CITY OF NEWPORT BEACH
CITY COUNCIL AGENDA

APRIL 28, 2026
COUNCIL CHAMBERS - 100 CIVIC CENTER DRIVE, NEWPORT BEACH, CA 92660

STUDY SESSION- 4:00 PM (PUBLIC WELCOME)

LAUREN KLEIMAN, Mayor
NOAH BLOM, Mayor Pro Tem
MICHELLE BARTO, Councilmember
ROBYN GRANT, Councilmember
JOE STAPLETON, Councilmember
SARA J. WEBER, Councilmember
ERIK WEIGAND, Councilmember

SEIMONE JURJIS, City Manager
AARON C. HARP, City Attorney
LENA SHUMWAY, City Clerk

NOTICE REGARDING PRESENTATIONS REQUIRING USE OF CITY EQUIPMENT
Any presentation requiring the use of the City of Newport Beach's equipment must be submitted to the City Clerk 24 hours prior to the scheduled City Council meeting.

LEVINE ACT
Under the Levine Act, Section 84308 of the Government Code, a party to a proceeding before the City involving a contract (other than competitively bid, labor, or personal employment contracts), franchise, license, permit, or other entitlement for use, is required to disclose on the record of the proceeding any contribution in an amount of more than five hundred dollars ($500) made within the preceding 12 months by the party or the party's agent to any elected or appointed officer of the City. If you have made a qualifying contribution, please ensure to make this disclosure on the record.

PUBLIC HEARINGS
If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

NOTICE TO THE PUBLIC
Any times listed in this agenda are provided as a courtesy and the actual item may be heard before or after the time given.
This agenda was prepared by the City Clerk. Copies of the staff reports and supporting materials are on file with the City Clerk and are available for public inspection and copying at the City Clerk's Office or online at newportbeachca.gov/agendas. For questions or to request copies of any staff reports or other documentation related to items on this agenda, please contact the City Clerk's Office at 949-644-3005.
The City of Newport Beach's goal is to fully comply with the Americans with Disabilities Act (ADA). If you require special assistance to participate in this meeting, we will attempt to accommodate you in every reasonable manner. Please contact City Clerk staff prior to the meeting at 949-644-3005 or cityclerk@newportbeachca.gov so that reasonable accommodations can be made.

I. ROLL CALL - 4:00 p.m.

INVOCATION

Spiritual Assembly of Bahais of Newport Beach: Natalie Teale

PLEDGE OF ALLEGIANCE

PRESENTATIONS

II. STUDY SESSION

- **Introducing the Newport Beach 2050 General Plan (PA2022-080)**

  City staff will present relevant background and an overview of the status of the comprehensive General Plan Update with special focus on introducing the Final GPUSC/GPAC Draft General Plan Update, also referred to as the "Newport Beach 2050 General Plan." This is a study session item only with no action required. It is anticipated the City Council will review and consider adoption of the Newport Beach 2050 General Plan at its meeting on June 23, 2026.

  Staff Report

PUBLIC COMMENTS ON AGENDA AND NON-AGENDA ITEMS

The City Council of Newport Beach welcomes and encourages community participation. Public comments are invited on items listed on the agenda and non-agenda items. Speakers must limit comments to three minutes per person to allow everyone to speak. Written comments are encouraged as well. The City Council has the discretion to extend or shorten the time limit on agenda or non-agenda items.

CITY COUNCIL ANNOUNCEMENTS AND ORAL REPORTS FROM CITY COUNCIL ON COMMITTEE ACTIVITIES

PUBLIC COMMENTS ON CONSENT CALENDAR

This is the time in which Councilmembers may pull items from the CONSENT CALENDAR for discussion (ITEMS 1 - 13). Public comments are also invited on Consent Calendar items. Speakers must limit comments to three minutes. Before speaking, please state your name for the record. If any item is removed from the Consent Calendar by a Councilmember, members of the public are invited to speak on each item for up to three minutes per item.

All matters listed under CONSENT CALENDAR are considered to be routine and will all be enacted by one motion in the form listed below. Councilmembers have received detailed staff reports on each of the items recommending an action. There will be no separate discussion of these items prior to the time the City Council votes on the motion unless members of the City Council request specific items to be discussed and/or removed from the Consent Calendar for separate action.

III. CONSENT CALENDAR

READING OF MINUTES AND ORDINANCES

1. Minutes for the April 14, 2026, City Council Meeting

Waive reading of subject minutes, approve as written, and order filed.

Minutes

2. Reading of Ordinances

Waive reading in full of all ordinances under consideration for adoption and direct the City Clerk to read by title only.

ORDINANCES FOR ADOPTION

3. Ordinance No. 2026-03 and Resolution No. 2026-22: Amending Subsection 12.68.060(B) - (Preferential Parking Zones - Locations and Restrictions) of Chapter 12.68 - (Residents' Preferential Parking) of the Newport Beach Municipal Code Regarding the Residential Parking Permit Program for Newport Heights and Cliff Haven

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;

b) Conduct a second reading and adopt Ordinance No. 2026-03, *An Ordinance of the City Council of the City Of Newport Beach Amending Subsection 12.68.060(B) (Preferential Parking Zones- Locations and Restrictions) Of Chapter 12.68 (Residents' Preferential Parking) of the Newport Beach Municipal Code Regarding the Residential Parking Permit Program for Newport Heights and Cliff Haven*; and

c) Adopt Resolution No. 2026-22, *A Resolution of the City Council of the City of Newport Beach, California, Limiting the Parking of Vehicles on Certain City Streets, Including Streets in Newport Heights and Cliff Haven and Repealing Resolutions 2020-42 and 2026-13.*

Staff Report
Attachment A - Ordinance No. 2026-03
Attachment B - Resolution No. 2026-22

RESOLUTIONS FOR ADOPTION

4. Resolution No. 2026-23: Undergrounding Utility Assessment Loan Program

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Adopt Resolution No. 2026-23, *A Resolution of the City Council of the City of Newport Beach, California, Adopting the Undergrounding Utility Assessment Loan Program*; and

c) Authorize the City Manager, or designee, to implement and administer the program.

Staff Report

Attachment A - Resolution No. 2026-23

5. Resolution No. 2026-24: Approving a Legislative Platform

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Adopt Resolution No. 2026-24, *A Resolution of the City of Newport Beach, California, Approving a Legislative Platform.*

Staff Report

Attachment A- Resolution No. 2026-24

Attachment B- Legislative Platform Redline Copy

CONTRACTS AND AGREEMENTS

6. Balboa Yacht Basin Maintenance Dredging - Notice of Completion for Contract No. 9944-1 (26H13)

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Accept the completed work and authorize the City Clerk to file a Notice of Completion for the project.

Staff Report

Attachment A - Location Map

7. **Citywide Public Dock Rehabilitation - Notice of Completion for Contract No. 9557-1 (24H02)**

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Accept the completed work and authorize the City Clerk to file a Notice of Completion for the project.

Staff Report

Attachment A - Location Map

8. **Award of Maintenance / Repair Services Agreement with Superior Property Services, Inc., for Graffiti Abatement Services**

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Approve a Maintenance and Repair Services Agreement with Superior Property Services, Inc., for Graffiti Abatement Services, for a term of three years with an option to extend the agreement for two additional years, with a total contract amount of $775,000 and authorize the Mayor and City Clerk to execute the agreement.

Staff Report

Attachment A – Agreement with Superior Property Services, Inc.

9. **Approval of Purchase Order for the Purchase and Delivery of Sodium Hypochlorite**

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Authorize the City Manager to approve a purchase order for the purchase and delivery of sodium hypochlorite from JCI Jones Chemical, Inc., over the next two fiscal years, starting July 1, 2026, up to a total amount of $500,000.

Staff Report

10. Three-Year Enterprise Licensing Agreement with Environmental Systems Research Institute (ESRI)

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
b) Authorize the Mayor and City Clerk to execute a GIS Enterprise Agreement with Environmental Systems Research Institute for a term of three years in an amount not to exceed $144,720.

Staff Report
Attachment A - ESRI Enterprise Quote and Agreement

11. Three-Year Software License Agreement for Microsoft

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
b) Authorize the Mayor and City Clerk to execute a renewal Software License Agreement with Dell Marketing L.P. for a three-year period for all Microsoft products in the amount of $250,982 per year.

Staff Report
Attachment A - Agreement
Attachment B - County of Riverside Contract Link
Attachment C - Three-Year Dell Marketing L.P. Quote

MISCELLANEOUS

12. Grants and Donations Report for the Quarter Ending March 31, 2026

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;
b) Receive and File

Staff Report

13. Planning Commission Agenda for the April 23, 2026, Meeting

Receive and file.

April 23, 2026 Agenda
PC Action Report
Tentative Agenda

ACTION: MOVE AFFIRMATIVE ACTION OF THE CONSENT CALENDAR, EXCEPT FOR THOSE ITEMS REMOVED

ITEMS REMOVED FROM THE CONSENT CALENDAR

IV. PUBLIC HEARINGS

14. Resolution No. 2026-26: 300 Newport Center Drive Condominiums Appeal (PA2025-0102)

a) Conduct a de novo public hearing;

b) Find that this project is not subject to further environmental review pursuant to Section 21083.3 of the California Public Resources Code (PRC) and Section 15183 of the California Environmental Quality Act (CEQA) Guidelines because the project is consistent with the previously certified Program Environmental Impact Report (SCH No. 2023060699) and statutorily exempt from the requirements of CEQA pursuant to Public Resources Code Section 21080.66; and

c) Adopt 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 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).*

Staff Report
Attachment A- Resolution No. 2026-26
Attachment B - March 5, 2026, Planning Commission Staff Report
Attachment C - Resolution No. PC2026-004
Attachment D - March 5, 2026 Planning Commission Minutes
Attachment E - Appeal Application (SAFER)
Attachment F - Appeal Application (Save Our Theater)
Attachment G - Project Plans

15. **Resolution No. 2026-25: Notice of Intent to Override Orange County Airport Land Use Commission's Determination of Inconsistency for the Comprehensive General Plan Update (PA2022-080)**

a) Conduct a public hearing;

b) Find that the proposed overriding action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly; and

c) Adopt Resolution No. 2026-25, *A Resolution of the City Council of the City of Newport Beach, California, Notifying the Orange County Airport Land Use Commission and State Department of Transportation, Aeronautics Program of the City's Intention to Find that the Comprehensive General Plan Update is Consistent with the 2008 John Wayne Airport Environs Land Use Plan (PA2022-080).*

Staff Report
Attachment A - Resolution No. 2026-25
Attachment B - ALUC Staff Report, dated March 19, 2026
Attachment C - ALUC Determination Letter, dated March 19, 2026

V. MOTION FOR RECONSIDERATION

A motion to reconsider the vote on any action taken by the City Council at either this meeting or the previous meeting may be made only by one of the Councilmembers who voted with the prevailing side.

PUBLIC COMMENTS ON CLOSED SESSION

VI. CLOSED SESSION

A. CONFERENCE WITH LABOR NEGOTIATORS

(Government Code § 54957.6): 2 matters.

Agency Designated Representative: Seimone Jurjis, City Manager, and Jason Al-Imam, Administrative Services Department Director.

Employee Organization: Newport Beach City Employees Association; and Newport Beach Professional & Technical Employees Association

CLOSED SESSION REPORT

ADJOURNMENT

Written Comments Received on Agenda and Non-Agenda Items after Agenda Posting

Study Session - Correspondence

1 - Correspondence

14 - Correspondence

Non Agenda Correspondence

Written Comments

PLEASE TURN CELL PHONES OFF OR SET IN SILENT MODE.

CITY OF

NEWPORT BEACH

City Council Staff Report

April 28, 2026
Study Session

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	Jaime Murillo, Community Development Director - 949-644-3209, jmurillo@newportbeachca.gov
PREPARED BY:	Benjamin M. Zdeba, AICP, Acting Deputy Community Development Director - 949-644-3253, bzdeba@newportbeachca.gov
TITLE:	Introducing the Newport Beach 2050 General Plan (PA2022-080)

ABSTRACT:

City of Newport Beach staff will present relevant background information and an overview of the status of the comprehensive General Plan Update with special focus on introducing the final draft GPUSC/GPAC General Plan Update, also referred to as the "Newport Beach 2050 General Plan." This is a study session item with no action required. It is anticipated the City Council will review and consider adoption of the Newport Beach 2050 General Plan at its meeting on June 23, 2026.

DISCUSSION:

Introduction and Background

The General Plan is a State-mandated, long-term policy document that guides a community's physical development and informs local decision-making on land use, housing, transportation, infrastructure, parks, and related issues over a 20- to 30-year horizon. Newport Beach's General Plan was last comprehensively updated in 2006, prompting the City Council to initiate a full review in 2019; however, the effort temporarily shifted to address the unprecedented 6th Cycle Regional Housing Needs Assessment (RHNA) and complete the Housing and Circulation Elements.

As that work concluded, the City resumed the comprehensive update and, in the middle of 2022, the City Council established the three-member General Plan Update Steering Committee (GPUSC), chaired by Nancy Gardner, to guide the process and report to the City Council. In early 2023, the City Council also formed the General Plan Advisory Committee (GPAC), an originally 28-member community-based body that was reduced to 24 members chaired by Jeremy Evans and Arlene Greer, which organized subcommittees to support efficient and focused review of each General Plan element.

The General Plan Update effort has been broken into four primary phases, as described in Table 1 on the following page. Phase 3 (California Environmental Quality Act) is nearing completion with Phase 4 (Hearings) in progress. It is anticipated that the entire process will be completed by June 2026.

Table 1, General Plan Update Process			
Phase 1 (Background Analysis + Visioning)	Phase 2 (Policy Development + General Plan Amendment)	Phase 3 (California Environmental Quality Act)	Phase 4 (Hearings)
• Community Engagement and Outreach Plan • Research and Data Analysis • Online Survey • GPAC + GPUSC Meetings • Pop-up Events • Paid Advertisements	• Development of General Plan • Online Survey • GPAC+GPUSC Meetings • Community Workshops • Paid Advertisements	• Virtual Open House • In-Person Open House • GPAC + GPUSC Meetings • Environmental Analysis	• City Boards, Commissions, and Committees • City Council Adoption
Completed late 2024	Completed late 2025	Open houses completed late 2025; Environmental analysis in progress	In progress

To get to the point of having initial drafts of the General Plan Elements available for review, City staff worked extensively with the GPAC Subcommittees, the GPAC, and the GPUSC. This started with the review of existing conditions and background analysis reports for each element. These documents are considered a "snapshot in time" to identify current conditions in Newport Beach under each topical area as well as what needs to be addressed from a State requirement standpoint. Each subcommittee then worked on identifying a potential refresh for the individual elements and helped to create "ideas to support" them. These ideas were shared with the community through digital engagement on the City's website for the effort (https://www.newportbeachca.gov/gpupdate), as well as at community workshops.

Based on the feedback received, City staff alongside consultant Dudek refined the ideas shared as actual goals and accompanying policy statements in furtherance of each. The draft goals and policies were then shared with internal City staff from various departments for review prior to finalizing them as initial draft elements.

These initial drafts were then reviewed by the Subcommittees, as well as the full GPAC and the GPUSC prior to being shared with the City's boards, commissions, and committees for further input, and then advertised for additional public input from the broader community late last year.

At a special joint meeting of the GPAC and the GPUSC on December 3, 2025, those committees reviewed 56 comments received on various draft elements from six different City boards, commissions and committees, as well as 69 comments received from community members. Based on guidance received at that meeting, City staff returned to another special joint meeting on January 21, 2026, with a comprehensive set of revised draft elements. By a vote of 25 ayes to 1 nay, the GPAC and the GPUSC voted to move the draft forward as the Final GPUSC/GPAC Draft General Plan Update.

Through the course of the GPAC and GPUSC efforts, the Committees also voted to 1) recommend the City Council consider forming a new ad hoc committee that would assist City staff with reviewing implementation of the General Plan annually; and 2) recommend that the City Council remove all development intensity from the former Banning Ranch area.

This draft represents the culmination of three years of diligent work by the GPAC, its subcommittees, the GPUSC and engaged community members. Notably, the GPAC and the GPUSC combined for 57 meetings held in accordance with the Ralph M. Brown Act and 47 public meetings of the various subcommittees.

General Plan Components and Elements

Introduction

The updated Introduction discusses the purpose and intent of the General Plan and includes overviews of the process to update it, Newport Beach as a city, the General Plan, and the General Plan's structure, as well as acknowledgements. Figure I-1 is provided to depict the regional vicinity and Figure I-2 is provided to depict the City's boundaries and Sphere of Influence.

The draft Introduction is available for review here.

Vision Statement



The refreshed Vision Statement was guided by the GPAC's *Vision Statement Subcommittee*, composed of GPAC Members Nicholas Acevedo, Curtis Black, Susan DeSantis, Jeremy Evans, Rita Goldberg, Arlene Greer, Lynn Hackman, Scott Laidlaw, and Jim Mosher, with GPAC Member Debbie Stevens serving as the subcommittee's chairperson.

The draft Vision Statement is available for review here.

Arts and Culture Element and Historical Resources Element



The Arts and Culture Element and the Historical Resources Elements were guided by the GPAC's *Arts and Culture/Historical Resources Subcommittee*, composed of GPAC Members Dennis Baker, Rita Goldberg, and Paul Watkins, with GPAC Member Arlene Greer serving as the subcommittee's chairperson.

The Arts and Culture Element and Historical Resources Element are both important and unique to Newport Beach but not required by State law. They serve to place emphasis on Newport Beach's robust arts and culture offerings, and its important history. Together, they set forth a decision-making framework for the maintenance and enhancement of City programming, as well as continuing to raise awareness and recognize the early beginnings and integral historical components that are meaningful to the community.



The refreshed Arts and Culture Element includes updates that:

- ✓ Support art in both public spaces and larger private development projects;
- ✓ Offer enhanced policy support for City libraries and services;
- ✓ Include policy support for musical and culinary arts programming;
- ✓ Add a focus on marketing to engage the community; and
- ✓ Emphasize collaboration with other organizations.

The refreshed Historical Resources Element includes updates that:

- ✓ Celebrate Newport Beach's historical resources;
- ✓ Encourage enhanced outreach, education, and interpretation of Newport Beach history through signage, partnerships, walking tours, and school programs; and
- ✓ Consider the establishment of a legacy business program.

The draft Arts and Culture Element is available for review here.

The draft Historical Resources Element is available for review here.

Harbor, Bay, and Beaches Element

The Harbor, Bay, and Beaches Element was guided by the GPAC's *Habor and Bay Subcommittee*, composed of GPAC Members Nicholas Acevedo, Virginia Anders-Ellmore, Dennis Baker, Jim Carlson, Lynn Hackman, Amber Snider, Debbie Stevens, and Paul Watkins, with GPAC Member Curtis Black serving as the subcommittee's chairperson.



The City's currently adopted Harbor and Bay Element is important and unique to Newport Beach but not required. It serves to place emphasis on Newport Harbor as not only a community asset but a regional asset and sets forth a decision-making framework for its maintenance and enhancement. While not exhaustive, the following list presents highlighted updates of the refreshed and renamed Harbor, Bay, and Beaches Element. The updated Element includes:

- ✓ Incorporating direct goal and policy support related to "beaches," which has also been added by name;
- ✓ Enhancing goal and policy support for Upper Newport Bay;
- ✓ Helping to sure multi-faceted and well-integrated public coastal access;
- ✓ Minimizing risk of displacement from coastal hazards; and

- ✓ Placing an emphasis on the economic strength and vitality of the beaches and harbor.

The draft Harbor, Bay, and Beaches Element is available for review here.

Land Use Element



The Land Use Element was guided by the GPAC's *Land Use Subcommittee*, composed of GPAC Members James Carlson, Chuck Ebner, Jeremy Evans, David Guder, Anthony Maniscalchi, Thomas Meng, Jim Mosher, Debbie Stevens, and Christine Walker, with GPAC Member Susan DeSantis serving as the subcommittee's chairperson.

The Land Use Element is a State-mandated element intended to support the orderly maintenance, enhancement, and growth of the community. This Element establishes the framework for all other regulatory land use documents, including Title 20 (Planning and Zoning) of the Newport Beach Municipal Code (NBMC) or the Local Coastal Program, to be consistent with.

The refreshed Land Use Element includes updates that:

- ✓ Condense and consolidate the narrative while restructuring to make it easier for all users to navigate the City's complex land use patterns;
- ✓ Introduce new policies that help balance the planning for focus areas, as identified in the adopted and certified 6th Cycle Housing Element, by ensuring whole and balanced communities;
- ✓ Provide new opportunities for change or special highlight, including Balboa Island;
- ✓ Increase opportunities for open space amenities through direct policy support for publicly accessible open space (PAOS); and
- ✓ Allow staff-administered updates to land use tracking tables for transparency and up-to-date information.

The draft Land Use Element is available for review here.

Natural Resources Element and Recreation Element



The Natural Resources Element and Recreation Element were guided by the GPAC's *Recreation/Natural Resources Subcommittee*, composed of GPAC Members Virginia Anders-Ellmore, Curtis Black, Susan DeSantis, Laird Hayes, Ruth Kobayashi, Katie Love, Jim Mosher, Amber Snider, and Paul Watkins, with GPAC Member Dennis Baker serving as the subcommittee's chairperson.



The Natural Resources and Recreation Elements have required components that cover the City's required policy areas related to

conservation and open space. They are vital to maintaining the high level of open space areas and park amenities that the City prides itself on offering.

The refreshed Natural Resources Element includes updates that:

- ✓ Integrate goals and policies that satisfy the requirements of Senate Bill 272 (2023) related to preparing a Sea Level Rise Plan by 2034 and Assembly Bill 1889 (2024) related to wildlife and habitat connectivity;
- ✓ Encourage thoughtful clean energy infrastructure that is not wholly reliant on electricity;
- ✓ Transition away from oil and gas resources, as deemed appropriate;
- ✓ Raise awareness of clean energy incentives for existing buildings to reduce natural gas emissions; and
- ✓ Encourage native/naturalized species habitats in parks and open space.

The refreshed Recreation Element includes updates that:

- ✓ Integrate goals and policies that satisfy the requirements of Senate Bill 1425 (2022) related to open space access and co-benefits of open space (i.e., buffers from source pollutants and wildlife connectivity);
- ✓ Encourage new and innovative parks where needed and connections to them that increase resident access;
- ✓ Help ensure parks and recreational facilities that are adapted to meet a variety of needs for existing and future residents; and
- ✓ Protect public beach access.

The draft Natural Resources Element is available for review here.

The draft Recreation Element is available for review here.

Noise Element

The Noise Element was guided by the GPAC's *Noise Subcommittee*, composed of GPAC Members David Guder, Anthony Maniscalchi, Thomas Meng, Amber Snider, and Debbie Stevens, with GPAC Member Jim Mosher serving as the subcommittee's chairperson.



The Noise Element provides for noise control in the planning process in order to maintain land use compatibility with environmental noise levels. This Noise Element identifies noise-sensitive land uses and noise sources and defines noise impacts for the purpose of developing policies to ensure that Newport Beach residents will be protected from excessive noise intrusion.

The refreshed Noise Element includes updates that:

- ✓ Provide enhanced noise considerations for the 6th Cycle Housing Element's introduction of additional residential into the West Newport Mesa Focus Area, which includes adjacency to the older industrial and light industrial uses;
- ✓ Commit to more regularly reviewing and updating the City's Noise Ordinance;
- ✓ Offer decision framework for better community education and communication surrounding noise regulations, as well as for adopting noise technology to better monitor and assess noise impacts;
- ✓ Include policy support to review projects with potential to have significant vibration and effects on the neighboring built environment; and
- ✓ Elevate construction-related noise as a key community issue, providing policy support to curtail the issue, including construction noise best practices.

The draft Noise Element is available for review here.

Safety Element

The Safety Element was guided by the GPAC's *Safety Subcommittee*, composed of GPAC Members Virginia Anders-Ellmore, Curtis Black, Jim Carlson, Susan DeSantis, Jeremy Evans, Lynn Hackman, Laird Hayes, Ruth Kobayashi, Katie Love, and Debbie Stevens, with GPAC Member Amber Snider serving as the subcommittee's chairperson.



The Safety Element is a State-mandated element intended to safeguard the community from natural disasters and hazardous events while adequately preparing in the event they do occur. This Element is vital to maintaining and fostering a resilient city with community members who are well-informed and prepared.

The refreshed Safety Element includes updates that:

- ✓ Elevate the discussion surrounding evacuation preparedness, including a consideration of non-automobile options and alternative routes;
- ✓ Provide resilience for extreme weather events through components like shade tree and "cool" pavement strategies;
- ✓ Set forward a path to preparing for sea level rise, incompliance with State law;
- ✓ Modernize the fire hazard maps; and
- ✓ Address aviation hazards, including emerging technologies like advanced air mobility vehicles (AAMVs) and drones.

The draft Safety Element is available for review here, with individual draft figures available separately due to size at the links below.

Figure 1. Citywide Coastal Flood Risk
Figure 2. Newport Harbor Coastal Flood Risk
Figure 3. Landslide Zones
Figure 4. Liquefaction Zones
Figure 5. FEMA Flood Zones
Figure 6. Fire Hazard Severity Zones

Figure 7. Land Uses in Fire Hazard Severity Zones
Figure 8. Historic Fires
Figure 9. Hazardous Materials

Implementation Programs

The Implementation Programs outline the primary actions and procedures intended to carry out the goals and policies of the Newport Beach 2050 General Plan. They provide flexible, advisory guidance linked to specific policies. A key update to the Implementation Programs is an Implementation Crosswalk to enhance the City's tracking efforts while helping departments coordinate responsibilities, timelines and progress.

While the General Plan remains the controlling policy document, the implementation programs support its execution and may evolve over time in response to changing funding, technology and community priorities. Annual progress reporting and periodic, more in-depth reviews of each General Plan Element ensure that implementation is monitored, policies remain relevant, and adjustments can be made without formal amendments unless substantive policy changes are required.

The draft Implementation Programs is available for review here.

Glossary

The Glossary has been updated to remove definitions for terms that are not present in the Newport Beach 2050 General Plan and includes immaterial updates to the current version.

The draft Glossary is available for review here.

City and Non-City Board, Commission, and Committee Reviews

Board of Library Trustees

On August 18, 2025, the initial drafts of the Arts and Culture Element and the Historical Resources Element were introduced to the Board of Library Trustees (BLT). Rather than form an ad hoc committee for review, the BLT opted to review individually and return to its October 2025 meeting with any feedback.

On October 20, 2025, these Elements were on the BLT's agenda. At the conclusion of a brief discussion, the BLT unanimously offered support for the drafts without any feedback.

On February 23, 2026, the Final GPUSC/GPAC Draft Arts and Culture Element and Historical Resources Element were presented to the BLT for formal review and consideration. By a unanimous vote of 5 ayes and 0 nays, the BLT recommended the City Council's adoption of the Elements as part of the comprehensive General Plan Update.

City Arts Commission

On September 11, 2025, and October 9, 2025, the initial drafts of the Arts and Culture Element and the Historical Resources Element were introduced to the City Arts Commission (CAC). Also on October 9, the CAC opted to establish an ad hoc committee to review the draft Elements, consisting of Chair Ignatin, Vice Chair Moore and Commissioner Blom. The ad hoc committee met to review and compile comments, which were presented and reviewed at the CAC's meeting on November 13, 2025, and subsequently forwarded to the GPAC and GPUSC for consideration.

On February 12, 2026, the Final GPUSC/GPAC Draft Arts and Culture Element and Historical Resources Element were presented to the CAC for formal review and consideration. By a majority vote of 6 ayes, 0 nays, and 1 abstention, the CAC recommended the City Council's adoption of the Elements as part of the comprehensive General Plan Update.

Harbor Commission

On August 13, 2025, the initial draft of the Harbor, Bay, and Beaches Element was introduced to the Harbor Commission (Commission). Although some initial feedback was shared during that meeting, it was noted that the Commission had already formed an ad hoc committee to track the General Plan Update, consisting of Commissioners Scully, Marston and Yahn, as appointed in October 2024. The ad hoc committee met to review and compile comments, which were presented and reviewed at the Commission's meeting on November 12, 2025, and subsequently forwarded to the GPAC and GPUSC for consideration.

On March 11, 2026, the Final GPUSC/GPAC Draft Harbor, Bay and Beaches Element was presented to the Commission for formal review and consideration. By a unanimous vote of 7 ayes and 0 nays, the Commission recommended the City Council's adoption of the Element as part of the comprehensive General Plan Update.

Parks, Beaches & Recreation Commission

On August 5, 2025, the initial drafts of the Harbor, Bay and Beaches Element, Natural Resources Element, and Recreation Element were introduced to the Parks, Beaches & Recreation Commission (PB&R). During this meeting, PB&R requested the creation of an ad hoc committee to effectively explore them and provide more informed feedback. Commissioners Daruty, Kirby and Malouf were appointed to the ad hoc committee at the meeting on September 2, 2025. The ad hoc committee met twice to review and compile comments, which were presented and reviewed at PB&R's meeting on October 7, 2025, and subsequently forwarded to the GPAC and GPUSC for consideration.

On March 3, 2026, the Final GPUSC/GPAC Draft Harbor, Bay and Beaches Element, Natural Resources Element, and Recreation Element were presented to PB&R for formal review and consideration. By a unanimous vote of 6 ayes, 0 nays, and 1 absence, the PB&R recommended the City Council's adoption of the Element as part of the

comprehensive General Plan Update, with a recommendation to revise draft Policy HBB-5.5 (Coastal Resilience) to include PB&R alongside the Water Quality/Coastal Tidelands Committee.

Water Quality/Coastal Tidelands Committee

On September 4, 2025, the initial drafts of the Harbor, Bay, and Beaches Element, Natural Resources Element, and Safety Element were introduced to the Water Quality/Coastal Tidelands Committee. During this meeting, the committee received an overview from Committee Member Curtis Black who also served on the GPAC and was the Chair of the Harbor and Bay Subcommittee. Committee Member Black suggested the creation of an ad hoc committee to effectively explore them and provide more informed feedback. Committee Members Black, Fancher, and Wadsworth were appointed to the ad hoc committee at the same meeting. The ad hoc committee met to review and compile comments, which were presented and reviewed at the Water Quality / Coastal Tidelands Committee's meeting on October 2, 2025, and subsequently forwarded to the GPAC and GPUSC for consideration.

On April 2, 2026, the Final GPUSC/GPAC Draft Harbor, Bay, and Beaches Element, Natural Resources Element, and Safety Element were presented to the committee for formal review and consideration. By a unanimous vote of 5 ayes and 0 nays, the Water Quality / Coastal Tidelands Committee recommended the City Council's adoption of the Element as part of the comprehensive General Plan Update.

Planning Commission

On October 9, 2025, the initial drafts of the Land Use Element and Safety Element were introduced to the Planning Commission. Rather than form an ad hoc committee for review, the Planning Commission opted to review individually and return to a November meeting with any feedback.

On November 20, 2025, these Elements were on the Planning Commission's agenda. At the conclusion of a brief discussion, the Planning Commission unanimously offered support for the drafts while opting to share minor suggestions that were subsequently forwarded to the GPAC and GPUSC for consideration. Most notably, the Planning Commission expressed a desire to understand which goals and policies were existing and carried forward, existing and modified, or omitted. This analysis has been prepared as part of the environmental review for the update and will be made available for the City Council's consideration.

On April 23, 2026, the Planning Commission is conducting a public hearing and considering recommending that the City Council adopt the General Plan Update. City staff will provide an update on the Planning Commission's action as part of the presentation.

Orange County Airport Land Use Commission (ALUC)

On March 19, 2026, the Orange County Airport Land Use Commission (ALUC) conducted a public hearing to review the draft Newport Beach 2050 General Plan for consistency with the 2008 John Wayne Airport Environs Land Use Plan (AELUP). ALUC's review focused on the Land Use Element, Noise Element, and Safety Element. By a unanimous vote of 5 ayes and 0 nays, ALUC determined the proposed update is inconsistent with the AELUP. This determination was primarily made because the comprehensive update carries forward previous amendments to the Land Use and Noise Elements that were found to also be inconsistent with the AELUP. These amendments were maintained, as they were determined critical to implement the City's adopted and certified Housing Element.

Next Steps

On the same agenda as this study session (April 28, 2026), the City Council will hold a public hearing to consider authorizing the Notice of Intent to Override ALUC's Determination. If authorized, City staff will transmit a letter to ALUC and to the State Department of Transportation, Aeronautics Program, notifying them of the City's intention to override ALUC's determination.

Ultimately, City staff anticipates the matter will come to the City Council for consideration and potential adoption on June 23, 2026, which will conclude the multi-year update effort.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

CITY OF NEWPORT BEACH

City Council Meeting Minutes
Regular Meeting
April 14, 2026

I. ROLL CALL – 4:00 p.m.

Present: Mayor Lauren Kleiman, Mayor Pro Tem Noah Blom, Councilmember Michelle Barto, Councilmember Robyn Grant, Councilmember Joe Stapleton, Councilmember Sara J. Weber, Councilmember Erik Weigand

INVOCATION – Costa Mesa First United Methodist: Pastor Matt Hambrick

PLEDGE OF ALLEGIANCE – Mayor Kleiman

II. PRESENTATIONS

- National Library Week Proclamation

  Mayor Kleiman read the proclamation declaring April 19, 2026, through April-25, 2026, as National Library Week.

  Board of Library Trustees Board Member Chase Rief expressed appreciation for the recognition, noting strong circulation numbers and program attendance.

  Library Services Director Melissa Hartson also thanked Council for their recognition.

III. STUDY SESSION

- Legislative Platform Changes: The City of Newport Beach Legislative Platform outlines the City Council's position on key issues and helps streamline the process through which the City and its legislative advocacy consultants act in response to legislative proposals. The legislative platform is primarily used as a tool for determining if the City will support or oppose local, state and federal legislation. Staff will introduce proposed changes to the document for the City Council's consideration.

  Management Analyst Lorig Harutunian referenced a PowerPoint presentation, provided a report on proposed legislative platform updates, and explained that staff planned to return with a formal resolution at the next council meeting.

  PUBLIC COMMENTS

  Jim Mosher thought the legislative platform webpage should be better publicized.

  Council reached a consensus to move forward with the proposed changes.

  The item will be agendized for consideration at the next meeting.

PUBLIC COMMENTS ON AGENDA AND NON-AGENDA ITEMS

Adam Leverenz discussed Harbor Commission meeting minutes regarding mooring length adjustments and he expressed concern that the official minutes of the Harbor Commission meeting did not fully capture the substance of public comments and the Chair's statements, particularly regarding the allocation of public water space and the regulatory differences between moorings and residential piers.

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Jim Mosher thanked the city clerk for providing speaker cards for accurate name spelling and appreciated the mayor's revised explanation of public comment procedures, but cautioned that the current rules may inadvertently prevent members of the public from commenting on consent calendar items if they speak on related topics during general public comment.

Jim Mains expressed frustration with staff communication regarding a past hit-and-run incident he had been involved in and emphasized the need to keep Newport Beach streets safe.

David Hahn expressed his desire to be appointed to the Harbor Commission, citing his experience as a live-aboard permit holder for 9 years, volunteer work with the American Legion, and extensive international sailing background.

Laura Curran praised the CERT program's recent mass casualty incident drill at Marina Park involving multiple city departments and encouraged council members to participate in CERT training.

Chase Wickersham expressed concerns about large tower developments at Regal Edwards Big Newport theater property and potential police facility construction in Civic Center Park without adequate public input.

Cynthia Hollern supported community members speaking about tower construction concerns and criticized the lack of public input on projects that could fundamentally alter the community's character.

CITY COUNCIL ANNOUNCEMENTS AND ORAL REPORTS FROM CITY COUNCIL ON COMMITTEE ACTIVITIES

Mayor Kleiman

- Announced the next meeting of the Aviation Committee taking place on April 27, 2026, at 5:00 p.m. in council chambers.

PUBLIC COMMENTS ON CONSENT CALENDAR

Adam Leverenz commented on Agenda Item 7 *(Fifth Amendment to Lease with Minuteman Press International, Inc. for Use of Suite 490 at 1201 Dove Street)* and noted that this lease effectively removes the property from police station consideration despite the $30 million acquisition cost for that purpose.

Jim Mosher also commented on Agenda Item 7 *(Fifth Amendment to Lease with Minuteman Press International, Inc. for Use of Suite 490 at 1201 Dove Street)* and noted similar concerns about potentially limiting the city's flexibility regarding the property's future use as a police headquarters.

IV. CONSENT CALENDAR

READING OF MINUTES AND ORDINANCES

1. **Reading of Ordinances**
   Waive reading in full of all ordinances under consideration and direct the City Clerk to read by title only.

2. **Minutes for the March 24, 2026 City Council Meeting**
   Waive reading of subject minutes, approve as written, and order filed.

ORDINANCES FOR INTRODUCTION

3. **Ordinance No. 2026-03: Amending Subsection 12.68.060(B) - (Preferential Parking Zones - Locations And Restrictions) of Chapter 12.68 - (Residents' Preferential Parking) of the Newport Beach Municipal Code Regarding the Residential Parking Permit Program for Newport Heights and Cliff Haven**

Draft

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
b) Introduce Ordinance No. 2026-03, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Subsection 12.68.060(B) - (Preferential Parking Zones - Locations and Restrictions) of Chapter 12.68 - (Residents' Preferential Parking) of the Newport Beach Municipal Code Regarding the Residential Parking Permit Program for Newport Heights and Cliff Haven*.

RESOLUTIONS FOR ADOPTION

4. Resolution No. 2026-20: Authorizing Acceptance of Grant Agreement C8970324 Between the State of California Department of Parks and Recreation, Division of Boating and Waterways and the City of Newport Beach

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
b) Adopt Resolution No. 2026-20: *A Resolution of the City Council of the City of Newport Beach, California, Authorizing Acceptance of Grant Agreement C8970324 Between the State of California Department of Parks and Recreation, Division of Boating and Waterways and the City of Newport Beach for Reimbursement of Costs Associated with Replacement Equipment, Refurbishment Items, and Scholarships for the Marina Park Boating Program*;
c) Authorize the City Manager to sign and execute the Grant Agreement and subsequent related documents as may be related to the reimbursement of the cost for the adaptive sailing and youth programming scholarships, and replacement/refurbishment items for the Marina Park Boating Program; and
d) Approve Budget Amendment No. 26-067, recognizing $51,000 in new grant revenue from the State of California Division of Boating and Waterways in the Marina Park Sailing account (0107023-561086-G2602), and appropriating expenditures in the same amount to the Marina Park Equipment NOC account (0107023-911024-G2602).

CONTRACTS AND AGREEMENTS

5. Fiscal Year 2025-26 Facilities Roofing Project - Notice of Completion for Contract No. 9860-1 (26F02)

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
b) Accept the completed work and authorize the City Clerk to file a Notice of Completion for the project.

6. Slurry Seal Program Fiscal Year 2025-26 - Award of Contract No. 9947-1 (26R04)

a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(c), Class 1 (maintenance of existing public facilities involving negligible or no expansion of use) of the CEQA Guidelines, because this project has no potential to have a significant effect on the environment;
b) Approve the project plans and specifications;
c) Award Contract No. 9947-1 to American Asphalt South, Inc. for the total bid price of $1,361,505 for the Slurry Seal Program Fiscal Year 2025-26, and authorize the Mayor and City Clerk to execute the contract; and
d) Establish a contingency of $137,000 (approximately 10% of the total bid) to cover the cost of unforeseen work not included in the original contract.

7. Fifth Amendment to Lease with Minuteman Press International, Inc. for Use of Suite 490 at 1201 Dove Street

a) Find this matter is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) and Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no

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potential to have a significant effect on the environment; and
b) Authorize the City Manager and City Clerk to execute the Fifth Amendment to Lease between the City of Newport Beach and Minuteman Press International, Inc. for use of City Property, office space Suite 490 located at 1201 Dove Street.

8. Eastbluff Restroom Rehabilitation Project - Award of Contract No. 9752-1 (26F02)
a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because this project has no potential to have a significant effect on the environment;
b) Approve the project plans and specifications;
c) Find the bid submitted by Estate Design and Construction to be non-responsive;
d) Award Contract No. 9752-1 to Metro Builders & Engineers Group, Ltd. for the total bid price of $357,957 for the Eastbluff Restroom Rehabilitation Project, and authorize the Mayor and City Clerk to execute the contract; and
e) Establish a contingency of $35,800 (approximately 10% of the total bid) to cover the cost of unforeseen work not included in the original contract.

9. Award of On-Call Vessel Removal, Storage and Disposal Services Agreements with Core Water Systems, Inc., Pacific Towing LLC, Perry Trucking and Equipment Repair LLC, and South Waterfront Construction Corporation
a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
b) Approve four separate on-call Professional Services Agreements with Core Water Systems, Inc., Pacific Towing LLC Doing Business as TowBoatUS Newport Beach, Perry Trucking and Equipment Repair LLC, and South Waterfront Construction Corporation for vessel removal, storage and disposal services at a not-to-exceed amount of $250,000 per agreement, and authorize the Mayor and City Clerk to execute the agreements.

MISCELLANEOUS

10. Plaque Donation for the United States of America's 250th Anniversary
a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
b) Approve the Donation Agreement for the United States of America's 250th Anniversary Plaque with the Newport Beach Foundation for their payment to the City of Newport Beach to fabricate, install and maintain the plaque, and authorize the Mayor and City Clerk to execute the Donation Agreement.

Councilmember Stapleton and Mayor Kleiman noted that they are both Advisory Board members of the Newport Beach Foundation.

11. Planning Commission Agenda for the April 2, 2026, Meeting
a) Receive and file.

Motion by Mayor Pro Tem Blom, seconded by Councilmember Stapleton, to approve the Consent Calendar, including amendments to Agenda Item No. 2, the Minutes.

The Motion carried by the unanimous vote: 7-0-0.

ITEMS REMOVED FROM THE CONSENT CALENDAR

There were no items removed from the consent calendar.

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V. PUBLIC HEARINGS

12. Resolution No. 2026-21: Appeal of the Acacia Atrium Medical Condominium Conversion Project at 20280 and 20312 Acacia Street (PA2024-0236)

a) Conduct a de novo public hearing
b) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment; and
c) Adopt Resolution No. 2026-21, *A Resolution of the City Council of the City of Newport Beach, California, Approving an Appeal and Overturning the Decision of the Planning Commission to Deny a Condominium Conversion, Tentative Parcel Map, Conditional Use Permit, Traffic Study, and Parking Waiver to Allow the Conversion of an Existing Professional Office Complex to Medical Office Condominiums as Modified for the Property Located at 20280 and 20312 Acacia Street (PA2024-0236).*

Mayor Kleiman inquired if council members had any ex parte communications to announce.

Mayor Pro Tem Blom stated that he received a campaign contribution from the applicant and recused himself due to the potential conflict of interest.

Mayor Kleiman disclosed brief conversations with the applicant about the project description.

Associate Planner Oscar Orozco presented the appeal of a Planning Commission denial for converting a professional office building to medical office condominiums. The original project requested 100% medical use requiring 32 parking space waivers. The applicant revised the project to 67% medical use, reducing the waiver to 18 spaces and added a valet parking contingency plan addressing the Planning Commission concerns.

Councilmember Weigand inquired about the valet plan at the site. Associate Planner Orozco responded that the valet plan would be in effect for a full day.

Councilmember Grant sought clarification on parking requirements and contingency enforcement.

Community Development Director Jaime Murillo explained that with the revised plan, the parking requirements were reduced due to the mixed-use nature of the project. He also confirmed that the valet plan is tied to the project's entitlements, ensuring its enforcement runs with the land.

Starpoint Ventures CEO Patrick Strader, representing the applicant, explained the revisions addressed Planning Commission concerns by reducing medical units from 9 to 7, implementing a valet parking contingency, and maintaining developer ownership to ensure compliance. He noted similar valet systems work successfully at nearby medical facilities.

Mayor Kleiman opened the public hearing at 4:52 p.m.

PUBLIC COMMENTS

Jim Mosher suggested the modified project should have returned to Planning Commission rather than being treated as an appeal and questioned whether precedent issues raised by another property owner at 3300 Irvine Avenue were resolved.

Brett Brazil supported the project as providing needed medical space for the growing population.

Mayor Kleiman closed the public hearing at 4:54 p.m.

Councilmember Grant inquired about street parking availability in the area.

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Community Development Director Murillo added that there is available street parking in the vicinity, and there have been no neighborhood concerns regarding over-parking.

Motion by Mayor Kleiman, seconded by Councilmember Weber to a) Conduct a de novo public hearing, b) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment; and c) Adopt Resolution No. 2026-21, *A Resolution of the City Council of the City of Newport Beach, California, Approving an Appeal and Overturning the Decision of the Planning Commission to Deny a Condominium Conversion, Tentative Parcel Map, Conditional Use Permit, Traffic Study, and Parking Waiver to Allow the Conversion of an Existing Professional Office Complex to Medical Office Condominiums as Modified for the Property Located at 20280 and 20312 Acacia Street (PA2024-0236).*

The Motion carried by the following vote: 6-0-1. Mayor Pro Tem Blom recused.

VI. MOTION FOR RECONSIDERATION – None

PUBLIC COMMENTS ON CLOSED SESSION

There were no public comments on closed session.

VII. CLOSED SESSION

Councilmember Stapleton recused himself from closed session items involving Holiday and Welbourn litigation due to potential bias from providing a state of the city update at one of the properties in question while serving as mayor.

City Attorney Aaron Harp read the closed session items.

A. CONFERENCE WITH LEGAL COUNSEL
EXISTING LITIGATION

Government Code § 54956.9 (d)(1): 3 matters.
Adam Holiday v. the City of Newport Beach
OCSC No. 30-2023-01353566-CU-EI-CXC

Robert Welbourn v. the City of Newport Beach
OCSC No. 30-2023-01365757-CU-EI-NJC

Brian McDonough v. City of Newport Beach
California Workers' Compensation Appeals Board Case No. ADJ19351863

CLOSED SESSION REPORT

City Attorney Harp announced that there was no closed session report.

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ADJOURNMENT

Meeting adjourned at 5:26 p.m.

The agenda was posted on the City's website and on the City Hall electronic bulletin board located in the entrance of the City Council Chambers at 100 Civic Center Drive, Newport Beach, on April 9, 2026, at 10:00 a.m.

_____
Lauren Kleiman
Mayor

_____
Lena Shumway
City Clerk

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CITY OF

NEWPORT BEACH

City Council Staff Report

April 28, 2026
Agenda Item No. 3

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	David A. Webb, Public Works Director - 949-644-3311, dawebb@newportbeachca.gov
PREPARED BY:	Kevin Riley, Transportation Manager/City Traffic Engineer - 949-644-3329, kriley@newportbeachca.gov
TITLE:	Ordinance No. 2026-03 and Resolution No. 2026-22: Amending Subsection 12.68.060(B) – (Preferential Parking Zones - Locations and Restrictions) of Chapter 12.68 – (Residents' Preferential Parking) of the Newport Beach Municipal Code Regarding the Residential Parking Permit Program for Newport Heights and Cliff Haven

ABSTRACT:

At the April 14, 2026, City Council meeting, the City Council introduced Ordinance No. 2026-03, regarding the residential parking permit program for Newport Heights and Cliff Haven. The ordinance updates the Newport Beach Municipal Code to change the preferential parking restriction zone on Snug Harbor Road from two hours to one hour and includes adding residential properties at 629 Saint James Road and 633 Saint James Road to the zone. For the City Council's consideration is the adoption of the attached ordinance and resolution.

RECOMMENDATIONS:

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;

b) Conduct a second reading and adopt Ordinance No. 2026-03, *An Ordinance of the City Council of the City Of Newport Beach Amending Subsection 12.68.060(B) (Preferential Parking Zones— Locations and Restrictions) Of Chapter 12.68 (Residents' Preferential Parking) of the Newport Beach Municipal Code Regarding the Residential Parking Permit Program for Newport Heights and Cliff Haven*; and

c) Adopt Resolution No. 2026-22, *A Resolution of the City Council of the City of Newport Beach, California, Limiting the Parking of Vehicles on Certain City Streets, Including Streets in Newport Heights and Cliff Haven and Repealing Resolutions 2020-42 and 2026-13.*

DISCUSSION:

In November 2025, a resident of Snug Harbor Road requested to change the existing two-hour preferential parking time restriction on school days to one-hour. Snug Harbor Road is a residential street in which 13 of 28 residences are part of the Newport Heights and Cliff Haven Preferential Parking Zone Two, surrounding Newport Harbor High School. There is not enough on-campus parking at Newport Harbor High School to accommodate the students that elect to drive to school. As a result, students find available street parking within the surrounding residential area. Given students' classes span more than one hour, but less than two hours, the transition time between class sessions allows students, who park in the neighborhood, time to move their vehicles to restart the two-hour parking time limit. Several residents have voiced concerns about student conduct and parking on the street, specifically moving filled trash cans, littering and speeding.

In November 2024, one year prior to the subject Snug Harbor Road request, residents on Saint James Road voiced concerns regarding student conduct while parking within the neighborhood. City staff spoke with the school's administrative staff, and they agreed to make a public address announcement to the students to advise them on improving their conduct while parking within the surrounding neighborhood. Since then, residents on Snug Harbor Road have been the only ones to contact City staff regarding concerns related to on-street student parking in the surrounding neighborhood on school days.

In December 2025, staff emailed the lead resident on Snug Harbor Road a petition to amend the existing two-hour parking zone to one hour. The lead resident canvassed neighbors and received unanimous support from all residents within the zone on the street. Given the unanimous support, staff recommended amending Snug Harbor Road residents' preferential parking restriction from two hours to one hour.

At the April 14, 2026, City Council meeting, the City Council introduced the ordinance with no further changes requested. If adopted, the ordinance will go into effect after 30 days. Once implemented, staff anticipates some possible shifts in on-street parking with the proposed changes on Snug Harbor Road and Saint James Road and will continue to monitor the area.

FISCAL IMPACT:

The adopted Capital Improvement Program budget includes sufficient funding for any minor costs associated with sign relocations and/or installations. Costs will be expensed to the Traffic Signage, Striping and Marking account in the Public Works Department, 01201927-980000-25T03.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302(c), Class 2 (reconstruction of

existing facility involving negligible or no expansion of capacity) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENTS:

Attachment A – Ordinance No. 2026-03
Attachment B – Resolution No. 2026-22

Attachment A

Ordinance No. 2026-03

ORDINANCE NO. 2026-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH AMENDING SUBSECTION 12.68.060(B) (PREFERENTIAL PARKING ZONES—LOCATIONS AND RESTRICTIONS) OF CHAPTER 12.68 (RESIDENTS' PREFERENTIAL PARKING) OF THE NEWPORT BEACH MUNICIPAL CODE REGARDING THE RESIDENTIAL PARKING PERMIT PROGRAM FOR NEWPORT HEIGHTS AND CLIFF HAVEN

WHEREAS, residents and property owners on St. James Road and Snug Harbor Road have requested a change to the permit parking zone and hours on their streets to address the regular overflow of school parking and the related trash impacts on their street;

WHEREAS, Newport Beach Municipal Code Section 12.68.060 (Preferential Parking Zones—Locations and Restrictions) authorizes the City Council to designate certain residential streets or any portion thereof as preferential parking zones for the benefit of residents adjacent thereto, thereby allowing vehicles displaying a permit in such zones to be exempt from parking prohibitions or restrictions otherwise posted, marked, or noticed;

WHEREAS, the City Council does hereby find that parking impacts exist on St. James Road and Snug Harbor Road, which are caused by students attending Newport Harbor High School during the week, or visitors attending special events, such as sports games; and

WHEREAS, the City Council desires to address the parking conditions on St. James Road and Snug Harbor Road by limiting the parking of vehicles as hereinafter provided.

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

Section 1: Subsection 12.68.060(B) (Preferential Parking Zones—Locations and Restrictions) of Chapter 12.68 (Residents' Preferential Parking) of the Newport Beach Municipal Code is amended to read as follows:

B. Zone "2" – Newport Heights and Cliff Haven. Parking on the following streets shall be limited to two hours' duration on school days between the hours of 8:00 a.m. and 6:00 p.m., except by permit, unless otherwise indicated below.

1. Clay Street – South side from St. Andrews to 15th Street.

2. Fullerton Avenue – From 15th Street to and including 542 on the east side and 543 on the west side of Fullerton Avenue.

3. Haven Place – From St. Andrews Road to Irvine Avenue.

4. Holly Lane – From Irvine Avenue to and including 2328 on the north side and 2321 on the south side of Holly Lane.

5. Irvine Avenue – West side from 15th Street to Laurel Place.

6. Laurel Place – From Irvine Avenue to westerly terminus of Laurel Place.

7. Margaret Drive – From Irvine Avenue to and including 2322 on the north side and 2323 on the south side of Margaret Drive. One-hour limit 8:00 a.m. to 6:00 p.m. every day, except holidays.

8. Michael Place – From 15th Street to and including 601 on the west side and 620 on the east side of Michael Place.

9. Pirate Road – From Clay Street southerly to and including 424 on the east side and 427 on the west side of Pirate Road.

10. St. Andrews Road – From 15th Street to Haven Place on the west side; from Clay Street to alley south of Clay Street on the west side; from Clay Street to and including 400 on the east side of St. Andrews Road.

11. St. James Road – From 15th Street to and including 633 on the north side and on the south side from 15th Street to and including 636 St. James Road.

12. Signal Road – From 15th Street southerly to and including 418 on the east side and 419 on the west side of Signal Road.

13. Snug Harbor Road – From Clay Street southerly to and including 406 on the east side and 401 on the west side of Snug Harbor Road. One-hour limit on school days between 8:00 a.m. to 6:00 p.m.

14. 15th Street – North side from Irvine Avenue to Michael Place; from Clay Street to Kings Place; south side from alley west of Irvine Avenue to Irvine Avenue; from two hundred ten (210) feet east of Irvine Avenue to three hundred ten (310) feet east of Irvine Avenue; from St. Andrews Road to Kings Place.

Section 2: The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

Section 3: If any section, subsection, sentence, clause or phrase of this ordinance 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 ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 4: The City Council finds the introduction and adoption of this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 5: The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the ordinance, or a summary thereof, to be published pursuant to City Charter Section 414. This ordinance shall be effective thirty (30) calendar days after its adoption.

Section 6: This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach, held on the 14h day of April, 2026, and adopted on the 28th day of April, 2026, by the following vote, to wit:

AYES: _____

NAYS: _____

ABSENT: _____

_____
Lauren Kleiman, Mayor

ATTEST:

_____
Lena Shumway, City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

_____
Aaron C. Harp, City Attorney

Attachment B

Resolution No. 2026-22

RESOLUTION NO. 2026-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, LIMITING THE PARKING OF VEHICLES ON CERTAIN CITY STREETS, INCLUDING STREETS IN NEWPORT HEIGHTS AND CLIFF HAVEN AND REPEALING RESOLUTIONS 2020-42 AND 2026-13

WHEREAS, Section 200 of the City Charter, of the City of Newport Beach ("City"), vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the City 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, Section 12.44.010(B) (Parking Time Restrictions) of the Newport Beach Municipal Code ("NBMC") provides that when authorized signs are in place giving notice thereof, no person shall stop, stand, or park any vehicle between the hours of 8:00 a.m. and 6:00 p.m. of any day for a period of time longer than two (2) hours upon such streets or portions thereof as the City Council shall designate by resolution;

WHEREAS, Section 12.44.010(E) (Parking Time Restrictions) of the NBMC authorizes the City Council to vary the hours or days of parking restrictions when special parking or traffic conditions exist;

WHEREAS, the City Council adopted Resolutions No. 2020-42 and 2026-13 to establish a comprehensive set of parking regulations within the City pursuant to Sections 12.44.010(B) and (E) (Parking Time Restrictions);

WHEREAS, residents and property owners in the Newport Heights and Cliff Haven community have indicated that student parking has caused undue impacts on St. James Road and Snug Harbor Road on school days; and

WHEREAS, the City Council now desires to repeal Resolutions No. 2020-42 and 2026-13 and amend the parking regulations based upon the special parking and traffic conditions that currently exist within the City.

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

Section 1: The City Council does hereby repeal Resolutions No. 2020-42 and 2026-13 and amends the parking regulations based upon the special parking and traffic conditions that currently exist within the City as follows:

1. The parking of vehicles between the hours of 8:00 a.m. and 6:00 p.m. on school days is limited to two (2) hours on the following streets:

St. James Road	15th Street to and including 633 on the north side and on the south side from 15th Street to and including 636 St. James Road.
Signal Road	15th Street southerly to and including 418 on the east side and 419 on the west side of Signal Road.
Pirate Road	Clay Street southerly to and including 424 on the east side and 427 on the west side of Pirate Road.
Clay Street	South side, St. Andrews to 15th Street.
St. Andrews Road	15th Street to Haven Place; Clay Street to alley south of Clay on the west side; Clay Street to and including 400 on the east side of St. Andrews Road.
15th Street	North side, Irvine Avenue to Michael Place; Clay Street to Kings Place. South side, alley west of Irvine Avenue to Irvine Avenue; 210 feet east of Irvine Avenue to 310 feet east of Irvine Avenue; St. Andrews Road to Kings Place.
Irvine Avenue	West side, 15th Street to Laurel Place.
Laurel Place	Irvine Avenue to westerly terminus of Laurel Place.
Holly Lane	Irvine Avenue north side to and including 2214 on the north side and 2321 on the south side.
Michael Place	15th Street to and including 601 on the west side and 620 on the east side.
Haven Place	Both sides from St. Andrews Road to Irvine Avenue.

Fullerton Avenue	15th Street to and including 542 on the east side and 543 on the west side.

2. The parking of vehicles between the hours of 8:00 a.m. and 6:00 p.m. daily is limited to two (2) hours on the following streets:

Park Avenue	South side of Park Avenue, from the alley west of Marine Avenue 70 feet east to Marine Avenue
Balboa Avenue	North curbside of Balboa Avenue, from the alley west of Marine Avenue 70 feet east to Marine Avenue
Balboa Boulevard	The south side from McFadden Place to 74 feet west of the centerline of 20th Street.
Marine Avenue	From the alley south of North Bay Front to 60 feet south of Park Avenue.
Newport Center Drive East	
Newport Center Drive West	

3. The parking of vehicles between the hours of 8:00 a.m. and 6:00 p.m. except Sunday and holidays, is limited to two (2) hours on the following street:

Avon Street	Tustin Avenue to Riverside Avenue.

4. The parking of vehicles between the hours of 8:00 a.m. and 6:00 p.m., except Saturday, Sunday, and holidays, is limited to two (2) hours on the following streets:

16th Street	Babcock Street to Placentia Avenue, except the easterly 220 feet on the south side.

5. The parking of vehicles between the hours of 8:00 a.m. and 6:00 p.m. on school days is limited to one (1) hour on the following streets:

Snug Harbor Road	Clay Street southerly to and including 406 on the east side and 401 on the west side of Snug Harbor Road. One (1) hour limit on school days between 8:00 a.m. and 6:00 p.m.

6. The parking of vehicles between the hours of 8:00 a.m. and 1:00 p.m., except Saturday, Sunday, and holidays, is limited to two (2) hours on the following streets:

Buckingham Lane	Easterly side from Westcliff Drive to Bedford Lane.
Riverside Avenue	Northwest side from a point beginning 418 feet from the centerline of Riverside Avenue at Cliff Drive and ending 563 feet from that centerline.

7. The parking of vehicles between the hours of 8:00 a.m. and 6:00 p.m., Monday through Thursday, except holidays, is limited to two (2) hours on the following street:

Clubhouse Avenue	Short Street to the Rialto.

8. The parking of vehicles between the hours of 8:00 a.m. and 6:00 p.m., Tuesday through Thursday, except holidays, is limited to two (2) hours on the following streets:

Clubhouse Avenue	Short Street to the Rivo Alto.
Short Street	Newport Boulevard to Clubhouse Avenue.

9. The parking of vehicles between the hours of 8:00 a.m. and 5:00 p.m. on weekdays is limited to two (2) hours on the following streets:

Tustin Avenue	Avon Street to 300 feet northerly of Avon Street.
Ocean View	Tustin Avenue to 350 feet northerly of Tustin Avenue.

10. The parking of vehicles between the hours of 8:00 a.m. and 4:00 p.m. Monday through Saturday is limited to two (2) hours on the following street:

Cliff Drive	South side from the westerly limit of Cliff Drive Park to San Bernardino Avenue.

11. The parking of vehicles between the hours of 7:00 a.m. and 6:00 p.m. daily is limited to two (2) hours on the following streets (excluding designated short term and loading zones):

East Coast Highway	South side from Acacia Avenue to Begonia Avenue and Carnation Avenue to Seaward Road.
	North side from Seaward Road to Dahlia Avenue.
Hazel Drive	East Coast Highway to alley north of East Coast Highway.
Poppy Avenue	East Coast Highway to alley north of East Coast Highway.
Poinsettia Avenue	East Coast Highway to alley north of East Coast Highway.
	East Coast Highway to alley south of East Coast Highway.
Orchid Avenue	East Coast Highway to alley north of East Coast Highway.
	East Coast Highway to alley south of East Coast Highway.
Narcissus Avenue	East Coast Highway to alley north of East Coast Highway.
	East Coast Highway to alley south of East Coast Highway.
Marigold Avenue	East Coast Highway to alley north of East Coast Highway.
	East Coast Highway to alley south of East Coast Highway.
Larkspur Avenue	East Coast Highway to 60 feet south of East Coast Highway.

Jasmine Avenue	East Coast Highway to 40 feet south of East Coast Highway.
	East Coast Highway to Second Avenue.
Iris Avenue	East Coast Highway to 60 feet south of East Coast Highway.
Heliotrope Avenue	East Coast Highway to 90 feet south of East Coast Highway.
	East Coast Highway to Third Avenue.
Fernleaf Avenue	East Coast Highway to 100 feet south of East Coast Highway.
Dahlia Avenue	East Coast Highway to Fifth Avenue.

12. The parking of vehicles between the hours of 8:00 a.m. and 6:00 p.m., except Saturday, Sunday, and holidays, is limited to four (4) hours on the following streets:

Bayview Way	From Jamboree Road to the easterly terminus of Bayview Way.

Section 2: The City Traffic Engineer is hereby directed to erect all necessary signs at the above locations to indicate the parking restrictions contained herein.

Section 3: The recitals provided in this resolution are true and correct and are incorporated into the substantive/operative portion of this resolution.

Section 4: 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 more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 5: The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378)

of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 6: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

ADOPTED this 28th day of April, 2026.

Lauren Kleiman
Mayor

ATTEST:

Lena Shumway
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

Aaron C. Harp
City Attorney

CITY OF

NEWPORT BEACH

City Council Staff Report

April 28, 2026
Agenda Item No. 4

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	Jason Al-Imam, Administrative Services Director/Treasurer - 949-644-3126, jalimam@newportbeachca.gov
PREPARED BY:	Jason Al-Imam, Administrative Services Director/Treasurer
TITLE:	Resolution No. 2026-23: Undergrounding Utility Assessment Loan Program

ABSTRACT:

At the November 18, 2025 City Council study session, staff was directed to develop an Undergrounding Utility Assessment Loan Program (Program) to assist financially constrained homeowners in meeting their obligation to pay the assessment for undergrounding utilities within approved assessment districts. The attached policy, included with the resolution, outlines the key elements of the proposed program, including eligibility criteria, loan structure, terms, repayment and administration.

RECOMMENDATIONS:

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;

b) Adopt Resolution No. 2026-23, *A Resolution of the City Council of the City of Newport Beach, California, Adopting the Undergrounding Utility Assessment Loan Program*; and

c) Authorize the City Manager, or his designee, to implement and administer the program.

DISCUSSION:

Assessment districts are financing mechanisms that allow property owners to fund local improvements that benefit their properties. These districts are property-owner driven and formed through a petition and ballot process. Once formed, each parcel is assigned an assessment based on the special benefit that the property will receive. Assessments are secured by liens on the properties.

Within the City of Newport Beach (City), almost all of the assessment districts are formed for undergrounding utilities. The costs for undergrounding utility assessment districts are typically financed through the sale of municipal bonds under provisions of the California Streets and Highways Code. Property owners may either pay their property's assessment

in full during the cash collection period or choose to finance the assessment through bond financing, which allows property owners to pay the assessment as part of their annual property tax over the bond term (typically 15-20 years). The annual assessment that appears on the property tax includes interest and administrative costs. In addition to the assessment, property owners are required to pay for the cost of connecting their property to the new underground facilities.

For some property owners, the combined cost of the assessment and related connection presents a financial hardship, making participation in an assessment district burdensome. To address this, at the November 18, 2025, study session, the City Council directed staff to develop a program that could assist financially constrained property owners, making participation in assessment districts more financially feasible.

Staff reviewed programs administered by the City of Laguna Beach and the City of Manhattan Beach and recommends the adoption of the proposed Program.

Undergrounding Utility Assessment Loan Program

The proposed Program aims to encourage participation in underground utility projects while safeguarding the City of Newport Beach's fiscal interests through prudent lending practices. The program provides City-backed deferred-payment loans to cover all or a portion of a property's underground utility assessment and related connection and administrative costs, up to $55,000. Loan terms include a 20-year initial period with optional 5-year extensions, a fixed interest rate set at 1% above the all-in bond rate used to finance the assessment district, and interest-only annual payments. Loans would be secured by a recorded deed of trust on the property and will become due and payable upon either the sale of the property, transfer of ownership, a cash-out refinancing, or reaching loan maturity. Failure to make required interest payments may result in the loan being declared in default, at which time the City may pursue all available remedies. Participation in the Program is voluntary, and property owners must meet specific eligibility requirements related to age, income, assets and ownership.

To qualify for the program, staff proposes the following qualifications and conditions:

1. Property owners must be at least 55 years of age.
2. The property must be the applicant's primary residence and located within the applicable assessment district.
3. The property must be owned directly by the applicant or held in a revocable trust controlled by the applicant.
4. Property taxes must be current or on an approvement payment plan.
5. The applicant's household income shall not exceed 120% of the Orange County Median Income Limit.
6. Combined household assets, including cash, investments and ownership interests, shall not exceed $1,000,000, excluding value of primary residence and qualified retirement accounts.
7. Applicants must provide adequate documentation to ensure that the eligibility requirements have been met and sign an affidavit acknowledging that all information provided is correct.

8. Applicants must maintain eligibility throughout the loan term, including any extensions.

Additionally, any connection and administrative costs related to eligibility verification and periodic review are the responsibility of the applicant but may be added to the loan, so long as the total amount of the loan does not exceed $55,000.

To limit the City's financial exposure, the Program may include funding caps and limits on the number of participating properties per assessment district. The funding and participant limit for the program will be approved by the City Council when the assessment district passes and formation is approved. The program will operate on a first-come, first-served basis and will be subject to City Council approved limits. Applications must be submitted during the 30-day cash collection period; late applications will not be considered. Applicants are responsible for all application related costs.

The City Manager, or his designee, shall act as the administrator of the program and have final approval authority for applications. The City does not currently have a system to track, archive and administer the program applications; therefore, implementing the Program may require additional funding for the use of a third-party consultant to assist with implementation and administration.

Proposed Assessment Districts 114 & 118

There are two proposed assessment districts (114 & 118) with petition packages being prepared for circulation to property owners within the proposed districts' boundaries. Assessments are estimated to be approximately $50,000 per parcel in each of the districts, and formation requires approval of at least 60% of property owners within each district.

Although these districts are several years away from bond issuance, adoption of the Program would provide property owners with greater certainty regarding financing options as they consider whether to support district formation.

Staff recommends that the City Council adopt the Undergrounding Utility Assessment Loan Program policy framework to provide property owners with greater clarity regarding available financing options as they consider support for assessment district formation. Staff further recommends that the City Council authorize the City Manager, or his designee, to take the necessary steps to prepare for implementation and administer the program in connection with future assessment district formation.

FISCAL IMPACT:

Currently, there is no fiscal impact associated with this item. Upon consideration of assessment district approval and formation, the City Council will be asked to confirm participation in the Program and to authorize the appropriation of funds necessary to support the program. The City Council may also be requested to approve additional funding for engaging a qualified third-party consultant to assist with program implementation and ongoing administration.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENT:

Attachment A – Resolution No. 2026-23

RESOLUTION NO. 2026-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, ADOPTING THE UNDERGROUNDING UTILITY ASSESSMENT LOAN PROGRAM

WHEREAS, Section 200 of the City Charter, of the City of Newport Beach ("City"), vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the City 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, assessment districts are financing mechanisms that allow property owners to fund local improvements that benefit their properties directly. These districts are property owner-driven and formed through a petition and ballot process;

WHEREAS, the City's assessment districts are predominantly utilized for the purpose of undergrounding overhead utilities;

WHEREAS, the costs for undergrounding utility assessment districts are typically financed through the sale of municipal bonds pursuant to the California Streets and Highway Code;

WHEREAS, within the City, property owners may either pay their property's assessment in full during the cash collection period or choose to finance the assessment through bond financing, which allows property owners to pay the assessment as part of their annual property tax over the bond term. In addition to the assessment, property owners are required to pay for the cost of connecting their property to the new underground facilities;

WHEREAS, for certain property owners, the combined cost of the assessment and related connection presents a financial hardship, making participation in an assessment district burdensome;

WHEREAS, in response to these concerns, at the November 18, 2025, Study Session, City Council directed staff to develop a program to financially assist constrained property owners, making participation in assessment districts more financially feasible;

WHEREAS, City staff reviewed programs administered by other jurisdictions, such as the cities of Laguna Beach and Manhattan Beach, and developed the Undergrounding Utility Assessment Loan Program Policy in accordance with the City Council's direction; and

WHEREAS, adoption of the Undergrounding Utility Assessment Loan Program Policy will encourage property owner participation in underground utility projects while safeguarding the City's fiscal interests through prudent lending practices.

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

Section 1: The City Council does hereby adopt the Undergrounding Utility Assessment Loan Program Policy. The criteria, structure, terms, process and administration of the Undergrounding Utility Assessment Loan Program Policy are set forth in Exhibit A, which is incorporated herein by this reference.

Section 2: The City Manager, or designee, is hereby authorized to adopt additional administrative procedures as necessary to implement and administer the Undergrounding Utility Assessment Loan Program Policy.

Section 3: 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 more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 4: The recitals provided in this resolution are true and correct and are incorporated into the substantive portion of this resolution.

Section 5: The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 6: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

ADOPTED this 28th day of April, 2026.

_____
Lauren Kleiman
Mayor

ATTEST:

_____
Lena Shumway
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

_____
Aaron C. Harp
City Attorney

Attachment: Exhibit A – Undergrounding Utility Assessment Loan Program Policy

Exhibit A

UNDERGROUNDING UTILITY ASSESSMENT LOAN PROGRAM POLICY

The Undergrounding Utility Assessment Loan Program ("Program") of the City of Newport Beach ("City") is designed to assist financially constrained homeowners (e.g., seniors or fixed-income residents) with meeting their obligations to pay assessments for undergrounding utilities within an approved assessment district. The Program provides City-issued loans to defer annual assessment payments, allowing eligible property owners residing within assessment districts to spread the financial burden over time.

The program is intended to promote participation in underground utility projects while protecting the fiscal interests of the City through prudent lending practices.

Participation in the Program is voluntary. Property owners within an assessment district must apply and meet all eligibility criteria outlined in this document.

Eligibility Criteria

1. **Age Requirement**
   Property owners must be at least 55 years of age. The City Manager may authorize waivers for applicants who do not meet the age requirement but meet all other financial eligibility criteria.

2. **Primary Residence**
   The qualifying property must be the applicant's primary residence and located within the applicable assessment district. The Program applies only to residential properties.

3. **Ownership**
   The qualifying property either must be owned directly by the applicant or held in a revocable trust controlled by the applicant.

4. **Property Tax Status**
   Property taxes must either be current, or the applicant must be enrolled in an approved payment plan for all delinquent property taxes.

5. **Income Limits**
   The applicant's household income shall not exceed 120% of the Orange County Median Income Limit, as published annually by the California Department of Housing and Community Development (HCD) and adjusted for household size. The table below provides an example of income limits per household size for 2025:

Household Size	Program Income Limit
1-Person Household	$114,720
2-Person Household	$131,160
3-Person Household	$147,540
4-Person Household	$163,920

6. **Asset Limits**
   Combined household assets, including cash, investments, and ownership interest(s) in LLP's, LLC's, S corporations, trusts, and partnerships, shall not exceed $1,000,000, excluding:

   - The market value of the primary residence; and
   - Qualified retirement accounts (e.g., 401(k), IRA, etc.), unless otherwise determined by the City Manager.

7. **Documentation**
   Applicants must provide documentation sufficient to verify income and assets (e.g. tax returns, paystubs, bank statements, Social Security statements, etc.) as part of the application process and sign an affidavit acknowledging that all information provided is correct.

8. **Maintenance of Eligibility**
   The applicant must maintain all eligibility requirements throughout the loan term, including any approved extensions. If eligibility requirements cease to be met, including by a change of the natural person owning the property either directly or in trust, then all accrued interest and unpaid principal will become immediately due. Throughout the loan term the City reserves the right to require the applicant to provide documentation that they remain eligible for the Program, and the applicant agrees to provide such documentation to the City timely.

Loan Structure

The Program provides City-backed deferred-payment loans to cover all or a portion of the underground utility assessment levied on the property.

1. **Loan Amount**
   The loan amount shall equal the eligible portion of the total assessment that the applicant elects to defer, subject to a maximum loan amount of $55,000.

The maximum amount of the City Loan to cover the deferred assessment payments will be based on household income as a percentage of applicable income limit per the table below.

Household Gross Income as a % of Program Income Limit	Minimum Participant Payment	Maximum City Loan
<51%	0%	100%
51%-60%	1%	99%
61%-70%	2%	98%
71%-80%	3%	97%
81%-90%	4%	96%
91%-100%	5%	95%

Additionally, any connection costs, administrative costs related to eligibility verification, periodic review, loan servicing, and tracking may be added to the loan amount at the beginning of the agreement.

2. **Loan-to-Value Requirement**
   Any assessment loan amount from the City, plus any other outstanding debt secured by the property, may not exceed 80% of the total value of the property.

Loan Terms

1. **Loan Term**
   The initial term of the loan will be 20 years, with optional five-year extensions subject to City approval.

2. **Interest Rate**
   Loans shall accrue interest annually at a fixed rate equal to 1% above the all-in bond rate used to finance the assessment district at the time of bond issuance.

3. **Payments During Term**
   Borrowers are required to make annual interest-only payments on the outstanding loan balance. Because only interest is paid annually, the principal balance will be deferred and remain unchanged throughout the loan term unless it is voluntarily prepaid. There is no prepayment penalty. All accrued interest must be paid before principal may be paid.

4. **Loan Immediately Due**
   All accrued interest and loan principal will become immediately due if the applicant ceases to meet any eligibility requirement during the loan term, if there is a change of

the natural person that owns the property either directly or indirectly, or if interest is not paid when due.

Repayment

The loan, including all accrued interest, shall become due and payable upon the occurrence of any of the following events:

1. **Sale of the property**
   The loan must be repaid in full through escrow at the time of sale.

2. **Transfer of ownership**
   Any transfer of ownership interest triggers repayment.

3. **Refinancing of the property**
   Refinancing that results in equity being withdrawn from the property may trigger repayment as determined by the City.

4. **Loan Maturity**
   Upon reaching loan maturity including any approved extensions.

Borrowers may voluntarily prepay all or a portion of the loan balance at any time without penalty.

Security for Loan

To protect public funds, each loan shall be secured by a recorded Deed of Trust or other legally enforceable security instrument acceptable to the City.

1. The lien shall remain in place until the loan and all accrued interest are fully repaid to the City.

2. The City's lien position shall be determined at the time of loan approval, and total secured debt shall comply with Program loan-to-value requirements.

Default and Delinquency

Failure to make required interest payments may result in the loan being declared in default. In the event of default, the City may pursue all available remedies, including loan acceleration and foreclosure, consistent with applicable law and City policies.

Program Funding and Limits

To limit the City's financial exposure, the Program may include the following safeguards:

1. A maximum total funding allocation per assessment district as established by City Council.

2. Limits on the number of participating properties per assessment district.

3. Annual or program-wide funding caps.

The Program operates on a first come, first served basis, depending on the availability of City funds. City Council retains discretion to adjust funding levels and limits.

Application and Approval Process

1. City Council shall approve the Program for each new assessment district based on resident interest in the program and funding.

2. The City may require completion of a prequalifying questionnaire to determine if an applicant is eligible to apply.

3. Applicants must submit an application in a form approved by the City up to the end of the 30-day collection period to determine interest in the Program.

4. Applicant shall pay all application costs/fees upon submission of an application and must provide documentation to support that they have met all the eligibility criteria in this document. Application fees are not refundable and are not repayments of the loan, whether or not the application is approved.

5. City staff, or designee, will review applications and verify compliance with Program eligibility criteria listed previously and will make a final determination on whether the applicant qualifies to participate in the Program.

6. Final approval authority rests with the City Manager.

7. Upon approval of participation in the Program, the property owner will enter into a promissory note with the City and record a deed of trust on the property.

8. The assessment will be removed from the annual tax levy, unless there is a delinquency.

Administration

The Program shall be administered by the City Manager, or designee, and may use third-parties to provide administrative and application-review support services in the implementation and ongoing management of this program. The City Manager, or designee, shall be responsible for:

1. Application review and eligibility verification
2. Loan administration including underwriting and approval processing
3. Loan servicing and tracking
4. Recording security instruments
5. Monitoring compliance and repayment obligations
6. Collecting loan repayments
7. Issuing payoff statements
8. Responding to participant inquiries

The City Manager is authorized to adopt additional administrative procedures as necessary to implement and administer the Program.

CITY OF

NEWPORT BEACH

City Council Staff Report

April 28, 2026
Agenda Item No. 5

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	Tara Finnigan, Assistant City Manager - 949-644-3001, tfinnigan@newportbeachca.gov
PREPARED BY:	Lorig Harutunian, Management Analyst - 949-644-3028, lharutunian@newportbeachca.gov
TITLE:	Resolution No. 2026-24: Approving a Legislative Platform

ABSTRACT:

The proposed update to the City's Legislative Platform reflects current priorities and emerging legislative issues affecting the City of Newport Beach (City). The revisions include minor grammatical changes, updates to existing policy positions, and the addition of new sections addressing technology, digital infrastructure, cybersecurity, and communications. The platform is intended to provide ongoing guidance for the City's legislative advocacy at the local, state, and federal levels, with staff returning to the City Council for direction on issues not addressed in the platform.

RECOMMENDATIONS:

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Adopt Resolution No. 2026-24, *A Resolution of the City of Newport Beach, California, Approving a Legislative Platform.*

DISCUSSION:

The City actively engages in legislative advocacy at the local, state and federal levels to protect and advance the interests of its residents, businesses and visitors. The legislative platform defines the City's policy positions on key legislative matters and provides guiding principles that direct the City's advocacy efforts.

The legislative platform is periodically reviewed to ensure it reflects current priorities and evolving legislative trends. It was last updated in February 2023. For this update, the City Manager's Office worked with department directors and federal and state lobbyists to evaluate the existing platform and current legislation affecting Newport Beach.

The proposed updates include minor grammatical revisions, updates to reflect current priorities, and the addition of two new sections addressing technology, digital

infrastructure and cybersecurity, and communications. The proposed platform is included as Exhibit A (Attachment A), with a redline version provided as Attachment B.

A representative of the Transportation Corridor Agencies contacted City staff about position statement listed under Transportation (see section V.f.) which pertains to the State Route 73 and suggested a wording modification. Staff reviewed the request and recommends modifying the language to read: “support efforts to facilitate early bond paydowns of the State Route 73 toll road to provide more flexibility in removing or reducing tolls.”

The proposed term of the legislative platform is indefinite rather than tied to a specific legislative session. If an issue arises that is not addressed in the platform, staff will return to the City Council for direction.

FISCAL IMPACT:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENTS:

Attachment A – Resolution No. 2026-24
Attachment B – Legislative Platform Redline Copy

RESOLUTION NO. 2026-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A LEGISLATIVE PLATFORM

WHEREAS, the City Council historically promotes legislative actions consistent with the goals and functions of the City of Newport Beach;

WHEREAS, such legislative actions are typically included within the City's adopted Legislative Platform;

WHEREAS, the promotion of legislative actions once required separate City Council action to approve individual letters of support or opposition related to specific pieces of legislation;

WHEREAS, the piece-by-piece approval can delay important actions necessary to assist in the passage or defeat of legislation; and

WHEREAS, the City Council seeks to efficiently pursue legislation that reflects the Legislative Platform and the goals of the City.

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

Section 1: The City Council does hereby adopt the Legislative Platform, which is attached hereto as Exhibit A and incorporated herein by this reference, and repeals all prior versions of the Legislative Platform.

Section 2: The City Council hereby authorizes the Mayor to make statements and write letters necessary to support legislative actions consistent with the City's adopted Legislative Platform. Should the Mayor be unavailable, the City Council hereby authorizes the Mayor to designate the Mayor Pro Tempore or the City Manager to sign and issue the City Advocacy letter or make statements in the Mayor's absence. All correspondence prepared on the City's behalf will be copied to each City Council member.

Section 3: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 4: 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 more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 5: The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 6: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 28th day of April, 2026.

Lauren Kleiman
Mayor

ATTEST:

Lena Shumway
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

Aaron C. Harp
City Attorney

Attachment: Exhibit A - City of Newport Beach Legislative Platform

Exhibit A

City of Newport Beach

Legislative Platform

PURPOSE

The City of Newport Beach legislative platform summarizes the City's core legislative principles and positions for the purpose of advocacy efforts at the local, regional, state and federal levels. The platform provides direction on pertinent issues and enables staff to address legislative and regulatory matters in a timely manner.

The policies established within the platform do not preclude City Council consideration of additional legislative matters arising throughout the year that may be brought forward for City Council action.

GUIDING PRINCIPLES

I. **Preserve Local Control** – As a charter city, the City supports the protection or expansion of local, decision-making authority and its ability to provide public services. It opposes the preemption of local control such as mandated, additional costs without appropriate reimbursement. Local agencies should preserve authority and accountability for revenues raised and services provided.

II. **Maintain Fiscal Responsibility** – The City supports measures that protect its existing funding sources and revenue base and its control over local government budgeting. It opposes any effort to shift local funds to the County, State or federal governments or diminish its revenue base, including unfunded mandates by the State or federal governments.

III. **Protect Quality of Life** – The City supports legislation and funding that preserves the safety, security and well-being of its residents, businesses and visitors. It opposes any effort that negatively impacts the community's quality of life.

IV. **Support Private Property Rights** – The City supports the preservation or enhancement of private property rights and opposes measures that erode or reduce laws that protect private property rights.

V. **Promote Economic Development** – The City supports legislation and regulatory streamlining initiatives that would enhance the City's ability to attract and retain businesses as well as encourage business expansion and job retention.

LEGISLATIVE STRATEGY

The City shall proactively engage State, County and federal legislators, regulatory agencies, and regional authorities to advance the policies set forth in this Platform. The City will prioritize early intervention in the legislative process and coalition building with similarly situated cities.

PLATFORM ISSUES

The following categories generally reflect priorities of the City on a regular and long-term basis:

I – AVIATION. As a neighbor to John Wayne Airport (JWA), the City is actively involved in efforts to protect its residents from the impacts of the airport. The City shall advocate for legislative and executive actions consistent with the Council's Airport Policy (A-17) and/or that:

(a) Preserve and, assuming the terms and conditions are consistent with Council Policy A-17, amend or otherwise extend the JWA Settlement Agreement.
(b) Preserve and protect the 2006 Cooperative Agreement between the County of Orange and the City.
(c) Oppose changes in regional aviation policies that would regionalize aviation administration or that would allow a regional entity the power of eminent domain to expand airport capacity.
(d) Support legislative and regulatory initiatives to study and mitigate the noise and air quality impacts associated with air traffic overflights.
(e) Support local control over local airports.
(f) Support efforts to increase usage of airports with excess capacity such as Ontario International, provided the increased usage does not materially impact the quality of life of nearby residents.
(g) Support efforts to encourage the operation of aircraft with quieter engines at John Wayne Airport.
(h) Support local authority over new aviation technologies including electric vertical takeoff and landing aircraft and drones.
(i) Support efforts to require transparent public engagement and environmental review prior to any significant change to aviation operations, infrastructure or technology affecting the community.

II – *HOUSING AND LAND USE REGULATIONS*. The City seeks to protect and strengthen its land use authority, including regulation of residential recovery facilities and group homes, zoning, incorporation, annexation, and community development. Therefore, the City shall:

(a) Support efforts that would allow cities and counties greater control over the placement and management of residential recovery facilities, parolee homes, sober living homes, and other group accommodations in residential areas, while respecting disabled persons' right to housing.
(b) Support efforts to ensure the accountability of State-licensed residential recovery facility operators including expanded inspection, licensing, disclosure, and enforcement authority for State and local agencies to ensure that operators comply with health, safety, fair housing and anti-fraud laws.
(c) Support efforts to strengthen the legal and fiscal capability of the City to prepare, adopt and implement plans for orderly growth, development, beautification and conservation of local planning areas, including but not limited to, regulatory authority over zoning, subdivisions and annexations.
(d) Oppose development agreements in the City's spheres of influence in undeveloped areas that do not conform to City standards.
(e) Support legislation that simplifies requirements for General Plan Housing Elements.
(f) Support measures to improve or otherwise streamline local governments' working relationship and permitting ability with County, State and federal resources agencies and commissions.
(g) Support legislation that provides funding or programs to address the lack of affordable housing as long as it does not impose mandated costs or diminish the City's zoning authority.
(h) Aggressively support measures that preserve local control over planning and zoning matters.
(i) Oppose legislation and regulatory efforts that eliminate or diminish the City's authority to zone and plan for the development of telecommunication infrastructure.
(j) Oppose legislative efforts that reduce the City's ability to zone for or regulate short-term rental properties.
(k) Support legislation that maintains local control over commercial cannabis activities and upholds cities' ability to regulate or prohibit such uses as authorized by law.
(l) Support measures that provide municipalities with increased input in the development of the Regional Housing Needs Assessment (RHNA).
(m) Support efforts to ensure the accuracy of the information and assumptions used to create RHNA allocations.

(n) Support legislation that preserves local discretion in the assessment, collection and usage of development fees for projects including, but not limited to, water, wastewater, transportation, and other critical infrastructure needs.
(o) Oppose efforts that restrict the use and disposition of City property.
(p) Support legislation and regulatory authority to prevent "body brokering," patient trafficking, referral kickbacks, and other predatory practices associated with residential recovery facilities.
(q) Support efforts that allow for cities to impose reasonable spacing, operational and management standards on group living facilities consistent with State and federal fair-housing laws, to protect patients and quality of life.
(r) Support efforts to restore greater local input and flexibility in the preparation, implementation and amendment of Housing Elements and in the administration of State housing laws.

III – *FISCAL STABILITY*. The City's objective is to protect existing revenue sources and to limit the cost of government upon the taxpayers of Newport Beach. The City also seeks to protect Newport Beach residents and businesses from onerous fiscal actions by other levels of government (County, State, federal) which may impair our ability to protect our quality of life. Therefore, the City shall:

(a) Support legislation leading to greater financial independence from the State government and which would result in greater predictability in local government budgeting.
(b) Oppose legislation that would impose State and federal mandates for which there is no or inadequate local reimbursement or offsetting benefits.
(c) Oppose actions to change 1978's Proposition 13, including the development of a "split roll" property tax valuation system.
(d) Support legislation that reforms California's tort system to reduce frivolous lawsuits, curtail unreasonable liability exposure for public agencies, and restore the ability of public agencies to obtain affordable insurance.
(e) Oppose any changes in State law that would further limit the ability of charter cities to manage their affairs.
(f) Oppose new or expanded State taxes and fees that affect local services.
(g) Support legislation that generally promotes market-based compensation and oppose legislation that mandates State-defined labor compensation and benefits.
(h) Oppose legislative or regulatory actions that would increase the City's required contribution costs to CalPERS.
(i) Oppose legislation that expands public employee pension or retiree benefit obligations without sustainable, long-term funding mechanisms.
(j) Oppose legislative or regulatory policies that would increase the likelihood of litigation involving local taxes and fees.

(k) Support legislation that preserves local authority to set and adjust user fees and cost-recovery charges for municipal services.
(l) Support legislation that preserves local flexibility to finance and deliver critical infrastructure and capital improvement projects.

IV – LABOR RELATIONS. The City respects the working conditions, benefits and rights of Newport Beach employees and the conservative fiscal management principles of the community. Therefore, the City shall:

(a) Support legislation that promotes fiscally responsible public retirement benefits and oppose legislation that threatens to increase the cost and burden of administering retirement benefits.
(b) Oppose legislation that imposes mandated (State or federal) employee benefits that are more properly decided at the local bargaining table.
(c) Oppose efforts that reduce local control over public employee disputes.
(d) Support workers' compensation-related legislative measures which positively affect public employers.
(e) Support preservation of local flexibility in workforce management, scheduling, contracting and recruitment.
(f) Oppose legislation that restricts the City's ability to manage staffing models, deploy personnel efficiently, or implement operational changes necessary to maintain service levels and customer service.

V – TRANSPORTATION. The City supports multi-modal transportation systems, programs and services. Therefore, the City shall:

(a) Encourage federal, State, County and local programs to increase funding and simplify permitting for transit, bicycling and pedestrian travel.
(b) Support legislation and voter-approved bond measures that help local agencies finance local transportation facilities.
(c) Oppose legislation that requires additional County, State and federal review of projects that are predominantly of regional or local significance.
(d) Support legislation that gives local agencies greater access to and discretion over transportation funds.
(e) Support legislative efforts to simplify and create efficiencies within the California Environmental Quality Act (CEQA) as it pertains to small- and large-scale transportation projects.
(f) Support efforts to facilitate early bond paydowns of the State Route 73 toll road to provide more flexibility in removing or reducing tolls.
(g) Support legislation and funding that improve evacuation routes, traffic management, roadway resilience, parking management technology, and other

local transportation systems necessary to serve residents, visitors and emergency response needs.

(h) Support local discretion over mobility planning, including curb management, parking regulation, micromobility, and transportation technologies operating within the public right-of-way.

VI – ENVIRONMENTAL QUALITY. The City supports effective measures to improve the environment, including water quality, solid waste, hazardous materials clean-up, and ocean, beaches and bay protection. Therefore, the City shall:

(a) Support legislation that would establish or increase funding for local agencies to analyze and mitigate potential impacts of sea level rise on coastal communities.

(b) Support measures that enhance local authority and flexibility to regulate solid waste and recyclable materials.

(c) Support efforts that provide a dedicated stream of funds to projects benefiting area beaches and waterways, including adequate and independent funding for boating and waterways.

(d) Seek any appropriate one-time and/or long-term sources of funds and/or services to enhance and protect Newport Bay, including Lower Newport Bay and Upper Newport Bay dredging activities.

(e) Support efforts that ensure that public waters are accessible, safe and clean.

(f) Oppose legislation that would allow the development of new off-shore oil platforms along the Orange County coastline.

(g) Support legislation that provides for oil spill prevention and response efforts while incorporating engagement and feedback from local authorities.

(h) Support funding for remediation of closed oil operations where the land will transition to non-residential development, habitat, parkland or open space.

(i) Support measures that improve funding resources and the science associated with water quality testing and beach closure standards.

(j) Advocate for Regional Board control over fines and fees collected from water quality violations so that such fines and fees remain in the region and returned to local agencies to be used directly for water quality improvements.

(k) Support efforts to complete the Orange Coast River Park.

(l) Support changes to the California Environmental Quality Act (CEQA) that retain CEQA's foundation of appropriately addressing environmental impacts but that ensure that CEQA is not used as a tool for litigation and the delay of projects.

(m) Support water quality objectives and legislation based on industry standards, methods, testing, data collection and science-based criteria.

VII – WATER SUPPLY AND UTILITIES. The City supports effective measures to maintain local control and improve utilities, including the City's water supply and that promote the reliability and cost-effectiveness of other utilities, such as electricity and natural gas. Therefore, the City shall:

(a) Support projects, legislation and funding measures (including statewide bond measures) that would increase water supply and improve water quality in this region.
(b) Support efforts that encourage and incentivize coordinated planning activities for sustainable water resources, infrastructure and planning.
(c) Oppose measures that limit the City's ability to regulate the quality of public water or limit public use.
(d) Support efforts to protect local water rights and the reliability and security of Orange County's water supplies.
(e) Oppose efforts that unilaterally reduce the indoor water use standards without the input of local and regional stakeholders.
(f) Support legislation and efforts that will provide for and ensure there are ample, reliable and cost-effective electrical energy generation, transmission and distribution systems in place that are capable of serving all current and foreseeable electrical power demands.
(g) Oppose efforts to add more load demands until the corresponding and necessary electrical energy generation and transmission capacity is constructed and put into service.
(h) Support efforts to maintain the use of natural gas as a primary or competitive alternative energy source in addition to electricity, as well as a clean fuel source for electrical energy generation.

VIII – COASTAL RESOURCES AND THE COASTAL ZONE. The City supports efforts to protect and enhance public access and coastal resources in a manner that balances the rights of the individual property owner and local government land use authority with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Therefore, the City shall:

(a) Support legislation that provides funding or programs to address public access to coastal resources.
(b) Support efforts that improve public assets in the coastal zone.
(c) Support coastal resiliency efforts to protect and enhance natural and constructed coastal resources.
(d) Oppose legislation that preempts or otherwise diminishes local control within the coastal zone.
(e) Oppose legislation that diminishes the land value of public and private property in the coastal zone.

(f) Support legislation that promotes the fair and balanced implementation of the California Coastal Act that emphasizes local input and local control.
(g) Support appropriate funding and legislative oversight of the California Coastal Commission that guarantees efficiency of operations, clarity of mission, and accountability.
(h) Support local authority over sea level rise adaptation strategies.
(i) Support legislation and funding efforts that improve harbor operations, dredging, beach replenishment efforts, and marine recreational activities.

IX – PUBLIC SAFETY. The City supports measures that provide local governments access to resources that enable them to provide quality police, fire, emergency medical, and emergency management services. Therefore, the City shall:

(a) Support efforts that address the illicit use of opioids, including fentanyl, by holding drug traffickers accountable, stopping the transport of narcotics across the border, adding harsher penalties for fentanyl sold or distributed to youth, and preventing the use of social platforms to illegally sell and distribute opioids.
(b) Support a public safety system that promotes local law enforcement services, crime prevention, prosecution of crime, confinement of high-risk adults, and evidence-based programs aimed at rehabilitation and lowering the recidivism rate.
(c) Support the restoration of accountability in the criminal justice system by ensuring sentences are fully carried out and sufficiently address the significance of each crime.
(d) Support efforts to increase penalties for driving under the influence of alcohol or drugs, as well as resources that promote efforts to prevent driving under the influence.
(e) Oppose efforts to restrict local law enforcement from collaborating with State and federal agencies regarding shared public safety threats.
(f) Support victims' rights programs and services for victims of crimes.
(g) Support efforts to prevent sexual assault, human trafficking and related crimes.
(h) Support legislation that provides for wildfire local assistance grant programs.
(i) Support public provider emergency medical services.
(j) Support the continuation of Cal OES emergency preparedness funding for cities and counties to provide organized staffing during incidents.
(k) Support legislation that aligns with the City Council's Civil Asset Forfeiture and Seizure Policy as currently set forth in Council Policy F-10.
(l) Support regional and intergovernmental coordination, training and information sharing to improve cyber incident preparedness and response while preserving local control and accountability.
(m) Support legislation, funding and partnerships that enable local deployment of advanced cybersecurity technologies, including threat detection, network

hardening, incident response, and digital forensics to protect City systems and resident data, and to assist law enforcement and community combat cybercrime and digital fraud.

(n) Support sustained State and federal grant programs to modernize public safety communications, emergency alerting, and interoperable data systems that enhance response capabilities.

X – *HOMELESSNESS.* The City supports efforts and legislation that seeks to alleviate homelessness throughout the State by providing funding and programmatic assistance to cities and counties. Therefore, the City shall:

(a) Support federal, State, County or local efforts to develop programs, partnerships or grant programs to assist cities in providing housing solutions and/or services to address homelessness.
(b) Support the conversion to or construction of transitional housing facilities.
(c) Support legislative changes to Coordinated Entry requirements that allow local governments to prioritize based on local unsheltered needs.
(d) Support countywide investments in mental health treatment across the continuum of care, including efforts to support or encourage creation of additional board and care beds as well as subacute treatment and psychiatric skilled nursing facilities.
(e) Support the creation and/or continuance of private, federal, State or County grant opportunities for funding to reduce and prevent homelessness.
(f) Support authority to regulate encampments consistent with constitutional standards.
(g) Support conservatorship tools for severe mental illness and addiction.

XI – *TECHNOLOGY, DIGITAL INFRASTRUCTURE & CYBERSECURITY.* The City supports secure, reliable and resilient technology systems and digital infrastructure to serve and protect residents, visitors and the City organization. Therefore, the City shall:

(a) Support funding to protect municipal systems from cyberattacks.
(b) Support ransomware-recovery and data protection programs for cities.
(c) Support local authority to regulate the siting, design, placement, and operation of telecommunications and digital infrastructure within the public right-of-way and other local jurisdictional areas.
(d) Support reasonable standards and safeguards for the responsible use of emerging technologies, including artificial intelligence, automated decision systems, and digital surveillance tools, with appropriate transparency, accountability, and protection of civil liberties.
(e) Support efforts to protect residents, businesses and local agencies from digital fraud, identity theft, online exploitation, and cyber-enabled financial crimes.

(f) Support investments that improve broadband reliability, network redundancy, and communications resilience for emergency response and continuity of operations.

XII – COMMUNICATIONS. The City supports reliable communication systems while preserving local control over infrastructure. Therefore, the City shall:

(a) Improve wireless connectivity via federal and State legislation along with municipal code and policy updates and partnerships with wireless carriers.
(b) Support local authority over the placement, concealment, maintenance and design of wireless facilities, antennas, fiber and related communications infrastructure.
(c) Support efforts to harden and underground communications infrastructure where feasible to improve reliability, reduce visual impacts, and strengthen disaster resilience.
(d) Oppose legislation or regulations that unduly preempt local review of communications infrastructure or impair the City's ability to manage its public rights-of-way.

Adopted February 28, 2023
Amended April 28, 2026

City of Newport Beach

Legislative Platform

~~Adopted February 28, 2023~~April ___, 2026 ~~(term indefinite until repealed or replaced)~~

PURPOSE

The City of Newport Beach legislative platform summarizes the City's core legislative principles and positions for the purpose of advocacy efforts at the local, regional, S~~s~~tate and federal levels. The platform provides ~~clear~~ direction on pertinent issues and ~~thus~~ enables staff to address legislative and regulatory matters in a timely manner.

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(c) Oppose changes in regional aviation policies that would regionalize aviation administration or that would allow a regional entity the power of eminent domain to expand airport capacity.
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(k) Support legislation that maintains local control over ~~medical marijuana dispensaries~~ commercial cannabis activities and upholds cities' ability to regulate ~~and ban dispensaries.~~or prohibit such uses as authorized by law.

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(f) Oppose new or expanded State taxes and fees that affect local services.

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~~(d)~~(f) Oppose legislation that restricts the City's ability to manage staffing models, deploy personnel efficiently, or implement operational changes necessary to maintain service levels and customer service.

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(b) Support legislation and voter-approved bond measures that help local agencies finance local transportation facilities.
(c) Oppose legislation that requires additional County, State and f~~F~~ederal review of projects that are predominantly of regional or local significance.
(d) Support legislation that gives local agencies greater access to and discretion over transportation funds.
(e) Support legislative efforts to simplify and create efficiencies within the California Environmental Quality Act (CEQA) as it pertains to small- and large-scale transportation projects.

(f) Support ~~legislative~~ efforts to facilitate early ~~and municipal efforts to enhance or expedite the~~ bond paydowns ~~obligation payoff~~ of the State Route 73 t~~T~~oll r~~R~~oad to provide more flexibility in removing or reducing tolls. ~~so as to remove tolls. and turn the facility into a free roadway facility as originally intended.~~

(g) Support legislation and funding that improve evacuation routes, traffic management, roadway resilience, parking management technology, and other local transportation systems necessary to serve residents, visitors, and emergency response needs.

(h) Support local discretion over mobility planning, including curb management, parking regulation, micromobility, and transportation technologies operating within the public right-of-way.

VI – *ENVIRONMENTAL QUALITY.* The City supports effective measures to improve the environment, including water quality, solid waste, hazardous materials clean-up, and ocean, beaches and bay protection. Therefore, the City shall:

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(c) Support efforts that provide a dedicated stream of funds to projects benefiting area beaches and waterways, including adequate and independent funding for boating and waterways.

(d) Seek any appropriate one-time and/or long-term sources of funds and/or services to enhance and protect Newport Bay, including Lower Newport Bay and Upper Newport Bay dredging activities.

(e) Support efforts that ensure that public waters are accessible, safe and clean.

(f) Oppose legislation that would allow the development of new off-shore oil platforms along the Orange County coastline.

(g) Support legislation that provides for oil spill prevention and response efforts while incorporating engagement and feedback from local authorities.

(h) Support funding for remediation of closed oil operations where the land will transition to non-residential development, habitat, parkland or ~~and~~ open space.

(i) Support measures that improve funding resources and the science associated with water quality testing and beach closure standards.

(j) Advocate for Regional Board control over fines and fees collected from water quality violations so that such fines and fees remain in the region and returned to local agencies to be used directly for water quality improvements.

(k) Support efforts to complete the Orange Coast River Park.

(l) Support changes to the California Environmental Quality Act (CEQA) that retain CEQA's foundation of appropriately addressing environmental impacts but that

ensure that CEQA is not used as a tool for litigation and the delay of ~~important~~ projects.

~~Oppose conflicting State regulations…~~

~~(l)~~(m)Support water quality objectives and legislation based on industry standards, methods, testing, data collection and science-based criteria.

VII – WATER SUPPLY AND UTILITIES. The City supports effective measures to maintain local control and improve utilities, including the City's water supply ~~and sanitation system,~~ and that promote the reliability and cost-effectiveness of other utilities, such as electricity and natural gas.

Therefore, the City shall:

(a) Support projects, legislation and funding measures (including statewide bond measures) that would increase water supply and improve water quality in this region.

(b) Support efforts that encourage and incentivize coordinated planning activities for sustainable water resources, infrastructure and planning.

(c) Oppose measures that limit the City's ability to regulate the quality of public water or limit public use.

(d) Support efforts to protect local water rights and the reliability and security of Orange County's water supplies.

(e) Oppose efforts that unilaterally reduce the indoor water use standards without the input of local and regional stakeholders.

(f) Support legislation and efforts that will provide for and ensure there are ample, reliable and cost-effective electrical energy generation, transmission and distribution systems in place that are capable of serving all current and foreseeable electrical power demands.

(g) Oppose efforts to add more load demands until the corresponding and necessary electrical energy generation and transmission capacity is constructed and put into service.

~~(g)~~(h) Support efforts to maintain the use of natural gas as a primary or competitive alternative energy source in addition to electricity, as well as a clean fuel source for electrical energy generation.

VIII – COASTAL RESOURCES AND THE COASTAL ZONE. The City supports efforts to protect and enhance public access and coastal resources in a manner that balances the rights of the individual property owner and local government land use authority with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Therefore, the City shall:

(a) Support legislation that provides funding or programs to address public access to coastal resources.
(b) Support efforts that improve public assets in the coastal zone.
(c) Support coastal resiliency efforts to protect and enhance natural and constructed coastal resources.
(d) Oppose legislation that preempts or otherwise diminishes local control within the coastal zone.
(e) Oppose legislation that diminishes the land value of public and private property in the coastal zone.
(f) Support legislation that promotes the fair and balanced implementation of the California Coastal Act that emphasizes local input and local control.
(g) Support appropriate funding and legislative oversight of the California Coastal Commission that guarantees efficiency of operations, clarity of mission, and accountability.
(h) Support local authority over sea -level -rise adaptation strategies.
~~(g)~~(i)Support legislation and ~~local~~ funding efforts that improve harbor operations, dredging, beach replenishment efforts~~,~~ and marine recreational activities~~funding~~.

IX – PUBLIC SAFETY. The City supports measures that provide local governments access to resources that enable them to provide quality police, fire, emergency medical and emergency management services. Therefore, the City shall:

(a) Support efforts that address the illicit use of opioids, including fentanyl, by holding drug traffickers accountable, stopping the transport of narcotics across the border, adding harsher penalties for fentanyl sold or distributed to youth, and preventing the use of social platforms to illegally sell and distribute opioids.
(b) Support a public safety system that promotes local law enforcement services, crime prevention, prosecution of crime, confinement of high-risk adults, and evidence-based programs aimed at rehabilitation and lowering the recidivism rate.
(c) Support the restoration of accountability in the criminal justice system by ensuring sentences are fully carried out and sufficiently address the significance of each crime.
~~(d) Support efforts to assist law enforcement in fighting cybercrime and promoting programs that increase cybersecurity awareness.~~
~~(e)~~(d) Support efforts to increase penalties for driving under the influence of alcohol or drugs, as well as resources that promote efforts to prevent driving under the influence.

~~(f)~~(e) Oppose efforts to restrict local law enforcement from collaborating with State and f~~F~~ederal agencies regarding shared public safety threats.

~~(g)~~(f) Support victims' rights programs and services for victims of crimes.

~~(h)~~(g) Support efforts to prevent sexual assault, human trafficking and related crimes.

~~(i)~~(h) Support legislation that provides for wildfire local assistance grant programs.

~~(j)~~(i) Support public provider emergency medical services.

~~(k)~~(j) Support the continuation of Cal OES emergency preparedness funding for cities and counties to provide organized staffing during incidents.

(k) Support legislation that aligns with the City Council's Civil Asset Forfeiture and Seizure Policy as currently set forth in Council Policy F-10.

(l) Support regional and intergovernmental coordination, training~~,~~ and information sharing to improve cyber incident preparedness and response while preserving local control and accountability.

(m) Support legislation, funding~~,~~ and partnerships that enable local deployment of advanced cybersecurity technologies, including threat detection, network hardening, incident response, and digital forensics to protect City systems and resident data, and to assist law enforcement and community combat cybercrime and digital fraud.

~~(l)~~(n) Support sustained State and f~~F~~ederal grant programs to modernize public safety communications, emergency alerting, and interoperable data systems that enhance response capabilities.

X – *HOMELESSNESS.* The City supports efforts and legislation that seeks to alleviate homelessness throughout the S~~s~~tate by providing funding and programmatic assistance to cities and counties. Therefore, the City shall:

(a) Support f~~F~~ederal, State, County or local efforts to develop programs, partnerships or grant programs to assist cities in providing housing solutions and/or services to address homelessness.

(b) Support the conversion to or construction of transitional housing facilities.

(c) Support legislative changes to Coordinated Entry requirements that allow local governments to prioritize based on local unsheltered needs.

(d) Support countywide investments in mental health treatment across the continuum of care, including efforts to support or encourage creation of additional board and care beds as well as subacute treatment and psychiatric skilled nursing facilities.

(e) Support the creation and/or continuance of private, f~~F~~ederal, State or County grant opportunities for funding to reduce and prevent homelessness.

(f) Support authority to regulate encampments consistent with constitutional standards.
(g) Support conservatorship tools for severe mental illness and addiction.

XI – *TECHNOLOGY, DIGITAL INFRASTRUCTURE & CYBERSECURITY*. The City supports secure, reliable and resilient technology systems and digital infrastructure to serve and protect residents, visitors and the City organization. Therefore, the City shall: ~~Digital Infrastructure & Cybersecurity~~

(a) Support funding to protect municipal systems from cyberattacks.
(b) Support ransomware-recovery and data protection programs for cities.
(c) Support local authority to regulate the siting, design, placement, and operation of telecommunications and digital infrastructure within the public right-of-way and other local jurisdictional areas.
(d) Support reasonable standards and safeguards for the responsible use of emerging technologies, including artificial intelligence, automated decision systems, and digital surveillance tools, with appropriate transparency, accountability, and protection of civil liberties.
(e) Support efforts to protect residents, businesses, and local agencies from digital fraud, identity theft, online exploitation, and cyber-enabled financial crimes.
(f) Support investments that improve broadband reliability, network redundancy, and communications resilience for emergency response and continuity of operations.

XII – *COMMUNICATIONS*. The City supports reliable communication systems while preserving local control over infrastructure. Therefore, the City shall:

(a) Improve wireless connectivity via f~~F~~ederal and State legislation along with municipal code and policy updates and partnerships with wireless carriers.
(b) Support local authority over the placement, concealment, maintenance, and design of wireless facilities, antennas, fiber, and related communications infrastructure.
(c) Support efforts to harden and underground communications infrastructure where feasible to improve reliability, reduce visual impacts, and strengthen disaster resilience.
(d) Oppose legislation or regulations that unduly preempt local review of communications infrastructure or impair the City's ability to manage its public rights-of-way.

Adopted February 28, 2023
Amended April _, 2026

CITY OF

NEWPORT BEACH

City Council Staff Report

April 28, 2026
Agenda Item No. 6

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: David A. Webb, Public Works Director - 949-644-3311, dawebb@newportbeachca.gov

PREPARED BY: Chris Miller, Public Works Administrative Manager - 949-644-3043, cmiller@newportbeachca.gov

TITLE: Balboa Yacht Basin Maintenance Dredging – Notice of Completion for Contract No. 9944-1 (26H13)

ABSTRACT:

On October 14, 2025, the City Council awarded a contract for Balboa Yacht Basin Maintenance Dredging to Pacific Dredge and Construction, LLC. The project dredged the access channels within the Balboa Yacht Basin marina, located at 829 Harbor Island Drive, and disposed the material within the Port of Long Beach's Pier G Slip Fill Project. The work is now complete and staff requests City Council acceptance and closeout of the contract.

RECOMMENDATIONS:

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Accept the completed work and authorize the City Clerk to file a Notice of Completion for the project.

DISCUSSION:

Overall Contract Cost/Time Summary

Awarded Contract Amount	Final Total Contract Amount	Total Contract Change Amount	Percent Contract Cost Change
$3,543,949	$2,372,791.65	($1,171,157.35)	(33%)

Allowed Contract Time + Approved Extensions/Suspensions (Days) =	82	Actual Time Used (Days)	32

This project included dredging the main access channels within the Balboa Yacht Basin marina and disposing the material within the Port of Long Beach's Pier G Slip Fill Project. The contractor dredged the access channels and a significant number of slips down to original depths therefore improving navigation within the marina.

The contracted work has been completed to the satisfaction of the Public Works Department.

A summary of the construction cost is as follows:

Original Bid Amount:	$	3,543,949.00
Actual Cost of Bid Items Constructed:	$	2,342,174.00
Total Change Orders:	$	30,617.65
Final Contract Cost:	**$**	**2,372,791.65**

The total final contract amount was $2,372,791.65, approximately 33% below the original bid amount. In space-constrained dredging projects such as the Balboa Yacht Basin, it is appropriate to design and permit using the maximum possible cubic yards (33,357) available to dredge assuming the basin is void of physical constraints such as docks and vessels. However, the plans and specifications also note that the docks would remain in place and that slip tenants would be encouraged, but not required, to vacate their slips. This ensures the contractors are well informed of the constraints and can calculate their bids accordingly.

This project was planned, designed, permitted, awarded and constructed within 13 months to meet the condensed disposal timeline imposed by the Port of Long Beach. Therefore, the primary project goal was to dredge as much as possible without the added logistical complication of relocating all the vessels in the marina. With that said, approximately 35% of the slip tenants volunteered to relocate their vessels which significantly maximized the final dredged quantity to 12,582 cubic yards.

Additionally, since the contractor did not encounter any marine debris during dredging, the associated bid line item was not exercised resulting in project savings.

One change order for $30,617.65 was required to provide nightly fire watch personnel when the dredge barge restricted channel ingress and egress overnight, per Newport Beach Fire Department requirements.

A summary of the project schedule milestones is as follows:

Estimated Start of Construction per Annual Baseline Schedule	February 2, 2026
Actual Start of Construction Per Notice to Proceed	December 9, 2025
Estimated Completion Per Annual Baseline Schedule	May 1, 2026
Substantial Completion Date Inclusive of Extra Work	February 3, 2026

FISCAL IMPACT:

The Balboa Yacht Basin Maintenance Dredging Project was funded by the Capital Improvement Program Budget and Budget Amendment No. 26-033. Funds for the construction contract were expended from the following account:

Account Description	Account Number		Amount
Tidelands Capital	10101-980000-26H13	$	2,372,791.65
	Total:	**$**	**2,372.791.65**

Tidelands revenue is generated from the operation of the City of Newport Beach's tidelands and includes rent from moorings, piers, and leases, as well as income from some parking lots. Currently, the operating expenditures of the Tidelands fund exceeds revenues and therefore is subsidized by the General Fund.

The Tidelands Capital Fund was created to allow for the sequestration of incremental increases from the tidelands rent adjustments solely to finance critical in-harbor capital improvements like seawall repairs, dredging, piers and other important amenities.

ENVIRONMENTAL REVIEW:

On October 14, 2025, City Council found this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15304 Class 4 (Minor Alterations to Land - Maintenance Dredging) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENT:

Attachment A – Location Map



BALBOA YACHT BASIN MAINTENANCE DREDGING LOCATION MAP

CITY OF NEWPORT BEACH
PUBLIC WORKS DEPARTMENT

26H13	04/28/26

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CITY OF

NEWPORT BEACH

City Council Staff Report

April 28, 2026
Agenda Item No. 7

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	David A. Webb, Public Works Director - 949-644-3311, dawebb@newportbeachca.gov
PREPARED BY:	Chris Miller, Public Works Administrative Manager - 949-644-3043, cmiller@newportbeachca.gov
TITLE:	Citywide Public Dock Rehabilitation – Notice of Completion for Contract No. 9557-1 (24H02)

ABSTRACT:

On September 24, 2024, the City Council awarded contract No. 9557-1 for the Citywide Public Dock Rehabilitation to Jilk Heavy Construction, Inc. The project replaced the floating docks, concrete guide piles, and some gangways at 10 of the City of Newport Beach's public docks. The work is now complete and staff requests City Council acceptance and closeout of the contract.

RECOMMENDATIONS:

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Accept the completed work and authorize the City Clerk to file a Notice of Completion for the project.

DISCUSSION:

Overall Contract Cost/Time Summary

Awarded Contract Amount	Final Total Contract Amount	Total Contract Change Amount	Percent Contract Cost Change
$1,296,000	$1,385,336.26	$89,336.26	6.9%

Allowed Contract Time + Approved Extensions/Suspensions (Days) =	200	Actual Time Used (Days)	199

This project included replacing all of the floats at 10 of the City's heavily used public piers along with replacing several of the float guide piles. In addition, three of the gangways were also replaced with code-compliant aluminum gangways.

The contracted work has been completed to the satisfaction of the Public Works Department.

A summary of the construction cost is as follows:

Original Bid Amount:	$	1,296,000.00
Actual Cost of Bid Items Constructed:	$	1,296,000.00
Total Change Orders:	$	89,336.26
Final Contract Cost:	**$**	**1,385,336.26**

The total final contract amount was $1,385,336.26, approximately 6.9% higher than the original bid amount. The additional cost resulted from unforeseen conditions not covered by the initial contract including gangway repairs, re-decking the entirety of the 19th Street float to match the newly installed float portion, and installation of new gangway landing and transition plates to improve access.

The contract completion time was 200 working days to account for long-lead procurement of floats and concrete guide piles. There were several months of punch list items which did not affect the public docks from being open and operational.

A summary of the project schedule milestones is as follows:

Estimated Start of Construction per Annual Baseline Schedule	January 6, 2025
Actual Start of Construction Per Notice to Proceed	October 15, 2024
Estimated Completion Per Annual Baseline Schedule	June 27, 2025
Substantial Completion Date Inclusive of Extra Work	August 7, 2025

FISCAL IMPACT:

The Citywide Public Dock Rehabilitation project was funded with the adopted Fiscal Year 2024-25 Capital Improvement Program Budget and Budget Amendment No. 25-017. Funds for the construction contract were expended from the following accounts:

Account Description	Account Number		Amount
Tidelands Operating	10001-980000-22H02	$	292,616.62
Tidelands Capital	10101-980000-19H02	$	3,090.49
Tidelands Capital	10101-980000-23H02	$	300,000.00
Tidelands Capital	10101-980000-24H02	$	789,629.15
	Total	**$**	**1,385,336.26**

Tidelands revenue is generated from the operation of the City's tidelands and includes rent from moorings, piers and leases, as well as income from some parking lots. Currently, the operating expenditures of the Tidelands fund exceeds revenues and therefore is subsidized by the General Fund.

The Tidelands Capital Fund was created to allow for the sequestration of incremental increases from the tidelands rent adjustments solely to finance critical in-harbor capital improvements like seawall repairs, dredging, piers and other important amenities.

ENVIRONMENTAL REVIEW:

On September 24, 2024, City Council found this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 Class 1 (maintenance or minor alteration of existing public structures involving negligible or no expansion of existing use) and Section 15302 Class 2 (replacement or reconstruction of existing structures and facilities replaced) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENT:

Attachment A – Location Map



PROJECT LOCATIONS

1. M ST PUBLIC DOCK
2. WASHINGTON ST PUBLIC DOCK
3. FERNANDO ST PUBLIC DOCK
4. 15TH ST PUBLIC DOCK
5. 19TH ST PUBLIC DOCK
6. OPAL AVE PUBLIC DOCK
7. EMERALD AVE PUBLIC DOCK
8. SAPPHIRE AVE PUBLIC DOCK
9. PARK AVE PUBLIC DOCK
10. CORAL AVE PUBLIC DOCK

CITYWIDE PUBLIC DOCK REHABILITATION LOCATION MAP	CITY OF NEWPORT BEACH PUBLIC WORKS DEPARTMENT	
	C-9557-1	24H02	04/28/26

C:\Users\ncarstensen\Desktop\Attachment A - Map Location.dwg 09/16/24 - 9:18am ncarstensen

CITY OF

NEWPORT BEACH

City Council Staff Report

April 28, 2026
Agenda Item No. 8

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	Mark Vukojevic, Utilities Director - 949-644-3011, mvukojevic@newportbeachca.gov
PREPARED BY:	Joshua Rosenbaum, Senior Management Analyst - 949-644-3057, jrosenbaum@newportbeachca.gov
TITLE:	Award of Maintenance / Repair Services Agreement with Superior Property Services, Inc., for Graffiti Abatement Services

ABSTRACT:

The Utilities Department manages graffiti abatement services to remove graffiti from public property or public view. Graffiti abatement services, primarily performed by contract resources, include graffiti and sticker removal, color matching of painted surfaces and participating in a county-wide graffiti reporting system. For the City Council's considerations is a three-year agreement with Superior Property Services, Inc. for graffiti abatement.

RECOMMENDATIONS:

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Approve a Maintenance and Repair Services Agreement with Superior Property Services, Inc., for Graffiti Abatement Services, for a term of three years with an option to extend the agreement for two additional years, with a total contract amount of $775,000 and authorize the Mayor and City Clerk to execute the agreement.

DISCUSSION:

The Utilities Department contracts for graffiti abatement services to remove approximately 6,500 incidents of graffiti per year from public property, public right-of-way or private structures immediately facing public property. Graffiti incidents have increased over the years, and the City of Newport Beach is aggressive in responding to incidents and removing graffiti. Through this approach, the goal is to deter and discourage future tags, which will mitigate the further spread of graffiti, and reduce other acts of defacement/vandalism of property in the city. It is the Utilities Department's goal to remove the graffiti the same day or within 24 hours of being reported.

Graffiti incidents often occur in high public contact areas such as public parking lots, public restrooms, bike trails, city parks, beach areas and private walls immediately adjacent to

public property. These areas are known as hotspots and are inspected by the contractor every day, including weekends, to proactively remove graffiti and stickers prior to the incident being reported by the public. Graffiti incidents are also often reported by the public and other City staff on the City's graffiti hotline phone number or online through the City's website or MYNB mobile app. The graffiti and stickers are removed by using spray paint remover compounds, sticker remover compounds, pressure washing (usually on concrete), or painting over the affected surfaces using a sprayer with a custom color matching onsite. The graffiti is photographed, mapped and uploaded into the Orange County Sheriff's Department system as a law enforcement tool.

Under the existing and proposed contract, graffiti removal services are typically performed every day of the week Monday through Sunday, with an additional graffiti removal technician in the city one weekday per week. As-needed and after-hours graffiti is handled by on-call City staff, or the service provider is called in. During the summer months, staff also expands services by adding an additional graffiti removal technician on one weekend day, usually Sundays, based on increased need and volume.

In February, the City issued and advertised for bids on the City's online public bidding platform, PlanetBids, along with a notice of inviting bids in the Daily Pilot publication. On March 26, 2026, three proposals were received, of which two were considered responsive to the minimum qualifications requirements and scope of services. Due to the nature of the scope of services and the prevailing wage determination by the California Department of Industrial Relations for graffiti removal services, the bid cost items were itemized by quantities of weekday and weekend work.

At 1 p.m. on March 26, 2026, the City Clerk opened and read the following bids for this project:

Rank	BIDDER	ANNUAL BID AMOUNT
Low	Skyline Drone Wash*	$241,850.00
2nd	Superior Property Services, Inc.	$255,355.00
3rd	Urban Graffiti Enterprises, Inc.	$574,624.00

The apparent low bidder, Skyline Drone Wash, was deemed non-responsive jointly by the Purchasing Division staff and the Utilities Department. Purchasing Division staff deemed the company non-responsive due to an incomplete submittal, as Skyline did not submit a mandatory hard copy of the bid bond with its submittal by the deadline. The Utilities Department deemed the bid to be non-responsive for not being able to meet the minimum requirements to perform the scope of services as required.

Utilities staff recommends awarding the agreement to the 2nd low bidder, Superior Property Services, Inc. Over the past four years, Superior Property Services has delivered reliable, responsive and satisfactory performance in performing graffiti abatement

services for the City. The agreement would be for a three-year initial term with an option to extend for two additional years, with a total contract amount of $775,000.

FISCAL IMPACT:

The annual cost of this graffiti abatement work is approximately $255,000. The current Fiscal Year 2025-26 adopted budget includes sufficient funding to cover this contract's graffiti abatement services for the remainder of the fiscal year. The Fiscal Year 2026-27 proposed budget also includes sufficient funding to cover the new contract. The contract services will be expensed to the General Fund Storm Drain/Street Sweeping program, Graffiti Abatement Services account in the Utilities Department, 0109062-811064.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENT:

Attachment A – Agreement with Superior Property Services, Inc.

MAINTENANCE/REPAIR SERVICES AGREEMENT WITH SUPERIOR PROPERTY SERVICES, INC. FOR GRAFFITI ABATEMENT SERVICES

THIS MAINTENANCE/REPAIR SERVICES AGREEMENT ("Agreement") is made and entered into as of this 1st day of May, 2026 ("Effective Date"), by and between the CITY OF NEWPORT BEACH, a California municipal corporation and charter city ("City"), and SUPERIOR PROPERTY SERVICES, INC., a California corporation ("Contractor"), whose address is 2181 South Dupont Drive, Anaheim, CA 92806, and is made with reference to the following:

RECITALS

A. City is a municipal corporation duly organized and validly existing under the laws of the State of California with the power to carry on its business as it is now being conducted under the statutes of the State of California and the Charter of City.

B. City desires to engage Contractor to perform maintenance and/or repair services for City ("Project").

C. Contractor possesses the skill, experience, ability, background, certification and knowledge to provide the maintenance and/or repair services described in this Agreement.

D. Contractor has examined the location of all proposed work, carefully reviewed and evaluated the specifications set forth by City for the Project, is familiar with all conditions relevant to the performance of services, and has committed to perform all work required for the compensation specified in this Agreement.

NOW, THEREFORE, it is mutually agreed by and between the undersigned parties as follows:

1. TERM

1.1 The term of this Agreement shall commence on the Effective Date, and shall terminate on April 30, 2029, unless terminated earlier as set forth herein.

1.2 On May 28, 2022, The City and Contractor entered into an agreement (Contract No. C-8839-1) for graffiti abatement services. Upon the execution of this Agreement, the parties agree to terminate Contract No. C-8839-1 and have services continue through this Agreement.

2. SERVICES TO BE PERFORMED

2.1 Contractor shall diligently perform all the services described in the Scope of Services attached hereto as Exhibit A and incorporated herein by reference ("Services" or "Work"). As a material inducement to City entering into this Agreement, Contractor represents and warrants that Contractor is a provider of first class work and Contractor is experienced in performing the Work contemplated herein and, in light of such status and

experience, Contractor covenants that it shall follow community professional standards with the ordinary degree of skill and care that would be used by other reasonably competent practitioners of the same discipline under similar circumstances, in performing the Work required hereunder, and that all materials will be of good quality.

2.2 Contractor shall perform all Work required to be performed, and shall provide and furnish all the labor, materials, necessary tools, expendable equipment and all utility and transportation services necessary for the Project.

3. TIME OF PERFORMANCE

3.1 Time is of the essence in the performance of Services under this Agreement and Contractor shall perform the Services in accordance with the schedule included in Exhibit A. In the absence of a specific schedule, the Services shall be performed to completion in a diligent and timely manner. The failure by Contractor to strictly adhere to the schedule set forth in Exhibit A, if any, or perform the Services in a diligent and timely manner may result in termination of this Agreement by City.

3.2 Notwithstanding the foregoing, Contractor shall not be responsible for delays due to causes beyond Contractor's reasonable control. However, in the case of any such delay in the Services to be provided for the Project, each party hereby agrees to provide notice within two (2) calendar days of the occurrence causing the delay to the other party so that all delays can be addressed.

3.3 Contractor shall submit all requests for extensions of time for performance in writing to the Project Administrator as defined herein, not later than two (2) calendar days after the start of the condition that purportedly causes a delay. The Project Administrator shall review all such requests and may grant reasonable time extensions for unforeseeable delays that are beyond Contractor's control.

3.4 For all time periods not specifically set forth herein, Contractor shall respond in the most expedient and appropriate manner under the circumstances, by fax, hand-delivery or mail.

4. COMPENSATION TO CONTRACTOR

4.1 City shall pay Contractor for the Services on a time and expense not-to-exceed basis in accordance with the provisions of this Section and the Schedule of Billing Rates attached hereto as Exhibit B and incorporated herein by reference. Except as otherwise provided herein, no rate changes shall be made during the term of this Agreement without the prior written approval of City. Contractor's compensation for all Services performed in accordance with this Agreement, including all reimbursable items, shall not exceed **Seven Hundred Seventy-Five Thousand Dollars and 00/100 ($775,000.00)**, without prior written amendment to the Agreement.

4.2 Upon the first anniversary of the Effective Date and upon each anniversary of the Effective Date thereafter, the billing rates set forth in Exhibit B ("Billing Rates") may be adjusted in proportion to changes in the Consumer Price Index, subject to the maximum adjustment set forth below. Such adjustment shall be made by multiplying the Billing Rates in Exhibit B by a fraction, the numerator of which is the value of the

Consumer Price Index for the calendar month three (3) months preceding the calendar month for which such adjustment is to be made, and the denominator of which is the value of the Consumer Price Index for the same calendar month immediately prior to Effective Date. The Consumer Price Index to be used in such calculation is the "Consumer Price Index, All Items, 1982-84=100 for All Urban Consumers (CPI-U)", for the Los Angeles-Riverside-Orange County Metropolitan Area, published by the United States Department of Labor, Bureau of Labor Statistics. If both an official index and one or more unofficial indices are published, the official index shall be used. If said Consumer Price Index is no longer published at the adjustment date, it shall be constructed by conversion tables included in such new index. In no event, however, shall the amount payable under this Agreement be reduced below the Billing Rates in effect immediately preceding such adjustment. The maximum adjustment increase to the Billing Rates, for any year where an adjustment is made pursuant to this Section, shall not exceed the Consumer Price Index or 2.0% of the Billing Rates in effect immediately preceding such adjustment, whichever is less. Contractor shall notify City in writing of any requests for adjustment pursuant to this Section at least thirty (30) days prior to the Effective Date of such adjustment, and provide updated billing rates. Adjusted billing rates shall be approved in writing by City prior to use.

4.3 Contractor shall submit monthly invoices to City describing the Work performed the preceding month. Contractor's bills shall include the name and/or classification of employee who performed the Work, a brief description of the Services performed and/or the specific task in the Scope of Services to which it relates, the date the Services were performed, the number of hours spent on all Work billed on an hourly basis, and a description of any reimbursable expenditures. City shall pay Contractor no later than thirty (30) calendar days after approval of the monthly invoice by City staff.

4.4 City shall reimburse Contractor only for those costs or expenses specifically identified in Exhibit B to this Agreement, or specifically approved in writing in advance by City.

4.5 Contractor shall not receive any compensation for Extra Work performed without the prior written authorization of City. As used herein, "Extra Work" means any Work that is determined by City to be necessary for the proper completion of the Project, but which is not included within the Scope of Services and which the parties did not reasonably anticipate would be necessary at the execution of this Agreement. Compensation for any authorized Extra Work shall be paid in accordance with Exhibit B.

5. PROJECT MANAGER

5.1 Contractor shall designate a Project Manager, who shall coordinate all phases of the Project. This Project Manager shall be available to City at all reasonable times during the Agreement term. Contractor has designated Nancy Hernandez to be its Project Manager. Contractor shall not remove or reassign the Project Manager or any personnel listed in Exhibit A or assign any new or replacement personnel to the Project without the prior written consent of City. City's approval shall not be unreasonably withheld with respect to the removal or assignment of non-key personnel.

5.2 Contractor, at the sole discretion of City, shall remove from the Project any of its personnel assigned to the performance of Services upon written request of City. Contractor warrants that it will continuously furnish the necessary personnel to complete the Project on a timely basis as contemplated by this Agreement.

6. ADMINISTRATION

This Agreement will be administered by the Utilities Department. City's Utilities Manager or designee shall be the Project Administrator and shall have the authority to act for City under this Agreement. The Project Administrator shall represent City in all matters pertaining to the Services to be rendered pursuant to this Agreement.

7. CITY'S RESPONSIBILITIES

To assist Contractor in the execution of its responsibilities under this Agreement, City agrees to provide access to and upon request of Contractor, one copy of all existing relevant information on file at City. City will provide all such materials in a timely manner so as not to cause delays in Contractor's Work schedule.

8. TYPE AND INSTALLATION OF MATERIALS/STANDARD OF CARE

8.1 Contractor shall use only the standard materials described in Exhibit A in performing Services under this Agreement. Any deviation from the materials described in Exhibit A shall not be installed or utilized unless approved in advance and in writing by the Project Administrator.

8.2 All of the Services shall be performed by Contractor or under Contractor's supervision. Contractor represents that it possesses the personnel required to perform the Services required by this Agreement, and that it will perform all Services in a manner commensurate with community professional standards and with the ordinary degree of skill and care that would be used by other reasonably competent practitioners of the same discipline under similar circumstances. All Services shall be performed by qualified and experienced personnel who are not employed by City. By delivery of completed Work, Contractor certifies that the Work conforms to the requirements of this Agreement, all applicable federal, state and local laws and legally recognized professional standards.

8.3 Contractor represents and warrants to City that it has, shall obtain and shall keep in full force and effect during the term hereof, at its sole cost and expense, all licenses, permits, qualifications, insurance and approvals of whatsoever nature that is legally required of Contractor to practice its profession. Contractor shall maintain a City of Newport Beach business license during the term of this Agreement.

8.4 Contractor shall not be responsible for delay, nor shall Contractor be responsible for damages or be in default or deemed to be in default by reason of strikes, lockouts, accidents, acts of God, or the failure of City to furnish timely information or to approve or disapprove Contractor's Work promptly, or delay or faulty performance by City, contractors, or governmental agencies.

9. RESPONSIBILITY FOR DAMAGES OR INJURY

9.1 City and all officers, employees and representatives thereof and all persons and entities owning or otherwise in legal control of the property upon which Contractor performs the Project and/or Services shall not be responsible in any manner for any loss or damage to any of the materials or other things used or employed in performing the Project or for injury to or death of any person as a result of Contractor's performance of the Services required hereunder; or for damage to property from any cause arising from the performance of the Project and/or Services by Contractor, or its subcontractors, or its workers, or anyone employed by either of them.

9.2 Contractor shall be responsible for any liability imposed by law and for injuries to or death of any person or damage to property resulting from defects, obstructions or from any cause arising from Contractor's Work on the Project and/or Services, or the Work of any subcontractor or supplier selected by Contractor.

9.3 To the fullest extent permitted by law, Contractor shall indemnify, defend and hold harmless City, its City Council, boards and commissions, officers, agents, volunteers, employees, and any person or entity owning or otherwise in legal control of the property upon which Contractor performs the Project and/or Services contemplated by this Agreement (collectively, the "Indemnified Parties") from and against any and all claims (including, without limitation, claims for bodily injury, death or damage to property), demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including, without limitation, attorneys' fees, disbursements and court costs) of every kind and nature whatsoever (individually, a Claim; collectively, "Claims"), which may arise from or in any manner relate (directly or indirectly) to any breach of the terms and conditions of this Agreement, any Work performed or Services provided under this Agreement including, without limitation, defects in workmanship or materials or Contractor's presence or activities conducted on the Project (including the negligent and/or willful acts, errors and/or omissions of Contractor, its principals, officers, agents, employees, vendors, suppliers, consultants, subcontractors, anyone employed directly or indirectly by any of them or for whose acts they may be liable or any or all of them).

9.4 Notwithstanding the foregoing, nothing herein shall be construed to require Contractor to indemnify the Indemnified Parties from any Claim arising from the sole negligence or willful misconduct of the Indemnified Parties. Nothing in this indemnity shall be construed as authorizing any award of attorneys' fees in any action on or to enforce the terms of this Agreement. This indemnity shall apply to all claims and liability regardless of whether any insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification to be provided by Contractor.

9.5 Contractor shall perform all Work in a manner to minimize public inconvenience and possible hazard, to restore other work areas to their original condition and former usefulness as soon as possible, and to protect public and private property. Contractor shall be liable for any private or public property damaged during the performance of the Work by Contractor or its agents.

9.6 To the extent authorized by law, as much of the money due Contractor under and by virtue of the Agreement as shall be considered necessary by City may be retained by it until disposition has been made of such suits or claims for damages as aforesaid.

9.7 The rights and obligations set forth in this Section shall survive the termination of this Agreement.

10. INDEPENDENT CONTRACTOR

It is understood that City retains Contractor on an independent contractor basis and Contractor is not an agent or employee of City. The manner and means of conducting the Work are under the control of Contractor, except to the extent they are limited by statute, rule or regulation and the expressed terms of this Agreement. No civil service status or other right of employment shall accrue to Contractor or its employees. Nothing in this Agreement shall be deemed to constitute approval for Contractor or any of Contractor's employees or agents, to be the agents or employees of City. Contractor shall have the responsibility for and control over the means of performing the Work, provided that Contractor is in compliance with the terms of this Agreement. Anything in this Agreement that may appear to give City the right to direct Contractor as to the details of the performance of the Work or to exercise a measure of control over Contractor shall mean only that Contractor shall follow the desires of City with respect to the results of the Services.

11. COOPERATION

Contractor agrees to work closely and cooperate fully with City's designated Project Administrator and any other agencies that may have jurisdiction or interest in the Work to be performed. City agrees to cooperate with Contractor on the Project.

12. CITY POLICY

Contractor shall discuss and review all matters relating to policy and Project direction with City's Project Administrator in advance of all critical decision points in order to ensure the Project proceeds in a manner consistent with City goals and policies.

13. PROGRESS

Contractor is responsible for keeping the Project Administrator informed on a regular basis regarding the status and progress of the Project, activities performed and planned, and any meetings that have been scheduled or are desired.

14. INSURANCE

Without limiting Contractor's indemnification of City, and prior to commencement of Work, Contractor shall obtain, provide and maintain at its own expense during the term of this Agreement or for other periods as specified in this Agreement, policies of insurance of the type, amounts, terms and conditions described in the Insurance Requirements attached hereto as Exhibit C, and incorporated herein by reference.

15. PREVAILING WAGES

15.1 Pursuant to the applicable provisions of the Labor Code of the State of California, not less than the general prevailing rate of per diem wages including legal holidays and overtime Work for each craft or type of workman needed to execute the Work contemplated under the Agreement shall be paid to all workmen employed on the Work to be done according to the Agreement by the Contractor and any subcontractor. In accordance with the California Labor Code (Sections 1770 et seq.), the Director of Industrial Relations has ascertained the general prevailing rate of per diem wages in the locality in which the Work is to be performed for each craft, classification, or type of workman or mechanic needed to execute the Agreement. A copy of said determination is available by calling the prevailing wage hotline number (415) 703-4774 and requesting one from the Department of Industrial Relations. The Contractor is required to obtain the wage determinations from the Department of Industrial Relations and post at the job site the prevailing rate or per diem wages. It shall be the obligation of the Contractor or any subcontractor under him/her to comply with all State of California labor laws, rules and regulations and the parties agree that the City shall not be liable for any violation thereof.

15.2 Unless otherwise exempt by law, Contractor warrants that no contractor or subcontractor was listed on the bid proposal for the Services that it is not currently registered and qualified to perform public work. Contractor further warrants that it is currently registered and qualified to perform "public work" pursuant to California Labor Code section 1725.5 or any successor statute thereto and that no contractor or subcontractor will engage in the performance of the Services unless currently registered and qualified to perform public work.

16. PROHIBITION AGAINST ASSIGNMENTS AND TRANSFERS

Except as specifically authorized under this Agreement, the Services to be provided under this Agreement shall not be assigned, transferred contracted or subcontracted out without the prior written approval of City. Any of the following shall be construed as an assignment: The sale, assignment, transfer or other disposition of any of the issued and outstanding capital stock of Contractor, or of the interest of any general partner or joint venturer or syndicate member or cotenant if Contractor is a partnership or joint-venture or syndicate or cotenancy, which shall result in changing the control of Contractor. Control means fifty percent (50%) or more of the voting power or twenty-five percent (25%) or more of the assets of the corporation, partnership or joint-venture.

17. SUBCONTRACTING

The subcontractors authorized by City, if any, to perform Work on this Project are identified in Exhibit A. Contractor shall be fully responsible to City for all acts and omissions of any subcontractor. Nothing in this Agreement shall create any contractual relationship between City and any subcontractor nor shall it create any obligation on the part of City to pay or to see to the payment of any monies due to any such subcontractor other than as otherwise required by law. City is an intended beneficiary of any Work performed by the subcontractor for purposes of establishing a duty of care between the subcontractor and City. Except as specifically authorized herein, the Services to be

provided under this Agreement shall not be otherwise assigned, transferred, contracted or subcontracted out without the prior written approval of City.

18. OWNERSHIP OF DOCUMENTS

Each and every report, draft, map, record, plan, document and other writing produced (hereinafter "Documents"), prepared or caused to be prepared by Contractor, its officers, employees, agents and subcontractors, in the course of implementing this Agreement, shall become the exclusive property of City, and City shall have the sole right to use such materials in its discretion without further compensation to Contractor or any other party. Contractor shall, at Contractor's expense, provide such Documents to City upon prior written request.

19. CONFIDENTIALITY

All Documents, including drafts, preliminary drawings or plans, notes and communications that result from the Services in this Agreement, shall be kept confidential unless City expressly authorizes in writing the release of information.

20. RECORDS

Contractor shall keep records and invoices in connection with the Services to be performed under this Agreement. Contractor shall maintain complete and accurate records with respect to the costs incurred under this Agreement and any Services, expenditures and disbursements charged to City, for a minimum period of three (3) years, or for any longer period required by law, from the date of final payment to Contractor under this Agreement. All such records and invoices shall be clearly identifiable. Contractor shall allow a representative of City to examine, audit and make transcripts or copies of such records and invoices during regular business hours. Contractor shall allow inspection of all Work, data, Documents, proceedings and activities related to the Agreement for a period of three (3) years from the date of final payment to Contractor under this Agreement.

21. WITHHOLDINGS

City may withhold payment to Contractor of any disputed sums until satisfaction of the dispute with respect to such payment. Such withholding shall not be deemed to constitute a failure to pay according to the terms of this Agreement. Contractor shall not discontinue Work as a result of such withholding. Contractor shall have an immediate right to appeal to the City Manager or his/her designee with respect to such disputed sums. Contractor shall be entitled to receive interest on any withheld sums at the rate of return that City earned on its investments during the time period, from the date of withholding of any amounts found to have been improperly withheld.

22. CITY'S RIGHT TO EMPLOY OTHER CONTRACTORS

City reserves the right to employ other contractors in connection with the Project.

23. CONFLICTS OF INTEREST

23.1 Contractor or its employees may be subject to the provisions of the California Political Reform Act of 1974 (the "Act") and/or Government Code §§ 1090 et seq., which (1) require such persons to disclose any financial interest that may foreseeably be materially affected by the Work performed under this Agreement, and (2) prohibit such persons from making, or participating in making, decisions that will foreseeably financially affect such interest.

23.2 If subject to the Act and/or Government Code §§ 1090 et seq., Contractor shall conform to all requirements therein. Failure to do so constitutes a material breach and is grounds for immediate termination of this Agreement by City. Contractor shall indemnify and hold harmless City for any and all claims for damages resulting from Contractor's violation of this Section.

24. NOTICES

24.1 All notices, demands, requests or approvals, including any change in mailing address, to be given under the terms of this Agreement shall be given in writing, and conclusively shall be deemed served when delivered personally, or on the third business day after the deposit thereof in the United States mail, postage prepaid, first-class mail, addressed as hereinafter provided.

24.2 All notices, demands, requests or approvals from Contractor to City shall be addressed to City at:

Attn: Utilities Manager
Utilities Department
City of Newport Beach
949 West 16th Street
Newport Beach, CA 92663

24.3 All notices, demands, requests or approvals from City to Contractor shall be addressed to Contractor at:

Attn: Nancy Hernandez
Superior Property Services, Inc.
2181 South Dupont Drive
Anaheim, CA 92806

25. CLAIMS

25.1 Unless a shorter time is specified elsewhere in this Agreement, before making its final request for payment under this Agreement, Contractor shall submit to City, in writing, all claims for compensation under or arising out of this Agreement. Contractor's acceptance of the final payment shall constitute a waiver of all claims for compensation under or arising out of this Agreement except those previously made in writing and identified by Contractor in writing as unsettled at the time of its final request for payment. Contractor and City expressly agree that in addition to any claims filing requirements set forth in the Agreement, Contractor shall be required to file any claim Contractor may have

against City in strict conformance with the Government Claims Act (Government Code sections 900 et seq.).

25.2 To the extent that Contractor's claim is a "Claim" as defined in Public Contract Code section 9204 or any successor statute thereto, the Parties agree to follow the dispute resolution process set forth therein. Any part of such "Claim" remaining in dispute after completion of the dispute resolution process provided for in Public Contract Code section 9204 or any successor statute thereto shall be subject to the Government Claims Act requirements requiring Contractor/Consultant to file a claim in strict conformance with the Government Claims Act. To the extent that Contractor's claim is not a "Claim" as defined in Public Contract Code section 9204 or any successor statute thereto, Contractor shall be required to file such claim with the City in strict conformance with the Government Claims Act (Government Code sections 900 et seq.).

26. TERMINATION

26.1 In the event that either party fails or refuses to perform any of the provisions of this Agreement at the time and in the manner required, that party shall be deemed in default in the performance of this Agreement. If such default is not cured within a period of two (2) calendar days, or if more than two (2) calendar days are reasonably required to cure the default and the defaulting party fails to give adequate assurance of due performance within two (2) calendar days after receipt of written notice of default, specifying the nature of such default and the steps necessary to cure such default, and thereafter diligently take steps to cure the default, the non-defaulting party may terminate the Agreement forthwith by giving to the defaulting party written notice thereof.

26.2 Notwithstanding the above provisions, City shall have the right, at its sole and absolute discretion and without cause, of terminating this Agreement at any time by giving no less than seven (7) calendar days' prior written notice to Contractor. In the event of termination under this Section, City shall pay Contractor for Services satisfactorily performed and costs incurred up to the effective date of termination for which Contractor has not been previously paid. On the effective date of termination, Contractor shall deliver to City all reports, Documents and other information developed or accumulated in the performance of this Agreement, whether in draft or final form.

27. LABOR

27.1 Contractor shall conform with all applicable provisions of state and federal law including, but not limited to, applicable provisions of the federal Fair Labor Standards Act ("FLSA") (29 USCA § 201, *et seq.)*.

27.2 Whenever Contractor has knowledge that any actual or potential labor dispute is delaying or threatens to delay the timely performance of this Agreement, Contractor shall immediately give written notice to City, and provide all relevant information.

27.3 Contractor represents that all persons working under this Agreement are verified to be U.S. citizens or persons legally authorized to work in the United States.

27.4 To the fullest extent permitted by law, Contractor shall indemnify, defend, and hold harmless City, its City Council, boards and commissions, officers, agents, volunteers, and employees from loss or damage, including but not limited to attorneys' fees, and other costs of defense by reason of actual or alleged violations of any applicable federal, state and local labor laws or law, rules, and/or regulations. This obligation shall survive the expiration and/or termination of the Agreement.

28. STANDARD PROVISIONS

28.1 Recitals. City and Contractor acknowledge that the above Recitals are true and correct and are hereby incorporated by reference.

28.2 Compliance with all Laws. Contractor shall, at its own cost and expense, comply with all statutes, ordinances, regulations and requirements of all governmental entities, including federal, state, county or municipal, whether now in force or hereinafter enacted. In addition, all Work prepared by Contractor shall conform to applicable City, county, state and federal laws, rules, regulations and permit requirements and be subject to approval of the Project Administrator and City.

28.3 Waiver. A waiver by either party of any breach, of any term, covenant or condition contained herein shall not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant or condition contained herein, whether of the same or a different character.

28.4 Integrated Contract. This Agreement represents the full and complete understanding of every kind or nature whatsoever between the parties hereto, and all preliminary negotiations and agreements of whatsoever kind or nature are merged herein. No verbal agreement or implied covenant shall be held to vary the provisions herein.

28.5 Conflicts or Inconsistencies. In the event there are any conflicts or inconsistencies between this Agreement and the Scope of Services or any other attachments attached hereto, the terms of this Agreement shall govern.

28.6 Interpretation. The terms of this Agreement shall be construed in accordance with the meaning of the language used and shall not be construed for or against either party by reason of the authorship of the Agreement or any other rule of construction which might otherwise apply.

28.7 Amendments. This Agreement may be modified or amended only by a written document executed by both Contractor and City and approved as to form by the City Attorney.

28.8 Severability. If any term or portion of this Agreement is held to be invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement shall continue in full force and effect.

28.9 Controlling Law and Venue. The laws of the State of California shall govern this Agreement and all matters relating to it and any action brought relating to this Agreement shall be adjudicated in a court of competent jurisdiction in the County of Orange, State of California.

28.10 Equal Opportunity Employment. Contractor represents that it is an equal opportunity employer and it shall not discriminate against any subcontractor, employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex, sexual orientation, age or any other impermissible basis under law.

28.11 No Attorneys' Fees. In the event of any dispute or legal action arising under this Agreement, the prevailing party shall not be entitled to attorneys' fees.

28.12 Counterparts. This Agreement may be executed in two (2) or more counterparts, each of which shall be deemed an original and all of which together shall constitute one (1) and the same instrument.

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the dates written below.

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE
Date: 4-13-2026

By: _____
Aaron C. Harp 4-13-26 RJ
City Attorney

ATTEST:
Date: _____

By: _____
Lena Shumway
City Clerk

CITY OF NEWPORT BEACH,
a California municipal corporation
Date: _____

By: _____
Lauren Kleiman
Mayor

CONTRACTOR: SUPERIOR PROPERTY SERVICES, INC.,
a California corporation
Date: _____

By: _____
Ronald Bruneck
Chief Executive Officer

Date: _____

By: _____
Nancy Hernandez
Chief Financial Officer

[END OF SIGNATURES]

Attachments: Exhibit A – Scope of Services
Exhibit B – Schedule of Billing Rates
Exhibit C – Insurance Requirements

EXHIBIT A
SCOPE OF SERVICES

Objective:
Contractor shall provide the following on-call graffiti abatement services to the City, under the direction of the Utilities Department, which shall identify specific tasks, deliverables and deadlines on an as-needed basis.

Contract Term: **Up to Five (5) years**

Minimum Qualifications:

1. Possession of a State of California C-33 License (Painting and Decorating Contractor);
2. Possession of a State of California C-61 D38 License (Water and Sand Blasting);
3. A minimum of five (5) years of experience in the provision of graffiti abatement services;
4. A minimum of three (5) years of experience working with the TAGRS system described in this Scope of Services;
5. Each service vehicle used on-site to remedy incidence of graffiti shall have color-matching technology on-board the service vehicle; and
6. Contractor shall provide all equipment necessary to complete the services cited in this Scope of Services.

Project Description:

1. Contractor is required to attend training by the Orange County Sheriff's Department on how to utilize Tracking Automated and Graffiti Reporting System ("TAGRS").
2. Contractor will monitor the City's graffiti hotline daily, take photos of the graffiti (before and after removal); upload the photos to TAGRS and contractors in house system. Input information regarding the size, location, description and cost of repair the same day the work is completed.
3. If necessary, the City will provide the Contractor with additional work assignments throughout the day or request the contractor monitor designated hotpots. From time to time, the City may request Contractor to provide graffiti abatement services on non-City owned private property that is visible from the public right-of-way. In most cases, the property owner is required to sign a release of liability waiver form for the City and Contractor prior to any work performed by Contractor on their property.

   Contractor will be responsible for supplying and paying for the communication device(s) and/or service(s) necessary to complete the uploading of the required information to TAGRS and contractors' in-house system.

4. Contractor will be required to submit an activity report to the Utilities Manager, or designee.

    a. The activity report includes the location of the graffiti, type, date, TAGRS ID, and the number of hours that it took to complete the work.

    b. The activity report will be submitted daily via email to the Utilities Manager or designee's office at (7:30 a.m.).

    c. Invoices should be submitted on a monthly basis.

5. Contractor is required to respond by phone or email to initial requests for graffiti removal by City within one (1) hour. For emergencies, Contractor is required to be on-site of reported incident location within two (2) hours of City's original request, including after-hours requests. Contractor must provide a twenty-four (24) hour contact for city staff.

6. Contractor must be available for same day response, including after hours, weekends, and holidays.

7. Contractor is responsible for supplying all materials necessary to perform the services requested in this scope of work, including, but not limited to, paint, graffiti/adhesive remover and other cleaning supplies.

8. All vehicles assigned by Contractor to this project shall carry pressure washing equipment.

9. Contract will utilize appropriate method of covering or removing graffiti considering the particular surface and conditions such as painting, steam cleaning, pressure washing, wet sandblasting, wire brush, non-corrosive solvent removal (environmentally safe), and/or other as-needed methodologies or techniques available to Contractor.

10. Contractor shall conform to all current regulations of the South Coast Air Quality Management District (AQMD). The Contractor is also required to adhere to the provisions of the Federal Clean Water Act as regulated by the U.S. Environmental Protection Agency (EPA) in Code 40, Code of Federal Regulations (CFR) Parts 122, 123, 124, the Porter-Cologne Act (California Water Act), and the National Pollutant Discharge Elimination System (NPDES) requirements. Suitable Best Management Practices (BMPs) shall be applied to prevent any chemical, debris or any non-stormwater discharges from entering the storm drain system (storm drains and gutters) during all graffiti abatement services, including water/sand blasting, pressure washing and other removal activities.

11. Where color-matching is specified, all paints used shall match existing colors to the satisfaction of the City. The Contractor shall receive no additional compensation to repaint in matching color. This includes color matching to include natural materials such as rock formations. Contractor shall have color-matching technology and capacities on their service truck or other vehicle used in the field.

12. For the current work schedule, contractor shall provide, at a minimum, one crew (a crew can be one person) with one truck for seven (7) days a week of service. Normal working hours (not including driving time) shall be between the hours of 7:00 a.m. and 4:30 p.m.,

Monday through Thursday and 7:00 a.m. to 3:30 p.m. on Fridays. Weekend work typically begins no earlier than 7:00am. City may call out Contractor to perform after-hours or holiday work.

13. In addition, contractor shall provide one additional crew one weekday per week (one person can serve as this extra crew.) This means for one (1) weekday each week, contractor shall provide two (2) crews (minimum of two people – one person with each truck), with two (2) trucks for graffiti abatement services.

14. During the contract term, the City may modify the seven (7) days a week level of service. If service level is changed or modified, the City's Project Manager or their designee shall provide the Contractor with at least thirty (30) days' prior written notice.

15. Holiday Hours

    a. Observed holidays shall be based on the list of Federal Holidays and are listed below.
        - New Year's Day
        - Martin Luther King, Jr.'s Birthday
        - President's Day
        - Veterans Day
        - Thanksgiving Day
        - Friday after Thanksgiving Day
        - Christmas Day
        - New Year's Eve

    b. The following days are excluded from the list of observed holidays. City will require the Contractor to be available for work on these days.
        - Memorial Day
        - Independence Day July 4th (or day observed)
        - Labor Day

16. All correspondence shall be addressed to: Attn: Utilities Manager, Utilities Department, City of Newport Beach, 949 West 16th Street, Newport Beach, California 92663.

17. This service engagement may occasionally require interaction with members of the public who wish to notify graffiti technicians of occurrences of graffiti. Subsequently, graffiti technicians assigned to this project must be able to communicate clearly in English.

18. Work order system – Contractor shall provide a web-based work order system. At a minimum, this system should have the following features:

    a. Be able to receive work orders electronically via the web from a computer or mobile device.
    b. Offer a free mobile application for Android or iPhone formats through Google and Apple marketplace, respectively.

c. Work orders shall be electronically submitted in real-time to the work order system and shall be assigned a unique work order number.
d. Access to the system should be granted to specific City staff for direct work entry. At a minimum the system should log and display:
    i. System work order IDs
    ii. City's work order number (if applicable)
    iii. Live work order status
    iv. Address/location of graffiti
    v. Type of surface affected
    vi. Method of removal
    vii. Square footage treated
    viii. Date and time work order was received
    ix. Date and time work order was completed
    x. All pending and/or completed work orders on Google Maps

e. Upon job completion, a "thank you" message with before and after photos shall be transmitted electronically to the requestor's email address (if provided).
f. Only record and monitor incidents of graffiti located within the City.
g. Needs to integrate or have ability to integrate with the City's Quest system.
h. Allow for upload and storage of multiple photos per work order number.
i. A direct link through URL from the City's website.
j. All data collected by the system (including photographs) shall become the property of the City.
k. Contractor will be required to demonstrate all aspects of the work order system through a working version of the software prior to award of Contract.
l. Include Smartphone app names and contact information for a minimum of three (3) government customers of similar size that have used Bidder's software for at least twelve (12) months.

EXHIBIT B
SCHEDULE OF BILLING RATES

EXHIBIT B

SCHEDULE OF BILLING RATES

ITEM NUMBER	DESCRIPTION	UNT OF MEASURE	QUANTITY	UNIT PRICE	ANNUAL COST
1	WEEKDAY GRAFFITI REMOVAL SERVICES	DAYS	260	**$525.00**	$136,500.00
2	SATURDAY GRAFFITI REMOVAL SERVICES	DAYS	52	**$575.00**	$ 29,900.00
3	ONE ADDITIONAL TECHNICIAN/TRUCK WEEKDAY GRAFFITI SERVICES	DAYS	52	**$500.00**	$ 26,000.00
4	ONE ADDITIONAL TECHNICIAN/TRUCK WEEKEND - SUNDAY RATE GRAFFITI SERVICES	DAYS	25	**$625.00**	$ 15,625.00
5	SUNDAY & HOLIDAYS (MEMORIAL DAY/JULY 4TH/LABOR DAY)	DAYS	55	**$750.00**	$ 41,250.00
6	OVERTIME HOURS (Outside Normal Work Hours - 4:30PM to 7:00AM)	HOURS	48	**$ 85.00**	$ 4,080.00
7	GENERAL PROVISIONS (INSURANCE, BONDING, ETC)	ANNUAL	1	$ 0	$ 0
	ESTIMATED TOTAL ANNUAL COST				**$253,355.00**

Please note Quantities are estimates and may change at the sole discretion of the City

EXHIBIT C

INSURANCE REQUIREMENTS – MAINTENANCE/REPAIR/JANITORIAL SERVICES

1. Provision of Insurance. Without limiting Contractor's indemnification of City, and prior to commencement of Work, Contractor shall obtain, provide and maintain at its own expense during the term of this Contract, policies of insurance of the type and amounts described below and in a form satisfactory to City. Contractor agrees to provide insurance in accordance with requirements set forth here. If Contractor uses existing coverage to comply and that coverage does not meet these requirements, Contractor agrees to amend, supplement or endorse the existing coverage.

2. Acceptable Insurers. All insurance policies shall be issued by an insurance company currently authorized by the Insurance Commissioner to transact business of insurance in the State of California, with an assigned policyholders' Rating of A- (or higher) and Financial Size Category Class VII (or larger) in accordance with the latest edition of Best's Key Rating Guide, unless otherwise approved by the City's Risk Manager.

3. Coverage Requirements.

   A. Workers' Compensation Insurance. Contractor shall maintain Workers' Compensation Insurance providing statutory benefits and Employer's Liability Insurance with limits of at least one million dollars ($1,000,000) each employee for bodily injury by accident and each employee for bodily injury by disease in accordance with the laws of the State of California. In addition, Contractor shall require each subcontractor to similarly maintain Workers' Compensation Insurance and Employer's Liability Insurance in accordance with California law for all of the subcontractor's employees. The insurer issuing the Workers' Compensation insurance shall amend its policy by endorsement to waive all rights of subrogation against City of Newport Beach, its City Council, boards and commissions, officers, agents, volunteers, employees, and any person or entity owning or otherwise in legal control of the property upon which Contractor performs the Project and/or Services contemplated by this Contract. Contractor shall submit to City, along with the certificate of insurance, a Waiver of Subrogation endorsement in favor of City of Newport Beach, its City Council, boards and commissions, officers, agents, volunteers, employees, and any person or entity owning or otherwise in legal control of the property upon which Contractor performs the Project and/or Services contemplated by this Contract.

   B. General Liability Insurance. Contractor shall maintain commercial general liability insurance, and if necessary excess/umbrella liability insurance, with coverage at least as broad as provided by Insurance Services Office form CG 00 01, in an amount not less than two million dollars ($2,000,000) per

occurrence, four million dollars ($4,000,000) general aggregate and four million dollars ($4,000,000) completed operations aggregate. The policy shall cover liability arising from bodily injury, property damage, products-completed operations, personal and advertising injury, and liability assumed under an insured contract (including the tort liability of another assumed in a business contract).

Contractor shall submit to City, along with a certificate of insurance, additional coverage as stated in Section 4. Other Insurance Requirements.

C. Automobile Liability Insurance. Contractor shall maintain automobile insurance at least as broad as Insurance Services Office form CA 00 01 covering bodily injury and property damage for all activities of Contractor arising out of or in connection with Work to be performed under this Contract, including coverage for any owned, hired, non-owned or rented vehicles, in an amount not less than one million dollars ($1,000,000) combined single limit for each accident.

Contractor shall submit to City, along with a certificate of insurance, additional coverage as stated in Section 4. Other Insurance Requirements.

D. Excess/Umbrella Liability Insurance. If any Excess or Umbrella Liability policies are used to meet the limits of liability required by this contract, then said policies shall be "following form" of the underlying policy coverage, terms, conditions, and provisions and shall meet all of the insurance requirements stated in this contract, including, but not limited to, the additional insured and primary & non-contributory insurance requirements stated herein. No insurance policies maintained by the City, whether primary or excess and which also apply to a loss covered hereunder, shall be called upon to contribute to a loss until the Contractor's primary and excess umbrella liability policies are exhausted.

Contractor shall submit to City, along with a certificate of insurance, additional coverage as stated in Section 4. Other Insurance Requirements.

4. Other Insurance Requirements. The policies are to contain, or be endorsed to contain, the following provisions:

A. Waiver of Subrogation. All insurance coverage maintained or procured pursuant to this Contract shall be endorsed to waive subrogation against City of Newport Beach, its City Council, boards and commissions, officers, agents, volunteers, employees, and any person or entity owning or otherwise in legal control of the property upon which Contractor performs the Project and/or Services contemplated by this Contract or shall specifically allow Contractor or others providing insurance evidence in compliance with these requirements to waive their right of recovery prior to a loss. Contractor hereby waives its own right of recovery against City, and

shall require similar written express waivers and insurance clauses from each of its subcontractors.

B. Additional Insured Status. All liability policies including general liability, products and completed operations, excess/umbrella liability, builder's risk, pollution liability, and automobile liability, if required, but not including professional liability, shall provide or be endorsed to provide that City of Newport Beach, its City Council, boards and commissions, officers, agents, volunteers, employees, and any person or entity owning or otherwise in legal control of the property upon which Contractor performs the Project and/or Services contemplated by this Contract shall be included as additional insureds under such policies.

C. Primary and Non Contributory. Contractor's insurance coverage shall be primary insurance and/or the primary source of recovery with respect to City of Newport Beach, its City Council, boards and commissions, officers, agents, volunteers, employees, and any person or entity owning or otherwise in legal control of the property upon which Contractor performs the Project and/or Services contemplated by this Contract. Any insurance or self-insurance maintained by City shall be excess of Contractor's insurance and shall not contribute with it.

D. Notice of Cancellation. All policies shall provide City with thirty (30) calendar days' notice of cancellation or nonrenewal of coverage (except for nonpayment for which ten (10) calendar days' notice is required) for each required coverage except Builders Risk Insurance, which shall contain an endorsement with said required notices.

E. Subcontractors. Contractor shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that City is an additional insured on insurance required from subcontractors. For CGL coverage subcontractors shall provide coverage with a format at least as broad as CG 20 10 11 85. Limits of liability for General Liability in an amount not less than one million dollars ($1,000,000) per occurrence, two million dollars ($2,000,000) general aggregate and two million dollars ($2,000,000) completed operations aggregate.

5. Additional Agreements Between the Parties. The parties hereby agree to the following:

A. Evidence of Insurance. Contractor shall provide certificates of insurance to City as evidence of the insurance coverage required herein, along with a waiver of subrogation endorsement for workers' compensation and other endorsements as specified herein for each coverage. All of the executed documents referenced in this Contract must be returned to City within ten (10) regular City business days after the date on the "Notification of Award".

Insurance certificates and endorsements must be approved by City's Risk Manager prior to commencement of performance. Current certification of insurance shall be kept on file with City at all times during the term of this Contract. The certificates and endorsements for each insurance policy shall be signed by a person authorized by that insurer to bind coverage on its behalf. At least fifteen (15) days prior to the expiration of any such policy, evidence of insurance showing that such insurance coverage has been renewed or extended shall be filed with the City. If such coverage is cancelled or reduced, Contractor shall, within ten (10) days after receipt of written notice of such cancellation or reduction of coverage, file with the City evidence of insurance showing that the required insurance has been reinstated or has been provided through another insurance company or companies. City reserves the right to require complete, certified copies of all required insurance policies, at any time.

B. City's Right to Revise Requirements. The City reserves the right at any time during the term of the Contract to change the amounts and types of insurance required by giving Contractor ninety (90) calendar days' advance written notice of such change. If such change results in substantial additional cost to Contractor, City and Contractor may renegotiate Contractor's compensation.

C. Right to Review Subcontracts. Contractor agrees that upon request, all agreements with subcontractors or others with whom Contractor enters into contracts with on behalf of City will be submitted to City for review. Failure of City to request copies of such agreements will not impose any liability on City, or its employees. Contractor shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that City is an additional insured on insurance required from subcontractors. For CGL coverage, subcontractors shall provide coverage with a format at least as broad as CG 20 10 11 85.

D. Enforcement of Contract Provisions. Contractor acknowledges and agrees that any actual or alleged failure on the part of City to inform Contractor of non-compliance with any requirement imposes no additional obligations on City nor does it waive any rights hereunder.

E. Requirements not Limiting. Requirements of specific coverage features or limits contained in this Exhibit A are not intended as a limitation on coverage, limits or other requirements, or a waiver of any coverage normally provided by any insurance. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue and is not intended by any party or insured to be all inclusive, or to the exclusion of other coverage, or a waiver of any type. If the Contractor maintains higher limits than the minimums shown above, the City requires and shall be entitled to coverage for higher limits maintained by the Contractor. Any

available proceeds in excess of specified minimum limits of insurance and coverage shall be available to the City.

F. Self-Insured Retentions. Contractor agrees not to self-insure or to use any self-insured retentions on any portion of the insurance required herein and further agrees that it will not allow any indemnifying party to self-insure its obligations to City. If Contractor's existing coverage includes a self-insured retention, the self-insured retention must be declared to City. City may review options with Contractor, which may include reduction or elimination of the self-insured retention, substitution of other coverage, or other solutions. Contractor agrees to be responsible for payment of any deductibles on their policies.

G. City Remedies for Non Compliance. If Contractor or any subcontractor fails to provide and maintain insurance as required herein, then City shall have the right but not the obligation, to purchase such insurance, to terminate this Contract, or to suspend Contractor's right to proceed until proper evidence of insurance is provided. Any amounts paid by City shall, at City's sole option, be deducted from amounts payable to Contractor or reimbursed by Contractor upon demand.

H. Timely Notice of Claims. Contractor shall give City prompt and timely notice of claims made or suits instituted that arise out of or result from Contractor's performance under this Contract, and that involve or may involve coverage under any of the required liability policies. City assumes no obligation or liability by such notice, but has the right (but not the duty) to monitor the handling of any such claim or claims if they are likely to involve City.

I. Coverage not Limited. All insurance coverage and limits provided by Contractor and available or applicable to this Contract are intended to apply to the full extent of the policies. Nothing contained in this Contract or any other agreement relating to City or its operations limits the application of such insurance coverage.

J. Coverage Renewal. Contractor will renew the coverage required here annually as long as Contractor continues to provide any Work under this or any other Contract or agreement with City. Contractor shall provide proof that policies of insurance required herein expiring during the term of this Contract have been renewed or replaced with other policies providing at least the same coverage. Proof that such coverage has been ordered shall be submitted prior to expiration. A coverage binder or letter from Contractor's insurance agent to this effect is acceptable. A certificate of insurance and/or additional insured endorsement as required in these specifications applicable to the renewing or new coverage must be provided to City with five (5) calendar days of the expiration of the coverages.

K. Maintenance of General Liability Coverage. Contractor agrees to maintain commercial general liability coverage for a period of ten (10) years after completion of the Project or to obtain coverage for completed operations liability for an equivalent period.

CITY OF

NEWPORT BEACH

City Council Staff Report

April 28, 2026
Agenda Item No. 9

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	Mark Vukojevic, Utilities Director - 949-644-3011, mvukojevic@newportbeachca.gov
PREPARED BY:	Joshua Rosenbaum, Senior Management Analyst - 949-644-3011, jrosenbaum@newportbeachca.gov
TITLE:	Approval of Purchase Order for the Purchase and Delivery of Sodium Hypochlorite

ABSTRACT:

The Utilities Department administers the disinfection of the City of Newport Beach's drinking water supply. The main component of the disinfection is sodium hypochlorite (chlorine). The Utilities Department recommends City Council approval of a purchase order for the purchase and delivery of sodium hypochlorite from JCI Jones Chemical, Inc. (JCI).

RECOMMENDATIONS:

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Authorize the City Manager to approve a purchase order for the purchase and delivery of sodium hypochlorite from JCI Jones Chemical, Inc., over the next two fiscal years, starting July 1, 2026, up to a total amount of $500,000.

DISCUSSION:

Liquid sodium hypochlorite, a chlorine product, is used to disinfect the City's drinking water supply prior to entering the water distribution system. Certified Utilities Department staff use highly sensitive equipment and analyzers to measure, dose and continuously monitor the liquid sodium hypochlorite amounts to specific set point parameters. The water is then tested weekly. Samples are collected from 30 different locations throughout the water distribution system and laboratory tested. Approximately 100,000 to 120,000 gallons of sodium hypochlorite are used annually.

On July 25, 2023, following a Request for Bids process (RFB 23-74), the City Council authorized the City Manager to approve a purchase order for up to a total amount of $750,000 over three fiscal years, which ends June 30, 2026.

Utilities staff contacted JCI, and the company agreed to keep its unit cost price for sodium hypochlorite stable with a modest three percent increase per year for the next two fiscal years, ending June 30, 2028. Despite the Consumer Price Index (CPI) adjustments applied to the 2023 purchase order, JCI's unit pricing remains approximately 10% below the next most competitive bid received during the 2023 solicitation process. This cost delta confirms that JCI continues to provide the most advantageous pricing for the City.

For the past three years, JCI has provided the City with high-quality, competitively priced and reliable delivery of sodium hypochlorite product. The company has a facility in Torrance, California, and has provided water treatment chemicals and related products throughout California for over 60 years. JCI supplies sodium hypochlorite for water treatment to several Southern California water agencies. In addition, the company's products continue to meet all industry standards as required by the City's specifications. Utilities staff is pleased with the performance of JCI Jones Chemicals, Inc., and recommends the approval of a purchase order for the purchase and delivery of sodium hypochlorite for the next two fiscal years, starting July 1, 2026.

FISCAL IMPACT:

The proposed Fiscal Year 2026-27 budget includes sufficient funding for this purchase. The purchase of sodium hypochlorite will be expensed to the Water Enterprise Fund's Treatment Chemical account in the Utilities Department, 7019052-841018. Depending on the amount of water produced by the City, the Utilities Department estimates spending approximately $225,000 per year based on pricing effective July 1, 2026. The total purchase order cost includes contingencies for production and wholesale price volatilities and inflationary factors over the next 12 months.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

CITY OF

NEWPORT BEACH

City Council Staff Report

April 28, 2026
Agenda Item No. 10

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	Tara Finnigan, Assistant City Manager - 949-644-3001, tfinnigan@newportbeachca.gov
PREPARED BY:	Ryan Stadlman, GIS Coordinator - 949-644-3189, rstadlman@newportbeachca.gov Avery Maglinti, IT Manager - 949-644-3091 amaglinti@newportbeachca.gov
TITLE:	Three-Year Enterprise Licensing Agreement with Environmental Systems Research Institute (ESRI)

ABSTRACT:

The Information Technology Division evaluated an Enterprise Agreement (EA) with Environmental Systems Research Institute, Inc. (ESRI) to support the City of Newport Beach's (City) expanding Geographic Information Systems (GIS) program and to align with the City's GIS Strategic Plan. If approved, the proposed EA would provide a cost-effective, scalable solution with fixed, predictable pricing and that would also provide organization-wide access to GIS tools.

RECOMMENDATIONS:

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Authorize the Mayor and City Clerk to execute a GIS Enterprise Agreement with Environmental Systems Research Institute for a term of three years in an amount not to exceed $144,720.

DISCUSSION:

The City's GIS program has grown into an important tool for delivering services, supporting operations and informing decision-making across departments. GIS is now widely used to manage infrastructure, support public safety, enhance planning efforts, and provide accessible information to the public. As reliance on GIS continues to increase, there is a growing need to expand access, improve system integration, and fully utilize available capabilities to meet the City's operational demands and enhance its service delivery.

The City's current licensing model, which relies on a limited number of individual and shared licenses, restricts broader use of GIS tools and limits the ability to fully leverage

the capabilities of the ArcGIS platform. This approach constrains access across City departments and creates inefficiencies in how staff uses and shares tools.

The proposed ESRI EA would address these limitations by providing organization-wide access to GIS capabilities. Expanded access would enable City departments to use GIS more effectively to support daily operations and deliver services more efficiently. It would also enhance the City's ability to provide timely and accurate information to the public.

Strategic Alignment

The proposed EA would support the City's GIS Strategic Plan by advancing key priorities, including:

- Expanded access: Providing organization-wide access to GIS tools, enabling broader use across departments without per-user licensing constraints and supporting improved service delivery and transparency.

- System integration: Enabling more seamless integration with asset management, financial, public safety, and other business systems, improving coordination and data sharing across the organization.

- Staff development: Providing access to training and technical support resources to strengthen staff capabilities and support effective use of GIS tools.

- Operational efficiency: Streamlining licensing and reducing administrative effort, allowing staff to focus on service delivery, analysis and project implementation.

- Future readiness: Establishing a scalable platform that supports emerging technologies and evolving operational needs, including advanced analytics, real-time data, and expanded digital services.

The proposed ESRI EA is a three-year licensing agreement with a total cost of $144,720, structured as annual payments of $36,180 in year one, $48,240 in year two, and $60,300 in year three. The year one cost would be reduced through a prorated credit for unused existing maintenance, resulting in a lower initial payment.

The agreement establishes a fixed and predictable cost structure for GIS software licensing, replacing the City's current model of incremental license purchases and renewals, which has resulted in fluctuating and increasing costs. By consolidating licensing under the EA, the City would avoid future cost escalation associated with individual licenses and extensions while enabling broader deployment of GIS capabilities across departments without additional per-user costs.

FISCAL IMPACT:

The adopted budget includes sufficient funding of $144,720 for this Enterprise Agreement. The license purchase will be expensed to the IT Software License Renewal account in the City Manager's Office Department, 76420203-871017.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENT:

Attachment A – ESRI Enterprise Quote and Agreement

Quotation # Q-520609

Date: October 24, 2025

Environmental Systems Research Institute, Inc.
380 New York St
Redlands, CA 92373-8100
Phone: (909) 793-2853
DUNS Number: 06-313-4175 CAGE Code: 0AMS3

Customer # 148002 Contract #

City of Newport Beach
Information Technology Dept
100 Civic Center Dr
Newport Beach, CA 92660-3267

ATTENTION: Avery Maglinti
PHONE: (949) 644-3091
EMAIL: avery@city.newport-beach.ca.us

To expedite your order, please attach a copy of this quotation to your purchase order.
Quote is valid from: 10/24/2025 To: 1/22/2026

Material	Qty	Term	Unit Price	Total
193206	1	Year 1	$36,180.00	$36,180.00
Populations of 50,001 to 100,000 Small Government Enterprise Agreement Annual Subscription				
193206	1	Year 2	$48,240.00	$48,240.00
Populations of 50,001 to 100,000 Small Government Enterprise Agreement Annual Subscription				
193206	1	Year 3	$60,300.00	$60,300.00
Populations of 50,001 to 100,000 Small Government Enterprise Agreement Annual Subscription				

Subtotal:	$144,720.00
Sales Tax:	$0.00
Estimated Shipping and Handling (2 Day Delivery):	$0.00
Contract Price Adjust:	$0.00
Total:	$144,720.00

Esri may charge a fee to cover expenses related to any customer requirement to use a proprietary vendor management, procurement, or invoice program.

For questions contact:	Email:	Phone:
Jesse Gonzalez	jesse_gonzalez@esri.com	(909) 793-2853 x1106

The items on this quotation are subject to and governed by the terms of this quotation, the most current product specific scope of use document found at https://assets.esri.com/content/dam/esrisites/media/legal/product-specific-terms-of-use/e300.pdf, and your applicable signed agreement with Esri. If no such agreement covers any item quoted, then Esri's standard terms and conditions found at https://go.esri.com/MAPS apply to your purchase of that item. If any item is quoted with a multi-year payment schedule, Esri may invoice at least 30 days in advance of each anniversary date without the issuance or a Purchase Order, and Customer is required to make all payments without right of cancellation. Third-party data sets included in a quotation as separately licensed items will only be provided and invoiced if Esri is able to provide such data and will be subject to the applicable third-party's terms and conditions. If Esri is unable to provide any such data set, Customer will not be responsible for any further payments for the data set. US Federal government entities and US government prime contractors authorized under FAR 51.1 may purchase under the terms of Esri's GSA Federal Supply Schedule. Supplemental terms and conditions found at https://www.esri.com/en-us/legal/terms/state-supplemental apply to some US state and local government purchases. All terms of this quotation will be incorporated into and become part of any additional agreement regarding Esri's offerings. Acceptance of this quotation is limited to the terms of this quotation. Esri objects to and expressly rejects any different or additional terms contained in any purchase order, offer, or confirmation sent to or to be sent by buyer. Unless prohibited by law, the quotation information is confidential and may not be copied or released other than for the express purpose of system selection and purchase/license. The information may not be given to outside parties or used for any other purpose without consent from Esri. Delivery is FOB Origin for customers located in the USA.

GONZALEZJ **This offer is limited to the terms and conditions incorporated and attached herein.**

Esri Use Only:
Cust. Name _____
Cust. # _____
PO # _____
Esri Agreement # _____

SMALL ENTERPRISE AGREEMENT
COUNTY AND MUNICIPALITY GOVERNMENT
(E214-3)

This Agreement is by and between the organization identified in the Quotation (**"Customer"**) and **Environmental Systems Research Institute, Inc.** (**"Esri"**).

This Agreement sets forth the terms for Customer's use of Products and incorporates by reference (i) the Quotation and (ii) the Master Agreement. Should there be any conflict between the terms and conditions of the documents that comprise this Agreement, the order of precedence for the documents shall be as follows: (i) the Quotation, (ii) this Agreement, and (iii) the Master Agreement. This Agreement shall be governed by and construed in accordance with the laws of the state in which Customer is located without reference to conflict of laws principles, and the United States of America federal law shall govern in matters of intellectual property. The modifications and additional rights granted in this Agreement apply only to the Products listed in Table A.

Table A
List of Products

Uncapped Quantities (annual subscription)

ArcGIS Enterprise Software and Extensions ArcGIS Enterprise (Advanced and Standard) ArcGIS Monitor ArcGIS Enterprise Extensions: ArcGIS 3D Analyst, ArcGIS Spatial Analyst, ArcGIS Geostatistical Analyst, ArcGIS Network Analyst, ArcGIS Data Reviewer	**ArcGIS Enterprise Additional Capability Servers** ArcGIS Image Server **ArcGIS Online User Types** ArcGIS Online Viewer User Type **ArcGIS Enterprise User Types** ArcGIS Enterprise Viewer User Type

Capped Quantities (annual subscription)

ArcGIS Online User Types		**ArcGIS Enterprise User Types**	
ArcGIS Online Contributor User Type	30	ArcGIS Enterprise Contributor User Type	30
ArcGIS Online Mobile Worker User Type	150	ArcGIS Enterprise Mobile Worker User Type	150
ArcGIS Online Creator User Type	150	ArcGIS Enterprise Creator User Type	150
ArcGIS Online Professional User Type	40	ArcGIS Enterprise Professional User Type	40
ArcGIS Online Professional Plus User Type	40	ArcGIS Enterprise Professional Plus User Type	40
ArcGIS Pro (Add-on Apps) for ArcGIS Online Creator or Professional User Type		**ArcGIS Pro (Add-on Apps) for ArcGIS Enterprise Creator or Professional User Type**	
ArcGIS 3D Analyst, ArcGIS Data Reviewer, ArcGIS Geostatistical Analyst, ArcGIS Network Analyst, ArcGIS Publisher, ArcGIS Spatial Analyst, ArcGIS Workflow Manager, ArcGIS Image Analyst	40 each	ArcGIS 3D Analyst, ArcGIS Data Reviewer, ArcGIS Geostatistical Analyst, ArcGIS Network Analyst, ArcGIS Publisher, ArcGIS Spatial Analyst, ArcGIS Workflow Manager, ArcGIS Image Analyst	40 each
ArcGIS Online Apps and Other		**ArcGIS Enterprise Apps and Other**	
ArcGIS Location Sharing for ArcGIS Online	40	ArcGIS Location Sharing for ArcGIS Enterprise	40
ArcGIS Online Service Credits	100,000	ArcGIS Advanced Editing User Type Extension for ArcGIS Enterprise	30

Other Benefits

Number of Esri User Conference registrations provided annually	4
Number of Tier 1 Help Desk individuals authorized to call Esri	4
Five percent (5%) discount on all individual commercially available instructor-led training classes at Esri facilities purchased outside this Agreement	

Customer may accept this Agreement by signing and returning the whole Agreement with (i) the Quotation attached, (ii) a purchase order, or (iii) another document that matches the Quotation and references this Agreement ("**Ordering Document**"). **ADDITIONAL OR CONFLICTING TERMS IN CUSTOMER'S PURCHASE ORDER OR OTHER DOCUMENT WILL NOT APPLY, AND THE TERMS OF THIS AGREEMENT WILL GOVERN.** This Agreement is effective as of the date of Esri's receipt of an Ordering Document, unless otherwise agreed to by the parties ("**Effective Date**").

Term of Agreement: Three (3) years

This Agreement supersedes any previous agreements, proposals, presentations, understandings, and arrangements between the parties relating to the licensing of the Products. Except as provided in Article 4—Product Updates, no modifications can be made to this Agreement.

Accepted and Agreed:

City of Newport Beach
(Customer)

By: _____
Authorized Signature

Printed Name: Lauren Kleiman

Title: Mayor

Date: April 28, 2026

APPROVED AS TO FORM
CITY ATTORNEY'S OFFICE
Date: 4/1/26

By: _____
Aaron C. Harp, City Attorney

ATTEST
Date:

By: _____
Lena Shumway, City Clerk

CUSTOMER CONTACT INFORMATION

Contact: Avery Maglinti

Address: 100 Civic Center Drive

City, State, Postal Code: Newport Beach, CA 92660

Country: United States

Quotation Number (if applicable): _____

Telephone: 949-644-3072

Fax: _____

E-mail: _____

1.0—Additional Definitions

In addition to the definitions provided in the Master Agreement, the following definitions apply to this Agreement:

"Case" means a failure of the Software or Online Services to operate according to the Documentation where such failure substantially impacts operational or functional performance.

"Deploy", "Deployed" and "Deployment" mean to redistribute and install the Products and related Authorization Codes within Customer's organization(s).

"Fee" means the fee set forth in the Quotation.

"Maintenance" means Tier 2 Support, Product updates, and Product patches provided to Customer during the Term of Agreement.

"Master Agreement" means the applicable master agreement for Esri Products incorporated by this reference that is (i) found at https://www.esri.com/en-us/legal/terms/full-master-agreement and available in the installation process requiring acceptance by electronic acknowledgment or (ii) a signed Esri master agreement or license agreement that supersedes such electronically acknowledged master agreement.

"Product(s)" means the products identified in Table A—List of Products and any updates to the list Esri provides in writing.

"Quotation" means the offer letter and quotation provided separately to Customer.

"Technical Support" means the technical assistance for attempting resolution of a reported Case through error correction, patches, hot fixes, workarounds, replacement deliveries, or any other type of Product corrections or modifications.

"Tier 1 Help Desk" means Customer's point of contact(s) to provide all Tier 1 Support within Customer's organization(s).

"Tier 1 Support" means the Technical Support provided by the Tier 1 Help Desk.

"Tier 2 Support" means the Esri Technical Support provided to the Tier 1 Help Desk when a Case cannot be resolved through Tier 1 Support.

2.0—Additional Grant of License

2.1 Grant of License. Subject to the terms and conditions of this Agreement, Esri grants to Customer a personal, nonexclusive, nontransferable license solely to use, copy, and Deploy quantities of the Products listed in Table A—List of Products for the Term of Agreement (i) for the applicable Fee and (ii) in accordance with the Master Agreement.

2.2 Consultant Access. Esri grants Customer the right to permit Customer's consultants or contractors to use the Products exclusively for Customer's benefit. Customer will be solely responsible for compliance by consultants and contractors with this Agreement and will ensure that the consultant or contractor discontinues use of Products upon completion of work for Customer. Access to or use of Products by consultants or contractors not exclusively for Customer's benefit is prohibited. Customer may not permit its consultants or contractors to install Software or Data on consultant, contractor, or third-party computers or remove Software or Data from Customer locations, except for the purpose of hosting the Software or Data on Contractor servers for the benefit of Customer.

3.0—Term, Termination, and Expiration

3.1 Term. This Agreement and all licenses hereunder will commence on the Effective Date and continue for the duration identified in the Term of Agreement, unless this Agreement is terminated earlier as provided herein. Customer is only authorized to use Products during the Term of Agreement. For an Agreement with a limited term, Esri does not grant Customer an indefinite or a perpetual license to Products.

3.2 No Use upon Agreement Expiration or Termination. All Product licenses, all Maintenance, and Esri User Conference registrations terminate upon expiration or termination of this Agreement.

3.3 Termination for a Material Breach. Either party may terminate this Agreement for a material breach by the other party. The breaching party will have thirty (30) days from the date of written notice to cure any material breach.

3.4 Termination for Lack of Funds. For an Agreement with government or government-

owned entities, either party may terminate this Agreement before any subsequent year if Customer is unable to secure funding through the legislative or governing body's approval process.

3.5 Follow-on Term. If the parties enter into another agreement substantially similar to this Agreement for an additional term, the effective date of the follow-on agreement will be the day after the expiration date of this Agreement.

4.0—Product Updates

4.1 Future Updates. Esri reserves the right to update the list of Products in Table A—List of Products by providing written notice to Customer. Customer may continue to use all Products that have been Deployed, but support and upgrades for deleted items may not be available. As new Products are incorporated into the standard program, they will be offered to Customer via written notice for incorporation into the Products schedule at no additional charge. Customer's use of new or updated Products requires Customer to adhere to applicable additional or revised terms and conditions in the Master Agreement.

4.2 Product Life Cycle. During the Term of Agreement, some Products may be retired or may no longer be available to Deploy in the identified quantities. Maintenance will be subject to the individual Product Life Cycle Support Status and Product Life Cycle Support Policy, which can be found at https://support.esri.com/en/other-resources/product-life-cycle. Updates for Products in the mature and retired phases may not be available. Customer may continue to use Products already Deployed, but Customer will not be able to Deploy retired Products.

5.0—Maintenance

The Fee includes standard maintenance benefits during the Term of Agreement as specified in the most current applicable Esri Maintenance and Support Program document (found at https://www.esri.com/en-us/legal/terms/maintenance). At Esri's sole discretion, Esri may make patches, hot fixes, or updates available for download. No Software other than the defined Products will receive Maintenance. Customer may acquire maintenance for other Software outside this Agreement.

a. Tier 1 Support

1. Customer will provide Tier 1 Support through the Tier 1 Help Desk to all Customer's authorized users.
2. The Tier 1 Help Desk will be fully trained in the Products.
3. At a minimum, Tier 1 Support will include those activities that assist the user in resolving how-to and operational questions as well as questions on installation and troubleshooting procedures.
4. The Tier 1 Help Desk will be the initial point of contact for all questions and reporting of a Case. The Tier 1 Help Desk will obtain a full description of each reported Case and the system configuration from the user. This may include obtaining any customizations, code samples, or data involved in the Case.
5. If the Tier 1 Help Desk cannot resolve the Case, an authorized Tier 1 Help Desk individual may contact Tier 2 Support. The Tier 1 Help Desk will provide support in such a way as to minimize repeat calls and make solutions to problems available to Customer's organization.
6. Tier 1 Help Desk individuals are the only individuals authorized to contact Tier 2 Support. Customer may change the Tier 1 Help Desk individuals by written notice to Esri.

b. Tier 2 Support

1. Tier 2 Support will log the calls received from Tier 1 Help Desk.
2. Tier 2 Support will review all information collected by and received from the Tier 1 Help Desk including preliminary documented troubleshooting provided by the Tier 1 Help Desk when Tier 2 Support is required.
3. Tier 2 Support may request that Tier 1 Help Desk individuals provide verification of information, additional information, or answers to additional questions to

supplement any preliminary information gathering or troubleshooting performed by Tier 1 Help Desk.

4. Tier 2 Support will attempt to resolve the Case submitted by Tier 1 Help Desk.

5. When the Case is resolved, Tier 2 Support will communicate the information to Tier 1 Help Desk, and Tier 1 Help Desk will disseminate the resolution to the user(s).

6.0—Endorsement and Publicity

This Agreement will not be construed or interpreted as an exclusive dealings agreement or Customer's endorsement of Products. Either party may publicize the existence of this Agreement.

7.0—Administrative Requirements

7.1 **OEM Licenses.** Under Esri's OEM or Solution OEM programs, OEM partners are authorized to embed or bundle portions of Esri products and services with their application or service. OEM partners' business model, licensing terms and conditions, and pricing are independent of this Agreement. Customer will not seek any discount from the OEM partner or Esri based on the availability of Products under this Agreement. Customer will not decouple Esri products or services from the OEM partners' application or service.

7.2 **Annual Report of Deployments.** At each anniversary date and ninety (90) calendar days prior to the expiration of this Agreement, Customer will provide Esri with a written report detailing all Deployments. Upon request, Customer will provide records sufficient to verify the accuracy of the annual report.

8.0—Ordering, Administrative Procedures, Delivery, and Deployment

8.1 Orders, Delivery, and Deployment

a. Upon the Effective Date, Esri will invoice Customer and provide Authorization Codes to activate the nondestructive copy protection program that enables Customer to download, operate, or allow access to the Products. If this is a multi-year Agreement, Esri may invoice the Fee up to thirty (30) calendar days before the annual anniversary date for each year.

b. Undisputed invoices will be due and payable within thirty (30) calendar days from the date of invoice. Esri reserves the right to suspend Customer's access to and use of Products if Customer fails to pay any undisputed amount owed on or before its due date. Esri may charge Customer interest at a monthly rate equal to the lesser of one percent (1.0%) per month or the maximum rate permitted by applicable law on any overdue fees plus all expenses of collection for any overdue balance that remains unpaid ten (10) days after Esri has notified Customer of the past-due balance.

c. Esri's federal ID number is 95-2775-732.

d. If requested, Esri will ship backup media to the ship-to address identified on the Ordering Document, FOB Destination, with shipping charges prepaid. Customer acknowledges that should sales or use taxes become due as a result of any shipments of tangible media, Esri has a right to invoice and Customer will pay any such sales or use tax associated with the receipt of tangible media.

8.2 **Order Requirements.** Esri does not require Customer to issue a purchase order. Customer may submit a purchase order in accordance with its own process requirements, provided that if Customer issues a purchase order, Customer will submit its initial purchase order on the Effective Date. If this is a multi-year Agreement, Customer will submit subsequent purchase orders to Esri at least thirty (30) calendar days before the annual anniversary date for each year.

a. All orders pertaining to this Agreement will be processed through Customer's centralized point of contact.

b. The following information will be included in each Ordering Document:

(1) Customer name; Esri customer number, if known; and bill-to and ship-to addresses
(2) Order number
(3) Applicable annual payment due

9.0—Mergers, Acquisitions, or Divestitures

If Customer is a commercial entity, Customer will notify Esri in writing in the event of (i) a consolidation, merger, or reorganization of Customer with or into another corporation or entity; (ii) Customer's acquisition of another entity; or (iii) a transfer or sale of all or part of Customer's organization (subsections i, ii, and iii, collectively referred to as "**Ownership Change**"). There will be no decrease in Fee as a result of any Ownership Change.

9.1 If an Ownership Change increases the cumulative program count beyond the maximum level for this Agreement, Esri reserves the right to increase the Fee or terminate this Agreement and the parties will negotiate a new agreement.

9.2 If an Ownership Change results in transfer or sale of a portion of Customer's organization, that portion of Customer's organization will transfer the Products to Customer or uninstall, remove, and destroy all copies of the Products.

9.3 This Agreement may not be assigned to a successor entity as a result of an Ownership Change unless approved by Esri in writing in advance. If the assignment to the new entity is not approved, Customer will require any successor entity to uninstall, remove, and destroy the Products. This Agreement will terminate upon such Ownership Change.

CITY OF

NEWPORT BEACH

City Council Staff Report

April 28, 2026
Agenda Item No. 11

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	Tara Finnigan, Assistant City Manager - 949-644-3001, tfinnigan@newportbeachca.gov
PREPARED BY:	Michael Wojciechowski, IT Operations Supervisor - 949-644-3088, mwoj@newportbeachca.gov Avery Maglinti, IT Manager - 949-644-3091, amaglinti@newportbeachca.gov
TITLE:	Three-Year Software License Agreement for Microsoft

ABSTRACT:

Key components of the City of Newport Beach's (City) technology infrastructure, including enterprise systems, workstation security, collaboration tools, and office productivity applications, are provided through Microsoft's suite of products and services. These include Microsoft 365, Windows Server, Exchange Server, SQL Server and other enterprise applications that support daily operations across all departments. Approval of this agreement allows the City to continue participating in a Microsoft Enterprise Agreement (EA), providing cost savings through volume licensing, predictable annual costs and continued access to secure, up-to-date software and cloud-based services essential to City operations.

RECOMMENDATIONS:

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Authorize the Mayor and City Clerk to execute a renewal Software License Agreement with Dell Marketing L.P. for a three-year period for all Microsoft products in the amount of $250,982 per year.

DISCUSSION:

The City uses an EA to license its Microsoft software, including Windows operating systems, Windows Server, Exchange Server (email), SQL Server, Visual Studio and other enterprise applications such as Microsoft Project, Power BI and Visio. These systems support daily operations across all departments and are used on nearly all City workstations and servers that support the delivery of City services.

The EA is the most efficient and cost-effective method for the City to manage its Microsoft software. It consolidates licensing under a single agreement, reduces overall costs through volume pricing, and simplifies license management for the City's workforce.

Microsoft 365 Product Suite

Microsoft 365 supports the City's needs for communication, collaboration and security. Since its implementation, the platform has become an essential tool for City operations. Key benefits include:

- **Access:** Staff can access Microsoft applications from virtually any location using web-based and mobile platforms.
- **Collaboration:** Microsoft Teams provides a centralized workspace for chat, video conferencing, file sharing and collaboration across departments.
- **Automatic updates:** Software and security updates are applied regularly, ensuring systems remain current and protected from emerging threats.
- **Security and compliance:** Microsoft 365 meets the security and compliance requirements for government agencies and supports the City's data protection efforts.

As part of the current agreement, the City has also implemented Microsoft Intune to support device management and security. Intune is used to streamline PC deployment, manage mobile devices, and enhance data protection through centralized policies.

The City participates in a cooperative purchasing agreement through the County of Riverside for its Microsoft EA. This agreement is competitively procured and available to public agencies throughout California. Microsoft distributes enterprise software through authorized value added resellers rather than directly to agencies. Under this program, the County of Riverside established a Licensing Solution Provider Agreement with Dell Marketing L.P. for Microsoft enterprise licensing. By participating in this agreement, the City receives discounted pricing and favorable terms, ensuring the best overall value for its Microsoft software licensing needs.

The proposed Microsoft EA renewal is a three-year licensing agreement with a total cost of $752,947, structured as annual payments of $250,982. The agreement establishes a fixed, predictable cost structure for the City's Microsoft software licensing, eliminating the need to purchase and renew individual licenses on an ongoing basis. By consolidating licensing under the EA, the City reduces administrative overhead, avoids cost increases associated with separate licensing renewals, and ensures continued access to critical software and cloud-based services across all departments.

FISCAL IMPACT:

The adopted budget includes sufficient funding for the annual cost of this agreement. The total three-year cost of $752,947 will be expensed to the IT Software License Renewal account in the City Manager's Office Department, 76420203-871017.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENTS:

Attachment A – Agreement
Attachment B – Riverside County Microsoft Contract Link
Attachment C – Three-Year Dell Marketing L.P. Quote

Microsoft Volume Licensing

Program Signature Form

MBA/MBSA number	
Agreement number	8084445

AMD000490687

Note: Enter the applicable active numbers associated with the documents below. Microsoft requires the associated active number be indicated here, or listed below as new.

For the purposes of this form, "Customer" can mean the signing entity, Enrolled Affiliate, Government Partner, Institution, or other party entering into a volume licensing program agreement.

This signature form and all contract documents identified in the table below are entered into between the Customer and the Microsoft Affiliate signing, as of the effective date identified below.

Contract Document	Number or Code
Enterprise Enrollment (Indirect)	X20-10637
Product Selection Form	3147323.006_PSF
Enterprise Amendment	M97 - (61429531)

By signing below, Customer and the Microsoft Affiliate agree that both parties (1) have received, read and understand the above contract documents, including any websites or documents incorporated by reference and any amendments and (2) agree to be bound by the terms of all such documents.

Customer
Name of Entity (must be legal entity name)* City of Newport Beach
Signature*
Printed First and Last Name*
Printed Title
Signature Date*
Tax ID

** indicates required field*

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE
Date: 4/14/26

By:
Aaron C. Harp, City Attorney

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE
DATE:

Microsoft Affiliate
Microsoft Corporation
Signature **Printed First and Last Name** **Printed Title** **Signature Date** (date Microsoft Affiliate countersigns)
Agreement Effective Date (may be different than Microsoft's signature date)

Optional 2nd Customer signature or Outsourcer signature (if applicable)

Customer
Name of Entity (must be legal entity name)* **Signature*** **Printed First and Last Name*** **Printed Title** **Signature Date***

** indicates required field*

Outsourcer
Name of Entity (must be legal entity name)* **Signature*** _____ **Printed First and Last Name*** **Printed Title** **Signature Date***

** indicates required field*

If Customer requires additional contacts or is reporting multiple previous Enrollments, include the appropriate form(s) with this signature form.

After this signature form is signed by the Customer, send it and the Contract Documents to Customer's channel partner or Microsoft account manager, who must submit them to the following address. When the signature form is fully executed by Microsoft, Customer will receive a confirmation copy.

Microsoft Corporation
Dept. 551, Volume Licensing
6880 Sierra Center Parkway
Reno, Nevada 89511
USA

Microsoft

Enterprise Enrollment

State and Local

Enterprise Enrollment number *(Microsoft to complete)*	61429531
Previous Enrollment number *(Reseller to complete)*	5987311

Framework ID *(if applicable)*

This Enrollment must be attached to a signature form to be valid.

This Microsoft Enterprise Enrollment is entered into between the entities as identified in the signature form as of the effective date. Enrolled Affiliate represents and warrants it is the same Customer, or an Affiliate of the Customer, that entered into the Enterprise Agreement identified on the program signature form.

This Enrollment consists of: (1) these terms and conditions, (2) the terms of the Enterprise Agreement identified on the signature form, (3) the Product Selection Form, (4) the Product Terms, (5) the Microsoft Products and Services Data Protection Addendum, (6) any Supplemental Contact Information Form, Previous Agreement/Enrollment form, and other forms that may be required, and (7) any order submitted under this Enrollment. This Enrollment may only be entered into under a 2011 or later Enterprise Agreement. By entering into this Enrollment, Enrolled Affiliate agrees to be bound by the terms and conditions of the Enterprise Agreement.

All terms used but not defined are located at http://www.microsoft.com/licensing/contracts. In the event of any conflict the terms of this Agreement control.

Effective date. If Enrolled Affiliate is renewing Software Assurance or Subscription Licenses from one or more previous Enrollments or agreements, then the effective date will be the day after the first prior Enrollment or agreement expires or terminates. If this Enrollment is renewed, the effective date of the renewal term will be the day after the Expiration Date of the initial term. Otherwise, the effective date will be the date this Enrollment is accepted by Microsoft. Any reference to "anniversary date" refers to the anniversary of the effective date of the applicable initial or renewal term for each year this Enrollment is in effect.

Term. The initial term of this Enrollment will expire on the last day of the month, 36 full calendar months from the effective date of the initial term. The renewal term will expire 36 full calendar months after the effective date of the renewal term.

Terms and Conditions

1. Definitions.

Terms used but not defined in this Enrollment will have the definition in the Enterprise Agreement. The following definitions are used in this Enrollment:

"Additional Product" means any Product identified as such in the Product Terms and chosen by Enrolled Affiliate under this Enrollment.

"Community" means the community consisting of one or more of the following: (1) a Government, (2) an Enrolled Affiliate using eligible Government Community Cloud Services to provide solutions to a Government or a qualified member of the Community, or (3) a Customer with Customer Data that is subject to Government regulations for which Customer determines and Microsoft agrees that the use of Government Community Cloud Services is appropriate to meet Customer's regulatory requirements.

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Membership in the Community is ultimately at Microsoft's discretion, which may vary by Government Community Cloud Service.

"Enterprise Online Service" means any Online Service designated as an Enterprise Online Service in the Product Terms and chosen by Enrolled Affiliate under this Enrollment. Enterprise Online Services are treated as Online Services, except as noted.

"Enterprise Product" means any Desktop Platform Product that Microsoft designates as an Enterprise Product in the Product Terms and chosen by Enrolled Affiliate under this Enrollment. Enterprise Products must be licensed for all Qualified Devices and Qualified Users on an Enterprise-wide basis under this program.

"Expiration Date" means the date upon which the Enrollment expires.

"Federal Agency" means a bureau, office, agency, department or other entity of the United States Government.

"Government" means a Federal Agency, State/Local Entity, or Tribal Entity acting in its governmental capacity.

"Government Community Cloud Services" means Microsoft Online Services that are provisioned in Microsoft's multi-tenant data centers for exclusive use by or for the Community and offered in accordance with the National Institute of Standards and Technology (NIST) Special Publication 800-145. Microsoft Online Services that are Government Community Cloud Services are designated as such in the Use Rights and Product Terms.

"Industry Device" (also known as line of business device) means any device that: (1) is not useable in its deployed configuration as a general purpose personal computing device (such as a personal computer), a multi-function server, or a commercially viable substitute for one of these systems; and (2) only employs an industry or task-specific software program (e.g. a computer-aided design program used by an architect or a point of sale program) ("Industry Program"). The device may include features and functions derived from Microsoft software or third-party software. If the device performs desktop functions (such as email, word processing, spreadsheets, database, network or Internet browsing, or scheduling, or personal finance), then the desktop functions: (1) may only be used for the purpose of supporting the Industry Program functionality; and (2) must be technically integrated with the Industry Program or employ technically enforced policies or architecture to operate only when used with the Industry Program functionality.

"Managed Device" means any device on which any Affiliate in the Enterprise directly or indirectly controls one or more operating system environments. Examples of Managed Devices can be found in the Product Terms.

"Qualified Device" means any device that is used by or for the benefit of Enrolled Affiliate's Enterprise and is: (1) a personal desktop computer, portable computer, workstation, or similar device capable of running Windows Pro locally (in a physical or virtual operating system environment), or (2) a device used to access a virtual desktop infrastructure ("VDI"). Qualified Devices do not include any device that is: (1) designated as a server and not used as a personal computer, (2) an Industry Device, or (3) not a Managed Device. At its option, the Enrolled Affiliate may designate any device excluded above (e.g., Industry Device) that is used by or for the benefit of the Enrolled Affiliate's Enterprise as a Qualified Device for all or a subset of Enterprise Products or Online Services the Enrolled Affiliate has selected.

"Qualified User" means a person (e.g., employee, consultant, contingent staff) who: (1) is a user of a Qualified Device, or (2) accesses any server software requiring an Enterprise Product Client Access License or any Enterprise Online Service. It does not include a person who accesses server software or an Online Service solely under a License identified in the Qualified User exemptions in the Product Terms.

"Reseller" means an entity authorized by Microsoft to resell Licenses under this program and engaged by an Enrolled Affiliate to provide pre- and post-transaction assistance related to this agreement;

"Reserved License" means for an Online Service identified as eligible for true-ups in the Product Terms, the License reserved by Enrolled Affiliate prior to use and for which Microsoft will make the Online Service available for activation.

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"State/Local Entity" means (1) any agency of a state or local government in the United States, or (2) any United States county, borough, commonwealth, city, municipality, town, township, special purpose district, or other similar type of governmental instrumentality established by the laws of Customer's state and located within Customer's state's jurisdiction and geographic boundaries.

"Tribal Entity" means a federally recognized tribal entity performing tribal governmental functions and eligible for funding and services from the U.S. Department of Interior by virtue of its status as an Indian tribe.

"Use Rights" means, with respect to any licensing program, the use rights or terms of service for each Product and version published for that licensing program at the Volume Licensing Site and updated from time to time. The Use Rights include the Product-Specific License Terms, the License Model terms, the Universal License Terms, the Data Protection Terms, and the Other Legal Terms. The Use Rights supersede the terms of any end user license agreement (on-screen or otherwise) that accompanies a Product.

"Volume Licensing Site" means http://www.microsoft.com/licensing/contracts or a successor site.

2. *Order requirements.*

a. **Minimum order requirements.** Enrolled Affiliate's Enterprise must have a minimum of 250 Qualified Users or Qualified Devices. The initial order must include at least 250 Licenses for Enterprise Products or Enterprise Online Services.

(i) **Enterprise commitment.** Enrolled Affiliate must order enough Licenses to cover all Qualified Users or Qualified Devices, depending on the License Type, with one or more Enterprise Products or a mix of Enterprise Products and the corresponding Enterprise Online Services (as long as all Qualified Devices not covered by a License are only used by users covered with a user License).

(ii) **Enterprise Online Services only.** If no Enterprise Product is ordered, then Enrolled Affiliate need only maintain at least 250 Subscription Licenses for Enterprise Online Services.

b. **Additional Products.** Upon satisfying the minimum order requirements above, Enrolled Affiliate may order Additional Products.

c. **Use Rights for Enterprise Products.** For Enterprise Products, if a new Product version has more restrictive use rights than the version that is current at the start of the applicable initial or renewal term of the Enrollment, those more restrictive use rights will not apply to Enrolled Affiliate's use of that Product during that term.

d. **Country of usage.** Enrolled Affiliate must specify the countries where Licenses will be used on its initial order and on any additional orders.

e. **Resellers.** Enrolled Affiliate must choose and maintain a Reseller authorized in the United States. Enrolled Affiliate will acquire its Licenses through its chosen Reseller. Orders must be submitted to the Reseller who will transmit the order to Microsoft. The Reseller and Enrolled Affiliate determine pricing and payment terms as between them, and Microsoft will invoice the Reseller based on those terms. Throughout this Agreement the term "price" refers to reference price. Resellers and other third parties do not have authority to bind or impose any obligation or liability on Microsoft.

f. **Adding Products.**

(i) **Adding new Products not previously ordered**. New Enterprise Products or Enterprise Online Services may be added at any time by contacting a Microsoft Account Manager or Reseller. New Additional Products, other than Online Services, may be used if an order is placed in the month the Product is first used. For Additional Products that are Online Services, an initial order for the Online Service is required prior to use.

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(ii) **Adding Licenses for previously ordered Products.** Additional Licenses for previously ordered Products other than Online Services may be added at any time but must be included in the next true-up order. Additional Licenses for Online Services must be ordered prior to use, unless the Online Services are (1) identified as eligible for true-up in the Product Terms or (2) included as part of other Licenses.

g. **True-up requirements.** Enrolled Affiliate must submit an annual true-up order that accounts for any changes since the initial order or last order. If there are no changes, then an update statement must be submitted instead of a true-up order.

(i) **Enterprise Products.** For Enterprise Products, Enrolled Affiliate must determine the number of Qualified Devices and Qualified Users (if ordering user-based Licenses) at the time the true-up order is placed and must order additional Licenses for all Qualified Devices and Qualified Users that are not already covered by existing Licenses, including any Enterprise Online Services.

(ii) **Additional Products.** For Additional Products that have been previously ordered under this Enrollment, Enrolled Affiliate must determine the maximum number of Additional Products used since the latter of the initial order, the last true-up order, or the prior anniversary date and submit a true-up order that accounts for any increase.

(iii) **Online Services.** For Online Services identified as eligible for true-up in the Product Terms, Enrolled Affiliate may place a reservation order for the additional Licenses prior to use and payment may be deferred until the next true-up order. Microsoft will provide a report of Reserved Licenses ordered but not yet invoiced to Enrolled Affiliate and its Reseller. Reserved Licenses will be invoiced retrospectively to the month in which they were ordered.

(iv) **Subscription License reductions.** Enrolled Affiliate may reduce the quantity of Subscription Licenses at the Enrollment anniversary date on a prospective basis if permitted in the Product Terms, as follows:

1) For Subscription Licenses that are part of an Enterprise-wide purchase, Licenses may be reduced as long as (a) the initial order minimum requirements are maintained and (b) the total quantity of Licenses and Software Assurance for an applicable group meets or exceeds the quantity of Qualified Devices and Qualified Users (if ordering user-based Licenses) identified on the Product Selection Form, and includes any additional Qualified Devices and Qualified Users added in any prior true-up orders. Step-up Licenses do not count towards this total count.

2) For Enterprise Online Services in a given Product pool that are not a part of an Enterprise-wide purchase, Licenses can be reduced as long as (a) the initial order minimum requirements are maintained and (b) all then-active users of each Online Service are included the total quantity of Licenses remaining after the reduction. An Enrolled Affiliate may reduce Licenses for Online Services on or before the Enrollment anniversary date and place a reservation order for such licenses within 90 days after the anniversary date; however, any licenses ordered as described in this section will be invoiced to the Enrolled Affiliate for the time period the licenses were made available. Subscription Licenses ordered upfront may not be reduced.

3) For Additional Products available as Subscription Licenses, Enrolled Affiliate may reduce the Licenses. If the License count is reduced to zero, then Enrolled Affiliate's use of the applicable Subscription License will be cancelled.

Invoices will be adjusted to reflect any reductions in Subscription Licenses at the true-up order Enrollment anniversary date and effective as of such date.

(v) **Update statement.** An update statement must be submitted instead of a true-up order if, since the initial order or last true-up order, Enrolled Affiliate's Enterprise: (1) has not changed the number of Qualified Devices and Qualified Users licensed with Enterprise Products or Enterprise Online Services; and (2) has not increased its usage of Additional

Products. This update statement must be signed by Enrolled Affiliate's authorized representative.

(vi) True-up order period. The true-up order or update statement must be received by Microsoft between 60 and 30 days prior to each Enrollment anniversary date. The last true-up order or update statement during an Enrollment term is due within 30 days prior to the Expiration Date, and any license reservations within this 30-day period will not be accepted. Enrolled Affiliate may submit true-up orders more often to account for increases in Product usage, but an annual true-up order or update statement must still be submitted during the annual order period.

(vii) Late true-up order. If the true-up order or update statement is not received when due, Microsoft may invoice Reseller for all Reserved Licenses not previously invoiced and Subscription License reductions cannot be reported until the following Enrollment anniversary date (or at Enrollment renewal, as applicable).

h. Step-up Licenses. For Licenses eligible for a step-up under this Enrollment, Enrolled Affiliate may step-up to a higher edition or suite as follows:

(i) For step-up Licenses included on an initial order, Enrolled Affiliate may order according to the true-up process.

(ii) If step-up Licenses are not included on an initial order, Enrolled Affiliate may step-up initially by following the process described in the Section titled "Adding new Products not previously ordered," then for additional step-up Licenses, by following the true-up order process.

i. Clerical errors. Microsoft may correct clerical errors in this Enrollment, and any documents submitted with or under this Enrollment, by providing notice by email and a reasonable opportunity for Enrolled Affiliate to object to the correction. Clerical errors include minor mistakes, unintentional additions and omissions. This provision does not apply to material terms, such as the identity, quantity or price of a Product ordered.

j. Verifying compliance. Microsoft may, in its discretion and at its expense, verify compliance with this Enrollment as set forth in the Enterprise Agreement.

3. Pricing.

a. Price Levels. For both the initial and any renewal term Enrolled Affiliate's Price Level for all Products ordered under this Enrollment will be Level "D" throughout the term of the Enrollment.

b. Setting Prices. Unless otherwise expressly agreed to by the parties and except for Online Services designated in the Product Terms as being exempt from fixed pricing, Enrolled Affiliate's prices for each Product or Service will be established by its Reseller. As long as Enrolled Affiliate continues to qualify for the same price level, Microsoft's prices for Resellers for each Product or Service ordered will be fixed throughout the applicable initial or renewal Enrollment term. Microsoft's prices to Resellers are reestablished at the beginning of the renewal term.

4. Payment terms.

For the initial or renewal order, Microsoft will invoice Enrolled Affiliate's Reseller in three equal annual installments. The first installment will be invoiced upon Microsoft's acceptance of this Enrollment and remaining installments will be invoiced on each subsequent Enrollment anniversary date. Subsequent orders are invoiced upon acceptance of the order and Enrolled Affiliate may elect to pay annually or upfront for Online Services and upfront for all other Licenses.

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5. *End of Enrollment term and termination.*

a. **General.** At the Expiration Date, Enrolled Affiliate must immediately order and pay for Licenses for Products it has used but has not previously submitted an order, except as otherwise provided in this Enrollment.

b. **Renewal option.** At the Expiration Date of the initial term, Enrolled Affiliate may request to renew Products and Services under this Enrollment for one additional 36-month term. Microsoft may make changes to this program that will make it necessary for Customer and its Enrolled Affiliates to enter into new agreements or Enrollments in order to renew. In order for a renewal request to be considered, Microsoft must receive a Renewal Form, Product Selection Form, and renewal request prior to or at the Expiration Date. Microsoft will review a renewal request made under this section in good faith and may accept or reject such request in its sole discretion.

c. **If Enrolled Affiliate elects not to renew.**

(i) **Software Assurance.** If Enrolled Affiliate elects not to renew Software Assurance for any Product under its Enrollment, then Enrolled Affiliate will not be permitted to order Software Assurance later without first acquiring a new License with Software Assurance.

(ii) **Online Services eligible for an Extended Term.** For Online Services identified as eligible for an Extended Term in the Product Terms, the following options are available at the end of the Enrollment initial or renewal term.

1) **Extended Term.** Licenses for Online Services will automatically expire in accordance with the terms of the Enrollment. An extended term option that allows Online Services to continue month-to-month ("Extended Term") is available. During the Extended Term, Online Services will be invoiced monthly at the then-current published price as of the Expiration Date plus a 3% administrative fee for up to one year. If Enrolled Affiliate wants an Extended Term, Enrolled Affiliate must submit a request to Microsoft at least 30 days prior to the Expiration Date.

2) **Cancellation during Extended Term.** At any time during the first twelve months of the Extended Term, Enrolled Affiliate may terminate the Extended Term by submitting a notice of cancellation to Microsoft for each Online Service. Thereafter, Microsoft may condition the continued use of each Online Service on the acceptance of new terms by the Enrolled Affiliate. Enrolled Affiliate will be notified in writing of any new terms at least 60 days before any such changes take effect. Enrolled Affiliate acknowledges and agrees that after the notice described in this section, its continued use of each Online Service after the effective date provided in the notice will constitute its acceptance of the new terms. If Enrolled Affiliate does not agree to the new terms, it must stop using the Online Services and terminate the Extended Term as provided in this section. Enrolled Affiliate's termination under this section will be effective at the end of the month following 30 days after Microsoft has received the notice.

(iii) **Subscription Licenses and Online Services not eligible for an Extended Term.** If Enrolled Affiliate elects not to renew, the Licenses will be cancelled and will terminate as of the Expiration Date. Any associated media must be uninstalled and destroyed and Enrolled Affiliate's Enterprise must discontinue use. Microsoft may request written certification to verify compliance.

d. **Termination for cause.** Any termination for cause of this Enrollment will be subject to the "Termination for cause" section of the Agreement. In addition, it shall be a breach of this Enrollment if Enrolled Affiliate or any Affiliate in the Enterprise that uses Government Community Cloud Services fails to meet and maintain the conditions of membership in the definition of Community.

e. **Early termination.** Any early termination of this Enrollment will be subject to the "Early Termination" Section of the Enterprise Agreement.

Physically Submitted

For Subscription Licenses, in the event of a breach by Microsoft, or if Microsoft terminates an Online Service for regulatory reasons, Microsoft will issue Reseller a credit for any amount paid in advance for the period after termination.

6. *Government Community Cloud.*

a. Community requirements. If Enrolled Affiliate purchases Government Community Cloud Services, Enrolled Affiliate certifies that it is a member of the Community and agrees to use Government Community Cloud Services solely in its capacity as a member of the Community and, for eligible Government Community Cloud Services, for the benefit of end users that are members of the Community. Use of Government Community Cloud Services by an entity that is not a member of the Community or to provide services to non-Community members is strictly prohibited and could result in termination of Enrolled Affiliate's license(s) for Government Community Cloud Services without notice. Enrolled Affiliate acknowledges that only Community members may use Government Community Cloud Services.

b. All terms and conditions applicable to non-Government Community Cloud Services also apply to their corresponding Government Community Cloud Services, except as otherwise noted in the Use Rights, Product Terms, and this Enrollment.

c. Enrolled Affiliate may not deploy or use Government Community Cloud Services and corresponding non-Government Community Cloud Services in the same domain.

d. Use Rights for Government Community Cloud Services. For Government Community Cloud Services, notwithstanding anything to the contrary in the Use Rights:

(i) Government Community Cloud Services will be offered only within the United States.

(ii) Additional European Terms, as set forth in the Use Rights, will not apply.

(iii) References to geographic areas in the Use Rights with respect to the location of Customer Data at rest, as set forth in the Use Rights, refer only to the United States.

Physically Submitted

Enrollment Details

1. Enrolled Affiliate's Enterprise.

Make an election for including Affiliates in the Enterprise (Required).

Check **only one box** in this section. If no boxes are checked, Microsoft will deem the Enterprise to include the Enrolled Affiliate only. If more than one box is checked, Microsoft will deem the Enterprise to include the largest number of Affiliates:

☒ **Enrolled Affiliate only.**

☐ **All Affiliates.** All Affiliates of Enrolled Affiliate are hereby included in the Enterprise. Enrolled Affiliate represents that its Affiliates are entire offices, bureaus, agencies, departments, or other entities, not partial offices, bureaus, agencies, or departments, or other partial entities. Enrolled Affiliate may order Products for use by its Affiliates. If it does, the licenses granted to Enrolled Affiliate under this Enrollment will apply to such Affiliates, but Enrolled Affiliate will have the sole right to enforce the Agreement and this Enrollment against Microsoft. Enrolled Affiliate will remain responsible for all obligations under this Enrollment and for its Affiliates' compliance with this Enrollment.

☐ **Enrolled Affiliate including.** Only the Enrolled Affiliate and the Affiliates listed below will be included in the Enterprise. Enrolled Affiliate represents that its Affiliates are entire offices, bureaus, agencies, departments, or other entities, not partial offices, bureaus, agencies, or departments, or other partial entities. Enrolled Affiliate may order Products for use by its Affiliates. If it does, the licenses granted to Enrolled Affiliate under this Enrollment will apply to such Affiliates, but Enrolled Affiliate will have the sole right to enforce the Agreement and this Enrollment against Microsoft. Enrolled Affiliate will remain responsible for all obligations under this Enrollment and for its Affiliates' compliance with this Enrollment.

The following Affiliates are included in the Enterprise:

Notwithstanding anything to the contrary in the Agreement, the parties acknowledge and agree to the following:

Products ordered under this Enrollment may be subject to U.S. and other countries' export jurisdictions. Each party will comply with all laws and regulations applicable to the import or export of the Products, including, without limitation, trade laws of the U.S., EU, and UK, such as the U.S. Export Administration Regulations, sanctions regulations administered by the U.S. Office of Foreign Assets Control, the EU Dual Use Regulation 2021/821, and/or other end-user, end use, and destination restrictions ("Trade Laws"). Customer will not, and will ensure its Affiliates will not, take any action that causes Microsoft to violate applicable Trade Laws. Microsoft may suspend or terminate this Enrollment immediately without notice to the extent that Microsoft reasonably believes that performance would cause it to violate Trade Laws or put it at risk of becoming subject to sanctions and penalties under such laws. Customer remains responsible for its and for its Affiliates' compliance with this section and, to the extent applicable, a Regional Trade Compliance Supplemental Terms incorporated herein by reference.

2. Contact information.

Each party will notify the other in writing if any of the information in the following contact information page(s) changes. The asterisks (*) indicate required fields. By providing contact information, Enrolled Affiliate consents to its use for purposes of administering this Enrollment by Microsoft, its Affiliates, and other parties that help administer this Enrollment. The personal information provided in connection with this Enrollment will be used and protected in accordance with the privacy statement available at https://privacy.microsoft.com/privacystatement.

a. **Primary contact.** This contact is the primary contact for the Enrollment from within Enrolled Affiliate's Enterprise. This contact may also be an Online Administrator for Volume Licensing

in the Microsoft 365 Admin Center (MAC)and may grant online access to others. The primary contact will be the default contact for all purposes unless separate contacts are identified for specific purposes

Name of entity (must be legal entity name)* City of Newport Beach
Contact name: First* Michael **Middle** **Last*** Wojciechowski
Contact email address* mwojo@newportbeachca.gov
Street address* 3300 Newport Blvd .
City* Newport Beach
State* CA
Postal code* 92663-3816-
(Please provide the zip + 4, e.g. xxxxx-xxxx)
Country* United States
Phone* 949-644-3088
Tax ID
Work or School (WSA) Account ID mwojo@newportbeachca.gov
** indicates required fields*

b. **Notices contact and Online Administrator.** This contact (1) receives the contractual notices, (2) is the Online Administrator for Volume Licensing in the Microsoft 365 Admin Center (MAC)and may grant online access to others, and (3) is authorized to order Reserved Licenses for eligible Online Servies, including adding or reassigning Licenses and stepping-up prior to a true-up order.

☐ Same as primary contact (default if no information is provided below, even if the box is not checked).

Contact name: First* Micheal **Middle** **Last*** Wojciechowski
Contact email address* mwojo@newportbeachca.gov
Street address* 3300 Newport Blvd .
City* Newport Beach
State* CA
Postal code* 92663-3816-
(Please provide the zip + 4, e.g. xxxxx-xxxx)
Country* United States
Phone* 949-644-3088
Work or School (WSA) Account ID mwojo@newportbeachca.gov
Language preference. Choose the language for notices.
☐ This contact is a third party (not the Enrolled Affiliate). Warning: This contact receives personally identifiable information of the Customer and its Affiliates.
** indicates required fields*

c. **Online Services Manager.** This contact is authorized to manage the Online Services ordered under the Enrollment and (for applicable Online Services) to add or reassign Licenses and step-up prior to a true-up order.

☐ Same as notices contact and Online Administrator (default if no information is provided below, even if box is not checked)

Contact name: First* Micheal **Middle** **Last*** Wojciechowski
Contact email address* mwojo@newportbeachca.gov
Phone* 949-644-3088
Work or School (WSA) Account ID mwojo@newportbeachca.gov
☐ This contact is from a third party organization (not the entity). Warning: This contact receives personally identifiable information of the entity.
** indicates required fields*

Physically Submitted

d. Reseller information. Reseller contact for this Enrollment is:

Reseller company name* Dell Inc.
Street address (PO boxes will not be accepted)* One Dell Way
City* RoundRock
State* TX
Postal code* 78682
Country* United States
Contact name* Microsoft LicensingAdministrator
Phone* 512-724-2149
Contact email address* us_ms_vl_admin@dell.com
** indicates required fields*

By signing below, the Reseller identified above confirms that all information provided in this Enrollment is correct.

Signature* _____

Printed name*
Printed title*
Date*

** indicates required fields*

Changing a Reseller. If Microsoft or the Reseller chooses to discontinue doing business with each other, Enrolled Affiliate must choose a replacement Reseller. If Enrolled Affiliate or the Reseller intends to terminate their relationship, the initiating party must notify Microsoft and the other party using a form provided by Microsoft at least 90 days prior to the date on which the change is to take effect.

e. If Enrolled Affiliate requires a separate contact for any of the following, attach the Supplemental Contact Information form. *Otherwise, the notices contact and Online Administrator remains the default.*

(i) Additional notices contact
(ii) Software Assurance manager
(iii) Subscriptions manager
(iv) Customer Support Manager (CSM) contact

3. Financing elections.

Is a purchase under this Enrollment being financed through MS Financing? ☐ Yes, ☒ No.

If a purchase under this Enrollment is financed through MS Financing, and Enrolled Affiliate chooses not to finance any associated taxes, it must pay these taxes directly to Microsoft.

Physically Submitted

Enterprise Enrollment Product Selection Form

Microsoft | Volume Licensing

Proposal ID

3147323.006

Enrollment Number

Language: English (United States)

Enrolled Affiliate's Enterprise Products and Enterprise Online Services summary for the initial order:				
Profile	Qualified Devices	Qualified Users	Device / User Ratio	CAL Licensing Model
Enterprise	405	405	1.0	User Licenses

Products	Enterprise Quantity
Microsoft 365 Enterprise	
M365 G3 GCC USL Unified	40
M365 G3 GCC FromSA Unified Renewal	365

Enrolled Affiliate's Product Quantities:				
Price Group	1	2	3	4
Enterprise Products	Office Professional Plus + M365 Apps for Enterprise + Office 365 (Plans E3 and E5) + Microsoft 365 Enterprise	Client Access License + Office 365 (Plans E1, E3 and E5) + Microsoft 365 Enterprise	Client Access License + Windows Intune + EMS USL + Microsoft 365 Enterprise	Win E3 + Win E5 + Win VDA + Microsoft 365 Enterprise
Quantity	405	405	405	405

Enrolled Affiliate's Price Level:	
Product Offering / Pool	**Price Level**
Enterprise Products and Enterprise Online Services USLs: Unless otherwise indicated in associated contract documents, Price level set using the highest quantity from Groups 1 through 4.	D
Additional Product Application Pool: Unless otherwise indicated in associated contract documents, Price level set using quantity from Group 1.	D
Additional Product Server Pool: Unless otherwise indicated in associated contract documents, Price level set using the highest quantity from Group 2 or 3.	D
Additional Product Systems Pool: Unless otherwise indicated in associated contract documents, Price level set using quantity from Group 4.	D

Notes
Unless otherwise indicated in the associated contract documents, the price level for each Product offering / pool is set as described above, based upon the quantity to price level mapping below:

Quantity of Licenses and Software Assurance	Price Level
2,399 and below	A
2,400 to 5,999	B
6,000 to 14,999	C
15,000 and above	D

Note 1: In the following countries, any direct Enrollment consisting of only Enterprise Online Services will not be eligible for the Renewal option described in Section 5.b. of the Enrollment or for a new Enrollment due to program changes: Argentina, Australia, Austria, Belgium, Canada, Chile, Cyprus, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Jamaica, Italy, Lichtenstein, Luxemburg, Malta, Netherlands, Norway, Portugal, Puerto Rico, South Africa, Spain, Sweden, Switzerland, Trinidad & Tobago, United Kingdom, United States, and Uruguay.

Note 2: Enterprise Online Services may not be available in all locations. Please see the Product List for a list of locations where these may be purchased.

Note 3: Unless otherwise indicated in the associated Agreement documents, the CAL selection must be the same across the Enterprise for each Profile.

Note 4: If Enrolled Affiliate does not order an Enterprise Product or Enterprise Online Service associated with an applicable Product pool, the price level for Additional Products in the same pool will be price level "A" throughout the term of the Enrollment. Refer to the Qualifying Government Entity Addendum pricing provision for more details on price leveling.

Microsoft Volume Licensing

Amendment to Contract Documents

Enrollment Number

AMD000490687

This amendment ("Amendment") is entered into between the parties identified on the attached program signature form. It amends the Enrollment or Agreement identified above. All terms used but not defined in this Amendment will have the same meanings provided in that Enrollment or Agreement.

Enterprise Enrollment
Invoice for Quoted Price
Amendment ID M97

The price quoted to Enrolled Affiliate is a fixed price based on an estimated order submission date. Microsoft will invoice Enrolled Affiliate based on this fixed price quote. If this order is submitted later than the estimated order submission date, Enrolled Affiliate will be charged for net new Monthly Subscriptions (including Online Services) for the period during which these services were not provided. For Indirect models, Pricing to Enrolled Affiliate is agreed between Enrolled Affiliate and Enrolled Affiliate's Reseller.

SKU Number	SKU Description	Existing Quantity	Incremental quantities
3MS-00001	Exchange Online P1 GCC Sub Per User	85	0
AAD-63092	M365 F3 Unified GCC Sub Per User	745	0
AAD-34700	M365 G3 Unified FSA Renewal GCC Sub Per User	365	0
AAD-34704	M365 G3 Unified FUSL GCC Sub Per User	40	0
7MS-00001	Planner & Project P3 GCC Sub Per User	6	0
DDJ-00001	Power BI Pro GCC Sub Per User	2	0
NYH-00001	Teams AC with Dial Out US/CA GCC Sub Add-on	1,080	70
P3U-00001	Visio P2 GCC Sub Per User	5	0
3MS-00002	Exchange Online P1 GCC SU Exchange Online Kiosk Per User	330	0

Except for changes made by this Amendment, the Enrollment or Agreement identified above remains unchanged and in full force and effect. If there is any conflict between any provision in this Amendment and any provision in the Enrollment or Agreement identified above, this Amendment shall control.

This Amendment must be attached to a signature form to be valid.

Microsoft Internal Use Only:

"(M97)EnrAmend(Ind)(InvoiceforQuotedPrice)(WW)(ENG)(Dec2025)(IU).docx"		M97	Lime



Microsoft Volume Licensing

Previous Enrollment(s)/Agreement(s) Form

Entity Name: City of Newport Beach
Contract that this form is attached to: State Local Government

For the purposes of this form, "entity" can mean the signing entity, Customer, Enrolled Affiliate, Government Partner, Institution, or other party entering into a volume licensing program agreement.

Please provide a description of the previous Enrollment(s), Agreement(s), Purchasing Account(s), and/or Affiliate Registration(s) being renewed or consolidated into the new contract identified above.

a. Entity may select below any previous contract(s) from which to transfer MSDN subscribers to this new contract. Entity shall ensure that each MSDN subscriber transferred is either properly licensed under the new contract or is removed.

b. Entity may select below only one previous contract from which to transfer the Software Assurance (SA) Benefit contact details, i.e., benefits contact (*not* the SA manager) and the program codes, to this new contract.

c. An Open License cannot be used to transfer either the SA Benefit details or MSDN subscribers.

d. The date of the earliest expiring Enrollment/Agreement that contains SA or Online Services will be the effective date of the new contract (or SA coverage period for Select Plus).

e. Please insert the number of the earliest expiring Enrollment/Agreement with SA or Online Services in the appropriate fields of the new contract.

Enrollment/Agreement/ Purchasing Account/Affiliate Registration Description	Enrollment/Agreement/ Purchasing Account/Affiliate Registration Public Customer Number	Transfer SA Benefit Contact	Transfer MSDN Subscribers
Standard Enrollment	5987311		

Attachment B

City Council
04/28/2026

Attachment B - Riverside County Microsoft Contract Link

https://ecms.newportbeachca.gov/WEB/DocView.aspx?id=3233579&dbid=0&repo=CNB

Dell Customer Confidential

Quotation

Customer: City of Newport Beach

Contract: Riverside County Master Agreement - (8084445)
Microsoft Enterprise Agreement (EA) #:Renewal of EA#5987311

Date of Issue: 4/2/2026
Quote Expires: 4/30/2026

PLEASE SEE IMPORTANT TERMS AND CONDITIONS AT THE BOTTOM OF THIS QUOTATION

EA renewal "as-is"

Section 1- Licenses and Software Assurance

Product Description	Mfg#	Quantity	Unit Price		Ext. Price
Exchange Server Ent ALng SA	395-02504	1	$2,469.54		$2,469.54
SQLSvrStdCore ALNG SA MVL 2-core Lic	7NQ-00292	32	$662.44		$21,198.08
VSProSubw/GHEnt ALNG SA MVL	QEK-00003	6	$315.49		$1,892.94
Win Server DC Core ALng SA 2-core Lic	9EA-00278	88	$142.27		$12,519.76
Win Server Standard Core ALng SA 2-core Lic	9EM-00270	4	$21.84		$87.36

Annual Payment Section 1: $38,167.68

Section 2- Monthly Subscriptions

Product Description	Mfg#	Quantity		Unit Price	Ext. Price
Enterprise Online Services Products					
M365 E3 GCC UNIFIED SHRDSVR ALNG SUBSVL MVL PERUSR	AAD-34704	40		$395.37	$15,814.80
Exchange online Plan 1 per user	3MS-00001	85		$37.32	$3,172.20
M365 F3 GCC per user	AAD-63092	745		$85.24	$63,503.80
M365 E3 FROMSA GCC UNIFIED SHRDSVR PER USER	AAD-34700	365		$336.09	$122,672.85
Azure Commit	AAA-35418	1		$0.00	$0.00
Additional Online Services Products					
Project Plan 3	7MS-00001	6		$280.05	$1,680.30
Power BI Pro GCC Sub Per User	DDJ-00001	2		$102.59	$205.18
Visio P2 GCC Sub Per User	P3U-00001	5		$140.03	$700.15
Teams AC with Dial Out US/CA GCC Sub Add-on	NYH-00001	1150		$0.00	$0.00
Exchange Online P1GCC SU Kiosk	3MS-00002	330		$15.35	$5,065.50

Annual Payment Section 2: $212,814.78

Notes:
Microsoft Enterprise Agreement (EA) Master#: 8084445
Microsoft Enterprise Agreement (EA) Enrollment#: Future/TBD
Previous Enrollment# 5987311 - expires 3/31/2026

Total Annual Payment Yr 1	$250,982.46
Total Annual Payment Yr 2	$250,982.46
Total Annual Payment Yr 3	$250,982.46
Total of 3 years of Payments	$752,947.38

CITY OF

NEWPORT BEACH

City Council Staff Report

April 28, 2026
Agenda Item No. 12

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	Jason Al-Imam, Adminstrative Services Director/Treasurer - 949-644-3126, jalimam@newportbeachca.gov
PREPARED BY:	Anthony Alannouf, Budget Analyst - 949-644-3122, aalannouf@newportbeachca.gov
TITLE:	Grants and Donations Report for the Quarter Ending March 31, 2026

ABSTRACT:

City Council Policy F-3, Budget Adoption and Administration, requires quarterly reporting to the City Council of any grants or donations accepted by the City Manager.

RECOMMENDATIONS:

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Receive and File.

DISCUSSION:

Per City Council Policy F-3, the City Manager accepted $32,751.85 during the quarter ending March 31, 2026:

Source	Date	Amount	Use
The Board of Library Trustees	01/08/2026	$4,391.44	Augmentation of the Library's collection
Library Foundation of Newport Beach	02/09/2026	$28,360.41	Central Library's Lecture Hall Sign Design

FISCAL IMPACT:

There is no fiscal impact related to this item. Grants or donations accepted by the City Manager were included in the Fiscal Year 2025-26 budget via City Manager approved budget amendments.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

NEWPORT BEACH PLANNING COMMISSION AGENDA
CITY COUNCIL CHAMBERS – 100 CIVIC CENTER DRIVE
THURSDAY, APRIL 23, 2026
REGULAR MEETING – 6:00 P.M.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. PUBLIC COMMENTS

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to three (3) minutes. Before speaking, please state your name for the record and print your name on the blue forms provided at the podium.

V. REQUEST FOR CONTINUANCES

VI. CONSENT ITEMS

ITEM NO. 1 MINUTES OF APRIL 2, 2026

Recommended Action: Approve and file

VII. PUBLIC HEARING ITEMS

ITEM NO. 2 ROGUE COLLECTIVE CONDITIONAL USE PERMIT (PA2023-0103)
Site Location: 828, 852 and 858 Production Place

Summary:

A request for a Conditional Use Permit to use 750 square feet of an existing 10,000-square-foot professional office building for hosting commercial events (i.e., an assembly use). The proposed assembly use will host small- to medium sized events including workshops, classes, networking functions, nonprofit fundraisers, corporate gatherings, and similar community oriented activities. The Project includes a request to use five off site parking spaces at 828 Production Place. These spaces will supplement the 17 on site spaces available to event attendees and employees, ensuring adequate parking supply for the proposed assembly use.

Recommended Actions:

1. Conduct a public hearing;

2. Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment; and

3. Adopt Resolution No. PC2026-013 approving the Conditional Use Permit filed as PA2023-0103.

ITEM NO. 3 POITEVIN RESIDENCE (PA2025-0179)
Site Location: 2441 Crestview Drive

Summary:

A request for a coastal development permit (CDP) to demolish an existing single-unit dwelling with an attached garage and construct a new, three-story, 3,161-square-foot single-unit dwelling with an attached 602-square-foot two-car garage, and an attached 782-square-foot accessory dwelling unit (ADU). While the existing single-unit dwelling has already been demolished, the CDP would formally authorize the demolition. A variance from Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (NBMC) is requested to allow the first and second floors to encroach five feet into the required 10-foot setback abutting a private street.

Recommended Actions:

1. Conduct a public hearing;

2. Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 under Class 3 of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment; and

3. Adopt Resolution No. PC2026-014, approving the Coastal Development Permit and Variance filed as PA2025-0179.

ITEM NO. 4 COMPREHENSIVE GENERAL PLAN UPDATE (NEWPORT BEACH 2050 GENERAL PLAN) (PA2022-080)
Site Location: Citywide

Summary:

A General Plan Amendment that would comprehensively update the 2006 Newport Beach General Plan, including the following primary components: Introduction, Vision Statement, Arts & Culture Element, Harbor, Bay, and Beaches Element, Historical Resources Element, Land Use Element, Natural Resources Element, Noise Element, Recreation Element, Safety Element, Glossary, and Implementation Program. The proposed Amendment does not include changes to the adopted Circulation Element nor to the adopted and certified Housing Element and further makes no changes to allowable development limits or land use designations. For information on the update efforts, visit www.newportbeachca.gov/gpupdate.

Recommended Actions:

1. Conduct a public hearing; and

2. Adopt Resolution No. PC2026-015, recommending the City Council approval of the Newport Beach 2050 General Plan and the Addendum to the Certified Final Program Environmental Impact Report for the City of Newport Beach Housing Element Implementation Program (SCH No. 2023060699).

VIII. STAFF AND COMMISSIONER ITEMS

ITEM NO. 5 MOTION FOR RECONSIDERATION

ITEM NO. 6 REPORT BY THE COMMUNITY DEVELOPMENT DIRECTOR OR REQUEST FOR MATTERS WHICH A PLANNING COMMISSION MEMBER WOULD LIKE PLACED ON A FUTURE AGENDA

ITEM NO. 7 REQUESTS FOR EXCUSED ABSENCES

IX. ADJOURNMENT

CITY OF

NEWPORT BEACH

City Council Staff Report

April 28, 2026
Agenda Item No. 13

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: Jaime Murillo, Community Development Director - 949-644-3209, jmurillo@newportbeachca.gov

PREPARED BY: Ben Zdeba, Acting Deputy Community Development Director, bzdeba@newportbeachca.gov

PHONE: 949-644-3253

TITLE: Planning Commission Agenda Report for April 23, 2026

CONSENT ITEMS:

ITEM NO. 1 MINUTES OF APRIL 2, 2026

SUMMARY: Draft minutes from April 2, 2026, meeting of the Planning Commission.

The Planning Commission approved the minutes, with edits, by the following vote:

AYES:	Ellmore, Harris, Langford, and Reed
NOES:	None
ABSENT:	Rosene and Salene
ABSTAIN:	Gazzano

ACTION: Approved as Amended

PUBLIC HEARING ITEMS:

ITEM NO. 2 ROGUE COLLECTIVE CONDITIONAL USE PERMIT (PA2023-0103)
Site Location: 828, 852, 858 Production Place

SUMMARY: A request for a Conditional Use Permit to establish a 750-square-foot commercial event facility (assembly use) within an existing professional office building. The proposed assembly use will host small to mid-sized events including workshops, classes, networking functions, nonprofit fundraisers, corporate gatherings, and similar community-oriented activities that may include live entertainment and alcohol sales. The hours of operation for the Project are between 5 p.m. to 11 p.m., Monday through Thursday, 5 p.m. to 12 a.m., on Friday and 8 a.m. to 12 a.m., Saturday through Sunday. The Project includes the establishment of five off-site parking spaces at 828 Production Place. These spaces will supplement the 17 on-site spaces

available to event attendees and employees, ensuring adequate parking supply for the proposed assembly use.

The Planning Commission conducted a public hearing, considered public input, and unanimously approved the applicant's request by the following vote:

AYES:	Ellmore, Harris, Langford, Gazzano, and Reed
NOES:	None
ABSENT:	Rosene and Salene
ABSTAIN:	None

ACTION: Approved

ITEM NO. 3 POITEVIN RESIDENCE (PA2025-0179)
Site Location: 2441 Crestview Drive

SUMMARY: A request for a coastal development permit (CDP) to demolish an existing single-unit dwelling and construct new, three-story, 3,160.9-square-foot single-unit dwelling with an attached 602-square-foot two-car garage, and a 782.2-square-foot accessory dwelling unit (ADU). While the existing single-unit dwelling has already been demolished, the CDP would formally authorize the demolition. A variance from Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (NBMC) is requested to allow the first and second floors to encroach 5 feet into the required 10-foot setback abutting a private alley.

The Planning Commission conducted a public hearing, considered public input, and unanimously approved the applicant's request by the following vote:

AYES:	Ellmore, Harris, Langford, Gazzano and Reed
RECUSE:	None
ABSENT:	Rosene and Salene
ABSTAIN:	None

ACTION: Approved

ITEM NO. 4 COMPREHENSIVE GENERAL PLAN UPDATE (NEWPORT BEACH 2050 GENERAL PLAN) (PA2022-080)
Site Location: Citywide

SUMMARY: A General Plan Amendment that would comprehensively update the 2006 Newport Beach General Plan, including the following primary components: Introduction, Vision Statement, Arts & Culture Element, Harbor, Bay, and Beaches Element, Historical Resources Element, Land Use Element, Natural Resources Element, Noise Element, Recreation Element, Safety Element, Glossary, and Implementation Program. The proposed Amendment does not include changes to the adopted Circulation Element nor to the adopted and certified Housing Element and further makes no changes to allowable

development limits or land use designations. For information on the update efforts, visit www.newportbeachca.gov/gpupdate.

The Planning Commission conducted a public hearing, considered public input, and unanimously recommended the City Council's approval of the draft, including additional refinements made by City staff, by the following vote:

AYES:	Ellmore, Harris, Langford, Gazzano and Reed
NOES:	None
ABSENT:	Rosene and Salene
ABSTAIN:	None

ACTION: Approved

City of Newport Beach

Tentative Agenda Report - 4/18/2026 - 7/21/2026

Project Title	Comments	Activity Type	ADDRESS	PA #	Staff assigned	Status	District
April 23, 2026 - Planning Commission Meeting							
General Plan Update		Public Hearing	1 CITYWIDE PROJECT	PA2022-080	Benjamin Zdeba	MORE INFO	Citywide
Poitevin Residence CDP/Variance		Public Hearing	2441 CRESTVIEW DR	PA2025-0179	Laura Rodriguez	MORE INFO	District 2
Rogue Collective CUP		Public Hearing	858 PRODUCTION PL	PA2023-0103	Oscar Orozco	MORE INFO	District 2
April 28, 2026 - City Council Meeting							
300 Newport Center Drive Condominiums	Appeal	Public Hearing	300 NEWPORT CENTER DR	PA2025-0102	Liz Westmoreland	MORE INFO	District 5
General Plan Update		Study Session	1 CITYWIDE PROJECT	PA2022-080	Benjamin Zdeba	MORE INFO	Citywide
General Plan Update	Notice of Intent to Override ALUC's Determination of Inconsistency	Public Hearing	1 CITYWIDE PROJECT	PA2022-080	Benjamin Zdeba	MORE INFO	Citywide
April 30, 2026 - Zoning Administrator Meeting							
1209 Balboa CDP		Public Hearing	1209 BALBOA BLVD W, 1	PA2025-0238	Cameron Younger	MORE INFO	District 1
6804 W Ocean Front Residence CDP		Public Hearing	6804 OCEAN FRONT W	PA2026-0012	Melinda Whelan	MORE INFO	District 1
Burgess Residence		Public Hearing	1512 OCEAN FRONT W, A	PA2025-0246	Jerry Arregui	MORE INFO	District 1
Haupert Residence CDP		Public Hearing	1560 OCEAN FRONT E	PA2026-0011	Cameron Younger	MORE INFO	District 1
Hoag CareMar Addition		Public Hearing	1 HOAG DR	PA2025-0177	Jerry Arregui	MORE INFO	District 2
May 07, 2026 - Planning Commission Meeting							
May 12, 2026 - City Council Meeting							
Creating the NBPD Headquarters Advisory Committee		Consent	1 CITYWIDE PROJECT	PA2026-0063	Benjamin Zdeba	MORE INFO	District 5
Newport Place PC Amendment-Affordability		Public Hearing	1 CITYWIDE PROJECT	PA2025-0196	Rosalinh Ung	MORE INFO	

The tentative schedule is a tool to assist the preparation of future agendas. It does not provide a complete description of projects and it does not list all projects currently under review that could be scheduled. The tentative schedule changes without notice.

Project Title	Comments	Activity Type	ADDRESS	PA #	Staff assigned	Status	District
Self-Certification Building Permit Program		Study Session	100 CIVIC CENTER DR	PA2026-0069	Jaime Murillo	MORE INFO	District 5
Telecom Facilities (CC Initiated 05/25/2021)	Introducing Ordinance and Authorizing LCPA	Public Hearing	1 CITYWIDE PROJECT	PA2021-103	Benjamin Zdeba	MORE INFO	Citywide
ZC & LCP Amendment for Smoke Related Businesses	Introducing Tobacco Retailer Business and Cigar Lounge Ordinance	Public Hearing	100 CIVIC CENTER DR	PA2025-0171	Oscar Orozco	MORE INFO	District 5
May 14, 2026 - Zoning Administrator Meeting							
Nook Coffee Bar MUP		Public Hearing	3027 COAST HWY E	PA2026-0047	Saul Mercado	MORE INFO	District 6
May 21, 2026 - Planning Commission Meeting							
Newport Birch Medical Plaza			20071 BIRCH ST	PA2025-0220	Jerry Arregui	MORE INFO	District 3
REAP 2.0 Mixed-Use Districts Study		Study Session	1 CITYWIDE PROJECT	PA2025-0257	Jerry Arregui	MORE INFO	District 5
Sol Cocina Patio Expansion		Public Hearing	251 COAST HWY E	PA2025-0199	Liz Westmoreland	MORE INFO	District 5
May 26, 2026 - City Council Meeting							
Telecom Facilities (CC Initiated 05/25/2021)	Consent	Second Reading	1 CITYWIDE PROJECT	PA2021-103	Benjamin Zdeba	MORE INFO	Citywide
ZC & LCP Amendment for Smoke Related Businesses	Consent	Second Reading	100 CIVIC CENTER DR	PA2025-0171	Oscar Orozco	MORE INFO	District 5
May 28, 2026 - Zoning Administrator Meeting							
Bayview LLC CSP & MOD			3501 JAMBOREE RD	PA2026-0042	Saul Mercado	MORE INFO	District 3
Boyd Residence CDP		Public Hearing	426 VIA LIDO NORD	PA2026-0035	Cameron Younger	MORE INFO	District 1
June 04, 2026 - Planning Commission Meeting							
June 09, 2026 - City Council Meeting							
June 11, 2026 - Zoning Administrator Meeting							

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City of Newport Beach

Tentative Agenda Report - 4/18/2026 - 7/21/2026

Project Title	Comments	Activity Type	ADDRESS	PA #	Staff assigned	Status	District
June 18, 2026 - Planning Commission Meeting							
Westcliff at Dover Residential Development		Public Hearing	1501 16TH ST	PA2025-0254	Oscar Orozco	MORE INFO	District 2
June 23, 2026 - City Council Meeting							
2350 Bristol Street Driveway Access	Appeal of Planning Commission Denial	Public Hearing	2350 BRISTOL ST	PA2025-0112	Daniel Kopshever	MORE INFO	District 3
General Plan Update	Override ALUC's Determination and Adopt General Plan Update	Public Hearing	1 CITYWIDE PROJECT	PA2022-080	Benjamin Zdeba	MORE INFO	Citywide
REAP 2.0 Mixed-Use Districts Study		Study Session	1 CITYWIDE PROJECT	PA2025-0257	Jerry Arregui	MORE INFO	District 5
June 25, 2026 - Zoning Administrator Meeting							
July 09, 2026 - Planning Commission Meeting							
1301 Dove Street Residential Townhomes	Public Hearing		1301 DOVE ST	PA2026-0046	Oscar Orozco	MORE INFO	District 3
July 14, 2026 - City Council Meeting							
July 16, 2026 - Zoning Administrator Meeting							
Hearing Date to be Determined							
Becker Residence	Public Hearing		224 GRAND CANAL	PA2024-0197	Laura Rodriguez	MORE INFO	District 5
Lower Castaways	Resolution declaring Lower Castaways exempt surplus land		100 DOVER DR	RP2026-0001	Lauren Wooding	MORE INFO	District 3
Luce Residence	Public Hearing		129 BAY FRONT N	PA2026-0015	Laura Rodriguez	MORE INFO	District 5
Palmilla Use Permit Amendment		Public Hearing	3110 NEWPORT BLVD	PA2025-0108	Melinda Whelan	MORE INFO	District 1
Saunders Self Storage			3848 CAMPUS DR	PA2023-0145	Liz Westmoreland	MORE INFO	District 3
Pending Coastal Commission							
Coastal Act 30613 CDP Jurisdiction Change	City Project		1 CITYWIDE PROJECT	PA2022-111	Jaime Murillo	MORE INFO	Citywide

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City of Newport Beach
Tentative Agenda Report - 4/18/2026 - 7/21/2026

Project Title	Comments	Activity Type	ADDRESS	PA #	Staff assigned	Status	District
Housing Element Implementation Program Amendments	LCP Amendment		1 CITYWIDE PROJECT	PA2022-0245	Benjamin Zdeba	MORE INFO	District 5

The tentative schedule is a tool to assist the preparation of future agendas. It does not provide a complete description of projects and it does not list all projects currently under review that could be scheduled. The tentative schedule changes without notice.

Planner Contact Information		
Name & Title	Phone	Email
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Dan Campagnolo, Systems and Administration Manager	949-644-3231	dcampagnolo@newportbeachca.gov
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David Lee, Principal Planner	949-644-3225	dlee@newportbeachca.gov
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Lauren Wooding, Real Property Administrator	949-644-3236	lwooding@newportbeachca.gov
Liz Westmoreland, Principal Planner	949-644-3234	lwestmoreland@newportbeachca.gov
Melinda Whelan, Assistant Planner	949-644-3221	mwhelan@newportbeachca.gov
Oscar Orozco, Associate Planner	949-644-3219	oorozco@newportbeachca.gov
Rosalinh Ung, Principal Planner (PT)	949-644-3208	rung@newportbeachca.gov
Tonee Thai, Deputy CDD Director & Building Official	949-718-1867	tthai@newportbeachca.gov

CITY OF

NEWPORT BEACH

City Council Staff Report

April 28, 2026
Agenda Item No. 14

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	Jaime Murillo, Community Development Director - 949-644-3209, jmurillo@newportbeachca.gov
PREPARED BY:	Liz Westmoreland, Principal Planner - 949-644-3234, lwestmoreland@newportbeachca.gov
TITLE:	Resolution No. 2026-26: 300 Newport Center Drive Condominiums Appeal (PA2025-0102)

ABSTRACT:

For the City Council's consideration is an appeal of the Planning Commission's March 5, 2026, approval of the 300 Newport Center Drive Condominium Project. Appeals were filed by Supporters Alliance for Environmental Responsibility (SAFER) on March 12, 2026, and by Ken D. LaCroix, on behalf of Save Our Theater, on March 13, 2026. The project, located at 210 and 300 Newport Center Drive, includes demolition of the existing Regal Big Edwards theater and Body Design health/fitness facility, and construction of 150 residential condominium units with home offices and retail/café uses.

RECOMMENDATIONS:

a) Conduct a de novo public hearing;

b) Find that this project is not subject to further environmental review pursuant to Section 21083.3 of the California Public Resources Code (PRC) and Section 15183 of the California Environmental Quality Act (CEQA) Guidelines because the project is consistent with the previously certified Program Environmental Impact Report (SCH No. 2023060699) and statutorily exempt from the requirements of CEQA pursuant to Public Resources Code Section 21080.66; and

c) Adopt 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 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).*

DISCUSSION:

The subject properties are four parcels that together comprise a 4.17-acre site located at 210 and 300 Newport Center Drive and Assessor Parcel Numbers (APNs) 442-091-12 and 442-161-16 as shown in Figure 1 below (Property). The Property is on the southeast side of Newport Center Drive (East) and extends from Anacapa Drive to San Miguel Drive. It is currently improved with the Regal Edwards Big Newport, an approximately 73,892-square-foot, six-screen movie theater with 1,134 seats, an approximately 6,400-square-foot health/fitness business, and a 121-space surface parking lot.

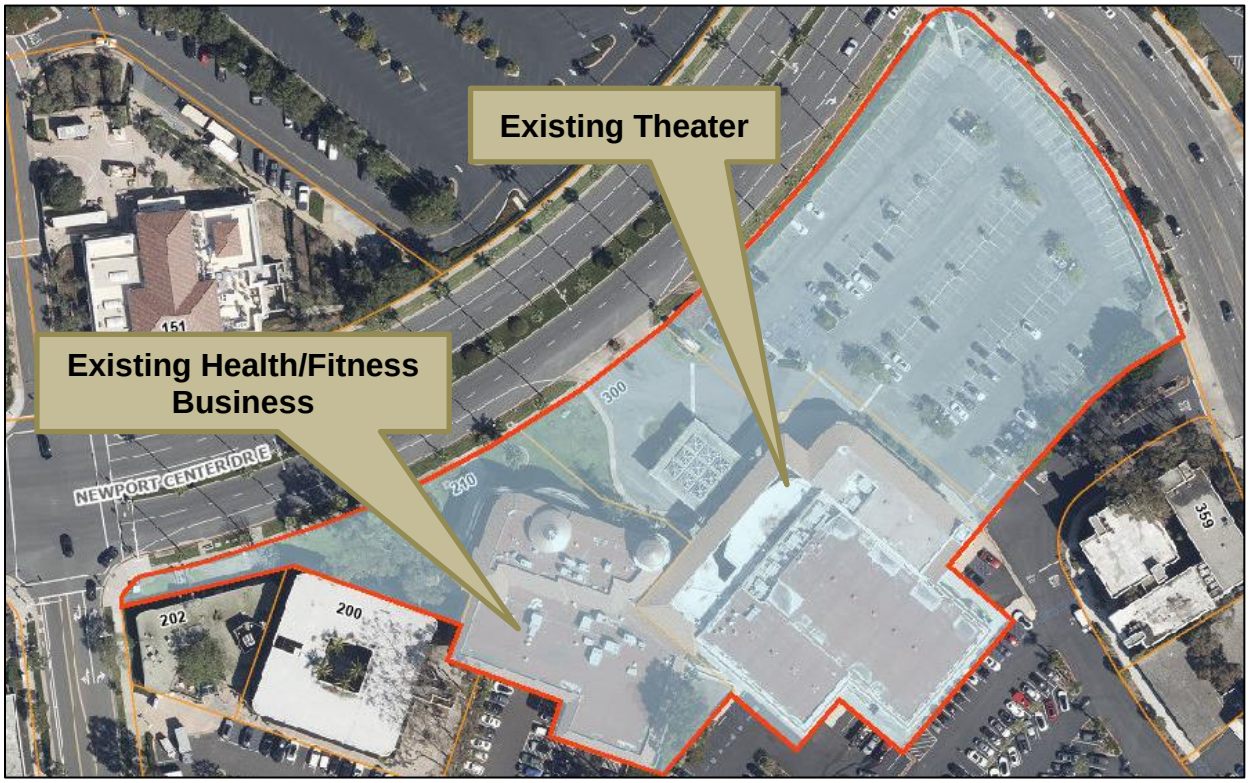


Figure 1, Existing Property

The Property is designated Regional Commercial Office (CO-R) by the General Plan Land Use Element and within Anomalies 36 and 37. It is located within the Office – Regional (OR) zoning district and HO-4 (Newport Center) subarea of the Housing Opportunity (HO) overlay zoning districts.

Project Description

The applicant proposes demolishing all existing improvements on the Property and constructing 150 residential condominium units and 343 parking spaces within two 22-story towers. The project also includes the construction of a retail/café space at the corner of San Miguel Drive and Newport Center Drive and nonresidential home office spaces that will be sold individually to owners of the residential condominium units. Project plans are included as Attachment G. A breakdown of the gross floor area and individual unit sizes are provided in Tables 1 and 2, respectively.

Table 1, Building Summary

Use	Floor Area (SF)
Residential	498,469
Resident Serving Amenities	31,621
Home Offices	18,060
Retail/Café	1,950
Parking Garage	158,750
Total	**708,850**

Table 2, Unit Summary

	2 Bedroom	3 Bedroom	4 Bedroom	Penthouse
Unit Size (SF)	2,127-2,408	2,459-2,579	3,104	6,419
Number of Units	70	72	6	2

Each residential tower is nearly identical and is connected through a podium that contains the home offices, retail/café, amenities, parking, and support facilities. The home offices are all within the main podium of the building along the street frontages and accessible via the public courtyards and interior of the podium. As depicted in Figure 2, the project will have a contemporary architectural style with neoclassical and mediterranean elements.

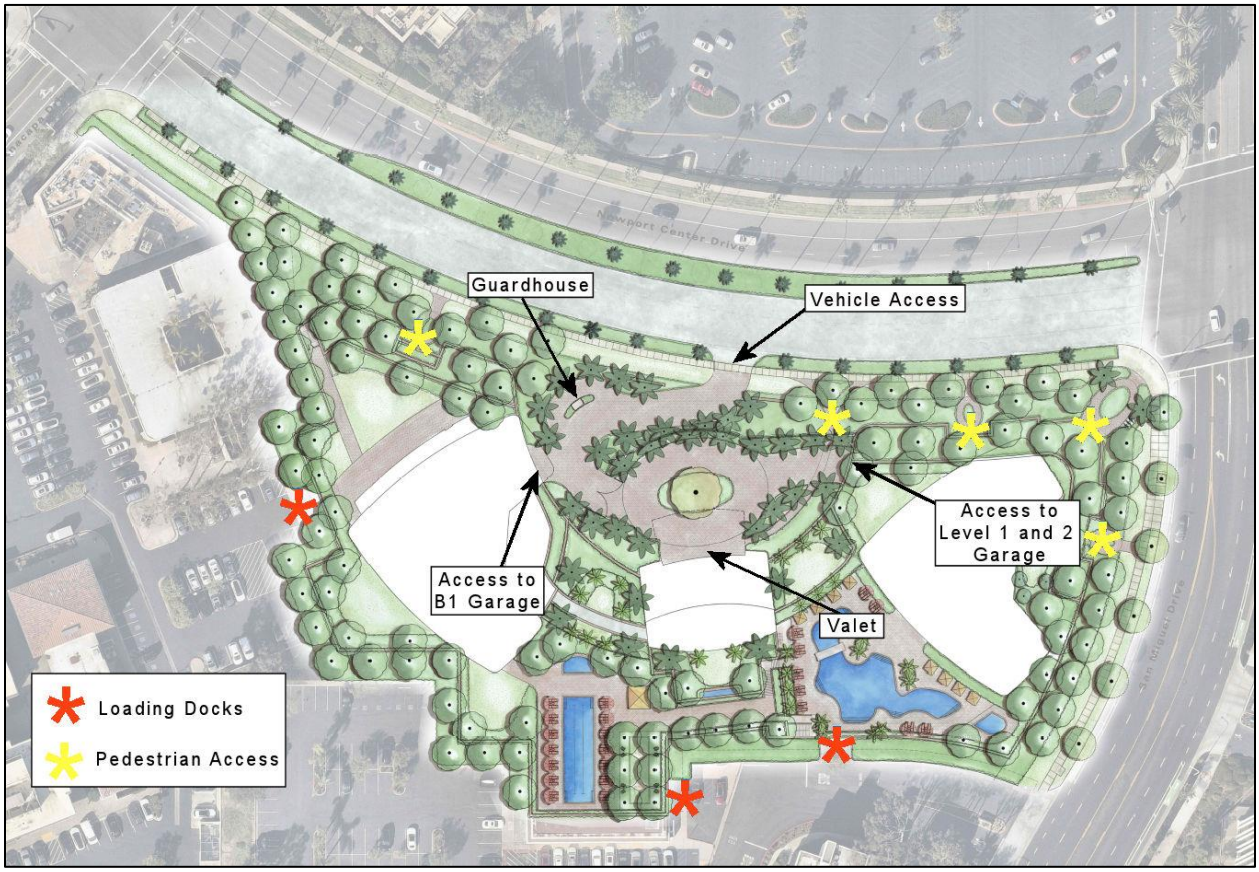


Figure 2, Project rendering from Newport Center Drive

Vehicular access to the Property is through a driveway on Newport Center Drive, which leads to a guardhouse and motorized gate restricting access to the motor court and valet drop off. The guardhouse will be staffed 24 hours a day, seven days a week to screen

visitors to the site. A vehicle turnaround is provided between the guardhouse and gate to facilitate an efficient flow of traffic by those denied access to the site. A bypass lane is provided to allow residents to skip the guardhouse and activate the gate with a transponder.

Three loading docks are proposed. One loading dock for delivery and moving trucks is provided on the southwest side of the basement level and accessible via the adjacent property on the southwest side of the Property. The other two loading docks are located on the southeast side of the first floor, which can be accessed from San Miguel Drive, across the property to the east. The southeastern loading dock provides trash storage and staging. The southern (central) loading dock provides access for delivery and moving trucks. Existing easements facilitate access to the three loading docks.



Publicly accessible open space (PAOS) is provided in four courtyards accessible via 8-foot-wide walkways along the public right-of-way. The PAOS courtyards would be open to the public and lead to exterior entrances for the home offices and retail/café. The retail/cafe space would be accessed from the public right-of-way at the intersection of San Miguel Drive and Newport Center Drive and is intended to serve the public in addition to onsite residents; however, an allowance is included to allow the conversion of the space into a private residential amenity in the future.

The project includes 12 separate home offices within the first and second floors of the building podium. Home offices are a unique commercial use in that they will be sold individually and exclusively to owners of the residential condominiums onsite. The home

offices range from approximately 350 to 1,500 square feet. The home offices are different from a typical business center commonly included in multi-unit buildings because each office will be owned and operated privately by a single resident. The home offices would not be available for use by other owners in the building. The home offices are essentially an elevated version of a home occupation and are anticipated to have limited traffic and employees. The home offices and café space on the first and second floors of the podium interface with the pedestrian scale and provide a more gradual transition to the high-rise towers. These commercial uses would also support a more active public realm.

A detailed version of the project description is provided in Attachment B to this staff report.

The following approvals are required to implement the proposed project:

1. **Major Site Development Review (SDR):** Required for any project proposing five or more residential units with a tract map. The site development review allows the City to review the proposed development and allows for deviations of 5 multi-unit objective design standards pursuant to Section 20.48.185 (Multi-Unit Objective Design Standards) of the Newport Beach Municipal Code (NBMC);

2. **Conditional Use Permit (CUP):** Required to waive 58 parking spaces for the proposed retail/ café and home office space required by the NBMC; and

3. **Vesting Tentative Tract Map (VTTM):** Requested to consolidate four lots into one 4.17-acre lot, pursuant to Chapter 19.12 (Tentative Map Review) of the NBMC and to allow for an airspace subdivision of the 150 residential units, home office, and retail/ café space for condominium purposes.

Planning Commission Hearing and Decision

On March 5, 2026, the Planning Commission conducted a noticed public hearing to consider the project. Comments were received both in support and opposition of the project.

Following receipt of public comments and deliberation, the Planning Commission adopted Resolution No. PC2026-004 by a unanimous vote (6 ayes, 0 nays) to approve the project. The staff report, resolution, and meeting minutes are provided as Attachment B, C and D, respectively.

Appeal

An appeal was filed on March 12, 2026, by SAFER (Appellant). The appeal cited concerns regarding compliance with the California Environmental Quality Act (CEQA).

The complete appeal application is provided as Attachment E.

A second appeal was filed on March 13, 2026, by Ken D. LaCroix on behalf of Save Our Theater (Appellant). The appeal cited the following factors of concern (as summarized):

- CEQA
- Loss of theater
- 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
- Disclosures to residents regarding adjacent uses

The second appeal application is provided as Attachment F.

Response to Appeal

The analysis below addresses the concerns expressed by the Appellants.

CEQA and Economic Impacts

Both Appellants express concerns regarding the project's compliance with CEQA. Specifically, SAFER's appeal noted concerns regarding the adequacy of environmental review pursuant to CEQA, stating that there are significant environmental impacts unique to the project. The appeal did not specify the nature of the potential significant environmental impacts, nor did it provide evidence supporting this concern.

On July 23, 2024 the City Council adopted Resolution No. 2024-50 certifying Final Program Environmental Impact Report SCH No. 2023060699 (PEIR), approving a Mitigation Monitoring and Reporting Program (MMRP), and adopting Findings and a Statement of Overriding Considerations related to the implementation of the Housing Element involving amendments to the General Plan, Coastal Land Use Plan, and Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the NBMC. The PEIR and MMRP can be viewed at: https://www.newportbeachca.gov/CEQA.

The purpose of the PEIR was to evaluate the potential environmental impacts of implementing the Housing Opportunity Overlay Zoning District. Specifically, the PEIR would:

- Analyze and disclose the cumulative environmental effects of the zoning amendments;

- Identify mitigation measures to potentially reduce or eliminate significant adverse impacts (e.g., air quality, water quality, biological resources, etc.);

- Provide a legal and informational foundation for decision-makers and the public before the zoning is adopted or amended; and

- Streamline future housing development by covering broad environmental issues at the program level, reducing the need for project-specific EIRs unless new significant impacts are identified.

The project also included a CEQA 15183 Consistency Analysis (Exhibit D of Attachment A) prepared by T&B Planning Inc., dated February 2026. The purpose of this analysis was to demonstrate that the proposed project is consistent with the PEIR and that no additional environmental impacts would result from the project.

As part of the consistency analysis, the Applicant provided several supporting technical reports including:

- Air Quality and Green House Gas Emission Analysis dated February 7, 2026
- Cultural Resources Assessment dated January 2026
- Preliminary Geotechnical Report dated February 9, 2026
- Phase 1 Environmental Site Assessment dated June 6, 2025
- Preliminary Water Quality Management Plan dated February 5, 2026
- Preliminary Hydrology Report dated February 2026
- Trip Generation Assessment dated January 29, 2026
- Water Demand Report dated January 2026
- Sewer Analysis Report dated January 2026
- Dry Utilities Memorandum dated December 9, 2025
- PEIR Mitigating Measure and Reporting Program Applicability Assessment

The CEQA 15183 Consistency Analysis and technical reports provided were peer-reviewed by City's CEQA consultant Kimley-Horn & Associates, Inc. Both the consistency analysis and peer review concluded that the project would not create any new significant impacts or significant impacts that are substantially more severe than those disclosed in the PEIR, therefore no further environmental review is required pursuant to CEQA Guidelines §15183.

SAFER, one of the Appellants, submitted a comment as part of the Planning Commission hearing regarding potential biological impacts related to bird strikes. A response was prepared by LSA Associates, Inc. dated March 5, 2026, addressing the concerns and it is included in Attachment A. The 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 were not addressed in the PEIR.

The second Appellant, Save Our Theater, also expressed concerns regarding compliance with CEQA, stating that the CEQA documentation failed to address economic impacts related to surrounding businesses and "various other CEQA issues." The Appellant did not provide further clarification or evidence regarding the "other CEQA issues" cited. The preceding paragraphs provide a general response regarding CEQA.

Further, CEQA does not include thresholds or require analysis related to economic impacts to surrounding properties. The subject property allows a variety of land uses including both commercial uses and housing. Potential construction impacts to surrounding properties would be temporary in nature and a construction management

plan is required prior to permit issuance to address phasing, staging, noise and other areas of construction to reduce potential concerns.

Loss of Theater

The CEQA 15183 Consistency Analysis prepared by T&B Planning, Inc. 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.

It should also be noted that at the March 5, 2026, Planning Commission meeting, a representative of the Edwards family, property owner of the site and original developer of the theater, provided testimony in support of the project. He noted that the movie theater business has yet to recover from the pandemic, and confirmed that Regal Cinemas, the current operator, has indicated it would like to exit its current agreement prior to the end of 2026.

Objective Design Standards and Aesthetics

The Appellant asserts that staff is not qualified to evaluate aesthetics and that the objective design standards do not apply to high-rise development. However, 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. The project proposes a density of approximately 36 dwelling units per acre, therefore the standards apply. Although the standards were not developed with high-rise development in mind, the project nonetheless complies with 47 of the 52 standards, with only minor deviations proposed. As provided in Attachment A, the five objective design standard waivers are appropriate because strict compliance with the standards is not necessary to achieve the purpose and intent of this section and the project possesses compensating design and development features that offset impacts associated with the waivers.

The standards are objective, therefore, the project does not need to be evaluated by an architect or other design professional to determine compliance with Section 20.48.185. Additional discussion regarding aesthetics and compatibility is provided in Attachment A and Attachment B.

Height Limits

The project complies with the height limits established for the Property. 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 buildings, inclusive of any rooftop appurtenances, when measured from established grade. Additionally, consistent with Footnote 7 of Table 2-16 of

Section 20.28.050 (Housing Opportunity [HO] Overlay Zoning Districts) of the NBMC, the project is not located on a parcel subject to the Sight Plane Ordinance (Ordinance No. 1371 and Ordinance No. 1596). Therefore, the project is consistent with the height limits for the Property.

Community Benefits/Fees to Offset Affordable Housing

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.

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.

Parking

The Appellant asserts that the parking waiver for the nonresidential uses does not include restrictions on guest or employee parking and that the parking study does not address where service persons will park such as housekeepers or childcare workers.

A Parking Analysis and Parking Management Plan was prepared by Gibson Transportation Consulting, Inc. dated January 29, 2026 (Parking Study) and is included in Attachment A as Exhibit F. The Parking Study concludes that adequate parking is provided to support both the residential and non-residential uses. The project provides more than the minimum required parking to support the residential uses, including 45 parking spaces for visitors and 12 surplus parking spaces for support staff of the building as shown in Table 1 below.

Table 1, Required and Provided Parking

Requirement		**Factor**	**Parking Required**
Residential Parking (NBMC 20.28.050)			
2 Bedroom	1.8 space/unit	70 units	126
3+ Bedroom	2.0 space/unit	80 units	160
Visitor	0.3 space/unit	150 units	45
Subtotal Residential Parking Required			**331**
Subtotal Residential Parking Provided			**343**
Commercial Parking (NBMC 20.40.040)			
Office	1 space/250 sq ft	9,450 net sq ft	38
Cafe	1 space/100 sq ft	1,950 sq ft	20
Subtotal Commercial Parking Required			**58**
Subtotal Commercial Parking Provided			**0**
Total Parking Required			**389**
Total Parking Provided			**343**

The office space would only be occupied by owners of the residential units, thus would not generate its own parking demand. Potential visitors to the office suites could use the

visitor spaces intended for the residents' guests. There are several conditions of approval that regulate parking, including the following:

- All staff of the project shall park onsite.
- The home offices shall only be sold to those persons who own a condominium unit at the Property.
- The home offices shall not be subleased to another user.
- No staff shall be permitted for the home offices unless additional parking is provided.
- The HOA shall ensure that parking spaces for residential use are maintained for parking purposes.
- The HOA shall allow staff of the retail/café space to park within the 12 surplus residential parking spaces.

Therefore, onsite parking is sufficient, there are conditions of approval in place to manage the parking supply, and all concerns of the Appellant have been addressed. Residents and guests are not expected to impact parking within adjacent areas. Detailed facts in support of findings for the parking waiver are provided in Attachment A.

Findings for Vesting Tentative Tract Map

Resolution No. 2026-26 includes facts in support of findings for the Vesting Tentative Tract Map (Attachment A). The appellant did not provide additional evidence to demonstrate that the facts are insufficient to support the required findings for approval.

Disclosures Regarding Adjacent Uses

Conditions of Approval are included in the draft resolution requiring a 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.

<u>Alternatives and Housing Accountability Act Compliance</u>

Should the City Council's review and evaluation of this project not coincide with City staff's recommendation, then the following alternative options are available to the City Council:

1. For projects that are fully consistent with objective general plan, zoning (including objective design standards), and subdivision standards, Housing Accountability Act (Government Code Section 65589.5), restricts the City's ability to deny, reduce density of, or make infeasible housing developments, unless specific findings can be made. In this case, the project does not meet all objective standards because it includes waivers to the Objective Design Standards (ODS) and nonresidential parking requirements. Therefore, should the City Council determine that there are insufficient facts to support one or more of the findings for approval for the requested ODS waivers or parking waiver, the City Council may propose

modifications to the project or deny the application and provide facts in support of denial of the site development review or conditional use permit.

2. The City Council may propose modifications or conditions to alleviate concerns; however, the proposed modifications should not result in the reduction of dwelling units or make the project infeasible. If the proposed modifications are substantial, the item could be continued to a future City Council meeting. Should the City Council choose to do so, staff will return with a revised resolution incorporating new findings and/or conditions.

3. In the case of denial or imposing a condition that the project be developed at a lower density or with any other conditions that would adversely impact feasibility of the proposed project, the City Council must articulate the factual basis (burden of proof on the City) to justify denial or reduction in density for making the following findings and direct staff to return with a revised resolution incorporating the articulated findings and factual basis for the decision:

    (A) The housing development project would have a specific, adverse impact upon public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

    (B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified, other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

FISCAL IMPACT:

As the project is not increasing overall allowed density nor is it changing allowed land uses through an amendment to the General Plan Land Use Element, a fiscal impact analysis was not prepared. However, a fiscal impact analysis was prepared by Keyser Marston Associates dated July 9, 2024, for the Housing Element Implementation Program Amendments. The analysis concluded that:

- Sales prices and assessed values in Newport Beach are all very high, benefiting General Fund revenues;
- Full buildout of all potential residential projects could have a net negative fiscal impact unless they continue to be developed at higher price points;
- Replacement of land uses that generate minimal public revenues can offset the negative impact of residential; and
- Any potential fiscal impacts may often be at least partially offset through payment of impact fees.

In this case, the project would improve an underutilized property with a new mixed-use development anticipated to sell at higher price points. As it includes a residential subdivision, the project is subject to Chapter 19.52 (Park Dedications and Fees) of the NBMC requiring an in-lieu fee assessed at a rate of $59,575 per unit. The project will also be subject to development impact fees (DIF) of $9.25 per square foot, along with any other typical City fees for new developments.

ENVIRONMENTAL REVIEW:

As discussed in more detail in the *CEQA and Economic Impacts* section of this report, the project is consistent with the California Environmental Quality Act (CEQA) Guidelines Section 15183, which 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 Environmental Impact Report (EIR) was certified. The City's Housing Implementation Program Final Program EIR (State Clearinghouse SCH Number 2023060699) was certified by the City Council on July 23, 2024.

The project is not subject to further environmental review pursuant to Section 21083.3 of the California Public Resources Code (PRC) and Section 15183 of the CEQA Guidelines because, inasmuch as the property involved is within the HO-4 Subarea, the project does not change the underlying land use or zoning designations; and would not result in new significant impacts or a substantial more adverse impact than addressed in the PEIR.

NOTICING:

Notice of this hearing was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways), including the Applicant, and posted on the subject property at least 10 days before the scheduled meeting, consistent with the provisions of the NBMC. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

ATTACHMENTS:

Attachment A – Resolution No. 2026-26
Attachment B – March 5, 2026, Planning Commission Staff Report
Attachment C – Resolution No. PC2026-004
Attachment D – March 5, 2026, Planning Commission Minutes
Attachment E – Appeal Application (SAFER)
Attachment F – Appeal Application (Save Our Theater)
Attachment G – Project Plans

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

more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 7: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 28th day of April, 2026.

Lauren Kleiman
Mayor

ATTEST:

Lena Shumway
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

Aaron C. Harp
City Attorney

Attachment(s): Exhibit "A" – Legal Description
Exhibit "B" – Conditions of Approval
Exhibit "C" – Findings and Facts in Support of Findings
Exhibit "D" – CEQA Consistency Memorandum Prepared by T & B Planning, Inc., Dated February 2026
Exhibit "E" – SAFER Letter dated March 5, 2026
Exhibit "F" – LSA Response to SAFER dated March 5, 2026
Exhibit "G" – Objective Design Standards Checklist
Exhibit "H" – Parking Analysis and Parking Management Plan prepared by Gibson Transportation Consulting, Inc. dated January 29, 2026

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 pf 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 NBFD guideline C.01 and D.08.

121. The porte-cochere shall have a minimum clearance height of 13 feet 6inches 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 adequality 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,
--
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March 5, 2026

VIA EMAIL

Tristan Harris, Chair
David Salene, Vice Chair
Jon Langford, Secretary
Curtis Ellmore, Commisioner
Michael Gazzano, Commisioner
Greg Reed, Commisioner
Mark Rosene, Commisioner
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 that 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 at 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 aerosphere 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/DYQwLgvAzFB0BsAGAHAdnqg3MA9gOwgFoBGY1WNGAViwAsBTADwEkATCAJg4E5lMwAlmGD0IAOX0B3AA44ATmAAEAIX0gAxrQA0igMIBBHQFUAyvv4BPaaIAyAeQMAVZnbFA/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 aerosphere 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 m^2 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 m^2 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 m^2 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***	**Status[1]**	**Occurrence records**
Fulvous whistling-duck	*Dendrocygna bicolor*	SSC1	In region
Brant	*Branta bernicla*	SSC2	Very close
Cackling goose (Aleutian)	*Branta hutchinsii leucopareia*	WL	Nearby
Redhead	*Aythya americana*	SSC2	Very close
Harlequin duck	*Histrionicus histrionicus*	SSC2	Very close
Western grebe	*Aechmophorus occidentalis*	BCC	Very close
Clark's grebe	*Aechmophorus clarkii*	BCC	Very close
Western yellow-billed cuckoo	*Coccyzus americanus occidentalis*	FT, CE	Nearby
Black swift	*Cypseloides niger*	SSC3, BCC	Nearby
Vaux's swift	*Chaetura vauxi*	SSC2	Very close
Costa's hummingbird	*Calypte costae*	BCC	Very close
Calliope hummingbird	*Selasphorus calliope*	BCC	Nearby
Rufous hummingbird	*Selasphorus rufus*	BCC	Very close
Allen's hummingbird	*Selasphorus sasin*	BCC	Very close
Light-footed Ridgway's rail	*Rallus obsoletus levipes*	FE, CE, CFP	Very close
American avocet	*Recurvirostra americana*	BCC	Very close
Black oystercatcher	*Haematopus bachmani*	BCC	Very close
Mountain plover	*Charadrius montanus*	SSC2, BCC	In region
Snowy plover	*Charadrius nivosus*	BCC	Very close
Western snowy plover	*Charadrius nivosus nivosus*	FT, SSC	In region
Long-billed curlew	*Numenius americanus*	WL	Very close
Marbled godwit	*Limosa fedoa*	BCC	Very close
Black turnstone	*Arenaria melanocephala*	BCC	Very close
Red knot	*Calidris canutus*	BCC	Very close
Pectoral sandpiper	*Calidris melanotos*	BCC	Nearby
Short-billed dowitcher	*Limnodromus griseus*	BCC	Very close
Wandering tattler	*Tringa incana*	BCC	Very close
Lesser yellowlegs	*Tringa flavipes*	BCC	Very close
Willet	*Tringa semipalmata*	BCC	Very close
Laughing gull	*Leucophaeus atricilla*	WL	Nearby
Franklin's gull	*Leucophaeus pipixcan*	BCC	Nearby
Heermann's gull	*Larus heermanni*	BCC	Very close
Western gull	*Larus occidentalis*	BCC	Very close
California gull	*Larus californicus*	BCC, WL	Very close
California least tern	*Sternula antillarum browni*	FE, CE, CFP	Very close
Gull-billed tern	*Gelochelidon nilotica*	BCC, SSC3	Very close
Black tern	*Chlidonias niger*	SSC2, BCC	Nearby
Elegant tern	*Thalasseus elegans*	BCC, WL	Very close

Common name	***Species name***	**Status[1]**	**Occurrence records**
Black skimmer	*Rynchops niger*	BCC, SSC3	Very close
Common loon	*Gavia immer*	SSC	Very close
Brandt's cormorant	*Urile penicillatus*	BCC	Very close
Double-crested cormorant	*Phalacrocorax auritus*	WL	Very close
American white pelican	*Pelacanus erythrorhynchos*	SSC1	Very close
Least bittern	*Ixobrychus exilis*	SSC2	Very close
Reddish egret	*Egretta rufescens*	BCC	Very close
White-faced ibis	*Plegadis chihi*	WL	Very close
Turkey vulture	*Cathartes aura*	BOP	Very close
Osprey	*Pandion haliaetus*	WL, BOP	Very close
White-tailed kite	*Elanus luecurus*	CFP, BOP	Very close
Golden eagle	*Aquila chrysaetos*	BGEPA, CFP, BOP, WL, NCCP	Nearby
Northern harrier	*Circus cyaneus*	BCC, SSC3, BOP, NCCP	Very close
Sharp-shinned hawk	*Accipiter striatus*	WL, BOP, NCCP	Very close
Cooper's hawk	*Accipiter cooperii*	WL, BOP	Very close
Bald eagle	*Haliaeetus leucocephalus*	CE, BGEPA, BOP	Very close
Red-shouldered hawk	*Buteo lineatus*	BOP, NCCP	Very close
Swainson's hawk	*Buteo swainsoni*	CT, BOP	Very close
Red-tailed hawk	*Buteo jamaicensis*	BOP	Very close
Ferruginous hawk	*Buteo regalis*	WL, BOP	Very close
Rough-legged hawk	*Buteo lagopus*	BOP, NCCP	In region
Zone-tailed hawk	*Buteo albonotatus*	BOP	Nearby
Harris' hawk	*Parabuteo unicinctus*	WL, BOP	Nearby
American barn owl	*Tyto furcata*	BOP	Very close
Western screech-owl	*Megascops kennicotti*	BOP	In region
Great horned owl	*Bubo virginianus*	BOP	Very close
Burrowing owl	*Athene cunicularia*	BCC, CCE, SSC2, BOP	Very close
Long-eared owl	*Asio otus*	BCC, SSC3, BOP	In region
Short-eared owl	*Asia flammeus*	BCC, SSC3, BOP	Nearby
Lewis's woodpecker	*Melanerpes lewis*	BCC	Nearby
Nuttall's woodpecker	*Picoides nuttallii*	BCC	Very close
American kestrel	*Falco sparverius*	BOP	Very close
Merlin	*Falco columbarius*	WL, BOP	Very close
Peregrine falcon	*Falco peregrinus*	BOP, NCCP	Very close
Prairie falcon	*Falco mexicanus*	WL, BOP	Very close
Olive-sided flycatcher	*Contopus cooperi*	BCC, SSC2	Very close
Willow flycatcher	*Empidonax trailii*	CE	Very close
Southwestern willow flycatcher	*Empidonax traillii extimus*	FE, CE, NCCP	In region
Vermilion flycatcher	*Pyrocephalus rubinus*	SSC2	Very close

Common name	***Species name***	**Status[1]**	**Occurrence records**
Least Bell's vireo	*Vireo bellii pusillus*	FE, CE	Very close
Loggerhead shrike	*Lanius ludovicianus*	SSC2	Very close
Oak titmouse	*Baeolophus inornatus*	BCC	Nearby
California horned lark	*Eremophila alpestris actia*	WL	Very close
Bank swallow	*Riparia riparia*	CT	Very close
Purple martin	*Progne subis*	SSC2	Very close
Wrentit	*Chamaea fasciata*	BCC	Very close
California gnatcatcher	*Polioptila c. californica*	FT, SSC2, NCCP	Very close
Clark's marsh wren	*Cistothorus palustris clarkae*	SSC2	In range
Coastal cactus wren	*Campylorhynchus brunneicapillus sandiegensis*	SSC1, NCCP	Very close
California thrasher	*Toxostoma redivivum*	BCC	Very close
Cassin's finch	*Haemorhous cassinii*	BCC	In region
Lawrence's goldfinch	*Spinus lawrencei*	BCC	Very close
Grasshopper sparrow	*Ammodramus savannarum*	SSC2	Very close
Black-chinned sparrow	*Spizella atrogularis*	BCC	Nearby
Gray-headed junco	*Junco hyemalis caniceps*	WL	In region
Bell's sparrow	*Amphispiza b. belli*	WL	In region
Oregon vesper sparrow	*Pooecetes gramineus affinis*	SSC2	In range
Belding's savannah sparrow	*Passerculus sandwichensis beldingi*	CE, BCC	Very close
Large-billed savannah sparrow	*Passerculus sandwichensis rostratus*	SSC2	Nearby
Southern California rufous-crowned sparrow	*Aimophila ruficeps canescens*	WL, NCCP	Very close
Yellow-breasted chat	*Icteria virens*	SSC3	Very close
Yellow-headed blackbird	*X. xanthocephalus*	SSC3	Very close
Bullock's oriole	*Icterus bullockii*	BCC	Very close
Tricolored blackbird	*Agelaius tricolor*	CT, BCC, SSC1	Nearby
Lucy's warbler	*Leiothlypis luciae*	SSC3	Nearby
Virginia's warbler	*Leiothlypis virginiae*	WL, BCC	Nearby
Prothonotary warbler	*Protonotaria citrea*	BCC	In region
Prairie warbler	*Setophaga discolor*	BCC	Nearby
Northern yellow warbler	*Setophaga aestiva*	SSC2	Very close
Hepatic tanager	*Piranga flava*	WL	In region
Summer tanager	*Piranga rubra*	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
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

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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

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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 founds 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 interspersion 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

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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. https://doi.org/10.3390/d17100686

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 Virginanu*s). 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.

Smallwood, K. S. 2022. Utility-scale solar impacts to volant wildlife. Journal of Wildlife Management: e22216. https://doi.org/10.1002/jwmg.22216

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.

Smallwood, K. S., and D. A. Bell. 2020a. Effects of wind turbine curtailment on bird and bat fatalities. Journal of Wildlife Management 84:684-696. DOI: 10.1002/jwmg.21844

Smallwood, K. S., and D. A. Bell. 2020b. Relating bat passage rates to wind turbine fatalities. Diversity 12(84); doi:10.3390/d12020084.

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.

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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.

Smallwood, K. S. 2017. Monitoring birds. M. Perrow, Ed., Wildlife and Wind Farms - Conflicts and Solutions, Volume 2. Pelagic Publishing, Exeter, United Kingdom. www.bit.ly/2v3cR9Q

Smallwood, K. S., L. Neher, and D. A. Bell. 2017. Turbine siting for raptors: an example from Repowering of the Altamont Pass Wind Resource Area. M. Perrow, Ed., Wildlife and Wind Farms - Conflicts and Solutions, Volume 2. Pelagic Publishing, Exeter, United Kingdom. www.bit.ly/2v3cR9Q

Johnson, D. H., S. R. Loss, K. S. Smallwood, W. P. Erickson. 2016. Avian fatalities at wind energy facilities in North America: A comparison of recent approaches. Human–Wildlife Interactions 10(1):7-18.

Sadar, M. J., D. S.-M. Guzman, A. Mete, J. Foley, N. Stephenson, K. H. Rogers, C. Grosset, K. S. Smallwood, J. Shipman, A. Wells, S. D. White, D. A. Bell, and M. G. Hawkins. 2015. Mange Caused by a novel Micnemidocoptes mite in a Golden Eagle (*Aquila chrysaetos*). Journal of Avian Medicine and Surgery 29(3):231-237.

Smallwood, K. S. 2015. Habitat fragmentation and corridors. Pages 84-101 in M. L. Morrison and H. A. Mathewson, Eds., Wildlife habitat conservation: concepts, challenges, and solutions. John Hopkins University Press, Baltimore, Maryland, USA.

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.

Smallwood, K. S. 2013. Introduction: Wind-energy development and wildlife conservation. Wildlife Society Bulletin 37: 3-4.

Smallwood, K. S. 2013. Comparing bird and bat fatality-rate estimates among North American wind-energy projects. Wildlife Society Bulletin 37:19-33. + Online Supplemental Material.

Smallwood, K. S., L. Neher, J. Mount, and R. C. E. Culver. 2013. Nesting burrowing owl abundance in the Altamont Pass Wind Resource Area, California. Wildlife Society Bulletin: 37:787-795.

Smallwood, K. S., D. A. Bell, B. Karas, and S. A. Snyder. 2013. Response to Huso and Erickson Comments on Novel Scavenger Removal Trials. Journal of Wildlife Management 77: 216-225.

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Smallwood, K. S., L. Neher, and D. A. Bell. 2009. Map-based repowering and reorganization of a wind resource area to minimize burrowing owl and other bird fatalities. Energies 2009(2):915-943. http://www.mdpi.com/1996-1073/2/4/915

Smallwood, K. S. and B. Nakamoto. 2009. Impacts of West Nile Virus epizootic on yellow-billed magpie, american crow, and other birds in the Sacramento Valley, California. The Condor 111:247-254.

Smallwood, K. S., L. Rugge, and M. L. Morrison. 2009. Influence of behavior on bird mortality in wind energy developments: The Altamont Pass Wind Resource Area, California. Journal of Wildlife Management 73:1082-1098.

Smallwood, K. S. and B. Karas. 2009. Avian and bat fatality rates at old-generation and repowered wind turbines in California. Journal of Wildlife Management 73:1062-1071.

Smallwood, K. S. 2008. Wind power company compliance with mitigation plans in the Altamont Pass Wind Resource Area. Environmental & Energy Law Policy Journal 2(2):229-285.

Smallwood, K. S., C. G. Thelander. 2008. Bird mortality in the Altamont Pass Wind Resource Area, California. Journal of Wildlife Management 72:215-223.

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Morrison, M. L., K. S. Smallwood, and L. S. Hall. 2002. Creating habitat through plant relocation: Lessons from Valley elderberry longhorn beetle mitigation. Ecological Restoration 21: 95-100.

Zhang, M., K. S. Smallwood, and E. Anderson. 2002. Relating indicators of ecological health and integrity to assess risks to sustainable agriculture and native biota. Pages 757-768 *in* D.J. Rapport, W.L. Lasley, D.E. Rolston, N.O. Nielsen, C.O. Qualset, and A.B. Damania (eds.), Managing for Healthy Ecosystems, Lewis Publishers, Boca Raton, Florida USA.

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Written Expert Testimony on Environmental Documents (Year; pages)

I was retained or commissioned to comment on environmental planning and review documents, including:

- Pacific Palmdale DEIR, Palmdale (2026; 50);
- 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);
- Delta Conveyance Project Incidental Take Permit, California Department of Water Resources (2025; 37);
- Tri Pointe Homes Staff Report, City of Banning (2025; 38);
- Replies to responses to comments on Locust Gateway Development Project DEIR, City of Rialto (2025; 30);
- Meredith International Centre Specific Plan Amendment – Planning Area 3 Project FEIR Addendum, City of Ontario (2025; 44);
- Pepper 210 Commerce Center Project IS/MND, City of Rialto (2025; 35);
- Pacific Gateway Specific Plan Project DEIR, San Joaquin County (2025; 57);
- Lake Creek Logistics Center DEIR, City of Apple Valley (2025; 49);
- Replies to responses to comments on E&P Technology Way - Building A & B IS/MND, County of Napa (2025; 56);
- Menifee 27 Residential Staff Report (2025; 46);
- Shingle Springs Band of Miwok Indians 295.7-Acre Fee-to-Trust Project Environmental Assessment (2025; 17);
- Catavina Residential Project IS/MND, Palm Desert (2025; 52);

- Menifee Business Park DEIR (2025; 43);
- Replies to responses to comments on Ophir Road Warehouse Project DEIR, Oroville (2025; 19);
- Thermal Ranch Specific Plan DEIR, County of Riverside (2025; 53);
- Camino Pablo Single-Family Residential Subdivision IS/MND, Morgan Hill (2025; 44);
- 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);
- Replies to responses to comments on Conejo Summit Project DEIR, Thousand Oaks (2025; 30);
- Replies to responses to comments on Rome Hill Commercial IS/MND, City of Lake Elsinore (2025; 16);
- Rome Hill Commercial IS/MND, City of Lake Elsinore (2025; 34);
- Replies to responses to comments on Town & Country Village Project DEIR, County of El Dorado (2025; 46);
- 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;
- 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);
- 6^{7h} 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 if 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-21-021Warehouse 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);

Planning Commission - March 5, 2026
Item No. 2d Additional Materials Received After Deadline
300 Newport Center Drive Condominiums (PA2025-0102)

- 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);
- Mulqueeney 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, Sunyvale (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);
- Heber 2 Geothermal Repower Project IS/MND, El Centro (2020; 3);
- 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);
- Beale WAPA Interconnection Project EA & CEQA checklist (2020; 30);
- 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);
- Logisticenter 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);

Planning Commission - March 5, 2026
Item No. 2d Additional Materials Received After Deadline
300 Newport Center Drive Condominiums (PA2025-0102)

- 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 Skyranch 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:

Planning Commission - March 5, 2026
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300 Newport Center Drive Condominiums (PA2025-0102)

- 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 nitratoides*) 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 (*Geomyidae*) 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, Asylomar, 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,

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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.

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300 Newport Center Drive Condominiums (PA2025-0102)

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.

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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

LSA

CARLSBAD
CLOVIS
IRVINE
LOS ANGELES
PALM SPRINGS
POINT RICHMOND
RIVERSIDE
ROSEVILLE
SAN LUIS OBISPO

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 feet[1] 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 BirdCast[2] 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 Dashboard[3] 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			
	Yes	No	N/A	Yes	No	N/A	Drawing Reference
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, A
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			
	Yes	No	N/A	Yes	No	N/A	Drawing Reference
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

Gibson transportation consulting, inc.

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 gross[1] 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 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
Residential [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
		Residential Subtotal	***331***
Office	1 space per 250 net sf	9,450 net sf	38
Café	1 per 100 sf	1,950 sf	20
		Commercial Subtotal	***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 and 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.

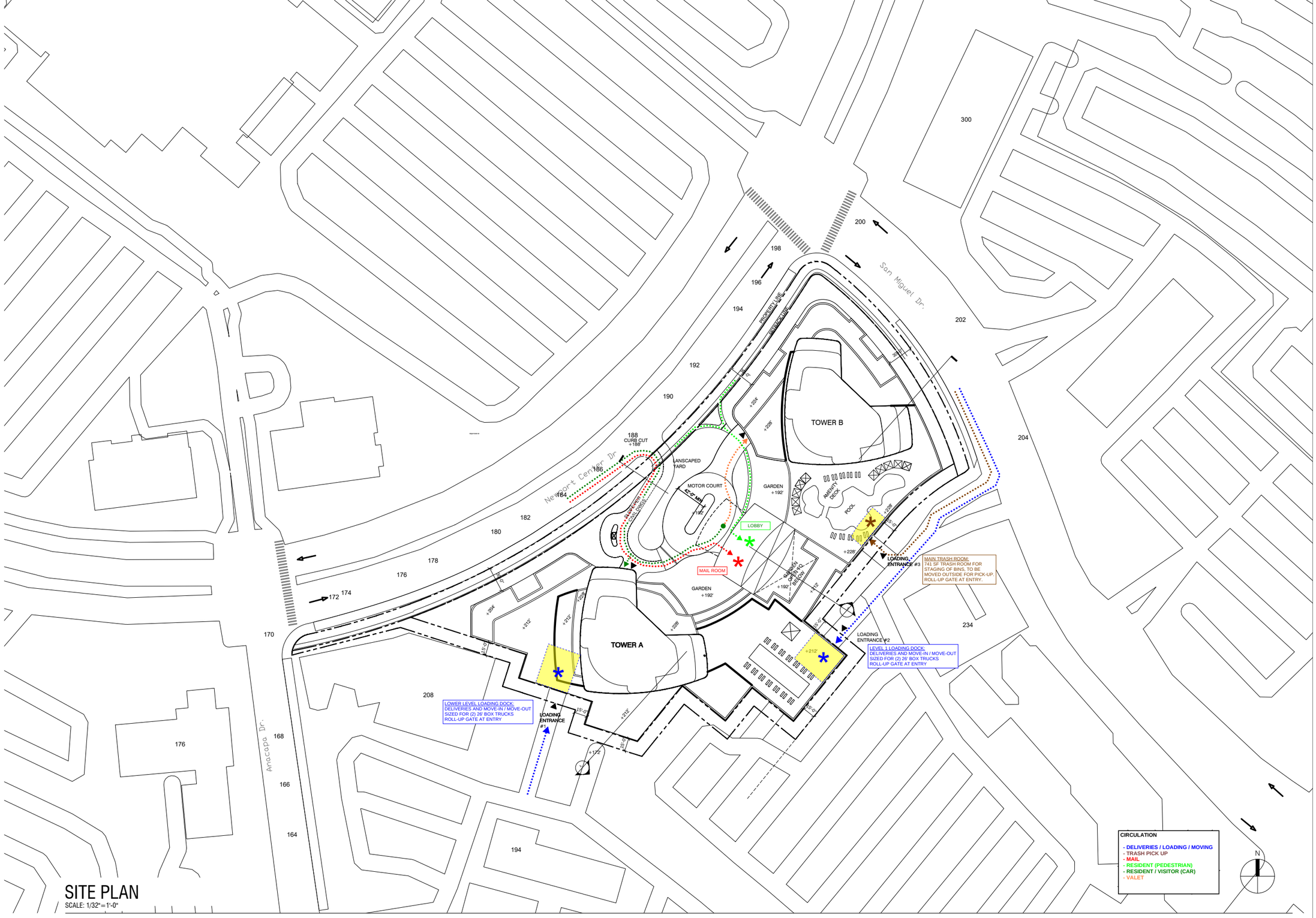
• Guest and Residents may utilize the call down extension or the Text Number to alert valet of their departure.

• 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"

steinberg hart | RAMSA | RELATED | SITE DEVELOPMENT REVIEW

300 NCD CONDOMINIUMS

300 NEWPORT CENTER DRIVE
NEWPORT BEACH, CA

FIGURE 1 - CIRCULATION PLAN

01/29/2026

PARKING LEGEND

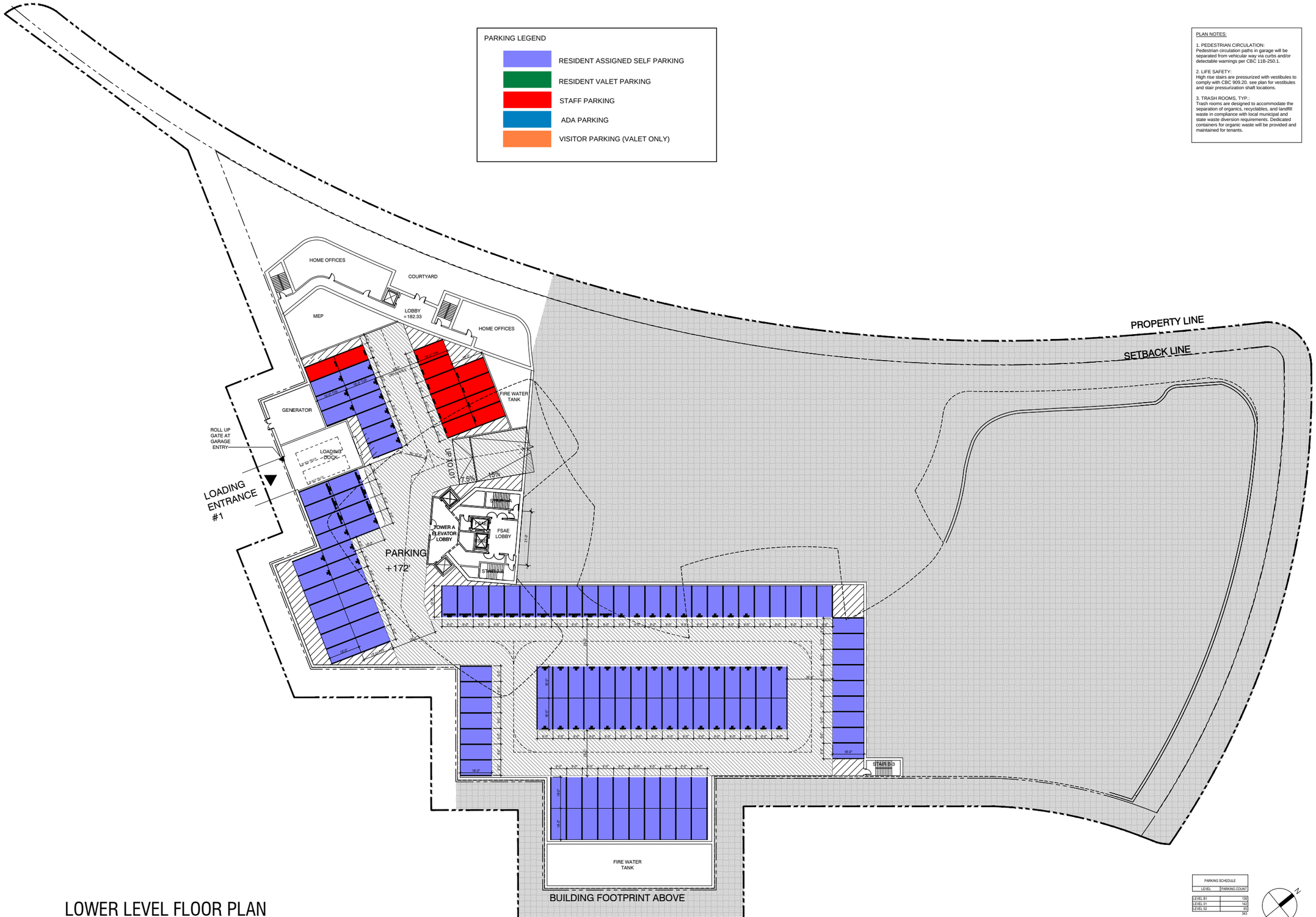
- RESIDENT ASSIGNED SELF PARKING
- RESIDENT VALET PARKING
- STAFF PARKING
- ADA PARKING
- VISITOR PARKING (VALET ONLY)

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.



PARKING SCHEDULE

LEVEL	PARKING COUNT
LEVEL B1	130
LEVEL 01	142
LEVEL 02	43
	343

LOWER LEVEL FLOOR PLAN

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

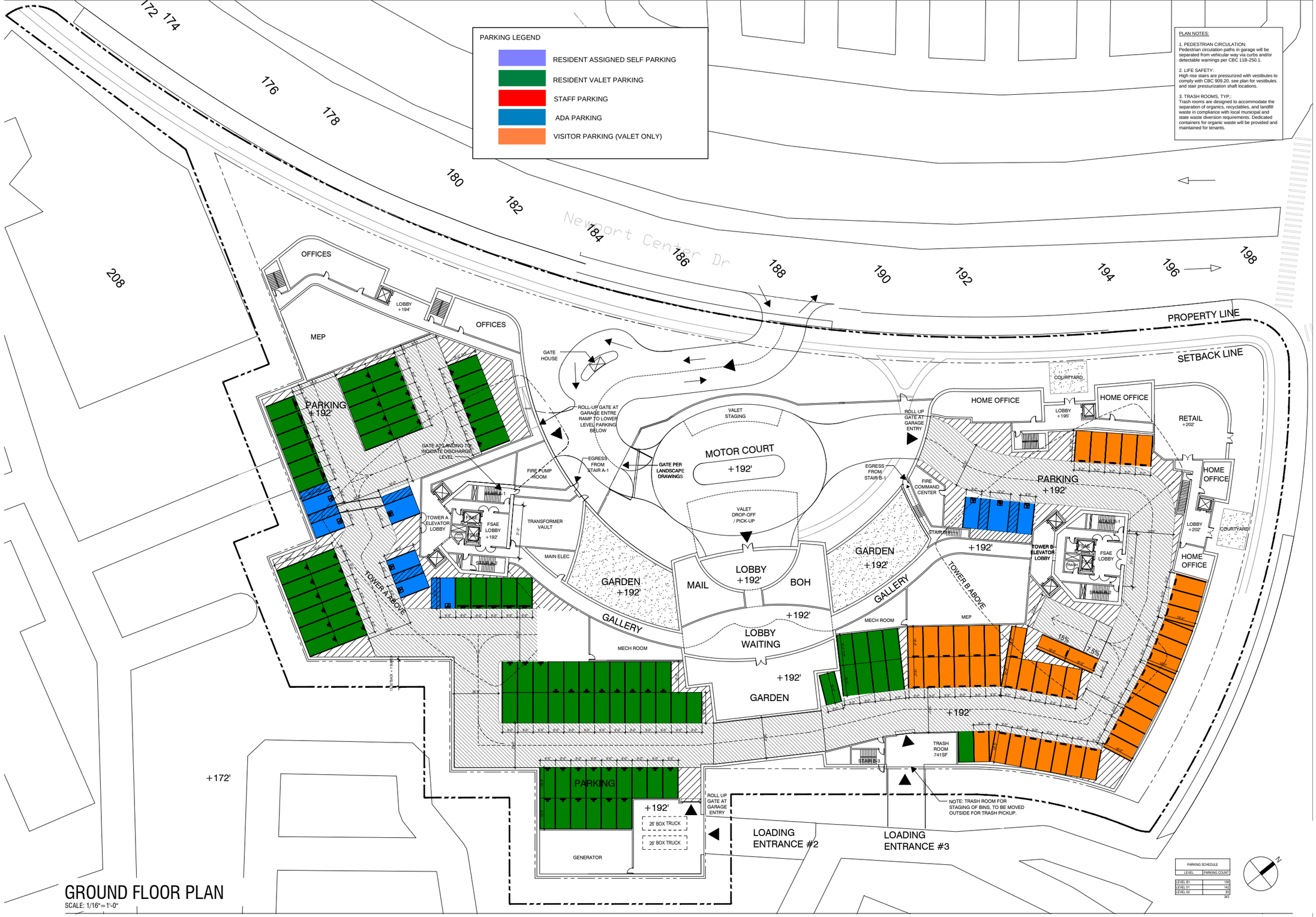
steinberg hart | RAMSA | RELATED | SITE DEVELOPMENT REVIEW

300 NCD CONDOMINIUMS

300 NEWPORT CENTER DRIVE
NEWPORT BEACH, CA

FIGURE 2 - LOWER LEVEL PLAN

01/29/2026



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

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300 NCD CONDOMINIUMS
300 NEWPORT CENTER DRIVE
NEWPORT BEACH, CA

FIGURE 3 - GROUND LEVEL PLAN

01/29/2026

PARKING LEGEND

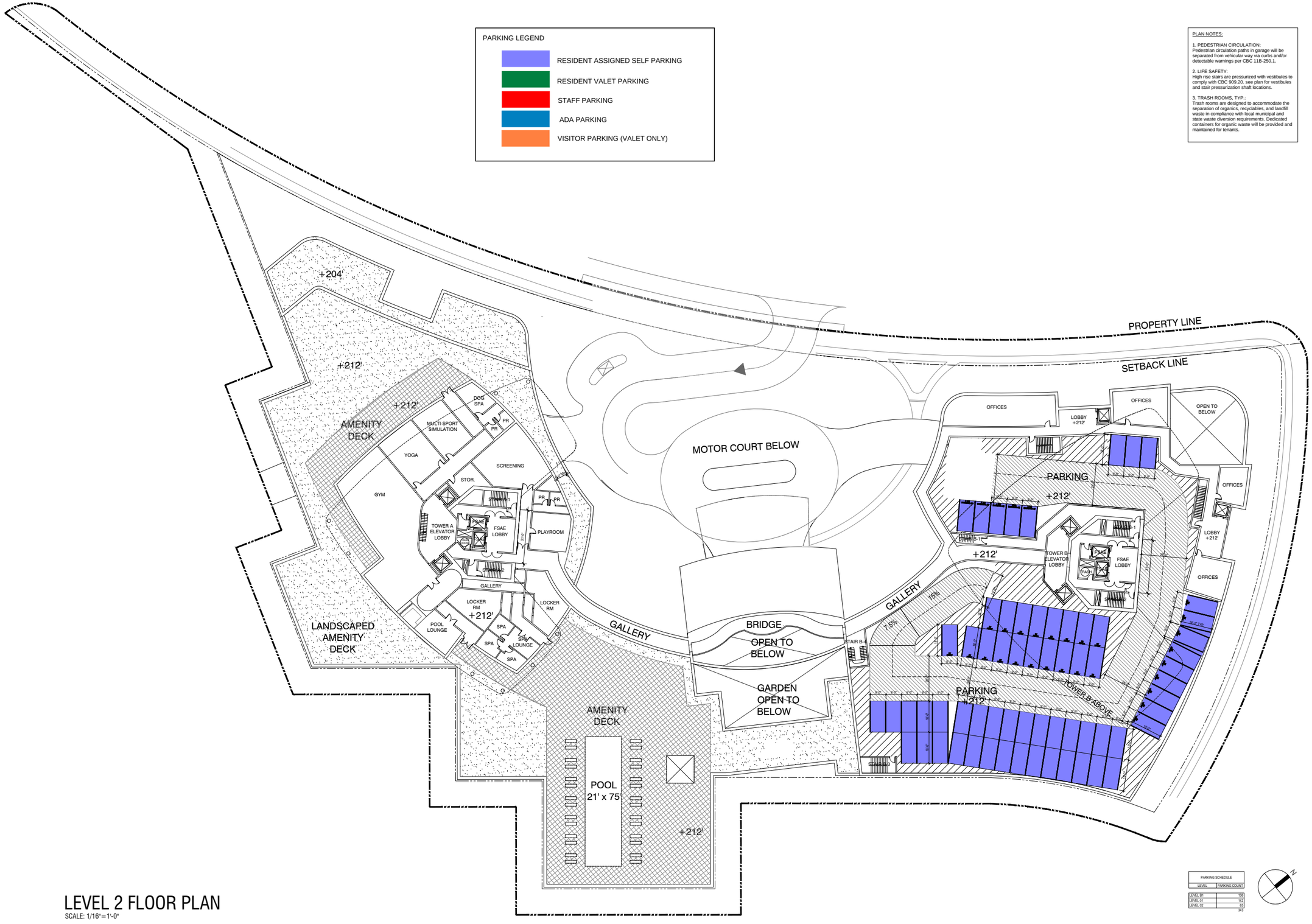
- RESIDENT ASSIGNED SELF PARKING
- RESIDENT VALET PARKING
- STAFF PARKING
- ADA PARKING
- VISITOR PARKING (VALET ONLY)

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.



PARKING SCHEDULE

LEVEL	PARKING COUNT
LEVEL B1	130
LEVEL 01	142
LEVEL 02	63
	335

LEVEL 2 FLOOR PLAN

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

steinberg hart | RAMSA | RELATED | SITE DEVELOPMENT REVIEW

300 NCD CONDOMINIUMS

300 NEWPORT CENTER DRIVE
NEWPORT BEACH, CA

FIGURE 4 - LEVEL 2 PLAN

01/29/2026

Attachment B

March 5, 2026, Planning Commission Staff Report

Available via link due to size:

https://ecms.newportbeachca.gov/WEB/DocView.aspx?id=3232363&dbid=0&repo=CNB

Attachment C

Resolution No. PC2026-004

Docusign Envelope ID: D1FF6245-5ADD-8D95-8021-2F4870865542

RESOLUTION NO. PC2026-004

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING 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)

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

SECTION 1. STATEMENT OF FACTS.

1. 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" of the Resolution ("Property").

2. 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. The development will include two-, three-, and four-bedroom units and two-penthouse units. The condominium units range from approximately 2,127 square feet to 6,419 square feet. The development 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. Primary pedestrian and vehicular access to the Property will be taken from Newport Center Drive, with additional loading and delivery access provided along its rear ("Project").

3. The following approvals are required from the City of Newport Beach ("City") to implement the Project:

    - **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;

    - **Conditional Use Permit ("CUP"):** A conditional use permit is required to waive 58 parking spaces for the proposed offices and retail/café component; and

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- **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.

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 6th Cycle Housing Element ("Housing Element"). The Property was identified as a housing site in the HO-4 (Newport Center Area) Subarea of the Housing Overlay.

5. Subsequently, 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. This amendment adjusted the height limitation for certain properties within the HO-4 (Newport Center) Subarea of the Housing Overlay to accommodate potential residential development with the intended prescribed density range of 20 to 50 dwelling units per acre. The maximum height allowed for the Property was increased to 270 feet.

6. The Property is designated Regional Commercial Office (CO-R) by the General Plan Land Use Element and within Anomalies 36 and 37. It is located within the Office – Regional (OR) Zoning District and HO-4 (Newport Center) Subarea of the Housing Opportunity (HO) Overlay Zoning Districts ("Housing Overlay").

7. The Property is not located within the coastal zone; therefore, a coastal development permit is not required.

8. The Project does not include the construction of affordable housing. However, the Property was not included in the City's Housing Element Sites Inventory to support compliance with the 6th Cycle Regional Housing Needs Assessment. 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.

9. A public hearing was held on March 5, 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 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 public hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

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1. Pursuant to the California Environmental Quality Act ("CEQA"), as set forth in California Public Resources Code (PRC) Section 21000 *et seq*., and its implementing guidelines, set forth in California Code of Regulations, Title 14, Division 6, Chapter 3 ("CEQA Guidelines"), the City Council adopted Resolution No. 2024-50 on July 23, 2024, thereby certifying Final Program Environmental Impact Report SCH No. 2023060699 ("PEIR"), approving a Mitigation Monitoring and Reporting Program (MMRP), and adopting Findings and a Statement of Overriding Considerations related to the implementation of the Housing Element involving amendments to the General Plan, Coastal Land Use Plan, and Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the NBMC, which are available at: Housing Implementation Program EIR.

2. The Project is not subject to further environmental review pursuant to Section 21083.3 of the Public Resources Code ("PRC") and Section 15183 of the CEQA Guidelines, 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 EIR had been certified.

3. Section 15183 of the CEQA Guidelines provides, in relevant part:

    a. Projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an environmental impact report ("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.

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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.

4. As part of its decision-making process, the City is required to review and consider whether the Project would create new significant impacts or significant impacts that would be substantially more severe than those disclosed in the PEIR. 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 analysis 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 "B" to this resolution and hereby incorporated by reference.

5. Therefore, in accordance with Section 21083.3 of the PRC and Section 15183 of the CEQA Guidelines, no additional environmental review is required to approve the Project. The Planning Commission determines:

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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.

6. The Planning Commission finds that judicial challenges to the City's CEQA determinations and approvals of land use projects are costly and time consuming. In addition, project opponents often seek an award of attorneys' fees in such challenges. As project applicants are the primary beneficiaries of such approvals, it is appropriate that such applicants should bear the expense of defending against any such judicial challenge, and bear the responsibility for any costs, attorneys' fees, and damages which may be awarded to a successful challenger.

SECTION 3. REQUIRED FINDINGS.

Major Site Development Review

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

Finding:

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

Facts in Support of Finding:

1. The 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

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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 the 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**

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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 "C" and incorporated by reference, the Project deviates from the following five objective design standards:

   (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).

   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

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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

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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

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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.

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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 "C" 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.*

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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

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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.

9. Facts 1 through 9 in Support of Finding A are hereby incorporated by reference.

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10. The Property is not located within a specific plan area.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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

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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 13 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

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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

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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:

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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;

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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

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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 "D." 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.

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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;

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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 adequality 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

Facts in Support of Finding:

1. As detailed in the CEQA Consistency Analysis, which is attached hereto as Exhibit “B” 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

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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 within Attachment A of the CEQA Consistency Analysis which is attached hereto as Exhibit "B" 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

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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.

Fact 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.

Facts 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

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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.

Fact 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:

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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.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. In accordance with Section 21083.3 of the California Public Resources Code and Section 15183 of the CEQA Guidelines, the Project is consistent with the development density, intensity, and use characteristics established by the City's General Plan Housing Implementation Program as analyzed by the PEIR, and the required determinations can be made, as detailed in Exhibit "B"; therefore, the Planning Commission finds that no additional environmental review is required to approve the Project.

2. The Planning Commission of the City of Newport Beach hereby approves the Major Site Development Review, Conditional Use Permit, and Vesting Tentative Tract Map filed as PA2025-0102, subject to the conditions set forth in Exhibit "E," which is attached hereto and incorporated by reference.

3. The action on the Major Site Development Review and Conditional Use Permit shall become final and effective 14 days following the date 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. The action on the Vesting Tentative Tract Map shall become final and effective 10 days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 19 (Subdivisions), of the NBMC.

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PASSED, APPROVED, AND ADOPTED THIS 5TH DAY OF MARCH, 2026.

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

NOES: None

ABSTAIN: None

ABSENT: Reed

BY: Tristan Harris
Tristan Harris, Chair

BY:
Jon Langford, Secretary

Attachments: Exhibit "A" – Legal Description
Exhibit "B" – CEQA Consistency Analysis Prepared by T & B Planning, Inc. dated February 2026
Exhibit "C" – Objective Design Standards Checklist
Exhibit "D" – Parking Analysis and Parking Management Plan prepared by Gibson Transportation Consulting, Inc. dated January 29, 2026
Exhibit "E" – Conditions of Approval

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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

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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.

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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

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Exhibit "B"
CEQA Consistency Analysis 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

Docusign Envelope ID: D1FF6245-5ADD-8D95-8021-2F4870865542

Exhibit "C"
Objective Design Standards Checklist

Docusign Envelope ID: D1FF6245-5ADD-8D95-8021-2F4870865542

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

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EXHIBIT "E"
CONDITIONS OF APPROVAL

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 of Newport Beach ("City") and all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.

4. The Applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may cause the revocation of this approval.

5. *The 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.*

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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. PC2026-004 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 "E" 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*

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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. PC2026-004. 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*

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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*

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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.

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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 within Attachment A of the CEQA Consistency Analysis which is attached hereto as Exhibit "B".*

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.

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- 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.

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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

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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 pf 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.*

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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):

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- 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.

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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

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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

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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 NBFD guideline C.01 and D.08.

121. The porte-cochere shall have a minimum clearance height of 13 feet 6inches 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.

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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.

Attachment D

March 5, 2026, Planning Commission Minutes

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NEWPORT BEACH PLANNING COMMISSION MINUTES
CITY COUNCIL CHAMBERS – 100 CIVIC CENTER DRIVE
THURSDAY, MARCH 5, 2026
REGULAR MEETING – 6:00 P.M.

I. CALL TO ORDER - 6:00 p.m.

II. PLEDGE OF ALLEGIANCE – Secretary Langford

III. ROLL CALL

PRESENT: Chair Tristan Harris, Vice Chair David Salene, Secretary Jonathan Langford, Commissioner Curtis Ellmore, Commissioner Michael Gazzano, Commissioner Mark Rosene

ABSENT: Commissioner Greg Reed

Staff Present: Community Development Director Jaime Murillo, Acting Deputy Community Development Director Ben Zdeba, Assistant City Attorney Yolanda Summerhill, Deputy City Attorney Jose Montoya, Traffic Engineer Kevin Riley, Civilian Investigator Wendy Joe, Principal Planner Liz Westmoreland, Assistant Planner Laura Rodriguez, Assistant Planner Melinda Whelan, Administrative Assistant Clarivel Rodriguez, and Department Assistant Beatriz Avila

IV. PUBLIC COMMENTS – None

V. REQUEST FOR CONTINUANCES – None

VI. CONSENT ITEMS

ITEM NO. 1 MINUTES OF FEBRUARY 5, 2026

Recommended Action: Approve and file

Chair Harris opened public comment, and there was none.

Motion made by Chair Harris and seconded by Commissioner Ellmore to approve the meeting minutes of February 5, 2026, with Jim Mosher's edits.

AYES:	Ellmore, Gazzano, Harris, Langford, Rosene, and Salene
NOES:	None
ABSTAIN:	None
ABSENT:	Reed

VII. PUBLIC HEARING ITEMS

ITEM NO. 2 300 NEWPORT CENTER DRIVE CONDOMINIUMS (PA2025-0102)
Site Location: 210 and 300 Newport Center Drive and Unaddressed Parcels Identified as Accessor Parcel Numbers 442-091-12 and 442-161-16

Summary:

A request to demolish all improvements on a 4.17-acre site, including an existing movie theater (Regal Edwards Big Newport) and a health/fitness facility (Body Design), to allow for the construction of two, 22-story residential buildings (approximately 270 feet high) consisting of a total of 150 condominium units, on-site amenities, for-sale home offices, retail/café

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space, and 343 parking spaces. Each residential building is nearly identical and is connected through a podium that contains the home offices, retail/café, amenities, parking, and building support facilities. The project includes private residential amenities such as pools, exercise facilities, and entertainment spaces. Vehicular access to the Property is through a driveway on Newport Center Drive, which leads to a guardhouse and motorized gate restricting access to the motor court and valet drop off. The requested project requires the following approvals:

- Major Site Development Review to allow a new residential development with five or more units and a tentative tract map, and to waive 5 of the 52 Multi-Unit Objective Design Standards;

- Conditional Use Permit to waive 58 required off-street parking spaces for the proposed home offices and retail/café component; and

- Vesting Tentative Tract Map to consolidate four lots into one parcel and to allow for an airspace subdivision of the individual residential units and nonresidential units for condominium purposes.

Recommended Actions:

1. Conduct a public hearing;
2. Find that this project is not subject to further environmental review pursuant to Section 21083.3 of the California Public Resources Code (PRC) and Section 15183 of the California Environmental Quality Act (CEQA) Guidelines because the project is consistent with the previously certified Program Environmental Impact Report (SCH No. 2023060699); and
3. Adopt Resolution No. PC2026-004 approving the Major Site Development Review, Conditional Use Permit, and Vesting Tentative Tract Map No. 19407, collectively filed as PA2025-0102.

Principal Planner Liz Westmoreland reported that the project is located at the corner of San Miguel Dr. and Newport Center Dr. within the City's Housing Opportunity Overlay Zoning District. She stated that the project will demolish the existing theater, health and fitness business, and surface parking to construct two residential towers with up to 150 residential condominium units on top of a podium structure containing 343 parking spaces, retail space, a café, and home offices. She added that the two nearly identical towers will be 22 stories each, reaching a height of 270 feet, featuring 2-4-bedroom units and penthouses with the units ranging from 2,127 square feet to 6,419 square feet, plus residential amenities.

Principal Planner Westmoreland added that the retail space and/or café space would be at the corner of Newport Center Dr. and San Miguel Dr., but the applicant may change the use in the future. She clarified that the home offices could only be sold to residents of the development, with Conditions of Approval including a prohibition of subleasing and staff to serve the offices, and a restriction on the spaces being exclusively for professional office use.

Principal Planner Westmoreland reported that the project requires a Major Site Development Review (SDR), a Conditional Use Permit (CUP), and a Vesting Tentative Tract Map (VTTM). She reported that the project is consistent with the City's development standards, clarifying that the setbacks exceed the standards and are measured to the podium as opposed to the towers, which are farther setback. She presented a site map, noting that the central driveway is on Newport Center Dr. She reported that there is a wide variety of architectural designs in Newport Center, noting that the podium will help scale the transition for pedestrians, along with the significant setback of the towers. She reported that public scenic views will not be impacted more than they already are by the existing development and vegetation, adding that the site is not subject to the

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Sight Plane View Ordinance. She added that the project would be consistent with the design intent of Newport Center as it relates to high-rise structures.

Principal Planner Westmoreland reported that the project includes requests for five Objective Design Standard waivers, noting that this section of the Newport Beach Municipal Code (NBMC) was not written with high-rise towers in mind. She added that the project still meets the intent of a high-quality design. She stated that three of the waiver requests relate to the transparency of the first and second floors on the podium level, adding that the applicant intends to use landscaping to soften the area and is not far from meeting the transparency standards. She noted that there is a minor deviation in horizontal modulation as the balconies are only 14 feet wide instead of 20. She clarified that the main entry abuts a motor court instead of a public realm, adding that the project would still support the public realm, and this form of entry layout is common for the style of development proposed.

Principal Planner Westmoreland reported that a Trip Generation Assessment was prepared, finding an estimated decrease of 396 average daily trips from the current use and a Traffic Study was not required. She reported that the project was reviewed by the Federal Aviation Administration and Airport Land Use Commission due to the height and received approval or acceptance from both entities. She added that a finalized Construction Management Plan and completion of the Draft Fire Master Plan will be required prior to permit issuance.

Principal Planner Westmoreland reported that the CUP is needed to waive parking for the non-residential uses. She noted that the project requires 331 parking spaces for residential use and provides 343, allocating the 12 additional spaces for building staff, but providing no spaces for commercial use. She stated that a Condition of Approval would allow the retail/cafe staff to use the 12 spaces to be designated for staff. She added that the site is adjacent to the Orange County Transportation Authority (OCTA) hub and is both easily accessible by bicycle and on foot. She stated that the commercial parking space deficit is also counterbalanced by the home office space being limited to residents who have designated parking spaces as part of their residential units. She noted that 45 visitor spaces will be provided.

Principal Planner Westmoreland reported that the public courtyards abutting the entrances and home office entrances serve as the Publicly Accessible Open Space (PAOS) required. She reported that the In-Lieu Park Dedication Fee will be $59,575 per unit, amounting to a total of $8.9 million if built to the planned capacity. She added that the current plans would generate about $4.9 million in Development Impact Fees.

Principal Planner Westmoreland reported that the Housing Overlay sites were included in the Housing Element Implementation Program's Environmental Impact Report (EIR), so the site is not subject to further environmental review under Section 15183 of the California Environmental Quality Act (CEQA). She added that the project is consistent with the density range and zoning, and a Condition of Approval requires the applicant to comply with the City's Mitigation Monitoring and Reporting Program.

Principal Planner Westmoreland reported receiving public comments both in support of the project and in opposition. She added that areas of public concern include traffic and affordable housing, noting that the City does not have an inclusionary housing ordinance. She stated that there have been several public concerns about losing the Regal Edwards Big Newport movie theater, adding that it is not designated as a historical resource and is not eligible to be listed as a historical resource under CEQA. She added that a Cultural Resources Assessment was prepared for the theater. She stated that the project is consistent with the Housing Element. She reported that one comment included CEQA concerns over the possibility of bird strikes.

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In response to Commissioner Gazzano's inquiries, Principal Planner Westmoreland clarified how the Objective Design Standards were focused on townhomes and apartment buildings when they were drafted. She added that, while they do not perfectly translate to a high-rise development, the application is consistent with most of the standards. She added that staff is seeking to add high-rise-specific standards in the future but confirmed that the Commission can rely on the standards in place. She confirmed that the applicant was close to meeting the standards for transparency on the first two floors but deferred to the applicant on just how close.

In response to Commissioner Rosene's inquiry, Principal Planner Westmoreland confirmed that the applicant will be obligated to maintain the PAOS as a Condition of Approval. She stated that, should the designs significantly change, staff would review the plans for conformance.

Commissioner Rosene expressed uncertainty over what the Commission is being asked to approve regarding the retail component, as the applicant has not committed to including retail and/or a cafe despite reserving space for them. He stated that this is a hypothetical situation.

In response to Commissioner Rosene's inquiries, Principal Planner Westmoreland clarified that the Draft Resolution is crafted to provide the applicant some flexibility. She stated that the café would reflect a higher intensity use, while retail or office space would be lower intensity and substantially conforming to the approval.

In response to Vice Chair Salene's inquiry, Principal Planner Westmoreland confirmed that there may be a mathematical mistake on the parking slide in the presentation for stating that the retail would require 20 parking spaces instead of 8. She agreed that if 8 is the correct figure, it would reduce the number of spaces in the waiver request by 12.

Chair Harris clarified Commissioner Rosene's retail intensity concerns by noting that the applicant would have to go through a formal application process to increase the intensity of use for the space, but reducing the intensity in the future would conform to the higher intensity that the Commission is being asked to approve tonight.

Principal Planner Westmoreland noted that certain commercial uses require a permit. She added that a Condition of Approval states that, if the space was going to be used for a restaurant with late hours or needed more parking, the applicant must apply for a CUP.

Principal Planner Westmoreland clarified that the earlier discussed mistake in the parking slide is because the rate of one space for every 100 square feet is erroneously listed as one space for every 250 square feet, meaning that the original count of 20 required spaces is correct. She clarified that staff assessed the parking needs based on a restaurant's higher intensity and not a retail store's lower one to create a more conservative estimate.

In response to Chair Harris' inquiry, Principal Planner Westmoreland confirmed that the slide she showed of Newport Center reflects the original design intent for Fashion Island as it was being developed.

In response to Chair Harris' inquiry, all commissioners reported having ex parte communications with the applicant.

Chair Harris opened the public hearing.

Related California LLC President and Chief Executive Officer Gino Canori spoke of his personal history with Newport Beach, reported that the company is moving its offices to Newport Center, and discussed the company's history of creating award-winning major mixed-income

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developments around California. He reported that the property owners of the site agree that it is time to sell and reimagine the land they have owned for almost 60 years.

Jim Edwards reported on the site's history since his father opened what is now Regal Edwards Big Newport in 1969, including the increasing number of competing entertainment mediums that have hurt movie theaters nationwide, adding that the movie theater business has yet to recover from the pandemic. He stated that this theater has also felt the brunt of these shifting national conditions, adding that the family has decided not to extend Regal Cinema's operating agreement beyond its June 2027 expiration, with the theater permanently closing. He reported that Regal Cinemas has indicated that they would like to exit the agreement prior to the end of 2026. He stated that the Edwards family wishes to honor his father by creating something powerful, iconic, and high-quality on the property, leading them to Related California and this project that Newport Beach can be proud of for generations to come. He encouraged the Commission to approve the project.

Mr. Canori thanked Mr. Edwards and his family for trusting Related California to create a new use for the site that will enhance Newport Center. He reported on hiring acclaimed architects to reimagine the site, noting that they have previously worked successfully in Newport Beach and around Orange County.

Robert A.M. Stern Architects Principal Dan Lobitz stated that he feels a responsibility to build something that grows out of the original Newport Center concept while also making its own statement. He noted other upcoming developments that will help turn Newport Center into a mixed-use neighborhood, adding that 300 Newport Center Dr. will be iconic but also tie into the area's feel and scale. He stated that splitting the project into two towers with 200 feet of space between them creates an open and airy feel, while the height correlates to its neighboring towers. He added that the architecture ties into Newport Beach's coastal feel, with the podium base relating in height to the Fashion Island structure.

Mr. Canori stated that his team took care to ensure that the project aligns with the vision for Newport Center and enhances the area. He requested approval of the project and thanked City staff for its work on the project.

In response to Chair Harris' inquiry, Mr. Canori agreed to the Conditions of Approval.

Chris Fletcher expressed his support for the project, stating that it is a property residents will be proud of through Related California's reputation for high-quality products and experience. He added that the City has a need for housing, such as what is being proposed, surrounded by amenities for aging long-term residents like himself who are looking to stay in the community while downsizing their residence.

Jim Mosher noted that, historically, the transition from a shorter commercial property to a vastly taller residential one would involve the City Council's approval. He expressed the opinion that the property was quietly slipped into the Housing Element as a Housing Opportunity site at the last minute, with no incentive for affordable housing on the site. He stated that the height limit was increased after the EIR was completed for the Housing Element and may not have been assessed. He stated that 81 affordable housing units should be going on this site and that it would instead be an ideal site for a new Newport Beach Police Department (NBPD) headquarters.

Steve Swerdlow stated that the project is a perfect solution for the site, adding that it is tastefully done and provides an opportunity for people of his generation to remain in Newport Beach, echoing Mr. Fletcher's comments. He expressed his support for the project.

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Chase Preciado, speaking on behalf of the non-profit Supporters Alliance for Environmental Responsibility (SAFER) requested that the project not be approved at this time because it is being exempted from CEQA despite impacts not being analyzed in the EIR. He stated that the height of the towers and their predominance of glass will result in avian mortality at a rate of 1,270 birds annually from striking the building, including birds from protected species. He stated that CEQA Section 15183 compels the City to study this matter further and adopt mitigation measures for bird strikes.

Kevin Barrel stated that he is a Newport Beach resident who would like to live in the proposed towers. He noted that the law firm working on behalf of SAFER is in the City of Oakland, which is dissimilar from Newport Beach. He stated that it is a shakedown letter, and the same boilerplate letter is regularly sent Statewide, to cause delays and pressure developers into a deal. He referred the Commission to the website "PhonyUnionTreeHuggers.com" for additional information on the scheme and how it operates around California. He encouraged the Commission not to allow SAFER to create a costly delay for the City and the developer.

Pam Howard decried the height of the towers for their impact on the community, and inquired where the on-site parking would be located.

Francis Cray commended the developer and architect on the project, stating that it will enhance Newport Center and property values for other homeowners. He encouraged the Commission to support the project to add more housing to Newport Beach.

Larry Tucker reported that he served on the Commission for 11 years and supports this project for its quality and the standard it will set for future growth prescribed in the Housing Element if those projects want to be competitive in a burgeoning market. He noted that the State's legislative framework gives the City very little ability to disapprove. He added that the objective design standards provided the applicant a framework for a project that is less dense than what would be permitted. He added that no environmental impacts were identified and agreed with Mr. Barrel's assessment of Mr. Preciado's comments as being a veiled union shakedown.

Gregg Schwenk, Co-Founder and Chief Executive Officer of the Newport Beach Film Festival, shared fond memories of the Regal Edwards Big Newport theater, including conversations with Mr. Edwards' father, who built the theater. He lamented that the Edwards family did not reach out to the Festival's organizers about the decision, adding that Newport Beach has the largest film festival in coastal Southern California, with the theater serving as its anchor. He lamented that the Cultural Resources Assessment was performed by a consultant in the City of Riverside and not one in Newport Beach, who may have better understood the theater's place in the community. He called for collaboration to figure out a solution to the loss of the Festival's home.

Susan Tobias, owner of Body Design, located within the Regal Edwards Big Newport theater, thanked the Edwards family for her 40 years as a tenant.

Assistant City Attorney Yolanda Summerhill reported that the applicant's attorney analyzed the letter from SAFER, determining that there will be no significant impacts in an urban area over 600 feet from any open space. She added that the average bird migration area is at 1,600 feet of elevation, far above the 270-foot towers.

Chair Harris closed the public hearing.

Commissioner Rosene stated that change is difficult but inevitable. He noted that the Edwards family is looking for an exit from the business, and a developer is looking to provide an excellent project. He commended how well the project considers the pedestrian component in its

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landscaping, adding that the footprint of this project is smaller than the existing building. He noted that there is a Draft Fire Master Plan and requested that the applicant honor the landscaped spaces at the pedestrian level without eliminating them as the draft is finalized. He expressed his support for the project.

Vice Chair Salene stated that, like with drive-in theaters, it is a tragedy to lose the Regal Edwards Big Newport theater, lamenting that things evolve. He stated that creating a residential development on the site, as opposed to a commercial development, creates a unique housing opportunity for Newport Beach. He commended the look of the project and Related California's reputation. He expressed his support for the project.

Secretary Langford commended the Edwards family for choosing such a beautiful project for the site. He stated that the development could start a trend of making Newport Center more of a residential village, leading to increased investment and development in the area. He expressed his support of the project.

Chair Harris acknowledged that losing the Regal Edwards Big Newport theater is a big deal to those like himself who grew up in Newport Beach for the memories and sentiment around the theater. He echoed his peers' comments about the entertainment world changing, adding that the Edwards family has gone through all the proper processes. He stated that the design waivers are minor, and the parking plan makes sense due to the residential ownership requirements for the commercial space. He stated that there is no reason to hold up a beautiful project that will drive a new era that fits within the City's initial growth plan from the creation of Newport Center.

Motion made by Chair Harris and seconded by Vice Chair Salene to approve the item as presented.

AYES:	Ellmore, Gazzano, Harris, Langford, Rosene, and Salene
NOES:	None
ABSTAIN:	None
ABSENT:	Reed

Chair Harris called for a recess at 7:13 p.m. The meeting resumed at 7:19 p.m.

ITEM NO. 3 THE NICE GUY RESTAURANT (PA2025-0252)
Site Location: 2607 West Coast Highway

Summary:

A request for a conditional use permit (CUP) to renovate an existing 5,260-square-foot restaurant space on the waterfront, formerly occupied by GuacAmigos, and operate a restaurant known as The Nice Guy with a Type 47 (On-Sale General – Eating Place) Alcoholic Beverage Control license, late hour operations, and live entertainment. Proposed hours of operation are 11 a.m. to 12 a.m., Monday through Saturday, and 9:30 a.m. to 12 a.m. on Sunday. A CUP is required to authorize a restaurant with alcohol service and late hour operations (defined by the Newport Beach Municipal Code as service provided after 11 p.m.). If this CUP is approved, the restaurant operator will be required to obtain an operator license from the Newport Beach Police Department, as they intend to offer alcoholic beverages for on-site consumption in conjunction with late hour operations and live entertainment. No dancing is proposed. Approval of the project will also supersede the Minor Use Permit filed as PA2023-0119 and Staff Approval No. SA2018-010.

Recommended Actions:

Attachment E

Appeal Application (SAFER)

Appeal Application

City Clerk's Office
100 Civic Center Drive / P.O. Box 1768
Newport Beach, CA 92658-8915
949-644-3005

Clerk's Date & Time Stamp

3/12/2026
@ 12:45 PM
JM

Appeals are time sensitive and must be received by the City Clerk within the specified time period from a decision or final action by a decision-maker. It is advisable to consult with the Department managing the issue if there is question with regards to appealing an action. This is an appeal of the:

- ☐ (CDD222) Community Development Director Action to the Planning Commission - *$2116*
- ☐ (CDD222) Zoning Administrator Action to the Planning Commission - *$2116*
- ☐ (CDD222) Coastal Development Application CDP Appeal from Zoning Admin to the Planning Commission (only if appeal is solely based on the CDP portion of the application) – *No Fee*
- ■ (CDD222) Planning Commission Action to the City Council - *$2116*
- ☐ (CDD222) Community Development Director Action to the Harbor Commission - *$623*
- ☐ (CDD222) Harbor Commission Action to the City Council (CDD – Planning) - *$498*
- ☐ (CDD222) Hearing Officer Action to the City Council - *$2116*
- ☐ (CDD223) Building Official/Fire Marshal Action to the Building/Fire Board of Appeals - *$1827*
- ☐ (CDD224) Chief of Police Action on an Operator License to the City Manager - *$1033*
- ☐ (RSS073) City Manager Action on a Special Events Permit to the City Council - *$1953*
- ☐ (HBR001) Harbormaster Action to the Harbor Commission - *$622*
- ☐ (HBR001) Harbor Commission Action to the City Council (Harbor Department) - *$498*
- ☐ (PBW018) Public Works Director Action to Harbor Commission - *$1446*
- ☐ (PBW018) Harbor Commission Action to City Council (Public Works Department) - *$691*
- ☐ Other - Specify decision-maker, appellate body, Municipal Code authority and fee: _____

Appellant Information:

Name(s): Supporters Alliance for Environmental Responsibility (SAFER)

Address: 1939 Harrison Street, Suite 150

City/State/Zip: Oakland, CA 94612

Phone: 510-836-4200 Email: rebecca@lozeaudrury.com

Appealing Application Regarding:

Name of Applicant(s): Related California Date of Final Decision: 3-5-2026

Project No.: PA2025-0102 Activity No.: _____

Application Site Address: 210 and 300 Newport Center Drive and Unaddressed Parcels Identified as Accessor Parcel Numbers 442-091-12 and 442-161-16

Description of application: Demolish the existing movie theater and health facility on site to develop two 22-story residential condominium towers with 150 condominium units, on-site amenities, for-sale home offices, retail/café space, and approximately 343 off-street parking spaces.

Reason(s) for Appeal (attach a separate sheet if necessary): The City erred in approving the project while relying on California Environmental Quality Act (CEQA) Guidelines Section 15183 to incorporate the project's environmental review under CEQA to the previously adopted General Plan Housing Implementation Program EIR. The project has significant environmental impacts peculiar to the Project that require separate environmental review.

Signature of Appellant: _____ **Date**: 3-6-2026

FOR OFFICE USE ONLY:

Date Appeal filed and Administrative Fee received: March 12, 2026

City Clerk

cc: Department Director, Deputy Director, Staff, File

City of Newport Beach
Revenue
100 Civic Center Dr.
Newport Beach, CA 92660
949-644-3141
Welcome

03/12/2026 12:52PM Hali A.
024629-0001 000122396
Payment Effective Date 03/12/2026

MISCELLANEOUS

PLANNING APPEALS (CDD222) 2026 Item: CDD222 1 @ $2116.00 PLANNING APPEALS (CDD222)	$2,116.00
	$2,116.00
Subtotal	**$2,116.00**
Total	**$2,116.00**
CHECK Check Number 1051	$2,116.00
Change due	**$0.00**

Paid by: LOZEAU DRURY

Thank you for your payment

CUSTOMER COPY

Attachment F

Appeal Application (Save Our Theater)

Appeal Application

City Clerk's Office
100 Civic Center Drive / P.O. Box 1768
Newport Beach, CA 92658-8915
949-644-3005

Clerk's Date & Time Stamp

MAR 13 '26 PM1:27
REC'D CITY CLERKS OFFIC

Appeals are time sensitive and must be received by the City Clerk within the specified time period from a decision or final action by a decision-maker. It is advisable to consult with the Department managing the issue if there is question with regards to appealing an action. This is an appeal of the:

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- ☐ (PBW018) Public Works Director Action to Harbor Commission - *$1446*
- ☐ (PBW018) Harbor Commission Action to City Council (Public Works Department) - *$691*
- ☐ Other - Specify decision-maker, appellate body, Municipal Code authority and fee: _____

Appellant Information:

Name(s): Ken D. LaCroix on behalf of Save our Theater

Address: 2315 Eastbluff Drive

City/State/Zip: Newport Beach, CA 92660

Phone: 949-279-8219 Email: longboardken@outlook.com

Appealing Application Regarding:

Name of Applicant(s): Related California Date of Final Decision: March 5th, 2026

Project No.: PC2026-008 Activity No.: _____

Application Site Address: 210 and 300 Newport Center Drive and Unadressed Parcels Identifies as APN's 442-091-12 and 442-161-16

Description of application: Demolition of Big Newport and adjacent buildings to allow for two, 22-story residential buildings consisting of 150 condominium units.

Reason(s) for Appeal (attach a separate sheet if necessary): See separate sheet, attached.

Signature of Appellant: _____ **Date**: 03/13/2025

FOR OFFICE USE ONLY:

Date Appeal filed and Administrative Fee received: March 13, 2026.

_____
for City Clerk

cc: Department Director, Deputy Director, Staff, File

Ken D LaCroix
2315 Eastbluff Drive, Newport Beach, CA 92660
(949) 279-8219 | LongBoardKen@Outlook.com

March 13th, 2026

Project PC2026-008

210 and 300 Newport Center Drive and Unaddressed Parcels identified as Assessor Parcel Numbers 442-091-12 and 442-161-16

Reasons for Appeal:

- Loss of historical arts and culture structure – one of the largest screens in the country – historical significance was not properly analyzed
- The CEQA analysis failed to evaluate the negative economic impact this project will have on surrounding businesses – both short-term construction impacts and long-term parking impacts
- Various other CEQA issues
- No established objective design standards for high-rise and no qualified staff to review building aesthetics
- The Vesting Tentative Tract Map is unsupported and based on flawed findings
- Parking waiver for home offices and retail with no restrictions on guest or employee parking; the parking study does not address where service persons will park – housekeepers, childcare workers, etc.
- No conditions/parking management plan to address parking by residents and guests within Muldoon's and blocks 200/300
- No community benefits provided to justify no affordable housing and no in-lieu fees
- Aesthetics not compatible with surrounding uses, the architecture should be timeless
- No requirements for sales disclosures to include adjacency of existing uses with live music, i.e. Muldoon's/The Firm
- Lack of compliance with the new Newport Center height overlay



City of Newport Beach
Revenue
100 Civic Center Dr.
Newport Beach, CA 92660
949-644-3141
Welcome

03/13/2026 02:03PM Jordan W.
024633-0011 000122447
Payment Effective Date 03/13/2026

MISCELLANEOUS

PLANNING APPEALS (CDD222) 2026 Item: CDD222 1 @ $2116.00 PLANNING APPEALS (CDD222)	$2,116.00
	$2,116.00
Subtotal	**$2,116.00**
Total	**$2,116.00**
CHECK	$2,116.00
Check Number 429	
Change due	**$0.00**

Paid by: CITY CLERK

Comments: KEN D. LACROIX, JR.

Thank you for your payment

CUSTOMER COPY

Attachment G

Project Plans

300 NCD CONDOMINIUMS

NEWPORT BEACH



SITE DEVELOPMENT REVIEW

'MENT 94-16, IN THE CITY OF NEWPORT BEACH, COUNTY OF
'HOWN ON A DOCUMENT RECORDED FEBRUARY 2, 1995 AS
CIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF

, MINERALS, MINERAL RIGHTS, NATURAL GAS RIGHTS, AND OTHER
ME KNOWN, GEOTHERMAL STEAM, AND ALL PRODUCTS DERIVED
MAY BE WITHIN OR UNDER THE LAND, TOGETHER WITH THE
G, EXPLORING AND OPERATING THEREFORE AND STORING IN
LAND OR ANY OTHER LAND, INCLUDING THE RIGHT TO
AND MINE FROM LANDS OTHER THAN THOSE CONVEYED
S AND SHAFTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF
PSTOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND
OND THE EXTERIOR LIMITS THEREOF, AND TO REDRILL,
DEEPEN AND OPERATE ANY SUCH WELLS OR MINES; WITHOUT,
STORE, EXPLORE AND OPERATE THROUGH THE SURFACE OR
FACE OF THE LAND, AS RESERVED IN THE DEED FROM THE IRVINE
, RECORDED MAY 1, 1992 AS INSTRUMENT NO. 92-289968, OF

D ALL WATER, RIGHTS OR INTERESTS THEREIN, NO MATTER HOW
OR USED BY GRANTOR IN CONNECTION WITH OR WITH RESPECT
GHT AND POWER TO EXPLORE, DRILL, REDRILL, REMOVE, AND
TO DIVERT OR OTHERWISE UTILIZE SUCH WATER RIGHTS OR
OWNED OR LEASED BY GRANTOR, WHETHER SUCH WATER
G, APPROPRIATIVE, LITTORAL, PERCOLATING, PRESCRIPTIVE,
ACTUAL; BUT WITHOUT, HOWEVER, ANY RIGHT TO ENTER UPON
ERCISE OF SUCH RIGHTS, AS RESERVED IN THE DEED FROM THE
RATION, RECORDED MAY 1, 1992 AS INSTRUMENT NO. 92-289968

, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE
FILED IN BOOK 283, PAGES 41 AND 42 OF PARCEL MAPS, IN THE
F SAID COUNTY.

OIL, OIL RIGHTS, MINERALS, MINERAL RIGHTS, NATURAL GAS
BY WHATSOEVER NAME KNOWN, GEOTHERMAL STEAM, ANY
L PRODUCTS DERIVED FROM ANY OF THE FOREGOING, THAT MAY
ETHER WITH THE PERPETUAL RIGHT OF DRILLING, MINING,
ORE AND STORING IN AND REMOVING THE SAME FROM THE LAND
RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM
D HEREBY, OIL OR GAS WELLS, TUNNELS AND SHAFTS INTO,
CE OF THE LAND, AND TO BOTTOM SUCH WHIPSTOCKED OR
NELS AND SHAFTS UNDER AND BENEATH OR BEYOND THE
EDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN AND
WITHOUT, HOWEVER, THE RIGHT TO DRILL, MINE, STORE,
E SURFACE OR THE UPPER 500 FEET OF THE SUBSURFACE OF
CORDED NOVEMBER 30, 1994 AS INSTRUMENT NO. 94-0690632 OF

D ALL WATER, RIGHTS OR INTERESTS THEREIN, NO MATTER HOW
OR USED BY GRANTOR IN CONNECTION WITH OR WITH RESPECT
GHT AND POWER TO EXPLORE, DRILL, REDRILL, REMOVE AND
TO DIVERT OR OTHERWISE UTILIZE SUCH WATER, RIGHTS OR
OWNED OR LEASED BY GRANTOR, WHETHER SUCH WATER
G, APPROPRIATIVE, LITTORAL, PERCOLATING, PRESCRIPTIVE,
ACTUAL; BUT WITHOUT, HOWEVER, ANY RIGHT TO ENTER UPON
ERCISE OF SUCH RIGHTS, AS RESERVED IN DEED RECORDED
O. 94-0690632 OF OFFICIAL RECORDS.

BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN
ENT LLA-88-6 RECORDED JUNE 21, 1988 AS INSTRUMENT NO.

, MINERALS, MINERAL RIGHTS, NATURAL GAS RIGHTS, AND OTHER
ME KNOWN, GEOTHERMAL STEAM, AND ALL PRODUCTS DERIVED
MAY BE WITHIN OR UNDER THE LAND, TOGETHER WITH THE
G, EXPLORING AND OPERATING THEREFORE AND STORING IN
LAND OR ANY OTHER LAND, INCLUDING THE RIGHT TO
AND MINE FROM LANDS OTHER THAN THOSE CONVEYED
S AND SHAFTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF
PSTOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND
OND THE EXTERIOR LIMITS THEREOF, AND TO REDRILL,
ORE, EXPLORE AND OPERATE THROUGH THE SURFACE OR THE
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, RECORDED MAY 1, 1992 AS INSTRUMENT NO. 92-289968, OF

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OR USED BY GRANTOR IN CONNECTION WITH OR WITH RESPECT
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TO DIVERT OR OTHERWISE UTILIZE SUCH WATER RIGHTS OR
OWNED OR LEASED BY GRANTOR, WHETHER SUCH WATER
G, APPROPRIATIVE, LITTORAL, PERCOLATING, PRESCRIPTIVE,
ACTUAL; BUT WITHOUT, HOWEVER, ANY RIGHT TO ENTER UPON
ERCISE OF SUCH RIGHTS, AS RESERVED IN DEED FROM THE
RATION, RECORDED MAY 1, 1992 AS INSTRUMENT NO. 92-289968

MMARY

= 11,250 SF
CODE, SECTION 20.28.050, TABLE 2-16

11,250 SF ON ROOFTOP AMENITY TERRACES (LEVELS 2 & 3)

(PAOS) REQUIRED: 181,495 SF GROSS SITE AREA x 3% = **5,445 SF**
(PAOS) PROVIDED: **6,284 SF** (REF. LANDSCAPE DRAWINGS)

OR AREA, RESIDENTIAL) x 5% = **24,923 SF**
CODE, SECTION 20.28.050, TABLE 2-16

4,450 SF

3,825 SF
2,388 SF

7,113 SF

PROJECT CONTACTS

OWNERSHIP
RELATED CALIFORNIA
1430 5TH STREET, SUITE 101
SANTA MONICA, CA 92660
TEL: 310.359.0030
CONTACT: PETER GAROFALO
EMAIL: PETER.GAROFALO@RELATED.COM

ARCHITECT OF RECORD
STEINBERG HART
818 W. 7TH STREET, SUITE 1100
LOS ANGELES, CA 90017
TEL: 213.532.4405
CONTACT: JONATHAN BENSICK
EMAIL: JBENSICK@STEINBERGHART.COM

DESIGN ARCHITECT
ROBERT A. M. STERN ARCHITECTS
1 PARK AVENUE
NEW YORK, NY 10016
TEL: 212.967.5100
CONTACT: CHEN-HUAN LIAO

CIVIL
FUSCOE ENGINEERING
16795 VON KARMAN, SUITE 100
IRVINE, CA 92606
CONTACT: ORIANA SLASOR
TEL: 858.794.7204

LANDSCAPE
BURTON STUDIO
307 S. CEDROS AVE
SOLANA BEACH, CA 92075
CONTACT: MATT UYEDA
TEL: 858.794.7204

FIRE / LIFE SAFETY PLANNING
FIRESAFE PLANNING
28506 AIROSO STREET
RANCHO MISSION VIEJO, CA 92679
CONTACT: JERRY CANALES
TEL: 949-240-5911

BUILDING INFORMATION

CONSTRUCTION TYPE: TYPE I-A, FULLY SPRINKLERED

BUILDING HEIGHT:

MAX. HEIGHT ALLOWED: 270 FT

PROPOSED BUILDING HEIGHT: 270 FT
(CALCULATED FROM AVERAGE GRADE PLANE TO ROOF)

BUILDING OCCUPANCY:
R-2, RESIDENTIAL
A-2, ASSEMBLY
B, BUSINESS
M, RETAIL
S-1, STORAGE
S-2, PRIVATE PARKING GARAGE

LOT AREA, LOT AREA COVERAGE AND SETBACKS

LOT AREA: 181,495 SF (4.17 AC)

LOT COVERAGE:
LOT COVERAGE AREA: 104,830 SF (2.41 AC)
PERCENTAGE: 57.8 %

SITE SETBACKS:
REQUIRED SETBACKS BASED ON PROJECT LOCATION IN HOUSING OPPORTUNITY OVERLAY ZONE HO-4

	REQUIRED	PROVIDED
FRONT:	10'-0"	30'-0"
REAR:	0'-0"	15'-0"
SIDE:	0'-0"	15'-0"
STREET SIDE:	0'-0"	30'-0"

AREA SUMMARY

AREA SUMMARY		
LEVEL	FLOOR AREA, GROSS *	PARKING AREA
LEVEL 22	17,000 SF	-
LEVEL 21	22,000 SF	-
LEVEL 20	22,000 SF	-
LEVEL 19	22,000 SF	-
LEVEL 18	25,000 SF	-
LEVEL 17	25,000 SF	-
LEVEL 16	25,000 SF	-
LEVEL 15	25,000 SF	-
LEVEL 14	25,000 SF	-
LEVEL 13	25,000 SF	-
LEVEL 12	25,000 SF	-
LEVEL 11	25,000 SF	-
LEVEL 10	25,000 SF	-
LEVEL 9	25,000 SF	-
LEVEL 8	25,000 SF	-
LEVEL 7	28,000 SF	-
LEVEL 6	28,000 SF	-
LEVEL 5	28,000 SF	-
LEVEL 4	28,000 SF	-
LEVEL 3	18,000 SF	-
LEVEL 2	28,000 SF	27,700 SF
LEVEL 1	26,000 SF	75,800 SF
LOWER LEVEL	8,100 SF	55,250 SF
FLOOR AREA, GROSS:	**550,100 SF**	
FLOOR AREA RATIO (FAR):	**3.0**	
PARKING AREA:		**158,750 SF**
GRAND TOTAL GSF:		**708,850 SF**

* FLOOR AREA, GROSS PER N.B. MUN. CODE 21.70.020

PROGRAM AREA SUMMARY	
OFFICE	18,060 SF
RETAIL**	1,950 SF
AMENITY***	31,621 SF
RESIDENTIAL	498,469 SF
FLOOR AREA, GROSS	**550,100 SF**
PARKING AREA	158,750 SF
GRAND TOTAL GSF	**708,850 SF**

** RETAIL CAN BE USED FOR RESIDENTIAL USE SUCH AS FLEX SPACE OR LOBBY
*** AMENITIES SERVING RESIDENTIAL...

UNIT MIX

DWELLING UNITS PROPOSED

2 BEDROOM	70	46.7%
3 BEDROOM	72	48.0%
4 BEDROOM	6	4.0%
PENTHOUSE	2	1.3%
TOTAL UNITS:	**150**	**100.0%**

PARKING SUMMARY

PARKING REQUIRED
PER NEWPORT BEACH MUNICIPAL CODE, SECTION 20.28.050(D)(3), TABLE 2-17

USE	UNIT TYPE	PARKING REQ.	UNIT COUNT	REQ'D PARKING
RESIDENTIAL (OWNERSHIP)	STUDIO	1.1 SPACE / UNIT	0	0 STALLS
	1 BR	1.5 SPACE / UNIT	0	0 STALLS
	2 BR	1.8 SPACE / UNIT	70	126 STALLS
	3+ BR	2.0 SPACE / UNIT	80	160 STALLS
	VISITOR	0.3 SPACE / UNIT	150	45 STALLS
	TOTAL PARKING REQUIRED:			**331 STALLS**

PARKING PROVIDED
NOTE: ALL PARKING PROVIDED IS ASSIGNED OR VALET

STANDARD	322 STALLS
ACCESSIBLE*	9 STALLS
STAFF PARKING	12 STALLS
TOTAL PARKING PROVIDED:	**343 STALLS**

* 8 RESIDENTIAL SPACES PER CBC 11A, 1 CONDO STAFF PER CBC 11B

ELECTRIC VEHICLE PARKING PROVIDED

EV READY (40% OF PARKING PROVIDED)	140 STALLS
EV CHARGING STATIONS (10% OF PARKING PROVIDED)	35 STALLS

VICINITY MAP



LEGAL DESCRIPTION AND ZONING

ADDRESS: 300 NEWPORT CENTER DRIVE, NEWPORT BEACH, CA 92660

GOVERNING AGENCY: CITY OF NEWPORT BEACH

APN: 442-091-16
442-161-16
442-091-12

ZONING: OR - OFFICE - REGIONAL COMMERCIAL
HO-4 HOUSING OPPORTUNITY OVERLAY ZONING DISTRICT

SITE AREA: 181,495 SF (4.17 AC)

PROJECT DESCRIPTION

THE PROJECT CONSISTS OF 2 MULTI-STORY CONDOMINIUM BUILDINGS CONNECTED BY A PODIUM.

THE PODIUM IS 3 STORIES ABOVE GRADE AND INCLUDES PARKING, BUILDING AMENITIES, SMALL OFFICE AND RETAIL PROGRAMS, AS WELL AS MECHANICAL AND SERVICE SPACES. THE TWO CONDOMINIUM BUILDINGS ABOVE THE PODIUM ARE 22 STORIES ABOVE GRADE AND CONTAIN 150 UNITS. THE BUILDING WILL BE FULLY SPRINKLERED, NON-COMBUSTIBLE TYPE I CONSTRUCTION.

SHEET INDEX

SITE DEVELOPMENT REVIEW	
SHEET NUMBER	SHEET NAME
ARCHITECTURAL	
A0.00	COVER SHEET
A0.10	PROJECT INFORMATION
A1.00	SITE PLAN
A1.01	LOWER LEVEL FLOOR PLAN
A1.02	GROUND FLOOR PLAN
A1.03	LEVEL 2 FLOOR PLAN
A1.04	LEVEL 3 FLOOR PLAN
A1.05	LEVEL 4-8 FLOOR PLAN
A1.06	LEVEL 9-18 FLOOR PLAN
A1.07	LEVEL 19-21 FLOOR PLAN
A1.08	LEVEL 22 FLOOR PLAN
A1.20	CIRCULATION PLAN
A2.01	BUILDING ELEVATION - SOUTH
A2.02	BUILDING ELEVATION - WEST
A2.03	BUILDING ELEVATION - NORTH
A2.04	BUILDING ELEVATION - EAST
A3.00	BUILDING SECTION
A3.01	BUILDING SECTION
A4.00	RENDERING
A4.01	RENDERING
A4.02	RENDERING
A8.01	TRASH CHUTE DETAILS
LANDSCAPE	
L0.00	LANDSCAPE COVER SHEET
L0.01	LANDSCAPE PAVING PLAN
L0.02	SITE CIRCULATION PLAN
L0.03	LANDSCAPE PLANTING PLAN
L0.04	LANDSCAPE PLANTING PALETTE
L0.05	LANDSCAPE ILLUSTRATIVE SITE PLAN
CIVIL	
C-00	CIVIL COVER SHEET
C-01	EXISTING CONDITIONS
C-02	CONCEPTUAL GRADING PLAN
C-03	SECTIONS
C-04	CONCEPTUAL UTILITY PLAN
C-05	CONCEPTUAL UTILITY PLAN
C-06	AVERAGE GRADE PLANE
VTTM	VESTING TENTATIVE TRACT MAP
FIRE / LIFE SAFETY PLANNING	
F0.01	FIRE ACCESS EXHIBIT

CONDOMINIUMS
PORT CENTER DRIVE
RT BEACH, CA 92660

JACK DEAN
PRINCIPAL
10/31/27
TERMINAL DATE

PROJECT INFORMATION
A0.10

02/04/2026

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 on each floor; landfill and recyclable waste will be collected via trash chute on each floor. Separated waste streams are collected in main trash room on Level 1.

TOWER A

TOWER B

PROPERTY LINE

SETBACK LINE

LANSCAPED YARD

MOTOR COURT

GARDEN +192'

AMENITY DECK

POOL +228'

LOADING ENTRANCE #1

LOADING ENTRANCE #2

LOADING ENTRANCE #3

CURB CUT +188'

SLOPE PER CIVIL DWGS.

SLOPE DOWN TO GARAGE BELOW

Newport Center Dr.

San Miguel Dr.

Anacapa Dr.

SHEET NOTE:
Perimeter walls are masonry wall with decorative screening

EXIT DISCHARGE NOTE:
Exit discharge design, construction, and location comply with CBC §1028, including: direct discharge to the public way or an approved exterior area of assisted rescue (CBC 1028.5); unobstructed width, slope, and surface requirements (CBC 1028.3 & 1028.4); lighting, marking, and signage per CBC 1028.6 – 1028.8; and accessibility provisions of CBC Chapter 11B where applicable.

SITE PLAN

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

steinberg hart | RAMSA ROBERT A.M. STERN ARCHITECTS | RELATED | SITE DEVELOPMENT REVIEW 3

300 NCD CONDOMINIUMS

300 NEWPORT CENTER DRIVE
NEWPORT BEACH, CA

REGISTERED PROFESSIONAL ENGINEER JACK DEANE PRICE 10/31/27 RENEWAL DATE STATE OF CALIFORNIA

SITE PLAN
A1.00

02/04/2026

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 on each floor; landfill and recyclable waste will be collected via trash chute on each floor. Separated waste streams are collected in main trash room on Level 1.

PROPERTY LINE

SETBACK LINE

HOME OFFICES

COURTYARD

MEP

LOBBY
+182.33

HOME OFFICES

GENERATOR

FIRE WATER TANK

ROLL UP GATE AT GARAGE ENTRY

LOADING DOCK

LOADING ENTRANCE #1

UP TO LOT

7.5%

15%

TOWER A ELEVATOR LOBBY

FSAE LOBBY

PARKING
+172'

+172'

STAIR B

FIRE WATER TANK

BUILDING FOOTPRINT ABOVE

PARKING SCHEDULE	
LEVEL	PARKING COUNT
LEVEL B1	136
LEVEL 01	143
LEVEL 02	67
	346

LOWER LEVEL FLOOR PLAN

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

steinberg hart | RAMSA ROBERT A.M. STERN ARCHITECTS | RELATED | SITE DEVELOPMENT REVIEW 3

300 NCD CONDOMINIUMS

300 NEWPORT CENTER DRIVE
NEWPORT BEACH, CA

REGISTERED PROFESSIONAL ENGINEER JACK DEAN PRICE 10/31/27 RENEWAL DATE STATE OF CALIFORNIA

LOWER LEVEL FLOOR PLAN
A1.01

02/04/2026

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.

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PROPERTY LINE

SETBACK LINE

HOME OFFICES

LOBBY +194'

MEP

PARKING +192

GATE HOUSE

26'-0" MIN

ROLL-UP GATE AT GARAGE ENTRE RAMP TO LOWER LEVEL PARKING BELOW

GATE AT LANDING TO INDICATE DISCHARGE LEVEL

FIRE PUMP ROOM

EGRESS FROM STAIR A-1

GATE PER LANDSCAPE DRAWINGS

MOTOR COURT

40'-0" MIN

+192'

CANOPY HT : 13'-6"

VALET DROP-OFF / PICK-UP

TOWER A ELEVATOR LOBBY

FSAE

FSAE LOBBY +192'

TRANSFORMER VAULT

MAIN ELEC

GARDEN +192'

MAIL

LOBBY +192'

BOH

GALLERY

MECH ROOM

LOBBY WAITING

+192'

GARDEN

TOWER A ABOVE

PARKING

GENERATOR

26' BOX TRUCK

26' BOX TRUCK

ROLL UP GATE AT GARAGE ENTRY

LOADING ENTRANCE #2

LOADING ENTRANCE #3

+172'

COURTYARD

HOME OFFICE

LOBBY +195'

RETAIL +200'

NOTES:
1. CEILING HEIGHT 15' MIN.
2. RETAIL CAN BE USED FOR RESIDENTIAL USE SUCH AS FLEX SPACE OR LOBBY.

ROLL UP GATE AT GARAGE ENTRY

EGRESS FROM STAIR B-1

FIRE COMMAND CENTER

PARKING +192'

STAIR B-1

GARDEN +192'

TOWER B ABOVE

TOWER B-1 ELEVATOR LOBBY

FSAE

FSAE LOBBY

TRASH

LOBBY +202'

COURTYARD

HOME OFFICE

MECH ROOM

MEP

RAMP TO LEVEL 2

15%

7.5%

TRASH ROOM 741SF

NOTE: TRASH ROOM FOR STAGING OF BINS, TO BE MOVED OUTSIDE FOR TRASH PICKUP.

PARKING SCHEDULE	
LEVEL	PARKING COUNT
LEVEL B1	136
LEVEL 01	142
LEVEL 02	65
	343

GROUND FLOOR PLAN

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

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300 NCD CONDOMINIUMS

300 NEWPORT CENTER DRIVE
NEWPORT BEACH, CA

JACK DEAN PRICE
LICENSED ARCHITECT
STATE OF CALIFORNIA
10/31/27
RENEWAL DATE

GROUND FLOOR PLAN
A1.02

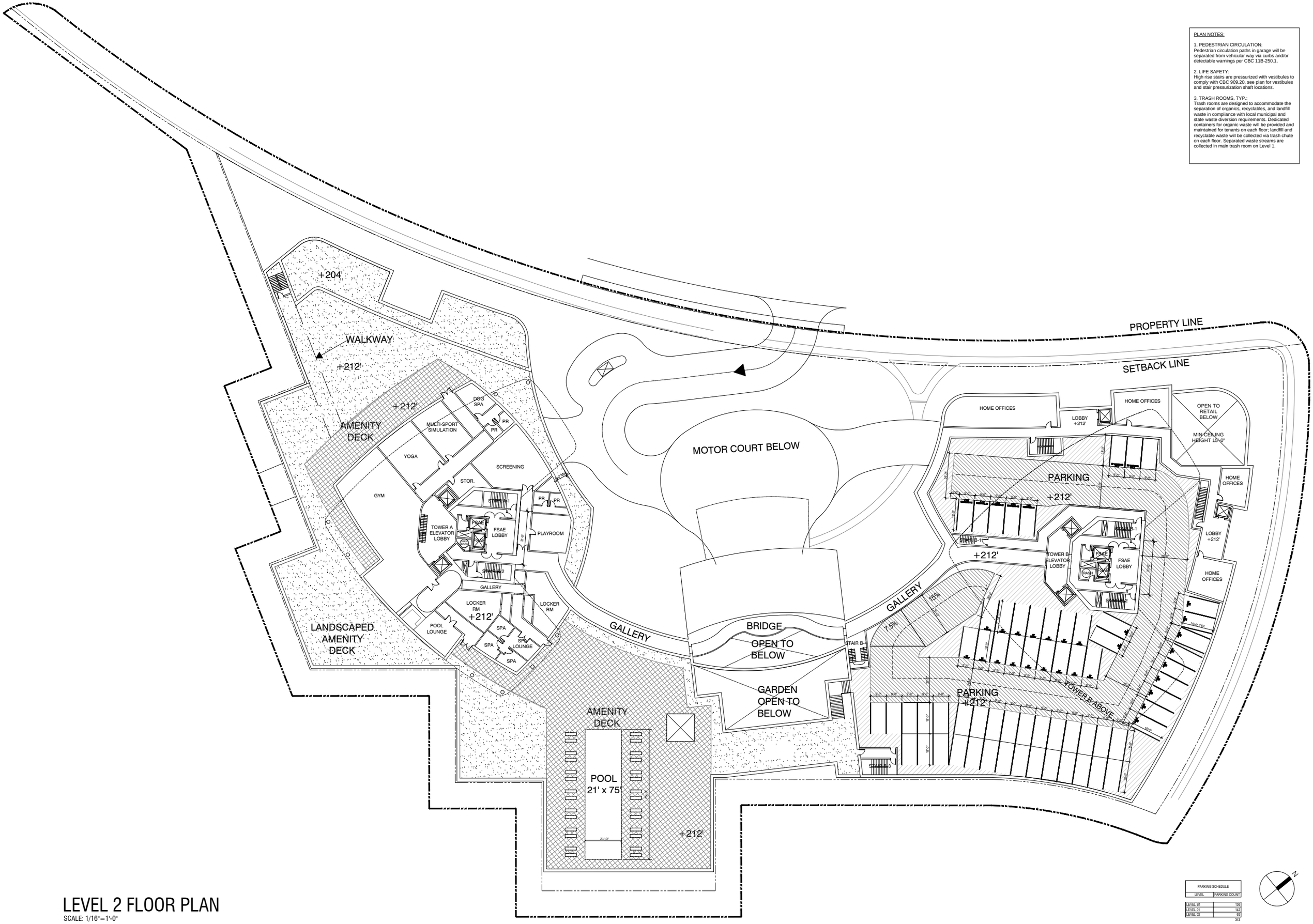
02/04/2026

PLAN NOTES:

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PARKING SCHEDULE	
LEVEL	PARKING COUNT
LEVEL B1	136
LEVEL 01	142
LEVEL 02	65
	343

LEVEL 2 FLOOR PLAN

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

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300 NCD CONDOMINIUMS

300 NEWPORT CENTER DRIVE
NEWPORT BEACH, CA

JACK DEAN PRICE
10/31/27
RENEWAL DATE

LEVEL 2 FLOOR PLAN
A1.03

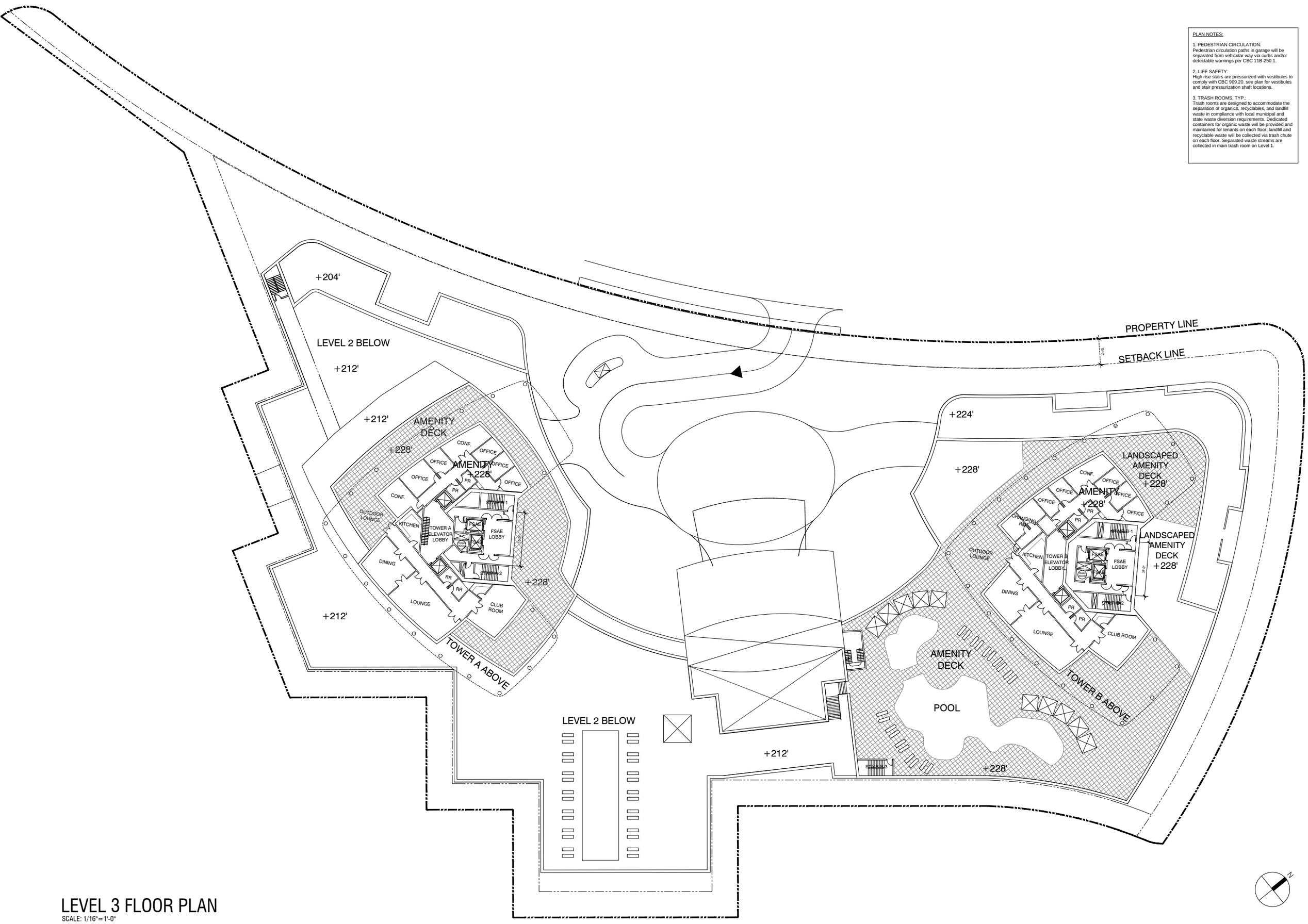
02/04/2026

PLAN NOTES:

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LEVEL 3 FLOOR PLAN

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

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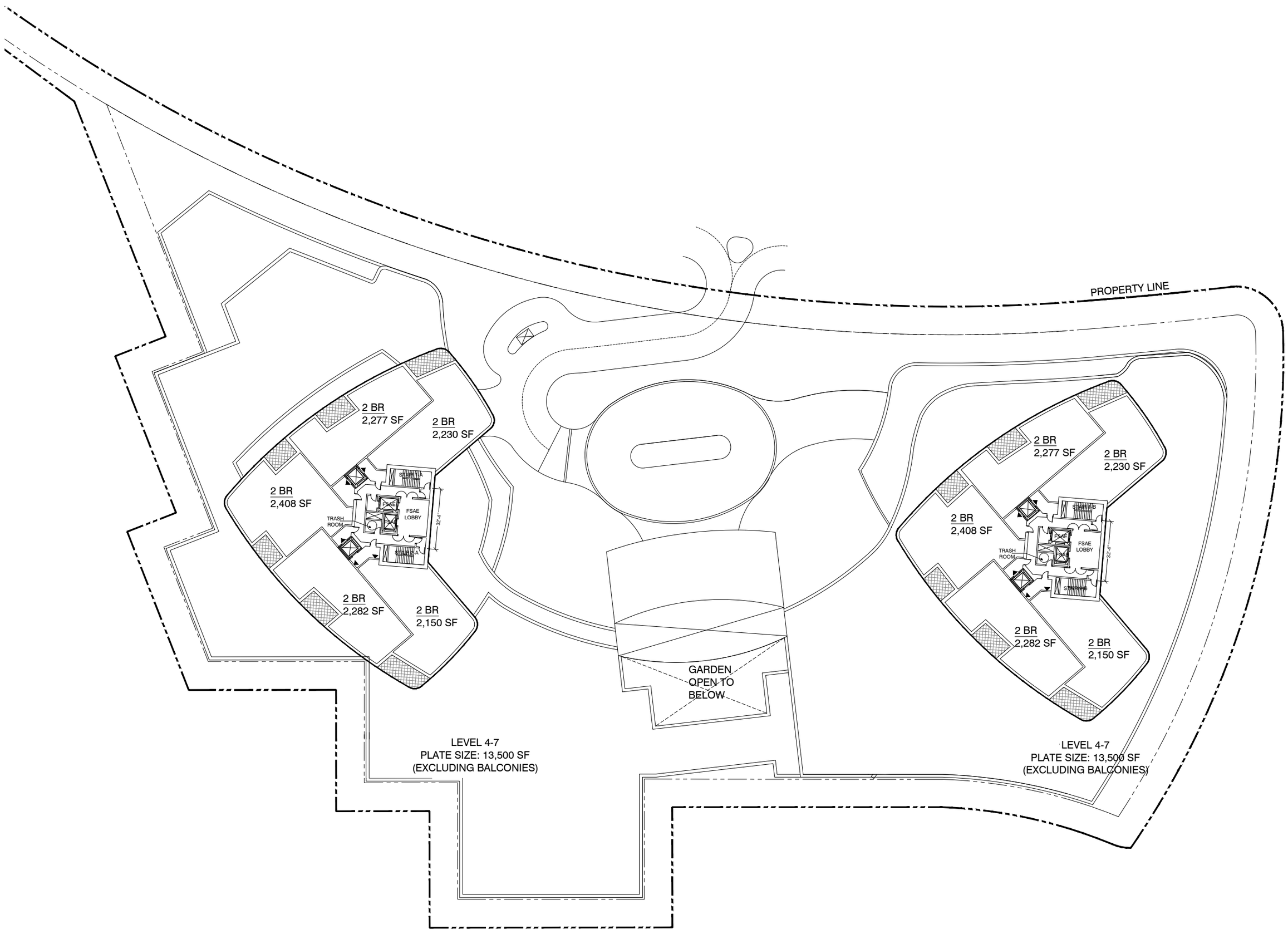
300 NCD CONDOMINIUMS

300 NEWPORT CENTER DRIVE
NEWPORT BEACH, CA

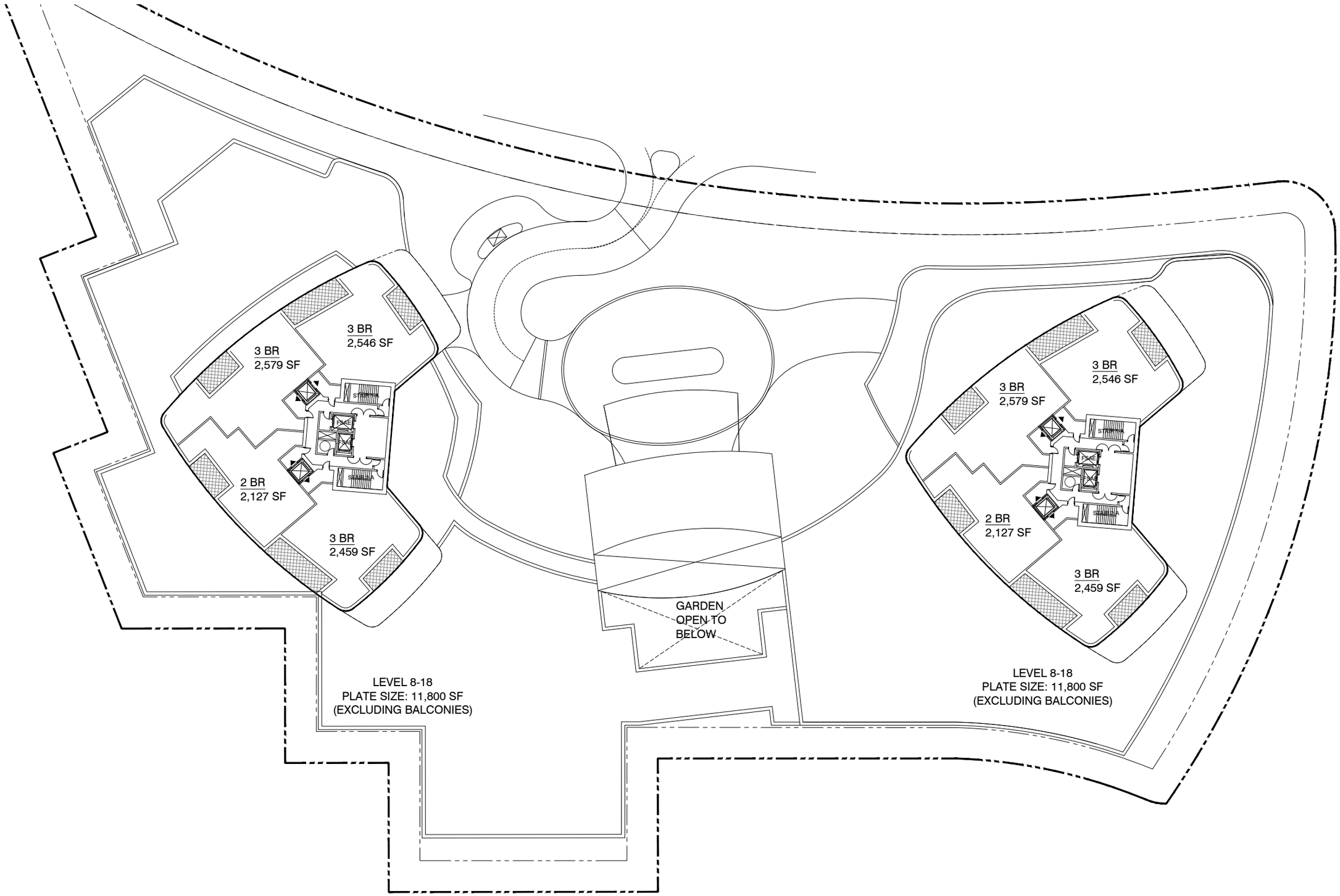
JACK DEAN PRICE #C-18 LICENSED ARCHITECT STATE OF CALIFORNIA
EXPIRATION DATE 10/31/27

LEVEL 3 FLOOR PLAN
A1.04

02/04/2026


PROPERTY LINE
2 BR
2,277 SF
2 BR
2,230 SF
2 BR
2,408 SF
TRASH ROOM
FSAE
FSAE LOBBY
STAIR 4A
32'-4"
2 BR
2,282 SF
2 BR
2,150 SF
GARDEN
OPEN TO
BELOW
LEVEL 4-7
PLATE SIZE: 13,500 SF
(EXCLUDING BALCONIES)
2 BR
2,277 SF
2 BR
2,230 SF
2 BR
2,408 SF
TRASH ROOM
FSAE
FSAE LOBBY
STAIR 4B
32'-4"
2 BR
2,282 SF
2 BR
2,150 SF
LEVEL 4-7
PLATE SIZE: 13,500 SF
(EXCLUDING BALCONIES)

LEVEL 4-7



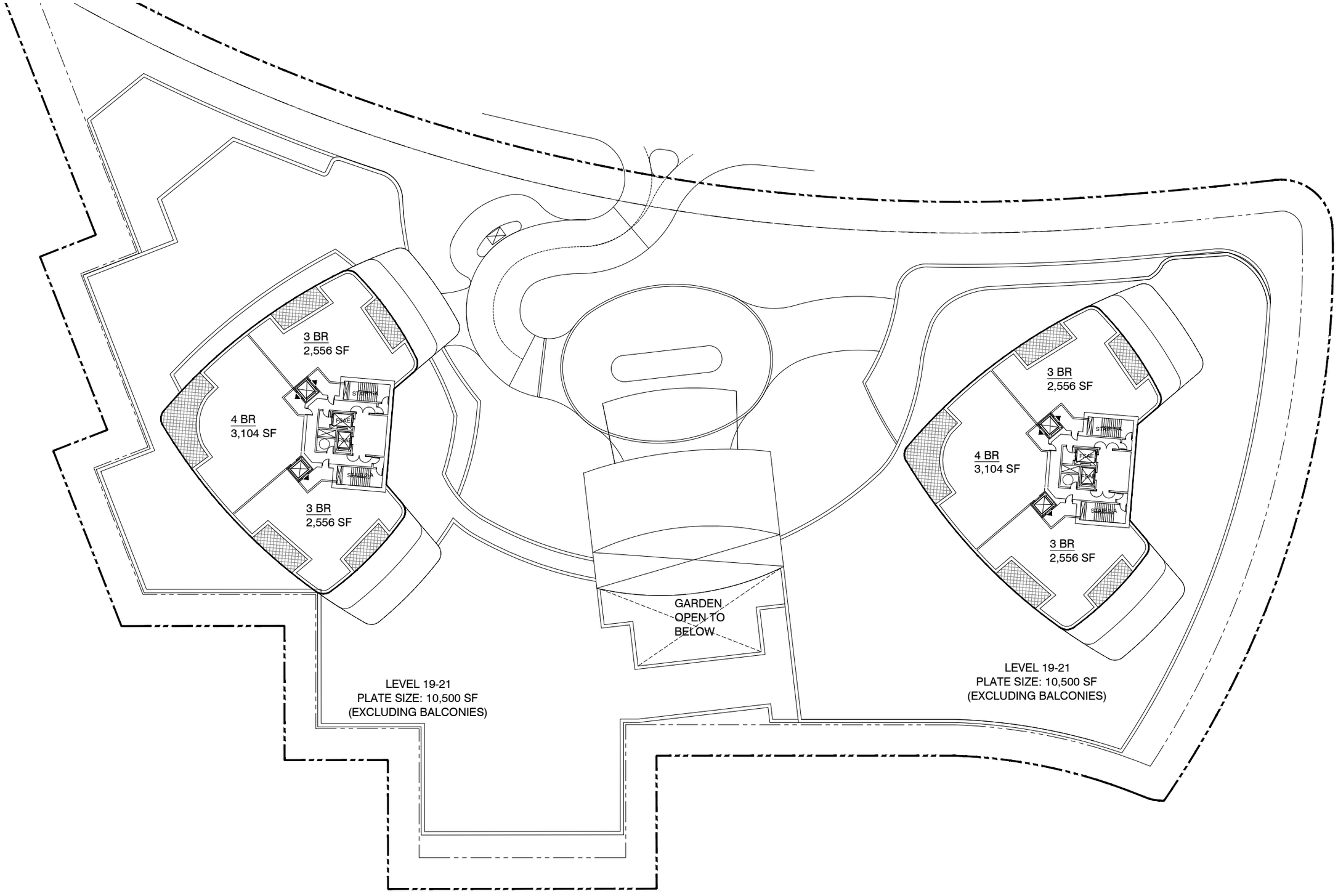
LEVEL 8-18

steinberg hart | RAMSA ROBERT A.M. STERN ARCHITECTS | RELATED | SITE DEVELOPMENT REVIEW

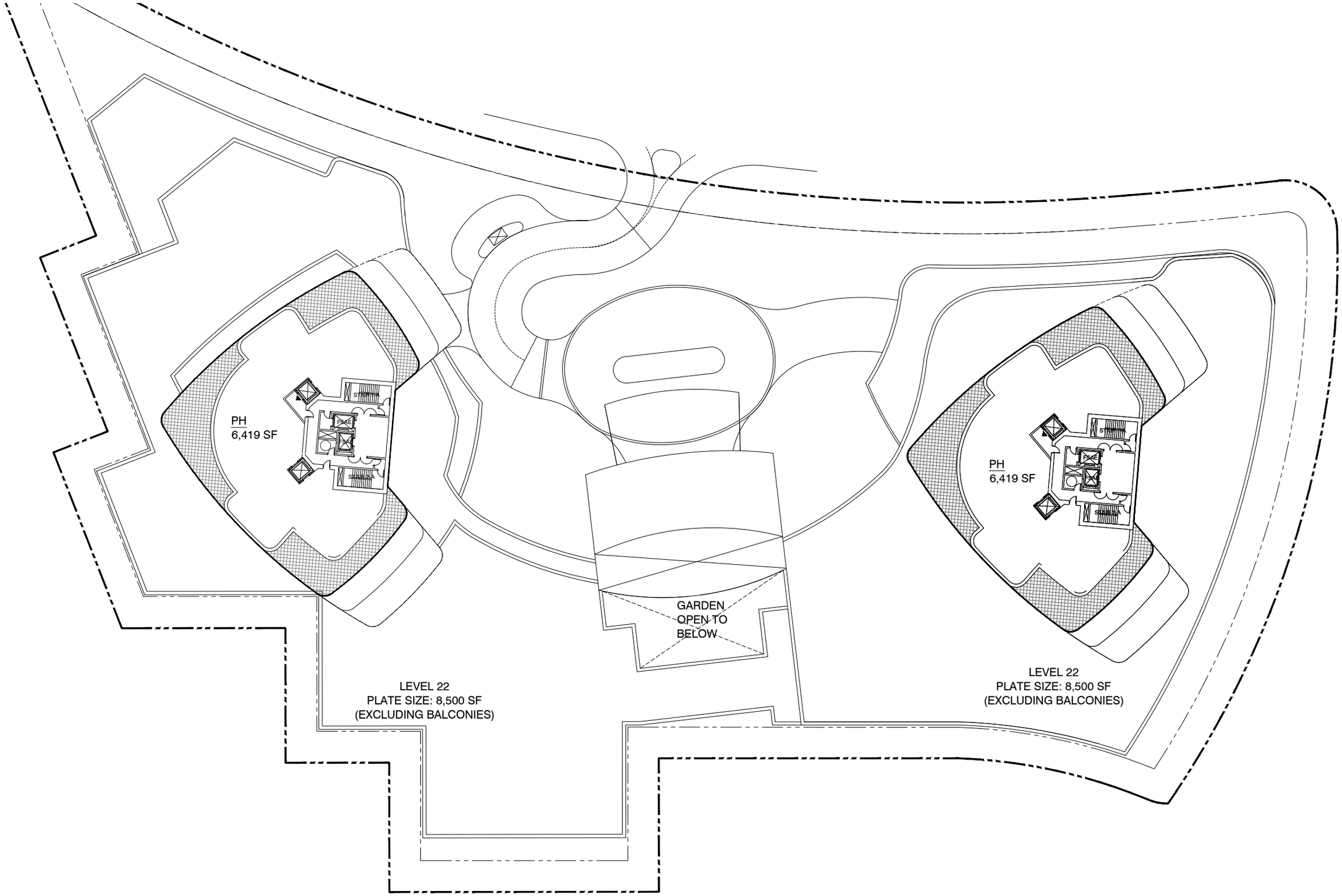
300 NCD CONDOMINIUMS
300 NEWPORT CENTER DRIVE
NEWPORT BEACH, CA

LEVEL 8-18 FLOOR PLAN
A1.06

02/04/2026


3 BR
2,556 SF
4 BR
3,104 SF
3 BR
2,556 SF
GARDEN
OPEN TO
BELOW
LEVEL 19-21
PLATE SIZE: 10,500 SF
(EXCLUDING BALCONIES)
3 BR
2,556 SF
4 BR
3,104 SF
3 BR
2,556 SF
LEVEL 19-21
PLATE SIZE: 10,500 SF
(EXCLUDING BALCONIES)

LEVEL 19-21



LEVEL 22

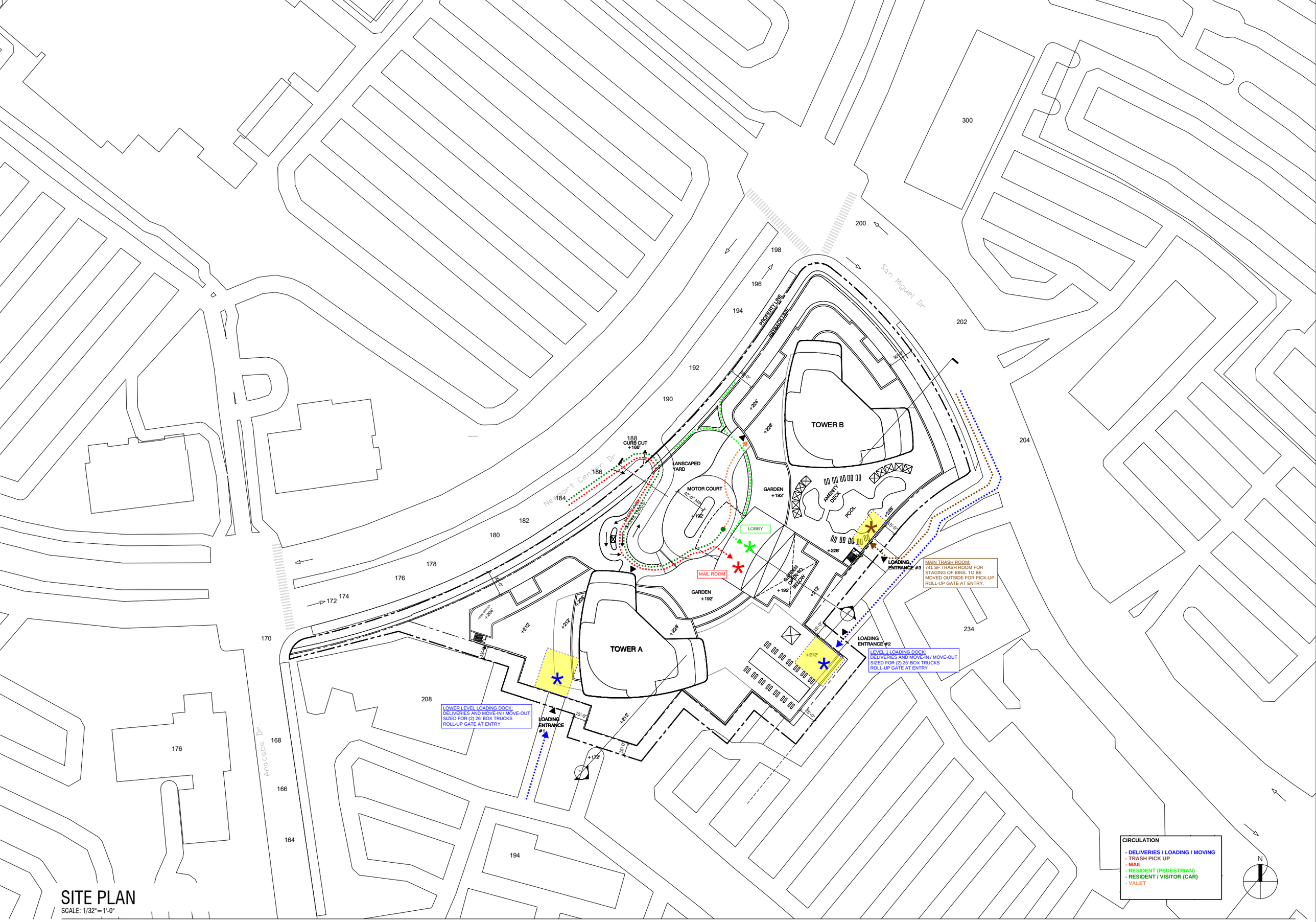
steinberg hart | RAMSA ROBERT A.M. STERN ARCHITECTS | RELATED | SITE DEVELOPMENT REVIEW

300 NCD CONDOMINIUMS
300 NEWPORT CENTER DRIVE
NEWPORT BEACH, CA

JACK DEAN PRICE 10/31/27 RENEWAL DATE STATE OF CALIFORNIA

LEVEL 22 FLOOR PLAN
A1.08

02/04/2026



SITE PLAN

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

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300 NCD CONDOMINIUMS

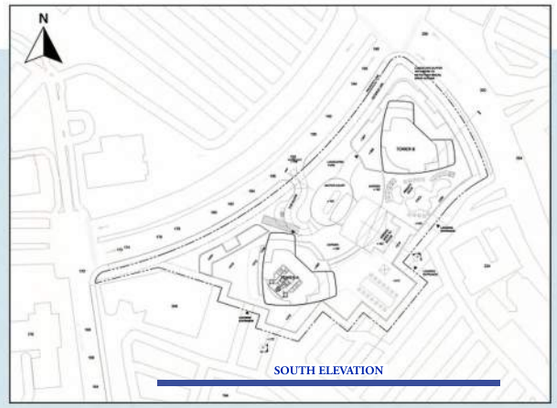
300 NEWPORT CENTER DRIVE
NEWPORT BEACH, CA

JACK DEAN PRICE
10/31/27
RENEWAL DATE
STATE OF CALIFORNIA

CIRCULATION PLAN
A1.20

02/04/2026

KEY PLAN





SOUTH ELEVATION

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

KEY PLAN

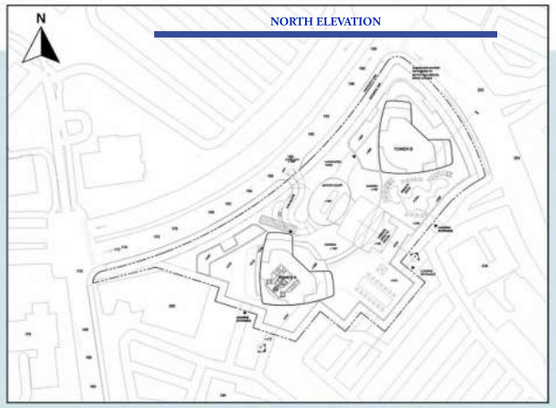




WEST ELEVATION

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

KEY PLAN





NORTH ELEVATION

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

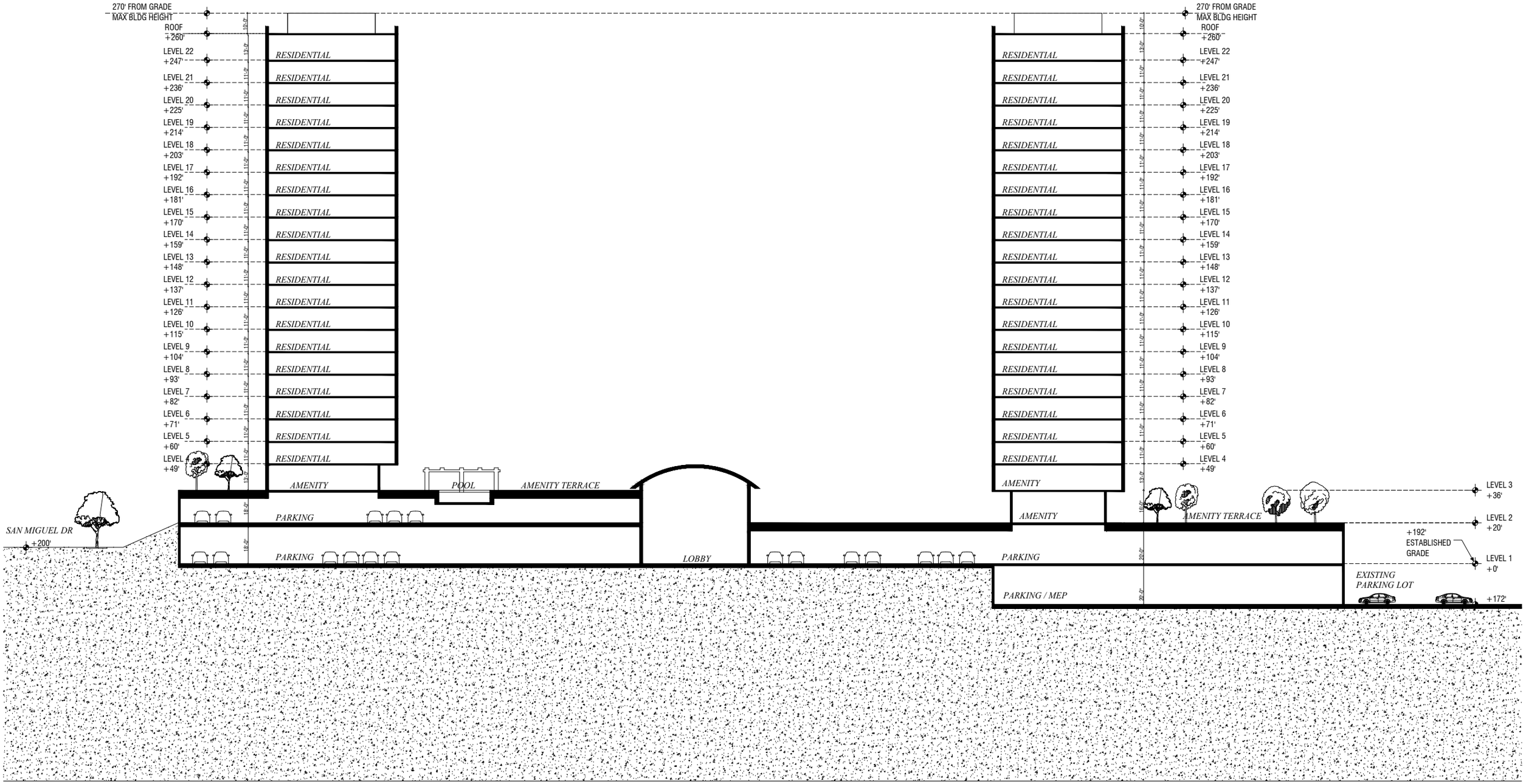
KEY PLAN





EAST ELEVATION

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



BUILDING SECTION - A

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

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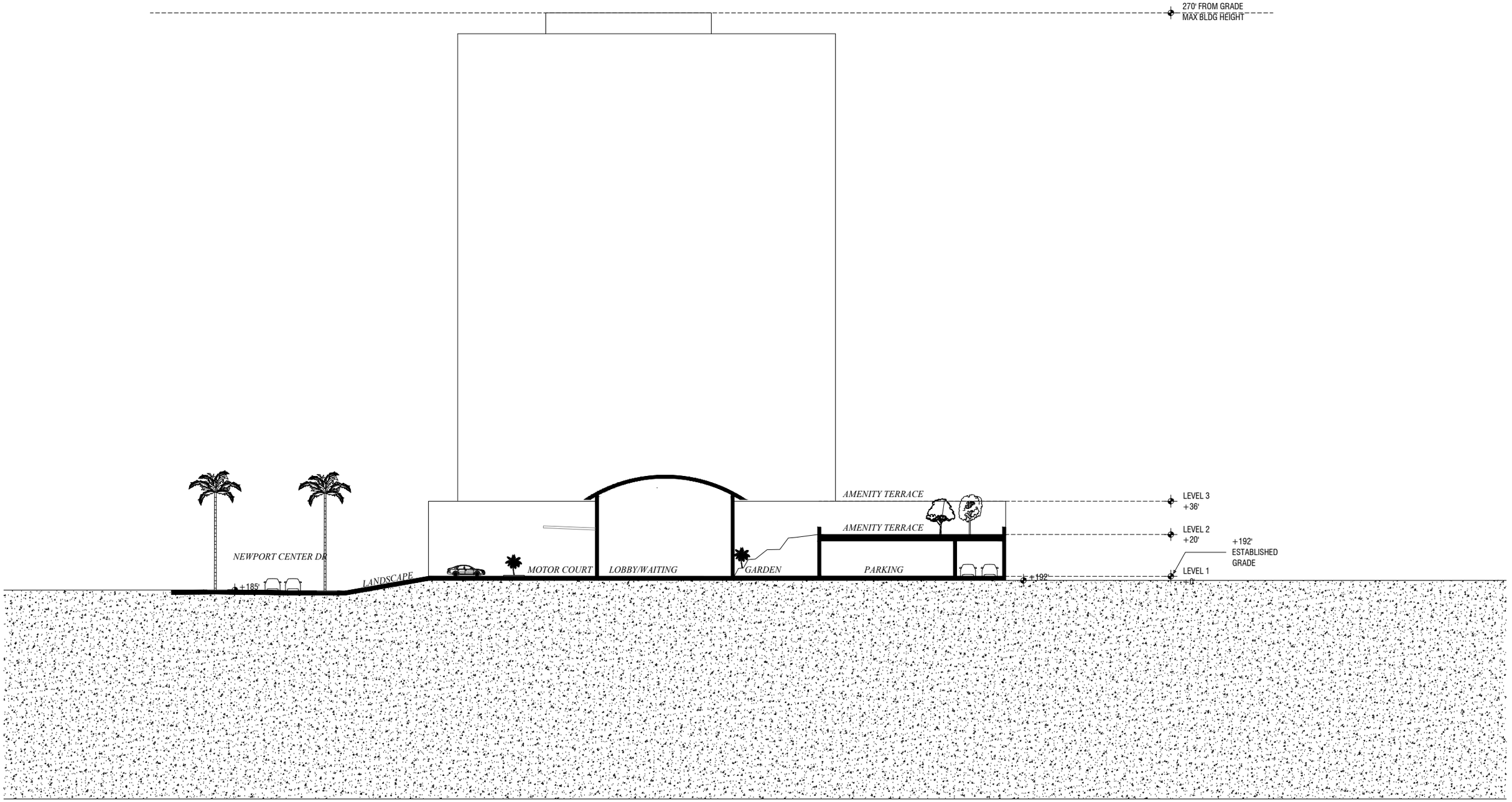
300 NCD CONDOMINIUMS

300 NEWPORT CENTER DRIVE
NEWPORT BEACH, CA

JACK DEAN PRICE
10/31/27
RENEWAL DATE

BUILDING SECTION
A3.01

02/04/2026



BUILDING SECTION - B

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

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300 NCD CONDOMINIUMS

300 NEWPORT CENTER DRIVE
NEWPORT BEACH, CA

REGISTERED ARCHITECT JACK DEAN PRICE 10/31/27 RENEWAL DATE STATE OF CALIFORNIA

BUILDING SECTION
A3.02

02/04/2026



AERIAL VIEW





VIEW FROM NEWPORT CENTER DRIVE AND ANACAPA DRIVE



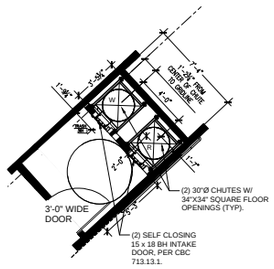


MOTOR COURT VIEW

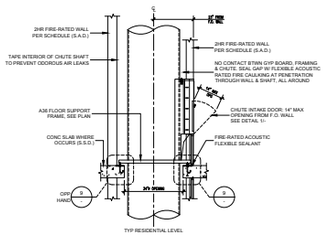




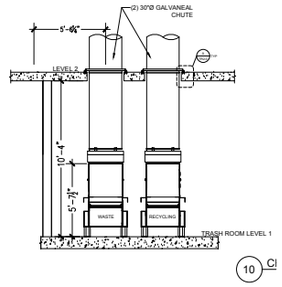
VIEW FROM NEWPORT CENTER DRIVE AND SAN MIGUEL DRIVE



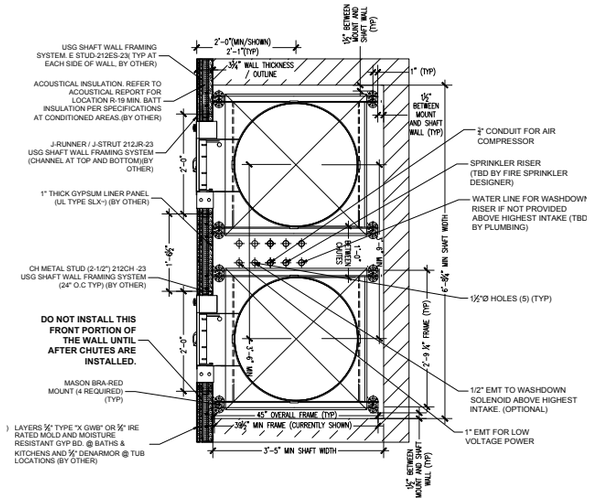
PLAN



CHUTE SHAFT AT INTAKE



SECTION



MINIMUM CHUTE SEPARATION. YOUR CHUTE SHAFT MAY VARY

SHEET NOTES:

RESIDENTIAL TRASH TERMINATION ROOM

1. TRASH COLLECTION ROOM IS PART OF 2HR FIRE-RATED TRASH CHUTE SHAFT - RESTRICTED ACCESS.
2. INSTALL WALL PROTECTION: 12"Hx6"W CONCRETE CURB AT BASE OF ALL NON-CONCRETE WALLS. DO NOT INSTALL THE CURB AROUND THE COMPACTORS/BISORTER OR POWER PACKS. PER ARCHITECTURAL AND MECHANICAL DRAWINGS.
3. 8'-0" ROLL UP DOOR AND 3FT EXIT DOOR. PER ARCHITECTURAL AND MECHANICAL DRAWINGS.
4. ROOM SHALL BE MECHANICALLY VENTILATED WITH (1) CFM/FT PER 2016 CBC. PER ARCHITECTURAL AND MECHANICAL DRAWINGS.
5. (2) 30"Ø GRAVITY CHUTE WITH COMPACTORS FOR WASTE & RECYCLING. PROVIDE 2CY FL COMPACTOR CONTAINERS FOR WASTE & RECYCLING. CHUTES SHALL TERMINATE AT 5'-9" AFF.
6. PP: COMPACTOR POWER PACKS SHALL BE FLOOR-MOUNTED. (2) 5HP 3-PHASE, 208/230/460V. 30A DISCONNECTS60" AFF.
7. MCP: CHUTE MASTER CONTROL PANEL SHALL BE WALL-MOUNTED 60" AFF. MUST ALLOW LOCK DOWN OF CHUTE INTAKES FOR EXCHANGING CONTAINERS AND WASHING CHUTES. REQUIRES 120V 15A DEDICATED SERVICE.
8. HB: HOT AND COLD HOSE BIB SHALL BE WALL-MOUNTED 60" AFF.
9. CHUTE DISCHARGE DOOR: TYPE-A, HORIZONTALLY INSULATED SLIDING-STEEL DOOR, HELD OPEN BY 165° F FUSIBLE LINK.
10. 5HP 3PHASE, 208/230/460V FOR THE POWER PACKS REQUIRED.

CHUTE INTAKE VESTIBULES:LEVELS 3-8

11. CHUTE INTAKE VESTIBULES SHALL BE 1HR FIRE-RATED WITH 1HR FIRE-RATED DOOR; 5'-0" MIN REQUIRED PER ADA STANDARDS - RESIDENTIAL ACCESS. PROVIDE (2) SELF CLOSING 15x18 BOTTOM HINGED, ELECTRICALLY INTERLOCKED, INTAKE DOORS TO DISPOSE TRASH AND RECYCLING INTO COMPACTORS PER CBC 713.13.1. POWER TO INTAKE DOORS SUPPLIED BY MCP SEE DETAIL 1TR2.0.

GENERAL NOTES:

1. ANY DESIGNS OR DESIGN SOLUTIONS PRESENTED IN THIS DRAWING OR SPECIFICATION, WHICH ARE DIRECT OR IMPLIED, INCLUDING NARRATIVES, DRAWINGS, OR DIAGRAMS, ARE HEREBY CLARIFIED AS EXAMPLES AND SHALL NOT BE CONSIDERED COMPLETE DESIGNS OR DESIGNS SUITABLE FOR CONSTRUCTION.
2. OMISSIONS FROM DRAWINGS OR SPECIFICATIONS, OR THE INACCURATE DESCRIPTION OF DETAILS OF WORK, WHICH ARE MANIFESTLY NECESSARY TO CARRY OUT THE INTENT OF THE DRAWINGS AND SPECIFICATIONS, OR WHICH ARE CUSTOMARILY PERFORMED, SHALL NOT RELIEVE THE CONTRACTOR FROM PERFORMING SUCH OMITTED OR INACCURATELY DESCRIBED DETAILS OF THE WORK. WORK SHALL BE PERFORMED AS IF FULLY AND CORRECTLY SET FORTH AND DESCRIBED IN THE DRAWINGS AND SPECIFICATIONS.
3. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO START OF CONSTRUCTION. THE ARCHITECT SHALL BE NOTIFIED IMMEDIATELY OF ALL EXISTING FIELD CONDITIONS AND ANY DISCREPANCIES OR INCONSISTENCIES.

NOTE FOR ALL TYPICAL TRASH ROOMS:

TRASH ROOMS DESIGNED TO ACCOMMODATE THE SEPARATION OF ORGANICS, RECYCLABLES, AND LANDFILL WASTE IN COMPLIANCE WITH LOCAL MUNICIPAL AND/OR STATE WASTE DIVERSION REQUIREMENTS. DEDICATED CONTAINERS FOR ORGANIC WASTE WILL BE PROVIDED AND MAINTAINED FOR TENANT WASTE.

NOTE: SHEET FOR REFERNCE ONLY

Sheet Index - Landscape

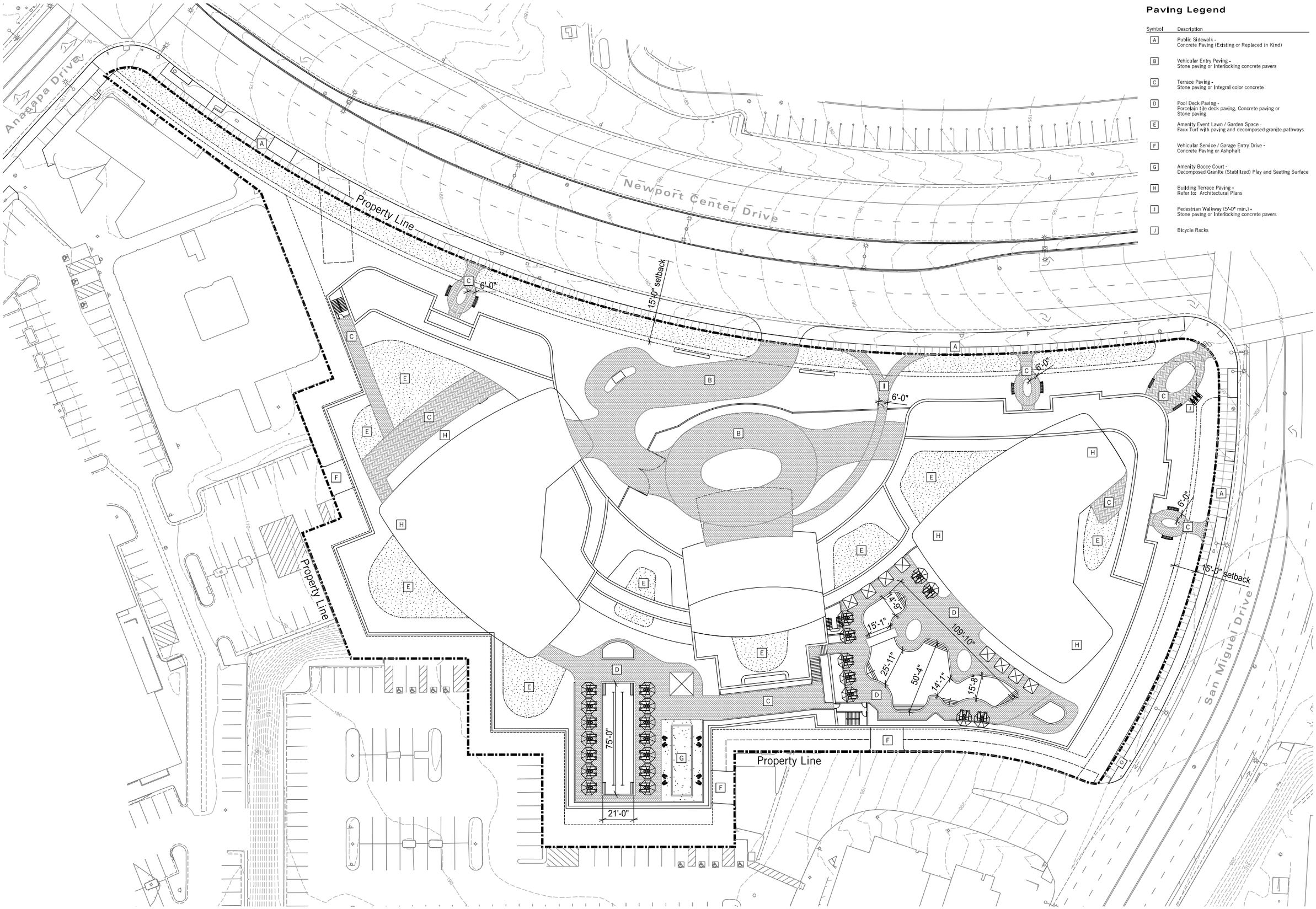
Sheet Number	Sheet Description
L0.00	Landscape Cover Sheet
L0.01	Landscape Paving Plan
L0.02	Site Circulation Plan
L0.03	Landscape Planting Plan
L0.04	Landscape Planting Palette
L0.05	Illustrative Site Plan

Notes

1. Landscape design is conceptual and subject to change.
2. The Plant Palette is provided for sample tree and shrub species that are being considered for use on the project. Additional species may be introduced at a later date.

Paving Legend

Symbol	Description
A	Public Sidewalk - Concrete Paving (Existing or Replaced in Kind)
B	Vehicular Entry Paving - Stone paving or Interlocking concrete pavers
C	Terrace Paving - Stone paving or Integral color concrete
D	Pool Deck Paving - Porcelain tile deck paving, Concrete paving or Stone paving
E	Amenity Event Lawn / Garden Space - Faux Turf with paving and decomposed granite pathways
F	Vehicular Service / Garage Entry Drive - Concrete Paving or Ashphalt
G	Amenity Bocce Court - Decomposed Granite (Stabilized) Play and Seating Surface
H	Building Terrace Paving - Refer to: Architectural Plans
I	Pedestrian Walkway (5'-0" min.) - Stone paving or Interlocking concrete pavers
J	Bicycle Racks



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SITE DEVELOPMENT REVIEW

300 NCD CONDOMINIUMS

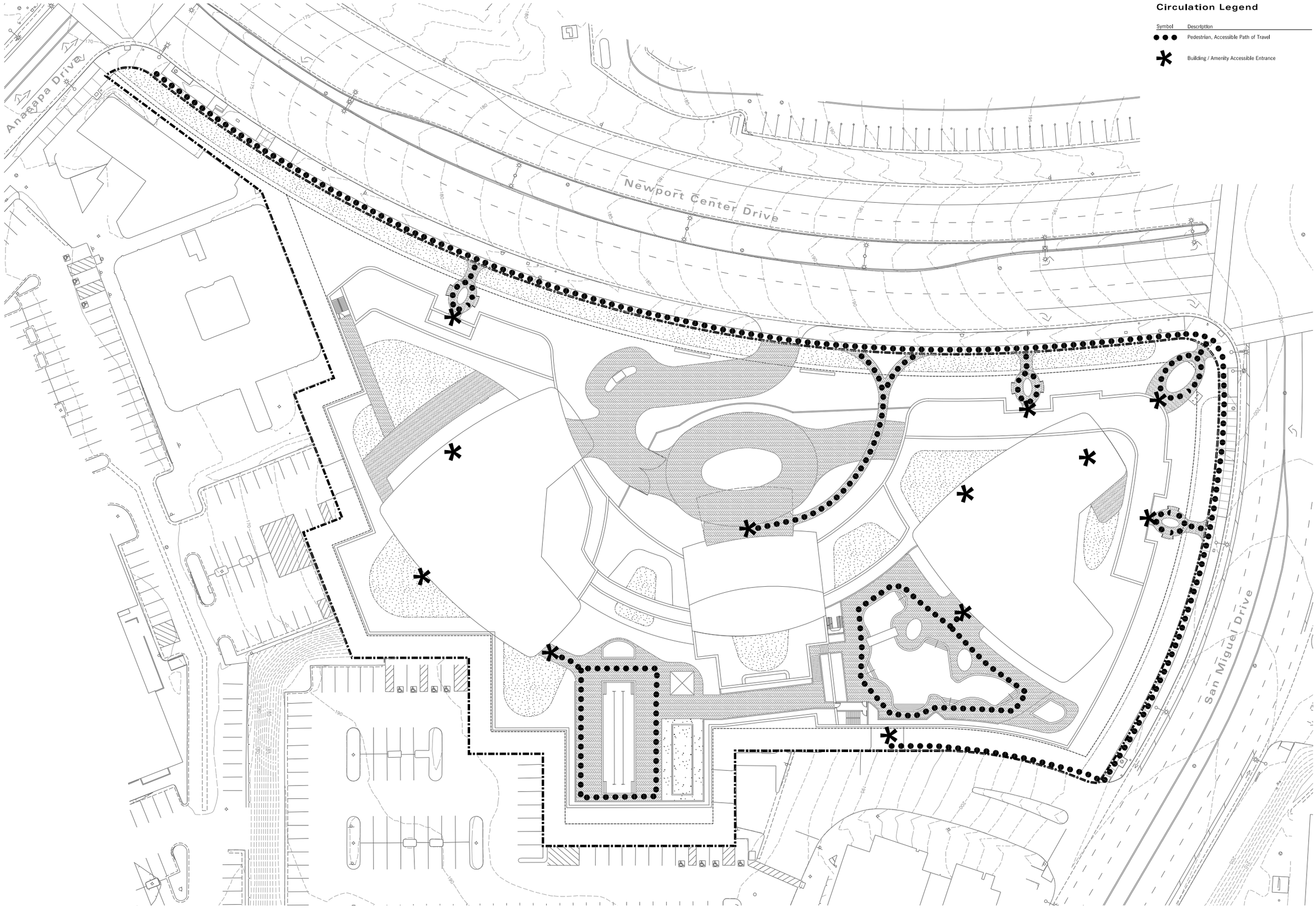
300 NEWPORT CENTER DRIVE
NEWPORT BEACH, CA

LANDSCAPE PAVING PLAN

433

0 40'

02/04/2026



Circulation Legend

Symbol	Description
●●●	Pedestrian, Accessible Path of Travel
*	Building / Amenity Accessible Entrance

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SITE DEVELOPMENT REVIEW

300 NCD CONDOMINIUMS

300 NEWPORT CENTER DRIVE
NEWPORT BEACH, CA

SITE CIRCULATON PLAN

434

0 40'

02/04/2026

Plant Legend

Refer to Sheet L0.04 for Plant Palette

Trees

Symbol	Description
	Palm Tree - Match existing Fan Palm
	Arrival Accent Palm Tree - Phoenix dactylifera or similar
	Garden Palm Tree - Archontophoenix cunninghamiana or similar
	Screening / Accent Canopy Tree- Pinus species / Olea Europaea or similar
	Existing Fan Palm (in public ROW)
	Existing street tree (in public ROW)

Shrubs and Turf

Symbol	Description
	Planting Area Shrub and Groundcover Planting 74,638 sf (41% of total site area)
	Turf (ground level - 7877 sf) Faux Turf (podium level - 10,704 sf)
	Publicly Accessible Open Space Provided: 6368 sf Gross Site Area = 181,495 sf Required PAOS = 181,495 x 3% = 5445 sf PAOS and Common Open Space to include benches and lighting.

Anaheapa Drive

Newport Center Drive

San Miguel Drive

29'-0"

38'-10"

8'-0"

15'-0" setback

9'-2"

8'-0"

38'-11"

6'-0"

33'-5"

9'-5"

32'-4"

33'-6"

37'-11"

30'-0"

5'-1"

15'-0" setback

Plant List - Trees and Palms

Agonis flexuosa	Peppermint Tree	Leptospermum spp.	Tea Tree
Aesculus californica	California Buckeye	Liquidambar styraciflua	American Gum
Alnus cordata	Italian Alder	Magnolia grandiflora	Southern Magnolia
Alnus rhombifolia	White Alder	Maytenus boaria	Mayten Tree
Bauhinia variegata spp.	Hong Kong Orchid Tree	Melaleuca spp.	Melaleuca
Bischofia javonica	Toog Tree	Metrosideros excelsus	New Zealand Christmas Tree
Brachychiton discolor	Queensland Lackebark	Olea europaea	Olive Tree
Brachychiton capense	Cape Chestnut	Phoenix dactylifera	Date Palm
Cassia leptophylla	Gold Medallion Tree	Pinus eldarica	Afghan Pine
Ceratonia siliqua	Carb Tree	Pinus canariensis	Canary Island Pine
Chitalpa tashkentensis	N.C.N.	Pinus halepensis	Aleppo Pine
Chionanthus retusus	Chinese Fringe Tree	Pinus pinea	Italian Stone Pine
Cinnamomum camphora	Camphor Tree	Pistacia chinensis	Chinese Pistache
Cocculus laurifolius	Laurel-Leafed Snailseed	Pittosporum undulatum	Victorian Box
Cupaniopsis anacardiodes	Carrot Wood	Pittosporum rhombifolium	Queensland Pittosporum
Cupressus sempervirens	Italian Cypress	Pyrus calleryana	Callery Pear & Cultivars
Erithrina caffra	Coral Tree	Platanus acerifolia	London Plane Tree
Eucalyptus citriodora	Lemon-Scented Gum	Platanus racemosa	California Sycamore
Eucalyptus cladocalyx	Sugar Gum	Podocarpus gracilior	Fern Pine
Eucalyptus ficifolia	Red Flowering Gum	Populus fremonti	Western Cottonwood
Eucalyptus grandis	N.C.N.	Populus nigra 'italica'	Lombardy Poplar
Eucalyptus leucoxylon	White Ironbark	Prunus spp.	Flowering Cherry
Eucalyptus lehmanii	Bushy Yate	Quercus agrifolia	Coast Live Oak
Eucalyptus maculata	Spted Gum	Quercus engelmannii	Engelmann Oak
Eucalyptus nicholii	Peppermint Gum	Quercus ilex	Holly Oak
Eucalyptus sideroxylon	Red Ironbark	Quercus suber	Cork Oak
Ficus spp.	Fig	Quercus virginiana	Southern Live Oak
Ficus microcarpa	Indian Laurel Fig	Robinia ambiguosa	Idaho Locust
Ficus rubingosa	Rustyleaf Fig	Rhus lancea	African Sumac
Fraxinus oxycarpa 'Raywood'	Raywood Ash	Salix spp.	Willow
Fraxinus uhdei 'Majestic Beauty'	Evergreen Ash	Schinus terebinthefolius	Brazilian Pepper Tree
Geigera parviflora	Australian Willow	Schinus molle	California Pepper
Ginkgo biloba	Maidenhair Tree	Sapium sebiferum	Chinese Tallow Tree
Glenditzia triancanthos	Honey Locust	Tabebuia avellandae	Trumpet Tree
Grevillea robusta	Silk Oak	Tipuana tipu	Tipu Tree
Hymenosporum flavum	Sweetshade	Tristania conferta	Brisbane Box
Jacaranda mimosifolia	Jacaranda	Ulmus parvifolia	Evergreen Elm
Koelreuteria bipinnata	Chinese Flame Tree	Washingtonia filifera	California Fan Palm
Lagerstroemia indica	Crape Myrtle	Washintonia robusta	Mexican Fan Palm
Laurus nobilis	Sweet Bay	Zelkova serrata	Zelkova

Plant List - Shrubs

Acacia redolens	Prostrate Acacia	Photinia serrulata	Chinese Photinia
Acacia spp.	Acacia	Pittosporum spp.	Pittosporum
Agave spp.	Agave	Pittosporum crassifolium	Tobira
Aloe spp.	Aloe	Pittosporum tobira	Tobira
Arbutus unedo	Strawberry Tree	Pittosporum undulatum	Victorian Box
Arctostaphylos spp.	Manzanita	Plumbago auriculata	Cape Plumbago
Azalea spp.	Azalea	Podocarpus spp.	Fern Pine
Bougainvillea spp.	Bougainvillea	Prunus caroliniana	Carolina Cherry
Buxus spp.	Boxwood	Prunus lyonii	Catalina Cherry
Calliandra haematoecephala	Pink Powder Puff	Raphiolepis spp.	Yeddo Hawthorne
Callistemon spp.	Bottlebrush	Phamnus californica	Coffee Berry
Carissa spp.	Natal Plum & Cultivars	Rhododendron spp.	Azalea, Rhododendron
Ceanothus spp.	California Lilac	Rhus integrifolia	Lemonade Berry
Cistus spp.	Rockrose	Rhus laurina	Laurel Sumac
Cotoneaster spp.	Cotoneaster	Rhus ovata	Sugarbush
Cyathea cooperi	Australian Tree Fern	Rosa spp.	Rose
Dietes bicolor	Fortnight Lily	Rosmarinus spp.	Rosemary
Dicksonia antarctica	Tasmanian Tree Fern	Salvia spp.	Sage
Euonymus pungens	N.C.N.	Strelitzia nicholii	Bird of Paradise
Elaeagnus pungens	Silverberry	Viburnum spp.	Viburnum
Feijoa sellowiana	Pineapple Guava	Westringia fruticosa	Westringia
Grevillea spp.	Grevillea	Xylosma congestum	Xylosma
Grewia occidentalis	Lavender Starflower		
Hakea suovaolens	Sweet Hakea		
Heteromomeles spp.	Toyon		
Hibiscus spp.	Chinese Hibiscus		
Ilex wilsonii	Wilson Holly		
Ilex spp.	Holly		
Juncus polyanthemos	Australian Silver Rush		
Lantana spp.	Lantana		
Lavendulla spp.	Lavender		
Lavatera spp.	Tree Mallow		
Leptospermum scoparium	New Zealand Tea Tree		
Ligustrum japonica 'Texanum'	Japanese Privet		
Liriope spp.	Lily Turf		
Microlepia strigosa	Lace Fern		
Miscanthus spp.	Eulalia grass		
Mahonia spp.	Mahonia		
Malosma lauina	Laurel Sumac		
Melaleuca spp.	Melaleuca		
Muhlenbergia rigens	Deer Grass		
Myoporum pacificum	Myoporum		
Nephrolepis spp.	Sword Fern		
Pennisetum setaceum 'rubrum'	Fountain Grass		

Plant List - Groundcover

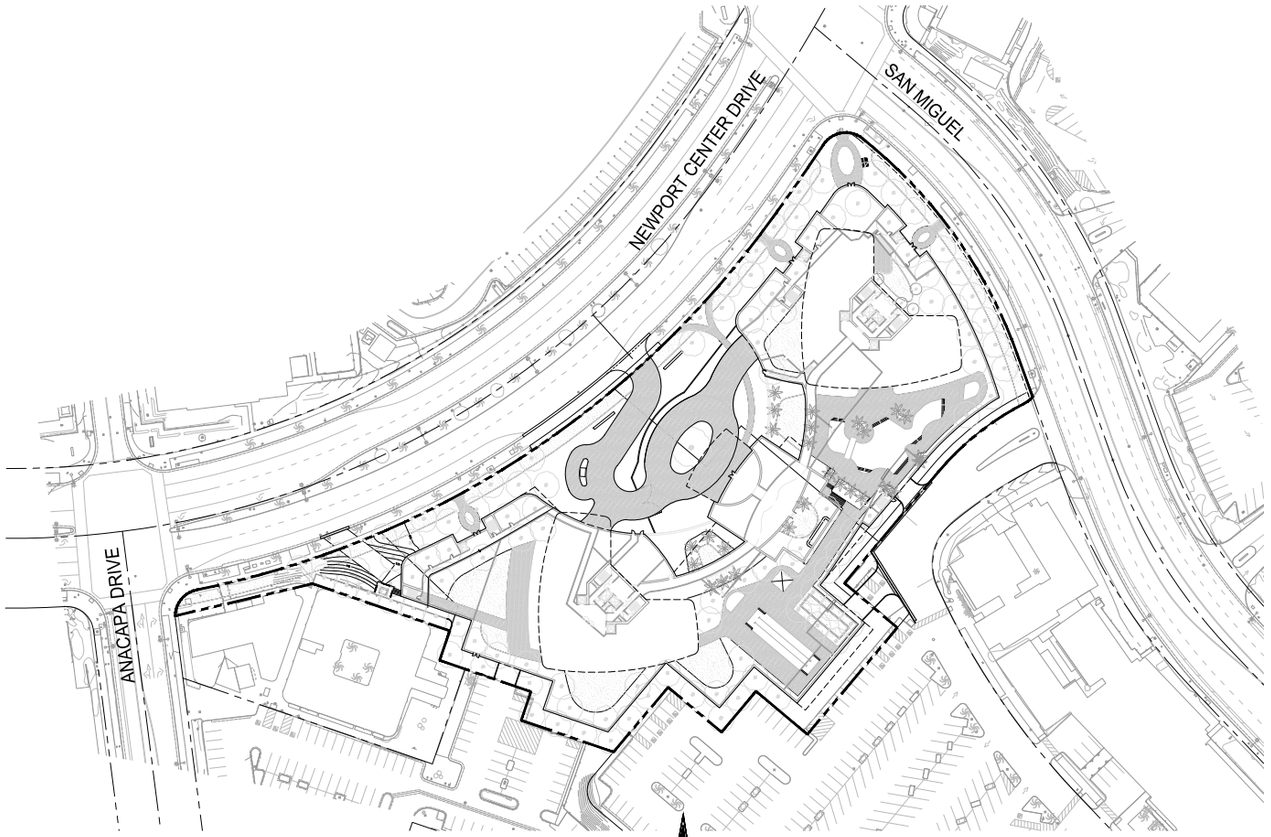
Agaphanthus spp.	Lily-of-the-Nile	Iris douglasiana	Iris
Armeria maritima	Sea Thrift	Jasminum polyanthum	Pink Jasmine Vine
Artemisia spp.	Artemisia	Juncus polyanthemos	Australian Silver Rush
Arctostaphylos spp.	Manzanita	Lantana spp.	Lantana
Aptermeria spp.	N.C.N.	Limonium perezii	Sea Lavender
Baccharis spp.	Coyotebrush	Liriope spp.	Lily Turf
Bougainvillea spp.	Bougainvillea	Lonicera japonica	Japanese Honeysuckle
Carex pansa	California Meadow Sedge	Mahonia spp.	Mahonia
Carex tumicola	Berkeley Sedge	Myoprum parvifollum	Myoporum
Carissa spp.	Natal Plum & Cultivars	Myrtus communis	Myrtle
Ceanothus spp.	California Lilac	Osmanthus fragrans	Sweet Olive
Cistus spp.	Rockrose	Parthenocissus tricuspidata	Boston Ivy
Coprosma repens	Mirror Plant	Pelagronium peltatum	Trailing Geranium
Clytostoma callistegioides	Purple Trumpet Vine	Pittosporum spp.	Pittosporum
Cotoneaster spp.	Cotoneaster	Plumbago auriculata	Cape Plumbago
Distictis buccinitoria	Blood-red Trumpet Vine	Rosa spp.	Rose
Restuca ovina 'glauca'	Blue Fescue	Rosmarinus prostrata	Trailing Rosemary
Festuca mairei	Marie's Fescue	Sarcococa rusifolia	Sweet Box
Ficus pumilia	Creeping Fig	Solanum jasminoides	Potato Vine
Gazania spp.	Gazania	Strelitzia nicholii	Bird of Paradise
Hedera spp.	Ivy	Trachelospermum jasminoide	Star Jasmine
Hemerocallis spp.	Daylily	Viburnum nevinii	Viburnum
Hypericum paniculatum	Panicled Hawkweed	Verbena peruviana	Moss Verbena

Planting selections include primarily low or medium water use species, supplemented with occasional high water use species. As planting plans are developed in future design phases, the total water consumption will adhere to all water use limitations per code.


Anacapa Dr
Newport Center Drive
San Miguel Drive

CITY OF NEWPORT BEACH
NEWPORT CENTER DRIVE CONDOMINIUMS

300 NEWPORT CENTER DRIVE
NEWPORT BEACH, CA 92660



INDEX MAP
1"=50'

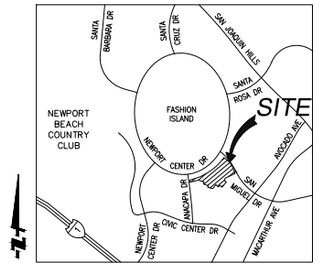
SHEET INDEX

TITLE SHEET	C-00
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ABBREVIATIONS & LEGEND

BF	BACKFLOW
BLDG	BUILDING
BW	BACK OF WALK
CB	CATCH BASIN
CL	CENTER LINE
DW	DOMESTIC WATER
ESMT	EASEMENT
EX.	EXISTING
FF	FINISHED FLOOR
FG	FINISHED GRADE
FH	FIRE HYDRANT
FL	FLOW LINE
FS	FINISHED SURFACE
FW	FIRE WATER
GFF	GARAGE FINISH FLOOR
HP	HIGH POINT
IRR	IRRIGATION
L	LENGTH
NAP	NOT A PART
PL	PROPERTY LINE
PROP.	PROPOSED
R/W	RIGHT OF WAY
SD	STORM DRAIN
SS	SANITARY SEWER
STD	STANDARD
VC	VERTICAL CURVE

RIGHT OF WAY/PROPERTY LINE
CENTER LINE
EXISTING EASEMENT
LOT LINE
RETAINING WALL
200 EX. CONTOUR
DW EXISTING WATER MAIN
SS EXISTING SEWER MAIN
EXISTING STORM DRAIN
STL EXISTING STREET LIGHT SYSTEM
EXISTING STREET LIGHT



VICINITY MAP
NOT TO SCALE

SITE ADDRESS

300 NEWPORT CENTER DRIVE
NEWPORT BEACH, CA 92660

OWNER/DEVELOPER

RELATED CALIFORNIA
18201 VON KARMAN AVENUE, SUITE 900
IRVINE, CA 92612
CONTACT: JONATHAN SHUM
PHONE: (949) 660-7272

CIVIL ENGINEER

ORIANA SLASOR, P.E.
FUSCOE ENGINEERING, INC.
15535 SAND CANYON, SUITE 100
IRVINE, CA 92618
PHONE: (949) 474-1960

REGISTERED PROFESSIONAL ENGINEER
ORIANA A. SLASOR
NO. 083401
Exp. 09/30/26
Civil
STATE OF CALIFORNIA

LEGAL DESCRIPTION

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. 95-0046155, 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 THEREFORE 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, 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 THE DEED FROM THE IRVINE COMPANY, A MICHIGAN CORPORATION, RECORDED MAY 1, 1992 AS INSTRUMENT NO. 92-289968 OF OFFICIAL RECORDS.

APN: 442-091-16

PARCEL B:

PARCEL 2 OF THE 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 THEREFORE 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. 94-0690632 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. 94-0690632 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 THEREFORE 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, 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 THE DEED FROM THE IRVINE COMPANY, A MICHIGAN CORPORATION, RECORDED MAY 1, 1992 AS INSTRUMENT NO. 92-289968 OF OFFICIAL RECORDS.

APN: 442-091-12

BASIS OF BEARINGS

BEARINGS HEREON ARE IN TERMS OF THE CALIFORNIA COORDINATE SYSTEM OF 1983 (CCS-83) ZONE V, 2017.50 EPOCH, AS DERIVED LOCALLY BY GPS CONTINUALLY OPERATING REFERENCE STATIONS SBCC AND FVPK, BEING N 63°-40'-23.41 W AS PUBLISHED BY THE CALIFORNIA SPATIAL REFERENCE CENTER.

FLOOD ZONE

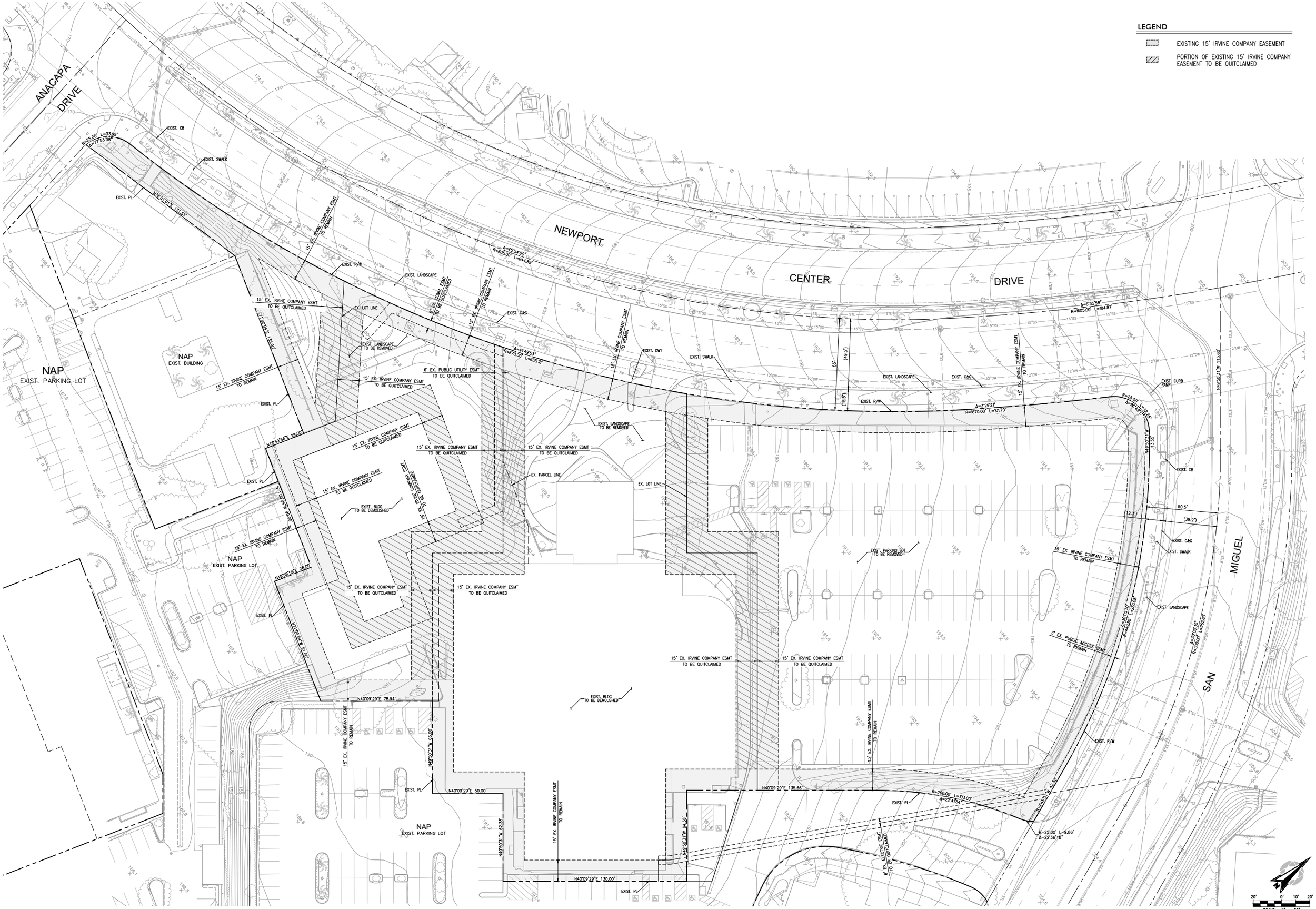
THE AREA OF LAND SHOWN HEREON LIES ENTIRELY WITHIN FLOOD ZONE "X", AS DEFINED ON INFORMATION PUBLISHED BY U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AS REFLECTED BY FLOOD INSURANCE RATE MAP PANEL NO. 06059C0401J, EFFECTIVE 12/03/2009.

EARTHWORK

CUT: 32,200 CY (RAW)
FILL: 2,300 CY (RAW)

NET: 29,900 CY (RAW) EXPORT
15% CONTINGENCY: 34,400 CY (RAW) EXPORT

QUANTITIES SHOWN ARE BASED ON CONCEPTUAL ASSUMPTIONS AND SITE PLAN. RAW QUANTITIES ONLY -- DO NOT INCLUDE OVER-EXCAVATION, SHRINKAGE, BULKING, OR SPOILS FROM UTILITIES, RETAINING WALLS, OR FOOTINGS.



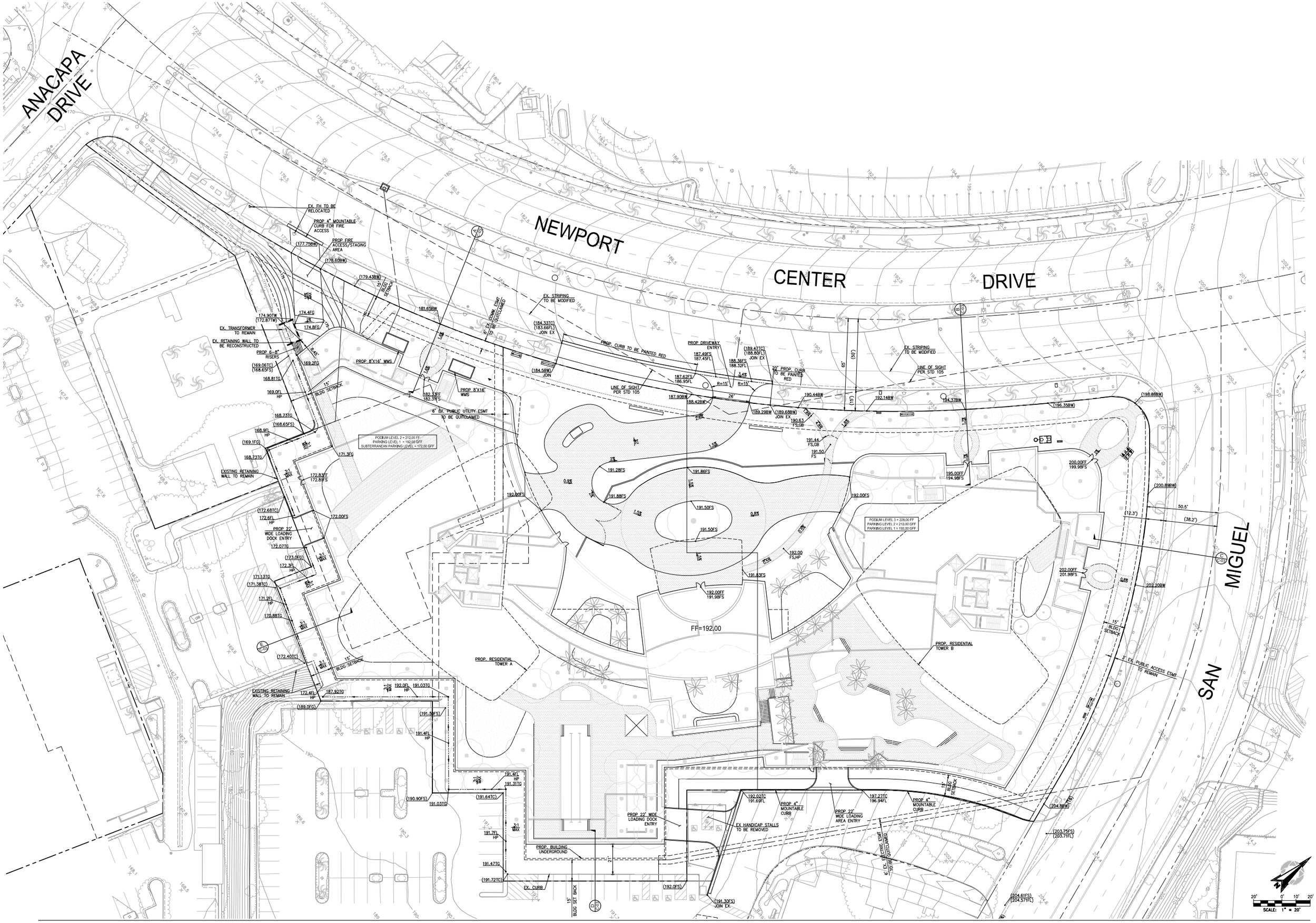
FUSCOE ENGINEERING | RELATED | SITE DEVELOPMENT REVIEW

300 NCD CONDOMINIUMS

300 NEWPORT CENTER DRIVE
NEWPORT BEACH, CA

EXISTING CONDITIONS
C-01

02/04/2026



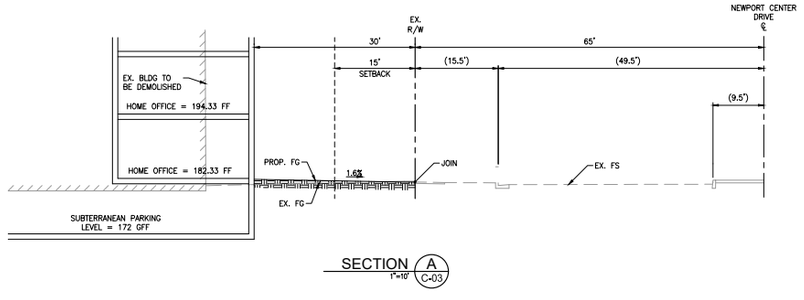
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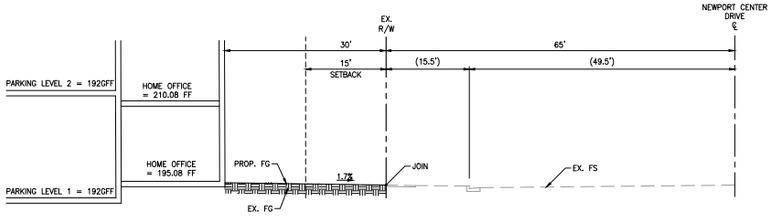
300 NEWPORT CENTER DRIVE
NEWPORT BEACH, CA

CONCEPTUAL GRADING PLAN
C-02

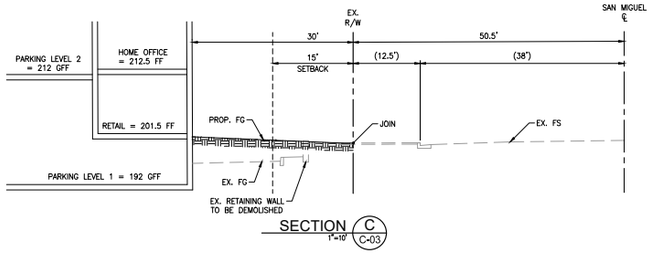
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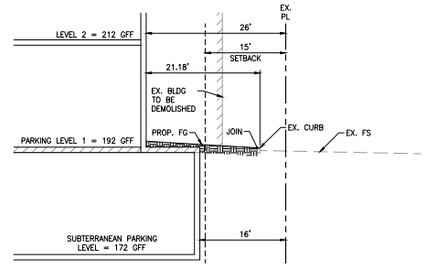
SECTION A 1"=10' C-03



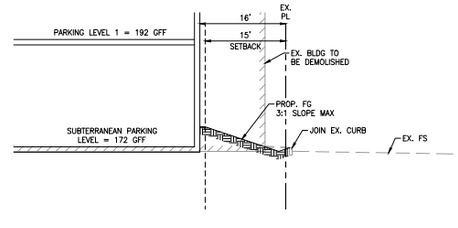
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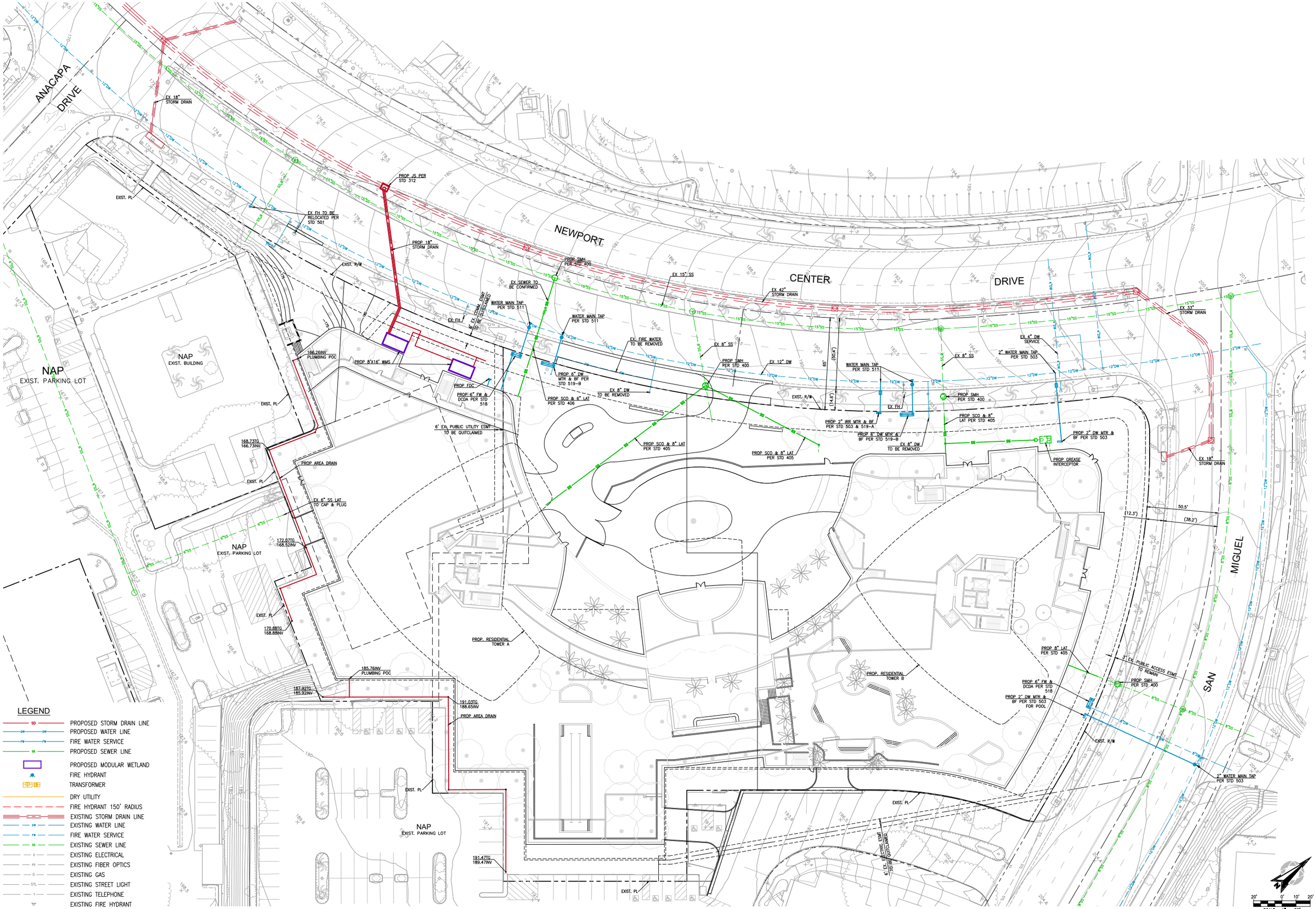
SECTION C 1"=10' C-03



SECTION D 1"=10' C-03



SECTION E 1"=10' C-03



LEGEND

- PROPOSED STORM DRAIN LINE
- PROPOSED WATER LINE
- FIRE WATER SERVICE
- PROPOSED SEWER LINE
- PROPOSED MODULAR WETLAND
- FIRE HYDRANT
- TRANSFORMER
- DRY UTILITY
- FIRE HYDRANT 150' RADIUS
- EXISTING STORM DRAIN LINE
- EXISTING WATER LINE
- FIRE WATER SERVICE
- EXISTING SEWER LINE
- EXISTING ELECTRICAL
- EXISTING FIBER OPTICS
- EXISTING GAS
- EXISTING STREET LIGHT
- EXISTING TELEPHONE
- EXISTING FIRE HYDRANT

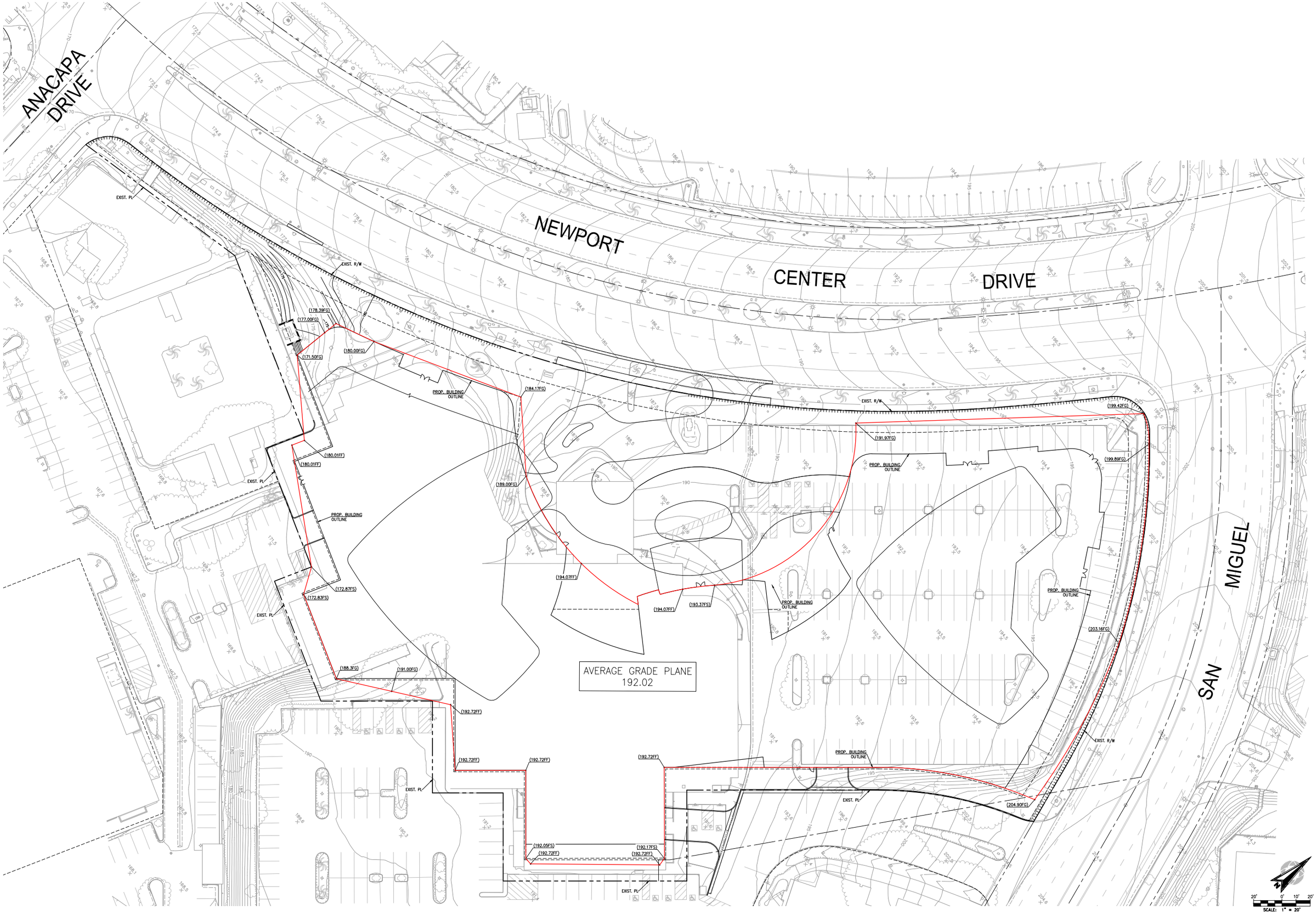
FUSCOE ENGINEERING | RELATED | SITE DEVELOPMENT REVIEW

300 NCD CONDOMINIUMS

300 NEWPORT CENTER DRIVE
NEWPORT BEACH, CA

CONCEPTUAL UTILITY PLAN
C-04

02/04/2026



FUSCOE ENGINEERING | RELATED | SITE DEVELOPMENT REVIEW

300 NCD CONDOMINIUMS

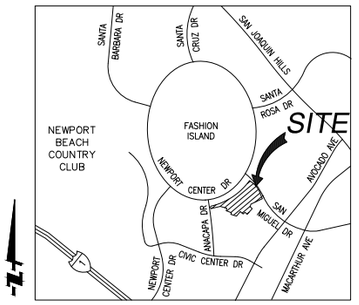
300 NEWPORT CENTER DRIVE
NEWPORT BEACH, CA

AVERAGE GRADE PLANE
C-05

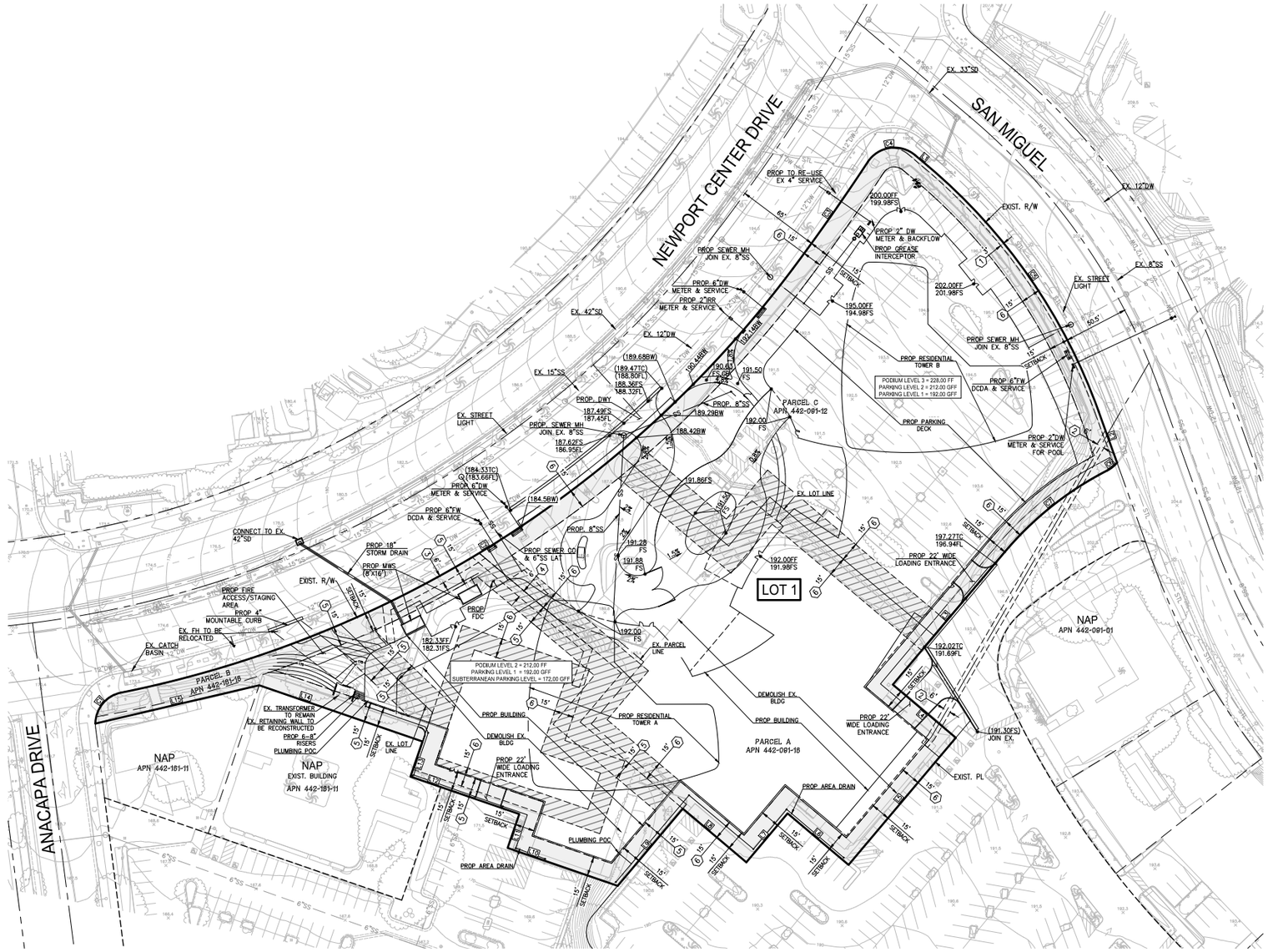
02/04/2026

VESTING TENTATIVE TRACT MAP NO. 19407

IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA
(FOR LOT MERGER AND RESIDENTIAL CONDOMINIUM PURPOSES)



VICINITY MAP
NOT TO SCALE



LEGAL DESCRIPTION

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. 95-0046155, 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 THEREFORE 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 DRILL AND MINE FROM LANDS OTHER THAN THOSE CONVEYED HEREBY, OIL OR GAS 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, 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 THE DEED FROM THE IRVINE COMPANY, A MICHIGAN CORPORATION, RECORDED MAY 1, 1992 AS INSTRUMENT NO. 92-289968 OF OFFICIAL RECORDS.

APN: 442-091-16

PARCEL B:

PARCEL 2 OF THE 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 THEREFORE 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. 94-0690632 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. 94-0690632 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 THEREFORE 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, 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, 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 THE DEED FROM THE IRVINE COMPANY, A MICHIGAN CORPORATION, RECORDED MAY 1, 1992 AS INSTRUMENT NO. 92-289968 OF OFFICIAL RECORDS.

APN: 442-091-12

SITE ADDRESS

300 NEWPORT CENTER DRIVE
NEWPORT BEACH, CA 92660

OWNER/SUB-DIVIDER

RELATED CALIFORNIA
18201 VON KARMAN AVENUE, SUITE 900
IRVINE, CA 92612
CONTACT: JONATHAN SHUM
PHONE: (949) 660-7272

GENERAL NOTES

1. SITE ACREAGE (LOT 1): 4.17AC
2. EXISTING LAND USE: COMMERCIAL
3. PROPOSED LAND USE: RESIDENTIAL CONDOMINIUMS
4. ZONING: HO-4
5. A MAXIMUM OF 150 RESIDENTIAL CONDOMINIUMS ARE PROPOSED.
6. SEWAGE DISPOSAL SERVICE IS PROVIDED BY CITY OF NEWPORT BEACH
7. WATER SERVICE IS PROVIDED BY CITY OF NEWPORT BEACH
8. SEE LANDSCAPE PLANS FOR TREE PLANTING

BASIS OF BEARINGS

BEARINGS HEREON ARE IN TERMS OF THE CALIFORNIA COORDINATE SYSTEM OF 1983 (CCS-83) ZONE V, 2017.50 EPOCH, AS DERIVED LOCALLY BY GPS CONTINUALLY OPERATING REFERENCE STATIONS SBCC AND FVPK, BEING N 63°-40'-23".41 W AS PUBLISHED BY THE CALIFORNIA SPATIAL REFERENCE CENTER.

FLOOD ZONE

THE AREA OF LAND SHOWN HEREON LIES ENTIRELY WITHIN FLOOD ZONE "X", AS DEFINED ON INFORMATION PUBLISHED BY U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AS REFLECTED BY FLOOD INSURANCE RATE MAP PANEL NO. 06059C0401J, EFFECTIVE 12/03/2009.

UTILITY NOTES

1. ALL PROPOSED UTILITIES TO BE INSTALLED PER CITY OF NEWPORT BEACH STANDARDS AND SPECIFICATIONS.
2. PROPOSED UTILITIES TO CONNECT TO EXISTING PUBLIC FACILITIES IN NEWPORT CENTER DRIVE.
3. DRAINAGE FOR THE SITE WILL BE COLLECTED BY AN ONSITE AREA DRAIN SYSTEM AND CONVEYED TO A PROPOSED MODULAR WETLAND SYSTEM.

CIVIL ENGINEER

ORIANA SLASOR, P.E.
FUSCOE ENGINEERING, INC.
15535 SAND CANYON AVE, SUITE 100
IRVINE, CALIFORNIA 92618
(949) 474-1960

REGISTERED PROFESSIONAL ENGINEER — ORIANA A. SLASOR — NO. 083451 — Exp. 09/30/26 — CIVIL — STATE OF CALIFORNIA

EXISTING EASEMENTS

1. EASEMENT GRANTED TO THE CITY OF NEWPORT BEACH FOR PEDESTRIAN WALKWAY PURPOSES AS GRANTED IN A DOCUMENT RECORDED MAY 16, 1968 IN BOOK 8603, PAGE 890, OF OFFICIAL RECORDS TO BE PROTECTED IN PLACE.
2. EASEMENT FOR POLE LINES AND CONDUITS AS SET FORTH IN BOOK 8826, PAGE 774, OF OFFICIAL RECORDS TO BE QUITCLAIMED.
3. EASEMENT FOR COMMUNICATION SYSTEMS AS SET FORTH IN BOOK 10005, PAGE 923, OF OFFICIAL RECORDS TO BE QUITCLAIMED.
4. EASEMENT GRANTED TO SOUTH COAST EDISON FOR ELECTRICAL AND COMMUNICATION SYSTEMS ACCESS AS GRANTED IN A DOCUMENT RECORDED AUGUST 1, 1972 IN BOOK 10252, PAGE 851, OF OFFICIAL RECORDS TO BE QUITCLAIMED.
5. NONEXCLUSIVE EASEMENTS GRANTED TO THE IRVINE COMPANY FOR VARIOUS PURPOSES PER DOCUMENT RECORDED NOVEMBER 30, 1994 AS INSTRUMENT NO. 94-0690632, OF OFFICIAL RECORDS. PORTIONS TO BE QUITCLAIMED. (PORTION OF THE DOCUMENT IS BLANKET NATURE OVER PARCELS A AND B) (A 15' WIDE EASEMENT IS PLOTTED HEREON)
6. NONEXCLUSIVE EASEMENTS GRANTED TO THE IRVINE COMPANY FOR VARIOUS PURPOSES PER DOCUMENT RECORDED MAY 1, 1992 AS INSTRUMENT NO. 92-289968, OF OFFICIAL RECORDS. PORTIONS TO BE QUITCLAIMED. (PORTION OF THE DOCUMENT IS BLANKET NATURE OVER ALL PARCELS) (A 15' WIDE EASEMENT IS PLOTTED HEREON)

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N49°50'31"W	13.55'
L2	N19°45'01"W	42.53'
L3	S40°09'29"W	135.66'
L4	N49°50'31"W	64.38'
L5	S40°09'29"W	130.00'
L6	N49°50'31"W	62.38'
L7	S40°09'29"W	50.00'
L8	N49°50'31"W	65.00'

LINE TABLE		
LINE #	BEARING	DISTANCE
L9	N40°09'29"E	78.94'
L10	N71°00'04"W	91.00'
L11	N18°59'56"E	28.00'
L12	N71°00'04"W	90.00'
L13	N18°59'56"E	29.00'
L14	S71°00'04"E	135.00'
L15	N76°51'01"E	131.55'

CURVE TABLE			
CURVE #	RADIUS	LENGTH	Δ
C1	25.00'	33.99'	77°53'38"
C2	869.94'	635.19'	41°50'05"
C3	1670.00'	101.70'	3°29'21"
C4	25.00'	42.25'	96°49'17"
C5	449.50'	236.08'	30°05'30"
C6	27.51'	9.85'	20°31'09"
C7	260.00'	103.00'	22°41'54"

ABBREVIATIONS

APN	ASSESSOR PARCEL NUMBER
BLDG	BUILDING
BW	BACK OF WALK
℄	CENTERLINE
CO	CLEANOUT
DW	DOMESTIC WATER
DWY	DRIVEWAY
E	EAST
ESMT	EASEMENT
EX.	EXISTING
FF	FINISH FLOOR
FL	FLOWLINE
FS	FINISH SURFACE
GFF	GARAGE FINISH FLOOR
L	LENGTH
MWS	MODULAR WETLAND SYSTEM
N	NORTH
NAP	NOT A PART
PL	PROPERTY LINE
PROP	PROPOSED
R	RADIUS
R/W	RIGHT-OF-WAY
S	SOUTH
SD	STORM DRAIN
SS	SANITARY SEWER
W	WEST

LEGEND

	PROPERTY LINE/RIGHT-OF-WAY
	EXISTING LOT LINE
	CENTERLINE
	EASEMENT
	STREET ACCESS RESTRICTION
	BUILDING SETBACK
STL	EXISTING STREET LIGHT
DW	EXISTING DOMESTIC WATER
SS	EXISTING SANITARY SEWER
	EXISTING STORM DRAIN
DW	PROPOSED DOMESTIC WATER
SS	PROPOSED SANITARY SEWER
SD	PROPOSED STORM DRAIN
	EXISTING 15' IRVINE COMPANY EASEMENT
	PORTION OF EXISTING 15' IRVINE COMPANY EASEMENT TO BE QUITCLAIMED

N

40' 0' 20' 40'
SCALE: 1" = 40'

NO.	DATE	REVISION	DESCRIPTION

FUSCOE ENGINEERING — FULL CIRCLE THINKING®
15535 Sand Canyon Ave Suite 100 Irvine, California 92618 949.474.1960 fuscoe.com

VESTING TENTATIVE TRACT MAP NO. 19407
FOR LOT MERGER AND RESIDENTIAL CONDOMINIUM PURPOSES
CITY OF NEWPORT BEACH

DATE:	02/04/2025
SCALE:	AS SHOWN
JOB NO.:	622-019
DRAWN:	DT/MK
CHECKED:	OS
	SHEET 1 OF 1

F:\Projects\622\019\Plans\Entitlements\Tentative Tract Map\622-019tm01.dwg 02/4/2026 11:39 AM Plotted by: Denise Trujillo

ALTA/NSPS LAND TITLE SURVEY

ASSESSOR PARCEL NUMBER:

442-091-12, 442-091-16, 442-161-16

TITLE INFORMATION:

THE TITLE INFORMATION SHOWN HEREON IS PER AMENDED PRELIMINARY REPORT ORDER NO. 9324730A, DATED MAY 13, 2025 AT 7:30, AMENDED: MAY 22, 2025, AMENDMENT NO. 2, AS PREPARED BY COMMONWEALTH LAND TITLE INSURANCE COMPANY, NEWPORT BEACH, CA (TITLE OFFICER: DAVID NOBLE, TELEPHONE: (949)724-3140). NO RESPONSIBILITY OF CONTENT, COMPLETENESS OR ACCURACY OF SAID REPORT IS ASSUMED BY THIS MAP OR THE SURVEYOR.

RECORD OWNER:

JOAN E. RANDOLPH THREE, LP, A CALIFORNIA LIMITED PARTNERSHIP, AS TO AN UNDIVIDED ONE-THIRD (1/3) INTEREST, RUOFF PROPERTIES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED ONE-THIRD (1/3) INTEREST, AND EDWARDS AFFILIATED HOLDINGS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED ONE-THIRD (1/3) INTEREST, AS TENANTS IN COMMON

LEGAL DESCRIPTION:

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. 95-0046155, 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 THEREFORE 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, 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 THE DEED FROM THE IRVINE COMPANY, A MICHIGAN CORPORATION, RECORDED MAY 1, 1992 AS INSTRUMENT NO. 92-289968 OF OFFICIAL RECORDS.

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 THEREFORE 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. 94-0690632 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. 94-0690632 OF OFFICIAL RECORDS.

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 THEREFORE 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, OF OFFICIAL RECORDS.

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PARCEL D:

NONEXCLUSIVE EASEMENTS ON, OVER AND ACROSS THE LAND AS SET FORTH IN THAT CERTAIN INSTRUMENT ENTITLED "DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS" (BLOCK 200 – DESIGN PLAZA) RECORDED NOVEMBER 20, 1991 AS INSTRUMENT NO. 91- 632704 OF OFFICIAL RECORDS, IN THE OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA, AND INCORPORATED HEREIN BY THIS REFERENCE (THE "BLOCK 200 REA").

PARCEL E:

NONEXCLUSIVE EASEMENTS ON, OVER AND ACROSS THE LAND AS SET FORTH IN THAT CERTAIN INSTRUMENT ENTITLED "DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS" (BLOCK 300 – NEWPORT CENTER) RECORDED NOVEMBER 14, 1991 AS DOCUMENT NO. 91-621555 OF OFFICIAL RECORDS, IN THE OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA, AND INCORPORATED HEREIN BY THIS REFERENCE (THE "BLOCK 300 REA").

PARCEL F:

NONEXCLUSIVE EASEMENT FOR PARKING AS SET FORTH IN THAT CERTAIN INSTRUMENT "DECLARATION OF PARKING RIGHTS AND GRANT OF EASEMENT (BLOCK 200 NEWPORT CENTER)", RECORDED MAY 1, 1992 AS INSTRUMENT NO. 92-289965 OF OFFICIAL RECORDS, IN THE OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA.

PARCEL G:

NONEXCLUSIVE EASEMENT FOR PARKING AS SET FORTH IN THAT CERTAIN INSTRUMENT "DECLARATION OF PARKING RIGHTS AND GRANT OF EASEMENT (BLOCK 300 NEWPORT CENTER)", RECORDED MAY 1, 1992 AS INSTRUMENT NO. 92-289966 OF OFFICIAL RECORDS, IN THE OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA.

PARCEL H:

AN EASEMENT FOR THE BENEFIT OF THE LAND AS A RESULT OF MINOR ENCROACHMENTS OF EXISTING STRUCTURES AS SET FORTH IN THE DEED RECORDED MAY 1, 1992 AS INSTRUMENT NO. 92- 289968 OF OFFICIAL RECORDS, OVER THE FOLLOWING:

THAT PORTION OF PARCEL 2 IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 60, PAGE 36 OF PARCEL MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF PARCEL 1 OF SAID PARCEL MAP:
THENCE ALONG THE NORTHEASTERLY PROLONGATION OF THE SOUTHEASTERLY LINE OF SAID PARCEL NORTH 40° 09' 33" EAST 18.00 FEET;
THENCE NORTH 32° 15' 33" WEST 67.53 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID PARCEL 2, SAID POINT DISTANT THEREON 38.40 FEET NORTHEASTERLY FROM THE NORTHEASTERLY LINE OF SAID PARCEL 1;
THENCE SOUTH 40° 09' 33" WEST 38.40 FEET TO SAID NORTHEASTERLY LINE;
THENCE SOUTH 49° 50' 27" EAST 64.38 FEET TO THE POINT OF BEGINNING.

TITLE EXCEPTIONS:

ITEMS SHOWN AS (#) HAVE BEEN PLOTTED ON THE SURVEY.

A. TAXES

B.–D. INTENTIONALLY DELETED.

E. TITLE COMPANY NOTE. (NON-SURVEY MATTER)

F. TAXES

1. WATER RIGHTS, CLAIMS OR TITLE WATER, WHETHER OR NOT DISCLOSED BY THE PUBLIC RECORDS.

2. A PERPETUAL AIR OR FLIGHT EASEMENT, SOMETIMES REFERRED TO AS AVIGATION RIGHTS, SAID EASEMENTS AND RIGHTS BEING MORE PARTICULARLY DESCRIBED AND DEFINED IN AND GRANTED TO THE COUNTY OF ORANGE BY DEED RECORDED MARCH 17, 1964 IN BOOK BOOK 6965, PAGE 721, OF OFFICIAL RECORDS. (BLANKET OVER ALL PARCELS)

(3) EASEMENT FOR PEDESTRIAN WALKWAY PURPOSES PER DOCUMENT RECORDED MAY 16, 1968 IN BOOK 8603, PAGE 890, OF OFFICIAL RECORDS.

(4) EASEMENT FOR POLE LINES AND CONDUITS PURPOSES PER DOCUMENT RECORDING NO. 16807, IN BOOK 8826 PAGE 774, OF OFFICIAL RECORDS.

5. MATTERS CONTAINED IN THAT CERTAIN DOCUMENT RECORDED JANUARY 6, 1969 IN BOOK 8837, PAGE 204, OF OFFICIAL RECORDS. (BLANKET OVER PARCELS C, E AND G)

6. INTENTIONALLY DELETED.

(7) EASEMENT FOR UNDERGROUND COMMUNICATION SYSTEMS PURPOSES PER DOCUMENT RECORDED MAY 6, 1970 IN BOOK 9283, PAGE 337, OF OFFICIAL RECORDS.

(8) THE OWNERSHIP OF SAID LAND DOES NOT INCLUDE RIGHTS OF ACCESS TO OR FROM THE STREET, HIGHWAY, OR FREEWAY ABUTTING SAID LAND, SUCH RIGHTS HAVING BEEN RELINQUISHED BY THE DOCUMENT, RECORDED MAY 6, 1970 IN BOOK 9283, PAGE 545, OF OFFICIAL RECORDS. (LIMITS ACCESS TO ABUTTING RIGHT-OF-WAY – PLOTTED AS)

9. EASEMENT FOR PARKING, INGRESS AND EGRESS PURPOSES PER DOCUMENTS RECORDED JULY 28, 1970 IN BOOK 9358, PAGE 288, JULY 29, 1970 IN BOOK 9359, PAGES 548, 552, 555, AND 558, AUGUST 10, 1970 IN BOOK 9370, PAGE 660 AND SEPTEMBER 11, 1970 IN BOOK 9400, PAGE 675, ALL OF OFFICIAL RECORDS. (BLANKET OVER PARCELS E, G AND H)

10 INTENTIONALLY DELETED.

(11) THE OWNERSHIP OF SAID LAND DOES NOT INCLUDE RIGHTS OF ACCESS TO OR FROM THE STREET, HIGHWAY, OR FREEWAY ABUTTING SAID LAND, SUCH RIGHTS HAVING BEEN RELINQUISHED BY THE DOCUMENT, RECORDED OCTOBER 20, 1971 IN BOOK 9855, PAGE 352, OF OFFICIAL RECORDS. (LIMITS ACCESS TO ABUTTING RIGHT-OF-WAY – PLOTTED AS)

(12) EASEMENT FOR COMMUNICATION SYSTEMS PURPOSES PER DOCUMENT RECORDED FEBRUARY 17, 1972 IN BOOK 10005, PAGE 923, OF OFFICIAL RECORDS.

(13) EASEMENT FOR PUBLIC UTILITIES PER DOCUMENT RECORDED AUGUST 1, 1972 IN BOOK 10252, PAGE 851, OF OFFICIAL RECORDS.

14. MATTERS CONTAINED IN THAT CERTAIN DOCUMENT RECORDED JULY 24, 1974, RECORDING NO. 23660, IN BOOK 11203, PAGE 1172, OF OFFICIAL RECORDS. (BLANKET OVER PARCELS C, E AND G)

15. MATTERS CONTAINED IN THAT CERTAIN DOCUMENT RECORDED JUNE 16, 1989 AS INSTRUMENT NO. 89-318833, OF OFFICIAL RECORDS. (BLANKET OVER PARCELS C, E AND G)

16. COVENANTS, CONDITIONS AND RESTRICTIONS BUT OMITTING ANY COVENANTS OR RESTRICTIONS, RECORDED NOVEMBER 14, 1991 AS INSTRUMENT NO. 91-621555 AND MARCH 24, 1995 AS INSTRUMENT NO. 95-0119007, BOTH OF OFFICIAL RECORDS. (BLANKET OVER PARCELS C, E, G AND H)

17. COVENANTS, CONDITIONS AND RESTRICTIONS BUT OMITTING ANY COVENANTS OR RESTRICTIONS, RECORDED NOVEMBER 20, 1991 AS INSTRUMENT NO. 91-632704, MAY 1, 1992 AS INSTRUMENT NO. 92-289965, JUNE 24, 1993 AS INSTRUMENT NO. 93-422625, JULY 20, 1993, AS INSTRUMENT NO. 93-0483471 AND JUNE 6, 1995 AS INSTRUMENT NO. 95-0239267, ALL OF OFFICIAL RECORDS. (BLANKET OVER PARCELS B, D AND F)

18. INTENTIONALLY DELETED.

19. INTENTIONALLY DELETED.

20. MATTERS CONTAINED IN THOSE CERTAIN DOCUMENTS RECORDED MAY 1, 1992 AS INSTRUMENT NO. 92-289966 AND MARCH 24, 1995 AS INSTRUMENT NO. 95-0119007, BOTH OF OFFICIAL RECORDS. (BLANKET IN NATURE OVER PARCELS E, G AND H)

(21) NONEXCLUSIVE EASEMENTS FOR VARIOUS PURPOSES PER DOCUMENT RECORDED MAY 1, 1992 AS INSTRUMENT NO. 92-289968, OF OFFICIAL RECORDS. (PORTION OF DOCUMENT IS BLANKET IN NATURE OVER ALL PARCELS) (A 15' WIDE EASEMENT IS PLOTTED HEREON)

22. ANY MATTERS OR REQUIREMENTS AS DISCLOSED BY THE IMPROVEMENT CERTIFICATE SHOW ON PARCEL MAP NO. 93-106 FILED IN BOOK 283, PAGES 41 AND 42 OF PARCEL MAPS. (BLANKET OVER PARCELS B, D AND F)

(23) NONEXCLUSIVE EASEMENTS FOR VARIOUS PURPOSES PER DOCUMENT RECORDED NOVEMBER 30, 1994 AS INSTRUMENT NO. 94-0690632, OF OFFICIAL RECORDS. (PORTIONS OF THE DOCUMENT IS BLANKET IN NATURE OVER PARCELS A AND B) (A 15' WIDE EASEMENT IS PLOTTED HEREON)

24. NONEXCLUSIVE EASEMENTS AS SET FORTH IN THAT CERTAIN DOCUMENT RECORDED NOVEMBER 20, 1991 AS INSTRUMENT NO. 91-632704 AND RESERVED IN DEED RECORDED NOVEMBER 30, 1994 AS INSTRUMENT NO. 94-0690632, BOTH OF OFFICIAL RECORDS. (BLANKET OVER PARCELS B, D AND F)

25. NONEXCLUSIVE EASEMENT FOR PARKING AS SET FORTH IN THOSE CERTAIN DOCUMENTS RECORDED MAY 1, 1992 AS INSTRUMENT NO. 92-289965 AND RESERVED IN DEED RECORDED NOVEMBER 30, 1994 AS INSTRUMENT NO. 94-0690632, BOTH OF OFFICIAL RECORDS. (BLANKET OVER PARCELS B, D AND F)

26. AN UNRECORDED LEASE WITH CERTAIN TERMS, COVENANTS, CONDITIONS AND PROVISIONS SET FORTH THEREIN AS DISCLOSED BY THE DOCUMENT RECORDED JULY 6, 2000 AS INSTRUMENT NO. 2000-353894, OF OFFICIAL RECORDS. (BLANKET OVER ALL PARCELS)

27. A DEED OF TRUST RECORDED JUNE 2, 2020 AS INSTRUMENT NO. 2020000248638, MODIFIED PER DOCUMENT RECORDED SEPTEMBER 1, 2023 AS INSTRUMENT NO. 2023000214893 AND THE EFFECT OF A FULL RECONVEYANCE RECORDED DECEMBER 27, 2023 AS INSTRUMENT NO. 2023000316834, ALL OF OFFICIAL RECORDS. (BLANKET OVER ALL PARCELS)

28. AN ASSIGNMENT, RECORDED 2020-248639 OF OFFICIAL RECORDS.

29. SUBORDINATION, NONDISTURBANCE AND ATTORNMENT AGREEMENT RECORDED JUNE 8, 2020 AS INSTRUMENT NO. 2020-259066, RECORDED 2020-259066, RECORDED 2020-248638, ALL OF OFFICIAL RECORDS. (BLANKET OVER ALL PARCELS)

30. INTENTIONALLY DELETED

31.–35. TITLE COMPANY NOTES.

BASIS OF BEARINGS:

BEARINGS HEREON ARE IN TERMS OF THE CALIFORNIA COORDINATE SYSTEM OF 1983 (CCS-83) ZONE VI, 2017.50 EPOCH, AS DERIVED LOCALLY BY GPS CONTINUALLY OPERATING REFERENCE STATIONS SBCC AND FVPK, BEING N 63°-40'-23".41 W AS PUBLISHED BY THE CALIFORNIA SPATIAL REFERENCE CENTER.

AERIAL PHOTO AND TOPOGRAPHIC SURVEY NOTE:

AERIAL TOPOGRAPHIC MAPPING AND WAS FLOWN ON MARCH 20, 2025 AND IS THE BASIS FOR SHOWING THE LOCATION OF CERTAIN FEATURES WHERE GROUND MEASUREMENTS ARE NOT OTHERWISE NECESSARY TO AN APPROPRIATE OR ACCEPTABLE ACCURACY RELATIVE TO THE BOUNDARY, TOPOGRAPHIC MAPPING WAS PRODUCED TO 20-SCALE, 1 FT CONTOUR ACCURACY.

SURVEYOR'S NOTE:

ALL MEASUREMENTS SHOWN HEREON ARE RECORD PER R1, R2, R3 AND R4 UNLESS OTHERWISE NOTED.

BOUNDARY AND ESTABLISHMENT NOTES:

10003 FOUND STANDARD CITY OF NEWPORT BEACH WELL MONUMENT WITH 2" BRASS CAP, NO TAG, PER R1, DOWN 0.8'.
10005 FOUND STANDARD CITY OF NEWPORT BEACH WELL MONUMENT WITH 2" BRASS CAP, NO TAG, PER R3, DOWN 1.0'.
10006 FOUND STANDARD CITY OF NEWPORT BEACH WELL MONUMENT WITH 2" BRASS CAP, NO TAG, PER R1, DOWN 1.0'.
10008 FOUND STANDARD CITY OF NEWPORT BEACH WELL MONUMENT WITH 2" BRASS CAP, NO TAG, PER R3, DOWN 1.0'
10009 FOUND STANDARD CITY OF NEWPORT BEACH WELL MONUMENT WITH 2" BRASS CAP, NO TAG, PER R3, DOWN 1.0'
10010 FOUND STANDARD CITY OF NEWPORT BEACH WELL MONUMENT WITH 2" BRASS CAP, NO TAG, PER R3, DOWN 1.0'
10015 FOUND STANDARD CITY OF NEWPORT BEACH WELL MONUMENT WITH 2" BRASS CAP, NO TAG, PER R2, DOWN 1.0'.
10016 FOUND STANDARD CITY OF NEWPORT BEACH WELL MONUMENT WITH 2" BRASS CAP, NO TAG, PER R1, DOWN 1.0'.
10018 FOUND STANDARD CITY OF NEWPORT BEACH WELL MONUMENT WITH 2" BRASS CAP, NO TAG, PER R3, DOWN 1.0'
10019 FOUND STANDARD CITY OF NEWPORT BEACH WELL MONUMENT WITH 2" BRASS CAP, NO TAG, PER R3, DOWN 1.0'
10021 FOUND NAIL AND TAG "LS 3200", NO REFERENCE, N24°56'12"E 0.28' FROM PROPERTY CORNER, FLUSH IN TOP OF CURB.
10022 FOUND NAIL AND TAG "RCE 26564", NO REFERENCE, N21°59'08"E 0.27' FROM PROPERTY CORNER, FLUSH IN TOP OF CURB.
(1) SEARCHED, NOTHING FOUND, ESTABLISHED BY HOLDING RECORD ANGLES AND DISTANCES PER R1.
(2) SEARCHED, NOTHING FOUND, ESTABLISHED BY HOLDING RECORD ANGLES AND DISTANCES PER R2.
(3) SEARCHED, NOTHING FOUND, ESTABLISHED BY HOLDING RECORD ANGLES AND DISTANCES PER R3.
(4) SEARCHED, NOTHING FOUND, ESTABLISHED BY HOLDING RECORD ANGLES AND DISTANCES PER R4.
(5) SEARCHED, NOTHING FOUND, ESTABLISHED BY HOLDING RECORD RADIUS PER R3.

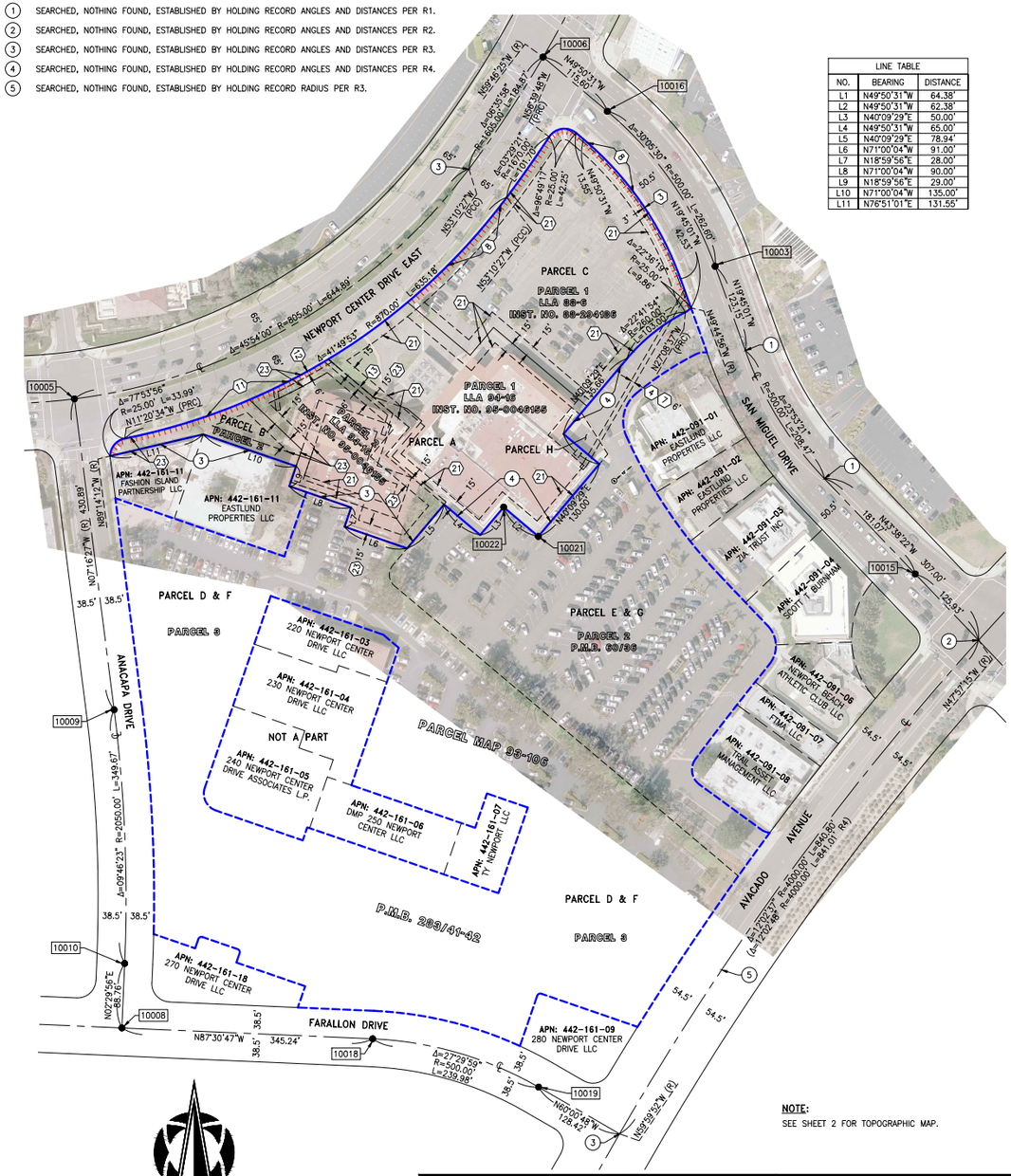
RECORD REFERENCES:

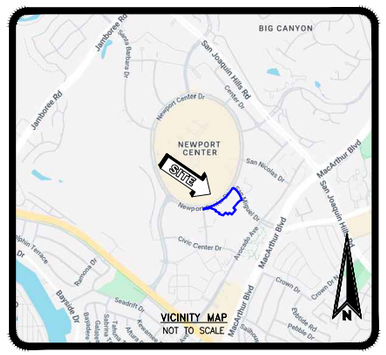
R1 P.M.B. 25/1
R2 TRACT NO. 10625, M.M. 481/6-9
R3 PARCEL MAP NO. 93-106, P.M.B. 283/41-42
R4 P.M.B. 60/36

LINE LEGEND:

SUBJECT PROPERTY LINES
PARCEL LINES
APPURTENANT EASEMENT LINES
APPURTENANT EASEMENT PARCEL LINES
RIGHT OF WAY LNIES
CENTERLINES
EASEMENT LINES
ADJACENT PROPERTY LINES
RELINQUISHED ACCESS RIGHTS

LINE TABLE		
NO.	BEARING	DISTANCE
L1	N49°50'31"W	64.38'
L2	N49°50'31"W	62.38'
L3	N40°09'29"E	50.00'
L4	N49°50'31"W	65.00'
L5	N40°09'29"E	78.94'
L6	N71°00'04"W	91.00'
L7	N18°59'56"E	28.00'
L8	N71°00'04"W	90.00'
L9	N18°59'56"E	29.00'
L10	N71°00'04"W	135.00'
L11	N76°51'01"E	131.55'





NOTE:

SEE SHEET 2 FOR TOPOGRAPHIC MAP.

ALTA/NSPS TABLE A ITEMS:

ITEM 2 THE SITE ADDRESS OBSERVED WHILE CONDUCTING THE SURVEY IS: 300 NEWPORT CENTER DRIVE, NEWPORT BEACH, CA.

ITEM 3 THE LAND SHOWN ON THIS SURVEY LIES WITHIN FLOOD ZONE "X" (UNSHADED) BEING DESCRIBED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, PER FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NUMBER 06059C0401J, REVISED DATE: DECEMBER 3, 2009.

ITEM 4 THE GROSS LAND AREA IS: 4.167 ACRES

ITEM 5 THE CONTOURS AND ELEVATIONS SHOWN HEREON ARE BASED ON THE FOLLOWING BENCH MARK:

BM NO.: 3K-46-91 ELEV.: 95.484' (OCS BENCH MARK)
DATUM: NAVD 88
DESCRIPTION: 3 3\4" OCS ALUMINUM BENCHMARK DISK STAMPED "3K-46-91", SET IN THE WESTERLY CORNER OF A 4 FT. BY 8 FT. CONCRETE CATCH BASIN. MONUMENT IS LOCATED IN THE NORTHEASTERLY CORNER OF THE INTERSECTION OF PACIFIC COAST HIGHWAY AND NEWPORT CENTER DRIVE, 65 FT. NORTHEASTERLY OF THE CENTERLINE OF PCH AND 185 FT. NORTHWESTERLY OF THE CENTERLINE OF NEWPORT CENTER DRIVE. MONUMENT IS SET LEVEL WITH THE SIDEWALK

CONTOUR INTERVAL=1'

ITEM 6(a) AS STATED IN ORDINANCE NO. 2024-16, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AMENDING TITLE 20 (PLANNING AND ZONING) OF THE NEWPORT BEACH MUNICIPAL CODE TO IMPLEMENT THE GENERAL PLAN 6TH CYCLE HOUSING ELEMENT PA2022-0245), DATED SEPTEMBER 24, 2024, PROVIDED BY THE CLIENT, THE CURRENT ZONING CLASSIFICATION IS HO-4, HOUSING OPPORTUNITY ZONING DISTRICT – NEWPORT CENTER AREA, PER THE CITY OF NEWPORT BEACH.

SETBACK REQUIREMENTS:
NO SETBACK REQUIREMENTS

HEIGHT RESTRICTIONS:
32 FEET WITH FLAT ROOF, 37 FEET WITH SLOPED ROOF

FLOOR SPACE AREA RESTRICTIONS:
FLOOR AREA RATIO – NO RESTRICTIONS
COMMON OPEN SPACE – MINIMUM 75 SQUARE FEET PER DWELLING UNIT (MINIMUM DIMENSION: 15 FEET)
PRIVATE OPEN SPACE – 5% OF GROSS FLOOR AREA FOR EACH UNIT (MINIMUM DIMENSION: 6 FEET)

PARKING REQUIREMENTS:
RESIDENTIAL (RENTAL):

SUBTYPE	REQUIREMENT PER UNIT
STUDIO	1.1 SPACES
1 BEDROOM	1.5 SPACES
2 BEDROOMS	1.8 SPACES
3 BEDROOMS	2.0 SPACES
VISITOR PARKING	0.3 SPACES

RESIDENTIAL (OWNERSHIP):

SUBTYPE	REQUIREMENT PER UNIT
STUDIO	1.4 SPACES
1 BEDROOM	1.8 SPACES
2 BEDROOMS	1.8 SPACES
3 BEDROOMS	2.0 SPACES
VISITOR PARKING	0.3 SPACES

ITEM 6(b) THERE ARE NO SETBACK REQUIREMENTS.

ITEM 13 SEE THE SURVEY PLAT FOR THE NAMES OF ADJOINING OWNERS.

ITEM 15 THE TOPOGRAPHIC INFORMATION SHOWN HEREON WAS COMPILED PHOTOGRAMMETRICALLY FROM AERIAL PHOTOGRAPHY DATED MARCH 20, 2025 AND SUPPLEMENTED BY A FIELD SURVEY COMPLETED IN MARCH 2025.

THE HORIZONTAL DATA SET WAS PRODUCED TO MEET ASPRS POSITIONAL ACCURACY STANDARDS FOR DIGITAL GEOSPATIAL DATA (2014) FOR A 12.5-CM (0.41-FT) RMSEX / RMSEY HORIZONTAL ACCURACY CLASS WHICH EQUATES TO POSITIONAL HORIZONTAL ACCURACY = +/- 30.6-CM (1.00-FT) A 95% CONFIDENCE LEVEL.

THE VERTICAL DATA SET WAS PRODUCED TO MEET ASPRS POSITIONAL ACCURACY STANDARDS FOR DIGITAL GEOSPATIAL DATA (2014) FOR A 10-CM (0.33-FT) RMSEZ VERTICAL ACCURACY CLASS EQUATING TO NON-VEGETATED VERTICAL ACCURACY (NVA) = +/- 19.6-CM (0.64 FT) AT 95% CONFIDENCE LEVEL AND VEGETATED VERTICAL ACCURACY (VVA) =+/- 30-CM (0.98-FT) AT THE 95TH PERCENTILE.

SURVEYOR'S CERTIFICATE:

TO: TRAIL PROPERTIES, LLC, A DELAWARE LIMITED LIABILITY COMPANY; RELATED CALIFORNIA AND COMMONWEALTH LAND TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETA

ALTA/NSPS LAND TITLE SURVEY

TOPOGRAPHIC MAP

SYMBOL LEGEND:

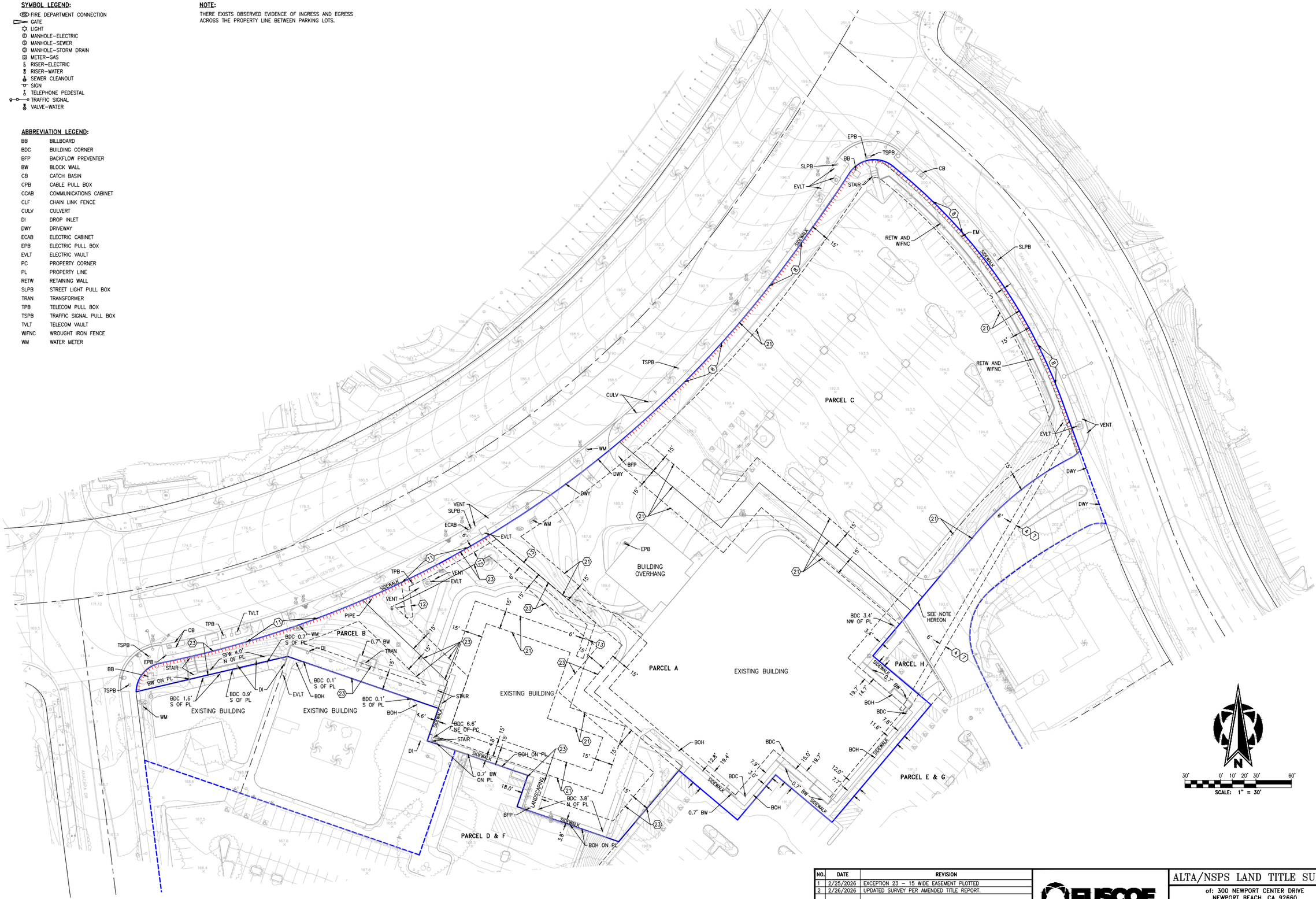
- FDC FIRE DEPARTMENT CONNECTION
- GATE
- LIGHT
- E MANHOLE–ELECTRIC
- S MANHOLE–SEWER
- D MANHOLE–STORM DRAIN
- M METER–GAS
- RISER–ELECTRIC
- RISER–WATER
- SEWER CLEANOUT
- SIGN
- TELEPHONE PEDESTAL
- TRAFFIC SIGNAL
- VALVE–WATER

ABBREVIATION LEGEND:

BB	BILLBOARD
BDC	BUILDING CORNER
BFP	BACKFLOW PREVENTER
BW	BLOCK WALL
CB	CATCH BASIN
CPB	CABLE PULL BOX
CCAB	COMMUNICATIONS CABINET
CLF	CHAIN LINK FENCE
CULV	CULVERT
DI	DROP INLET
DWY	DRIVEWAY
ECAB	ELECTRIC CABINET
EPB	ELECTRIC PULL BOX
EVLT	ELECTRIC VAULT
PC	PROPERTY CORNER
PL	PROPERTY LINE
RETW	RETAINING WALL
SLPB	STREET LIGHT PULL BOX
TRAN	TRANSFORMER
TPB	TELECOM PULL BOX
TSPB	TRAFFIC SIGNAL PULL BOX
TVLT	TELECOM VAULT
WIFNC	WROUGHT IRON FENCE
WM	WATER METER

NOTE:

THERE EXISTS OBSERVED EVIDENCE OF INGRESS AND EGRESS ACROSS THE PROPERTY LINE BETWEEN PARKING LOTS.



NO.	DATE	REVISION
1	2/25/2026	EXCEPTION 23 – 15 WIDE EASEMENT PLOTTED
2	2/26/2026	UPDATED SURVEY PER AMENDED TITLE REPORT.

ORIGINAL ISSUE DATE: 4/15/2025

FUSCOE ENGINEERING
15535 Sand Canyon Ave, Suite 100
Irvine, California 92618
949.474.1960 fuscoe.com

ALTA/NSPS LAND TITLE SURVEY

of: 300 NEWPORT CENTER DRIVE
NEWPORT BEACH, CA 92660

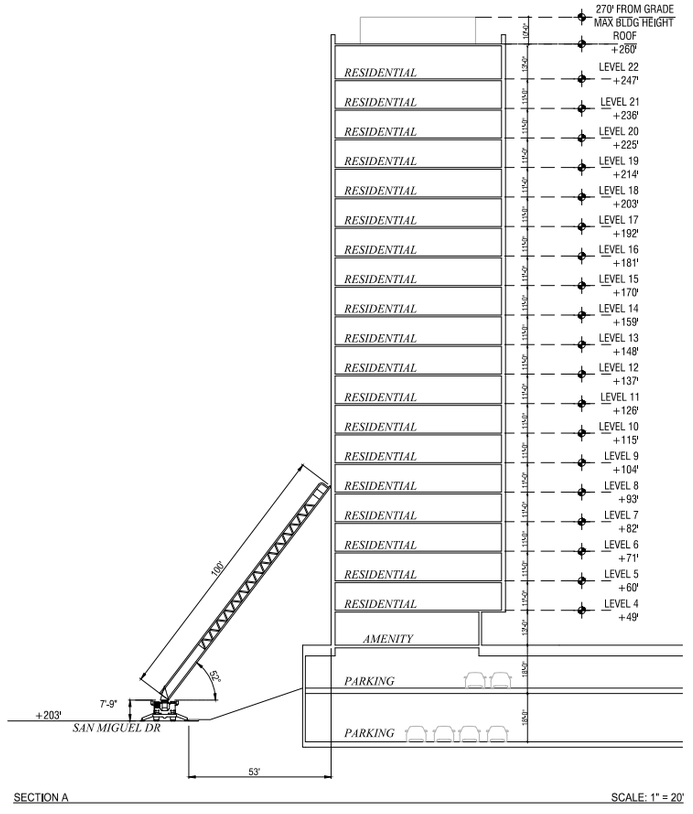
for: RELATED CALIFORNIA
18201 VON KARMAN AVENUE, SUITE 900
IRVINE, CA 92612

DATE: 4/7/2025
FN: 0622-019ALT
JN: 0622-019-01
DRAWN BY: PC
CHECKED BY: KRT

SHEET 2 OF 2

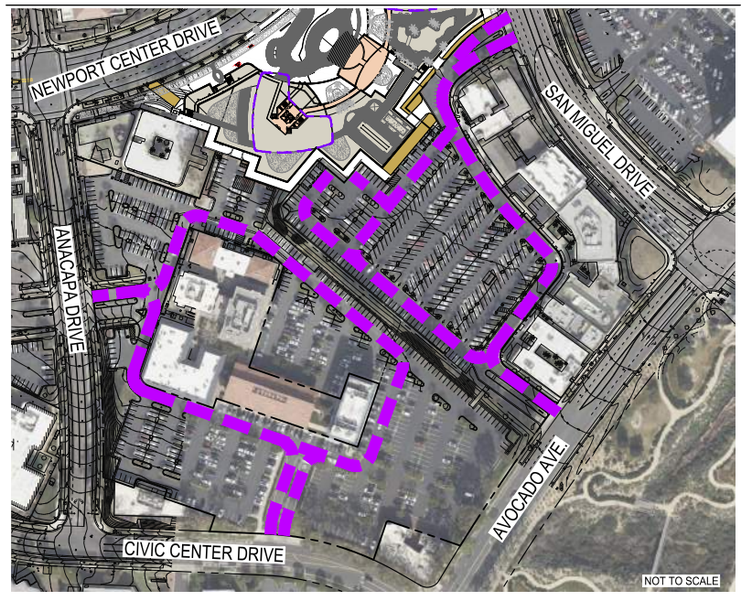
N:\Mapping\0622\019\ALTA\ALTA 2026\0622-019ALT.dwg | PLOT: 2/26/2026 9:29:25 AM





SECTION A — SCALE: 1" = 20'

OFF-SITE FIRE DEPARTMENT DRIVABLE ACCESS



LEGEND

- EXISTING PUBLIC FIRE HYDRANT WITH BLUE MARKER.
- PROPOSED PUBLIC FIRE HYDRANT WITH BLUE MARKER.
- PROPOSED PRIVATE FIRE HYDRANT WITH BLUE MARKER.
- PROPOSED WET STANDPIPES PROVIDED ON 2ND AND 3RD LEVEL PODIUM DECKS, FINAL DESIGN AND LOCATIONS AS PART OF A DEFERRED SUBMITTAL WITH STANDPIPES LOCATED NO MORE THAN 200' APART MEASURED ALONG A WALKABLE PATH
- PROPOSED DOUBLE DETECTOR CHECK
- PROPOSED FIRE DEPARTMENT CONNECTION
- PROPOSED FIRE ACCESS ROADWAY MEETING NBFD WEIGHT REQUIREMENTS OF 72,000LBS
- PROPOSED ENTRY THAT IS NOT A PART OF FIRE ACCESS, BUT SHALL MEET NBFD WEIGHT REQUIREMENTS OF 72,000LBS
- PROPOSED DEDICATED FIRE ACCESS LANES MEETING NBFD WEIGHT REQUIREMENTS OF 72,000LBS
- INDICATES PROPOSED 4" MOUNTABLE CURB MEETING NBFD WEIGHT REQUIREMENTS
- PROPOSED WALKABLE FIRE FIGHTER PATH OF TRAVEL AT GRADE, FINAL DESIGN SHALL BE PROVIDED AS PART OF A FUTURE FIRE MASTER PLAN AS A DEFERRED SUBMITTAL
- 150' HOSE PULL REACH FROM FIRE ACCESS DRIVES
- ACCESS PATH BEYOND 150' HOSE PULL
- INDICATES INTERIOR PORTIONS OF PROPOSED BUILDING AT LEVEL 1
- INDICATES PARKING GARAGE AT LEVEL 1
- INDICATES PORTE COCHERE
- INDICATES STAIR LOCATIONS
- INDICATES ELEVATOR LOCATIONS
- INDICATES LIMITS OF THE TOWERS ABOVE
- INDICATES BUILDING LOBBY ENTRY AT GRADE
- INDICATED FIRE DEPARTMENT STAGING AREA
- INDICATES FIRE COMMAND STAGING AREA
- INDICATES AERIAL TRUCK LADDER STAGING LOCATIONS, TWO (2) FOR EACH TOWER
- INDICATES FIRE DEPARTMENT PATH OF TRAVEL WITH A 20' INSIDE TURNING RADII AND 40' OUTSIDE RADII
- INDICATES FIRE DEPARTMENT DRIVABLE PATH OF TRAVEL THROUGH EXISTING PARKING LOTS
- A — INDICATES SECTION LOCATIONS

PREPARED BY:
firesafe PLANNING, INC.
28506 AROSO STREET
RANCHO MISSION VIEJO, CA 92679
OFFICE: (949) 240-5911

steinberg hart | RAMSA ROBERT A.M. STERN ARCHITECTS | RELATED

PRELIMINARY FIRE ACCESS LAYOUT

300 NCD CONDOMINIUMS

300 NEWPORT CENTER DRIVE
NEWPORT BEACH, CA

SHEET INDEX
F0.01

02/04/2026

CITY OF

NEWPORT BEACH

City Council Staff Report

April 28, 2026
Agenda Item No. 15

TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	Jaime Murillo, Community Development Director - 949-644-3209, jmurillo@newportbeachca.gov
PREPARED BY:	Benjamin M. Zdeba, AICP, Acting Deputy Community Development Director - 949-644-3253, bzdeba@newportbeachca.gov
TITLE:	Resolution No. 2026-25: Notice of Intent to Override Orange County Airport Land Use Commission' s Determination of Inconsistency for the Comprehensive General Plan Update (PA2022-080)

ABSTRACT:

Since 2019, the City's General Plan Update process has evolved in phases, including an interim focus on preparation and implementation of the 6th Cycle Housing Element. Following certification of the Housing Element, the City of Newport Beach (City) resumed the broader General Plan Update, which was informed by extensive public outreach and approximately 100 meetings of the General Plan Update Steering Committee (GPUSC), General Plan Advisory Committee (GPAC), and related subcommittees. On January 21, 2026, the GPUSC and GPAC supported forwarding the Final GPUSC/GPAC Draft General Plan Update for formal consideration. The General Plan Update was subsequently submitted to the Orange County Airport Land Use Commission (ALUC), which determined on March 19, 2026, that the update is inconsistent with the Airport Environs Land Use Plan.

For the City Council's consideration is a recommendation to override the ALUC's finding of inconsistency. This action would authorize City staff to formally provide notice, pursuant to CPUC Section 21676(b), to the ALUC and the State Department of Transportation, Aeronautics Program, of the City's intention to override the ALUC's inconsistency finding.

RECOMMENDATIONS:

a) Conduct a public hearing;

b) Find that the proposed overriding action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly; and

c) Adopt Resolution No. 2026-25, *A Resolution of the City Council of the City of Newport Beach, California, Notifying the Orange County Airport Land Use Commission and State Department of Transportation, Aeronautics Program of the*

City's Intention to Find that the Comprehensive General Plan Update is Consistent with the 2008 John Wayne Airport Environs Land Use Plan (PA2022-080).

DISCUSSION:

On January 22, 2019, the City Council adopted Resolution No. 2019-7 to establish the General Plan Update Steering Committee (Original GPUSC) and to initiate a comprehensive review and update of the Newport Beach General Plan (General Plan), which was last comprehensively updated in 2006. Subsequent to the initiation, however, it became clear that the 6th Cycle Regional Housing Needs Assessment (RHNA) allocation for the City would be unprecedentedly high.

On January 14, 2020, the City Council adopted Resolution No. 2020-6 to dissolve the Original GPUSC and to establish the Housing Element Update Advisory Committee. With this action, the City Council directed staff to focus on preparing the 6th Cycle Housing Element for the 2021-2029 planning period (Housing Element) and updating the Land Use Element and Circulation Element.

As the work on the Housing Element was nearing completion, the City Council adopted Resolution No. 2022-2 on January 25, 2022, to reestablish the General Plan Update Steering Committee (GPUSC) with three community members to assist the City in reviewing and updating the General Plan (General Plan Update). Alongside the final adoption of the Housing Element, the City Council also adopted Resolution No. 2022-59 on September 13, 2022, to establish the General Plan Advisory Committee (GPAC) comprised of up to 30 community members tasked with reviewing and providing guidance on policy changes.

On October 5, 2022, the California Department of Housing and Community Development (HCD) certified the City's adopted Housing Element as compliant with State law. As a result, the City Council adopted Resolution Nos. 2023-74 and 2024-51, approving focused amendments to the General Plan Noise Element and Land Use Element necessary to implement the Housing Element.

On a parallel track to the amendments required for implementation of the Housing Element, City staff began to refocus efforts on the General Plan Update. The draft General Plan Update evolved over the course of a combined 100 meetings between the GPUSC, GPAC, and GPAC's various subcommittees. It incorporates amendments to the Arts & Culture, Harbor, Bay and Beaches, Historical Resources, Land Use, Natural Resources, Noise, Recreation and Safety Elements, and includes input from hundreds of community members.

The GPUSC and GPAC held a special joint meeting on December 3, 2025, to review comments on the General Plan Update from City boards, commissions, and committees and community members, and to provide direction on how to incorporate responsive revisions.

On January 21, 2026, the GPUSC and GPAC held another special joint meeting to review the revised General Plan Update. At the conclusion of the meeting, the GPUSC and GPAC overwhelmingly supported the comprehensive set of revised draft elements moving forward as the “Final GPUSC/GPAC Draft General Plan Update.”

Airport Land Use Commission Review

Section 4.3 of the 2008 John Wayne Airport Environs Land Use Plan (AELUP) and Section 21676(b) of the California Public Utilities Code (CPUC) require the City to submit General Plan amendments to the ALUC for a consistency determination with the AELUP. As such, the City submitted the General Plan Update for ALUC review. Although the entire General Plan Update was referred to ALUC for a consistency determination, ALUC staff focused its review on the Land Use, Noise and Safety Elements.

On March 19, 2026, the ALUC conducted a public hearing on the General Plan Update and unanimously determined (5 ayes and 0 nays) it is inconsistent with the AELUP.

The March 19, 2026, ALUC staff report is included as Attachment B, and the ALUC inconsistency determination letter is included as Attachment C.

Planning Commission Review and Recommendation

On April 23, 2026, the Planning Commission will conduct a public hearing and consider recommending that the City Council adopt the General Plan Update. City staff will provide an update on the Planning Commission’s action as additional materials prior to the City Council meeting.

ALUC Override Process

As a final review authority on legislative acts, the City Council may choose to override the ALUC’s determination by following a two-step process, which is established in CPUC Section 21676. The first step in the process is to conduct a public hearing to adopt a resolution of intention to override, a copy of which would be sent to the ALUC and State Department of Transportation, Aeronautics Program (Caltrans Aeronautics) to provide formal notification of the City’s intent.

The second step in the process is that not less than 45 days after notification has been sent to the ALUC and Caltrans Aeronautics, the City Council may conduct a second public hearing to consider adopting a resolution to override the ALUC. At this time, the Council may also consider the General Plan Update and take final action on it.

The following points are important to consider:

- The City Council’s adoption of the attached notification resolution does not constitute approval of the General Plan Update, nor does it predispose the City Council’s future action on either the General Plan Update or the consistency determination;
- The attached resolution notifying the ALUC and the State Department of Transportation, Aeronautics Program of the City’s intent, and the resolution to overrule

the ALUC, which will be presented at a future hearing, must be adopted by a two-thirds majority vote. Since there are seven City Council members, five affirmative votes are needed to pass the resolution;

- Should the City Council ultimately overrule the ALUC decision, that action will not immediately affect the City's status as a consistent agency with the AELUP. The ALUC would need to place an item on one of its future agendas to consider deeming the City an inconsistent agency; and
- CPUC Section 21678 states that if the City overrides the ALUC's action or recommendation, the operator of the airport shall be immune from liability from damages to property or personal injury caused by or resulting directly or indirectly from the City's decision to overrule the ALUC determination.

The draft resolution provided as Attachment A to this report includes a preliminary analysis of the General Plan Update's consistency with the AELUP.

FISCAL IMPACT:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

Final action on the General Plan Update is not being considered at this time. An addendum to the Program Environmental Impact Report for the City of Newport Beach General Plan Housing Element Implementation Program is being prepared and will be provided for future action on the General Plan Update.

Nevertheless, the action that is currently before the City Council is consideration of adopting a resolution of intent to override the ALUC's finding that the General Plan Update is not consistent with the AELUP.

The City Council finds the adoption of this resolution is not subject to California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Specifically, the resolution does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment because it is limited to the

notification of the City's intent to overrule the ALUC determination and it does not commit the City to approve the General Plan Update.

NOTICING:

Notice of this hearing was published in the Daily Pilot in a one-eighth-page format at least 10 days before the scheduled meeting, consistent with Section 20.62.020(B)(2)(c) of the NBMC. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

ATTACHMENTS:

Attachment A – Resolution No. 2026-25
Attachment B – ALUC Staff Report, dated March 19, 2026
Attachment C – ALUC Determination Letter, dated March 21, 2026

Attachment A

Resolution No. 2026-25

RESOLUTION NO. 2026- __

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, NOTIFYING THE ORANGE COUNTY AIRPORT LAND USE COMMISSION AND STATE DEPARTMENT OF TRANSPORTATION, AERONAUTICS PROGRAM OF THE CITY'S INTENTION TO FIND THAT THE COMPREHENSIVE GENERAL PLAN UPDATE IS CONSISTENT WITH THE 2008 JOHN WAYNE AIRPORT ENVIRONS LAND USE PLAN (PA2022-080)

WHEREAS, Section 200 of the City Charter, of the City of Newport Beach ("City"), vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the City 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 ("State");

WHEREAS, the last comprehensive update of the City's General Plan ("General Plan") occurred in 2006;

WHEREAS, the City Council adopted Resolution No. 2019-7 on January 22, 2019 (subsequently amended pursuant to Resolution No. 2019-20), establishing the General Plan Update Steering Committee ("Original GPUSC") and initiating a comprehensive review and update of the General Plan;

WHEREAS, subsequent to the initiation, it became clear the 6th Cycle Regional Housing Needs Assessment ("RHNA") allocation for the City would be unprecedentedly high and, as such, the City Council directed City staff to focus on preparing the 6th Cycle Housing Element for the 2021-2029 planning period ("Housing Element") and updating the Land Use Element and Circulation Element;

WHEREAS, therefore, the City Council dissolved the Original GPUSC and established the Housing Element Update Advisory Committee ("HEUAC") pursuant to Resolution No. 2020-6 on January 14, 2020;

WHEREAS, on January 25, 2022, the City Council adopted Resolution No. 2022-2, reestablishing the General Plan Update Steering Committee, which was subsequently amended pursuant to Resolution No. 2025-3 ("GPUSC"), to assist the City in reviewing and updating the General Plan ("General Plan Update");

WHEREAS, on September 13, 2022, the City Council adopted Resolution No. 2022-59, establishing the General Plan Advisory Committee ("GPAC"), comprised of up to 30 community members to review and provide guidance on policy changes associated with the General Plan Update;

WHEREAS, the Housing Element was certified as statutorily compliant with State law by the California Department of Housing and Community Development ("HCD") on October 5, 2022;

WHEREAS, the City Council adopted amendments to the Noise and Land Use Elements of the General Plan that were necessary to implement the Housing Element pursuant to Resolution Nos. 2023-74 and 2024-51;

WHEREAS, additionally, City staff began working on the comprehensive General Plan Update;

WHEREAS, the draft General Plan Update evolved over the course of a combined 100 meetings between the GPUSC, GPAC, and the GPAC's various subcommittees, and includes input from hundreds of community members;

WHEREAS, the draft General Plan Update incorporates amendments to the Arts & Culture, Harbor, Bay, and Beaches, Historical Resources, Land Use, Natural Resources, Noise, Recreation, and Safety Elements;

WHEREAS, the GPUSC and GPAC held a special joint meeting on December 3, 2025, to review comments on the General Plan Update from City Boards, Commissions, and Committees, and incorporate responsive revisions;

WHEREAS, the GPUSC and GPAC held another special joint meeting on January 21, 2026, and supported the comprehensive set of revised draft elements moving forward as the "Final GPUSC/GPAC Draft General Plan Update";

WHEREAS, the General Plan Update is categorized as a citywide document, inclusive of the JWA Notification Area; thus, California Public Utilities Code ("CPUC") Section 21676(b) requires the Orange County Airport Land Use Commission ("ALUC") to review for consistency with the 2008 John Wayne Airport Environs Land Use Plan ("AELUP");

WHEREAS, although the entire General Plan Update was referred to ALUC for a consistency determination, ALUC staff focused its review on the Land Use Element, Noise Element, and Safety Element;

WHEREAS, on March 19, 2026, ALUC conducted a public hearing on the General Plan Update and, noting that it perpetuates the amendments that were the subject of previous determinations of inconsistency, unanimously determined it to be inconsistent with the following provisions of the AELUP:

a. 2.1.1 (Aircraft Noise), which provides in part that "aircraft noise emanating from airports may be incompatible with the general welfare of the inhabitants within the vicinity of an airport";

b. 2.1.2 (Safety Compatibility Zones), which states that "the purpose of these zones is to support the continued use and operation of an airport by establishing compatibility and safety standards to promote air navigational safety and to reduce potential safety hazards for persons living, working or recreating near JWA";

c. Section 2.1.4 (Air Transportation) and CPUC Section 21674 which states that the Commission is charged by CPUC Section 21674(a) "to assist local agencies in ensuring compatible land uses in the vicinity of ... existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses," and CPUC Section 21674(b) which states that "to coordinate planning at the state, regional and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety and welfare"; and

d. 3.2.1 (General Policy), which states that within the boundaries of the AELUP, any land use may be found to be inconsistent with the AELUP which... permits structures of excessive height in areas which would affect adversely the continued operation of the airport; or permits activities or facilities that would affect adversely aeronautical operations";

WHEREAS, pursuant to Sections 21670 and 21676 of the CPUC, the City Council may, after a public hearing, propose to overrule ALUC with a two-thirds vote, if it makes specific findings that the General Plan Update is consistent with the purpose of Section 21670 of the CPUC to protect the public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses;

WHEREAS, a public hearing was held by the Planning Commission on April 23, 2026, in the Council Chambers at 100 Civic Center Drive, Newport Beach, California to consider the General Plan Update. A notice of time, place and purpose of the public hearing was given in accordance with California Government Code Section 54950 *et seq.* ("Ralph M. Brown Act") and Chapters 20.62 (Public Hearings) of the Newport Beach Municipal Code ("NBMC"). Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing;

WHEREAS, at the conclusion of the public hearing, the Planning Commission adopted Resolution No. PC2026-___ by a _____ vote of (_ ayes, _ nays, _ recused) recommending the City Council approve the General Plan Update; and

WHEREAS, a public hearing was held on April 28, 2026, by the City Council in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California to consider the General Plan Update. A notice of time, place and purpose of the public hearing was given in accordance with the Ralph M. Brown Act, CPUC Section 21676(b), and Chapter 20.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by, the City Council at this public hearing.

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

Section 1: The City Council finds the General Plan Update is consistent with the purposes of Section 21670 of the CPUC and the AELUP of protecting the public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.

Findings and Facts in Support of Findings:

A. *The General Plan Update is consistent with the noise standards of the AELUP.*

The AELUP guides development proposals to provide for the orderly development of John Wayne Airport and the surrounding area through implementation of the standards in Section 2 (Planning Guidelines) and Section 3 (Land Use Policies). Implementation of these standards are intended to protect the public from the adverse effects of aircraft noise, ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, and ensure that no structures or activities adversely affect navigable airspace.

Section 2.1.1 of the AELUP sets forth the community noise equivalent level ("CNEL") standards. The General Plan Update does not include uses that are incompatible with noise standards of the AELUP. To the extent that ALUC's determination of incompatibility was based on prior General Plan amendments, those prior actions are consistent as described herein. The Housing Element allocated a total of 62 housing opportunity sites in the Airport Area. The 2006 General Plan Noise Element was based on the CNEL noise contours of the 1985 AELUP Master Plan that were updated by subsequent modeling. As a result, the Noise Element was updated applying this updated modeling.

Specifically, in 2014, the County of Orange prepared a Draft EIR in connection with the 2014 John Wayne Airport Settlement Agreement Amendment (SCH No. 2001111125). EIR No. 617 explains why the 2014 dBA CNEL noise contours have reduced in size compared to the 1985 AELUP Master Plan CNEL noise contours. EIR No. 617 observed that "the Mater Plan noise contours are considerably larger than existing noise contours due to a quieter fleet of existing commercial aircraft and a dramatic reduction in the number of generation aviation operations …."[1] The 2014 CNEL contours were also based on a newly adopted, "state-of-the-art" noise modeling program.[2] EIR No. 617 found that the 65 dBA CNEL contour area was 114% smaller than the analog from the 1985 Master Plan.

As the EIR explained, "one of the most important factors in generating accurate noise contours is the collection of accurate operational data." Airport noise contours generated in the noise study uses the INM Version 7.0d which was released for use in May 2013 and is state-of-art in airport noise modeling. Although the 2014 Settlement Agreement Amendment and associated EIR were predicated on updated noise contours, the AELUP - which ALUC bases its land use compatibility or incompatibility determinations on - still relies on the outdated noise contours from the 1985 JWA Master Plan. The Noise Element has been in effect since 2023 and is consistent with the noise contours established pursuant to the 2014 Settlement Agreement Amendment.

The General Plan Update does not include uses that are incompatible with noise standards of the AELUP. Moreover, the General Plan Update includes a number of policies, including Policies N-3.1 and N-3.2, designed to safeguard against noise impacts for development adjacent to JWA. Therefore, the General Plan Update is consistent with the noise standards of the AELUP.

[1] EIR No. 617 at 4.6-34. CC 5A Appendices to FEIR 617
[2] *Id*. at 4.6-31. Airport noise contours were generated using the INM Version 7.0d. The latest version, INM Version 7.0d, was released for use in May 2013 and is the state-of-the-art in airport noise modeling.

B. The General Plan Update is consistent with the safety standards of the AELUP.

Section 2.1.2 (Safety Compatibility Zones) of the AELUP sets forth zones depicting which land uses are acceptable in various portions of JWA environs. The General Plan Update does not include uses that are incompatible with safety standards of the AELUP. To the extent that ALUC's determination of incompatibility was based on prior General Plan amendments, those prior actions are consistent as described herein. The Housing Element allocated a total of 62 housing opportunity sites in the Airport Area. Most of the housing opportunity sites, except for portions of three properties, are all within Safety Zone 6. Allowed uses in Safety Zone 6 include residential and most nonresidential uses except outdoor stadiums and similar uses with very high intensities. Uses that should be avoided include children's schools, large day-care centers, hospitals, and nursing homes. Risk factors associated with Safety Zone 6 generally include a low likelihood of accident occurrence. The Newport Beach Golf Course and the Young Men's Christian Association properties are included as housing opportunity sites in the Housing Element. Portions of those properties are within Safety Zone 4 with the remaining portions lying in Safety Zone 6. Safety Zone 4 limits residential uses to very low density (if not deemed unacceptable because of noise) and advises to avoid nonresidential uses having moderate or higher usage intensities.

The General Plan Update's Safety Element includes Policy S-9.1 (Land Use Compatibility), which demonstrates that the City acknowledges the importance of the JWA Safety Zones:

"Policy S-9.1: Land Use Compatibility. Participate in the planning process for projects related to John Wayne Airport, including any future updates to its Airport Environs Land Use Plan (AELUP). Continue to ensure new development land use intensity and compatibility align with the most currently available AELUP for John Wayne Airport to minimize potential safety impacts on residents."

The General Plan Update excludes any changes to the adopted and certified Housing Element and does not include any housing opportunity sites in the JWA Clear Zone/Runway Protection Zone. Compliance with these policies and regulations will ensure that future development within the JWA Airport Planning Area will follow the safety standards of the AELUP.

Safety concerns have been raised during previous amendments that carried forward with this General Plan Update due to the location of proposed residential sites within the AELUP's Safety Zones, particularly Zone 4 (Outer Approach/ Departure Zone) and Zone 6 (Traffic Pattern Zone); therefore, it has been recommended that the City recognize safety concerns in the context of the General

Plan Update and make adjustments and modifications to eliminate, where possible, such safety concerns. The "Basic Compatibility Qualities" listed for Zone 4 (Outer Approach/Departure Zone) state "[i]n undeveloped areas, limit residential uses to very low densities (if not deemed unacceptable because of noise); if alternative uses are impractical, allow higher densities as infill in urban areas." Similarly, the Basic Compatibility Qualities" for Zone 6 "allow residential uses." The AELUP defines "allow" to mean "use is acceptable." A total of 62 new housing opportunity sites were identified in the Airport Area according to the Housing Element. Of those sites, 48 are located wholly or partially outside the 65 dBA CNEL contour boundary as identified in 2014 Settlement Agreement Amendment EIR. Fourteen housing opportunity sites are located wholly within the updated 65 dBA CNEL contour boundary. Given the urban and developed state of the Airport Area, future residential development on sites located wholly or partially outside the 2014 65 dBA CNEL contour would constitute urban infill development. The 14 housing opportunity sites located wholly within the 2014 65 dBA CNEL are explicitly recognized as suitable for nonresidential uses under the policies carried forward in the General Plan Update. Therefore, the General Plan Update does not create an inherent conflict between the land use compatibility criteria for Zones 4 and 6 and the location of certain housing opportunity sites in the City' s Housing Element.

Lastly, it is important to note that no height increases to any particular property or development proposal are proposed in the General Plan Update. The City will ensure that all appropriate consideration is given to this topic in future planning decisions concerning building heights in the Airport Area.

C. *The General Plan Update is consistent with the air transportation standards of the AELUP and will not result in incompatible land uses adjacent to JWA.*

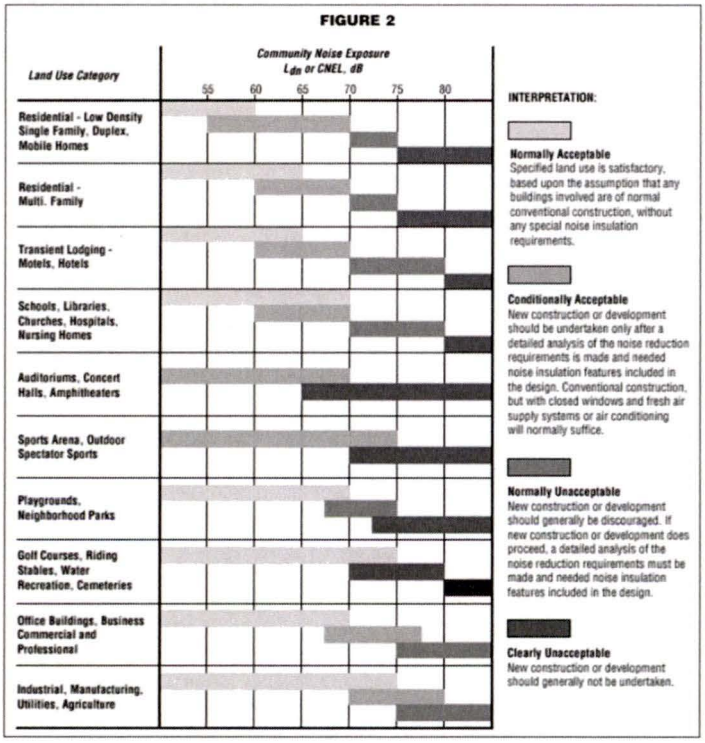
The standards and policies set forth in AELUP Sections 2 and 3 were adopted to prevent the creation of new noise and safety problems. California Government Code Section 65302 sets forth the requirements for Noise Elements in each jurisdiction's General Plan. Government Code Section 65302(f) mandates that each local agency's general plan includes a noise element that identifies and appraises noise problems in the community by analyzing and quantifying, to the extent practicable, current and projected noise levels from airport and airport operations. This is quantified by way of noise contours stated in terms of CNEL or day-night average sound level.

The CNEL contours from the 2014 Settlement Agreement Amendment EIR No. 617 were based on a newly adopted, "state-of-the-art" noise modeling program. It is reasonable to conclude that the updated noise modeling data taken in

conjunction with EIR No. 617 are the more optimal choice to satisfy this statutory requirement than the outdated 1985 Master Plan CNEL contours.

Furthermore, the General Plan Update is consistent with the Appendix D Noise Element Guidelines developed by the Governor's Office of Land Use and Climate Innovation ("LCI") (formerly the Office of Planning & Research or "OPR") (the "Noise Element Guidelines"). The Noise Element Guidelines were developed to aid local agencies in adopting (and updating) statutorily required noise elements. Among other things, the Noise Element Guidelines recommend that "Noise contours for larger airport facilities and major industrial sites are sufficiently complex that they must be developed via sophisticated computer techniques available through recognized acoustical consulting firms. Noise Element Guidelines at 371). The Noise Element Guidelines also recommend an " assessment of the present- day noise environment ..."

In addition to this recommendation, the Noise Element Guidelines include recommended exterior and interior noise level standards for local jurisdictions to identify and prevent the creation of incompatible land uses. The Noise Element Guidelines contain a land use compatibility table that describes the compatibility of various land uses with a range of environmental noise levels in terms of the CNEL. As noted in Figure 2 below, Residential-Multifamily Uses are "conditionally acceptable" between 60 and 70 dBA CNELs.



As set forth above, any development on the proposed housing opportunity sites will comply with the noise criteria and safety standards established in Sections 2 and 3, and consistent with policies contained in the Amendments to Land Use and Noise Elements and comply with standard conditions proposed for Title 20 of the NBMC and the Newport Place and Newport Airport Village planned communities. Parcels or sites bisected by the updated 65 dBA CNEL noise contour could support future housing; whereas parcels or sites located wholly within the updated 65 dBA CNEL noise contour could support housing, if deemed necessary to satisfy the RHNA mandate. Lastly, compliance with the AELUP and City standards will also be evaluated and demonstrated at the time development projects are proposed in the future. Future development projects will be subject to compliance with FAR Part 77 surfaces for JWA. Existing regulations and the proposed Amendments require projects to be submitted to the FAA for a review and clearance.

Section 2: Based on the foregoing findings, the City Council provides this notice of intention to overrule the ALUC's determination that the General Plan Update is inconsistent with the AELUP.

Section 3: The City Council hereby directs City staff to provide ALUC and State Department of Transportation, Aeronautics Program, with notice of the City's intention to overrule the ALUC' s determination that the General Plan Update is inconsistent with the AELUP.

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

Section 5: 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 anyone or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 6: The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 ("CEQA Guidelines"), because it has no potential for resulting in physical change to the environment, directly or indirectly. Specifically, the resolution does not have the potential for resulting in either a direct physical change in the environment, or a reasonably

foreseeable indirect physical change in the environment because it is limited to the City's proposal to overrule the ALUC's determination and does not commit the City to approve the General Plan Update. Furthermore, the General Plan Update is being evaluated pursuant to CEQA and independently reviewed. A draft Addendum has prepared to the previously certified Final Program Environmental Impact Report for the City of Newport Beach Housing Element Implementation Program ("PEIR") (SCH No. 2023060699), which was done in compliance with CEQA, as set forth in the CEQA Guidelines, and City Council Policy K-3 (Implementation Procedures for the California Environmental Quality Act). The Addendum will be provided for the City Council's review at the time it considers the adoption of the General Plan Update.

Section 7: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 28th day of April, 2026.

Lauren Kleiman
Mayor

ATTEST:

Lena Shumway
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

Aaron C. Harp
City Attorney

Attachment B

ALUC Staff Report, dated March 19, 2026

AIRPORT LAND USE COMMISSION
FOR ORANGE COUNTY
3160 Airway Avenue • Costa Mesa, California 92626 • 949.252.5170 fax: 949.252.6012

AGENDA ITEM 1

March 19, 2026

TO: Commissioners/Alternates

FROM: Julie Fitch, Executive Officer

SUBJECT: City of Newport Beach Comprehensive General Plan Update (PA2022-080)

Background

In 2006, the City of Newport Beach submitted a Comprehensive General Plan Update (Update) to the Airport Land Use Commission (ALUC) for a consistency review. ALUC found the 2006 Update to be consistent with the *AELUP for JWA* and the *AELUP for Heliports*. The Update was found consistent based, in part, on policies disallowing residential development within the 65 dB CNEL contour as defined in the *AELUP for JWA*.

The City has submitted numerous projects to ALUC over the past twenty years, including three Housing Element Updates, two of which were found to be consistent. The 2021-2029 Housing Element Update was found to be inconsistent, and the City overruled ALUC and adopted the Housing Element Update in February of 2022. Since then, the City has submitted ten projects to ALUC, six entailed Land Use Element Amendments and one also entailed a Noise Element Amendment. All six General Plan Amendments were found to be inconsistent with the *AELUP for JWA,* and the City overruled all of them. Most notable is the August 2023 *Housing Element Implementation and Noise-Related Amendments* in which the City incorporated the smaller noise contours from the 2014 Settlement Agreement Amendment (EIR 617) into its General Plan. The City also included noise policies that would accommodate residential uses within the 65 dB CNEL contours for JWA. The proposed changes were found inconsistent by ALUC and overruled by the City in November 2023.

Proposed Project

The City of Newport Beach has requested a consistency review of the City's proposed Comprehensive General Plan Update (GPU). A General Plan is a state-mandated, long-term policy document that guides a community's physical development and informs local decision-making on land use, housing, transportation, infrastructure, parks, and related issues over a 20- to 30-year horizon. The City's GPU involves the following eight Elements: (1) Arts and

Culture; (2) Historical Resources; (3) Harbor, Bay, and Beaches; (4) Land Use; (5) Natural Resources; (6) Noise; (7) Recreation; and (8) Safety. The proposed GPU does not include the Housing or Circulation Elements. Although the City submitted all eight Elements of the Draft GPU for a consistency review, the focus of this report is on the Land Use, Noise, and Safety Elements, as they contain policies related to areas within the Airport Notification/Planning Area. (See Attachment 1).

The City's proposed Draft Noise Element includes minor revisions to the Noise Policies included in the currently adopted Noise Element intended to emphasize noise as a planning priority in Newport Beach. Also included in the Draft Noise Element are the 2014 Settlement Agreement (EIR 617) Noise Contours which have not been adopted by ALUC or incorporated into the AELUP, and policies which allow residential uses within the 65 dB CNEL contours. The Draft Land Use Element includes mixed-use/residential uses within both the ALUC-adopted 65 dB noise contours and the smaller 2014 Settlement Agreement contours.

The City has scheduled the following public hearings:

April 23, 2026	Planning Commission
May 26, 2026	City Council

AELUP for JWA

Regarding Aircraft Noise Impacts

The City's February 27, 2026 submittal indicates that there are no substantive proposed changes to General Plan goals or policies related to noise from John Wayne Airport, and that the City will continue to rely on its updated General Plan Land Use Element and Noise Element to provide pertinent goals and policies. The submittal states that the Noise Element is being "refreshed to further emphasize noise as a planning priority in Newport Beach." See Attachment 2 for specific noise policies included in the Draft Noise and Land Use Elements. While the proposed changes attempt to emphasize Noise as a priority and do not pose additional conflicts with the *AELUP for JWA*, the policies allow for residential development within the 65 dB CNEL, and refer to Exhibit N-3, 2014 Settlement Agreement Airport Noise Contours rather than the ALUC adopted contours in the *AELUP for JWA*.

The following excerpt from Section 2.2.1 of the AELUP for JWA states the following:

> "In February, 1985, the Board of Supervisors adopted the John Wayne Airport Master Plan (AMP) and the Santa Ana Heights Land Use Compatibility Program (LUCP). The Airport Master Plan includes a limit of 73 average daily departures (ADDs) for most commercial jet operations. In preparing the LUCP, a projected 65 dB CNEL noise contour reflecting expected future flight levels and a reasonable mix of aircraft types was utilized. This contour, referred to as the Project Case and depicted in EIR 508 (Figure 4.15-15) (prepared jointly for the AMP and LUCP), was approved by the Board of Supervisors as the implementation line for two noise compatibility programs: Purchase Assurance and Acoustical Insulation. It was also

utilized in the preparation and Board adoption of a land use plan. The Commission recognizes and utilizes the noise contours referred to in EIR 508 (Figure 4.15-15)."

As stated in the August 17, 2023 ALUC staff report, Agenda Item 1 – Newport Beach Noise-Related Amendments:

> "Consideration of a future revision to this set of contours, referred to as the 73 ADD-Project Case-1990 Contours, would probably occur subsequent to full implementation of Phase II of the JWA Master Plan, based on the JWA continuous noise monitoring program and the Commercial Airline Access Plan and Regulation. The Commission determined that the partial noise contour for JWA resulting from the 1992 FAA Demonstration Study (EIR 546, JWA Phase II Access Plan Amendments) should not be adopted. The Commission will re-evaluate this set of contours at such time as a comprehensive noise study is conducted as part of an Airport Master Plan update.
>
> The Commercial Airline Access Plan regulates flight operations at JWA. The Commission also adopted a set of noise contours referred to as the 73 ADD-Project Case – 2005 Contour (Figure 4.15-17) from EIR 508. The Commission will utilize noise projections from either the 1990 or the 2005 Project Case contours, which ever projects the highest noise level at the given location. The JWA CNEL contours adopted by the Commission are reflected in Appendix D and reflect the 1990/2005 highest noise level contour.
>
> For purposes of the AELUP consistency analysis, the City and ALUC are required to utilize the noise contours that are provided in the AELUP. Neither the City nor the ALUC can provide a consistency analysis based on different and updated noise contours unless those contours have been included in the AELUP. Rather, any submittal must be based on the policies and contours currently in the existing AELUP."

See Attachment 3A for the adopted noise contours in the *AELUP for JWA* and Attachment 3B for the City's General Plan Land Use Designations in relation to those contours. See Attachment 4A for the City's adopted Noise Contours (Exhibit N-3) and Attachment 4B for the Land Use Designations in relation to the 2014 Contours.

Regarding Height Restrictions

There are no changes proposed to height limits with the comprehensive GPU. The City will continue to comply with the parameters outlined in Subsection 3.2.6 (Height Restriction Zone) of the AELUP and FAA standards. The proposed Land Use Element will continue to include height requirements relevant to the John Wayne Airport Planning Area, as indicated by proposed Policy

LU-28.2: Compliance with Airport Environs Land Use Plan, which is in the currently adopted General Plan as Policy LU 6.15.15. The language is below:

> **Policy LU-28.2: Compliance with Airport Environs Land Use Plan.** Refer the adoption or amendment of the General Plan, Zoning Code, Specific Plans, and Planned Community Development Plans for land within the John Wayne Airport Planning Area, as established in the John Wayne Airport Airport Environs Land Use Plan, to the Airport Land Use Commission for review, as required by California Public Utilities Code Section 21676. In addition, refer all development projects that include buildings with a height greater than 200 feet above ground level to the County of Orange Airport Land Use Commission for review.

See Attachment 5A for the Obstruction Imaginary Surfaces for JWA and Attachment 5B for the General Plan Land Use designations in relation to those Surfaces.

Regarding Flight Tracks and Safety Zones

While the proposed changes included in the GPU do not change the existing land uses in the current Land Use Element, the policies contained therein refer to these uses. The northern part of the City of Newport Beach is within Safety Zones 2, 3, 4 & 6. (See Attachment 6). The General Plan Land Use Map and land use designations in relation to the Safety Zones is shown in Attachment 6B. The City indicates that it will continue to evaluate compliance and compatibility with the AELUP, as indicated by Policy LU-28.2, detailed in the Height section. In addition, the draft Safety Element includes a discussion on aviation hazards and a corresponding goal with policies, as shown below:

Goal S-9: A community protected from airport-related hazards

> **Policy S-9.1: Land Use Compatibility.** Participate in the planning process for projects related to John Wayne Airport, including any future updates to its Airport Environs Land Use Plan (AELUP). Continue to ensure new development land use intensity and compatibility align with the most currently available AELUP for John Wayne Airport to minimize potential safety impacts on residents.
> **Policy S-9.2: Noise and Air Pollution**. Continue to advocate for restricting airport expansion or operational changes that could increase noise and/or air pollution.
> **Policy S-9.3: Emerging Technologies**. Study and consider adopting regulations concerning emerging technologies, such as drones and aerial taxis.
> **Policy S-9.4:** Aircraft Rescue. Support the provision of aircraft rescue training for first responders.

While the Draft GPU does not include changes to land uses within the Safety Zones, JWA Flight Tracks for four recent days are provided for your information (See Attachment 7). Note that the January 12, 2026 Flight Tracks show Reverse Flow operations.

AELUP for Heliports

The City of Newport Beach Zoning Code allows Heliports/Helipads with a Conditional Use Permit in the Commercial Office Zoning Districts. Table 2-4 of Chapter 20.20 of the Newport Beach Zoning Code includes the following footnote for Heliports/Helistops, "Applicants for

City approval of a heliport or helistop shall provide evidence that the proposed heliport or helistop complies fully with State of California permit procedures and with all conditions of approval imposed by the Federal Aviation Administration (FAA), the Airport Land Use Commission for Orange County (ALUC), and by the Caltrans Division of Aeronautics. In addition, the Land Use Element would continue to include heliport/helistop requirements, as indicated by proposed Policy LU-28.3: Heliport/Helistop Requirements, which is in the currently adopted General Plan as Policy LU 5.6.5. The language is below:

> **Land Use Element Policy LU-28.3: Heliport/Helistop Requirements.** Require that all applicants for the construction or operation of a heliport or helistop comply with State permit procedures; file Form 7480 (Notice of Landing Area Proposal) with the Federal Aviation Administration; and comply with all conditions of approval imposed by the Federal Aviation Administration, California Department of Transportation Division of Aeronautics; and County of Orange Airport Land Use Commission.

Environmental Compliance

The City is preparing an addendum to previously certified and adopted Programmatic Environmental Impact Report (EIR) for the Housing Element Implementation Program. Given there are no changes to land use, development standards, density/intensity allowances, the City has deemed the Addendum most appropriate. The draft CEQA language provided by the City is that the project, "is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. An addendum to the Program Environmental Impact Report for the City of Newport Beach General Plan Housing Element Implementation Program is being prepared and will be provided for the City Council's action on the General Plan Update."

Conclusion

Attachment 8 to this report contains the excerpts from the submittal package received from the City of Newport Beach including the draft Land Use, Noise and Safety Elements. The entire Draft GPU is available at:

https://newporttogether.mysocialpinpoint.com/2050-general-plan-draft-elements

ALUC staff has reviewed the Comprehensive General Plan Update (PA2022-080), including the Land Use Element, Noise Element, and Safety Element for compliance with the *AELUP for John Wayne Airport (JWA)* and the *AELUP for Heliports*. The recommendation below is based on the inclusion of policies allowing residential land uses within the 65 dB CNEL, and the use of the 2014 Settlement Agreement Noise Contours rather than the ALUC-adopted noise contours included in the *AELUP for JWA*.

Recommendation

1. That the Commission find the proposed Newport Beach Comprehensive General Plan Update (PA2022-080) is consistent with the *AELUP for Heliports,* and

2. That the Commission find the proposed Newport Beach Comprehensive General Plan Update (PA2022-080) is inconsistent with the *AELUP for JWA* per:

    a. Section 2.1.1 Aircraft Noise that the "aircraft noise emanating from airports may be incompatible with general welfare of the inhabitants within the vicinity of an airport."

    b. Section 2.1.2 Safety Compatibility Zones in which "the purpose of these zones is to support the continued use and operation of an airport by establishing compatibility and safety standards to promote air navigational safety and to reduce potential safety hazards for persons living, working or recreating near JWA."

    c. Section 2.1.4, and PUC Section 21674 which state that the Commission is charged by PUC Section 21674(a) "to assist local agencies in ensuring compatible land uses in the vicinity of …existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses," and PUC Section 21674(b) "to coordinate planning at the state, regional and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety and welfare."

    d. 3.2.1 General Policy of the AELUP which states that the General Land Use policy of the Airport Land Use Commission for Orange County shall be "Within the boundaries of the AELUP, any land use may be found to be Inconsistent with the AELUP which… places people so that they are affected adversely by aircraft noise…"

Respectfully submitted,

Julie Fitch, AICP
Executive Officer

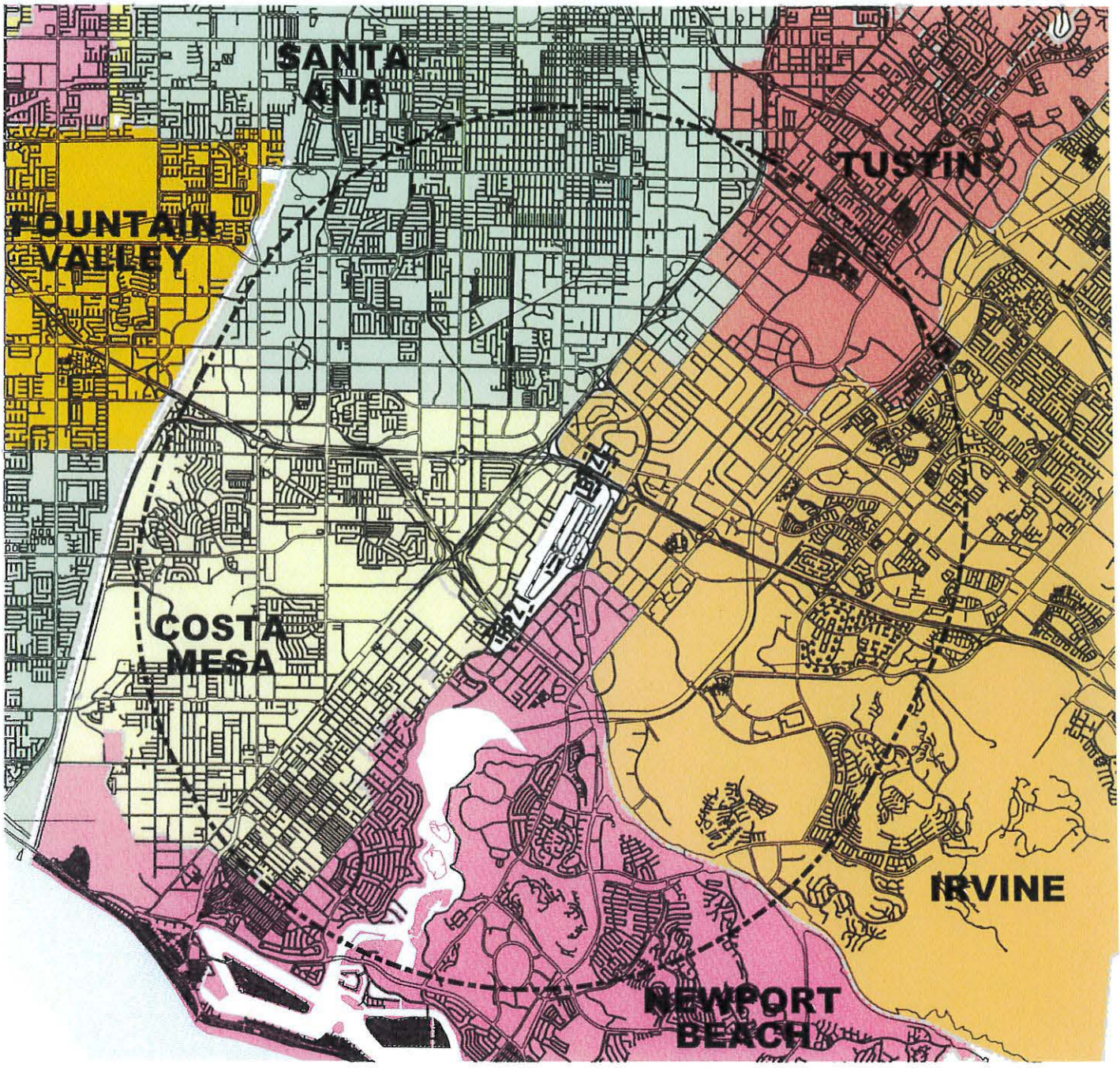
Attachments:

1A. AELUP Notification Area for JWA
1B. GPU Land Uses within Notification Area
2. GPU Noise Policies
3A. AELUP for JWA Noise Contours

3B. GPU Land Uses in relation to JWA Noise Contours
4A. GPU Exhibit N-3 2014 Noise Contours
4B. GPU Land Uses in relation to GPU Exhibit N-3 2014 Noise Contours
5A. JWA Obstruction Imaginary Surfaces
5B. GPU Land Uses in relation to JWA Obstruction Imaginary Surfaces
6A. JWA Safety Zones
6B. GPU Land Uses in relation to JWA Safety Zones
7. JWA Flight Tracks
8. Excerpts from Newport Beach Submital

AELUP Notification Area for JWA

ATTACHMENT 3



Note: County Unincorporated areas are shown in white.

FAR PART 77

Notification Area for John Wayne Airport: 20,000' Radius at 100:1 Slope

LEGEND

- 20,000'Radius
- CITY BOUNDARIES
- AIRPORT BOUNDARIES

0 1000 2000 3000 4000 5000 7500
500 Scale In Feet

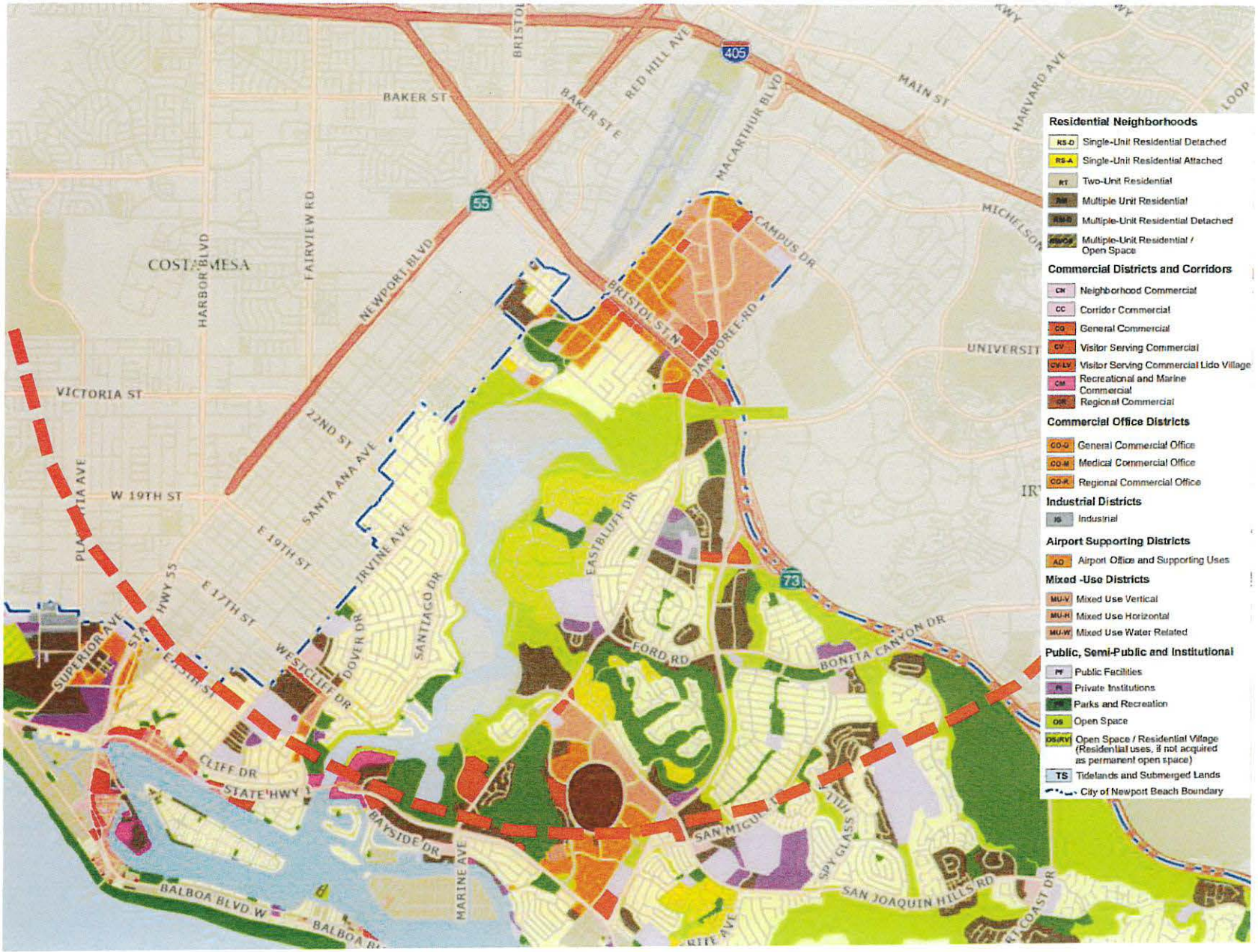
CERTIFICATION

Adopted By the Airport Land Use Commission for Orange County

ATTACHMENT 1A

Kari Rigoni, Executive Officer Date

Exhibit "E": Notification Area + General Plan Land Use (Currently Adopted, Unchanged)



ATTACHMENT 1 Item #1 Page 9

March 19, 2026 ALUC Submittal – Attachment 3
AELUP Noise, Height, and Safety Consistency Analysis

Notwithstanding the fact the GPU does not include any land use changes, development standard changes, or development limit changes, the following analysis is presented and intended to highlight the consistency of the proposed GPU Goals and Policies with the AELUP, as it relates to noise, height, and safety.

Noise

There are no substantive proposed changes to General Plan goals or policies related noise from John Wayne Airport. The City will continue to rely on its updated General Plan Land Use Element and Noise Element to provide pertinent goals and policies. The City also relies on Title 20 (Planning and Zoning) of the Newport Beach Municipal Code (NBMC). However, the Noise Element is being refreshed to further emphasize noise as a planning priority in Newport Beach.

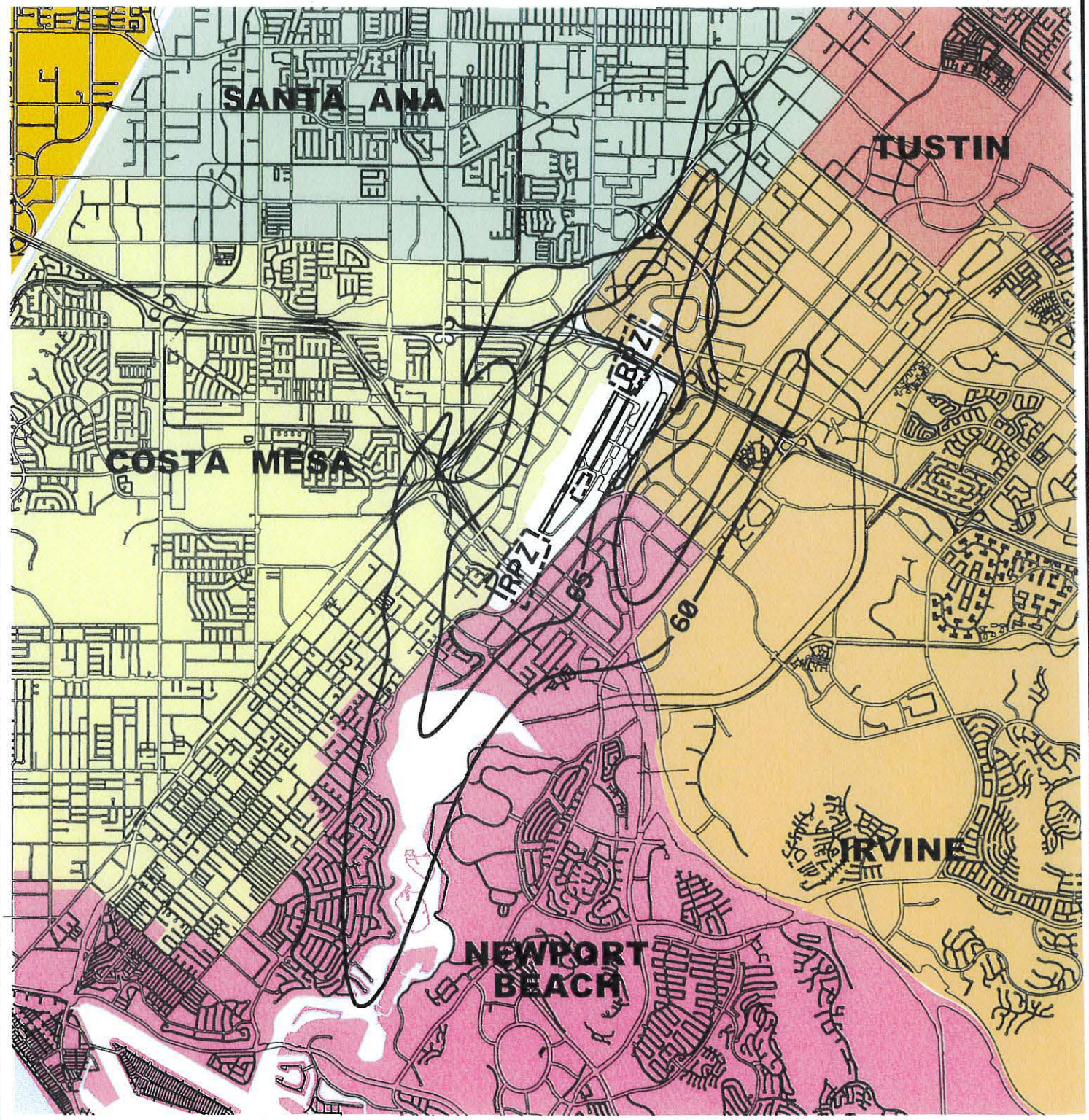
The City's cited General Plan Policies will help ensure that appropriate noise considerations are made, and that mitigation is included in the design. Most goals and policies presented in the Table 1 are in the currently adopted General Plan and are being carried forward to ensure airport compatibility continues to be a priority.

Table 1, Relevant Noise Goals and Policies
Land Use Element Goal LU-17: Airport Area: *A connected and complete community that supports residents and businesses*
Policy LU 17.8: Aircraft Notification (Current Policy LU 6.15.15). Require that all neighborhood parks be posted with a notification to users regarding proximity to John Wayne Airport and aircraft overflight and noise.
Land Use Element Goal LU-28: *A City with mutually beneficial land use conservation and development*
Policy LU-28.1: Airport Compatibility (Current Policy LU 6.15.3). Require that all development be constructed in conformance with the height restrictions set forth by the Federal Aviation Administration, Federal Aviation Regulations Part 77, and California Department of Transportation Division of Aeronautics, and that residential development be allowed only on parcels with noise levels of less than the John Wayne Airport 65 A-weighted decibels (dBA) Community Noise Equivalent Level (CNEL) noise contour area, as shown in Figure N-5 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 N-5 are needed for the City to satisfy its 6th Cycle Regional House Needs Assessment mandate. Non-residential uses are, however, encouraged on parcels located wholly within the 65 dBA CNEL contour area.
Noise Element Goal N-1: *A community where noise impacts are reduced, and compatibility between land uses is maintained*
Policy N-1.1: Noise Compatibility of New Development (Adapted from Currently Adopted Policy N-1.1). Require all proposed projects to be compatible with the noise environment through use of Table N-2, and enforce the interior and exterior noise standards in the NBMC.

Table 1, Relevant Noise Goals and Policies
Policy N-1.2: Noise Exposure Verification for New Development (Adapted from Currently Adopted Policy N-1.2). Require a noise study to be submitted to provide evidence that the depicted noise contours account for local noise exposure circumstances due to factors such as topography, variation in traffic speeds, and other applicable conditions for proposed projects that require environmental review, as follows: • Residential or mixed-use projects in the Airport Area Focus Area or the West Newport Mesa Focus Area projected to be exposed to exterior noise levels of 65 to 70 dBA CNEL. • Residential or mixed-use projects in all other areas projected to be exposed to exterior noise levels of 60 dBA CNEL or greater. • These findings shall be used to determine the level of exterior and/or interior noise attenuation needed to attain an acceptable noise exposure level, and the feasibility of such measures when other planning considerations are taken into account.
Policy N-1.3: Remodeling of and Additions to Structures (Currently Adopted). Require that all remodeling of and additions to structures comply with the noise standards in the NBMC.
Policy N-1.4: New Developments in Urban Areas (Currently Adopted). Require that applicants of residential portions of mixed-use projects and high-density residential developments in urban areas (such as the Airport Area and Newport Center) demonstrate that the design of the structure adequately isolates noise between adjacent uses and units (common floors/ceilings) in accordance with the California Building Code.
Policy N-1.5A: Infill Projects (Adapted from Currently Adopted Policy N-1.5). Allow a higher (above 65 dBA CNEL) exterior noise level standard for infill projects in existing residential areas adjacent to major arterials if it can be shown that there are no feasible mechanisms to meet the exterior noise levels. Enforce the interior standard of 45 dBA CNEL for all new residential projects, including the residential component of mixed-use projects.
Policy N-1.5B: Airport Area Infill Projects (Adapted from Currently Adopted Policy N-1.5A). Allow infill residential projects proximate to John Wayne Airport to have a higher exterior noise level standard (65 to 70 dBA CNEL) if it can be shown that there are no practical mechanisms or designs to meet the exterior noise level. Enforce the interior standard of 45 dBA CNEL for all residential components of projects. No residential units may be located on parcels wholly within the John Wayne Airport 65 dBA CNEL noise contour area, as shown in Figure N3, unless and until the City determines, based on substantial evidence, that the site wholly within such contour area is needed for the City to satisfy its 6th Cycle (or subsequent) Housing Element Regional Housing Needs Allocation mandate. Encourage non-residential uses on parcels wholly within the 65 dBA CNEL contour area, as shown in Figure N3.
Policy N-1.6: Mixed-Use Developments (Currently Adopted Policy N-1.6). Encourage new mixed-use developments to site loading areas, parking lots, driveways, trash enclosures, mechanical equipment, and other noise sources away from the residential portion of the development.
Policy N-1.9: Noise Regulations (New Policy). Review the City's Noise Ordinance upon adoption of this Noise Element and periodically thereafter, but at least every 10 years, and make revisions where needed.
Policy N-1.10: Improved Communications (New Policy). Seek to improve communications regarding noise regulations and processes through City website features, information bulletins, and reporting procedures.
Policy N-1.11: Improved Noise Monitoring (New Policy). Periodically consider new noise monitoring technologies and improved metrics for assessing noise impacts.

Table 1, Relevant Noise Goals and Policies
Noise Element Goal N-2: *Sensitive receptors are protected from excessive motor vehicle and boat noise*
Policy N-2.1: New Development (Adapted from Currently Adopted Policy N-2.1). Require that proposed noise-sensitive uses in areas that have ambient noise of 60 dBA CNEL and greater, as identified in Figure N2 and Figure N3, demonstrate that they meet interior and exterior noise level requirements, as determined in the analyses stipulated by Policy N-1.2.
Policy N-2.2: Design of Sensitive Land Uses (Currently Adopted). Require the use of walls, berms, interior noise insulation, double-paned windows, advanced insulation systems, or other noise measures in the design of new residential developments to attenuate interior noise levels to 45 dBA CNEL or less. Other new noise-sensitive land uses that are adjacent to major arterials or proximate to John Wayne Airport (e.g., infill residential) and within the 65 to 70 dBA CNEL noise contour area are required to be indoor-oriented. Application of the noise standards in Table N2 shall govern this requirement.
Noise Element Goal N-3: *A community safeguarded from the adverse noise impacts of operations at John Wayne Airport and that proactively responds to and plans for emerging transportation technologies*
Policy N-3.1: New Development (Adapted from Currently Adopted Policy N-3.1). Ensure new development is compatible with the noise environment proximate to John Wayne Airport by not allowing residential units on parcels located wholly within the John Wayne Airport 65 dBA CNEL noise contour, as shown in Figure N3, unless and until the City determines, based on substantial evidence, that the site is needed for the City to satisfy its 6th Cycle (or subsequent cycles) Housing Element Regional Housing Needs Allocation mandate.
Policy N-3.2: Residential Development (Currently Adopted). Require developers of residential or mixed-use with a residential component land uses within the John Wayne Airport 65 dBA CNEL to notify prospective purchasers or tenants of aircraft overflight and noise. Additionally, require outdoor common areas or recreational areas of residential or mixed-use developments to be posted with signs notifying users regarding the proximity to John Wayne Airport and the presence of operating aircraft and noise.
Policy N-3.3: Avigation Easement (Adapted from Currently Adopted Policy N-3.3). Consider requiring the dedication of avigation easements in favor of the County of Orange when noise-sensitive uses are proposed in the John Wayne Airport Planning Area, as established in the Airport Environs Land Use Plan for John Wayne Airport (April 2008 or most recent).
Policy N-3.4: Existing Noise Restrictions (Currently Adopted). Oppose any attempt to modify existing noise restrictions for John Wayne Airport, including the existing curfew and the General Aviation Noise Ordinance.
Policy N-3.5: Additional Facilities at John Wayne Airport (Adapted from Currently Adopted Policy N-3.5). Consider any attempt to construct a second air carrier runway, including the acquisition of land necessary to provide required separation of the existing air carrier runway and any proposed facility.
Policy N-3.6: Existing Level of General Aviation Operations (Adapted from Currently Adopted Policy N-3.6). Consider any plan or proposal that maintains, and oppose any plan or project that proposes any significant changes to, the existing level of general aviation operations and general aviation support facilities.
Policy N-3.7: Noise Monitoring Systems (Adapted from Currently Adopted Policy N-3.7). Support preservation and enhancement of existing noise monitoring systems and the public reporting of the information derived from the noise monitoring systems.

Table 1, Relevant Noise Goals and Policies
Policy N-3.8: Meeting Air Transportation Demand (Currently Adopted). Support means of satisfying some of Orange County's air transportation demand at airports other than John Wayne Airport or through alternative means of transportation.
Policy N-3.9: John Wayne Airport Amended Settlement Agreement (Currently Adopted). Preserve and protect the validity of the John Wayne Airport Amended Settlement Agreement, including the following: • Oppose or seek protection from any federal legislative or regulatory action that would or could affect or impair the County of Orange's ability to operate John Wayne Airport consistent with the provisions of the John Wayne Airport Amended Settlement Agreement or the City's ability to enforce the Amended Settlement Agreement. • Approve amendments of the John Wayne Airport Settlement Agreement to ensure continued validity, provided amendments are consistent with the City Council Airport Policy, do not materially impair quality of life, and are in the long-term best interests of Newport Beach residents. • Continue to monitor possible amendments of the Airport Noise and Capacity Act of 1990 and the various Federal Aviation Administration Regulations and Advisory Circulars that relate to aircraft departure procedures.
Policy N-3.10: Community and Public Agency Support (Adapted from Currently Adopted Policy N-3.10). Conduct outreach and coordinate with neighboring cities and the County of Orange for broad-based support for all aspects of the City Council Airport Policy.
Policy N-3.11. Updated Airport Noise Contours (New Policy). Periodically review and consider updates to the airport noise contours and revise Figure N3, as appropriate.
Policy N-3.12: Emerging Aerial Mobility Technology (New Policy). Mitigate noise impacts from air delivery, air taxis, and other emerging aerial mobility systems to the extent feasible and consistent with the NBMC.
Policy N-3.13: Emerging Transportation Facilities (New Policy). Direct emerging transportation systems along routes with minimal residential and other sensitive uses, to the extent feasible.



Note: County Unincorporated areas are shown in white.

John Wayne Airport Impact Zones

Composite contour from John Wayne Airport Project Case–1990 and 2005 (see section 2.2.1)

LEGEND

- 65 CNEL CONTOUR
- RUNWAY PROTECTION ZONE
- CITY BOUNDARIES
- AIRPORT BOUNDARIES

Scale in Feet

CERTIFICATION

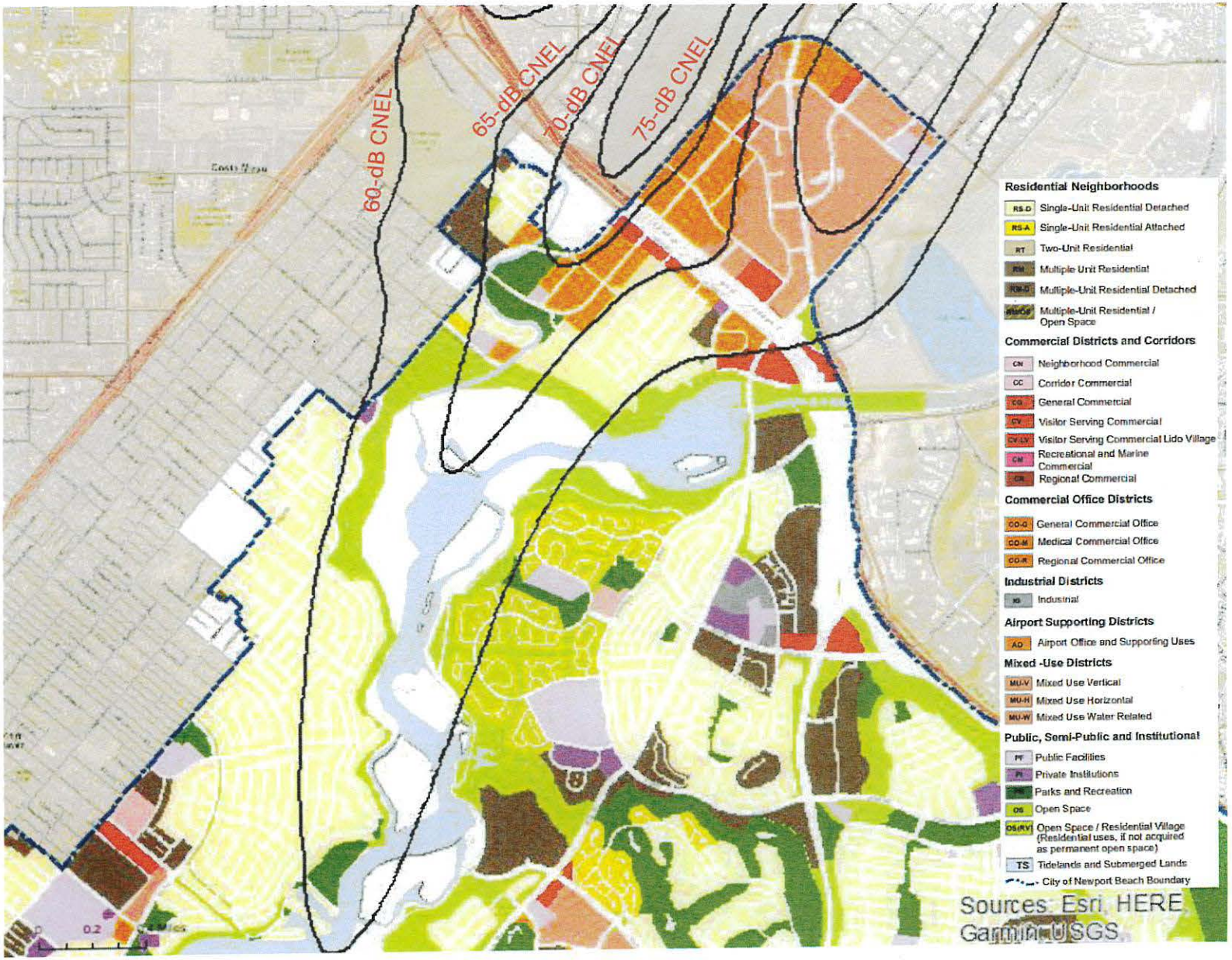
Adopted by the Airport Land Use Commission for Orange County

ATTACHMENT 3A

3.19.26 ALUC Item #1 Page 14

Kari Rigoni, Executive Officer Date

Exhibit "C": JWA Noise Contours (1985) + General Plan Land Use (Currently Adopted, Unchanged)



ATTACHMENT 3B
ALUC Item #1
Page 15



N-3

2014 Settlement Agreement Airport Noise Contours

City of Newport Beach General Plan Update

E: City of Newport Beach 2023

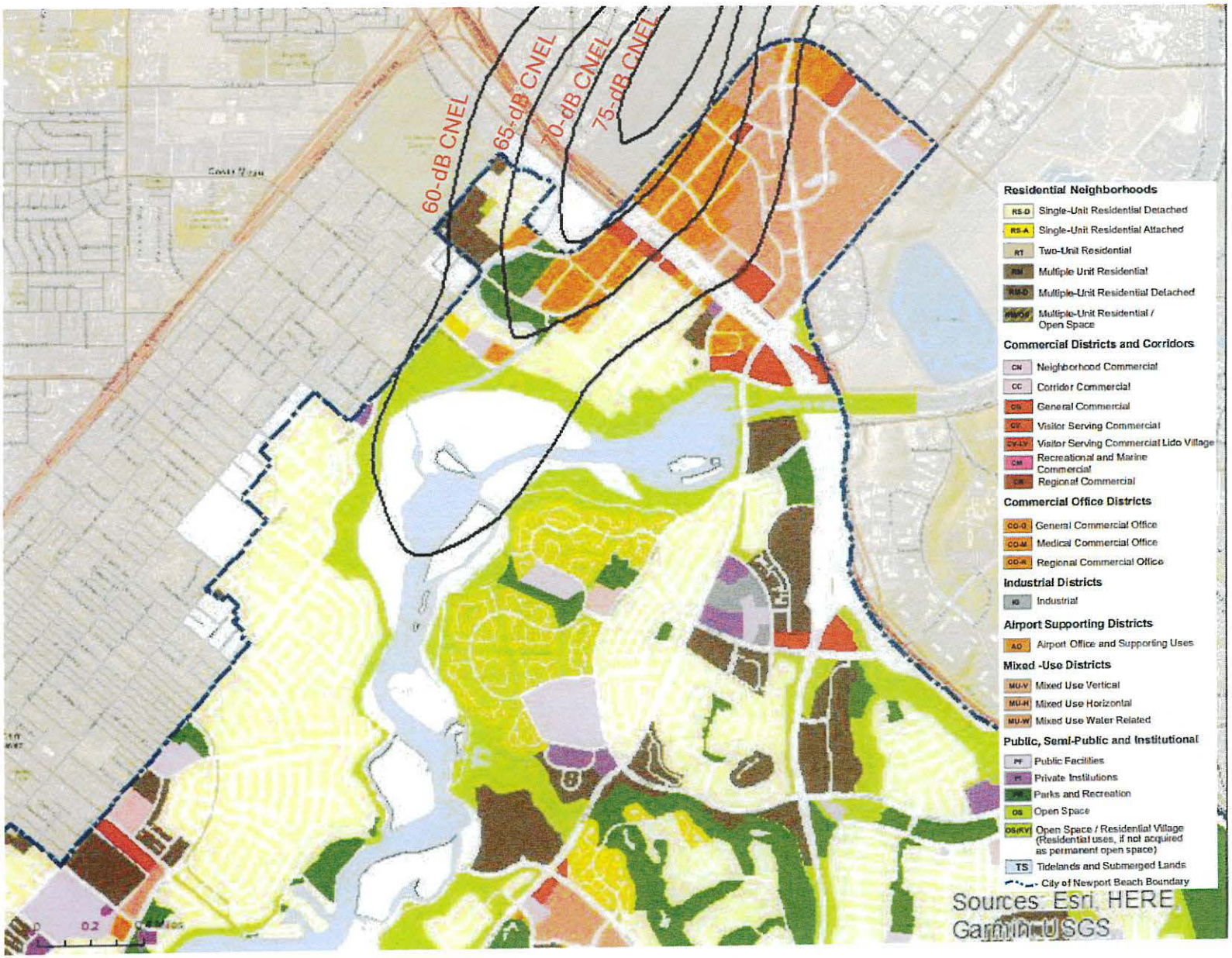
UDEK

0 1,000 2,000 Feet

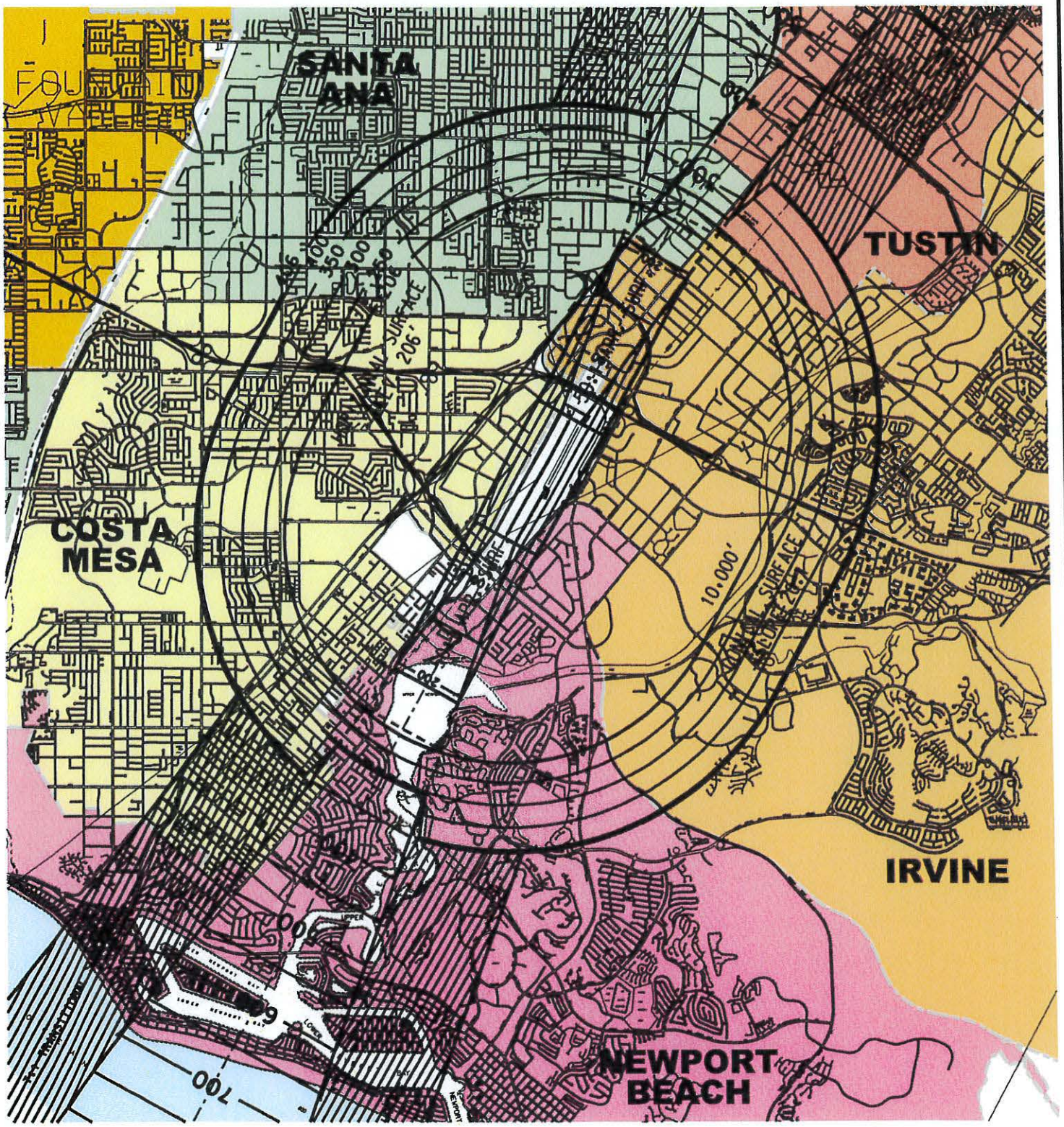
ATTACHMENT 4A
3-19-26 Item #1 Page 16

City of Newport Beach ALUC Submittal – General Plan Update, March 19, 2026

Exhibit "D": City Noise Contours (2014) + General Plan Land Use (Currently Adopted, Unchanged)



ATTACHMENT 4B
Item 4B Page 17



Note: County Unincorporated areas are shown in white.

FAR PART 77
John Wayne Airport Obstruction Imaginary Surfaces

CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

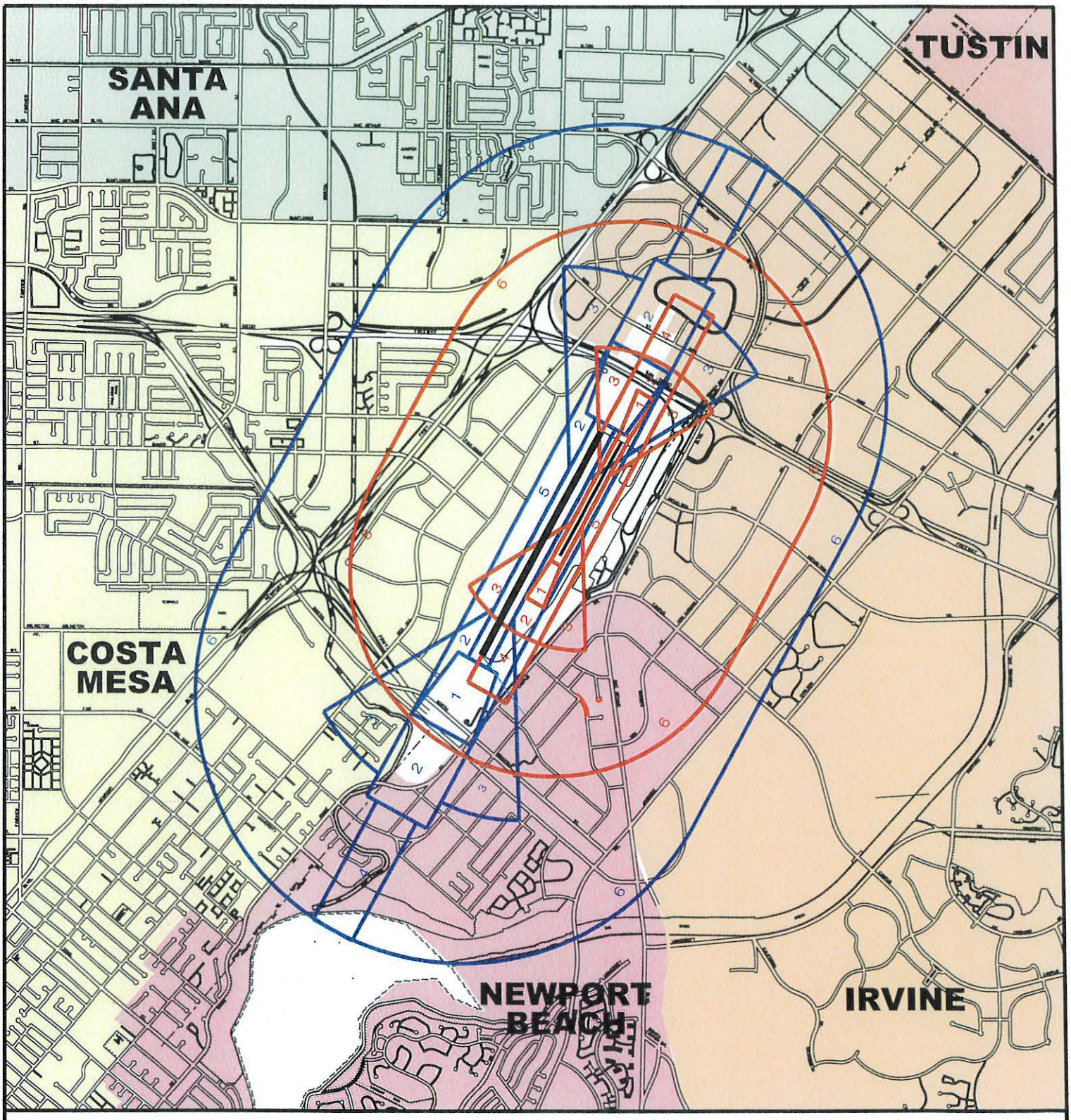
ATTACHMENT 5A

City of Newport Beach ALUC Submittal – General Plan Update, March 19, 2026

Exhibit "B": Obstruction Imaginary Surface + General Plan Land Use (Currently Adopted, Unchanged)



3.19.26 ALUC Item #1 Page 19
ATTACHMENT 5B



John Wayne Airport Safety Zone Reference Map

LEGEND

1. RUNWAY PROTECTION ZONE
2. INNER APPROACH / DEPARTURE ZONE
3. INNER TURNING ZONE
4. OUTER APPROACH / DEPARTURE ZONE
5. SIDELINE ZONE
6. TRAFFIC PATTERN ZONE

1-6 SAFETY COMPATIBILITY ZONES FOR RUNWAY 2L & 20R (A MEDIUM GENERAL AVIATION RUNWAY AS DESCRIBED IN THE CALIFORNIA AIRPORT LAND USE PLANNING HANDBOOK, JANUARY 2002 EDITION)

1-6 SAFETY COMPATIBILITY ZONES FOR RUNWAY 2R & 20L (A SHORT GENERAL AVIATION RUNWAY AS DESCRIBED IN THE CALIFORNIA AIRPORT LAND USE PLANNING HANDBOOK, JANUARY 2002 EDITION)

0 500 1000 1500 2000
Scale In Feet

CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

Kari Rigoni, Executive Officer

Date

ATTACHMENT 6A

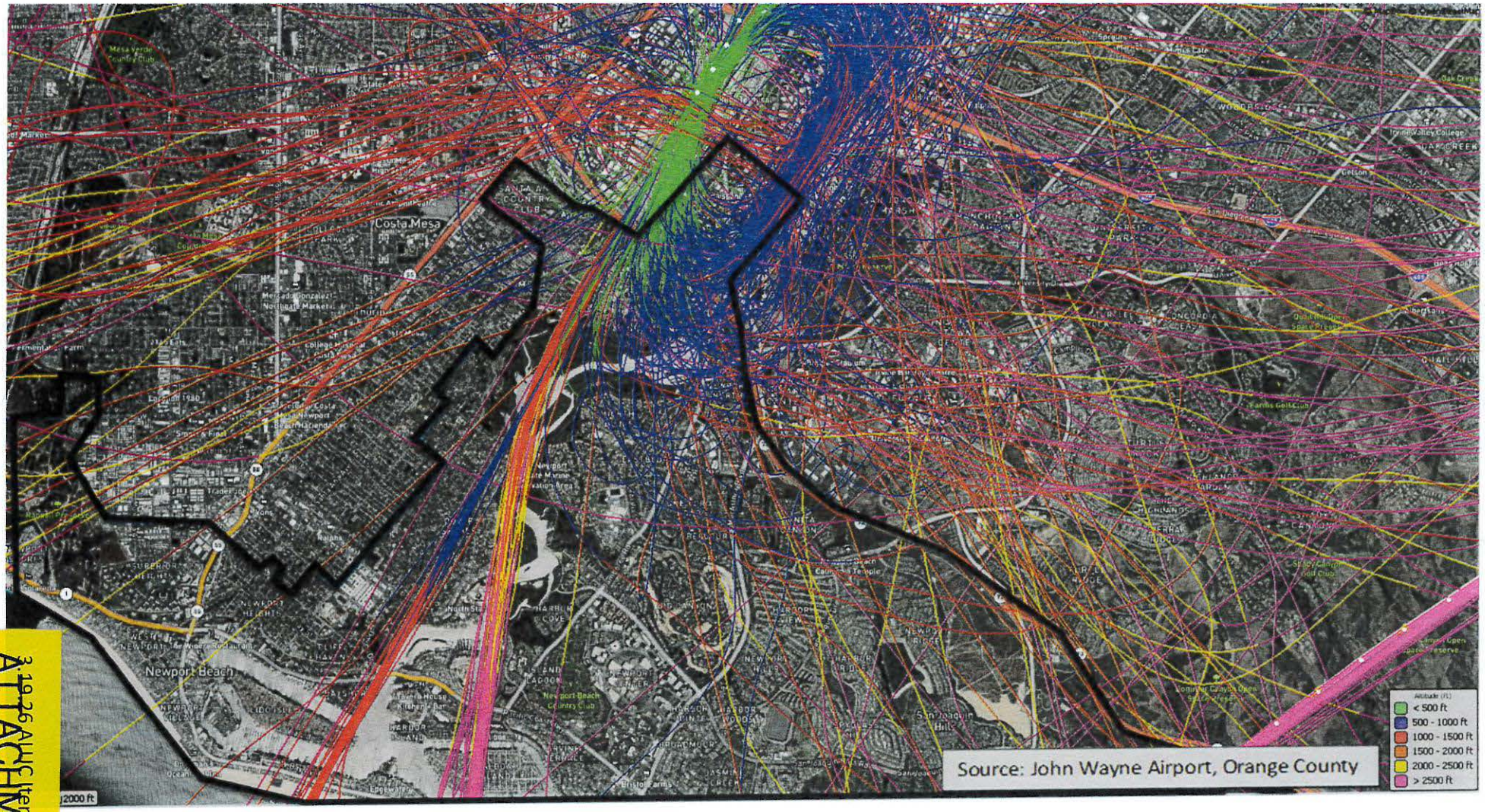
City of Newport Beach ALUC Submittal – General Plan Update, March 19, 2026

Exhibit "A": Safety Zones + General Plan Land Use (Currently Adopted, Unchanged)



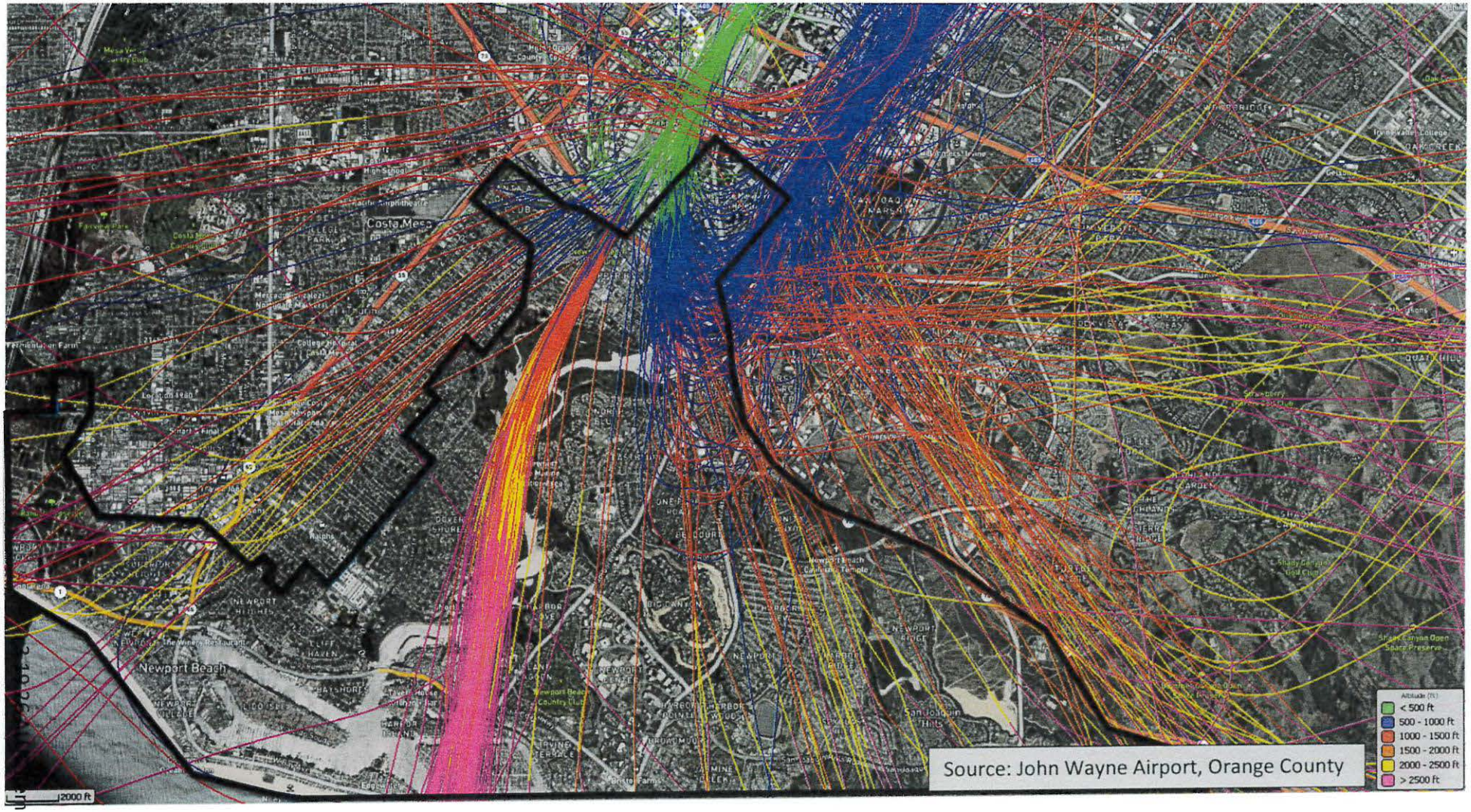
3.19.26 ALUC Item #1 Page 21
ATTACHMENT 6B

John Wayne Airport Altitude Analysis
Monday, January 12, 2026
581 Operations

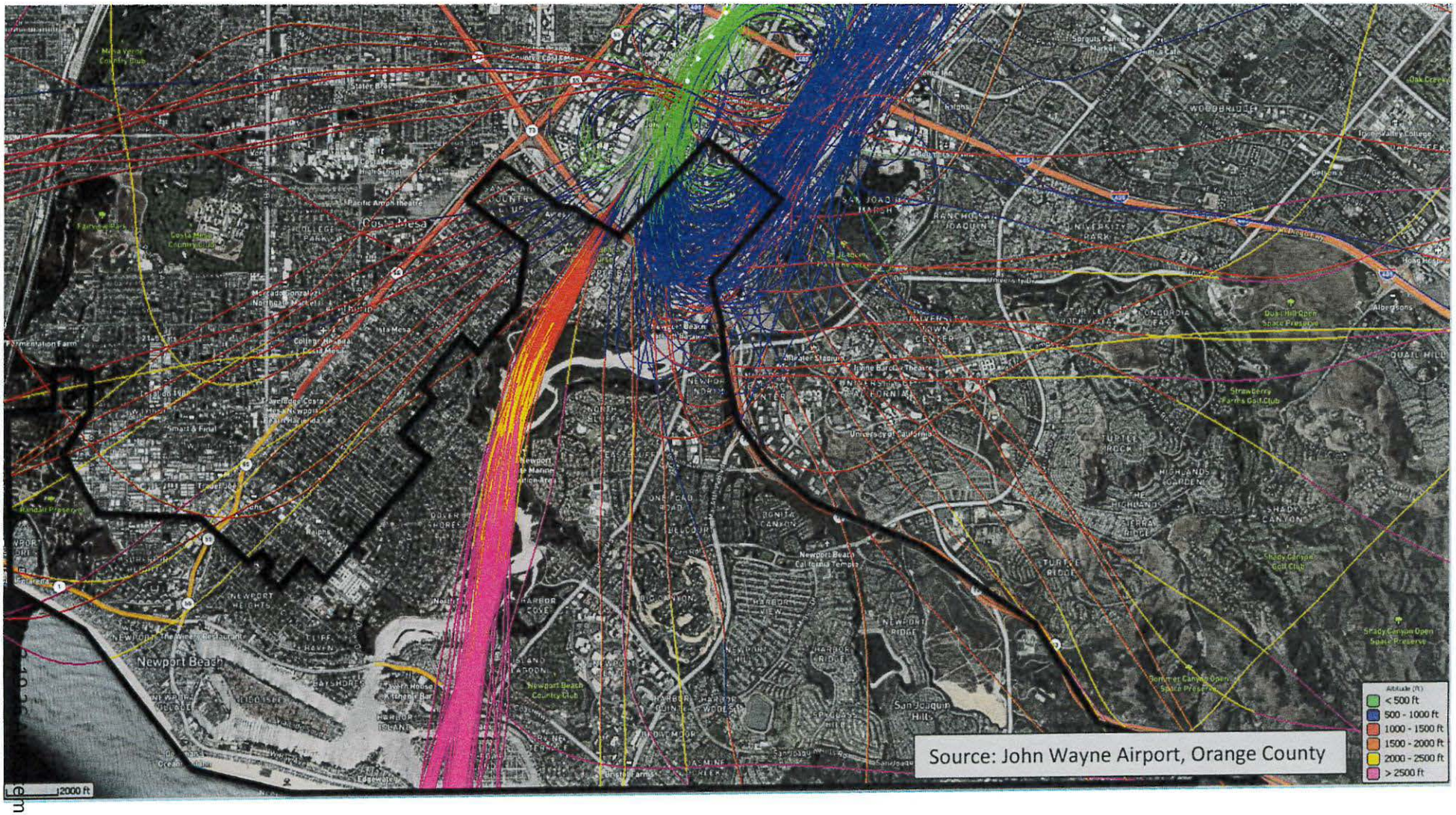


ATTACHMENT 7
3.19.26 AHC Item #1 Page 27

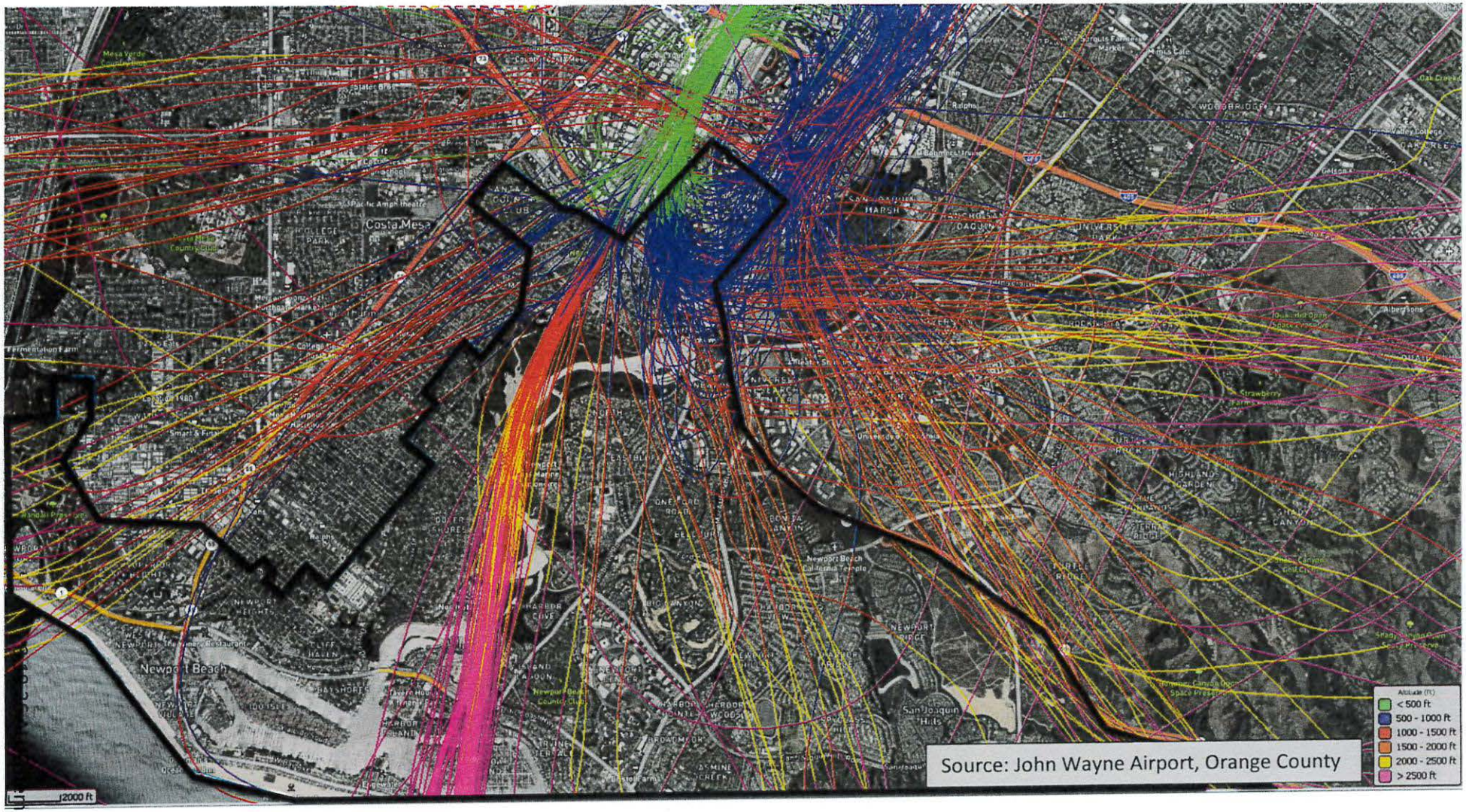
John Wayne Airport Altitude Analysis
Thursday, February 12, 2026
732 Operations



John Wayne Airport Altitude Analysis
Tuesday, February 17, 2026
461 Operations



John Wayne Airport Altitude Analysis
Saturday, February 21, 2026
519 Operations



Source: John Wayne Airport, Orange County

CITY OF NEWPORT BEACH
100 Civic Center Drive
Newport Beach, California 92660
949 644-3200
newportbeachca.gov/communitydevelopment

RECEIVED
FEB 27 2026
AIRPORT LAND USE COMMISSION

February 27, 2026

Julie Fitch, Executive Officer
Airport Land Use Commission for Orange County
3160 Airway Avenue
Costa Mesa, CA 92626

Subject: City of Newport Beach Comprehensive General Plan Update (PA2022-080)

Dear Julie,

Pursuant to Section 4.3 (Amendments to General Plans and Specific Plans [Zoning]) of the Airport Environs Land Use Plan (AELUP) for John Wayne Airport, the City of Newport Beach (City) requests that the Airport Land Use Commission (ALUC) review the City's proposed General Plan Update (hereafter "GPU") for consistency with the Airport Environs Land Use Plan (AELUP) at its meeting on March 19, 2026.

This GPU serves to comprehensively update and refresh the Newport Beach General Plan, which was last comprehensively reviewed and updated in 2006. The GPU involves the following eight Elements: (1) Arts and Culture; (2) Historical Resources; (3) Harbor, Bay, and Beaches; (4) Land Use; (5) Natural Resources; (6) Noise; (7) Recreation; and (8) Safety. Importantly, the GPU does not involve the Housing or Circulation Elements, nor does it serve to implement the Housing Element. It is also important to emphasize that there are no land use changes, development standard changes, nor density or additional units proposed with this GPU.

Although the entire draft GPU is being provided as part of this application due to its citywide scope, including the John Wayne Airport Notification Area, the City believes ALUC and ALUC staff should focus attention on the Land Use, Noise, and Safety Elements, for the purpose of this consistency review.

I believe the enclosed materials adequately address all the required information your office needs to evaluate and bring our application to hearing on March 19, 2026. Should this not be the case, please know the City is committed to providing any additional information necessary to constitute a complete application and stands ready to provide such information at a moment's notice. I can be reached at 949-644-3253 or bzdeba@newportbeachca.gov, and I am committed to being highly responsive for any questions or concerns ALUC staff may have while reviewing the request.

ATTACHMENT 8

Thank you for your time and consideration of our application. The City looks forward to collaborating with ALUC and ALUC staff on this matter.

Sincerely,

Benjamin M. Zoeba, AICP, Acting Deputy Community Development Director

Attachments:

1. General Plan Amendment Submittal Form & Checklist
2. Relevant Background and General Plan Update Process Overview
3. AELUP Noise, Height, and Safety Consistency Analysis
4. Draft Arts and Culture Element
5. Draft Historical Resources Element
6. Draft Harbor, Bay, and Beaches Element
7. Draft Land Use Element
8. Draft Natural Resources Element
9. Draft Noise Element
10. Draft Recreation Element
11. Draft Safety Element

Attachment 1

General Plan Amendment
Submittal Form & Checklist

AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY
SUBMITTAL FORM

☒ GENERAL PLAN · ☐ SPECIFIC PLAN · ☐ ZONING CODE

1. Name of City or County: Newport Beach

2. Contact Information - Name/Title Ben Zdeba/Acting Deputy Community Development Director
   Agency: City of Newport Beach
   Address: 100 Civic Center Drive, Newport Beach, California 92660
   Phone/email: 949-644-3253/bzdeba@newportbeachca.gov

3. Airport Planning Area(s):
   ☒ John Wayne Airport ☐ Fullerton Municipal Airport ☐ JFTB - Los Alamitos

4. Item being submitted for review (**submit each on a separate form**): Name of General Plan Element, Specific Plan or Planned Community: Comprehensive General Plan Update

5. Scheduled date of Planning Commission Public Hearing: 4/23/2026

6. Tentative date of City Council/Board of Supervisors Public Hearing: 5/26/2026

7. Requested date of ALUC Review March 19, 2026.
   ***Complete** submittals must be received by the first day of the month to be considered for the next meeting date.*

8. Does the item submitted propose a change of land use or heights within the airport Notification/Planning Area*? ☒ No (skip items # 9-12). ☐ Yes (continue below).

9. Does the item propose a change of land use within the ☐60 CNEL or ☐65 CNEL noise contours of the airport(s)*? Please attach an exhibit showing location(s) of the proposed new uses in relation to noise contours.

10. Are noise policies or mitigation measures identified in the proposed item or elsewhere in the General Plan? ☐ No ☐ Yes - Please attach pages with current (and proposed if applicable) noise policies/mitigation measures highlighted.

11. Does the item submitted propose a change of land use within the Runway Protection Zone (RPZ), Clear Zone (CZ), or Airport Safety Zones of the airport*? ☐ No ☐ Yes - Please attach exhibit showing location(s) of proposed uses.

12. Does the item submitted propose a change of height within the Obstruction Imaginary Surfaces*? ☐ No ☐ Yes

13. Please indicate current Click or tap here to enter text. and proposed Click or tap here to enter text. maximum heights allowed.

Continued on next page.

SUBMITTAL CHECKLIST: General Plan · Specific Plan · Zoning Code

- ☒ Cover letter on City/County letterhead.
- ☒ Completed Submittal Form.
- ☒ Link to existing General Plan and proposed General Plan General Plan Element, Specific Plan or Zoning Code for this submittal.
- ☒ Attachment showing proposed changes to General Plan Element, Specific Plan or Zoning Code Section(s) with strikethrough/underline.
- ☐ Exhibit showing location(s) of proposed new uses within the Notification Area/Planning Area for airport(s).
- ☐ Exhibit showing location(s) of proposed new uses in relation to noise contours for airport(s).
- ☐ Exhibit showing location(s) of proposed new uses in relation to Airport Safety Zones.
- ☐ Exhibit showing location(s) of proposed new uses in relation to the Obstruction Imaginary Surfaces.
- ☒ Attachment showing current and proposed noise policies/mitigation measures.
- ☒ Explanation of how the General Plan, Specific Plan, or Zoning Code address the AELUP standards for noise impact, safety compatibility, and height restriction zones.
  Click or tap here to enter text.
- ☐ Describe height and density changes in cover letter and attach pages of General Plan, Specific Plan and/or Zoning Code where maximum heights are specified.
- ☒ Provide information regarding CEQA compliance.

*For airport planning/notification areas, noise contours, safety zones and obstruction imaginary surfaces see Appendix D of the applicable Airport Environs Land Use Plan (AELUP) at: https://www.ocair.com/about/administration/airport-governance/commissions/airport-land-use-commission/

Noise sensitive uses include but are not limited to community facilities such as: churches, libraries, schools, preschools, day-care centers, hospitals, and nursing/convalescent homes.

Attachment 2

Relevant Background and General Plan Update Process Overview

March 19, 2026 ALUC Submittal – Attachment 2
Relevant Background and General Plan Update Process Overview

The General Plan is a State-mandated, long-term policy document that guides a community's physical development and informs local decision-making on land use, housing, transportation, infrastructure, parks, and related issues over a 20- to 30-year horizon. Newport Beach's General Plan was last comprehensively updated in 2006, prompting the City Council to initiate a full review in 2019; however, the effort temporarily shifted to address the unprecedented 6th Cycle Regional Housing Needs Assessment (RHNA) and complete the Housing and Circulation Elements.

As that work concluded, the City resumed the comprehensive update and, in the middle of 2022, the City Council established the three-member General Plan Update Steering Committee (GPUSC), chaired by Nancy Gardner, to guide the process and report to the City Council. In early 2023, the City Council also formed the General Plan Advisory Committee (GPAC), a 24-member community-based body, which organized subcommittees to support efficient and focused review of each General Plan element.

The General Plan Update effort has been broken into four primary phases, as described in Table 1 on the following page. Phase 3 (California Environmental Quality Act) is nearing completion with Phase 4 (Hearings) in progress. It is anticipated that the entire process will be completed by June 2026.

Table 1, General Plan Update Process

Phase 1 (Background Analysis + Visioning)	**Phase 2 (Policy Development + General Plan Amendment)**	**Phase 3 (California Environmental Quality Act)**	**Phase 4 (Hearings)**
• Community Engagement and Outreach Plan • Research and Data Analysis • Online Survey • GPAC + GPUSC Meetings • Pop-up Events • Paid Advertisements	• Development of General Plan • Online Survey • GPAC+GPUSC Meetings • Community Workshops • Paid Advertisements	• Virtual Open House • In-Person Open House • GPAC + GPUSC Meetings • Environmental Analysis	• City Boards, Commissions, and Committees • Airport Land Use Commission • City Council Adoption
Completed late 2024	**Completed late 2025**	Open houses completed late 2025; Environmental analysis in progress	In progress

To get to the point of having initial drafts of the General Plan Elements available for review, City staff worked extensively with the GPAC Subcommittees, the GPAC, and the GPUSC. This started with the review of existing conditions and background analysis reports for each element. These documents are considered a "snapshot in time" to identify current condition in Newport Beach under each topical area as well as what needs to be addressed from a State requirement standpoint. Each subcommittee then worked on identifying a potential refresh for the individual elements and helped to create "ideas to support" them. These ideas were shared with the community through digital engagement on the City's website for the effort (https://www.newportbeachca.gov/gpupdate), as well as at community workshops.

Based on the feedback received, City staff alongside consultant Dudek refined the ideas shared as actual goals and accompanying policy statements in furtherance of each. The draft goals and policies were then shared with internal City staff from various departments for review prior to finalizing them as initial draft elements.

These initial drafts were then reviewed by the Subcommittees, as well as the full GPAC and the GPUSC prior to being shared with the City's boards, commissions, and committees for further input, and then advertised for additional public input from the broader community late last year.

At a special joint meeting of the GPAC and the GPUSC on December 3, 2025, those Committees reviewed 56 comments received on various draft elements from six different City Boards, Commissions, and Committees, as well as 69 comments received from community members. Based on guidance received at that meeting, City staff returned to another special joint meeting on January 21, 2026, with a comprehensive set of revised draft elements. By a vote of 25 ayes to 1 nay, the GPAC and the GPUSC voted to move the draft forward as the Final GPUSC/GPAC Draft General Plan Update.

This draft represents the culmination of three years of diligent work by the GPAC, its subcommittees, the GPUSC, and engaged community members. Notably, the GPAC and the GPUSC combined for 57 meetings held in accordance with the Ralph M. Brown Act and 47 public meetings of the various Subcommittees.

The draft is currently being reviewed by the City's various Boards, Commissions, and Committees. Table 2 summarizes the anticipated schedule of meetings and hearings, ultimately leading to City Council consideration and adoption in May 2026. As the preliminary reviews are occurring, it is also important to note that the City is preparing an addendum previously certified and adopted Programmatic Environmental Impact Report (EIR) for the Housing Element Implementation Program. Given there are no changes to land use, development standards, density/intensity allowances, the addendum has been deemed most appropriate.

Table 2, General Plan Update Schedule (Phase 4)

Meeting Date	Meeting Body	Elements Reviewed	Outcome
February 12, 2026	City Arts Commission	Arts and Culture Historical Resources	6 ayes, 0 nays, 1 abstention
February 23, 2026	Board of Library Trustees	Arts and Culture Historical Resources	5 ayes, 0 nays
March 3, 2026	Parks, Beaches & Recreation Commission	Harbor, Bay, and Beaches Natural Resources Recreation	Pending
March 19, 2026	Orange County Airport Land Use Commission	Arts and Culture Historical Resources Harbor, Bay, and Beaches Natural Resources Recreation Safety Noise Land Use	Pending
March 19, 2026	Planning Commission (Study Session)	None, study session only	Pending
April 2, 2026	Water Quality/Coastal Tidelands Committee	Harbor, Bay, and Beaches Natural Resources Safety	Pending

Table 2, General Plan Update Schedule (Phase 4)			
Meeting Date	**Meeting Body**	**Elements Reviewed**	**Outcome**
April 23, 2026	Planning Commission (Public Hearing)	Arts and Culture Historical Resources Harbor, Bay, and Beaches Natural Resources Recreation Safety Noise Land Use Introduction Vision Statement Glossary CEQA Document	Pending
April 28, 2026	City Council (Study Session)	None, study session only	Pending
May 26, 2026	City Council (Public Hearing)	Arts and Culture Historical Resources Harbor, Bay, and Beaches Natural Resources Recreation Safety Noise Land Use Introduction Vision Statement Glossary CEQA Document	Pending

Attachment 3

AELUP Noise, Height, and Safety Consistency Analysis

Notwithstanding the fact the GPU does not include any land use changes, development standard changes, or development limit changes, the following analysis is presented and intended to highlight the consistency of the proposed GPU Goals and Policies with the AELUP, as it relates to noise, height, and safety.

Noise

There are no substantive proposed changes to General Plan goals or policies related noise from John Wayne Airport. The City will continue to rely on its updated General Plan Land Use Element and Noise Element to provide pertinent goals and policies. The City also relies on Title 20 (Planning and Zoning) of the Newport Beach Municipal Code (NBMC). However, the Noise Element is being refreshed to further emphasize noise as a planning priority in Newport Beach.

The City's cited General Plan Policies will help ensure that appropriate noise considerations are made, and that mitigation is included in the design. Most goals and policies presented in the Table 1 are in the currently adopted General Plan and are being carried forward to ensure airport compatibility continues to be a priority.

Table 1, Relevant Noise Goals and Policies
Land Use Element Goal LU-17: Airport Area: *A connected and complete community that supports residents and businesses*
Policy LU 17.8: Aircraft Notification (Current Policy LU 6.15.15). Require that all neighborhood parks be posted with a notification to users regarding proximity to John Wayne Airport and aircraft overflight and noise.
Land Use Element Goal LU-28: *A City with mutually beneficial land use conservation and development*
Policy LU-28.1: Airport Compatibility (Current Policy LU 6.15.3). Require that all development be constructed in conformance with the height restrictions set forth by the Federal Aviation Administration, Federal Aviation Regulations Part 77, and California Department of Transportation Division of Aeronautics, and that residential development be allowed only on parcels with noise levels of less than the John Wayne Airport 65 A-weighted decibels (dBA) Community Noise Equivalent Level (CNEL) noise contour area, as shown in Figure N-5 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 N-5 are needed for the City to satisfy its 6th Cycle Regional House Needs Assessment mandate. Non-residential uses are, however, encouraged on parcels located wholly within the 65 dBA CNEL contour area.
Noise Element Goal N-1: *A community where noise impacts are reduced, and compatibility between land uses is maintained*
Policy N-1.1: Noise Compatibility of New Development (Adapted from Currently Adopted Policy N-1.1). Require all proposed projects to be compatible with the noise environment through use of Table N-2, and enforce the interior and exterior noise standards in the NBMC.

Table 1, Relevant Noise Goals and Policies
Policy N-1.2: Noise Exposure Verification for New Development (Adapted from Currently Adopted Policy N-1.2). Require a noise study to be submitted to provide evidence that the depicted noise contours account for local noise exposure circumstances due to factors such as topography, variation in traffic speeds, and other applicable conditions for proposed projects that require environmental review, as follows: • Residential or mixed-use projects in the Airport Area Focus Area or the West Newport Mesa Focus Area projected to be exposed to exterior noise levels of 65 to 70 dBA CNEL. • Residential or mixed-use projects in all other areas projected to be exposed to exterior noise levels of 60 dBA CNEL or greater. • These findings shall be used to determine the level of exterior and/or interior noise attenuation needed to attain an acceptable noise exposure level, and the feasibility of such measures when other planning considerations are taken into account.
Policy N-1.3: Remodeling of and Additions to Structures (Currently Adopted). Require that all remodeling of and additions to structures comply with the noise standards in the NBMC.
Policy N-1.4: New Developments in Urban Areas (Currently Adopted). Require that applicants of residential portions of mixed-use projects and high-density residential developments in urban areas (such as the Airport Area and Newport Center) demonstrate that the design of the structure adequately isolates noise between adjacent uses and units (common floors/ceilings) in accordance with the California Building Code.
Policy N-1.5A: Infill Projects (Adapted from Currently Adopted Policy N-1.5). Allow a higher (above 65 dBA CNEL) exterior noise level standard for infill projects in existing residential areas adjacent to major arterials if it can be shown that there are no feasible mechanisms to meet the exterior noise levels. Enforce the interior standard of 45 dBA CNEL for all new residential projects, including the residential component of mixed-use projects.
Policy N-1.5B: Airport Area Infill Projects (Adapted from Currently Adopted Policy N-1.5A). Allow infill residential projects proximate to John Wayne Airport to have a higher exterior noise level standard (65 to 70 dBA CNEL) if it can be shown that there are no practical mechanisms or designs to meet the exterior noise level. Enforce the interior standard of 45 dBA CNEL for all residential components of projects. No residential units may be located on parcels wholly within the John Wayne Airport 65 dBA CNEL noise contour area, as shown in Figure N3, unless and until the City determines, based on substantial evidence, that the site wholly within such contour area is needed for the City to satisfy its 6th Cycle (or subsequent) Housing Element Regional Housing Needs Allocation mandate. Encourage non-residential uses on parcels wholly within the 65 dBA CNEL contour area, as shown in Figure N3.
Policy N-1.6: Mixed-Use Developments (Currently Adopted Policy N-1.6). Encourage new mixed-use developments to site loading areas, parking lots, driveways, trash enclosures, mechanical equipment, and other noise sources away from the residential portion of the development.
Policy N-1.9: Noise Regulations (New Policy). Review the City's Noise Ordinance upon adoption of this Noise Element and periodically thereafter, but at least every 10 years, and make revisions where needed.
Policy N-1.10: Improved Communications (New Policy). Seek to improve communications regarding noise regulations and processes through City website features, information bulletins, and reporting procedures.
Policy N-1.11: Improved Noise Monitoring (New Policy). Periodically consider new noise monitoring technologies and improved metrics for assessing noise impacts.

Table 1, Relevant Noise Goals and Policies
Noise Element Goal N-2: *Sensitive receptors are protected from excessive motor vehicle and boat noise*
Policy N-2.1: New Development (Adapted from Currently Adopted Policy N-2.1). Require that proposed noise-sensitive uses in areas that have ambient noise of 60 dBA CNEL and greater, as identified in Figure N2 and Figure N3, demonstrate that they meet interior and exterior noise level requirements, as determined in the analyses stipulated by Policy N-1.2.
Policy N-2.2: Design of Sensitive Land Uses (Currently Adopted). Require the use of walls, berms, interior noise insulation, double-paned windows, advanced insulation systems, or other noise measures in the design of new residential developments to attenuate interior noise levels to 45 dBA CNEL or less. Other new noise-sensitive land uses that are adjacent to major arterials or proximate to John Wayne Airport (e.g., infill residential) and within the 65 to 70 dBA CNEL noise contour area are required to be indoor-oriented. Application of the noise standards in Table N2 shall govern this requirement.
Noise Element Goal N-3: *A community safeguarded from the adverse noise impacts of operations at John Wayne Airport and that proactively responds to and plans for emerging transportation technologies*
Policy N-3.1: New Development (Adapted from Currently Adopted Policy N-3.1). Ensure new development is compatible with the noise environment proximate to John Wayne Airport by not allowing residential units on parcels located wholly within the John Wayne Airport 65 dBA CNEL noise contour, as shown in Figure N3, unless and until the City determines, based on substantial evidence, that the site is needed for the City to satisfy its 6th Cycle (or subsequent cycles) Housing Element Regional Housing Needs Allocation mandate.
Policy N-3.2: Residential Development (Currently Adopted). Require developers of residential or mixed-use with a residential component land uses within the John Wayne Airport 65 dBA CNEL to notify prospective purchasers or tenants of aircraft overflight and noise. Additionally, require outdoor common areas or recreational areas of residential or mixed-use developments to be posted with signs notifying users regarding the proximity to John Wayne Airport and the presence of operating aircraft and noise.
Policy N-3.3: Avigation Easement (Adapted from Currently Adopted Policy N-3.3). Consider requiring the dedication of avigation easements in favor of the County of Orange when noise-sensitive uses are proposed in the John Wayne Airport Planning Area, as established in the Airport Environs Land Use Plan for John Wayne Airport (April 2008 or most recent).
Policy N-3.4: Existing Noise Restrictions (Currently Adopted). Oppose any attempt to modify existing noise restrictions for John Wayne Airport, including the existing curfew and the General Aviation Noise Ordinance.
Policy N-3.5: Additional Facilities at John Wayne Airport (Adapted from Currently Adopted Policy N-3.5). Consider any attempt to construct a second air carrier runway, including the acquisition of land necessary to provide required separation of the existing air carrier runway and any proposed facility.
Policy N-3.6: Existing Level of General Aviation Operations (Adapted from Currently Adopted Policy N-3.6). Consider any plan or proposal that maintains, and oppose any plan or project that proposes any significant changes to, the existing level of general aviation operations and general aviation support facilities.
Policy N-3.7: Noise Monitoring Systems (Adapted from Currently Adopted Policy N-3.7). Support preservation and enhancement of existing noise monitoring systems and the public reporting of the information derived from the noise monitoring systems.

Table 1, Relevant Noise Goals and Policies
Policy N-3.8: Meeting Air Transportation Demand (Currently Adopted). Support means of satisfying some of Orange County's air transportation demand at airports other than John Wayne Airport or through alternative means of transportation.
Policy N-3.9: John Wayne Airport Amended Settlement Agreement (Currently Adopted). Preserve and protect the validity of the John Wayne Airport Amended Settlement Agreement, including the following: • Oppose or seek protection from any federal legislative or regulatory action that would or could affect or impair the County of Orange's ability to operate John Wayne Airport consistent with the provisions of the John Wayne Airport Amended Settlement Agreement or the City's ability to enforce the Amended Settlement Agreement. • Approve amendments of the John Wayne Airport Settlement Agreement to ensure continued validity, provided amendments are consistent with the City Council Airport Policy, do not materially impair quality of life, and are in the long-term best interests of Newport Beach residents. • Continue to monitor possible amendments of the Airport Noise and Capacity Act of 1990 and the various Federal Aviation Administration Regulations and Advisory Circulars that relate to aircraft departure procedures.
Policy N-3.10: Community and Public Agency Support (Adapted from Currently Adopted Policy N-3.10). Conduct outreach and coordinate with neighboring cities and the County of Orange for broad-based support for all aspects of the City Council Airport Policy.
Policy N-3.11. Updated Airport Noise Contours (New Policy). Periodically review and consider updates to the airport noise contours and revise Figure N3, as appropriate.
Policy N-3.12: Emerging Aerial Mobility Technology (New Policy). Mitigate noise impacts from air delivery, air taxis, and other emerging aerial mobility systems to the extent feasible and consistent with the NBMC.
Policy N-3.13: Emerging Transportation Facilities (New Policy). Direct emerging transportation systems along routes with minimal residential and other sensitive uses, to the extent feasible.

Height

There are no changes proposed to height limits with the comprehensive GPU. The City will continue to comply with the parameters outlined in Subsection 3.2.6 (Height Restriction Zone) of the AELUP and FAA standards. The refreshed Land Use Element will continue to include height requirements relevant to the John Wayne Airport Planning Area, as indicated by proposed Policy LU-28.2: Compliance with Airport Environs Land Use Plan, which is in the currently adopted General Plan as Policy LU 6.15.15. The language is excerpted below for ease of reference:

> **Policy LU-28.2: Compliance with Airport Environs Land Use Plan.** Refer the adoption or amendment of the General Plan, Zoning Code, Specific Plans, and Planned Community Development Plans for land within the John Wayne Airport Planning Area, as established in the John Wayne Airport Airport Environs Land Use Plan, to the Airport Land Use Commission for review, as required by California Public Utilities Code Section 21676. In addition, refer all development projects that include buildings with a height greater than

200 feet above ground level to the County of Orange Airport Land Use Commission for review.

Safety Compatibility

There are no changes proposed to land uses with the comprehensive GPU. The City will continue to evaluate compliance and compatibility with the AELUP, as indicated by Policy LU-28.2, detailed in the previous section ("Height"). In addition, the refreshed Safety Element includes a discussion on aviation hazards and a corresponding goal with policies, which are excerpted below for ease of reference.

> ***Goal S-9: A community protected form airport-related hazards***
>
> **Policy S-9.1: Land Use Compatibility.** Participate in the planning process for projects related to John Wayne Airport, including any future updates to its Airport Environs Land Use Plan (AELUP). Continue to ensure new development land use intensity and compatibility align with the most currently available AELUP for John Wayne Airport to minimize potential safety impacts on residents.
>
> **Policy S-9.2: Noise and Air Pollution.** Continue to advocate for restricting airport expansion or operational changes that could increase noise and/or air pollution.
>
> **Policy S-9.3: Emerging Technologies.** Study and consider adopting regulations concerning emerging technologies, such as drones and aerial taxis.
>
> **Policy S-9.4: Aircraft Rescue.** Support the provision of aircraft rescue training for first responders.

Other

The refreshed Land Use Element will continue to include heliport/helistop requirements, as indicated by proposed Policy LU-28.3: Heliport/Helistop Requirements, which is in the currently adopted General Plan as Policy LU 5.6.5. The language is excerpted below for ease of reference:

> **Land Use Element Policy LU-28.3: Heliport/Helistop Requirements.** Require that all applicants for the construction or operation of a heliport or helistop comply with State permit procedures; file Form 7480 (Notice of Landing Area Proposal) with the Federal Aviation Administration; and comply with all conditions of approval imposed by the Federal Aviation Administration, California Department of Transportation Division of Aeronautics; and County of Orange Airport Land Use Commission.

Table LU-1. Anomaly Locations

Anomaly Number	Statistical Area	Land Use Designation*	Development Limit (square feet)	Development Limit (other)	Additional Information
1	L4	MU-H2	460,095	471 hotel rooms (not included in total square footage)	None
2	L4	MU-H2	1,052,880	None	None
2.1	L4	MU-H2	18,810	None	11,544 square feet restricted to general office use only (included in total square footage)
3	L4	CO-G	734,641	None	None
4	L4	MU-H2	250,176	None	None
5	L4	MU-H2	32,500	None	None
6	L4	MU-H2	46,044	None	None
7	L4	MU-H2	81,372	None	None
8	L4	MU-H2	442,775	None	None
9	L4	CG	120,000	164 hotel rooms (included in total square footage)	None
10	L4	MU-H2	31,362	349 hotel rooms (not included in total square footage)	None
11	L4	CG	11,950	None	None
12	L4	MU-H2	457,880	None	None
13	L4	CO-G	288,264	None	None
14	L4	CO-G/MU-H2	860,884	None	None
15	L4	MU-H2	228,214	None	None
16	L4	CO-G	344,231	None	None
17	L4	MU-H2	33,292	304 hotel rooms (not included in total square footage)	None
18	L4	CG	225,280	None	None
19	L4	CG	228,530	None	None
21	J6	CO-G	687,000	None	Office: 660,000 sf Retail: 27,000 sf
21		CV		300 hotel rooms	None

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Table LU-1. Anomaly Locations

Anomaly Number	Statistical Area	Land Use Designation*	Development Limit (square feet)	Development Limit (other)	Additional Information
22	J6	PI	85,000	None	Residential Care Facility for the Elderly (RCFE)
23	K2	PR	15,000	None	None
24	L3	IG	89,624	None	None
25	L3	PI	84,585	None	None
26	L3	IG	33,940	None	None
27	L3	IG	86,000	None	None
28	L3	IG	110,600	None	None
29	L3	CG	47,500	None	None
30	M6	CG	54,000	None	None
31	L2	PR	75,000	None	None
32	L2	PI	34,000	None	None
33	M3	PI	163,680	None	Administrative office and support facilitates: 30,000 sf Community mausoleum and garden crypts: 121,680 sf Family mausoleums: 12,000 sf
34	L1	CO-R	484,348	None	None
35	L1	CO-R	197,010	None	None
36	L1	CO-R	227,797	None	None
37	L1	CO-R	131,201	2,050 theater seats (not included in total square footage)	None
38	L1	CO-M	443,627	None	None
39	L1	MU-H3	408,084	None	None
40	L1	MU-H3	1,426,634	425 hotel rooms (included in total square footage)	None
41	L1	CO-R	327,671	None	None
42	L1	CO-R	286,166	None	None
43	L1	CV	N/A	611 hotel rooms	None

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Table LU-1. Anomaly Locations

Anomaly Number	Statistical Area	Land Use Designation*	Development Limit (square feet)	Development Limit (other)	Additional Information
44	L1	CR	1,619,525	1,700 theater seats (not included in total square footage)	None
45	L1	CO-G	162,364	None	None
46	L1	MU-H3/PR	3,725	24 tennis courts	Residential permitted in accordance with MU-H3
47	L1	CG	105,000	None	None
48	L1	MU-H3	337,261	None	None
49	L1	MU-H3	16,000	90 dwelling units	None
50	L1	CG	25,000	None	None
51	K1	PR	20,000	None	None
52	K1	CV	N/A	479 hotel rooms	None
53	K1	PR	567,500	None	See Settlement Agreement
54	J1	CM	2,000	None	None
55	H3	PI	119,440	None	None
56	A3	PI	1,343,238	990,349 sf upper campus; 577,889 sf lower campus	In no event shall the total combined gross floor area of both campuses exceed the development limit of 1,343,238 sf
57	Intentionally Blank				
58	J5	PR	20,000	None	None
59	H4	MU-W1	247,402	144 dwelling units (included in total square footage)	None
60	N	CV	3,035,000 [see "Additional Information" column]	2,150 hotel rooms (2,960,000 sf for hotel rooms and related commercial uses identified in Newport Coast LCP); 75,000 sf for day use commercial	Newport Coast LCP Planning Area 13 [correction per Planning Commission Resolution 2030 adopted October 6, 2016]

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Table LU-1. Anomaly Locations

Anomaly Number	Statistical Area	Land Use Designation*	Development Limit (square feet)	Development Limit (other)	Additional Information
61	N	CV	125,000		Newport Coast LCP Planning Areas 3B and 14
62	L2	CG	2,300	None	None
63	G1	CN	66,000	None	None
64	M3	CN	74,000	None	None
65	M5	CN	80,000	None	None
66	J2	CN	138,500	None	None
67	D2	PI	25,000	None	None
68	L3	PI	71,150	None	None
69	K2	CN	75,000	None	None
70	D2	RM-D	N/A	None	Parking structure for Bay Island (no residential units)
71	L1	CO-G	11,630	None	None
72	L1	CO-G	8,000	None	None
73	A3	CO-M	350,000	None	None
74	L1	PR	56,000	None	None
75	L1	PF	N/A	None	City Hall, the administrative offices of the City of Newport Beach, and related parking, pursuant to Section 425 of the City Charter
76	H1	CO-G	N/A	0.5 floor-area ratio	1.0 floor-area ratio permitted, provided all four legal lots are consolidated into one parcel to provide unified site design
77	H4	CV	240,000	157 hotel rooms (included in total square footage)	None
78	B5	CM	139,840	None	None
79	H4	CG	N/A	0.3/0.5 floor-area ratio	Development limit of 19,905 sf

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Table LU-1. Anomaly Locations

Anomaly Number	Statistical Area	Land Use Designation*	Development Limit (square feet)	Development Limit (other)	Additional Information
					permitted, provided all six legal lots are consolidated into one parcel to provide unified site design
80	K1	MU-W2	Non-residential development 131,290	49 residential units	For mixed-use development, residential floor area shall not exceed a 1:1 ratio to non-residential floor area
81	K1	RM	N/A	296 residential units	None
82	L1	RM	N/A	28 dwelling units	None
83	Reserved				
84	Reserved				
85	B5	CV-LV	118,573 sf of hotel	None	Accessory commercial floor area is allowed in conjunction with a hotel and it is included within the hotel development limit; municipal facilities are not restricted or included in any development limit
86	L4	MU-H2	Non-residential development 297,572	329 dwelling units	None

Notes: sf = square feet; N/A = not applicable; LCP = Local Coastal Program

* See Table LU-2 for land use designation definitions.

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Table LU-2. Land Use Designations

Land Use Category	Uses	Density/Intensity
Residential Neighborhoods		
Single Unit Residential Detached (RS-D)	The RS-D category applies to a range of detached single-family residential dwelling units on a single legal lot and does not include condominiums or cooperative housing.	Not applicable.
Single Unit Residential Attached (RS-A)	The RS-A category applies to a range of attached single-unit residential dwelling units on a single legal lot and does not include condominiums or cooperative housing.	Not applicable.
Two Unit Residential (RT)	The RT category applies to a range of two- unit residential dwelling units, such as duplexes and townhomes.	Not applicable.
Multiple Residential (RM)	The RM designation is intended to provide primarily for multi-unit residential development containing attached or detached dwelling units.	Units per acre or cumulative amount of development as specified in the land use figures.
Multiple Residential Detached (RM-D)	The RM-D designation is intended to provide primarily for multi-unit residential development exclusively containing detached dwelling units.	Units per acre or cumulative amount of development as specified in the land use figures.
Commercial Districts and Corridors		
Neighborhood Commercial (CN)	The CN designation is intended to provide for a limited range of retail and service uses developed in one or more distinct centers oriented to primarily serve the needs of and maintain compatibility with residential uses in the immediate area.	Floor area to land area ratio or cumulative development indicated in Land Use Plan.
Corridor Commercial (CC)	The CC designation is intended to provide a range of neighborhood-serving retail and service uses along street frontages that are located and designed to foster pedestrian activity.	Floor to land area ratio or cumulative development indicated in Land Use Plan.
General Commercial (CG)	The CG designation is intended to provide for a wide variety of commercial activities oriented primarily to serve citywide or regional needs.	Floor area to land area ratio or cumulative development indicated in Land Use Plan.
Recreational and Marine Commercial (CM)	The CM designation is intended to provide for commercial development on or near Newport Bay in a manner to encourage the continuation of coastal-dependent and coastal-related uses, maintain the marine theme and character, encourage mutually supportive businesses, encourage visitor-serving and recreational uses, and encourage physical and visual access to Newport Bay on waterfront commercial and industrial building sites on or near the bay.	Floor area to land area ratio or cumulative development indicated in Land Use Plan.
Visitor Serving Commercial (CV)	The CV designation is intended to provide for accommodations, goods, and services to primarily serve visitors to Newport Beach.	Floor area to land area ratio or cumulative development indicated in Land Use Plan.

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Table LU-2. Land Use Designations

Land Use Category	Uses	Density/Intensity
Visitor Serving Commercial Lido Village (CV-LV)	The CV-LV category is intended to allow for a range of accommodations (e.g., hotels, motels, hostels), goods, and services primarily to serve visitors to Newport Beach. Limited-use overnight visitor accommodations and residences are not allowed.	Not applicable.
Regional Commercial (CR)	The CR designation is intended to provide retail, entertainment, service, and supporting uses to serve local and regional residents. Typically these are integrated into a multi-tenant development that contains one or more "anchor" uses to attract customers. Automobile sales, repair, and service facilities; professional offices; single-destination; and other highway-oriented uses are not permitted.	Not applicable.
Commercial Office Districts		
General Commercial Office (CO-G)	The CO-G designation is intended to provide for administrative, professional, and medical offices with limited accessory retail and service uses. Hotels, motels, and convalescent hospitals are not permitted.	Floor area to land area ratio or cumulative development indicated in Land Use Plan.
Medical Commercial Office (CO-M)	The CO-M designation is intended to provide primarily for medical-related offices, other professional offices, retail, short-term convalescent and long-term care facilities, research labs, and similar uses.	Floor area to land area ratio of 0.75, except as specified in the Land Use Plan.
Regional Commercial Office (CO-R)	The CO-R designation is intended to provide for administrative and professional offices that serve local and regional markets, with limited accessory retail, financial, service, and entertainment uses.	As specified by Table LU-1.
Industrial Districts		
General Industrial (IG)	The IG designation is intended to provide for a wide range of moderate- to low-intensity industrial uses, such as light manufacturing and research and development, and limited ancillary commercial and office uses.	Floor area to land area ratio of 0.75, except as specified in the Land Use Plan.
Airport-Supporting Districts		
Airport Office and Supporting Uses (AO)	The AO designation is intended to provide for the development of properties adjoining John Wayne Airport for uses that support or benefit from airport operations. These may include professional offices; aviation retail; automobile rental, sales, and service; hotels; and ancillary retail, restaurants, and service uses.	Floor area to land area ratio of 0.5, except for warehousing, which may be developed at a floor area to land ratio of 0.75.
Mixed-Use Districts		
Mixed-Use Vertical (MU-V)	The MU-V designation is intended to provide for the development of properties for mixed-use structures that vertically integrate housing with retail uses, including retail, office, restaurant, and similar non-residential uses.	**Mixed-use buildings:** Floor area to land ratio of 1.5, where a minimum floor area to land ratio of 0.35 and

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Table LU-2. Land Use Designations

Land Use Category	Uses	Density/Intensity
	For mixed-use structures, commercial uses characterized by noise, vibration, odors, or other activities that would adversely impact on-site residential units are prohibited. Sites may also be developed exclusively for retail or office uses in accordance with the CN, CC, CG, or CO-G designations.	maximum of 0.5 shall be used for non-residential purposes, and a maximum of 1.0 for residential. **Non-residential buildings:** Floor area to land area ratio of 0.75.
Mixed-Use Horizontal (MU-H)	The MU-H designation is intended to provide for development of areas for a horizontally distributed mix of uses, which may include general or neighborhood commercial, commercial offices, multi-family residential, visitor-serving and marine-related uses, and/or buildings that vertically integrate residential with commercial uses.	Not applicable.
Mixed-Use Horizontal 1 (MU-H1)	The MU-H1 designation provides for a horizontal intermixing of uses. For properties located on the inland side of Coast Highway in the Mariners' Mile Corridor, (a) the Coast Highway frontages shall be developed for marine-related and highway-oriented general commercial uses in accordance with CM and CG designations; and (b) portions of properties to the rear of the commercial frontage may be developed for free-standing neighborhood-serving retail, multi-family residential units, or mixed-use buildings that integrate residential with retail uses on the ground floor in accordance with the CN, RM , CV, or MU-V designations, respectively. Properties in the Dover Drive/Westcliff Drive area may also be developed for professional offices or mixed-use buildings that integrate residential with retail or office uses on the ground floor in accordance with the CO and MU-V designations, respectively.	**Commercial or office only:** Floor area to land ratio of 0.5. **Multi-family residential only:** 20.1–26.7 units per acre. **Mixed-use buildings:** Floor area to land ratio of 1.5, where a minimum floor area to land ratio of 0.25 and maximum of 0.5 shall be used for non-residential purposes, and a maximum of 1.0 for residential.
Mixed-Use Horizontal 2 (MU-H2)	The MU-H2 designation applies to properties in the Airport Area. It provides for a horizontal intermixing of uses that may include regional commercial office, multi-family residential, vertical mixed-use buildings, industrial uses, hotel rooms, and ancillary neighborhood commercial uses.	**Residential:** Maximum of 2,200 units as replacement of existing office, retail, and/or industrial uses at a maximum density of 50 units per adjusted gross acre, of which a maximum of 550 units may be developed as infill.* **Non-residential uses:** As defined by Table LU-1.

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Table LU-2. Land Use Designations

Land Use Category	Uses	Density/Intensity
Mixed-Use Horizontal 3 (MU-H3)	The MU-H3 designation applies to properties in Newport Center. It provides for the horizontal intermixing of regional commercial office, hotel, multi-unit residential, and ancillary commercial uses. Within the Tennis and Pickleball Club, residential uses may be developed as single- unit units.	**Residential:** Maximum of 540 units. **Hotel:** 65 rooms in addition to those specified in Table LU-1.* **Other: Non-residential:** As specified by Table LU-1.
Mixed-Use Horizontal 4 (MU-H4)	The MU-H4 designation applies to properties where it is the intent to establish the character of a distinct and cohesively developed district or neighborhood containing multi-unit residential with clusters of mixed-use and/or commercial buildings in such locations as the interior parcels of Cannery Village and 15th Street on Balboa Peninsula. Permitted uses include (a) multi-unit residential, (b) general or neighborhood commercial, and/or (c) mixed-use structures, where the ground floor shall be restricted to non-residential uses, such as retail sales and restaurants, along the street frontage, and the rear and upper floors shall be used for residential, including age-restricted units and overnight accommodations (comparable to MU-V). Mixed-use or commercial buildings shall be required on parcels at street intersections and are permissible, but not required, on other parcels.	**Mixed-use buildings:** Floor area to land area ratio of 1.5, where a minimum floor area to land area ratio of 0.25 and maximum 0.5 shall be used for retail uses, and maximum of 1.0 for residential. **Commercial only:** Floor area to land area ratio of 0.5. **Multi-unit residential only:** 20.1–26.7 units per net acre.
Mixed-Use Water Related (MU-W)	The MU-W designation is intended to provide for commercial development on or near Newport Bay in a manner that will encourage the continuation of coastal-dependent and coastal-related uses in accordance with the Recreational and Marine Commercial (CM) designation, as well as allow for the integrated development of residential.	Not applicable.
Mixed-Use Water 1 (MU-W1)	The MU-W1 designation is applied to waterfront locations along the Mariners' Mile Corridor where marine-related, visitor-serving, commercial, and residential uses are intermixed with buildings that provide residential uses above the ground floor. Permitted uses include those permitted by the CM, CV, Multi-Unit Residential (RM), and Vertical Mixed-Use (MU-V) designations. A minimum of 50% of the permitted square footage shall be used for the CM or CV land uses. No more than 50% of the waterfront area between the Arches Bridge and the Boy Scout Sea Base may be developed with mixed-use structures. A Master or Specific Plan shall be required to ensure that the uses are	**Mixed-use buildings:** Floor area to land ratio of 1.25, where a minimum floor area to land ratio of 0.35 and maximum of 0.5 shall be used for non-residential purposes, and the number of residential units shall not exceed the cumulative total for multi-unit residential specified below. **Commercial only:** Floor area to land area ratio of 0.5.

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Table LU-2. Land Use Designations

Land Use Category	Uses	Density/Intensity
	fully integrated and impacts from their differing functions and activities are fully mitigated.	**Multi-unit residential only:** 12 units per acre, with the number of units calculated based on a maximum of 50% of the property.
Mixed-Use Water 2 (MU-W2)	The MU-W2 designation is applied to waterfront locations where marine-related uses may be intermixed with buildings that provide residential on the upper floors. Permitted uses include those permitted by the CM, CV, and MU-V designations. Free-standing residential shall not be permitted.	**Mixed-use buildings:** Floor area to land ratio of 1.25, where a minimum floor area to land ratio of 0.35 and maximum of 0.5 shall be used for non-residential purposes, and maximum of 0.75 for residential. In Lido Marina Village, the maximum floor area to land ratio shall be 1.5, where a minimum floor area to land ratio of 0.35 and maximum of 0.7 shall be used for non-residential, and a maximum of 0.8 for residential. **Non-residential buildings:** Floor area to land area ratio of 0.5.
Public, Semi-Public, and Institutional		
Public Facilities (PF)	The PF designation is intended to provide public facilities, including public schools, cultural institutions, government facilities, libraries, community centers, public hospitals, and public utilities.	Not applicable.
Private Institutions (PI)	The PI designation is intended to provide for privately owned facilities that serve the public, including places for religious assembly, private schools, health care, cultural institutions, museums, yacht clubs, congregate homes, and comparable facilities.	Floor to land area ratio or cumulative development indicated in Land Use Plan.
Open Space (OS)	The OS designation is intended to provide areas for a range of public and private uses to protect, maintain, and enhance the community's natural resources.	Open spaces may include incidental buildings, such as maintenance equipment and supply storage, which are not traditionally included in determining intensity limits.

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Table LU-2. Land Use Designations

Land Use Category	Uses	Density/Intensity
Open Space/ Residential Village (OS [RV])	The OS (RV) designation is intended for the preservation of planning subarea Randall Preserve (Banning Ranch) as open space, restoration of wetlands and other habitats, development of a community park, and consolidation of oil extraction and processing facilities. The designation permits development of a planned residential community that integrates a mix of single-family detached, single-family attached, two-family, and/or multi-family residential with supporting schools, parks, community services, local-serving convenience commercial uses and services, and open spaces. A Master or Specific Plan is required to depict the uses, street and infrastructure improvements, open spaces, development standards, design guidelines, and financial plan.	**Priority:** Open spaces, habitat restoration, and parks. Alternative: Maximum of 1,375 residential units, 75,000 square feet of retail commercial, and 75 hotel rooms.*
Parks and Recreation (PR)	The PR designation applies to land used or proposed for active public or private recreational use. Permitted uses include parks (both active and passive), golf courses, marina support facilities, aquatic facilities, tennis clubs and courts, private recreation, and similar facilities.	Not applicable for public uses. Private uses in this category may include incidental buildings, such as maintenance equipment sheds, supply storage, and restrooms, not included in determining intensity limits. For golf courses, these uses may also include support facilities for grounds maintenance employees. Other types of buildings and developments are limited as specified in Table LU-1.
Tidelands and Submerged Lands (TS)	The TS designation is intended to address the use, management, and protection of tidelands and submerged lands of Newport Bay and the Pacific Ocean immediately adjacent to Newport Beach. The designation is generally not applied to historic tidelands or submerged lands that are presently filled or reclaimed.	Not applicable.

Notes: Calculation of floor area does not include parking structures.

* Development capacity limits are carried over from the 2006 Land Use Element. The units identified are not newly assigned.

Housing Opportunities Overlay

The housing opportunities overlay applies to sites identified in the City's adopted Housing Element and general areas within identified focus areas to accommodate the City's overall allocation of the Regional Housing Needs Assessment. Development capacity limits for parcels identified as part of the housing opportunity focus areas

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are cumulative, meaning they are in addition to the development capacity limits permitted by the Land Use Plan. Development capacity limits for housing opportunity sites are regulated in two ways:

1. Density. A range of permitted density within each focus area (e.g., 20 to 50 dwelling units per acre).
2. Total Units. The maximum total number of dwelling units permitted to be developed within a focus area (e.g., 2,577 total dwelling units).

Development projects may apply the minimum or maximum density, but the overall number of dwelling units permitted within the focus area must not exceed the established limit. Figure 3-2 through Figure 3-7 of the General Plan Housing Implementation Program Environmental Impact Report, in Chapter 3, Project Description, establish the boundaries and extent of the focus areas for the housing opportunities overlay, and Table LU-3 establishes the capacity permitted in the focus areas. The development capacity limits in Table LU-3 reflect a point-in-time capacity at time of adoption, and are tracked and updated separately, as necessary by City staff. Policies for each focus areas are identified in section "Accommodating Planned Housing and Other Opportunities for Change," below.

Table LU-3. Housing Opportunities Overlay

Focus Area*	Density/Intensity	Development Capacity
Airport Area	20 to 50 dwelling units per gross acre	2,577 total dwelling units
West Newport Mesa	20 to 50 dwelling units per gross acre	1,107 total dwelling units
Newport Center	20 to 50 dwelling units per gross acre	2,439 total dwelling units
Dover/Westcliff	20 to 50 dwelling units per gross acre	521 total dwelling units
Coyote Canyon	20 to 60 dwelling units per gross acre	1,530 total dwelling units

Note:

* For the extent of the focus area boundaries, refer to Figures 3-3 through 3-7 of the General Plan Housing Implementation Program Environmental Impact Report, in Chapter 3, Project Description.

Goal LU-1: A City that manages growth and change through land use decisions that are consistent with the General Plan

- **Policy LU-1.1: Land Use Plan** (Policy LU 4.1). Support land use development consistent with the Land Use Plan, which consists of Figure LU-2 and Figure LU-3 through Figure LU-15, together with Table LU-1 and Table LU-2. Figure LU-2, General Plan Land Use Overview, depicts the general distribution of uses throughout Newport Beach, and Figure LU-3, Statistical Areas Map, provides an overview of statistical area boundaries; Figure LU-4 through Figure LU-15 are statistical area maps that depict specific use categories and development capacity for each parcel (Anomaly Locations) within the defined statistical area. Table LU-2, Land Use Designations, specifies the primary land use categories; types of uses; and, for specific categories, the densities/intensities to be permitted. The permitted densities/intensities or amount of development for land use designations not included in Table LU-2 are specified in Figure LU-4 through Figure LU-15. These are intended to convey maximum and, in some cases, minimum densities that may be permitted on any parcel within the designation or as otherwise specified by Table LU-1, Anomaly Locations. The density/intensity ranges exclude increases allowed through the application of density bonus laws and are calculated based on actual land area, actual number of dwelling units in fully

developed residential areas, and development potential in areas where the General Plan allows additional development. To determine the permissible development, the user should do the following:

- Identify the parcel and the applicable land use designation in Figure LU-4 through Figure LU-15, using Figure LU-3 as a reference to the applicable statistical area.
- Refer to Figure LU-4 through Figure LU-15 and Table LU-2 to identify the permitted uses and permitted density or intensity or amount of development for the land use classification. Where densities/intensities are applicable, the maximum amount of development is determined by multiplying the area of the parcel by the density/intensity.
- For anomalies identified in the Land Use Plan (Figures LU-4 through LU-15) by a symbol, refer to the most-recently updated Table LU-1 to determine the precise development capacity limits.
- For additional area-specific policies and for development capacity for residential development not listed in the Land Use Plan, refer to section "Accommodating Planned Housing and Other Opportunities for Change," below. (Imp. 2.1, 5.1, 10.2)

- **Policy LU-1.2: Conversion of Units for Anomaly Locations.** Allow the conversion of specified units to square feet in Table LU-1, Anomaly Locations. Table LU-1 either assigns 1,000 square feet of floor area for each hotel room, or indicates the number of hotel rooms allowed on a site and the number of theater seats allowed on certain sites. For the purposes of this policy, ensure that the rate established by Council Policy A-18 is used (1,000 square feet per hotel room and 15 square feet per theater seat). (Imp. 1.1, 9.1)
- **Policy LU-1.3: Transfer of Development Rights** (Policy LU 4.2). Permit the transfer of development rights from a property to one or more other properties when the following occur:
  - The donor and receiver sites are within the same statistical area.
  - The reduced density/intensity on the donor site provides benefits to the City, such as (1) provision of extraordinary open space, public visual corridor(s), parking or other amenities; (2) preservation of a historic building, property, or natural landscape; (3) improvement of the area's scale and development character; (4) consolidation of lots to achieve a better architectural design than could be achieved without lot consolidation; and/or (5) reduction of local vehicle trips and traffic congestion.
  - The increment of growth transferred to the receiver site complements and is in scale with surrounding development, complies with community character and design policies contained in this General Plan, and does not materially degrade local traffic conditions or environmental quality.
  - Transfer of development intensity/density in Newport Center is governed by Policy LU-19.4 (Transfers of Development Intensity/Density). (Imp. 2.1, 5.1, 10.2)
- **Policy LU-1.4: Amendments to Development Capacity Limits.** Allow staff-administered ministerial updates to Table LU-1, Table LU-2, and Table LU-3 to facilitate modifications to and transfers of development capacity limits to accurately track development capacity limits in accordance with Section 423 of the City Charter. Any such update should include a clear reference to the related action. (Imp. 1.2, 10.2)
- **Policy LU-1.5: Residential Supply** (Policy LU 6.2.1). Accommodate a diversity of residential units that meets the needs of Newport Beach's population and fair share of regional needs in accordance with the Land Use Plan's designations, applicable density standards, design and development policies, and the adopted Housing Element. (Imp. 1.1, 2.1, 25.1)
- **Policy LU-1.6: Prohibition of New Residential Subdivisions** (Policy LU 4.2). Unless otherwise directed by State law, prohibit new residential subdivisions that would result in additional dwelling units unless authorized by a General Plan Amendment. Lots that have been legally merged through the Subdivision

Map Act and City Subdivision Code approvals are exempt from the General Plan Amendment requirements and may be re-subdivided to the original underlying legal lots. This policy is applicable to all single-unit, two-unit, and multiple-unit residential land use categories. (Imp. 6.1)

- **Policy LU-1.7: Housing Opportunities Overlay** (adapted from Policy LU 4.4). Support the development of housing in the housing opportunity overlay zones consistent with the densities and development limits identified in the Zoning Code and in Table LU-3. (Imp. 25.1, 8.2)

Defining Neighborhood and Land Use Characteristics

Well-planned and thoughtfully designed neighborhoods contribute to quality of life for residents and support community-wide needs. Newport Beach has distinct villages and neighborhoods that contribute to the charm and unique sense of place of Newport Beach. Newport Beach's villages, neighborhoods, and districts make up a citywide identity that is unique to Southern California. Planned development can be accommodated in a manner that supports and contributes to the unique qualities of each neighborhood, village, and district that make up this identity. All neighborhoods should be well-maintained and have diverse, cohesive development that contributes to and maintains its distinct and unique identity. Planned development in established neighborhoods should integrate sophisticated urban design that is compatible with neighborhood characteristics to blend with the surrounding urban fabric. Planned development in changing communities should contribute to Newport Beach's livability by thoughtfully planning the design, location, and types of land uses permitted to result in vibrant and balanced communities.

Goals and policies related to defining neighborhood and land use characteristics should provide for the maintenance and enhancement of Newport Beach, and new development should complement and reinforce these characteristics. Neighborhood and land use characteristics listed in Table LU-2, Land Use Designations, are broadly described by the categories listed below.

Residential Neighborhoods: Residential neighborhoods offer distinct characteristics and amenities that vary across Newport Beach. Neighborhoods offer residents variety in architecture, access to the coast, and pristine views. The many distinct neighborhoods together contribute to the charm and unique sense of place of Newport Beach. Residential neighborhoods should be of high-quality design. Design standards should consider compatibility with existing neighborhoods, including the scale of development, privacy, and amenities. Residential neighborhoods should contribute to Newport Beach's livability by thoughtfully planning the location and types of housing permitted.

Commercial Districts: Commercial districts, centers, and corridors create opportunities for shopping, employment, and socialization, and provide essential services and goods for the community. The design of commercial districts, centers, and corridors is important for shaping how residents and visitors use, access, and interact with these types of establishments.

Mixed-Use Districts: Mixed-use districts contribute to balanced communities through the integration of residential, employment, commercial, recreation, and service-oriented uses. These uses contribute to a high quality of life for residents and benefits to local businesses such as increased walkability, vibrant spaces, increased economic development, and access to amenities. Mixed-use districts should be paired with high-quality design to contribute to neighborhood character and flexibility in uses that is responsive to market demands.

Office and Business Districts: Well-planned and designed office and business districts can provide a high-quality working environment for employees and serve the surrounding community. Office and business parks should integrate a campus-style environment through design elements that promote connectivity, provide common spaces such courtyards, and encourage walkability and pedestrian activity. Office and business districts located

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adjacent to residential uses should encourage a mix of community-serving commercial uses to serve nearby residents and expand the use of the area outside of regular work-day hours.

Industrial Districts: Co-location of industrial and residential uses can be a good way to provide more homes, create and protect local employment, and foster innovation. New innovations in materials and technologies are making industry cleaner, greener, and quieter. Industrial districts should be encouraged to support changing neighborhoods while providing a dynamic mix of uses that are sensitive to and supportive of residents and employees. While maintaining Newport Beach's values and community character, industrial districts can provide an opportunity for uses that support innovation, creativity, and the arts in existing industrial areas in response to market demands.

Public, Semi-Public, and Institutional Uses: Public, semi-public, and institutional uses, such as governmental service and public or private facilities, include educational, cultural, social, religious, recreational, and medical uses that are essential for every city, providing places where neighbors gather, children play and learn, and important decisions are made. The location and availability of these uses are vital in supporting a sense of community and social wellbeing by providing places for people to gather, access social services, and participate in education and physical activity. High-quality architecture and sophisticated urban design in public and institutional uses can contribute to facilities and spaces that enhance the community's quality of life and connect residents to their city.

Goal LU-2: *Well-balanced land uses with adequate community services and supporting infrastructure that support livability, provide residential opportunities, promote new complementary uses, sustain and enhance economic vitality, and sustain the natural environment*

- **Policy LU-2.1: Visitor-Serving Uses** (Policy LU 2.6). Provide uses that serve visitors to Newport Beach's ocean, beaches, harbor, open spaces, and other recreational assets while integrating them to protect neighborhoods and residents. (Imp. 1.1, 2.1, 5.1, 24.1)
- **Policy LU-2.2: Adequate Infrastructure** (Policy LU 2.8). Accommodate the types, densities and intensities, and mix of land uses that can be adequately supported by transportation and utility infrastructure (water, sewer, storm drainage, energy, and so on) and public services (schools, parks, libraries, senior centers, youth centers, police, fire, and similar facilities and services). (Imp. 1.1, 10.2, 11.1)
- **Policy LU-2.3: Adequate Community-Supporting Uses** (Policy LU 6.1.1). Accommodate schools, government administrative and operational facilities, fire stations, police facilities, libraries, religious facilities, schools, cultural facilities, museums, interpretative centers, and hospitals to serve the needs of Newport Beach's residents and businesses. (Imp. 1.1, 2.1)
- **Policy LU-2.4: Waterfront Access** (adapted from Policy LU 3.6). Use public beaches for public recreational uses and prohibit uses on beaches that interfere with public access and enjoyment of coastal resources. Without extending the Oceanfront Boardwalk, encourage the expansion and improvement of access to the waterfront and water-related uses that provide important links to waterfront uses such as beaches, launching facilities, public docks, and other similar public water area uses. (Imp. 1.1, 5.1)
- **Policy LU-2.5: Sustainable and Complete Community** (Policy LU 2.2). Emphasize the development of uses that enable Newport Beach to continue as a self-sustaining community and minimize the need for residents to travel outside of the community for commercial goods and services, and employment. (Imp. 1.1, 24.1)

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- **Policy LU-2.6: Natural Resources** (Policy LU 1.3). Protect the natural setting that contributes to the character and identity of Newport Beach and the sense of place it provides for its residents and visitors. Preserve open space resources, beaches, the harbor, parks, bluffs, preserves, and estuaries as visual, recreational, and habitat resources. (Imp. 1.1)
- **Policy LU-2.7 (NR-18.1): Public Views** (Policy LU-1.6). Protect and, where feasible, enhance significant scenic and visual resources, which include views of open spaces, mountains, canyons, ridges, the ocean, beaches, and the harbor from public vantage points, as shown in Figure NR-4, Viewpoints and Corridors, in the Natural Resources Element. (Imp. 2.1, 5.2)
- **Policy LU-2.8: Oil and Gas Facilities** (adapted from Policy LU 2.7). Prohibit the construction of new oil processing, refining, and transportation facilities, including facilities designed to transport oil from offshore tracts, with the exception of the City's slant drilling from onshore locations and for the consolidation and more-efficient production of wells. (Imp. 2.1, 5.1)

Goal LU-3: A city that values an aesthetically pleasing built environment

Maintenance

- **Policy LU-3.1: Property Maintenance** (Policy LU 5.5.2). Encourage, and where subject to redevelopment require, owners of visually unattractive or poorly maintained commercial and industrial properties to upgrade existing structures and/or improve their visual quality. (Imp. 26.1)
- **Policy LU-3.2: Neighborhood Maintenance** (Policy LU 5.1.4). Promote the maintenance of existing residential units through code enforcement and promotion of County of Orange and local rehabilitation programs and public education. This may include providing information, guidance, and assistance where feasible. (Imp. 23.3, 25.1, 26.1, 29.1)
- **Policy LU-3.3: Public Facilities Maintenance**. Maintain public facilities and properties by upgrading existing structures and properties to improve their visual quality. (Imp. 8.1, 23.2)

Design and Streetscape

- **Policy LU-3.4: Buffering Residential Areas** (adapted from Policy LU 5.2.2). Require buffers between non-residential and residential areas to minimize potential impacts using landscaping, decorative walls, and other features. (Imp. 2.1)
- **Policy LU-3.5: Compatible Interfaces** (Policy LU 5.1.2). Require that the height of development in non-residential and higher-density residential areas transition as it nears lower-density residential areas to minimize conflicts at the interface between the different types of development. (Imp. 2.1)
- **Policy LU-3.6: Mixed-Use and Commercial Districts Pedestrian-Oriented Architecture and Streetscapes** (Policy LU 5.3.5). Require that buildings located in pedestrian-oriented commercial and mixed-use districts be designed to define the public realm, activate sidewalks and pedestrian paths, and provide "eyes on the street" in accordance with the following principles:
    - Locate buildings along the required front street set back to visually form a continuous or semi-continuous wall with buildings on adjacent parcels along the sidewalk.
    - Provide commercial uses characterized by a high level of customer activity on the ground floor, such as cafés, restaurants, and retail, to ensure successfully active operations, provide for transparency on the street-facing building facade, and provide human-scale floor-to-floor height on the ground floor of the building.

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- Locate deliveries and trash storage and collection in an area that minimizes impact to pedestrian activity and is screened or enclosed to be not visible from the public right-of-way.
- Use articulation and modulation of street-facing elevations to promote interest and character.
- Include outdoor seating or other amenities that activate the commercial frontage and extend interior uses to the sidewalk, where feasible.
- Minimize driveways that interrupt the continuity of street-facing building elevations, prioritizing their location to side streets and alleys, where feasible. (Imp. 2.1)

Goal LU-4: Distinct neighborhoods and villages that accommodate planned development while maintaining their unique character

- **Policy LU-4.1: Citywide Identity**. Recognize and support the different qualities that define Newport Beach's neighborhoods, villages, and districts to promote a citywide identity that is unique to the Southern California region. Accommodate planned development in a manner that supports and contributes to the unique qualities of each neighborhood, village, and district that make up this identity. (Imp. 1.1)
- **Policy LU-4.2: Unique Environment** (Policy LU 1.1). Maintain and enhance the different villages, neighborhoods, and business districts, including areas along the harbor frontage, that define Newport Beach through neighborhood preservation. Locate and design development in a way that reflects Newport Beach's topography and architectural diversity while emphasizing Newport Beach's coastal orientation, including public views. (Imp. 1.1)
- **Policy LU-4.3: Harbor and Waterfront Uses** (Policy LU 2.5). Preserve the uses of Newport Harbor and the waterfront that contribute to the charm and character of Newport Beach and provide needed support for residents, boaters, and visitors with appropriate regulations to protect the interests of all users and adjoining residents. (Imp. 1.1, 5.1, 21.4, 24.1)
- **Policy LU-4.4: Updates to Regulatory Plans**. Regularly review and consider updating any longstanding or newly established Specific Plans with design standards to guide development toward a mix of uses, including housing, commercial areas, parks, and other uses, as applicable, and maintain consistency with adopted Specific Plans, including the provision of equestrian trails and uses as described in the Santa Ana Heights Specific Plan. (Imp. 3.1)
- **Policy LU-4.5: Infrastructure Planning**. Ensure cross-departmental coordination in a manner that helps to plan for public services, facilities, and utilities upgrades for areas anticipated for new development, and require new development to incorporate adequate infrastructure to the extent feasible. (Imp. 1.1, 13.1, 18.1, 19.1, 20.1, 22.1, 23.1, 23.5, 30.2)
- **Policy LU-4.6: Neighborhoods, Districts, and Corridors** (Policy LU 3.1). Maintain Newport Beach's pattern of residential neighborhoods, business and employment districts, commercial centers, and corridors. (Imp. 1.1)
- **Policy LU-4.7: Compatible Development** (Policy LU 5.6.1). Require that buildings and properties be designed to ensure compatibility within and as interfaces between neighborhoods, districts, and corridors. (Imp. 2.1)
- **Policy LU-4.8: Form and Environment** (Policy LU 5.6.2). 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, color, 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. (Imp. 2.1)

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- **Policy LU-4.9: Ambient Lighting** (Policy LU 5.6.3). Require that outdoor lighting be located and designed to prevent spillover onto adjoining properties or significantly increase the overall ambient illumination of their location. (Imp. 2.1)
- **Policy LU-4.10: Conformance with the Natural Environmental Setting** (Policy LU 5.6.4). Require that sites be planned and buildings designed in consideration of the property's topography, landforms, drainage patterns, natural vegetation, and relationship to Newport Bay, beaches, and coastline, maintaining the environmental character that distinguishes Newport Beach. (Imp. 2.1, 8.1)

Goal LU-5: Residential neighborhoods that are well-designed and contribute to the livability and quality of life of residents

Single-Unit Dwellings

- **Policy LU-5.1: Character and Quality of Residential Single-Unit Properties** (Policy LU 5.1.6). Require that residential front setbacks and other areas visible from the public street be attractively landscaped, trash containers enclosed, and driveway and parking paving minimized to maintain character and quality of properties. (Imp. 2.1, 7.1, 8.2)
- **Policy LU-5.2: Renovation and Replacement of Existing Residential Units** (Policy LU 5.1.7). Require residential units that are renovated and rebuilt in existing single-unit neighborhoods to adhere to the principles for new developments, as specified by Policy LU-5.11 (Character and Quality of Residential Properties). Consider the appropriateness of establishing single-unit residential design guidelines and/or standards, and review procedures for neighborhoods impacted by significant changes in building scale and character. (Imp. 2.1, 8.2)

Multi-Unit Dwellings

- **Policy LU-5.3: Character and Quality of Residential Multi-Unit Properties** (adapted from Policy LU 5.1.9). Establish requirements for elevation, façade, and other design components of multi-unit residential properties facing public streets to convey high-quality architectural character. (Imp. 2.1, 7.1, 8.2)
- **Policy LU-5.4: Ground-Floor Treatment** (adapted from Policy LU 5.1.9). Create requirements for ground-floor multi-unit residential setbacks and elevation to create privacy and security, and create room for landscaping, porches, and stoops. (Imp. 2.1, 8.2)
- **Policy LU-5.5: Open Space Requirements** (adapted from Policy LU 5.1.9). Require multi-unit residential development to incorporate common open spaces. (Imp. 7.1, 8.2, 30.2)

All Residential Neighborhoods

- **Policy LU-5.6: High-Quality Design for Residential Properties** (adapted from Policy LU 5.1.5). Maintain high-quality design of residential units through requirements related to building mass, elevation, scale, and other elements for new and redeveloped units. (Imp. 2.1, 4.1, 7.1, 8.2, 26.1)
- **Policy LU-5.7: Range of Residential Choices** (Policy LU 2.3). 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. (Imp. 1.1, 8.1, 25.1)
- **Policy LU-5.8: Neighborhood-Supporting Uses** (Policy LU 6.2.5). Allow for the integration of uses within residential neighborhoods that support and are complementary to their primary function as a living environment such as schools, parks, community meeting facilities, libraries, religious facilities, and

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comparable uses. Design these uses to ensure compatibility with adjoining residential, addressing such issues as noise, lighting, and parking. (Imp. 2.1)

- **Policy LU-5.9: Accessory Dwelling Units** (Policy LU 6.2.4). Support and promote the development of accessory dwelling units and junior accessory dwelling units in all zones to provide a more affordable housing option that helps the City meet its housing production goals while minimizing the need to rezone for additional future capacity. (Imp. 2.1)
- **Policy LU-5.10: Residential Neighborhood Identity**. Encourage and support residential neighborhood identity through the establishment of objective design and development standards that will distinguish neighborhoods from others in Newport Beach. (Imp. 1.1, 1.3)
- **Policy LU-5.11: Character and Quality of Residential Properties** (adapted from Policy LU 5.1.5). Require that residential units be designed to sustain the high level of architectural design quality that characterizes Newport Beach's neighborhoods in consideration of the following principles:
  - Articulation and modulation of building masses and elevations to avoid the appearance of "box-like" buildings.
  - Compatibility with neighborhood development in density, scale, and street-facing elevations.
  - Architectural treatment of all elevations visible from public places.
  - Entries and windows on street-facing elevations to visually "open" the house to the neighborhood.
  - Orientation to desirable sunlight and views. (Imp. 2.1)
- **Policy LU-5.12: Gated Communities** (Policy LU 6.2.10). Discourage the creation of new private entry gates in existing residential neighborhoods that currently do not have a gate located at the entrance of the community. (Imp. 9.1, 29.1)
- **Policy LU-5.13: Allowing Rebuilding** (Policy LU 6.2.2). Require legal, nonconforming residential structures to be brought into conformity in an equitable, reasonable, and timely manner as rebuilding occurs. Limited renovations that improve the physical quality and character of the buildings may be allowed. Rebuilding after catastrophic damage or destruction due to a natural event, act of a public enemy, or accident may be allowed in limited circumstances that do not conflict with the goals of this Land Use Element. (Imp. 2.1, 7.1)

Goal LU-6: Commercial districts and centers that are well-planned and exhibit a high level of architectural and landscape quality

- **Policy LU-6.1: Site Planning and Building Design** (adapted from Policy LU 5.2.1). Establish requirements for new development building and site design to complement existing development through massing, landscaping, ground-floor treatments, and other design elements. (Imp. 2.1)
- **Policy LU-6.2: Alley Design** (adapted from Policy LU 5.2.3). Encourage the enhancement of building facades facing alleys through landscaping, lighting, and other façade design elements to improve aesthetic quality while maintaining service access. (Imp. 20.1)
- **Policy LU-6.3: Publicly Accessible Open Space**. Consider establishing a development threshold to require commercial developments to provide amenities such as publicly accessible common open space. (Imp. 8.2, 30.2)

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Goal LU-7: Mixed-use districts designed and planned to ensure compatibility among a variety of uses

- **Policy LU-7.1: Mixed-Use Building Design**. Establish design standards for mixed-use buildings to ensure compatibility with surrounding development through building materials and features, massing and elevation treatments, entryways, and other design features. (Imp. 2.1, 8.1, 8.2)
- **Policy LU-7.2: Pedestrian Connectivity** (adapted from Policy LU 6.14.6). Encourage the design of mixed-use development in either a horizontal or vertical format that is functionally integrated with pedestrian paths and connections between and to adjacent areas. For vertical mixed-use development, encourage commercial uses on the ground floor. (Imp. 2.1, 8.1, 8.2)
- **Policy LU-7.3: Districts Integrating Residential and Non-Residential Uses** (adapted from Policy LU 5.3.4). Discourage fragmentation of residential and non-residential uses by ensuring mixed-use districts provide sufficient acreage for each use, where feasible. (Imp. 2.1, 6.1)
- **Policy LU-7.4: Ground-Floor Treatment.** Establish standards to require pedestrian-oriented buildings and public right-of-way design by providing for the design of building frontage, sidewalks, outdoor seating and other street furniture, and other elements. (Imp. 2.1)
- **Policy LU-7.5: Parking Location** (adapted from Policy LU 5.3.6). Locate open parking lots away from streets with screening such as landscaping and architectural walls. (Imp. 2.1)

Goal LU-8: Office and business parks exhibit a high-quality image, are attractive, and provide quality working environments for employees and services for the community

- **Policy LU-8.1: Site Planning** (adapted from Policy LU 5.4.1). Establish site planning requirements for new and renovated office development to form a cohesive campus environment. (Imp. 2.1)
- **Policy LU-8.2: Signage** (adapted from Policy LU 5.4.1). Require a common signage program for tenant identification and wayfinding. (Imp. 8.2, 16.4)
- **Policy LU-8.3: Streetscape Design** (adapted from Policy LU 5.4.1). Establish standards for streetscapes and lighting to promote pedestrian activity within office and business parks. (Imp. 8.2, 20.1)
- **Policy LU-8.4: Building Design** (adapted from Policy LU 5.4.2). Establish design standards for business parks and offices to convey a unified, high-quality aesthetic character, including building massing and elevation, facades, color palette, and other design elements. (Imp. 2.1)

Goal LU-9: Industrial districts that provide flexibility to incorporate community-serving uses and encourage transition to co-locate employment, residential, and creative and artistic uses

- **Policy LU-9.1: Site Planning** (adapted from Policy LU 5.5.1). Establish site planning and design standards to require industrial development to incorporate extensive on-site landscaping, decorative walls, and other elements to screen areas used for operations. (Imp. 2.1, 8.2)
- **Policy LU-9.2: Building Design**. Create design standards for building elevations, signage, lighting, odors, truck access, and other components to minimize impacts to adjacent residential uses. (Imp. 2.1, 8.2)
- **Policy LU-9.3: Redeveloped Property Design.** Establish requirements for redeveloped industrial sites to upgrade properties to improve visual quality. (Imp. 8.2, 26.1)

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- **Policy LU-9.4: Landscape Buffers**. Require landscaping as a health-based buffer between new residential areas and emitting industries. (Imp. 2.1, 8.2)
- **Policy LU-9.5: Redevelopment of Properties**. Support redevelopment and innovative strategies for the adaptive reuse of industrial structures to provide for a wide range of uses, including live/work spaces and other flexible spaces that support innovation and creativity. (Imp. 8.2, 25.1)
- **Policy LU-9.6: Priority Uses**. Encourage the transition from industrial uses to resident-serving commercial uses and mixed-use residential development to support planned housing development. (Imp. 8.2, 25.1)

Goal LU-10: *Public and institutional uses that enhance the quality of life for residents and are located and designed to complement Newport Beach's neighborhoods*

- **Policy LU-10.1: Compatibility of Uses**. Require compatibility of new public and institutional facilities with adjacent land uses, supported by transportation and utility infrastructure. (Imp. 16.8, 20.1, 26.1)
- **Policy LU-10.2: Redevelopment of Facilities** (adapted from Policy LU 6.1.2). Allow for the reasonable development of new public and institutional facilities, including facilities for major healthcare providers, assuming that the use, development, enhancement, and maintenance of facilities are compatible with adjoining land uses, environmentally suitable, and can be supported by transportation and utility infrastructure. (Imp. 1.1, 14.2, 22.1–23.2)
- **Policy LU-10.3: Building Design of City Buildings** (Policy LU 6.1.3). Ensure that the City's public buildings, sites, and infrastructure are designed to be compatible in scale, mass, character, and architecture with the district or neighborhood in which they are located, following the design and development policies for private uses specified by this General Plan. Carefully consider design impacts on adjoining uses, addressing such issues as lighting spillover, noise, hours of operation, parking, local traffic impacts, and privacy. (Imp. 1.1)
- **Policy LU-10.4: Building Design of Non-City Public Buildings** (Policy LU 6.1.4). Encourage school and utility districts and other government agencies that may be exempt from City land use control and approval to plan their properties and design buildings at a high level of visual and architectural quality that maintains the character of the neighborhood or district where they are located and in consideration of the design and development policies for private uses specified by this General Plan. (Imp. 14.1, 14.15)

Accommodating Planned Housing and Other Opportunities for Change

The goals and policies included in this subsection apply to distinct areas and places in Newport Beach. These are applied to planning sub-areas or focus areas.

Planning sub-areas have individual characteristics that must be considered to accommodate planned development, redevelopment, and re-use. The planning sub-areas consist of districts and corridors. Focus areas correspond to housing opportunity overlay zones to accommodate housing opportunity sites. Although some of these areas overlap, the extent of the boundaries are different; therefore, policies are distinctly applied to either a focus area or planning sub-area. Policies that apply to a focus area are identified with "Focus Area" after the policy title, otherwise they apply to planning sub-areas. The following provides an overview of the areas.

Planning Sub-Areas

Planning sub-areas are shown in Figure LU-16, Planning Sub-Areas. Within the planning sub-areas there are districts and corridors. Districts are uniquely identifiable by their common functional role, mix of uses, density/intensity, physical form and character, and/or environmental setting. They represent common gathering

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places for commerce, employment, entertainment, culture, and living. Districts are West Newport Mesa, Balboa Peninsula, Balboa Island, Newport Center/Fashion Island, and Airport Area.

Corridors share common characteristics of districts by their identifiable functional role, land use mix, density/intensity, physical form and character, and/or environmental setting. They differ in their linear configuration, generally with shallow-depth parcels located along arterial streets. They are significantly impacted by traffic, and their shallow depths make them unsuitable for development that requires large building footprints and extensive parking. There are many corridors that traverse Newport Beach, but the key corridors that present opportunities for change are Corona del Mar, Old Newport Boulevard, Mariners' Mile, and Western Entry Corridor. The corridor-wide policies in Goal LU-12 apply to these corridors in addition to corridor-specific policies.

Focus Areas

Housing opportunity sites are intended to create consistency with the Housing Element's focus areas, as identified by the housing opportunity overlay zones, ensuring an adequate number of sites are available to accommodate the City's allocation of the Regional Housing Needs Assessment. Housing opportunity sites may overlap with districts or corridors in the planning sub-areas; however, policies within these areas are specific to the boundary extent identified and are established by the housing opportunity overlay zones (refer to Figures 3-2 through 3-6 in the Housing Element Implementation Program Environment Impact Report). The focus areas are Airport Area, Coyote Canyon, Dover-Westcliff, Newport Center, and West Newport Mesa. The policies in Goal LU-11 within this section apply to all housing opportunity sites.

New development can be accommodated in a way that maintains, defines, and enhances the characteristics of the planning sub-area or focus area and creates longstanding neighborhoods that contribute to local needs and the identity of Newport Beach.

Planning Sub-Area and Focus Area Descriptions

Opportunities for new development and improvements to the physical environment that benefit residents, businesses, and visitors will be supported consistent with the envisioned characteristics of the following planning sub-areas and focus areas:

- **Airport Area:** The Airport Area/Airport Area Environs offers an opportunity to accommodate employment, housing, and residential-serving uses in a dynamic setting. This area must support flexible land use planning for the reuse and repurposing of existing non-residential uses while allowing for a variety of housing opportunities inclusive of workforce housing proximate to jobs, transportation, supporting commercial, and services. The intent is to support and provide neighborhood parks or other recreational opportunities and other public services. Development in this area will contribute to a cohesive urban, mixed-use character where residents and visitors can live, work, shop, access services, and play. New housing in the area will support existing and new employers and improve access to jobs for residents. Land use design and placement must carefully consider compatibility among uses, as well as strategies to minimize exposure to noise and poor air quality. When paired with community-serving amenities and public-realm improvements, residents will have access to key resources, creating a balanced and vibrant community. Refer to Figure LU-17 for a map of the Airport Area.
- **Balboa Island:** Balboa Island is composed of three constructed islands–Balboa Island, Little Balboa Island, and Collins Island–accessible by bridge, the Balboa Island Ferry, and public docks. Although it is predominantly residential, the main street, Marine Avenue, is lined with iconic retail and service uses, art galleries, and restaurants, offering commercial opportunities for the local community and visitors.

The concrete pedestrian path encircling "The Island" is one of its most known features, providing recreation and important access to the waterfront. Refer to Figure LU-18 for a map of Balboa Island.

- **Balboa Peninsula:** Balboa Peninsula contains a series of districts linked by the Newport Boulevard and Balboa Boulevard commercial and residential corridors. These include Lido Village, Cannery Village, McFadden Square, Balboa Village, and surrounding residential neighborhoods. The area serves residents and visitors through a mix of uses within the core commercial districts, encourages marine-related uses, supports residential neighborhoods, and preserves properties of historical and architectural significance. Refer to Figure LU-19 for a map of Balboa Peninsula and Figure LU-20 for a map of Balboa Village.
- **Corona del Mar:** The Corona del Mar corridor is a key commercial corridor in Newport Beach offering retail, restaurants, offices, and more for the local community and visitors. The corridor's main street characteristics create opportunities for an enhanced pedestrian environment. Refer to Figure LU-21 for a map of Corona del Mar.
- **Coyote Canyon:** Coyote Canyon's larger land area creates an opportunity for a residential neighborhood that blends homes with natural open spaces and parks. Future development should consider needed site remediation to ensure that Coyote Canyon is a safe and healthy community. Housing design and placement should minimize potential exposure to noise and air pollution from Highway 73. The community should be designed to work with nature, connecting to the natural environment while providing a variety of housing types, resulting in a quiet and peaceful community.
- **Dover/Westcliff:** Dover/Westcliff creates new housing opportunities alongside offices, commercial uses such as retail, residential uses, schools, and recreational facilities. New development should prioritize adequate pedestrian connections to ensure that new and existing residents have access to key community amenities, such as parks and nearby schools.
- **Mariners' Mile:** The Mariners' Mile corridor provides highway-oriented commercial retail, essential marine-related commercial uses, visitor-serving uses, commercial uses, and residential uses. The area presents an opportunity for thoughtful infill development and related enhancements that foster a pedestrian-friendly mixed-use district while contributing to a high-quality visual image that respects its surrounding context. Refer to Figure LU-22 for a map of Mariners' Mile.
- **Newport Center/Fashion Island:** Newport Center's shopping, offices, civic center, and entertainment offer great potential for a balanced community through the expansion of housing and recreational opportunities in a pedestrian-oriented environment. Refer to Figure LU-23 for a map of Newport Center/Fashion Island.
- **Old Newport Boulevard:** Bordering West Newport Mesa, the Old Newport Boulevard corridor contains a mix of commercial and office uses. Many of the offices are medical offices that benefit from close proximity to Hoag Hospital, providing supportive and complementary services. This area presents opportunity to build off the vision of West Newport Mesa as a mixed-use medical district that serves residents, businesses, and visitors. Refer to Figure LU-24 for a map of Old Newport Boulevard.
- **West Newport Mesa:** West Newport Mesa has the potential to integrate new housing opportunities in a mixed-use setting that builds off of the area's proximity to Hoag Hospital. With Hoag Hospital as a community anchor, new development in West Newport Mesa presents opportunities for medical offices, services, and research facilities in combination with housing to house a skilled workforce. Building on the existing residential, commercial, institutional, and industrial uses, new development in West Newport Mesa can help create a mixed-use medical district that serves residents, businesses, and visitors. The proximity of the coast and nearby planned open space, combined with key employment opportunities, the grid street pattern, and flat topography, present advantages for those who walk and bicycle. New development and enhancements in the public realm can enhance the pedestrian

experience, creating access to key employment, amenities, and services in a vibrant and thriving community. Refer to Figure LU-25 for a map of West Newport Mesa.

- **Western Entry Corridor:** The Western Entry Corridor has a mix of commercial and residential uses. Commercial uses serve residents along the corridor, nearby residents, and visitors. Western Entry Corridor presents opportunities for revitalization through the concentration of commercial uses to enhance economic vitality and improve the appearance of the area. Refer to Figure LU-26 for a map of Western Entry Corridor.

Housing Opportunities in all Focus Areas

Goal LU-11: Housing opportunity sites: A City with sufficient housing opportunities

- **Policy LU-11.1: Residential Uses and Residential Densities (Focus Area)** (Policy LU 4.5). Allow residential use of any property included within an established housing opportunity overlay zone regardless of and in addition to the underlying land use category or density limit established through Table LU-1 and Table LU-2, the statistical area maps, 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 overlay zone. The maximum density specified for the various overlay zones 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 the overlay, 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 by the housing opportunity overlay zone do not include units identified as pipeline units or units permitted pursuant to State density bonus law. (Imp. 2.1)
- **Policy LU-11.2: Continuation of Existing Development (Focus Area)** (Policy LU 4.6). Allow residential development established by the housing opportunity overlay zones, in addition to existing uses allowed by the General Plan. Properties within the established overlay zones are not required to be developed for mixed-use or residential. Existing uses may continue to operate, provided they are legally established and consistent with policies and regulations related to legal nonconforming uses. The adoption of housing opportunity overlay zones will not affect existing rights to use the property. (Imp. 2.1)
- **Policy LU-11.3: Redevelopment and Transfer of Development Rights (Focus Area)** (Policy LU 4.7). Allow reconstruction on a site within an established housing opportunity overlay. The intensity of existing allowed uses of a site may be part of a mixed-use development provided the gross floor area allowed by the General Plan is not increased, unless it is increased through a General Plan amendment or density bonus concession. The intensity of existing uses may be converted to other uses allowed by the underlying General Plan land use category provided that average daily trips and peak-hour traffic trips are not increased above the trips from the existing allowed use. For example, office intensity may be converted to retail or service commercial, restaurants, or other non-residential uses provided the General Plan land use category allows these uses. Non-residential intensity not included as a component of a future residential project will remain within the General Plan allocations on a statistical area-wide basis. The City Council may transfer the intensity of a use to another site within the statistical area consistent with Policy LU-1.3 (Transfer of Development Rights) or Policy LU-28.1 (Airport Compatibility). (Imp. 2.1)
- **Policy LU-11.4: Local Workforce Housing**. Encourage and facilitate workforce housing that is affordable to a range of work and household income levels, including first responders, to increase opportunities for people to live and work in Newport Beach. (Imp. 2.1, 25.1, 29.1)
- **Policy LU-11.5: Affordable Housing**. Study, and where possible, implement ways to facilitate the development of affordable housing through the provision of regulatory and financial incentives. (Imp. 2.1, 8.2, 25.1)

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Corridors

Goal LU-12: Corridors that are compatible with surrounding uses, are well-designed and attractive, minimize traffic impacts, and provide adequate parking

- **Policy LU-12.1: Efficient Parcel Utilization** (Policy LU 6.16.1). Promote the clustering of commercial and hotel uses by the aggregation of individual parcels into larger development sites through incentives such as intensity or height increases or comparable techniques. (Imp. 2.1, 24.1)
- **Policy LU-12.2: Private Property Improvements** (Policy LU 6.16.2). Work with property owners to encourage the upgrade of existing commercial development, including repair and/or repainting of deteriorated building surfaces, well-designed signage that is incorporated into the architectural style of the building, and expanded landscaping. (Imp. 24.1)
- **Policy LU-12.3: Property Access** (Policy LU 6.16.3). Minimize driveways and curb cuts that interrupt the continuity of street-facing building elevations in pedestrian-oriented districts and locations of high traffic volumes, prioritizing their location on side streets and alleys, where feasible. (Imp. 2.1)
- **Policy LU-12.4: Shared Parking Facilities** (Policy LU 6.16.4). Work with property owners and developers to encourage the more efficient use of parcels for parking that can be shared by multiple businesses. (Imp. 16.1)
- **Policy LU-12.5: Compatibility of Business Operation with Adjoining Residential** (Policy LU 6.16.5). Work with local businesses to ensure that commercial, office, and other uses do not adversely impact adjoining residential neighborhoods. This may include strategies addressing hours of operation, employee loitering, trash pickup, truck delivery hours, customer arrivals and departures, and other activities. (Imp. 8.2)
- **Policy LU-12.6: Design Compatibility with Adjoining Residential** (Policy LU 6.16.6). Require that building elevations facing adjoining residential units be designed to convey a high-quality character and ensure privacy of the residents, and that properties be developed to mitigate to the maximum extent feasible impacts of lighting, noise, odor, trash storage, truck deliveries, and other business activities. Require building elevations to be architecturally treated. Require walls, if used as buffers, to be well-designed and landscaped to reflect the area's residential village character. (Imp. 2.1)

Goal LU-13: Corona del Mar: A pedestrian-oriented village serving as the center of community commerce, culture, and social activity

- **Policy LU-13.1: Shared Parking Structures** (Policy LU 6.20.2). Accommodate the development of structures that provide parking for multiple businesses along the corridor, provided that the ground floor of the street frontage be developed for pedestrian-oriented commercial and visitor-serving uses. (Imp. 2.1, 16.10)
- **Policy LU-13.2: Expanded Parking** (Policy LU 6.20.3). Accommodate the redevelopment of residential parcels immediately adjoining commercial uses that front onto Coast Highway for surface parking, provided that adequate buffers are incorporated to prevent impacts on adjoining residential. (Imp. 2.1)
- **Policy LU-13.3: Pedestrian-Oriented Streetscapes** (Policy LU 6.20.4). Work with business associations, tenants, and property owners to implement streetscape improvements that contribute to the corridor's pedestrian character. (Imp. 20.1)
- **Policy LU-13.4: Expanded Parking Opportunities** (Policy LU 6.20.6). Work with local businesses and organizations to explore other methods to provide parking convenient to commercial uses, such as a parking district or parking on publicly owned land. (Imp. 16.1)

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- **Policy LU-13.5: Parking Improvements** (adapted from Policy LU 3.3). Support enhancement of public improvements and parking. (Imp. 1.1, 2.1, 5.1)
- **Policy LU-13.6: Rebuilding of Nonconforming Structures** (Policy LU 6.13.5). Permit existing commercial buildings that exceed the permitted development intensities to be renovated, upgraded, or reconstructed to their pre-existing intensity and, at a minimum, pre-existing number of parking spaces. (Imp. 2.1)

Goal LU-14: Mariners' Mile: A mixed-use corridor that reflects the Newport Bay waterfront, supports and respects residential uses, promotes pedestrian activity, and exhibits a high-quality visual image

- **Policy LU-14.1: Bay-Fronting Properties** (Policy LU 6.19.2). Encourage marine-related and visitor-serving commercial, restaurant, hotel, institutional, and recreational uses, and allow residential uses above the ground floor on parcels with a minimum frontage of 200 linear feet where a minimum of 50% of the permitted square footage is devoted to non-residential uses on bay-fronting parcels designated as MU-W1 in Figure LU-22, Sub-Area A. No more than 50% of the waterfront area between the Arches Bridge and the Boy Scout Sea Base may be developed with mixed-use structures. (Imp. 2.1, 5.1, 24.1)
- **Policy LU-14.2: Marine-Related Businesses** (Policy LU 6.19.3). Protect and encourage facilities that serve marine-related businesses and industries unless present and foreseeable future demand for such facilities is already adequately provided for in the area. Encourage coastal-dependent industrial uses to locate or expand within existing sites, and allow reasonable long-term growth. (Imp. 2.1, 5.1, 24.1)
- **Policy LU-14.3: Revitalization of Uses** (Policy LU 3.3). Support revitalization of existing properties, including infill development, for commercial, visitor-serving, and marine-related uses, integrated with residential. (Imp. 1.1, 25.1, 26.1)
- **Policy LU-14.4: Parking** (Policy LU 6.19.5). Require adequate parking and other supporting facilities for charters, yacht sales, visitor-serving uses, and other waterfront uses. (Imp. 2.1, 5.1)
- **Policy LU-14.5: Shared Parking**. Encourage the identification of shared parking facilities to accommodate charters. (Imp. 2.1, 16.10)
- **Policy LU-14.6: Corridor Identity and Quality** (Policy LU 6.19.6). Implement landscape, signage, lighting, sidewalk, and pedestrian improvements and other amenities that enhance the pedestrian experience consistent with the Mariners' Mile Strategic Vision and Design Plan. (Imp. 20.1)
- **Policy LU-14.7: Architecture and Site Planning** (Policy LU 6.19.7). Although a diversity of building styles is encouraged, design the form, materials, and colors of buildings located along the Newport Harbor front to reflect the area's setting and nautical history. (Imp. 8.1, 8.2)
- **Policy LU-14.8: Integrating Residential-Site Planning Principles** (Policy LU 6.19.8). Permit properties developed for residential to locate the units along the harbor frontage provided that portions of this frontage are developed for (a) retail, restaurant, or other visitor-serving uses, and (b) plazas and other open spaces that provide view corridors and access from Coast Highway to Newport Harbor. The amount of harbor frontage allocated for each use will be determined by the City during the Site Development review process. (Imp. 2.1, 5.1)
- **Policy LU-14.9: Harbor and Bay Views and Access** (Policy LU 6.19.9). Require that buildings be located and sites designed to provide clear views of and access to the harbor and bay from the Coast Highway and Newport Boulevard rights-of-way in accordance with the following principles, as appropriate:
    - Clustering of buildings to provide open view and access corridors to Newport Harbor.

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- Modulation of building volumes and masses.
- Variation of building heights.
- Inclusion of porticoes, arcades, windows, and other "see-through" elements, in addition to the defined open corridor.
- Minimization of landscape, fencing, parked cars, and other nonstructural elements that block views and access to Newport Harbor.
- Prevention of the appearance of the public right-of-way being walled off from Newport Harbor.
- Inclusion of setbacks that, in combination with setbacks on adjoining parcels, cumulatively form functional view corridors.
- Encouragement of adjoining properties to combine their view corridors that achieve a larger cumulative corridor than would have been achieved independently. (Imp. 2.1)

- **Policy LU-14.10: Waterfront Promenade** (Policy LU 6.19.10). Require that development on the bay frontage implement amenities that ensure access for coastal visitors. Pursue development of a pedestrian promenade along the bay frontage. (Imp. 2.1, 20.2)

Goal LU-15: Old Newport Boulevard: A corridor of uses and services that support Hoag Hospital and nearby residential neighborhoods

- **Policy LU-15.1: Priority Uses** (Policy LU 6.18.1). Accommodate uses that serve adjoining residential neighborhoods, provide professional offices, and support Hoag Hospital. (Imp. 2.1)
- **Policy LU-15.2: Property Design** (Policy LU 6.18.3). Require that buildings be located and designed to orient to the Old Newport Boulevard frontage and incorporate landscape and design elements in the rear of parcels on its west side that are attractive when viewed from Newport Boulevard. (Imp. 2.1)
- **Policy LU-15.3: Streetscape Design and Connectivity** (Policy LU 6.18.4). Develop a plan for streetscape improvements and improve street crossings to facilitate pedestrian access to Hoag Hospital and discourage automobile trips. (Imp. 20.1)
- **Policy LU-15.4: Rebuilding of Nonconforming Structures** (Policy LU 6.13.5). Permit existing commercial buildings that exceed the permitted development intensities to be renovated, upgraded, or reconstructed to their pre-existing intensity and, at a minimum, the pre-existing number of parking spaces. (Imp. 2.1)

Goal LU-16: Western Entry Corridor: A gateway corridor with public connections to the Santa Ana Bike Trail and Randall Preserve (Banning Ranch), as well as commercial clusters that serve local residents and coastal visitors at key intersections, interspersed with compatible residential development

- **Policy LU-16.1: Western Entry Corridor Improved Visual Image and Quality** (Policy LU 6.17.2). Implement streetscape improvements to enhance the area's character and image as a gateway to Newport Beach and develop a stronger pedestrian environment at the commercial nodes. (Imp. 20.1)
- **Policy LU-16.2: Western Entry Corridor Streetscape** (Policy LU 6.17.3). Require that upgraded and redeveloped properties incorporate landscaped setbacks along arterial streets to improve their visual quality and reduce impacts of the corridor's high traffic volumes. (Imp. 2.1)

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Districts

Goal LU-17: Airport Area: A connected and complete community that supports residents and businesses

- **Policy LU-17.1: Residential and Supporting Uses** (Policy LU 6.15.5). Notwithstanding residential development permitted by the housing opportunity overlay zone, accommodate development of a maximum of 2,200 multi-family residential units applied to properties in MU-H2 (Mixed-Use Horizontal 2) as documented in Table LU-2, including work force housing and mixed-use buildings that integrate residential with ground-level office or commercial uses, along with supporting retail, grocery stores, and parklands.[1] Residential units may be developed only as the replacement of underlying permitted non-residential uses. When a development phase includes a mix of residential and non-residential uses or replaces existing industrial uses, the number of peak-hour traffic trips generated by cumulative development of the site will not exceed the number of trips that would result from development of the underlying permitted non-residential uses. However, a maximum of 550 units may be developed as infill on surface parking lots or areas not used as occupiable buildings on properties within the Conceptual Development Plan Area (depicted in Figure LU-27), provided that parking is replaced on site. (Imp. 2.1)
- **Policy LU-17.2: Specific Plan Development**. Develop a Specific Plan to cohesively and comprehensively guide development of the Airport Area consistent with the policies of the General Plan. The Specific Plan should include provisions requiring new development to coordinate with the school district to provide school-related needs, including future site(s) for new school(s), designated bus stops, crosswalks, sidewalks, and other school-related improvements. (Imp. 3.1)
- **Policy LU-17.3: Bicycle Master Plan**. Implement and expand upon the recommendations of the 2014 Bicycle Master Plan to connect cyclists and enhance connectivity through uptown Newport. (Imp. 14.4, 16.11, 20.1)
- **Policy LU-17.4: Community-Serving Uses**. Support community-serving commercial uses to help create a balance of land uses and to increase resident access to and make Newport Beach a self-sustaining community with essential resources. (Imp. 8.2, 12.1)
- **Policy LU-17.5: Infill Residential** (Policy LU 6.15.12). Require development agreements for all projects that include infill residential units identified in Policy LU 17.1 (Residential and Supporting Uses). In the Development Agreement, define the improvements and public benefits to be provided by the developer in exchange for the City's commitment for the number, density, and location of the housing units. (Imp. 3.1, 4.1, 13.1)
- **Policy LU-17.6: Regulatory Plans** (Policy LU 6.15.10). Require development of a regulatory plan for each residential village, which shall contain a minimum of 10 acres, to coordinate the location of new parks, streets, and pedestrian-ways; set forth a strategy to accommodate neighborhood-serving commercial uses and other amenities; establish pedestrian and vehicular connections with adjoining land uses; and ensure compatibility with office, industrial, and other non-residential uses. (Imp. 2.1, 3.1, 4.1, 13.1)
- **Policy LU 17.7: Location of Parks** (Policy LU 6.15.14). Require that each neighborhood park be clearly public in character and be accessible to all residents of the neighborhood. Require each park to be surrounded by public streets on at least two sides (preferably with on-street parking to serve the park), and to be linked to residential uses in its respective neighborhood by streets or pedestrian-ways. (Imp. 2.1, 3.1, 4.1, 13.1)

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[1] The units and development capacities identified in this policy reflect a point-in-time count. For up-to-date development capacities, refer to Table LU-1 and Table LU-2.

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- **Policy LU 17.8: Aircraft Notification** (Policy LU 6.15.15). Require that all neighborhood parks be posted with a notification to users regarding proximity to John Wayne Airport and aircraft overflight and noise. (Imp. 23.2)
- **Policy LU 17.9: Standards** (Policy LU 6.15.16). Require developers of multi-unit residential developments on parcels 8 acres or larger to provide on-site recreational amenities. For these developments, require at least 44 square feet of on-site recreational amenities to be provided for each dwelling unit, in addition to the requirements under the City's Park Dedication Ordinance and in accordance with the Parks and Recreation Element of the General Plan. On-site recreational amenities can consist of public urban plazas or squares where there is the capability for recreation and outdoor activity. These recreational amenities may also include swimming pools, exercise facilities, tennis courts, and basketball courts. Where there is insufficient land to provide on-site recreational amenities, require the developer to pay cash in-lieu that would be used to develop or upgrade nearby recreation facilities to offset user demand, as defined in the City's Park Dedication Fee Ordinance. The acreage of on-site open space developed with residential projects may be credited against the parkland dedication requirements where it is accessible to the public during daylight hours, visible from public rights-of-way, and is of sufficient size to accommodate recreational use by the public. However, the credit for the provision of on-site open space will not exceed 30% of the parkland dedication requirements. (Imp. 2.1, 3.1, 4.1, 30.2)

Goal LU-18: Balboa Peninsula: A series of pedestrian-oriented districts with a mix of visitor-serving, marine-related, retail, live/work, and residential uses

Planning Subarea-Wide

- **Policy LU-18.1: Urban Form** (Policy LU 6.8.1). Establish development patterns that promote the reinforcement of Balboa Peninsula's pedestrian scale and urban form as a series of distinct centers/nodes and connecting corridors. (Imp. 1.1)
- **Policy LU-18.2: Component Districts** (Policy LU 6.8.2). Emphasize Lido Village and McFadden Square as the primary activity centers of the northern portion of Balboa Peninsula, linked by corridors of commercial and visitor-serving uses along Newport Boulevard and a mix of marine-related and residential uses on the Newport Bay frontage. These surround a residential core in the inland section of Cannery Village. Balboa Village will continue to serve as the primary center of the lower Peninsula, surrounded by residential neighborhoods along and flanking Balboa Boulevard. (Imp. 1.1)
- **Policy LU-18.3: Marine-Related Businesses** (Policy LU 6.8.3). Protect and encourage marine-related businesses to locate and expand on Balboa Peninsula unless present and foreseeable future demand for such facilities is already adequately provided for in the area. (Imp. 2.1, 24.1)
- **Policy LU-18.4: Shared Parking Facilities** (Policy LU 6.8.4). Encourage the development of shared parking facilities and management programs among private property owners that provides for adequate parking for residents, visitors, and business patrons. (Imp. 16.1)
- **Policy LU-18.5: Historic Character** (Policy LU 6.8.6). Preserve the historic character of Balboa Peninsula's districts by offering incentives for the preservation of historic buildings and requiring new development to be compatible with the scale, mass, and materials of existing structures, while allowing opportunities for architectural diversity. (Imp. 2.1)
- **Policy LU-18.6: Rebuilding Nonconforming Structures** (Policy LU 6.13.5). Permit existing commercial buildings that exceed the permitted development intensities to be renovated, upgraded, or reconstructed to their pre-existing intensity and, at a minimum, pre-existing number of parking spaces in Balboa Village and Cannery Village. (Imp. 2.1)

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Lido Village

- **Policy LU-18.7: Priority Uses** (Policy LU 6.9.1). Encourage uses that take advantage of Lido Village's location at Newport Harbor's turning basin and its vitality and pedestrian character, including visitor-serving retail and commercial, small-lodging facilities (bed and breakfasts, inns), and mixed-use buildings that integrate residential with commercial uses. (Imp. 2.1, 24.1)
- **Policy LU-18.8: Shared Parking.** Encourage the identification of shared parking facilities to accommodate charters. (Imp. 2.1, 16.10)

Cannery Village

- **Policy LU-18.9: Priority Uses** (Policy LU 6.10.1). Allow multi-unit residential and mixed-use buildings that integrate residential above commercial and retail or live-work units throughout Cannery Village, specifically within interior parcels. Require mixed-use, live- work, or commercial buildings to be developed on corner parcels. (Imp. 2.1)
- **Policy LU-18.10: Priority Uses on Bayfront Parcels** (Policy LU 6.11.1). Accommodate water-oriented commercial uses that support harbor recreation and fishing activities, mixed-use structures with residential above ground level, and water-oriented uses, specifically within bayfront parcels designated as MU-WU (see Figure LU-19, Sub- Area E). (Imp. 2.1, 8.1, 21.2)

McFadden Square

- **Policy LU-18.11: McFadden Square Uses** (Policy LU 6.12.1). Accommodate visitor- and local-serving uses that take advantage of McFadden Square's waterfront setting, including specialty retail, restaurants, and small-scale overnight accommodations, as well as mixed-use buildings that integrate residential with ground-level commercial on parcels designated as Mixed-Use Water 2 (MU-W2) (see Figure LU-19, Sub-Area E). (Imp. 2.1)

Balboa Village

- **Policy LU-18.12: Priority Uses** (adapted from Policy LU 6.13.1 and Policy LU 6.13.2). Encourage local- and visitor-serving retail, commercial, and mixed-use buildings that integrate residential with ground-level retail or office uses on properties designated as MU-V (see Figure LU-20 in Sub-Area B), and prioritize water-dependent, marine-related retail and services and visitor-serving retail along bayfront parcels designated as CV (0.75) (see Figure LU-20 in Sub-Area A). (Imp. 2.1, 24.1)
- **Policy LU-18.13: Commercial Properties** (Policy LU 6.13.3). Promote re-use of isolated commercial properties on Balboa Boulevard for residential units. (Imp. 2.1)
- **Policy LU-18.14: Streetscapes** (Policy LU 6.13.4). Promote enhancements to and maintenance of Balboa Village's streetscapes to enhance the area's visual quality and character as a pedestrian-oriented environment. (Imp. 20.1)
- **Policy LU-18.15: Balboa Village Visibility and Character** (Policy LU 6.13.6). Provide incentives for owners to improve their properties, develop commercial uses that serve adjoining residential neighborhoods, and retain and develop marine-related uses along the Newport Harbor frontage. (Imp. 24.1)

Goal LU-19: Balboa Island: A walkable, compact coastal district with residential, visitor-serving, and community-oriented uses

- **Policy LU-19.1: Priority Uses.** Encourage local- and visitor-serving retail, commercial, and mixed-use buildings that integrate residential with ground-level retail or office uses on properties designated as

Mixed-Use Water 2 (MU-W2) on Marine Avenue, and prioritize water-dependent, marine-related retail and services and visitor-serving retail on properties designated as MU-W2 on Agate Avenue. (Imp. 2.1, 24.1)

- **Policy LU-19.2: Streetscapes.** Support enhancements and maintenance of Balboa Island's streetscapes to enhance the area's visual quality and character as a pedestrian-oriented environment. (Imp. 16.6, 16.13, 20.1)
- **Policy LU-19.3: Enhancing Balboa Island's Visibility and Character.** Provide incentives for owners to improve their properties without compromising the longstanding "cottage-style" development. For commercial properties, encourage uses that serve adjoining residential neighborhoods, and retain and develop marine-related uses along the Newport Harbor frontage. (Imp. 1.1, 2.1)
- **Policy LU-19.4: Pedestrian-Oriented Coastal District.** Protect, maintain, and enhance the waterfront walkway that surrounds Balboa Island's perimeter. (Imp. 16.6, 16.13, 20.1)
- **Policy LU-19.5: Parking Management.** Periodically review and implement creative parking management strategies that help to alleviate congestion on Balboa Island, accounting for seasonal fluctuation and supporting alternative modes of transportation, such as the Balboa Island Ferry. (Imp. 16.10)

Goal LU-20: Newport Center/Fashion Island: A high-quality downtown that supports residents, businesses, and visitors

- **Policy LU-20.1: Community Amenities**. Expand upon the civic presence of Newport Center by supporting new community centers, publicly accessible open space, trails, recreational facilities, and other community amenities. (Imp. 16.11, 23.1, 23.2)
- **Policy LU-20.2: Community Identity**. Foster community identity through the support of community-identifying signage and public art. (Imp. 29.2)
- **Policy LU-20.3: Priority Uses**. Support development of uses that contribute to a balanced community with regional commercial and office uses; resident-serving commercial uses, such as grocery stores and medical offices; and housing, such as live/work and affordable housing options. (Imp. 8.2)
- **Policy LU-20.4: Transfers of Development Intensity/Density** (Policy LU 6.14.3). Allow development intensity/density to be transferred within Newport Center, subject to the approval of the City of Newport Beach, with the finding that the transfer is consistent with the intent of the General Plan and that the transfer will not result in any adverse traffic impacts. (Imp. 2.1)
- **Policy LU-20.5: Development Scale** (Policy LU 6.14.4). 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. (Imp. 2.1, 3.1, 4.1)
- **Policy LU-20.6: Urban Form** (Policy LU 6.14.5). Encourage development be located and designed to orient to the inner side of Newport Center Drive, establishing physical and visual continuity that diminishes the dominance of surface parking lots and encourages pedestrian activity. (Imp. 2.1, 3.1, 4.1)
- **Policy LU-20.7: Pedestrian Connectivity and Amenities** (Policy LU 6.14.6). Encourage pedestrian access and connections among uses within the district to be improved with additional walkways and streetscape amenities concurrent with the development of expanded and new uses. (Imp. 3.1, 4.1)
- **Policy LU-20.8: Fashion Island Architecture and Streetscapes** (Policy LU 6.14.7). Encourage new development in Fashion Island to complement and be of equivalent or higher design quality than

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existing buildings. Reinforce the existing promenades by encouraging commercial expansion that enhances the storefront visibility to the promenades and provides an enjoyable commercial and pedestrian experience. Additionally, locate new buildings on axes connecting Newport Center Drive, with existing buildings to provide visual and physical connectivity with adjoining uses, where practical. (Imp. 3.1, 4.1)

- **Policy LU-20.9: Fashion Island Parking Structures** (Policy LU 6.14.9). Require new parking structures in Fashion Island to be located and designed in a manner that is compatible with the existing pedestrian scale and open feeling of Newport Center Drive. Require the design of new parking structures in Fashion Island to incorporate elements (including landscaping) to soften their visual impact. (Imp. 8.2)

Goal LU-21: West Newport Mesa: A live/work community connected to key resources

- **Policy LU-21.1: Priority Uses** (Policy LU 6.6.1). Prioritize the accommodation of medical-related and supporting facilities on properties abutting the Hoag Hospital complex (areas designated as CO-M[0.5]) (see Figure LU-25, Sub-Area A) with opportunities for new residential units (areas designated as RM[18/ac]) and supporting general and neighborhood-serving commercial services (CG[0.75] and CN[0.3], respectively). (Imp. 2.1)
- **Policy LU-21.2: Pedestrian Network** (adapted from Policy LU 6.17.2). Upgrade the pedestrian network by using the existing right-of-way and seeking additional rights-of-way for wider, non-contiguous sidewalks and parkway areas, and for closing gaps in the sidewalk network. (Imp. 16.3, 16.7)
- **Policy LU-21.3: Pedestrian Connectivity**. Consider opportunities to increase pedestrian connectivity across Superior Avenue. (Imp. 16.3, 16.7)
- **Policy LU-21.4: Land Use Pattern** (Policy LU 3.3). Support consolidation of commercial and visitor-serving commercial uses, and new residential opportunities. (Imp. 1.1, 2.1, 5.1)
- **Policy LU-21.5: Access to Randall Preserve (Banning Ranch)**. Enhance streets connecting to Randall Preserve (Banning Ranch) through streetscape improvements and wayfinding signage, if a connection from West Newport Mesa to Randall Preserve is established. (Imp. 16.13, 20.1, 21.6)

Other Policies Specific to Focus Areas

Goal LU-22: Coyote Canyon: A community that balances homes with the natural environment

- **Policy LU-22.1: Regulatory Plans (Focus Area)**. Consider development of a planned community or a Specific Plan for Coyote Canyon to create site-specific development standards and community-supportive commercial opportunities consistent with the policies of the General Plan. (Imp. 3.1)
- **Policy LU-22.2: Noise and Pollution Mitigation (Focus Area)**. Enforce the highest building code standards to ensure that new development is built to protect residents from potential noise and pollution from Highway 73. (Imp. 26.1)
- **Policy LU-22.3: Site Assessment (Focus Area)**. Require property owners to conduct site assessments prior to development to identify potential contamination, including soil, groundwater, and vapor investigations. (Imp. 2.1, 8.2)
- **Policy LU-22.4: Remediation Requirements (Focus Area)**. Require developers to submit detailed remediation plans outlining cleanup methods and monitoring protocols. (Imp. 8.2)
- **Policy LU-22.5: Open Space Location (Focus Area)**. Locate and orient open space areas (e.g., courtyards, patios, balconies) as far away from Highway 73 as possible. (Imp. 2.1)

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- **Policy LU-22.6: Landscaping Requirements (Focus Area).** Require native and naturalized non-invasive species plants with habitat value be used as landscaping facing Highway 73 to act as a natural buffer from the highway and create new wildlife connectivity opportunities. (Imp. 2.1)
- **Policy LU-22.7: Open Space Connectivity (Focus Area).** Expand on Newport Beach's network of trails through new trail connections that create an integrated network of open space to support habitat, open space, and recreation. (Imp. 16.11)
- **Policy LU-22.8: Habitat Restoration (Focus Area).** Perform habitat restoration, including invasive species removal and native and non-invasive planting, when establishing new trails to increase habitat connectivity. (Imp. 14.12, 14.13, 14.15, 29.3)

Goal LU-23: Dover/Westcliff: A mixed-use community connected to citywide resources

- **Policy LU-23.1: Priority Uses (Focus Area).** Encourage mixed-use buildings that integrate residential with commercial or office uses on the ground floor. (Imp. 2.1)
- **Policy LU 23.2: Pedestrian Connectivity (Focus Area).** Identify enhancements for pedestrian access to nearby amenities, such as Castaways Park, future development on Lower Castaways Park, and Newport Bay. (Imp. 16.11, 20.1, 23.2)
- **Policy LU-23.3: Shared Parking (Focus Area).** Consider shared parking and park-once strategies to enhance the pedestrian experience and efficiently use land. (Imp. 16.1)
- **Policy LU-23.4: Pedestrian Safety (Focus Area).** Require adequate and visible pedestrian access through all surface parking lots and parking structures. (Imp. 2.1)
- **Policy LU-23.5: Pedestrian Access (Focus Area).** Consider enhanced pedestrian access along Dover Drive between Westcliff Drive and Cliff Drive. (Imp. 16.11, 20.1)
- **Policy LU-23.6: Family-Oriented Uses.** Support and encourage a mix of uses that help meet the needs of families, including educational opportunities like the Environmental Nature Center, daycare centers, parks, and other similar uses. (Imp. 2.1)

Guiding Future Change

Land uses must be carefully balanced to help meet the comprehensive needs of the community while considering potential impacts of development, existing community challenges, infrastructure needs, and the processes by which these changes will occur. As new development occurs, this often results in needed improvements to public facilities, such as water and energy infrastructure, transportation facilities, and parks and recreation amenities. New development should enhance local character and support community needs while ensuring that existing community challenges are not exacerbated. Local permitting processes can help facilitate development and the infrastructure and resources needed to support such development. Although development is necessary to accommodate changing communities, ensuring the efficient use of land is essential to preserve natural resources and maintain the City's economic base. Following is a list of items to consider during new development.

Infrastructure: Maintaining adequate water, power, and transportation infrastructure is crucial for servicing existing and new development. However, population growth and environmental change can make this more challenging. A larger population and increased energy and water demand can strain infrastructure capacity, and hazards such as extreme heat, flooding, and fire can lead to damage or disrepair. Infrastructure can be adapted, upgraded, and designed to integrate emerging technologies to be more resilient to these impacts.

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Development Review and Permitting: Permitting new development to achieve the goals of the General Plan hinges on an effective system for processing development permits. Ensuring staff have the capacity and resources to guide development review applications to final approval can enhance the efficiency of the process. Well-organized coordination among different departments and agencies can streamline operations, leading to more successful project outcomes.

Balanced Community Needs: Using land in an efficient manner is important for the local economy, the environment, and creating balanced communities. Development must be planned carefully to accommodate community needs while preserving natural resources. Efficient use of land and balanced communities need enhanced focus on the public realm to create opportunities for pedestrian activity, high-quality architecture, and enhanced landscaping and streetscapes that seamlessly blend development and the public realm.

Environmental Justice: Providing equal access for all of Newport Beach's neighborhoods to a clean and healthy environment and equal access to the various resources needed in everyday life is important. As development occurs, it is important to consider existing and potential challenges that may occur and that have the potential to raise environmental justice issues.

Goal LU-24: Infrastructure that supports new development, maintains and improves existing development, and is adaptable to new technologies

- **Policy LU-24.1: Land Use Changes**. Coordinate with all involved City departments to plan capital improvements to support land use changes. (Imp. 1.1, 14.15)
- **Policy LU-24.2: Priority Projects**. Prioritize planned development for infrastructure improvements in the Capital Improvement Program process. (Imp. 1.1)
- **Policy LU-24.3: Infrastructure Coordination**. Require robust coordination with public utilities to provide necessary infrastructure for new development. (Imp. 1.1, 14.15)
- **Policy LU-24.4: Consistency with Plans**. Ensure the Capital Improvement Program is consistent with the General Plan, applicable Specific Plans, and other similar regulatory plans through interdepartmental coordination. (Imp. 1.1, 1.2, 1.3, 2.1, 5.1, 8.1, 9.1, 14.15)

Goal LU-25: A prompt and efficient system for development permit processing

- **Policy LU-25.1: Permit Processing Review**. Conduct an assessment of the development permit processing system to identify barriers to efficient processing and to identify potential improvements. (Imp. 8.1, 10.2)
- **Policy LU-25.2: Performance Metrics**. Develop performance metrics for development permit processing. (Imp. 8.2, 9.1)
- **Policy LU-25.3: City Resources**. Identify resources to increase City staff's capacity to process development permits. (Imp. 30.1)
- **Policy LU-25.4: Supporting New Development**. Conduct robust intra- and inter-departmental coordination to provide necessary infrastructure for new development. (Imp. 1.1, 14.15)

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Goal LU-26: Efficient use of land to create livable neighborhoods and support economic development

- **Policy LU-26.1: Economic Assessment**. Conduct an economic assessment of converting vacant office space to other uses. (Imp. 24.1)
- **Policy LU-26.2: Adaptive Reuse Incentives**. Develop incentives to encourage adaptive reuse of underutilized buildings. (Imp. 2.1)
- **Policy LU-26.3: Curbside Parking**. Evaluate the pricing of curbside, metered parking to determine if prices ensure adequate parking space availability. (Imp. 8.2, 16.1)
- **Policy LU-26.4: Parking Study**. Assess the economic impact of parking standards on new development. (Imp. 16.1)
- **Policy LU-26.5: Flexible Parking Types**. Identify and establish creative solutions and flexible standards, such as shared parking, to address parking challenges. (Imp. 8.2)
- **Policy LU-26.6: Managing Public Parking Supply**. Periodically review best practices related to parking management and consider the use of new and emerging technology that will assist the City in managing the existing public parking supply, especially in higher-demand areas with seasonal fluctuations, such as the Balboa Peninsula. (Imp. 8.1, 16.10)
- **Policy LU-26.7: Increasing Access**. Consider opportunities to expand the Balboa Peninsula Trolley to other areas to provide access throughout Newport Beach through micro-transit. (Imp. 24.1)
- **Policy LU-26.8: Economic Health** (Policy LU 1.5). Support the local economy through identification and development of housing opportunities, as well as adequate commercial, office, medical, industrial, and marine-oriented uses, that provide employment and local revenue opportunities to support high-quality community services for residents, businesses, and visitors. (Imp. 1.1, 24.1)

Goal LU-27: A city with healthy communities for all

- **Policy LU-27.1: Bicycle Plan Implementation**. Implement the recommendations of the 2014 Bicycle Master Plan to enhance connectivity and reduce air pollution from transportation sources, and expand on these recommendations to address emerging needs, such as increased use of electric bicycles. (Imp. 14.4, 16.11, 20.1)
- **Policy LU-27.2: Innovative Uses**. Support the incorporation of live/work units and spaces for arts and innovation that allow residents to own and operate office, professional, and commercial uses. (Imp. 8.2, 25.1)
- **Policy LU-27.3: Minimize Land Use Conflicts with Surrounding Cities**. Coordinate with surrounding cities and the County of Orange on land use planning to identify opportunities to reduce and minimize existing or potential land use conflicts that may cause a pollution burden, including that resulting from water run-off, in Newport Beach. (Imp. 14.1)
- **Policy LU-27.4: Building Code**. Enforce building code standards in new construction that provide for healthier indoor air quality. (Imp. 26.1)
- **Policy LU-27.5: Management of Hazardous Substances**. Implement standards dealing with the safe management of hazardous substances in close coordination with the California Department of Toxic Substances Control. The standards should require soil testing at development sites where contamination is suspected, address safe household hazardous and universal waste disposal, and ensure compliance with hazardous substance regulations and safe transport of hazardous materials. Use of the latest

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technologies available should be considered when conducting remediation in order to expedite the cleansing process and do the least harm to the environment. (Imp. 8.2, 14.15)

- **Policy LU-27.6: Regulatory Compliance.** Support local, County of Orange, State, and Federal environmental regulations to increase penalties for toxic releases and accidents to prevent lax adherence to regulations. (Imp. 14.3, 14.7, 14.14, 14.15, 26.1)

Agency Coordination

There are many agencies involved in land use planning, permitting, and development review, which requires close coordination among the City and influencing agencies within and outside of the City's Planning Area. The City's Planning Area is the identified boundary and extent for which the General Plan provides policies. Following are the areas and agencies involved in the review process.

Sphere of Influence: As shown in Figure LU-1, Planning Area and Sphere of Influence, the City's Sphere of Influence (SOI) is a 487-acre area located west of Newport Beach and adjacent to the Santa Ana River and the Cities of Huntington Beach and Costa Mesa. Although it is outside of the City's boundaries, this area has the potential to one day be annexed into Newport Beach. The City's SOI encompassed the majority of an area that was formerly referred to as Banning Ranch. Approximately 387 acres of Banning Ranch was acquired for preservation purposes by the Coastal Corridor Alliance (previously Banning Ranch Conservancy) and the Trust for Public Land to create the Randall Preserve, which is under the stewardship of the Mountains Recreation and Conservation Authority with the intent of preserving and restoring the natural habitat and allowing managed public access for passive recreational purposes. The Banning Ranch Remainder is a 13-acre oil field that was carved out from, and is not part of, Randall Preserve. The Banning Ranch Remainder is privately owned and is intended for the consolidation of oil operations. For more information about the SOI, see the Land Use Existing Conditions and Background Analysis, of this General Plan. Notably, any changes to the City's SOI must involve and be coordinated through the Local Area Formation Commission (LAFCO) of Orange County.

John Wayne Airport: Newport Beach also abuts John Wayne Airport along the northern-most city boundary. The County of Orange owns and operates John Wayne Airport, the only commercial-service airport in Orange County. General aviation, commercial aircraft, and private jets share the airport's runway, terminal, and storage facilities. The airport spans more than 510 acres and operates two runways. The 2,887-foot-long runway serves general aviation, and the 5,700-foot-long main runway serves both commercial and general aviation aircraft. The Airport Land Use Commission establishes standards to protect the public from aircraft noise and potential aircraft accidents, to prevent development from encroaching into navigable airspace, and to prevent activities and facilities that could be unfavorable for airport operations. Given the regulations contained in the John Wayne Airport Airport Environs Land Use Plan and the limitations imposed on lands in the Airport Area, future land use changes must consider potential conflicts with the John Wayne Airport Airport Environs Land Use Plan and the operations of the airport.

California Coastal Commission: Newport Beach is partially within the Coastal Zone, which is governed by the California Coastal Commission, the State agency that implements the California Coastal Act. The California Coastal Commission reviews and certifies a city's Local Coastal Program (LCP) for consistency with the policies of the California Coastal Act. The LCP acts as the standard regulatory and permitting guide for development in the Coastal Zone within Newport Beach and its SOI, with the exception of Newport Coast and Randall Preserve (Banning Ranch). The City has not yet updated its LCP to incorporate Newport Coast, and this area is still under the County of Orange's permitting authority. The LCP acts in tandem with the adopted Land Use Element, which provides specific densities and number of permitted units for select parcels.

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Goal LU-28: A City with mutually beneficial land use conservation and development

- **Policy LU-28.1: Airport Compatibility** (Policy LU 6.15.3). Require that all development be constructed in conformance with the height restrictions set forth by the Federal Aviation Administration, Federal Aviation Regulations Part 77, and California Department of Transportation Division of Aeronautics, and that residential development be allowed only on parcels with noise levels of less than the John Wayne Airport 65 A-weighted decibels (dBA) Community Noise Equivalent Level (CNEL) noise contour area, as shown in Figure N-3, 2014 Settlement Agreement Airport Noise Contours, 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 N-3 are needed for the City to satisfy its 6th Cycle Regional House Needs Assessment mandate. Non-residential uses are, however, encouraged on parcels located wholly within the 65 dBA CNEL contour area. (Imp. 2.1, 3.1, 4.1, 14.3)
- **Policy LU-28.2: Compliance with Airport Environs Land Use Plan** (Policy LU 6.15.15). Refer the adoption or amendment of the General Plan, Zoning Code, Specific Plans, and Planned Community Development Plans for land within the John Wayne Airport Planning Area, as established in the Airport Environs Land Use Plan for John Wayne Airport, to the Airport Land Use Commission for review, as required by California Public Utilities Code Section 21676. In addition, refer all development projects that include buildings with a height greater than 200 feet above ground level to the County of Orange Airport Land Use Commission for review. (Imp. 14.3)
- **Policy LU-28.3: Heliport/Helistop Requirements** (Policy LU 5.6.5). Require that all applicants for the construction or operation of a heliport or helistop comply with State permit procedures; file Form 7480 (Notice of Landing Area Proposal) with the Federal Aviation Administration; and comply with all conditions of approval imposed by the Federal Aviation Administration, California Department of Transportation Division of Aeronautics; and County of Orange Airport Land Use Commission. (Imp. 14.9)
- **Policy LU-28.4: Development within the Sphere of Influence** (Policy LU 6.4.10). Require that any development within the Sphere of Influence achieve high levels of environmental sustainability that reduce pollution and consumption of energy, water, and natural resources to be accomplished through land use patterns and densities, site planning, building location and design, transportation and utility infrastructure design, and other techniques. Among the strategies that should be considered are the concentration of development, reduction of vehicle trips, use of alternative transportation modes, maximized walkability, use of recycled materials, capture and re-use of stormwater on site, installation of water-conserving fixtures and landscapes, use of architectural elements that reduce heat gain and loss, and preservation of wetlands and other natural habitats. (Imp. 3.1, 4.1, 7.1, 16.8, 17.1, 19.1)
- **Policy LU-28.5: Regulatory Plans** (Policy LU 6.4.11). Require preparation of a master development or Specific Plan for any development on the Randall Preserve that specifies lands to be developed, preserved, and restored; land uses to be permitted; parcelization, roadway, and infrastructure improvements; landscape and streetscape improvements; development regulations; architectural design and landscape guidelines; exterior lighting guidelines; processes for oil operations consolidation; completion of a habitat preservation and restoration plan; completion of a sustainability practices plan; financial implementation resources and guidelines; and other appropriate elements. (Imp. 3.1, 4.1)
- **Policy LU-28.6: Coordination with California Coastal Commission.** Maintain and update the Local Coastal Program Implementation Plan, as necessary, to ensure that the City retains project review and permitting authority in the Coastal Zone. (Imp. 14.6)
- **Policy LU-28.7: Compatibility of Non-City Public Uses** (Policy LU 6.1.4). Encourage school and utility districts and other government agencies that may be exempt from City land use control and approval to plan their properties and design buildings at a high level of visual and architectural quality that maintains the character

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of the neighborhood or district in which they are located and in consideration of the design and development policies for private uses specified by this General Plan. (Imp. 14.1, 14.15)

- **Policy LU-28.8: Coordination with State and Federal Agencies** (Policy LU 6.5.6). Work with appropriate State and Federal agencies to identify wetlands and habitats to be preserved and/or restored, and those on which development will be permitted. (Imp. 14.7, 14.11)
- **Policy LU-28.9: Coordination with County of Orange.** Coordinate with the California Coastal Commission and the County of Orange to update the Newport Beach Local Coastal Program Implementation Plan and incorporate Newport Coast to obtain permitting authority throughout Newport Beach. (Imp. 5.2, 14.3, 14.6)

Goal LU-29: Sphere of Influence: A regional natural resource that is preserved for future generations

- **Policy LU-29.1: Primary Use** (Policy LU 6.3.1). Encourage open space, including significant active and passive community parklands and public access, that serve adjoining residential neighborhoods. (Imp. 2.1, 23.1, 23.5, 30.2)
- **Policy LU-29.2: Habitat and Wetlands** (Policy LU 6.5.3). Encourage the restoration and enhancement of wetlands and wildlife habitats in accordance with the requirements of State and Federal agencies. (Imp. 3.1, 4.1, 14.7, 14.11)
- **Policy LU-29.3: Relationship of Development to Environmental Resources** (Policy LU 6.5.4). Encourage development that is located and designed to preserve and/or mitigate for the loss of wetlands and drainage course habitat. Encourage a park or viewpoints to provide public views of the ocean, wetlands, and surrounding open spaces, and exterior lighting that is located and designed to minimize light trespass from developed areas onto the bluffs, riparian habitat, arroyos, and lowland habitat areas. Require development along the Sphere of Influence eastern property line to be contiguous and compatible so as to preserve the connectivity of wildlife corridors, enhance public access, and be set back from the bluff faces. (Imp. 3.1, 4.1)
- **Policy LU-29.4: Public Views of the Property** (Policy LU 6.5.5). Require development to be located and designed to prevent residences on the property from dominating public views of the bluff faces from Coast Highway, the ocean, wetlands, and surrounding open spaces. Require landscape to be incorporated to soften views of the site visible from publicly owned areas and public view points. (Imp. 3.1, 4.1)
- **Policy LU-29.5: Expansion of the City's Sphere of Influence**. Assess opportunities to revise the City's Sphere of Influence (SOI) and, where appropriate, coordinate with the Local Agency Formation Commission (LAFCO) of Orange County.. (Imp. 12.1, 14.1, 15.1)

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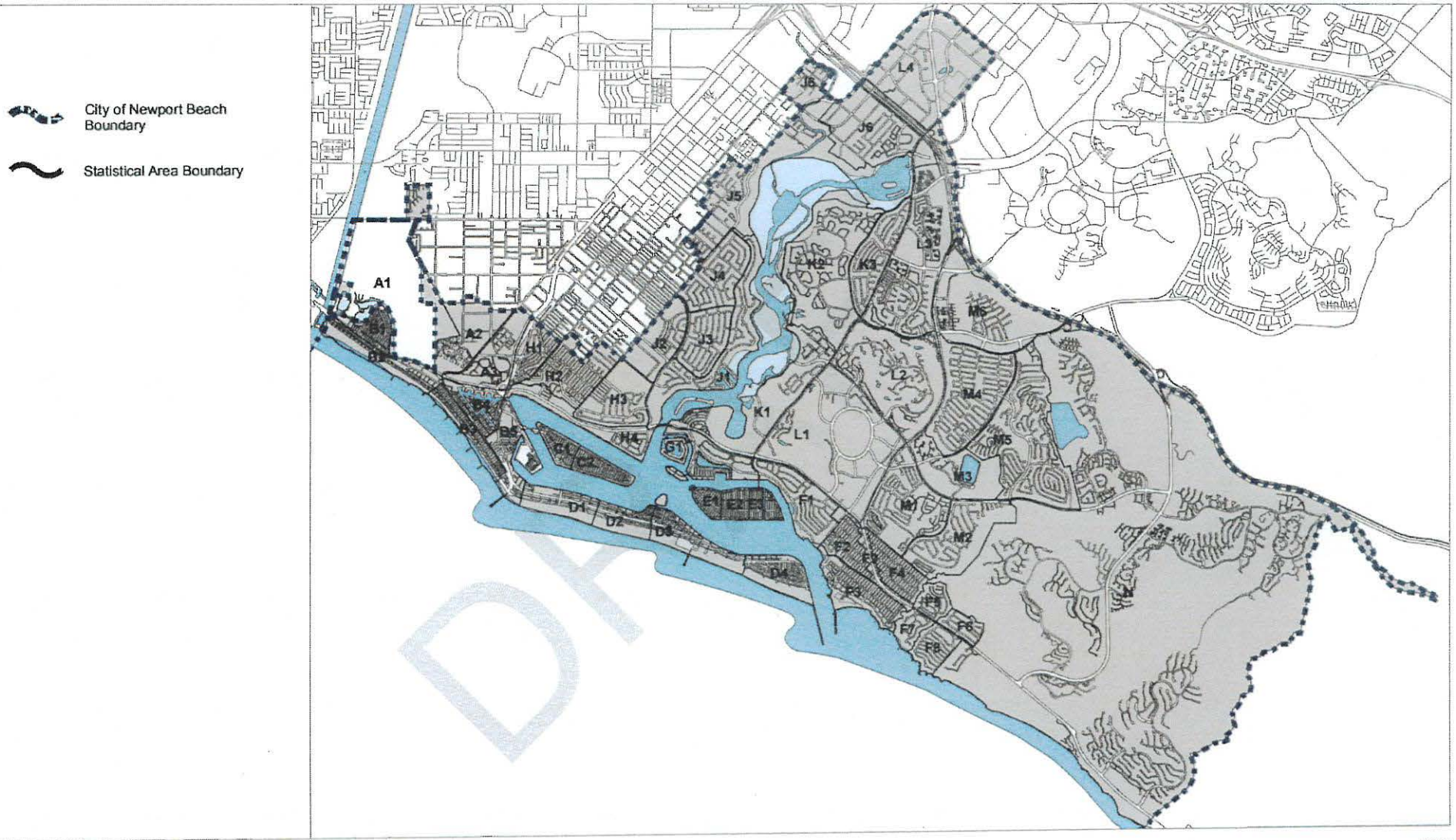
SOURCE: City of Newport Beach 2024;

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LU-2

General Plan Land Use Overview

City of Newport Beach General Plan Update



SOURCE: City of Newport Beach, ELP 2013

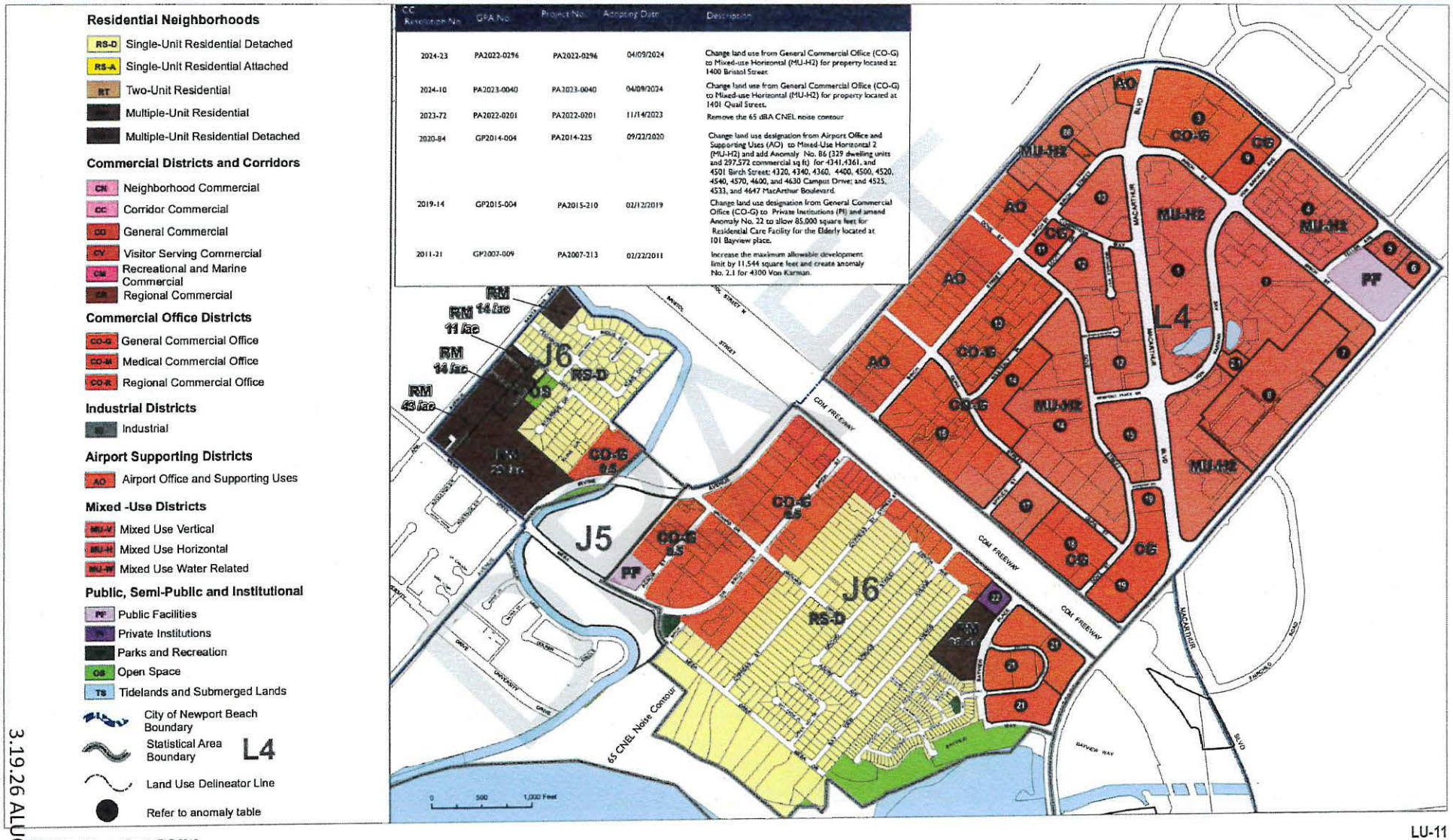
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LU-3

Statistical Areas Map

City of Newport Beach General Plan Update

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SOURCE: City of Newport Beach, ELP 2013

LU-11

Statistical Areas J6, L4

City of Newport Beach General Plan Update

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SOURCE: City of Newport Beach, ELP 2013

DUDEK 0 80 160 Feet

LU-12

Statistical Areas K3, L3, M6

City of Newport Beach General Plan Update



SOURCE: City of Newport Beach, ELP 2013

LU-13

Statistical Areas F1, L1, L2, M1-M5

City of Newport Beach General Plan Update

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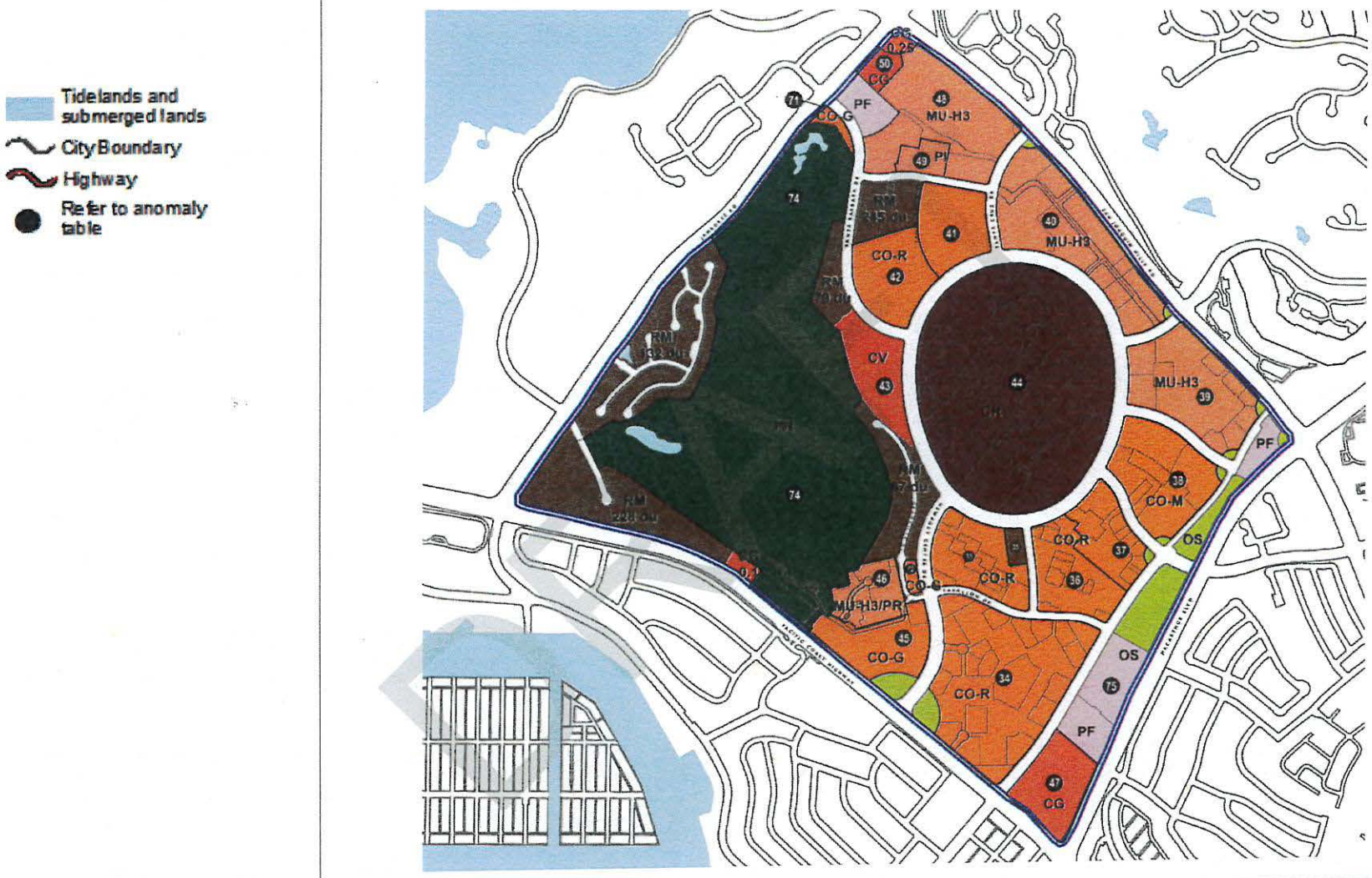
SOURCE: City of Newport Beach, ELP 2013

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LU-17

Airport Area

City of Newport Beach General Plan Update



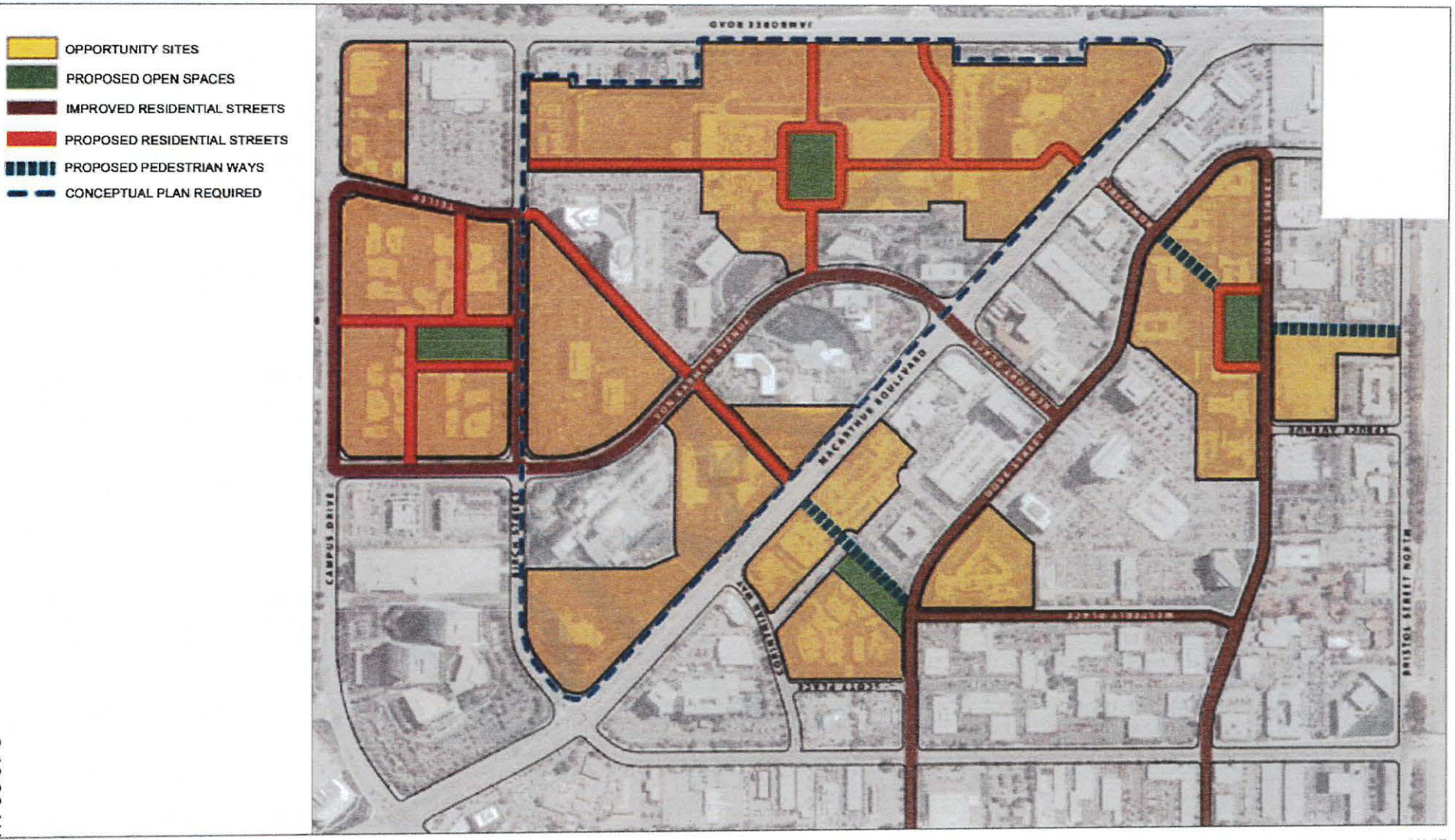
SOURCE: City of Newport Beach, ELP 2013

DUDEK 0 450 900 Feet

LU-23

Newport Center/Fashion Island

City of Newport Beach General Plan Update



SOURCE: City of Newport Beach, ELP 2013

LU-27

Airport Area Residential Villages Illustrative Concept Diagram

City of Newport Beach General Plan Update

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Other fossil deposits found in the Newport Beach area include a variety of marine mammals, sea birds, mollusks, and a number of vertebrate animals typically associated with the Ice Age (2.5 million years ago to 15,000 years ago). Local paleontological sites, particularly near the Castaways area along Dover Drive, have yielded fossils of Ice Age horses, elephants, bison, antelopes, and dire wolves. Also, a number of localities in the portions of the Vaqueros formation that underlie the Newport Coast area have yielded a variety of invertebrate and vertebrate fossils that are considered to be of high paleontological significance. Other areas with significant fossils and known paleontological deposits include the Randall Preserve area, which contains at least 14 documented sites of high significance, and Fossil Canyon in the North Bluffs area, which is considered a unique paleontological locality.

Newport Beach also contains many significant archaeological sites. The Upper Newport Bay area has yielded some evidence for the earliest human occupation of Orange County, dated to approximately 9,500 years before present. More than 50 sites, including human burials, have been documented in the Newport Beach area, including the Newport Coast area and Randall Preserve, with many yielding substantial information regarding the prehistory of Newport Beach and Orange County. At least two and possibly three distinct cultural groups once inhabited the area, including the Tongva and Acjachemen tribes, although the boundaries of their tribal territories are unclear.

Protecting archaeological and paleontological resources in Newport Beach is important for preserving the area's rich cultural and natural history. These resources offer invaluable insights into the lives of Indigenous peoples, the evolution of ecosystems, and the region's geological past. Safeguarding these remnants ensures that future generations can study and learn from them, fostering a deeper understanding of human history and the natural world. Additionally, these resources hold significant cultural importance for local communities, particularly for Indigenous groups whose heritage is tied to these lands.

Goal NR-20: Protection of archaeological and paleontological resources

- **Policy NR-20.1: New Development Activities**. Require new development to protect and preserve paleontological and archaeological resources from destruction, and to avoid and minimize impacts to such resources in accordance with the requirements of the California Environmental Quality Act (CEQA). Through planning policies and permit conditions, ensure the preservation of significant archaeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA. (Imp. 7.1, 11.1)
- **Policy NR-20.2: Grading and Excavation Activities**. As deemed appropriate and necessary, prepare and maintain sources of information regarding paleontological and archaeological sites, and the names and addresses of responsible organizations and qualified individuals who can analyze, classify, record, and preserve paleontological and archaeological findings. (Imp. 10.1)
- **Policy NR-20.3: Cultural Organizations**. Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow qualified representatives of such groups to monitor grading and/or excavation of development sites. (Imp. 14.15)
- **Policy NR-20.4: Paleontological or Archaeological Materials**. Require new development, where on-site preservation and avoidance are not feasible, to donate scientifically valuable paleontological and archaeological materials to a responsible public or private institution with a suitable repository in Newport Beach or Orange County, whenever possible. (Imp. 11.1)

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Attachment 9
Draft Noise Element

Noise Element



PURPOSE

The Noise Element provides for noise control in the planning process in order to maintain land use compatibility with environmental noise levels for the City of Newport Beach (City). This Noise Element identifies noise-sensitive land uses and noise sources, and defines noise impacts for the purpose of developing policies to ensure that Newport Beach residents will be protected from excessive noise intrusion.

OVERVIEW

This Noise Element closely follows state guidelines as required by Health and Safety Code Section 46050.1. This Noise Element quantifies the community noise environment in terms of noise exposure contours for near-term and long-term levels of growth and traffic activity. The information contained in this Noise Element provides the framework to achieve compatible land uses and provide baseline levels and noise source identification for local Noise Ordinance enforcement.

Sound is created when objects vibrate and produce pressure variations that move rapidly outward into the surrounding air. The main characteristics of these air pressure waves are amplitude, which is experienced as a sound's "loudness," and frequency, which is experienced as a sound's "pitch." The standard unit of sound amplitude is the decibel (dB), which is a measure of the physical magnitude of the pressure variations relative to the human threshold of perception. To measure sound in a way that matches human perception, a weighted scale is used. The A-weighted decibel (dBA) scale measures sound to reflect both amplitude and frequency as it relates to the sensitivity of the human ear.

Noise is generally defined as unwanted sound, aspects of which can negatively affect the physiological or psychological wellbeing of individuals or communities. A typical noise environment consists of a base of ambient, or "background," noise that is the sum of many distant and indistinguishable noise sources. Superimposed on this background noise is the sound from individual local sources. These can vary from an occasional aircraft or train passing by to virtually continuous noise from, for example, traffic on a major highway. Noise in excessive levels can affect the living environment and quality of life.

Several quantitative indicators are commonly used to gauge the likelihood that environmental noise would have an adverse effect on a community. These indicators consider that the most disruptive aspects of noise are strongly associated with the average acoustical energy content of the sound over the time it occurs and/or with the time of day when the sound occurs. The indicators used to measure exterior sound level exposure in this Noise Element are as follows:

The equivalent energy noise level (L_{eq}) is the average acoustic energy content of noise for a stated period of time. Thus, the L_{eq} of a time-varying noise and that of a steady noise are the same if they deliver the same acoustic energy to the ear during exposure. Common averaging times for L_{eq} ranges from 5 minutes for a steady sound source, such as an air conditioning unit; 10 to 15 minutes for steady traffic; to 1 hour or even as long as 8 hours for a more variable source, such as construction activities or traffic on a rural roadway. For evaluating community impacts, this indicator is not affected by whether the noise occurs during the day or night.

The Community Noise Equivalent Level (CNEL) is a 24-hour average L_{eq} with a 5 dB "weight" added during the hours of 7:00 p.m. to 9:59 p.m., and a 10 dB "weight" added during the hours of 10:00 p.m. to 7:00 a.m. to account for increased noise sensitivity during the evening and nighttime hours.

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Noise environments and consequences of human activities are usually well represented by average noise levels during the day, night, or over a 24-hour period. Environmental noise levels are generally considered low when the exterior CNEL is below 55 dBA, moderate in the 55 to 70 dBA range, and high above 70 dBA. Examples of sound levels and loudness in indoor and outdoor environments are shown in Table N-1.

Table N-1. Representative Environmental Noise Levels

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	—110—	Rock Band
Jet Fly-Over at 100 Feet		
	—100—	
Gas Lawnmower at 3 Feet		
	—90—	
Diesel Truck Going 50 mph at 50 Feet		Food Blender at 3 Feet
	—80—	Garbage Disposal at 3 Feet
Noisy Urban Area During Daytime		
Gas Lawnmower at 100 Feet	—70—	Vacuum Cleaner at 10 Feet
Commercial Area		Normal Speech at 3 Feet
Heavy Traffic at 300 Feet	—60—	
		Large Business Office
Quiet Urban Area During Daytime	—50—	Dishwasher in Next Room
Quiet Urban Area During Nighttime	—40—	Theater, Large Conference Room (background)
Quiet Suburban Area During Nighttime		
	—30—	Library
Quiet Rural Area During Nighttime		Bedroom at Night, Concert Hall (background)
	—20—	
		Broadcast/Recording Studio
	—10—	
Threshold of Human Hearing	—0—	Threshold of Human Hearing

Source: California Department of Transportation. 2013. Technical Noise Supplement to the Traffic Noise Analysis Protocol. September 2013.

Noise-Sensitive Receptors

Newport Beach has a number of public and private educational facilities, hospitals, convalescent homes, day cares, and other facilities that are considered noise sensitive. However, the primary noise-sensitive use within Newport Beach is residential use. The noise exposure of these sensitive uses varies from low in quiet residential areas, to high in areas adjacent to State Route 73. In the Airport Area and the West Newport Mesa Focus Areas, as shown in the Housing Element and Land Use Element, both of which offer opportunities to integrate new residential and mixed-use development, it is important to thoughtfully design new development in a manner that allows harmonious colocation of noise-sensitive uses with noise-generating uses.

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Roadway Noise Contours

Noise contours for the major surface transportation noise sources in Newport Beach, which include motor vehicles on arterial roadways and freeways, were developed for existing conditions and future conditions. Existing noise contours were determined from the 2020 traffic conditions and are expressed in terms of CNEL. Existing noise contours are shown in Figure N-1, Existing Traffic Noise Contours. Future noise conditions for roadways are presented for the 20-year time period ending in 2040 and were derived from projected traffic conditions for that horizon year. These noise contours are based on complete buildout of the 6th Cycle General Plan Housing Element and are shown in Figure N-2, General Plan Housing Element Traffic Noise Contours. These future noise contours will assist in setting policies for establishing new land uses and appropriate mitigation for properties that will continue to be exposed to higher noise levels.

Noise contours represent lines of equal noise exposure, just as the contour lines on a topographic map are lines of equal elevation. The traffic noise contours shown in Figures N-1 and N-2 are the 50 through 75 dBA CNEL noise levels in 5 dB intervals. Roadway traffic noise contours account for traffic volume, traffic speed, and terrain, but do not account for the shielding provided by building placement, sound walls, structures, or other features that might intervene between the roads and any sensitive use.

In areas with greater than 60 dBA CNEL, noise considerations should be included when making land use policy decisions that affect existing and proposed noise-sensitive developments.

Airport Noise Contours

The aircraft noise contours used for planning purposes by the County of Orange and the Airport Land Use Commission are found in the Airport Environs Land Use Plan for John Wayne Airport (April 2008) and are derived from the 1985 Airport Environs Land Use Master Plan for John Wayne Airport and the accompanying Environmental Impact Report (EIR) 508. These noise contours are based on fleet mix and flight level assumptions developed for EIR 508.

The noise chapter in 2014 John Wayne Airport Settlement Agreement Amendment EIR No. 617 illustrated how the dBA CNEL noise contours within Newport Beach are projected to have reduced in size compared to the 1985 Airport Environs Land Use Master Plan CNEL noise contours. The noise contours in EIR No. 617 were generated using Integrated Noise Model Version 7.0d software. Figure N-3, 2014 Settlement Agreement Airport Noise Contours, reflects the aircraft noise contours identified by EIR No. 617 for 60, 65, and 70 dBA CNEL.

As technology and flight patterns change, the projected airport noise contours are likely to change and will be updated from time to time. As updates become available, new contours may be considered for planning purposes.

Typical Noise Attenuation Methods for Transportation Sources

Noise impacts can typically be abated using four basic methods: (1) reducing the sound level of the noise generator; (2) interrupting the noise path between the source and receiver; (3) increasing the distance between the source and receiver; and (4) for interior noise, insulating the receiver with building materials and construction methods more resistant to noise intrusion.

A local government has limited direct control of transportation noise at the source. This control lies with the state and federal agencies that have this responsibility. The most effective method available to mitigate transportation noise and reduce the impact of noise on the community is through comprehensive planning that includes noise as a planning criterion, the inclusion of noise mitigation in project planning and design, and improved building noise-reduction characteristics. Vehicular traffic noise may also be minimized by strategically

using quieter pavement surfaces on local roads or by placing a noise barrier (wall, berm, or combination wall/berm) between the noise source and the sensitive receiver. Aircraft noise, which arrives at the receiver from above, is reduced primarily by siting sensitive uses outside of noise-impacted areas and through a combination of forced-air mechanical ventilation and sound-rated construction methods to reduce interior sound exposure levels.

Construction of noise barriers is the most common way of alleviating traffic noise impacts. Generally, effective noise shielding requires a continuous, solid barrier with a mass that is large enough to block the line of sight between the source and receiver. Variations may be appropriate in individual cases based on the distance, nature, and orientation of buildings behind the barrier, and a number of other factors. Garages and other structures may be used to shield dwelling units and outdoor living areas from non-aircraft noise. Other methods of noise control for traffic noise include the use of quieter pavement surfaces or developing truck routes to minimize the occurrence of these noisier vehicles in noise-sensitive areas. The effects of noise may also be minimized by separating or isolating the noise source from the potential receiver. Wide buffers along freeways, for example, may reduce the noise level affecting adjacent noise-sensitive land uses. These buffer areas may be developed with less-sensitive uses.

Building interior noise levels can be reduced by protecting the receiver with acoustical structures, enclosures, or construction techniques. Windows and doors are the most likely pathways for sound to enter a structure. Use of sound-insulating doors and double-paned windows can provide substantial reductions in interior noise levels. Because these features have little effect in reducing noise when they are left open, installation of heating, ventilation, and air conditioning (HVAC) units for adequate ventilation may be required. Use of building construction techniques for noise reduction is effective for both ground transportation and aircraft noise sources.

Noise exposure criteria should be incorporated into land use planning to reduce future noise and land use incompatibilities. This is achieved by specifying acceptable noise exposure ranges for various land uses. These criteria are designed to integrate noise considerations into land use planning to prevent noise/land use conflicts. Table N-2 presents the criteria used to assess the compatibility of proposed land uses with the noise environment.

The noise/land use compatibility matrix provided in Table N-2 presents broad ranges of compatibility and is intended to be flexible enough to apply to a wide range of projects and environments. For example, a project in a large, undeveloped area may be evaluated differently than an infill project in a densely developed area. In no case would it be desirable for any land use to have noise exceeding the highest "normally compatible" noise level shown in the matrix. This matrix is intended to be used as one of the many factors considered in the land use planning process. In addition, the California Building Code, Title 24 of the California Code of Regulations, Part 2, requires that interior noise levels in multi-family residential uses not exceed 45 dBA CNEL. Although the California Building Code does not required this level for single-family homes, it is commonly used as an interior standard for all residential uses.

In addition to the noise/land use compatibility guidelines contained in this Noise Element, the City has adopted community noise control policies and standards as part of the Newport Beach Municipal Code (NBMC) to limit unnecessary, excessive, and annoying noise. The noise levels established by the NBMC ensure that noise from mechanical equipment and other types of non-transportation noise are not excessive in residential and other noise-sensitive areas.

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Table N-2. Land Use Noise Compatibility Matrix

Land Use Category		Community Noise Equivalent Level (CNEL)						
Category	Uses	<55	55–60	60–65	65–70	70–75	75–80	>80
Residential	Single-Family, Two-Family, Multiple-Family	A	A	B	C	C	D	D
Residential	Mixed-Use	A	A	B	C	C	C	D
Residential	Mobile Home	A	A	B	C	C	D	D
Commercial Regional, District	Hotel, Motel, Transient Lodging	A	A	B	B	C	C	D
Commercial Regional, Village District, Special	Commercial Retail, Bank, Restaurant, Movie Theatre	A	A	A	A	B	B	C
Commercial Industrial Institutional	Office Building, Research and Development, Professional Office, City Office Building	A	A	A	B	B	C	D
Commercial Recreational Institutional Civic Center	Amphitheatre, Concert Hall Auditorium, Meeting Hall	B	B	C	C	D	D	D
Commercial Recreation	Children's Amusement Park, Miniature Golf Course, Go-Cart Track, Equestrian Center, Sports Club	A	A	A	B	B	D	D
Commercial General, Special Industrial, Institutional	Automobile Service Station, Auto Dealership, Manufacturing, Warehousing, Wholesale, Utilities	A	A	A	A	B	B	B
Institutional	Hospital, Church, Library, School Classroom	A	A	B	C	C	D	D
Open Space	Park	A	A	A	B	C	D	D
Open Space	Golf Course, Cemetery, Nature Center, Wildlife Reserve, Wildlife Habitat	A	A	A	A	B	C	C
Agriculture	Agriculture	A	A	A	A	A	A	A

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Zone A: Clearly Compatible: Specified land use is satisfactory based on the assumption that any buildings involved are of conventional construction without any special noise insulation requirements.
Zone B: Normally Compatible: New construction or development should be undertaken only after detailed analysis of the noise reduction requirements are made, and needed noise insulation features in the design are determined. Conventional construction, with closed windows and fresh air supply systems or air conditioning, will typically suffice.
Zone C: Normally Incompatible: New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of noise reduction requirements must be made, and needed noise insulation features included in the design.
Zone D: Clearly Incompatible: New construction or development should generally not be undertaken.

GOALS, POLICIES, AND ACTIONS

Noise and Land Use Compatibility

Noise and land use compatibility refers to how well various land uses can coexist with noise levels. This Noise Element influences land use policies because excessive noise can affect the quality of life of residents, workers, and visitors. Noise and land use compatibility is especially important for noise-sensitive receptors, such as educational facilities, libraries, day care centers, hospitals, and residential uses. Reducing noise impacts through coordination with land use policies, such as siting of new development, building codes, and other zoning regulations, plays a critical role in the prevention and mitigation of excessive noise impacts. Below are goals and policies to address noise and land use compatibility.

Goal N-1: A community where noise impacts are reduced, and compatibility between land uses is maintained

- **Policy N-1.1: Noise Compatibility of New Development**. Require all proposed projects to be compatible with the noise environment through use of Table N-2, and enforce the interior and exterior noise standards in the NBMC. (Imp. 2.1, 8.1)
- **Policy N-1.2: Noise Exposure Verification for New Development** (adapted from Policy N-1.2). Require a noise study to be submitted to provide evidence that the depicted noise contours account for local noise exposure circumstances due to factors such as topography, variation in traffic speeds, and other applicable conditions for proposed projects that require environmental review, as follows:
    - Residential or mixed-use projects in the Airport Area Focus Area or the West Newport Mesa Focus Area projected to be exposed to exterior noise levels of 65 to 70 dBA CNEL.
    - Residential or mixed-use projects in all other areas projected to be exposed to exterior noise levels of 60 dBA CNEL or greater.
    - These findings shall be used to determine the level of exterior and/or interior noise attenuation needed to attain an acceptable noise exposure level, and the feasibility of such measures when other planning considerations are taken into account. (Imp. 2.1, 8.1)
- **Policy N-1.3: Remodeling of and Additions to Structures**. Require that all remodeling of and additions to structures comply with the noise standards in the NBMC. (Imp. 7.1)
- **Policy N-1.4: New Developments in Urban Areas**. Require that applicants of residential portions of mixed-use projects and high-density residential developments in urban areas (such as the Airport Area and Newport Center) demonstrate that the design of the structure adequately isolates noise between adjacent uses and units (common floors/ceilings) in accordance with the California Building Code. (Imp. 7.1)
- **Policy N-1.5A: Infill Projects**. Allow a higher (above 65 dBA CNEL) exterior noise level standard for infill projects in existing residential areas adjacent to major arterials if it can be shown that there are no

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feasible mechanisms to meet the exterior noise levels. Enforce the interior standard of 45 dBA CNEL for all new residential projects, including the residential component of mixed-use projects. (Imp. 2.1, 7.1)

- **Policy N-1.5B: Airport Area Infill Projects**. Allow infill residential projects proximate to John Wayne Airport to have a higher exterior noise level standard (65 to 70 dBA CNEL) if it can be shown that there are no practical mechanisms or designs to meet the exterior noise level. Enforce the interior standard of 45 dBA CNEL for all residential components of projects. No residential units may be located on parcels wholly within the John Wayne Airport 65 dBA CNEL noise contour area, as shown in Figure N-3, unless and until the City determines, based on substantial evidence, that the site wholly within such contour area is needed for the City to satisfy its 6th Cycle (or subsequent) Housing Element Regional Housing Needs Allocation mandate. Encourage non-residential uses on parcels wholly within the 65 dBA CNEL contour area, as shown in Figure N-3. (Imp. 1.1)
- **Policy N-1.6: Mixed-Use Developments**. Encourage new mixed-use developments to site loading areas, parking lots, driveways, trash enclosures, mechanical equipment, and other noise sources away from the residential portion of the development. (Imp. 7.1, 8.1)
- **Policy N-1.7: Commercial/Entertainment Uses**. Limit hours and/or require attenuation of commercial/entertainment operations adjacent to residential and other noise-sensitive uses to minimize excessive noise to these receptors. (Imp. 2.1, 8.1, 8.2)
- **Policy N-1.8: Significant Noise Increases** (adapted from Policy N-1.8). Require use of noise mitigation measures to protect existing sensitive uses when a significant noise increase may be caused by new development. A significant noise increase occurs when new development increases the existing background CNEL beyond an allowable increase, impacting existing sensitive uses. The allowable CNEL increase is shown in the table below. (Imp. 2.1, 7.1)

Existing Background CNEL (dBA)	Allowable Increase (dB)
55	3
60	2
65	1
70	1
Over 75	Any increase is considered significant

Notes: CNEL = Community Noise Equivalent Level; dBA = A-weighted decibel; dB = decibel.

- **Policy N-1.9: Noise Regulations**. Review the City's Noise Ordinance upon adoption of this Noise Element and periodically thereafter, but at least every 10 years, and make revisions where needed. (Imp. 2.1, 8.1)
- **Policy N-1.10: Improved Communications**. Seek to improve communications regarding noise regulations and processes through City website features, information bulletins, and reporting procedures. (Imp. 29.1)
- **Policy N-1.11: Improved Noise Monitoring**. Periodically consider new noise monitoring technologies and improved metrics for assessing noise impacts. (Imp. 10.1)

Transportation-Related Noise

The most common sources of noise in urban areas are transportation related, including from automobiles, trucks, motorcycles, boats, and aircraft. Motor vehicle noise is of concern because it is characterized by a high number of individual events that often create a sustained noise level, and because of its proximity to areas sensitive to noise exposure. Residential land uses and other sensitive receptors should be protected from

excessive noise. Below is a summary of the various types of transportation-related noise sources, followed by goals and policies to address transportation-related noise.

Freeway/Highway

Newport Beach has the Corona Del Mar Freeway (State Route 73) and San Joaquin Hills Transportation Corridor within its borders. State Route 73 runs northwest/southeast through Newport Beach's northern section. The portion of State Route 73 that cuts through the northern portion of Newport Beach is below grade from the adjacent land uses. There are a few residences in proximity to State Route 73.

The San Joaquin Hills Transportation Corridor runs northwest/southeast through Newport Beach's northeastern boundary, connecting with State Route 73 at Jamboree Road. The San Joaquin Hills Transportation Corridor is considered a highway from Jamboree Road south to Bonita Canyon, and then it becomes a toll road. At various locations the highway is at grade with or elevated above adjacent land uses. There are existing residences that are in proximity to this highway; however, these residences already have noise mitigation measures to sufficiently attenuate the noise from the San Joaquin Hills Transportation Corridor.

Major and Minor Arterial Roadways

Traffic noise on surface streets is a significant source of noise within the community. The major sources of traffic noise in Newport Beach are Coast Highway, Jamboree Road, and MacArthur Boulevard. Many of the residential uses along these roadways have some level of noise attenuation, provided by either a sound barrier or grade separation. Other residential uses, primarily older units, built near these arterial roadways do not have any attenuation from noise other than the distance between the roadway and the residential structure. The noise attenuation features for new residences are reviewed on a project-by-project basis. This means that as residential projects are proposed near the major roadways within Newport Beach, future noise levels are evaluated and noise mitigation strategies are developed to meet City standards.

Noise levels along roadways are determined by a number of traffic characteristics. Most important is the average daily traffic. Additional factors include the percentage of trucks, vehicle speed, the time distribution of traffic, pavement type, gradient of the roadway, and if there are any structures or topographical elements between the roadway and the receivers.

Water Vehicles

Newport Beach has the largest small boat harbor in Southern California. Thousands of boats operate near noise-sensitive residential uses that border much of Newport Bay, and noise associated with these boats can be a problem to these residences. Of particular concern are the charter boats, which generate engine noise, noise from the occupants, and noise from loudspeakers or live entertainment.

Aircraft Operations

Many residents of Newport Beach are impacted by noise generated by commercial and general aviation aircraft departing John Wayne Airport. Owned and operated by the County of Orange, John Wayne Airport serves general aviation and scheduled commercial passenger airline and cargo operations. Newport Beach is immediately south of John Wayne Airport and is under the primary airplane departure corridor. Although aircraft noise can be heard throughout Newport Beach, the highest noise levels are from aircraft departures and are experienced just south of John Wayne Airport, in the Airport Area, Santa Ana Heights Area, both sides of Upper Newport Bay, and Balboa Island.

In 1985, the City, the County of Orange, the Airport Working Group, and Stop Polluting Our Newport entered into a Settlement Agreement to resolve litigation related to John Wayne Airport. This agreement is unique in the United States and is important to protecting the quality of life in Newport Beach.

The City believes that the coordinated, collective efforts of local citizen groups, neighboring cities, and the County of Orange are essential to controlling the adverse impacts of John Wayne Airport and protecting the quality of life in Newport Beach for this and future generations.

Emerging Technologies

As new technologies emerge, they may change the way people and goods are transported. New technologies have the potential to create new noise in communities. The potential noise impacts of vertiports, air taxis, drones, delivery robots, and other advanced transportation systems must be carefully considered to ensure they do not adversely affect community noise levels.

Goal N-2: Sensitive receptors are protected from excessive motor vehicle and boat noise

- **Policy N-2.1: New Development.** Require that proposed noise-sensitive uses in areas that have ambient noise of 60 dBA CNEL and greater, as identified in Figure N-2 and Figure N-3, demonstrate that they meet interior and exterior noise level requirements, as determined in the analyses stipulated by Policy N-1.2. (Imp. 2.1, 8.1)
- **Policy N-2.2: Design of Sensitive Land Uses.** Require the use of walls, berms, interior noise insulation, double-paned windows, advanced insulation systems, or other noise measures in the design of new residential developments to attenuate interior noise levels to 45 dBA CNEL or less. Other new noise-sensitive land uses that are adjacent to major arterials or proximate to John Wayne Airport (e.g., infill residential) and within the 65 to 70 dBA CNEL noise contour area are required to be indoor-oriented. Application of the noise standards in Table N-2 shall govern this requirement. (Imp. 7.1)
- **Policy N-2.3: Limited Hours for Truck Deliveries.** Limit the hours of truck deliveries to commercial uses abutting residential uses and other noise-sensitive land uses to minimize excessive noise unless there is no feasible alternative. Require any exemption to comply with nighttime (10:00 p.m. to 7:00 a.m.) noise standards in accordance with the NBMC. (Imp. 2.1, 8.1)
- **Policy N-2.4: Interagency Coordination to Enforce Standards.** Encourage the enforcement of State Motor Vehicle noise standards for cars, trucks, and motorcycles through coordination with the California Highway Patrol and Newport Beach Police Department. (Imp. 14.4, 14.9, 14.15)
- **Policy N-2.5: Boating Activities** (adapted from Policy N-2.5). Encourage the enforcement of the NBMC noise limits for boating activities through coordination with the Newport Beach Police Department. (Imp. 26.1)
- **Policy N-2.6: Barrier Construction Funding.** Establish a program to secure funding for the construction of noise barriers to protect private outdoor yard areas along arterial roadways where existing homes are exposed to noise levels above the City noise standards, and develop a priority program for the construction of such barriers. Potential sources of funding may be a fee for new projects that generate new traffic in the City and road improvement funds where road improvements are made. The amount of these fees should be proportional to the amount of new traffic that is caused by a project. It should be recognized that noise barriers will not always be feasible mitigation to roadway noise, and that alternate methods, such as quieter pavement or use of solid safety barriers, may also be considered. Noise barriers are most feasible for single-family homes where the rear yards are at grade with and adjacent to the roadway. The feasibility of other situations should be evaluated on a case-by- case basis. (Imp. 30.2)

Goal N-3: A community safeguarded from the adverse noise impacts of operations at John Wayne Airport and that proactively responds to and plans for emerging transportation technologies

- **Policy N-3.1: New Development.** Ensure new development is compatible with the noise environment proximate to John Wayne Airport by not allowing residential units on parcels located wholly within the John Wayne Airport 65 dBA CNEL noise contour, as shown in Figure N-3, unless and until the City determines, based on substantial evidence, that the site is needed for the City to satisfy its 6th Cycle (or subsequent cycles) Housing Element Regional Housing Needs Allocation mandate. (Imp. 2.1, 3.1, 4.1)
- **Policy N-3.2: Residential Development.** Require developers of residential or mixed-use with a residential component land uses within the John Wayne Airport 65 dBA CNEL to notify prospective purchasers or tenants of aircraft overflight and noise. Additionally, require outdoor common areas or recreational areas of residential or mixed-use developments to be posted with signs notifying users regarding the proximity to John Wayne Airport and the presence of operating aircraft and noise. (Imp. 2.1, 3.1, 4.1)
- **Policy N-3.3: Avigation Easement.** Consider requiring the dedication of avigation easements in favor of the County of Orange when noise-sensitive uses are proposed in the John Wayne Airport Planning Area, as established in the Airport Environs Land Use Plan for John Wayne Airport (April 2008 or most recent). (Imp. 2.1, 3.1, 4.1)
- **Policy N-3.4: Existing Noise Restrictions.** Oppose any attempt to modify existing noise restrictions for John Wayne Airport, including the existing curfew and the General Aviation Noise Ordinance. (Imp. 9.1)
- **Policy N-3.5: Additional Facilities at John Wayne Airport.** Consider any attempt to construct a second air carrier runway, including the acquisition of land necessary to provide required separation of the existing air carrier runway and any proposed facility. (Imp. 9.1)
- **Policy N-3.6: Existing Level of General Aviation Operations.** Consider any plan or proposal that maintains, and oppose any plan or project that proposes any significant changes to, the existing level of general aviation operations and general aviation support facilities. (Imp. 9.1)
- **Policy N-3.7: Noise Monitoring Systems.** Support preservation and enhancement of existing noise monitoring systems and the public reporting of the information derived from the noise monitoring systems. (Imp. 9.1)
- **Policy N-3.8: Meeting Air Transportation Demand.** Support means of satisfying some of Orange County's air transportation demand at airports other than John Wayne Airport or through alternative means of transportation. (Imp. 14.3)
- **Policy N-3.9: John Wayne Airport Amended Settlement Agreement.** Preserve and protect the validity of the John Wayne Airport Amended Settlement Agreement, including the following:
    - Oppose or seek protection from any federal legislative or regulatory action that would or could affect or impair the County of Orange's ability to operate John Wayne Airport consistent with the provisions of the John Wayne Airport Amended Settlement Agreement or the City's ability to enforce the Amended Settlement Agreement.
    - Approve amendments of the John Wayne Airport Settlement Agreement to ensure continued validity, provided amendments are consistent with the City Council Airport Policy, do not materially impair quality of life, and are in the long-term best interests of Newport Beach residents.

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  - Continue to monitor possible amendments of the Airport Noise and Capacity Act of 1990 and the various Federal Aviation Administration Regulations and Advisory Circulars that relate to aircraft departure procedures. (Imp. 14.3)

- **Policy N-3.10: Community and Public Agency Support** (adapted from Policy N-3.10). Conduct outreach and coordinate with neighboring cities and the County of Orange for broad-based support for all aspects of the City Council Airport Policy. (Imp. 14.3, 29.1)
- **Policy N-3.11. Updated Airport Noise Contours.** Periodically review and consider updates to the airport noise contours and revise Figure N-3, as appropriate. (Imp. 10.1)
- **Policy N-3.12: Emerging Aerial Mobility Technology.** Mitigate noise impacts from air delivery, air taxis, and other emerging aerial mobility systems to the extent feasible and consistent with the NBMC. (Imp. 8.1)
- **Policy N-3.13: Emerging Transportation Facilities.** Direct emerging transportation systems along routes with minimal residential and other sensitive uses, to the extent feasible. (Imp. 16.2)

Non-Transportation-Related Noise

There are many stationary noise sources in Newport Beach, including restaurants, bars, entertainment establishments, mixed-use structures, mechanical equipment, and recreational facilities. The impacts of non-transportation noise sources are most effectively controlled through the enforcement and application of the City's stationary noise ordinances and regulations. Below is a summary of the various types of non-transportation-related noise sources, existing regulations, and goals and policies to address non-transportation-related noise.

Restaurants, Bars, and Entertainment Establishments

Numerous restaurants, bars, and entertainment establishments in Mariners' Mile, Corona del Mar, the Balboa Peninsula, and Balboa Island have been subject to noise complaints in the past due to the proximity of these establishments to residential uses, the potentially high noise levels that these establishments are able to produce, and the late hours of operation.

Mixed-Use Developments (Commercial/Residential)

In a mixed-use building, a portion of it may be used as commercial (e.g., office space, restaurant, market, dry cleaner) and the remaining portion may be used for residential. Such mixed uses can range from a small retail structure with a residence unit on the second floor (as seen on parts of Balboa Island and the Balboa Peninsula) to larger commercial properties that include a residential component. Requiring that the commercial portion conform to the stricter residential noise standards would make operating the commercial facility difficult. However, applying the commercial noise standards to the entire development would make the noise exposure levels at the residential portion of the building potentially too high. Mixed-use projects represent a unique noise environment and it is important that a program be developed that allows mixed uses to operate with a minimum amount of conflict.

Mechanical Equipment Noise

Various HVAC installations and occasional pool and spa pumps can be noise intrusions. Noise intrusions from HVAC equipment has been a problem in the past, especially in areas such as Balboa Island, Lido Isle, and the Balboa Peninsula where the homes are very close together, and in commercial areas when abutting residential areas. However, the NBMC requires a permit before installation of new HVAC equipment. Permits are only granted when a sound rating of the proposed equipment does not exceed standards, or is installed with a timing device that will deactivate the equipment from 10:00 p.m. to 7:00 a.m. if the standards are exceeded.

Even though HVAC equipment sound ratings are reviewed during plan check and tested in the field after installation, such equipment can still be problematic over time. As equipment ages and sometimes suffers from lack of maintenance, noise from the equipment can increase. Because of this, the City still deals with HVAC equipment noise on a complaint basis to ensure ongoing compliance with the NBMC.

Recreational Activities

Another source of stationary noise in Newport Beach is recreational activities, such as league and youth sporting games and recreational rowers in Newport Harbor. These activities are sometimes scheduled during early morning hours on the weekends and can be a source of noise intrusion for nearby residences. Types of noise generated include people shouting and whistles/horns blowing. Some sporting events also use loudspeakers.

Noise Disturbance

Residential party noise, boat party noise, barking dogs, and landscape maintenance tools (described below) are disturbing to residents but are difficult to attenuate and difficult to control. Complaints about noise disturbances are typically dealt with through code enforcement.

Residential Party Noise: Residential party noise, particularly on Balboa Peninsula and in the West Newport area, is an ongoing problem. There are many difficulties in trying to control party noise. If a noise limit is established for enforcement using a quantitative measure, the code enforcer would be required to make noise measurements of the intrusive noise. Often, the disturbing levels of noise that were generated by a party are reduced by the time a code enforcer arrives on the premises to take measurements. Therefore, noise level measurements may be an impractical means of party noise enforcement because it is often not possible to accurately capture the loud noise levels being generated by the party. Historically, police officers use their judgment for identifying and controlling party noise problems. Additionally, the adopted "Loud and Unruly Gathering Ordinance" addressing police services has been effective in curbing party-related noise.

Boat Party Noise: Charter boats, generally larger in size and carrying large numbers of paid passengers, have also been a source of noise. These boats can control on-deck noise by eliminating outside loudspeakers. The City amended Title 17 of the NBMC (the Harbor Code) to provide greater regulations of charter boat operations.

Barking Dogs: Dog barks can be characterized as being impulsive and startling or continuous and sustained. In either event, it can be a major source of noise disturbance. When dogs are outdoors, it is very difficult to attenuate the noise.

Landscape Maintenance Tools: Tools used to maintain landscaping in Newport Beach are a common source of noise. The most frequently used tools are edgers, blowers, and lawn mowers, which are very difficult to attenuate the noise from. Use of electric tools and limiting hours to less-sensitive daytime periods can help to reduce noise disturbances.

Goal N-4: Sensitive receptors are protected from non-transportation-related noise impacts through reduced exposure

- **Policy N-4.1: Stationary Noise Sources** (adapted from Policy N-4.1). Design projects to comply with the interior and exterior noise standards outlined in the NBMC to ensure that noise-sensitive receptors are not exposed to excessive noise levels from stationary noise sources, such as HVAC equipment. (Imp. 7.1)
- **Policy N-4.2: New Uses.** Require that new uses, such as restaurants, bars, entertainment venues, parking facilities, and other commercial uses where large numbers of people may be present adjacent to

sensitive noise receptors, obtain a use permit that includes conditions of compliance with the noise standards in the NBMC. (Imp. 2.1, 8.1)

- **Policy N-4.3: New Commercial Developments** (adapted from Policy N-4.3). Require that new commercial developments abutting sensitive receptors and residentially designated properties be designed to minimize noise levels generated by loading areas, parking lots, trash enclosures, mechanical equipment, and any other noise-generating features specific to the development and consistent with the noise standards in the NBMC. (Imp. 2.1, 8.1)
- **Policy N-4.4: Limiting Hours of Recreational Activities** (adapted from Policy N-4.4). Limit hours when recreational activities in parks and Newport Harbor can take place, consistent with the NBMC. (Imp. 9.1, 23.4)
- **Policy N-4.5: Sound-Amplifying Equipment** (adapted from Policy N-4.5). Ensure that projects that include sound-amplifying equipment are designed to comply with the limits in the NBMC. Regulate the use of sound-amplifying equipment through the NBMC. (Imp. 2.1, 8.2)
- **Policy N-4.6: Residential Activities** (adapted from Policy N-4.6). Enforce Noise Ordinance noise limits and limits on hours in or adjacent to residential areas, including noise that results from maintenance and in-home hobby and work-related activities. (Imp. 8.1, 26.1)
- **Policy N-4.7: Nuisances**. Regulate the control of nuisances, such as residential party noise, boat party noise, private fireworks, and barking dogs, through the NBMC. (Imp. 8.1, 26.1)
- **Policy N-4.8: Mechanized Landscaping Equipment**. Regulate the use of mechanized landscaping equipment through the NBMC. (Imp. 8.1)
- **Policy N-4.9: Residential Uses in West Newport Mesa Focus Area**. Require noise attenuation measures for new residential development in the West Newport Mesa Focus Area to ensure compatibility with existing industrial uses, protect residents from excessive noise exposure, and maintain operational flexibility for surrounding businesses. (Imp. 7.1)

Construction Noise

Construction can temporarily elevate noise levels due to the noise related to activities such as demolition and building, and the heavy machinery used such as earth movers, dump trucks, saws, and drills. In Newport Beach, construction noise is a common complaint received by the City. Although construction noise may be necessary, the City can work with builders to minimize noise levels associated with construction. Below are goals and policies to address construction-related noise and vibration.

Goal N-5: Construction activities that are managed to prevent excessive noise impacts

- **Policy N-5.1: Limiting Hours of Activity**. Enforce the limits on hours of construction activity to the allowable hours provided by the NBMC. (Imp. 8.1)
- **Policy N-5.2: Limiting Damage to Structures Resulting from Heavy Construction**. For construction activities involving high-powered vibratory tools or pile driving within 200 feet of an existing structure, consider implementing a requirement to demonstrate that project construction would not exceed the California Department of Transportation's construction vibration thresholds (0.25 inches per second peak particle velocity for historic and old buildings, 0.3 inches per second peak particle velocity for older residential structures, and 0.5 inches per second peak particle velocity for new residential and modern commercial/industrial structures) to ensure that no damage to structures would occur. (Imp. 8.2)
- **Policy N-5.3: Limiting Noise from Construction Activities**. Consider implementing a limit on construction noise to 80 dBA L_{eq} over any 8-hour daytime period for residential uses, and in cases where construction

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is approved to occur outside of the City's allowable hours, to 70 dBA L_{eq} over any 8-hour nighttime period. (Imp. 7.1, 8.1)

- **Policy N-5.4: Construction Noise Best Practices**. Encourage the use of best practices for construction to minimize noise intrusion on sensitive receivers, including the following:
  - Promote efficient residential maintenance and construction practices to reduce the duration of noise exposure in surrounding areas.
  - Schedule high-noise and vibration-producing activities to a shorter window of time during the day outside of early morning hours to minimize disruption to sensitive uses.
  - Require grading and construction contractors to use equipment that generates lower noise and vibration levels, such as rubber-tired equipment rather than metal-tracked equipment, whenever feasible.
  - Require construction haul trucks and materials delivery traffic to avoid residential areas whenever feasible.
  - Require the construction contractor to use on-site electrical sources to power equipment rather than diesel generators where feasible.
  - Equip all internal combustion engine–driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
  - Locate stationary noise-generating equipment as far as possible from noise-sensitive uses when noise-sensitive uses adjoin or are near a construction site.
  - Use "quiet" air compressors and other stationary noise-generating equipment where appropriate technology exists.
  - Encourage the use of a project sponsor to designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. (Imp. 1.1)



SOURCE: City of Newport Beach 2023

N-3

2014 Settlement Agreement Airport Noise Contours

City of Newport Beach General Plan Update

DUDEK

0 1,000 2,000 Feet

Attachment 11
Draft Safety Element

Safety Element



PURPOSE

The purpose of this Safety Element is to identify, adapt, reduce, prepare for, respond to, and recover from the potential risk and occurrences of natural and human-made hazards.

OVERVIEW

This Safety Element describes the potential for natural and human-caused hazards to occur in Newport Beach, the potential for short- and long-term risks to human life and property, and the economic and social consequences of those hazards. Hazards evaluated to inform the Safety Element are coastal hazards, seismic and geologic hazards, flooding, fires, hazardous materials, aviation hazards, and extreme heat. This Safety Element also provides goals and policies that can help the City of Newport Beach (City) adapt to and prepare for hazards, improving the community's resilience and overall safety.

Local Hazard Mitigation Plan

The City's Local Hazard Mitigation Plan works in tandem with this Safety Element to assess and address hazards. Local Hazard Mitigation Plans must meet certain Federal requirements, whereas Safety Elements follow State requirements. Both plans include policies and actions for the City to undertake, which means that consistency across plans is important. As allowed by California Government Code Section 65302.6, this Safety Element adopts the Local Hazard Mitigation Plan and all future updates by reference. The Local Hazard Mitigation Plan can be found on the City's website.[1]

VULNERABLE POPULATIONS

Safety Elements must consider subsets of the population that may be particularly vulnerable to hazards. This section assesses vulnerable populations related to each hazard addressed in this Safety Element and compares the local and regional proportion of vulnerable populations to the statewide averages to contextualize the City's vulnerability relative to the region and the State. Table S- 1 provides the local and regional share of health indicators based on vulnerable subpopulations. How vulnerability applies to each hazard is described within this section.

Table S-1. Populations Vulnerable to Hazards

Vulnerable Population Health Indicator	Newport Beach	Orange County
People with a Disability	3.6%	5.3%
Older Adults[1]	23.6%	16.4%
Young Children[2]	3.9%	5.9%
Uninsured Adults[3,4]	4.4%	10.7%
Households without Car Access	4.0%	4.4%
Households with Limited Car Access	4.0%	4.4%
Renter – Severe Housing Cost Burden[5]	22.2%	26.9%

[1] City of Newport Beach. 2016. *Local Hazard Mitigation Plan*. https://www.newportbeachca.gov/how-do-i/find/disaster-preparedness-information.

Table S-1. Populations Vulnerable to Hazards

Vulnerable Population Health Indicator	Newport Beach	Orange County
Homeowner – Severe Housing Cost Burden[6]	13.1%	11.4%
Limited English Speaking[7]	3.5%	19.3%
People with Asthma	8.1%	8.3%
Outdoor Workers	4.6%	6.2%

Source: Public Health Alliance. 2022. "The California Healthy Places Index." https://map.healthyplacesindex.org/.
Legend: Quartile 1 = Good, Quartile 2 = Moderate, Quartile 3 = Poor, Quartile 4 = Challenged
Note: The table is colored to indicate how Newport Beach and Orange County compare to other California cities and counties on average, not to indicate that certain traits are overall "good" or "bad."
People aged 65 and over.

1 People aged 5 and under.
2 Percent of adults aged 18 to 64 without health insurance
3 Pregnant and nursing women are not included in the table due to lack of data.
4 Renters who pay more than 50% of their income toward housing costs.
5 Homeowners who pay more than 50% of their income toward housing costs.
6 Percent of people aged 5 and older who speak English less than very well.

Coastal Hazards

Vulnerability to coastal hazards, including coastal flooding, rogue waves, tsunamis, and slower-moving hazards, such as cliff erosion, is primarily a function of proximity to the coast. However, other factors, such as difficulty evacuating and challenges rebuilding after damage, means that people with disabilities, older adults, households without cars, people with limited English proficiency, renters, and people who are housing-cost burdened are also vulnerable to coastal hazards. Table S-1 illustrates the percentages of these vulnerable populations in Newport Beach relative to Orange County as a whole.

Geologic and Seismic Hazards

Vulnerability to geologic and seismic hazards depends on location. Buildings located in areas with heightened risk of earthquakes, landslides, liquefaction, or other geologic and seismic events, and people living in such areas, are naturally more susceptible to damage and heightened risk of injury or loss of life. Furthermore, certain groups may have more difficulty recovering after a major seismic or geologic event, or have more difficulty accessing information about emergencies. These groups include low-income households, especially renters; people age 65 and older; people with disabilities; and those who have limited English proficiency. Table S-1 outlines the percentages of these populations in Newport Beach relative to Orange County as a whole.

Flooding Hazards

Flooding impacts can be exacerbated due to difficulty evacuating or challenges with recovery after a flood. Older adults or people with disabilities may have limited access to transportation options, increasing their reliance on transportation agencies or others during an evacuation. Low-income or housing-cost-burdened households, particularly renters without rental insurance, can face greater challenges recovering from flooding events, and may face greater risk of displacement if their residence is damaged by floodwaters. Table S-1 outlines the percentage of these populations in Newport Beach relative to Orange County as a whole.

Fire Hazards

Vulnerability to wildfire is exacerbated for those who have difficulty evacuating, are sensitive to smoke, or face recovery challenges. This group includes people ages 65 and older; those with disabilities, limited car access, and respiratory conditions, such as asthma; low-income households; and young children. In Newport Beach, older adults and severely cost-burdened homeowners and renters are particularly at risk. Table S-1 outlines the percentages of these populations in Newport Beach relative to Orange County as a whole.

Hazardous Materials Management

Populations vulnerable to hazardous materials exposure are those whose health is more sensitive to exposure to toxic chemicals. These groups include young children, pregnant and nursing women, and older adults. People without healthcare access are also more vulnerable because of financial barriers to seeking treatment for adverse health impacts. The most common of these groups in Newport Beach is older adults. Table S-1 outlines the percentages of these populations in Newport Beach relative to Orange County as a whole.

Aviation Hazards

Vulnerability to aviation hazards does not depend on population characteristics. Rather, vulnerability is a function of exposure to those hazards (see the Airport Environs Land Use Plan for John Wayne Airport for more information[2]). Specific vulnerable subpopulations are not described in Table S-1 for these types of hazards.

Extreme Heat

Extreme heat vulnerability can be exacerbated for people who are especially sensitive to its impacts, such as young children and older adults, and those who are more exposed to its effects, such as unsheltered individuals and outdoor workers. Additionally, households without air conditioning are more vulnerable to heat waves and other extreme heat events (due to low data availability, this group is not included in Table S-1). In Newport Beach, older adults are the most common population vulnerable to extreme heat. Table S-1 outlines the percentages of vulnerable populations in Newport Beach relative to Orange County as a whole.

GOALS, POLICIES, AND ACTIONS

Coastal Hazards

Coastal communities face challenges related to flooding from tsunamis, rogue waves, king tides, storm surges, and seiches, which continue to intensify as sea levels rise. Further, with more frequent and intense storms, it is important that the City and its residents are prepared for precipitation-related flood risks, especially residents in close proximity to the coast. Although infrastructure can protect the community in the event of flooding, it is also important that existing and planned development be resilient and that the community is aware of how to protect themselves and their property.

Projects and programs to manage the shoreline require up-to-date data for flood-prone locations and the direction and rate of sand and bluff erosion, among other information on changing conditions. Current, high-quality data allows for a more tailored, responsive approach to managing the shoreline.

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[2] Airport Land Use Commission for Orange County. 2008. *Airport Environs Land Use Plan for John Wayne Airport.* April 17, 2008. https://files.ocair.com/media/2021-02/JWA_AELUP-April-17-2008.pdf?VersionId=cB0byJjdad9OuY5im7Oaj5aWaT1FS.vD.

Tsunamis and Rogue Waves

Tsunamis and rogue waves are low-probability but high-risk hazards. Locally generated tsunamis caused by offshore faulting or coastal landsliding could result in extensive loss of life and property damage in Newport Beach. California Department of Conservation's tsunami maps (last updated in 2021) indicate that key areas of Newport Beach susceptible to tsunamis include West Newport, Balboa Peninsula, Lido Isle, Balboa Island, and the Upper Newport Bay.[3] Port and harbor areas of Newport Beach are susceptible to not only tsunami inundation, but tsunami currents, which are strong and erratic currents produced by tsunamis that can damage infrastructure and property, particularly floating vessels.[4]

Rogue waves are very large waves that arise unexpectedly in the open ocean. Their erratic nature and unpredictability present challenges for planning and evacuation.

Storm Surges

Storm surges are associated with low-pressure weather systems, such as hurricanes, and other events involving high winds and rainfall. During storm surges, the water level increases, which can result in coastal flooding, potentially causing damage to low-lying areas and structures. If a storm surge occurs during a high tide, flooding can be significant.

The likelihood of a storm surge in Newport Beach is low, although there have been two recent occurrences of storm surges during king tides in July 2020 and August 2023.

Storm surging associated with a tropical storm has been reported only once in the history of Newport Beach, in 1939. In 2023, Hurricane Hilary, which had degraded to tropical storm status by the time it reached Orange County, delivered heavy rainfall and winds to Newport Beach. The city experienced localized flooding and debris flows, but pump crews and berms dug up at beaches prevented any substantial impacts. No storm surge was recorded as a result of the storm.

Sea-Level Rise

Global average sea levels have risen 3.98 inches since 1992, and are predicted to continue to rise.[5] As sea levels rise near Newport Beach, the risk of flooding during storms is exacerbated. Figure S-1, Citywide Coastal Flood Risk, shows the possible extent of coastal flooding during an average storm event under the selected Coastal Storm Modeling System (CoSMoS) scenarios in 2030, 2050, and 2100. Figure S-2, Newport Harbor Coastal Flood Risk, shows the same data for the Newport Harbor area.

To understand potential coastal flood risk in the near term and long term, the following CoSMoS scenarios were selected for mapping: 0.8 feet of sea-level rise by 2030, 1.6 feet by 2050, and both 4.1 and 4.9 feet by 2100. Two levels were selected for 2100 due to the potential for variations in sea-level rise, which are highly dependent on the rate of global greenhouse gas emission reductions that could occur through 2100. All of these scenarios are

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[3] California Department of Conservation. 2021. "Tsunami Hazard Area Map, Orange County." Produced by the California Geological Survey and the California Governor's Office of Emergency Services. Mapped at multiple scales. https://maps.conservation.ca.gov/cgs/informationwarehouse/ts_evacuation/?extent=-13249590.3641%2C3986280.7635%2C-13132183.0887%2C4038410.8168%2C102100.

[4] The SAFRR Tsunami Modeling Working Group. 2013. "Modeling for the SAFRR Tsunami Scenario—Generation, Propagation, Inundation, and Currents in Ports and Harbors." Chapter D in *The SAFRR (Science Application for Risk Reduction) Tsunami Scenario,* U.S. Geological Survey Open-File Report 2013–1170, 136 pp. http://pubs.usgs.gov/of/2013/1170/d/.

[5] NASA. 2022. "Tracking 30 years of Sea Level Rise." https://earthobservatory.nasa.gov/images/150192/tracking-30-years-of-sea-level-rise.

medium to medium/high risk-aversion scenarios, meaning there is between a 1-in-20 and 1-in-200 chance that sea-level rise will meet or exceed projections. Areas that could flood during an average storm with 0.8 feet of sea-level rise include almost all of Balboa Island and the western portion of Balboa Peninsula, emanating outward from Newport Island and the surrounding channels. With 1.6 feet of sea-level rise, flooding could extend to much of the central portion of Balboa Peninsula, covering land northeast of Balboa Boulevard and west of Marina Park. With 4.1 to 4.9 feet of sea-level rise, neighborhoods and beaches near the Santa Ana River jetty; Balboa Coves; Mariner's Mile; many islands in Newport Harbor; and parts of Balboa Peninsula, Corona del Mar State Beach, and Little Corona del Mar Beach could flood.

Many of Newport Beach's most developed areas, densely populated neighborhoods, and vibrant business communities are at risk of flooding during an average storm, even with a small amount of sea-level rise. This flooding could be more severe during unusually large storms, which are likely to become more frequent.

Beach and Cliff Erosion

Beaches are an essential part of the community, providing recreational opportunities, driving tourism, supporting natural ecosystems, and protecting inland areas from flooding and tsunamis. In addition to causing coastal flooding, the higher tides and storm surges associated with sea-level rise can erode beaches and cliffs at faster rates. Bluffs are an important part of Newport Beach's landscape, developed with homes and other uses, providing valuable views, and offering natural habitat for many plant and animal species.

Newport Beach is lined with sandy beaches and coastal bluffs, and coastal erosion has the potential to affect multiple areas within Newport Beach. Efforts to minimize erosion and the loss of sand will help protect the shoreline and maintain beaches.

CoSMoS predicts the future position of cliff-top edges and shorelines under different sea-level-rise scenarios. The land formations in and around Upper Newport Bay and the coastal cliffs and bluffs in and proximate to Corona del Mar are vulnerable to damage from erosion or to complete loss due to landslides. Forecasted cliff retreat is especially extensive along Ocean Boulevard near Inspiration Point and the Cameo Shores neighborhood. Some cliff areas are protected by anti-erosion infrastructure and may not experience as much erosion as they would otherwise; however, infrastructure requires regular maintenance. Refer to the Safety Element Existing Conditions and Background Analysis for location and scenario-specific figures.

Sand Nourishment

Sand nourishment, the practice of adding sand to eroding beaches, is primarily used to combat coastal erosion and to ensure continued recreational opportunities in the face of growing concern due to rising sea levels and increased storm intensity. In Newport Beach, these projects are especially important to address erosion, support tourism, protect ecosystems, and prevent groundwater intrusion and flooding. Groundwater and flood protection enhancements occur because wider beaches act as natural barriers by reducing saltwater intrusion and absorbing wave energy to protect inland areas. Increased beach width can also enhance groundwater recharge by promoting precipitation infiltration. The City strives for sand replenishment activities to be regularly undertaken every 5 to 7 years, but at times, sand replenishment for certain areas of Newport Beach occurs at irregular frequencies. In some cases, infrastructure, such as groins and breakwaters, can be used to provide additional support for sand loss reduction by minimizing downdrift erosion.

Goal S-1: A community that is resilient to coastal flooding

- **Policy S-1.1 (HBB-2.1):** Sea-Level Rise Plan. Adopt a Sea-Level Rise Plan consistent with Senate Bill 272 (2023) and update the Local Coastal Program, including the Land Use Plan and Implementation Plan, as

necessary. Establish and maintain shoreline protection reserves to implement early actions identified in the Sea-Level Rise Plan. (Imp. 5.1, 5.2, 30.1)

- **Policy S-1.2:** Coastal Collaboration. Collaborate with neighboring coastal local governments, regional agencies, and State agencies ahead of and during the Local Coastal Program update and during coastal infrastructure projects to ensure implementation success. (Imp. 14.1, 14.3, 14.6, 14.12, 14.15)
- **Policy S-1.3:** Sea-Level Rise Plan Implementation Funds. Develop funding and financing strategies as part of Senate Bill 272 (2023) compliance before 2034. Consider long-term reserve funds, financing districts, tideland revenue fee structures, and State and Federal funding opportunities to pursue coastal resilience projects to better protect the harbor, beaches, and community from flooding. (Imp. 5.1, 24.1, 30.1, 30.2, 31.1)
- **Policy S-1.4 (Policy HBB-7.1):** Nature-Based Solutions. Encourage the use of nature-based solutions for beach and dune preservation and restoration as alternatives to traditional hard infrastructure, to the extent feasible. Nature-based solutions could include dune restoration and sand replenishment and nourishment. (Imp. 8.1, 21.2)
- **Policy S-1.5 (Policy HBB-7.4):** Emergency Use of Coastal Facilities and Equipment. During Emergency Operations Plan updates, reevaluate the protocol for the coordinated emergency use of public and private coastal facilities and equipment (e.g., partnerships for allowed use of docks) in advance of floods, storms, pollution, dredging, vessel sinking, and other potentially hazardous events to supplement existing safety and rescue operations. (Imp. 28.2)

Goal S-2: Beaches that are maintained and protected from erosion

- **Policy S-2.1:** Beach Replenishment Program. Coordinate with the U.S. Army Corps of Engineers to develop and implement a comprehensive beach replenishment program to assist in maintaining beach width and elevations. Analyze monitoring data to determine nourishment priorities, and try to use nourishment as shore protection in lieu of more-permanent hard shoreline armoring options. (Imp. 8.1, 14.12, 21.2)
- **Policy S-2.2:** Shoreline Management Pilot Projects. Investigate shoreline management pilot projects to test solutions on a smaller scale. (Imp. 5.1, 5.2, 21.2)
- **Policy S-2.3:** Regional Coordination. Work with regional governments to create potential partnerships and explore cross-boundary projects that benefit the region. (Imp. 5.1, 14.1, 14.12)
- **Policy S-2.4:** Quality Sands. Ensure a high standard for the quality of sand used for beach nourishment to support recreation and minimize impacts to marine life. (Imp. 5.1, 14.12)

Goal S-3: Current and accessible data and information on flooding, beach erosion, and bluff erosion

- **Policy S-3.1:** Flood Reduction. Provide information about flooding reduction strategies, such as elevating critical uses and infrastructure, to at-risk property owners. (Imp. 29.1)
- **Policy S-3.2:** Sand Monitoring. Monitor progress of sand nourishment and sand retention projects. (Imp. 28.1)
- **Policy S-3.3:** King Tide Data Collection. Work with non-profits, educational institutions, and interested community members to collect king tide monitoring data to identify location, severity, and frequency of flooding. (Imp. 14.15, 28.1)

- **Policy S-3.4:** Coastal Data. Develop an open-access online dashboard that may display project implementation or spatial data, such as flooding, beach, and bluff monitoring data. (Imp. 28.1)

Geologic and Seismic Hazards

Geologic hazards in Newport Beach include slope failures, compressible soils, and expansive soils, all of which can damage property and pose risks to life. Slope failures often occur when one hazard triggers another, such as a storm-induced mudflow. Vulnerable areas include the San Joaquin Hills neighborhood and bluffs along Upper Newport Bay, Newport Harbor, and the Pacific Ocean. However, few slope failures have impacted hillside structures in the past, in part due to the City's Excavation and Grading Code (Newport Beach Municipal Code Chapter 15.10). Figure S-3, Landslide Zones, indicates areas in Newport Beach prone to landslides.

Liquefaction occurs when soil loses its strength and behaves like a liquid. This can occur during earthquakes, but depends on soil saturation, soil types, and the geologic processes that formed the soil. Water-saturated soils with similar particle or grain size in a given area are most susceptible to liquefaction. Figure S-4, Liquefaction Zones, shows the locations of soils in Newport Beach that are susceptible to liquefaction and resulting ground failure in the event of an earthquake.

Some areas of Newport Beach have moderately to highly expansive soils, both at the surface and exposed by grading. These soils can cause significant structural damage, including heaving and cracking of foundations, roads, sidewalks, and walls.

Newport Beach is in the northern part of the Peninsular Ranges Province, an area that is exposed to risk from multiple earthquake fault zones. The highest risks originate from the Newport–Inglewood Fault zone, the Whittier Fault zone, the San Joaquin Hills Fault zone, and the Elysian Park Fault zone, each with the potential to cause moderate to large earthquakes that would cause ground shaking in Newport Beach and nearby communities.

Earthquake-triggered geologic effects also include surface-fault rupture, landslides, liquefaction, subsidence, and seiches. Earthquakes can also lead to urban fires, dam failures, and toxic chemical releases.

Although difficult to predict, seismic and geologic events pose a risk to physical structures. To achieve resilience, new buildings are held to higher standards, and existing buildings can be modified to minimize structural damage.

Goal S-4: Buildings and utilities that are protected from seismic and geologic hazards

- **Policy S-4.1:** Seismic Safety Design. Regularly update building and fire codes to provide for seismic safety design for new development and retrofits. (Imp. 2.1)
- **Policy S-4.2:** Building Retrofit Needs. Perform a building audit and subsequent seismic or geologic studies to guide seismic and/or geologic retrofits for existing, essential facilities. (Imp. 27.1)
- **Policy S-4.3:** Building Retrofits. Continue to require retrofits of unreinforced masonry buildings during remodels. (Imp. 27.1)
- **Policy S-4.4:** Property Owner Assistance. Provide informational materials and technical assistance to property owners of pre-1950 buildings interested in seismic retrofits for homes and/or businesses. (Imp. 27.1)
- **Policy S-4.5:** New Essential Facilities Outside of Hazard Zones. Regulate the location of new essential facilities within areas that would directly be affected by seismic or geologic hazards and all other

hazards, such as Fire Hazard Severity Zones and Federal Emergency Management Agency flood zones, in accordance with State law. (Imp. 22.1)

- **Policy S-4.6:** New Essential Facilities Away from Active Faults. Regulate the location of new sensitive facilities, such as schools, hospitals, and facilities for the older adult population, to be at a distance of at least 500 feet from active and potentially active faults, in accordance with State law. (Imp. 2.1)

Goal S-5: Stabilized bluffs to minimize erosion and prevent landslides in developed areas

- **Policy S-5.1:** Landslide Vulnerabilities. Assess and reduce site-specific landslide vulnerabilities when necessary and during development. Prioritize studies and slope stabilization efforts in areas recently impacted by wildfires or along potential evacuation routes. (Imp. 2.1, 28.1)
- **Policy S-5.2:** Bluff Erosion. Consider incentives for existing development to implement preventive measures for bluff erosion. (Imp. 2.1)

Flooding Hazards

While coastal flood risk is more widespread, some areas of Newport Beach that are not along the coast are also vulnerable to flooding. Inland flooding can occur due to flash flooding from small, natural channels, or more moderate and sustained flooding from the Santa Ana River and San Diego Creek. Extreme storms, including atmospheric rivers, can produce intense precipitation that leads to both coastal and inland flooding. From 1979 to 2013, 72 atmospheric rivers made landfall along the Southern California coast, with an average of two to three events per year. The frequency of atmospheric river events may increase in the future, and these events are predicted to deposit upward of 40% more precipitation during such events compared to historical conditions.

The Federal Emergency Management Agency (FEMA) identifies **100- and 500-year flood zones**. In Newport Beach, these areas include the low-lying areas in West Newport at the base of the bluffs, the coastal areas that surround Newport Bay, all low-lying areas adjacent to Upper Newport Bay, along the lower reaches of Coyote Canyon, in the lower reaches of San Diego Creek, and in a portion of Buck Gully. Figure S-5, FEMA Flood Zones, shows the 100- and 500-year flood zones. Flood zones in the coastal areas of Newport Beach present the most significant potential impacts to residential and commercial areas along Balboa Peninsula, the islands, and low-lying areas surrounding the harbor and Upper Newport Bay. Many factors can contribute to how and where flooding impacts occur. People outside of FEMA 100-year flood zones account for more than 25% of National Flood Insurance Program claims for flood loss, and receive approximately one-third of disaster assistance.

Goal S-6: A community that is resilient to and protected from inland flooding

- **Policy S-6.1 (NR-12.1, HBB-12.3):** Stormwater Drainage. Preserve, where possible, natural watercourses or provide naturalized drainage channels within Newport Beach. Where feasible, implement restoration and rehabilitation projects. (Imp. 7.5, 17.1, 23.6, 29.3)
- **Policy S-6.2 (NR-12.2, HBB-12.4):** Stormwater Management Coordination. Coordinate the needs of stormwater pollution management with the overlapping (and sometimes competing) habitat management, flood management, capital improvement projects, development, aesthetic, and other open space needs. (Imp. 7.5, 30.1, 14.15)
- **Policy S-6.3:** Flood Management Standards. Maintain flood management standards for development, public facilities, and infrastructure within an officially designated 100-year floodplain. Ensure development is designed in a manner that does not negatively impede or redirect floodwaters or raise anticipated flood heights. (Imp. 8.1, 19.1, 21.5)

- **Policy S-6.4:** Stormwater Drainage and Detention. Require incorporation of natural drainage systems and stormwater detention facilities in new developments, where appropriate and feasible, to retain stormwater in order to increase groundwater recharge. (Imp. 7.5, 8.1, 17.2, 19.1, 21.5)
- **Policy S-6.5:** Storm Drain Master Plan. Maintain storm drainage facilities and periodically update the Storm Drain Master Plan. Consider Storm Drain Master Plan coordination with Local Coastal Program development. (Imp. 5.1, 19.1)
- **Policy S-6.6:** Up-to-Date Flood Maps. Monitor updates to FEMA flood maps to maintain up-to-date information. (Imp. 28.1)

Fire Hazards

As with much of California, fire risk is endemic to Newport Beach. Newport Beach's urban forest and surrounding open spaces heighten wildfire hazard in areas known as the wildland/urban interface, which is where wildlands and urban or suburban areas meet. Fire hazard is also impacted by factors such as fuel loading, slopes, and weather factors like wind and drought conditions.

To identify fire hazards, the Office of the State Fire Marshal identifies Very High, High, and Moderate Fire Hazard Severity Zones (FHSZs) in accordance with California Government Code Section 51178. The City adopted the 2025 Moderate, High, and Very High FHSZs through Ordinance 2025-11 on September 26, 2025. Figure S-6 shows the FHSZs in the City's jurisdiction, as well as the current locations of fire stations. Figure S-7 shows the land use designations in FHSZs. The San Joaquin Hills and Shore Cliffs are within or adjacent to these areas. Neighboring Crystal Cove State Park, east of Newport Beach, is also characterized as a FHSZ but is within a State Responsibility Area, which means that the State is responsible for maintaining that land and responding to fires in that area. There is also a small portion of northwestern Newport Beach, around Talbert Regional Park and the Frank and Joan Randall Preserve, that is in a Moderate FHSZ. Because urban and wildland fire hazards can impact communities across Newport Beach, fire hazard reduction strategies and limits to new development or redevelopment may be necessary. In Newport Beach, homes located in a FHSZ are subject to certain Building Code regulations related to building materials for new, rebuilt, or significantly remodeled structures. There are also weed abatement, hazard reduction, and fuel modification programs administered by the City that monitor and maintain vegetation in high-risk areas within Newport Beach.[6] Continued attention to fire hazard is important to protect the community.

Fire history is another important factor to consider. Figure S-8 shows the local history of fires within and adjacent to Newport Beach. Of those mapped, the largest fire was the Laguna Beach Fire of 1993, which burned more than 14,000 acres across Crystal Cove State Park, Laguna Beach, Irvine, and Newport Beach; it caused an estimated $528 million in damages.[7] Although fires have occurred in the region in the years since the Laguna Beach Fire, many of these were contained before spreading to such a large area.

Due to increased drought and extreme heat, future projections using statistical models under a high greenhouse gas emissions scenario show that the number of acres burned in California by wildfires may increase by more than 75% for fires not driven by Santa Ana winds, and by 60% for fires driven by Santa Ana winds. Under a moderate emissions scenario, the rate of increase in burn area is projected to slow slightly because cooler conditions typically decrease wildfire risk.

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6 City of Newport Beach. 2023. "Wildland-Urban Interface." https://www.newportbeachca.gov/government/departments/fire/fire-prevention-division/wildland-urban-interface.

7 Orange County Fire Department. n.d. *Orange County Firestorm 1993 October 26–November 4*. https://www.ocfa.org/Uploads/Transparency/OCFA-AAR-Orange%20County%20Firestorm.pdf.

Goal S-7: Reduced and well-managed urban and wildland fire hazards

- **Policy S-7.1:** Maintain Density in Fire Hazard Zones. Prohibit increases in allowed residential density in Very High Fire Hazard Severity Zones. (Imp. 2.1)
- **Policy S-7.2:** Fire Department Development Review. Require that all site plans, subdivision plans, and building plans be reviewed by the Newport Beach Fire Department to ensure compliance with appropriate fire regulations, such as California Fire Safe regulations. (Imp. 6.1, 8.1)
- **Policy S-7.3:** Defensible Space. Continue to enforce vegetation management and defensible space requirements in Very High Fire Hazard Severity Zones pursuant to current statutes and regulations. Provide homeowners with assistance and resources as available. (Imp. 26.1)
- **Policy S-7.4:** Minimize Potential Loss from Wildfires. Promote and incentivize development to occur outside of Very High Fire Hazard Severity Zones. Require development in Newport Beach's Fire Hazard Severity Zones to meet the most recent version of the California Fire Code and California Building Code, and require a Fire Protection Plan that describes ways to minimize potential for loss from wildfire exposure, including project-specific fuel modification methods and maintenance that achieves compliance with State requirements for defensible space. (Imp. 7.1, 8.1)
- **Policy S-7.5:** Sufficient Fire Flow. Require that new developments have adequate fire flow as defined by the most recent California Fire Code to ensure there is sufficient water volume and pressure for firefighting. (Imp. 8.1, 17.1)
- **Policy S-7.6:** Landscape Plans. Landscape plans for Very High Fire Hazard Severity Zones must be reviewed and accepted by the Newport Beach Fire Department prior to installation. These plans will meet current minimum standards required by all applicable statutes and regulations, as well as required by the Newport Beach Municipal Code. (Imp. 7.1)
- **Policy S-7.7:** Community Wildfire Protection Plan. Coordinate with the California Department of Forestry and Fire Protection (i.e., CAL FIRE), landowners, and other allied agencies to develop a Community Wildfire Protection Plan (CWPP) that facilitates the mitigation of wildfire hazards and enhances the protection of life, property, and the environment. The CWPP may consider fire hazard reduction projects and other specific initiatives, for example preparedness education. During CWPP development, consider strategies to ensure long-term maintenance. (Imp. 14.15, 22.1)
- **Policy S-7.8:** Vegetation and Trees. Maintain Newport Beach's urban forest to limit fire hazards. Prioritize vegetation management based on fire pathways and fuel modeling using best available technology. Ensure the City's tree palette excludes flammable trees. (Imp. 16.6, 16.11, 20.1, 23.2)
- **Policy S-7.9:** Insurance Scoring. Maintain Newport Beach Fire Department's high Insurance Services Office Public Protection Classification score. (Imp. 22.1)
- **Policy S-7.10:** Water Department Coordination. Ensure continued coordination between the Newport Beach Fire Department and Water Department regarding fire protection, water supply, and emergency service capacity during new development review and major citywide planning efforts, such as Urban Water Management Plan development. (Imp. 17.1)
- **Policy S-7.11:** Utility Maintenance and Upgrades. Coordinate to ensure maintenance and upgrades of utility infrastructure to reduce fire hazards. Such upgrades could include undergrounding of electric wires, which would also receive regular maintenance. (Imp. 14.11)
- **Policy S-7.12:** Homeowner Insurance. Collaborate with regional partners to limit increases in insurance rates for homeowners, and report to residents on progress. (Imp. 14.3, 14.15)

- **Policy S-7.13:** Firewise USA. Encourage communities to become Firewise USA designated to help communities organize to increase resilience. (Imp. 28.2)

Hazardous Materials Management

Hazardous materials are substances that are toxic, ignitable or flammable, reactive, and/or corrosive. These include substances that are carcinogenic (i.e., cause cancer), can accumulate in the body's tissues (i.e., are bioaccumulative), are persistent in the environment, and/or are water-reactive. Exposure to hazardous materials can cause detrimental short-term and/or long-term health effects. Hazardous materials have the potential to negatively impact public health and safety and degrade the environment if not properly managed. Although hazardous materials are primarily regulated by Federal and State agencies, local governments play a pivotal role in hazard planning, enforcement, and inspection of hazardous waste generators, and in increasing public awareness.

Toxic Releases

According to U.S. Environmental Protection Agency records, there are two facilities in the Newport Beach area that are listed in the Toxics Release Inventory[8]: one near its border with the City of Irvine and one near its border with the City of Costa Mesa. The facilities are Jazz Semiconductor (computers/electronics products) and Hixson Metal Finishing (fabricated materials sector). The California Environmental Protection Agency closely monitors the emissions from these facilities to ensure that their annual limits are not exceeded.

Hazardous Waste

Hazardous waste generators include small-quantity generators and large-quantity generators. Small-quantity generators generate less than 1,000 kilograms of hazardous waste per month, and large-quantity generators generate 1,000 kilograms per month or more.

Approximately 88 small-quantity generators and 17 large-quantity generators operate in Newport Beach. These include pharmacies, gas stations, hospitals, industrial operations, and others.

Underground Storage Tanks

According to data from the State Water Resources Control Board, 97 underground storage tank leaks have been reported in the Newport Beach area over the last approximately 40 years. Of these, 96 sites have been either cleaned up or deemed to be of no environmental consequence, leaving one case that is still open and in the process of remediation.[9] The Orange County Environmental Health Department provides oversight and conducts inspections of all underground tank removals and new tank installations.

Oil and Gas Wells

Gas and oil wells can pose significant risks to human and environmental health due to the potential for leaks of toxic substances. Active wells are regulated by the State Department of Conservation's Geologic Energy Management Division (CalGEM), and idle wells (wells that have not operated for 2 or more years) are addressed through its Idle Well Program, which involves permanently sealing idle wells. More information about State programs can be found at the CalGEM website.[10] More local information about managing oil

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8 https://www.epa.gov/toxics-release-inventory-tri-program.

9 SWRCB (State Water Resources Control Board). 2023. "GeoTracker – Electronic Submittal of Information (ESI)." https://www.waterboards.ca.gov/water_issues/programs/ust/.

10 https://www.conservation.ca.gov/calgem/Pages/Index.aspx.

resources can be found in the "Mineral and Oil Resources" section of the General Plan Natural Resources Element.

Figure S-9, Hazardous Materials, shows the locations of toxic release facilities, hazardous waste generators, the remaining leaking underground storage tank, and oil fields in the Newport Beach area.

Goal S-8: A community protected from impacts of hazardous materials

- **Policy S-8.1:** Soil and Groundwater Assessment. Assess soil and groundwater on sites with known contamination from oil production or other uses prior to redevelopment. (Imp. 11.1, 17.2)
- **Policy S-8.2:** Hazardous Material Coordination. Coordinate enforcement efforts with the County of Orange, California Department of Health Services, Santa Ana Regional Water Quality Control Board, South Coast Air Quality Management District, and any other agencies providing oversight for investigation, remediation, or management of hazardous materials. (Imp. 14.3, 14.15)
- **Policy S-8.3:** Hazardous Waste Disposal. Conduct outreach and engagement to raise awareness about household hazardous waste disposal practices. (Imp. 29.1)
- **Policy S-8.4:** Permitting and Management Databases. Monitor hazardous waste permitting and management databases. Coordinate information across departments to raise awareness. (Imp. 28.1)

Aviation Hazards

Although hazardous incidents associated with air transportation are extremely rare, aircraft accidents have the potential to be severe. The County of Orange owns and operates John Wayne Airport, the only commercial-service airport in Orange County. General aviation, commercial aircraft, and private jets share the airport's runway, terminal, and storage facilities.

John Wayne Airport currently handles approximately 11.3 million passengers annually and approximately 130 commercial flights per day. The airport is located along the northern boundary of Newport Beach, and residential and commercial properties are located directly south of the airport's primary departure pattern for commercial and general aviation aircraft. The airport produces noise in the vicinity of the airport and its general aviation flight path. Additionally, the airport contributes to air pollution in the vicinity of the airport. In special or emergency circumstances, planes may even dump fuel, which can be hazardous near populated areas. This occurred in Cudahy in 2020, although these events are rare and not in line with Federal Aviation Administration procedures, which call for fuel to be dumped over designated unpopulated areas at higher altitudes, allowing fuel to atomize and disperse before reaching the ground.

To the extent practicable, and consistent with the John Wayne Airport Settlement Agreement, there are actions the City can take to influence airport operations and help protect future residents from noise and air pollution.[11] The City's Aviation Committee, which meets quarterly, was formed to assist the City in implementing Council Policy A-17, or Airport Policy, and to continue to advocate for the John Wayne Airport Settlement Agreement, which was extended twice, in 2003 and 2014, as a result of City Council and community groups' efforts. Newport Beach and several other cities located along the airport's arrival and departure corridors have publicly agreed to oppose any expansion of John Wayne Airport, including additional or extended runways, or more commercial aircraft use.

[11] John Wayne Airport. 2024. "Settlement Agreement." https://www.ocair.com/about/administration/settlement-agreement/.

The increase in the use of drones (a small, ground-piloted aerial vehicle) is also recognized as a concern for aviation safety as this technology evolves into the future.

Goal S-9: A community protected from airport-related hazards

- **Policy S-9.1:** Land Use Compatibility. Participate in the planning process for projects related to John Wayne Airport, including any future updates to its Airport Environs Land Use Plan (AELUP). Continue to ensure new development land use intensity and compatibility align with the most currently available AELUP for John Wayne Airport to minimize potential safety impacts on residents. (Imp. 14.3)
- **Policy S-9.2:** Noise and Air Pollution. Continue to advocate for restricting airport expansion or operational changes that could increase noise and/or air pollution. (Imp. 14.3)
- **Policy S-9.3:** Emerging Technologies. Study and consider adopting regulations concerning emerging technologies, such as drones and aerial taxis. (Imp. 8.1)
- **Policy S-9.4:** Aircraft Rescue. Support the provision of aircraft rescue training for first responders. (Imp. 22.1)

Extreme Heat

Extreme heat is an emerging hazard that should be monitored as extreme weather conditions continue to increase, even in a coastal community with cooling offshore winds and many shade-providing trees. Extreme heat days are relative to a location's average temperature, so in Newport Beach, an extreme heat day is considered a day that exceeds 87.5°F. Historically, this happens about 3 days per year, but by 2050 this is projected to occur an average of 11 days per year under a high greenhouse gas emissions scenario (see Exhibit S-1, Extreme Heat Day Projections).[12] As summer temperatures continue to get hotter and heat waves become more common, the City must adapt to changing temperatures to protect the health of its residents and visitors, particularly for vulnerable populations. Strategies such as air conditioning, home weatherization, and increased shade in public areas can help the community stay cool on hot days.

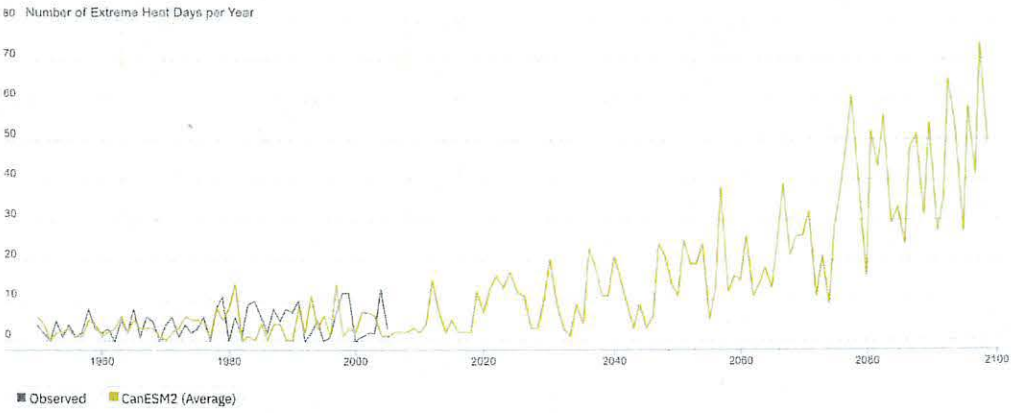
[12] California Energy Commission. 2023. "Cal-Adapt Extreme Heat Days & Warm Nights." https://cal-adapt.org/tools/extreme-heat.

Exhibit S-1. Extreme Heat Day Projections

Newport Beach, California

Projected changes in **Number of Extreme Heat Days per Year** when **daily maximum temperature** is above **87.5 °F** under a **High Emissions (RCP 8.5) Scenario.**

MODELED HISTORICAL Baseline (1961-1990)		FUTURE PROJECTIONS Mid-Century (2035-2064)		FUTURE PROJECTIONS End-Century (2070-2099)	
30 YEAR AVG	30 YEAR RANGE	30 YEAR AVG	30 YEAR RANGE	30 YEAR AVG	30 YEAR RANGE
3 days/yr	0–14 days/yr	15 days/yr	3–38 days/yr	39 days/yr	9–74 days/yr



Source: Cal-Adapt. Data: LOCA Downscaled CMIP5 Climate Projections (Scripps Institution of Oceanography), Gridded Observed Meteorological Data (University of Colorado Boulder), LOCA Derived Products (Geospatial Innovation Facility).

Goal S-10: A built environment adapted to provide relief from extreme heat

- **Policy S-10.1 (R-5.6):** Resilient Cooling Centers. Use reasonable efforts to improve cooling centers with resilience improvements, such as battery backup power and amenities that promote a sense of community and socialization. (Imp. 23.2, 23.4)
- **Policy S-10.2:** New Cooling Centers. Explore potential for additional cooling centers to fill gaps in service. Consider how demand may not be met for vulnerable populations or may not be equitably spaced throughout Newport Beach. (Imp. 23.3, 28.2)
- **Policy S-10.3:** Home Weatherization. Publicize home weatherization programs or other opportunities to adapt homes to higher temperatures. (Imp. 29.1, 29.3)
- **Policy S-10.4 (R-5.8):** Shade Enhancements. Evaluate the availability of shade in parks and the public right-of-way to identify areas that could be enhanced with more shade to improve the user experience on hot days. Public parks and active-transportation corridors should be prioritized for any identified enhancements. To the extent reasonable, evaluation could occur through the development of a Parks Master Plan or similar citywide effort, or through a site-specific project, such as a capital improvement project. (Imp. 20.1, 23.1)
- **Policy S-10.5 (R-5.7):** Cool Pavement. Review cool pavement technology effectiveness and consider a cool pavement pilot program to reduce the effects of extreme heat. (Imp. 16.3)

Emergency Preparedness, Response, and Recovery

The following section discusses Newport Beach's notification system, evacuation system, response plan, mutual aid, shelters and cooling centers, and recovery programs.

Notification System

Communication systems are an essential component of emergency preparedness and response. Alert and warning systems quickly inform the public of imminent dangers. Effective communication systems can help facilitate response efforts, connect people to resources, and educate people about emergency preparedness and response. These systems cover various emergencies and jurisdictional levels and include the Integrated Public Alert and Warning System, the Emergency Alert System, the Wireless Emergency Alert, the California State Warning Center, the National Weather Service, Alert Orange County (AlertOC), Newport Beach Cable TV, and outdoor emergency sirens.[13]

In addition to these, Newport Notified is an alert system managed by the Newport Beach Police Department that is designed to distribute both general and emergency information from the Police Department to the local community. Its primary function is to inform residents about safety-related issues, including traffic updates and community news.

Outdoor emergency sirens, located at strategic sites near the coast, can also be activated in the event of an emergency, such as a tsunami, to signal to residents and visitors to check local TV Channel 3 and radio station 107.9 FM KWVE for further instructions.

Evacuation and Response

Because no two disasters are ever the same, high-quality public safety requires significant planning and preparation to support a variety of needs in a variety of conditions. Public safety must consider facilities, equipment, staff, training, public education, planning, and post-disaster recovery. Adequate planning and preparation lead to strong response and recovery from hazard events, including fires; floods; coastal hazards, such as tsunamis and rogue waves; earthquakes; geologic hazards, such as landslides; and extreme heat.

The City developed and implemented a response plan for evacuation of low-lying areas in the event of a tsunami warning. This effort included installing warning sirens, installing signs identifying evacuation routes, and providing public education training. See the Evacuation Route Analysis, in the Safety Element Existing Conditions and Background Analysis[14] for analysis of evacuation routes, evacuation sites, and maps for both tsunami and wildfire hazard zones.

Cities are required to assess water supply availability in the event of significant fire or geologic hazards. An analysis of "peakload water supply," detailed in the Peakload Water Supply Analysis of the Safety Element Existing Conditions and Background Analysis,[15] indicates that if an earthquake, severe fire, or other catastrophic event impairs the City's water supply or delivery of water, short-term emergency water can be supplied by neighboring water districts. Furthermore, in the event of a drought, Newport Beach has sufficient water supply for multiple years. In the event of a multiple-year drought, the City will implement demand management

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13 City of Newport Beach. 2022. *Emergency Operations Plan*. https://www.newportbeachca.gov/how-do-i/find/disaster-preparedness-information.

14 City of Newport Beach. 2025. *Evacuation Route Analysis*. August 2025.

15 City of Newport Beach. 2025. *Peakload Water Supply Analysis*. August 2025.

measures as part of its Water Shortage Contingency Plan, with more aggressive measures reserved for more severe droughts.[16]

Essential and Public Facilities

The City has essential and public facilities that are important to protect from hazards. Essential facilities are those that are needed in the event of an emergency or during the immediate recovery after an emergency.

Planning and Mutual Aid

The California Emergency Resource Management System relies on a statewide mutual aid organization to provide additional resources to local governments when needed. Newport Beach has entered the California Disaster and Civil Defense Master Mutual Aid Agreement, enabling the City and other public agencies, political subdivisions, and municipal corporations to offer mutual assistance during emergencies.

The Newport Beach Emergency Council oversees the preparedness of City departments. Additionally, the Newport Beach Fire Department is part of the California Fire and Rescue Mutual Aid System, operating under the California Fire Service and Rescue Emergency Mutual Aid Plan. Likewise, the City Police Department is part of the California Law Enforcement Mutual Aid System, operating under the California Law Enforcement Mutual Aid Plan.

The City also has mutual aid agreements with the neighboring Cities of Irvine and Laguna Beach, which establishes procedures to share emergency management personnel, facilities, operational functions, and technology.

The City also plans for hazards through various planning documents that function separate from the Safety Element. For example, the Emergency Operations Plan develops protocols for emergency response, and the Local Hazard Mitigation Plan fulfills Federal requirements.

Recovery Programs

Newport Beach Municipal Code Chapter 15.12 establishes standard City procedures when residents or businesses are making repairs to reoccupy structures damaged in a natural or human-caused hazardous event. This system uses visual inspections and clear and concise placards placed on building entrances to ensure safety for all involved. Recovery efforts in Newport Beach are able to occur more efficiently by having this type of standard established ahead of a disaster.

The City participates in the National Flood Insurance Program, managed by FEMA, which enables property owners to purchase flood insurance. As a condition of participation, the City has adopted and implemented local floodplain management regulations that reduce the risk of future flooding. When FEMA updates flood risk maps, Newport Beach and other participating cities must update their regulations accordingly.

Goal S-11: *Tested and effective communication systems for emergency preparedness and response*

- **Policy S-11.1:** Emergency Communications. Promote Newport Notified as an emergency communications channel in addition to AlertOC, social media, and other communication channels. Coordinate between fire and police departments to streamline notification processes. (Imp. 29.1)

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[16] City of Newport Beach. 2020. *Water Shortage Contingency Plan.* https://www.newportbeachca.gov/government/departments/utilities/water-services.

- **Policy S-11.2:** Communication Testing. Regularly conduct testing of communication protocols with neighboring local governments. (Imp. 14.1)
- **Policy S-11.3:** Interagency Coordination. Coordinate with neighboring local governments and regional agencies ahead of planning improvements to emergency communication systems. (Imp. 14.1, 14.3)
- **Policy S-11.4:** Warning System Improvements. Document experiences with early warning systems after emergency events where they have been used to assess opportunities for improvements. (Imp. 28.2)

Goal S-12: High-quality public safety, emergency preparedness, and response services

- **Policy S-12.1:** Education Program. Conduct public engagement and education for a variety of hazards and emergency resources. Use multiple platforms and methods, including digital options, such as the City's website and social media; physical options, such as flyers and bulletin boards; and in-person methods, such as trainings and tabling at community events. Coordinate with the Community Emergency Response Team (CERT) to recruit volunteers, facilitate public education about hazards, and circulate information on evacuation best practices and notification systems to ensure that residents have the latest information on evacuation routes and centers. Consider methods that vary depending on the expected spatial extent of hazard impacts, such as engaging parts of the community that are most at risk of a respective hazard. (Imp. 29.1)
- **Policy S-12.2:** Neighborhood Emergency Preparedness. Collaborate with homeowner's associations to continue to promote emergency preparedness resources and practices—for example, incorporating a neighborhood-scale buddy system into Community Emergency Response Team (CERT) trainings. (Imp. 29.1)
- **Policy S-12.3:** Tsunami Education. Develop resources for visitors in tsunami zones to quickly communicate evacuation procedures. Consider signage, web resources, and collaboration with local businesses. (Imp. 29.1)
- **Policy S-12.4:** Mutual Aid Agreements. Continue to maintain cooperative and mutual aid agreements with adjoining local governments, the County of Orange, and Federal and State agencies. (Imp. 28.2)
- **Policy S-12.5:** Protocol Testing. Conduct regular testing of emergency operation protocols. (Imp. 28.2)
- **Policy S-12.6:** Local Hazard Mitigation Plan. Update the Local Hazard Mitigation Plan every 5 years in line with Federal and State guidance and incentives. (Imp. 28.2)
- **Policy S-12.7:** Emergency Operations Plan. Review the Emergency Operations Plan every year and revise as necessary. (Imp. 28.2)
- **Policy S-12.8:** Evacuation Centers. Maintain public facilities with equipment and supplies to serve as evacuation centers or shelters. (Imp. 28.2)
- **Policy S-12.9:** Future Lifeguards. Develop and promote an occupational pipeline program for future lifeguards. (Imp. 23.4)
- **Policy S-12.10:** Workforce Housing. Explore opportunities for providing workforce housing for first responders. (Imp. 25.1)
- **Policy S-12.11:** Dam Coordination. Coordinate with the U.S. Army Corp of Engineers, County of Orange, Irvine Ranch Water District, and Serrano Irrigation District to provide input on plans related to the risk of dam failure. (Imp. 14.12)
- **Policy S-12.12:** First-Responder Training. Maintain up-to-date standards for Fire Department trainings and trainings for all first-responders. (Imp. 28.2)

Goal S-13: Evacuation routes and centers that are maintained to provide functionality during hazardous conditions

- **Policy S-13.1:** Interagency Coordination. Collaborate with neighboring local governments and/or regional agencies for future studies of evacuation routes, emergency response capacity, and access points. (Imp. 14.1, 14.3, 14.4, 16.1, 28.1)
- **Policy S-13.2:** New Development Evacuation. When reviewing new discretionary residential developments, enforce the most recent California Fire Code as it relates to roadway design, street addressing, and signage. If the development has only one point of access, consider the potential for additional access points. (Imp. 8.1, 16.6)
- **Policy S-13.3:** Roadway Improvements. During regular road maintenance, or when possible and deemed necessary, improve existing roads to meet standards for minimum road widths, surfaces, grade, radius, and turnarounds as defined by the most recent California Fire Code to ensure emergency vehicle access is possible. (Imp. 16.6)
- **Policy S-13.4:** Development Improvements. When possible and deemed necessary, require non-conforming developments to provide upgrades and maintenance to meet the most recent California Fire Code standards, including road standards and vegetative hazards. (Imp. 26.1)
- **Policy S-13.5:** Evacuation for All Modes of Transportation. Consider feasibility of non-automobile options (e.g., bikes, e-bikes, scooters, boats) when conducting tsunami evacuation planning or studies. Integrate findings into infrastructure planning and outreach. (Imp. 28.2)

Public Safety

For people to feel comfortable and enjoy their communities, it is important that they feel safe. Providing a sense of comfort and safety in the public realm can be achieved through design and development that encourages "eyes on the street." This concept uses place-based design in public spaces to increase community awareness, build social cohesion, improve community bonds, enhance a sense of safety, and increase social interaction. Designing for safety can include regular maintenance of parks, lighting, trash, and streets, which requires a high level of fiscal responsibility. Further, communities with a balanced mix of uses, such as residential, retail, employment, and a diversity of land uses, can draw people at all hours of the day, increasing "eyes on the street" and community safety.

Many aspects of public safety are dealt with by the Police Department, which has its own strategic planning, programs, and actions that are often better suited for adaptable and efficient response than a General Plan's overarching approach. However, components of urban design, such as promoting "eyes on the street," can contribute to a sense of comfort and safety.

Goal S-14: A community where residents, employees, and visitors feel a sense of comfort and safety

- **Policy S-14.1:** Maintained Visibility. Continue to maintain vegetation and trash receptacles in parks and public spaces to ensure sightlines are maintained and spaces are inviting. (Imp. 20.1, 23.2)
- **Policy S-14.2:** Improved Visibility. During plan development and subsequent enhancement projects for parks and public spaces, consider improvements to promote sightlines and appropriate lighting. (Imp. 20.1, 20.3, 23.1, 23.2)

- **Policy S-14.3:** Safety in Regulations. When an emerging safety concern is identified, evaluate the extent of the safety concern, the location of the area of concern, and potential design and development issues that could be addressed through policy and code updates. (Imp. 8.2)

Attachment C

ALUC Determination Letter, dated March 19, 2026

AIRPORT LAND USE COMMISSION
FOR ORANGE COUNTY
3160 Airway Avenue • Costa Mesa, California 92626 • 949.252.5170 fax: 949.252.6012

March 20, 2026

Ben Zdeba, Acting Deputy Director
City of Newport Beach
Community Development Department
100 Civic Center Drive
Newport Beach, CA 92660

Subject: ALUC Determination for Newport Beach Comprehensive General Plan Update (PA2022-080)

Dear Mr. Zdeba,

During the public meeting held on March 19, 2026, the Airport Land Use Commission (ALUC) for Orange County considered the subject item. The matter was duly discussed and with a 5-0 vote (Bresnahan, Hasselbrink Klema, Beverburg, and Hibard), the Commission found the Newport Beach Comprehensive General Plan Update (PA2022-080) to be consistent with the *Airport Environs Land Use Plan for Heliports* and inconsistent with the *Airport Environs Land Use Plan for John Wayne Airport (AELUP)*. The inconsistent finding was based on Section 2.1.1 Aircraft Noise; Section 2.1.2 Safety Compatibility Zones; Section 2.1.4, and PUC Section 21674; and 3.2.1 General Policy.

Please contact me at jfitch@ocair.com or (949) 252-5170 if you have any questions regarding this proceeding. Thank you!

Sincerely,

Julie Fitch, AICP
Executive Officer

cc: ALUC Commissioners

From: Amy Hykes
To: City Clerk"s Office
Subject: Residents deserve a meaningful voice in major land use decisions
Date: April 27, 2026 1:58:22 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

I am deeply concerned about the City Council's approval of high-density housing projects throughout Newport Beach. These decisions have the potential to permanently change the character of our city.

Residents deserve a real voice in major land-use decisions, especially when projects could significantly increase traffic, density, building height, and strain on local infrastructure. Many of us chose to live in Newport Beach because of its quality of life — not because we wanted the congestion and overdevelopment seen in cities closer to Los Angeles.

Mayor Lauren Kleiman ran on a promise to "preserve the quality of life" in Newport Beach. Supporting projects and zoning changes that open the door to large-scale, high-density development does not reflect that promise.

We are asking Newport Beach to take a step back and reevaluate its process, priorities, and commitment to public trust. The Council has approved broad zoning changes, grouped multiple properties together, and changed height and density limits in ways that many residents did not clearly understand at the time. Projects such as the Ford Road development and 300 Newport Center raise serious concerns. Two 270-foot luxury condo towers would dramatically alter the look, feel, and traffic patterns of Newport Beach.

The city should not move forward with major land-use changes through complicated zoning actions that make it difficult for residents to understand what is really being approved. Newport Beach residents deserve transparency, clear communication, and meaningful public input before decisions are made that could reshape the city for generations.

Thanks, Amy Hykes

From: Ad lever
To: City Clerk"s Office
Subject: Public Comment - City Council Meeting 04-28-2026
Date: April 24, 2026 3:07:39 PM
Attachments: Minute Transcription - Partial w slides - City Council Meeting 04-14-2026.pdf

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

Hello,

Please incorporate these materials into the agenda for the meeting of 04/28/2026, associated with the minutes of the 04/14/2026 Council meeting.

Thank you,

Adam

Meeting Minutes - 04/14/2026 City Council Meeting – Partial Transcription
Public Comment & Slides– Non-agenda Items:

https://newportbeach.granicus.com/player/clip/4607?view_id=44&redirect=true
(Starting at approximately 11:14 on the timeline)

Adam Leverenz: Couple slides, Clerk please, page one. Um, the first thing on the top of this slide, is an agenda item from a Harbor Commission Meeting in March. And it was a proposed elimination of mooring length adjustment processes. Now if an individual has say, a 35' mooring, and looks at a 36' boat, they can apply to the Harbormaster, and he'll come out and do an analysis and see if they can be granted an extension, typically coming in 5' increments. I think the fee for that is about $500 if it's granted, and no charge if it's not granted. Um, the Chair of the Harbor Commission, during that March meeting, the top, above the top black bar, is the way the minutes are reflected from that meeting, and it notes that he summarized prior concerns including navigational safety, limited Harbor capacity, public access, impacts, fairness among permit holders, and administrative burden.

Having been at the meeting, that wasn't entirely reflective of what I thought it should be, and the next section of the page is transcribed from the video of that meeting, and Chair Beer said quote, "Newport Harbor is a fully built out Harbor. There is no additional water area to expand into. So increasing mooring lengths effectively reallocates limited public water space to individual permittees. Longer mooring increases navigational risk. Public access to the Harbor is declining. Expanded moorings exponentially reduce available water area for other harbor users, including kayaks, paddleboarders, rowing shells, and other human powered craft. Incremental expansions create long-term crowding. Granting length increases to some permittees effectively grants additional public water space that is not available to others." Close quote.

Members of the public then noted that while those same statements should apply to Residential Pier expansions. And the minutes reflected that Chair Beer closed public comments, and clarified that piers are governed by established project lines, and noted that moorings present different regulatory challenges.

Next page please. I walked into the Harbor Commission meeting last week, and Chair Beer appeared not to like me quoting directly what he said, so he'd submitted additional copy of minutes. Humorously, you'll notice that they're called "Daft minutes". I think that's somewhat appropriate.

Having watched the video more than half a dozen times, the only word that Chair Beer had said, that wasn't in the minutes, is pierhead, in green. Those sections in red, were not said.

I think it problematic, that the Chair of the Harbor Commission, is submitting things into the public record, that may reflect what he wanted to say, but he did not say during the meeting. And this is why, we have the problems in the Tidelands we do now. I've been encouraging you, to listen to people other than the Harbor Commission, and I hope this an example of that. And if you can go ta slide 5.

Most concerning, this is a dock at a Harbor, former Harbor Chairs neighborhood. While they continue to assault the moorings, in all manner of ways, docks at Harbor Commissioner's neighborhoods extend not only beyond the pierhead line, the Federally designated limit. They extend beyond the Project Line, which is where the Army Corps is supposed to be able to dredge to. And just the hypocrisy and entitlement is problematic, and I hope we can move beyond that. Thank you.

6.3) Review and Discuss Proposed Elimination of Mooring Length Adjustment Process

Quoted from: Harbor Commission Regular Meeting Minutes
March 11, 2026
Page 5

"Chair Beer introduced Item 6.3 regarding the discussion of eliminating the mooring length adjustment process in Title 17. He summarized prior concerns, including navigational safety, limited harbor capacity, public access impacts, fairness among permit holders, and administrative burden."

Transcribed from: https://www.youtube.com/watch?v=0Vm8VW77LvQ **(Subject matter starting at 18:46 approx.)**

Harbor Commission Chair Ira Beer: "Newport Harbor is a fully built out Harbor. There is no additional water area to expand into, so increasing mooring lengths effectively reallocates limited public water-space to individual permitees. Longer mooring increases navigational risk… Public access to the Harbor is declining. Expanded moorings exponentially reduce available water area for other Harbor users, including kayaks, paddleboarders, rowing shells and other human powered craft. Incremental expansions create long-term crowding... Granting length increases to some Permitees, effectively grants additional public water-space that is not available to others."

Public Comment then noted that under the conditions stated by Chair Beer, the same fairness arguments applied to residential pier extensions, which continue to be approved. Concern was expressed over inconsistent enforcement. Equal treatment of permit holders was urged.

Harbor Commission Regular Meeting Minutes
March 11, 2026
Page 6

"Chair Beer closed public comments. Chair Beer clarified that private piers are governed by established project lines and noted that moorings present different regulatory considerations."

(1

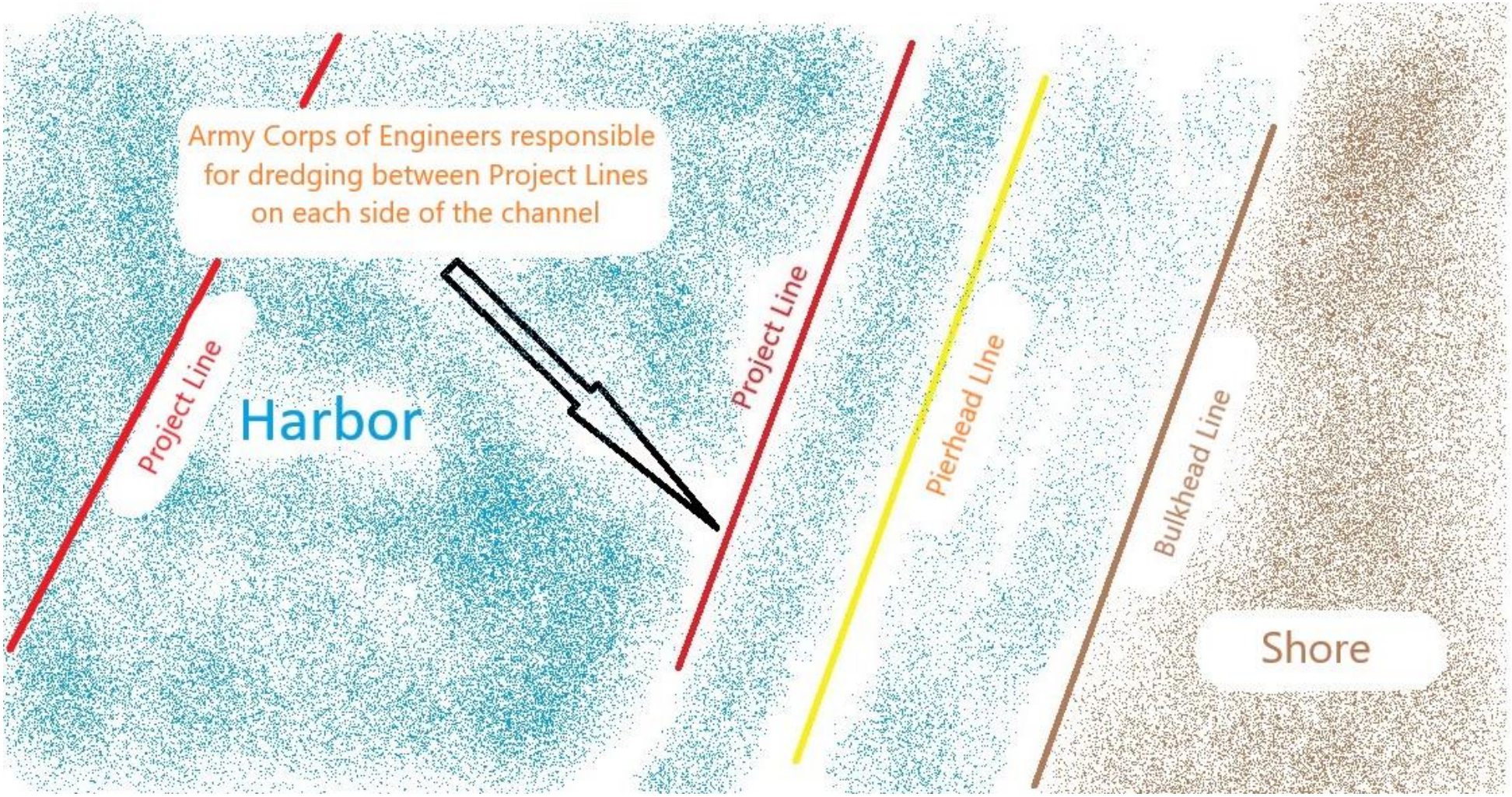
Chair Beer closed public comments.

Chair Beer clarified that private piers are governed in part by City Policy H1, established pierhead and project lines, require a city permit and typically Coastal Commission approval and noted that moorings present different regulatory considerations and are subject to the issuance of a mooring permit or city license to moor a vessel over public tidelands. He suggested that, within the next three months, staff provide a report evaluating whether the City should discontinue accepting future applications for length extensions. He indicated the report could assess harbor capacity, navigational safety considerations, fairness among permit holders, and impacts on public access. He further noted that the report could outline potential policy options, including whether amendments to Title 17 of the Municipal Code would be necessary. He added that any future policy recommendations would return to the Harbor Commission for further review and consideration at a subsequent meeting.

There was no further action taken on this item.

(2

Federally Designated Lines, and Newport Harbor:



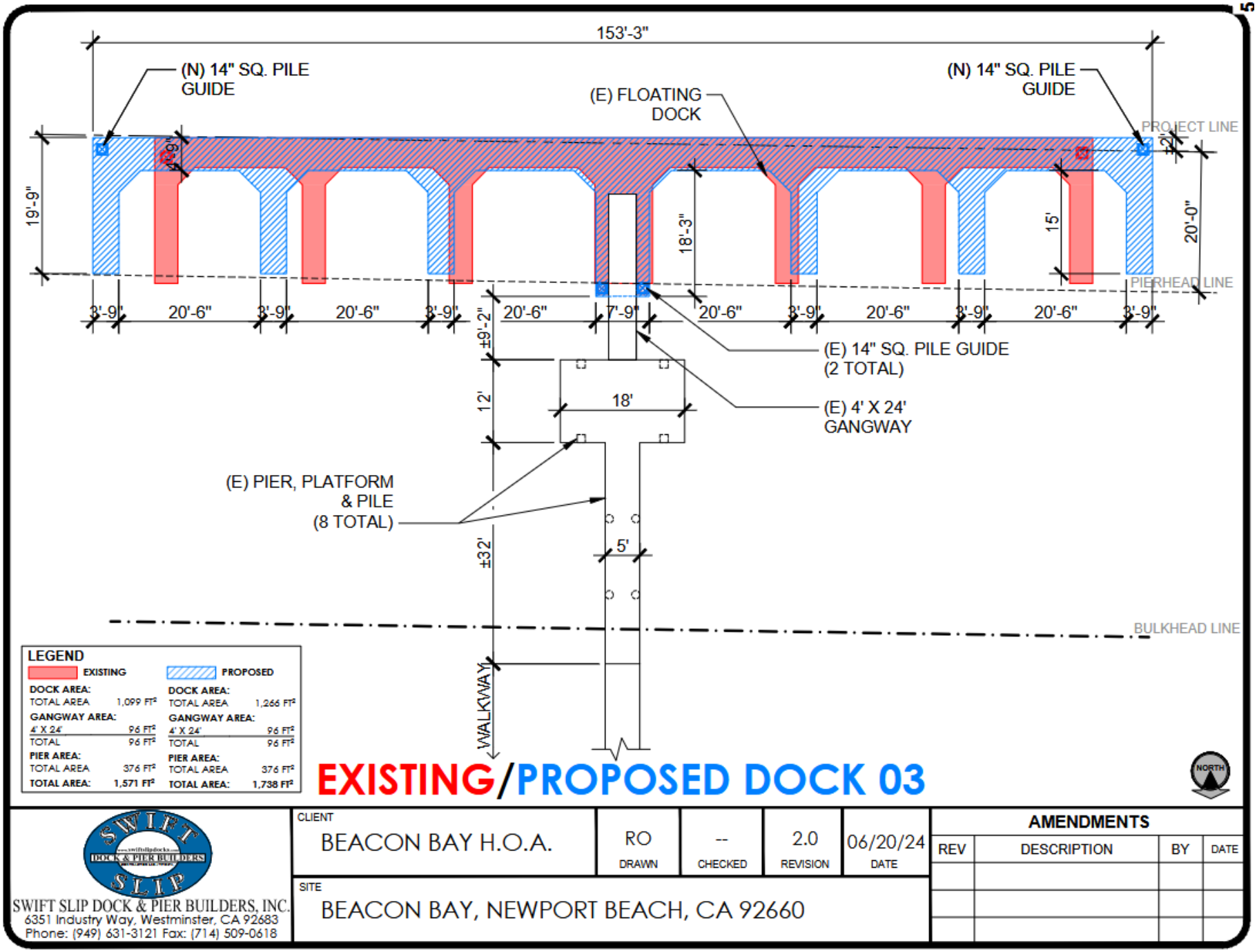
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§ 424. Establishment of pierhead or bulkhead lines in Newport Harbor, California

The Secretary of the Army is authorized and directed to fix and establish pierhead and bulkhead lines, either or both, at Newport Harbor, California, in accordance with plan dated United States Engineer Office, Los Angeles, California, March 25, 1913, and entitled "Newport Bay, California", showing harbor lines, beyond which no piers, wharfs, bulkheads, or other works shall be extended or deposit made, except under such regulations as shall be prescribed from time to time by the Secretary of the Army.

(July 27, 1916, ch. 260, § 3, 39 Stat. 411; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

(4


153'-3"
(N) 14" SQ. PILE GUIDE
(E) FLOATING DOCK
(N) 14" SQ. PILE GUIDE
PROJECT LINE
PIERHEAD LINE
BULKHEAD LINE
19'-9"
18'-3"
15'
20'-0"
±2'
3'-9"
20'-6"
7'-9"
±9'-2"
12'
18'
±32'
5'
(E) 14" SQ. PILE GUIDE (2 TOTAL)
(E) 4' X 24' GANGWAY
(E) PIER, PLATFORM & PILE (8 TOTAL)
WALKWAY
LEGEND
EXISTING
PROPOSED
DOCK AREA: TOTAL AREA 1,099 FT²
GANGWAY AREA: 4' X 24' 96 FT² TOTAL 96 FT²
PIER AREA: TOTAL AREA 376 FT²
TOTAL AREA: 1,571 FT²
DOCK AREA: TOTAL AREA 1,266 FT²
GANGWAY AREA: 4' X 24' 96 FT² TOTAL 96 FT²
PIER AREA: TOTAL AREA 376 FT²
TOTAL AREA: 1,738 FT²
EXISTING/PROPOSED DOCK 03
NORTH
SWIFT SLIP DOCK & PIER BUILDERS
SWIFT SLIP DOCK & PIER BUILDERS, INC.
6351 Industry Way, Westminster, CA 92683
Phone: (949) 631-3121 Fax: (714) 509-0618
CLIENT
BEACON BAY H.O.A.
RO DRAWN
-- CHECKED
2.0 REVISION
06/20/24 DATE
SITE
BEACON BAY, NEWPORT BEACH, CA 92660
AMENDMENTS
REV
DESCRIPTION
BY
DATE

(5

From: Chase Preciado
To: Westmoreland, Liz; Shumway, Lena; City Clerk"s Office
Cc: Rebecca Davis; Hayley Uno; Leslie Reider; Emy Lipkind
Subject: Comment Re: 300 Newport Center Drive Condominiums Project (Project File No. PA2025-0102)
Date: April 27, 2026 3:59:07 PM
Attachments: 2026.04.27 Comment on 300 Newport Center Dr.pdf

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

Dear Mayor Kleiman, Mayor Pro Tem Blom, Honorable Councilmembers, Ms. Westmoreland, and Ms. Shumway:

I hope this email finds you well. Attached please find comments of Supporters Alliance for Environmental Responsibility ("SAFER") related to SAFER's appeal of the 300 Newport Center Drive Condominiums Project (Project File No. PA2025-0102). SAFER's appeal of the Project is scheduled to be considered by the City Council tomorrow at its April 28, 2026 meeting as Agenda Item 14.

Please let me know if you have any questions or concerns. Thank you for your time. Have a wonderful day!

Sincerely,

Chase Preciado (He/Him)
Legal Assistant
Lozeau | Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612
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rebecca@lozeaudrury.com

April 27, 2026

VIA EMAIL

Lauren Kleiman, Mayor
Noah Blom, Mayor Pro Tem
Michelle Barto, Councilmember
Robyn Grant, Concilmember
Joe Stapleton, Councilmember
Sara J. Weber, Councilmember
Erik Weigans, Concilmemver
City Coucil
Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660
planningcommission@newportbeachca.gov

Re: Comment in Support of Appeal on 300 Newport Center Drive Condominiums; April 28, 2026, City Council Agenda Item 14

Dear Mayor Kleiman, Mayor Pro Tem Blom, and Honorable Councilmembers:

This comment is submitted on behalf of Supporters Alliance for Environmental Responsibility ("SAFER"), in support of SAFER's appeal regarding the 300 Newport Center Drive Condominiums project ("Project"), scheduled to be heard by the Newport Beach City Council on April 28, 2026, as Agenda Item 14.

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 City Council grant the appeal and 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 that 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

SAFER respectfully requests the City grant its appeal. 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 at 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 aerosphere 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/DYQwLgvAzFB0BsAGAHAdnqg3MA9gOwgFoBGY1WNGAViwAsBTADwEkATCAJg4E5lMwAlmGD0IAOX0B3AA44ATmAAEAIX0gAxrQA0igMIBBHQFUAyvv4BPaaIAyAeQMAVZnbFA/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 aerosphere 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 m^2 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 m^2 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 m^2 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,



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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***	**Status[1]**	**Occurrence records**
Fulvous whistling-duck	*Dendrocygna bicolor*	SSC1	In region
Brant	*Branta bernicla*	SSC2	Very close
Cackling goose (Aleutian)	*Branta hutchinsii leucopareia*	WL	Nearby
Redhead	*Aythya americana*	SSC2	Very close
Harlequin duck	*Histrionicus histrionicus*	SSC2	Very close
Western grebe	*Aechmophorus occidentalis*	BCC	Very close
Clark's grebe	*Aechmophorus clarkii*	BCC	Very close
Western yellow-billed cuckoo	*Coccyzus americanus occidentalis*	FT, CE	Nearby
Black swift	*Cypseloides niger*	SSC3, BCC	Nearby
Vaux's swift	*Chaetura vauxi*	SSC2	Very close
Costa's hummingbird	*Calypte costae*	BCC	Very close
Calliope hummingbird	*Selasphorus calliope*	BCC	Nearby
Rufous hummingbird	*Selasphorus rufus*	BCC	Very close
Allen's hummingbird	*Selasphorus sasin*	BCC	Very close
Light-footed Ridgway's rail	*Rallus obsoletus levipes*	FE, CE, CFP	Very close
American avocet	*Recurvirostra americana*	BCC	Very close
Black oystercatcher	*Haematopus bachmani*	BCC	Very close
Mountain plover	*Charadrius montanus*	SSC2, BCC	In region
Snowy plover	*Charadrius nivosus*	BCC	Very close
Western snowy plover	*Charadrius nivosus nivosus*	FT, SSC	In region
Long-billed curlew	*Numenius americanus*	WL	Very close
Marbled godwit	*Limosa fedoa*	BCC	Very close
Black turnstone	*Arenaria melanocephala*	BCC	Very close
Red knot	*Calidris canutus*	BCC	Very close
Pectoral sandpiper	*Calidris melanotos*	BCC	Nearby
Short-billed dowitcher	*Limnodromus griseus*	BCC	Very close
Wandering tattler	*Tringa incana*	BCC	Very close
Lesser yellowlegs	*Tringa flavipes*	BCC	Very close
Willet	*Tringa semipalmata*	BCC	Very close
Laughing gull	*Leucophaeus atricilla*	WL	Nearby
Franklin's gull	*Leucophaeus pipixcan*	BCC	Nearby
Heermann's gull	*Larus heermanni*	BCC	Very close
Western gull	*Larus occidentalis*	BCC	Very close
California gull	*Larus californicus*	BCC, WL	Very close
California least tern	*Sternula antillarum browni*	FE, CE, CFP	Very close
Gull-billed tern	*Gelochelidon nilotica*	BCC, SSC3	Very close
Black tern	*Chlidonias niger*	SSC2, BCC	Nearby
Elegant tern	*Thalasseus elegans*	BCC, WL	Very close

Common name	*Species name*	Status[1]	Occurrence records
Black skimmer	*Rynchops niger*	BCC, SSC3	Very close
Common loon	*Gavia immer*	SSC	Very close
Brandt's cormorant	*Urile penicillatus*	BCC	Very close
Double-crested cormorant	*Phalacrocorax auritus*	WL	Very close
American white pelican	*Pelacanus erythrorhynchos*	SSC1	Very close
Least bittern	*Ixobrychus exilis*	SSC2	Very close
Reddish egret	*Egretta rufescens*	BCC	Very close
White-faced ibis	*Plegadis chihi*	WL	Very close
Turkey vulture	*Cathartes aura*	BOP	Very close
Osprey	*Pandion haliaetus*	WL, BOP	Very close
White-tailed kite	*Elanus luecurus*	CFP, BOP	Very close
Golden eagle	*Aquila chrysaetos*	BGEPA, CFP, BOP, WL, NCCP	Nearby
Northern harrier	*Circus cyaneus*	BCC, SSC3, BOP, NCCP	Very close
Sharp-shinned hawk	*Accipiter striatus*	WL, BOP, NCCP	Very close
Cooper's hawk	*Accipiter cooperii*	WL, BOP	Very close
Bald eagle	*Haliaeetus leucocephalus*	CE, BGEPA, BOP	Very close
Red-shouldered hawk	*Buteo lineatus*	BOP, NCCP	Very close
Swainson's hawk	*Buteo swainsoni*	CT, BOP	Very close
Red-tailed hawk	*Buteo jamaicensis*	BOP	Very close
Ferruginous hawk	*Buteo regalis*	WL, BOP	Very close
Rough-legged hawk	*Buteo lagopus*	BOP, NCCP	In region
Zone-tailed hawk	*Buteo albonotatus*	BOP	Nearby
Harris' hawk	*Parabuteo unicinctus*	WL, BOP	Nearby
American barn owl	*Tyto furcata*	BOP	Very close
Western screech-owl	*Megascops kennicotti*	BOP	In region
Great horned owl	*Bubo virginianus*	BOP	Very close
Burrowing owl	*Athene cunicularia*	BCC, CCE, SSC2, BOP	Very close
Long-eared owl	*Asio otus*	BCC, SSC3, BOP	In region
Short-eared owl	*Asia flammeus*	BCC, SSC3, BOP	Nearby
Lewis's woodpecker	*Melanerpes lewis*	BCC	Nearby
Nuttall's woodpecker	*Picoides nuttallii*	BCC	Very close
American kestrel	*Falco sparverius*	BOP	Very close
Merlin	*Falco columbarius*	WL, BOP	Very close
Peregrine falcon	*Falco peregrinus*	BOP, NCCP	Very close
Prairie falcon	*Falco mexicanus*	WL, BOP	Very close
Olive-sided flycatcher	*Contopus cooperi*	BCC, SSC2	Very close
Willow flycatcher	*Empidonax trailii*	CE	Very close
Southwestern willow flycatcher	*Empidonax traillii extimus*	FE, CE, NCCP	In region
Vermilion flycatcher	*Pyrocephalus rubinus*	SSC2	Very close

Common name	*Species name*	Status[1]	Occurrence records
Least Bell's vireo	*Vireo bellii pusillus*	FE, CE	Very close
Loggerhead shrike	*Lanius ludovicianus*	SSC2	Very close
Oak titmouse	*Baeolophus inornatus*	BCC	Nearby
California horned lark	*Eremophila alpestris actia*	WL	Very close
Bank swallow	*Riparia riparia*	CT	Very close
Purple martin	*Progne subis*	SSC2	Very close
Wrentit	*Chamaea fasciata*	BCC	Very close
California gnatcatcher	*Polioptila c. californica*	FT, SSC2, NCCP	Very close
Clark's marsh wren	*Cistothorus palustris clarkae*	SSC2	In range
Coastal cactus wren	*Campylorhynchus brunneicapillus sandiegensis*	SSC1, NCCP	Very close
California thrasher	*Toxostoma redivivum*	BCC	Very close
Cassin's finch	*Haemorhous cassinii*	BCC	In region
Lawrence's goldfinch	*Spinus lawrencei*	BCC	Very close
Grasshopper sparrow	*Ammodramus savannarum*	SSC2	Very close
Black-chinned sparrow	*Spizella atrogularis*	BCC	Nearby
Gray-headed junco	*Junco hyemalis caniceps*	WL	In region
Bell's sparrow	*Amphispiza b. belli*	WL	In region
Oregon vesper sparrow	*Pooecetes gramineus affinis*	SSC2	In range
Belding's savannah sparrow	*Passerculus sandwichensis beldingi*	CE, BCC	Very close
Large-billed savannah sparrow	*Passerculus sandwichensis rostratus*	SSC2	Nearby
Southern California rufous-crowned sparrow	*Aimophila ruficeps canescens*	WL, NCCP	Very close
Yellow-breasted chat	*Icteria virens*	SSC3	Very close
Yellow-headed blackbird	*X. xanthocephalus*	SSC3	Very close
Bullock's oriole	*Icterus bullockii*	BCC	Very close
Tricolored blackbird	*Agelaius tricolor*	CT, BCC, SSC1	Nearby
Lucy's warbler	*Leiothlypis luciae*	SSC3	Nearby
Virginia's warbler	*Leiothlypis virginiae*	WL, BCC	Nearby
Prothonotary warbler	*Protonotaria citrea*	BCC	In region
Prairie warbler	*Setophaga discolor*	BCC	Nearby
Northern yellow warbler	*Setophaga aestiva*	SSC2	Very close
Hepatic tanager	*Piranga flava*	WL	In region
Summer tanager	*Piranga rubra*	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.

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From: Shumway, Lena
To: Farris, Jennifer
Subject: FW: Item #14 - 300 Newport Center Drive Condominiums Appeal
Date: April 27, 2026 2:39:12 PM
Attachments: Response to K. LaCroix Appeal(19400750.pdf
image002.png
image003.png
image004.png
image005.png

Lena Shumway
City Clerk
City Clerk's Office
Office: 949-644-3007

100 Civic Center Dr
Newport Beach, CA 92660

From: Jurjis, Seimone <sjurjis@newportbeachca.gov>
Sent: April 27, 2026 2:32 PM
To: Shumway, Lena <LShumway@newportbeachca.gov>
Subject: FW: Item #14 - 300 Newport Center Drive Condominiums Appeal

For item No. 14

Seimone Jurjis
City Manager
Office: 949-644-3282

100 Civic Center Drive
Newport Beach, CA 92660

From: Matsler, Sean <SMatsler@coxcastle.com>
Sent: April 27, 2026 1:47 PM
To: Dept - City Council <CityCouncil@newportbeachca.gov>
Cc: Harp, Aaron <aharp@newportbeachca.gov>; Murillo, Jaime <JMurillo@newportbeachca.gov>; Westmoreland, Liz <LWestmoreland@newportbeachca.gov>; Canori, Gino <gcanori@related.com>;

Witte, Matthew <matthew.witte@related.com>; Shum, Jonathan <jonathan.shum@related.com>; Morrison, Rich <rimorrison@related.com>
Subject: Item #14 - 300 Newport Center Drive Condominiums Appeal

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

Honorable Mayor Kleiman and Members of the Newport Beach City Council:

This Firm represents Related California with respect to its proposal to redevelop the property located at 210 and 300 Newport Center Drive. The attached letter responds to the claims made in the appeal by Mr. Ken LaCroix.

As explained in the attached letter, Mr. LaCroix' appeal lacks merit and ignores the substantial analysis and information in the record supporting the Planning Commission's findings and approval. It does not raise any substantive issue with respect to (a) the adequacy of the CEQA Guidelines Section 15183 Consistency Review prepared for the Project, (b) the Planning Commission's findings, or (c) the Project's consistency with applicable standards, policies, and goals. For that reason, we respectfully request that the Appeal be denied, and the Planning Commission's decision upheld.

Respectfully,
Sean Matsler

Sean T Matsler

COX CASTLE

Cox, Castle & Nicholson LLP
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Sean Matsler
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April 27, 2026

VIA E-MAIL

Mayor Kleiman and City Councilmembers
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

Re: 300 Newport Center Drive Project (PA2025-0102) – Response to Ken D. LaCroix Appeal

Dear Mayor Kleiman and City Councilmembers:

This Firm represents Related California ("Applicant") with respect to its proposal to redevelop the property located at 210 and 300 Newport Center Drive, Newport Beach, California. The Applicant proposes to demolish the existing 1,134-seat, six-screen movie theater ("Regal Edwards Theater"), 6,400 square foot health/fitness facility, and adjoining surface parking lot, and construct two 22-story residential buildings (the "Project"). The Project was approved by the Planning Commission on March 5, 2026 (Resolution No. PC 2026-004). The Planning Commission's approval was appealed to the City Council by two appellants: SAFER and Mr. Ken D. LaCroix. This letter responds to the claims made in the appeal (the "Appeal") by Mr. LaCroix ("Appellant").

In short, the Appeal lacks merit and ignores the substantial analysis and information in the record supporting the Planning Commission's findings and approval. As demonstrated below, the Appeal does not raise any substantive issue with respect to (a) the adequacy of the CEQA Guidelines Section 15183 Consistency Review prepared for the Project, (b) the Planning Commission's findings, or (c) the Project's consistency with applicable standards, policies, and goals. For that reason, we respectfully request that the Appeal be denied, and the Planning Commission's decision upheld.

* * * * *

Appellant Comment #1:

- Loss of historical arts and culture structure – one of the largest screens in the country – historical significance was not properly analyzed

Response #1

The existing Regal Edwards Theater was evaluated by a highly-qualified professional historian, consistent with Mitigation Measure CUL-1 of the General Plan Housing Implementation Program Final Program Environmental Impact Report ("GPHIP PEIR"), which requires evaluation of any structures exceeding 50 years of age. LSA, the historian, concluded, after a detailed review, that the theater was not a historical resource. First, the Regal Edwards Theater "has been extensively altered, no longer conveys an association with its period of significance (1969-1975), and is no longer representative of its original architectural style." Second, there is no evidence that it is the work of a master architect or builder. Third, although the chain was named after its founder, James Edwards, Mr. Edwards does "not appear to have made any historically important contributions to the movie theater business or local community."

Thus, there is substantial evidence in the record that supports the Planning Commission's finding that the Regal Edwards Theater is not a historical resource. (Pub. Res. Code § 21080(e)(1) [substantial evidence includes "facts, reasonable assumptions predicated on facts, and expert opinion supported by facts"].) The Appellant's arguments to the contrary, which are solely based on opinion, do not provide any evidence to the contrary. That alone (even not accounting for the overwhelming substantial evidence in the record concluding the theater is not historic) disqualifies the Appeal. (*Porterville Citizens for Responsible Hillside Development v. City of Porterville* (2007) 157 Cal.App.4th 885, 900 ["uncorroborated opinion or rumor does not constitute substantial evidence"].)

Appellant Comment #2:

- The CEQA analysis failed to evaluate the negative economic impact this project will have on surrounding businesses – both short-term construction impacts and long-term parking impacts

Response #2

The Appellant asserts, without any evidence, the Project will have negative economic impacts on surrounding businesses. There is no basis for that assertion. First, to the extent that the Appellant is referencing Project construction as the cause for negative impacts, construction is common in urban areas, including Newport Center. There is no direct connection between construction and negative economic impacts, and Project construction would occur with sensitivity to surrounding uses/access (consistent with local requirements). Second, quite to the contrary of

Appellant's assertion, the introduction of high-quality housing in Newport Center is likely to have a positive economic impact, helping to create the vibrant, urban, pedestrian-friendly environment envisioned by the General Plan. (General Plan Policies LU 6.14.5, 6.14.6, 2.2.)

Second, the Appellant asserts the "CEQA analysis" failed to consider such potential impacts. To that issue, CEQA is very clear – "[e]conomic or social effects of a project shall not be treated as significant effects on the environment." ("CEQA Guidelines § 15131(a).) The Project's CEQA analysis properly considered all potential physical environmental changes that could result from the Project.

The Appellant's contention regarding parking are equally unavailing. First, the Appellant presents no evidence of a parking deficiency. In fact, the opposite is true – the Project is appropriately parked, as demonstrated by the Parking Analysis prepared by Gibson Transportation Consulting, Inc. Second, parking is not a CEQA impact.

Appellant Comment #3:

- Various other CEQA issues

Response #3

The comment does not identify any "other" specific issues and, for that reason, does not support the Appeal.

Appellant Comment #4:

- No established objective design standards for high-rise and no qualified staff to review building aesthetics

Response #4

The Appellant's comment ignores the City's Objective Design Standards (ODS), which are applicable to the Project. The Planning Commission's findings, in fact, directly addressed the ODS regarding multi-unit developments and found that the Project, as proposed, was consistent with the ODS. The ODS are exactly as they are described – objective – meaning that consistency is easily assessed. With respect to the high-rise nature of the buildings, the Planning Commission found that the "enhanced vertical modulation [] exceeds the minimum standards of the NBMC" and that "[a]lthough 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."

The Appeal presents no evidence whatsoever in support of its aesthetic criticisms.

Appellant Comment #5:

- The Vesting Tentative Tract Map is unsupported and based on flawed findings

Response #5

The comment identifies no specific allegation, but instead generically assertions (based solely on unsupported opinion) that the Planning Commission's VTTM findings are flawed. An unsupported statement does undermine the Planning Commission's approval, which included 26+ pages of detailed, factually supported findings.

Appellant Comment #6:

- Parking waiver for home offices and retail with no restrictions on guest or employee parking; the parking study does not address where service persons will park – housekeepers, childcare workers, etc.

Response #6

As discussed above in Response #2, Gibson Transportation Consulting, Inc. prepared a detailed parking analysis for the Project. That analysis concluded that proposed parking – 343 spaces – was appropriate to serve the needs of the Project.

The Appellant contends the parking analysis is inadequate for failure to address where housekeepers, childcare workers, and other visitors may park. However, the parking analysis directly addresses where guests of the residents would parking, noting that the project includes 45 spaces for visitors on-site. Those 45 visitor spaces are available to invitees/guests of the residents, including housekeepers, childcare workers, and others.

Appellant Comment #7

- No conditions/parking management plan to address parking by residents and guests within Muldoon's and blocks 200/300

Response #7

The Appellant's comment is unclear. However, it appears that the comment believes the parking analysis fails to analyze resident/guests parking at Muldoon's Irish Pub and surrounding commercial developments. The Project's parking analysis demonstrates that there is adequate on-site parking to accommodate demand from both residents and guests. The Appellant presents no evidence to the contrary.

Appellant Comment #8

- No community benefits provided to justify no affordable housing and no in-lieu fees

Response #8

The Appellant seems to believe that affordable housing, in-lieu fees, or some other community benefits should be imposed on the Project. However, such imposition would be inconsistent with the City's current codes and policies, which (a) do not establish an inclusionary requirement (or in-lieu) fees, and (b) recognize that the construction of market-rate housing has a positive effect on housing supply citywide (and region-wide). The benefits of constructing high-quality housing in Newport Center are also recognized by the General Plan, which emphasizes the importance of housing toward creating the vibrant, pedestrian-friendly environment envisioned at Newport Center. A pedestrian-friendly environment will have multiple benefits, including (a) reducing vehicle miles traveled by locating housing in proximity to commercial/retail uses, and (b) increasing retail viability (and revenue, taxes) by driving patronage from nearby housing.

The Project also provides multiple community benefits. First, it provides 6,284 square feet of publicly accessible open space, which consists of three pocket parks located along Newport Center Drive and San Miguel Drive, as well as a courtyard located at the intersection of those streets. The Project's publicly accessible open space exceeds the code-required open space by approximately 800 feet and will further enhance the pedestrian experience in Newport Center.

The Project will also result in the payment of approximately $8.9 million dollars in parkland dedication fees to the City, which will be used to fund the future development of public parks and recreational facilities throughout the City. The Project also generates approximately $4.8 million in development impact fees to fund the expansion of public facilities, including parks, police facilities, fire stations, and water and sewer infrastructure needed to maintain Newport Beach's high quality of life.

<u>Appellant Comment #9</u>

- Aesthetics not compatible with surrounding uses, the architecture should be timeless

Response #9

The Appellant generically objects to the aesthetics of the Project, but fails to make any specific complaints. The aesthetics of the Project – specifically compatibility with surrounding uses – were thoroughly evaluated by the Project's CEQA Guidelines Section 15183 Consistency Review. That analysis notes, among other things, that the Project "would comply with the applicable development standards addressing scenic quality…." The Project is also consistent with the maximum permitted height of 270 feet, as allowed by the Newport Beach Municipal Code. That height is also consistent with the tone of development in Newport Center, which has multiple

high-rise buildings. Moreover, based on staff's review (and confirmed by the Planning Commission's findings), the Project would "meet or exceed the City's ODS applicable to the Project." The ODS are intended to ensure the highest possible design quality and to provide a baseline standard for all new multi-unit development.

Appellant Comment #10

- No requirements for sales disclosures to include adjacency of existing uses with live music, i.e. Muldoon's/The Firm

Response #10

The Appellant's comment does not appear related to any alleged CEQA analysis inadequacy or inconsistency with applicable policy or standard. There are no requirements for the disclosure requested by Appellant. Furthermore, potential residents of the future towers would be aware of the surrounding urban environment, which includes retail shops, restaurants, a regional mall, and other similar uses. The Project would also be designed consistent with the California Building Code, which includes standards regarding interior noise attenuation design.

Also, the Planning Commission imposed Condition of Approval No. 21, which requires the Applicant to record a deed notification informing future residents that the residential units are located in a mixed-use project/area. Condition of Approval No. 22 similarly requires a written disclosure statement to be provided to owners/tenants prior to any sale or lease of units within the Project. The conditions are pasted below for reference.

21. *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.*

22. *Prior to building permit final, 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.*

Appellant Comment #11

- Lack of compliance with the new Newport Center height overlay

Response #11

The Project is consistent with the maximum height for the project site. On June 24, 2025, the City Council adopted Ordinance No. 2025-10, approving an amendment to Table 2-16 of Section 20.28.050 of the Newport Beach Municipal Code to revise the height limits for several properties within the HO-4 Subarea of the Housing Overlay. With that revision, the maximum height for the project site was increased to 270 feet. The Project is consistent with that maximum height.

Sincerely,

Cox, Castle & Nicholson LLP



Sean Matsler
Of Cox, Castle & Nicholson LLP

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From: Garrett, Errica
To: Dept - City Clerk
Subject: FW: Regis Edwards Condominium project - 300 Newport Center Drive
Date: April 20, 2026 8:46:21 AM
Attachments: image001.png
image002.png
image003.png
image004.png

Errica Garrett
Administrative Assistant
to the Mayor and City
Council
City Manager's Office
Office: 949-644-3004

100 Civic Center Drive
Newport Beach, CA 92660

From: Carol Conover <conovergirlies@gmail.com>
Sent: April 19, 2026 11:36 AM
To: Dept - City Council <CityCouncil@newportbeachca.gov>
Cc: Murillo, Jaime <JMurillo@newportbeachca.gov>; Jurjis, Seimone <sjurjis@newportbeachca.gov>
Subject: Regis Edwards Condominium project - 300 Newport Center Drive

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

I wish to express my deep concern for a few of details on this project:

#1: The reduced amount of parking approved for this site.

I have read the letter requesting a lower number of parking stalls. The required number by code is 389. The planning commission has allowed this project to provide only 343 - a reduction of 46 parking places. They have based this partially on the assumption that guests coming to the cafe and offices (ALL OF THEM) will be multi-tasking and will be parking at Fashion Island or the medical buildings and walking over or riding their bicycles. This is an unreal assumption (DUH!) and they will instead be trying to find parking in the already very busy parking lot of the 5 or 6 office buildings directly to the northeast of this project that the letter identified as free surface parking. That is

completely unfair abuse to those long-time business owners in your city!

By the way, I actually walked from Starbucks in Fashion Island to a movie at Big Newport the other day while my friends moved the car. It was not a terribly pleasant walk. One could easily get run over in the parking lot. Drivers are not looking for pedestrians.

#2 Loss of Open Space

I remember when we were all concerned about the loss of open space. What has happened to the environmentalists? Is it really okay to completely cover up all the ground with concrete and steel? There is a home for sale in my neighborhood that the broker says is not selling because the lot is completely built out and there is not even a place for a dog to pee. So where do the owners of these condos take their dogs multiple times a day? A paved-in courtyard is not sufficient.

#3 Height

You probably knew this was coming. My concern is that this is the FIRST tall building. Every building after these buildings and north of them will need to be taller to maximize the views. Seriously, let's start with 12 stories or thereabouts. We should NOT be starting at 22 stories!

It seems to me it would be rather simple to force the height of these buildings down to a size that can accommodate their code-mandated number of parking stalls. Plus, I would assume that this project doesn't count toward any of the City's required 4500 housing units, does it? I hope you do the right thing.

Carol Conover

From:	Garrett, Errica
To:	Dept - City Clerk
Subject:	FW: PUBLIC HEARING APPEAL TUESDAY, APRIL 28 CITY COUNCIL MEETING 4PM - REGAL CINEMA CONDOS, 300 NEWPORT CENTER DRIVE
Date:	April 22, 2026 7:36:11 AM
Attachments:	image001.png image002.png image003.png image004.png

Errica Garrett
Administrative Assistant to
the Mayor and City Council
City Manager's Office
Office: 949-644-3004

100 Civic Center Drive
Newport Beach, CA 92660

From: Niall Saunders <niall@architectsoc.com>
Sent: April 21, 2026 5:31 PM
To: Murillo, Jaime <JMurillo@newportbeachca.gov>; Dept - City Council <CityCouncil@newportbeachca.gov>
Subject: PUBLIC HEARING APPEAL TUESDAY, APRIL 28 CITY COUNCIL MEETING 4PM - REGAL CINEMA CONDOS, 300 NEWPORT CENTER DRIVE

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

Dear Mr. Murillo and City Council,
For the record I wish to express my opposition to the proposed two residential towers at the Regal Cinema site at Fashion Island. Projects of this magnitude should not be allowed to bypass the Greenlight initiative. Despite the "affordable housing" mandate, the residents of Newport Beach should still be permitted input into such bulky and traffic-heavy developments within their city. Please register my opposition and please implement a general vote on the project, per Greenlight.
Thank you

--
Niall F. Saunders AIA RIBA

Saunders + Wiant Architects
2700 West Coast Highway, Suite 200,
Newport Beach, CA. 92663

Tel: (949) 721 0730
Fax: (949) 721 0767
www.architectsoc.com

April 28, 2026
Non Agenda Item
Correspondence

From: Nancy Kerr
To: Grant, Robyn
Cc: City Clerk"s Office
Subject: Save the garden
Date: April 19, 2026 8:39:21 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

April 19, 2026

Dear Ms. Grant:

Please preserve the Sculpture Garden adjacent to Newport Beach City Hall and do not build a police station on it. This park is a testament to the beauty of California native plants and is a wonderful resource for residents as well as guests to experience the best of California. The park was created because the city leaders allowed a builder to destroy an endangered habitat, a wetland. To make up for this, the city agreed to put in a park with a wetland, which has become the Sculpture Garden. The City of Newport Beach was a forerunner, proving that restoring a degraded habitat with drought tolerant plants can be beautiful. Do not renege on the promise prior councils made. The plants, animals, insects and birds that have made that area home cannot just move elsewhere. Most of the "elsewhere" has been destroyed by houses, asphalt, and offices. Even reducing the size of the park means killing half the flora and fauna. They cannot just crowd closer together—the competition for resources is too strong, most will die. Native bees are at risk of extinction, and they depend on native plants. If we lose pollinators, we lose flowering and fruiting plants and all life on earth depends on plants.

There is a perfectly adequate piece of property on Dove Street, only four miles away, which has already had its native plants destroyed. Put the police department there. I have lived in Eastbluff in Newport Beach for 39 years. The police have always been excellent at doing their job and need an upgraded station.

Do not put the beauty of nature second to yet another boxy building. So much of the native coastal chaparral habitat has been destroyed. Prove that you care about preserving California for future generations. Preserve the native garden. Thank you.

Sincerely,
Nancy Kerr
PO Box 9636
Newport Beach CA 92658

From: Garrett, Errica
To: Dept - City Clerk
Subject: FW: Appeal CCC approval of Housing Layer on Newport Beach Golf Course
Date: April 20, 2026 8:48:10 AM
Attachments: y7x0qdou8rhmekq6rxwmr.png
favicon.ico
image001.png
image002.png
image003.png
image004.png

Errica Garrett
Administrative Assistant
to the Mayor and City Council
City Manager's Office
Office: 949-644-3004

100 Civic Center Drive
Newport Beach, CA 92660

From: Jim Auster <jimauster@hotmail.com>
Sent: April 20, 2026 5:41 AM
To: SouthCoast@coastal.ca.gov; Dulce.Cortez@coastal.ca.gov; executivestaff@coastal.ca.gov
Cc: Jim Auster <jimauster@hotmail.com>; merrilee bliss <merrileebliss@gmail.com>; M. Smith <mws.aspenroyal@gmail.com>; Linda Giedt <lclemensgiedt@gmail.com>; Benny Hallock <bennyhallock@gmail.com>
Subject: Appeal CCC approval of Housing Layer on Newport Beach Golf Course

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

to California Coastal Commission Chairman, Members, and Staff
I hereby appeal CCC 4/17/26 approval of Housing Opportunity Overlay on Newport Beach Golf Course. I submitted opposition letter copied below before 4/10 deadline but there was no staff or member recognition, response, mediation, or modifications to address important issues raised in that letter and in person at CCC 4/17 meeting. Please confirm appeal has been posted, if form is correct, if any additional information is needed, and please confirm my eligibility to file the appeal.,
,
Thank you
Jim Auster
20401 Bayview Ave, Newport Beach CA 92660
9706187692

Link to objection letter submitted 4/10/26 to CCC and southcoast@coastal.ca.gov dulce@coastal.ca.gov executivestaff@coastal.ca.gov



April 7, 2026

To the California Coastal Commission,

I am writing to strongly oppose the proposed approval of the Housing Layer and the rezoning of the Newport Beach Golf Course from its current Recreational Open Space designation to High-Density Housing.

The Newport Beach Golf Course is an invaluable community and environmental asset. Its current zoning as Recreational Open Space safeguards not only the character of the surrounding area but also the ecological balance, open vistas, and natural habitats that are vital to our coastal environment. Rezoning this land for high-density housing would irreversibly damage these resources, strain local infrastructure, diminish public services, and diminish the recreational opportunities that residents and visitors currently enjoy.

High-density development in this sensitive coastal area directly contradicts the principles of the California Coastal Act, which prioritizes the protection of coastal resources, scenic beauty, and public access to open spaces. Approving such a drastic change would set a harmful precedent for the erosion of recreational spaces in favor of urban sprawl, undermining the very mission of the California Coastal Commission.

There are alternative site opportunities with high property owner demand for investment in housing development in areas already designated for urban or residential use that would not compromise the environmental and social value of Newport Beach Golf Course. Preserving this open space is essential to maintaining the quality of life, ecological balance, and coastal character that define our region. The City has not demonstrated that rezoning this land is needed to meet Element Housing required number of units is incorrect. more than enough housing applications are already being processed to meet Newport Beach Element mandate without building it on NBGC within Coastal protection boundary.

A petition to block Surf Park development of middle NBGC parcel was recently signed by 8100 Newport Beach voters and delivered to City Council before 3/24/26 meeting. Council voted 4-3 to approve project but then reversed. Another petition with required 8100 signatures was approved for a community vote to limit housing to the minimum required Element number. NBGC is not needed for housing.

The John Wayne Airport Land Use Commission rejected development of Surf Park on golf course in high noise and hazard impact zone of John Wayne Airport runway. NB Council then over ALUC to approve the project but then reversed approval after 8100 signature public petition required a public vote. ALUC rejected NB revision of noise contour to allow housing in 65 dB zone but NB overrode ALUC. If Overlay is approved ALUC will also reject housing directly under flight path of runway that will make NB taxpayers and CCC potentially liable for enormous crash and noise impacts to housing residents.

Housing on this site requires sewage pumping up to Ness Drive and risks sewage pollution of Back Bay with a power outage. It is also in the tsunami and flood protection zone from historical flooding of Dathi Channel.

Santa Ana Specific Plan enacted when Santa Ana Heights was annexed by NB requires golf course to be permanent, see letter to NB copied below. The only highest safe and best use of this land is to leave it as it is now, golf course low density recreational with no impact to the environment, airport, our community, and the Back Bay.

https://www.google.com/search?q=assemblyn+ph+housing+units+in+pipeline+in+newport+beach+in+next+housing+Element+mandate+for+6th+cycle&ie=UTF-8&oe=UTF-8&hl=en-us&client=safari

City of Newport Beach (.gov) › 3

letter to California Coastal Commission.docx
dropbox.com

Appeal of local CDP decision
Page 2

1. Appellant information

Name: Jim Auster
Mailing address: 20401 Bayview Ave , Newport Beach, CA 92660
Phone number: 9706187692
Email address: jimauster@hotmail.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☒ Submitted comment ☒ Testified at hearing ☐ Other

Save Newport Beach Golf Course started six years ago after the property was listed for Element housing development. We fought and won rejection of four other inappropriate development applications on middle parcel intended by landowners to kill viability of 18 hole NBGC and enable high density high profit housing on front nine south parcel in Coastal zone. This case is about the most appropriate safe beneficial land use being replaced by the most inappropriate dangerous un beneficial use. the I submitted letter to CCC before 4/10 deadline but there was no response from staff or modifications to addres my issues before or at the meeting. I traveled to meeting but had only two minutes to speak. Commissioners and staff seemed uninformed of my letter, seemed unaware of my objections and did not properly discuss these important issues before approving Housing Overlay on NBGC. Landowners Fluter Feinberg Fuerstein will profit $300,000,000, but everyone else loses, front nine of golf course is eliminated, back nine operation on County land is not viable economically without front nine, no runoff protection of Back Bay, no public benefit of proposed access corridor adjoining an existing Back Bay access path, new 50' open space will be used only as front yard to the new high end housing, not by public, no low income housing, no benefit to public, no need of high end housing, potentia sewage flooding to Bay from housing pumped sewage up to Mesa Dr. with power outage.

Except for this appeal all other options are exhausted but if appeal is denied a legal challenge is next option. My comments were ignored and need to be addressed that Newport Beach application claimed housing on golf course was essential to meet 4850 unit quota but have failed to disclose that 5000 units are already in approval pipeline. A public petition referendum will be approved in Nov limiting housing to mandate number. NBGC is no longer needed to meet 4840 unit Element mandate. There was no discussion of that. NB and now CCC are recklessly ignoring Airport Land Use Commission rejection of development directly under JWA fight path with crash risk, 65db, and soot exhaust pollution. There is no exemption from liability for ignoring obvious safety risk with no public benefit but creating an enormous liability risk to local and state taxpayers if CCC Overlay for high end housing under JWA flight path is nor reversed by this appeal and NBGC is removed from Overlay.

2. Local CDP decision being appealed[2]

Local government name: Newport Beach

Local government approval body: City Council

Local government CDP application number: LCP-5-NPB-24-0032-2

Local government CDP decision: [X] CDP approval [ ] CDP denial[3]

Date of local government CDP decision: 4/17/2026

Please identify the location and description of the development that was approved or denied by the local government.

Describe: Application by Newport Beach City Council for Housing Opportunity Overlay high density housing on Newport Beach Golf Course
3100 Irvine Ave
Newport Beach CA 92660

[2] Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

[3] Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the appeal information sheet for more information.

CALIFORNIA COASTAL COMMISSION
KET STREET, SUITE 300
NCISCO, CA 94105-2219
+15) 904-5200
FAX (415) 904-5400

DISCLOSURE OF REPRESENTATIVES

If you intend to have anyone communicate on your behalf to the California Coastal Commission, individual Commissioners, and/or Commission staff regarding your coastal development permit (CDP) application (including if your project has been appealed to the Commission from a local government decision) or your appeal, then you are required to identify the name and contact information for all such persons prior to any such communication occurring (see Public Resources Code, Section 30319). The law provides that failure to comply with this disclosure requirement prior to the time that a communication occurs is a misdemeanor that is punishable by a fine or imprisonment and may lead to denial of an application or rejection of an appeal.

To meet this important disclosure requirement, please list below all representatives who will communicate on your behalf or on the behalf of your business and submit the list to the appropriate Commission office. This list could include a wide variety of people such as attorneys, architects, biologists, engineers, etc. If you identify more than one such representative, please identify a lead representative for ease of coordination and communication. You must submit an updated list anytime your list of representatives changes. You must submit the disclosure list before any communication by your representative to the Commission or staff occurs.

Your Name **Jim Auster**

CDP Application or Appeal Number **LCP-5-NPB-24-0032-2**

Lead Representative

Name **Jim Auster**
Title **organizer Save NBGC**
Street Address. **20401Bayview Ave**
City **Newport Beach**
State, Zip **CA 92660**
Email Address **jimauster@hotmail.com**
Daytime Phone **9706187692**

Your Signature

Date of Signature **04/19/2026**

Appeal of Housing Overlay on NBGC.docx
dropbox.com

April 7, 2026

To the California Coastal Commission,

I am writing to strongly oppose the proposed approval of the Housing Layer and the rezoning of the Newport Beach Golf Course from its current Recreational Open Space designation to High-Density Housing.

The Newport Beach Golf Course is an invaluable community and environmental asset. Its current zoning as Recreational Open Space safeguards not only the character of the surrounding area but also the ecological balance, open vistas, and natural habitats that are vital to our coastal environment. Rezoning this land for high-density housing would irreversibly damage the integrity of the coastline, increase traffic congestion, strain public services, and diminish the recreational opportunities that residents and visitors currently enjoy.

High-density development in this sensitive coastal area directly contradicts the principles of the California Coastal Act, which prioritizes the protection of coastal resources, scenic beauty, and public access to open spaces. Approving such a drastic change would set a harmful precedent for the erosion of recreational spaces in favor of urban sprawl, undermining the very mission of the California Coastal Commission.

There are alternative site opportunities with high property owner demand for investment in housing development in areas already designated for urban or residential use that would not compromise the environmental and social value of Newport Beach Golf Course. Preserving this open space is essential to maintaining the quality of life, ecological health, and recreational opportunities that define our region. Newport Beach claim the Housing Overlay is needed to meet Element Housing required number of units is incorrect, more than enough housing applications are already being processed to meet Newport Beach Element mandate without building it on NBGC within Coastal protection boundary.

A petition to block Surf Park development of middle NBGC parcel was recently signed by 6100 Newport Beach voters and NB reversed approval to avoid a public vote. Housing on golf course will also be opposed by Newport voters.
Another petition with required 6100 signatures was approved for a community vote to limit housing to the minimum required Element number. NBGC is not needed for housing.

The John Wayne Airport Land Use Commission rejected development of Surf Park on golf course in high noise and crash zone directly under the flight path. NB Council over rode ALUC to approve the project but then reversed approval after 6100 signature public petition required a public vote. ALUC rejected NB revision of noise contour to allow housing in 65 db zone but NB overrode ALUC. If Overlay is approved ALUC will also reject housing directly under flight path in crash zone that will make NB taxpayers and CCC potentially liable for enormous crash and noise impacts to housing residents.

Housing on this site requires sewage pumping up to Mesa Drive and risks sewage pollution of Back Bay with a power outage. It is also in the tsunami and flood protection zone from historical flooding of Delhi Channel.

Santa Ana Specific Plan enacted when Santa Ana Heights was annexed by NB requites golf course to be permanent, see letter to NB copied below. The only highest safe and best use of this land is to leave it as it is now, golf course low density recreational with no impact to the environment, airport, our community, and the Back Bay.

https://www.google.com/search?q=nnumber+of+housing+units+in+pipeline+in+nweport+beach+to+meet+Housing+Element+mandate+for+6th+cycle&ie=UTF-8&oe=UTF-8&hl=en-us&client=safari

City of Newport Beach (.gov) +3

- Total Mandate (6th Cycle): 4,845 units, of which 1,456 are for very low-income and 930 for low-income households.
- Pipeline Status: More than 5,000 units are currently in preliminary application stages, with a significant number being apartment developments.
- Buffer Strategy: The city has approved plans for up to 8,174 units (via rezoning/density), intended to serve as a buffer to meet mandates in case projects are canceled.
- Future Developments: A proposed "Responsible Housing Initiative" for the November 2026 ballot aims to cap new housing at 2,900 units, relying on those already in the pipeline to meet the state mandate.

RESIDENTS TO SAVE NEWPORT BEACH GOLF COURSE
March 16, 2026
Mayor Lauren Kleiman & Newport Beach City Council
100 Civic Center Dr
Newport Beach, CA 92660
citycouncil@newportbeachca.gov
Dear Mayor Kleiman & City Council Members,
As you are aware, Santa Ana Heights (SAH) was annexed into the city in two phases, in 2002 the area east of Irvine Ave and 2008 the area west of Irvine Ave. The annexation agreement was memorialized on September 10, 2002 and remains in full force.
SAH was content as a county island and did not seek annexation – the City approached us. We were concerned city government would add another layer of regulation and bureaucracy to our lives while disregarding the unique character of SAH. Our fears have been confirmed.
Residents worked with the City and County for over fifteen years to develop an annexation agreement to maintain the unique characteristics of the area. The Heights includes a winery, equestrian property, traditional residential tracts, estate lots, mansions, 18-hole Newport Beach Golf Course and driving range.
These were hard-fought negotiations that encompassed many complex issues across multiple governmental jurisdictions including the City, County, a redevelopment agency, city, Coastal Commission, Mesa Water District, JWA Settlement Agreement, property tax transfers, and a utility undergrounding district.
As previously noted, the 2002 City/County Santa Ana Heights Annexation Agreement remains a legally controlling document. It specifically requires the City to seek the County's consent for General Plan Amendments – including the City's housing zoning overlay on the golf course. ALUC found the housing overlay INCONSISTENT with the Airport Environs Land Use Element (AELUP) on a 5-1 vote. This is the only attempt the City made to seek County approval, and it failed. As such, the City ignored other considerations of the Santa Ana Heights Annexation Agreement as it relates to the proposed development site south of Mesa Drive.
The unique characteristics of the Santa Ana Heights are codified in the Santa Ana Heights Specific Plan (NB Municipal Code Chapter 21.90, specifically Section 21.90.020 SP-7(OSR) stating "Land Use and development standards for Santa Ana Heights shall be in

accordance with Exhibit 21.90-1, “Land Use Map – Specific Plan District No. 7” and the provisions of this section

The plain language of the codified specific plan and enabling map DOES NOT allow any non-golf course uses like wave pools, Costco, apartments, commercial buildings or anything else – no matter how giddy the property owner, politicians and staff are to kill the golf course.

The city council’s October 29, 2025, Snug Harbor project approval – effectively killing the Newport Beach Golf Course and replacing it with a 15-acre, 10-million-gallon heated wave pool – sought to destroy the unique characteristic of SAH; ignored the Santa Ana Heights Specific Plan, zoning, and Annexation Agreement. In addition, you failed to acknowledge the long history of the underlying restrictive leases with the County and property owner for the long-term use as a golf course and related uses.

We were forced to circulate a successful citywide referendum petition triggering an election for the council’s unanimous Snug Harbor wave pool approval. Over 9600 signatures were collected in just 21 days. We are reminded of the perils of local government.

To your credit, facing the wrath of the community at the ballot box, the Council rescinded the General Plan Amendment approval of 40,000 square feet of commercial buildings on a site zoned for open space and recreation, whose sole purpose and intent is explicitly “to insure the long-term use and viability of the Newport Beach Golf Course” – not concrete.

In 1973 the Irvine Company leased the site to the Lane Family who graded the community golf course that remains today. It is a very challenging parcel for development due to its topography, proximity to JWA, water table, Delhi Channel, and restrictions of the FEMA Zone A flood hazard area. The Irvine Company understood these development barriers in 1973. Nothing has changed in 53 years – except additional binding restrictions of the SAH Annexation Agreement, SAH Specific Plan, zoning code, and Charter Section 423.

The front nine is owned in fee by Newport Golf Club LLC, comprised of long-time Newport residents. They want the highest and best use on a degraded parcel that is restricted for development. As you know, the back nine is owned by the County of Orange (JWA) and serves as the FAA Runway Protection Zone requiring open space and prohibiting permanent structures – in perpetuity.

We respect the private property rights of the respective families and their heirs. We also respect the decades of their investment in our community, both financial and philanthropic. They are an important part of the fabric that makes Newport Beach a vibrant community.

As elected officials you are often asked to balance the needs of the residents and development community. This is one of those moments.

We encourage you to keep an open mind and create a vehicle that preserves the unique character of Santa Ana Heights, while complying with the requisite Santa Ana Heights Annexation Agreement and Specific Plan, zoning code, Charter Section 423 and if necessary calling for a citywide vote for large commercial projects, and respect private property rights and honor the City’s commitment to Santa Ana Heights and the residents of Newport Beach.

Sincerely,

RESIDENTS TO SAVE NEWPORT BEACH GOLF COURSE

Sent to NBGC neighboring Bayview Heights community and NB City Council 4/12

Newport Beach City Council applied to California Coastal Commission for approval of housing overlay that rezones NBGC from recreational open space to high density residential. NB claims development of the golf course is needed and necessary to meet CA Element Housing mandate requiting 4800 units. NB Development Office application pipeline already has 2000 units in Airport Area, 5000 units total, see link below.. Public vote is scheduled in Nov. to limit housing to minimum required required to meet Element mandate. There is no need for any housing or any other development on NBGC open space recreation zone, in Coastal protection zone, in JWA crash zone, in JWA high 65db zone, in flood and tsunami zone, in high traffic zone, adjoining Back Bay wildlife zone, in violation of SAH Specific Plan, etc. Normally legitimate city Council decisions are by law exempt from personal liability claims but council and NB tax payers are not exempt from enormous potential liability for Council's reckless unjustifiable overruling of Airport Land Use Commission's rejection of development in 65db zone and crash zone directly under JWA flight path.

Council members justified their approval of Surf Park as a private property owner's right for highest best and most profitable land use but that was not justified and Surf Park approval has been reversed by public petition. Owners purchased the land from Irvine Ranch for a low price to build the golf course and have had a big return on their investment because golf is the only safe low density highest best appropriate and beneficial use directly under JWA flight path.

If CCC follows their staff recommendation to approve housing in this location I will ask commissioners if there is any purpose of the California Coastal Commission?

Element Housing law exempts all regulations, zoning, existing land uses, environmental impacts, etc, but does not exempt requirement CCC approval of housing overlay . Except for a legal challenge, this may be our last chance to block administrative approval.

I will attend CCC meeting in Gonzoles on Friday. It is past 4/10 deadline to submit public comments but please send any comments, information, exhibits, photos, etc you would like me to add to the presentation.

Sent 4/13 to Seimone Jurgis, Newport Beach Director of Community Development, Assistant City Manager

Dear Seimone

Please send information on the number of housing unit applications being processed by Community Development in Airport Area and citywide, and if number may now exceed number required for NB to comply with Element mandate. If so will Council withdraw CCC housing overlay application based on now baseless claim that housing on NBGC open space is essential to meet Element mandate numbers. If enough housing on other sites is already in the pipeline, especially considering reversal of Surf Park approval and petition for vote to reduce housing numbers, Element mandate is moot, application is inaccurate and obsolete, and there is no public support to proceed with CCC application for housing on NBGC. If not withdrawn but approved by CCC housing overlay will be challenged in court.

Jim Auster

20401 Bayview Ave

9706187692

https://www.google.com/search?q=nnumber+of+housing+units+in+pipeline+in+nweport+beach+to+meet+Housing+Element+mandate+for+6th+cycle&ie=UTF-8&oe=UTF-8&hl=en-us&client=safari

City of Newport Beach (.gov) +3

- Total Mandate (6th Cycle): 4,845 units, of which 1,456 are for very low-income and 930 for low-income households.
- Pipeline Status: More than 5,000 units are currently in preliminary application stages, with a significant number being apartment developments.

Buffer Strategy: The city has approved plans for up to 8,174 units (via rezoning/density), intended to serve as a buffer to meet mandates in case projects are canceled.

- Future Developments: A proposed "Responsible Housing Initiative" for the November 2026 ballot aims to cap new housing at 2,900 units, relying on those already in the pipeline to meet the state mandate.

From: Garrett, Errica
To: Dept - City Clerk
Subject: FW: Relocation of the Police Station
Date: April 20, 2026 12:25:42 PM
Attachments: image001.png
image002.png
image003.png
image004.png

Errica Garrett
Administrative Assistant
to the Mayor and City
Council
City Manager's Office
Office: 949-644-3004

100 Civic Center Drive
Newport Beach, CA 92660

From: ljordon2@cox.net <ljordon2@cox.net>
Sent: April 20, 2026 12:19 PM
To: Dept - City Council <CityCouncil@newportbeachca.gov>
Subject: Relocation of the Police Station

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

The relocation of our police department headquarters should be a "Greenlight" vote of the Newport Beach residents. The "approval decision" of this project is too controversial and too large an expenditure to just be left to a majority vote of the Newport Beach City Council. At a **minimum** this issue requires wide-spread notification to the residents of the pros and cons of all the options and their costs, as well as publicized open hearings/meetings. Newport Beach residents expect and deserve openness from their elected officials, particularly on expensive projects like this that impact the design and over-all livability of our community. Thank you for your consideration of my request for more openness. J. Jordon

From: Garrett, Errica
To: Dept - City Clerk
Subject: FW: DO NOT MOVE POLICE STATION TO THE PARK
Date: April 27, 2026 7:40:11 AM
Attachments: image001.png
image002.png
image003.png
image004.png

Errica Garrett
Administrative Assistant
to the Mayor and City
Council
City Manager's Office
Office: 949-644-3004

100 Civic Center Drive
Newport Beach, CA 92660

From: Judy Weightman <judyweightman@yahoo.com>
Sent: April 26, 2026 9:52 PM
To: Dept - City Council <CityCouncil@newportbeachca.gov>
Subject: DO NOT MOVE POLICE STATION TO THE PARK

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

Absurd idea. Inappropriate location. Destroy a park?
Please find another way,

Thanks
Judy Weightman

From: Ad lever
To: City Clerk"s Office
Subject: City Council 04/28/2026 Public Comment - Non-agenda
Date: April 27, 2026 11:32:19 AM
Attachments: e-mail - Blom and Stapleton 04-2026 - Re Tidelands Mgmt.pdf

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

Hello,

Please incorporate these materials into the agenda for the meeting of 04/28/2026, associated with public comments, non-agenda items.

Thank you,

Adam

From: Ad lever <adlever@hotmail.com>
Sent: Thursday, April 23, 2026 10:27 AM
To: nblom@newportbeachca.gov <nblom@newportbeachca.gov>;
jstapleton@newportbeachca.gov <jstapleton@newportbeachca.gov>
Subject: Tidelands Management Ad Hoc

Good day Gentlemen. Sending that below again :)

From: Ad lever <adlever@hotmail.com>
Sent: Thursday, April 16, 2026 1:05 PM
To: nblom@newportbeachca.gov <nblom@newportbeachca.gov>;
jstapleton@newportbeachca.gov <jstapleton@newportbeachca.gov>
Subject: Tidelands Management

Mayor Pro Tem Blom, and Councilmember Stapleton,

Instances of your “abundance of caution” at points during the City Council Meeting of 04/14/2026 were appreciated. Thank you for acting in that manner.

I’ve recently been trying to convey to you through City Staff, and at public meetings, that in relation to the City’s management of State Public Trust Tidelands, and the associated State level review/monitoring of same right now, possible solutions may exist, which have not yet been fully recognized, advanced, or contemplated at the City level.

Given the many very important aspects of these matters, and the broad ranging implications, I would ask that we find time to meet, so that these solutions can, at the very least, be made more completely detailed for each of you. Most of what I tend to lay out, is supported by the record, and were you feel that you could rely on facts I state, I expect that progress could be made in perhaps 30 minutes to an hour. On the other hand, if you’d prefer that I prove with documentation/video/audio, etc., that you can rely on what I say, more time, and/or a series of interactions would be required. I am open to either scenario, and simply seek to inform. I hope that you will agree, that informed decisions make for better decisions.

With two or three days of advance notice, I should be able to accommodate the when and where of your schedules.

Thank you, take care,

Adam

From: Jim Mosher
To: City Clerk"s Office
Cc: Dept - City Council
Subject: Comments on Council agenda items (4/28/2026 meeting)
Date: April 27, 2026 4:07:29 PM
Attachments: 2026-04-28_CC_Agenda_Comments_JimMosher.pdf

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

Madam Clerk,

Please find attached some written comments regarding selected items on tomorrow's Newport Beach City Council agenda.

Yours sincerely,

Jim Mosher

April 28, 2026, City Council Agenda Comments

The following comments on items on the Newport Beach City Council agenda are submitted by:
Jim Mosher (jimmosher@yahoo.com), 2210 Private Road, Newport Beach 92660 (949-548-6229)

Item II. STUDY SESSION: Introducing the Newport Beach 2050 General Plan (PA2022-080)

The last comprehensive General Plan update, in 2000-2006,[1] included revisions to the Housing and Circulation Elements as integral parts of the effort.

While the present effort differs in that those elements were regarded as separate matters approved in 2022, the difference in Council and public interest in the remainder of the proposed new General Plan is stunning.

The preamble to the former General Plan Update adopting Resolution No. 2006-76 lists 15 Planning Commission meetings and 17 Council meetings as it progressed through the GPAC process, and another 10 Planning Commission hearings and 8 Council hearings after the GPAC wrapped up its work with a recommendation at its March 13, 2006, meeting.[2] The Planning Commission and Council meetings went over every Element and most policies in depth, and video records of the last 12 months of Council meetings, which were generally long and well-attended, survive.

By contrast, this first Council study session, to be followed by a single hearing on June 23, was preceded by a brief Planning Commission review of the Land Use and Safety Elements, followed by a single Planning Commission study session and hearing on the complete final GPAC recommendation, each lasting barely 15 minutes.

For what it may be worth, I submitted some written comments at the April 23 Planning Commission hearing, at which I believe I was the only member of the public in attendance. I have not had time to expand on them since.

PUBLIC COMMENTS ON AGENDA AND NON-AGENDA ITEMS

I continue to miss the CIty providing printed copies of Council agenda materials for the public to study, and have to refer to at the meetings, as most other City bodies continue to do.

The experience of seeing materials in printed form is quite different from that of seeing them only on electronic devices. In my experience, the latter discourages relevant participation in the meetings. It certainly complicates preparing these comments, which are significantly less thorough than they would formerly have been.

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[1] Records of the meetings of the earlier General Plan Advisory Committee from 2002-2006 are part of the City's Boards & Commissions archive. If the meetings of the General Planning Update Committee, which began "steering" the process before that (see Resolution No. 2000-45), are archived, it is not obvious where.

[2] Unfortunately, as often happens with limited term committees, minutes of the final meeting do not seem to exist.

Item 4. Resolution No. 2026-23: Undergrounding Utility Assessment Loan Program

It is surprising to me that this significant new program does not come to the Council with a recommendation from the Finance Committee.

And given the Council's recent interest in having more public discussion of financial matters, it is even more surprising it is scheduled on the Consent Calendar, where, if it proceeds as planned, it will be approved with no discussion at all, and not even the item title will be publicly announced.

Regarding the proposed program, on page 2, it does not seem to me that the sorts of documentation described would be adequate to establish an applicant's assets. For example, a tax return would not reveal stock ownership unless the stock paid dividends.

Item 5. Resolution No. 2026-24: Approving a Legislative Platform

Many of the planks in the current and proposed legislative platforms support legislation that enhances local control and oppose legislation that reduces it.

While I'm sure the state and federal legislative bodies will be interested in hearing this, are there really a lot of California cities that take the opposite position, seeking to have bills passed that will reduce their power?

Item 13. Planning Commission Agenda for the April 23, 2026, Meeting

The Council may notice from the Planning Division's Tentative Agenda (which does not seem to be part of the currently posted single-file Agenda Packet) that between now and when it will be asked to approve a comprehensively revised General Plan on June 23, only two of their four meetings have any items scheduled. One might wonder why the Council would not want them to use some of that downtime to more carefully review the proposed General Plan revisions, especially since two of the Commissioners were absent from the one 17-minute long review they did conduct on April 23.

Item 14. Resolution No. 2026-26: 300 Newport Center Drive Condominiums Appeal (PA2025-0102)

I think the public's consternation is understandable regarding the Planning Commission's approval of a project very similar to the Council's approval of the same developer's "Museum House," which was rescinded by the Council in 2017 in response to a voter initiative against it (see Item 15 from February 28, 2017).

Since, like that, it involves a drastic change in land use, one might have expected the entire proposal for land use change and project approval to have come before the Council for public consideration as a complete package. Instead, it has been pursued in a piecemeal fashion evading proper public knowledge or close environmental scrutiny of what might change.

That tortured history is only partially disclosed in the March 5 Planning Commission staff report, which is only linked to in the present one.

In particular, it seems important to note this property has never, to the best of my knowledge, been recognized in our General Plan as a site needed to meet our RHNA requirements. It is not recognized as a "Housing Opportunity" site in the Housing Element.

Instead, when the "Housing Overlay Districts" implementing the opportunity sites were added by ordinance to the Zoning Code, it and a couple of other sites were rather surreptitiously included – even though there was no prediction of how many units in what income categories it was intended to support, making a "no net loss" evaluation of the present approval difficult, if not impossible. One had to dive deep into the map accompanying Ordinance No. 2024-16 to discover that sites not in the Housing Element, including the Edwards Cinema property, had been slipped into the EIR and added to the overlay map being approved.[3]

Then last year (see Item 18 from the June 10, 2025, Council meeting) the height limit for the property was drastically increased from 32 to 270 feet, not as a project-specific consideration, but as part of a more generalized change to height limits on a variety of properties in Newport Center and other locations, said to be necessary to make feasible construction of the housing being required by the state. However, what the height increase made possible was the large luxury units presently being proposed, which are *not* being required by the state.Keeping the original height limit would actually have served as an incentive for the affordable workforce housing that *is* being required by the state, because only if affordable (as opposed to luxury) housing was being proposed could a height waiver sufficient to make it feasible have been demanded.

Because of the large number of properties potentially impacted by these overlays and height increases, notices of these meetings were not mailed to surrounding neighbors. Instead, notice was confined to an obscure ad in the print edition of the *Daily Pilot*.

These little-noticed Council pre-approvals left the full project needing only a Planning Commission sign-off, and I believe it is this lack of any clear and transparent airing of major land use changes that is the source of much of the public's current frustration – being told, now, that, unknown to them, what they might object to was previously approved, leaving no further recourse.

Regarding the adequacy of the CEQA analysis, the Council may wish to be aware of the recently California Court of Appeals opinion in *SAVE OUR ACCESS v. City of San Diego*, 115 Cal. App. 5th, 388, which found a generalized program environmental impact report was not an adequate substitute for a more substantial review of the potential impacts of major height limit increases.

[3] I could have missed it, but I am unable to find anything in the July 23, 2024, staff presentation warning that the overlay maps being presented for approval included opportunity sites not identified in the previously-approved Housing Element. Likewise, I see nothing about new sites being added in the September 24, 2024, staff presentation, when the ordinance returned for adoption. Instead, the presentations focused on what was claimed to have been an extraordinary amount to public engagement.

Item 15. Resolution No. 2026-25: Notice of Intent to Override Orange County Airport Land Use Commission's Determination of Inconsistency for the Comprehensive General Plan Update (PA2022-080)

It is unusual, as is the case here, for the Airport Land Use Commission to review an item before the local Planning Commission has made a recommendation about it.

It is also unusual that the staff report spends some time on the history and process for overriding the ALUC's finding of inconsistency with the AELUP for JWA, but as best I can tell, does not disclose what they found inconsistent.

I believe, as explained in the accompanying Resolution of Intention, the controversy centers around the City's insistence on using for planning purposes noise contours that differ from those specified in the AELUP. The City's preferred contours are those shown in Figure N-3 of the proposed General Plan Update that is the subject of today's Council study session.

The City's skepticism about the AELUP contours is justified, since they were computed in around 1985 to project what conditions would be like in 2005. Any resemblance to the current or future reality might be expected to be largely coincidental.

On the other hand, the CIty's preferred contours also have their problems. For one, they are not compliant with state law[4] which requires General Plan Noise Elements to identify both current and projected future contours. Figure N-3 is, without further explanation, labeled "2014 Settlement Agreement Airport Noise Contours." ALUC staff assumed it represented the contours observed in 2014. I believe it shows the contours projected in 2014 for when the Agreement ends on December 31, 2030.

Additionally, the footnote at the bottom of page 5 of 11 of the proposed resolution, quoting from the EIR containing the contours and saying "*Airport noise contours were generated using the INM Version 7.0d. The latest version, INM Version 7.0d, was released for use in May 2013 and is the state-of-the-art in airport noise modeling*" is misleading. The INM modeling software is no longer the state of the art. It was superseded in 2015 by something called AEDT, which has itself gone through many generations since. Additionally, since the 2014 Agreement and EIR related to commercial jets, it is unclear if the modeling included the effects of the smaller piston planes, which are frequently a matter of controversy regarding noise in what the City calls "the Airport Area" (and where neither JWA nor the City collect actual measurements to verify the predictions). Also, for reasons unknown to me, City staff refuses to include in the Noise Element the current JWA noise contours, even though they are publicly posted by the airport and including them is a requirement of state law.

By shear coincidence, when the actual measured 2025 contours are compared to the disputed planning contours, the 1985 projections for the location of the 65 db CNEL contour in the vicinity of Mesa Drive are much closer to the current reality[5] there than the 2014 projection, which

[4] Government Code Section 65302(f)

[5] The agreement is unique to that contour and that area. At other locations and other noise levels, the 1985 projections are a poor match to the current reality as reported by the airport.

underestimates the aircraft impacts there, but overestimates them in the area to the east of the runway.

In short, neither agency (the ALUC or the City) has an easily defensible reason for basing planning decisions on the aviation noise contours it uses (which may change significantly when alternate modes of air transportation become common).