

Attachment No. PC 1

Draft Resolution with Findings and
Conditions

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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 6th 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 6th 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
Residential			331
Office	9,450 net square feet (SF)	1 space/250 net SF	38
Cafe	1,950 SF	1 space/100 SF	20
Nonresidential			58
Total			389

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:

- I. 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 adequality 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 6th 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 6th 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: _____

NOES: _____

ABSTAIN: _____

ABSENT:

BY: _____
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

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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](#)

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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>

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Exhibit "C"
Objective Design Standards Checklist

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Objective Design Standards Checklist

Community Development Department
 Planning Division
 100 Civic Center Drive / P.O. Box 1768 / Newport Beach, CA 92658-8915
 (949) 644-3204
www.newportbeachca.gov

Name of applicant: _____

Date: _____

Project Address: _____

Project Application # (City staff to fill out) _____

Development Type:

Multi Family Unit Residential

Mixed Use Development

Project Site Context (check all that apply)

Situated adjacent to existing residential development

Situated next to existing commercial development

Situated adjacent to designated historical structure

Other _____

20.48.185 Objective Design Standards Checklist Items	Applicant Evaluation			Staff Evaluation			Drawing Reference
	Yes	No	N/A	Yes	No	N/A	
A. General Standards							
1: Multi-unit development orientation							
a. Development color scheme (8+ buildings)							
b. Development color scheme (30+ buildings)							
c. Pedestrian walkways and linkages							
d. Architectural variety and features							
e. Structured parking visibility							
f. Corner lot loading docks/service areas							
g. Parking facility entrances							
2: Mixed-use buildings orientation							
a. Commercial unit entrances							
b. Residential unit entrances							
B. Orientation							
1. Orientation to primary public street							
2: Screening of parking areas							

20.48.185 Objective Design Standards Checklist Items	Applicant Evaluation			Staff Evaluation			
	Yes	No	N/A	Yes	No	N/A	Drawing Reference
3: Multi-unit projects across from single-family							
4: Building arrangement for outdoor space							
C. Parking Standards							
1: Parking compliance with NBMC 20.40.070							
a. Parking lot placement							
b. Landscaped area							
2: Residential garages							
a. Street facing garage door							
i. Consistent garage and building architecture							
ii. Arbor or other similar feature							
3: Parking structures and loading bays							
a. Shielding of parked vehicles							
b. Minimize blank concrete facades							
D. Common Open Space (C.O.S)							
1: Common recreation area requirement							
2: Residential entry distance from C.O.S.							
3: Pedestrian walkway connection points							
4: Open space location							
5: Usable open space grade							
6: Seating and lighting							
E. Recreation Activities							
1: Play area location and visibility							
2: Senior housing areas of congregation							
3: Recreational amenities per unit count							
F. Landscaping							
1: Min. 8% of total site landscaped							
2: Landscaping materials							
a. Ground cover							
b. Nonliving decorative landscaping							
c. Turf areas for recreation							
3: Landscaping and irrigation							

20.48.185 Objective Design Standards Checklist Items	Applicant Evaluation			Staff Evaluation			
	Yes	No	N/A	Yes	No	N/A	Drawing Reference
G. Frontage Types and standards							
1: Storefronts							
a. Ground floor elevation location							
b. Entrance using one of given methods							
c. Windows and/or glass doors coverage							
d. Upper floor facade window coverage							
e. Floor to floor height (15 ft)							
f. Awnings or marquees min/max height							
2: Live work/office fronts							
a. Ground floor elevation location							
b. Entrance for ground floor tenant							
c. Entrance for upper floor tenants							
d. Ground floor facade coverage							
e. Upper-level facade coverage							
f. Ground floor to ceiling height							
g. Awnings or marquees min/max height							
h. Setbacks							
3: Residential fronts							
a. Ground floor elevation							
i. Garage length of building facade							
ii. Entrance for ground floor tenants							
iii. Entrance for upper-floor tenants							
iv. Ground and upper floor facade coverage							
v. Setbacks							
H. Walls and Fences							
1: Community perimeter and theme walls							
2: Wall materials							
3: Wall style conformance with architecture							
4: Exterior perimeter wall depth							
I. Utilities							
1: Utility locations and placement							
2: Mechanical equipment screening (if needed)							

20.48.185 Objective Design Standards Checklist Items	Applicant Evaluation			Staff Evaluation			
	Yes	No	N/A	Yes	No	N/A	Drawing Reference
3: Utility rooms (if feasible) for certain equipment							
a. If not feasible, incorporated into design							
J. Private Street Standards							
1: Private street right-of-way width							
a. Without on-street parallel parking (41 ft)							
b. With on-street parallel parking (50 ft)							
2: Private street zones							
a. Street zone (SZ) design standards							
b. Sidewalk zone(SWZ) design standards							
c. Landscaping and paving zone (LPZ) design standards							
K. Private Driveway Zones							
1: Private driveway right-of-way (dimensions)							
2: Driveway zones							
a. Driveway zone (DZ)							
b. Landscape and paving zone (LPZ)							
L. Publicly Accessible Open Space (PAOS) Standards							
1: Required PAOS							
2: Site area calculations							
3: PAOS Design Standards							
a. PAOS minimum width							
b. PAOS access							
M. Façade Modulation Standards							
1: Density and building typology							
N. Vertical Modulation							
1: Components							
a. Base							
b. Middle							
c. Top							
2: Changes in facade material and/or color							
a. Banding							
b. Floor heights							
c. Fenestration							
d. Cladding material							

20.48.185 Objective Design Standards Checklist Items	Applicant Evaluation			Staff Evaluation			
	Yes	No	N/A	Yes	No	N/A	Drawing Reference
3. Additional vertical modulation standards							
a. First floor height							
i. Density less than 30 units/acre							
ii. Density greater than 30 units/acre (residential only)							
iii. Density greater than 30 units/acre (commercial units on ground floor)							
b. Vertical variation							
i. Density less than 30 units/acre							
ii. Density greater than 30 units/acre							
O. Horizontal Modulation							
1: Building standards for developments with density of less than 30 units/acre							
a. Maximum building length							
b. Required minimum modulation area							
c. Minimum depth							
d. Maximum number							
2: Building standards for developments with density of 30 units/acre or greater							
a. Maximum facade length							
b. Required minimum modulation area							
c. Minimum depth							
d. Minimum width							
e. Maximum number							
P. First Floor Opening and Transparency Standards							
1: Building standards for development with density less than 30 units/acre							
a. Minimum opening standard							
2: Building standards for development with density of 30 units/acre or more							
a. Minimum opening standard							
i. For any at-grade or above-grade first floor unit fronting a street or paseo							
ii. For any mixed-use multi-unit building with a first-floor commercial use fronting a street, courtyard, or paseo							
Q. First Floor Entry Standards							
1: Individual residential unit entrances							
a. Residential front door standards							
i. Minimum entry sidewalk width							
ii. Entry stoop, terrace and patio area							

20.48.185 Objective Design Standards Checklist Items	Applicant Evaluation			Staff Evaluation			
	Yes	No	N/A	Yes	No	N/A	Drawing Reference
2: Lobby Entrances							
a. Location standards and accessibility							
i. Sidewalk entry width							
ii. Entry landing area							
iii. Prohibited primary entries							

Exhibit "D"

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

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TECHNICAL MEMORANDUM

TO: Kevin Riley, P.E., T.E.
Transportation Manager/City Traffic Engineer
Public Works Department
City of Newport Beach

FROM: Jonathan Chambers, P.E.

DATE: January 29, 2026

RE: Parking Analysis for the
300 Newport Center Drive Project
Newport Beach, California

Ref: J2181

Gibson Transportation Consulting, Inc. prepared a parking analysis for the 300 Newport Center Drive Project (Project) located at 300 Newport Center Drive (Project Site) in the City of Newport Beach (City). This memorandum summarizes the parking supply and demand for the Project and includes a calculation of the parking requirement according to the Newport Beach Municipal Code (Code). The analysis results justify a reduction in the parking requirement in accordance with Code Section 20.40.110(B), which requires the approval of a Conditional Use Permit (CUP) and preparation of a parking management plan (PMP).

PROJECT DESCRIPTION

The Project would develop 150 residential condominium units with 11 resident offices comprising approximately 9,450 net square feet (sf) (18,060 gross¹ sf) and a 1,950 sf corner café. The café is expected to be open from approximately 7 AM to 3 PM on weekdays, with a reduced schedule on weekends. It would serve coffee, refreshments, and light meals and snacks, with staffing based on demand.

The project would consist of two 22-story towers connected by a three-story podium containing the lobby, parking garage, building support, and amenity spaces. It would provide 343 parking spaces for residents and visitors. Vehicular access would be provided at the existing Project Site driveway on Newport Center Drive connecting to a motor court. There would also be service access from San Miguel Drive and through an adjacent surface parking lot to the south. The Project Site plan is shown in Figure 1.

The Project would remove the existing uses at the Project Site, including a movie theater (Regal Edwards Big Newport, with approximately 1,143 seats and six screens, encompassing 73,892 sf of floor area) and a 6,400 sf Pilates studio.

¹ The gross total includes access corridors and vertical circulation, which is not leased area.

The Project Site is located in the Newport Center area, a mixed-use commercial district. The Fashion Island shopping center, with many surface and structured parking spaces, is directly across Newport Center Drive. A medical office plaza, with many more surface and structured parking spaces, is directly across San Miguel Drive to the northeast. There is more surface parking adjacent to the Project Site serving the other commercial uses which would remain. All this parking is free of charge and uncontrolled at the access points.

CITY PARKING REQUIREMENTS

The City identifies general off-street parking requirements for the Project's proposed land uses in Code Section 20.40. However, the Project Site is located in a Housing Opportunity Overlay Zoning District and, thus, the residential units are subject to alternative (reduced) parking requirements identified in Code Section 20.28.050. Parking requirements for the resident office space and café are unaffected by this zoning district.

Table 1 summarizes the Code parking rates and associated requirements for the Project. As shown, the Project is required to provide 331 spaces for the residential use (including resident and visitor parking) and 389 spaces overall (i.e., 58 spaces for the commercial uses), assuming that full Code parking requirements were applied to the resident offices and the café.

Allowed Reduction of Required Parking

Code Section 20.40.110(B) allows residential and non-residential parking requirements to be reduced through the approval of a CUP under the following conditions:

1. The Project applicant provides sufficient information to demonstrate that parking demand will be less than the parking requirement or there is nearby parking available.
2. A PMP is prepared in compliance with Code Section 20.40.110(C).

As demonstrated below, the Project meets both of these conditions.

PARKING SUPPLY AND DEMAND

As discussed above, the Project proposes to provide 343 parking spaces, which exceeds the Code requirement of 331 spaces for the residential use, including 45 spaces for visitors. It does not propose providing Code-required parking for the resident offices or the café. However, there are numerous reasons that (a) the incremental parking demand for those uses would be far lower than the Code rates would suggest, and (b) there is ample available parking supply in the area to meet the needs of the Project, as required for a reduced parking requirement under Code Section 20.40.110(B). Further, the provision of a reduced parking supply would help support the City's goals and policies for transformation of the Newport Center area into a pedestrian-oriented district.

Low Parking Demand

The resident offices would only be available to be leased to Project residents. They are anticipated to be used as work-from-home office space or studio / workshop spaces. Residents occupying these offices would not generate additional parking demand. The café would be located on the corner of Newport Center Drive & San Miguel Drive, directly adjacent to the public sidewalk and a proposed public square. Much of its visitation would come from foot traffic, as well as from Project residents, thereby generating low parking demand.

Additionally, the location of the Project Site lends itself to the use of non-automobile trips. It is located in a mixed-use commercial district with foot traffic from the shopping center, medical office plaza, and other commercial uses nearby. The area provides good pedestrian infrastructure in the form of wide sidewalks with landscaped parkways buffering pedestrians from the street. There is also strong bicycle connectivity to surrounding residential areas in the form of bicycle lanes on many of the streets leading to Newport Center Drive (including on San Miguel Drive) and wide striped buffers between the curb and travel lanes on Newport Center Drive itself. The Project would provide on-site bicycle parking, facilitating visits by bicycle, including short-term bicycle parking adjacent to the café. Additionally, multiple bus routes operated by Orange County Transportation Authority stop on Newport Center Drive directly across the street from the Project Site.

Therefore, the characteristics of the Project's proposed commercial uses and the Project's location suggest there would be substantially lower parking demand than Code requirements for typical office and café uses.

Available Parking Supply

The Project proposes to provide 12 spaces above the Code requirement for residential parking. Café staff members and any non-resident office employees would be allowed to park at the Project Site in these additional spaces. Additionally, the Code-required parking for the Project's residential units includes 45 spaces to be reserved for visitors. Because the resident offices are only allowed to be leased to residents, any visitors to these offices could be considered guests of residents and could thus park in on-site visitor parking.

Additionally, there are thousands of parking spaces serving Fashion Island, the medical office plaza, and the commercial uses adjacent to the Project Site, all within short walking distances of the café and resident office spaces. Many visits to the Project Site are likely to be made by people already visiting those surrounding uses, who could park once and visit multiple destinations. As a result, there is no shortage of available parking to serve the small commercial demand the Project may generate.

Parking Management Plan

Approval of a reduced parking requirement requires the preparation of a PMP in accordance with Code Section 20.40.110(C). A PMP was prepared by the Applicant and is provided in the Attachment. As described therein, the Project parking would be for residents and their guests and would include self-parking and valet parking options.

CONSISTENCY WITH CITY GOALS AND POLICIES

The City's General Plan identifies various goals and policies that support the provision of a reduced parking supply at the Project Site. Policy Land Use (LU) 3.3, Opportunities for Change, identifies Newport Center as an area for development of a mix of uses, including residential, to provide jobs and services in close proximity to housing. Page 3-97 of the General Plan provides an overview of General Plan policies for Newport Center: "emphasis is placed on the improvement of the area's pedestrian character by improving connectivity among the 'superblocks,' installing streetscape amenities, and concentrating buildings along Newport Center Drive and pedestrian walkways and public spaces." LU 6.14.5 and LU 6.14.6 encourage development that fronts Newport Center Drive and improves pedestrian access and connections to encourage pedestrian activity.

Similarly, the concentration and diversity of land uses around the Project Site helps support City goals related to reduction of trips and vehicle miles traveled (park once and walk to multiple uses), safety (reducing vehicular trip-making), and land use efficiency (not providing too much parking). Policy Circulation Element 8.1.11, Parking Requirements for Pedestrian-Oriented and Local-Serving Uses, suggests "[revising] parking requirements for small-scale neighborhood-serving commercial uses in areas that derive most of their trade from walk-in business, especially where on-street or other public parking is available." The Project's proposed commercial uses fit the definition of "small-scale neighborhood-serving commercial uses," and the City's goal is to develop Newport Center into an area with high pedestrian connectivity. Therefore, the Project, and the proposed reduced parking supply, aligns with these policies.

CONCLUSION

The Project proposes 150 residential units along with resident office space and a public-facing café in an area designated by the General Plan for encouraging more pedestrian connectivity and a mix of land uses to put jobs, services, and housing in close proximity. It proposes providing more parking (343 spaces) than required by Code (331 spaces) for the residential uses. These additional spaces could be used by café and non-resident office employees, and office visitors could park in Project visitor parking as guests of resident office lessees.

The Project meets the criteria for a reduced parking supply through the approval of a CUP under Code Section 20.40.110(B). The resident office space and café would generate substantially less parking demand than the 58 spaces Code would require for standard office and restaurant space. Many of the visits to the resident office space and café would be by pedestrians or bicyclists or by people already parked in one of the many alternative parking options in the immediate vicinity.



Source: Robert A.M. Stern Architects, October 2025.

PROJECT SITE PLAN

FIGURE
1

**TABLE 1
NEWPORT BEACH MUNICIPAL CODE PARKING REQUIREMENTS**

Land Use	Parking Ratio [a]	Units or Size	Required Parking
<i>Residential</i> [b]			
2 Bedroom Units	1.8 spaces per unit	70 units	126
3+ Bedroom Units	2.0 spaces per unit	80 units	160
Visitor Parking	0.3 spaces per unit	150 units	45
<i>Residential Subtotal</i>			331
<i>Office</i>	1 space per 250 net sf	9,450 net sf	38
<i>Café</i>	1 per 100 sf	1,950 sf	20
<i>Commercial Subtotal</i>			58
Total Parking Requirement			389

Notes:

sf = square feet.

[a] Pursuant to Newport Beach Municipal Code Sections 20.40, except as noted.

[b] Parking requirements for the residential units are found in Newport Beach Municipal Code Section 20.28.050 for projects within a Housing Opportunity Overlay Zoning District.

Attachment
Parking Management Plan

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**PARKING MANAGEMENT PLAN FOR
300 NEWPORT CENTER DRIVE
NEWPORT BEACH, CA**

NOVEMBER 5, 2025

RELATED CALIFORNIA

11601 WILSHIRE BLVD, SUITE 2020

LOS ANGELES, CA 90025

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Proposed Project

The proposed project consists of 150 residences located in two twenty-two story towers connected by a podium. It is located in Newport Center, in the City of Newport Beach, California. As shown in Figure 1, the project site will have an access driveway from Newport Center Drive. The main access driveway will be guard-gated entry for the residents and visitors. Secondary loading entrances will be in the rear of the podium. Loading Entrance #1 will access the Lower Level via a parking lot which has access off Anacapa Drive and is intended for deliveries, moving trucks, and service vehicles intended for Tower A. Loading Entrances #2 and #3 will access the Ground Level via a parking lot which has access off San Miguel Drive. Loading Entrance #2 and is primarily intended for trash removal while Loading Entrance #3 is intended for deliveries, moving trucks, and service vehicles intended for Tower B.

Gate Operations

Main Arrival Gate

The Main arrival area is designed with two entry lanes. This entry will have a guard house and privacy rolling gates. The guard house will be staffed with 24 hours a day, 7 days a week security. All guests will be required to use the lane leading to the right of the guard house for verification of identity and authorization to enter the site. A turn-around area is located directly behind the guard house and in advance of the entry gate which provides for vehicles which are not cleared to enter the community. The residents will be able to bypass the guard house and enter the site by activating the gate with a transponder. The proposed entry with the turn-around area in advance of the gates will facilitate an efficient traffic flow to avoid any queuing onto Newport Center Drive. Guard staff shall monitor vehicular queue and prohibit vehicles from queuing onto Newport Center Drive.

Loading Entrances

Access to the loading entrances will have roll-up security gates and be regulated by the on-site management staff. Service deliveries and trash service will be scheduled through the property management office and personnel will be present at the gates to accommodate and monitor the entry and exit at the gate. The loading entrances will also serve as the delivery locations for moving trucks, furniture delivery, fedex, UPS, and emergency services. For emergency services, at least one of the loading entrances will be designed in conjunction with the fire department to accommodate adequate access to the building in the case of emergency.

Parking

Per The City of Newport Beach Municipal Code, Section 20.28.050(D)(3), Table 2-17, 286 parking stalls are required for the 150 residential units. Additionally, 45 stalls are required for visitor parking. The total number of required parking stalls is 331.

The project is providing 343 total stalls.

The resident and visitor spaces are located within a partially subterranean three-level podium under the residential towers. This parking facility will include 164 spaces in a tandem configuration and 181 single spaces. The proposed parking facility will include the required ADA Accessible and ADA Van Accessible spaces as required by the applicable codes. Further information detailing the location of resident parking, guest parking, employee parking and ADA parking is provided in Figures 2-4.

Pursuant to the City requirements, all residences will be assigned two spaces. Residents will be given the option of self-parking their vehicles or utilizing the valet. The exact amount of self-parking for the residents is not known at this time and will be based on demand. The project has estimated 199 spaces of the residential parking spaces for self-parking. Staff parking will also be self parked. The remaining 131 spaces will be valet parked and will be available for residents and visitors alike.

The garage entrance located prior to the gate and under Tower A will be for self-parking staff and residents only. The garage entrance located off of the motor court and under Tower B will be for self-parking residents and the valet.

Bicycle parking will be provided at the café space at the corner of Newport Center Drive and San Miguel Drive.

Parking Operations and Management, Valet Operations Procedures and Staffing for 300 Newport Center Drive, Newport Beach

Overview Parking Plan

The project is proposed to be parked by a combination of valet parking and self-parking by residents and staff. The exact amount of self-parked spaces will be based on the demand of the residents and is not known at this time.

All residents will be required to register their vehicles with the building management office. All resident vehicles will be issued clearly identifiable window stickers for quick identification by the management and security personnel.

Residents and visitors arriving at the site will be greeted by a full time (24 hours a day, 7 days a week) valet service upon arrival at drop off, which is adjacent to the lobby entrance at the motor court. Residents choosing to self-park will proceed into the garage to their assigned space. Visitors and residents choosing the valet service will leave their vehicle at the motor court. Once visitors are past the gate, additional signage will alert them to continue to the valet stand. Valet staff can also accommodate the arriving guests and visitors with disabilities or guide them to the ADA parking stalls in the parking garage located within the parking garage. Additional details on the Valet parking operation are provided below.

Employee Parking

Employees will park onsite and will access to the garage via the entrance located under Tower A. Employees are required to park in designated spaces in the on-site garage on the lower level.

Motor Court / Valet Drop Off Design

The Motor Court / Valet Drop Off is located outside of the lobby of the building. The motor court is designed with enough width for a large SUV to bypass an idle vehicle. There is also ample room for the staging of cars in case the valet stand needs to temporarily stage a vehicle to help another resident or guest.

Valet Plan Details

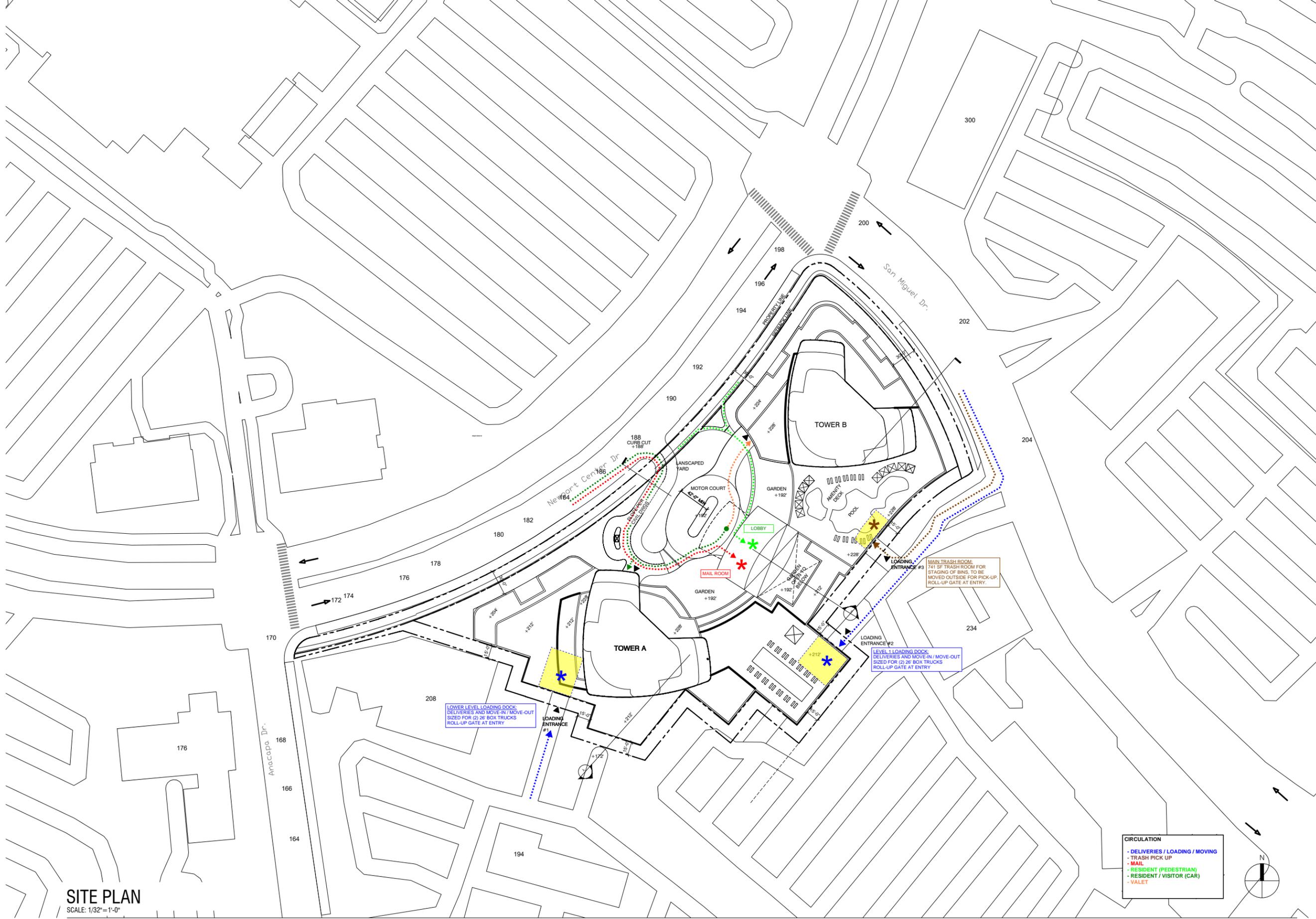
Arrival

- All valet arrivals will take place at the drop off location adjacent to the lobby in the motor court.
- Cars can be temporarily parked in a car staging area at the motor court if the valet staff is busy.
- Additionally, the motor court geometry allows for cars to maneuver around idle cars in the event the valet is busy.
- The 300 Newport Center Drive staff will be trained to recognize the residents of the building and their vehicles.
- The staff shall assist guests with opening vehicle door and welcoming them home.
- If the valet does not recognize the visitor, they are instructed to ask the guest who they are visiting for their first and last name.
- Staff shall complete valet tickets with guest's first and last name, vehicle make, model, color and license plate information (state and plate number).
- Staff shall hand guest valet claim ticket, point out the call down extension and Text Number as options for retrieval and explain vehicles cannot be released without the claim ticket. Secure vehicle keys to key tag portion of the valet ticket, also marked with guest's first and last name and vehicle information.
- Secure keys on valet's carabiner until keys can be locked in secured key room.
- Complete detailed damage check on the valet ticket.
- Scan the ticket into the system, recording guest's arrival date and time, entering the same information as entered on the valet ticket - Guest's first and last name, vehicle make, model, color, license plate information and damage check.
- Escort guest to concierge associate who will escort the guest to the resident who they are visiting.
- Park guest's vehicle in designated parking location. Some of these spaces may be tandem.

Departure

- All valet departures will take place at the lobby entrance in the motor court of 300 Newport Center Drive.
- Guest and Residents may utilize the call down extension or the Text Number to alert valet of their departure.
- Valet warmly greets the guest upon arrival to the valet and ask how their stay was using the guest's last name at least twice.
- If guest did not utilize the call down or text options, valet will take valet claim ticket from guest to retrieve vehicle. Retrieval time at this residences is estimated at five (5) minutes or less.
- Valet will use the service staircase of building to return to the appropriate garage level to retrieve the resident's car.
- Upon returning to the valet, where guest is waiting for their vehicle, valet will park the vehicle, turn the vehicle off, and take the keys out of the ignition.

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SITE PLAN
SCALE: 1/32"=1'-0"



SITE DEVELOPMENT REVIEW

300 NCD CONDOMINIUMS
300 NEWPORT CENTER DRIVE
NEWPORT BEACH, CA

FIGURE 1 - CIRCULATION PLAN

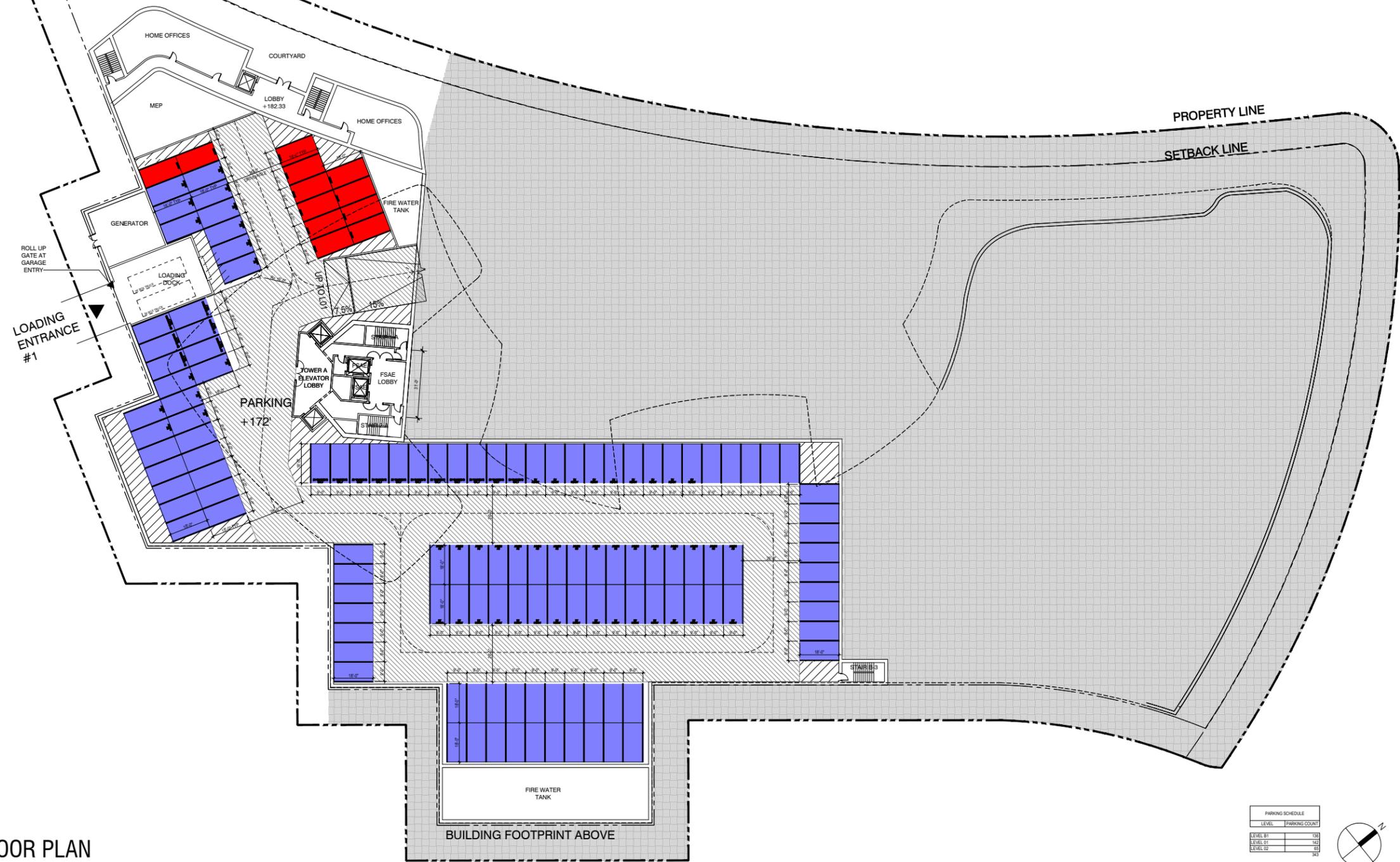
01/29/2026

PARKING LEGEND

	RESIDENT ASSIGNED SELF PARKING
	RESIDENT VALET PARKING
	STAFF PARKING
	ADA PARKING
	VISITOR PARKING (VALET ONLY)

PLAN NOTES:

- PEDESTRIAN CIRCULATION:** Pedestrian circulation paths in garage will be separated from vehicular way via curbs and/or detectable warnings per CBC 11B-250.1.
- LIFE SAFETY:** High rise stairs are pressurized with vestibules to comply with CBC 909.20, see plan for vestibules and stair pressurization shaft locations.
- TRASH ROOMS, TYP:** Trash rooms are designed to accommodate the separation of organics, recyclables, and landfill waste in compliance with local municipal and state waste diversion requirements. Dedicated containers for organic waste will be provided and maintained for tenants.



LOWER LEVEL FLOOR PLAN

SCALE: 1/16" = 1'-0"

PARKING SCHEDULE

LEVEL	PARKING COUNT
LEVEL 01	190
LEVEL 02	140
LEVEL 03	60
LEVEL 04	30



SITE DEVELOPMENT REVIEW

300 NCD CONDOMINIUMS
 300 NEWPORT CENTER DRIVE
 NEWPORT BEACH, CA

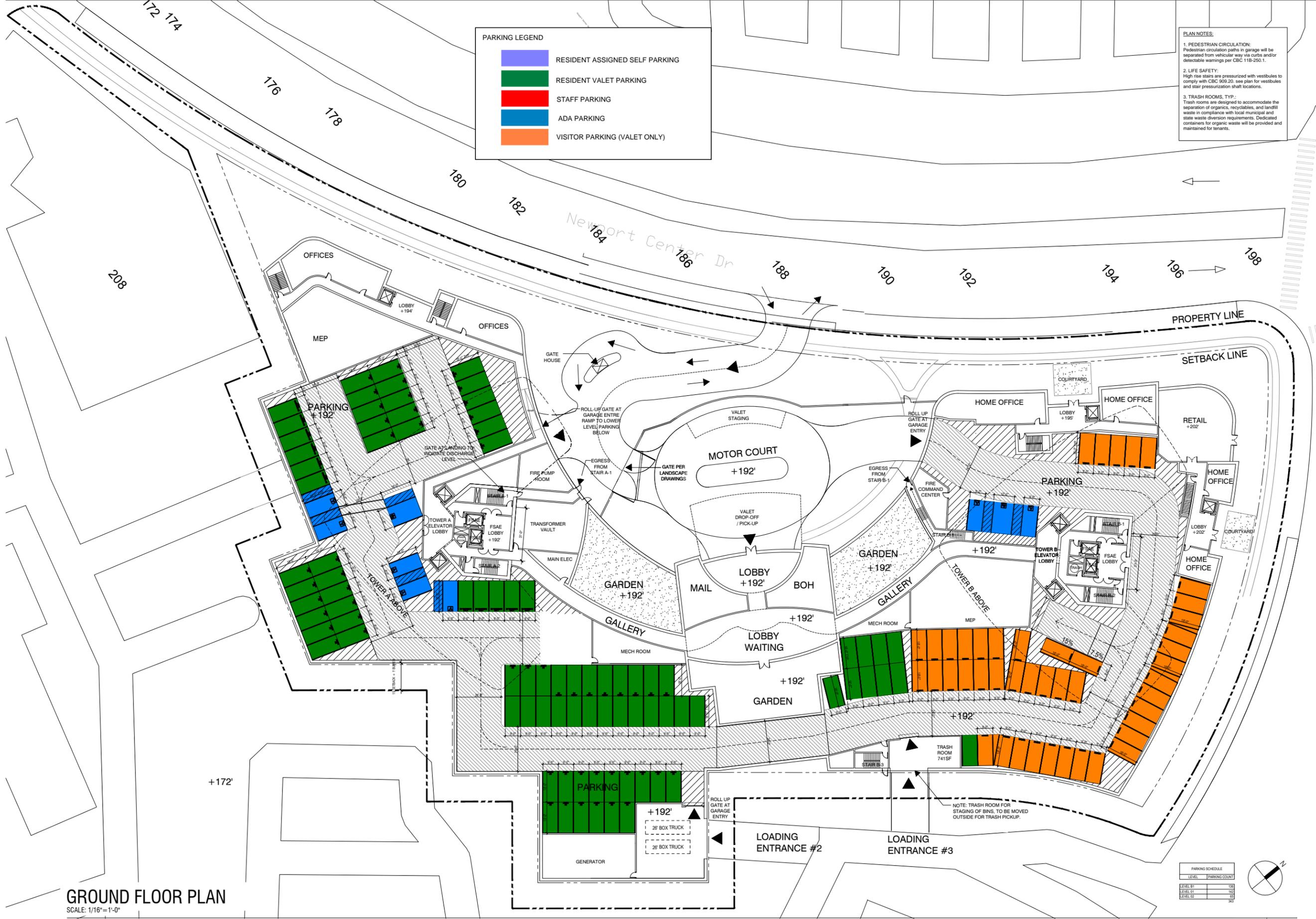
FIGURE 2 - LOWER LEVEL PLAN

PARKING LEGEND

- RESIDENT ASSIGNED SELF PARKING
- RESIDENT VALET PARKING
- STAFF PARKING
- ADA PARKING
- VISITOR PARKING (VALET ONLY)

PLAN NOTES:

1. PEDESTRIAN CIRCULATION: Pedestrian circulation paths in garage will be separated from vehicular way via curbs and/or detectable warnings per CBC 11B-250.1.
2. LIFE SAFETY: High rise stairs are pressurized with vestibules to comply with CBC 909.20, see plan for vestibules and stair pressurization shaft locations.
3. TRASH ROOMS, TYP.: Trash rooms are designed to accommodate the separation of organics, recyclables, and landfill waste in compliance with local municipal and state waste diversion requirements. Dedicated containers for organic waste will be provided and maintained for tenants.



GROUND FLOOR PLAN
SCALE: 1/16"=1'-0"

PARKING SCHEDULE

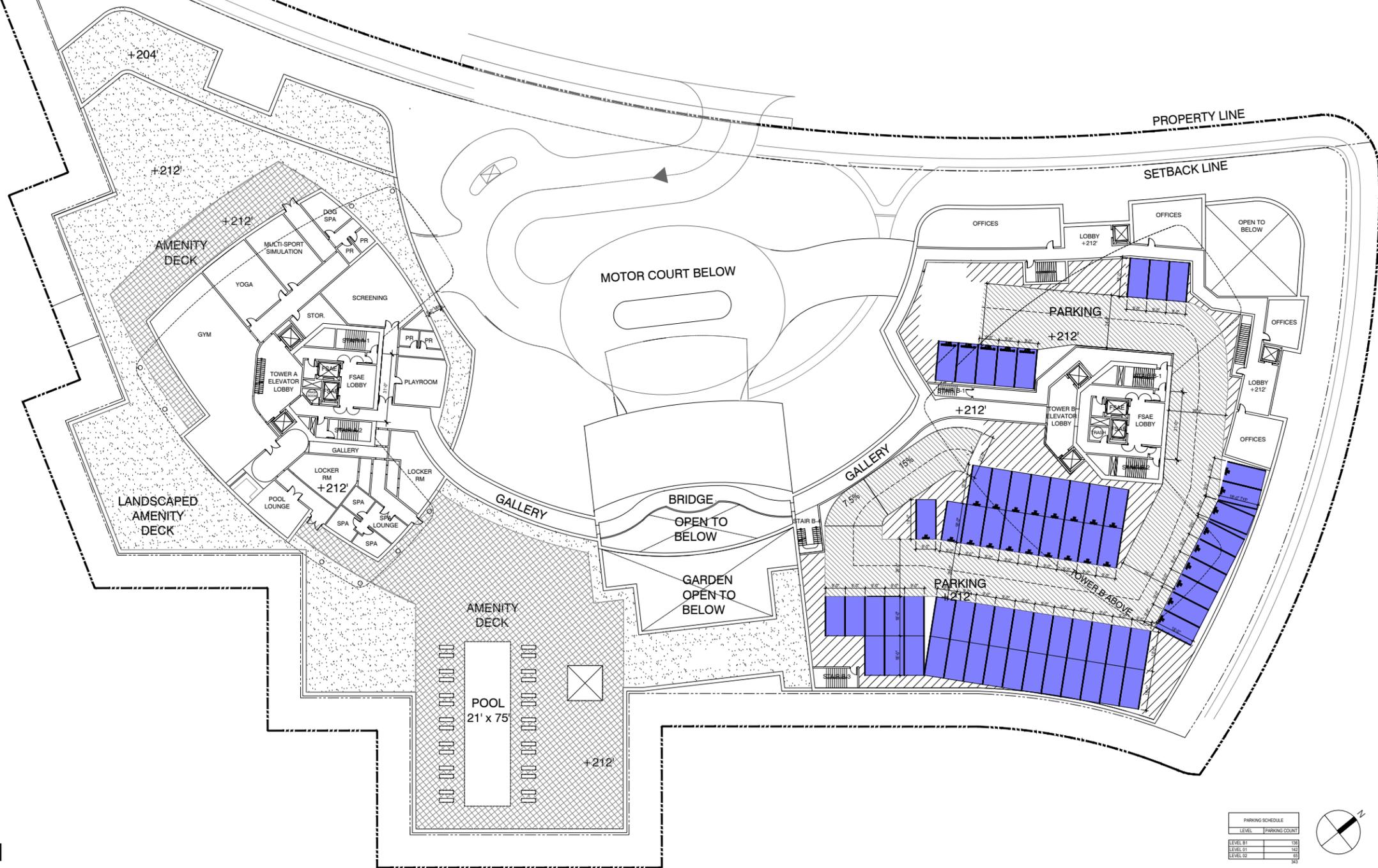
LEVEL	PARKING COUNT
LEVEL 01	190
LEVEL 02	140
LEVEL 03	80
LEVEL 04	30

PARKING LEGEND

- RESIDENT ASSIGNED SELF PARKING
- RESIDENT VALET PARKING
- STAFF PARKING
- ADA PARKING
- VISITOR PARKING (VALET ONLY)

PLAN NOTES:

1. PEDESTRIAN CIRCULATION: Pedestrian circulation paths in garage will be separated from vehicular way via curbs and/or detectable warnings per CBC 11B-250.1.
2. LIFE SAFETY: High rise stairs are pressurized with vestibules to comply with CBC 909.20, see plan for vestibules and stair pressurization shaft locations.
3. TRASH ROOMS, TYP: Trash rooms are designed to accommodate the separation of organics, recyclables, and landfill waste in compliance with local municipal and state waste diversion requirements. Dedicated containers for organic waste will be provided and maintained for tenants.



LEVEL 2 FLOOR PLAN
SCALE: 1/16" = 1'-0"

PARKING SCHEDULE	
LEVEL	PARKING COUNT
LEVEL 01	130
LEVEL 02	140
LEVEL 03	60
LEVEL 04	30



**EXHIBIT “E”
CONDITIONS OF APPROVAL**

(Project-specific conditions are in italics)

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 and shall restrict use of the home offices if parking is determined to be inadequate to accommodate the needs of the home office uses in the future. 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 permit issuance, the Applicant shall provide proof that this condition has been incorporated into the CC&Rs for the Property.*

5. *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.*
6. *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 would be substantially conforming to this approval.*
7. 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.
8. All staff of the Project (e.g. valet, maintenance, concierge, etc.) shall park on-site.
6. *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. 16.*
7. 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.
8. *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.*
9. *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.*
10. *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.*

11. *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.*
12. *Prior to the issuance of a building permit, the Applicant shall pay applicable school fees for the Project.*
13. *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.*
14. *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.*
15. *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.*
16. *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.*
17. *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.*
18. *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.*
19. *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.*

20. *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.*
21. *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.*
22. *Prior to building permit final, 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.*
23. 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.
24. *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.*
25. *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.*
26. 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.
27. 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.

28. *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. All staging, material storage, and deliveries shall be located entirely on-site. Construction parking shall not be permitted within the public right-of-way.*
29. 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.
30. 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).
31. 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.
32. 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.
33. *All proposed signs shall be in conformance with the provisions of Chapter 20.42 (Signs) of the Newport Beach Municipal Code.*
34. 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.
35. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to this Use Permit or the processing of a new Use Permit.
36. Deliveries and refuse collection for the nonresidential uses shall be prohibited between the hours of 10p.m. and 7a.m. on weekdays and Saturdays and between the hours of 10p.m. and 9a.m. on Sundays and Federal holidays, unless otherwise approved by the Director of Community Development, and may require an amendment to this Use Permit.

37. Storage outside of the building in the front or at the rear of the property shall be prohibited.
38. 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.
39. *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".*
40. 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

41. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
42. 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.
- 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.

43. 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.
44. 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.
45. 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.
46. Site specific seismic parameters shall be reviewed prior to permit issuance.

47. Exterior wall and opening protection shall comply with chapter 705 of the California Building Code.
48. 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.
49. Exit discharge shall comply with chapter 1028 of California Building Code.
50. Two exits are required for common space that has more than 49 occupant load.
51. Exit discharge shall comply with 1028 of California Building Code.
52. Provide barrier/gate at interior exit stairs to indicate exit discharge level. The barrier/gate shall have its own landing.
53. High rise building shall comply with section 403 of the California Building Code.
54. Elevator hoistway enclosure and lobby shall comply with Chapter 30 of California Building Code.
55. Performance based structural design requires a peer review.
56. OC Health approval is required for public pool.
57. Accessible path of travel is required from the public right of way and parking.
58. 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.
59. 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.
60. 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

61. 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.

62. 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.
63. 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.
64. 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.
65. 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.
66. All improvements shall be constructed as required by Ordinance and the Public Works Department.
67. An encroachment permit shall be required for all work activities within the public right-of-way.
68. 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.
69. *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.

- 70. *The applicant shall reconstruct all damaged/broken curb, gutter and sidewalk along the Newport Center Drive and San Miguel Road frontages per City Standards.*
- 71. *The proposed new driveway along the Newport Center Drive frontage shall be reconstructed per City standard.*
- 72. All deliveries and move-ins/move-out shall be accommodated on-site and prohibited from parking or stopping within the public right of way.
- 73. *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.*
- 74. Driveways and loading areas shall provide adequate sight distance according to the City standard and Code requirements.
- 75. *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.*
- 76. *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

- 77. 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).
- 78. 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).
- 79. 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).

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80. 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.
81. 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).
82. Fire department access roads shall comply with Newport Beach Fire Guidelines C.01, C.02, and D.08.
83. Any fire department access roads that exceed 150 feet will require an approved turn around for fire apparatus.
84. Addressing shall meet the requirements of Newport Beach Municipal Code 9.04.170.
85. 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.
86. 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).
87. 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).
88. 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.

89. 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.
90. Buildings will require an emergency generator.
91. 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).
92. 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).
93. 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).
94. Standby power shall be manually transferable to all elevators in each bank (3003.1.1 Manual transfer).
95. 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).
96. 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).
97. 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).
98. 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.

99. 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).
100. 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).
101. 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).
102. 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.
103. 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.
104. Medical emergency elevators shall be identified by the international symbol (Star of Life) for emergency medical services (3002.4.4a Designation).
105. The symbol shall not be less than 3 inches (76 mm) in size (3002.4.5a Symbol size).
106. 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).
107. 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.

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108. 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.
 109. 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.
 110. Fire hydrants shall be spaced along fire department access roads in compliance with the 2022 CFC Appendix C.
 111. 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.
 112. A secondary water supply shall be required for each building complying with 2022 CFC 914.3.2.
 113. Smoke control systems shall be required in all high-rise buildings per 2022 CFC 909 and 914.3.8.1.
 114. Smokeproof exit enclosures shall be required per 2022 CFC 914.3.8.2
 115. List all items on title sheet of plans that will be a deferred submittal.
 116. 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.
 117. The porte-cochere shall have a minimum clearance height of 13 feet 6 inches for fire apparatus to maneuver underneath.
 118. Fire pumps shall be required for both buildings per 2022 CFC 913.
 119. *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.

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