

RESOLUTION NO. 2019-73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF A MAJOR SITE DEVELOPMENT REVIEW NO. SD2017-008 FOR AN EIGHT-UNIT RESIDENTIAL CONDOMINIUM PROJECT LOCATED AT 1501 MESA DRIVE AND 20462 SANTA ANA AVENUE (PA2017-218)

WHEREAS, an application was filed by Anastasios Nikolaou ("Applicant") with respect to property located at 1501 Mesa Drive and 20462 Santa Ana Avenue, and legally described as a Portion of Lot 5 of Tract Map 456 ("Property") requesting approval of an eight-unit residential condominium project ("Project"). The following approvals were requested to implement the Project as proposed:

- a. A tentative tract map pursuant to Newport Beach Municipal Code ("NBMC") Chapter 19.12 (Tentative Tract Map Review) to allow the individual sale of each dwelling unit as a condominium; and
- b. A major site development review pursuant to NBMC Section 20.52.0080(B) (Site Development Reviews) for construction of five (5) or more dwelling units with a tentative tract map;

WHEREAS, the Property is designated Multiple-Unit Residential (RM) by the Land Use Element of the General Plan;

WHEREAS, the Property is located within the Medium Density Residential (RMD) Zoning District by way of City Council adoption of Ordinance No. 2019-10 which corrected an error that occurred as part of the 2010 Zoning Code Update in the naming of the RMD Zoning District. Specifically, the Ordinance renamed the RMD zoning district from RM-D (Multi-Unit Residential Detached) to RMD (Medium Density Residential) and amended the purpose of the zone to allow for attached dwelling units in addition to detached dwelling units, consistent with the historic zoning and existing pattern of development. Ordinance No. 2019-10 became effective on July 25, 2019;

WHEREAS, the Property is not located within the coastal zone;

WHEREAS, on March 21, 2019, the Newport Beach Planning Commission held a public hearing in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California. Notice of the time, place and purpose of the public hearing was given in accordance with California Government Code Section 54950 *et. seq.* ("Ralph M. Brown Act") and Chapters 19.12 and 20.62 of the NBMC. Evidence, both written and oral, was presented to, and considered by the Planning Commission at this public hearing. At the conclusion of the public hearing, the Planning Commission voted (4 ayes and 1 nay) to adopt Resolution No. PC2019-008, approving Site Development Review No. SD2017-008 and Tentative Tract Map No. NT2017-003;

WHEREAS, on April 3, 2019, within the 14-day appeal period of the Planning Commission's decision to approve Site Development Review No. SD2017-008 a call for review was made by a member of the City Council, Mayor Diane Dixon, in accordance with NBMC Section 20.64.030;

WHEREAS, on August 13, 2019, the City Council held a public hearing in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California to consider the call for review. Notice of the time, place and purpose of the public hearing was given in accordance with the Ralph M. Brown Act and the NBMC. Evidence, both written and oral, was presented to, and considered by, the City Council at this public hearing; and

WHEREAS, pursuant to Chapter 20.64 (Appeals) of the NBMC the City Council public hearing was conducted *de novo*, meaning that it is a new hearing and the decision being appealed has no force or effect as of the date the call for review was filed.

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

Section 1: The City Council does hereby uphold the Planning Commission's approval of Major Site Development Review No. SD2017-008 subject to the conditions of approval attached as Exhibit "A" and incorporated herein by reference. The City Council's decision is made in accordance with NBMC Sections 20.52.080 (F) (Site Development Reviews – Findings and Decision) and is supported by the following findings and facts:

Major Site Development Review

Finding:

- A. *The Project is allowed within the subject zoning district.*

Facts in Support of Finding. The Project is located within the Medium Density Residential (RMD Zoning District), which provides for areas appropriate for medium density residential development containing attached or detached dwelling units. The Project complies with all development standards for the RMD zone, including height, setbacks, parking, and density.

Finding:

B. In compliance with all of the applicable criteria identified in Subsection 20.52.080(C)(2)(c) of the NBMC:

a. Compliance with this Section, the General Plan, the Zoning Code, any applicable specific plan, and other applicable criteria and policies related to the use or structure;

b. The efficient arrangement of structures on the site and the harmonious relationship of the structures to one another and to other adjacent development; and whether the relationship is based on standards of good design;

c. The compatibility in terms of bulk, scale, and aesthetic treatment of structures on the site and adjacent developments and public areas;

d. The adequacy, efficiency, and safety of pedestrian and vehicular access, including drive aisles, driveways, and parking and loading spaces;

e. The adequacy and efficiency of landscaping and open space areas and the use of water efficient plant and irrigation materials; and

f. 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. The Land Use Element of the General Plan designates the Property as RM, which is intended primarily for multi-family residential development containing attached or detached dwelling units. The Project is consistent with the General Plan designation. This designation allows forty-three (43) dwelling units per acre. The eight (8) unit Project is less than the maximum allowable density of approximately thirteen (13) units.

The RMD Zoning District allows one unit per 1,000 square feet of lot area. The Property is 14,180 square feet in area; therefore, up to fourteen (14) units could be permitted onsite per the Title 20 of the NBMC ("Zoning Code") Table 2-3 (Development Standards). The General Plan further limits density to a maximum of thirteen (13) units on-site. Thus, the eight (8) unit Project proposes approximately 60 percent of the maximum density allowed on-site, while still providing additional housing opportunities and types within the City. The Project would result in a net increase of six (6) units on the Property.

The Project complies with the development standards of the RMD Zoning District. The proposed four (4) story buildings are approximately thirty-three (33) feet tall from established grade, in compliance with the maximum height limitation of the district. The buildings meet all required setbacks. The Project provides common and private open space, where none is required by the Zoning Code. Approximately 2,245 square feet of common open space is provided in the form of open landscaped areas and a barbeque area. A minimum of approximately 1,500 square feet of private open space is provided in the form of roof decks. Eight (8), two-car garages and four (4) uncovered guest parking spaces (inclusive of one (1) accessible space) are proposed for the development, which meets the minimum Zoning Code requirements for parking.

The Project will incorporate consistent architectural design such that all structures on the Property are unified by a common theme. The two (2) buildings are almost identical, with the same siding, color scheme, balconies, and awnings. The buildings will appear uniform from Santa Ana Avenue. Architectural treatment will harmonize with the surrounding neighborhood, which includes a range of design themes and architectural styles.

The Project provides a varied roof profile, with the fourth floor set back from the side setbacks and interior drive aisle. The fourth floor is limited in size and setback from the property line, with roof decks on either side of the living space to create more visual relief and reduced building mass. The fourth floor (interior living area) is approximately half the size of the second and third floors below, creating additional relief from the neighboring roadways. The first floor level is partially below grade, with the units along Mesa Drive afforded additional privacy due to the lower grade of the ground floor office and garage. Architectural treatment and building articulation is concentrated along Mesa Drive, which is the longest frontage of the Property and the most visible to pedestrians and motorists. There is substantial visual interest created through varied materials and colors, such as metal clad siding and a mix of vertical and horizontal lines.

The bulk and scale of the structures on-site are compatible with the surrounding RMD properties more recently developed for apartment and condominium use. For example, the adjacent property to the east was approved for similar construction. The adjacent Santa Ana Cottages development at 20452 Santa Ana Avenue was approved for the development of seven (7) condominium units (PA2016-069). Although the approved Santa Ana Cottages project contains three (3) stories, it will reach the same maximum height of thirty-three (33) feet as the proposed Mesa Drive Townhomes project. Therefore, the Project will not look out-of-scale with existing and approved development.

The existing pattern of development within the RMD zone consists of a mixture of attached apartments and condominiums with some detached single-family residential uses. Specifically, there are seven (7) detached single-family dwelling units (including the subject properties), one detached two-unit development, and eight developments containing about 163 attached dwelling units (inclusive of the Santa Ana Cottages). Thus, the majority of development in the area (RMD zone) consists of attached apartments and condominiums ranging from five (5) dwelling units to 36 dwelling units. The proposed eight (8) unit condominium development would be consistent with the pattern of development in the RMD Zone in terms of density and dwelling type.

The Property is located near the Santa Ana Heights Specific Plan area - Residential Multiple Family (1500) District, which is to the east of the Project towards the Back Bay. This zoning district allows for (and is developed with) multi-family uses with 1500 square feet of site area per unit (29 units per acre). The Project contains approximately 1,773 square feet of site area per unit (24.5 units per acre), which is less dense than the nearby Santa Ana Heights Specific Plan multiple family district.

Existing access for 20462 Santa Ana Avenue is provided via two (2) separate driveways along Santa Ana Avenue on either side of the single-family residence. The proposed site layout would consolidate the curb cuts on Santa Ana Avenue by creating one uniform driveway through the center of the site (i.e. perpendicular to Santa Ana Avenue). The eight (8) garages would be accessible via this central driveway and drive aisle. Additionally, the Project would remove the existing curb cut and access point for 1501 Mesa Drive property along Mesa Drive. Removal of the driveway and carport along this road would reduce hazards related to residents pulling in and backing out of the driveway on Mesa Drive. The site layout and guest parking area allow vehicles sufficient space to turn around on-site. Pedestrian access to the site is available along Santa Ana Avenue along an existing public sidewalk.

The Public Works Department has reviewed and approved the site plan, proposed improvements, parking configuration, and access driveway subject to the conditions of approval.

The twenty (20) foot front setback on Santa Ana Avenue and site layout provide for additional landscaping opportunities immediately adjacent to the street. As conditioned, all landscaping will comply with NBMC Chapter 14.17 (Water-Efficient Landscaping).

The Property is not located at or near a public view point or corridor as identified in the General Plan Figure NR3 (Coastal Views), therefore, is in compliance with NBMC Section 20.30.100 (Public View Protection).

Finding:

C. *Not detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed development.*

Facts in Support of Finding, The Project would result in a net increase of six (6) units on the subject properties, where up to thirteen (13) units could be constructed per the General Plan. The amount of traffic to and from the neighborhood will not significantly change. The Project is conditioned to pay fair share traffic fees for the additional dwelling units on the Property. A separate fee will be assessed and paid to both the City of Newport Beach as well as the San Joaquin Hills Transportation Corridor Agency ("TCA").

Currently there are large hedges, fences, and other accessory structures that impede visibility at the corner of Santa Ana Avenue and Mesa Drive. The Project would remove all non-conforming features and new structures would comply with Public Works Standard STD 110-L, which provides visibility for pedestrians and motorists at intersections. Additionally, the new structure would comply with all setback requirements for residential development in this zoning district where the existing structure encroaches into the side setbacks along Mesa Drive. All features within the twenty (20) foot front setback along Santa Ana Avenue would be limited to forty-two (42) inches from existing grade.

The Project will comply with all Building, Public Works, and Fire Codes. The Project will also comply with all City ordinances and conditions of approval.

The Project has been conditioned to ensure that potential conflicts with surrounding land uses are minimized to the extent possible to maintain a healthy environment.

Section 2: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.


Section 3: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 4: This Project is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15332 under Class 32 (In-Fill Development) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.


In this case, the residential condominium Project is consistent with the General Plan Land Use Element category of RM as well as the RMD Zoning District. The Project site area is less than five (5) acres and generally surrounded by residential development and a golf course. The lot is substantially developed and is not within environmentally sensitive areas. The Project was reviewed by the Public Works Department and concerns related to traffic were not found. Further, a traffic study was not required under the City's Traffic Phasing Ordinance ("TPO"). No significant effects are anticipated for the lot with regard to noise or air quality as the Project will be replacing existing single-family developments. A preliminary water quality management plan ("WQMP") was reviewed and approved to address potential water quality issues. The Project was also reviewed by the Public Works and Fire Departments and it was determined both lots maintain adequate access to both utilities and public services.

Section 5: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 13th day of August, 2019.



Diane B. Dixon
Mayor

ATTEST:


Leilani I. Brown
City Clerk



APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE


for Aaron C. Harp
City Attorney

Attachment: Exhibit A – Conditions of Approval

EXHIBIT "A"

CONDITIONS OF APPROVAL

(Project-specific conditions are in italics)

Planning Division Conditions

1. The Project shall be in substantial conformance with the approved site plan, floor plans, building elevations, and project renderings stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. The Project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. The Applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this approval.
4. *Prior to the issuance of the final tract map, a park fee shall be assessed for the net increase of six (6) additional dwelling units.*
5. *Prior to the issuance of a building permit, fair share traffic fees shall be assessed for the net increase of six (6) additional dwelling units.*
6. *Prior to the issuance of a building permit, San Joaquin Hills Transportation Corridor Agency ("TCA") fees shall be assessed for the net increase of six (6) additional dwelling units.*
7. A copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans prior to issuance of building permits.
8. The Applicant is responsible for compliance with the Migratory Bird Treaty Act ("MBTA"). In compliance with the MBTA, grading, brush removal, building demolition, tree trimming, and similar construction activities shall occur between August 16 and January 31, outside of the peak nesting period. If such activities must occur inside the peak nesting season from February 1 to August 15, compliance with the following is required to prevent the taking of Native Birds pursuant to MBTA:
 - A. The construction area shall be inspected for active nests. If birds are observed flying from a nest or sitting on a nest, it can be assumed that the nest is active. Construction activity within three hundred (300) feet of an active nest shall be delayed until the nest is no longer active. Continue to observe the nest until the chicks have left the nest and activity is no longer observed. When the nest is no longer active, construction activity can continue in the nest area.

- B. It is a violation of state and federal law to kill or harm a native bird. To ensure compliance, consider hiring a biologist to assist with the survey for nesting birds, and to determine when it is safe to commence construction activities. If an active nest is found, one (1) or two (2) short follow-up surveys will be necessary to check on the nest and determine when the nest is no longer active.
9. Prior to the issuance of building permits, the Applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Site Development Review file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Major Site Development Review and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
 10. Prior to the issuance of building permits, the Applicant shall submit a landscape and irrigation plan prepared by a licensed landscape architect. These plans shall incorporate drought tolerant plantings and water efficient irrigation practices, and the plans shall be approved by the Planning Division.
 11. All landscape materials and irrigation systems shall be maintained in accordance with the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.
 12. The Project shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if 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.
 13. 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.
 14. Should the Property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
 15. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code ("NBMC"), which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.

16. All trash shall be stored within the building or within dumpsters stored in the trash enclosure (three walls and a self-latching gate) or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies. The trash enclosure shall have a decorative solid roof for aesthetic and screening purposes.
17. The Applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).
18. This approval shall expire and become void unless exercised within twenty-four (24) months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 (Planning and Zoning) of the NBMC.
19. To the fullest extent permitted by law, Applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of Mesa Drive Townhomes including, but not limited to, Major Site Development Review No. SD2017-008 and Tentative Tract Map No. NT2017-003 (PA2017-218). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The Applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The Applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Fire Department Conditions

20. Dumpsters with an individual capacity of two hundred (200) gallons or more shall not be stored in buildings or placed within five (5) feet of combustible walls, openings, or combustible roof eave lines. Dumpsters are not prohibited in areas protected by an approved automatic sprinkler system installed throughout in accordance with NFPA 13 California Fire Code ("CFC") Section 304.3.4.
21. A fire flow shall be determined for the structure per Fire Department Guidelines B.01 CFC Section 507.3.

22. A fire alarm system that activates the occupant notification system shall be installed in Group R-2 occupancies where dwelling units, sleeping units are located three (3) or more stories above the lowest level of exit discharge (per CFC 907.2.9).
23. Means of egress shall be accessible per California Building Code ("CBC") Section 1009.
24. An automatic sprinkler system shall be installed in accordance with Section 903.3 throughout all buildings with a Group R fire area (CFC Section 903.2.8).

Building Division Conditions

25. 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 prior to the issuance of a building permit.
26. 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 (2) feet of freeboard.
- Pave or apply water four (4) times daily to all unpaved parking or staging areas.
- Sweep or wash any site access points within two (2) 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 twenty-five (25) mph.

Emissions

- Require ninety (90) day low-NOx tune-ups for off road equipment.
- Limit allowable idling to thirty (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 South Coast Air Quality Management District ("SCAQMD") significance thresholds are not exceeded.
 - Maintain and utilize a continuous water application system during earth placement and compaction to achieve a ten (10) percent soil moisture content in the top six (6) inch surface layer, subject to review/discretion of the geotechnical engineer.
27. Prior to issuance of grading permits, the Applicant shall prepare and submit a Water Quality Management Plan ("WQMP") for the Project, subject to the approval of the Building Division and Code and Water Quality Enforcement Division. The WQMP shall provide appropriate Best Management Practices ("BMP"s) to ensure that no violations of water quality standards or waste discharge requirements occur.
28. Prior to the issuance of grading permits, an erosion control plan shall be submitted and approved.

Public Works Department Conditions

29. Prior to commencement of demolition and grading of the Project, the Applicant shall submit a construction management and delivery plan to be reviewed and approved by the Public Works Department. The plan shall include discussion of Project phasing; parking arrangements for both sites during construction; anticipated haul routes and construction mitigation. Upon approval of the plan, the Applicant shall be responsible for implementing and complying with the stipulations set forth in the approved plan.
30. A Tract Map ("Map") shall be recorded. The Map shall be prepared on the California coordinate system (NAD 83). Prior to the recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital-graphical file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual Subarticle 18, respectively. The Map submitted to the City shall comply with the City's CADD standards. Scanned images will not be accepted.
31. 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 the Orange County Subdivision Manual, Subarticle 18, respectively. Monuments (one (1) inch iron pipe with tag) shall be set on each lot corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of the construction Project.
32. Prior to the recordation of the Tract Map, a Subdivision Agreement shall be obtained and approved by the City Council.

33. Prior to the Final Tract Map approval, the Applicant shall provide a Faithful Performance Bond and a Labor and Materials Bond, each for one hundred (100) percent of the estimated public improvements. An engineer's cost estimate shall be prepared by a Registered Civil Engineer and approved by the Public Works Director.
34. An encroachment permit is required for all work activities within the public right-of-way.
35. All improvements shall comply with the City's sight distance standard STD-11-L. Walls within the limited use area shall be limited to less than thirty-six (36) inches in height and planting within the limited use area shall be limited to twenty-four (24) inches in height maximum.
36. In case of damage done to public improvements surrounding the development site by the private construction, said damage shall be repaired and/or additional reconstruction within the public right-of-way may be required.
37. All on-site drainage shall comply with the latest City water quality requirements.
38. The parking garage layout and drive aisles shall comply with City Standard STD-805-L-A and STD-805-L-B. Dead-end drive aisles shall provide dedicated turn around space(s) and a five (5) foot minimum clear paved hammerhead/drive aisle extension. Drive aisle shall be a minimum of twenty-six (26) feet wide.
39. Each unit shall be served by separate water and sewer services, unless otherwise approved by the utility provider.
40. Sewer and water demand studies shall be submitted to the applicable utility providers. Approvals of said studies by the utility provider shall be provided to the City of Newport Beach prior to the recordation of the Final Tract Map.
41. *The Applicant shall reconstruct the existing curb, gutter, and sidewalk along the entire Santa Ana Avenue and Mesa Drive property frontages.*
42. Driveway slopes shall comply with City Standard STD-160-L-C.
43. *The driveway design along Santa Ana Avenue shall provide a minimum four (4) foot accessible path around the sloped portion of the driveway. A pedestrian easement dedicated to the City may be required pending the final driveway design.*

STATE OF CALIFORNIA }
COUNTY OF ORANGE }
CITY OF NEWPORT BEACH } ss.

I, Leilani I. Brown, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; the foregoing resolution, being Resolution No. 2019-73, was duly introduced before and adopted by the City Council of said City at a regular meeting of said Council held on the 13th day of August, 2019; and the same was so passed and adopted by the following vote, to wit:

AYES: Mayor Diane Dixon, Mayor Pro Tem Will O'Neill, Council Member Brad Avery,
Council Member Joy Brenner, Council Member Jeff Herdman

NAYS: Council Member Kevin Muldoon

RECUSED: Council Member Duffy Duffield

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 14th day of August, 2019.



Leilani I. Brown
City Clerk
Newport Beach, California

