

Attachment No. PC 1

Draft Resolution with Findings and
Conditions

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RESOLUTION NO. PC2026-003

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A MAJOR SITE DEVELOPMENT REVIEW, VARIANCE, AND VESTING TENTATIVE TRACT MAP FOR A 33 RESIDENTIAL TOWNHOME PROJECT LOCATED AT 601 DOVER DRIVE (PA2025-0135)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Shea Homes (“Applicant”), concerning property located at 601 Dover Drive (APN 049-271-30), and legally described and providing in “Exhibit A” requesting approval of a Major Site Development Review, Variance, and Vesting Tentative Tract Map.
2. The applicant proposes to demolish an existing medical office building and construct 33 for sale, residential townhomes at 601 Dover Drive (“Property”). The proposed development includes two-, three-, and four-bedroom units ranging from 1,355 to 2,247 square feet. The development will include a two-car garage for each unit and 10 uncovered guest parking spaces for a total of 76 on-site parking spaces. The 33 units will be distributed within seven detached, three-story buildings with a maximum structure height of 38 feet above the established grade. The development will include resident-serving amenities including outdoor seating, picnic tables, barbeques, and a firepit area. Vehicular access to the Property is provided via a driveway on Cliff Drive. Pedestrian access to the site and a public plaza is provided off of Dover Drive. The public plaza includes a seating area, walkway, and a scenic view (“Project”).
3. The following approvals are required from the City of Newport Beach (“City) to implement the Project:
 - a. **Major Site Development Review (“SDR”):**
 - i. An SDR is required for projects proposing five or more units with a tract map. An SDR is also requested to allow deviations from five multi-unit objective design standards pursuant to Section 20.48.185 (Multi-Unit Objective Design Standards) of the Newport Beach Municipal Code (“NBMC”).
 - b. **Variance (“VA”):**
 - i. A VA is requested to allow encroachments into the required street setbacks along Cliff Drive and Dover Drive.
 - c. **Vesting Tentative Tract Map (“VTTM”):**
 - i. A VTTM is requested to remove an underlying lot line and allow for an airspace subdivision of the individual residential units for condominium purposes.

4. On September 24, 2024, the City Council adopted Ordinance Nos. 2024-16 and 2024-17, approving amendments to Title 20 (Planning and Zoning) of the NBMC to establish the Housing Opportunity (HO) Overlay Zoning Districts in Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) ("Housing Overlay") and to create multi-unit objective design standards in Section 20.48.185 (Multi-Unit Objective Design Standards) of the NBMC. The new sections serve to implement Policy Actions 1A through 1G and 3A in the 6th Cycle Housing Element ("Housing Element") of the General Plan. The Property was identified as Housing Opportunity Site No. 144.
5. The Property is located within the HO-3 (Dover-Westcliff) Subarea of the Housing Opportunity (HO) Overlay Zoning District. The Property is designated as General Commercial Office (CO-G) by the General Plan Land Use Element and is located within the OG (Office-General) Zoning District.
6. The Property is not located within the coastal zone; therefore, a coastal development permit is not required.
7. The Project does not include the construction of affordable housing. However, the City's Sites Inventory within the City's 6th Cycle Housing Element contains other adequate sites suitable for affordable housing opportunities and therefore is consistent with the State's no net loss provisions.
8. A public hearing was held on February 5, 2026, in the Council Chambers at 100 Civic Center Drive, Newport Beach. A notice of the time, place, and purpose of the hearing was given in accordance with Government Code Section 54950 *et seq.* ("Ralph M. Brown Act") and Chapter 20.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to and considered by the Planning Commission at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code ("PRC") Section 21080.66 (enacted through Assembly Bill 130) because it has no potential to have a significant effect on the environment.
2. Pursuant to Section 21080.66 of the PRC, the Project is statutorily exempt because it meets the following criteria:
 - a. The Project is entirely residential and therefore meets the definition of a "housing development project."
 - b. The Property is less than 20 acres (1.61 acres).
 - c. The Property is within the City of Newport Beach, an incorporated municipality.
 - d. The Property is currently developed with urban uses (commercial development).
 - e. The General Plan land use designation is General Commercial Office (CO-G) and the zoning is Office-General (OG), but the site is located within the HO-3 Housing Overlay (HO-3) and designated as a Housing Opportunity Site in the City's General Plan Housing Element. HO-3 allows residential development at a minimum of 20 dwelling units per acre and up to 50 dwelling units per acre.

- f. The Project complies with the Housing Overlay District with a proposed density of approximately 20.5 dwelling units per acre.
- g. The Project proposes to develop 33 townhomes (approximately 20.5 du/acre) which exceeds the applicable density requirement under state law (minimum 15 dwelling units per acre)
- h. The Property is not located in the Coastal Zone.
- i. The Property is designated as “urban and builtup land” and not as prime farmland or farmland of statewide importance.
- j. The Property is not designated as wetlands and does not contain wetlands.
- k. The Property is not located in a Very High Fire Hazard Severity Zone (VHFHSZ) zone.
- l. The Property is not located on hazardous waste site that is listed on the Cortese List or a site designated by the Department of Toxic Substances (DTSC) pursuant to California Health and Safety Code (H&S) Section 25356.
- m. The Property is not located in an earthquake fault zone.
- n. The Property is not located within a special flood hazard area.
- o. The Property is not located in a regulatory floodway.
- p. The Property is not identified for conservation in an adopted natural resource protection plan.
- q. The Property is developed and does not contain habitat for protected species.
- r. The Property is not subject to a conservation easement.
- s. The Project does not require the demolition of any historic structures. The buildings that exist on the Property are not listed on a national, state, or local historic register.
- t. No portion of the Project would be a hotel, motel, bed and breakfast, or other transient lodging.
- u. The Project is not within 500 feet of a freeway.

Additionally, the City completed tribal consultation with Native American Tribes that are traditionally and culturally affiliated with the geographic area of the Project as required. The City initiated consultation on October 21, 2025 and November 4, 2025, with the two tribes that requested consultation, Juaneño Band of Mission Indians, Acjachemen Nation- Belardes and the Gabrieleno Band of Mission Indians - Kizh Nation. The tribal consultation with the Juaneño Band of Mission Indians, Acjachemen Nation- Belardes and the Gabrieleno Band of Mission Indians - Kizh Nation concluded on December 3, 2025, and December 22, 2025, respectively, and mitigation measures are included in conditions of approval attached hereto as set Exhibit “C”.

SECTION 3. REQUIRED FINDINGS.

Major Site Development Review

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

Finding:

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

Facts in Support of Finding:

1. The Property is located within the HO-3 Dover-Westcliff Subarea and is identified as Housing Opportunity Site No. 144. Pursuant to Section 20.28.050 (B) (Housing Opportunity (HO) Overlay Zoning Districts – Uses Allowed), in addition to the uses that are permitted or conditionally permitted in the base zoning district, multi-unit residential development that meets the 20 to 50 dwelling units per acre density requirement shall be permitted within the HO-3 Subarea.
2. Pursuant to Table 2-16 (Development Standards for Housing Opportunity Overlay Zones) of Section 20.28.050 of the NBMC, the HO-3 Subarea requires a density of 20 to 50 dwelling units per acre. Based on the proposed 1.61-acre lot, the Project results in a density of 20.5 units per acre and meets the density requirement of the HO-3 Subarea.
3. The HO-3 subarea requires a 10-foot front/street setbacks, zero-foot side setback, and a 20-foot rear setback. Additionally, footnote No. 3 of Table 2-16 requires that any portion of a building that is over 20 feet in height, which includes the Project's third floors, provide a 20-foot setback from the street right-of-way. The Project is bounded to the east by Dover Drive and to the south by Cliff Drive. The Project exceeds the minimum 20-foot rear setback providing a publicly accessible plaza. The Project includes a request for a Variance to encroach into the street setbacks and the 20-foot setback for the third floor pursuant to Section 20.52.090(F) (Variances – Findings and Decisions). Refer to Findings F through K for Facts in support of Findings for the Variance.
4. Table 2-16 establishes a maximum height of 65 feet for the HO-3 subarea. The Project proposes a maximum height of 38 feet to the highest ridge as measured from the established grade indicated on the VTTM, consistent with Section 20.30.050 (B)(1) (Grade Establishment – Subdivisions) of the NBMC.
5. Table 2-17 (Residential Off-Street Parking Requirements for Housing Opportunity Overlay Zones) of Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) of the NBMC requires 1.8 parking spaces per unit that includes two bedrooms, 2.0 parking spaces per unit that includes three or more bedrooms, and 0.3 spaces per unit for visitor parking. The Project proposes 33 dwelling units, eight units with two bedrooms and 19 units with three or more bedrooms, resulting in a requirement of 63 parking spaces overall. The Project provides a two-car garage for each unit and 10 guest parking spaces for a total of 76 onsite parking spaces. The Project therefore complies with the minimum parking requirement.
6. Pursuant to Section 20.30.130 (Traffic Safety Visibility Area) of the NBMC, the Project would comply with sight-distance requirements. Fact 3 in Support of Finding C is incorporated by reference.

7. Pursuant to Section 20.30.120 (Solid Waste and Recyclable Materials Storage) of the NBMC, the Project provides the minimum common storage areas for refuse and recycling.
8. Pursuant to Section 20.48.185 (Multi-Unit Objective Design Standards) of the NBMC, multi-unit objective design standards are applicable to any residential project with a minimum density of 20 dwelling units per acre. These standards ensure the highest possible design quality and provide a baseline standard for new multi-unit developments throughout the City. As detailed in the Objective Design Standards Checklist, which is attached hereto as Exhibit "B" and incorporated by reference, the Project deviates from the following five objective design standards:
 - (1) Section 20.48.185(N)(2)(b) (Private Driveway Standards - Landscape and Paving Zone);
 - (2) 20.48.185(Q)(2)(b) (Vertical Modulation – Floor Heights);
 - (3) 20.48.185 (Q)(3)(a)(i) (Vertical Modulation – Floor Heights);
 - (4) 20.48.185(R)(1)(c) (Horizontal Modulation – Minimum Depth); and
 - (5) 20.48.185(R)(1)(d) (Horizontal Modulation – Maximum Number) of the NBMC.

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

9. The HO-3 subarea requires a minimum building separation of 10 feet. The Project proposes varying building separations of 10 feet to 19 feet. The Project therefore complies with the minimum building separation requirement.
10. The HO-3 subarea requires that at least 75 square feet of common space be provided per dwelling unit throughout the Property with a minimum length and width of 15 feet. The Project is therefore required to provide a minimum of 2,475 square feet of common open space. Section 20.70 (Definitions) of the NBMC defines common open space as the land area within a residential development that is not individually owned or dedicated for public use and that is designed, intended, and reserved exclusively for the shared enjoyment or use by all the residents and their guests including but not limited to areas of scenic or natural beauty, barbecue areas, landscaped areas, turf areas, and habitat areas. The Project provides a total of 4,307 square feet of common open area within an outdoor picnic area and firepit/barbecue lounge area with a walkway leading to a passive open space area with outdoor seating and a dog relief area. The Project therefore complies with the minimum common open space requirement.

11. The HO-3 subarea requires that at least 5% of the proposed gross floor area per unit be dedicated to private open space. Qualifying areas of private open space shall have a dimension of at least 6 feet in length and width. Section 20.70 (Definitions) of the NBMC defines private open spaces as outdoor or unenclosed areas directly adjoining and accessible to a dwelling unit, reserved for the exclusive private enjoyment and use of residents of the dwelling unit and their guests including but not limited to a balcony, deck, porch or terrace. The Project requires between 68 to 113 square feet of private open space per unit. The Project provides between 69 to 126 square feet of qualifying private open space per unit in the form of balconies, and therefore complies with the minimum private open space requirement. Additionally, three of the seven buildings provide 125 to 211 square feet of additional private open space in the form of entry courtyards.

Finding:

B. *The proposed development is in compliance with all of the following applicable criteria:*

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

Facts in Support of Finding:

1. The Property is categorized as General Commercial Office (CO-G) by the Land Use Element of the General Plan. However, as indicated in Land Use Policy LU 4.5 (Residential Uses and Residential Densities), residential use of any property including within an established housing opportunity overlay zoning district is allowed regardless of and in addition to the underlying land use category. In this case, the HO-3 subarea would allow residential development on the Property in addition to the uses allowed in of the underlying CO-G land use category and zoning district.

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

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

See *LU 2.3 Range of Residential Choices* below.

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

The Project proposes a 33-unit residential condominium complex consisting of for-sale, attached single-unit dwellings offered in three distinct floor plan configurations ranging from two to four bedrooms and 1,355 to 2,247 square feet. This Project would diversify the City's housing stock, accommodate a variety of household sizes, respond to market demand, and support the City's efforts to increase the supply of housing throughout the City.

- c. **Land Use Element Policy LU3.2 (Growth and Change).** *Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach's share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.*

The Project is proposed on an existing property with an older medical office development that is underutilized, within an area of the City that is considerably developed. The Project will add 33 attached single-unit dwellings to the City's housing stock which furthers the City's efforts of increasing and diversifying the housing stock. The Project trip generation was reviewed and approved by the Public Works Department. The estimated trip generation for the Project is 231 average daily trips less than the existing medical office use. Additionally, the Public Works Department reviewed the sewer and water demand study prepared for the Project and approved the new sewer and water line improvements that are proposed to accommodate the Project.

d. **Land Use Element Policy LU 4.5 (Residential Uses and Residential Densities).** *Residential use of any property included within an established housing opportunity overlay zoning district is allowed regardless of and in addition to the underlying land use category or density limit established through Policy LU 4.1, Table LU 1 and Table LU 2, or any other conflict in the Land Use Element. A general plan amendment is not required to develop a residential use within an established housing opportunity zoning overlay district. The maximum density specified for the various overlay districts specified in Policy LU 4.4 is an average over the entire property or project site. For example, a portion of a development site may be developed at a higher density than specified by Policy 4.4 provided other portions of the site are developed at lower densities such that the average does not exceed the maximum. Density calculations and total units identified in LU 4.4 do not include units identified as pipeline units or units permitted pursuant to State density bonus law.*

The Project is located within Housing Opportunity Site No. 144 and is located within the HO-3 Subarea. The Project proposes 33 residential condominiums on a 1.61-acre property which yields a density of 20.5 dwelling units per acre, consistent with the allowed density of the HO-3 Subarea.

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

While Policy LU 5.1.6 is intended for single-family detached and two-unit projects, the Project includes buffer landscaped areas and common open space that are thoroughly landscaped with drought tolerant and noninvasive plant species. The frontages include private courtyards behind low fences and entry stoops mimicking residential neighborhoods throughout the City. Additionally, all internal driveways to garages are behind the residential buildings and individual trash containers are kept within each private garage space not visible from the public street.

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

Building Elevations

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

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

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

Ground Floor Treatment

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

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

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

Roof Design

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

Parking

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

Open Space and Amenity

Incorporate usable and functional private open space for each unit.

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

The principles of this policy are implemented through Section 20.48.185 (Multi-Unit Objective Design Standards) of the NBMC. As detailed in the Objective Design Standards Checklist, which is attached hereto as Exhibit "B" and incorporated by reference, the Project complies with the majority (47 of 52) of the applicable objective design standards and in some cases exceeds the intent of the standards. However, the Applicant requests minor deviations of five objective design standards. The Objective Design Standards were developed to implement Land Use Policy LU5.1.9, therefore compliance with these standards with negligible deviation ensures that the Project is consistent with Land Use Policy LU5.1.9.

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

Although the Property has an irregular shape, the Project design compactly arranges the seven separate buildings to maximize site efficiency and preserve a larger than required rear setback with a publicly accessible plaza. The side property line abutting the existing residential neighborhood will maintain an existing retaining wall and provide the required slope stability setback, softening the transition to the Project. The Project site design includes interior drive aisles and resident amenity areas which are screened from public view. The Project's larger rear setback, publicly accessible plaza, landscaped edge conditions, location of drive aisles and residential amenities reduce the visual impact of the Project and ensures compatibility with the surrounding neighborhood.

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

The architectural design of the Project is inspired by mid-century modern design principles, drawing direct inspiration from both the existing on-site commercial buildings and the nearby Environmental Nature Center located to the north along Dover Drive, which features a distinctive butterfly roof form. These influences are expressed through clean horizontal and vertical massing, asymmetrical rooflines, deep overhangs, large window groupings, and a soft material palette that reflects the simplicity and transparency characteristic of mid-century architecture. Additionally, the Project includes color schemes: The Project's coastal color palette draws from Newport Beach's natural surroundings, using Pure White and Sea Salt in a refined color-blocking composition. The light, neutral tones enhance architectural articulation and reflect the coastal environment, while elongated white brick adds texture and durability. Natural wood tone siding introduces warmth and balance, consistent with a coastal aesthetic.

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

The Project has been conditioned to require the Applicant to prepare a photometric study in conjunction with a final lighting plan which shows that lighting values are "1" or less at all property lines. The Project has also been conditioned to allow the Community Development Director to order the dimming of light sources or other remediation upon finding that the illumination

creates an unacceptable negative impact on surrounding land uses or environmental resources.

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

The Project is required to comply with the provisions of the Building and Energy Efficiency Standards California Code of Regulations (CCR), Title 24, Parts 6 – California Energy Code) and the Green Building Standards Code (CCR, Title 24, Part 11 - CALGreen). Additionally, the Project would implement water-efficient landscaping, water quality best management practices and low impact development practices. The Project would maintain the existing drainage patterns by incorporating a series of high and low points to create sump conditions, effectively channeling stormwater to catch basins or an alternative capture system. The collected stormwater will ultimately discharge into the existing catch basin at the Project frontage along Cliff Drive.

The Project is within proximity to schools and businesses and would provide additional options for housing in this area. A publicly accessible plaza is provided along Dover Drive, enhancing the pedestrian experience at the Project frontage and creating a visible community amenity at the street level.

Throughout the site, areas of passive green space are integrated alongside pedestrian walkways, including a turf and decomposed granite seating zone with benches and sculptural seating elements that provide areas for informal use, rest, and neighborhood interaction. The site is located directly across from Castaways Park and a short walk to Coast Highway, providing residents with immediate access to regional nature trails, coastal open space, and the Upper Newport Bay trail network. This proximity to both natural and commercial amenities enhances the overall livability of the community and reinforces its connection to the broader Newport Beach recreational and commercial network.

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

A draft construction management plan (“CMP”) has been reviewed and approved by the Community Development, Fire, and Public Works Departments. This ensures that any traffic congestion impacts associated with the construction process is minimized to the greatest extent possible. The Project has been conditioned to require the applicant to provide a final CMP to be reviewed and approved by Community Development, Fire, and Public Works Departments

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

See finding *LU 6.15.23 Sustainable Development Practices* above.

3. Facts 1 through 9 in support of Finding A are hereby incorporated by reference.
4. The Property is not located within a Specific Plan Area.
5. The Project includes various intentional architectural design features including recessed balconies, varied rooflines, and material changes with a neutral, earthy and coastal color palette. These design features result in well-articulated facades which reduce the visual bulk of the Project and allow each unit to appear as distinct homes rather than a single, unarticulated, building. A publicly accessible plaza is provided with pedestrian connection from Dover Drive and provides seating, landscaping, and a scenic view.
6. The Project will utilize an existing curb cut for vehicular access from Cliff Drive.
7. The Project landscaping complies with Chapter 14.17 (Water-Efficient Landscaping) and Chapter 20.36 (Landscaping Standards) of the NBMC. Additionally, the Project complies with the City’s Water Efficient Landscape Ordinance (“WELO”) which requires the installation and maintenance of drought tolerant and noninvasive plant species. The Project includes common landscaped open space and landscape buffer zones along street frontages. Additionally, landscaping is integrated throughout the Property, including around the picnic and firepit areas to enhance the residential experience.
8. Pursuant to Section 20.30.100 (Public View Protection) of the NBMC, projects shall preserve significant visual resources from public views and corridors including identified in Figure NR 3 (Coastal Views) of the Natural Resources Element of the General Plan. The Property is not within the vicinity of any Public Viewpoints, nor any Coastal View Roads as identified in Figure NR3. The nearest designated public viewpoint is located over 800 feet to the east at Castaways Park, on the opposite side of the park facing away from the Project. The nearest designated coastal view road is Coast Highway, south of Dover Drive, over 1,000 feet south of the Property. Due to the distance, intervening structures, and urbanized nature of the Project area, the Project is not anticipated to impact any public views.

Finding:

C. *Not detrimental to the harmonious and orderly growth of the City, nor will it endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of a person residing or working in the neighborhood of the proposed development.*

Facts in Support of Finding:

1. The Project has been designed to minimize aesthetic impacts to the surrounding neighborhood to the greatest extent possible by providing an architecturally pleasing mid-century modern architectural style design with articulation and high-quality materials.
2. The Project has been designed to have adequate, efficient, and safe pedestrian and vehicular access to and from the Property within driveways, parking, and loading areas. The Project includes the drive aisles that are located within the Property, behind the proposed buildings. Along the side property line abutting the residential neighborhood above the slope, there is a greater than required side yard and slope stability setback that includes landscaping, a retaining wall and tall hedge screen. These design features significantly buffer any vehicle noise produced. The Project is also designed to accommodate and provide sufficient access for emergency vehicles and refuse collection vehicles through the Cliff Drive access point.
3. The Project driveway would remain in generally the same location as the existing driveway. Because the driveway is near the signalized intersection of Dover and Cliff Drive, a driveway analysis was prepared by LSA Associates Inc., dated December 11, 2025, to evaluate inbound and outbound traffic at the Project driveway. A level of service (LOS) analysis and queuing analysis were conducted to determine the potential driveway operations per the Highway Capacity Manual ("HCM"). A sight distance analysis was also prepared to assess the adequacy and safety of the stopping and corner sight distances at the Project driveway based on the California Department of Transportation (Caltrans) Highway Design Manual (HDM) and the City of Newport Beach (City) Standard Drawing No. 105 (Intersection Line of Sight Requirements). Based on the driveway LOS, queuing, and sight distance analysis, the Project is not anticipated to create any operational or safety issues. The Public Works Department reviewed and approved the analysis with conditions to ensure that the driveway does not become a hazard in the future. A Condition of Approval is included that requires the applicant to construct improvements that would restrict access to right-in/right-out (RIRO) only access if the City Traffic Engineer determines that full access (i.e., including left turns) creates an operational or safety issue at the Project driveway along Cliff Drive. A conceptual RIRO driveway plan was provided in the approved analysis. The design includes installation of a triangular "porkchop" island within the driveway to restrict access to RIRO only.
4. The Project exceeds the required 63 on-site parking spaces and provides 76 parking spaces including a two-car garage for each unit and 10 guest parking spaces. The

individual unit garage parking and guest parking will mitigate use of street parking on Cliff Drive and the adjacent neighborhoods behind the Project Site.

5. The Project has been conditioned to require the Applicant to prepare a photometric study in conjunction with a final lighting plan which shows that lighting values are "1" or less at all property lines. The Project has also been conditioned to allow the Community Development Director to order the dimming of light sources or other remediation upon finding that the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources.
6. The Project will comply with all Building, Public Works, and Fire Codes, along with all City ordinances and all conditions of approval which are attached hereto as Exhibit "C".

Muli-Unit Objective Design Standards Deviation

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

- (a) Section 20.48.185(N)(2)(b) (Private Driveway Standards - Landscape and Paving Zone);
- (b) 20.48.185(Q)(2)(b) (Vertical Modulation – Floor Heights);
- (c) 20.48.185 (Q)(3)(a) (Vertical Modulation – First Floor Heights);
- (d) 20.48.185(R)(1)(c) (Horizontal Modulation – Minimum Depth); and
- (e) 20.48.185(R)(1)(d) (Horizontal Modulation – Maximum Number) of the NBMC.

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

Finding:

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

Facts in Support of Finding:

1. Section 20.48.185(N)(2)(b) (Private Driveway Standards - Landscape and Paving Zone (LPZ)) of the NBMC requires that a 4-foot minimum width zone abutting a building is required to provide a minimum of 20% landscaping with a combination of vines, ornamental, grasses, shrubs, ground cover, and ornamental trees. The Project provides a 3-foot, 6-inch wide LPZ at most driveway areas which result from building offsets. The building offset contributes to enhanced building articulation, resulting in a more visually appealing facade. Increasing the LPZ zone to meet the 4-foot width requirement would reduce the size of the building offsets and the open setback area in front of each building. It could also increase encroachments into front setbacks. The LPZ areas, however, are designed with more than the required 20% minimum landscaping. The narrower LPZ design maximizes the amount of landscaped open space in front of each

building which provides more benefit to future residents than the negligible 6 inches of LPZ adjacent to garages.

2. Section 20.48.185(Q)(2)(b) (Vertical Modulation – Floor Heights) and (Q)(3)(a)(i) (Vertical Modulation – First Floor Heights) of the NBMC requires minimum middle or top floor-to-floor height and minimum first finished floor to second finished floor plate elevation to be 10 feet. The Project proposes a first-floor height of 9 feet 1 inch, second floor of 9 feet, 6 inches and a third floor of 9 feet, 1 inch. The slightly reduced floor heights are still sufficient for residential design and supports an overall lower building height, which was also a key design goal to maintain neighborhood compatibility with the existing adjacent single-unit neighborhood. The floor heights still meet the intent of the section to provide units that are designed with comparable design components with residential development throughout the City.
3. Section 20.48.185(R)(1)(c) (Horizontal Modulation – Minimum Depth) of the NBMC requires all building recesses or projections to be a minimum of 2 feet in depth. The Project proposes a variety of different recesses and projections including first floor recessed entries, second floor balconies and covered patios, recessed windows and architectural features. The intent of this requirement is to allow for sufficient depth of recesses and projections so that building lengths are sufficiently modulated. While some of the Project's recesses and projections are less than 2 feet in depth, the Project provides large second floor recesses, balconies, and patios. The Project provides additional depth for other recesses and projections features which ensures building length is less visually obtrusive. The building's lengths range from 78 feet to 109 feet and the maximum allowed is 150 feet. The recesses and modulation range from 0 to 30 inches providing ample articulation and meeting the intent of this section.
4. Section 20.48.185(R)(1)(d) (Horizontal Modulation - Maximum Number) of the NBMC requires a maximum of two recesses or projections per façade. The Project includes more than two recesses and projections in both of the largest buildings within the development. The additional recesses and projections allow for sufficient modulation to each unit. The intent of this requirement is to avoid lengthy and plain building faces. Limiting the design to only two recesses or projections would result in less modulation, less visual interest, and a building less reminiscent of townhomes. The Project is furthering the intent of this requirement by sufficiently modulating the buildings, which results in a less visually obtrusive building length.

Finding:

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

Facts in Support of Finding:

1. All facts in support of Finding D are hereby incorporated by reference.
2. Facts 3 and 9 in support of Finding A are hereby incorporated by reference.

3. The Project provides entry courtyards for all street facing buildings (4 out of 7). The courtyards provide visually pleasing entrances with residential neighborhood character with added openness. Additionally, the common area open space exceeds the minimum required by 23%, the publicly accessible open space provides 3.5% of the net site area where only 3% is required, and the Project provides two common recreation amenities where only one is required.

Variance

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

F. *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 irregular in shape, with two property lines abutting public streets and one property line abutting an existing single-unit residential neighborhood. The corner of the Property is adjacent to the intersection of Dover Drive and Cliff Drive and requires compliance with site distance safety regulations. Additionally, there is a steep slope at the side of the property abutting the existing residential properties. The Project is required to maintain a horizontal distance of 15 feet from the toe of slope to the building. Other properties in the vicinity do not have significant topographical features that restrict development. These conditions greatly reduce the buildable area for the development of the site.
2. Other properties along Dover Drive, including corner lots, are larger in size with four-sided regular shapes and mostly flat topography. Side property lines that do not abut streets or a significant slope do not require a setback, where side property lines abutting streets require a 10-foot setback and depending on the slope, require a minimum 15 feet to 20 feet. Other properties in the area abut a single street and are not adjacent to slopes, resulting in smaller setbacks and larger buildable areas.

G. *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 HO-3 subarea requires 10-foot setbacks along the street frontages, a 20-foot rear yard setback, and a zero-side yard setback. Additionally, portions of structures exceeding 20 feet in height require an additional 20-foot setback along the street frontages. The Project exceeds the minimum rear yard setback. The Project also meets

the safety regulations pertaining to the site distance for the corner at Dover Drive and Cliff Drive and the existing slope setback requirements along the side property line abutting the residential neighborhood. The strict application of the setbacks unreasonably restricts the ability to develop a housing project pursuant to the HO-3 subarea.

2. Four of the seven multi-unit residential buildings are located along the street frontages and include encroachments into the setbacks. The encroachments are jogging in and out of the setbacks which provide architectural relief and less impact to the adjacent public rights-of-ways. The proposed encroachments are minor in nature and unique to the subject property as compared to surrounding properties within a similar zoning district.
3. The Dover Drive Frontage (Buildings 5,6,7) encroachments include the following: (first floor) A structural component that encroaches a maximum 3 feet into the 10-foot street-setback to support balconies on the second floor (no floor area encroachment); (second floor) balconies that encroach a maximum of 3 feet into the 10-foot-street-setback, and powder rooms that encroach a maximum of 1-foot, 4-inches into the 10-foot-street setback. All third floors are subject to a 20-foot street setback because they exceed 20 feet in height from the established grade. All third floors within these buildings include a proposed encroachment of a primary bedroom. The bedrooms encroach approximately 10-feet, 3-inches to 13-feet, 4-inches, and provide a minimum 6-foot, 8-inches setback. The greatest encroachment of 13-feet, 4-inches occurs in the narrowest portion of the lot along Dover Drive in Building 5.
4. The Cliff Drive Frontage (Building 1) encroachments include the following: (first floor) A structural component that encroaches a maximum 4 inches into the 10-foot street-setback to support balconies on the second floor (no floor area encroachment); (second floor) balconies and powder rooms that encroach a maximum 4 inches into the 10-foot street-setback. All third floors are subject to a 20-foot-street-setback because they exceed 20 feet in height from the established grade. All third floors within this building include a proposed encroachment of a primary bedroom. The bedrooms encroach a maximum 10 feet, 2 inches, and provide a minimum 9-feet, 10-inches setback.
5. The HO-3 Subarea requires a minimum density of 20 units per acre, or 33 units minimum for the Property. The street setbacks require a minimum of 20 feet from the right of way for portions of buildings exceeding 20 feet in height. To fit the minimum number of units, one design solution is to increase the height of the structures to 65 feet, as allowed per the HO-3 development standards. However, the property abuts a single-unit residential neighborhood with 29-foot height limits. The Project is designed with a maximum height of approximately 38 feet to promote a seamless transition and improve compatibility between an established low density single-unit neighborhood and a medium density townhome development. Increasing the height would also result in more impactful visual mass from the Dover Drive and Cliff Drive public rights-of-ways.

6. Typical lots within the area with similar zoning and the HO-3 Overlay, have four sides and rectangular lot shapes which provide a larger buildable area to fit the minimum 20 dwelling units per acre required by the Overlay.
7. The Project provides the required common open space and publicly accessible open space that is required for these types of housing projects. Additionally, the Project complies with all other development standards such as parking, circulation, and safety regulations.

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

Facts in Support of Finding:

1. The existing medical offices on the Property are considered underutilized with small, one-story structures, that were common in the past but are now outdated. The Project provides additional housing opportunities for the surrounding area maintaining the character of the residential neighborhoods by not maximizing the height, square footage, or number of units. To achieve this, a variance is required to encroach into the front setbacks along the street frontages.
2. Facts 1 and 2 in support of Finding F are hereby incorporated by reference.
3. Fact 1, 3 and 4 in support of Finding G are hereby incorporated by reference.

I. 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 VA provides opportunity to provide additional housing units as allowed pursuant to HO-3. The surrounding neighborhood consists of single-unit residential properties, general offices, and commercial properties. The encroachments allow the Project to utilize the buildable area that is constrained by an irregular shape (three sides) including two street frontages and a significant slope.
2. The Project is well under the maximum height limit, provides a larger rear setback area with a publicly accessible plaza, and meets all requirements for open space. The number of units and height of the Project is well under the maximum allowed by the HO-3 overlay, ensuring the Project is more consistent with the existing developments in the surrounding area.

J. 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;

Facts in Support of Finding:

1. The Public Works Department has reviewed the Project for compliance with site distance regulations and circulation and safety. The Project meets sight distance requirements with an additional step back at the corner of Dover Drive and Cliff Drive and Project driveway. Conditions of approval are included to mitigate any potential operational safety concerns.
2. The Project provides the minimum 26-foot drive aisle widths for circulation, traffic, and fire safety regulations.
3. The Project design was reviewed and approved by the Building Division and the Fire Department. Conditions of approval are included to ensure compliance with all Building and Fire Code regulations including safety requirements.
4. The Project provides the minimum horizontal distance of 15 feet from the toe of the existing ascending slope, which is at the side of the Project site, abutting the existing single-unit residential neighborhood. This ensures slope stability and safety for the Project and the adjacent residential properties.
5. The property line along Cliff Drive is 12 feet, 6 inches behind the curb and the property line along Dover Drive is 11 feet behind the curb. Setbacks are typically measured from the property line. Although the proposed setbacks would be reduced, the actual distance from the face of curb to the buildings ranges from 18 feet to over 20 feet, preserving the intended visual openness, pedestrian comfort, and neighborhood character. The proposed design maintains compliance with all height, landscaping, and building code requirements.

K. *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. The intent of increased setbacks along street frontages is to provide adequate distance from curbs and sidewalks to improve scale and allow for landscaping. Setbacks are measured from the property line, which are typically located at back of sidewalk or curb. In this case, the property line along Cliff Drive is 12 feet 6 inches behind the curb and the property line along Dover Drive is 11 feet behind the curb. Therefore, the actual distance from the face of curb to the buildings ranges from 18 feet to over 20 feet, preserving the intended visual openness, pedestrian comfort, and neighborhood character.
2. The design of the buildings on the street frontages include modulation, patios, and balconies. The frontages provide entrances to the residential units and there are no long unarticulated walls, significant mass, or bulk encroaching into the setbacks. The ground floors provide entry courtyards, stoops and design features found within front yard areas throughout the residential neighborhoods City-wide.

3. The encroachments are minor in nature compared to compliance with all of the following: the sight distance on the corner of Dover Drive and Cliff Drive; the slope stability setback adjacent the neighboring residential properties, on-site circulation providing the minimum drive aisle widths for traffic and fire regulations, providing the minimum design requirements of open space, landscaping, and preserving the minimum density and height limit for the surrounding neighborhood.
4. Fact 4 in support of Finding J is hereby incorporated by reference.
5. The Property is not located within a specific plan area or the Coastal Zone.

Vesting Tentative Tract Map

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

Finding:

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

Facts in Support of Finding:

1. The Vesting Tentative Tract Map (VTTM) is for 33-unit residential condominiums.
2. Facts 1, 2, and 4 in support of Finding B are hereby incorporated by reference.
3. The Public Works Department has reviewed the proposed VTTM and found it consistent with Title 19 (Subdivisions) of the NBMC and applicable requirements of the Subdivision Map Act.
4. The Applicant will provide an in-lieu park dedication fee pursuant to Chapter 19.52 (Park Dedication and Fees), as required for park and recreational purposes in conjunction with the approval of this VTTM. The existing parcel is a commercial office development; therefore, the in-lieu park fee will be required for 33 new dwelling units.
5. A preliminary application for residential development, filed as PA2025-0066, was deemed submitted on March 21, 2025 for this Project. The preliminary application prevents the Project from being subject to any City ordinances, policies, and standards adopted after the date of submission, except as specified in Government Code Section 65589.5(o). Therefore, the Project will be subject to the in-lieu park fee in the amount of \$38,400 per unit which was the fee in effect at the time the preliminary application was deemed submitted.

Finding:

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

Facts in Support of Finding:

1. The proposed 1.61-acre Property is irregular in shape, slopes towards the northwest, and is not within a zone subject to seismically induced liquefaction potential. The Property is adequately sized to accommodate the proposed density in compliance with all applicable requirements of the HO-3 subarea.
2. The site is suitable for the type and density of the development in that the infrastructure serving the site has been designed to accommodate the Property. A sewer and water demand study were prepared by C&V Consulting, Inc. dated July 2025. The study concluded that the proposed onsite water system is adequately designed to provide domestic water service and fire flow for the proposed onsite fire hydrants and building's domestic demand. Due to domestic water pressures, the developer will install a publicly owned and operated pressure reducing station to be constructed to city standards. The Project does not result in more than 500 dwelling units; therefore, a Water Supply Assessment ("WSA") is not required for Project. The study also concluded that the proposed sewer system will be sufficient to serve the Project. The Project does not result in more than 500 dwelling units; therefore, a WSA is not required for Project.
3. The Project has been reviewed by the Building, Fire, and Public Works Department and must comply with all Building, Fire, and Public Works Codes and City ordinances.

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

1. The proposed VTTM is for a 33-unit condominium complex. All improvements associated with the Project will comply with all Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. Public improvements will be required of the developer per Section 19.28.010 (General Improvement Requirements) of the NBMC and Section 66411 (Local agencies to regulate and control design of subdivisions) of the Subdivision Map Act. The Project will conform to all City ordinances and Conditions of Approval.
2. No evidence is known to exist that would indicate that the proposed subdivision will generate any serious health problems.

Finding:

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

Fact in Support of Finding:

1. The Public Works Department has reviewed the proposed VTTM and determined that the design of the development will not conflict with easements acquired by the public at large, for access through, or use of the Property within the proposed development. As conditioned, an emergency access easement will be recorded over the drive aisles and a blanket easement throughout the property will be provided for water meters.

Finding:

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

Fact in Support of Finding:

1. The Property is not subject to the Williamson Act. The Property is not designated as an agricultural preserve and is less than 100 acres in area.
2. The Property is within the HO-3 Subarea which is intended for development of a multi-story residential project. The intended use is not for residential development that is incidental to a commercial agricultural use.

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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

Finding:

T. That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City’s share of the regional housing needs and that it balances the housing needs of the region against the public service needs of the City’s residents and available fiscal and environmental resources.

Fact in Support of Finding:

1. The proposed 33 dwelling unit project yields a density of 20.5 dwelling units per acre, consistent with the HO-3 subarea. The Project is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code as the Project results in a net increase in 33, for-sale, residential dwelling units which contributes to the City's assigned 6th Cycle RHNA. By developing underutilized office site with medium-density ownership housing, the Project helps meet the City's housing goals while utilizing existing infrastructure and public services.

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Fact in Support of Finding:

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

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

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

2. The Planning Commission of the City of Newport Beach hereby approves Major Site Development Review, Variance, and Vesting Tentative Tract Map filed as PA2025-0135 subject to the conditions outlined in Exhibit "C", which is attached hereto and incorporated by reference.
3. This action on the Major Site Development Review and Variance shall become final and effective 14 days following the date of this Resolution was adopted unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 (Planning and Zoning) of the NBMC.
4. This action on the Vesting Tentative Tract Map shall become final and effective 10 days following the date this Resolution was adopted unless within such time an appeal is filed with the City Council in accordance with the provision of Title 19 (Subdivisions) of the NBMC.

PASSED, APPROVED, AND ADOPTED THIS 5th DAY OF FEBRUARY 2026.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
Tristan Harris, Chair

BY: _____
Jonathan Langford, Secretary

Exhibits:

Exhibit A – Legal Description

Exhibit B- ODS Checklist

Exhibit C- Conditions of Approval

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EXHIBIT "A"**LEGAL DESCRIPTION:**

LD PARCEL 1: LOT 147 OF TRACT NO. 1218, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 37, PAGES 47, 48 AND 49 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 049-271-30

LD PARCEL 2: THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF NEWPORT BEACH IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

A PORTION OF 17TH STREET (NOW KNOWN AS DOVER DRIVE) ADJOINING LOT 147, IN TRACT NO. 1218, AS SHOWN ON A MAP THEREOF, RECORDED IN BOOK 37, PAGES 47, 48 AND 49 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHERLY CORNER OF SAID LOT 147; THENCE SOUTH $79^{\circ} 29' 26''$ EAST 15.56 FEET TO A POINT IN A CURVE, CONCAVE EASTERLY AND HAVING A RADIUS OF 850.00 FEET, SAID POINT BEING NORTH $79^{\circ} 29' 26''$ WEST, 50.00 FEET FROM THE WESTERLY LINE OF THAT CERTAIN 50.00 FOOT STRIP OF LAND, AS DESCRIBED IN DEED TO THE CITY OF NEWPORT BEACH, RECORDED NOVEMBER 7, 1961 IN BOOK 5905, PAGE 276 OF OFFICIAL RECORDS OF SAID COUNTY, A RADIAL LINE FROM SAID POINT BEARS SOUTH $79^{\circ} 29' 26''$ EAST; THENCE SOUTHERLY ALONG SAID CURVE THROUGH AN ANGLE OF $22^{\circ} 31' 10''$, A DISTANCE OF 334.08 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 30.00 FEET, SAID BEGINNING OF TANGENT CURVE BEING SOUTH $77^{\circ} 59' 24''$ WEST, 50.00 FEET FROM SAID WESTERLY LINE OF 50.00 FOOT STRIP; THENCE SOUTHERLY AND SOUTHWESTERLY ALONG SAID CURVE THROUGH AN ANGLE OF $97^{\circ} 13' 06''$, A DISTANCE OF 50.90 FEET TO A LINE TANGENT, SAID LINE TANGENT BEING THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID LOT 147; THENCE SOUTH $85^{\circ} 12' 30''$ WEST ALONG SAID LINE TANGENT, A DISTANCE OF 9.82 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 30.00 FEET, SAID BEGINNING OF TANGENT CURVE BEING IN THE SOUTHERLY LINE OF SAID LOT 147; THENCE NORTHEASTERLY AND NORTHERLY ALONG SAID CURVE AND ALONG THE EASTERN LINE OF SAID LOT 147 THROUGH AN ANGLE OF $101^{\circ} 53' 35''$, A DISTANCE OF 53.35 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE EASTERLY, AND HAVING A RADIUS OF 640.00 FEET; THENCE NORTHERLY AND NORTHEASTERLY ALONG SAID CURVE, AND ALONG THE EASTERN LINE OF SAID LOT 147 THROUGH AN ANGLE OF $30^{\circ} 11' 15''$, A DISTANCE OF 337.20 FEET TO THE POINT OF BEGINNING.

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EXHIBIT “B”

OBJECTIVE DESIGN STANDARDS CHECKLIST

File available via link:

[ODS Final.pdf](#)

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EXHIBIT "C"**CONDITIONS OF APPROVAL**

(Project-specific conditions are in italics)

Planning Division

1. The Project shall be in substantial conformance with the approved site plan, floor plans, landscape plan, and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval). Minor changes to the approved development may be approved by the Community Development Director, pursuant to Newport Beach Municipal Code Section 20.54.070 (Changes to an Approved Project). By way of example, a change to the number of stories of a unit, floor plan redesign, and change to square footage ranges would be considered minor changes provided the project was within the allowed height limit, and in compliance with the Objective Design Standards and density range under the Housing Opportunity (HO) Overlay Zoning District.
2. Any substantial modification to the approved Site Development Review/Variance plans, as determined by the Community Development Director, shall require an amendment to this Site Development Review/Variance application or the processing of a new application.
3. The Project is subject to compliance with all applicable submittals approved by the City of Newport Beach ("City") and all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval
4. The Applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may be caused the revocation of this approval.
5. *This Major Site Development Review and Variance shall expire and become void unless exercised within seven years from the date of approval of Resolution No. PC2026-003 to coincide with the expiration of Vesting Tentative Tract Map No. 19427 as provided in Condition No. 16.*
6. A copy of the Resolution, including conditions of approval Exhibit "B" shall be incorporated into the Building Division and field sets of plans before issuance of the building permits.
7. *The proposed residential development shall consist of 33 townhome, condominium units. The number of condominium units may be reduced by the Applicant provided the total number of units meets the 20 to 50 dwelling units per acre density requirement under the HO Overlay Zoning District.*

8. *The maximum height of the residential structures shall be 38 feet as measured from the established grade. No building or any portion of structure, architectural feature or mechanical equipment shall exceed 38 feet.*
9. *The on-site residential amenities such as the outdoor picnic area and fire/barbeque; and the publicly accessible plaza area as illustrated on the approved plans shall be provided and maintained for the duration of the Project. The exact mix of amenities may be modified from the original approved plans subject to the approval by the Community Development Director. The Project shall maintain at least 75 square feet of common open space per dwelling unit on the Property as required by the HO-3 subarea. The Project shall also maintain the 2,312 square-foot publicly accessible plaza as labeled on the approved plans. The square footage of on-site resident-serving amenities shall not be reduced so that the development no longer provides 75 square feet of common open space per dwelling unit.*
10. *The residential structure shall be attenuated to provide an interior noise level of 45 dBA CNEL or less pursuant to Section 10.26.030 (Interior Noise Standards) of the NBMC. Use of walls, berms, interior noise insulation, double paned windows, advance insulation systems, or other noise mitigation measures, as deemed appropriate by the City shall be incorporated in the design of the new residential structure to provide adequate noise attenuation.*
11. *Prior to the issuance of a building permit, the Applicant shall pay applicable school fees for the Project.*
12. *Prior to the issuance of a building permit, the Applicant shall pay applicable property development tax as required pursuant to NBMC Chapter 3.12 (Property Development Tax) for the Project.*
13. *A preliminary application for residential development, filed as PA2025-0066, was deemed submitted on March 21, 2025 for this Project. The preliminary application prevents the Project from being subject to any City ordinances, policies, and standards adopted after the date of submission, except as specified in Government Code Section 65589.5(o). The Applicant shall provide an in-lieu park dedication fee pursuant to Chapter 19.52 (Park Dedication and Fees), as required for park and recreational purposes in conjunction with the approval of this VTTM. Therefore, the Project will be subject to an in-lieu park fee of \$38,400 per unit which is the fee that was in effect at the time the preliminary application was deemed submitted.*
14. *Prior to the issuance of any certificate of occupancy, the developer shall pay all applicable Development Impact Fees (DIFs) in accordance with the adopted fee schedule.*
15. *Vesting Tentative Tract Map No. 19427 shall expire seven years from the date of approval of Resolution No. PC2026-003. Pursuant to Section 19.16.010(A) (Expiration of Tentative Maps (California Government Code Sections 66452.6, 66463.5)) of the NBMC, an approved tentative tract map expires 24 months after the date of its*

approval or conditional approval. Under Section 19.16.020(A) (Extension of Tentative Maps (California Government Code Sections 66452.6, 66463.5)) of the NBMC, the subdivider shall have the right to request an extension of the map for up to five years.

16. *Prior to the issuance of a building permit, the Applicant shall submit a landscape and irrigation plan prepared by a licensed landscape architect. These plans shall incorporate drought-tolerant planting and water-efficient irrigation practices, and the plans shall be approved by the Planning Division.*
17. *The Project shall include landscaping around the perimeter of the Property to adequately screen drive aisles, parking areas, and create a visual buffer between the public right-of-way and the Project. These plans shall be approved by the Planning Division.*
18. *The covenants, conditions and restrictions (CC&Rs) shall require that garages be used for vehicles and shall prohibit storage of personal items that would otherwise impede parking of vehicles within the required garage spaces. The CC&Rs shall prohibit residents from parking in guest parking spaces within the development.*
19. All landscape materials and irrigation systems shall be maintained by the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing, and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.
20. The site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, in the opinion of the Director of Community Development, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
21. *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.*
22. *Prior to the issuance of Final Certificate of Occupancy, the Applicant shall schedule an evening inspection by the Code Enforcement Division to confirm control of light and glare specified in conditions of approval.*
23. 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.

24. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7 a.m. and 6:30 p.m., Monday through Friday, and 8 a.m. and 6 p.m. on Saturday.
25. *Prior to the issuance of a building permit, the Applicant shall submit a construction management plan to be reviewed and approved by the Community Development, Fire and Public Works Departments. Upon approval of the plan, the Applicant shall be responsible for implementing and complying with the stipulations set forth in the approved plan.*
26. The exterior of the development shall be always maintained free of litter and graffiti. The owner or operator shall provide for daily removal of trash, litter debris, and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
27. All trash bins shall be stored within each residential unit and screened from the view of neighboring properties, except when placed for pick-up by refuse collection agencies. The Applicant shall ensure that the trash receptacles are maintained to control odors. The Applicant shall ensure that the trash bins are maintained to control odors. This may include the provision of periodic steam cleaning of the trash bin, if deemed necessary by the Planning Division. Cleaning and maintenance of trash bins shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).
28. *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.*
29. *A qualified monitor, one from each consulting tribe (the Juaneño Band of Mission Indians, Acjachemen Nation- Belardes and the Gabrieleno Band of Mission Indians - Kizh Nation), shall be retained and compensated as Native American Monitors for the project site prior to the commencement of any ground-disturbing activity to the completion of ground disturbing activities to monitor grading and excavation activities.*
30. *The monitors, one from each consulting tribe, shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, including as public improvement work undertaken by the applicant). “Ground-disturbing activity” shall include, but is not limited to, any demolition that includes subterranean impacts, potholing, auguring, boring, grading, excavation, drilling, and trenching.*
31. *A copy of the executed monitoring agreements shall be submitted to the City prior to the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.*

32. *Both monitors shall complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be shared between the two monitors and provided to the project applicant/lead agency upon written request to the monitors.*
33. *On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the consulting tribes from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the consulting tribes to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact TCRs of the consulting tribes.*
34. *Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., within the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the monitor and/or archaeologist. The monitors will recover and retain all discovered TCRs in the form and/or manner the tribes deem appropriate, in the tribes' sole discretion in coordination with the applicant, and for any purpose the tribes deem appropriate, including for educational, cultural and/or historic purposes.*
35. *Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.*
36. *If Native American human remains and/or grave goods are discovered or recognized on the project site, then California PRC 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed.*
37. *Human remains and grave/burial goods shall be treated alike per California PRC Section 5097.98(d)(1) and (2).*
38. *Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods.*
39. *Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.*
40. *Should the property be sold or otherwise come under different ownership, any future*

owners or assignees shall be notified of the conditions of this approval by either the current property owner or leasing agent.

41. 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 **Dover Residences Townhomes** including, but not limited to, **Major Site Development Review, Variance, and Vesting Tentative Tract Map (PA2025-0135)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing the such proceeding. The applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages that which City incurs in enforcing the indemnification provisions outlined in this condition. The applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

Building Division

42. The Applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required before the issuance of a building permit.

43. *Townhouses that do not meet the definition below shall be reviewed under the California Building Code and shall be equipped with NFPA 13R. A single-family dwelling unit in a townhouse that extends from foundation to roof and that has a yard or public way on not less than two sides.*

44. The applicant shall employ the following best available control measures ("BACMs") to reduce construction-related air quality impacts:

Dust Control

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

Emissions

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

Off-Site Impacts

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

Fill Placement

- The number and type of equipment for dirt pushing will be limited on any day to ensure that SCAQMD significance thresholds are not exceeded.
- Maintain and utilize a continuous water application system during earth placement and compaction to achieve a 10% soil moisture content in the top 6-inch surface layer, subject to review/discretion of the geotechnical engineer.

45. *Buildings with three or more dwelling units shall comply with Chapter 11A of California Building Code. Accessible path of travel from parking and public right of way is required. Locate accessible parking such that disabled persons do not have to travel behind a parking/car.*
46. *A separate circulation path to vehicular ways shall be provided with a curb or detectable warning/truncated dome (1116A.5 of California Building Code).*
47. *Exterior wall and opening protection between buildings/imaginary property line and to property line shall comply to Table R302.1(1) and (2) (California Residential code) and Chapter 705 (California Building Code). Applicant shall provide exhibit showing how exterior walls of building comply.*
48. *Electric Vehicle charging for new construction shall comply with Section 4.106.4 of California Green Code.*
49. *One-hour fire and 50 sound transmittal classification (stc) sound rating is required between dwelling units.*
50. *Living areas with one exit shall comply with Table 1006.2.1, Table 1006.3.4(1), and Table 1006.3.4(2) of the California Building Code.*
51. *The Slope setback to a building shall comply with Section 1808.7.1 of the California Building Code. Plans shall indicate how each building next to a slope complies on the section and dimension the setback.*
52. *Prior to the issuance of a grading permit, a Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) to comply with the General Permit for Construction Activities shall be prepared, submitted to the State Water Quality Control Board for approval and made part of the construction program. The project applicant*

will provide the city with a copy of the NOI and their application check as proof of filing with the State Water Quality Control Board. This plan will detail measures and practices that will be in effect during construction to minimize the project's impact on water quality.

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

Public Works Department

55. A Tract Map shall be recorded. The map shall be prepared on the California coordinate system (NAD 83). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Sub Article 18. The Map to be submitted to the City of Newport Beach shall comply with the City's CADD standards. Scanned images will not be accepted.
56. Prior to the recordation of the Tract Map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Sub Article 18. Monuments (one-inch iron pipe with tag) shall be set On Each Lot Corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
57. Prior to the recordation of the Tract Map, a Subdivision Agreement shall be obtained and approved by the City Council consistent with the Section 19.36.010 (Improvement Agreements (California Government Code Section 66462)) of the NBMC.
58. Prior to Final Map approval, the Applicant shall provide a Faithful Performance Bond and Labor and Materials Bond, each for 100% of the estimated improvement costs for the improvements in the public right-of-way, as prepared by a Registered Civil Engineer and approved by the Public Works Director, for each of the following, but not

limited to, public and private improvements, street improvements, monumentation, sidewalks, striping, signage, street lights, sewer systems, water systems, storm drain systems, water quality management systems, erosion control, landscaping and irrigation within the public right-of-way, common open spaces areas accessible by the public, fire access and off-site improvements required as part of the project.

59. Warranty Bond for a minimum of 10% of the engineers cost estimate (final percentage to be determined by the Public Works Director) shall be released one year after the improvements have been accepted.
60. All improvements shall be constructed as required by Ordinance and the Public Works Department.
61. An encroachment permit shall be required for all work activities within the public right-of-way.
62. Prior to the issuance of a building permit, the final construction management plan (CMP) shall be reviewed and approved by the Community Development Director and the City Traffic Engineer.
63. Parking layout shall comply with the City Parking Lot Standard 805. Dead-end drive aisle in public areas shall provide a dedicated turn around area. Final design of the turnaround areas shall be reviewed and approved by the City Traffic Engineer.
64. The applicant shall reconstruct all damaged or broken curb, gutter and sidewalk along the Dover Drive and Cliff Drive frontages per City Standards.
65. The proposed new driveway along the Cliff Drive frontage shall be reconstructed per City standard.
66. All deliveries and move-ins/move-outs shall be accommodated on-site and prohibited from parking or stopping within the public right-of-way.
67. The on-site water meters shall be owned by the City of Newport Beach. The Applicant shall provide an easement over the private streets to the City of Newport Beach for the purposes of access and maintenance of the City owned water meters. Final layout of the easement shall be reviewed and approved by the Public Works and Utilities Departments.
68. The on-site sewer and water system shall be privately owned and maintained. Final design of the water and sewer system, including water meter locations, is subject to further review by the Public Works and Utilities Departments during plan check.
69. Existing power poles along the project frontage of Dover Drive shall be undergrounded.

70. The project storm drain system shall be privately owned and maintained. Final hydrology and hydraulic report shall be reviewed and approved prior to building permit issuance. Any required improvements to downstream City infrastructure to accommodate the proposed project shall be designed and constructed by the proposed project. Final design of the storm drain improvements within the public right of way shall be reviewed and approved by the Public Works Department.
71. The proposed driveway is planned to be a full access driveway similar to the existing driveway that serves the existing medical office use. If the City Traffic Engineer determines that issues or problems arise due to the full access nature of the driveway, the project shall implement the right turn in-right turn out driveway improvements as identified in the "601 Dover Drive Residential Project – Driveway Analysis" prepared by LSA and dated December 11, 2025. The improvements shall be fully funded and constructed by the development.

Fire Department

72. An automatic sprinkler system shall be installed in accordance with Section 903.3 and shall be provided throughout all buildings with a Group R fire area. Fire sprinkler monitoring systems shall be required for all R-2 occupancies.
73. All Fire Department access roads shall comply with Newport Beach Fire Guidelines C.01 and C.02. Any fire department access roads that exceed 150 feet will require an approved turn around for fire apparatus.
74. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises. Fire-flow requirements for buildings or portions of buildings and facilities shall be determined by Appendix B of the California Fire Code.
75. Onsite fire hydrants shall be spaced along fire department access roads in compliance with the California Fire Code Appendix C.
76. Residential fire sprinklers complying with the 2022 NFPA Standard 13R shall be required.
77. Waterflow monitoring systems complying with the 2022 NFPA Standard 72 shall be required.
78. Fire master plan complying with the Newport Beach Fire Department (NBFD) Guideline D.08 shall be required as a deferred submittal.

Utilities

79. City-owned meters shall be maintained for all connections to the townhomes and any other uses off of the private domestic line. These meters shall be accessible to City staff 24/7. The meters shall be placed in the Private Drive or sidewalks and not in the garages.

80. Although the systems will be private systems, all water, wastewater and storm drain systems shall be installed in accordance with City standards.
81. The existing 18-inch storm drain that is tied into the catch basin shall be properly abandoned before connection to the new 18-inch line. The line shall be private until the connection into the catch basin.
82. The Special City Tree on Cliff Drive frontage needs to be protected in place. Two City trees shall be added on Dover Drive approved by the City Municipal Operations Department.

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