

# **Attachment C**

Resolution No. PC2026-004

## RESOLUTION NO. PC2026-004

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A MAJOR SITE DEVELOPMENT REVIEW, CONDITIONAL USE PERMIT, AND VESTING TENTATIVE TRACT MAP TO DEMOLISH AN EXISTING MOVIE THEATER AND HEALTH/FITNESS FACILITY AND CONSTRUCT 150 RESIDENTIAL CONDOMINIUMS, A CAFÉ, AND HOME OFFICES LOCATED AT 210 AND 300 NEWPORT CENTER DRIVE AND APNS 442-091-12 AND 442-161-16 (PA2025-0102)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Rich Morrison of Related California (“Applicant”), on behalf of Edwards Affiliated Holdings, LLC, Joan E. Randolph Three, LP, and Ruoff Properties, LLC (“Owners”), with respect to property located at 210 and 300 Newport Center Drive and Accessor Parcel Numbers (APNs) 442-091-12 and 442-161-16 and legally described in Exhibit “A” of the Resolution (“Property”).
2. The Applicant proposes to demolish an existing 1,134-seat, six-screen movie theater (“Regal Edwards Big Newport”), 6,400-square-foot health/ fitness facility (“Body Design”), and adjoining surface parking lot to develop two 22-story residential buildings consisting of 150 condominium units, for-sale home offices, a 1,950-square-foot retail/café space, and 343 parking spaces. The development will include two-, three-, and four-bedroom units and two-penthouse units. The condominium units range from approximately 2,127 square feet to 6,419 square feet. The development will provide resident-serving amenities including two outdoor pool decks on the podium levels as well as indoor amenity spaces such as a gym, dog spa, and lounge. Primary pedestrian and vehicular access to the Property will be taken from Newport Center Drive, with additional loading and delivery access provided along its rear (“Project”).
3. The following approvals are required from the City of Newport Beach (“City”) to implement the Project:
  - **Major Site Development Review (“SDR”):** A major site development review is required in accordance with Section 20.52.080 (Site Development Reviews) of the Newport Beach Municipal Code (“NBMC”) for five or more units with a tentative tract map and to waive certain requirements of the Multi-Unit Objective Design Standards pursuant to Section 20.48.185 (Multi-Unit Objective Design Standards) of the NBMC;
  - **Conditional Use Permit (“CUP”):** A conditional use permit is required to waive 58 parking spaces for the proposed offices and retail/café component; and

- **Vesting Tentative Tract Map (“VTTM”)**: A tentative tract map is requested to consolidate four lots into one 4.17-acre lot and to allow for an airspace subdivision of the individual residential units and nonresidential units for condominium purposes, pursuant to Chapter 19.12 (Tentative Map Review) of the NBMC.
4. On September 24, 2024, the City Council adopted Ordinance Nos. 2024-16 and 2024-17, approving amendments to Title 20 (Planning and Zoning) of the NBMC to establish the Housing Opportunity (HO) Overlay Zoning Districts in Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) (“Housing Overlay”) and to create multi-unit objective design standards in Section 20.48.185 (Multi-Unit Objective Design Standards) of the NBMC. The new sections serve to implement Policy Actions 1A through 1G and 3A in the 6<sup>th</sup> Cycle Housing Element (“Housing Element”). The Property was identified as a housing site in the HO-4 (Newport Center Area) Subarea of the Housing Overlay.
  5. Subsequently, on June 24, 2025, the City Council adopted Ordinance No. 2025-10, approving an amendment to Table 2-16 (Development Standards for Housing Opportunity Overlay Zones) of Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) and Section 20.80.025 (Housing Opportunity Overlay Districts Maps) of the NBMC to revise the height limits for several properties within the HO-4 Subarea of the Housing Overlay. This amendment adjusted the height limitation for certain properties within the HO-4 (Newport Center) Subarea of the Housing Overlay to accommodate potential residential development with the intended prescribed density range of 20 to 50 dwelling units per acre. The maximum height allowed for the Property was increased to 270 feet.
  6. The Property is designated Regional Commercial Office (CO-R) by the General Plan Land Use Element and within Anomalies 36 and 37. It is located within the Office – Regional (OR) Zoning District and HO-4 (Newport Center) Subarea of the Housing Opportunity (HO) Overlay Zoning Districts (“Housing Overlay”).
  7. The Property is not located within the coastal zone; therefore, a coastal development permit is not required.
  8. The Project does not include the construction of affordable housing. However, the Property was not included in the City’s Housing Element Sites Inventory to support compliance with the 6<sup>th</sup> Cycle Regional Housing Needs Assessment. The Housing Element contains adequate other sites suitable for affordable housing opportunities; therefore, this approval is consistent with the State’s no net loss provisions.
  9. A public hearing was held on March 5, 2026, 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”), as set forth in California Public Resources Code (PRC) Section 21000 *et seq.*, and its implementing guidelines, set forth in California Code of Regulations, Title 14, Division 6, Chapter 3 (“CEQA Guidelines”), the City Council adopted Resolution No. 2024-50 on July 23, 2024, thereby certifying Final Program Environmental Impact Report SCH No. 2023060699 (“PEIR”), approving a Mitigation Monitoring and Reporting Program (MMRP), and adopting Findings and a Statement of Overriding Considerations related to the implementation of the Housing Element involving amendments to the General Plan, Coastal Land Use Plan, and Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the NBMC, which are available at: [Housing Implementation Program EIR](#).
2. The Project is not subject to further environmental review pursuant to Section 21083.3 of the Public Resources Code (“PRC”) and Section 15183 of the CEQA Guidelines, which limit environmental analysis to impacts peculiar to a specific project that have not been previously mitigated by regulatory requirements when that project is consistent with the general plan and zoning for which a prior EIR had been certified.
3. Section 15183 of the CEQA Guidelines provides, in relevant part:
  - a. Projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an environmental impact report (“EIR”) was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.
  - b. In approving a project meeting the requirements of this section, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:
    - i. Are peculiar to the project or the parcel on which the project would be located;
    - ii. Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent;
    - iii. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action; or
    - iv. Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

- c. If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, as contemplated by subdivision (e) below, then an additional EIR need not be prepared for the project solely on the basis of that impact.
  - d. This section shall limit the analysis of only those significant environmental effects for which:
    - i. Each public agency with authority to mitigate any of the significant effects on the environment identified in the EIR on the planning or zoning action undertakes or requires others to undertake mitigation measures specified in the EIR which the lead agency found to be feasible, and
    - ii. The lead agency makes a finding at a public hearing as to whether the feasible mitigation measures will be undertaken.
  - e. An effect of a project on the environment shall not be considered peculiar to the project or the parcel for the purposes of this section if uniformly applied development policies or standards have been previously adopted by the city or county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect. The finding shall be based on substantial evidence which need not include an EIR. Such development policies or standards need not apply throughout the entire city or county but can apply only within the zoning district in which the project is located, or within the area subject to the community plan on which the lead agency is relying. Moreover, such policies or standards need not be part of the general plan or any community plan but can be found within another pertinent planning document such as a zoning ordinance.
4. As part of its decision-making process, the City is required to review and consider whether the Project would create new significant impacts or significant impacts that would be substantially more severe than those disclosed in the PEIR. Additionally, further CEQA review is only triggered if the Project's new significant impacts or impacts that are more severe than those disclosed in PEIR such that major revisions to the PEIR would be required. A detailed CEQA consistency analysis has been prepared by T & B Planning, Inc., dated February 2026, and peer reviewed by the City's environmental consultant, Kimley-Horn & Associates, Inc., which is attached hereto as Exhibit "B" to this resolution and hereby incorporated by reference.
5. Therefore, in accordance with Section 21083.3 of the PRC and Section 15183 of the CEQA Guidelines, no additional environmental review is required to approve the Project. The Planning Commission determines:

- a. The Project's proposed density of 35.97 dwelling units per acre is consistent with the permitted density of 20 to 50 dwelling units per acre established by existing zoning and general plan policies for which the PEIR was certified;
  - b. There are no significant environmental effects that are peculiar to the Project or the parcels on which the Project would be located;
  - c. There are no significant environmental effects of the Project that were not analyzed as significant effects in the PEIR;
  - d. There are no potentially significant off-site impacts or cumulative impacts which were not discussed in the PEIR; and
  - e. There are no previously identified significant effects which, as a result of substantial new information which was not known at the time the PEIR was certified, are determined to have a more severe adverse impact than discussed in the prior PEIR.
6. 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.

#### ***Major Site Development Review***

In accordance with Section 20.52.080(F) (Site Development Reviews – Findings and Decisions) of the NBMC, the following findings and facts in support of such findings are set forth:

#### Finding:

- A. *The proposed development is allowed within the subject Zoning District.*

#### Facts in Support of Finding:

1. The Property is located within the HO-4 (Newport Center Area) Subarea of the Housing Overlay. Pursuant to Section 20.28.050(B) (Housing Opportunity (HO) Overlay Zoning Districts – Uses Allowed) and Table 2-16 (Development Standards for Housing Opportunity Overlay Zones) of the NBMC, in addition to the uses that are permitted or conditionally permitted in the base zoning district, multi-unit residential development that meets the 20 to 50 dwelling units per acre density requirement shall be permitted within the HO Overlay Zoning District. The Project will create a 4.17-acre lot and proposes 150

condominium units, 35.97 units per acre, which meets the density requirement of the HO-4 Subarea.

2. The Project complies with the development standards and regulations of Title 20 (Planning and Zoning) of the NBMC. The HO-4 subarea provides a zero-foot front, side, streetside, and rear setback. However, Footnote No. 3 of Table 2-16 of Section 20.28.050 of the NBMC requires that any portion of a building that is over 20 feet in height shall be set back a minimum of 20 feet from the street right-of-way. The Property is bound by Newport Center Drive to the north and San Miguel Drive to the east. The Project proposes two 270-foot-tall residential tower buildings with varying setbacks between 15 and 30 feet from Newport Center Drive and San Miguel Drive in compliance with the setback requirements. The front setback along Newport Center Drive and street side setback along San Miguel Drive are approximately 30 feet minimum, complying with the additional 20-foot requirement for buildings over 20 feet in height along streets.
  
3. Table 2-16 also establishes a maximum height for the HO-4 Subarea consistent with the base zone, unless otherwise identified on the Housing Opportunity Overlay Zoning Districts maps listed in Section 20.80.025 of the NBMC. The Property is within the Office – Regional (OR) Zoning District which would typically allow a maximum height of 32 feet for a flat roof and 37 feet for a sloped roof. However, the Housing Opportunity Overlay Zoning Districts maps for HO-4 Newport Center Area allows a base height limit for the Property of 270 feet. The Project proposes a maximum height of 270 feet to the top of the residential tower building, inclusive of any rooftop appurtenances, when measured from established grade. Additionally, consistent with Footnote 7 of Table 2-16, the Project is not located on a parcel subject to the Sight Plane Ordinance (Ordinance No. 1371 and Ordinance No. 1596).
  
4. Table 2-17 (Residential Off-Street Parking Requirements for Housing Opportunity Overlay Zones) of Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) of the NBMC provides parking requirements for residential projects. Further, Table 3-10 (Off-Street Parking Requirements) of Section 20.40.040 (Off-Street Parking Requirements) of the NBMC provides parking requirements for non-residential uses. Based on the proposed development and the NBMC requirements, the required parking is as follows:

Use	Units/Size	Parking Standard	Parking Required
2 Bedroom Units	70	1.8 spaces/unit	126
3+ Bedroom Units	80	2.0 spaces/unit	160
Visitor Parking	150	0.3 spaces/unit	45
<b>Residential</b>			<b>331</b>
Office	9,450 net square feet (SF)	1 space/250 net SF	38
Cafe	1,950 SF	1 space/100 SF	20
<b>Nonresidential</b>			<b>58</b>
<b>Total</b>			<b>389</b>

The Project proposes 343 parking spaces within a parking structure to serve the residential uses, where 331 are required for residential use. Therefore, the Project includes 12 surplus spaces to serve the residential uses. However, because the Project does not provide 58 parking spaces required by the NBMC to support the non-residential uses, a parking waiver pursuant to Section 20.40.110 (Adjustments to Off-Street Parking Requirements) of the NBMC is required. Findings in support of the CUP to waive parking is provided in Findings K and L. Because the required findings for a waiver can be made, the Project would be consistent with the parking requirements identified in the NBMC.

5. Pursuant to Section 20.48.185 (Multi-Unit Objective Design Standards) of the NBMC, multi-unit objective design standards are applicable to any residential project with a minimum density of 20 dwelling units per acre. These standards ensure the highest possible design quality and provide a baseline standard for new multi-unit developments throughout the City. Section 20.48.185(C) of the NBMC authorizes the Planning Commission to allow deviations from any objective design standards through the approval of a SDR if the Applicant can demonstrate that strict compliance with the standards is not necessary to achieve the purpose of the objective design standards and that the project possesses compensating design and development features that meets or exceeds the intent of the objective design standards. As detailed in the Objective Design Standards Checklist, which is attached hereto as Exhibit "C" and incorporated by reference, the Project deviates from the following five objective design standards:
  - (1) Section 20.48.185(J)(1)(c) (Storefronts for Ground Floor Commercial in Mixed-Use Projects – First Floor Windows);
  - (2) Section 20.48.185(J)(1)(d) (Storefronts for Ground Floor Commercial in Mixed-Use Projects – Upper Floor Windows);
  - (3) 20.48.185(R)(2)(d) (Horizontal Modulation – Minimum Width of Recesses);
  - (4) 20.48.185(S)(2)(ii) (First Floor Opening and Transparency Standards – Minimum Opening Standard); and
  - (5) 20.48.185(T)(2)(a)(iv) (Lobby Entrances – Prohibited Entry from Driveway).

The facts in support of the required findings are included in Findings D and E.

6. The HO-4 Subarea requires a minimum building separation of 10 feet. The Project includes a single building podium with multiple structures attached; therefore, this standard does not apply.
7. The HO-4 Subarea requires that at least 75 square feet of common space to be provided per dwelling unit throughout the Project with a minimum length and width of 15 feet. The Project is therefore required to provide a minimum of 11,250 square feet of common open space. Chapter 20.70 (Definitions) of the NBMC defines common open space as the land area within a residential development that is not individually owned or dedicated for public use and that is designed, intended, and reserved exclusively for the shared enjoyment or use by all the residents and their guests including but not limited to areas of scenic or natural beauty, barbecue areas, landscaped areas, turf areas, and habitat areas. The Project provides a total of 11,250 square feet of common open space within

the podium amenity decks. The Project therefore complies with the minimum common open space requirement.

8. The HO-4 Subarea requires that at least 5% of the proposed gross floor area per unit be dedicated to private open space. Qualifying areas of private open space shall have a dimension of at least 6 feet in length and width. Chapter 20.70 (Definitions) of the NBMC defines private open spaces as outdoor or unenclosed areas directly adjoining and accessible to a dwelling unit, reserved for the exclusive private enjoyment and use of residents of the dwelling unit and their guests including but not limited to a balcony, deck, porch or terrace. The Project requires an aggregate of 24,923 square feet for all dwelling units (5% of gross floor area each) and provides approximately 54,450 square feet of private open space (balconies) for the development. A condition of approval is included to ensure that each individual dwelling unit maintains at least 5% of gross floor area as common open space consistent with the dimensional requirements.

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. The Property is categorized as Regional Commercial Office (CO-R) by the Land Use Element of the General Plan and is within General Plan Anomalies 36 and 37. However, as indicated in Land Use Policy LU 4.5 (Residential Uses and Residential Densities), residential use of any property including within an established housing opportunity overlay zoning district is allowed regardless of and in addition to the underlying land use category. In this case, the HO-4 Subarea would allow residential development on the

Property in addition to the uses allowed in the underlying Regional Commercial Office (CO-R) land use category and Office – Regional (OR) Zoning District.

2. The Project is consistent with the following General Plan Housing Element, Land Use Element, and Circulation Element policies that establish fundamental criteria for the formation and implementation of new residential development, including, but not limited to the following:

- a. **Housing Element Policy 3.2.** *Encourage housing developments to offer a wide spectrum of housing choices, designs and configurations.*

See LU 2.3 (Range of Residential Choices) below.

- b. **Land Use Element Policy LU 2.3 (Range of Residential Choices).** *Provide opportunities for the development of residential units that respond to community and regional needs in terms of density, size, location, and cost. Implement goals, policies, programs, and objectives identified within the City's Housing Element.*

The Property is within in the Newport Center subarea, and according to Housing Element Policy 1C could accommodate 2,439 dwelling units across all income categories. The Project proposes 150 dwelling units at a density of 35.97 units per acre, which is consistent with the HO-4 Subarea and the densities envisioned by the Housing Element. This Project would diversify the City's housing stock, accommodate a variety of household sizes, respond to market demand, and support the City's efforts to increase the supply of housing throughout the City.

- c. **Land Use Element Policy 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.*

The underutilized Property currently includes a movie theater, health and fitness business, and large surface parking lot. The Project would replace these uses with 150 dwelling units that assist the City in meeting its share of RHNA and accommodating additional growth in the community. These new homes are in a job-rich area, supporting reduced commute times. Furthermore, the Project is an appropriate scale for the Newport Center area, which contains a variety of low-, mid- and high-rise buildings with varied

architectural styles. The Project is projected to result in fewer average daily trips than the existing uses. Therefore, the Project would not exceed the 300 average daily trip threshold of the Traffic Phasing Ordinance (Chapter 15.40 of the NBMC), and no additional traffic analysis is required. Additionally, the Public Works Department reviewed the submitted sewer and water demand study and found that no additional sewer system or water line improvements are required to accommodate the Project, as adequate infrastructure is available and has sufficient capacity.

- d. **Land Use Element Policy LU 4.5 (Residential Uses and Residential Densities).** *Residential use of any property included within an established housing opportunity overlay zoning district is allowed regardless of and in addition to the underlying land use category or density limit established through Policy LU 4.1, Table LU 1 and Table LU 2, or any other conflict in the Land Use Element. A general plan amendment is not required to develop a residential use within an established housing opportunity zoning overlay district. The maximum density specified for the various overlay districts specified in Policy LU 4.4 is an average over the entire property or project site. For example, a portion of a development site may be developed at a higher density than specified by Policy 4.4 provided other portions of the site are developed at lower densities such that the average does not exceed the maximum. Density calculations and total units identified in LU 4.4 do not include units identified as pipeline units or units permitted pursuant to State density bonus law.*

The Project is in the HO-4 Subarea, which allows residential development between 20 and 50 dwelling units per acre. The Project proposes 150 residential condominiums on a 4.17-acre parcel, which would yield 35.97 dwelling units per acre, consistent with the allowed density of HO-4 Subarea.

- e. **Land Use Element Policy LU 5.1.9 (Character and Quality of Multi-Family Residential)** *Require that multi-family dwellings be designed to convey a high-quality architectural character in accordance with the following principles:*

*Building Elevations*

*Treatment of the elevations of buildings facing public streets and pedestrian ways as the principal façades with respect to architectural treatment to achieve the highest level of urban design and neighborhood quality.*

*Architectural treatment of building elevations and modulation of mass to convey the character of separate living units or clusters of living units, avoiding the appearance of a singular building volume*

*Provide street- and path-facing elevations with high-quality doors, windows, moldings, metalwork, and finishes.*

Ground Floor Treatment

*Set ground-floor residential uses back from the sidewalk or from the right-of-way, whichever yields the greater setback to provide privacy and a sense of security and to leave room for stoops, porches and landscaping.*

*Raise ground-floor residential uses above the sidewalk for privacy and security but not so much that pedestrians face blank walls or look into utility or parking space.*

*Encourage stoops and porches for ground-floor residential units facing public streets and pedestrian ways.*

Roof Design

*Modulate roof profiles to reduce the apparent scale of large structures and to provide visual interest and variety.*

Parking

*Design covered and enclosed parking areas to be integral with the architecture of the residential units' architecture.*

Open Space and Amenity

*Incorporate usable and functional private open space for each unit.*

*Incorporate common open space that creates a pleasant living environment with opportunities for recreation.*

As detailed in the Objective Design Standards Checklist, which is attached hereto as Exhibit "C" and incorporated by reference, the Project complies with the majority (47 of 52) of the applicable objective design standards and in some cases exceeds the intent of the standards. However, the Applicant requests minor deviations to 5 objective design standards. The Objective Design Standards were developed to implement Land Use Policy LU 5.1.9, therefore compliance with these standards with negligible deviation ensures that the Project is consistent with Land Use Policy LU 5.1.9.

The Project includes large setback areas that are thoroughly landscaped with drought tolerant and noninvasive plant species, with the exception of driveway and sidewalks. The front setback along Newport Center Drive and street side setback along San Miguel Drive are approximately 30 feet minimum, complying with the additional 20-foot requirement for buildings over 20 feet in height along streets. Loading areas and trash enclosures are located to the rear of the building to screen them from view from the rights-of-way.

- f. **Land Use Element Policy LU 5.6.1 (Compatible Development).** *Require that buildings and properties be designed to ensure compatibility within and as interfaces between neighborhoods, districts, and corridors.*

The Project is located in the Newport Center area, which contains a variety of low-, mid- and high-rise buildings. The Project consists of two high-rise buildings that have a height of 270 feet. The high-quality architectural design blends a contemporary design with soft features (rounded corners, undulating balcony edges, landscaping) to create a resort like feel. The addition of increased step-backs for the higher floors results in a development that is consistent with the bulk and scale of the surrounding area. The street facing property lines are significantly landscaped and include pedestrian connections from the Property to the public right of way creating a compatible interface between the Property and other areas.

- g. **Land Use Element 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.*

See LU 5.6.1 (Compatible Development) above.

- h. **Land Use Element 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.*

A condition of approval requires the Applicant to prepare a photometric study, in conjunction with a final lighting plan, which shows that lighting values are 1.0 foot-candle or less at all property lines. The Project has also been conditioned to allow the Community Development Director to order the dimming of light sources or other remediation upon finding that the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources.

- i. **General Plan Policy LU 6.14.4 (Development Scale)** *Reinforce the original design concept for Newport Center by concentrating the greatest building mass and height in the northeasterly section along San Joaquin Hills Road, where the natural topography is highest and progressively scaling down building mass and height to follow the lower elevations toward the southwesterly edge along East Coast Highway.*

The project would be lower in height than the existing high rise structures along the northeasterly section of Newport Center including buildings at 520 Newport Center Drive (315 feet), 650 Newport Center Drive (299 feet), and 610 Newport Center Drive (273 feet). Additionally, the Property is at a lower elevation than the properties along San Joaquin Hills Road and the proposed

270 story structures would appear lower in elevation than the existing development, consistent with the original design concept.

- j. **Land Use Policy LU 6.15.23 (Sustainable Development Practices).** *Require that development achieves a high level of environmental sustainability that reduces pollution and consumption of energy, water, and natural resources. This may be accomplished through the mix and density of uses, building location and design, transportation modes, and other techniques. Among the strategies that should be considered are the integration of residential with jobs-generating uses, use of alternative transportation modes, maximized walkability, use of recycled materials, capture and re-use of storm water on-site, water conserving fixtures and landscapes, and architectural elements that reduce heat gain and loss.*

The Project is required to comply with the provisions of the Building and Energy Efficiency Standards (CCR, Title 24, Parts 6 – California Energy Code) and the Green Building Standards Code (CCR, Title 24, Part 11 - CALGreen). Additionally, the Project would implement water-efficient landscaping, water quality best management practices and low impact development practices. The Project is within the Newport Center commercial and office developments and would provide housing near this employment center. The Project will also be accessible via bicycle and public transit, with bike racks provided at the café and the Orange County Transit Authority transit center is within walking distance of the property.

- k. **Circulation Element Policy CE 2.3.3 (New Development Maintained Responsibility).** *Ensure minimization of traffic congestion impacts and parking impacts and ensure proper roadway maintenance through review and approval of Construction Management Plans associated with new development proposals in residential neighborhoods.*

A condition of approval is included requiring the applicant to submit a final construction management plan to be reviewed and approved by the Community Development, Fire, and Public Works Departments. This ensures that any traffic congestion impacts associated with the construction process is minimized to the greatest extent possible.

- l. **Circulation Element Policy CE 7.1.7 (Project Site Design Supporting Alternate Modes).** *Encourage increased use of public transportation by requiring project site designs that facilitate the use of public transportation and walking.*

See *LU 6.15.23 (Sustainable Development Practices)* above. The Project is located in an established mixed-use environment and would be accessible via bus, bicycle, or walking.

9. Facts 1 through 9 in Support of Finding A are hereby incorporated by reference.

10. The Property is not located within a specific plan area.
11. The Project proposes an efficient arrangement of structures through the use of similar towers that are connected via a three-story podium that includes a central lobby and amenity decks. The combination of the quality architectural design and landscaping would provide a development that is harmonious with surrounding uses.
12. The Project is located in the Newport Center area, which contains a variety of low-, mid- and high-rise buildings. The Project consists of two high-rise buildings that have a height of 270 feet. This high-quality architecture design of the buildings combined with increased step-backs for the higher floors results in a development that is consistent with the bulk and scale of the surrounding area.
13. The Project has been designed to minimize aesthetic impacts to the surrounding mixed-use neighborhood to the greatest extent possible by providing an architecturally pleasing contemporary architecture. The Project design includes substantial building articulation and modulation of volume, softening the appearance of the high-rise development. For example, the Project design includes one and two-story podium levels adjacent to the public streets that support the two high rise towers. The high-rise towers are set back to the interior of the site allowing for a more gradual transition from the street level. Additionally, the widest sections of the building are located near the base of the towers, with the narrowest width at the top of the tower.
14. As conditioned, the Project's landscaping will comply with Chapters 14.17 (Water-Efficient Landscaping) and 20.36 (Landscaping Standards) of the NBMC. Additionally, the Project will comply with the City's Water Efficient Landscape Ordinance ("WELO"), which requires the installation and maintenance of drought tolerant and noninvasive plant species. The Project's varied setbacks, ranging from 15 to 30 feet, allow for substantial perimeter landscaping, with enhanced treatments along Newport Center Drive that improve the pedestrian experience. Landscaping is also integrated throughout the Property, including on the podium deck amenity areas to enhance the residential experience.
15. Vehicular access to the Project is provided from Newport Center Drive via a driveway and motor court that leads through a gate to the central lobby and parking levels. Two loading areas for moving and delivery trucks are located along the rear and sides of the building. The primary loading entrance is located at the rear of the property and accessible via a driveway easement from San Miguel Drive. A third loading area for trash pickup is also provided at the rear of the property. Emergency access and staging are provided at various locations throughout the Property. Pedestrian access is provided from Newport Center Drive along a sidewalk through a pedestrian gate. The separation of vehicles, pedestrians, and loading facilities provides efficient and safe access to the site.
16. Section 20.30.100 (Public View Protection) of the NBMC protects public views of specific scenic resources as outlined on General Plan Figure NR3 (Coastal Views). The Project

is near MacArthur Boulevard and Newport Center Drive, which are classified as coastal view roads. However, the Property is not located between MacArthur Boulevard and the view of the coastline that is visible from the public right-of-way due to intervening structures and tall vegetation. Additionally, the portion of Newport Center Drive that is designated as a coastal view road provides views towards the coastline, and the Project is not located between the road and the coastline.

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. Fact 13 in support of Finding B is hereby incorporated by reference.
2. The Project has an appropriate mass and scale for the Newport Center area, which includes a range of low-, mid- and high-rise buildings. There are several existing high-rise buildings that wrap around Newport Center Drive, including buildings at 520 Newport Center Drive (315 feet), 650 Newport Center Drive (299 feet), and 610 Newport Center Drive (273 feet). The Project height is approximately 270 feet consistent with the pattern of development within Newport Center and would not be detrimental to persons living or working in the area.
3. The Project has been designed to have adequate, efficient, and safe pedestrian and vehicular access to and from the Project within driveways, parking, and loading areas. Vehicular and pedestrian access to the Project is provided directly from the central lobby and parking levels to Newport Center Drive via separate driveways and sidewalks. Loading areas for large box trucks are provided on the Property, ensuring that project operations such as moving and deliveries do not obstruct access within public right-of-way. Fact 14 in support Finding B is incorporated by reference.
4. Pursuant to Chapter 15.40 (Traffic Phasing Ordinance) of the NBMC, a traffic study is required for projects that generate 300 or more new average daily trips (“ADTs”). A Trip Generation Assessment was prepared by Gibson Transportation Consulting, Inc. dated November 6, 2025, that analyzed the existing and proposed ADTs for the Project. The Trip Generation Assessment concluded that even under the most conservative assumptions, the Project would result in fewer ADTs than the existing movie theater and health/fitness facility uses. Because the Project results in fewer than 300 ADTs, no traffic study is required and the Project is consistent with Chapter 15.40 of the NBMC.
5. Section 20.30.060 (E) (Airport Environs Land Use Plan [AELUP] for John Wayne Airport and Airport Land Use Commission Review Requirements) of the NBMC includes requirements for projects that are over 200 feet in height citywide. The Project is approximately 270 feet high and requires approval from the Federal Aviation

Administration (“FAA”) and notification to the Airport Land Use Commission. The FAA issued a Determination of No Hazard to Air Navigation for the Project dated February 10, 2026. Accordingly, a condition of approval is included requiring the applicant to comply with all conditions of the FAA determination.

### ***Multi-Unit Objective Design Standards Deviation***

In accordance with Section 20.48.185(C) of the NBMC, the Project is seeking to deviate from the following Multi-Unit Objective Design Standards (“ODS”):

- (1) Section 20.48.185(J)(1)(c) (Storefronts for Ground Floor Commercial in Mixed-Use Projects – First Floor Windows);
- (2) Section 20.48.185(J)(1)(d) (Storefronts for Ground Floor Commercial in Mixed-Use Projects – Upper Floor Windows);
- (3) 20.48.185(R)(2)(d) (Horizontal Modulation – Minimum Width of Recesses);
- (4) 20.48.185(S)(2)(ii) (First Floor Opening and Transparency Standards – Minimum Opening Standard); and
- (5) 20.48.185(T)(2)(a)(iv) (Lobby Entrances – Prohibited Entry from Driveway).

An SDR can authorize such deviations only after making all the following findings:

#### Finding:

- D. *The strict compliance with the standards is not necessary to achieve the purpose and intent of this section.*
  1. The purpose of the ODS is to ensure the highest possible design quality and provide a baseline standard for all new-multi-unit development in the City. The intent of the standards is to promote quality design that builds on context, contributes to the public realm, and provides high quality and resilient buildings and public spaces. The design standards were developed to address the most typical forms of multi-unit and mixed-use development such as townhome developments and larger apartment buildings with potential commercial uses on the ground floor. As demonstrated by the illustrative diagrams included in Section 20.48.185 of the NBMC, the design standards were not specifically developed to address high rise development. Nonetheless, the Project complies with 47 out of 52 standards demonstrating that the Project provides the high-quality design that was anticipated.
  2. Although there are minor deviations to several standards, the Project promotes a quality public realm through the provision of meaningful Publicly Accessible Open Space (“PAOS”) in the form of courtyards with pathways abutting the home offices and café/retail space at the corner of the Property. These areas will be landscaped and provide public amenity for pedestrians and visitors along the public sidewalks in the vicinity.
  3. Section 20.48.185(J)(1)(c) (Storefronts for Ground Floor Commercial in Mixed-Use Projects – First Floor Windows) of the NBMC requires that windows and/or glass doors

cover at least 50% of the first-floor elevation along street frontages. The design includes a significant amount of glass and windows along the ground floor of the nonresidential spaces as well as courtyards that soften the appearance of the building. Additionally, the grade differential along San Miguel is notable under both existing and proposed conditions, creating fewer opportunities for windows since a portion of the building/podium is set below the street level. Extensive plantings along the street frontages also soften corners of buildings where there are fewer windows.

4. Section 20.48.185(J)(1)(d) (Storefronts for Ground Floor Commercial in Mixed-Use Projects – Upper Floor Windows) of the NBMC requires at least 25% of the surface area of each upper floor façade to be occupied by windows. Refer to Fact 3 in Support of Finding D.
5. Section 20.48.185(R)(2)(d) (Horizontal Modulation – Minimum Width of Recesses) of the NBMC requires that all recesses or projections are a minimum of 20 feet in width. The Project proposes a variety of different recesses and projections including lower floors and upper floors. The Project includes balconies on every side of the residential towers, including on the edges where the balconies soften the appearance of the structure. Some of the proposed balconies are slightly less than the minimum 20-foot width, with the smallest being approximately 14 feet. The intent of this requirement is to allow for sufficient width of recesses and projections so that building faces are sufficiently modulated. While some of the Project's recesses are less than 20 feet in width, the Project provides large upper floor setbacks and extensive balconies to create architectural interest and soften the perceived bulk of the buildings. The Project provides additional width for other recesses and projections features which ensures building height is less visually obtrusive. Lastly, the Project divides the development into two towers, reducing the bulk and increasing the visual interest of the overall project.
6. Section 20.48.185(S)(2)(a)(ii) (First Floor Opening and Transparency Standards – Minimum Opening Standard) of the NBMC requires that 50% of first floor multi-unit building frontages (with commercial uses front a street/courtyard/paseo) be comprised of transparent glazed door and window openings. Refer to Fact 3 in Support of Finding D.
7. Section 20.48.185(T)(2)(a)(iv) (Lobby Entrances – Prohibited Entry from Driveway) of the NBMC prohibits primary lobby entrances from driveways, at-grade parking lots, parking structures, or alleys unless required due to topographic conditions. The Project includes a main lobby entrance for residents and visitors that fronts the motor court inside the private gate and away from the street. The main lobby provides access to the residential towers, private amenity spaces, and garages. A gated entry is typical for this Project type. The pedestrian and vehicular gates are located far up the driveway and concealed from view of the public realm. The distance to the lobby from the public realm is further de-emphasized by the substantial landscaping that surrounds the building.

Finding:

*E. The project possesses compensating design and development features that offset impacts associated with the modification or waiver of standards.*

Facts in Support of Finding:

1. All facts in support of Finding D are hereby incorporated by reference.
2. Facts 2 and 11 through 13 in support of Finding B are hereby incorporated by reference.
3. The Project includes enhanced vertical modulation that exceeds the minimum standards of the NBMC. The Project also includes significant landscaping to buffer and soften the appearance of the structure as viewed from the public realm. The architecture includes elements that are consistent with the surrounding mixed-use development, which creates a distinct yet cohesive appearance. Although the building is over 200 feet high, there is a podium level that interfaces at the pedestrian scale and the two residential towers include significant modulation, articulation, and architectural treatment to ensure a high-quality design.

***Conditional Use Permit***

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

Finding:

*F. The use is consistent with the General Plan and any applicable specific plan;*

Fact in Support of Finding:

1. Facts in Support of Findings A and B are hereby incorporated by reference.

Finding:

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

Fact in Support of Finding:

1. Facts in Support of Findings A and B are hereby incorporated by reference.

Finding:

*H. 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. Facts in Support of Finding B are hereby incorporated by reference.
2. The Project is located in the Newport Center area, which includes a variety of residential, office, and commercial uses. The Project would provide 150 new dwelling units, home offices, and a new café, which is consistent with the development and uses of the Project vicinity.

Finding:

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

Facts in Support of Finding:

1. Facts in Support of Findings A and B are hereby incorporated by reference.
2. The Project has been reviewed by the Police, Fire, and Public Works Departments to ensure there would be no impact to emergency response, public services, and utilities.

Finding:

- J. 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.*

Fact in Support of Finding:

1. Facts in Support of Findings B, C, and I are hereby incorporated by reference.

***Off-Street Parking Reduction***

In accordance with Section 20.40.110(B) (Reduction of Required Off-Street Parking) of the NBMC, off-street parking requirements may be reduced with the approval of a conditional use permit in compliance with Section 20.52.020 (Conditional Use Permits and Minor Use Permits) as follows:

Finding:

- K. The applicant has provided sufficient data, including a parking study if required by the Director, to indicate that parking demand will be less than the required number of spaces*

*or that other parking is available (e.g., City parking lot located nearby, on-street parking available, greater than normal walk-in trade, mixed-use development); and*

Facts in Support of Finding:

1. Fact 4 in Support of finding A is incorporated by reference.
2. A parking analysis and parking management plan (“Parking Study”) prepared by Gibson Transportation Consulting, Inc, dated January 29, 2026, is attached hereto as Exhibit “D.” The parking analysis and parking management plan were provided to support the waiver of 58 parking spaces for the nonresidential component of the Project.
3. The Project includes 343 parking spaces to support the residential uses, where the requirement is 331 parking spaces including visitors. The 12 surplus parking spaces provided for the residential use would be used primarily as staff parking to support the residential use (i.e., concierge, valet, security, and maintenance staff) ensuring that the 45 visitor parking spaces are available for guests of the residential building.
4. The home office space requires a total of 38 parking spaces. The Project does not allocate any parking spaces to the nonresidential uses on site including the home office spaces. However, pursuant to the conditions of approval, the resident home office spaces would only be sold in conjunction with the sale of residential condominium units, reducing or eliminating the parking demand for those uses. A condition of approval is also included to prohibit subleasing. Unlike a typical office which requires parking for commuters, support staff, and clients, the home offices are expected to have limited clients onsite and residents will park in their assigned residential parking spaces. Potential clients or visitors will park in one of the 45 visitor parking spaces for the residential use. Lastly, a conditional of approval is included to prohibit staff from working at home offices unless additional parking is provided.
5. The NBMC requires 20 parking spaces for the café. According to the Parking Study, the proposed café use would not generate substantial parking demand given the context of the Project and size of the café (approximately 1,950 square feet). The café is located on the corner of Newport Center Drive and San Miguel Drive, near the public sidewalk and open space areas. Visitors are expected to be primarily pedestrians given the mixed use environment and the City’s policies that support the pedestrian character of Newport Center. Additionally, bicycle racks are provided near the cafe to facilitate convenient access for cyclists. Lastly, the Orange County Transit Authority transit center is in the vicinity of the Project, providing another option for accessing the site without a personal vehicle.
6. A condition of approval is included to ensure that staff of the café will have access to the 12 surplus residential parking spaces (planned for use by staff of the building) ensuring sufficient parking is provided onsite and staff members do not park off-site. The café may ultimately be constructed as a private amenity to the residents or a public retail use; therefore, this resolution analyzes the Project based on the most conservative scenario.

7. The Project is in an area with significant dining, working, living, and leisure opportunities. Therefore, the café is not expected to serve as an independent destination for visitors outside of Newport Center. The Parking Study concludes that the characteristics of the Project's proposed nonresidential uses and site context suggest there would be substantially lower parking demand than the NBMC requires and onsite parking is sufficient to serve the Project.

Finding:

- L. *A parking management plan shall be prepared in compliance with subsection (C) of this section (Parking Management Plan).*

Facts in Support of Finding:

1. Facts in Support of Finding K are hereby incorporated by reference.
2. The Parking Study includes sufficient detail to allow for efficient access and parking management on the Property including valet, delivery, loading, and visitor access. The residential parking spaces will include self-parking and valet options. A turnaround is provided at the entry to the gate to ensure there is adequate space for vehicles to turn around and exit without impacting the public right of way.

***Vesting Tentative Tract Map***

In accordance with Section 19.12.070 (Required Findings for Action on Tentative Maps) of the NBMC, the following findings, and facts in support of such findings are set forth:

Finding:

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

Facts in Support of Finding:

1. The Vesting Tentative Tract Map is for 150-unit residential condominiums, 11 nonresidential (home office and café ) condominiums.
2. Facts in Support of Findings A and B are hereby incorporated by reference.
3. The map would combine the four existing lots into a single parcel and provide for the airspace subdivision of dwelling units, café, and home offices (i.e., airspace condominiums).
4. The Applicant will provide an in-lieu park dedication fee pursuant to Chapter 19.52 (Park Dedication and Fees), as required for park and recreational purposes in conjunction with the approval of this VTTM. The existing parcel contains nonresidential development;

therefore, the in-lieu park fee will be required for 150 new dwelling units. The park fee does not apply to nonresidential condominiums.

5. The Public Works Department has reviewed the proposed VTTM and found it consistent with Title 19 (Subdivisions) of the NBMC and applicable requirements of the Subdivision Map Act.

Finding:

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

Facts in Support of Finding:

1. Facts in Support of Findings A and B are hereby incorporated by reference.
2. The 4.17-acre Property is irregular in shape, slopes towards the northeast, and is not within a zone subject to seismically induced liquefaction potential. The Project is adequity sized to accommodate the proposed density in compliance with all applicable requirements of the HO-4 subarea.
3. The Property is suitable for the type and density of the development in that the infrastructure serving the Property has been designed to accommodate the Project. A water demand study prepared by Fuscoe Engineering dated April 2025 and a sewer demand study prepared by Fuscoe Engineering dated October 2025 concluded that no infrastructure upgrades are required to accommodate the Project. The Project does not result in more than 500 dwelling units; therefore, a Water Supply Assessment is not required for Project.
4. The Project has been reviewed by the Building, Fire, and Public Works Department and must comply with all Building, Fire, and Public Works Codes and City ordinances.

Finding:

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

Facts in Support of Finding:

1. As detailed in the CEQA Consistency Analysis, which is attached hereto as Exhibit "B" and incorporated by reference, the Property does not contain riparian habitat or other sensitive natural community or wetlands. The Project would not have any specific effects

which are peculiar to the Project or the Property. Additionally, there are no project-specific significant impacts that were not analyzed in the General Plan Housing Implementation Program (“GPHIP”) Program Environmental Impact Report (“PEIR”), no potentially significant off-site or cumulative impacts that were not discussed in the GPHIP PEIR, and no substantial new information not known at the time the GPHIP PEIR was certified that shows that the proposed Project’s effects would be more severe than discussed in the GPHIP PEIR.

Finding:

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

Facts in Support of Finding:

1. The VTTM is for a condominium subdivision of residential development with home offices and a retail/café space. All improvements associated with the Project will comply with all Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. Public improvements will be required of the developer per Section 19.28.010 (General Improvement Requirements) of the NBMC and Section 66411 (Local agencies to regulate and control design of subdivisions) of the California Government Code. The Project will conform to all City ordinances and Conditions of Approval.
2. The Project shall comply with all applicable mitigation measures of the GPHIP PEIR MMRP, as specified within Attachment A of the CEQA Consistency Analysis which is attached hereto as Exhibit “B” and incorporated by reference.
3. No evidence is known to exist that would indicate that the proposed subdivision will generate any serious health problems.

Finding:

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

Fact in Support of Finding:

1. The Public Works Department has reviewed the proposed VTTM and determined that the design of the development will not conflict with easements acquired by the public at

large, for access through, or use of the Property within the proposed development because no public easements are located on the Property.

Finding:

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

Fact in Support of Finding:

1. The Property is not subject to the Williamson Act. The Property is not designated as an agricultural preserve and is less than 100 acres in area.
2. The Project is within the HO-4 Subarea which is intended for development of a multi-story residential project. The intended use is not for residential development that is incidental to commercial agricultural use.

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

1. The Project and any future improvements are subject to Title 24 of the California Building Code, which requires new construction to meet minimum heating and cooling efficiency

standards depending on location and climate. The City's Building Division enforces Title 24 compliance through the plan check and inspection process.

Finding:

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

Fact in Support of Finding:

1. The proposed 150 dwelling unit Project yields a density of 35.97 dwelling units per acre, consistent with the HO-4 subarea.
2. The Project does not include the construction of affordable housing. However, the Property was not included in the City's Housing Element Sites Inventory to support compliance with the 6<sup>th</sup> Cycle Regional Housing Needs Assessment ("RHNA"). The Housing Element contains adequate other sites suitable for affordable housing opportunities, therefore, this approval is consistent with the State's no net loss provisions.
3. The Project is further consistent with Section 66412.3 and Section 65584 of the California Government Code as the Project results in a net increase in 150, for-sale, residential dwelling units which contributes to the City's assigned above-moderate income housing in the 6<sup>th</sup> Cycle RHNA.

Finding:

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

Facts in Support of Finding:

1. Wastewater discharge from the Project into the existing sewer system has been designed to comply with the Regional Water Quality Control Board requirements.
2. A Water Quality Management Plan ("WQMP") has been prepared for the Project and reviewed by the Building Division.
3. Fact 3 in Support of Finding N is incorporated by reference.

Finding:

*W. For subdivisions lying partly or wholly within the Coastal Zone, the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter 3 of the Coastal Act.*

Fact in Support of Finding:

1. The Project is not located in the Coastal Zone; therefore, compliance with the Local Coastal Program (“LCP”) and the Coastal Act is not applicable.

SECTION 4. DECISION.

**NOW, THEREFORE, BE IT RESOLVED:**

1. In accordance with Section 21083.3 of the California Public Resources Code and Section 15183 of the CEQA Guidelines, the Project is consistent with the development density, intensity, and use characteristics established by the City’s General Plan Housing Implementation Program as analyzed by the PEIR, and the required determinations can be made, as detailed in Exhibit “B”; therefore, the Planning Commission finds that no additional environmental review is required to approve the Project.
2. The Planning Commission of the City of Newport Beach hereby approves the Major Site Development Review, Conditional Use Permit, and Vesting Tentative Tract Map filed as PA2025-0102, subject to the conditions set forth in Exhibit “E,” which is attached hereto and incorporated by reference.
3. The action on the Major Site Development Review and Conditional Use Permit shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 (Planning and Zoning), of the NBMC.
4. The action on the Vesting Tentative Tract Map shall become final and effective 10 days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 19 (Subdivisions), of the NBMC.

**PASSED, APPROVED, AND ADOPTED THIS 5TH DAY OF MARCH, 2026.**


AYES: Harris, Salene, Langford, Ellmore, Gazzano and Rosene

NOES: None

ABSTAIN: None

ABSENT: Reed

BY: Tristan Harris  
Tristan Harris, Chair

BY:   
Jon Langford, Secretary

Attachments: Exhibit "A" – Legal Description  
Exhibit "B" – CEQA Consistency Analysis Prepared by T & B Planning, Inc. dated February 2026  
Exhibit "C" – Objective Design Standards Checklist  
Exhibit "D" – Parking Analysis and Parking Management Plan prepared by Gibson Transportation Consulting, Inc. dated January 29, 2026  
Exhibit "E" – Conditions of Approval

**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 A:

PARCELS 1 AND 2 OF LOT LINE ADJUSTMENT 94-16, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A DOCUMENT RECORDED FEBRUARY 2, 1995 AS [INSTRUMENT NO. 95-46155 OF OFFICIAL RECORDS](#), IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT ANY AND ALL OIL, OIL RIGHTS, MINERALS, MINERAL RIGHTS, NATURAL GAS RIGHTS, AND OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN, GEOTHERMAL STEAM, AND ALL PRODUCTS DERIVED FROM ANY OF THE FOREGOING, THAT MAY BE WITHIN OR UNDER THE LAND, TOGETHER WITH THE PERPETUAL RIGHT OF DRILLING, MINING, EXPLORING AND OPERATING THEREFOR AND STORING IN AND REMOVING THE SAME FROM THE LAND OR ANY OTHER LAND, INCLUDING THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM LANDS OTHER THAN THOSE CONVEYED HEREBY, OIL OR GAS WELLS, TUNNELS AND SHAFTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF THE LAND, AND TO BOTTOM SUCH WHIPSTOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAFTS UNDER AND BENEATH OR BEYOND THE EXTERIOR LIMITS THEREOF, AND TO REDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN AND OPERATE ANY SUCH WELLS OR MINES; WITHOUT, HOWEVER, THE RIGHT TO DRILL, MINE, STORE, EXPLORE AND OPERATE THROUGH THE SURFACE OR THE UPPER 500 FEET OF THE SUBSURFACE OF THE LAND, AS RESERVED IN THE DEED FROM THE IRVINE COMPANY, A MICHIGAN CORPORATION, RECORDED MAY 1, 1992 AS [INSTRUMENT NO. 92-289968, OFFICIAL RECORDS](#).

ALSO EXCEPTING THEREFROM ANY AND ALL WATER, RIGHTS OR INTERESTS THEREIN, NO MATTER HOW ACQUIRED BY GRANTOR, AND OWNED OR USED BY GRANTOR IN CONNECTION WITH OR WITH RESPECT TO THE LAND, TOGETHER WITH THE RIGHT AND POWER TO EXPLORE, DRILL, REDRILL, REMOVE, AND STORE THE SAME FROM THE LAND OR TO DIVERT OR OTHERWISE UTILIZE SUCH WATER RIGHTS OR INTERESTS ON ANY OTHER PROPERTY OWNED OR LEASED BY GRANTOR, WHETHER SUCH WATER RIGHTS SHALL BE RIPARIAN, OVERLYING, APPROPRIATIVE, LITTORAL, PERCOLATING, PRESCRIPTIVE, ADJUDICATED, STATUTORY OR CONTRACTUAL; BUT WITHOUT, HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF THE LAND IN THE EXERCISE OF SUCH RIGHTS, AS RESERVED IN THE DEED FROM THE IRVINE COMPANY, A MICHIGAN CORPORATION, RECORDED MAY 1, 1992 AS [INSTRUMENT NO. 92-289968, OFFICIAL RECORDS](#).

[APN: 442-091-16](#)

## PARCEL B:

PARCEL 2 OF PARCEL MAP 93-106, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP FILED IN [BOOK 283, PAGES 41](#) AND 42 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM ANY AND ALL OIL, OIL RIGHTS, MINERALS, MINERAL RIGHTS, NATURAL GAS RIGHTS, AND OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN, GEOTHERMAL STEAM, ANY OTHER MATERIAL RESOURCES AND ALL PRODUCTS DERIVED FROM ANY OF THE FOREGOING, THAT MAY BE WITHIN OR UNDER THE LAND, TOGETHER WITH THE PERPETUAL RIGHT OF DRILLING, MINING, EXPLORING AND OPERATING THEREFOR AND STORING IN AND REMOVING THE SAME FROM THE LAND OR ANY OTHER LAND, INCLUDING THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM LANDS OTHER THAN THOSE CONVEYED HEREBY, OIL OR GAS WELLS, TUNNELS AND SHAFTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF THE LAND, AND TO BOTTOM SUCH WHIPSTOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAFTS UNDER AND BENEATH OR BEYOND THE EXTERIOR LIMITS THEREOF, AND TO REDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN AND OPERATE ANY SUCH WELLS OR MINES; WITHOUT, HOWEVER, THE RIGHT TO

DRILL, MINE, STORE, EXPLORE AND OPERATE THROUGH THE SURFACE OR THE UPPER 500 FEET OF THE SUBSURFACE OF THE LAND, AS RESERVED IN DEED RECORDED NOVEMBER 30, 1994 AS [INSTRUMENT NO. 94-690632 OF OFFICIAL RECORDS](#).

ALSO EXCEPTING THEREFROM ANY AND ALL WATER, RIGHTS OR INTERESTS THEREIN, NO MATTER HOW ACQUIRED BY GRANTOR, AND OWNED OR USED BY GRANTOR IN CONNECTION WITH OR WITH RESPECT TO THE LAND, TOGETHER WITH THE RIGHT AND POWER TO EXPLORE, DRILL, REDRILL, REMOVE AND STORE THE SAME FROM THE LAND OR TO DIVERT OR OTHERWISE UTILIZE SUCH WATER, RIGHTS OR INTERESTS ON ANY OTHER PROPERTY OWNED OR LEASED BY GRANTOR, WHETHER SUCH WATER RIGHTS SHALL BE RIPARIAN, OVERLYING, APPROPRIATIVE, LITTORAL, PERCOLATING, PRESCRIPTIVE, ADJUDICATED, STATUTORY OR CONTRACTUAL; BUT WITHOUT, HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF THE LAND IN THE EXERCISE OF SUCH RIGHTS, AS RESERVED IN DEED RECORDED NOVEMBER 30, 1994 AS [INSTRUMENT NO. 94-690632 OF OFFICIAL RECORDS](#)

[APN: 442-161-16](#)

## PARCEL C:

PARCEL 1, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON THAT CERTAIN LOT LINE ADJUSTMENT LLA-88-6 RECORDED JUNE 21, 1988 AS [INSTRUMENT NO. 88-294186 OF OFFICIAL RECORDS](#).

EXCEPT ANY AND ALL OIL, OIL RIGHTS, MINERALS, MINERAL RIGHTS, NATURAL GAS RIGHTS, AND OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN, GEOTHERMAL STEAM, AND ALL PRODUCTS DERIVED FROM ANY OF THE FOREGOING, THAT MAY BE WITHIN OR UNDER THE LAND, TOGETHER WITH THE PERPETUAL RIGHT OF DRILLING, MINING, EXPLORING AND OPERATING THEREFOR AND STORING IN AND REMOVING THE SAME FROM THE LAND OR ANY OTHER LAND, INCLUDING THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM LANDS OTHER THAN THOSE CONVEYED HEREBY, OIL OR GAS WELLS, TUNNELS AND SHAFTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF THE LAND, AND TO BOTTOM SUCH WHIPSTOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAFTS UNDER AND BENEATH OR BEYOND THE EXTERIOR LIMITS THEREOF, AND TO REDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN AND OPERATE ANY SUCH WELLS OR MINES; WITHOUT, HOWEVER, THE RIGHT TO DRILL, MINE, STORE, EXPLORE AND OPERATE THROUGH THE SURFACE OR THE UPPER 500 FEET OF THE SUBSURFACE OF THE LAND, AS RESERVED IN THE DEED FROM THE IRVINE COMPANY, A MICHIGAN CORPORATION, RECORDED MAY 1, 1992 AS [INSTRUMENT NO. 92-289968, OFFICIAL RECORDS](#).

ALSO EXCEPTING THEREFROM ANY AND ALL WATER, RIGHTS OR INTERESTS THEREIN, NO MATTER HOW ACQUIRED BY GRANTOR, AND OWNED OR USED BY GRANTOR IN CONNECTION WITH OR WITH RESPECT TO THE LAND, TOGETHER WITH THE RIGHT AND POWER TO EXPLORE, DRILL, REDRILL, REMOVE, AND STORE THE SAME FROM THE LAND OR TO DIVERT OR OTHERWISE UTILIZE SUCH WATER RIGHTS OR INTERESTS ON ANY OTHER PROPERTY OWNED OR LEASED BY GRANTOR, WHETHER SUCH WATER RIGHTS SHALL BE RIPARIAN, OVERLYING, APPROPRIATIVE, LITTORAL, PERCOLATING, PRESCRIPTIVE, ADJUDICATED, STATUTORY OR CONTRACTUAL; BUT WITHOUT, HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF THE LAND IN THE EXERCISE OF SUCH RIGHTS, AS RESERVED IN THE DEED FROM THE IRVINE COMPANY, A MICHIGAN CORPORATION, RECORDED MAY 1, 1992 AS [INSTRUMENT NO. 92-289968, OFFICIAL RECORDS](#).

[APN: 442-091-12](#)

**Exhibit "B"**

**CEQA Consistency Analysis Prepared by T & B Planning, Inc. dated February 2026**

Available via link due to size:

<https://ecms.newportbeachca.gov/WEB/Browse.aspx?id=3223578&dbid=0&repo=CNB>

**Exhibit "C"**  
**Objective Design Standards Checklist**

**Exhibit "D"**

**Parking Analysis and Parking Management Plan prepared by Gibson Transportation Consulting, Inc. dated January 29, 2026**

**EXHIBIT “E”  
CONDITIONS OF APPROVAL**

**Planning Division**

1. The Project shall be in substantial conformance with the approved site plan, floor plans, landscape plan, and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval). Minor changes to the approved development may be approved by the Community Development Director, pursuant to Newport Beach Municipal Code Section 20.54.070 (Changes to an Approved Project). By way of example, a change to the floor plans or square footage ranges would be considered minor changes provided the Project was within the allowed height limit, and in compliance with the parking, Objective Design Standards, and density range under the Housing Opportunity (HO) Overlay Zoning District.
2. Any substantial modification to the approved Site Development Review plans, as determined by the Community Development Director, shall require an amendment to this Site Development Review application or the processing of a new application.
3. The Project is subject to compliance with all applicable submittals approved by the City of Newport Beach (“City”) and all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
4. The Applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may cause the revocation of this approval.
5. *The use of the home office condominiums shall be subject to the following restrictions:*
  - a. *Sale and ownership shall only be limited to those persons who own a condominium unit within the building.*
  - b. *The home offices shall not be subleased to another user.*
  - c. *Customers and clients shall not visit the home offices without a prior appointment. Any customers or clients of the home offices shall park on-site within one of the visitor parking spaces.*
  - d. *No staff shall be permitted for the home offices unless additional parking is provided.*
  - e. *The HOA shall be responsible for monitoring use of the home offices The use of the home offices shall remain consistent with the assumptions identified in the Parking Study prepared by Gibson Transportation Consulting, Inc. dated January 29, 2026.*
  - f. *The covenants, conditions and restrictions (CC&Rs)for the property shall include the aforementioned restrictions. Prior to the issuance of a Temporary or Final Certificate of Occupancy, the Applicant shall provide proof that this condition has been incorporated into the CC&Rs for the Property.*
6. *The Applicant shall comply with all conditions imposed by the FAA or ALUC, as applicable. The City’s approval of the Project does not relieve the Applicant of compliance with other State or Federal regulations.*

7. *Use of the future retail/café space shall be subject to the requirements of NBMC Section 20.20.020 (Commercial Zoning Districts Land Uses and Permit Requirements). Future conversion of the retail/café space to a residential amenity, lobby, or additional home office would be substantially conforming to this approval.*
8. A portion of the 12 surplus parking spaces for residential use shall be made available for use by staff of the proposed retail/café use. Conversion of the retail/café space to another use shall be reviewed by the Community Development Director for compliance with this condition. This condition may be waived if the proposed use of the retail/café space is modified and results in a lower parking demand.
9. *All staff of the Project (e.g. valet, maintenance, concierge, etc.) shall park on-site.*
10. *This Major Site Development Review and Conditional Use Permit shall expire and become void unless exercised within seven years from the date of approval of Resolution No. PC2026-004 to coincide with the expiration of Vesting Tentative Tract Map No. 19407 as provided in Condition No. 20.*
11. A copy of the Resolution, including conditions of approval Exhibit "E" shall be incorporated into the Building Division and field sets of plans before issuance of the building permits.
12. *The proposed residential component of the development shall consist of 150 condominium units. The number of condominium units may be reduced by the Applicant provided the total number of units meets the 20 to 50 dwelling units per acre density requirement under the HO Overlay Zoning District. Future reduction of units below 150 dwelling units, but within the 20 to 50 dwelling units per acre density requirement, would be substantially conforming to this approval.*
13. *The maximum height of the residential structures shall be 270 feet as measured from the established grade. No building or any portion of structure, architectural feature or mechanical equipment shall exceed 270 feet. Future reduction of building height below 270 feet would be substantially conforming to this approval.*
14. *The on-site residential amenities such as the outdoor decks and pools; and the publicly accessible open space areas as illustrated on the approved plans shall be provided and maintained for the duration of the Project. The exact mix of amenities may be modified from the original approved plans subject to the approval by the Community Development Director. The Project shall maintain at least 75 square feet of common open space per dwelling unit on the Property as required by the HO-4 subarea. The Project shall also maintain at least 5,445 square-feet of publicly accessible open space as labeled on the approved plans. The square footage of on-site resident-serving amenities shall not be reduced so that the development no longer provides 75 square feet of common open space per dwelling unit.*
15. *The residential structure shall be attenuated to provide an interior noise level of 45 dBA CNEL or less pursuant to Section 10.26.030 (Interior Noise Standards) of the NBMC. Use*

- of walls, berms, interior noise insulation, double paned windows, advanced insulation systems, or other noise mitigation measures, as deemed appropriate by the City shall be incorporated in the design of the new residential structure to provide adequate noise attenuation.*
16. *Prior to the issuance of a building permit, the Applicant shall pay applicable school fees for the Project.*
  17. *Prior to the issuance of a building permit, the Applicant shall pay applicable property development tax as required pursuant to NBMC Chapter 3.12 (Property Development Tax) for the Project.*
  18. *The Applicant shall provide an in-lieu park dedication fee pursuant to Chapter 19.52 (Park Dedication and Fees), as required for park and recreational purposes in conjunction with the approval of this VTTM. Therefore, the Project will be subject to an in-lieu park fee of \$59,575 per unit.*
  19. *Prior to the issuance of any certificate of occupancy, the developer shall pay all applicable Development Impact Fees (DIFs) in accordance with the adopted fee schedule.*
  20. *Vesting Tentative Tract Map No. 19407 shall expire seven years from the date of approval of Resolution No. PC2026-004. Pursuant to Section 19.16.010(A) (Expiration of Tentative Maps (California Government Code Sections 66452.6, 66463.5)) of the NBMC, an approved tentative tract map expires 24 months after the date of its approval or conditional approval. Under Section 19.16.020(A) (Extension of Tentative Maps (California Government Code Sections 66452.6, 66463.5)) of the NBMC, the subdivider shall have the right to request an extension of the map for up to five years.*
  21. *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 planting and water-efficient irrigation practices, and the plans shall be approved by the Planning Division.*
  22. *The Project shall include landscaping around the perimeter of the Property to adequately screen drive aisles, parking areas, and create a visual buffer between the public right-of-way and the Project. These plans shall be approved by the Planning Division.*
  23. *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.*
  24. *The covenants, conditions and restrictions (CC&Rs) shall require that garages be used for vehicles and shall prohibit storage of personal items that would otherwise impede parking of vehicles within the required garage spaces. The CC&Rs shall prohibit*

*residents from parking in guest or staff parking spaces within the development. The HOA shall enforce this condition.*

25. *Prior to issuance of final building permits, the Applicant shall record a deed notification with the County Recorder's Office, approved as to form by the Office of the City Attorney, consistent with NBMC Section 20.48.130.I (Deed Notification). The Deed Notification shall state that residential units are located in a mixed-use project or in a mixed-use zoning district and that an owner may be subject to impacts, including inconvenience and discomfort, from lawful activities occurring on the project or zoning district (e.g. noise, late night hours, live entertainment, lighting, odors, high pedestrian activity levels, etc.). The deed notification language contained in this condition shall be copied into the CC&R's for the project.*
26. *Prior to building permit final inspection, the Applicant shall prepare a written disclosure statement. The written disclosure statement shall be provided to owners and tenants prior to sale, lease, or rental of a residential unit in the proposed mixed-use development consistent with Section 20.48.130.H (Notification to Owners and Tenants) of the NBMC.*
27. The site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, in the opinion of the Director of Community Development, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
28. *Prior to the issuance of a building permit, the Applicant shall prepare a photometric study in conjunction with a final lighting plan for approval by the Planning Division. The survey shall show that lighting values are "1" or less at all property lines.*
29. *Prior to the issuance of Final Certificate of Occupancy, the Applicant shall schedule an evening inspection by the Code Enforcement Division to confirm control of light and glare specified in conditions of approval.*
30. 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.
31. 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.
32. *Prior to the issuance of a building permit, the Applicant shall submit a final construction management plan to be reviewed and approved by the Community Development, Fire and Public Works Departments. Upon approval of the plan, the Applicant shall be responsible for implementing and complying with the stipulations set forth in the approved plan. Unless*

---

*approved by the Public Works Director, all staging, material storage, and deliveries shall be located entirely on-site. Construction parking shall not be permitted within the public right-of-way.*

33. The exterior of the development 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.
34. All trash bins shall be stored within the building and screened from the view of neighboring properties, except when placed for pick-up by refuse collection agencies. The Applicant shall ensure that the trash receptacles are maintained to control odors. This may include the provision of periodic steam cleaning of the trash bin/receptacles, if deemed necessary by the Planning Division. Cleaning and maintenance of trash bins shall be done in compliance with the provisions of Title 14 (Water and Sewers) of the NBMC, including all future amendments (including Water Quality related requirements).
35. Trash receptacles for patrons of the cafe shall be conveniently located both inside and outside of the establishment, however, not located on or within any public property or right-of-way.
36. 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.
37. *All proposed signs shall be in conformance with the provisions of Chapter 20.42 (Signs) of the Newport Beach Municipal Code.*
38. This Use Permit may be modified or revoked by the Planning Commission should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to public health, welfare or materially injurious to property or improvements in the vicinity or if the Property is operated or maintained so as to constitute a public nuisance.
39. Any substantial change (as determined by the Community Development Department Director) in operational characteristics, expansion in area, or other modification to the approved plans for the nonresidential component of the project, shall require an amendment to this Use Permit or the processing of a new Use Permit.
40. Deliveries and refuse collection for the nonresidential uses shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and Saturdays and between the hours of 10:00p.m. and 9:00a.m. on Sundays and Federal holidays, unless otherwise approved by the Director of Community Development, and may require an amendment to this Use Permit.
41. Storage outside of the building in the front or at the rear of the property shall be prohibited.

42. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.
43. *The Applicant shall comply with all applicable mitigation measures of the GPHIP PEIR MMRP, as specified within Attachment A of the CEQA Consistency Analysis which is attached hereto as Exhibit "B".*
44. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of **300 Newport Center Drive Condominiums including, but not limited to, Major Site Development Review, Conditional Use Permit, and Vesting Tentative Tract Map (PA2025-0102)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

### **Building Division**

45. 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 based on the date of the building permit application. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
46. The applicant shall employ the following best available control measures ("BACMs") 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 2 feet of freeboard.
- Pave 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 30 minutes for trucks and heavy equipment

#### Off-Site Impacts

- Encourage carpooling for construction workers.
- Limit lane closures to off-peak travel periods to the extent feasible.
- 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.

47. If required by the Building Division, 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.
48. Prior to the issuance of a grading permit, the applicant shall prepare and submit a Water Quality Management Plan (WQMP) for the proposed 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.
49. A list of "good housekeeping" practices will be incorporated into the long-term post-construction operation of the site to minimize the likelihood that pollutants will be used, stored or spilled on the site 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 storm water 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.
50. Site specific seismic parameters shall be reviewed prior to permit issuance.

51. Exterior wall and opening protection shall comply with chapter 705 of the California Building Code.
52. Smoke control system for High Rise Building shall comply with code requirements. Plans shall provide vestibule dimension and minimum dimensions shall comply with 909.20 of California Building Code. Plans shall include rational analysis for the smoke control system.
53. Exit discharge shall comply with chapter 1028 of California Building Code.
54. Two exits are required for common space that has more than 49 occupant load.
55. Exit discharge shall comply with 1028 of California Building Code.
56. Provide barrier/gate at interior exit stairs to indicate exit discharge level. The barrier/gate shall have its own landing.
57. High rise building shall comply with section 403 of the California Building Code.
58. Elevator hoistway enclosure and lobby shall comply with Chapter 30 of California Building Code.
59. Performance based structural design requires a peer review.
60. OC Health approval is required for public pool.
61. Accessible path of travel is required from the public right of way and parking.
62. Residential and common areas serving the residents and guest shall comply with chapter 11A of California Building Code. Commercial spaces, leasing office or any space where public will be served shall comply with 11B of California Building Code. Provide table for required accessible parking.
63. Electrical Vehicle shall Comply with Residential and Non-residential portion of Cal Green Code. Provide table for required accessible EV charging. Note that accessible EV and regular accessible parking shall be counted separately.
64. Separate circulation path to vehicular way per Section 11B-250.1. Show required detectable warnings and curb ramps. Detectable warning cannot be on access aisle, door maneuvering clearances and vehicular way.

### **Public Works Department**

65. A Tract Map shall be recorded prior to the issuance of building permits for residential construction. The map shall be prepared on the California coordinate system (NAD83). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map

in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Sub Article 18. The Map to be submitted to the City of Newport Beach shall comply with the City's CADD standards. Scanned images will not be accepted.

66. Prior to the recordation of the tract map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Sub Article 18. Monuments (1-inch iron pipe with tag) shall be set On Each Lot Corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
67. Prior to the recordation of the Tract Map, a Subdivision Agreement shall be obtained and approved by the City Council consistent with the Subdivision Code Section 19.36.010 (Improvement Agreement [California Government Code Section 66462]) of the NBMC.
68. Prior to Final Map approval, the applicant shall provide a Faithful Performance Bond and Labor and Materials Bond, each for 100% of the estimated improvement costs for the improvements in the public right of way and public facilities, as prepared by a Registered Civil Engineer and approved by the Public Works Director, for each of the following, but not limited to, public and private improvements, street improvements, monumentation, sidewalks, striping, signage, street lights, sewer systems, water systems, storm drain systems, water quality management systems, erosion control, landscaping and irrigation within the public right of way, common open spaces areas accessible by the public, fire access and off-site improvements required as part of the project.
69. A Warranty Bond for a minimum of 10% of the engineer's cost estimate (final percentage to be determined by the Public Works Director) to be released one-year after the improvements have been completed and accepted.
70. All improvements shall be constructed as required by Ordinance and the Public Works Department.
71. An encroachment permit shall be required for all work activities within the public right-of-way.
72. A final parking management and valet plan shall be reviewed and approved by the Community Development Director and the City Traffic Engineer prior to building permit issuance. Tandem parking spaces shall be assigned to the same unit or both spaces shall be valet parked.
73. *Parking layout and vehicular ramps shall comply with the City Parking Lot Standard 805. Dead-end drive aisle shall provide adequate turnaround area. Design of the turnaround area and final parking layout shall be reviewed and approved by the City Traffic Engineer.*

74. *The applicant shall reconstruct all damaged/broken curb, gutter and sidewalk along the Newport Center Drive and San Miguel Road frontages per City Standards.*
75. *The proposed new driveway along the Newport Center Drive frontage shall be reconstructed per City standard.*
76. All deliveries and move-ins/move-out shall be accommodated on-site and prohibited from parking or stopping within the public right of way.
77. *The motor court area shall have a minimum 42-foot-wide radius and parking or staging of vehicles is not permitted within the motor court area.*
78. Driveways and loading areas shall provide adequate sight distance according to the City standard and Code requirements.
79. *The on-site sewer and water system shall be privately owned and maintained. Commercial uses shall have separate water and sewer services. Final design of the water and sewer services is subject to further review by the Public Works and Utilities Departments during plan check.*
80. *The Project storm drain system shall be privately owned and maintained. Final hydrology and hydraulic report shall be reviewed and approved prior to building permit issuance. Any required improvements to downstream City infrastructure to accommodate the proposed project shall be designed and constructed by the proposed project. Final design of the storm drain improvements within the public right of way shall be reviewed and approved by the Public Works Department.*

### **Fire Department**

81. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area (903.2.8 Group R).
82. Fire alarm systems and smoke alarms shall be installed in Group R-2 and R-2.1 occupancies as required in Sections 907.2.9.1 through 907.2.10.2.1.1. Group R-2.2 shall be equipped throughout with an automatic fire alarm system and shall have a manual fire alarm pull station at the 24-hour staff watch office (907.2.9 Group R-2, R-2.1 and R-2.2).
83. In Group R-2 occupancies required by Section 907 to have a fire alarm system, each story that contains dwelling units and sleeping units shall be provided with the future capability to support visible alarm notification appliances in accordance with NFPA 72. Such capability shall accommodate wired or wireless equipment (907.5.2.3.3).
84. In other than Group R-3 and R-3.1 occupancies, Class III standpipe systems shall be installed throughout at each floor where any of the following occur (905.3.1):

- 
- Buildings where the floor level of the highest story is located more than 30 feet (9144 mm) above the lowest level of fire department vehicle access.
  - Buildings that are four or more stories in height.
  - Buildings where the floor level of the lowest story is located more than 30 feet (9144 mm) below the highest level of fire department vehicle access.
  - Buildings that are two or more stories below the highest level of fire department vehicle access.
85. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility (503.1.1).
86. Fire department access roads shall comply with Newport Beach Fire Guidelines C.01, C.02, and D.08.
87. Any fire department access roads that exceed 150 feet will require an approved turn around for fire apparatus.
88. Addressing shall meet the requirements of Newport Beach Municipal Code 9.04.170.
89. Emergency responder radio coverage in new buildings. New buildings shall have approved radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building (503.1.1). This section shall not require improvement of the existing public safety communication systems. See Newport Beach Fire Guideline D.05.
90. Emergency responder radio coverage systems. Standby power shall be provided for emergency responder radio coverage systems as required in Section 510.4.2.3. The standby power supply shall be capable of operating the emergency responder radio coverage system for a duration of not less than 24 hours (203.2.3).
91. A two-way communication system complying with Sections 1009.8.1 and 1009.8.2 shall be provided at the landing serving each elevator or bank of elevators on each accessible floor that is one or more stories above or below the level of exit discharge (1009.8 Two-way communication).
92. Directions for the use of the two-way communication system, instructions for summoning assistance via the two-way communication system and written identification of the location shall be posted adjacent to the two-way communication system (1009.8.2 Directions). Signage shall comply with Chapter 11A, Section 1143A of the California Building Code requirements for visual characters.

- 
93. Directional signage complying with Chapter 11B, Section 11B-703.5, indicating the location of all other means of egress and which of those are accessible means of egress shall be provided at the following (1009.10 Directional signage):
    - At exits serving a required accessible space but not providing an approved accessible means of egress.
    - At elevator landings.
    - Within areas of refuge.
  94. Buildings will require an emergency generator.
  95. Standby power shall be provided for elevators and platform lifts as required in Sections 606.2, 1009.4.1, and 1009.5 (1203.2.2 Elevators and platform lifts).
  96. Emergency power shall be provided for exit signs as required in Section 1013.6.3. The system shall be capable of powering the required load for a duration of not less than 90 minutes (1203.2.5 Exit signs).
  97. In buildings and structures where standby power is required or furnished to operate an elevator, the operation shall be in accordance with Section 1203 of the California Fire Code and Sections 3003.1.1 through 3003.1.5 of this code (3003.1 Standby power).
  98. Standby power shall be manually transferable to all elevators in each bank (3003.1.1 Manual transfer).
  99. Where only one elevator is installed, the elevator shall automatically transfer to standby power within 60 seconds after failure of normal power (3003.1.2 One elevator).
  100. Where two or more elevators are controlled by a common operating system, all elevators shall automatically transfer to standby power within 60 seconds after failure of normal power where the standby power source is of sufficient capacity to operate all elevators at the same time. Where the standby power source is not of sufficient capacity to operate all elevators at the same time, all elevators shall transfer to standby power in sequence, return to the designated landing and disconnect from the standby power source. After all elevators have been returned to the designated level, not less than one elevator shall remain operable from the standby power source (3003.1.3 Two or more elevators).
  101. Elevators shall be provided with Phase I emergency recall operation and Phase II emergency in-car operation in accordance with California Code of Regulations, Title 8, Division 1, Chapter 4, Subchapter 6, Elevator Safety Orders (3003.2 Fire fighters' emergency operation).
  102. Elevator hoistways shall have a floor number not less than 4 inches (102 mm) in height, placed on the walls and/or doors of the hoistway at intervals such that a person in a stalled elevator, upon opening the car door, can determine the floor position.
  103. All automatic elevators shall have not less than one sign at each landing printed on a contrasting background in letters not less than 1/2 inch (12.7 mm) high to read: IN CASE

---

OF FIRE USE STAIRWAY FOR EXIT. DO NOT USE ELEVATOR (3003.2.1.1 Fire signs).

104. Automatic passenger elevators shall have call and car operation buttons within 60 inches (1524 mm) of the floor. Emergency telephones shall also be within 60 inches (1524 mm) of the floor (3003.2.1.2 Call and car operation buttons).
105. All elevators shall be equipped to operate with a standardized fire service elevator key in accordance with the California Fire Code (CFC) (3003.3 Standardized fire service elevator keys).
106. Elevator car shall accommodate ambulance stretcher. Where elevators are provided in buildings four or more stories above, or four or more stories below, grade plane, not fewer than one elevator shall be provided for fire department emergency access to all floors. The elevator car shall be of such a size and arrangement to accommodate an ambulance stretcher 24 inches by 84 inches (610 mm by 2134 mm) with not less than 5-inch (127 mm) radius corners, in the horizontal, open position and shall be identified by the international symbol for emergency medical services (star of life). The symbol shall be not less than 3 inches (76 mm) in height and shall be placed inside on both sides of the hoist-way door frame.
107. The elevator(s) designated the medical emergency elevator shall be equipped with a key switch to recall the elevator nonstop to the main floor (3002.4.3a Elevator recall). For the purpose of this section, elevators in compliance with Section 3003.2 shall be acceptable.
108. Medical emergency elevators shall be identified by the international symbol (Star of Life) for emergency medical services (3002.4.4a Designation).
109. The symbol shall not be less than 3 inches (76 mm) in size (3002.4.5a Symbol size).
110. A symbol shall be permanently attached to each side of the hoistway door frame on the portion of the frame at right angles to the hallway or landing area. Each symbol shall be not less than 78 inches (1981 mm) and not more than 84 inches (2134 mm) above the floor level at the threshold (3002.4.6a Symbol location).
111. Fire Master Plan shall be submitted to the Fire Prevention Division for approval. The plan shall include information on the following (but not limited to) subjects: fire department vehicle access to the Project, secondary emergency vehicle access, firefighter access (hose pull) around structures, fire lane identification, location of fire hydrants and other fire department appliances, and the location and type of gates or barriers that restrict ingress/egress.
112. All portions of the perimeter of all structures shall be located within 150 feet of a fire lane as measured along an approved route. A portion of the proposed structure exceeding

- this distance is considered “out of access” and shall be corrected during plan review by one of the following methods:
- Provide additional fire lanes to bring the entire structure “in access”
  - Propose an alternate form of mitigation via the Alternate Methods and Materials provisions of the fire code for the Fire Marshal’s review. There is no guarantee that the Alternate Methods and Materials proposal will be approved as proposed.
113. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises (507.1). Fire-flow requirements for buildings or portions of buildings and facilities shall be determined by Appendix B of the 2022 CFC.
114. Fire hydrants shall be spaced along fire department access roads in compliance with the 2022 CFC Appendix C.
115. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided.
116. A secondary water supply shall be required for each building complying with 2022 CFC 914.3.2.
117. Smoke control systems shall be required in all high-rise buildings per 2022 CFC 909 and 914.3.8.1.
118. Smokeproof exit enclosures shall be required per 2022 CFC 914.3.8.2
119. List all items on title sheet of plans that will be a deferred submittal.
120. The motor court shall comply with the requirements for Fire Department access for turning radius, width, grade complying with Nbfd guideline C.01 and D.08.
121. The porte-cochere shall have a minimum clearance height of 13 feet 6 inches for fire apparatus to maneuver underneath.
122. Fire pumps shall be required for both buildings per 2022 CFC 913.
123. *Prior to issuance of any Certificate of Occupancy, Applicant shall provide a disclosure statement in a form and content acceptable to the City Attorney in consultation with the Fire Chief or his appointed deputy, at the time of purchase contract to each prospective tenant/owner of one of the residential units on the site advising of the State and local fire codes which require that all fire and life safety systems be regularly inspected, tested, and maintained to ensure they function properly at all times. The Applicant shall provide proof that this condition has been incorporated into the CC&Rs for the Property.*

*To comply with these laws, the HOA shall be responsible for making sure that all fire protection systems in the community are routinely serviced by licensed professionals.*

*Tenants, owners, and other responsible parties must cooperate with the HOA and its contractors by allowing access to units, common areas, or building systems whenever inspection, testing, or maintenance is scheduled. Some fire protection components are located within private residential units, so entry may be necessary to complete the required work. The HOA will always provide reasonable notice—typically a minimum of thirty (30) days—before any scheduled inspection, testing, or maintenance activity. Notice will be delivered through appropriate methods, such as mail, email, or on-site postings.*

*It is essential that all residents cooperate with these requests. Failure to grant access or delayed responses can lead to code violations, increased liability, and potential safety risks to the entire community. If access is denied or if cooperation is not provided when requested, the HOA may impose fines, penalties, or take other enforcement action as permitted by the governing documents.*