CITY OF NEWPORT BEACH
PLANNING COMMISSION AGENDA

Council Chambers -100 Civic Center Drive

Thursday, July 17, 2025 - 6:00 PM

Planning Commission Members:

Mark Rosene, Chair
Tristan Harris, Vice Chair
David Salene, Secretary
Curtis Ellmore, Commissioner
Michael Gazzano, Commissioner
Jonathan Langford, Commissioner
Greg Reed, Commissioner

Staff Members:

Seimone Jurjis, Assistant City Manager / Community Development Director
Jaime Murillo, Deputy Community Development Director
Brad Sommers, City Traffic Engineer
Yolanda Summerhill, Assistant City Attorney
Clarivel Rodriguez, Administrative Assistant

NOTICE TO THE PUBLIC

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. The agendas, minutes, and staff reports are available on the City's website at: http://www.newportbeachca.gov and for public inspection in the Community Development Department, Planning Division located at 100 Civic Center Drive, during normal business hours.. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at 949-644-3200.

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally three (3) minutes per person. All testimony given before the Planning Commission is recorded.

Under the Levine Act, Section 84308 of the Government Code, a party to a proceeding before the City involving a 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 two hundred fifty dollars ($250) 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.

Please Note: You can submit your questions and comments in writing for the Planning Commission to consider by mailing or delivering them to the City of Newport Beach Planning Commission at 100 Civic Center Drive, Newport Beach CA, 92660. Alternatively, you can send them by electronic mail directly to Commissioners at planningcommission@newportbeachca.gov. Each Commissioner and staff will receive your message directly. Pursuant to Planning Commission procedures, please submit your written comments no later than 5:00 p.m. on Wednesday the day before the meeting in order to give Commissioners adequate time to review your submission.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant of this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Clarivel Rodriguez in the Community Development Department prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3232 or crodriguez@newportbeachca.gov).

APPEAL PERIOD: Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan, Zoning, and Local Coastal Program Amendments are automatically forwarded to the City Council for final action.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. ELECTION OF OFFICERS

1. ELECTION OF OFFICERS

Summary:

The Planning Commission's adopted rules require the election of officers at its annual meeting, which occurs at the first meeting of July each year, unless continued to a future meeting. Officers include the Chair, Vice Chair, and Secretary and they would serve for a one-year term.

Recommended Actions:

1. Find this action not subject to the California Environmental Quality Act (CEQA) pursuant to 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;

2. Nominate Planning Commission officers consisting of Chair, Vice Chair, and Secretary; and

3. Appoint the officers by majority approval of a motion either individually or as one motion for all positions.

V. 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.

VI. REQUEST FOR CONTINUANCES

VII. PUBLIC HEARING ITEMS

Speakers must limit comments to three (3) minutes on all items. Before speaking, please state your name for the record and print your name on the blue forms provided at the podium.

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

2. TRACY RESIDENCE VARIANCE (PA2023-0200)
Site Location: 1020 White Sails Way

Summary:

A request for a variance to allow an addition to an existing single-unit dwelling to encroach into the required 50-foot front setback. Specifically, the applicant requests to construct a new attached three-car garage that will encroach 29 feet into the front setback with a roof overhang that encroaches 31 feet into the front setback and a new bedroom addition that will encroach 13 feet into the front setback. The project also includes a new basement level vestibule, machine room, and elevator attached to the three-car garage that does not encroach into the front setback. The proposed garage would replace the existing two-car garage and would be located below the existing grade. The existing two-car garage would be converted into living space. The project also includes the removal of several existing unpermitted structures including a detached storage room, walls, fences, stairs, and other accessory structures that were constructed without the benefit of a building permit. No other deviations to the development standards are proposed.

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) and Section 15305 under Class 5 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and

3. Adopt Resolution No. PC2025-013, approving the Variance filed at PA2023-0200.

Item No. 2 Staff Report
Attachment 1 - Draft Resolution with Findings and Conditions
Attachment 2 - Applicant's Justification and Findings Letter
Attachment 3- Harbor View Hill Comm Assoc and Architectural Desing Committee Approval Letters
Attachment 4 - Project Plans

3. ACCESSORY DWELLING UNIT ORDINANCE (PA2025-0093)
Site Location: Citywide

Summary:

Amendments to Title 20 (Zoning Code) and Title 21 (Local Coastal Program Implementation Plan) updating regulations pertaining to Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) to conform with revisions to Government Code Sections 66310 through 66342 that went into effect on March 27,

2024, and January 1, 2025.

Recommended Actions:

1. Conduct a public hearing;

2. Find this project statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15282(h) of the CEQA Guidelines, which states that the adoption of an ordinance regarding second units to implement the provisions of Sections 66310 through 66342 of the Government Code are exempt from the requirements of CEQA and pursuant to CEQA Guidelines Section 15265(a)(1), local governments are exempt from the requirements of CEQA in connection with the adoption of a Local Coastal Program;

3. Adopt Resolution No. PC2025-014, recommending the City Council approve PA2025-0093, including the Zoning Code Amendment and the Local Coastal Program Amendment (LCPA) and authorize staff to submit the LCPA to the California Coastal Commission (CCC).

Item No. 3 Staff Report
Attachment 1 - Draft Resolution
Attachment 2 - ADU Ordinance Summary Matrix
Attachment 3 - Title 20 Proposed Code Changes
Attachment 4 - Title 21 Proposed Code Changes
3a_Additional Materials Received_CalHDF_PA2025-0093

4. COYOTE CANYON LANDFILL-GAS-TO-ENERGY (PA2022-063)
Site Location: 20662 Newport Coast Drive

Summary:

A request for a conditional use permit to allow the construction and operation of a new renewable natural gas processing plant and pipeline interconnection facility. The facility would convert landfill gas from the closed Coyote Canyon Landfill into a pipeline-quality natural gas equivalent, which would be transferred into SoCal Gas infrastructure through an existing onsite tie-in point. Additional project components include a new control room building, new internal access routes, utility upgrades including installation of an additional fire hydrant, a water tank, a septic tank, a storm drain for off-site disposal of stormwater, and new underground power and telecommunication lines. The facility would operate 24 hours a day, seven days a week, with one scheduled annual shutdown for maintenance. Existing onsite telecom facilities approved under PA2016-091 (SCH No. 2016081012) would remain in place and be unaffected by this application. This project was originally noticed for a Planning Commission meeting on May 22, 2025, and was removed from calendar. There have been no changes to the project since the previous Notice of Public Hearing.

Recommended Actions:

1. Conduct a public hearing; and

2. Adopt Resolution No. PC2025-008, adopting the Mitigated Negative Declaration (SCH NO. 2024120012) and approving the Conditional Use Permit filed under PA2022-063.

Item No. 4 Staff Report
Attachment 1 - Draft Resolution
Attachment 2 -Visual Simulations
Attachment 3 - Project Plans
Attachment 4 - Conceptual Fuel Modification Plan
Attachment 5 - ABJ&C Comment Letter dated 05-21-2025
Attachment 6 - Response to ABJ&C Comment Letter
Attachment 7 - Preliminary Site Consequences Analysis

VIII. STAFF AND COMMISSIONER ITEMS

5. MOTION FOR RECONSIDERATION

6. REPORT BY THE COMMUNITY DEVELOPMENT DIRECTOR OR REQUEST FOR MATTERS WHICH A PLANNING COMMISSION MEMBER WOULD LIKE PLACED ON A FUTURE AGENDA

7. REQUESTS FOR EXCUSED ABSENCES

IX. ADJOURNMENT

CITY OF NEWPORT BEACH
PLANNING COMMISSION STAFF REPORT

July 17, 2025
Agenda Item No. 2

SUBJECT:	Tracy Residence Variance (PA2023-0200) ▪ Variance
SITE LOCATION:	1020 White Sails Way
APPLICANT:	Ron Thorpe of C.J. Light Associates
OWNER:	Michael Tracy
PLANNER:	Jenny Tran, Associate Planner 949-644-3212 or jtran@newportbeachca.gov

PROJECT SUMMARY

The applicant requests a variance to allow portions of an addition and remodel to an existing single-unit dwelling to encroach into the required 50-foot front setback. Specifically, the applicant requests to construct a new attached three-car garage that will encroach 29 feet into the front setback with a roof overhang that encroaches 31 feet into the front setback and a new bedroom addition that will encroach 13 feet into the front setback. The project also includes the removal of several existing unpermitted structures including a detached storage room, walls, fences, stairs, and other accessory structures that were constructed without the benefit of a building permit. No other deviations to the development standards are proposed.

RECOMMENDATION

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) and Section 15305 under Class 5 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and

3) Adopt Resolution No. PC2025-013 approving the Variance filed as PA2023-0200 (Attachment No. PC 1).

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VICINITY MAP

GENERAL PLAN

ZONING

LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	Single Unit Residential Detached (RS-D)	Single-Unit Residential (R-1-6000)	Single-unit dwelling
NORTH	RS-D	R-1-6000	Single-unit dwelling
SOUTH	RS-D	R-1-6000	Single-unit dwelling
EAST	RS-D	R-1-6000	Single-unit dwelling
WEST	RS-D	R-1-6000	Single-unit dwelling

INTRODUCTION

Project Setting and Existing Conditions

The subject property is located in the Harbor View Hills neighborhood in Corona del Mar between Crown Drive and Harbor View Drive. The topography of the lots generally slopes down from Crown Drive to Harbor View Drive. The neighborhood is developed with single-unit dwellings on terraced hillside lots that take advantage of the ocean views.

The existing single-family structure on the lot was built in 2003. The existing one-story residence includes 3,336 square feet of living space consisting of three bedrooms and three bathrooms, and a 444-square-foot, two-car garage that is accessed via a steep curving driveway from the street. The rear yard of the property includes an existing pool and steep slope along the rear property line. Figure 1 below shows the driveway approach for the property as of June 6, 2023.

Figure 1: Street view of the existing driveway approach taken on June 6, 2023.

Subdivision and Front Setback Background

The Harbor View Hills community was annexed to the City in 1959. A staggered setback concept was approved with the original tract map (Tract Map No. 2202) recorded on November 10, 1959. As part of this approval, the staggered front setbacks were established with the adoption of Districting Map No. 32 on December 14, 1959, and later adopted in a new format as Setback Map No. S-11A, “Harbor View Hills/Spyglass,” on October 26, 2010. Figure 2 below is an excerpt of the current setback map that shows

the wide range of front setbacks applicable in the neighborhood. In researching the original subdivision files, staff has been unable to determine the original intent of the staggered setbacks.

As shown in Figure 2, the subject property has a front setback of 50 feet and properties along White Sails Way have front setbacks that range from 13 feet to 52 feet.

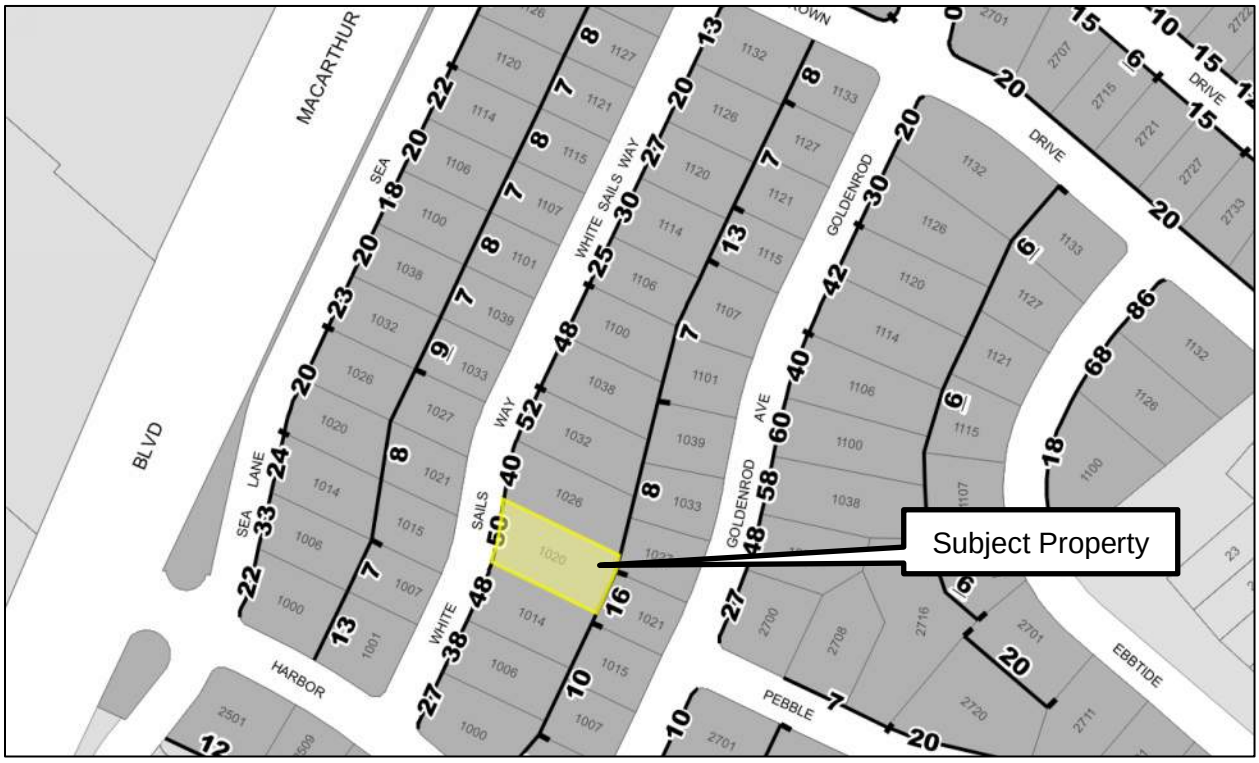

Figure 2: Existing Front Setbacks per Setback Map No. S-11A

The City's Planning and Zoning Code (Title 20) of the Newport Beach Municipal Code (NBMC) includes these series of maps, such as Setback Map No. S-11A, that provide minimum setbacks for various, but not all, blocks throughout the City (hereafter referred to as "setback maps"). The current setback maps are descendants of the original Districting Maps first established by ordinance in 1943. These maps allowed the City to recognize existing and varying conditions that did not match the citywide default front yard setback of 20 feet for single- and two-unit residential properties. Setback maps provide the minimum distance a primary residential structure must be set back from the front property line, or another identified line such as a bulkhead or abandoned right-of-way line.

Project Background

On May 8, 2023, the applicant applied for a code amendment to amend Setback Map No. S-11A to reduce the front setback from 50 feet to 21 feet for the subject property. Approval

of the code amendment would have permanently changed the front setback to 21 feet. However, the Harbor View Hills Community Association did not support the code amendment, and the applicant withdrew the application. The Harbor View Hills Community Association advised the applicant to seek approval of a variance, which would allow encroachments into the setback based on a specific project design rather than permanently amending the actual setback.

Accordingly, on October 18, 2023, a new application was submitted requesting a variance, rather than a Zoning Code Amendment, to allow the construction of a new attached three-car garage that would encroach 29 feet into the front setback and a new bedroom addition that would encroach 13 feet into the front setback.

A Public Hearing with the Planning Commission Hearing was scheduled and noticed for May 9, 2024, to review the variance request. However, on May 8, 2024, the project was removed from the agenda at the request of the applicant.

Code Enforcement Case and Unpermitted Construction

On May 30, 2024, a Code Enforcement Case was opened citing unpermitted construction on the property. Based on an investigation, it was determined that the existing driveway was removed, an attached storage room with a garage door was constructed in the front setback, and stairs, walls, and fences in the front of the property were constructed without the benefit of a building permit. The various unpermitted improvements do not comply with the NBMC including height limits and setbacks for accessory structures. Additionally, a new compliant garage was not constructed to replace the existing garage that is no longer accessible from the street. Figures 3 and 5 show the property prior to the unpermitted work, and Figures 4 and 6 below show the condition of the property after the construction of the unpermitted improvements.

Figure 3: Existing driveway prior to construction taken June 6, 2023

Figure 4: Unpermitted detached storage room with garage door, taken on June 4, 2024.

Figure 5: Stairs and walls in the front yard prior to construction, taken on June 6, 2023

Figure 6: Unpermitted over height gates and fences, taken on November 19, 2024.

Since the discovery of the unpermitted construction on the property, the applicant has been working with the City to revise the plans to address the aforementioned issues. The applicant is required to convert the attached storage room into a code compliant garage and remove any accessory structures within the 50-foot front setback that do not comply with the height limits and setback requirements of the NBMC.

Project Description

The applicant's objective is to convert and expand the existing garage into an additional bedroom and construct a new three-car garage with direct access to the street via a straight-in driveway. To facilitate the project, the applicant is requesting approval of a variance to allow the addition of a new 877-square-foot, three-car garage to encroach 29 feet into the required 50-foot front setback. The proposed three-car garage would provide direct access from the street to the single-family residence. The garage would be relocated to the other side of the property below an existing outdoor patio and be partially below grade thereby creating a daylighting basement. A small hallway with an elevator would also be installed below grade to allow direct access from the garage to the dwelling. Additionally, the existing 444-square-foot attached garage would be converted into a primary bedroom and expanded to encroach 13 feet into the required 50-foot front setback. In total the project would result in a net increase of 1,505 square feet including the garage. No other deviations to the development standards are proposed.

Figure 7 below is a rendering that shows the proposed three-car garage partially below grade and the bedroom conversion area with addition.

Figure 7 - Proposed Project Rendering

In order to achieve this objective, the unpermitted attached storage room must be demolished and rebuilt as a three-car garage with an interior clear dimension of 20-feet by 20-feet with an additional 15-foot depth tandem space for a total depth of 35-feet for the third parking space. Additionally, all the walls, fences, stairs and gates that were

constructed will be required to be removed or lowered to comply with the allowed height pursuant to Section 20.30.040 (Fences, Hedges, Walls, and Retaining Walls) of the NBMC when measured from pre-construction grade.

DISCUSSION

Analysis

General Plan and Zoning Code

The property is categorized as RS-D (Single Unit Residential Detached) by the General Plan Land Use Element and is located within the R-1-6000 (Single-Unit Residential) Zoning District. Both are intended to provide areas appropriate for the development of single-unit residential dwelling uses. The R-1-6000 Zoning District refers to the minimum lot size of 6,000 square feet and the subject property is approximately 12,759 square feet. Additionally, the property has a maximum lot coverage of 60%.

The proposed project complies with all applicable development standards, except for the requested encroachment into the front setback, as illustrated in Table 1 below.

Table 1 – Zoning Code Development Standards

Development Standard	**Standard**	**Project**
Setbacks (min.)[1]		
Front	50 feet	21 feet (garage) 37 feet (habitable space)
Sides	6 feet	6 feet (no change)
Rear	6 feet	6 feet (no change)
Allowable Lot Coverage (max.)	60% 7,655 square feet	42% 5,554 square feet
Height (max.) [2]	29 feet sloping roof 24 feet flat roof	12 feet
Parking (min.)[3]	3-car garage	3-car garage

1. The setbacks are measured from the property line to the face of the building's finish.
2. Heights are measured from the existing grade prior to construction.
3. The proposed habitable space is more than 4,000 square feet requiring a 3-car garage.

Policy LU 5.1.5 (*Character and Quality of Single-Family Residential Dwellings*) of the Land Use Element of the General Plan requires units to be designed to sustain a high level of architectural design quality that characterizes Newport Beach's neighborhoods in consideration of several principles such as, articulation and modulation of building masses and elevations to avoid the appearance of "box-like" buildings, compatibility with neighborhood developments in density, scale, and street facing elevations, and orientation to desirable sunlight and views. The subject property will be designed to be compatible with the neighborhood development in density, scale, and street facing garage. The proposed design includes sufficient articulation and modulation of building masses with a façade that includes large glass windows that matches the existing house.

The bedroom addition will match the existing height and would maintain a setback similar the neighboring properties to prevent obstruction of views. Additionally, Policy LU 5.1.6 (*Character and Quality of Residential Properties*), states that residential front setbacks and other areas visible from the public street shall be attractively landscaped, trash containers closed, and driveway and parking paving minimized. The change in setback will allow structures to be developed closer to the street, reducing the amount of front yard that is covered by the driveway. Additionally, a new screened trash area would be created next to the proposed garage.

Variance Findings

A variance is a request to relieve a project from complying with certain standards when, due to special circumstances applicable to the property, the strict application of development standards denies the property owner privileges enjoyed by other property owners in the vicinity and in the same zoning district. A variance can only be granted to maintain parity between the variance site and nearby properties in the same zoning district to avoid the granting of special privileges to one property.

Pursuant to NBMC Section 20.52.090(F) (Variances – Findings and Decision), the Planning Commission must make the following findings to approve a variance:

1. *There are special or unique circumstances or conditions applicable to the subject property (e.g., location shape, size, surroundings, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification;*
2. *Strict compliance with the Zoning Code requirements would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classification;*
3. *Granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the applicant;*
4. *Granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district;*
5. *Granting of the variance will 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; and*
6. *Granting of the variance will not be in conflict with the intent and purpose of this section, this Zoning Code, the General Plan, or any applicable specific plan.*

Unique Circumstances and Property Constraints

The primary constraint on the property is the large 50-foot front setback coupled with the substantial slope in the front of the property. Within the first 50 feet of the property, the elevation increases by approximately 10 feet as shown in the original/pre-construction topographic survey in Attachment No. PC 4. As shown in Figure 8 below, most of the

properties on White Sails Way are developed with straight driveway approaches that are relatively flat or have a minimal slope up from the street level to the garage. Additionally, properties on the nearby streets of Sea Lane and Goldenrod Lane provide the same straight driveway approaches from the street level. The subject property, however, was developed with a long driveway that curves from one side of the property to the other in a partial "s" shape to overcome the change in topography from the street level and minimize the steepness of the driveway.

Figure 8: Typical driveway designs in the neighborhood compared to the subject property.

Driveway Approach and Visibility

Figure 9 below shows an aerial view of the property where, after a slight left up the steep driveway, a right turn must be made to enter the garage. This configuration requires additional space to maneuver into and out of the garage and takes away from the building site. This is a limitation that other properties in the neighborhood do not have.

The topography of the property and the current setback requires the garage to be set higher up a relatively steep slope. The current slope of the lot along with standard front yard improvements impede visibility of oncoming traffic, pedestrians, and cyclists. The reduced setback will allow a garage to be constructed closer to the street level with a direct approach to allow enhanced visibility for driveway navigation while minimizing the

size of the driveway. Additionally, vehicles and pedestrians on White Sails Way will also be able to clearly see vehicles exiting from the property.

The garage will be constructed at a lower level than the existing single-unit dwelling (i.e. as a daylighting basement) to allow for a flat driveway ingress and egress from street level. Therefore, the addition results in no increase in height that would otherwise create a notable change in bulk and mass in the front of the property.

Figure 9: Aerial view of the existing driveway approach for 1020 White Sails Way.

Zoning and Special Privilege Considerations

In accordance with Section 20.30.110 (Setback Regulations and Exceptions) of the NBMC, setback standards ensure the provision of open areas around structures for: visibility and traffic safety; access to and around structures; access to natural light and ventilation; separation of incompatible land uses; space for privacy, landscaping, and recreation; protection of natural resources; and safety from fire and geologic hazards. Given that the proposed encroachment is predominantly below grade, the design would still allow for adequate open area, visibility, access to light, privacy, and safety from fire and geologic hazards consistent with the purpose and intent of Section 20.30.110 of the NBMC.

In accordance with Section 20.18.030 (Residential Zoning Districts General Development Standards) of the NBMC, the subject property is within the R-1-6000 Zoning District where

the standard front setback is 20 feet where a specific setback is not identified on a setback map. The proposed encroachment will maintain a 21-foot setback for the garage and a 37-foot setback for the bedroom addition, which is greater than the default requirement of 20 feet applicable in other communities. Therefore, the project will remain consistent with the purpose and intent of setback standards of the NBMC, and approval would not represent the granting of a special privilege.

Neighborhood Compatibility

The neighborhood appears to be designed with staggered front setbacks to provide variety and visual interest within the neighborhood. However, staff's research was unable to find further justification for the wide range of front setbacks established on Districting Map No. 32, including the larger mid-block setbacks for White Sails Way. The existing topography and ocean views may have been a factor. The proposed setback encroachments will maintain a sense of variety in design within the neighborhood and will be consistent with the existing pattern of development that provides staggered front setbacks.

The Modification Committee approved Modification Permit No. MD5098 on June 23, 2000, for the property directly south of the Property at 1014 White Sails Way that allowed an addition to an existing single-unit dwelling. The Modification Permit allowed for the construction of a subterranean garage that encroaches 26 feet, 7 inches into the required 48-foot front setback as shown in Figure 10 below. The Modification Committee found that the topography of the property and elevation of the access street provided an opportunity for the construction of a subterranean garage that provides direct access. Although approval of Modification Permit No. MD5098 does not set a precedent for the approval of other modification permits or variances, it does support a finding of compatibility with adjacent properties since that property also includes encroachments within 50 feet of the front property line. The Modification Permit also provides an indication that the subject property has unique restraints related to the largely sloping topography and large front setback, because it is similar to the subject property. In this sense, the lot at 1014 White Sails Way is the most similar property to the subject site, in that it had a similar sloping condition in the front setback (prior to excavation for the new garage) and has a large setback compared to the majority of the community (i.e. 48-foot front setback).

The Modification Committee has since been dissolved and the NBMC only allows a 10% (i.e., 5-foot) deviation from the required setback through modification permits, thus approval of a variance is now required to achieve a similar design.

Figure 10: Street view of the property at 1014 White Sails Way.

As previously discussed in the *Unique Circumstances and Property Constraints* section and as shown in Figure 8, the neighborhood is primarily developed with straight driveway approaches and the current configuration does not match the design of the neighborhood. Figure 7 on page 8 shows a rendering of the project where the lower-level garage and driveway will match the characteristics of the neighborhood. This will create more compatibility with the neighborhood while also providing more safety in visibility of oncoming traffic. The applicant provided a justification letter that further discusses the design compatibility of the proposed project with the neighborhood (Attachment No. PC 2). Additionally, the project has been reviewed by the Harbor View Hills Community Association and Architectural Design Committee and has received conditional approval (Attachment No. PC 3).

Design Alternatives

An alternative garage design was considered to construct the daylighting basement three-car garage further back consistent with the 50-foot front setback. However, this design would require extensive excavation underneath the finished floor of the existing dwelling requiring significant temporary shoring and permanent retaining walls. Given the below grade nature of the garage, this alternative provides little benefit in terms of reducing visible bulk and mass but would add significant and unnecessary project costs.

An alternative bedroom addition was considered on the second level of the existing dwelling and towards the rear of the dwelling. The second-level addition alternative is not feasible because the property's community association has an Architectural and Landscaping Guideline adopted on November 18, 2019, that restricts two-story development. The guideline indicates that proposed improvements, including residential buildings, garages, fences, wall, and similar structures, must not block the existing views

from other lots. Therefore, this vertical improvement would not be compatible with the neighborhood and would be inconsistent with the Architectural and Landscaping Guidelines. The bedroom addition at the rear is not feasible because while the property has a 6-foot rear setback, approximately 15-feet of the rear property has a steep upward slope with an approximately 10-foot change in elevation. This design would require the removal of planters and retaining walls protecting this slope or demolishing the existing pool, which is close to the existing building. Adding the bedroom to the rear of the property would also result in higher project costs and a longer construction schedule.

Summary

In conclusion, the proposed encroachment into the front yard setback would allow for a safer driveway approach from street level to the garage with a configuration that is more compatible with the neighborhood. The garage will be 21 feet from the front property line which is similar to the property at 1014 White Sails Way and consistent with the standard 20-foot setback applicable to other single-unit zoning districts. The bedroom addition will be 37 feet from the front property line where the adjacent property at 1026 White Sails Way has a 40-foot front setback. The steep 20% slope in the front of the property coupled with the large 50-foot front setback is a unique circumstance that is not applicable to other similar properties within the same Zoning District and granting of the variance would not be considered a special privilege. Lastly, as conditioned, the project would require the removal of all non-compliant improvements that were constructed without the benefit of a building permit. Staff believes all findings for approval can be made as evidenced by the facts in the draft Resolution attached as Attachment No. PC 1.

Alternatives

The following alternatives are available to the Planning Commission should they feel the facts are not in evidence of support for the project application:

1. The Planning Commission may suggest specific changes that are necessary to alleviate concerns. Changes may include, but are not limited to, approving the proposed garage encroachment into the setback and denying the bedroom addition, or reducing the proposed setback encroachments. If any requested changes are substantial, the item should be continued to a future meeting to allow a redesign or additional analysis. Should the Planning Commission choose to do so, staff will return with a revised resolution incorporating new findings and/or conditions.

2. If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission must deny the application and provide facts in support of denial to be included in a resolution. The applicant will be required to revise the project plans to comply with all required setbacks, which may include reconstructing the driveway and single-unit dwelling to pre-construction conditions that comply with the NBMC.

Environmental Review

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) and Section 15305 under Class 5 (Minor Alternations in Land Use Limitations) 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.

Class 1 exempts projects that include additions to existing structures provided the addition will not result in an increase of more than 50% of the floor area of the structure before the addition, or 2,500 square feet, whichever is less. The existing structure is 3,780 square feet and the project proposes adding 1,245 square feet which is approximately a 33% increase.

Class 5 exempts projects that include minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density. Minor alternations include setback variances not resulting in the creation of any new parcel. The project involves encroachments in the front setback on a property with an average slope less than 20% and will not result in the creation of a new parcel.

The exceptions to this categorical exemption under Section 15300.2 are not applicable. The project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

Public Notice

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 Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the city website.

Prepared by:

Jenny Tran
Associate Planner
LAW/jt

Submitted by:

Jaime Murillo, AICP
Deputy Community Development Director

ATTACHMENTS

PC 1 Draft Resolution with Findings and Conditions
PC 2 Applicant's Justification and Findings Letter
PC 3 Harbor View Hills Community Association and Architectural Design Committee Approval Letters
PC 4 Project Plans

Attachment No. PC 1

Draft Resolution with Findings and Conditions

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RESOLUTION NO. PC2025-013

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A VARIANCE TO ALLOW A SINGLE-UNIT DWELLING AND ATTACHED GARAGE TO ENCROACH INTO THE 50-FOOT FRONT SETBACK FOR THE PROPERTY LOCATED AT 1020 WHITE SAILS WAY (PA2023-0200)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Ron Thorpe of C.J. Light Associates ("Applicant") on behalf of the property owner, Michael Tracy ("Property Owner"), concerning property located at 1020 White Sails, and legally described as Lot 30 of Tract Map No. 2202 ("Property") requesting approval of a variance.

2. The Applicant requests a variance to allow an addition to an existing single-unit dwelling to encroach into the required 50-foot front setback. Specifically, the Applicant requests to construct a new attached three-car garage that will encroach 29 feet into the front setback with a roof overhang that encroaches 31 feet into the front setback and a new bedroom addition that will encroach 13 feet into the front setback. The proposed garage would replace the existing two-car garage and would be located below the existing grade. The existing two-car garage would be converted into living space. The project also includes the removal of several existing unpermitted structures including a detached storage room, walls, fences, stairs, and other accessory structures that were constructed without the benefit of a building permit. No other deviations to the development standards are proposed ("Project").

3. The Project was previously scheduled for a public hearing before the Planning Commission on May 9, 2024, however, on May 8, 2024, the Project was removed from the agenda at the request of the Applicant.

4. On May 30, 2024, a Code Enforcement Case was opened citing unpermitted construction on the Property. Based on an investigation of the Property, it was determined that the existing driveway was removed, an attached storage room with a garage door was constructed in the front setback, and stairs, walls, and fences in the front of the Property were constructed without building permits. The various unpermitted improvements do not comply with the Newport Beach Municipal Code (NBMC) including setbacks and height limits for accessory structures. A new garage was not constructed to replace the garage that is no longer accessible via a driveway.

5. The Property is categorized Single-Unit Residential Detached (RS-D) by the General Plan Land Use Element and located within the Single-Unit Residential (R-1-6000) Zoning District.

6. The Property is not located within the coastal zone.

7. A public hearing was held on July 17, 2025, 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.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is exempt from the California Environmental Quality Act ("CEQA") under Section 15301 under Class 1 (Existing Facilities) and Section 15305 under Class 5 (Minor Alterations in Land Use Limitations) 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.

2. Class 1 exempts projects that consist of additions to existing structures provided that the addition will not result in an increase of more than 50% of the floor area, or 2,500 square feet, whichever is less. The Project includes a 1,245 square-foot addition (net increase) to an existing 3,780 square-foot single-unit dwelling. The addition is less than 2,500 square-feet and constitutes an addition of 33% of the existing single-unit dwelling, which is less than 50%.

3. Class 5 exempts projects that consist of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including setback variances not resulting in the creation of any new parcels. The Property has an average slope of approximately 15% and the Project will not result in the creation of new parcels.

4. The exceptions to this categorical exemption under Section 15300.2 of the CEQA Guidelines are not applicable. The Project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.090 (Variances – Findings and Decision) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

A. There are special or unique circumstances or conditions applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other physical

features) that do not apply generally to other properties in the vicinity under an identical zoning classification;

Facts in Support of Finding:

1. The Property is located in the Harbor View Hills area along White Sails Way. Front setbacks for this area of Harbor View Hills are established on Setback Map No. S-11A, "Harbor View Hills/Spyglass" (formerly designated as Districting Map No. 32). Pursuant to Setback Map No. S-11A the front setbacks along White Sails Way range from 13feet to 52feet as measured from the front property line abutting the street or sidewalk. The average setback among the 13 properties on White Sails Way is approximately 36 feet. The Property has a 50-foot front setback, which is at the high end of this range. There are four other properties on White Sails Way with a front setback between 48 and 52 feet. The next largest front setback is 40 feet.

2. The Property is located within the Single-Unit Residential (R-1-6000) Zoning District. Pursuant to Table 2-2 (Development Standards for Single-Unit Residential Zoning Districts) of Section 20.18.030 (Residential Zoning Districts General Development Standards) of the NBMC, the typical front setback is 20feet for this zoning district. Additionally, the typical front setback for the Single-Unit Residential (R-1) Zoning District is also 20feet. The Property has a front setback that is 2.5 times larger than the typical setback for this zoning district.

3. Typical vehicular access on this street is provided via a direct or straight-in driveway from the street to the garage with either no slope or a minimal upward slope to the garage. The Property is the only property on White Sails Way that was constructed with a driveway approach that curves to the left up an approximately 20% slope that requires making a right turn into the garage. This driveway configuration and associated maneuvering area takes away from the building site. This is a limitation that other properties in the neighborhood do not have.

4. The Property slopes down towards White Sails Way, with an approximately 10-feet grade differential from the garage floor down to the street level. This 10-foot grade differential is located within the required 50foot front yard setback.

5. In order for the Property to achieve the same flat straight-in driveway approach as the other properties along White Sails Way while maintaining the 50-foot front setback and the existing single-unit dwelling, a large portion of the front setback area would require substantial grading to carve out and retain the slope. This would require excavating underneath the existing single-unit dwelling, which is more costly than the scope of the Project.

6. The large front setbacks along White Sails Way coupled with the steep topography of the lot creates a unique circumstance for this lot that does not generally apply to other properties in the vicinity under the same zoning classification.

Finding:

B. Strict compliance with Zoning Code requirements would deprive the subject property of privileges enjoyed by other properties in the vicinity and under an identical zoning classification;

Facts in Support of Finding:

1. The Applicant seeks to maintain as much of the original construction as possible while adding a new garage with direct access from the street and an additional bedroom. The new bedroom would be repurposed from the existing garage with a small addition that encroaches into the front setback. The Property has a 6-foot rear setback. However, the footprint of the existing single-unit dwelling is unable to build up to this rear setback as approximately 15 feet of the rear Property has a steep upward slope with an approximately 10 foot difference. The Property also has an existing pool in the rear that limits development.

2. Other properties in the same zoning district have straight driveway approaches into the garage on a flat driveway or small slope that does not create a safety hazard pulling into the driveway or pulling out of the driveway onto White Sails Way. Additionally, other properties in the same zoning district are able to achieve a lot coverage that is closer to the maximum allowed in the R-1-6000 Zoning District (60% maximum). The garage and bedroom addition would bring the overall lot coverage to 42%.

3. The Property is approximately 12,768 square feet and the maximum allowable lot coverage is 7,659 square feet or 60% of the lot. However, the practical buildable footprint of the Property (less setbacks) is approximately 7,053 square feet, or 55%. Other similarly sized properties within the same zoning district have buildable footprints (i.e. lot area minus setbacks) that allow them to build up to 60% lot coverage. This includes the ability to design a building that meets the design criteria pursuant to Section 20.48.180(B) (Design Criteria) of the NBMC by providing articulated exterior walls, variation in the wall plane, building modulation, openings, and recesses. Thus, the Property is disproportionately limited as compared to other properties of a similar shape with identical zoning. No amendments to the underlying maximum lot coverage are proposed.

4. The neighboring property to the south at 1014 White Sails Way has a similarly large front setback of 48-feet and a slope of approximately 8 to 10 feet in the front setback unlike the other properties on White Sails Way that have been developed with less sloped front yards. However, the existing garage encroaches 26-feet, 7-inches into the front setback as authorized by Modification Permit No. 5098 that was approved by the Modification Committee on June 14, 2000. The approval was justified by the topography of the property and elevation of the access street that would provide an opportunity for the excavation and construction of the subterranean garage that would not impact the view of neighboring properties. The Modification Committee has since been dissolved and approval of a Modification Permit with Zoning Administrator approval would only allow a maximum of 10%, or 5-feet, deviation from the required setback. The Applicant must now seek approval of a variance to achieve a similar design.

5. It should be noted that approval of Modification Permit No. 5098 for the prior project does not set a precedent for other Modification Permits or Variances to be approved. Rather, the variance is supported by the unique constraints of the Property related to the sloping topography and large front setback, which was only present on one other property (1014 White Sails Way). The Project proposes a similar design with a basement level garage in the front setback that is located almost entirely below the existing grade with the exception of the vehicular entry point. Pursuant to Section 20.52.090 (G) (Precedents) of the NBMC, the variance would not create a precedent for future approvals.

Finding:

C. Granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the applicant;

Facts in Support of Finding:

1. As described above, the front of the Property has a heavily sloping topography coupled with a large front setback of 50 feet. Without granting the variance, the Property owner would not be able to achieve the full 60% lot coverage with a design that allows for building articulation, open areas around the structure, and landscaping. Additionally, the variance will allow for safer ingress/egress to and from the Property with a garage that is closer to the street level and has direct access from the street. The garage will still maintain a 21-foot setback which is consistent with other similarly zoned properties in the City.

2. Facts 4 through 6 in support of Finding A are incorporated herein by reference.

3. Facts 1 through 3 in support of Finding B are incorporated herein by reference.

Finding:

D. Granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district;

Facts in Support of Finding:

1. The granting of the variance would not constitute a special privilege inconsistent with the limitations upon other residential properties, especially those zoned Single-Unit Residential (R-1 and R-1-6000), which have a standard front setback of 20 feet. It allows the Property Owner to maintain equity with other single-unit dwellings in the neighborhood where additions and garages with direct access to the street have been constructed. The proposed setback of 21 feet will allow the Property Owner full use and enjoyment of the Property by providing safer vehicular access with increased visibility without creating bulk or scale that is inconsistent with the pattern of development in the neighborhood. Additionally, the bedroom addition will allow the Property Owner to enjoy

the use of their dwelling with a larger primary bedroom that is difficult to achieve with the large setback restriction.

2. The requested variance would not result in more floor area or a higher lot coverage than surrounding properties of similar size and the same zoning district. There are other properties in the Harbor View Hills area that cannot build up to the 60% maximum lot coverage due to setback application and lot configuration restraints. However, the number of lots that share this restriction are limited. Additionally, the Property has an existing 20% slope in the front setback that deprives the owner of standard garage access from the street. There is only one other property in the vicinity that has a similar slope, and that property enjoys a 21-foot 5-inch setback. The alternative that would provide the same direct garage access would require excavating the entire slope within the 50-foot front setback to construct a straight-in driveway approach to a garage that is setback 50-feet from the front property line. This alternative would require substantial grading and reinforcement of the existing slope, which presents a limitation that is not consistent with other properties in the vicinity within the same zoning district.

3. This neighborhood in Harbor View Hills is designed with a wide range of staggered front setbacks. The front setbacks along White Sails Way range from 13 feet to 52 feet. The properties approximately 300-feet west along Sea Lane also are designed with staggered front setbacks with a range of 18 feet to 33 feet. The properties approximately 160-feet to the east along Goldenrod Avenue also are designed with staggered front setbacks with a range of 10 feet to 48 feet with two other properties having a 58-foot and 60-foot front setback. The nearby properties along Sea Lane and Goldenrod Avenue are also within the R-1-6000 Zoning District.

4. The staggered front setbacks were established through Tract Map No. 2202 accepted and filed on November 10, 1959. Based on the historical research of this neighborhood, staff was unable to find any justification made in the Tract Map application that would suggest a requirement for the large range of setbacks.

5. Although the NBMC does not have any development standards that protect private views, the Property is within the Harbor View Hills Community Association with Architectural and Landscaping Guidelines adopted on November 18, 2019. The guidelines indicate that proposed improvements, including residential buildings, garages, fences, walls, and similar structures, must not block the existing views from other lots. The Project includes the conversion of the existing garage to a primary bedroom as well as an addition to the primary bedroom into the 50-foot front setback. Pursuant to Table 2-2 of Section 20.18.30 of the NBMC, the maximum height for structures is 24-feet for a flat roof and 29-feet for a sloped roof which would allow for additions to be built vertically without encroaching into the setbacks. However, this vertical improvement would not be compatible with the neighborhood, which is largely single-story, and would be inconsistent with the Architectural and Landscaping Guidelines. Additionally, the Applicant has received conditional approval for the design from the Harbor View Hills Community Association and the Harbor View Hills Architectural Design Committee.

6. The variance would not result in a substantial increase in total lot coverage on the Property that could be viewed as the granting of a special privilege, and no additional deviations are requested. The lot coverage is currently 29% and the Project proposes a lot coverage of 42%, which would remain under the maximum allowed lot coverage of 60%.

7. The bedroom addition on the northern side of the Property will be 37-feet from the front property line. This addition will be designed to meet a similar setback to the closest neighboring property at 1026 White Sails Way where the front setback is 40 feet.

8. Any unpermitted work that does not meet the development standards of the NBMC, such as, but not limited to, walls, fences, stairs, gates, and other accessory structures located in the 50-foot front setback that exceed 42-inches in height are required to be removed or modified to comply with the provisions of the NBMC. A condition of approval is included in Exhibit "A" requiring removal of these structures.

9. Pursuant to Section 20.40.040 (Off Street Parking Spaces Required) of the NBMC, the Property is required to provide three parking spaces in a garage with a minimum interior clear dimension of 20 feet by 20 feet and a tandem depth of 35 feet. The unpermitted attached storage building will be rebuilt as a garage that meets the required dimensions to provide adequate parking for the Property. The project would result in one additional off-street parking space, as the new driveway would also provide one supplemental parking space that meets the required dimensions.

Finding:

E. Granting of the variance will 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; and

Facts in Support of Finding:

1. The overall design plan meets the residential design criteria provided within Section 20.48.180(B)(2) (Residential Design Standards and Design Criteria) of the NBMC by avoiding long unarticulated walls and providing a front façade where the primary entry is the dominant element of the front façade. This is consistent with the neighborhood pattern on White Sails Way where the primary entry faces the street.

2. Properties along White Sails Way have varying slopes in the front of the property with the more sloping properties near Harbor View Drive, including the Property. Properties in the neighborhood are developed with landscaping, terraced walls, and driveways in the front yard with a range of setbacks from 13 feet to 52 feet. The Project would be designed in substantial conformance to the approved plans to ensure minimal bulk is proposed in the front setback so the project remains consistent with the design of the neighborhood.

3. The Project would allow the driveway to be designed with a straight in and out approach that would provide safer exiting from the Property onto White Sails Way with more traffic visibility. This would reduce an existing hazard on the Property.

4. The Public Works Department has reviewed the Project for compliance with line-of-sight considerations and has provided conditions for the project. Conditions include requiring the driveway to be reconstructed so that it is perpendicular to the curb face and aligns with the southern edge of the garage opening and for the new driveway slope to comply with the City standards. The original driveway had a slope of approximately 20% where Section 20.40.070(A)(2) (Development Standards for Parking Areas – Access Ramps) of the NBMC requires that vehicle access to parking areas shall not exceed a slope of 15% and the original driveway could not be reconstructed with the current code.

Finding:

F. Granting of the variance will not be in conflict with the intent and purpose of this section, this Zoning Code, the General Plan, or any applicable specific plan.

Facts in Support of Finding:

1. Section 20.30.110 (Setback Regulations and Exceptions) of the NBMC establishes standards to ensure the provision of open areas around structures for; visibility and traffic safety; access to and around structures; access to natural light and ventilation; separation of incompatible land uses; space for privacy, landscaping, and recreation; protection of natural resources; and safety from fire and geological hazards. The proposed setback of 21 feet for the garage and 37 feet for the bedroom addition would still maintain adequate open area, visibility, access to light, privacy, and safety from fire and geologic hazards consistent with the purpose and intent of this Section of the NBMC.

2. In accordance with Section 20.18.030 (Residential Zoning Districts General Development Standards) of the NBMC, the Property is within the Single-Unit Residential (R-1-6000) Zoning District where the standard front setback is 20 feet. The change in setback will still maintain the purpose and intent of setback standards and is consistent with the Zoning District.

3. The current front yard improvements, landscaping, driveway, and the slope of the lot creates an obstruction of visibility of oncoming traffic, pedestrians, and cyclists. The proposed setback reduction to 21 feet for the garage will allow vehicles to exit the property with more visibility because the garage will be able to be constructed closer to street level.

4. The Property is not located within a specific plan area of the Coastal Zone.

5. Facts 8 and 9 of Finding D are hereby incorporated by reference.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act pursuant to Section 15301 under Class 1 (Existing Facilities) and Section 15305 under Class 5 (Minor Alterations in Land Use Limitations) 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.

2. The Planning Commission of the City of Newport Beach hereby approves the Variance (PA2023-0200) subject to the conditions set forth in Exhibit "A", which is attached hereto and incorporated by reference.

3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the NBMC.

PASSED, APPROVED, AND ADOPTED THIS 17TH DAY OF JULY, 2025.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY:_____
, Chair

BY:_____
David Salene, Secretary

EXHIBIT "A"

CONDITIONS OF APPROVAL

(Project-specific conditions are in italics)

Planning Division

1. The development shall be in substantial conformance with the approved site plan, floor plans, and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).

2. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.

3. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Variance.

4. *The Variance (PA2023-0200) shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.*

5. *This approval only applies to the Project proposed under PA2023-0200. If more than 50% of exterior walls of the structure are removed and replaced, or the Building Division deems the project new construction, then the variance is no longer effective, and the Project will need to be revised to comply with all current Title 20 (Planning and Zoning) regulations such as setbacks. If the existing single-family residence is demolished and new structure is built, that structure shall be subject to all Title 20 (Planning and Zoning) standards in place at the time of new construction.*

6. *Demolition beyond the approved scope of work requires Planning Division approval prior to commencement of work. Approval of revisions to project plans are not guaranteed. Any changes in the current scope of work may require a new variance.*

7. *All unpermitted improvements shall be removed, unless permits are obtained from the City demonstrating that the as-built improvement(s) comply with all requirements of the NBMC. All required building permits shall be obtained prior to the commencement of any construction, including removal of unpermitted improvements.*

8. *This approval does not authorize deviations to any standards of the NBMC for accessory structures such as fences, hedges, walls, and retaining walls. Therefore, all accessory structures shall comply with Section 20.30.040 (Fences, Hedges, Walls, and Retaining Walls) and Section 20.30.110 (Setback Regulations and Exceptions) of the NBMC.*

9. This Variance 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 the 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.

10. Any expansion in area, or other modification to the approved plans, shall require subsequent review by the Planning Division and potential amendment to this approval or the processing of a new application.

11. A copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.

12. *Prior to the issuance of building permits, the applicant shall submit a landscape and irrigation plan prepared by a licensed landscape architect. These plans shall incorporate drought tolerant plantings and water efficient irrigation practices, and the plans shall be approved by the Planning Division.*

13. All landscape materials and irrigation systems shall be maintained in accordance with 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.

14. Prior to the issuance of building permits, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.

15. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner, or the leasing agent.

16. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday, and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.

17. Debris from construction shall be removed from work areas each day and removed from the project site within 24 hours of the completion of the project. Stockpiles and construction materials shall be covered, enclosed on all sites, not stored in contact with the soil, and located as far away as possible from drain inlets and any waterway.

18. Trash and debris shall be disposed in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.

19. 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 **Tracy Residence Variance including, but not limited to, a Variance (PA2023-0200)**. 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

20. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements.

21. 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.

Public Works Department

22. The Applicant shall remove all non-compliant encroachments along the White Sails Way frontage per City Council Policy L-6 including, but not limited to, loose rocks, walls, and paving. All remaining compliant encroachments will require an encroachment permit and encroachment agreement per City Council Policy L-6.

23. A new sewer clean out shall be installed on the existing sewer lateral per City Standard 406.

24. The driveway shall be constructed so that it is perpendicular to the curb face and aligns with the southern edge of the garage opening, and the driveway width shall comply with all City Standards.

25. The driveway slope shall comply with City Standard 167-A.

Attachment No. PC 2

Applicant's Justification and Findings Letter

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C. J. LIGHT
ASSOCIATES

July 17, 2025

City of Newport Beach –
Request for Site Specific Variance: Justification and Findings for 2-car garage with the required 21-foot driveway and a remodel/addition of a new master suite.

This letter is regarding the project site at 1020 White Sails Way. The Architectural firm C.J. Light Associates, along with the owner, Mike Tracy are applying for a "Site Specific Variance", as required by the Harbor View Hills Community Association. Reasons for this request; to gain support from the neighborhood community and support from the city, to revise the existing setback map S-11A, and change the existing front yard setback at 1012 White Sails Way from 50-feet to 21-feet respectively.

Other justifications and findings in favor of the variance are as follows:

1.) The City of Newport Beach requires a 2-car garage for homes with a total habitable space up to 4,000 sf. The city also requires a 21-foot driveway length. The current setback at the front is 50-feet. By reducing the setback to 21- feet, this is the only way to achieve the required driveway length.

Another request we have in this variance application is to allow us to provide a new master suite in place of the existing garage. Reasons as to why the proposed new master suite bedroom addition is best suited to be located at the front, entry level of the home:

1.) We believe that building the addition anywhere else on the property would be difficult and would create a hardship for the owner in terms of cost, labor, and construction time. We believe this is the only viable location for the new master suite addition as well as the most cost effective and timely solution.
2.) During the design process we considered locating the master suite adjacent to the existing master closet, at the rear of the property. We found this to be the only other possible location where the addition could go. However, having the bedroom built in this location would require the removal of retaining walls and planters. Which in turn,

C. J. LIGHT
ASSOCIATES

would be more costly and require more time for construction. In addition, the owners do not want to make the rear yard any smaller and they do not want to bring the addition any closer to the 6-foot rear yard setback line. For these reasons the best solution was to have the new master suite addition built up at the front of the home.

3.) As we've studied the property, we found it made the most sense to frame on to the exterior front wall of the existing garage to construct this new bedroom space.

4.) The proposed new master suite's footprint is 392 sf and it only comes out 16ft beyond where the existing garage door is located. It does fall inside the 50ft setback; however, it is well back from the street making it not easily seen from the street level. It is our hope that we will receive approval to change the front setback to 21-feet. If approved, the new addition would be well outside the newly established setback.

5.) Other findings in favor of locating the master suite addition at the front of the home include the design compatibility with the original style of the existing residence. Furthermore, the addition will also maintain the same height as the existing garage flat roof. By designing it this way, it will not block any of the neighbor's views. This was very important to us as we are sensitive to our neighbor's input and wish to create a solution that makes them happy, while also meeting the owner's needs.

6.) It enhances the preservation and enjoyment of the property right of the owner.

7.) Granting of this variance will not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and in the same zoning district.

8.) Granting this variance will not be detrimental to the harmonious and orderly growth of the city, not 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. Rather, it would be a substantial improvement to the owner's home and for the neighbors of the community.

9.) By granting us this variance it will not conflict with the intent and purpose of this section, this zoning code, the general plan, or any applicable specific plan. It will make a substantial improvement to the property.

C. J. LIGHT
ASSOCIATES

Lastly, we have obtained HOA approval from Harbor view Hills Community Association and have the approval of 9 neighbors who are all in favor of the project. With these findings we hope to earn your approval as well. Included with this letter are the tabulations for lot coverages for reference.

C. J. LIGHT
ASSOCIATES

Lot coverages:

(E) Site area:	12,768 sf
Max allowable coverage (60%):	7,660 sf
Buildable area (12,768 sf) – setbacks =	**7,053 sf**

(E) Residence (Habitable space):	3,388 sf
(E) Garage (non-habitable):	444 sf
Total (E) space =	**3,832 sf**

(N) Addition & Remodel (master suite):	392 sf
(N) 2 Car garage, garage vestibule, elevator & machine room:	765 sf
Total (N) space =	**1,157 sf**

(E) Lot coverage: 3,780 sf ÷ 12,768 sf =	29% lot coverage
(N) Lot coverage: 392 sf + 765 sf = 1,157 sf ÷ 12,768 =	9% lot coverage
(E) & (N) Lot coverage: 39% + 9% =	**38% Total lot coverage**

In conclusion, and based on all our exhibits and documents, we kindly ask for your support granting this variance. Thank you for your consideration.

Sincerely,

Ron Thorpe

Ron Thorpe
Sr. Project Manager
C.J. Light Associates

Attachment No. PC 3

Harbor View Hills Community Association
and Architectural Design Committee
Approval Letters

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William J.K. O'Keefe, RA

ARCHITECTS - PLANNERS - INTERIOR DISCIPLINES

March 26, 2025
Harbor View Hills Community Association / Architectural Design Committee
c/o Seabreeze Management Company
1211 Puerta Del Sol, Suite 120 (physical address)
San Clemente, California 92673
Attention: Ms. Courtney Ekeberg, Community Manager

Regarding: Tracy Residence, Tract 2202, Lot 030
1020 White Sails Way, Corona Del Mar, CA.
Submittal No. 2202-030-C7d

The Revised Major Remodel/Addition and Hardscape with Landscape submittal has been reviewed for its conformance to the Harbor View Hills Community Association's CC&R's and Architectural & Landscape Guidelines. ARC Meeting was held 03/18/2025. Because of the encroachment into the front setback the submission does not conform without obtaining a variance from the City of Newport Beach.

The Consulting Architect recommends conditional preliminary approval by ARC of submittal for Revised Major Remodel/Addition and Hardscape with Landscape submittal. The Application was presented to the ARC and granted conditional preliminarily approval by the Association.

The conditions are; (1) A variance from the City of Newport Beach shall be obtained for the encroachment into the front setback, (2) The preliminary approval expires in six months should the City of Newport Beach not approve the required setback variance for this design, and (3) A darker roof gravel color be submitted for the HVH-ARC to consider.

There is a two-week period in which neighbors, who wish to appeal the preliminary approval, may do so. Architectural Committee approval is not final until after the appeal period has expired and the ARC has issued the Notice of Final Approval for Construction. An appeal must be submitted in writing to the Board of Directors and postmarked within two weeks of this letter's postmark.

Following receipt of proof of City Variance, two (2) sets of the City-approved (permitted) plans must be submitted to the Association's architect for comparison with the ARC preliminarily approved plans. City plans due at this time shall include the Major Remodel/Addition and Hardscape with Landscape. Any changes from the preliminary approved plans must be identified on the City-approved plans (See Guidelines Sections 7 and 12) and the conditions noted above must be included in, or noted on, the City-approved plans. After review by the Association's architect the plans will be forwarded to the ARC for final review. Upon satisfactory review, the ARC will issue the Notice of Final Approval for Construction. No demolition or construction can begin prior to ARC's final approval. Call if there are any questions.

Sincerely,

William J.K. O'Keefe

Mr. William J.K. O'Keefe, Consulting Architect

cc: via email

Owner	mtracy@parkwest inc.com
Architect	ron@cjlight.net

cc: via US Mail

Goldenrod Dr.	1015, 1021 & 1027
White Sails Way	1006, 1014, 1026, 1032, 1015 & 1021

HARBOR VIEW HILLS COMMUNITY ASSOCIATION

March 28, 2025

Michael Tracy Trust
1020 White Sails Way
Corona Del Mar, CA 92625

Re: 1020 White Sails Way, Corona Del Mar, CA 92625

Dear Homeowners:

Thank you for submitting your plans to the Harbor View Hills Community Association's Architectural Review Committee (ARC) for major remodel/addition and hardscape with landscape

At the March 18, 2025, ARC Meeting, the ARC reviewed the Architectural and Landscaping Guidelines, Bylaws, CC&R's and Consulting Architect's recommendations. Following ARC review and discussion, the ARC has granted conditional preliminary approval, with the conditions, (1) A variance from the City of Newport Beach shall be obtained for the encroachment into the front setback, (2) The preliminary approval expires in six months should the City of Newport Beach not approve the required setback variance for this design, and (3) A darker roof gravel color be submitted for the HVH-ARC to consider.

There is a two-week period in which neighbors, who wish to appeal the preliminary approval, may do so. Architectural Review Committee approval is not final until after the appeal period has expired and the ARC has issued the Notice of Final Approval for Construction. An appeal must be submitted in writing to the Board of Directors and postmarked within two weeks of this letter's postmark.

Before construction can begin, two (2) sets of the City approved (permitted) plans must be submitted to the Association's architect for comparison with the ARC preliminary approved plans. Any changes from the preliminary approved plans must be identified on the City-approved plans. Upon satisfactory review, the Architectural Committee will issue the Notice of Final Approval for Construction.

As a reminder, you must abide by the guidelines as part of your approval. We encourage you to work with your neighbors and your contractor during this period to ensure that the construction process moves smoothly and with little disruption to the neighborhood.

Sincerely,

Architectural Review Committee
HARBOR VIEW HILLS COMMUNITY ASSOCIATION

Attachment No. PC 4

Project Plans

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Tracy Residence

1020 White Sails Way

Newport Beach • California • 92625

Abbreviations

AB	Anchor Bolt	DIM	Dimension	MECH	Mechanical
AC	Air Conditioning	DR	Drawing	MAX	Maximum
ACOU	Acoustical	D.F.	Drinking Fountain	MET	Metal
AD	Area Drain	EA	Each	MIN	Minimum
ADJ	Adjustable	ELEC	Electrical	(N)	New
ADJT	Adjacent	ELEV	Elevation	NIC	Not In Contract
AL	Aluminum	EQUIP	Equipment	N.T.S.	Not To Scale
ALT	Alternate	EX	Existing	NAT	Natural
APPRX	Approximate	EXP. JT.	Expansion Joint	OC	On Center
ARCH	Architect	EXT	Exterior	OPG	Opening
ASB	Asbestos	EQ	Equal	OD	Outside Dim
ASP	Asphalt	FOF	Face Of Finish	OH	Overhrad
ASBO	As Selected By Owner	FOC	Face Of Concrete	PLAS	Plaster
BD	Board	FS	Face Of Stud	PLPG	Plate
BUILD	Building	FIN	Finish	PG	Paint Grade
BL	Block	FP	Fire Proof	PR	Pair
BLK	Blocking	FIN. SRF.	Finish Surface	RAD	Radius
BM	Beam	FT	Foot	REQ	Required
BOT	Bottom	FTG	Footing	RD	Roof Drain
BED	Bedroom	F.D.C.	Fire Department Connection	RM	Room
BRK	Bracket	GI	Galvanized	REV	Revised
CAB	Cabinet	G.I.	Galvanived Iron	RWD	Redwood
CB	Catch Basin	GA	Gauge	RO	Rough
CM	Cement	GL	Glass	R.O.	Rough Opening
CER	Ceramic	GYP	Gypsum	REG	Register
C. I.	Cast Iron	GC	General Contractor	SCH	Schedule
CLG	Ceiling	HDWR	Hardware	SECT	Section
CA	Calking	HWD	Hardwood	SIM	Similar
CL	Center Line	HT	Height	STD	Standard
CLOS	Closet	HC	Holow Core	STL	Steel
CLR	Clear	HM	Hollow Metal	STR	Structural
CEM	Concrete Masonry Unit	HORIZ	Horizontal	SUSP	Suspended
CTR	Counter	HB	Hose Bibb	TEL	Telephone
COL	Column	HVAC	Heating Venting Ac	TEMP	Temporary
CONC	Concrete	IN	Inch	T&G	Tongue And Groove
COND	Condition	ID	Inside Dim.	TC	Top Of Curb/Concrete
CONN	Connection	INSUL	Insulation	TS	Top Of Slab
CONST	Construction	INT	Interior	TYP	Typical
CONT	Continuous	INV	Invert	TW	Top Of Wall
CONTR	Contractor	JT	Joint	VTR	Vent Thru Roof
COR	Corridor	KIT	Kitchen	VERT	Vertical
CT	Center	LAV	Lavatory	VT	Vinyl Tile
CTSK	Countersunk	LIN. FT.	Linear Foot	WC	Water Closet
CL	Center Line	LINOL	Linoleum	WH	Water Heater
C.T.	Ceramic Tile	LG	Long	WT	Weight
CLR	Clear	LAM	Laminated	WD	Wood
DET	Detail	LT	Light	WWM	Welded Wire Mesh
DIA	Diameter	MB	Machine Bolt	WI	Wrought Iron
				WS	Weather Strip

Consultants

ARCHITECT:

C.J. Light Associates

1401 Quail Street, Suite 120

Newport Beach, CA 92660

(949) 851-8345

Architect: Christian R. Light

Contact: Ron Thorpe

RdM SURVEYING INC.

Project Surveyor

23016 Lake Forest Drive # 409

Laguna Hills, CA 92653

(949) 858 - 2924

Contact : Ron Miedema

LANDSCAPE ARCHITECT:

Philips Design :

Landscape Architecture

25622 Eastwind Drive,

Dana Point, CA 92629

(949) 338 - 8097

Contact : Pete Philips

Owner / Client

Mr. Mike Tracey
1020 White Sails Way
Newport Beach, CA 92625

Scope of Work

1. Add new master suite in location of current exsting garage at the entry level. Redesign and add a new 2 car semi - subterranean garage including 1 car tandem space, a new required driveway, exterior stairs, elevator, elevator machine room, and misc. hardscape and planting.

2. All new materials will match with the existing materials of the existing house. (roof finshed materials, fascia, gutters and downspouts, etc. Also new plaster walls, stone cladding, and roof eaves, new doors and windows, etc. with all new finishes to match with exisitng home)

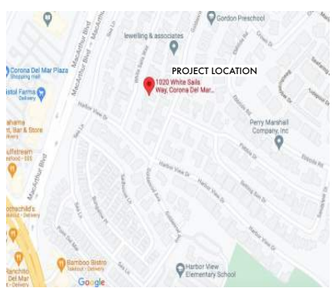
Sheet Index

Architectural	
C1	Cover Sheet
SP0	Site Plan (as reference for) original existing site plan / floor plan
SP1	Site Plan (as reference for) current existing conditions & "as built" conditions
SP2	Site Plan (as reference for) current existing "as built" conditions to remain, & new proposed conditions
SP3	Site Plan / Floor Plan (as reference for) current existing "as built " conditions to remain, & new proposed conditions
SP4	Site Plan (as reference for) Buildable Area and Lot Coverage
SP5	Site Plan (as reference for) Total Site Area and Lot Coveraage
STK 1	Certified Staking Plan with new conditions and existing "as built conditions" to remain (Roof Staking)
STK 2	Certified Staking Plan with new conditions and "as built conditions" to remain (Site staking)
A1	Existing Entry Level Floor Plan with New Conditions
A1.1	Entry Level Floor Plan - Square Footage Overlay
A2	New Lower Level Floor PLan
A2.1	New Lower Level Floor Plan - Square Footage Overlay
A3	Existing Roof Plan with New Conditions
A4	Existing Exterior Elevations with New Conditions
A5	Existing Exterior Elevations and Sections with New Conditions
1	A.C. Condenser Sound Attenuation / Noise Analysis - General Notes
2	A.C. Condenser Sound Attenuation / Noise Analysis Plan and Calculations
	Presentation 3-D Rendering
	Presentation 3-D Rendering
	Color and Materials Board

Landscape	
L-1	Hardscape Plan
L-2	Hardscape Details
L-3	Lighting Plan
L-4	Irrigation Plan
L-5	Irrigation Details
L-6	Irrigation Specifications
L-7	Tree Plan
L-8	Planting Plan
L-9	Planting Details
L-10	Planting Specifications

Civil-Topographic Survey	
1	Original Topographic Survey
2	Existing "As Built" Topographic Survey

Vicinity Map



Symbols

Revision

Section Line
Section Designation
Sheet Number

Detail Key
Detail Designation
Sheet Number

Datum

Project Data

Legal Description

Lot :	30
Tract :	2202

(E) Residence (Habitable Space)	3,336 s.f.
(E) Garage (Non Habitable Space)	444 s.f.
Total Existing Residence	3,780 s.f.
(N) Master Suite Addition = 392 s.f. and Remodel for New Master Bath = 529 s.f (new habitable space)	921 s.f.
(N) 2 - Car Garage, with New 1 Car Tandem Space (non habitable space)	730 s.f.
(N) Elevator, Elevator Machine Room, and Vestibule (habitable space)	123 s.f.
Total Addition / Remodel of Existing Residence	1,774 s.f.
Total Habitable Space - existing (3336 s.f. minus 85 s.f. now part of Master Closet space)	3,251 s.f.
Total Habitable Space - New M. Suite, Remodel - New Master Bath, New Elevator, Machine Room, and Vestibule	1,044 s.f.
Grand Total :	4,295 s.f.

C. J. LIGHT ASSOCIATES

Christian R. Light

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(949) 851-8345
Fax (949) 851-1116

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TRACY RESIDENCE
1020 WHITE SAILS WAY
NEWPORT BEACH • CALIFORNIA • 92629

COVER SHEET

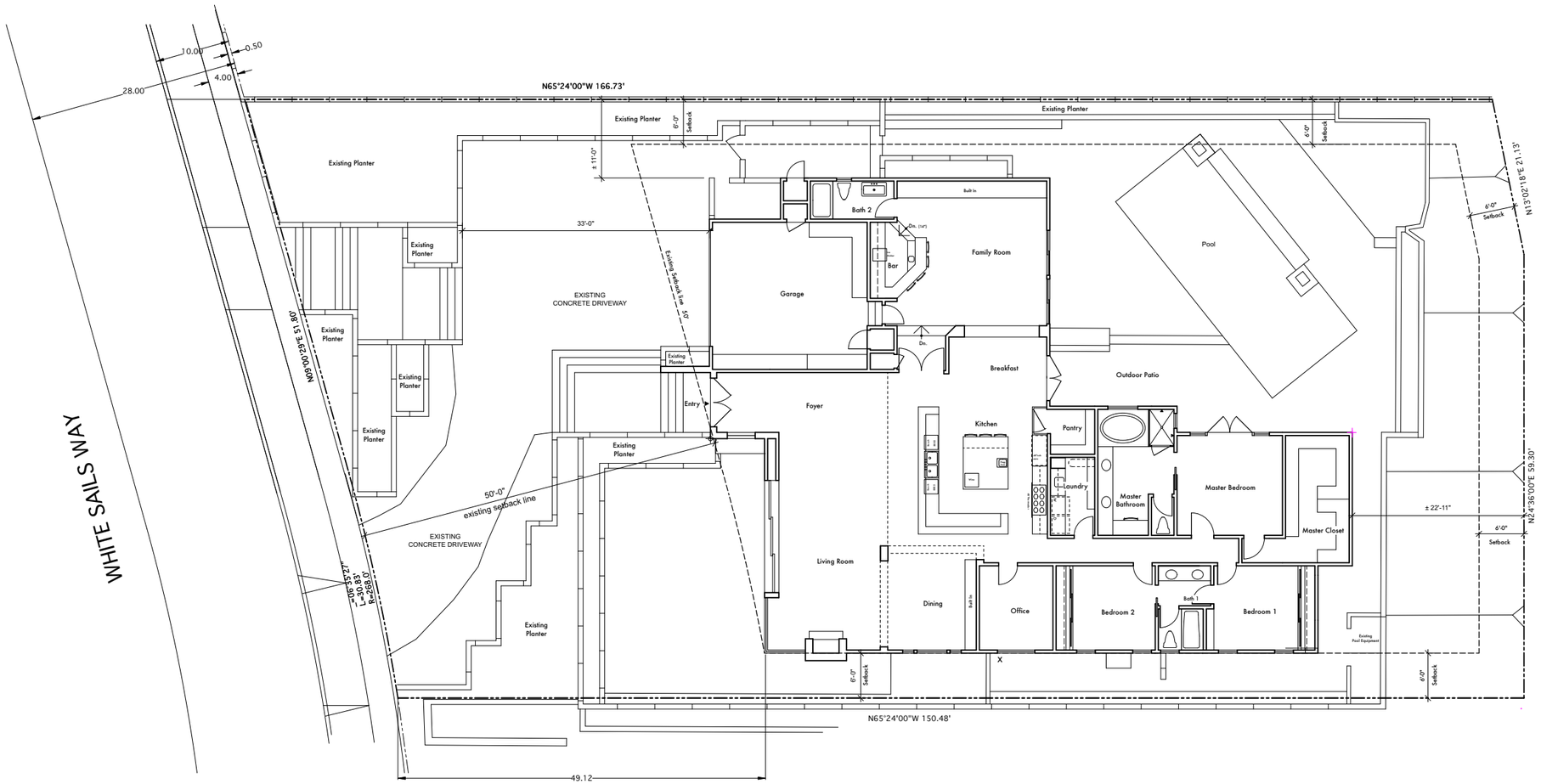
Job Number: 1904

Scale: NA

Date:
HOA: Preliminary Plan Submittal : February 6, 2025
HOA: Preliminary Plan Approval: March 26, 2025
Variance Package : 7-17-25

LICENSED ARCHITECT
CHRISTIAN R. LIGHT
No. 22334
Exp. 5/31/27
STATE OF CALIFORNIA

C1



ORIGINAL EXISTING FLOOR PLAN / SITE PLAN -

(PRIOR TO " AS BUILT " CONDITIONS) SCALE 1/8" = 1'-0"

EXISTING RESIDENCE (habitable space)	=	3,336 s.f.
EXISTING GARAGE (non - habitable space)	=	444 s.f.
TOTAL	=	3,780 s.f.

C. J. LIGHT ASSOCIATES
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TRACY RESIDENCE
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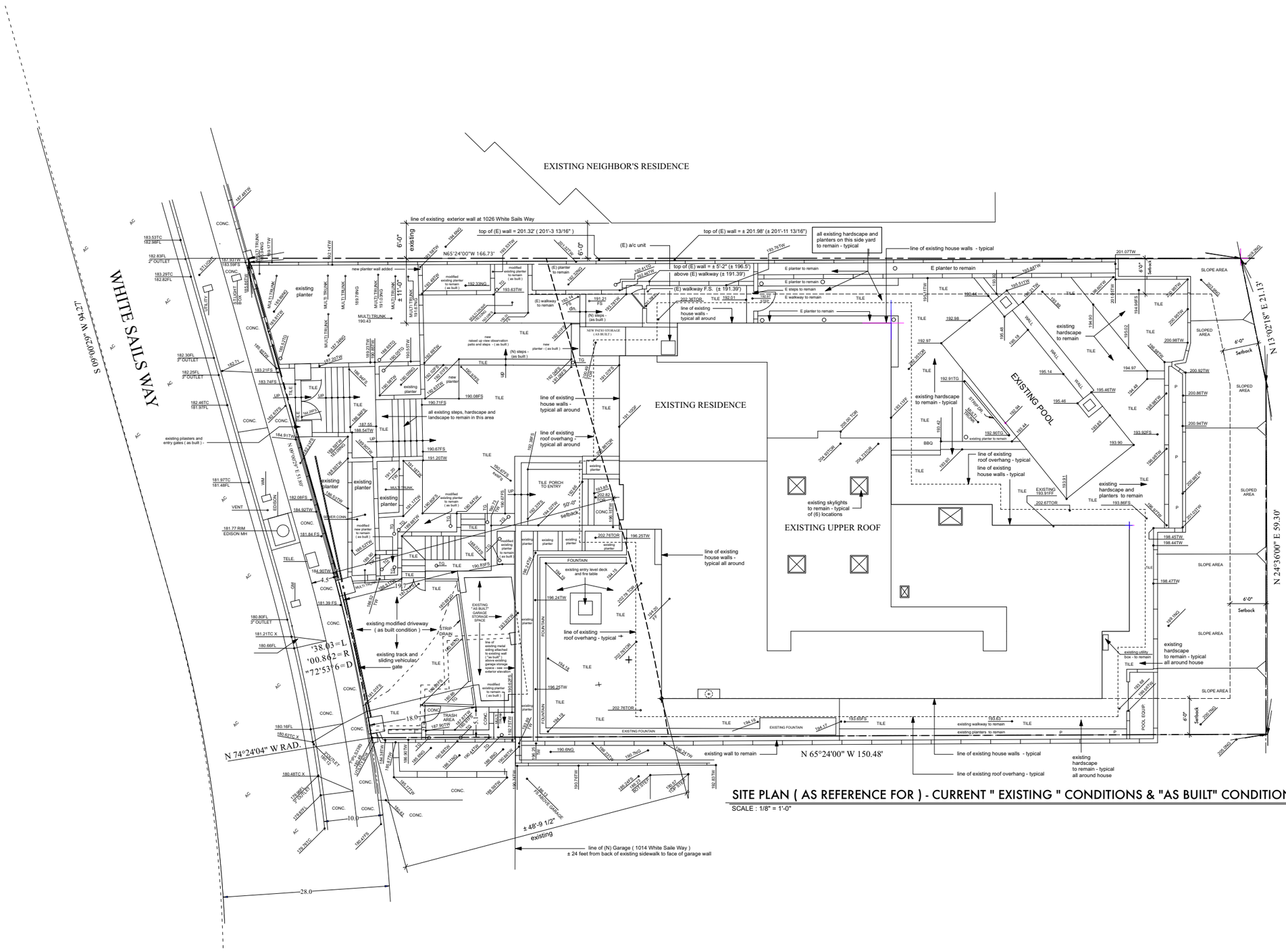
ORIGINAL EXISTING
FLOOR PLAN / SITE PLAN

Job Number: 2127
Scale: 1/8" = 1'-0"
Date:
Variance Package : 7-17-25

LICENSED ARCHITECT
CHRISTIAN R. LIGHT
No. 22334
Exp. 5/31/27
STATE OF CALIFORNIA

SPO 46



SITE PLAN (AS REFERENCE FOR) - CURRENT " EXISTING " CONDITIONS & "AS BUILT" CONDITIONS

SCALE : 1/8" = 1'-0"

NORTH

C. J. LIGHT ASSOCIATES

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T R A C Y R E S I D E N C E
1020 WHITE SAILS WAY
NEWPORT BEACH • CALIFORNIA • 92625

SITE PLAN
(as reference for)
current " existing " conditions
and
" as built" conditions

Job Number: 2127

Scale: 1/8" = 1'-0"

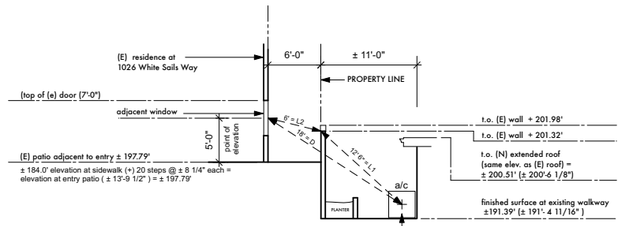
Date:
HOA: Preliminary Plan Submittal : February 6, 2025
HOA: Preliminary Plan Approval: March 26, 2025
Variance Package : 7-17-25

LICENSED ARCHITECT
CHRISTIAN R. LIGHT
No. 22334
Exp. 5/31/27
STATE OF CALIFORNIA

SP1

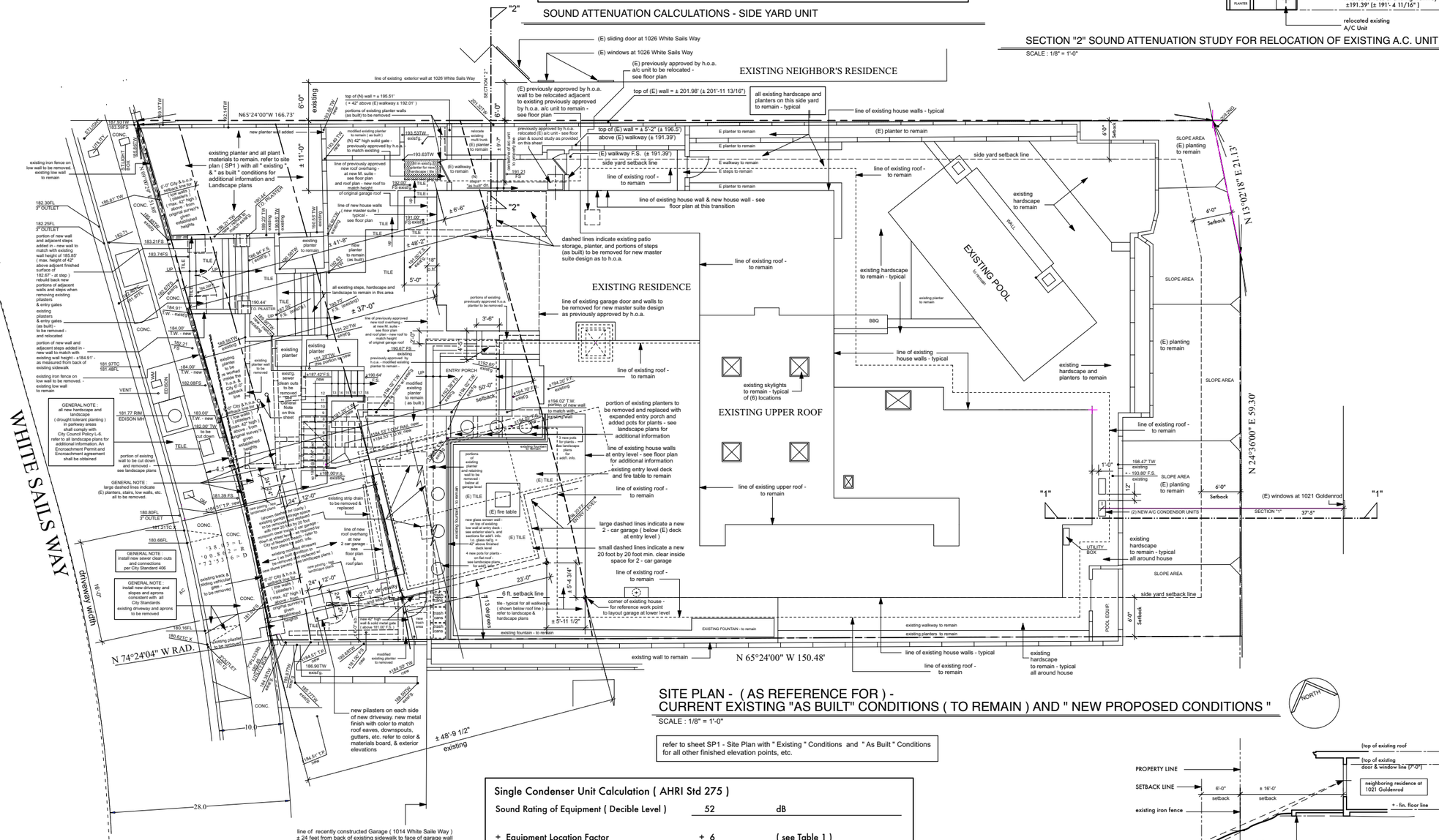
Single Condenser Unit Calculation (AHRI Std 275)		
Sound Rating of Equipment (Decible Level)	73	dB
+ Equipment Location Factor	+ 6	(see Table 1)
- Barrier Shield Factor	- 4	(see Table 2)
- Distance Factor	- 23.5	(see Table 3)
= Estimated Sound Level of Equipment at the Point of Evaluation (Neighbor)	= 51.5	dB < 55 dB O.K. w/ Timer NBMC 10.26.045

SOUND ATTENUATION CALCULATIONS - SIDE YARD UNIT



SECTION "2" SOUND ATTENUATION STUDY FOR RELOCATION OF EXISTING A.C. UNIT

SCALE : 1/8" = 1'-0"



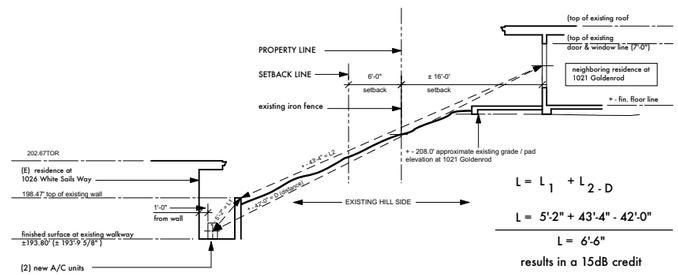
SITE PLAN - (AS REFERENCE FOR) - CURRENT EXISTING "AS BUILT" CONDITIONS (TO REMAIN) AND " NEW PROPOSED CONDITIONS "

SCALE : 1/8" = 1'-0"

refer to sheet SP1 - Site Plan with " Existing " Conditions and " As Built " Conditions for all other finished elevation points, etc.

Single Condenser Unit Calculation (AHRI Std 275)		
Sound Rating of Equipment (Decible Level)	52	dB
+ Equipment Location Factor	+ 6	(see Table 1)
- Barrier Shield Factor	- 15	(see Table 2)
- Distance Factor	- 29.5	(see Table 3)
= Estimated Sound Level of Equipment at the Point of Evaluation (Neighbor)	= 13.5	
+ Multi-Unit Value	= + 3	(see Table 4)
= Grand Total with Multi-Unit Value	= + 16.5	

SOUND ATTENUATION CALCULATIONS - (2) NEW A/C UNITS IN REAR YARD



SECTION "1" - SOUND ATTENUATION STUDY FOR (2) NEW A.C. UNITS

SCALE : 1/8" = 1'-0"

C. J. LIGHT ASSOCIATES

Christian R. Light

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TRACY RESIDENCE
1020 WHITE SAILS WAY
NEWPORT BEACH • CALIFORNIA • 92625

SITE PLAN - (as reference for) current existing "as built" conditions to remain and "new proposed conditions"

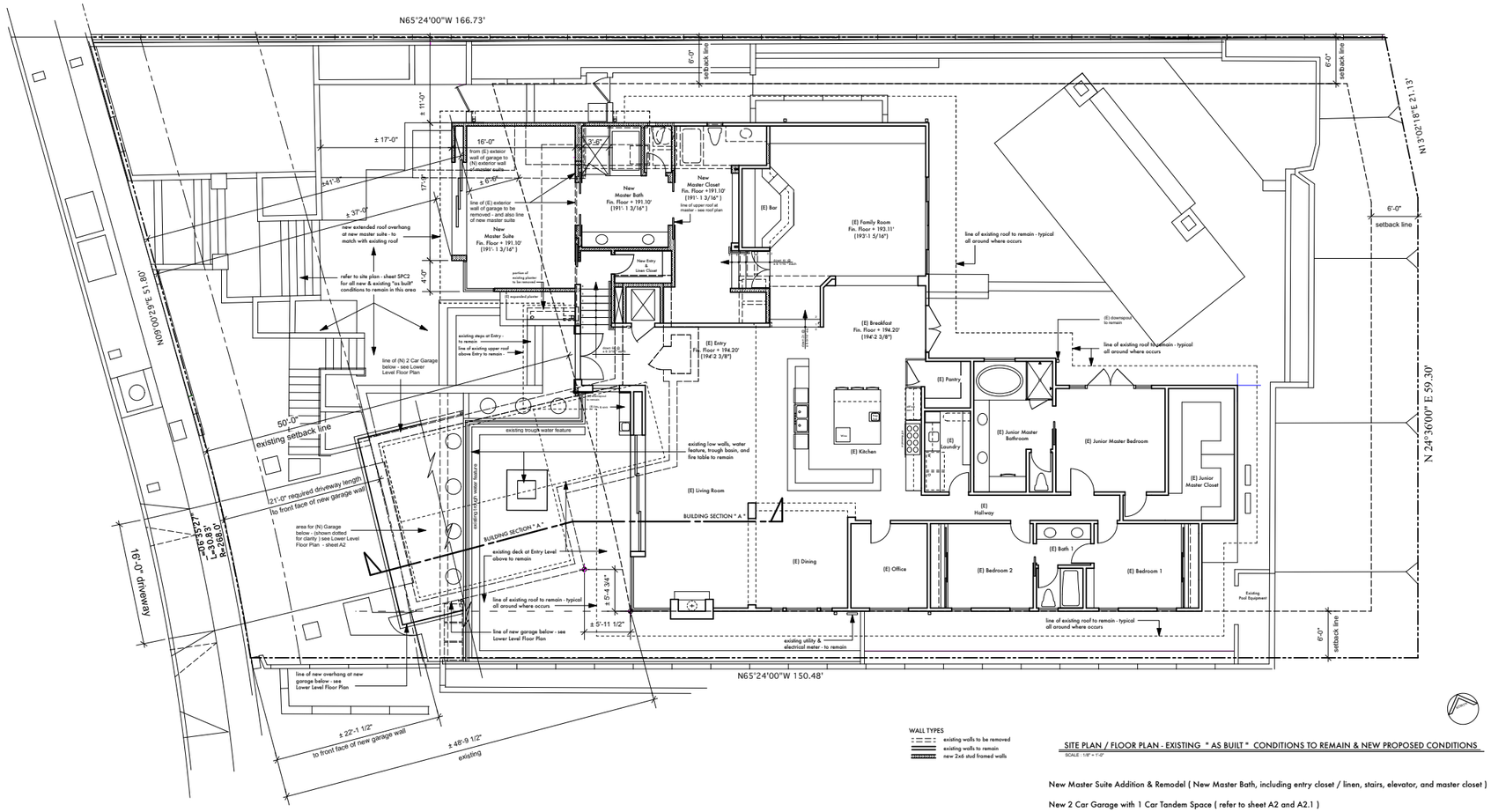
Job Number: 2127

Scale: 1/8" = 1'-0"

Date:
HOA: Preliminary Plan Submittal : February 6, 2025
Revised : March 17, 2025
HOA: Preliminary Plan Approval: March 26, 2025
Variance Package : 7-17-25

LICENSED ARCHITECT
CHRISTIAN R. LIGHT
No. 22334
Exp. 5/31/27
STATE OF CALIFORNIA

SP2



WALL TYPES

- existing walls to be removed
- existing walls to remain
- new 2x6 stud framed walls

SITE PLAN / FLOOR PLAN - EXISTING " AS BUILT " CONDITIONS TO REMAIN & NEW PROPOSED CONDITIONS

SCALE : 1/8" = 1'-0"

New Master Suite Addition & Remodel (New Master Bath, including entry closet / linen, stairs, elevator, and master closet)	= 921 s.f.
New 2 Car Garage with 1 Car Tandem Space (refer to sheet A2 and A2.1)	= 730 s.f.
New Garage Vestibule, Elevator and Machine Room (refer to sheet A2 and A2.1)	= 123 s.f.
TOTAL	= 1,157 s.f.

C. J. LIGHT ASSOCIATES

Christian R. Light

1401 Quail Street, Suite 120
Newport Beach, CA 92660
(949) 851-8345
Fax (949) 851-1116

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TRACY RESIDENCE

1020 WHITE SAILS WAY
NEWPORT BEACH • CALIFORNIA • 92625

SITE PLAN / FLOOR PLAN - (as reference for) existing "as built" conditions to remain and "new proposed conditions"

Job Number: 2127

Scale: 1/4"=1'- 0"

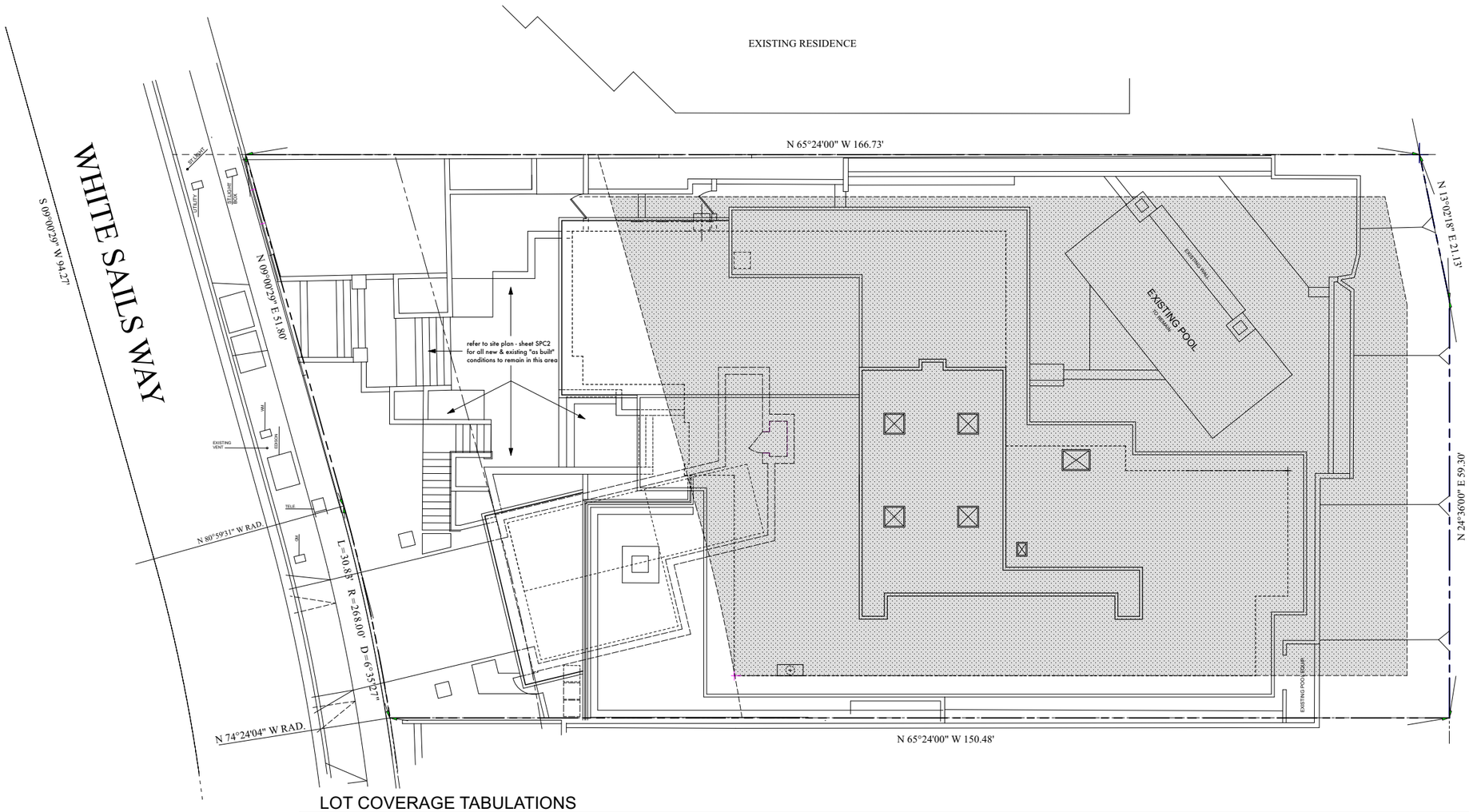
Date:

HOA: Preliminary Plan Submittal : 12-1-22

Variance Package : 7-17-25

LICENSED ARCHITECT
CHRISTIAN R. LIGHT
No. 22334
Exp. 5/31/27
STATE OF CALIFORNIA

SP3



LOT COVERAGE TABULATIONS

total existing site area	= 12,768 s.f.
max. allowable coverage is 60%	= 7,660 s.f.
buildable area = 12,768 s.f. (-) setbacks	= 7,053 s.f.
existing residence habitable space	= 3,336 s.f.
existing garage non habitable space	= 444 s.f.
total existing residence	= 3,780 s.f.
new addition / remodel master suite	= 921 s.f.
new 2 car garage, with new 1 car tandem space (non habitable space)	= 730 s.f.
new elevator, elevator machine room & vestibule (habitable space)	= 123 s.f.
total addition / remodel existing residence	= 1,774 s.f.
total habitable space - existing 3,336 s.f. minus 85 s.f. now a part of master closet space	= 3,251 s.f.
total habitable space (new master suite, remodel new master bath new elevator, machine room, and vestibule)	= 1,044 s.f.
Grand Total :	= 4,295 s.f.

existing lot coverage = 3,780 s.f. (existing house & garage footprint)
divided by 12,768 (site area)
= 29% lot coverage

new lot coverage = 921 s.f. (addition / remodel master suite) + 730 s.f. (new 2 car garage, with 1 car tandum space)
+ 123 s.f. new elevator, elevator machine room and vestibule)
= total of 1,774 s.f. divided by 12,768 (site area)
= 13% lot coverage

total existing & new = 42% lot coverage

buildable area = 12,768 s.f. (-) setback area
= 7,053 s.f.

SITE PLAN - EXISTING "AS BUILT " CONDITIONS TO REMAIN & NEW PROPOSED CONDITIONS

SCALE : 1/8" = 1'-0"

C. J. LIGHT ASSOCIATES
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TRACY RESIDENCE
1020 WHITE SAILS WAY
NEWPORT BEACH • CALIFORNIA • 92625

SITE PLAN -
(as reference for)
Buildable Area
and Lot Coverage

Job Number: 2127

Scale: 1/8" = 1'-0"

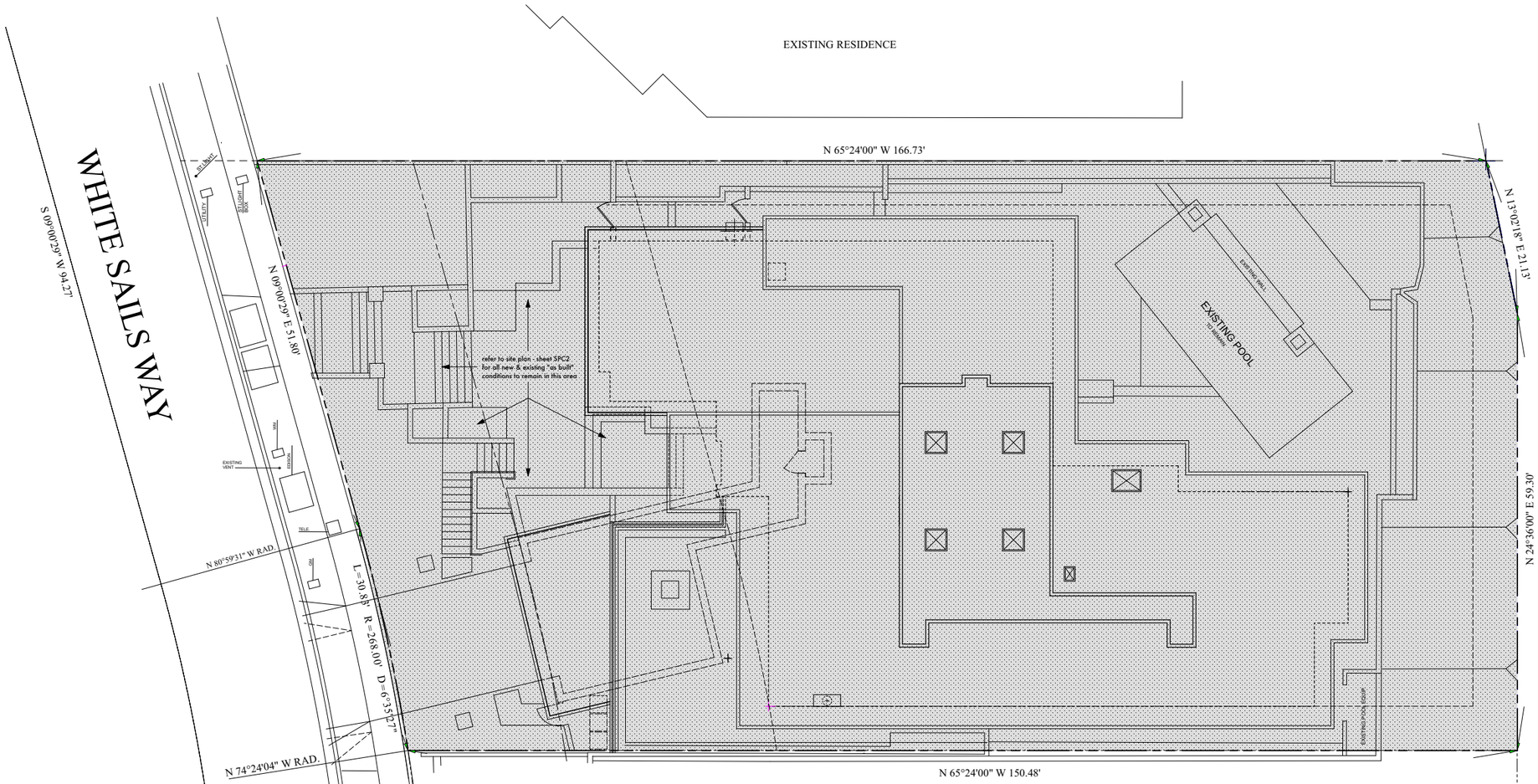
Date:

HOA: Preliminary Plan Submittal : 12-1-22

Variance Package : 7-17-25

LICENSED ARCHITECT
CHRISTIAN R. LIGHT
No. 22334
Exp. 5/31/27
STATE OF CALIFORNIA

SP4
50



LOT COVERAGE TABULATIONS

total existing site area	= 12,768 s.f.
max. allowable coverage is 60%	= 7,660 s.f.
buildable area = 12,768 s.f. (-) setbacks	= 7,053 s.f.
existing residence habitable space	= 3,336 s.f.
existing garage non habitable space	= 444 s.f.
total existing residence	= 3,780 s.f.
new addition / remodel master suite	= 921 s.f.
new 2 car garage, with new 1 car tandem space (non habitable space)	= 730 s.f.
new elevator, elevator machine room & vestibule (habitable space)	= 123 s.f.
total addition / remodel existing residence	= 1,774 s.f.
total habitable space - existing 3,336 s.f. minus 85 s.f. now a part of master closet space	= 3,251 s.f.
total habitable space (new master suite, remodel new master bath new elevator, machine room, and vestibule)	= 1,044 s.f.
Grand Total :	= 4,295 s.f.

existing lot coverage = 3,780 s.f. (existing house & garage footprint)
divided by 12,768 (site area)
= 29% lot coverage

new lot coverage = 921 s.f. (addition / remodel master suite) + 730 s.f. (new 2 car garage, with 1 car tandum space)
+ 123 s.f. new elevator, elevator machine room and vestibule)
= total of 1,774 s.f. divided by 12,768 (site area)
= 13% lot coverage

total existing & new = 42% lot coverage

SITE PLAN - EXISTING "AS BUILT " CONDITIONS TO REMAIN & NEW PROPOSED CONDITIONS

SCALE : 1/8" = 1'-0"

site area = 12,768 s.f.

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TRACY RESIDENCE
1020 WHITE SAILS WAY
NEWPORT BEACH • CALIFORNIA • 92625

SITE PLAN -
TOTAL SITE AREA
and
LOT COVERAGE

Job Number: 2127

Scale: 1/8" = 1'-0"

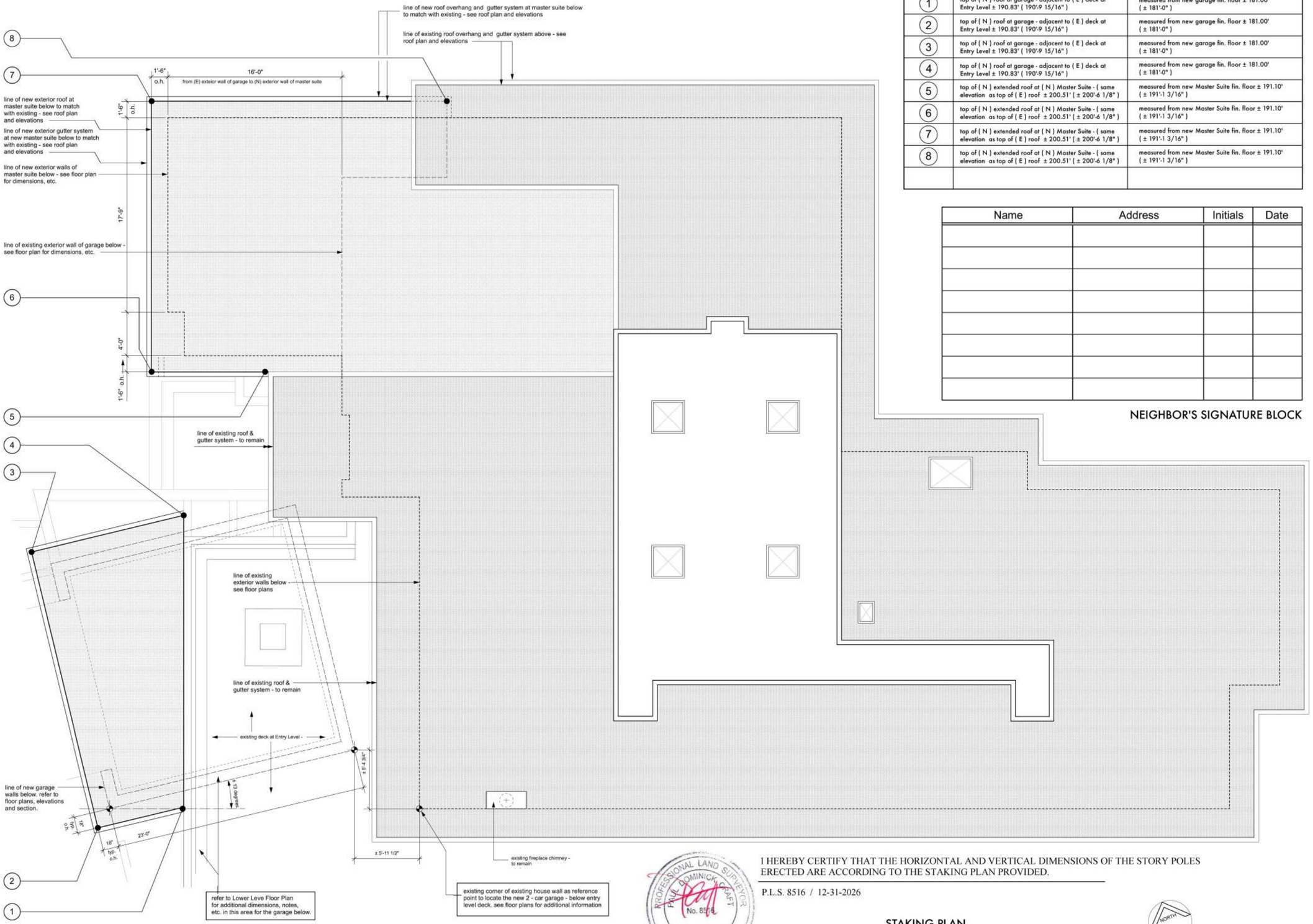
Date:

HOA: Preliminary Plan Submittal : 12-1-22

Variance Package : 7-17-25

LICENSED ARCHITECT
CHRISTIAN R. LIGHT
No. 22334
Exp. 5/31/27
STATE OF CALIFORNIA

SP5
51



STAKE	ELEVATION	REFERENCE POINT
1	top of (N) roof at garage - adjacent to (E) deck at Entry Level ± 190.83' (190'-9 15/16")	measured from new garage fin. floor ± 181.00' (± 181'-0")
2	top of (N) roof at garage - adjacent to (E) deck at Entry Level ± 190.83' (190'-9 15/16")	measured from new garage fin. floor ± 181.00' (± 181'-0")
3	top of (N) roof at garage - adjacent to (E) deck at Entry Level ± 190.83' (190'-9 15/16")	measured from new garage fin. floor ± 181.00' (± 181'-0")
4	top of (N) roof at garage - adjacent to (E) deck at Entry Level ± 190.83' (190'-9 15/16")	measured from new garage fin. floor ± 181.00' (± 181'-0")
5	top of (N) extended roof at (N) Master Suite - (same elevation as top of (E) roof ± 200.51' (± 200'-6 1/8")	measured from new Master Suite fin. floor ± 191.10' (± 191'-1 3/16")
6	top of (N) extended roof at (N) Master Suite - (same elevation as top of (E) roof ± 200.51' (± 200'-6 1/8")	measured from new Master Suite fin. floor ± 191.10' (± 191'-1 3/16")
7	top of (N) extended roof at (N) Master Suite - (same elevation as top of (E) roof ± 200.51' (± 200'-6 1/8")	measured from new Master Suite fin. floor ± 191.10' (± 191'-1 3/16")
8	top of (N) extended roof at (N) Master Suite - (same elevation as top of (E) roof ± 200.51' (± 200'-6 1/8")	measured from new Master Suite fin. floor ± 191.10' (± 191'-1 3/16")

Name	Address	Initials	Date

NEIGHBOR'S SIGNATURE BLOCK

PROFESSIONAL LAND SURVEYOR PAUL DOMINICK CRAFT No. 8516 STATE OF CALIFORNIA

1-30-25

I HEREBY CERTIFY THAT THE HORIZONTAL AND VERTICAL DIMENSIONS OF THE STORY POLES ERECTED ARE ACCORDING TO THE STAKING PLAN PROVIDED.

P.L.S. 8516 / 12-31-2026

STAKING PLAN

SCALE : 1/4" = 1'-0"

NORTH

C. J. LIGHT ASSOCIATES

Christian R. Light

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TRACY RESIDENCE
1020 WHITE SAILS WAY
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STAKING PLAN
(2 new roofs)

Job Number: 2127

Scale: 1/4" = 1'-0"

Date:

HOA: Preliminary Plan Submittal : February 6, 2025

LICENSED ARCHITECT ★ CHRISTIAN R. LIGHT ★ No. 22334 Exp. 5/31/27 REGISTERED CALIFORNIA

STK 1 52

Name	Address	Initials	Date

NEIGHBOR'S SIGNATURE BLOCK

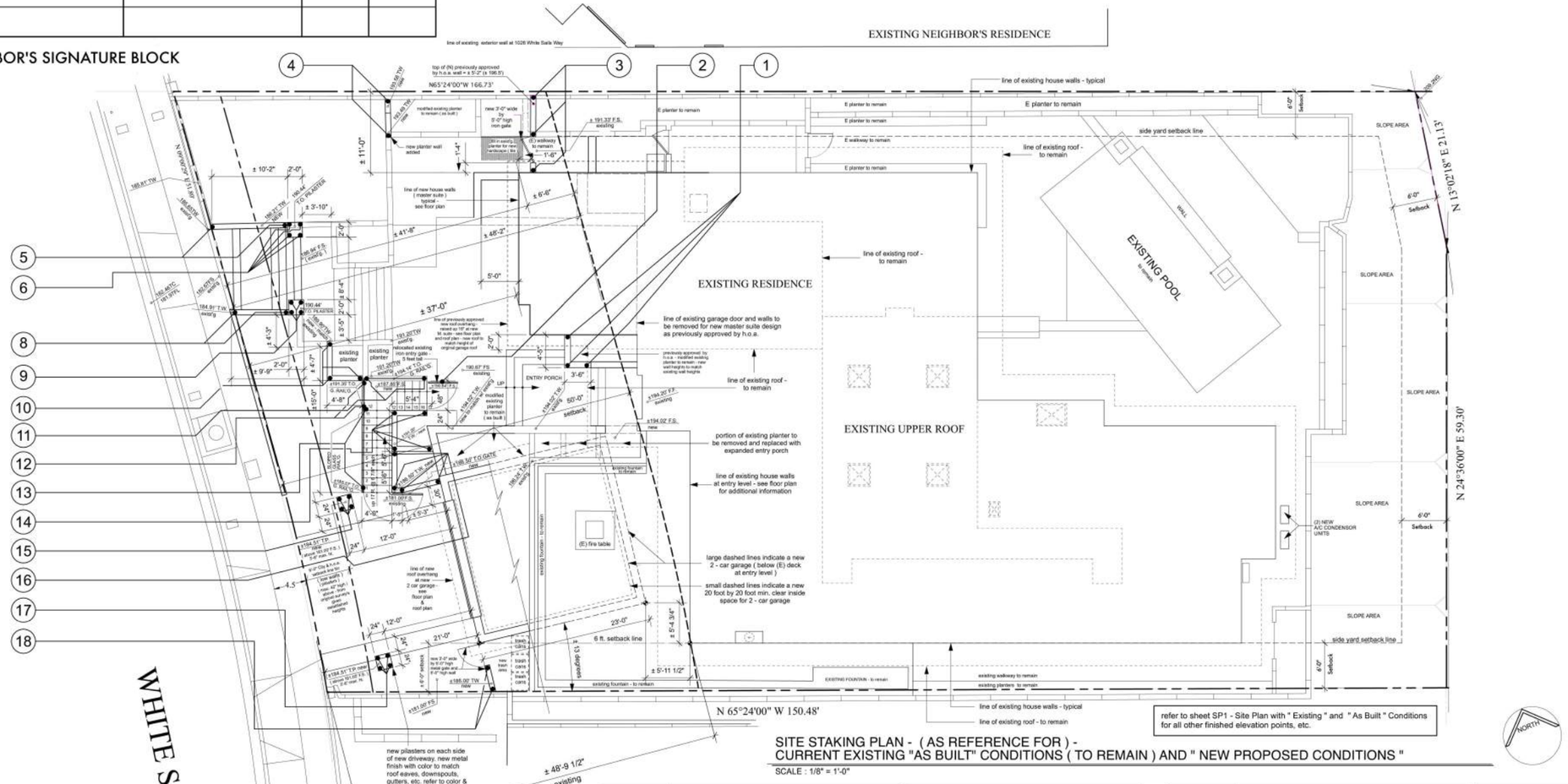
CERTIFICATION:

I HEREBY CERTIFY THAT THE HORIZONTAL AND VERTICAL DIMENSIONS OF THE STORY POLES ERECTED ARE ACCORDING TO THE STAKING PLAN PROVIDED.

P.L.S. 8516 / 12-31-2026

PAUL DOMINICK KAPP — No. 8516 — PROFESSIONAL LAND SURVEYOR — STATE OF CALIFORNIA

3-14-25



SITE STAKING PLAN - (AS REFERENCE FOR) -
CURRENT EXISTING "AS BUILT" CONDITIONS (TO REMAIN) AND " NEW PROPOSED CONDITIONS "

SCALE : 1/8" = 1'-0"

STAKE	ELEVATION	REFERENCE POINT
1	top of new expanded planter to match with the height of the existing planter - "as built"	refer to sheet SP2 Site Plan (new conditions and " as built ") and sheet A1 Floor Plan .
2	top of existing relocated 5'-0" tall iron gate = ±195.64' (±195'-7 11/16")	measured from top of new patio finished surface adjacent to new stairs of ±190.64' F.S. (± 190'-7 11/16")
3	top of new planter wall for new iron gate = ±5'-2" = 196.5' (±196'-6")	measured from top of existing walkway of ± 191.33' (± 191'- 4")
4	top of new planter wall = ± 193.58' & ± 193.49' (± 193'-6 15/16") & (± 193'-5 7/8")	measured from top of adjacent existing planter wall at ± 193.63' (193'-7 916")
5	top of new planter wall at ± 186.21' (± 186'-2 1/2")	measured from, and tied into adjacent existing planter wall at ± 185.85' (± 185'-10 3/16")
6	top of new pilaster at ± 190.44'(± 190'-5 1/4")	measured from adjacent stair landing finished surface at ± 186.94' (186'-11 1/4")
7	OMIT METAL ENTRY GATES	———
8	top of new planter wall at ± 184.91' (± 184'-10 15/16")	measured from existing adjacent wall at the same height = ± 184.91' (± 184'-10 15/16") at back of sidewalk
9	top of new pilaster at ± 190.44'(± 190'-5 1/4")	measured from adjacent stair landing finished surface at ± 186.94' (186'-11 1/4")

STAKE	ELEVATION	REFERENCE POINT
10	top of new walls at existing planter to match with an existing adjacent wall ± 189.90' (± 189'-10 13/16")	measured from adjacent landing / step at entry stairs ± 187.55' (± 187'- 6 5/8") f.s.
11	top of new glass railings at stairwell ± 194.14' (± 194'-1 11/16")	measured from top of existing wall at glass railings ± 191.20' (± 191'-2 3/8") adjacent f.s. of 190.64' at top of steps
12	top of new glass railings at stairwell ± 191.35' (± 191'-4 3/16")	measured from top of stair landing at ± 187.85' f.s. (± 187'-10 3/16")
13	top of new sloped glass railing ± 185.07' (± 185'-0 13/16")	measured from ± 181.00' f.s. at bottom of new stairs, plus 6 7/8" 1st. step, plus 42" = top of glass ± 185.07'
14	top of new planter adjacent to stairs ± 191.20' (± 191'-2 3/8")	measured from top of stair landing at ± 187.85' f.s. (± 187'-10 3/16")
15	top of new pilasters ± 184.51' (184'-6 1/8")	measured from ± 181.39' f.s. (± 181'-4 11/16") at adjacent existing sidewalk
16	top of new planter ± 186.50' (186'-6")	measured from ± 181.00' f.s. (± 181'-0") at bottom of new stairs
17	top of new pilasters ± 184.51' (184'-6 1/8")	measured from ± 181.39' f.s. (± 181'-4 11/16") at adjacent existing sidewalk
18	top of new wall at trash enclosure ± 186.00' (± 186'-0")	measured from ± 181.00' f.s. (± 181'-0") at adjacent new finished surface in front of trash enclosure

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TRACY RESIDENCE
1020 WHITE SAILS WAY
NEWPORT BEACH • CALIFORNIA • 92625

STAKING PLAN -
(all new planters, pilasters, stairs & glass railings gates, etc.)

Job Number: 2127

Scale: 1/8" = 1'- 0"

Date:
HOA: Preliminary Plan Submittal : February 6, 2025
Revised March 17, 2025

LICENSED ARCHITECT — CHRISTIAN R. LIGHT — No. 22334 — Exp. 5/31/27 — STATE OF CALIFORNIA

STK 2

▲ = TEMPERED GLASS (TYP)
● = EMERGENCY EGRESS DOOR / WINDOW (TYP)

PROVIDE THE FOLLOWING:

1. NET CLEAR AREA:
   AT GRADE LEVEL 5.0 SQ. FT.
   ABOVE GRADE LEVEL 5.7 SQ. FT.
2. NET OPENABLE HEIGHT SHALL BE 24" MIN.
3. NET OPENABLE WIDTH SHALL BE 20" MIN.
4. FINISH SILL HEIGHT OF 44" MAX. AFF.

FLOOR PLAN NOTES F1

F1. NEW STUD WALLS (SHADED) REFER TO STRUCTURAL PLANS FOR ADDITIONAL NOTES
F2. NEW TEMPERED FRAMELESS GLASS SHOWER DOOR & ENCLOSURE AS SELECTED BY OWNER
F3. NEW TUB AS SELECTED BY OWNER
F4. WATER CLOSET. PROVIDE 30" MIN CLEAR WIDTH, 24" MIN CLEAR IN FRONT AS SELECTED BY OWNER
F5. MUDSET TILE SHOWER TO 96" HIGH.
F6. NEW STAIRS w/ FINISHED WOOD or STONE STEPS AS SELECTED BY OWNER
F7. NEW TILE / STONE BENCH - SLOPE TO DRAIN. VERIFY HEIGHT WITH OWNER
F8. NEW TYPICAL CLOSET SHELF & POLE AS SELECTED BY OWNER
F9. NEW RAIN HEAD - AS SELECTED BY OWNER - HEIGHT TO BE VERIFIED WITH OWNER.
F10. NEW WOOD or IRON HANDRAIL AS SELECTED BY OWNER.
F11. BASE CABINET W/ COUNTER & LAVATORY AS SELECTED BY OWNER
F12. DOTTED LINES INDICATE LINE OF GARAGE BELOW - SEE LOWER LEVEL FLOOR PLAN FOR ADDITIONAL INFORMATION.
F13. NEW ELEVATOR AS SELECTED BY OWNER

DOOR SCHEDULE

Exterior door "A" to match with existing slider at living room - Gen. Contractor to confirm existing door with new door.

SYMBOL (L)	WIDTH	HEIGHT	TYPE	U FACTOR	SHGC	REMARKS
A	12'-0"	8'-0"	sliding glass pocket door system	0.45	0.24	▲temp. glass (3) sliding doors to match existing - by owner
B	5'-6"	7'-0"	sliding solid core pocket door system	——	——	wood interior door as selected by owner
C	5'-6"	7'-0"	sliding solid core pocket door system	——	——	wood interior door as selected by owner
D	+- 4'-8" (pair)	7'-0"	solid core wood door	——	——	wood interior door as selected by owner
E	3'-0"	± 6'-8" to ± 6'-10"	solid core 20 minute rated wood door	——	——	coordinate & confirm door height with elevator contractor
F	3'-0"	7'-0"	sliding solid core pocket door system	——	——	wood interior door as selected by owner
G	2'-6"	7'-0"	solid core wood door	——	——	wood interior door as selected by owner
H	2'-6"	7'-0"	solid core wood door	——	——	wood interior door as selected by owner
J	16'-0"	7'-0"	solid core wood door	——	——	wood garage door as selected by owner
K	3'-0"	± 6'-8" to ± 6'-10"	solid core 20 minute rated wood door	——	——	coordinate & confirm door height with elevator contractor
L	3'-0"	± 6'-8" to ± 6'-10"	solid core 20 minute rated wood door	——	——	coordinate & confirm door height with elevator contractor

contractor to field verify all new door and window openings, and head heights prior to ordering any new doors and windows.
"fenestartions must have temporary and permanent labels"

WINDOW SCHEDULE

new windows # 1 & 2 to match with existing corner window at living room - Gen. Contractor to confirm window units

SYMBOL (5)	WIDTH	HEIGHT	HEADER	TYPE	U FACTOR	SHGC	REMARKS
1	4'-0"	8'-0"	8'-0"	fixed	0.30	0.21	▲temp. glass corner unit
2	4'-0"	8'-0"	8'-0"	fixed	0.30	0.21	▲temp. glass corner unit

contractor to field verify all new door and window openings, and head heights prior to ordering any new doors and windows.
"fenestartions must have temporary and permanent labels"

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TRACY RESIDENCE
1020 WHITE SAILS WAY
NEWPORT BEACH • CALIFORNIA • 92625

FLOOR PLAN - NEW & EXISTING CONDITIONS

Job Number: 2127
Scale: 1/4"=1'-0"
Date:
HOA: Preliminary Plan Submittal : February 6, 2025
HOA: Preliminary Plan Approval: March 26, 2025
Variance Package : 7-17-25

LICENSED ARCHITECT
CHRISTIAN R. LIGHT
No. 22334
Exp. 5/31/27
REGISTERED CALIFORNIA

A1
54

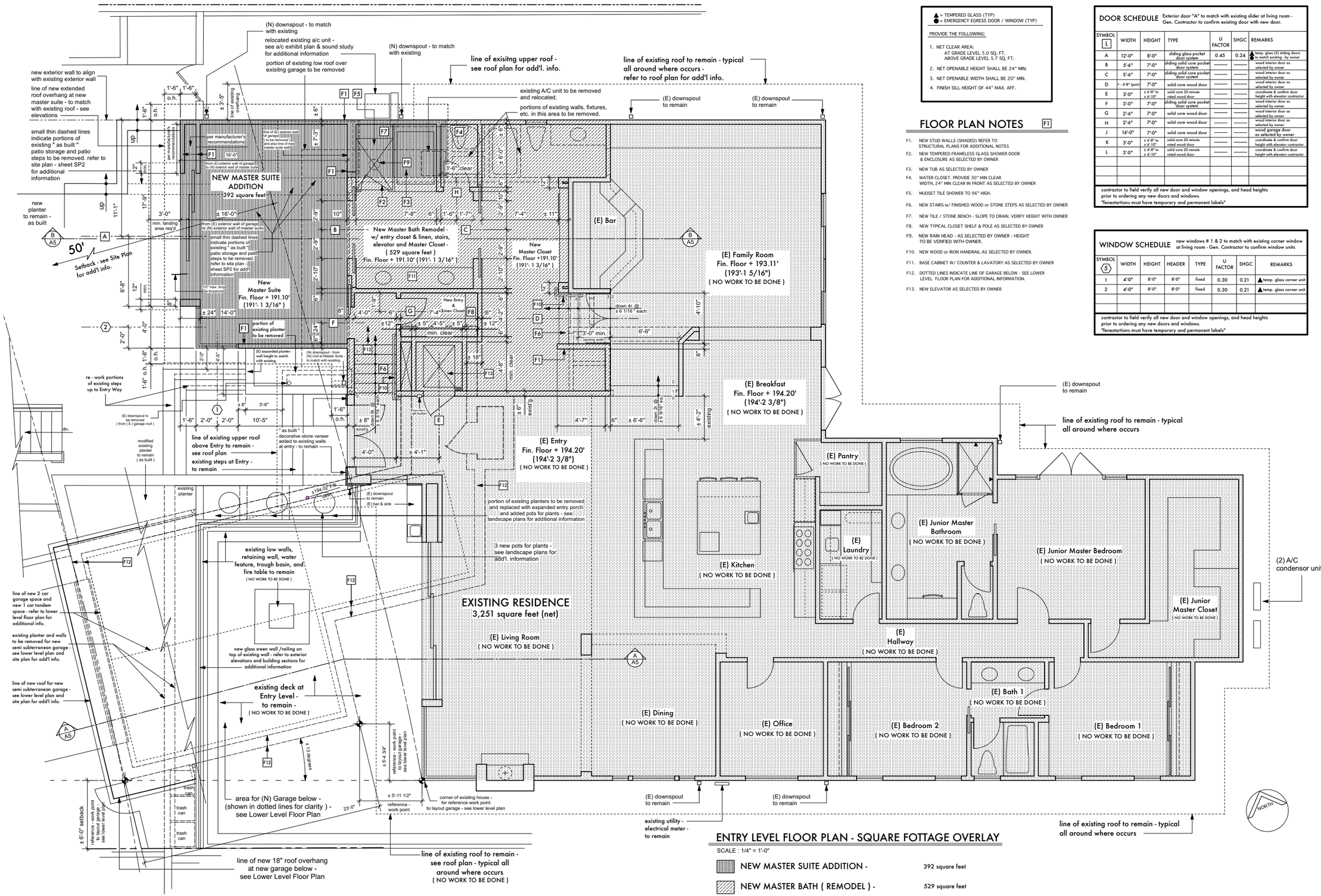
59

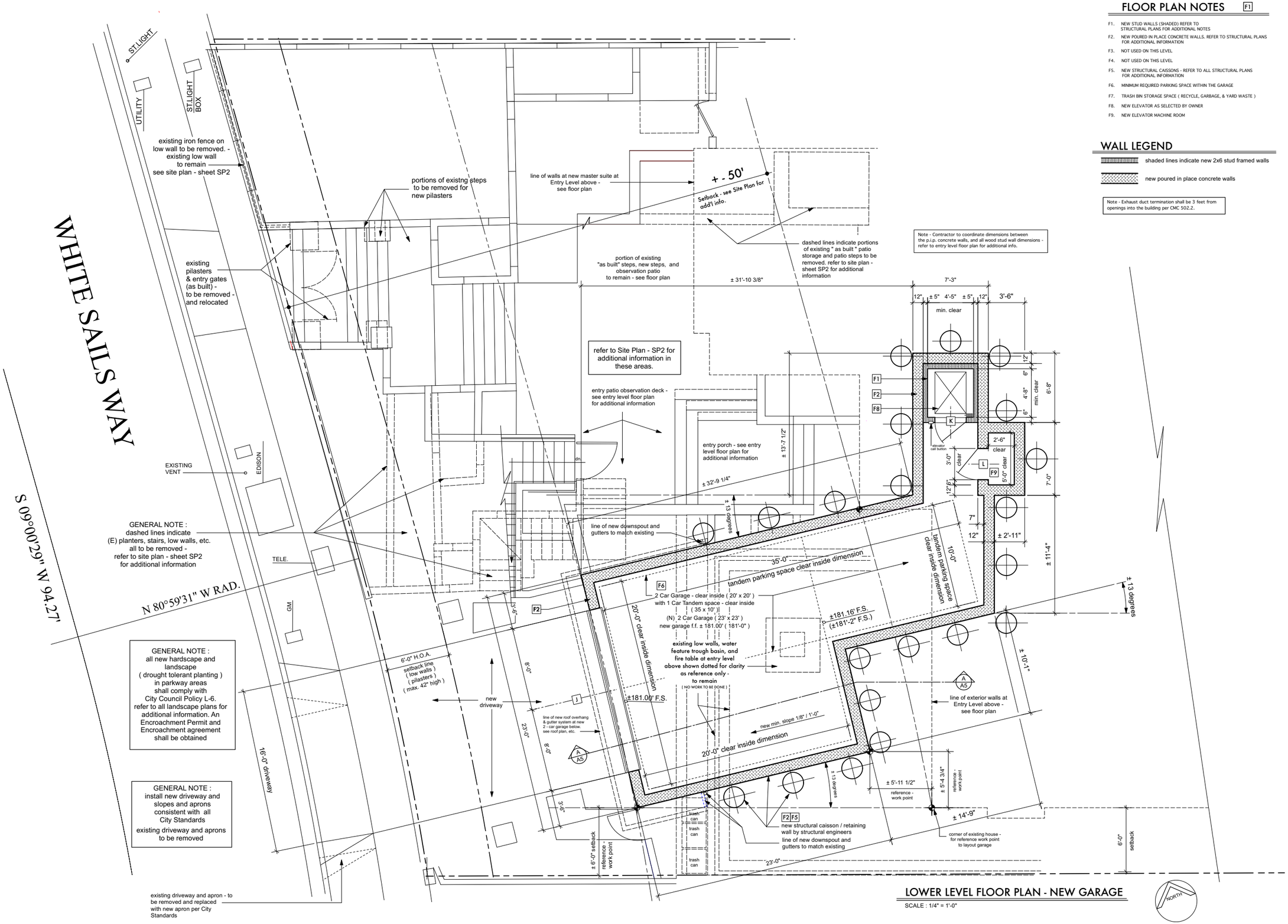
WALL LEGEND

Dashed lines indicate existing walls to be removed
Solid lines indicate existing walls to remain
Shaded lines indicate new 2x6 stud framed walls

FLOOR PLAN - NEW & EXISTING CONDITIONS

SCALE : 1/4" = 1'-0"


NEW MASTER SUITE ADDITION
392 square feet
New Master Suite
Fin. Floor + 191.10'
(191'- 1 3/16")
New Master Bath Remodel - w/ entry closet & linen, stairs, elevator and Master Closet - (529 square feet)
Fin. Floor + 191.10' (191'- 1 3/16")
New Master Closet
Fin. Floor +191.10'
(191'- 1 3/16")
(E) Family Room
Fin. Floor + 193.11'
(193'-1 5/16")
(NO WORK TO BE DONE)
(E) Bar
(E) Breakfast
Fin. Floor + 194.20'
(194'-2 3/8")
(NO WORK TO BE DONE)
(E) Entry
Fin. Floor + 194.20'
(194'-2 3/8")
(NO WORK TO BE DONE)
EXISTING RESIDENCE
3,251 square feet (net)
(E) Kitchen
(NO WORK TO BE DONE)
(E) Pantry
(NO WORK TO BE DONE)
(E) Laundry
(NO WORK TO BE DONE)
(E) Junior Master Bathroom
(NO WORK TO BE DONE)
(E) Junior Master Bedroom
(NO WORK TO BE DONE)
(E) Junior Master Closet
(NO WORK TO BE DONE)
(E) Hallway
(NO WORK TO BE DONE)
(E) Bath 1
(NO WORK TO BE DONE)
(E) Bedroom 1
(NO WORK TO BE DONE)
(E) Bedroom 2
(NO WORK TO BE DONE)
(E) Office
(NO WORK TO BE DONE)
(E) Dining
(NO WORK TO BE DONE)
(E) Living Room
(NO WORK TO BE DONE)
existing deck at Entry Level - to remain - (NO WORK TO BE DONE)
existing low walls, retaining wall, water feature, trough basin, and fire table to remain (NO WORK TO BE DONE)
area for (N) Garage below - (shown in dotted lines for clarity) - see Lower Level Floor Plan
line of new 18" roof overhang at new garage below - see Lower Level Floor Plan
line of existing roof to remain - see roof plan - typical all around where occurs (NO WORK TO BE DONE)
line of existing upper roof above Entry to remain - see roof plan
existing steps at Entry - to remain
line of existing roof to remain - typical all around where occurs
line of existing roof to remain - typical all around where occurs
line of existing roof to remain - typical all around where occurs
line of exisitng upper roof - see roof plan for add'l. info.
line of existing roof to remain - typical all around where occurs - refer to roof plan for add'l info.
(N) downspout - to match with existing
relocated existing a/c unit - see a/c exhibit plan & sound study for additional information
portion of existing low roof over exisitng garage to be removed
existing A/C unit to be removed and relocated.
portions of existing walls, fixtures, etc. in this area to be removed.
(E) downspout to remain
(E) downspout to remain
(E) downspout to remain



FLOOR PLAN NOTES F1

F1. NEW STUD WALLS (SHADED) REFER TO STRUCTURAL PLANS FOR ADDITIONAL NOTES

F2. NEW POURED IN PLACE CONCRETE WALLS. REFER TO STRUCTURAL PLANS FOR ADDITIONAL INFORMATION

F3. NOT USED ON THIS LEVEL

F4. NOT USED ON THIS LEVEL

F5. NEW STRUCTURAL CAISSONS - REFER TO ALL STRUCTURAL PLANS FOR ADDITIONAL INFORMATION

F6. MINIMUM REQUIRED PARKING SPACE WITHIN THE GARAGE

F7. TRASH BIN STORAGE SPACE (RECYCLE, GARBAGE, & YARD WASTE)

F8. NEW ELEVATOR AS SELECTED BY OWNER

F9. NEW ELEVATOR MACHINE ROOM

WALL LEGEND

shaded lines indicate new 2x6 stud framed walls

new poured in place concrete walls

Note - Exhaust duct termination shall be 3 feet from openings into the building per CMC 502.2.

LOWER LEVEL FLOOR PLAN - NEW GARAGE

SCALE : 1/4" = 1'-0"

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TRACY RESIDENCE
1020 WHITE SAILS WAY
NEWPORT BEACH • CALIFORNIA • 92625

LOWER LEVEL FLOOR PLAN

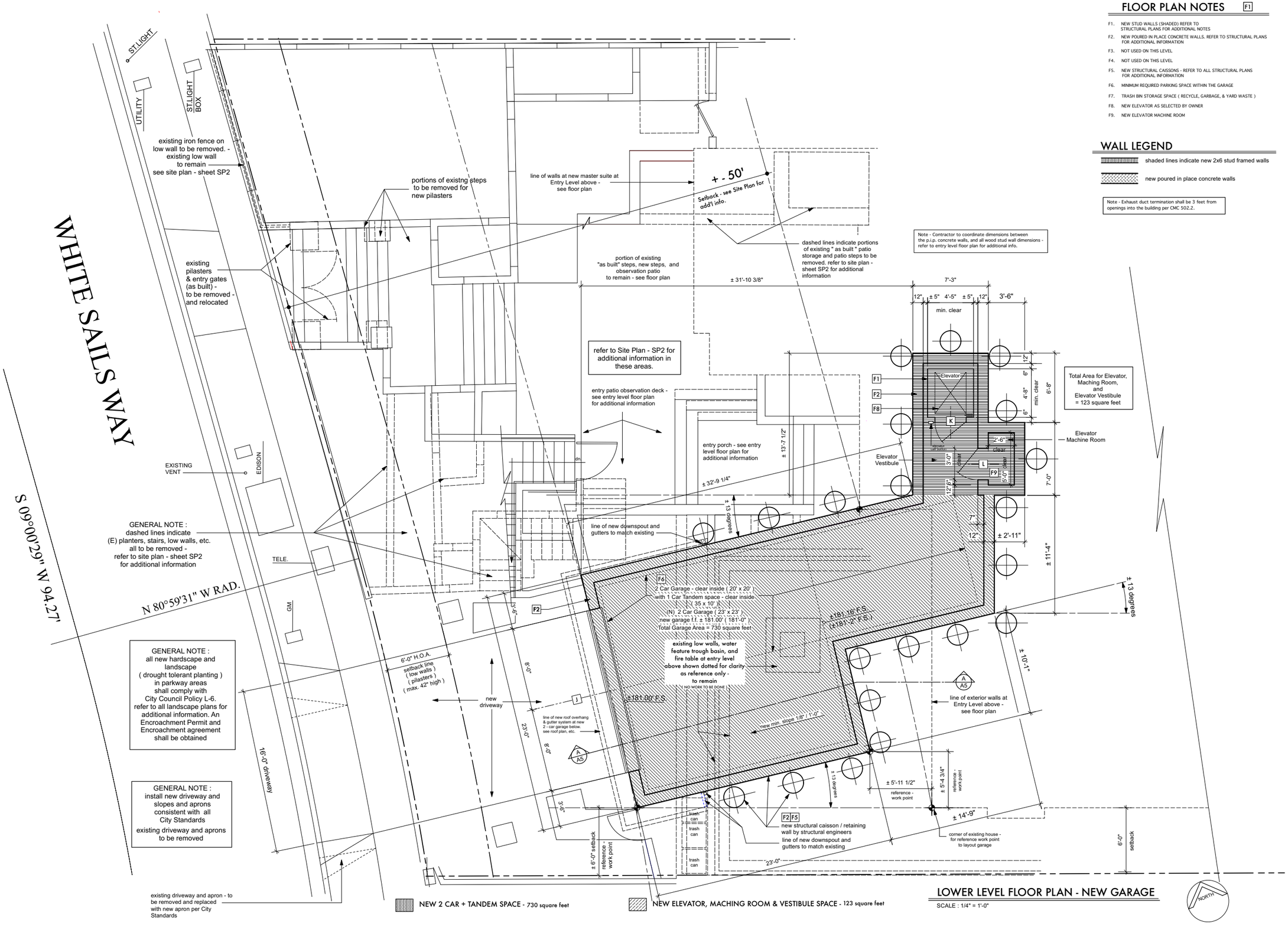
Job Number: 2127

Scale: 1/4"=1'- 0"

Date:
HOA: Preliminary Plan Submittal : February 6, 2025
HOA: Preliminary Plan Approval: March 26, 2025
Variance Package : 7-17-25

LICENSED ARCHITECT
CHRISTIAN R. LIGHT
No. 22334
Exp. 5/31/27
STATE OF CALIFORNIA

A2
56



LOWER LEVEL FLOOR PLAN - NEW GARAGE

SCALE : 1/4" = 1'-0"

FLOOR PLAN NOTES F1

F1. NEW STUD WALLS (SHADED) REFER TO STRUCTURAL PLANS FOR ADDITIONAL NOTES
F2. NEW POURED IN PLACE CONCRETE WALLS. REFER TO STRUCTURAL PLANS FOR ADDITIONAL INFORMATION
F3. NOT USED ON THIS LEVEL
F4. NOT USED ON THIS LEVEL
F5. NEW STRUCTURAL CAISSONS - REFER TO ALL STRUCTURAL PLANS FOR ADDITIONAL INFORMATION
F6. MINIMUM REQUIRED PARKING SPACE WITHIN THE GARAGE
F7. TRASH BIN STORAGE SPACE (RECYCLE, GARBAGE, & YARD WASTE)
F8. NEW ELEVATOR AS SELECTED BY OWNER
F9. NEW ELEVATOR MACHINE ROOM

WALL LEGEND

shaded lines indicate new 2x6 stud framed walls

new poured in place concrete walls

Note - Exhaust duct termination shall be 3 feet from openings into the building per CMC 502.2.

C. J. LIGHT ASSOCIATES
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TRACY RESIDENCE
1020 WHITE SAILS WAY
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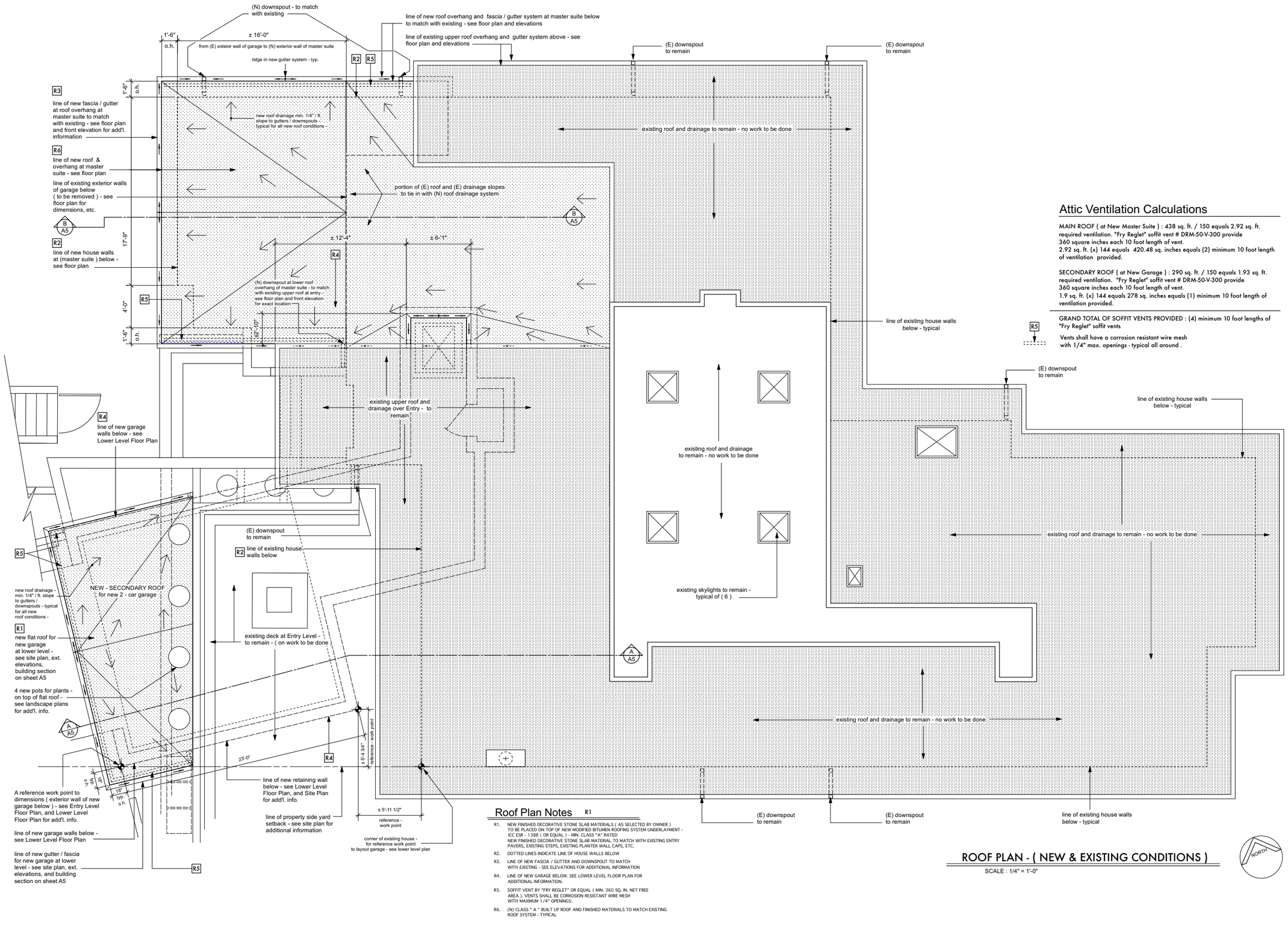
LOWER LEVEL FLOOR PLAN

Job Number: 2127
Scale: 1/4"=1'-0"
Date:
HOA: Preliminary Plan Submittal : February 6, 2025
HOA: Preliminary Plan Approval: March 26, 2025
Variance Package : 7-17-25

LICENSED ARCHITECT ★ CHRISTIAN R. LIGHT ★ No. 22334 Exp. 5/31/27 STATE OF CALIFORNIA

A2
57



Roof Plan Notes R1

R1. NEW FINISHED DECORATIVE STONE SLAB MATERIALS (AS SELECTED BY OWNER) TO BE PLACED ON TOP OF NEW MODIFIED BITUMEN ROOFING SYSTEM UNDERLAYMENT - ICC ESR - 1388 (OR EQUAL) - MIN. CLASS "A" RATED
NEW FINISHED DECORATIVE STONE SLAB MATERIAL TO MATCH WITH EXISTING ENTRY PAVERS, EXISTING STEPS, EXISTING PLANTER WALL CAPS, ETC.

R2. DOTTED LINES INDICATE LINE OF HOUSE WALLS BELOW

R3. LINE OF NEW FASCIA / GUTTER AND DOWNSPOUT TO MATCH WITH EXISTING - SEE ELEVATIONS FOR ADDITIONAL INFORMATION

R4. LINE OF NEW GARAGE BELOW. SEE LOWER LEVEL FLOOR PLAN FOR ADDITIONAL INFORMATION.

R5. SOFFIT VENT BY "FRY REGLET" OR EQUAL (MIN. 360 SQ. IN. NET FREE AREA). VENTS SHALL BE CORROSION RESISTANT WIRE MESH WITH MAXIMUM 1/4" OPENINGS.

R6. (N) CLASS " A " BUILT UP ROOF AND FINISHED MATERIALS TO MATCH EXISTING ROOF SYSTEM - TYPICAL

Attic Ventilation Calculations

MAIN ROOF (at New Master Suite) : 438 sq. ft. / 150 equals 2.92 sq. ft. required ventilation. "Fry Reglet" soffit vent # DRM-50-V-300 provide 360 square inches each 10 foot length of vent.
2.92 sq. ft. (x) 144 equals 420.48 sq. inches equals (2) minimum 10 foot length of ventilation provided.

SECONDARY ROOF (at New Garage) : 290 sq. ft. / 150 equals 1.93 sq. ft. required ventilation. "Fry Reglet" soffit vent # DRM-50-V-300 provide 360 square inches each 10 foot length of vent.
1.9 sq. ft. (x) 144 equals 278 sq. inches equals (1) minimum 10 foot length of ventilation provided.

GRAND TOTAL OF SOFFIT VENTS PROVIDED : (4) minimum 10 foot lengths of "Fry Reglet" soffit vents

Vents shall have a corrosion resistant wire mesh with 1/4" max. openings - typical all around .

ROOF PLAN - (NEW & EXISTING CONDITIONS)

SCALE : 1/4" = 1'-0"

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ROOF PLAN - NEW ROOFS & EXISTING CONDITIONS

Job Number: 2127
Scale: 1/8" = 1'-0"
Date:
HOA: Preliminary Plan Submittal : February 6, 2025
HOA: Preliminary Plan Approval: March 26, 2025
Variance Package : 7-17-25

LICENSED ARCHITECT
CHRISTIAN R. LIGHT
No. 22334
Exp. 5/31/27
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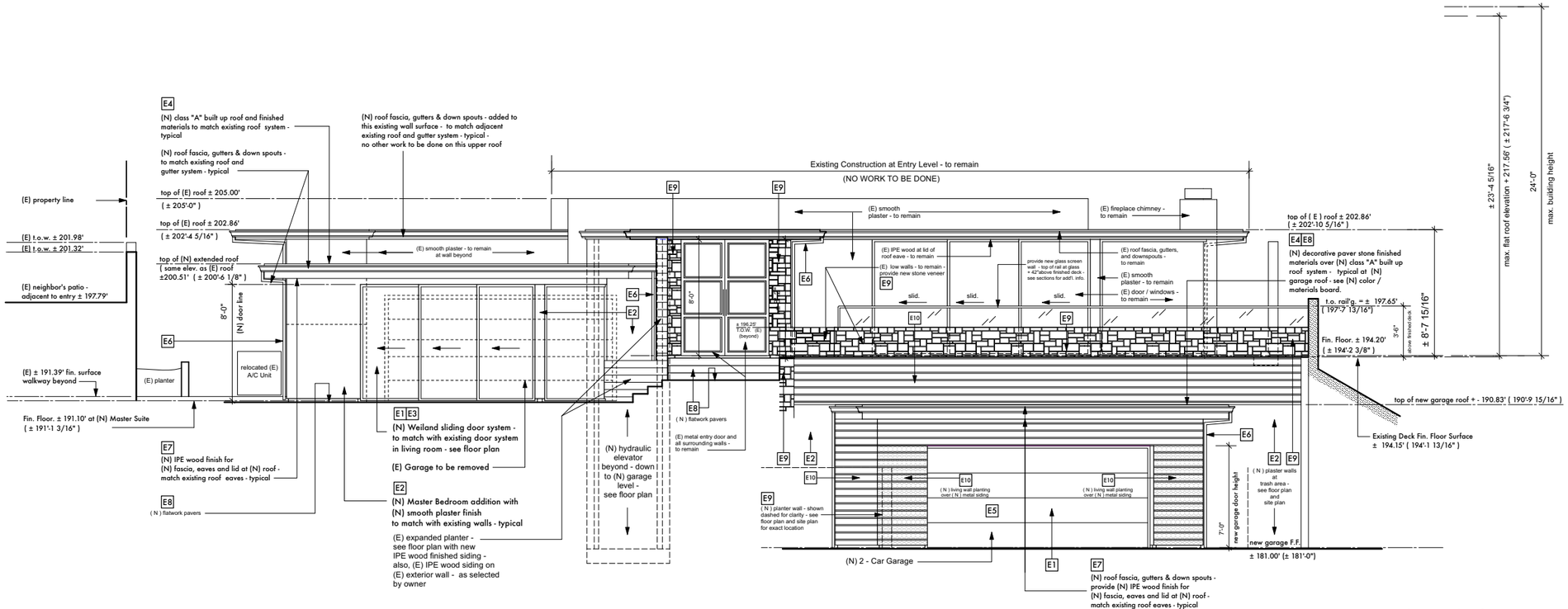
A3



West (Front) Elevation

Scale : 1/4"= 1'-0"

Exterior Elevation Notes

E1. CONTRACTOR TO FIELD VERIFY ALL NEW DOOR AND WINDOW OPENINGS, AND HEADER HEIGHTS AS WELL. SEE SCHEDULES

E2. (N) SMOOTH PLASTER FINISH O/ CONTINUOUS BITUTHANE WRAP O/ BUILDING PAPER - TYPICAL

E3. (N) METAL WINDOW & DOOR FRAMES - TYPICAL AS SELECTED BY OWNER.

E4. (N) CLASS "A" BUILT UP ROOF - AS SELECTED BY OWNER.

E5. (N) WOOD GARAGE DOOR AS SELECTED BY OWNER.

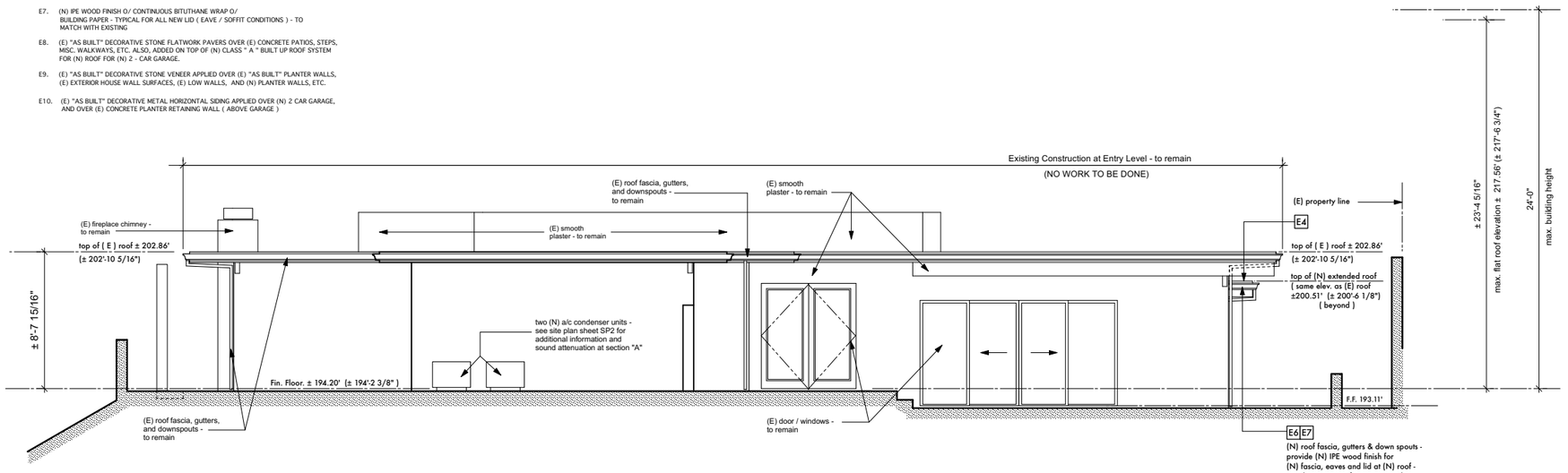
E6. (N) METAL GUTTERS AND DOWN SPOUTS - TO MATCH WITH EXISTING - TIE TO EXISTING AND OR NEW YARD DRAINS - TYPICAL

E7. (N) IPE WOOD FINISH O/ CONTINUOUS BITUTHANE WRAP O/ BUILDING PAPER - TYPICAL FOR ALL NEW LID (EAVE / SOFFIT CONDITIONS) - TO MATCH WITH EXISTING

E8. (E) "AS BUILT" DECORATIVE STONE FLATWORK PAVERS OVER (E) CONCRETE PATIOS, STEPS, MISC. WALKWAYS, ETC. ALSO, ADDED ON TOP OF (N) CLASS " A " BUILT UP ROOF SYSTEM FOR (N) ROOF FOR (N) 2 - CAR GARAGE.

E9. (E) "AS BUILT" DECORATIVE STONE VENEER APPLIED OVER (E) "AS BUILT" PLANTER WALLS, (E) EXTERIOR HOUSE WALL SURFACES, (E) LOW WALLS, AND (N) PLANTER WALLS, ETC.

E10. (E) "AS BUILT" DECORATIVE METAL HORIZONTAL SIDING APPLIED OVER (N) 2 CAR GARAGE, AND OVER (E) CONCRETE PLANTER RETAINING WALL (ABOVE GARAGE)



East (Rear) Elevation

Scale : 1/4"= 1'-0"

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TRACY RESIDENCE
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ELEVATIONS

Job Number: 2127

Scale: 1/4" = 1'- 0"

Date:
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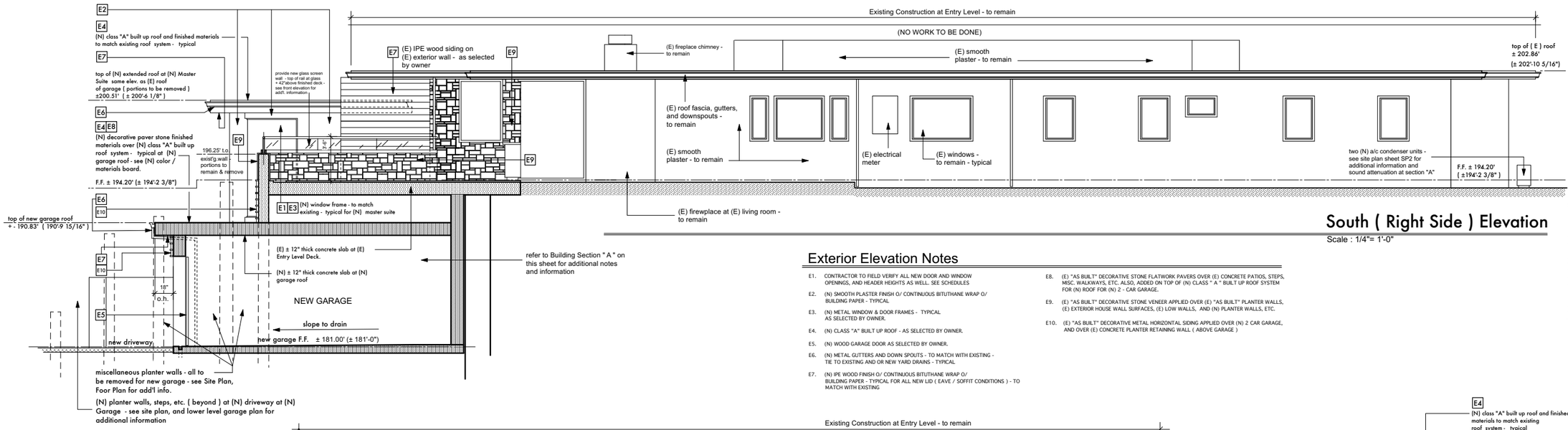
HOA: Preliminary Plan Approval: March 26, 2025
Variance Package : 7-17-25

LICENSED ARCHITECT
CHRISTIAN R. LIGHT
No. 22334
Exp. 5/31/27
STATE OF CALIFORNIA

A4



South (Right Side) Elevation

Scale : 1/4"= 1'-0"

Exterior Elevation Notes

E1. CONTRACTOR TO FIELD VERIFY ALL NEW DOOR AND WINDOW OPENINGS, AND HEADER HEIGHTS AS WELL. SEE SCHEDULES

E2. (N) SMOOTH PLASTER FINISH O/ CONTINUOUS BITUTHANE WRAP O/ BUILDING PAPER - TYPICAL

E3. (N) METAL WINDOW & DOOR FRAMES - TYPICAL AS SELECTED BY OWNER.

E4. (N) CLASS "A" BUILT UP ROOF - AS SELECTED BY OWNER.

E5. (N) WOOD GARAGE DOOR AS SELECTED BY OWNER.

E6. (N) METAL GUTTERS AND DOWN SPOUTS - TO MATCH WITH EXISTING - TIE TO EXISTING AND OR NEW YARD DRAINS - TYPICAL

E7. (N) IPE WOOD FINISH O/ CONTINUOUS BITUTHANE WRAP O/ BUILDING PAPER - TYPICAL FOR ALL NEW LID (EAVE / SOFFIT CONDITIONS) - TO MATCH WITH EXISTING

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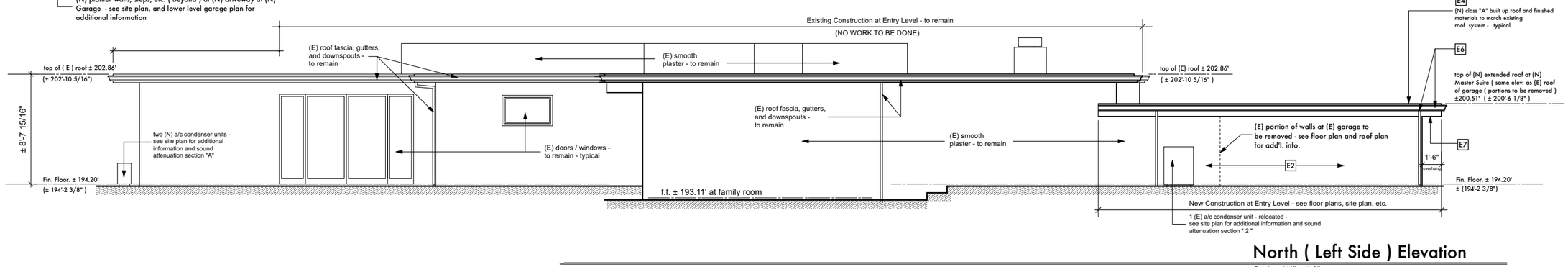
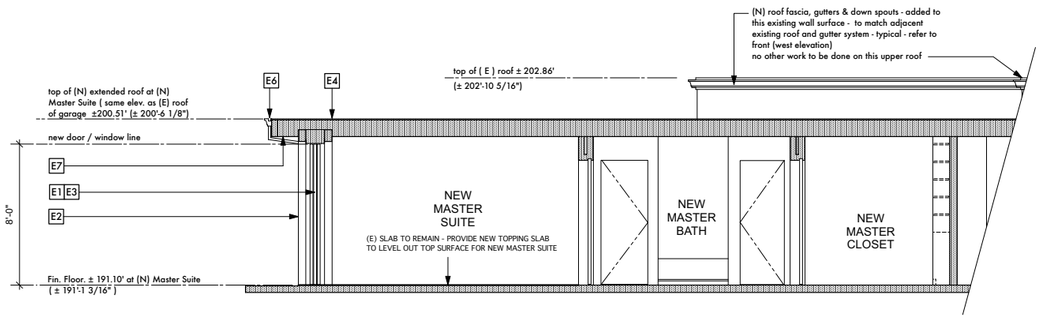


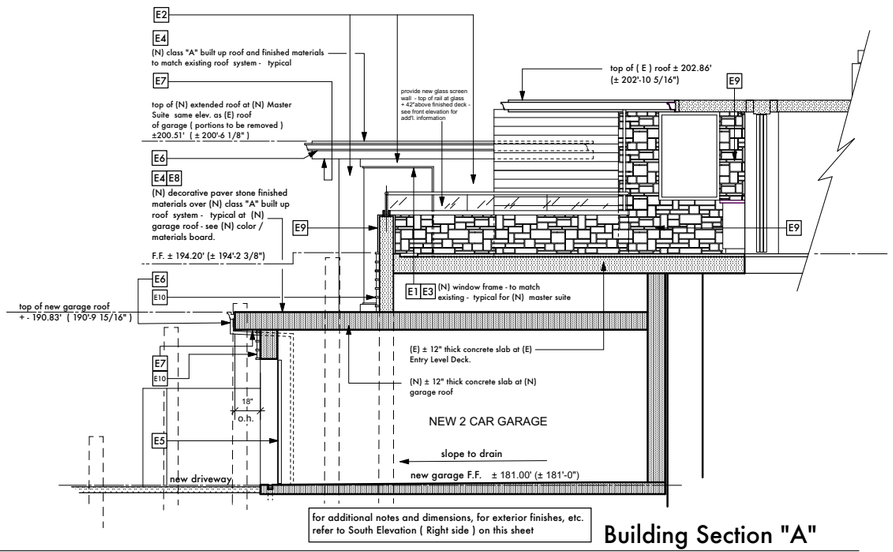
North (Left Side) Elevation

Scale : 1/4"= 1'-0"



Building Section "B"

Scale : 1/4"= 1'-0"



Building Section "A"

Scale : 1/4"= 1'-0"

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TRACY RESIDENCE

1020 WHITE SAILS WAY • NEWPORT BEACH • CALIFORNIA • 92625

ELEVATIONS

Job Number: 2127

Scale: 1/4" = 1'- 0"

Date:
HOA: Preliminary Plan Submittal : February 6, 2025
HOA: Preliminary Plan Approval: March 26, 2025

Variance Package : 7-17-25

LICENSED ARCHITECT
CHRISTIAN R. LIGHT
No. 22334
Exp. 5/31/27
STATE OF CALIFORNIA

A5

60

NOTE: PLANTING CONCEPT ONLY,
PENDING LANDSCAPE ARCHITECT

RENDERED ELEVATION

Stucco: (1)
To Match Existing
La Habra / Merlex
SBMF Base 200
Color: 289998

Wood Fascia and Eaves: (2)
To Match Existing
Custom Stain Grade

Flat Stone: (3)
Steps, Pavers, Flat Roof Applied on top of Class 'A' assembly over Garage

Door/Window Frames: (4)
To Match Existing
Stainless Steel

Painted Metal Gutters, Downspouts, and Metal Trims: (5)
To Match Existing
Dunn Edwards
DEA 002
Black

Stone Veneer: (6)
Entry Walls, Planters

New Pea Gravel Covering: (7)
To Match Existing
Roof

PHOTO OF EXISTING ELEVATION

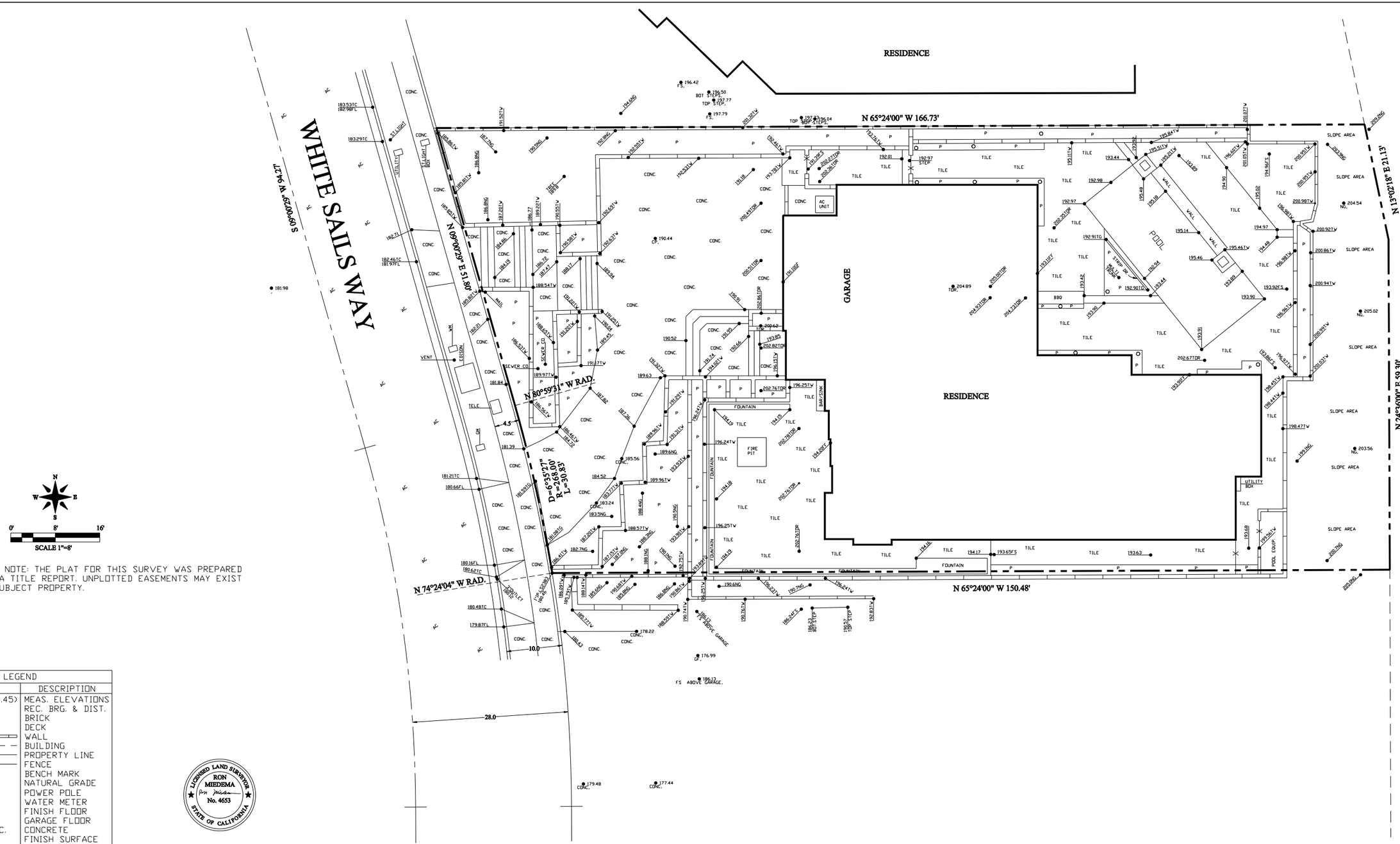
C.J. LIGHT ASSOCIATES
CHRISTIAN J. LIGHT • ARCHITECT

TRACY RESIDENCE

1020 WHITE SAILS WAY
NEWPORT BEACH CA 92629

PROPOSED STREET ELEVATION
AND COLOR BOARD

MARCH 14, 2025



EASEMENT NOTE: THE PLAT FOR THIS SURVEY WAS PREPARED WITHOUT A TITLE REPORT. UNPLOTTED EASEMENTS MAY EXIST ON THE SUBJECT PROPERTY.

LEGEND	
	DESCRIPTION
(123.45)	MEAS. ELEVATIONS
( )	REC. BRG. & DIST.
##	BRICK
=	DECK
	WALL
— — — — —	BUILDING
——— — — ———	PROPERTY LINE
X X	FENCE
⊕	BENCH MARK
N.G.	NATURAL GRADE
P.P.	POWER POLE
WM	WATER METER
F.F.	FINISH FLOOR
G.F.	GARAGE FLOOR
CONC.	CONCRETE
F.S.	FINISH SURFACE
M.H.	MAN-HOLE
P	PLANTER
A.C.	ASPHALT
T.G.	TOP-GRATE

LICENSED LAND SURVEYOR RON MIEDEMA No. 4653 STATE OF CALIFORNIA

RdM SURVEYING INC.

RON MIEDEMA L.S. 4653
23016 LAKE FOREST DR. #409
LAGUNA HILLS, CA 92653
(949) 858-2924 OFFICE
(949) 422-1869 CELL
RDMSURVEYING@COX.NET

TOPOGRAPHIC SURVEY

JOB: 86-69 DATE: 7/21/2022

OWNER: Mike Tracy

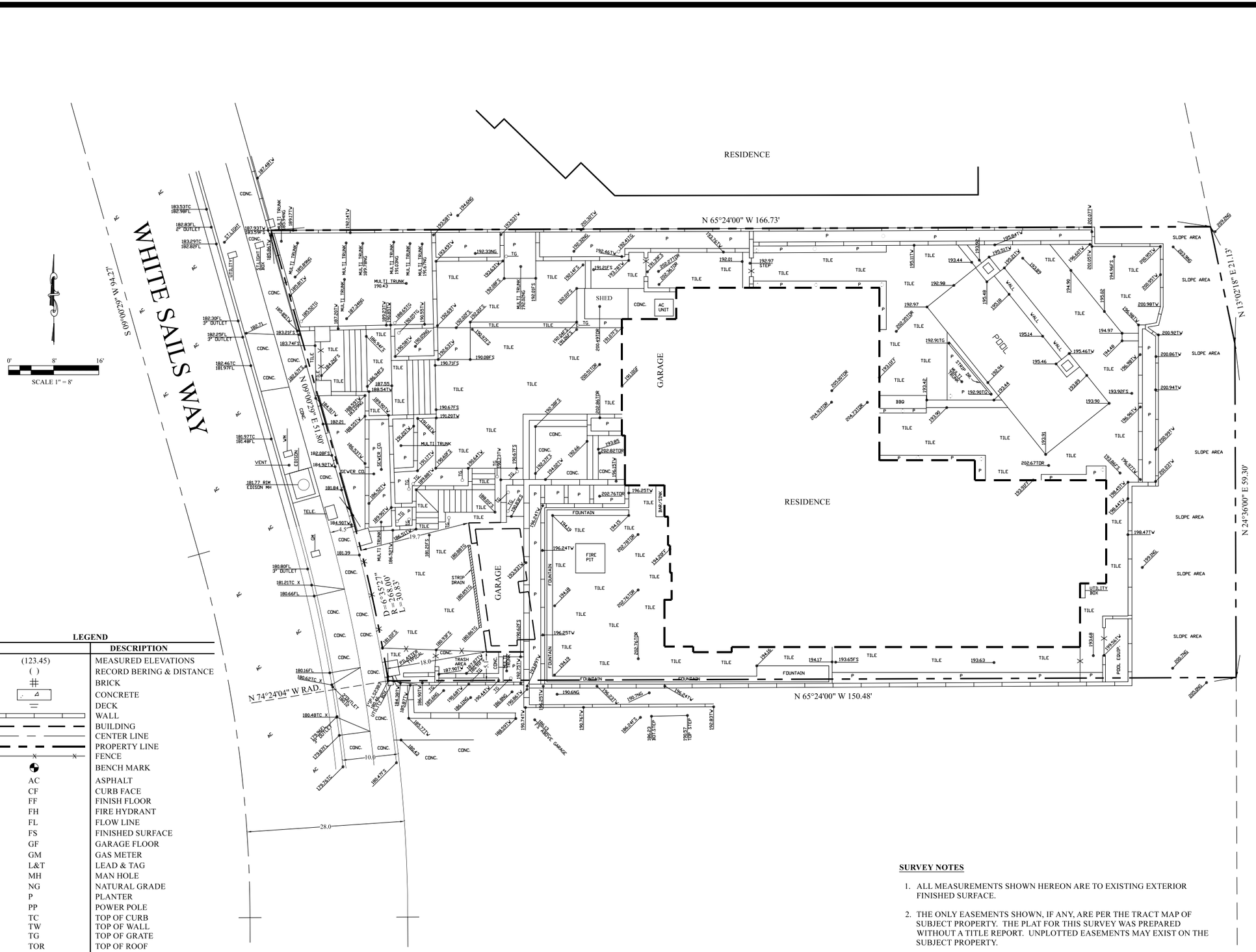
LEGAL DESCRIPTION:

LOT 30
TRACT NO. 2202
M.M. 123/22-26

BENCH MARK:
County of Orange 3k 55 99
Elevation = 145.20 NAVD 88 Datum

ADDRESS OF PROJECT:

1020 WHITE SAILS WAY
NEWPORT BEACH

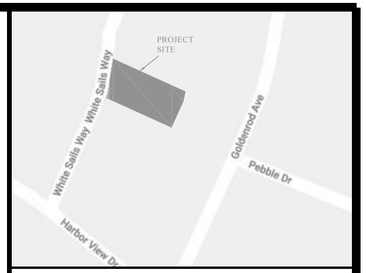


LEGEND

	DESCRIPTION
(123.45)	MEASURED ELEVATIONS
( )	RECORD BERING & DISTANCE
	BRICK
	CONCRETE
	DECK
	WALL
	BUILDING
	CENTER LINE
	PROPERTY LINE
X X X	FENCE
	BENCH MARK
AC	ASPHALT
CF	CURB FACE
FF	FINISH FLOOR
FH	FIRE HYDRANT
FL	FLOW LINE
FS	FINISHED SURFACE
GF	GARAGE FLOOR
GM	GAS METER
L&T	LEAD & TAG
MH	MAN HOLE
NG	NATURAL GRADE
P	PLANTER
PP	POWER POLE
TC	TOP OF CURB
TW	TOP OF WALL
TG	TOP OF GRATE
TOR	TOP OF ROOF
S&W	SPIKE & WASHER
WM	WATER METER
WV	WATER VALVE

SURVEY NOTES

1. ALL MEASUREMENTS SHOWN HEREON ARE TO EXISTING EXTERIOR FINISHED SURFACE.
2. THE ONLY EASEMENTS SHOWN, IF ANY, ARE PER THE TRACT MAP OF SUBJECT PROPERTY. THE PLAT FOR THIS SURVEY WAS PREPARED WITHOUT A TITLE REPORT. UNPLOTTED EASEMENTS MAY EXIST ON THE SUBJECT PROPERTY.
3. SURVEYOR OR ENGINEER SHALL PERMANENTLY MONUMENT PROPERTY CORNERS OR OFFSETS BEFORE STARTING GRADING.



VICINITY MAP
NOT TO SCALE

ADDRESS OF PROJECT

1020 WHITE SAILS WAY
NEWPORT BEACH, CA

OWNER

MICHAEL TRACY

LEGAL DESCRIPTION

LOT 30 OF TRACT NO. 2202

APN 458-671-17

BENCH MARK

COUNTY OF ORANGE BENCH MARK 3K 55 99
ELEVATION = 145.20
NAVD 88 DATUM

TOPOGRAPHIC SURVEY

JOB: 86-69 DATE: 7/21/2022;
UPDATED FRONT OF LOT 7/18/2024

RDM
SURVEYING INC.
RON MIEDEMA L.S. 4653
23016 LAKE FOREST DRIVE #409
LAGUNA HILLS, CA 92653
(949) 858-2924 OFFICE
(949) 422-1869 CELL
RDMSURVEYING@COX.NET

LICENSED LAND SURVEYOR
RON MIEDEMA
No. 4653
EXP. 9/30/25
STATE OF CALIFORNIA

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CITY OF NEWPORT BEACH
PLANNING COMMISSION STAFF REPORT

July 17, 2025
Agenda Item No. 3

SUBJECT:	Accessory Dwelling Unit Ordinance Update (PA2025-0093) ▪ Zoning Code Amendment ▪ Local Coastal Program Amendment
SITE LOCATION:	Citywide
APPLICANT:	City of Newport Beach
PLANNER:	Oscar Orozco, Associate Planner 949-644-3219, oorozco@newportbeachca.gov

PROJECT SUMMARY

Amendments to Title 20 (Zoning Code) and Title 21 (Local Coastal Program Implementation Plan) updating regulations pertaining to Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) to conform with revisions to Government Code Sections 66310 through 66342 that went into effect on March 27, 2024, and January 1, 2025.

RECOMMENDATION

1) Conduct a public hearing;

2) Find this project statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15282(h) of the CEQA Guidelines, which states that the adoption of an ordinance regarding second units to implement the provisions of Sections 66310 through 66342 of the Government Code are exempt from the requirements of CEQA and pursuant to CEQA Guidelines Section 15265(a)(1), local governments are exempt from the requirements of CEQA in connection with the adoption of a Local Coastal Program.;

3) Adopt Resolution No. PC2025-014 (Attachment No. PC 1) recommending the City Council approve PA2025-0093, including the Zoning Code Amendment and the Local Coastal Program Amendment (LCPA) and authorize staff to submit the Local Coastal Program Amendment (LCPA) to the California Coastal Commission (CCC).

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DISCUSSION

Background

On February 14, 2023, the City Council adopted Ordinance No. 2023-2, the City's most recent amendment to the ADU ordinance. The ADU Ordinance Summary Matrix provides an outline of the current ADU regulations (Attachment No. PC 2). Subsequent to its adoption, the ordinance was submitted to the California Department of Housing and Community Development (HCD) on February 18, 2023, pursuant to Government Code Section 66326, which requires local governments to submit their adopted ADU ordinances for review by the HCD within 60 days of adoption.

In 2024, the California Legislature adopted a group of housing bills aimed at addressing the housing crisis. The legislature approved, and the Governor signed, Senate Bill (SB) SB 477 (Chapter 7, Statutes of 2024), Assembly Bill (AB) AB 2533 (Chapter 834, Statutes of 2024), and SB 1211 (Chapter 296, Statutes of 2024) into law that, among other things, amended Government Code Section 66310 through 66342 to impose new limits on the City to regulate ADUs and JADUs. In adopting these new regulations, the State Legislature determined that these changes are a matter of statewide concern, rather than a municipal affair. This determination allows the State to apply these new ADU laws to charter cities. The State Legislature intends to reduce regulatory barriers and costs, streamline the approval, and expand the potential capacity for ADUs and JADUs in response to California's housing shortage.

The City Council adopted a revision to the City's 6th Cycle (2022-2029) Housing Element on September 24, 2024, and submitted it to HCD for recertification. This recertification triggered HCD's review of the City's ADU regulations.

On October 1, 2024, HCD completed its review of the ADU ordinance and issued a letter titled "Review of Newport Beach's Accessory Dwelling Unit (ADU) Ordinance under State ADU Law (Gov. Code, §§ 66310 – 66342)" (HCD Letter) stating that the City's current ADU ordinance does not comply with State ADU Law governing ADUs. The HCD Letter is included as Exhibit "C" to Attachment No. PC 1. The HCD letter outlined the various components of the City's ADU ordinance that HCD believes are not in compliance with State ADU Law. In its letter, HCD directs the City to update its ADU Ordinance to comply with State ADU Law or provide findings as part of a resolution that justify why the City's existing Ordinance is consistent with State ADU Law. If the City fails to take either course of action, HCD will notify the City and potentially the California Office of the Attorney General that the City is in violation of State ADU Law.

On October 25, 2024, the City of Newport Beach Community Development Department issued a letter to HCD in response to their review of the ADU ordinance. In its letter, the City affirmed its commitment to addressing the required revisions to the City's ADU Ordinance to comply with current State ADU Law (i.e. SB 477, AB 2533, and SB 1211).

Proposed Amendments

In order to address comments received by HCD and bring the City's ADU ordinance into compliance with State ADU Law, the City of Newport Beach needs to adopt ordinances revising Sections 20.48.200 (Accessory Dwelling Units) and 21.48.200 (Accessory Dwelling Units) of the Newport Beach Municipal Code (NBMC). Although the titles of said sections reference ADUs, these sections also govern JADUs.

Summary of Changes to State ADU Laws

SB 477 (Chapter 7, Statutes of 2024) made changes to the numbering of the sections of Government Code for State ADU and JADU Laws. The bill went into effect on March 25, 2024.

AB 2533 (Chapter 834, Statutes of 2024) made various changes to State ADU Law (Gov. Code, § 66332) regarding unpermitted ADUs, which the City currently implements through its existing SAFE ADU Program. The City's SAFE ADU program is an initiative designed to help homeowners legalize existing unpermitted ADUs constructed before January 1, 2020. The program helps homeowners address potential code enforcement issues, liability concerns, and safety risks associated with unpermitted units. This bill went into effect on January 1, 2025, and the City's SAFE ADU program has already been updated to comply with the provisions.:

SB 1211 (Chapter 296, Statutes of 2024) made various changes to State ADU Law (Gov. Code, §§ 66313, 66314, 66323) with regard to replacement parking and special streamlined units referred to as "66323 Units" (described below) on lots with existing or proposed multifamily dwellings. SB 1211 went into effect on January 1, 2025. This bill:

- Defines "livable space" as a space in a dwelling intended for human habitation, as the term appears in Government Code sections 66313, subdivision (e), and 66323, subdivision (a)(3)(A).

- Specifies that uncovered, off-street parking spaces demolished in conjunction with the construction of an ADU do not need to be replaced.

- Authorizes up to eight detached ADUs on a lot with an existing multifamily dwelling (previously limited to two), provided that the number of ADUs does not exceed the number of existing units on the lot.

- Prohibits a local agency from imposing any objective development standards on 66323 Units that are not authorized by the provisions of Government Code section 66323, subdivision (a).

SB 1211 established “66323 Units” under Government Code Section 66323 and clarifies four categories of ADUs (and JADUs) that must be approved ministerially and are not subject to standards set forth in Government Code Sections 66314 through 66322 or the NBMC (i.e. “66323 Units”). These 66323 Units do not have to comply with the City’s objective development and design standards, such as height, setbacks, and size limits. These ADUs must still comply with building code and health and safety requirements. Below is a breakdown of the four categories of 66323 Units and the minimal standards that cities are allowed to apply to them.

1. Single-Unit Internal ADUs and JADUs

    - One ADU per lot is permitted within the converted space of a proposed or existing single-unit dwelling or accessory structure.
    - No additional setbacks are required beyond that of the existing or proposed structure and any applicable building and safety minimum requirements.
    - ADUs converted from accessory structures are eligible for a 150 square-foot expansion to accommodate ingress and egress.
    - One JADU per lot is permitted within the proposed or existing space of a single-unit dwelling or accessory structure.

2. Single-Unit Detached ADUs
    - One detached new construction ADU is permitted on lots with an existing or proposed single-unit dwelling.
    - 4-foot side and rear yard setbacks are allowed.
    - The maximum unit size is 800 square feet.
    - Height limitation of 16 or 18 feet depending on conditions specified in Government Code Section 66321, subdivision (b)(4).

3. Multi-unit Converted ADUs
    - Conversion ADUs may be created within the portions of existing multi-unit structures that are not used as livable space.
    - At least one ADU is within an existing multi-unit dwelling and up to 25% of the existing multi-unit dwelling units.

4. Multi-unit Detached ADUs
    - Two detached ADUs are allowed on a lot with a proposed multi-unit dwelling, or up to eight detached ADUs are allowed on a lot with an existing multi-unit dwelling, not to exceed the number of existing units on the lot.
    - 4-foot rear and side yard setbacks are allowed.
    - Height limits of 16, or 18 feet depending on conditions specified in Government Code Section 66321, subdivision (b)(4).

HCD Letter

Table 1 below summarizes the comments received by HCD as part of their review of the City's ADU ordinance (i.e. HCD Letter) and identifies how the City proposes to address those comments. The comments received by HCD are intended to guide the City in addressing the State ADU law changes that went into effect on March 27, 2024, and January 1, 2025. As requested by HCD, the draft resolution (Attachment No. PC 1) includes findings addressing why certain changes requested by HCD are not necessary to comply with State ADU Law. All other suggested changes have been made in the proposed ordinance (Attachment No. PC 3). Redlines of Sections 20.48.200 and 21.48.200 of the NBMC addressing the HCD Letter are included as Attachments No. PC 3 and PC 4.

Table 1. HCD Letter Summary

Comment #	HCD Comment	Proposed Revision	Explanation
1	Remove reference to "legally established" from the ordinance.	"Required to correct ~~legally established~~ nonconforming zoning condition(s), building code violation(s), and/or unpermitted structure(s) that do/does not present a threat to public health and safety…"	State ADU Law prohibits cities from denying a permit for an ADU/JADU to correct nonconforming violations whether or not the nonconformity was legally established.
2	Add note of the exception for units under Government Code Section 66323.	"…units as provided in this section and California Government Code Section 66323…"	66323 Units are protected and not subject to additional development standards outside of State ADU Law.
3	Remove the restriction on the combination of 66323 Units that can be constructed.	"Maximum Number of Accessory Dwelling Units Allowed. Unless precluded by Government Code Section 66323 ~~T~~the following"	66323 Units are protected and multiple ADUs/JADUs may be built on a single property, therefore, a reference to State ADU Law is included.
4	Remove the restriction on parcels for multi-unit "lots" to align with the Building Code definition.	No change required.	The NBMC already defines "lot" for the purpose of a multi-unit development. The building code definition of "lot" is not codified in State ADU Law and therefore not applicable.

5	Remove requirements that ADUs conform to underlying zoning standards, and 'other' unspecified provisions not in the ADU ordinance.	Development Standards. Except as modified by this subsection or authorized by California Government Code Section 66317 and 66323, an accessory dwelling unit…"	State ADU Law allows a local jurisdiction to impose objective standards on ADUs and JADUs, with the exception of ADUs and JADUs that are specifically protected under Section 66323 of the Government Code (i.e. 66323 Units).
6	Specify that building and demolition permits are reviewed and issued concurrently for JADUs that replace detached garages.	No change required.	This section relates to the replacement of existing detached garages with ADUs. JADUs are not permitted to replace detached garages, therefore, this comment does not apply.
7	Clarify the height limitations to ensure building heights and stories for attached ADUs are not restricted.	No change required.	The City's existing ADU Ordinance is more permissive than State ADU Law. Imposing the requested amendment would impose a height limit that is lower than currently permitted by the underlying zoning districts.
8	Add note of the exception for units under Government Code Section 66323 to not limit the size of detached ADU on lots with multifamily dwellings.	"Development Standards. Except as modified by this subsection or authorized by California Government Code Section 66317 and 66323, an accessory dwelling unit…"	66323 Units are protected and not subject to additional development standards outside of State ADU Law.
9	Cite the California Building Code to regulate the minimum size for ADUs and JADUs.	"…minimum size of an accessory dwelling unit or junior accessory dwelling unit shall be at least that of an efficiency unit or as required by the California Building Code (CBC)."	JADUs may be smaller in some cases than an "efficiency unit" as defined by the CBC. Therefore, a reference to the CBC is included to determine the minimum size required for a JADU.
10	Exclude JADUs from replacement parking requirements.	"No Replacement Parking Necessary. Outside the coastal zone, when a garage, carport, ~~or covered parking structure~~ covered or uncovered parking space is demolished in conjunction with the construction of an accessory dwelling unit at the same location or converted to an accessory dwelling unit, those off-	Replacement parking for JADU garage conversions is not required per Government Code Section 66334, therefore, a new sentence is introduced to provide clarity. In addition, no changes to Title 21 are proposed given that replacement parking in the coastal zone is required for both ADUs and JADUs (as permitted by State Law).

		street parking spaces are not required to be replaced. Outside the coastal zone, when a garage is demolished in conjunction with the construction of a junior accessory dwelling unit at the same location or converted to a junior accessory dwelling unit, that off-street parking space is not required to be replaced. ~~Accessory dwelling units and or junior accessory dwelling unit shall not displace required uncovered parking spaces~~ Refer to Section 21.48.200(F)(8)(e) for replacement parking in the coastal zone."	
11	Amend to allow for the sale or separate conveyance of ADUs established by a non-profit.	"No Separate Conveyance. Except as authorized in California Government Code 66341,~~.~~ ~~A~~an accessory dwelling…"	There is a very narrow exception in State ADU Law that requires cities to allow separate conveyance (i.e. separate sale) of ADUs for non-profits.
12	Remove owner occupancy restrictions for ADUs.	No change required.	This revision is not necessary given the existing ADU ordinance does not require owner occupancy of ADUs, and specifies that owner occupancy is only required for JADUs.
13	Remove the requirement of a deed restriction on ADUs.	"Prior to the issuance of a building and/or grading permit for a~~n accessory dwelling unit and/or~~ junior accessory dwelling unit, the property owner shall record a deed restriction with.." and "This deed restriction shall remain in effect so long as the ~~accessory dwelling unit and/or~~ junior accessory dwelling unit exists on the lot."	Deed restrictions will no longer be required for ADUs. State ADU Law only allows deed restrictions to be required for JADUs.

HCD Review

Government Code Section 66326 requires the City to submit the ordinance to the State Department of Housing and Community Development (HCD) within 60 days of adoption. Should the City Council approve the proposed ordinance to amend Title 20, staff will forward the ordinance to HCD for review. If HCD finds the ordinance does not comply with the new ADU laws, HCD will notify the City. Should this occur, the City would have 30 days to either amend the ordinance or adopt additional findings that explain the reason the ordinance complies with the statute. Since the amendment to Title 21 requires CCC approval, the ordinance amending Title 21 will be submitted to HCD after the CCC LCPA process is complete.

General Plan Consistency

The law states that ADUs shall be deemed an accessory use and shall not be considered to exceed the allowable density for the lot upon which it is located and shall be deemed a residential use that is consistent with the existing general plan and zoning district for the lot. Therefore, no amendments to the General Plan are required.

Adopting an ordinance consistent with Government Code Sections 66310 through 66342 ensures and reinforces the commitment that the City has made to promote and incentivize ADU growth via the established Policy Action 1H: Accessory Dwelling Unit Construction of the City's 2021-2029 Housing Element.

Local Coastal Plan

Similar to the Zoning Code, the Implementation Plan of the Local Coastal Program (LCP) currently regulates ADUs inconsistent with State ADU law. Therefore, subsequent to City Council adoption of this Zoning Code Amendment, staff will submit corresponding amendments (Attachment No. PC 4) to the LCP for review and approval of the CCC. In accordance with CCC Guidance Memorandums, any eligible projects located in the Coastal Zone that qualify for a Coastal Development Permit (CDP) exemption will be processed consistent with the Zoning Code. Projects that do not qualify for an exemption cannot be processed until the LCP Amendment is approved and adopted.

By adopting an ordinance amending the Local Coastal Program, the City will continue to implement Local Coastal Program Policy 2.7-5, which encourages consistency with Government Code Sections 66310 through 66342 for the purposes of increasing the supply of lower-cost housing in the coastal zone that meets the needs of existing and future residents, while respecting the architectural character of the existing neighborhoods and in a manner that is consistent with the Local Coastal Program.

Reducing the Barriers to the Creation of Housing

The City Council adopted a policy (Council Policy K-4) to consider new and flexible land use and zoning regulations and strategies in order to reasonably and practically

accommodate the ambitious State housing mandate while protecting the character and maintaining a quality of life that makes Newport Beach a special place to live, work, and visit.

One of the ways Council Policy K-4 achieves that goal is by encouraging the development of accessory dwelling units and junior accessory dwelling units as an important strategy to accommodate future growth and is an integral strategy to help meet the City's Regional Housing Needs Allocation (RHNA) of 4,849 units. Adopting an ordinance to address State ADU Law revisions is consistent with Council Policy K-4 which encourages the development of accessory dwelling units as an important strategy to accommodate future growth and is an integral strategy to help meet the City's RHNA.

Alternatives

The Planning Commission may recommend revisions to the draft ordinance provided the revisions are consistent with State ADU law and are not more restrictive than the State's regulations pertaining to ADUs and JADUs. Noncompliance with State ADU law would render the City's ADU ordinance null and void, thus requiring the City to utilize the State's more lenient ADU standards until the City modifies its regulations appropriately.

Environmental Review

The project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h), which states that the adoption of an ordinance regarding second units to implement the provisions of Sections 66310 through 66342 of the Government Code are exempt from the requirements of CEQA. Similarly, the ministerial approval of ADUs would not be a project for CEQA purposes, and environmental review would not be required prior to approving individual applications. In addition, pursuant to CEQA Guidelines Section 15265(a)(1), local governments are exempt from the requirements of CEQA in connection with the adoption of a Local Coastal Program.

Public Notice

Notice of this hearing was published in the Daily Pilot as an eighth page advertisement at least 20 days before the scheduled meeting, consistent with the provisions of the Municipal Code and State Law. The item also appeared on the agenda for this meeting, which was posted at City Hall and on the City website. Additionally, notice was sent to all persons and agencies on the Notice of the Availability mailing list for LCPAs.

Prepared by:

Oscar Orozco, Associate Planner

Submitted by:

Jaime Murillo, AICP
Deputy Community Development Director

LAW/oo

ATTACHMENTS

PC 1 Draft resolution recommending approval of Zoning Code Amendment and Local Coastal Program Amendment (PA2025-0093)
PC 2 Accessory Dwelling Unit Ordinance Summary Matrix
PC 3 Title 20 (Planning and Zoning), proposed redlined code changes
PC 4 Title 21 (Local Coastal Program Implementation Plan), proposed redlined code changes

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Attachment No. PC 1

Draft resolution recommending approval of Zoning Code Amendment and Local Coastal Program Amendment (PA2025-0093)

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RESOLUTION NO. PC2025-014

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, RECOMMENDING CITY COUNCIL ADOPT AN AMENDMENT TO TITLE 20 (PLANNING AND ZONING) AND TITLE 21 (LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN) TO MODIFY STANDARDS FOR ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS (PA2025-0093)

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

SECTION 1. STATEMENT OF FACTS.

1. On August 8, 2017, the City of Newport Beach adopted its accessory dwelling unit ordinance as Sections 20.48.200 (Accessory Dwelling Units) and 21.48.200 (Accessory Dwelling Units) ("ADU Ordinance") of the Newport Beach Municipal Code ("NBMC") (Ordinance No. 2017-11). Since its original adoption, the ADU Ordinance has been amended several times to address changes to State ADU law including, Ordinance No. 2018-14, Ordinance No. 2020-9, Ordinance No. 2022-5, and Ordinance No. 2023-2.

2. On March 9, 2021, the City Council adopted Resolution No. 2021-18 to add City Council Policy K-4 (Reducing the Barriers of the Creation of Housing) to the City Council Policy Manual. Council Policy K-4 encourages the development of accessory dwelling units as an important strategy to accommodate future growth and is an integral strategy to help meet the City's Regional Housing Needs Allocation ("RHNA").

3. On February 14, 2023, the City Council adopted Ordinance No. 2023-2, the City's most recent amendment to the ADU ordinance. Subsequent to its adoption, the ordinance was submitted to the California Department of Housing and Community Development ("HCD") on February 18, 2023, pursuant to Government Code Section 66326, which requires local governments to submit their adopted ADU ordinances for review by HCD within 60 days of adoption.

4. Senate Bill 477 ("SB 477"), was adopted in 2024 which, renumbered California Government Code Sections 65852.2, 65852.22, 65852.23, and 65852.26 to Government Code Section 66310-*et seq.* 66342 and imposed new limits on cities ability to regulate ADUS and JADUs.

5. Additionally, Assembly Bill 2533 ("AB 2533"), and Senate Bill 1211 ("SB 1211"), also adopted in 2024, amended Government Code Section 66310 *et seq.*to impose further limits on cities ability to regulate ADUs and JADUs.

6. On October 1, 2024, HCD completed its review of the ADU Ordinance and issued a letter titled "Review of Newport Beach's Accessory Dwelling Unit (ADU) Ordinance under State ADU Law (Gov. Code, §§ 66310 – 66342)" (HCD Letter) stating that the

City's current ADU Ordinance does not comply with State ADU Law governing ADUs. The HCD Letter is attached as Exhibit "C" to this resolution. The HCD letter outlined the various components of the City's ADU Ordinance that HCD believes are not in compliance with State ADU Law. In its letter, HCD directs the City to update its ADU Ordinance to comply with State ADU Law, or provide findings as part of a resolution that justify why the City's existing ADU Ordinance is consistent with State ADU Law. If the City fails to take either course of action, HCD will notify the City and potentially the California Office of the Attorney General that the City is in violation of State ADU Law.

7. On October 25, 2024, the City of Newport Beach Community Development Department issued a letter to HCD in response to their review of the ADU Ordinance. In its letter, the City affirmed its commitment to addressing the required revisions to the City's ADU Ordinance to comply with current SB 477, AB 2533, SB 1211, and SB 1077.

8. The City desires to amend its local regulatory scheme for the construction of ADUs and JADUs to respond to the HCD Letter and address the amended provisions of Government Code Section 66310 *et seq*.

9. A public hearing was held on July 17, 2025, in the Council Chambers located at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the public hearing was given in accordance with California Government Code Section 54950 *et seq.* and Chapters 20.62 (Public Hearings) and 21.62 (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.

1. This Zoning Code Amendment is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 21080.17 of the Public Resources Code and Section 15282(h) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, which states the adoption of an ordinance regarding second units to implement the provisions of Sections 66310 through 66342 of the Government Code are exempt from the requirements of CEQA. In addition, this Local Coastal Program Amendment is exempt from environmental review pursuant to CEQA Guidelines Section 15265(a)(1), as local governments are exempt from the requirements of CEQA in connection with the adoption of a Local Coastal Program. Similarly, the ministerial approval of accessory dwelling units is not a project for CEQA purposes, and environmental review is not required prior to approving individual applications.

SECTION 3. FINDINGS.

1. Amendments to the NBMC are legislative acts. Neither the City nor State Planning Law set forth any required findings for either approval or denial of such amendments.

2. ADUs and JADUs provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods.

In addition, homeowners who construct ADUs and JADUs benefit from added income and increased sense of security.

3. Allowing ADUs and JADUs in conjunction with existing or proposed residential development provides additional rental housing stock, some of which will satisfy the City's 6th Cycle Regional Housing Needs Assessment (RNHA).

4. Adopting an ordinance consistent with Government Code Sections 66310 through 66342 ensures and reinforces the commitment that the City has made to promote and incentivize ADU growth via the established Policy Action 1H: Accessory Dwelling Unit Construction of the City's 6th Cycle Housing Element.

5. Adopting an ordinance to address State ADU Law revisions is consistent with Council Policy K-4 (Reducing the Barriers to the Creation of Housing) which encourages the development of accessory dwelling units as an important strategy to accommodate future growth and as an integral strategy to help meet the City's Regional Housing Needs Allocation (RHNA).

6. By adopting an ordinance amending the Local Coastal Program, the City will continue to implement Coastal Land Use Plan Policy 2.7-5 of the Local Coastal Program, which encourages consistency with State ADU Law for the purpose of increasing the supply of lower-cost housing in the coastal zone that meets the needs of existing and future residents, while respecting the architectural character of the existing neighborhoods and remaining consistent with the LCP.

7. ADUs and JADUs offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods inside and outside the coastal zone, while respecting architectural character.

8. Adopting an ordinance consistent with Government Code Sections 66310 through 66342 ensures that the character of the City is preserved to the maximum extent possible and that the City's regulation regarding ADUs and JADUs continues to promote the health, safety, and welfare of the community.

9. The proposed amendments are consistent with and implement California Government Code Sections 66310 through 66342. The proposed changes to the NBMC are solely intended to address updated requirements under State ADU Law and the HCD Letter. No additional changes are proposed as part of this amendment.

10. The HCD Letter requests that NBMC Section 20.38.200 (D) (3) and (4)(a)(iii) be amended to address the definition of a "lot". HCD cites the 2022 California Building Code (CBC), which defines "lot" as "A portion or parcel of land considered as a unit". However, Government Code Sections 66310 through 66342 do not include a definition of a "lot" and do not cite the CBC for the definition of a "lot". The existing language of NBMC Section 20.38.200 (D)(3) and (4)(a)(iii) reads, "For purposes of this section, a multi-unit development approved and built as a single complex shall be considered one lot, regardless of the number of parcels." This language is consistent with NBMC Section 20.70.020 (Definitions of Specialized Terms and Phrases) which defines a "lot" as, "…the basic unit of land development. A designated area of land established by plat, subdivision, lot line adjustment, or as otherwise permitted by law, to be

used, developed, or built upon as a unit. Typically, a lot is indicated upon a final map, parcel map, lot line adjustment map, certificate of compliance, or record of merger filed in the Office of the County Recorder…". Furthermore, NBMC Section 20.70.020 (Definitions of Specialized Terms and Phrases) defines "Site" as, "…a lot or adjoining lots under single ownership or single control, considered as a [Numerical] unit for the purposes of development or other use." These codified definitions adequately define "lot" for the purpose of regulating ADUs and JADUs, therefore, no changes are necessary to address this comment from HCD.

11. The HCD Letter asserts that the City cannot impose standards of a local ordinance, regulation, or policy not contained within the City's ADU ordinance from being the basis of delay or denial of an ADU or JADU, with the exception of the CBC. However, pursuant to Government Code Section 66314 (b)(1), a local jurisdiction is allowed to impose objective standards on ADUs and JADUs, with the exception of ADUs and JADUs that are specifically protected under Section 66323 of the Government Code. Therefore, the proposed amendment includes references to Government Code 66323 to ensure that Government Code 66323 supersedes the development standards of the NBMC where applicable.

12. The HCD Letter requests NBMC Section 20.38.200 (F)(2)(b) related to setbacks be amended to include reference to JADUs in the language to process building permits and demolition permits concurrently for ADUs that are proposed to replace a detached garage. However, Government Code sections 66310 through 66342 do not explicitly allow JADUs to be created from detached structures, including garages. Therefore, adding JADUs into NBMC Section 20.38.200 (F)(3) would create privileges for JADU development that are not found in Government Code Sections 66310 through 66342. Therefore, the existing language is consistent with the provisions of Government Code Section 66333(d). No changes are necessary to address this comment from HCD.

13. The HCD Letter requests that NBMC Section 20.38.200 (F)(3)(b) be amended to clarify that the height limit for ADUs and JADUs attached to a primary dwelling shall not be less than 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower. The existing ADU ordinance language outlines that attached ADUs and JADUs are limited to the base height limit for the primary dwelling. The City's various residential zoning districts have base height limits that exceed the 25-foot height limit allowed by the State, therefore, the City's existing ADU Ordinance is more permissive than State ADU Law. Imposing the requested amendment would impose a height limit that is lower than currently permitted by the underlying zoning districts. Therefore, The City's existing ordinance is more permissive than State ADU Law and no amendments are necessary to address this comment from HCD.

14. The HCD letter requests that NBMC Section 20.48.200 (H)(3) be amended to remove owner occupancy requirements for ADUs. This revision is not necessary given the existing ADU ordinance does not require owner occupancy of ADUs and specifies that owner occupancy is only required for JADUs. JADU owner occupancy is authorized by Government Code Section 66333(b). Therefore, no changes are necessary to address this comment from HCD.

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

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby finds this action is statutorily and categorically exempt from environmental review under the California Environmental Quality Act ("CEQA") pursuant to Section 21080.17 of the Public Resources Code and Section 15282(h) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, which states the adoption of an ordinance regarding second units to implement the provisions of Sections 66310 through 66342 of the Government Code is exempt from the requirements of CEQA. Similarly, the ministerial approval of accessory dwelling units is not a project for CEQA purposes, and environmental review is not required prior to approving individual applications.

2. The Planning Commission hereby recommends the City Council approve an amendment to Title 20 (Planning and Zoning) of the NBMC as set forth in Exhibit "A," which is attached hereto and incorporated herein by reference.

3. The Planning Commission further recommends that the City Council authorize the submittal of an amendment to Title 21 (Local Coastal Program Implementation Plan) of the NBMC, attached hereto as "Exhibit B" and incorporated herein by reference, to the California Coastal Commission for its review and certification.

PASSED, APPROVED, AND ADOPTED THIS 17TH DAY OF JULY 2025.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY:_____
Mark Rosene, Chair

BY:_____
David Salene, Secretary

Attachment(s): Exhibit A – Zoning Code Amendment No. PA2025-0093
Exhibit B – Local Coastal Program Amendment No. PA2025-0093
Exhibit C – HCD Review Letter Dated October 1, 2024

EXHIBIT "A"

ZONING CODE AMENDMENT NO. PA2025-0093

20.48.200 Accessory Dwelling Units.

A. Purpose. The purpose of this section is to establish the procedures for the creation of accessory dwelling units and junior accessory dwelling units, as defined in Part 7 (Definitions) of this title and in California Government Code Sections 66310 through 66342, in areas designated for residential use, including as part of a planned community development plan or specific plan, and to provide development standards to ensure the orderly development of these units in appropriate areas of the City.

B. Effect of Conforming. An accessory dwelling unit or junior accessory dwelling unit that conforms to the requirements in this section shall not be:

1. Deemed to be inconsistent with the General Plan and zoning district designation for the lot on which the accessory dwelling unit or junior accessory dwelling unit is located;

2. Deemed to exceed the allowable density for the lot on which the accessory dwelling unit or junior accessory dwelling unit is located;

3. Considered in the application of any ordinance, policy, or program to limit residential growth; or

4. Required to correct nonconforming zoning condition(s), building code violation(s), and/or unpermitted structure(s) that do/does not present a threat to public health and safety and is/are not affected by the construction of the accessory dwelling unit or junior accessory dwelling unit. This does not prevent the City from enforcing compliance with applicable building standards in accordance with California Health and Safety Code Section 17980.12.

C. Review Authority. Accessory dwelling units and junior accessory dwelling units shall be approved in any residential or mixed-use zoning district, subject to issuance of a building permit and the following conditions:

1. There is an existing or proposed dwelling unit on the lot;

2. The dwelling conforms to the development standards and requirements for accessory dwelling units and/or junior accessory dwelling units as provided in this section and California Government Code Section 66323; and

3. The building permit shall be considered and approved ministerially, without discretionary review or a hearing, within sixty (60) days from the date that the City determines an application to be complete, unless either:

a. The applicant requests a delay, in which case the sixty (60)-day time period is tolled for the period of the requested delay, or

b. In the case of an application for an accessory dwelling unit and/or junior accessory dwelling unit submitted with an application to create a new single-unit dwelling on the lot, the City may delay acting on the accessory dwelling unit and/or junior accessory dwelling application until the City renders a decision on the new single-unit dwelling application.

D. Maximum Number of Accessory Dwelling Units Allowed. Unless precluded by Government Code Section 66323 the following is the maximum number of accessory dwelling units allowed on any residential lot. For purposes of this section, "multi-unit dwelling" means a development containing two or more dwelling units on one lot.

1. Internal to a Single-Unit or Multi-Unit Dwelling Category. Only one accessory dwelling unit may be permitted on a lot with a proposed or existing single-unit or multi-unit dwelling, subject to the following:

a. The accessory dwelling unit is proposed:

i. Within the space of a proposed single-unit or multi-unit dwelling;

ii. Within the existing space of an existing single-unit or multi-unit dwelling; or

iii. Within the existing space of an existing accessory structure, plus an addition beyond the physical dimensions of the existing structure of up to one hundred fifty (150) square feet if the expansion is limited to accommodating ingress and egress.

b. The accessory dwelling unit shall have independent exterior access from the single-unit dwelling.

c. Side and rear setbacks comply with Titles 9 (Fire Code) and 15 (Buildings and Construction).

2. Attached on Lot With Single-Unit or Multi-Unit Dwelling Category. Only one attached, new-construction accessory dwelling unit may be permitted on a lot with a proposed or existing single-unit or multi-unit dwelling.

3. Detached on Lot With Single-Unit or Multi-Unit Dwelling Category. Only one detached new-construction accessory dwelling unit may be permitted on a lot with a proposed or existing single-unit dwelling. Up to two detached new-construction accessory dwelling units may be constructed on a lot that has an existing or proposed multi-unit dwelling. For purposes of this section, a multi-unit development approved and built as a single complex shall be considered one lot, regardless of the number of parcels.

4. Conversion of Multi-Unit Dwelling Category. Multiple accessory dwelling units may be permitted on lots with existing multi-unit dwellings subject to the following:

a. The number of accessory dwelling units shall not exceed twenty-five (25) percent of the existing multi-unit dwellings on the lot. For the purpose of calculating the number of allowable accessory dwelling units, the following shall apply:

i. Previously approved accessory dwelling units shall not count towards the number of existing multi-unit dwellings;

ii. Fractions shall be rounded down to the next lower number of dwelling units, except that at least one accessory dwelling unit shall be allowed; and

iii. For the purposes of this section, multi-unit developments approved and built as a single complex shall be considered one lot, regardless of the number of parcels.

b. The portion of the existing multi-unit dwelling that is to be converted to an accessory dwelling unit is not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages.

E. Maximum Number of Junior Accessory Dwelling Units Allowed. One junior accessory dwelling unit may be permitted on a lot with a proposed or existing single-unit dwelling, subject to the following:

1. The junior accessory dwelling unit is proposed to be attached to, or within the space of, a proposed or existing single-unit dwelling.

2. The junior accessory dwelling unit shall have independent exterior access from the single-unit dwelling and may provide interior access to the single-unit dwelling.

3. Side and rear setbacks comply with Titles 9 (Fire Code) and 15 (Buildings and Construction).

4. The junior accessory dwelling unit may be constructed in addition to an accessory dwelling unit on the lot with a proposed or existing single-unit dwelling. A junior accessory dwelling unit is not permitted on a lot with a proposed or existing multi-unit dwelling.

F. Development Standards. Except as modified by this subsection or authorized by California Government Code Section 66317 and 66323, an accessory dwelling unit and/or junior accessory dwelling unit shall conform to all objective standards of the underlying residential zoning district, any applicable overlay district, and all other applicable provisions of Title 20 (Planning and Zoning), including but not limited to height, setback, site coverage, floor area limit, and residential development standards and design criteria.

1. Minimum Lot Area. There shall be no minimum lot area required to establish an accessory dwelling unit and/or junior accessory dwelling unit.

2. Setback Requirements. Accessory dwelling units and junior accessory dwelling units shall comply with the setback requirements applicable to the zoning district, except as noted below:

a. For conversion of existing enclosed floor area, garage, or carport, no additional setback is required, beyond the existing provided setback.

b. For replacement of an existing enclosed structure, garage, or carport, no existing setback is required, beyond the existing setback provided. This provision shall only apply to accessory dwelling units and junior accessory dwelling units that are replacing existing structures within the same footprint and do not exceed the existing structure's size and/or height. For an accessory dwelling unit that will replace a detached garage, the building and demolition permits shall be reviewed and issued concurrently.

c. Attached and detached accessory dwelling units shall provide a minimum setback of four feet from all side property lines and rear property lines not abutting an alley unless the setback requirements of the underlying zoning district are less restrictive.

3. Building Height.

a. Internal. Accessory dwelling units and junior accessory dwelling units internal to an existing or proposed single-unit or multi-unit dwelling shall comply with the height limit as required by underlying zoning district.

b. Attached. Accessory dwelling units and junior accessory dwelling units attached to an existing or proposed single-unit or multi-unit dwelling shall comply with the height limit as required by underlying zoning district.

c. Detached accessory dwelling units shall not exceed a height of sixteen (16) feet except as noted below:

i. An accessory dwelling unit constructed on a lot with an existing or proposed multi-unit, multi-story dwelling shall not exceed a height of eighteen (18) feet.

ii. An accessory dwelling unit constructed above a detached garage shall not exceed two stories and the maximum allowable height of the underlying zoning district, provided the accessory dwelling unit meets the minimum setbacks required by underlying zoning district and the principal dwelling unit complies with parking standards set forth in Section 20.40.040.

iii. An accessory dwelling unit constructed on a lot with an existing or proposed single-unit or multi-unit dwelling that is located within one-half-mile walking distance of a major transit stop or high-quality transit corridor, as those terms are defined in California Public Resources Code Section 21155, shall not exceed a height of eighteen (18) feet. An additional two feet in height shall be permitted to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary unit.

4. Unit Size.

a. The maximum size of a detached or attached accessory dwelling unit is eight hundred fifty (850) square feet for a studio or one-bedroom unit and one thousand (1,000) square feet for a two or more bedroom unit.

b. Application of size limitations set forth in subsection (F)(4)(a) of this section shall not apply to an accessory dwelling unit that is converted as part of a proposed or existing space of a principal residence or existing accessory structure.

c. Application of development standards, such as floor area limit or site coverage, may further limit the size of the accessory dwelling unit, but in no case shall the front setback, floor area limit, open space, or site coverage requirement reduce the accessory dwelling unit to less than eight hundred (800) square feet where there is no other alternative to comply, and only to the extent necessary to construct the accessory dwelling unit.

d. The maximum size of a junior accessory dwelling unit shall be five hundred (500) square feet.

e. The minimum size of an accessory dwelling unit or junior accessory dwelling unit shall be at least that of an efficiency unit or as required by the California Building Code (CBC).

5. Walkout Basement Floor Area Limit Exception. The gross floor area of an accessory dwelling unit or junior accessory dwelling shall be excluded from the allowable floor area limit when located below grade within a basement. Daylighting of the basement shall only be permitted where excavation is necessary to provide exterior access to the main surface level and in compliance with the following:

a. The access passageway, inclusive of any necessary shoring, may encroach into a side setback area;

b. The passageway shall be free of obstructions from the ground level to a height of eight feet; and

c. The access passageway shall measure a minimum of thirty-six (36) inches in width, measure a maximum of sixty (60) feet in length, and shall not be located within a yard fronting a public right-of-way.

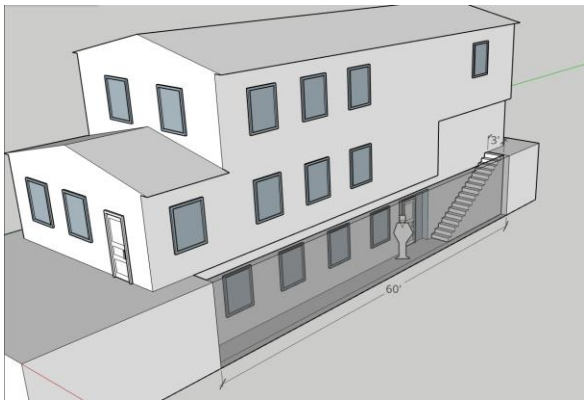

Figure 3-7

Walkout Basement Floor Area Limit Exception

6. Fire Sprinklers. An accessory dwelling unit and/or junior accessory dwelling unit shall not require fire sprinklers so long as fire sprinklers are not required for the principal residence, nor shall the construction of an accessory dwelling unit and/or junior accessory dwelling unit require fire sprinklers to be installed in the existing single-unit or multi-unit dwelling.

7. Passageway. No passageway shall be required in conjunction with the construction of an accessory dwelling unit and/or junior accessory dwelling unit. For the purposes of this section, “passageway” means a pathway that is unobstructed clear to the sky and extends from the street to one entrance of the accessory dwelling unit.

8. Parking. Parking shall comply with requirements of Chapter 20.40 (Off-Street Parking) except as modified below:

a. No additional parking shall be required for junior accessory dwelling units.

b. A maximum of one parking space shall be required for each accessory dwelling unit.

c. When additional parking is required, the parking may be provided as tandem parking and/or located on an existing driveway; however, in no case shall parking be allowed in a rear setback abutting an alley or within the front setback, unless the driveway in the front setback has a minimum depth of twenty (20) feet.

d. No additional parking shall be required for:

i. An accessory dwelling unit internal to a proposed principal residence or converted from existing space of a principal residence or existing accessory structure;

ii. An accessory dwelling unit located within one-half-mile walking distance of public transit. For the purposes of this section “public transit” shall include a bus stop where the public may access buses that charge set fares, run on fixed routes, and are available to the public;

iii. An accessory dwelling unit located within an architecturally and historically significant historic district;

iv. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or

v. When there is a car-share vehicle located within one block of the accessory dwelling unit. For the purposes of this section, “car-share vehicle” shall mean part of an established program intended to remain in effect at a fixed location for at least ten (10) years and available to the public.

vi. Outside the coastal zone, when an accessory dwelling unit is constructed in conjunction with a new single-unit or multi-unit dwelling on the same lot.

e. No Replacement Parking Necessary. Outside the coastal zone, when a garage, carport, covered or uncovered parking space is demolished in conjunction with the construction of an accessory dwelling unit at the same location or converted to an accessory dwelling unit, those off-street parking spaces are not required to be replaced. Outside the coastal zone, when a garage is demolished in conjunction with the construction of a junior accessory dwelling unit at the same location or converted to a junior accessory dwelling unit, that off-street parking space is not required to be replaced. Refer to Section 21.48.200(F)(8)(e) for replacement parking in the coastal zone.

G. Utility Connection.

1. Connection Required. All accessory dwelling units and junior accessory dwelling units shall connect to public utilities (or their equivalent), including water, electric, and sewer services.

2. Except as provided in subsection (G)(3) of this section, the City may require the installation of new or separate utility connections between the accessory dwelling unit, junior accessory dwelling unit and the utilities.

3. Conversion. No separate connection between the accessory dwelling unit and the utility shall be required for units created within a single-unit or multi-unit dwelling(s), unless the accessory dwelling unit is being constructed in connection with a new single-unit dwelling.

4. Septic Systems. If the principal dwelling unit is currently connected to an on-site wastewater treatment system and is unable to connect to a sewer system, accessory dwelling units and junior accessory dwelling units may connect to the on-site wastewater treatment system. However, the owner must include with the

application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last ten (10) years.

H. Additional Requirements for All Accessory Dwelling Units and Junior Accessory Dwelling Units.

1. No Separate Conveyance. Except as authorized in California Government Code 66341, an accessory dwelling unit or junior accessory dwelling unit may be rented, but no accessory dwelling unit or junior accessory dwelling unit may be sold or otherwise conveyed separately from the lot and the principal dwelling (in the case of a single-unit dwelling) or from the lot and all of the dwellings (in the case of a multi-unit dwelling).

2. Short-Term Lodging. The accessory dwelling unit and/or junior accessory dwelling unit shall not be rented for periods of thirty (30) days or less.

3. Owner-Occupancy for Junior Accessory Dwelling Units. A natural person with legal or equitable title to the lot must reside in either the principal single-unit dwelling unit or the junior accessory dwelling unit as the person's legal domicile and permanent residence. However, this owner-occupancy requirement shall not apply to any junior accessory dwelling unit owned by a governmental agency, land trust, or housing organization.

I. Deed Restriction and Recordation Required. Prior to the issuance of a building and/or grading permit for a junior accessory dwelling unit, the property owner shall record a deed restriction with the County Recorder's Office, the form and content of which is satisfactory to the City Attorney. The deed restriction document shall notify future owners of the owner occupancy requirements, prohibition on the separate conveyance, the approved size and attributes of the unit, and restrictions on short-term rentals. This deed restriction shall remain in effect so long as the junior accessory dwelling unit exists on the lot.

J. Historic Resources. Accessory dwelling units and/or junior accessory dwelling units proposed on residential or mixed-use properties that are determined to be historic shall be approved ministerially, in conformance with California Government Code Sections 65852.2 and 65852.22. However, any accessory dwelling unit or junior accessory dwelling unit that is listed on the California Register of Historic Resources shall meet all Secretary of the Interior Standards, as applicable. (Ord. 2023-22 § 918, 2023; Ord. 2023-2 § 1 (Exh. A), 2023; Ord. 2022-5 § 1, 2022; Ord. 2020-9 § 4, 2020)

EXHIBIT "B"

LOCAL COASTAL PROGRAM AMENDMENT NO. PA2025-0093

21.48.200 Accessory Dwelling Units.

A. Purpose. The purpose of this section is to establish the procedures for the creation of accessory dwelling units and junior accessory dwelling units, as defined in Part 7 (Definitions) of this title and in California Government Code Sections 66310 through 66342, or any successor statute, in areas designated for residential use, including as part of a planned community development plan or specific plan, and to provide development standards to ensure the orderly development of these units in appropriate areas of the City.

B. Effect of Conforming. An accessory dwelling unit or junior accessory dwelling unit that conforms to the requirements in this section shall not be:

1. Deemed to be inconsistent with the Coastal Land Use Plan and coastal zoning district designation for the lot on which the accessory dwelling unit or junior accessory dwelling unit is located;

2. Deemed to exceed the allowable density for the lot on which the accessory dwelling unit or junior accessory dwelling unit is located;

3. Considered in the application of any ordinance, policy, or program to limit residential growth; or

4. Required to correct nonconforming zoning condition(s), building code violation(s), and/or unpermitted structure(s) that do/does not present a threat to public health and safety and is/are not affected by the construction of the accessory dwelling unit or junior accessory dwelling unit; and do/does not raise inconsistency with the coastal resource protection policies of subsection (C)(3) of this section. This does not prevent the City from enforcing compliance with applicable building standards in accordance with California Health and Safety Code Section 17980.12.

C. Review Authority. Accessory dwelling units and junior accessory dwelling units shall be approved in any residential or mixed-use zoning district, subject to a building permit and the following conditions:

1. There is an existing or proposed dwelling unit on the lot;

2. The dwelling conforms to the development standards and requirements for accessory dwelling units and/or junior accessory dwelling units as provided in this section and California Government Code Section 66323;

3. The dwelling conforms to the coastal resource protection development regulations of the Implementation Plan and Coastal Land Use Plan provisions, including Implementation Plan Section 21.28.040 (Bluff (B) Overlay District), 21.28.050 (Canyon (C) Overlay District), 21.30.100 (Scenic and Visual Quality Protection), or Chapter 21.30B (Habitat Protection); and

4. The building permit shall be considered and approved ministerially, without discretionary review or a hearing, within sixty (60) days from the date that the City determines an application to be complete, unless either:

a. The applicant requests a delay, in which case the sixty (60) day time period is tolled for the period of the requested delay, or

b. In the case of an application for an accessory dwelling unit and/or junior accessory dwelling unit submitted with an application to create a new single-unit dwelling on the lot, the City may delay acting on the accessory dwelling unit and/or junior accessory dwelling application until the City renders a decision on the new single-unit dwelling application.

D. Coastal Development Permits.

1. Application. The applicant shall obtain a coastal development permit, pursuant to Chapter 21.52 (Coastal Development Review Procedures), unless otherwise exempt or excluded from the coastal development permit process pursuant to Section 21.52.035 (Projects Exempt From Coastal Development Permit Requirements) or 21.52.045 (Categorical Exclusions).

2. Hearing Exemption. All of the provisions of Chapter 21.52 (Coastal Development Review Procedures) regarding the review and approval of coastal development permits in relation to accessory dwelling units are applicable, except that a public hearing as required by Chapter 21.62 (Public Hearings) shall not be required. Public notice shall be provided as required in Section 21.62.020, except the requirements of Section 21.62.020(A) shall be replaced with a statement that no local public hearing will be held and that written comments on the proposed development may be submitted. Written comments received shall be reviewed by the review authority.

3. Appeal Exemption. Notwithstanding the local appeal provisions of Chapter 21.64 (Appeals and Calls for Review), coastal development permits for accessory dwelling units that are defined as "appealable development" pursuant to Section 21.64.035(A) may be directly appealed to the Coastal Commission in accordance with the provisions of Section 21.64.035 without a discretionary hearing by the Planning Commission or City Council.

E. Maximum Number of Accessory Dwelling Units Allowed. Unless precluded by Government Code Section 66323 the following is the maximum number of accessory dwelling units allowed on any residential lot. For purposes of this section, "multi-unit dwelling" means a development containing two more dwelling units on one lot.

1. Internal to a Single-Unit or Multi-Unit Dwelling Category. Only one accessory dwelling unit may be permitted on a lot with a proposed or existing single-unit or multi-unit dwelling, subject to the following:

a. The accessory dwelling unit is proposed:

i. Within the space of a proposed single-unit or multi-unit dwelling; or

ii. Within the existing space of an existing single-unit or multi-unit dwelling; or

iii. Within the existing space of an existing accessory structure, plus an addition beyond the physical dimensions of the existing structure of up to one hundred fifty (150) square feet if the expansion is limited to accommodating ingress and egress.

b. The accessory dwelling unit shall have independent exterior access from the single-unit dwelling.

c. Side and rear setbacks comply with Titles 9 (Fire Code) and 15 (Buildings and Construction).

2. Attached on Lot With Single-Unit or Multi-Unit Dwelling Category. Only one attached, new construction accessory dwelling unit may be permitted on a lot with a proposed or existing single-unit or multi-unit dwelling.

3. Detached on Lot With Single-Unit or Multi-Unit Dwelling Category. Only one detached new construction accessory dwelling unit may be permitted on a lot with a proposed or existing single-unit dwelling. Up to two detached new construction accessory dwelling units may be constructed on a lot that has an existing or proposed multi-unit dwelling. For purposes of this section, a multi-unit development approved and built as a single complex shall be considered one lot, regardless of the number of parcels.

4. Conversion of Multi-Unit Dwelling Category. Multiple accessory dwelling units may be permitted on lots with existing multi-unit dwellings subject to the following:

a. The number of accessory dwelling units shall not exceed twenty-five (25) percent of the existing multi-unit dwellings on the lot. For the purpose of calculating the number of allowable accessory dwelling units, the following shall apply:

i. Previously approved accessory dwelling units shall not count towards the number of existing multi-unit dwellings;

ii. Fractions shall be rounded down to the next lower number of dwelling units, except that at least one accessory dwelling unit shall be allowed; and

iii. For the purposes of this section, multi-unit developments approved and built as a single complex shall be considered one lot, regardless of the number of parcels.

b. The portion of the existing multi-unit dwelling that is to be converted to an accessory dwelling unit is not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages.

F. Maximum Number of Junior Accessory Dwelling Units Allowed. One junior accessory dwelling unit may be permitted on a lot with a proposed or existing single-unit dwelling, subject to the following:

1. The junior accessory dwelling unit is proposed to be attached to, or within the space of, a proposed or existing single-unit dwelling.

2. The junior accessory dwelling unit shall have independent exterior access from the single-unit dwelling and may provide interior access to the single-unit dwelling.

3. Side and rear setbacks comply with Titles 9 (Fire Code) and 15 (Buildings and Construction).

4. The junior accessory dwelling unit may be constructed in addition to an accessory dwelling unit on the lot with a proposed or existing single-unit dwelling. A junior accessory dwelling unit is not permitted on a lot with a proposed or existing multi-unit dwelling.

G. Development Standards. Except as modified by this subsection or authorized by California Government Code Section 66317 and 66323, an accessory dwelling unit and/or junior accessory dwelling unit shall conform to all requirements of the underlying residential zoning district, any applicable overlay district, and all other applicable provisions of Title 21 (Local Coastal Program Implementation Plan), including but not limited to height, setback, site coverage, floor area limit, and residential development standards and design criteria.

1. Minimum Lot Area. There shall be no minimum lot area required to establish an accessory dwelling unit and/or junior accessory dwelling unit.

2. Setback Requirements. Accessory dwelling units and junior accessory dwelling units shall comply with the setback requirements applicable to the zoning district, except as noted below:

a. For conversion of existing enclosed floor area, garage, or carport, no additional setback is required, beyond the existing provided setback, unless a greater setback is needed to comply with subsection (C)(3) of this section.

b. For replacement of an existing enclosed structure, garage, or carport, no additional setback is required, beyond the existing setback provided, unless a greater setback is needed to comply with subsection (C)(3) of this section. This provision shall only apply to accessory dwelling units and junior accessory dwelling units that are replacing existing structures within the same footprint and do not exceed the existing structure's size and/or height. For an accessory dwelling unit that will replace a detached garage, the building and demolition permits shall be reviewed and issued concurrently.

c. Attached and detached accessory dwelling units shall provide a minimum setback of four feet from all side property lines and rear property lines not abutting an alley unless the setback requirements of the underlying zoning district are less restrictive.

3. Building Height.

a. Internal. Accessory dwelling units and junior accessory dwelling units internal to an existing or proposed single-unit or multi-unit dwelling shall comply with the height limit as required by underlying zoning district.

b. Attached. Accessory dwelling units and junior accessory dwelling units attached to an existing or proposed single-unit or multi-unit dwelling shall comply with the height limit as required by underlying zoning district.

c. Detached accessory dwelling units shall not exceed a height of sixteen (16) feet except as noted below:

i. An accessory dwelling unit constructed on a lot with an existing or proposed multi-unit, multi-story dwelling shall not exceed a height of eighteen (18) feet.

ii. An accessory dwelling unit constructed above a detached garage shall not exceed two stories and the maximum allowable height of the underlying zoning district, provided the accessory dwelling unit meets the minimum setbacks required by underlying zoning district and the principal dwelling unit complies with parking standards set forth in Section 21.40.040.

iii. An accessory dwelling unit constructed on a lot with an existing or proposed single-unit or multi-unit dwelling that is located within one-half mile walking distance of a major transit stop or high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, shall not exceed a height of eighteen (18) feet. An additional two feet in height shall be permitted to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary unit.

4. Unit Size.

a. The maximum size of a detached or attached accessory dwelling unit is eight hundred fifty (850) square feet for a studio or one-bedroom unit and one thousand (1,000) square feet for a two or more bedroom unit.

b. Application of the size limitations set forth in subsection (G)(4)(a) of this section shall not apply to an accessory dwelling unit that is converted as part of a proposed or existing space of a principal residence or existing accessory structure.

c. Application of development standards, such as floor area limit or site coverage, may further limit the size of the accessory dwelling unit, but in no case shall the front setbacks, floor area limit, open space, or site coverage requirement reduce the accessory dwelling unit to less than eight hundred (800) square feet where there is no other alternative to comply, and only to the extent necessary to construct the accessory dwelling unit.

d. The maximum size of a junior accessory dwelling unit shall be five hundred (500) square feet.

e. The minimum size of an accessory dwelling unit or junior accessory dwelling unit shall be at least that of an efficiency unit or as required by the California Building Code (CBC).

5. Walkout Basement Floor Area Limit Exception. The gross floor area of an accessory dwelling unit or junior accessory dwelling shall be excluded from the allowable floor area limit when located below grade within a basement. Daylighting of the basement shall only be permitted where excavation is necessary to provide exterior access to the main surface level and in compliance with the following:

a. The access passageway, inclusive of any necessary shoring, may encroach into a side setback area;

b. The passageway shall be free of obstructions from the ground level to a height of eight feet; and

c. The access passageway shall measure a minimum of thirty-six (36) inches in width, measure a maximum of sixty (60) feet in length, and shall not be located within a yard fronting a public right-of-way.

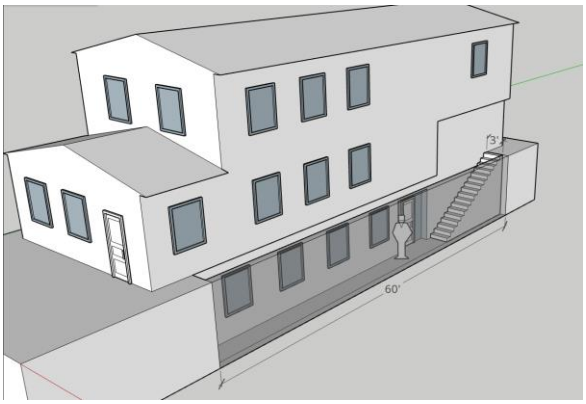

Figure 3-7

Walkout Basement Floor Area Limit Exception

6. Fire Sprinklers. An accessory dwelling unit and/or junior accessory dwelling unit shall not require fire sprinklers so long as fire sprinklers are not required for the principal residence, nor shall the construction of an accessory dwelling unit and/or junior accessory dwelling unit require fire sprinklers to be installed in the existing single-unit or multi-unit dwelling.

7. Passageway. No passageway shall be required in conjunction with the construction of an accessory dwelling unit and/or junior accessory dwelling unit. For the purposes of this section, “passageway” means a pathway that is unobstructed clear to the sky and extends from the street to one entrance of the accessory dwelling unit.

8. Parking. Parking shall comply with requirements of Chapter 21.40 (Off-Street Parking) except as modified below:

a. No additional parking shall be required for junior accessory dwelling units.

b. A maximum of one parking space shall be required for each accessory dwelling unit.

c. When additional parking is required, the parking may be provided as tandem parking and/or located on an existing driveway; however, in no case shall parking be allowed in a rear setback abutting an alley or within the front setback, unless the driveway in the front setback has a minimum depth of twenty (20) feet.

d. No parking shall be required for:

i. An accessory dwelling unit internal to a proposed principal residence or converted from existing space of principal residence or existing accessory structure;

ii. An accessory dwelling unit located within one-half mile walking distance of public transit. For the purposes of this section, “public transit” shall include a bus stop where the public may access buses that charge set fares, run on fixed routes, and are available to the public;

iii. An accessory dwelling unit located within an architecturally and historically significant historic district;

iv. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or

v. When there is a car-share vehicle located within one block of the accessory dwelling unit. For the purposes of this section, “car-share vehicle” shall mean part of an established program intended to remain in effect at a fixed location for at least ten (10) years and available to the public.

e. Replacement Parking Necessary. When a garage, carport, or covered parking is demolished in conjunction with the construction of an accessory dwelling unit at the same location or converted to an accessory dwelling unit, replacement parking shall be provided. Replacement parking may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. Accessory dwelling units shall not displace required uncovered parking spaces.

9. Waterfront Development and Flood Hazard Areas.

a. The minimum top of slab elevation for new interior living areas, including areas converted from nonliving areas, shall comply with the flood hazard and sea level rise protection standards of Section 21.30.015(D).

b. Any development in shoreline hazardous areas shall comply with Section 21.30.015(E).

H. Utility Connection.

1. Connection Required. All accessory dwelling units and junior accessory dwelling units shall connect to public utilities (or their equivalent), including water, electric, and sewer services.

2. Except as provided in subsection (H)(3) of this section, the City may require the installation of a new or separate utility connection between the accessory dwelling unit, junior accessory dwelling unit and the utilities.

3. Conversion. No separate connection between the accessory dwelling unit and the utility shall be required for units created within a single-unit or multi-unit dwelling(s), unless the accessory dwelling unit is being constructed in connection with a new single-unit dwelling or multi-unit dwellings.

4. Septic Systems. If the principal dwelling unit is currently connected to an on-site wastewater treatment system and is unable to connect to a sewer system, accessory dwelling units and junior accessory dwelling units may connect to the on-site wastewater treatment system. However, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last ten (10) years.

I. Additional Requirements for All Accessory Dwelling Units and Junior Accessory Dwelling Units.

1. No Separate Conveyance. Except as authorized in California Government Code 66341, an accessory dwelling unit or junior accessory dwelling unit may be rented, but no accessory dwelling unit or junior accessory dwelling unit may be sold or otherwise conveyed separately from the lot and the principal dwelling (in the case of a single-unit dwelling) or from the lot and all of the dwellings (in the case of a multi-unit dwelling).

2. Short-Term Lodging. The accessory dwelling unit and/or junior accessory dwelling unit shall not be rented for periods of thirty (30) days or less.

3. Owner-Occupancy for Junior Accessory Dwelling Units. A natural person with legal or equitable title to the lot must reside in either the principal single-unit dwelling unit or the junior accessory dwelling unit as the person’s legal domicile and permanent residence. However, this owner-occupancy requirement shall not apply to any junior accessory dwelling unit owned by a governmental agency, land trust, or housing organization.

J. Deed Restriction and Recordation Required.

1. Prior to the issuance of a building and/or grading permit for a junior accessory dwelling unit, the property owner shall record a deed restriction with the County Recorder’s Office, the form and content of which is

satisfactory to the City Attorney. The deed restriction document shall notify future owners of the owner-occupancy requirements, prohibition on the separate conveyance, the approved size and attributes of the unit, and restrictions on short-term rentals. This deed restriction shall remain in effect so long as the junior accessory dwelling unit exists on the lot.

2. For properties in flood hazard areas as identified by the Federal Emergency Management Agency in the "Flood Insurance Study" for Orange County, California and Incorporated Area with accompanying FEMA Flood Insurance Rate Maps, deed restriction shall also include notice to future owners that the unit is located within an area that may be subject to flooding or future flooding.

3. For properties located in low lying shoreline areas that may be subject to future sea level rise, the property owner shall also record a waiver of future protection in compliance with Section 21.30.015(E)(5).

K. Historic Resources. Accessory dwelling units and/or junior accessory dwelling units proposed on residential or mixed-use properties that are determined to be historic shall be approved ministerially, in conformance with California Government Code Sections 66310 through 66342. However, any accessory dwelling unit or junior accessory dwelling unit that is listed on the California Register of Historic Resources shall meet all Secretary of the Interior standards, as applicable. (Ord. 2024-28 § 1 (Exh. A), 2024; Ord. 2022-6 § 5, 2022)

EXHIBIT "C"

HCD Review Letter Dated October 1, 2024

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DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
651 Bannon Street
Sacramento, CA 95811
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

October 1, 2024

Jaime Murillo, Community Development Deputy Director
Department of Community Development
City of Newport Beach
100 Civic Center Drive,
Newport Beach, CA 92660

Dear Jaime Murillo:

RE: Review of Newport Beach's Accessory Dwelling Unit (ADU) Ordinance under State ADU Law (Gov. Code, §§ 66310 - 66342)

Please Note: As of March 25, 2024, with the Chaptering of Senate Bill (SB) 477 (Chapter 7, Statutes of 2024), the sections of Government Code relevant to State ADU and junior accessory dwelling unit (JADU) Law have been re-numbered (Enclosure 1).

Thank you for submitting the City of Newport Beach's accessory dwelling unit (ADU) Ordinance No. 2023-2 (Ordinance), adopted February 14, 2023, to the California Department of Housing and Community Development (HCD). The Ordinance was received on February 18, 2023. HCD has reviewed the Ordinance and submits these written findings pursuant to Government Code section 66326, subdivision (a). HCD finds that the Ordinance fails to comply with State ADU and JADU Laws in the manner noted below. Pursuant to Government Code section 66326, subdivision (b)(1), the City has up to 30 days to respond to these findings. Accordingly, the City must provide a written response to these findings no later than October 31, 2024.

The Ordinance addresses many statutory requirements; however, HCD finds that the Ordinance does not comply with State ADU Law as follows:

1. *Section 20.48.200 B.4. – Legally Established Non-conforming Zoning Conditions* – The Ordinance does not require ADUs and JADUs to *"…*correct legally established nonconforming zoning condition(s), building code violation(s), and/or unpermitted structure(s) that do/does not present a threat to public health and safety and is/are not affected by the construction of the accessory dwelling unit or junior accessory dwelling unit." However, Government Code section 66323, subdivision (b) specifically provides that a local agency shall not require the correction of nonconforming zoning conditions. Additionally, section 66322(b) prohibits the denial of a permit due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not

present a threat to public health and safety and are not affected by the construction of the ADU. Neither section includes "legally established'. Unpermitted structures are unlikely legally established. The City's ordinance therefore likely restricts units whose protection is specifically provided for by statute. Therefore, the City must remove the phrase "legally established" from the Ordinance.

2. *Section 20.48.200 C.2. – Conditions on Development* – The Ordinance requires ADUs and JADUs conform to development standards and requirements "as provided in this section." Government Code section 66323, subdivision (a), states, "Notwithstanding Sections 66314 to 66322, inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following…" Section 66323 precludes zoning development standards and requirements for ADUs and JADUs. Therefore, the City must note the exception for units described in subdivision (a) in its ordinance.

3. *Section 20.48.200 D.1. – Unit Allowance* – The Ordinance states, "Only one (1) of the categories described below in this subsection may be used per lot." However, Government Code section 66323, subdivision (a), states, "Notwithstanding Sections 66314 to 66322, inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following: (1) One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling…(A) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single family dwelling or existing space of a single-family dwelling or accessory structure." Paragraph (2) permits "[o]ne detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks." The use of the term "any" followed by an enumeration of by-right ADU types permitted means that any of these ADU types found in section 66323 can be combined on a lot zoned for single-family dwellings.

   This permits a homeowner, who meets specified requirements, to create one converted ADU; one detached, new construction ADU; and one JADU. Thus, if the local agency approves an ADU that is created from existing (or proposed) space, and the owner subsequently applies for a detached ADU that meets the size and setbacks pursuant to the subdivision, the local agency cannot deny the permit, nor deny a permit for a JADU under this subdivision.

   This subdivision applies equally to ADUs created pursuant to Government Code section 66323, subdivisions (a)(3) and (a)(4) on lots with proposed or existing multifamily dwellings. Limiting residential lots to one ADU would prevent property owners from creating ADUs by-right under subdivision (a) of section 66323 of the Government Code.

Therefore, the City must remove the restriction on the combination of units authorized by state law.

4. *Section 20.48.200 D.3. & D.4.a.iii. – Multi-Unit Detached ADUs* – The Ordinance states, "For the purposes of this section, a multi-unit development approved and built as a single complex shall be considered one (1) lot, regardless of the number of parcels." However, Government Code section 66323, subdivision (a)(3)(A) requires that at least one ADU be permitted on a lot with a multifamily dwelling. Moreover, the 2022 California Building Code defines "lot" as "A portion or parcel of land considered as a unit." The City incorrectly limits the number of parcels within a 'lot' which could result in a limitation on the number of ADUs on parcels. This could have the effect of limiting the number of ADUs allowable on parcels with multifamily units owned as separate interests. Therefore, the City should remove the restriction on parcels.

5. *Section 20.48.200 F. – Development Standards* – The Ordinance requires ADUs and JADUs to "conform to all objective standards of the underlying residential zoning district, any applicable overlay district, and all other applicable provisions…" However, Government Code section 66317, subdivision (c) precludes local ordinance, regulation or policy not contained within the City's ADU ordinance from being the basis of delay or denial of an ADU or JADU permit application. While Government Code section 66314, subdivision (d)(8) refers to local building code standards, zoning and design standards that exist outside of the City's ADU ordinance cannot be imposed on ADUs. Moreover, local design standards provided by the Ordinance pursuant to Government Code sections 66314 – 66322 may not preclude the development of ADUs created per section 66323, as noted above. Therefore, the City must amend its ordinance to remove requirements that ADUs conform to underlying zoning standards, and 'other' unspecified provisions not in the ADU ordinance.

6. *Section 20.48.200 F.2.b. – Building and Demolition Permits* – The Ordinance states, "For an accessory dwelling unit that will replace a detached garage, the building and demolition permits shall be reviewed and issued concurrently." The City should amend the Ordinance to specify that building, and demolition permits are reviewed and issued concurrently for JADUs as well.

7. *Section 20.48.200 F.3. – Building Height* – The Ordinance requires attached ADUs to "comply with the height limit as required by underlying zoning district." While this appears to comply with State ADU Law, Government Code section 66321, subdivision (b)(4)(D) precludes a local agency from requiring less than "A height of 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling. This subparagraph shall not require a local agency to allow an accessory dwelling unit to exceed two stories." The City's Ordinance does not reflect the 25 feet height minimum. Moreover, it is

unclear whether this requirement would permit a second story. The City should clarify these sections to ensure building heights and stories for attached ADUs are not unduly restricted.

8. *Section 20.48.200 F.4.a. – ADU Size Maximum* – The Ordinance limits the maximum unit size of attached and detached ADUs. However, Government Code section 66323, subdivision (a)(4), which applies to detached ADUs on lots with multifamily dwellings, does not have a size maximum. ADUs and JADUs created per section 66323 are not subject to the City's objective zoning standards, including size. The City's size maximum in this section therefore cannot limit detached ADUs allowed under section 66323. The City must amend the Ordinance to note the exception for detached ADUs allowed under section 66323.

9. *Section 20.48.200 F.4.e. – JADU Minimum Size* – The Ordinance requires a JADU to be a minimum size of an efficiency dwelling unit. While an ADU is defined as also including an efficiency dwelling unit, a JADU does not contain such a provision. While the maximum JADU size is 500 sq ft, a minimum JADU size is determined by applicable building and residential codes as the minimum room size plus an efficiency kitchen. Projects subject to the Supplement to the 2022 California Building Standards Code (CBC), section R304.1 through R304.3 of the California Residential Code (CRC), and sections 1208.1 through 1208.4 of the CBC, respectively, should be considered before applying a minimum JADU size. Since a minimum size of a JADU might be less than the minimum size of an efficiency dwelling unit, the City should amend the Ordinance to reflect the valid minimum size allowed for a room.

10. *Section 20.48.200 F.8.e. – Replacement Parking* – The Ordinance affirms that when off-street covered parking is demolished in conjunction with an ADU, "those off-street parking spaces are not required to be replaced." This substantially complies with State ADU Law. However, JADUs must only comply with "applicable building standards," and do not require "additional parking" as a condition for obtain a building permit.[1] JADUs must only comply with the development standards set forth in JADU Law.[2] The City's ordinance does not expressly exempt JADUs from replacement parking when a garage is converted as part of the enclosed use within the residence permitted by law.[3] This creates confusion and indicates the City may require replacement parking when covered parking is converted into a JADU, which is inconsistent with the Law. Therefore, the City must amend this section to specifically exclude JADUs from replacement parking.

[1] Gov. Code, § 66334, subds. (a) and (b).
[2] Gov. Code, § 66323, subd. (a)(1)(D).
[3] Gov. Code, § 66333, subd. (d).

11. *Section 20.48.200 H.1. –Separate Conveyance* – The Ordinance states, "An accessory dwelling unit or junior accessory dwelling unit may be rented, but no accessory dwelling unit or junior accessory dwelling unit may be sold or otherwise conveyed separately…" However, Government Code section 66341 provides for the sale or separate conveyance of ADUs. The City must amend the ordinance to allow for the sale or separate conveyance of ADUs.

12. *Section 20.48.200 H.3. – Owner Occupancy* – The Ordinance requires owner occupancy requirements on ADUs. Assembly Bill 976 (Chapter 751, Statutes of 2023) amended Government Code section 66315 to prohibit owner-occupancy requirements. "No additional standards, other than those provided in Section 66314, shall be used or imposed, including an owner-occupant requirement…" The City must remove these occupancy restrictions from the Ordinance.

13. *Section 20.48.200 I. –– Deed Restrictions* – The Ordinance requires a deed restriction for ADUs. Government Code section 66333, subdivision (c) requires the recordation of a deed restriction for JADUs, which are limited to restricting the sale of the JADU separate from the single-family residence. Government Code section 66315 requires that no additional standards, other than those provided in Government Code Section 66314, shall be used, or imposed on accessory dwelling units. Deed restrictions are not authorized under state law for ADUs. The City may not require a deed restriction prior to and as a condition of approval of an ADU building permit application. Therefore, the City must amend the Ordinance to remove the requirement of a deed restriction on ADUs.

The City has two options in response to this letter.[4] The City can either amend the Ordinance to comply with State ADU Law[5] or adopt the Ordinance without changes and include findings in its resolution adopting the Ordinance that explain the reasons the City believes that the Ordinance complies with State ADU Law despite HCD's findings.[6] If the City fails to take either course of action and bring the Ordinance into compliance with State ADU Law, HCD must notify the City and may notify the California Office of the Attorney General that the City is in violation of State ADU Law. [7]

[4] Gov. Code, § 66326, subd. (c)(1).
[5] Gov. Code, § 66326, subd. (b)(2)(A).
[6] Gov. Code, § 66326, subd. (b)(2)(B).
[7] Gov. Code, § 66326, subd. (c)(1).

HCD appreciates the City's efforts in the preparation and adoption of the Ordinance and welcomes the opportunity to assisting the City in fully complying with State ADU Law. Please feel free to contact our staff, Michael McLaughlin, at Michael.McLaughlin@hcd.ca.gov if you have any questions.

Sincerely,

Jamie Candelaria

Jamie Candelaria
Senior Housing Accountability Manager
Housing Policy Development Division

Enclosures

New Government Code Sections	Previous Government Code Sections
Article 1. General Provisions	
66310	65852.150 (a)
66311	65852.150 (b)
66312	65852.150 (c)
66313	General Definition Section 65852.2 (j) 65852.22 (j)
Article 2. Accessory Dwelling Unit Approvals	
66314	65852.2(a)(1)(A), (D)(i)-(xii), (a)(4)-(5)
66315	65852.2 (a)(8)
66316	65852.2 (a)(6)
66317	65852.2 (a)(3), (a)(7)
66318	65852.2 (a)(9), 65852.2 (a)(2)
66319	65852.2 (a)(10)
66320	65852.2 (b)
66321	65852.2 (c)
66322	65852.2 (d)
66323	65852.2 (e)
66324	65852.2 (f)
66325	65852.2 (g)
66326	65852.2 (h)
66327	65852.2 (i)
66328	65852.2 (k)
66329	65852.2 (l)
66330	65852.2 (m)
66331	65852.2 (n)
66332	65852.23.
Article 3. Junior Accessory Dwelling Units	
66333	65852.22 (a)
66334	65852.22 (b)
66335	65852.22 (c)
66336	65852.22 (d)
66337	65852.22 (e)
66338	65852.22 (f)-(g)
66339	65852.22 (h)
Article 4. Accessory Dwelling Unit Sales	
66340	65852.26 (b)
66341	65852.26 (a)
66342	65852.2 (a)(10)

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Attachment No. PC 2

Accessory Dwelling Unit Ordinance Summary Matrix

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CITY OF NEWPORT BEACH

NEWPORT BEACH ADU

ACCESSORY DWELLING UNIT ORDINANCE SUMMARY

Effective 3/16/2023

Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) are regulated by Newport Beach Municipal Code Sections 20.48.200 and 21.48.200. Ministerial review of all ADUs and JADUs will occur through building permit plan check. A Coastal Development Permit may also be required for properties within the Coastal Zone. *Please consult with a planner prior to submitting and ADU/JADU project*.

	JADU	ADU WITH SINGLE- OR MULTI-UNIT DEVELOPMENT			ADU WITH EXISTING MULTI-UNIT DEVELOPMENT
ADU Type	**JADU** *Conversion*[1] of an interior portion of an existing single-unit dwelling; or *new construction within* a proposed single-unit dwelling; or attached to an existing or proposed single-unit dwelling	**INTERNAL**[1,2] *Conversion* of an interior portion of an existing single-unit or multi-unit dwelling, or an existing detached accessory building; or *new construction within* a proposed single-unit or multi-unit (2+) development	**ATTACHED**[1] Construction of a new ADU *attached to* an existing or proposed single-unit or multi-unit dwelling	**DETACHED** Construction of a new ADU as a *detached* accessory building	**CONVERSION** *Conversion* of an existing *non-habitable* (e.g., storage rooms, boiler rooms, passageways, attics, basements, or garages) portion of a multi-unit (2+) development
Zoning	Allowed on all residential and mixed zoned properties that are improved with a single-unit dwelling	Allowed on all residential and mixed zoned properties that are improved with a single-unit or multi-unit dwelling			Allowed on all residential and mixed zoned properties that are improved with *existing* multi-unit dwellings
Number of Units	One	One		Single-unit Development: One Multi-unit Development: Two	At least one and no more than 25% of the existing unit count in the multi-unit development
Allowed with Other ADU	May also provide single-unit ADU	May also provide JADU as part of a *single-unit dwelling*			No
Minimum Lot Size	None				
Minimum Size	Shall comply with California Building Code Section 1208 (Interior Space Dimensions)				
Maximum Size *(Square Feet)*	500	No limit	Studio/One-Bedroom = 850 Two Bedroom = 1,000		No limit
Maximum Height	Per base zone	Per base zone	Per base zone	16 feet[3]	N/A
Front Setback [4]	Per base zone				
Side Setback [4]	Per base zone	Per base zone	4 feet or base zone, whichever is less		Per Base Zone
Rear Setback[4]	Per base zone	Per base zone	4 feet (not abutting alley) or base zone, whichever is less		Per Base Zone
800 sf ADU Exception for Existing Development[5]	N/A		Application of floor area limit, site coverage limit, or front setback shall not reduce an ADU below 800 square feet		N/A
Walkout Basement FAL Exception	Floor area of ADU/JADU may be excluded from the allowable floor area limit when located below grade within a basement and specific criteria is met. See Section 20.48.200(F)(5) and 21.48.200(F)(5)				

CITY OF NEWPORT BEACH

NEWPORT BEACH ADU

ACCESSORY DWELLING UNIT ORDINANCE SUMMARY

Effective 3/16/2023

	JADU	ADU WITH SINGLE- OR MULTI-UNIT DEVELOPMENT			ADU WITH EXISTING MULTI-UNIT DEVELOPMENT
ADU Type	**JADU**	**INTERNAL[1,2]**	**ATTACHED[1]**	**DETACHED**	**CONVERSION**
Access	Exterior entrance required in all cases. JADUs may provide internal connection.				
Bathroom	May share with primary dwelling unit	Bathroom is required			
Kitchen	Efficiency[6]	Full kitchen, including fixed cooking appliance with outside exhaust.			
Parking	None	None	One per unit		None
Parking Exception	N/A		Parking waived for the ADU if the property is: 1) within ½ mile walking distance to transit; 2) within an architecturally or historically significant district; 3) on-street parking permits are required and not provided to the occupant of the ADU; 4) within one block of a car-share vehicle pick-up/drop-off location; or 5) when ADU is constructed in conjunction with a new single-unit or multi-unit dwelling not located in the coastal zone.		N/A
Garage/Carport Conversion	Allowed; Replacement parking required citywide	Allowed; Replacement parking required in the Coastal Zone	N/A		Allowed; Replacement parking required in the Coastal Zone
Deed Restriction	Prior to issuance of building permit, owner must record deed restriction (prepared by the City) noting the size of the unit, description of unit, prohibition on short term rentals, prohibiting the sale of the ADU/JADU, and specifying owner-occupancy requirement for JADU. Additional restrictions required in the Coastal zone.				
Owner-Occupancy	Owner shall live in either unit	N/A			
Short-Term Lodging	Short-term lodging is prohibited.				
Utility Connection	A separate utility connection is not required	The City may require a separate utility connection. (See Utilities Director 1/9/21 Memorandum for single water and sewer service allowances)			
Fire Sprinklers	Only required if fire sprinklers required and provided on primary unit.				
Separate Conveyance	ADUs and JADUs may not be sold separately				

[1] Internal is either: 1) conversion of existing floor area within the envelope of an existing single-unit dwelling (including garage); or 2) development of an ADU within the footprint of a proposed single-unit or multi-unit dwelling (excluding garage) that complies with all applicable development standards. Construction of a new ADU that extends beyond the envelope of an existing single-unit or multi-unit dwelling or beyond the footprint of a proposed single-unit or multi-unit dwelling shall comply with the standards applicable to *Attached ADUs.*

[2] Conversions of existing accessory structures are permitted a 150 sq. ft. addition to accommodate ingress/egress. Conversions within principal structure not entitled to 150 sf addition.

[3] See NBMC Sections 20.48.200(F)(3) and 21.48.200(G)(3) for additional height allowances applicable to detached ADUs under certain circumstances.

[4] For conversion of existing enclosed floor area, garage, or carport, no additional setback required. For replacement of an existing enclosed structure, garage, or carport, no additional setback is required beyond the existing setback. Additional setback maybe required for coastal resource protection per IP.

[5] An ADU constructed concurrently with a new development shall comply with the total maximum allowed floor area limits, lot coverage limits, and front setbacks applicable to the property. In the case where the floor area, lot coverage, or front setbacks of existing development doesn't allow the development of an 800 sf ADU and no other compliant alternatives exist, then the ADU may exceed the floor area or lot coverage limits, and/or encroach into the front setback to the minimum extent necessary to accommodate the 800 sf ADU provided it meets all other applicable standards.

[6] An efficiency kitchen may include a basic plug-in cooking appliance such as hot plate or microwave. A sink, food preparation counter and storage cabinets of reasonable size required.

Attachment No. PC 3

Title 20 (Planning and Zoning), proposed redlined code changes

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20.48.200 Accessory Dwelling Units.

A. Purpose. The purpose of this section is to establish the procedures for the creation of accessory dwelling units and junior accessory dwelling units, as defined in Part 7 (Definitions) of this title and in California Government Code Sections 66310 through 66342~~65852.2 and 65852.22~~, in areas designated for residential use, including as part of a planned community development plan or specific plan, and to provide development standards to ensure the orderly development of these units in appropriate areas of the City.

B. Effect of Conforming. An accessory dwelling unit or junior accessory dwelling unit that conforms to the requirements in this section shall not be:

1. Deemed to be inconsistent with the General Plan and zoning district designation for the lot on which the accessory dwelling unit or junior accessory dwelling unit is located;

2. Deemed to exceed the allowable density for the lot on which the accessory dwelling unit or junior accessory dwelling unit is located;

3. Considered in the application of any ordinance, policy, or program to limit residential growth; or

4. Required to correct ~~legally established~~ nonconforming zoning condition(s), building code violation(s), and/or unpermitted structure(s) that do/does not present a threat to public health and safety and is/are not affected by the construction of the accessory dwelling unit or junior accessory dwelling unit. This does not prevent the City from enforcing compliance with applicable building standards in accordance with California Health and Safety Code Section 17980.12.

C. Review Authority. Accessory dwelling units and junior accessory dwelling units shall be approved in any residential or mixed-use zoning district, subject to issuance of a building permit and the following conditions:

1. There is an existing or proposed dwelling unit on the lot;

2. The dwelling conforms to the development standards and requirements for accessory dwelling units and/or junior accessory dwelling units as provided in this section and California Government Code Section 66323; and

3. The building permit shall be considered and approved ministerially, without discretionary review or a hearing, within sixty (60) days from the date that the City determines an application to be complete, unless either:

a. The applicant requests a delay, in which case the sixty (60)-~~-~~day time period is tolled for the period of the requested delay, or

b. In the case of an application for an accessory dwelling unit and/or junior accessory dwelling unit submitted with an application to create a new single-unit dwelling on the lot, the City may delay acting on the accessory dwelling unit and/or junior accessory dwelling application until the City renders a decision on the new single-unit dwelling application.

D. Maximum Number of Accessory Dwelling Units Allowed. Unless precluded by Government Code Section 66323 ~~T~~the following is the maximum number of accessory dwelling units allowed on any residential lot. For purposes of this section, "multi-unit dwelling" means a ~~structure or~~ development containing two or more dwelling units on one lot. ~~Only one of the categories described below in this subsection may be used per lot.~~

1. Internal to a Single-Unit or Multi-Unit Dwelling Category. Only one accessory dwelling unit may be permitted on a lot with a proposed or existing single-unit or multi-unit dwelling, subject to the following:

a. The accessory dwelling unit is proposed:

i. Within the space of a proposed single-unit or multi-unit dwelling;

ii. Within the existing space of an existing single-unit or multi-unit dwelling; or

iii. Within the existing space of an existing accessory structure, plus an addition beyond the physical dimensions of the existing structure of up to one hundred fifty (150) square feet if the expansion is limited to accommodating ingress and egress.

b. The accessory dwelling unit shall have independent exterior access from the single-unit dwelling.

c. Side and rear setbacks comply with Titles 9 (Fire Code) and 15 (Buildings and Construction).

2. Attached on Lot With Single-Unit or Multi-Unit Dwelling Category. Only one attached, new-construction accessory dwelling unit may be permitted on a lot with a proposed or existing single-unit or multi-unit dwelling.

3. Detached on Lot With Single-Unit or Multi-Unit Dwelling Category. Only one detached new-construction accessory dwelling unit may be permitted on a lot with a proposed or existing single-unit dwelling. Up to two detached new-construction accessory dwelling units may be constructed on a lot that has an existing or proposed multi-unit dwelling. For purposes of this section, a multi-unit development approved and built as a single complex shall be considered one lot, regardless of the number of parcels.

4. Conversion of Multi-Unit Dwelling Category. Multiple accessory dwelling units may be permitted on lots with existing multi-unit dwellings subject to the following:

a. The number of accessory dwelling units shall not exceed twenty-five (25) percent of the existing multi-unit dwellings on the lot. For the purpose of calculating the number of allowable accessory dwelling units, the following shall apply:

i. Previously approved accessory dwelling units shall not count towards the number of existing multi-unit dwellings;

ii. Fractions shall be rounded down to the next lower number of dwelling units, except that at least one accessory dwelling unit shall be allowed; and

iii. For the purposes of this section, multi-unit developments approved and built as a single complex shall be considered one lot, regardless of the number of parcels.

b. The portion of the existing multi-unit dwelling that is to be converted to an accessory dwelling unit is not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages.

E. Maximum Number of Junior Accessory Dwelling Units Allowed. One junior accessory dwelling unit may be permitted on a lot with a proposed or existing single-unit dwelling, subject to the following:

1. The junior accessory dwelling unit is proposed to be attached to, or within the space of, a proposed or existing single-unit dwelling.

2. The junior accessory dwelling unit shall have independent exterior access from the single-unit dwelling and may provide interior access to the single-unit dwelling.

3. Side and rear setbacks comply with Titles 9 (Fire Code) and 15 (Buildings and Construction).

4. The junior accessory dwelling unit may be constructed in addition to an accessory dwelling unit on the lot with a proposed or existing single-unit dwelling. A junior accessory dwelling unit is not permitted on a lot with a proposed or existing multi-unit dwelling.

F. Development Standards. Except as modified by this subsection or authorized by California Government Code Section 66317 and 66323, an accessory dwelling unit and/or junior accessory dwelling unit shall conform to all objective standards of the underlying residential zoning district, any applicable overlay district, and all other applicable provisions of Title 20 (Planning and Zoning), including but not limited to height, setback, site coverage, floor area limit, and residential development standards and design criteria.

1. Minimum Lot Area. There shall be no minimum lot area required to establish an accessory dwelling unit and/or junior accessory dwelling unit.

2. Setback Requirements. Accessory dwelling units and junior accessory dwelling units shall comply with the setback requirements applicable to the zoning district, except as noted below:

a. For conversion of existing enclosed floor area, garage, or carport, no additional setback is required, beyond the existing provided setback.

b. For replacement of an existing enclosed structure, garage, or carport, no existing setback is required, beyond the existing setback provided. This provision shall only apply to accessory dwelling units and junior accessory dwelling units that are replacing existing structures within the same footprint and do not exceed the existing structure's size and/or height. For an accessory dwelling unit that will replace a detached garage, the building and demolition permits shall be reviewed and issued concurrently.

c. Attached and detached accessory dwelling units shall provide a minimum setback of four feet from all side property lines and rear property lines not abutting an alley unless the setback requirements of the underlying zoning district are less restrictive.

3. Building Height.

a. Internal. Accessory dwelling units and junior accessory dwelling units internal to an existing or proposed single-unit or multi-unit dwelling shall comply with the height limit as required by underlying zoning district.

b. Attached. Accessory dwelling units and junior accessory dwelling units attached to an existing or proposed single-unit or multi-unit dwelling shall comply with the height limit as required by underlying zoning district.

c. Detached accessory dwelling units shall not exceed a height of sixteen (16) feet except as noted below:

i. An accessory dwelling unit constructed on a lot with an existing or proposed multi-unit, multi-story dwelling shall not exceed a height of eighteen (18) feet.

ii. An accessory dwelling unit constructed above a detached garage shall not exceed two stories and the maximum allowable height of the underlying zoning district, provided the accessory dwelling unit meets the minimum setbacks required by underlying zoning district and the principal dwelling unit complies with parking standards set forth in Section 20.40.040.

iii. An accessory dwelling unit constructed on a lot with an existing or proposed single-unit or multi-unit dwelling that is located within one-half-mile walking distance of a major transit stop or high-quality transit corridor, as those terms are defined in California Public Resources Code Section 21155, shall not exceed a height of eighteen (18) feet. An additional two (2) feet in height shall be permitted to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary unit.

4. Unit Size.

a. The maximum size of a detached or attached accessory dwelling unit is eight hundred fifty (850) square feet for a studio or one-bedroom unit and one thousand (1,000) square feet for a two or more-bedroom unit.

b. Application of size limitations set forth in subsection (F)(4)(a) of this section shall not apply to an accessory dwelling unit that is converted as part of a proposed or existing space of a principal residence or existing accessory structure.

c. Application of development standards, such as floor area limit or site coverage, may further limit the size of the accessory dwelling unit, but in no case shall the front setback, floor area limit, open space, or site coverage requirement reduce the accessory dwelling unit to less than eight hundred (800) square feet where there is no other alternative to comply, and only to the extent necessary to construct the accessory dwelling unit.

d. The maximum size of a junior accessory dwelling unit shall be five hundred (500) square feet.

e. The minimum size of an accessory dwelling unit or junior accessory dwelling unit shall be at least that of an efficiency unit or as required by the California Building Code (CBC).

5. Walkout Basement Floor Area Limit Exception. The gross floor area of an accessory dwelling unit or junior accessory dwelling shall be excluded from the allowable floor area limit when located below grade within a basement. Daylighting of the basement shall only be permitted where excavation is necessary to provide exterior access to the main surface level and in compliance with the following:

a. The access passageway, inclusive of any necessary shoring, may encroach into a side setback area;

b. The passageway shall be free of obstructions from the ground level to a height of eight feet; and

c. The access passageway shall measure a minimum of thirty-six (36) inches in width, measure a maximum of sixty (60) feet in length, and shall not be located within a yard fronting a public right-of-way.

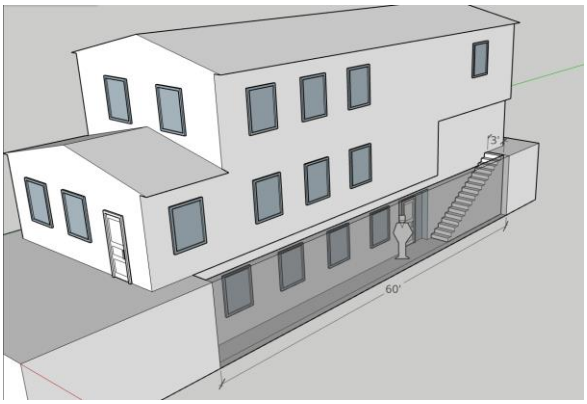

Figure 3-7

Walkout Basement Floor Area Limit Exception

6. Fire Sprinklers. An accessory dwelling unit and/or junior accessory dwelling unit shall not require fire sprinklers so long as fire sprinklers are not required for the principal residence, nor shall the construction of an accessory dwelling unit and/or junior accessory dwelling unit require fire sprinklers to be installed in the existing single-unit or multi-unit dwelling.

7. Passageway. No passageway shall be required in conjunction with the construction of an accessory dwelling unit and/or junior accessory dwelling unit. For the purposes of this section, "passageway" means a pathway that is unobstructed clear to the sky and extends from the street to one entrance of the accessory dwelling unit.

8. Parking. Parking shall comply with requirements of Chapter 20.40 (Off-Street Parking) except as modified below:

a. No additional parking shall be required for junior accessory dwelling units.

b. A maximum of one parking space shall be required for each accessory dwelling unit.

c. When additional parking is required, the parking may be provided as tandem parking and/or located on an existing driveway; however, in no case shall parking be allowed in a rear setback abutting an alley or within the front setback, unless the driveway in the front setback has a minimum depth of twenty (20) feet.

d. No additional parking shall be required for:

i. An accessory dwelling unit internal to a proposed principal residence or converted from existing space of a principal residence or existing accessory structure;

ii. An accessory dwelling unit located within one-half-mile walking distance of public transit. For the purposes of this section "public transit" shall include a bus stop where the public may access buses that charge set fares, run on fixed routes, and are available to the public;

iii. An accessory dwelling unit located within an architecturally and historically significant historic district;

iv. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or

v. When there is a car-share vehicle located within one block of the accessory dwelling unit. For the purposes of this section, “car-share vehicle” shall mean part of an established program intended to remain in effect at a fixed location for at least ten (10) years and available to the public.

vi. Outside the coastal zone, when an accessory dwelling unit is constructed in conjunction with a new single-unit or multi-unit dwelling on the same lot.

e. No Replacement Parking Necessary. Outside the coastal zone, when a garage, carport, ~~or covered parking structure~~ covered or uncovered parking space is demolished in conjunction with the construction of an accessory dwelling unit at the same location or converted to an accessory dwelling unit, those off-street parking spaces are not required to be replaced. Outside the coastal zone, when a garage is demolished in conjunction with the construction of a junior accessory dwelling unit at the same location or converted to a junior accessory dwelling unit, that off-street parking space is not required to be replaced. ~~Accessory dwelling units shall not displace required uncovered parking spaces.~~ Refer to Section 21.48.200(F)(8)(e) for replacement parking in the coastal zone.

G. Utility Connection.

1. Connection Required. All accessory dwelling units and junior accessory dwelling units shall connect to public utilities (or their equivalent), including water, electric, and sewer services.

2. Except as provided in subsection (G)(3) of this section, the City may require the installation of new or separate utility connections between the accessory dwelling unit, junior accessory dwelling unit and the utilities.

3. Conversion. No separate connection between the accessory dwelling unit and the utility shall be required for units created within a single-unit or multi-unit dwelling(s), unless the accessory dwelling unit is being constructed in connection with a new single-unit dwelling.

4. Septic Systems. If the principal dwelling unit is currently connected to an on-site wastewater treatment system and is unable to connect to a sewer system, accessory dwelling units and junior accessory dwelling units may connect to the on-site wastewater treatment system. However, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last ten (10) years.

H. Additional Requirements for All Accessory Dwelling Units and Junior Accessory Dwelling Units.

1. No Separate Conveyance. Except as authorized in California Government Code 66341,~~.,~~ ~~An~~ an accessory dwelling unit or junior accessory dwelling unit may be rented, but no accessory dwelling unit or junior accessory dwelling unit may be sold or otherwise conveyed separately from the lot and the principal dwelling (in the case of a single-unit dwelling) or from the lot and all of the dwellings (in the case of a multi-unit dwelling).

2. Short-Term Lodging. The accessory dwelling unit and/or junior accessory dwelling unit shall not be rented for periods of thirty (30) days or less.

3. Owner-Occupancy for Junior Accessory Dwelling Units. A natural person with legal or equitable title to the lot must reside in either the principal single-unit dwelling unit or the junior accessory dwelling unit as the person’s legal domicile and permanent residence. However, this owner-occupancy requirement shall not apply to any junior accessory dwelling unit owned by a governmental agency, land trust, or housing organization.

I. Deed Restriction and Recordation Required. Prior to the issuance of a building and/or grading permit for a~~n accessory dwelling unit and/or~~ junior accessory dwelling unit, the property owner shall record a deed restriction with the County Recorder’s Office, the form and content of which is satisfactory to the City

Attorney. The deed restriction document shall notify future owners of the owner occupancy requirements, prohibition on the separate conveyance, the approved size and attributes of the unit, and restrictions on short-term rentals. This deed restriction shall remain in effect so long as the ~~accessory dwelling unit and/or~~ junior accessory dwelling unit exists on the lot.

J. Historic Resources. Accessory dwelling units and/or junior accessory dwelling units proposed on residential or mixed-use properties that are determined to be historic shall be approved ministerially, in conformance with California Government Code Sections 65852.2 and 65852.22. However, any accessory dwelling unit or junior accessory dwelling unit that is listed on the California Register of Historic Resources shall meet all Secretary of the Interior Standards, as applicable. (Ord. 2023-22 § 918, 2023; Ord. 2023-2 § 1 (Exh. A), 2023; Ord. 2022-5 § 1, 2022; Ord. 2020-9 § 4, 2020)

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Attachment No. PC 4

Title 21 (Local Coastal Program Implementation Plan), proposed redlined code changes

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21.48.200 Accessory Dwelling Units.

A. Purpose. The purpose of this section is to establish the procedures for the creation of accessory dwelling units and junior accessory dwelling units, as defined in Part 7 (Definitions) of this title and in California Government Code Sections 66310 through 66342, or any successor statute, in areas designated for residential use, including as part of a planned community development plan or specific plan, and to provide development standards to ensure the orderly development of these units in appropriate areas of the City.

B. Effect of Conforming. An accessory dwelling unit or junior accessory dwelling unit that conforms to the requirements in this section shall not be:

1. Deemed to be inconsistent with the Coastal Land Use Plan and coastal zoning district designation for the lot on which the accessory dwelling unit or junior accessory dwelling unit is located;

2. Deemed to exceed the allowable density for the lot on which the accessory dwelling unit or junior accessory dwelling unit is located;

3. Considered in the application of any ordinance, policy, or program to limit residential growth; or

4. Required to correct ~~legally established~~ nonconforming zoning condition(s), building code violation(s), and/or unpermitted structure(s) that do/does not present a threat to public health and safety and is/are not affected by the construction of the accessory dwelling unit or junior accessory dwelling unit; and do/does not raise inconsistency with the coastal resource protection policies of subsection (C)(3) of this section. This does not prevent the City from enforcing compliance with applicable building standards in accordance with California Health and Safety Code Section 17980.12.

C. Review Authority. Accessory dwelling units and junior accessory dwelling units shall be approved in any residential or mixed-use zoning district, subject to a building permit and the following conditions:

1. There is an existing or proposed dwelling unit on the lot;

2. The dwelling conforms to the development standards and requirements for accessory dwelling units and/or junior accessory dwelling units as provided in this section and California Government Code Section 66323;

3. The dwelling conforms to the coastal resource protection development regulations of the Implementation Plan and Coastal Land Use Plan provisions, including Implementation Plan Section 21.28.040 (Bluff (B) Overlay District), 21.28.050 (Canyon (C) Overlay District), 21.30.100 (Scenic and Visual Quality Protection), or Chapter 21.30B (Habitat Protection); and

4. The building permit shall be considered and approved ministerially, without discretionary review or a hearing, within sixty (60) days from the date that the City determines an application to be complete, unless either:

a. The applicant requests a delay, in which case the sixty (60) day time period is tolled for the period of the requested delay, or

b. In the case of an application for an accessory dwelling unit and/or junior accessory dwelling unit submitted with an application to create a new single-unit dwelling on the lot, the City may delay acting on the accessory dwelling unit and/or junior accessory dwelling application until the City renders a decision on the new single-unit dwelling application.

D. Coastal Development Permits.

1. Application. The applicant shall obtain a coastal development permit, pursuant to Chapter 21.52 (Coastal Development Review Procedures), unless otherwise exempt or excluded from the

coastal development permit process pursuant to Section 21.52.035 (Projects Exempt From Coastal Development Permit Requirements) or 21.52.045 (Categorical Exclusions).

2. Hearing Exemption. All of the provisions of Chapter 21.52 (Coastal Development Review Procedures) regarding the review and approval of coastal development permits in relation to accessory dwelling units are applicable, except that a public hearing as required by Chapter 21.62 (Public Hearings) shall not be required. Public notice shall be provided as required in Section 21.62.020, except the requirements of Section 21.62.020(A) shall be replaced with a statement that no local public hearing will be held and that written comments on the proposed development may be submitted. Written comments received shall be reviewed by the review authority.

3. Appeal Exemption. Notwithstanding the local appeal provisions of Chapter 21.64 (Appeals and Calls for Review), coastal development permits for accessory dwelling units that are defined as "appealable development" pursuant to Section 21.64.035(A) may be directly appealed to the Coastal Commission in accordance with the provisions of Section 21.64.035 without a discretionary hearing by the Planning Commission or City Council.

E. Maximum Number of Accessory Dwelling Units Allowed. Unless precluded by Government Code Section 66323 t~~T~~he following is the maximum number of accessory dwelling units allowed on any residential lot. For purposes of this section, "multi-unit dwelling" means a ~~structure or~~ development containing two or more dwelling units on one lot. ~~Only one of the categories described below in this subsection may be used per lot.~~

1. Internal to a Single-Unit or Multi-Unit Dwelling Category. Only one accessory dwelling unit may be permitted on a lot with a proposed or existing single-unit or multi-unit dwelling, subject to the following:

a. The accessory dwelling unit is proposed:

i. Within the space of a proposed single-unit or multi-unit dwelling; or

ii. Within the existing space of an existing single-unit or multi-unit dwelling; or

iii. Within the existing space of an existing accessory structure, plus an addition beyond the physical dimensions of the existing structure of up to one hundred fifty (150) square feet if the expansion is limited to accommodating ingress and egress.

b. The accessory dwelling unit shall have independent exterior access from the single-unit dwelling.

c. Side and rear setbacks comply with Titles 9 (Fire Code) and 15 (Buildings and Construction).

2. Attached on Lot With Single-Unit or Multi-Unit Dwelling Category. Only one attached, new construction accessory dwelling unit may be permitted on a lot with a proposed or existing single-unit or multi-unit dwelling.

3. Detached on Lot With Single-Unit or Multi-Unit Dwelling Category. Only one detached new construction accessory dwelling unit may be permitted on a lot with a proposed or existing single-unit dwelling. Up to two detached new construction accessory dwelling units may be constructed on a lot that has an existing or proposed multi-unit dwelling. For purposes of this section, a multi-unit development approved and built as a single complex shall be considered one lot, regardless of the number of parcels.

4. Conversion of Multi-Unit Dwelling Category. Multiple accessory dwelling units may be permitted on lots with existing multi-unit dwellings subject to the following:

a. The number of accessory dwelling units shall not exceed twenty-five (25) percent of the existing multi-unit dwellings on the lot. For the purpose of calculating the number of allowable accessory dwelling units, the following shall apply:

i. Previously approved accessory dwelling units shall not count towards the number of existing multi-unit dwellings;

ii. Fractions shall be rounded down to the next lower number of dwelling units, except that at least one accessory dwelling unit shall be allowed; and

iii. For the purposes of this section, multi-unit developments approved and built as a single complex shall be considered one lot, regardless of the number of parcels.

b. The portion of the existing multi-unit dwelling that is to be converted to an accessory dwelling unit is not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages.

F. Maximum Number of Junior Accessory Dwelling Units Allowed. One junior accessory dwelling unit may be permitted on a lot with a proposed or existing single-unit dwelling, subject to the following:

1. The junior accessory dwelling unit is proposed to be attached to, or within the space of, a proposed or existing single-unit dwelling.

2. The junior accessory dwelling unit shall have independent exterior access from the single-unit dwelling and may provide interior access to the single-unit dwelling.

3. Side and rear setbacks comply with Titles 9 (Fire Code) and 15 (Buildings and Construction).

4. The junior accessory dwelling unit may be constructed in addition to an accessory dwelling unit on the lot with a proposed or existing single-unit dwelling. A junior accessory dwelling unit is not permitted on a lot with a proposed or existing multi-unit dwelling.

G. Development Standards. Except as modified by this subsection or authorized by California Government Code Section 66317 and 66323, an accessory dwelling unit and/or junior accessory dwelling unit shall conform to all requirements of the underlying residential zoning district, any applicable overlay district, and all other applicable provisions of Title 21 (Local Coastal Program Implementation Plan), including but not limited to height, setback, site coverage, floor area limit, and residential development standards and design criteria.

1. Minimum Lot Area. There shall be no minimum lot area required to establish an accessory dwelling unit and/or junior accessory dwelling unit.

2. Setback Requirements. Accessory dwelling units and junior accessory dwelling units shall comply with the setback requirements applicable to the zoning district, except as noted below:

a. For conversion of existing enclosed floor area, garage, or carport, no additional setback is required, beyond the existing provided setback, unless a greater setback is needed to comply with subsection (C)(3) of this section.

b. For replacement of an existing enclosed structure, garage, or carport, no additional setback is required, beyond the existing setback provided, unless a greater setback is needed to comply with subsection (C)(3) of this section. This provision shall only apply to accessory dwelling units and junior accessory dwelling units that are replacing existing structures within the same footprint and do not exceed the existing structure's size and/or height. For an accessory dwelling unit that will replace a detached garage, the building and demolition permits shall be reviewed and issued concurrently.

c. Attached and detached accessory dwelling units shall provide a minimum setback of four feet from all side property lines and rear property lines not abutting an alley unless the setback requirements of the underlying zoning district are less restrictive.

3. Building Height.

a. Internal. Accessory dwelling units and junior accessory dwelling units internal to an existing or proposed single-unit or multi-unit dwelling shall comply with the height limit as required by underlying zoning district.

b. Attached. Accessory dwelling units and junior accessory dwelling units attached to an existing or proposed single-unit or multi-unit dwelling shall comply with the height limit as required by underlying zoning district.

c. Detached accessory dwelling units shall not exceed a height of sixteen (16) feet except as noted below:

i. An accessory dwelling unit constructed on a lot with an existing or proposed multi-unit, multi-story dwelling shall not exceed a height of eighteen (18) feet.

ii. An accessory dwelling unit constructed above a detached garage shall not exceed two stories and the maximum allowable height of the underlying zoning district, provided the accessory dwelling unit meets the minimum setbacks required by underlying zoning district and the principal dwelling unit complies with parking standards set forth in Section 21.40.040.

iii. An accessory dwelling unit constructed on a lot with an existing or proposed single-unit or multi-unit dwelling that is located within one-half mile walking distance of a major transit stop or high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, shall not exceed a height of eighteen (18) feet. An additional two feet in height shall be permitted to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary unit.

4. Unit Size.

a. The maximum size of a detached or attached accessory dwelling unit is eight hundred fifty (850) square feet for a studio or one-bedroom unit and one thousand (1,000) square feet for a two or more bedroom unit.

b. Application of the size limitations set forth in subsection (G)(4)(a) of this section shall not apply to an accessory dwelling unit that is converted as part of a proposed or existing space of a principal residence or existing accessory structure.

c. Application of development standards, such as floor area limit or site coverage, may further limit the size of the accessory dwelling unit, but in no case shall the front setbacks, floor area limit, open space, or site coverage requirement reduce the accessory dwelling unit to less than eight hundred (800) square feet where there is no other alternative to comply, and only to the extent necessary to construct the accessory dwelling unit.

d. The maximum size of a junior accessory dwelling unit shall be five hundred (500) square feet.

e. The minimum size of an accessory dwelling unit or junior accessory dwelling unit shall be at least that of an efficiency unit or as required by the California Building Code (CBC).

5. Walkout Basement Floor Area Limit Exception. The gross floor area of an accessory dwelling unit or junior accessory dwelling shall be excluded from the allowable floor area limit when located below grade within a basement. Daylighting of the basement shall only be permitted where

excavation is necessary to provide exterior access to the main surface level and in compliance with the following:

a. The access passageway, inclusive of any necessary shoring, may encroach into a side setback area;

b. The passageway shall be free of obstructions from the ground level to a height of eight feet; and

c. The access passageway shall measure a minimum of thirty-six (36) inches in width, measure a maximum of sixty (60) feet in length, and shall not be located within a yard fronting a public right-of-way.

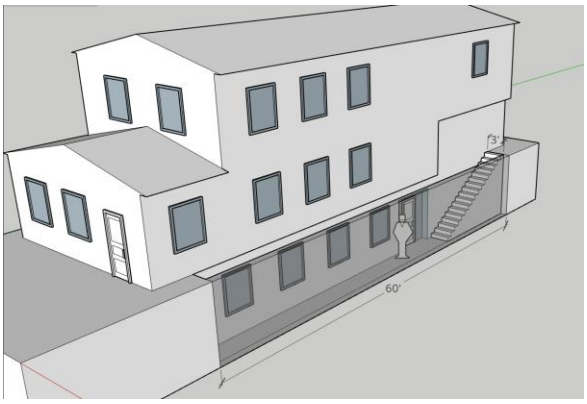

Figure 3-7

Walkout Basement Floor Area Limit Exception

6. Fire Sprinklers. An accessory dwelling unit and/or junior accessory dwelling unit shall not require fire sprinklers so long as fire sprinklers are not required for the principal residence, nor shall the construction of an accessory dwelling unit and/or junior accessory dwelling unit require fire sprinklers to be installed in the existing single-unit or multi-unit dwelling.

7. Passageway. No passageway shall be required in conjunction with the construction of an accessory dwelling unit and/or junior accessory dwelling unit. For the purposes of this section, “passageway” means a pathway that is unobstructed clear to the sky and extends from the street to one entrance of the accessory dwelling unit.

8. Parking. Parking shall comply with requirements of Chapter 21.40 (Off-Street Parking) except as modified below:

a. No additional parking shall be required for junior accessory dwelling units.

b. A maximum of one parking space shall be required for each accessory dwelling unit.

c. When additional parking is required, the parking may be provided as tandem parking and/or located on an existing driveway; however, in no case shall parking be allowed in a rear setback abutting an alley or within the front setback, unless the driveway in the front setback has a minimum depth of twenty (20) feet.

d. No parking shall be required for:

i. An accessory dwelling unit internal to a proposed principal residence or converted from existing space of principal residence or existing accessory structure;

ii. An accessory dwelling unit located within one-half mile walking distance of public transit. For the purposes of this section, “public transit” shall include a bus stop where the public may access buses that charge set fares, run on fixed routes, and are available to the public;

iii. An accessory dwelling unit located within an architecturally and historically significant historic district;

iv. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or

v. When there is a car-share vehicle located within one block of the accessory dwelling unit. For the purposes of this section, “car-share vehicle” shall mean part of an established program intended to remain in effect at a fixed location for at least ten (10) years and available to the public.

e. Replacement Parking Necessary. When a garage, carport, or covered parking ~~structure~~ is demolished in conjunction with the construction of an accessory dwelling unit at the same location or converted to an accessory dwelling unit, replacement parking shall be provided. Replacement parking may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. Accessory dwelling units shall not displace required uncovered parking spaces.

9. Waterfront Development and Flood Hazard Areas.

a. The minimum top of slab elevation for new interior living areas, including areas converted from nonliving areas, shall comply with the flood hazard and sea level rise protection standards of Section 21.30.015(D).

b. Any development in shoreline hazardous areas shall comply with Section 21.30.015(E).

H. Utility Connection.

1. Connection Required. All accessory dwelling units and junior accessory dwelling units shall connect to public utilities (or their equivalent), including water, electric, and sewer services.

2. Except as provided in subsection (H)(3) of this section, the City may require the installation of a new or separate utility connection between the accessory dwelling unit, junior accessory dwelling unit and the utilities.

3. Conversion. No separate connection between the accessory dwelling unit and the utility shall be required for units created within a single-unit or multi-unit dwelling(s), unless the accessory dwelling unit is being constructed in connection with a new single-unit dwelling or multi-unit dwellings.

4. Septic Systems. If the principal dwelling unit is currently connected to an on-site wastewater treatment system and is unable to connect to a sewer system, accessory dwelling units and junior accessory dwelling units may connect to the on-site wastewater treatment system. However, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last ten (10) years.

I. Additional Requirements for All Accessory Dwelling Units and Junior Accessory Dwelling Units.

1. No Separate Conveyance. Except as authorized in California Government Code 66341, a~~A~~n accessory dwelling unit or junior accessory dwelling unit may be rented, but no accessory dwelling unit or junior accessory dwelling unit may be sold or otherwise conveyed separately from the lot and the principal dwelling (in the case of a single-unit dwelling) or from the lot and all of the dwellings (in the case of a multi-unit dwelling).

2. Short-Term Lodging. The accessory dwelling unit and/or junior accessory dwelling unit shall not be rented for periods of thirty (30) days or less.

3. Owner-Occupancy for Junior Accessory Dwelling Units. A natural person with legal or equitable title to the lot must reside in either the principal single-unit dwelling unit or the junior accessory dwelling unit as the person's legal domicile and permanent residence. However, this owner-occupancy requirement shall not apply to any junior accessory dwelling unit owned by a governmental agency, land trust, or housing organization.

J. Deed Restriction and Recordation Required.

1. Prior to the issuance of a building and/or grading permit for a ~~an accessory dwelling unit and/or~~ junior accessory dwelling unit, the property owner shall record a deed restriction with the County Recorder's Office, the form and content of which is satisfactory to the City Attorney. The deed restriction document shall notify future owners of the owner-occupancy requirements, prohibition on the separate conveyance, the approved size and attributes of the unit, and restrictions on short-term rentals. This deed restriction shall remain in effect so long as the ~~accessory dwelling unit and/or~~ junior accessory dwelling unit exists on the lot.

2. For properties in flood hazard areas as identified by the Federal Emergency Management Agency in the "Flood Insurance Study" for Orange County, California and Incorporated Area with accompanying FEMA Flood Insurance Rate Maps, deed restriction shall also include notice to future owners that the unit is located within an area that may be subject to flooding or future flooding.

3. For properties located in low lying shoreline areas that may be subject to future sea level rise, the property owner shall also record a waiver of future protection in compliance with Section 21.30.015(E)(5).

K. Historic Resources. Accessory dwelling units and/or junior accessory dwelling units proposed on residential or mixed-use properties that are determined to be historic shall be approved ministerially, in conformance with California Government Code Sections 66310 through 66342. However, any accessory dwelling unit or junior accessory dwelling unit that is listed on the California Register of Historic Resources shall meet all Secretary of the Interior standards, as applicable. (Ord. 2024-28 § 1 (Exh. A), 2024; Ord. 2022-6 § 5, 2022)

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Jul 14, 2025

City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

Re: Proposed Amendments to City's ADU Ordinance

By email: planningcommission@newportbeachca.gov

Cc: gleung@newportbeachca.gov; aharp@newportbeachca.gov; lbrown@newportbeachca.gov; sjurjis@newportbeachca.gov

Dear Newport Beach Planning Commission,

The California Housing Defense Fund ("CalHDF") submits this letter as a public comment for the Planning Commission meeting of July 17, 2025 regarding item 3, proposed amendments to the City's regulations for ADUs and JADUs.

The City's proposed ADU regulations fail to comply with state law in several ways, and the City should address these issues before adopting the ordinance.

Background

The law gives local governments authority to enact zoning ordinances that implement a variety of development standards on ADUs. (Gov. Code, § 66314.) The standards in these local ordinances are limited by state law so as not to overly restrict ADU development. (See *id.)* Separately from local ADU ordinances, Government Code section 66323 establishes a narrower set of ADU types that local governments have a ministerial duty to approve. "Notwithstanding Sections 66314 to 66322 … a local agency shall ministerially approve" these types of ADUs. (*Id.* at subd. (a).) This means that ADUs that satisfy the minimal requirements of section 66323 must be approved regardless of any contrary provisions of the local ADU ordinance. (*Ibid.*) Local governments may not impose their own standards on such ADUs. (Gov. Code, § 66323, subd. (b) ["A local agency shall not impose any objective development or design standard that is not authorized by this section upon any accessory dwelling unit that meets the requirements of any of paragraphs (1) to (4), inclusive, of subdivision (a)."].)

2201 Broadway, PH1, Oakland, CA 94612
hi@calhdf.org

In addition, ADUs that qualify for the protections of Government Code section 66323, like other ADUs, must be processed by local governments within 60 days of a complete permit application submittal. (Gov. Code, § 66317, subd. (a).)

State law also prohibits creating regulations on ADU development not explicitly allowed by state law. Government Code Section 66315 states, "No additional standards, other than those provided in Section 66314, shall be used or imposed, including an owner-occupant requirement, except that a local agency may require that the property may be used for rentals of terms 30 days or longer."

Impermissible Limit on ADUs on Multifamily Parcels Standards

City code section 20.48.200(D)(3) allows existing multifamily parcels to have up to two detached ADUs. However, this limit violates state law.

Government Code section 66323, subdivision (a)(4) requires the City to allow up to eight detached ADUs on parcels with existing multifamily buildings.

The City should amend its ADU ordinance to allow up to eight detached ADUs on parcels with existing multifamily buildings, as is required by state law.

Impermissible Historic Standards

City code section 20.48.200(J) imposes historic preservation regulations on all ADUs, including section 66323 ADUs.

However, as discussed *supra*, the City may not impose any such development standards on ADUs eligible for the protections of Government Code section 66323, subdivision (a) beyond the height and setback requirements specified by state law. (Gov. Code, § 66323, subd. (b).) This means that the City may not impose any historic requirements on such ADUs.

Government Code section 66323, subdivision (b) is very clear on this point: "A local agency shall not impose any objective development or design standard that is not authorized by this section upon any accessory dwelling unit that meets the requirements of any of paragraphs (1) to (4), inclusive, of subdivision (a)."

Page 20 of the January 2025 HCD ADU Handbook is instructive (emphasis added):

> "What design, zoning, or other local standards can be imposed on 66323 Units? **A local agency may not impose development or design standards, including both local standards and standards found in State ADU Law, on 66323 Units that are not specifically listed in Government Code section 66323.** (Gov. Code, § 66323, subds. (a),

(b).) This includes, but is not limited to, parking, height, setbacks, or other zoning provisions (e.g., lot size, open space, floor area ratio, etc.).

The City should amend the code to specify that historic standards are not applicable to section 66323 ADUs.

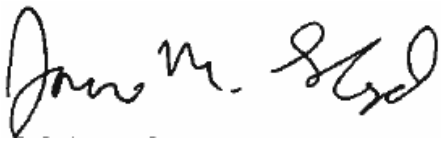
♦♦♦

CalHDF appreciates the City's effort to implement state law governing ADU construction. However, the City should amend its ordinance to ensure that it complies with state law.

CalHDF is a 501(c)(3) non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at www.calhdf.org.

Sincerely,

Dylan Casey
CalHDF Executive Director



James M. Lloyd
CalHDF Director of Planning and Investigations

CITY OF NEWPORT BEACH
PLANNING COMMISSION STAFF REPORT

July 17, 2025
Agenda Item No. 4

SUBJECT:	Coyote Canyon Landfill Gas to Energy Facility (PA2022-063) ▪ Conditional Use Permit ▪ Mitigated Negative Declaration
SITE LOCATION:	20662 Newport Coast Drive
APPLICANT:	Biofuels Coyote Canyon Biogas LLC, on behalf of Archaea Energy Inc.
OWNER:	Orange County Waste & Recycling (County of Orange)
PLANNER:	Joselyn Perez, Senior Planner 949-644-3312, jperez@newportbeachca.gov

PROJECT SUMMARY

A request for a conditional use permit to allow the construction and operation of a new renewable natural gas processing plant and pipeline interconnection facility. The facility would convert landfill gas from the closed Coyote Canyon Landfill into a pipeline-quality natural gas equivalent, which would be transferred into SoCal Gas infrastructure through an existing, onsite, tie-in point. Additional project components include a new control room building, new internal access routes, utility upgrades including installation of an additional fire hydrant, a water tank, a septic tank, a storm drain for off-site disposal of stormwater, and new underground power and telecommunication lines. The facility would operate 24 hours per day, seven days a week, with one scheduled annual shut down for maintenance. Existing onsite telecom facilities approved under PA2016-091 (SCH No. 2016081012) would remain in place and be unaffected by this application. This project was originally noticed for a Planning Commission meeting on May 22, 2025, and was removed from calendar. There have been no changes to the project since the previous Notice of Public Hearing.

RECOMMENDATION

1) Conduct a public hearing; and

2) Adopt Resolution No. PC2025-008, adopting the Mitigated Negative Declaration (SCH No. 2024120012) and approving the Conditional Use Permit filed under PA2022-063 (Attachment No. PC 1).

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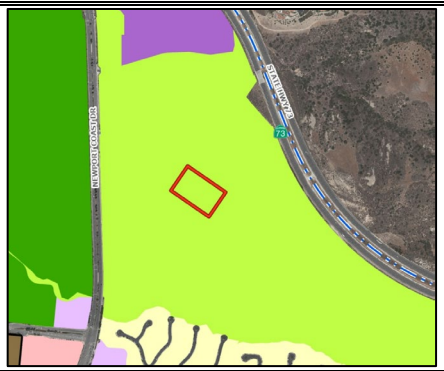
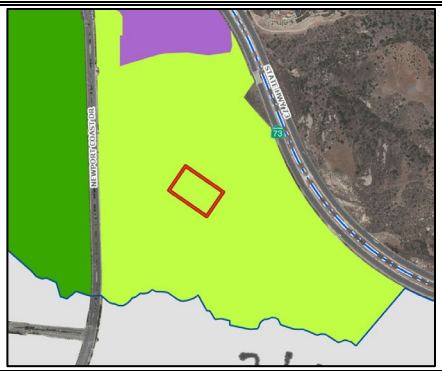
VICINITY MAP

GENERAL PLAN



ZONING



LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	Open Space (OS)	Open Space (OS)	Landfill gas flares, telecoms
NORTH	OS and Private Institutions (PI)	OS and Private Institutions (PI)	Open space, Sage Hill School
SOUTH	OS and Single-Unit Residential Detached (RS-D)	OS and Newport Ridge Planned Community (PC 53)	Open space, Tesoro residential community
EAST	OS	OS	Open space, State Route 73
WEST	OS and Parks and Recreation (PR)	OS and Parks and Recreations (PR)	Open space, Coyote Canyon Landfill

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INTRODUCTION

Project Setting

The project site is located within the greater boundary of the closed Coyote Canyon Landfill, which received municipal solid waste from 1963 to 1990 and officially closed on May 7, 2003. The Coyote Canyon Landfill is at the northeastern edge of the City's boundaries within Newport Coast. It is owned by the County of Orange and is maintained by Orange County Waste & Recycling (OCWR). The landfill boundary occurs on both sides of Newport Coast Drive and consists of four distinct areas: the main canyon landfill, located immediately west of Newport Coast Drive and addressed as 20661 Newport Coast Drive (1); the east and south canyon landfilling areas, located east of Newport Coast Drive and with no specific address (2) and (3); and the project site, also located east of Newport Coast Drive, at the top of a ridge, and addressed as 20662 Newport Coast Drive (4). These areas are graphically identified on the Vicinity Map preceding this section.

The entire landfill footprint, including the project site, is located within the Natural Communities Conservation Plan/Habitat Conversation Plan (NCCP/HCP) for the Central and Coastal Subregions of Orange County. The NCCP/HCP is a multi-species habitat conservation plan designed to protect sensitive plant and animal species by preserving existing habitat areas. The project site is designated as an existing use by the NCCP/HCP. Surrounding land uses include the landfill areas described above, an Irvine Ranch Water District pumping station, and undeveloped open space. The nearest sensitive receptors are Sage Hill School, located approximately 1,400 feet to the north, and the Tesoro residential community, located approximately 1,250 feet to the south.

Background

The project site has historically been the primary location for managing landfill gas (LFG), including a former LFG-to-energy facility. The original LFG-to-energy facility operated from 1988 to 2015 and converted LFG into electricity. The facility was removed as part of the Coyote Canyon Gas Recovery Demolition and Telecom Update (PA2016-091) (SCH No. 2016081012) because the quality of the LFG became inadequate for conversion into energy with the technology available at the time.

As shown on the following page in Figure 1, the project site is currently improved with emergency generators, above ground storage tanks, two 65-foot faux eucalyptus cell towers (telecoms), power panels and switchgear, a blower pad, and four flares that continuously burn off LFG generated by the landfill. There is a small operational support building used by OCWR staff and three parking spaces. The project site is surrounded by a 12-foot-tall perimeter block wall, trees, with coastal sage scrub beyond.

In 2018, OCWR released a Request for Proposals (RFP) seeking the highest qualified proposal for handling LFG at the site. The Applicant was selected through the RFP process

and was offered an option agreement with the County to construct a new LFG-to-energy facility.

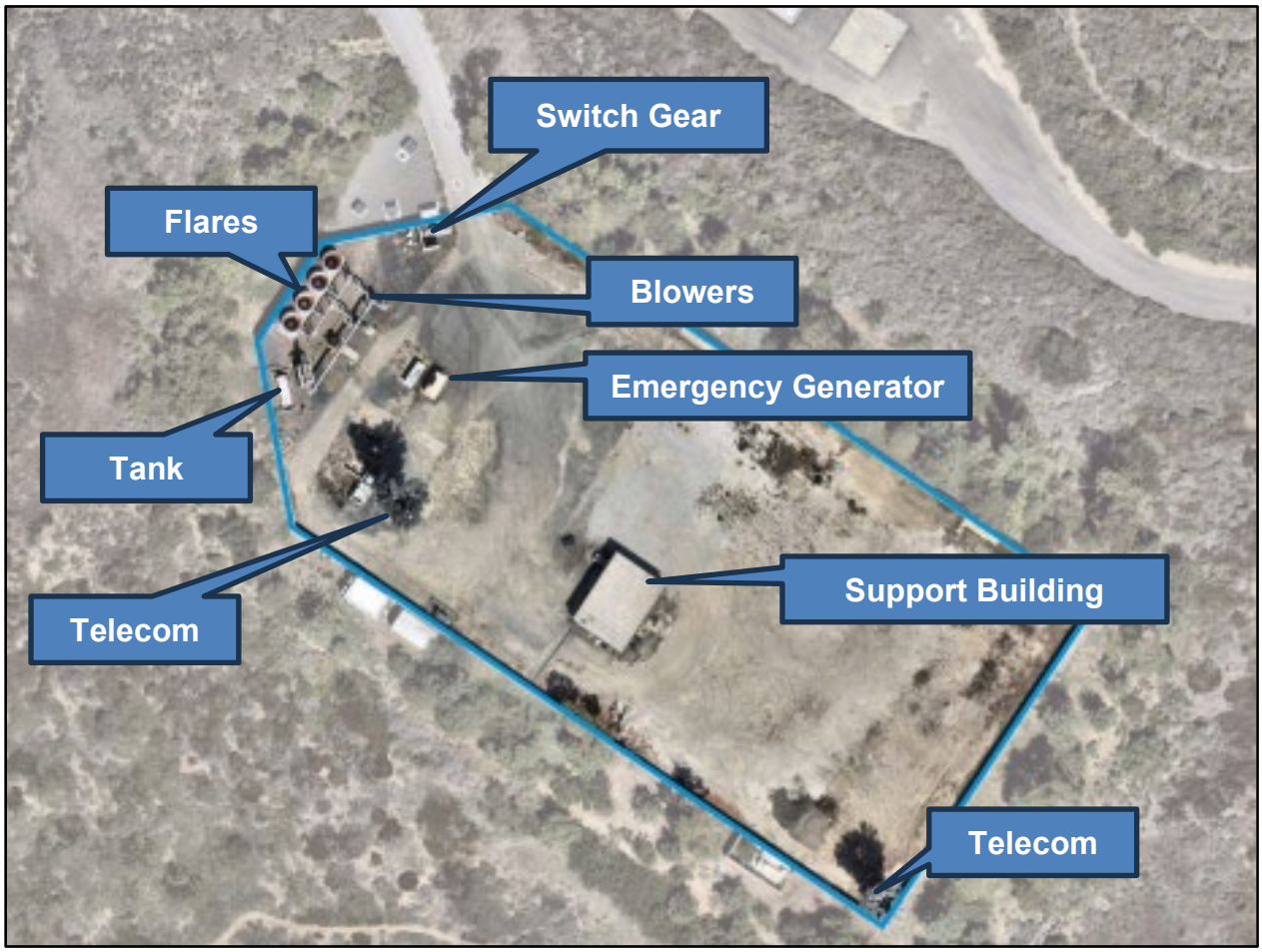

Figure 1: Existing Site Condition

Project Description

The Applicant proposes the construction and operation of a new renewable natural gas (RNG) processing plant and a pipeline interconnection facility, collectively referred to as the "RNG Facility". The RNG Facility would treat LFG that is currently being flared off by OCWR through a proprietary process and would inject the RNG into SoCal Gas infrastructure through an existing, onsite, tie-in point. The RNG would not be stored onsite, nor would the RNG Facility replace OCWR's existing LFG collection system or flares. The existing flares would be used to combust any LFG that cannot be sent to the RNG Facility, like in the event of a scheduled shut down for maintenance, an unscheduled shutdown arising from an irregularity, or excess quantities of LFG.

From a physical design standpoint, the RNG Facility would have a total footprint of approximately 38,500 square feet, concentrated on the eastern side of the project site, and

would be composed of pipe racks, various vessels and tanks, a new flare tower, a thermal oxidizer, and other miscellaneous processing equipment. The new flare tower will be approximately 40 feet high, as measured from finish grade, and will be fully enclosed with no flames visible from it. Equipment ranges in height from approximately 5 feet, 6 inches above finish grade to a maximum height of 60 feet above finish grade. Most equipment would be screened by the existing 12-foot-tall perimeter wall apart from the vessels, tanks, flare tower, pipe rack, and thermal oxidizer. The tallest piece of RNG Facility equipment, the thermal oxidizer, is proposed at a height of 60 feet above finish grade. It is important to highlight that all equipment will be below the 65-foot height of the adjacent faux-eucalyptus telecoms. As shown below in Figure 2, the Applicant proposes enhanced aesthetic treatment of the equipment, consisting of camouflage paint, to help the RNG Facility blend in with the surroundings. Photographic simulations from additional vantage points are available as Attachment No. PC 2 (Visual Simulations).

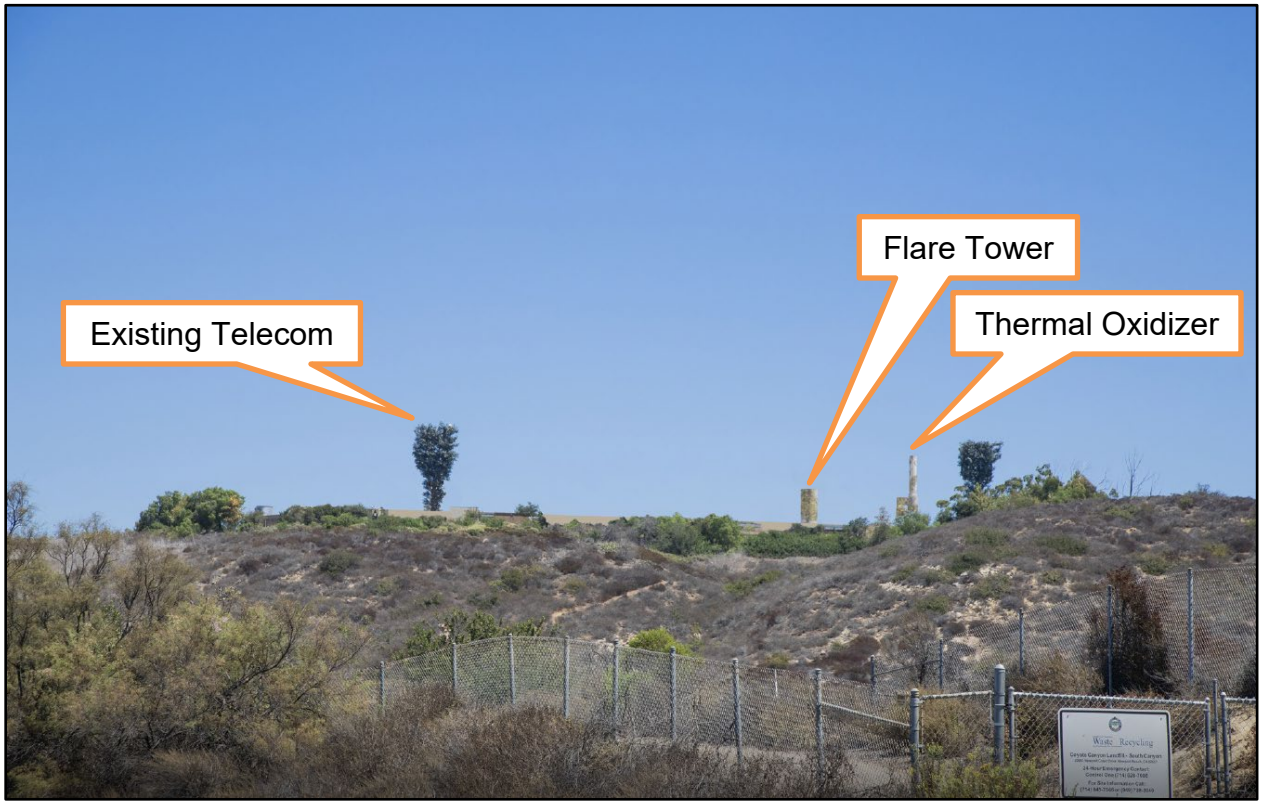

Figure 2: Visual Simulation of the RNG Facility with camouflage motif, taken from Newport Coast Drive, north of its intersection with San Joaquin Hills Road.

Other project components include a new control room building, striping for two new parking spaces, new internal access routes, utility upgrades including the installation of an additional fire hydrant, a water tank, a septic tank, oil/water separator, storm drain, and new underground power and telecommunication lines. The RNG Facility would operate 24 hours per day, seven days a week, with an annual scheduled shutdown for plant maintenance. The faux eucalyptus telecoms, along with existing OCWR infrastructure, would be protected

in place and not affected by the current project. Project plans are available as Attachment No. PC 3 (Project Plans).

Project Construction

Construction is anticipated to take up to 12 months and would include the demolition and rerouting of existing water and condensate lines, general site preparation, rough and fine grading, pipeline trenching and installation, soil hauling, vertical construction, paving, architectural coating, landscaping, and punch list/closeout items. In compliance with the City's requirements and as conditioned, construction would occur from 7:00 a.m. to 6:30 p.m., Monday through Friday, except on federal holidays. The Applicant will implement a traffic control plan during demolition and construction, which must be reviewed and accepted by the Community Development and Public Works Departments. The Applicant proposes notifying nearby residential community members at least one week prior to the start of construction activities with broader notifications required through various means, including placing signs at road crossings, indicating that large trucks may be present.

The primary laydown area for material deliveries is proposed on the project site with a secondary laydown area proposed within an already disturbed portion of the main landfill area, across Newport Coast Drive. Vehicle parking for construction employees would be provided in the secondary laydown area, and a shuttle would transport crews daily to and from the project site.

DISCUSSION

Analysis

General Plan Consistency

The project site is categorized as Open Space (OS) by the Land Use Element of the General Plan. The OS category is intended to provide areas appropriate for a range of public and private uses to protect, maintain, and enhance the community's natural resources. This category allows for incidental buildings, which are not traditionally included in determining intensity limits. The project is consistent with the OS categorization, as it proposes new equipment and limited incidental structures within an already improved area of Coyote Canyon Landfill. The project introduces new technology to capture and convert LFG and preserves the community's natural resources, as it does not expand the footprint of the project site and perimeter block wall at the top of the ridge.

Additionally, the project is consistent with the following policies of the General Plan:

Table 1 - Applicable General Plan Polices	
General Plan Policy	**Consistency**
LU 1.3 (Natural Resources): *Protect the natural setting that contributes to the character*	The Project comprises less than one acre of the 375-acre landfill footprint and preserves the

Table 1 - Applicable General Plan Polices	
General Plan Policy	**Consistency**
and identity of Newport Beach and the sense of place it provides for its residents and visitors. Preserve open space resources, beaches, harbors, parks, bluffs, preserves, and estuaries as visual, recreational and habitat resources. **NR 17.1 (Open Space Protection):** *Protect, conserve, and maintain designated open space areas that define the City's urban form, serve as habitat for many species, and provide recreational opportunities*	community's natural resources because it does not develop current open space and instead sites the new improvements adjacent to existing improvements. All project components are proposed within the perimeter of the wall. Additionally, the RNG Facility provides a net benefit to the existing Open Space (OS) by converting LFG generated by CCL into a pipeline-quality natural gas equivalent.
LU 1.6 (Public Views): *Requires protection, and where feasible, enhancement of significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points* **NR 21.1 (Signs and Utility Siting and Design):** *Design and site signs, utilities, and antennas to minimize visual impacts*	From a distance, the new flare tower and thermal oxidizer would be the most visible improvements. The flare tower would be enclosed, shielding the visibility of the flame. The Applicant is proposing enhanced aesthetic treatment of the equipment to help the RNG Facility blend in with its surroundings.
LU 3.3 (Opportunities for Change - Coyote Canyon Landfill): *Intends for the CCL to support a comprehensive vision that balances future land uses with environmental stewardship and public access. Future development should adapt the closed landfill as an area that supports a variety of outdoor recreational uses such as golf, hiking, and nature interpretation alongside housing opportunities with complementary nonresidential uses*	The project is proposed within an area of CCL where there are existing utilities, including telecoms and infrastructure for LFG collection and flaring. The project is not located in an area of the CCL that is conducive for redevelopment into any of the mentioned uses without the removal of the existing infrastructure. The project does not prohibit the implementation of Policy LU 3.3 within other areas of Coyote Canyon and instead sites new improvements in a complementary fashion with existing improvements.
NR 3.9 (Water Quality Management Plan): *Require new development applications to include a Water Quality Management Plan (WQMP) to minimize runoff from rainfall events during construction and post-construction* **NR 4.4 (Erosion Minimization):** *Require grading/erosion control plans with structural BMPs that prevent or minimize erosion during and after construction for development on steep slopes, graded, or disturbed areas*	A Water Quality Management Plan (WQMP) was prepared for the Project by BKF Engineers, dated December 14, 2023. The Project implements Best Management Practices and is designed to prevent surface water from flowing over slope faces.

Table 1 - Applicable General Plan Polices	
General Plan Policy	**Consistency**
NR 10.2 (Orange County Natural Communities Conservation Plan): *Comply with the policies contained within the Orange County Natural Communities Conservation Plan*	The project is within an area of the NCCP/HCP that is acknowledged as an existing use. The project does not expand the use beyond the existing perimeter wall. Temporary staging areas used during construction have been sited to avoid impacts to avoid coastal sage scrub, chaparral, and other native plant communities.

Zoning Code Consistency

The project site is within the special purpose Open Space (OS) Zoning District. Like the OS General Plan category, the OS District is intended to provide areas to maintain and protect the community's natural open and landscaped open space areas. "Major Utilities" are allowed within the OS District, subject to the approval of a Conditional Use Permit.

Section 20.26.030 (Special Purpose Zoning Districts General Development Standards) of the Newport Beach Municipal Code (NBMC) specifies that development standards in the OS District shall be established during review of the required permit. The development standards typically regulated in other zoning districts include setbacks, floor-area-ratio, and height. Additionally, Chapter 20.40 (Parking) of the NBMC establishes parking ratios. Given the uniqueness of the proposed use, City staff recommends applying the following development standards, as identified in Table 2 below. Development standards are included in the Conditions of Approval in Exhibit "D" of Attachment No. PC 1 and will regulate the implementation of the proposed project.

Table 2 – Proposed Development Standards		
Standard	Proposal	Rationale
Setbacks	0 feet	All project components are proposed within the perimeter block wall and most equipment is setback approximately 12 feet from the wall to allow sufficient site circulation. No additional setbacks are proposed as requiring additional setbacks from the property line would further constrain the layout of the RNG Facility and would likely result in taller equipment.
Floor-Area-Ratio (FAR)	N/A	The approximately 500-square-foot control room building is the only enclosed area proposed. Given the control room building is incidental to the RNG Facility, no maximum FAR is proposed.
Height	60 feet from finish grade	City staff has worked with the Applicant to ensure that the RNG Facility is designed to the lowest height technically feasible. The two tallest components are the 40-foot-tall flare tower and the 60-foot-tall thermal oxidizer, which are critical pieces of the operation and

Table 2 – Proposed Development Standards		
Standard	Proposal	Rationale
		require a minimum distance to allow for complete combustion. As shown in Figure 2, most equipment will be lower in height and will not be overly visible above the perimeter wall. Condition of Approval No. 4 has been included to set height limits for specific equipment that exceeds 35 feet in height.
Parking	2 spaces	The control room building will be staffed by one to two employees, per shift. Two parking spaces are proposed to accommodate the anticipated parking demand. There are access roads internal to the project site that can provide additional vehicle staging areas in the event additional workers are required during a maintenance event or plant shutdown.

Conditional Use Permit

In accordance with Section 20.52.020 (Conditional Use Permits and Minor Use Permits) of the NBMC, the Planning Commission must make the following findings for approval of a use permit:

1. *The use is consistent with the General Plan and any applicable Specific Plan;*

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

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

4. *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*

5. *Operation of the use at the proposed location would not be detrimental to the harmonious and orderly growth of the City, or 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.*

All facts to support the required findings are presented in detail within Attachment No. PC 1 with several key facts shared below.

While the project generally replaces existing LFG flaring, the project still has the potential to release gaseous emissions of criteria pollutants and dust into the ambient air. An Air Quality Impact Analysis (AQIA) was prepared for the project by SCS Engineers, dated

December 2023 and is available as Appendix B2 in the Initial Study/Mitigated Negative Declaration. The AQIA evaluated the criteria air pollutants that would be emitted by the RNG Facility. The net change in emissions from implementation of the project would be lower than the significance thresholds established by the South Coast Air Quality Management District (SCAQMD). Projects below the SCAQMD significance thresholds are not expected to generate sufficient emissions to violate any air quality standards and are not expected to pose a risk to the health of people residing or working nearby. Further, while the RNG will be odorized prior to injection into SoCal Gas infrastructure, the odorization process is a sealed-loop system and there should be no release of odors. Construction activities may generate odors, but they would be temporary and typically confined to the immediate vicinity of the construction equipment.

A Noise Impact Analysis was prepared for the project by LSA, dated July 17, 2024, and is available as Appendix K in the Initial Study/Mitigated Negative Declaration. The study found that neither the construction of the RNG Facility nor the long-term operation of the facility would result in noise impacts to the nearby sensitive receptors.

Vehicle traffic will increase during the construction phase of the project. As such, the project will be subject to four traffic mitigation measures. For example, the Applicant must prepare a traffic control plan that staggers truck trips on Newport Coast Drive throughout the day so that the minimum number of truck trips practical will occur during the AM peak period (i.e., during student drop off for Sage Hill School). Long term operation of the RNG Facility will result in a negligible increase in the number of vehicles traveling to the project site daily and is not likely to be noticed by the surrounding community. The project is anticipated to generate eight average daily trips, well below the 300 average daily trip threshold provided in Chapter 15.40 (Traffic Phasing Ordinance) of the NBMC to require the preparation of a traffic study.

The project was reviewed by the City's Utilities Department, Public Works Department, and Building Division. All input and recommendations provided on implementation of the project if approved have either been incorporated into project design or have been included in the Conditions of Approval of the draft resolution (Exhibit "D", Attachment No. PC 1).

The project was also reviewed by the Newport Beach Fire Department (NBFD). The NBFD provided recommendations and conditions, including vegetation removal, to ensure that the necessary fire prevention and emergency response features are incorporated. As required by the NBFD, 28 trees outside of the perimeter wall will need to be removed to reduce the risk of fire. The recommendation for removal of trees is based on the spacing, health, and species. Condition of Approval No. 29 requires a Fuel Modification Plan be reviewed and approved by the NBFD prior to the issuance of any building permit. A conceptual Fuel Modification Plan is available as Attachment No. PC 4 (Conceptual Fuel Modification Plan). The City does not have a tree preservation policy or ordinance that protects trees on privately owned land and the project does not require replacement trees. Additionally, the 28 trees identified to be removed are not considered a

take of coastal sage scrub, chaparral, or other native plant communities inconsistent with the NCCP/HCP. Through coordination in project design and the implementation of both mitigation measures and conditions of approval, the NBFD does not object to the project.

Lastly, the historic use of the project site as a LFG-to-energy facility from 1988 to 2015 without notable incidents or code enforcement issues suggests both the site is physically suitable and the RNG Facility will operate in a compatible way with the surrounding uses.

Community Outreach and Comments Received

While not required by the City or CEQA, the Applicant with OCWR hosted a community meeting on February 28, 2024, to provide an overview of the project to the surrounding community and any interested parties. There were no substantial concerns raised at the meeting.

The project was originally scheduled to be heard at the Planning Commission meeting on May 22, 2025. In response to the public hearing notice, a letter was submitted on May 21, 2025, by the law firm Adams, Broadwell Joseph & Cardozo (ABJ&C). The project was removed from calendar and the meeting was canceled to allow additional time for City staff to review the submitted comments. The referenced letter submitted by ABJ&C and the City's response are available as Attachment Nos. PC 5 and PC 6, respectively.

While most of the comments provided by ABJ&C have been adequately addressed in the IS/MND, the letter identified that the Preliminary Site Consequence Analysis relied upon in the IS/MND was not made available for review as part of the official record. The Preliminary Site Consequence Analysis has since been uploaded to the City's CEQA website and is available for public review. It has also been included in the staff report as Attachment No. PC 7. There have been no subsequent changes to the project.

Summary

If approved, the project would allow the construction and operation of an LFG-to-energy facility at the Coyote Canyon Landfill. The RNG Facility would take LFG and convert it into a natural gas equivalent through proprietary treatment methods and would inject the RNG into SoCal Gas infrastructure. The RNG Facility includes new pipe racks, various vessels and tanks, flare tower, thermal oxidizer, and other miscellaneous processing equipment, along with an approximately 500-square-foot control building. The RNG Facility would operate 24 hours a day, seven days a week, with one to two employees, per shift, and anticipates one annual shutdown for maintenance. The existing faux-eucalyptus telecoms, along with existing OCWR infrastructure at the project site, would not be affected by the project and would be protected in place. Staff believes the project is consistent with Title 20 (Planning and Zoning) of the NBMC and the General Plan, as discussed in the analysis above.

Alternatives

Should the Planning Commission determine the required findings cannot be made as presented, then the Planning Commission may:

1. Suggest specific changes that are necessary to alleviate concerns such as equipment height and abrupt changes in scale, blending, screening, or project compatibility with the area. If the requested changes are substantial, the item could be continued to a future meeting. Should the Planning Commission choose to do so, staff will return with a revised resolution incorporating new findings and/or conditions after the Applicant has an opportunity to revise the project accordingly; or

2. If the Planning Commission believes that there are insufficient facts to support the findings for approval and a denial action is more appropriate, the Planning Commission could deny the CUP and the landfill would continue to flare off LFG through existing site infrastructure, pursuant to its air quality permit.

Environmental Review

In accordance with the California Environmental Quality Act (CEQA) and City Council Policy K-3, an Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the project. Prior to taking action on the project, the Planning Commission must first review, consider, and adopt the IS/MND (Exhibit "A", Attachment No. PC 1). The IS/MND includes the Notice of Intent (NOI), Initial Study (IS), Environmental Analysis, and Appendices.

Based upon the analysis of the IS, the environmental categories within which the project would have either no impact or less than significant impact were: *Aesthetics, Agricultural/Forest Resources, Air Quality, Energy, Greenhouse Gas Emissions, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Recreation, and Utilities/Service Systems.*

*T*he environmental categories which the project would have potentially significant impacts were: *Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Waste, Public Services, Transportation, Tribal Cultural Resources, and Wildfire.* Specific mitigation measures have been required to reduce the potentially significant adverse effects to a less than significant level.

The IS/MND was completed and circulated for a 45-day public review period that began on November 27, 2024, and concluded on January 13, 2025. Five comment letters were received during the comment period. Two of the five letters received were from public agencies (California Department of Transportation and the South Coast Air Quality Air Management District), one letter was received from the Gabrieleño Band of Mission Indians – Kizh Nation, and two letters were received from the law firm Adams, Broadwell Joseph &

Cardozo. Although not required for an IS/MND by the CEQA Guidelines, those letters have been catalogued and are responded to as part of the Final Mitigated Negative Declaration (Exhibit "C", Attachment No. PC 1). The comments received did not result in changes to the project of a substantive nature.

Based on the entire environmental review record, the project, with mitigation measures, will have a less than significant impact on the environment.

Public Notice

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.

Prepared by:

Joselyn Perez
Senior Planner

Submitted by:

Jaime Murillo, AICP
Deputy Community Development Director

BMZ/jp

ATTACHMENTS

PC 1 Draft Resolution to Approve the Project and Adopt the IS/MND
PC 2 Visual Simulations
PC 3 Project Plans
PC 4 Conceptual Fuel Modification Plan
PC 5 ABJ&C Comment Letter, dated May 21, 2025
PC 6 Response to ABJ&C Comment Letter
PC 7 Preliminary Site Consequence Analysis

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Attachment No. PC 1

Draft Resolution to Approve the Project
and Adopt the IS/MND

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RESOLUTION NO. PC2025-008

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT AND OPERATE A LANDFILL-GAS-TO-ENERGY FACILITY AT 20662 NEWPORT COAST DRIVE (PA2022-063)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Biofuels Coyote Canyon Biogas LLC, on behalf of Archaea Energy Inc. ("Applicant"), concerning property located at 20662 Newport Coast Drive, and legally described as a Portion of Block 128, Tract No. 361 of Irvine's Subdivision ("Project Site"), requesting approval of a conditional use permit ("CUP").

2. The Project Site is located within the greater boundary of the closed Coyote Canyon Landfill ("CCL"), which received municipal solid waste from 1963 to 1990 and officially closed on May 7, 2003. CCL is owned by the County of Orange ("Owner") and is maintained by Orange County Waste & Recycling ("OCWR"). The CCL boundary occurs on both sides of Newport Coast Drive and consists of four distinct areas: (1) the main canyon landfill, located immediately west of Newport Coast Drive and addressed as 20661 Newport Coast Drive; (2) and (3) the east and south canyon landfilling areas, located east of Newport Coast Drive and with no specific address; and (4) the Project Site, also located east of Newport Coast Drive and at the top of a ridge. The Project Site has historically been the primary location for dealing with landfill gas ("LFG"), including a former LFG-to-energy operation.

3. The previous LFG-to-energy facility operated from 1988 to 2015. It was removed as part of the Coyote Canyon Gas Recovery Demolition and Telecom Update (PA2016-091) (SCH number 2016081012) as the quality of the LFG became inadequate for conversion to energy with the technology of the time.

4. The Project Site is currently improved with emergency generators, above ground storage tanks, two 65-foot faux eucalyptus cell towers ("Telecom Facilities"), power panel and switchgear, a blower pad, and flares that currently burn off the LFG generated by CCL. There is a small operational support building in the center of the site used by OCWR staff and three parking spaces. The Project Site is surrounded by a 12-foot-tall perimeter block wall, trees, with coastal sage scrub beyond.

5. The Applicant proposes the construction and operation of a new renewable natural gas ("RNG") processing plant and a pipeline interconnection facility (collectively referred to as the "RNG Facility"). The RNG Facility will convert LFG generated by CCL into a pipeline-quality natural gas equivalent. This RNG would be transferred from the facility into SoCal Gas infrastructure through an existing onsite tie-in point. Other project components include

a new control room building, new internal access routes, utility upgrades including installation of an additional fire hydrant, a water tank, a septic tank, oil/water separator, a storm drain for off-site disposal of stormwater, and new underground power and telecommunication lines. The RNG Facility would operate 24 hours per day, seven days a week, with an annual scheduled shutdown for plant maintenance. The Telecom Facilities would be protected in place and not affected by the current application ("Project").

6. The Project Site is categorized as Open Space (OS) by the Land Use Element of the General Plan and is located within the Open Space (OS) Zoning District.

7. The Project Site is not located within the coastal zone and no coastal development permit is required.

8. Additionally, the entire Coyote Canyon Landfill, including the Project Site, are located within the Central Subregion of the Natural Communities Conservation Plan/Habitat Conversation Plan (NCCP/HCP) for the Central and Coastal Subregions of Orange County. The NCCP/HCP is a multi-species habitat conservation plan designed to protect sensitive plant and animal species by preserving existing habitat areas in response to the construction of State Route 73. The Project Site is designated as an existing use by the NCCP/HCP.

9. A Public Hearing with the Planning Commission was previously scheduled and noticed for May 22, 2025, to review the Project. However, the Project was removed from the agenda and the meeting was cancelled.

10. A public hearing was held on July 17, 2025, in the Council Chambers at 100 Civic Center Drive, Newport Beach. A notice of the time, place, and purpose of the hearing was given in accordance with Government Code Section 54950 *et seq.* ("Ralph M. Brown Act") and Chapter 20.62 (Public Hearings) of the Newport Beach Municipal Code ("NBMC"). Evidence, both written and oral, was presented to and considered by the Planning Commission at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. A draft Initial Study and Mitigated Negative Declaration (State Clearinghouse Number 2024120012) ("IS/MND") have been prepared in compliance with the California Environmental Quality Act ("CEQA") set forth in Public Resources Code Section 21000 *et seq.*, the State CEQA Guidelines set forth in Title 14 in the California Code of Regulations Section 15000 *et seq.*, and City Council Policy K-3.

2. The draft IS/MND were circulated for a 45-day comment period beginning on November 27, 2024, and ending on January 13, 2025.

3. Pursuant to Public Resources Code Section 21080.3.1, the City provided formal notice on December 5, 2023, to Native American tribes that are traditionally and culturally affiliated with the geographic area of the Project Site. The City received no responses within the 30-day period, however, a tribal contract for the Gabrieleño Band of Mission

Indians – Kizh Nation, requested consultation during the public comment period of the IS/MND. Mitigation Measures have been included in the Mitigation Monitoring and Reporting Program ("MMRP") to the satisfaction of the tribe to address potential concerns regarding the protection of Tribal Cultural Resources.

4. The MND, which includes the IS, public comments, and responses to comments as of the public hearing date, is being considered by the Planning Commission in its review of the Project.

5. The Planning Commission finds that the MND has been prepared and completed in compliance with CEQA and City Council Policy K-3.

6. The Planning Commission finds that the MND reflects the independent judgment and analysis of the City.

7. Based on the entire environmental review record, the Project, with mitigation measures, will have a less than significant impact on the environment and there are no known substantial adverse effects on human beings that would be caused. Additionally, there are no long-term environmental goals that would be compromised by the project, nor cumulative impacts anticipated in connection with the project. The MMRP are feasible and will reduce the potential environmental impacts to a less than significant level.

8. The IS/MND, MMRP, and Response to Comments attached as Exhibits "A", "B," and "C" respectively, are hereby adopted. The document and all material, which constitute the record upon which this decision was based, are on file with the Planning Division, City Hall, 100 Civic Center Drive, Newport Beach, California.

9. 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 that may be awarded to a successful challenger.

SECTION 3. REQUIRED FINDINGS.

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

Finding:

A. The use is consistent with the General Plan and any applicable specific plan;

Facts in Support of Finding:

1. The Project Site is categorized as Open Space (OS) by the Land Use Element of the General Plan. The Open Space (OS) land use designation is intended to provide areas appropriate for a range of public and private uses to protect, maintain, and enhance the community's natural resources. This designation may also include incidental buildings, such as maintenance equipment and supply storage, which are not traditionally included in determining intensity limits.

2. The Project is consistent with the Open Space (OS) categorization, as it introduces new equipment and limited incidental structures within an already improved area of the CCL. The Project comprises less than one acre of the 375-acre CCL footprint and preserves the community's natural resources because it does not expand the footprint of the building pad and perimeter block wall at the top of the ridge. Additionally, the RNG Facility provides a net benefit to the existing Open Space (OS) by converting LFG generated by CCL into a pipeline-quality natural gas equivalent.

3. Additionally, the Project is consistent with the following policies of the General Plan:

    a. **LU 1.3 (Natural Resources)** and **NR 17.1 (Open Space Protection):** *Requires the preservation of open space and habitat resources.* The Project comprises less than one acre of the 375-acre CCL site and preserves the community's natural resources because it does not develop current open space and instead sites the new improvements adjacent to existing improvements within the existing walled-off area. All Project components are proposed within the perimeter wall. Additionally, the RNG Facility provides a net benefit to the existing Open Space (OS) by converting LFG generated by CCL into a pipeline-quality natural gas equivalent.

    b. **LU 1.6 (Public Views):** *Requires protection, and where feasible, enhancement of significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points* and **NR 21.1 (Signs and Utility Siting and Design)** *which requires signs, utilities, and antennas be designed and sited to minimize visual impacts:* The City's policies related to public reviews include Land Use Policy LU 1.3 which aims to preserve open space resources, beaches, harbors, parks, bluffs, preserves, and estuaries as visual, recreational, and habitat resources; Land Use Policy LU 1.6 which requires public views, including scenic and visual resources such as open space, mountains, canyons, ridges, the ocean, and the harbor, be preserved and where possible, enhanced from public vantage points; and Natural Resources Policy NR 23.1. The IS/MND analyzed views from three different viewpoints including looking southeast from Newport Coast Drive (just south of Sage Hill High School), northeast from Newport Coast Drive (just northeast of San Joaquin Hills Road), and north from the residences at Renata Street. Of note, Newport Coast Drive, the primary location for two of the three viewshed locations, is not a scenic highway and has motorists driving at higher rates of speed along this area. The viewshed simulations demonstrate that the Project design blends within the existing topography such that the Project complies with these policies. Additionally, Condition of Approval No. 5 requires the Applicant to provide enhanced aesthetic treatment of the equipment to ensure the RNG Facility blends in with its surroundings.

c. **General Plan Policy LU 3.3 (Opportunities for Change - Coyote Canyon Landfill):** *Intends for the CCL to support a comprehensive vision that balances future land uses with environmental stewardship and public access. Future development should adapt the closed landfill as an area that supports a variety of outdoor recreational uses such as golf, hiking, and nature interpretation alongside housing opportunities with complementary nonresidential uses.* The Project is proposed within an area of CCL where there are existing utilities, such as telecom facilities, and existing infrastructure for LFG collection and flaring. The Project is not located in an area of the CCL that is conducive for redevelopment into any of the aforementioned uses without the removal of the existing infrastructure. The Project does not prohibit the implementation of Policy LU 3.3 within other areas of CCL and instead sites new improvements in a complementary fashion with existing improvements.

d. **NR 3.9 (Water Quality Management Plan)** and **NR 4.4 (Erosion Minimization):** *Requires new development applications to include a Water Quality Management Plan ("WQMP") to demonstrate how runoff and erosion shall be minimized both during construction and post-construction.* A WQMP was prepared for the Project by BKF Engineers, dated December 14, 2023. The Project implements Best Management Practices and is designed to prevent surface water from flowing over slope faces.

e. **NR 10.2 (Orange County Natural Communities Conservation Plan):** *Requires compliance with the policies of the NCCP/HCP.* The Project is within an area of the NCCP/HCP that is acknowledged as an existing use and does not expand the use beyond the existing perimeter wall. Temporary staging areas that will be used during construction of the Project for material deliveries and parking have been sited to avoid impacts to avoid coastal sage scrub, chaparral, and other native plant communities. The primary laydown area is proposed on the Project Site and the secondary laydown area is proposed within an already disturbed portion of the main landfill area, across Newport Coast Drive. Vehicle parking for construction employees will be provided in the secondary laydown area, and a shuttle would transport crews daily to and from the Project Site. A number of mitigation measures are incorporated in the MMRP, set forth in Exhibit B, to ensure the Project complies with the policies of the NCCP/HCP.

4. The Project is not located within a specific plan area.

Finding:

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

Facts in Support of Finding:

1. The Project Site is within the Open Space (OS) Zoning District. The OS District is intended to both provide areas to maintain and protect the community's natural open space resources; and maintain and protect landscaped open space areas located within residential and non-residential developments, where no further development is allowed.

2. Pursuant to Table 2-14 (Allowed Uses and Permit Requirements) of Section 20.26.020 (Special Purpose Zoning Districts Land Uses and Permit Requirements) of the NBMC, "Major Utilities" are allowed within the OS District, subject to the approval of a CUP. The Project meets the definition of a "Major Utility," as provided in Chapter 20.70 (Definitions) of the NBMC and is therefore allowed upon approval of this CUP.

3. Section 20.26.030 (Special Purpose Zoning Districts General Development Standards) of the NBMC specifies that development standards in the Open Space (OS) District shall be established during review of the required permit. The RNG Facility would have a total footprint of approximately 38,500 square feet and would be composed of pipe racks, various vessels and tanks, new flare tower, thermal oxidizer, and other miscellaneous processing equipment. Equipment ranges in height from approximately 5-foot, 6-inches above the existing grade to a maximum height of 60 feet above the existing grade. Apart from the vessels, tanks, flare, and pipe rack, which range in height from 30 feet to 40 feet above finish grade, most of the equipment will be screened by the existing perimeter wall. The tallest piece of RNG Facility equipment, the thermal oxidizer, is proposed at a height of 60 feet above finish grade. All equipment will be below the 65-foot height of the Telecom Facilities. Condition of Approval No. 4 has been included to set height limits for specific equipment that exceeds 35 feet in height.

4. Given the Project is entirely within the perimeter of the wall and most equipment is setback approximately 12 feet from the wall to allow sufficient site circulation, no additional setbacks are proposed. Requiring additional setbacks from the property line would further constrain the layout of the RNG Facility and would likely result in taller equipment. As such, it is most appropriate to allow development to span the entire Project Site behind the perimeter wall.

5. The approximately 500-square-foot control room building is the only enclosed floor area proposed with the Project. Given it is clearly incidental to the RNG Facility, no maximum floor-area-to-land ratio is proposed.

6. The control room building will be staffed by one to two employees, per shift. Two parking spaces are proposed to accommodate the anticipated parking demand. There are access roads within the Project Site which provide sufficient vehicle staging areas in the event additional workers are ever required during a maintenance event or plant shut down.

Finding:

C. 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. The Project Site is located within the greater boundary of the closed CCL. The Project Site itself has historically been the primary location for dealing with LFG, including a former LFG-to-energy operation which operated from 1988 to 2015. While the quality of the LFG became inadequate for conversion to energy with the technology of the time, new technology is now available which allows for LFG to once again be utilized.

2. Land uses that are immediately adjacent to the Project Site include the landfill areas described above in Statement 2 of Section 1, an Irvine Ranch Water District ("IRWD") pumping station, and open space.

3. The nearest sensitive receptors to the Project Site are the existing Sage Hill School, located approximately 1,400 feet to the north, and single-unit residences in the Tesoro Community, located approximately 1,250 feet to the south.

4. A Noise Impact Analysis was prepared for the Project by LSA, dated July 17, 2024. The study found that neither the construction of the Project nor the long-term operation of the Project would result in noise impacts to the nearby sensitive receptors.

5. Long term operation of the Project will result in a negligible increase in the number of vehicles traveling to the Project Site. The Project is anticipated to generate eight average daily trips, well below the 300 average daily trip threshold provided in Chapter 15.40 (Traffic Phasing Ordinance) of the NBMC to require the preparation of a traffic study.

6. Vehicle traffic will increase during the 9-to-12-month Project construction period. To reduce the temporary impacts to a less than significant level, the Project includes four traffic mitigation measures, which are included in the MMRP. For example, the Applicant must prepare a traffic control plan for demolition and construction which staggers truck trips throughout the day on Newport Coast Drive so that the minimum practicable number of truck trips will occur during the AM peak period (i.e., during student drop off for Sage Hill School). Through the implementation of these mitigation measures, the Project is not anticipated to negatively impact traffic within the surrounding area.

7. The Project is not anticipated to generate objectionable odors to the nearby community due to Project design and distance from sensitive receptors. While the RNG will be odorized prior to injection into SoCal Gas infrastructure, the odorization process is a sealed-loop system and there should be no release of odors. Construction activities may generate odors, but they would be temporary and typically confined to the immediate vicinity of the construction equipment. By the time any odorous emissions reach the nearby sensitive receptors, they would likely be diluted to be below the level of detection.

8. The Project introduces additional lighting for security purposes but is not anticipated to adversely affect ambient light conditions. The 12-foot perimeter wall and trees surrounding the project site should help shield lighting that could emanate from the Project Site. To ensure Section 20.30.070 (Outdoor Lighting) of the NBMC, which

requires all outdoor lighting be designed, shielded, aimed, located, and maintained to shield adjacent properties and to not produce glare onto adjacent properties or roadways, is implemented, Condition of Approval No. 10 allows the Community Development Director to order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.

9. The historic use of the Project Site is LFG collection and processing. The previous LFG-to-energy facility operated at the Project Site from 1988 to 2015 and without notable incidents or code enforcement issues. The historic use of the site suggests the RNG Facility should also operate in a compatible way with the surrounding uses.

Finding:

D. 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;

Facts in Support of Finding:

1. The Project was reviewed by the City's Utilities Department, Public Works Department, and Building Division. All input and recommendations provided on implementation of the project if approved have either been incorporated into project design or have been included in the Conditions of Approval, attached as Exhibit "D."

2. The Project was also reviewed by the Newport Beach Fire Department ("NBFD"). The NBFD provided recommendations and conditions, including vegetation removal, to ensure that the necessary fire prevention and emergency response features are incorporated. All recommendations are included in the MMRP and the Conditions of Approval, attached as Exhibits "B" and "D," respectively.

3. OCWR currently maintains the planted area outside the perimeter wall. As required by the NBFD, the Project would likely remove 28 trees to reduce the risk of fire associated with the Project. Condition of Approval No. 29 requires a Fuel Modification Plan to be reviewed and approved by the NBFD prior to the issuance of a building permit.

4. An additional fire hydrant will be added to the Project Site to ensure the hydrant layout can meet hose-pull requirements and allow fire apparatus equipment and firefighting crews to deploy at a safe distance from the RNG Facility. The hydrant location was reviewed and accepted by the NBFD.

5. The Project includes a new, enclosed, flare tower to burn off-specification gas generated from the RNG refining process. The combustion of off- specification gas will occur within the flare tower, and no flames will be visible. The four existing OCWR flares will be protected in place and will be used to combust any excess LFG that is not sent to the RNG Facility or as a backup in the event the RNG Facility goes offline. The existing OCWR flares will not be retrofitted to conceal flames. The NBFD acknowledges that calls for service may be received related to the occasional visible flaring in the existing

OCWR flares but does not anticipate calls for service to increase over what they receive under existing conditions.

6. The Project is required to comply with the most current adopted fire codes, building codes, and nationally recognized fire and life safety standards. These codes impose design standards and requirements to minimize and mitigate fire and emergency response risk. Compliance with these codes and standards is ensured through the City's building permit review process. All construction would be subject to review and approval by the City's Building Division and NBFD prior to building permit and certificate of occupancy issuance.

Finding:

E. *Operation of the use at the proposed location 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.*

Facts in Support of Finding:

1. LFG is currently being flared off by existing site infrastructure. The Project will divert the LFG from the flares and into the RNG Facility to convert it into RNG through a proprietary process. The LFG will undergo moisture, particulate, and contaminant removal to be upgraded and compressed into pipeline quality RNG. Contaminants removed from the LFG will be destroyed in the thermal oxidizer. While the Project generally replaces existing LFG flaring, the Project still has the potential to release gaseous emissions of criteria pollutants and dust into the ambient air.

2. An Air Quality Impact Analysis ("AQIA") was prepared for the Project by SCS Engineers, dated December 2023. The AQIA evaluated the offsite concentrations of criteria air pollutants that would be emitted by the Project. The net change in emissions from implementation of the Project would be lower than significance thresholds established by the South Coast Air Quality Management District ("SCAQMD"). Projects below the SCAQMD significance thresholds are not expected to generate sufficient criteria pollutant emissions to violate any air quality standards and should not be a risk to the health or general welfare of people residing or working nearby.

3. The operation of the Project would require the use of hazardous materials such as maintenance products, oils, acids, and gases. A full list of materials and quantities are included in Table 10 of the IS/MND. The Project will store hazardous materials in small enough quantities as to not require registration with the California Accidental Release Program and is not anticipated to endanger, jeopardize, or otherwise constitute a hazard to the public. Furthermore, specific protocols for the storage of hazardous materials are provided in Appendix H of the IS/MND and incorporate the use of double-walled tanks and secondary containment to conform with existing hazardous materials and hazardous waste laws and regulations set at the State and Federal level.

4. Construction activities would use hazardous materials including gasoline, diesel fuel, motor oil, hydraulic fluid, solvents, cleaners, sealants, welding flux, various lubricants, paint, and paint thinner. The materials used would be in small enough quantities and stored in accordance with best management practices, such as secondary containment, to not pose a significant safety hazard. Additionally, these activities would also be short-term, or once off, and would cease upon completion of the Project's construction phase.

5. A Preliminary Site Consequence Assessment was prepared for the Project to outline the potential for flammable vapor clouds, jet fire, and toxic vapor clouds and the possible effect they pose on the surrounding vegetation; public; the control room, and the existing OCWR building. The analysis found that through the implementation of emergency response procedures and compliance with applicable laws and regulations, potential impacts would be less than significant.

6. To help lessen any impacts to the surrounding area, the Applicant is required to notify neighboring residential community members at least one week prior to the start of construction. Broader notifications will be made through various means, including placing signs at road crossings in advance of construction.

7. Facts 4 and 7 in Support of Finding C are hereby incorporated by reference.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby adopts the Mitigated Negative Declaration (SCH NO. 2024120012) attached hereto as Exhibit "A", the Mitigation Monitoring and Reporting Program attached hereto as Exhibit "B", and the Response to Comments attached hereto as Exhibit "C", all of which are attached hereto and incorporated herein by reference.

2. The Planning Commission of the City of Newport Beach hereby approves the CUP filed as PA2022-063, subject to the conditions set forth in Exhibit "D," which is attached hereto and incorporated herein by reference.

3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the NBMC.

PASSED, APPROVED, AND ADOPTED THIS 17TH DAY OF JULY 2025.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY:_____
Mark Rosene, Chair

BY:_____
David Salene, Secretary

EXHIBIT A

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
SCH NO. 2024120012

File available via link due to size:

https://www.newportbeachca.gov/pln/CEQA_REVIEW/Coyote%20Canyon%20Landfill%20Gas%20to%20Energy%20Plant%20Project%20(P2022-063)/PA2022-063_PublicReview_InitialStudy_MND.pdf

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

EXHIBIT C

Response to Comments

File available via link due to size:

https://www.newportbeachca.gov/pln/CEQA_REVIEW/Coyote%20Canyon%20Landfill%20Gas%20to%20Energy%20Plant%20Project%20(P2022-063)/PA2022-063_Response-to-Comments.pdf

EXHIBIT D

CONDITIONS OF APPROVAL

(Project-specific conditions are in italics)

Planning Division

1. The development shall be in substantial conformance with the approved site plan and elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).

2. The project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.

3. 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 Conditional Use Permit.

4. *No equipment shall exceed 35 feet in height above the finish grade, with the exception of the thermal oxidizer and the flare tower, which shall be limited to 60 feet and 40 feet above finish grade respectively.*

5. *RNG Facility equipment shall be coated with camouflage paint as an enhanced aesthetic treatment.*

6. *Prior to final building permit inspection, the Applicant shall schedule an inspection with the Planning Division to verify the aesthetic treatment applied to the RNG Facility is acceptable.*

7. *Two parking spaces shall be provided for control room employees.*

8. *Secure and functional short-term bike parking shall be provided for control room employees.*

9. *Prior to building permit final inspection, the Applicant shall schedule an evening inspection with the Code Enforcement Division to confirm the facility is not excessively lit, except as deemed necessary for security lighting.*

10. *If in the opinion of the Director of Community Development, site 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.*

11. Project signage shall be in conformance with Chapter 20.42 (Signs) of the NBMC.

12. PA2022-063 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the NBMC, unless an extension is otherwise granted.

13. This Conditional 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 are detrimental to the public health, welfare, or materially injurious to property or improvements in the vicinity or if the property is operated or maintained to constitute a public nuisance.

14. Any change in operational characteristics, expansion in the area, or other modification to the approved plans, shall require subsequent Planning Division review and may require the processing of an amendment to this Use Permit or the processing of a new Use Permit.

15. Prior to the issuance of a building permit, a copy of the Resolution, including Conditions of Approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.

16. Prior to the issuance of a building permit, the Applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Use Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Use Permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.

17. *All landscape materials and irrigation systems shall be maintained by the approved fuel modification 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.*

18. 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.

19. 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.

20. 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.

21. Construction activities shall comply with Section 10.28.040 (Construction Activity – Noise Regulations) of the NBMC, which restricts hours of noise-generating construction activities to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday, and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays, or Holidays.

22. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or leasing agent.

23. All trash shall be stored within the building or within dumpsters stored in a trash enclosure (three walls and a self-latching gate) or otherwise screened from the view of neighboring properties, except when placed for pick-up by refuse collection agencies. The trash enclosure shall have a decorative solid roof for aesthetic and screening purposes.

24. Deliveries and refuse collection for the facility 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 10:00 p.m. and 9:00 a.m. on Sundays and Federal holidays unless otherwise approved by the Director of Community Development and may require an amendment to this Conditional Use Permit.

25. A Special Events Permit is required for any event or promotional activity outside the normal operating 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 NBMC to require such permits.

26. To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including without limitation, attorney's fees, disbursements, and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of **Coyote Canyon Landfill Gas to Energy Facility** including, but not limited to, the **Conditional Use Permit filed as PA2022-063**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing the such proceeding. The applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages that which City incurs in enforcing the indemnification provisions outlined in this condition. The applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

Fire Department

27. *The Applicant is required to obtain all applicable permits from the City's Fire Department.*

28. *Prior to the issuance of a building permit, a Fire Master Plan showing fire department vehicle access, turn-around, fire hydrants, and other Fire Department appliances as applicable shall be submitted for review and approval.*

29. *The Project is located within a Very High Fire Hazard Severity Zone (VHFHSZ). The Project is required to comply with the following for development in a wildland fire prone area:*

    a. *All new structures shall comply with Chapter 7A of the California Building Code for construction in a designated wildland area.*

    b. *A defensible space landscape plan/fuel modification plan is required to protect the facility from wildfires in accordance with City Guideline G.02 (Fuel Modification Plans and Maintenance Standards for Developments). The plan must include the area immediately outside the 12-foot perimeter wall.*

30. *A Hazardous Materials Inventory document is required. Both a paper and electronic version will be required for review by NBFD.*

31. *The flare tower shall be designed so that flames are not visible above the structure nor visible from the public right of way including Newport Coast Drive and State Route 73.*

Building Division

32. The Applicant is required to obtain all applicable permits from the City's Building Division. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements.

33. The Applicant shall employ the following best available control measures ("BACMs") during construction:

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

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

Off-Site Impacts

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

Fill Placement

- The number and type of equipment for dirt pushing will be limited on any day to ensure that SCAQMD significance thresholds are not exceeded.
- Maintain and utilize a continuous water application system during earth placement and compaction to achieve a 10% soil moisture content in the top six-inch surface layer, subject to review/discretion of the geotechnical engineer.

34. Prior to the issuance of a building 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.

35. Prior to the issuance of a building permit, the applicant shall prepare and submit a final 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.

36. 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 stormwater away from potential sources of pollution (e.g., trash receptacles and parking structures). The Stage 2 WQMP shall list and describe all structural and non-structural BMPs. In addition, the WQMP must also identify the entity responsible for the long-term inspection, maintenance, and funding for all structural (and if applicable Treatment Control) BMPs.

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Attachment No. PC 2

Visual Simulations

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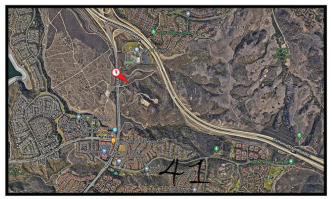
COYOTE CANYON - Newport Beach, CA

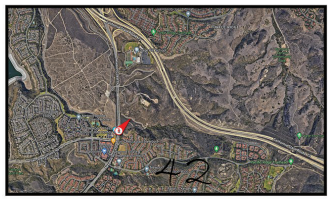
View 1



VisionScape IMAGERY
A Visualization Firm
visionscapeimagery.com

COYOTE CANYON - Newport Beach, CA

View 2



VisionScape IMAGERY
A Visualization Firm
visionscapeimagery.com

COYOTE CANYON - Newport Beach, CA

View 3

VisionScape IMAGERY
A Visualization Firm
visionscapeimagery.com

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Attachment No. PC 3

Project Plans

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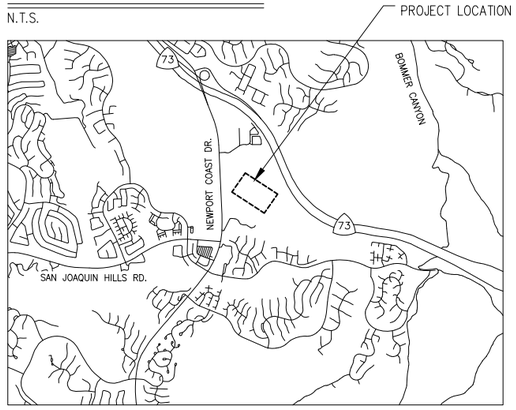
ARCHAEA ENERGY
COYOTE CANYON LANDFILL RNG PROJECT
20662 NEWPORT COAST DRIVE
NEWPORT BEACH, CA 92657

PROJECT INFORMATION

OWNER/ APPLICANT	BIOFUELS COYOTE CANYON BIOGAS, LLC 4444 WESTHEIMER ROAD, SUITE G450 HOUSTON, TX 77027 Ph: (346) 708-8272	PROJECT DESCRIPTION	LANDFILL GAS UPGRADING FACILITY
ENGINEER	BIOGAS ENGINEERING INC. 2321 E. 28TH STREET, SUITE 400, SIGNAL HILL, CA 90755 Ph: (562) 726-3565	ELECTRICAL ENGINEER	ASPLUNDH ENGINEERING ASSOCIATES, PC 708 BLAIR MILL ROAD WILLOW GROVE, PA 19090 Ph: (877) 844-5426
SURVEYOR	D.WOOLLEY & ASSOCIATES 2832 WALNUT AVENUE, SUITE A TUSTIN, CA 92780 (714) 734-8462 FAX (714) 508-7521	GEOTECHNICAL ENGINEER	TBD
SITE WORK ENGINEER	TBD		

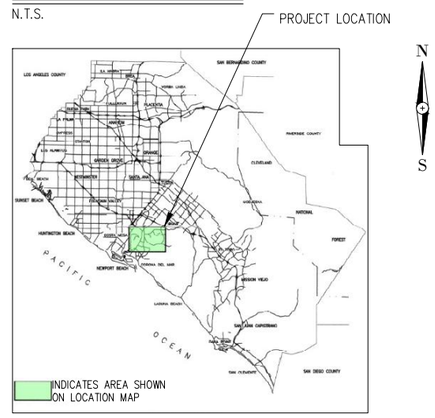
LOCATION MAP

N.T.S.



VICINITY MAP

N.T.S.



OCCUPANCY CATEGORY

GAS PROCESSING STRUCTURES :- H-2
GAS PROCESSING EQUIPMENT :- H-2
POWER DISTRIBUTION CENTER :- S-2

BUILDING SQUARE FOOTAGE

TOTAL BUILDING AREA – 1552 SQFT

DETAIL CROSS REFERENCING CONVENTION

'SECTION' OR 'DETAIL' IDENTIFICATION LETTER OR NUMBER

SHEET NUMBER ON WHICH 'SECTION' OR 'DETAIL' IS DRAWN OR SHEET NUMBER WHERE SECTION OR DETAIL IS TAKEN FROM

ASSESSOR PARCEL NUMBER

PORTION OF 478-03-071

TOTAL DISTURBED AREA

TOTAL SITE DISTURBED AREA – 0.884 ACRES (APPROX.)

BENCHMARK

THIS PROJECT IS BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88) GPS DERIVED. STATIONS AND RESPECTIVE ELEVATIONS CONSTRAINED TO ARE:

LGWD GRID ELEVATION = 398.32' (ELLIPSOID HEIGHT = 293.3337')

CONSTRUCTION TYPE (PER CBC CHAPTER 6 SECTION 602)

PIPE RACK	:-	II B SITE FABRICATED STEEL STRUCTURE
GAS PROCESSING EQUIPMENT	:-	II B MANUFACTURER SUPPLIED EQUIPMENT
POWER DISTRIBUTION CENTER	:-	II B (PRE FABRICATED MODULAR STEEL BUILDING)
H2S VESSEL & CONDENSATE TANK	:-	II B

OCCUPANCY LOAD MAX. (PER CBC CHAPTER 10 SECTION 1004.1)

POWER DISTRIBUTION CENTER :- 3

TOPOGRAPHY NOTE:
BASED ON TOPO FURNISHED BY D.WOOLLEY & ASSOCIATES
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60% DESIGN REVIEW

REV.	DATE	DESCRIPTION	DRN BY	CHK BY	APRV BY
1.0	08/11/2022	ISSUED FOR CUP	AK	TP	AG
2.0	03/20/2023	ISSUED FOR 60% DESIGN REVIEW	SS	TP	AG

OWNER: ARCHAEA ENERGY
4444 WESTHEIMER ROAD, SUITE G450
HOUSTON, TX 77027
Ph: (346) 708-8272

ENGINEER: BIOGAS ENGINEERING
2321 E. 28TH STREET, SUITE 400
SIGNAL HILL, CA 90755, Ph: (562) 726-3565
EMAIL: INFO@BIOGASENG.COM

TITLE SHEET

COYOTE CANYON LANDFILL RNG PROJECT
20662 NEWPORT COAST DRIVE
NEWPORT BEACH, CA 92657

DRAWING NO. TS

47

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ARCHAEA ENERGY
COYOTE CANYON LANDFILL RNG PROJECT
20662 NEWPORT COAST DRIVE
NEWPORT BEACH, CA 92657

GENERAL INDEX SHEET

General Drawings

Sr No	Drawing No	Description	Date	Rev
1	TS	TITLE SHEET	03/20/2023	2
2	G0.00	COVER SHEET	03/20/2023	2
3	G0.01	GENERAL INDEX SHEET	03/20/2023	2
4	G2.00	SITE PLAN	03/20/2023	4
5	G2.01	RIGHT-OF-WAYS/RESTRICTIONS	03/20/2023	2
6	G2.02	UTILITIES PLAN	03/20/2023	2
7	G2.03	LEASE AREA LEGAL DESCRIPTION & PLAT	03/20/2023	2
8	G2.04	TOPOGRAPHIC SURVEY (SH 1 OF 2)	03/20/2023	2
9	G2.05	TOPOGRAPHIC SURVEY (SH 2 OF 2)	03/20/2023	2
10	G2.06	TOPOGRAPHIC SURVEY (SH 3 OF 3)	03/20/2023	2
11	G3.01	AREA CLASSIFICATION FOR RNG (SCG NOT INCLUDED)	03/20/2023	1
12	G3.02	DEMOLITION PLAN	03/20/2023	1
13	G4.01	PLANT ELEVATION VIEW SOUTH ELEVATION-LOOKING PLAN NORTH	03/20/2023	2
14	G4.02	PLANT ELEVATION VIEW NORTH ELEVATION-LOOKING PLAN SOUTH	03/20/2023	2
15	G4.03	PLANT ELEVATION VIEW EAST ELEVATION-LOOKING PLAN WEST	03/20/2023	2
16	G4.04	PLANT ELEVATION VIEW WEST ELEVATION-LOOKING PLAN EAST	03/20/2023	2
17	G5.01	SoCalGas POINT OF RECEIPT P&ID - LEGEND & PRESSURE BLOCK	03/20/2023	2
18	G5.02	SoCalGas POINT OF RECEIPT P&ID - ODORIZER SYSTEM	03/20/2023	2
19	G5.03	SoCalGas POINT OF RECEIPT SITE PLAN	03/20/2023	2
20	G5.04	SoCalGas POINT OF RECEIPT PLOT PLAN	03/20/2023	2
21	G6.00	EXISTING PIPES & CABLES (FOR UG SERVICES SURVEY)	03/20/2023	2
22	G6.01	FIRE MASTER PLAN	03/20/2023	2

2.0

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REV	DATE	DESCRIPTION	DRN BY	CHK BY	APRV BY
1.0	10/20/2022	ISSUED FOR 30% SUBMITTAL	SK	TP	TW
2.0	03/20/2023	ISSUED FOR 60% DESIGN REVIEW	SS	TP	AG

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GENERAL INDEX SHEET

COYOTE CANYON LANDFILL
RNG PROJECT
20662 NEWPORT COAST DRIVE
NEWPORT BEACH, CA 92657

DRAWING NO. G0.01

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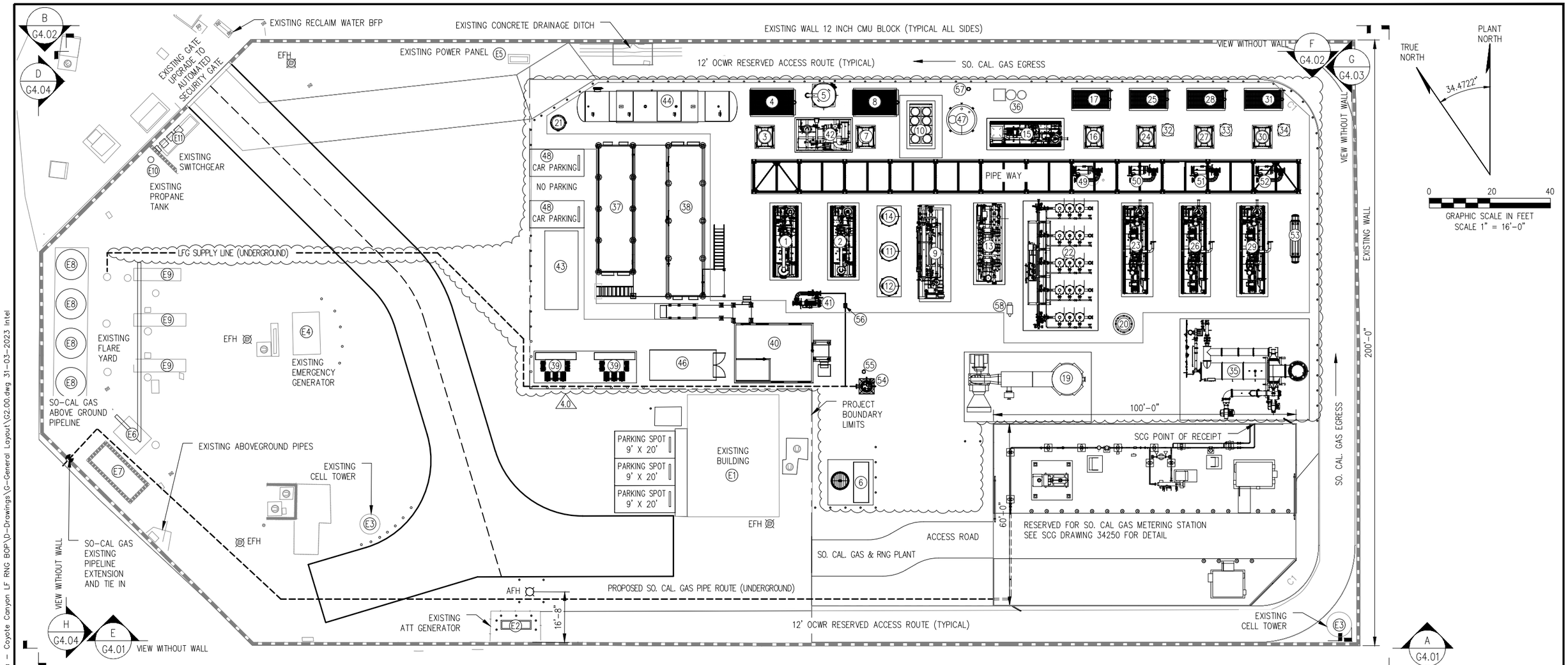

TABLE 1:-
EQUIPMENT LIST

S.NO.	DESCRIPTION
1	TYPE #1 FEED COMPRESSOR
2	TYPE #2 FEED COMPRESSOR
3	TYPE #1 COMPRESSOR FEED OIL COOLER
4	TYPE #1 COMPRESSOR FEED AFTERCOOLER
5	H2S REMOVAL VESSEL
6	LN2 PAD
7	TYPE #2 FEED COMPRESSOR OIL COOLER
8	TYPE #2 FEED COMPRESSOR AFTERCOOLER
9	TSA PRE-TREATMENT SKID
10	CHILLER
11	TSA ADSORBER VESSEL A (6' DIA.)
12	TSA ADSORBER VESSEL B (6' DIA.)
13	MEMBRANE SKID
14	VOC POLISHING VESSEL
15	TYPE #1 RECYCLE COMPRESSOR
16	TYPE #1 RECYCLE COMPRESSOR OIL COOLER
17	TYPE #1 RECYCLE COMPRESSOR AFTERCOOLER
4.0 ~~18A~~	~~DEOXO SKID~~
4.0 ~~18B~~	~~DEOXO DRYER~~
4.0 ~~18C~~	~~DEOXO AFTERCOOLER~~

TABLE 1:-
EQUIPMENT LIST

S.NO.	DESCRIPTION
19	OFF-SPECIFICATION GAS FLARE
20	NRU BUFFER VESSEL
21	COMPRESSED AIR RECEIVER
22	NRU W/ADSORBERS
23	#1 NRU VAC. RINSE SKID
24	#1 NRU VAC. RINSE OIL COOLER
25	#1 NRU VAC. RINSE AFTERCOOLER
26	#2 NRU VAC. RINSE SKID
27	#2 NRU VAC RINSE OIL COOLER
28	#2 NRU VAC. RINSE AFTERCOOLER
29	#3 NRU VAC. RINSE SKID
30	#3 NRU VAC. RINSE OIL COOLER
31	#3 NRU VAC. RINSE AFTERCOOLER
32	#1 NRU DRYER VESSEL
33	#2 NRU DRYER VESSEL
34	#3 NRU DRYER VESSEL
35	THERMAL OXIDIZER
36	OILY WATER SEPARATOR
37	POWER DISTRIBUTION E-HOUSE
38	POWER DISTRIBUTION E-HOUSE BOP

TABLE 1:-
EQUIPMENT LIST

S.NO.	DESCRIPTION
39	TRANSFORMERS
40	OPERATOR/CONTROL SHELTER
41	STAGE #1 INLET PARTICULATE FILTER
42	H2S SKID
43	UTILITY INTERTIE SWITCHGEAR
44	TSA BLOWDOWN TANK 30,000 Gal
45	H2S GUARD BED
46	STORAGE CONTAINER
47	CONDENSATE TANK
48	PARKING AREA
49	NRU RINSE COMPRESSOR INLET FILTER A
50	NRU VACUUM COMPRESSOR INLET FILTER A
51	NRU RINSE COMPRESSOR INLET FILTER B
52	NRU VACUUM COMPRESSOR INLET FILTER B
53	HEAT EXHANGER
54	LFG SUMP
55	SUMP CONDENSATE PUMP
56	FLOW METER
57	CONDENSATE TANK PUMP
58	GAS CHROMATOGRAPH

TABLE 2:-
EXISTING EQUIPMENTS

S.NO.	DESCRIPTION
E1	EXISTING BUILDING
E2	EXISTING ATT GENERATOR
E3	EXISTING CELL TOWER
E4	EXISTING EMERGENCY GENERATOR
E5	EXISITNG POWER PANEL
E6	EXISITNG PAD
E7	EXISITNG TANK
E8	EXISITNG FLARE
E9	EXISTING BLOWERS PAD
E10	EXISTING PROPANE TANK
E11	EXISTING SWITCHGEAR

LEGENDS

EFH–EXISTING FIRE HYDRANT RETAINED	EFH
AFH–ADDED FIRE HYDRANT	AFH
GAS LINES	
PROJECT BOUNDARY LIMITS	
SO. CAL. GAS METERING STATION LIMITS	

TOPOGRAPHY NOTE:
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DATE: 07-28-2022.

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REV	DATE	DESCRIPTION	DRN BY	CHK BY	APRV BY
1.0	08/11/2022	ISSUED FOR CUP	AK	TP	AG
2.0	09/23/2022		AK	TP	AG
3.0	12/16/2022	ISSUED FOR REVIEW	SS	TP	AG
4.0	03/20/2023	ISSUED FOR 60% DESIGN REVIEW	SS	TP	AG

OWNER:
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SITE PLAN

COYOTE CANYON LANDFILL
RNG PROJECT
20662 NEWPORT COAST DRIVE
NEWPORT BEACH, CA 92657

DRAWING NO.
G2.00

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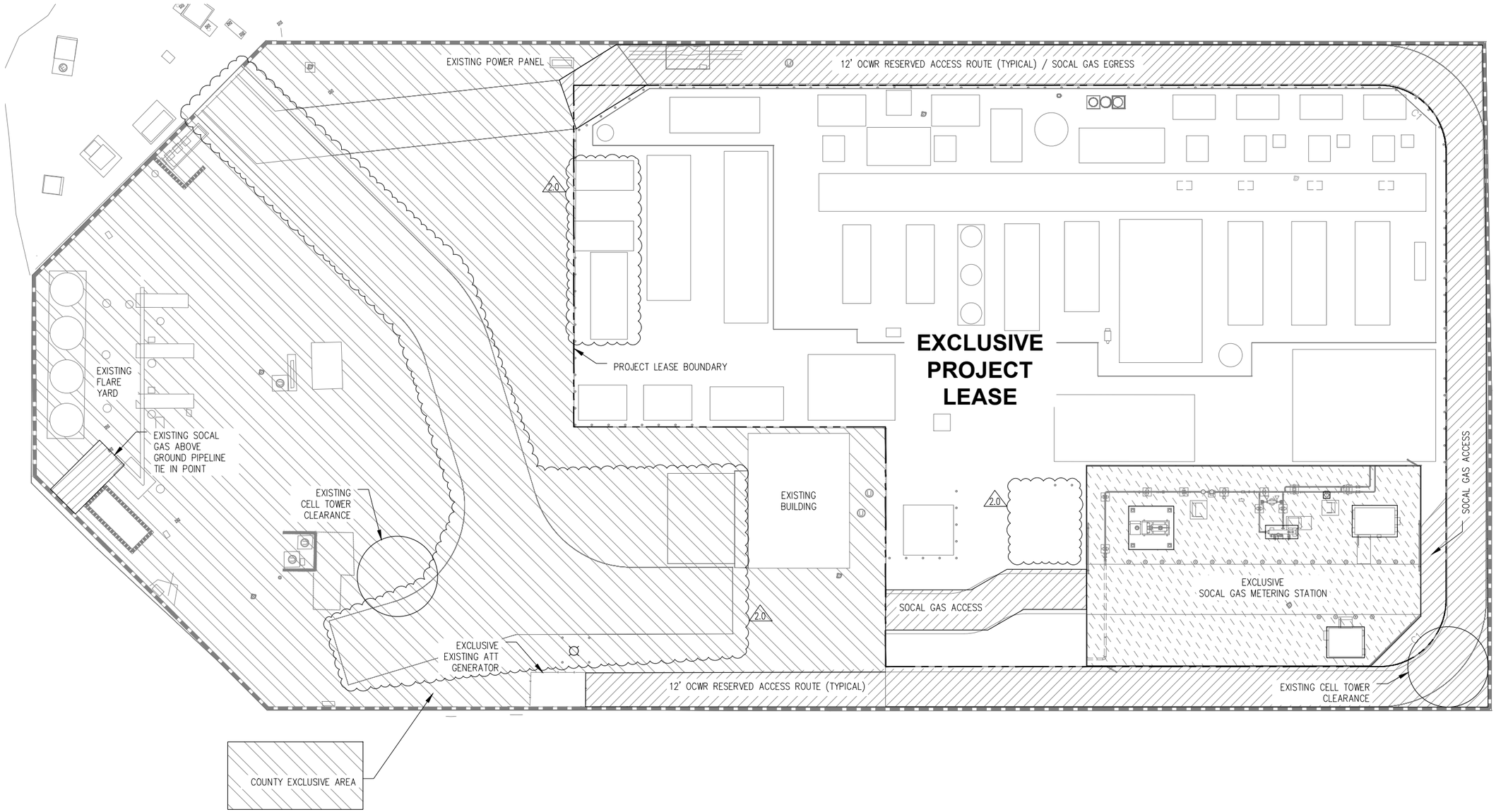

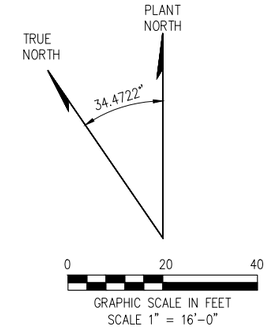

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RIGHT-OF-WAYS/RESTRICTIONS

COYOTE CANYON LANDFILL
RNG PROJECT
20662 NEWPORT COAST DRIVE
NEWPORT BEACH, CA 92657

DRAWING NO.
G2.01

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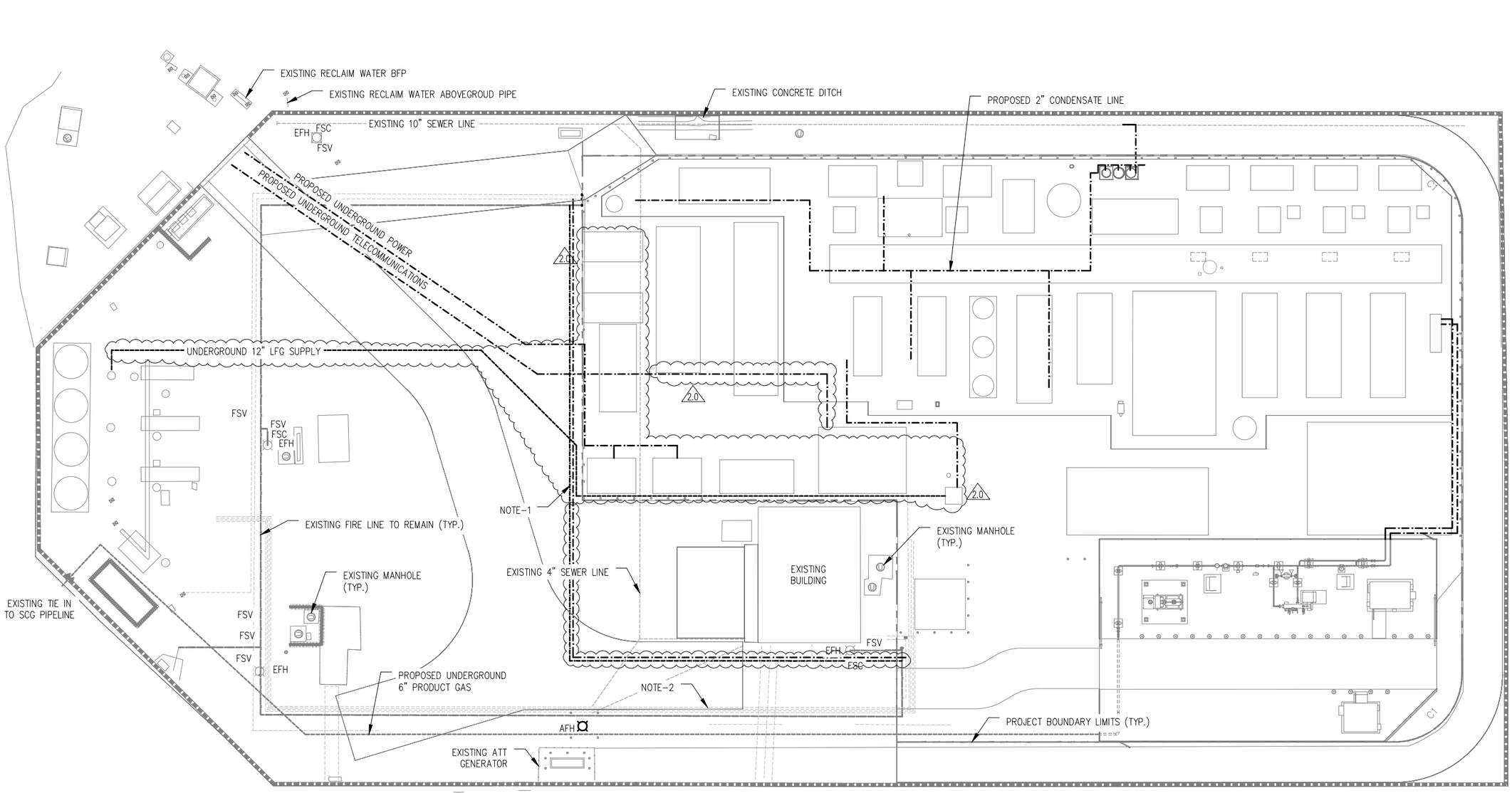

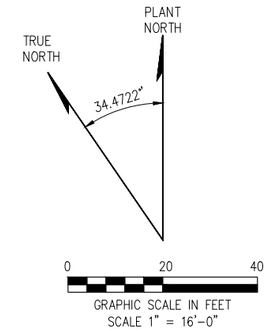

LEGENDS

EFH-EXISTING FIRE HYDRANT RETAINED	EFH
AFH-ADDED FIRE HYDRANT	AFH
GAS LINES	
UTILITIES LINE	
UTILITIES LINE (EXISTING)	
PROPOSED FIRE LINE EXTENSION	
EXISTING FIRE LINE TO REMAIN	

NOTE:-

1. PROPOSED MODIFICATION TO ROUTING OF THE EXISTING FIRE WATER LINE (REFER TO THE LEGEND)
2. EXISTING UG UTILITIES TO BE FIELD VERIFIED BY CONSTRUCTION CONTRACTOR PRIOR TO PROJECT EXECUTION.

TOPOGRAPHY NOTE:
BASED ON TOPO FURNISHED BY D.WOOLLEY & ASSOCIATES
DATE: 07-28-2022.

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UTILITIES PLAN

COYOTE CANYON LANDFILL
RNG PROJECT
20662 NEWPORT COAST DRIVE
NEWPORT BEACH, CA 92657

DRAWING NO.
G2.02

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ARCHAEA ENERGY
COYOTE CANYON LANDFILL RNG PROJECT

D.Woolley & Associates™
LAND SURVEYING AND MAPPING

LEGAL DESCRIPTION

EXHIBIT "A"

FOR LEASE PURPOSES

PARCEL 1

THAT CERTAIN PARCEL OF LAND SITUATED IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, BEING THAT PORTION OF BLOCK 128 OF IRVINE'S SUBDIVISION AS SHOWN ON A MAP THEREOF FILED IN BOOK 1, PAGE 88 OF MISCELLANEOUS RECORD MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID ORANGE COUNTY, AND BEING A PORTION OF THE LAND CONVEYED TO THE CITY OF IRVINE, A CALIFORNIA MUNICIPLE CORPORATION BEING THE PARCEL SHOWN AS "EXCEPTION PARCEL 4", AS DESCRIBED IN THE DOCUMENT ENTITLED "GIFT DEED (PRESERVATION AREA L: PA 27 DETACHMENT AREA PORTION)", RECORDED MAY 16, 2002 AS INSTRUMENT NO. 20020413370 IN SAID OFFICE OF THE ORANGE COUNTY RECORDER, AND BEING DESCRIBED MORE PARTICULARLY AS FOLLOWS:

COMMENCING ON THE CENTERLINE OF NEWPORT COAST DRIVE (FORMERLY PELICAN HILLS ROAD) AT THE NORTHERLY TERMINUS OF THAT CERTAIN COURSE OF A 3000.00 FEET RADIUS CURVE CONCAVED WESTERLY, HAVING AN ARC LENGTH OF 2,232.28 FEET WITH A CENTRAL ANGLE OF 42° 38' 00" AS SHOWN ON A MAP THEREOF FILED IN BOOK 119, PAGES 25 THROUGH 29 OF RECORDS OF SURVEYS, BEING RECORD OF SURVEY NO. 86-1077, IN THE OFFICE OF THE COUNTY RECORDER OF SAID ORANGE COUNTY, AND BEING AT STATION 154+33.77 PER ORANGE COUNTY SURVEYOR ALIGNMENT NOTES A/SW-IRV 2500-2509, PAGES 1-10;

THENCE ALONG THE CENTERLINE OF SAID NEWPORT COAST DRIVE NORTH 01° 41' 00" WEST 1,560.70 FEET TO THE TRUE POINT OF BEGINNING OF EXCEPTION PARCEL 1 AS SHOWN ON SAID GIFT DEED, BEING MARKED WITH A FOUND 2-1/2 INCH PUNCHED BRASS DISC STAMPED "L.S. 4965" DOWN 2.0 FEET IN A MONUMENT WELL AS SHOWN ON A MAP THEREOF FILED IN BOOK 144, PAGES 31 THROUGH 36 OF RECORDS OF SURVEYS, BEING RECORD OF SURVEY NO. 91-1128, IN THE OFFICE OF THE COUNTY RECORDER OF SAID ORANGE COUNTY;

THENCE LEAVING THE CENTERLINE OF SAID NEWPORT COAST DRIVE SOUTH 63° 36' 15" EAST 1,322.97 FEET TO THE **TRUE POINT OF BEGINNING;**

2832 Walnut Avenue, Suite A
Tustin CA 92780
(714) 734-8492
www.dwoolley.com

THENCE SOUTH 55° 31' 40" EAST 240.76 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVED WESTERLY AND HAVING A RADIUS OF 20.00 FEET;

THENCE ALONG SAID TANGENT CURVE SOUTHEASTERLY, SOUTHERLY AND SOUTHWESTERLY 31.42 FEET THROUGH A CENTRAL ANGLE OF 90° 00' 00";

THENCE SOUTH 34° 28' 20" WEST 133.89 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVED NORTHERLY AND HAVING A RADIUS OF 20.00 FEET;

THENCE ALONG SAID TANGENT CURVE SOUTHWESTERLY, WESTERLY, AND NORTHWESTERLY 31.42 FEET THROUGH A CENTRAL ANGLE OF 90° 00' 00";

THENCE NORTH 55° 31' 40" WEST 147.58 FEET;

THENCE NORTH 34° 28' 20" EAST 71.70 FEET;

THENCE NORTH 55° 31' 40" WEST 93.18 FEET;

THENCE NORTH 34° 28' 20" EAST 102.19 FEET TO THE **TRUE POINT OF BEGINNING**;

CONTAINING AN AREA OF 0.884 ACRES OR 38,491 SQUARE FEET, MORE OR LESS.

SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, RIGHTS, RIGHTS OF WAY, AND OTHER MATTERS OF RECORD, IF ANY.

EXHIBIT "B" ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS' ACT.

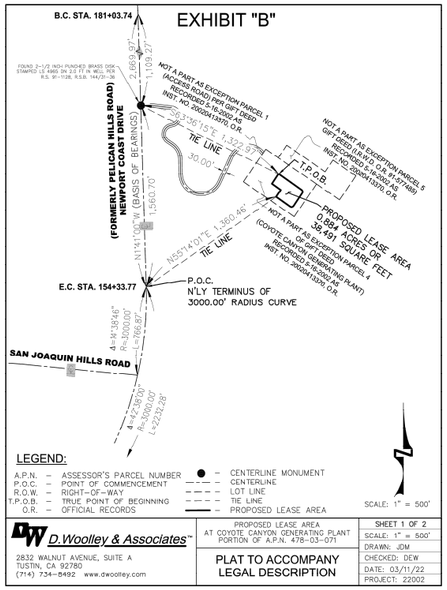
PRELIMINARY

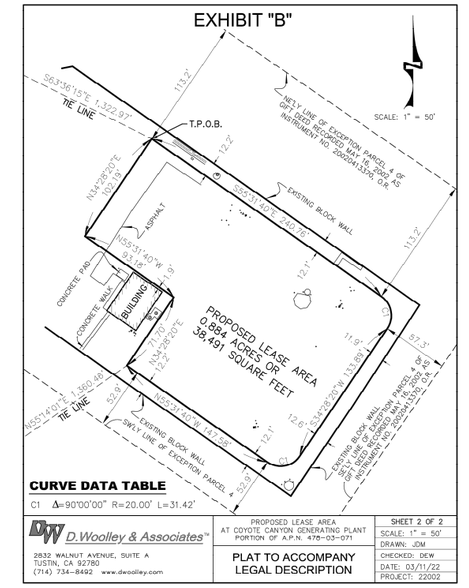
DAVID E. WOOLLEY, PLS 7304

March 11, 2022
DATED

END OF DESCRIPTION

2832 Walnut Avenue, Suite A
Tustin CA 92780
(714) 734-8492
www.dwoolley.com





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LEASE AREA LEGAL DESCRIPTION & PLAT

COYOTE CANYON LANDFILL
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DRAWING NO.
G2.03

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ARCHAEA ENERGY
COYOTE CANYON LANDFILL RNG PROJECT

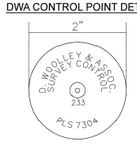
TOPOGRAPHIC SURVEY

AT COYOTE CANYON GENERATING PLANT PROPOSED LEASE AREA
CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA

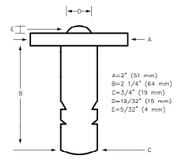
GRID COORDINATES:

FIELD POINT #	NORTHING	EASTING	ELEVATION	NORTH LATITUDE (H-M-S)	WEST LONGITUDE (H-M-S)	CONVERGENCE ANGLE	SCALE	X	ELEV	=	COMBINATION FACTOR
SBCC	2147751.75	6131651.74	406.37	33-33-10.795341	-117-39-41.310240	-0-46-32.27	0.99996142		0.99998597		0.99994739
LGWD	2180062.72	6100748.57	406.52	33-38-26.137628	-117-45-51.976020	-0-49-55.96	0.99996842		0.99998596		0.99995438
ECFS	2181264.26	6208132.80	2739.69	33-38-51.657060	-117-24-42.059595	-0-38-18.12	0.99996908		0.99987409		0.99984318
100	2171005.83	6081899.75	549.95	33-36-53.781808	-117-49-33.277228	-0-51-57.57	0.99996613		0.99997915		0.99994528
144	2170578.61	6081513.07	577.23	33-36-49.497842	-117-49-37.772626	-0-52-00.04	0.99996603		0.99997784		0.99994387
233	2170350.86	6082985.33	782.54	33-36-47.464912	-117-49-20.325293	-0-51-50.45	0.99996598		0.99996802		0.99993399
240	2170279.44	6083207.96	782.55	33-36-46.791604	-117-49-17.680399	-0-51-48.99	0.99996596		0.99996801		0.99993398
248	2170505.30	6082962.68	781.58	33-36-48.989243	-117-49-20.620583	-0-51-50.61	0.99996601		0.99996806		0.99993408
308	2169060.73	6081999.62	623.81	33-36-34.555499	-117-49-31.748907	-0-51-56.73	0.99996568		0.99997561		0.99994129
311	2171441.80	6083226.28	566.65	33-36-58.292613	-117-49-17.670965	-0-51-48.99	0.99996623		0.99997834		0.99994458
3000	2170446.80	6082979.57	781.31	33-36-48.413100	-117-49-20.410452	-0-51-50.50	0.99996600		0.99996807		0.99993408
3001	2170403.13	6082951.76	782.03	33-36-47.976920	-117-49-20.731541	-0-51-50.67	0.99996599		0.99996804		0.99993403
3002	2170371.17	6082926.71	782.20	33-36-47.657062	-117-49-21.022010	-0-51-50.83	0.99996598		0.99996803		0.99993402
3003	2170379.50	6083082.15	782.08	33-36-47.762617	-117-49-19.185738	-0-51-49.82	0.99996598		0.99996804		0.99993402

DWA CONTROL POINT DETAIL:



CONTROL POINT PLAN VIEW DETAIL



CONTROL POINT PROFILE VIEW DETAIL

DWA CONTROL POINT DESCRIPTIONS:

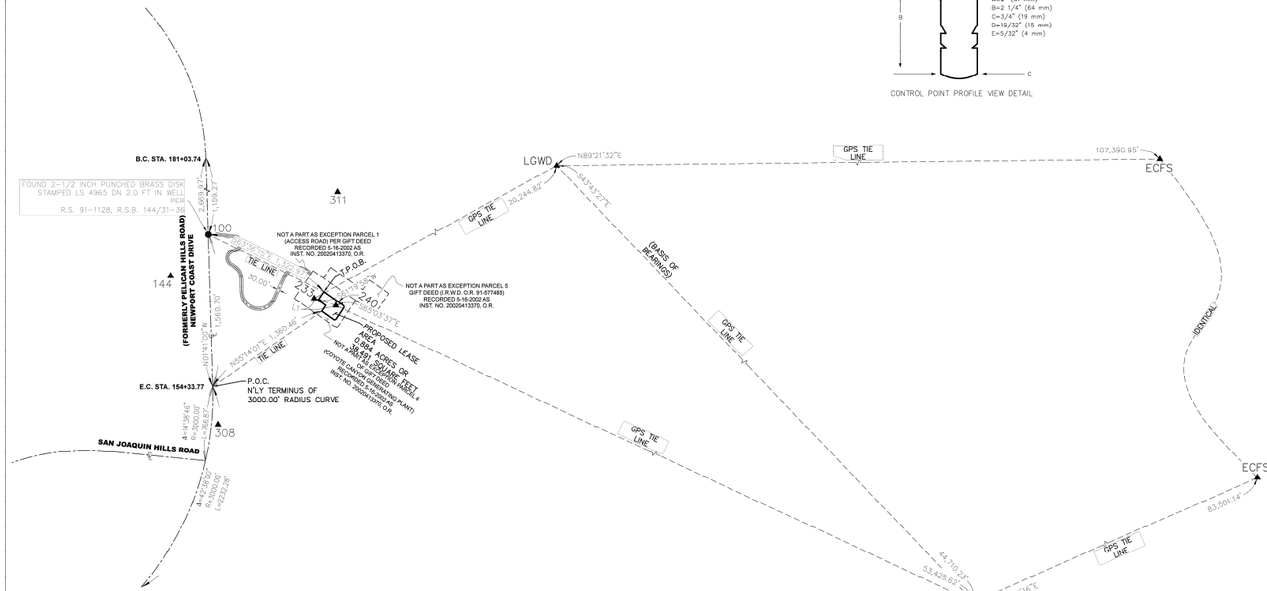
100 – FOUND 2-1/2 INCH PUNCHED BRASS DISK STAMPED L.S. 4965 DOWN 2.0 FT IN MONUMENT WELL.
144 – FOUND PK NAIL RECESSED IN AC
233 – SET 2" PUNCHED ALUMINUM DWA CONTROL DISK FLUSH IN CONCRETE WITH THEIR RESPECTIVE POINT NUMBER.
240 – SET 2" PUNCHED ALUMINUM DWA CONTROL DISK FLUSH IN CONCRETE WITH THEIR RESPECTIVE POINT NUMBER.
248 – SET 2" PUNCHED ALUMINUM DWA CONTROL DISK FLUSH IN CONCRETE WITH THEIR RESPECTIVE POINT NUMBER.
308 – FOUND PK NAIL FLUSH IN AC.
311 – FOUND MAG NAIL FLUSH IN AC.
3000 – FOUND MAG NAIL AND ALUMINUM WASHER STAMPED "GIS SURVEY CNP1", FLUSH IN AC.
3001 – FOUND MAG NAIL AND ALUMINUM WASHER STAMPED "GIS SURVEY CNP1", FLUSH IN AC.
3002 – FOUND MAG NAIL AND ALUMINUM WASHER STAMPED "GIS SURVEY CNP1", FLUSH IN AC.

LATITUDE = 33°36'46.791604"
LONGITUDE = -117°49'17.680399"
Φ MAPPING ANGLE = -0°51'48.99"
COMBINED FACTOR = 0.99993398
ELEVATION = 782.55'
AT CONTROL POINT: (240)

PURSUANT TO SECTION 8815.5 OF THE CALIFORNIA PUBLIC RESOURCE CODE (LAPLACE CORRECTION NOT APPLIED)

**MAGNETIC DECLINATION WAS PROVIDED BY THE NATIONAL GEOPHYSICAL DATA CENTER AND WAS CALCULATED USING THE CURRENT WORLD MAGNETIC MODEL (WMM2015V2)
http://www.ngdc.noaa.gov/geomag-web

500' 0' 500' 1000'
SCALE: 1" = 500'



LINE DATA:

L1 – S72°12'41"E 233.81'

BENCHMARK:

THIS PROJECT IS BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88) GPS DERIVED. STATIONS AND RESPECTIVE ELEVATIONS CONSTRAINED TO ARE:

LGWD – GRID ELEVATION = 406.52' (ELLIPSOID HEIGHT = 293.3337')

BASIS OF BEARINGS & DATUM STATEMENT:

THE BEARINGS OF THE LINES SHOWN HEREIN ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM (CCS83), ZONE VI, 2017.50 EPOCH AND WERE DETERMINED BY GLOBAL POSITIONING SYSTEM (G.P.S.) TIES TO THREE CALIFORNIA SPATIAL REFERENCE NETWORK (C.S.R.N.) STATIONS REFERRED TO AS LGWD, SBCC & ECFS. PUBLISHED HORIZONTAL ACCURACIES ON THESE STATIONS MEET OR EXCEED FEDERAL GEOGRAPHIC DATA COMMITTEE (F.G.D.C.) 5-MILLIMETER ACCURACY CLASSIFICATION PER FGDC-STD-007.2-1998. SAID C.S.R.N. POSITIONS WERE HELD "FIXED" HORIZONTALLY IN THIS SURVEY.

THE CCS83 GRID BEARING BETWEEN C.S.R.N. STATIONS LGWD AND SBCC BEING S43°43'27"E, AS DERIVED FROM THE POSITIONS FOR SAID STATIONS, IN SAID EPOCH, PUBLISHED BY THE CALIFORNIA SPATIAL REFERENCE CENTER (C.S.R.C.) ON DECEMBER 28, 2017, WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

ALL VALUES ARE EXPRESSED IN U.S. SURVEY FEET
(1 FOOT = 1200/3937 METERS).

ALL LINEWORK SHOWN HEREIN IS GRID. TO OBTAIN GROUND DISTANCES DIVIDE GRID DISTANCES BY THE COMBINED FACTOR OF 0.99993398 (AT POINT 240, WITH AN ELEVATION OF 782.55 FEET AND CONVERGENCE ANGLE OF -0°51'48.99").

SURVEYORS STATEMENT:

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION AT THE REQUEST OF ARCHAEA ENERGY IN FEBRUARY, 2022.

SURVEY COMPLETED ON: JULY 1, 2022

DAVID E. WOOLLEY P.L.S. NO. 7304

RECORD REFERENCES:

R1 – GIFT DEED REC. MAY 16, 2002 AS INSTRUMENT NO. 20020413370, O.R.
R2 – GRANT DEED REC. NOV. 30, 2006 AS INSTRUMENT NO. 2006000801749, O.R.
R3 – RECORD OF SURVEY NO. 86-1077, R.S.B. 119/25-29
R4 – RECORD OF SURVEY NO. 91-1128, R.S.B. 144/31-36
R5 – ORANGE COUNTY SURVEYOR ALIGNMENT NOTES A/SW-IRV 2500-2509, PAGES 1-10.
R6 – IRVINE'S SUBDIVISION M.R. 1/88
R7 – CENTERLINE TIES PER XXX/XXX

NOTES:

SEE SHEET 2 FOR SITE TOPO, LAND AREA, CURVE DATA AND LEGEND.

SEE SHEET 3 FOR DETAIL "A".

IF THERE IS NO SURVEYOR'S SIGNATURE HEREON, THIS MAP AND THE CONTENTS CONTAINED HEREIN ARE CONSIDERED PRELIMINARY AND SUBJECT TO CHANGE.

REVISIONS:

D.W. Woolley & Associates
2832 WALNUT AVENUE, SUITE A
TUSTIN, CA 92780
(714) 734-8462 FAX (714) 508-7521

TOPOGRAPHIC SURVEY

ADDRESS: COYOTE CANYON LANDFILL
ORANGE COUNTY, CALIFORNIA
CLIENT: ARCHAEA ENERGY

SHEET 1 OF 3
FILE NO. 22002
SCALE: 1" = 500'
DATE: 07/28/22
DRAWN BY: JDM
CHKD. BY: DEW

NOT FOR CONSTRUCTION

CONFIDENTIAL

60% DESIGN REVIEW

REV	DATE	DESCRIPTION	DRN BY	CHK BY	APRV BY
1.0	08/11/2022	ISSUED FOR CUP	AK	TP	AG
2.0	03/20/2023	ISSUED FOR 60% DESIGN REVIEW	SS	TP	AG

OWNER: ARCHAEA ENERGY
4444 WESTHEIMER ROAD, SUITE G450
HOUSTON, TX 77027
Ph: (346) 708-8272

ENGINEER: BIOGAS ENGINEERING
2321 E. 28TH STREET, SUITE 400
SIGNAL HILL, CA 90755, Ph: (562) 726-3565
EMAIL: INFO@BIOGASENG.COM

TOPOGRAPHIC SURVEY (SH 1 OF 3)

COYOTE CANYON LANDFILL
RNG PROJECT
20662 NEWPORT COAST DRIVE
NEWPORT BEACH, CA 92657

DRAWING NO. G2.04

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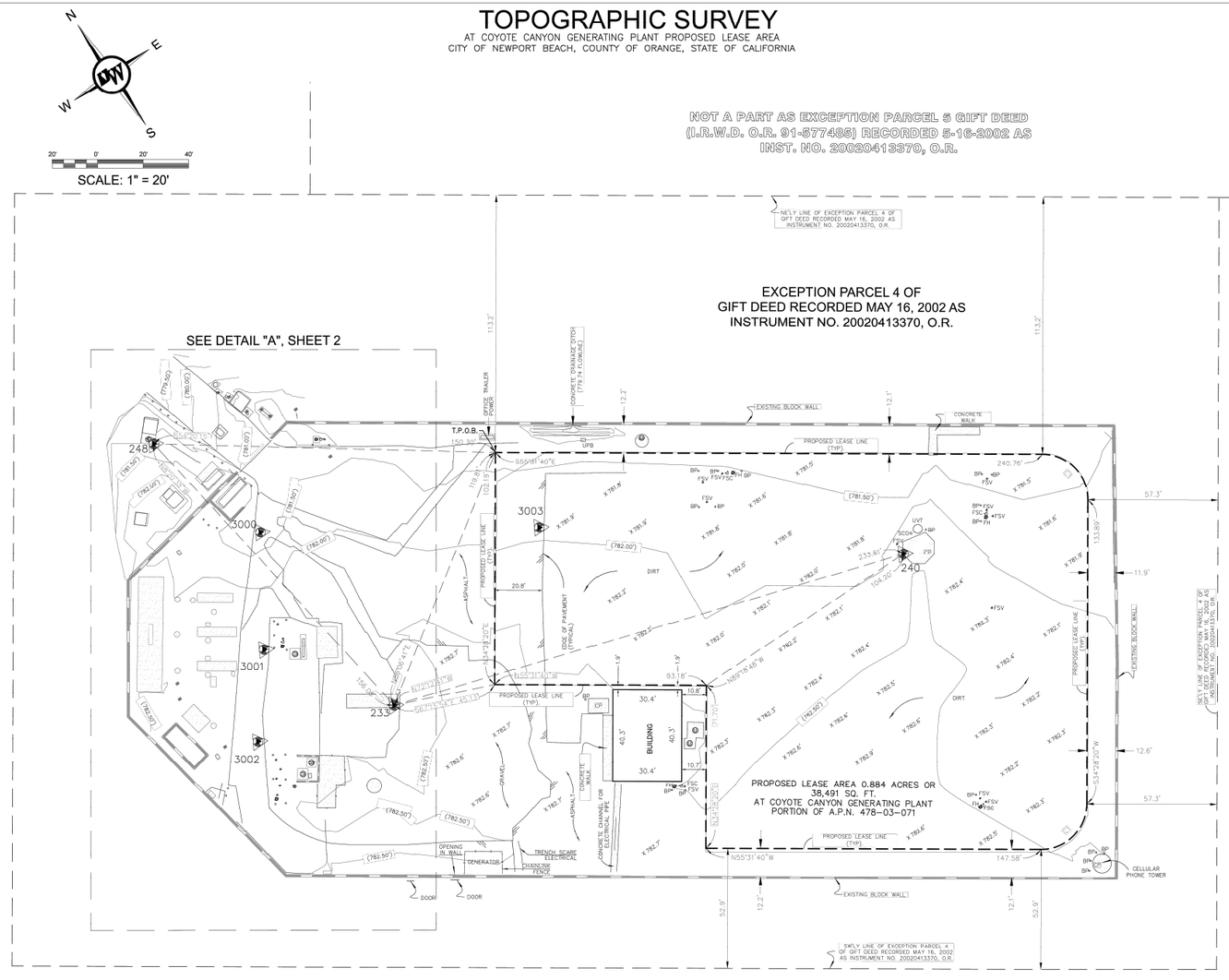
ARCHAEA ENERGY
COYOTE CANYON LANDFILL RNG PROJECT

TOPOGRAPHIC SURVEY

AT COYOTE CANYON GENERATING PLANT PROPOSED LEASE AREA
CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA

SCALE: 1" = 20'



NOTES:

CONTOUR INTERVAL IS 0.5 FOOT WITH SPOT ELEVATIONS SHOWN ON A 20X25 FOOT GRID.

THE MAPPING OF UNDERGROUND UTILITIES WAS NOT PART OF THE SURVEY REQUEST.

CONDUITS RUNNING ALONG INTERIOR OF EXISTING BLOCK WALL NOT LOCATED. TOP OF EXISTING BLOCK WALL ELEVATION = 794.3'.

SEE SHEET 1 FOR GRID COORDINATES, DWA CONTROL POINT DETAIL, DWA CONTROL POINT DESCRIPTIONS, LINE DATA, RECORD REFERENCES, AND SURVEYOR'S STATEMENT.

SEE SHEET 3 FOR DETAIL "A".

LAND AREA:

EXCEPTION PARCEL 4 AREA:
180,200 SQUARE FEET (GROSS)
4.137 ACRES (GROSS)

PROPOSED LEASE AREA:
38,491 SQUARE FEET (GROSS)
0.884 ACRES (GROSS)

CURVE DATA:

Δ=90°00'00" R=20.00'
L=31.42'

BENCHMARK:

THIS PROJECT IS BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88) GPS DERIVED STATIONS AND RESPECTIVE ELEVATIONS CONSTRAINED TO ARE:

LGWD – GRID ELEVATION = 406.52'
(ELLIPSOID HEIGHT = 293.3337')

BASIS OF BEARINGS AND DATUM STATEMENT:

THE BEARINGS OF THE LINES SHOWN HEREIN ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM (CCS83), ZONE VI, 2017.50 EPOCH AND WERE DETERMINED BY GLOBAL POSITIONING SYSTEM (G.P.S.) TIES TO THREE CALIFORNIA SPATIAL REFERENCE NETWORK (C.S.R.N.) STATIONS REFERRED TO AS LGWD, SBCC & ECFS. PUBLISHED HORIZONTAL ACCURACIES ON THESE STATIONS MEET OR EXCEED FEDERAL GEOGRAPHIC DATA COMMITTEE (F.G.D.C.) 5-MILLIMETER ACCURACY CLASSIFICATION PER FGDC-STD-007.2-1998. SAID C.S.R.N. POSITIONS WERE HELD "FIXED" HORIZONTALLY IN THIS SURVEY.

THE CCS83 GRID BEARING BETWEEN C.S.R.N. STATIONS LGWD AND SBCC BEING S43°43'27"E, AS DERIVED FROM THE POSITIONS FOR SAID STATIONS, IN SAID EPOCH, PUBLISHED BY THE CALIFORNIA SPATIAL REFERENCE CENTER (C.S.R.C.) ON DECEMBER 29, 2017, WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

ALL VALUES ARE EXPRESSED IN U.S. SURVEY FEET (1 FOOT = 1200/3937 METERS).

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LEGEND:

AC	–	ASPHALTIC CONCRETE
APN	–	ASSESSOR'S PARCEL NUMBER
BP	–	BOLLARD POST
B.L.	–	BOUNDARY LINE
C/L	–	CENTERLINE
CP	–	CONCRETE PAD
E	–	EAST
EPB	–	ELECTRIC PULLBOX
FD.	–	FOUND
FDC	–	FIRE DEPARTMENT CONNECTION
FSV	–	FIRE SERVICE VALVE
FH	–	FIRE HYDRANT
FSC	–	FIRE SERVICE CONTROL
N.	–	NORTH
NE.	–	NORTHEAST
S.	–	SOUTH
SCO	–	SEWER CLEANOUT
SE.	–	SOUTHEAST
SW.	–	SOUTHWEST
(TYP)	–	TYPICAL
UMH	–	UTILITY MANHOLE
W.	–	WEST
WV	–	WATER VALVE
UV	–	UTILITY VALVE
UVT	–	UTILITY VENT
	–	CONCRETE PAVEMENT
	–	CONTROL POINT

IF THERE IS NO SURVEYOR'S SIGNATURE, HEREON, THIS MAP AND THE CONTENTS CONTAINED HEREIN ARE PRELIMINARY, UNOFFICIAL AND SUBJECT TO CHANGE.

REVISIONS:

D. Woolley & Associates
2832 WALNUT AVENUE, SUITE A
TUSTIN, CA 92780
(714) 734-8462 FAX (714) 508-7521

TOPOGRAPHIC SURVEY
ADDRESS: COYOTE CANYON LANDFILL, ORANGE COUNTY, CALIFORNIA
CLIENT: ARCHAEA ENERGY

SCALE: 1" = 10'
DATE: 07/28/22
DRAWN BY: JDM
CHK'D. BY: DEW

SHEET 2 OF 3
FILE NO. 22002

NOT FOR CONSTRUCTION

CONFIDENTIAL

60% DESIGN REVIEW

REV	DATE	DESCRIPTION	DRN BY	CHK BY	APRV BY
1.0	08/11/2022	ISSUED FOR CUP	AK	TP	AG
2.0	03/20/2023	ISSUED FOR 60% DESIGN REVIEW	SS	TP	AG

OWNER:
ARCHAEA ENERGY
4444 WESTHEIMER ROAD, SUITE G450
HOUSTON, TX 77027
Ph: (346) 708-8272

ENGINEER:
BIOGAS ENGINEERING
2321 E. 28TH STREET, SUITE 400
SIGNAL HILL, CA 90755, Ph: (562) 726-3565
EMAIL: INFO@BIOGASENG.COM

TOPOGRAPHIC SURVEY (SH 2 OF 3)

COYOTE CANYON LANDFILL
RNG PROJECT
20662 NEWPORT COAST DRIVE
NEWPORT BEACH, CA 92657

DRAWING NO. G2.05

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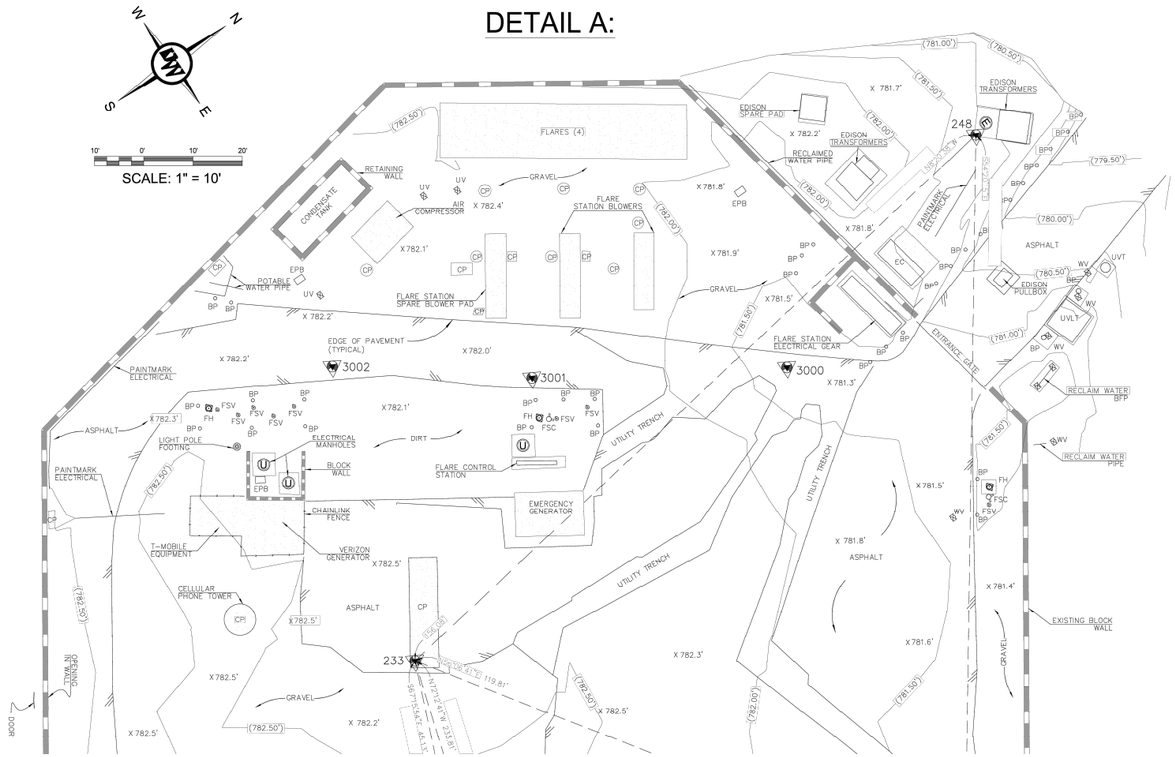
ARCHAEA ENERGY
COYOTE CANYON LANDFILL RNG PROJECT

TOPOGRAPHIC SURVEY

AT COYOTE CANYON GENERATING PLANT PROPOSED LEASE AREA
CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA

DETAIL A:



GRID COORDINATES:

FIELD POINT #	NORTHING	EASTING	ELEVATION	NORTH LATITUDE (H–M–S)	WEST LONGITUDE (H–M–S)	CONVERGENCE ANGLE	SCALE	X	ELEV	=	COMBINATION FACTOR
SBCC	2147751.75	6131651.74	406.37	33–33–10.795341	–117–39–41.310240	–0–46–32.27	0.99996142		0.99998597		0.99994739
LGWD	2180062.72	6100748.57	406.52	33–38–26.137628	–117–45–51.976020	–0–49–55.96	0.99996842		0.99998596		0.99995438
ECFS	2181264.26	6208132.80	2739.69	33–38–51.657060	–117–24–42.059595	–0–38–18.12	0.99996908		0.99987409		0.99984318
100	2171005.83	6081899.75	549.95	33–36–53.781808	–117–49–33.277228	–0–51–57.57	0.99996613		0.99997915		0.99994528
144	2170578.61	6081513.07	577.23	33–36–49.497842	–117–49–37.772626	–0–52–00.04	0.99996603		0.99997784		0.99994387
233	2170350.86	6082985.33	782.54	33–36–47.464912	–117–49–20.325293	–0–51–50.45	0.99996598		0.99996802		0.99993399
240	2170279.44	6083207.96	782.55	33–36–46.791604	–117–49–17.680399	–0–51–48.99	0.99996596		0.99996801		0.99993398
248	2170505.30	6082962.68	781.58	33–36–48.989243	–117–49–20.620583	–0–51–50.61	0.99996601		0.99996806		0.99993408
308	2169060.73	6081999.62	623.81	33–36–34.555499	–117–49–31.748907	–0–51–56.73	0.99996568		0.99997561		0.99994129
311	2171441.80	6083226.28	566.65	33–36–58.292613	–117–49–17.670965	–0–51–48.99	0.99996623		0.99997834		0.99994458
3000	2170446.80	6082979.57	781.31	33–36–48.413100	–117–49–20.410452	–0–51–50.50	0.99996600		0.99996807		0.99993408
3001	2170403.13	6082951.76	782.03	33–36–47.976920	–117–49–20.731541	–0–51–50.67	0.99996599		0.99996804		0.99993403
3002	2170371.17	6082926.71	782.20	33–36–47.657062	–117–49–21.022010	–0–51–50.83	0.99996598		0.99996803		0.99993402
3003	2170379.50	6083082.15	782.08	33–36–47.762617	–117–49–19.185738	–0–51–49.82	0.99996595		0.99996804		0.99993402

DWA CONTROL POINT DESCRIPTIONS:

100 – FOUND 2–1/2 INCH PUNCHED BRASS DISK STAMPED L.S. 4965 DOWN 2.0 FT IN MONUMENT WELL.
144 – FOUND PK NAIL RECESSED IN AC
233 – SET 2" PUNCHED ALUMINUM DWA CONTROL DISK FLUSH IN CONCRETE WITH THEIR RESPECTIVE POINT NUMBER.
240 – SET 2" PUNCHED ALUMINUM DWA CONTROL DISK FLUSH IN CONCRETE WITH THEIR RESPECTIVE POINT NUMBER.
248 – SET 2" PUNCHED ALUMINUM DWA CONTROL DISK FLUSH IN CONCRETE WITH THEIR RESPECTIVE POINT NUMBER.
308 – FOUND PK NAIL FLUSH IN AC.
311 – FOUND MAG NAIL FLUSH IN AC.
3000 – FOUND MAG NAIL AND ALUMINUM WASHER STAMPED "GIS SURVEY CNP1", FLUSH IN AC.
3001 – FOUND MAG NAIL AND ALUMINUM WASHER STAMPED "GIS SURVEY CNP1", FLUSH IN AC.
3002 – FOUND MAG NAIL AND ALUMINUM WASHER STAMPED "GIS SURVEY CNP1", FLUSH IN AC.

NOTES:

CONTOUR INTERVAL IS 0.5 FOOT WITH SPOT ELEVATIONS SHOWN ON A 20X25 FOOT GRID.

THE MAPPING OF UNDERGROUND UTILITIES WAS NOT PART OF THE SURVEY REQUEST.

CONDUITS RUNNING ALONG INTERIOR OF EXISTING BLOCK WALL NOT LOCATED. TOP OF EXISTING BLOCK WALL ELEVATION = 794.3'.

SEE SHEET 1 FOR LINE DATA, RECORD REFERENCES, DWA CONTROL POINT DETAIL AND SURVEYOR'S STATEMENT.

SEE SHEET 2 FOR LAND AREA AND CURVE DATA.

BENCHMARK:

THIS PROJECT IS BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88) GPS DERIVED, STATIONS AND RESPECTIVE ELEVATIONS CONSTRAINED TO ARE:

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(ELLIPSOID HEIGHT = 293.3337')

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LEGEND:

AC – ASPHALTIC CONCRETE
APN – ASSESSOR'S PARCEL NUMBER
BP – BOLLARD POST
B.L. – BOUNDARY LINE
C.L. – CENTERLINE
CP – CONCRETE PAD
E. – EAST
EPB – ELECTRIC PULLBOX
FD. – FOUND
FDC – FIRE DEPARTMENT CONNECTION
FSV – FIRE SERVICE VALVE
FH – FIRE HYDRANT
FSC – FIRE SERVICE CONTROL
N. – NORTH
NE. – NORTHEAST
S. – SOUTH
SCO – SEWER CLEANOUT
SE. – SOUTHEAST
SW. – SOUTHWEST
(TYP) – TYPICAL
UMH – UTILITY MANHOLE
W. – WEST
WV – WATER VALVE
UV – UTILITY VALVE
UVT – UTILITY VENT
UVLT – UTILITY VAULT
– CONCRETE PAVEMENT
– CONTROL POINT

IF THERE IS NO SURVEYOR'S SIGNATURE, HEREON, THIS MAP AND THE CONTENTS HEREOF ARE PRELIMINARY, CONCEPT, PRELIMINARY AND SUBJECT TO CHANGE.

REVISIONS:

D.Woolley & Associates
2832 WALNUT AVENUE, SUITE A
TUSTIN, CA 92780
(714) 734–8462 FAX (714) 508–7521

TOPOGRAPHIC SURVEY
COYOTE CANYON LANDFILL
ADDRESS: ORANGE COUNTY, CALIFORNIA
CLIENT: ARCHAEA ENERGY

SCALE: 1" = 10'
DATE: 07/28/22
DRAWN BY: JDM
CHKD. BY: DEW

SHEET 3 OF 3
FILE NO. 22002

NOT FOR CONSTRUCTION

CONFIDENTIAL

60% DESIGN REVIEW

REV	DATE	DESCRIPTION	DRN BY	CHK BY	APRV BY
1.0	08/11/2022	ISSUED FOR CUP	AK	TP	AG
2.0	03/20/2023	ISSUED FOR 60% DESIGN REVIEW	SS	TP	AG

OWNER:
ARCHAEA ENERGY
4444 WESTHEIMER ROAD, SUITE G450
HOUSTON, TX 77027
Ph: (346) 708–8272

ENGINEER:
BIOGAS ENGINEERING
2321 E. 28TH STREET, SUITE 400
SIGNAL HILL, CA 90755, Ph: (562) 726–3565
EMAIL: INFO@BIOGASENG.COM

TOPOGRAPHIC SURVEY (SH 3 OF 3)

COYOTE CANYON LANDFILL RNG PROJECT
20662 NEWPORT COAST DRIVE
NEWPORT BEACH, CA 92657

DRAWING NO. G2.06

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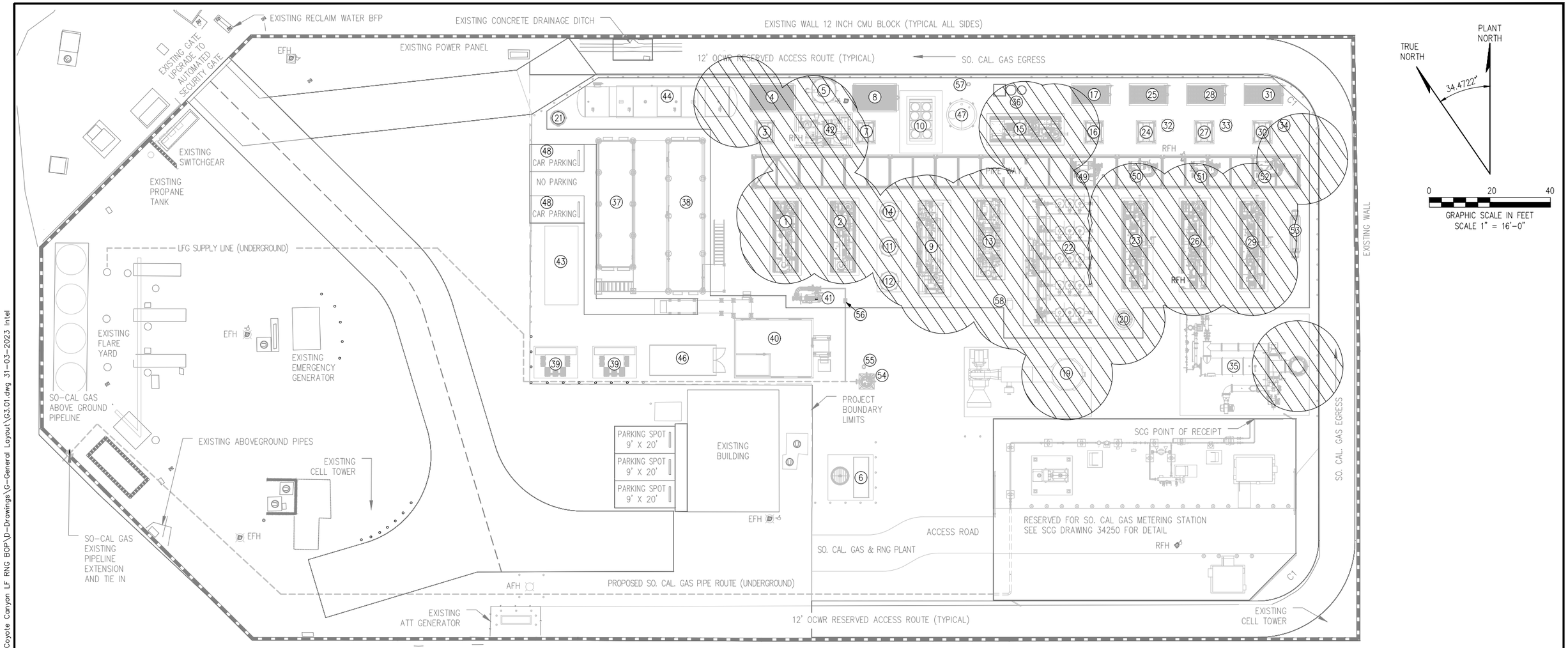


TABLE 1:-
EQUIPMENT LIST

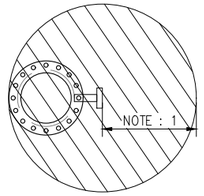
S.NO.	DESCRIPTION
1	TYPE #1 FEED COMPRESSOR
2	TYPE #2 FEED COMPRESSOR
3	TYPE #1 COMPRESSOR FEED OIL COOLER
4	TYPE #1 COMPRESSOR FEED AFTERCOOLER
5	H2S REMOVAL VESSEL
6	LN2 PAD
7	TYPE #2 FEED COMPRESSOR OIL COOLER
8	TYPE #2 FEED COMPRESSOR AFTERCOOLER
9	TSA PRE-TREATMENT SKID
10	CHILLER
11	TSA ADSORBER VESSEL A (6' DIA.)
12	TSA ADSORBER VESSEL B (6' DIA.)
13	MEMBRANE SKID
14	VOC POLISHING VESSEL
15	TYPE #1 RECYCLE COMPRESSOR
16	TYPE #1 RECYCLE COMPRESSOR OIL COOLER
17	TYPE #1 RECYCLE COMPRESSOR AFTERCOOLER
~~18A~~	~~DEOXO SKID~~
~~18B~~	~~DEOXO DRYER~~
~~18C~~	~~DEOXO AFTERCOOLER~~

TABLE 1:-
EQUIPMENT LIST

S.NO.	DESCRIPTION
19	OFF-SPECIFICATION GAS FLARE
20	NRU BUFFER VESSEL
21	COMPRESSED AIR RECEIVER
22	NRU W/ADSORBERS
23	#1 NRU VAC. RINSE SKID
24	#1 NRU VAC. RINSE OIL COOLER
25	#1 NRU VAC. RINSE AFTERCOOLER
26	#2 NRU VAC. RINSE SKID
27	#2 NRU VAC RINSE OIL COOLER
28	#2 NRU VAC. RINSE AFTERCOOLER
29	#3 NRU VAC. RINSE SKID
30	#3 NRU VAC. RINSE OIL COOLER
31	#3 NRU VAC. RINSE AFTERCOOLER
32	#1 NRU DRYER VESSEL
33	#2 NRU DRYER VESSEL
34	#3 NRU DRYER VESSEL
35	THERMAL OXIDIZER
36	OILY WATER SEPARATOR
37	POWER DISTRIBUTION E-HOUSE
38	POWER DISTRIBUTION E-HOUSE BOP

TABLE 1:-
EQUIPMENT LIST

S.NO.	DESCRIPTION
39	TRANSFORMERS
40	OPERATOR/CONTROL SHELTER
41	STAGE #1 INLET PARTICULATE FILTER
42	H2S SKID
43	UTILITY INTERTIE SWITCHGEAR
44	TSA BLOWDOWN TANK 30,000 Gal
~~45~~	~~H2S GUARD BED~~
46	STORAGE CONTAINER
47	CONDENSATE TANK
48	PARKING AREA
49	NRU RINSE COMPRESSOR INLET FILTER A
50	NRU VACUUM COMPRESSOR INLET FILTER A
51	NRU RINSE COMPRESSOR INLET FILTER B
52	NRU VACUUM COMPRESSOR INLET FILTER B
53	HEAT EXHANGER
54	LFG SUMP
55	SUMP CONDENSATE PUMP
56	FLOW METER
57	CONDENSATE TANK PUMP
58	GAS CHROMATOGRAPH



TYPICAL FOR ALL HYDROCARBON (RAW BIOGAS/METHANE) THREADED OR FLANGED PIPE FITTINGS
SCALE: NTS

LEGENDS

HAZARDOUS AREA
CLASS 1, DIVISION 2, GROUP D

UNCLASSIFIED AREA

NOTE:-

1. THE SHADED AREA DENOTES A HAZARDOUS AREA OF A 15 FT RADIUS FROM THE SOURCE OF THE LEAK PER NATIONAL ELECTRICAL CODE CLASS 1 DIVISION 2.

TOPOGRAPHY NOTE:
BASED ON TOPO FURNISHED BY D.WOOLLEY & ASSOCIATES
DATE: 07-28-2022.

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60% DESIGN REVIEW

REV	DATE	DESCRIPTION	DRN BY	CHK BY	APRV BY
1.0	03/20/2023	ISSUED FOR 60% DESIGN REVIEW	SS	TP	AG

OWNER:
ARCHAEA ENERGY
4444 WESTHEIMER ROAD, SUITE G450
HOUSTON, TX 77027
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ENGINEER:
BIOGAS ENGINEERING
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SIGNAL HILL, CA 90755, Ph: (562) 726-3565
EMAIL: INFO@BIOGASENG.COM

AREA CLASSIFICATION FOR RNG (SCG NOT INCLUDED)

COYOTE CANYON LANDFILL
RNG PROJECT
20662 NEWPORT COAST DRIVE
NEWPORT BEACH, CA 92657

DRAWING NO.
G3.01

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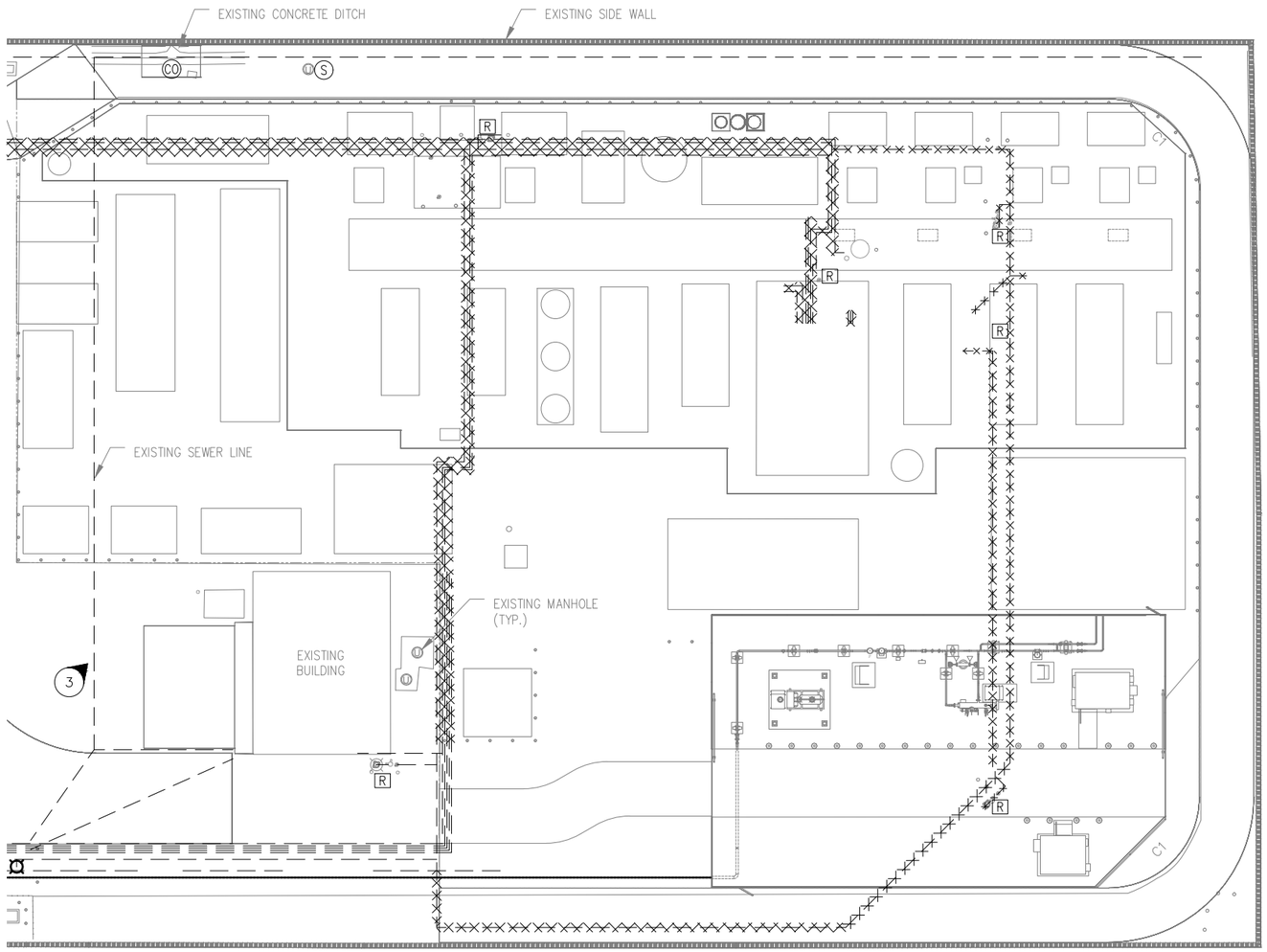

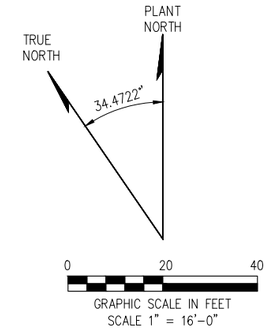

LEGENDS

EXISTING WALL	
EXISTING FINISHED GRADE	782'-0"
DEMOLITION AREA	
DESTURBED AREA	
WATER RISER	R
CLEANOUT	CO
MANHOLE	S

NOTE:-

1. PROPOSED MODIFICATION TO ROUTING OF THE EXISTING FIRE WATER LINE (REFER TO THE LEGEND).
2. EXISTING UG UTILITIES TO BE FIELD VERIFIED BY CONSTRUCTION CONTRACTOR PRIOR TO PROJECT EXECUTION.
3. DEMOLITION CONTRACTOR TO PERFORM POTHOLING TO FIND OUT BURIED LINE DEPT.
4. TO MINIMIZE THE DOWNTIME OF THE POTABLE WATER AND FIRE WATER SYSTEM, THE PIPELINE SHUTDOWN SHALL ONLY BE TAKEN AFTER THE MODIFIED SECTION OF THE PIPELINE IS CONSTRUCTED AND TESTED AT THE SITE AND COMPLETED TO BE TIED IN WITH THE EXISTING PIPING.

TOPOGRAPHY NOTE:
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EMAIL: INFO@BIOGASENG.COM

DEMOLITION PLAN

COYOTE CANYON LANDFILL
RNG PROJECT
20662 NEWPORT COAST DRIVE
NEWPORT BEACH, CA 92657

DRAWING NO. **G3.02**

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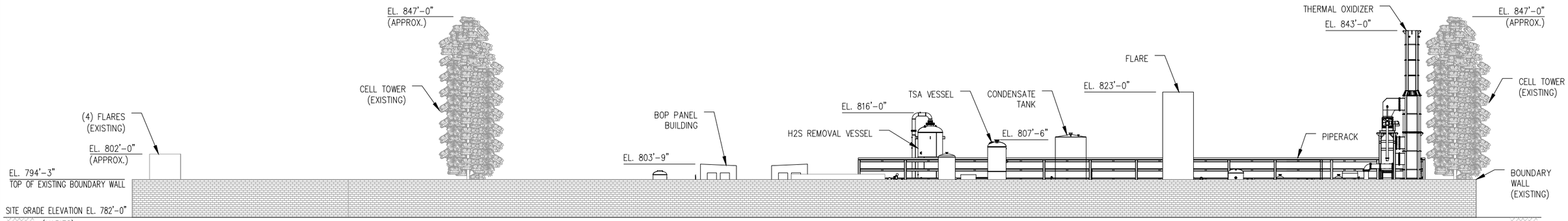
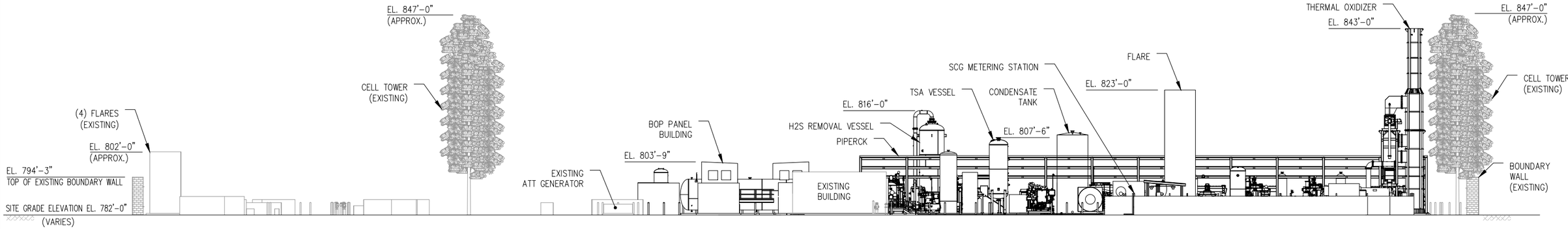


SOUTH ELEVATION (A / G2.00)

SCALE – 1/16" = 1'-0"



NOTES

1. EXISTING SOUTH BOUNDARY WALL BEHIND RNG FACILITY NOT SHOWN FOR CLARITY.

SOUTH ELEVATION (E / G2.00)

SCALE – 1/16" = 1'-0"

0 20 40

GRAPHIC SCALE IN FEET

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60% DESIGN REVIEW

REV	DATE	DESCRIPTION	DRN BY	CHK BY	APRV BY
1.0	08/11/2022	ISSUED FOR CUP	AK	TP	AG
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EMAIL: INFO@BIOGASENG.COM

PLANT ELEVATION VIEW
SOUTH ELEVATION - LOOKING PLAN NORTH

COYOTE CANYON LANDFILL
RNG PROJECT
20662 NEWPORT COAST DRIVE
NEWPORT BEACH, CA 92657

DRAWING NO. **G4.01**

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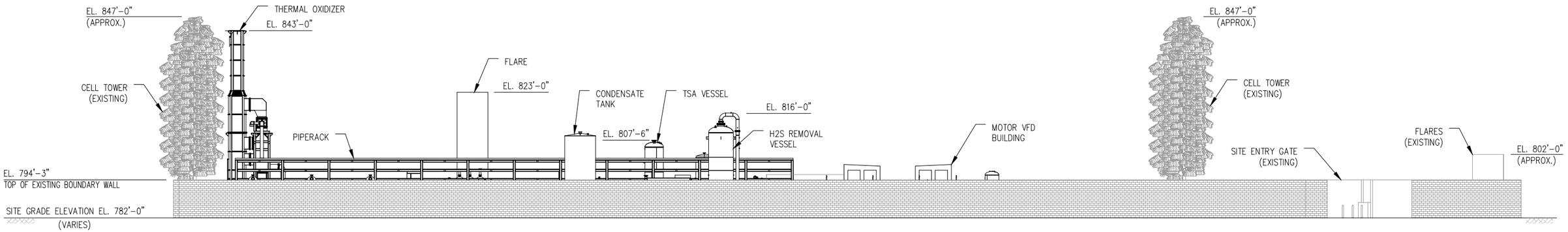
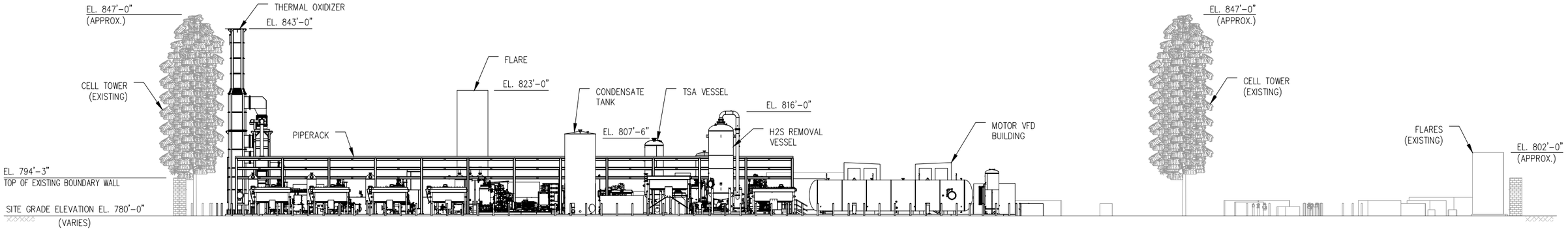


NORTH ELEVATION (B / G2.00)
SCALE – 1/16" = 1'-0"



NOTES

1. EXISTING NORTH BOUNDARY WALL BEHIND RNG FACILITY NOT SHOWN FOR CLARITY.

NORTH ELEVATION (F / G2.00)
SCALE – 1/16" = 1'-0"

0 20 40
GRAPHIC SCALE IN FEET

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REV	DATE	DESCRIPTION	DRN BY	CHK BY	APRV BY
1.0	08/11/2022	ISSUED FOR CUP	AK	TP	AG
2.0	03/20/2023	ISSUED FOR 60% DESIGN REVIEW	SS	TP	AG

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EMAIL: INFO@BIOGASENG.COM

PLANT ELEVATION VIEW
NORTH ELEVATION - LOOKING PLAN SOUTH

COYOTE CANYON LANDFILL
RNG PROJECT
20662 NEWPORT COAST DRIVE
NEWPORT BEACH, CA 92657

DRAWING NO. **G4.02**

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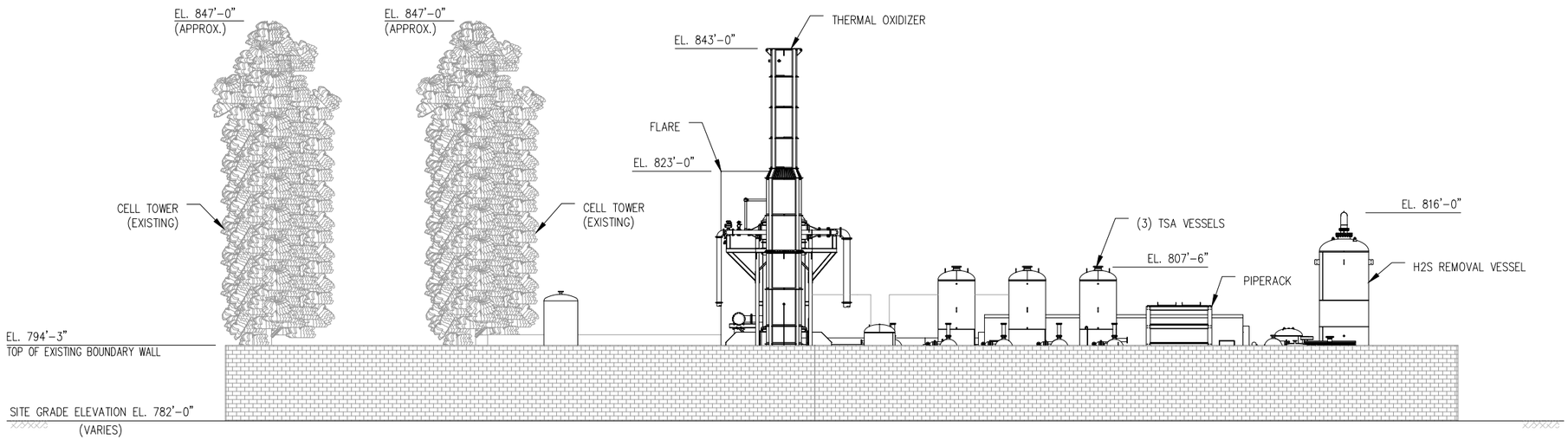
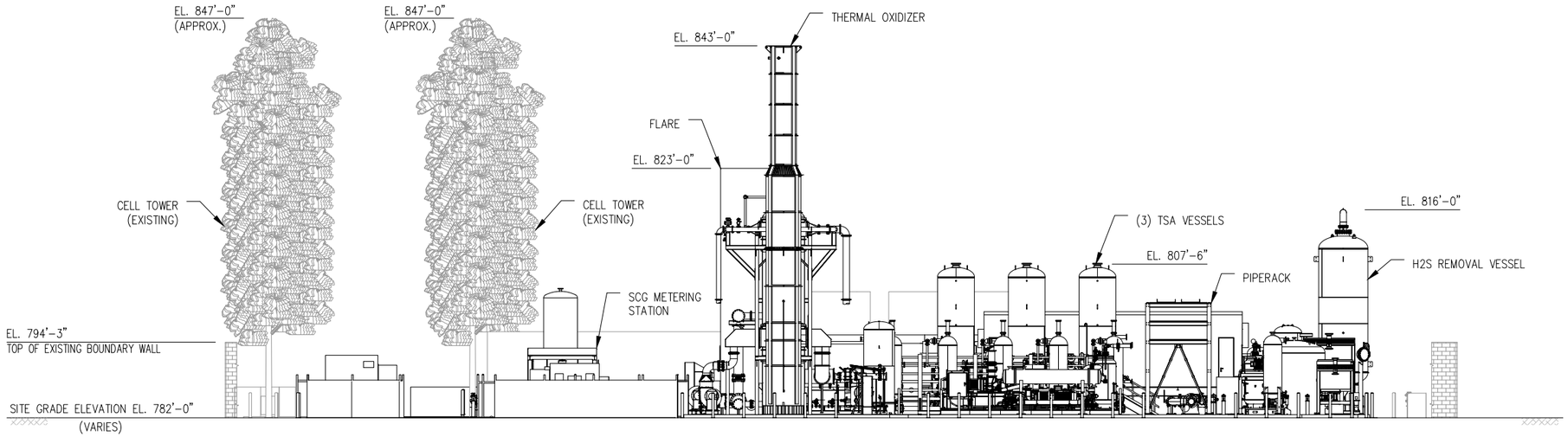


EAST ELEVATION (C / G2.00)
SCALE – 3/32" = 1'-0"



NOTES

1. EXISTING EAST BOUNDARY WALL BEHIND RNG FACILITY NOT SHOWN FOR CLARITY.

EAST ELEVATION (G / G2.00)
SCALE – 3/32" = 1'-0"

0 10 20
GRAPHIC SCALE IN FEET

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60% DESIGN REVIEW

REV	DATE	DESCRIPTION	DRN BY	CHK BY	APRV BY
1.0	08/11/2022	ISSUED FOR CUP	AK	TP	AG
2.0	03/20/2023	ISSUED FOR 60% DESIGN REVIEW	SS	TP	AG

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ENGINEER:
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PLANT ELEVATION VIEW
EAST ELEVATION - LOOKING PLAN WEST

COYOTE CANYON LANDFILL
RNG PROJECT
20662 NEWPORT COAST DRIVE
NEWPORT BEACH, CA 92657

DRAWING NO.
G4.03

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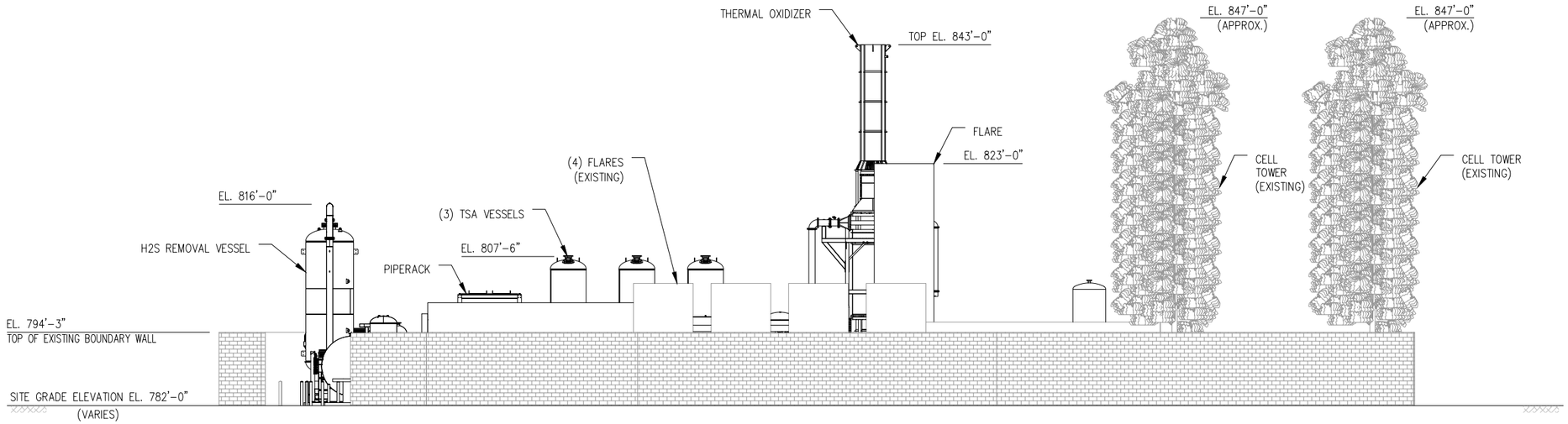
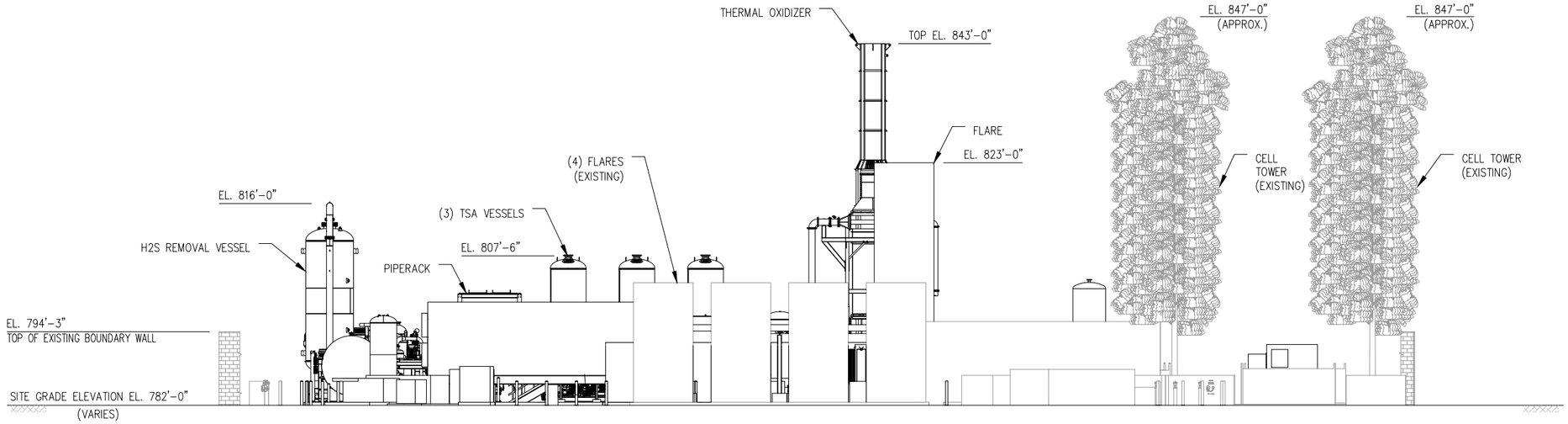


WEST ELEVATION (D / G2.00)
SCALE – 3/32" = 1'-0"



NOTES

1. EXISTING WEST BOUNDARY WALL BEHIND RNG FACILITY NOT SHOWN FOR CLARITY.

WEST ELEVATION (H / G2.00)
SCALE – 3/32" = 1'-0"

0 10 20
GRAPHIC SCALE IN FEET

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2.0	03/20/2023	ISSUED FOR 60% DESIGN REVIEW	SS	TP	AG

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PLANT ELEVATION VIEW
WEST ELEVATION - LOOKING PLAN EAST

COYOTE CANYON LANDFILL
RNG PROJECT
20662 NEWPORT COAST DRIVE
NEWPORT BEACH, CA 92657

DRAWING NO. **G4.04**

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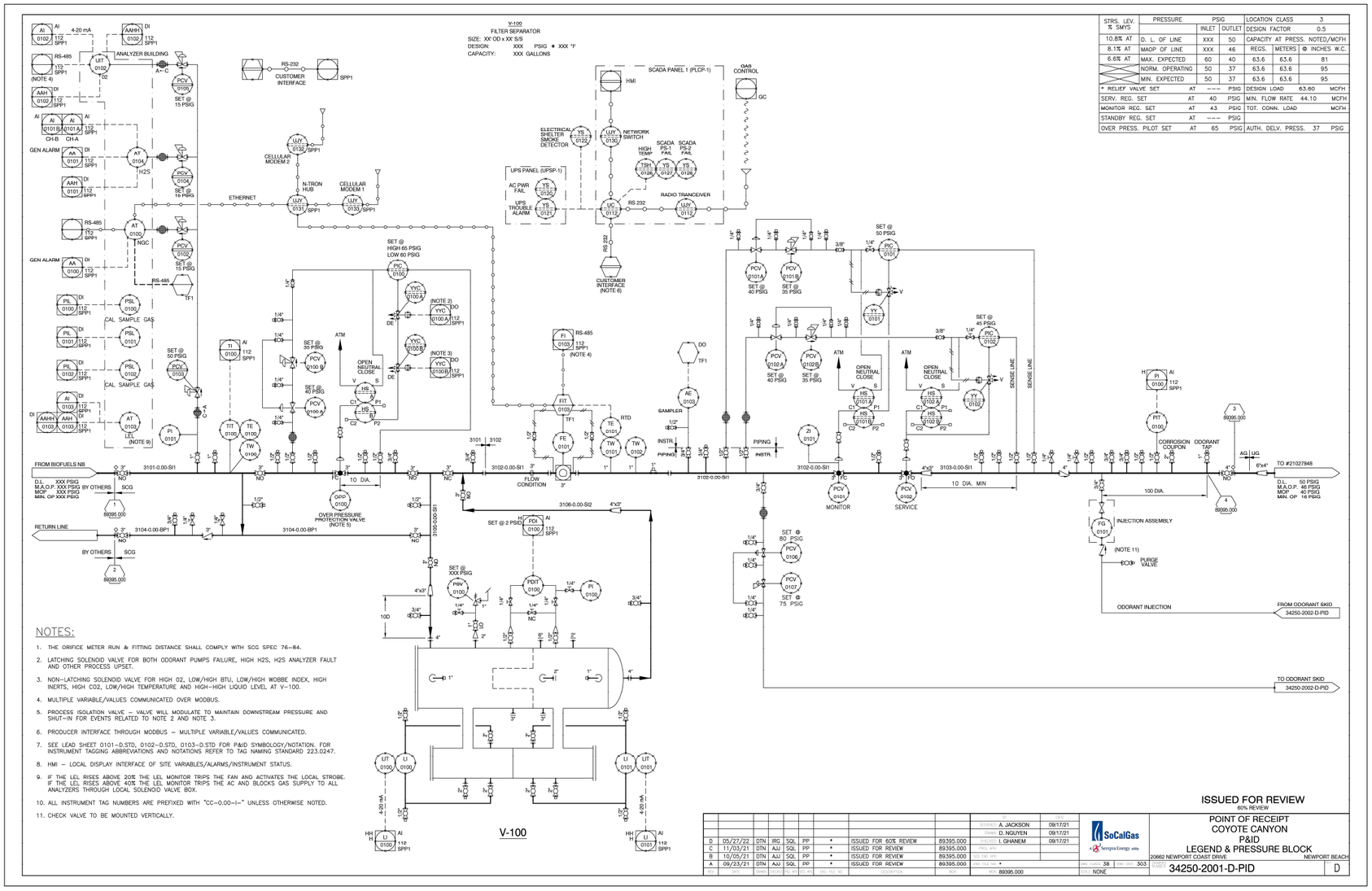
ARCHAEA ENERGY
COYOTE CANYON LANDFILL RNG PROJECT



STRS. LEV. % SMYS	PRESSURE	PSIG		LOCATION CLASS	3	
		INLET	OUTLET	DESIGN FACTOR	0.5	
10.8% AT	D. L. OF LINE	XXX	50	CAPACITY AT PRESS. NOTED/MCFH		
8.1% AT	MAOP OF LINE	XXX	46	REGS.	METERS	@ INCHES W.C.
6.6% AT	MAX. EXPECTED	60	40	63.6	63.6	81
	NORM. OPERATING	50	37	63.6	63.6	95
	MIN. EXPECTED	50	37	63.6	63.6	95
* RELIEF VALVE SET		AT ---	PSIG	DESIGN LOAD	63.60	MCFH
SERV. REG. SET		AT 40	PSIG	MIN. FLOW RATE	44.10	MCFH
MONITOR REG. SET		AT 43	PSIG	TOT. CONN. LOAD		MCFH
STANDBY REG. SET		AT ---	PSIG			
OVER PRESS. PILOT SET		AT 65	PSIG	AUTH. DELV. PRESS.	37	PSIG

NOTES:

1. THE ORIFICE METER RUN & FITTING DISTANCE SHALL COMPLY WITH SCG SPEC 76-84.
2. LATCHING SOLENOID VALVE FOR BOTH ODORANT PUMPS FAILURE, HIGH H2S, H2S ANALYZER FAULT AND OTHER PROCESS UPSET.
3. NON-LATCHING SOLENOID VALVE FOR HIGH O2, LOW/HIGH BTU, LOW/HIGH WOBBE INDEX, HIGH INERTS, HIGH CO2, LOW/HIGH TEMPERATURE AND HIGH-HIGH LIQUID LEVEL AT V-100.
4. MULTIPLE VARIABLE/VALUES COMMUNICATED OVER MODBUS.
5. PROCESS ISOLATION VALVE – VALVE WILL MODULATE TO MAINTAIN DOWNSTREAM PRESSURE AND SHUT-IN FOR EVENTS RELATED TO NOTE 2 AND NOTE 3.
6. PRODUCER INTERFACE THROUGH MODBUS – MULTIPLE VARIABLE/VALUES COMMUNICATED.
7. SEE LEAD SHEET 0101-D.STD, 0102-D.STD, 0103-D.STD FOR P&ID SYMBOLOGY/NOTATION. FOR INSTRUMENT TAGGING ABBREVIATIONS AND NOTATIONS REFER TO TAG NAMING STANDARD 223.0247.
8. HMI – LOCAL DISPLAY INTERFACE OF SITE VARIABLES/ALARMS/INSTRUMENT STATUS.
9. IF THE LEL RISES ABOVE 20% THE LEL MONITOR TRIPS THE FAN AND ACTIVATES THE LOCAL STROBE. IF THE LEL RISES ABOVE 40% THE LEL MONITOR TRIPS THE AC AND BLOCKS GAS SUPPLY TO ALL ANALYZERS THROUGH LOCAL SOLENOID VALVE BOX.
10. ALL INSTRUMENT TAG NUMBERS ARE PREFIXED WITH "CC-0.00-I-" UNLESS OTHERWISE NOTED.
11. CHECK VALVE TO BE MOUNTED VERTICALLY.

ISSUED FOR REVIEW
60% REVIEW

REV	DATE	BY	CHK	APV	DESCRIPTION	MCA
D	05/27/22	DTN	IRG	SQL	PP	*	ISSUED FOR 60% REVIEW	89395.000
C	11/03/21	DTN	AJJ	SQL	PP	*	ISSUED FOR REVIEW	89395.000
B	10/05/21	DTN	AJJ	SQL	PP	*	ISSUED FOR REVIEW	89395.000
A	09/23/21	DTN	AJJ	SQL	PP	*	ISSUED FOR REVIEW	89395.000

DESIGNED A. JACKSON 09/17/21
DRAWN D. NGUYEN 09/17/21
CHECKED I. GHANEM 09/17/21
ENG APV.
QC CHK APV.
ENG CHG NO. *
MCA 89395.000
SoCalGas
A Sempra Energy utility
DWG NO. 38 SHT NO. 303
SCALE NONE

POINT OF RECEIPT
COYOTE CANYON
P&ID
LEGEND & PRESSURE BLOCK
20662 NEWPORT COAST DRIVE NEWPORT BEACH
DWG 34250-2001-D-PID D

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4444 WESTHEIMER ROAD, SUITE G450
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ENGINEER:
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EMAIL: INFO@BIOGASENG.COM

SoCalGas POINT OF RECEIPT P&ID - LEGEND & PRESSURE BLOCK

COYOTE CANYON LANDFILL
RNG PROJECT
20662 NEWPORT COAST DRIVE
NEWPORT BEACH, CA 92657

DRAWING NO. **G5.01**

62

200

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COYOTE CANYON LANDFILL RNG PROJECT

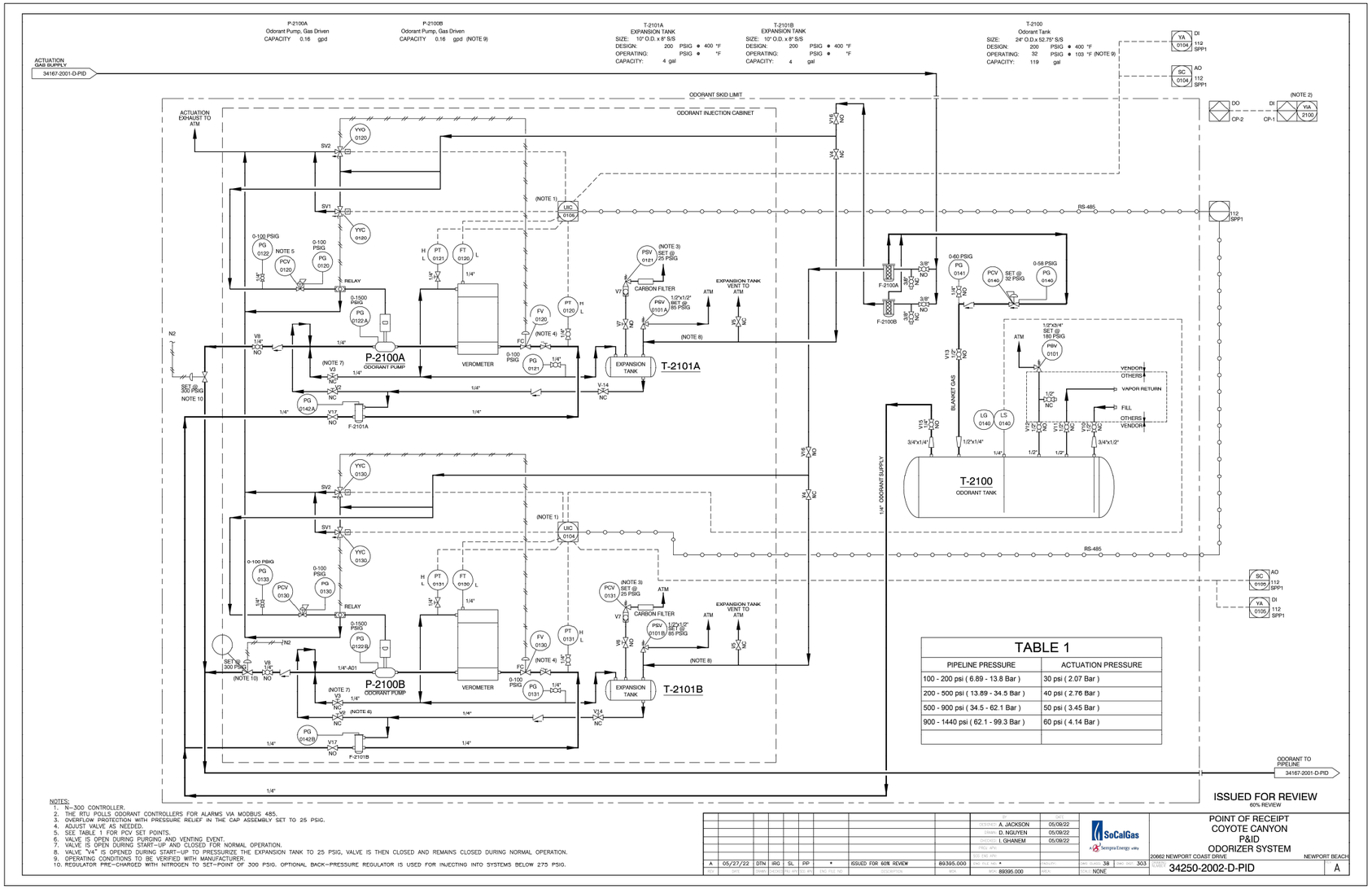

TABLE 1	
PIPELINE PRESSURE	ACTUATION PRESSURE
100 - 200 psi (6.89 - 13.8 Bar)	30 psi (2.07 Bar)
200 - 500 psi (13.89 - 34.5 Bar)	40 psi (2.76 Bar)
500 - 900 psi (34.5 - 62.1 Bar)	50 psi (3.45 Bar)
900 - 1440 psi (62.1 - 99.3 Bar)	60 psi (4.14 Bar)

NOTES:
1. N-300 CONTROLLER.
2. THE RTU POLLS ODORANT CONTROLLERS FOR ALARMS VIA MODBUS 485.
3. OVERFLOW PROTECTION WITH PRESSURE RELIEF IN THE CAP ASSEMBLY SET TO 25 PSIG.
4. ADJUST VALVE AS NEEDED.
5. SEE TABLE 1 FOR PCV SET POINTS.
6. VALVE IS OPEN DURING PURGING AND VENTING EVENT.
7. VALVE IS OPEN DURING START-UP AND CLOSED FOR NORMAL OPERATION.
8. VALVE "V4" IS OPENED DURING START-UP TO PRESSURIZE THE EXPANSION TANK TO 25 PSIG, VALVE IS THEN CLOSED AND REMAINS CLOSED DURING NORMAL OPERATION.
9. OPERATING CONDITIONS TO BE VERIFIED WITH MANUFACTURER.
10. REGULATOR PRE-CHARGED WITH NITROGEN TO SET-POINT OF 300 PSIG. OPTIONAL BACK-PRESSURE REGULATOR IS USED FOR INJECTING INTO SYSTEMS BELOW 275 PSIG.

REV	DATE	BY	IRG	SL	PP	*	DESCRIPTION	SCALE
A	05/27/22	DTN					ISSUED FOR 60% REVIEW	89395.000

	BY	DATE
DESIGNED	A. JACKSON	05/09/22
DRAWN	D. NGUYEN	05/09/22
CHECKED	I. GHANEM	05/09/22
ENG. APV.		
CUST. APV.		
ENG. FILE NO.	*	
SCALE	NONE	
SHEET SIZE	36	
DWG. NO.	89395.000	
REV.	A	
DWG. NO.	34250-2002-D-PID	A

SoCalGas
Sempra Energy utility

POINT OF RECEIPT
COYOTE CANYON
P&ID
ODORIZER SYSTEM
20662 NEWPORT COAST DRIVE NEWPORT BEACH

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ENGINEER:
BIOGAS ENGINEERING
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SIGNAL HILL, CA 90755, Ph: (562) 726-3565
EMAIL: INFO@BIOGASENG.COM

SoCalGas POINT OF RECEIPT P&ID - ODORIZER SYSTEM

COYOTE CANYON LANDFILL
RNG PROJECT
20662 NEWPORT COAST DRIVE
NEWPORT BEACH, CA 92657

DRAWING NO.
G5.02

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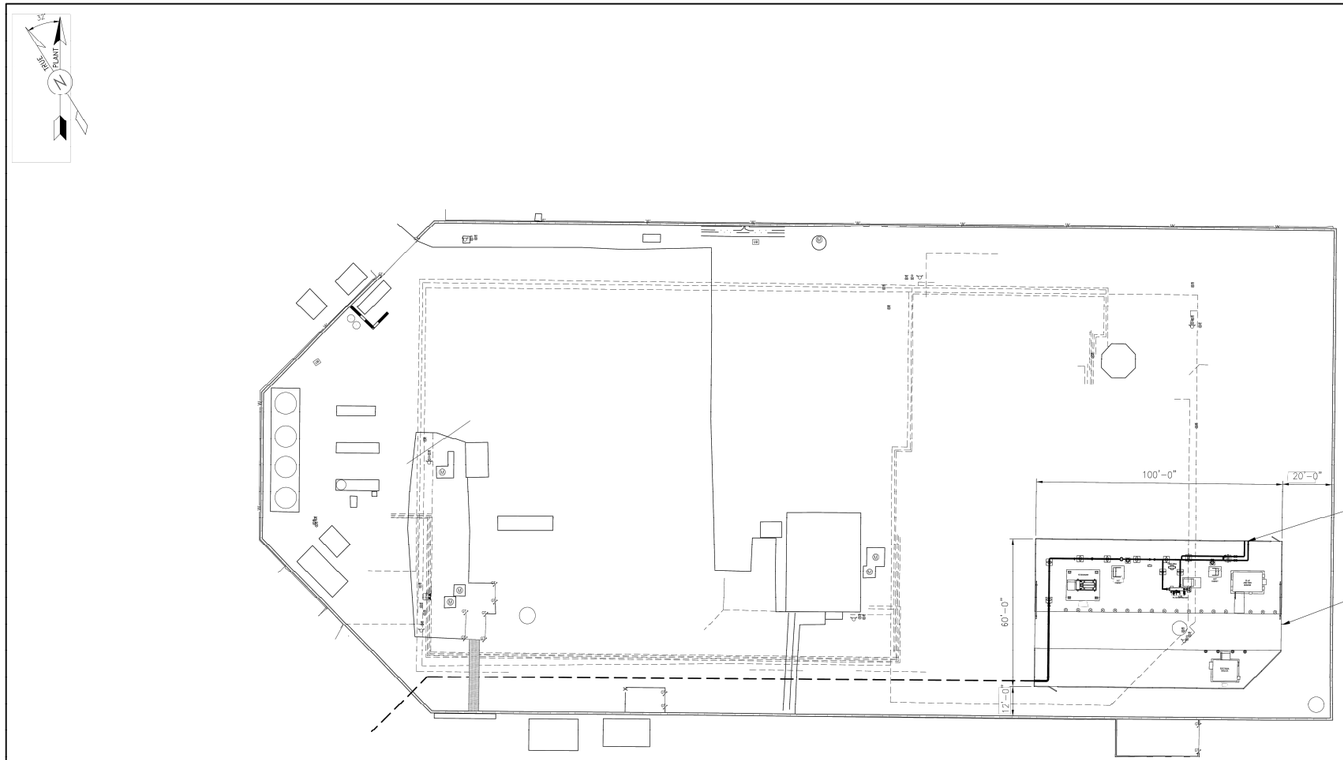
ARCHAEA ENERGY
COYOTE CANYON LANDFILL RNG PROJECT



SITE PLAN

ISSUED FOR 60% REVIEW

GENERAL NOTES:

WHERE MSA OR REGULATOR STATIONS ARE EXPOSED TO VEHICULAR TRAFFIC, INSTALL REQUIRED GUARD POSTS PER GAS STANDARD 185.0008 AND STANDARD DRAWING 0413-D.STD TO PREVENT DAMAGE.

SCALE: 1" = 20'-0"

REV	DATE	DRAWN	CHECKED	PEL APV	SQE APV	ENG FILE NO	DESCRIPTION	WOA
C	05/27/22	GKC	CJT	PD	SQL	*	ISSUED FOR 60% REVIEW	89395.000
B	10/15/21	GKC	BDK	PD	SQL	*	ISSUED FOR 30% REVIEW	89395
A	09/23/21	GKC	BDK	PD	SQL	*	ISSUED FOR 10% REVIEW	89395

BY	DATE
DESIGNED G. CASILLAS	09/16/21
DRAWN G. CASILLAS	09/16/21
CHECKED B. KIKAWA	09/23/21
PEL APV P. DISOMMA	09/23/21
SQE ENG APV S. LY	09/23/21
ENG FILE NO. *	
WOA 89395.000	

SoCalGas — a Sempra Energy utility

DWG CLASS. 09 | DWG DIST. 303

SCALE: 1"=20'

POINT OF RECEIPT
BIOME RULE 45 – COYOTE CANYON

SITE PLAN

20662 NEWPORT COAST DRIVE, NEWPORT BEACH

DRAWING NUMBER 34250-3001-D-PIP REV C

S:\8141\34250-3001-D-PIP.dwg, 5/27/2022 5:06 PM, Gary Casillas

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60% DESIGN REVIEW

REV	DATE	DESCRIPTION	DRN BY	CHK BY	APRV BY
1.0	08/11/2022	ISSUED FOR CUP	AK	TP	AG
2.0	03/20/2023	ISSUED FOR 60% DESIGN REVIEW	SS	TP	AG

OWNER: ARCHAEA ENERGY
4444 WESTHEIMER ROAD, SUITE G450
HOUSTON, TX 77027
Ph: (346) 708-8272

ENGINEER: BIOGAS ENGINEERING
2321 E. 28TH STREET, SUITE 400
SIGNAL HILL, CA 90755, Ph: (562) 726-3565
EMAIL: INFO@BIOGASENG.COM

SoCalGas POINT OF RECEIPT SITE PLAN

COYOTE CANYON LANDFILL
RNG PROJECT
20662 NEWPORT COAST DRIVE
NEWPORT BEACH, CA 92657

DRAWING NO. **G5.03**

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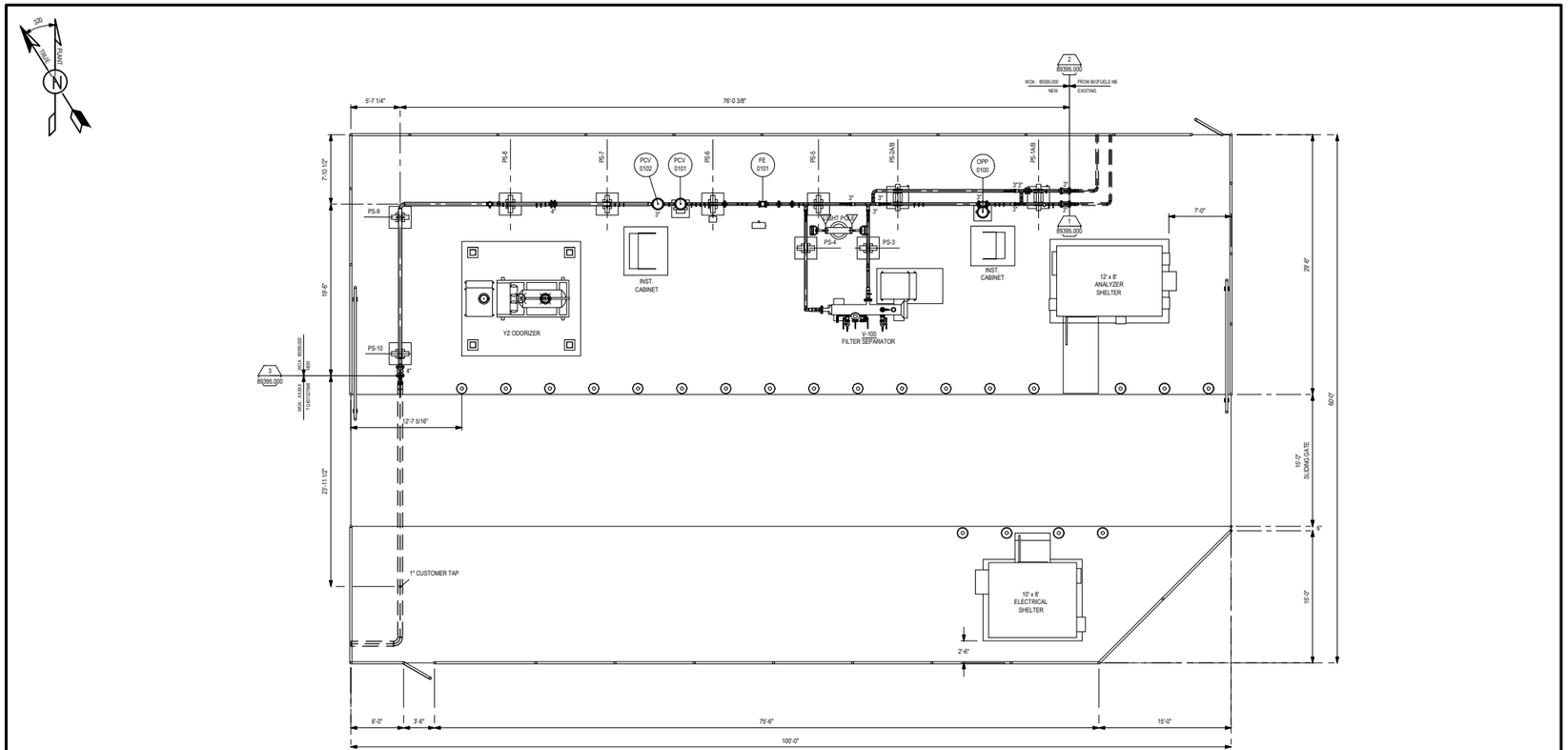
ARCHAEA ENERGY
COYOTE CANYON LANDFILL RNG PROJECT



PLOT PLAN

NOTES:

1. ALL DIMENSIONS AND ELEVATIONS ARE IN FEET AND INCHES.

0 5' 10'
SCALE: 3/16" = 1'-0"

REV	DATE	DRAWN	CHECKED	APV'D	ENG APV	ENG FILE NO.	DESCRIPTION	WOA
C	05/27/22	GKC	CJT	PD	SQL	-	ISSUED FOR 60% REVIEW	89395.000
B	10/15/21	GKC	BDK	PD	SQL	*	ISSUED FOR 30% REVIEW	89395.000
A	09/23/21	GKC	BDK	PD	SQL	*	ISSUED FOR 10% REVIEW	89395.000

	BY	DATE
DESIGNED	G. CASILLAS	09/20/21
DRAWN	G. CASILLAS	09/20/21
CHECKED	B. KIKAWA	09/23/21
PRO.-APV.	P. DISOMMA	09/23/21
SCG ENG APV.	S. LY	
ENG FILE NO.	*	
WOA	89395.000	

ENG CLASS: 09.39 DWG DIST: 303
SCALE: 3/16" = 1'-0"

SoCalGas

POINT OF RECEIPT
BIOME RULE 45 - COYOTE CANYON

PLOT PLAN

20662 NEWPORT COAST DR. NEWPORT BEACH

DRAWING NUMBER: 34250-3002-D-PIP REV: C

ISSUED FOR 60% REVIEW

CONFIDENTIAL

NOT FOR CONSTRUCTION

60% DESIGN REVIEW

REV	DATE	DESCRIPTION	DRN BY	CHK BY	APRV BY
1.0	08/11/2022	ISSUED FOR CUP	AK	TP	AG
2.0	03/20/2023	ISSUED FOR 60% DESIGN REVIEW	SS	TP	AG

OWNER: ARCHAEA ENERGY
4444 WESTHEIMER ROAD, SUITE G450
HOUSTON, TX 77027
Ph: (346) 708-8272

ENGINEER: BIOGAS ENGINEERING
2321 E. 28TH STREET, SUITE 400
SIGNAL HILL, CA 90755, Ph: (562) 726-3565
EMAIL: INFO@BIOGASENG.COM

SoCalGas POINT OF RECEIPT PLOT PLAN

COYOTE CANYON LANDFILL
RNG PROJECT
20662 NEWPORT COAST DRIVE
NEWPORT BEACH, CA 92657

DRAWING NO. **G5.04**

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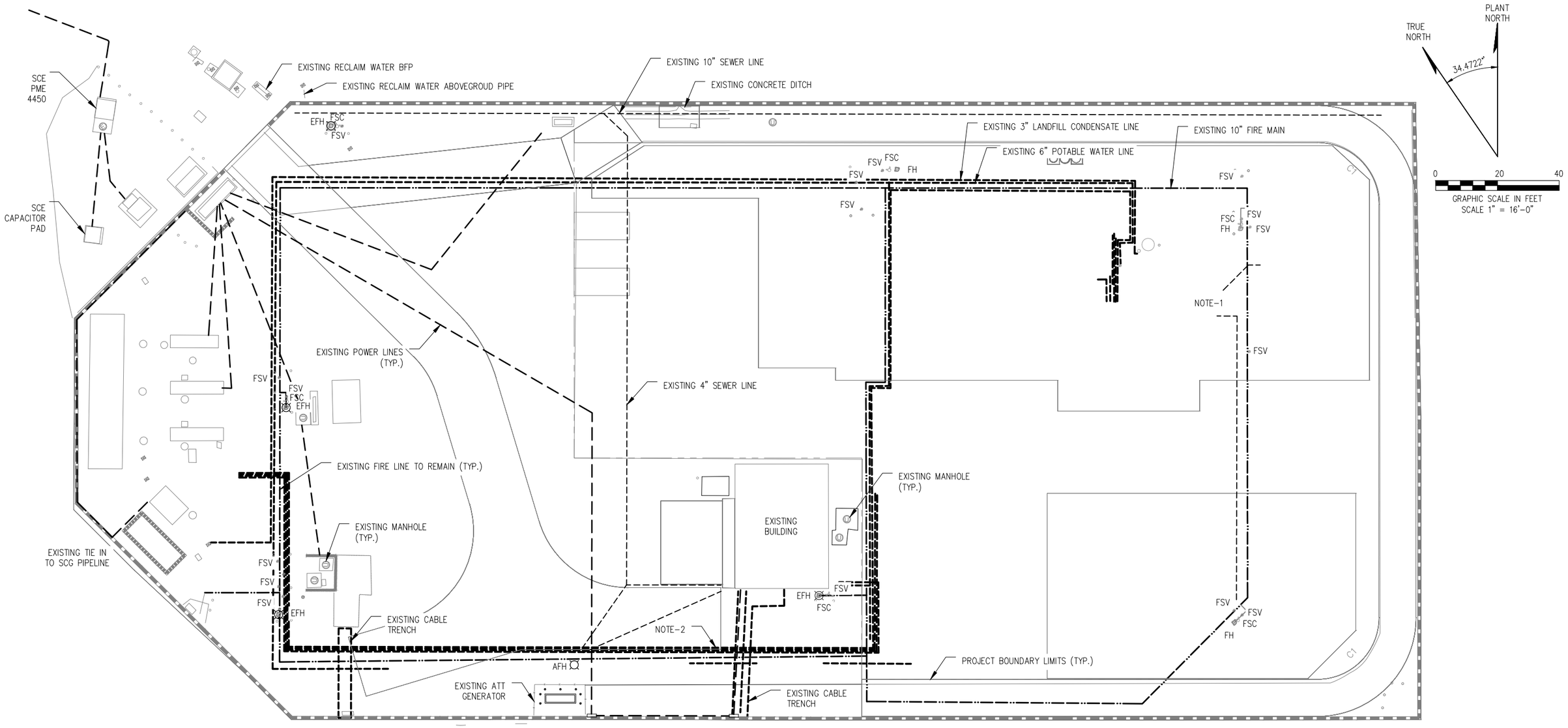

LEGENDS

EXISTING FIRE HYDRANT	FH
EFH–EXISTING FIRE HYDRANT RETAINED	EFH
AFH–ADDED FIRE HYDRANT	AFH
POWER LINES	
UTILITIES LINE	
FIRE LINE	
FIRE SERVICE VALVE	FSV
FIRE SERVICE CONNECT	FSC

NOTE:-

1. LOCATE THE DISCARDED BURIED PIPE THAT WAS PART OF PREVIOUS PROJECT.
2. EXISTING UG UTILITIES TO BE FIELD VERIFIED.
3. THE UG SERVICES SHOWN ON THIS DRAWING ARE DRAWN BASED ON UNSCALED HAND SKETCHES, THEREFORE THE DURING THE UG SURVEY SPECIAL CARE NEEDS TO BE TAKEN TO IDENTIFY THE ACTUAL LOCATION.

TOPOGRAPHY NOTE:
BASED ON TOPO FURNISHED BY D.WOOLLEY & ASSOCIATES
DATE: 07-28-2022.

NOT FOR CONSTRUCTION

CONFIDENTIAL

60% DESIGN REVIEW

REV	DATE	DESCRIPTION	DRN BY	CHK BY	APRV BY
1.0	08/11/2022	ISSUED FOR CUP	AK	TP	AG
2.0	03/20/2023	ISSUED FOR 60% DESIGN REVIEW	SS	TP	AG

OWNER: ARCHAEA ENERGY
4444 WESTHEIMER ROAD, SUITE G450
HOUSTON, TX 77027
Ph: (346) 708-8272

ENGINEER: BIOGAS ENGINEERING
2321 E. 28TH STREET, SUITE 400
SIGNAL HILL, CA 90755, Ph: (562) 726-3565
EMAIL: INFO@BIOGASENG.COM

EXISTING PIPES & CABLES (FOR UG SERVICES SURVEY)

COYOTE CANYON LANDFILL
RNG PROJECT
20662 NEWPORT COAST DRIVE
NEWPORT BEACH, CA 92657

DRAWING NO. **G6.00**

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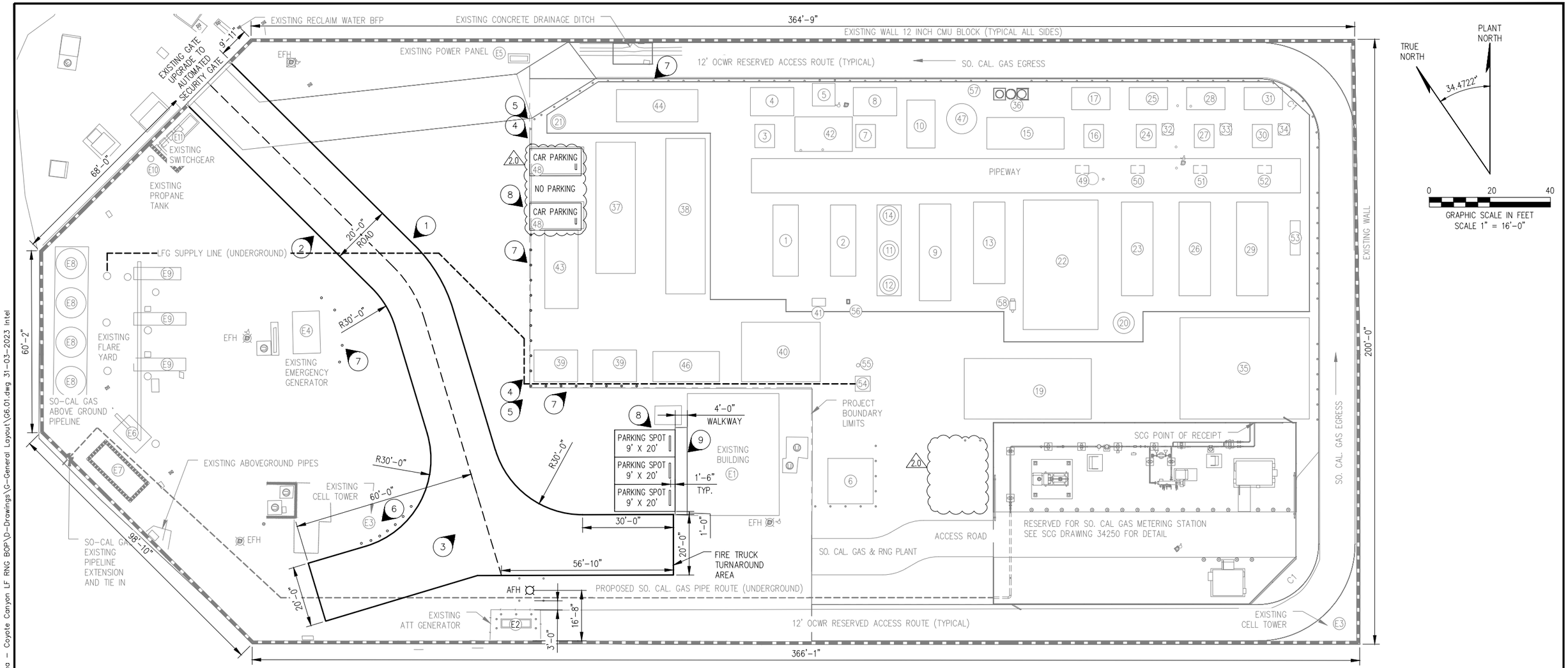

TABLE 1:-
EQUIPMENT LIST

S.NO.	DESCRIPTION
1	TYPE #1 FEED COMPRESSOR
2	TYPE #2 FEED COMPRESSOR
3	TYPE #1 COMPRESSOR FEED OIL COOLER
4	TYPE #1 COMPRESSOR FEED AFTERCOOLER
5	H2S REMOVAL VESSEL
6	LN2 PAD
7	TYPE #2 FEED COMPRESSOR OIL COOLER
8	TYPE #2 FEED COMPRESSOR AFTERCOOLER
9	TSA PRE-TREATMENT SKID
10	CHILLER
11	TSA ADSORBER VESSEL A (6' DIA.)
12	TSA ADSORBER VESSEL B (6' DIA.)
13	MEMBRANE SKID
14	VOC POLISHING VESSEL
15	TYPE #1 RECYCLE COMPRESSOR
16	TYPE #1 RECYCLE COMPRESSOR OIL COOLER
17	TYPE #1 RECYCLE COMPRESSOR AFTERCOOLER
~~18A~~	~~DEOXO SKID~~
~~18B~~	~~DEOXO DRYER~~
~~18C~~	~~DEOXO AFTERCOOLER~~

TABLE 1:-
EQUIPMENT LIST

S.NO.	DESCRIPTION
19	OFF-SPECIFICATION GAS FLARE
20	NRU BUFFER VESSEL
21	COMPRESSED AIR RECEIVER
22	NRU W/ADSORBERS
23	#1 NRU VAC. RINSE SKID
24	#1 NRU VAC. RINSE OIL COOLER
25	#1 NRU VAC. RINSE AFTERCOOLER
26	#2 NRU VAC. RINSE SKID
27	#2 NRU VAC RINSE OIL COOLER
28	#2 NRU VAC. RINSE AFTERCOOLER
29	#3 NRU VAC. RINSE SKID
30	#3 NRU VAC. RINSE OIL COOLER
31	#3 NRU VAC. RINSE AFTERCOOLER
32	#1 NRU DRYER VESSEL
33	#2 NRU DRYER VESSEL
34	#3 NRU DRYER VESSEL
35	THERMAL OXIDIZER
36	OILY WATER SEPARATOR
37	POWER DISTRIBUTION E-HOUSE
38	POWER DISTRIBUTION E-HOUSE BOP

TABLE 1:-
EQUIPMENT LIST

S.NO.	DESCRIPTION
39	TRANSFORMERS
40	OPERATOR/CONTROL SHELTER
41	STAGE #1 INLET PARTICULATE FILTER
42	H2S SKID
43	UTILITY INTERTIE SWITCHGEAR
44	TSA BLOWDOWN TANK 30,000 Gal
~~45~~	~~H2S GUARD BED~~
46	STORAGE CONTAINER
47	CONDENSATE TANK
48	PARKING AREA
49	NRU RINSE COMPRESSOR INLET FILTER A
50	NRU VACUUM COMPRESSOR INLET FILTER A
51	NRU RINSE COMPRESSOR INLET FILTER B
52	NRU VACUUM COMPRESSOR INLET FILTER B
53	HEAT EXHANGER
54	LFG SUMP
55	SUMP CONDENSATE PUMP
56	FLOW METER
57	CONDENSATE TANK PUMP
58	GAS CHROMATOGRAPH

TABLE 2:-
EXISTING EQUIPMENTS

S.NO.	DESCRIPTION
E1	EXISTING BUILDING
E2	EXISTING ATT GENERATOR
E3	EXISTING CELL TOWER
E4	EXISTING EMERGENCY GENERATOR
E5	EXISITNG POWER PANEL
E6	EXISITNG PAD
E7	EXISITNG TANK
E8	EXISTING FLARE
E9	EXISTING BLOWERS PAD
E10	EXISTING PROPANE TANK
E11	EXISTING SWITCHGEAR

LEGENDS

EFH–EXISTING FIRE HYDRANT RETAINED	EFH
AFH–ADDED FIRE HYDRANT	AFH
GAS LINES	
PROJECT BOUNDARY LIMITS	
SO. CAL. GAS METERING STATION LIMITS	

NOTE:-

1. INSTALL WHITE STRIP AND REFLECTOR ON BOTH SIDE OF ROAD.
2. SPEED BUMPS ARE PROHIBITED.
3. THE GRADIENT FOR ACCESS ROADS SHALL NOT EXCEED 10%.
4. PROVIDE BOLLARDS FOR THE SAFETY OF THE INSTALLED EQUIPMENT.
5. THE NEW BOLLARDS SHALL BE PROVIDED WITH REFLECTOR.
6. FLEXIBLE DELINEATOR POSTS 'ULINE H-4466Y' OR EQUAL.
7. REMOVAL BOLLARDS WITH REFLECTOR.
8. TIRE STOPS WITH REFLECTIVE STRIP 4" X 72" SMARTSIGN K2-1018 OR EQUAL.
9. REFLECTIVE OBJECT MARKER 12"X36" BLACK ON YELLOW ALUMINUM SMARTSIGN X-0M-3C OR EQUAL IN 5 PLACES.

CONFIDENTIAL

NOT FOR CONSTRUCTION

60% DESIGN REVIEW

REV	DATE	DESCRIPTION	DRN BY	CHK BY	APRV BY
1.0	12/16/2022	ISSUED FOR REVIEW	SS	TP	AG
2.0	03/20/2023	ISSUED FOR 60% DESIGN REVIEW	SS	TP	AG

OWNER: ARCHAEA ENERGY
4444 WESTHEIMER ROAD, SUITE G450
HOUSTON, TX 77027
Ph: (346) 708-8272

ENGINEER: BIOGAS ENGINEERING
2321 E. 28TH STREET, SUITE 400
SIGNAL HILL, CA 90755, Ph: (562) 726-3565
EMAIL: INFO@BIOGASENG.COM

FIRE MASTER PLAN

COYOTE CANYON LANDFILL
RNG PROJECT
20662 NEWPORT COAST DRIVE
NEWPORT BEACH, CA 92657

DRAWING NO. **G6.01**

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Attachment No. PC 4

Conceptual Fuel Modification Plan

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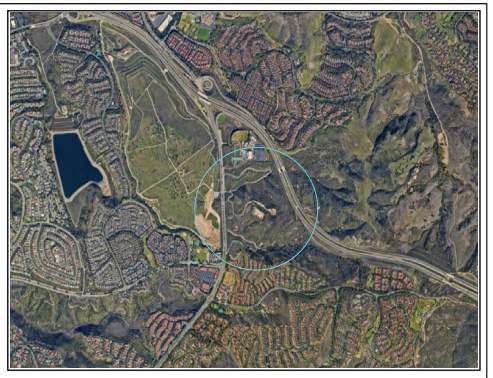


VICINITY MAP

PROJECT LOCATION MAP

PROJECT SUMMARY

PROJECT NAME:	THE LANDFILL GAS TO ENERGY PLANT - RNG PROCESSING PLANT FMP PROJECT
PROJECT ADDRESS:	TOP OF 20662 NEWPORT COAST DRIVE NEWPORT BEACH, CA 92657
APN:	478-031-071
LEGAL DESCRIPTION:	PORTION OF SECTION 33, TOWNSHIP 6 SOUTH, RANGE 9 WEST
SCOPE OF WORK:	THE LANDFILL GAS to ENERGY PLANT INVOLVES THE INSTALLATION AND OPERATION OF A NEW RENEWABLE NATURAL GAS (RNG) PROCESSING PLANT AND A PIPELINE INTERCONNECTION FACILITY (COLLECTIVELY CALLED THE RNG FACILITY). THE PROJECT SITE IS 4.14 ACRES AND IS CURRENTLY SURROUNDED BY A 12-FOOT PERIMETER WALL. THE PROPOSED RNG FACILITY WOULD HAVE A TOTAL FOOTPRINT OF 38,500 SQUARE FEET AND WOULD COVERT EXISTING LANDFILL GAS (LFG) INTO A PIPELINE-QUALITY NATURAL GAS EQUIVALENT. THE PIPELINE INTERCONNECTION FACILITY WOULD BE APPROXIMATELY 6,000 SQUARE FEET, AND THE RNG PROCESSING PLANT WOULD BE APPROXIMATELY 32,500 SQUARE FEET.
JURISDICTION:	NEWPORT BEACH FIRE DEPARTMENT

DIG ALERT
DIAL TOLL FREE
811
UNDERGROUND SERVICE
ALERT OF SOUTHERN
CALIFORNIA

FMZ NOTES:

1.) The developer will obtain planting plan approval from the City prior to receiving final approval from all other permitting agencies; within fuel modification zones (FMZ), interior slopes/common area landscaping (SMA), and roadside protection zone (RPZ).

2.) FMZ, SMA, and RPZ land areas were purchased and dedicated for the purpose of wildfire maintenance activities, beautification, and erosion control. Protected plants and habitats identified after Fuel Modification Plan approval through surveys or other biological programs cannot be retrofitted back within the limits of these areas.

3.) The developer is responsible for ensuring that the calculated revenue from homeowners dues is sufficient to cover the cost of future maintenance based on the originally approved design. Changes to the fuel modification areas or interrupted maintenance activities by the final landowner, after the landowner has accepted the long-term maintenance responsibility, become the responsibility of the final landowner.

4.) When a required maintenance area is located on commonly owner land, while the required adjoining property line foundation setback is located on homeowner's land, a written disclosure regarding the setback and vegetation requirement is required to be signed by the homeowner and the lot number referenced in the CC&Rs.

5.) The FMZ, SMA, and RPZ shall be maintained in perpetuity for fire safety purposes, and causes a covenant to be recorded and referenced in the CC&R's or on the property title when there is no HOA involvement.

6.) Prior to dropping lumber, call for a vegetation clearance inspection: Prior to dropping lumber, the developer/builder shall provide a separation of combustible vegetation for a minimum distance of 100 feet from the location of the structures and lumber stock pile. An inspection sign-off and/or release letter to the building department is required.

CONSTRUCTION NOTES:

1. THIS PROJECT WILL COMPLY WITH: 2022 CRC, SECTION R337, CPC, AND 2022 CEC AND 2022 TITLE 24 ENERGY REGULATIONS AND ALL CITY ORDINANCES.
2. THE HOUSE STREET NUMBER WILL BE VISABLE FROM THE STREET.
3. THE DISCHARGE OF POLLUTANTS TO ANY STORM DRAINAGE SYSTEM IS PROHIBITED. NO SOLID WASTE, PETROLEUM BYPRODUCTS, SOIL PARTICULATES, CONSTRUCTION WASTE MATERIALS, OR WASTE WATER GERNERATED ON CONSTRUCTION SITES OR BY CONSTRUCTION ACTIVITIES SHALL BE PLACED CONVEYED OR DISCHARGED INTO THE STREET, GUTTER, OR STORM DRAIN SYSTEMS.

HOLD HARMLESS AND INDEMNIFICATION CLAUSE

CONTRACTOR AGREES TO ASSUME SOLE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY, AND THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY, AND HOLD THE OWNER/DEVELOPER, COUNTY OF LOCAL JURISDICTION AND THE LANDSCAPE ARCHITECT HARMLESS FROM ANY AND ALL LIABILITY REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPT FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER/DEVELOPER, COUNTY OF LOCAL JURISDICTION, OR THE LANDSCAPE ARCHITECT.

THIS PROJECT IS LOCATED IN A LOCAL RESPONSIBILITY AREA (LRA) VERY HIGH FIRE HAZARD SEVERITY ZONE AND ALL STRUCTURES SHALL BE CONSTRUCTED TO CHAPTER 7A OF THE 2022 CALIFORNIA BUILDING CODE (OR THEN APPLICABLE CODE AT TIME OF CONSTRUCTION).

Fuel Modification Zone Legend

- Project Boundary Limit
- Zone B Interior Zone B equivalent non-combustible area)
- Zone B approximately 41 feet up to 108 feet Zone B irrigated landscape area
- Interior driveway and reserved access route
- Existing 12-inch., approximately 12-foot tall CMU wall

NBFD STAMP OF APPROVAL

PREPARED FOR:
NEWPORT BEACH
100 Civic Center Drive
Newport Beach, CA 92660
Contact:
Joselyn Perez - Senior Planner
Community Development Department

PREPARED WITH:
PLACEWORKS
3 MacArthur Place, Suite 1100
Santa Ana, CA 92707
714.966.9220
Contact:
Dina El Chammas Gass - Senior Asso.
714.966.9220

PREPARED BY:
DUDEK
605 Third Street
Encinitas, CA 92024
CONTACT:
Noah Stamm, Fire Protection Planner IV
Fire + Urban Forestry
760.642.8379

DRAWN BY: L TERRY
DRAWN BY: N STAMM
DATE: 01/24/2025

DATE	INITIAL	REVISION DESCRIPTION	SHT. NO.	DATE	INITIAL
ENGINEER OF WORK				CITY APPROVAL	

SHEET	CITY OF NEWPORT BEACH	SHEETS
1		3

CONCEPTUAL FUEL MODIFICATION PLAN
RNG LANDFILL TO GAS ENERGY PLANT PROJECT
NEWPORT BEACH, CA

FUEL MODIFICATION PLAN AND NOTES

Attachment 1

The builder or developer shall call 949-644-3255
For these 3 Inspections, a permit number will be required:

1. **Prior to Dropping of Lumber: Schedule a, "Vegetation Clearance" Inspection:**
   Prior to dropping lumber, the developer/builder shall provide a separation of combustible vegetation for a minimum distance of 100 feet from the location of the structures and lumber stock-pile. An inspection sign-off and/or release letter to the building department is required.

2. **Prior to Occupancy of the Building: Schedule a "Final Fuel Modification" Inspection:**
   The FMZ, SMA, and RPZ adjacent to structures must be installed, irrigated, and inspected. This includes physical installation of features identified in the approved precise fuel modification plans (including, but not limited to, plant establishment, thinning, irrigation, zone markers, access easements, etc.). A City Inspector will provide written approval of completion at the time of this final inspection on the building card. A written disclosure will be requested by the City Inspector indicating that the landowner is aware of the fuel modification zone on their land.

3. **Prior to Home Owner Association (HOA) or Landowner Maintenance Acceptance from Developer or Builder: Schedule a "Owner Turnover" Inspection:**
   This inspection / meeting must happen with City staff prior to accepting the maintenance responsibility from the developer or builder. The inspection/meeting must include the following representatives:
   - Landscape architect
   - Property manager or homeowner
   - HOA board member
   - Installing landscape company
   - HOA landscape company

- At the time of turnover, the fuel modification areas shall be maintained by the developer or builder as originally installed and approved.
- The accepting land owner is responsible for ensuring the developer or builder sufficiently calculated the amount of revenue needed to perform the on-going maintenance of the Fuel Modification Zones and any Special Maintenance Areas per the approved plans.
- A copy of the approved plans must be provided to the HOA representatives or homeowner at this time.
- Landscape architect must convey ongoing maintenance requirements to HOA representatives or homeowner.
- An written disclosure will be required to be signed by the HOA representatives or homeowner indicating that the HOA or homeowner is aware of the fuel modification zone on their land and that they are aware of the importance of retaining the plans and the on-going maintenance.
- The responsibility and necessary language for maintenance must also be stated within the CC and R's (Refer to Attachment 5).

Attachment 2

Introductory Maintenance Information

The Fuel Modification Zones (FMZ), Special Maintenance Areas (SMA), and Roadside Protection Zones (RPZ) shall be maintained in perpetuity for fire safety purposes, and shall cause a Covenant to be recorded and referenced in the CC and R's or on the property title when there is no HOA involvement.

Emergency access covenants shall be identified on the Tract Map indicating the reservation and restriction for permanent entry by the HOA or Fire Authority.

Maintenance Method

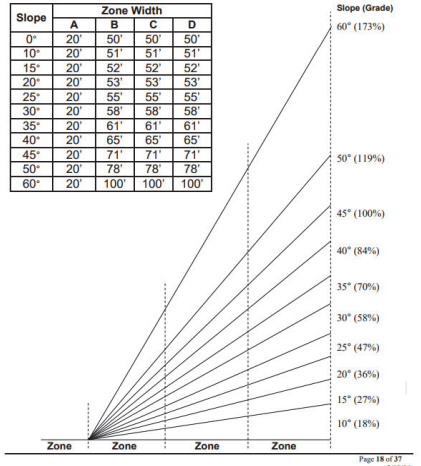
On-going maintenance shall occur as to preserve the originally approved design as found on the approved plans. Attachment 6 spacing is required and only approved planting species and arrangements on the plans are perpetually preserved.

- The property owner is responsible for all maintenance of FMZ, SMA, and RPZ.
- This includes a minimum of **two maintenance activities** each year.
- Perform maintenance sometime within time periods of middle to late spring and once again in early to middle fall. Typically, courtesy letters will be sent indicating the date of inspection.
- Other activities include: Grasses are cut to 4 inches after annual seeding. Attached dead and dying, all vegetation litter, and Attachment 7 species removed from the zones. Maintenance of irrigation systems. Replacement of dead or dying vegetation with approved species. Removal of trees and shrubs not on the approved plans.
- If maintained by an HOA, the landscape maintenance company and/or property manager shall inspect the fuel modification zones throughout the year to identify where specific maintenance activities need to take place.
- The City may conduct inspections of established fuel modification areas. Ongoing maintenance shall be conducted a minimum of twice each year regardless of the dates of these inspections.
- The property owner shall retain all approved fuel modification plans. The plans shall be used to perform the maintenance.
- **Maintenance must be completed by the due date indicated in the courtesy letter in order to receive the City contribution (if applicable). If the work is not completed by the due date, citations may be issued and the City contribution (if applicable) will be forfeited.**

Attachment 3

INCLINE MEASUREMENT FOR SELECTED SLOPES
(See Attachment 4)

Slope	Zone Width A	B	C	D
0°	20'	50'	50'	50'
10°	20'	51'	51'	51'
15°	20'	52'	52'	52'
20°	20'	53'	53'	53'
25°	20'	55'	55'	55'
30°	20'	58'	58'	58'
35°	20'	61'	61'	61'
40°	20'	65'	65'	65'
45°	20'	71'	71'	71'
50°	20'	78'	78'	78'
60°	20'	100'	100'	100'



NEWPORT BEACH FIRE DEPARTMENT

AM&M REQUEST

AM&M REQUEST FOR COMMERCIAL/INDUSTRIAL DEVELOPMENT

A. APPLICANT INFORMATION	B. PROJECT INFORMATION
APPLICANT'S NAME City of Newport Beach	PROJECT NAME RNG Landfill to Gas Energy Plant Project
APPLICANT'S ADDRESS 100 Civic Center Drive, Newport Beach, CA 92660	PROJECT ADDRESS Top of 20662 Newport Coast Drive, Newport Beach, CA 92657
APPLICANT'S CONTACT NAME AND NUMBER Joselyn Perez - Senior Planner - (949.644.3312)	SCOPE OF WORK: The landfill Gas to Energy Plant involves the installation and operation of a new renewable energy natural gas (rng) processing plant and a pipeline interconnection facility. The project site is 4.14 acres and is currently surrounded by a 12-foot perimeter wall. The proposed RNG facility would have a total footprint of 38,500 sf. and would covert existing landfill gas into a pipeline-quality natural gas equivalent.
APPLICANT'S CONTACT EMAIL jperez@newportbeach.ca.gov	

C. PROJECT CONDITIONS & DEFICIENCIES – Attach supporting documents, if any

Is this project located in a fire area, adjacent to fuel modification, or other recognized location of concern?

☐ No; ☒ Yes: ☒ Wildfire Risk Area (SRA or LRA/VHFHSZ), ☒ fuel mod, ☐ Midway City, ☐ other:

Indicate type(s) of deficiencies - check all that apply and describe degree of deficiency in area provided:

☐ **Hose pull exceeded:** length of building perimeter exceeding hose pull: _____ feet
☐ **Water supply deficient:** ☐ pressure, ☐ quantity, ☐ duration, ☐ hydrant spacing/quantity
☐ **Access to site deficient:** ☐ road/cul-de-sac width, ☐ turning radii, ☐ no turnaround, ☐ grade >15%
☐ **Access to structure deficient:** ☐ topography/grade change, ☐ obstructions
☒ **Other/Describe deficiency:** 1) NBFD required 170' FMZ/minimum 100' FMZ from facilities cannot be met onsite

ALTERNATIVE PROPOSAL (provide brief description) 1) an existing approximately 12-foot tall and 12-inch thick non-combustible concrete masonry unit (CMU) wall surrounds the perimeter of the facility. This wall will remain and function as a heat deflecting wall around the perimeter of the facility. In addition to the 12-foot-tall non-combustible CMU heat deflecting wall, the project currently and will continue to maintain approximately 113 feet of fuel modification around the northern side of the facility (approximately 12-foot-wide of onsite access route and approximately 101 feet of fuel modification outside the perimeter wall); approximately 53 feet of fuel modification around the eastern side of the facility (approximately 12-foot-wide of onsite access route and approximately 41 feet of fuel modification outside the perimeter wall); approximately 53 feet of fuel modification around the southern side of the facility (approximately 12 foot-wide of onsite access route and approximately 41 feet of fuel modification outside the perimeter wall); and between approximately 50 feet and up to over 195 feet of fuel modification within the perimeter wall and outside the perimeter wall. The combination of the 12-foot non-combustible heat deflecting wall with the reduced fuel modification will provide an equivalent amount of protection to the facility as a full 170 feet of fuel modification around all sides of the facility.

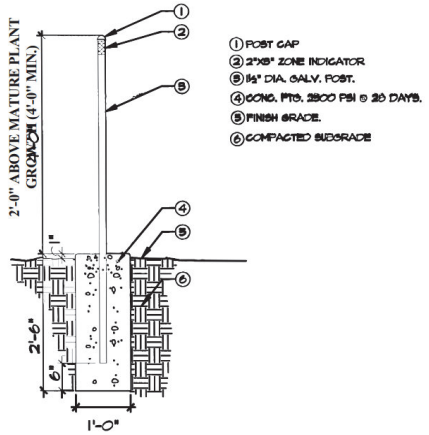
JUSTIFICATION (explain how the alternative is equal to or exceeds code requirements) 1) As mentioned above, the existing approximately 12-foot tall and 12-inch thick non-combustible CMU wall is proposed to remain and will act as a heat deflecting fire wall. Due to sensitive habitat within the naturally-vegetated open space areas outside the parcel boundary, it is not possible to achieve a full 170 feet of fuel modification thus we are proposing the 12-foot non-combustible CMU was a AM&M for the reduced on-site fuel modification. Fire walls like these have proven to deflect heat and airbourn embers on numerous wildfires in San Diego, Orange County, Los Angeles, Ventura, and Santa Barbara County. Several jurisdictions utilize minimum 6-foot-tall CMU walls as Alternative methods based on observed performance during wildfires. This has led to numerous agencies approving use of non-combustible walls as mitigation for reduced FMZs and reduced setback at top of slope. These walls are consistent with NFPA 1144 Standard for Reducing Structure Ignition Hazards from Wildland Fire - 2008 Edition, Section 5.1.3.3 and A.5.1.3.3 and International Urban Wildland Interface Code (ICC 2012), NFPA 1144, A.5.1.3.3 states, "Non-combustible walls and barriers are effective for deflecting radiant heat and windblown embers from structures." These walls and barriers are usually constructed of non-combustible materials (concrete block, bricks, stone, stucco, etc.) or earth.

The above project does not fully conform to the 2022 California Fire Code. Pursuant to 2022 CFC Chapter 1, Section 104.10, I am requesting approval of an alternative material and/or method of construction to achieve the intent of the provisions of the code and provide at least an equivalent level of protection to that prescribed therein. I understand that approval of this request applies only to this project and shall not be construed as establishing a precedent for other projects. If approved, a copy of this AM&M request form shall be provided on all subsequent plan submittals of this project to the OCFA or Building Department.

SIGNATURE	TITLE & COMPANY	DATE
	Fire Protection Planner IV - Dudek	02-07-2025

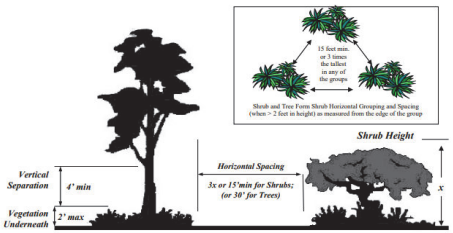
Attachment 4

ZONE MARKER DETAILS
(Marker Distances Shall Be Increased on Slopes to Accommodate Incline Measurements in Accordance With Attachment 3)



Attachment 6

Requirements for Planting Installation in Fuel Modification Zones
(For on-going requirements, see Attachment 2, and the Vegetation Management Maintenance Guidelines)



Horizontal Spacing

Vegetation Less than 2 Feet in Height:
- No horizontal spacing or vertical separation is required. Ground cover shall not exceed 2 feet in height. In Zone B, ground cover shall cover the entire ground between groups of shrubs, trees, or grasses and grasses are not considered ground cover. Limited compartments of grasses are acceptable as approved on the planting plans. In Zone C/D grasses can cover the entire area.

Shrubs and Trees 2 Feet in Height or Greater:

Shrub and Tree Group Size:
- All Shrubs and Trees can be in groups of 3 specimens or less. No horizontal spacing is required inside the group.

Shrub / Tree-form Shrub Group Spacing:
- Groups of shrubs shall be spaced by the greater of the following two measurements: A distance of 15 feet minimum (or) 3 times the height of the tallest specimen in any of the groups.
- No vegetation over 2 feet in height is allowed within 15 feet from the edge of tree canopy(s).

Tree Group Spacing:
- Groups of Trees shall be spaced by a distance of 30 feet minimum regardless of height. In Zone 'A" full growth tree branches are not allowed within 10 feet of enclosed combustible structures.

Vertical Separation

Shrubs and Trees Less than 10 Feet in Height:
- When the fuel modification zone is within 30 feet of the structure, a vertical separation of 2 feet minimum is required from the vegetation below. (Not required if shrubs are further than 30 feet from structure).

Shrubs and Trees 10 Feet in Height or Greater:
- A vertical separation of 4 feet minimum is required to be maintained from the vegetation below.
- Trees only: All vegetation located underneath trees, shall be a maximum of 2 feet in height.

Attachment 7

UNDESIRABLE and INVASIVE PLANT SPECIES

Certain plants are considered to be undesirable and invasive due to their characteristics. These characteristics can be either physical or chemical. Physical properties that would contribute to high flammability include large amounts of dead material retained within the plant, rough or peeling bark, and the production of copious amounts of litter. Chemical properties include the presence of volatile substances such as oils, resins, wax, and pitch. Certain native plants are notorious for containing these volatile substances.

Plants with these characteristics shall not be planted in any fuel modification zones. Should these species already exist within these areas, they shall be removed because of their invasiveness or potential threat they pose to any structures.

PLANT SPECIES (MANDATORY REMOVAL)

Botanical Name	Common Name
Cynara Cardunculus	Artichoke Thistle
Ricinus Communis	Castor Bean Plant
Cirsium Vulgare	Wild Artichoke
Brassica Nigra	Black Mustard
Silybum Marianum	Milk Thistle
Sacsola Austasils	Russian Thistle/Tumblewood
Nicotiana Bigelevil	Indian Tobacco
Nicotiana Glauca	Tree Tobacco
Lactuca Serriola	Prickly Lettuce
Conyza Canadensis	Horseweed
Heterothaca Grandiflora	Telegraph Plant
Anthemix Cotula	Mayweed
Urtica Urens	Burning Nettle
Cardaria Draba	Noary Cress, Perennial Peppergrass
Brassica Rapa	Wild Turnip, Yellow Mustard, Field Mustard
Adenostoma Fasciculatum	Chamise
Adenostoma Sparsifolium	Red Shanks
Cortaderia Selloana	Pampas Grass
Artemisia Californica	California Sagebrush
Eriogonum Fasciculatum	Common Buckwheat
Salvia Mellifera	Black Sage
Nassella/Stipa Tenuissima	Mexican Feathergrass
Ornamental:	
Cortaderia	Pampas Grass
Cupressus sp	Cypress
Eucalyptus sp	Eucalyptus
Juniperus sp	Juniper
Pinus sp	Pine

NBFD STAMP OF APPROVAL

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SHEET 2	CITY OF NEWPORT BEACH	SHEETS 3

CONCEPTUAL FUEL MODIFICATION PLAN
RNG LANDFILL TO GAS ENERGY PLANT PROJECT
NEWPORT BEACH, CA

NBFD GUIDELINE G-02 - ATTACHMENT SHEETS

SOURCE: NBFD GUIDELINE G-02, MARCH 2016

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PHOTOGRAPH LOOKING EAST AT THE EXISTING LANDSCAPE AND EXISTING PERIMETER APPROXIMATELY 12-FOOT TALL CMU WALL NEAR THE ENTRANCE OF THE SITE ON THE WEST SIDE OF THE PROPERTY

PHOTOGRAPH LOOKING SOUTHEAST AT THE EXISTING LANDSCAPE AND EXISTING PERIMETER APPROXIMATELY 12-FOOT TALL CMU WALL ALONG THE NORTHERN SIDE OF PROPERTY

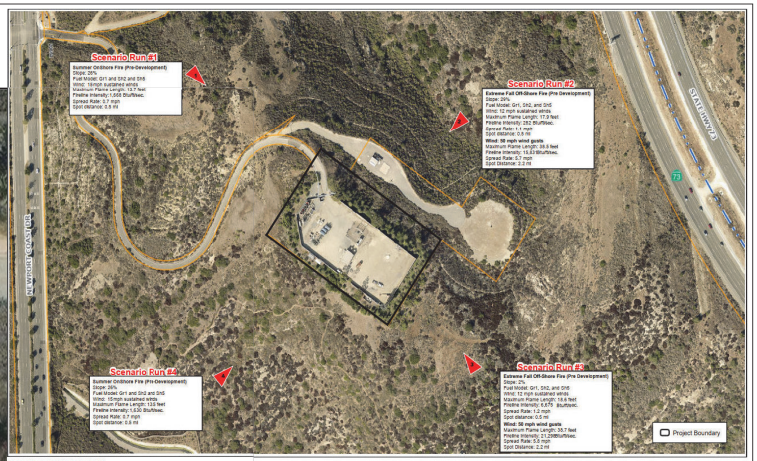

FIGURE 1
BehavePlus Analysis Map

PHOTOGRAPH LOOKING NORTHEAST AT THE EXISTING LANDSCAPE AND EXISTING PERIMETER APPROXIMATELY 12-FOOT TALL CMU WALL ALONG THE WESTERN SIDE OF PROPERTY

PHOTOGRAPH LOOKING NORTHWEST AT THE EXISTING LANDSCAPE AND EXISTING PERIMETER APPROXIMATELY 12-FOOT TALL CMU WALL ALONG THE SOUTHERN SIDE OF PROPERTY

PHOTOGRAPH LOOKING NORTHWEST AT THE EXISTING LANDSCAPE AND EXISTING PERIMETER APPROXIMATELY 12-FOOT TALL CMU WALL ALONG THE NORTHERN SIDE OF PROPERTY

PHOTOGRAPH LOOKING SOUTHEAST AT THE EXISTING LANDSCAPE AND EXISTING PERIMETER APPROXIMATELY 12-FOOT TALL CMU WALL ALONG THE SOUTHERN SIDE OF PROPERTY

PHOTOGRAPH LOOKING SOUTHWEST AT THE EXISTING LANDSCAPE AND EXISTING PERIMETER APPROXIMATELY 12-FOOT TALL CMU WALL ALONG THE EASTERN SIDE OF PROPERTY

PHOTOGRAPH LOOKING NORTHWEST AT THE EXISTING LANDSCAPE AND EXISTING PERIMETER APPROXIMATELY 12-FOOT TALL CMU WALL ALONG THE SOUTHERN SIDE OF PROPERTY

PHOTOGRAPH LOOKING NORTHEAST AT THE EXISTING LANDSCAPE AND EXISTING PERIMETER APPROXIMATELY 12-FOOT TALL CMU WALL ALONG THE EASTERN SIDE OF PROPERTY

Trees To Be Removed Map

Project Boundary

Tree Points

Remain

Removal

The Project site is located at the top of a hill at 20662 Newport Coast Drive and within the boundary of the closes CCL. The project site has an established concrete pad which was previously developed with a landfill gas-to-energy plant which has since been demolished. The entire project site is enclosed by a 12-foot-tall perimeter CMU wall with surrounding trees on all sides and well-maintained understory vegetation. The area immediately outside the perimeter wall includes a variety of native and non-native trees. The OCWR currently maintains the area outside the perimeter of the walled project site per a Tree Replacement and Revegetation Plan adopted by the City in July 2016 as part of the Coyote Canyon Landfill Gas Recovery Facility Demolition and Telecom Update project. The Tree Replacement and Revegetation Plan provides guidelines for the removal of dead or unhealthy non-native trees and installation of native trees and understory species within the OCWR's property limits surrounding the project site. The proposed project would require the removal of 28 trees that are immediately outside the perimeter wall of the project site within an approximately 20-foot-wide non-native grass sloped area. The trees would be removed to protect the surrounding area from fire risk associated with the proposed RNG facility. The City adopted Tree Replacement and Revegetation Plan would be supplemented with a project-specific Fuel Modification Plan that would be in compliance with the City's Fuel Modification Plans and Maintenance Standards for Developments and the requirements of NBFD. The naturally-vegetated, open space area immediately outside the property boundary is within a Central Coast NCCP/HCP and habitat conservation area where no coastal sage scrub or other covered habitat shall be impacted.

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SHEET 3 | CITY OF NEWPORT BEACH | SHEETS 3

CONCEPTUAL FUEL MODIFICATION PLAN
RNG LANDFILL TO GAS ENERGY PLANT PROJECT
NEWPORT BEACH, CA

TREE REMOVAL MAP AND PHOTOGRAPHS

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Attachment No. PC 5

ABJ&C Comment Letter, dated May 21, 2025

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ISABEL TAHIR

Of Counsel
MARC D. JOSEPH
DANIEL L. CARDOZO

May 21, 2025

Via Email and Overnight Mail
Chair Mark Rosene
Members of the Planning Commission
City of Newport Beach
Attn: Joselyn Perez, Senior Planner
Attn: Jaime Murillo, Deputy Director
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Newport Beach, CA 92658-8915
Email: planningcommission@newportbeachca.gov;
jperez@newportbeachca.gov;
murillo@newportbeachca.gov

Re: **Agenda Item 3 - Coyote Canyon Landfill Gas to Energy Facility (SCH No. 2024120012; PA2022-063)**

Dear Chair Rosene, Commissioners, Ms. Perez and Mr. Murillo:

On behalf of Orange County Residents for Responsible Industry ("Residents"), we submit these comments regarding the City of Newport Beach ("City") Planning Commission Meeting Public Hearing Agenda Item 3, the proposed Coyote Canyon Landfill Gas to Energy Plant Project ("Project").[1] The Staff Report asks the Commission to approve the Project's Initial Study/Mitigated Negative Declaration SCH No. 2024120012 ("MND")[2], including the MND, May 2025 Responses to Comments ("Responses"),[3] Mitigation Monitoring and Reporting

[1] City of Newport Beach Planning Commission Agenda (Thursday May 22, 2025 – 6:00 PM), available at: https://newportbeach.legistar.com/gateway.aspx?M=F&ID=3ac0477a-d3de-41b0-aa57-9dbe51fd8b14.pdf (hereinafter, "Staff Report").
[2] City of Newport Beach, Initial Study Mitigated Negative Declaration, Landfill Gas to Energy Plan Project, (Nov. 27, 2024) available at: https://www.newportbeachca.gov/pln/CEQA_REVIEW/Coyote%20Canyon%20Landfill%20Gas%20to%20Energy%20Plant%20Project%20(P2022-063)/PA2022-063_PublicReview_InitialStudy_MND.pdf.
[3] City of Newport Beach, Landfill Gas to Energy Plan Project, Responses (May 2025), available at: https://www.newportbeachca.gov/pln/CEQA_REVIEW/Coyote%20Canyon%20Landfill%20Gas%20to%20Energy%20Plant%20Project%20(P2022-063)/PA2022-063_Response-to-Comments.pdf (hereinafter, "Responses").

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Program ("MMRP", collectively with MND and Responses as "Final MND"), and a Conditional Use Permit (PA2022-063).[4] The Project is proposed by Biofuels Coyote Canyon Biogas LLC, on behalf of Archaea Energy Inc ("Applicant"). The Project site is located at 20662 Newport Coast Drive in the City of Newport Beach. The Project would be constructed under a lease agreement with OC Waste & Recycling ("OCWR"), within the boundary of the closed Coyote Canyon Landfill ("CCL"), which is owned by the County of Orange and operated by OCWR.

Residents submitted detailed comments in January 2025, supported by expert comments, which demonstrated that the MND was substantially deficient and failed to fulfill its mandate under CEQA as an informational document. Residents' experts also provided substantial evidence supporting a fair argument that the Project results in significant, unmitigated air quality, public health, greenhouse gas emissions, and noise impacts which require the City to prepare an environmental impact report ("EIR") for the Project pursuant to the California Environmental Quality Act.[5]

The Staff Report includes responses to public comments on the MND in the May 2025 Responses. Residents reviewed the Staff Report, Responses, and supporting documents with the assistance of air quality and hazards consultant Komal Shukla, Ph.D. of Group Delta Consultants, Inc. and noise consultant Jack Meighan of Wilson Ihrig. Dr. Shukla's comments and curriculum vitae attached to this letter as Exhibit 1.[6] Mr. Meighan's comments and curriculum vitae are included as Exhibit 2.[7]

Based on our review, Residents and its experts conclude that the Final MND fails to resolve the majority of issues raised in our MND comments, relies on missing studies and deficient analysis, and still fails to mitigate many of the Project's significant impacts, including significant air quality impacts from nitrogen oxide emissions (an ozone precursor), significant hazards and public health impacts from risk of upset at the facility, and significant noise impacts. An EIR must be prepared because substantial evidence supports a fair argument that the Project results in significant air quality, public health, greenhouse gas emissions, and noise impacts from Project construction and operation. Moreover, the Planning Commission lacks substantial evidence to make the findings required to approve

[4] Staff Report, Attachment 1.
[5] Pub. Res. Code ("PRC") §§ 21000 et seq.; 14 Cal. Code Regs. ("CCR") §§ 15000 et seq.
[6] **Exhibit 1:** Letter from Dr. Komal Shukla to Adams Broadwell Joseph & Cardozo, Comments on Archaea Landfill Gas to Energy Project (ALGEP) Response to Comments Orange County, California (May 21, 2025) (hereinafter "Shukla Comments").
[7] **Exhibit 2:** Letter from Jack Meighan to Adams Broadwell Joseph & Cardozo, Archaea Landfill Gas Project IS/MND City of Newport Beach, California Comments on Noise Analysis (May 19, 2025) (hereinafter "Meighan Comments").

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the Project due to significant, unmitigated impacts which obstruct compliance with local codes and constitute hazards to public health, interest, safety, and the general welfare of persons residing and working near the Project.[8]

Residents respectfully urges the Planning Commission to continue this hearing and remand the Project to staff to prepare an EIR to adequately analyze and mitigate the Project's potentially significant environmental impacts before bringing the Project back for further consideration. The City cannot approve the Project until it complies with CEQA, the Municipal Code, and applicable land use laws to ensure that the Project proceeds safely and mitigates its significant environmental and public health impacts.

I. STATEMENT OF INTEREST

Residents is a coalition of individuals and labor organizations with members who may be adversely affected by the potential public and worker health and safety hazards and environmental and public service impacts of the Project. The coalition includes Orange County residents, California Unions for Reliable Energy ("CURE"), and its local union affiliates and their members and their families. CURE is a coalition of labor organizations whose members encourage sustainable development of California's energy and natural resources. Residents was formed to advocate for responsible and sustainable industrial development in Orange County to protect public health and safety and the environment where Residents' members and their families live, work and recreate.

The individual members of Residents, and the members of its affiliated labor organizations, would be directly affected by the Project and may also work constructing the Project itself. They would therefore be first in line to be exposed to any health and safety hazards that may be present on the Project site. They each have a personal stake in protecting the Project area from unnecessary, adverse environmental and public health and safety impacts. Thus, Residents, its participating organizations, and their members stand to be directly affected by the Project's impacts.

Residents supports the development of clean, renewable energy technology where properly analyzed and carefully planned to minimize impacts on public health and the environment. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making it less desirable for businesses to locate and people to live and recreate in the City and in Orange County. Continued degradation can, and has, caused construction moratoriums and other restrictions

[8] Newport Beach Municipal Code ("NMBC"), Section 20.52.020.

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on growth that, in turn, reduces future employment opportunities. Projects should avoid adverse impacts to natural resources and public health, and should take all feasible steps to ensure that unavoidable impacts are mitigated to the maximum extent feasible. Only by maintaining the highest standards can energy development truly be sustainable.

Finally, the organizational members of Residents are concerned with projects that can result in serious environmental harm without providing countervailing economic benefits. CEQA provides a balancing process whereby economic benefits are weighed against significant impacts to the environment. It is in this spirit we offer these comments.

II. THE CITY HAS NOT COMPLIED WITH CEQA

A. The City Continues to Withhold Documents MND Reference Documents, in Violation of CEQA and the Public Records Act

The Final MND relies on a hidden study that has not been provided to the public to support the Final MND's conclusion that the Project would not result in significant, unmitigated hazards, public health and air quality impacts, despite multiple requests for access to MND reference documents since December 2024. The City is in violation of CEQA and the Public Records Act for failing to provide access to a study referenced and relied upon in the Final MND.

CEQA requires that "all documents referenced" – and the CEQA Guidelines require that "all documents incorporated by reference" – in a mitigated negative declaration shall be "readily accessible to the public during the lead agency's normal working hours" during the entire public comment period.[9] Further, a CEQA document may not rely on hidden studies or documents that are not provided to the public.[10] The City is in violation of these requirements because the City has failed to provide Residents with access to all MND reference documents despite timely requests for access made in December 2024,[11] and subsequent May 2025 requests.[12]

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[9] Pub. Resources Code § 21092(b)(1); 14 C.C.R. § 15072(g)(4); see *Ultramar v. South Coast Air Quality Man. Dist.* (1993) 17 Cal.App.4th 689, 699.
[10] *Santiago County Water District v. County of Orange* (1981) 118 Cal.App.3rd 818, 831 ("Whatever is required to be considered in an EIR must be in that formal report; what any official might have known from other writings or oral presentations cannot supply what is lacking in the report.").
[11] **Exhibit 3** – Letter from ABJC to City of Newport Beach Re: Request for Immediate Access to Documents Referenced in the Initial Study/Mitigated Negative Declaration – Landfill Gas to Energy Plant Project (SCH No. 2024120012; Project No. PA2022-063) (Dec. 3, 2024).
[12] **Exhibit 4** – ABJC emails with City regarding Preliminary Site Consequence Assessment (May 2025).

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On December 3, 2024, Residents submitted a request for immediate access to all documents referenced or relied upon in the MND, as well as a request for immediate access to all public records related to the Project. The first request was made pursuant to the Public Resources Code § 21092(b)(1), which requires that all documents *referenced* in an environmental review document be made available to the public for the entirety of the public review period. The second request was made pursuant to Government Code § 7922.525, which requires public records to be "open to inspection at all times during the office hours of the state or local agency" and provides that "every person has a right to inspect any public record."[13]

The November 2024 MND stated that a Preliminary Site Consequence Assessment was prepared to outline the potential for flammable vapor clouds, jet fire, and toxic vapor clouds from the Project and the potential impact to nearby sensitive receptors,.[14] However, the City did not provide the Preliminary Site Consequence Assessment in response to either Residents' MND reference document request or its Public Records Act request, in violation of both CEQA and Public Records Act disclosure requirements.

The May 2025 Responses continue to reference and rely on the Preliminary Site Consequence Assessment to support the Final MND's conclusions that the air quality, hazards, and public health risks from risk of upset at the Project facilities would be less than significant.[15] Residents' sent an additional Public Records Act request to the City on May 7, 2025 for Project-related records, and follow up emails to City staff on May 20 and May 21, 2025 specifically requesting access to the Preliminary Site Consequence Assessment.[16] The City still has not provided access to the Preliminary Site Consequence Assessment.

The City is in ongoing violation of CEQA's requirement to provide access to documents referenced and relied upon in the MND. The City is also in violation of Public Records Act disclosure requirements, and has not provided any legal basis to exempt disclosure of the Preliminary Site Consequence Assessment under the Act. Nor could it, because CEQA prohibits the lead agency from relying on hidden studies to support its significance conclusions. Here, the Final MND relies on the Preliminary Site Consequence Assessment to support the City's hazards and hazardous materials analysis, and to support the Final MND's conclusions that air quality, hazards and public health impacts from risk of upset at the facility would be less than significant. The City's failure to disclose this study renders the Final

[13] Government Code § 7922.525.
[14] MND, p. 101, Responses, p. 1-110.
[15] Responses, p. 1-110.
[16] Exhibit 4.

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MND's analysis and impact conclusions unsupported by substantial evidence. The City must correct these violations by immediately providing public access to the Preliminary Site Consequence Assessment, and preparing and circulating a legally compliant EIR which analyzes and mitigates the impacts associated with risk of upset.

B. The Final MND Includes Substantial Revisions to the Project

The Responses include, for the first time, a July 2024 revised Air District Project application which predated the MND yet was not attached to it. The revised application identifies specific Project components that demonstrate significant impacts and result in substantial revisions to the MND.

The original MND attached a December 11, 2023 application for a Permit to Construct ("2023 Permit to Construct Application"), which the MND relied on.[17] For the first time, the Responses attach the Applicant's revised July 22, 2024 application for a Permit to Construct/Permit to Operate for a Renewable Natural Gas Plant for Biofuels Coyote Canyon Biogas, LLC Newport Beach, California ("2024 Permit to Construct Application").[18] New information in the 2024 Permit to Construct Application regarding Project generators and other equipment demonstrate that the Project's emissions of nitrogen oxides ("NOx") are significant and exceed 4 tons per year, thus resulting in significant, unmitigated air quality impacts which require preparation of an EIR and require the Applicant to obtain offsets for the NOx emissions increase.[19] This information constitutes substantial evidence supporting a fair argument that an EIR is required, and also constitutes substantial revisions to the MND which require, at a minimum, recirculation of the MND.[20]

The 2024 Application was made available to the public for the first time in May 2025 with the Responses to Comments, and was not provided for public review during the MND's public comment period. Similarly, the City has not made the 2024 Permit to Construct Application available on CEQANet, as required by law.[21] CEQANet includes only the unrevised 2023 Permit to Construct Application as

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[17] MND p. 63, 93, 155; MND Appendix B3.
[18] Response to Comments, Permit to Construct/Permit to Operate for a Renewable Natural Gas Plant for Biofuels Coyote Canyon Biogas, LLC Newport Beach, California Biofuels Coyote Canyon Biogas (December 11, 2023 Rev. July 22, 2024), pdf p. 135.
[19] South Coast Air Quality Management District Rule 1304(d)(2)(B); Shukla Comments.
[20] 14 CCR § 15073.5
[21] 14 CCR § 15147. [The CEQA Guidelines provide that "Appendices to the EIR…shall be readily available for public examination and shall be submitted to all clearinghouses which assist in public review."]

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Appendix B3 of the MND.[22] The City must correct these informational deficiencies by preparing an EIR to disclose and mitigate the Project's significant NOx emissions.

C. An EIR is Required for the Project

Residents' comments and those of our expert consultants identified substantial evidence supporting a fair argument of significant environmental impacts. Under the fair argument standard, if there is *any* substantial evidence the project *may* have a significant impact – and regardless of the existence of other substantial evidence to the contrary – an MND is improper and an EIR *must* be prepared.[23] Most of the issues raised in Residents' MND comments remain unresolved by the Final MND. The City must prepare an EIR that analyzes, discloses, and mitigates these impacts before the Planning Commission can approve the Project.

A negative declaration may be prepared instead of an EIR only when a lead agency determines that a project "would not have a significant effect on the environment."[24] Courts have held that if "no EIR has been prepared for a nonexempt project, but substantial evidence in the record supports a fair argument that the project may result in significant adverse impacts, the proper remedy is to order preparation of an EIR."[25] Under the "fair argument" standard, a lead agency "shall" prepare an EIR whenever substantial evidence in the whole record before the agency supports a fair argument that a project may have a significant effect on the environment.[26] The fair argument standard creates a "low threshold" of favoring environmental review through an EIR, rather than through a negative declaration.[27] "[I]n marginal cases where it is not clear whether there is substantial evidence that a project may have a significant effect on the environment, the lead agency shall be guided by the following principle: If there is disagreement among

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[22] City of Newport Beach, Landfill Gas to Energy Plan Project, MND, Appendix B3, (Dec. 11, 2023), available at: https://files.ceqanet.opr.ca.gov/309505-1/attachment/BkyfqJttH3aG4OFY8eH6yItzCM4IWnVyuTFlUNt-FpoqXG9_Eel9KMuS76_O1BY4n29WsO7AM6vXLe5q0.

[23] *Upland Community First v. City of Upland* (2024) 105 Cal.App.5th 1, 15.

[24] *Quail Botanical Gardens v. City of Encinitas* (1994) 29 Cal.App.4th 1597; Pub. Resources Code, § 21080(c).

[25] *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 319-320.

[26] Pub. Resources Code, §§ 21080(d), 21082.2(d); CEQA Guidelines, §§ 15002(k)(3), 15064(f)(1), (h)(1); *Laurel Heights Improvement Assn. v. Regents of the Univ. of Cal.* (1993) 6 Cal.4th 1112, 1123; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 82; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 1501-51; *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal.Appl.4th 1597, 1601-1602.

[27] *Preserve Poway v. City of Poway* (2016) 245 Cal.App.4th 560, 575-576.

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expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR."[28]

With respect to this Project, the Final MND fails to satisfy the basic purposes of CEQA. The Final MND fails to adequately disclose, investigate, and analyze the Project's potentially significant impacts, and fails to provide substantial evidence to conclude that impacts will be mitigated to a less than significant level. Because the Final MND lacks basic information regarding the Project's potentially significant impacts, the Final MND's conclusion that the Project will have a less than significant impact on the environment is unsupported.[29] The City failed to include the relevant data to support its finding of no significant impacts, and substantial evidence shows that the Project may result in potentially significant impacts.

The Final MND's impact analyses remain based on conclusory findings and hidden studies including the Preliminary Site Consequence Assessment. Conclusory findings are not legally sufficient to constitute substantial evidence.[30] Any findings made must be supported by substantial evidence in the record and must "bridge the analytic gap between the raw evidence and ultimate decision or order."[31] Substantial evidence means "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached."[32]

Substantial evidence includes "facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts,"[33] and does not include "[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment."[34] While the courts review an MND using an "abuse of discretion" standard, "the reviewing court is not to 'uncritically rely on every study or analysis presented by a project proponent in support of its position. *A clearly inadequate or unsupported study is entitled to no judicial deference*."[35] As the courts have explained, "a prejudicial abuse of discretion occurs "if the failure to include relevant information precludes informed decision making and informed public participation, thereby

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[28] CEQA Guidelines, § 15064(g).
[29] Pub. Resources Code, § 21064.5.
[30] Village Laguna, Inc. v. Board of Supervisors (1982) 134 Cal.App.3d 1022, 1033-34.
[31] Topanga Assn. for a Scenic Community v. County of Los Angeles (1974) 11 Cal.3d 506, 515.
[32] 14 CCR § 15384(a).
[33] 14 CCR § 15384(b).
[34] 14 CCR § 15384(a).
[35] *Berkeley Jets*, 91 Cal. App. 4th at 1355 (emphasis added), *quoting, Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 391 409, fn. 12.

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thwarting the statutory goals of the [environmental review] process."[36] Further, "an agency may abuse its discretion under CEQA by either failing to proceed in the manner CEQA provides or by reaching factual conclusions unsupported by substantial evidence."[37]

The Final MND lacks the basic information required by CEQA, relies on hidden studies, and lacks substantial evidence to support its impact findings. As detailed herein and in the attached expert comments, and in Residents' prior comments on the MND, substantial evidence supports a fair argument that the Project may result in significant and avoidable impacts to air quality, public health, GHG emissions, and noise. The City must prepare an EIR to adequately analyze and mitigate the Project's significant unmitigated impacts.[38]

D. Substantial Evidence Supports a Fair Argument that the Project Will Have Significant, Unmitigated Air Quality Impacts

Substantial evidence in Residents' comments and those of its expert consultant supports a fair argument that the Project would result in significant, unmitigated air quality impacts requiring preparation of an EIR. Under the fair argument standard, if there is *any* substantial evidence the project *may* have a significant impact – and regardless of the existence of other substantial evidence to the contrary – an MND is improper and an EIR *must* be prepared.[39]

1. NOx Emissions from the Supplemental Fuel Thermal Oxidizer Are Significant and Require Offsets

Dr. Shukla determined that NOx Emissions from the Thermal Oxidizer – Supplemental Fuel were severely underestimated in the Final MND (Table 4) and result in an exceedance of SCAQMD Offset Trigger Levels, requiring offsets.[40] Table 3 below provides that emissions from the Thermal Oxidizer - Supplemental Fuel will be 12 lbs/day.[41] 12lb/day converted to tons per year is 2.19 tons per year.

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[36] *Berkeley Jets*, 91 Cal.App.4th at 1355; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722; *Galante Vineyards v. Monterey Peninsula Water Management Dist*. (1997) 60 Cal.App.4th 1109, 1117; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 946.
[37] PRC § 21168.5.
[38] Alternatively, the City must, at a minimum, recirculate the MND because the document must be substantially revised. A lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given, but prior to its adoption.14 CCR 15073.5.
[39] *Upland Community First v. City of Upland* (2024) 105 Cal.App.5th 1, 15.
[40] *Id.*
[41] MND, Table 3 Comparison of Project Emissions to Regional Daily Thresholds, p. 67.

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When accurately calculated, Dr. Shukla concludes that total criteria air pollutant emissions from NOx exceed 5.6 tons per year, exceeding the 4 tons per year SCAQMD Offset Threshold and requiring mitigation in the form of offsets.

Table 3 Comparison of Project Emissions to Regional Daily Thresholds

Source	Criteria Air Pollutants (lbs/day)					
	VOC	NO_X	CO	SO_2	PM_{10}	$PM_{2.5}$
Project Land Use Emissions[1]						
Mobile[2]	0.013	0.086	0.145	0.001	0.042	0.011
Area[3]	0.051	0.001	0.069	0.000	0.000	0.000
Energy[4]	0.001	0.018	0.015	0.000	0.001	0.001
Total	**0.065**	**0.105**	**0.229**	**0.001**	**0.043**	**0.013**
Project Permitted Equipment Emissions[5]						
Thermal Oxidizer – Main Fuel	12	17	58	11	5	5
Thermal Oxidizer – Supplemental Fuel	<1	12	40	<1	<1	<1
Enclosed RNG Flare	12	47	112	18	33	33
Natural Gas-Powered Emergency Generator	1	1	1	<1	<1	<1
Total	**25**	**77**	**211**	**29**	**39**	**39**
Total Daily Emissions						
Project Land Uses	0.065	0.105	0.229	0.001	0.043	0.013
Project Permitted Equipment[6]	25	77	211	29	39	39
Project Total	**25**	**77**	**211**	**29**	**39**	**39**
Existing Flare Emissions[7]	11	88	58	41	24	24
Net Change	**14**	**(12)**	**153**	**(12)**	**15**	**15**
South Coast AQMD Regional Threshold	55	55	550	150	150	55
Exceeds Limits?	**No**	**No**	**No**	**No**	**No**	**NA**

Source: CalEEMod Version 2022.1.
Notes: VOC = volatile organic compound; NO_x = nitrogen oxides; CO = carbon monoxide; SO_2 = sulfur dioxide; PM_{10} = coarse inhalable particulate matter; $PM_{2.5}$ = fine inhalable particulate; RNG = renewable natural gas; South Coast AQMD = South Coast Air Quality Management District; NA = not applicable.
"<1" = a value less than 1; () = negative value
1 Emissions from non-permitted components of the proposed project.
2 Emissions generated from employee vehicle trips. The quantified emissions are based on six average daily passenger vehicle trip ends generated by three employees and on two average daily truck trip ends generated by one heavy-heavy duty truck.
3 Emissions from architectural coatings, general household cleaning products, and landscaping equipment.
4 Emissions from California Emissions Estimator Model (CalEEMod) default natural gas demand used for building heating.
5 Based on emissions data provided by SCS Engineers (see Appendix B1).
6 Represent the potential-to-emit scenario.
7 Represent the average daily based on actual annual emissions data as reported in the South Coast AQMD Annual Emissions Report (AER) for years 2021 and 2022 for the four existing Orange County Waste and Recycling flares (Appendix B1). Because the AER provides only annual emissions data, the annual emissions data are divided by 365 days per year to derive the average daily emissions.

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[42] MND, Table 3 Comparison of Project Emissions to Regional Daily Thresholds, p. 67.

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Table 4 Comparison of Project Emissions to South Coast Air Quality Management District Offset Trigger Levels

Source	Criteria Air Pollutants (tons/year)					
	VOC	NO_x	CO	SO_2	PM_{10}	$PM_{2.5}$
Thermal Oxidizer – Main Fuel	2.12	2.60	8.65	2.01	0.92	0.92
Thermal Oxidizer – Supplemental Fuel	0.004	0.54	1.81	0.01	0.06	0.06
Enclosed RNG Flare	0.21	0.85	2.04	0.33	0.25	0.25
Natural Gas-Powered Emergency Generator	0.02	0.01	0.01	0.0001	0.002	0.002
Total Annual Emissions	**2.352**	**3.996**	**12.515**	**2.347**	**1.236**	**1.236**
Rule 1304 Offset Trigger Limits[1]	4	4	29	4	4	NA
Exceeds Limits?	**No**	**No**	**No**	**No**	**No**	**NA**

Source: SCS Engineers (see Appendix B1).
Notes: VOC = volatile organic compound; NO_x = nitrogen oxides; CO = carbon monoxide; SO_2 = sulfur dioxide; PM_{10} = coarse inhalable particulate matter; $PM_{2.5}$ = fine inhalable particulate; RNG = renewable natural gas; NA = not applicable.
[1] South Coast AQMD Rule 1304(d)(2)(B).

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NOx emissions from the Supplemental Fuel Thermal Oxidizer exceed SCAQMD's Rule 1304 Offset Trigger Limit of 4 tons per year.[44] The Responses conclusion that offsets are not required is therefore not supported by substantial evidence.[45] Offsets are required pursuant to the following ratio: "Offset ratios shall be 1.2-to-1.0 for Emission Reduction Credits and 1.0-to-1.0 for allocations from the Priority Reserve, except for facilities not located in the South Coast Air Basin (SOCAB), where the offset ratio for Emission Reduction Credits only shall be 1.2-to-1.0 for VOC, NOX, SOX and PM10 and 1.0-to-1.0 for CO."[46] An EIR must be prepared which includes accurate disclosure of significant NOx emissions and an analysis of the offsets required for the Project.

2. NOx Emissions from Backup Generators Are Significant and Require Offsets

The Responses includes revisions to the air quality and health risk sections of the MND and includes the revised 2024 Permit to Construct Application.[47] Residents' air quality and health risk expert consultant Dr. Shukla identified substantial evidence in the record supporting a fair argument that an EIR must be

[43] MND, p. 64, Table 4.
[44] *Id.*
[45] Response to Comments, p. 1-27.
[46] SCAQMD Rule 1303(b)(2)(A).
[47] Response to Comments, Permit to Construct/Permit to Operate for a Renewable Natural Gas Plant for Biofuels Coyote Canyon Biogas, LLC Newport Beach, California Biofuels Coyote Canyon Biogas (December 11, 2023 Rev. July 22, 2024), pdf p. 135.

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prepared because the Project results in significant air quality impacts from NOx from the Project's Emergency Generator.

Dr. Shukla's comments demonstrate that the Project results in significant NOx emissions due to the Project's Natural Gas-Powered Emergency Generator.[48] With the revised information in the 2024 Permit to Construct Application, Dr. Shukla was able to calculate that total emissions from NOx from the Project would exceed the threshold of 4 tons per year resulting in a significant air quality impact and requiring offsets pursuant to South Coast Air Quality Management District ("SCAQMD") Rule 1304.[49]

Dr. Shukla calculated the actual annual emissions associated with operating the Natural Gas-Powered Emergency Generators operating onsite 200 hours per year.[50] Utilizing the Emergency Generator product information provided in the 2024 Permit to Construct Application,[51] Dr. Shukla calculated that operating 200 hours per year, with NOx emissions of 1.5 grams per brake horsepower-hour, NOx emissions from the Emergency Generator would be 80,460 grams per year, or 0.087 tons per year.[52] This would result in total NOx emissions from the Project of 4.073 tons per year.[53] This exceeds SCAQMD's Rule 1304 Offset Trigger Limit of 4 tons per year of NOx.[54] The Response to Comments conclusion that offsets are not required is therefore not supported by substantial evidence.[55] Offsets are required pursuant to the following ratio: "Offset ratios shall be 1.2-to-1.0 for Emission Reduction Credits and 1.0-to-1.0 for allocations from the Priority Reserve, except for facilities not located in the South Coast Air Basin (SOCAB), where the offset ratio for Emission Reduction Credits only shall be 1.2-to-1.0 for VOC, NOX, SOX and PM10 and 1.0-to-1.0 for CO."[56] An EIR must be prepared which includes accurate disclosure of significant NOx emissions and an analysis of the offsets required for the Project.

[48] Shukla Comments, p. 9.
[49] Response to Comments, Permit to Construct/Permit to Operate for a Renewable Natural Gas Plant for Biofuels Coyote Canyon Biogas, LLC Newport Beach, California Biofuels Coyote Canyon Biogas (December 11, 2023 Rev. July 22, 2024), pdf p. 135 of 296.
[50] *Id.* at pdf p. 145 of 296.
[51] *Id.* at C-6, pdf p. 235 of 296.
[52] Shukla Comments, p. 9.
[53] *Id.*
[54] *Id.*
[55] Response to Comments, p. 1-27.
[56] SCAQMD Rule 1303(b)(2)(A).

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3. Emissions from the Existing Flares Were Not Adequately Quantified and May Be Significant

The Final MND provides that the proposed operating hours of the RNG facility would be 24 hours per day, seven days a week, with an annual scheduled shutdown for plant maintenance.[57] The Final MND provides that unplanned shutdowns are anticipated to be less than 10 times per year.[58] The Final MND further provides that existing "flares operated by OCWR would only be used as backup if the RNG facility goes offline, or to combust any excess LFG that is not used by the RNG processing plant."[59]

Dr. Shukla's comments demonstrate that the Final MND does not quantify emissions associated with the annual scheduled shutdown for plant maintenance.[60] Dr. Shukla's review of the MND and supporting documents demonstrates that emissions associated with the annual shutdown and 10 potential shutdown days per year may result in significant air pollutant emissions, which the Final MND fails to adequately analyze or mitigate. An EIR must be prepared which adequately quantifies and mitigates potentially significant emissions from Project operation.

E. Substantial Evidence Supports a Fair Argument that the Project Will Have Significant, Unmitigated GHG Impacts

The Responses do not remedy the MND's inadequate analysis associated with fugitive GHG emissions in Dr. Shukla's comments.[61] Dr. Shukla's comments provide substantial evidence that the Final MND's GHG emissions analysis may grossly underestimate potentially significant GHG impacts from the Project. Dr. Shukla found that the Final MND still fails to analyze fugitive GHG emissions from Temperature Swing Adsorption ("TSA") Pretreatment Skid, Operating Chillers, Membrane Skid, Nitrogen Rejection Unit ("NRU") and Associated Skids, Valves, Pumps, Flanges, Flaring/Blowdown, Pressure Relief Valves, and Process Drains.[62] When accounting for fugitive GHG emissions from these sources, GHG emissions may be significant and require mitigation.[63]

Moreover, the Final MND fails to analyze GHG emissions associated with the annual shutdown and unplanned shutdowns associated with Project operation. The

[57] MND, p. 22.
[58] *Id.*
[59] MND, p. 15.
[60] MND, p. 22.
[61] Shukla Comments, p. 9.
[62] *Id.*
[63] *Id.*

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Final MND provides that the existing "flares operated by OCWR would only be used as backup if the RNG facility goes offline, or to combust any excess LFG that is not used by the RNG processing plant."[64] Dr. Shukla's comments demonstrate that the Final MND does not quantify GHG emissions associated with the annual scheduled shutdown for plant maintenance.[65] The Final MND provides that unplanned shutdowns are anticipated to be less than 10 times per year.[66] Dr. Shukla's review of the Final MND and supporting documents demonstrates that emissions associated with the annual shutdown and 10 potential shutdown days per year may result in significant GHG emissions, which the MND fails to adequately analyze or mitigate. An EIR must be prepared which adequately quantifies and mitigates potentially significant GHG emissions from Project operation.

E. Substantial Evidence Supports a Fair Argument that the Project Will Have Significant, Unmitigated Hazards Impacts

Residents commented on the MND that the record fails to contain a Risk of Upset analysis. The Responses provides that "Fire hazards to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment are addressed in the IS/MND under impact 3.9(b)."[67] The Final MND provides that a Preliminary Site Consequence Assessment was prepared to outline the potential for flammable vapor clouds, jet fire, and toxic vapor clouds from the proposed project and the possible effect they pose on the surrounding community.[68] But, a copy of the Preliminary Site Consequence Assessment was not included in the MND or Responses and has not been provided to Residents in response to requests for public records pursuant to CEQA and the California Public Records Act.[69] The conclusions of the Final MND under impact 3.9(b) with respect to hazardous materials are therefore unsupported by substantial evidence in the record.

The Final MND provides that the Preliminary Site Consequence Assessment found no adverse effects to public receptors which included: Sage Hill Highschool, Car passengers on Newport Coast Drive, and Car passengers on SR 73.[70] But the

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[64] MND, p. 15.
[65] MND, p. 22.
[66] *Id.*
[67] Response to Comments, p. 1-110.
[68] MND, p. 101, Response to Comments, p. 1-110.
[69] Response to Comments, p. 1-31 Letter from Adams Broadwell Joseph & Cardozo to the City of Newport Beach Re: Request for Immediate Access to Public Records – Landfill Gas to Energy Plant Project (SCH No. 2024120012; Project No. PA2022-063) (Dec. 3, 2024); Government Code §§ 7920.000, *et seq*.
[70] MND p. 101; Response to Comments, p. 1-110.

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list of public receptors does not include residential receptors within 1,890 feet (576 meters) feet of the Project site, even though the MND provides that residential receptors as close as 1,890 feet are assumed to be exposed 24 hours/day to particulate matter emissions from the Project.[71] The 2024 Permit to Construct Application provides that residential receptors may be as close as 1,385 feet to the Project site.[72] The Responses provide that residential sensitive receptors are as close as 1,200 feet to the south.[73] The hazardous impact analysis is therefore not supported by substantial evidence.

As discussed above, the hazardous impact analysis is based on hidden studies and conclusory findings. Boilerplate or conclusory findings are not legally sufficient to constitute substantial evidence.[74] Any findings made must be supported by substantial evidence in the record and must "bridge the analytic gap between the raw evidence and ultimate decision or order."[75] Substantial evidence means "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached."[76] Substantial evidence "shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts,"[77] but it should not include "[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment."[78] While the courts review an EIR using an "abuse of discretion" standard, "the reviewing court is not to 'uncritically rely on every study or analysis presented by a project proponent in support of its position. *A clearly inadequate or unsupported study is entitled to no judicial deference*."[79] As the courts have explained, "a prejudicial abuse of discretion occurs "if the failure to include relevant information precludes informed decision making and informed public participation, thereby thwarting the statutory goals of the EIR process."[80] Further, "an agency

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[71] MND, p. 69.
[72] Response to Comments, Receptor Map Emergency Generator Receptor Distances Biofuels Coyote Canyon Biogas, pdf p. 295 of 296.
[73] Response to Comments, p. 1-108.
[74] Village Laguna, Inc. v. Board of Supervisors (1982) 134 Cal.App.3d 1022, 1033-34.
[75] Topanga Assn. for a Scenic Community v. County of Los Angeles (1974) 11 Cal.3d 506, 515.
[76] 14 CCR § 15384(a).
[77] 14 CCR § 15384(b).
[78] 14 CCR § 15384(a).
[79] *Berkeley Jets*, 91 Cal. App. 4th at 1355 (emphasis added), *quoting, Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 391 409, fn. 12.
[80] *Berkeley Jets*, 91 Cal.App.4th at 1355; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722; *Galante Vineyards v. Monterey Peninsula Water Management Dist*. (1997) 60 Cal.App.4th 1109, 1117; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 946.

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may abuse its discretion under CEQA by either failing to proceed in the manner CEQA provides or by reaching factual conclusions unsupported by substantial evidence."[81]

The Final MND fails as an informational document under CEQA for failing to disclose the potential impact from flammable vapor clouds, jet fire, and toxic vapor clouds from the Project on the surrounding community. These errors and omissions associated with the Final MND's hazardous materials impact analysis must be remedied in an EIR circulated for public review and scrutiny.

Moreover, the Final MND lacks substantial evidence to support the conclusion that the Project would be adequately served by fire protection services. The Applicant requested clarification from the Newport Beach Fire Department that the Project is adequately served by fire services.[82] The Applicant stated "We understand the Fire Marshall has expressed concerns about the possibility of an offsite fire reaching the facility due to the surrounding dry vegetation."[83] The Newport Beach Fire Department stated that "[t]he concern is not only an off-site fire reaching a facility but an on-site fire reaching the wildland urban interface, resulting [in] a fire expanding to the existing commercial and residential in the area."[84] The Fire Department recommended fuel modification measures which were implemented in the MND's Fuel Modification Plans pursuant to Mitigation Measure HAZ-1.[85] However, the record does not contain substantial evidence to support the conclusion that the mitigation measures for hazards and hazardous material impacts are sufficient to mitigate potentially significant hazards, fire, and wildfire impacts from the Project.

The record before the Planning Commission is also unsupported regarding whether the Fire Department has the capacity to put out "worst-case scenario jet fires [which] could affect vegetation up to 10 feet beyond the perimeter wall in the northeast portion of the site."[86] The Final MND concludes that, with the implementation of design features such as equipment layout, hazardous area classification, ignition source controls, fire and gas detection systems, process control alarms, process control shutdowns, and emergency shutdown systems… impact of jet fires to the surrounding vegetation would be less than significant."[87] associated with the hazardous materials which will be used onsite. But, these

[81] PRC § 21168.5.
[82] MND, Appendix L Service Provider Questionnaire Responses, p. L-9.
[83] MND, Appendix L Service Provider Questionnaire Responses, p. L-9.
[84] *Id.*
[85] MND, p. 106.
[86] MND, p. 101.
[87] MND, p. 101.

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conclusions are unsupported by substantial evidence in the record. The City must prepare a legally adequate EIR for public review and comment, which includes detailed analysis and substantial evidence to support the City's hazards and fire protection analyses, before the Project can lawfully be approved.

F. Substantial Evidence Supports a Fair Argument that the Project Will Have Significant Noise Impacts

In response to Residents' comments on the MND, the City revised the noise analysis related to excessive noise levels for nearby sensitive receptors.[88] But, the Final MND's noise analysis is still inadequate for failure to analyze significant noise emissions above ambient levels.

The Final MND provides that the average noise level experienced during construction was assessed based on the distance of activities to the surrounding sensitive receptors at 1,700 feet from the property line of the existing school used to the north and 1,380 feet from the existing single-family homes to the south.[89] At those distances, the combined construction noise levels from pipe installation and equipment installation would be 55 dBA Leq and 56 dBA Leq, respectively.[90] Therefore, the school would experience an increase in ambient noise levels ranging from 1 to 11 dBA Leq for four months.[91] The single-family home would experience an increase in ambient noise levels ranging from 8 to 18 dBa Leq for four months.[92] The Final MND provides that the change in ambient noise levels at the sensitive receptors would be minimal and would only last for four months.[93] This analysis fails to account for construction noise from equipment installation which the Final MND provides, will last nine months.[94]

Jack Meighan's comments provide substantial evidence supporting a fair argument that the Project may result in significant adverse noise impacts to nearby sensitive receptors due to a significant noise increase above ambient noise levels. Mr. Meighan's comments demonstrate that a 10 dBA increase is perceived as a doubling of the sound and thus would cause an adverse impact on nearby sensitive receptors.[95] This results in a significant impact pursuant to CEQA. The Project's

[88] Response to Comments, p. 1-113.
[89] MND, p. 127.
[90] MND, p. 127.
[91] *Id.*
[92] *Id.*
[93] *Id.*
[94] Response to Comments, p. 1-105.
[95] Meighan Comments, p. 2.

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significant noise impacts must be analyzed in an EIR before the Project can be approved.

Moreover, Mr. Meighan reviewed Conditions of Approval 20 and 21 in the Staff Report's Draft Resolution to Approve the Project and Adopt the IS/MND. Mr. Meighan concludes that Conditions of Approval 20 and 21 do not mitigate the Project's significant noise from construction.[96] First, Condition 20 does not apply for construction noise and therefore Condition 20 would not mitigate the Project's significant construction noise increase above ambient levels.[97] Second, Condition 21 does not mitigate construction noise impacts to less than significant because Condition 21 only limits the hours of construction between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday, and 8:00 a.m. and 6:00 p.m. on Saturday.[98] Condition 21 does not mitigate the Project's significant construction noise impacts because the Project's significant construction noise will occur during daytime hours.[99] Mr. Meighan's comments provide substantial evidence that Project construction noise impacts remain significant and unmitigated. Substantial evidence in these comments and in the record before the Planning Commission support a fair argument that the Project results in significant unmitigated noise impacts requiring preparation of an EIR.

III. THE CITY LACKS SUBSTANTIAL EVIDENCE TO SUPPORT APPROVAL FINDINGS

In accordance with Section 20.52.020 (Conditional Use Permits and Minor Use Permits) of the NBMC, the Planning Commission must make the following findings for approval of a use permit:

> 1. The use is consistent with the General Plan and any applicable Specific Plan;
>
> 2. The use is allowed within the applicable zoning district and complies with all other applicable provisions of the Zoning Code and Municipal Code;
>
> 3. The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity;

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[96] Meighan Comments, p. 3.
[97] *Id.*
[98] Staff Report, Attachment 1, Draft Resolution to Approve the Project and Adopt the IS/MND, available at: https://newportbeach.legistar.com/gateway.aspx?M=F&ID=3a59b8ec-031e-4a0c-9b11-1d4d64b4da54.pdf.
[99] Meighan Comments, p. 3.

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> 4. 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
>
> 5. Operation of the use at the proposed location would not be detrimental to the harmonious and orderly growth of the City, or 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.[100]

The Planning Commission lacks substantial evidence to make the findings required to approve the Project due to significant, unmitigated impacts which obstruct compliance with local codes and constitute hazards to public health, interest, safety, and the general welfare of persons residing and working near the Project.[101]

IV. CONCLUSION

There is substantial evidence supporting a fair argument that the Project will have potentially significant, unmitigated impacts on air quality, greenhouse gases, public health, and noise. The Final MND is inadequate as a matter of laws because it fails to identify, analyze, and mitigate all potentially significant impacts to air quality, greenhouse gases, public health, and noise. Due to these deficiencies, the City cannot conclude that the Project's impacts have been mitigated to a less than significant level.

The CEQA Guidelines require that an EIR be prepared if there is substantial evidence supporting a fair argument that any aspect of a project, either individually or cumulatively, may cause a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial.[102] As discussed in detail above, there is more than a fair argument based on substantial evidence that the Project would result in significant adverse impacts not identified in the Final MND. Moreover, there is substantial evidence the proposed mitigation measures will not reduce potentially significant impacts to a level of insignificance.

We urge the City to fulfill its responsibilities under CEQA by withdrawing the Final MND and preparing an EIR to address the issues raised in this comment letter, the attached comments from Dr. Shukla and Mr. Meighan, and other public

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[100] Staff Report, p. 11; NBMC Section Section 20.52.020.
[101] Newport Beach Municipal Code ("NMBC"), Section 20.52.020.
[102] CEQA Guidelines § 15063(b)(1).

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comments in the record. Until an EIR has been circulated, as described herein, the City may not lawfully approve the Project.

Thank you for your attention to these comments. Please include them in the record of proceedings for the Project.

Sincerely,

Kelilah D. Federman

Attachments
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EXHIBIT 1

GROUP DELTA
AN NV5 COMPANY

Adams Broadwell Joseph Cardozo
601 Gateway Blvd. Suite 1000
South San Francisco, CA 94080

May 21, 2025
Proposal No. EN8484

Attention: Kelilah D. Federman

Subject: Comments on Archaea Landfill Gas to Energy Project (ALGEP) Response to Comments Orange County, California

Dear Ms. Kelilah,

Dr. Komal Shukla of Group Delta Consultants, Inc. (Group Delta) is pleased to submit this detailed commentary to Adams Broadwell Joseph & Cardozo (ABJC, Client) concerning the comprehensive evaluation of the Response to Comments (RTC) document for the Archaea Landfill Gas to Energy Project (ALGEP). The RTC report was prepared by Placeworks (Applicant) as part of their formal response to the public review process for the project's Mitigated Negative Declaration (MND).

INTRODUCTION

The initial comment letter prepared for ALGEP focused extensively on critical issues related to emissions control strategies and emissions reporting accuracy, as well as the associated health and environmental risks posed by the project's air pollutant emissions. Key areas of concern highlighted included the identification and characterization of emissions sources, the assessment of cumulative air quality impacts in the project vicinity, and the potential formation of secondary pollutants such as ozone and particulate matter resulting from precursor emissions. This letter specifically addresses the inadequacy and incompleteness of the Applicant's responses to the original comments.

1. INTRODUCTION OF NEW PERMITTING DOCUMENTS

1.1 Disclosure of ATC/PTO After Public Review

The revised Authority to Construct/Permit to Operate (ATC/PTO) for the Biofuels Coyote Canyon Biogas Renewable Natural Gas (RNG) Plant, dated July 2024, was introduced for the first time in the Response to Comments (RTC). This document was not disclosed during the public review period for the Mitigated Negative Declaration (MND). This revised permit introduces substantive modifications to both the emissions estimates and design parameters compared to the 2023 version, which served as the basis for environmental analysis in the MND. Specifically, the RTC states: "Appendix B3 is updated to include the latest version of the 'Permit to Construct/Permit to Operate for a Renewable Natural Gas Plant for Biofuels Coyote Canyon Biogas, LLC Newport

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Beach, California,' with a revision date of July 2024."[1] This updated version was attached to the RTC as Attachment 2 and included changes to the Initial Study using strikeout formatting for deletions and underlined text for additions.

The following substantive changes were introduced in the 2024 ATC that were not disclosed in the MND:

1. Emergency Generator (Section 3.5 & 3.5.1)

- **2023 ATC Application**:
    - Emissions data are incomplete; emergency generator emissions are not quantified.
    - Only includes emissions from Thermal Oxidizer (TOX) and enclosed flare, not from the emergency generator.[2]
    - No Statement of Exhaust Emissions for the emergency generator included.
    - Table 11 addresses PTE for toxics and criteria pollutants but not for the emergency generator.[3]
    - Table 12 lists potential to emit (PTE) estimates for emergency generator, but lacks detail.[4]
- **2024 ATC Application**:
    - Includes new Statement of Exhaust Emissions for the 2024 Spark-Ignited Generator.[5]
    - Identifies emergency generator model as the **SG200 14.2L 200 kW Industrial Spark-Ignited Generator Set**, EPA-certified for emergency and non-emergency applications.[6]

[1] Refer to Landfill Gas to Energy Plant Project for City of Newport Beach: Response to Comments, Pg. 1-26, A3-7
[2] Refer to Pg. B3-11 of Landfill Gas to Energy Plant Project Initial Study/MND City of Newport Beach Appendix B3: Permit to Construct/Permit to Operate
[3] Refer to Pg. B3-33 of Landfill Gas to Energy Plant Project Initial Study/MND City of Newport Beach Appendix B3: Permit to Construct/Permit to Operate
[4] Refer to Pg. B3-34 of Landfill Gas to Energy Plant Project Initial Study/MND City of Newport Beach Appendix B3: Permit to Construct/Permit to Operate
[5] Refer to Pg. C-7 of 2024 Permit to Construct/Permit to Operate for a Renewable Natural Gas Plant for Biofuels Coyote Canyon Biogas, LLC Newport Beach, California
[6] Refer to PDF Pg. 103 of 2024 Permit to Construct/Permit to Operate for a Renewable Natural Gas Plant for Biofuels Coyote Canyon Biogas, LLC Newport Beach, California

- Quantifies GHG emissions at 27 metric tons CO_2/year, based on 200 hours/year of operation.[7]

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2. Best Available Control Technology (BACT) and Emissions Limits – Section 5.3.1.3[8]

- The manufacturer-certified Best Available Control Technology (BACT) emission rates for the emergency generator were included exclusively in the 2024 ATC application:
  - **NOx**: 1.5 g/bhp-hr
  - **CO**: 2.0 g/bhp-hr
  - **PM_{10}/$PM_{2.5}$**: 9.91E-03 lb/MMBtu
  - **VOC**: 1.0 g/bhp-hr
  - **SO_2**: 5.88E-04 lb/MMBtu

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3. Toxic Air Contaminants (TACs) – Table 5.3.7 (2024) vs. Table 4 (2023)

- **2024 ATC Application**:[9]
  - Identifies new TACs emissions specifically associated with the emergency generator, including:
    - 1,1,2-Trichloroethane (Vinyl Trichloride)
    - 1,3-Butadiene
    - Acetaldehyde
    - Acrolein
    - Benzo(b)Fluoranthene
    - Methanol
    - Phenol

[7] Refer to Pg. 16, Table 7. Project Total GHG Emissions of 2024 Permit to Construct/Permit to Operate for a Renewable Natural Gas Plant for Biofuels Coyote Canyon Biogas, LLC Newport Beach, California
[8] Refer to Pg. 12 of 2024 Permit to Construct/Permit to Operate for a Renewable Natural Gas Plant for Biofuels Coyote Canyon Biogas, LLC Newport Beach, California
[9] Refer to Pg. 13-15 of 2024 Permit to Construct/Permit to Operate for a Renewable Natural Gas Plant for Biofuels Coyote Canyon Biogas, LLC Newport Beach, California

- Styrene PAHs

- **2023 ATC Application**:[10]
  - Asserts that TACs are only emitted from the TOX, not the emergency generator.
  - Omits all TACs later identified in the 2024 revision.

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4. Health Risk Assessment

- **MND Analysis**: [11]
  - Asserts evaluation of carcinogenic health risks from the emergency generator.
  - Appendix B3 omits the generator entirely, and health risk calculations do not reflect emissions data provided in the 2024 ATC.

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5. Greenhouse Gas (GHG) Emissions

- **2024 ATC Application**:[12]
  - Estimates 27 metric tons of CO_2/year from the emergency generator for 200 hours of operation.
  - Provides updated calculations not reflected in the MND.
- **MND**:[13]
  - Estimates 0.03 metric tons of CO_2/year from the emergency generator without clarifying assumed hours of operation.

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6. Proximity to Sensitive Receptors

- The 2024 ATC Application contains inconsistencies in the reported distances to nearby sensitive receptors when compared to both the Mitigated Negative Declaration (MND) and the 2023 ATC Application. Further details on these discrepancies are provided below:

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[10] Refer to Pg. B3-16 of Landfill Gas to Energy Plant Project Initial Study/MND City of Newport Beach Appendix B3: Permit to Construct/Permit to Operate

[11] Refer to Pg. 72, Table 7: Off-site Health Risk Assessment Results – Air Toxics, Landfill Gas to Energy Plant Project Initial Study/MND City of Newport Beach

[12] Refer to Pg. 16 of 2024 Permit to Construct/Permit to Operate for a Renewable Natural Gas Plant for Biofuels Coyote Canyon Biogas, LLC Newport Beach, California

[13] Refer to Pg. 84, Table 9: Project Related Greenhouse Gas Emissions of Landfill Gas to Energy Plant Project Initial Study/MND City of Newport Beach

- **2024 ATC Application**:[14]
    - Includes a site-specific map detailing generator proximity to sensitive receptors.
        - 1,385 feet to residences
        - 1,703 feet to Sage Hill High School
        - 1,835 feet to other non-residential receptors
- **MND**:[15]
    - Reports on inconsistent distances:
        - 1,400 feet to high school
        - 1,250 feet to Tesoro residential community
- **2023 ATC Application**:[16]
    - Reports equipment distance to:
        - Nearest residence: 1,369 feet
        - Nearest business: 1,870 feet

The revised ATC/PTO was not made available for public review during the formal circulation of the MND in November 2024, thereby depriving the public and reviewing agencies of the opportunity to comment on substantial changes to project design and emission assumptions. This procedural deficiency is inconsistent with the requirements of the California Environmental Quality Act (CEQA), and omitted basic Project information from the MND during the public comment period.

2. INCONSISTENCIES BETWEEN SUPPORTING DOCUMENTS

2.1 Inconsistent Methane and Output Data in Project Descriptions

The Option Agreement now reports methane content from raw biogas at 44%, with a methane recovery rate of 93.1%, a renewable natural gas (RNG) plant peak output of 1,958 mmBtu/day

[14] Refer to PDF Pg. 161 of 2024 Permit to Construct/Permit to Operate for a Renewable Natural Gas Plant for Biofuels Coyote Canyon Biogas, LLC Newport Beach, California
[15] Refer to Pg. 123 of Landfill Gas to Energy Plant Project Initial Study/MND City of Newport Beach
[16] Refer to Pg. B3-105 of Landfill Gas to Energy Plant Project Initial Study/MND City of Newport Beach Appendix B3: Permit to Construct/Permit to Operate

(or 715,178 mmBtu/year), and gas energy content of 975 Btu per cubic foot.[17] In contrast, the MND described methane content from raw biogas as 40-45% and purified RNG methane content as 96-98%, but did not specify peak plant output or gas energy content in the project description.[18] The absence of these critical operational metrics from the MND—while they are provided in other permitting or contractual documents—demonstrates an inconsistency in the disclosure of the Project's fundamental design and performance parameters. Such discrepancies result in underinformed or inaccurate estimates in key areas of the City's environmental analysis, including greenhouse gas emissions, energy efficiency, and air quality modeling. Incomplete and inconsistent data presentation across the Project record also impedes meaningful public and agency review.

Updated or revised information about Project components should not only be made available to the public but also be accompanied by adequate explanation and analysis to ensure that resulting air quality impacts are accurately calculated and disclosed. Merely including new data points in appendices or supplemental attachments, without contextualizing their significance or evaluating their implications, fails to meet industry standards. Where, as here, updated figures alter key technical assumptions in the MND—such as gas composition, output capacity, or energy content – the City must clearly articulate how those changes affect environmental outcomes and whether they warrant further study or recirculation of the environmental document. The MND fails to provide this information.

3. INCONSISTENCIES IN DATA REPORTING EMISSIONS

3.1 Incomplete Assessment of NOx Emissions and Fugitive Sources

The RTC contends that nitrogen oxides (NOx) are exclusively by-products of combustion and therefore not associated with fugitive emissions. Further asserting that all NOx emissions originate solely from controlled point sources, specifically the thermal oxidizers, enclosed flare, and emergency generator.[19] While it is accurate that NOx is not typically emitted through fugitive leaks due to its formation via high-temperature combustion processes, this characterization does not diminish the significance of NOx emissions in the context of regulatory compliance and air quality impact assessment.

As indicated in Table 4 of the MND, the total annual NOx emissions from all identified combustion sources are projected to be 3.996 tons per year(tpy).[20] This total is marginally below the South

[17] Refer to Pg. 2, Para. 4, Coyote Canyon Landfill Energy Redevelopment Project Option Agreement Exhibit 1: Conversion Facility Project Description
[18] Refer to Pg. 15, Para. 1.5.2.1, Landfill Gas to Energy Plant Project Initial Study/MND City of Newport Beach
[19] Refer to Landfill Gas to Energy Plant Project for City of Newport Beach: Response to Comments, Pg. 1-109, O2-11
[20] Refer to Pg. 68, Table 4: Comparison of Project Emissions to SCAQMD Offset Trigger Levels of Landfill Gas to Energy Plant Project Initial Study/MND City of Newport Beach

Coast Air Quality Management District (SCAQMD) offset threshold of 4.0 tons per year. Given this minimal buffer of only 0.004 tons/year, any deviation from expected operating conditions could result in exceedance of the offset threshold, triggering additional permitting requirements and potential mitigation obligations. The MND fails to analyze reasonably foreseeable changes in operating conditions, such as increased biomass processing.

Moreover, although the project is designed as a closed-loop system, this design does not completely eliminate the potential for fugitive emissions. Closed systems are engineered to minimize leaks, but they are not inherently leak-free.[21] The U.S. EPA and SCAQMD both require consideration of potential fugitive emissions from components such as valves, flanges, connectors, compressors, and pump seals—even in enclosed and pressurized systems. Therefore, the assertion in the RTC that there would be "no fugitive emissions" lacks technical justification and may misrepresent the actual emissions profile of the facility. Furthermore, the RTC references implied safety factors; however, merely implying these factors in insufficient and must be explicitly defined and documented.[22] The presence of Lower Explosive Limit (LEL) and hydrogen sulfide (H_2S) sensors indicates potential emission risks, yet the RTC does not explain why the emissions outputs are reported as zero in the CalEEMod modeling files. This missing information demonstrates that the MND's emissions estimates are underestimated.

3.2 Emergency Generator Emissions Updated Post-Public Review

As outlined in Section 1.1, the emissions profile for the emergency generator was significantly revised after the public circulation of the MND and presented new data supporting a fair argument under CEQA that emissions from the emergency generator could be significant and may necessitate preparation of a full EIR.

Specifically, the 2024 ATC application identifies the emergency generator as an SG200 14.2L 200 kW Industrial Spark-Ignited Generator Set, certified by the U.S. EPA for both emergency and non-emergency operation.[23] The application includes a Statement of Exhaust Emissions estimating GHG emissions at approximately 27 metric tons of CO_2 per year, based on an assumed operational duration of 200 hours annually.[24] While this level of GHG emissions remains below CEQA's significance thresholds, the generator's emissions of criteria pollutants, most notably NOx pose considerably greater environmental and regulatory concerns.

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[21] U.S. EPA, Leak Detection and Repair Compliance Assistance Guidance Best Practices Guide; https://www.epa.gov/sites/default/files/2014-02/documents/ldarguide.pdf

[22] Refer to Landfill Gas to Energy Plant Project for City of Newport Beach: Response to Comments, Pg. 1-122, O2A-8

[23] Refer to Pg. C-7 of 2024 Permit to Construct/Permit to Operate for a Renewable Natural Gas Plant for Biofuels Coyote Canyon Biogas, LLC Newport Beach, California

[24] Refer to PDF Pg. 103 of 2024 Permit to Construct/Permit to Operate for a Renewable Natural Gas Plant for Biofuels Coyote Canyon Biogas, LLC Newport Beach, California

According to the MND, total project NOx emissions from all combustion sources—including the thermal oxidizers, enclosed flare, and emergency generator projected at 3.996 tpy.[25] This figure lies just 0.004 tpy below the SCAQMD offset threshold of 4.0 tpy for NOx, leaving an extremely narrow margin for errors. This minimal compliance buffer presents a credible risk that any unanticipated increase in emergency generator runtimes, such as those caused by prolonged power outages, grid instability, or other emergency conditions, could push emissions above the regulatory threshold, triggering mandatory offset requirements or other mitigation obligations.

Given the narrow margin between the total projected NOx emissions and the SCAQMD offset threshold, it is important to quantify the specific contribution of the emergency generator to these emissions. The following calculation uses the manufacturer-certified emission factor and operational assumptions to estimate the generator's annual NOx emissions and illustrate how it impacts the overall emissions profile.

Given Data:

- Generator power rating: 200 kW
- Operating hours per year: 200 hours
- NOx emission factor (BACT certified): 1.5 grams per brake horsepower-hour (g/bhp-hr)
- Conversion factors:
    - 1 kW = 1.341 bhp (brake horsepower)
    - 1 ton = 907,200 grams

1. Convert generator power from kW to bhp
200 kW * 1.341 bhp = 268.2 bhp

Generator Power in bhp = 268.2 bhp

2. Calculate annual NOx emissions in grams
NOx emissions (g) = Emission factor * Generator Power (bhp) * Operating Hours (hour/year)

1.5 g/bhp-hr * 268.2 bhp * 200 hours/year = 80,460 grams/year

NOx emissions in grams = 80,460 grams/year

3. Convert annual NOx emissions into grams to tons
NOx emissions (tons) = NOx emissions (grams) ÷ 907,200 grams/ton

[25] Refer to Pg. 16, Table 7. Project Total GHG Emissions of 2024 Permit to Construct/Permit to Operate for a Renewable Natural Gas Plant for Biofuels Coyote Canyon Biogas, LLC Newport Beach, California

NOx emissions (tons) = 80,460 grams/year ÷ 907,200 grams/ton

NOx emissions (tons) = 0.087 tons/year

Combustion Sources Total NOx Emissions = 3.996 tons/year + 0.087 tons/year

Combustion Sources Total NOx Emissions = 4.083 tons/year

The emergency generator is estimated to emit approximately 0.087 tons of NOx annually based on 200 hours of operation at the certified emission rate. When added to the existing NOx estimation of 3.996 tpy, the new estimate (0.087 tpy) from the emergency generator brings the total emissions to **approximately 4.083 tpy, exceeding the 4.0 tpy threshold by 0.083 tons or 3%**. Such an exceedance would trigger additional permitting requirements, including the need to obtain emission offsets or implement further mitigation measures. The slightest increase of emergency generator runtime can push overall emissions well above the regulatory threshold.

The risk posed by NOx emissions is particularly critical because nitrogen oxides are key precursors to ground-level ozone and fine particulate matter, pollutants with well-documented adverse effects on human health and the environment. Controlling NOx emissions is therefore essential to maintaining compliance with regional air quality standards and protecting public health. Given that projected NOx emissions are already extremely close to the SCAQMD significance threshold, even minor increases in generator operating hours or emission rates could result in regulatory exceedances. This risk is further amplified by multiple nearby facilities that also operate emergency generators, which may simultaneously emit NOx during grid outages or emergencies, exacerbating cumulative air quality impacts.

3.3 Mischaracterization of Fugitive GHG Emissions from RNG Flare

The RTC's characterization of fugitive GHG emissions associated with the enclosed Renewable Natural Gas flare system was inaccurate and failed to adequately address the original inquiry. The initial comment explicitly focused on fugitive emissions potentially emanating from components of the flare system, including but not limited to leaks from valves, pressure relief devices, flanges, connectors, and emissions during routine maintenance or operational interventions. These fugitive emissions are inherently intermittent and diffuse, and, critically, are neither explicitly quantified nor separately analyzed within the existing emissions dataset or inventory.

RTC's response conflates process-related combustion emissions, those generated from the controlled combustion of gas within the flare, with possible uncontrolled releases or venting that may occur from ancillary system components.[26] This distinction is vital, as process emissions are

[26] Refer to Landfill Gas to Energy Plant Project for City of Newport Beach: Response to Comments, Pg. 1-23, A3-2

generally monitored and estimated based on combustion efficiency and gas throughput, whereas fugitive emissions require targeted leak detection and quantification methodologies such as Optical Gas Imaging (OGI) or component-level emission factor assessments.[27] The current dataset does not clearly disaggregate these fugitive sources from overall flare system emissions, resulting in a lack of clarity regarding the magnitude and impact of uncontrolled venting events or leak-related emissions. Consequently, RTC's treatment does not fully address the technical concerns regarding the unaccounted-for fugitive emissions in the flare system.

3.4 Deficiencies in Disclosure and Scope of the Preliminary Site Consequence Analysis

The MND, ATC application, and RTC documents reference a Preliminary Site Consequence (PSC) Analysis as part of the environmental review process. However, these documents do not clearly provide or link to the referenced analysis, which is a significant procedural omission. Under CEQA guidelines, any technical studies or supporting documents that form the basis for conclusions regarding environmental impact must be fully disclosed and made accessible to the public.[28] The omission of the PSC from the publicly available record prevents meaningful evaluation of its assumptions and findings.

Moreover, the PSC presented in the available project materials appears incomplete. The analysis considers only a limited subset of potential sensitive receptors, specifically Sage Hill High School and vehicle occupants on Newport Coast Drive and SR-73.[29] It omits evaluation of other nearby non-residential receptors as well as the nearest residential areas, which are located within approximately 1,385 feet of the project site. This exclusion is problematic given that the MND identifies these residents as sensitive receptors and CEQA requires a comprehensive assessment of impacts on all potentially affected sensitive receptors. By limiting its scope, the PSC does not adequately characterize the full extent of public exposure risks under potential accident scenarios and therefore does not provide a sufficient technical basis to support findings of less-than-significant impact.

3.5 Impact from Existing Flares Not Considered within Emissions Assessment

The MND states that the existing flares at the Coyote Canyon Landfill, currently operated by OC Waste and Recycling (OCWR), will remain in operation under the proposed project as secondary

[27] U.S. EPA, EPA Issues Final Requirements for Using Optical Gas Imaging in Leak Detection; https://www.epa.gov/system/files/documents/2023-12/technical-fact-sheet.-using-optical-gas-imaging-in-leak-detection-appendix-k_0.pdf
[28] Cal. Code Regs. Tit. 14, § 15147
[29] Refer to Pg. 101 of Landfill Gas to Energy Plant Project Initial Study/MND City of Newport Beach

or backup units.[30] However, even in a backup capacity, emissions from the flares must be accounted for, as they continue to contribute to the project's overall environmental impact. The MND identifies a planned one-day annual shutdown of the proposed RNG facility, as well as the potential for up to ten unplanned shutdowns per year, during which landfill gas (LFG) would be redirected to the flares for combustion.

To ensure a comprehensive and accurate assessment of air quality impacts, the City must identify and disclose the anticipated volume of LFG expected to be routed to the flares during both planned and unplanned shutdown events. In addition, the City should quantify the associated emissions of criteria air pollutants and greenhouse gases resulting from flare operations during these periods. This information is necessary to fully evaluate the operational emissions profile of the project and determine compliance with applicable air quality thresholds and regulatory standards.

3.6 Inconsistencies in Emissions Conversions Presented in MND

The emissions data presented in Tables 3 and 4 of the MND are inconsistent and require further attention. To verify the reported values, annual emissions were recalculated using standard conversion factors, 365 days per year and 2,000 lbs per ton, and daily emissions reported in Table 3. The recalculated emissions were then compared with the annual emissions reported in Table 4. Emissions listed as less than 1 lb/day were excluded from recalculation due to the absence of a supporting baseline and the inconsistent presentation of annual totals in Table 4. The discrepancies between the reported and recalculated values raise questions about the accuracy and methodology used in the original analysis.

Below is a summary of the recalculated emissions compared to those presented in the MND:

Presented TOX – Main Fuel

- VOC: 12 lbs/day and 2.12 tons/year
- NOx: 17 lbs/day and 2.60 tons/year
- CO: 58 lbs/day and 8.65 tons/year
- SO_2: 11 lbs/day and 2.01 tons/year
- $PM_{10}/PM_{2.5}$: 5 lbs/day and 0.92 tons/year

[30] Refer to Pg. 4, Para. 4 of Landfill Gas to Energy Plant Project Initial Study/MND City of Newport Beach

Recalculated TOX – Main Fuel

- VOC: 12 lbs/day × 365 days/2,000lbs = 2.19 tons/year
- NOx: 17 lbs/day × 365 days/2,000lbs = 3.10 tons/year
- CO: 58 lbs/day × 365 days/2,000lbs = 10.59 tons/year
- SO_2: 11 lbs/day × 365 days/2,000lbs = 2.01 tons/year
- $PM_{10}/PM_{2.5}$: 5 lbs/day × 365 days/2,000lbs = 0.913 tons/year

Presented TOX – Supplemental Fuel

- NOx: 12 lbs/day and 0.54 tons/year
- CO: 40 lbs/day and 1.81 tons/year

Recalculated TOX – Supplemental Fuel

- NOx: 12 lbs/day × 365 days/2,000lbs = 2.19 tons/year
- CO: 40 lbs/day × 365 days/2,000lbs = 7.30 tons/year

Presented Enclosed RNG Flare

- VOC: 12 lbs/day and 0.21 tons/year
- NOx: 47 lbs/day and 0.85 tons/year
- CO: 112 lbs/day and 2.04 tons/year
- SO_2: 18 lbs/day and 0.33 tons/year
- $PM_{10}/PM_{2.5}$: 33 lbs/day and 0.25 tons/year

Recalculated Enclosed RNG Flare

- VOC: 12 lbs/day × 365 days/2,000lbs = 2.19 tons/year
- NOx: 47 lbs/day × 365 days/2,000lbs = 8.58 tons/year
- CO: 112 lbs/day × 365 days/2,000lbs = 20.44 tons/year
- SO_2: 18 lbs/day × 365 days/2,000lbs = 3.29 tons/year

- $PM_{10}/PM_{2.5}$: 33 lbs/day × 365 days/2,000lbs = 6.02 tons/year

Presented Emergency Generator

- VOC: 1 lb/day and 0.02 tons/year
- NOx: 1 lb/day and 0.01 tons/year
- CO: 1 lb/day and 0.01 tons/year

Recalculated Emergency Generator

- VOC: 1 lb/day × 365 days/2,000lbs = 0.183 tons/year
- NOx: 1 lb/day × 365 days/2,000lbs = 0.183 tons/year
- CO: 1 lb/day × 365 days/2,000lbs = 0.183 tons/year

The discrepancies between the daily emissions values and the corresponding annual totals raise significant concerns about the reliability of the emissions data used in the MND. These inconsistencies suggest that either incorrect conversion factors were applied or that emissions were selectively adjusted without sufficient explanation. Notably, the recalculated daily NOx emissions of 12 lbs per day from the TOX – Supplemental Fuel source converts to 2.19 tons per year, increasing the total project-related NOx emissions to approximately 5.65 tons per year (adding 2.60 tpy, 2.19 tpy, 0.85 tpy and 0.01 tpy) .[31] This value is well above the 4 tons per year SCAQMD offset threshold and indicates a significant impact that was not discussed. To ensure transparency and regulatory compliance, the emissions tables must be revised to reflect accurate and consistently calculated values, and any assumptions or calculation methodologies must be clearly disclosed.

CONCLUSION

Based on a thorough expert review, it is evident that the Response to Comments document does not adequately address several critical issues. These deficiencies include the failure to incorporate and analyze newly submitted permitting documents, unresolved discrepancies and inconsistencies among various supporting materials and data sets, and significant gaps in the accuracy and completeness of emissions reporting.

Sincerely,

[31] Refer to Pg. 67, Table 3: Comparison of Project Emissions to Regional Daily Thresholds of Landfill Gas to Energy Plant Project Initial Study/MND City of Newport Beach

GROUP DELTA CONSULTANTS, INC.

Dr. Komal Shukla
Technical Director – Air Quality

EXHIBIT 2

WILSON IHRIG
ACOUSTICS, NOISE & VIBRATION

CALIFORNIA
WASHINGTON
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WI #25-001

May 20th, 2025

Kelilah Federman
Adams Broadwell Joseph & Cardozo
601 Gateway Blvd., Suite 1000
South San Francisco, CA 94080

SUBJECT: Response to Comments on Archaea Landfill Gas Project

We are writing in response to the Response to Comments document for the Archaea Landfill Gas Project in the City of Newport Beach. The project involves the construction, operation, and maintenance of a new renewable natural gas processing plant and a pipeline interconnection facility. The approximately 4-acre site is located to the west of Newport Coast Drive and south of Highway 73. There are noise-sensitive uses flanking the site - Sage Hill School 1400 feet to the north and single-family houses as part of the Tesoro Crest gated community 1250 feet to the south.

Wilson Ihrig is an acoustical consulting firm that has practiced exclusively in the field of acoustics since 1966. During our almost 58 years of operation, we have prepared hundreds of noise studies for Environmental Impact Reports and Statements. We have one of the largest technical laboratories in the acoustical consulting industry. We also utilize industry-standard acoustical programs such as Roadway Construction Noise Model (RCNM), SoundPLAN, and CadnaA. In short, we are well qualified to prepare environmental noise studies and review studies prepared by others.

Adverse Effects of Noise[1]

Although the health effects of noise are not taken as seriously in the United States as they are in other countries, they are real and, in many parts of the country, pervasive.

Noise-Induced Hearing Loss. If a person is repeatedly exposed to loud noises, he or she may experience noise-induced hearing impairment or loss. In the United States, both the Occupational Health and Safety Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH) promote standards and regulations to protect the hearing of people exposed to high levels of industrial noise.

Speech Interference. Another common problem associated with noise is speech interference. In addition to the obvious issues that may arise from misunderstandings, speech interference also leads to problems with concentration fatigue, irritation, decreased working capacity, and automatic stress reactions. For complete speech intelligibility, the sound level of the speech should be 15 to 18 dBA higher than the background noise. Typical indoor speech levels are 45 to 50 dBA at 1 meter, so any noise above 30 dBA begins to interfere with speech intelligibility. The common reaction to higher

[1] More information on these and other adverse effects of noise may be found in *Guidelines for Community Noise*, eds B Berglund, T Lindvall, and D Schwela, World Health Organization, Geneva, Switzerland, 1999. (https://iris.who.int/handle/10665/66217)

background noise levels is to raise one's voice. If this is required persistently for long periods of time, stress reactions and irritation will likely result.

Sleep Disturbance. Noise can disturb sleep by making it more difficult to fall asleep, by waking someone after they are asleep, or by altering their sleep stage, e.g., reducing the amount of rapid eye movement (REM) sleep. Noise exposure for people who are sleeping has also been linked to increased blood pressure, increased heart rate, increase in body movements, and other physiological effects. Not surprisingly, people whose sleep is disturbed by noise often experience secondary effects such as increased fatigue, depressed mood, and decreased work performance.

Cardiovascular and Physiological Effects. Human's bodily reactions to noise are rooted in the "fight or flight" response that evolved when many noises signaled imminent danger. These include increased blood pressure, elevated heart rate, and vasoconstriction. Prolonged exposure to acute noises can result in permanent effects such as hypertension and heart disease.

Impaired Cognitive Performance. Studies have established that noise exposure impairs people's abilities to perform complex tasks (tasks that require attention to detail or analytical processes) and it makes reading, paying attention, solving problems, and memorizing more difficult. This is why there are standards for classroom background noise levels and why offices and libraries are designed to provide quiet work environments.

Document Contains Unreported Significant Construction Noise Impacts

In our letter dated December 13th, 2024, we detailed how the Mitigated Negative Declaration (MND) contains unreported significant construction noise impacts, primarily due to construction noise lacking evaluation of a substantial increase. This concern – that construction noise would be considered significant if compared to thresholds based on existing noise levels – was not addressed and noise impacts remain significant and unmitigated. The MND states that the "combined construction noise levels from pipe installation and equipment installation would be 55 dBA Leq and 56 dBA Leq, respectively" (MND, page 127). Ambient daytime noise levels ranged from 38 to 48 dBA at the nearest noise measurement location to the single-family homes to the south (IS/MND, Table F of Appendix K). This would exceed the existing noise levels by 7 to 18 dB and result in a significant impact pursuant to CEQA since CEQA law requires project to avoid a "substantial temporary or permanent increase in ambient noise levels in the vicinity of the project" (MND, page 123). As noted in the MND, a 10 dBA increase is perceived as a doubling of the sound and thus would cause an adverse impact (MND, page K-5).

The selected construction noise threshold of 80 dBA is 42 dBA higher than the baseline noise conditions and threshold does not appear to take into account the baseline condition. While no impact threshold for substantial increase is specified in the City of Newport Beach General Plan or Municipal Code, it is the responsibility of the project applicant to assess the noise increase over ambient levels against the human response observations noted in the IS/MND, or against a 3 dBA or 5 dBA limit that is typically identified by other jurisdictions as the impact threshold. Whether a 3, 5, or 10 dBA threshold is selected to evaluate the significance of a substantial increase, based on the construction noise analysis presented in the IS/MND the noise increase would be substantial and significant. The Project's noise impacts are potentially significant, and must be analyzed in an Environmental Impact Report (EIR) before the Project can be approved.

Conditions of Approval do not Mitigate Potential Noise Impacts

The Project is required to comply with Conditions 20 and 21. Conditions 20 and 21 do not resolve the aforementioned increase above ambient noise, and thus construction noise still results in a significant impact. Condition 20 states that "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 Newport Beach Municipal Code. However, section 10.26.035.D states that "Noise sources associated with construction, repair, remodeling, demolition or grading of any real property. Such activities shall instead be subject to the provisions of Chapter 10.28 of this title"[2] meaning that Condition 20 does not apply for construction noise.

Condition 21 states that construction activities "shall comply with Section 10.28.040" of the Newport Beach Municipal Code, which exempts noise-generating construction activities from section 10.28. of the code as long as construction occurs between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday, and 8:00 a.m. and 6:00 p.m. on Saturday. This, again, does not change the potential impact of this project since all construction work is planned during daytime hours.

As such, these conditions do nothing to reduce the potential for impacts due to construction noise that are presented in both this and our previous letter. As such, we believe there is a potential for a significant noise impact, and the construction noise issue must be studied more thoroughly in an EIR.

Very truly yours,
WILSON IHRIG

Jack Meighan
Associate

[2] Newport Beach Municipal Code 10.26.035
https://www.codepublishing.com/CA/NewportBeach/#!/NewportBeach10/NewportBeach1026.html#10.26

EXHIBIT 3

ADAMS BROADWELL JOSEPH & CARDOZO
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
601 GATEWAY BOULEVARD, SUITE 1000
SOUTH SAN FRANCISCO, CA 94080-7037
TEL: (650) 589-1660
FAX: (650) 589-5062
ssannadan@adamsbroadwell.com

SACRAMENTO OFFICE
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SACRAMENTO, CA 95814-4721
TEL: (916) 444-6201
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RICHARD M. FRANCO
ANDREW J. GRAF
TANYA A. GULESSERIAN
DARION N. JOHNSTON
RACHAEL E. KOSS
AIDAN P. MARSHALL
ALAURA R. McGUIRE
TARA C. RENGIFO

Of Counsel
MARC D. JOSEPH
DANIEL L. CARDOZO

December 3, 2024

Via U.S. Mail and Email

Jaime Murillo, Deputy Director
Community Development Department
City of Newport Beach
100 Civic Center Drive
Newport Beach, California 92660
Email: murillo@newportbeachca.gov

Leilani I. Brown, City Clerk
City of Newport Beach
Office of the City Clerk
P.O. Box 1768
Newport Beach, CA 92658
Emails: lbrown@newportbeachca.gov; cityclerk@newportbeachca.gov

Via Email Only

Joselyn Perez, Senior Planner
Email: jperez@newportbeachca.gov

Re: Request for Immediate Access to Documents Referenced in the Initial Study/Mitigated Negative Declaration – Landfill Gas to Energy Plant Project (SCH No. 2024120012; Project No. PA2022-063)

Dear Mr. Murillo, Ms. Brown, and Ms. Perez:

We are writing on behalf of California Unions for Reliable Energy ("CURE") to request ***immediate access*** to any and all documents referenced, incorporated by reference, and relied upon in the Initial Study/Mitigated Negative Declaration ("IS/MND") prepared Landfill Gas to Energy Plant Project (SCH No. 2024120012; Project No. PA2022-063) ("Project"), proposed by Archaea Energy Inc. (d.b.a. Biofuels Coyote Canyon Biogas, LLC). *This request excludes a copy of the IS/MND. This request also excludes any documents that are currently available on the Newport Beach website, as of today's date*.[1]

The Project proposes the installation and operation of a new renewable natural gas (RNG) processing plant and a pipeline interconnection facility (collectively referred to as the RNG facility) in the City of Newport Beach, Orange County, California. The proposed RNG facility would have a total footprint of 38,500 square feet (SF) and would convert existing landfill gas (LFG) into a pipeline-quality natural gas equivalent. The pipeline interconnection facility would be approximately 6,000 SF, and the RNG processing plant would be approximately

[1] Accessed https://www.newportbeachca.gov/government/departments/community-development/planning-division/projects-environmental-document-download-page/environmental-document-download-page on December 3, 2024.

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32,500 SF. The proposed RNG facility would be built on an approximately 0.88-acre portion of a 4.14-acre property with Assessor's Parcel Number 478-03-071. The project site is located within the boundary of the closed Coyote Canyon Landfill at 20662 Newport Coast Dr, Newport Beach, CA.

Our request for ***immediate access*** to all documents referenced in the IS/MND is made pursuant to the California Environmental Quality Act ("CEQA"), which requires that all documents referenced, incorporated by reference, and relied upon in an environmental review document be made available to the public for the entire comment period.[2]

Please use the following contact information for all correspondence:

U.S. Mail
Sheila M. Sannadan
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080-7037

Email
ssannadan@adamsbroadwell.com

If you have any questions, please call me at (650) 589-1660 or email me at ssannadan@adamsbroadwell.com. Thank you for your assistance with this matter.

Sincerely,

Sheila M. Sannadan
Legal Assistant

SMS:acp

[2] *See* Public Resources Code § 21092(b)(1) (stating that "all documents referenced in the draft environmental impact report or negative declaration" shall be made "available for review"); 14 Cal. Code Reg. § 15072(g)(4) (stating that all documents incorporated by reference in the MND . . . "shall be readily accessible to the public").

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EXHIBIT 4

Outlook

RE: Landfill Gas to Energy Plant Project - Preliminary Site Consequence Assessment

From Sheila M. Sannadan <ssannadan@adamsbroadwell.com>
Date Wed 5/21/2025 11:48 AM
To Lee, Amanda <ALee@newportbeachca.gov>; CHawks@newportbeachca.gov <CHawks@newportbeachca.gov>; jperez@newportbeachca.gov <jperez@newportbeachca.gov>; cityclerk@newportbeachca.gov <cityclerk@newportbeachca.gov>; lbrown@newportbeachca.gov <lbrown@newportbeachca.gov>
Cc jmurillo@newportbeachca.gov <jmurillo@newportbeachca.gov>; Kelilah D. Federman <kfederman@adamsbroadwell.com>

1 attachment (176 KB)
7499-004acp - Archaea Landfill Gas to Energy Plant Project - MND Ref (12-03-24).pdf;

Good Morning,

We would like to follow up on our inquiry below, sent on May 20, 2025.

Can you please provide us with a copy of the Preliminary Site Consequence Assessment prepared for the Landfill Gas to Energy Plant Project (SCH No. 2024120012; Project No. PA2022-063)? The Preliminary Site Consequence Assessment is not attached to the Initial Study/Mitigated Negative Declaration (IS/MND). For your reference, I am resending you our December 3, 2024 request for immediate access to any and all documents referenced, incorporated by reference, and relied upon in the IS/MND prepared for the Project.

Thank you for your assistance.

Regards,
Sheila

Sheila Sannadan
Legal Assistant
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
Phone (650) 589-1660
Fax (650) 589-5062
ssannadan@adamsbroadwell.com

From: Sheila M. Sannadan <ssannadan@adamsbroadwell.com>
Sent: Tuesday, May 20, 2025 9:09 AM
To: Lee, Amanda <ALee@newportbeachca.gov>; CHawks@newportbeachca.gov; jperez@newportbeachca.gov; cityclerk@newportbeachca.gov; lbrown@newportbeachca.gov

Cc: jmurillo@newportbeachca.gov; Kelilah D. Federman <kfederman@adamsbroadwell.com>
Subject: Landfill Gas to Energy Plant Project - Preliminary Site Consequence Assessment

Good Morning,

Thank you for the documents provided below on May 19, 2025 related to the Landfill Gas to Energy Plant Project (SCH No. 2024120012; Project No. PA2022-063).

Can you please provide us with a copy of the Preliminary Site Consequence Assessment prepared for the Landfill Gas to Energy Plant Project? It is not attached to the Initial Study/Mitigated Negative Declaration (IS/MND). For your reference, I am resending you our December 3, 2024 request for immediate access to any and all documents referenced, incorporated by reference, and relied upon in the IS/MND prepared for the Project.

Thank you for your assistance.

Regards,
Sheila

Sheila Sannadan
Legal Assistant
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
Phone (650) 589-1660
Fax (650) 589-5062
ssannadan@adamsbroadwell.com

From: Lee, Amanda <ALee@newportbeachca.gov>
Sent: Monday, May 19, 2025 4:23 PM
To: Sheila M. Sannadan <ssannadan@adamsbroadwell.com>
Subject: PRAR - PA2022-063

Hi Sheila,

See attached for Notice of Determination and responsive records. Please download at your earliest convenience, as the link will expire on June 18, 2025.

Thank you,

Amanda Lee, CDD Records Specialist

City of Newport Beach

949-718-1865

Files attached to this message

Filename	Size
PRAR 05-19-2025 20662 Newport Coast Dr_PA2022-063.pdf	1.82 MB
Exchange_625289.pdf	101 MB

Please click on the following link to download the attachments:
https://send.newportbeachca.gov/message/XOrmiSH7pqb41z8XtYXX6c

This email or download link can not be forwarded to anyone else.

The attachments are available until: **Wednesday, 18 June.**

Download Files

City of Newport Beach File Transfer: https://send.newportbeachca.gov

Attachment No. PC 6

Response to ABJ&C Comment Letter

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TECHNICAL MEMORANDUM

DATE	July 9, 2025
TO	Joselyn Perez, Senior Planner
ADDRESS	Community Development Department 100 Civic Center Drive Newport Beach, CA 92660
CONTACT	949.644.3312 jperez@newportbeachca.gov
FROM	Dina El Chammas Gass, Senior Associate
SUBJECT	Response to Adams, Broadwell, Joseph & Cardozo 5/21/25 Comment Letter Regarding the Initial Study and Mitigated Negative Declaration for the Coyote Canyon Landfill Gas to Energy Plant Project
PROJECT NUMBER	CNB-25.0

This memorandum has been prepared to address the comment letter dated May 21, 2025, from Adams, Broadwell, Joseph, and Cardozo (ABJ&C) regarding the Coyote Canyon Landfill Gas to Energy Plant project (proposed project). This letter was submitted outside the public review period for the Initial Study and Mitigated Negative Declaration (IS/MND) (SCH No. 2024120012), and therefore, the responses were not included in the formal Response to Comments (RTC) dated May 2025. This firm submitted two previous letters dated December 23, 2024, and January 13, 2025, within the IS/MND public review period, which was between November 27, 2024, and January 13, 2025. The majority of the issues raised in the May 21, 2025, letter were already raised in the previous letters for which responses have already been prepared. As applicable, the following responses refer to the original responses in the RTC as available on the City's website at https://www.newportbeachca.gov/government/departments/community-development/planning-division/projects-environmental-document-download-page/environmental-document-download-page.

Availability of MND Reference Documents

ABJ&C noted that a Preliminary Site Consequence Assessment was referenced in the IS/MND and that the City did not provide the Preliminary Site Consequence Assessment in response to ABJ&C's reference document request or its Public Records Act request thus violating both the California Environmental Quality Act (CEQA) and Public Records Act disclosure requirements. The Preliminary Site Consequence Analysis has since been uploaded to the City's website and is available for public review at the following link: https://www.newportbeachca.gov/government/departments/community-development/planning-division/projects-environmental-document-download-page/environmental-document-download-page.

Project Revisions in the Response to Comments

ABJ&C stated that the original IS/MND included a Permit to Construct dated December 11, 2023, and that the RTC included a revised permit, dated July 22, 2024, with new information that substantially revises the proposed project. ABJ&C notes that the new Permit to Construct includes information related to the proposed generators and other equipment that demonstrates that the proposed project's emissions of nitrogen oxides (NOx) are significant and exceed 4 tons per year. The 2024 Permit to Construct does not include new information that substantially revises the proposed project and impacts related to air quality emissions from permitted equipment remain less than significant.

ABJ&C also asserts that the 2024 Permit to Construct Application was not made available on CEQA.net, as required by law. CEQA does not require that the Permit to Construct be posted on CEQA.net. This permit was included in the RTC and was made available for public review.

Requirement for an Environmental Impact Report

ABJ&C once again asserts that an Environmental Impact Report (EIR) is required for the proposed project but does not specify the reasons in this letter. The IS/MND fully discloses potential environmental impacts and mitigation, as appropriate to reduce impacts to below significance. ABJ&C's January 13, 2025, letter also asserted that an EIR was required. Responses to ABJ&C comments O2-6 through O2-24 included in the RTC address this issue.

Substantial Evidence Supporting Significant and Unmitigated Air Quality Impacts

ABJ&C notes that the NOx emissions for permitted equipment were underestimated and would result in an exceedance of South Coast Air Quality Management District's (AQMD) offset trigger levels requiring offsets. ABJ&C asserts that there are discrepancies between the daily emissions values and the corresponding annual totals raising concerns about conversion factors. The daily emissions were calculated for 24 hours; however the annual emissions are not calculated based on 24 hour operations for 365 days per year. The annual emissions for the thermal oxidizer were estimated at 24 hours for a full year, the emissions from the enclosed flare were estimated at 600 hours per calendar year, and the emissions from the emergency generator were estimated at 200 hours per year.

It should also be noted that South Coast AQMD reviewed the IS/MND and the associated 2023 Permit to Construct and did not raise this issue in their comment letter dated January 16, 2025 (included and responded to in the RTC). The analysis presented in Tables 8 through 10 of the 2023 Permit to Construct is identical to the tables presented in the 2024 Permit to Construct.

ABJ&C also notes that based on new information included in the 2024 Permit to Construct, the emergency generators would result in NOx emissions that exceed the 4 tons per year threshold. The calculations included to substantiate this point used a manufacturer certified emission factor of 1.5 grams per brake horsepower-hour (g/bhp-hr). The 1.5 g/bhp-hr rate is the Best Available Control Technology Guidelines (BACT) level noted in South Coast AQMD's BACT Guidelines for Non-Major Polluting Facilities. As shown in Appendix B of the 2024 Permit to Construct the manufacturer's NOx emission factor for the proposed emergency generator is 0.12 g/bhp-hr. The proposed emergency generator meets the requirements of South Coast AQMD's BACT Guidelines for Non-Major Polluting Facilities and the permitted equipment under the proposed project would not exceed the offset trigger levels even under worse case scenarios

ABJ&C states that the existing flares were not adequately quantified and may have a significant impact. This comment was addressed in the response to comment O2-13 in the RTC, and no additional issues were raised or substantiated in the most recent letter.

Substantial Evidence Supporting Significant and Unmitigated Greenhouse Gas Impacts

ABJ&C once again notes that the proposed project would result in significant impacts from fugitive greenhouse gas emissions. This comment was addressed in the response to comment O2-18 in the RTC, and no additional issues were raised or substantiated.

Substantial Evidence Supporting Significant and Unmitigated Hazard Impacts

The issue raised regarding unmitigated hazard impacts is the same issue related to the Preliminary Site Consequence Assessment. As noted above, this document has now been made part of the public record. ABJ&C also notes that the Preliminary Site Consequence Assessment does not include residential receptors. The Preliminary Site Consequence Assessment addresses impacts to the Sage Hill Highschool, car passengers on Newport Coast Drive, and car passengers on State Route (SR) 73. Car passengers on SR-37 are closer to the project site than the closest residential receptors. Since there would be no impacts to car passengers on SR-37 there would be no impacts to residential receptors.

Substantial Evidence Supporting Significant and Unmitigated Noise Impacts

ABJ&C once again notes that the proposed project would result in excessive noise levels to nearby sensitive receptors. This comment was addressed in the response to comment O2-24 in the RTC, and no additional issues were raised or substantiated in the most recent letter.

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Attachment No. PC 7

Preliminary Site Consequence Analysis

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April 29, 2024

Coyote Canyon Preliminary Site Consequence Assessment

ARCHAEA ENERGY

Note: This study has been preformed with the information available as of April 29, 2024 and is subject to change.

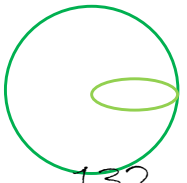
Executive Summary

- The purpose of this report is to outline the potential for flammable vapor clouds, jet fire, and toxic vapor clouds at Coyote Canyon and the possible effect they pose on the surrounding area, the Archaea control room, and the landfill county building.
- Standard 3200 SCFM V1 Archaea design with 44.5 ppm H2S
- Note that Santa Ana wind modelling showed minimal effect on jet fire scenarios and reduced the effect of vapor cloud formation.
- This is divided into two parts: ground level occupied building, personnel and public receptor modelling and vegetation ignition modelling at 20 feet elevation.

Study Contents:

- Risk to Occupied Buildings, Personnel and Public Receptors (modelled at ground level)
  - Site Process Hazard Mapping (Summary of all potential hazards) – Slide 4
  - Risk to Surrounding Public Receptors – Slide 5
  - Occupied Building Recommendations – Slide 6
- Risk to Surrounding Vegetation (modelled at 20 feet elevation)
  - Jet Fire Radii Mapping– Slide 8
  - Worst Case Jet Fire Case (XZ Plane) – Slide 9
- Consequence Prevention and Mitigations – Slide 10
- Conclusion – Slide 11
- Back Up Slides (Slides 12-21)

Clarification: The consequence radii are modelled as circles, representing the potential effect zone, should the wind be blowing in all directions at once. Should an event occur, the shape would realistically be conical depending on wind speed and direction.



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Risk to Occupied Buildings, Personnel and Public Receptors (Inside wall)

ARCHAEA ENERGY

Site Process Hazard Mapping (Ground Level)

Legend

- 1.6 kW/ m^2 Jet Fire Boundary
- 30 PPM H2S Boundary
- Lower Flammability Limit Boundary
- 0.4 PSIG Vapor Cloud Explosion Boundary
- 12 ft. Wall

ARCHAEA ENERGY

Risk to Surrounding Receptors

Public receptors near by but not affected consequence radii:

- Sage Hill Highschool
- Newport Coast Drive
- California State Route 73/ San Joaquin Hills Transportation Toll Road

Private building affected by consequence radii:

- Landfill county Building

ARCHAEA ENERGY

Occupied Building Mitigation Recommendations

Landfill County Building: Potential for 0.6 PSIG

Worst case scenario is that windows facing process shatter from overpressure

Suggested Mitigations:

Archaea Control Room Building: Potential for 1 PSIG

Suggested Mitigations:

Table 1 - Blast overpressure design requirements

Overpressure range		Blast overpressure design requirements
mbar	Psig	
0 to 30	0 to 0,4	No specific blast resisting requirements.
30 to 42	0,4 to 0,6	No restriction on structural type. Glazing specified to reduce injuries in blast (i.e., toughened glass, laminated glass, or polycarbonate). Float glass coated with antishatter film. No brittle cladding materials (e.g., transite).
42 to 70	0,6 to 1,0	Framed structure in reinforced concrete or structural steelwork. Joints designed to ensure ductile behaviour. Walls and roofs ductile material, such as reinforced concrete or steel. Internal nonstructural features are restrained. *Refer to RD 44-301.* Windows conform to "low hazard" performance standard for blast loading at building location. *Refer to RD 44-302.* Windows facing overpressure sources conform to "low hazard" performance standard under reflected overpressure. Doors conform to "moderate damage" performance standard. *Refer to RD 44-303.* Doors facing overpressure sources conform to "moderate damage performance standard" under reflected overpressure.

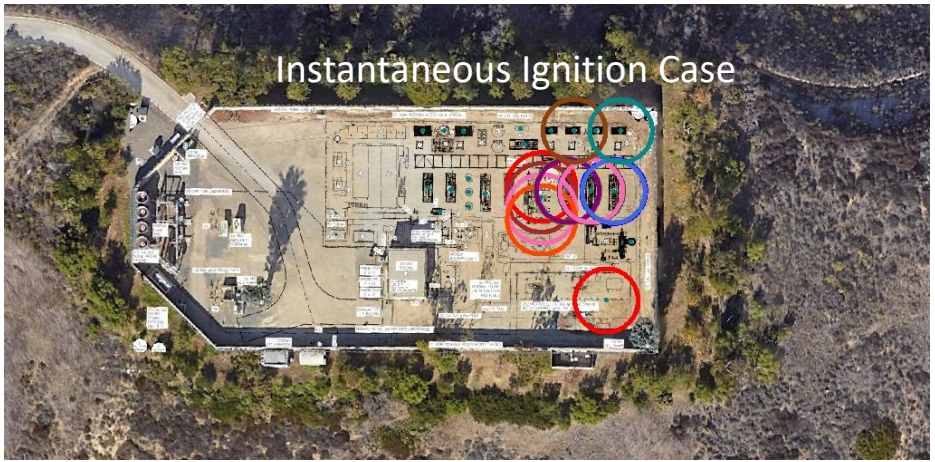
ARCHAEA ENERGY

Risk to Surrounding Vegetation

Wildfire Considerations & Mitigations

ARCHAEA ENERGY

Jet Fire Radii (30 kW/m2, 50 kW/m2)

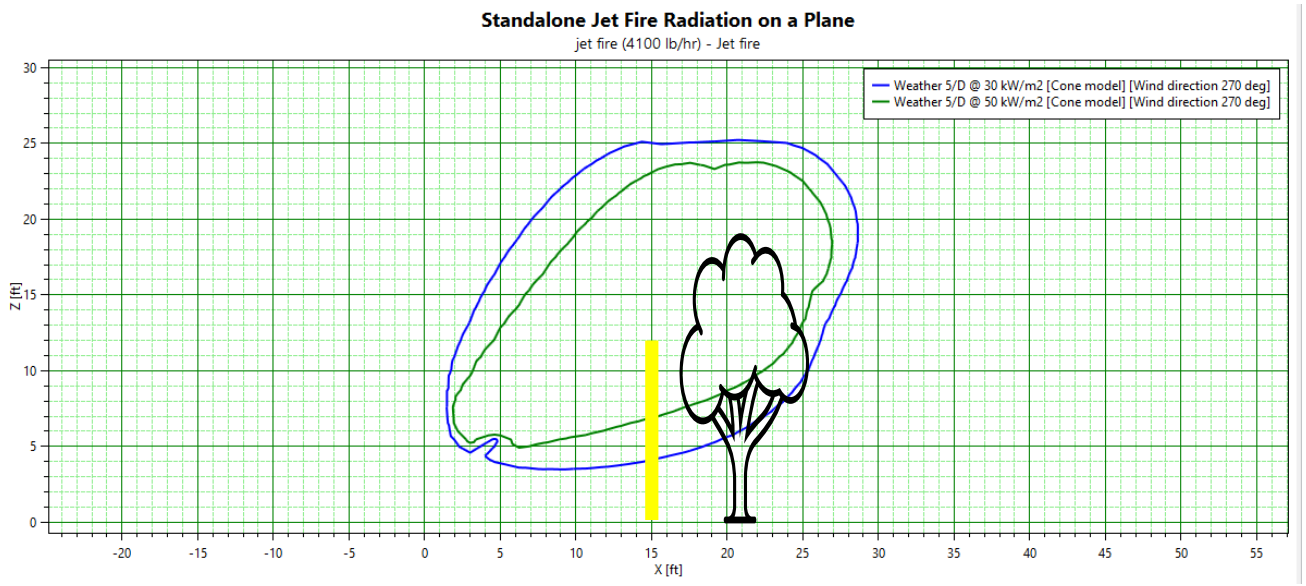


- A height of 20 feet is mapped on the XY plane because at 20 feet in the air, the jet fire thermal radiation reaches farthest.
- Two Cases:
  - Prolonged Ignition Case
    - 30 kW/m2
    - Ignites within 15-20 minutes of exposure
    - At 20 ft. elevation, reaches 10 ft. from wall
  - Instantaneous Ignition Case
    - 50 kW/m2
    - Ignites with 0-2 minutes of exposure
    - At 20 ft. elevation, reached 7 ft. from wall

- Mitigations preventing such events:
  - Fire and gas detection
  - Process control alarms
  - Process control shutdowns (Pressure safety high-highs, Pressure safety low-lows, composition analyzers)
  - Plant ESD System
  - Ignition Source Control, Hazardous Area Classification (Vapor cloud must find an ignition source to create jet fire depicted)

ARCHAEA ENERGY

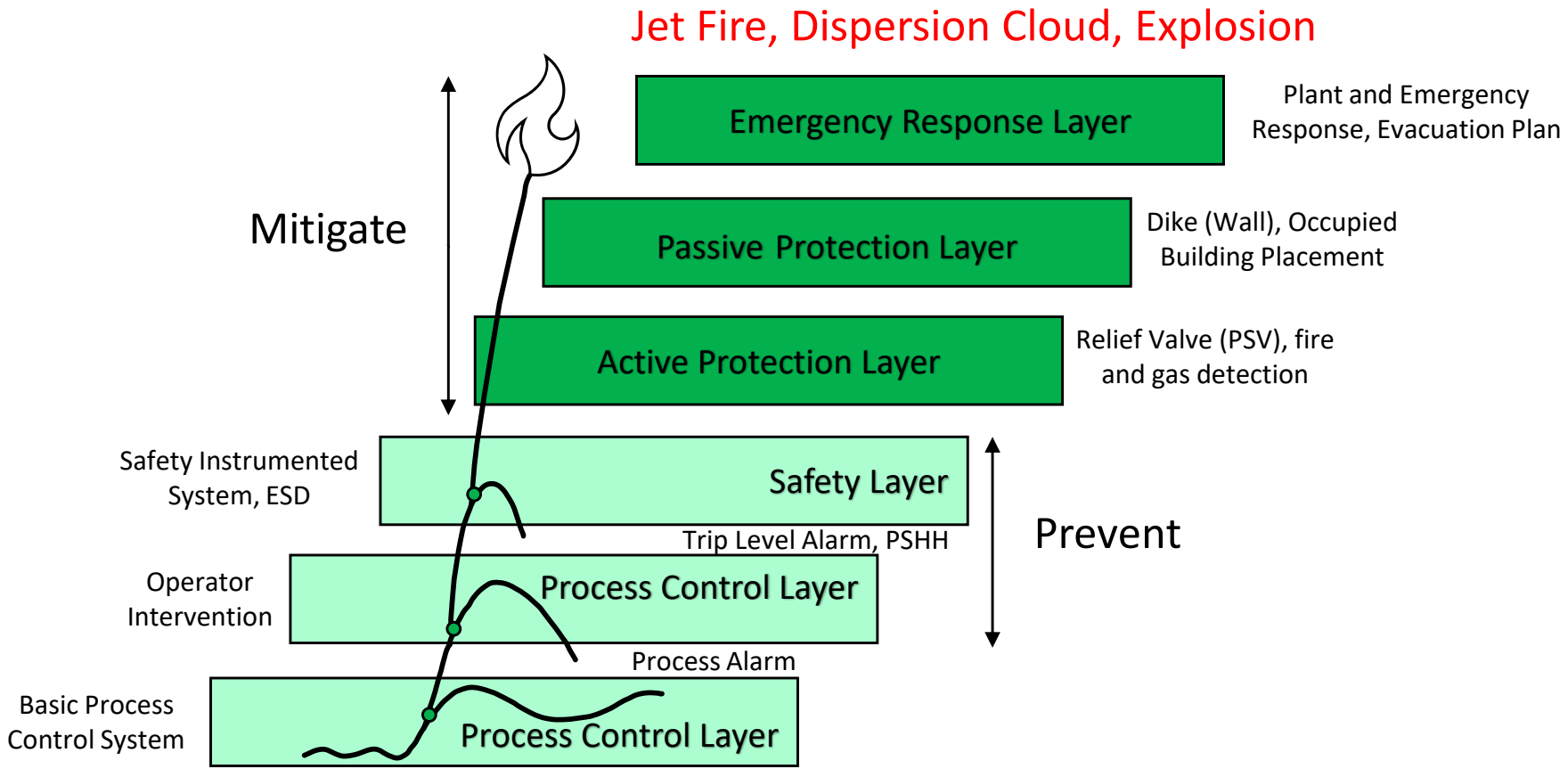
Worst Case Jet Fire (XZ plane)



- Under ideal conditions for vegetations ignition (moisture content, etc.), 50 kW/m2 can potentially instantaneously ignite vegetation in 0-2 minutes.
- All other instantaneous ignition radii do not reach outside of the facility

ARCHAEA ENERGY

Consequence Prevention & Mitigations



Design (Equipment layout, Ignition Source Control, Hazardous Area Classification)

Conclusion

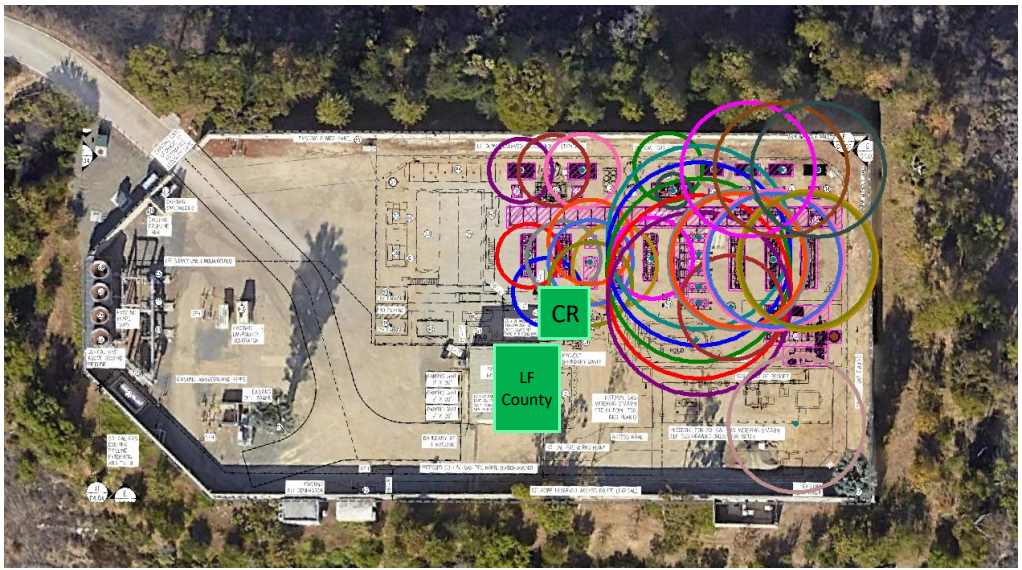
- With suggested occupied building enhancements, models generated indicate that personnel, occupied buildings and public receptors are inherently safe outside of the generated consequence contours.
- Vegetation ignition is possible near the northeast portion of the wall within 10 feet.
- Any potential consequence stated in this study is unlikely to occur given the following mitigations:
    - Fire and gas detection
    - Process control alarms
    - Process control shutdowns (Pressure safety high-highs, Pressure safety low-lows, composition analyzers)
    - Plant ESD System
    - Ignition Source Control, Hazardous Area Classification (Vapor cloud must find an ignition source to create jet fire depicted)
    - PSVs and other active protection devices

Back-up Slides

Citations & Relevant Information

ARCHAEA ENERGY

LFL (Lower Flammability Limit) Dispersion Cloud Radii



Dispersion cloud scenario basis:

Leak develops in process equipment AND process continues to operate (continuous leak at plant rate). Flammable vapor cloud accumulation with ignition can cause explosions and flash fires. All radii show the lower flammability limit (LFL) contours. The LFL is the lowest concentration of a gas in air capable of producing a flash fire in the presence of an ignition source.

Inputs:

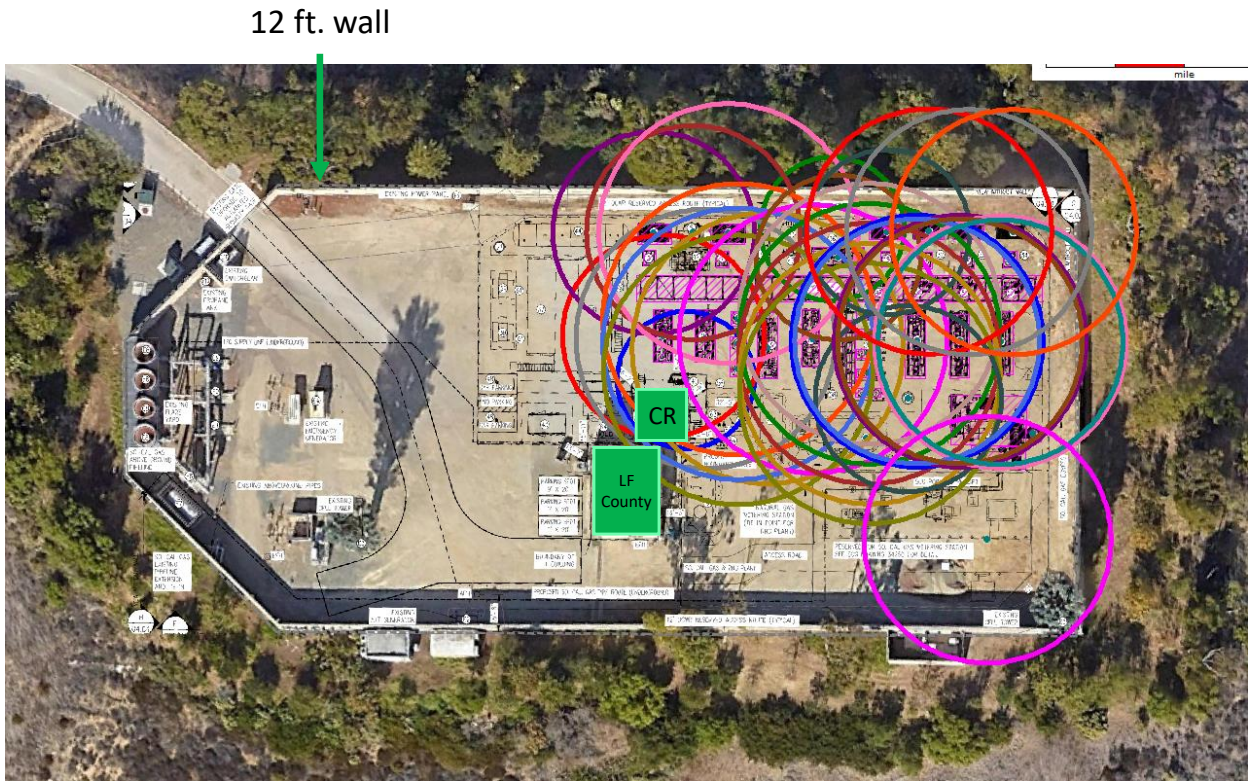
- 2” horizontal leak at 0 ft elevation
- Plant normal operating conditions and flowrate
- Process stream compositions

Output:

- Dispersion clouds are not large enough to migrate and gather outside of plant walls
- The cloud would likely disperse before it is able to travel over the wall

ARCHAEA ENERGY

Jet Fire Radii (1.6 kW/m2)



Jet fire scenario basis:

Leak develops in process equipment AND process continues to operate (continuous leak at plant rate). All radii are 1.6 kW/m2 radiant heat contours in accordance with API 521 Table 12.

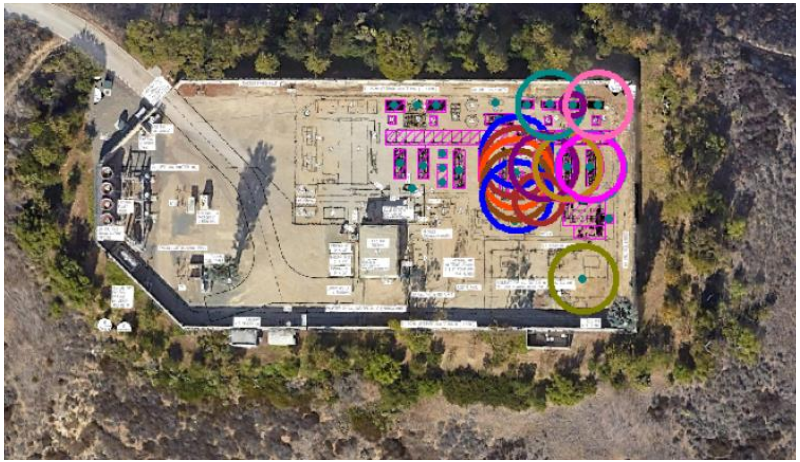
Inputs:

- 2” 45-degree leak at 3 ft elevation
- Plant normal operating conditions and flowrate
- Process stream compositions
- Height of Interest is 0 ft. as the concern is occupied buildings and personnel

ARCHAEA ENERGY

Jet Fire Radii

6.3 kW/m2



9.46 kW/m2

Jet fire scenario basis:

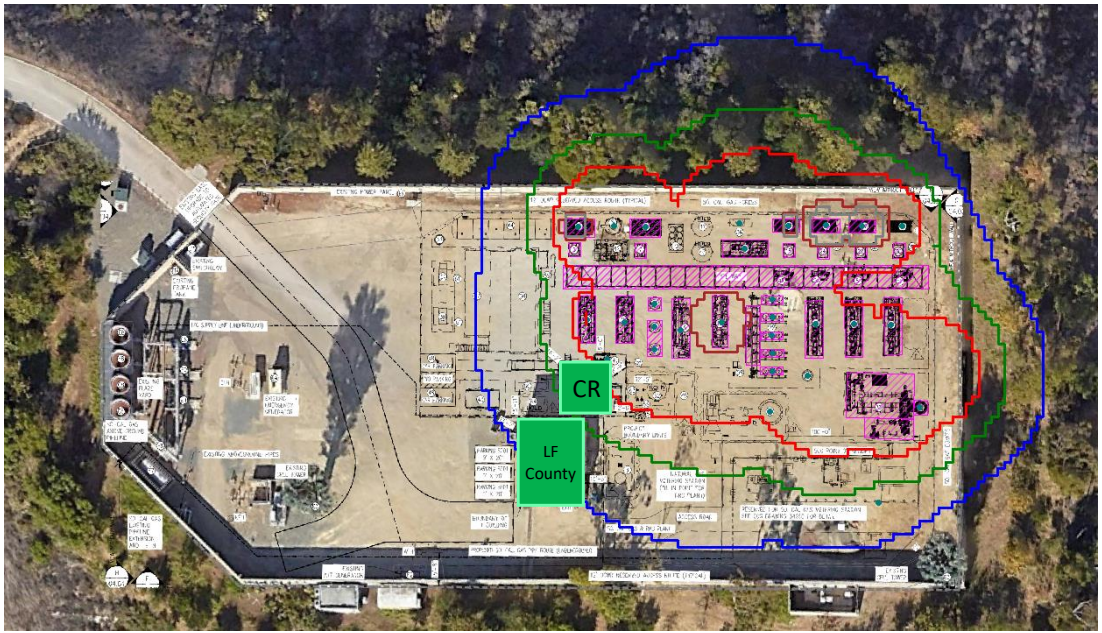
Leak develops in process equipment AND process continues to operate (continuous leak at plant rate).

Inputs:

- 2” 45-degree leak at 3 ft elevation
- Plant normal operating conditions and flowrate
- Process stream compositions

ARCHAEA ENERGY

Vapor Cloud Explosion Radii



0.4 PSIG 0.6 PSIG 1 PSIG 3 PSIG 5 PSIG

VCE scenario basis:

Leak develops in process equipment AND process continues to operate (continuous leak at plant rate). The flammable mass grows and infiltrate areas of obstruction and confinement. If ignition occurs, these area(s) can generate explosive forces.

Inputs:

- 2” horizontal leak at 0 ft elevation
- Plant normal operating conditions and flowrates
- Process stream compositions
- Facility layout details (3D models, photos, drawings) to define obstructed regions

Results:

- Archaea Control room is reached by 1 PSIG contour (see slide 11 for mitigations)
- Landfill building is reached by 0.6 PSIG contour (see slide 11 for mitigations
- Wall is reached by ~1.2 psig and can absorb 2-3 psig. Pressure contours are **not** expected to reach outside of the facility due to the surrounding wall.

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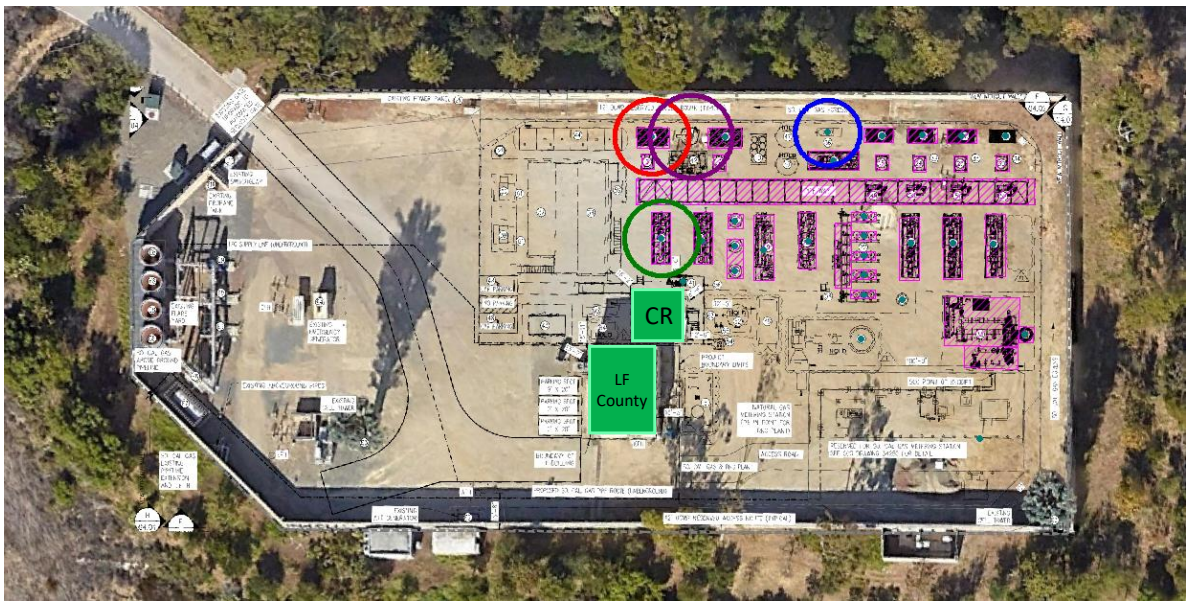
Toxic Cloud Radii (30 ppm radii)



Toxic cloud scenario basis:

Leak develops in process equipment AND process continues to operate (continuous leak at plant rate). All radii are 30 PPM H2S contours.

Inputs:

- 2” horizontal leak at 0 ft elevation
- Plant normal operating conditions
- Process stream compositions
- Process mass rate

Output:

- No significant toxic substance concerns

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Jet Fire Radiation Back-Up Info for Occupied Buildings and Personnel (API 521)

Table 11—Exposure Times Necessary to Reach the Pain Threshold

Radiation Intensity kW/m² (Btu/h·ft²)	Time-to-pain Threshold s
1.74 (550)	60
2.33 (740)	40
2.90 (920)	30
4.73 (1500)	16
6.94 (2200)	9
9.46 (3000)	6
11.67 (3700)	4
19.87 (6300)	2

Table 12—Recommended Design Thermal Radiation for Personnel

Permissible Design Level K kW/m² (Btu/h·ft²)	Conditions
9.46 (3000)	Maximum radiant heat intensity at any location where urgent emergency action by personnel is required. When personnel enter or work in an area with the potential for radiant heat intensity greater than 6.31 kW/m² (2000 Btu/h·ft²), radiation shielding and/or special protective apparel (e.g. a fire approach suit) should be considered. **Safety Precaution—It is important to recognize that personnel with appropriate clothing [a] cannot tolerate thermal radiation at 9.46 kW/m² (3000 Btu/h·ft²) for more than a few seconds.**
6.31 (2000)	Maximum radiant heat intensity in areas where emergency actions lasting up to 30 s can be required by personnel without shielding but with appropriate clothing. [a]
4.73 (1500)	Maximum radiant heat intensity in areas where emergency actions lasting 2 min to 3 min can be required by personnel without shielding but with appropriate clothing. [a]
1.58 (500)	Maximum radiant heat intensity at any location where personnel with appropriate clothing can be continuously exposed.

[a] Appropriate clothing consists of a hard hat, a long-sleeved shirt with cuffs buttoned, work gloves, long-legged pants, and work shoes. Appropriate clothing minimizes direct skin exposure to thermal radiation.

Site/ Wall Photos

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Vegetation Ignition

- https://agupubs.onlinelibrary.wiley.com/doi/pdf/10.1029/2004JE002279

Table 1. Spontaneous Ignition of Wood[a]

Varieties of Wood	Intensity ± Standard Deviation,[b] cal/cm²/s				Approx. Intensity,[b] kW/m²			
	MC = 0	MC = 20	MC = 40	MC = 60	MC = 0	MC = 20	MC = 40	MC = 60
European Whitewood (*Picea Abies*)	1.29 ± 0.07	1.44 ± 0.04	1.59 ± 0.01	1.65 ± 0.04	54	60	67	69
Columbian Pine (*Pseudotsuga taxifolia*)	1.13 ± 0.05	1.27 ± 0.16	1.44 ± 0.04	1.58 ± 0.03	47	53	60	66
Oak (*Quercus* sp.)	1.38 ± 0.35	1.37 ± 0.10	1.54 ± 0.04	1.58 ± 0.02	58	57	64	66
Larch (*Larix decidua*)	1				42			
Abura (*Mitragyna* spp.)	1				42			
Makoré (*Mimusops heckilii*)	1				42			

[a]Minimum intensity for spontaneous ignition of wood is from *Simms and Law* [1967]. Note that these values are for wood; twigs, leaves, and forest litter may ignite under different conditions, potentially from lower intensities. One to two minutes at these intensities is sufficient to spontaneously ignite these woods.
[b]MC, moisure content, in percent.

Table 2. Spontaneous Ignition of Wood, Foliage, and Sedge in Brief Irradiation Events[a]

Varieties of Wood and Litter	Radiant Exposure Needed for Ignition,[b] cal/cm²			Approx. Intensity,[b] kW/m²		
	YE = 0.035, EI ≈ 2	YE = 14, EI ≈ 10	YE = 20, EI ≈ 30	YE = 0.035, EI ≈ 2	YE = 14, EI ≈ 10	YE = 20, EI ≈ 30
Ponderosa pine wood (Excelsior)	-	23 ± 12	23 ± 12	-	96	32
Brown ponderosa pine needles	10 ± 2.5	16 ± 4	21 ± 5.3	209	67	29
Coarse "grass" (sedge)	6 ± 1.5	9 ± 2.3	11 ± 2.8	126	38	15
Fine grass (cheat)	5 ± 1.3	8 ± 2	10 ± 2.5	105	33	14
Dry, rotted fir wood	4 ± 2	6 ± 3	8 ± 4	84	25	11
Beech (deciduous) leaves	4 ± 1	6 ± 1.5	8 ± 2	84	25	11

[a]Radiant exposure data, which represent the total amount of thermal radiation needed for ignition, are from *Glasstone and Dolan* [1977]. The tabulated uncertainties are for laboratory conditions; they may be two times larger for field conditions. These data are for nuclear weapons blasts, which produce brief thermal pulses relative to the impact-generated heating described in this paper.
[b]YE, yield of explosion, in MT; EI, exposure interval, in s.

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Vegetation Ignition

- Drysdale Fire Dynamics Third Edition, 2011

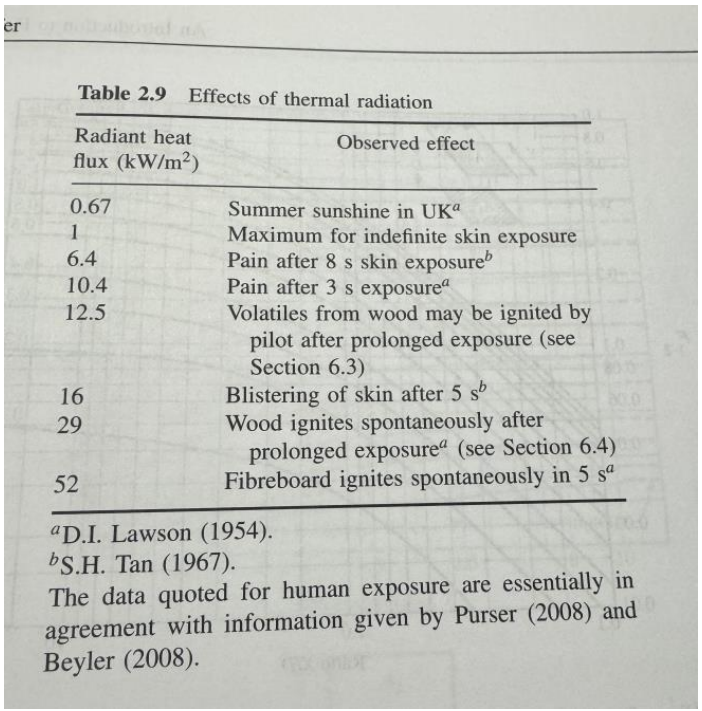

Table 2.9 Effects of thermal radiation

Radiant heat flux (kW/m^2)	Observed effect
0.67	Summer sunshine in UK[a]
1	Maximum for indefinite skin exposure
6.4	Pain after 8 s skin exposure[b]
10.4	Pain after 3 s exposure[a]
12.5	Volatiles from wood may be ignited by pilot after prolonged exposure (see Section 6.3)
16	Blistering of skin after 5 s[b]
29	Wood ignites spontaneously after prolonged exposure[a] (see Section 6.4)
52	Fibreboard ignites spontaneously in 5 s[a]

[a]D.I. Lawson (1954).
[b]S.H. Tan (1967).
The data quoted for human exposure are essentially in agreement with information given by Purser (2008) and Beyler (2008).

Effects of Thermal Radiation Intensity		
Radiant Heat Flux (kW/m^2)	**Observed Effect**	**Reference**
0.67	Summer sunshine in the UK	Drysdale – Fire Dynamics - Table 2.8
1	Maximum for indefinite skin exposure	Drysdale – Fire Dynamics - Table 2.8
1	Level just tolerable to a clothed man	Lee's Loss Prevention in the Process Industries (2nd Ed) – Table 16.75; HSE (1978b)
1.5	Threshold of pain	Lee's Loss Prevention in the Process Industries (2nd Ed) – Table 16.75; Atallah and Allan (1971)
2.1	Level at which pain is felt after 1 minute	Lee's Loss Prevention in the Process Industries (2nd Ed) – Table 16.75; Atallah and Allan (1971)
4.7	Threshold of pain. Average time to experience pain, 14.5 seconds	Lee's Loss Prevention in the Process Industries (2nd Ed) – Table 16.75; Crocker and Napier (1986)
6.4	Pain after 8 second skin exposure	Drysdale – Fire Dynamics - Table 2.8
8	Level which causes death within minutes	Lee's Loss Prevention in the Process Industries (2nd Ed) – Table 16.75; Crocker and Napier (1986)
10.4	Pain after 3 second skin exposure	Drysdale – Fire Dynamics - Table 2.8
12.5	Volatiles from wood may be ignited by pilot after prolonged exposure	Drysdale – Fire Dynamics - Table 2.8
16	Blistering of skin after 5 seconds	Drysdale – Fire Dynamics - Table 2.8
29	Wood ignites spontaneously after prolonged exposure	Drysdale – Fire Dynamics - Table 2.8
52	Fiberboard ignites spontaneously in 5 seconds.	Drysdale – Fire Dynamics - Table 2.8

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