

Attachment G

Planning Commission Resolution
No. PC2026-018

RESOLUTION NO. PC2026-018

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A ZONING CODE AMENDMENT, A MAJOR SITE DEVELOPMENT REVIEW, VESTING TENTATIVE TRACT MAP, AFFORDABLE HOUSING IMPLEMENTATION PLAN, DEVELOPMENT AGREEMENT, AND AN ADDENDUM TO THE NEWPORT BEACH GENERAL PLAN HOUSING IMPLEMENTATION PROGRAM ENVIRONMENTAL IMPACT REPORT FOR A 132-UNIT RESIDENTIAL TOWNHOME PROJECT LOCATED AT 1200 AND 1300 DOVE STREET AND 4041 MACARTHUR BOULEVARD (PA2025-0170)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Sean Matsler with Cox, Castle, & Nicholson, LLP (“Applicant”), concerning property located at 1200 and 1300 Dove Street and 4041 MacArthur Boulevard (APN 427-222-01), and legally described in “Exhibit A,” which is attached hereto and incorporated herein by reference (“Property”).
2. The proposed development includes 132-unit, for-sale, residential townhome community including 7 units affordable to very low-income households on an existing office site. The proposed development includes the demolition of two existing office buildings and an existing parking structure and the construction of two-, three- and four-bedroom townhomes ranging from 1,251 to 2,562 square feet. The development includes a two-car garage for each unit and 40 uncovered guest parking spaces for a total of 304 on-site parking spaces. The 132 units will be distributed within 36 buildings, with units arranged in two- and eight-unit buildings. The buildings have a maximum structure height ranging from approximately 37 to 47 feet above established grade. The development will provide resident-serving amenities, including outdoor courtyards with barbeque, a pizza oven, covered seating, a fire pit, and a game lawn. Additionally, a publicly accessible pedestrian “strada” improved with landscaping and seating areas is proposed along the MacArthur Boulevard frontage. Onsite and offsite public improvements such as updating the storm drain, sidewalks, and driveways are included in project implementation (“Project”).
3. The following approvals are required from the City of Newport Beach (“City”) to implement the Project:
 - a. **Zoning Code Amendment (“ZCA”):** An amendment to Section 20.80.025 (Housing Opportunity Overlay Zoning Districts Maps) of the Newport Beach Municipal Code (“NBMC”) to include the property in the Housing Opportunity Sites Overlay in the HO-1- Airport Area Environs Map; and

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- b. **Major Site Development Review (“SDR”)**: A major site development review in accordance with Section 20.52.080 (Site Development Reviews) of the NBMC for five or more units with a tentative tract map; and
 - c. **Vesting Tentative Tract Map (“VTTM”)**: A vesting tentative tract map to allow for an airspace subdivision of the individual residential units on a 6.5-acre parcel, pursuant to Chapter 19.12 (Tentative Map Review) of the NBMC;
 - d. **Affordable Housing Implementation Plan (“AHIP”)**: A plan specifying how the Project meets the City’s affordable housing requirement pursuant to Chapter 20.32 (Density Bonus) of the NBMC and Government Code Section 65915 (“Density Bonus Law”);
 - e. **Development Agreement (“DA”)**: A Development Agreement between the Applicant and the City, pursuant to Section 15.45.020 (Development Agreement Required) of the NBMC, which provides the Applicant with the vested right to develop the Project for a term of ten years and will provide negotiated public benefits to the City; and
 - f. **Addendum to the Newport Beach General Plan Housing Implementation Program Environmental Impact Report (“Addendum”)**: Pursuant to the California Environmental Quality Act (“CEQA”), the Addendum addresses reasonably foreseeable environmental impacts resulting from the Project.
- 4. The Property is designated Mixed-Use Horizontal (MU-H2) by the General Plan Land Use Element and is located within the Newport Place Planned Community (PC-11) Zoning District in the Professional & Business Office Site 4 subarea within the residential overlay.
 - 5. The Property is not located within the coastal zone; therefore, compliance with the Local Coastal Program and the Coastal Act is not applicable.
 - 6. 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.
 - 7. A public hearing was held on June 4, 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. Pursuant to the CEQA as set forth in California Public Resources Code Section 21000 *et seq.* and its implementing guidelines set forth in California Code of Regulations, Title 14, Division 6, Chapter 3 ("CEQA Guidelines"), the City Council adopted Resolution No. 2024-50 on July 23, 2024, certifying Final Program Environmental Impact Report SCH No. 2023060699 ("PEIR"), approving a Mitigation Monitoring and Reporting Program ("MMRP"), and adopting Findings and a Statement of Overriding Considerations related to the implementation of the Housing Element involving amendments to the General Plan, Coastal Land Use Plan, and Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the NBMC which are available at: [Housing Implementation Program EIR](#).
2. Pursuant to Section 21166 of the California Public Resources Code and Section 15162 of the CEQA Guidelines, when an EIR (Environmental Impact Report) has been certified for a project, no subsequent EIR is required unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
 - a. Substantial changes are proposed in the Project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
 - b. Substantial changes occur with respect to the circumstances under which the Project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
 - c. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
 - i. The project will have one or more significant effects not discussed in the previous EIR;
 - ii. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - iii. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the Project proponents decline to adopt the mitigation measure or alternative; or
 - iv. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the Project proponents decline to adopt the mitigation measure or alternative.

3. An Addendum to the PEIR was prepared pursuant to Section 15162 (Subsequent EIRs and Negative Declarations) and 15164 (Addendum to an EIR or Negative Declaration) of the CEQA Guidelines.
4. The following environmental topics were analyzed for the Project: Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire.
5. Pursuant to the PEIR and entire environmental review record, the Project will not result in any new significant impacts that were not previously analyzed in the PEIR. The Addendum confirms and provides substantial evidence that the potential impacts associated with this Project would either be equal to or less than those described in the PEIR, as reduced by applicable General Plan Policies in the PEIR. In addition, there are no substantial changes to the circumstances under which the Project would be undertaken that would result in new or more severe environmental impacts than previously addressed in the PEIR, nor has any new information regarding the potential for new or more severe significant environmental impacts been identified. Therefore, in accordance with Section 15164 of the CEQA Guidelines, an addendum to the previously adopted PEIR is the appropriate environmental document for the Project. In taking action to approve any of the requested applications for the Project, the data presented in the PEIR, as augmented by the Addendum for this Project, are considered as part of the record.
6. The Addendum to the PEIR is hereby recommended for adoption by the City Council given its analysis and conclusions. The Addendum to the PEIR and related and referenced documentation, which constitute the administrative record upon which this decision was based, are on file with the Planning Division, City Hall, 100 Civic Center Drive, Newport Beach, California.
7. The Planning Commission finds that judicial challenges to the City's CEQA determinations and approvals of land use projects are costly and time-consuming. In addition, project opponents often seek an award of attorneys' fees in such challenges. As project applicants are the primary beneficiaries of such approvals, it is appropriate that such applicants should bear the expense of defending against any such judicial challenge, and bear the responsibility for any costs, attorneys' fees, and damages that may be awarded to a successful challenger.

SECTION 3. REQUIRED FINDINGS.

Zoning Code Amendment

Finding:

- A. An amendment to the Zoning Code is a legislative act. Chapter 20.66 (Amendments) of Title 20 (Planning and Zoning) of the NBMC, or Article 2 (Adoption of Regulations) of Chapter 4 (Zoning Regulations) of Division 1 (Planning and Zoning) of Title 7 (Planning and Land Use) of the California Government Code does not set forth any required findings for either approval or denial of such amendments to the NBMC.

Facts in Support of Finding:

1. The Property is located within the Newport Place Planned Community (PC-11) Zoning District in the Professional & Business Office Site 4 Subarea. It is also within the Residential (R) Overlay, which allows for multifamily residential development on the Project Site. The R Overlay requires a minimum of 30 dwelling units per acre, where the Project proposes approximately 20 dwelling units per acre. Therefore, the applicant is seeking an amendment to Section 20.80.025 (Housing Opportunity Overlay Zoning Districts Maps) of the NBMC to include the Project Site in the HO Overlay Zoning Districts within the HO-1 (Airport Area Environs Map), where the minimum density is 20 dwelling units per acre. Because the existing PC-11 R overlay would allow residential, the Project would be consistent with the intent of the existing zoning district to provide housing.
2. The proposed Project allocates 5% of the base units (7 dwelling units) as affordable for very-low-income households, increasing the overall affordable housing supply. Specifically, the Project would include the introduction of a for-sale affordable housing product, which would diversify the City's housing stock.
3. Given the location of the Project Site in the Airport Area, which includes a mixture of service uses, hotels, Airport and commercial support services, professional offices, and new residential developments that cumulatively contain the ingredients of a planned community, the proposed Zoning Code Amendment would not disrupt the existing uses within the Planned Community and would add to this diversity of uses, assisting the City in larger scale community planning and the provision of additional housing opportunities.
4. The Property is located within the Airport Area Environs Area, which includes numerous properties designated within the HO Overlay Zoning District. The property nearest to the site, located at 1050 Dove Street immediately to the south, is within the HO-1 subarea. The Project would be consistent with the anticipated future development of other adjacent properties within the HO Overlay Zoning District in the Airport Area Environs Area. Additionally, the Airport Area Environs Area contains a dispersed pattern of HO Overlay Zoning District sites, and because the Project site is directly adjacent to an existing housing-designated property, its inclusion within this broader development context is appropriate and not a substantial change in the anticipated character of the

area. The Zoning Code Amendment would not increase the number of units allocated to the HO-1 subarea

5. The Project would be subject to the appropriate site and project specific setbacks, density, and height limits for this urban location. All required parking is provided on-site. The Project complies with the development standards identified for the HO Overlay Zoning District, except as modified by the allowed development standard waivers identified in the Affordable Housing Implementation Plan. The HO Overlay Zoning District provides a density range for proposed projects and references the Section 20.32 (Density Bonus) of the NBMC that prescribes the maximum density bonus and incentives allowed. Therefore, the proposed project is consistent with the intent of the density bonus assumptions in the HO Overlay Zoning District and within the maximum allowed by the density bonus provisions.
6. The Project also requires a site development review in accordance with Section 20.52.080 (Site Development Reviews) of the NBMC. The Project includes an SDR, and all required findings are addressed below (Findings A through C below).
7. The Property is located near existing office buildings within the Airport Area and is not negatively impacted by noise, dust, smoke, vibration, odor, toxic or noxious matter that may be generated by existing commercial or industrial uses nearby.
8. The Project will develop 132 of the overall 2,577 units allowed within the HO-1 (Airport Area Environs Area) Subarea. The Property is located within the 60dba CNEL noise contour, reducing the likelihood of dwelling units being developed within the 65dba CNEL noise contours.
9. The Property is fully developed and does not support any natural resources and all potential environmental impacts associated with the Project are appropriately addressed through standard building permit procedures, conditions of approval, and the General Plan Policies identified in the Housing Implementation PEIR and summarized in Exhibit B (Addendum), which is attached hereto and incorporated herein by this reference.

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:

B. The proposed development is allowed within the subject Zoning District.

Facts in Support of Finding:

1. The Property is located within the Professional and Business Office Site 4 within the residential overlay of PC-11. The Project includes a request to amend the Property's land use designation to be included within the Housing Overlay pursuant to Section

20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) of the NBMC. The Housing Overlay allows for residential development consistent with the existing MU-H2 (Mixed-Use Horizontal) land use designation and subject to site development review.

2. The Project includes a ZCA to designate the Property as HO-1 (Airport Area Environs Area) Subarea. With the ZCA, the Project is consistent with the applicable Housing Overlay regulations. Pursuant to Section 20.28.050(B) (Housing Opportunity (HO) Overlay Zoning Districts – Uses Allowed), multi-unit residential development meeting the required 20 to 50 dwelling units per acre density range is permitted within the HO-1 (Airport Area Environs Area) Subarea in addition to the uses allowed in the designated zoning district. Therefore, the Project complies with the applicable provisions of the HO-1 (Airport Area Environs Area) Subarea of the Housing Overlay.
3. 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 (Airport Area Environs Area) Subarea requires a density of 20 to 50 dwelling units per acre. Based on the proposed 6.5-acre lot, the Project results in a density of 20 units per acre and meets the density requirement of the HO-1 (Airport Area Environs Area) Subarea.
4. The HO-1 (Airport Area Environs Area) 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 shall be set back a minimum 20 feet from the street right-of-way. The Project buildings, including upper levels, are proposed at a minimum of 20 feet from the property lines. The Project is bounded to the west by MacArthur Boulevard and to the north by Newport Place, to the east by Dove Street and to the South by an existing commercial office site.
5. Table 2-16 establishes the maximum height for the HO-1 (Airport Area Environs Area) Subarea per the base zone. The base zone, PC-11 specifies a height limit of 55 feet. The Project includes a maximum structure height ranging from approximately 37 to 47 feet above established grade indicated on the VTTM, consistent with Section 20.30.050 (B)(1) (Grade Establishment – Subdivisions) of the NBMC.
6. 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 1.8 parking spaces per dwelling unit with two bedrooms, 2.0 parking spaces per dwelling unit with three or more bedrooms, and 0.3 spaces per dwelling unit for visitor parking. The Project proposes 132 dwelling units, including 40 units with two bedrooms and 92 units with three or more bedrooms, resulting in a requirement of 296 parking spaces overall. The Project provides a two-car garage for each unit and 40 guest parking spaces for a total of 304 on-site parking spaces. The Project therefore complies with the minimum parking requirement.
7. Pursuant to Section 20.30.130 (Traffic Safety Visibility Area) of the NBMC, the Project complies with sight-distance requirements.

8. 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.
9. 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. The Project deviates from the following three objective design standards:
 - (1) 20.48.185(S)(1)(a) (First Floor Opening and Transparency Standards);
 - (2) 20.48.185(N)(2)(b) (Private Driveway Standards – Landscape and Paving Zone (LPZ)); and
 - (3) 20.48.185 (R)(1)(c) (Horizontal Modulation – Minimum Depth); of the NBMC.

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. However, under Density Bonus law, the Project is entitled to receive waivers or reductions of development standards if the standard would physically prevent the project from being built at the permitted density. Since the Project includes a density bonus, the Applicant is entitled to the development standard waivers for the aforementioned objective design standards. Therefore, the findings identified in Section 20.48.185(A) (Multi-Unit Objective Design Standards – Purpose) of the NBMC are not applicable.

10. The HO-1 Subarea requires a minimum building separation of 10 feet. The Project proposes varying building separations with a minimum distance of approximately 10.3 feet. The Project therefore complies with the minimum building separation requirement.
11. The HO-1 (Airport Area Environs Area) 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 9,900 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 10,283 square feet of common open area within three courtyards that include a game lawn;

BBQ area with pizza oven and overhead structure; and passive open space area with outdoor seating and fountain. The Project therefore complies with the minimum common open space requirement.

12. The HO-1 (Airport Area Environs Area) 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. The Project provides six floor plans for the eightplex buildings and four floor plans for the duplex buildings. The minimum required private open space ranges from 63 square feet for Floor Plan 1 of the eightplex buildings to 127 square feet for Floor Plan 4 of the duplex buildings. All floor plans within the range provide the minimum required 5%.

Finding:

- C. *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 Mixed-Use Horizontal (MU-H2) by the Land Use Element of the General Plan. The Mixed-Use Horizontal (MU-H2) Land Use Designation is intended to provide for a horizontal intermixing of uses that may include regional commercial office, multifamily residential, vertical mixed-use buildings, industrial, hotel rooms, and ancillary neighborhood commercial uses. In this case, the Project is for residential development on a property designated for a mix of uses which include

residential. In addition, the Project requests a ZCA to designate the site within the HO-1 (Airport Area Environs Area) Subarea which would allow residential development on the Property in addition to the uses already allowed.

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 132-unit residential townhome complex consisting of for-sale, attached single-unit dwellings offered in ten distinct floor plan configurations ranging from two to four bedrooms and 1,251 to 2,562 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 132 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 includes a ZCA to designate the Property to be included within HO-1 (Airport Area Environs Area) Subarea. The Project proposes 132 residential condominiums on a 6.5-acre property which yields a density of 20 dwelling units per acre, consistent with the allowed density of the HO-1 (Airport Area Environs 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. 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. 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.*

The Project design compactly arranges the 36 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 coastal region inspired modern design with clean straight lines, large windows, stacked units, and stucco siding with brick accents. The light, neutral tones used in the color palette enhance architectural articulation and reflect the coastal environment, while limestone adds texture 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.*

The Project has been conditioned to require the Applicant to prepare 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. 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. The Project would generally mimic the existing flow patterns; however, an upgrade to the storm drain is required and conditioned to a minimum upsize of the existing storm drain along Quail Street to 48 inches. The Project is conditioned so that the extent of the work will be determined by the Public Works Department. Any additional required improvements to downstream City infrastructure to accommodate the Project shall be designed and constructed by the Project.

Throughout the site, areas of passive green space are integrated alongside pedestrian walkways, including a turf and decomposed granite seating zone with benches that provide areas for informal use, rest, and neighborhood interaction.

- 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 impact associated with the construction process is 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.

While the City is preparing a specific plan for the Airport Area Environs Area, it is in the early stages of development and has not been adopted.

- 4. The Project includes various intentional architectural design features, including recessed variation of wall planes, 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.
- 5. 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.
- 6. 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 4,100 feet to the south at Bayview Park. The nearest designated coastal view road is Jamboree Road, south of California State Route 73, over 2,900 feet southeast 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:

- D. *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 Newport Place Drive and Dove Street access points.
3. The Project exceeds the required 296 on-site parking spaces and provides 304 parking spaces including a two-car garage for each unit and 40 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 prepare a 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 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) (Subarea Development Standards – Airport Area Environs Area (HO-1)) 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. Condition of Approval Nos. 23 through 25 are included in the Resolution, ensuring these regulations are met.

6. 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 “F”.

Affordable Housing Implementation Plan

- E. The AHIP is consistent with the intent to implement affordable housing goals within the City pursuant to Government Code Sections 65915-65918 (State Density Bonus Law), and Chapter 20.32 (Density Bonus) of the NBMC.

Facts in Support of Finding:

1. The Project includes 7 Very Low-Income units, representing 5% of the total 132 units, consistent with State Density Bonus Law and Chapter 20.32 (Density Bonus) of the NBMC. The affordable units are proportionally distributed across two-, three-, and four-bedroom floor plans and will be dispersed throughout the site to avoid concentration.
2. By providing at least 5% Very Low-Income units, the Project qualifies for one incentive/concession under Government Code Section 65915(d). The Developer

requests a partial reduction of the park in-lieu fee, which provides an identifiable, financially sufficient, and actual cost reduction necessary to support the affordable units. The reduction in park in-lieu fees would allow the Applicant to contribute to the overall fund for parks in the Airport Area, while providing identifiable cost reduction to make the provision of affordable units feasible.

3. In addition to the concessions, the Project is entitled under California Government Code Section 65915(e), Section 20.32.080 (Waivers or Reductions of Development Standards), and recent case law to receive waivers or reductions of development standards where application of the development standard would physically preclude construction of a density bonus project. In this case, the following development standards are entitled to a waiver of Objective Design Standards. Facts in support of finding D are hereby incorporated by reference.
4. Affordable units will be priced and income-qualified in accordance with Health & Safety Code Section 50052.5, HCD Very Low-Income limits, and the Orange County Housing Authority ("OCHA") utility allowances, ensuring long-term affordability consistent with State and local requirements. As conditioned, prior to issuance of building permits, the Developer must execute an Affordable Housing Agreement identifying the location, distribution, and sale procedures for the affordable units, ensuring compliance with State Density Bonus Law and NBMC provisions. The Project's affordable for-sale units will be subject to an Equity Sharing Agreement under NBMC Section 20.32.140 (Occupancy and Resale of Ownership Units), ensuring the City recaptures its proportionate share of appreciation upon resale for reinvestment in affordable homeownership opportunities.

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 VTTM is for 132-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 Dedications and Fees) and as required by the DA, as required for park and recreational purposes in conjunction with the approval of this VTTM. The existing parcel is a commercial office development; therefore, the in-lieu park fee will be required for 132 new dwelling units.
5. A preliminary application for residential development, filed as PA2025-0125, was deemed submitted on July 14, 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 \$48,987 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 6.5-acre Property is rectangular in shape, slopes slightly towards the east, 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-1 (Airport Area Environs 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 August, 2025 and revised December 2025. 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. The sewer study concluded that the existing sewer systems will not be adversely impacted by the wastewater flows associated with the proposed project, and no sewer upgrades are recommended to be required as a result of the proposed development.
3. The Public Works Department has reviewed and accepted these studies. The Project storm drain system is conditioned to be privately owned and maintained. The Applicant is required to upsize the existing storm drain line along Dove Street to a 48-inch storm drain line. Extent of the improvement will be determined by the Public Works Department. 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:

As detailed in the CEQA determination in Section 2 of this resolution, an Addendum to PEIR was prepared pursuant to Section 15162 (Subsequent EIRs and Negative Declarations) and 15164 (Addendum to an EIR or Negative Declaration) of the CEQA Guidelines. On the basis of the PEIR and entire environmental review record, the Project will not result in any new significant impacts that were not previously analyzed in the PEIR. The Addendum confirms and provides substantial evidence that the potential impacts associated with this Project would either be the same or less than those described in the PEIR, as reduced by applicable General Plan Policies in the PEIR. In addition, there are no substantial changes to the circumstances under which the Project would be undertaken that would result in new or more severe environmental impacts than previously addressed in the PEIR, nor has any new information regarding the potential for new or more severe significant environmental impacts been identified. 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 132-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:

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. 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.

Finding:

- 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 proposed to be included in the HO-1 (Airport Area Environs Area) Subarea of the Housing Overlay through a ZCA. Once incorporated into the HO-1 (Airport Area Environs Area) Subarea, the Property will be appropriately designated for development of a multi-story residential project. The intended use is not residential development 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.

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 132 dwelling unit Project yields a density of 20 dwelling units per acre, consistent with the HO-1 (Airport Area Environs 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 132, 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 by Fuscoe Engineering dated February 2026 for the Project.
3. Fact 2 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:

The Property is not located in the Coastal Zone; therefore, compliance with the Local Coastal Program and the Coastal Act is not applicable.

Development Agreement

- Q. In accordance with Section 15.45.020(A)(2)(a) (Development Agreement Required) of the NBMC, a development agreement is required as the Project requires a Zoning Code amendment that includes the development of more than 50 residential units. In this case, the Project has a total of 132 residential units.*

Facts in Support of Finding:

The DA satisfies the requirements of Chapter 15.45 (Development Agreements) of the NBMC as follows:

1. The DA includes all the mandatory elements including a term of ten years and public benefits that are appropriate to support conveying the vested development rights consistent with the City's General Plan, the NBMC, and Government Code Sections 65864 *et seq.*
2. Public benefits include the payment of a public safety fee to satisfy any obligation the Project may have to provide new emergency response services or Fire Department equipment to serve the Airport Area whether a Community Facilities District is formed or not. The Applicant has also agreed to pay a separate public benefit fee to be used by the City Council as it deems appropriate.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

The Planning Commission of the City of Newport Beach hereby recommends the following to the City Council:

1. Adopt Environmental Impact Report Addendum to the Housing Implementation Program Environmental Impact Report SCH No. 2023060699 ("PEIR"), as depicted in Exhibit "B," which is attached hereto and incorporated herein by reference;
2. Approve Zoning Code Amendment which is attached hereto as Exhibit "C," and incorporated herein by reference;
3. Approve Development Agreement, which is attached hereto as Exhibit "D," and incorporated herein by reference;
4. Approve Affordable Housing Implementation Plan, in Exhibit "E," which is attached hereto and incorporated herein by reference;
5. Approve Major Site Development Review with conditions of approval which is attached hereto as Exhibit "F," and incorporated by reference (PA2025-0170).

PASSED, APPROVED, AND ADOPTED THIS 4th DAY OF JUNE 2026.

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

NOES: None

ABSTAIN: None

ABSENT: Ellmore

BY: Tristan Harris
Tristan Harris, Chair

BY: 
Jonathan Langford, Secretary

Exhibits:

Exhibit A – Legal Description

Exhibit B – Program Environmental Impact Report Addendum

Exhibit C – Zoning Code Amendment

Exhibit D – Development Agreement

Exhibit E – Affordable Housing Implementation Plan

Exhibit F – Conditions of Approval

EXHIBIT "A"

LEGAL DESCRIPTION:

The Land referred to herein below is situated in the City of Newport Beach, County of Orange, State of California, and is described as follows:

Parcel 2, in the City of Newport Beach, County of Orange, State of California, as shown on the map filed in Book 63, Page 27 of Parcel Maps, in the Office of the County Recorder of said County.

EXHIBIT “B”

Program Environmental Impact Report Addendum

Follow Link Below:

https://www.newportbeachca.gov/Pln/PC_TEMP_LINK/Program%20Environmental%20Impact%20Report%20Addendum.pdf

EXHIBIT “C”

Zoning Code Amendment

EXHIBIT “D”

Development Agreement to be Provided

EXHIBIT “E”

Affordable Housing Implementation Plan

EXHIBIT “F”**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. *The Major Site Development Review and Vesting Tentative Tract Map No. 19439 shall expire ten years from the effective date of approval consistent with the terms of the Development Agreement.*
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 132 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. 19438 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 set forth in the base zone.*
9. *The on-site residential amenities such as outdoor seating, picnic tables, barbeque, pizza ovens, game lawn; and the publicly accessible open space areas as illustrated on the approved plans shall be provided and maintained for the duration of the Project. The exact mix of amenities may be modified from the original approved plans subject to the approval by the Community Development Director. The Project shall maintain at least 75 square feet of common open space per dwelling unit on the Property as required by the HO-1 subarea. The Project shall also maintain a substantially similar Publicly Accessible Open Space (PAOS) to the proposed 8,927 square feet and in no case shall the PAOS be reduced below the minimum 3% of the Project Site for the duration of the Project. The square footage of on-site resident-serving amenities shall not be reduced so that the development no longer provides 75 square feet of common open space per dwelling unit.*
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 PA2025-0125, was deemed submitted on July 14, 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, unless a different in-lieu park fee is specific in a Development Agreement, the Project will be subject to an in-lieu park fee of \$48,987 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. *Prior to the issuance of a building permit, an affordable housing agreement shall be executed in a recordable form as required by the City Attorney's Office.*

16. *Prior to the issuance of a building permit, the Applicant shall submit a landscape and irrigation plan prepared by a licensed landscape architect. These plans shall incorporate drought-tolerant planting and water-efficient irrigation practices, and the plans shall be approved by the Planning Division.*
17. *The Project shall include landscaping around the perimeter of the Property to adequately screen drive aisles, parking areas, and create a visual buffer between the public right-of-way and the Project. These plans shall be approved by the Planning Division.*
18. *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.*
19. All landscape materials and irrigation systems shall be maintained by the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing, and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.
20. The 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.
21. *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.*
22. Prior to the issuance of a building permit, the Applicant shall submit an acoustic analysis report prepared by an acoustical engineer describing the acoustical design features of the structure that will satisfy the minimum interior ambient noise level standards of Section 10.26.303 (Interior Noise Standards).
23. The design of the units shall include advanced air filtration systems to promote cleaner air within living environments.
24. A written disclosure statement shall be prepared prior to the sale, lease, or rental of a residential unit within the development. The disclosure statement shall indicate that the occupants will be living in an urban type of environment adjacent to an airport and

that the noise, odor, and outdoor activity levels may be higher than a typical suburban residential area. The disclosure statement shall include a written description of the potential impacts to residents of both the existing environment (e.g., noise from planes, commercial activity on the site and vehicles on streets) and potential nuisances based upon the allowed uses in the zoning district. Each and every buyer, lessee, or renter shall sign the statement acknowledging that they have received, read, and understand the disclosure statement. A covenant shall also be included within all deeds, leases or contracts conveying any interest in a residential unit within the development that requires: (i) the disclosure and notification requirement stated herein; (ii) an acknowledgment by all grantees or lessees that the property is located within an urban type of environment and that the noise, odor, and outdoor activity levels may be higher than a typical suburban residential area; and (iii) acknowledgment that the covenant is binding for the benefit and in favor of the City of Newport Beach. The deed notification language contained in this condition shall be copied into the CC&R's for the project.

25. *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.*
26. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 (Community Noise Control), under Sections 10.26.025 (Exterior Noise Standards) and 10.26.030 (Interior Noise Standards), and other applicable noise control requirements of the NBMC.
27. Construction activities shall comply with Section 10.28.040 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.
28. *Prior to the issuance of a building permit, the Applicant shall submit a 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.*
29. The exterior of the development shall be always maintained free of litter and graffiti. The owner or operator shall provide for daily removal of trash, litter debris, and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
30. All trash bins shall be stored within 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).

31. 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.
32. The Project shall comply with all applicable mitigation measures within the General Plan Housing Implementation Program ("GPHIP") Program Environmental Impact Report ("PEIR") Mitigation Monitoring and Reporting Program ("MMRP") as specified within Attachment A of the CEQA Addendum prepared by EDP Solutions, INC. dated May 15, 2026.
33. 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.
34. 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 **1300 Dove Townhomes including, but not limited to, Zoning Code Amendment, Major Site Development Review, Vesting Tentative Tract Map, Affordable Housing Implementation Plan, Development Agreement, and Addendum to the Newport Beach General Plan Housing Implementation Program EIR (PA2025-0170)**. 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

35. The Applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required before the issuance of a building permit.
36. *SFR, Duplex and Townhouse per townhouse definition: "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". shall comply with California Residential Code. 3 or more dwellings that are not a townhouse shall be R2 occupancy and shall comply with California Building Code.

37. *The Project common areas shall comply with Chapter 11A of California Building Code. Show required number accessible parking. Separate vehicular way to circulation path, show curbs and/or detectable warning.*
38. 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.

39. *Required number of Electric Vehicle charging shall comply with 4.106.4.2 of the California Green Code. Accessible EV parking cannot count as regular accessible parking.*
40. *Exterior wall and opening protection to property line and between building for R3 building shall comply with Table R302.1(1) and (2) of California Residential Code and for R2 building shall comply with 705 of California Building Code.*
41. *1-hr fire and 50-stc sound rating between dwelling units are required.*

42. *Emergency Escape and rescue opening shall be provided at each sleeping room. R310 of California Residential Code or 1031 of California Building Code.*
43. *Fire sprinkler for R3 building will be NFPA13D and R2 will be NFPA 13R minimum.*
44. 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.
45. 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.
46. 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

47. 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.
48. 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.

49. Prior to the recordation of the Tract Map, a Subdivision Agreement shall be obtained and approved by the City Council consistent with the Subdivision Code Section 19.36.010.
50. Prior to Final Map approval, the applicant shall provide a Faithful Performance Bond and Labor and Materials Bond, each for 100 percent 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.
51. 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.
52. All improvements shall be constructed per City Standards as required by Ordinance, and the Public Works Department.
53. An encroachment permit shall be required for all work activities within the public right-of-way.
54. 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.
55. Parking layout shall comply with the City Parking Lot Standard 805. Final parking layout shall be reviewed and approved by the City Traffic Engineer. Drive aisle shall be 26-foot minimum clear width.
56. The applicant shall reconstruct all damaged or broken curb, gutter and sidewalk along the Dove Street, Newport Place Drive and MacArthur Boulevard frontages per City Standards. A varying width easement for pedestrian and sidewalk purposes shall be dedicated to the City of Newport along the proposed meandering sidewalk along the MacArthur Boulevard frontage. Final easement alignment shall be determined by the Public Works Department.
57. The proposed driveways along the Newport Place Drive and Dove Street frontages shall be constructed per City standard 160.

58. All deliveries and move-ins/move-out shall be accommodated on-site and prohibited from parking or stopping within the public right of way.
59. The on-site sewer mains and water system shall be City owned and maintained. Final design of the water and sewer system, including water meter locations, is subject to further review by the Public Works and Utilities Departments during plan check. Sewer laterals shall be privately owned and maintained. Applicable City easement for the on-site sewer and water is subject to further review by the Public Works and Utilities Departments and shall be dedicated as part of the Final Tract Map.
60. The project storm drain system shall be privately owned and maintained. Final hydrology and hydraulic report shall be reviewed and approved prior to building permit issuance. The applicant shall install a new 48-inch storm drain pipe along Dove Street as identified on the preliminary plans. Final design and extent of the new storm drain improvements shall be determined by the Public Works Department. Any additional required improvements to downstream City infrastructure to accommodate the proposed project shall be designed and constructed by the proposed project. Final design of the storm drain improvements within the public right of way shall be reviewed and approved by the Public Works Department.

Fire Department

61. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area (903.2.8 Group R).
62. Fire alarm systems and smoke alarms shall be installed in Group R-2 and R-2.1 occupancies as required in Sections 907.2.9.1 through 907.2.10.2.1.1. Group R-2.2 shall be equipped throughout with an automatic fire alarm system and shall have a manual fire alarm pull station at the 24-hour staff watch office (907.2.9 Group R-2, R-2.1 and R-2.2.).
63. In Group R-2 occupancies required by Section 907 to have a fire alarm system, each story that contains dwelling units and sleeping units shall be provided with the future capability to support visible alarm notification appliances in accordance with NFPA 72. Such capability shall accommodate wired or wireless equipment (907.5.2.3.3).
64. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility (503.1.1).
65. Fire department access roads shall comply with Newport Beach Fire Guidelines C.01 and C.02

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66. Any fire department access roads that exceed 150' will require an approved turn around for fire apparatus.
 67. Addressing shall meet the requirements of Newport Beach Municipal Code 9.04.170
 68. Fire Master Plan shall be submitted to the Fire Prevention Division for approval. The plan shall include information on the following (but not limited to) subjects: fire department vehicle access to the project site, secondary emergency vehicle access, firefighter access (hose pull) around structures, fire lane identification, location of fire hydrants and other fire department appliances, and the location and type of gates or barriers that restrict ingress/egress.
 69. Rescue openings and laddering pads shall be drawn into the site plans and landscape plans.
 70. All portions of the perimeter of all structures shall be located within 150' of a fire lane as measured along an approved route. A portion of the proposed structure exceeding this distance is considered "out of access" and shall be corrected during plan review by one of the following methods:
 - a. Provide additional fire lanes to bring the entire structure "in access".
 - b. Propose an alternate form of mitigation via the Alternate Methods and Materials provisions of the fire code for the Fire Marshal's review. There is no guarantee that the Alternate Methods and Materials proposal will be approved as proposed.
 71. 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 2022 California Fire Code (507.1).
 72. Fire hydrants shall be spaced along fire department access roads in compliance with the 2022 California Fire Code Appendix C.
 73. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided.
 74. A deferred submittal shall be required for the following items:
 - a. Residential fire sprinklers per NFPA 13R and 13D.
 - b. Fire underground for onsite Fire hydrants and water supply to R2 buildings.
 - c. Fire Master plan.
 - d. Fire sprinkler monitoring systems for R2 buildings.