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# **NEWPORT BEACH**

## **City Council Staff Report**

August 26, 2025  
Agenda Item No. 35

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** Seimone Jurjis, Assistant City Manager/Community Development Director - 949-644-3232, [sjurjis@newportbeachca.gov](mailto:sjurjis@newportbeachca.gov)

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**TITLE:** Resolution No. 2025-55: Ford Road Townhomes Appeal (PA2025-0049)

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### **ABSTRACT:**

For the City Council's consideration is an appeal of the Planning Commission's July 3, 2025, approval of a major site development review for a 27-unit townhome project on an undeveloped and unaddressed property located near the southeast corner of the MacArthur Boulevard and Bonita Canyon Drive intersection.

An appeal was filed on July 17, 2025, by the Mitchell M. Tsai Law Firm on behalf of Save Our Sports Park. While the Planning Commission approved both a major site development review and vesting tentative tract map to implement the project, the appeal was filed within the 14-day appeal period, as provided in Title 20 (Planning and Zoning) of the Newport Beach Municipal Code (NBMC), but after the 10-day appeal period provided in Title 19 (Subdivisions) of the NBMC. As a result, only the appeal of the Major Site Development Review is valid.

### **RECOMMENDATIONS:**

- a) Conduct a de novo public hearing;
- b) Find that this project is not subject to further environmental review pursuant to Section 21083.3 of the California Public Resources Code (PRC) and Section 15183 of the California Environmental Quality Act (CEQA) Guidelines because the project is consistent with the previously certified Program Environmental Impact Report (SCH No. 2023060699) and statutorily exempt from the requirements of CEQA pursuant to Public Resources Code Section 21080.66; and
- c) Adopt Resolution No. 2025-55, *A Resolution of the City Council of the City of Newport Beach, California, Denying an Appeal and Upholding the Decision of the Planning Commission to Approve a Major Site Development Review to Construct 27 Residential Condominiums Located on an Unaddressed Parcel Abutting 1650 Ford Road (PA2025-0049).*

## **DISCUSSION:**

The project site is located near the southeast corner of the MacArthur Boulevard and Bonita Canyon Drive intersection. As shown in Figure 1, the proposed townhome community would be situated northeast of a City of Newport Beach-owned trail and the parking lot for the Bonita Canyon Sports Park, and northwest of the Harbor View community, which is comprised primarily of single-family residences. While the townhome development would occur within currently undeveloped land, the proposal also includes improvements to the AT&T facility located at 1650 Ford Road.



Figure 1, Oblique image of the project site and the surrounding neighborhood

The undeveloped property is designated *Public Facilities (PF)* in the Land Use Element of the General Plan and is zoned *Public Facilities (PF)*. The site is also identified as Housing Opportunity Site No. 141 and is within the recently established and amended HO-4 (Newport Center Area) Subarea of the Housing Opportunity (HO) Overlay Zoning District. The Housing Opportunity overlays were created to meet the State of California's housing production mandates under Housing Element law. Upon completion, the project will contribute 27 new housing units toward the City's Regional Housing Needs Allocation (RHNA).

## **Project Description**

The proposed 27-unit residential townhome development includes two-, three-, and four-bedroom units ranging from 1,916 to 2,989 square feet each, with attached two-car garages. Dwelling unit types are summarized in Table 1 below.

*Table 1, Dwelling Unit Summary*

<b>Floor Plan</b>	<b>Gross Floor Area (Sq. Ft)</b>	<b>Bedrooms</b>	<b>Garage Spaces</b>	<b>No. Units</b>
Plan 1	1,916	2	2	8
Plan 2	2,325	3	2	8
Plan 3	2,916	4	2	5
Plan 4	2,989	4	2	6

Units would be distributed within four detached, four-story buildings with a maximum structure height of 47 feet and 11 inches above the established grade. Along with the private garages, the project will provide 10 uncovered guest parking spaces, and two uncovered delivery spaces for a total of 66 onsite parking spaces. Vehicular access would be provided from Ford Road, through a shared driveway with the adjacent AT&T facility located at 1650 Ford Road. Offsite improvements include the installation of a gate restricting access to the neighboring AT&T property and the relocation of an existing wireless telecommunications monopole onto the neighboring AT&T property.

Although the project originally included a request to exceed the base height limit of the site, Ordinance No. 2025-10 has subsequently become effective thereby increasing height limits for this and other properties in the HO-4 Subarea. With the current height limit of 48 feet in place, the project fully complies with the zoning standards provided in Table 2-16 (Development Standards for Housing Opportunity Overlay Zones) of Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts). A full project description and project plans are provided as Attachment B and C, respectively.

The following approvals are required to implement the proposed project:

1. **A Major Site Development Review (SDR)** to authorize construction of a residential development proposing five or more units with a tract map. Additionally, approval of an SDR is required to allow three deviations from multi-unit objective design standards; and
2. **A Vesting Tentative Tract Map (VTTM)** to adjust the easterly property line between the undeveloped property and the AT&T facility, to create individual parcels for conveyance purposes within the undeveloped property, and to allow for an airspace subdivision of the individual residential units for condominium purposes.

#### Planning Commission Hearing and Decision

On July 3, 2025, the Planning Commission conducted a noticed public hearing to consider the project. The Planning Commission received 94 comment letters in advance of the hearing and 17 oral comments during the hearing. Commenters in support of the project noted that the project would create needed housing in Newport Beach and contribute to addressing the state housing crisis. Those in opposition expressed concerns surrounding a lack of compatibility with the surrounding neighborhood, the potential for traffic spill over, inadequate vehicular access, and inadequate public noticing.

Following receipt of public comments and deliberation, the Planning Commission adopted Resolution No. PC2025-012 by a unanimous vote to approve the project. The staff report, resolution and meeting minutes are provided as Attachment D, E and F, respectively.

### Appeal

An appeal was filed on July 17, 2025, by the Mitchell M. Tsai Law Firm on behalf of Save Our Sports Park (Appellant). The appeal cited the following factors of concern (as summarized):

- Unsupported deviations from multi-unit objective design standards;
- Incompatibility with the surrounding neighborhood;
- Contesting the appeal period for a Lot Line Adjustment;
- Questioning the findings made to approve the Vesting Tentative Tract Map; and
- Inadequate environmental review under the California Environmental Quality Act .

The complete appeal application is provided as Attachment G.

The SDR review is governed by Title 20 (Planning and Zoning) of the NBMC, which provides a 14-day appeal period; however, the VTTM is governed by Title 19 (Subdivisions), which provides a 10-day appeal period.

The City sent a letter dated July 21, 2025, via U.S. Mail, provided as Attachment H, and an email to the Appellant confirming the appeal of the SDR and rejecting the appeal of the VTTM, as the Appellant filed their appeal after the action on the VTTM became final. Therefore, the only item for the City Council's consideration is an appeal of the SDR.

Pursuant to Section 20.64.030(C)(3) (Conduct of Hearing) of the NBMC, a public hearing on an appeal is conducted "de novo," meaning that it is a new hearing and the prior decision of the Planning Commission to approve the SDR has no force or effect. The City Council is not bound by the Planning Commission's prior decision on the SDR or limited to the issues raised by the appeal.

### Response to Appeal

The analysis below addresses the concerns expressed by the Appellant. Additionally, the applicant included a response to the appeal, which is provided as Attachment I.

#### 1) Deviation of Multi-Unit Objective Design Standards

The Appellant asserts that the project's deviation of three Multi-Unit Objective Design Standards (ODS) as provided in Section 20.48.185 (Multi-Unit Objective Design Standards) of the NBMC is not supported by sufficient analysis and evidence.

*Staff Response:* The purpose of the ODS is to ensure the highest possible design quality and to provide a baseline standard for new multi-unit developments throughout the city.

ODS are applicable to any residential project with a minimum density of 20 dwelling units per acre.

The proposed project complies with 49 of the 52 applicable standards in the ODS and is requesting relief from the following:

1. *Horizontal Modulation – Maximum Building Length:* Building length shall be limited to 150 feet.
2. *Horizontal Modulation – Minimum Depth:* All building recesses or projections shall be a minimum of 2 feet in depth.
3. *Horizontal Modulation – Maximum Number:* There shall be a maximum limit of two recesses or projections per façade.

As detailed in the Planning Commission staff report, and the draft resolution for the City Council, staff believes there are sufficient facts to support the deviations of these three standards. The project would more than comply with the intent of the ODS by providing high quality coastal contemporary architecture which includes varied rooflines, material variation, upper floor setbacks, façade glazing and façade articulation and modulation. While the project required deviation from the maximum number and minimum depth of horizontal modulation, the project's design results in a more aesthetically pleasing and articulated building, which furthers the intent of the ODS.

The project previously required a deviation from the Private Driveway Standards - Landscape and Paving Zone (LPZ) ODS. However, the project has been designed to now comply with that standard, reducing the number of ODS deviations requested.

A thorough analysis of ODS compliance is included in Exhibit B of the proposed resolution.

#### *Neighborhood Compatibility*

The Appellant asserts that the project's scale, mass and architectural character are incompatible with the surrounding neighborhood.

*Staff Response:* The HO Overlay Zoning District requires a minimum density of 20 dwelling units per acre and allows up to a maximum of 50 dwelling units per acre. The fewest number of dwelling units required to meet the minimum density would be a 24-unit project while the maximum number of units allowed would be 58. The proposed 27 units are on the lower end of the range of allowable units and appropriate for the project site.

The project site is within the vicinity of other residential communities, including the Newport Bluffs apartment community approximately 185 feet to the north across Bonita Canyon Drive and the Harbor View community, approximately 230 feet to the south across Ford Road. The Newport Bluffs apartment community is developed with three-story structures, built to a height of approximately 32 feet, and has a maximum height

limit of 50 feet. The Harbor View community consists of single-story to two-story residences with a maximum allowed height of 32 feet. Additionally, the adjacent AT&T Facility to the east is approximately 35 feet in height. The project complies with the 48-foot height limit of the HO-4 Subarea and is well-buffered from these nearby developments through significant setbacks, landscaping and roadways. The intervening roads, large street trees, and distance provide a harmonious transition from neighboring developments to the project.

The project was designed with contemporary coastal architecture with an articulated façade, which includes varied rooflines, balconies, façade projections and recessions, large windows, and material variation. Additionally, the project includes two color schemes: a coastal palette with whites, greys and light blues, and a neutral earthy palette with beige, brown, light green and light white. The project was inspired by and intentionally designed to portray the character and quality of the nearby Harbor View community.

Staff's analysis found that the project meets the required zoning standards and includes the appropriate physical distance, buffering, and high-quality architectural design to provide a harmonious transition from the project to the adjacent developments. Despite its height being greater than that of the Newport Bluff and Harbor View communities, the project's design, setbacks and visual treatments aim to align with the character of nearby residential uses. A thorough analysis of neighborhood compatibility is included in Exhibit B of the proposed resolution.

#### *Lot Line Adjustment and Vesting Tentative Tract Map*

The Planning Commission's approval of the VTTM, which included a lot line adjustment, was deemed final on July 14, 2025. Because the appeal was received after this date, the appeal of the VTTM was not granted and only the SDR is within the scope of the Council's review.

#### *California Environmental Quality Act (CEQA)*

The Appellant asserts that the project improperly relied on an outdated environmental document and that new information regarding environmental factors requires additional environmental review under CEQA.

*Staff Response:* On July 23, 2024 the City Council adopted Resolution No. 2024-50, 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. The PEIR and MMRP can be viewed at: <https://www.newportbeachca.gov/CEQA>.

The purpose of the PEIR was to evaluate the potential environmental impacts of implementing the Housing Opportunity Overlay Zoning District, which would allow higher-

density housing projects within specific sites identified within Appendix B (Adequate Sites Analysis) of the Housing Element. Specifically, the PEIR would:

- Analyze and disclose the cumulative environmental effects of the zoning amendments;
- Identify mitigation measures to potentially reduce or eliminate significant adverse impacts (e.g., air quality, water quality, biological resources, etc.);
- Provide a legal and informational foundation for decision-makers and the public before the zoning is adopted or amended; and
- Streamline future housing development by covering broad environmental issues at the program level, reducing the need for project-specific EIRs unless new significant impacts are identified.

The project included a CEQA consistency memorandum prepared by T&B Planning Inc., dated June 2025. The purpose of this memorandum was to demonstrate that the proposed project is consistent with the PEIR and that no additional environmental impacts would result from the project.

As part of the memorandum, the applicant provided several environmental analyses of the property and project including:

- Air Quality and Green House Gas Emission Analysis dated June 11, 2025
- Biological Resources Assessment dated June 25, 2025
- Phase 1 Environmental Site Assessment dated June 13, 2025
- Preliminary Water Quality Management Plan dated June 17, 2025
- Preliminary Hydrology Report dated June 16, 2025
- Vehicle Miles Traveled Analysis dated May 28, 2025
- Sewer and Water Demand Study dated May 14, 2025
- PEIR Mitigating Measure and Reporting Program Applicability Assessment

The CEQA Consistency Memorandum and the environmental analysis documents were peer-reviewed by the City's CEQA consultant Kimley-Horn & Associates, Inc. Both the consistency analysis and peer review concluded that the project would not create any new significant impacts or significant impacts that are substantially more severe than those disclosed in the PEIR, therefore no further environmental review is required pursuant to CEQA Guidelines §15183. Additional information relating to the Appellants' claim of sensitive habitat is provided in the City's response letter provided in Attachment H.

The CEQA Consistency Memorandum, originally included as Exhibit A in the Planning Commission's resolution, is now incorporated as Exhibit C in the proposed resolution. Additionally, the City Attorney's Office submitted a supplemental memorandum to the Planning Commission addressing the applicability of Assembly Bill 130, which would



statutorily exempt the project from CEQA. This supplemental memorandum is included as Attachment J.

**FISCAL IMPACT:**

The project is subject to Chapter 19.52 (Park Dedication and Fees) of the NBMC requiring an in-lieu fee assessed at a rate of \$38,400 per unit. The project will also be subject to development impact fees of \$8.90 per square foot, along with any other typical City fees for new developments.

**ENVIRONMENTAL REVIEW:**

The project is consistent with the California Environmental Quality Act (CEQA) Guidelines Section 15183, which provide an exemption for projects that 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. The City's Housing Implementation Program Final Program EIR (State Clearinghouse SCH Number 2023060699) was certified by the City Council on July 23, 2024.

The project is not subject to further environmental review pursuant to Section 21083.3 of the California Public Resources Code (PRC) and Section 15183 of the CEQA Guidelines because, inasmuch as the property involved is within the HO-4 Subarea, the project does not change the underlying land use or zoning designations; and would not result in new significant impacts or a substantial more adverse impact than addressed in the PEIR.

Furthermore, as documented in the July 3, 2025, memorandum prepared by the City Attorney's Office (Attachment J), the project is statutorily exempt pursuant to PRC Section 21080.66 as the project is within an incorporated municipality or urban area with a site size of 20 acres or less, meets certain infill criteria including at least 75% of the perimeter be adjoined with urban uses, is consistent with the General Plan and Zoning Code, meets the minimum density requirement for the site's location, and does not require the demolition of historic resources.

**NOTICING:**

Notice of this hearing was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways), including the applicant, and posted on the subject property at least 10 days before the scheduled meeting, consistent with the provisions of the NBMC. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

**ATTACHMENTS:**

Attachment A – Resolution No. 2025-55

Attachment B – Project Description

Attachment C – Project Plans

Attachment D – July 3, 2025, Planning Commission Staff Report



Attachment E – Resolution No. PC2025-012

Attachment F – July 3, 2025, Planning Commission Minutes

Attachment G – Appeal Application

Attachment H – City Appeal Response Letter

Attachment I – Applicant Appeal Response Letter

Attachment J – City Attorney's Office Supplemental Memorandum

Attachment K – Public Comments