

Attachment B

Ordinance No. 2021-20 (PC)

ORDINANCE NO. 2021-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING ZONING CODE AMENDMENT NO. CA2020-008 AND PLANNED COMMUNITY DEVELOPMENT PLAN NO. PC2020-001 ESTABLISHING THE RESIDENCES AT NEWPORT CENTER LOCATED AT 150 NEWPORT CENTER DRIVE (PA2020-020)

WHEREAS, Section 200 of the City of Newport Beach (“City”) Charter vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges, or procedures granted or prescribed by any law of the State of California;

WHEREAS, an application was filed by Newport Center Anacapa Associates, LLC (“Applicant”), with respect to property located at 150 Newport Center Drive and legally described in Exhibit “A,” which is attached hereto and incorporated herein by reference (“Property”);

WHEREAS, the Project includes the demolition of an existing 2,085-square-foot car wash, convenience market, and gas station and the construction of a four-story structure consisting of 28 condominium units and common space amenity areas over a two-level below-grade parking garage (“Project”) which require the following approvals from the City:

- General Plan Amendment No. GP2020-001 – to change the Property’s land use designation from Regional Commercial Office (CO-R) to Multiple Residential (RM) and create a new Anomaly Location for the Property that authorizes a maximum development density of 28 dwelling units;
- Zoning Code Amendment No. CA2020-008 – to change the Property’s zoning designation from Office Regional (OR) to Planned Community (PC) District;
- Planned Community Development Plan No. PC2020-001 - to establish land uses and development standards for the Property including a waiver of the minimum site area;
- Major Site Development Review No. SD2020-001 – to allow for the development of a four-story structure containing 28 luxury condominium units and common space areas over a two-level below-grade parking garage;

- Tentative Tract Map No. NT2020-001 – to establish a 28-unit residential condominium subdivision map on the 1.26-acre Property that would allow each unit to be sold individually;
- Development Agreement No. DA2020-001 – to provide the Applicant with the vested right to develop the Project subject to the rules and regulations in effect at the time of Project approval and to provide the City with assurance that certain obligations of the Applicant will be met, including public benefit fees;
- Environmental Impact Report No. ER2021-002 - to disclose reasonably foreseeable environmental impacts resulting from the legislative and project specific discretionary approvals, the City has determined that an Initial Study and Environmental Impact Report (“EIR”) are warranted for the Project pursuant to California Public Resources Code Section 23000 *et seq.* (“CEQA”), Title 14, Division 6, Chapter 3 of the California Code of Regulations (“CEQA Guidelines”), and City Council Policy K-3; and
- Rescind Use Permit No. UP1461 – rescind use permit since the Project will replace the operation of the existing car wash;

WHEREAS, the Property is designated Regional Commercial Office (CO-R) by the City of Newport Beach General Plan (“General Plan”) Land Use Element and is located within the Office Regional (OR) Zoning District;

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

WHEREAS, a study session was held on May 6, 2021, in the Council Chambers located at 100 Civic Center Drive, Newport Beach to introduce the Project to the Planning Commission and discuss the procedures for environmental review;

WHEREAS, the Planning Commission held a public hearing on August 19, 2021 in the Council Chambers at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the hearing was given in accordance with California Government Code Section 54950 *et seq.* (“Ralph M. Brown Act”) and Chapters 15.45 (Development Agreements), 19.12 (Tentative Map Review), 20.56 (Planned Community District Procedures), and 20.62 (Public Hearings) of the Newport Beach Municipal Code (“NBMC”). Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing;

WHEREAS, at the hearing, the Planning Commission adopted Resolution No. PC2021-024 by a unanimous vote (7 ayes, 0 nays) recommending the City Council approve the Project; and

WHEREAS, the City Council held a public hearing on September 28, 2021, in the Council Chambers located at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the public hearing was given in accordance with the Ralph M. Brown Act and Chapters 15.45 (Development Agreements), 19.12 (Tentative Map Review), 20.56 (Planned Community District Procedures), and 20.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by, the City Council at this public hearing.

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

Section 1: The City Council has considered the recommendation of the Planning Commission and determined that modifications to the Project made by the City Council, if any, are not major changes that require referral back to the Planning Commission for consideration and recommendation.

Section 2: Zoning Code Amendment No. CA2020-008 is hereby approved to rezone the Property from OR (Office Regional) to PC-61 (Residences at Newport Center Planned Community), as depicted in Exhibit “B,” which is attached hereto and incorporated herein by reference.

Section 3: Planned Community Development Plan is hereby approved, as depicted in Exhibit “C,” which is attached hereto and incorporated herein by reference, thereby establishing the permitted uses, development standards, and design guidelines for the Property. Additionally, the City Council hereby waives the minimum acreage requirement for the establishment of a PC District as authorized in Section 20.25.020 (Area Requirements) of the NBMC.

Section 4: Amendments to Title 20 (Planning and Zoning) of the NBMC are legislative acts. Neither Chapters 20.66 (Amendments) and 20.56 (Planned Community Development District Procedures) of Title 20 (Planning and Zoning) of the Newport Beach Municipal Code, the Charter of the City of Newport Beach, nor Article 2 (Adoption of Regulations) of Chapter 4 (Zoning Regulations) of Division 1 (Planning and Zoning) of Title 7 (Planning and Land Use) of the California Government Code set forth any required findings for either approval or denial of amendments to the NBMC. Nevertheless, rezoning the Property to PC-61 Residences at Newport Center is

consistent with the purpose of Planned Community Districts as specified in NBMC Section 20.56.010 for the reasons set forth below.

Facts in Support of Finding:

1. PC-61 (Residences at Newport Center Planned Community) District meets the intent and purpose for a PC as specified in NBMC Section 20.56.010 (Purpose) given its location in the Newport Center area which includes a mixture of shopping, hotels, commercial support uses, professional offices, and residential developments that cumulatively contain the ingredients of a planned community. PC-61 (Residences at Newport Center Planned Community) District PC District adds to this diversity assisting the City in larger scale community planning.
2. PC-61 (Residences at Newport Center Planned Community) District would establish appropriate site and project specific setbacks, density, and height limits to the Property given its urban location. All required parking is provided on-site. The Property is fully developed and does not support any natural resources and all potential environmental impacts associated with the project are appropriately addressed through standard building permit procedures, conditions of approval, and the mitigation measures identified in the Environmental Impact Report and contained in the Mitigation Monitoring and Reporting Program.
3. The size, density and character of the proposed dwelling units complement the existing land uses in the project area and include design elements consistent with Land Use Element Policy 5.1.9 (Character and Quality of Multi-Family Residential) that require multi-family dwellings to be designed to convey a high-quality architectural character. Consistent with General Plan Policy LU 6.2.1 (Residential Supply), the provision of 28 dwelling units on the Property would accommodate Newport Beach population needs identified in the General Plan Housing Element and accommodate market demand for residential uses.
4. The Property is located in an area of the City that has sufficient utilities systems to serve the Project.
5. A waiver of the 10-acre minimum of developed site area is requested as part of the establishment of the PC Zoning District. The Newport Center area is an urban, developed region of the City that cumulatively includes all of the necessary ingredients of a Planned Community.

6. The future development of the Property affected by the proposed amendment will be consistent with the goals and policies of the Land Use Element of the General Plan; and will be consistent with the purpose and intent of the proposed Residences at Newport Center Planned Community (PC) Zoning District of the NBMC.
7. A voluntary development agreement has been requested by the Applicant as the Project would add new residential dwelling units within Statistical Area L1 (Newport Center). The Development Agreement includes all the mandatory elements for consideration and public benefits that are appropriate to support conveying the vested development rights consistent with the General Plan, NBMC, and Government Code Section 65864 *et seq.*

Section 5: The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

Section 6: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 7: The Residences at Newport Center Final Environmental Impact Report (SCH No. 2020110087) was prepared for the project in compliance with CEQA, the State CEQA Guidelines, and City Council Policy K-3. By Resolution No. 2021-90, the City Council, having final approval authority over the Project, adopted and certified as complete and adequate the Residences at Newport Center Final Environmental Impact Report (SCH No. 2020110087) and adopted "Mitigation Monitoring and Reporting Program." Resolution No. 2021-90, including all findings contained therein, is hereby incorporated by reference.

Section 8: Except as expressly modified in this ordinance, all other sections, subsections, terms, clauses and phrases set forth in the Newport Beach Municipal Code shall remain unchanged and shall be in full force and effect.

Section 9: The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the ordinance, or a summary thereof, to be published pursuant to City Charter Section 414.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 28th day of September, 2021, and adopted on the 12th day of October, 2021, by the following vote, to-wit:

AYES: _____

NAYS: _____

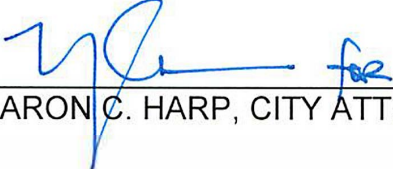
ABSENT: _____

BRAD AVERY, MAYOR

ATTEST:

LEILANI I. BROWN, CITY CLERK

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



AARON C. HARP, CITY ATTORNEY

Attachment(s)	Exhibit A - Legal Description
	Exhibit B - Zoning Map Amendment
	Exhibit C - PC-61 (Residences at Newport Center Planned Community Development Plan)

Exhibit "A"

Legal Description

The property is legally described as Parcel 1 of Parcel Map No. 29-34 (Resubdivision No. 282) being a portion of Block 93 of Irvine's subdivision as per map recorded in Book 1, Page 88 of Miscellaneous Record Maps, records of Orange County, California.

Exhibit “B”
Zoning Map Amendment

Exhibit “C”

PC-61 (Residences at Newport Center Planned Community Development Plan)

RESIDENCES AT NEWPORT CENTER

Planned Community Development Plan

Date: April 19, 2021

Ordinance No. _____
Adopted _____, 2020

TABLE OF CONTENTS

1.0	Introduction and Purpose	3
2.0	Land Use and Development Regulations	4
2.1	Architectural Design	4
2.2	Permitted Uses	5
2.3	Building Setbacks	5
2.4	Density: Number of Units	6
2.5	Floor Area	6
2.6	Grade for Purposes of Determining Height	6
2.7	Height	7
2.8	Landscaping and Irrigation	7
2.9	Lighting	9
2.10	Mechanical Equipment	9
2.11	Open space	9
2.12	Parking	10
2.13	Signs	11
2.14	Podium Walls	12
2.15	Patio Walls	13
2.16	Trash Service and Container Storage	14
2.17	Construction Requirements	14
	a. Archaeological/Paleontological	
	b. Building Codes	
	c. Grading	
	d. Sewer Service	
	e. Storm Water Management	
	f. Telephone, Gas and Electrical Service	
	g. Water Service	
3.0	Site Development Review	16
3.1	Purpose	16
3.2	Application	16
3.3	Design (Elevations) and Site Development of Building	16

LIST OF EXHIBITS

Exhibits Name	Exhibit Number
Conceptual Site Plan & Project Summary	A
Setback Exhibit	B
Building Tabulation	C
Sections	D

1.0 INTRODUCTION AND PURPOSE

The Residences at Newport Center Planned Community Development Plan (PC) is composed of 28 condominium units located in 4 story buildings totaling 103,158 square feet of gross building area connected by a common lobby and entry. The project is located at the southwest intersection of Newport Center Drive and Anacapa Drive in Newport Center on a 54,949 square feet parcel. The vision presented in the plan shows two luxury residential buildings with a common entrance and lobby intended to integrate a casual urban lifestyle with a contemporary California building design.

The unit mix includes 8 residential units on the ground floor, 16 flats on levels 2 and 3 and four penthouses on Level 4. The square footage of the residential units is 85,236 square feet. Level 1 will also have a lobby and a lounge with a kitchen, fitness room/spa, lap pool and office that is approximately 5,518 square feet (not including pool area) and does not include circulation.

The project is designed for two levels of parking below grade. Level B-1 is partially at grade on the southern edge to allow tenant and visitor access. General delivery will occur at the building entry off Anacapa Drive and moving van access is provided on the south of the building. All units have a private 2-car garage located within the lower levels. Further, there is one-way vehicular access to the garage from the front entry of the project primarily for visitors.

The PC identifies land use relationships and associated development standards for the district identified as the Residences at Newport Center. To that end, it coordinates and complements the broader scale and massing of the Newport Center area and specifically Block 100. The PC ensures a broader coordination and consistency with the surrounding neighborhood, to include a high level of contemporary architectural quality supporting the Newport Center environment along with pedestrian connectivity.

The PC includes a specific set of standards incorporated through a comprehensive review of the project within Newport Center while ensuring substantial compliance with the spirit and intent of the Zoning Code. The PC ensures the following site development review objectives are met:

1. Ensure consistency with General Plan policies related to the preservation of established community character, and expectations for high quality development.
2. Respect the physical and environmental characteristics of the site.
3. Ensure safe and convenient access and circulation for pedestrians and vehicles.
4. Allow for and encourage individual identity for specific uses and structures.
5. Encourage the maintenance of a distinct neighborhood and/or community identity.

6. Minimize or eliminate negative or undesirable visual impacts.
7. Ensure protection of significant views from public right(s)-of-way in compliance with NBMC Section [20.30.100](#) (Public View Protection);
8. Allow for different levels of review depending on the significance of the development project (Newport Beach, 2015a).

Whenever the regulations contained in the PC conflict with the regulations of the Newport Beach Municipal Code (NBMC), the regulations contained in the PC shall take precedence. The NBMC shall regulate all development within the PC when such regulations are not provided within the PC Regulations.

2.0 LAND USE AND DEVELOPMENT

The following development standards shall apply to the residential condominium units.

2.1 ARCHITECTURAL DESIGN

The Residences at Newport Center design is inspired by creating a casual yet elegant architecture that is conceived as two casual and contemporary 4 story buildings that are linked together via a modern glass entry with a water feature creating the entry into the lobby. Architecturally, the buildings are proportioned with a defined base, middle, and top that is reinforced by flat plate structure and glass walls. The elevations are presented through the use of massing, setbacks and subtle variations in the roof line.

The building's material palate consists of stone neutrals and glass building façade compatible with the surrounding development in Newport Center. The design will complement, enhance, and be compatible with the adjacent retail and office properties. In keeping with this philosophy, the exterior will be comprised predominately of stone base, stone cladding, metal finishes and glass. Massing offsets, variations of roof line, varied textures, recesses, articulation, and design accents on the elevation are integrated to enhance the expression of a unique and contemporary architectural style.

All first floor residences include outdoor patios and resident entries from the public lobby. Fenestration of the buildings is developed around the "California Coastal" view of indoor – outdoor living. Openings above level 1 will have foldable doors allowing for the full aperture to engage with interior living. Connections to the common area are reinforced via a social gathering space within the lobby that incorporates both interior and exterior landscape areas.

The exterior landscaping will further enhance the feel of a luxury lifestyle at the adjacent intersection of Anacapa and Newport Center Drive. The crosswalks at the corner of Newport Center Drive and Anacapa Drive shall enhance the visual connection to the adjoining office, entertainment, restaurants, and medical districts. Along Anacapa Drive, the project will provide resident access via a 27 foot wide driveway served by a luxurious lobby and entry water feature.

Further, there is access to the visitor parking via a one-way ramp to the lower level. Optionable valet parking will be provided at the entry level. A dog run on the ground level at the southwest corner is provided for the residents.

2.2 PERMITTED USES

- a. Condominiums (Multi-Family Residential).
- b. On-site recreational facilities, valet station, wine storage, separate dedicated storage areas, and other structures ancillary to residential uses.
- c. Telecommunications facilities are permitted in accordance with Chapter 20.49 (Wireless Telecommunications Facilities) of the NBMC.
- d. Land uses that are not listed above are not allowed, except as provided by Chapter 20.12 (Interpretation of Zoning Code Provisions) of the NBMC or as required by State Law.
- e. Temporary uses may be allowed only upon approval of a limited term permit pursuant to Section 20.52.040 (Limited Term Permits) of the NBMC.

2.3 BUILDING SETBACKS

a. Above grade level podium (required/provided)

Anacapa Drive easement)	15 feet/26 feet (including a 3-foot pedestrian 21 feet for the roof overhang
Newport Center Drive	15 feet /15 feet 10 feet at the roof overhang
Western property line	0 feet/19 feet 13 feet 6 inches at the roof overhang
Southern property line	0 feet/ 19 feet (Including a 10-foot private pedestrian walkway easement)

b. Below grade level podium (required/provided)

Anacapa Drive	0 feet/ 15 feet
Newport Center Drive	0 feet/ 15 feet

Western Property Line	0 feet/ 7 feet for basement walls
Southern Property line	0 feet/ 10 feet

Patios may encroach up to 7 feet 4 inches into required setback areas. Decks and balconies may encroach up to 2 feet 6 inches into the required setback. Decorative architectural features such as roof overhangs, brackets, and eaves may encroach up to 30 inches into a required setback area, provided that no architectural features shall project closer than twenty-four inches from a side property line. Further, the roof overhang on Newport Center Drive may extend up to 60 inches into the setback. The footings on the south of the building may encroach up to 3 feet into the easement. Fences, hedges, and walls may encroach into the required setback areas subject to the requirements set forth in Section 2.14.

2.4 DENSITY

The maximum allowable number of condominium residential units shall be 28.

2.5 FLOOR AREA

a. Building Area

The maximum gross building area limit for the development is 103,158 gross square feet at a floor area ratio (FAR) of 1.88.

Gross building Area Definition:

The following areas shall be included in calculations of gross floor area:

- a) Any interior finished portion of a structure that is accessible and that measures more than six feet from finished floor to ceiling.

The following areas shall be excluded:

1. Stairwells and elevator shafts above the first level.
2. The surrounding exterior patio areas.
3. Parking structures including private garages and mechanical areas within the parking structure.

b. Floor Area per Unit. Residential uses are measured on a per unit basis.

i. Ground floor (1st floor):

1,430 square feet minimum

ii. Units on floor 2:

2,493 square feet minimum

iii. Units on floor 3:

2,316 square feet minimum

iii. Penthouses (floor 4):

5,223 square feet minimum

2.6 STANDARDS FOR ALLOWABLE HEIGHTS

The building heights are measured from established grade as hereinafter defined. The building is on a sloping surface and the measurement of height is taken from the building entrance at 167.75 feet (NAVD88). Thus, established grade shall be defined at an elevation of 167 feet 9 inches (NAVD88).

2.7 HEIGHT

The building height shall not exceed 52 feet 11 inches from the established grade (167.75 feet NAVD88) of the site or 220 feet 8 inches above mean sea level (AMSL). The height of the open area between the buildings is approximately 19 feet 8 inches above the established grade of the site or 187 feet 6 inches NAVD88.

Rooftop appurtenances are permitted and may exceed the maximum building height by up to 7 feet (227.66 feet NAVD88). Rooftop appurtenances may include, but are not limited to, stairwell and elevator shaft housing, antennae, window washing equipment, and wireless communication facilities. The mechanical equipment for this project shall be sited in the interior of the 2-level parking structure. Rooftop appurtenances shall not exceed 30 percent of the overall roof area and shall be focused toward the interior of the building footprint adjacent to the elevator override and stairway. Rooftop appurtenances must be screened from view; the height of rooftop appurtenances shall not exceed the height of the screening. Supports for window washing equipment are permitted and are not required to be screened from view. Rooftop appurtenances within the 7-foot limitation are subject to the review and approval of the Planning Division.

Architectural features may exceed the maximum building height up to 2 feet (169.75 feet NAVD88). Architectural features include the building rooftop edge and other decorative rooftop features defined as visually prominent or formally significant elements of a building that express its architectural language and style in a complementary fashion. Architectural features should be logical extensions of the massing, details, materials, and color of the building which complement and celebrate its overall aesthetic character. Such features must be an extension of the architectural style of the building in terms of materials, design, and color.

2.8 LANDSCAPING AND IRRIGATION

A minimum of 15 percent of the lot area shall be landscaped (8,242 square feet). Landscaping and irrigation shall be provided in all areas not devoted to structure, driveways, walkways, and private patios to enhance the appearance of the development, reduce heat and glare, control soil erosion, conserve water, screen adjacent land uses, and preserve the integrity of the PC.

Site landscaping and irrigation will be designed and planted in accordance with [Chapter 20.36 \(Landscaping Standards\)](#) of the Newport Beach Municipal Code (NBMC) and [Chapter 14.17 \(Water-Efficient Landscaping\)](#) of the Newport Beach Municipal Code. Plants shall be adapted to the coastal climate of Newport Beach and appropriate to the specific soil, topographic, and sun/shade conditions of the project site. Drought-tolerant plants shall be used to the maximum extent practicable. Plant species having comparable water requirements shall be grouped together for efficient use of irrigation water. All plant materials shall conform to or exceed the plant quality standards of the latest edition of American Standard for Nursery Stock published by the American Association of Nurserymen, or the equivalent. Plant selection shall be harmonious to the character of the project and surrounding projects and shall not be listed as an invasive species by the California Invasive Plant Council.

a. Minimum Landscape Requirements:

1. Landscaping shall incorporate a street tree species along Newport Center Drive (existing Mexican Fan Palms to be protected on Newport Center Drive) and Anacapa Drive (Lemon scented Gum, Eucalyptus citriodora or other tree to the satisfaction of the General Services Division). The same species street tree shall be planted on both sides of Anacapa Drive, north of the drive entry (upon the adjacent property owner's approval).
2. The Anacapa Drive parkway shall be maintained and landscaped to complement the existing on-site landscaping. Landscaping and irrigation shall consist of a combination of trees, shrubs, and groundwater and hardscape improvements.
3. The landscaped island at the southern entry within the ingress/egress easement shall be one continuous landscape area as shown on the attached Exhibit A (upon the underlying property owner's approval).
4. Landscaping shall be located so as not to impede vehicular sight distance to the satisfaction of the City Traffic engineer.
5. Planting areas adjacent to vehicular entrances shall be protected by a continuous concrete curb or similar perimeter barrier.
6. The ground floor landscape area shall include a dog run for use by the occupants of the project.
7. Landscape areas shall provide a minimum width dimension of 2.5 feet to provide adequate planting area.
8. Evergreen planting a minimum of 5 feet high shall be used to screen the podium wall along the eastern property line (along Newport Center Drive).

9. All landscape materials and irrigation systems shall be maintained in accordance with the approved landscape and irrigation plans. All landscaped areas shall be maintained in a healthy and growing condition in accordance with the NBMC 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.
10. Landscape planting and irrigation plans and specifications shall be submitted by the applicant for review and approval by the Planning Division prior to the issuance of a building permit.

b. Irrigation Guidelines

An irrigation system shall be installed and shall incorporate appropriate locations, numbers, and types of water distribution and emitters to provide appropriate amounts of water to all plant materials. Application rates and spray patterns shall be consistent with the varying watering requirement of different plant groupings.

Irrigation systems and controls shall include technology that minimizes over watering by either: (a) directly measuring soil moisture levels, plant types, and soil types and adjusting irrigation accordingly, or, (b) receiving weather information at least on a daily basis via satellite or similar transmission and adjusting irrigation accordingly. The irrigation system shall be designed to prevent over-watering and minimize overspray and runoff onto streets, sidewalks, driveways, buildings, fences, and window consistent with water conservation and pollution run-off control objectives.

Should reclaimed water infrastructure be constructed along Newport Center Drive, the site's existing potable irrigation system shall be converted and connected to said infrastructure within one year of its availability.

2.9 LIGHTING

All new outdoor lighting shall be designed, shielded, aimed, located and maintained to shield adjacent uses/properties and to not produce glare onto adjacent uses/properties. Lighting plans shall be prepared in compliance with [Chapter 20.30.040 \(Outdoor Lighting\)](#) of the NBMC. All lighting and lighting fixtures that are provided shall be maintained in accordance with the approved lighting plans.

Light fixtures on buildings shall be full cut-off fixtures. Light spillover may not exceed one foot-candle at the subject property line. Lighting of building interior common areas, exteriors and parking entrances shall be developed in accordance with City Standards and shall be designed and maintained in a manner which minimizes impacts on adjacent land uses. Nighttime lighting shall be limited to that necessary for security.

The plans for lighting shall be prepared and signed by a licensed electrical engineer and shall be subject to review and approval of the Community Development Director or their designee. If in the opinion of the Director existing illumination creates an unacceptable negative impact on surrounding land uses or sensitive habitat areas, the Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.

2.10 MECHANICAL EQUIPMENT

Roof-top mechanical equipment shall not exceed 7 feet above the maximum height of the building and shall comply with Section 20.30.020 (Buffering and Screening) of the NBMC. All mechanical appurtenances on building roof tops and utility vaults shall be screened in a manner meeting the approval of the Director of Community Development or their designee. It is the intent to place the mechanical equipment in the garage, if feasible. If placement of mechanical equipment in the garage is not possible, then the standards articulated in this section shall be implemented.

All new mechanical appurtenances (e.g., air conditioning, heating, ventilation ducts, exhaust vents, telecom antennas & support equipment, swimming pool and spa pumps, filters, transformers, utility vaults, and emergency power generators) shall be screened from the public view and adjacent land uses. The enclosure design shall be approved by the Community Development Department. All rooftop equipment shall be architecturally treated or screened from off-site views in a manner compatible with the building materials prior to final building permit clearance. The mechanical equipment shall be subject to sound rating in accordance with the [Chapter 20.30.20 \(Buffering and Screening\)](#) of the NBMC. There shall be a garage exhaust tower that is 10 feet above finished grade in the buildable area along Anacapa Drive.

2.11 OPEN SPACE

a. Common Outdoor Space

Common outdoor space consists of land area within the residential development that is not individually owned or dedicated for public use that is designed, intended, and reserved exclusively for the shared enjoyment or use by all residents and their guests. Common outdoor space may be active or passive. Illustrative examples include areas of scenic or natural beauty, barbecue areas, landscaped areas, play areas, swimming pools, pet areas, or turf areas.

A minimum of 5% of lot area (2,750 square feet for 28 dwelling units) of common open space shall be provided. Common outdoor space shall be provided either at grade, podium level, or roof level. Common outdoor space areas shall have a minimum dimension of 15 feet. A minimum of 10 percent of the common outdoor space must be landscaped. All common outdoor space must be accessible to all residents.

b. Common Indoor Space

The building shall provide at least one community room of at least 500 square feet available for use by all residents of the project. The area should be located adjacent to, and accessible from, common/public space. This area may contain active or passive recreational facilities or meeting space and must be accessible through a common/public area.

c. Private Open Space

Private open space shall be a minimum of 30 square feet per dwelling unit (6-foot by 5-foot minimum). At least 50 percent of all dwelling units shall provide private open space, on a balcony, patio, or roof terrace. Balconies should be proportionately distributed throughout the project in relationship to floor levels and sizes of units. Qualifying private open space areas shall be permanently open on one full side or substantially open on multiple sides.

Private open space consists of an outdoor or unenclosed area 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 (e.g., balcony, deck, porch, terrace, etc.). Boundaries are evident by use of fences, gates, hedges, walls, or other similar methods of controlling access and maintaining privacy.

2.12 PARKING

Parking to the project shall be underground and not visible from the public right-of-way and surrounding area. Parking spaces, driveways, maneuvering aisles, and turnaround areas shall be kept free of dust, graffiti, and litter. All components of the parking area including striping, paving, wheel stops, walls, and lighting of the parking area shall be permanently maintained in good working condition. Access, location, parking space and lot dimensions, and parking area improvements shall be in compliance with parking standards of Title 20 of the NBMC. All required parking shall be provided on-site. There shall be a gated entry into the lower level for the resident owner with an electronic entry key.

The main driveway entry shall be approximately 27 feet wide in front of the lobby entrance. The lobby shall have a concierge to provide services to residences such as U.S mail delivery, package delivery, mailing, receiving food delivery and meeting guests. There shall be optional valet services for the guests. Guest shall have the option to self-park . The guests parking spaces are accessed by the valet by a one-way internal ramp at the south end of the driveway and the parking spaces are at the first lower level. Valet service shall return the vehicles to the front entry via the main entry on Anacapa if the guests did not self-park. The rules and regulations of these operations shall be established by the Home Owners Association.

A minimum of two (2) enclosed private parking spaces shall be provided for each of the dwelling units on Level 1. The units on Level 2 through 4 shall have a minimum of two (2) enclosed parking spaces per unit. One half (1/2) guest parking space shall be provided per unit for a total of 14 guest parking spaces including 1 ADA stall. Each two-car garage shall provide minimum clear interior

dimensions of 17 feet 6 inches in width by 19 feet in depth and shall be maintained so that it is accessible to vehicles.

Guest parking spaces shall maintain a minimum width of 8 feet 6 inches in width by 17 feet in depth. There shall be 10 employee spaces on the lower level of the garage. The total visitor and employee parking shall be 24 stalls. There shall be 4 guest charging stations for electric vehicles.

All resident and guest parking spaces shall be maintained clear of obstructions and available for parking of vehicles at all times. Vehicle parking and maneuvering areas shall be restricted to the operation, maneuvering and parking of operable vehicles.

2.13 SIGNS

If three (3) or more signs are proposed for the development, a comprehensive sign program application for the Residences at Newport Center shall be submitted for review and approval by the Zoning Administrator. Sign allowance and standards will be in accordance with [Chapter 20.42 \(Sign Standards\)](#) of the NBMC.

2.14 FENCES, HEDGES, AND WALLS

Walls and hedges shall be in accordance with the NBMC except as shown on the Site Development Review plans and described in the PC. This does not apply to exempt signs per the NBMC. Where a nonresidential zoning abuts a residential zoning district, consideration of a landscape buffer as mitigation for wall heights, shall be reviewed as part of the Site Development Review.

a. Podium Walls

The subject property is a sloping site with an elevation change of approximately 11 feet from the northeast corner to the southwest corner. Specifically, the northeast corner is at an elevation of approximately 170 feet and the southwest corner is at an elevation of 159 feet (all elevations reference NAVD88). Further, the site on the north property line drops from the northeast corner of 170 feet to 164 feet at the northwest corner. The project is designed for two levels of parking below grade. Level B-1 is partially at grade on the southern edge to allow access from the private driveway, and Level 2 is below grade.

The entire project has a podium that incorporates the parking garage and the residential units are built on the podium deck. The podium lower level has a floor elevation of 148 feet and rises to a ceiling height of 169 feet 6 inches for most of the building. The ceiling height below Flat 1 and 2 is 2 feet 6 inches higher than the 169 feet 6 inch referenced above to accommodate the entry for trucks and vans on the south end of the building. The walls, floor and ceiling heights define the podium.

The podium walls on the southwest of the building are exposed from elevation 159 up to 173 feet at Flats 1 and 2. The top of wall is 13.8 feet above the adjacent ground elevation of 159 feet. There is a 42-inch glass railing above the podium. On the western property line there is enhanced landscaping to mitigate the exposed podium wall. The sections shown in Exhibit D graphically illustrate the elevation changes.

b. Patio Walls

The patios on the north of the complex may encroach into the setback area up to 7'6" feet. The top of wall elevations on the patios on the north side may reach 176.5 feet (NAVD88) for Flats 6 through 8. The grading plan includes raising the grade in front of the patio walls by approximately 1 to 2 feet. Further, there shall be enhanced landscaping in front of the patio walls to buffer the view of patio walls from the streetscape.

2.17 TRASH SERVICE

Trash disposal service will be provided by CR&R (or other provider) as contracted by the City of Newport Beach and shall be subject to applicable regulations, permits and fees as prescribed by the city.

Trash container storage and bins shall be located within the lower level parking structure in an area to be designed and engineered for odor control and accessible for pick-up. Common trash bins provided shall be a minimum of 192 square feet for Trash and Recycling in accordance with [Chapter 20.30.120 \(Solid Waste and Recyclable Materials\)](#) of the NBMC. The bins will be brought by a scout truck from their regular storage areas in the basement to the southerly residential access drive for pick-up by regular trash trucks. Trash pick-up and staging shall not block vehicular access through the southerly access drive. Trash pick-up and loading is not permitted within the Anacapa Drive right-of-way.

2.18 CONSTRUCTION REQUIREMENTS

a. Archaeological/Paleontological

Grading of the site is subject to the provisions of the City Council policies K-4 & K-5 regarding archaeological and paleontological resources.

b. Building Codes

Construction shall comply with applicable provisions of the California Building Code and the various other mechanical, electrical, and plumbing codes related thereto as adopted by the NBMC.

c. Grading

Grading and excavation of the development area shall be conducted and undertaken in a manner both consistent with grading manual standards and ordinances of the City of Newport Beach and in accordance with a grading and excavation plan approved by the City of Newport Beach Building Division.

d. Telephone, Gas and Electrical Service

All “on-site” gas lines, electrical lines and telephone lines shall be placed underground. Transformer or terminal equipment shall be visually screened from view from streets and adjacent properties.

e. Sewage Service

All sewer lines shall be designed in accordance with the Utilities Manager approval.

f. Storm Water Management

The project shall adhere to the Water Quality Management Plan (WQMP) approved in conjunction with the issuance of building permits. Drainage and water quality assurance measures will be implemented as per the City Public Works and Municipal Separate Storm Sewer System (MS4) requirements. Development of the property will be undertaken in accordance with the flood protection policies of the City.

g. Water service

Water service to the site will be provided by the City of Newport Beach and is subject to applicable regulations, permits and fees as prescribed by the City. The project shall provide the infrastructure for Fire Protection Water Service and Domestic water. Each water meter shall be served and installed in accordance with the Public Works Department approval.

3.0 SITE DEVELOPMENT REVIEW

3.1 PURPOSE

The purpose of the Site Development Review (SDR) process is to ensure new development within the Newport Center Residences Planned Community Development is consistent with the goals and policies of the General Plan, and provisions of the Planned Community Development Plan.

3.2 APPLICATION

Prior to the issuance of building permits for the original site development, a SDR application shall be required for the Newport Center Residences Planned Community Development in accordance with [Section 20.52.080 \(Site Development Reviews\)](#) of the NBMC.

3.3 DESIGN (ELEVATIONS) AND SITE DEVELOPMENT OF BUILDING

The SDR shall be part of this PC and shall be reviewed concurrently with the PC. The submitted site plans and elevations shall be part of this application.

PROJECT SUMMARY

<div style="float: left; width: 45%;">PROJECT SUMMARY</div> <div style="float: right; width: 55%; text-align: right;">4/15/2021</div>																	
<div style="text-align: center; margin-bottom: 5px;"><u>MULTI-STORY PROJECT</u></div> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> PROJECT DESCRIPTION THE PROJECT CONSISTS OF (1) MULTI-STORY RESIDENTIAL BUILDING 4 STORIES OF RESIDENTIAL 2 LEVELS OF UNDERGROUND PARKING 28 DWELLING UNITS BUILDING CODE : CALIFORNIA BUILDING CODE 2019 </div> <div style="width: 50%;"> SETBACKS * REQUIRED / PROVIDED (FT) <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <thead> <tr> <th style="width: 50%;"></th> <th style="width: 25%; text-align: center;">ABOVE PODIUM</th> <th style="width: 25%; text-align: center;">BELOW PODIUM</th> </tr> </thead> <tbody> <tr> <td>ANACAPA FRONTAGE</td> <td style="text-align: center;">15' / 26'</td> <td style="text-align: center;">0 / 15'</td> </tr> <tr> <td>NEWPORT CENTER DR.</td> <td style="text-align: center;">15' / 15'</td> <td style="text-align: center;">0 / 15'</td> </tr> <tr> <td>WESTERN PRTY LINE</td> <td style="text-align: center;">0 / 19'</td> <td style="text-align: center;">0 / 7'</td> </tr> <tr> <td>SOUTHERN PRTY LINE</td> <td style="text-align: center;">0 / 19'</td> <td style="text-align: center;">0 / 10'</td> </tr> </tbody> </table> NOTE: SETBACKS DO NOT INCLUDE ARCHITECTURAL PROJECTIONS </div> </div>			ABOVE PODIUM	BELOW PODIUM	ANACAPA FRONTAGE	15' / 26'	0 / 15'	NEWPORT CENTER DR.	15' / 15'	0 / 15'	WESTERN PRTY LINE	0 / 19'	0 / 7'	SOUTHERN PRTY LINE	0 / 19'	0 / 10'	
	ABOVE PODIUM	BELOW PODIUM															
ANACAPA FRONTAGE	15' / 26'	0 / 15'															
NEWPORT CENTER DR.	15' / 15'	0 / 15'															
WESTERN PRTY LINE	0 / 19'	0 / 7'															
SOUTHERN PRTY LINE	0 / 19'	0 / 10'															
OCCUPANCY GROUP: R-2 (RESIDENTIAL) & S-2 (PARKING)	OPEN SPACE: See A20.1 and A20.2																
BUILDING TYPE OF CONSTRUCTION: TYPE I OR TYPE 2 (FULLY SPRINKLERED)	REQUIRED <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <tbody> <tr> <td style="width: 40%;">COMMON OUTDOOR OPEN SPACE</td> <td style="width: 30%; text-align: center;">5% of GROSS LOT AREA</td> <td style="width: 30%; text-align: center;">2,750 S.F.</td> </tr> <tr> <td>PRIVATE OPEN SPACE</td> <td style="text-align: center;">30 SF PER EACH UNIT</td> <td style="text-align: center;">840 S.F.</td> </tr> <tr> <td colspan="2">TOTAL REQUIRED</td> <td style="text-align: center;">3,590 S.F.</td> </tr> </tbody> </table>	COMMON OUTDOOR OPEN SPACE	5% of GROSS LOT AREA	2,750 S.F.	PRIVATE OPEN SPACE	30 SF PER EACH UNIT	840 S.F.	TOTAL REQUIRED		3,590 S.F.							
COMMON OUTDOOR OPEN SPACE	5% of GROSS LOT AREA	2,750 S.F.															
PRIVATE OPEN SPACE	30 SF PER EACH UNIT	840 S.F.															
TOTAL REQUIRED		3,590 S.F.															
GOVERNING AGENCY: CITY OF NEWPORT BEACH	PROVIDED COMMON OUTDOOR OPEN SPACE +/- 3,600 S.F. PRIVATE OPEN SPACE +/- 12,230 S.F. <hr/> TOTAL PROVIDED +/- 15,830 S.F.																
LOT COVERAGE: <table style="width: 100%; margin-top: 5px;"> <tbody> <tr> <td style="width: 60%;">LOT AREA</td> <td style="text-align: right;">54,949 S.F.</td> </tr> <tr> <td>BUILDING FOOTPRINT (FIRST FLOOR)</td> <td style="text-align: right;">27,006 S.F.</td> </tr> <tr> <td>FAR</td> <td style="text-align: right;">1.88</td> </tr> <tr> <td>LOT COVERAGE (EXISTING)</td> <td style="text-align: right;">55% EXISTING</td> </tr> </tbody> </table>	LOT AREA	54,949 S.F.	BUILDING FOOTPRINT (FIRST FLOOR)	27,006 S.F.	FAR	1.88	LOT COVERAGE (EXISTING)	55% EXISTING	RESIDENTIAL UNITS: RESIDENTIAL UNITS GROSS AREA* (FLOOR 1-4) : +/- 85,236 S.F. * NOTE: DOES NOT INCLUDE SHARED CIRCULATION								
LOT AREA	54,949 S.F.																
BUILDING FOOTPRINT (FIRST FLOOR)	27,006 S.F.																
FAR	1.88																
LOT COVERAGE (EXISTING)	55% EXISTING																
PLANNING DEPARTMENT GROSS AREA: <table style="width: 100%; margin-top: 5px;"> <tbody> <tr> <td style="width: 60%;">1ST FLOOR AREA:</td> <td style="text-align: right;">+/- 27,006 S.F.</td> </tr> <tr> <td>2ND FLOOR AREA:</td> <td style="text-align: right;">+/- 26,551 S.F.</td> </tr> <tr> <td>3RD FLOOR AREA:</td> <td style="text-align: right;">+/- 25,564 S.F.</td> </tr> <tr> <td>4TH FLOOR AREA:</td> <td style="text-align: right;">+/- 24,037 S.F.</td> </tr> <tr> <td>GROSS FLOOR AREA</td> <td style="text-align: right;">+/- 103,158 S.F.</td> </tr> </tbody> </table> ADDITIONAL AREAS: <table style="width: 100%; margin-top: 5px;"> <tbody> <tr> <td style="width: 60%;">PARKING BASEMENT UPPER AREA:</td> <td style="text-align: right;">+/- 37,674 S.F.</td> </tr> <tr> <td>PARKING BASEMENT LOWER AREA:</td> <td style="text-align: right;">+/- 33,782 S.F.</td> </tr> <tr> <td>TOTAL PARKING GARAGE AREA:</td> <td style="text-align: right;">+/- 71,456 S.F.</td> </tr> </tbody> </table>	1ST FLOOR AREA:	+/- 27,006 S.F.	2ND FLOOR AREA:	+/- 26,551 S.F.	3RD FLOOR AREA:	+/- 25,564 S.F.	4TH FLOOR AREA:	+/- 24,037 S.F.	GROSS FLOOR AREA	+/- 103,158 S.F.	PARKING BASEMENT UPPER AREA:	+/- 37,674 S.F.	PARKING BASEMENT LOWER AREA:	+/- 33,782 S.F.	TOTAL PARKING GARAGE AREA:	+/- 71,456 S.F.	NOTES <div style="height: 150px; border: 1px solid black; margin-top: 5px;"></div>
1ST FLOOR AREA:	+/- 27,006 S.F.																
2ND FLOOR AREA:	+/- 26,551 S.F.																
3RD FLOOR AREA:	+/- 25,564 S.F.																
4TH FLOOR AREA:	+/- 24,037 S.F.																
GROSS FLOOR AREA	+/- 103,158 S.F.																
PARKING BASEMENT UPPER AREA:	+/- 37,674 S.F.																
PARKING BASEMENT LOWER AREA:	+/- 33,782 S.F.																
TOTAL PARKING GARAGE AREA:	+/- 71,456 S.F.																
PARKING: REQUIRED <table style="width: 100%; margin-top: 5px;"> <tbody> <tr> <td style="width: 60%;">RESIDENTIAL (2 PER UNIT)</td> <td style="text-align: right;">56 STALLS</td> </tr> <tr> <td>GUEST (.5 PER UNIT)</td> <td style="text-align: right;">14 STALLS</td> </tr> </tbody> </table> PROVIDED <table style="width: 100%; margin-top: 5px;"> <tbody> <tr> <td style="width: 60%;">RESIDENTIAL</td> <td style="text-align: right;">57 STALLS</td> </tr> <tr> <td>GUEST (INC. ACCESSIBLE & 3 VALET)</td> <td style="text-align: right;">26 STALLS</td> </tr> </tbody> </table>	RESIDENTIAL (2 PER UNIT)	56 STALLS	GUEST (.5 PER UNIT)	14 STALLS	RESIDENTIAL	57 STALLS	GUEST (INC. ACCESSIBLE & 3 VALET)	26 STALLS									
RESIDENTIAL (2 PER UNIT)	56 STALLS																
GUEST (.5 PER UNIT)	14 STALLS																
RESIDENTIAL	57 STALLS																
GUEST (INC. ACCESSIBLE & 3 VALET)	26 STALLS																

NEWPORT
CENTER DRIVE

LEGEND

- BUILDING
OUTLINE ABOVE
PODIUM LEVEL
- - - - - LIMIT OF
GARAGE LEVELS

15'
REQUIRED
BLDG
SETBACK
ABOVE PODIUM
0' REQUIRED
BELOW GRADE

R/W

PATIO/DECK
(TYP)

UNDERGROUND
PARKING
GARAGE
FOOTPRINT
(SHOWN RED
ON ORIGINAL
DOCUMENT)

PL

0' SETBACK
REQUIRED AT PL

ANACAPA DRIVE

R/W

15'
REQUIRED
BLDG
SETBACK
ABOVE PODIUM
0' REQUIRED
BELOW GRADE

UNDERGROUND
PARKING
GARAGE
FOOTPRINT
(SHOWN RED
ON ORIGINAL
DOCUMENT)

UNIT TERRACES
(LOADING BELOW)

PL

0' SETBACK
REQUIRED AT PL

SCALE:
1" = 50'



FUSCOE

ENGINEERING

16795 Von Karman, Suite 100, Irvine, California 92606
tel 949.474.1960 • fax 949.474.5315 • www.fuscoe.com

EXHIBIT B
BUILDING SETBACK EXHIBIT

03/30/21

Building Tabulation

						9/2/2020
RESIDENTIAL AREA			PLANNING AREAS (gross sf*)			
Unit #	Level	Area (gross sf*)	first floor residential	15,903		
1	1	2,271	first floor circulation / misc	5585		
2	1	1,430	offices	602		
3	1	2,043	storage	441		
4	1	1,478	entry	489		
5	1	2,121	lounge	1100		
6	1	2,228	concierge	691		
7	1	1,647	condo meeting & kitchen	999		
8	1	2,685	fitness	1196		
9	2	2,832	first floor total		27,006	
10	2	3,789				
11	2	2,963	second floor residential	24,284		
12	2	2,493	second floor circulation / misc	2267		
13	2	2,521	second floor total		26,551	
14	2	2,954				
15	2	3,766				
16	2	2,966				
17	3	2,649	third floor residential	23,239		
18	3	3,646	third floor circulation / misc	2325		
19	3	2,866	third floor total		25,564	
20	3	2,316				
21	3	2,344				
22	3	2,955	fourth floor residential	21,810		
23	3	3,667	fourth floor circulation / misc	2227		
24	3	2,796	fourth floor total		24,037	
25	4	5,636				
26	4	5,223				
27	4	5,262	TOTAL GROSS PLANNING AREAS		103,158	
28	4	5,689				
Total Residential Units		85,236	Additional Areas			
Circulation, Lobbies, Fitness, etc		17,922	Parking -1	37,674		
Total Gross planning area		103,158	Parking -2	33,782		
NOTE		* All areas are shown as gross numbers (including exterior walls & finishes). Condo units are sold as interior airspace and would be smaller area.				

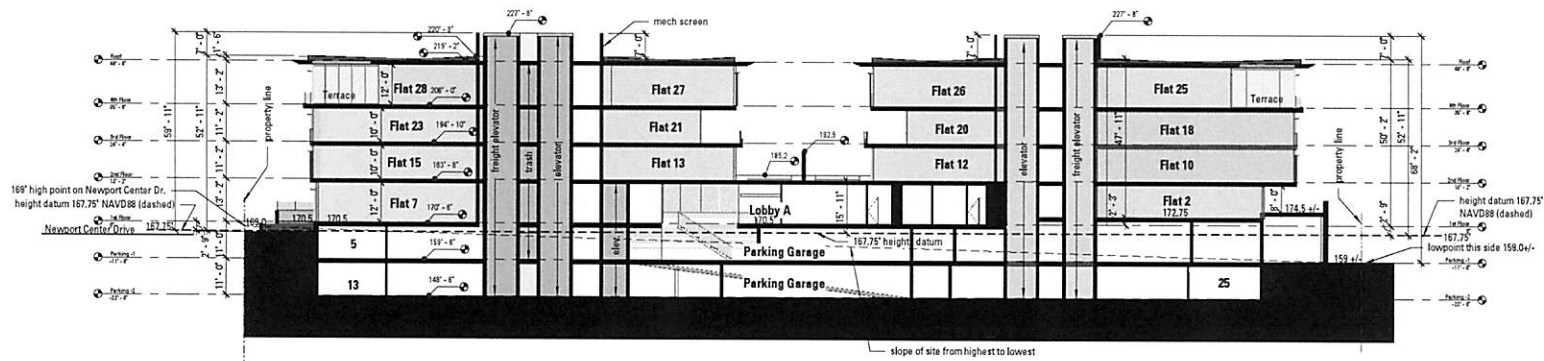


EXHIBIT D