes may require an amendment to this approval or the processing of a new approval.

21. Prior to the issuance of a building permit, a copy of the Resolution, including the conditions of approval of Exhibit "B" shall be incorporated into the Building Division and field sets of plans before issuance of the building permits.

22. Prior to the issuance of a building permit, the Applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the PA2024-0069 file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by PA2024-0069 and shall highlight the approved elements such that they are readily discernible from other elements of the plans.

23. Prior to the issuance of a building permit, the Applicant shall submit a landscape and irrigation plan prepared by a licensed landscape architect. These plans shall incorporate drought-tolerant plants and water-efficient irrigation practices, and the plans shall be approved by the Planning Division.

24. *Prior to final building permit inspection, an inspection shall be performed by Planning staff to confirm landscaping is installed per plan.*

25. All landscape materials and irrigation systems shall be maintained by 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.

26. All proposed signs shall be in conformance with Chapter 20.42 (Signs) of the NBMC.

27. 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.

28. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 (Community Noise Control), under Sections 10.26.025 (Exterior Noise Standards) and 10.26.030 (Interior Noise Standards), and other applicable noise control requirements of the NBMC.

29. 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.

30. Construction activities shall comply with Section 10.28.040 (Construction Activity—Noise Regulations) of the NBMC, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7 a.m. and 6:30 p.m., Monday through Friday, and 8 a.m. and 6 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays, or Holidays.

31. *Operation of outdoor speakers shall cease by 10 p.m.*

32. 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.

33. 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.

34. 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.

35. 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).

36. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10 p.m. and 7 a.m. on weekdays and Saturdays and between the hours of 10 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.

37. 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.

38. 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 **Snug**

Harbor Surf Park including, but not limited to, PA2024-0069. 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 the 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

39. *Fire department access shall comply with the 2022 California Fire Code ("CFC"), NBMC, and NBFD Guidelines C.01, C.02, C.03, and C.04.*

40. *Fire access lanes shall clearly be identified` on the plans. Fire access lanes cannot be impeded by loading zones or other obstructions that would delay service response times.*

41. *The number and placement of fire hydrants shall comply with the CFC and Newport Beach Fire Department ("NBFD") Guideline B.01.*

42. *Structures shall be protected with an automatic fire sprinkler designed to the National Fire Protection Association ("NFPA") 13 standard.*

43. *The amenity clubhouse and any structures where the highest story floor level is located greater than 30 feet above the lowest level of fire department vehicles access shall have standpipes installed and designed to the NFPA 14 standard.*

44. *Fire alarm systems and smoke alarms shall be installed in R-1 occupancies. An automatic smoke detection system that activates the occupant notification system shall be installed throughout all interior corridors serving sleeping units.*

45. *Single- and multiple station smoke alarms shall be installed in accordance with Section 907.2.11 of the CFC*

46. *Emergency response communication system shall be installed throughout in accordance with the CFC and NBFD Guideline D.05.*

47. *Building shall be addressed in accordance with the NBMC.*

48. *At least one elevator shall be gurney sized and meet the requirements of the California Building Code ("CBC") 3002.4a.*

49. *Standby power shall be provided for elevators and platform life as required by Sections 604.3, 1009.4.1, and 1009.5 of the CBC.*

50. *Emergency power outlets shall be provided and installed according to NBMC 9.04.330.*

51. *A Type 1 hood shall be provided for the kitchen.*

52. *A fixed suppression system shall be installed and designed to NFPA 17A for cooking operations.*

53. *C02 beverage dispensing exceeding 100 lbs. shall meet the requirements of the 2022 California Fire Code section 5307.3 for ventilation or gas detection.*

54. *A chemical inventory with storage locations shall be provided to the NBFD during plan check. The maximum allowable quantities of chemicals and the amount in use and storage will dictate the design of the chemical storage area, fire protections systems, and other fire and life safety requirements.*

55. *Knox boxes shall be provided and identified on the plans at all locations that would require fire department access.*

56. *Gates shall be provided with a knox gate switch and either an Opticom or Click2Enter system.*

57. *Occupant load and egress analysis for all assembly spaces shall be required during plan check.*

Building Division

58. 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 prior to the approval of rough inspection.

59. The Applicant shall employ the following best available control measures to reduce construction-related air quality impacts:

Dust Control

- Water all active construction areas at least twice daily.
- Cover all haul trucks or maintain at least two feet of freeboard.
- Pave, apply dust control measures, or apply water four times daily to all unpaved parking or staging areas.

- Sweep or wash any site access points within two hours of any visible dirt deposits on any public roadway.
- Cover or water twice daily any on-site stockpiles of debris, dirt, or other dusty material.
- Suspend all operations on any unpaved surface if winds exceed 25 mph.

Emissions

- Require 90-day low-NOx tune-ups for off-road equipment.
- Limit allowable idling to 5 minutes for trucks and heavy equipment.

Off-Site Impacts

- Encourage carpooling for construction workers.
- Limit lane closures to off-peak travel periods.
- Park construction vehicles off traveled roadways.
- Wet down or cover dirt hauled off-site.
- Sweep access points daily.
- Encourage receipt of materials during non-peak traffic hours.
- Sandbag construction sites for erosion control.

Fill Placement

- The number and type of equipment for dirt pushing will be limited on any day to ensure that SCAQMD significance thresholds are not exceeded.
- Maintain and utilize a continuous water application system during earth placement and compaction to achieve a 10% soil moisture content in the top 6-inch surface layer, subject to review/discretion of the geotechnical engineer.

60. Prior to the issuance of a grading permit, a Storm Water Pollution Prevention Plan ("SWPPP") and Notice of Intent ("NOI") to comply with the General Permit for Construction Activities shall be prepared, submitted to the State Water Quality Control Board for approval and made part of the construction program. The project Applicant will provide the city with a copy of the NOI and their application check as proof of filing with the State Water Quality Control Board. This plan will detail measures and practices that will be in effect during construction to minimize the project's impact on water quality.

61. Prior to the issuance of a grading permit, the Applicant shall prepare and submit a Water Quality Management Plan ("WQMP") for the Project, subject to the approval of the Building Division and Code and Water Quality Enforcement Division. The WQMP shall provide appropriate Best Management Practices ("BMPs") to ensure that no violations of water quality standards or waste discharge requirements occur.

62. A list of "good housekeeping" practices will be incorporated into the long-term post-construction operation of the Property to minimize the likelihood that pollutants will be used, stored, or spilled on the Property that could impair water quality. These may include frequent parking area vacuum truck sweeping, removal of wastes or

spills, limited use of harmful fertilizers or pesticides, and the diversion of stormwater away from potential sources of pollution (e.g., trash receptacles and parking structures). The Stage 2 WQMP shall list and describe all structural and non-structural BMPs. In addition, the WQMP must also identify the entity responsible for the long-term inspection, maintenance, and funding for all structural (and if applicable Treatment Control) BMPs.

63. *Allowable building area, height, and story shall comply with Chapter 5 of CBC.*

64. *Orange County Health approval is required. The required number of shower and plumbing fixtures shall also comply with OC Health requirements.*

65. *Egress balcony shall comply with 1021 of CBC.*

66. *Exit access stairways shall comply with 1019 of CBC.*

67. *Exits shall comply with accessible means of egress per 1009 of CBC.*

68. *Emergency Escape Rescue for sleeping rooms shall comply with 1031 of CBC.*

69. *Assembly area shall comply with 1030 of CBC.*

70. *Occupancy load for spaces with 1 exit limited to 49. Spaces with one exit shall comply with Table 1006.2.1, Table 1006.3.4(1) & Table 1006.3.4(2) of CBC.*

71. *Required number of plumbing fixtures shall comply California Plumbing Code ("CPC) Table 422.1*

72. *Accessible path of travel is required from parking areas and public right of way. An accessible route to each pool and surf lagoon is required.*

73. *Exterior wall and opening protection between building and to property line shall comply with 705 of CBC.*

74. *Fire and sound separation at each sleeping room shall comply with 420.2 of CBC.*

75. *Circulation path shall be physically separated to the vehicular way. Show required detectable warning on plans 11B-250.1*

76. *A minimum of 5% or at least one of each type of seating area shall be accessible.*

77. *Required number of accessible restrooms for multiusers shall comply with 11B-213.2 of CBC.*

78. *Transient lodging shall comply with 11B-224 of CBC.*

79. *An accessible route to the second story of the visitor accommodations building is required. 11B-206.2.3 Exception 1.2 may apply if Applicant demonstrates during plan check that rooms on second level provide same experience as first level.*

80. *Design foundation for liquefaction mitigation pursuant to policy: https://www.newportbeachca.gov/home/showpublisheddocument/2929/635682493202100000*

81. *Bicycle parking shall comply with 5.106.4 of Cal Green.*

82. *EV Capable, EVSE and EV accessible parking shall comply with table 5.106.5.3.1 of Cal Green and Table 11B-228.3.2.1 of the CBC. Note that regular accessible parking shall be separated from EV accessible parking.*

83. *Top of adjacent slope and setback shall comply with 1808.7.3 of the CBC.*

84. *Property is located within a flood zone. If any building is proposed within the flood map, it shall comply with flood zone A finish floor requirements.*

Public Works Department

85. *Prior to the issuance of a building permit, a final Construction Management Plan shall be reviewed and approved by the Community Development Director and City Traffic Engineer.*

86. *Prior to the issuance of a building permit, a final hydrology report and storm drain plan shall be reviewed and approved by the City.*

87. *The Applicant shall reconstruct curb, gutter, and sidewalk per City standard along the Irvine Avenue and Mesa Drive frontages. The extent of reconstruction shall be determined by the Public Works inspector.*

88. *The proposed driveway along Mesa Drive shall be a right-turn in and right-turn out driveway. Final design of the driveway will be reviewed and approved as part of the plan check process.*

89. *The driveway along the Irvine Avenue frontage shall be a right-turn in, left-turn in, and right-turn out only driveway. Final design of the driveway will be reviewed and approved as part of the plan check process.*

90. *The Applicant shall install a new minimum 12-inch water main (final size of main to be determined during building plan check) connecting to the existing 24-inch water main within the Irvine Avenue right of way. Final design of the new water main and associated water services shall be reviewed and approved as part of the*

plan check process. Construction of the new water main and services shall be completed by a City approved contractor.

91. *The existing 6-inch water line shall be abandoned as part of the project.*

92. *Sewer service for the project site is provided by Costa Mesa Sanitary District ("CMSD"). Final CMSD approved sewer plans shall be included in the building plan check set.*

93. *A final parking management plan ("PMP") shall be reviewed and approved by the City prior to building permit issuance. The final PMP shall include planned valet operation and gate operation. The gated entry shall be accompanied by a dedicated turn around area prior to the gates. The Applicant shall prohibit vehicles from stacking within the public right of way.*

94. *The parking layout shall comply with City Standard 805. All dead-end drive aisles shall be accompanied by a designated turn around area and 5-foot minimum drive aisle extensions to accommodate vehicle turn around.*

95. *The driveways along Irvine Avenue and Mesa Drive shall be constructed per City Standard 161.*

96. *A minimum 4-foot-wide easement for sidewalk and pedestrian purposes shall be provided across the driveway.*

97. *Final design for any modifications to the Irvine Avenue driveway shall be reviewed and approved during Building plan check.*

98. *Driveways shall be designed to provide adequate sight distance per City Standard 105. Walls within the limited use area shall be limited to 30" in height and landscaping shall have a maximum growth characteristic of 24" in height.*

99. *Vehicles entering and exiting the project site driveways at the Mesa Drive and Irvine Avenue shall be prohibited from queuing into the public right-of-way and impacting the adjacent public sidewalk and streets.*

100. *All loading areas and service turnaround areas shall be located outside the required widths of the adjacent drive aisles.*

101. *The average number of vehicles for the project shall comply with the estimates from the approved Trip Generation Assessment and Parking Demand Assessment reports*

102. *<u>Prior to the issuance of a building permit</u>, County Sanitation District fees shall be paid.*

103. *Internal source separation must be considered for the facility, specifically for the restaurant/bar area and athlete accommodations. External three-container system are required and containers must fit within enclosure requirements listed in NBMC 20.30.120 (Solid Waste and Recyclable Materials).*

104. *Nineteen (19) offsite Brisbane box trees shall be planted at 30-foot on center spacing consistent with the proposed landscape plan and direction from Public Works Municipal Operations staff.*

105. *An air gap shall be included in the design. Air-gap separation" or "AG" means a physical vertical separation of at least 2 times the effective pipe diameter between the free-flowing discharge end of a potable water supply pipeline and the flood level of an open or non-pressurized receiving vessel, and in no case less than 1 inch.*

Police Department

106. *The Applicant shall comply with all federal, state, and local laws, and all conditions of the Type 47 (On-Sale General) Alcoholic Beverage License and any additional licenses. Material violation of any of those laws or conditions in connection with the use is a violation and may be cause for revocation of the use permit.*

107. *Alcohol service shall end no later than 11 p.m., daily unless approved under separate permit by the City of Newport Beach.*

108. *Food service must be available at all times that alcoholic beverages are being served or consumed on the premises.*

109. *There shall be no reduced priced alcoholic beverage promotions after 9 p.m.*

110. *No games or contests requiring or involving the consumption of alcoholic beverages shall be allowed.*

111. *There shall be no exterior advertising or signs of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.*

112. *The operator of the facility shall be responsible for the control of noise generated by the subject facility including, but not limited to, noise generated by patrons, food service operations, and mechanical equipment. Pre-recorded music may be played in the tenant space, provided exterior noise levels outlined in Chapter 10.26 (Community Noise Control) of the NBMC, and other applicable noise control requirements, are not exceeded.*

113. *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.*

114. *No alcoholic beverages shall be consumed on any property adjacent to the licensed premises and under the control of the licensee.*

115. *Petitioner(s) shall not share any profits or pay any percentage or commission to a promoter or any other person based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders or the sale of drinks.*

116. *Any event or activity staged by an outside promoter or entity where the Applicant, operator, owner, his employees, or representatives share in any profits, or pay any percentage or commission to a promoter or any other person based upon money collected as a door charge, cover charge or any other form of admission charge is prohibited.*

117. *All owners, managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages within 60 days of hire. This training program must be updated every three years regardless of certificate expiration date. The certified program must meet the standards of the certifying/licensing body designated by the State of California. The establishment shall comply with the requirements of this section within 60 days. Records of each owner's, manager's and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City.*

118. *No person under the age of 21 shall sell or deliver alcoholic beverages, except as allowed by the Department of Alcoholic Beverage Control.*

119. *The sale of alcoholic beverages for consumption off the premises is prohibited.*

120. *Unsold alcoholic beverages in the park shall not be served or delivered to customers by individual ambulatory vendors, more commonly known as "hawkers".*

121. *No alcoholic beverages shall be permitted to be brought onto the licensed area by the public, nor shall any alcoholic beverages be permitted to be removed from the licensed area by the public.*

122. *All alcoholic beverages that will be sold or consumed within the lagoon and pool areas shall be served in containers which are distinctive in design and color, easily*

distinguishable from any other containers used in the service of beverages. All containers shall be non-glass, shatterproof containers.

123. *Alcoholic beverages shall be dispensed, sold and served in containers no larger than sixteen (16) ounces.*

124. *Petitioner(s) shall furnish keys, pass cards, or entry frequencies to the Newport Beach Police Department.*

125. *The Applicant shall maintain a security recording system with a 30-day retention and make those recordings available to police upon request.*

126. *Management shall maintain an operational log of daily activities related to the sale and service of alcoholic beverages, as well as any additional security actions. Management shall make this log available to the Police Department upon request.*

Special Events

127. *Special Event Level Defined. Level 1, 2, and 3 special events shall be defined as follows:*

"Level 1 Special Event" shall mean any event:

a. *With a duration of no more than one (1) day;*
b. *With an attendance of less than one thousand (1,000) persons;*
c. *Involves no public road or travel lane closures or detours;*
d. *Requires no traffic control, as determined by the City Traffic Engineer or the Police Department; and*
e. *Does not require the presence of City personnel, as determined by the Code Enforcement Supervisor or the Police Department.*

"Level 2 Special Event" shall mean any event:

a. *With a duration of up to four (4) consecutive days, including setup and breakdown; or*
b. *With an attendance of one thousand (1,000) to five thousand (5,000) persons over the course of the special event; or*
c. *Involves no public road or travel lane closures or detours;*
d. *Requires no traffic control, as determined by the City Traffic Engineer or the Police Department; and*
e. *Does not require the presence of City personnel, as determined by the Code Enforcement Supervisor or the Police Department.*
f. *If more than 2,500 people are anticipated on any one day, an off-site parking agreement shall be supplied to the City at least ten (10) days prior to the event. The off-site parking agreement shall include the following information:*
    i. *Anticipated daily parking demand*
    ii. *Location of off-site parking*

iii. *Number of off-site parking spaces available for special event use*
iv. *Plan to convey attendees to site (e.g., shuttle bus or walking path).*

"Level 3 Special Event" shall mean any event:

a. *any event lasting longer than, or with greater attendance than that defined above; or*
b. *any event requiring public road, travel lane closures or detours, or traffic control; or*
c. *any event requiring the presence of City personnel*

128. *The Project shall be allowed to conduct twelve permitted special events each year:*

129. *No Permit Required for Level 1 Special Events. Level 1 special events authorized by, and in compliance with the conditions of, this Conditional Use Permit shall be exempt from the permit requirements of Chapter 11.03 of the NBMC, or any successor statute.*

130. *A Special Event Permit shall be required for Level 2 and 3 events.*

131. *Advance Notice of Level 2 and Level 3 Special Events Requiring Off-Site Parking. The applicant shall notify the Community Development Department of all Level 2 and Level 3 special events authorized a minimum of 14 days prior to the special event. The off-site parking agreement shall be provided to the City Traffic Engineer for review and approval.*

132. *Quarterly Special Event Monitoring Report. The applicant shall submit a quarterly report of all Level 1 and 2 special events conducted on the project site to the Community Development Department to monitor the number of special events and verify compliance with the conditions of this permit. The report shall be submitted on or before the 15th day of the quarter in a form approved by the Community Development Department, which shall include the following information:*

a. *The special event title;*
b. *A general description of the special event;*
c. *The date, start time and duration of the special event.*
d. *The estimated daily attendance; and*
e. *A description of any sound amplification equipment outside of daily operations.*

133. *Hours of Operation for Level 1 Special Events. The use of amplified sound beyond typical operational characteristics shall not begin before 7:00 a.m. on weekdays or before 8:00 a.m. on weekends and federal holidays. The use of amplified sound beyond typical operational characteristics shall cease at the following times:*

Dates	*Latest Amplified Sound End Time**	*Latest Special Event End Time**
*Sunday through Thursday, except on NMUSD holidays and during NMUSD recesses***	*10p.m.*	
*Weekdays and Weekends on NMUSD holidays and during NMUSD recesses***	*10 p.m.*	
Independence Day (July 4)	*11 p.m.*	*12:00 a.m.*
New Year's Eve (December 31)	*12:30 a.m. on New Year's Day*	*1:15 a.m. on New Year's Day*

** The special event end time shall mean the time when the special event activities have ceased, and all attendees have exited the site. The special event end time does not include post-event clean-up and breakdown.*
*** Newport Mesa Unified School District (NMUSD) holidays and recesses shall be determined by the current official calendar approved by the NMUSD Board of Education.*

134. *Any special event involving the use of amplified sound outside of time limits prescribed above shall require a Special Event Permit in accordance with Chapter 11.03 (Special Events) of the NBMC.*

135. *Sound Level Monitoring and Mitigation. The use of amplified sound shall comply with the Environmental Impact Report (SCH No. 2024110238), hereby incorporated by reference, to ensure that sound generated by the project site does not exceed the noise standards of Chapter 10.26 (Community Noise Control) of the NBMC.*

136. *City Monitoring. A City sound monitor shall be required at all special events involving amplified sound beyond typical operational characteristics, unless waived by the Community Development Director.*

137. *Professional Sound Monitoring and Reporting Services. The applicant shall enter into an agreement with City to reimburse the City for costs and expenses of providing professional sound monitoring and reporting services for special events involving the use of amplified sound beyond typical operational characteristics, if City Monitoring is deemed necessary. The form of the agreement shall be determined by the City Attorney's office.*

138. *Insurance. The applicant shall provide general liability insurance at the minimum amount required by City policy naming the City of Newport Beach as additionally insured.*

139. *Licenses. The applicant shall complete the Special Events Temporary Business License Application and collect the apportioned business license from each*

vendor, exhibitor or other service provider and remit the payments to the City prior to the special event date.

140. *Permits and Inspections.*

a. *The applicant shall obtain any applicable City permits and inspections for the installation of temporary structures, stands, platforms, stages and stage lighting rigs over thirty (30) inches in height from grade, all tents and temporary membrane structures having an area in excess of four hundred (400) square feet, and the use and storage of portable liquefied petroleum gas containers.*

b. *The applicant shall provide plans, details and specifications with calculations, to the Building Division for plan review and approval, at least thirty (30) days prior to the special event. Such plans shall be stamped and signed by a licensed engineer in the State of California. The following note shall be provided on the plans: "Engineer shall perform site observations during the construction and shall provide a letter to the City building inspector stating the temporary buildings, stands, platforms, stages and stage lighting rigs are installed per code and satisfactory to be used for their intended purpose."*

c. *The applicant shall allow City officials access for inspections in order to determine compliance with City codes, any approved permit and/or any conditions of approval.*

d. *The applicant shall comply with all lawful orders and requirements of the principal building inspector.*

141. *Outside Agencies.*

a. *Any food service to comply with Orange County Health Department requirements.*

b. *Any alcoholic beverage service shall comply with Alcoholic Beverage Control requirements.*

142. *Special events shall comply with Chapter 6.06 (State Mandated Municipal Solid Waste Diversion) of the NBMC.*

143. *Permittee shall submit a plan to reduce waste, consistent with State law, to the Municipal Operations Department at least two weeks prior to the start of a permitted special event. The plan should address all types of waste materials generated.*

EXHIBIT "C"

FINDINGS AND FACTS IN SUPPORT OF FINDINGS

Major Site Development Review

In accordance with Section 20.52.080(F) (Site Development Reviews – Findings and Decisions) of the NBMC, the findings and facts in support of such findings are set forth as follows:

Finding:

A. *The proposed development is allowed within the subject Zoning District.*

Facts in Support of Finding:

1. The Property is located within the Santa Ana Heights Specific Plan (SP-7), Open Space and Recreation (OSR) District. The SP-7/OSR District allows for local and buffer greenbelts by right, public and private utility buildings and structures subject to the approval of a minor use permit, and golf courses and commercial recreation subject to the approval of a CUP.

2. The purpose and intent of the SP-7/OSR District is to ensure the long-term use and viability of the Golf Course. The Project is not designed to replace the entirety of the Golf Course's operations, rather it includes components that will continue to support golf operations on the northern and southern portions. It will further introduce additional revenue generating activities and ancillary uses helping to ensure the future viability of the Golf Course.

Finding:

B. *The proposed development is in compliance with all of the following applicable criteria:*

   i. Compliance with this section, the General Plan, this Zoning Code, any applicable specific plan, and other applicable criteria and policies related to the use or structure;

   ii. The efficient arrangement of structures on the site and the harmonious relationship of the structures to one another and to other adjacent developments; and whether the relationship is based on standards of good design;

   iii. The compatibility in terms of bulk, scale, and aesthetic treatment of structures on the site and adjacent developments and public areas;

iv. *The adequacy, efficiency, and safety of pedestrian and vehicular access, including drive aisles, driveways, and parking and loading spaces;*

v. *The adequacy and efficiency of landscaping and open space areas and the use of water efficient plant and irrigation materials; and*

vi. *The protection of significant views from public right(s)-of-way and compliance with NBMC Section 20.30.100 (Public View Protection).*

Facts in Support of Finding:

1. All Facts in Support of Finding A are hereby incorporated by reference.

2. The Property is categorized as Parks and Recreation (PR) by the Land Use Element of the General Plan. The proposed commercial recreational use is consistent with uses contemplated by the PR category, including private recreation.

3. The Project requires a GPA to increase the maximum development limit identified in Table LU2 as Anomaly Number 58; however, the underlying land use category of PR will remain. The Project is consistent with the General Plan as proposed to be amended.

4. The Project is in furtherance of several General Plan Goals and consistent with many General Plan Policies, as detailed in Resolution No. 2025-72, Exhibit "C", which is hereby incorporated by reference.

5. The Property is located within the Santa Ana Heights Specific Plan (SP-7), Open Space and Recreation (OSR) District. The SP-7/OSR District allows for local and buffer greenbelts by right, public and private utility buildings and structures subject to the approval of a minor use permit, and golf courses and commercial recreation subject to the approval of a CUP.

6. Subsection 20.90.050(E) (Site Development Standards) of the NBMC establishes minimum development standards for the Property, including setbacks and height. The SP-7/OSR District requires a minimum building setback of 20 feet from all property lines and establishes a maximum building height of 18 feet, unless otherwise provided for by use permit. The Project complies with the required building setback and is proposing a maximum building height of 50 feet above the existing grade for the amenity clubhouse and 40 feet above the existing grade for the visitor accommodations building.

7. The Project includes the removal of existing improvements on the Property and developing a surf park. The surfing lagoon would be divided into two, 5.1-million-gallon basins that would be hydrologically separated by wave making equipment, forming a

heart-shape lagoon up to 13 feet deep. The lagoon would be heated and surrounded by viewing platforms, seating, three warming pools and one spa ranging in size from 640 to 1,600 square feet, nine outdoor showers, restrooms, and lighting. The surf lagoon will be lighted for evening use by 71-foot-high light poles that would be located adjacent to the lagoon with lights focused down onto the surf lagoon. Additional mechanical equipment, such as the lagoon heating equipment, would have a height of approximately 15 feet and would be located northeast of the surf lagoon.

8. Ancillary uses include a three-story, 50-foot-tall, 50,341-square-foot amenity clubhouse building and a two-story, 40-foot-tall, 9,432-square-foot athlete accommodation building with 20 overnight rooms. The basement level of the clubhouse would provide staff areas, mechanical equipment, golf cart storage, surfboard storage, and storage space. The first floor of the clubhouse would contain a reception area as well as a surf academy area, changing rooms, storage lockers, and a surf themed retail store. There would also be a sit-down restaurant with a full-service bar in addition to a quick food service coffee bar/snack shack. The second floor would have a fitness facility, locker room, spa, and yoga room. The third floor would contain administrative offices, an operations center, and day use cabanas. Both the second and third floors would have a deck along the entire eastern frontage of the building, providing views of the surf lagoon. The athlete accommodation building would provide 20 overnight units, 10 on each floor.

9. To support the amenities, the Project includes freestanding restroom buildings throughout the Property.

10. The Project will have alcohol service within the amenity clubhouse and throughout the grounds of the surfing lagoon through a Type 47 (On-Sale General - Eating Place) Alcohol Beverage Control license ("ABC License"), a Type 58 (Caterer) ABC License, and a Type 68 (Portable Bar) ABC License.

11. The Project is proposed to be served by 351 parking spaces within two surface lots that are partially covered by 14-foot- to 18-foot-high solar canopies. These canopies, in conjunction with solar panels atop the surf park buildings, will provide onsite renewable energy to help offset the energy required to power its operations. The Project proposes 143,844 square feet of drought tolerant ornamental landscaping and would provide 235,650 square feet of open space.

12. Table 3-10 (Off-Street Parking Requirements) of Section 20.40.040 (Off-Street Parking Spaces Required) of the NBMC provides that the number of parking spaces required for a commercial recreation use shall be established by use permit. The July 14, 2025, Gibson Transportation Consulting, Inc. Parking Demand Analysis ("Parking Analysis") analyzed the Project and projected a maximum parking demand of 324 spaces. The estimated demand includes spaces to accommodate the golfing operations to be retained. The Parking Analysis has been reviewed and accepted by the City Traffic Engineer and supports the finding that 351 total spaces are adequate

to support the surf park and remaining golf course operations. While not relied upon in the Parking Analysis to establish parking demand, long-term bicycle parking will be provided onsite to support any guests arriving via the bike lanes on Irvine Avenue. Condition of Approval no. 10 requires a minimum of 324 spaces be permanently available and Condition of Approval no. 81 ensures bicycle parking is provided.

13. While the Project does not rely on valet parking to establish or satisfy parking requirements, Condition of Approval No. 93 requires a final parking management plan be reviewed and approved by the City to ensure voluntary valet operations and internal gate operations can be fully accommodated onsite and in accordance with city standards.

14. The portions of the golf course to the north of Irvine Avenue (holes 10-18) and south of Mesa Drive (holes 3-8) will remain. The existing golf cart path of travel between holes 3-8 and holes 10-18 will also remain. The Project will provide parking for the golf course, a starter shack for the golf course, and golf cart storage in the basement level of the amenity clubhouse.

15. The Project has been designed and sited efficiently with structures arranged on the Property to promote a harmonious relationship with onsite structures and to other adjacent developments. Curved buildings mirror the geometry of the surfing lagoon, reinforcing a unified and organic site layout. The amenity clubhouse is sited to shield noise and light from reaching the apartment complex located across Irvine Avenue.

16. A consistent architectural language across all structures, through shared materials, forms, and scale, ensures a cohesive identity.

17. The existing visual character of the area surrounding the properties are a mix of uses with no consistent architectural or visual theme. With implementation of the Project, the Property would change to provide a more urban and developed character compared to the existing condition. However, the bulk, scale, and aesthetic treatment are compatible with the adjacent commercial developments and public areas.

18. The Project is designed with adequacy, efficiency, and safety of pedestrian and vehicular access, including drive aisles, driveways, and parking and loading spaces. The proposed driveway along Mesa Drive shall be a right-turn in and right-turn out driveway with the driveway along the Irvine Avenue frontage which shall be a right-turn in, left-turn in, and right-turn out only driveway. Queuing into the public right-of-way, which would impact the adjacent public sidewalk and streets, is prohibited.

19. The Project is designed with adequacy and efficiency of landscaping and open space areas and the use of water efficient plant and irrigation materials.

20. The Project is designed to protect significant views from public rights-of-way and compliance with Section 20.30.100 (Public View Protection) of the NBMC. All

development within the Property would be set back from adjacent streets and would not encroach on existing public views along the roadway corridors adjacent to the site. The closest designated public viewpoint is approximately 0.3-mile southwest of the Property, along Irvine Avenue and south of University Drive. The viewpoint provides views of the Upper Newport Bay Preserve. Bayview Park, adjacent to Upper Newport Bay Preserve, is also designated as a public viewpoint. The Site is located northwest of these points not within the coastal scenic viewshed from either of these viewpoints. Therefore, the Project does not have the potential to obstruct public viewpoints or corridors, as identified on General Plan Figure NR 3 (Coastal Views).

Finding:

C. *Not detrimental to the harmonious and orderly growth of the City, nor will it endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of person residing or working in the neighborhood of the proposed development.*

Facts in Support of Finding:

1. The Project will provide a new recreational opportunity, consistent with the General Plan and the Santa Ana Heights Specific Plan, in an area developed with existing recreation, commercial, office, and residential uses. The Project will reduce the number of holes, and the driving range will be removed; however, the Project will support the remaining golf course holes to the north and south of the Property by providing a starter shack, golf course parking, and golf cart storage.

2. The Project has been reviewed by all relevant City Divisions and includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The operator of the Project is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, and areas surrounding the property and adjacent properties during business hours, if directly related to the patrons of the establishment.

3. The Project has been reviewed by the Newport Beach Police Department ("NBPD"). The NBPD does not object to the Project, subject to appropriate conditions of approval which have all been incorporated into Exhibit "B," which is attached hereto and incorporated herein by reference. Additionally, the Facts in Support of Finding I for Alcohol Sales below are hereby incorporated by reference.

4. To minimize disruptions to persons residing or working in the neighborhood, Condition of Approval No. 85 requires a final Construction Management Plan ("CMP") be reviewed and approved by the Community Development Director and City Traffic Engineer prior to building permit issuance.

5. The Project will incorporate green building measures, such as water efficiency, Low Impact Development ("LID"), and renewable energy sources to reduce energy demands and GHG emissions.

6. The Property is located approximately 0.4 miles from John Wayne Airport ("SNA") and within the SNA Airport Environs Land Use Plan ("AELUP"). The Property is trisected by Zones 2 (Inner Approach/Departure), Zone 4 (Outer Approach/Departure), and Zone 6 (Traffic Pattern Zone). The Project will comply with AELUP aviation, safety, aircraft noise, airspace protection and overflight criteria. The Project complies with the people per acre intensity limits of uses allowed within the AELUP and Caltrans Handbook Safety Zones 2, 4 and 6. The clubhouse and athlete accommodation buildings will have a maximum height of 50 feet ("92 feet AMSL") and 43 feet ("83 feet AMSL") and will not exceed the 14 CFR Part 77 construction notification imaginary surfaces over the Property.

Conditional Use Permit

In accordance with Section 20.52.020(F) (Conditional Use Permits and Minor Use Permits) and Section 20.40.110 (Adjustments to Off-Street Parking Requirements) of the NBMC, the following findings and facts in support of the findings are set forth:

Finding:

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

Fact in Support of Finding:

1. Facts 2 through 4 in Support of Finding B are hereby incorporated by reference.

Finding:

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

Facts in Support of Finding:

1. All Facts in Support of Finding A are hereby incorporated by reference.

2. Facts 5 through 13 in Support of Finding B are hereby incorporated by reference.

3. Section 20.90.050(E)(2) of the NBMC establishes a maximum building height limit of 18 feet, unless otherwise permitted through an approved use permit. The Project proposes a 50-foot-tall amenity clubhouse and a 40-foot-tall athlete accommodation building. All other freestanding structures will comply with the 18-foot height limit. Potential impacts from the increased building heights are mitigated by the significant

distance between the proposed buildings and the adjacent public rights-of-way. On the west side of the Property, the Project is separated from Irvine Avenue by the Delhi Channel, which creates a visual buffer and reduces any perceived scale difference between the buildings and the public right-of-way. Although the southern edge of the Property along Mesa Drive does not benefit from this buffer, the tallest building, the 50-foot-tall amenity clubhouse, is set back at least 100 feet from the Mesa Drive public right-of-way. These generous setbacks create large open areas and help reduce any perceived height of the structures from public viewpoints. While the 40-foot-tall athlete accommodation building is not set back as far as the clubhouse, it is still set back 30 feet from Mesa Drive, exceeding the minimum setback required by code.

4. Architectural and structural elements on the amenity clubhouse and athlete accommodations building are thoughtfully designed for compatibility and visual interest, using natural materials, varied rooflines, recessed walls, and layered façades, while ensuring that building heights do not exceed surrounding tall elements like existing 80-foot net poles.

5. None of the proposed improvements will be taller than the existing poles at the driving range. The existing driving range is surrounded by approximately 40 net poles that range in height from 25 to 80 feet, depending on location. The poles and netting separating the driving range from the buildings to the east are approximately 80 feet tall while the poles and netting separating the driving range from the golf course on the west are approximately 50 feet tall and the poles and netting separating the driving range from Mesa Drive to the south are between 62 and 65 feet tall. Some of the poles are wood (telephone pole-like) while others are pipes.

6. Chapter 15.40 (Traffic Phasing Ordinance) of the NBMC requires a Traffic Impact Analysis ("TIA") be prepared if a project generates greater than 300 new average daily trips ("ADT"). Due to the unique nature of the Project, a trip generation analysis was prepared by Gibson Transportation Consulting, Inc ("Gibson"), dated March 4, 2025. Gibson based the trip generation rate for the Project on the projected attendance and associated vehicular demand projections for a high season weekday scenario. Furthermore, the new net trip generation estimates reflect both the reduction of trips associated with the significant portions of existing golf facility being replaced and the addition of trips associated with the portions of the golf course to be retained. The Project is anticipated to generate 186 new ADT with a net reduction of 73 AM peak hour trips and a net reduction of 10 PM peak hour trips. The total number of new trips is below the 300-ADT threshold; therefore, the Project does not require a TIA.

Finding:

F. *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 Property is currently developed with a 38-bay, partially covered, synthetic turf driving range, 1,050-square-foot putting green, and one-story 8,975-square-foot clubhouse building. The existing clubhouse includes a pro shop and restaurant that seats 233 people, a surface parking lot with 280 parking spaces, and three holes of the existing Golf Course (holes 1, 2, and 9).

2. The proposed hours of operation for the surf lagoon are from 6 a.m. to 11 p.m., 7 days a week. The Project hours are extended slightly beyond the current allowable hours of operation for the existing golf course, which are from 7 a.m. to 10 p.m., daily, pursuant to UP1594. However, the proposed hours are not considered late hours pursuant to Chapter 20.70 (Definitions), which defines late hours as facilities that provide service after 11 p.m., any day of the week. By not proposing late hours, the Project is compatible with the allowed uses within the vicinity

3. Condition of Approval No. 31 requires the outdoor speakers to cease operation by 10 p.m.

4. The surfing lagoon would operate on a reservation basis with the maximum number of participants at one time limited to 72 people. The average number of hourly users is expected at 35-45 people.

5. The Project would employ approximately 70 full-time and part-time employees with an average of approximately 35 employees onsite at any given time. All employees will be required to park onsite.

6. The facility is anticipated to host approximately 12 surf events/competitions per year. The special events would be ticketed events, similar in scale to other local sporting events. Conditions of Approval Nos. 127 through 143 are included to regulate the number of events, number of attendees, and hours of events.

7. The Project is compatible with the surrounding land uses, which include a mix of commercial, recreational, civic, and residential developments. Beginning to the north of the Property and moving clockwise, adjacent uses include "The Jetty" commercial center, holes 10–18 of the golf course, multi-tenant office buildings, Newport Beach Fire Station No. 7, holes 3–8 of the golf course, "The Ranch" retail shopping center, and multi-family residential housing. Additionally, the Santa Ana–Delhi Channel runs from the northwest to the southwest between the Property and Irvine Avenue, providing a natural buffer and visual separation from adjacent uses.

8. The Project has been designed to be harmonious with persons residing or working in the neighborhood by designing the clubhouse in a location that will shield noise from the multifamily residential located across Irvine Avenue, extensive landscaping onsite

and at the perimeter of the Property, providing sufficient parking and circulation, and roadway improvements.

Finding:

G. *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. Subsection E of 20.90.050 (Open Space and Recreation District) of the NBMC establishes minimum site development standards. It provides a one-acre minimum building site area, a maximum building height of 18 feet unless otherwise provided for by an approved use permit, a 20-foot minimum building setback from all property lines, and requires lighting be designed and located so that direct light rays are confined to the premises. It further states that parking shall comply with Chapter 20.40 (Off-Street Parking) of the NBMC. As designed and proposed, the Project is consistent with the development standards with exception of the requested modification for retaining wall height, discussed under the "Modification Permit" section below.

2. The Property is approximately 15 acres in area and exceeds the one-acre site minimum. The Project meets the minimum 20-foot setback from all property lines.

3. The Property will provide public and emergency vehicle access from a 26-foot-wide driveway along Irvine Avenue in the general location of the existing driveway. The Irvine Avenue access will allow turning in from both directions and only right-turn out. A second 26-foot-wide driveway will be located along Mesa Drive. The Mesa Drive access will only allow right-turn in and right-turn out.

4. The Project would upgrade the existing onsite 6-inch domestic water line to a 12-inch water line. Installation would occur within the Property and the public right-of-way, to connect to the existing 24-inch water line in Irvine Avenue. In addition, the Project would upgrade the existing onsite 6-inch sewer lateral that extends approximately 42.5 feet offsite to a 12-inch and connects to the sewer line in Mesa Drive.

5. A Water Demand Report dated December 2024, was prepared for the Project by Fuscoe Engineering. The Water Demand Report determined that the existing water infrastructure and fire flow is adequate to serve the Project and no new water facilities would be required. The Water Demand Report was reviewed and accepted by the Utilities Department Director.

6. A Sewer Analysis Report dated January 2025 was prepared for the Project by Fuscoe Engineering. The Sewer Analysis Report determined that under operational conditions, the flows from the Project would be within the capacity of the existing sewer

system. The Sewer Analysis Report was reviewed and accepted by the Utilities Department Director.

7. In addition to typical daily operational wastewater generating conditions, each of the basins would be drained every two years into the sewer system. Each year one of the basins would be drained; the timing of which would be coordinated with Costa Mesa Sanitary District ("CMSD") and approved by CMSD permitting.

8. The Property will be served by the Newport Beach Fire Department and the Newport Beach Police Department ("NBPD"). The Project would not significantly increase the need for public services in the Project area, in the cities surrounding the Property, or within the region, as fully demonstrated in the Public Services section of the DEIR.

Finding:

H. *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. The architectural style of the Project is a contemporary interpretation of Southern California's surf and beach culture, expressed through low-profile forms and natural materials. The material palette includes horizontal wood siding, exposed mass timber, architectural concrete, dark bronze metal accents, and glass. The proposed color palette includes earth tones; driftwood browns, soft greys, sandy beige, and weathered whites. They are designed to blend into the environment and soften the built form against the natural backdrop.

2. All Facts in Support of Finding C are hereby incorporate by reference.

Alcohol Sales

In accordance with Section 20.48.030 (Alcohol Sales) of the NBMC, the Planning Commission shall consider the following findings prior to the approval of a new or amended alcohol sales establishment:

Finding

I. *The use is consistent with the purpose and intent of NBMC Section 20.48.030 (Alcohol Sales).*

In finding that the Project is consistent with Section 20.48.030 (Alcohol Sales) of the NBMC, the following criteria must be considered:

i. The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City

a. The Property is in an area the NBPD designates as Reporting District ("RD") 33. RD 33 is irregularly shaped and encompasses the Santa Ana Heights neighborhood, portions of Upper Newport Bay, and extends north to the 73 freeway. RD 33 is abutted to the west by RD 31, to the south by RD 32, to the east by RD 36, and to the north by RD 34. RD 32 primarily encompasses the Upper Newport Bay and is not included in the comparison of crime rates.

b. The NBPD is required to report offenses of Part One Crimes combined with all arrests for other crimes, both felonies, and misdemeanors (except traffic citations) to the California Department of Alcoholic Beverage Control ("ABC"). Part One Crimes are the eight most serious crimes defined by the FBI Uniform Crime Report: criminal homicide, rape, robbery, aggravated assault, burglary, larceny-theft, auto theft, and arson. RD 33 is not considered or reported to ABC as a higher crime area, as compared to other RDs within the city. The RD 33 crime count for 2024 is 110, which is 2% under the citywide average of 112 crimes per RD. The highest volume crime in RD 33 is theft/larceny.

c. The NBPD has reviewed the Project and has no objection to the Project, subject to appropriate conditions of approval which have all been incorporated into Exhibit "B" of this Resolution. These conditions include provisions such as the requirement that all owners, managers, and employees selling alcoholic beverages shall undergo and complete a certified training program in responsible methods and skills for selling alcoholic beverages, all alcoholic beverages that will be sold or consumed in the lagoon and pool areas shall be served in containers which are distinctive in design and color, easily distinguishable from any other containers used in the service of beverages, and a prohibition of games or contests requiring or involving the consumption of alcoholic beverages.

ii. The number of alcohol-related calls for service, crimes, or arrests in the reporting district and in adjacent reporting districts.

a. In 2024, RD 33 had a higher percentage of alcohol-related crimes than RD 31 and RD 36 but a lower percentage than RD 34. The higher number of alcohol-related crimes compared to RD 31 and RD 36 is expected, given that the crime figure includes driving under the influence, public intoxication, and liquor law violations. These alcohol-related crimes are typically associated with commercial establishments. RD 31 and RD 36 are primarily residential and are unlikely to have similar crime incidents. The difference in crime rate was not substantial enough to warrant objection from the NBPD.

iii. *The proximity of the establishment to residential zoning districts, day care centers, hospitals, park and recreation facilities, places of worship, schools, other similar uses, and any uses that attract minors*

a. There is an apartment complex less than 200 feet from the Property, across Irvine Avenue, two Montessori schools within a mile of the Property, and the nearest park, Mesa Birch Park, is approximately 670 feet east of the Property. The nearest church, OC Spiritual Center, is .7 miles to the north of the Property.

iv. *The proximity to other establishments selling alcoholic beverages for either off-site or on-site consumption.*

a. There are two active On-Sale ABC Licenses within the general vicinity of the Property: a Type 41 (On-Sale Beer and Wine - Eating Place) at Sgt. Pepperoni's Pizza and a Type 47 (On-Sale General - Eating Place) at Original Pizza. Sgt. Pepperoni's Pizza is located approximately 2,500 feet away from the Property. Original Pizza is located on the Property and will be removed as part of the Project.

b. There are three active Off-Sale ABC Licenses within the general vicinity of the Property: two Type 20 (Off-Sale - Beer and Wine) and one Type 21 (Off-Sale - General).

License Type	Address	Distance from the Property
Type 20 (Off-Sale Beer and Wine)	2121 Bristol St.	1,300 feet
Type 20 (Off-Sale Beer and Wine)	2100 Bristol St.	1,550 feet
Type 21 (Off-Sale General)	3530 Irvine Ave.	1,200 feet

c. This location does not meet the legal criteria for undue concentration pertaining to crime (Business and Professions code section §23958.4) with a clear nexus to alcohol

v. *Whether or not the proposed amendment will resolve any current objectionable conditions.*

a. There were 18 police dispatch events to the Property in 2024. None of the events resulted in arrests and there were no alcohol-related citations.

b. There are no objectionable conditions presently occurring at the Property.

Modification Permit

In accordance with Section 20.52.050(E) (Modification Permits) of the NBMC, the following findings and facts in support of the findings are set forth:

Finding:

J. *The requested modification will be compatible with existing development in the neighborhood;*

Facts in Support of Finding:

1. The Project includes multiple retaining walls to the south, west, and north of the surfing lagoon. The retaining walls range in height from 5.5 feet above finish grade to a maximum of 16.4 feet above finish grade. All retaining walls will have a 6-foot security fence above.

2. The general area surrounding the Property features undulating hills and pronounced changes in grade. Irvine Avenue slopes from a higher elevation north of the Property downward to the intersection of Irvine Avenue and Mesa Drive. Mesa Drive slopes downwards, toward Irvine Avenue. The intersection of Irvine Avenue and Mesa Drive is the low point in the area. There are existing retaining walls along portions of the perimeter of the Property, along Mesa Drive.

3. The Ranch commercial center, at the southwest corner of Irvine Avenue and Mesa Drive, is on an elevated building pad, approximately 17 feet higher than the sidewalk below. The apartment complex across Irvine Avenue is also constructed on an elevated building pad. The grade differential between the sidewalk and the building pad for the complex is substantial enough to require a staircase for accessing the Property.

Finding:

K. *The granting of the modification is necessary due to the unique physical characteristic(s) of the property and/or structure, and/or characteristics of the use;*

Facts in Support of Finding:

1. The high point of the Property occurs within the driving range, behind Fire Station No. 7. The Property slopes downward, toward the Santa Ana-Delhi Channel and Irvine Avenue beyond. There is an approximately 33-foot grade differential between the high point of the Property and the centerline of Irvine Avenue. The southern side of the Property is higher than the northern side.

2. The existing slope differential creates a physical hardship for maintaining adequate separation from the Santa Ana-Delhi channel and the Project. The height of the retaining wall extends for approximately 662 feet along Irvine Avenue and 70 feet along Mesa Drive. While that exceeds the maximum height, the remaining approximately 284 feet of the retaining wall along Irvine Avenue will not exceed the maximum height.

Finding:

L. *The granting of the modification is necessary due to practical difficulties associated with the property and that the strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code;*

Facts in Support of Finding:

1. The civil plans prepared for the Project are designed consistent with the recommendations of the Geotechnical Report prepared by Carl Kim Geotechnical. Inc. , dated July 2024, including the proposed heights of the retaining walls.

2. The intent of the NBMC to limit the height of retaining walls when measured from finish grade is to prevent tall walls that are visible from public rights-of-way and neighboring properties. The tallest retaining wall near Irvine Avenue is located behind the Santa Ana-Delhi Channel, setback 17 feet from the property line and over 140 feet from the center line of Irvine Avenue.

3. Visible portions of retaining walls would be screened with landscaping, which would shield the mass and soften the view.

Finding:

M. *There are no alternatives to the modification permit that could provide similar benefits to the Applicant with less potential detriment to surrounding owners and occupants, the neighborhood, or to the general public;*

Facts in Support of Finding:

1. The surfing lagoon elevation and the finish floor of the buildings were designed with a goal of balancing the Property, avoiding the extra use of trucks for disposal or importing of soil, and maintaining access to the adjacent public streets.

2. The terracing of retaining consistent with Section 20.30.040 (Fences, Hedges, Walls, and Retaining Walls) of the NBMC walls has been incorporated into the design where feasible. For example, at the high end of the property, two terraced walls with a maximum exposed height of 8-feet each are designed along the southeasterly property line.

3. Section 20.30.040 (Fences, Hedges, Walls, and Retaining Walls) of the NBMC requires a minimum horizontal separation equal to the height of the tallest retaining wall be provided between retaining walls, except that the required separation shall not be more than 6 feet. Terracing for all retaining walls is not feasible as terraced retaining walls along the southern and western boundaries of the surfing lagoon would restrict the space available for the Project and would result in a reduced Project.

Finding:

N. *The granting of the modification would not be detrimental to public health, safety, or welfare, to the occupants of the property, nearby properties, the neighborhood, or the City, or result in a change in density or intensity that would be inconsistent with the provisions of this Zoning Code;*

Facts in Support of Finding:

1. The Property slopes toward the Delhi Channel. The retaining walls allow for back filling and leveling of an irregular site with varying topography, resulting in a level pad and sufficient depth for the surfing lagoon.

2. The Building Division has reviewed the Project and conditions of approval are included to ensure the Applicant is required to obtain all necessary permits and to demonstrate compliance with the California Building Code and other applicable codes.

3. Approval of any City permits, including this modification permit, does not relieve the Applicant of the legal requirement to observe, covenants, conditions, and restrictions that may be recorded against the property or to obtain community association approvals.

Attachment C

Resolution No. 2025-73

RESOLUTION NO. 2025- 73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, CERTIFYING ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE SCH NUMBER 2024110238), INCLUDING A MITIGATION MONITORING AND REPORTING PROGRAM AND ADOPTING FINDINGS FOR THE SURF PARK PROJECT LOCATED AT 3100 IRVINE AVENUE (PA2024-0069)

WHEREAS, Section 200 of the City Charter, of the City of Newport Beach ("City"), vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the City Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges or procedures granted or prescribed by any law of the State of California;

WHEREAS, an application was filed by CAA Planning, on behalf of Back Bay Barrels, LLC ("Applicant"), concerning property located at 3100 Irvine Avenue, and legally described in Exhibit "A," which is attached hereto and incorporated herein by reference ("Property");

WHEREAS, the Applicant is requesting to redevelop the central 15.38-acre parcel of the privately owned Newport Beach Golf Course by removing the existing driving range and putting green, pro-shop, restaurant and bar, and three holes of golf and replacing it with a new surf-focused outdoor commercial recreation use ("Project");

WHEREAS, the Project's site improvements include approximately five acres of surfing lagoons surrounded by viewing platforms, seating, pools, spa, restrooms, landscaping, clubhouse with amenities, athlete accommodation building with 20 overnight rooms, and two parking lots with 351 parking spaces;

WHEREAS, the Project will be constructed on approximately 79,533 square feet of area; however, 19,761 square feet will be excluded from the total development limit for the Property as incidental building areas which is consistent with Table LU1 (Land Use Plan Categories) of the City's General Plan ("General Plan") for properties categorized as Parks and Recreation;

WHEREAS, the following approvals are requested or required to implement the Project as proposed:

- General Plan Amendment ("GPA"): To increase the development limit from 20,000 square feet to 59,772 square feet for Anomaly Number 58, as identified in Table LU 2 of the Land Use Element of the General Plan;

- Major Site Development Review ("SDR"): To construct a nonresidential building larger than 20,000 square feet in area;

- Conditional Use Permit ("CUP"): To allow the operation of an outdoor commercial recreation use including a restaurant with alcohol sales, establish the appropriate parking rate, and allow the construction of buildings taller than 18 feet;

- Modification Permit: To allow for the construction of retaining walls taller than eight feet in height from finish grade; and

- Environmental Impact Report ("EIR"): To address reasonably foreseeable environmental impacts resulting from the legislative and project specific discretionary approvals;

WHEREAS, the Property is categorized as Parks and Recreation (PR) by the General Plan Land Use Element and is located within the Santa Ana Heights Specific Plan/Open Space and Recreation (SP-7/OSR) Zoning District;

WHEREAS, the Property is not located within the coastal zone, therefore, a coastal development permit is not required;

WHEREAS, pursuant to California Environmental Quality Act ("CEQA"), Public Resources Code Sections 21000 *et seq.*, Section 15000 *et seq.* as set forth in Title 14 Division 6, Chapter 3 of the California Code of Regulations ("CEQA Guidelines"), and City Council Policy K-3 (Implementation Procedures for the California Environmental Quality Act), it was determined that the Project could have a significant adverse effect on the environment, and thus warranted the preparation of an EIR;

WHEREAS, the City, as lead agency under CEQA ("Lead Agency"), issued a Notice of Preparation ("NOP") of the EIR on November 7, 2024, and mailed that NOP to responsible and trustee public agencies, organizations and persons likely to be interested in the potential impacts of the proposed project, including any persons who had previously requested notice in writing;

WHEREAS, the City held a public scoping meeting on November 20, 2024, to present the Project and to solicit input from interested individuals, organizations, and responsible and trustee public agencies regarding environmental issues that should be addressed in the EIR;

WHEREAS, pursuant to California Public Resources Code Section 21080.3.1 ("AB 52"), the City is required to consult with California Native American tribes that have requested in writing to be informed of projects in the geographic area that is traditionally and culturally affiliated with the tribe;

WHEREAS, pursuant to California Government Code Section 65352.3 ("SB 18"), the City also provided notice to California Native American tribes that are on the contact list maintained by the California native American Heritage Commission ("NAHC"),

WHEREAS, the City requested a Sacred Lands File ("SLF") search on the project location from the NAHC on May 31, 2024 in accordance with SB 18;

WHEREAS, on June 18, 2024, the NAHC identified 20 Native American tribal representatives to contact for further information on potential tribal resources;

WHEREAS, to comply with both the requirements of SB 18 and AB 52, the City mailed and emailed notices regarding the Project to all the listed tribes with the Gabrieleno Band of Mission Indians - Kizh Nation ("Kizh Nation") and Gabrielino Tongva Indians of California ("Gabrielino Tongva") requesting consultation;

WHEREAS, during the consultation process, the Kizh Nation requested to be the sole onsite monitor and asserted that the Gabrielino Tongva have no direct historical, ancestral, or cultural ties to Newport Beach;

WHEREAS, the Gabrielino Tongva tribe, however, provided the City with substantial evidence identifying that the Property is within their Ancestral Tribal Territory;

WHEREAS, furthermore, the Gabrielino Tongva tribe was identified by the NAHC through a SLF search establishing that the Property is within traditional lands or cultural places for the Gabrieleno Tongva; therefore, as the Lead Agency, the City incorporated mitigation measures into the Project allowing for tribal monitors from both tribes during ground disturbance activities to address potential concerns regarding the protection of Tribal Cultural Resources;

WHEREAS, a draft Environmental Impact Report ("Draft EIR") (State Clearinghouse No. 2024110238) was prepared in compliance with CEQA, State CEQA Guidelines, and City Council Policy K-3;

WHEREAS, the City determined that the Project would have no impact on Agriculture and Forestry Resources, Mineral Resources, Population and Housing, or Wildfire and no further detailed analysis of these topics was required in the Draft EIR;

WHEREAS, the Draft EIR analyzed the following CEQA topics in detail: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gases, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use, Noise, Public Services, Parks and Recreation, Transportation, Tribal Cultural Resources, and Utilities;

WHEREAS, a Notice of Availability of the Draft EIR was published on May 23, 2025, and the Draft EIR was circulated for a 45-day comment period ending on July 7, 2025;

WHEREAS, a study session was held on June 19, 2025, in the Council Chambers at 100 Civic Center Drive, Newport Beach, California, to introduce the Project to the Planning Commission and the public, and to discuss the procedures for environmental review;

WHEREAS, the City reviewed all comments on the Draft EIR and provided written responses to comments;

WHEREAS, the Final Environmental Impact Report ("Final EIR"), consisting of the Draft EIR dated May 2025, written comments on the Draft EIR that were received during the public review period, written responses to those comments, changes to the Draft EIR, and the Mitigation Monitoring and Reporting Program ("MMRP") are attached as Exhibits "B," and "C," and incorporated herein by reference;

WHEREAS, the Final EIR includes mitigation measures related to biological resources, cultural resources, and tribal cultural resources to reduce any potentially significant adverse effects to a less than significant level;

WHEREAS, compliance with various plans, programs, and policies as identified in the MMRP, which is included in Exhibit "C," will attenuate potential impacts related to geology and soils, greenhouse gas emissions, hazards and hazardous materials, and hydrology and water quality;

WHEREAS, California Public Utilities Code ("CPUC") Section 21676(b) requires the City to refer the Project to the Orange County Airport Land Use Commission ("ALUC") to review for consistency with the 2008 John Wayne Airport Environs Land Use Plan ("AELUP");

WHEREAS, the ALUC determined the Project to be inconsistent with the AELUP on August 7, 2025;

WHEREAS, a public hearing was held by the Planning Commission on September 4, 2025, in the Council Chambers at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the hearing was given in accordance with Government Code Section 54950 *et seq.* ("Ralph M. Brown Act"), and Chapter 20.62 (Public Hearings) of the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this hearing;

WHEREAS, at the hearing, the Planning Commission adopted Resolution No. PC2025-018 by a unanimous vote (6 ayes, 1 recusal) recommending the City Council approve the Project;

WHEREAS, after the Planning Commission's decision and pursuant to Sections 21670 and 21676 of the CPUC, the City Council held a duly noticed public hearing on September 9, 2025, and adopted Resolution No. 2025-60 (6 ayes, 1 absent) to notify the ALUC and State Department of Transportation Aeronautics Program of the City's intent to override ALUC's inconsistency finding; and

WHEREAS, a public hearing was held by the City Council on October 28, 2025, in the City Council Chambers located at 100 Civic Center Drive, Newport Beach, California to consider the Project. A notice of time, place, and purpose of the hearing was given in accordance with CPUC Section 21676(b), the Ralph M. Brown Act, Chapter 20.62 (Public Hearings) of the NBMC, City Council Policy K-1 (General Plan and Local Coastal Program) and City Council Policy K-3 (Implementation Procedures for the California Environmental Quality Act). Evidence, both written and oral, was presented to, and considered by, the City Council at this hearing.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows:

Section 1: The City Council of the City of Newport Beach hereby certifies Final EIR (SCH No. 2024110238), which is attached here to as Exhibit "B" and incorporated herein by this reference, consisting of the NOP, Draft EIR, Appendices, Responses to Comments, and Revisions to the Draft EIR. The City Council finds that the information added to the Final EIR prior to certification merely clarifies, amplifies, or makes insignificant modifications to the environmental document and any changes or alterations incorporated into the Final EIR, which substantially lessen or avoid one or more of the significant adverse environmental impacts, do not warrant recirculation of the Final EIR. Rather, all information added to the Final EIR after public notice of the availability of the Draft EIR for public review but before certification, merely clarifies, amplifies, or makes insignificant modifications to the Final EIR.

Section 2: Pursuant to California Public Resources Code Section 21081.6 and Section 15091 of the CEQA Guidelines, the City Council has reviewed, considered, and adopts the MMRP attached hereto as Exhibit "C" and incorporated herein by this reference. The City Council finds that based on the entire environmental record, the Project with mitigation measures incorporated into the Project will result in no project-level impacts or less-than-significant project-level impacts, and there are no known significant and unavoidable effects on the environment that would be caused by the Project.

Section 3: The City Council hereby adopts the CEQA Findings of Fact Regarding the Environmental Effects of the Approval of the Snug Harbor Surf Park Project pursuant to CEQA Section 21081, Section 15091 of the CEQA Guidelines, and Section 21081 of the California Public Resources Code, attached hereto as Exhibit "D," and incorporated herein by reference.

Section 4: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 5: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 6: The City Council finds that judicial challenges to the City's CEQA determinations and approvals of land use projects are costly and time consuming. In addition, project opponents often seek an award of attorneys' fees in such challenges. As project applicants are the primary beneficiaries of such approvals, it is appropriate that such applicants should bear the expense of defending against any such judicial challenge, and bear the responsibility for any costs, attorneys' fees, and damages which may be awarded to a successful challenger.

Section 7: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 28th day of October, 2025.

_____
Joe Stapleton
Mayor

ATTEST:

_____
Lena Shumway
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

_____
Aaron C. Harp
City Attorney

Attachment(s): Exhibit A – Legal Description
Exhibit B – Environmental Impact Report (SCH No. 2024110238)
Exhibit C – Mitigation Monitoring and Reporting Program (MMRP)
Exhibit D – CEQA Findings of Fact Regarding the Environmental Effects of the Approval of the Snug Harbor Surf Park Project

EXHIBIT "A"

LEGAL DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL NO. 1 OF THAT CERTAIN CERTIFICATE OF COMPLIANCE NO. 94-2, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, RECORDED MAY 9, 1994 AS INSTRUMENT NO. 94-318607 OF OFFICIAL RECORDS.

EXCEPTING THEREFROM, THAT PORTION OF SAID LAND DESCRIBED IN THE DEED TO THE COUNTY OF ORANGE, RECORDED SEPTEMBER 4, 1997 AS INSTRUMENT NO. 97-428866 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA.

ALSO EXCEPTING THEREFROM THOSE PORTIONS THEREOF CONVEYED IN FEE TO THE COUNTY OF ORANGE BY DEED RECORDED OCTOBER 21, 2014 AS INSTRUMENT NO. 2014-427814 OF OFFICIAL RECORDS.

APN: 119-200-38 & 119-200-41

EXHIBIT "B"

ENVIRONMENTAL IMPACT REPORT
SCH NO. 2024110238

File available via link due to size:

https://ecms.newportbeachca.gov/WEB/Browse.aspx?id=3090933&dbid=0&repo=CNB

EXHIBIT "C"

MITIGATION MONITORING AND REPORTING PROGRAM

Table 4-1: Mitigation Monitoring and Reporting Program

Plan, Program, or Policy (PPP), Project Design Feature (PDF), or Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
BIOLOGICAL RESOURCES				
Mitigation Measure BIO-1: Pre-Construction Roosting Bat Surveys. Project plans and construction permitting, including tree removal permits, shall require that in order to avoid and/or minimize injury to roosting bats and avoid maternity roosts until the maternity roost is no longer in use, a qualified biologist shall conduct two pre-construction emergent bat surveys utilizing acoustic detection. The first survey shall be conducted no more than 14 days prior to site disturbance, and the second survey shall be conducted no more than three days prior to site disturbance. The emergent surveys shall begin 30 minutes before dusk and extend to one hour after dark. If the pre-construction survey determines that no active roosts are present, then trees/suitable habitat shall be removed within three days following the pre-construction survey. All potential roost trees shall be removed in a manner approved by a qualified bat biologist, which may include presence of a biological monitor. If roosting bats are detected onsite outside of the bat maternity season (outside of March 1 through August 31), the roost tree shall be removed in a manner to avoid and/or minimize injury to roosting bats. This may include using mechanical equipment to gently nudge the tree trunk multiple times prior to removal or for palm trees and other species, to de-frond or de-branch the tree using a mechanical lift and gently lower the cut fronds or branches to the ground. Regardless of the method, the fallen tree and/or material shall be left undisturbed overnight until at least the next morning to give roosting bats time to exit before site disturbance. If roosting bats are detected onsite during the maternity season (March 1 through August 31), the Project shall avoid the subject roost(s) and incorporate	In Project plans and construction permitting. Prior to ground disturbing activity.	City of Newport Beach Community Development Department	Project plans and construction permits shall include that roosting bat survey be completed as specified. If roosting bats are encountered, a biological monitoring report shall be submitted to the City of Newport Beach Planning Division and coordination with the California Department of Fish and Wildlife (CDFW) if special status species are identified.	Initials: _____ Date: _____

20-513

Plan, Program, or Policy (PPP), Project Design Feature (PDF), or Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
an avoidance buffer (300 feet or as determined by the qualified biologist for roosts of special-status bat species, the buffer width shall be 300 feet or as determined by the qualified biologist in consultation with CDFW) until after the maternity season or until a qualified biologist determines no maternity roosting is occurring. The qualified biologist shall clearly delineate any bat maternity roosts and any required avoidance buffers, which shall be clearly marked with flags and/or fencing prior to the initiation of construction activities. All construction activity in the vicinity of an active roost shall be limited to daylight hours. Once the qualified biologist approves removal of the subject roost tree(s), the same tree removal procedures as outlined above shall be implemented prior to tree removal.				
Mitigation Measure BIO-2: Pre-Construction Nesting Bird Survey. Project plans and construction permitting, including tree removal permits, shall state that vegetation removal should occur outside of the nesting bird season (generally between February 1 and August 31). If vegetation removal is required during the nesting bird season, the applicant shall conduct take avoidance surveys for nesting birds prior to initiating vegetation removal/clearing. Surveys shall be conducted by a qualified biologist(s) within three days of vegetation removal. If active nests are observed, a qualified biologist shall determine appropriate minimum disturbance buffers and other adaptive mitigation techniques (e.g., biological monitoring of active nests during construction-related activities, staggered schedules, etc.) to ensure that impacts to nesting birds are avoided until the nest is no longer active. At a minimum, construction activities shall stay outside of a 200-foot buffer around the active nests. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist and City of Newport Beach Planning Division verify that the nests	Prior to issuance of grading permits.	City of Newport Beach Community Development Department	Verify that nesting bird survey has been completed as specified. If nests are encountered, monitoring report shall be submitted to the City of Newport Beach Planning Division.	Initials: _____ Date: _____

Plan, Program, or Policy (PPP), Project Design Feature (PDF), or Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
are no longer occupied, and the juvenile birds can survive independently from the nests. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, normal construction activities may occur.				
CULTURAL RESOURCES				
PPP CUL-1: Human Remains. California Health and Safety Code Section 7050.5, CEQA Guidelines Section 15064.5, and Public Resources Code Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. California Health and Safety Code Section 7050.5 requires that in the event that human remains are discovered within the project site, disturbance of the site shall be halted until the coroner has conducted an investigation into the circumstances, manner and cause of death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes or has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.	If human remains are found during subsurface excavation.	Archaeological and Tribal Monitors, City of Newport Beach Community Development Department	Confirmation of coroner and NAHC contact and submittal of Report of Findings, if applicable.	Initials: _____ Date: _____
Mitigation Measure CUL-1: Cultural Resources Monitoring Program. Prior to issuance of grading permits the applicant/developer shall provide evidence to the City of Newport Beach Planning Division that a qualified professional archeologist meeting the Secretary of Interior's PQS for Archaeology (as defined in the Code of Federal Regulations, 36 CFR Part 61) has been retained to prepare a Cultural Resource Monitoring Program (CRMP) and to conduct monitoring of rough grading activities. The CRMP shall be developed in	Prior to the issuance of grading permits. During construction.	City of Newport Beach Community Development Department	Verify that archaeologist has been retained and contracted for specified work. Verify that Native American tribal agreement has been signed. Submittal of Report of Findings.	Initials: _____ Date: _____

Plan, Program, or Policy (PPP), Project Design Feature (PDF), or Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
coordination with the consulting tribe(s) and address the details of all activities and provides procedures that must be followed in order to reduce the impacts to cultural, tribal cultural and historic resources to a level that is less than significant as well as address potential impacts to undiscovered buried archaeological resources associated with this project. The Archaeologist shall conduct Cultural Resource Sensitivity Training, in conjunction with the Tribe(s) designated Tribal Representative. The training session shall focus on the archaeological and tribal cultural resources that may be encountered during ground-disturbing activities as well as the procedures to be followed in such an event.				
Mitigation Measure CUL-2: Monitoring Report. A final monitoring report shall be prepared by the qualified archaeologist prior to issuance of any certificate of occupancy. The final monitoring report(s) created as a part of the Project (isolate records, site records, survey reports, testing reports, etc.) shall be submitted to the Lead Agency and Consulting Tribe(s) for review and comment. After approval of all parties, the final reports are to be submitted to the South Central Coastal Information Center, and the Consulting Tribe(s).	Prior to issuance of certificate of occupancy.	City of Newport Beach Community Development Department	Submittal of Monitoring Report to the City of Newport Beach Planning Division and Consulting Tribe(s).	Initials: _____ Date: _____
ENERGY				
PDF-1: Solar. The proposed Project includes installation of solar panels on the roofs of the buildings and on 14 to 18-foot-high solar canopies in portions of the parking areas to provide onsite renewable energy to provide power to the proposed Project.	Shown on building plans. Prior to certificates of occupancy, as applicable.	Project Applicant		Initials: _____ Date: _____
GEOLOGY AND SOILS				
PPP GEO-1: CBC Compliance. The proposed Project is required to comply with the California Building Standards Code (CBC) as included in the City's Municipal Code as Chapter 15.04, to preclude significant adverse effects associated with seismic and soils hazards. As part of CBC compliance, CBC related	Prior to issuance of grading and building permits.	City of Newport Beach Community Development Department	Compliance with Project Conditions of Approval	Initials: _____ Date: _____

Plan, Program, or Policy (PPP), Project Design Feature (PDF), or Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
and geologist and/or civil engineer specifications for the proposed Project shall be incorporated into grading plans and building specifications as a condition of construction permit approval.				
PPP WQ-1: NPDES/SWPPP. Prior to issuance of any grading or demolition permits, the applicant shall provide the City Building and Safety Division evidence of compliance with the NPDES (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of one acre or larger. The Project applicant/proponent shall comply by submitting a Notice of Intent (NOI) and by developing and implementing a Stormwater Pollution Prevention Plan (SWPPP) and a monitoring program and reporting plan for the construction site.	Prior to issuance of a demolition or grading permits.	City of Newport Beach Community Development Department	Compliance with Project Conditions of Approval	Initials: _____ Date: _____
PPP WQ-3: WQMP. Prior to the approval of the Grading Plan and issuance of Grading Permits, a completed Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Public Works Department. The WQMP shall identify all Post-Construction, Site Design, Source Control, and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development project in order to minimize the adverse effects on receiving waters.	Prior to issuance of a grading permit.	City of Newport Beach Community Development Department	Compliance with Project Conditions of Approval	Initials: _____ Date: _____
Mitigation Measure PAL-1: Prior to commencement of any grading activity on site, a paleontologist shall be retained to develop a Paleontological Resources Impact Mitigation Program (PRIMP) for this project. The PRIMP shall include the methods that will be used to protect paleontological resources that may exist within the project area as well as procedures for monitoring, fossil preparation and identification, curation into a repository, and preparation of a report at the conclusion of grading. The PRIMP shall be consistent with the guidelines of the Society of	Prior to the issuance of grading permits. During subsurface excavation.	City of Newport Beach Community Development Department	Verify that PRIMMP has been prepared and implemented.	Initials: _____ Date: _____

Plan, Program, or Policy (PPP), Project Design Feature (PDF), or Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
Vertebrate Paleontology (SVP) and include, but not be limited to, the following: • Excavation and grading activities in deposits with high paleontological sensitivity (Young Axial Channel Deposits below a depth of 10 feet and Old Paralic Deposits Overlain by Alluvial Fan Deposits) shall be monitored by a paleontological monitor following a PRIMP. No monitoring is required for excavations in deposits with no paleontological sensitivity (Artificial Fill). • If paleontological resources are encountered during the course of ground disturbance, the paleontological monitor shall have the authority to temporarily redirect construction away from the area of the find in order to assess its significance. In the event that paleontological resources are encountered when a paleontological monitor is not present, work in the immediate area of the find shall be redirected and a paleontologist should be contacted to assess the find for significance. If determined to be significant, the fossil shall be collected from the field. • Collected resources shall be prepared to the point of identification, identified to the lowest taxonomic level possible, cataloged, and curated into the permanent collections of a scientific institution. At the conclusion of the monitoring program, a report of findings shall be prepared to document the results of the monitoring program.				
GREENHOUSE GAS EMISSIONS				
PDF-1: Solar. The proposed Project includes installation of solar panels on the roofs of the buildings and on 14 to 18-foot-high solar canopies in portions of the parking areas to provide onsite renewable energy to provide power to the proposed Project.	Shown on building plans. Prior to certificates of occupancy, as applicable.	Project Applicant		Initials: _____ Date: _____
HAZARDS AND HAZARDOUS MATERIALS				

Plan, Program, or Policy (PPP), Project Design Feature (PDF), or Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
PDF-2: Vegetation. The proposed Project does not include landscaping or other vegetation that produces seeds, fruits, nuts, or berries, such as fruit bearing trees and shrubs. Likewise, Project site areas would be planted with seed mixtures that do not contain millet or any other large seed producing grass.	Shown on building plans. Prior to certificates of occupancy, as applicable.	Project Applicant		
PPP HAZ-1: SCAQMD Rule 1403. Prior to issuance of demolition permits, the Project applicant shall submit verification to the City Building and Safety Division that an asbestos survey has been conducted at all existing buildings located on the Project site. If asbestos or asbestos containing material is found, the Project applicant shall follow all procedural requirements and regulations of the South Coast Air Quality Management District (SCAQMD) Rule 1403. Rule 1403 regulations require that the following actions be taken: notification of SCAQMD prior to construction activity, asbestos removal in accordance with prescribed procedures, placement of collected asbestos in leak-tight containers or wrapping, and proper disposal.	Prior to issuance of demolition permits.	City of Newport Beach Community Development Department	Compliance with Project Conditions of Approval	Initials: _____ Date: _____
PPP HAZ-2: Lead. Prior to issuance of demolition permits, the Project applicant shall submit verification to the City Building and Safety Division that a lead-based paint survey has been conducted at all existing buildings located on the Project site. If lead-based paint is found, the Project applicant shall follow all procedural requirements and regulations for proper removal and disposal of the lead-based paint. CalOSHA has established limits of exposure to lead contained in dusts and fumes. Specifically, CCR Title 8, Section 1532.1 provides for exposure limits, exposure monitoring, and respiratory protection, and mandates good working practices by workers exposed to lead.	Prior to issuance of demolition permits.	City of Newport Beach Community Development Department	Compliance with Project Conditions of Approval	Initials: _____ Date: _____
PPP WQ-1: NPDES/SWPPP. Prior to issuance of any grading or demolition permits, the applicant shall provide the City Building and Safety Division evidence of compliance with the NPDES (National Pollutant Discharge Elimination System) requirement to obtain a	Prior to issuance of a demolition or grading permits.	City of Newport Beach Community Development Department	Compliance with Project Conditions of Approval	Initials: _____ Date: _____

Plan, Program, or Policy (PPP), Project Design Feature (PDF), or Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of one acre or larger. The Project applicant/proponent shall comply by submitting a Notice of Intent (NOI) and by developing and implementing a Stormwater Pollution Prevention Plan (SWPPP) and a monitoring program and reporting plan for the construction site.				
PPP WQ-3: WQMP. Prior to the approval of the Grading Plan and issuance of Grading Permits, a completed Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Public Works Department. The WQMP shall identify all Post-Construction, Site Design, Source Control, and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development project in order to minimize the adverse effects on receiving waters.	Prior to issuance of a grading permit.	City of Newport Beach Community Development Department	Compliance with Project Conditions of Approval	Initials: _____ Date: _____
HYDROLOGY AND WATER QUALITY				
PPP WQ-1: NPDES/SWPPP. Prior to issuance of any grading or demolition permits, the applicant shall provide the City Building and Safety Division evidence of compliance with the NPDES (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of one acre or larger. The Project applicant/proponent shall comply by submitting a Notice of Intent (NOI) and by developing and implementing a Stormwater Pollution Prevention Plan (SWPPP) and a monitoring program and reporting plan for the construction site.	Prior to issuance of a demolition or grading permits.	City of Newport Beach Community Development Department	Compliance with Project Conditions of Approval	Initials: _____ Date: _____
PPP WQ-2: Groundwater Dewatering Permits. Prior to initiation of excavation activities, the Project applicant shall obtain coverage under the Santa Ana RWQCB General Waste Discharge Requirements for Discharges to Surface Waters Resulting from De Minimis Discharges or Groundwater Dewatering	Prior to issuance of a grading permit.	City of Newport Beach Community Development Department	Compliance with Project Conditions of Approval	Initials: _____ Date: _____

Plan, Program, or Policy (PPP), Project Design Feature (PDF), or Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
Operations, and/or Groundwater Cleanup/ Remediation Operations at Sites within the Newport Bay Watershed Permit (Order No. R8-2019-0061, NPDES No. CAG918002), or any other subsequent permit for dewatering activities, and provide evidence of coverage to the City of Newport Beach designee. This shall include submission of a Notice of Intent (NOI) for coverage under the permit to the Santa Ana Regional Water Quality Control Board (RWQCB) at least 60 days prior to the start of excavation activities and anticipated discharge of dewatered groundwater to surface waters. Groundwater dewatering activities shall comply with all applicable provisions in the permit, including water sampling, analysis, treatment (if required), and reporting of dewatering-related discharges. Upon completion of groundwater dewatering activities, a Notice of Termination shall be submitted to the Santa Ana RWQCB.				
PPP WQ-3: WQMP. Prior to the approval of the Grading Plan and issuance of Grading Permits, a completed Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Public Works Department. The WQMP shall identify all Post-Construction, Site Design, Source Control, and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development project in order to minimize the adverse effects on receiving waters.	Prior to issuance of a grading permit.	City of Newport Beach Community Development Department	Compliance with Project Conditions of Approval	Initials: _____ Date: _____
TRIBAL CULTURAL RESOURCES				
PPP CUL-1: Human Remains. California Health and Safety Code Section 7050.5, CEQA Guidelines Section 15064.5, and Public Resources Code Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. California Health and Safety Code Section 7050.5 requires that in the event that human remains are discovered within the project site, disturbance of the site shall be halted until the coroner has conducted an	If human remains are found during subsurface excavation.	City of Newport Beach Community Development Department	Compliance with Project Conditions of Approval	Initials: _____ Date: _____

Plan, Program, or Policy (PPP), Project Design Feature (PDF), or Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
investigation into the circumstances, manner and cause of death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes or has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.				
Mitigation Measure TCR-1: Retain a Native American Monitors Prior to Commencement of Ground-Disturbing Activities A. The Project plans, specifications, and grading permits shall state that the Project applicant shall retain Native American monitor(s). The monitor(s) shall be retained prior to the commencement of any "ground-disturbing activity" for the Project (both onsite and any offsite locations that are included in the Project description and/or required in connection with the proposed Project, such as public improvement work). "Ground-disturbing activity" shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching. B. A copy of the executed monitoring agreement(s) shall be submitted to the Lead Agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity. C. The monitor(s) shall complete daily monitoring logs that shall provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and	Prior to issuance of permits associated with ground-disturbing activities. Monitoring during ground-disturbing activities.	City of Newport Beach Community Development Department	Compliance with Project Conditions of Approval	Initials: _____ Date: _____

20-522

Plan, Program, or Policy (PPP), Project Design Feature (PDF), or Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
any other facts, conditions, materials, or discoveries of significance to the tribe(s). Monitor logs shall identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the Project applicant upon written request to the tribe(s). D. Onsite tribal monitoring shall conclude upon the earlier of the following (1) written confirmation to the monitoring tribe(s) from a designated point of contact for the Project applicant or Lead Agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the Project site or in connection with the Project are complete; or (2) a determination and written notification by the monitoring tribe(s) to the Lead Agency that no future, planned construction activity and/or development/construction phase at the Project site possesses the potential to impact TCRs.				

Plan, Program, or Policy (PPP), Project Design Feature (PDF), or Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
Mitigation Measure TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial) A. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by a Native American monitor in consultation with a qualified archaeologist. The monitoring tribe(s) shall recover and retain all discovered TCRs in the form and/or manner the tribe(s) deems appropriate, in the tribe(s) sole discretion, and for any purpose the tribe(s) deems appropriate, including for educational, cultural and/or historic purposes.	During ground disturbing activities.	City of Newport Beach Community Development Department	Compliance with Project Conditions of Approval	Initials: _____ Date: _____
Mitigation Measure TCR-3: Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects A. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute. B. If Native American human remains and/or grave goods are discovered or recognized on the Project site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed. C. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2). D. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods.	In construction plans and specifications. During all ground disturbing activities.	City of Newport Beach Community Development Department	Compliance with Project Conditions of Approval	Initials: _____ Date: _____

Plan, Program, or Policy (PPP), Project Design Feature (PDF), or Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
E. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.				

EXHIBIT "D"

CEQA FINDINGS OF FACT REGARDING THE ENVIRONMENTAL EFFECTS OF THE APPROVAL OF THE SNUG HARBOR SURF PARK PROJECT

File available via link due to size:

https://ecms.newportbeachca.gov/WEB/DocView.aspx?id=3187841&dbid=0&repo=CNB

Attachment D

Resolution No. 2025-74

RESOLUTION NO. 2025- 74

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, FINDING THE SURF PARK PROJECT LOCATED AT 3100 IRVINE AVENUE CONSISTENT WITH THE PURPOSES OF THE STATE AERONAUTICS ACT AND OVERRIDING THE ORANGE COUNTY AIRPORT LAND USE COMMISSION'S DETERMINATION OF INCONSISTENCY WITH THE 2008 JOHN WAYNE AIRPORT ENVIRONS LAND USE PLAN (PA2024-0069)

WHEREAS, Section 200 of the City Charter, of the City of Newport Beach ("City"), vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the City Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges or procedures granted or prescribed by any law of the State of California;

WHEREAS, an application was filed by CAA Planning, on behalf of Back Bay Barrels, LLC ("Applicant"), concerning property located at 3100 Irvine Avenue, and legally described in Exhibit "A," which is attached hereto and incorporated herein by reference ("Property");

WHEREAS, the Applicant is requesting to redevelop the central 15.38-acre parcel of the privately owned Newport Beach Golf Course by removing the existing driving range and putting green, pro-shop, restaurant and bar, and three holes of golf and replacing it with a new surf-focused outdoor commercial recreation use ("Project");

WHEREAS, the Project's site improvements include approximately five acres of surfing lagoons surrounded by viewing platforms, seating, pools, spa, restrooms, landscaping, clubhouse with amenities, athlete accommodation building with 20 overnight rooms, and two parking lots with 351 parking spaces;

WHEREAS, the Project will be constructed on approximately 79,533 square feet of area; however, 19,761 square feet will be excluded from the total development limit for the Property as incidental building areas which is consistent with Table LU1 (Land Use Plan Categories) of the City's General Plan ("General Plan") for properties categorized as Parks and Recreation;

WHEREAS, the following approvals are requested or required to implement the Project as proposed:

- General Plan Amendment ("GPA"): To increase the development limit from 20,000 square feet to 59,772 square feet for Anomaly Number 58, as identified in Table LU 2 of the Land Use Element of the General Plan;

- Major Site Development Review ("SDR"): To construct a nonresidential building larger than 20,000 square feet in area;

- Conditional Use Permit ("CUP"): To allow the operation of an outdoor commercial recreation use including a restaurant with alcohol sales, establish the appropriate parking rate, and allow the construction of buildings taller than 18 feet;

- Modification Permit: To allow for the construction of retaining walls taller than eight feet in height from finish grade; and

- Environmental Impact Report ("EIR"): To address reasonably foreseeable environmental impacts resulting from the legislative and project specific discretionary approvals;

WHEREAS, the Property is categorized as Parks and Recreation (PR) by the General Plan Land Use Element and is located within the Santa Ana Heights Specific Plan/Open Space and Recreation (SP-7/OSR) Zoning District;

WHEREAS, the Property is not located within the coastal zone, therefore, a coastal development permit is not required;

WHEREAS, the Property is located approximately 0.4-mile southwest of John Wayne Airport ("JWA") and is within the 2008 John Wayne Airport Environs Land Use Plan ("AELUP") Notification Area;

WHEREAS, the Property is trisected by Safety Zone 2 (Inner Approach/Departure Zone), Safety Zone 4 (Outer Approach/Departure Zone), and Safety Zone 6 (Traffic Pattern Zone) for the 2L/20R runway that is used by commercial aircraft;

WHEREAS, most of the Property is located within the 65 dB Community Noise Equivalent Level ("CNEL") contour pursuant to the 1985 Airport Master Plan Noise Contours and the northeast corner is located within the 70 dB CNEL contour;

WHEREAS, the City Council approved Resolutions 2023-72 and 2023-73 and Ordinances 2023-20 and 2023-21 on November 14, 2023, authorizing amendments to the Noise Element and Land Use Element of the General Plan and Title 20 (Planning and Zoning) of the Newport Beach Municipal Code ("NBMC") to update the noise contours identified by the 2014 John Wayne Airport Settlement Agreement Amendment Environmental Impact Report No. 617 ("EIR No. 617");

WHEREAS, a significant portion of the Property is located within the 65 dB CNEL contour and the southwest corner is located within the 60 dB CNEL, pursuant to the updated City noise contours;

WHEREAS, California Public Utilities Code ("CPUC") Section 21676(b) requires the City to refer the Project to the Orange County Airport Land Use Commission ("ALUC") to review for consistency with the AELUP;

WHEREAS, ALUC conducted a public hearing on August 7, 2025, and determined the Project is inconsistent with the following provisions of the AELUP (5 ayes and 1 nay) and detailed in Exhibit "B," which is attached hereto and incorporated herein by this reference:

a. Section 2.1.2 (Safety Compatibility Zones), which provides "the purpose of these zones is to support the continued use and operation of an airport by establishing compatibility and safety standards to promote air navigational safety and to reduce potential safety hazards for persons living, working or recreating near JWA";

b. Section 2.1.3 (Building Height Restrictions), which states that a Determination of No Hazard to Air Navigation does not automatically equate to a Consistency determination of the ALUC and that the Commission may find a project Inconsistent based on an obstruction determination;

c. Section 2.1.4 (Air Transportation) and CPUC Section 21674 which state that the Commission is charged by CPUC Section 21674(a) "to assist local agencies in ensuring compatible land uses in the vicinity of … existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses," and CPUC Section 21674(b) "to coordinate planning at the state, regional and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety and welfare."; and

d. Section 3.2.1 (General Policy), which states that "within the boundaries of the AELUP, any land use may be found to be Inconsistent with the AELUP which permits structures of excessive height in areas which would affect adversely the continued operation of the airport; or permits activities or facilities that would affect adversely aeronautical operations";

WHEREAS, a public hearing was held by the Planning Commission on September 4, 2025, in the Council Chambers at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the hearing was given in accordance with Government Code Section 54950 *et seq.* ("Ralph M. Brown Act"), and Chapter 20.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this hearing;

WHEREAS, at the conclusion of the hearing, the Planning Commission adopted Resolution No. PC2025-018 by a unanimous vote (6 ayes, 1 recusal) recommending the City Council approve the Project;

WHEREAS, after the Planning Commission's decision and pursuant to Sections 21670 and 21676 of the CPUC, the City Council may, after a public hearing, propose to overrule ALUC by a two-thirds vote, if it makes specific findings that the Project is consistent with the purpose of Section 21670 of the CPUC purpose to protect the public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses;

WHEREAS, a public hearing was held by the City Council on September 9, 2025, in the City Council Chambers, 100 Civic Center Drive, Newport Beach, California. A notice of time, place, and purpose of the hearing was given in accordance with Section 21676(b) of the CPUC and the Ralph M. Brown Act. Evidence, both written and oral, was presented to, and considered by, the City Council at this hearing;

WHEREAS, at the conclusion of the hearing, the City Council adopted Resolution No. 2025-60 by a unanimous vote (6 ayes, 1 absent) to notify ALUC and the State Department of Transportation Aeronautics Program of the City's intent to override ALUC's inconsistency finding;

WHEREAS, a notice of intent to override ALUC's inconsistency determination, along with Resolution No. 2025-60, was sent via email and certified mail to ALUC and the State Department of Transportation Aeronautics Program on September 11, 2025;

WHEREAS, the City received timely comments in response to the City's notice of intent to override the ALUC inconsistency determination from ALUC and the Aeronautics Program in accordance with CPUC Section 21676, which are attached hereto as Exhibits "C" and "D," and incorporated herein by reference; and

WHEREAS, a public hearing was held by the City Council on October 28, 2025, in the City Council Chambers located at 100 Civic Center Drive, Newport Beach, California to consider the Project. A notice of time, place, and purpose of the hearing was given in accordance with CPUC Section 21676(b), the Ralph M. Brown Act, Chapter 20.62 (Public Hearings) of the NBMC, City Council Policy K-1 (General Plan and Local Coastal Program) and City Council Policy K-3 (Implementation Procedures for the California Environmental Quality Act). Evidence, both written and oral, was presented to, and considered by, the City Council at this hearing.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows:

Section 1: The City Council has evaluated the comments provided as Exhibits "C" and "D," from the reviewing agencies and does hereby make the findings necessary to override ALUC's determination attached hereto as Exhibit "E," and which is incorporated herein by this reference.

Section 2: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 3: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 4: An EIR (State Clearinghouse No. 2024110238) was prepared for the Project in compliance with the California Environmental Quality Act ("CEQA"),Public Resources Code Sections 21000 *et seq.*, Section 15000 *et seq.* as set forth in Title 14, Division 6, Chapter 3 of the California Code of Regulations ("CEQA Guidelines"), and City Council Policy K-3 (Implementation Procedures for the California Environmental Quality Act) to ensure that the Project will not result in significant environmental impacts. Based on the entire environmental review record, the City Council having final approval authority over the Project, found that the Project, with mitigation measures, will have a less than significant impact on the environment and there are no known substantial adverse effects on human beings that would be caused. By Resolution No. 2025-73, the City Council adopted and certified the Final EIR as complete and adequate and adopted the Mitigation Monitoring and Reporting Program including all findings contained therein, which is hereby incorporated by reference.

Section 5: The City Council finds that judicial challenges to the City's CEQA determinations and approvals of land use projects are costly and time consuming. In addition, project opponents often seek an award of attorneys' fees in such challenges. As project applicants are the primary beneficiaries of such approvals, it is appropriate that such applicants should bear the expense of defending against any such judicial challenge, and bear the responsibility for any costs, attorneys' fees, and damages which may be awarded to a successful challenger.

Section 6: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 28th day of October, 2025.

_____
Joe Stapleton
Mayor

ATTEST:

_____
Lena Shumway
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

_____
Aaron C. Harp
City Attorney

Attachment(s): Exhibit A - Legal Description
Exhibit B - Airport Land Use Commission Inconsistency Determination dated August 11, 2025
Exhibit C - Comment Letter from Airport Land Use Commission dated October 8, 2025
Exhibit D - Comment Letter from State Department of Transportation Aeronautics Program dated October ##, 2025
Exhibit E - Findings to Override ALUC's Determination

EXHIBIT "A"

LEGAL DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL NO. 1 OF THAT CERTAIN CERTIFICATE OF COMPLIANCE NO. 94-2, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, RECORDED MAY 9, 1994 AS INSTRUMENT NO. 94-318607 OF OFFICIAL RECORDS.

EXCEPTING THEREFROM, THAT PORTION OF SAID LAND DESCRIBED IN THE DEED TO THE COUNTY OF ORANGE, RECORDED SEPTEMBER 4, 1997 AS INSTRUMENT NO. 97-428866 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA.

ALSO EXCEPTING THEREFROM THOSE PORTIONS THEREOF CONVEYED IN FEE TO THE COUNTY OF ORANGE BY DEED RECORDED OCTOBER 21, 2014 AS INSTRUMENT NO. 2014-427814 OF OFFICIAL RECORDS.

APN: 119-200-38 & 119-200-41

EXHIBIT "B"

AIRPORT LAND USE COMMISSION INCONSISTENCY DETERMINATION DATED AUGUST 11, 2025

AIRPORT LAND USE COMMISSION
FOR ORANGE COUNTY
3160 Airway Avenue • Costa Mesa, California 92626 • 949.252.5170 fax: 949.252.6012

August 11, 2025

Joselyn Perez, Senior Planner
City of Newport Beach
Community Development Department
100 Civic Center Drive, First Floor Bay B
Newport Beach, CA 92660

Subject: ALUC Determination for Newport Beach Snug Harbor Surf Park at 3100 Irvine Avenue (General Plan Amendment)

Dear Ms. Perez,

During the public meeting held on August 8, 2025, the Airport Land Use Commission (ALUC) for Orange County considered the subject item. The matter was duly discussed and with a 5-1 vote, the Commission found the Newport Beach Snug Harbor Surf Park at 3100 Irvine Avenue (General Plan Amendment) to be Inconsistent with *Airport Environs Land Use Plan for John Wayne Airport (AELUP for JWA).*

Please contact me at AMailbox@ocair.com or (949) 252-5170 if you have any questions regarding this proceeding. Thank you!

Sincerely,

Kristal Carr - for Julie Fitch, Executive Officer

Kristal Carr
Recording Secretary

cc: ALUC Commissioners

EXHIBIT "C"

COMMENT LETTER FROM AIRPORT LAND USE COMMISSION
DATED OCTOBER 8, 2025

Docusign Envelope ID: 0BE67911-B7EE-424B-BDF9-26D06688D672

AIRPORT LAND USE COMMISSION
FOR ORANGE COUNTY
3160 Airway Avenue • Costa Mesa, California 92626 • 949.252.5170 fax: 949.252.6012

October 8, 2025

Newport Beach Mayor and City Council
c/o Joselyn Perez, Senior Planner
Community Development Department
100 Civic Center Drive
Newport Beach, CA 92660

Subject: Response to Notice of Intent to Overrule the Airport Land Use Commission Determination for Snug Harbor Surf Park Project at 3100 Irvine Avenue (General Plan Amendment)

Mayor and City Council Members:

We are in receipt of your September 11, 2025, letter notifying the Airport Land Use Commission for Orange County (ALUC) of the City of Newport Beach's (City) intent to overrule the ALUC's inconsistency determination on the Snug Harbor Surf Park project at 3100 Irvine Avenue General Plan Amendment). A copy of Resolution No. 2025-60 with the City's Findings of Fact adopted by the City Council on September 9, 2025, was attached. In accordance with Section 21676 of the Public Utilities Code (PUC), the ALUC submits the following comments addressing the proposed overrule findings for the above-referenced project. This letter is advisory to the City and must be included in the public record of any final decision to overrule the ALUC, which may only be adopted by a two-thirds vote of the City's governing body.

Please be advised that PUC Section 21678 states: "With respect to a publicly owned airport that a public agency does not operate, if the public agency pursuant to Section 21676, 21676.5, or 21677 overrules a commission's action or recommendation, the operator of the airport shall be immune from liability for damages to property or personal injury caused by or resulting directly or indirectly from the public agency's decision to overrule the commission's action or recommendation."

Background

On June 13, 2025, the City of Newport Beach submitted the proposed Snug Harbor Surf Park (Project) for a consistency review with the *Airport Environs Land Use Plan for John Wayne Airport (AELUP for JWA)*. The Project site is located south of John Wayne Airport on the middle of the three parcels that comprise the Newport Beach Golf Course. The 15.38-acre Project site currently

Docusign Envelope ID: 0BE67911-B7EE-424B-BDF9-26D06688D672

includes a turf driving range, putting green, three of the golf course's 18 holes (holes 1, 2, and 9), a pro shop and restaurant building, and a surface parking lot. The Project would remove the existing improvements and develop a surf lagoon with warming pools, a spa, and seating areas; a three-story clubhouse; a two-story, 20-unit athlete accommodation building; ancillary storage and maintenance areas; and associated parking areas providing a total of 351 parking spaces. Solar panels would be installed on building rooftops and on carport structures in parking areas.

At a Special Meeting on August 7, 2025, the ALUC reviewed the proposed Project and determined it to be Inconsistent with the *AELUP for JWA* based on land use intensity, safety, and noise exposure within established approach and departure corridors. The determination was based on AELUP Section 2.1.2 (Safety Compatibility Zones), which establishes criteria to minimize the number of people exposed to potential aircraft accident hazards; AELUP Section 2.1.3 (Height Restrictions) and Section 2.1.4 (Overflight), which address protection of navigable airspace and public awareness of aircraft operations; and AELUP Section 3.2.1 (General Policy), which allows a land use to be found inconsistent where it places people in areas adversely affected by aircraft operations or concentrates people in areas susceptible to aircraft accidents.

On September 9, 2025, the City Council adopted Resolution No. 2025-60 declaring its intent to overrule and, on September 11, 2025, transmitted its Notice of Intent to Overrule to the ALUC along with the adopted findings.

Response to Finding "a" Noise Exposure

As noted in the City's finding, the *AELUP for JWA* is intended to reduce public exposure to aircraft noise and maintain compatibility between airport operations and surrounding land uses. The Project includes multiple outdoor recreational and spectator areas within the 65 CNEL contour, with portions of the site extending into the 70 CNEL contour. The City's analysis relies on interior noise standards under the State Building Code and disclosure signage; however, these measures do not mitigate aircraft noise exposure in outdoor areas such as the surf lagoon, seating areas, or open-air gathering spaces. AELUP Section 3.2.1 (General Policy) emphasizes avoidance of exposure rather than mitigation through interior design or notification. The ALUC maintains that outdoor exposure to aircraft noise at this location is inconsistent with the purpose and intent of the *AELUP for JWA*.

Response to Finding "b" Safety / Intensity of Use in Safety Zones

The Project site is located within the Safety Compatibility Zones for JWA. Approximately 38 percent (5.85 acres) of the site is within Zone 2 (Inner Approach/Departure Zone), 22 percent (3.38 acres) within Zone 4 (Outer Approach/Departure Zone), and 40 percent (6.15 acres) within Zone 6 (Traffic Pattern Zone). The City classified the site as "Urban," but the ALUC determined that the site and surrounding area is *Suburban* in character based on existing low-rise development and surrounding land uses. Under the Suburban classification, the *California Airport Land Use*

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Planning Handbook limits intensity to 40 to 60 persons per gross acre (80 to 120 per single acre). Based on the project plans submitted and the City's estimate of approximately 5,000 to 10,000 spectators during special events, the project could result in occupancy well in excess of the land use compatibility standards defined by Caltrans in the *Handbook*. The congregation and attraction of a significant number of people to the project area represents an incompatible condition within Safety Zones 2, 4, and 6 under the *AELUP for JWA*.

Response to Finding "c" Height / Part 77 / Navigable Airspace

As noted in the City's finding, the proposed structures will not penetrate FAA Part 77 surfaces, and the FAA has issued Determinations of No Hazard to Air Navigation. The ALUC acknowledges this compliance but notes that AELUP Section 2.1.3 (Height Restrictions) provides that a Determination of No Hazard does not automatically equate to ALUC consistency. Accordingly, height compliance with FAA standards does not alter the ALUC's overall inconsistency determination.

Response to Finding "d" Overflight Exposure

The City's finding states that aircraft overflight frequency will not increase and that disclosure language will be provided to patrons. While flight operations at JWA will remain constant, the proposed project would substantially increase the number of people located beneath existing approach and departure paths. Flight track data from the John Wayne Airport Noise Office show that numerous aircraft pass adjacent to the site at altitudes as low as 500 feet above mean sea level. AELUP Sections 2.1.4 (Overflight) and 3.2.1 (General Policy) call for minimizing the number of people exposed to aircraft overflight. The ALUC concluded that concentrating large numbers of people directly under active flight paths is inconsistent with the intent and policies of the *AELUP for JWA*.

We urge the City Council to take ALUC's concerns into consideration in its deliberations prior to deciding whether to overrule ALUC. Thank you for the opportunity to provide these comments.

Sincerely,

Signed by:
84DECBF4FA8B4DE...
Gerald A. Bresnahan
Chairman

cc: Members, Airport Land Use Commission for Orange County
Matt Friedman, Caltrans/Division of Aeronautics
Vincent Ray, Caltrans/Division of Aeronautics

EXHIBIT "D"

COMMENT LETTER FROM
STATE DEPARTMENT OF TRANSPORTATION AERONAUTICS PROGRAM
DATED OCTOBER ##, 2025

PLACEHOLDER

EXHIBIT "E"

FINDINGS TO OVERRIDE ALUC'S DETERMINATION

The Project is consistent with the purposes of Section 21670 of the CPUC and the AELUP of protecting the public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses. The City Council's decision is based on the following findings and facts in support:

Findings and Facts in Support of Findings

A. *The Project is consistent with the noise standards of the AELUP.*

The AELUP guides development proposals to provide for the orderly development of JWA and the surrounding area through implementation of the standards in Section 2 (Planning Guidelines) and Section 3 (Land Use Policies). Implementation of these standards is intended to protect the public from the adverse effects of aircraft noise, to ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, and to ensure that no structures or activities adversely affect navigable airspace.

Most of the Property is located within the 65 dB CNEL contour, under both the 1985 Airport Master Plan noise contours and the 2014 John Wayne Airport Settlement Agreement EIR No. 617.

Section 2.1.1 of the AELUP sets forth the CNEL standards, and Sections 3.2.3 and 3.2.4 of the AELUP define the noise exposure in the 65 dBA CNEL noise contour (Noise Impact Zone 2). Specifically, Table 1 of Section 3.2.3 identifies four different land use categories consisting of "Residential," "Community Facilities, "Commercial," and "Industrial" along with the decibel levels that are consistent for each particular use. In this case, the Project does not fit squarely within any of four land uses, but rather, is a hybrid between " Community Facilities" and Commercial" land uses. In either land use category, a 65 dBA CNEL is " Normally Consistent" subject to the project including conventional construction methods as acceptable and without requiring any special noise reduction requirements. Section 3.2.3 further delineates the restrictions and construction requirements for each of the above land use categories within the 65 dB CNEL Noise Impact Zone 1. Specifically, residential is generally prohibited within Zone 1, however, commercial and recreational uses may be acceptable provided that commercial structures are sufficiently sound attenuated to allow normal work activities to be conducted. The Project will comply with the sound attenuation requirements for commercial and industrial structures as per the California Noise Insulation Standards, Title 21, 25, California Code of Regulations. Furthermore, EIR No. 617 requires all nonresidential structures to be sound attenuated consistent with the General Plan and Title 20 (Planning and Zoning) of the NBMC.

Additionally, as to outdoor noise, there are no aircraft noise restrictions for outdoor recreational uses within the 65 dB CNEL contour. Specifically, Section 3.2.3 recommends that all designated outdoor common or recreational areas within Noise Impact Zone 1 provide outdoor signage informing the public of the presence of operating aircraft. The Project will incorporate outdoor signage notifying the public of the operation of aircraft. Of note, aircraft noise at the Property would be a regular occurrence and identical to the noise currently occurring at the golf course.

Finally, the Noise Analysis (Appendix Q of the Draft EIR) found that Airport Exposure for the Project would be less than significant and did not require further mitigation.

B. *The proposed Amendments are consistent with the safety standards of the AELUP.*

The Property encompasses approximately 15.4 acres with portions of the Project overlying three airport safety zones. A detailed description of the Project Area, along with the uses within each safety zone, is provided herein. In Safety Zone 2, the total Project Area is approximately 5.79 acres. The Project uses in Safety Zone 2 include 207 parking spaces (however, 95 parking spaces will be reserved for the off-site golf course use, leaving 112 parking spaces for Project uses in Safety Zone 2), heating equipment, equipment yard, maintenance buildings, wave making equipment, and 37.8 percent of the surf lagoon. In Safety Zone 4, the total Project Area is approximately 3.48 acres. The Project uses in Safety Zone 4 include 9,432 square feet of athlete accommodations (20 total overnight units), wave making equipment, pool area, restrooms, storage, and 41.2 percent of the surf lagoon. And in Safety Zone 6, the total Project Area is approximately 6.16 acres. The Project uses in Safety Zone 6 include 49,221 square feet of clubhouse space including staff area, restaurant, surf shop, fitness areas and related uses, 144 parking spaces, a drop off area, pool area, outdoor arcade, outdoor changing rooms, storage, mechanical/electrical/plumbing ("MEP") equipment areas, and 21.0 percent of the surf lagoon.

Section 2.1.2 (Safety Compatibility Zones) of the AELUP sets forth the allowable land uses within each safety zone and provides the maximum intensities for each zone. The California Airport Land Use Planning Handbook ("Caltrans Handbook") suggests the following maximum allowable occupancy for non-residential land uses in an urban setting, and the below table also provides the calculations for the maximum allowed occupancy based on acreage per safety zone applicable to the Project.

Snug Harbor Project		Zone 2 Nonresidential Intensities				Zone 4 Nonresidential Intensities			
Safety	Acres per	Average People/Acre		Maximum Single Acre		Average People/Acre		Maximum Single Acre	
Zone	Zone	60	80	120	160	150	200	450	600
Zone 2	5.79	347.4	463.2	694.8	926.4	-	-	-	-
Zone 4	3.48	-	-	-	-	522.0	696.0	1566.0	2088.0
Zone 6	6.16	No Limit	No Limit	No Limit	No Limit	No Limit	No Limit	No Limit	No Limit

The ALUC applies the suburban intensity parameters to the Project and provided the following occupancy calculations: 254 people per acre in Safety Zone 2; 770 people per acre in Safety Zone 4; and 972 people per acre in Safety Zone 6.

The Project trip generation assessment ("Traffic Study") prepared for the Project EIR (Appendix R of the Draft EIR) includes a detailed trip generation assessment based on the uses and traffic flow for the Project that quantifies the anticipated number of individuals in each Safety Zone. Moreover, the City's Project Conditions of Approval require compliance with these use parameters. Specifically, the assessment includes the development of trip generation rates, time-of-day distributions and estimates for the Project based on detailed programmatic attendance information and operational modeling data provided by industry experts. The occupancy for the Project shall comply with the estimates from the approved Traffic Study, which estimates the following for daily activity: a) 1,400 visitors and surfers (comprised of 700 people in the surf lagoon, 140 people in the surf academy, 280 people in the restaurant, 70 people in the shops, 210 people in the yoga/fitness areas), and b) 70 employees. The maximum number of surfers in the lagoon is 72 at one time. The average number of people in the Project Area between the peak hour of 12:00 PM to 1:00 PM is 388 people. The average vehicle occupancy parameters assume visitor vehicles at 2.0 two people per vehicle, and employee vehicles at 1.0 people per vehicle.

Applying the parameters set forth in the Traffic Study, the anticipated number of individuals in each Safety Zone based on use and traffic flow are set forth herein. With respect to Safety Zone 2 which includes a portion of the surf lagoon, automobile parking and park maintenance facilities; a portion of the surf lagoon totaling 1.91 acres (37.8 percent of the total lagoon area), is the only area in Safety Zone 2 that would be steadily occupied by people and which yields an average potential of 27 people in the Safety Zone 2 lagoon area. There are also two proposed maintenance buildings totaling 2,000 square feet. The California Building Code assumes 300 square feet per person for maintenance uses, yielding seven employees potentially in Safety Zone 2. The combined occupancy of these uses in Safety Zone 2 totals 34 people over 5.79 acres or approximately six people per acre. Applying the Caltrans Handbook suburban limit of 40 to 60 people per acre in Safety Zone 2 would allow approximately 232 to 347 total people over a total of 5.79 acres. Thus, for Safety Zone 2, with a total of 34 people over 5.79 acres, the Project would comply with the maximum allowable occupancy for non-residential land uses for either an urban setting (347.4 to 463.2 people) or suburban setting (232 to 347 people).

With respect to Safety Zone 4, it is comprised of 20 rooms for athlete accommodations and a portion of the surf lagoon. At a maximum of four athletes per room, these accommodations would total 80 people. The portion of the surf lagoon in Safety Zone 4 is 2.08 acres (41.2 percent of the total lagoon area), which equates to an average potential of 30 people in the Safety Zone 4 lagoon area. The total combined occupancy in Safety Zone 4 is 110 people over 3.48 acres or approximately 32 people per acre. Applying the Caltrans Handbook suburban limit of 100 to 150 people/acre in Safety Zone 4 would allow 348 to 522 people based on a total of 3.48 acres. Thus, for Safety Zone 4, with a total of 110 people over 3.48 acres, the Project would comply with the

maximum allowable occupancy for non-residential land uses for either an urban setting (522 to 696 people) or suburban setting (348 to 522 people).

With respect to Safety Zone 6, it is comprised of a wider array of uses including a portion of the surf lagoon, the clubhouse area, beach areas and parking spaces spread over 6.16 acres. The portion of the Safety Zone 6 surf lagoon is 1.06 acres (21 percent of the total lagoon area), which equates to an average potential of 15 people in the Safety Zone 6 lagoon area. The Traffic Study noted 388 people during the peak hour from 12:00 pm to 1:00 pm. Subtracting out the total number of people in the lagoon area (72) equates to a potential of 316 visitors in Zone 6, which could be generally using the clubhouse area. If all 70 employees were also in Safety Zone 6, it would bring the total maximum number of people in the clubhouse area to 386. The combination of occupancy in Safety Zone 6 totals 458 people over 6.16 acres or approximately 75 people per acre. Applying the Caltrans Handbook suburban limit of 200 to 300 people/acre in Safety Zone 6 would allow 1,232 to 1,848 people based on a total of 6.16 acres. Thus, for Safety Zone 6, with a total of 458 people over 6.16 acres, the Project would comply with the maximum allowable occupancy for non-residential land uses for either an urban setting, which has no limit, or suburban setting (1,232 to 1,848 people).

The Project is anticipated to host approximately 12 surf events/competitions per year that would be ticketed events similar in scale to other local sporting events. While the number of persons within the safety zones will increase during these events, these increases are temporary in nature and not a part of the regular operation of the Project.

Lastly, the existing condition of the Project site experiences the highest concentration of persons at the restaurant and at driving range and putting range. These golf course components are within Safety Zone 2. Conversely, the Project places the highest concentration of persons into Safety Zone 6, within the amenity clubhouse building.

Based on the combined analysis from the Project Traffic Study and Project uses within each Safety Zone, the occupancy associated with each use area is within the Caltrans Handbook recommendations for each safety zone area using either the higher urban limits or the lower suburban limits.

C. *The Project is consistent with the height standards of the AELUP*

The Federal Aviation Administration ("FAA") has the sole responsibility for studying and determining airspace hazards. The Project complies with FAA notification, pursuant to 14 Code of Federal Regulations ("CFR"), Part 77, Safe, Efficient Use, and Preservation of the Navigable Airspace. On May 6, 2025, the FAA issued a Determination of No Hazard for Air Navigation. As the tallest proposed buildings on the Project site would not exceed the 14 CFR Part 77 construction notification imaginary surfaces over the Property, the Determinations of No Hazard applied to all aspects of the Project.

ALUC determined that a Determination of No Hazard to Air Navigation does not automatically equate to a Consistency determination by the ALUC and that the Commission may find a project Inconsistent based on an Obstruction determination pursuant to Section 2.1.3 of the AELUP. However, no Obstruction was found since the Project heights are lower than 130-feet above mean sea level ("AMSL"). Specifically, Part 77 Obstruction Imaginary Surfaces requires a height of less than 130 feet AMSL. In this case, the maximum height of the Project is 71 feet which is below the 130-foot maximum height restriction and, therefore, is not an Obstruction. In no event will the Project's height limits be inconsistent with the parameters outlined in Subsection 3.2.6 (Height Restriction Zone) of the AELUP and FAA standards.

D. *The Project is consistent with the overflight standards of the AELUP*

Overflights will be the same with the Project as with the existing golf course. There was a total of 302,654 aircraft operations in 2023 at JWA. Of the total, only 9.7 percent (29,353 aircraft operations) flew over the Property. Approximately 95 percent of these overflights would be departures south of JWA and the remainder would include a mix of JWA arrivals north, overflights to other airports in the vicinity and helicopter traffic at JWA and within the vicinity of the airport. The average daily total overflights of the Property are 80 to 88. While persons in the Project area will generally notice departing aircraft at lower altitudes, it will be the same as the aircraft operations currently noticed over the golf course.

Attachment E

Parking Demand Analysis

Gibson transportation consulting, inc.

TECHNICAL MEMORANDUM

TO: Brad Sommers, P.E.
Transportation Manager/City Traffic Engineer,
City of Newport Beach Public Works Department

FROM: Sean Mohn

DATE: July 14, 2025

RE: Parking Demand Assessment & Valet Circulation Plan Overview for Surf Farm
Newport Beach, California **Ref:** J2116

Gibson Transportation Consulting, Inc. (GTC) was asked to prepare a parking demand assessment and valet circulation plan for Surf Farm (Project) in the City of Newport Beach. This memorandum summarizes the assessment, including the development of parking ratios and parking demand estimates for the Project based on detailed programmatic attendance information and operational modeling data provided by industry experts (i.e., Wavegarden[1]) and the parking ratios detailed in *Parking Generation, 6th Edition* (Institute of Transportation Engineers [ITE], 2023) and the identification of the key valet circulation plan elements.

PROJECT DESCRIPTION

Based on discussions with the Project team and a detailed review of the associated Project materials, it is our understanding that the Project would redevelop 15 acres at 3100 Irvine Avenue to accommodate a private surfing facility consisting of a five-acre surf lagoon and 59,772 square feet of associated ancillary amenities, including restaurant and lounge areas, for members and guests.

The Project would replace significant portions of the existing privately owned golf facility, including the 38 position driving range, the 233-seat restaurant, and three holes of the golf course. The Project would retain a limited portion of the existing privately owned golf facility (i.e., 15 holes of the golf course). Access to the Project would be provided via the existing driveway located on Irvine Avenue and from a new driveway located on Mesa Drive, as illustrated in Figure 1. The Project would also provide an on-site parking inventory of 351 spaces and could accommodate up to 60 additional vehicles within the Project site via the implementation of valet stacked parking. For conservative purposes, however, the parking demand assessment considered only the on-site parking inventory.

[1] Wavegarden was founded in 2005 and has grown to become the largest specialist surf park company in the world, with over 90 full time employees providing wave innovation design, master planning, civil design, water treatment, operations, and maintenance services. Wavegarden currently has nine surf facilities in operation, 10 surf facilities under construction or pre-construction, and over 40 surf facilities in the feasibility and design phase throughout the Americas, Europe, Asia, and Oceana.

PROJECT PARKING DEMAND ANALYSIS

The parking ratios and parking demand estimates developed for the Project and for the limited portions of the existing privately owned golf facility to be retained (i.e., 15 holes of the golf course) are detailed below.

Surf Lagoon and Associated Amenities

In order to develop parking ratios for the five-acre surf lagoon and associated ancillary amenities, GTC conducted a comprehensive review of the detailed programmatic attendance information and operational modeling data prepared by Wavegarden for typical high season weekday activity at the Newport Beach site, which was developed as part of a comprehensive market analysis based on the following key factors:

1. Market Demand Potential – Size, Profile, & Behavior
2. Market Supply – Potential Competition
3. Performance of Comparable Attractions
4. Quality of Concept, Product & Visitor Experience
5. Product Refreshment & Repeat Visit Potential
6. Location, Access & Wider Destination Context
7. Weather, Seasonality & Capacity
8. Price, Opening Hours, Duration of Visit & Value for Money
9. Quality of Management & Marketing
10. Community & Stakeholder Support

It is important to note that (A) the comprehensive market analysis also included an extensive review of comparable case studies for purposes of validating the analysis assumptions and demand envelopes, and (B) that the resulting detailed programmatic attendance information and operational modeling data also reflect the associated physical and operational parameters of the facility, including an identified ***maximum capacity of 72 surfers*** within the surf lagoon at any given time and the associated demand control afforded by the Project reservation system. The comparable case study sites and relevant details are provided in Attachment A.

Based on subsequent discussions with Wavegarden, it was confirmed that employees would arrive and depart outside the AM and PM peak hours and that no more than 50% of the employees would be on-site at any given time. It was also confirmed that the attendance levels projected for typical high season weekday activity reflect the total demand for the site, inclusive of the surf lagoon demand (approximately 50% of the daily visitors), the independent demand for the ancillary amenities such as the surf academy, restaurant, shops, and fitness/yoga facilities (approximately 50% of the daily visitors), and the non-trip generating demand for the additional ancillary amenities intended to be utilized solely by patrons of the surf lagoon and the surf academy, such as the athlete accommodations.

As such, the parking ratios developed for the surf lagoon and associated amenities are based on the projected attendance levels, corresponding employee estimates and operational parameters, and associated average vehicle ridership (AVR) ratios anticipated during typical high season weekday activity, as summarized below.

- Surf Lagoon and Associated Amenities – Visitors
    - 1,400 Daily Visitors (*2,800 Person Trips*)
        - Surf Lagoon – 700 Daily Visitors (50%)
        - Surf Academy – 140 Daily Visitors (10%)
        - Restaurant – 280 Daily Visitors (20%)
        - Shops – 70 Daily Visitors (5%)
        - Fitness/Yoga Facilities – 210 Daily Visitors (15%)
    - AM Peak Hour
        - 70 Visitors Inbound
        - 4 Visitors Outbound
    - PM Peak Hour
        - 112 Visitors Inbound
        - 110 Visitors Outbound
    - AVR – 2.0 Persons/Vehicle
- Surf Lagoon and Associated Amenities – Employees
    - 70 Daily Employees (*140 Person Trips*)
    - AVR – 1.0 Persons/Vehicle

The tabular summary of the aforementioned detailed programmatic attendance information and operational modeling data prepared by Wavegarden is provided in Attachment B. The resulting parking ratios for the Project are detailed below.

- Surf Lagoon and Associated Amenities – Visitors
    - 0.1385 Spaces/Visitor[2]
- Surf Lagoon and Associated Amenities – Employees
    - 0.50 Spaces/Employee

Based on parking ratios described above for the surf lagoon and associated amenities and the conservative AVR ratios of 2.0 persons/vehicle for visitors and 1.0 persons/vehicle for employees, approximately 194 parking spaces would be required by the visitors and approximately 35 parking spaces would be required by the employees, as summarized in Table 1.

[2] The parking ratio was based on the detailed visitor operational modeling data prepared by Wave Garden for the High Season Weekday Scenario, which estimated the associated demand projections for the entire site and resulted in a peak parking demand ratio of 0.1385 spaces/visitor when dividing the maximum number of on-site visitors (388) by the total number of on-site visitors (1,400) and then adjusting based on the visitor AVR of 2.0 persons/vehicle.

It is important to note that the development of the parking ratios for the visitors and employees did not consider the utilization of alternative transportation modes (transit, bike, walk, etc.) As such, the resulting trip generation estimates assume that 100% of the visitors and employees would travel to/from the Project site via automobile. It is also important to note that the projected attendance levels for the high season weekend activity were initially considered for this assessment, but the associated weekend AVR ratios effectively resulted in the high season weekday activity analysis being the more conservative of the two scenarios.

Existing Privately Owned Golf Facility to be Retained

The parking ratios for the limited portions of the existing privately owned golf facility to be retained (i.e., 15 holes of the golf course) are conservatively based on the weekday[3] average parking ratio detailed in *Parking Generation, 6th Edition* for the following ITE land use category, as summarized in Table 1:

- Golf Course (Land Use 430) – 6.30 Spaces/Hole

Based on the parking ratio described above, approximately 95 parking spaces would be required by the limited portions of the existing privately owned golf facility to be retained, as summarized in Table 1.

It is important to note that that actual parking demand for the privately owned golf facility to be retained (i.e., 15 holes of the golf course) would be significantly lower based on existing utilization patterns, which typically peak at one golf foursome per hole. As such, based on a peak demand of 60 golfers (i.e., one golf foursomes [four golfers] for each of the 15 holes) and an associated conservative AVR of 1.0, the parking ratio of the privately owned golf facility to be retained (i.e., 15 holes of the golf course) based on the existing utilization patterns is 4.0 spaces/hole, resulting in a peak parking demand of 60 vehicles.

Total Parking Requirement & Parking Surplus (Shortfall) Assessment

Based on the analysis results detailed above, approximately 324 parking spaces would be required by the Project during typical levels of high season weekend activity, resulting in a surplus of approximately 27 parking spaces when considering only the on-site parking inventory of 351 spaces.

As such, the on-site parking inventory of 351 parking spaces was determined to be sufficient to meet the parking requirements of the Project. The results of the analysis are summarized in Table 1.

[3] The weekday average parking ratio detailed in *Parking Generation, 6th Edition* was determined to be higher than the corresponding weekend average parking ratios.

VALET CIRCULATION PLAN OVERVIEW

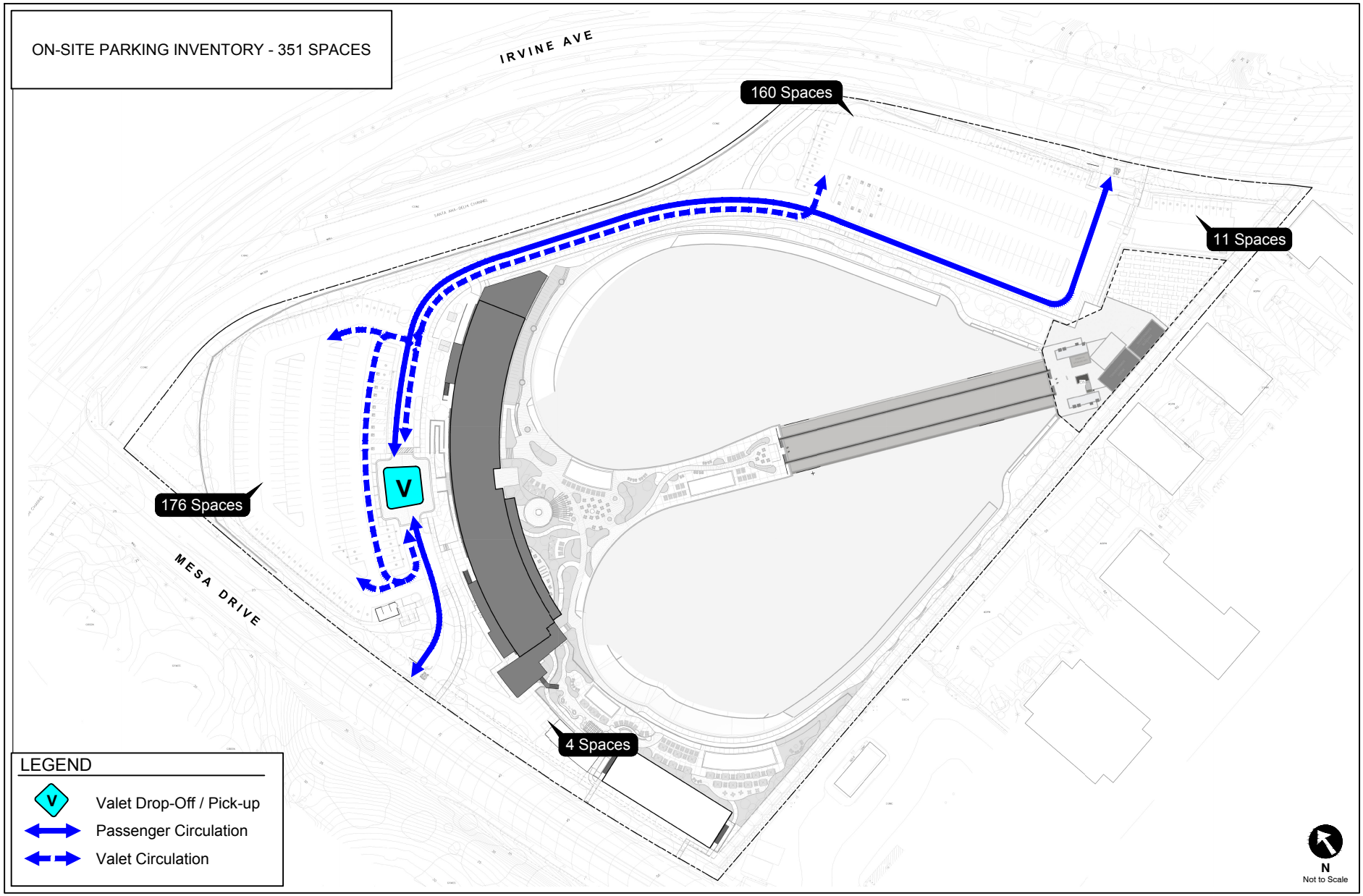
The key elements of the valet circulation plan include the identification of the proposed valet drop-off/pick-up location and the general vehicular circulation patterns for both visitors and valets.

As previously discussed, access to the Project would be provided via the existing driveway located on Irvine Avenue and from a new driveway located on Mesa Drive. The proposed valet drop-off/pick-up location is located within the southern parking area immediately adjacent to the Project facility entrance, providing direct vehicular access from either driveway, as illustrated in Figure 1.

Once arriving at the proposed valet drop-off/pick-up location, visitors would exit their vehicles and the valets would park them in either the southern parking area or the northern parking area (depending on availability) and then (ultimately) utilize either the primary circulation corridor and/or the first parking aisle within the southern parking area to return them to the visitors based on the preferred direction of departure, as illustrated in Figure 1.

It is important to note that while the inbound vehicular queues at the proposed valet drop-off/pick-up location are anticipated to be minimal based on the trip generation estimates detailed in *Technical Memorandum: Trip Generation Assessment for Surf Farm, Newport Beach, California* (Gibson Transportation Consulting, Inc., March 4, 2025), which projected a peak inbound demand of 79 vehicles during the PM peak hour (which is less than one vehicle per minute per driveway), the Project will implement appropriate operational measures to divert and recirculate vehicles internally to alleviate unanticipated queuing when necessary.

The detailed valet circulation and operations plan, including specific information related to staffing levels and hours of operation, will be prepared and submitted for City review at a later date.



ON-SITE PARKING INVENTORY (STRIPED SPACES ONLY) & VALET CIRCULATION PLAN OVERVIEW

FIGURE 1

TABLE 1

PROJECT PARKING DEMAND ANALYSIS SUMMARY

LAND USE	SIZE/UNIT	PARKING DEMAND RATIO	TOTAL PEAK PARKING DEMAND
Surf Farm Newport Beach			
Surf Lagoon & Associated Amenities - Visitors (**AVR 2.0**) [a]	1,400 Visitors	0.1385 Spaces/Visitor	194
Surf Lagoon & Associated Amenities - Employees (**AVR 1.0**) [b]	70 Employees	0.50 Spaces/Employee	35
Golf Course - Holes to Remain [c]	15 Holes	6.30 Spaces/Hole	95
			324
		TOTAL ON-SITE PARKING INVENTORY (STRIPED PARKING SPACES ONLY)	**351**
		SURPLUS (SHORTFALL)	**27**

Notes:

[a] The parking ratio was based on the detailed visitor operational modeling data prepared by Wave Garden for the High Season Weekday Scenario, which estimated the associated demand projections for the entire site and resulted in a peak parking demand ratio of 0.1385 spaces/visitor when dividing the maximum number of on-site visitors (388) by the total number of on-site visitors (1,400) and then adjusting based on the visitor AVR of 2.0 persons/vehicle.

[b] Based on the detailed employee operational modeling data prepared by Wave Garden for the High Season Weekday Scenario, which estimated the associated demand projections for the entire site and resulted in a peak parkiing demand ratio of 0.5 spaces/employee.

[c] The average spaces/hole ratio from *Parking Generation, 6th Edition* (Institute of Transportation Engineers, 2023) was utilized to calculate the parking requirment for the 15-hole public golf facility.

Attachment A

Wavegarden Case Study Sites

Wavegarden Facilities in Operation

The Wave Bristol, Bristol, UK (Wavegarden Cove)

In **October 2019** waves started breaking in the world's first public Wavegarden Cove in Bristol, England. The Wave facility is located in a beautiful rural site on the edge of Bristol, close to the M5. The Wave focuses on commercially operating the surf lagoon rather than developing neighbouring property / hotels.

The development includes a 150m Wavegarden surfing lagoon, clubhouse building with surf school, shop and restaurant, and 25 glamping 'safari tents' for overnight visitors. It is open year-round (with reduced operational hours in winter) and a one-hour surf costs £50-55 for an adult and £40-45 for a child, depending on the time of year and day of the week. A 1.5 hour surf session with coaching costs £60-65 for an adult and £50-55 for a child. Prices include all required equipment.

Performance of The Wave has exceeded expectations:

- The site has built a strong occupancy profile in the years since it opened through development of the lagoon schedule, continuous refinement of marketing activity and introduction of new products that can run whilst larger wave settings are in the reef.
- The Wave is achieving its target of selling **150,000 surf hours** in a full year together with attracting tens of thousands of spectators who come to the facility but do not surf. This performance is being achieved despite the fact that visitors have to walk over 1km from the car park to the facility.
- The implementation of multiple offers and discounts is enhancing repeat visitation and additional spend per visit. Moreover, with the experience of years in operation staff costs have been adjusted and as such The Wave is achieving an excellent EBITDA margin.
- The safari tents are performing extremely well and there is an aspiration to add additional units when planning allows.

Adult summer peak prices include:
- Bay and reef sessions: £55
- Lessons – add £10

Capacity:
- Beginner: 34 people/session
- Expert/Intermediate: 24-36 people/session

Wavegarden Facilities in Operation

The Wave Bristol, Bristol, UK (Wavegarden Cove)

- The surfing lagoon is the biggest contribution to the business with surf sessions, lessons and other products generating **over 60% of the total revenues** for the business.
- **Retail and F&B** performance reflects the seasonality of visits, with increased visitation and operational hours driving F&B performance during the summer months. The growing onsite accommodation business is helping to increase length of stay and spend per head.
- Significant efforts are being made to improve sustainability with the **recent installation of a solar and energy storage array** such that the business is now generating more energy than it expends in its yearly operation.
- In the summer of 2024 The Wave received permits to install artificial lighting to extend their operational hours in response to demand.
- Given the commercial success of the Bristol operation, and their operational expertise, the investors behind The Wave are **looking for additional sites for development**, including a site in London.

Wavegarden Facilities in Operation

URBNSURF, Melbourne, Australia (Wavegarden Cove)

The opening of URBNSURF on 6th **January 2020** in Melbourne was a huge success. The facility captured the hearts and minds of the Australian surfing community and the lagoon operated at almost 100% capacity for 16 hours per day, every day, for the first three months of operation.

"It was the best and most fun session I have ever had with friends. Also, as a training centre, the potential is mind blowing" **(Owen Wright, Australian pro surfer)**

The facility is located next to Melbourne airport and includes a 160m Wavegarden Cove surfing lagoon (with 46 module machine), surf school, shop, restaurant and a number of small private rooms for hire.

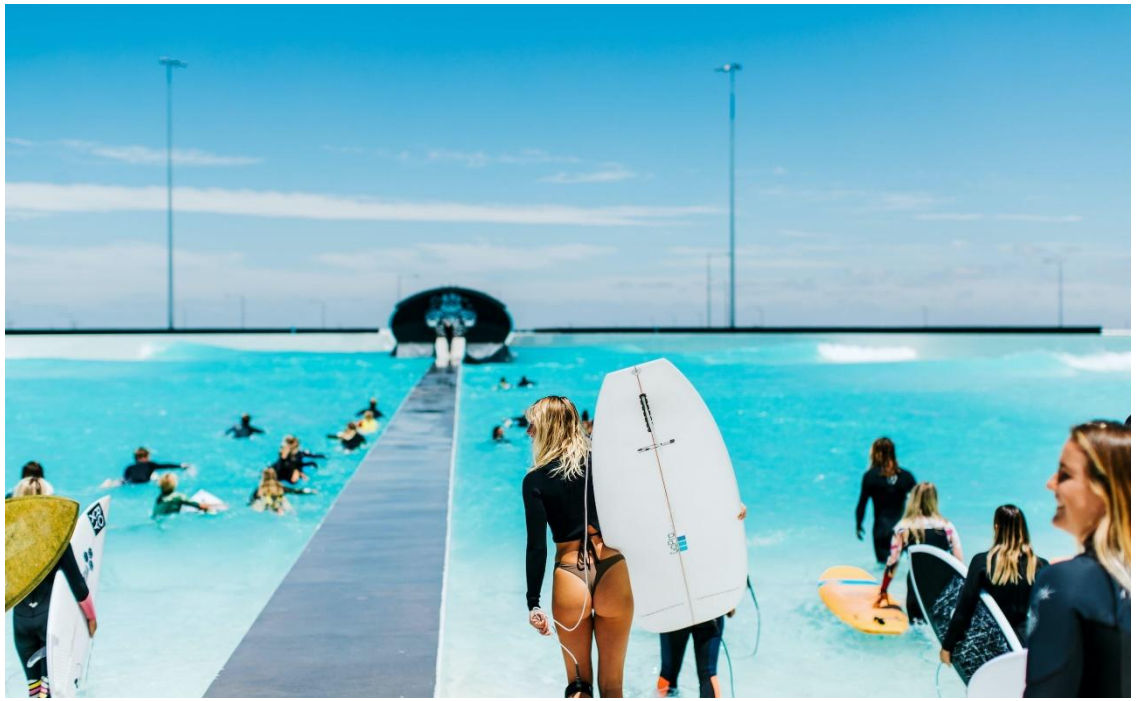
Capacity:
- Beginner: up to 64 per session
- Expert/Intermediate: 20- 40 people/session

Prices from:
- Beginner surf lesson: AUD$104 = 1hr 30 min (1 hr in water)
- Intermediate: AUD$104 = 1 hr session
- Advanced: AUD$104 = 1 hr session
- Expert: AUD$149 = 1 hr session

Wavegarden Facilities in Operation

URBNSURF, Melbourne, Australia (Wavegarden Cove)

- Operating 16 hours a day to meet demand (6am - 11pm), Urbnsurf Melbourne is the Wavegarden facility that has created the most waves so far (over 9 Million waves).
- Over **180,000 surfing sessions** were sold in 2023 representing an overall annual lagoon **occupancy of 65%.** After the initial honeymoon period, the facility has now stabilized at 150,000+ surfing hours, which is a healthy demand for a stand alone surf park.
- The primary source of revenue is surfing. Almost 90% of earnings is driven by the lagoon itself, although F&B is out-sourced and so is not included in this analysis. At the current time they are unable to add on-site accommodation which would help drive additional growth.
- The company is now forecasting significant growth in beginner surfing and events - they have already organized a number of events charging **25k AUD per day for facility hire**.
- Recent collaborations with local and regional schools are helping Urbnsurf to grow their profile nationally. During these sessions the facility was hosting over **100 surfers simultaneously in the lagoon**.
- The company has also built a very strong membership base, driving up repeat visitation and helping to drive visitation during the low season. They have a number of members who visit the facility **2 to 3 times per week**
- Given the commercial success of the Melbourne operation, the developers behind URBNSURF opened their second Wavegarden surf park in June 2024.



Wavegarden Facilities in Operation

URBNSURF, Sydney, Australia (Wavegarden Cove)

- Urbnsurf Sydney (USS) opened to the public on 13 **May 2024**. Located at Sydney's Olympic Park, the facility covers 3.6 hectares and is designed to receive 1,000 visitors per day, 7 days a week.
- With the opening of USS, Urbnsurf is now the only company in the world to be operating 2 surf parks, a major achievement for the business.
- Occupancy for USS has been exceptional during the initial months post opening with the point enjoying a total occupancy rate of over 90% in November and an average lagoon occupancy of c 70% since opening.
- The projected surfing hours for a full year could even exceed that achieved by Melbourne during its early honeymoon period.

Wavegarden Facilities in Operation

Alaia Bay, Sion, Switzerland (Wavegarden Compact Cove)

Wavegarden´s smallest facility to date opened in Sion, Switzerland in **May 2021**.

With a footprint of only c. 9,000m2 the Wavegarden Cove is still delivering the full range and size of Reef waves seen at other larger facilities, utilising a total of 46 wave making modules, the same number as in Melbourne and Sydney.

The development is a stand alone surf park in a public park offering a 100m Wavegarden surfing lagoon, surf academy, surf shop and large 1st floor restaurant with a balcony overlooking the surfing lagoon.

It is open from April to December and a one-hour surf costs from €140 to €160 for an adult and €120 to €140 for a child, depending on type of session, time of year and day of the week.

A 1.5 hour surf session with coaching costs €160 to €180 for an adult and €140 to €160 for a child. Prices include all required equipment.

Performance in the first years of operation was outstanding:

- The lagoon is operating at an average occupancy of over 70% mid week and 95%+ at weekends.
- With the highest price point of all Wavegarden facilities, Alaïa has achieved the top monthly revenues to date, with most of it coming from the surfing lagoon and a significant portion from the F&B
- The F&B business is booming, with a huge number of visitors coming to just watch the surf and enjoy the atmosphere.

With the experience of several years of operation the company has stabilized the operational business and is delivering a consistent and strong EBITDA margin.

Prices include:
Adult:
- 1 hour surf session: €140 to €160
- 1.5 hour surf lesson: €160 to €180

Child (8-12 years)
- 1 hour surf session: €120 to €140
- 1.5 hour surf lesson: €140 to €160

Capacity:
- Beginner: 40 people/session
- Expert: 30 people/session

Wavegarden Facilities in Operation

Praia da Grama, Sao Paulo, Brazil (Wavegarden Cove)

Located in the countryside just 45 minutes from Sao Paulo, Brazil. Praia da Grama, in Fazenda da Grama, is the home of South America's first Wavegarden Cove surfing lagoon. KSM real estate asset management is behind an exclusive property development that features a 160m Wavegarden Cove (with 52 module machine) framed by an idyllic sandy beach and native forest vegetation. The facility was completed in **June 2021**.

Pre Wavegarden Cove Announcement

- Existing gated golf course condominium
- Phases 1 & 2 included 250+ residential lots
- There were only 7 sales of lots in the 12 months prior to announcement of Wavegarden facility

Post Wavegarden Cove Announcement (July 2019)

- Capital investment represented only 5% of total investment due to the fact that the majority of the project has been financed with pre-sales of lots
- 100% of Phase 3 sold out by September 2020 = 84 residential lots
- Phase 4 includes 120 residential lots, 98% already sold
- Transactions of phases 1 & 2 lots increased by 95%
- Estimated Total Revenue reached R$670m
- Overall Project IRR of 178% to date
- Multiple of 9x on equity achieved. Payback in 3 years
- Land price rose from $60 per m2 to $500 per m2

Please note that titles for the right to use the Wavegarden Cove facility in perpetuity are included in Phases 3 & 4 only. These titles are also sold, but at an additional US$200k, to owners of Phase 1 and 2 lots within the resort. These are proving popular with 49 transactions to date.

"When I announced our plans for a Wavegarden Beach Club at out resort, our residential sales and prices increased dramatically."

Oscar Segall, Developer of Praia da Grama Residential Resort, Sao Paulo

Given the commercial success of Praia da Grama, the developers behind the project are now developing several projects in Brazil, including a new Private Club in Sao Paulo.

Wavegarden Facilities in Operation

SURFLAND BRASIL, Garopaba, Brazil (Wavegarden Cove)

- Surfland Brasil is an innovative Surf Resort development with fractional ownership apartments built around a Wavegarden Cove. The resort in Garopaba had its soft opening and launched its first waves in November 2023,
- In addition to the surfing lagoon, the complex will gradually open infrastructure for various sports activities like a skatepark designed by Pedro Barros, swimming pools, tennis courts, beach tennis, surf museum, restaurants, jogging track, gym, yoga shala, spa, and play areas for children. The development has been carefully designed to minimize its impact on the environment, integrating green roofs and prefabricated buildings, solar panels, rainwater harvesting and native flora into the infrastructure. Notably, Surfland Brasil has been honored with an international landscaping award, further highlighting its commitment to excellence in design and environmental integration.
- The residential offer has 278 apartments of which 60 serve as a hotel widening the accommodation offer. The remaining 218 apartments are sold in 26 ‘fractions’ for around 30-40K euros per fraction. The apartments range in size from 60-100m2 and owners collaboratively share assets and divide costs, embracing a model where everyone benefits.
- Pricing for a fraction increased 40% from first sales to the period before opening and may increase further for the final sales.
- The facility is also open to the public with a €6 beach pass during weekdays and weekends. This pass will grant access to the development and the facilities that are free of use: skatepark, gym, swimming pools, beach tennis, tennis courts etc.
- IRR is expected at +200% should hypothesis for revenues and expenditure start to consolidate. So far, occupancy of the reef is still high with Bays being less popular.

Adult prices include:
- Reef Owner: 38€
- Reef walk in: 56€
- Bay Owner: 21€
- Bay walk in: 33€

Capacity:
- Beginner: up to 48 people/session
- Expert/Intermediate: 28-40 people/session

Wavegarden Facilities in Operation

Lost Shore Resort, Edinburgh, Scotland (Wavegarden Cove)

Lost Shore Surf Resort opened to the public on **November 11 2024** in Ratho, located 15 km from the Scottish capital and just 10 minutes from the airport, following the largest Scottish sports infrastructure investment since the 2014 Commonwealth Games (£60 million). With the first waves already breaking, the surf park is expected to welcome over 160,000 visitors each year, create more than 130 jobs, and contribute £11 million annually to the local economy

Set within a sprawling 60-acre country park of the former Craigpark Quarry, Lost Shore Surf Resort features a 52-module Wavegarden Cove, with 53 luxury accommodation units made up of Hilltop Lodges and Waterfront Pods and Lodges.

Over 250 meters of beachfront offer a surf school, surf shop, Surfskate Academy, top Scottish restaurants and bars, a sauna, and various wellness services.

Lost Shore Surf Resort is committed to preserving the ecology of the former quarry with a sustainable energy strategy that uses wind and solar energy to power the wave

Due to the difficult geotechnical conditions of the former quarry site, a special construction method was required for the surf lagoon. Before the foundations were constructed, the ground was stabilized with a temporary backfill. The foundations were strengthened with a T-shaped reinforcement to increase stability. This design prevents subsidence and ensures the smooth operation of the surf lagoon. It also avoided the use of more than 1,200 piles, which would have been necessary in these conditions

Prices include:
Adult:
- 1 hour surf session: €66
- 1.5 hour surf lesson: €72

Child (8-12 years)
- 1 hour surf session: €54
- 1.5 hour surf lesson: €60

Capacity:
- Beginner: 52 people/session
- Expert/Intermediate: 24-40 people/session

Attachment B

Wavegarden Data

SITE VISITS	Low Season		Mid Season		High Season		TOTAL
	Week days	*Wends/Hols*	*Week days*	*Wends/Hols*	*Week days*	*Wends/Hols*	*VISITS*
Total Days Available	**72**	**46**	**75**	**48**	**39**	**83**	
Total Visits	27,664	22,290	51,908	51,538	54,407	147,618	**355,425**
Average visits per day	380	480	690	1,070	1,400	1,780	

AVERAGE HIGH SEASON WEEK DAY PROJECTIONS

			High Season Week day
Average Visits Per Day			1,400
Arrive by car	100%		1,400
Total cars	2.0	people per car	700

Forecast Visitor Dwell Time at Surf Park

Depart		Arrival 07/08 Grp1	08/09 Grp2	09/10 Grp3	10/11 Grp4	11/12 Grp5	12/13 Grp6	13/14 Grp7	14/15 Grp8	15/16 Grp9	16/17 Grp10	17/18 Grp11	18/19 Grp12	19/20 Grp13	20/21 Grp14	21/22 Grp15	22/23 Grp16	23/24 Grp17
07/08	Grp1	0%																
08/09	Grp2	5%	2%															
09/10	Grp3	20%	5%	2%														
10/11	Grp4	30%	18%	5%	2%													
11/12	Grp5	25%	30%	18%	5%	2%												
12/13	Grp6	15%	25%	30%	18%	5%	5%											
13/14	Grp7	5%	15%	25%	30%	18%	10%	5%										
14/15	Grp8		5%	15%	25%	30%	15%	10%	2%									
15/16	Grp9			5%	15%	25%	30%	15%	5%	2%								
16/17	Grp10				5%	15%	25%	30%	18%	5%	2%							
17/18	Grp11					5%	10%	25%	30%	18%	5%	2%						
18/19	Grp12						5%	10%	25%	30%	18%	5%	5%					
19/20	Grp13							5%	15%	25%	30%	18%	10%	5%				
20/21	Grp14								5%	15%	25%	30%	30%	10%	5%			
21/22	Grp15									5%	15%	25%	40%	30%	40%	20%		
22/23	Grp16										5%	15%	10%	40%	30%	60%	30%	
23/24	Grp17											5%	5%	15%	25%	20%	70%	100%
		100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Lunch visits staying less

After work drink & dinner visits staying less than 1 hr

Grp 15 & 16 are F&B visits only

Visitors in Park (excluding staff) - Average High Season Week Day

Hour	Visitor Arrival	Visitor Arrivals	*Cumulative Arrivals*	*Visitor Departures*	*Cumulative Departures*	Visitors In Park
07/08	3%	42	*42*	0	*0*	42
08/09	5%	70	*112*	4	*4*	109
09/10	6%	84	*196*	14	*17*	179
10/11	8%	112	*308*	32	*49*	259
11/12	9%	126	*434*	55	*103*	331
12/13	10%	140	*574*	82	*186*	388
13/14	7%	98	*672*	109	*295*	377
14/15	6%	84	*756*	114	*409*	347
15/16	6%	84	*840*	115	*524*	316
16/17	8%	112	*952*	110	*635*	317
17/18	9%	126	*1,078*	93	*728*	350
18/19	6%	84	*1,162*	94	*822*	340
19/20	6%	84	*1,246*	107	*929*	317
20/21	5%	70	*1,316*	120	*1,049*	267
21/22	4%	56	*1,372*	151	*1,199*	173
22/23	2%	28	*1,400*	130	*1,329*	71
23/24		0	*1,400*	71	*1,400*	0
	100%	**1,400**		**1,400**	**Peak In Park**	**388**

Surf Session (14 Hours)

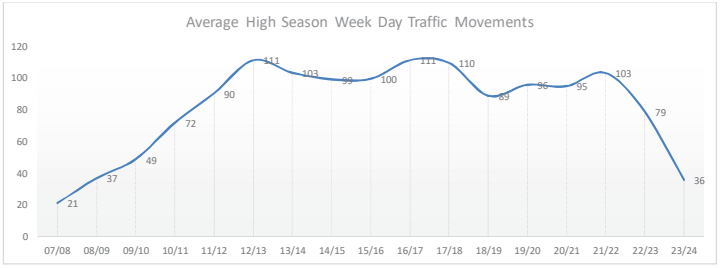
Car Parking Requirements (excluding staff) - Average High Season Week Day

Car Arrivals	*Cumulative Car Arrivals*	Car Departures	*Cum. Car Departures*	Cars In Park
21	*21*	0	*0*	21
35	*56*	2	*2*	54
42	*98*	7	*9*	89
56	*154*	16	*24*	130
63	*217*	27	*52*	165
70	*287*	41	*93*	194
49	*336*	54	*147*	189
42	*378*	57	*205*	173
42	*420*	58	*262*	158
56	*476*	55	*317*	159
63	*539*	47	*364*	175
42	*581*	47	*411*	170
42	*623*	54	*464*	159
35	*658*	60	*524*	134
28	*686*	75	*600*	86
14	*700*	65	*664*	36
0	*700*	36	*700*	0
700		**700**	**Peak in Park**	**194**

Traffic Movements - Average High Season Week Day

Hour	Car Arrivals	Car Departures	Traffic Movements
07/08	21	0	21
08/09	35	2	37
09/10	42	7	49
10/11	56	16	72
11/12	63	27	90
12/13	70	41	111
13/14	49	54	103
14/15	42	57	99
15/16	42	58	100
16/17	56	55	111
17/18	63	47	110
18/19	42	47	89
19/20	42	54	96
20/21	35	60	95
21/22	28	75	103
22/23	14	65	79
23/24	0	36	36
	700	**700**	**1,400**

Surf Session (14 Hours)



Attachment F

Trip Generation Analysis

Gibson transportation consulting, inc.

TECHNICAL MEMORANDUM

TO: Brad Sommers, P.E.
Transportation Manager/City Traffic Engineer
Public Works Department
City of Newport Beach

FROM: Sean Mohn

DATE: March 4, 2025

RE: Trip Generation Assessment for Surf Farm
Newport Beach, California **Ref:** J2116

Gibson Transportation Consulting, Inc. (GTC) was asked to prepare a detailed trip generation assessment for Surf Farm (Project) in the City of Newport Beach (City). This memorandum summarizes the assessment, including the development of trip generation rates and estimates for the Project based on detailed programmatic attendance information and operational modeling data provided by industry experts (i.e., Wavegarden[1]), the development of trip generation estimates for the privately owned golf facility (which is open to the public) currently located at the Project site based on *Trip Generation Manual, 11th Edition* (Institute of Transportation Engineers [ITE], 2021) rates, and the resulting net new trip generation estimates for the Project.

PROJECT DESCRIPTION

Based on discussions with the Project team and a detailed review of the associated Project materials, it is our understanding that the Project would redevelop 15 acres at 3100 Irvine Avenue to accommodate a private surfing facility consisting of a five-acre surf lagoon and 59,772 square feet (sf) of associated ancillary amenities for members and guests, including restaurant and lounge areas, as illustrated in Figure 1.

The Project would replace significant portions of the existing privately owned golf facility, including the 38 position driving range, the 233-seat restaurant, and three holes of the golf course. The Project would retain a limited portion of the existing privately owned golf facility (i.e., 15 holes of the golf course). Access to the Project would be provided via the existing driveway located on Irvine Avenue and from a new driveway located on Mesa Drive.

[1] Wavegarden was founded in 2005 and has grown to become the largest specialist surf park company in the world with over 90 full time employees providing wave innovation design, master planning, civil design, water treatment, operations, and maintenance services. Wavegarden currently has nine surf facilities in operation, 10 surf facilities under construction or pre-construction, and over 40 surf facilities in the feasibility and design phase throughout the Americas, Europe, Asia, and Oceana.

PROJECT TRIP GENERATION ANALYSIS

The trip generation rates and estimates developed for the Project, the trip generation estimates for the existing privately owned golf facility currently located at the Project site, and the resulting net new trip generation estimates for the Project are detailed below.

Surf Lagoon and Associated Amenities

For purposes of developing empirical trip generation rates for the five-acre surf lagoon and associated ancillary amenities, GTC conducted a comprehensive review of the detailed programmatic attendance information and operational modeling data prepared by Wavegarden for typical high season weekday activity at the Newport Beach site, which was developed as part of a comprehensive market analysis based on the following key factors:

1. Market Demand Potential – Size, Profile, & Behavior
2. Market Supply – Potential Competition
3. Performance of Comparable Attractions
4. Quality of Concept, Product & Visitor Experience
5. Product Refreshment & Repeat Visit Potential
6. Location, Access & Wider Destination Context
7. Weather, Seasonality & Capacity
8. Price, Opening Hours, Duration of Visit & Value for Money
9. Quality of Management & Marketing
10. Community & Stakeholder Support

It is important to note that (A) the comprehensive market analysis also included an extensive review of comparable case studies for purposes of validating the analysis assumptions and demand envelopes, and (B) that the resulting detailed programmatic attendance information and operational modeling data also reflect the associated physical and operational parameters of the facility, including an identified ***maximum capacity of 72 surfers*** within the surf lagoon at any given time and the associated demand control afforded by the Project reservation system. The comparable case study sites and relevant details are provided in Attachment A.

Based on subsequent discussions with Wavegarden, it was confirmed that employees would arrive and depart outside the AM and PM peak hours. It was also confirmed that the attendance levels projected for typical high season weekday activity reflect the total demand for the site, inclusive of the surf lagoon demand (approximately 50% of the daily visitors), the independent demand for the ancillary amenities such as the surf academy, restaurant, shops, and fitness/yoga facilities (approximately 50% of the daily visitors), and the non-trip generating demand for the additional ancillary amenities intended to be utilized solely by patrons of the surf lagoon and the surf academy, such as the dorm rooms.

As such, the empirical trip generation rates developed for the surf lagoon and associated amenities are based on the projected attendance levels, corresponding employee estimates and operational parameters, and associated average vehicle ridership (AVR) ratios anticipated during typical high season weekday activity, as summarized below.

- Surf Lagoon and Associated Amenities – Visitors
    - 1,400 Daily Visitors (*2,800 Person Trips*)
        - Surf Lagoon – 700 Daily Visitors (50%)
        - Surf Academy – 140 Daily Visitors (10%)
        - Restaurant – 280 Daily Visitors (20%)
        - Shops – 70 Daily Visitors (5%)
        - Fitness/Yoga Facilities – 210 Daily Visitors (15%)
    - AM Peak Hour
        - 70 Visitors Inbound
        - 4 Visitors Outbound
    - PM Peak Hour
        - 112 Visitors Inbound
        - 110 Visitors Outbound
    - AVR – 2.0 Persons/Vehicle
- Surf Lagoon and Associated Amenities – Employees
    - 70 Daily Employees (*140 Person Trips*)
    - AVR – 1.0 Persons/Vehicle

The tabular summary of the aforementioned detailed programmatic attendance information and operational modeling data prepared by Wavegarden is provided in Attachment B. The resulting trip generation rates for the Project are detailed below.

- Surf Lagoon and Associated Amenities – Visitors
    - Daily Trips – 1.00 Trips/Visitor
    - AM Peak Hour Trips – 0.027 Trips/Visitor
    - PM Peak Hour Trips – 0.079 Trips/Visitor
- Surf Lagoon and Associated Amenities – Employees
    - Daily Trips – 2.00 Trips/Employee
    - AM Peak Hour Trips – N/A
    - PM Peak Hour Trips – N/A

Based on trip generation rates described above for the surf lagoon and associated amenities and the conservative AVR ratios of 2.0 persons/vehicle for visitors and 1.0 persons/vehicle for employees, approximately 1,400 daily trips, 37 morning peak hour trips (including 35 inbound trips and two outbound trips), and 111 afternoon peak hour trips (including 56 inbound trips and 55 outbound trips) would be generated by the visitors and approximately 140 daily trips would be generated by the employees, as summarized in Table 1.

It is important to note that the development of the trip generation rates for the visitors and employees did not consider the utilization of alternative transportation modes (transit, bike, walk, etc.) As such, the resulting trip generation estimates assume that 100% of the visitors and employees would travel to/from the Project site via automobile.

Existing Privately Owned Golf Facility to be Retained

As directed by the City, the trip generation rates for the limited portions of the existing privately owned golf facility to be retained (i.e., 15 holes of the golf course) are based on *Trip Generation Manual, 11th Edition* rates for the following ITE land use category, as summarized in Table 1:

- Golf Course (Land Use 430)

Based on trip generation rates described above, approximately 456 daily trips, 26 morning peak hour trips (including 21 inbound trips and five outbound trips), and 44 afternoon peak hour trips (including 23 inbound trips and 21 outbound trips) would be generated by the limited portions of the existing privately owned golf facility to be retained, as summarized in Table 1.

Existing Privately Owned Golf Facility to be Replaced

As directed by the City, the trip generation rates for the significant portions of the existing privately owned golf facility to be replaced, including three holes of the golf course, the 38 position driving range, and the 233-seat restaurant, are based on *Trip Generation Manual, 11th Edition* rates for the following ITE land use categories, as summarized in Table 1:

- Golf Course (Land Use 430)
- Driving Range (Land Use 432)
- High-Turnover (Sit-Down) Restaurant (Land Use 932)

To identify the daily trip generation estimates associated with the 233-seat restaurant, the refined methodology utilized the trip generation rates for High-Turnover (Sit-Down) Restaurant (ITE Land Use 932), which seemed the most applicable based on the associated land use definition.

Based on trip generation rates described above, the replacement of the portions of the existing privately owned golf facility described above would result in the reduction of approximately 1,810 daily trips, 136 morning peak hour trips (including 76 inbound trips and 60 outbound trips), and 165 afternoon peak hour trips (including 87 inbound trips and 78 outbound trips), as summarized in Table 1.

For conservative purposes, the resulting trip generation estimates reflect an internal capture adjustment of 25% to account for Golf Course patrons that might also utilize the Driving Range and/or the Restaurant. It is also important to note that the use of *Trip Generation Manual, 11th Edition* rates for the three distinct existing privately owned golf facility land uses was validated prior to the completion of this assessment based on a comparative analysis of traffic volume data collected at the Project site on April 3, 2024. The traffic volume data is provided in Attachment C.

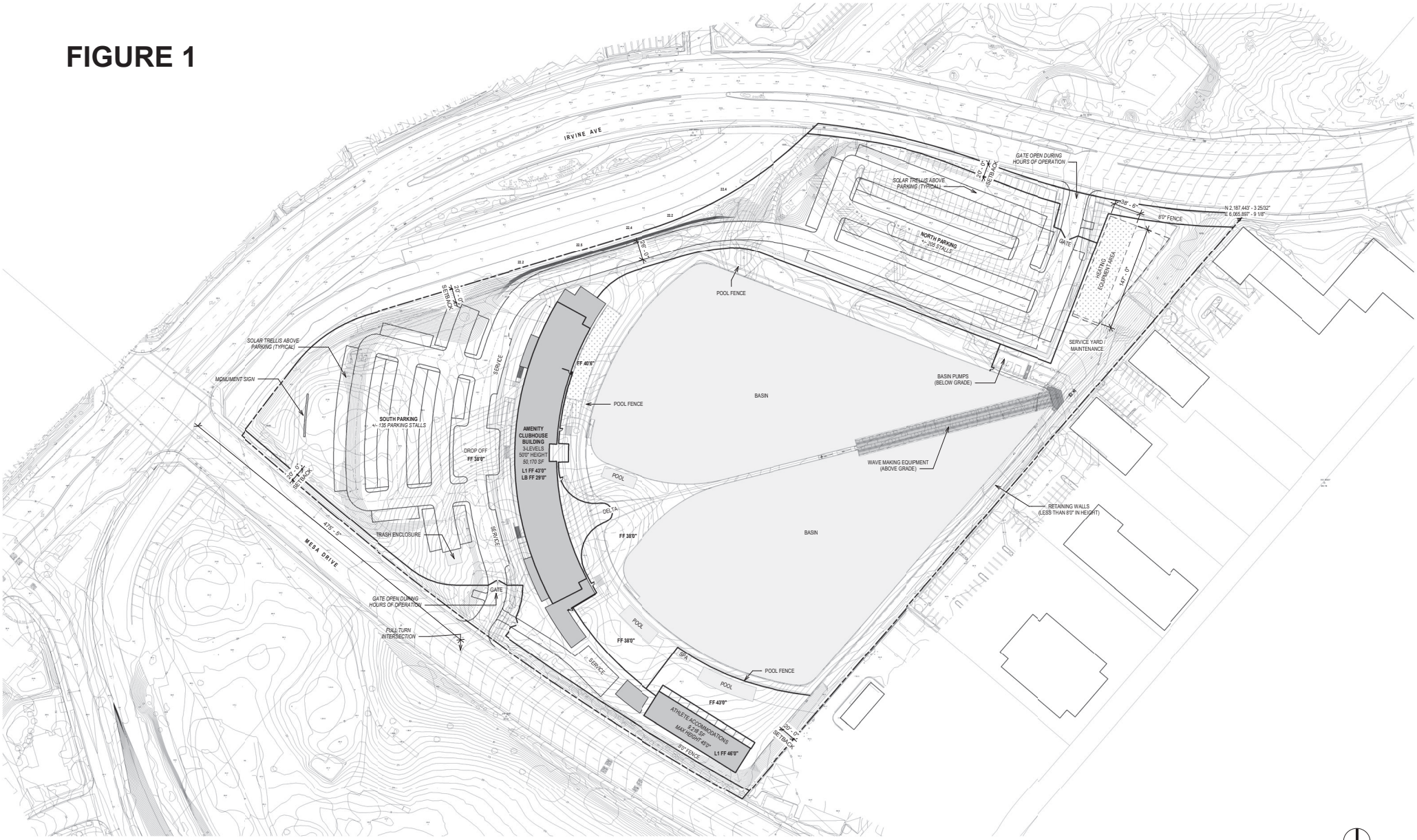
FINAL ASSESSMENT

As previously discussed, the Project trip generation rates and associated trip generation estimates were developed based on the attendance and associated vehicular demand projections for the High Season Weekday Scenario and an associated conservative AVR ratio of 2.0.

Based on the analysis results detailed above, the Project is anticipated to generate 186 ***net new*** daily trips, a ***net reduction*** of 73 AM peak hour trips (including 20 inbound trips and 53 outbound trips), and a ***net reduction*** of 10 PM peak hour trips (including eight inbound trips and two outbound trips), as summarized in Table 1. The net new trip generation estimates reflect both the reduction of trips associated with the significant portions of existing privately owned golf facility to be replaced and the addition of trips associated with the limited portions of the privately owned golf facility to be retained.

As detailed above, the project is forecast to generate less than 300 net daily trips. Therefore, the Project does not require preparation of a transportation/traffic impact analysis per the City's Traffic Phasing Ordinance. Additionally, the Project is considered to have a less than significant impact on transportation/traffic and a vehicle miles traveled (VMT) study is not required per the City's VMT Analysis Methodology detailed in City Council Policy K-3.

FIGURE 1



SNUG HARBOR
NEWPORT BEACH, CA 92660

Site Development Review

52ND STREET CONSULTANTS LLC
NEWPORT BEACH, CA 92660

MVE + PARTNERS
1900 MAIN STREET, SUITE 800
IRVINE, CA 92614
PHONE: 949.809.3388

A0.2
SITE PLAN
1" = 60'-0"
4/29/2024

TABLE 1
PROJECT TRIP GENERATION ANALYSIS SUMMARY

LAND USE	SIZE/UNIT	TRIP GENERATION RATES						
		Daily	AM Peak Hour			PM Peak Hour		
			Inbound	Outbound	Total	Inbound	Outbound	Total
Surf Lagoon & Associated Amenities - Visitors [a]	Per Visitor	1.00	95%	5%	0.027	51%	49%	0.079
Surf Lagoon & Associated Amenities - Employees [a]	Per Employee	2.00	-	-	-	-	-	-
Golf Course - ITE Land Use 430	Per Hole	30.38	79%	21%	1.76	53%	47%	2.91
Driving Range - ITE Land Use 432	Per Position	13.65	61%	39%	0.40	45%	55%	1.25
High-Turnover (Sit-Down) Restaurant - ITE Land Use 932	Per Seat	4.37	52%	58%	0.45	57%	43%	0.39

LAND USE	SIZE/UNIT	TRIP GENERATION ESTIMATES - WEEKDAY						
		Daily	AM Peak Hour			PM Peak Hour		
			Inbound	Outbound	Total	Inbound	Outbound	Total
Surf Farm Newport Beach								
Surf Lagoon & Associated Amenities - Visitors (**AVR 2.0**) [a]	1,400 Visitors	**1,400**	35	2	37	56	55	111
Surf Lagoon & Associated Amenities - Employees (**AVR 1.0**) [a]	70 Employees	**140**	-	-	-	-	-	-
Golf Course - Holes to Remain [b]	15 Holes	456	21	5	26	23	21	44
		1,996	**56**	**7**	**63**	**79**	**76**	**155**
Existing Public Golf Facility [b]								
Golf Course	18 Holes	547	25	7	32	28	25	52
Driving Range	38 Positions	519	9	6	15	21	26	48
Less Internal Capture [c]	25%	(137)	(6)	(2)	(8)	(7)	(6)	(13)
Restaurant	233 Seats	1,018	55	50	105	52	39	91
Less Internal Capture [c]	25%	(137)	(6)	(2)	(8)	(7)	(6)	(13)
		1,810	**76**	**60**	**136**	**87**	**78**	**165**
Net New Total		**186**	**(20)**	**(53)**	**(73)**	**(8)**	**(2)**	**(10)**

Notes:

[a] Based on the detailed employee and visitor operational modeling data prepared by Wave Garden for the High Season Weekday Scenario, which estimated the associated demand projections for the entire site.

[b] Trip generation rates from *Trip Generation Manual, 11th Edition* (Institute of Transportation Engineers, 2021) were utilized to calculate the trip generation estimates for the public golf facility land uses.

[c] An internal capture adjustment was applied to account for Golf Course patrons that might also utilize the Driving Range and/or the Restaurant.

Attachment A

Wavegarden Case Study Sites

Wavegarden Facilities in Operation

The Wave Bristol, Bristol, UK (Wavegarden Cove)

In **October 2019** waves started breaking in the world's first public Wavegarden Cove in Bristol, England. The Wave facility is located in a beautiful rural site on the edge of Bristol, close to the M5. The Wave focuses on commercially operating the surf lagoon rather than developing neighbouring property / hotels.

The development includes a 150m Wavegarden surfing lagoon, clubhouse building with surf school, shop and restaurant, and 25 glamping 'safari tents' for overnight visitors. It is open year-round (with reduced operational hours in winter) and a one-hour surf costs £50-55 for an adult and £40-45 for a child, depending on the time of year and day of the week. A 1.5 hour surf session with coaching costs £60-65 for an adult and £50-55 for a child. Prices include all required equipment.

Performance of The Wave has exceeded expectations:

- The site has built a strong occupancy profile in the years since it opened through development of the lagoon schedule, continuous refinement of marketing activity and introduction of new products that can run whilst larger wave settings are in the reef.
- The Wave is achieving its target of selling **150,000 surf hours** in a full year together with attracting tens of thousands of spectators who come to the facility but do not surf. This performance is being achieved despite the fact that visitors have to walk over 1km from the car park to the facility.
- The implementation of multiple offers and discounts is enhancing repeat visitation and additional spend per visit. Moreover, with the experience of years in operation staff costs have been adjusted and as such The Wave is achieving an excellent EBITDA margin.
- The safari tents are performing extremely well and there is an aspiration to add additional units when planning allows.

Adult summer peak prices include:
- Bay and reef sessions: £55
- Lessons – add £10

Capacity:
- Beginner: 34 people/session
- Expert/Intermediate: 24-36 people/session

Wavegarden Facilities in Operation

The Wave Bristol, Bristol, UK (Wavegarden Cove)

- The surfing lagoon is the biggest contribution to the business with surf sessions, lessons and other products generating **over 60% of the total revenues** for the business.
- **Retail and F&B** performance reflects the seasonality of visits, with increased visitation and operational hours driving F&B performance during the summer months. The growing onsite accommodation business is helping to increase length of stay and spend per head.
- Significant efforts are being made to improve sustainability with the **recent installation of a solar and energy storage array** such that the business is now generating more energy than it expends in its yearly operation.
- In the summer of 2024 The Wave received permits to install artificial lighting to extend their operational hours in response to demand.
- Given the commercial success of the Bristol operation, and their operational expertise, the investors behind The Wave are **looking for additional sites for development**, including a site in London.

Wavegarden Facilities in Operation

URBNSURF, Melbourne, Australia (Wavegarden Cove)

The opening of URBNSURF on 6th **January 2020** in Melbourne was a huge success. The facility captured the hearts and minds of the Australian surfing community and the lagoon operated at almost 100% capacity for 16 hours per day, every day, for the first three months of operation.

"It was the best and most fun session I have ever had with friends. Also, as a training centre, the potential is mind blowing" **(Owen Wright, Australian pro surfer)**

The facility is located next to Melbourne airport and includes a 160m Wavegarden Cove surfing lagoon (with 46 module machine), surf school, shop, restaurant and a number of small private rooms for hire.

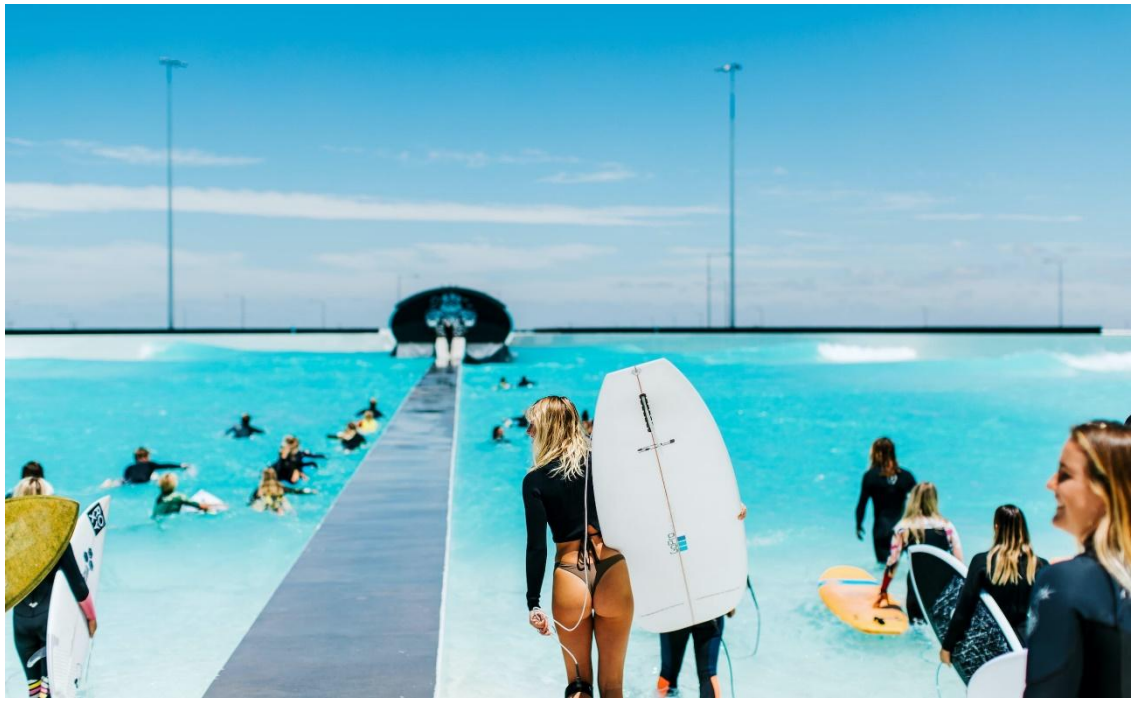
Capacity:
- Beginner: up to 64 per session
- Expert/Intermediate: 20- 40 people/session

Prices from:
- Beginner surf lesson: AUD$104 = 1hr 30 min (1 hr in water)
- Intermediate: AUD$104 = 1 hr session
- Advanced: AUD$104 = 1 hr session
- Expert: AUD$149 = 1 hr session

Wavegarden Facilities in Operation

URBNSURF, Melbourne, Australia (Wavegarden Cove)

- Operating 16 hours a day to meet demand (6am - 11pm), Urbnsurf Melbourne is the Wavegarden facility that has created the most waves so far (over 9 Million waves).
- Over **180,000 surfing sessions** were sold in 2023 representing an overall annual lagoon **occupancy of 65%.** After the initial honeymoon period, the facility has now stabilized at 150,000+ surfing hours, which is a healthy demand for a stand alone surf park.
- The primary source of revenue is surfing. Almost 90% of earnings is driven by the lagoon itself, although F&B is out-sourced and so is not included in this analysis. At the current time they are unable to add on-site accommodation which would help drive additional growth.
- The company is now forecasting significant growth in beginner surfing and events - they have already organized a number of events charging **25k AUD per day for facility hire**.
- Recent collaborations with local and regional schools are helping Urbnsurf to grow their profile nationally. During these sessions the facility was hosting over **100 surfers simultaneously in the lagoon**.
- The company has also built a very strong membership base, driving up repeat visitation and helping to drive visitation during the low season. They have a number of members who visit the facility **2 to 3 times per week**
- Given the commercial success of the Melbourne operation, the developers behind URBNSURF opened their second Wavegarden surf park in June 2024.



Wavegarden Facilities in Operation

URBNSURF, Sydney, Australia (Wavegarden Cove)

- Urbnsurf Sydney (USS) opened to the public on 13 **May 2024**. Located at Sydney's Olympic Park, the facility covers 3.6 hectares and is designed to receive 1,000 visitors per day, 7 days a week.
- With the opening of USS, Urbnsurf is now the only company in the world to be operating 2 surf parks, a major achievement for the business.
- Occupancy for USS has been exceptional during the initial months post opening with the point enjoying a total occupancy rate of over 90% in November and an average lagoon occupancy of c 70% since opening.
- The projected surfing hours for a full year could even exceed that achieved by Melbourne during its early honeymoon period.

Wavegarden Facilities in Operation

Alaia Bay, Sion, Switzerland (Wavegarden Compact Cove)

Wavegarden´s smallest facility to date opened in Sion, Switzerland in **May 2021**.

With a footprint of only c. 9,000m2 the Wavegarden Cove is still delivering the full range and size of Reef waves seen at other larger facilities, utilising a total of 46 wave making modules, the same number as in Melbourne and Sydney.

The development is a stand alone surf park in a public park offering a 100m Wavegarden surfing lagoon, surf academy, surf shop and large 1st floor restaurant with a balcony overlooking the surfing lagoon.

It is open from April to December and a one-hour surf costs from €140 to €160 for an adult and €120 to €140 for a child, depending on type of session, time of year and day of the week.

A 1.5 hour surf session with coaching costs €160 to €180 for an adult and €140 to €160 for a child. Prices include all required equipment.

Performance in the first years of operation was outstanding:

- The lagoon is operating at an average occupancy of over 70% mid week and 95%+ at weekends.
- With the highest price point of all Wavegarden facilities, Alaïa has achieved the top monthly revenues to date, with most of it coming from the surfing lagoon and a significant portion from the F&B
- The F&B business is booming, with a huge number of visitors coming to just watch the surf and enjoy the atmosphere.

With the experience of several years of operation the company has stabilized the operational business and is delivering a consistent and strong EBITDA margin.

Prices include:
Adult:
- 1 hour surf session: €140 to €160
- 1.5 hour surf lesson: €160 to €180

Child (8-12 years)
- 1 hour surf session: €120 to €140
- 1.5 hour surf lesson: €140 to €160

Capacity:
- Beginner: 40 people/session
- Expert: 30 people/session

Wavegarden Facilities in Operation

Praia da Grama, Sao Paulo, Brazil (Wavegarden Cove)

Located in the countryside just 45 minutes from Sao Paulo, Brazil. Praia da Grama, in Fazenda da Grama, is the home of South America's first Wavegarden Cove surfing lagoon. KSM real estate asset management is behind an exclusive property development that features a 160m Wavegarden Cove (with 52 module machine) framed by an idyllic sandy beach and native forest vegetation. The facility was completed in **June 2021**.

Pre Wavegarden Cove Announcement

- Existing gated golf course condominium
- Phases 1 & 2 included 250+ residential lots
- There were only 7 sales of lots in the 12 months prior to announcement of Wavegarden facility

Post Wavegarden Cove Announcement (July 2019)

- Capital investment represented only 5% of total investment due to the fact that the majority of the project has been financed with pre-sales of lots
- 100% of Phase 3 sold out by September 2020 = 84 residential lots
- Phase 4 includes 120 residential lots, 98% already sold
- Transactions of phases 1 & 2 lots increased by 95%
- Estimated Total Revenue reached R$670m
- Overall Project IRR of 178% to date
- Multiple of 9x on equity achieved. Payback in 3 years
- Land price rose from $60 per m2 to $500 per m2

Please note that titles for the right to use the Wavegarden Cove facility in perpetuity are included in Phases 3 & 4 only. These titles are also sold, but at an additional US$200k, to owners of Phase 1 and 2 lots within the resort. These are proving popular with 49 transactions to date.

"When I announced our plans for a Wavegarden Beach Club at out resort, our residential sales and prices increased dramatically."

Oscar Segall, Developer of Praia da Grama Residential Resort, Sao Paulo

Given the commercial success of Praia da Grama, the developers behind the project are now developing several projects in Brazil, including a new Private Club in Sao Paulo.

Wavegarden Facilities in Operation

SURFLAND BRASIL, Garopaba, Brazil (Wavegarden Cove)

- Surfland Brasil is an innovative Surf Resort development with fractional ownership apartments built around a Wavegarden Cove. The resort in Garopaba had its soft opening and launched its first waves in November 2023,
- In addition to the surfing lagoon, the complex will gradually open infrastructure for various sports activities like a skatepark designed by Pedro Barros, swimming pools, tennis courts, beach tennis, surf museum, restaurants, jogging track, gym, yoga shala, spa, and play areas for children. The development has been carefully designed to minimize its impact on the environment, integrating green roofs and prefabricated buildings, solar panels, rainwater harvesting and native flora into the infrastructure. Notably, Surfland Brasil has been honored with an international landscaping award, further highlighting its commitment to excellence in design and environmental integration.
- The residential offer has 278 apartments of which 60 serve as a hotel widening the accommodation offer. The remaining 218 apartments are sold in 26 ‘fractions’ for around 30-40K euros per fraction. The apartments range in size from 60-100m2 and owners collaboratively share assets and divide costs, embracing a model where everyone benefits.
- Pricing for a fraction increased 40% from first sales to the period before opening and may increase further for the final sales.
- The facility is also open to the public with a €6 beach pass during weekdays and weekends. This pass will grant access to the development and the facilities that are free of use: skatepark, gym, swimming pools, beach tennis, tennis courts etc.
- IRR is expected at +200% should hypothesis for revenues and expenditure start to consolidate. So far, occupancy of the reef is still high with Bays being less popular.

Adult prices include:
- Reef Owner: 38€
- Reef walk in: 56€
- Bay Owner: 21€
- Bay walk in: 33€

Capacity:
- Beginner: up to 48 people/session
- Expert/Intermediate: 28-40 people/session

Wavegarden Facilities in Operation

Lost Shore Resort, Edinburgh, Scotland (Wavegarden Cove)

Lost Shore Surf Resort opened to the public on **November 11 2024** in Ratho, located 15 km from the Scottish capital and just 10 minutes from the airport, following the largest Scottish sports infrastructure investment since the 2014 Commonwealth Games (£60 million). With the first waves already breaking, the surf park is expected to welcome over 160,000 visitors each year, create more than 130 jobs, and contribute £11 million annually to the local economy

Set within a sprawling 60-acre country park of the former Craigpark Quarry, Lost Shore Surf Resort features a 52-module Wavegarden Cove, with 53 luxury accommodation units made up of Hilltop Lodges and Waterfront Pods and Lodges.

Over 250 meters of beachfront offer a surf school, surf shop, Surfskate Academy, top Scottish restaurants and bars, a sauna, and various wellness services.

Lost Shore Surf Resort is committed to preserving the ecology of the former quarry with a sustainable energy strategy that uses wind and solar energy to power the wave

Due to the difficult geotechnical conditions of the former quarry site, a special construction method was required for the surf lagoon. Before the foundations were constructed, the ground was stabilized with a temporary backfill. The foundations were strengthened with a T-shaped reinforcement to increase stability. This design prevents subsidence and ensures the smooth operation of the surf lagoon. It also avoided the use of more than 1,200 piles, which would have been necessary in these conditions

Prices include:
Adult:
- 1 hour surf session: €66
- 1.5 hour surf lesson: €72

Child (8-12 years)
- 1 hour surf session: €54
- 1.5 hour surf lesson: €60

Capacity:
- Beginner: 52 people/session
- Expert/Intermediate: 24-40 people/session

Attachment B

Wavegarden Data

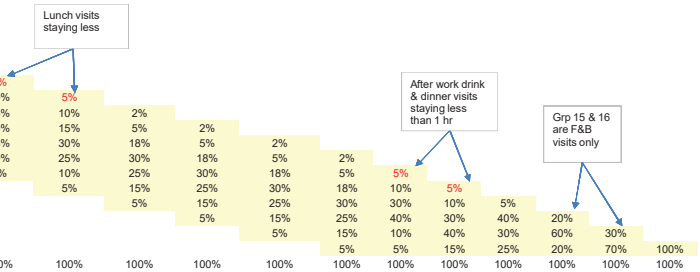
SITE VISITS	Low Season		Mid Season		High Season		TOTAL
	Week days	*Wends/Hols*	*Week days*	*Wends/Hols*	*Week days*	*Wends/Hols*	*VISITS*
Total Days Available	**72**	**46**	**75**	**48**	**39**	**83**	
Total Visits	27,664	22,290	51,908	51,538	54,407	147,618	**355,425**
Average visits per day	380	480	690	1,070	1,400	1,780	

AVERAGE HIGH SEASON WEEK DAY PROJECTIONS

			High Season Week day
Average Visits Per Day			1,400
Arrive by car	100%		1,400
Total cars	2.0	people per car	700

Forecast Visitor Dwell Time at Surf Park

Depart		Arrival 07/08 Grp1	08/09 Grp2	09/10 Grp3	10/11 Grp4	11/12 Grp5	12/13 Grp6	13/14 Grp7	14/15 Grp8	15/16 Grp9	16/17 Grp10	17/18 Grp11	18/19 Grp12	19/20 Grp13	20/21 Grp14	21/22 Grp15	22/23 Grp16	23/24 Grp17
07/08	Grp1	0%																
08/09	Grp2	5%	2%															
09/10	Grp3	20%	5%	2%														
10/11	Grp4	30%	18%	5%	2%													
11/12	Grp5	25%	30%	18%	5%	2%												
12/13	Grp6	15%	25%	30%	18%	5%	5%											
13/14	Grp7	5%	15%	25%	30%	18%	10%	5%										
14/15	Grp8		5%	15%	25%	30%	15%	10%	2%									
15/16	Grp9			5%	15%	25%	30%	15%	5%	2%								
16/17	Grp10				5%	15%	25%	30%	18%	5%	2%							
17/18	Grp11					5%	10%	25%	30%	18%	5%	2%						
18/19	Grp12						5%	10%	25%	30%	18%	5%	5%					
19/20	Grp13							5%	15%	25%	30%	18%	10%	5%				
20/21	Grp14								5%	15%	25%	30%	30%	10%	5%			
21/22	Grp15									5%	15%	25%	40%	30%	40%	20%		
22/23	Grp16										5%	15%	10%	40%	30%	60%	30%	
23/24	Grp17											5%	5%	15%	25%	20%	70%	100%
		100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%



Visitors in Park (excluding staff) - Average High Season Week Day

Hour	Visitor Arrival	Visitor Arrivals	*Cumulative Arrivals*	*Visitor Departures*	*Cumulative Departures*	Visitors In Park
07/08	3%	42	*42*	0	*0*	42
08/09	5%	70	*112*	4	*4*	109
09/10	6%	84	*196*	14	*17*	179
10/11	8%	112	*308*	32	*49*	259
11/12	9%	126	*434*	55	*103*	331
12/13	10%	140	*574*	82	*186*	388
13/14	7%	98	*672*	109	*295*	377
14/15	6%	84	*756*	114	*409*	347
15/16	6%	84	*840*	115	*524*	316
16/17	8%	112	*952*	110	*635*	317
17/18	9%	126	*1,078*	93	*728*	350
18/19	6%	84	*1,162*	94	*822*	340
19/20	6%	84	*1,246*	107	*929*	317
20/21	5%	70	*1,316*	120	*1,049*	267
21/22	4%	56	*1,372*	151	*1,199*	173
22/23	2%	28	*1,400*	130	*1,329*	71
23/24		0	*1,400*	71	*1,400*	0
	100%	**1,400**		**1,400**	**Peak In Park**	**388**

Surf Session (14 Hours)

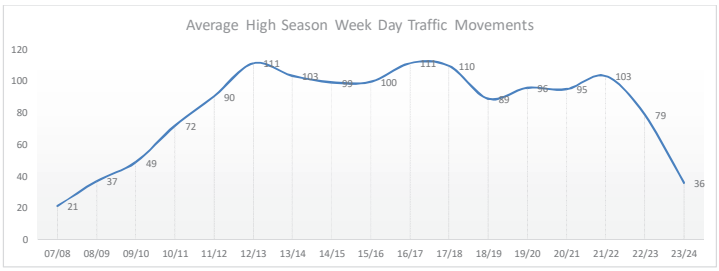
Car Parking Requirements (excluding staff) - Average High Season Week Day

Car Arrivals	*Cumulative Car Arrivals*	Car Departures	*Cum. Car Departures*	Cars In Park
21	*21*	0	*0*	21
35	*56*	2	*2*	54
42	*98*	7	*9*	89
56	*154*	16	*24*	130
63	*217*	27	*52*	165
70	*287*	41	*93*	194
49	*336*	54	*147*	189
42	*378*	57	*205*	173
42	*420*	58	*262*	158
56	*476*	55	*317*	159
63	*539*	47	*364*	175
42	*581*	47	*411*	170
42	*623*	54	*464*	159
35	*658*	60	*524*	134
28	*686*	75	*600*	86
14	*700*	65	*664*	36
0	*700*	36	*700*	0
700		**700**	**Peak in Park**	**194**

Traffic Movements - Average High Season Week Day

Hour	Car Arrivals	Car Departur	Traffic Movements
07/08	21	0	21
08/09	35	2	37
09/10	42	7	49
10/11	56	16	72
11/12	63	27	90
12/13	70	41	111
13/14	49	54	103
14/15	42	57	99
15/16	42	58	100
16/17	56	55	111
17/18	63	47	110
18/19	42	47	89
19/20	42	54	96
20/21	35	60	95
21/22	28	75	103
22/23	14	65	79
23/24	0	36	36
	700	**700**	**1,400**

Surf Session (14 Hours)



Attachment C

Traffic Volume Data

Prepared by City Count, LLC (www.citycount.com)

ADT Volume Report

Newport Beach Golf Course Driveway (Off Irvine Avenue)

Day: Wednesday, April 3, 2024 **City:** Newport Beach, CA

Daily Totals	Inbound	Outbound	Total
	919	920	1839

AM	In		Out		Total		PM	In		Out		Total	
00:00	0		0		0		12:00	12		7		19	
00:15	0		0		0		12:15	18		11		29	
00:30	1		0		1		12:30	15		21		36	
00:45	0	1	1	1	1	2	12:45	23	68	22	61	45	129
01:00	0		1		1		13:00	16		18		34	
01:15	0		0		0		13:15	20		14		34	
01:30	0		0		0		13:30	16		19		35	
01:45	0	0	0	1	0	1	13:45	20	72	21	72	41	144
02:00	0		0		0		14:00	19		9		28	
02:15	1		0		1		14:15	13		22		35	
02:30	0		0		0		14:30	23		16		39	
02:45	0	1	0	0	0	1	14:45	18	73	22	69	40	142
03:00	0		0		0		15:00	10		18		28	
03:15	0		0		0		15:15	17		17		34	
03:30	0		1		1		15:30	20		18		38	
03:45	0	0	0	1	0	1	15:45	24	71	14	67	38	138
04:00	2		0		2		16:00	31		18		49	
04:15	0		0		0		16:15	20		22		42	
04:30	0		0		0		16:30	27		18		45	
04:45	0	2	0	0	0	2	16:45	27	105	17	75	44	180
05:00	0		0		0		17:00	28		15		43	
05:15	0		0		0		17:15	26		17		43	
05:30	1		0		1		17:30	31		19		50	
05:45	1	2	0	0	1	2	17:45	30	115	21	72	51	187
06:00	0		1		1		18:00	21		25		46	
06:15	4		4		8		18:15	22		31		53	
06:30	6		0		6		18:30	15		28		43	
06:45	8	18	0	5	8	23	18:45	16	74	22	106	38	180
07:00	7		0		7		19:00	13		20		33	
07:15	8		2		10		19:15	8		14		22	
07:30	7		2		9		19:30	18		27		45	
07:45	4	26	4	8	8	34	19:45	16	55	29	90	45	145
08:00	10		9		19		20:00	4		18		22	
08:15	4		6		10		20:15	3		19		22	
08:30	19		6		25		20:30	0		14		14	
08:45	10	43	2	23	12	66	20:45	1	8	27	78	28	86
09:00	14		7		21		21:00	2		24		26	
09:15	15		8		23		21:15	3		9		12	
09:30	17		6		23		21:30	1		7		8	
09:45	10	56	8	29	18	85	21:45	1	7	10	50	11	57
10:00	12		6		18		22:00	2		5		7	
10:15	12		7		19		22:15	0		6		6	
10:30	13		11		24		22:30	0		3		3	
10:45	16	53	15	39	31	92	22:45	0	2	1	15	1	17
11:00	15		13		28		23:00	0		3		3	
11:15	11		11		22		23:15	1		0		1	
11:30	21		20		41		23:30	0		0		0	
11:45	17	64	10	54	27	118	23:45	2	3	1	4	3	7
Totals		266		161	427		Totals		653		759	1412	
Split %		62.3%		37.7%	23.2%		Split %		46.2%		53.8%	76.8%	

Daily Totals	Inbound	Outbound	Total
	919	920	1839

AM Peak Hour	11:00	10:45	10:45	PM Peak Hour	17:00	18:00	17:30
AM Peak Volume	64	59	122	PM Peak Volume	115	106	200
AM Pk Hr Factor	0.762	0.738	0.744	PM Pk Hr Factor	0.927	0.855	0.943

Attachment G

Planning Commission Staff Report (September 4, 2025) (Attachments Omitted)

CITY OF NEWPORT BEACH
PLANNING COMMISSION STAFF REPORT

September 4, 2025
Agenda Item No.2

SUBJECT:	Snug Harbor Surf Park (PA2024-0069) ▪ General Plan Amendment ▪ Major Site Development Review ▪ Conditional Use Permit ▪ Modification Permit ▪ Environmental Impact Report (SCH No. 2024110238)
SITE LOCATION:	3100 Irvine Avenue
APPLICANT:	Back Bay Barrels, LLC
OWNER:	Newport Golf Club, LLC
PLANNER:	Joselyn Perez, Senior Planner 949-644-3312, jperez@newportbeachca.gov

PROJECT SUMMARY

A request to redevelop the central portion of the privately owned and operated Newport Beach Golf Course (NBGC). The existing driving range, putting green, pro shop, restaurant and bar, and three holes of golf would be removed and replaced with a new surf-focused outdoor commercial recreation use (i.e., a "surf park"). The site would be improved with approximately five acres of surfing lagoons surrounded by viewing platforms, seating, pools, a spa, restrooms, landscaping, and 351 surface parking spaces. The proposed hours of operation for the surf park are from 6 a.m. to 11 p.m., daily. The project includes the construction of a new three-story amenity clubhouse building and a two-story athlete accommodation building with 20 rooms. As golf operations are proposed to continue, existing access would be maintained to the NBGC holes identified as the "front six" and the "back nine."

Although the proposed surf park is consistent with the current Parks and Recreation (PR) designation of the General Plan Land Use Element, the project requires a general plan amendment to increase the development limit of Anomaly Number 58, as identified in Table LU2 of the Land Use Element. Project implementation also requires a *major site development review* to construct a nonresidential building larger than 20,000 square feet, a *conditional use permit* to: (1) allow the operation of an outdoor commercial recreation use; (2) authorize alcohol sales within the amenity clubhouse and throughout the grounds of the surfing lagoon; (3) establish the appropriate parking rate; and (4) allow the construction of buildings taller than 18 feet, a *modification permit* to allow for the construction of retaining walls taller than 8 feet, and an *environmental impact report* to address reasonably foreseeable environmental impacts resulting from the legislative and project specific discretionary approvals.

RECOMMENDATION

1) Conduct a public hearing;

2) Adopt Resolution No. PC2025-018 recommending the City Council take the following actions:

   a. Certify the Environmental Impact Report filed as State Clearinghouse Number 2024110238; and

   b. Approve the General Plan Amendment, Major Site Development Review, Conditional Use Permit, and Modification Permit filed as PA2024-0069 (Attachment No. PC 1).

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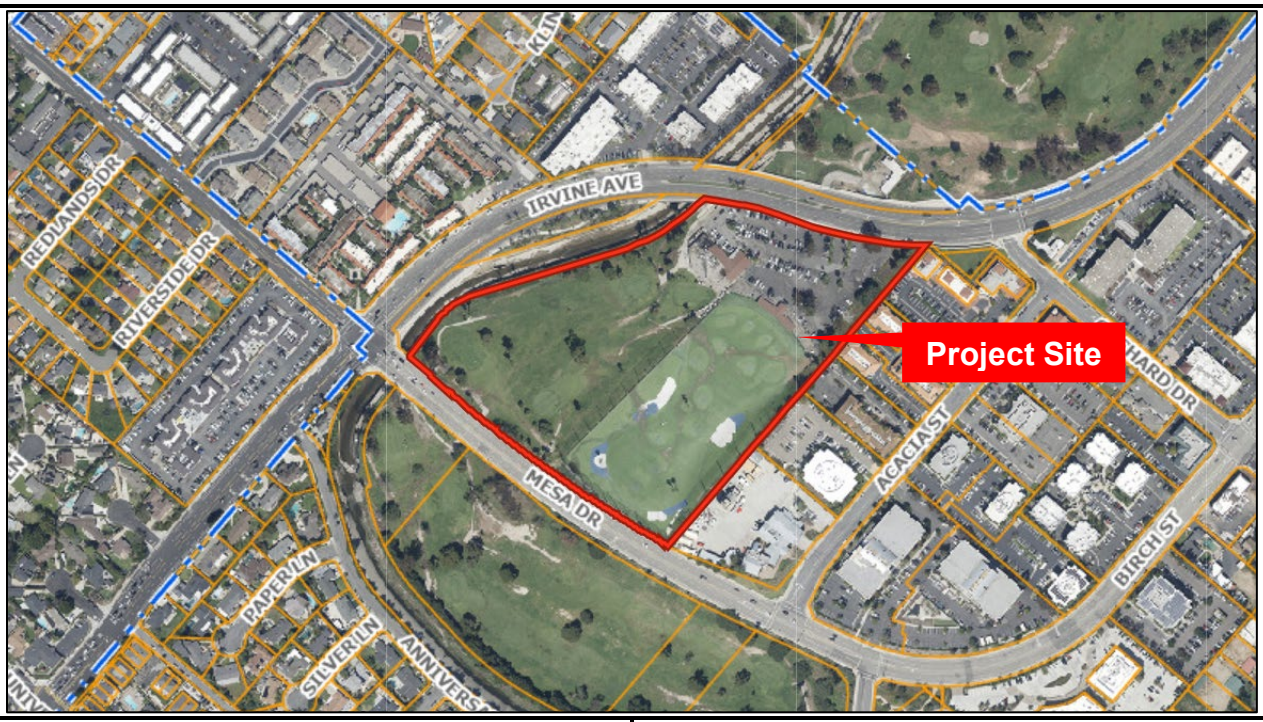
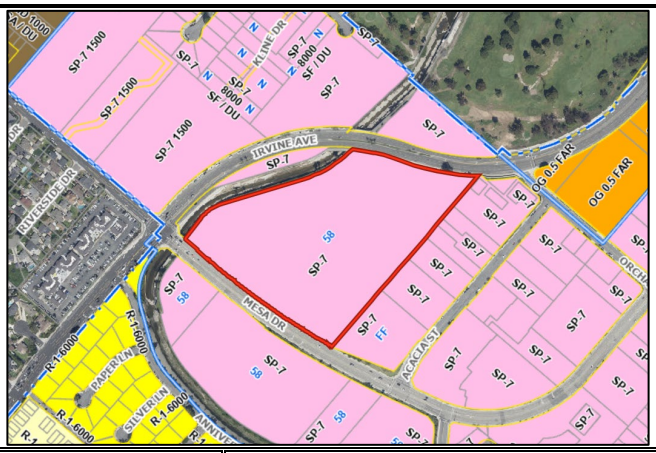
VICINITY MAP



GENERAL PLAN

ZONING



LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	Parks and Recreation (PR)	Santa Ana Heights Specific Plan (SP-7); Open Space and Recreation (OSR)	Newport Beach Golf Course (driving range, putting green, 3 holes, restaurant and bar, pro-shop)
NORTH	General Commercial Office (CO-G)	SP-7; Professional and Administrative Office (PA)	The Jetty commercial center
SOUTH	PR	SP-7/OSR	6 holes of the NBGC (holes 3-8)
EAST	Public Facilities (PF), CO-G	SP-7; Business Park (BP)	Fire Station No. 7, multi-tenant office buildings
WEST	Multiple Residential (RM), Unincorporated Orange County	SP-7; Residential Multiple Family (RMF), Unincorporated Orange County	"Newport Bay Terrace" apartment complex, "The Ranch" retail shopping center

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INTRODUCTION

Project Setting

As shown in Figure 1 below, the Newport Beach Golf Course (hereafter "NBGC") is separated into three physically distinct land areas: the northern, central, and southern portions. The northern portion is mostly located outside Newport Beach's boundaries and is owned by the County of Orange. The central and southern portions are owned by Newport Golf Club, LLC. The NBGC is not a City-owned or City-operated golf course. The project is proposed at the central portion, located east of the intersection of Mesa Drive and Irvine Avenue and addressed as 3100 Irvine Avenue (Site).

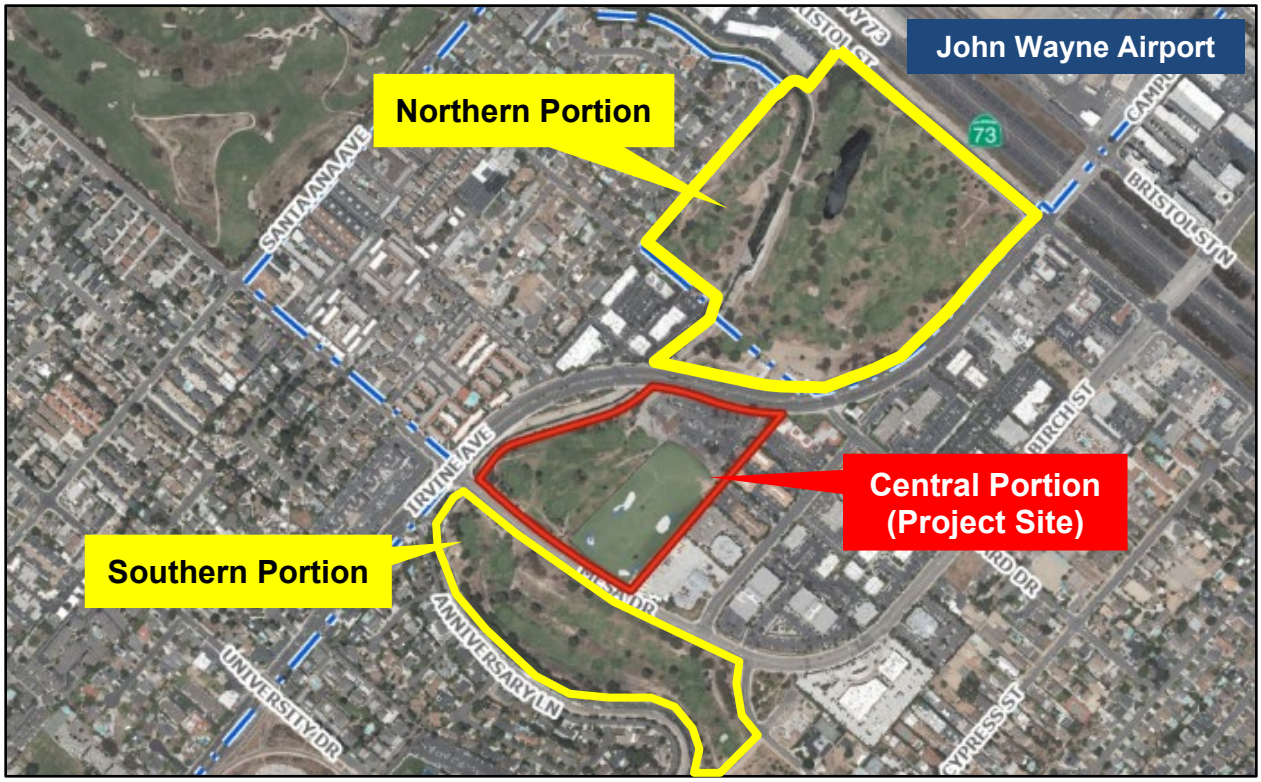

Figure 1, Extent of NBGC with project site outlined in red

The Site is located within an urban area that is considerably developed. Beginning to the north of the Site and moving clockwise, surrounding land uses include the "The Jetty" commercial center, holes 10-18 of the NBGC, multi-tenant office buildings, Newport Beach Fire Station No. 7, holes 3-8 of the NBGC, "The Ranch" retail shopping center, and multi-family residential. The Santa Ana Delhi Channel is located along the northwesterly Site boundary. The Site is categorized as Parks and Recreation (PR) by the Land Use Element of the General Plan and is zoned Santa Ana Heights Specific Plan/Open Space and Recreation (SP-7/OSR).

The Site is currently developed with a 38-bay, partially covered, synthetic turf driving range, a 1,050-square-foot putting green, a one-story 8,975-square-foot clubhouse building, and three holes of the NBGC (holes 1, 2, and 9). The existing clubhouse includes a pro shop and a restaurant that seats 233 people, and a surface parking lot with 280 parking spaces.

Project Description

Back Bay Barrels, LLC (Applicant) proposes to remove all existing improvements to allow for the redevelopment of the Site into a new surf-focused outdoor commercial recreation use (i.e., a "surf park"). The Site would be improved with approximately five acres of surfing lagoons surrounded by viewing platforms, seating, pools, spa, restrooms, and landscaping. The surf lagoon will be divided into two 5.1-million-gallon basins that would be hydrologically separated by wave making equipment forming a heart-shaped surf lagoon that would be up to 13 feet deep. The wave machinery would bisect the two basins and be located within a 40-foot-wide by 350-foot-long above- and below-grade continuous footing structure. The wave generating machinery, manufactured by the Wavegarden company, will use motorized mechanical paddles to create controllable and consistent waves. The lagoon would be heated and lit for evening use by 71-foot-high light poles with full cut-off lights focused downward. Additional lagoon equipment, such as the heating equipment and storage areas, would be approximately 15 feet high and would be located northeast of the lagoon, near the northern parking lot. As part of its operation as an amenity to locals and a regional destination for visitors, the surf park is anticipated to host approximately 12 surf events or competitions per year. The special events would be ticketed events, similar in scale to other local sporting events. Regular hours of operations for the surf park are proposed from 6 a.m. to 11 p.m., daily.

Supporting on-site improvements include the construction of a new three-story, 50-foot tall, amenity clubhouse which would provide a reception and lobby area, surf academy, fitness facility, yoga center, administrative offices, locker rooms, retail space, a restaurant, viewing suites, and a coffee and snack bar. Alcohol service would be provided within the clubhouse and throughout the grounds through Type 47 (On-Sale General - Eating Place), Type 58 (Caterer License), and Type 68 (Portable Bar) Alcohol Beverage Control (ABC) Licenses. The basement level would provide space for golf cart storage, along with surfboard storage, facility storage, and mechanical equipment. The project also includes a two-story, 40-foot-tall athlete accommodation building with 20 rooms.

In total, the project would construct approximately 79,533 square feet of area, however 19,761 square feet is excluded from the total development limit of the site as incidental building areas consistent with Table LU1 (Land Use Plan Categories) of the General Plan for properties categorized as Parks and Recreation.

The surf park is proposed to be served by 351 parking spaces within two surface lots that are partially covered by 14-foot- to 18-foot-high solar canopies. These canopies, in

conjunction with solar panels atop the surf park buildings, will provide onsite renewable energy to help offset the energy required to power its operations.

The project includes a robust open space and landscaping plan with roughly 20% of the total site, or 143,844 square feet, planted with drought tolerant ornamental landscaping. Nearly 35% of the site, or 235,650 square feet, will be provided as open space.

Also included in the project is the relocation of an existing, undersized driveway on Mesa Drive, roadway striping, and a sewer line upgrade and relocation. An artistic rendering of the surf park is provided in Figure 2 below to depict the context and several details discussed above.

Figure 2, A birds-eye view project rendering, looking south

The NBGC currently operates pursuant to Use Permit No. UP1594, which will remain in full force and effect as part of the project. The Applicant proposes to accommodate both parking and staging for golf and the project will retain existing access to the NBGC holes 10 through 18 (i.e., the “back nine”) and 3 through 8 (i.e., the “front six”) with modified operations on the Site. Importantly, access would be maintained both during construction and operation of the project, such that there should be limited to no lapses in the availability of golf.

The Applicant’s project description is included as Attachment No. PC 2 (Applicant’s Project Description). For the Applicant to be granted entitlement to implement the project, the Planning Commission must make a favorable recommendation to the City Council regarding the following requests:

- **General Plan Amendment (GPA):** To increase the development limit from 20,000 square feet to 59,772 square feet for Anomaly Number 58, as identified in Table LU2 of the General Plan Land Use Element;

- **Major Site Development Review (SDR):** To construct a nonresidential building larger than 20,000 square feet;

- **Conditional Use Permit (CUP):** To allow the operation of an outdoor commercial recreation use, to authorize alcohol sales within the amenity clubhouse and throughout the grounds of the surfing lagoon, to establish the appropriate parking rate, and to allow the construction of buildings taller than 18 feet;

- **Modification Permit (MOD):** To allow for the construction of retaining walls taller than 8 feet; and

- **Environmental Impact Report (EIR):** To address reasonably foreseeable environmental impacts resulting from legislative and project specific discretionary approvals.

For this staff report, the above description is simply identified collectively as the "Project."

DISCUSSION

Analysis

General Plan and Requested Amendment

The Site is identified as Parks and Recreation (PR) by the General Plan Land Use Element. As identified in Table LU1, "the PR designation applies to land used or proposed for active public or private recreational use. Permitted uses include parks (both active and passive), golf courses, marina support facilities, aquatic facilities, tennis clubs and courts, private recreation, and similar facilities." It is also identified in Table LU 2 as Anomaly Number 58, which has a corresponding development limit of 20,000 square feet.

While the Project is fully consistent with the intended development type described for the PR designation, it requires a GPA to increase the 20,000-square-foot development limit for Anomaly Number 58 by 39,772 square feet to 59,772 square feet[1]. The Site's PR designation will remain unchanged.

[1]The Project would construct approximately 79,533 square feet of area, however 19,761 square feet is excluded from the total development limit of the site as incidental building areas consistent with Table LU1 (Land Use Plan Categories) of the General Plan for properties designated as PR. Table LU1 exempts incidental buildings (e.g., maintenance equipment sheds, supply storage, and restrooms) and, on golf courses, support facilities for ground maintenance employees.

An amendment to the City's General Plan Land Use Element is a legislative act. Neither Title 20 (Planning and Zoning) of the Newport Beach Municipal Code (NBMC) nor the California Government Code Section 65000 et seq. set forth any required findings for either approval or denial of such amendments. However, the Project is consistent with and/or in furtherance of the following 76 General Plan policies, as listed in Table 1.

Table 1, General Plan Policy Consistency Review	
Element	**Policy**
Land Use	LU 1.6 (Public Views) LU 2.1 (Resident-Serving Land Uses) LU 2.2 (Sustainable and Complete Community) LU 2.5 (Visitor Serving Uses) LU 2.8 (Adequate Infrastructure) LU 3.1 (Neighborhoods, Districts, Corridors, and Open Spaces) LU 3.2 (Growth and Change) LU 3.3 (Opportunities for Change – Santa Ana Heights) LU 3.7 (Natural Resource and Hazardous Areas) LU 3.8 (Project Entitlement Review with Airport Land Use Commission) LU 4.1 (Land Use Diagram) LU 5.6.2 (Form and Environment) LU 5.6.3 (Ambient Lighting)
Historical Resources	HR 2.1 (New Development Activities) HR 2.2 (Grading and Excavation Activities) HR 2.3 (Cultural Organizations) HR 2.4 (Paleontological or Archaeological Materials)
Circulation	CE 2.2.1 (Safe Roadways) CE 7.1.1 (Vehicle Miles Traveled (VMT) Analysis) CE 7.1.2 (VMT Mitigation Measures) CE 7.1.5 (Support Facilities for Alternative Modes) CE 7.1.7 (Project Site Design Supporting Alternative Modes) CE 7.1.8 (Electric Vehicle (EV) Charging Stations) CE 9.1.10(Development Requirements)
Recreation	R 1.12 (Aircraft Overflight and Noise) R 4.1 (Provision of Recreation Services) R 4.2 (Compatible Recreation Activities) R 4.3 (Variety of Programs) R 4.5 (Variety of Adult Recreational Programs)
Natural Resources	NR 1.1 (Water Conservation in New Development) NR 1.2 (Use of Water Conserving Devices) NR 3.4 (Storm Drain Sewer System Permit) NR 3.5 (Natural Water Bodies) NR 3.9 (Water Quality Management Plan) NR 3.10 (Best Management Practices) NR 3.11 (Site Design and Source Control) NR 3.12 (Reduction of Infiltration) NR 3.14 (Runoff Reduction on Private Property) NR 3.16 (Siting of New Development) NR 3.17 (Parking Lots and Rights-of-Way)

	NR 3.19 (Natural Drainage Systems) NR 3.20 (Impervious Surfaces) NR 4.3 (Restore Natural Hydrologic Conditions) NR 4.4 (Erosion Minimization) NR 6.1 (Walkable Neighborhoods) NR 6.4 (Transportation Demand Management Ordinance) NR 7.2 (Source Emission Reduction Best Management Practices) NR 10.2 (Orange County Natural Communities Conservation Plan) NR 10.3 (Analysis of Environmental Study Areas) NR 10.4 (New Development Siting and Design) NR 10.5 (Development in Areas Containing Significant or Rare Biological Resources) NR 10.6 (Use of Buffers) NR 10.7 (Exterior Lighting) NR 18.1 (New Development) NR 18.3 (Potential for New Development to Impact Resources) NR 18.4 (Donation of Materials) NR 20.1 (Enhancement of Significant Resources) NR 20.2 (New Development Requirements) NR 20.4 (Public View Corridor Landscaping) NR 23.1 (Maintenance of Natural Topography) NR 23.7 (New Development Design and Siting) NR 24.2 (Energy-Efficient Design Features) NR 24.3 (Incentives for Green Building Program Implementation)
Safety	S 4.7 (New Development) S 5.1 (New Development Design within 100-year Floodplains) S 5.2 (Facility Use or Storage of Hazardous Materials Standards) S 5.3 (Minimization of Flood Hazard Risk) S 7.1 (Known Areas of Contamination) S 7.2 (Development Design within Methane Gas Districts) S 7.4 (Implementation of Remediation Efforts)
Noise	N 1.1 (Noise Compatibility of New Development) N 1.7 (Commercial/ Entertainment Uses) N 1.8 (Significant Noise Impacts) N 4.2 (New Uses) N 4.6 (Maintenance of Construction Activities) N 5.1 (Limiting Hours of Activity)

A full General Plan consistency analysis, including complete policy language and justification, has been prepared for the Project and is available as Exhibit "F" to the draft resolution (Attachment No. PC 1).

Charter Section 423 (Measure S)

Pursuant to City Charter Section 423 and City Council Policy A-18, proposed GPAs are reviewed to determine if a vote of the electorate would be required because a project exceeds certain thresholds provided in Section 423 of the City Charter. GPAs are

reviewed separately and cumulatively with other projects in the same Statistical Area over the prior 10 years.

The Site is within Statistical Area J-5. One GPA within Statistical Area J-5 has been approved within the last 10 years and continues to be tracked, as required by the provisions of Charter Section 423. Trip generation for the purpose of implementing the Charter Section was calculated using the blended rate for "public, semi-public, and institutional uses," as provided in City Council Policy A-18.

Table 2 below illustrates the calculations to determine if a vote is required. Notably, none of the thresholds specified by Charter Section 423 are exceeded, therefore no vote of the electorate is required should the City Council choose to approve this GPA.

Table 2, Charter Section 423 Analysis for Statistical Area J-5

Amendments	Increased Density (DU)	Increased Intensity (SF)	Peak Hour Trip Increase	
			A.M.	P.M.
PA2020-041 (Shvetz Residential Subdivision)	1	0	0.75	1.01
Total Prior Increases	1	0	0.75	1.01
80% of Prior Increases	.8	0	0.60	.81
100% of Proposed Project PA2024-0069	0	39,772	59.66	59.66
Total	.8	39,772	60.26	60.26
Threshold	100	40,000	100	100
Remaining	99.2	228	39.74	39.74
Vote Required?	**No**	**No**	**No**	**No**

[2] Council Policy A-18 provides that a proposed amendment shall be added to 80% of previous amendments

Tribal Consultation (Senate Bill 18 and Assembly Bill 52)

The City requested a Sacred Lands File (SLF) search on May 31, 2024, for the Site from the Native American Heritage Commission (NAHC). On June 18, 2024, the NAHC responded that the findings of the search were positive and identified 20 Native American tribal representatives to contact for further information on potential tribal resources. To comply with both the requirements of SB 18 and Assembly Bill 52, the City mailed notices regarding the Project to all the listed tribes. The City received responses from the Gabrielino Tongva Indians of California (Gabrielino Tongva) and the Gabrieleño Band of Mission Indians - Kizh Nation (Kizh Nation). The City engaged in a good faith effort for consultation with both tribes and both tribes requested monitoring for tribal resources during ground disturbances. During the consultation process, the Kizh Nation requested to be the sole onsite monitor and asserted that the Gabrielino Tongva have no direct historical, ancestral, or cultural ties to Newport Beach. However, the Gabrielino Tongva tribe provided the City with substantial evidence identifying that the Site is within their

Ancestral Tribal Territory and were also identified in the SLF search that the Site is within traditional lands or cultural places for the Gabrieleno Tongva. Therefore, the City as Lead Agency determined that the mitigation measures allowing for tribal monitors from both tribes should be incorporated into Mitigation Monitoring and Reporting Program (MMRP) for the Project.

Zoning Code Consistency

The Site is located within the Open Space and Recreation (OSR) District of the Santa Ana Heights Specific Plan (SP-7). The SP-7/OSR District allows for local and buffer greenbelts by right, public and private utility buildings and structures subject to the approval of a minor use permit, and golf courses and commercial recreation subject to the approval of a CUP.

Subsection 20.90.050(E) (Site Development Standards) of the NBMC establishes minimum development standards for the Site as listed below in Table 3:

Table 3, Site Development Standards	
Building Site Area	One acre minimum
Building Height	18 feet maximum, unless otherwise provided for by use permit
Building Setbacks	20 feet minimum from all property lines
Off-Street Parking	Per Chapter 20.40
Lighting	All lighting shall be designed and located so that direct light rays are confined to the premises

The Project complies with the minimum building site area, required building setback, lighting standards, and is proposing a maximum building height of 50 feet above the existing grade for the amenity clubhouse and 40 feet above the existing grade for the visitor accommodation building. Existing grade for the purpose of measuring building height has been established pursuant to Section 20.30.050 (Grade Establishment) of the NBMC for properties where the slope of the lot is 5% or less. Parking for the Project was established in accordance with Chapter 20.40 (Off-Street Parking) of the NBMC. Furthermore, the Project proposes a trash enclosure consistent with section 20.30.120 (Solid Waste and Recyclable Materials Storage) of the NBMC.

Chapter 20.52 (Permit Review Procedures) of the NBMC provides that construction of a nonresidential building larger than 20,000 square feet in area requires approval of a major site development review. Additionally, approval of a conditional use permit is required to authorize the outdoor commercial recreation use, authorize alcohol sales, construct a building more than 18 feet in height, and to establish the required number of parking spaces, consistent with Table 3-10 (Off-Street Parking Requirements) of Chapter 20.40 (Off-Street Parking Requirements).

Lastly, the Project proposes multiple retaining walls to create the building pad. While retaining walls along the westerly property line comply with the maximum 8 feet above finish

grade height limit, the retaining walls along the easterly property line exceed the limit, with heights ranging from 9 feet, 11 inches above finish grade to 16 feet above finish grade and require the approval of a modification permit. While a modification permit is typically heard by the Zoning Administrator, Section 20.50.30 (Multiple Permit Applications) of the NBMC requires that multiple applications for the same project be processed concurrently and be reviewed and approved, modified, or denied by the highest review authority, which in this case is the City Council.

Major Site Development Review Findings

Section 20.52.080(F) (Site Development Review, Findings and Decision) of the NBMC requires the Planning Commission to make the following findings to recommend approving the SDR:

A. *The proposed development is allowed within the subject zoning district;*

B. *The proposed development is in compliance with all of the following applicable criteria:*

   i. *Compliance with this section, the General Plan, this Zoning Code, any applicable specific plan, and other applicable criteria and policies related to the use or structure;*
   ii. *The efficient arrangement of structures on the site and the harmonious relationship of the structures to one another and to other adjacent developments; and whether the relationship is based on standards of good design;*
   iii. *The compatibility in terms of bulk, scale, and aesthetic treatment of structures on the site and adjacent developments and public areas;*
   iv. *The adequacy, efficiency, and safety of pedestrian and vehicular access, including drive aisles, driveways, and parking and loading spaces;*
   v. *The adequacy and efficiency of landscaping and open space areas and the use of water efficient plant and irrigation materials; and*
   vi. *The protection of significant views from public right(s)-of-way and compliance with NBMC Section 20.30.100 (Public View Protection); and*

C. *Not detrimental to the harmonious and orderly growth of the City, nor endangers, jeopardizes, or otherwise constitutes a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed development.*

The proposed development complies with the applicable provisions of the General Plan, Zoning Code, and the Santa Ana Heights Specific Plan, while promoting efficient and thoughtful site planning and design. The Project introduces an outdoor commercial recreational use consistent with the Site's PR designation and furthers numerous General Plan goals and policies, as previously discussed.

The architectural style of the Project is a contemporary interpretation of Southern California's surf and beach culture, expressed through low-profile forms and natural materials. The material palette includes horizontal wood siding, exposed mass timber, architectural concrete, dark bronze metal accents, and glass. The proposed color palette includes earth tones such as driftwood browns, soft greys, sandy beige, and weathered whites. They are designed to blend into the environment and soften the built form against the natural backdrop. It incorporates harmonious building placement and a cohesive architectural theme, with curved structures that mirror the form of the surf lagoon, creating an integrated layout that minimizes conflicts with surrounding uses. Specific examples of intentional design include siting the clubhouse in a location that will help to shield any noise generated by the Project from the multi-family residential development located across Irvine Avenue.

The Project demonstrates compatibility with surrounding development in terms of bulk, scale, and visual character. Although it introduces more urbanized features compared to the current condition, it remains in scale with nearby commercial structures, which include multi-story commercial office buildings, and is designed to minimize public view impacts. Lighting, noise, and structural mass are managed through setbacks, landscape screening, and strategic orientation. The surf lagoon and supporting buildings are designed with water-efficient landscaping, efficient irrigation systems, and extensive open space totaling over 235,000 square feet, contributing to the Site's environmental performance. Access and circulation are also thoughtfully designed, with driveways configured to ensure safe ingress and egress, queuing controls, and clear separation of surf park and golf course operations. Vehicular access from Irvine Avenue will be provided via a right-turn-in, left-turn-in, and right-turn-out only driveway. Vehicular access from Mesa Drive via the relocated driveway will be restricted pursuant to Condition of Approval No. 90 to a right-turn-in and right-turn-out only configuration to help prevent conflicts with motorists queuing to turn left at the nearby signalized intersection.

The Project preserves key components of the existing NBGC and integrates them into the new development through shared infrastructure and facilities, maintaining recreational continuity during both construction and operation of the Project. Figure 3 below shows temporary access to the NBGC course during construction. Access to the remaining portions of golf during operation of the completed Project will be provided in an arrangement similar to the temporary access.

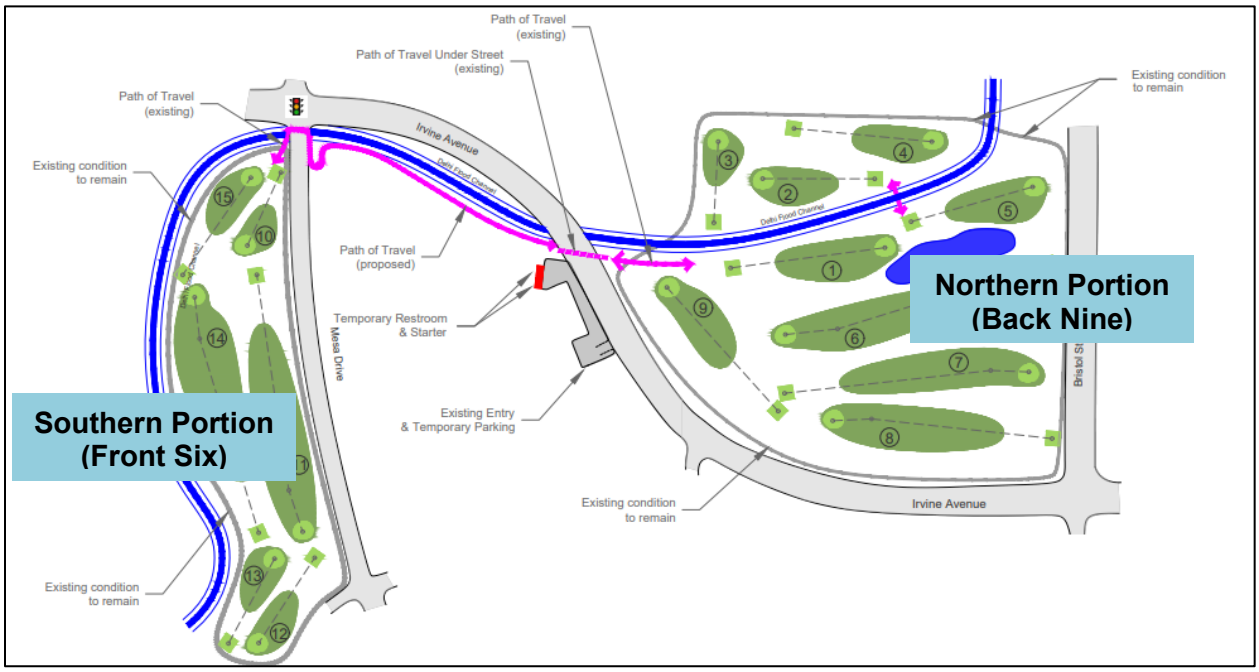

Figure 3, A conceptual plan showing the temporary layout with golf cart access shown in pink

Lastly, the Project is designed to protect any significant views from public rights-of-way in compliance with Section 20.30.100 (Public View Protection) of the NBMC. All development within the Site would be set back from adjacent streets and would not encroach on existing public views along the roadway corridors adjacent to the site. The closest designated public viewpoint is approximately 0.3-mile southwest of the Site, along Irvine Avenue and south of University Drive. The viewpoint provides views of the Upper Newport Bay Preserve. Bayview Park, adjacent to Upper Newport Bay Preserve, is also designated as a public viewpoint. As shown below in Figure 4, the Site is located northwest of these points not within the coastal scenic viewshed from either of these viewpoints. Therefore, the Project does not have the potential to obstruct public viewpoints or corridors, as identified on General Plan Figure NR 3 (Coastal Views).

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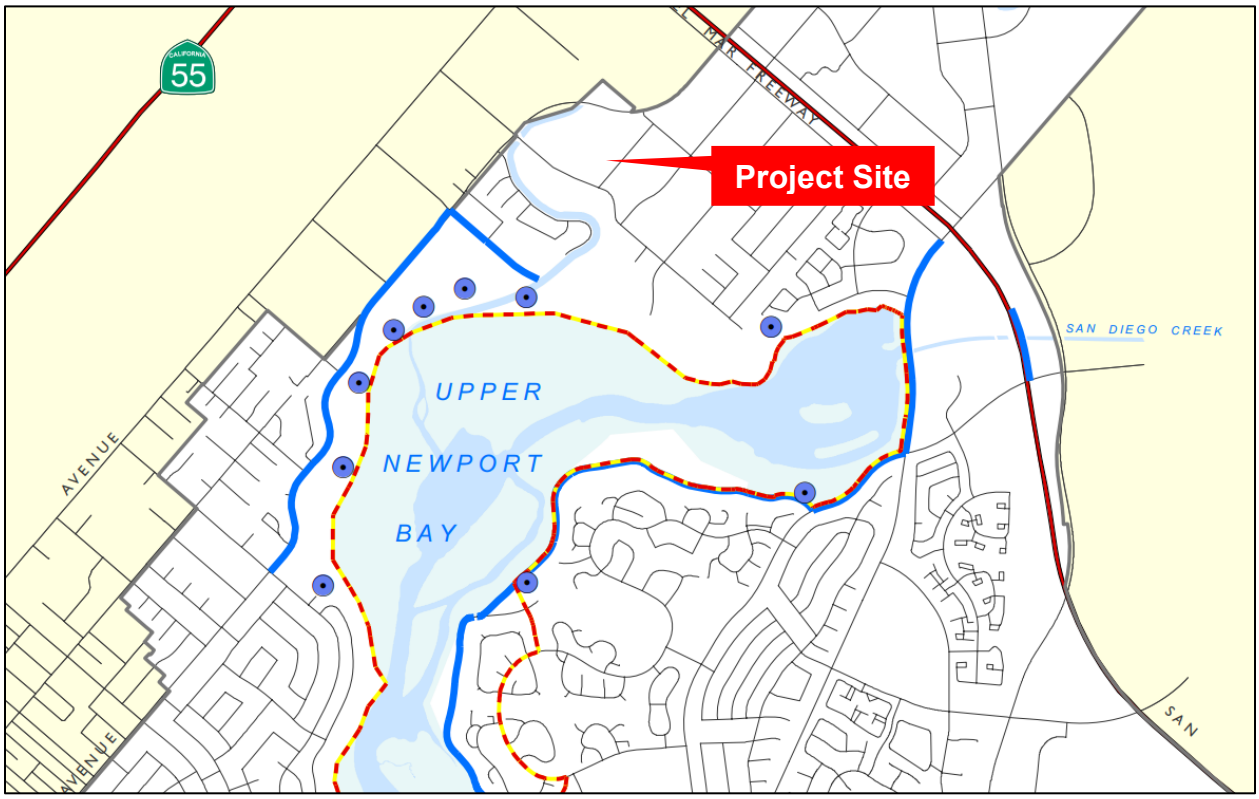

Figure 4: Map of designated viewpoints, from the Natural Resources element of the General Plan

The Project's compatibility with surrounding uses is discussed in greater detail under the "Conditional Use Permit Findings" header below.

Alcohol Sales Findings

The Applicant requests Type 47 (On-Sale General - Eating Place), Type 58 (Caterer License), and Type 68 (Portable Bar) ABC licenses in conjunction with the on-site amenities that are incidental to the surf park. When reviewing an application to allow an eating or drinking establishment to sell, serve, or give away alcohol, Section 20.48.030 (Alcohol Sales) of the NBMC requires the Planning Commission to consider impacts to adjacent uses and proximity to existing alcohol sales, both for on-site and off-site consumption. With its review, the Planning Commission must find that:

1. *The use is consistent with the purpose and intent of Section 20.48.030 (Alcohol Sales) of the Zoning Code.*

The purpose and intent of Section 20.48.030 is to maintain a healthy environment for residents and businesses by establishing a set of consistent standards for the safe operation of alcohol establishments. The Project has been reviewed by the Newport Beach Police Department (NBPD) and conditioned to ensure that the purpose and intent of this Section is maintained and that a healthy environment for all residents and

businesses is preserved. The Project will have alcohol service within the amenity clubhouse and throughout the grounds of the surfing lagoon. Alcohol service within the grounds will primarily be provided for the convenience of surf park patrons. While the restaurant and bar will generate some independent demand as discussed in the parking section below, the surf lagoon is the primary feature of the Project.

Live entertainment and dancing are not proposed as part of the regular operations of the restaurant. If the Applicant seeks to extend restaurant hours beyond 11 p.m., include live entertainment or dancing as part of regular operations, or seek additional ABC licenses (such a Type 48 (On-Sale General – Public Premises), a subsequent CUP will be required. An Operator License from the NBPD in accordance with Chapter 5.25 (Operator License for Establishments Offering Alcoholic Beverages for On-Site Consumption in Combination with Late Hours, Entertainment, and/or Dance) of the NBMC may also be required.

For this analysis, the NBPD prepared a Crime and Alcohol Related Statistics Report using the latest available data (2024) and a memorandum for the Project (Attachment No. PC 3). The data is incorporated into the factors for consideration in the draft Resolution (Attachment No. PC 1). Operational conditions of approval were recommended by the NBPD relative to the sale and service of alcoholic beverages and have all been incorporated in Exhibit “G” of the draft Resolution. These Conditions of Approval will help to ensure compatibility with surrounding uses to minimize alcohol-related impacts.

Parking Requirement

Chapter 20.40 (Off-Street Parking) of the NBMC does not provide a specific parking requirement for outdoor recreational uses and instead requires the parking requirement to be studied and established by a use permit. To determine an appropriate parking rate, a parking demand analysis (Parking Analysis) was prepared for the Project by Gibson Transportation Consulting, Inc., dated July 14, 2025, and is available as Attachment No. PC 4 (Gibson Parking Analysis). The Parking Analysis uses detailed programmatic attendance information and operational modeling data prepared by Wavegarden, who operates surf park facilities around the globe. The parking requirement developed for the surf lagoon and associated amenities are based on the projected attendance levels, corresponding employee estimates and operational parameters, and associated average vehicle ridership (AVR) ratios. The Parking Analysis was reviewed and accepted by the City Traffic Engineer.

<u>Visitors</u>

The anticipated number of visitors expected during a typical high season weekday are summarized below in Table 4. Attendance levels for the high season weekend activity were initially considered for this assessment, but the associated weekend AVR ratios effectively resulted in the high season weekday activity analysis being the more conservative of the two scenarios.

Table 4, Projected Attendance Levels	
Surf Lagoon	700 daily visitors
Surf Academy	140 daily visitors
Restaurant	280 daily visitors
Shops	70 daily visitors
Fitness/Yoga Facilities	210 daily visitors
Total	1,400 visitors per day

The modeling data estimates a maximum of 388 visitors will be onsite at any given time. The Parking Analysis assumes that two visitors will arrive per vehicle, resulting in a parking requirement for visitors of 194 spaces.

Employees

The Project will employ 70 employees, however only 35 employees are estimated to be onsite at any given time. The Parking Analysis assumes that each employee will arrive in their own vehicle, resulting in a parking requirement for employees of 35 spaces.

Golf

The Parking Analysis uses Parking Generation, 6th Edition (Institute of Transportation Engineers, 2023) to estimate the parking demand of the remaining holes of golf, as golf patrons will park on the Site. The remaining 15 holes of golf have a parking requirement of 95 spaces.

Total Parking Demand

Cumulatively, the total estimated parking demand for the Project is 324 spaces. It is worth noting that the Parking Analysis is conservative in that it did not consider the use of alternative transportation modes (e.g., public transit, rideshare, bike, walk, etc.) and the parking demand estimates assume that 100% of the visitors and employees would travel to and from the Site via automobile. Even without the use of alternative transportation, the Project's proposed 351 parking spaces will provide a 27-space surplus.

While the Project does not rely on valet parking to establish or satisfy parking requirements, the Parking Analysis did provide an operational plan for the use of valet which could be enacted during periods of heavier demand; special events, for example. Pursuant to Condition of Approval No. 94, a final parking management plan will be reviewed and approved by the City to ensure voluntary valet operations and internal gate operations can be fully accommodated onsite and in accordance with City standards.

Conditions of Approval Nos. 10, 11, 12, 13, and 94 have been incorporated into Exhibit "G" of the draft Resolution to regulate the number of available parking spaces, employee

parking, and parking management if demand exceeds the estimates of the Parking Analysis. Collectively, these Conditions of Approval will help to ensure the Project's operations are contained on the Site while giving the City tools to reevaluate in the future should the need arise.

Traffic

Chapter 15.40 (Traffic Phasing Ordinance) of the NBMC provides a framework for analyzing and evaluating the traffic impacts of projects that generate 300 or more new average daily trips (ADTs). To determine whether the Project generates 300 or more new ADTs and if a Traffic Impact Analysis (TIA) would be required, a trip generation analysis (Trip Generation) was prepared by Gibson Transportation Consulting, Inc, dated March 4, 2025, and is provided as Attachment No. PC 5 (Gibson Trip Generation). Gibson estimated the ADTs for the surf lagoon and ancillary amenities on the same projected attendance and operational characteristics described in the parking section above. The Trip Generation includes the ADTs from retaining 15 holes of golf when estimating the ADTs for the Project. The Project is anticipated to generate 1,996 ADTs.

Using the Trip Generation Manual, 11th Edition (Institute of Transportation Engineers, 2021), the current configuration of the NBGC is estimated to have 1,810 ADTs.

The Project will generate 186 net new ADTs and is under the 300 new ADT threshold that would require a TIA be prepared. The Trip Generation was reviewed and accepted by the City Traffic Engineer.

Conditional Use Permit Findings

Pursuant to Section 20.52.020(F) (Conditional Use Permits and Minor Use Permits) of the NBMC, the Planning Commission must consider following findings to recommend approval the CUP:

1. *The use is consistent with the General Plan and any applicable specific plan;*

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

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

4. *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*

5. *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.

The Project is consistent with the General Plan, Santa Ana Heights Specific Plan, Zoning Code and Municipal Code as discussed in the preceding sections titled General Plan and Requested Amendment and Zoning Code Consistency. The remaining findings to recommend approval of a CUP are primarily related to the Project's compatibility with the surrounding area and the Site's adequacy for the Project. Although these are detailed within Attachment No. PC 1 to this report, a compatibility summary is provided below.

The Project proposes a 50-foot tall, amenity clubhouse and a 40-foot-tall visitor accommodations building. The buildings are ancillary to the surf lagoon and complete the visitor experience. While the Project would change the views of the Site from a golf course to a surf park, the buildings are setback from the public right-of-way, feature high quality materials and are intentionally designed, and the Project provides landscaping to enhance the visual quality of the surf park. Further, none of the proposed improvements will be taller than the existing net poles surrounding the NBGC. The driving range is surrounded by approximately 40 net poles that range in height from 25 to 80 feet, depending on location. Lastly, the proposed building heights are consistent with the nearby multi-tenant office buildings along Irvine Avenue and Birch Street. Specifically, the nearby office building at 3300 Irvine Avenue, approximately 400 feet to the northeast of the Site, which was recently approved pursuant to PA2024-0070 for a maximum building height of 41-feet, 6-inches above existing grade and architectural features up to 45 feet above existing grade. The Project will not appear out of place with the surrounding development.

The existing Site features varying topography with the high point of the site occurs within the driving range, behind Fire Station No. 7 and slopes downward, toward the Santa Ana-Delhi Channel and Irvine Avenue beyond. The surfing lagoon elevation and the finish floor of the buildings were designed with a goal of balancing the Site and maintaining access to the adjacent public streets. The Project orientation and layout were intentionally designed in consideration of the airport safety zones described in the preceding section titled Project Setting.

A Preliminary Water Quality Management Plan (WQMP) and a Preliminary Hydrology Report were prepared for the Project, both by Fuscoe Engineering, dated November 2024. The Project would maintain the existing drainage pattern and includes the installation of an onsite storm drainage system with four bioretention basins and an 18-inch storm drain to connect to the existing storm drain line. A Water Demand Report (December 2024) and a Sewer Analysis Report (January 2025), both prepared by Fuscoe Engineering and reviewed and accepted by the Utilities Department Director, concluded that the existing water and sewer infrastructure is adequate to serve the proposed Project, with no new water facilities required and sufficient sewer capacity to handle projected flows. The Project would be constructed according to Title 24 requirements of the 2022 California administrative code for water conservation and landscaping would be

implemented throughout the Project site, including implementation of bioretention basins that would limit runoff. BMPs for stormwater management would also be implemented to direct stormwater into landscape areas to use for irrigation. Additionally, the Project includes periodic draining of on-site basins, one basin per year on a rotating basis, into the sewer system, which will be coordinated and permitted through the Costa Mesa Sanitary District (CMSD) pursuant to Condition of Approval No. 93 which should help ensure proper management of intermittent peak flows.

The Site will be served by the Newport Beach Fire Department and the NBPD. The Project would not significantly increase the need for public services in the Project area, as fully demonstrated in the Public Services section of the DEIR. The Project proposes a maximum of 12 special events per year and anticipates the special events to be similar in nature to any local sporting event. Special events have been characterized as either a Level 1, 2, or 3 event depending on the duration of the event, number of attendees, and whether the event involves lane closures, traffic control, or City staff. The CUP authorizes a maximum of 12 Level 2 or Level 3 events per year and requires quarterly reporting on the events. The full list of conditions of approval for special events is provided as Conditions 129 through 146 in Exhibit “G” in the draft Resolution.

A Noise Analysis for the construction and operation of the Project was prepared by Urban Crossroads, dated May 15, 2025, as part of the DEIR. Project operation would generate onsite noise from typical commercial activity such as roof-top air conditioning units, parking lot activity, trash enclosure, loading of trucks for operational services, and also the wave making equipment. Additionally, the Project would include speakers located near the seating and surf lagoon areas. The Project proposes ceasing use of the speakers by 10 p.m. and is conditioned accordingly. The noise analysis and the DEIR ultimately concluded that the Project would achieve compliance with the City’s noise standards and would not have noise impacts on sensitive receptors near the Site.

Project construction presents an opportunity to temporarily impact nearby persons residing or working in the neighborhood. Construction would take approximately 18 months and includes demolition, site preparation, grading, installation of infrastructure and utilities, followed by building construction, pavement, and then architectural coatings. As required by Condition of Approval No. 86, a construction management plan will be implemented to reduce construction-related disruptions.

The Project has been reviewed and conditioned by all relevant City departments, including the NBPD and the City Traffic Engineer to help ensure compatibility with the allowed uses within the vicinity, including the mix of residential densities and commercial uses, and that operation of the use would not be a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood.

Modification Permit Findings

Pursuant to Section 20.52.050 (E) (Modification Permits) of the NBMC, the Planning Commission must make the following findings to approve a modification permit:

A. *The requested modification will be compatible with existing development in the neighborhood;*

B. *The granting of the modification is necessary due to the unique physical characteristic(s) of the property and/or structure, and/or characteristics of the use;*

C. *The granting of the modification is necessary due to practical difficulties associated with the property and that the strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code;*

D. *There are no alternatives to the modification permit that could provide similar benefits to the Applicant with less potential detriment to surrounding owners and occupants, the neighborhood, or to the general public; and*

E. *The granting of the modification would not be detrimental to public health, safety, or welfare, to the occupants of the property, nearby properties, the neighborhood, or the City, or result in a change in density or intensity that would be inconsistent with the provisions of this Zoning Code;*

The Site features a significant grade differential of approximately 33 feet from the high point behind Fire Station No. 7 to the centerline of Irvine Avenue. To respond to these elevation changes, the Project includes a series of retaining walls, some exceeding 8-foot height limit, with a maximum exposed height of 16.4 feet above finish grade, plus a 6-foot security fence above. These walls are located along the southern and western boundaries of the surfing lagoon, areas where elevation changes are most pronounced and are designed pursuant to the Geotechnical Exploration prepared by Carl Kim Geotechnical, Inc., dated July 19, 2024. Retaining walls are a common feature in the surrounding area, which includes other elevated building pads, such as The Ranch commercial center and nearby apartment complex.

The tallest walls are set back, behind the Delhi Channel, and far from the centerline of Irvine Avenue. The walls are screened with landscaping, minimizing visibility and ensuring compatibility with neighborhood character. Figure 5 and 6 below provide views of the existing condition and the taller retaining walls.

Figure 5: Existing and proposed, as seen from the southwest corner of Irvine Avenue and Mesa Drive.

Figure 6: Existing and proposed, as seen from Irvine Avenue, near The Jetty commercial center

Terraced walls, which achieve compliance with height limits, have been incorporated where feasible; however full terracing consistent with Section 20.30.040 (Fences, Hedges, Walls, and Retaining Walls) of the NBMC would significantly reduce usable site area and would impact the Project's viability. Furthermore, the basins design and placement are specific to not put any lateral pressure on the Delhi channel. No feasible alternatives exist that would meet grading and access requirements while achieving compliance with the 8-foot maximum. Wall heights and section views are available in the Project Plans which are provided as Attachment No. PC 6 (Project Plans).

Local Coastal Plan

The Site is not located within the Coastal Zone but is immediately adjacent to its boundary, which occurs at the inland extend of the Mesa Drive right-of-way. The Project proposes three improvements within the Mesa Drive right-of-way: (1) the relocation of an existing driveway; (2) roadway striping (i.e., paint); and (3) utility upgrades. These activities are exempt from obtaining a Coastal Development Permit (CDP) pursuant to Section 21.52.035 (Projects Exempt from Coastal Development Permit Requirements) of the NBMC and do not require a CDP. As part of the Project review, City staff communicated this determination to the California Coastal Commission staff and received their concurrence.

Environmental Review

In accordance with the California Environmental Quality Act (CEQA) and City Council Policy K-3, a Draft EIR referenced as State Clearinghouse No. 2024110238 (DEIR) was prepared for the Project by the City's consultant Environment Planning Development Solutions, Inc., dba EPD Solutions.

Notice of Preparation

Pursuant to the requirements of CEQA, a Notice of Preparation (NOP) for the DEIR was distributed for a 30-day reviewing period from November 7, 2024, through December 6, 2024. The NOP was submitted to the State Clearinghouse (SCH) within the Governor's Office of Land Use and Climate Innovation (formerly Office of Planning & Research (OPR)), County Clerk, responsible and trustee agencies, county and cities bordering the site, adjacent properties, and organizations and individuals that have requested notification. In addition, the NOP was posted on the Project site, on the City's website, at City Hall, and at City libraries. The City emailed a "News Splash" to alert interested parties of the postings and mentioned the NOP in the City Manager's weekly newsletter known as the "Week in Review".

A public scoping meeting was held on November 20, 2024, at 6 p.m. in the Community Room at City Hall. Members of the public and public agencies were able to provide input on the scope and content of the DEIR at the scoping meeting. All comments received in

response to the NOP and at the Scoping Meeting are catalogued and provided in the DEIR. The DEIR and appendices are provided in the draft resolution as Exhibit “B”.

Draft EIR (DEIR)

The DEIR evaluated the environmental effects that could arise from the construction and operation of the Project.

During the preparation of DEIR, the Project was determined to have no potential to result in significant impacts under four CEQA topics: agriculture and forestry resources, mineral resources, population and housing, and wildfire. Therefore, these issue areas were not required to be analyzed in detail in DEIR.

The DEIR analyzed the following CEQA topics in detail: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gases, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use, Noise, Public Services, Parks and Recreation, Transportation, Tribal Cultural Resources, and Utilities. Of these topics, Mitigation Measures were required for: Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, and Tribal Cultural Resources. The required mitigation measures and parties responsible for implementation of the measures are described in the Mitigation Monitoring and Reporting Program (MMRP) which is provided as Attachment No. PC 7 (Mitigation Monitoring and Reporting Program) and as Exhibit “D” in the draft resolution. The Project satisfied the requirements of AB 52 to consider Tribal Cultural Resources by requesting consultation in a combined fashion with the SB 18 consultation request described earlier in the report.

The DEIR found that there would be no significant and unavoidable impacts resulting from the project, with the appropriate mitigation measures included in the MMRP.

A Notice of Availability of the DEIR was circulated similarly to the NOP released for a 45-day public review and comment period beginning on May 23, 2025, and ending on July 7, 2025. 126 comments were received and are responded to in the Response to Comments, which is provided in the draft resolution as Exhibit C.

Final EIR

The City Council will need to consider and certify the Final EIR when considering the project. The Final EIR will include an Introduction, Response to Comments, Revisions to the DEIR, and the MMRP.

<u>Other Correspondence</u>

Since the initial application filing in April, 2024, City staff has received multiple calls and emails regarding the Project. The received correspondence varied from inquiries on

Project status, Project components, business opportunities, to the merits of the Project. Individuals who contacted staff outside of designated public comment periods were offered information on the Project and/or asked if they wished to be added to the Interested Parties List to receive future notifications and updates. Correspondence received since the publication of the notice of public hearing but prior to finalizing the staff report are provided as Attachment PC No. 8 (Correspondence in Response to Public Hearing Notice).

Public Meetings and Hearings to Date

Specific aspects of the Project and items related to the Project have been considered prior to this meeting.

As previously mentioned, the Project required the preparation of an EIR. On August 27, 2024, the City Council authorized the City to enter into an agreement with EPD Solutions for the preparation of an EIR. While the contract amount was paid by the Applicant, due to the overall value of the Professional Services Agreement, the contract required approval from the City Council to execute.

After the DEIR was prepared by EPD Solutions and released for public comment, the Project was presented to the Planning Commission for a study session held on June 19, 2025. The study session provided an opportunity for the Planning Commission to review preliminary details and provide initial input. Commissioners requested enhancements to the plan set, additional information on the type of wave-making equipment to be used and type of ABC licenses to be obtained, clarity on the golf cart pathway, and respecting sightlines. Minutes from the June 19, 2025, Planning Commission Meeting are provided as Attachment No. PC 9 (Planning Commission Meeting Minutes, June 19 20205).

Airport Land Use Commission

The Site is located approximately 0.4-miles southwest of John Wayne Airport and within the notification area. Pursuant to the John Wayne Airport Environs Land Use Plan (AELUP), the Site is trisected by Safety Zone 2 (Inner Approach/Departure Zone), Safety Zone 4 (Outer Approach/Departure Zone), and Safety Zone 6 (Traffic Pattern Zone) for the RW2L20R runway that is used by commercial aircraft. Most of the Site is located within the 65 dB Community Noise Equivalent Level (CNEL) contour pursuant to the 1985 Airport Master Plan Noise Contours and the northeast corner is located within the 70 dB CNEL contour. However, based on the noise contours the City adopted in 2023, and contained in 2014 John Wayne Airport Settlement Agreement Amendment Environmental Impact Report No. 617, the Site is located within the 65 dB CNEL contour, with the southwest corner in the 60 dB CNEL.

As the Project includes a GPA, the Project requires review by Orange County Airport Land Use Commission (ALUC) for consistency with the AELUP. The City referred the matter to ALUC on June 13, 2025, and the Project was heard on August 7, 2025. By a

vote of 5 ayes, 1 no, ALUC found the Project is inconsistent with the AELUP. ALUC's staff report and final determination letter are included as Attachment Nos. PC 10 (ALUC Staff Report, August 7, 2025) and) PC 11 (ALUC Determination Letter). Staff believes the Project is consistent with the AELUP, as the Project is designed with the safety zones in mind and strategically places components (i.e., the lagoon, the amenity clubhouse, and visitor accommodation building) into the appropriate safety zones. Additionally, the Project does not propose structure or light standards at a height that would be considered a hazard to navigation by the Federal Aviation Administration. The City Council will be considering the issuance of a Notice of Intent to override ALUC's determination at its September 9, 2025, meeting.

Summary

If approved, the Project would allow for the construction and operation of a new surf-focused outdoor commercial recreation use. The surf park would provide approximately five acres of surf lagoons along with an amenity clubhouse building and 20-room visitor accommodations building. The facility would be open from 6 a.m. to 11 p.m., daily and would host up to 12 special events per year. The Project would support the continued operation of the NBGC on the northern and southern portions through providing access, as well as a golf starter shack, golf cart storage, and parking for golf course customers. Staff believes the project is consistent with Title 20 (Planning and Zoning) of the NBMC and the General Plan, as amended, as discussed in the analysis above. As evidenced in the draft Resolution provided as Attachment No. PC 1, all required findings have been substantiated with facts in support of each. Appropriate conditions of approval have also been included, which will help to ensure the Project maintains compatibility and is harmonious with the surrounding area.

Alternatives

Should the Planning Commission determine the required findings cannot be made as presented, then the Planning Commission may:

1. Suggest specific changes that are necessary to alleviate concerns such as abrupt changes in scale, blending, screening, or project compatibility with the area. If the requested changes are substantial, the item could be continued to a future meeting. Should the Planning Commission choose to do so, staff will return with a revised resolution incorporating new findings and/or conditions after the Applicant has an opportunity to revise the Project accordingly; or

2. If the Planning Commission believes that there are insufficient facts to support the findings for approval and a denial action is more appropriate, the Planning Commission could recommend denial of the application to the City Council.

Public Notice

Notice of this hearing was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant, and posted on the subject property at least 10 days before the scheduled meeting, consistent with the provisions of the Municipal Code. Additionally, the notice of hearing was emailed to the list of interested parties who had requested notice. Lastly, item appeared on the agenda for this meeting, which was posted at City Hall and on the city website. The City emailed a the notice of hearing to interested parties that had requested notification.

Prepared by:

Joselyn Perez
Senior Planner

Submitted by:

Jaime Murillo, AICP
Deputy Community Development Director

BMZ/jp

ATTACHMENTS

PC 1 Draft Resolution
PC 2 Applicant's Project Description
PC 3 Police Department Memorandum
PC 4 Gibson Parking Analysis
PC 5 Gibson Trip Generation
PC 6 Project Plans
PC 7 Mitigation Monitoring and Reporting Program
PC 8 Correspondence in Response to Public Hearing Notice
PC 9 Planning Commission Meeting Minutes, June 19 20205
PC 10 ALUC Staff Report, August 7, 2025
PC 11 ALUC Determination Letter

01/18/23

Attachment H

Planning Commission Meeting Minutes

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NEWPORT BEACH PLANNING COMMISSION MINUTES
CITY COUNCIL CHAMBERS – 100 CIVIC CENTER DRIVE
THURSDAY, SEPTEMBER 4, 2025
REGULAR MEETING – 6:00 P.M.

I. CALL TO ORDER - 6:00 p.m.

II. PLEDGE OF ALLEGIANCE – Secretary Langford

III. ROLL CALL

PRESENT: Chair Tristan Harris, Vice Chair David Salene, Secretary Jonathan Langford, Commissioner Curtis Ellmore, Commissioner Michael Gazzano, Commissioner Greg Reed, Commissioner Mark Rosene

ABSENT: None

Staff Present: Acting Community Development Director Jaime Murillo, Principal Civil Engineer Kevin Riley, Assistant City Attorney Yolanda Summerhill, Civilian Investigator Wendy Joe, Senior Planner Joselyn Perez, Administrative Assistant Clarivel Rodriguez, and Department Assistant Jasmine Leon

IV. PUBLIC COMMENTS – None

V. REQUEST FOR CONTINUANCES – None

VI. CONSENT ITEMS

ITEM NO. 1 MINUTES OF AUGUST 21, 2025

Recommended Action: Approve and file.

Chair Harris opened public comment. There were none.

Motion made by Commissioner Ellmore and seconded by Commissioner Reed to approve the meeting minutes of August 21, 2025, as amended.

AYES: Ellmore, Gazzano, Langford, Reed, and Salene
NOES: None
ABSTAIN: Harris, Rosene
ABSENT: None

VII. PUBLIC HEARING ITEMS

ITEM NO. 2 SNUG HARBOR SURF PARK (PA2024-0069)
Site Location: 3100 Irvine Avenue

Summary:
A request to redevelop the central 15.38-acre parcel of the privately owned Newport Beach Golf Course. The existing driving range and putting green, pro-shop, restaurant and bar, and three holes of golf would be removed and replaced with a new surf-focused outdoor commercial recreation use (i.e., a surf park). The site would be improved with approximately five acres of surfing lagoons surrounded by viewing platforms, seating, pools, a spa, restrooms, landscaping, and 351 surface parking spaces. The proposed hours for the surf park are from 6:00 a.m. to 11:00 p.m., daily. The project includes the construction of a new three-story amenity clubhouse which would provide a reception and lobby area, surf academy,

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fitness facility, yoga center, administrative offices, locker rooms, retail space, a restaurant, viewing suites, and a coffee and snack bar. The basement level would provide space for golf cart storage, surfboard storage, facility storage, mechanical equipment, and staff area. The project also includes a two-story athlete accommodation building with 20 rooms. In total, the project would provide approximately 79,533 square feet of building area, however 19,761 square feet is excluded from the total development limit of the site as incidental building area consistent with Table LU1 (Land Use Plan Categories) of the General Plan for properties categorized as Parks and Recreation. As golf operations are proposed to continue, existing access would be maintained to the golf course holes identified as the front six and the back nine. To implement the project, the Planning Commission will consider making a recommendation to the City Council regarding the following:

- **General Plan Amendment:** To increase the development limit from 20,000 square feet to 59,772 square feet for Anomaly Number 58, as identified in Table LU2 of the General Plan Land Use Element.
- **Major Site Development Review:** To construct a nonresidential building larger than 20,000 square feet.
- **Conditional Use Permit:** To allow the operation of an outdoor commercial recreation use, to authorize alcohol sales within the amenity clubhouse and throughout the grounds of the surfing lagoon, to establish the appropriate parking rate, and to allow the construction of buildings taller than 18 feet.
- **Modification Permit:** To allow for the construction of retaining walls taller than 8 feet.

Recommended Actions:

1. Conduct a public hearing;

2. Adopt Resolution No. PC2025-018 recommending the City Council take the following actions:

    a. Certify the Environmental Impact Report filed as State Clearinghouse Number 2024110238; and

    b. Approve the General Plan Amendment, Major Site Development Review, Conditional Use Permit, and Modification Permit filed as PA2024-0069.

Secretary Langford recused from the item because the parcel is partially owned by his employer.

Senior Planner Joselyn Perez used a PowerPoint Presentation to present the project location, zoning and surrounding land uses, existing site conditions, a project description, ownership of the distinct property areas, clarifying there is no action proposed to either the northern or southern portions of the Newport Beach Golf Course (NBGC) and summarized the required approvals to implement the project and the environmental review process. She concluded the presentation by summarizing the project and mentioned the public comments received in support and in opposition of the project.

In response to Commissioner Reed's inquiry, Senior Planner Perez confirmed that there is landscaping proposed to help soften the walls over eight feet tall.

In response to Commissioner Gazzano's inquiry, Senior Planner Perez confirmed that the parking rate terminology in the CUP refers to the amount of parking spaces required and not the cost of parking for patrons.

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In response to Commissioner Rosene's inquiry, Senior Planner Perez deferred questions about the lease to the applicant.

In response to Chair Harris' inquiries, Senior Planner Perez clarified that the golf cart path meanders, with some of it being within the project site. She confirmed that the applicant would have better insight into some of the cart path's nuances. She confirmed that no changes have been made to the retaining walls along Mesa Drive since the Planning Commission's June 19th Study Session on this project. She deferred to the applicant regarding how the parking areas would be divided with golfers.

In response to Chair Harris' inquiry, all Commissioners disclosed ex Parte communications with the applicant and their representatives.

Chair Harris opened the public hearing.

CAA Planning, Inc. Chief Executive Officer Shawna Schaffner, speaking for the applicant, reported on the vision for the project to provide an innovative, world-class, full-service, year-round outdoor recreational opportunity to serve a wide range of guests by increasing access to surf for riders of all levels. She noted that golf operations will continue while the project will maintain consistency with SP-7, maximize solar power, expand the City's tourism economy, and provide a safe wave consistency unavailable naturally.

She addressed residential noise concerns by noting that Wavegarden technology is the quietest on the market, adding that the EIR concluded there will be no noise impacts.

Ms. Schaffner reported on the applicant's outreach efforts, including over 150 meetings, and the publicity the proposal has received. She noted that the community benefits of the project include opportunities for camps, high school sports, and lifeguard training, all while golf access will continue.

Ms. Schaffner responded to Commissioner Gazzano's previous inquiry by confirming that the applicant does not intend to charge for parking and that the parking rate refers to the ratio, echoing Senior Planner Perez's response to his inquiry.

Ms. Schaffner responded to Commissioner Rosene's previous inquiry by stating her understanding is that the lease terminates in January of 2027.

Ms. Schaffner responded to Chair Harris' previous inquiry by clarifying that the northerly parking lot on Irvine Ave. will be primarily intended for employees and golfers, with both having an opportunity to use the main parking lot on the western side of the property off Mesa Drive.

In response to Chair Harris' inquiry, Ms. Schaffner confirmed that the applicant has reviewed the Conditions of Approval and Mr. Mosher's recommended edits. She confirmed the applicant agrees with all Conditions of Approval and the edits.

In response to Commissioner Reed's inquiry, Ms. Schaffner clarified that there will be temporary restrooms and a starter for golfers during construction until the permanent ones are completed.

In response to Commissioner Rosene's inquiry, Ms. Schaffner clarified that the applicant's request for 12 special events per year anticipates one per month.

In response to Commissioner Gazzano's inquiry, Assistant City Attorney Yolanda Summerhill reported that the City offered tribal consultation to 20 tribes to ensure that any sacred resources are protected. She confirmed that two tribes requested monitoring, and they are included in the MMRP. She confirmed that there will be an archaeologist on site in case any tribal resources are

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unearthed to ensure they are properly cared for.

In response to Chair Harris' inquiries, Ms. Schaffner confirmed that the back nine holes of the NPBC are in Orange County and under a separate lease. She stated that the lease for those holes also expires in January of 2027, coinciding with the main parcel. She confirmed that the applicant has been in communication with the County, conveying that the County intends to maintain the golf course long-term.

Kara Grant, speaking on behalf of Save Newport Beach Golf Course and the Gabrieleño Band's Kizh Nation, stated that the EIR is misleading for overstating the ability to mitigate impacts. She reported that golf courses are often constructed on tribal grounds, and it is certain that human remains or tribal resources will be discovered in the construction. She stated that all the Kizh Nation's proposed conditions based on AB 52 have not been met due to insufficient consultation with the City, which did not fully vet the tribe. She expressed concerns about how the Kizh Nation human remains would be treated.

Newport Bay Conservancy Operations Director Heather Cieslak expressed concerns about surface runoff from NBGC due to the cart path being along the Delhi Channel, construction during nesting season, and the inclusion of non-native vegetation. She called for drought-tolerant native landscaping, better pollutant load and runoff analysis, and habitat replacement for native species.

Benny Hallock, speaking for Save Newport Beach Golf Course, reported that 7,500 people are against the project. He questioned how high school teams can continue to use a golf course with fewer than 18 holes, as it cannot be Professional Golf Association (PGA) certified. He questioned the accuracy of the Traffic Study and whether the applicant will be required to have a restoration bond in the event of business failure.

Jim Auster reported that he has been fighting for NBGC since the southern portion was identified in the City's Housing Element, adding that the surf park is a scheme to make the course unviable. He added that there is no long-term commitment to golf from the property owners who are committed to developing housing. He expressed concerns about glare from the solar panels interfering with airplanes landing at JWA. He stated that the EIR fails to consider potential future runway extension plans. He called for the property to continue to function as a golf course.

Brian Melstrom, Head Surf Coach and Head Golf Coach at Newport Harbor High School expressed his support for the project. He added that the facility will offer a more consistent training ground for the surf team's development than West Newport Beach provides with its inconsistent waves due to weather and other factors.

Huntington State Beach lifeguard Andy Cox reported that the applicant has spoken with area lifeguard groups about serving as a year-round training site. He echoed Mr. Melstrom's comments about how a consistent training venue will benefit lifeguards. He stated that having a 15-hole golf course is better than it become a parking lot for JWA.

Mike Smith urged the Commission to vote against the project and approve EIR Alternative No. 1, adding it would alleviate the numerous concerns about this project, including the ALUC's opposition. He encouraged the City to purchase the NBGC to make it a public municipal course and withdraw the land under holes 3-8 from its Housing Element. He questioned whether there are any ongoing negotiations with the County over the continued operation of the back nine. He expressed concerns about future traffic in the airport area due to planned development in the Housing Element.

Linda Giedt encouraged the Commission to vote against the project. She stated the center portion of NBGC is its heart, with the course providing a recreation option for residents of all ages and

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income levels, whereas the surf park would be a resort serving a niche demographic. She added that the driving range is an important aspect of learning and practicing golf and stated that the NBGC needs investment rather than replacement.

Todd Larner expressed his support for the project. He stated that Newport Beach has fantastic beaches, but the waves are average at best for surfing. He added that the waves at the surf park would be created perfectly, creating a world-class surfing experience. He stated that it would be safer than surfing in the ocean.

Commissioner Ellmore stated that the Commission makes decisions solely on a technical analysis and encouraged the speakers to keep their focus on the technical side as opposed to their opinions on golfing or surfing.

Maureen Flanagan expressed her opposition to the project, stating it is unnecessary in Newport Beach. She took issue with the height of the walls and the inclusion of overnight accommodations for 20 people. She lamented how traffic will continue to get worse in this portion of Newport Beach where she resides.

Professional surfer Tyler Gunter stated that the surf park will grow the City's strong surfing community. He lamented that the City's beaches are a hard place to learn how to surf. He lauded the Wavegarden technology he recently surfed at a facility in the City of Virginia Beach, Virginia. He added that the surf park would be a safer place than the ocean and encouraged the Commission to approve the item.

Gary McKee expressed his opposition to the project for creating a restricted-access development on what is currently public open space. He noted that the site abuts the flood control channel emptying into the Upper Newport Bay conservation area. He stated that the risk of contamination from the project has not been properly addressed in the MMRP or EIR and can lead to State or federal prosecution.

Drew Lorentzen expressed his support for the project, professing his love of surfing and noting that the NBGC will still have 15 holes to play. He noted as a United States Army Veteran that American Legion Post 291's comments about the project should cease because they go against its non-profit status.

Wade Womack encouraged the Commission to deny the project for being inconsistent with the NBMC, citing the purpose of SP-7. He stated that breaking up the NBGC will lead to the expansion of JWA and lower the quality of life for residents. He noted that there are no long-term leases for the NBGC and quoted former Newport Beach Mayor and current State Assemblymember Diane Dixon's comments from 2016 about the NBGC serving as an important buffer against JWA expansion.

Ryan Gallagher stated that Newport Beach has a recreation culture built into its fabric. He added that the proposal maintains golf while adding a recreational activity in a world-class facility that they can be proud of. He noted that the NBGC's lease is expiring and stated that the site will likely change soon, regardless of this project. He stated that the applicant has cut no corners in this project and lauded the youth recreation opportunities it will create.

Sean McCarron expressed his support for the surf park, stating that it matches the fabric of the community. He added that this will be either Los Angeles County or Orange County's first surf park, predicting success for the project. He expressed concerns about potential future uses for the NBGC's land, whose lease is expiring soon, adding that this project would be better than many other potential uses.

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Katisa Sheehan stated that this is not the right project for this space and will bring unfriendly environmental impacts to a residential area, including noise from the crashing waves. She noted that NBGC is the only public course in the area, while the surf park is an elite project not serving residents of all ages.

Bill Lyon questioned the financial viability of the project, noting that the NBGC's driving range is crowded daily. He reported that other surf parks have high costs for users, lamenting how if the business is unsuccessful, the City would be left with a property with a very high redevelopment cost. He noted that most surf parks around the country do not have a natural competitor like Newport Beach's beaches. He called for the applicant to release fiscal projections.

Mandy McDonnell expressed her support for the project. She reported that she helped the City develop the resoundingly successful Marina Park project against fierce residential opposition. She noted that the surf park would be open to the public, and her family is looking forward to the project, adding that it may be easier to park there than at the beach. She added that the project is well thought through and could be a great place to visit, even if not surfing.

Ken Sanford stated that the NBGC serves older residents like himself and expressed his opposition to the project.

Bettina Eastman expressed concerns as a wildlife biologist about the EIR's limited scope of evaluating runoff into the Delhi Channel, how the bats will be relocated, how the CUP's building height approval could impact other projects, and the project's inclusion of non-native plants.

Mr. Mosher thanked the applicant for their pledge to work with City staff to clean up the Resolution, adding that he did not have enough time to find all the likely additional errors in the Resolution and Conditions of Approval. He questioned how staff did not find any City rules and regulations, bringing the consistency of the project into question. He echoed Ms. Eastman's concerns about the land use designation, noting the increase from 10,000 square feet of supporting structure to 80,000, including overnight accommodations. He noted a discrepancy between the JWA management's interpretation of how many people would be at the facility at one time, as opposed to the City's daily estimation, adding that the special events could draw even larger crowds than their figure of 1,500. He stated that a Condition of Approval should be added to limit how many people can be on site at any one time as it is a major concern of the airport management. He inquired if the retaining walls next to the Delhi Channel have been presented to the Orange County Flood Control District.

Ms. Grant stated that the Tribal Cultural Mitigation Measures violate the Public Resources Code by deferring mitigation to a future date and the California Environmental Quality Act (CEQA), citing Communities for a Better Environment v. City of Richmond. She added that having an archeologist monitoring tribal resources is also a CEQA violation. She reported that the consultation required by AB 52 did not occur per Koi Nation of Northern California v. City of Clearlake. She expressed concerns over the intent to override the ALUC's inconsistency finding for its disregard of safety. She noted that it will be at least a partial membership-based facility, inconsistent with the intent of the land being zoned for open space and recreation. She encouraged the Commission, if proceeding with the project, to include as a Condition of Approval a retention of liability for the success and safety of the project or post a bond to cover potential environmental impacts of the project, citing multiple sections of applicable government code and legal precedents.

Ms. Schaffner reported that a solar glare analysis was performed as part of the EIR and submitted to the ALUC with no findings of inconsistency related to the solar canopies. She clarified that the total daily attendance is estimated to be 1,400 people plus 70 staff members, with an average daily peak of 388 people. She noted that ALUC's Zone 2 allows for hundreds of people per acre,

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even though it is the most restrictive, adding that the applicant estimates 50 people in Zone 2, 110 in Zone 4, and 450 in Zone 6, even though Zone 6 allows for over 1,000 people. She added that City staff can best answer questions raised during public comment related to CEQA.

In response to Commissioner Gazzano's inquiry, Ms. Schaffner confirmed that the Federal Aviation Administration (FAA) found that the project presented no hazards to air navigation, including the solar canopy, overhead lights, and other areas.

Assistant City Attorney Summerhill confirmed that the City provided comprehensive responses to comments about CEQA. She added that the City Attorney's office did have a continued dialogue with the Kizh Nation, including a June 23, 2025, correspondence, which the City was informed was not received, so it was resent earlier today. She clarified that the crux of the argument is that the City should not consider the Tongva as an appropriate tribe to consult with but added that the Tongva are listed on the Native-American Heritage Commission's list and have affiliations with the area. She referenced Ms. Grant invoking the Koi Nation case and stated that it would be insensitive for the City to take one tribe's side over the other, so staff refuted the argument. She added that mitigation measures in the proposal respect the rights of both tribes. She added that staff would be happy to incorporate recommended mitigation measures from Ms. Grant respecting both her tribe's rights and those of other tribes. She reported on the extensive conversations conducted about tribal consultations and pledged to incorporate them all into the record. She stated that the City complied with the tribal consultation timeline process.

Acting Community Development Director Jaime Murillo stated that the staff report includes 188 comment letters on the adequacy of the EIR that have been responded to in detail. He added that the City also received 27 CEQA-related comments outside of the comment period for which City consultants drafted a detailed response and distributed as additional materials.

In response to Commissioner Gazzano's inquiry, Assistant City Attorney Summerhill confirmed there will be two Native-American monitors on site, one from each tribe.

In response to Vice Chair Salene's inquiry, Ms. Schaffner reported that the EIR's Water Quality Management Plan stated that the runoff from the project will be separated into 13 management areas, which will be treated onsite before being released into the storm drain system.

In response to Chair Harris' inquiry, Ms. Schaffner confirmed that currently, runoff goes straight to the Delhi Channel, but the project will now capture the runoff on site in 13 different areas.

Chair Harris closed the public hearing.

Commissioner Ellmore commended the volume of public comment. He clarified that the Commission does not opine on feelings or sentimental opinions and heavily encouraged the residents to voice their thoughts to the City Council. He noted that the housing needs are dictated to the City by the State. He clarified that the Commission's job is to look only at the application, and the project is one he will support.

Commissioner Rosene echoed Commissioner Ellmore's comments. He commended the detail in the application. He added that the project will preserve golf while adding a unique experience, expressing his support for the project.

Motion made by Commissioner Rosene and seconded by Commissioner Reed to approve the item with Mr. Mosher's recommended edits.

AYES: Ellmore, Gazzano, Harris, Reed, Rosene, and Salene
NOES: None

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ABSTAIN: Langford
ABSENT: None

VIII. STAFF AND COMMISSIONER ITEMS

ITEM NO. 3 MOTION FOR RECONSIDERATION - None

ITEM NO. 4 REPORT BY THE COMMUNITY DEVELOPMENT DIRECTOR OR REQUEST FOR MATTERS WHICH A PLANNING COMMISSION MEMBER WOULD LIKE PLACED ON A FUTURE AGENDA

Acting Community Development Director Murillo reported that the next meeting on September 18th will include an 89-unit townhome project on Monrovia Ave., a restaurant Use Permit to create a permanent outdoor patio for SOL Mexican Cocina Restaurant, and an appeal related to the Balboa Fire Station and Library.

ITEM NO. 5 REQUESTS FOR EXCUSED ABSENCES - None

IX. ADJOURNMENT – With no further business, Chair Harris adjourned the meeting at 8:02 p.m.

The agenda for the August 21, 2025, Planning Commission meeting was posted on Thursday, August 14, 2025, at 3:27 p.m. in the Chambers binder, on the digital display board located inside the vestibule of the Council Chambers at 100 Civic Center Drive, and on the City's website on Thursday, August 14, 2025, at 3:20 p.m.

Tristan Harris

Tristan Harris, Chair

Jonathan Langford, Secretary

Attachment I

Planning Commission Resolution No. 2025-018 (attachments omitted)

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RESOLUTION NO. PC2025-018

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE ENVIRONMENTAL IMPACT REPORT KNOWN AS SCH#2024110238 AND APPROVE THE MITIGATION MONITORING AND REPORTING PROGRAM, GENERAL PLAN AMENDMENT, MAJOR SITE DEVELOPMENT REVIEW, CONDITIONAL USE PERMIT, AND MODIFICATION PERMIT TO AUTHORIZE THE SURF PARK WITH ANCILLARY USES AND TYPES 47 (ON-SALE GENERAL EATING PLACE), 58 (CATERER), AND 68 (PORTABLE BAR) ALCOHOLIC BEVERAGE CONTROL LICENSES FOR A PROJECT LOCATED AT 3100 IRVINE AVENUE (PA2024-0069)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by CAA Planning, on behalf of Back Bay Barrels, LLC ("Applicant"), concerning property located at 3100 Irvine Avenue, and legally described in Exhibit "A," which is attached hereto and incorporated herein by reference ("Property").

2. The 15-acre Property is currently developed as the center portion of the larger 18-hole Newport Beach Golf Course ("Golf Course"). The 57-acre Golf Course is separated into three physically distinct land areas: the northern, center, and southern portions. The center and southern portions are located within the jurisdiction of the City of Newport Beach ("City") and are owned by Newport Golf Club, LLC ("Owner"). The northern portion is mostly located outside of the City's jurisdiction and is owned by the County of Orange. The Golf Course is privately owned and operates pursuant to Use Permit No. UP1594.

3. The Applicant requests approval to redevelop the Property into a surf park with ancillary uses and to remove the existing driving range, pro shop, restaurant and bar, and three holes of golf ("Project"). The northern and southern portions of the Golf Course would not be affected by the Project. A modified operation of the Golf Course would continue in substantial conformance with UP1594.

4. The Project provides approximately five acres of surfing lagoons surrounded by viewing platforms, seating, pools, spas, and lighting. The Project includes the construction of a three-story, 50-foot-tall, 50,341-square-foot (net floor area) amenity clubhouse building with reception area, surf academy, fitness facility, yoga center, administrative offices, staff areas, locker rooms, retail store, restaurant, coffee and snack bar, and basement level surfboard storage, golf cart storage, golf starter shack, maintenance area, and mechanical equipment storage. The Project also includes construction of a two-story, 40-foot-tall, 9,432-square-foot (net area) athlete accommodation building with 20 rooms. To support the amenities, the Project includes freestanding restroom buildings throughout the

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Property. The total Project development intensity is 59,772 net square feet. Proposed hours of operation for the Project are from 6 a.m. through 11 p.m., daily.

5. The following approvals are requested from the City to implement the Project as proposed:

   - **General Plan Amendment ("GPA")** – To increase the development limit from 20,000 square feet to 59,772 square feet for Anomaly Number 58, as identified in Table LU2 of the General Plan Land Use Element

   - **Major Site Development Review ("SDR") –** To construct a nonresidential building larger than 20,000 square feet;

   - **Conditional Use Permit ("CUP") –** To allow the operation of an outdoor commercial recreation use, to authorize alcohol sales within the amenity clubhouse and throughout the grounds of the surfing lagoon through a Type 47 (On-Sale General - Eating Place), Type 58 (Caterer License), and Type 68 (Portable Bar) Alcoholic Beverage Control license , to establish the appropriate parking rate, and to allow the construction of buildings taller than 18 feet ;

   - **Modification Permit ("Mod") –** To allow for the construction of retaining walls taller than 8 feet in height from finish grade; and

   - **Environmental Impact Report ("EIR") –** To address reasonably foreseeable environmental impacts resulting from the legislative and project specific discretionary approvals.

6. The Property is categorized as Parks and Recreation (PR) by the City of Newport Beach General Plan ("General Plan") Land Use Element and is located within the Santa Ana Heights Specific Plan/Open Space and Recreation (SP-7/OSR) Zoning District.

7. The Property is not located within the Coastal Zone but is immediately adjacent to its boundary, which occurs at the inland extend of the Mesa Drive right-of-way. The Project proposes three improvements within the Mesa Drive right-of-way: (1) the relocation of an existing driveway; (2) roadway striping (i.e., paint); and (3) utility upgrades. These activities are exempt from obtaining a Coastal Development Permit ("CDP") pursuant to Section 21.52.035 (Projects Exempt from Coastal Development Permit Requirements) of the NBMC and do not require a CDP. This was further confirmed by California Coastal Commission staff via email on May 7, 2025, which concurred that these improvements are exempt from obtaining a CDP.

8. A study session was held on June 19, 2025, in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California, to introduce the Project to the Planning Commission. No action was taken at the study session. Although not required, the City mailed a courtesy public notice of this study session to property owners within a 300-foot radius of the Property.

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9. On August 7, 2025, the Orange County Airport Land Use Commission ("ALUC") reviewed the Project and found it inconsistent with the John Wayne Airport Environs Land Use Plan ("AELUP"). If the Planning Commission recommends approval of the Project, the City Council may consider authorizing the issuance of a Notice of Intent to Override the ALUC's determination.

10. The Planning Commission held a public hearing on August 21, 2025, in the Council Chambers at 100 Civic Center Drive, Newport Beach. A notice of the time, place, and purpose of the hearing was given in accordance with California Government Code Section 54950 *et seq.* (Ralph M. Brown Act) and Chapter 20.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to and considered by the Planning Commission at this public hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. Pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code Sections 21000, *et seq.*) and City Council Policy K-3, it was determined that the Project could have a significant adverse effect on the environment and thus warranted the preparation of an environmental impact report ("EIR").

2. On November 7, 2024, the City, as lead agency under CEQA, prepared a Notice of Preparation ("NOP") of the EIR and mailed the NOP to responsible and trustee public agencies, organizations likely to be interested in the potential impacts, property owners within a 300-foot radius of the Property, and any persons who had previously requested notice in writing.

3. On November 20, 2024, the City held a public scoping meeting to present the Project and to solicit input from interested individuals, organizations, and responsible and trustee public agencies regarding environmental issues that should be addressed in the EIR.

4. A draft Environmental Impact Report ("DEIR") (State Clearinghouse No. 2024110238) set forth in Exhibit "B," which is attached hereto and incorporated herein by reference has been prepared in compliance with CEQA, State CEQA Guidelines, and City Council Policy K-3.

5. The DEIR was circulated for a 45-day comment period beginning on May 23, 2025, and ending on July 7, 2025. The responses to comments, including those submitted after the deadline are attached hereto as Exhibit "C" and incorporated herein by reference. A study session to introduce the Project and related environmental clearance documents to the Planning Commission and the public was conducted on by the Planning Commission on June 19, 2025, followed by the public hearing on September 4, 2025. The DEIR, comments, and responses to the comments were considered by the Planning Commission in its review of the Project.

6. The Planning Commission finds that the DEIR reflects the independent judgment and analysis of the City.

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7. The Planning Commission reviewed and considered the information contained in the DEIR prior to forwarding its recommendation on the Project to the City Council.

8. Based on the entire environmental review record, the Project, with mitigation measures, will have a less than significant impact on the environment and there are no known substantial adverse effects on human beings that would be caused. Additionally, there are no long-term environmental goals that would be compromised by the Project, nor cumulative impacts anticipated in connection with the project. The mitigation measures identified and incorporated in the Mitigation Monitoring And Reporting Program ("MMRP") set forth in Exhibit "D", which is attached hereto and incorporated herein by reference, are feasible and will reduce the potential environmental impacts to a less than significant level.

9. The Planning Commission finds that judicial challenges to the City's CEQA determinations and approvals of land use projects are costly and time consuming. In addition, project opponents often seek an award of attorneys' fees in such challenges. As project applicants are the primary beneficiaries of such approvals, it is appropriate that such applicants should bear the expense of defending against any such judicial challenge, and bear the responsibility for any costs, attorneys' fees, and damages which may be awarded to a successful challenger.

SECTION 3. REQUIRED FINDINGS.

General Plan Amendment

An amendment to the City's General Plan Land Use Element is a legislative act. Neither Title 20 (Planning and Zoning) nor the California Government Code Section 65000 *et seq*. set forth any required findings for either approval or denial of such amendments. Notwithstanding the foregoing, the following facts support approval of the amendments:

Facts in Support of Approval:

1. The Project includes a GPA to amend the development limit for Anomaly Number 58. Said development limit will be increased from 20,000 square feet to 59,772 square feet, as shown in Exhibit "E." The GPA does not include a change in land use category, which would remain as Parks and Recreation (PR).

2. While the Project would construct approximately 79,533 square feet of area, Table LU1 (Land Use Plan Categories) of the Land Use Element provides additional instruction for intensity on properties categorized as PR and specifies types of buildings and facilities that are not counted toward development limits. For example, Table LU1 exempts incidental buildings (e.g., maintenance equipment sheds, supply storage, and restrooms) and, on golf courses, support facilities for ground maintenance employees. Consistent with the guidance of Table 1, the Project includes 19,761 square feet of storage space and restrooms that are not counted toward the development limit of Anomaly 58.

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3. A full General Plan consistency analysis has been prepared for the Project, is attached hereto as Exhibit "F," and is hereby incorporated by reference. In summary, the Project is consistent with the following General Plan Goals and Policies:

Land Use Element
Policy LU 1.6 (Public Views)
Policy LU 2.1 (Resident-Serving Land Uses)
Policy LU 2.2 (Sustainable and Complete Community)
Policy LU 2.5 (Visitor Serving Uses)
Policy LU 2.8 (Adequate Infrastructure)
Policy LU 3.1 (Neighborhoods, Districts, Corridors, and Open Spaces)
Policy LU 3.2 (Growth and Change)
Policy LU 3.3 (Opportunities for Change – Santa Ana Heights)
Policy LU 3.7 (Natural Resource and Hazardous Areas)
Policy LU 3.8 (Project Entitlement Review with Airport Land Use Commission)
Policy LU 4.1 (Land Use Diagram)
Policy LU 5.6.2 (Form and Environment)
Policy LU 5.6.3 (Ambient Lighting)

Historical Resources Element
Policy HR 2.1 (New Development Activities)
Policy HR 2.2 (Grading and Excavation Activities)
Policy HR 2.3 (Cultural Organizations)
Policy HR 2.4 (Paleontological or Archaeological Materials)

Circulation Element
Policy CE 2.2.1 (Safe Roadways)
Policy CE 7.1.1 (Vehicle Miles Traveled (VMT) Analysis)
Policy CE 7.1.2 (VMT Mitigation Measures)
Policy CE 7.1.5 (Support Facilities for Alternative Modes)
Policy CE 7.1.7 (Project Site Design Supporting Alternative Modes)
Policy CE 7.1.8 (Electric Vehicle (EV) Charging Stations)
Policy CE 9.1.10(Development Requirements)

Recreation Element
Policy R 1.12 (Aircraft Overflight and Noise)
Policy R 4.1 (Provision of Recreation Services)
Policy R 4.2 (Compatible Recreation Activities)
Policy R 4.3 (Variety of Programs)
Policy R 4.5 (Variety of Adult Recreational Programs)

Natural Resources Element
Policy NR 1.1 (Water Conservation in New Development)
Policy NR 1.2 (Use of Water Conserving Devices)
Policy NR 3.4 (Storm Drain Sewer System Permit)
Policy NR 3.5 (Natural Water Bodies)

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Policy NR 3.9 (Water Quality Management Plan)
Policy NR 3.10 (Best Management Practices)
Policy NR 3.11 (Site Design and Source Control)
Policy NR 3.12 (Reduction of Infiltration)
Policy NR 3.14 (Runoff Reduction on Private Property)
Policy NR 3.16 (Siting of New Development)
Policy NR 3.17 (Parking Lots and Rights-of-Way)
Policy NR 3.19 (Natural Drainage Systems)
Policy NR 3.20 (Impervious Surfaces)
Policy NR 4.3 (Restore Natural Hydrologic Conditions)
Policy NR 4.4 (Erosion Minimization)
Policy NR 6.1 (Walkable Neighborhoods)
Policy NR 6.4 (Transportation Demand Management Ordinance)
Policy NR 7.2 (Source Emission Reduction Best Management Practices)
Policy NR 10.2 (Orange County Natural Communities Conservation Plan)
Policy NR 10.3 (Analysis of Environmental Study Areas)
Policy NR 10.4 (New Development Siting and Design)
Policy NR 10.5 (Development in Areas Containing Significant or Rare Biological Resources)
Policy NR 10.6 (Use of Buffers)
Policy NR 10.7 (Exterior Lighting)
Policy NR 18.1 (New Development)
Policy NR 18.3 (Potential for New Development to Impact Resources)
Policy NR 18.4 (Donation of Materials)
Policy NR 20.1 (Enhancement of Significant Resources)
Policy NR 20.2 (New Development Requirements)
Policy NR 20.4 (Public View Corridor Landscaping)
Policy NR 23.1 (Maintenance of Natural Topography)
Policy NR 23.7 (New Development Design and Siting)
Policy NR 24.2 (Energy-Efficient Design Features)
Policy NR 24.3 (Incentives for Green Building Program Implementation)

Safety Element
Policy S 4.7 (New Development)
Policy S 5.1 (New Development Design within 100-year Floodplains)
Policy S 5.2 (Facility Use or Storage of Hazardous Materials Standards)
Policy S 5.3 (Minimization of Flood Hazard Risk)
Policy S 7.1 (Known Areas of Contamination)
Policy S 7.2 (Development Design within Methane Gas Districts)
Policy S 7.4 (Implementation of Remediation Efforts)

Noise Element
Policy N 1.1 (Noise Compatibility of New Development)
Policy N 1.7 (Commercial/ Entertainment Uses)
Policy N 1.8 (Significant Noise Impacts)
Policy N 4.2 (New Uses)
Policy N 4.6 (Maintenance of Construction Activities)

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Policy N 5.1 (Limiting Hours of Activity)

Charter Section 423 Analysis

1. Voter approval is required for any major amendment to the Newport Beach General Plan. A "major amendment" is one that significantly increases the maximum amount of traffic that allowed uses could generate or significantly increases allowed density or intensity. "Significantly increases" means over 100 peak hour trips (traffic), or over 100 dwelling units (density), or over 40,000 square feet of floor area (intensity).

2. The thresholds apply to the total of: 1) Increases resulting from the amendment itself, plus 2) Eighty percent of the increases resulting from other amendments affecting the same neighborhood and adopted within the preceding 10 years.

3. The GPA is in Statistical Area J-5. One GPA within Statistical Area J-5 was approved within the last 10 years and continues to be tracked, as required by the provisions of Charter Section 423. The following table shows the increases attributable to this GPA, the one prior amendment, and the resulting totals thereby demonstrating that no vote would be required. Trip generation for the purpose of implementing the charter section was calculated using the blended rate for "public, semi-public, and institutional uses", as provided in City Council Policy A-18.

Charter Section 423, Measure S Analysis for Statistical Area J-5.				
Amendments	**Increased Density (DU)**	**Increased Intensity (SF)**	**Peak Hour Trip Increase**	
			A.M.	**P.M.**
PA2020-041 (Shvetz Residential Subdivision)	1	NA	0.75	1.01
Total Prior Increases	1	NA	0.75	1.01
80% of Prior Increases	.8	NA	0.60	.81
100% of Proposed PA2024-0069	0	39,772	59.66	59.66
Total	.8	39,772	60.26	60.26
Threshold	100	40,000	100	100
Remaining	99.2	228	39.74	39.74
Vote Required?	**No**	**No**	**No**	**No**

Tribal Consultation

Pursuant to Senate Bill 18 ("SB 18"), the City requested a Sacred Lands File ("SLF") search on May 31, 2024, for the Property from the Native American Heritage Commission ("NAHC"). On June 18, 2024, the NAHC responded that the findings of the search were positive and identified 20 Native American tribal representatives to contact for further information on potential tribal resources. To comply with both the requirements of SB 18 and Assembly Bill 52, the City mailed notices regarding the Project to all the listed tribes. The City received two responses: from the

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Gabrielino Tongva Indians of California and from the Gabrieleno Band of Mission Indians - Kizh Nation. Both tribes requested monitoring for tribal resources and mitigation measures were incorporated into the MMRP.

Major Site Development Review

In accordance with Section 20.52.080(F) (Site Development Reviews – Findings and Decisions) of the NBMC, the findings and facts in support of such findings are set forth as follows:

Finding:

A. *The proposed development is allowed within the subject Zoning District.*

Facts in Support of Finding:

1. The Property is located within the Santa Ana Heights Specific Plan (SP-7), Open Space and Recreation (OSR) District. The SP-7/OSR District allows for local and buffer greenbelts by right, public and private utility buildings and structures subject to the approval of a minor use permit, and golf courses and commercial recreation subject to the approval of a CUP.

2. The purpose and intent of the SP-7/OSR District is to ensure the long-term use and viability of the Golf Course. The Project is not designed to replace the entirety of the Golf Course's operations, rather it includes components that will continue to support golf operations on the northern and southern portions. It will further introduce additional revenue generating activities and ancillary uses helping to ensure the future viability of the Golf Course.

Finding:

B. *The proposed development is in compliance with all of the following applicable criteria:*

i. Compliance with this section, the General Plan, this Zoning Code, any applicable specific plan, and other applicable criteria and policies related to the use or structure;

ii. The efficient arrangement of structures on the site and the harmonious relationship of the structures to one another and to other adjacent developments; and whether the relationship is based on standards of good design;

iii. The compatibility in terms of bulk, scale, and aesthetic treatment of structures on the site and adjacent developments and public areas;

iv. The adequacy, efficiency, and safety of pedestrian and vehicular access, including drive aisles, driveways, and parking and loading spaces;

v. The adequacy and efficiency of landscaping and open space areas and the use of water efficient plant and irrigation materials; and

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vi. The protection of significant views from public right(s)-of-way and compliance with NBMC Section 20.30.100 (Public View Protection).

Facts in Support of Finding:

1. All Facts in Support of Finding A are hereby incorporated by reference.

2. The Property is categorized as Parks and Recreation (PR) by the Land Use Element of the General Plan. The proposed commercial recreational use is consistent with uses contemplated by the PR category, including private recreation.

3. The Project requires a GPA to increase the maximum development limit identified in Table LU2 as Anomaly Number 58; however, the underlying land use category of PR will remain. The Project is consistent with the General Plan as proposed to be amended.

4. The Project is in furtherance of several General Plan Goals and consistent with many General Plan Policies, as noted above and detailed in Exhibit "F," which is attached hereto and hereby incorporated by reference.

5. The Property is located within the Santa Ana Heights Specific Plan (SP-7), Open Space and Recreation (OSR) District. The SP-7/OSR District allows for local and buffer greenbelts by right, public and private utility buildings and structures subject to the approval of a minor use permit, and golf courses and commercial recreation subject to the approval of a CUP.

6. Subsection 20.90.050(E) (Site Development Standards) of the NBMC establishes minimum development standards for the Property, including setbacks and height. The SP-7/OSR District requires a minimum building setback of 20 feet from all property lines and establishes a maximum building height of 18 feet, unless otherwise provided for by use permit. The Project complies with the required building setback and is proposing a maximum building height of 50 feet above the existing grade for the amenity clubhouse and 40 feet above the existing grade for the visitor accommodations building.

7. The Project includes the removal of existing improvements on the Property and developing a surf park. The surfing lagoon would be divided into two, 5.1-million-gallon, basins that would be hydrologically separated by wave making equipment, forming a heart-shape up to 13 feet deep. The lagoon would be heated and surrounded by viewing platforms, seating, three warming pools and one spa ranging in size from 640 to 1,600 square feet, nine outdoor showers, restrooms, and lighting. The surf lagoon will be lighted for evening use by 71-foot-high light poles that would be located adjacent to the lagoon with lights focused down onto the surf lagoon. Additional mechanical equipment, such as the lagoon heating equipment, would have a height of approximately 15 feet and would be located northeast of the surf lagoon.

8. Ancillary uses include a 50-foot-tall amenity clubhouse, a 40-foot-tall athlete accommodation building, and storage and maintenance areas. The basement level would provide staff areas, mechanical equipment, golf cart storage, surfboard storage, and storage space. The first floor of the clubhouse would contain a reception area as well as a

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surf academy area, changing rooms, storage lockers, and a surf themed retail store. There would also be a sit-down restaurant with a full-service bar in addition to a quick food service coffee bar/snack shack. The second floor would have a fitness facility, locker room, spa, and yoga room. The third floor would contain administrative offices, an operations center, and day use cabanas. Both the second and third floors would have a deck along the entire eastern frontage of the building, providing views of the surf lagoon. The athlete accommodation building would provide 20 overnight units, 10 on each floor.

9. The Project will have alcohol service within the amenity clubhouse and throughout the grounds of the surfing lagoon through a Type 47 (On-Sale General - Eating Place) Alcohol Beverage Control license ("ABC License"), a Type 58 (Caterer) ABC License, and a Type 68 (Portable Bar) ABC License.

10. The Project is proposed to be served by 351 parking spaces within two surface lots that are partially covered by 14-foot- to 18-foot-high solar canopies. These canopies, in conjunction with solar panels atop the surf park buildings, will provide onsite renewable energy to help offset the energy required to power its operations. The Project proposes 143,844 square feet of drought tolerant ornamental landscaping and would provide 235,650 square feet of open space.

11. Table 3-10 (Off-Street Parking Requirements) of Section 20.40.040 (Off-Street Parking Spaces Required) of the NBMC provides that the number of parking spaces required for a commercial recreation use shall be established by use permit. The July 14, 2025, Gibson Transportation Consulting, Inc. Parking Demand Analysis ("Parking Analysis") analyzed the Project and projected a maximum parking demand of 324 spaces. The estimated demand includes spaces to accommodate the golfing operations to be retained. The Parking Analysis has been reviewed and accepted by the City Traffic Engineer and supports the finding that 351 total spaces are adequate to support the surf park and remaining golf course operations. While not relied upon in the Parking Analysis to establish the parking demand, long-term bicycle parking will be provided onsite to support any guests arriving via the bike lanes on Irvine Avenue. Condition of Approval no. 10 requires a minimum of 324 spaces be permanently available and Condition of Approval no. 11 ensures bicycle parking is provided.

12. While the Project does not rely on valet parking to establish or satisfy parking requirements, Condition of Approval No. 94 requires a final parking management plan be reviewed and approved by the City to ensure voluntary valet operations and internal gate operations can be fully accommodated onsite and in accordance with city standards.

13. The portions of the golf course to the north of Irvine Avenue (holes 10-18) and south of Mesa Drive (holes 3-8) will remain. The existing golf cart path of travel between holes 3-8 and holes 10-18 will also remain. The Project will provide parking for the golf course, a starter shack for the golf course, and golf cart storage in the basement level of the amenity clubhouse.

14. The Project has been designed and sited efficiently with structures arranged on the Property to promote a harmonious relationship with onsite structures and to other adjacent

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developments. Curved buildings mirror the geometry of the surfing lagoon, reinforcing a unified and organic site layout. The amenity clubhouse is sited to shield noise and light from reaching the apartment complex located across Irvine Avenue.

15. A consistent architectural language across all structures, through shared materials, forms, and scale, ensures a cohesive identity.

16. The existing visual character of the area surrounding the properties are a mix of uses with no consistent architectural or visual theme. With implementation of the Project, the Property would change to provide a more urban and developed character compared to the existing condition. However, the bulk, scale, and aesthetic treatment are compatible with the adjacent commercial developments and public areas.

17. The Project is designed with adequacy, efficiency, and safety of pedestrian and vehicular access, including drive aisles, driveways, and parking and loading spaces. The proposed driveway along Mesa Drive shall be a right-turn in and right-turn out driveway with the driveway along the Irvine Avenue frontage which shall be a right-turn in, left-turn in, and right-turn out only driveway. Queuing into the public right-of-way, which would impact the adjacent public sidewalk and streets, is prohibited.

18. The Project is designed with adequacy and efficiency of landscaping and open space areas and the use of water efficient plant and irrigation materials.

19. The Project is designed to protect significant views from public rights-of-way and compliance with Section 20.30.100 (Public View Protection) of the NBMC. All development within the Property would be set back from adjacent streets and would not encroach on existing public views along the roadway corridors adjacent to the site. The closest designated public viewpoint is approximately 0.3-mile southwest of the Property, along Irvine Avenue and south of University Drive. The viewpoint provides views of the Upper Newport Bay Preserve. Bayview Park, adjacent to Upper Newport Bay Preserve, is also designated as a public viewpoint. The Site is located northwest of these points not within the coastal scenic viewshed from either of these viewpoints. Therefore, the Project does not have the potential to obstruct public viewpoints or corridors, as identified on General Plan Figure NR 3 (Coastal Views).

Finding:

C. *Not detrimental to the harmonious and orderly growth of the City, nor will it endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of person residing or working in the neighborhood of the proposed development.*

Facts in Support of Finding:

1. The Project will provide a new recreational opportunity, consistent with the General Plan and the Santa Ana Heights Specific Plan, in an area developed with existing recreation, commercial, office, and residential uses. The Project will reduce the number of holes, and

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the driving range will be removed; however, the Project will support the remaining golf course holes to the north and south of the Property by providing a starter shack, golf course parking, and golf cart storage.

2. The Project has been reviewed by all relevant City Divisions and includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The operator of the Project is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, and areas surrounding the property and adjacent properties during business hours, if directly related to the patrons of the establishment.

3. The Project has been reviewed by the NBPD. The NBPD does not object to the Project, subject to appropriate conditions of approval which have all been incorporated into Exhibit "G," which is attached hereto and incorporated herein by reference. Additionally, the Facts in Support of Finding I for Alcohol Sales below are hereby incorporated by reference.

4. To minimize disruptions to persons residing or working in the neighborhood, a final Construction Management Plan ("CMP") shall be reviewed and approved by the Community Development Director and City Traffic Engineer prior to building permit issuance.

5. The Project will incorporate green building measures, such as water efficiency, Low Impact Development ("LID"), and renewable energy sources to reduce energy demands and GHG emissions.

6. The Property is located approximately 0.4 miles from John Wayne Airport ("SNA") and within the SNA Airport Environs Land Use Plan ("AELUP"). The Property is trisected by Zones 2 (Inner Approach/Departure), Zone 4 (Outer Approach/Departure), and Zone 6 (Traffic Pattern Zone). The Project will comply with AELUP aviation, safety, aircraft noise, airspace protection and overflight criteria. The Project complies with the people per acre intensity limits of uses allowed within the AELUP and Caltrans Handbook Safety Zones 2, 4 and 6. The clubhouse and athlete accommodation buildings will have a maximum height of 50 feet ("92 feet AMSL") and 43 feet ("83 feet AMSL") and will not exceed the 14 CFR Part 77 construction notification imaginary surfaces over the Property.

Conditional Use Permit

In accordance with Section 20.52.020(F) (Conditional Use Permits and Minor Use Permits) and Section 20.40.110 (Adjustments to Off-Street Parking Requirements) of the NBMC, the following findings and facts in support of the findings are set forth:

Finding:

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

Fact in Support of Finding:

1. Facts 2 through 4 in Support of Finding B are hereby incorporated by reference.

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Finding:

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

Facts in Support of Finding:

1. All Facts in Support of Finding A are hereby incorporated by reference.

2. Facts 5 through 13 in Support of Finding B are hereby incorporated by reference.

3. Section 20.90.050(E)(2) of the NBMC establishes a maximum building height limit of 18 feet, unless otherwise permitted through an approved use permit. The Project proposes a 50-foot-tall amenity clubhouse and a 40-foot-tall athlete accommodation building. All other freestanding structures will comply with the 18-foot height limit. Potential impacts from the increased building heights are mitigated by the significant distance between the proposed buildings and the adjacent public rights-of-way. On the west side of the Property, the Project is separated from Irvine Avenue by the Delhi Channel, which creates a visual buffer and reduces any perceived scale difference between the buildings and the publicright-of-way. Although the southern edge of the Property along Mesa Drive does not benefit from this buffer, the tallest building, the 50-foot-tall amenity clubhouse, is set back at least 100 feet from the Mesa Drive public right-of-way. These generous setbacks create large open areas and help reduce any perceived height of the structures from public viewpoints. While the 40-foot-tall athlete accommodation building is not set back as far as the clubhouse, it is still set back 30 feet from Mesa Drive, exceeding the minimum setback required by code.

4. Architectural and structural elements on the amenity clubhouse and athlete accommodations building are thoughtfully designed for compatibility and visual interest, using natural materials, varied rooflines, recessed walls, and layered façades, while ensuring that building heights do not exceed surrounding tall elements like existing 80-foot net poles.

5. None of the proposed improvements will be taller than the existing poles at the driving range. The existing driving range is surrounded by approximately 40 net poles that range in height from 25 to 80 feet, depending on location. The poles and netting separating the driving range from the buildings to the east are approximately 80 feet tall while the poles and netting separating the driving range from the golf course on the west are approximately 50 feet tall and the poles and netting separating the driving range from Mesa Drive to the south are between 62 and 65 feet tall. Some of the poles are wood (telephone pole-like) while others are pipes.

6. Chapter 15.40 (Traffic Phasing Ordinance) of the NBMC requires a Traffic Impact Analysis (“TIA”) be prepared if a project generates greater than 300 new average daily trips (“ADT”). Due to the unique nature of the Project, a trip generation analysis was prepared by Gibson Transportation Consulting, Inc (“Gibson”), dated March 4, 2025. Gibson based the trip

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generation rate for the Project on the projected attendance and associated vehicular demand projections for a high season weekday scenario. Furthermore, the new net trip generation estimates reflect both the reduction of trips associated with the significant portions of existing golf facility being replaced and the addition of trips associated with the portions of the golf course to be retained. The Project is anticipated to generate 186 new ADT with a net reduction of 73 AM peak hour trips and a net reduction of 10 PM peak hour trips. The total number of new trips is below the 300-ADT threshold; therefore, the Project does not require a TIA.

Finding:

F. *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 Property is currently developed with a 38-bay, partially covered, synthetic turf driving range, 1,050-square-foot putting green, and one-story 8,975-square-foot clubhouse building. The existing clubhouse includes a pro shop and restaurant that seats 233 people, a surface parking lot with 280 parking spaces, and three holes of the existing Golf Course (holes 1, 2, and 9).

2. The proposed hours of operation for the surf lagoon are from 6 a.m. to 11 p.m., 7 days a week. The Project hours are extended slightly beyond the current allowable hours of operation for the existing golf course, which are from 7 a.m. to 10 p.m., daily, pursuant to UP1594. However, the proposed hours are not considered late hours pursuant to Chapter 20.70 (Definitions), which defines late hours as facilities that provide service after 11 p.m., any day of the week. By not proposing late hours, the Project is compatible with the allowed uses within the vicinity

3. Condition of Approval no. 32 requires the outdoor speakers to cease operation by 10 p.m.

4. The surfing lagoon would operate on a reservation basis with the maximum number of participants at one time limited to 72 people. The average number of hourly users is expected at 35-45 people.

5. The Project would employ approximately 70 full-time and part-time employees with an average of approximately 35 employees onsite at any given time. All employees will be required to park onsite.

6. The facility is anticipated to host approximately 12 surf events/competitions per year. The special events would be ticketed events, similar in scale to other local sporting events. Conditions of Approval no. 129 through 146# are included to regulate the number of events, number of attendees, and hours of events.

7. The Project is compatible with the surrounding land uses, which include a mix of commercial, recreational, civic, and residential developments. Beginning to the north of the

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Property and moving clockwise, adjacent uses include “The Jetty” commercial center, holes 10–18 of the golf course, multi-tenant office buildings, Newport Beach Fire Station No. 7, holes 3–8 of the golf course, “The Ranch” retail shopping center, and multi-family residential housing. Additionally, the Santa Ana–Delhi Channel runs from the northwest to the southwest between the Property and Irvine Avenue, providing a natural buffer and visual separation from adjacent uses.

8. The Project has been designed to be harmonious with persons residing or working in the neighborhood by designing the clubhouse in a location that will shield noise from the multifamily residential located across Irvine Avenue, extensive landscaping onsite and at the perimeter of the Property, providing sufficient parking and circulation, and roadway improvements.

Finding:

G. *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. Subsection E of 20.90.050 (Open Space and Recreation District) of the NBMC establishes minimum site development standards. It provides a one-acre minimum building site area, a maximum building height of 18 feet unless otherwise provided for by an approved use permit, a 20-foot minimum building setback from all property lines, and requires lighting be designed and located so that direct light rays are confined to the premises. It further states that parking shall comply with Chapter 20.40 (Off-Street Parking) of the NBMC. As designed and proposed, the Project is consistent with the development standards with exception of the requested modification for retaining wall height, discussed under the “Modification Permit” section below.

2. The Property is approximately 15 acres in area and exceeds the one-acre site minimum. The Project meets the minimum 20-foot setback from all property lines.

3. The Property will provide public and emergency vehicle access from a 26-foot-wide driveway along Irvine Avenue in the general location of the existing driveway. The Irvine Avenue access will allow turning in from both directions and only right-turn out. A second 26-foot-wide driveway will be located along Mesa Drive. The Mesa Drive access will only allow right-turn in and right-turn out.

4. The Project would upgrade the existing onsite 6-inch domestic water line to a 12-inch water line. Installation would occur within the Property and the public right-of-way, to connect to the existing 24-inch water line in Irvine Avenue. In addition, the Project would upgrade the existing onsite 6-inch sewer lateral that extends approximately 42.5 feet offsite to a 12-inch and connects to the sewer line in Mesa Drive.

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5. A Water Demand Report dated December 2024, was prepared for the Project by Fuscoe Engineering. The Water Demand Report determined that the existing water infrastructure and fire flow is adequate to serve the Project and no new water facilities would be required. The Water Demand Report was reviewed and accepted by the Utilities Department Director.

6. A Sewer Analysis Report dated January 2025 was prepared for the Project by Fuscoe Engineering. The Sewer Analysis Report determined that under operational conditions, the flows from the Project would be within the capacity of the existing sewer system. The Sewer Analysis Report was reviewed and accepted by the Utilities Department Director.

7. In addition to typical daily operational wastewater generating conditions, each of the basins would be drained every two years into the sewer system. Each year one of the basins would be drained; the timing of which would be coordinated with Costa Mesa Sanitary District ("CMSD") and approved by CMSD permitting.

8. The Property will be served by the Newport Beach Fire Department and the Newport Beach Police Department ("NBPD"). The Project would not significantly increase the need for public services in the Project area, in the cities surrounding the Property, or within the region, as fully demonstrated in the Public Services section of the DEIR.

Finding:

H. *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. The architectural style of the Project is a contemporary interpretation of Southern California's surf and beach culture, expressed through low-profile forms and natural materials. The material palette includes horizontal wood siding, exposed mass timber, architectural concrete, dark bronze metal accents, and glass. The proposed color palette includes earth tones; driftwood browns, soft greys, sandy beige, and weathered whites. They are designed to blend into the environment and soften the built form against the natural backdrop.

2. All Facts in Support of Finding C are hereby incorporate by reference.

Alcohol Sales

In accordance with Section 20.48.030 (Alcohol Sales) of the NBMC, the Planning Commission shall consider the following findings prior to the approval of a new or amended alcohol sales establishment:

Finding

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I. *The use is consistent with the purpose and intent of NBMC Section 20.48.030 (Alcohol Sales).*

In finding that the Project is consistent with Section 20.48.030 (Alcohol Sales) of the NBMC, the following criteria must be considered:

i. The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City

a. The Property is in an area the NBPD designates as Reporting District ("RD") 33. RD 33 is irregularly shaped and encompasses the Santa Ana Heights neighborhood, portions of Upper Newport Bay, and extends north to the 73 freeway. RD 33 is abutted to the west by RD 31, to the south by RD 32, to the east by RD 36, and to the north by RD 34. RD 32 primarily encompasses the Upper Newport Bay and is not included in the comparison of crime rates.

b. The NBPD is required to report offenses of Part One Crimes combined with all arrests for other crimes, both felonies, and misdemeanors (except traffic citations) to the California Department of Alcoholic Beverage Control ("ABC"). Part One Crimes are the eight most serious crimes defined by the FBI Uniform Crime Report: criminal homicide, rape, robbery, aggravated assault, burglary, larceny-theft, auto theft, and arson. RD 33 is not considered or reported to ABC as a higher crime area, as compared to other RDs within the city. The RD 33 crime count for 2024 is 110, which is 2% under the citywide average of 112 crimes per RD. The highest volume crime in RD 33 is theft/larceny.

c. The NBPD has reviewed the Project and has no objection to the Project, subject to appropriate conditions of approval which have all been incorporated into Exhibit "G" of this Resolution. These conditions include provisions such as the requirement that all owners, managers, and employees selling alcoholic beverages shall undergo and complete a certified training program in responsible methods and skills for selling alcoholic beverages, all alcoholic beverages that will be sold or consumed in the lagoon and pool areas shall be served in containers which are distinctive in design and color, easily distinguishable from any other containers used in the service of beverages, and a prohibition of games or contests requiring or involving the consumption of alcoholic beverages.

ii. The number of alcohol-related calls for service, crimes, or arrests in the reporting district and in adjacent reporting districts.

a. In 2024, RD 33 had a higher percentage of alcohol-related crimes than RD 31 and RD 36 but a lower percentage than RD 34. The higher number of alcohol-related crimes compared to RD 31 and RD 36 is expected, given that the crime figure includes driving under the influence, public intoxication, and liquor law violations. These alcohol-related crimes are typically associated with commercial establishments. RD 31 and RD 36 are primarily residential and are unlikely to have

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similar crime incidents. The difference in crime rate was not substantial enough to warrant objection from the NBPD.

iii. The proximity of the establishment to residential zoning districts, day care centers, hospitals, park and recreation facilities, places of worship, schools, other similar uses, and any uses that attract minors

a. There is an apartment complex less than 200 feet from the Property, across Irvine Avenue, two Montessori schools within a mile of the Property, and the nearest park, Mesa Birch Park, is approximately 670 feet east of the Property. The nearest church, OC Spiritual Center, is .7 miles to the north of the Property.

iv. The proximity to other establishments selling alcoholic beverages for either off-site or on-site consumption.

a. There are two active On-Sale ABC Licenses within the general vicinity of the Property: a Type 41 (On-Sale Beer and Wine - Eating Place) at Sgt. Pepperoni's Pizza and a Type 47 (On-Sale General - Eating Place) at Original Pizza. Sgt. Pepperoni's Pizza is located approximately 2,500 feet away from the Property. Original Pizza is located on the Property and will be removed as part of the Project.

b. There are three active Off-Sale ABC Licenses within the general vicinity of the Property: two Type 20 (Off-Sale - Beer and Wine) and one Type 21 (Off-Sale - General).

License Type	Address	Distance from the Property
Type 20 (Off-Sale Beer and Wine)	2121 Bristol St.	1,300 feet
Type 20 (Off-Sale Beer and Wine)	2100 Bristol St.	1,550 feet
Type 21 (Off-Sale General)	3530 Irvine Ave.	1,200 feet

c. This location does not meet the legal criteria for undue concentration pertaining to crime (Business and Professions code section §23958.4) with a clear nexus to alcohol

v. Whether or not the proposed amendment will resolve any current objectionable conditions.

a. There were 18 police dispatch events to the Property in 2024. None of the events resulted in arrests and there were no alcohol-related citations.

b. There are no objectionable conditions presently occurring at the Property.

Modification Permit

In accordance with Section 20.52.050(E) (Modification Permits) of the NBMC, the following findings and facts in support of the findings are set forth:

Finding:

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J. *The requested modification will be compatible with existing development in the neighborhood;*

Facts in Support of Finding:

1. The Project includes multiple retaining walls to the south, west, and north of the surfing lagoon. The retaining walls range in height from 5.5 feet above finish grade to a maximum of 16.4 feet above finish grade. All retaining walls will have a 6-foot security fence above.

2. The general area surrounding the Property features undulating hills and pronounced changes in grade. Irvine Avenue slopes from a higher elevation north of the Property downward to the intersection of Irvine Avenue and Mesa Drive. Mesa Drive slopes downwards, toward Irvine Avenue. The intersection of Irvine Avenue and Mesa Drive is the low point in the area. There are existing retaining walls along portions of the perimeter of the Property, along Mesa Drive.

3. The Ranch commercial center, at the southwest corner of Irvine Avenue and Mesa Drive, is on an elevated building pad, approximately 17 feet higher than the sidewalk below. The apartment complex across Irvine Avenue is also constructed on an elevated building pad. The grade differential between the sidewalk and the building pad for the complex is substantial enough to require a staircase for accessing the Property.

Finding:

K. *The granting of the modification is necessary due to the unique physical characteristic(s) of the property and/or structure, and/or characteristics of the use;*

Facts in Support of Finding:

1. The high point of the Property occurs within the driving range, behind Fire Station No. 7. The Property slopes downward, toward the Santa Ana-Delhi Channel and Irvine Avenue beyond. There is an approximately 33-foot grade differential between the high point of the Property and the centerline of Irvine Avenue. The southern side of the Property is higher than the northern side.

2. The existing slope differential creates a physical hardship for maintaining adequate separation from the Santa Ana-Delhi channel and the Project. The height of the retaining wall extends for approximately 662 feet along Irvine Avenue and 70 feet along Mesa Drive. While that exceeds the maximum height, the remaining approximately 284 feet of the retaining wall along Irvine Avenue will not exceed the maximum height.

Finding:

L. *The granting of the modification is necessary due to practical difficulties associated with the property and that the strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code;*

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Facts in Support of Finding:

1. The civil plans prepared for the Project are designed consistent with the recommendations of the Preliminary Soils Engineering and Geologic Report provided, including the proposed heights of the retaining walls.

2. The intent of the NBMC to limit the height of retaining walls when measured from finish grade is to prevent tall walls that are visible from public rights-of-way and neighboring properties. The tallest retaining wall near Irvine Avenue is located behind the Santa Ana-Delhi Channel, setback 17 feet from the property line and over 140 feet from the center line of Irvine Avenue.

3. Visible portions of retaining walls would be screened with landscaping, which would shield the mass and soften the view.

Finding:

M. *There are no alternatives to the modification permit that could provide similar benefits to the Applicant with less potential detriment to surrounding owners and occupants, the neighborhood, or to the general public;*

Facts in Support of Finding:

1. The surfing lagoon elevation and the finish floor of the buildings were designed with a goal of balancing the Property and maintaining access to the adjacent public streets.

2. The terracing of retaining consistent with Section 20.30.040 (Fences, Hedges, Walls, and Retaining Walls) of the NBMC walls has been incorporated into the design where feasible. For example, at the high end of the property, two terraced walls with a maximum exposed height of 8-feet each are designed along the southeasterly property line.

3. Section 20.30.040 (Fences, Hedges, Walls, and Retaining Walls) of the NBMC requires a minimum horizontal separation equal to the height of the tallest retaining wall be provided between retaining walls, except that the required separation shall not be more than 6 feet. Terracing for all retaining walls is not feasible as terraced retaining walls along the the southern and western boundaries of the surfing lagoon would restrict the space available for the Project and would result in a reduced Project.

Finding:

N. *The granting of the modification would not be detrimental to public health, safety, or welfare, to the occupants of the property, nearby properties, the neighborhood, or the City, or result in a change in density or intensity that would be inconsistent with the provisions of this Zoning Code;*

Facts in Support of Finding:

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1. The Property slopes toward the Delhi Channel. The retaining walls allow for back filling and leveling of an irregular site, resulting in a level pad and sufficient depth for the surfing lagoon.

2. The Building Division has reviewed the Project and conditions of approval are included to ensure the Applicant is required to obtain all necessary permits and to demonstrate compliance with the California Building Code and other applicable codes.

3. Approval of any City permits, including this modification permit, does not relieve the Applicant of the legal requirement to observe, covenants, conditions, and restrictions that may be recorded against the property or to obtain community association approvals.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby recommends the following actions to the City Council:

    a. Certify the Environmental Impact Report (SCH No. 2024110238), including the Response to Comments, and the Mitigation Monitoring and Reporting Program attached as Exhibits “B,” “C,” and “D”;

    b. Approve the General Plan Amendment filed as PA2024-0069 and attached as Exhibit “E”; and

    c. Approve the Major Site Development Review, Conditional Use Permit, and Modification Permit filed under PA2024-0069, subject to the conditions of approval attached as Exhibit “G.”

2. Use Permit No. UP1594 shall remain in full force and effect, except as modified by PA2024-0069.

PASSED, APPROVED, AND ADOPTED THIS 4TH DAY OF SEPTEMBER, 2025.

AYES: Ellmore, Gazzano, Harris, Reed, Rosene, and Salene

NOES: None

ABSTAIN: None

RECUSED: Langford

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BY: Tristan Harris
Tristan Harris, Chair

BY: David Salene
David Salene, Vice Chair

ATTACHMENT(S): Exhibit A – Legal Description
Exhibit B – Draft Environmental Impact Report (SCH No. 2024110238)
Exhibit C – Response to Comments
Exhibit D – Mitigation Monitoring and Reporting Program
Exhibit E – General Plan Amendment
Exhibit F – General Plan Consistency Analysis
Exhibit G – Conditions of Approval

Attachment J

Correspondence

File available via link due to size:

https://ecms.newportbeachca.gov/WEB/DocView.aspx?id=3189715&dbid=0&repo=CNB

Attachment K

ALUC Comment Letter

Docusign Envelope ID: 0BE67911-B7EE-424B-BDF9-26D06688D672

AIRPORT LAND USE COMMISSION
FOR ORANGE COUNTY
3160 Airway Avenue • Costa Mesa, California 92626 • 949.252.5170 fax: 949.252.6012

October 8, 2025

Newport Beach Mayor and City Council
c/o Joselyn Perez, Senior Planner
Community Development Department
100 Civic Center Drive
Newport Beach, CA 92660

Subject: Response to Notice of Intent to Overrule the Airport Land Use Commission Determination for Snug Harbor Surf Park Project at 3100 Irvine Avenue (General Plan Amendment)

Mayor and City Council Members:

We are in receipt of your September 11, 2025, letter notifying the Airport Land Use Commission for Orange County (ALUC) of the City of Newport Beach's (City) intent to overrule the ALUC's inconsistency determination on the Snug Harbor Surf Park project at 3100 Irvine Avenue General Plan Amendment). A copy of Resolution No. 2025-60 with the City's Findings of Fact adopted by the City Council on September 9, 2025, was attached. In accordance with Section 21676 of the Public Utilities Code (PUC), the ALUC submits the following comments addressing the proposed overrule findings for the above-referenced project. This letter is advisory to the City and must be included in the public record of any final decision to overrule the ALUC, which may only be adopted by a two-thirds vote of the City's governing body.

Please be advised that PUC Section 21678 states: "With respect to a publicly owned airport that a public agency does not operate, if the public agency pursuant to Section 21676, 21676.5, or 21677 overrules a commission's action or recommendation, the operator of the airport shall be immune from liability for damages to property or personal injury caused by or resulting directly or indirectly from the public agency's decision to overrule the commission's action or recommendation."

Background

On June 13, 2025, the City of Newport Beach submitted the proposed Snug Harbor Surf Park (Project) for a consistency review with the *Airport Environs Land Use Plan for John Wayne Airport (AELUP for JWA)*. The Project site is located south of John Wayne Airport on the middle of the three parcels that comprise the Newport Beach Golf Course. The 15.38-acre Project site currently

Docusign Envelope ID: 0BE67911-B7EE-424B-BDF9-26D06688D672

includes a turf driving range, putting green, three of the golf course's 18 holes (holes 1, 2, and 9), a pro shop and restaurant building, and a surface parking lot. The Project would remove the existing improvements and develop a surf lagoon with warming pools, a spa, and seating areas; a three-story clubhouse; a two-story, 20-unit athlete accommodation building; ancillary storage and maintenance areas; and associated parking areas providing a total of 351 parking spaces. Solar panels would be installed on building rooftops and on carport structures in parking areas.

At a Special Meeting on August 7, 2025, the ALUC reviewed the proposed Project and determined it to be Inconsistent with the *AELUP for JWA* based on land use intensity, safety, and noise exposure within established approach and departure corridors. The determination was based on AELUP Section 2.1.2 (Safety Compatibility Zones), which establishes criteria to minimize the number of people exposed to potential aircraft accident hazards; AELUP Section 2.1.3 (Height Restrictions) and Section 2.1.4 (Overflight), which address protection of navigable airspace and public awareness of aircraft operations; and AELUP Section 3.2.1 (General Policy), which allows a land use to be found inconsistent where it places people in areas adversely affected by aircraft operations or concentrates people in areas susceptible to aircraft accidents.

On September 9, 2025, the City Council adopted Resolution No. 2025-60 declaring its intent to overrule and, on September 11, 2025, transmitted its Notice of Intent to Overrule to the ALUC along with the adopted findings.

Response to Finding "a" Noise Exposure

As noted in the City's finding, the *AELUP for JWA* is intended to reduce public exposure to aircraft noise and maintain compatibility between airport operations and surrounding land uses. The Project includes multiple outdoor recreational and spectator areas within the 65 CNEL contour, with portions of the site extending into the 70 CNEL contour. The City's analysis relies on interior noise standards under the State Building Code and disclosure signage; however, these measures do not mitigate aircraft noise exposure in outdoor areas such as the surf lagoon, seating areas, or open-air gathering spaces. AELUP Section 3.2.1 (General Policy) emphasizes avoidance of exposure rather than mitigation through interior design or notification. The ALUC maintains that outdoor exposure to aircraft noise at this location is inconsistent with the purpose and intent of the *AELUP for JWA*.

Response to Finding "b" Safety / Intensity of Use in Safety Zones

The Project site is located within the Safety Compatibility Zones for JWA. Approximately 38 percent (5.85 acres) of the site is within Zone 2 (Inner Approach/Departure Zone), 22 percent (3.38 acres) within Zone 4 (Outer Approach/Departure Zone), and 40 percent (6.15 acres) within Zone 6 (Traffic Pattern Zone). The City classified the site as "Urban," but the ALUC determined that the site and surrounding area is *Suburban* in character based on existing low-rise development and surrounding land uses. Under the Suburban classification, the *California Airport Land Use*

Docusign Envelope ID: 0BE67911-B7EE-424B-BDF9-26D06688D672

Planning Handbook limits intensity to 40 to 60 persons per gross acre (80 to 120 per single acre). Based on the project plans submitted and the City's estimate of approximately 5,000 to 10,000 spectators during special events, the project could result in occupancy well in excess of the land use compatibility standards defined by Caltrans in the *Handbook*. The congregation and attraction of a significant number of people to the project area represents an incompatible condition within Safety Zones 2, 4, and 6 under the *AELUP for JWA*.

Response to Finding "c" Height / Part 77 / Navigable Airspace

As noted in the City's finding, the proposed structures will not penetrate FAA Part 77 surfaces, and the FAA has issued Determinations of No Hazard to Air Navigation. The ALUC acknowledges this compliance but notes that AELUP Section 2.1.3 (Height Restrictions) provides that a Determination of No Hazard does not automatically equate to ALUC consistency. Accordingly, height compliance with FAA standards does not alter the ALUC's overall inconsistency determination.

Response to Finding "d" Overflight Exposure

The City's finding states that aircraft overflight frequency will not increase and that disclosure language will be provided to patrons. While flight operations at JWA will remain constant, the proposed project would substantially increase the number of people located beneath existing approach and departure paths. Flight track data from the John Wayne Airport Noise Office show that numerous aircraft pass adjacent to the site at altitudes as low as 500 feet above mean sea level. AELUP Sections 2.1.4 (Overflight) and 3.2.1 (General Policy) call for minimizing the number of people exposed to aircraft overflight. The ALUC concluded that concentrating large numbers of people directly under active flight paths is inconsistent with the intent and policies of the *AELUP for JWA*.

We urge the City Council to take ALUC's concerns into consideration in its deliberations prior to deciding whether to overrule ALUC. Thank you for the opportunity to provide these comments.

Sincerely,

Signed by:
84DECBF4FA8B4DE...
Gerald A. Bresnahan
Chairman

cc: Members, Airport Land Use Commission for Orange County
Matt Friedman, Caltrans/Division of Aeronautics
Vincent Ray, Caltrans/Division of Aeronautics

Attachment L

Fiscal Impact Memorandum dated October 1, 2025

KEYSER MARSTON ASSOCIATES

MEMORANDUM

To: Joselyn Perez, Senior Planner
City of Newport Beach

From: Kevin Engstrom

Date: October 1, 2025

Subject: Fiscal Analysis – Snug Harbor Project

Pursuant to your request, Keyser Marston Associates, Inc. (KMA) evaluated the potential fiscal impact of the proposed redevelopment of 3100 Irvine Avenue (Site) in the City of Newport Beach (City). The fiscal analysis considers the ongoing impacts on the City's General Fund created by the potential development of a 5.06-acre surf lagoon with warming pools, spas and seating areas; a three-story amenity clubhouse; a two-story athlete accommodation building; and ancillary storage and maintenance areas (Project) on the Site. The proposed improvements will replace the existing golf course uses on the Site. This overview is organized as follows:

1. Fiscal Impact Methodology
2. Project Summary
3. Existing Market Conditions
4. Project Fiscal Impact
5. Project Impact Comparison
6. Evaluation Summary

FISCAL IMPACT METHODOLOGY

The approach used in a fiscal analysis is to estimate public revenues based on specific parameters of the proposed development where appropriate (i.e. number and value of

residential units, commercial square footage, value and sales per square foot for commercial uses) or based on the projected number of residents, employees or visitors for revenues that generally vary by population, visitor and/or employment. This analysis utilizes the proposed development program and the existing improvements to estimate the Project's net impact on City General Fund revenues. City service costs are estimated based on the number of persons served (employees and visitors). The public service costs are deducted from the public revenues to derive the net benefit of the potential development to the City. Initial capital requirements and obligations are usually addressed through development impact fees or other project mitigations.

PROJECT SUMMARY

A summary of the project description is provided below:

1. The Site is 15.38 acres (670,127 square feet).

2. The Site is currently improved with a 38-bay partially covered driving range, a 1,050 square foot (SF) putting green, a 8,975 SF building that includes a pro shop (4,010 square feet) and a restaurant (4,956 square feet), a 2,782 SF service building, surface parking lot with 280 parking spaces, and three holes of the existing Newport Beach Golf Course (holes 1, 2, and 9).

3. The Project consists of a 5.06-acre surf lagoon (217,409 square feet) with warming pools, spas and seating areas; a three-story amenity clubhouse (50,341 square feet); a two-story athlete accommodation building (9,432 square feet); ancillary storage and maintenance areas, and associated parking areas with solar panels to provide onsite power.[1]

These estimates provide the basis of the fiscal impact evaluation.

PROJECT OVERVIEW

An overview of the Project is provided below:

[1] Reflects the General Plan square footage.

1. As a relatively new phenomenon made possible through technological advances, there are relatively few existing surf parks around the globe. While not exhaustive, the table below shows that while relatively new, these projects are becoming more prevalent.

Project Location

Project	Location
UrbnSurf Melbourne	Melbourne, Australia
Praia da Gama	Campinas, Brazil
The Wave Bristol	Bristol, England
Alaia Bay	Sion, Swizerland
Waco Surf	Waco, Texas
Surf Ranch	Lemoore, California
The Wave Park	Siheung, South Korea
Surf Stadium	Shizunami, Japan
Surf Snowdonia	Dolgarrog, UK
Palm Springs Surf Club	Palm Springs, CA
Atlantic Beach (Opening 8/16/25)	Virginia Beach, VA

2. In addition to the existing surf parks, a number have been proposed throughout Southern California, including the DSRT Surf project which is currently under construction in the city of Palm Desert.

3. The existing surf parks often include ancillary restaurant, retail and surfing related commercial activities (e.g. rentals facilities). In addition, surf parks can include lodging and/or residential units as part of the development project.

4. The proposed scope of development is generally consistent with these other projects and is summarized in the table below:

Project Summary[2]

Use	General Plan SF
Clubhouse	
Basement	4,605
Level 1	19,127
Level 2	16,922
Level 3	9,687
Subtotal	50,341
Athlete Accommodations	
Level 1	4,716
Level 2	4,716
Subtotal	9,432
Surf Lagoon	217,409
Building Area	**59,773**
Project Total	**277,182**

PROJECT FISCAL IMPACT

A summary of the key fiscal model inputs and assumptions is provided below.

City Revenues

The City revenues will be generated by property taxes, sales tax and other city revenue sources as discussed below.

PROPERTY TAXES

The property tax assumptions include the following:

[2] Reflects the General Plan square footage.

- The Developer indicates the Project construction costs are $125 million. Given the unique nature of the proposed development, the analysis assumes the project assessed value will be consistent with this total level of investment.

- Properties in California are taxed at a 1.0% general rate applied to the assessed value of the property.

- Traditionally, a city receives an allocated share of the 1% general property tax, with the balance going to other governmental agencies (e.g. County). The City receives 16.1% of the 1.0% general rate.

- In addition to the base property tax, the City receives additional property taxes in lieu of Vehicle License Fees (VLF). The City's VLF funds are equivalent to 10.25% of the basic levy.

Sales Tax

The sales tax projections are based on taxable retail sales generated by the proposed uses, visitors or spending by residents of new residential units in the City:

- The City's share of sales tax is 1.0% of taxable sales.

- The proposed development will include restaurant and retail components, with a clubhouse building that includes over 45,000 square feet of above-grade commercial development.

- Based on the proposed project, the analysis assumes the Project will generate an average of 700 visitors per day. For context, the average daily visitation in the City is estimated at 20,000 persons.[3]

Transient Occupancy Taxes

The transient occupancy tax projections are based on the nightly rental of the on-site athlete accommodations:

- The City's transient occupancy tax is 10.0% of nightly room revenues.

[3] Source: ADE City of Newport Beach Fiscal Impact Model

- The Project will have 20 hotel/hospitality units. The analysis assumes these will be rented out for a period of less than 30 days; therefore, subject to the City's transient occupancy tax.

- The Developer anticipates the Project will generate an average daily rate (ADR) of $300 per night. The *CoStar Hospitality Submarket Report* for Newport Beach/Dana Point indicates the average market area ADR is $280 with a 70.0% occupancy level for all hotel types, including Luxury and Upper Upscale (e.g. Montage, JW Marriott, Autograph Collection, etc.) accommodations. In comparison, the average ADR of Upscale and Upper Midscale (e.g. Courtyard, Hyatt Place, Tapestry Collection, etc.) properties in the market area is $167, with a 74.3% average occupancy level. The analysis assumes the Project will generate an ADR and occupancy level consistent with the market area average of $280 and 70% occupancy.

Other City Revenues

The Other City revenues include revenues such as business licenses, franchise fees, licenses & permits, charges for services and other miscellaneous revenues sources. The key assumptions include:

- The projections are based on a per capita basis. The Developer anticipates the Project will hire 70 employees. In addition, the Project visitors will also have a fiscal impact on the City.

- The per capita revenues are based on line-items taken from the City Budget.

- Based on the total per capita revenues in the City, a discount is assumed reflecting the likely impact of development on these revenue streams. The discount ranges from 0% to 100% depending on the fixed nature of the revenue stream and likely impact of the development. The analysis makes this adjustment for Charges for Services and Licenses & Permits.

City Revenue Summary

Based on the foregoing factors, the projected City revenues generated by the Project are estimated at $760,400 annually, as shown in the table below.

Annual City General Fund Revenues

Revenue Source	Proposed Project
Property Tax	$201,170
Property Tax in lieu of VLF	$20,620
Sales Tax	$367,580
Transient Occupancy Tax	$143,080
Franchise Taxes	$2,260
Business Licenses	$2,300
Other Intergovernmental	$980
Charges for Service	$7,840
Fines, Penalties, and Forfeitures	$1,630
Licenses and Permits	$200
Use of Property	$6,860
Other Revenue	$1,530
Interest Income	$4,350
TOTAL REVENUE	**$760,400**

City Operating Costs

The City operating costs assumptions are addressed below:

- City operating cost projections are made on a per capita basis, including Project employment and visitors.
- Given their fixed nature, the General Government costs are assumed to be 12.1% of the other City expenses for the Project. [4]
- Police cost estimates are based on the City's historic allocation of these expenses on a per capita basis for services to city visitors and retail/service commercial development. [5]
- The Fire costs are based on the City's historic allocation of these costs on a per capita basis, with consideration given to the Project visitors and property taxes it generates.[6]

[4] Ibid
[5] Ibid
[6] Ibid

Annual City General Fund Expenses

Expense	Proposed Project
General Government	$53,920
Police	$148,260
Fire	$252,910
Public Works/Utilities	$17,420
Streets/Transportation	$24,290
Community Development	$1,270
Community Services	$0
Net Transfers Out	$6,620
TOTAL EXPENDITURES	**$504,690**

Project Impact

Based on the foregoing assumptions, the net project impact is $255,700 annually.

Net General Fund Impact

	Proposed Project
Total Revenue	$760,400
(Less): Total Expenses	($504,690)
Net Project Impact	**$255,710**

PROJECT IMPACT COMPARISON

As the bulk of the City is currently built out, this often leads to the replacement of existing improvements. These existing uses may have a positive or negative impact on the City's general fund, thus the fiscal analysis needs to also consider the replaced development. As previously noted, the Site is currently improved with existing golf course uses on the Site. Data from the Orange County Assessor indicates the assessed value of the project is $2.97 million.[7] Based on the mix of uses, the existing improvements would be consistent with the General Fund revenue

[7] County Assessor – 2024 Assessment Year.

and expense assumptions for Retail and Service Commercial properties in the City. Data from the City indicates 47 current employees on the Site and the analysis assumes the sales tax generation of the existing improvements conforms with citywide average for Retail and Service Commercial establishments.[8] The fiscal impact of the Project is compared to the existing improvements in the table below.

Net General Fund Impact - Proposed & Existing Project		
General Fund Revenues	**Proposed Project**	**Existing Project**
Property Tax	$201,170	$4,780
Property Tax in lieu of VLF	$20,620	$490
Sales Tax	$367,580	$34,300
Transient Occupancy Tax	$143,080	$0
Franchise Taxes	$2,260	$1,520
Business Licenses	$2,300	$1,600
Other Intergovernmental	$980	$660
Charges for Service	$7,840	$5,260
Fines, Penalties, and Forfeitures	$1,630	$1,090
Licenses and Permits	$200	$130
Use of Property	$6,860	$4,610
Other Revenue	$1,530	$1,030
Interest Income	$4,350	$320
General Fund Revenue	**$760,400**	**$55,790**
General Fund Expenses		
General Government	$53,920	$7,050
Police	$148,260	$29,110
Fire	$252,910	$10,830
Public Works/Utilities	$17,420	$11,690
Streets/Transportation	$24,290	$5,590
Community Development	$1,270	$850
Community Services	$0	$0
Net Transfers Out	$6,620	$4,450
General Fund Expenses	**$504,690**	**$69,570**
Net General Fund Impact	**$255,710**	**($13,780)**

[8] Source: ADE City of Newport Beach Fiscal Impact Model

EVALUATION SUMMARY

The key findings of the analysis are provided below:

- The Project has a positive impact on the City General Fund of $256,000 annually, compared to the existing improvements which have a negative impact of $14,000.

- Nearly 20% of the revenues are transient occupancy taxes which will be generated by the 20 on-site units. The City will need to confirm these units will be rented for less than 30 days, to ensure transient occupancy taxes are collected.

- While not as high as the Developer's estimate, the analysis assumes the performance of the lodging units is consistent with the market area average, assuming a relatively high ADR of $280. As a cross-check, the impact of the Project was tested to evaluate if the performance is more in line with the Upscale and Upper Midscale properties in the market area. Under this scenario, the impact of the Project is still positive at $168,000 annually.

Net General Fund Impact

	Proposed Project
Total Revenue	$672,670
(Less): Total Expenses	($504,690)
Net Project Impact	**$167,980**

- Nearly 50% of the Project revenues are sales tax, which will be generated both on and off site. The on-site revenues will be dependent on the success of the retail and dining establishments in the Project. The Project visitors will also generate sales tax; however, these will be offset by City service costs, primarily police and fire.

Attachment M

Project Plans

SNUG HARBOR

NEWPORT BEACH

SITE DEVELOPMENT REVIEW

SNUG HARBOR
NEWPORT BEACH, CA 92660
SITE DEVELOPMENT REVIEW

BACK BAY BARRELS, LLC
3857 BIRCH STREET, SUITE 521
NEWPORT BEACH, CA 92660
PHONE: 949.300.9632

MVE + PARTNERS
1900 MAIN STREET, SUITE 800
IRVINE, CA 92614
PHONE: 949.809.3388

A-0.0
COVER
668
20-
JUNE 17TH 2025

PROJECT SUMMARY

SITE ADDRESS

3100 IRVINE AVE, NEWPORT BEACH, CA 92660

CONTACT

APPLICANT

BACK BAY BARRELS, LLC
3857 BIRCH STREET, SUITE 521
NEWPORT BEACH, CA 92660
CONTACT: STEVE COYNE
PHONE: 949.300.9632

ARCHITECT

MVE +PARTNERS
1900 MAIN STREET, SUITE 800
IRVINE, CA 92614
CONTACT: PIETER BERGER
PHONE: 949.809.3388

CIVIL

FUSCOE ENGINEERING, INC.
15535 SAND CANYON AVE
IRVINE, CA 92618
CONTACT: GREG ATTARD
PHONE: 949.474.1960

LANDSCAPE

CONCEPTUAL DESIGN + PLANNING COMPANY
1675 SCENIC AVENUE, SUITE 200
COSTA MESA, CA 92626
CONTACT: JENNIFER FREDERICK
PHONE: 949.399.0870

PROJECT DESCRIPTION

PROPOSED OUTDOOR COMMERCIAL RECREATION PROJECT CONSISTS OF TWO MAIN BUILDINGS. THE SITE CONSIST OF 15.384 ACRES.

- CLUBHOUSE: 3-STORY, TYPE VA, WITH ONE LEVEL BELOW GRADE, FULLY SPRINKLERED.
- ATHLETE ACCOMMODATIONS: 2-STORY, TYPE VA, FULLY SPRINKLERED.

ZONE

ADDRESS: 3100 IRVINE AVE, NEWPORT BEACH, CA 92660
APN: 119 200 41
ZONE: SP-7 (OSR)
DESIGNATION: LAND USE DESIGNATIONS. THE FOLLOWING LAND USE DESIGNATIONS ARE ESTABLISHED FOR THE SANTA ANA HEIGHTS SPECIFIC PLAN AREA: OPEN SPACE AND RECREATION DISTRICT: SP-7 (OSR).

LAND USE AND DEVELOPMENT STANDARDS FOR SANTA ANA HEIGHTS SHALL BE IN ACCORDANCE WITH EXHIBIT 21.90-1, LAND USE MAP—SPECIFIC PLAN DISTRICT NO. 7, AND THE PROVISIONS OF THIS SECTION.

PRINCIPAL USES ALLOWED. THE FOLLOWING PRINCIPAL USES ARE PERMITTED: OUTDOOR COMMERCIAL RECREATION.

LOT INFORMATION

REQUIRED: BUILDING SITE AREA. ONE ACRE MINIMUM

LOT AREA: 15.384 ACRES

HEIGHT

HEIGHT PROPOSED: 50' - 0" (CLUBHOUSE - MEASURED FROM ESTABLISHMENT OF GRADE)
40' - 0" (ATHLETE ACCOMMODATIONS - MEASURED FROM ESTABLISHMENT OF GRADE)

SETBACKS

REQUIRED: BUILDING SETBACKS. TWENTY (20) FEET MINIMUM FROM ALL PROPERTY LINES.

PROPOSED: BUILDING SETBACKS ARE LARGER THAN 20 FEET ALL AROUND THE PROPERTY. SEE SETBACK AND DIMENSIONS ON SITE PLAN. SETBACK MEASURED TO THE FACE OF FINISH

NOTE:

1. THE APPLICANT PREVIEWED THE PROJECT WITH THE ORANGE COUNTY HEALTH DEPARTMENT ON JULY 23, 2024 AT AN IN PERSON MEETING. PRELIMINARY FEEDBACK WAS MINIMUM AND PROJECT WAS WELL RECEIVED. FINAL APPROVAL WILL BE OBTAINED DURING PERMIT PROCESS.

2. ALL SIGNS COMPLY WITH CHAPTER 20.42 OF THE ZONING CODE OR AN APPROVED SIGN PROGRAM AND REQUIRE SEPARATE REVIEWS AND PERMITS.

BUILDING AREA

GENERAL PLAN SQUARE FOOTAGE - CLUBHOUSE

LEVEL	PROGRAM	AREA
LEVEL B1	CORRIDOR	2,698 SF
LEVEL B1	MEP	451 SF
LEVEL B1	STAFF	1,165 SF
		4,314 SF
LEVEL 1	CORRIDOR	177 SF
LEVEL 1	DRYING ROOM	246 SF
LEVEL 1	KITCHEN	1,662 SF
LEVEL 1	MAIN ELECTRICAL	337 SF
LEVEL 1	MEMBERS LOBBY	649 SF
LEVEL 1	MEP	503 SF
LEVEL 1	PREP ROOM	165 SF
LEVEL 1	REST.	1,393 SF
LEVEL 1	RESTAURANT / BAR	6,228 SF
LEVEL 1	RESTROOMS / CHANGING ROOMS	1,219 SF
LEVEL 1	STORAGE	224 SF
LEVEL 1	SURF ACADEMY	2,681 SF
LEVEL 1	SURF SHOP	2,703 SF
LEVEL 1	WASH ROOM	264 SF
		18,451 SF
LEVEL 2	CORRIDOR	78 SF
LEVEL 2	FITNESS	3,150 SF
LEVEL 2	MEMBER LOCKERS / SPA	2,317 SF
LEVEL 2	MEP	539 SF
LEVEL 2	REST.	1,073 SF
LEVEL 2	STORAGE	321 SF
LEVEL 2	STORAGE / BOH	409 SF
LEVEL 2	THE POINT LOUNGE	6,703 SF
LEVEL 2	YOGA	1,732 SF
		16,322 SF
LEVEL 3	CORRIDOR	67 SF
LEVEL 3	MEP	366 SF
LEVEL 3	RECORDING STUDIO	2,125 SF
LEVEL 3	REST.	232 SF
LEVEL 3	SERVICE	400 SF
LEVEL 3	STORAGE	168 SF
LEVEL 3	VIP	5,806 SF
		9,164 SF
		48,251 SF

GENERAL PLAN SQUARE FOOTAGE - A. A.

LEVEL	PROGRAM	AREA
ATHLETE ACCOMMODATIONS LEVEL 1	10 UNITS	4,594 SF
		4,594 SF
ATHLETE ACCOMMODATIONS LEVEL 2	10 UNITS	4,594 SF
		4,594 SF
		9,187 SF

TOTAL GENERAL PLAN SQUARE FOOTAGE: 57,438 SF

EXCLUDED AREA FROM GENERAL PLAN S.F. - CLUBHOUSE

LEVEL	PROGRAM	AREA
LEVEL B1	STORAGE 1, GOLF CART STORAGE	3,495 SF
LEVEL B1	STORAGE 2, FACILITY STORAGE	5,359 SF
LEVEL B1	STORAGE 3, SURF BOARD STORAGE	6,802 SF
		15,655 SF
LEVEL 1	BOARD STORAGE	515 SF
LEVEL 1	REST.	15,656 SF
		2,050 SF
		1,535 SF

EXCLUDED AREA FROM GENERAL PLAN S.F.

LEVEL	PROGRAM	AREA
ATHLETE ACCOMMODATIONS LEVEL 1	REST.	703 SF
ATHLETE ACCOMMODATIONS LEVEL 1	STORAGE, FACILITY STORAGE	846 SF
		1,549 SF
		1,549 SF

TOTAL EXCLUDED AREA FROM GENERAL PLAN SQUARE FOOTAGE: 19,255 SF

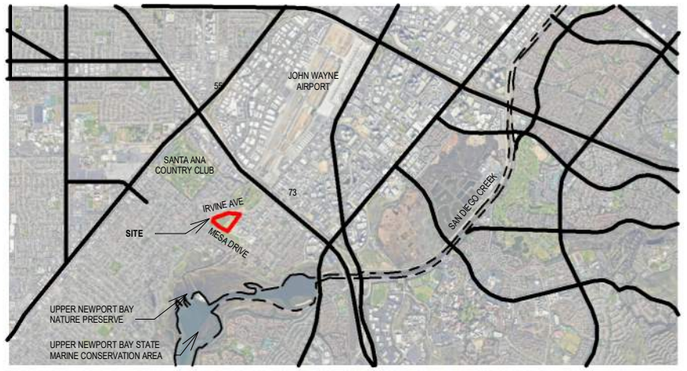
TOTAL GROSS SQUARE FOOTAGE: 76,693 SF

NOTE:

PER CITY OF NEWPORT BEACH MUNICIPAL CODE, TITLE 20 PLANNING AND ZONING, CHAPTER 20.70 DEFINITIONS, 20.70.020 DEFINITIONS OF SPECIALIZED TERMS AND PHRASES, FLOOR AREA, GROSS.

2. MULTI-UNIT RESIDENTIAL (THREE-PLUS DWELLINGS), MIXED-USE, AND NONRESIDENTIAL STRUCTURES.
A. FOR MULTI-UNIT RESIDENTIAL, MIXED-USE, AND NONRESIDENTIAL STRUCTURES, THE FOLLOWING AREAS SHALL BE INCLUDED IN CALCULATIONS OF GROSS FLOOR AREA:
I. THE AREA WITHIN AND INCLUDING THE SURROUNDING EXTERIOR WALLS; AND
II. ANY INTERIOR PORTION OF A STRUCTURE THAT IS ACCESSIBLE AND THAT MEASURES MORE THAN FOUR FEET FROM FLOOR TO CEILING.
B. THE FOLLOWING AREAS SHALL BE EXCLUDED:
I. STAIRWELLS AND ELEVATOR SHAFTS ABOVE THE FIRST LEVEL;
II. OUTDOOR DINING AREAS ASSOCIATED WITH AN EATING AND DRINKING ESTABLISHMENT, AND
III. PARKING STRUCTURES ASSOCIATED WITH AN ALLOWED USE WITHIN THE SAME DEVELOPMENT.

VICINITY MAP



PARKING SUMMARY

REQUIRED: As required by city approved parking demand study

PROPOSED: 351 Parking Stalls

PARKING SCHEDULE

LOCATION	TYPE	WIDTH	LENGTH	COUNT
NORTH	ADA	9' - 0"	18' - 0"	5
NORTH	ADA AMBULATORY EV	10' - 0"	18' - 0"	1
NORTH	ADA EV	9' - 0"	18' - 0"	1
NORTH	ADA VAN	12' - 0"	18' - 0"	1
NORTH	ADA VAN EV	12' - 0"	18' - 0"	1
NORTH	EV	8' - 6"	17' - 0"	26
NORTH	EVSE	8' - 6"	17' - 0"	9
NORTH	STANDARD	8' - 6"	17' - 0"	127
				171
SOUTH	ADA	9' - 0"	18' - 0"	5
SOUTH	ADA AMBULATORY EV	10' - 0"	18' - 0"	1
SOUTH	ADA EV	9' - 0"	18' - 0"	1
SOUTH	ADA VAN	12' - 0"	18' - 0"	1
SOUTH	ADA VAN EV	12' - 0"	18' - 0"	1
SOUTH	EV	8' - 6"	17' - 0"	26
SOUTH	EVSE	8' - 6"	17' - 0"	9
SOUTH	STANDARD	8' - 6"	17' - 0"	136
				180
				351

NOTE:

1. EV CAPABLE, EVSE AND EV ACCESSIBLE PARKING WILL COMPLY WITH TABLE 5.106.5.3.1 OF CAL GREEN AND TABLE 11B-228.3.2.1 OF CBC.

2. THE LOCATION OF DIFFERENT PARKING STALLS WILL BE DESIGNATED DURING PLAN CHECK.

3. THE DIMENSIONS OF PARKING STALLS AND DRIVE AISLES WILL COMPLY WITH NEWPORT BEACH CITY STANDARD 805.

SHEET INDEX

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A-0.4	SITE CONTEXT IMAGERY
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L-5	LANDSCAPE PLAN ENLARGEMENT- IRVINE AVENUE ENTRY
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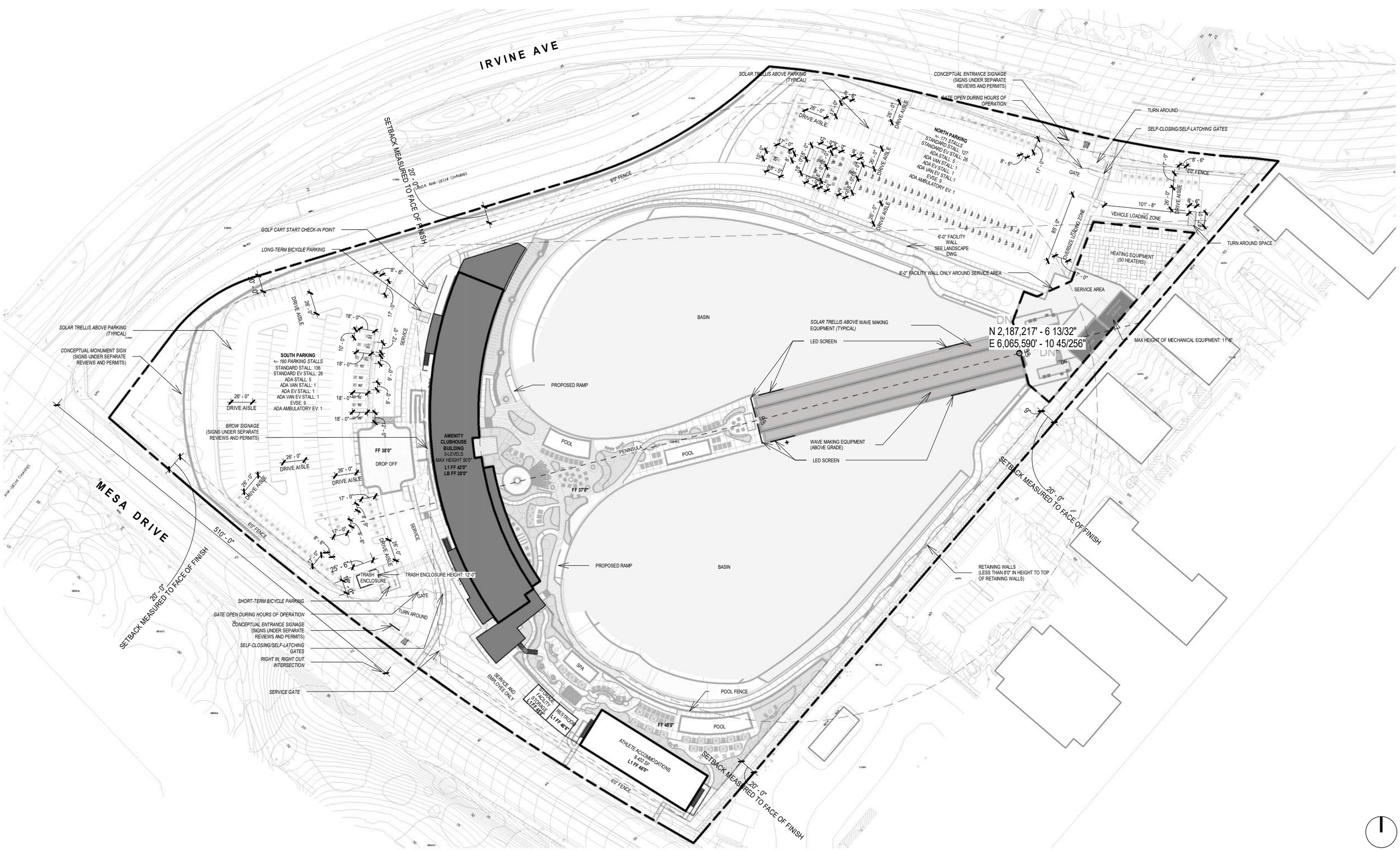

SNUG HARBOR
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SITE DEVELOPMENT REVIEW

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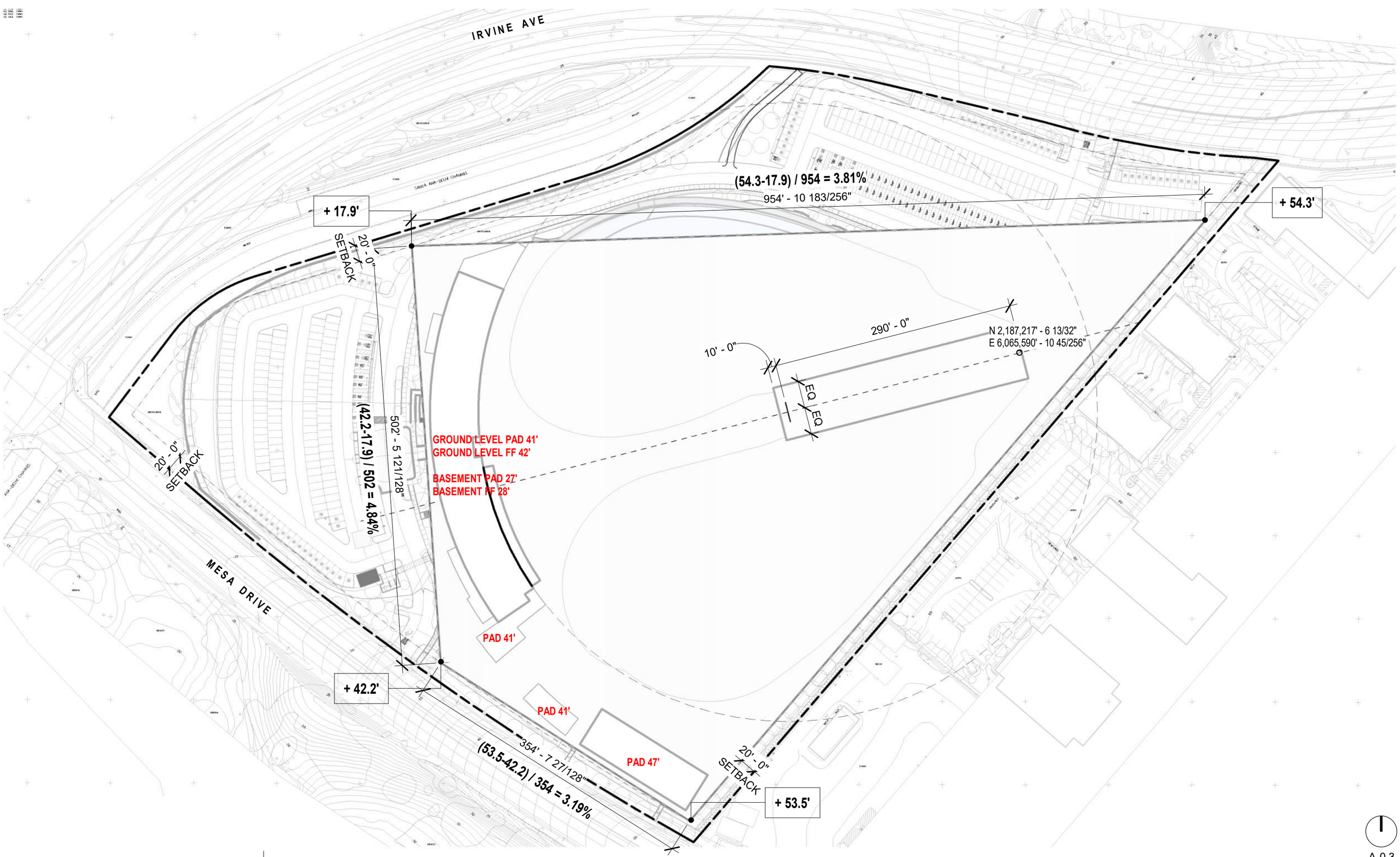
MVE + PARTNERS
1900 MAIN STREET, SUITE 800
IRVINE, CA 92614
PHONE: 949.809.3388

A-0.2
SITE PLAN
1" = 20'-0"
JUNE 17TH 2025



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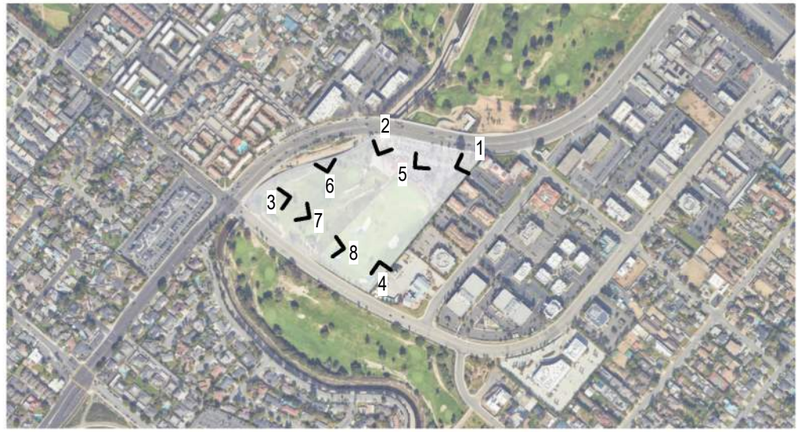
A-0.3
GRADE ESTABLISHMENT
20' - 671 0"
JUNE 17TH 2025

1

2

3

4



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9

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A-0.4
SITE CONTEXT IMAGERY
20-**672**
JUNE 17TH 2025

EGRESS PLAN & MAX. AREA OF EXTERIOR WALL OPENING

CLUB HOUSE (BLDG 1.1) - L1				
LOCATION	OCC.	LOAD	AREA	OL
RESTROOM	B	150	1,464 SF	10
ACADEMY	B	150	3,299 SF	22
SURF SHOP	M	150	2,740 SF	19
RESTROOM	S-1	300	2,058 SF	7
				58

CLUB HOUSE (BLDG 1.2) - L1				
LOCATION	OCC.	LOAD	AREA	OL
RESTROOM	B	150	1,464 SF	10
ACADEMY	B	150	3,299 SF	22
SURF SHOP	M	150	2,740 SF	19
RESTROOM	S-1	300	2,058 SF	7
				58

ACCOMMODATIONS - L1				
LOCATION	OCC.	LOAD	AREA	OL
RESTROOM	B	150	1,464 SF	10
ACADEMY	B	150	3,299 SF	22
SURF SHOP	M	150	2,740 SF	19
RESTROOM	S-1	300	2,058 SF	7
				58

LEVEL - 1

CLUB HOUSE - B1				
LOCATION	OCC.	LOAD	AREA	OL
RESTROOM	B	150	1,464 SF	10
ACADEMY	B	150	3,299 SF	22
SURF SHOP	M	150	2,740 SF	19
RESTROOM	S-1	300	2,058 SF	7
				58

LEVEL - B1

EGRESS PLAN LEGEND

- EXIT SIGN/ DIRECTION OF TRAVEL
- ROOM NAME
- SQUARE FOOTAGE
- OCCUPANCY LOAD
- NUMBER OF OCCUPANTS USING EXIT/EXIT ACCESS COMPONENTS
- EXIT ACCESS DISTANCE
- COMMON PATH DISTANCE
- OVERALL DIAGONAL DISTANCE
- EXIT SEPARATION
- TRAVEL DISTANCE TO NEAREST EXIT
- MAXIMUM COMMON PATH OF EGRESS TRAVEL DISTANCE

BUILDING CODE ANALYSIS - CONT.

C. ALLOWABLE AREA

a. ATHLETE ACCOMMODATIONS (R-1) : SINGLE OCCUPANCY, MULTI-STORY BLDG

- ALLOWED : 72,000 SF
- PROVIDED: 9,187 SF

TYPE	OCC	As (ALLOWABLE AREA)	(At + NS x If) x 2
V - A	R-1	72,000	(36,000 + 0) x 2

b. CLUB HOUSE (A, B & S-1) : MIXED-OCCUPANCY, MULTI-STORY BLDG

- AREA: ALLOWED VS . PROPOSED

TYPE	OCC	ALLOWED (SF)	PROPOSED (SF)	NOTE
V - A	A-2 & A-3	46,000	20,957	EXCLUDE BASEMENT LEVEL
	B	72,000	13,450	
	M	56,000	2,703	
	S-1	56,000	6,827	

- EQUATION 5-3

TYPE	OCC	As (ALLOWABLE AREA)	At + NS x If * (=1)
V - A	A-2 & A-3	46,000	34,500 11,500
	B	72,000	54,000 18,000
	M & S-1	56,000	42,000 14,000

*If = [F / P - 0.25] W/ 30 + [800 / 775 - 0.25] 200 / 30 = 0.78 X 6.66 = 5.19 (USE 1 FOR CLACULATION)

As = Allowable area (square feet).
At = Tabular allowable area factor (NS, S13R, S13D or SM value, as applicable).
NS = Tabular allowable area factor in accordance with Table 506.2 for a nonsprinklered building
If = Area factor increase due to frontage (percent) as calculated in accordance with Section 506.3.

- SECTION 508.4.2 ALLOWABLE BUILDING AREA

Actual area of OCC A / Allowable area of OCC A + Actual area of OCC B / Allowable area of OCC B + Actual area of OCC M / Allowable area of OCC M + Actual area of OCC S-1 / Allowable area of OCC S-1 = < 1.00

20,957 / 46,000 + 13,450 / 72,000 + 2,703 / 56,000 + 6,827 / 56,000 = 0.46 + 0.19 + 0.05 + 0.12 = 0.82 < 1.00

3. CHP. 6 CONSTRUCTION TYPE

- TYPE V - A

4. CHP. 7 FIRE AND SMOKE PROTECTION (SEE SITE PLAN & EXHIBIT L-1)

- TABLE 705.8 MAXIMUM AREA OF EXTERIOR WALL OPENINGS

FIRE SEPERATION DISATNCE	DEGREE OF OPENING	ALLOWABLE AREA
0 to less than 3'	PROTECTED	NOT PERMITTED
3' to less than 5'		15%
5' to less than 10'		25%
10' to less than 15'		45%
15' to less than 20'		75%
20' or greater		NO LIMIT

5. CHP.9 FIRE PROTECTION AND LIFE SAFETY SYSTEM

- SECTION 903.3.1 NFPA 13 SPRINKLER SYSTEM

5. CHP. 10 MEANS OF EGRESS

- SEE DIAGRAM 1, 2, 3, 4 & 5 / A0.5

- MINIMUM MEANS OF EGRESS SIZING:

STAIR FACTOR: 0.2 (SECDTION 1005.3.1 EXP.-1)
OTHER EGREE COMPONENTS: 0.15 (SECTION 1005.3.2 EXP.-1)
AN EMERGENCY VOICE/ ALARM COMMUNICATION SYSTEM PER SEC. 907.5.2.2 IS REQUIRED

- MAXIMUM COMMON PATH OF EGRESS TRAVEL DISTANCE (CBC 2022 - TABLE 1006.2.1)

R-2 (RESIDENTIAL)	=125'	(WITH SPRINKLERS)
B (AMENITY)	=100'	(WITH SPRINKLERS)
A-2 (RESTAURANT)	=75'	(WITH SPRINKLERS)
A-3 (AMENITY)	=75'	(WITH SPRINKLERS)
S-1 (TRASH & STORAGE)	=100'	(WITH SPRINKLERS)
S-2 (PARKING GARAGE)	=100' MAX	(WITH SPRINKLERS)

- EXIT ACCESS TRAVEL DISTANCE (CBC 2022 - SECTION 1017.2)

R-2 (RESIDENTIAL)	=250'	(WITH SPRINKLERS)
B (AMENITY)	=300'	(WITH SPRINKLERS)
A-2 (RESTAURANT)	=250'	(WITH SPRINKLERS)
A-3 (AMENITY)	=250'	(WITH SPRINKLERS)
S-1 (TRASH & STORAGE)	=250'	(WITH SPRINKLERS)
S-2 (PARKING GARAGE)	=400'	(WITH SPRINKLERS)

- DEAD ENDS

RESIDENTIAL DEAD END CORRIDORS SHALL NOT EXCEED 50' IN LENGTH.

PROJECT SUMMARY

1. PROJECT NAME

- SUNG HARBOR

2. PROJECT ADDRESS / APN:

- 3100 IRVINE AVE, NEWPORT BEACH, CA 92660 / 119-200-41

3. PROJECT DESCRIPTION:

- PROPOSED OUTDOOR COMMERCIAL RECREATION PROJECT CONSISTS OF TWO MAIN BUILDINGS.

4. LOT INFORMATION:

- LOT SIZE: 15.384 ACRES (= 670,127.04 SF)
- ZONING: SP-7 (OSR)
- LOT DESIGNATION: LAND USE DESIGNATIONS. THE FOLLOWING LAND USE DESIGNATIONS ARE ESTABLISHED FOR THE SANTA ANA HEIGHTS SPECIFIC PLAN AREA: OPEN SPACE AND RECREATION DISTRICT: SP-7 (OSR).

LAND USE AND DEVELOPMENT STANDARDS FOR SANTA ANA HEIGHTS SHALL BE IN ACCORDANCE WITH EXHIBIT 21.90-1, LAND USE MAP--- SPECIFIC PLAN DISTRICT NO. 7, AND THE PROVISIONS OF THIS SECTION.

PRINCIPAL USES ALLOWED. THE FOLLOWING PRINCIPAL USES ARE PERMITTED: OUTDOOR COMMERCIAL RECREATION.

5. BUILDING AREA (PER OCCUPANCY TYPE)

- SEE A0.1 FOR AREA SUMMARY PER LEVEL & PROGRAM

CATEGORY	BUILDING	OCCUPANCY	AREA (SF)	PROGRAM
GENERAL PLAN	CLUB HOUSE	A-2	6,878	RESTAURANT
		A-3	14,079	YOGA , FITNESS, SPA
		B	14,615	STUDIO, POINT LOUNGE
		M	2,703	SURF STORE
		S-1	9,976	STORAGE, MEP ROOM, SERVICE
		SUM	**48,251**	
	ATHLETE ACCOMODATIONS	R-2	9,187	20 UNITS (10 UNITS X 2)
		SUM	**9,187**	
	TOTAL		**57,438**	
GENERAL PLAN - EXCLUDED	CLUB HOUSE	S-1	18,137	STORAGE, GOLF CART
		SUM	**18,137**	
	ATHLETE ACCOMODATIONS	S-1	1,624	STORAGE, RESTROOM
		SUM	**1,549**	
	TOTAL		**19,761**	
	GRAND TOTAL		**77,199**	

ZONING ANALYSIS

1. HEIGHT LIMIT :

- ALLOWED: 50' - 0"
- PROPOSED: 50' - 0" (CLUBHOUSE - MEASURED FROM ESTABLISHMENT OF GRADE)
40' - 0" (ATHLETE ACCOMMODATIONS - MEASURED FROM ESTABLISHMENT OF GRADE)

2. SETBACK REQUIREMENT:

- REQUIRED: 20'
- PROPOSED: MINIMUM 20' (SEE SITE PLAN)

BUILDING CODE ANALYSIS

1. CHP. 3 OCCUPANCY CLASSIFICATION AND USE

- SECTION 303, 304 & 311

BUILDING	USE	OCC CLASSIFICATION
CLUB HOUSE	RESTAURANT	A-2
	FITNESS, YOGA	A-3
	ACADEMY, OFFICE	B
	STORAGE	S-1
ATHLETE ACCOMMODATIONS	ATHLETE ACCOMMODATIONS	R-1, HOTELS (TRANSIENT)
	STORAGE	S-1

2. CHP. 5 BUILDING HEIGHT AND AREA

A. TABLE 504.3 BUILDING HEIGHT

BUILDING	TYPE	OCC	ALLOWED	PROVIDED
CLUB HOUSE	V - A	A-2	70 FT	50 FT
		B		
ATHLETE ACCOMMODATIONS	V - A	R-1	70 FT	40 FT
		B		

B. TABLE 504.3 ALLOWABLE NUMBER OF STORY

BUILDING	TYPE	OCC	ALLOWED	PROVIDED
CLUB HOUSE	V - A	A-2	3	3
		B		
ATHLETE ACCOMMODATIONS	V - A	R-1	4	2
		B		

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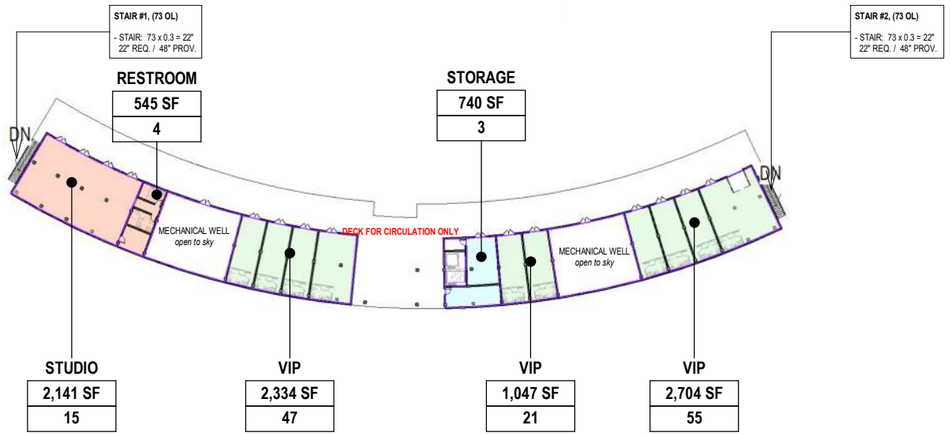
IRVINE, CA 92614
PHONE: 949.809.3388

EGRESS PLAN & MAX. AREA OF EXTERIOR WALL OPENING

CLUB HOUSE - L3				
LOCATION	OCC.	LOAD	AREA	OL
RESTROOM	B	150	1,464 SF	10
ACADEMY	B	150	3,299 SF	22
SURF SHOP	M	150	2,740 SF	19
RESTROOM	S-1	300	2,058 SF	7
				58

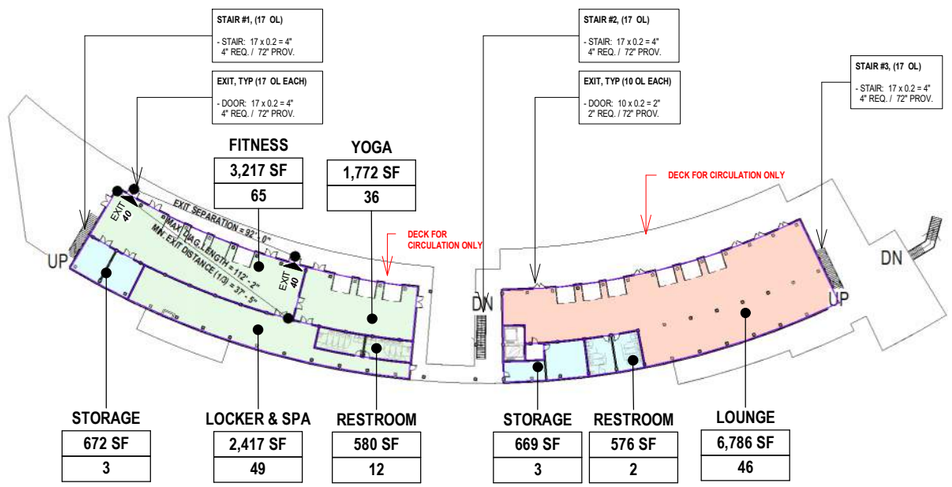


LEVEL - 3

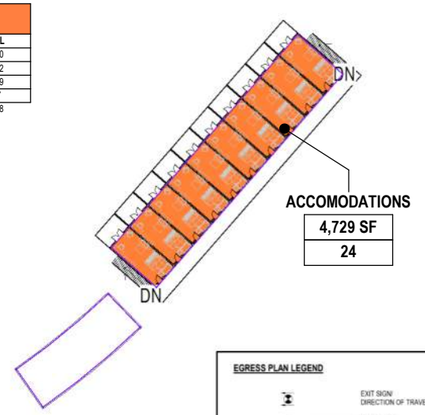
CLUB HOUSE (BLDG 2.1) - L2				
LOCATION	OCC.	LOAD	AREA	OL
RESTROOM	B	150	1,464 SF	10
ACADEMY	B	150	3,299 SF	22
SURF SHOP	M	150	2,740 SF	19
RESTROOM	S-1	300	2,058 SF	7
				58

CLUB HOUSE (BLDG 2.2) - L2				
LOCATION	OCC.	LOAD	AREA	OL
RESTROOM	B	150	1,464 SF	10
ACADEMY	B	150	3,299 SF	22
SURF SHOP	M	150	2,740 SF	19
RESTROOM	S-1	300	2,058 SF	7
				58

ACCOMMODATIONS - L2				
LOCATION	OCC.	LOAD	AREA	OL
RESTROOM	B	150	1,464 SF	10
ACADEMY	B	150	3,299 SF	22
SURF SHOP	M	150	2,740 SF	19
RESTROOM	S-1	300	2,058 SF	7
				58



LEVEL - 2



EGRESS PLAN LEGEND

EXIT SIGN/ DIRECTION OF TRAVEL
ROOM NAME
SQUARE FOOTAGE
OCCUPANCY LOAD
NUMBER OF OCCUPANTS USING EXIT/EXIT ACCESS COMPONENTS
EXIT ACCESS DISTANCE
COMMON PATH DISTANCE
OVERALL DIAGONAL DISTANCE
EXIT SEPARATION
TRAVEL DISTANCE TO NEAREST EXIT
MAXIMUM COMMON PATH OF EGRESS TRAVEL DISTANCE

BUILDING CODE ANALYSIS - CONT.

C. ALLOWABLE AREA

a. ATHLETE ACCOMMODATIONS (R-1) : SINGLE OCCUPANCY, MULTI-STORY BLDG

- ALLOWED: 72,000 SF
- PROVIDED: 9,187 SF

TYPE	OCC	As (ALLOWABLE AREA)	(At + NS x If) x 2
V - A	R-1	72,000	(36,000 + 0) x 2

b. CLUB HOUSE (A, B & S-1) : MIXED-OCCUPANCY, MULTI-STORY BLDG

- AREA: ALLOWED VS . PROPOSED

TYPE	OCC	ALLOWED (SF)	PROPOSED (SF)	NOTE
V - A	A-2 & A-3	46,000	20,957	EXCLUDE BASEMENT LEVEL
	B	72,000	13,450	
	M	56,000	2,703	
	S-1	56,000	6,827	

- EQUATION 5-3

TYPE	OCC	As (ALLOWABLE AREA)	At + NS x If * (•1)
V - A	A-2 & A-3	46,000	34,500 11,500
	B	72,000	54,000 18,000
	M & S-1	56,000	42,000 14,000

*If = [F / P - 0.25] W/ 30 + [800 / 775 - 0.25] 200 / 30 = 0.78 X 6.66 = 5.19 (USE 1 FOR CLACULATION)

As = Allowable area (square feet).
At = Tabular allowable area factor (NS, S13R, S13D or SM value, as applicable).
NS = Tabular allowable area factor in accordance with Table 506.2 for a nonsprinklered building
If = Area factor increase due to frontage (percent) as calculated in accordance with Section 506.3.

- SECTION 508.4.2 ALLOWABLE BUILDING AREA

Actual area of OCC A / Allowable area of OCC A + Actual area of OCC B / Allowable area of OCC B + Actual area of OCC M / Allowable area of OCC M + Actual area of OCC S-1 / Allowable area of OCC S-1 = < 1.00

20,957 / 46,000 + 13,450 / 72,000 + 2,703 / 56,000 + 6,827 / 56,000 = 0.46 + 0.19 + 0.05 + 0.12 = 0.82 < 1.00

3. CHP. 6 CONSTRUCTION TYPE

- TYPE V - A

4. CHP. 7 FIRE AND SMOKE PROTECTION (SEE SITE PLAN & EXHIBIT L-1)

- TABLE 705.8 MAXIMUM AREA OF EXTERIOR WALL OPENINGS

FIRE SEPERATION DISATNCE	DEGREE OF OPENING	ALLOWABLE AREA
0 to less than 3'	PROTECTED	NOT PERMITTED
3' to less than 5'		15%
5' to less than 10'		25%
10' to less than 15'		45%
15' to less than 20'		75%
20' or greater		NO LIMIT

5. CHP.9 FIRE PROTECTION AND LIFE SAFETY SYSTEM

- SECTION 903.3.1 NFPA 13 SPRINKLER SYSTEM

5. CHP. 10 MEANS OF EGRESS

- SEE DIAGRAM 1, 2, 3, 4 & 5 / A0.5

- MINIMUM MEANS OF EGRESS SIZING:

STAIR FACTOR: 0.2 (SECDTION 1005.3.1 EXP.-1)
OTHER EGREE COMPONENTS: 0.15 (SECTION 1005.3.2 EXP.-1)
AN EMERGENCY VOICE/ ALARM COMMUNICATION SYSTEM PER SEC. 907.5.2.2 IS REQUIRED

- MAXIMUM COMMON PATH OF EGRESS TRAVEL DISTANCE (CBC 2022 - TABLE 1006.2.1)

R-2 (RESIDENTIAL)	=125'	(WITH SPRINKLERS)
B (AMENITY)	=100'	(WITH SPRINKLERS)
A-2 (RESTAURANT)	=75'	(WITH SPRINKLERS)
A-3 (AMENITY)	=75'	(WITH SPRINKLERS)
S-1 (TRASH & STORAGE)	=100'	(WITH SPRINKLERS)
S-2 (PARKING GARAGE)	=100' MAX	(WITH SPRINKLERS)

- EXIT ACCESS TRAVEL DISTANCE (CBC 2022 - SECTION 1017.2)

R-2 (RESIDENTIAL)	=250'	(WITH SPRINKLERS)
B (AMENITY)	=300'	(WITH SPRINKLERS)
A-2 (RESTAURANT)	=250'	(WITH SPRINKLERS)
A-3 (AMENITY)	=250'	(WITH SPRINKLERS)
S-1 (TRASH & STORAGE)	=250'	(WITH SPRINKLERS)
S-2 (PARKING GARAGE)	=400'	(WITH SPRINKLERS)

- DEAD ENDS

RESIDENTIAL DEAD END CORRIDORS SHALL NOT EXCEED 50' IN LENGTH.

PROJECT SUMMARY

1. PROJECT NAME

- SUNG HARBOR

2. PROJECT ADDRESS / APN:

- 3100 IRVINE AVE, NEWPORT BEACH, CA 92660 / 119-200-41

3. PROJECT DESCRIPTION:

- PROPOSED OUTDOOR COMMERCIAL RECREATION PROJECT CONSISTS OF TWO MAIN BUILDINGS.

4. LOT INFORMATION:

- LOT SIZE: 15.384 ACRES (= 670,127.04 SF)
- ZONING: SP-7 (OSR)
- LOT DESIGNATION: LAND USE DESIGNATIONS. THE FOLLOWING LAND USE DESIGNATIONS ARE ESTABLISHED FOR THE SANTA ANA HEIGHTS SPECIFIC PLAN AREA: OPEN SPACE AND RECREATION DISTRICT: SP-7 (OSR).

LAND USE AND DEVELOPMENT STANDARDS FOR SANTA ANA HEIGHTS SHALL BE IN ACCORDANCE WITH EXHIBIT 21.90-1, LAND USE MAP—SPECIFIC PLAN DISTRICT NO. 7, AND THE PROVISIONS OF THIS SECTION.

PRINCIPAL USES ALLOWED. THE FOLLOWING PRINCIPAL USES ARE PERMITTED: OUTDOOR COMMERCIAL RECREATION.

5. BUILDING AREA (PER OCCUPANCY TYPE)

- SEE A0.1 FOR AREA SUMMARY PER LEVEL & PROGRAM

CATEGORY	BUILDING	OCCUPANCY	AREA (SF)	PROGRAM
GENERAL PLAN	CLUB HOUSE	A-2	6,878	RESTAURANT
		A-3	14,079	YOGA , FITNESS, SPA
		B	14,615	STUDIO, POINT LOUNGE
		M	2,703	SURF STORE
		S-1	9,976	STORAGE, MEP ROOM, SERVICE
		SUM	**48,251**	
	ATHLETE ACCOMODATIONS	R-2	9,187	20 UNITS (10 UNITS X 2)
		SUM	**9,187**	
	TOTAL		**57,438**	
GENERAL PLAN - EXCLUDED	CLUB HOUSE	S-1	18,137	STORAGE, GOLF CART
		SUM	**18,137**	
	ATHLETE ACCOMODATIONS	S-1	1,624	STORAGE, RESTROOM
		SUM	**1,649**	
	TOTAL		**19,761**	
	GRAND TOTAL		**77,199**	

ZONING ANALYSIS

1. HEIGHT LIMIT :

- ALLOWED: 50' - 0"
- PROPOSED: 50' - 0" (CLUBHOUSE - MEASURED FROM ESTABLISHMENT OF GRADE)
40' - 0" (ATHLETE ACCOMMODATIONS - MEASURED FROM ESTABLISHMENT OF GRADE)

2. SETBACK REQUIREMENT:

- REQUIRED: 20'
- PROPOSED: MINIMUM 20' (SEE SITE PLAN)

BUILDING CODE ANALYSIS

1. CHP. 3 OCCUPANCY CLASSIFICATION AND USE

- SECTION 303, 304 & 311

BUILDING	USE	OCC CLASSIFICATION
CLUB HOUSE	RESTAURANT	A-2
	FITNESS, YOGA	A-3
	ACADEMY, OFFICE	B
	STORAGE	S-1
ATHLETE ACCOMMODATIONS	ATHLETE ACCOMMODATIONS	R-1, HOTELS (TRANSIENT)
	STORAGE	S-1

2. CHP. 5 BUILDING HEIGHT AND AREA

A. TABLE 504.3 BUILDING HEIGHT

BUILDING	TYPE	OCC	ALLOWED	PROVIDED
CLUB HOUSE	V - A	A-2	70 FT	50 FT
		B		
ATHLETE ACCOMMODATIONS	V - A	R-1	70 FT	40 FT
		B		

B. TABLE 504.3 ALLOWABLE NUMBER OF STORY

BUILDING	TYPE	OCC	ALLOWED	PROVIDED
CLUB HOUSE	V - A	A-2	3	3
		B		
ATHLETE ACCOMMODATIONS	V - A	R-1	4	2
		B		

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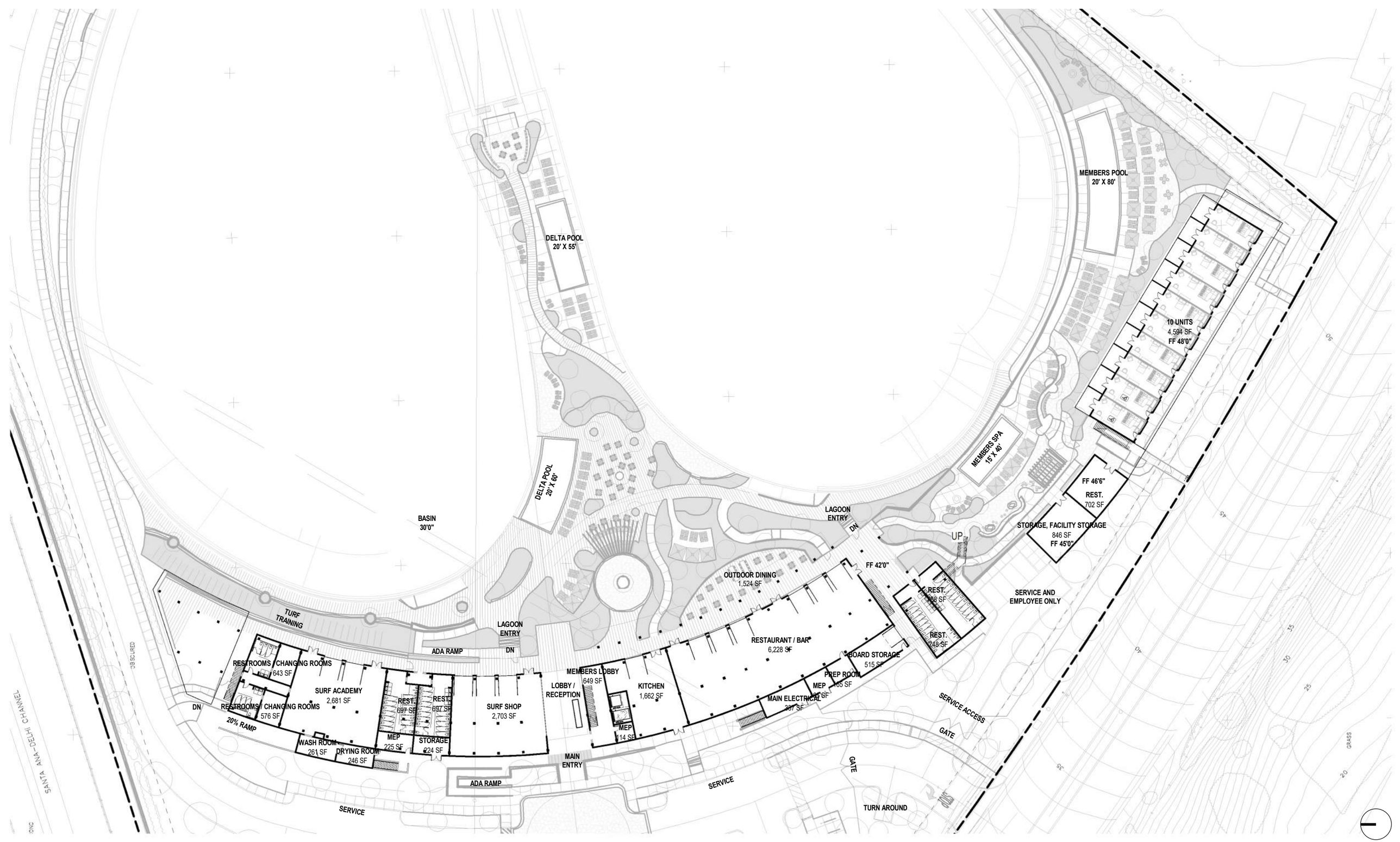


SNUG HARBOR
NEWPORT BEACH, CA 92660
SITE DEVELOPMENT REVIEW

BACK BAY BARRELS, LLC
3857 BIRCH STREET, SUITE 521
NEWPORT BEACH, CA 92660
PHONE: 949.300.9632

MVE + PARTNERS
1900 MAIN STREET, SUITE 800
IRVINE, CA 92614
PHONE: 949.809.3388

A-1.0
FLOOR PLAN - SHOPELINE
20-675 0"
JUNE 17TH 2025

GENERAL PLAN SQUARE FOOTAGE - CLUBHOUSE		
LEVEL	PROGRAM	AREA
LEVEL B1	CORRIDOR	2,698 SF
LEVEL B1	MEP	451 SF
LEVEL B1	STAFF	1,165 SF
		4,314 SF
LEVEL 1	CORRIDOR	177 SF
LEVEL 1	DRYING ROOM	246 SF
LEVEL 1	KITCHEN	1,662 SF
LEVEL 1	MAIN ELECTRICAL	337 SF
LEVEL 1	MEMBERS LOBBY	649 SF
LEVEL 1	MEP	503 SF
LEVEL 1	PREP ROOM	165 SF
LEVEL 1	REST.	1,393 SF
LEVEL 1	RESTAURANT / BAR	6,228 SF
LEVEL 1	RESTROOMS / CHANGING ROOMS	1,219 SF
LEVEL 1	STORAGE	224 SF
LEVEL 1	SURF ACADEMY	2,681 SF
LEVEL 1	SURF SHOP	2,703 SF
LEVEL 1	WASH ROOM	264 SF
		18,451 SF
LEVEL 2	CORRIDOR	78 SF
LEVEL 2	FITNESS	3,150 SF
LEVEL 2	MEMBER LOCKERS / SPA	2,317 SF
LEVEL 2	MEP	539 SF
LEVEL 2	REST.	1,073 SF
LEVEL 2	STORAGE	321 SF
LEVEL 2	STORAGE / BOH	409 SF
LEVEL 2	THE POINT LOUNGE	6,703 SF
LEVEL 2	YOGA	1,732 SF
		16,322 SF
LEVEL 3	CORRIDOR	67 SF
LEVEL 3	MEP	366 SF
LEVEL 3	RECORDING STUDIO	2,125 SF
LEVEL 3	REST.	232 SF
LEVEL 3	SERVICE	400 SF
LEVEL 3	STORAGE	168 SF
LEVEL 3	VIP	5,806 SF
		9,164 SF
		48,251 SF

GENERAL PLAN SQUARE FOOTAGE - A. A.		
LEVEL	PROGRAM	AREA
ATHLETE ACCOMMODATIONS LEVEL 1	10 UNITS	4,594 SF
		4,594 SF
ATHLETE ACCOMMODATIONS LEVEL 2	10 UNITS	4,594 SF
		4,594 SF
		9,187 SF

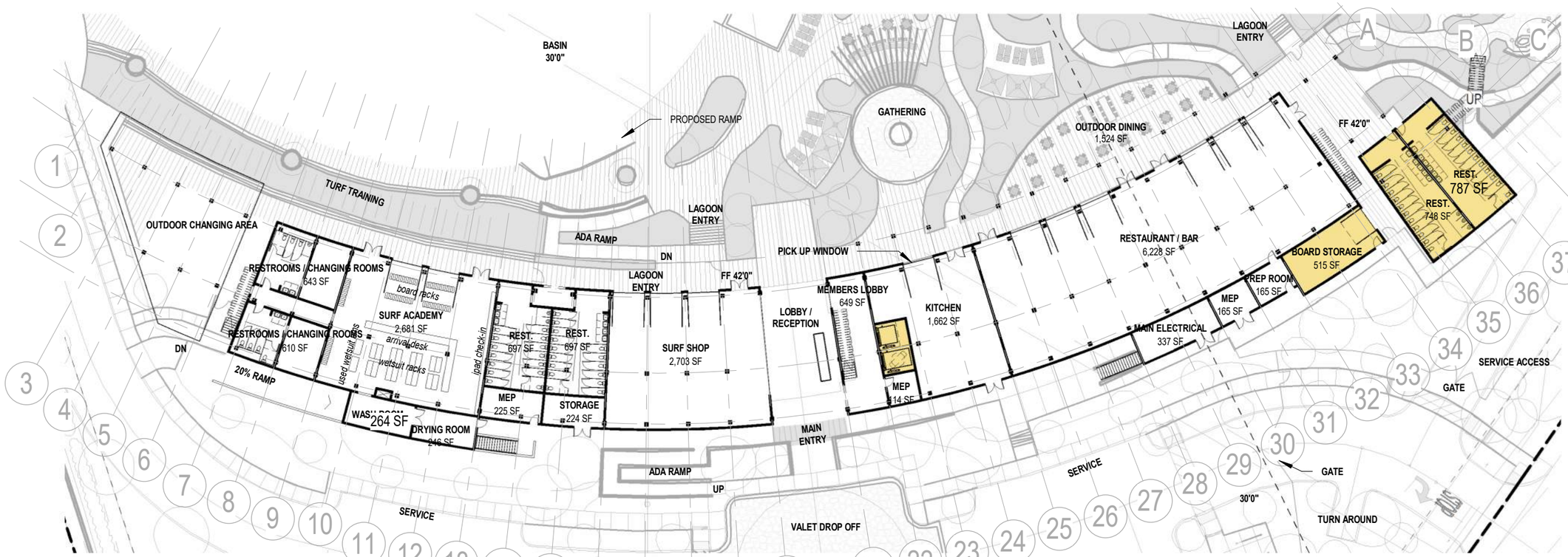
TOTAL GENERAL PLAN SQUARE FOOTAGE: 57,438 SF

EXCLUDED AREA FROM GENERAL PLAN S.F. - CLUBHOUSE		
LEVEL	PROGRAM	AREA
LEVEL B1	STORAGE 1, GOLF CART STORAGE	3,495 SF
LEVEL B1	STORAGE 2, FACILITY STORAGE	5,359 SF
LEVEL B1	STORAGE 3, SURF BOARD STORAGE	6,802 SF
		15,656 SF
LEVEL 1	BOARD STORAGE	515 SF
LEVEL 1	REST.	1,535 SF
		2,050 SF
		17,706 SF

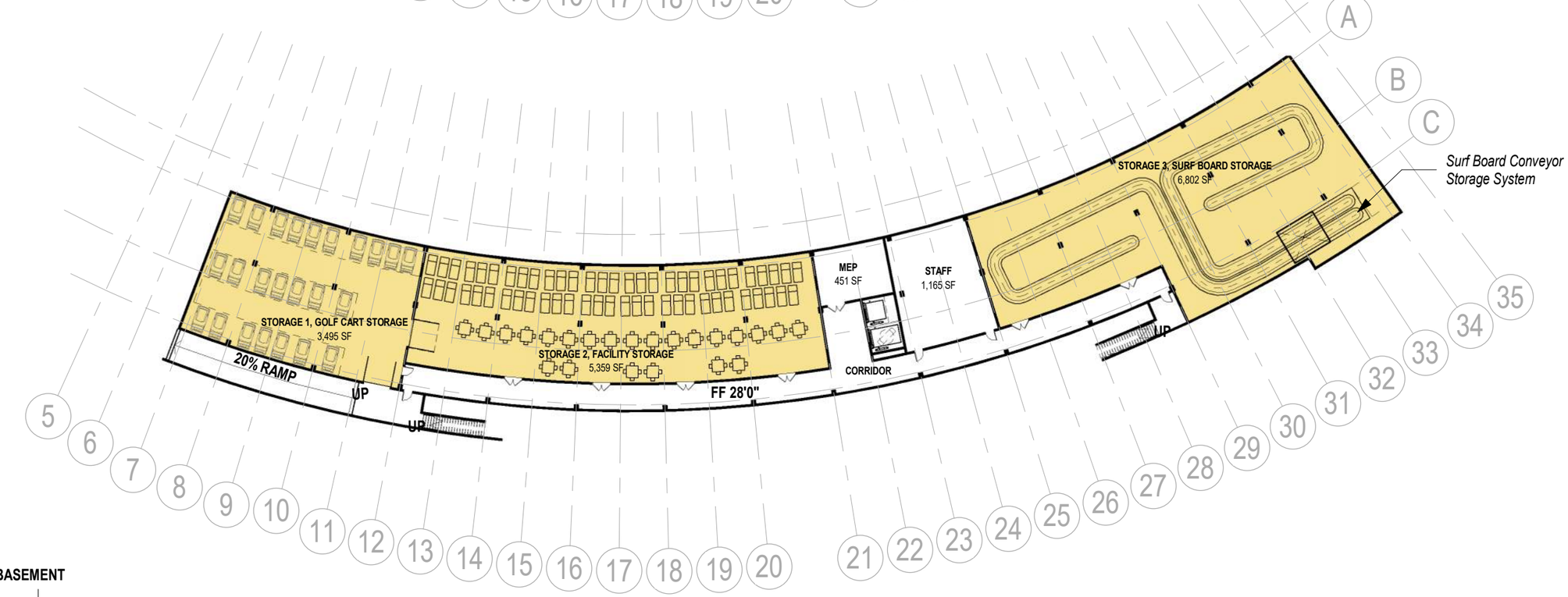
EXCLUDED AREA FROM GENERAL PLAN S.F.		
LEVEL	PROGRAM	AREA
ATHLETE ACCOMMODATIONS LEVEL 1	REST.	703 SF
ATHLETE ACCOMMODATIONS LEVEL 1	STORAGE, FACILITY STORAGE	846 SF
		1,549 SF
		1,549 SF

TOTAL EXCLUDED AREA FROM GENERAL PLAN SQUARE FOOTAGE: 19,255 SF

TOTAL GROSS SQUARE FOOTAGE: 76,693 SF



LEVEL 1



LEVEL BASEMENT

SNUG HARBOR
NEWPORT BEACH, CA 92660
SITE DEVELOPMENT REVIEW

BACK BAY BARRELS, LLC
3857 BIRCH STREET, SUITE 521
NEWPORT BEACH, CA 92660
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1900 MAIN STREET, SUITE 800
IRVINE, CA 92614
PHONE: 949.809.3388

A-1.1
FLOOR PLAN - FLOOR PLAN - LEVEL B1 + LEVEL 1
20-676
JUNE 17TH 2025

GENERAL PLAN SQUARE FOOTAGE - CLUBHOUSE		
LEVEL	PROGRAM	AREA
LEVEL B1	CORRIDOR	2,698 SF
LEVEL B1	MEP	451 SF
LEVEL B1	STAFF	1,165 SF
		4,314 SF
LEVEL 1	CORRIDOR	177 SF
LEVEL 1	DRYING ROOM	246 SF
LEVEL 1	KITCHEN	1,662 SF
LEVEL 1	MAIN ELECTRICAL	337 SF
LEVEL 1	MEMBERS LOBBY	649 SF
LEVEL 1	MEP	503 SF
LEVEL 1	PREP ROOM	165 SF
LEVEL 1	REST.	1,393 SF
LEVEL 1	RESTAURANT / BAR	6,228 SF
LEVEL 1	RESTROOMS / CHANGING ROOMS	1,219 SF
LEVEL 1	STORAGE	224 SF
LEVEL 1	SURF ACADEMY	2,681 SF
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LEVEL 1	WASH ROOM	264 SF
		18,451 SF
LEVEL 2	CORRIDOR	78 SF
LEVEL 2	FITNESS	3,150 SF
LEVEL 2	MEMBER LOCKERS / SPA	2,317 SF
LEVEL 2	MEP	539 SF
LEVEL 2	REST.	1,073 SF
LEVEL 2	STORAGE	321 SF
LEVEL 2	STORAGE / BOH	409 SF
LEVEL 2	THE POINT LOUNGE	6,703 SF
LEVEL 2	YOGA	1,732 SF
		16,322 SF
LEVEL 3	CORRIDOR	67 SF
LEVEL 3	MEP	366 SF
LEVEL 3	RECORDING STUDIO	2,125 SF
LEVEL 3	REST.	232 SF
LEVEL 3	SERVICE	400 SF
LEVEL 3	STORAGE	168 SF
LEVEL 3	VIP	5,806 SF
		9,164 SF
		48,251 SF

GENERAL PLAN SQUARE FOOTAGE - A. A.		
LEVEL	PROGRAM	AREA
ATHLETE ACCOMMODATIONS LEVEL 1	10 UNITS	4,594 SF
		4,594 SF
ATHLETE ACCOMMODATIONS LEVEL 2	10 UNITS	4,594 SF
		4,594 SF
		9,187 SF

TOTAL GENERAL PLAN SQUARE FOOTAGE: 57,438 SF

EXCLUDED AREA FROM GENERAL PLAN S.F. - CLUBHOUSE		
LEVEL	PROGRAM	AREA
LEVEL B1	STORAGE 1, GOLF CART STORAGE	3,495 SF
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LEVEL B1	STORAGE 3, SURF BOARD STORAGE	6,802 SF
		15,656 SF
LEVEL 1	BOARD STORAGE	515 SF
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		2,050 SF
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EXCLUDED AREA FROM GENERAL PLAN S.F.		
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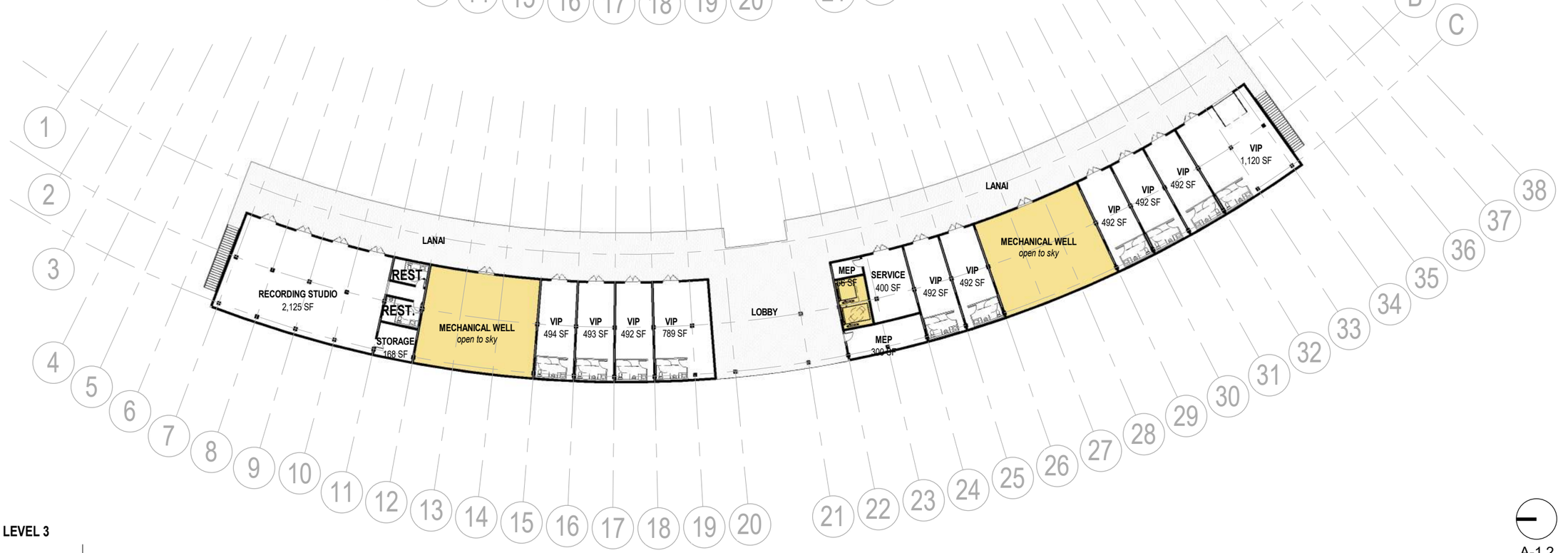
		1,549 SF
		1,549 SF

TOTAL EXCLUDED AREA FROM GENERAL PLAN SQUARE FOOTAGE: 19,255 SF

TOTAL GROSS SQUARE FOOTAGE: 76,693 SF

LEVEL 2



LEVEL 3

SNUG HARBOR
NEWPORT BEACH, CA 92660
SITE DEVELOPMENT REVIEW

BACK BAY BARRELS, LLC
3857 BIRCH STREET, SUITE 521
NEWPORT BEACH, CA 92660
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1900 MAIN STREET, SUITE 800
IRVINE, CA 92614
PHONE: 949.809.3388

A-1.2
FLOOR PLAN - FLOOR PLAN - LEVEL 2 + 3
20-677 0"
JUNE 17TH 2025

GENERAL PLAN SQUARE FOOTAGE - CLUBHOUSE		
LEVEL	PROGRAM	AREA
LEVEL B1	CORRIDOR	2,698 SF
LEVEL B1	MEP	451 SF
LEVEL B1	STAFF	1,165 SF
		4,314 SF
LEVEL 1	CORRIDOR	177 SF
LEVEL 1	DRYING ROOM	246 SF
LEVEL 1	KITCHEN	1,662 SF
LEVEL 1	MAIN ELECTRICAL	337 SF
LEVEL 1	MEMBERS LOBBY	649 SF
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LEVEL 1	REST.	1,393 SF
LEVEL 1	RESTAURANT / BAR	6,228 SF
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LEVEL 1	STORAGE	224 SF
LEVEL 1	SURF ACADEMY	2,681 SF
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LEVEL 2	CORRIDOR	78 SF
LEVEL 2	FITNESS	3,150 SF
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LEVEL 2	MEP	539 SF
LEVEL 2	REST.	1,073 SF
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LEVEL 2	STORAGE / BOH	409 SF
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		16,322 SF
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LEVEL 3	MEP	366 SF
LEVEL 3	RECORDING STUDIO	2,125 SF
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LEVEL 3	SERVICE	400 SF
LEVEL 3	STORAGE	168 SF
LEVEL 3	VIP	5,806 SF
		9,164 SF
		48,251 SF

GENERAL PLAN SQUARE FOOTAGE - A. A.		
LEVEL	PROGRAM	AREA
ATHLETE ACCOMMODATIONS LEVEL 1	10 UNITS	4,594 SF
		4,594 SF
ATHLETE ACCOMMODATIONS LEVEL 2	10 UNITS	4,594 SF
		4,594 SF
		9,187 SF

TOTAL GENERAL PLAN SQUARE FOOTAGE: 57,438 SF

EXCLUDED AREA FROM GENERAL PLAN S.F. - CLUBHOUSE		
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EXCLUDED AREA FROM GENERAL PLAN S.F.		
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ATHLETE ACCOMMODATIONS LEVEL 1	REST.	703 SF
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		1,549 SF
		1,549 SF

TOTAL EXCLUDED AREA FROM GENERAL PLAN SQUARE FOOTAGE: 19,255 SF

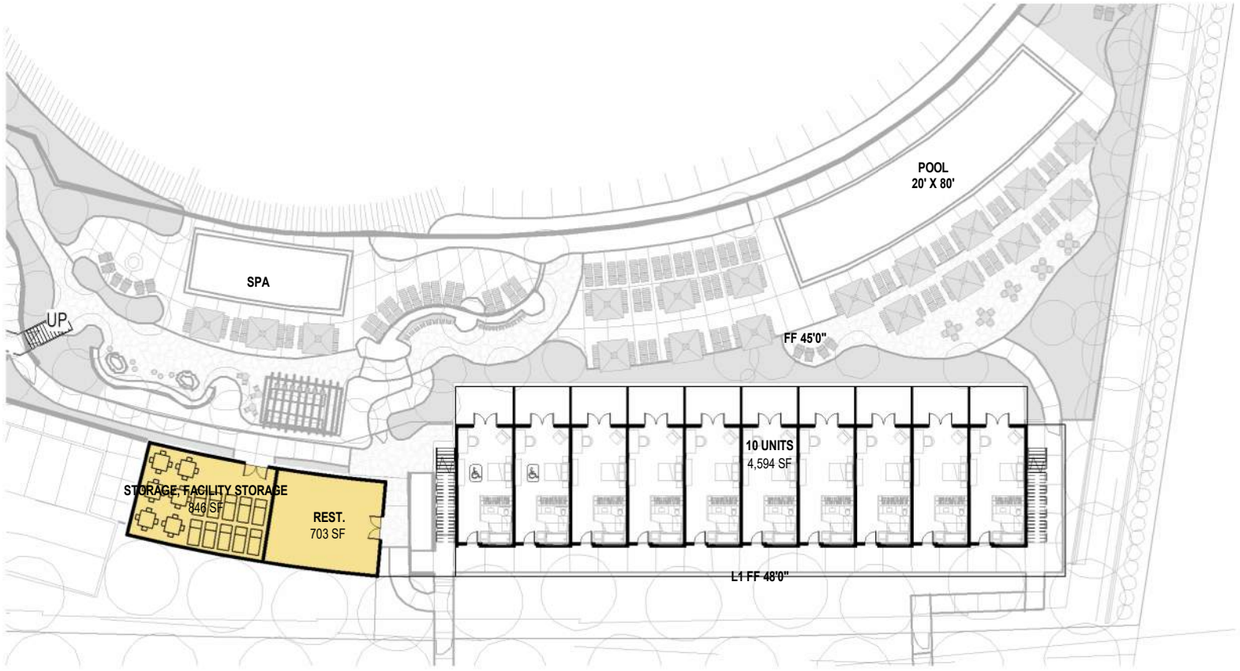
TOTAL GROSS SQUARE FOOTAGE: 76,693 SF

NOTE:

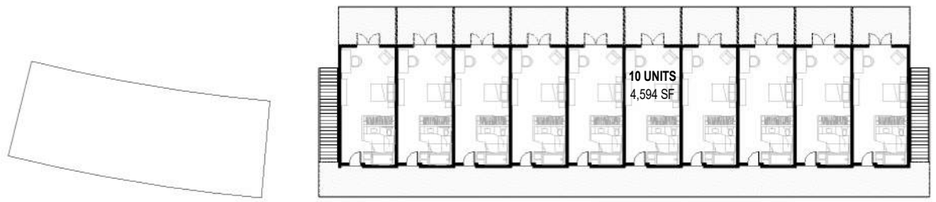
PER 11B-206.2.3, EXCEPTION 5, CBC, WITHIN MULTISTORY TRANSIENT LODGING GUEST ROOMS WITH MOBILITY FEATURES REQUIRED TO COMPLY WITH SECTION 11B-806.2, AN ACCESSIBLE ROUTE SHALL NOT BE REQUIRED TO CONNECT STORIES PROVIDED THAT SPACES COMPLYING WITH SECTION 11B-806.2 ARE ON AN ACCESSIBLE ROUTE AND SLEEPING ACCOMMODATIONS FOR TWO PERSONS MINIMUM ARE PROVIDED ON A STORY SERVED BY AN ACCESSIBLE ROUTE.

PER 11B-224.2, CBC, TWO GUEST ROOMS WITH MOBILITY FEATURES ARE REQUIRED. TWO GUEST ROOMS WITH MOBILITY FEATURES WILL BE PROVIDED AND LOCATED ON GROUND LEVEL. SEE HANDICAP ADA SYMBOL IN THE TWO GUEST ROOMS.

PER 11B-224.4, CBC, TWO GUEST ROOMS WITH COMMUNICATION FEATURES WILL BE LOCATED ON GROUND LEVEL. SEE HANDICAP ADA SYMBOL IN THE TWO GUEST ROOMS.



LEVEL 1



LEVEL 2

SNUG HARBOR
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SITE DEVELOPMENT REVIEW

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IRVINE, CA 92614
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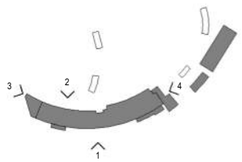
A-1.3

FLOOR PLAN - ATHLETE ACCOMMODATIONS LEVEL 1 + 2

20-678

JUNE 17TH 2025



01 CONCRETE

02 WOOD PANEL

03 GLASS STOREFRONT

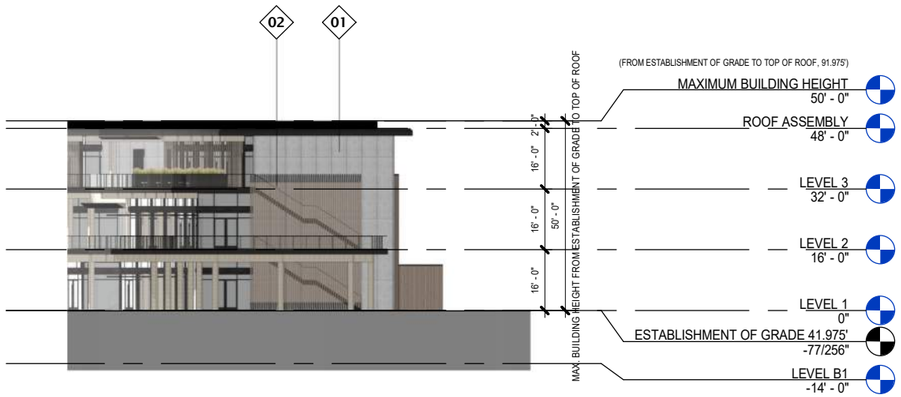
04 GLASS ROLL-UP DOOR

05 METAL RAILING

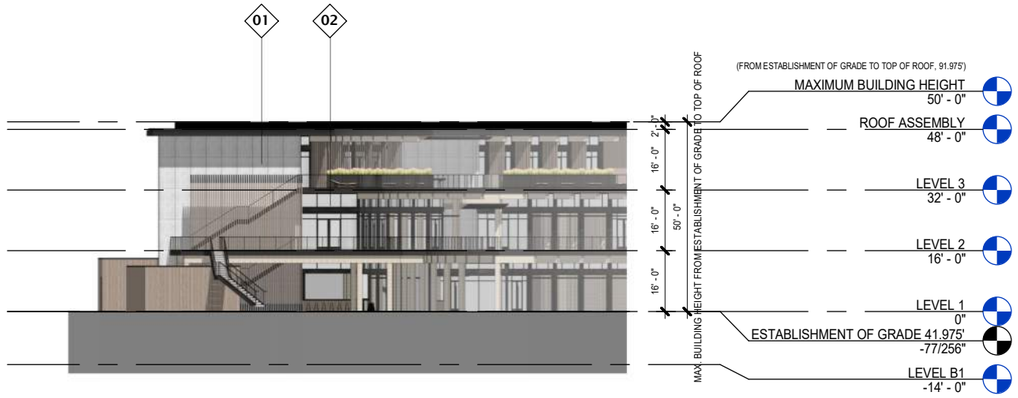
06 HEAVY TIMBER COLUMN & BEAM

CLUBHOUSE BUILDING ELEVATION - 1

CLUBHOUSE BUILDING ELEVATION - 2



CLUBHOUSE BUILDING ELEVATION - 3



CLUBHOUSE BUILDING ELEVATION - 4

SNUG HARBOR
NEWPORT BEACH, CA 92660
SITE DEVELOPMENT REVIEW

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IRVINE, CA 92614
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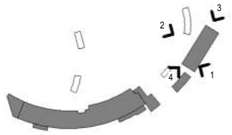


01 CONCRETE

02 WOOD PANEL

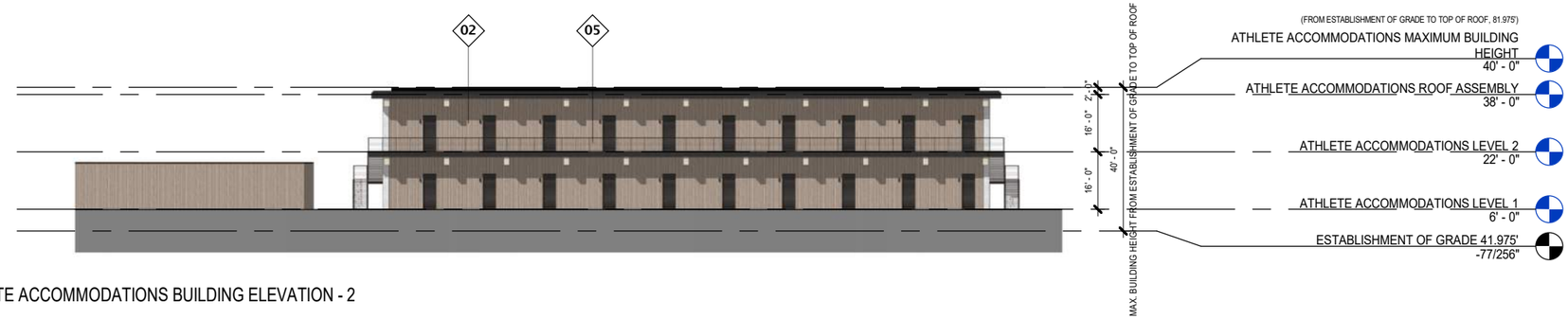
03 GLASS STOREFRONT

04 GLASS ROLL-UP DOOR

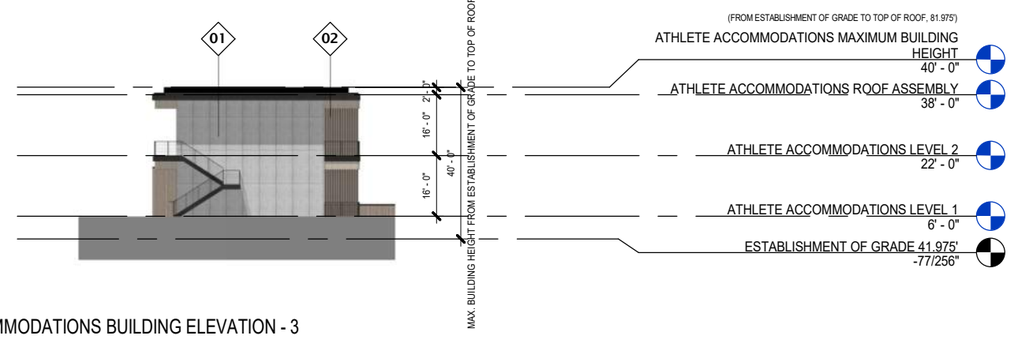
05 METAL RAILING

06 HEAVY TIMBER COLUMN & BEAM

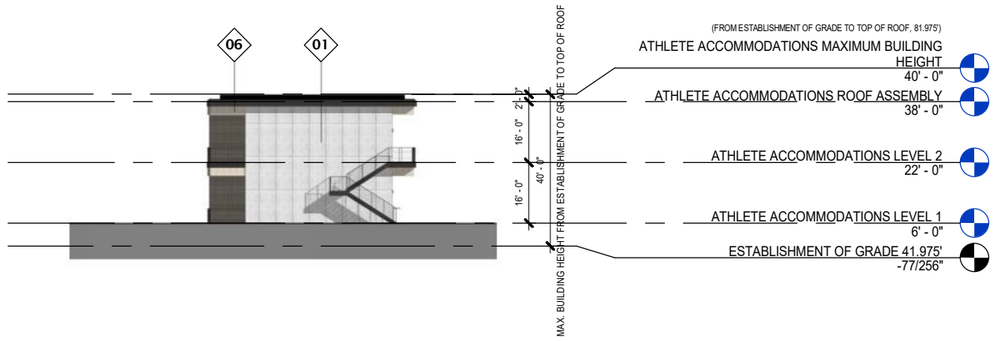
ATHLETE ACCOMMODATIONS BUILDING ELEVATION - 1



ATHLETE ACCOMMODATIONS BUILDING ELEVATION - 2



ATHLETE ACCOMMODATIONS BUILDING ELEVATION - 3



ATHLETE ACCOMMODATIONS BUILDING ELEVATION - 4

SNUG HARBOR
NEWPORT BEACH, CA 92660
SITE DEVELOPMENT REVIEW

BACK BAY BARRELS, LLC
3857 BIRCH STREET, SUITE 521
NEWPORT BEACH, CA 92660
PHONE: 949.300.9632

MVE + PARTNERS
1900 MAIN STREET, SUITE 800
IRVINE, CA 92614
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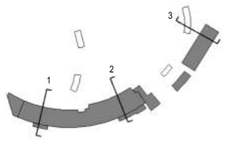
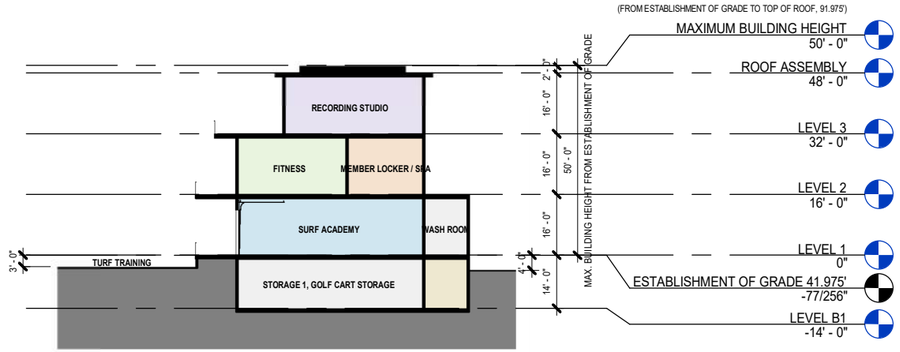
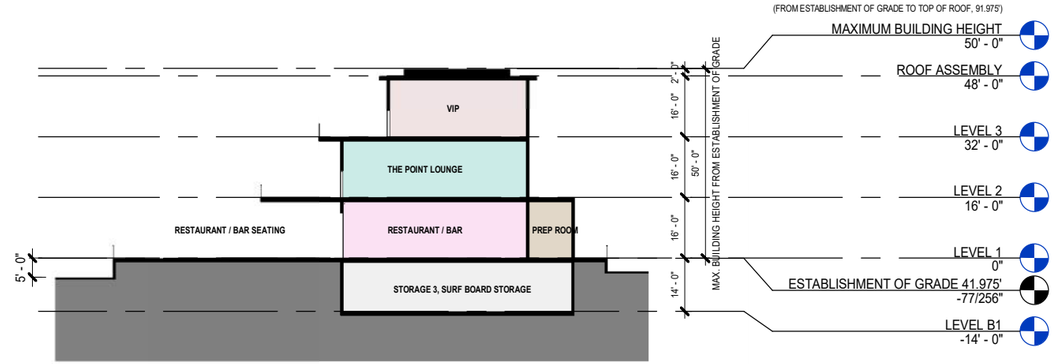
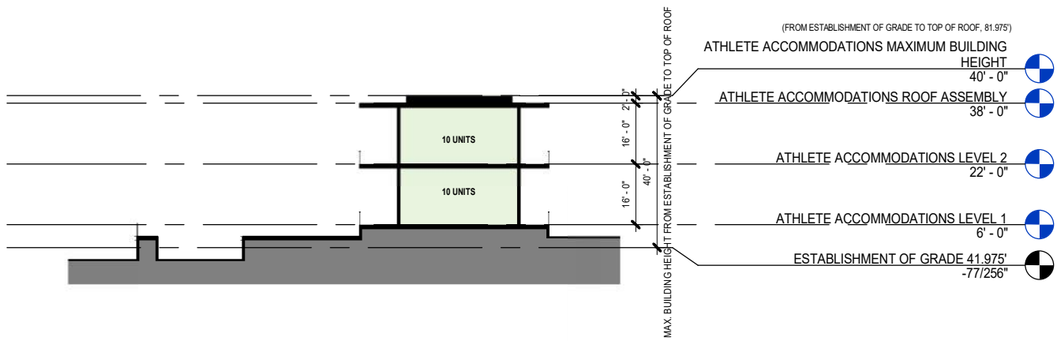




2 **CLUBHOUSE BUILDING SECTION - 2**



1 **CLUBHOUSE BUILDING SECTION - 1**



3 **ATHLETE ACCOMMODATIONS - 1**

SNUG HARBOR
NEWPORT BEACH, CA 92660
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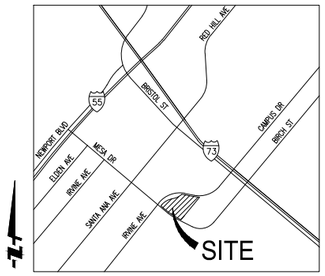
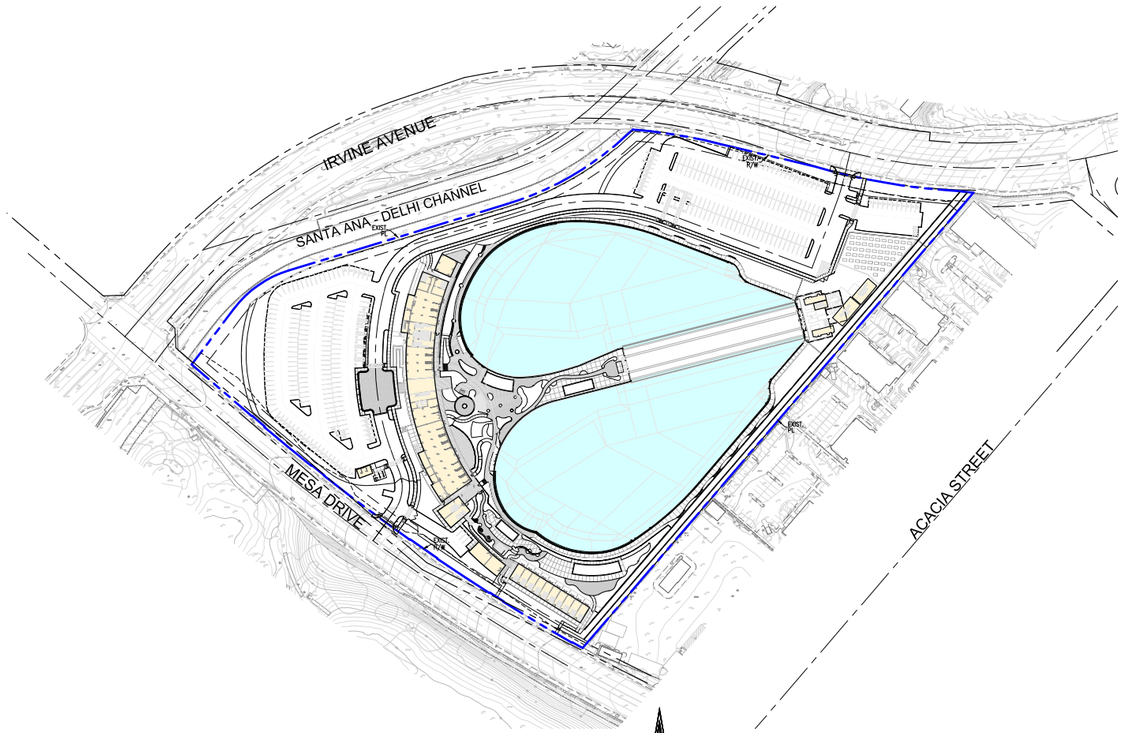
A-4.0
BUILDING PERSPECTIVE
20-**682**
JUNE 17TH 2025

CITY OF NEWPORT BEACH
SNUG HARBOR

3100 IRVINE AVENUE
NEWPORT BEACH, CA. 92660



VICINITY MAP
NOT TO SCALE



INDEX MAP
NTS

SHEET INDEX

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ALTA NSPS LAND TITLE SURVEY	C-07
ALTA NSPS LAND TITLE SURVEY	C-08

ABBREVIATIONS & LEGEND

BF	BACKFLOW
BLDG	BUILDING
BW	BACK OF WALK
CB	CATCH BASIN
CL	CENTER LINE
DW	DOMESTIC WATER
ESMT	EASEMENT
EX.	EXISTING
FF	FINISHED FLOOR
FG	FINISHED GRADE
FH	FIRE HYDRANT
FL	FLOW LINE
FS	FINISHED SURFACE
FW	FIRE WATER
GB	GRADE BREAK
H	HEIGHT
HP	HIGH POINT
IRR	IRRIGATION
L	LENGTH
LP	LOW POINT
PL	PROPERTY LINE
PROP.	PROPOSED
R/W	RIGHT OF WAY
SD	STORM DRAIN
SS	SANITARY SEWER
TBD	TO BE DETERMINED
TG	TOP OF GRATE
TW	TOP OF WALL
W	WATER

RIGHT OF WAY/PROPERTY LINE
CENTER LINE
EXISTING EASEMENT
PROPOSED EASEMENT
LOT LINE
RETAINING WALL
50 EX. CONTOUR
W EXISTING WATER MAIN
SS EXISTING SEWER MAIN
SD EXISTING STORM DRAIN
CATV EXISTING CABLE TV LINE
E EXISTING ELECTRIC LINE
E(TS) EXISTING TRAFFIC SIGNAL CONDUIT
G EXISTING GAS LINE
T EXISTING TELEPHONE LINE
EXISTING STREET LIGHT
PRIVATE STORM DRAIN LINE
8"SS PRIVATE SEWER LINE
PROPOSED MODULAR WETLAND
FIRE HYDRANT

FLOOD ZONE

THE AREA OF LAND SHOWN HEREON LIES WITHIN FLOOD ZONE 'A' AND FLOOD ZONE "X" AS REFLECTED BY FLOOD INSURANCE RATE MAP PANEL NO. 06059C0267J, EFFECTIVE 12/03/2009.

OWNER

NEWPORT GOLF CLUB, LLC
9968 HIBERT ST, STE 200
SAN DIEGO, CA 92131
(858) 271-4682

SITE ADDRESS

3100 IRVINE AVENUE
NEWPORT BEACH, CA 92660

DEVELOPER

BACK BAY BARRELS, LLC
3857 BIRCH STREET, SUITE 521
NEWPORT BEACH, CA 92660
ATTN: ADAM CLEARY
(949) 836-3055

CIVIL ENGINEER

ORIANA SLASOR, P.E.
FUSCOE ENGINEERING, INC.
15535 SAND CANYON, SUITE 100
IRVINE, CA 92618
PHONE: (949) 474-1960

REGISTERED PROFESSIONAL ENGINEER — ORIANA A. SLASOR — NO. 083451 — Exp. 09/30/26 — CIVIL — STATE OF CALIFORNIA

LEGAL DESCRIPTION

ALL THE CERTAIN REAL PROPERTY SITUATED IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL NO. 1 OF THAT CERTAIN CERTIFICATE OF COMPLIANCE NO. 94-2, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, RECORDED MAY 9, 1994 AS INSTRUMENT NO. 94-0318607, OFFICIAL RECORDS.

EXCEPTING THEREFROM, THAT PORTION OF SAID LAND DESCRIBED IN THE DEED TO THE COUNTY OF ORANGE, RECORDED SEPTEMBER 4, 1997 AS INSTRUMENT NO. 97-428866 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA.

ALSO EXCEPTING THEREFROM THOSE PORTIONS THEREOF CONVEYED IN FEE TO THE COUNTY OF ORANGE BY DEED RECORDED OCTOBER 21, 2014 AS INSTRUMENT NO. 2014-427814 OF OFFICIAL RECORDS.

APN: 119-200-38 & 119-200-41

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA STATE PLANE COORDINATE SYSTEM CCS83, ZONE 6, BASED LOCALLY ON CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS): "BILL", AND "P474", NAD83 EPOCH 2010.00 (NSRS2011) AS SHOWN HEREON.

ALL BEARINGS SHOWN ON THIS MAP ARE GRID. QUOTED BEARINGS AND DISTANCES FROM REFERENCE MAPS OR DEEDS ARE AS SHOWN PER THAT RECORD REFERENCE. ALL DISTANCES SHOWN ARE GROUND DISTANCES UNLESS SPECIFIED OTHERWISE. GRID DISTANCES MAY BE OBTAINED MULTIPLYING THE GROUND DISTANCE BY THE COMBINED SCALE FACTOR (0.99997427) AT POINT "A".

GRID DISTANCE = (GROUND DISTANCE) X (COMBINED SCALE FACTOR)
CONVERGENCE ANGLE AT POINT "A" IS: -0°53'43.1"
ELEVATION AT POINT "A" IS 28.26 FEET (NAVD88 DATUM).

BENCH MARK

3-3/4" OCS ALUMINUM BENCHMARK DISK STAMPED "CM-51-89", SET IN THE TOP OF A 4" BY 4" CONCRETE POST. MONUMENT IS LOCATED IN THE SOUTHWEST CORNER OF THE INTERSECTION OF SANTA ANA AVENUE AND MESA DRIVE, 57 FT. WESTERLY OF THE CENTERLINE OF MESA DRIVE AND 21 FT. NORTHERLY OF THE CENTERLINE OF SANTA ANA AVENUE. MONUMENT IS SET LEVEL WITH THE TOP OF THE CURB.

ELEVATION: 65.967 (FT.), ESTABLISHED BY OCS 1989, LEVELED 2005

EXISTING EASEMENTS		
NO.	EASEMENT PURPOSE	DISPOSITION
(11)	WIRES, UNDERGROUND CONDUITS, CABLES, VAULTS, MANHOLES, HANDHOLES, AND INCLUDING ABOVE-GROUND ENCLOSURES, MARKERS AND CONCRETE PADS AND OTHER APPURTENANT FIXTURES	TO BE ABANDONED
(13)	STREETS AND HIGHWAY	TO BE ABANDONED
(17)	NONEXCLUSIVE EASEMENTS ON, OVER, UNDER OR ACROSS THE LAND WITHIN 15 FEET FROM ALL PROPERTY LINES BORDERING ON AND PARALLEL TO ANY PUBLIC OR PRIVATE STREET FOR THE INSTALLATION, EMPLACEMENT, OPERATION AND MAINTENANCE OF ELECTRIC, GAS, TELEPHONE, CABLE TELEVISION, WATER, SANITARY SEWER LINES, DRAINAGE FACILITIES OR ANY OTHER UTILITIES, AS RESERVED IN THE DEED FROM THE IRVINE COMPANY, A MICHIGAN CORPORATION, RECORDED MAY 25, 1994 AS INSTRUMENT NO. 94-359831 OF OFFICIAL RECORDS.	TO REMAIN
(19)	SLOPE	TO BE MODIFIED OR ABANDONED
(21)	ROAD, RETAINING WALL & SLOPE	TO BE MODIFIED OR ABANDONED
(22)	SLOPES	TO BE MODIFIED OR ABANDONED

EXISTING GOLF NET POLE SUMMARY TABLE		
NO.	MATERIAL	APPROX. HEIGHT
1	WOOD	48'
2 & 3	WOOD	60'
4 – 6	WOOD WITH STEEL ROD EXTENSION	77' TOTAL (67' + 10' EXT)
7 – 11	STEEL	83'
12– 26	WOOD WITH STEEL ROD EXTENSION	70' TOTAL (61' + 8' EXT)
25 – 38	WOOD	40' AGL

NOTES
1. EXISTING NET POLE HEIGHT HAS NOT BEEN FIELD VERIFIED
2. HEIGHT & TOP OF POLE ELEVATION NOTED ON PLAN ARE APPROXIMATE VALUES.

N

40' 0' 20' 40'

NTS

S 684 HARBOR
N ORT BEACH, CA 92660

Site Development Review

BACK BAY BARRELS, LLC
3857 BIRCH STREET, SUITE 521
NEWPORT BEACH, CA 92660

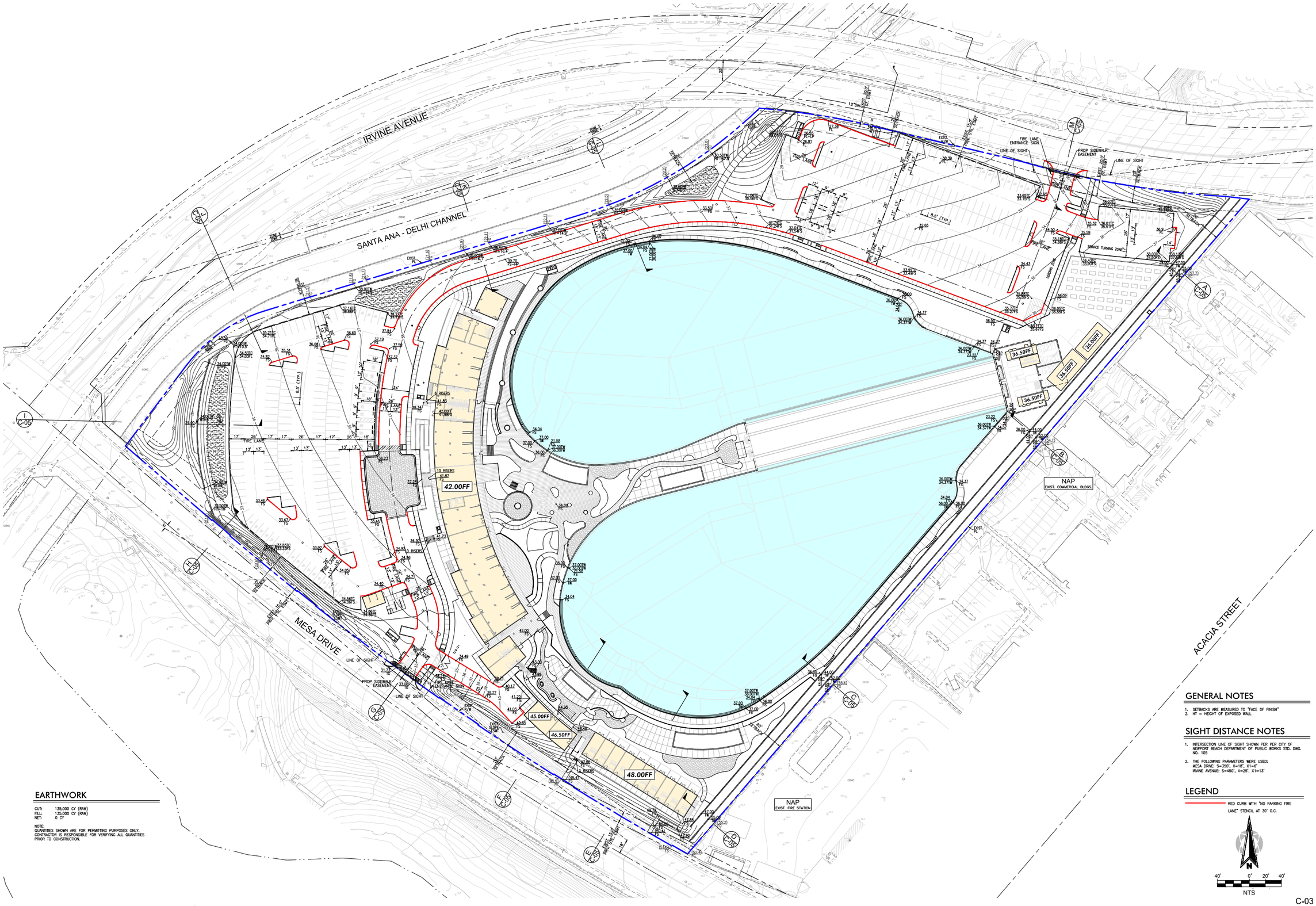
FUSCOE ENGINEERING
15535 SAND CANYON AVE, SUITE 100
IRVINE, CA 92618
PHONE: 949.474.1960

C-02
EXISTING CONDITIONS

08/25/2025

20-275

F:\PROJECTS\4206\001\PLANS\ENTITLEMENTS\SCHEMATIC PLANS\4206-001ET02DS.DWG (07-24-2025 3:37:51PM) Plotted by: DTadillo



EARTHWORK

CUT: 135,000 CY (RAW)
FILL: 135,000 CY (RAW)
NET: 0 CY

NOTE:
QUANTITIES SHOWN ARE FOR PERMITTING PURPOSES ONLY. CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES PRIOR TO CONSTRUCTION.

GENERAL NOTES

1. SETBACKS ARE MEASURED TO "FACE OF FINISH"
2. HT = HEIGHT OF EXPOSED WALL

SIGHT DISTANCE NOTES

1. INTERSECTION LINE OF SIGHT SHOWN PER PER CITY OF NEWPORT BEACH DEPARTMENT OF PUBLIC WORKS STD. DWG. NO. 105
2. THE FOLLOWING PARAMETERS WERE USED:
   MESA DRIVE: S=350', X=18', X1=6'
   IRVINE AVENUE: S=450', X=25', X1=13'

LEGEND

RED CURB WITH "NO PARKING FIRE LANE" STENCIL AT 30' O.C.

N

40' 0' 20' 40'
NTS

C-03
CONCEPTUAL GRADING

08/25/2025

20-276

S 685 HARBOR
N ORT BEACH, CA 92660
Site Development Review

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IRVINE AVENUE

SANTA ANA - DELHI CHANNEL

MESA DRIVE

ACACIA STREET

EX 24" DW

EX 12" SS

EX 18" SS

EX CONNECTION TO CHANNEL

EX CHANNEL CONNECTION LOCATION TO BE CONFIRMED

PROP MODULAR WETLAND 8'X20'

PROP BIORETENTION WITH UNDERDRAIN

RECONNECT EX PW LINE

EX 6" DW TO BE ABANDONED

PROP FW SERVICE SIZE TBD

PROP IRR SERVICE SIZE TBD

PROP 24"X12" CROSS RECONNECT EX FH LINE WITH 12"X6" REDUCER

PROP 12" DW MAIN

EX 24" DW MAIN

PROP DW SERVICE FOR BUILDING SIZE TBD

PROP DW SERVICE FOR LAGOON SIZE TBD

EXIST. R/W

PROP MODULAR WETLAND 8'X12'

PROP MODULAR WETLAND 8'X8'

EX OFFSITE DRAINAGE

NAP
EXIST. COMMERCIAL BLDGS.

PROP MODULAR WETLAND 4'X8'

CONNECT TO EX SSMH

EXIST SLOPE 10MP

PROP GREASE INTERCEPTOR

EX 8" SS

EX 12" DW (RIM)

PROP MODULAR WETLAND 8'X16'

EXIST SLOPE 10MP

NAP
EXIST. FIRE STATION

EX 2-EX 8" SRNDNS SS

EX 36" CMP SD

EX 18" CMP SD

LEGEND

- BOUNDARY LINE
- CENTERLINE
- SS — EXISTING SANITARY SEWER LINE
- DW — EXISTING DOMESTIC WATER LINE
- SD — EXISTING STORM DRAIN LINE
- EXISTING DRY UTILITY
- SS — PROPOSED SANITARY SEWER LINE
- DW — PROPOSED DOMESTIC WATER LINE
- PROPOSED IRRIGATION WATER LINE
- FW — PROPOSED FIRE WATER LINE
- PROPOSED STORM DRAIN LINE
- PROPOSED AREA DRAIN LINE
- PROPOSED WATER QUALITY PRACTICES
- PROPOSED DRY UTILITY
- PROPOSED FIRE HYDRANT

NOTE: WORK TO BE DONE BY CITY APPROVED CONTRACTOR.

40' 0' 20' 40'
NTS

C-04
CONCEPTUAL UTILITY

08/25/2025

20-277

S 989 HARBOR
N ORT BEACH, CA 92660

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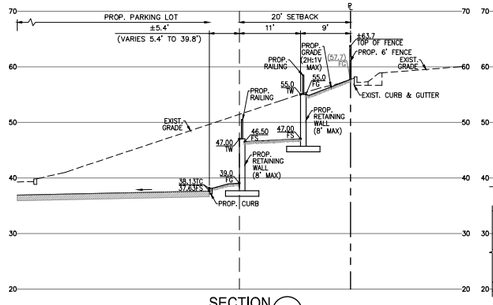
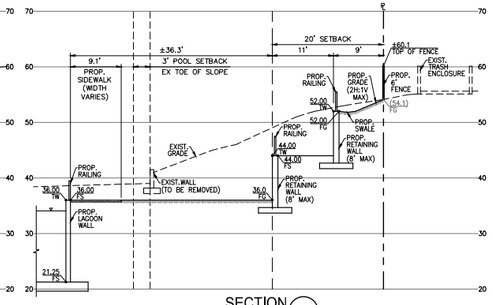


SECTION A
NTS



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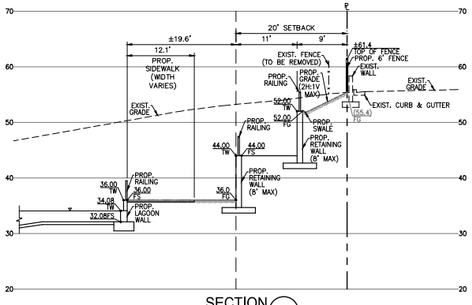

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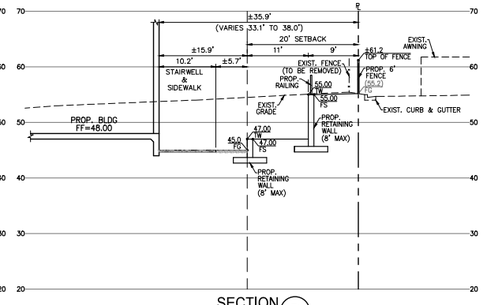

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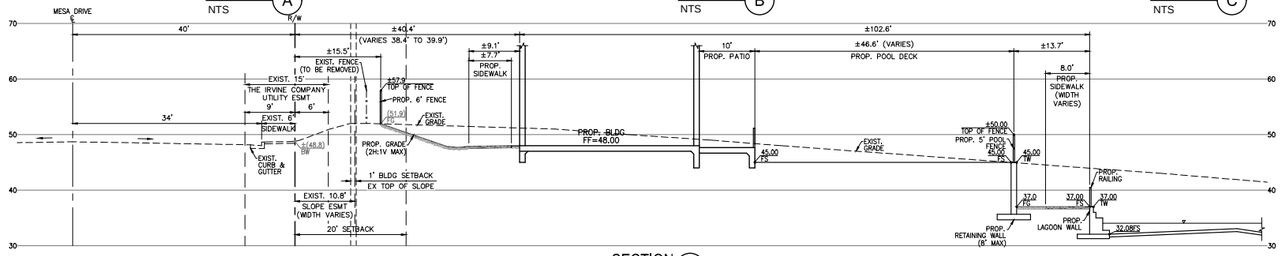

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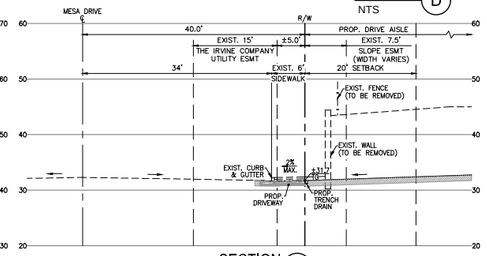

SECTION G
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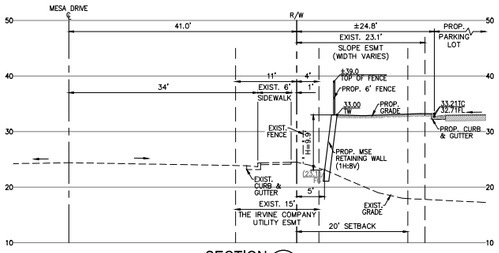

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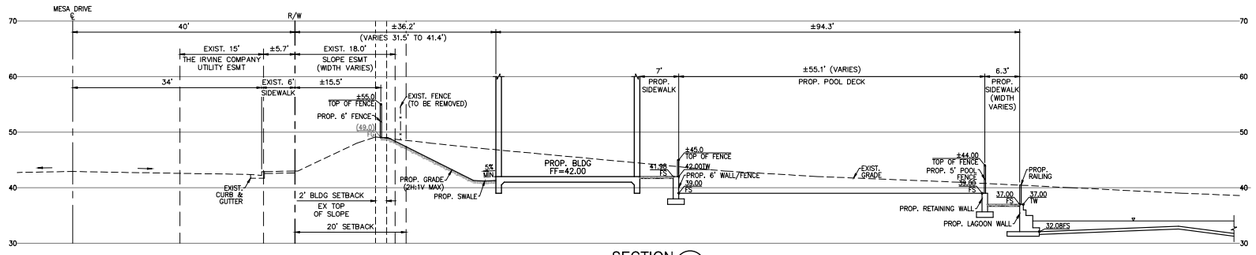

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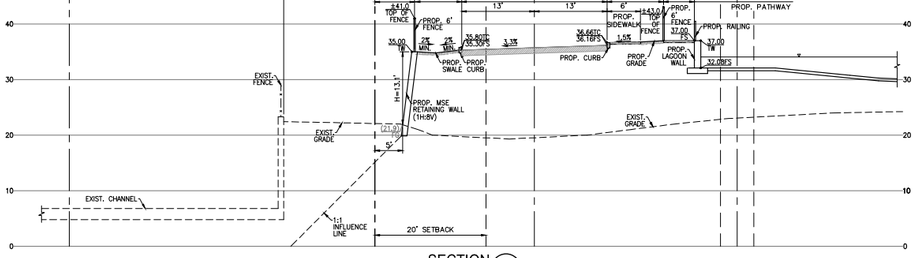

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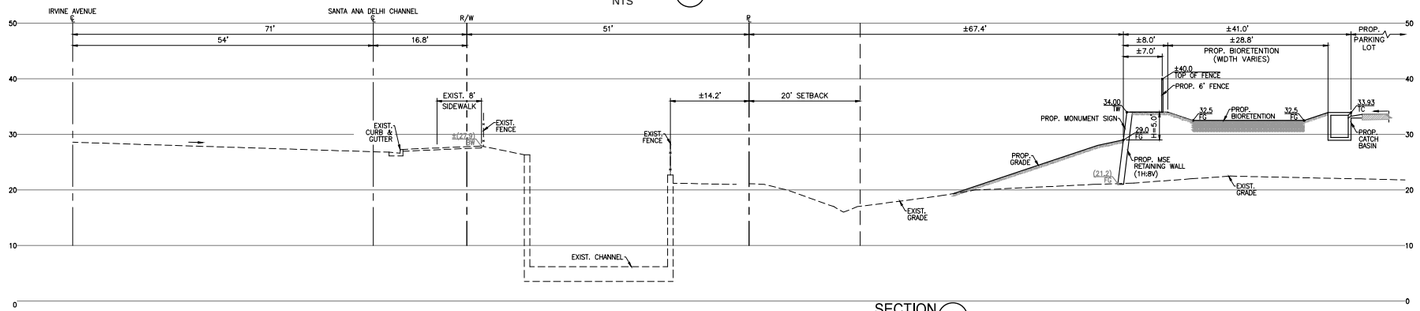
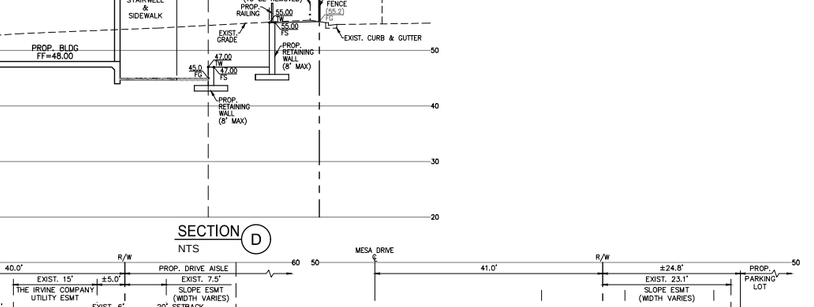


SECTION I
NTS



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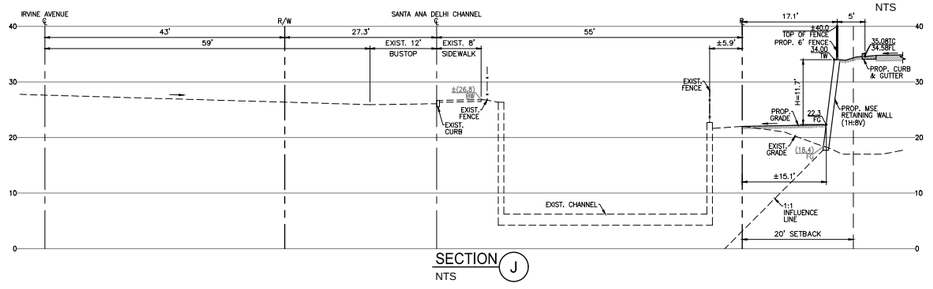

SECTION J
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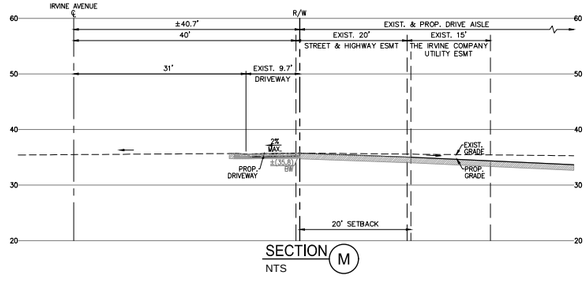

SECTION M
NTS

REQUIRED SETBACK FROM ADJACENT EX SLOPE PER CBC SECTION 1808.7

SECTION	EX SLOPE HEIGHT (H)	BLDG SETBACK	POOL SETBACK
B	12'	6'	3'
E	3'	1'	–
F	6'	4'	–

PER CALIFORNIA BUILDING CODE SECTION 1808.7:
1808.7.1: BUILDING SETBACK = AT LEAST THE SMALLER OF H/2 AND 15 FEET FROM TOE OF SLOPE
= AT LEAST THE SMALLER OF H/3 AND 40 FEET FROM TOP OF SLOPE

1808.7.3: POOL SETBACK = 1/2 OF BUILDING SETBACK REQUIRED BY SECTION 1808.7.1

S HARBOR
N ORT BEACH, CA 92660
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15535 SAND CANYON AVE, SUITE 100
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PHONE: 949.474.1960

C-05
SECTIONS

08/25/2025

20-278

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A.L.T.A. / N.S.P.S. LAND TITLE SURVEY

DATE OF SURVEY: JUNE 4, 2024 J.N. 162-001

TITLE REPORT:

THIS SURVEY IS BASED ON THE DESCRIPTION FURNISHED IN COMMONWEALTH LAND TITLE COMPANY ORDER NO. 09187011-918-KH2-DN0, DATED MARCH 5, 2024.

RECORD OWNER:

THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

FEE ESTATE

TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

NEWPORT GOLF CLUB, LLC

LEGAL DESCRIPTION: (PER TITLE REPORT)

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL NO. 1 OF THAT CERTAIN CERTIFICATE OF COMPLIANCE NO. 94-2, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, RECORDED MAY 9, 1994 AS INSTRUMENT NO. 94-0318607, OFFICIAL RECORDS.

EXCEPTING THEREFROM, THAT PORTION OF SAID LAND DESCRIBED IN THE DEED TO THE COUNTY OF ORANGE, RECORDED SEPTEMBER 4, 1997 AS INSTRUMENT NO. 97-428866 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA.

ALSO EXCEPTING THEREFROM THOSE PORTIONS THEREOF CONVEYED IN FEE TO THE COUNTY OF ORANGE BY DEED RECORDED OCTOBER 21, 2014 AS INSTRUMENT NO. 2014-427814 OF OFFICAL RECORDS.

APN: 119-200-38 & 119-200-41

EASEMENT NOTES:

THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

A FEE.

THE LAND REFERRED TO HEREIN IS DESCRIBED AS FOLLOWS:

(SEE LEGAL DESCRIPTION ABOVE)

AT THE DATE HEREOF EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN SAID POLICY FORM WOULD BE AS FOLLOWS:

1. WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT DISCLOSED BY THE PUBLIC RECORDS.

2. INTENTIONALLY DELETED.

3. COVENANTS, CONDITIONS AND RESTRICTIONS BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, INCLUDING BUT NOT LIMITED TO THOSE BASED UPON AGE, RACE, COLOR, RELIGION, SEX, GENDER, GENDER IDENTITY, GENDER EXPRESSION, SEXUAL ORIENTATION, MARITAL STATUS, NATIONAL ORIGIN, ANCESTRY, FAMILIAL STATUS, SOURCE OF INCOME, DISABILITY, VETERAN OR MILITARY STATUS, GENETIC INFORMATION, MEDICAL CONDITION, CITIZENSHIP, PRIMARY LANGUAGE, AND IMMIGRATION STATUS, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS SET FORTH IN THE DOCUMENT

   RECORDING DATE: SEPTEMBER 23, 1922
   RECORDING NO: BOOK 437, PAGE 231 OF DEEDS

   AND RECORDING DATE: JUNE 19, 1926
   AND RECORDING NO: BOOK 530, PAGE 128 OF DEEDS

   SAID COVENANTS, CONDITIONS AND RESTRICTIONS PROVIDE THAT A VIOLATION THEREOF SHALL NOT DEFEAT THE LIEN OF ANY MORTGAGE OR DEED OF TRUST MADE IN GOOD FAITH AND FOR VALUE.

   MODIFICATION(S) OF SAID COVENANTS, CONDITIONS AND RESTRICTIONS

   RECORDING DATE: JUNE 21, 1960
   RECORDING NO: BOOK 5298, PAGE 239 OF OFFICIAL RECORDS

4. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT:

   PURPOSE: CONDUITS AND DITCHES, FOR THE CONVEYANCE OF WATER
   RECORDING DATE: JANUARY 31, 1927
   RECORDING NO: BOOK 9, PAGE 416 OF OFFICIAL RECORDS
   AFFECTS: A PORTION OF SAID LAND

5. RECITALS ON THE MAP OF TRACT 706 WHICH RESERVE A RIGHT OF WAY IN ALL STREETS SHOWN THEREON FOR PIPE LINES, TELEPHONE, TELEGRAPH AND POWER LINES.

6. INTENTIONALLY DELETED.

7. COVENANTS, CONDITIONS AND RESTRICTIONS BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, INCLUDING BUT NOT LIMITED TO THOSE BASED UPON AGE, RACE, COLOR, RELIGION, SEX, GENDER, GENDER IDENTITY, GENDER EXPRESSION, SEXUAL ORIENTATION, MARITAL STATUS, NATIONAL ORIGIN, ANCESTRY, FAMILIAL STATUS, SOURCE OF INCOME, DISABILITY, VETERAN OR MILITARY STATUS, GENETIC INFORMATION, MEDICAL CONDITION, CITIZENSHIP, PRIMARY LANGUAGE, AND IMMIGRATION STATUS, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW. AS SET FORTH IN THE DOCUMENT

   RECORDING DATE: JULY 27, 1929
   RECORDING NO: BOOK 297, PAGE 147 OF OFFICIAL RECORDS

   SAID COVENANTS, CONDITIONS AND RESTRICTIONS PROVIDE THAT A VIOLATION THEREOF SHALL NOT DEFEAT THE LIEN OF ANY MORTGAGE OR DEED OF TRUST MADE IN GOOD FAITH AND FOR VALUE.

   AND RECORDING DATE: JANUARY 5, 1944
   AND RECORDING NO: BOOK 1229, PAGE 238 OF OFFICIAL RECORDS

   AND RECORDING DATE: JUNE 21, 1960
   AND RECORDING NO: BOOK 5298, PAGE 239 OF OFFICIAL RECORDS

8. A PERPETUAL AIR OR FLIGHT EASEMENT, SOMETIMES REFERRED TO AS AVIGATION RIGHTS, IN AND TO ALL THE AIR SPACE ABOVE THOSE PORTIONS OF PARTICULAR PLANES OR IMAGINARY SURFACES THAT OVERLIE SAID LAND FOR USE BY AIRCRAFT, PRESENT OR FUTURE, FROM OR TO THE ORANGE COUNTY AIRPORT, SAID EASEMENTS AND RIGHTS BEING MORE PARTICULARLY DESCRIBED AND DEFINED IN AND GRANTED TO THE COUNTY OF ORANGE BY DEED SET FORTH BELOW:

   RECORDING DATE: MARCH 17, 1964
   RECORDING NO: BOOK 6965, PAGE 721 OF OFFICIAL RECORDS

   THE PLANES ABOVE WHICH SAID EASEMENT LIES ARE MORE PARTICULARLY DESCRIBED IN SAID DEED AND SHOWN ON A MAP REFERRED TO THEREIN.

9. INTENTIONALLY DELETED.

10. A LEASE WITH CERTAIN TERMS, COVENANTS, CONDITIONS AND PROVISIONS SET FORTH THEREIN.

    DATED: AUGUST 29, 1975
    LESSOR: THE IRVINE COMPANY, A WEST VIRGINIA CORPORATION
    LESSEE: GEORGE C. LANE, STEVEN G. LANE AND CHRISTOPHER JONES
    RECORDED: SEPTEMBER 8, 1975
    RECORDING NO: BOOK 11501, PAGE 1509 OF OFFICIAL RECORDS

    THE PRESENT OWNERSHIP OF THE LEASEHOLD CREATED BY SAID LEASE AND OTHER MATTERS AFFECTING THE INTEREST OF THE LESSEE ARE NOT SHOWN HEREIN.

    AN AGREEMENT TO MODIFY CERTAIN PROVISIONS OF SAID LEASE, AS SET FORTH IN THE DOCUMENT

    RECORDED: MAY 8, 1990 AS INSTRUMENT NO. 90-241862 OF OFFICIAL RECORDS

    REFERENCE IS HEREBY MAD TO SAID DOCUMENT FOR FULL PARTICULARS

11. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:

    GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY, A CORPORATION
    PURPOSE: WIRES, UNDERGROUND CONDUITS, CABLES, VAULTS, MANHOLES, HANDHOLES, AND INCLUDING ABOVE-GROUND ENCLOSURES, MARKERS AND CONCRETE PADS AND OTHER APPURTENANT FIXTURES
    RECORDING DATE: JANUARY 19, 1976
    RECORDING NO: BOOK 11624, PAGE 947 OF OFFICIAL RECORDS
    AFFECTS: A PORTION OF SAID LAND

12. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT:

    GRANTED TO: THE CITY OF NEWPORT BEACH
    PURPOSE: STREET, HIGHWAY AND UTILITIES
    RECORDING DATE: JULY 21, 1987
    RECORDING NO: 87-413737 OF OFFICIAL RECORDS
    AFFECTS: A PORTION OF SAID LAND

EASEMENT NOTES (CONT'D.):

13. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT:

    PURPOSE: STREETS AND HIGHWAY
    RECORDING DATE: APRIL 3, 1961
    RECORDING NO: BOOK 8992, PAGE 824 OF OFFICIAL RECORDS
    AFFECTS: A PORTION OF SAID LAND

14. MATTERS CONTAINED IN THAT CERTAIN DOCUMENT

    ENTITLED: DECLARATION OF SPECIAL LAND USE RESTRICTIONS
    DATED: MAY 3, 1994
    EXECUTED BY: THE IRVINE COMPANY, A MICHIGAN CORPORATION AND NEWPORT GOLF CLUB PARTNERS, A CALIFORNIA GENERAL PARTNERSHIP
    RECORDING DATE: MAY 25, 1994
    RECORDING NO: 94-359820 OF OFFICIAL RECORDS

    THE DOCUMENT ENTITLED "RELEASE OF DECLARATION"

    RECORDING DATE: SEPTEMBER 4, 1997
    RECORDING NO: 97-428857 OF OFFICIAL RECORDS

15. A MORTGAGE WITH THE POWER OF SALE EXECUTED BY NEWPORT GOLF PARTNERS, A CALIFORNIA GENERAL PARTNERSHIP AS MORTGAGOR, TO THE IRVINE COMPANY, A MICHIGAN CORPORATION, AS MORTGAGEE, FOR THE PURPOSE OF SECURING ANY AND ALL INCREMENTS OF ADDITIONAL PURCHASE PRICE DESCRIBED IN SECTION 3.4(A) OF AND AS SET FORTH WITH THE ABOVE REFERRED TO DECLARATION.

16. AN OPTION TO REPURCHASE SAID LAND IN FAVOR OF THE IRVINE COMPANY, A MICHIGAN CORPORATION, UPON THE TERMS AND CONDITIONS AS PROVIDED IN THE ABOVE REFERRED TO DECLARATION.

17. NON-EXCLUSIVE EASEMENTS ON, OVER, UNDER OR ACROSS THE LAND WITHIN 15 FEET FROM ALL PROPERTY LINES BORDERING ON AND PARALLEL TO ANY PUBLIC OR PRIVATE STREET FOR THE INSTALLATION, EMPLACEMENT, OPERATION AND MAINTENANCE OF ELECTRIC, GAS, TELEPHONE, CABLE TELEVISION, WATER SANITARY SEWER LINES, DRAINAGE FACILITIES OR ANY OTHER UTILITIES, AS RESERVED IN THE DEED FROM THE IRVINE COMPANY, A MICHIGAN CORPORATION, RECORDED MAY 25, 1994 AS INSTRUMENT NO. 94-359831 OF OFFICIAL RECORDS.

18. NON-EXCLUSIVE EASEMENTS IN GROSS ON, OVER, OR ACROSS THE LAND WITHIN AREAS WHICH ARE PRESENTLY USED BY THE PUBLIC OR ADJOINING LANDOWNERS AS COMMON STREETS, PASSAGEWAYS OR VERWAYS, ENTRANCE WAYS OR ACCESS WAYS, TOGETHER WITH THE RIGHT TO ENTER UPON THE LAND (WITHOUT REASONABLY INTERFERING WITH GRANTEES REASONABLE USE AND ENJOYMENT THEREOF) IN ORDER TO SERVICE, MAINTAIN, REPAIR, RECONSTRUCT, RELOCATE OR REPLACE ANY OF SUCH STREETS OR WAYS; PROVIDED, NO ADJOINING LANDOWNER SHALL HAVE ANY OBLIGATION TO SERVICE, MAINTAIN, REPAIR, RECONSTRUCT, RELOCATE OR REPLACE SUCH STREETS OR WAYS OR TO PAY THE COST THEREOF UNLESS SPECIFICALLY AGREED TO IN WRITING BY SUCH LANDOWNERS, AS RESERVED IN THE DEED FROM THE IRVINE COMPANY, A MICHIGAN CORPORATION, RECORDED MAY 25, 1994 AS INSTRUMENT NO. 94-359831 OF OFFICIAL RECORDS.

19. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT:

    PURPOSE: SLOPE
    RECORDING DATE: SEPTEMBER 4, 1997
    RECORDING NO: 97-428866 OF OFFICIAL RECORDS
    AFFECTS: A PORTION OF SAID LAND

20. ANY DISCREPANCY IN THE RECORD LOCATION OF THE CENTERLINE OF IRVINE AVENUE AS DISCLOSED BY A MAP FILED IN BOOK 202, PAGES 9-25 RECORDS OF SURVEY IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA.

21. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS CONFIRMED BY AN INSTRUMENT

    ENTITLED: INTERLOCUTORY JUDGEMENT OF CONDEMNATION
    COURT: SUPERIOR COURT OF CALIFORNIA
    CASE NO.: 36CC12557
    IN FAVOR OF: COUNTY OF ORANGE
    PURPOSE: ROAD, RETAINING WALL & SLOPE
    RECORDING DATE: FEBRUARY 5, 2008
    RECORDING NO: 2008-67946 OF OFFICIAL RECORDS
    AFFECTS: A PORTION OF SAID LAND

    AND RECORDING DATE: FEBRUARY 8, 2008
    AND RECORDING NO: 2008-73525 OF OFFICIAL RECORDS

    AND RECORDING DATE: FEBRUARY 15, 2008
    AND RECORDING NO: 2008-73536 OF OFFICIAL RECORDS

22. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:

    GRANTED TO: COUNTY OF ORANGE
    PURPOSE: SLOPES
    RECORDING DATE: OCTOBER 21, 2014
    RECORDING NO: 2014-427814 OF OFFICIAL RECORDS
    AFFECTS: A PORTION OF SAID LAND

22 DISCREPANCIES, CONFLICTS IN BOUNDARY LINES, SHORTAGE IN AREA, ENCROACHMENTS, OR ANY OTHER MATTERS SHOWN ON

    MAP: RECORD OF SURVEY
    RECORDING NO: BOOK 202, PAGES 28 AND 29 OF RECORDS OF SURVEY

24 PLEASE BE ADVISED THAT OUR SEARCH DID NOT DISCLOSE ANY OPEN DEEDS OF TRUST OF RECORD. IF YOU SHOULD HAVE ANY KNOWLEDGE OF ANY OUTSTANDING OBLIGATION, PLEASE CONTACT THE TITLE DEPARTMENT IMMEDIATELY FOR FURTHER REVIEW PRIOR TO CLOSING.

25 ANY RIGHTS OF THE PARTIES IN POSSESSION OF A PORTION OF, OR ALL OF, SAID LAND WHICH RIGHTS ARE NOT DISCLOSED BY THE PUBLIC RECORDS.

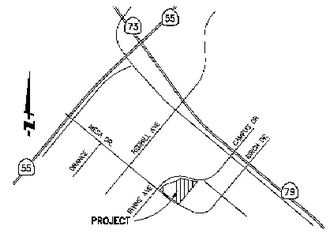
THE COMPANY WILL REQUIRE, FOR REVIEW, A FULL AND COMPLETE COPY OF ANY UNRECORDED AGREEMENT, CONTRACT, LICENSE AND/OR LEASE, TOGETHER WITH ALL SUPPLEMENTS, ASSIGNMENTS AND AMENDMENTS THERETO, BEFORE ISSUING ANY POLICY OF TITLE INSURANCE WITHOUT EXCEPTING THIS ITEM FROM COVERAGE.

THE COMPANY RESERVES THE RIGHT TO EXCEPT ADDITIONAL ITEMS AND/OR MAKE ADDITIONAL REQUIREMENTS AFTER REVIEWING SAID DOCUMENTS.

26 DISCREPANCIES, CONFLICTS IN BOUNDARY LINES, SHORTAGE IN AREA, ENCROACHMENTS, OR ANY OTHER MATTERS WHICH A CORRECT SURVEY WOULD DISCLOSE AND WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS.

27 ANY EASEMENTS NOT DISCLOSED BY THE PUBLIC RECORDS AS TO MATTERS AFFECTING TITLE TO REAL PROPERTY, WHETHER OR NOT SAID EASEMENTS ARE VISIBLE AND APPARENT.

28 MATTERS WHICH MAY BE DISCLOSED BY AN INSPECTION AND/OR BY A CORRECT ALTA/NSPS LAND TITLE SURVEY OF SAID LAND THAT IS SATISFACTORY TO THE COMPANY, AND/OR BY INQUIRY OF THE PARTIES IN POSSESSION THEREOF.



VICINITY MAP
NOT TO SCALE

SURVEYORS NOTES:

RECORD REFERENCES:

R1 = RECORD OF SURVEY 2017-837, R.S.B. 223/28-29
R2 = RECORD OF SURVEY 93-093, R.S.B. 192/26-32
R3 = RECORD OF SURVEY 2004-1002, R.S.B. 202/9-17
R4 = RECORD OF SURVEY 83-084, R.S.B. 143/24

LEGEND

———	PROPERTY BOUNDARY
	PARCEL / LOT LINE
———	STREET CENTERLINE
— — — —	EXISTING RIGHT OF WAY
———	PROPOSED RIGHT OF WAY
- - - - - - -	EASEMENT LINE
•	FOUND MONUMENT
○	SET MONUMENT
(X)	DENOTES EASEMENT PLOTTED ON SHEET 2

ABBREVIATIONS

APN	ASSESSORS PARCEL NUMBER
M.M.	MISCELLANEOUS MAPS
R.O.S.	RECORD OF SURVEY
LLA	LOT LINE ADJUSTMENT
DOC.	DOCUMENT
PROP.	PROPERTY
R/W	RIGHT OF WAY
F.D.	FOUND
I.P.	IRON PIPE
R.S.B.	RECORD OF SURVEY BOOK
C/L	CENTERLINE
P.R.C.	POINT OF REVERSE CURVE

SURVEYOR'S CERTIFICATE:

TO: NEWPORT GOLF CLUB, LLC AND COMMONWEALTH LAND TITLE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS" JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS OF TABLE THEREOF. THE FIELD WORK WAS COMPLETED ON JUNE 4, 2024.

DATE OF PLAT OR MAP: JULY 1, 2024

BY: _____ 07/11/2024
GERALD R. ANDERSON, L.S. 4403 — DATE

LICENSED LAND SURVEYOR — GERALD R. ANDERSON — L.S. 4403 — STATE OF CALIFORNIA

NOTE: SECTION 8726 OF THE CALIFORNIA BUSINESS AND PROFESSIONS CODE STATES THAT THE USE OF THE WORD CERTIFICATION BY A LICENSED LAND SURVEYOR IN THE PRACTICE OF LAND SURVEYING OR THE PREPARATION OF MAPS, PLATS, REPORTS, DESCRIPTIONS OR OTHER SURVEYING DOCUMENTS ONLY CONSTITUTES AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THOSE FACTS OR FINDINGS WHICH ARE THE SUBJECT OF THE CERTIFICATION AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESSED OR IMPLIED.

PREPARED FOR:
NEWPORT GOLF CLUB LLC
3300 IRVINE AVENUE
NEWPORT BEACH, CALIFORNIA 92660
949.474.4424

PREPARED BY:
X ENGINEERING & CONSULTING, INC.
6 Hutton Centre Drive, Suite 650
Santa Ana, California 92707
949.622.7100 | xengineeringinc.com

SHEET INDEX
C-06 ALTA NSPS LAND TITLE SURVEY

08/25/2025

20-279

889 HARBOR
NEWPORT BEACH, CA 92660
Site Development Review

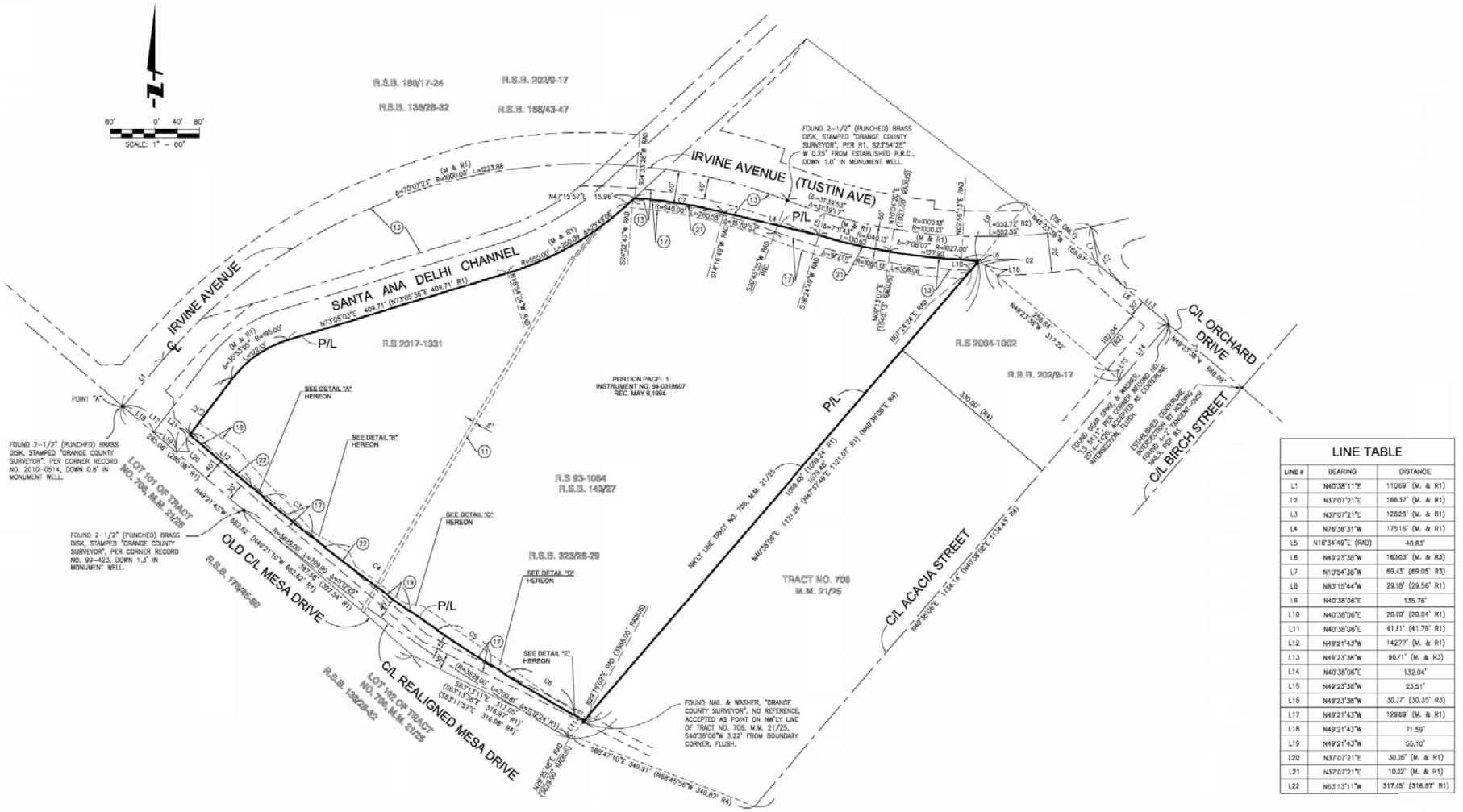
BACK BAY BARRELS, LLC
3857 BIRCH STREET, SUITE 521
NEWPORT BEACH, CA 92660

FUSCOE ENGINEERING
15535 SAND CANYON AVE, SUITE 100
IRVINE, CA 92618
PHONE: 949.474.1960

E:\PROJECTS\4206\001\PLANS\ENTITLEMENTS\SCHEMATIC PLANS\4206-001ET06-08SV.DWG (07-24-2025 3:39:01PM) Plotted by: DTadillo

A.L.T.A. / N.S.P.S. LAND TITLE SURVEY

DATE OF SURVEY: JUNE 4, 2024 J.N. 162-001



LEGEND

- PROPERTY BOUNDARY
- PARCEL / LOT LINE
- STREET CENTERLINE
- EXISTING RIGHT OF WAY
- PROPOSED RIGHT OF WAY
- EASEMENT LINE
- FOUND MONUMENT
- SET MONUMENT
- (X) DENOTES EASEMENT PLOTTED HEREON

ABBREVIATIONS

APN	ASSESSORS PARCEL NUMBER
M.M.	MISCELLANEOUS MAPS
R.O.S.	RECORD OF SURVEY
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R/W	RIGHT OF WAY
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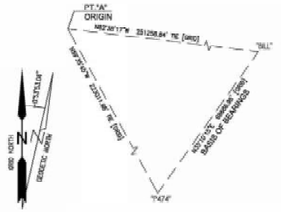
I.P.	IRON PIPE
R.S.B.	RECORD OF SURVEY BOOK
C/L	CENTERLINE
P.R.C.	POINT OF REVERSE CURVE
P/L	PROPERTY LINE
(M & R)	MEASURED & RECORD



NAME:	NORTHING:	EASTING:
P474	2,074,324.482	6,256,718.870
BILL	2,154,994.920	6,313,564.233
"A"	2,107,190.173	6,064,376.613

GPS CONTROL DIAGRAM

NO SCALE.
ANGULAR RELATIONSHIPS EXAGGERATED FOR CLARITY.

LINE TABLE

LINE #	BEARING	DISTANCE
L1	N40°38'11"E	110.69' (M. & R1)
L2	N37°07'21"E	168.37' (M. & R1)
L3	N37°07'21"E	126.29' (M. & R1)
L4	N76°36'31"W	175.16' (M. & R1)
L5	N16°34'49"E (RAD)	40.83'
L6	N49°23'38"W	163.03' (M. & R3)
L7	N10°54'38"W	69.43' (69.05' R3)
L8	N83°15'44"W	29.58' (29.56' R1)
L9	N40°38'06"E	135.76'
L10	N40°38'06"E	20.00' (20.04' R1)
L11	N40°38'06"E	41.51' (41.79' R1)
L12	N49°21'43"W	142.77' (M. & R1)
L13	N49°23'38"W	96.71' (M. & R3)
L14	N40°38'06"E	132.04'
L15	N49°23'38"W	23.51'
L16	N49°23'38"W	30.27' (30.35' R3)
L17	N49°21'43"W	129.69' (M. & R1)
L18	N49°21'43"W	71.59'
L19	N49°21'43"W	55.10'
L20	N37°07'21"E	30.06' (M. & R1)
L21	N37°07'21"E	10.02' (M. & R1)
L22	N63°13'11"W	317.05' (316.97' R1)

CURVE TABLE

CURVE #	DELTA	RADIUS	LENGTH
C1	38°29'00"	190.00'	127.62' (M. & R3)
C2	00°54'44"	1050.13'	16.72'
C2	(00°57'32"	1050.13'	17.57' R3)
C3	01°44'12"	3589.00'	108.78' (M. & R1)
C4	0.3°04'43"	3589.00'	192.84' (M. & R1)
C5	01°47'59"	3589.00'	12.73' (M. & R1)
C6	02°17'21"	3589.00'	143.39' (M. & R1)
C7	09°43'21"	947.80'	160.83' (M. & R1)
C8	11°42'24"	3629.00'	709.81' (M. & R1)

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA STATE PLANE COORDINATE SYSTEM CCS83, ZONE 6, BASED LOCALLY ON CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS): "BILL", AND "P474", NAD83 (EPOCH 2010.00 (NSRS2011) AS SHOWN HEREON.

ALL BEARINGS SHOWN ON THIS MAP ARE GRID. QUOTED BEARINGS AND DISTANCES FROM REFERENCE MAPS OR DEEDS ARE AS SHOWN PER THAT RECORD REFERENCE. ALL DISTANCES SHOWN ARE GROUND DISTANCES UNLESS SPECIFIED OTHERWISE. GRID DISTANCES MAY BE OBTAINED MULTIPLYING THE GROUND DISTANCE BY THE COMBINED SCALE FACTOR (0.99997427) AT POINT "A".

GRID DISTANCE = (GROUND DISTANCE) x (COMBINED SCALE FACTOR)
CONVERGENCE ANGLE AT POINT "A" IS: -0°57'43.1"
ELEVATION AT POINT "A" IS 28.20 FEET (NAVD88 DATUM).

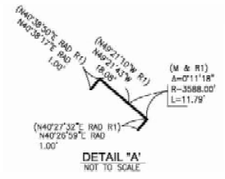
BENCHMARK:

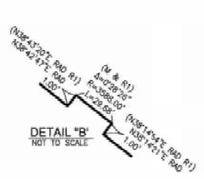
3-3/4" OCS ALUMINUM BENCHMARK DISK STAMPED "CM-51-89", SET IN THE TOP OF A 4" BY 4" CONCRETE POST. MONUMENT IS LOCATED IN THE SOUTHWEST CORNER OF THE INTERSECTION OF SANTA ANA AVENUE AND MESA DRIVE. 57 FT. WESTERLY OF THE CENTERLINE OF MESA DRIVE AND 21 FT. NORTHERLY OF THE CENTERLINE OF SANTA ANA AVENUE. MONUMENT IS SET LEVEL WITH THE TOP OF CURB.

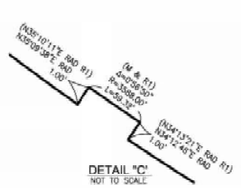
ELEVATION: 65.967 (FT.), ESTABLISHED BY OCS 1988, LEVELED 2005

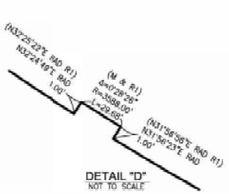
RECORD REFERENCES:

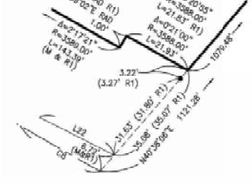
R1 = RECORD OF SURVEY 2017-1331, R.S.B. 323/28-29
R2 = RECORD OF SURVEY 92-1068, R.S.B. 138/28-32
R3 = RECORD OF SURVEY 2004-1002, R.S.B. 202/9-17
R4 = RECORD OF SURVEY 93-1004, R.S.B. 143/24











PREPARED FOR:
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949.474.4424

PREPARED BY:
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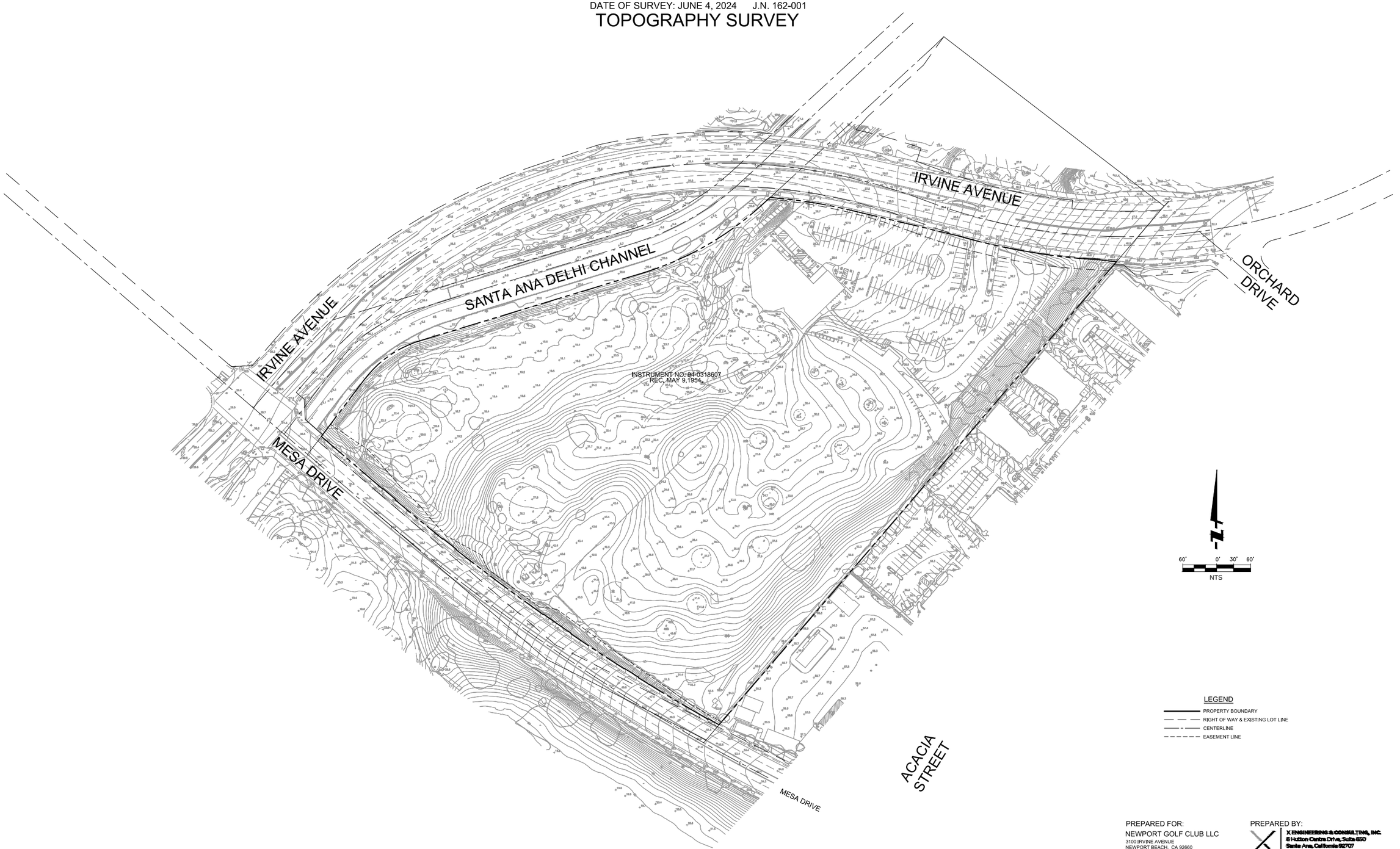
949.522.7100 | xengineeringinc.com

A.L.T.A. /N.S.P.S. LAND TITLE SURVEY

DATE OF SURVEY: JUNE 4, 2024 J.N. 162-001

TOPOGRAPHY SURVEY



N

60' 0' 30' 60'

NTS

LEGEND

- PROPERTY BOUNDARY
- RIGHT OF WAY & EXISTING LOT LINE
- CENTERLINE
- EASEMENT LINE

PREPARED FOR:
NEWPORT GOLF CLUB LLC
3100 IRVINE AVENUE
NEWPORT BEACH, CA 92660
949.474.4424

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A.L.T.A. / N.S.P.S. LAND TITLE SURVEY
3100 IRVINE AVENUE, NEWPORT BEACH, CA 92660

S HARBOR
N ORT BEACH, CA 92660
069
Site Development Review

BACK BAY BARRELS, LLC
3857 BIRCH STREET, SUITE 521
NEWPORT BEACH, CA 92660

FUSCOE ENGINEERING
15535 SAND CANYON AVE, SUITE 100
IRVINE, CA 92618
PHONE: 949.474.1960

C-08
ALTA NSPS LAND TITLE SURVEY

08/25/2025

20-281

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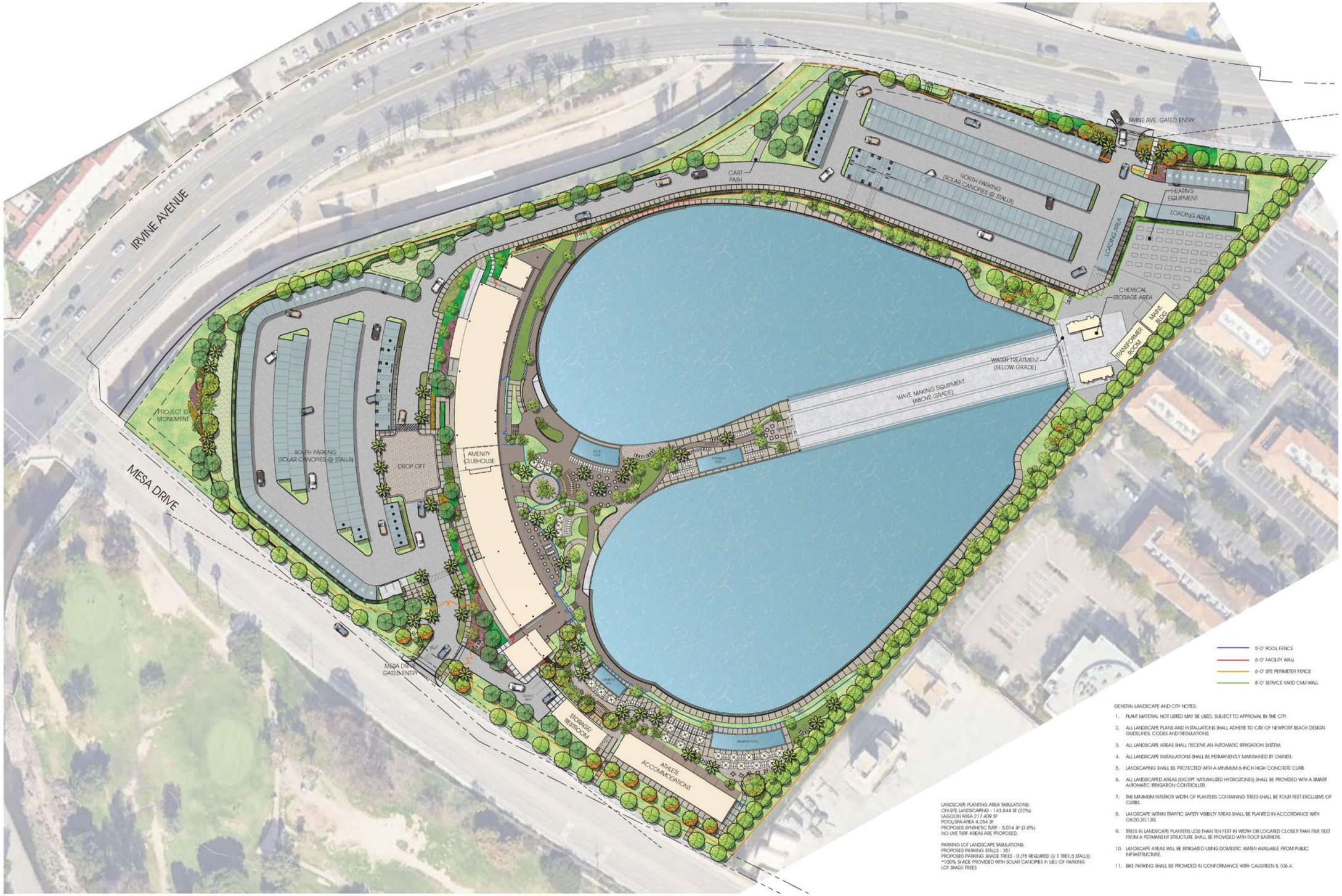

LANDSCAPE PLANTING AREA TABULATIONS:
ON-SITE LANDSCAPING - 143,644 SF (20%)
LAGOON AREA 217,409 SF
POOL/SPA AREA 4,054 SF
PROPOSED SYNTHETIC TURF - 5,014 SF (3.6%)
NO LIVE TURF AREAS ARE PROPOSED.

PARKING LOT LANDSCAPE TABULATIONS:
PROPOSED PARKING STALLS - 351
PROPOSED PARKING SHADE TREES - 0 (176 REQUIRED @ 1 TREE/2 STALLS)
*100% SHADE PROVIDED WITH SOLAR CANOPIES IN LIEU OF PARKING LOT SHADE TREES

GENERAL LANDSCAPE AND CITY NOTES:

1. PLANT MATERIAL NOT LISTED MAY BE USED, SUBJECT TO APPROVAL BY THE CITY.
2. ALL LANDSCAPE PLANS AND INSTALLATIONS SHALL ADHERE TO CITY OF NEWPORT BEACH DESIGN GUIDELINES, CODES AND REGULATIONS.
3. ALL LANDSCAPE AREAS SHALL RECEIVE AN AUTOMATIC IRRIGATION SYSTEM.
4. ALL LANDSCAPE INSTALLATIONS SHALL BE PERMANENTLY MAINTAINED BY OWNER.
5. LANDSCAPING SHALL BE PROTECTED WITH A MINIMUM 6-INCH HIGH CONCRETE CURB.
6. ALL LANDSCAPED AREAS (EXCEPT NATURALIZED HYDROZONES) SHALL BE PROVIDED WITH A SMART AUTOMATIC IRRIGATION CONTROLLER.
7. THE MINIMUM INTERIOR WIDTH OF PLANTERS CONTAINING TREES SHALL BE FOUR FEET EXCLUSIVE OF CURBS.
8. LANDSCAPE WITHIN TRAFFIC SAFETY VISIBILITY AREAS SHALL BE PLANTED IN ACCORDANCE WITH CH.20.30.130.
9. TREES IN LANDSCAPE PLANTERS LESS THAN TEN FEET IN WIDTH OR LOCATED CLOSER THAN FIVE FEET FROM A PERMANENT STRUCTURE SHALL BE PROVIDED WITH ROOT BARRIERS.
10. LANDSCAPE AREAS WILL BE IRRIGATED USING DOMESTIC WATER AVAILABLE FROM PUBLIC INFRASTRUCTURE.
11. BIKE PARKING SHALL BE PROVIDED IN CONFORMANCE WITH CALGREEN 5.106.4.

SNUG HARBOR
NEWPORT BEACH, CA 92660

Site Development Review

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3857 BIRCH STREET, SUITE 521
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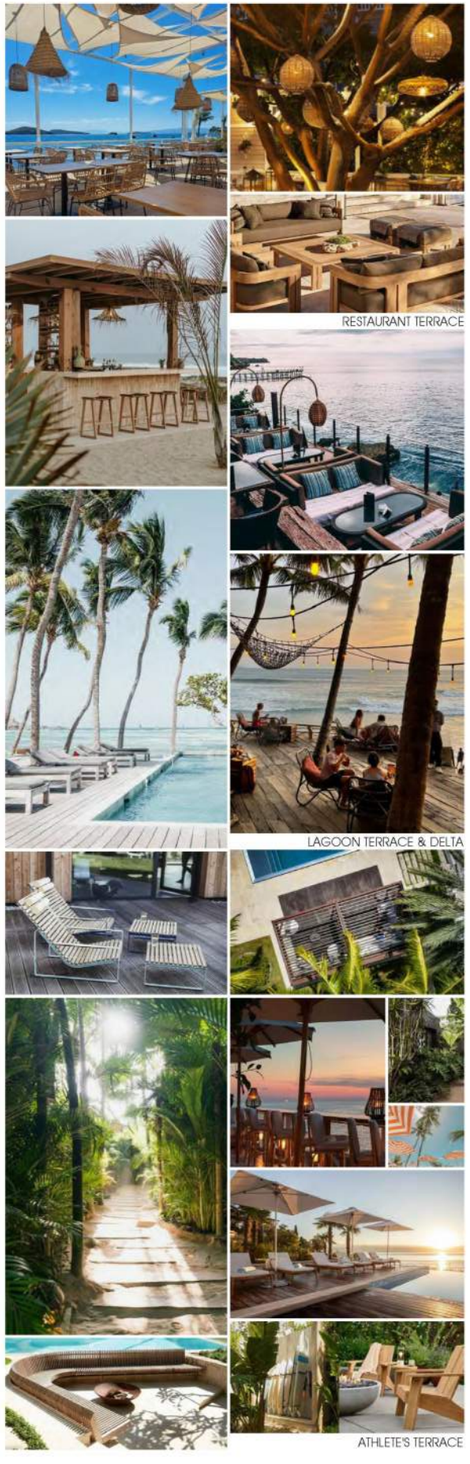
MVE + PARTNERS
1900 MAIN STREET, SUITE 800
IRVINE, CA 92614

CONCEPTUAL DESIGN + PLANNING COMPANY
1675 SCENIC AVENUE, SUITE 200
COSTA MESA, CA 92626

FUSCOE ENGINEERING
15535 SAND CANYON AVENUE, SUITE 100
COSTA MESA, CA 92626

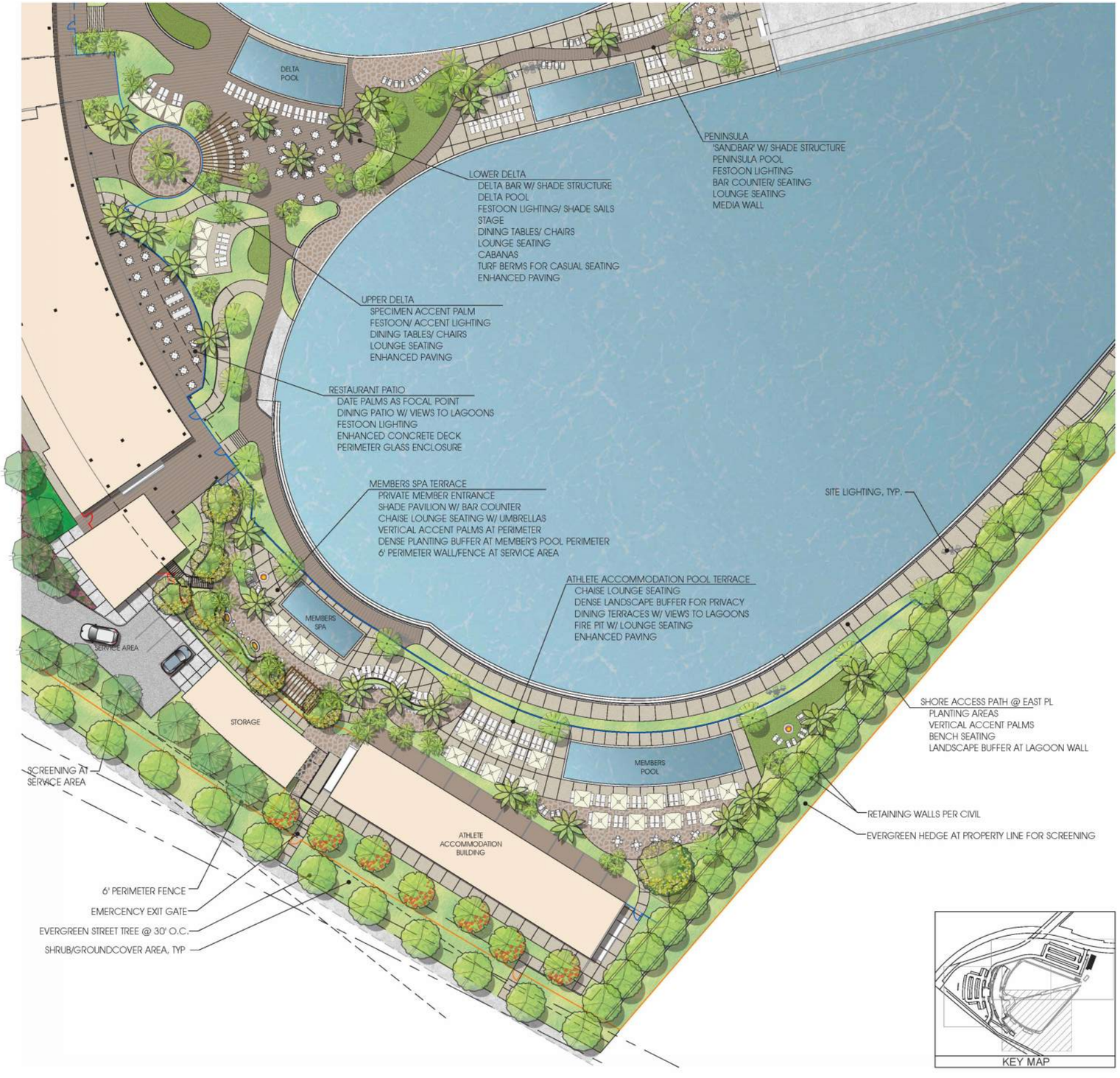
L-1
SCHEMATIC PLAN
1"=40'-0"
03/07/2025



RESTAURANT TERRACE

LAGOON TERRACE & DELTA

ATHLETE'S TERRACE



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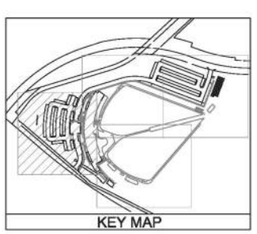
COSTA MESA, CA 92626

L-2
LANDSCAPE PLAN ENLARGEMENT - AMENITY DECKS
1"=20'-0"
03/07/2025

20-283



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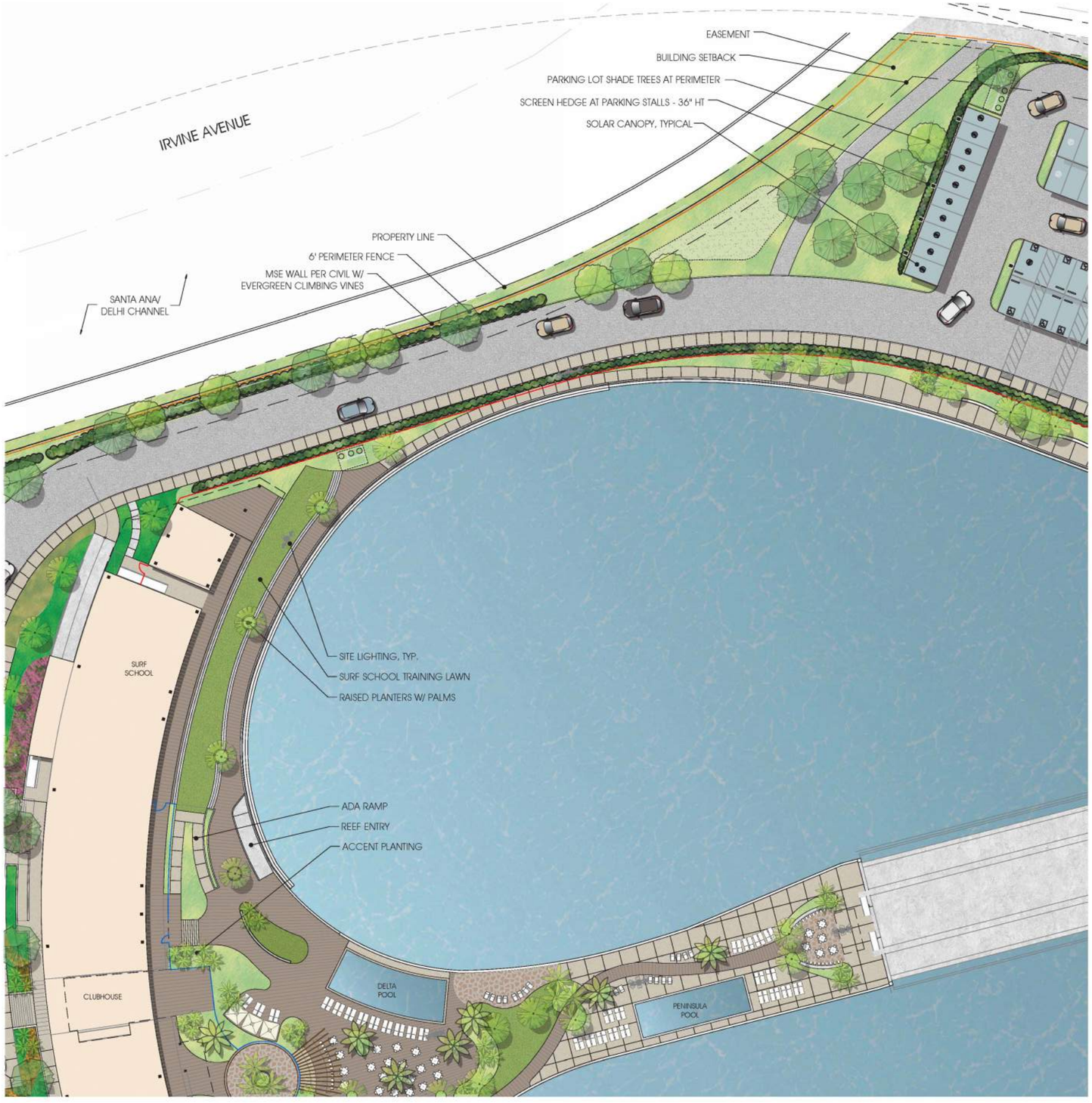
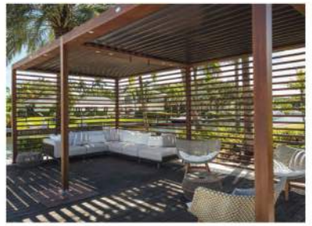
L-3
LANDSCAPE PLAN ENLARGEMENT - MAIN ENTRY & WEST PARKING LOT
1"=20'-0"
03/07/2025



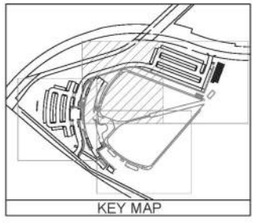

SHADE PAVILION

ACCENT PALMS

SHADE

SURF SCHOOL TRAINING LAWN

SYNTHETIC TURF BERM FOR VIEWING LAGOON


KEY MAP

SNUG HARBOR
NEWPORT BEACH, CA 92660

Site Development Review

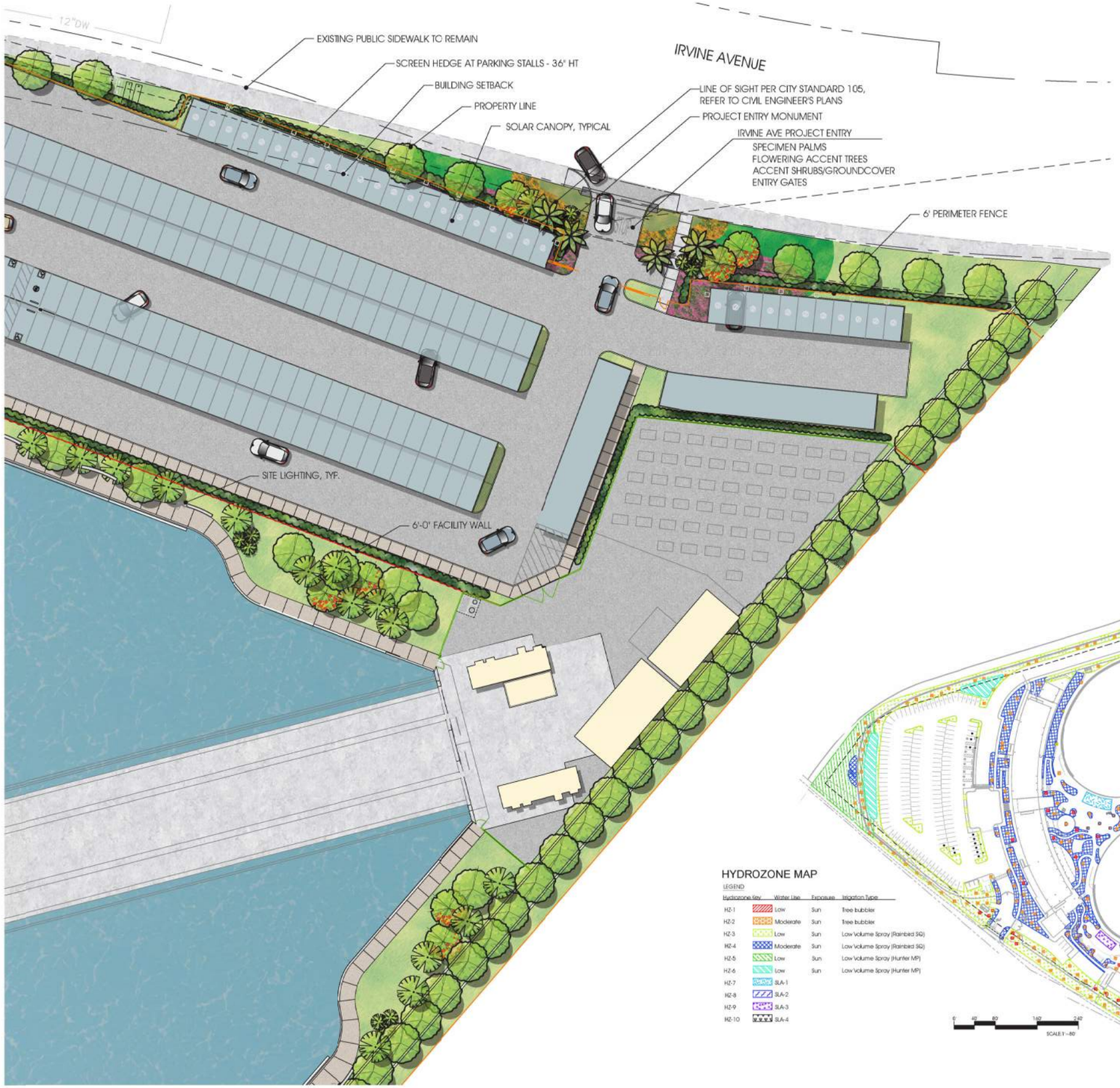
BACK BAY BARRELS, LLC
3857 BIRCH STREET, SUITE 521
NEWPORT BEACH, CA 92660

MVE + PARTNERS
1900 MAIN STREET, SUITE 800
IRVINE, CA 92614

CONCEPTUAL DESIGN + PLANNING COMPANY
1675 SCENIC AVENUE, SUITE 200
COSTA MESA, CA 92626

FUSCOE ENGINEERING
15535 SAND CANYON AVENUE, SUITE 100
COSTA MESA, CA 92626

L-4
LANDSCAPE PLAN ENLARGEMENT - SURF SCHOOL TRAINING LAWN & SHORELINE PERIMETER
1"=20'-0"
03/07/2025



MWELO Appendix B – Water Efficient Landscape Worksheet

Project Name: Snug Harbor Surf Park

Project location: Newport Beach, CA

Reference Evapotranspiration (Eto):	CIMIS Station	Irvine	49.6			ETAF	Non-Residential	0.45

Hydrozone	Planting Description	Plant/ Water Use	Plant Factor (PF)	Shade/Sun	Irrigation Method Nozzle Type	Irrigation Efficiency (IE)	ETAF (PF/IE)	Landscape Area (sq.ft.)	ETAF x Area	Estimated Total Water Use (ETWU)
Regular Landscape Area										
HZ-1	Tree	Low	0.2	Sun	Tree Bubbler	0.81	0.25	935	240.7	7,459
HZ-2	Tree	Medium	0.5	Sun	Tree Bubbler	0.81	0.62	7,150	4413.6	136,726
HZ-3	Shrub/GC/Vine	Low	0.2	Sun	Moco Spray/RAINBIRD SQ-P	0.75	0.27	68,664	18353.7	568,722
HZ-4	Shrub/GC/Vine	Medium	0.5	Sun	Moco Spray/RAINBIRD SQ-P	0.75	0.67	30,764	20509.3	635,287
HZ-5	Shrub/GC/Vine	Low	0.2	Sun	Rotator+HUNTER MP 1000-3500	0.75	0.27	25,915	7117.3	220,571
HZ-6	Bio Filtration	Low	0.2	Sun	Rotator+HUNTER MP 1000-3500	0.75	0.27	6,126	1685.9	52,246
								(A)	(B)	
							Totals	143,644	54,353	1,671,420
Special Landscape Areas										
SLA-1	Recreational Play						1	1,077	1077	33,380
SLA-2	Recreational Play						1	955	955	29,605
SLA-3	Recreational Play						1	599	599	18,569
SLA-4	Recreational Play						1	1,513	1513	46,897
								(C)	(D)	
							Totals	4,054	4054	125,651
								ETWU Total		1,731,173
								Maximum Allowed Water Allowance (MAWA)		2,115,239

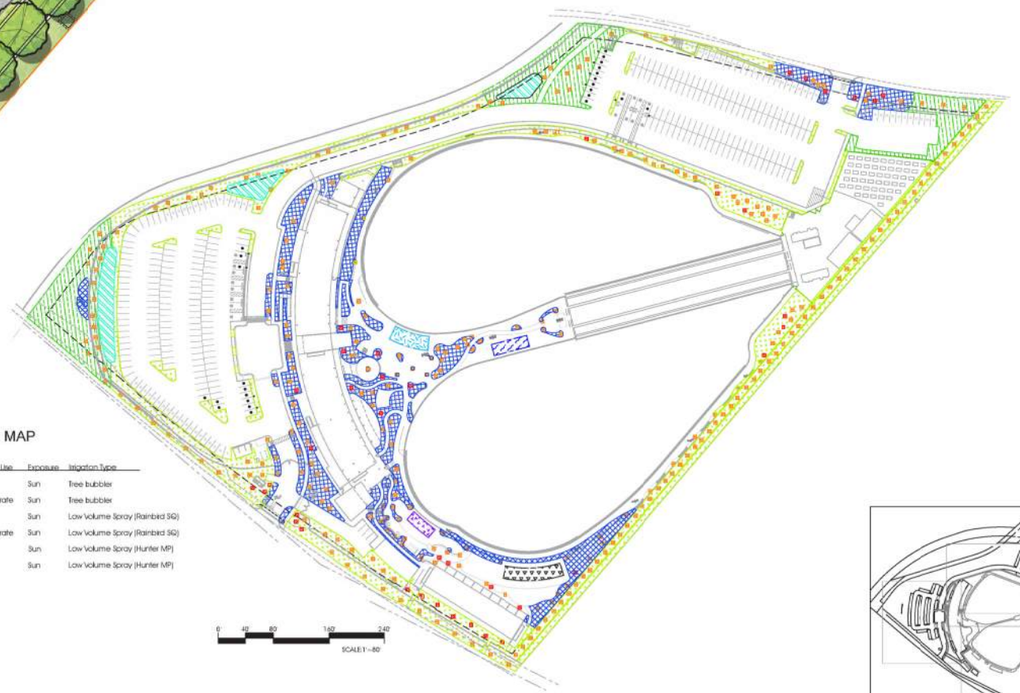
ETWU (Annual Gallons Required) = Eto x 0.62 x ETAF x Area

0.62 is a conversion factor that converts to acre-inches per acre per year to gallon per square foot per year, LA is the total landscape area in square feet, SLA is the total special landscape area in square feet, and ETAF is 0.55 for residential areas and 0.45 for non-residential areas.

MAWA (Annual Gallons Allowed) = Eto x 0.62 x [(ETAF x LA) + ((1-ETAF) X SLA)]

ETAF Calculations — Average ETAF for Regular landscape Area must be 0.55 or below for residential area, and 0.45 or below for non-residential areas.

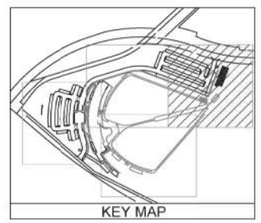
Regular Landscape Areas		All Landscape Areas	
Total ETAF x Area (B)	54351.7	Total ETAF x Area (B+D)	59405.7
Total Area (A)	143644	Total Area (A+C)	147,899
Average ETAF (B/A)	0.38	Weighted ETAF (B+D)/(A+C)	0.39



HYDROZONE MAP

LEGEND

Hydrozone Key	Water Use	Exposure	Irrigation Type
HZ-1	Low	Sun	Tree bubbler
HZ-2	Moderate	Sun	Tree bubbler
HZ-3	Low	Sun	Low Volume Spray (Rainbird SQ)
HZ-4	Moderate	Sun	Low Volume Spray (Rainbird SQ)
HZ-5	Low	Sun	Low Volume Spray (Hunter MP)
HZ-6	Low	Sun	Low Volume Spray (Hunter MP)
HZ-7	SLA-1		
HZ-8	SLA-2		
HZ-9	SLA-3		
HZ-10	SLA-4		



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L-5
LANDSCAPE PLAN ENLARGEMENT - IRVINE AVENUE ENTRY
1"=20'-0"
03/07/2025

PALM TREES

Archontophoenix cunninghamiana
King Palm

Chamaerops humilis
Mediterranean Fan Palm

Dypsis decaryi
Triangle Palm

Howea forsteriana
Kentia Palm

Phoenix dactylifera
Date Palm

Phoenix reclinata
Senegal Date Palm

Phoenix roebelenii
Pygmy Date Palm

Trachycarpus fortunei
Windmill Palm

Washingtonia x filibusta
Hybrid Fan Palm

TREES

Acca sellowiana
Pineapple Guava

Abutilus 'Marina' (Multi trunk)
Marina Strawberry Tree

Cassia leptophylla
Golden Medallion Tree

Cercis canadensis 'Forest Pansy'
Forest Pansy Redbud

Eriobotrya 'Coppertone'
Coppertone Loquat

Lagerstroemia hybrid 'Tuscarora'
Tuscarora Crape Myrtle

Laurus nobilis 'Saratoga'
Saratoga Laurel

Lophostemon confertus
Brisbane Box

Magnolia grandiflora 'Little Gem'
Little Gem Magnolia

Pistacia chinensis
Chinese Pistache

SCREEN SHRUBS

Podocarpus gracilior
Fern Pine

Olea europaea 'Wilsonii'
Wilson Fruitless Olive

Ulmus parvifolia 'Drake'
Drake Evergreen Chinese Elm

Spathodea campanulata
African Tulip Tree

Alogyne huegelii
Blue Hibiscus

Callistemon viminalis 'Slim'
Dwarf Bottlebrush

Dodonaea viscosa 'Purpurea'
Purple Hopseed Bush

Ficus nitida
Indian Laurel Fig

Frangula californica 'Eve Case'
Dwarf Coffeeberry

Prunus caroliniana 'Compacta'
Compact Carolina Cherry Laurel

SHRUBS

Alpinia sanderae
Variegated Ginger

Agave 'Blue Flame'
Blue Flame Agave

Aloe ferox
Cape Aloe

Anigozanthos 'Big Red'
Big Red Kangaroo Paw

Bougainvillea 'Raspberry Ice'
Raspberry Ice Bougainvillea

Bouteloua 'Blonde Ambition'
Blue Grama Grass

Bulbine frutescens 'Hallmark'
Orange Stalked Bulbine

Callistemon viminalis 'Little John'
Dwarf Bottlebrush

Coprosma repens 'Marble Queen'
Dwarf Variegated Mirror Plant

Cordyline 'Design-A-Line'
Burgundy Cordyline

Dietes vegeta
Fortnight Lily

Dracena marginata
Red Edge Dracaena

Eriseta 'Maurelii'
Red Abyssynian Banana

Fatsia japonica
Japanese Aralia

Furcraea foetida 'Mediopicta'
Mauritius Hemp

Hesperaloe parviflora
Red Yucca

Lomandra 'Breeze'
Dwarf Mat Rush

Lomandra 'Platinum Beauty'
Platinum Beauty Lomandra

Muhlenbergia capillaris 'Regal Mist'
Regal Mist Deer Grass

Myoporum parvifolium 'Pink'
Dwarf Pink Myoporum

Russelia equisetiformis
Firecracker Plant

Salvia leucantha
Mexican Bush Sage

Strelitzia nicolai
Giant Bird of Paradise

Woodwardia fimbriata
Giant Chain Fern

Westringia fruticosa 'Blue Gem'
Blue Gem Coast Rosemary

Zamia furfuracea
Cardboard Fern

Nandina 'Lemon Lime'
Lemon Lime Dwarf Bamboo

Phormium 'Sunset'
Sunset New Zealand Flax

Phormium 'Surfer'
Surfer New Zealand Flax

Phormium tenax 'Variegata'
Variegated New Zealand Flax

GROUNDCOVER

Acacia redolens 'Low Boy'
Prostrate Acacia

Baccharis pilularis 'Twin Peaks'
Twin Peaks Coyote Bush

Carissa macrocarpa 'Green Carpet'
Dwarf Natal Plum

Eremophila glabra 'Mingenew Gold'
Gold Emu Bush

Myoporum parvifolium 'Pink'
Dwarf Pink Myoporum

Senecio mandraliscae
Blue Chalksticks

Westringia fruticosa 'Mundi'
Mundi Coast Rosemary

Tradescantia pallida 'Purpurea'
Purple Heart

PLANT PALETTE

Symbol	Botanical Name	Common Name	WUCOLS (Region 4)	Mature Height	Mature Spread
PALMS					
	Archontophoenix cunninghamiana	King Palm	Moderate	30-50'	10-15'
	Howea forsteriana	Kentia Palm	Moderate	30-40'	6-10'
	Phoenix reclinata	Senegal Date Palm	Moderate	25-40'	12-25'
	Chamaerops humilis	Mediterranean Fan Palm	Low	10-15'	10-15'
	Phoenix roebilini	Pygmy Date Palm	Moderate	6-8'	3-6'
	Dypsis decaryi	Triangle Palm	Moderate	25-30'	12-15'
	Phoenix dactylifera 'Degiet Noor'	Date Palm	Low	50-80'	20-40'
	Trachycarpus fortunei	Windmill Palm	Moderate	20-40'	6-10'
	Washingtonia x filibusta	Hybrid Fan Palm	Low	40-60'	15-18'
TREES					
	Cercis c. 'Forest Pansy'	Forest Pansy Redbud	Low	20-30'	15-35'
	Lagerstroemia indica 'Tuscarora'	Crape Myrtle	Low	15-25'	10-20'
	Olea europea 'Wilsonii'	Wilson Fruitless Olive	Low	20-30'	20-30'
	Cassia leptophylla	Golden Medallion Tree	Moderate	20-30'	15-30'
	Magnolia grandiflora 'St. Mary'	St Mary' Southern Magnolia	Moderate	20-25'	20-30'
	Spathodea campanulata	African Tulip Tree	Moderate	50-65'	35-50'
	Laurus nobilis 'Saratoga'	Saratoga Laurel	Moderate	15-30'	15-30'
	Lophostemon confertus	Brisbane Box	Moderate	30-40'	15-25'
	Podocarpus gracilior	Fern Pine	Moderate	40-60'	25-40'
	Pistacia chinensis	Chinese Pistache	Moderate	25-35'	25-35'
	Ulmus parvifolia 'Drake'	Evergreen Chinese Elm	Moderate	40-60'	40-70'
SCREEN SHRUBS					
	Alogyne huegelii	Blue Hibiscus	Moderate	5-10'	5-8'
	Callistemon viminalis 'Slim'	Slim Bottlebrush	Low	9-10'	4-5'
	Dodonaea viscosa 'Purpurea'	Purple Hopseed Bush	Moderate	12-16'	4-5'
	Ficus nitida	Indian Laurel Fig	Low	30-60'	25-40'
	Frangula c. 'Eve Case'	Dwarf Coffeeberry	Low	4-8'	4-8'
	Prunus caroliniana 'Compacta'	Compact Cherry Laurel	Moderate	8-12'	6-8'
SHRUBS/ GROUNDCOVERS					
	Alpinia sanderae	Variegated Ginger	High	4'-6'	2'-3'
	Acacia r. 'Lowboy'	Prostrate Acacia	Low	1'-2'	10'-15'
	Agave 'Blue Flame'	Blue Flame Agave	Low	2'-3'	3'-4'
	Aloe ferox	Cape Aloe	Low	6-10'	3'-5'
	Anigozanthos 'Big Red'	Hybrid Kangaroo Paw	Low	4'-6'	2'-3'
	Aspidistra elatior	Cast Iron Plant	Moderate	2'-3'	1'-2'
	Baccharis p. 'Twin Peaks'	Twin Peaks Coyote Bush	Low	2'-3'	6'-8'
	Bougainvillea 'Raspberry Ice'	Raspberry Ice Bougainvillea	Low	2'-3'	5'-6'
	Bouteloua 'Blonde Ambition'	Blue Grama Grass	Low	6'-24"	6'-24"
	Bulbine frutescens 'Hallmark'	Orange Stalked Bulbine	Low	1'-2'	3'-4'
	Callistemon viminalis 'Little John'	Dwarf Bottlebrush	Low	2'-3'	4'-5'
	Canna spp.	Canna	Moderate	2'-8'	1'-3'
	Carissa m. 'Green Carpet'	Dwarf Natal Plum	Low	2'-3'	3'-5'
	Coprosma repens 'Marble Queen'	Dwarf Variegata Mirror Plant	Moderate	3'-5'	4'-6'
	Cordyline 'Design-A-Line'	Burgundy Cordyline	Moderate	2'-3'	2'-3'
	Dianella tasmanica 'Variegata'	Variegated Flax Lily	Moderate	1'-2'	2'-3'
	Dianella evaluta 'Little Rev'	Little Rev Flax Lily	Low	1'-2'	2'-3'
	Dietes vegeta	Fortnight Lily	Low	3'-4'	3'-4'
	Dracena marginata	Red Edge Dracena	Moderate	6-10'	2'-3'
	Eriseria versicolorum 'Maurelii'	Red Abyssinian Banana	High	8-10'	6-8'
	Eremophila glabra 'Mingenew Gold'	Gold Emu Bush	Low	1'-2'	6-12'
	Fatsia japonica	Japanese Aralia	Moderate	6-10'	6-10'
	Ficus pumila	Creeping Fig	Low	8-10'	3'-6'
	Furcraea foetida 'Mediopicta'	Mauritius Hemp	Low	4'-5'	6-8'
	Grevillea 'Superb'	Superb Grevillea	Low	4'-6'	4'-8'
	Hesperaloe parviflora	Red Yucca	Low	2'-3'	3'-4'
	Lomandra longifolia 'Breeze'	Dwarf Mat Rush	Low	2'-3'	2'-3'
	Lomandra l. 'Platinum Beauty'	Platinum Beauty Lomandra	Low	2'-3'	2'-3'
	Leucadendron hybrid 'Jester'	Jester Conebush	Low	4'-5'	4'-5'
	Mahonia 'Soft Caress'	Soft Caress Mahonia	Low	3'-4'	3'-5'
	Miscanthus sinensis 'Morning Light'	Morning Light Maiden Grass	Low	4'-5'	3'-4'
	Monstera deliciosa	Split Leaf Philodendron	Moderate	8-10'	10'-15'
	Myoporum parvifolium	Dwarf Pink Myoporum	Low	3"-6"	6-12'
	Myrtus communis 'Compacta'	Dwarf Myrtle	Low	2'-3'	2'-3'
	Nandina 'Lemon Lime'	Lemon Lime Dwarf Bamboo	Low	3'-4'	3'-4'
	Phormium 'Sunset'	Sunset New Zealand Flax	Moderate	3'-6'	3'-5'
	Phormium 'Surfer'	Surfer New Zealand Flax	Moderate	3'-4'	1'-3'
	Phormium tenax 'Variegata'	Variegata New Zealand Flax	Low	6'-8'	4'-5'
	Plumeria spp.	Plumeria	Low	10'-15'	10'-15'
	Russelia equisetiformis	Firecracker Plant	Low	2'-5'	3'-6'
	Salvia leucantha	Mexican Bush Sage	Low	3'-4'	3'-4'
	Sansevieria spp.	Sansevieria	Low	2'-5'	1'-2'
	Senecio mandraliscae	Blue Pickle	Low	12"-18"	18"-24"
	Strelitzia nicholai	Giant Bird of Paradise	Moderate	20-30'	10'-15'
	Strelitzia reginae	Bird of Paradise	Moderate	3'-5'	2'-4'
	Westringia 'Blue Gem'	Blue Gem Coast Rosemary	Low	4'-5'	3'-4'
	Westringia fruticosa 'Mundi'	Mundi Coast Rosemary	Low	1'-2'	4'-5'
	Woodwardia fimbriata	Giant Chain Fern	Moderate	4'-6'	4'-6'
	Tradescantia pallida 'Purpurea'	Purple Heart	Moderate	12"-18"	2'-5'
	Zamia furfuracea	Cardboard Fern	Moderate	2'-5'	5'-8'
	Artificial Turf				

NOTES:

PLANT MATERIAL NOT LISTED MAY BE USED, SUBJECT TO APPROVAL BY THE CITY.

ALL LANDSCAPE PLANS AND INSTALLATIONS SHALL ADHERE TO CITY DESIGN GUIDELINES. CODES AND REGULATIONS.

ALL LANDSCAPE AREAS SHALL RECEIVE AN AUTOMATIC IRRIGATION SYSTEM.

ALL LANDSCAPE INSTALLATIONS SHALL BE PERMANENTLY MAINTAINED.

ALL TREES SHALL BE MIN. 15 GALLON

ALL ACCENT TREES SHALL BE MIN. 24" BOX

ALL PALM TREES SHALL BE MIN. 18' BTH

ALL SHRUBS SHALL BE MIN. 5 GALLON

ALL SCREENING SHRUBS SHALL BE MIN. 15 GALLON

ALL GROUND COVER PLANTING SHALL BE MIN. 1 GALLON

TOTAL LANDSCAPE AREA PROVIDED: 132,600 S.F.

ESTIMATED NUMBER OF PLANTS PROVIDED: 16,300 SHRUBS