

Attachment No. PC 2

Applicant's Project Description

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1400 Bristol Street North Project

Supplemental Project Description

The Picerne Group Inc. (“Applicant”), applicant of the proposed project at 1400 Bristol Street North (the “Property”), hereby submits the following supplemental project description to the City of Newport Beach, Community Development Department.

The 1400 Bristol Street North Project is a proposed 6-story apartment building comprised of 229 residential units, podium level amenity space, a business center, and 422 parking spaces within an on-grade parking garage with two subterranean levels (the “Project”). Residential units within the Project will include a mix of studios, one-bedroom units, and two-bedroom units ranging from 515 square feet (“sq. ft.”) to 1,469 sq. ft.

The Project is located on 2.38 acre site at the corner of Bristol St N. and Spruce Ave. The current use is two, 2-story office buildings consisting of 38,764 sq. ft. and a surface parking lot. The Property is currently zoned Planned Community ("PC")-11 and designated as Industrial Site 3A, and is designated as General Commercial-Office (“CO-G”) under the City’s General Plan. Applicant proposes a PC Amendment to include the Property in the PC-11 Residential Overlay, and a General Plan Amendment to redesignate the property as Mixed Use Horizontal 2 (“MU-H2”) and obtain additional density, as described below.

Of the 229 total units, 206 will be market rate units and 23 will be affordable units. The Project’s base density consists of 153 units (89 units from the conversion of the office building to residential and 64 additional units allocated to the Airport Area (Statistical Area L4), which are sought via a General Plan Amendment. The Project qualifies for a 50% density bonus (i.e., 77 units, of which 76 units are being utilized) in exchange for providing the necessary level of affordable housing. The 64 additional base units referenced above will not constitute a "major amendment" for purposes of Section 423 of the City's Charter.

Under the State Density Bonus Law (“SDBL”),¹ the Project is entitled to a 50% density bonus, three (3) concessions/incentives,² and unlimited waivers from development standards that would physically preclude construction of the Project at the density sought.³ Applicant is requesting the following six (6) development waivers for the Project consistent with Government Code Sec. 65915(e)(1):

- 1. General Plan Park Dedication Requirement:** Pursuant to General Plan Policy LU 16-15.13, a public park equal to 8 percent of the gross land area of the total development, or a minimum one-half-acre, whichever is greater, shall be provided. This requirement would mandate a one-half-acre park on the 2.38 acre project site. The General Plan allows a waiver of its park dedication requirement where it can be demonstrated that the development parcels are too small to feasibly accommodate the park or inappropriately located to serve the needs of local residents. Here, the 2.38 acre Property is too small to feasibly accommodate a half-acre park with the 229 dwelling unit density that the Project proposes. Applicant therefore

¹ Gov. Code §§ 65915 et seq.
² Gov. Code § 65915(d)(2)(C).
³ Gov. Code § 65915(e).

requests a waiver of the General Plan Policy LU 16-15.13 public park dedication requirement.

- 2. PC-11 Development Standards Deviation (30-foot Street Setback):** PC-11 development standards require street setbacks of 30 feet from the property line. A 30-foot setback would substantially reduce the Project's development footprint, making it infeasible and impossible to support the proposed 229 dwelling units. Applicant therefore requests a waiver of the PC-11 30-foot setbacks in favor of the following setbacks: (1) Spruce Avenue – 8 feet to the building; and (2) Bristol Street – 18 feet to the building. Balconies shall be allowed to encroach into the setbacks up to 5 feet.
- 3. PC 11-Development Standards Deviation (Building Height):** PC-11 development standards limit building heights to 55 feet. Given the constraints imposed by the street setbacks, the perimeter road, and the utilities required to serve the Property, imposition of the 55 foot height limit would physically preclude the development of the proposed 229 dwelling units. The proposed building height is 85 feet.
- 4. Newport Beach Municipal Code Private Open Space:** Newport Beach Municipal Code Section 20.18.030 (Table 2-3) requires a minimum of 5% of the gross floor area of each unit to be set aside as private open space with a minimum dimension of 6 feet. The Project's studio dwelling units and 9 two-bedroom units (including 4 units which provide 2 square feet less than the private open space requirement) are unable to achieve these minimum private open space standards given their size and location. Therefore, Applicant requests a waiver from this private open space requirement since adherence to this development standard would physically preclude the Project as proposed.
- 5. Newport Beach Municipal Code Common Open Space:** Newport Beach Municipal Code Section 20.18.030 (Table 2-3) requires a minimum of 75 square feet/unit (17,175 sf total) to be designated as common open space. The applicant requests a waiver to reduce the 75 square feet/unit (17,175 sf total) requirement to approximately 60 square feet/unit (13,800 sf total, or 3,375 sf less than the City requirement). This waiver is necessary in order to accommodate the project's proposed density given the constraints imposed by the street setbacks, the perimeter road, and the utilities required to serve the project site.
- 6. General Plan Land Use Policy 6.15.7:** General Plan Land Use Policy 6.15.7 (Overall Density and Housing Type) and Section IV.A.4 of the PC-11 zoning standards prescribe a density range of 30-50 dwelling units per acre ("du/ac"). The Project proposes 153 "base" units on a 2.38 acre parcel, which equates to 64 du/ac. The Project's 153 base units are comprised of 89 units from the conversion of the office building to residential and 64 additional units allocated to the Airport Area (Statistical Area L4) under the General Plan. The Project qualifies for a 50% density bonus (i.e., 77 units) in exchange for providing the necessary level of affordable housing. To the extent required, Applicant requests a waiver from the maximum base density standards under LU Policy 6.15.7 and Section IV.A.4 of the PC-11 in order to construct the Project at the density sought.

In addition, Applicant requests the following concession/incentive under SDBL and Newport Beach Municipal Code Section 20.32.050: allow for a range of affordable unit sizes that does not proportionally reflect the range of unit sizes provided in the project as a whole, as required by Newport Beach Municipal Code Section 20.32.070.A. The range of affordable unit sizes will be reflected in the Project's Affordable Housing Implementation Plan ("AHIP"). Consistent with

Newport Beach Municipal Code Section 20.32.050, this concession/incentive (1) is necessary in order to make the housing units economically feasible; (2) would not have a specific adverse impact (as defined in Government Code Section 65589.5(d)(2)) upon public health and safety or the physical environment, or on any real property listed in the California Register of Historical Resources; and (3) would not be contrary to State or Federal law. Specifically, by reducing construction costs associated with larger affordable unit sizes and the project's development fees, the requested concession/incentive would result in an actual and identifiable cost reductions for the provision of affordable housing at the Project.⁴ Applicant reserves the right to request additional waivers and use remaining concessions/incentives to the extent required.

⁴ Gov. Code § 65915(k).

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