

# **Attachment No. PC 1**

Draft Resolution

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## **FRESOLUTION NO. PC2025-012**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A MAJOR SITE DEVELOPMENT REVIEW AND VESTING TENTATIVE TRACT MAP TO CONSTRUCT 27 RESIDENTIAL CONDOMINIUMS LOCATED ON AN UNADDRESSED PARCEL ABUTTING 1650 FORD ROAD (PA2025-0049)**

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

#### **SECTION 1. STATEMENT OF FACTS.**

1. An application was filed by Ford Road Ventures LLC (“Applicant”), on behalf of the property owner Pacific Bell Telephone Company (“Owner”) concerning property located at 1650 Ford Road (APN 458-361-02), and an undeveloped and unaddressed property abutting 1650 Ford Road (458-361-10), and legally described as Lot A and Lot B, respectively, of Lot Line Adjustment No. 2019-001 (“Properties”).
2. The Applicant proposes to develop a 27-unit, for sale, residential townhome complex upon the undeveloped and unaddressed property, near the southeast corner of the MacArthur Boulevard and Bonita Canyon Drive intersection, northeast of the parking lot for the Bonita Canyon Sports Park and west of the AT&T Facility located at 1650 Ford Road (“Project Site”). The proposed development includes two-, three-, and four-bedroom units ranging from 1,916 to 2,989 square feet. The development will include a two-car garage for each unit, 10 uncovered guest parking spaces and two uncovered delivery spaces for a total of 66 onsite parking spaces. Units will be distributed within four, detached, four-story buildings with a maximum structure height of 47 feet and 11 inches, above the established grade. The development will provide resident-serving amenities including an outdoor picnic area and an outdoor firepit area. Vehicular access to the Project Site will be taken from Ford Road, through a shared driveway with the adjacent AT&T facility. Pedestrian access will be provided to the adjacent Bonita Canyon Sports Park Trail. The project also proposes improvements to the neighboring AT&T Facility property including the installation of a gate to restrict access to its parking lot, repaving of the parking lot, new landscaping, repainting the building, and the relocation of an existing wireless telecommunications monopole. Lastly, the project will subdivide the undeveloped and unaddressed Project Site and reconfigure the lot line between the Project Site and the AT&T Facility property. (“Project”).
3. The following approvals are required from the City of Newport Beach (“City”) to implement the Project:
  - **Major Site Development Review (“SDR”):**
    - i. A SDR is required for projects proposing 5 or more units with a tract map. Though not required as discussed in Fact 5 below, the Applicant has requested a SDR to allow for an increase in maximum structure height pursuant to Section 20.30.060 (Height Limits and Exceptions) of the Newport

Beach Municipal Code ("NBMC") A SDR is also requested to allow deviations from four multi-unit objective design standards pursuant to Section 20.48.185 (Multi-Unit Objective Design Standards) of the NBMC.

- **Vesting Tentative Tract Map ("VTTM"):**

- i. A VTTM is requested to adjust the easterly property line between the undeveloped Project Site and the AT&T facility to increase the lot to approximately 1.16 acres, to create individual parcels for conveyance purposes within the undeveloped Project Site, to allow for an airspace subdivision of the individual residential units for condominium purposes.

4. On September 24, 2024, the City Council adopted Ordinance Nos. 2024-16 and 2024-17, approving amendments to Title 20 (Planning and Zoning) of the NBMC to establish the Housing Opportunity (HO) Overlay Zoning Districts in Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) ("Housing Overlay") and to create multi-unit objective design standards in Section 20.48.185 (Multi-Unit Objective Design Standards) of the NBMC. The new sections serve to implement Policy Actions 1A through 1G and 3A in the 6<sup>th</sup> Cycle Housing Element ("Housing Element") of the General Plan. The Project Site was identified as Housing Opportunity Site No. 141.
5. Subsequently, on June 24, 2025, the City Council adopted Ordinance No. 2025-10, approving amendments to Table 2-16 (Development Standards for Housing Opportunity Overlay Zones) of Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) and Section 20.80.025 (Housing Opportunity Overlay Districts Maps) of the NBMC. These amendments adjusted the height limitation for certain properties within the HO-4 (Newport Center) Subarea of the Housing Opportunity (HO) Overlay Zoning District to accommodate potential residential development with the intent prescribed density range. Specifically, these amendments allowed for the base height limit of the Project Site to be increased from 37 feet to 48 feet. Independent of this amendment, pursuant to Section 20.30.060(C) (Height Limits and Exceptions – Increase in Height Limit) of the NBMC, the Project has the flexibility to increase the allowed base height limit of 37 feet up to 55 feet through the approval of a SDR. Facts in support of findings are included in Findings D through G.
6. The Project Site is located within the HO-4 (Newport Center) Subarea of the Housing Opportunity (HO) Overlay Zoning District ("HO-4 Subarea"). The Project Site is designated as Public Facilities (PF) by the General Plan Land Use Element and is located within the Public Facilities (PF) Zoning District.
7. The Project Site is not located within the coastal zone; therefore, a coastal development permit is not required.
8. The Project does not include the construction of affordable housing. However, the City's Sites Inventory within the City's 6th Cycle Housing Element contains adequate other sites suitable for affordable housing opportunities and therefore is consistent with the State's no net loss provisions.

9. A public hearing was held on July 3, 2025, 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 California Environmental Quality Act ("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. The Project is not subject to further environmental review pursuant to Section 21083.3 of the Public Resources Code ("PRC") and Section 15183 of the CEQA Guidelines because, inasmuch as the property involved is within the HO-4 Subarea, the Project does not change the underlying land use or zoning designations; and would not result in new significant impacts or a substantial more adverse impact than addressed in the PEIR.
3. Section 15183 of the CEQA Guidelines provides, in relevant part:
  - a. Projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.
  - b. In approving a project meeting the requirements of this section, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:
    - i. Are peculiar to the project or the parcel on which the project would be located;
    - ii. Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent;
    - iii. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action; or

- iv. Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.
- c. If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, as contemplated by subdivision (e) below, then an additional EIR need not be prepared for the project solely on the basis of that impact.
- d. This section shall apply only to projects which meet the following conditions:
  - i. The project is consistent with:
    - A. A community plan adopted as part of a general plan;
    - B. A zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development; or
    - C. A general plan of a local agency; and
  - ii. An EIR was certified by the lead agency for the zoning action, the community plan, or the general plan.
- 4. As part of its decision-making process, the City is required to review and consider whether the Project would create new significant impacts or significant impacts that would be substantially more severe than those disclosed in the PEIR. Additional CEQA review is only triggered if the Project's new significant impacts or impacts that are more severe than those disclosed in PEIR such that major revisions to the PEIR would be required. A detailed consistency analysis has been prepared by T & B Planning Inc., dated June 2025, which was peer reviewed and accepted by Kimley-Horn & Associates, Inc., is attached hereto as Exhibit "A," and incorporated herein by reference and the additional findings set forth in Section 4 below.
- 5. The Project is consistent with the development density and use characteristics established by the City's General Plan Housing Implementation Program as analyzed by the PEIR, and the required determinations can be made, as detailed in Exhibit "A." Therefore, in accordance with Section 21083.3 of the PRC and Section 15183 of the CEQA Guidelines, no additional environmental review is required to approve the Project. The Planning Commission determines:
  - a. The Project is consistent with the development density of 20 to 50 dwelling units per acre established by existing zoning and general plan policies for which the PEIR was certified;

- b. There are no significant environmental effects that are peculiar to the Project or the parcels on which the Project would be located;
  - c. There are no significant environmental effects of the Project that were not analyzed as significant effects in the PEIR;
  - d. There are no potentially significant off-site impacts or cumulative impacts which were not discussed in the PEIR; and
  - e. There are no previously identified significant effects which, as a result of substantial new information which was not known at the time the PEIR was certified, are determined to have a more severe adverse impact than discussed in the prior PEIR.
6. The Planning Commission finds that judicial challenges to the City's CEQA determinations and approvals of land use projects are costly and time consuming. In addition, project opponents often seek an award of attorneys' fees in such challenges. As project applicants are the primary beneficiaries of such approvals, it is appropriate that such applicants should bear the expense of defending against any such judicial challenge, and bear the responsibility for any costs, attorneys' fees, and damages which may be awarded to a successful challenger.

### SECTION 3. REQUIRED FINDINGS.

#### ***Major Site Development Review***

In accordance with Section 20.52.080(F) (Site Development Reviews – Findings and Decisions) of the NBMC, the following findings and facts in support of such findings are set forth:

#### Finding:

- A. *The proposed development is allowed within the subject Zoning District*

#### Facts in Support of Finding:

1. The Project Site is located within the HO-4 Subarea and is identified as Housing Opportunity Site No. 141. Pursuant to Section 20.28.050 (B) (Housing Opportunity (HO) Overlay Zoning Districts – Uses Allowed) in addition to the uses that are permitted or conditionally permitted in the base zoning district, multi-unit residential development that meets the 20 to 50 dwelling units per acre density requirement shall be permitted within the HO Overlay Zoning District.
2. Pursuant to Table 2-16 (Development Standards for Housing Opportunity Overlay Zones) of Section 20.28.050 of the NBMC, the HO-4 Subarea requires a density of 20 to 50 dwelling units per acre. Based on the proposed 1.16-acre lot, the Project results in a density of 23.27 units per acre and meets the density requirement of the HO-4 Subarea.

3. The HO-4 subarea requires a zero-foot front, side, streetside and rear setback. However, footnote No. 3 of Table 2-16 requires that any portion of a building that is over 20 feet in height, which includes the Project's third and fourth floors, shall provide a 20-foot setback from the street right-of-way. The Project is bounded to the north by Bonita Canyon Drive and to the south by Ford Road. Though only the upper floors of required a 20-foot setback from the street right-of-way, the Project provides a varying streetside setbacks of 20 to 45-feet from of the entire height of the two buildings nearest to Bonita Canyon Drive and additional setbacks for the fourth-floor covered patios. The portion of Ford Road directly adjacent to the Project Site is dedicated as open space and not public right-of-way; therefore, the upper floor setback would not apply at this location. The Project also provides varying setbacks for the other setback areas including, a 6 to 56-foot, side setback on the northeast, a 4 to 6-foot side setback on the west, and an 11 to 24-foot rear setback on the southeast of the Project Site. Therefore, the Project complies with setback requirements.
4. Table 2-16 establishes a maximum height for the HO-4 subarea consistent with the base zone of the property, which in this case, is 37 feet. However, the City Council adopted Ordinance No. 2025-10 on June 24, 2025, which approved an amendment to Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) and Section 20.80.025 (Housing Opportunity Overlay Districts Maps) of the NBMC. These amendments allowed for the base height limit of 48 feet for the Project Site. The Project proposes a height of 47-feet, 11 inches to the highest ridge as measured from the established grade as indicated on the VTTM pursuant to Section 20.30.050 (B)(1) (Grade Establishment – Subdivisions) of the NBMC. Independent of the amendment, pursuant to Section 20.30.060(C) (Height Limits and Exceptions – Increase in Height Limit) of the NBMC, the Project has the flexibility to increase the allowed base height limit of 37 feet up to 55 feet through the approval of a SDR. Facts in support of findings are included in Findings D through G.
5. Table 2-17 (Residential Off-Street Parking Requirements for Housing Opportunity Overlay Zones) of Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) of the NBMC requires 1.8 spaces per unit that includes two bedrooms, 2.0 spaces per unit that includes three or more bedrooms and 0.3 spaces per unit for visitor parking. The Project proposes 27 dwelling units, eight with two bedrooms and 19 with three or more bedrooms, resulting in a requirement of 61 spaces. Project provides a two-car garage for each unit, 10 guest parking spaces and two delivery spaces for a total of 66 onsite parking spaces. The Project therefore complies with the minimum parking requirement.
6. Pursuant to Section 20.48.185 (Multi-Unit Objective Design Standards) of the NBMC, multi-unit objective design standards are applicable to any residential project with a minimum density of 20 dwelling units per acre. These standards ensure the highest possible design quality and provide a baseline standard for new multi-unit developments throughout the City. As detailed in the Objective Design Standards Checklist, which is attached hereto as Exhibit "B" and incorporated by reference, the Project deviates from the following four objective design standards:



- (1) Section 20.48.185(N)(2)(b) (Private Driveway Standards - Landscape and Paving Zone);
- (2) 20.48.185(R)(1)(a) (Horizontal Modulation – Maximum Building Length);
- (3) 20.48.185(R)(1)(c) (Horizontal Modulation – Minimum Depth); and
- (4) 20.48.185(R)(1)(d) (Horizontal Modulation – Maximum Number) of the NBMC.

The Project otherwise complies with the design standards and, in come some cases, exceeds the intent of the standards. Section 20.40.185(C) of the NBMC allows for deviations from any objective design standards through the approval of a SDR by the Planning Commission if the Applicant can demonstrate that strict compliance with the standards is not necessary to achieve the purpose of the objective design standards and that the project possesses compensating design and development features that meets or exceeds the intent of the objective design standards. The facts in support of the required findings are included in Findings H through I.

- 7. The HO-4 subarea requires a minimum building separation of 10 feet. The Project proposes varying building separations of 22 feet to 33 feet. The Project therefore complies with the minimum building separation requirement.
- 8. The HO-4 subarea requires that at least 75 square feet of common space to be provided per dwelling unit throughout the Project Site with a minimum length and width of 15 feet. The Project is therefore required to provide a minimum of 2,025 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 2,857 square feet of common open area within an outdoor picnic area and firepit lounge area. The Project therefore complies with the minimum common open space requirement.
- 9. The HO-4 subarea requires that at least 5% of the proposed gross floor area per unit be dedicated to private open space. Qualifying areas of private open space shall have a dimension of at least 6 feet in length and width. Section 20.70 (Definitions) of the NBMC defined private open spaces as outdoor or unenclosed areas directly adjoining and accessible to a dwelling unit, reserved for the exclusive private enjoyment and use of residents of the dwelling unit and their guests including but not limited to a balcony, deck, porch or terrace. The Project requires between 96 to 150 square feet of private open space per unit. The Project provides between 139 to 156 square feet of qualifying private open space per unit in the form of balconies and covered decks and therefore complies with the minimum private open space requirement. The Project provides additional private open space for certain units in the form of additional balconies. While these areas do not count as qualifying private open space, as they do not meet the minimum width requirement, the balconies provide additional private open space areas for residents and furthers the intent of this requirement.

Finding:

- B. The proposed development is in compliance with all of the following applicable criteria:*
- i. Compliance with this section, the General Plan, this Zoning Code, any applicable specific plan, and other applicable criteria and policies related to the use or structure;*
  - ii. The efficient arrangement of structures on the site and the harmonious relationship of the structures to one another and to other adjacent developments; and whether the relationship is based on standards of good design;*
  - iii. The compatibility in terms of bulk, scale, and aesthetic treatment of structures on the site and adjacent developments and public areas;*
  - iv. The adequacy, efficiency, and safety of pedestrian and vehicular access, including drive aisles, driveways, and parking and loading spaces;*
  - v. The adequacy and efficiency of landscaping and open space areas and the use of water efficient plant and irrigation materials; and*
  - vi. The protection of significant views from public right(s)-of-way and compliance with NBMC Section 20.30.100 (Public View Protection).*

Facts in Support of Finding:

1. The Project Site is categorized as Public Facilities (PF) by the Land Use Element of the General Plan. However, as indicated in Land Use Policy LU 4.5 (Residential Uses and Residential Densities) residential use of any property including within an established housing opportunity overlay zoning district is allowed regardless of and in addition to the underlying land use category. In this case, the HO-4 subarea would allow residential development on the Project Site in addition to the uses allow in of the underlying PF land use category and zoning district.
2. The Project is consistent with the following General Plan Housing Element, Land Use Element, and Circulation Element policies that establish fundamental criteria for the formation and implementation of new residential development, including, but not limited to the following:
  - a. **Housing Element Policy 3.2.** *Encourage housing developments to offer a wide spectrum of housing choices, designs, and configurations.*  
  
See finding 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 27-unit residential condominium complex consisting of for-sale, attached single-unit dwellings offered in four distinct floor plan configurations ranging from two to four bedrooms and 1,916 to 2,989 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 LU3.2 (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 undeveloped and underutilized property within an area of the City that is considerably developed. The Project will add 27 attached single-unit dwellings to the City's housing stock which allows the City to further its efforts of the 6<sup>th</sup> Cycle Housing Element Implementation Program and meet the City's RHNA. Pursuant to Chapter 15.40 (Traffic Phasing Ordinance) of the NBMC, the Public Works Department reviewed the Project's projected traffic generation analysis and found that Ford Road would adequately serve the project. The Project is projected to produce 182 average daily trips, which does not exceed the 300 average daily trip threshold, and therefore, no additional traffic analysis is required. Additionally, the Public Works Department reviewed the submitted sewer and water demand study and found that no additional sewer system or water line improvements are required to accommodate the Project, as adequate infrastructure is available and has sufficient capacity.

- d. **Land Use Element Policy LU 4.5 (Residential Uses and Residential Densities).** *Residential use of any property included within an established housing opportunity overlay zoning district is allowed regardless of and in addition to the underlying land use category or density limit established through Policy LU 4.1, Table LU 1 and Table LU 2, or any other conflict in the Land Use Element. A general plan amendment is not required to develop a residential use within an established housing opportunity zoning overlay district. The maximum density specified for the various overlay districts specified in Policy LU 4.4 is an average over the entire property or project site. For example, a portion of a development site may be developed at a higher*

*density than specified by Policy 4.4 provided other portions of the site are developed at lower densities such that the average does not exceed the maximum. Density calculations and total units identified in LU 4.4 do not include units identified as pipeline units or units permitted pursuant to State density bonus law.*

The Project is located within Housing Opportunity Site No. 141 and is located within the HO-4 Subarea. The Project proposes 27 residential condominiums on a 1.16-acre property which yields a density of 23.27 dwelling units per acre, consistent with the allowed density of the HO-4 Subarea.

- e. **Land Use Element Policy LU 5.1.6 (Character and Quality of Residential Properties).** *Require that residential front setbacks and other areas visible from the public street be attractively landscaped, trash containers enclosed, and driveway and parking paving minimized.*

While Policy LU 5.1.6 is intended for single-family detached and two-unit projects, the Project includes large setback areas that are thoroughly landscaped with drought tolerant and noninvasive plant species. While the HO-4 Subarea does not require any base floor setbacks along the front, side or rear property lines, the Project provides varying setbacks including a 20 to 45-foot streetside setback on the north, a 6 to 56-foot, side setback on the northeast, a 4 to 6-foot side setback on the west, and an 11 to 24-foot rear setback on the southeast of the Project Site. This setback design allows the Project to better reflect the character of a single-family neighborhood. Trash containers will be located within each dwelling unit's garage and screened from the public right-of-way. The visibility of driveway and parking paving has been minimized through use of landscaping to prevent an unpleasant visual experience to the surrounding neighborhood.

- f. **Land Use Element Policy LU 5.1.9 (Character and Quality of Multi-Family Residential)** *Require that multi-family dwellings be designed to convey a high-quality architectural character in accordance with the following principles:*

*Building Elevations*

*Treatment of the elevations of buildings facing public streets and pedestrian ways as the principal façades with respect to architectural treatment to achieve the highest level of urban design and neighborhood quality.*

*Architectural treatment of building elevations and modulation of mass to convey the character of separate living units or clusters of living units, avoiding the appearance of a singular building volume*

*Provide street- and path-facing elevations with high-quality doors, windows, moldings, metalwork, and finishes.*

Ground Floor Treatment

*Set ground-floor residential uses back from the sidewalk or from the right-of-way, whichever yields the greater setback to provide privacy and a sense of security and to leave room for stoops, porches and landscaping.*

*Raise ground-floor residential uses above the sidewalk for privacy and security but not so much that pedestrians face blank walls or look into utility or parking space.*

*Encourage stoops and porches for ground-floor residential units facing public streets and pedestrian ways.*

Roof Design

*Modulate roof profiles to reduce the apparent scale of large structures and to provide visual interest and variety.*

Parking

*Design covered and enclosed parking areas to be integral with the architecture of the residential units' architecture.*

Open Space and Amenity

*Incorporate usable and functional private open space for each unit.*

*Incorporate common open space that creates a pleasant living environment with opportunities for recreation.*

As detailed in the Objective Design Standards Checklist, which is attached hereto as Exhibit "B" and incorporated by reference, the Project complies with the majority (48 of 52) of the applicable objective design standards and in some cases exceeds the intent of the standards. However, the Applicant requests minor deviations of four objective design standards. The Objective Design Standards were developed to implement Land Use Policy LU5.1.9, therefore compliance with these standards with negligible deviation ensures that the Project is consistent with Land Use Policy LU5.1.9.

- g. **Land Use Element Policy LU 5.6.1 (Compatible Development).** *Require that buildings and properties be designed to ensure compatibility within and as interfaces between neighborhoods, districts, and corridors*

Although the Project Site has an irregular shape, the Project design compactly arranges the four separate buildings to maximize site efficiency and preserve larger than required setbacks. The Bonita Canyon Sports Park unique parcel shape extends in front of the northwest portion of the Project Site, further setting back the proposed development up to 50 feet from the Bonita Canyon right-of-way in that location. The Project site design includes interior drive aisles and resident amenity areas which are screened from public view. The Project's large setbacks, landscaped edge conditions, and location of drive

aisles and residential amenities reduce the visual impact of the Project and ensures compatibility with the surrounding neighborhood.

- h. **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 contemporary coastal architectural style of the Project has been designed to portray the character and quality of the nearby Harbor View community. Architectural articulations and high-quality materials including brick and wood siding are utilized to blend in with the character of the surrounding community. Additionally, the Project includes two color schemes: a coastal color scheme with whites, greys and light blues, and a neutral, earthy, color scheme with beige, brown, light green and light white. These color schemes allow for a natural and coastal feel which is consistent with the typical designs of new homes throughout the City.

- i. **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” 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.

- j. **Land Use Policy LU 6.15.23 (Sustainable Development Practices).** *Require that development achieves a high level of environmental sustainability that reduces pollution and consumption of energy, water, and natural resources. This may be accomplished through the mix and density of uses, building location and design, transportation modes, and other techniques. Among the strategies that should be considered are the integration of residential with jobs-generating uses, use of alternative transportation modes, maximized walkability, use of recycled materials, capture and re-use of storm water on-site, water conserving fixtures and landscapes, and architectural elements that reduce heat gain and loss.*

The Project is required to comply with the provisions of the Building and Energy Efficiency Standards (CCR, Title 24, Parts 6 – California Energy

Code) and the Green Building Standards Code (CCR, Title 24, Part 11 - CALGreen). Additionally, the Project would implement water-efficient landscaping, water quality best management practices and low impact development practices. The Project is within proximity to Newport Center commercial and office developments and would provide housing near this employment center. The Project includes pedestrian linkage to the Ford Road public sidewalk and Bonita Canyon Sports Park Trail which offer provide pedestrian and bicyclist connections to nearby destinations such as Newport Center, approximately two miles away, and the Newport Hills Shopping Center, one mile away. The Project is also located in close proximity to the existing Orange County Transportation Authority (OCTA) bus routes provided along Ford Road and Bonita Canyon Drive.

- k. **Circulation Element Policy CE 2.3.3 (New Development Maintained Responsibility).** *Ensure minimization of traffic congestion impacts and parking impacts and ensure proper roadway maintenance through review and approval of Construction Management Plans associated with new development proposals in residential neighborhoods.*

The Project has been conditioned to require the Applicant to prepare a construction management plan to be reviewed and approved by the Community Development, Fire and Public Works Departments. This ensures that any traffic congestion impacts associated with the construction process is minimized to the greatest extent possible.

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

See finding LU 6.15.23 Sustainable Development Practices above.

3. Facts 1 through 9 in support of Finding A are hereby incorporated by reference.
4. The Project Site is not located within a Specific Plan Area.
5. The Project includes various intentional architectural design features including recessed balconies, varied rooflines, and material changes with a neutral, earthy and coastal color pallet. 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. Additionally, the Project is integrated with the Bonita Canyon Sports Park through the use of landscaping and pedestrian walkways.
6. The Project will utilize an existing curb cut for vehicular access from Ford Road. The curb opening will be shared between the Project Site and the adjacent AT&T facility property; however, a distinct drive aisle will be constructed for the Project. Offsite

improvements include the installation of a gate restricting access to the AT&T facility parking lot.

7. The Project landscaping complies with Chapter 14.17 (Water-Efficient Landscaping) and Chapter 20.36 (Landscaping) 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's varied setbacks, 6 to 56 feet, allows for substantial perimeter landscaping, with enhanced treatments along Bonita Canyon Drive to improve the view for motorists and residents to the north, and along Bonita Canyon Sports Park Trail to enhance the pedestrians and park user experience. Landscaping is also integrated throughout the Project Site, including around the picnic and firepit areas to enhance the residential experience.
8. 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 Project Site 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 at Big Canyon Park, over a mile west of the Project Site. The nearest designated coastal view road is MacArthur Boulevard, south of the San Joaquin Hills Road, over a mile south of the Project Site. Due to the distance and urbanized nature of the Project area, the Project is not anticipated to impact any public views.

Finding:

- C. *Not detrimental to the harmonious and orderly growth of the City, nor will it endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of 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 contemporary coastal 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 Project Site within driveways, parking, and loading areas. The Project includes the drive aisles that are located within the Project Site, behind the proposed buildings, which will significantly buffer any vehicle noise produced. The Project is also designed to accommodate and provide safe access for emergency vehicles, and refuse collection vehicles through the Ford Road access point.
3. The Project Site is adjacent to Bonita Canyon Drive, a four-lane primary arterial road with a central median and Ford Road, a two-lane connector road with a central median.



These two roads create large buffers between the Project and the adjacent residential neighborhoods to the north and south.

4. Pursuant to Chapter 15.40 (Traffic Phasing Ordinance) of the NBMC, the Public Works Department reviewed the Project's traffic generation analysis prepared by Pirzadeh & Associates Inc, dated May 13, 2025, which projected 182 average daily trips. The Public Works Department found that Ford Road would adequately serve the Project, and no additional traffic analysis is required.
5. The Project requires 61 onsite parking spaces; however, the Project provides 66 onsite parking spaces, including a two-car garage for each unit, 10 guest parking spaces and two delivery spaces. The additional parking and individual unit garage parking will mitigate use of street parking on Ford Road or the adjacent parking lot within the Bonita Canyon Sports Park.
6. 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.
7. The Project will comply with all Building, Public Works, and Fire Codes, along with all City ordinances and all conditions of approval which are attached hereto as Exhibit "C".

### ***Height Increase***

The HO-4 subarea limits heights to that of the base zoning district. The underlying zoning district is Public Facilities (PF) which is regulated by the Nonresidential, Nonshoreline Height Limit Area. In this height limit area, the base height limit for structures with flat roofs is 32 feet and the base height limit for structures with sloped roofs is 37 feet. However, the City Council adopted Ordinance No. 2025-10 on June 24, 2025, which approved an amendment to Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) and Section 20.80.025 (Housing Opportunity Overlay Districts Maps) of the NBMC. These amendments allowed for the base height limit of 48 feet for the Project Site.

Though the City Council adopted Ordinance No. 2025-10, in accordance with Section 20.30.060(C)(3) (Height Limits and Exceptions - Required Findings) of the NBMC, the Planning Commission may approve a SDR to allow an increase in the height of a structure above the base height only after making all the following findings in addition to the findings required pursuant to Section 20.52.080(F) (Site Development Reviews – Findings and Decision):

#### **Finding:**

- D. *The project applicant is providing additional project amenities beyond those that are otherwise required. Examples of project amenities include, but are not limited to:*

- i. *Additional landscaped open space;*
- ii. *Increased setback and open areas;*
- iii. *Enhancement and protection of public views;*

Facts in Support of Finding:

1. The HO-4 subarea is not subject to any minimum setback requirement for portions of a building that are below 20-feet in height, which is the Project's first and second floors. However, the Project voluntarily integrates varying setbacks of 6 to 56 feet at the first floor with additional setbacks on the higher levels. These setbacks help create more open areas throughout the Project Site than would otherwise be required by the NBMC.
2. The HO-4 subarea is not subject to any maximum lot coverage requirement. However, the compact site design of the Project is accommodated through the taller building design which results in a lot coverage of approximately 45%. In comparison, properties located within the Multiple Residential (RM-6000) Zoning District are allowed a maximum lot coverage of 60%. The Project provides additional open area through its compact design and less horizontal massing to reduce the site coverage compared to what is allowed a RM-6000 District, accomplished with the additional height of each building.
3. Fact 9 in Support of Finding A is hereby incorporated by reference.
4. The provided setbacks, open areas, and lower lot coverage offer amenities beyond those otherwise required by the HO-4 subarea and contributes to a more visually appealing project for the neighborhood.

Finding:

- E. *The architectural design of the project provides visual interest through the use of light and shadow, recessed planes, vertical elements, and varied roof planes;*

Facts in Support of Finding:

1. Facts 5 in support of Finding B are hereby incorporated by reference.
2. Architectural articulations and varied materials including high-end stone, brick and wood siding are provided to mirror the high-quality design of the neighborhood.
3. The Project is subject to comply with the City's Multi-Unit Objective Design Standards which ensure a high-quality design. As detailed in the Objective Design Standards Checklist which is attached hereto as Exhibit "B" and incorporated by reference, the Project deviates from four objective design standards but otherwise complies with the design standards and, in some cases, exceeds the intent of the standards. The facts in support of findings are included under Findings H and I.

Finding:

- F. The increased height will not result in undesirable or abrupt scale changes or relationships being created between the proposed structure(s) and existing adjacent developments or public spaces. Where appropriate, the proposed structure(s) provides a gradual transition to taller or shorter structures on abutting properties.*

Facts in Support of Finding:

1. The Project is surrounded by the Newport Bluff apartment complex to the north across Bonita Canyon Drive, a parking lot within the Bonita Canyon Sports Park to the west, the Harbor View community to the south across Ford Road and the AT&T facility to the east.
2. The Project is separated from the Newport Bluffs apartment complex by Bonita Canyon Drive, a four-lane primary arterial road with a center median landscaped with trees ranging from 15 to 30 feet in height, and approximately 185 feet from the Project's northmost structures. The Project has been conditioned to include perimeter landscaping along Bonita Canyon Drive, including trees, which will further buffer and soften the façade of the Project and ensure scale compatibility is maintained.
3. The Project is separated from the Port Street neighborhood by Ford Road, a two-lane connector road with a center median landscaped with trees ranging from 45 to 60 feet in height. The nearest single unit dwelling within the Port Street neighborhood is approximately 230 feet from the Project's southmost structure. Homes within the Harbor View community consist of single-story to two-story structures and have an allowed maximum height of up to 32 feet. The adjacent AT&T building is approximately 35 feet in height. The changing scale of structures, intervening road with large street trees and distance provides a harmonious transition from the two-story Harbor View community to the Project.
4. The Project's westmost structure is separated from the usable area of the Bonita Canyon Sport Park by approximately 185 feet. Intervening uses include the large parking lot and landscape buffer with trees ranging from 15 to 30 feet in height. In addition to the visual screen provided by the landscaping the setbacks and landscaping within the park adjacent to the Project site, the Project provides upper floor setbacks, balconies, covered decks, and varied rooflines which prevent the appearance of an overly bulky building oriented towards the parking lot and park beyond.
5. The Project height is otherwise allowed pursuant to Ordinance No. 2025-10 as adopted by the City Council on June 24, 2025, which approved an amendment to Table 2-16 (Development Standards for Housing Opportunity Overlay Zones) of Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) and Section 20.80.025 (Housing Opportunity Overlay Districts Maps) of the NBMC to allow for the base height limit of 48 feet for the Project Site. These amendments become effective on July 26, 2025.

Finding:

- G. *The structure will have no more floor area than could have been achieved without the approval of the height increase.*

Fact in Support of Finding:

1. Pursuant to Table 2-16 (Development Standards for Housing Opportunity Overlay Zones) of Section 20.28.050 of the NBMC, the HO-4 Subarea does not have a floor area ratio (FAR) limitation.

**Multi-Unit Objective Design Standards Deviation**

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

- a) Section 20.48.185(N)(2)(b) (Private Driveway Standards - Landscape and Paving Zone)
- b) Section 20.48.185(R)(1)(a) (Horizontal Modulation – Maximum Building Length)
- c) Section 20.48.185(R)(1)(c) (Horizontal Modulation – Minimum Depth)
- d) Section 20.48.185(R)(1)(d) (Horizontal Modulation – Maximum Number)

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

Finding:

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

Facts in Support of Finding:

1. Section 20.48.185(N)(2)(b) (Private Driveway Standards - Landscape and Paving Zone (LPZ)) of the NBMC requires that a 4-foot minimum width zone abutting a building is required to provide a minimum of 20% landscaping with a combination of vines, ornamental, grasses, shrubs, ground cover, and ornamental trees. The Project provides a 3-foot, 6-inch wide LPZ at most driveway areas which result from building offsets. The building offset contributes to enhanced building articulation, resulting in a more visually appealing facade. Increasing the LPZ zone to meet the four-foot width requirement would reduce the size of the building offsets and the open setback area in front of each building. The LPZ areas, however, are designed with more than the required 20% minimum landscaping. The narrower LPZ design maximizes the amount of landscaped open space in front of each building which provides more benefit to future residents than the negligible six inches of LPZ adjacent to garages.
2. Section 20.48.185(R)(1)(a) (Horizontal Modulation – Maximum Building Length) of the NBMC limits building length to 150 feet. The Project proposes two eight-unit buildings with a length of 155-feet. The intent of the building length requirement is to prevent lengthy unarticulated building masses. The Project addresses this by incorporating

varied rooflines, balconies, façade projections and recessions, and material variation which creates the appearance of distinct units and breaks up the building's overall length and massing. The building provides more than the required articulation and upper floor setbacks which ensures the building length is less visually obtrusive.

3. Section 20.48.185(R)(1)(c) (Horizontal Modulation –Minimum Depth) of the NBMC requires all building recesses or projections to be a minimum of 2 feet in depth. The Project proposes a variety of different recesses and projections including upper floor setbacks, balconies and covered patios which range from 6 inches to 12 feet. The intent of this requirement is to allow for sufficient depth of recesses and projections so that building lengths are sufficiently modulated. While some of the Project's recesses and projections are less than two feet in depth, the Project provides large upper floor setbacks, balconies, and patios between 5 and 12 feet. The Project provides additional depth for other recesses and projections features which ensures building length is less visually obtrusive.
4. Section 20.48.185(R)(1)(d) (Horizontal Modulation - Maximum Number) of the NBMC require a maximum of two recesses or projections per façade. The Project includes more than two recesses and projections in both of the largest buildings within the development. Due to their length, the additional recesses and projections allow for sufficient modulation to each unit. The intent of this requirement is to avoid lengthy and plain building faces. Limiting the design to only two recesses or projections would result in less modulation, less visual interest, and a building less reminiscent of townhomes. The Project is furthering the intent of this requirement by sufficiently modulating the eight-plex building, which results in a less visually obtrusive building length.

Finding:

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

Facts in Support of Finding:

1. All facts in support of Finding H are hereby incorporated by reference.
2. Facts 3 and 9 in support of Finding A are hereby incorporated by reference.
3. Section 20.48.185(D)(1)(a) (Multi-Unit Objective Design Standards – General Standards) of the NBMC requires that development with more than eight buildings to provide a minimum of two distinct color schemes. The Project includes only four buildings, however, the Project voluntarily provides two distinct color schemes. These include a coastal color scheme with whites, greys and light blues, and a neutral, earthy, color scheme with beige, brown, light green and light white. These color schemes allow for a natural and coastal feel which is consistent with the typical designs of new homes throughout the City.

## **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:

- J. That the proposed map and the design or improvements of the subdivision are consistent with the General Plan and any applicable specific plan, and with applicable provisions of the Subdivision Map Act and this Subdivision Code.*

### Facts in Support of Finding:

1. The Vesting Tentative Tract Map (VTTM) is for 27-unit residential condominiums.
2. Fact 1 and 2 in support of Finding B are hereby incorporated by reference.
3. The Public Works Department has reviewed the proposed VTTM and found it consistent with Title 19 (Subdivisions) of the NBMC and applicable requirements of the Subdivision Map Act.
4. The Applicant will provide an in-lieu park dedication fee pursuant to Chapter 19.52 (Park Dedication and Fees), as required for park and recreational purposes in conjunction with the approval of this VTTM. The existing parcel is undeveloped; therefore, the in-lieu park fee will be required for 27 new dwelling units.
5. A preliminary application for residential development, filed as PA2025-0056, was deemed submitted on April 7, 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 \$38,400 per unit which was the fee in effect at the time the preliminary application was deemed submitted.

### Finding:

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

### Facts in Support of Finding:

1. The proposed 1.16-acre Project Site is irregular in shape, slopes towards the northeast, and is not within a zone seemed to be subject to seismically induced liquefaction potential. The Project Site is adequality sized to accommodate the proposed density in compliance with all applicable requirements of the HO-4 subarea.
2. The site is suitable for the type and density of the development in that the infrastructure serving the site has been designed to accommodate the proposed project. A sewer and

water demand study were prepared by PSOMAS dated May 14, 2025. The study concluded that no additional sewer system or water line improvements are required to accommodate the Project. The Project does not result in more than 500 dwelling units; therefore, a Water Supply Assessment (WSA) is not required for Project.

3. 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:

- L. *That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision-making body may nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report*

Facts in Support of Finding:

1. As detailed in the CEQA Consistency Memorandum, which is attached hereto as Exhibit "A" and incorporated by reference, the site does not contain riparian habitat or other sensitive natural community, or wetlands. The proposed Project would not have any specific effects which are peculiar to the proposed Project or the Project site. Additionally, there are no project-specific significant impacts that were not analyzed in the General Plan Housing Implementation Program ("GPHIP") Program Environmental Impact Report (PEIR), no potentially significant off-site or cumulative impacts that were not discussed in the GPHIP PEIR, and no substantial new information not known at the time the GPHIP PEIR was certified that shows that the proposed Project's effects would be more severe than discussed in the GPHIP PEIR.

Finding:

- M. *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 27-unit condominium complex. 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. The Project shall comply with all applicable mitigation measures within GPHIP PEIR MMRP, as specified within Attachment A of the CEQA Consistency Memorandum which is attached hereto as Exhibit "A" and incorporated by reference.
3. No evidence is known to exist that would indicate that the proposed subdivision will generate any serious health problems.

Finding:

- N. *That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the decision-making body may approve a map if it finds that alternate easements, for access or use, will be provided and that these easements will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record or to easements established by the judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision.*

Fact in Support of Finding:

1. The Public Works Department has reviewed the proposed VTTM and determined that the design of the development will not conflict with easements acquired by the public at large, for access through, or use of the Project Site within the proposed development because no public easements are located on the Project Site.

Finding:

- O. *That, subject to the detailed provisions of Section 66474.4 of the Subdivision Map Act, if the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act), the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use or the subdivision will result in residential development incidental to the commercial agricultural use of the land.*

Fact in Support of Finding:

1. The Project Site is not subject to the Williamson Act. The Project Site is not designated as an agricultural preserve and is less than 100 acres in area.
2. The Project Site is within the HO-4 Subarea which is intended for development of a multi-story residential project. The intended use is not for residential development that is incidental to a commercial agricultural use.



Finding:

- P. *That, in the case of a “land project” as defined in Section 11000.5 of the California Business and Professions Code: (1) there is an adopted specific plan for the area to be included within the land project, and (2) the decision-making body finds that the proposed land project is consistent with the specific plan for the area.*

Facts in Support of Finding:

1. California Business and Professions Code Section 11000.5 has been repealed by the Legislature. However, this project site is not considered a “land project” as previously defined in Section 11000.5 of the California Business and Professions Code because the project site does not contain 50 or more parcels of land.
2. The Project is not located within a specific plan area.

Finding:

- Q. *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 proposed subdivision design allows for solar access and passive and cooling opportunities through the use of large window and slide doors and the east-west alignment of 21 of the 27 dwelling units.
2. The Project and any future improvements are subject to Title 24 of the California Building Code, which requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The City’s Building Division enforces Title 24 compliance through the plan check and inspection process.

Finding:

- R. *That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City’s share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City’s residents and available fiscal and environmental resources.*

Fact in Support of Finding:

1. The proposed 27 dwelling unit project yields a density of 23.37 dwelling units per acre, consistent with the HO-4 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 27, for-sale, residential dwelling units which

contributes to the City's assigned 6<sup>th</sup> Cycle RHNA. By developing vacant land with medium-density, ownership housing, the Project helps meet the City's housing goals while utilizing existing infrastructure and public services.

Finding:

- S. *That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board.*

Facts in Support of Finding:

1. Wastewater discharge from the Project into the existing sewer system has been designed to comply with the Regional Water Quality Control Board ("RWQCB") requirements.
2. A Water Quality Management Plan (WQMP) has been prepared for the Project.
3. Fact 2 in support of Finding K is hereby incorporated by reference.

Finding:

- T. *For subdivisions lying partly or wholly within the Coastal Zone, the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter 3 of the Coastal Act.*

Fact in Support of Finding:

1. The Project Site is not located in the Coastal Zone; therefore, compliance with the Local Coastal Program (LCP) and the Coastal Act is not applicable.

#### SECTION 4. ADDITIONAL FINDINGS.

1. The Project Site is designated as a Housing Opportunity Site under the City of Newport Beach's certified 6th Cycle Housing Element, approved by the City Council and certified by the California Department of Housing and Community Development. Pursuant to that approval, a residential overlay was placed on the site, allowing for the development of the proposed 27 residential units. This overlay designation is supported by the certified PEIR, approving the 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.
2. The Project Site is located within the HO-4 (Newport Center) Subarea of the Housing Opportunity (HO) Overlay Zoning District. The Project Site is designated as Public Facilities (PF) by the General Plan Land Use Element and is located within the Public Facilities (PF) Zoning District. The City Council's duly adopted Housing Element and

accompanying actions establish the HO-4 (Newport Center) Subarea as a valid residential zoning mechanism consistent with California Government Code Sections 65583 and 65583.2. At the time of project approval, the certified Housing Element and residential overlay are in full legal effect.

3. The Project is not subject to further environmental review pursuant to Section 21083.3 of the Public Resources Code and Section 15183 of the CEQA Guidelines, because the Project does not change the underlying land use or zoning designations; and would not result in new significant impacts or significant impacts that would be substantially more severe than those disclosed in the PEIR.
4. Further, the proposed 27-unit residential project does not trigger Charter Section 423 (Greenlight) because it does not seek a General Plan Amendment. Furthermore, even if a General Plan Amendment was sought the amendment would not be considered “major” because the proposed project is less than 100 dwelling units, has less than 100 peak hour trips (traffic) and has no commercial component (thus, it is less than 40,000 square feet of floor area). Therefore, even without reliance upon the HO-4 (Newport Center) Subarea, no public vote is required for this proposed project under Greenlight.
5. In the event the Housing Element and General Plan amendments are invalidated by court order, the City nonetheless finds that the Project may be approved for the following reasons:
  - The certified PEIR, which is final and lawful, serves as a valid and independent basis for establishing the suitability of residential development at this site.
  - Under CEQA and California Government Code Section 65457 (exemption for residential projects consistent with a specific plan or general plan EIR), the certified PEIR’s confers legal stability on the City’s approval, including its reliance on the HO-4 subarea of the Housing Opportunity (HO) Overlay Zoning District for land use purposes.
  - The City’s approval advances the statewide interest in addressing housing needs, consistent with California Government Code Section 65589.5, and supports the City’s good faith compliance with state law. Preventing the development of 27 residential units—already environmentally analyzed and approved—due solely to procedural uncertainty would run contrary to both local planning policy and state housing mandates.

## SECTION 5. DECISION.

### **NOW, THEREFORE, BE IT RESOLVED:**

1. In accordance with Section 21083.3 of the California Public Resources Code and Section 15183 of the CEQA Guidelines, the Project is consistent with the development density and use characteristics established by the City’s General Plan Housing Implementation Program as analyzed by the PEIR, and the required determinations can

be made as detailed in the CEQA Consistency Memorandum, which is attached hereto as Exhibit "A."

2. The Planning Commission finds that the Site Development Permit and Vesting Tentative Tract Map for the 27-unit residential project are validly approved under existing law. The project is consistent with the certified Housing Element, is not subject to additional environmental review, and does not trigger Charter Section 423 thresholds.
3. The Planning Commission of the City of Newport Beach hereby approves Major Site Development Review and Vesting Tentative Tract Map filed as PA2025-0049, subject to the conditions outlined in Exhibit "C", which is attached hereto and incorporated by reference.
4. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal is filed with the Community Development Director in accordance with the provisions of Chapter 20.64 (Appeals) of the NBMC.

**PASSED, APPROVED, AND ADOPTED THIS 3<sup>RD</sup> DAY OF JULY, 2025**

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: \_\_\_\_\_  
Mark Rosene, Chair

BY: \_\_\_\_\_  
David Salene, Secretary

Attachments: Exhibit "A" – CEQA Consistency Memorandum Prepared by T & B Planning, Inc.,  
Dated June, 2025  
Exhibit "B" – Objective Design Standards Checklist  
Exhibit "C" – Conditions of Approval

**EXHIBIT "A"**

**CEQA Consistency Memorandum Prepared by T & B Planning, Inc., dated June, 2025**

File available via link due to size:

<https://ecms.newportbeachca.gov/WEB/DocView.aspx?id=3171539&dbid=0&repo=CNB>

**EXHIBIT “B”**

**OBJECTIVE DESIGN STANDARDS CHECKLIST**

File available via link due to size:

<https://ecms.newportbeachca.gov/WEB/DocView.aspx?id=3169605&dbid=0&repo=CNB>

**EXHIBIT “C”****CONDITIONS OF APPROVAL**

*(Project-specific conditions are in italics)*

**Planning Division**

1. The Project shall be in substantial conformance with the approved site plan, floor plans, landscape plan, and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval). Minor changes to the approved development may be approved by the Community Development Director, pursuant to Newport Beach Municipal Code Section 20.54.070 (Changes to an Approved Project). By way of example, a change to the number of stories of a unit (e.g., three-story product, etc.), floor plan redesign, and change to offered 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 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 be caused the revocation of this approval.
5. *This Major Site Development Review shall expire and become void unless exercised within seven years from the date of approval of Resolution No. PC2025-012 to coincide with the expiration of Vesting Tentative Tract Map No. 19396 as provided in Condition No. 16.*
6. *On June 24, 2025, the City Council adopted Ordinance No. 2025-10 approving a amendments to properties within the HO-4 Subarea including allowing a base height limit of 48 feet for the Project Site. To ensure consistency with that Ordinance, this resolution shall be become effective on July 26, 2025.*
7. 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.
8. *The proposed residential development shall consist of 27 townhome, condominium units. The number of condominium units may be reduced by the Applicant provided the total*

*number of units meets the 20 to 50 dwelling units per acre density requirement under the HO Overlay Zoning District.*

9. *The maximum height of the residential structures shall be 48 feet as measured from the established grade. No building or any portion of structure, architectural feature or mechanical equipment shall exceed 48 feet.*
10. *The on-site residential amenities including the outdoor picnic area and firepit lounge area 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 Project Site as required by the HO-4 subarea. The square footage of on-site resident-serving amenities shall not be reduced so that the development no longer provides 75 square feet of common open space per dwelling unit*
11. *The residential structure shall be attenuated to provide an interior noise level of 45 dBA CNEL or less pursuant to Section 10.26.030 (Interior Noise Standards) of the NBMC. Use of walls, berms, interior noise insulation, double paned windows, 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.*
12. *The Applicant shall comply with all applicable provisions of NBMC Chapter 15.38, Fair Share Traffic Contribution Ordinance, and Chapter 15.42, Major Thoroughfare and Bridge Fee Program. Prior to the issuance of a building permit, Fair Share Traffic Fees and Transportation Corridor Agency fees shall be paid for the Project at the fee assessed at the time of payment.*
13. *Prior to the issuance of a building permit, the Applicant shall pay applicable school fees for the Project.*
14. *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.*
15. *A preliminary application for residential development, filed as PA2025-0056, was deemed submitted on April 7, 2025 for this Project. The preliminary application prevents the Project from being subject to any City ordinances, policies, and standards adopted after the date of submission, except as specified in Government Code Section 65589.5(o). The Applicant shall provide an in-lieu park dedication fee pursuant to Chapter 19.52 (Park Dedication and Fees), as required for park and recreational purposes in conjunction with the approval of this VTTM. Therefore, the Project will be subject to an in-lieu park fee of \$38,400 per unit which is the fee that was in effect at the time the preliminary application was deemed submitted.*



16. *Vesting Tentative Tract Map No. 19396 shall expire seven years from the date of approval of Resolution No. PC2025-012. Pursuant to Section 19.16.010(A) (Expiration of Tentative Maps (California Government Code Sections 66452.6, 66463.5)) of the NBMC, an approved tentative tract map expires 24 months after the date of its approval or conditional approval. Under Section 19.16.020(A) (Extension of Tentative Maps (California Government Code Sections 66452.6, 66463.5)) of the NBMC, the subdivider shall have the right to request an extension of the map for up to five years. The subdivider has submitted an application for an extension of Vesting Tentative Tract Map No. 19396 and has requested that the extension be granted after the Planning Commission adopts Resolution No PC2025-012; thus, providing for an initial term of the vesting tentative tract map of 24 months, followed by extension of five years, for a total term of seven years from the date of approval of Resolution No. PC2025-012.*
17. *Pursuant to NBMC Section 20.49.12 10 (Removal of Telecom Facilities), the Applicant shall inform the Community Development Director by certified mail no less than 30 days prior to abandonment or discontinued use of a telecom facility.*
18. *Any future proposed wireless telecommunication facilities, including but not limited to the relocation of the existing wireless telecommunications monopole, shall conform with Chapter 20.49 (Wireless Telecommunication Facilities) of the NBMC.*
19. *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.*
20. *The Project shall include landscaping around the perimeter of the Project Site 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.*
21. *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.*
22. *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.*

23. 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.
24. Prior to the issuance of Final Certificate of Occupancy, the Applicant shall schedule an evening inspection by the Code Enforcement Division to confirm control of light and glare specified in conditions of approval.
25. 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.
26. 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 7:00 a.m. and 6:30 p.m., Monday through Friday, and 8:00 a.m. and 6:00 p.m. on Saturday.
27. 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.
28. 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.
29. 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).
30. 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.
31. *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 Consistency Memorandum prepared by T&B Planning, Inc., dated June, 2025.*
32. 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.

33. 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 **Ford Road Townhomes** including, but not limited to, **Major Site Development Review and Vesting Tentative Tract Map (PA2025-0049)**. 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**

34. 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.
35. *Exterior wall and opening protection shall comply with Chapter 705 of California Building Code (CBC).*
36. 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.

37. 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.
38. 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.
39. 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.

#### **Real Property Administrator**

40. Prior to the issuance of a building permit, the Applicant shall enter into a license agreement, easement or similar agreement approved by the City Attorney with the City for points of access across the City property.
41. Points of access to the City property shall not be used for code required path of travel or accessible route.

42. The City reserves the right to redevelop City property and remove one or more points of access to City property.
43. Bonds are required prior to construction if any work is to occur on City Property.
44. Prior to issuance of a building permit, the Applicant shall update plans to ensure runoff remains onsite or connects to a drain in the public right-of-way. Cross lot draining is not permitted on City property.

### **Public Works Department**

45. A Tract Map shall be recorded prior to the sale of any residential units. 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.
46. Prior to the recordation of the Tract Map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Sub Article 18. Monuments (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.
47. Prior to the recordation of the Tract Map, a Subdivision Agreement shall be obtained and approved by the City Council consistent with the Section 19.36.010 (Improvement Agreements (California Government Code Section 66462)) of the NBMC.
48. Prior to Final Map approval, the Applicant shall provide a Faithful Performance Bond and Labor and Materials Bond, each for 100% of the estimated improvement costs for the improvements in the public right-of-way, 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.
49. Warranty Bond for a minimum of 10% of the engineers cost estimate (final percentage to be determined by the Public Works Director) shall be released 1-year after the improvements have been accepted.

50. All improvements shall be constructed as required by Ordinance and the Public Works Department.
51. An encroachment permit shall be required for all work activities within the public right-of-way.
52. Prior to the issuance of a building permit, the final construction management plan (CMP) shall be reviewed and approved by the Community Development Director and the City Traffic Engineer.
53. Parking layout shall comply with the City Parking Lot Standard 805. Dead-end drive aisle in public areas shall provide a dedicated turn around space and minimum 5-foot drive aisle extension.
54. The Applicant shall reconstruct all existing broken and/or otherwise damaged curb, gutter and sidewalk along the Ford Road frontages per City Standards.
55. All deliveries and move-ins/move-out shall be accommodated on-site and prohibited from parking or stopping within the public right-of-way.
56. The on-site sewer and water system is planned to be a public system. Final Design of the water and sewer services is subject to further review by the Public Works Department during plan check. The public sewer and water system shall be designed according to the City of Newport Beach standards. All applicable sewer and water easements shall be dedicated to the City as part of the Tract Map.
57. The Project storm drain system shall be privately owned and maintained. The storm drain system shall be prohibited from discharging to the adjacent City lots and shall be redesigned accordingly. Prior to the issuance of a building permit, the final hydrology and hydraulic report shall be reviewed and approved. Any required improvements to downstream City infrastructure to accommodate the proposed project shall be designed and constructed by the proposed project.
58. The parking layout and gate operation within Lot 5 shall be subject to further review and approval by the Public Works Department

### **Fire Department**

59. Onsite fire hydrants shall be required and a fire underground plan submittal complying with the 2022 National Fire Protection Association (NFPA) Standard 24 shall be a required as a deferred submittal.
60. Residential fire sprinklers complying with the 2022 NFPA Standard 13R shall be required.
61. Waterflow monitoring systems complying with the 2022 NFPA Standard 72 shall be required.

62. Fire master plan complying with the Newport Beach Fire Department (NBFD) Guideline D.08 shall be required as a deferred submittal.
63. Fire rescue opening and laddering pads complying with NBFD Guideline C.05 shall be required.

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