

# **Attachment PC 5**

Applicants Project Description Letter

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**1301 Dove Street  
Site Development Review and Vesting Tentative Tract Map  
Project Justification and Findings for Approval**

**Project Information**

1301 Dove Street  
APN: 427-221-17  
Lot Area: 6.46 acres  
General Plan Land Use: MU-H2 (Mixed-Use Horizontal)  
Zoning District: Newport Place Planned Community (PC-11)  
Overlay Zoning District: HO-1 (Airport Area—Site ID 335)

**Justification and Findings for Approval**

Major Site Development Review - In accordance with Newport Beach Municipal Code (“NBMC”) Section 20.52.080(F) (Site Development Reviews), the review authority may approve or conditionally approve a site development review application, only after first finding that the Project is:

*A. The proposed development is allowed within the subject zoning district.*

1. The Property is located within the HO-1 Airport Area Subarea and is identified as Housing Opportunity Site No. 335. Pursuant to NBMC 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 Newport Place Planned Community District, multi-unit residential development that meets the 20 to 50 dwelling units per acre density requirement shall be permitted within the HO-1 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-1 Subarea requires a density of 20 to 50 dwelling units per acre. Based on the 6.46 acre property, the 139-unit Project yields a density of 21.53 dwelling units per acre and meets the density requirements of the HO-1 Subarea.
3. The HO-1 Subarea does not require a minimum setback; however, footnote No. 3 of Table 2-16 requires that any portion of a building that is over 20 feet in height, which includes the Project’s third floors, provide a 20-foot setback from the front and street side property lines. The Project provides a 20-foot minimum setback from Dove Street.
4. Table 2-16 establishes the maximum height for the HO-1 Subarea per the base zone. The base zone, PC-11 specifies a 10-story height limit specifically for the

Property. The Project proposes 3-story residential buildings. Please refer to project plans for specific building heights above the established grade 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 spaces per unit that includes three or more bedrooms and 0.3 spaces per unit for visitor parking. The Project includes 139 dwelling units with 3-4 bedroom and provides a two-car garage for each unit, resulting in 278 enclosed parking spaces. Additionally, five units provide 2 spaces on private driveways in addition to their two garage spaces. Required guest parking is 42 spaces, and 42 guest spaces are proposed which includes two accessible 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. Each dwelling unit is provided with a trash cart storage area within their private garages or in a screened side yard. These areas have been designed to accommodate refuse needs of the residents in accordance with NBMC Section (20.30.120 Solid Waste and Recyclable Materials Storage).
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 density of 20 dwelling units per acre or more. The Project has a density of 21.53 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, the Project complies with all the objective design standards, except the following three standards from which a deviation is being requested.

- (1) 20.48.185.Q(2)(a) Vertical Modulation – Banding
- (2) 20.48.185(1)(b) Horizontal Modulation – Minimum Width and
- (3) 20.48.185(R)(1)(d) Horizontal Modulation - Maximum Number

While the Project does not strictly conform to the Objective Design Standards, the design meets the underlying intent of the Objective Design Standards by providing an articulated and modulated building design that breaks up massing and the horizontal thrust of the buildings.

The Project otherwise complies with the design standards and, in 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. Please see below (Multi-Unit Objective Design Standards Deviations) for detailed justification of the proposed deviations.

9. The HO-1 Subarea requires a minimum building separation of 10 feet. The Project proposes building separations with a minimum distance of approximately 10 feet. The Project therefore complies with the minimum building separation requirement.
10. The HO-1 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 10,425 SF (75 SF per unit x 139) 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 29,713 SF square feet of common open area within multiple areas that include a game areas, BBQ pavilion, fire pit, seating areas and passive open space area with outdoor seating. The Project therefore complies with the minimum common open space requirement.
11. The HO-1 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 six 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. The Project would provide twelve floor plans which provide private decks and 63 of the units provide private decks and private yards. All unit types meet or exceed the minimum private open space requirements.

*B. In compliance with all of the following applicable criteria in NBMC Section 20.52.080(C)(2)(c):*

- 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).*

1. The Property has a General Plan designation of Mixed-Use Horizontal (MU-H2) is located in the Newport Place Planned Community and included in the HO-1 Housing Overlay District. Residential uses allowed under these land use designations with the approval of a Site Development Review (Major) application.
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 100-unit residential townhome complex consisting of for-sale, detached single-unit dwellings, duet attached dwellings and interlock multiple unit buildings offered in twelve floor plan configurations ranging from two to four bedrooms and 1,425 to 2,362 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 office development that is underutilized, within an area of the City that is considerably developed. The Project will add 139 detached and attached 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 has the sewer and water demand study prepared for the Project. Final design of the water and sewer system, including water meter locations, will 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 identified as Housing Opportunity Site No. 335 and is located within the HO-1 Subarea. The Project proposes 139 residential condominiums on a 6.46-acre property which yields a density of 21.53 dwelling units per acre, consistent with the allowed density of the HO-1 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 included with this application, the Project complies with the majority (49 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.

- 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 Property is generally rectangular in shape, The Project arranges multiple detached, duet and interlock 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 project features a contemporary coastal-inspired residential design that blends modern farmhouse roof forms with a clean, articulated facade composed of contrasting materials and volumes. Architectural elements include clean straight lines, large windows, and stacked unit configurations, with stucco siding complemented by metal accents. A light, neutral color palette enhances the architectural articulation and reflects the coastal setting, while varied colors and siding materials provide texture, depth, and durability.

- 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.*

Prior to the issuance of building permits, a photometric study in conjunction with a final lighting plan which shows that lighting values are "1" foot-candle or less at all property lines will be prepared. The Project is also required to comply with applicable municipal code standards related to lighting and the Community Development Director may 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. The Project would generally mimic the existing flow patterns. The Project is required to comply with applicable drainage standards and policies to the satisfaction of the Public Works Department.

Throughout the site, areas of passive green space are integrated alongside pedestrian walkways, landscaping, WQMP improvements and other permeable surfaces.

- 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.*

A draft construction management plan (“CMP”) has been prepared in accordance with City requirements. This plan ensures that any traffic congestion impacts associated with the construction process are minimized to the greatest extent possible. A final CMP to be reviewed and approved by Community Development, Fire, and Public Works Departments.

3. Findings under A above are incorporated here 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 and allow each unit to appear as distinct homes rather than a single, unarticulated, building. Project architecture has been carefully considered and has been designed and the use of quality materials and finished will make the Project an aesthetically pleasing addition to the area the area.
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. The Project's design creates ample walkways and useable open space between and among buildings, which provide natural light and facilitates pedestrian access/use of the shared outdoor areas.
  8. The Project's parking, access points, and on-site circulation are designed to provide adequate drive aisles and minimum vehicle turning areas to provide safe access for residents, guests, emergency vehicles, and refuse collection.
  9. 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 over 3,700 feet to the south at Bayview Park. The nearest designated coastal view road is Jamboree Road, south of California State Route 73, over 2,500 feet southeast of the Property. Due to the distance, intervening structures, and urbanized nature of the Project area, the Project will not impact any public views.
  10. The Project's shared open space areas provide shared amenities including promenades, seating areas, gathering spaces and game areas.
  11. The required publicly accessible open space (PAOS) will be located along and adjacent to the Dove Street frontage. The PAOS will be designed and constructed with cohesive landscaping and an enhanced pedestrian walkway with seating areas intended to invite pedestrian activity.
  12. Each dwelling unit is provided with a trash cart storage area within their private garages or in a screened side yard. These areas have been designed to accommodate refuse needs of the residents in accordance with NBMC Section (20.30.120 Solid Waste and Recyclable Materials Storage).
- C. *The proposed development is not 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 a person residing or working in the neighborhood of the proposed development.*
1. Project architecture has been carefully considered and has been designed and the use of quality materials and finished will make the Project an aesthetically pleasing addition to the area the area.
  2. The Project will provide new housing ownership opportunities consistent with the development goals of the adopted Housing Element and the HO-1 (Airport Area Environs Area) Housing Opportunity Overlay Zoning District.

3. The Project has been designed to have adequate, efficient, and safe pedestrian and vehicular access to and from Dove Street. On-site driveways, parking areas, loading areas and pedestrian walkways have been designed to be safe and efficient.
4. The Project has been designed to accommodate safe and effective emergency vehicle access. Emergency vehicles will have access to the Property directly from Dove Street. Internal driveways have been designed in accordance with City standards and provide required width and turnaround areas for accessibility by emergency vehicles.
5. The Project includes 139 dwelling units with 3-4 bedroom and provides a two-car garage for each unit, resulting in 278 enclosed parking spaces. Additionally, five units provide 2 spaces on private driveways in addition to their two garage spaces. Required guest parking is 42 spaces, and 42 guest spaces are proposed which includes two accessible spaces. The individual unit garage, driveway and guest parking will mitigate use of street parking on the surrounding streets that are adjacent to the Property.
6. All exterior project lighting is required to comply with NBMC Section 20.30.070 (Outdoor Lighting), which requires that outdoor lighting fixtures be designed, aimed, located, and maintained to shield adjacent properties from light spillage. A final photometric study will be prepared 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.
7. All mechanical equipment for the Project will be screened and located consistent with NBMC Section 20.30.020 (Buffering and Screening).
8. The Project will comply with all Building, Public Works, and Fire Codes, along with all City ordinances and all conditions of approval.
9. The Project is consistent with the following General Plan Land Use and Noise Element policies that establish noise and safety regulations for residential uses in the Airport Area, including, but not limited to the following:
  - a. **Land Use Element Policy LU 6.15.3 (Airport Compatibility)** *Require that all development be constructed in conformance with the height restrictions set forth by the Federal Aviation Administration (FAA), Federal Aviation Regulations (FAR) Part 77, and Caltrans Division of Aeronautics, and that residential development shall be allowed only on parcels with noise levels of less than John Wayne Airport 65 dBA CNEL noise contour area as shown in Figure N5 of the Noise Element of the General*

*Plan, unless and until the City determines, based on substantial evidence, that the sites wholly within the 65 dBA CNEL noise contour shown in Figure N5 are needed for the City to satisfy its Sixth Cycle RHNA mandate. Nonresidential uses are, however, encouraged on parcels located wholly within the 65 dBA CNEL contour area.*

- b. Noise Element Policy N 3.2 (Residential Development)** *Require that residential development proximate to John Wayne Airport shall not be located on parcels wholly within the John Wayne Airport 65 dBA CNEL noise contour shown in Figure N5 of the Noise Element of the General Plan, unless and until the City determines, based on substantial evidence, that the sites wholly within such contour area are needed for the City to satisfy its Sixth Cycle RHNA mandate. Require developers of residential or mixed-use land uses with a residential component to notify prospective purchasers or tenants of aircraft noise. Additionally, require outdoor common areas or recreational areas of residential or mixed-used developments to be posted with signs notifying users regarding the proximity to John Wayne Airport and the presence of operating aircraft and noise.*

The Property is located within the 60 dBA CNEL noise contours established in the General Plan Noise Element Figure N5 and outside the 65 dBA CNEL noise contours. Pursuant to Section 20.28.050 (C)(2) (Airport Area Environs Area) of the NBMC, additional specific development standards are required for development in the Airport Area to mitigate sound with a required acoustical report to confirm levels within Section 10.26.30 (Interior Noise Standards) of the NBMC; advanced interior air filtration systems; and a required notification to owners and tenants disclosing potential impacts to residents of the existing environment and potential nuisances based upon the allowed uses in the area. Project construction will comply with applicable codes and standards related to noise.

10. The Project will comply with all Building, Public Works, and Fire Codes, along with all City ordinances and adopted conditions of approval.

### **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 three Multi-Unit Objective Design Standards:

- (1) 20.48.185.Q(2)(a) Vertical Modulation – Banding
- (2) 20.48.185(1)(b) Horizontal Modulation – Minimum Width and
- (3) 20.48.185(R)(1)(d) Horizontal Modulation - Maximum Number

The Planning Commission may approve an SDR to allow deviation of multi-unit objective design standards only after making all the following findings:

#### Finding:

- A. *The strict compliance with the standards is not necessary to achieve the purpose and intent of this section.*

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

**NBMC Section 20.48.185.Q(2)(a) Vertical Modulation – Banding**

**Standard:** Use of banding with 12” trim.

**Proposed Deviation:** 12” banding is not proposed.

**Justification:** The proposed architecture utilizes a contemporary design approach that articulates building massing through a combination of material changes, color variation, and horizontal massing transitions that clearly define a base, middle, and top. These elements provide the same visual relief and façade articulation intended by the banding requirement while avoiding the use of applied trim. The proposed design achieves the objective of breaking down building massing and providing visual interest along the façade while maintaining a cohesive contemporary architectural expression.

NBMC Section 20.48.185(1)(b) **Horizontal Modulation** – Minimum Width and

**Standard:** 10% of façade modulated.

**Proposed Deviation:** The design is not proposing 10% minimum modulation for each building.

**Justification:** The intent of the façade modulation standard is to reduce the appearance of long uninterrupted building elevations and create visual interest. The Project achieves this objective through the use of smaller building footprints, including duplex and townhome buildings with shorter overall façade lengths. Because the buildings are inherently shorter than typical multifamily structures, large modulation offsets are not necessary to break down perceived mass. Instead, the design incorporates a series of horizontal and vertical massing offsets, material transitions, and architectural projections that create façade articulation and visual variation while maintaining appropriate building proportions.

NBMC Section 20.48.185(R)(1)(d) **Horizontal Modulation -** Maximum Number

**Standard:** Maximum number of recesses.

**Proposed Deviation:** The number of recesses proposed is more than two.

**Justification:** The proposed design incorporates additional façade recesses to enhance architectural articulation and create variation across the building elevations. These recesses help break down building massing, provide shadow lines, and introduce depth to the façade, which improves visual interest and contributes to a more pedestrian-scaled streetscape. The additional recesses are intentional design elements that support the overall architectural composition and achieve the objective of reducing perceived building bulk.

**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:

*A. 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.*

1. The Vesting Tentative Tract Map (“VTTM”) is for 139-unit residential attached and detached townhomes (condominiums) and includes driveways, parking, landscaping and shared open space areas.
2. Site Development Review facts in support of this finding are hereby incorporated by reference.
3. The proposed VTTM has been designed to be 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 the VTTM. The existing parcel is developed with an office building; therefore, the in-lieu park fee will be required for 139 new dwelling units.

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

1. The 6.46-acre Property is located within the HO-1—Airport Area Environs Area and is identified as Housing Opportunity Site No. 335. Pursuant to Section 20.28.050(B and C) (Housing Opportunity (HO) Overlay Zoning Districts – Uses Allowed) in addition to the uses that are permitted or conditionally permitted in the Newport Place Planned Community District, multi-unit residential development is permitted.
2. The Property is slightly irregular in shape and not located in a zone subject to seismically induced liquefaction potential. The site is suitable for the proposed Project.
3. 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 Tait and Associates, Inc., both dated February 27, 2026. Water and sewer system will be designed and installed according to the recommendations in those reports and in compliance with Public Works and Utilities Department standards and polices. Final design will be reviewed and approved by the Public Works Department.

4. Project does not result in more than 500 dwelling units; therefore, a Water Supply Assessment (“WSA”) is not required for Project.
5. The Project has been designed to comply with all applicable Building, Fire, and Public Works Codes and City ordinances.

*C. 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.*

1. The proposed development is consistent with the California Environmental Quality Act (CEQA) statutory exemption found in Assembly Bill (AB) 130. 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. Please refer to the previously submitted AB 130 checklist which demonstrates this development Project’s eligibility to rely upon the statutory exemption. No substantial environmental damage is anticipated as part of the Project.
2. A Biological Resources Memorandum (January 19, 2026) Prepared by LSA Assistant Biologist Sunny Zhang found that the Project would have no effect on sensitive species, habitat, wetlands or waters.

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

1. The proposed VTTM is for a 139-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.
3. The VTTM is for residential purposes. Any hazardous materials are only those related to residential uses and landscape maintenance will be used on site. There is no evidence indicates that the proposed subdivision will generate any

serious health problems.

4. The VTTM has been designed to comply with Fire Department and other emergency access and infrastructure requirements.

*E. 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.*

1. An existing non-exclusive pedestrian access easement across a portion of the front of the lot adjacent to Dove Street will remain. Project design will not conflict with this easement.
2. An 8-foot sidewalk easement located within the PAOS along Dove Street will be provided. A pedestrian easement for access through the rear of the property to the adjacent parcel at 1500 Quail will also be provided. Easements will be subject to reasonable restrictions on hours. Final location and design of that easement shall be determined as part of the Final Tract Map review.
3. A public utility easement for water and sewer purposes will provide over all 26-foot-wide drive aisles. All improvements will be developed in accordance with Public Works requirements.

*F. 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.*

1. The Project Site is not subject to the Williamson Act. The Project Site is not designated as an agricultural preserve and is less than 100 acres in area.
2. The Property is within the HO-1 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.

*G. 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.*

1. California Business and Professions Code Section 11000.5 has been repealed by the Legislature. However, the Project Site 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.

*H. 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.*

1. The VTTM includes attached dwelling units with open space, private driveways, and walkways which separate the individual buildings. The proposed subdivision design allows for solar access and passive cooling opportunities.
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.

*I. 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.*

1. The 139 dwelling unit Project yields a density of 21.53 dwelling units per acre, consistent with the HO-1 Subarea 20-50 du/acre requirement. 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 139, for-sale, residential dwelling units which contributes to the City's assigned 6th Cycle RHNA allocation. By redeveloping the Property with medium-density, ownership housing, the Project helps meet the City's housing goals while utilizing existing infrastructure and public services.

*J. 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.*

1. Wastewater discharge from the Project into the sewer system has been designed to comply with the Regional Water Quality Control Board requirements. The onsite sewer system has been designed to comply with all applicable local and state requirements.
2. A Water Quality Management Plan (WQMP) has been prepared for the Project to ensure adequate site drainage.
3. 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 Tait and Associates, Inc., both dated February 27, 2026. Water and sewer systems will be designed and installed according to the recommendations in those reports and in compliance with Public Works and Utilities Department standards and polices. Final design will be reviewed and approved by the Public Works Department.

*K. 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.*

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.

### **California Environmental Quality Act (CEQA) 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 (6.46 acres).
  - c. The Property is within the City of Newport Beach, an incorporated municipality.
  - d. The Property is currently developed with urban uses (commercial office development).
  - e. The General Plan land use designation is MU-H2 (Mixed-Use Horizontal), and the zoning is Newport Place Planned Community (PC-11), but the site is located

within the HO-1 Housing Overlay (Airport Area) and designated as a Housing Opportunity Site in the City's General Plan Housing Element. HO-1 allows residential development at a minimum of 20 dwelling units per acre and up to 50 dwelling units per acre.

- f. The Project complies with the Housing Overlay District with a proposed density of approximately 21.53 dwelling units per acre.
- g. The Project proposes to develop 139 townhomes (approximately 21.53 du/acre) which exceeds the applicable 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 Applicant is committed to implementing any reasonable measures agreed upon as a result of tribal consultation with Native American Tribes that are traditionally and

culturally affiliated with the geographic area of the Project as required.

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