

Attachment PC 1

Draft Resolution

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RESOLUTION NO. PC2026-019

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A MAJOR SITE DEVELOPMENT REVIEW AND VESTING TENTATIVE TRACT MAP FOR A 30-UNIT RESIDENTIAL TOWNHOME PROJECT LOCATED AT 1501 16TH STREET (PA2025-0254)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Dean Pernicone with D. R. Horton (“Applicant”), concerning property located at 1501 16th Street (APN 117-811-18), and legally described in “Exhibit A,” which is attached hereto and incorporated herein by reference (“Property”).
2. The Applicant requests to develop a 30-unit, for-sale residential townhome community on an existing medical office site at 1501 16th Street (“Project”). The proposed Project includes the demolition of all current improvements and construction of three-bedroom townhomes ranging from 2,088 to 2,401 square feet. The development will include a two-car garage for each unit and nine uncovered guest parking spaces for a total of 69 on-site parking spaces. The 30 units will be distributed across five buildings composed of five, six, and seven units. The buildings are three-stories tall with rooftop decks above and have a maximum structure height of approximately 44 feet above established grade. The Project proposes resident-serving amenities including outdoor seating, barbeque, firepit, walking paths, and a passive turf area. Vehicular access to the Property is provided by a single driveway on 16th Street.
3. The following approvals are required from the City of Newport Beach (“City”) to implement the Project:
 - a. **Major Site Development Review (“SDR”)**: An SDR is required for projects proposing five or more units with a tract map. An SDR is also requested to allow deviations from five multi-unit objective design standards pursuant to Section 20.48.185 (Multi-Unit Objective Design Standards) of the Newport Beach Municipal Code (“NBMC”).
 - b. **Vesting Tentative Tract Map (“VTTM”)**: A VTTM is requested to allow for an airspace subdivision of the individual residential units for condominium purposes.
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”) of the General Plan. The Property was identified as Housing Opportunity Site Map Identification No. 86.

5. The Property was initially identified by the Housing Element Update Advisory Committee (HEAUC) as being potentially feasible for residential redevelopment, was subsequently included in the Housing Opportunity Sites Inventory as Map Identification No. 142 and is within the HO-3 (Dover-Westcliff Area) Subarea of the Housing Overlay.
6. The Property is designated as General Commercial Office (CO-G) by the General Plan Land Use Element and is located within the Office-General (OG) zoning district in the HO-3 (Dover-Westcliff Area) Subarea of the Housing Opportunity (HO) Overlay Zoning District.
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 City's Sites Inventory within the City's 6th Cycle Housing Element contains other adequate sites suitable for affordable housing opportunities and therefore is consistent with the State's no net loss provisions.
9. A public hearing was held on June 18, 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 Government Code Section 54950 *et seq.* ("Ralph M. Brown Act") and Chapter 20.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to and considered by the Planning Commission at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is statutorily exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code ("PRC") Section 21080.66 (enacted through Assembly Bill 130) because it has no potential to have a significant effect on the environment.
2. Pursuant to Section 21080.66 of the PRC, the Project is statutorily exempt because it meets the following criteria:
 - a. The Project is entirely residential and therefore meets the definition of a "housing development project."
 - b. The Property is less than 20 acres (1.53 acres).
 - c. The Property is within the City of Newport Beach, an incorporated municipality.
 - d. The Property is currently developed with urban uses (medical office development).
 - e. The General Plan land use designation is General Commercial Office (CO-G), and the zoning is Office-General (OG), but the site is located within the HO-3 (Dover-Westcliff Area) Subarea of the Housing Overlay and is designated as a Housing Opportunity Site in the City's General Plan Housing Element. HO-3 (Dover-Westcliff Area) allows residential development with a minimum of one unit per 2,178 square feet of lot area

(20 dwelling units per acre) and a maximum of one unit per 871 square feet of lot area (50 dwelling units per acre).

- f. Based on the lot size of 66,501.5 square feet (1.53 acres), application of NBMC Section 20.12.020(C)(1) (Rules of Interpretation – Residential Density) results in a calculated minimum density of 30.6 dwelling units ($66,501.5 \div 2,178 = 30.6$). Pursuant to Section 20.12.020(C)(1), fractional dwelling units are rounded down; therefore, the Project complies with the Housing Overlay District minimum requirement of 30 dwelling units for the site.
- g. The Project proposes to develop 30 townhomes (approximately 20 du/acre) which exceeds the applicable minimum density requirement under state law (minimum 15 dwelling units per acre).
- h. The Property is not located in the Coastal Zone.
- i. The Property is designated as “urban and built-up land” and not as prime farmland or farmland of statewide importance.
- j. The Property is not designated as wetlands and does not contain wetlands.
- k. The Property is not located in a Very High Fire Hazard Severity Zone (“VHFHSZ”) zone.
- l. The Property is not located on hazardous waste site that is listed on the Cortese List or a site designated by the Department of Toxic Substances (“DTSC”) pursuant to California Health and Safety Code (“H&S”) Section 25356.
- m. The Property is not located in an earthquake fault zone.
- n. The Property is not located within a special flood hazard area.
- o. The Property is not located in a regulatory floodway.
- p. The Property is not identified for conservation in an adopted natural resource protection plan.
- q. The Property is developed and does not contain habitat for protected species.
- r. The Property is not subject to a conservation easement.
- s. The Project does not require the demolition of any historic structures. The buildings that exist on the Property are not listed on a national, state, or local historic register.
- t. No portion of the Project would be a hotel, motel, bed and breakfast, or other transient lodging.
- u. The Project is not within 500 feet of a freeway.

Additionally, the City completed tribal consultation with Native American Tribes that are traditionally and culturally affiliated with the geographic area of the Project as required. The City initiated consultation on January 20, 2026, with the two tribes that requested consultation, Gabrieleño Band of Mission Indians – Kizh Nation and Juaneño Band of Mission Indians – Acjachemen Nation, which concluded on March 21, 2026. Mitigation measures, which have been agreed upon by the tribal representatives and the City are included in conditions of approval attached hereto as set Exhibit “C,” requiring monitors and protecting tribal cultural resources.

SECTION 3. REQUIRED FINDINGS.

Major Site Development Review

In accordance with Section 20.52.080(F) (Site Development Reviews – Findings and Decision) 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-3 (Dover-Westcliff Area) Subarea and is identified as Housing Opportunity Site Map Identification No. 142. Pursuant to Section 20.28.050 (B) (Housing Opportunity (HO) Overlay Zoning Districts – Uses Allowed), 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-3 Subarea.
2. Pursuant to Table 2-16 (Development Standards for Housing Opportunity Overlay Zones) of Section 20.28.050 of the NBMC (“Table 2-16”), the HO-3 Subarea requires a density of 20 to 50 dwelling units per acre. Based on the proposed 1.53-acre lot, the Project results in a density of approximately 20 units per acre and meets the density requirement of the HO-3 Subarea.
3. The HO-3 Subarea requires a minimum front and street side setback of 10 feet and a minimum rear setback of 20 feet; the Project complies with the required setbacks.
4. Table 2-16 requires a maximum height for the HO-3 Subarea of 65 feet. The Project proposes a maximum height of 44 feet 7 inches to the highest ridge as measured from the established grade indicated on the VTTM, consistent with Section 20.30.050 (B)(1) (Grade Establishment – Subdivisions) of the NBMC.
5. 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 requires 2.0 parking spaces per unit that includes three or more bedrooms, and 0.3 spaces per unit for visitor parking. The Project proposes 30 three-

bedroom units, resulting in a requirement of 69 parking spaces overall. The Project provides a two-car garage for each unit and nine guest parking spaces for a total of 69 onsite parking spaces. The Project therefore complies with the minimum parking requirement.

6. Pursuant to Section 20.30.130 (Traffic Safety Visibility Area) of the NBMC, the Project complies with sight-distance requirements.
7. Pursuant to Section 20.30.120 (Solid Waste and Recyclable Materials Storage) of the NBMC, the Project provides the minimum common storage areas for refuse and recycling.
8. 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. As detailed in the Objective Design Standards Checklist, which is attached hereto as Exhibit “B” and incorporated by reference, the Project deviates from the following four objective design standards:

- (1) 20.48.185(J)(3)(a)(iv) (Residential Fronts – Ground Floor Elevation);
- (2) 20.48.185 (M)(2)(b) (Private Street Standards – Private Street Zones);
- (3) 20.48.185 (R)(1)(a) (Horizontal Modulation – Maximum Building Length);
- (4) 20.48.185(R)(1)(d) (Horizontal Modulation – Maximum Number); and
- (5) 20.48.185(G)(4)(Open Space Areas – Common Open Space) of the NBMC.

The Project otherwise complies with the design standards and, in come some cases, exceeds the intent of the standards. Section 20.48.185(C) (Multi-Unit Objective Design Standards – Applicability) of the NBMC allows for deviations from any objective design standards through the approval of an SDR by the Planning Commission 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. The facts in support of the required findings are included in Findings D through E.

9. The HO-3 Subarea requires a minimum building separation of 10 feet. The Project proposes varying building separations with a minimum distance of 10 feet. The Project therefore complies with the minimum building separation requirement.
10. The HO-3 Subarea requires that at least 75 square feet of common space be provided per dwelling unit throughout the Property with a minimum length and width of 15 feet. The Project is therefore required to provide a minimum of 2,250 square feet of common open space. Section 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 16,318 square feet of common open area throughout the site, which includes walking paths, passive use turf area, firepit, and seating. The Project therefore complies with the minimum common open space requirement.

11. The HO-3 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. Section 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. Private open space required is 4,666 square feet, whereas 10,938 square feet would be provided. All units would have a rooftop deck that ranges from 258 to 318 square feet in size. Additionally, most units will have a balcony on the second floor, which ranges from 56 to 119 square feet.

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 General Commercial Office (CO-G) by the Land Use Element of the General Plan. However, as indicated in Land Use 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. In this case, the HO-1 subarea

allows residential development on the Property in addition to the uses allowed in the underlying CO-G land use category and 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 Project proposes a 30-unit residential townhome complex consisting of for-sale, attached single-unit dwellings offered in two distinct floor plan configurations ranging from three to four bedrooms and 2,088 to 2,401 square feet. 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 Project is proposed on an existing property with an older hospital facility development that is no longer in operation. The Project will add 30 attached single-unit dwellings to the City's housing stock which furthers the City's efforts of increasing and diversifying the housing stock. Additionally, the Public Works Department reviewed the sewer and water demand study prepared for the Project. There are conditions that require final design of the water and sewer system, including water meter locations, to be reviewed and approved by the Public Works and Utilities Departments.

- 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 located within Housing Opportunity Site No. 142 and the HO-3 (Dover-Westcliff Area) Subarea. The Project proposes 30 residential condominiums on a 1.53-acre property which yields a density of approximately 20 dwelling units per acre, consistent with the allowed density of the HO-3 (Dover-Westcliff Area) 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.

The principles of this policy are implemented through Section 20.48.185 (Multi-Unit Objective Design Standards) of the NBMC. As detailed in the Objective Design Standards Checklist, which is attached hereto as Exhibit "B" and incorporated by reference, the Project complies with the majority (48 of 52) of the applicable objective design standards and in some cases exceeds the intent of the standards. However, the Applicant requests minor deviations of three 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 LU5.1.9.

Additionally, the Project includes buffer landscaped areas and common open space that are thoroughly landscaped with drought tolerant and noninvasive plant species. Additionally, all internal driveways to garages are behind the residential buildings and individual trash containers are kept within each private garage space not visible from the public street.

- 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.*

Although the Property has an irregular shape, the Project design compactly arranges the five separate buildings to maximize site efficiency and preserve the required setbacks and building separations. The Project site design includes interior drive aisles and resident amenity areas which are screened from public view. The Project's landscaped edge conditions, location of drive aisles and residential amenities reduce the visual impact of the Project and ensures compatibility with the surrounding neighborhood.

- 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.*

The architectural design of the Project is a Cape Cod style, characterized by symmetrical massing, side-gable roof forms, horizontal lap siding and board-and-batten detailing, vertically proportioned windows with divided lights, and soft coastal color palettes. The light, neutral tones used in the color palette enhance architectural articulation and reflect the local environment.

- 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.*

The Project has been conditioned to require the Applicant to update the photometric study in conjunction with a final lighting plan which shows that lighting values are “1” 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. **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 job-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 California Code of Regulations (“CCR”), Title 24, Parts 6 – California Energy Code) and the Green Building Standards Code (CCR, Title 24, Part 11 - CALGreen). Additionally, the Project would generally implement water-efficient landscaping, water quality best management practices and low impact development practices.

- j. **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.*

Although the Project is not located within an established residential neighborhood, a draft construction management plan (“CMP”) has been reviewed and approved by the Community Development, Fire, and Public Works Departments. This ensures that any traffic congestion impacts associated with the construction process are minimized to the greatest extent possible. The Project has been conditioned to require the Applicant to provide a final CMP to be reviewed and approved by Community Development, Fire, and Public Works Departments.

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

See finding *LU 6.15.23 Sustainable Development Practices* above.

- 3. Facts 1 through 11 in support of Finding A are hereby incorporated by reference.
- 4. The Property is not located within a specific plan area.
- 5. The Project includes various intentional architectural design features including recessed balconies, varied rooflines, and material changes with a neutral color palette. These design features result in well-articulated facades which reduce the visual bulk of the Project.
- 6. The Project landscaping complies with Chapter 14.17 (Water-Efficient Landscaping) and Chapter 20.36 (Landscaping Standards) of the NBMC. Additionally, the Project complies with the City's Water Efficient Landscape Ordinance ("WELO") which requires the installation and maintenance of drought tolerant and noninvasive plant species. The Project includes common landscaped open space and landscape buffer zones along street frontages. Additionally, landscaping is integrated throughout the Property, including the common open-space areas to enhance the residential experience.
- 7. Pursuant to Section 20.30.100 (Public View Protection) of the NBMC, projects shall preserve significant visual resources from public views and corridors including identified in Figure NR 3 (Coastal Views) of the Natural Resources Element of the General Plan. The Property is not within the vicinity of any Public Viewpoints, nor any Coastal View Roads as identified in Figure NR3. The nearest designated public viewpoint is located approximately 900 feet to the southeast of the site, looking over Newport Bay. The nearest designated coastal view road is Pacific Coast Highway, south approximately 1,900 feet of the Property. Due to the distance, intervening structures, and urbanized nature of the Project area, the Project is not anticipated to impact any public views.

Finding:

- C. *Not detrimental to the harmonious and orderly growth of the City, nor will it endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of a person residing or working in the neighborhood of the proposed development.*

Facts in Support of Finding:

- 1. The Project has been designed to minimize aesthetic impacts to the surrounding neighborhood to the greatest extent possible by providing an architecturally pleasing coastal inspired modern architectural style design with articulation and high-quality materials.

2. The Project has been designed to have adequate, efficient, and safe pedestrian and vehicular access to and from the Property within driveways, parking, and loading areas. The Project includes the drive aisles that are located within the Property, behind the proposed buildings. The Project is also designed to accommodate and provide sufficient access for emergency vehicles and refuse collection vehicles through the 16th Street access points.
3. The Project meets the required 69 on-site parking spaces including a two-car garage for each unit and nine guest parking spaces. The individual unit garage parking and guest parking will mitigate use of street parking on the surrounding streets that are adjacent to the Property.
4. The Project has been conditioned to require the Applicant to update the photometric study in conjunction with a final lighting plan which shows that lighting values are “1” 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.
5. The Project will comply with all Building, Public Works, and Fire Codes, along with all City ordinances and all conditions of approval which are attached hereto as Exhibit “C”.

Multi-Unit Objective Design Standards Deviations

In accordance with Section 20.48.185(A) (Multi-Unit Objective Design Standards – Purpose) of the NBMC, the Project is seeking deviation from the following Multi-Unit Objective Design Standards:

- (1) 20.48.185(J)(3)(a)(iv) (Residential Fronts – Ground Floor Elevation);
- (2) 20.48.185 (N)(2)(b) (Private Driveway Standards – Driveway Zones);
- (3) 20.48.185 (R)(1)(a) (Horizontal Modulation – Maximum Building Length);
- (4) 20.48.185 (D)(2) (Open Space Areas – Common Open Space); and
- (4) 20.48.185(R)(1)(d) (Horizontal Modulation – Maximum Number) of the NBMC.

The Planning Commission may approve an SDR to allow deviation of multi-unit objective design standards 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.*

Facts in Support of Finding:

1. 20.48.185(J)(3)(a)(iv) (Residential Fronts – Ground Floor Elevation); requires at least twenty (20) percent of the surface area of the ground and upper floor facade shall be

occupied by windows. Four of the buildings do not meet the 20% glazing requirements, including Building 100 (19.97%), Building 300 (19.97%), Building 400 (19.98%) and Building 500 (17.92%). However, three of these buildings are only a fraction of a percent below the minimum requirement, with only Building 500 having a 2.08% deficit. Adding additional glazing to the building to meet the requirement will impact the structural integrity of the design and reduce energy efficiency within the dwellings.

2. 20.48.185(N)(2)(b) (Private Driveway Standards – Driveway Zones); requires a minimum 4-foot landscaping and paving zone along the driveway. All of the units within the Project comply with the requirement except for one unit in Building 500, which is reduced to 1 foot, 8 inches instead of 4 feet. This deviation is needed because at this location a building “pinch” point occurs due to Fire Department turning radius on the back side. The building is locked for fire safety reasons on both sides, with a ladder pad area in front of the building and fire turning radius minimum on the rear of the building. This “one” area will be planted with shrub suitable for its size.
3. Section 20.48.185(R)(1)(a) (Horizontal Modulation – Maximum Number); requires that no building shall have a length greater than 150 feet. Building 400 measures approximately 156 feet and Building 500 measures 164 feet, exceeding the 150-foot maximum standard. Meeting the 150-foot length would require splitting both buildings, triggering the need for a 10-foot building separation. Doing so would decrease the total lot area available for units, which would prevent the Project Site from meeting the minimum density of 20 du/acre. Furthermore, Building 500 is situated along a curvilinear angle rather than a straight line. This curvature results in a ten-degree break which helps to diminish the massing of the building.
4. Section 20.48.185(R)(1)(d) (Horizontal Modulation – Maximum Number); requires a maximum of two recesses or projections per façade. The Project includes more than two recesses and projections for the two largest buildings. The design breaks up mass through modulation of the buildings to provide a more traditional townhome appearance. The additional modulation creates an accent dimension and strengthens the overall design. Limiting the design to only two recesses or projections would result in less modulation, less visual interest, and a building less reminiscent of townhomes. The Project furthers the intent of this requirement by sufficiently modulating the buildings, which results in a less visually obtrusive building length.
5. 20.48.185(G)(4) (Open Space Areas – Common Open Space); requires that common open space not be directly adjacent to commercial development. The proposal includes common open space that will provide passive recreation for the residents. This open space area faces the existing commercial uses located to the east at 747 Dover Drive. The commercial use is an existing private gym with parking between the gym and the proposed development. There is a grade break between the Project site and the adjacent parcel and the open space areas include substantial landscaping along the property line, which would ensure usability of the open space and privacy of residents using the open space area.

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 3 and 8 in support of Finding A are hereby incorporated by reference.
3. The Project includes a variety of building sizes, including five-, six-, and seven-unit buildings, which creates additional visual interest and relief. The modifications to the design standards allow each of the buildings to maintain a consistent appearance, thereby avoiding a disjointed design that negatively impacts the area. Landscaped paseos are provided between the buildings and the right-of-way to further soften the appearance of the Project.

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:

F. 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 (“VTTM”) is for 30-unit residential air-space condominiums (attached townhomes).
2. Facts 1, 2, and 4 in support of Finding B are hereby incorporated by reference.
3. 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.
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 is a medical office development; therefore, the in-lieu park fee will be required for the 30 new dwelling units.
5. A preliminary application for residential development, filed as PA2025-0231, was deemed submitted on November 13, 2025 for this Project. The Preliminary Application prevents the Project from being subject to any City ordinances, policies, and standards adopted after the date of submission, except as specified in Government Code Section

65589.5(o). Therefore, the Project will be subject to the in-lieu park fee in the amount of \$59,575 per unit, which was the fee in effect at the time it was deemed submitted.

Finding:

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

Facts in Support of Finding:

1. The proposed 1.53-acre Property is irregular in shape, slopes slightly towards the northwest, and is not within a zone subject to seismically induced liquefaction potential. The Property is adequately sized to accommodate the proposed density in compliance with all applicable requirements of the HO-3 (Dover-Westcliff Area) subarea.
2. The Property is suitable for the type and density of the development in that the infrastructure serving the site has been designed to accommodate the Property. Sewer and water demand studies were prepared by Fuscoe Engineering, both dated May 2026. The water study concluded that the proposed onsite water system is adequately designed to provide domestic water service and fire flow for the proposed onsite fire hydrants and building's domestic demand. The Project does not result in more than 500 dwelling units; therefore, a Water Supply Assessment ("WSA") is not required for the Project.
3. The Public Works Department has reviewed and accepted these studies. The Project is also conditioned so that any additional required improvements to downstream City infrastructure to accommodate the Project will be designed and constructed as part of the Project. Final design will be reviewed and approved by the Public Works Department.
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:

H. *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*

Fact in Support of Finding:

1. As detailed in the CEQA determination in Section 2 of this resolution, pursuant to Section 21080.66 (enacted through Assembly Bill 130) the Property qualifies for the statutory

exemption. The Property is developed and not designated as wetlands, is not identified for conservation in an adopted natural resource protection plan and does not contain habitat for protected species and is not subject to a conservation easement. Therefore, as detailed in Section 2 of the resolution, no substantial environmental damage is anticipated as part of the Project.

Finding:

- I. *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 proposed VTTM is for a 30-unit residential development. 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 Subdivision Map Act. The Project will conform to all City ordinances and Conditions of Approval.
- 2. No evidence is known to exist that would indicate that the proposed subdivision will generate any serious health problems.

Finding:

- J. *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.*

Facts 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. As conditioned, an emergency access easement will be recorded over the drive aisles and a blanket easement throughout the property will be provided for water meters, and water and sewer infrastructure as determined by the Public Works Department.
- K. *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.

Facts 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 Property is within the HO-3 (Dover-Westcliff Area) Subarea which is intended for development of a multi-story residential project. The intended use is not for residential development that is incidental to a commercial agricultural use.

Finding:

- L. *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 Property is not considered a “land project” as previously defined in Section 11000.5 of the California Business and Professions Code because the Project site does not contain 50 or more parcels of land.
2. The Project is not located within a specific plan area.

Finding:

- M. *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 VTTM includes attached dwelling units with open space, private driveways, and walkways which separate the individual buildings.
2. 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:

N. *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 needs 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 30 dwelling unit Project yields an approximate density of 20 dwelling units per acre, consistent with the HO-3 (Dover-Westcliff Area) Subarea. The Project is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code as the Project results in a net increase in 30, for-sale, residential dwelling units which contributes to the City's assigned 6th Cycle RHNA. By developing underutilized office site with medium-density ownership housing, the Project helps meet the City's housing goals while utilizing existing infrastructure and public services.

Finding:

O. *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 ("RWQCB") requirements.
2. A Water Quality Management Plan ("WQMP") has been prepared for the Project.
3. Fact 2, 3 and 4 in support of Finding G is hereby incorporated by reference.

Finding:

P. *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 Property 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. The Planning Commission of the City of Newport Beach hereby finds this Project is statutorily exempt from CEQA under Public Resources Code Section 21080.66 (Assembly Bill 130) because it meets the eligibility criteria and has no potential to have a significant effect on the environment.
2. The Planning Commission of the City of Newport Beach hereby approves Major Site Development Review and Vesting Tentative Tract Map filed as PA2025-0254 subject to the conditions outlined in Exhibit "C," which is attached hereto and incorporated by reference.
3. This action on the Major Site Development Review shall become final and effective 14 days following the date of 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. This action on the Vesting Tentative Tract Map shall become final and effective 10 days following the date this Resolution was adopted unless within such time an appeal is filed with the City Council in accordance with the provision of Title 19 (Subdivisions) of the NBMC.

PASSED, APPROVED, AND ADOPTED THIS 18TH DAY OF JUNE 2026.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
Tristan Harris, Chair

BY: _____
Jonathan Langford, Secretary

Exhibits:

- Exhibit A – Legal Description
- Exhibit B – ODS Checklist
- Exhibit C – Conditions of Approval

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EXHIBIT "A"**Legal Description**

Real property in the City of Newport Beach, County of Orange, State of California, described as follows:

Lot 1 as shown on Lot Line Adjustment No. LA 2009-010, as evidenced by document recorded September 27, 2012, as Instrument No. 2012000566731 of Official Records, being more particularly described as follows:

Being a subdivision of portions of Parcel 2 and Parcel 3 of Parcel Map 80-706, filed in Book 160, Pages 3 through 5 of Parcel Maps, and a portion of Tract No. 1125, filed in Book 39, Pages 7 and 8 of Miscellaneous Maps, both in the City of Newport Beach, County of Orange, State of California, both recorded in the Office of the County Recorder of said County, described as follows:

Beginning at the Southwest corner of said Parcel 3; thence Northeasterly along the common line of said Parcel 3 and Lot 4 of said Tract No. 1125, North 16° 04' 40" East, 23.60 feet to the true Point of Beginning; thence continuing along said line North 16° 04' 40" East, 371.53 feet to a point in the Southwesterly right-of-way of 16th street as shown on said PARCEL MAP NO. 80-706; thence Southeasterly along said right-of-way South 50° 16' 30" East, 97.05 feet; thence leaving said line on a perpendicular tangent to a point in the Southwesterly right-of-way of 16th street as shown on said Tract Map No. 1125, North 39° 43' 30" East, 12.00 feet; thence Southeasterly along said right-of-way South 50° 16' 30" East, 42.93 feet to the beginning of a tangent curve, concave Northeasterly, having a radius of 1230.00 feet; thence Southeasterly along said curve an arc distance of 8.93 feet, through a central angle of 00° 24' 57", a radial bearing to said point bears South 39° 18' 33" West; thence Southwesterly along a radial line to said curve South 39° 18' 33" West, 12.00 feet; thence South 15° 57' 11" East, 40.82 feet to the beginning of a tangent curve, concave, Northwesterly, having a radius of 2.50 feet; thence Southeasterly and Southwesterly along said curve an arc distance of 3.72 feet, through a central angle of 85° 12' 13"; thence South 69° 15' 02" West, 18.21 feet; thence South 20° 57' 11" East, 77.63 feet to the beginning of a tangent curve, concave Westerly, having a radius of 541.00 feet; thence Southerly along said curve and arc distance of 181.19 feet, through a central angle of 19° 11' 21"; A radial bearing to said point bears North 88° 14' 10" East; thence Southwesterly along a radial line to said curve, South 88° 14' 10" West, 1.00 feet to the beginning of a non-tangent curve, concave to the West, having a radius of 540.00 feet, a radial bearing to said point bears North 88° 14' 10" East; thence Southerly along said curve an arc distance of 5.21 feet, through a central angle of 00° 33' 09"; thence North 81° 20' 59" West, 275.73 feet to the true Point of Beginning.

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EXHIBIT "B"

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

Disclaimer: This checklist is intended to help ensure compliance with Section 20.48.185 (Multi-Unit Objective Design Standards) of the Newport Beach Municipal Code (NBMC). It does not include all design and development standards from other sections of the NBMC, planned community development plans, or any overlay zoning district; however, compliance with all applicable standards is still required. If you have questions on which standards apply to your project, please contact a planner at 949-644-3204.

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							

20.48.185 Objective Design Standards Checklist Items	Applicant Evaluation			Staff Evaluation			
	Yes	No	N/A	Yes	No	N/A	Drawing Reference
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							
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							

20.48.185 Objective Design Standards Checklist Items	Applicant Evaluation			Staff Evaluation			
	Yes	No	N/A	Yes	No	N/A	Drawing Reference
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							
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							

20.48.185 Objective Design Standards Checklist Items	Applicant Evaluation			Staff Evaluation			
	Yes	No	N/A	Yes	No	N/A	Drawing Reference
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)							
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							

20.48.185 Objective Design Standards Checklist Items	Applicant Evaluation			Staff Evaluation			
	Yes	No	N/A	Yes	No	N/A	Drawing Reference
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							
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							

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

EXHIBIT “C”

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 Section 20.54.070 (Changes to an Approved Project) of the NBMC. By way of example, a change to the number of stories of a unit, floor plan redesign, and change to square footage ranges would be considered minor changes provided the project was within the allowed height limit, and in compliance with the 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. *This Major Site Development Review shall expire and become void unless exercised seven years from the date of approval of Resolution No. PC2026-019 to coincide with the expiration of Vesting Tentative Tract Map No. 19479 as provided in Condition of Approval No. 15.*
6. A copy of the Resolution, including conditions of approval Exhibit “C” shall be incorporated into the Building Division and field sets of plans before issuance of the building permits.
7. *The proposed residential development shall consist of 30 townhome, condominium units. The number of condominium units may be reduced by the Applicant without an amendment to the Site Development Review or Vesting Tentative Tract Map No. 19479 provided the total number of units meets the 20 to 50 dwelling units per acre density requirement under the HO Overlay Zoning District.*

8. *The maximum height of the residential structures shall be substantially similar to the approved plans. In no case shall the building or any portion of structure, architectural feature or mechanical equipment exceed the height limit of 65 feet.*
9. *The on-site residential amenities such as outdoor seating, firepit, passive turf area, and walking paths, 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-3 subarea.*
10. *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, advance 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.*
11. *Prior to the issuance of a building permit, the Applicant shall pay applicable school fees for the Project.*
12. *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.*
13. *A preliminary application for residential development, filed as PA2025-0231, was deemed submitted on November 13, 2025, for this Project. The Preliminary Application prevents the Project from being subject to any City ordinances, policies, and standards adopted after the date of submission, except as specified in Government Code Section 65589.5(o). 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 which is the fee that was in effect at the time the preliminary application was deemed submitted.*
14. *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.*
15. *Vesting Tentative Tract Map No. 19479 shall expire seven years from the date of approval of Resolution No. PC2026-019. 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 an additional five years.*

16. *Prior to the issuance of a building permit, the Applicant shall submit a final 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.*
17. *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 two vehicles within the required garage spaces. The CC&Rs shall prohibit residents from parking in guest parking spaces within the development. Residents and guests shall not park on adjacent private property and signs shall indicate that violators are subject to towing at their own expense. The HOA shall enforce this condition.*
18. 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.
19. 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.
20. *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.*
21. *Prior to the issuance of the 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.*
22. 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.
23. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, 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.
24. *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.

25. 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.
26. All trash bins shall be stored within the garage of each residential unit 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. The Applicant shall ensure that the trash bins are maintained to control odors. This may include the provision of periodic steam cleaning of the trash bin, if deemed necessary by the Planning Division. Cleaning and maintenance of trash bins shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).
27. Prior to the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
28. *A qualified monitor, one from each consulting tribe (the Juaneño Band of Mission Indians, Acjachemen Nation- Belardes and the Gabrieleno Band of Mission Indians - Kizh Nation), shall be retained and compensated as Native American Monitors for the project site prior to the commencement of any ground-disturbing activity to the completion of ground disturbing activities to monitor grading and excavation activities.*
29. *The monitors, one from each consulting tribe, shall be retained prior to the commencement of any "ground-disturbing activity" for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, including as public improvement work undertaken by the applicant). "Ground-disturbing activity" shall include, but is not limited to, any demolition that includes subterranean impacts, potholing, auguring, boring, grading, excavation, drilling, and trenching.*
30. *A copy of the executed monitoring agreements shall be submitted to the City prior to the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.*
31. *Both monitors shall complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall*

be shared between the two monitors and provided to the project applicant/lead agency upon written request to the monitors.

32. *On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the consulting tribes from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the consulting tribes to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact TCRs of the consulting tribes.*
33. *Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., within the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the monitor and/or archaeologist. The monitors will recover and retain all discovered TCRs in the form and/or manner the tribes deem appropriate, in the tribes' sole discretion in coordination with the applicant, and for any purpose the tribes deem appropriate, including for educational, cultural and/or historic purposes.*
34. *Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.*
35. *If Native American human remains and/or grave goods are discovered or recognized on the project site, then California PRC 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed.*
36. *Human remains and grave/burial goods shall be treated alike per California PRC Section 5097.98(d)(1) and (2).*
37. *Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods.*
38. *Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.*
39. *Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current property owner or leasing agent.*
40. *To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including without limitation, attorney's fees, disbursements, and court costs)*

of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the **Westcliff at Dover Residential Development including, but not limited to, Major Site Development Review and Vesting Tentative Tract Map (PA2025-0254)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing the such proceeding. The applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages that which City incurs in enforcing the indemnification provisions outlined in this condition. The applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

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 (CBC). The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required before the issuance of a building permit.
- 42. *Townhouses that do not meet the definition below shall be reviewed under the CBC and shall be equipped with NFPA 13R. "A single-family dwelling unit in a townhouse that extends from foundation to roof and that has a yard or public way on not less than two sides."*
- 43. *Slope setbacks to any building shall comply with 1808.7.1 of the CBC. Prior to issuance of building permits, the applicant shall demonstrate to the satisfaction of the Building Official that each building next to a slope complies with this requirement by showing the slope and dimension the distance from the slope to the building on the sections.*
- 44. 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 two 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.
45. *Buildings with three or more dwelling units shall comply with Chapter 11A of California Building Code. Accessible path of travel from parking and public right of way is required. Locate accessible parking such that disabled persons do not have to travel behind a parking/car.*
 46. *A separate circulation path to vehicular ways shall be provided with a curb or detectable warning/truncated dome (1116A.5 of California Building Code).*
 47. *Exterior wall and opening protection between buildings/imaginary property line and to property line shall comply to Table R302.1(1) and (2) (California Residential code) and Chapter 705 (CBC). Applicant shall provide exhibit showing how exterior walls of building comply.*
 48. *If any of the buildings falls outside of the definition of a townhouse and is under the R2 occupancy classification, the guest parking spaces shall comply with 1109A of the CBC including the minimum required accessible parking and accessible guest parking.*
 49. *Electric Vehicle charging for new construction shall comply with Section 4.106.4 of California Green Code.*
 50. *One-hour fire and 50 sound transmittal classification (stc) sound rating is required between dwelling units.*
 51. *Living areas with one exit shall comply with Table 1006.2.1, Table 1006.3.4(1), and Table 1006.3.4(2) of the CBC.*
 52. *The minimum emergency escape and rescue opening is required per R310 of the California Residential Code or 1031 of CBC.*
 53. *Cross lot drainage shall not be permitted.*

54. 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.
55. Before 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.
56. 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 waste or spills, limited use of harmful fertilizers or pesticides, and the diversion of stormwater away from potential sources of pollution (e.g., trash receptacles and parking structures). The Stage 2 WQMP shall list and describe all structural and non-structural BMPs. In addition, the WQMP must also identify the entity responsible for the long-term inspection, maintenance, and funding for all structural (and if applicable Treatment Control) BMPs.

Public Works and Utilities Department

57. Prior to the issuance of a building permit, a Tract Map shall be recorded. 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.
58. Prior to the recordation of the Final 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 (one-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.
59. Prior to the recordation of the Tract Map, a Subdivision Agreement shall be obtained and approved by the City Council consistent with Section 19.36.010 (Improvement

Agreements (California Government Code Section 66462)) of the Newport Beach Municipal Code

60. 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. A monumentation bond in an amount determined by the Public Works Department based on the estimated cost of installing, referencing, or replacing the required survey monuments.
61. Warranty Bond for a minimum of ten percent of the engineer's cost estimate (final percentage to be determined by the Public Works Director) to be released 1 year after the improvements have been completed and accepted.
62. *Prior to the recordation of the final map, the applicant shall dedicate a 12-foot-wide section along the easterly portion of the property along the 16th Street frontage as shown on the tentative tract map shall be dedicated to the City for street and public utility purposes and recorded as a part of the tract map.*
63. *Prior to the final of building permits or granting of any occupancy to the units, the applicant shall grant a Public Utilities Easement shall to the City over the proposed private streets and recorded as a part of the tract map.*
64. All improvements shall be constructed per City Standards as required by Ordinance, and the Public Works Department.
65. An encroachment permit shall be required for all work activities within the public right-of-way.
66. The final construction management plan (CMP) shall be reviewed and approved by the Community Development Director and the City Traffic Engineer prior to building permit issuance.
67. *The on-site parking layout shall comply with the City Parking Lot Standard 805. Final parking layout shall be reviewed and approved by the City Traffic Engineer.*
68. *All improvements shall comply with the City's sight distance requirement per City Standard 105.*

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69. *In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector*
 70. The applicant shall reconstruct all damaged or broken curb, gutter and sidewalk along the 16th Street frontages per City Standards.
 71. The proposed new driveways along the 16th Street property frontage shall be constructed per City standard 160.
 72. All deliveries and move-ins/move-outs shall be accommodated on-site and prohibited from parking or stopping within the public right of way.
 73. *The applicant shall submit a water demand study and a sewer demand study for the project to be reviewed and approved by the Public Works Department and/or Utilities Department prior to building permit issuance.*
 74. *New City street trees shall be installed in the parkway along 16th Street. Privately maintained landscaping shall also be installed in the parkway along 16th Street.*
 75. The on-site sewer mains and water system shall be City owned and maintained and constructed per city standards. Any required improvements to the existing water system to accommodate the proposed project shall be designed and constructed as a part of the proposed project and approved by the Public Works Department.
 76. *All existing water services serving the property that will not be used as a part of this project shall be abandoned at the water main.*
 77. *A water demand study for the project shall be reviewed and approved by the Public Works Department and/or Utilities Department prior to building permit issuance.*
 78. *A sewer demand study for the project shall be review and approved by the Public Works Department and/or Utilities Department prior to building permit issuance.*
 79. *The on-site sewer mains shall be City owned and maintained and constructed per City Standards. The sewer laterals serving each unit shall be privately owned and maintained and constructed per City Standards. Any required improvements to the existing sewer system to accommodate the proposed project shall be designed and constructed as a part of the proposed project and approved by the Public Works Department.*
 80. *All existing sewer laterals serving the property that will not be used as a part of the project shall be capped at the property line.*
 81. *The on-site storm drain system shall be privately owned and maintained. A final hydrology and hydraulic report shall be reviewed and approved prior to building permit issuance. Any required improvements to the existing storm drain system to*

accommodate the proposed project shall be designed and constructed as a part of the proposed project and approved by the Public Works Department.

- 82. *All on-site drainage shall comply with the latest City water quality requirements.*
- 83. *New City street trees shall be installed in the parkway along 16th Street. Privately maintained landscaping shall also be installed in the parkway along 16th Street.*
- 84. *A final Construction Management Plan (CMP) shall be reviewed and approved by the Community Development Director and City Traffic Engineer prior to building permit issuance. Any proposed changes to the final CMP after permit issuance shall be approved by the Community Development Director and City Traffic Engineer prior to implementation.*

Fire Department

- 85. Demolition of the existing structure and active construction shall comply with CFC Chapter 33 for Safety during construction. A safety plan shall be prepared and submitted to the Fire Department for review and approval prior to issuance of demolition permits.
- 86. A residential fire sprinkler system shall be installed per NFPA13D for each unit.
- 87. A separate water meter shall serve each fire sprinkler system.
- 88. An onsite fire hydrant shall be required.
- 89. All Fire Department access roads shall comply with Newport Beach Fire Guidelines C.01 and C.02. Any fire department access roads that exceed 150 feet will require an approved turn around for fire apparatus.
- 90. *All Fire Department access lanes throughout the site shall be a minimum of 26 feet wide.*
- 91. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises. Fire-flow requirements for buildings or portions of buildings and facilities shall be determined by Appendix B of the California Fire Code.
- 92. *A fire master plan for FD access shall be required to show required lane markings, fire hydrant and turn arounds per NBFD guideline C.01*

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