

# **Attachment No. PC 1**

Draft Resolution with Findings and  
Conditions

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**RESOLUTION NO. PC2026-012**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A MAJOR SITE DEVELOPMENT REVIEW AND VESTING TENTATIVE TRACT MAP FOR A 100-UNIT RESIDENTIAL TOWNHOME PROJECT LOCATED AT 1500 QUAIL STREET (PA2025-0163)**

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Sean Matsler with Cox, Castle, & Nicholson, LLP (“Applicant”), concerning property located at 1500 Quail Street (APN 427-221-16), and legally described in “Exhibit A” requesting approval of a Major Site Development Review and Vesting Tentative Tract Map (“Property”).
2. The Applicant requests the development of a 100-unit, for-sale residential townhome community on an existing office site at 1500 Quail Street. The development includes the demolition of the existing office building and construction of three- and four-bedroom townhomes ranging from 1,591 to 1,876 square feet. The development includes a two-car garage for each unit and 31 uncovered guest parking spaces for a total of 231 on-site parking spaces. The 100 units will be distributed within 24 buildings, with units arranged in three-, four-, five-, and six-plex buildings. The buildings have a maximum structure height of approximately 39 feet above established grade. The development will include resident-serving amenities including outdoor seating, picnic tables, barbeques, pizza ovens, and game lawn. Additionally, a publicly accessible pedestrian strada improved with landscaping and seating areas is provided along the Quail Street and Westerly Place frontages. Onsite and offsite public improvements such as upgrading the storm drain, sidewalks, and driveways are included in project implementation. Vehicular access to the Property is provided via one driveway on Quail Street and a second driveway on Westerly Place (“Project”).
3. The following approvals are required from the City of Newport Beach (“City) to implement the Project:
  - a. **Major Site Development Review (“SDR”):** An SDR is required for projects proposing five or more units with a tract map. An SDR is also requested to allow deviations from four multi-unit objective design standards pursuant to Section 20.48.185 (Multi-Unit Objective Design Standards) of the Newport Beach Municipal Code (“NBMC”).
  - b. **Vesting Tentative Tract Map (“VTTM”):** A VTTM is requested to allow for an airspace subdivision of the individual residential units for condominium purposes.
4. On September 24, 2024, the City Council adopted Ordinance Nos. 2024-16 and 2024-17, approving amendments to Title 20 (Planning and Zoning) of the NBMC to establish the Housing Opportunity (HO) Overlay Zoning Districts in Section 20.28.050 (Housing

Opportunity (HO) Overlay Zoning Districts) (“Housing Overlay”) and to create multi-unit objective design standards in Section 20.48.185 (Multi-Unit Objective Design Standards) of the NBMC. The new sections serve to implement Policy Actions 1A through 1G and 3A in the 6<sup>th</sup> Cycle Housing Element (“Housing Element”) of the General Plan. The Property was identified as Housing Opportunity Site Map Identification No. 86.

5. The Property is located within the HO-1 (Airport Area) Subarea of the Housing Opportunity (HO) Overlay Zoning District. The Property is designated as General Commercial Office (CO-G) by the General Plan Land Use Element and is located within the Newport Place Planned Community (PC-11).
6. The Property is not located within the coastal zone; therefore, a coastal development permit is not required.
7. The Project does not include the construction of affordable housing. However, the City’s Sites Inventory within the City’s 6<sup>th</sup> Cycle Housing Element contains other adequate sites suitable for affordable housing opportunities and therefore is consistent with the State’s no net loss provisions.
8. A public hearing was held on April 2, 2026, in the Council Chambers at 100 Civic Center Drive, Newport Beach. A notice of the time, place, and purpose of the hearing was given in accordance with Government Code Section 54950 *et seq.* (“Ralph M. Brown Act”) and Chapter 20.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to and considered by the Planning Commission at this hearing.

## SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is statutorily exempt from the California Environmental Quality Act (“CEQA”) pursuant to Public Resources Code (“PRC”) Section 21080.66 (enacted through Assembly Bill 130) because it has no potential to have a significant effect on the environment.
2. Pursuant to Section 21080.66 of the PRC, the Project is statutorily exempt because it meets the following criteria:
  - a. The Project is entirely residential and therefore meets the definition of a “housing development project.”
  - b. The Property is less than 20 acres (4.77 acres).
  - c. The Property is within the City of Newport Beach, an incorporated municipality.
  - d. The Property is currently developed with urban uses (commercial office development).
  - e. The General Plan land use designation is General Commercial Office (CO-G), and the zoning is Newport Place Planned Community (PC-11), but the site is located within the HO-1 Housing Overlay (Airport Area) and designated as a Housing Opportunity Site in

the City's General Plan Housing Element. HO-1 allows residential development at a minimum of 20 dwelling units per acre and up to 50 dwelling units per acre.

- f. The Project complies with the Housing Overlay District with a proposed density of approximately 21 dwelling units per acre.
- g. The Project proposes to develop 100 townhomes (approximately 21 du/acre) which exceeds the applicable density requirement under state law (minimum 15 dwelling units per acre).
- h. The Property is not located in the Coastal Zone.
- i. The Property is designated as "urban and built-up land" and not as prime farmland or farmland of statewide importance.
- j. The Property is not designated as wetlands and does not contain wetlands.
- k. The Property is not located in a Very High Fire Hazard Severity Zone ("VHFHSZ") zone.
- l. The Property is not located on hazardous waste site that is listed on the Cortese List or a site designated by the Department of Toxic Substances ("DTSC") pursuant to California Health and Safety Code ("H&S") Section 25356.
- m. The Property is not located in an earthquake fault zone.
- n. The Property is not located within a special flood hazard area.
- o. The Property is not located in a regulatory floodway.
- p. The Property is not identified for conservation in an adopted natural resource protection plan.
- q. The Property is developed and does not contain habitat for protected species.
- r. The Property is not subject to a conservation easement.
- s. The Project does not require the demolition of any historic structures. The buildings that exist on the Property are not listed on a national, state, or local historic register.
- t. No portion of the Project would be a hotel, motel, bed and breakfast, or other transient lodging.
- u. The Project is not within 500 feet of a freeway.

Additionally, the City completed tribal consultation with Native American Tribes that are traditionally and culturally affiliated with the geographic area of the Project as required. The City initiated consultation on December 3, 2025, with the two tribes that requested consultation, Gabrieleno Band of Mission Indians - Kizh Nation and the Juaneño Band of Mission Indians, Acjachemen Nation-Belardes, which concluded on January 19, 2026. Mitigation measures,

which have been agreed upon by the tribal representatives and the City are included in conditions of approval attached hereto as set Exhibit “C,” requiring monitors and protecting tribal cultural resources.

SECTION 3. REQUIRED FINDINGS.

***Major Site Development Review***

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

Finding:

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

Facts in Support of Finding:

1. The Property is located within the HO-1 Airport Area Subarea and is identified as Housing Opportunity Site Map Identification No. 86. Pursuant to Section 20.28.050 (B) (Housing Opportunity (HO) Overlay Zoning Districts – Uses Allowed), in addition to the uses that are permitted or conditionally permitted in the base zoning district, multi-unit residential development that meets the 20 to 50 dwelling units per acre density requirement shall be permitted within the HO-1 Subarea.
2. Pursuant to Table 2-16 (Development Standards for Housing Opportunity Overlay Zones) of Section 20.28.050 of the NBMC (“Table 2-16”), the HO-1 Subarea requires a density of 20 to 50 dwelling units per acre. Based on the proposed 4.77-acre lot, the Project results in a density of 21 units per acre and meets the density requirement of the HO-1 Subarea.
3. The HO-1 Subarea does not require a minimum setback; however, footnote No. 3 of Table 2-16 requires that any portion of a building that is over 20 feet in height, which includes the Project’s third floors, provide a 20-foot setback from the front and street side property lines. The Project is bounded to the west by Westerly Place and to the south by Quail Street. The Project would provide a 20.2-foot minimum setback from both Westerly Place and Quail Street.
4. Table 2-16 establishes the maximum height for the HO-1 Subarea per the base zone. The base zone, PC-11 specifies a height limit of 55 feet. The Project proposes a maximum height of 39 feet to the highest ridge as measured from the established grade indicated on the VTTM, consistent with Section 20.30.050 (B)(1) (Grade Establishment – Subdivisions) of the NBMC.
5. Table 2-17 (Residential Off-Street Parking Requirements for Housing Opportunity Overlay Zones) of Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) of the NBMC requires 2.0 parking spaces per unit that includes three or more bedrooms, and 0.3 spaces per unit for visitor parking. The Project proposes 100 dwelling

units with three or more bedrooms, resulting in a requirement of 230 parking spaces overall. The Project provides a two-car garage for each unit and 31 guest parking spaces for a total of 231 onsite parking spaces. The Project therefore complies with the minimum parking requirement.

6. Pursuant to Section 20.30.130 (Traffic Safety Visibility Area) of the NBMC, the Project would comply with sight-distance requirements.
7. Pursuant to Section 20.30.120 (Solid Waste and Recyclable Materials Storage) of the NBMC, the Project provides the minimum common storage areas for refuse and recycling.
8. Pursuant to Section 20.48.185 (Multi-Unit Objective Design Standards) of the NBMC, multi-unit objective design standards are applicable to any residential project with a minimum density of 20 dwelling units per acre. These standards ensure the highest possible design quality and provide a baseline standard for new multi-unit developments throughout the City. As detailed in the Objective Design Standards Checklist, which is attached hereto as Exhibit “B” and incorporated by reference, the Project deviates from the following four objective design standards:

- (1) 20.48.185(Q)(2)(b) (Vertical Modulation – Floor Heights);
- (2) 20.48.185 (Q)(3)(a)(i) (Vertical Modulation – Floor Heights);
- (3) 20.48.185 (R)(1)(c) (Horizontal Modulation – Minimum Depth); and
- (4) 20.48.185(R)(1)(d) (Horizontal Modulation – Maximum Number) of the NBMC.

The Project otherwise complies with the design standards and, in come some cases, exceeds the intent of the standards. Section 20.48.185(C) (Multi-Unit Objective Design Standards – Applicability) of the NBMC allows for deviations from any objective design standards through the approval of an SDR by the Planning Commission if the Applicant can demonstrate that strict compliance with the standards is not necessary to achieve the purpose of the objective design standards and that the project possesses compensating design and development features that meets or exceeds the intent of the objective design standards. The facts in support of the required findings are included in Findings D through E.

9. The HO-1 Subarea requires a minimum building separation of 10 feet. The Project proposes varying building separations with a minimum distance of approximately 11.3 feet. The Project therefore complies with the minimum building separation requirement.
10. The HO-1 Subarea requires that at least 75 square feet of common space be provided per dwelling unit throughout the Property with a minimum length and width of 15 feet. The Project is therefore required to provide a minimum of 7,500 square feet of common open space. Section 20.70 (Definitions) of the NBMC defines common open space as the land area within a residential development that is not individually owned or dedicated for public use and that is designed, intended, and reserved exclusively for the shared enjoyment or use by all the residents and their guests including but not limited to areas of scenic or natural beauty, barbecue areas, landscaped areas, turf areas, and habitat

areas. The Project provides a total of 8,130 square feet of common open area within three courtyards that include a game lawn; BBQ area with pizza oven and overhead structure; and passive open space area with outdoor seating and fountain. The Project therefore complies with the minimum common open space requirement.

11. The HO-1 Subarea requires that at least 5% of the proposed gross floor area per unit be dedicated to private open space. Qualifying areas of private open space shall have a dimension of at least six feet in length and width. Section 20.70 (Definitions) of the NBMC defines private open spaces as outdoor or unenclosed areas directly adjoining and accessible to a dwelling unit, reserved for the exclusive private enjoyment and use of residents of the dwelling unit and their guests including but not limited to a balcony, deck, porch or terrace. The Project would provide two floor plans, with Plan 1 requiring 80 square feet of qualifying private open space and Plan 2 requiring 94 square feet of qualifying private open space. Units with Plan 1 provide an 80 square foot covered deck on the second floor and units with Plan 2 provide a 94 square foot covered deck on the second floor.

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 General Commercial Office (CO-G) by the Land Use Element of the General Plan. However, as indicated in Land Use Policy LU 4.5 (Residential Uses and Residential Densities), residential use of any property included 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-1 subarea

would allow residential development on the Property in addition to the uses allowed in of the underlying CO-G land use category and zoning district.

2. The Project is consistent with the following General Plan Housing Element, Land Use Element, and Circulation Element policies that establish fundamental criteria for the formation and implementation of new residential development, including, but not limited to the following:

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

See LU 2.3 Range of Residential Choices below.

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

The Project proposes a 100-unit residential townhome complex consisting of for-sale, attached single-unit dwellings offered in two distinct floor plan configurations ranging from three to four bedrooms and 1,591 to 1,876 square feet. This Project would diversify the City's housing stock, accommodate a variety of household sizes, respond to market demand, and support the City's efforts to increase the supply of housing throughout the City.

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

The Project is proposed on an existing property with an older office development that is underutilized, within an area of the City that is considerably developed. The Project will add 100 attached single-unit dwellings to the City's housing stock which furthers the City's efforts of increasing and diversifying the housing stock. Additionally, the Public Works Department reviewed the sewer and water demand study prepared for the Project. There are conditions that require final design of the water and sewer system, including water meter locations, to be reviewed and approved by the Public Works and Utilities Departments.

- d. **Land Use Element Policy LU 4.5 (Residential Uses and Residential Densities).** *Residential use of any property included within an established housing opportunity*

*overlay zoning district is allowed regardless of and in addition to the underlying land use category or density limit established through Policy LU 4.1, Table LU 1 and Table LU 2, or any other conflict in the Land Use Element. A general plan amendment is not required to develop a residential use within an established housing opportunity zoning overlay district. The maximum density specified for the various overlay districts specified in Policy LU 4.4 is an average over the entire property or project site. For example, a portion of a development site may be developed at a higher density than specified by Policy 4.4 provided other portions of the site are developed at lower densities such that the average does not exceed the maximum. Density calculations and total units identified in LU 4.4 do not include units identified as pipeline units or units permitted pursuant to State density bonus law.*

The Project is located within Housing Opportunity Site No. 86 and is located within the HO-1 Subarea. The Project proposes 100 residential condominiums on a 4.77-acre property which yields a density of 21 dwelling units per acre, consistent with the allowed density of the HO-1 Subarea.

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

*Building Elevations*

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

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

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

*Ground Floor Treatment*

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

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

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

*Roof Design*

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

Parking

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

Open Space and Amenity

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

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

The principles of this policy are implemented through Section 20.48.185 (Multi-Unit Objective Design Standards) of the NBMC. As detailed in the Objective Design Standards Checklist, which is attached hereto as Exhibit "B" and incorporated by reference, the Project complies with the majority (48 of 52) of the applicable objective design standards and in some cases exceeds the intent of the standards. However, the Applicant requests minor deviations of three objective design standards. The Objective Design Standards were developed to implement Land Use Policy LU 5.1.9, therefore compliance with these standards with negligible deviation ensures that the Project is consistent with Land Use Policy LU5.1.9.

Additionally, the Project includes buffer landscaped areas and common open space that are thoroughly landscaped with drought tolerant and noninvasive plant species. Additionally, all internal driveways to garages are behind the residential buildings and individual trash containers are kept within each private garage space not visible from the public street.

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

Although the Property has an irregular shape, the Project design compactly arranges the 24 separate buildings to maximize site efficiency and preserve the required setbacks and building separations. The Project site design includes interior drive aisles and resident amenity areas which are screened from public view. The Project's landscaped edge conditions, location of drive aisles and residential amenities reduce the visual impact of the Project and ensures compatibility with the surrounding neighborhood.

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

The architectural design of the Project is a coastal region inspired modern design with clean straight lines, large windows, stacked units, and stucco siding with brick

accents. The light, neutral tones used in the color palette enhance architectural articulation and reflect the coastal environment, while elongated white brick adds texture and durability.

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

The Project has been conditioned to require the Applicant to prepare a photometric study in conjunction with a final lighting plan which shows that lighting values are “1” foot-candle or less at all property lines. The Project has also been conditioned to allow the Community Development Director to order the dimming of light sources or other remediation upon finding that the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources.

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

The Project is required to comply with the provisions of the Building and Energy Efficiency Standards California Code of Regulations (“CCR”), Title 24, Parts 6 – California Energy Code) and the Green Building Standards Code (CCR, Title 24, Part 11 - CALGreen). Additionally, the Project would generally implement water-efficient landscaping, water quality best management practices and low impact development practices. The Project would generally mimic the existing flow patterns; however, an upgrade to the storm drain is required and conditioned to a minimum upsize of the existing storm drain along Quail Street to 36 inches. The Project is conditioned so that the extent of the work will be determined by the Public Works Department. Any additional required improvements to downstream City infrastructure to accommodate the Project shall be designed and constructed by the Project.

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

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

Although the Project is not located within an established residential neighborhood, a draft construction management plan (“CMP”) has been reviewed and approved by the Community Development, Fire, and Public Works Departments. This ensures that any traffic congestion impacts associated with the construction process is minimized to the greatest extent possible. The Project has been conditioned to require the Applicant to provide a final CMP to be reviewed and approved by Community Development, Fire, and Public Works Departments.

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

See finding *LU 6.15.23 Sustainable Development Practices* above.

- 3. Facts 1 through 11 in support of Finding A are hereby incorporated by reference.
- 4. The Property is not located within a specific plan area.
- 5. The Project includes various intentional architectural design features including recessed balconies, varied rooflines, and material changes with a neutral color palette. These design features result in well-articulated facades which reduce the visual bulk of the Project and allow each unit to appear as distinct homes rather than a single, unarticulated, building.
- 6. The Project landscaping complies with Chapter 14.17 (Water-Efficient Landscaping) and Chapter 20.36 (Landscaping Standards) of the NBMC. Additionally, the Project complies with the City’s Water Efficient Landscape Ordinance (“WELO”) which requires the installation and maintenance of drought tolerant and noninvasive plant species. The Project includes common landscaped open space and landscape buffer zones along street frontages. Additionally, landscaping is integrated throughout the Property, including the common open-space areas to enhance the residential experience.
- 7. Pursuant to Section 20.30.100 (Public View Protection) of the NBMC, projects shall preserve significant visual resources from public views and corridors including identified in Figure NR 3 (Coastal Views) of the Natural Resources Element of the General Plan. The Property is not within the vicinity of any Public Viewpoints, nor any Coastal View Roads as identified in Figure NR3. The nearest designated public viewpoint is located over 3,700 feet to the south at Bayview Park. The nearest designated coastal view road is Jamboree Road, south of California State Route 73, over 2,500 feet southeast of the Property. Due to the distance, intervening structures, and urbanized nature of the Project area, the Project is not anticipated to impact any public views.

Finding:

- C. *Not detrimental to the harmonious and orderly growth of the City, nor will it endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest,*

*safety, or general welfare of a person residing or working in the neighborhood of the proposed development.*

Facts in Support of Finding:

1. The Project has been designed to minimize aesthetic impacts to the surrounding neighborhood to the greatest extent possible by providing an architecturally pleasing coastal inspired modern architectural style design with articulation and high-quality materials.
2. The Project has been designed to have adequate, efficient, and safe pedestrian and vehicular access to and from the Property within driveways, parking, and loading areas. The Project includes the drive aisles that are located within the Property, behind the proposed buildings. The Project is also designed to accommodate and provide sufficient access for emergency vehicles and refuse collection vehicles through the Quail Street and Westerly Place access points.
3. The Project exceeds the required 230 on-site parking spaces and provides 231 parking spaces including a two-car garage for each unit and 31 guest parking spaces. The individual unit garage parking and guest parking will mitigate use of street parking on the surrounding streets that are adjacent to the Property.
4. The Project has been conditioned to require the Applicant to prepare a photometric study in conjunction with a final lighting plan which shows that lighting values are “1” or less at all property lines. The Project has also been conditioned to allow the Community Development Director to order the dimming of light sources or other remediation upon finding that the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources.
5. The Project is consistent with the following General Plan Land Use and Noise Element policies that establish noise and safety regulations for residential uses in the Airport Area, including, but not limited to the following:
  - a. **Land Use Element Policy LU 6.15.3 (Airport Compatibility)** *Require that all development be constructed in conformance with the height restrictions set forth by the Federal Aviation Administration (FAA), Federal Aviation Regulations (FAR) Part 77, and Caltrans Division of Aeronautics, and that residential development shall be allowed only on parcels with noise levels of less than John Wayne Airport 65 dBA CNEL noise contour area as shown in Figure N5 of the Noise Element of the General Plan, unless and until the City determines, based on substantial evidence, that the sites wholly within the 65 dBA CNEL noise contour shown in Figure N5 are needed for the City to satisfy its Sixth Cycle RHNA mandate. Nonresidential uses are, however, encouraged on parcels located wholly within the 65 dBA CNEL contour area.*
  - b. **Noise Element Policy N 3.2 Residential Development** *Require that residential development proximate to John Wayne Airport shall not be located on parcels wholly*

*within the John Wayne Airport 65 dBA CNEL noise contour shown in Figure N5 of the Noise Element of the General Plan, unless and until the City determines, based on substantial evidence, that the sites wholly within such contour area are needed for the City to satisfy its Sixth Cycle RHNA mandate. Require developers of residential or mixed-use land uses with a residential component to notify prospective purchasers or tenants of aircraft noise. Additionally, require outdoor common areas or recreational areas of residential or mixed-used developments to be posted with signs notifying users regarding the proximity to John Wayne Airport and the presence of operating aircraft and noise.*

The Property is located within the 60 dBA CNEL noise contours established in the General Plan Noise Element Figure N5 and outside the 65 dBA CNEL noise contours. Pursuant to Section 20.28.050 (C)(2) (Airport Area Environs Area) of the NBMC, additional specific development standards are required for development in the Airport Area to mitigate sound with a required acoustical report to confirm levels within Section 10.26.30 (Interior Noise Standards) of the NBMC; advanced interior air filtration systems; and a required notification to owners and tenants disclosing potential impacts to residents of the existing environment and potential nuisances based upon the allowed uses in the area. Condition of Approval Nos. 23 through 25 are included in the Resolution, ensuring these regulations are met.

6. The Project will comply with all Building, Public Works, and Fire Codes, along with all City ordinances and all conditions of approval which are attached hereto as Exhibit "C".

### **Multi-Unit Objective Design Standards Deviations**

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

- (1) 20.48.185(Q)(2)(b) (Vertical Modulation – Floor Heights);
- (2) 20.48.185 (Q)(3)(a)(i) (Vertical Modulation – Floor Heights);
- (3) 20.48.185 (R)(1)(c) (Horizontal Modulation – Minimum Depth) and
- (4) 20.48.185(R)(1)(d) (Horizontal Modulation – Maximum Number) of the NBMC.

The Planning Commission may approve an SDR to allow deviation of multi-unit objective design standards 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.*

#### Facts in Support of Finding:

1. Section 20.48.185(Q)(2)(b) (Vertical Modulation – Floor Heights) and (Q)(3)(a)(i) (Vertical Modulation – First Floor Heights) of the NBMC requires a middle or top floor-

to-floor height and first finished floor to second finished floor plate elevation to be 10 feet. The Project proposes a floor height of 9 feet 1 inch for all three floors. The floor height deviations are minimal and still meet the intent of the section to provide units that are designed with comparable design components with residential development throughout the City.

2. Section 20.48.185(R)(1)(c) (Horizontal Modulation – Minimum Depth) of the NBMC requires all building recesses or projections shall be a minimum of 2 feet in depth. The Project proposes a variety of different recesses and projections including first floor recessed entries, second floor balconies, and recessed windows and architectural features. The intent of this requirement is to allow for sufficient depth of recesses and projections so that building lengths are sufficiently modulated. While some of the Project’s recesses and projections are less than 2 feet in depth, the Project provides large second floor and third floor recesses, and second floor balconies. The Project provides additional depth for other recesses and projection features which ensures building length is less visually obtrusive. The buildings’ lengths are shorter, ranging from 66 feet to 130 feet in length where the maximum allowed length is 150 feet. The recesses and modulation range from 6 to 30 inches, providing ample articulation and meet the intent of this section.
3. Section 20.48.185(R)(1)(d) (Horizontal Modulation - Maximum Number) of the NBMC requires a maximum of two recesses or projections per façade. The Project includes more than two recesses and projections in both of the largest buildings within the development (6-plex buildings). The additional recesses and projections allow for sufficient modulation for each unit. The intent of this requirement is to avoid lengthy and plain building faces. Limiting the design to only two recesses or projections would result in less modulation, less visual interest, and a building less reminiscent of townhomes especially since the largest buildings include 6 units. The Project is furthering the intent of this requirement by sufficiently modulating the buildings, which results in a less visually obtrusive building length.

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 3 and 9 in support of Finding A are hereby incorporated by reference.
3. The Project includes a variety of building sizes, including three-, four-, five-, and six-unit buildings, which creates additional visual interest and relief. The modifications to the design standards allow each of the buildings to maintain a consistent appearance, thereby avoiding a disjointed design that negatively impacts the area. Landscaped

paseos are provided between the buildings and the right-of-way to further soften the appearance of the Project.

**Vesting Tentative Tract Map**

In accordance with Section 19.12.070 (Required Findings for Action on Tentative Maps) of the NBMC, the following findings, and facts in support of such findings are set forth:

Finding:

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

Facts in Support of Finding:

1. The Vesting Tentative Tract Map (“VTTM”) is for 100-unit residential air-space condominiums (attached townhomes).
2. Facts 1, 2, and 4 in support of Finding B are hereby incorporated by reference.
3. The Public Works Department has reviewed the proposed VTTM and found it consistent with Title 19 (Subdivisions) of the NBMC and applicable requirements of the Subdivision Map Act.
4. The Applicant will provide an in-lieu park dedication fee pursuant to Chapter 19.52 (Park Dedication and Fees), as required for park and recreational purposes in conjunction with the approval of this VTTM. The existing parcel is a commercial office development; therefore, the in-lieu park fee will be required for 100 new dwelling units.
5. A preliminary application for residential development, filed as PA2025-0148, was deemed submitted on August 8, 2025 for this Project. The Preliminary Application prevents the Project from being subject to any City ordinances, policies, and standards adopted after the date of submission, except as specified in Government Code Section 65589.5(o). Therefore, the Project will be subject to the in-lieu park fee in the amount of \$48,987 per unit, which was the fee in effect at the time it was deemed submitted.

Finding:

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

Facts in Support of Finding:

1. The proposed 4.77-acre Property is irregular in shape, slopes slightly towards the northwest, and is not within a zone subject to seismically induced liquefaction potential. The Property is adequately sized to accommodate the proposed density in compliance with all applicable requirements of the HO-1 subarea.

2. The Property is suitable for the type and density of the development in that the infrastructure serving the site has been designed to accommodate the Property. Sewer and water demand studies were prepared by Fuscoe Engineering, both dated January 14, 2026. The water study concluded that the proposed onsite water system is adequately designed to provide domestic water service and fire flow for the proposed onsite fire hydrants and building's domestic demand. The Project does not result in more than 500 dwelling units; therefore, a Water Supply Assessment ("WSA") is not required for Project.
3. The Public Works Department has reviewed and accepted these studies. The Project storm drain system is conditioned to be privately owned and maintained. The Applicant is required to upsize the existing 24-inch storm drain line along Quail Street to a 36-inch storm drain line. Extent of the improvement will be determined by the Public Works Department. The Project is also conditioned so that any additional required improvements to downstream City infrastructure to accommodate the Project will be designed and constructed as part of the Project. Final design will be reviewed and approved by the Public Works Department.
4. The Project has been reviewed by the Building, Fire, and Public Works Department and must comply with all Building, Fire, and Public Works Codes and City ordinances.

Finding:

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

Fact in Support of Finding:

1. As detailed in the CEQA determination in Section 2 of this resolution, pursuant to Section 21080.66 (enacted through Assembly Bill 130) the Property qualifies for the statutory exemption. The Property is developed and not designated as wetlands, is not identified for conservation in an adopted natural resource protection plan, and does not contain habitat for protected species and is not subject to a conservation easement. Therefore, as detailed in Section 2 of the resolution, no substantial environmental damage is anticipated as part of the Project.

Finding:

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

Facts in Support of Finding:

1. The proposed VTTM is for a 100-unit residential development. All improvements associated with the Project will comply with all Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. Public improvements will be required of the developer per Section 19.28.010 (General Improvement Requirements) of the NBMC and Section 66411 (Local agencies to regulate and control design of subdivisions) of the Subdivision Map Act. The Project will conform to all City ordinances and Conditions of Approval.
2. No evidence is known to exist that would indicate that the proposed subdivision will generate any serious health problems.

Finding:

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

Facts in Support of Finding:

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. As conditioned, an emergency access easement will be recorded over the drive aisles and a blanket easement throughout the property will be provided for water meters, and water and sewer infrastructure as determined by the Public Works Department.
2. A condition of approval has also been included to require a pedestrian access easement from one of the proposed drive aisles on the Property to allow pedestrians to cross from the Property to 1301 Dove Street. Final location and design of that easement shall be determined as part of the Final Tract Map review.

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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

Finding:

- M. That, solar access, and passive heating and cooling design requirements have been satisfied in accordance with Sections 66473.1 and 66475.3 of the Subdivision Map Act.*

Facts in Support of Finding:

1. The VTTM includes attached dwelling units with open space, private driveways, and walkways which separate the individual buildings.
2. The Project and any future improvements are subject to Title 24 of the California Building Code, which requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The City’s Building Division enforces Title 24 compliance through the plan check and inspection process.

Finding:

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

Fact in Support of Finding:

1. The proposed 100 dwelling unit Project yields a density of 21 dwelling units per acre, consistent with the HO-1 Subarea. The Project is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code as the Project results in a net increase in 100, for-sale, residential dwelling units which contributes to the City's assigned 6<sup>th</sup> Cycle RHNA. By developing underutilized office site with medium-density ownership housing, the Project helps meet the City's housing goals while utilizing existing infrastructure and public services.

Finding:

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

Facts in Support of Finding:

1. Wastewater discharge from the Project into the existing sewer system has been designed to comply with the Regional Water Quality Control Board ("RWQCB") requirements.
2. A Water Quality Management Plan ("WQMP") has been prepared for the Project.
3. Fact 2 and 4 in support of Finding G is hereby incorporated by reference.

Finding:

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

Fact in Support of Finding:

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

SECTION 4. DECISION.

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

1. The Planning Commission of the City of Newport Beach hereby finds this Project is statutorily exempt from the California Environmental Quality Act under Public Resources Code Section 21080.66 (Assembly Bill 130) because it meets the eligibility criteria and has no potential to have a significant effect on the environment.

2. The Planning Commission of the City of Newport Beach hereby approves Major Site Development Review and Vesting Tentative Tract Map filed as PA2025-0163 subject to the conditions outlined in Exhibit “C,” which is attached hereto and incorporated by reference.
3. This action on the Major Site Development Review shall become final and effective 14 days following the date of this Resolution was adopted unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 (Planning and Zoning) of the NBMC.
4. This action on the Vesting Tentative Tract Map shall become final and effective 10 days following the date this Resolution was adopted unless within such time an appeal is filed with the City Council in accordance with the provision of Title 19 (Subdivisions) of the NBMC.

**PASSED, APPROVED, AND ADOPTED THIS 2<sup>ND</sup> DAY OF APRIL 2026.**

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: \_\_\_\_\_  
Tristan Harris, Chair

BY: \_\_\_\_\_  
Jonathan Langford, Secretary

Exhibits:

- Exhibit A – Legal Description
- Exhibit B – ODS Checklist
- Exhibit C – Conditions of Approval

**EXHIBIT "A"**

**LEGAL DESCRIPTION:**

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

Parcel 2, in the City of Newport Beach, County of Orange, State of California, as shown on the map filed in Book 120, Pages 27 and 28 of Parcel Maps, in the Office of the County Recorder of said County.

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**EXHIBIT "B"**

**OBJECTIVE DESIGN STANDARDS CHECKLIST**

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# 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](http://www.newportbeachca.gov)

**Disclaimer:** This checklist is intended to help ensure compliance with Section 20.48.185 (Multi-Unit Objective Design Standards) of the Newport Beach Municipal Code (NBMC). It does not include all design and development standards from other sections of the NBMC, planned community development plans, or any overlay zoning district; however, compliance with all applicable standards is still required. If you have questions on which standards apply to your project, please contact a planner at 949-644-3204.

Name of applicant: \_\_\_\_\_

Date: \_\_\_\_\_

Project Address: \_\_\_\_\_

Project Application # (City staff to fill out) \_\_\_\_\_

## 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			Drawing Reference
	Yes	No	N/A	Yes	No	N/A	
<b>A. General Standards</b>							
1: Multi-unit development orientation							
a. Development color scheme (8+ buildings)							
b. Development color scheme (30+ buildings)							
c. Pedestrian walkways and linkages							
d. Architectural variety and features							
e. Structured parking visibility							
f. Corner lot loading docks/service areas							
g. Parking facility entrances							

20.48.185 Objective Design Standards Checklist Items	Applicant Evaluation			Staff Evaluation			
	Yes	No	N/A	Yes	No	N/A	Drawing Reference
2: Mixed-use buildings orientation							
a. Commercial unit entrances							
b. Residential unit entrances							
<b>B. Orientation</b>							
1. Orientation to primary public street							
2: Screening of parking areas							
3: Multi-unit projects across from single-family							
4: Building arrangement for outdoor space							
<b>C. Parking Standards</b>							
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							
ii. Arbor or other similar feature							
3. Parking structures and loading bays							
a. Shielding of parked vehicles							
b. Minimize blank concrete facades							
<b>D. Common Open Space (C.O.S)</b>							
1: Common recreation area requirement							
2: Residential entry distance from C.O.S.							
3: Pedestrian walkway connection points							
4: Open space location							
5: Usable open space grade							
6: Seating and lighting							
<b>E. Recreation Activities</b>							
1: Play area location and visibility							
2: Senior housing areas of congregation							
3: Recreational amenities per unit count							

20.48.185 Objective Design Standards Checklist Items	Applicant Evaluation			Staff Evaluation			
	Yes	No	N/A	Yes	No	N/A	Drawing Reference
<b>F. Landscaping</b>							
1: Min. 8% of total site landscaped							
2: Landscaping materials							
a. Ground cover							
b. Nonliving decorative landscaping							
c. Turf areas for recreation							
3: Landscaping and irrigation							
<b>G. Frontage Types and standards</b>							
1: Storefronts							
a. Ground floor elevation location							
b. Entrance using one of given methods							
c. Windows and/or glass doors coverage							
d. Upper floor facade window coverage							
e. Floor to floor height (15 ft)							
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							
ii. Entrance for ground floor tenants							
iii. Entrance for upper-floor tenants							
iv. Ground and upper floor facade coverage							
v. Setbacks							

20.48.185 Objective Design Standards Checklist Items	Applicant Evaluation			Staff Evaluation			
	Yes	No	N/A	Yes	No	N/A	Drawing Reference
<b>H. Walls and Fences</b>							
1: Community perimeter and theme walls							
2: Wall materials							
3. Wall style conformance with architecture							
4. Exterior perimeter wall depth							
<b>I. Utilities</b>							
1: Utility locations and placement							
2: Mechanical equipment screening (if needed)							
3: Utility rooms (if feasible) for certain equipment							
a. If not feasible, incorporated into design							
<b>J. Private Street Standards</b>							
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							
<b>K. Private Driveway Zones</b>							
1: Private driveway right-of-way (dimensions)							
2: Driveway zones							
a. Driveway zone (DZ)							
b. Landscape and paving zone (LPZ)							
<b>L. Publicly Accessible Open Space (PAOS) Standards</b>							
1: Required PAOS							
2: Site area calculations							
3. PAOS Design Standards							
a. PAOS minimum width							
b. PAOS access							
<b>M. Façade Modulation Standards</b>							
1: Density and building typology							

20.48.185 Objective Design Standards Checklist Items	Applicant Evaluation			Staff Evaluation			
	Yes	No	N/A	Yes	No	N/A	Drawing Reference
<b>N. Vertical Modulation</b>							
1: Components							
a. Base							
b. Middle							
c. Top							
2: Changes in facade material and/or color							
a. Banding							
b. Floor heights							
c. Fenestration							
d. Cladding material							
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)							
iii. Density greater than 30 units/acre (commercial units on ground floor)							
b. Vertical variation							
i. Density less than 30 units/acre							
ii. Density greater than 30 units/acre							
<b>O. Horizontal Modulation</b>							
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							

20.48.185 Objective Design Standards Checklist Items	Applicant Evaluation			Staff Evaluation			
	Yes	No	N/A	Yes	No	N/A	Drawing Reference
<b>P. First Floor Opening and Transparency Standards</b>							
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							
ii. For any mixed-use multi-unit building with a first-floor commercial use fronting a street, courtyard, or paseo							
<b>Q. First Floor Entry Standards</b>							
1: Individual residential unit entrances							
a. Residential front door standards							
i. Minimum entry sidewalk width							
ii. Entry stoop, terrace and patio area							
2: Lobby Entrances							
a. Location standards and accessibility							
i. Sidewalk entry width							
ii. Entry landing area							
iii. Prohibited primary entries							

**EXHIBIT “C”**

CONDITIONS OF APPROVAL

*(Project-specific conditions are in italics)*

**Planning Division**

1. The Project shall be in substantial conformance with the approved site plan, floor plans, landscape plan, and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval). Minor changes to the approved development may be approved by the Community Development Director, pursuant to Section 20.54.070 (Changes to an Approved Project) of the NBMC. By way of example, a change to the number of stories of a unit, floor plan redesign, and change to square footage ranges would be considered minor changes provided the project was within the allowed height limit, and in compliance with the Objective Design Standards and density range under the Housing Opportunity (HO) Overlay Zoning District.
2. Any substantial modification to the approved Site Development Review plans, as determined by the Community Development Director, shall require an amendment to this Site Development Review application or the processing of a new application.
3. The Project is subject to compliance with all applicable submittals approved by the City of Newport Beach (“City”) and all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval
4. The Applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may cause the revocation of this approval.
5. *This Major Site Development Review shall expire and become void unless exercised seven years from the date of approval of Resolution No. PC2026-012 to coincide with the expiration of Vesting Tentative Tract Map No. 19438 as provided in Condition of Approval No. 15.*
6. A copy of the Resolution, including conditions of approval Exhibit “C” shall be incorporated into the Building Division and field sets of plans before issuance of the building permits.
7. *The proposed residential development shall consist of 100 townhome, condominium units. The number of condominium units may be reduced by the Applicant without an amendment to the Site Development Review or Vesting Tentative Tract Map No. 19438 provided the total number of units meets the 20 to 50 dwelling units per acre density requirement under the HO Overlay Zoning District.*

8. *The maximum height of the residential structures shall be substantially similar to the approved plans. In no case shall the building or any portion of structure, architectural feature or mechanical equipment exceed the height limit set forth in the base zone.*
9. *The on-site residential amenities such as outdoor seating, picnic tables, barbeque, pizza ovens, game lawn; and the publicly accessible open space areas as illustrated on the approved plans shall be provided and maintained for the duration of the Project. The exact mix of amenities may be modified from the original approved plans subject to the approval by the Community Development Director. The Project shall maintain at least 75 square feet of common open space per dwelling unit on the Property as required by the HO-1 subarea. The Project shall also maintain a substantially similar PAOS to the proposed 7,613 square feet and in no case shall the PAOS be reduced below the minimum 3 percent of the Project Site for the duration of the Project. The square footage of on-site resident-serving amenities shall not be reduced so that the development no longer provides 75 square feet of common open space per dwelling unit.*
10. *The residential structure shall be attenuated to provide an interior noise level of 45 dBA CNEL or less pursuant to Section 10.26.030 (Interior Noise Standards) of the NBMC. Use of walls, berms, interior noise insulation, double paned windows, advance insulation systems, or other noise mitigation measures, as deemed appropriate by the City shall be incorporated in the design of the new residential structure to provide adequate noise attenuation.*
11. *Prior to the issuance of a building permit, the Applicant shall pay applicable school fees for the Project.*
12. *Prior to the issuance of a building permit, the Applicant shall pay applicable property development tax as required pursuant to NBMC Chapter 3.12 (Property Development Tax) for the Project.*
13. *A preliminary application for residential development, filed as PA2024-0148, was deemed submitted on August 8, 2025, for this Project. The Preliminary Application prevents the Project from being subject to any City ordinances, policies, and standards adopted after the date of submission, except as specified in Government Code Section 65589.5(o). The Applicant shall provide an in-lieu park dedication fee pursuant to Chapter 19.52 (Park Dedication and Fees), as required for park and recreational purposes in conjunction with the approval of this VTTM. Therefore, the Project will be subject to an in-lieu park fee of \$48,987 per unit which is the fee that was in effect at the time the preliminary application was deemed submitted.*
14. *Prior to the issuance of any certificate of occupancy, the developer shall pay all applicable Development Impact Fees (DIFs) in accordance with the adopted fee schedule.*
15. *Vesting Tentative Tract Map No. 19438 shall expire seven years from the date of approval of Resolution No. PC2026-012. Pursuant to Section 19.16.010(A) (Expiration of Tentative Maps (California Government Code Sections 66452.6, 66463.5)) of the*

*NBMC, an approved tentative tract map expires 24 months after the date of its approval or conditional approval. Under Section 19.16.020(A) (Extension of Tentative Maps (California Government Code Sections 66452.6, 66463.5)) of the NBMC, the subdivider shall have the right to request an extension of the map for up to an additional five years.*

16. *Prior to the issuance of a building permit, the Applicant shall submit a landscape and irrigation plan prepared by a licensed landscape architect. These plans shall incorporate drought-tolerant planting and water-efficient irrigation practices, and the plans shall be approved by the Planning Division.*
17. *The Project shall include landscaping around the perimeter of the Property to adequately screen drive aisles, parking areas, and create a visual buffer between the public right-of-way and the Project. These plans shall be approved by the Planning Division.*
18. *The covenants, conditions and restrictions (CC&Rs) shall require that garages be used for vehicles and shall prohibit storage of personal items that would otherwise impede parking of two vehicles within the required garage spaces. The CC&Rs shall prohibit residents from parking in guest parking spaces within the development. Residents and guests shall not park on adjacent private property and signs shall indicate that violators are subject to towing at their own expense. The HOA shall enforce this condition.*
19. *Prior to recordation of the Final Tract Map, the Applicant shall dedicate a minimum 6-foot-wide public easement to allow pedestrian access between the subject property and the adjacent property at 1301 Dove Street. The easement shall be subject to reasonable restrictions on hours, and the Applicant shall cooperate with improvements such as a pedestrian gate to facilitate access between the two properties. The pedestrian easement shall be located at one of the drive aisle street ends. The City shall not accept the public easement until the adjacent 1301 Dove Street has received its first Certificate of Occupancy.*
20. 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.
21. 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.

22. *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.*
23. Prior to the issuance of a building permit, the Applicant shall submit an acoustic analysis report prepared by an acoustical engineer describing the acoustical design features of the structure that will satisfy the minimum interior ambient noise level standards of Section 10.26.303 (Interior Noise Standards).
24. The design of the units shall include advanced air filtration systems to promote cleaner air within living environments.
25. A written disclosure statement shall be prepared prior to the sale, lease, or rental of a residential unit within the development. The disclosure statement shall indicate that the occupants will be living in an urban type of environment adjacent to an airport and that the noise, odor, and outdoor activity levels may be higher than a typical suburban residential area. The disclosure statement shall include a written description of the potential impacts to residents of both the existing environment (e.g., noise from planes, commercial activity on the site and vehicles on streets) and potential nuisances based upon the allowed uses in the zoning district. Each and every buyer, lessee, or renter shall sign the statement acknowledging that they have received, read, and understand the disclosure statement. A covenant shall also be included within all deeds, leases or contracts conveying any interest in a residential unit within the development that requires: (i) the disclosure and notification requirement stated herein; (ii) an acknowledgment by all grantees or lessees that the property is located within an urban type of environment and that the noise, odor, and outdoor activity levels may be higher than a typical suburban residential area; and (iii) acknowledgment that the covenant is binding for the benefit and in favor of the City of Newport Beach. The deed notification language contained in this condition shall be copied into the CC&R's for the project.
26. *Prior to the issuance of the final Certificate of Occupancy, the Applicant shall schedule an evening inspection by the Code Enforcement Division to confirm control of light and glare specified in conditions of approval.*
27. 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.
28. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7 a.m. and 6:30 p.m., Monday through Friday, and 8 a.m. and 6 p.m. on Saturday.
29. *Prior to the issuance of a building permit, the Applicant shall submit a construction management plan to be reviewed and approved by the Community Development, Fire*

*and Public Works Departments. Upon approval of the plan, the Applicant shall be responsible for implementing and complying with the stipulations set forth in the approved plan.*

30. 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.
31. All trash bins shall be stored within each residential unit and screened from the view of neighboring properties, except when placed for pick-up by refuse collection agencies. The Applicant shall ensure that the trash receptacles are maintained to control odors. The Applicant shall ensure that the trash bins are maintained to control odors. This may include the provision of periodic steam cleaning of the trash bin, if deemed necessary by the Planning Division. Cleaning and maintenance of trash bins shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).
32. 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.
33. *A qualified monitor, one from each consulting tribe (the Juaneño Band of Mission Indians, Acjachemen Nation- Belardes and the Gabrieleno Band of Mission Indians - Kizh Nation), shall be retained and compensated as Native American Monitors for the project site prior to the commencement of any ground-disturbing activity to the completion of ground disturbing activities to monitor grading and excavation activities.*
34. *The monitors, one from each consulting tribe, shall be retained prior to the commencement of any "ground-disturbing activity" for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, including as public improvement work undertaken by the applicant). "Ground-disturbing activity" shall include, but is not limited to, any demolition that includes subterranean impacts, potholing, auguring, boring, grading, excavation, drilling, and trenching.*
35. *A copy of the executed monitoring agreements shall be submitted to the City prior to the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.*
36. *Both monitors shall complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall*

*be shared between the two monitors and provided to the project applicant/lead agency upon written request to the monitors.*

37. *On-site tribal monitoring shall conclude upon either of the following (1) written confirmation to the consulting tribes from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the consulting tribes to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact TCRs of the consulting tribes.*
38. *Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., within the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the monitor and/or archaeologist. The monitors will recover and retain all discovered TCRs in the form and/or manner the tribes deem appropriate, in the tribes' sole discretion in coordination with the applicant, and for any purpose the tribes deem appropriate, including for educational, cultural and/or historic purposes.*
39. *Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.*
40. *If Native American human remains and/or grave goods are discovered or recognized on the project site, then California PRC 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed.*
41. *Human remains and grave/burial goods shall be treated alike per California PRC Section 5097.98(d)(1) and (2).*
42. *Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods.*
43. *Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.*
44. *Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current property owner or leasing agent.*
45. *To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including without limitation, attorney's fees, disbursements, and court costs) of every kind and nature whatsoever which may arise from or in any manner relate*

(directly or indirectly) to City's approval of Residences at 1500 Quail including, but not limited to, Major Site Development Review and Vesting Tentative Tract Map (PA2025-0163). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing the such proceeding. The applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages that which City incurs in enforcing the indemnification provisions outlined in this condition. The applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

**Building Division**

- 46. The Applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required before the issuance of a building permit.
- 47. *Townhouses that do not meet the definition below shall be reviewed under the California Building Code and shall be equipped with NFPA 13R. "A single-family dwelling unit in a townhouse that extends from foundation to roof and that has a yard or public way on not less than two sides."*
- 48. The applicant shall employ the following best available control measures ("BACMs") to reduce construction-related air quality impacts:

Dust Control

- Water all active construction areas at least twice daily.
- Cover all haul trucks or maintain at least two feet of freeboard.
- Pave or apply water four times daily to all unpaved parking or staging areas.
- Sweep or wash any site access points within two hours of any visible dirt deposits on any public roadway.
- Cover or water twice daily any on-site stockpiles of debris, dirt, or other dusty material.
- Suspend all operations on any unpaved surface if winds exceed 25 mph.

Emissions

- Require 90-day low-NOx tune-ups for off-road equipment.
- Limit allowable idling to 30 minutes for trucks and heavy equipment

Off-Site Impacts

- Encourage carpooling for construction workers.
- Limit lane closures to off-peak travel periods.
- Park construction vehicles off traveled roadways.
- Wet down or cover dirt hauled off-site.
- Sweep access points daily.
- Encourage receipt of materials during non-peak traffic hours.
- Sandbag construction sites for erosion control.

Fill Placement

- The number and type of equipment for dirt pushing will be limited on any day to ensure that SCAQMD significance thresholds are not exceeded.
  - Maintain and utilize a continuous water application system during earth placement and compaction to achieve a 10% soil moisture content in the top 6-inch surface layer, subject to review/discretion of the geotechnical engineer.
49. *Buildings with three or more dwelling units shall comply with Chapter 11A of California Building Code. Accessible path of travel from parking and public right of way is required. Locate accessible parking such that disabled persons do not have to travel behind a parking/car.*
  50. *The building's allowable area, number of stories, and height shall comply with Chapter 5 of the California Building Code. Occupancy R3, Type VB construction equipped with NFPA 13D is limited to 3 stories and 40ft height.*
  51. *A separate circulation path to vehicular ways shall be provided with a curb or detectable warning/truncated dome (1116A.5 of California Building Code).*
  52. *Exterior wall and opening protection between buildings/imaginary property line and to property line shall comply to Table R302.1(1) and (2) (California Residential code) and Chapter 705 (California Building Code). Applicant shall provide exhibit showing how exterior walls of building comply.*
  53. *Guest parking spaces shall comply with 1109A of the California Building Code including the minimum required accessible parking and accessible guest parking.*
  54. *Electric Vehicle charging for new construction shall comply with Section 4.106.4 of California Green Code.*
  55. *One-hour fire and 50 sound transmittal classification (stc) sound rating is required between dwelling units.*
  56. *Living areas with one exit shall comply with Table 1006.2.1, Table 1006.3.4(1), and Table 1006.3.4(2) of the California Building Code.*
  57. *The minimum emergency escape and rescue opening is required per R310 of the California Residential Code or 1031 of California Building Code.*
  58. *Cross lot drainage shall not be permitted.*
  59. 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.

60. Before the issuance of a grading permit, the applicant shall prepare and submit a Water Quality Management Plan ("WQMP") for the proposed project, subject to the approval of the Building Division and Code and Water Quality Enforcement Division. The WQMP shall provide appropriate Best Management Practices (BMPs) to ensure that no violations of water quality standards or waste discharge requirements occur.
61. A list of "good housekeeping" practices will be incorporated into the long-term post-construction operation of the site to minimize the likelihood that pollutants will be used, stored, or spilled on the site that could impair water quality. These may include frequent parking area vacuum truck sweeping, removal of waste or spills, limited use of harmful fertilizers or pesticides, and the diversion of stormwater away from potential sources of pollution (e.g., trash receptacles and parking structures). The Stage 2 WQMP shall list and describe all structural and non-structural BMPs. In addition, the WQMP must also identify the entity responsible for the long-term inspection, maintenance, and funding for all structural (and if applicable Treatment Control) BMPs.

#### **Public Works and utilities Department**

62. Prior to the issuance of a building permit, a Tract Map shall be recorded. The map shall be prepared on the California coordinate system (NAD83). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Sub Article 18. The Map to be submitted to the City of Newport Beach shall comply with the City's CADD standards. Scanned images will not be accepted.
63. Prior to the recordation of the Final Tract Map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Sub Article 18. Monuments (one-inch iron pipe with tag) shall be set On Each Lot Corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
64. 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.
65. Prior to Final Map approval, the applicant shall provide a Faithful Performance Bond and Labor and Materials Bond, each for 100 percent of the estimated improvement costs for the improvements in the public right of way and public facilities, as prepared by a Registered Civil Engineer and approved by the Public Works Director, for each of the following, but not limited to, public and private improvements, street improvements,

- monumentation, sidewalks, striping, signage, street lights, sewer systems, water systems, storm drain systems, water quality management systems, erosion control, landscaping and irrigation within the public right of way, common open spaces areas accessible by the public, fire access and off-site improvements required as part of the project.
66. Warranty Bond for a minimum of ten percent of the engineer's cost estimate (final percentage to be determined by the Public Works Director) to be released 1-year after the improvements have been completed and accepted.
  67. All improvements shall be constructed per City Standards as required by Ordinance, and the Public Works Department.
  68. An encroachment permit shall be required for all work activities within the public right-of-way.
  69. The final construction management plan (CMP) shall be reviewed and approved by the Community Development Director and the City Traffic Engineer prior to building permit issuance.
  70. Parking layout shall comply with the City Parking Lot Standard 805. Final parking layout shall be reviewed and approved by the City Traffic Engineer.
  71. The applicant shall reconstruct all damaged or broken curb, gutter and sidewalk along the Westerly Place and Quail Street frontages per City Standards.
  72. The applicant shall dedicate to the City an easement for pedestrian and sidewalk purposes along the realigned sidewalk on the Westerly Place and Quail Street frontages. Final easement alignment shall be determined by the Public Works Department.
  73. The proposed new driveways along the Westerly Place and Quail Street frontage shall be constructed per City standard 160.
  74. All deliveries and move-ins/move-out shall be accommodated on-site and prohibited from parking or stopping within the public right of way.
  75. The on-site sewer mains and water system shall be City owned and maintained. Final design of the water and sewer system, including water meter locations, is subject to further review by the Public Works and Utilities Departments during plan check. Sewer laterals shall be privately owned and maintained. Applicable City easement for the on-site sewer and water is subject to further review by the Public Works and Utilities Departments and shall be dedicated as part of the Final Tract Map.
  76. The project storm drain system shall be privately owned and maintained. Final hydrology and hydraulic report shall be reviewed and approved prior to building permit issuance. The applicant shall upsize the existing 24-inch storm drain line along Quail

Street to a 36-inch storm drain line. Extent of the improvement shall be determined by the Public Works Department. Any additional required improvements to downstream City infrastructure to accommodate the proposed project shall be designed and constructed by the proposed project. Final design of the storm drain improvements within the public right of way shall be reviewed and approved by the Public Works Department.

### **Fire Department**

77. The Applicant shall provide an additional onsite fire hydrant based on the provisions of 2022 CFC Appendix C Footnote B. Fire hydrant spacing shall be based on “as the hose lays”, not on a radius over structures. It should be noted that the fire hydrants located on the opposite side of Quail Street do not comply with Footnote B.
78. Demolition of the existing structure and active construction shall comply with CFC Chapter 33 for Safety during construction. A safety plan shall be prepared and submitted to the Fire Department for review and approval prior to issuance of demolition permits.
79. A residential fire sprinkler system shall be installed per NFPA13D for each unit.
80. A separate water meter shall serve each fire sprinkler system.
81. All Fire Department access roads shall comply with Newport Beach Fire Guidelines C.01 and C.02. Any fire department access roads that exceed 150 feet will require an approved turn around for fire apparatus.
82. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises. Fire-flow requirements for buildings or portions of buildings and facilities shall be determined by Appendix B of the California Fire Code.
83. Fire master plan complying with the Newport Beach Fire Department (NBFD) Guideline D.08 shall be required as a deferred submittal.
84. A deferred submittal for the Fire underground plans shall be required for the installation of the onsite fire hydrants.

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