

Attachment A

Resolution No. 2026-26

RESOLUTION NO. 2026- 26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, DENYING AN APPEAL AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION TO APPROVE A MAJOR SITE DEVELOPMENT REVIEW, CONDITIONAL USE PERMIT, AND VESTING TENTATIVE TRACT MAP TO DEMOLISH AN EXISTING MOVIE THEATER AND HEALTH/FITNESS FACILITY AND CONSTRUCT 150 RESIDENTIAL CONDOMINIUMS, A CAFÉ, AND HOME OFFICES LOCATED AT 210 AND 300 NEWPORT CENTER DRIVE AND APNS 442-091-12 AND 442-161-16 (PA2025-0102)

WHEREAS, Section 200 of the City Charter vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to all municipal affairs subject only to the restrictions and limitations contained in the Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges, or procedures granted or prescribed by any law of the State of California;

WHEREAS, an application was filed by Rich Morrison of Related California (“Applicant”), on behalf of Edwards Affiliated Holdings, LLC, Joan E. Randolph Three, LP, and Ruoff Properties, LLC (“Owners”), with respect to property located at 210 and 300 Newport Center Drive and Accessor Parcel Numbers (“APNs”) 442-091-12 and 442-161-16 and legally described in Exhibit “A” (“Property”), which is attached hereto and incorporated herein by reference;

WHEREAS, the Applicant proposes to demolish an existing 1,134-seat, six-screen movie theater (“Regal Edwards Big Newport”), 6,400-square-foot health/ fitness facility (“Body Design”), and adjoining surface parking lot to develop two 22-story residential buildings consisting of 150 condominium units, for-sale home offices, a 1,950-square-foot retail/café space, and 343 parking spaces (“Project”);

WHEREAS, the Project includes two, three, and four-bedroom units and two penthouse units ranging from approximately 2,127 square feet to 6,419 square feet;

WHEREAS, the Project will provide resident-serving amenities including two outdoor pool decks on the podium levels as well as indoor amenity spaces such as a gym, dog spa, and lounge;

WHEREAS, the following approvals are required from the City to implement the Project:

- a. Major Site Development Review (“SDR”): A major site development review is required in accordance with Section 20.52.080 (Site Development Reviews) of the Newport Beach Municipal Code (“NBMC”) for five or more units with a tentative tract map and to waive certain requirements of the Multi-Unit Objective Design Standards pursuant to Section 20.48.185 (Multi-Unit Objective Design Standards) of the NBMC;
- b. Conditional Use Permit (“CUP”): A conditional use permit is required to waive 58 parking spaces for the proposed offices and retail/café component; and
- c. Vesting Tentative Tract Map (“VTTM”): A tentative tract map is requested to consolidate four lots into one 4.17-acre lot and to allow for an airspace subdivision of the individual residential units and nonresidential units for condominium purposes, pursuant to Chapter 19.12 (Tentative Map Review) of the NBMC;

WHEREAS, 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;

WHEREAS, the new sections serve to implement Policy Actions 1A through 1G and 3A in the 6th Cycle Housing Element (“Housing Element”) of the General Plan including the Property which is identified as a housing site in the HO-4 (Newport Center Area) Subarea of the Housing Overlay;

WHEREAS, on June 24, 2025, the City Council adopted Ordinance No. 2025-10, approving 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 revise the height limits for several properties within the HO-4 Subarea of the Housing Overlay;

WHEREAS, this amendment adjusted the height limit for certain properties within the HO-4 (Newport Center) Subarea of the Housing Overlay to accommodate potential residential development at a density range of 20 to 50 dwelling units per acre including the Property which now authorizes a maximum height of 270 feet;

WHEREAS, the Property is designated Regional Commercial Office (CO-R) by the General Plan Land Use Element and within Anomalies 36 and 37;

WHEREAS, the Property is located within the Office – Regional (OR) Zoning District and HO-4 (Newport Center) Subarea of the Housing Overlay;

WHEREAS, the Property is not located within the coastal zone; therefore, a coastal development permit is not required;

WHEREAS, a public hearing was held on March 5, 2026, in the Council Chambers at 100 Civic Center Drive, Newport Beach, California. A notice of the time, place, and purpose of the hearing was given in accordance with the California 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;

WHEREAS, at the hearing, the Planning Commission adopted Resolution No. PC2026-004 by a unanimous vote (6 ayes, 0 nays), approving the Project;

WHEREAS, on March 12, 2026, Supporters Alliance for Environmental Responsibility (“SAFER”) filed an appeal of the Planning Commission’s decision based on issues related to the California Environmental Quality Act (“CEQA”);

WHEREAS, on March 13, 2026, Ken D. LaCroix on behalf of Save Our Theater filed an appeal of the Planning Commission’s decision based on issues related to CEQA as well as the loss of the existing use, design, parking, and height; and

WHEREAS, a public hearing on the appeal was held by the City Council on April 28, 2026, in the Council Chambers at 100 Civic Center Drive, Newport Beach, California. A notice of the time, place, and purpose of the hearing was given in accordance with the California Government Code Section 54950 *et seq.* (“Ralph M. Brown Act”) and 20.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to and considered by, the City Council at this hearing.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows:

Section 1: The City Council of the City of Newport Beach hereby upholds the Planning Commission’s decision and approves Major Site Development Review, Conditional Use Permit, and Vesting Tentative Tract Map filed as PA2025-0049, subject to the conditions of approval set forth in Exhibit “B,” which is attached hereto and incorporated herein by reference. The City Council’s decision is made in accordance with Section

20.52.080 (Site Development Reviews), Section 20.52.020(F) (Conditional Use Permits and Minor Use Permits – Findings and Decision) and 19.12 (Tentative Map Review) of the NBMC which is supported by the facts and findings in Exhibit “C” attached hereto and incorporated herein by reference and supporting documentation provided herein.

Section 2: The City Council does hereby find that the Project is not subject to further environmental review under CEQA pursuant to Sections 21083.3 and 21166 of the California Public Resources Code (“PRC”) and Section 15183 (Project Consistent With a Community Plan or Zoning) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 which limit environmental analysis to impacts peculiar to a specific project that have not been previously mitigated by regulatory requirements when that project is consistent with the general plan and zoning for which a prior environmental impact report (“EIR”) had been certified.

Section 21083.3 of the PRC provides, in relevant part:

- a. If a parcel has been zoned to accommodate a particular density of development or has been designated in a community plan to accommodate a particular density of development and an environmental impact report was certified for that zoning or planning action, the application of this division to the approval of any subdivision map or other project that is consistent with the zoning or community plan shall be limited to effects upon the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant than described in the prior environmental impact report.
- b. If a development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to that general plan, the application of this division to the approval of that development project shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant than described in the prior environmental impact report.

Additionally, 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 limit the analysis of only those significant environmental effects for which:
 - i. Each public agency with authority to mitigate any of the significant effects on the environment identified in the EIR on the planning or zoning action undertakes or requires others to undertake mitigation measures specified in the EIR which the lead agency found to be feasible, and
 - ii. The lead agency makes a finding at a public hearing as to whether the feasible mitigation measures will be undertaken.

- e. An effect of a project on the environment shall not be considered peculiar to the project or the parcel for the purposes of this section if uniformly applied development policies or standards have been previously adopted by the city or county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect. The finding shall be based on substantial evidence which need not include an EIR. Such development policies or standards need not apply throughout the entire city or county but can apply only within the zoning district in which the project is located, or within the area subject to the community plan on which the lead agency is relying. Moreover, such policies or standards need not be part of the general plan or any community plan but can be found within another pertinent planning document such as a zoning ordinance.

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 final Program Environmental Impact Report SCH No. 2023060699 (“PEIR”). Additionally, further 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 CEQA Consistency Memorandum has been prepared by T & B Planning, Inc., dated February 2026, and peer reviewed by the City’s environmental consultant, Kimley-Horn & Associates, Inc., which is attached hereto as Exhibit “D” to this resolution and hereby incorporated by reference.

An appeal filed on March 12, 2026, by cited concerns regarding compliance with CEQA. The appeal does not describe any specific facts peculiar to the Project that dictate additional environmental review. However, SAFER submitted a public comment, which is attached hereto as Exhibit “E,” and incorporated herein by reference as part of the Planning Commission hearing regarding potential biological impacts related to birdstrikes. A response prepared by LSA Associates, Inc. dated March 5, 2026, which is attached hereto as Exhibit “F,” and incorporated herein by reference. The LSA response concludes that the Project is not unique or different from the housing projects analyzed in the PEIR and would not present a site-specific impact on biological resources that was not addressed in the PEIR.

Section 3: The City Council finds that 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. In addition to the CEQA Consistency Memorandum set forth in Exhibit "D," no additional environmental review is required to approve the Project based on the following:

- a. The Project's proposed density of 35.97 dwelling units per acre is consistent with the permitted 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.

Section 4: The City Council 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 5: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 6: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or

Exhibit "A"
Legal Description

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL A:

PARCELS 1 AND 2 OF LOT LINE ADJUSTMENT 94-16, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A DOCUMENT RECORDED FEBRUARY 2, 1995 AS INSTRUMENT NO. 95-46155 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT ANY AND ALL OIL, OIL RIGHTS, MINERALS, MINERAL RIGHTS, NATURAL GAS RIGHTS, AND OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN, GEOTHERMAL STEAM, AND ALL PRODUCTS DERIVED FROM ANY OF THE FOREGOING, THAT MAY BE WITHIN OR UNDER THE LAND, TOGETHER WITH THE PERPETUAL RIGHT OF DRILLING, MINING, EXPLORING AND OPERATING THEREFOR AND STORING IN AND REMOVING THE SAME FROM THE LAND OR ANY OTHER LAND, INCLUDING THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM LANDS OTHER THAN THOSE CONVEYED HEREBY, OIL OR GAS WELLS, TUNNELS AND SHAFTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF THE LAND, AND TO BOTTOM SUCH WHIPSTOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAFTS UNDER AND BENEATH OR BEYOND THE EXTERIOR LIMITS THEREOF, AND TO REDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN AND OPERATE ANY SUCH WELLS OR MINES; WITHOUT, HOWEVER, THE RIGHT TO DRILL, MINE, STORE, EXPLORE AND OPERATE THROUGH THE SURFACE OR THE UPPER 500 FEET OF THE SUBSURFACE OF THE LAND, AS RESERVED IN THE DEED FROM THE IRVINE COMPANY, A MICHIGAN CORPORATION, RECORDED MAY 1, 1992 AS INSTRUMENT NO. 92-289968, OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM ANY AND ALL WATER, RIGHTS OR INTERESTS THEREIN, NO MATTER HOW ACQUIRED BY GRANTOR, AND OWNED OR USED BY GRANTOR IN CONNECTION WITH OR WITH RESPECT TO THE LAND, TOGETHER WITH THE RIGHT AND POWER TO EXPLORE, DRILL, REDRILL, REMOVE, AND STORE THE SAME FROM THE LAND OR TO DIVERT OR OTHERWISE UTILIZE SUCH WATER RIGHTS OR INTERESTS ON ANY OTHER PROPERTY OWNED OR LEASED BY GRANTOR, WHETHER SUCH WATER RIGHTS SHALL BE RIPARIAN, OVERLYING, APPROPRIATIVE, LITTORAL, PERCOLATING, PRESCRIPTIVE, ADJUDICATED, STATUTORY OR CONTRACTUAL; BUT WITHOUT, HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF THE LAND IN THE EXERCISE OF SUCH RIGHTS, AS RESERVED IN THE DEED FROM THE IRVINE COMPANY, A MICHIGAN CORPORATION, RECORDED MAY 1, 1992 AS INSTRUMENT NO. 92-289968, OFFICIAL RECORDS.

APN: 442-091-16

PARCEL B:

PARCEL 2 OF PARCEL MAP 93-106, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP FILED IN BOOK 283, PAGES 41 AND 42 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM ANY AND ALL OIL, OIL RIGHTS, MINERALS, MINERAL RIGHTS, NATURAL GAS RIGHTS, AND OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN, GEOTHERMAL STEAM, ANY OTHER MATERIAL RESOURCES AND ALL PRODUCTS DERIVED FROM ANY OF THE FOREGOING, THAT MAY BE WITHIN OR UNDER THE LAND, TOGETHER WITH THE PERPETUAL RIGHT OF DRILLING, MINING, EXPLORING AND OPERATING THEREFOR AND STORING IN AND REMOVING THE SAME FROM THE LAND OR ANY OTHER LAND, INCLUDING THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM LANDS OTHER THAN THOSE CONVEYED HEREBY, OIL OR GAS WELLS, TUNNELS AND SHAFTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF THE LAND, AND TO BOTTOM SUCH WHIPSTOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAFTS UNDER AND BENEATH OR BEYOND THE EXTERIOR LIMITS THEREOF, AND TO REDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN AND OPERATE ANY SUCH WELLS OR MINES; WITHOUT, HOWEVER, THE RIGHT TO

DRILL, MINE, STORE, EXPLORE AND OPERATE THROUGH THE SURFACE OR THE UPPER 500 FEET OF THE SUBSURFACE OF THE LAND, AS RESERVED IN DEED RECORDED NOVEMBER 30, 1994 AS [INSTRUMENT NO. 94-690632 OF OFFICIAL RECORDS](#).

ALSO EXCEPTING THEREFROM ANY AND ALL WATER, RIGHTS OR INTERESTS THEREIN, NO MATTER HOW ACQUIRED BY GRANTOR, AND OWNED OR USED BY GRANTOR IN CONNECTION WITH OR WITH RESPECT TO THE LAND, TOGETHER WITH THE RIGHT AND POWER TO EXPLORE, DRILL, REDRILL, REMOVE AND STORE THE SAME FROM THE LAND OR TO DIVERT OR OTHERWISE UTILIZE SUCH WATER, RIGHTS OR INTERESTS ON ANY OTHER PROPERTY OWNED OR LEASED BY GRANTOR, WHETHER SUCH WATER RIGHTS SHALL BE RIPARIAN, OVERLYING, APPROPRIATIVE, LITTORAL, PERCOLATING, PRESCRIPTIVE, ADJUDICATED, STATUTORY OR CONTRACTUAL; BUT WITHOUT, HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF THE LAND IN THE EXERCISE OF SUCH RIGHTS, AS RESERVED IN DEED RECORDED NOVEMBER 30, 1994 AS [INSTRUMENT NO. 94-690632 OF OFFICIAL RECORDS](#)

[APN: 442-161-16](#)

PARCEL C:

PARCEL 1, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON THAT CERTAIN LOT LINE ADJUSTMENT LLA-88-6 RECORDED JUNE 21, 1988 AS [INSTRUMENT NO. 88-294186 OF OFFICIAL RECORDS](#).

EXCEPT ANY AND ALL OIL, OIL RIGHTS, MINERALS, MINERAL RIGHTS, NATURAL GAS RIGHTS, AND OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN, GEOTHERMAL STEAM, AND ALL PRODUCTS DERIVED FROM ANY OF THE FOREGOING, THAT MAY BE WITHIN OR UNDER THE LAND, TOGETHER WITH THE PERPETUAL RIGHT OF DRILLING, MINING, EXPLORING AND OPERATING THEREFOR AND STORING IN AND REMOVING THE SAME FROM THE LAND OR ANY OTHER LAND, INCLUDING THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM LANDS OTHER THAN THOSE CONVEYED HEREBY, OIL OR GAS WELLS, TUNNELS AND SHAFTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF THE LAND, AND TO BOTTOM SUCH WHIPSTOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAFTS UNDER AND BENEATH OR BEYOND THE EXTERIOR LIMITS THEREOF, AND TO REDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN AND OPERATE ANY SUCH WELLS OR MINES; WITHOUT, HOWEVER, THE RIGHT TO DRILL, MINE, STORE, EXPLORE AND OPERATE THROUGH THE SURFACE OR THE UPPER 500 FEET OF THE SUBSURFACE OF THE LAND, AS RESERVED IN THE DEED FROM THE IRVINE COMPANY, A MICHIGAN CORPORATION, RECORDED MAY 1, 1992 AS [INSTRUMENT NO. 92-289968, OFFICIAL RECORDS](#).

ALSO EXCEPTING THEREFROM ANY AND ALL WATER, RIGHTS OR INTERESTS THEREIN, NO MATTER HOW ACQUIRED BY GRANTOR, AND OWNED OR USED BY GRANTOR IN CONNECTION WITH OR WITH RESPECT TO THE LAND, TOGETHER WITH THE RIGHT AND POWER TO EXPLORE, DRILL, REDRILL, REMOVE, AND STORE THE SAME FROM THE LAND OR TO DIVERT OR OTHERWISE UTILIZE SUCH WATER RIGHTS OR INTERESTS ON ANY OTHER PROPERTY OWNED OR LEASED BY GRANTOR, WHETHER SUCH WATER RIGHTS SHALL BE RIPARIAN, OVERLYING, APPROPRIATIVE, LITTORAL, PERCOLATING, PRESCRIPTIVE, ADJUDICATED, STATUTORY OR CONTRACTUAL; BUT WITHOUT, HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF THE LAND IN THE EXERCISE OF SUCH RIGHTS, AS RESERVED IN THE DEED FROM THE IRVINE COMPANY, A MICHIGAN CORPORATION, RECORDED MAY 1, 1992 AS [INSTRUMENT NO. 92-289968, OFFICIAL RECORDS](#).

[APN: 442-091-12](#)

Exhibit “B”
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 floor plans or square footage ranges would be considered minor changes provided the Project was within the allowed height limit, and in compliance with the parking, Objective Design Standards, and density range under the Housing Opportunity (HO) Overlay Zoning District.
2. Any substantial modification to the approved Site Development Review plans, as determined by the Community Development Director, shall require an amendment to this Site Development Review application or the processing of a new application.
3. The Project is subject to compliance with all applicable submittals approved by the City and all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
4. The Applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may cause the revocation of this approval.
5. *The use of the home office condominiums shall be subject to the following restrictions:*
 - a. *Sale and ownership shall only be limited to those persons who own a condominium unit within the building.*
 - b. *The home offices shall not be subleased to another user.*
 - c. *Customers and clients shall not visit the home offices without a prior appointment. Any customers or clients of the home offices shall park on-site within one of the visitor parking spaces.*
 - d. *No staff shall be permitted for the home offices unless additional parking is provided.*
 - e. *The HOA shall be responsible for monitoring use of the home offices The use of the home offices shall remain consistent with the assumptions identified in the Parking Study prepared by Gibson Transportation Consulting, Inc. dated January 29, 2026.*
 - f. *The covenants, conditions and restrictions (CC&Rs) for the property shall include the aforementioned restrictions. Prior to the issuance of a Temporary*

or Final Certificate of Occupancy, the Applicant shall provide proof that this condition has been incorporated into the CC&Rs for the Property.

6. *The Applicant shall comply with all conditions imposed by the FAA or ALUC, as applicable. The City's approval of the Project does not relieve the Applicant of compliance with other State or Federal regulations.*
7. *Use of the future retail/café space shall be subject to the requirements of NBMC Section 20.20.020 (Commercial Zoning Districts Land Uses and Permit Requirements). Future conversion of the retail/café space to a residential amenity, lobby, or additional home office would be substantially conforming to this approval.*
8. *A portion of the 12 surplus parking spaces for residential use shall be made available for use by staff of the proposed retail/café use. Conversion of the retail/café space to another use shall be reviewed by the Community Development Director for compliance with this condition. This condition may be waived if the proposed use of the retail/café space is modified and results in a lower parking demand.*
9. *All staff of the Project (e.g. valet, maintenance, concierge, etc.) shall park on-site.*
10. *This Major Site Development Review and Conditional Use Permit shall expire and become void unless exercised within seven years from the date of approval of Resolution No. 2026-26 to coincide with the expiration of Vesting Tentative Tract Map No. 19407 as provided in Condition No. 20.*
11. *A copy of the Resolution, including conditions of approval Exhibit "B" shall be incorporated into the Building Division and field sets of plans before issuance of the building permits.*
12. *The proposed residential component of the development shall consist of 150 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. Future reduction of units below 150 dwelling units, but within the 20 to 50 dwelling units per acre density requirement, would be substantially conforming to this approval.*
13. *The maximum height of the residential structures shall be 270 feet as measured from the established grade. No building or any portion of structure, architectural feature or mechanical equipment shall exceed 270 feet. Future reduction of building height below 270 feet would be substantially conforming to this approval.*
14. *The on-site residential amenities such as the outdoor decks and pools; and the publicly accessible open space areas as illustrated on the approved plans shall be provided and maintained for the duration of the Project. The exact mix of amenities*

may be modified from the original approved plans subject to the approval by the Community Development Director. The Project shall maintain at least 75 square feet of common open space per dwelling unit on the Property as required by the HO-4 subarea. The Project shall also maintain at least 5,445 square-feet of publicly accessible open space as labeled on the approved plans. 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.

15. *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, advanced 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.*
16. *Prior to the issuance of a building permit, the Applicant shall pay applicable school fees for the Project.*
17. *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.*
18. *The Applicant shall provide an in-lieu park dedication fee pursuant to Chapter 19.52 (Park Dedication and Fees), as required for park and recreational purposes in conjunction with the approval of this VTTM. Therefore, the Project will be subject to an in-lieu park fee of \$59,575 per unit.*
19. *Prior to the issuance of any certificate of occupancy, the developer shall pay all applicable Development Impact Fees (DIFs) in accordance with the adopted fee schedule.*
20. *Vesting Tentative Tract Map No. 19407 shall expire seven years from the date of approval of Resolution No. 2026-26. 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.*
21. *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.*

22. *The Project shall include landscaping around the perimeter of the Property to adequately screen drive aisles, parking areas, and create a visual buffer between the public right-of-way and the Project. These plans shall be approved by the Planning Division.*
23. 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.
24. *The covenants, conditions and restrictions (CC&Rs) shall require that garages be used for vehicles and shall prohibit storage of personal items that would otherwise impede parking of vehicles within the required garage spaces. The CC&Rs shall prohibit residents from parking in guest or staff parking spaces within the development. The HOA shall enforce this condition.*
25. *Prior to issuance of final building permits, the Applicant shall record a deed notification with the County Recorder's Office, approved as to form by the Office of the City Attorney, consistent with NBMC Section 20.48.130.I (Deed Notification). The Deed Notification shall state that residential units are located in a mixed-use project or in a mixed-use zoning district and that an owner may be subject to impacts, including inconvenience and discomfort, from lawful activities occurring on the project or zoning district (e.g. noise, late night hours, live entertainment, lighting, odors, high pedestrian activity levels, etc.). The deed notification language contained in this condition shall be copied into the CC&R's for the project.*
26. *Prior to building permit final inspection, the Applicant shall prepare a written disclosure statement. The written disclosure statement shall be provided to owners and tenants prior to sale, lease, or rental of a residential unit in the proposed mixed-use development consistent with Section 20.48.130.H (Notification to Owners and Tenants) of the NBMC.*
27. 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.
28. *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.*

29. 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.
30. 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.
31. Construction activities shall comply with Section 10.28.040 (Construction Activity-Noise Regulations) of the NBMC, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7 a.m. and 6:30 p.m., Monday through Friday, and 8 a.m. and 6 p.m. on Saturday.
32. *Prior to the issuance of a building permit, the Applicant shall submit a final construction management plan to be reviewed and approved by the Community Development, Fire and Public Works Departments. Upon approval of the plan, the Applicant shall be responsible for implementing and complying with the stipulations set forth in the approved plan. Unless approved by the Public Works Director, all staging, material storage, and deliveries shall be located entirely on-site. Construction parking shall not be permitted within the public right-of-way.*
33. 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.
34. All trash bins shall be stored within the building 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. This may include the provision of periodic steam cleaning of the trash bin/receptacles, if deemed necessary by the Planning Division. Cleaning and maintenance of trash bins shall be done in compliance with the provisions of Title 14 (Water and Sewers) of the NBMC, including all future amendments (including Water Quality related requirements).
35. Trash receptacles for patrons of the cafe shall be conveniently located both inside and outside of the establishment, however, not located on or within any public property or right-of-way.
36. 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.

37. *All proposed signs shall be in conformance with the provisions of Chapter 20.42 (Signs) of the Newport Beach Municipal Code.*
38. This Use Permit may be modified or revoked by the Planning Commission should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to public health, welfare or materially injurious to property or improvements in the vicinity or if the Property is operated or maintained so as to constitute a public nuisance.
39. Any substantial change (as determined by the Community Development Department Director) in operational characteristics, expansion in area, or other modification to the approved plans for the nonresidential component of the project, shall require an amendment to this Use Permit or the processing of a new Use Permit.
40. Deliveries and refuse collection for the nonresidential uses shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and Saturdays and between the hours of 10:00p.m. and 9:00a.m. on Sundays and Federal holidays, unless otherwise approved by the Director of Community Development, and may require an amendment to this Use Permit.
41. Storage outside of the building in the front or at the rear of the property shall be prohibited.
42. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.
43. *The Applicant shall comply with all applicable mitigation measures of the GPHIP PEIR MMRP, as specified in the CEQA Consistency Memorandum which is attached hereto as Exhibit "D".*
44. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all 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 300 Newport Center Drive Condominiums including, but not limited to, Major Site Development Review, Conditional Use Permit, and Vesting Tentative Tract Map (PA2025-0102). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in

connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Building Division

45. 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 based on the date of the building permit application. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
46. 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 2 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 to the extent feasible.

- 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.
47. If required by the Building Division, 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.
 48. Prior to 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.
 49. 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 wastes or spills, limited use of harmful fertilizers or pesticides, and the diversion of storm water 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.

50. Site specific seismic parameters shall be reviewed prior to permit issuance.
51. Exterior wall and opening protection shall comply with chapter 705 of the California Building Code.
52. Smoke control system for High Rise Building shall comply with code requirements. Plans shall provide vestibule dimension and minimum dimensions shall comply with 909.20 of California Building Code. Plans shall include rational analysis for the smoke control system.
53. Exit discharge shall comply with chapter 1028 of California Building Code.
54. Two exits are required for common space that has more than 49 occupant load.
55. Exit discharge shall comply with 1028 of California Building Code.
56. Provide barrier/gate at interior exit stairs to indicate exit discharge level. The barrier/gate shall have its own landing.
57. High rise building shall comply with section 403 of the California Building Code.
58. Elevator hoistway enclosure and lobby shall comply with Chapter 30 of California Building Code.
59. Performance based structural design requires a peer review.
60. OC Health approval is required for public pool.
61. Accessible path of travel is required from the public right of way and parking.
62. Residential and common areas serving the residents and guest shall comply with chapter 11A of California Building Code. Commercial spaces, leasing office or any space where public will be served shall comply with 11B of California Building Code. Provide table for required accessible parking.
63. Electrical Vehicle shall Comply with Residential and Non-residential portion of Cal Green Code. Provide table for required accessible EV charging. Note that accessible EV and regular accessible parking shall be counted separately.
64. Separate circulation path to vehicular way per Section 11B-250.1. Show required detectable warnings and curb ramps. Detectable warning cannot be on access aisle, door maneuvering clearances and vehicular way.

Public Works Department

65. A Tract Map shall be recorded prior to the issuance of building permits for residential construction. 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.
66. 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 (1-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.
67. Prior to the recordation of the Tract Map, a Subdivision Agreement shall be obtained and approved by the City Council consistent with the Subdivision Code Section 19.36.010 (Improvement Agreement [California Government Code Section 66462]) of the NBMC.
68. Prior to Final Map approval, the applicant shall provide a Faithful Performance Bond and Labor and Materials Bond, each for 100% of the estimated improvement costs for the improvements in the public right of way and public facilities, as prepared by a Registered Civil Engineer and approved by the Public Works Director, for each of the following, but not limited to, public and private improvements, street improvements, monumentation, sidewalks, striping, signage, street lights, sewer systems, water systems, storm drain systems, water quality management systems, erosion control, landscaping and irrigation within the public right of way, common open spaces areas accessible by the public, fire access and off-site improvements required as part of the project.
69. A Warranty Bond for a minimum of 10% of the engineer's cost estimate (final percentage to be determined by the Public Works Director) to be released one-year after the improvements have been completed and accepted.
70. All improvements shall be constructed as required by Ordinance and the Public Works Department.
71. An encroachment permit shall be required for all work activities within the public right-of-way.

72. A final parking management and valet plan shall be reviewed and approved by the Community Development Director and the City Traffic Engineer prior to building permit issuance. Tandem parking spaces shall be assigned to the same unit or both spaces shall be valet parked.
73. *Parking layout and vehicular ramps shall comply with the City Parking Lot Standard 805. Dead-end drive aisle shall provide adequate turnaround area. Design of the turnaround area and final parking layout shall be reviewed and approved by the City Traffic Engineer.*
74. *The applicant shall reconstruct all damaged/broken curb, gutter and sidewalk along the Newport Center Drive and San Miguel Road frontages per City Standards.*
75. *The proposed new driveway along the Newport Center Drive frontage shall be reconstructed per City standard.*
76. All deliveries and move-ins/move-out shall be accommodated on-site and prohibited from parking or stopping within the public right of way.
77. *The motor court area shall have a minimum 42-foot-wide radius and parking or staging of vehicles is not permitted within the motor court area.*
78. Driveways and loading areas shall provide adequate sight distance according to the City standard and Code requirements.
79. *The on-site sewer and water system shall be privately owned and maintained. Commercial uses shall have separate water and sewer services. Final design of the water and sewer services is subject to further review by the Public Works and Utilities Departments during plan check.*
80. *The Project storm drain system shall be privately owned and maintained. Final hydrology and hydraulic report shall be reviewed and approved prior to building permit issuance. Any required improvements to downstream City infrastructure to accommodate the proposed project shall be designed and constructed by the proposed project. Final design of the storm drain improvements within the public right of way shall be reviewed and approved by the Public Works Department.*

Fire Department

81. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area (903.2.8 Group R).
82. Fire alarm systems and smoke alarms shall be installed in Group R-2 and R-2.1 occupancies as required in Sections 907.2.9.1 through 907.2.10.2.1.1. Group R-

2.2 shall be equipped throughout with an automatic fire alarm system and shall have a manual fire alarm pull station at the 24-hour staff watch office (907.2.9 Group R-2, R-2.1 and R-2.2).

83. In Group R-2 occupancies required by Section 907 to have a fire alarm system, each story that contains dwelling units and sleeping units shall be provided with the future capability to support visible alarm notification appliances in accordance with NFPA 72. Such capability shall accommodate wired or wireless equipment (907.5.2.3.3).
84. In other than Group R-3 and R-3.1 occupancies, Class III standpipe systems shall be installed throughout at each floor where any of the following occur (905.3.1):
 - Buildings where the floor level of the highest story is located more than 30 feet (9144 mm) above the lowest level of fire department vehicle access.
 - Buildings that are four or more stories in height.
 - Buildings where the floor level of the lowest story is located more than 30 feet (9144 mm) below the highest level of fire department vehicle access.
 - Buildings that are two or more stories below the highest level of fire department vehicle access.
85. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility (503.1.1).
86. Fire department access roads shall comply with Newport Beach Fire Guidelines C.01, C.02, and D.08.
87. Any fire department access roads that exceed 150 feet will require an approved turn around for fire apparatus.
88. Addressing shall meet the requirements of Newport Beach Municipal Code 9.04.170.
89. Emergency responder radio coverage in new buildings. New buildings shall have approved radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building (503.1.1). This section shall not require improvement of the existing public safety communication systems. See Newport Beach Fire Guideline D.05.

90. Emergency responder radio coverage systems. Standby power shall be provided for emergency responder radio coverage systems as required in Section 510.4.2.3. The standby power supply shall be capable of operating the emergency responder radio coverage system for a duration of not less than 24 hours (203.2.3).
91. A two-way communication system complying with Sections 1009.8.1 and 1009.8.2 shall be provided at the landing serving each elevator or bank of elevators on each accessible floor that is one or more stories above or below the level of exit discharge (1009.8 Two-way communication).
92. Directions for the use of the two-way communication system, instructions for summoning assistance via the two-way communication system and written identification of the location shall be posted adjacent to the two-way communication system (1009.8.2 Directions). Signage shall comply with Chapter 11A, Section 1143A of the California Building Code requirements for visual characters.
93. Directional signage complying with Chapter 11B, Section 11B-703.5, indicating the location of all other means of egress and which of those are accessible means of egress shall be provided at the following (1009.10 Directional signage):
 - At exits serving a required accessible space but not providing an approved accessible means of egress.
 - At elevator landings.
 - Within areas of refuge.
94. Buildings will require an emergency generator.
95. Standby power shall be provided for elevators and platform lifts as required in Sections 606.2, 1009.4.1, and 1009.5 (1203.2.2 Elevators and platform lifts).
96. Emergency power shall be provided for exit signs as required in Section 1013.6.3. The system shall be capable of powering the required load for a duration of not less than 90 minutes (1203.2.5 Exit signs).
97. In buildings and structures where standby power is required or furnished to operate an elevator, the operation shall be in accordance with Section 1203 of the California Fire Code and Sections 3003.1.1 through 3003.1.5 of this code (3003.1 Standby power).
98. Standby power shall be manually transferable to all elevators in each bank (3003.1.1 Manual transfer).
99. Where only one elevator is installed, the elevator shall automatically transfer to standby power within 60 seconds after failure of normal power (3003.1.2 One elevator).

100. Where two or more elevators are controlled by a common operating system, all elevators shall automatically transfer to standby power within 60 seconds after failure of normal power where the standby power source is of sufficient capacity to operate all elevators at the same time. Where the standby power source is not of sufficient capacity to operate all elevators at the same time, all elevators shall transfer to standby power in sequence, return to the designated landing and disconnect from the standby power source. After all elevators have been returned to the designated level, not less than one elevator shall remain operable from the standby power source (3003.1.3 Two or more elevators).
101. Elevators shall be provided with Phase I emergency recall operation and Phase II emergency in-car operation in accordance with California Code of Regulations, Title 8, Division 1, Chapter 4, Subchapter 6, Elevator Safety Orders (3003.2 Fire fighters' emergency operation).
102. Elevator hoistways shall have a floor number not less than 4 inches (102 mm) in height, placed on the walls and/or doors of the hoistway at intervals such that a person in a stalled elevator, upon opening the car door, can determine the floor position.
103. All automatic elevators shall have not less than one sign at each landing printed on a contrasting background in letters not less than 1/2 inch (12.7 mm) high to read: IN CASE OF FIRE USE STAIRWAY FOR EXIT. DO NOT USE ELEVATOR (3003.2.1.1 Fire signs).
104. Automatic passenger elevators shall have call and car operation buttons within 60 inches (1524 mm) of the floor. Emergency telephones shall also be within 60 inches (1524 mm) of the floor (3003.2.1.2 Call and car operation buttons).
105. All elevators shall be equipped to operate with a standardized fire service elevator key in accordance with the California Fire Code (CFC) (3003.3 Standardized fire service elevator keys).
106. Elevator car shall accommodate ambulance stretcher. Where elevators are provided in buildings four or more stories above, or four or more stories below, grade plane, not fewer than one elevator shall be provided for fire department emergency access to all floors. The elevator car shall be of such a size and arrangement to accommodate an ambulance stretcher 24 inches by 84 inches (610 mm by 2134 mm) with not less than 5-inch (127 mm) radius corners, in the horizontal, open position and shall be identified by the international symbol for emergency medical services (star of life). The symbol shall be not less than 3 inches (76 mm) in height and shall be placed inside on both sides of the hoist-way door frame.

107. The elevator(s) designated the medical emergency elevator shall be equipped with a key switch to recall the elevator nonstop to the main floor (3002.4.3a Elevator recall). For the purpose of this section, elevators in compliance with Section 3003.2 shall be acceptable.
108. Medical emergency elevators shall be identified by the international symbol (Star of Life) for emergency medical services (3002.4.4a Designation).
109. The symbol shall not be less than 3 inches (76 mm) in size (3002.4.5a Symbol size).
110. A symbol shall be permanently attached to each side of the hoistway door frame on the portion of the frame at right angles to the hallway or landing area. Each symbol shall be not less than 78 inches (1981 mm) and not more than 84 inches (2134 mm) above the floor level at the threshold (3002.4.6a Symbol location).
111. Fire Master Plan shall be submitted to the Fire Prevention Division for approval. The plan shall include information on the following (but not limited to) subjects: fire department vehicle access to the Project, secondary emergency vehicle access, firefighter access (hose pull) around structures, fire lane identification, location of fire hydrants and other fire department appliances, and the location and type of gates or barriers that restrict ingress/egress.
112. All portions of the perimeter of all structures shall be located within 150 feet of a fire lane as measured along an approved route. A portion of the proposed structure exceeding this distance is considered "out of access" and shall be corrected during plan review by one of the following methods:
 - Provide additional fire lanes to bring the entire structure "in access"
 - Propose an alternate form of mitigation via the Alternate Methods and Materials provisions of the fire code for the Fire Marshal's review. There is no guarantee that the Alternate Methods and Materials proposal will be approved as proposed.
113. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises (507.1). Fire-flow requirements for buildings or portions of buildings and facilities shall be determined by Appendix B of the 2022 CFC.
114. Fire hydrants shall be spaced along fire department access roads in compliance with the 2022 CFC Appendix C.
115. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided.

116. A secondary water supply shall be required for each building complying with 2022 CFC 914.3.2.
117. Smoke control systems shall be required in all high-rise buildings per 2022 CFC 909 and 914.3.8.1.
118. Smokeproof exit enclosures shall be required per 2022 CFC 914.3.8.2
119. List all items on title sheet of plans that will be a deferred submittal.
120. The motor court shall comply with the requirements for Fire Department access for turning radius, width, grade complying with NBFDF guideline C.01 and D.08.
121. The porte-cochere shall have a minimum clearance height of 13 feet 6 inches for fire apparatus to maneuver underneath.
122. Fire pumps shall be required for both buildings per 2022 CFC 913.
123. *Prior to issuance of any Certificate of Occupancy, Applicant shall provide a disclosure statement in a form and content acceptable to the City Attorney in consultation with the Fire Chief or his appointed deputy, at the time of purchase contract to each prospective tenant/owner of one of the residential units on the site advising of the State and local fire codes which require that all fire and life safety systems be regularly inspected, tested, and maintained to ensure they function properly at all times. The Applicant shall provide proof that this condition has been incorporated into the CC&Rs for the Property.*

To comply with these laws, the HOA shall be responsible for making sure that all fire protection systems in the community are routinely serviced by licensed professionals. Tenants, owners, and other responsible parties must cooperate with the HOA and its contractors by allowing access to units, common areas, or building systems whenever inspection, testing, or maintenance is scheduled. Some fire protection components are located within private residential units, so entry may be necessary to complete the required work. The HOA will always provide reasonable notice—typically a minimum of thirty (30) days—before any scheduled inspection, testing, or maintenance activity. Notice will be delivered through appropriate methods, such as mail, email, or on-site postings.

It is essential that all residents cooperate with these requests. Failure to grant access or delayed responses can lead to code violations, increased liability, and potential safety risks to the entire community. If access is denied or if cooperation is not provided when requested, the HOA may impose fines, penalties, or take other enforcement action as permitted by the governing documents.

Exhibit “C”
Findings and Facts in Support of 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 Property is located within the HO-4 (Newport Center Area) Subarea of the Housing Overlay. Pursuant to Section 20.28.050(B) (Housing Opportunity (HO) Overlay Zoning Districts – Uses Allowed) and Table 2-16 (Development Standards for Housing Opportunity Overlay Zones) of the NBMC, 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. The Project will create a 4.17-acre lot and proposes 150 condominium units, 35.97 units per acre, which meets the density requirement of the HO-4 Subarea.
2. The Project complies with the development standards and regulations of Title 20 (Planning and Zoning) of the NBMC. The HO-4 subarea provides a zero-foot front, side, streetside, and rear setback. However, Footnote No. 3 of Table 2-16 of Section 20.28.050 of the NBMC requires that any portion of a building that is over 20 feet in height shall be set back a minimum of 20 feet from the street right-of-way. The Property is bound by Newport Center Drive to the north and San Miguel Drive to the east. The Project proposes two 270-foot-tall residential tower buildings with varying setbacks between 15 and 30 feet from Newport Center Drive and San Miguel Drive in compliance with applicable setback requirements. The front setback along Newport Center Drive and street side setback along San Miguel Drive are approximately 30 feet minimum, complying with the additional 20-foot requirement for buildings over 20 feet in height along streets.
3. Table 2-16 also establishes a maximum height for the HO-4 Subarea consistent with the base zone, unless otherwise identified on the Housing Opportunity Overlay Zoning Districts maps listed in Section 20.80.025 of the NBMC. The Property is within the Office – Regional (OR) Zoning District which would typically allow a maximum height of 32 feet for a flat roof and 37 feet for a sloped roof. However, the Housing Opportunity Overlay Zoning Districts maps for HO-4

Newport Center Area allows a base height limit for the Property of 270 feet. The Project proposes a maximum height of 270 feet to the top of the residential tower building, inclusive of any rooftop appurtenances, when measured from established grade. Additionally, consistent with Footnote 7 of Table 2-16, the Project is not located on a parcel subject to the Sight Plane Ordinance (Ordinance No. 1371 and Ordinance No. 1596).

4. 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 provides parking requirements for residential projects. Further, Table 3-10 (Off-Street Parking Requirements) of Section 20.40.040 (Off-Street Parking Requirements) of the NBMC provides parking requirements for non-residential uses. Based on the proposed development and the NBMC requirements, the required parking is as follows:

Use	Units/Size	Parking Standard	Parking Required
2 Bedroom Units	70	1.8 spaces/unit	126
3+ Bedroom Units	80	2.0 spaces/unit	160
Visitor Parking	150	0.3 spaces/unit	45
Residential			331
Office	9,450 net square feet (SF)	1 space/250 net SF	38
Cafe	1,950 SF	1 space/100 SF	20
Nonresidential			58
Total			389

The Project proposes 343 parking spaces within a parking structure to serve the residential uses, where 331 are required for residential use. Therefore, the Project includes 12 surplus spaces to serve the residential uses. However, because the Project does not provide 58 parking spaces required by the NBMC to support the non-residential uses, a parking waiver pursuant to Section 20.40.110 (Adjustments to Off-Street Parking Requirements) of the NBMC is required. Findings in support of the CUP to waive parking is provided in Findings K and L. Because the required findings for a waiver can be made, the Project would be consistent with the parking requirements identified in the NBMC.

5. 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. Section 20.48.185(C) of the NBMC authorizes the Planning Commission to allow deviations from any objective design standards through the approval of a SDR 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. As detailed in the Objective Design Standards Checklist, which is attached hereto as Exhibit "G" and incorporated by reference, the Project deviates from the following five objective design standards:

- i. Section 20.48.185(J)(1)(c) (Storefronts for Ground Floor Commercial in Mixed-Use Projects – First Floor Windows);
- ii. Section 20.48.185(J)(1)(d) (Storefronts for Ground Floor Commercial in Mixed-Use Projects – Upper Floor Windows);
- iii. Section 20.48.185(R)(2)(d) (Horizontal Modulation – Minimum Width of Recesses);
- iv. Section 20.48.185(S)(2)(ii) (First Floor Opening and Transparency Standards – Minimum Opening Standard); and
- v. Section 20.48.185(T)(2)(a)(iv) (Lobby Entrances – Prohibited Entry from Driveway).

The facts in support of the required findings are included in Findings D and E.

6. The HO-4 Subarea requires a minimum building separation of 10 feet. The Project includes a single building podium with multiple structures attached; therefore, this standard does not apply.
7. The HO-4 Subarea requires that at least 75 square feet of common space to be provided per dwelling unit throughout the Project with a minimum length and width of 15 feet. The Project is therefore required to provide a minimum of 11,250 square feet of common open space. Chapter 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 11,250 square feet of common open space within the podium amenity decks. The Project therefore complies with the minimum common open space requirement.
8. 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. Chapter 20.70 (Definitions) of the NBMC defines private open spaces as outdoor or unenclosed areas directly adjoining and accessible to a dwelling unit, reserved for the exclusive private enjoyment and use of residents of the dwelling unit and their guests including but not limited to a balcony, deck, porch or terrace. The Project requires an aggregate of 24,923 square feet for all dwelling units (5% of gross floor area each) and provides approximately 54,450 square feet of private open space (balconies) for the development. A condition of approval is included to ensure that each individual dwelling unit maintains at least 5% of gross floor area as common open space consistent with the dimensional requirements.

Finding:

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

Facts in Support of Finding:

1. The Property is categorized as Regional Commercial Office (CO-R) by the Land Use Element of the General Plan and is within General Plan Anomalies 36 and 37. 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 Property in addition to the uses allowed in the underlying Regional Commercial Office (CO-R) land use category and Office – Regional (OR) Zoning District.
2. The Project is consistent with the following General Plan Housing Element, Land Use Element, and Circulation Element policies that establish fundamental criteria for the formation and implementation of new residential development, including, but not limited to the following:

- a. **Housing Element Policy 3.2.** *Encourage housing developments to offer a wide spectrum of housing choices, designs and configurations.*

See LU 2.3 (*Range of Residential Choices*) below.

- b. **Land Use Element Policy LU 2.3 (Range of Residential Choices).** *Provide opportunities for the development of residential units that respond to community and regional needs in terms of density, size, location, and cost. Implement goals, policies, programs, and objectives identified within the City's Housing Element.*

The Property is within in the Newport Center subarea, and according to Housing Element Policy 1C could accommodate 2,439 dwelling units across all income categories. The Project proposes 150 dwelling units at a density of 35.97 units per acre, which is consistent with the HO-4 Subarea and the densities envisioned by the Housing Element. This Project would diversify the City's housing stock, accommodate a variety of household sizes, respond to market demand, and support the City's efforts to increase the supply of housing throughout the City.

- c. **Land Use Element Policy LU 3.2 (Growth and Change).** *Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach's share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.*

The underutilized Property currently includes a movie theater, health and fitness business, and large surface parking lot. The Project would replace these uses with 150 dwelling units that assist the City in meeting its share of RHNA and accommodating additional growth in the community. These new homes are in a job-rich area, supporting reduced commute times. Furthermore, the Project is an appropriate scale for the Newport Center area, which contains a variety of low-, mid- and high-rise buildings with varied architectural styles. The Project is projected to result in fewer average daily trips than the existing uses. Therefore, the Project would not exceed the 300 average daily trip threshold of the Traffic Phasing Ordinance (Chapter 15.40 of the NBMC), and 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 in the HO-4 Subarea, which allows residential development between 20 and 50 dwelling units per acre. The Project proposes 150 residential condominiums on a 4.17-acre parcel, which would yield 35.97 dwelling units per acre, consistent with the allowed density of HO-4 Subarea.

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

Building Elevations

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

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

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

Ground Floor Treatment

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

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

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

Roof Design

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

Parking

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

Open Space and Amenity

Incorporate usable and functional private open space for each unit.

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

As detailed in the Objective Design Standards Checklist, which is attached hereto as Exhibit "G" and incorporated by reference, the Project complies with the majority (47 of 52) of the applicable objective design standards and in some cases exceeds the intent of the standards. However, the Applicant requests minor deviations to 5 objective design standards. The Objective Design Standards were developed to implement Land Use Policy LU 5.1.9, therefore compliance with these standards with negligible deviation ensures that the Project is consistent with Land Use Policy LU 5.1.9.

The Project includes large setback areas that are thoroughly landscaped with drought tolerant and noninvasive plant species, with the exception of driveway and sidewalks. The front setback along Newport Center Drive and street side setback along San Miguel Drive are approximately 30 feet minimum, complying with the additional 20-foot requirement for buildings over 20 feet in height along streets. Loading areas and trash enclosures are located to the rear of the building to screen them from view from the rights-of-way.

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

The Project is located in the Newport Center area, which contains a variety of low-, mid- and high-rise buildings. The Project consists of two high-rise buildings that have a height of 270 feet. The high-quality architectural design

blends a contemporary design with soft features (rounded corners, undulating balcony edges, landscaping) to create a resort like feel. The addition of increased step-backs for the higher floors results in a development that is consistent with the bulk and scale of the surrounding area. The street facing property lines are significantly landscaped and include pedestrian connections from the Property to the public right of way creating a compatible interface between the Property and other areas.

- g. **Land Use Element Policy LU 5.6.2 (Form and Environment).** *Require that new and renovated buildings be designed to avoid the use of styles, colors, and materials that unusually impact the design character and quality of their location such as abrupt changes in scale, building form, architectural style, and the use of surface materials that raise local temperatures, result in glare and excessive illumination of adjoining properties and open spaces, or adversely modify wind patterns.*

See LU 5.6.1 (Compatible Development) above.

- h. **Land Use Element Policy LU 5.6.3 (Ambient Lighting).** *Require that outdoor lighting be located and designed to prevent spillover onto adjoining properties or significantly increase the overall ambient illumination of their location.*

A condition of approval requires the Applicant to prepare a photometric study, in conjunction with a final lighting plan, which shows that lighting values are 1.0 foot-candle or less at all property lines. The Project has also been conditioned to allow the Community Development Director to order the dimming of light sources or other remediation upon finding that the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources.

- i. **General Plan Policy LU 6.14.4 (Development Scale)** *Reinforce the original design concept for Newport Center by concentrating the greatest building mass and height in the northeasterly section along San Joaquin Hills Road, where the natural topography is highest and progressively scaling down building mass and height to follow the lower elevations toward the southwesterly edge along East Coast Highway.*

The Project would be lower in height than the existing high rise structures along the northeasterly section of Newport Center including buildings at 520 Newport Center Drive (315 feet), 650 Newport Center Drive (299 feet), and 610 Newport Center Drive (273 feet). Additionally, the Property is at a lower elevation than the properties along San Joaquin Hills Road and the proposed 270 story structures would appear lower in elevation than the existing development, consistent with the original design concept.

- 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 the Newport Center commercial and office developments and would provide housing near this employment center. The Project will also be accessible via bicycle and public transit, with bike racks provided at the café and the Orange County Transit Authority transit center is within walking distance of the property.

- 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.*

A condition of approval is included requiring the applicant to submit a final 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 LU 6.15.23 (Sustainable Development Practices) above. The Project is located in an established mixed-use environment and would be accessible via bus, bicycle, or walking.

3. Facts 1 through 8 in Support of Finding A are hereby incorporated by reference.

4. The Property is not located within a specific plan area.
5. The Project proposes an efficient arrangement of structures through the use of similar towers that are connected via a three-story podium that includes a central lobby and amenity decks. The combination of the quality architectural design and landscaping would provide a development that is harmonious with surrounding uses.
6. The Project is located in the Newport Center area, which contains a variety of low-, mid- and high-rise buildings. The Project consists of two high-rise buildings that have a height of 270 feet. This high-quality architecture design of the buildings combined with increased step-backs for the higher floors results in a development that is consistent with the bulk and scale of the surrounding area.
7. The Project has been designed to minimize aesthetic impacts to the surrounding mixed-use neighborhood to the greatest extent possible by providing an architecturally pleasing contemporary architecture. The Project design includes substantial building articulation and modulation of volume, softening the appearance of the high-rise development. For example, the Project design includes one and two-story podium levels adjacent to the public streets that support the two high rise towers. The high-rise towers are set back to the interior of the site allowing for a more gradual transition from the street level. Additionally, the widest sections of the building are located near the base of the towers, with the narrowest width at the top of the tower.
8. As conditioned, the Project's landscaping will comply with Chapters 14.17 (Water-Efficient Landscaping) and 20.36 (Landscaping Standards) of the NBMC. Additionally, the Project will comply 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, ranging from 15 to 30 feet, allow for substantial perimeter landscaping, with enhanced treatments along Newport Center Drive that improve the pedestrian experience. Landscaping is also integrated throughout the Property, including on the podium deck amenity areas to enhance the residential experience.
9. Vehicular access to the Project is provided from Newport Center Drive via a driveway and motor court that leads through a gate to the central lobby and parking levels. Two loading areas for moving and delivery trucks are located along the rear and sides of the building. The primary loading entrance is located at the rear of the property and accessible via a driveway easement from San Miguel Drive. A third loading area for trash pickup is also provided at the rear of the property. Emergency access and staging are provided at various locations throughout the Property. Pedestrian access is provided from Newport Center Drive along a sidewalk through a pedestrian gate. The separation of vehicles, pedestrians, and loading facilities provides efficient and safe access to the site.

10. Section 20.30.100 (Public View Protection) of the NBMC protects public views of specific scenic resources as outlined on General Plan Figure NR3 (Coastal Views). The Project is near MacArthur Boulevard and Newport Center Drive, which are classified as coastal view roads. However, the Property is not located between MacArthur Boulevard and the view of the coastline that is visible from the public right-of-way due to intervening structures and tall vegetation. Additionally, the portion of Newport Center Drive that is designated as a coastal view road provides views towards the coastline, and the Project is not located between the road and the coastline.

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. Fact 7 in support of Finding B is hereby incorporated by reference.
2. The Project has an appropriate mass and scale for the Newport Center area, which includes a range of low-, mid- and high-rise buildings. There are several existing high-rise buildings that wrap around Newport Center Drive, including buildings at 520 Newport Center Drive (315 feet), 650 Newport Center Drive (299 feet), and 610 Newport Center Drive (273 feet). The Project height is approximately 270 feet consistent with the pattern of development within Newport Center and would not be detrimental to persons living or working in the area.
3. The Project has been designed to have adequate, efficient, and safe pedestrian and vehicular access to and from the Project within driveways, parking, and loading areas. Vehicular and pedestrian access to the Project is provided directly from the central lobby and parking levels to Newport Center Drive via separate driveways and sidewalks. Loading areas for large box trucks are provided on the Property, ensuring that project operations such as moving and deliveries do not obstruct access within public right-of-way. Fact 14 in support Finding B is incorporated by reference.
4. Pursuant to Chapter 15.40 (Traffic Phasing Ordinance) of the NBMC, a traffic study is required for projects that generate 300 or more new average daily trips ("ADTs"). A Trip Generation Assessment was prepared by Gibson Transportation Consulting, Inc. dated November 6, 2025, that analyzed the existing and proposed ADTs for the Project. The Trip Generation Assessment concluded that even under the most conservative assumptions, the Project would result in fewer ADTs than

the existing movie theater and health/fitness facility uses. Because the Project results in fewer than 300 ADTs, no traffic study is required and the Project is consistent with Chapter 15.40 of the NBMC.

5. Section 20.30.060 (E) (Airport Environs Land Use Plan [AELUP] for John Wayne Airport and Airport Land Use Commission Review Requirements) of the NBMC includes requirements for projects that are over 200 feet in height citywide. The Project is approximately 270 feet high and requires approval from the Federal Aviation Administration (“FAA”) and notification to the Airport Land Use Commission. The FAA issued a Determination of No Hazard to Air Navigation for the Project dated February 10, 2026. Accordingly, a condition of approval is included requiring the applicant to comply with all conditions of the FAA determination.

Multi-Unit Objective Design Standards Deviation

In accordance with Section 20.48.185(C) of the NBMC, the Project is seeking to deviate from the following Multi-Unit Objective Design Standards (“ODS”):

- (1) Section 20.48.185(J)(1)(c) (Storefronts for Ground Floor Commercial in Mixed-Use Projects – First Floor Windows);
- (2) Section 20.48.185(J)(1)(d) (Storefronts for Ground Floor Commercial in Mixed-Use Projects – Upper Floor Windows);
- (3) 20.48.185(R)(2)(d) (Horizontal Modulation – Minimum Width of Recesses);
- (4) 20.48.185(S)(2)(ii) (First Floor Opening and Transparency Standards – Minimum Opening Standard); and
- (5) 20.48.185(T)(2)(a)(iv) (Lobby Entrances – Prohibited Entry from Driveway).

An SDR can authorize such deviations only after making all the following findings:

Finding:

- D. *The strict compliance with the standards is not necessary to achieve the purpose and intent of this section.*
1. The purpose of the ODS is to ensure the highest possible design quality and provide a baseline standard for all new-multi-unit development in the City. The intent of the standards is to promote quality design that builds on context, contributes to the public realm, and provides high quality and resilient buildings and public spaces. The design standards were developed to address the most typical forms of multi-unit and mixed-use development such as townhome developments and larger apartment buildings with potential commercial uses on the ground floor. As demonstrated by the illustrative diagrams included in Section 20.48.185 of the NBMC, the design standards were not specifically developed to

address high rise development. Nonetheless, the Project complies with 47 out of 52 standards demonstrating that the Project provides the high- quality design that was anticipated.

2. Although there are minor deviations to several standards, the Project promotes a quality public realm through the provision of meaningful Publicly Accessible Open Space (“PAOS”) in the form of courtyards with pathways abutting the home offices and café/retail space at the corner of the Property. These areas will be landscaped and provide public amenity for pedestrians and visitors along the public sidewalks in the vicinity.
3. Section 20.48.185(J)(1)(c) (Storefronts for Ground Floor Commercial in Mixed-Use Projects – First Floor Windows) of the NBMC requires that windows and/or glass doors cover at least 50% of the first-floor elevation along street frontages. The design includes a significant amount of glass and windows along the ground floor of the nonresidential spaces as well as courtyards that soften the appearance of the building. Additionally, the grade differential along San Miguel is notable under both existing and proposed conditions, creating fewer opportunities for windows since a portion of the building/podium is set below the street level. Extensive plantings along the street frontages also soften corners of buildings where there are fewer windows.
4. Section 20.48.185(J)(1)(d) (Storefronts for Ground Floor Commercial in Mixed-Use Projects – Upper Floor Windows) of the NBMC requires at least 25% of the surface area of each upper floor façade to be occupied by windows. Refer to Fact 3 in Support of Finding D.
5. Section 20.48.185(R)(2)(d) (Horizontal Modulation – Minimum Width of Recesses) of the NBMC requires that all recesses or projections are a minimum of 20 feet in width. The Project proposes a variety of different recesses and projections including lower floors and upper floors. The Project includes balconies on every side of the residential towers, including on the edges where the balconies soften the appearance of the structure. Some of the proposed balconies are slightly less than the minimum 20-foot width, with the smallest being approximately 14 feet. The intent of this requirement is to allow for sufficient width of recesses and projections so that building faces are sufficiently modulated. While some of the Project’s recesses are less than 20 feet in width, the Project provides large upper floor setbacks and extensive balconies to create architectural interest and soften the perceive bulk of the buildings. The Project provides additional width for other recesses and projections features which ensures building height is less visually obtrusive. Lastly, the Project divides the development into two towers, reducing the bulk and increasing the visual interest of the overall project.
6. Section 20.48.185(S)(2)(a)(ii) (First Floor Opening and Transparency Standards – Minimum Opening Standard) of the NBMC requires that 50% of first floor multi-unit

building frontages (with commercial uses front a street/courtyard/paseo) be comprised of transparent glazed door and window openings. Refer to Fact 3 in Support of Finding D.

7. Section 20.48.185(T)(2)(a)(iv) (Lobby Entrances – Prohibited Entry from Driveway) of the NBMC prohibits primary lobby entrances from driveways, at-grade parking lots, parking structures, or alleys unless required due to topographic conditions. The Project includes a main lobby entrance for residents and visitors that fronts the motor court inside the private gate and away from the street. The main lobby provides access to the residential towers, private amenity spaces, and garages. A gated entry is typical for this Project type. The pedestrian and vehicular gates are located far up the driveway and concealed from view of the public realm. The distance to the lobby from the public realm is further de-emphasized by the substantial landscaping that surrounds the building.

Finding:

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

Facts in Support of Finding:

1. All facts in support of Finding D are hereby incorporated by reference.
2. Facts 2 and 11 through 13 in support of Finding B are hereby incorporated by reference.
3. The Project includes enhanced vertical modulation that exceeds the minimum standards of the NBMC. The Project also includes significant landscaping to buffer and soften the appearance of the structure as viewed from the public realm. The architecture includes elements that are consistent with the surrounding mixed-use development, which creates a distinct yet cohesive appearance. Although the building is over 200 feet high, there is a podium level that interfaces at the pedestrian scale and the two residential towers include significant modulation, articulation, and architectural treatment to ensure a high-quality design.

Conditional Use Permit

In accordance with Section 20.52.020(F) (Conditional Use Permits and Minor Use Permits – Findings and Decision) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

- F. *The use is consistent with the General Plan and any applicable specific plan;*

Fact in Support of Finding:

1. Facts in Support of Findings A and B are hereby incorporated by reference.

Finding:

- G. *The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code;*

Fact in Support of Finding:

1. Facts in Support of Findings A and B are hereby incorporated by reference.

Finding:

- H. *The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity;*

Facts in Support of Finding:

1. Facts in Support of Finding B are hereby incorporated by reference.
2. The Project is located in the Newport Center area, which includes a variety of residential, office, and commercial uses. The Project would provide 150 new dwelling units, home offices, and a new café, which is consistent with the development and uses of the Project vicinity.

Finding:

- I. *The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities; and*

Facts in Support of Finding:

1. Facts in Support of Findings A and B are hereby incorporated by reference.
2. The Project has been reviewed by the Police, Fire, and Public Works Departments to ensure there would be no impact to emergency response, public services, and utilities.

Finding:

- J. *Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

Fact in Support of Finding:

1. Facts in Support of Findings B, C, and I are hereby incorporated by reference.

Off-Street Parking Reduction

In accordance with Section 20.40.110(B) (Reduction of Required Off-Street Parking) of the NBMC, off-street parking requirements may be reduced with the approval of a conditional use permit in compliance with Section 20.52.020 (Conditional Use Permits and Minor Use Permits) as follows:

Finding:

- K. *The applicant has provided sufficient data, including a parking study if required by the Director, to indicate that parking demand will be less than the required number of spaces or that other parking is available (e.g., City parking lot located nearby, on-street parking available, greater than normal walk-in trade, mixed-use development); and*

Facts in Support of Finding:

1. Fact 4 in Support of finding A is incorporated by reference.
2. A parking analysis and parking management plan ("Parking Study") prepared by Gibson Transportation Consulting, Inc, dated January 29, 2026, is attached hereto as Exhibit "H." The parking analysis and parking management plan were provided to support the waiver of 58 parking spaces for the nonresidential component of the Project.
3. The Project includes 343 parking spaces to support the residential uses, where the requirement is 331 parking spaces including visitors. The 12 surplus parking spaces provided for the residential use would be used primarily as staff parking to support the residential use (i.e., concierge, valet, security, and maintenance staff) ensuring that the 45 visitor parking spaces are available for guests of the residential building.
4. The home office space requires a total of 38 parking spaces. The Project does not allocate any parking spaces to the nonresidential uses on site including the home

office spaces. However, pursuant to the conditions of approval, the resident home office spaces would only be sold in conjunction with the sale of residential condominium units, reducing or eliminating the parking demand for those uses. A condition of approval is also included to prohibit subleasing. Unlike a typical office which requires parking for commuters, support staff, and clients, the home offices are expected to have limited clients onsite and residents will park in their assigned residential parking spaces. Potential clients or visitors will park in one of the 45 visitor parking spaces for the residential use. Lastly, a conditional of approval is included to prohibit staff from working at home offices unless additional parking is provided.

5. The NBMC requires 20 parking spaces for the café. According to the Parking Study, the proposed café use would not generate substantial parking demand given the context of the Project and size of the café (approximately 1,950 square feet). The café is located on the corner of Newport Center Drive and San Miguel Drive, near the public sidewalk and open space areas. Visitors are expected to be primarily pedestrians given the mixed use environment and the City's policies that support the pedestrian character of Newport Center. Additionally, bicycle racks are provided near the cafe to facilitate convenient access for cyclists. Lastly, the Orange County Transit Authority transit center is in the vicinity of the Project, providing another option for accessing the site without a personal vehicle.
6. A condition of approval is included to ensure that staff of the café will have access to the 12 surplus residential parking spaces (planned for use by staff of the building) ensuring sufficient parking is provided onsite and staff members do not park off-site. The café may ultimately be constructed as a private amenity to the residents or a public retail use; therefore, this resolution analyzes the Project based on the most conservative scenario.
7. The Project is in an area with significant dining, working, living, and leisure opportunities. Therefore, the café is not expected to serve as an independent destination for visitors outside of Newport Center. The Parking Study concludes that the characteristics of the Project's proposed nonresidential uses and site context suggest there would be substantially lower parking demand than the NBMC requires and onsite parking is sufficient to serve the Project.

Finding:

- L. *A parking management plan shall be prepared in compliance with subsection (C) of this section (Parking Management Plan).*

Facts in Support of Finding:

1. Facts in Support of Finding K are hereby incorporated by reference.

2. The Parking Study includes sufficient detail to allow for efficient access and parking management on the Property including valet, delivery, loading, and visitor access. The residential parking spaces will include self-parking and valet options. A turnaround is provided at the entry to the gate to ensure there is adequate space for vehicles to turn around and exit without impacting the public right of way.

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:

- M. 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 is for 150-unit residential condominiums, 11 nonresidential (home office and café) condominiums.
2. Facts in Support of Findings A and B are hereby incorporated by reference.
3. The map would combine the four existing lots into a single parcel and provide for the airspace subdivision of dwelling units, café, and home offices (i.e., airspace condominiums).
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 contains nonresidential development; therefore, the in-lieu park fee will be required for 150 new dwelling units. The park fee does not apply to nonresidential condominiums.
5. 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.

Finding:

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

Facts in Support of Finding:

1. Facts in Support of Findings A and B are hereby incorporated by reference.

2. The 4.17-acre Property is irregular in shape, slopes towards the northeast, and is not within a zone subject to seismically induced liquefaction potential. The Project is adequately sized to accommodate the proposed density in compliance with all applicable requirements of the HO-4 subarea.
3. The Property is suitable for the type and density of the development in that the infrastructure serving the Property has been designed to accommodate the Project. A water demand study prepared by Fuscoe Engineering dated April 2025 and a sewer demand study prepared by Fuscoe Engineering dated October 2025 concluded that no infrastructure upgrades are required to accommodate the Project. The Project does not result in more than 500 dwelling units; therefore, a Water Supply Assessment is not required for Project.
4. The Project has been reviewed by the Building, Fire, and Public Works Department and must comply with all Building, Fire, and Public Works Codes and City ordinances.

Finding:

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

Fact in Support of Finding:

1. As detailed in the CEQA Consistency Memorandum, which is attached hereto as Exhibit "D" and incorporated by reference, the Property does not contain riparian habitat or other sensitive natural community or wetlands. The Project would not have any specific effects which are peculiar to the Project or the Property. 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:

- P. *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 VTTM is for a condominium subdivision of residential development with home offices and a retail/café space. 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 California Government Code. The Project will conform to all City ordinances and Conditions of Approval.
2. The Project shall comply with all applicable mitigation measures of the GPHIP PEIR MMRP, as specified in the CEQA Consistency Memorandum which is attached hereto as Exhibit "D" 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:

- Q. *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 Property within the proposed development because no public easements are located on the Property.

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Finding:

- T. *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.*

Fact in Support of Finding:

1. 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:

- U. *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.*

Facts in Support of Finding:

1. The proposed 150 dwelling unit Project yields a density of 35.97 dwelling units per acre, consistent with the HO-4 subarea.
2. The Project does not include the construction of affordable housing. However, the Property was not included in the City's Housing Element Sites Inventory to support compliance with the 6th Cycle Regional Housing Needs Assessment ("RHNA"). The Housing Element contains adequate other sites suitable for affordable housing opportunities, therefore, this approval is consistent with the State's no net loss provisions.
3. The Project is further consistent with Section 66412.3 and Section 65584 of the California Government Code as the Project results in a net increase in 150, for-sale, residential dwelling units which contributes to the City's assigned above-moderate income housing in the 6th Cycle RHNA.

Finding:

- V. *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 requirements.
2. A Water Quality Management Plan ("WQMP") has been prepared for the Project and reviewed by the Building Division.
3. Fact 3 in Support of Finding N is incorporated by reference.

Finding:

- W. *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 is not located in the Coastal Zone; therefore, compliance with the Local Coastal Program (“LCP”) and the Coastal Act is not applicable.

Facts and Findings in Response to SAFER Appeal

An appeal filed on March 12, 2026, by SAFER cited concerns regarding compliance with CEQA.

Fact in Support of Finding:

1. Section 2 of this resolution and Exhibits “D” through “F” are incorporated by reference in response to SAFER’s allegation that the Project requires additional environmental review.

Facts and Findings in Response to LaCroix Appeal

A second appeal was filed on March 13, 2026, by Ken D. LaCroix on behalf of Save Our Theater. The appeal generally cites the following factors as a basis for appeal the loss of theater, CEQA, applicability of objective design standards, aesthetics, Newport Center height limits, findings related to Vesting Tentative Tract Map, parking waiver for home offices and retail, parking within nearby properties, lack of community benefits/fees for affordable housing, and disclosures to residents regarding adjacent uses.

X. *Loss of Theater*

Fact in Support of Finding:

1. The 15183 Consistency Memorandum attached hereto as Exhibit “D” includes a Cultural Resources Report prepared by LSA Associates dated January 2026. As the theater is over 50 years old and is proposed to be demolished as part of the Project, the Cultural Resources Report includes a detailed evaluation of potential impacts to historic resources. The report concludes that the existing theater is not listed as a historic resource on the Federal, State, or City Register nor is it eligible for listing as a historic resource. The existing building has been substantially modified from the original design and does not meet the established criteria for listing as a historic resource.

Y. CEQA and Economic Impacts

Fact in Support of Finding:

1. Facts in Support of Finding W, Section 2 of this resolution and Exhibits "D" through "F" are incorporated by reference.

Z. Objective Design Standards and Aesthetics

Fact in Support of Finding:

1. Fact 5 in support of finding A and all facts in support of Finding D are hereby incorporated by reference.
2. The standards identified in Section 20.48.185 (Multi-Unit Objective Design Standards) of the NBMC apply to all multi-unit development applications that include a residential density of a minimum of 20 dwelling units per acre which are applicable to the Project. The Project complies with 47 of the 52 standards, with only minor deviations proposed. The five objective design standard waivers are appropriate because strict compliance with the standards is not necessary to achieve the purpose and intent of the ODS ordinance and the Project possesses compensating design and development features that offset impacts associated with the waivers.

AA. Height Limits

Facts in Support of Finding:

1. Facts 2 and 3 in support of finding A, Facts 2 and 6 in Support of Finding B, and Facts 2 and 5 in support of Finding C are hereby incorporated by reference.

BB. Community Benefits/Fees to Offset Affordable Housing

Facts in Support of Finding:

1. The City does not have an inclusionary housing ordinance for properties in Newport Center. Therefore, the Applicant is not obligated to provide affordable housing or pay in-lieu fees regarding affordable housing.
2. The Project is anticipated to generate approximately \$8,900,000 in in-lieu park dedication fees and \$4,900,000 in other development impact fees that would support police, fire, water, sewer and recreational services to support the City.

CC. Parking

Facts in Support of Finding:

1. Fact 4 in support of finding A, Facts 2, and 9 in Support of Finding B, and Facts 3 and 7 in support of Finding C, and all of the Facts in Support of Findings K and L are hereby incorporated by reference.

DD. Vesting Tentative Tract Map

Facts in Support of Finding:

1. All of the Facts in support of Finding M are hereby incorporated by reference.

EE. Disclosures Regarding Adjacent Uses

Facts in Support of Finding:

1. Condition of Approval No. 26 for the Project require deed notification and written disclosure statement, approved by the City Attorney, disclosing that the dwelling units are located in a mixed-use area and that the owner(s) or lessee(s) may be subject to impacts related to live entertainment, late hours, lighting, odors, high pedestrian activity levels, etc.

Exhibit "D"
**CEQA Consistency Memorandum Prepared by T&B Planning, Inc., Dated
February 2026**

Available via link due to size:

<https://ecms.newportbeachca.gov/WEB/Browse.aspx?id=3223578&dbid=0&repo=CNB>

Exhibit "E"
SAFER Letter dated March 5, 2026

From: Leslie Reider <leslie@lozeaudrury.com>
Sent: March 05, 2026 9:16 AM
To: Planning Commission
Cc: Rebecca Davis; Chase Preciado; Emy Lipkind
Subject: Comment on 300 Newport Center Drive Condominiums; March 5, 2026, Planning Commission Agenda Item 2
Attachments: 2026.03.05 SAFER Comment on 300 Newport Center Dr..pdf

Dear Chair Harris, Vice Chair Salene, Secretary Langford, and Honorable Commissioners,

On behalf of Supporters Alliance for Environmental Responsibility ("SAFER"), please find the attached comments regarding the 300 Newport Center Drive Condominiums project, which is scheduled to be heard at the Planning Commission's March 5, 2026 meeting as Agenda Item 2.

If you could please confirm receipt of this email and the attached comments, it would be greatly appreciated.

Thank you,

--

Leslie Reider
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Lozeau | Drury LLP
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March 5, 2026

VIA EMAIL

Tristan Harris, Chair
David Salene, Vice Chair
Jon Langford, Secretary
Curtis Ellmore, Commissioner
Michael Gazzano, Commissioner
Greg Reed, Commissioner
Mark Rosene, Commissioner
Planning Commission
Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660
planningcommission@newportbeachca.gov

**Re: Comment on 300 Newport Center Drive Condominiums; March 5, 2026,
Planning Commission Agenda Item 2**

Dear Chair Harris, Vice Chair Salene, Secretary Langford, and Honorable Commissioners:

This comment is submitted on behalf of Supporters Alliance for Environmental Responsibility (“SAFER”), regarding the 300 Newport Center Drive Condominiums project (“Project”), scheduled to be heard by the Newport Beach Planning Commission on March 5, 2026, as Agenda Item 2.

SAFER objects to the City’s decision to exempt the Project from further environmental review under the California Environmental Quality Act (“CEQA”) based on CEQA Guidelines Section 15183 (“Projects Consistent with a Community Plan, General Plan, or Zoning”). Further CEQA review is necessary because the Project is likely to have one or more peculiar and significant impacts not discussed or analyzed in the City’s General Plan Housing Implementation Program EIR (“GPHIP EIR”), thereby necessitating preparation of an EIR. Specifically, SAFER’s expert report prepared by Dr. Shawn Smallwood indicates the Project may result in significant impacts on biological resources that were not analyzed or mitigated by the GPHIP EIR. Dr. Smallwood’s comments and CV are attached hereto as Exhibit A.

SAFER respectfully requests that the Planning Commission decline to approve the Project until an EIR is prepared to analyze and mitigate the Project’s environmental impacts.

PROJECT DESCRIPTION

The Project includes the demolition of the Regal Edwards Big Newport movie theater and the Body Design health and fitness center. In its place, the applicant proposes construction of two 22-story residential buildings (270 feet in height), consisting of 150 market-rate condominiums, on-site amenities, for-sale home offices, retail and café space, and 343 parking spaces. The Project provides no affordable housing units. Each residential building is nearly identical and is connected through a podium that contains the home office, retail and café, amenities, parking, and building support facilities. The Project applicant is requesting a major site development review, conditional use permit, and vesting tentative tract map.

LEGAL STANDARD

CEQA mandates that “the long-term protection of the environment . . . shall be the guiding criterion in public decisions” throughout California. (Pub. Res. Code (“PRC” § 21001(d).) To achieve its objectives of environmental protection, CEQA has a three-tiered structure. (14 Cal. Code Regs. (“CCR”) § 15002(k); *Committee to Save the Hollywoodland Specific Plan v. City of Los Angeles* (2008) 161 Cal.App.4th 1168, 1185-86.) First, if a project falls into an exempt category, or it can be seen with certainty that the activity in question will not have a significant effect on the environment, no further agency evaluation is required. (*Id.*) Second, if there is a possibility the project will have a significant effect on the environment, the agency must perform an initial threshold study. (*Id.*; 14 CCR § 15063(a).) If the study indicates that there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment the agency may issue a negative declaration. (*Id.*; 14 CCR §§ 15063(b)(2), 15070.) Finally, if the project will have a significant effect on the environment, an EIR is required. (*Id.*) CEQA contains a strong presumption in favor of requiring a lead agency to prepare an EIR. This presumption is reflected in the fair argument standard. Under that standard, a lead agency must prepare an EIR whenever there is substantial evidence in the whole record before the agency that supports a fair argument that a project may have a significant effect on the environment. (PRC § 21082.2; *Laurel Heights Improvement Ass’n v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1123; *No Oil, Inc.*, 13 Cal.3d at 75, 82; *Quail Botanical Gardens v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602.)

CEQA Guidelines Section 15183 provides an exemption for projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified, except as necessary to evaluate whether there are project-specific significant impacts which are peculiar to the project or project site. (14 CCR § 15183(a).)

When relying on section 15183 to approve a project, a lead agency may not forgo further analysis of potentially significant impacts unless it makes certain findings. An agency is required to perform further analysis for impacts that: (1) are peculiar to the proposed project or parcel, (2) were not analyzed as significant effects in a prior EIR for the zoning, community, or general plan with which the project is consistent, (3) are potentially significant off-site or cumulative impacts that were not discussed in the prior EIR, or (4) are previously identified significant impact

which, due to substantial new information not known at the time the EIR was certified, are determined to have a more severe impact than discussed in the prior EIR.

Under section 15183(f), an effect of a project on the environment is not considered peculiar to the project or project site if “uniformly applied development policies or standards have been previously adopted ... with a finding that the development policies or standards will substantially mitigate the environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect.” (14 CCR § 15183(f).)

Agency determinations under Guidelines section 15183 are reviewed under the substantial evidence standard. (*Lucas v. City of Pomona* (2023) 92 Cal.App.5th 508, 538, citing *Concerned Dublin Citizens v. City of Dublin* (2103) 214 Cal.App.4th 1301, 1311.) In determining whether an agency’s findings concerning the use of a statutory exemption from CEQA may be upheld, courts must review the administrative record to see that substantial evidence supports each element of the exemption. (*Lucas*, 92 Cal.App.5th at 538.) This includes the determination that “uniformly applied development policies or standards” will substantially mitigate the project’s environmental effects. (14 CCR § 15183(f).) Agency findings must specifically address the effect of uniform policies and standards on potential environmental impacts. (*Hilltop Group v. County of San Diego* (2024) 99 Cal.App.5th 890, 918.)

Here, there is substantial evidence demonstrating that the Project will have an unmitigated, peculiar and significant biological resources impact that was not addressed in the GPHIP EIR. Section 15183 therefore requires preparation of an EIR to analyze and mitigate this impact.

I. THE PROJECT WILL HAVE A SIGNIFICANT, UNMITIGATED IMPACT ON BIOLOGICAL RESOURCES THAT IS PECULIAR TO THE PROJECT AND NOT ANALYZED IN THE GPHIP EIR.

Attached hereto as Exhibit A are the expert comments of wildlife ecologist Shawn Smallwood, Ph.D. Dr. Smallwood's analysis provides substantial evidence that the Project will cause significant impacts to special-status birds that are peculiar to the Project and were not analyzed as significant in the GPHIP EIR. Further CEQA review is required to analyze and mitigate these impacts.

The Project proposes two 270-foot tall buildings. As Dr. Smallwood explains, structures of this height occupy a substantial portion of the aerosphere—essential habitat for birds. (Ex. A, p. 1.) Birds utilize the aerosphere for migration, dispersal, patrolling home ranges, commuting between roost sites and foraging areas, courtship, and in some species, copulation. (*Id.* at 2.)

The Project would expose birds to extensive window surfaces comprising large portions of the buildings’ facades at elevations actively used by avian species, resulting in harm to thousands of birds annually. This is neither a minor nor theoretical concern. Window collisions rank as the second or third largest source of anthropogenic bird mortality, and Dr. Smallwood

has reviewed extensive studies documenting substantial avian fatalities from such collisions. (*Id.* at pp. 2-4.) In one study, 266 bird fatalities representing 41 species occurred over 73 months of monitoring at just a three-story glass walkway. (*Id.* at p. 2.) Building facades also intercept and kill numerous birds flying during daylight hours as well as nocturnal migrants. (Ex. A, p. 3.) A 2009 study by Klem et al. monitored 73 building facades in New York City during 114 days of two migratory periods and documented 549 collision victims. (*Id.*) A 2015 study by Parkins et al found 35 bird fatalities of 16 different species within just 45 days of monitored under four building facades. (*Id.*) Numerous other peer-reviewed studies demonstrate similarly severe impacts from avian collisions with windows and building facades. (See Ex. A, pp. 3-4.)

Given the Project's location within the Pacific Flyway its design featuring two high-rise buildings, "avian use of the aerosphere should be of concern." (*Id.* at p. 4.) Dr. Smallwood's research indicates that of the available records of tracked birds, 5,883 birds representing 112 species have been recorded flying into the Newport Beach area from 16 different countries. (*Id.*) According to BirdCast (<https://dashboard.birdcast.org/region/US-CA-059>), nocturnal migrants in the sky over Orange County average 6,200 individuals and peak at 75,000 in May. (*Id.*) Many of the birds fly at elevations within the height range of the Project's proposed buildings. (*Id.*)

At least 109 special-status bird species are known to the Project area, the majority of which have been documented within 1.5 miles of the Project site. Within a four-mile radius, 95 special-status species have been documented. (*Id.* at p. 4 and Table 1.) Dr. Smallwood concludes that each of these 95 species-status species detected within four miles of the Project site are at risk of collision with the Project's two high rise towers. (*Id.*)

Based on Dr. Smallwood's direct monitoring experience at 213 buildings and facades, combined with his review of dozens of bird collision studies, Dr. Smallwood calculated predictive mortality estimates for the Project. (Ex. A, p. 5.) While publicly available information did not disclose precise window specifications, Dr. Smallwood was able to measure the extent of windows depicted in the building schematics provided by the City. (*Id.*) Based on his estimate of 17,370 square meters of exterior glass in the form of windows and railings, Dr. Smallwood predicts the Project would kill 1,270 birds annually. (*Id.*) Dr. Smallwood notes that the vast majority of these collision fatalities would involve special-status species protected under the Migratory Bird Treaty Act and the California Migratory Bird Protection Act. A special-status species bird-window collision mortality of this predicted magnitude would be highly significant. (*Id.*)

This impact is peculiar to the Project given the high-rise nature of the proposed buildings. Moreover, this impact was not analyzed as a significant impact in the GPHIP EIR. Accordingly, pursuant to CEQA Guidelines section 15183, the City must undertake further environmental analysis and adopt mitigation measures to reduce this significant environmental impact.

II. THE CITY LACKS SUBSTANTIAL EVIDENCE TO SUPPORT ITS CONCLUSIONS WITH RESPECT TO THE PROJECT'S IMPACTS ON SPECIAL-STATUS BIRDS FROM WINDOW COLLISIONS.

The City lacks substantial evidence to conclude that the Project will not result in significant and peculiar impacts on special-status birds as a result of window and building collisions. The City failed to conduct any biological surveys or evaluate the Project's potential to impact biological resources at the Project site and resulting from the Project. The City has not performed any Project or site-specific analysis of the Project's potential impacts on biological resources as a result of window and building collisions. Neither the GPHIP EIR nor the 15183 Consistency Memorandum include any analysis of the potential for new housing developments, including the Project, to result in deaths to birds as a result of window and building collisions.

The City also fails to provide substantial evidence demonstrating that the Project's impacts on biological resources will be reduced to less-than-significant levels as a result of "uniformly applied development policies or standards." The City has not identified or committed to any mitigation measures to address impacts to biological resources stemming from bird collisions with the Project's two high rise towers. There are numerous feasible mitigation measures that can reduce impacts, such as using treated windows, adjusting outward lighting, and adjusting the orientation of buildings. (Ex. A, p. 6.) These mitigation measures should be considered in the subsequent EIR.

Dr. Smallwood's comments are substantial evidence that the Project will have significant, site-specific impacts on biological resources. These impacts were not addressed in the 2000 GP EIR or the City's staff report. The City also failed to propose any mitigation measures or provide any evidence to demonstrate that impacts to biological resources will be mitigated to less-than-significant. Accordingly, the City cannot rely on the CEQA Guidelines Section 15183 exemption and must prepare an EIR that evaluates the Project-specific biological resources impacts and mitigates those impacts as required by CEQA.

CONCLUSION

The City lacks substantial evidence to rely on the CEQA Guidelines section 15183 exemption for Project approval. The Project will result in potentially significant impacts which are peculiar to the Project and Project site and require mitigation and were not analyzed in the GPHIP EIR. Therefore, an EIR is required to analyze and mitigate the Project's significant biological resources impacts and the City cannot approve the Project until it complies with CEQA.

Sincerely,



Rebecca Davis
Lozeau Drury LLP

EXHIBIT A

Shawn Smallwood, PhD
3108 Finch Street
Davis, CA 95616

Liz Westmoreland, AICP, Principal Planner
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

3 March 2026

RE: 300 Newport Center Drive

Dear Ms. Westmoreland,

I write to comment on the Notice of Public Hearing regarding the two proposed 270-foot-tall condominium towers on 4.17 acres at 300 Newport Center Drive. City Staff relies on the previously approved City of Newport Beach Housing Implementation Program Final Program EIR (SCH Number 2023060699) to claim a 14 CCR section 15183 Exemption from CEQA review. After reviewing the renderings of the buildings and the biological resources section of the Housing Implementation Program FEIR, I come to the conclusion that the Exemption would not be appropriate. I am concerned that the amount of external glass, the manners in which the glass would be constructed, and the location of the buildings would together pose excessive risk of collision mortality to birds, and that this potential project impact has not been analyzed nor any mitigation strategy formulated to avoid or minimize the impact. Mitigation measures are available, and they are known to greatly minimize, and in some cases to have reduced, collision mortality.

My qualifications for preparing expert comments are the following. I hold a Ph.D. degree in Ecology from University of California at Davis, where I also worked as a post-graduate researcher in the Department of Agronomy and Range Sciences. My research has been on animal density and distribution, habitat selection, wildlife interactions with the anthrosphere, and conservation of rare and endangered species. I authored many papers on these and other topics. I served as Chair of the Conservation Affairs Committee for The Wildlife Society – Western Section. I am a member of The Wildlife Society, and I've lectured part-time at California State University, Sacramento. I was Associate Editor of wildlife biology's premier scientific journal, The Journal of Wildlife Management, as well as of Biological Conservation, and I was on the Editorial Board of Environmental Management. I have performed wildlife surveys in California for thirty-seven years. My CV is attached.

THE AEROSPHERE AS PART OF THE ENVIRONMENTAL SETTING

The project would add two 270-foot-tall buildings, which would take a large volume of an essential portion of habitat of birds. To understand this part of avian habitat, one must consider the definition of habitat, which is a species' reliance on that part of the environment that is important to survival and reproduction (Hall et al. 1997). The gaseous atmosphere, or aerosphere, is habitat to many bird species, because birds use it

to migrate, disperse, patrol home ranges, commute between roost sites and foraging areas, and for other needs such as courtship and for some species even for copulation. The aerosphere is a principal medium of life to volant animals such as birds (Davy et al. 2017, Diehl et al. 2017). Indeed, an entire discipline of ecology has emerged to study this essential aspect of habitat – the discipline of aeroecology (Kunz et al. 2008). The aerosphere is part of the existing environmental setting, and it needs to be characterized as such in CEQA review.

BIRD-WINDOW COLLISIONS

The project would add two 270-foot-tall buildings, which would expose the birds of the project area to windows composing the building's facades. Window collisions are often characterized as either the second or third largest source or human-caused bird mortality. The numbers behind these characterizations are often attributed to Klem's (1990) and Dunn's (1993) estimates of about 100 million to 1 billion bird fatalities in the USA, or more recently by Loss et al.'s (2014) estimate of 365-988 million bird fatalities in the USA or Calvert et al.'s (2013) and Machtans et al.'s (2013) estimates of 22.4 million and 25 million bird fatalities in Canada, respectively. The proposed project would impose windows in the airspace normally used by birds.

Glass-façades of buildings intercept and kill many birds, but these façades are differentially hazardous to birds based on spatial extent, contiguity, orientation, and other factors. At Washington State University, Johnson and Hudson (1976) found 266 bird fatalities of 41 species within 73 months of monitoring of a three-story glass walkway (no fatality adjustments attempted). Prior to marking the windows to warn birds of the collision hazard, the collision rate was 84.7 per year. At that rate, and not attempting to adjust the fatality estimate for the proportion of fatalities not found, 4,574 birds were likely killed over the 54 years since the start of their study, and that's at a relatively small building façade. Accounting for the proportion of fatalities not found, the number of birds killed by this walkway over the last 54 years would have been about 14,270. And this is just for one 3-story, glass-sided walkway between two college campus buildings.

Klem's (1990) estimate was based on speculation that 1 to 10 birds are killed per building per year, and this speculated range was extended to the number of buildings estimated by the US Census Bureau in 1986. Klem's speculation was supported by fatality monitoring at only two houses, one in Illinois and the other in New York. Also, the basis of his fatality rate extension has changed greatly since 1986. Whereas his estimate served the need to alert the public of the possible magnitude of the bird-window collision issue, it was highly uncertain at the time and undoubtedly outdated more than three decades hence. Indeed, by 2010 Klem (2010) characterized the upper end of his estimated range – 1 billion bird fatalities – as conservative. Furthermore, the estimate lumped species together as if all birds are the same and the loss of all birds to windows has the same level of impact.

By the time Loss et al. (2014) performed their effort to estimate annual USA bird-window fatalities, many more fatality monitoring studies had been reported or were

underway. Loss et al. (2014) incorporated many more fatality rates based on scientific monitoring, and they were more careful about which fatality rates to include. However, they included estimates based on fatality monitoring by homeowners, which in one study were found to detect only 38% of the available window fatalities (Bracey et al. 2016). Loss et al. (2014) excluded all fatality records lacking a dead bird in hand, such as injured birds or feather or blood spots on windows. Loss et al.'s (2014) fatality metric was the number of fatalities per building (where in this context a building can include a house, low-rise, or high-rise structure), but they assumed that this metric was based on window collisions. Because most of the bird-window collision studies were limited to migration seasons, Loss et al. (2014) developed an admittedly assumption-laden correction factor for making annual estimates. Also, only 2 of the studies included adjustments for carcass persistence and searcher detection error, and it was unclear how and to what degree fatality rates were adjusted for these factors. Although Loss et al. (2014) attempted to account for some biases as well as for large sources of uncertainty mostly resulting from an opportunistic rather than systematic sampling data source, their estimated annual fatality rate across the USA was highly uncertain and vulnerable to multiple biases, most of which would have resulted in fatality estimates biased low.

In my review of bird-window collision monitoring, I found that the search radius around homes and buildings was very narrow, usually 2 meters. Based on my experience with bird collisions in other contexts, I would expect that a large portion of bird-window collision victims would end up farther than 2 m from the windows, especially when the windows are higher up on tall buildings. In my experience, searcher detection rates tend to be low for small birds deposited on ground with vegetation cover or woodchips or other types of organic matter. Also, vertebrate scavengers entrain on anthropogenic sources of mortality and quickly remove many of the carcasses, thereby preventing the fatality searcher from detecting these fatalities. Adjusting fatality rates for these factors – search radius bias, searcher detection error, and carcass persistence rates – would greatly increase nationwide estimates of bird-window collision fatalities.

Buildings can intercept many nocturnal migrants (Van Doren et al. 2021) as well as birds flying in daylight. As mentioned above, Johnson and Hudson (1976) found 266 bird fatalities of 41 species within 73 months of monitoring of a four-story glass walkway at Washington State University (no adjustments attempted for undetected fatalities). Somerlot (2003) found 21 bird fatalities among 13 buildings on a university campus within only 61 days. Monitoring twice per week, Hager et al. (2008) found 215 bird fatalities of 48 species, or 55 birds/building/year, and at another site they found 142 bird fatalities of 37 species for 24 birds/building/year. Gelb and Delacretaz (2009) recorded 5,400 bird fatalities under buildings in New York City, based on a decade of monitoring only during migration periods, and some of the high-rises were associated with hundreds of fatalities each. Klem et al. (2009) monitored 73 building façades in New York City during 114 days of two migratory periods, tallying 549 collision victims, nearly 5 birds per day. Borden et al. (2010) surveyed a 1.8 km route 3 times per week during 12-month period and found 271 bird fatalities of 50 species. Parkins et al. (2015) found 35 bird fatalities of 16 species within only 45 days of monitoring under 4 building façades. From 24 days of survey over a 48-day span, Porter and Huang (2015) found 47 fatalities under 8 buildings on a university campus. Sabo et al. (2016) found 27 bird

fatalities over 61 days of searches under 31 windows. In San Francisco, Kahle et al. (2016) found 355 collision victims within 1,762 days under a 5-story building. Ocampo-Peñuela et al. (2016) searched the perimeters of 6 buildings on a university campus, finding 86 fatalities after 63 days of surveys. One of these buildings produced 61 of the 86 fatalities, and another building with collision-deterrent glass caused only 2 of the fatalities, thereby indicating a wide range in impacts likely influenced by various factors. There is ample evidence available to support my prediction that the proposed project would result in many collision fatalities of birds.

Birds that would be Vulnerable to the Project

Because the project would consist of two high-rise buildings with many windows, avian use of the local atmosphere should be of concern. Of the available records of tracked birds, 5,883 birds of 112 species have been recorded flying into the Newport Beach area from 16 countries of the Americas, from as far away as Argentina (Swainson's hawks) to northern Alaska and northern Canada (e.g., whimbrel and brant) and New Brunswick (e.g., green-winged teal) and Florida (Brown pelican) (<https://explorer.audubon.org/explore/locations/DYQwLgvAzFB0BsAGAHAdnqg3MA9gOwgFoBGY1WNGAViwAsBTADwEkATCAJg4E5lMwAlmGDoIAOXoB3AA44ATmAAEAIXogAxrQAoigMIBBHQFUAyvv4BPaaIAyAeQMAVZnbFA/connections?zoom=7&x=2517121.9601057805&y=2403411.3245877805>). According to BirdCast (<https://dashboard.birdcast.org/region/US-CA-059>), the number of nocturnal migrants in the sky over Orange County averaged 6,200 and peaked at 15,400, with most headed north-northwest – generally following the coastline. The nightly average number of nocturnal migrants crossing Orange County will peak in May at about 75,000. The average altitude is 1,100 feet. However contributing to this average are many birds flying within the height domain of the proposed buildings.

Hundreds of thousands of birds migrate along the Pacific Flyway, which includes Newport Beach. At least 109 special-status species of birds are known to the project area (Table 1). Most (69%) have been documented in eBird within 1.5 miles of the project site, and another 20 (18%) have been documented between 1.5 and 4 miles from the site, and another 12 (11%) have been documented between 4 and 30 miles from the site. Thus, 95 special-status species of birds are known to the atmosphere within 4 miles of the project site, and at least all these species would be at risk of collision with the buildings.

According to the literature, many of the special-status species in Table 1 have been documented as window collision fatalities and are therefore susceptible to new structural glass installations (Supplemental Material to Basilio et al. 2020; Smallwood unpublished review). Many more species of migratory birds, protected by the federal Migratory Bird Treaty Act and by California's Migratory Bird Protection Act, have also been documented as window collision victims (Basilio et al. 2020).

Neither the Central-Coastal NCCP/HCP nor the City of Newport Beach Housing Implementation Program FEIR address bird-window collision mortality. Neither of these plans include mitigation strategies for avoiding, minimizing, reducing or offsetting

impacts of bird-window collision mortality. This lack of planning is especially concerning because the renderings of the proposed buildings depict the very attributes that are most strongly associated with bird-window collisions: Expansive windows, reflective windows, transparent windows allowing views of background sky, and the growing of vegetation on balconies and on the ground floor near expansive reflective windows. Furthermore, the available documentation is silent on exterior lighting and the degree to which interior lighting would be emitted at night. Lit buildings are known to confuse nocturnally migrating birds, many of which collide with lit buildings.

Project Impact Prediction

By the time of these comments, I had reviewed and processed results of bird collision monitoring at 213 buildings and façades for which bird collisions per m² of glass per year could be calculated and averaged (Johnson and Hudson 1976, O’Connell 2001, Somerlot 2003, Hager et al. 2008, Borden et al. 2010, Hager et al. 2013, Porter and Huang 2015, Parkins et al. 2015, Kahle et al. 2016, Ocampo-Peñuela et al. 2016, Sabo et al. 2016, Barton et al. 2017, Gomez-Moreno et al. 2018, Schneider et al. 2018, Loss et al. 2019, Brown et al. 2020, City of Portland Bureau of Environmental Services and Portland Audubon 2020, Riding et al. 2020). These study results averaged 0.073 bird deaths per m² of glass per year (95% CI: 0.042-0.102). This average and its 95% confidence interval provide a robust basis for predicting fatality rates at a proposed new project.

The Notice of Public Hearing does not disclose the extent of glass windows on the proposed new building, other than by depictions of windows in renderings of the buildings. I therefore measured the extents of windows depicted in the building schematics provided by the City. Based on my measurements of the building’s schematics, I estimate the project would include 17,370 m² of exterior glass in the forms of windows and railings. Applying the mean fatality rate (above) to my estimate of glass in this project, I predict annual bird deaths of 1,270 (95% CI: 754–1,786).

The vast majority of bird-window collision deaths would be of birds protected under the Migratory Bird Treaty Act and under the recently revised California Migratory Bird Protection Act, thus causing significant unmitigated impacts. Some of the birds killed by the project could be covered by the Central-Coastal NCCP/HCP, hence adding additional significant impacts. Given the predicted level of bird-window collision mortality, and the lack of any proposed mitigation, it is my opinion that the proposed project would result in potentially significant adverse biological impacts.

At least a fair argument can be made for the need to prepare an EIR to appropriately analyze the potential impacts of bird-window collisions that might be caused by the project.

Data needed to Minimize Collision Risk: Behavioral ecologists are needed to observe bird flights in and around the airspace that would be occupied by the project’s buildings. Visual-scan observations are needed during daylight hours, and thermal-imaging or radar scans are needed at night. The needed metrics include numbers of

birds flying per species, flight heights, and flight directions. These data are needed to assess collision risks during day and night and based on flight vectors. Knowing these flight patterns, the project's buildings could be re-designed, if warranted, to orient the buildings' facades to minimize head-on impacts.

Guidelines on Building Design to Minimize Bird-Window Collisions: If the project goes forward, it should at a minimum adhere to available Bird-Safe Guidelines, such as those prepared by American Bird Conservancy and New York and San Francisco. The American Bird Conservancy (ABC) produced an excellent set of guidelines recommending actions to: (1) Minimize use of glass; (2) Placing glass behind some type of screening (grilles, shutters, exterior shades); (3) Using glass with inherent properties to reduce collisions, such as patterns, window films, decals or tape; and (4) Turning off lights during migration seasons (Sheppard and Phillips 2015). The City of San Francisco (San Francisco Planning Department 2011) also has a set of building design guidelines, based on the excellent guidelines produced by the New York City Audubon Society (Orff et al. 2007). The ABC document and both the New York and San Francisco documents provide excellent alerting of potential bird-collision hazards as well as many visual examples. The San Francisco Planning Department's (2011) building design guidelines are more comprehensive than those of New York City, but they could have gone further. For example, the San Francisco guidelines probably should have also covered scientific monitoring of impacts as well as compensatory mitigation for impacts that could not be avoided, minimized or reduced.

New research results inform of the efficacy of marking windows. Whereas Klem (1990) found no deterrent effect from decals on windows, Johnson and Hudson (1976) reported a fatality reduction of about 69% after placing decals on windows. In an experiment of opportunity, Ocampo-Peñuela et al. (2016) found only 2 of 86 fatalities at one of 6 buildings – the only building with windows treated with a bird deterrent film. At the building with fritted glass, bird collisions were 82% lower than at other buildings with untreated windows. Kahle et al. (2016) added external window shades to some windowed façades to reduce fatalities 82% and 95%. Brown et al. (2020) reported an 84% lower collision probability among fritted glass windows and windows treated with ORNILUX R UV. City of Portland Bureau of Environmental Services and Portland Audubon (2020) reduced bird collision fatalities 94% by affixing marked Solyx window film to existing glass panels of Portland's Columbia Building. Many external and internal glass markers have been tested experimentally, some showing no effect and some showing strong deterrent effects (Klem 1989, 1990, 2009, 2011; Klem and Saenger 2013; Rössler et al. 2015).

Van Doren et al. (2021) found that nocturnal migrants contributed most of the collision fatalities in their study, and the largest predictors of fatalities were peak migration and lit windows. Van Doren et al. (2021) predicted that a light-out mitigation measure could reduce bird-window collision mortality by 60%.

The City of Newport Beach should follow the examples of other cities and formulate its own mitigation guidelines for analysis of potential impacts and for mitigating those impacts.

Fatality Monitoring: Monitoring and the use of compensatory mitigation should be incorporated at any new building project because the measures recommended in the available guidelines remain of uncertain efficacy, and even if these measures are effective, they will not reduce collision mortality to zero. The only way to assess mitigation efficacy and to quantify post-construction mortality is to monitor the project for fatalities.

Thank you for your consideration,



Shawn Smallwood, Ph.D.

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Table 1. Occurrence likelihoods of special-status bird species at or near the proposed project site, according to eBird records (<https://eBird.org>), where ‘Very close’ indicates within 1.5 miles of the site, “nearby” indicates between 1.5 and 4 miles, and “in region” indicates between 4 and 30 miles, and ‘in range’ means the species’ geographic range overlaps the site.

Common name	Species name	Status¹	Occurrence records
Fulvous whistling-duck	<i>Dendrocygna bicolor</i>	SSC1	In region
Brant	<i>Branta bernicla</i>	SSC2	Very close
Cackling goose (Aleutian)	<i>Branta hutchinsii leucopareia</i>	WL	Nearby
Redhead	<i>Aythya americana</i>	SSC2	Very close
Harlequin duck	<i>Histrionicus histrionicus</i>	SSC2	Very close
Western grebe	<i>Aechmophorus occidentalis</i>	BCC	Very close
Clark’s grebe	<i>Aechmophorus clarkii</i>	BCC	Very close
Western yellow-billed cuckoo	<i>Coccyzus americanus occidentalis</i>	FT, CE	Nearby
Black swift	<i>Cypseloides niger</i>	SSC3, BCC	Nearby
Vaux’s swift	<i>Chaetura vauxi</i>	SSC2	Very close
Costa’s hummingbird	<i>Calypte costae</i>	BCC	Very close
Calliope hummingbird	<i>Selasphorus calliope</i>	BCC	Nearby
Rufous hummingbird	<i>Selasphorus rufus</i>	BCC	Very close
Allen’s hummingbird	<i>Selasphorus sasin</i>	BCC	Very close
Light-footed Ridgway’s rail	<i>Rallus obsoletus levipes</i>	FE, CE, CFP	Very close
American avocet	<i>Recurvirostra americana</i>	BCC	Very close
Black oystercatcher	<i>Haematopus bachmani</i>	BCC	Very close
Mountain plover	<i>Charadrius montanus</i>	SSC2, BCC	In region
Snowy plover	<i>Charadrius nivosus</i>	BCC	Very close
Western snowy plover	<i>Charadrius nivosus nivosus</i>	FT, SSC	In region
Long-billed curlew	<i>Numenius americanus</i>	WL	Very close
Marbled godwit	<i>Limosa fedoa</i>	BCC	Very close
Black turnstone	<i>Arenaria melanocephala</i>	BCC	Very close
Red knot	<i>Calidris canutus</i>	BCC	Very close
Pectoral sandpiper	<i>Calidris melanotos</i>	BCC	Nearby
Short-billed dowitcher	<i>Limnodromus griseus</i>	BCC	Very close
Wandering tattler	<i>Tringa incana</i>	BCC	Very close
Lesser yellowlegs	<i>Tringa flavipes</i>	BCC	Very close
Willet	<i>Tringa semipalmata</i>	BCC	Very close
Laughing gull	<i>Leucophaeus atricilla</i>	WL	Nearby
Franklin’s gull	<i>Leucophaeus pipixcan</i>	BCC	Nearby
Heermann’s gull	<i>Larus heermanni</i>	BCC	Very close
Western gull	<i>Larus occidentalis</i>	BCC	Very close
California gull	<i>Larus californicus</i>	BCC, WL	Very close
California least tern	<i>Sternula antillarum browni</i>	FE, CE, CFP	Very close
Gull-billed tern	<i>Gelochelidon nilotica</i>	BCC, SSC3	Very close
Black tern	<i>Chlidonias niger</i>	SSC2, BCC	Nearby
Elegant tern	<i>Thalasseus elegans</i>	BCC, WL	Very close

Common name	Species name	Status¹	Occurrence records
Black skimmer	<i>Rynchops niger</i>	BCC, SSC3	Very close
Common loon	<i>Gavia immer</i>	SSC	Very close
Brandt's cormorant	<i>Urile penicillatus</i>	BCC	Very close
Double-crested cormorant	<i>Phalacrocorax auritus</i>	WL	Very close
American white pelican	<i>Pelicanus erythrorhynchos</i>	SSC1	Very close
Least bittern	<i>Ixobrychus exilis</i>	SSC2	Very close
Reddish egret	<i>Egretta rufescens</i>	BCC	Very close
White-faced ibis	<i>Plegadis chihi</i>	WL	Very close
Turkey vulture	<i>Cathartes aura</i>	BOP	Very close
Osprey	<i>Pandion haliaetus</i>	WL, BOP	Very close
White-tailed kite	<i>Elanus leucurus</i>	CFP, BOP	Very close
Golden eagle	<i>Aquila chrysaetos</i>	BGEPA, CFP, BOP, WL, NCCP	Nearby
Northern harrier	<i>Circus cyaneus</i>	BCC, SSC3, BOP, NCCP	Very close
Sharp-shinned hawk	<i>Accipiter striatus</i>	WL, BOP, NCCP	Very close
Cooper's hawk	<i>Accipiter cooperii</i>	WL, BOP	Very close
Bald eagle	<i>Haliaeetus leucocephalus</i>	CE, BGEPA, BOP	Very close
Red-shouldered hawk	<i>Buteo lineatus</i>	BOP, NCCP	Very close
Swainson's hawk	<i>Buteo swainsoni</i>	CT, BOP	Very close
Red-tailed hawk	<i>Buteo jamaicensis</i>	BOP	Very close
Ferruginous hawk	<i>Buteo regalis</i>	WL, BOP	Very close
Rough-legged hawk	<i>Buteo lagopus</i>	BOP, NCCP	In region
Zone-tailed hawk	<i>Buteo albonotatus</i>	BOP	Nearby
Harris' hawk	<i>Parabuteo unicinctus</i>	WL, BOP	Nearby
American barn owl	<i>Tyto furcata</i>	BOP	Very close
Western screech-owl	<i>Megascops kennicotti</i>	BOP	In region
Great horned owl	<i>Bubo virginianus</i>	BOP	Very close
Burrowing owl	<i>Athene cunicularia</i>	BCC, CCE, SSC2, BOP	Very close
Long-eared owl	<i>Asio otus</i>	BCC, SSC3, BOP	In region
Short-eared owl	<i>Asia flammeus</i>	BCC, SSC3, BOP	Nearby
Lewis's woodpecker	<i>Melanerpes lewis</i>	BCC	Nearby
Nuttall's woodpecker	<i>Picoides nuttallii</i>	BCC	Very close
American kestrel	<i>Falco sparverius</i>	BOP	Very close
Merlin	<i>Falco columbarius</i>	WL, BOP	Very close
Peregrine falcon	<i>Falco peregrinus</i>	BOP, NCCP	Very close
Prairie falcon	<i>Falco mexicanus</i>	WL, BOP	Very close
Olive-sided flycatcher	<i>Contopus cooperi</i>	BCC, SSC2	Very close
Willow flycatcher	<i>Empidonax trailii</i>	CE	Very close
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	FE, CE, NCCP	In region
Vermilion flycatcher	<i>Pyrocephalus rubinus</i>	SSC2	Very close

Common name	Species name	Status¹	Occurrence records
Least Bell's vireo	<i>Vireo bellii pusillus</i>	FE, CE	Very close
Loggerhead shrike	<i>Lanius ludovicianus</i>	SSC2	Very close
Oak titmouse	<i>Baeolophus inornatus</i>	BCC	Nearby
California horned lark	<i>Eremophila alpestris actia</i>	WL	Very close
Bank swallow	<i>Riparia riparia</i>	CT	Very close
Purple martin	<i>Progne subis</i>	SSC2	Very close
Wrentit	<i>Chamaea fasciata</i>	BCC	Very close
California gnatcatcher	<i>Polioptila c. californica</i>	FT, SSC2, NCCP	Very close
Clark's marsh wren	<i>Cistothorus palustris clarkae</i>	SSC2	In range
Coastal cactus wren	<i>Campylorhynchus brunneicapillus sandiegensis</i>	SSC1, NCCP	Very close
California thrasher	<i>Toxostoma redivivum</i>	BCC	Very close
Cassin's finch	<i>Haemorhous cassinii</i>	BCC	In region
Lawrence's goldfinch	<i>Spinus lawrencei</i>	BCC	Very close
Grasshopper sparrow	<i>Ammodramus savannarum</i>	SSC2	Very close
Black-chinned sparrow	<i>Spizella atrogularis</i>	BCC	Nearby
Gray-headed junco	<i>Junco hyemalis caniceps</i>	WL	In region
Bell's sparrow	<i>Amphispiza b. belli</i>	WL	In region
Oregon vesper sparrow	<i>Pooecetes gramineus affinis</i>	SSC2	In range
Belding's savannah sparrow	<i>Passerculus sandwichensis beldingi</i>	CE, BCC	Very close
Large-billed savannah sparrow	<i>Passerculus sandwichensis rostratus</i>	SSC2	Nearby
Southern California rufous-crowned sparrow	<i>Aimophila ruficeps canescens</i>	WL, NCCP	Very close
Yellow-breasted chat	<i>Icteria virens</i>	SSC3	Very close
Yellow-headed blackbird	<i>X. xanthocephalus</i>	SSC3	Very close
Bullock's oriole	<i>Icterus bullockii</i>	BCC	Very close
Tricolored blackbird	<i>Agelaius tricolor</i>	CT, BCC, SSC1	Nearby
Lucy's warbler	<i>Leiothlypis luciae</i>	SSC3	Nearby
Virginia's warbler	<i>Leiothlypis virginiae</i>	WL, BCC	Nearby
Prothonotary warbler	<i>Protonotaria citrea</i>	BCC	In region
Prairie warbler	<i>Setophaga discolor</i>	BCC	Nearby
Northern yellow warbler	<i>Setophaga aestiva</i>	SSC2	Very close
Hepatic tanager	<i>Piranga flava</i>	WL	In region
Summer tanager	<i>Piranga rubra</i>	SSC1	Very close

¹ Listed on CDFW's Special Animals List (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406>) as FT or FE = federal threatened or endangered; FC = federal candidate for listing; CT or CE = California threatened or endangered; CCT or CCE = Candidate California threatened or endangered; CFP = California Fully Protected (California Fish and Game Code 3511); SSC_i = California Species of Special Concern with i = priorities 1, 2 and 3; WL = CDFW's Taxa to Watch List; BGEPA = Bald and Golden Eagle Protection Act; BCC = U.S. Fish and Wildlife Service's Bird of Conservation Concern (<https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf>); BOP = protected by Birds of Prey (California Fish and Game Code 3503.5, see

<https://wildlife.ca.gov/Conservation/Birds/Raptors>); and NCCP = covered by the Central-Coastal NCCP/HCP.

Kenneth Shawn Smallwood Item No. 2d Additional Materials Received After Deadline
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Curriculum Vitae

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Born May 3, 1963 in
Sacramento, California.
Married, father of two.

Ecologist

Business

Smallwood Ecology

- Employs Noriko Smallwood, M.S., Environmental Science with focus on wildlife

Expertise

- Finding solutions to controversial problems related to wildlife interactions with anthropogenic infrastructure and activities;
- Design of field study to detect, enumerate, or monitor wildlife and behavior patterns by visual search, GPS, thermal imaging, and acoustic bat survey;
- Using systems analysis and experimental design principles to identify meaningful ecological patterns from that can inform conservation and management of terrestrial wildlife.

Education

Ph.D. Ecology, University of California, Davis. September 1990.
M.S. Ecology, University of California, Davis. June 1987.
B.S. Anthropology, University of California, Davis. June 1985.
Corcoran High School, Corcoran, California. June 1981.

Experience

- 1,068 professional reports, including:
 - 96 peer reviewed publications
 - 24 in non-reviewed proceedings
 - 946 reports, declarations, posters and book reviews
 - 8 in mass media outlets
 - 98 public presentations of research results

Expert testimony regarding potential impacts from development projects: To check on the accuracy of the characterization of wildlife communities at sites of proposed residential, commercial and industrial projects, I perform visual-scan surveys for wildlife, thermal-imaging at night, and acoustic detection of bats using a Petterson M500 detector and Sonobat Live to identify bats by

sonograms of their calls. I predict project impacts and I compare my findings to those in the environmental review documents. I also testify on potential outcomes of water transfers and water transfer delivery systems, endangered species recovery plans, Habitat Conservation Plans, Natural Communities Conservation Programs, proposed Federal Rules and State and Federal policies and regulations affecting wildlife. I deliver oral testimony to government agencies, Tribunals, Boards of Supervisors and City Councils, and participated with press conferences and depositions. I prepare expert witness reports and court declarations, and I participate with depositions.

Editing for scientific journals: Guest Editor, *Wildlife Society Bulletin*, 2012-2013, of invited papers representing international views on the impacts of wind energy on wildlife and how to mitigate the impacts. Associate Editor, *Journal of Wildlife Management*, March 2004 to 30 June 2007. Editorial Board Member, *Environmental Management*, 10/1999 to 8/2004. Associate Editor, *Biological Conservation*, 9/1994 to 9/1995.

Member, Alameda County Scientific Review Committee (SRC), August 2006 to April 2011. The five-member committee investigated causes of bird and bat collisions in the Altamont Pass Wind Resource Area, and recommended mitigation and monitoring measures. The SRC reviewed the science underlying the Alameda County Avian Protection Program, and it advised the County on how to reduce wildlife collision mortality.

Consulting Ecologist, 2004-2007, California Energy Commission (CEC). Provided consulting services as needed to the CEC on renewable energy impacts, monitoring and research, and produced several reports. Also collaborated with Lawrence-Livermore National Lab on research to understand and reduce wind turbine impacts on wildlife.

Consulting Ecologist, 1999-2013, U.S. Navy. Performed endangered species surveys, hazardous waste site monitoring, and habitat restoration for the endangered San Joaquin kangaroo rat, California tiger salamander, California red-legged frog, California clapper rail, western burrowing owl, salt marsh harvest mouse, and other species at Naval Air Station Lemoore; Naval Weapons Station, Seal Beach, Detachment Concord; Naval Security Group Activity, Skaggs Island; National Radio Transmitter Facility, Dixon; and, Naval Outlying Landing Field Imperial Beach.

Part-time Lecturer, 1998-2005, California State University, Sacramento. Instructed Mammalogy, Behavioral Ecology, and Ornithology Lab, Contemporary Environmental Issues, Natural Resources Conservation.

Senior Ecologist, 1999-2005, BioResource Consultants. Designed and implemented research and monitoring studies related to avian fatalities at wind turbines, avian electrocutions on electric distribution poles across California, and avian fatalities at transmission lines.

Chairman, Conservation Affairs Committee, The Wildlife Society--Western Section, 1999-2001. Prepared position statements and led efforts directed toward conservation issues, including travel to Washington, D.C. to lobby Congress for more wildlife conservation funding.

Systems Ecologist, 1995-2000, Institute for Sustainable Development. Headed ISD's program on integrated resources management. Developed indicators of ecological integrity for large areas, using remotely sensed data, local community involvement and GIS.

Associate, 1997-1998, Department of Agronomy and Range Science, University of California, Davis. Worked with Professor Shu Geng and Dr. Mingua Zhang on several studies related to wildlife interactions with agriculture and patterns of fertilizer and pesticide residues in groundwater across a large landscape.

Lead Scientist, 1996-1999, National Endangered Species Network. Informed academic scientists and environmental activists about emerging issues regarding the Endangered Species Act and other environmental laws. Testified at public hearings on endangered species issues.

Ecologist, 1997-1998, Western Foundation of Vertebrate Zoology. Conducted field research to determine the impact of past mercury mining on the status of California red-legged frogs in Santa Clara County, California.

Senior Systems Ecologist, 1994-1995, EIP Associates, Sacramento, California. Provided consulting services in environmental planning, and quantitative assessment of land units for their conservation and restoration opportunities based on ecological resource requirements of 29 special-status species. Developed ecological indicators for prioritizing areas within Yolo County to receive mitigation funds for habitat easements and restoration.

Post-Graduate Researcher, 1990-1994, Department of Agronomy and Range Science, *U.C. Davis*. Under Dr. Shu Geng's mentorship, studied landscape and management effects on temporal and spatial patterns of abundance among pocket gophers and species of Falconiformes and Carnivora in the Sacramento Valley. Managed and analyzed a database of energy use in California agriculture. Assisted with landscape (GIS) study of groundwater contamination across Tulare County, California.

Work experience in graduate school: Co-taught Conservation Biology with Dr. Christine Schonewald, 1991 & 1993, UC Davis Graduate Group in Ecology; Reader for Dr. Richard Coss's course on Psychobiology in 1990, UC Davis Department of Psychology; Research Assistant to Dr. Walter E. Howard, 1988-1990, UC Davis Department of Wildlife and Fisheries Biology, testing durable baits for pocket gopher management in forest clearcuts; Research Assistant to Dr. Terrell P. Salmon, 1987-1988, UC Wildlife Extension, Department of Wildlife and Fisheries Biology, developing empirical models of mammal and bird invasions in North America, and a rating system for priority research and control of exotic species based on economic, environmental and human health hazards in California. Student Assistant to Dr. E. Lee Fitzhugh, 1985-1987, UC Cooperative Extension, Department of Wildlife and Fisheries Biology, developing and implementing statewide mountain lion track count for long-term monitoring.

Fulbright Research Fellow, Indonesia, 1988. Tested use of new sampling method for numerical monitoring of Sumatran tiger and six other species of endemic felids, and evaluated methods used by other researchers.

Projects and Studies

Repowering wind energy projects through careful siting of new wind turbines using map-based collision hazard models to minimize impacts to volant wildlife. Funded by wind companies (principally NextEra Renewable Energy, Inc.), California Energy Commission and East Bay Regional Park District, I collaborated with a GIS analyst and managed a crew of five field biologists

performing golden eagle behavior surveys and nocturnal surveys on bats and owls. I also collaborated, and continue to collaborate with, Dr. Douglas Bell in a GPS telemetry study of 44 golden eagles originating from the northern Diablo Range. The goal was to quantify flight patterns for development of predictive models to more carefully site new wind turbines in repowering projects. I performed focused behavior surveys from May 2012 through 2019, and golden eagle telemetry monitoring from 2013 through the present. Collision hazard models were prepared for eight wind projects, three of which were built.

Test avian safety of new mixer-ejector wind turbine (MEWT). Designed and implemented a before-after, control-impact experimental design to test the avian safety of a new, shrouded wind turbine developed by Ogin Inc. (formerly known as FloDesign Wind Turbine Corporation). Supported by a \$718,000 grant from the California Energy Commission's Public Interest Energy Research program and a 20% match share contribution from Ogin, I managed a crew of seven field biologists who performed periodic fatality searches and behavior surveys, carcass detection trials, nocturnal behavior surveys using a thermal camera, and spatial analyses with the collaboration of a GIS analyst. Field work began 1 April 2012 and ended 30 March 2015 without Ogin installing its MEWTs, but we still achieved multiple important scientific advances.

Reduce avian mortality due to wind turbines at Altamont Pass. Studied wildlife impacts caused by 5,400 wind turbines at the world's most notorious wind resource area. Studied how impacts are perceived by monitoring and how they are affected by terrain, wind patterns, food resources, range management practices, wind turbine operations, seasonal patterns, population cycles, infrastructure management such as electric distribution, animal behavior and social interactions.

Reduce avian mortality on electric distribution poles. Directed research toward reducing bird electrocutions on electric distribution poles, 2000-2007. Oversaw 5 founts of fatality searches at 10,000 poles from Orange County to Glenn County, California, and produced two large reports.

Cook et al. v. Rockwell International et al., No. 90-K-181 (D. Colorado). Provided expert testimony on the role of burrowing animals in affecting the fate of buried and surface-deposited radioactive and hazardous chemical wastes at the Rocky Flats Plant, Colorado. Provided expert reports based on four site visits and an extensive document review of burrowing animals. Conducted transect surveys for evidence of burrowing animals and other wildlife on and around waste facilities. Discovered substantial intrusion of waste structures by burrowing animals. I testified in federal court in November 2005, and my clients were subsequently awarded a \$553,000,000 judgment by a jury. After appeals the award was increased to two billion dollars.

Hanford Nuclear Reservation Litigation. Provided expert testimony on the role of burrowing animals in affecting the fate of buried radioactive wastes at the Hanford Nuclear Reservation, Washington. Provided three expert reports based on three site visits and extensive document review. Predicted and verified a certain population density of pocket gophers on buried waste structures, as well as incidence of radionuclide contamination in body tissue. Conducted transect surveys for evidence of burrowing animals and other wildlife on and around waste facilities. Discovered substantial intrusion of waste structures by burrowing animals.

Protocol-level surveys for special-status species. Used California Department of Fish and Wildlife and US Fish and Wildlife Service protocols to search for California red-legged frog, California tiger salamander, arroyo southwestern toad, blunt-nosed leopard lizard, western pond turtle, giant

kangaroo rat, San Joaquin kangaroo rat, San Joaquin kit fox, western burrowing owl, Swainson's hawk, Valley elderberry longhorn beetle and other special-status species.

Conservation of San Joaquin kangaroo rat. Performed research to identify factors responsible for the decline of this endangered species at Lemoore Naval Air Station, 2000-2013, and implemented habitat enhancements designed to reverse the trend and expand the population.

Impact of West Nile Virus on yellow-billed magpies. Funded by Sacramento-Yolo Mosquito and Vector Control District, 2005-2008, compared survey results pre- and post-West Nile Virus epidemic for multiple bird species in the Sacramento Valley, particularly on yellow-billed magpie and American crow due to susceptibility to WNV.

Workshops on HCPs. Assisted Dr. Michael Morrison with organizing and conducting a 2-day workshop on Habitat Conservation Plans, sponsored by Southern California Edison, and another 1-day workshop sponsored by PG&E. These Workshops were attended by academics, attorneys, and consultants with HCP experience. We guest-edited a Proceedings published in Environmental Management.

Mapping of biological resources along Highways 101, 46 and 41. Used GPS and GIS to delineate vegetation complexes and locations of special-status species along 26 miles of highway in San Luis Obispo County, 14 miles of highway and roadway in Monterey County, and in a large area north of Fresno, including within reclaimed gravel mining pits.

GPS mapping and monitoring at restoration sites and at Caltrans mitigation sites. Monitored the success of elderberry shrubs at one location, the success of willows at another location, and the response of wildlife to the succession of vegetation at both sites. Also used GPS to monitor the response of fossorial animals to yellow star-thistle eradication and natural grassland restoration efforts at Bear Valley in Colusa County and at the decommissioned Mather Air Force Base in Sacramento County.

Mercury effects on Red-legged Frog. Assisted Dr. Michael Morrison and US Fish and Wildlife Service in assessing the possible impacts of historical mercury mining on the federally listed California red-legged frog in Santa Clara County. Also measured habitat variables in streams.

Opposition to proposed No Surprises rule. Wrote a white paper and summary letter explaining scientific grounds for opposing the incidental take permit (ITP) rules providing ITP applicants and holders with general assurances they will be free of compliance with the Endangered Species Act once they adhere to the terms of a "properly functioning HCP." Submitted 188 signatures of scientists and environmental professionals concerned about No Surprises rule US Fish and Wildlife Service, National Marine Fisheries Service, all US Senators.

Natomas Basin Habitat Conservation Plan alternative. Designed narrow channel marsh to increase the likelihood of survival and recovery in the wild of giant garter snake, Swainson's hawk and Valley Elderberry Longhorn Beetle. The design included replication and interspersions of treatments for experimental testing of critical habitat elements. I provided a report to Northern Territories, Inc.

Assessments of agricultural production system and environmental management in China. Twice visited China and interviewed scientists, industrialists, agriculturalists, and the Directors of the

Chinese Environmental Protection Agency and the Department of Agriculture to assess opportunities for research collaboration in the environmental and agricultural sectors.

Yolo County Habitat Conservation Plan. Conducted landscape ecology study of Yolo County to spatially prioritize allocation of mitigation efforts to improve ecosystem functionality within the County from the perspective of 29 special-status species of wildlife and plants. Used a hierarchically structured indicators approach to apply principles of landscape and ecosystem ecology, conservation biology, and local values in rating land units. Derived GIS maps to help guide the conservation area design, and then developed implementation strategies.

Mountain lion track count. Developed and conducted a carnivore monitoring program throughout California since 1985. Species counted include mountain lion, bobcat, black bear, coyote, red and gray fox, raccoon, striped skunk, badger, and black-tailed deer. Vegetation and land use are also monitored. Track survey transect was established on dusty, dirt roads within randomly selected quadrats.

Sumatran tiger and other felids. Upon award of Fulbright Research Fellowship, I designed and initiated track counts for seven species of wild cats in Sumatra, including Sumatran tiger, fishing cat, and golden cat. Spent four months on Sumatra and Java in 1988, and learned Bahasa Indonesia, the official Indonesian language.

Wildlife in agriculture. Beginning as post-graduate research, I studied pocket gophers and other wildlife in 40 alfalfa fields throughout the Sacramento Valley, and I surveyed for wildlife along a 200-mile road transect since 1989 with a hiatus of 1996-2004. The data are analyzed using GIS and methods from landscape ecology, and the results published and presented orally to farming groups in California and elsewhere. I also conducted the first study of wildlife in cover crops used on vineyards and orchards.

Agricultural energy use and Tulare County groundwater study. Developed and analyzed a data base of energy use in California agriculture, and collaborated on a landscape (GIS) study of groundwater contamination across Tulare County, California.

Pocket gopher damage in forest clear-cuts. Developed gopher sampling methods and tested various poison baits and baiting regimes in the largest-ever field study of pocket gopher management in forest plantations, involving 68 research plots in 55 clear-cuts among 6 National Forests in northern California.

Risk assessment of exotic species in North America. Developed empirical models of mammal and bird species invasions in North America, as well as a rating system for assigning priority research and control to exotic species in California, based on economic, environmental, and human health hazards.

Peer Reviewed Publications

Smallwood, K. S., and D. A. Bell. 2025. On the Spatial distribution of eagle carcasses around wind turbines: implications for collision mortality estimation. *Diversity* 2025, 17, 686.

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Smallwood, K. S. 2025. Background Mortality of Wildlife on Renewable Energy Projects. *Diversity* 2025, 17, 628. <https://doi.org/10.3390/d17090628>

Smallwood, K. S. and M. L. Morrison. 2024. Burrowing owls require mutualist species and ample interior habitat space. *Diversity* 2024, 16, 590. <https://doi.org/10.3390/d16090590>

Smallwood, K. S., and N. L. Smallwood. 2023. Measured effects of anthropogenic development on vertebrate wildlife diversity. *Diversity* 15, 1037. <https://doi.org/10.3390/d15101037>.

Bell, D. A., S. A. Snyder, J. E. DiDonato, and K. S. Smallwood. 2023. Conspecific carcass removal from a wind project study plot by a great horned owl (*Bubo Virginanus*). *Journal of Raptor Research* 57:489-492.

Kitano, M., K. S. Smallwood, and K. Fukaya. 2022. Bird carcass detection from integrated trials at multiple wind farms. *Journal of Wildlife Management: In press*.

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Smallwood, K. S., and N. L. Smallwood. 2021. Breeding density and collision mortality of loggerhead shrike (*Lanius ludovicianus*) in the Altamont Pass Wind Resource Area. *Diversity* 13, 540. <https://doi.org/10.3390/d13110540>.

Smallwood, K. S. 2020. USA wind energy-caused bat fatalities increase with shorter fatality search intervals. *Diversity* 12(98); <https://doi.org/10.3390/d12030098>

Smallwood, K. S., D. A. Bell, and S. Standish. 2020. Dogs detect larger wind energy impacts on bats and birds. *Journal of Wildlife Management* 84:852-864. DOI: 10.1002/jwmg.21863.

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Kitano, M., M. Ino, K. S. Smallwood, and S. Shiraki. 2020. Seasonal difference in carcass persistence rates at wind farms with snow, Hokkaido, Japan. *Ornithological Science* 19: 63 – 71.

Smallwood, K. S. and M. L. Morrison. 2018. Nest-site selection in a high-density colony of burrowing owls. *Journal of Raptor Research* 52:454-470.

Smallwood, K. S., D. A. Bell, E. L. Walther, E. Leyvas, S. Standish, J. Mount, B. Karas. 2018. Estimating wind turbine fatalities using integrated detection trials. *Journal of Wildlife Management* 82:1169-1184.

Smallwood, K. S. 2017. Long search intervals under-estimate bird and bat fatalities caused by wind turbines. *Wildlife Society Bulletin* 41:224-230.

Smallwood, K. S. 2017. The challenges of addressing wildlife impacts when repowering wind energy projects. Pages 175-187 in Köppel, J., Editor, *Wind Energy and Wildlife Impacts: Proceedings from the CWW2015 Conference*. Springer. Cham, Switzerland.

May, R., Gill, A. B., Köppel, J. Langston, R. H.W., Reichenbach, M., Scheidat, M., Smallwood, S., Voigt, C. C., Hüppop, O., and Portman, M. 2017. Future research directions to reconcile wind turbine-wildlife interactions. Pages 255-276 in Köppel, J., Editor, *Wind Energy and Wildlife Impacts: Proceedings from the CWW2015 Conference*. Springer. Cham, Switzerland.

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Mete, A., N. Stephenson, K. Rogers, M. G. Hawkins, M. Sadar, D. Guzman, D. A. Bell, J. Shipman, A. Wells, K. S. Smallwood, and J. Foley. 2014. Emergence of Knemidocoptic mange in wild Golden Eagles (*Aquila chrysaetos*) in California. *Emerging Infectious Diseases* 20(10):1716-1718.

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- Village Farms Project FEIR, Davis (2026; 17);
- Village Farms Project DEIR, Davis (2025; 19);
- 7336 PS Solar Project DEIR, Twentynine Palms (2026; 52);
- Baker Street Warehouse Project DEIR, Lake Elsinore (2026; 55);
- Dexter Village IS/MND, Lake Elsinore (2026 ; 52);
- 83 Princess Street, California Design Review, City of Sausalito (2026; 39);
- Replies to responses to comments on Bridgehead Industrial Project DEIR, City of Oakley (2026; 49);
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- Catavina Residential Project IS/MND, Palm Desert (2025; 52);

- Menifee Business Park DEIR (2025; 43);
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- Thermal Ranch Specific Plan DEIR, County of Riverside (2025; 53);
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- Adesa Foods Project IS/MND, City of Rialto (2025; 34);
- Entrada South and Valencia Commerce Center SEIR, County of Los Angeles (2025; 61);
- Malibu Vineyards Industrial Parkway Project DREIR, City of Bakersfield (2025; 37);
- Locust Gateway Development Project DEIR, City of Rialto (2025; 41);
- FSRE Industrial Concord Project DEIR, City of Concord (2025; 34);
- Bridgehead Industrial Project DEIR, City of Oakley (2025; 40);
- San Francisco Housing Element 2022 Update FEIR Addendum (2025; 22);
- Trails at Lyons Canyon DEIR, County of Los Angeles (2025; 55);
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- Arroyo Vista Project DEIR. County of Riverside (2025; 46);
- Rubio Village Mixed-Use Project IS/MND, City of San Gabriel (2025; 64);
- Replies to responses to comments on Bickmore Warehouse IS/MND, Hesperia (2025; 4);
- Vesting Tentative Tract Map 7500 Staff Report, City of Bakersfield (2025; 10);
- Spirit Living at 55 Thomas Dr/70 Knoll Rd Design Plans, Tiburon (2025; 39);
- Cargo Solutions Truck Warehouse and Truck Stop Hesperia Project IS/MND (2025; 40);
- Fontana Master Case No. 23-0101, Conditional Use Permit No. 24-0022, and Design Review No. 23-0024 Class-32 CEQA Categorical Exemption, City of Fontana (2025; 32);
- Vesting Tentative Tract Map 7471 IS/MND, City of Bakersfield (2025; 46);
- Replies to responses to comments on Upper Westside Specific Plan DEIR, County of Sacramento (2025; 56);
- Upper Westside Specific Plan DEIR, County of Sacramento (2025; 63);
- Flat Creek Solar Project Major Renewable Energy Facility Siting Permit pursuant to Article VIII of the New York State Public Service Law, Towns of Root and Canajoharie, Montgomery County, New York (2025; 37);
- Replies to responses to comments on Dogwood Geothermal Energy Project DEIR, Imperial County (2025; 22);
- Wineville Development Project DEIR, Jurupa Valley (2025; 43);
- Desert Business Park MSD Addendum, County of Riverside (2025; 29);
- Chino Gateway Terminal Project DEIR Addendum, Chino (2025; 39);
- Mesa Verde Specific Plan DSEIR, City of Calimesa (2025; 53);
- Harvest Landing Retail Center & Business Park DEIR, City of Perris (2025; 40);
- Hive Live Project DEIR, Costa Mesa (2025; 37);
- Perris Airport Logistics Center DEIR, Perris (2025; 41);
- Vehicle-Caused Mortality of Western Snowy Plovers On Oceano Dunes State Vehicular

- Recreation Area (2025; 17);
- Dakota Warehouse Project IS/MND, Apple Valley (2025; 36);
- Delta Conveyance Project FEIR, CDFW ITP, California Department of Water Resources (2025; 45);
- Oceanside Transit Center EIR, Oceanside (2025; 41);
- Auburn Development, Ecosave III (LDP 23-02) IS/MND, Adelanto (2025; 39);
- Replies to responses to comments on Dogwood Geothermal and Solar DEIR, Imperial County (2025; 22);
- Pinyon Solar Project EA, BLM, Phoenix (2025; 63);
- Armorlite Lofts Project DEIR/FEIR, San Marcos (2025; 47);
- Ophir Road Warehouse Project DEIR, Oroville (2025; 47);
- Intex Corporate Office and Fulfillment Center Project, Long Beach (2025; 35);
- Sywest Industrial Building FEIR, Goleta (2025; 42);
- Vista Santa Domingo Warehouse Project rezone, Otay Mesa (2025; 28);
- Replies to responses to comments on Airport South Industrial Park and City Annexation DEIR, Sacramento (2025; 33);
- Flat Creek Solar Project 94-c Permit for Major Renewable Energy Facility, Montgomery County, New York (2025; 29);
- Bickmore Warehouse IS/MND, Hesperia (2025; 25);
- Replies to responses to comments on Brew Enterprises Warehouse, Perris (2025; 41);
- Nexus Hotel IS.MND, Palm Springs (2025; 33);
- Ranegras Plains Energy Center Project DEIS, Arizona (2025; 58);
- Riverside County General Plan Amendment for 350,000+ sf warehouse (2025; 31);
- Riverside County General Plan Amendment for 224,800 sf warehouse (2025; 29);
- Hageman Industrial Park DEIR, Bakersfield (2025; 42);
- Adelanto Warehouse CEQA Exemption (2025; 25);
- Tire Recycling Facility IS/MND, Adelanto (2025; 29);
- Replies to responses to comments on Sites Reservoir Application to California Water Board (2025; 41);
- Bakersfield General Plan Amendment/Zone Change No. 24-0372, Bakersfield (2025; 29);
- The Pointe Apartments CEQA Exemption, Oxnard (2025; 37);
- Mill Point Solar I Article VIII Permit for Major Renewable Energy Facility, Montgomery County, New York (2025; 36);
- Conejo Summit Project DEIR, Thousand Oaks (2025; 45);
- Replies to responses to comments on March Plaza IS/MND, Perris (2025; 5);
- March Plaza IS/MND, Perris (2024; 32);
- Replies to responses to comments on Arcadia Town Center IS/MND, Arcadia (2025; 3);
- Arcadia Town Center IS/MND, Arcadia (2024; 33);
- Westlanc Partners Hotel Project IS/MND, Lancaster (2025; 44);
- Temecula Resort and Spa Class 32 Exemption, Temecula (2025; 34);
- Briones Regional Park Staff Report, East Bay Regional Park District (2024; 63);
- Declaration regarding Havana Warehouse, Riverside County (2024; 6);
- 11623 Glenoaks Blvd (no CEQA review), City of Los Angeles (2024; 28);
- Five Point Community Offices SSEIR, Irvine (2024; 23);
- Replies to responses to comments on ENV-2022-6190-CE Categorical Exemption - Class 32,

- City of Los Angeles (2024; 17);
- ENV-2022-6190-CE Categorical Exemption - Class 32, City of Los Angeles (2024; 2);
- 380 North First Street DEIR, San Jose (2024; 21);
- Site Plan Review 23-014 IS/MND, Lancaster (2024; 29);
- Big Ranch Road Annexation Exemption, City of Napa (2024; 43);
- E&P Technology Way - Building A & B IS/MND, County of Napa (2024; 30);
- Outlaw Battery Energy Storage Project IS/MND, Kings County (2024; 26);
- Replies to responses to comments on Hills Preserve Project DEIR, Anaheim (2024; 57), and update (2024; 4);
- Replies to responses to comments on Tennessee Village Mixed-Use Project IS/MND, Redlands (2024; 26);
- Glen Annie Site (#11) in the Housing Element Update, County of Santa Barbara (2024; 61);
- Quail Meadows Apartments CEQA Exemption, Encinitas (2024; 61);
- Dogwood Geothermal and Solar DEIR, Imperial County (2024; 60);
- Hills Preserve Project DEIR, Anaheim (2024; 57), and update (2024; 14);
- Temescal Commercial Project EA/IS, County of Riverside (2024; 36);
- 11011 Torreyana Road Project SMND, Torrey Pines (2024; 42);
- Rosemount Storage Project IS/MND, Cathedral City (2024; 9);
- Town & Country Village Project DEIR, El Dorado County (2024; 40);
- Maruchan Expansion Project EIR Addendum, Irvine (2024; 30);
- American River One Project CEQA Exemption, Sacramento (2024; 35);
- Spruce & Red Oak Apartments Project Notice of Exemption Supplement Information, Rancho Cucamonga (2024; 38);
- SDG Commerce 220 Distribution Center DEIR, American Canyon (2024; 39);
- Simi Pak Industrial Project IS/MND, Simi Valley (2024; 33);
- Replies to responses to comments on 4th & Hewitt Project DEIR, Los Angeles (2024; 5);
- Replies to responses to comments on Hardt and Brier Business Park IS/MND, San Bernardino (2024; 5);
- Riverview Development Project IS/MND, Santa Clarita (2024; 37);
- Replies to responses to comments on 1360 N. Vine Street Project DEIR, Los Angeles (2024; 5);
- 1360 N. Vine Street Project DEIR, Los Angeles (2024; 29);
- Sites Reservoir Application to California Water Board (2024; 43);
- 022-221-100 Corona Drive, Pacifica (2024; 26);
- Airport South Industrial Park and City Annexation DEIR, Sacramento (2024; 53);
- Early Times Cell Tower at 12415 Fig Road IS/MND, County of Sacramento (2024; 29);
- University Community Plan, San Diego (2024; 10);
- 2720 S Willow Industrial Project IS/MND, Rialto (2024; 31);
- Elisabeth Solar Energy Project EA, Yuma Arizona (2024; 75);
- Jove Solar Energy Project DEIS, Yuma Arizona (2024; 103);
- Tennessee Village Project IS/MND, Redlands (2024; 43);
- Declaration on Whistling Ridge Energy Project Site Certification Agreement, Washington Energy Facility Site Evaluation Council (2024; 30);
- Replies to responses to comments on Dynamo Solar IS/MND, Napa (2024; 11);
- Dynamo Solar IS/MND, Napa (2024; 37);

- Shirk & Riggin Industrial Park DEIR, Visalia (2024; 37);
- Replies to responses to comments on Cal 98 Holdings IS/MND, Imperial County (2024; 10);
- Cal 98 Holdings IS/MND, Imperial County (2024; 39);
- 2nd Replies to responses to comments on Amazing 34 Distribution Center IS/MND, San Bernardino (2024; 28);
- Western States Solar Plan DPEIS, Washington D.C. (2024; 66);
- Patterson Business Center IS/MND, Perris (2024; 30);
- Replies to responses to comments on Sunset and Everett Project SCEA, Los Angeles (2024; 24);
- Sunset and Everett Project SCEA, Los Angeles (2024; 33);
- 605-613 Bridgeway, Sausalito (2024; 28);
- PBP Industrial Project IS/MND, Palmdale (2024; 35);
- Replies to responses to comments on Lockwood III Apartments IS/MND, Oxnard (2024; 19);
- Lockwood III Apartments IS/MND, Oxnard (2024; 42);
- 1169 8th Ave. Mixed-use Development City Posting, San Diego (2024; 16);
- 2nd Brew Enterprises Warehouse IS/MND, Perris (2024; 39);
- Replies to responses to comments on Hughes SMCC Industrial Project DEIR, San Marcos (2024; 5);
- Hughes SMCC Industrial Project DEIR, San Marcos (2024; 44);
- Harvill and Water Warehouse IS/MND, County of Riverside (2024; 41);
- Brew Enterprises Warehouse IS/MND, Perris (2024; 34);
- Garden Street Hotel Staff Report, Santa Barbara (2024; 31);
- River Walk Specific Plan DEIR, Riverbank (2024; 72);
- Woodlake Holdings Industrial Park DEIR (2024; 34);
- 2nd Quail Meadows Apartments CEQA Exemption, Encinitas (2024; 60);
- Replies to responses to comments on One Hamilton Drive Affordable Housing DEIR, Mill Valley (2024; 29);
- Glen Annie Housing Element Update, County of Santa Barbara (2024; 53);
- Replies to responses to comments on 4260 Arch North Drive Class 32 Categorical Exemption, Los Angeles (2023; 10);
- 4260 Arch North Drive Class 32 Categorical Exemption, Los Angeles (2023; 27);
- 2nd Replies to responses to comments on Rubio Village IS/MND, San Gabriel (2023; 17);
- West Foothill Development IS/MND, Upland (2023; 9);
- Costco Camarillo IS/MND (2024; 37);
- Shiloh Business Park General Plan Consistency Checklist, Windsor (2023; 25);
- Assembly and Light Industrial Building IS/MND, Grand Terrace (2024; 33);
- SMP 38, SMP 39. SMP 40 DEIR, Livermore (2023; 41);
- Summit Ridge Wind Farm second visit, The Dalles (2024; 43);
- Summit Ridge Wind Farm first visit, The Dalles (2023; 31);
- 3601 E. Mission Class 32 Categorical Exemption, Los Angeles (2023; 31);
- [Redacted] Conservation Easement, Tennessee (2023; 55);
- Hardt and Brier Business Park IS/MND, San Bernardino (2023; 32);
- Sacramento Street CEQA Exemption, San Francisco (2023; 22);
- One Hamilton Drive Affordable Housing DEIR, Mill Valley (2023; 48);

- Elmore North Geothermal site visit, Salton Sea (2023; 32);
- Morton Bay Geothermal site visit, Salton Sea (2023; 53);
- Black Rock Geothermal site visit, Salton Sea (2023; 29);
- Covelop Warehouse IS/MND, Paso Robles (2023; 39);
- Walnut Creek Flow Trail IS/MND (2023; 34);
- Replies to responses to comments on Rubio Village IS/MND, San Gabriel (2023; 15);
- Ashley Warehouse Environmental Checklist, Lathrop (2023; 38);
- Replies on 6615 Pacific Coast Highway Site Plan Review, Long Beach (2023; 12)
- Science Research Park Expansion Project EIR Addendum, San Diego (2023; 40);
- Rubio Village IS/MND, San Gabriel (2023; 14);
- Havana Investment Industrial Categorical Exemption, Jurupa Valley (2023; 22);
- New Cal Centre EIR Addendum, Kern County (2023; 39);
- 4th & Hewitt Project DEIR, Los Angeles (2023; 19);
- 4260 N Arch Drive Categorical Exemption, Los Angeles (2023; 27);
- 6700 Pacific Coast Highway Site Plan Review, Long Beach (2023; 29);
- Replies to responses to comments on 6615 Pacific Coast Highway Site Plan Review, Long Beach (2023; 12);
- 6615 Pacific Coast Highway Site Plan Review, Long Beach (2023; 34);
- Moonlight Apartments biological assessment, Encinitas (2023; 46);
- Replies to responses to comments on Modera Melrose Mixed-use DEIR, Oceanside (2023; 11);
- Modera Melrose Mixed-use DEIR, Oceanside (2023; 39);
- 550 Piercy Road Industrial IS/MND, San Jose (2023; 28);
- Living Spaces Development IS/MND, Fresno (2023; 28);
- FIND Food Bank Staff Report, Indio (2023; 19);
- Replies to responses to comments on Shadowbox Studios DEIR, Santa Clarita (2023; 35);
- Shadowbox Studios DEIR, Santa Clarita (2023; 50);
- Tulare 40 Generation Facility IS/MND, Tulare County (2023; 20);
- Garden Street Hotel Staff Report, Santa Barbara (2023; 19);
- Replies to responses to comments on 975 Manhattan Apartments Discretionary Approval, Los Angeles (2023; 10);
- 975 Manhattan Apartments Discretionary Approval, Los Angeles (2023; 12);
- 6th visit Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2023; 14);
- Coachella Airport Business Park IS/MND, Coachella (2023; 31);
- 3400 Tecate Warehouse Staff Report, Camarillo (2023; 26);
- Green Valley III Apartments DEIR, Fairfield (2023; 50);
- Pacific Specific Plan DEIR, San Marcos (2023; 55);
- Amara Bay Mixed Use Staff Report, Chula Vista (2023; 46);
- Greenlaw Partners Warehouse IS, Fresno (2023; 23);
- PODS Warehouse IS/MND, Desert Hot Springs (2023; 30);
- 6th visit Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2023; 9);
- Replies on Ormat Brawley Solar Project DEIR, Brawley (2023; 80);
- One Hamilton as part of City of Mill Valley's 2023-2031 Housing Element Update DSEIR (2023; 31);

- Second letter on Shinohara Project IS/MND, Chula Vista (2023; 22);
- 3890 Depot Road Project IS/MND, Hayward (2023; 33);
- Wellprofit Wellness Mixed-use project CEQA Exemption, Temecula (2023; 31);
- Quail Meadows Apartments CEQA Exemption, Encinitas (2023; 55);
- RCCB Fresno Distribution Center Notice of Exemption, Fresno (2022; 14);
- Stoddard Wells Industrial Project IS/MND, City of Victorville (2022; 31);
- 16454 Adelanto Road Warehouse Distribution Facility Class 32 Categorical Exemption, Adelanto (2022; 17);
- Replies on Pure Water Project – Las Virgenes-Triunfo Joint Powers Authority FPEIR, Agoura (2022; 26);
- Desert Gateway MND Addendum, Desert Hot Springs (2022; 35);
- Blue Oaks Commerce Center MND Addendum, City of Roseville (2022; 12);
- Replies on Coachillin Amendment to Specific Plan, Desert Hot Springs (2022; 24);
- Island View Mixed-Use CEQA Compliance Memo, City of Rancho Cucamonga (2022; 17);
- Prairie Station Apartments IS/MND, City of Inglewood (2022; 32);
- Golden Land Warehouse CEQA Exemption, City of Rialto (2022; 12);
- South Juarez Street Design Review, Banning (2022; 17);
- Replies on Pentair Expansion Industrial Warehouse FMND, Moorpark (2022; 13);
- 2nd Replies on Greentree FEIR, Vacaville (2022; 16);
- Replies on Temporary Outdoor Vehicle Storage FEIR, Port of Hueneme (2022; 21);
- National City-Bayfront, San Diego DEIR (2022; 56);
- Goshen Community Plan General Plan Amendment & Addendum (2022, 6);
- Primrose and Adelanto warehouse Categorical Exemption, Adelanto (2022, 14);
- TenTen Hollywood Categorical Exclusion (2022, 17);
- Waste to Hydrogen project IS/MND, Lancaster (2022, 36);
- Las Virgenes-Triunfo Pure Water Project <Agoura Hills, (2022; 43);
- Shinohara Project IS/MND, Chula Vista (2022; 30);
- Marlborough-Northgate Warehouse IS/MND, Riverside (2022; 33);
- Meyers Ave, Warehouse IS/MND, Escondido IS/MND (2022; 27);
- Northgate Industrial Park IS/MND, Sacramento (2022; 28);
- Ramona-Indian Warehouse IS/MND, Perris (2022; 44);
- Norwalk Entertainment District EIR (2022; 29);
- Breeze Luxury Apartments IS/MND, Oceanside (2022; 40);
- Paso Commons Golden Hills Commerce Center IS/MND, Paso Robles (2022; 35);
- YS Industrial Park Application, Visalia (2022; 20);
- Pentair Expansion Industrial Warehouse IS/MND, Moorpark (2022; 28);
- Salvador Solar IS/MND, Riverside (2022; 27);
- Fresno General Plan Amendment 555 IS/MND (2022; 21);
- 570 Crespi Drive IS/MND, Pacifica (2022; 40);
- Renaissance Ranch Commerce Center DEIR, Temescal Valley (2022; 53);
- Replies on Glen Ivy Senior Living IS/MND, Temescal Valley (2022; 24);
- Glen Ivy Senior Living IS/MND, Temescal Valley (2022; 46);
- FedEx Distribution Warehouse IS, Lancaster (2022; 35);
- Urban Villages EIR Addendum, San Marcos (2022; 32);

- NextEra San Ardos Solar IS/ND, San Ardo (2022; 20);
- Summit Avenue Warehouse IS/MND, Fontana (2022; 28);
- Gateway at the Oaks DEIR, Thousand Oaks (2022; 30);
- Primrose and Adelanto Warehouse CEQA Exemption, Adelanto (2022; 11);
- Fore Apartments Staff Report, Oxnard (2022; 29);
- 975 Manhattan Rd. discretionary approval, Los Angeles (2022; 12);
- Coachillin DEIR, North Palm Springs (2022; 30);
- 2740 W. Nielsen Ave Warehouse IS/MND, Fresno (2022; 25);
- Golf Center Warehouse Staff Report, Indio (2022; 26);
- Desert Peak Energy IS/MND, Palm Springs (2022; 26);
- Replies on Greentree FEIR, Vacaville (2022; 13);
- Greentree DEIR, Vacaville (2022; 31);
- Town Center DEIR, Laguna Niguel (2022; 16);
- 2nd Replies on Freedom Circle Focus Area and Greystar General Plan Amendment Project FEIR, San Jose (2022; 3);
- Corydon III CEQA Categorical Exemption, Lake Elsinore (2022; 11);
- Park Edge Apartments IS/MND, Santa Maria (2022; 30);
- Replies on UCSF New Hospital FEIR at Parnassus Heights FEIR. San Francisco (2022; 13);
- Replies on North Central Valley BESS Project IS/MND, Stockton (2022; 21);
- 9248 Holly Road Cannabis CEQA Exemption, Adelanto (2022; 12);
- Replies on Amazing 34 Distribution Center IS/MND, San Bernardino (2022; 10);
- Amazing 34 Distribution Center IS/MND, San Bernardino (2022; 28);
- Replies on Freedom Circle Focus Area and Greystar General Plan Amendment Project FEIR, San Jose (2022; 5);
- Replies on Alviso Hotel Project IS/MND, San Jose (2022; 49);
- Bussetto Foods IS/ND, Fresno (2022; 34);
- Spruce Ave Commerce Center, Rialto (2022;);
- 5006 and 5010 Mission Boulevard Warehouse IS/MND, Montclair (2022; 18);
- Conejo Summit IS/MND, Thousand Oaks (2022; 28);
- Sixth visit, Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2022; 4);
- TC NO. CAL. Development Warehousing and Distribution Facility Project DEIR, Stockton (2022; 33);
- Replies on Davidon Homes FEIR, Petaluma (2022; 49);
- Rural preservation and net conservation benefit coalition reply to post hearing briefs, Garnet Solar (2022; 24);
- Garnet Solar direct testimony, New York (2022; 17);
- Fifth visit, Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2022; 11);
- Shirk & Riggin Industrial Park Application, Visalia (2022; 22);
- Duarte Industrial Application, Visalia (2022; 17);
- Amond World Cold Storage Warehouse IS/MND, Madera (2022; 23);
- Replies on Schulte Logistics Centre EIR, Tracy (2022; 28);
- Alta Cuvee Mixed Use Project Recirculated IS/MND, Ranch Cucamonga (2022; 8);
- Fourth visit, Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2022; 9);
- Replies on 1242 20th Street Wellness Center Project FEIR, Santa Monica (2022; 5);

- 656 South San Vicente Medical Office Project EIR, Los Angeles (2022; 21);
- UCSF New Hospital at Parnassus Heights DEIR. San Francisco (2022; 40);
- DPR-21-021 Warehouse IS, Modesto (2022; 19);
- Ormat Brawley Solar Project DEIR, Brawley (2022; 37);
- Site visits to Heber 1 Geothermal Repower Project IS/MND (2022; 31);
- Heritage Industrial Center Design Review, Chula Vista (2022; 13);
- Temporary Outdoor Vehicle Storage DEIR, Port of Hueneme (2022; 31);
- CNU Medical Center and Innovation Park DEIR, Natomas (2022; 35);
- Beverly Boulevard Warehouse IS/MND, Pico Rivera (2021; 28);
- Hagemon Properties IS/MND Amendment, Bakersfield (2022; 23);
- Airport Distribution Center IS/MND, Redding (2021; 22);
- Orchard on Nevada Warehouse Staff Report, Redlands (2021; 24);
- Landings Logistics Center Exemption, Bakersfield (2021; 19);
- Replies on Hearn Veterans Village IS/MND, Santa Rosa (2021; 22);
- North Central Valley BESS Project IS/MND, Stockton (2021; 39);
- 2nd Replies on Heber 1 Geothermal Repower Project IS/MND (2022; 21);
- Stagecoach Solar DEIR, Barstow (2021; 24);
- Updated Sun Lakes Village North EIR Amendment 5, Banning, Riverside County (2021; 35);
- Freedom Circle Focus Area and Greystar General Plan Amendment Project EIR, San Jose (2021; 43);
- Operon HKI Warehouse IS/MND, Perris (2021; 26);
- Fairway Business Park Phase III IS/MND, Lake Elsinore (2021; 23);
- South Stockton Commerce Center IS/MND, Stockton (2021; 31);
- Starpoint Warehouse IS/MND, San Bernardino (2021; 24);
- Replies on Heber 1 Geothermal Repower Project IS/MND (2021; 15);
- Heber 1 Geothermal Repower Project IS/MND (2021; 11);
- Alviso Hotel Project IS/MND, San Jose (2021; 43);
- Replies on Easton Research Park West IS/MND, Rancho Cordova (2021; 3);
- Easton Research Park West IS/MND, Rancho Cordova (2021; 31);
- US Cold Storage DEIR, Hesperia (2021; 30);
- 1242 20th Street Wellness Center Project FEIR, Santa Monica (2021; 23);
- Third visit, Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2021; 10);
- Roseland Creek Community Park Project IS/MND, Santa Rosa (2021; 23);
- Vista Mar Declaration of Irreparable Harm, Pacifica (2021; 3);
- LogistiCenter at Fairfield IS/MND (2021; 25);
- Alta Cuvee Mixed Use Project IS/MND, Ranch Cucamonga (2021; 29);
- Caligrows Architectural and Site Plan Review, Patterson (2021; 21);
- 1055 E. Sandhill Avenue Warehouse IS/MND, Carson (2021; 10);
- Chestnut & Tenth Street Commercial Project IS/MND, Gilroy (2021; 27);
- Libitzky Management Warehouse IS/MND, Modesto (2021; 20);
- 3rd Replies on Heber 2 Geothermal Repower Project IS/MND, El Centro (2021; 10);
- Medical Office Building DEIR, Santa Cruz (2021; 30);
- Scannell Warehouse DEIR, Richmond (2021; 24);
- Diamond Heights Application, San Francisco (2021; 24);

- Costa Azul Mixed-Use EIR Addendum, San Diego (2021; 25);
- Woodland Research Park DEIR (2021; 45);
- 2nd Replies on Diamond Street Industrial IS/MND, San Marcos (2021; 9);
- Replies on Diamond Street Industrial IS/MND, San Marcos (2021; 3);
- Diamond Street Industrial IS/MND, San Marcos (2021; 28);
- DHS 109 Industrial Park IS/MND, Desert Hot Springs (2021; 33);
- Jersey Industrial Complex Rancho Cucamonga (2022; 22);
- 1188 Champions Drive Parking Garage Staff Report, San Jose (2021; 5);
- San Pedro Mountain, Pacifica (2021; 22);
- Pixior Warehouse IS/MND, Hesperia (2021; 29);
- 2nd Replies on Heber 2 Geothermal Repower Project IS/MND, El Centro (2021; 9);
- Hearn Veterans Village IS/MND, Santa Rosa (2021; 23);
- Second visit, Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2021; 11);
- Replies on Station East Residential/Mixed Use EIR, Union City (2021; 26);
- Schulte Logistics Centre EIR, Tracy (2021; 30);
- 4150 Point Eden Way Industrial Development EIR, Hayward (2021; 13);
- Airport Business Centre IS/MND, Manteca (2021; 27);
- Dual-branded Hotel IS/MND, Santa Clara (2021; 26);
- Legacy Highlands Specific Plan EIR, Beaumont (2021; 47);
- UC Berkeley LRDP and Housing Projects #1 and #2 EIR (2021; 27);
- Santa Maria Airport Business Park EIR, Santa Maria (2021; 27);
- Replies on Coachella Valley Arena EIR Addendum, Thousand Palms (2021; 20);
- Coachella Valley Arena EIR Addendum, Thousand Palms (2021; 35);
- Inland Harbor Warehouse NOD, Ontario (2021; 8);
- Alvarado Specific Plan DEIR, La Mesa (2021; 35);
- Harvill Avenue and Rider Street Terminal Project MND, Riverside (2021; 23);
- Gillespie Field EIR Addendum, El Cajon (2021; 28);
- Heritage Wind Energy Project section 94-c siting process, New York (2021: 99);
- Commercial Street Hotels project Site Plans, Oakland (2021; 19);
- Heber 1 Geothermal Repower Project MND, El Centro (2021; 11);
- Citrus-Slover Warehouse Project MND, Fontana (2021; 20);
- Scott Ranch Project RDEIR (Davidon Homes), Petaluma (2021; 31);
- Replies on StratosFuel Renewable H2 Project MND, Victorville (2021; 5);
- StratosFuel Renewable H2 Project MND, Victorville (2021; 25);
- Replies on PARS Global Storage MND, Murietta (2021; 22);
- Baldwin-Zacharias Master Plans EIR, Patterson (2021; 38);
- 1000 Gibraltar Drive EIR, Milpitas (2021; 20);
- Mango Avenue Industrial Warehouse Project, Fontana, MND (2021; 20);
- Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2021; 25);
- Replies on UCSF Comprehensive Parnassus Heights Plan EIR (2021; 13);
- 14 Charles Hill Circle Design Review (2021; 11);
- SDG Commerce 217 Warehouse IS, American Canyon (2021; 26);
- Mulqueoney Ranch Wind Repowering Project DSEIR (2021; 98);
- Clawiter Road Industrial Project IS/MND, Hayward (2021; 18);

- Garnet Energy Center Stipulations, New York (2020);
- Heritage Wind Energy Project, New York (2020: 71);
- Ameresco Keller Canyon RNG Project IS/MND, Martinez (2020; 11);
- Cambria Hotel Project Staff Report, Dublin (2020; 19);
- Central Pointe Mixed-Use Staff Report, Santa Ana (2020; 20);
- Oak Valley Town Center EIR Addendum, Calimesa (2020; 23);
- Coachillin Specific Plan MND Amendment, Desert Hot Springs (2020; 26);
- Stockton Avenue Hotel and Condominiums Project Tiering to EIR, San Jose (2020; 19);
- Cityline Sub-block 3 South Staff Report, Sunnyvale (2020; 22);
- Station East Residential/Mixed Use EIR, Union City (2020; 21);
- Multi-Sport Complex & Southeast Industrial Annexation Suppl. EIR, Elk Grove (2020; 24);
- Sun Lakes Village North EIR Amendment 5, Banning, Riverside County (2020; 27);
- 2nd comments on 1296 Lawrence Station Road, Sunnyvale (2020; 4);
- 1296 Lawrence Station Road, Sunnyvale (2020; 16);
- Mesa Wind Project EA, Desert Hot Springs (2020; 31);
- 11th Street Development Project IS/MND, City of Upland (2020; 17);
- Vista Mar Project IS/MND, Pacifica (2020; 17);
- Emerson Creek Wind Project Application, Ohio (2020; 64);
- Replies on Wister Solar Energy Facility EIR, Imperial County (2020; 12);
- Wister Solar Energy Facility EIR, Imperial County (2020; 28);
- Crimson Solar EIS/EIR, Mojave Desert (2020, 35) not submitted;
- Sakioka Farms EIR tiering, Oxnard (2020; 14);
- 3440 Wilshire Project IS/MND, Los Angeles (2020; 19);
- Replies on 2400 Barranca Office Development Project EIR, Irvine (2020; 8);
- 2400 Barranca Office Development Project EIR, Irvine (2020; 25);
- Replies on Heber 2 Geothermal Repower Project IS/MND, El Centro (2020; 4);
- 2nd comments on Heber 2 Geothermal Repower Project IS/MND, El Centro (2020; 8);
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- Lots 4-12 Oddstad Way Project IS/MND, Pacifica (2020; 16);
- Declaration on DDG Visalia Warehouse project (2020; 5);
- Terraces of Lafayette EIR Addendum (2020; 24);
- AMG Industrial Annex IS/MND, Los Banos (2020; 15);
- Replies to responses to comments on responses on Casmalia and Linden Warehouse, Rialto (2020; 15);
- Clover Project MND, Petaluma (2020; 27);
- Ruby Street Apartments Project Env. Checklist, Hayward (2020; 20);
- Replies to responses to comments on responses on 3721 Mt. Diablo Boulevard Staff Report (2020; 5);
- 3721 Mt. Diablo Boulevard Staff Report (2020; 9);
- Steeno Warehouse IS/MND, Hesperia (2020; 19);
- UCSF Comprehensive Parnassus Heights Plan EIR (2020; 24);
- North Pointe Business Center MND, Fresno (2020; 14);
- Casmalia and Linden Warehouse IS, Fontana (2020; 15);
- Rubidoux Commerce Center Project IS/MND, Jurupa Valley (2020; 27);

- Haun and Holland Mixed Use Center MND, Menifee (2020; 23);
- First Industrial Logistics Center II, Moreno Valley IS/MND (2020; 23);
- GLP Store Warehouse Project Staff Report (2020; 15);
- Replies on Beale WAPA Interconnection Project EA & CEQA checklist (2020; 29);
- 2nd comments on Beale WAPA Interconnection Project EA & CEQA checklist (2020; 34);
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- Levine-Fricke Softball Field Improvement Addendum, UC Berkeley (2020; 16);
- Greenlaw Partners Warehouse and Distribution Center Staff Report, Palmdale (2020; 14);
- Humboldt Wind Energy Project DEIR (2019; 25);
- Sand Hill Supplemental EIR, Altamont Pass (2019; 17);
- 1700 Dell Avenue Office Project, Campbell (2019, 28);
- 1180 Main Street Office Project MND, Redwood City (2019; 19);
- Summit Ridge Wind Farm Request for Amendment 4, Oregon (2019; 46);
- Shafter Warehouse Staff Report (2019; 4);
- Park & Broadway Design Review, San Diego (2019; 19);
- Pinnacle Pacific Heights Design Review, San Diego (2019; 19);
- Pinnacle Park & C Design Review, San Diego (2019; 19);
- Preserve at Torrey Highlands EIR, San Diego (2019; 24);
- Santana West Project EIR Addendum, San Jose (2019; 18);
- The Ranch at Eastvale EIR Addendum, Riverside County (2020; 19);
- Hageman Warehouse IS/MND, Bakersfield (2019; 13);
- Oakley Logistics Center EIR, Antioch (2019; 22);
- 27 South First Street IS, San Jose (2019; 23);
- 2nd replies on Times Mirror Square Project EIR, Los Angeles (2020; 11);
- Replies on Times Mirror Square Project EIR, Los Angeles (2020; 13);
- Times Mirror Square Project EIR, Los Angeles (2019; 18);
- East Monte Vista & Aviator General Plan Amend EIR Addendum, Vacaville (2019; 22);
- Hillcrest LRDP EIR, La Jolla (2019; 36);
- 555 Portola Road CUP, Portola Valley (2019; 11);
- Johnson Drive Economic Development Zone SEIR, Pleasanton (2019; 27);
- 1750 Broadway Project CEQA Exemption, Oakland (2019; 19);
- Mor Furniture Project MND, Murietta Hot Springs (2019; 27);
- Harbor View Project EIR, Redwood City (2019; 26);
- Visalia Logistics Center (2019; 13);
- Cordelia Industrial Buildings MND (2019; 14);
- Scheu Distribution Center IS/ND, Rancho Cucamonga (2019; 13);
- Mills Park Center Staff Report, San Bruno (2019; 22);
- Site visit to Desert Highway Farms IS/MND, Imperial County (2019; 9);
- Desert Highway Farms IS/MND, Imperial County (2019; 12);
- ExxonMobil Interim Trucking for Santa Ynez Unit Restart SEIR, Santa Barbara (2019; 9);
- Olympic Holdings Inland Center Warehouse Project MND, Rancho Cucamonga (2019; 14);
- Replies to responses to comments on responses on Lawrence Equipment Industrial Warehouse, Banning (2019; 19);
- PARS Global Storage MND, Murietta (2019; 13);

- Slover Warehouse EIR Addendum, Fontana (2019; 16);
- Seefried Warehouse Project IS/MND, Lathrop (2019; 19)
- World Logistics Center Site Visit, Moreno Valley (2019; 19);
- Merced Landfill Gas-To-Energy Project IS/MND (2019; 12);
- West Village Expansion FEIR, UC Davis (2019; 11);
- Site visit, Doheny Ocean Desalination EIR, Dana Point (2019; 11);
- Replies to responses to comments on responses on Avalon West Valley Expansion EIR, San Jose (2019; 10);
- Avalon West Valley Expansion EIR, San Jose (2019; 22);
- Sunroad – Otay 50 EIR Addendum, San Diego (2019; 26);
- Del Rey Pointe Residential Project IS/MND, Los Angeles (2019; 34);
- 1 AMD Redevelopment EIR, Sunnyvale (2019; 22);
- Lawrence Equipment Industrial Warehouse IS/MND, Banning (2019; 14);
- SDG Commerce 330 Warehouse IS, American Canyon (2019; 21);
- PAMA Business Center IS/MND, Moreno Valley (2019; 23);
- Cupertino Village Hotel IS (2019; 24);
- Lake House IS/ND, Lodi (2019; 33);
- Campo Wind Project DEIS, San Diego County (DEIS, (2019; 14);
- Stirling Warehouse MND site visit, Victorville (2019; 7);
- Green Valley II Mixed-Use Project EIR, Fairfield (2019; 36);
- We Be Jammin rezone MND, Fresno (2019; 14);
- Gray Whale Cove Pedestrian Crossing IS/ND, Pacifica (2019; 7);
- Visalia Logistics Center & DDG 697V Staff Report (2019; 9);
- Mather South Community Masterplan Project EIR (2019; 35);
- Del Hombre Apartments EIR, Walnut Creek (2019; 23);
- Otay Ranch Planning Area 12 EIR Addendum, Chula Vista (2019; 21);
- The Retreat at Sacramento IS/MND (2019; 26);
- Site visit to Sunroad – Centrum 6 EIR Addendum, San Diego (2019; 9);
- Sunroad – Centrum 6 EIR Addendum, San Diego (2018; 22);
- North First and Brokaw Corporate Campus Buildings EIR Addendum, San Jose (2018; 30);
- South Lake Solar IS, Fresno County (2018; 18);
- Galloo Island Wind Project Application, New York (not submitted) (2018; 44);
- Doheny Ocean Desalination EIR, Dana Point (2018; 15);
- Stirling Warehouse MND, Victorville (2018; 18);
- LDK Warehouse MND, Vacaville (2018; 30);
- Gateway Crossings FEIR, Santa Clara (2018; 23);
- South Hayward Development IS/MND (2018; 9);
- CBU Specific Plan Amendment, Riverside (2018; 27);
- 2nd Replies to responses to comments on responses on Dove Hill Road Assisted Living Project MND (2018; 11);
- Replies to responses to comments on responses on Dove Hill Road Assisted Living Project MND (2018; 7);
- Dove Hill Road Assisted Living Project MND (2018; 12);
- Deer Ridge/Shadow Lakes Golf Course EIR, Brentwood (2018; 21);

- Pyramid Asphalt BLM Finding of No Significance, Imperial County (2018; 22);
- Amáre Apartments IS/MND, Martinez (2018; 15);
- Petaluma Hill Road Cannabis MND, Santa Rosa (2018; 21);
- 2nd comments on Zeiss Innovation Center IS/MND, Dublin (2018: 12);
- Zeiss Innovation Center IS/MND, Dublin (2018: 32);
- City of Hope Campus Plan EIR, Duarte (2018; 21);
- Palo Verde Center IS/MND, Blythe (2018; 14);
- Logisticcenter at Vacaville MND (2018; 24);
- IKEA Retail Center SEIR, Dublin (2018; 17);
- Merge 56 EIR, San Diego (2018; 15);
- Natomas Crossroads Quad B Office Project P18-014 EIR, Sacramento (2018; 12);
- 2900 Harbor Bay Parkway Staff Report, Alameda (2018; 30);
- At Dublin EIR, Dublin (2018; 25);
- Fresno Industrial Rezone Amendment Application No. 3807 IS (2018; 10);
- Nova Business Park IS/MND, Napa (2018; 18);
- Updated Collision Risk Model Priors for Estimating Eagle Fatalities, USFWS (2018; 57);
- 750 Marlborough Avenue Warehouse MND, Riverside (2018; 14);
- Replies to responses to comments on responses on San Bernardino Logistics Center IS (2018; 12);
- San Bernardino Logistics Center IS (2018; 19);
- CUP2017-16, Costco IS/MND, Clovis (2018; 11);
- Desert Land Ventures Specific Plan EIR, Desert Hot Springs (2018; 18);
- Ventura Hilton IS/MND (2018; 30);
- North of California Street Master Plan Project IS, Mountain View (2018: 11);
- Tamarind Warehouse MND, Fontana (2018; 16);
- Lathrop Gateway Business Park EIR Addendum (2018; 23);
- Centerpointe Commerce Center IS, Moreno Valley (2019; 18);
- Amazon Warehouse Notice of Exemption, Bakersfield (2018; 13);
- CenterPoint Building 3 project Staff Report, Manteca (2018; 23);
- Cessna & Aviator Warehouse IS/MND, Vacaville (2018; 24);
- Napa Airport Corporate Center EIR, American Canyon (2018, 15);
- 800 Opal Warehouse Initial Study, Mentone, San Bernardino County (2018; 18);
- 2695 W. Winton Ave Industrial Project IS, Hayward (2018; 22);
- Trinity Cannabis Cultivation and Manufacturing Facility DEIR, Calexico (2018; 15);
- Shoe Palace Expansion IS/MND, Morgan Hill (2018; 21);
- Newark Warehouse at Morton Salt Plant Staff Report (2018; 15);
- Northlake Specific Plan FEIR “Peer Review”, Los Angeles County (2018; 9);
- Replies to responses to comments on responses on Northlake Specific Plan SEIR, Los Angeles County (2018; 13);
- Northlake Specific Plan SEIR, Los Angeles County (2017; 27);
- Bogle Wind Turbine DEIR, east Yolo County (2017; 48);
- Ferrante Apartments IS/MND, Los Angeles (2017; 14);
- The Villages of Lakeview EIR, Riverside (2017; 28);
- Data Needed for Assessing Trail Management Impacts on Northern Spotted Owl, Marin

- County (2017; 5);
- Notes on Proposed Study Options for Trail Impacts on Northern Spotted Owl (2017; 4);
- Pyramid Asphalt IS, Imperial County (Declaration) (2017; 5);
- San Gorgonio Crossings EIR, Riverside County (2017; 22);
- Replies to responses to comments on responses on Jupiter Project IS and MND, Apple Valley (2017; 12);
- Proposed World Logistics Center Mitigation Measures, Moreno Valley (2017, 2019; 12);
- MacArthur Transit Village Project Modified 2016 CEQA Analysis (2017; 12);
- PG&E Company Bay Area Operations and Maintenance HCP (2017; 45);
- Central SoMa Plan DEIR (2017; 14);
- Suggested mitigation for trail impacts on northern spotted owl, Marin County (2016; 5);
- Colony Commerce Center Specific Plan DEIR, Ontario (2016; 16);
- Fairway Trails Improvements MND, Marin County (2016; 13);
- Review of Avian-Solar Science Plan (2016; 28);
- Replies on Pyramid Asphalt IS, Imperial County (2016; 5);
- Pyramid Asphalt IS, Imperial County (2016; 4);
- Agua Mansa Distribution Warehouse Project Initial Study (2016; 14);
- Santa Anita Warehouse MND, Rancho Cucamonga (2016; 12);
- CapRock Distribution Center III DEIR, Rialto (2016: 12);
- Orange Show Logistics Center IS/MND, San Bernardino (2016; 9);
- City of Palmdale Oasis Medical Village Project IS/MND (2016; 7);
- Comments on proposed rule for incidental eagle take, USFWS (2016, 49);
- Replies on Grapevine Specific and Community Plan FEIR, Kern County (2016; 25);
- Grapevine Specific and Community Plan DEIR, Kern County (2016; 15);
- Clinton County Zoning Ordinance for Wind Turbine siting (2016);
- Hallmark at Shenandoah Warehouse Project Initial Study, San Bernardino (2016; 6);
- Tri-City Industrial Complex Initial Study, San Bernardino (2016; 5);
- Hidden Canyon Industrial Park Plot Plan 16-PP-02, Beaumont (2016; 12);
- Kimball Business Park DEIR (2016; 10);
- Jupiter Project IS and MND, Apple Valley, San Bernardino County (2016; 9);
- Revised Draft Giant Garter Snake Recovery Plan of 2015 (2016, 18);
- Palo Verde Mesa Solar Project EIR, Blythe (2016; 27);
- Reply on Fairview Wind Project Natural Heritage Assessment, Ontario, Canada (2016; 14);
- Fairview Wind Project Natural Heritage Assessment, Ontario, Canada (2016; 41);
- Reply on Amherst Island Wind Farm Natural Heritage Assessment, Ontario (2015, 38);
- Amherst Island Wind Farm Natural Heritage Assessment, Ontario (2015, 31);
- Second Reply on White Pines Wind Farm, Ontario (2015, 6);
- Reply on White Pines Wind Farm Natural Heritage Assessment, Ontario (2015, 10);
- White Pines Wind Farm Natural Heritage Assessment, Ontario (2015, 9);
- Proposed Section 24 Specific Plan Agua Caliente Band of Cahuilla Indians DEIS (2015, 9);
- Replies on 24 Specific Plan Agua Caliente Band of Cahuilla Indians FEIS (2015, 6);
- Sierra Lakes Commerce Center Project DEIR, Fontana (2015, 9);
- Columbia Business Center MND, Riverside (2015; 8);
- West Valley Logistics Center Specific Plan DEIR, Fontana (2015, 10);

- Willow Springs Solar Photovoltaic Project DEIR (2015, 28);
- Alameda Creek Bridge Replacement Project DEIR (2015, 10);
- World Logistic Center Specific Plan FEIR, Moreno Valley (2015, 12);
- Elkhorn Valley Wind Power Project Impacts, Oregon (2015; 143);
- Bay Delta Conservation Plan EIR/EIS, Sacramento (2014, 21);
- Addison Wind Energy Project DEIR, Mojave (2014, 32);
- Replies on the Addison Wind Energy Project DEIR, Mojave (2014, 15);
- Addison and Rising Tree Wind Energy Project FEIR, Mojave (2014, 12);
- Palen Solar Electric Generating System FSA (CEC), Blythe (2014, 20);
- Rebuttal testimony on Palen Solar Energy Generating System (2014, 9);
- Seven Mile Hill and Glenrock/Rolling Hills impacts + Addendum, Wyoming (2014; 105);
- Rising Tree Wind Energy Project DEIR, Mojave (2014, 32);
- Replies on the Rising Tree Wind Energy Project DEIR, Mojave (2014, 15);
- Soitec Solar Development Project PEIR, Boulevard, San Diego County (2014, 18);
- Oakland Zoo expansion on Alameda whipsnake and California red-legged frog (2014; 3);
- Alta East Wind Energy Project FEIS, Tehachapi Pass (2013, 23);
- Blythe Solar Power Project Staff Assessment, California Energy Commission (2013, 16);
- Clearwater and Yakima Solar Projects DEIR, Kern County (2013, 9);
- West Antelope Solar Energy Project IS/MND, Antelope Valley (2013, 18);
- Cuyama Solar Project DEIR, Carrizo Plain (2014, 19);
- Desert Renewable Energy Conservation Plan (DRECP) EIR/EIS (2015, 49);
- Kingbird Solar Photovoltaic Project EIR, Kern County (2013, 19);
- Lucerne Valley Solar Project IS/MND, San Bernardino County (2013, 12);
- Tule Wind project FEIR/FEIS (Declaration) (2013; 31);
- Sunlight Partners LANDPRO Solar Project MND (2013; 11);
- Declaration in opposition to BLM fracking (2013; 5);
- Blythe Energy Project (solar) CEC Staff Assessment (2013;16);
- Rosamond Solar Project EIR Addendum, Kern County (2013; 13);
- Pioneer Green Solar Project EIR, Bakersfield (2013; 13);
- Replies on Soccer Center Solar Project MND (2013; 6);
- Soccer Center Solar Project MND, Lancaster (2013; 10);
- Plainview Solar Works MND, Lancaster (2013; 10);
- Alamo Solar Project MND, Mojave Desert (2013; 15);
- Replies on Imperial Valley Solar Company 2 Project (2013; 10);
- Imperial Valley Solar Company 2 Project (2013; 13);
- FRV Orion Solar Project DEIR, Kern County (PP12232) (2013; 9);
- Casa Diablo IV Geothermal Development Project (2013; 6);
- Reply on Casa Diablo IV Geothermal Development Project (2013; 8);
- Alta East Wind Project FEIS, Tehachapi Pass (2013; 23);
- Metropolitan Air Park DEIR, City of San Diego (2013;);
- Davidon Homes Tentative Subdivision Rezoning Project DEIR, Petaluma (2013; 9);
- Oakland Zoo Expansion Impacts on Alameda Whipsnake (2013; 10);
- Campo Verde Solar project FEIR, Imperial Valley (2013; 11pp);
- Neg Dec comments on Davis Sewer Trunk Rehabilitation (2013; 8);

- North Steens Transmission Line FEIS, Oregon (Declaration) (2012; 62);
- Summer Solar and Springtime Solar Projects IS/MND Lancaster (2012; 8);
- J&J Ranch, 24 Adobe Lane Environmental Review, Orinda (2012; 14);
- Replies on Hudson Ranch Power II Geothermal Project and Simbol Calipatria Plant II (2012; 8);
- Hudson Ranch Power II Geothermal Project and Simbol Calipatria Plant II (2012; 9);
- Desert Harvest Solar Project EIS, near Joshua Tree (2012; 15);
- Solar Gen 2 Array Project DEIR, El Centro (2012; 16);
- Ocotillo Sol Project EIS, Imperial Valley (2012; 4);
- Beacon Photovoltaic Project DEIR, Kern County (2012; 5);
- Butte Water District 2012 Water Transfer Program IS/MND (2012; 11);
- Mount Signal and Calexico Solar Farm Projects DEIR (2011; 16);
- City of Elk Grove Sphere of Influence EIR (2011; 28);
- Sutter Landing Park Solar Photovoltaic Project MND, Sacramento (2011; 9);
- Rabik/Gudath Project, 22611 Coleman Valley Road, Bodega Bay (CPN 10-0002) (2011; 4);
- Ivanpah Solar Electric Generating System (ISEGS) (Declaration) (2011; 9);
- Draft Eagle Conservation Plan Guidance, USFWS (2011; 13);
- Niles Canyon Safety Improvement Project EIR/EA (2011; 16);
- Route 84 Safety Improvement Project (Declaration) (2011; 7);
- Rebuttal on Whistling Ridge Wind Energy Power DEIS, Skamania County, (2010; 6);
- Whistling Ridge Wind Energy Power DEIS, Skamania County, Washington (2010; 41);
- Klickitat County's Decisions on Windy Flats West Wind Energy Project (2010; 17);
- St. John's Church Project DEIR, Orinda (2010; 14);
- Results Radio Zone File #2009-001 IS/MND, Conaway site, Davis (2010; 20);
- Rio del Oro Specific Plan Project FEIR, Rancho Cordova (2010;12);
- Results Radio Zone File #2009-001, Mace Blvd site, Davis (2009; 10);
- Answers to Questions on 33% RPS Implementation Analysis Preliminary Results Report (2009; 9);
- SEPA Determination of Non-significance regarding zoning adjustments for Skamania County, Washington (Second Declaration) (2008; 17);
- Draft 1A Summary Report to CAISO (2008; 10);
- Hilton Manor Project Categorical Exemption, County of Placer (2009; 9);
- Protest of CARE to Amendment to the Power Purchase and Sale Agreement for Procurement of Eligible Renewable Energy Resources Between Hatchet Ridge Wind LLC and PG&E (2009; 3);
- Tehachapi Renewable Transmission Project EIR/EIS (2009; 142);
- Delta Shores Project EIR, south Sacramento (2009; 11 + addendum 2);
- Declaration in Support of Care's Petition to Modify D.07-09-040 (2008; 3);
- The Public Utility Commission's Implementation Analysis December 16 Workshop for the Governor's Executive Order S-14-08 to implement a 33% Renewable Portfolio Standard by 2020 (2008; 9);
- The Public Utility Commission's Implementation Analysis Draft Work Plan for the Governor's Executive Order S-14-08 to implement a 33% Renewable Portfolio Standard by 2020 (2008; 11);
- Draft 1A Summary Report to California Independent System Operator for Planning Reserve

- Margins (PRM) Study (2008; 7.);
- SEPA Determination of Non-significance regarding zoning adjustments for Skamania County, Washington (Declaration) (2008; 16);
- Colusa Generating Station, California Energy Commission PSA (2007; 24);
- Rio del Oro Specific Plan Project Recirculated DEIR, Mather (2008; 66);
- Replies on Regional University Specific Plan EIR, Roseville (2008; 20);
- Regional University Specific Plan EIR, Roseville (2008; 33);
- Clark Precast, LLC's "Sugarland" project, ND, Woodland (2008; 15);
- Cape Wind Project DEIS, Nantucket (2008; 157);
- Yuba Highlands Specific Plan EIR, Spenceville, Yuba County (2006; 37);
- Replies to responses to comments on responses on North Table Mountain MND, Butte County (2006; 5);
- North Table Mountain MND, Butte County (2006; 15);
- Windy Point Wind Farm EIS (2006; 14 and Powerpoint slide replies);
- Shiloh I Wind Power Project EIR, Rio Vista (2005; 18);
- Buena Vista Wind Energy Project NOP, Byron (2004; 15);
- Callahan Estates Subdivision ND, Winters (2004; 11);
- Winters Highlands Subdivision IS/ND (2004; 9);
- Winters Highlands Subdivision IS/ND (2004; 13);
- Creekside Highlands Project, Tract 7270 ND (2004; 21);
- Petition to California Fish and Game Commission to list Burrowing Owl (2003; 10);
- Altamont Pass Wind Resource Area CUP renewals, Alameda County (2003; 41);
- UC Davis Long Range Development Plan: Neighborhood Master Plan (2003; 23);
- Anderson Marketplace Draft Environmental Impact Report (2003; 18);
- Negative Declaration of the proposed expansion of Temple B'nai Tikyah (2003; 6);
- Antonio Mountain Ranch Specific Plan Public Draft EIR (2002; 23);
- Replies on East Altamont Energy Center evidentiary hearing (2002; 9);
- Revised Draft Environmental Impact Report, The Promenade (2002; 7);
- Recirculated Initial Study for Calpine's proposed Pajaro Valley Energy Center (2002; 3);
- UC Merced -- Declaration (2002; 5);
- Replies on Atwood Ranch Unit III Subdivision FEIR (2003; 22);
- Atwood Ranch Unit III Subdivision EIR (2002; 19);
- California Energy Commission Staff Report on GWF Tracy Peaker Project (2002; 20);
- Silver Bend Apartments IS/MND, Placer County (2002; 13);
- UC Merced Long-range Development Plan DEIR and UC Merced Community Plan DEIR (2001; 26);
- Colusa County Power Plant IS, Maxwell (2001; 6);
- Dog Park at Catlin Park, Folsom, California (2001; 5);
- Calpine and Bechtel Corporations' Biological Resources Implementation and Monitoring Program (BRMIMP) for the Metcalf Energy Center (2000; 10);
- Metcalf Energy Center, California Energy Commission FSA (2000);
- US Fish and Wildlife Service Section 7 consultation with the California Energy Commission regarding Calpine and Bechtel Corporations' Metcalf Energy Center (2000; 4);
- California Energy Commission's Preliminary Staff Assessment of the proposed Metcalf Energy Center (2000; 11);

- Site-specific management plans for the Natomas Basin Conservancy's mitigation lands, prepared by Wildlands, Inc. (2000: 7);
- Affidavit of K. Shawn Smallwood in Spirit of the Sage Council, et al. (Plaintiffs) vs. Bruce Babbitt, Secretary, U.S. Department of the Interior, et al. (Defendants), Injuries caused by the No Surprises policy and final rule which codifies that policy (1999: 9).
- California Board of Forestry's proposed amended Forest Practices Rules (1999);
- Sunset Sky ranch Airport Use Permit IS/MND (1999);
- Ballona West Bluffs Project Environmental Impact Report (1999; oral presentation);
- Draft Recovery Plan for Giant Garter Snake (Fed. Reg. 64(176): 49497-49498) (1999; 8);
- Draft Recovery Plan for Arroyo Southwestern Toad (1998);
- Pacific Lumber Co. (Headwaters) HCP & EIR, Fortuna (1998; 28);
- Natomas Basin HCP Permit Amendment, Sacramento (1998);
- San Diego Multi-Species Conservation Program FEIS/FEIR (1997; 10);

Volunteer comments on other Environmental Review Documents:

- Proposed Regulation for California Fish and Game Code Section 3503.5 (2015: 12);
- Statement of Overriding Considerations related to extending Altamont Winds, Inc.'s Conditional Use Permit PLN2014-00028 (2015; 8);
- Covell Village PEIR, Davis (2005; 19);
- Bureau of Land Management Wind Energy Programmatic EIS Scoping (2003; 7.);
- NEPA Environmental Analysis for Biosafety Level 4 National Biocontainment Laboratory (NBL) at UC Davis (2003: 7);
- Notice of Preparation of UC Merced Community and Area Plan EIR, on behalf of The Wildlife Society—Western Section (2001: 8.);
- Preliminary Draft Yolo County Habitat Conservation Plan (2001; 2 letters totaling 35.);
- Merced County General Plan Revision, notice of Negative Declaration (2001: 2.);
- Notice of Preparation of Campus Parkway EIR/EIS (2001: 7.);
- Draft Recovery Plan for the bighorn sheep in the Peninsular Range (*Ovis candensis*) (2000);
- Draft Recovery Plan for the California Red-legged Frog (*Rana aurora draytonii*), on behalf of The Wildlife Society—Western Section (2000: 10.);
- Sierra Nevada Forest Plan Amendment Draft Environmental Impact Statement, on behalf of The Wildlife Society—Western Section (2000: 7.);
- State Water Project Supplemental Water Purchase Program, Draft Program EIR (1997);
- Davis General Plan Update EIR (2000);
- Turn of the Century EIR (1999: 10);
- Proposed termination of Critical Habitat Designation under the Endangered Species Act (Fed. Reg. 64(113): 31871-31874) (1999);
- NOA Draft Addendum to the Final Handbook for Habitat Conservation Planning and Incidental Take Permitting Process, termed the HCP 5-Point Policy Plan (Fed. Reg. 64(45): 11485 - 11490) (1999; 2 + attachments);
- Covell Center Project EIR and EIR Supplement (1997).

Position Statements I prepared the following position statements for the Western Section of The Wildlife Society, and one for nearly 200 scientists:

- Recommended that the California Department of Fish and Game prioritize the extermination of the introduced southern water snake in northern California. The Wildlife Society--Western Section (2001);
- Recommended that The Wildlife Society—Western Section appoint or recommend members of the independent scientific review panel for the UC Merced environmental review process (2001);
- Opposed the siting of the University of California’s 10th campus on a sensitive vernal pool/grassland complex east of Merced. The Wildlife Society--Western Section (2000);
- Opposed the legalization of ferret ownership in California. The Wildlife Society--Western Section (2000);
- Opposed the Proposed “No Surprises,” “Safe Harbor,” and “Candidate Conservation Agreement” rules, including permit-shield protection provisions (Fed. Reg. Vol. 62, No. 103, pp. 29091-29098 and No. 113, pp. 32189-32194). This statement was signed by 188 scientists and went to the responsible federal agencies, as well as to the U.S. Senate and House of Representatives.

Posters at Professional Meetings

- Leyvas, E. and K. S. Smallwood. 2015. Rehabilitating injured animals to offset and rectify wind project impacts. Conference on Wind Energy and Wildlife Impacts, Berlin, Germany, 9-12 March 2015.
- Smallwood, K. S., J. Mount, S. Standish, E. Leyvas, D. Bell, E. Walther, B. Karas. 2015. Integrated detection trials to improve the accuracy of fatality rate estimates at wind projects. Conference on Wind Energy and Wildlife Impacts, Berlin, Germany, 9-12 March 2015.
- Smallwood, K. S. and C. G. Thelander. 2005. Lessons learned from five years of avian mortality research in the Altamont Pass WRA. AWEA conference, Denver, May 2005.
- Neher, L., L. Wilder, J. Woo, L. Spiegel, D. Yen-Nakafugi, and K.S. Smallwood. 2005. Bird’s eye view on California wind. AWEA conference, Denver, May 2005.
- Smallwood, K. S., C. G. Thelander and L. Spiegel. 2003. Toward a predictive model of avian fatalities in the Altamont Pass Wind Resource Area. Windpower 2003 Conference and Convention, Austin, Texas.
- Smallwood, K.S. and Eva Butler. 2002. Pocket Gopher Response to Yellow Star-thistle Eradication as part of Grassland Restoration at Decommissioned Mather Air Force Base, Sacramento County, California. White Mountain Research Station Open House, Barcroft Station.
- Smallwood, K.S. and Michael L. Morrison. 2002. Fresno kangaroo rat (*Dipodomys nitratooides*) Conservation Research at Resources Management Area 5, Lemoore Naval Air Station. White Mountain Research Station Open House, Barcroft Station.
- Smallwood, K.S. and E.L. Fitzhugh. 1989. Differentiating mountain lion and dog tracks. Third Mountain Lion Workshop, Prescott, AZ.
- Smith, T. R. and K. S. Smallwood. 2000. Effects of study area size, location, season, and allometry on reported Sorex shrew densities. Annual Meeting of the Western Section of The Wildlife Society.

Presentations at Professional Meetings and Seminars

Smallwood, N., and S. Smallwood. 2025. Improving methods in environmental review Part 1:

Habitat assessment of wildlife species with potential to occur on a project site. The Wildlife Society – Western Section, Visalia, California, 5 February 2025.

Smallwood, S., and N. Smallwood. 2025. Improving methods in environmental review part 2: reconnaissance surveys for characterizing the wildlife community. The Wildlife Society – Western Section, Visalia, California, 5 February 2025.

Eagle mortality at wind turbines. Wings over the Columbia Gorge. Friends of the Columbia Gorge, 4 January 2024.

Ecology and recent population trend of burrowing owls in the Altamont Pass Wind Resource Area. The Wildlife Society – Western Section Burrowing Owl Symposium, Riverside, California, 6 February 2023.

Renewable energy impacts to burrowing owls. The Wildlife Society – Western Section Burrowing Owl Symposium, Riverside, California, 7 February 2023.

Smallwood, K.S. and D.A. Bell. Long-Term Population Trend of Burrowing Owls in Vasco Caves. Via Zoom to Audubon Society, 21 October 2021.

Long-Term Population Trend of Burrowing Owls in the Altamont. Golden Gate Audubon, 21 October 2020.

Long-Term Population Trend of Burrowing Owls in the Altamont. East Bay Regional Park District 2020 Stewardship Seminar, Oakland, California, 18 November 2020.

Smallwood, K.S., D.A. Bell, and S, Standish. Dogs detect larger wind energy effects on bats and birds. The Wildlife Society, 28 September 2020.

Smallwood, K.S. and D.A. Bell. Effects of wind turbine curtailment on bird and bat fatalities in the Altamont Pass Wind Resource Area. The Wildlife Society, 28 September 2020.

Smallwood, K.S., D.A. Bell, and S, Standish. Dogs detect larger wind energy effects on bats and birds. The Wildlife Survey, 7 February 2020.

Smallwood, K.S. and D.A. Bell. Effects of wind turbine curtailment on bird and bat fatalities in the Altamont Pass Wind Resource Area. The Wildlife Survey, 7 February 2020.

Dog detections of bat and bird fatalities at wind farms in the Altamont Pass Wind Resource Area. East Bay Regional Park District 2019 Stewardship Seminar, Oakland, California, 13 November 2019.

Repowering the Altamont Pass. Altamont Symposium, The Wildlife Society – Western Section, 5 February 2017.

Developing methods to reduce bird mortality in the Altamont Pass Wind Resource Area, 1999-2007. Altamont Symposium, The Wildlife Society – Western Section, 5 February 2017.

Conservation and recovery of burrowing owls in Santa Clara Valley. Santa Clara Valley Habitat Agency, Newark, California, 3 February 2017.

Mitigation of Raptor Fatalities in the Altamont Pass Wind Resource Area. Raptor Research Foundation Meeting, Sacramento, California, 6 November 2015.

From burrows to behavior: Research and management for burrowing owls in a diverse landscape. California Burrowing Owl Consortium meeting, 24 October 2015, San Jose, California.

The Challenges of repowering. Keynote presentation at Conference on Wind Energy and Wildlife Impacts, Berlin, Germany, 10 March 2015.

Research Highlights Altamont Pass 2011-2015. Scientific Review Committee, Oakland, California, 8 July 2015.

Siting wind turbines to minimize raptor collisions: Altamont Pass Wind Resource Area. US Fish and Wildlife Service Golden Eagle Working Group, Sacramento, California, 8 January 2015.

Evaluation of nest boxes as a burrowing owl conservation strategy. Sacramento Chapter of the Western Section, The Wildlife Society. Sacramento, California, 26 August 2013.

Predicting collision hazard zones to guide repowering of the Altamont Pass. Conference on wind power and environmental impacts. Stockholm, Sweden, 5-7 February 2013.

Impacts of Wind Turbines on Wildlife. California Council for Wildlife Rehabilitators, Yosemite, California, 12 November 2012.

Impacts of Wind Turbines on Birds and Bats. Madrone Audubon Society, Santa Rosa, California, 20 February 2012.

Comparing Wind Turbine Impacts across North America. California Energy Commission Staff Workshop: Reducing the Impacts of Energy Infrastructure on Wildlife, 20 July 2011.

Siting Repowered Wind Turbines to Minimize Raptor Collisions. California Energy Commission Staff Workshop: Reducing the Impacts of Energy Infrastructure on Wildlife, 20 July 2011.

Siting Repowered Wind Turbines to Minimize Raptor Collisions. Alameda County Scientific Review Committee meeting, 17 February 2011

Comparing Wind Turbine Impacts across North America. Conference on Wind energy and Wildlife impacts, Trondheim, Norway, 3 May 2011.

Update on Wildlife Impacts in the Altamont Pass Wind Resource Area. Raptor Symposium, The Wildlife Society—Western Section, Riverside, California, February 2011.

Siting Repowered Wind Turbines to Minimize Raptor Collisions. Raptor Symposium, The Wildlife Society - Western Section, Riverside, California, February 2011.

Wildlife mortality caused by wind turbine collisions. Ecological Society of America, Pittsburgh, Pennsylvania, 6 August 2010.

Map-based repowering and reorganization of a wind farm to minimize burrowing owl fatalities. California burrowing Owl Consortium Meeting, Livermore, California, 6 February 2010.

Environmental barriers to wind power. Getting Real About Renewables: Economic and Environmental Barriers to Biofuels and Wind Energy. A symposium sponsored by the Environmental & Energy Law & Policy Journal, University of Houston Law Center, Houston, 23 February 2007.

Lessons learned about bird collisions with wind turbines in the Altamont Pass and other US wind farms. Meeting with Japan Ministry of the Environment and Japan Ministry of the Economy, Wild Bird Society of Japan, and other NGOs Tokyo, Japan, 9 November 2006.

Lessons learned about bird collisions with wind turbines in the Altamont Pass and other US wind farms. Symposium on bird collisions with wind turbines. Wild Bird Society of Japan, Tokyo, Japan, 4 November 2006.

Responses of Fresno kangaroo rats to habitat improvements in an adaptive management framework. California Society for Ecological Restoration (SERCAL) 13th Annual Conference, UC Santa Barbara, 27 October 2006.

Fatality associations as the basis for predictive models of fatalities in the Altamont Pass Wind Resource Area. EEI/APLIC/PIER Workshop, 2006 Biologist Task Force and Avian Interaction with Electric Facilities Meeting, Pleasanton, California, 28 April 2006.

Burrowing owl burrows and wind turbine collisions in the Altamont Pass Wind Resource Area. The Wildlife Society - Western Section Annual Meeting, Sacramento, California, February 8, 2006.

Mitigation at wind farms. Workshop: Understanding and resolving bird and bat impacts. American Wind Energy Association and Audubon Society. Los Angeles, CA. January 10 and 11, 2006.

Incorporating data from the California Wildlife Habitat Relationships (CWHR) system into an impact assessment tool for birds near wind farms. Shawn Smallwood, Kevin Hunting, Marcus Yee, Linda Spiegel, Monica Parisi. Workshop: Understanding and resolving bird and bat impacts. American Wind Energy Association and Audubon Society. Los Angeles, CA. January 10 and 11, 2006.

Toward indicating threats to birds by California's new wind farms. California Energy Commission, Sacramento, May 26, 2005.

Avian collisions in the Altamont Pass. California Energy Commission, Sacramento, May 26, 2005.

Ecological solutions for avian collisions with wind turbines in the Altamont Pass Wind Resource Area. EPRI Environmental Sector Council, Monterey, California, February 17, 2005.

Ecological solutions for avian collisions with wind turbines in the Altamont Pass Wind Resource

Area. The Wildlife Society—Western Section Annual Meeting, Sacramento, California, January 19, 2005.

Associations between avian fatalities and attributes of electric distribution poles in California. The Wildlife Society - Western Section Annual Meeting, Sacramento, California, January 19, 2005.

Minimizing avian mortality in the Altamont Pass Wind Resources Area. UC Davis Wind Energy Collaborative Forum, Palm Springs, California, December 14, 2004.

Selecting electric distribution poles for priority retrofitting to reduce raptor mortality. Raptor Research Foundation Meeting, Bakersfield, California, November 10, 2004.

Responses of Fresno kangaroo rats to habitat improvements in an adaptive management framework. Annual Meeting of the Society for Ecological Restoration, South Lake Tahoe, California, October 16, 2004.

Lessons learned from five years of avian mortality research at the Altamont Pass Wind Resources Area in California. The Wildlife Society Annual Meeting, Calgary, Canada, September 2004.

The ecology and impacts of power generation at Altamont Pass. Sacramento Petroleum Association, Sacramento, California, August 18, 2004.

Burrowing owl mortality in the Altamont Pass Wind Resource Area. California Burrowing Owl Consortium meeting, Hayward, California, February 7, 2004.

Burrowing owl mortality in the Altamont Pass Wind Resource Area. California Burrowing Owl Symposium, Sacramento, November 2, 2003.

Raptor Mortality at the Altamont Pass Wind Resource Area. National Wind Coordinating Committee, Washington, D.C., November 17, 2003.

Raptor Behavior at the Altamont Pass Wind Resource Area. Annual Meeting of the Raptor Research Foundation, Anchorage, Alaska, September, 2003.

Raptor Mortality at the Altamont Pass Wind Resource Area. Annual Meeting of the Raptor Research Foundation, Anchorage, Alaska, September, 2003.

California mountain lions. Ecological & Environmental Issues Seminar, Department of Biology, California State University, Sacramento, November, 2000.

Intra- and inter-turbine string comparison of fatalities to animal burrow densities at Altamont Pass. National Wind Coordinating Committee, Carmel, California, May, 2000.

Using a Geographic Positioning System (GPS) to map wildlife and habitat. Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

Suggested standards for science applied to conservation issues. Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

The indicators framework applied to ecological restoration in Yolo County, California. Society for Ecological Restoration, September 25, 1999.

Ecological restoration in the context of animal social units and their habitat areas. Society for Ecological Restoration, September 24, 1999.

Relating Indicators of Ecological Health and Integrity to Assess Risks to Sustainable Agriculture and Native Biota. International Conference on Ecosystem Health, August 16, 1999.

A crosswalk from the Endangered Species Act to the HCP Handbook and real HCPs. Southern California Edison, Co. and California Energy Commission, March 4-5, 1999.

Mountain lion track counts in California: Implications for Management. Ecological & Environmental Issues Seminar, Department of Biological Sciences, California State University, Sacramento, November 4, 1998.

“No Surprises” -- Lack of science in the HCP process. California Native Plant Society Annual Conservation Conference, The Presidio, San Francisco, September 7, 1997.

In Your Interest. A half hour weekly show aired on Channel 10 Television, Sacramento. In this episode, I served on a panel of experts discussing problems with the implementation of the Endangered Species Act. Aired August 31, 1997.

Spatial scaling of pocket gopher (*Geomys*) density. Southwestern Association of Naturalists 44th Meeting, Fayetteville, Arkansas, April 10, 1997.

Estimating prairie dog and pocket gopher burrow volume. Southwestern Association of Naturalists 44th Meeting, Fayetteville, Arkansas, April 10, 1997.

Ten years of mountain lion track survey. Fifth Mountain Lion Workshop, San Diego, February 27, 1996.

Study and interpretive design effects on mountain lion density estimates. Fifth Mountain Lion Workshop, San Diego, February 27, 1996.

Small animal control. Session moderator and speaker at the California Farm Conference, Sacramento, California, Feb. 28, 1995.

Small animal control. Ecological Farming Conference, Asyloamar, California, Jan. 28, 1995.

Habitat associations of the Swainson's Hawk in the Sacramento Valley's agricultural landscape. 1994 Raptor Research Foundation Meeting, Flagstaff, Arizona.

Alfalfa as wildlife habitat. Seed Industry Conference, Woodland, California, May 4, 1994.

Habitats and vertebrate pests: impacts and management. Managing Farmland to Bring Back Game Birds and Wildlife to the Central Valley. Yolo County Resource Conservation District, U.C. Davis,

February 19, 1994.

Management of gophers and alfalfa as wildlife habitat. Orland Alfalfa Production Meeting and Sacramento Valley Alfalfa Production Meeting, February 1 and 2, 1994.

Patterns of wildlife movement in a farming landscape. Wildlife and Fisheries Biology Seminar Series: Recent Advances in Wildlife, Fish, and Conservation Biology, U.C. Davis, Dec. 6, 1993.

Alfalfa as wildlife habitat. California Alfalfa Symposium, Fresno, California, Dec. 9, 1993.

Management of pocket gophers in Sacramento Valley alfalfa. California Alfalfa Symposium, Fresno, California, Dec. 8, 1993.

Association analysis of raptors in a farming landscape. Plenary speaker at Raptor Research Foundation Meeting, Charlotte, North Carolina, Nov. 6, 1993.

Landscape strategies for biological control and IPM. Plenary speaker, International Conference on Integrated Resource Management and Sustainable Agriculture, Beijing, China, Sept. 11, 1993.

Landscape Ecology Study of Pocket Gophers in Alfalfa. Alfalfa Field Day, U.C. Davis, July 1993.

Patterns of wildlife movement in a farming landscape. Spatial Data Analysis Colloquium, U.C. Davis, August 6, 1993.

Sound stewardship of wildlife. Veterinary Medicine Seminar: Ethics of Animal Use, U.C. Davis. May 1993.

Landscape ecology study of pocket gophers in alfalfa. Five County Grower's Meeting, Tracy, California. February 1993.

Turbulence and the community organizers: The role of invading species in ordering a turbulent system, and the factors for invasion success. Ecology Graduate Student Association Colloquium, U.C. Davis. May 1990.

Evaluation of exotic vertebrate pests. Fourteenth Vertebrate Pest Conference, Sacramento, California. March 1990.

Analytical methods for predicting success of mammal introductions to North America. The Western Section of the Wildlife Society, Hilo, Hawaii. February 1988.

A state-wide mountain lion track survey. Sacramento County Dept Parks and Recreation. April 1986.

The mountain lion in California. Davis Chapter of the Audubon Society. October 1985.

Ecology Graduate Student Seminars, U.C. Davis, 1985-1990: Social behavior of the mountain lion; Mountain lion control; Political status of the mountain lion in California.

Other forms of Participation at Professional Meetings

- Scientific Committee, Conference on Wind energy and Wildlife impacts, Berlin, Germany, March 2015.
- Scientific Committee, Conference on Wind energy and Wildlife impacts, Stockholm, Sweden, February 2013.
- Workshop co-presenter at Birds & Wind Energy Specialist Group (BAWESG) Information sharing week, Bird specialist studies for proposed wind energy facilities in South Africa, Endangered Wildlife Trust, Darling, South Africa, 3-7 October 2011.
- Scientific Committee, Conference on Wind energy and Wildlife impacts, Trondheim, Norway, 2-5 May 2011.
- Chair of Animal Damage Management Session, The Wildlife Society, Annual Meeting, Reno, Nevada, September 26, 2001.
- Chair of Technical Session: Human communities and ecosystem health: Comparing perspectives and making connection. Managing for Ecosystem Health, International Congress on Ecosystem Health, Sacramento, CA August 15-20, 1999.
- Student Awards Committee, Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.
- Student Mentor, Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

Printed Mass Media

Smallwood, K.S., D. Mooney, and M. McGuinness. 2003. We must stop the UCD biolab now. Op-Ed to the Davis Enterprise.

Smallwood, K.S. 2002. Spring Lake threatens Davis. Op-Ed to the Davis Enterprise.

Smallwood, K.S. Summer, 2001. Mitigation of habitation. The Flatlander, Davis, California.

Entrikan, R.K. and K.S. Smallwood. 2000. Measure O: Flawed law would lock in new taxes. Op-Ed to the Davis Enterprise.

Smallwood, K.S. 2000. Davis delegation lobbies Congress for Wildlife conservation. Op-Ed to the Davis Enterprise.

Smallwood, K.S. 1998. Davis Visions. The Flatlander, Davis, California.

Smallwood, K.S. 1997. Last grab for Yolo's land and water. The Flatlander, Davis, California.

Smallwood, K.S. 1997. The Yolo County HCP. Op-Ed to the Davis Enterprise.

Radio/Television

PBS News Hour,

FOX News, Energy in America: Dead Birds Unintended Consequence of Wind Power Development, August 2011.

KXJZ Capital Public Radio -- Insight (Host Jeffrey Callison). Mountain lion attacks (with guest Professor Richard Coss). 23 April 2009;

KXJZ Capital Public Radio -- Insight (Host Jeffrey Callison). Wind farm Rio Vista Renewable Power. 4 September 2008;

KQED QUEST Episode #111. Bird collisions with wind turbines. 2007;

KDVS Speaking in Tongues (host Ron Glick), Yolo County HCP: 1 hour. December 27, 2001;

KDVS Speaking in Tongues (host Ron Glick), Yolo County HCP: 1 hour. May 3, 2001;

KDVS Speaking in Tongues (host Ron Glick), Yolo County HCP: 1 hour. February 8, 2001;

KDVS Speaking in Tongues (host Ron Glick & Shawn Smallwood), California Energy Crisis: 1 hour. Jan. 25, 2001;

KDVS Speaking in Tongues (host Ron Glick), Headwaters Forest HCP: 1 hour. 1998;

Davis Cable Channel (host Gerald Heffernon), Burrowing owls in Davis: half hour. June, 2000;

Davis Cable Channel (hosted by Davis League of Women Voters), Measure O debate: 1 hour. October, 2000;

KXTV 10, In Your Interest, The Endangered Species Act: half hour. 1997.

Reviews of Journal Papers (Some scientific journals for whom I've provided peer review)

Journal	Journal
American Naturalist	Journal of Animal Ecology
Journal of Wildlife Management	Western North American Naturalist
Auk	Journal of Raptor Research
Biological Conservation	National Renewable Energy Lab reports
Canadian Journal of Zoology	Oikos
Western Birds	Journal of Caribbean Ornithology
Ecosystem Health	The Prairie Naturalist
Environmental Conservation	Restoration Ecology
Environmental Management	Southwestern Naturalist
Functional Ecology	The Wildlife Society--Western Section Trans.
Journal of Zoology (London)	Proc. Int. Congress on Managing for Ecosystem Health
Journal of Applied Ecology	Transactions in GIS
Ecology	Tropical Ecology
Wildlife Society Bulletin	Peer J
Conservation Biology	Biology Open
Western Wildlife	PLOS One
Heliyon	Global Ecology and Conservation
Wildlife Monographs	Journal for Nature Conservation
Biological Control	Ecological Solutions and Evidence

Journal	Journal
Wind Energy	Environmental and Ecological Statistics
The Condor	Ecosphere
Diversity	Renewable and Sustainable Energy Reviews
Northeastern Naturalist	

Committees

- Scientific Review Committee, Alameda County, Altamont Pass Wind Resource Area
- Ph.D. Thesis Committee, Steve Anderson, University of California, Davis
- MS Thesis Committee, Marcus Yee, California State University, Sacramento

Other Professional Activities or Products

Testified in Federal Court in Denver during 2005 over the fate of radio-nuclides in the soil at Rocky Flats Plant after exposure to burrowing animals. My clients won a judgment of \$553,000,000. I have also testified in many other cases of litigation under CEQA, NEPA, the Warren-Alquist Act, and other environmental laws. My clients won most of the cases for which I testified.

Testified before Environmental Review Tribunals in Ontario, Canada regarding proposed White Pines, Amherst Island, and Fairview Wind Energy projects.

Testified in Skamania County Hearing in 2009 on the potential impacts of zoning the County for development of wind farms and hazardous waste facilities.

Testified in deposition in 2007 in the case of O’Dell et al. vs. FPL Energy in Houston, Texas.

Testified in Klickitat County Hearing in 2006 on the potential impacts of the Windy Point Wind Farm.

Memberships in Professional Societies

- The Wildlife Society
- Raptor Research Foundation

Honors and Awards

- Fulbright Research Fellowship to Indonesia, 1987
- J.G. Boswell Full Academic Scholarship, 1981 college of choice
- Certificate of Appreciation, The Wildlife Society—Western Section, 2000, 2001
- Northern California Athletic Association Most Valuable Cross Country Runner, 1984
- American Legion Award, Corcoran High School, 1981, and John Muir Junior High, 1977
- CIF Section Champion, Cross Country in 1978
- CIF Section Champion, Track & Field 2 mile run in 1981
- National Junior Record, 20 kilometer run, 1982
- National Age Group Record, 1500 meter run, 1978

Community Activities

- District 64 Little League Umpire, 2003-2007
- Dixon Little League Umpire, 2006-07

Davis Little League Chief Umpire and Board member, 2004-2005

Davis Little League Safety Officer, 2004-2005

Davis Little League Certified Umpire, 2002-2004

Davis Little League Scorekeeper, 2002

Davis Visioning Group member

Petitioner for Writ of Mandate under the California Environmental Quality Act against City
of Woodland decision to approve the Spring Lake Specific Plan, 2002

Served on campaign committees for City Council candidates

Exhibit "F"
LSA Response to SAFER dated March 5, 2026

MEMORANDUM

DATE: March 5, 2026

TO: Liz Westmoreland, City of Newport Beach

FROM: Amber Heredia, Principal Biologist

SUBJECT: **Comment Letter from Dr. Smallwood on the 300 Newport Center Drive Condominium Project, Newport Beach, CA**

LSA is providing the following response to the comment letter from Supporters Alliance for Environmental Responsibility (SAFER) dated March 3, 2026. The letter from SAFER discusses the Project as a potential bird-strike hazard. The stated basis for this concern is that the “Project would expose birds to extensive window surfaces comprising large portions of the buildings’ facades at elevations actively used by avian species, resulting in harm to thousands of birds annually.” The letter notes that “[t]here are numerous feasible mitigation measures that can reduce impacts, such as using treated windows, adjusting outward lighting, and adjusting the orientation of buildings.”

The Project includes redevelopment of an existing developed area in an urbanized region. It is located within an existing parking lot and theater complex that is surrounded by other tall buildings along Newport Center Drive and is within an urban context. The nearest area of open space is located over 600 feet away, across an arterial roadway (Avocado Avenue). There is no native habitat within 500 feet¹ of the Project site. Only urban-tolerant wildlife species would be expected to occur on the Project site, specifically, common species that can use developed areas with landscaping.

No special status species are expected to be affected by the proposed Project due to lack of native habitat within 500 feet of the Project site. None of the species covered by the Central–Coastal Subregion of the Orange County Natural Communities Conservation Plan would be expected to occur, and therefore, would not be impacted by the Project. Dr. Smallwood states that 109 special-status bird species are documented within a 1.5-mile radius of the Project site. This radius includes Newport Back Bay Ecological Reserve, which is approximately 1 mile northwest of the Project site. Of course, special status species occur within the ecological reserve, but these species would not be expected to occur outside of natural areas. There is approximately one mile of commercial, residential, and transportation development between Newport Back Bay Ecological Reserve and the Project site, further reducing the potential for special status species that occur at the reserve to occur at the Project site.

Buildings can present a bird-strike hazard if they include reflective facades that mirror the sky and vegetation, causing birds to fly towards the reflection. The project’s design incorporates features that reduce potential for bird-window collisions. First, the project design minimizes the use of glass and

¹ Although not definitely defined, the industry standard is to include the project site plus 500 feet in the biological study area for California Environmental Quality Act documentation.

emphasizes non-reflective materials. The design deviates from the City's Objective Design Guidelines to reduce the amount of transparent glazed door and window openings. This results in a building that would not reflect the landscaping. Second, the building design also includes recessed windows, that reduce reflection and create visual distinction, highlighting the structures themselves as physical objects separate from the sky and vegetation. Also, the project minimizes planting landscaping next to glass in the lower portions of building structures to reduce this potential bird-strike hazard. The design of the Project reduces bird strike risk by minimizing the glass used in the design of the lower two floors of the building's structure. Thus, the building would not reflect the landscaping or the sky where common urban birds would be foraging and nesting in the landscaping.

As Dr. Smallwood describes in his letter, night lighting on buildings can also present a bird-strike hazard to migrating birds. The Project site is located within the Pacific Flyway, near the coastline; birds are expected to migrate over the area, even over inhospitable habitat (i.e., developed areas). However, a major radar-based BirdCast² analysis found that migratory birds in the western United States (Washington, Oregon, and California) typically migrate at about 2,600 feet above the ground on average, with many flights reaching 5,000–6,000 feet in altitude during fall migration. The link that Dr. Smallwood provided for the BirdCast Migratory Dashboard³ provides an average migration altitude for Orange County as 1,600 feet. Dr. Smallwood states in his letter that the average altitude of migration is 1,100 feet. The Project proposes two structures that would be approximately 270 feet high, which is considerably lower than the typical migration altitude. Additionally, the project does not propose any high-intensity light sources that could be considered a beacon that would attract birds. Further, the proposed design does not include exterior lighting on the top of the buildings. The only night lighting of the top portion of the structure would be from interior lighting shining through the windows. As discussed above, the project design includes balconies outside each unit; therefore, most of the windows that would be lit at night would be inset within the structure at the interior of the balcony.

The Project would construct buildings similar to the tall structures along Newport Center Drive. It would not present a new type of development that is not currently present on or adjacent to the Project site. The design of the Project is consistent with the Design Standards required by the City of Newport Beach, and the development proposed in the Newport Beach General Plan Environmental Impact Report. Also, bird-window collisions occur at buildings of any height and are not particular to high-rise buildings. Because low rise buildings often reflect the surrounding environment (landscaping and other greenery), low rise building also contribute to bird-window collisions. Therefore, the project is not unique or different from the housing projects analyzed in the General Plan Environmental Impact Report and would not present a site-specific impact on biological resources that was not already addressed in the General Plan.

² New BirdCast Analysis Shows How High Migrating Birds Fly | Living Bird | All About Birds

³ Orange County, California - Migration Dashboard - BirdCast

Exhibit "G"
Objective Design Standards Checklist



Objective Design Standards Checklist

Community Development Department
 Planning Division
 100 Civic Center Drive / P.O. Box 1768 / Newport Beach, CA 92658-8915
 (949) 644-3204
www.newportbeachca.gov

Name of applicant: Related California Residential, LLC

Date: January 22, 2026

Project Address: 300 Newport Center Drive, Newport Beach, CA 92660

Project Application # (City staff to fill out) PA2025-0102

Development Type:

- Multi Family Unit Residential
- Mixed Use Development

Project Site Context (check all that apply)

- Situated adjacent to existing residential development
- Situated next to existing commercial development
- Situated adjacent to designated historical structure
- Other _____

20.48.185 Objective Design Standards Checklist Items	Applicant Evaluation			Staff Evaluation			
	Yes	No	N/A	Yes	No	N/A	Drawing Reference
A. General Standards							
1: Multi-unit development orientation							
a. Development color scheme (8+ buildings)			✓			✓	
b. Development color scheme (30+ buildings)			✓			✓	
c. Pedestrian walkways and linkages	✓	✓		✓			L0.02
d. Architectural variety and features				✓			
e. Structured parking visibility	✓			✓			A2.01 - A2.04
f. Corner lot loading docks/service areas	✓			✓			A1.01 & A1.02
g. Parking facility entrances	✓			✓			A1.01 & A1.02
2: Mixed-use buildings orientation							
a. Commercial unit entrances	✓			✓			A1.01-2,L0.02
b. Residential unit entrances	✓			✓			A1.02
B. Orientation							
1. Orientation to primary public street	✓			✓			A1.00-.02,L0.02
2: Screening of parking areas	✓			✓			L0.05,A2.01-.04

20.48.185 Objective Design Standards Checklist Items	Applicant Evaluation			Staff Evaluation			Drawing Reference
	Yes	No	N/A	Yes	No	N/A	
3: Multi-unit projects across from single-family		✓				✓	A0.10
4: Building arrangement for outdoor space	✓			✓			L0.01
C. Parking Standards							
1: Parking compliance with NBMC 20.40.070							
a. Parking lot placement			✓			✓	
b. Landscaped area			✓			✓	
2: Residential garages							
a. Street facing garage door							
i. Consistent garage and building architecture	✓					✓	A2.01 - A2.04
ii. Arbor or other similar feature	✓					✓	A2.01 - A2.04
3: Parking structures and loading bays							
a. Shielding of parked vehicles	✓			✓			A2.01 - A2.04
b. Minimize blank concrete facades	✓			✓			A2.01 - A2.04
D. Common Open Space (C.O.S)							
1: Common recreation area requirement	✓			✓			A0.10
2: Residential entry distance from C.O.S.	✓			✓			A1.03 & A1.04
3: Pedestrian walkway connection points	✓			✓			L0.02
4: Open space location	✓			✓			L0.01
5: Usable open space grade	✓			✓			A1.03 & A1.04
6: Seating and lighting	✓			✓			L0.01
E. Recreation Activities							
1: Play area location and visibility			✓			✓	
2: Senior housing areas of congregation			✓			✓	
3: Recreational amenities per unit count	✓			✓			A1.03-04,L0.01
F. Landscaping							
1: Min. 8% of total site landscaped	✓			✓			L0.03
2: Landscaping materials							
a. Ground cover	✓			✓			L0.03
b. Nonliving decorative landscaping	✓			✓			L0.01
c. Turf areas for recreation	✓			✓			L0.03
3: Landscaping and irrigation	✓			✓			L0.03

20.48.185 Objective Design Standards Checklist Items	Applicant Evaluation			Staff Evaluation			
	Yes	No	N/A	Yes	No	N/A	Drawing Reference
G. Frontage Types and standards							
1: Storefronts							
a. Ground floor elevation location	✓			✓			A1.02
b. Entrance using one of given methods	✓			✓			A1.02, A4.02, A4.03
c. Windows and/or glass doors coverage		✓			✓		
d. Upper floor facade window coverage		✓			✓		
e. Floor to floor height (15 ft)	✓			✓			A1.02 & A1.03
f. Awnings or marquees min/max height			✓	✓			
2: Live work/office fronts							
a. Ground floor elevation location			✓			✓	
b. Entrance for ground floor tenant			✓			✓	
c. Entrance for upper floor tenants			✓			✓	
d. Ground floor facade coverage			✓			✓	
e. Upper-level facade coverage			✓			✓	
f. Ground floor to ceiling height			✓			✓	
g. Awnings or marquees min/max height			✓			✓	
h. Setbacks			✓			✓	
3: Residential fronts							
a. Ground floor elevation							
i. Garage length of building facade	✓					✓	A2.02 & A2.03
ii. Entrance for ground floor tenants			✓			✓	
iii. Entrance for upper-floor tenants	✓			✓			A1.02
iv. Ground and upper floor facade coverage	✓			✓			A2.01 - A2.04
v. Setbacks	✓			✓			A1.00, L0.03
H. Walls and Fences							
1: Community perimeter and theme walls							
			✓			✓	
2: Wall materials							
			✓			✓	
3: Wall style conformance with architecture							
			✓			✓	
4: Exterior perimeter wall depth							
			✓			✓	
I. Utilities							
1: Utility locations and placement							
	✓			✓			C.04
2: Mechanical equipment screening (if needed)							
			✓			✓	

20.48.185 Objective Design Standards Checklist Items	Applicant Evaluation			Staff Evaluation			Drawing Reference
	Yes	No	N/A	Yes	No	N/A	
3: Utility rooms (if feasible) for certain equipment	✓			✓			A1.01 - A1.03
a. If not feasible, incorporated into design							
J. Private Street Standards							
1: Private street right-of-way width							
a. Without on-street parallel parking (41 ft)			✓			✓	
b. With on-street parallel parking (50 ft)			✓			✓	
2: Private street zones							
a. Street zone (SZ) design standards			✓			✓	
b. Sidewalk zone(SWZ) design standards			✓			✓	
c. Landscaping and paving zone (LPZ) design standards			✓			✓	
K. Private Driveway Zones							
1: Private driveway right-of-way (dimensions)	✓			✓			A1.00, A1.02
2: Driveway zones							
a. Driveway zone (DZ)			✓	✓			L0.01
b. Landscape and paving zone (LPZ)			✓			✓	L0.03
L. Publicly Accessible Open Space (PAOS) Standards							
1: Required PAOS	✓			✓			L0.03
2: Site area calculations	✓			✓			L0.03
3: PAOS Design Standards							
a. PAOS minimum width	✓			✓			L0.03
b. PAOS access	✓			✓			L0.03
M. Façade Modulation Standards							
1: Density and building typology	✓			✓			A0.10
N. Vertical Modulation							
1: Components							
a. Base	✓			✓			A2.01 - A2.04
b. Middle	✓			✓			A2.01 - A2.04
c. Top	✓			✓			A2.01 - A2.04
2: Changes in facade material and/or color							
a. Banding	✓			✓			A2.01 - A2.04
b. Floor heights	✓			✓			A3.01
c. Fenestration	✓			✓			A2.01 - A2.04
d. Cladding material		✓		✓			

20.48.185 Objective Design Standards Checklist Items	Applicant Evaluation			Staff Evaluation			
	Yes	No	N/A	Yes	No	N/A	Drawing Reference
3. Additional vertical modulation standards							
a. First floor height							
i. Density less than 30 units/acre			✓			✓	
ii. Density greater than 30 units/acre (residential only)	✓			✓			A3.01
iii. Density greater than 30 units/acre (commercial units on ground floor)	✓			✓			A3.01
b. Vertical variation							
i. Density less than 30 units/acre			✓			✓	
ii. Density greater than 30 units/acre	✓			✓			A2.01 - A2.04
O. Horizontal Modulation							
1: Building standards for developments with density of less than 30 units/acre							
a. Maximum building length			✓			✓	
b. Required minimum modulation area			✓			✓	
c. Minimum depth			✓			✓	
d. Maximum number			✓			✓	
2: Building standards for developments with density of 30 units/acre or greater							
a. Maximum facade length			✓			✓	
b. Required minimum modulation area			✓				?
c. Minimum depth			✓				?
d. Minimum width			✓		✓		?
e. Maximum number			✓	✓			?
P. First Floor Opening and Transparency Standards							
1: Building standards for development with density less than 30 units/acre							
a. Minimum opening standard			✓			✓	
2: Building standards for development with density of 30 units/acre or more							
a. Minimum opening standard							
i. For any at-grade or above-grade first floor unit fronting a street or paseo	✓			✓			A2.01 - A2.04
ii. For any mixed-use multi-unit building with a first-floor commercial use fronting a street, courtyard, or paseo		✓		✓			
Q. First Floor Entry Standards							
1: Individual residential unit entrances							
a. Residential front door standards							
i. Minimum entry sidewalk width			✓			✓	
ii. Entry stoop, terrace and patio area			✓			✓	

20.48.185 Objective Design Standards Checklist Items	Applicant Evaluation			Staff Evaluation			
	Yes	No	N/A	Yes	No	N/A	Drawing Reference
2: Lobby Entrances							
a. Location standards and accessibility	✓			✓			
i. Sidewalk entry width	✓			✓			L0.02,A1.02
ii. Entry landing area	✓			✓			L0.20
iii. Prohibited primary entries		✓			✓		

Exhibit "H"
**Parking Analysis and Parking Management Plan prepared by Gibson Transportation
Consulting, Inc. dated January 29, 2026**



TECHNICAL MEMORANDUM

TO: Kevin Riley, P.E., T.E.
Transportation Manager/City Traffic Engineer
Public Works Department
City of Newport Beach

FROM: Jonathan Chambers, P.E.

DATE: January 29, 2026

RE: Parking Analysis for the
300 Newport Center Drive Project
Newport Beach, California

Ref: J2181

Gibson Transportation Consulting, Inc. prepared a parking analysis for the 300 Newport Center Drive Project (Project) located at 300 Newport Center Drive (Project Site) in the City of Newport Beach (City). This memorandum summarizes the parking supply and demand for the Project and includes a calculation of the parking requirement according to the Newport Beach Municipal Code (Code). The analysis results justify a reduction in the parking requirement in accordance with Code Section 20.40.110(B), which requires the approval of a Conditional Use Permit (CUP) and preparation of a parking management plan (PMP).

PROJECT DESCRIPTION

The Project would develop 150 residential condominium units with 11 resident offices comprising approximately 9,450 net square feet (sf) (18,060 gross¹ sf) and a 1,950 sf corner café. The café is expected to be open from approximately 7 AM to 3 PM on weekdays, with a reduced schedule on weekends. It would serve coffee, refreshments, and light meals and snacks, with staffing based on demand.

The project would consist of two 22-story towers connected by a three-story podium containing the lobby, parking garage, building support, and amenity spaces. It would provide 343 parking spaces for residents and visitors. Vehicular access would be provided at the existing Project Site driveway on Newport Center Drive connecting to a motor court. There would also be service access from San Miguel Drive and through an adjacent surface parking lot to the south. The Project Site plan is shown in Figure 1.

The Project would remove the existing uses at the Project Site, including a movie theater (Regal Edwards Big Newport, with approximately 1,143 seats and six screens, encompassing 73,892 sf of floor area) and a 6,400 sf Pilates studio.

¹ The gross total includes access corridors and vertical circulation, which is not leased area.

The Project Site is located in the Newport Center area, a mixed-use commercial district. The Fashion Island shopping center, with many surface and structured parking spaces, is directly across Newport Center Drive. A medical office plaza, with many more surface and structured parking spaces, is directly across San Miguel Drive to the northeast. There is more surface parking adjacent to the Project Site serving the other commercial uses which would remain. All this parking is free of charge and uncontrolled at the access points.

CITY PARKING REQUIREMENTS

The City identifies general off-street parking requirements for the Project's proposed land uses in Code Section 20.40. However, the Project Site is located in a Housing Opportunity Overlay Zoning District and, thus, the residential units are subject to alternative (reduced) parking requirements identified in Code Section 20.28.050. Parking requirements for the resident office space and café are unaffected by this zoning district.

Table 1 summarizes the Code parking rates and associated requirements for the Project. As shown, the Project is required to provide 331 spaces for the residential use (including resident and visitor parking) and 389 spaces overall (i.e., 58 spaces for the commercial uses), assuming that full Code parking requirements were applied to the resident offices and the café.

Allowed Reduction of Required Parking

Code Section 20.40.110(B) allows residential and non-residential parking requirements to be reduced through the approval of a CUP under the following conditions:

1. The Project applicant provides sufficient information to demonstrate that parking demand will be less than the parking requirement or there is nearby parking available.
2. A PMP is prepared in compliance with Code Section 20.40.110(C).

As demonstrated below, the Project meets both of these conditions.

PARKING SUPPLY AND DEMAND

As discussed above, the Project proposes to provide 343 parking spaces, which exceeds the Code requirement of 331 spaces for the residential use, including 45 spaces for visitors. It does not propose providing Code-required parking for the resident offices or the café. However, there are numerous reasons that (a) the incremental parking demand for those uses would be far lower than the Code rates would suggest, and (b) there is ample available parking supply in the area to meet the needs of the Project, as required for a reduced parking requirement under Code Section 20.40.110(B). Further, the provision of a reduced parking supply would help support the City's goals and policies for transformation of the Newport Center area into a pedestrian-oriented district.

Low Parking Demand

The resident offices would only be available to be leased to Project residents. They are anticipated to be used as work-from-home office space or studio / workshop spaces. Residents occupying these offices would not generate additional parking demand. The café would be located on the corner of Newport Center Drive & San Miguel Drive, directly adjacent to the public sidewalk and a proposed public square. Much of its visitation would come from foot traffic, as well as from Project residents, thereby generating low parking demand.

Additionally, the location of the Project Site lends itself to the use of non-automobile trips. It is located in a mixed-use commercial district with foot traffic from the shopping center, medical office plaza, and other commercial uses nearby. The area provides good pedestrian infrastructure in the form of wide sidewalks with landscaped parkways buffering pedestrians from the street. There is also strong bicycle connectivity to surrounding residential areas in the form of bicycle lanes on many of the streets leading to Newport Center Drive (including on San Miguel Drive) and wide striped buffers between the curb and travel lanes on Newport Center Drive itself. The Project would provide on-site bicycle parking, facilitating visits by bicycle, including short-term bicycle parking adjacent to the café. Additionally, multiple bus routes operated by Orange County Transportation Authority stop on Newport Center Drive directly across the street from the Project Site.

Therefore, the characteristics of the Project's proposed commercial uses and the Project's location suggest there would be substantially lower parking demand than Code requirements for typical office and café uses.

Available Parking Supply

The Project proposes to provide 12 spaces above the Code requirement for residential parking. Café staff members and any non-resident office employees would be allowed to park at the Project Site in these additional spaces. Additionally, the Code-required parking for the Project's residential units includes 45 spaces to be reserved for visitors. Because the resident offices are only allowed to be leased to residents, any visitors to these offices could be considered guests of residents and could thus park in on-site visitor parking.

Additionally, there are thousands of parking spaces serving Fashion Island, the medical office plaza, and the commercial uses adjacent to the Project Site, all within short walking distances of the café and resident office spaces. Many visits to the Project Site are likely to be made by people already visiting those surrounding uses, who could park once and visit multiple destinations. As a result, there is no shortage of available parking to serve the small commercial demand the Project may generate.

Parking Management Plan

Approval of a reduced parking requirement requires the preparation of a PMP in accordance with Code Section 20.40.110(C). A PMP was prepared by the Applicant and is provided in the Attachment. As described therein, the Project parking would be for residents and their guests and would include self-parking and valet parking options.

CONSISTENCY WITH CITY GOALS AND POLICIES

The City's General Plan identifies various goals and policies that support the provision of a reduced parking supply at the Project Site. Policy Land Use (LU) 3.3, Opportunities for Change, identifies Newport Center as an area for development of a mix of uses, including residential, to provide jobs and services in close proximity to housing. Page 3-97 of the General Plan provides an overview of General Plan policies for Newport Center: "emphasis is placed on the improvement of the area's pedestrian character by improving connectivity among the 'superblocks,' installing streetscape amenities, and concentrating buildings along Newport Center Drive and pedestrian walkways and public spaces." LU 6.14.5 and LU 6.14.6 encourage development that fronts Newport Center Drive and improves pedestrian access and connections to encourage pedestrian activity.

Similarly, the concentration and diversity of land uses around the Project Site helps support City goals related to reduction of trips and vehicle miles traveled (park once and walk to multiple uses), safety (reducing vehicular trip-making), and land use efficiency (not providing too much parking). Policy Circulation Element 8.1.11, Parking Requirements for Pedestrian-Oriented and Local-Serving Uses, suggests "[revising] parking requirements for small-scale neighborhood-serving commercial uses in areas that derive most of their trade from walk-in business, especially where on-street or other public parking is available." The Project's proposed commercial uses fit the definition of "small-scale neighborhood-serving commercial uses," and the City's goal is to develop Newport Center into an area with high pedestrian connectivity. Therefore, the Project, and the proposed reduced parking supply, aligns with these policies.

CONCLUSION

The Project proposes 150 residential units along with resident office space and a public-facing café in an area designated by the General Plan for encouraging more pedestrian connectivity and a mix of land uses to put jobs, services, and housing in close proximity. It proposes providing more parking (343 spaces) than required by Code (331 spaces) for the residential uses. These additional spaces could be used by café and non-resident office employees, and office visitors could park in Project visitor parking as guests of resident office lessees.

The Project meets the criteria for a reduced parking supply through the approval of a CUP under Code Section 20.40.110(B). The resident office space and café would generate substantially less parking demand than the 58 spaces Code would require for standard office and restaurant space. Many of the visits to the resident office space and café would be by pedestrians or bicyclists or by people already parked in one of the many alternative parking options in the immediate vicinity.



Source: Robert A.M. Stern Architects, October 2025.

PROJECT SITE PLAN

FIGURE
1

**TABLE 1
NEWPORT BEACH MUNICIPAL CODE PARKING REQUIREMENTS**

Land Use	Parking Ratio [a]	Units or Size	Required Parking
<i>Residential</i> [b]			
2 Bedroom Units	1.8 spaces per unit	70 units	126
3+ Bedroom Units	2.0 spaces per unit	80 units	160
Visitor Parking	0.3 spaces per unit	150 units	45
<i>Residential Subtotal</i>			331
<i>Office</i>	1 space per 250 net sf	9,450 net sf	38
<i>Café</i>	1 per 100 sf	1,950 sf	20
<i>Commercial Subtotal</i>			58
Total Parking Requirement			389

Notes:

sf = square feet.

[a] Pursuant to Newport Beach Municipal Code Sections 20.40, except as noted.

[b] Parking requirements for the residential units are found in Newport Beach Municipal Code Section 20.28.050 for projects within a Housing Opportunity Overlay Zoning District.

Attachment
Parking Management Plan

**PARKING MANAGEMENT PLAN FOR
300 NEWPORT CENTER DRIVE
NEWPORT BEACH, CA**

NOVEMBER 5, 2025

RELATED CALIFORNIA

11601 WILSHIRE BLVD, SUITE 2020

LOS ANGELES, CA 90025

Proposed Project

The proposed project consists of 150 residences located in two twenty-two story towers connected by a podium. It is located in Newport Center, in the City of Newport Beach, California. As shown in Figure 1, the project site will have an access driveway from Newport Center Drive. The main access driveway will be guard-gated entry for the residents and visitors. Secondary loading entrances will be in the rear of the podium. Loading Entrance #1 will access the Lower Level via a parking lot which has access off Anacapa Drive and is intended for deliveries, moving trucks, and service vehicles intended for Tower A. Loading Entrances #2 and #3 will access the Ground Level via a parking lot which has access off San Miguel Drive. Loading Entrance #2 and is primarily intended for trash removal while Loading Entrance #3 is intended for deliveries, moving trucks, and service vehicles intended for Tower B.

Gate Operations

Main Arrival Gate

The Main arrival area is designed with two entry lanes. This entry will have a guard house and privacy rolling gates. The guard house will be staffed with 24 hours a day, 7 days a week security. All guests will be required to use the lane leading to the right of the guard house for verification of identity and authorization to enter the site. A turn-around area is located directly behind the guard house and in advance of the entry gate which provides for vehicles which are not cleared to enter the community. The residents will be able to bypass the guard house and enter the site by activating the gate with a transponder. The proposed entry with the turn-around area in advance of the gates will facilitate an efficient traffic flow to avoid any queuing onto Newport Center Drive. Guard staff shall monitor vehicular queue and prohibit vehicles from queuing onto Newport Center Drive.

Loading Entrances

Access to the loading entrances will have roll-up security gates and be regulated by the on-site management staff. Service deliveries and trash service will be scheduled through the property management office and personnel will be present at the gates to accommodate and monitor the entry and exit at the gate. The loading entrances will also serve as the delivery locations for moving trucks, furniture delivery, fedex, UPS, and emergency services. For emergency services, at least one of the loading entrances will be designed in conjunction with the fire department to accommodate adequate access to the building in the case of emergency.

Parking

Per The City of Newport Beach Municipal Code, Section 20.28.050(D)(3), Table 2-17, 286 parking stalls are required for the 150 residential units. Additionally, 45 stalls are required for visitor parking. The total number of required parking stalls is 331.

The project is providing 343 total stalls.

The resident and visitor spaces are located within a partially subterranean three-level podium under the residential towers. This parking facility will include 164 spaces in a tandem configuration and 181 single spaces. The proposed parking facility will include the required ADA Accessible and ADA Van Accessible spaces as required by the applicable codes. Further information detailing the location of resident parking, guest parking, employee parking and ADA parking is provided in Figures 2-4.

Pursuant to the City requirements, all residences will be assigned two spaces. Residents will be given the option of self-parking their vehicles or utilizing the valet. The exact amount of self-parking for the residents is not known at this time and will be based on demand. The project has estimated 199 spaces of the residential parking spaces for self-parking. Staff parking will also be self parked. The remaining 131 spaces will be valet parked and will be available for residents and visitors alike.

The garage entrance located prior to the gate and under Tower A will be for self-parking staff and residents only. The garage entrance located off of the motor court and under Tower B will be for self-parking residents and the valet.

Bicycle parking will be provided at the café space at the corner of Newport Center Drive and San Miguel Drive.

Parking Operations and Management, Valet Operations Procedures and Staffing for 300 Newport Center Drive, Newport Beach

Overview Parking Plan

The project is proposed to be parked by a combination of valet parking and self-parking by residents and staff. The exact amount of self-parked spaces will be based on the demand of the residents and is not known at this time.

All residents will be required to register their vehicles with the building management office. All resident vehicles will be issued clearly identifiable window stickers for quick identification by the management and security personnel.

Residents and visitors arriving at the site will be greeted by a full time (24 hours a day, 7 days a week) valet service upon arrival at drop off, which is adjacent to the lobby entrance at the motor court. Residents choosing to self-park will proceed into the garage to their assigned space. Visitors and residents choosing the valet service will leave their vehicle at the motor court. Once visitors are past the gate, additional signage will alert them to continue to the valet stand. Valet staff can also accommodate the arriving guests and visitors with disabilities or guide them to the ADA parking stalls in the parking garage located within the parking garage. Additional details on the Valet parking operation are provided below.

Employee Parking

Employees will park onsite and will access to the garage via the entrance located under Tower A. Employees are required to park in designated spaces in the on-site garage on the lower level.

Motor Court / Valet Drop Off Design

The Motor Court / Valet Drop Off is located outside of the lobby of the building. The motor court is designed with enough width for a large SUV to bypass an idle vehicle. There is also ample room for the staging of cars in case the valet stand needs to temporarily stage a vehicle to help another resident or guest.

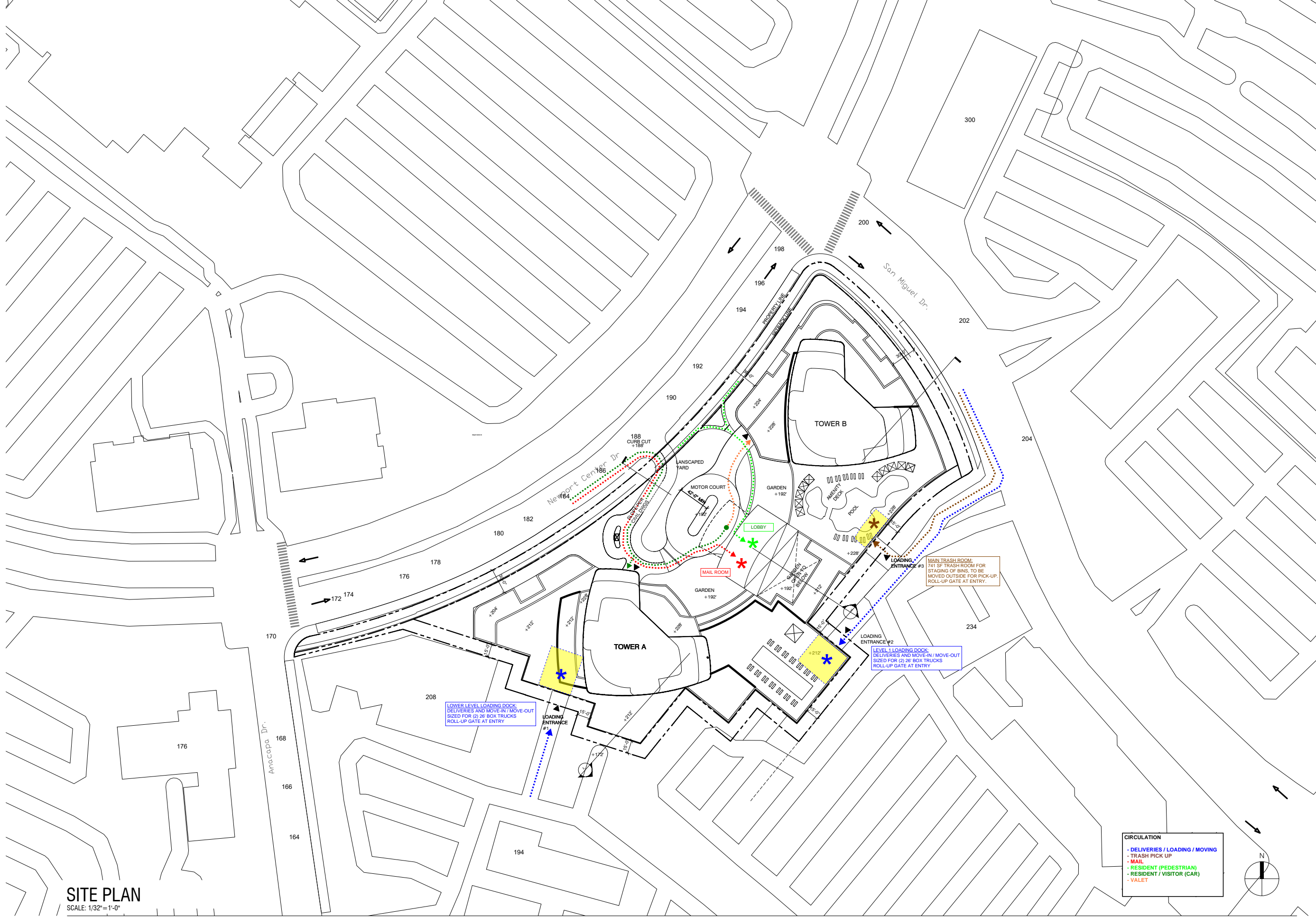
Valet Plan Details

Arrival

- All valet arrivals will take place at the drop off location adjacent to the lobby in the motor court.
- Cars can be temporarily parked in a car staging area at the motor court if the valet staff is busy.
- Additionally, the motor court geometry allows for cars to maneuver around idle cars in the event the valet is busy.
- The 300 Newport Center Drive staff will be trained to recognize the residents of the building and their vehicles.
- The staff shall assist guests with opening vehicle door and welcoming them home.
- If the valet does not recognize the visitor, they are instructed to ask the guest who they are visiting for their first and last name.
- Staff shall complete valet tickets with guest's first and last name, vehicle make, model, color and license plate information (state and plate number).
- Staff shall hand guest valet claim ticket, point out the call down extension and Text Number as options for retrieval and explain vehicles cannot be released without the claim ticket. Secure vehicle keys to key tag portion of the valet ticket, also marked with guest's first and last name and vehicle information.
- Secure keys on valet's carabiner until keys can be locked in secured key room.
- Complete detailed damage check on the valet ticket.
- Scan the ticket into the system, recording guest's arrival date and time, entering the same information as entered on the valet ticket - Guest's first and last name, vehicle make, model, color, license plate information and damage check.
- Escort guest to concierge associate who will escort the guest to the resident who they are visiting.
- Park guest's vehicle in designated parking location. Some of these spaces may be tandem.

Departure

- All valet departures will take place at the lobby entrance in the motor court of 300 Newport Center Drive.
- Guest and Residents may utilize the call down extension or the Text Number to alert valet of their departure.
- Valet warmly greets the guest upon arrival to the valet and ask how their stay was using the guest's last name at least twice.
- If guest did not utilize the call down or text options, valet will take valet claim ticket from guest to retrieve vehicle. Retrieval time at this residences is estimated at five (5) minutes or less.
- Valet will use the service staircase of building to return to the appropriate garage level to retrieve the resident's car.
- Upon returning to the valet, where guest is waiting for their vehicle, valet will park the vehicle, turn the vehicle off, and take the keys out of the ignition.



SITE PLAN
SCALE: 1/32"=1'-0"



SITE DEVELOPMENT REVIEW






300 NCD CONDOMINIUMS
300 NEWPORT CENTER DRIVE
NEWPORT BEACH, CA

FIGURE 1 - CIRCULATION PLAN

CIRCULATION

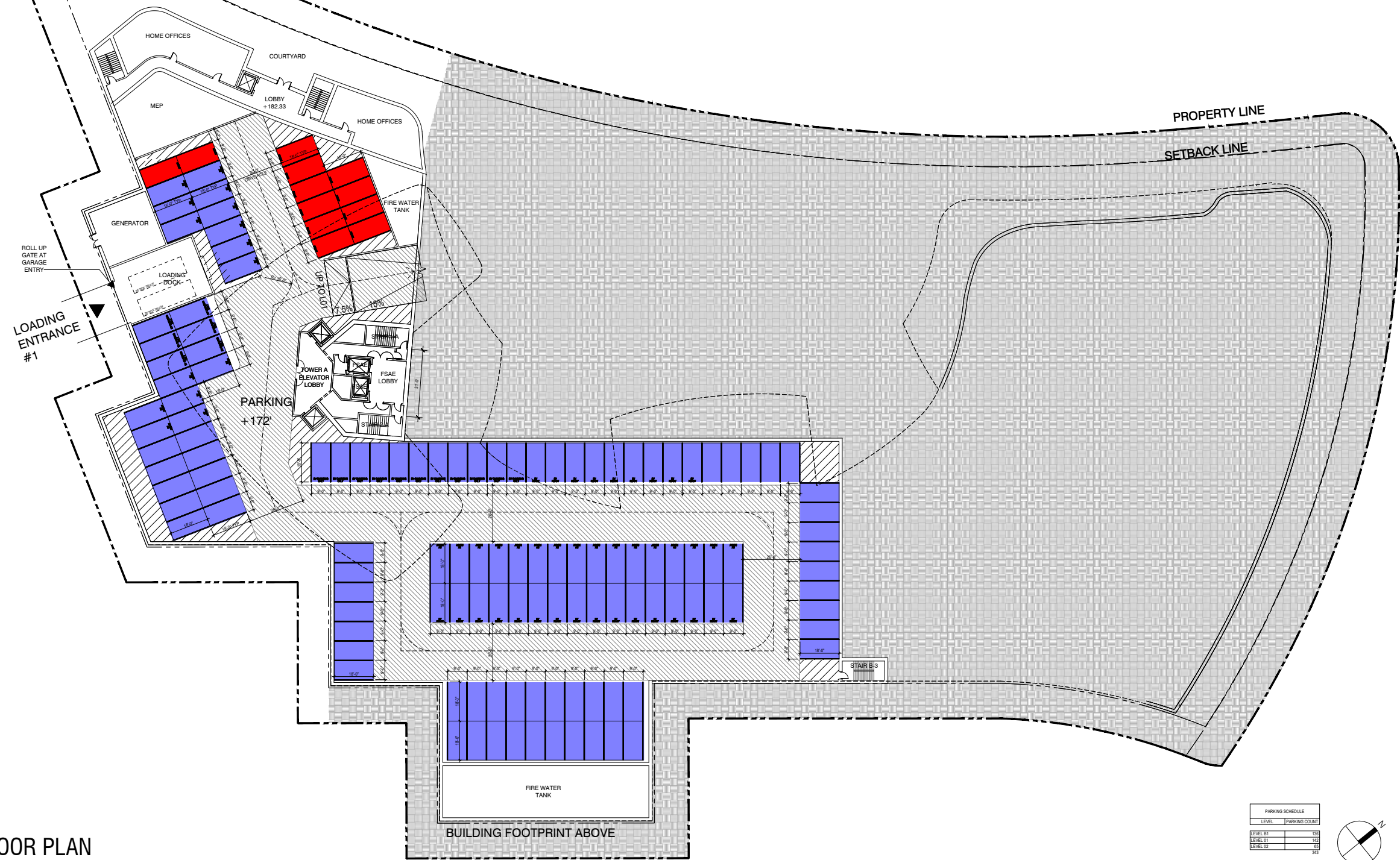
- DELIVERIES / LOADING / MOVING
- TRASH PICK UP
- MAIL
- RESIDENT (PEDESTRIAN)
- RESIDENT / VISITOR (CAR)
- VALET



PARKING LEGEND	
	RESIDENT ASSIGNED SELF PARKING
	RESIDENT VALET PARKING
	STAFF PARKING
	ADA PARKING
	VISITOR PARKING (VALET ONLY)

PLAN NOTES:

- PEDESTRIAN CIRCULATION:** Pedestrian circulation paths in garage will be separated from vehicular way via curbs and/or detectable warnings per CBC 11B-250.1.
- LIFE SAFETY:** High rise stairs are pressurized with vestibules to comply with CBC 909.20, see plan for vestibules and stair pressurization shaft locations.
- TRASH ROOMS, TYP:** Trash rooms are designed to accommodate the separation of organics, recyclables, and landfill waste in compliance with local municipal and state waste diversion requirements. Dedicated containers for organic waste will be provided and maintained for tenants.



LOWER LEVEL FLOOR PLAN

SCALE: 1/16" = 1'-0"

PARKING SCHEDULE	
LEVEL	PARKING COUNT
LEVEL 01	190
LEVEL 02	140
LEVEL 03	60
LEVEL 04	30



SITE DEVELOPMENT REVIEW

300 NCD CONDOMINIUMS
 300 NEWPORT CENTER DRIVE
 NEWPORT BEACH, CA

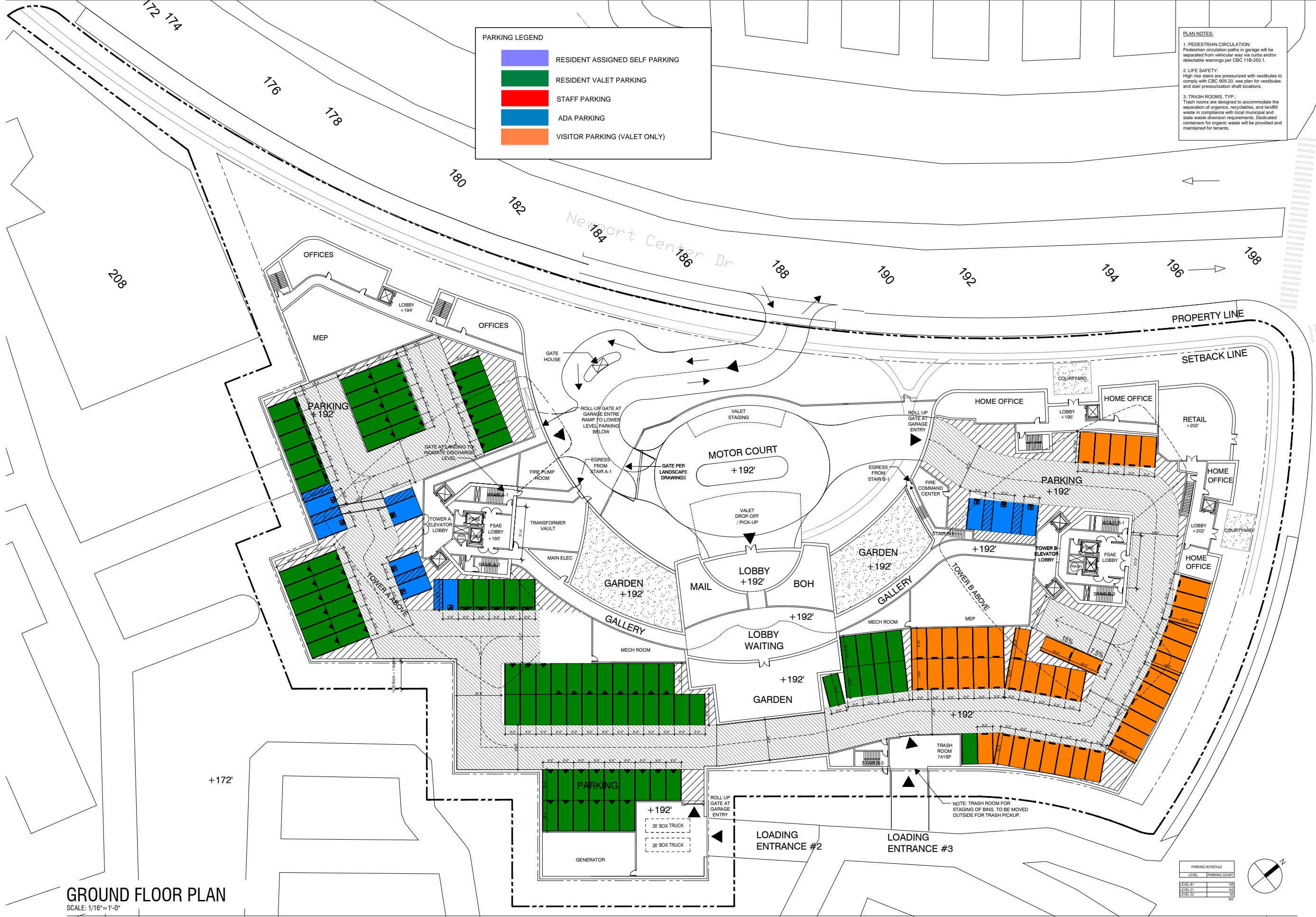
FIGURE 2 - LOWER LEVEL PLAN

PARKING LEGEND

- RESIDENT ASSIGNED SELF PARKING
- RESIDENT VALET PARKING
- STAFF PARKING
- ADA PARKING
- VISITOR PARKING (VALET ONLY)

PLAN NOTES:






1. PEDESTRIAN CIRCULATION: Pedestrian circulation paths in garage will be separated from vehicular way via curbs and/or detectable warnings per CBC 11B-250.1.
2. LIFE SAFETY: High rise stairs are pressurized with vestibules to comply with CBC 909.20, see plan for vestibules and stair pressurization shaft locations.
3. TRASH ROOMS, TYP.: Trash rooms are designed to accommodate the separation of organics, recyclables, and landfill waste in compliance with local municipal and state waste diversion requirements. Dedicated containers for organic waste will be provided and maintained for tenants.



GROUND FLOOR PLAN
SCALE: 1/16"=1'-0"

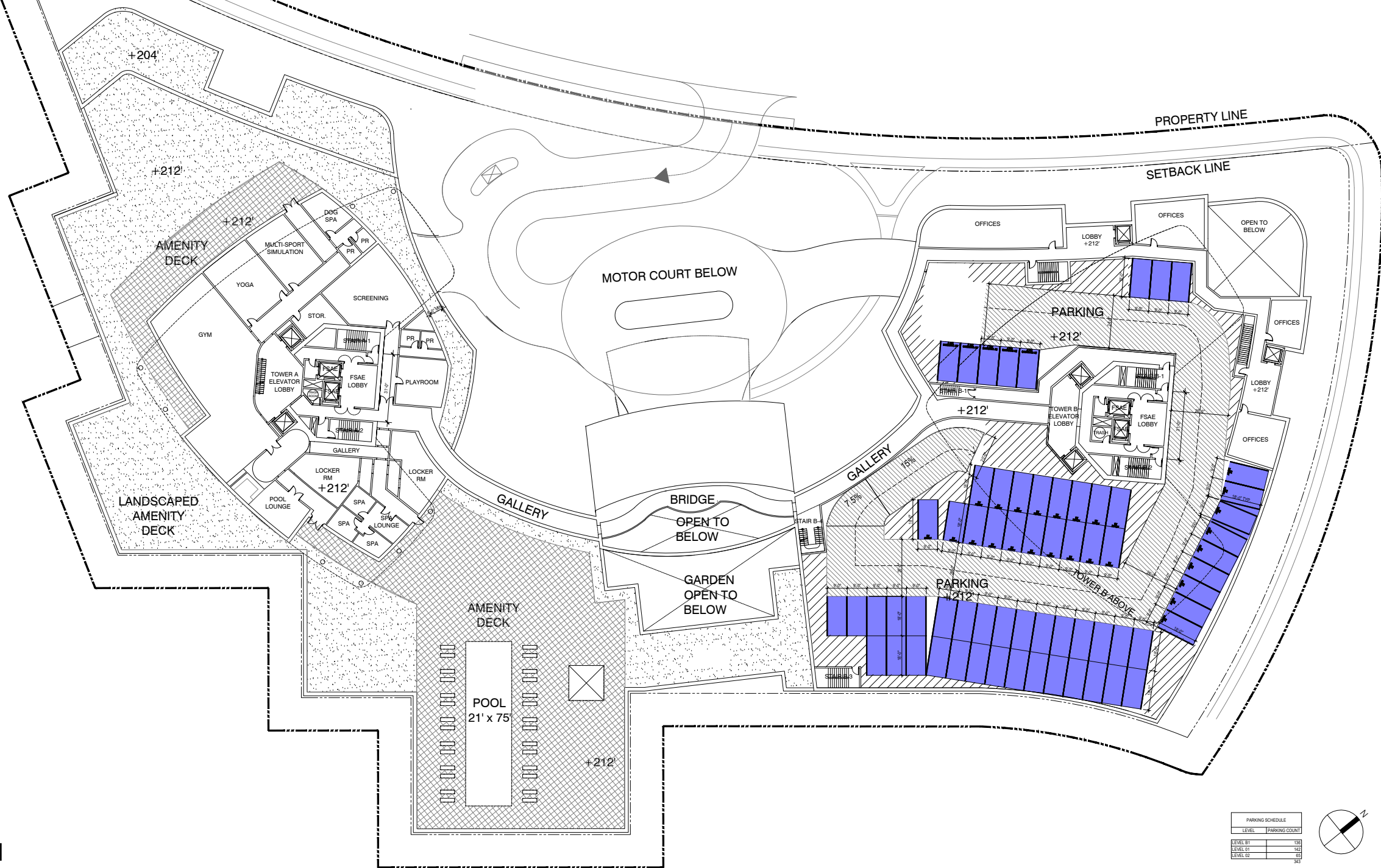
PARKING SCHEDULE

LEVEL	PARKING COUNT
LEVEL 01	190
LEVEL 02	140
LEVEL 03	80
LEVEL 04	30

PARKING LEGEND	
	RESIDENT ASSIGNED SELF PARKING
	RESIDENT VALET PARKING
	STAFF PARKING
	ADA PARKING
	VISITOR PARKING (VALET ONLY)

PLAN NOTES:

- PEDESTRIAN CIRCULATION:** Pedestrian circulation paths in garage will be separated from vehicular way via curbs and/or detectable warnings per CBC 11B-250.1.
- LIFE SAFETY:** High rise stairs are pressurized with vestibules to comply with CBC 909.20, see plan for vestibules and stair pressurization shaft locations.
- TRASH ROOMS, TYP:** Trash rooms are designed to accommodate the separation of organics, recyclables, and landfill waste in compliance with local municipal and state waste diversion requirements. Dedicated containers for organic waste will be provided and maintained for tenants.



LEVEL 2 FLOOR PLAN
SCALE: 1/16" = 1'-0"

PARKING SCHEDULE	
LEVEL	PARKING COUNT
LEVEL 01	190
LEVEL 02	140
LEVEL 03	60
LEVEL 04	30

