



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

3160 Airway Avenue • Costa Mesa, California 92626 • 949.252.5170 fax: 949.252.6012

AGENDA ITEM 1

January 18, 2024

TO: Commissioners/Alternates

FROM: Lea Choum, Executive Officer

SUBJECT: The Residences at 1401 Quail Street - City of Newport Beach General Plan (Land Use) Amendment and Newport Place Planned Community Amendment

Background

In June 2012, your Commission reviewed City of Newport Beach amendment to the Newport Place Planned Community (PC-11) for consistency with the *Airport Environs Land Use Plan for John Wayne Airport (AELUP for JWA)*. The Amendment allowed residential development for certain parcels within the Newport Place Planned Community by adding the mixed-use overlay (MU-H2). In July 2023, the City submitted an amendment to the Planned Community reducing the minimum percentage of affordable residential units from thirty percent to fifteen percent. The Commission found both Newport Place Planned Community amendments consistent with the *AELUP for JWA*, however, the Commission required that no residential uses be located within the 65 CNEL noise contour for John Wayne Airport as currently required in the Newport Place PC, and that any future changes to the Newport Place Planned Community be brought back to the ALUC for review.

In August 2023, the City submitted Housing Element Implementation – Noise Related Amendments to your Commission. The submittal included amendments to the Newport Place Planned Community, Newport Airport Village Planned Community, Noise Element, Land Use Element and Zoning Code to allow residential units in the 65 CNEL contour. In addition, the City adopted the noise contours from the 2014 Settlement Agreement Amendment EIR 617, which are smaller than the 1985 CNEL contours adopted by ALUC and incorporated in the *AELUP for JWA*. Your Commission found the Noise-Related Amendments to be inconsistent with the AELUP, and the City overruled ALUC in November 2023.

Proposed Project

The City of Newport Beach is now proposing to amend the Land Use Element of the General Plan and the Newport Place Planned Community to allow for the Residences at 1401 Quail Street which is adjacent to the proposed 1400 Bristol Street Residences. See Attachment 1 for

project location. The proposed project includes 67 for-sale condominium units and a 146-space parking structure at the northwest corner of Quail Street and Spruce Street. Implementation of the proposed project would require demolition of the existing 22,956-square-foot office building and surface parking on the 1.71-acre site. The proposed multi-unit residential building consists of six stories including one level of on-grade parking and one level of subterranean parking. The building height would be approximately 81 feet above ground level, including architectural elements, parapet, rooftop mechanical equipment, and roof access.

The proposed General Plan Amendment would change the existing Land Use designation of the property from CO-G (General Commercial Office) to MU-H2 (Mixed-Use Horizontal). The amendment to the Newport Place Planned Community (PC-11) would add the subject property to the Residential Overlay. See Attachment 2. The project would require additional City approvals including a Major Site Development Review, Tentative Vesting Tract Map, Affordable Housing Implementation Plan, Development Agreement, and an Addendum to the 2006 General Plan Update Program EIR.

The base density allotted to the property if the requested General Plan amendment is approved would be 52 units. This density is based on the conversion of existing 22,956 square feet of office use, consistent with the City's adopted land use conversion factors to maintain traffic trip neutrality, consistent with Land Use Element Policy LU 6.15.5. The applicant also proposes a 27.5% increase in density (15 units), pursuant to Government Code Section 65915 (Density Bonus Law) for a total of 67 residential units.

The 67 condominium units include 27 two-bedroom units and 40 three-bedroom units. Of the 67 units, eight units would be for sale and restricted to low and very low-income households. The remaining 59 units would be market rate. The proposed project includes a variety of private on-site recreation and amenities for residents and guests including: a clubroom (2,186 SF, first floor); outdoor seating area (1,309 SF, first floor); outdoor seating lounge (1,139 SF, first floor); pool deck (2,103 SF, second floor); swimming pool (728 SF, second floor) and spa (132 SF, second floor).

The City of Newport Beach has conducted and scheduled the following public hearings for the proposed project:

December 21, 2023	Planning Commission (recommended approval 6-0)
January 23, 2024	City Council

JWA AELUP Issues

Regarding Aircraft Noise Impacts:

The project is located within the 65 CNEL contour for JWA (See Attachment 3). The City of Newport Beach Housing Element Implementation Noise-Related Amendments allowed for residential development within the 65 CNEL Noise Contour for JWA. These amendments were

found inconsistent by your Commission and overruled by the City in November 2023. Therefore, the City's Newport Place Planned Community Development Plan currently allows for residential uses within the 65 CNEL. It contains policies requiring that notice of aircraft overflight and noise be posted at all public parks and designated outdoor common and recreational areas, and that notice be provided to all future residents to inform of potential annoyances or inconveniences associated with residing in proximity to airport operations such as noise, vibration, and odors. In addition, the City's conditions of approval include requirements for acoustical studies and noise attenuation to an interior level of 45 dBA or less. These conditions (#10-15 and #20) are highlighted in Attachment No. 12 of the City's ALUC submittal at the end of this staff report.

Regarding Height Restrictions:

The proposed project is within the Federal Aviation Administration (FAA) Notification Area and the Horizontal Surface of the Federal Aviation Regulation (FAR) Part 77 Obstruction Imaginary Surfaces for JWA (See Attachment 4). The City's maximum building height for projects within the residential overlay is currently 55 feet above ground level. The proposed Amendments would increase that height to 81 feet. With a site elevation of approximately 51 feet above mean sea level (AMSL), projects developed at a maximum height of 81 feet for a total of 132 feet AMSL, would not penetrate the obstruction imaginary surface of 206 feet AMSL.

The City has obtained an FAA Determination of No Hazard to Air Navigation dated August 21, 2023. (Attachment 5). As stated in Section 2.2.1 of the *AELUP for JWA*, "the FAA aeronautical studies are concerned only with airspace hazards, not with hazards to people and property on the ground. An FAA determination of "no hazard" says nothing about whether proposed construction is compatible with airport activity in terms of safety and noise."

The City has provided an exhibit showing the existing heights of buildings within 1000 feet of the proposed project. The tallest building in the area is 144 feet AMSL and is located at 1500 Quail Street. (Attachment 6).

Regarding Flight Tracks and Safety Zones:

The project site is located within Safety Zone 6 – Traffic Pattern Zone (See Attachment 7). According to the California Airport Land Use Planning Handbook, noise and overflight should be considered in Safety Zone 6. Flight tracks were provided by the John Wayne Airport Noise Office for three separate days in August and in November of 2023, which are color coded based on aircraft elevation. As shown in the exhibits included in Attachment 8, there are numerous flights over the project site which would subject future residents to excessive noise and safety issues both indoors and outdoors.

Heliports

No heliports are proposed as part of this project.

Environmental Compliance

The City’s Planning Commission staff report states, “potential environmental impacts have been previously mitigated through the implementation of the policies of the General Plan as evaluated in Program Environmental Impact Report for the 2006 General Plan Update (SCH No. 2006011119), and the City of Newport Beach Housing Element Initial Study/Negative Declaration (collectively, the PEIR); therefore, in accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, an addendum to the previously adopted PEIR is the appropriate environmental documentation for the project.”

Conclusion

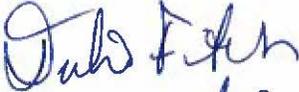
Attachment 9 contains the City of Newport Beach submittal for this project. ALUC staff has reviewed this project with respect to compliance with the *AELUP for JWA*, including review of noise, height restrictions, overflight and imaginary surfaces. The recommendation below is based on the project’s introduction of residential uses within the 65 CNEL contour and at an increased building height in close proximity to John Wayne Airport.

Recommendation:

That the Commission find the proposed Residences at 1401 Quail Street Residences - City of Newport Beach General Plan (Land Use) Amendment and Newport Place Planned Community Amendment inconsistent with the *AELUP for JWA* per:

1. Section 2.1.1 Aircraft Noise that the “aircraft noise emanating from airports may be incompatible with general welfare of the inhabitants within the vicinity of an airport.”
2. Section 2.1.2 Safety Compatibility Zones in which “the purpose of these zones is to support the continued use and operation of an airport by establishing compatibility and safety standards to promote air navigational safety and to reduce potential safety hazards for persons living, working or recreating near JWA.”
3. 3.2.1 General Policy (in pertinent part): “Within the boundaries of the AELUP, any land use may be found to be Inconsistent with the AELUP which: (1) Places people so that they are affected adversely by aircraft noise, [or] (2) Concentrates people in areas susceptible to aircraft accidents...”

Respectfully submitted,


Lea U. Choum
Executive Officer

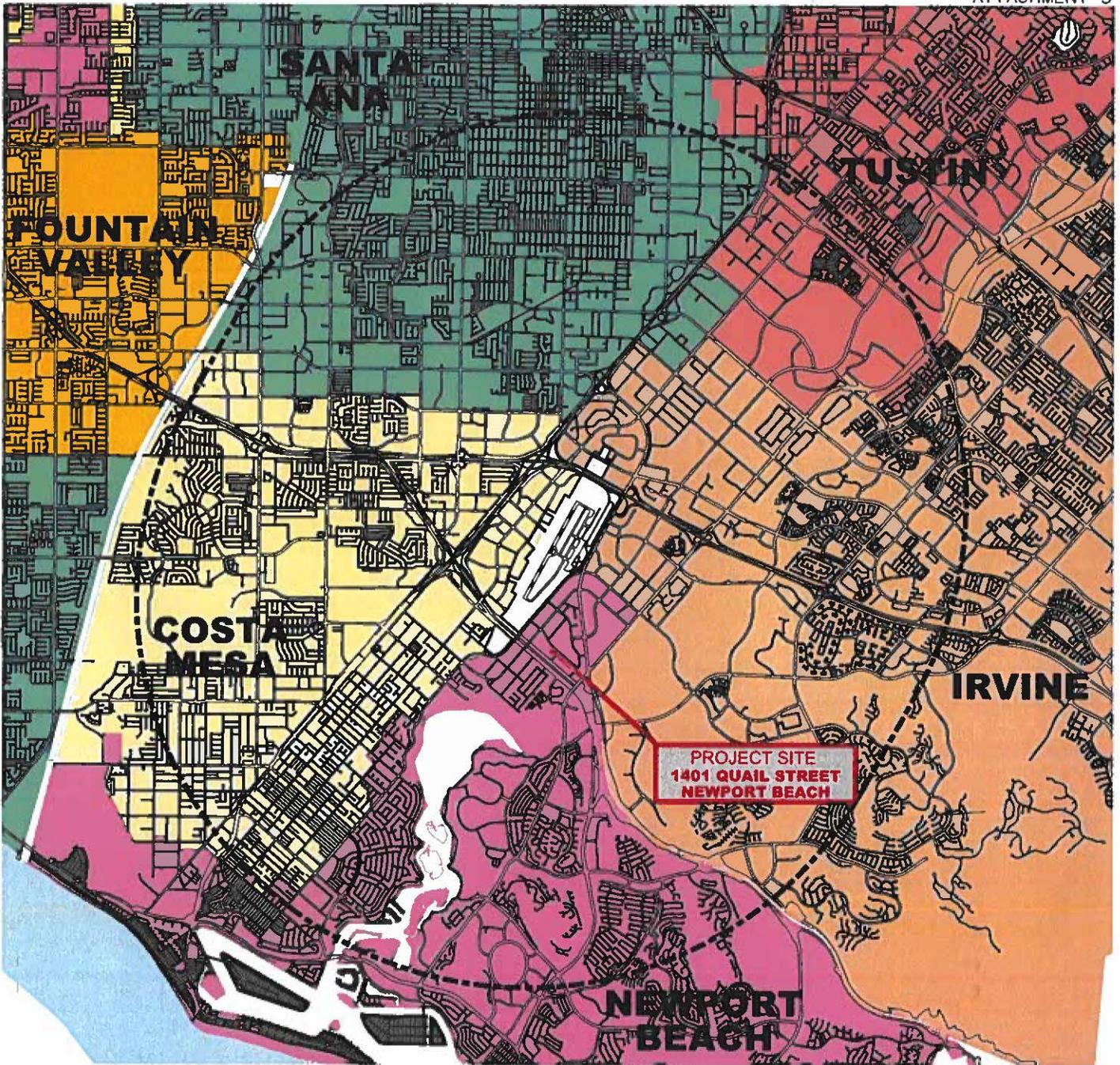
Attachments:

Attachments:

1. Project Location in JWA Notification Area
2. General Plan Designations and Residential Overlay
3. Project Location within JWA Noise Contour
4. JWA Obstruction Imaginary Surfaces
5. FAA Determination of No Hazard
6. Existing Building Heights within 1000' of Project
7. JWA Safety Zones
8. Flight Track Exhibits
9. City Submittal dated December 7th and November 30th

AELUP Notification Area for JWA

ATTACHMENT 3



Note: County Unincorporated areas are shown in white.

FAR PART 77

Notification Area for John Wayne Airport: 20,000' Radius at 100:1 Slope

LEGEND

- 20,000 Radius
- CITY BOUNDARIES
- AIRPORT BOUNDARIES

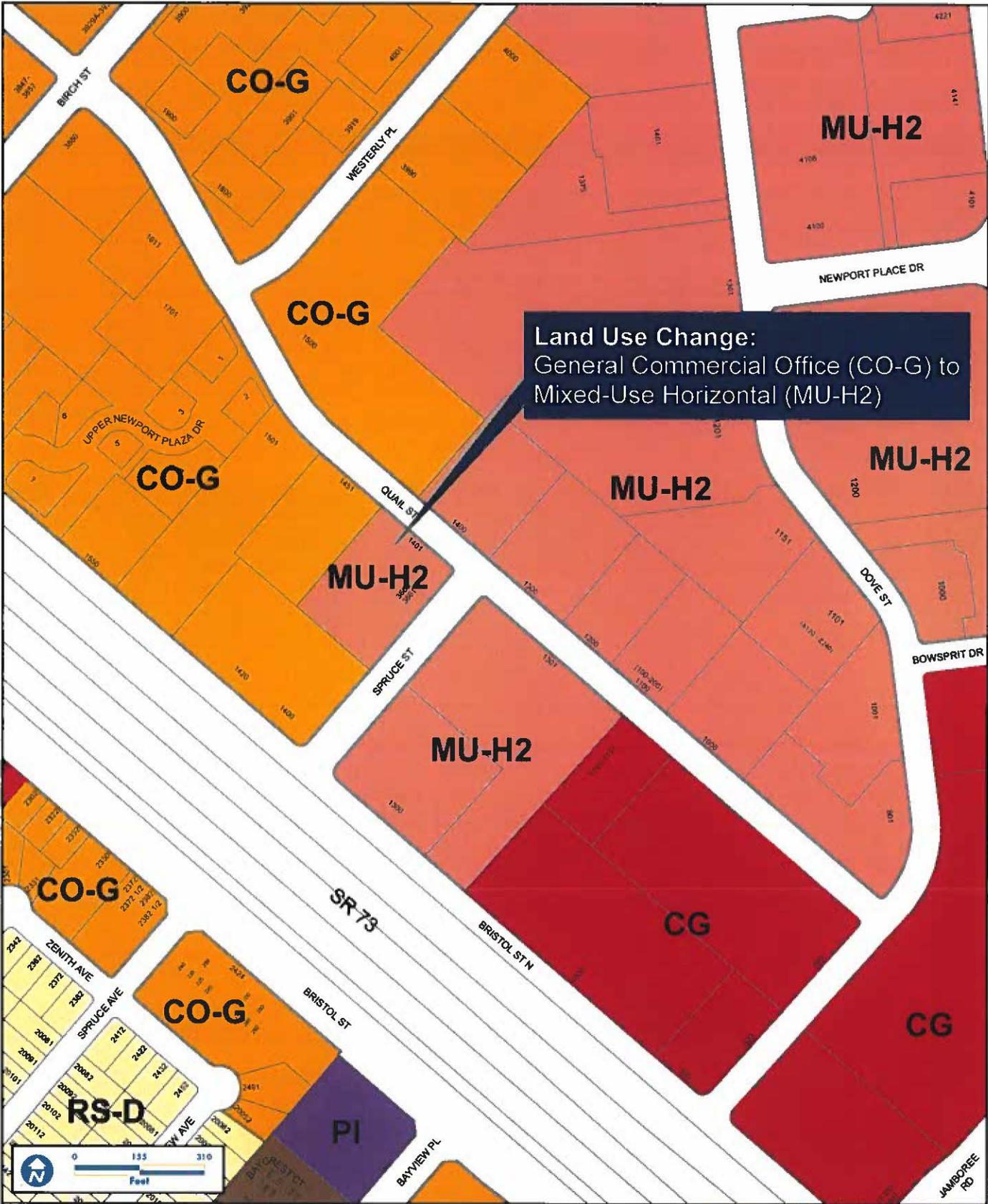


ATTACHMENT 1

Adopted by the Airport Land Use Commission for Orange County

Lea Choum, Executive Officer

Date



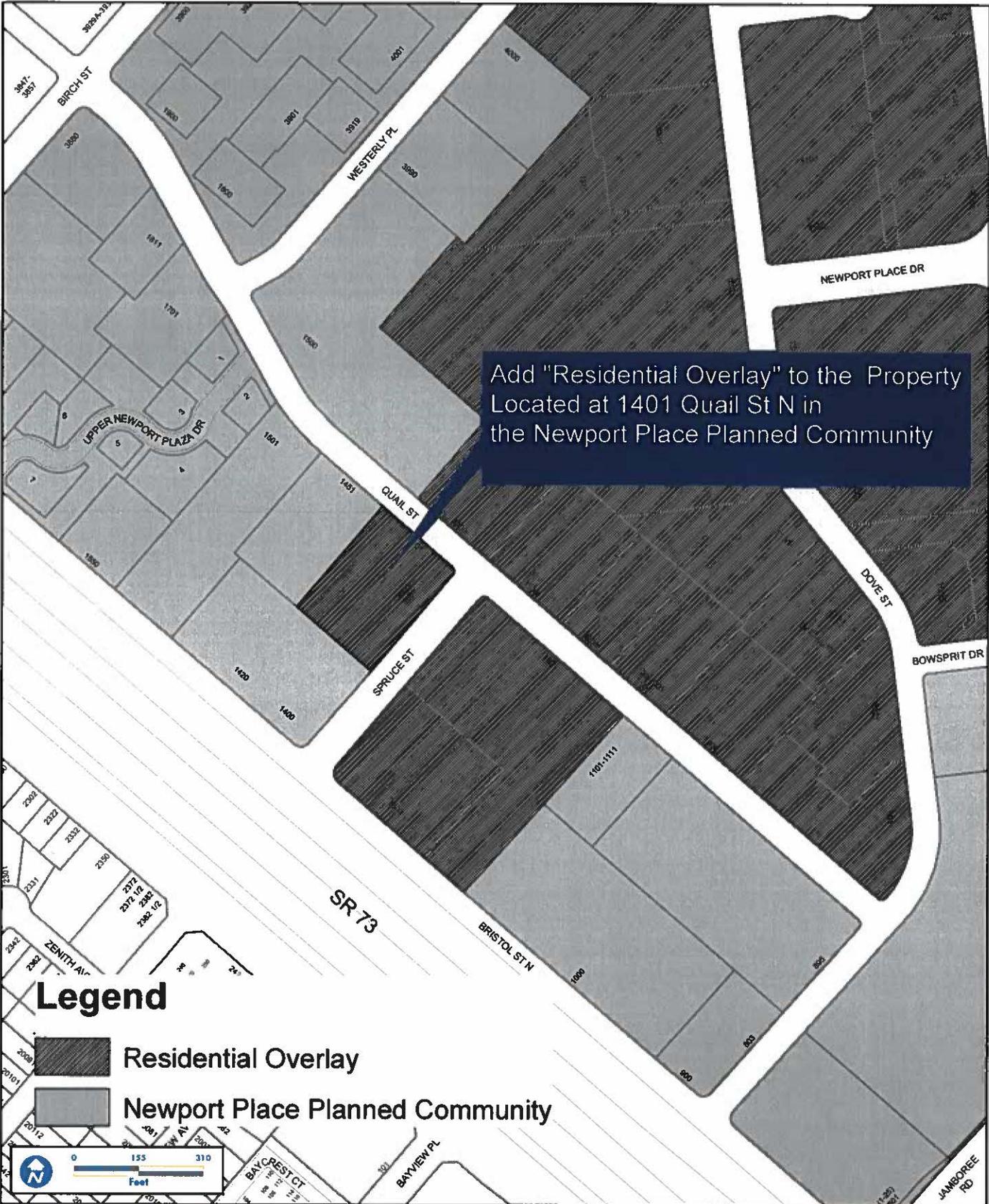
Land Use Change:
 General Commercial Office (CO-G) to
 Mixed-Use Horizontal (MU-H2)



**PA2023-0040 General Plan Amendment
 1401 Quail St**

ATTACHMENT 2

City of Newport Beach
 GIS Division
 November 22, 2023



Add "Residential Overlay" to the Property Located at 1401 Quail St N in the Newport Place Planned Community

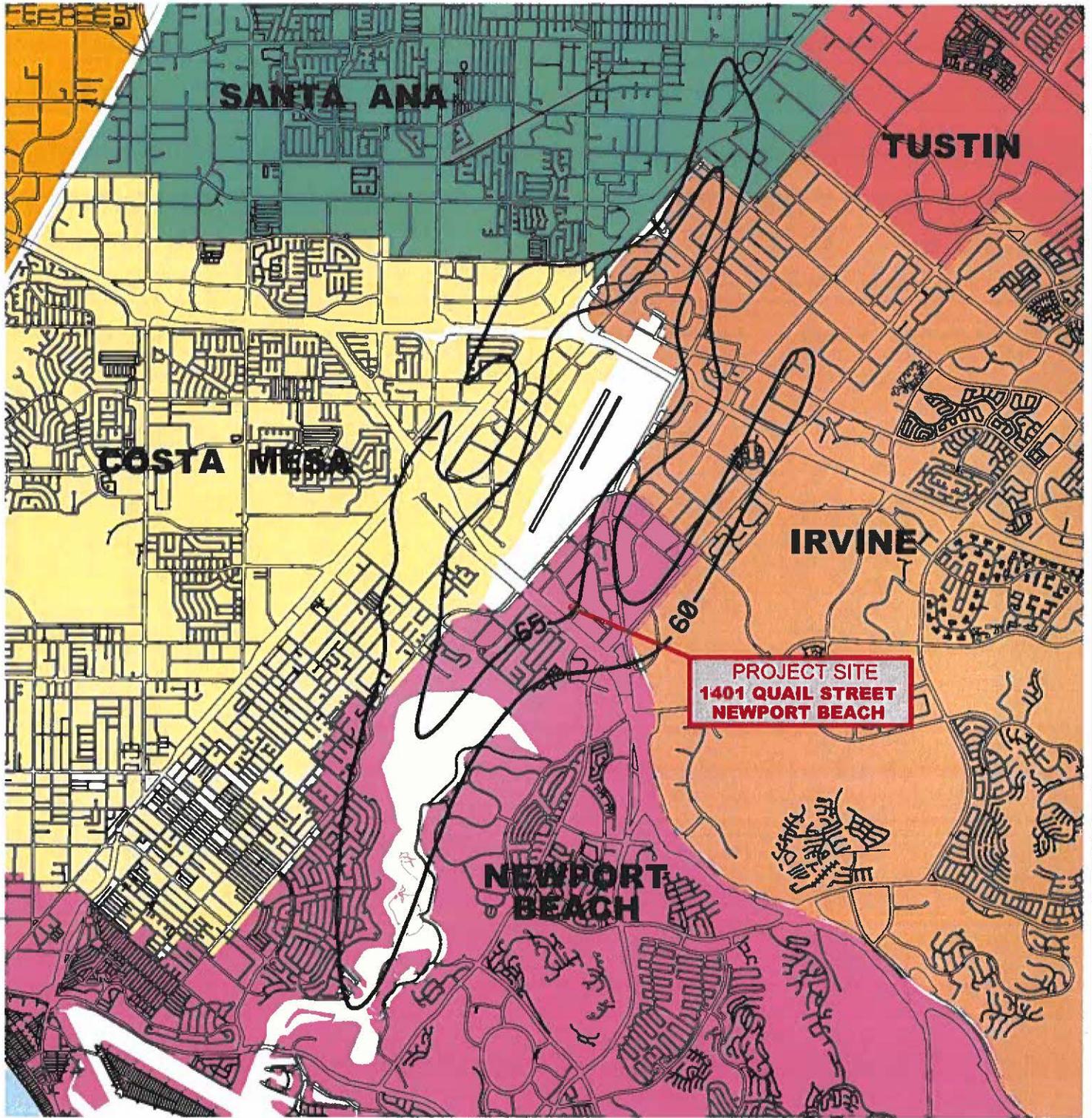
Legend

-  Residential Overlay
-  Newport Place Planned Community



**PA2023-0040
PC-11 Newport Place Amendment
1401 Quail St**

NBGiS
NEWPORT BEACH
City of Newport Beach
GIS Division
November 22, 2023



Note: County Unincorporated areas are shown in white.

John Wayne Airport Impact Zones

LEGEND

- 65— CNEL CONTOUR
- RUNWAY PROTECTION ZONE
- CITY BOUNDARIES
- AIRPORT BOUNDARIES

Composite contour from
John Wayne Airport Project
Case-1990 and 2005
(see section 2.2.1)



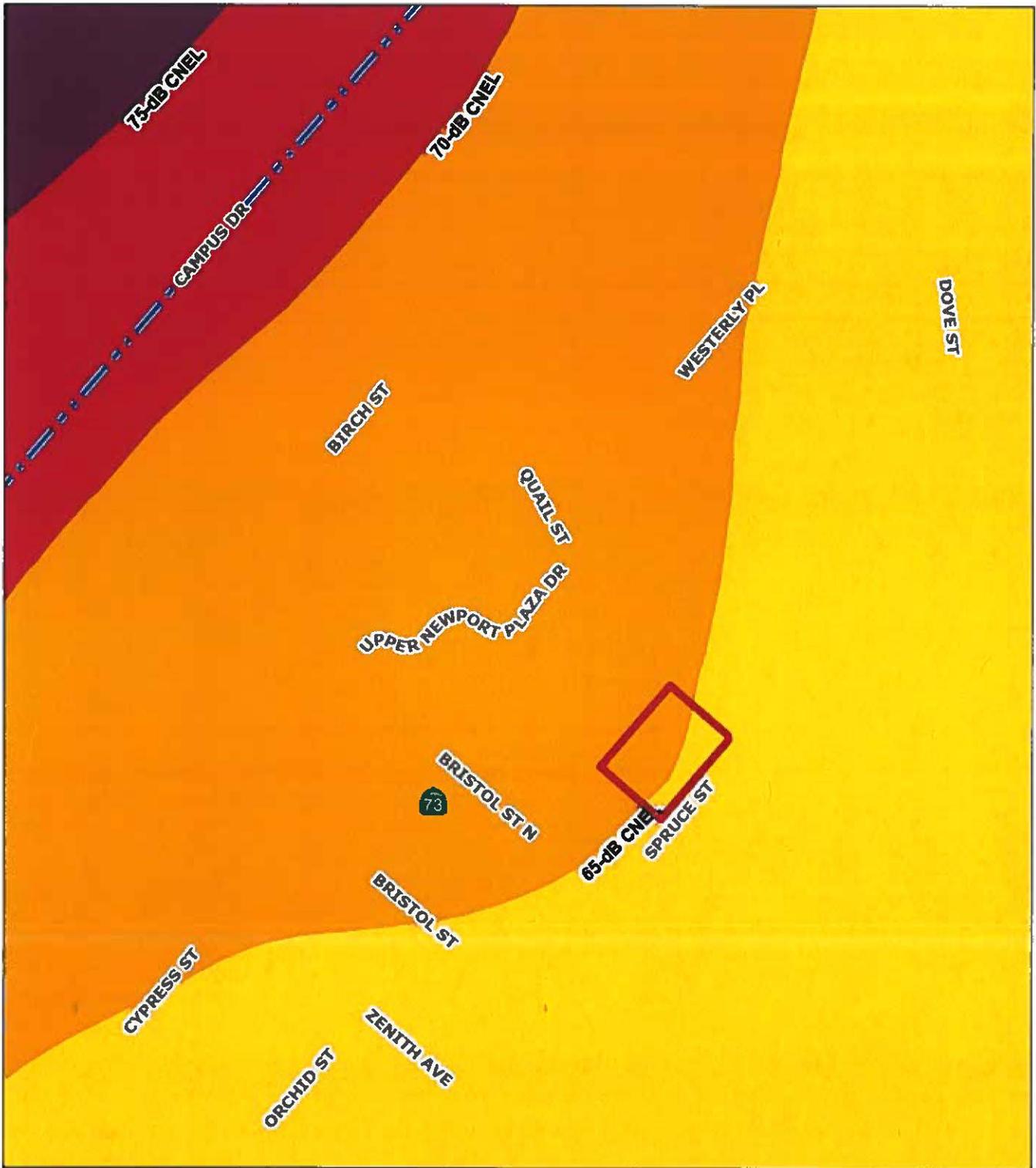
Adopted by the Airport

CERTIFICATION

and the Commission by Orange County
ATTACHMENT 3

Lea Choum, Executive Officer

Date

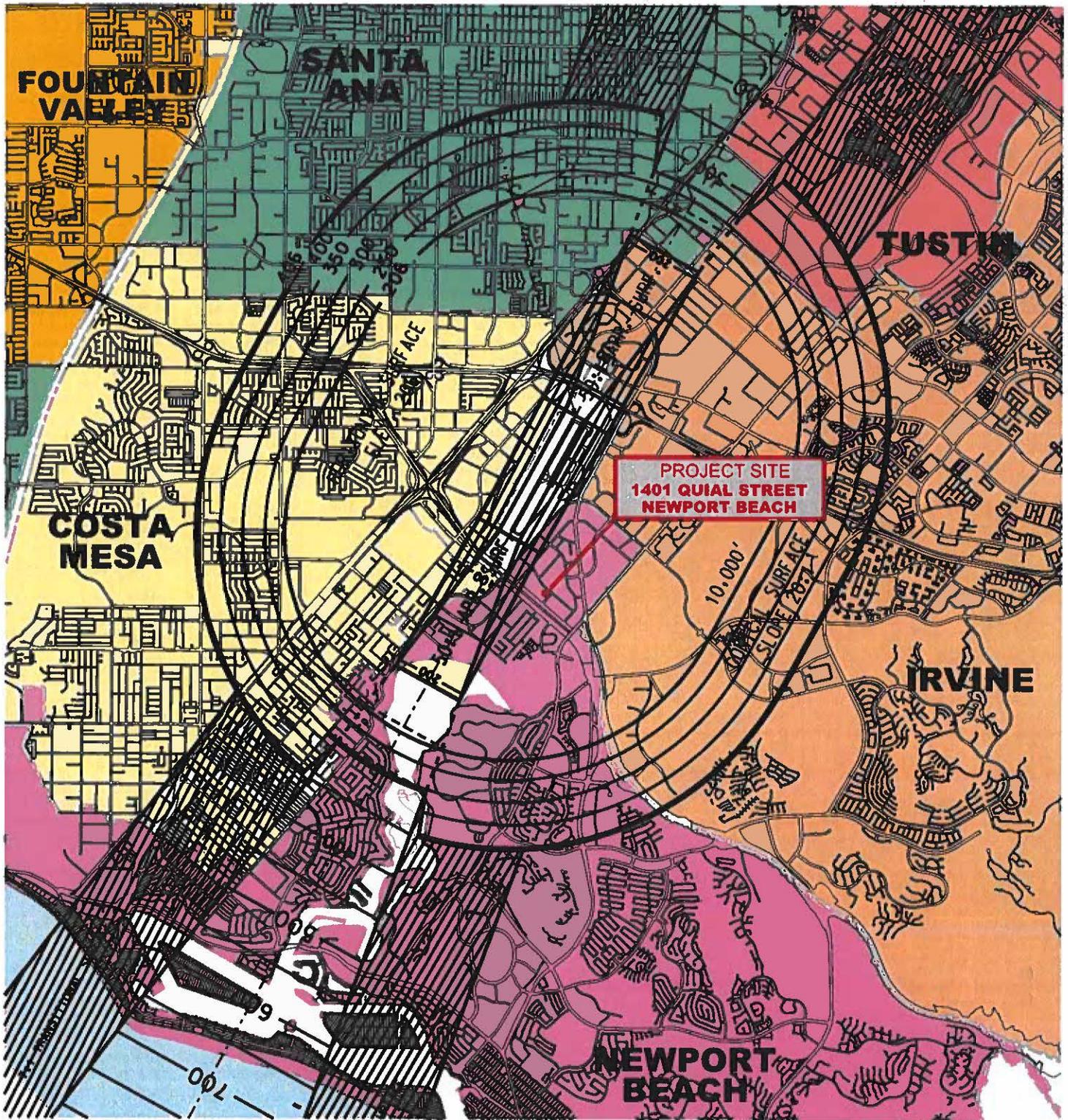


NBGiS
NEWPORT BEACH



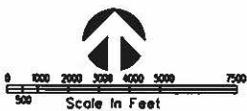
Disclaimer:

Every reasonable effort has been made to assure the accuracy of the data provided, however, The City of Newport Beach and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use.



Note: County Unincorporated areas are shown in white.

FAR PART 77 John Wayne Airport Obstruction Imaginary Surfaces

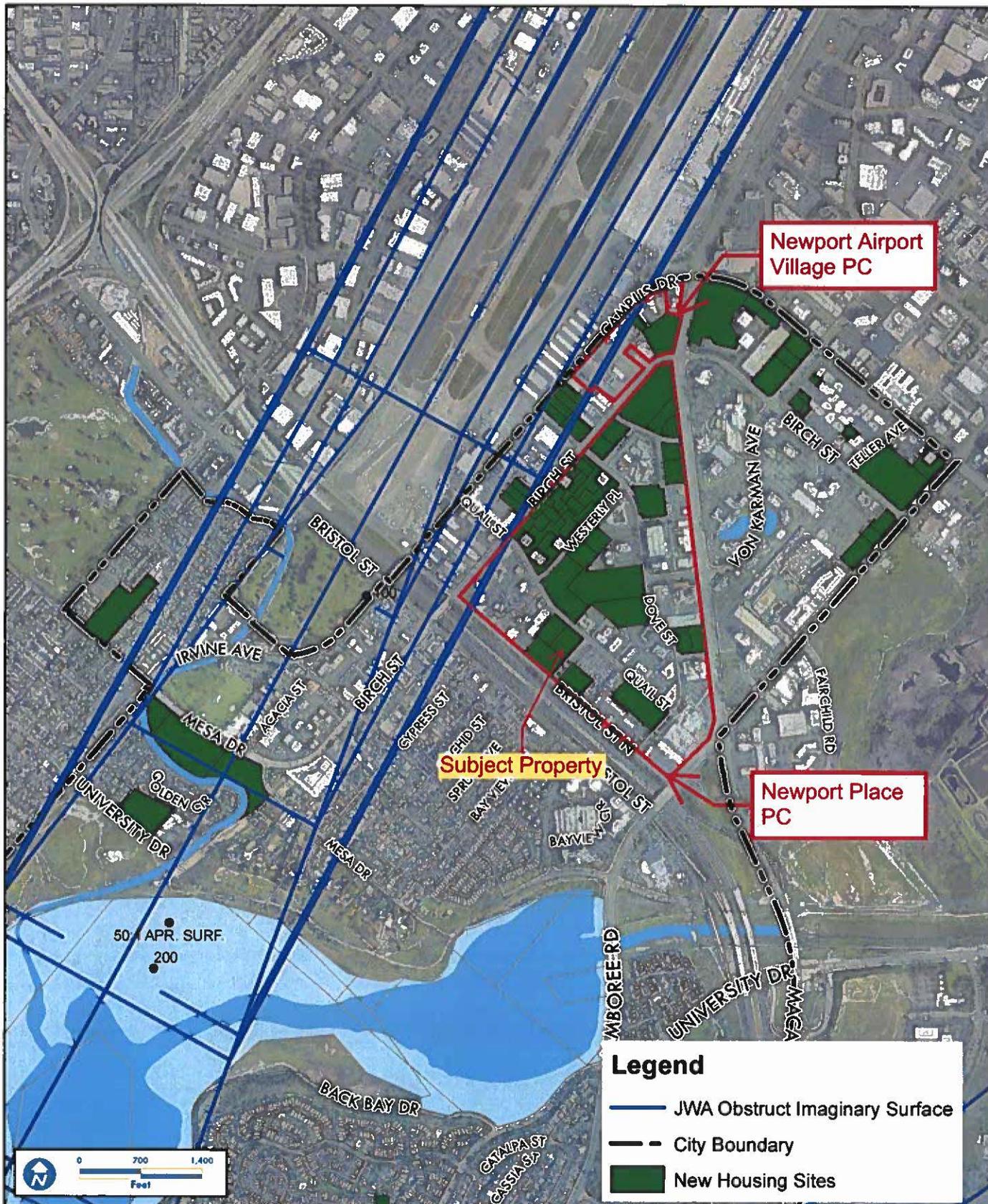


LEGEND

- CITY BOUNDARIES
- AIRPORT BOUNDARIES

Adopted by the Airport CERTIFICATION and the Commission for Orange County	ATTACHMENT 4
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Lea Choum, Executive Officer Date



Housing Sites Inventory PA2022-0201 JWA Obstruction Imaginary Surface (Airport Area)



City of Newport Beach
GIS Division
August 24, 2021



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2023-AWP-11235-OE

Issued Date: 08/21/2023

Rick Puffer
 Intracorp Homes
 895 Dove St.
 Suite 400
 Newport Beach, CA 92660

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building 1401 Quail
 Location: Newport Beach, CA
 Latitude: 33-39-38.70N NAD 83
 Longitude: 117-52-06.80W
 Heights: 51 feet site elevation (SE)
 81 feet above ground level (AGL)
 132 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 02/21/2025 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within

6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

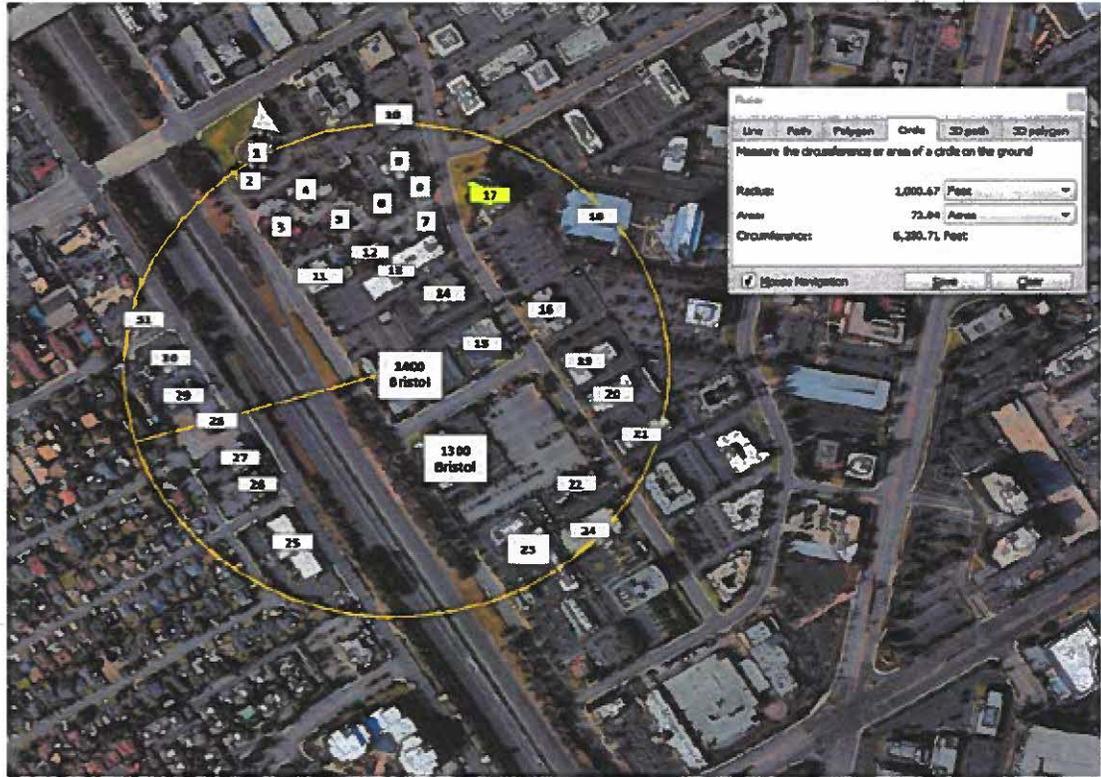
This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (206) 231-2877, or Nicholas.Sanders@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AWP-11235-OE.

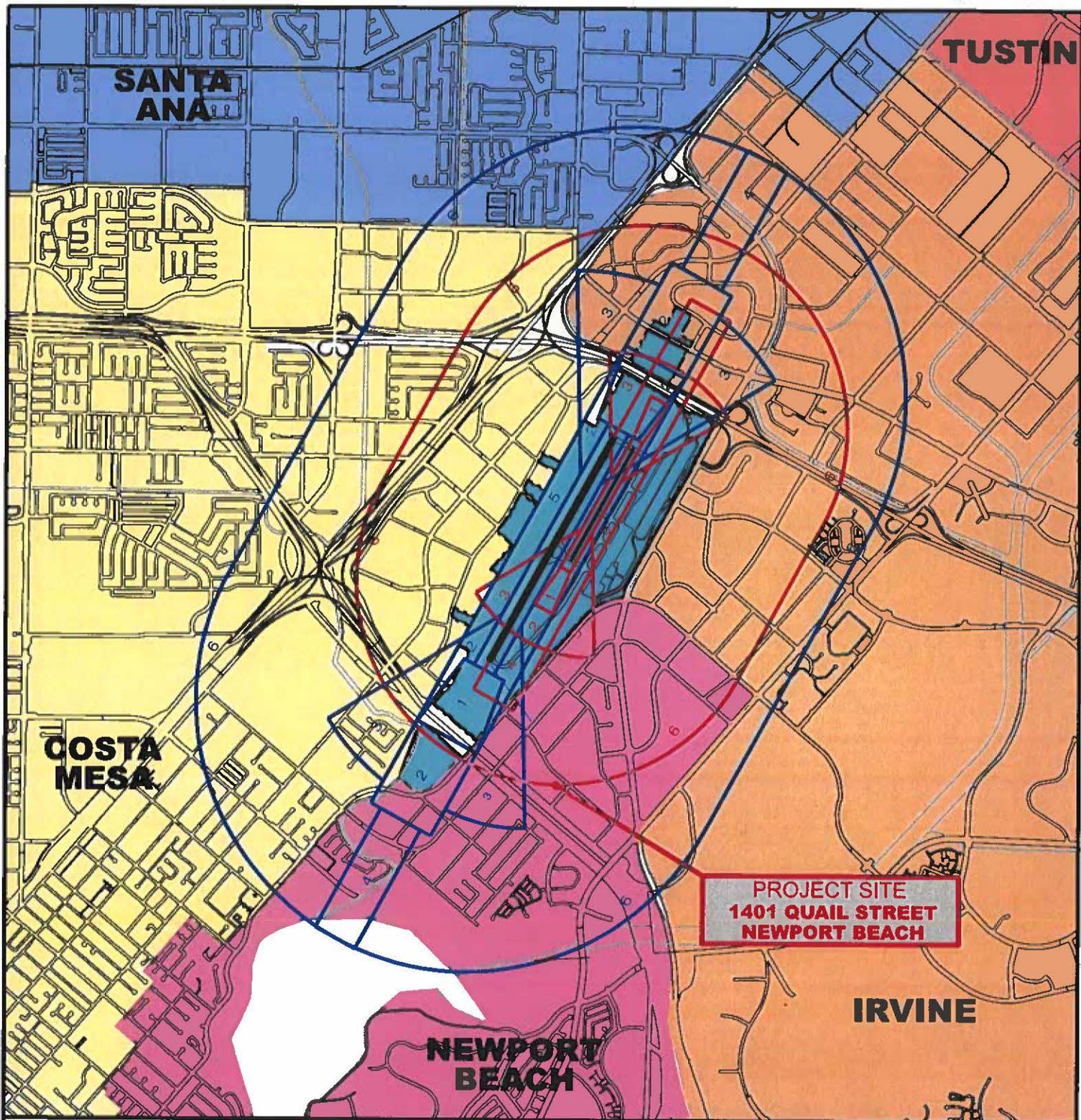
Signature Control No: 593096079-597054175
Nicholas Sanders
Technician

(DNE)

Map #	Address	Elevation (ft)
1	3610 Birch St	84
2	3600 Birch St	84
3	7 Upper Newport Plaza	74
4	6 Upper Newport Plaza	74
5	5 Upper Newport Plaza	68
6	3 Upper Newport Plaza	70
7	2 Upper Newport Plaza	58
8	1 Upper Newport Plaza	58
9	1701 Quail St	74
10	1811 Quail St	70
11	1550 Bristol St	60
12	4 Upper Newport Plaza	75
13	1501 Quail St	74
14	1451 Quail St	72
15	1401 Quail St	55
16	1400 Quail St	68
17	1500 Quail St	144
18	1301 Dove St	50
19	1300 Quail St	66
20	1200 Quail St	64
21	1100 Quail St	66
22	1101 Quail St	70
23	1000 Bristol St	60
24	1800 Viola Pl	72
25	2424 Bristol St	80
26	2382 Bristol St	80
27	2350 Bristol St	88
28	2322 Bristol St	65
29	2300 Bristol St	60
30	2290 Bristol St	70
31	2230 Bristol St	60



*Elevations based on North American Vertical Datum of 1988 (NAVD 88)



John Wayne Airport Safety Zone Reference Map

LEGEND

1. RUNWAY PROTECTION ZONE
2. INNER APPROACH / DEPARTURE ZONE
3. INNER TURNING ZONE
4. OUTER APPROACH / DEPARTURE ZONE
5. SIDELINE ZONE
6. TRAFFIC PATTERN ZONE



SAFETY COMPATIBILITY ZONES FOR RUNWAY 2L & 20R (A MEDIUM GENERAL AVIATION RUNWAY AS DESCRIBED IN THE CALIFORNIA AIRPORT LAND USE PLANNING HANDBOOK, JANUARY 2002 EDITION)



SAFETY COMPATIBILITY ZONES FOR RUNWAY 2R & 20L (A SHORT GENERAL AVIATION RUNWAY AS DESCRIBED IN THE CALIFORNIA AIRPORT LAND USE PLANNING HANDBOOK, JANUARY 2002 EDITION)



0 200 400 600 800
Scale in Feet

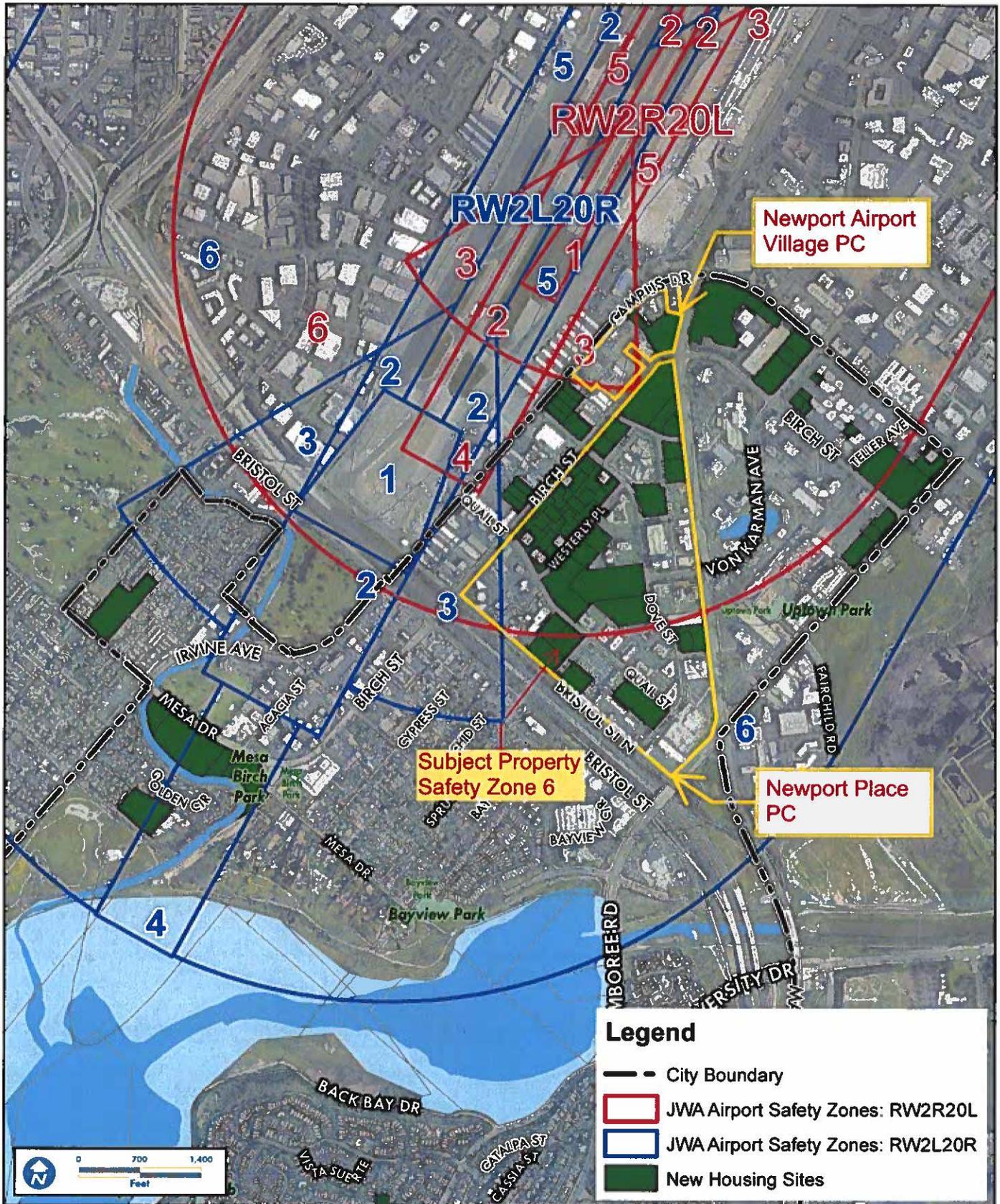
CERTIFICATION

Adopted by the Airport L...

ATTACHMENT 7

Lea Choum, Executive Officer

Date



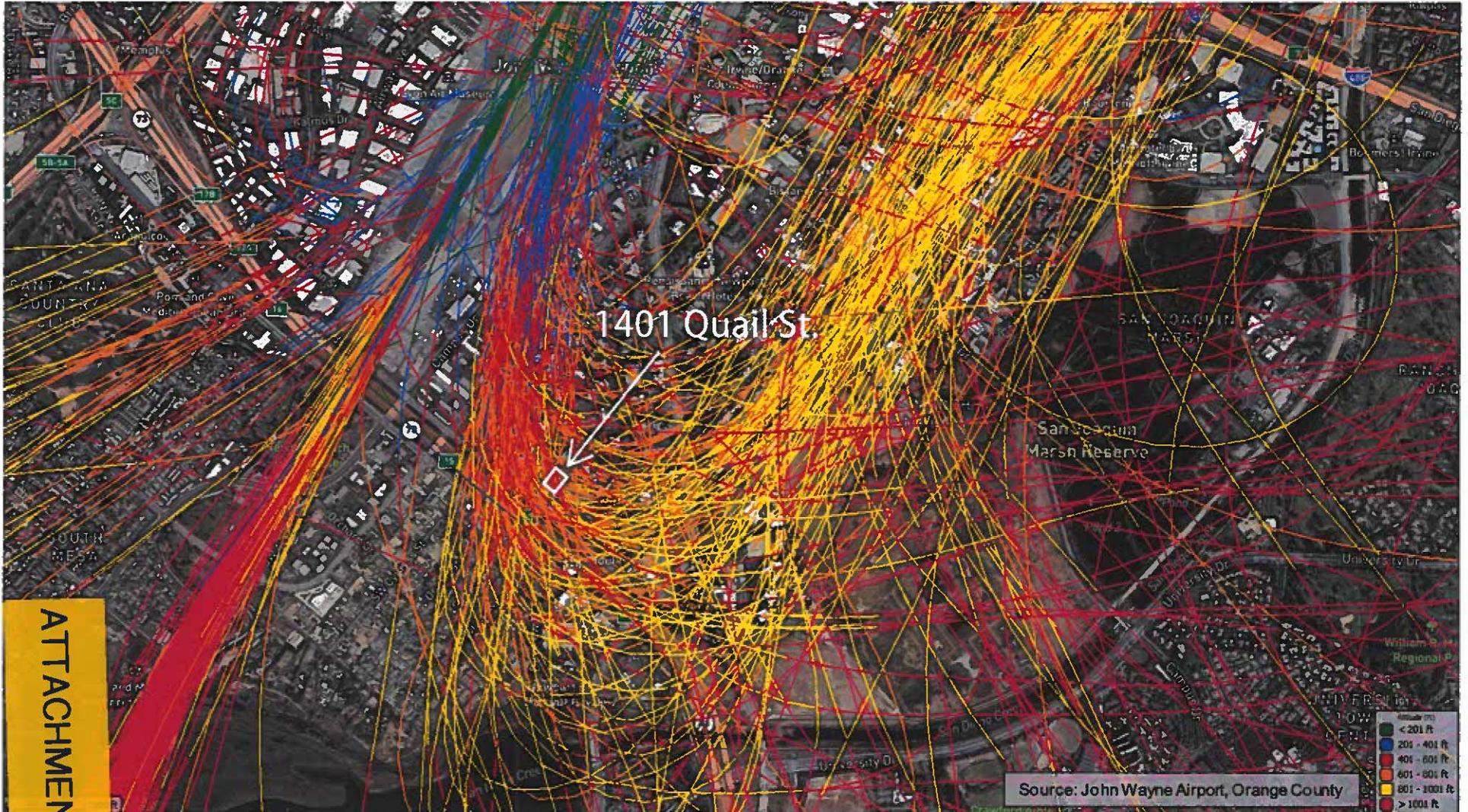
Housing Sites Inventory PA2022-0201 JWA Safety Zones



City of Newport Beach
GIS Division
August 24, 2021



John Wayne Airport Altitude Analysis
639 Operations
Tuesday, August 8, 2023

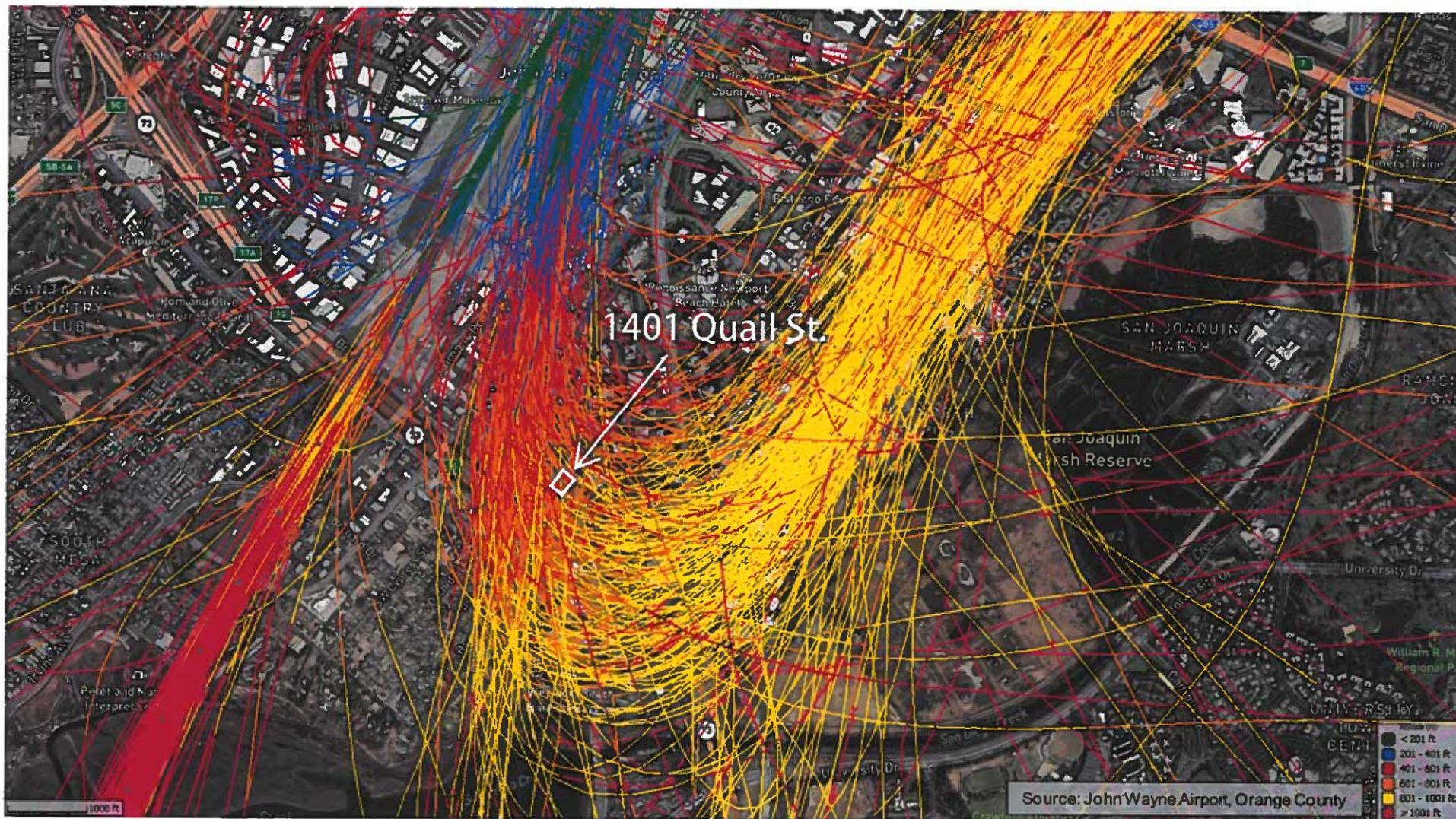


ATTACHMENT 8

Project Location added by ALUC Staff



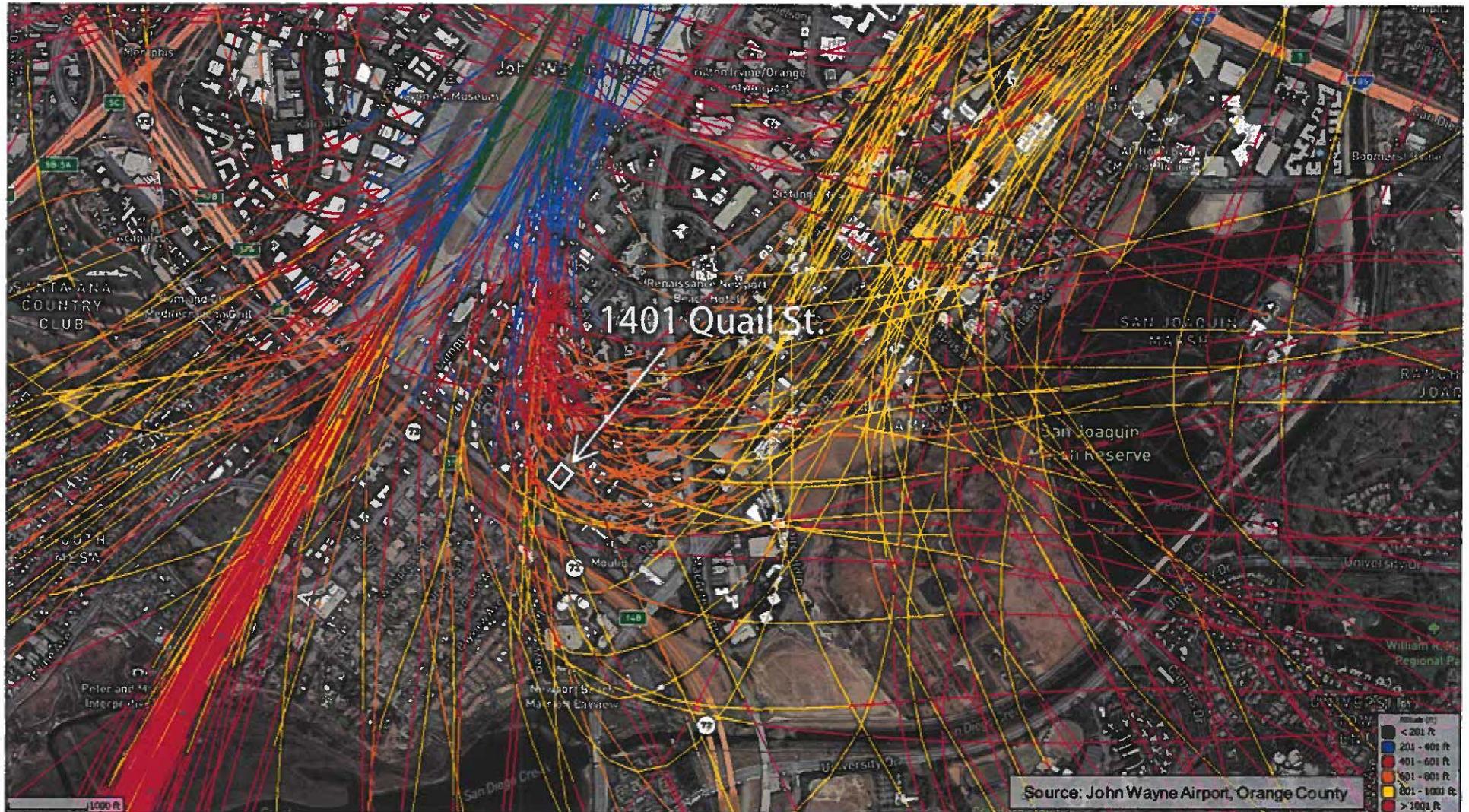
John Wayne Airport Altitude Analysis
651 Operations
Thursday, August 10, 2023



Project Location added by ALUC Staff



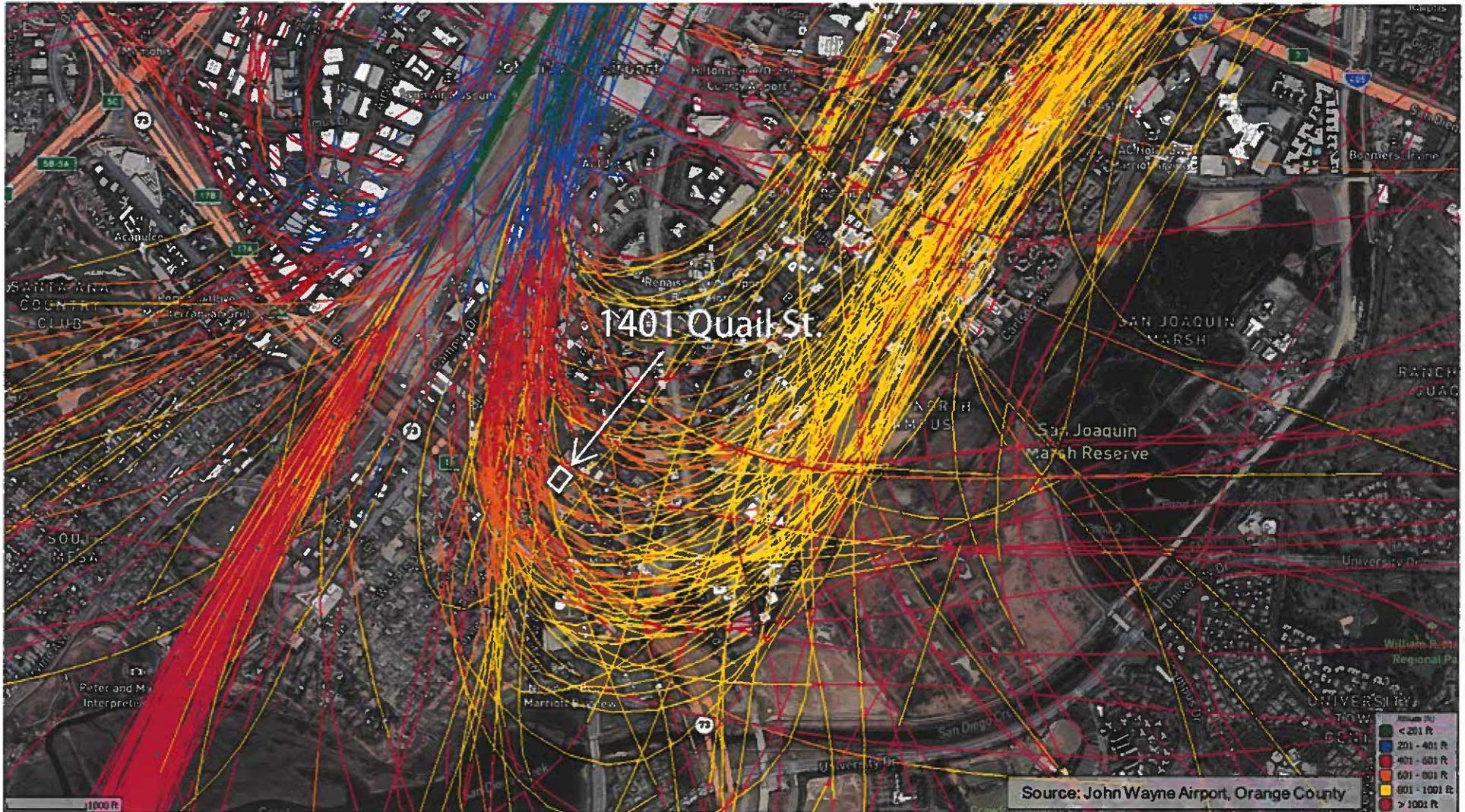
John Wayne Airport Altitude Analysis
537 Operations
Saturday, August 12, 2023



Project Location added by ALUC Staff



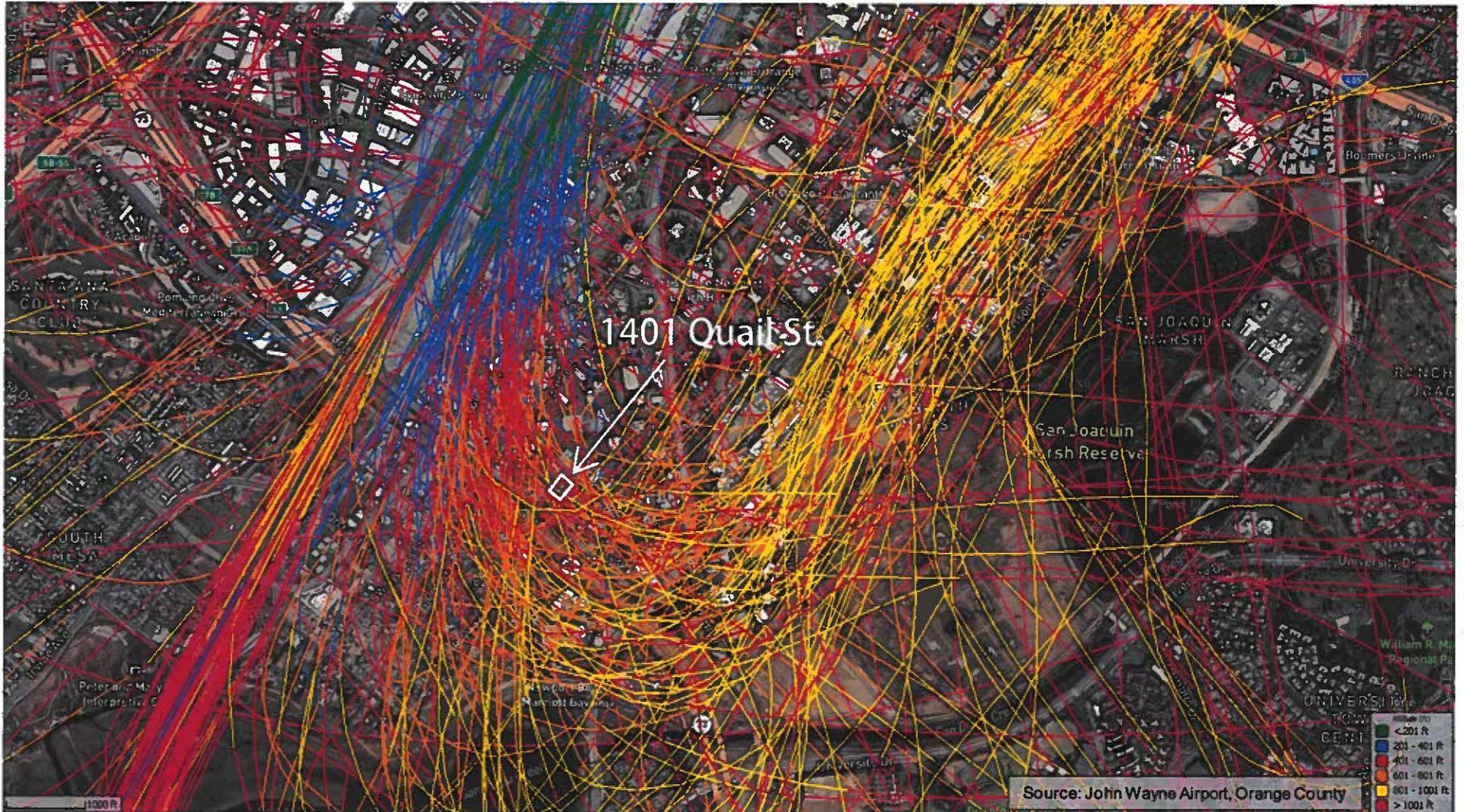
John Wayne Airport Altitude Analysis
558 Operations
Tuesday, November 7, 2023



Project Location added by ALUC Staff



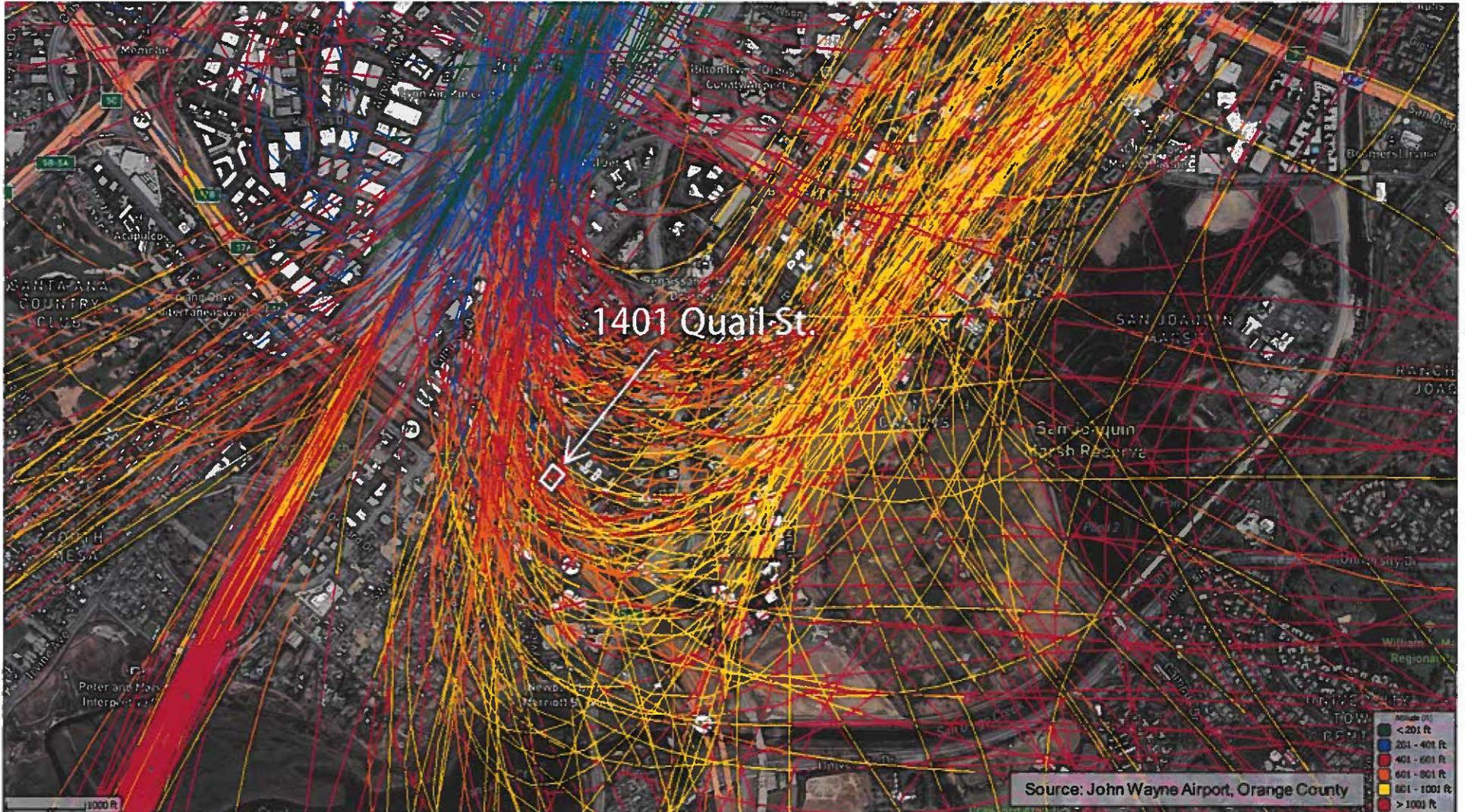
John Wayne Airport Altitude Analysis
664 Operations
Thursday, November 9, 2023



Project Location added by ALUC Staff



John Wayne Airport Altitude Analysis
518 Operations
Saturday, November 11, 2023



Project Location added by ALUC Staff



CITY OF NEWPORT BEACH

100 Civic Center Drive
Newport Beach, California 92660

949 644-3200

newportbeachca.gov/communitydevelopment

December 7, 2023

RECEIVED

DEC 7 2023

AIRPORT LAND USE COMMISSION

Julie Fitch, ALUC Staff Planner
John Wayne Airport, Orange County
3160 Airway Avenue
Costa Mesa, CA 92626

RE: Incomplete Filing Letter for 1401 Quail Street Residences

Dear Ms. Fitch,

The City is in receipt of your letter dated December 5, 2023 deeming the ALUC Submittal application for 1400 Bristol Street General Plan Amendment and Planned Community Text Amendment incomplete. Thank you for your timely response to our submittal provided on November 30, 2023. The letter identifies the following items or actions as necessary to deem the application complete:

- Revise the noise contour location in the submittal forms
- Revise the noise contours included in Attachment 6 of the Submittal ("JWA Noise Contours Map")

To address these items, staff has included a copy of the noise contours identified in the ALEUP (Appendix D) for your reference as well as alternate Submittal Forms and Checklists that reflect the 65 dba CNEL noise contours identified in the ALUEP. The City originally provided the City's adopted noise contour maps that reflect the noise contours identified by the 2014 John Wayne Airport Settlement Agreement Amendment Environmental Impact Report No. 617.

The City believes that the existing noise contours identified in Appendix D of the ALEUP are no longer accurate, as demonstrated in the technical analysis provided as part of the 2014 EIR No. 617 that was certified by the County of Orange. Furthermore, the identified noise contours, which were last reviewed in 2008, no longer reflect the best available science regarding noise impacts in the vicinity of the airport and do not reflect the actual levels of noise experienced by inhabitants at the property. Therefore, the City believes that the noise contours identified in Appendix D of the ALUEP are outdated and are no longer relevant for the basis of environmental analysis and consistency with the intent of the ALEUP. Nonetheless, the City has provided the attached exhibits showing the location of the property within the 65 dba CNEL of the existing ALEUP identified noise contours.

ATTACHMENT 9

We believe the items identified in the letter are largely administrative in nature and may be addressed through the enclosed attachments. Additionally, we believe that any discussion regarding inconsistency with the ALEUP or other considerations should be analyzed in the staff report and discussed at the public hearing for the project. We respectfully request for the project to be deemed complete and heard at the December 21, 2023 ALUC meeting.

Should you have any questions concerning the preceding information, I can be reached at 949-644-3225 or via email at dlee@newportbeachca.gov.

Sincerely,



David Lee, Senior Planner

Attachments:

1. Alternate Submittal Forms and Checklists (Total of 2)
2. ALEUP Appendix D: John Wayne Airport Impact Zones Map (and aerial version)



AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY

SUBMITTAL FORM: GENERAL PLAN • SPECIFIC PLAN • ZONING CODE

1. Name of City or County: City of Newport Beach
2. Contact Information - Name/Title David Lee, Senior Planner
Agency: City of Newport Beach
Address: 100 Civic Center Drive, Newport Beach CA 92660
Phone/email: 949-644-3225, dlee@newportbeachca.gov
3. Airport Planning Area(s):
 John Wayne Airport Fullerton Municipal Airport JFTB - Los Alamitos
4. Item being submitted for review (submit each item separately): General Plan Amendment
Name of General Plan Element, Specific Plan or Planned Community: Land Use Element
5. Scheduled date of Planning Commission Public Hearing: 12/14/2023
6. Tentative date of City Council/Board of Supervisors Public Hearing: 1/23/2024
7. Requested date of ALUC Review: December 21
(Complete submittals must be received by the first day of the month for the next meeting).
8. Does the item submitted propose a change of land use or heights within the airport Notification/Planning Area*? No (skip items # 9-12). Yes (continue below).
9. Does the item propose a change of land use within the 60 CNEL or 65 CNEL noise contours of the airport(s)*? Please attach an exhibit showing location(s) of the proposed new uses in relation to noise contours.
10. Are noise policies or mitigation measures identified in the proposed item or elsewhere in the General Plan? No Yes - Please attach pages with current (and proposed if applicable) noise policies/mitigation measures highlighted.
11. Does the item submitted propose a change of land use within the Runway Protection Zone (RPZ), Clear Zone (CZ), or Airport Safety Zones of the airport*? No Yes - Please attach exhibit showing location(s) of proposed uses.
12. Does the item submitted propose a change of land use within the Obstruction Imaginary Surfaces*? No Yes
13. Please indicate current 55 feet and proposed 81 feet maximum heights allowed.

RECEIVED
DEC 7 2023
AIRPORT LAND USE COMMISSION

SUBMITTAL CHECKLIST: General Plan · Specific Plan · Zoning Code	
<input checked="" type="checkbox"/>	Cover letter on City/County letterhead.
<input checked="" type="checkbox"/>	Completed Submittal Form.
<input checked="" type="checkbox"/>	Link to existing Land Use Element and proposed (See attachment No. 2 for Amended General Plan Land Use Map) General Plan Element, Specific Plan or Zoning Code for this submittal.
<input checked="" type="checkbox"/>	Attachment showing proposed changes to General Plan Element, Specific Plan or Zoning Code Section(s) with strikethrough/underline.
<input checked="" type="checkbox"/>	Exhibit showing location(s) of proposed new uses within the Notification Area/Planning Area for airport(s).
<input checked="" type="checkbox"/>	Exhibit showing location(s) of proposed new uses in relation to noise contours for airport(s).
<input checked="" type="checkbox"/>	Exhibit showing location(s) of proposed new uses in relation to Airport Safety Zones.
<input checked="" type="checkbox"/>	Exhibit showing location(s) of proposed new uses in relation to the Obstruction Imaginary Surfaces.
<input checked="" type="checkbox"/>	Attachment showing current and proposed noise policies/mitigation measures.
<input checked="" type="checkbox"/>	Explanation of how the General Plan, Specific Plan, or Zoning Code address the AELUP standards for noise impact, safety compatibility, and height restriction zones. See attachment No. 14
<input checked="" type="checkbox"/>	Describe height and density changes in cover letter and attach pages of General Plan, Specific Plan and/or Zoning Code where maximum heights are specified.

*For airport planning/notification areas, noise contours, safety zones and obstruction imaginary surfaces see Appendix D of the applicable Airport Environs Land Use Plan (AELUP) at:
<https://www.ocair.com/about/administration/airport-governance/commissions/airport-land-use-commission/>

Noise sensitive uses include but are not limited to community facilities such as: churches, libraries, schools, preschools, day-care centers, hospitals, and nursing/convalescent homes.

*Mail or Email Submittal Form, Checklist and attachments to: Airport Land Use Commission for Orange County,
 Attn: Executive Officer, 3160 Airway Avenue, Costa Mesa, CA 92626 / Phone: (949) 252-5170
ALUCinfo@ocair.com*



AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY

SUBMITTAL FORM: GENERAL PLAN • SPECIFIC PLAN • ZONING CODE

1. Name of City or County: City of Newport Beach

2. Contact Information - Name/Title David Lee, Senior Planner
Agency: City of Newport Beach
Address: 100 Civic Center Drive, Newport Beach CA 92660
Phone/email: 949-644-3225, dlee@newportbeachca.gov

RECEIVED

DEC 7 2023

AIRPORT LAND USE COMMISSION

3. Airport Planning Area(s):
 John Wayne Airport Fullerton Municipal Airport JFTB - Los Alamitos

4. Item being submitted for review (submit each item separately): Planned Community
Name of General Plan Element, Specific Plan or Planned Community: Newport Place (PC11)

5. Scheduled date of Planning Commission Public Hearing: 12/14/2023

6. Tentative date of City Council/Board of Supervisors Public Hearing: 1/23/2024

7. Requested date of ALUC Review: December 21
(Complete submittals must be received by the first day of the month for the next meeting).

8. Does the item submitted propose a change of land use or heights within the airport Notification/Planning Area*? No (skip items # 9-12). Yes (continue below).

9. Does the item propose a change of land use within the 60 CNEL or 65 CNEL noise contours of the airport(s)*? Please attach an exhibit showing location(s) of the proposed new uses in relation to noise contours.

10. Are noise policies or mitigation measures identified in the proposed item or elsewhere in the General Plan? No Yes - Please attach pages with current (and proposed if applicable) noise policies/mitigation measures highlighted.

11. Does the item submitted propose a change of land use within the Runway Protection Zone (RPZ), Clear Zone (CZ), or Airport Safety Zones of the airport*? No Yes - Please attach exhibit showing location(s) of proposed uses.

12. Does the item submitted propose a change of land use within the Obstruction Imaginary Surfaces*? No Yes

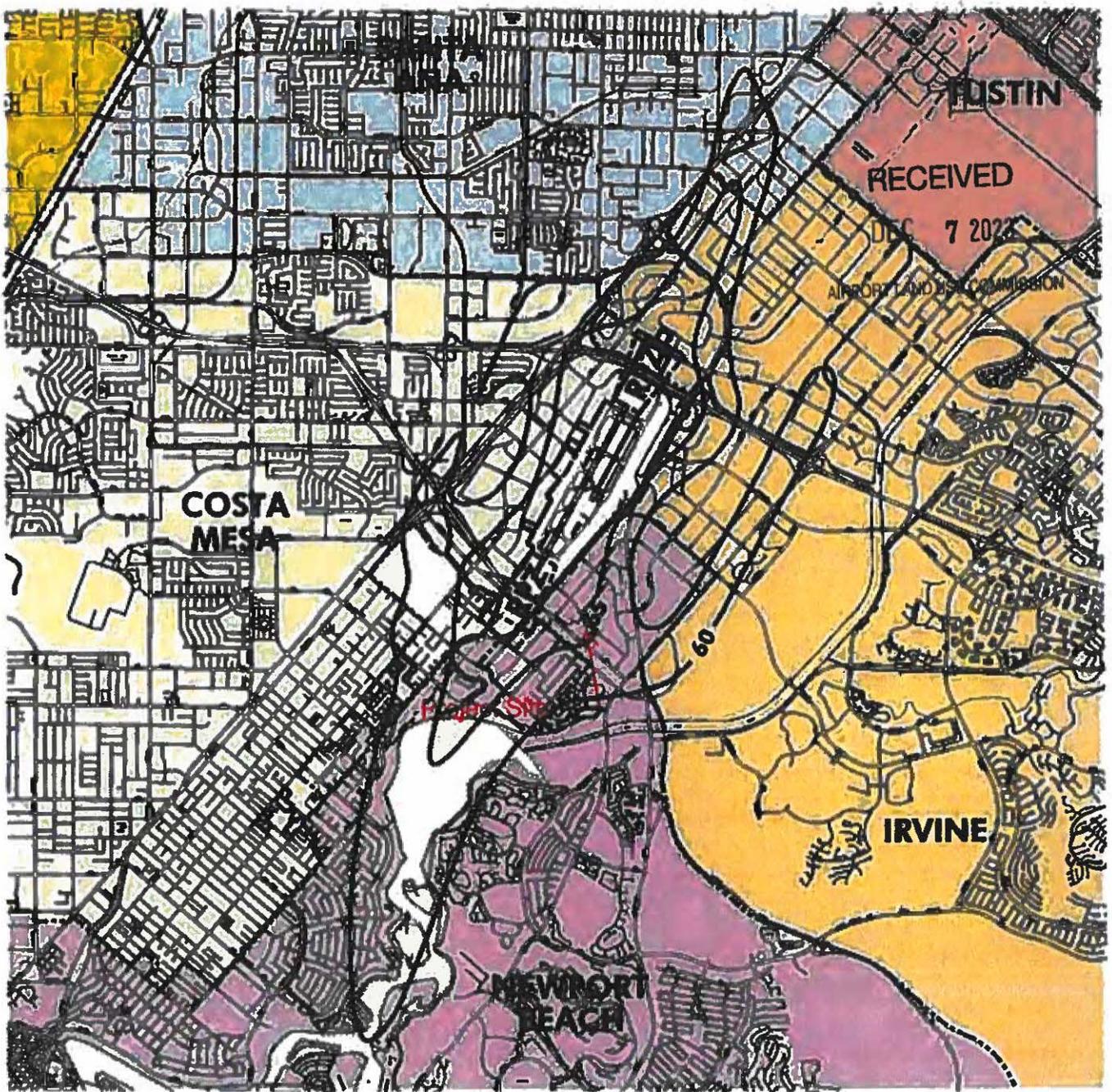
13. Please indicate current 55 feet and proposed 81 feet maximum heights allowed.

SUBMITTAL CHECKLIST: General Plan · Specific Plan · Zoning Code	
<input checked="" type="checkbox"/>	Cover letter on City/County letterhead. RECEIVED
<input checked="" type="checkbox"/>	Completed Submittal Form. DEC 7 2023
<input checked="" type="checkbox"/>	Link to existing (See attachment No. 13 for Development Standards and Land Use COMMISSION proposed (See attachment 3 for Amended Map) General Plan Element, Specific Plan or Zoning Code for this submittal.
<input checked="" type="checkbox"/>	Attachment showing proposed changes to General Plan Element, Specific Plan or Zoning Code Section(s) with strikethrough/underline.
<input checked="" type="checkbox"/>	Exhibit showing location(s) of proposed new uses within the Notification Area/Planning Area for airport(s).
<input checked="" type="checkbox"/>	Exhibit showing location(s) of proposed new uses in relation to noise contours for airport(s).
<input checked="" type="checkbox"/>	Exhibit showing location(s) of proposed new uses in relation to Airport Safety Zones.
<input checked="" type="checkbox"/>	Exhibit showing location(s) of proposed new uses in relation to the Obstruction Imaginary Surfaces.
<input checked="" type="checkbox"/>	Attachment showing current and proposed noise policies/mitigation measures.
<input checked="" type="checkbox"/>	Explanation of how the General Plan, Specific Plan, or Zoning Code address the AELUP standards for noise impact, safety compatibility, and height restriction zones. See Attachment No. 14
<input checked="" type="checkbox"/>	Describe height and density changes in cover letter and attach pages of General Plan, Specific Plan and/or Zoning Code where maximum heights are specified.

*For airport planning/notification areas, noise contours, safety zones and obstruction imaginary surfaces see Appendix D of the applicable Airport Environs Land Use Plan (AELUP) at: <https://www.ocair.com/about/administration/airport-governance/commissions/airport-land-use-commission/>

Noise sensitive uses include but are not limited to community facilities such as: churches, libraries, schools, preschools, day-care centers, hospitals, and nursing/convalescent homes.

*Mail or Email Submittal Form, Checklist and attachments to: Airport Land Use Commission for Orange County, Attn: Executive Officer, 3160 Airway Avenue, Costa Mesa, CA 92626 / Phone: (949) 252-5170
ALUCinfo@ocair.com*



Note: County Unincorporated areas are shown in white.

John Wayne Airport Impact Zones

LEGEND

- 60 CNEL CONTOUR
- RUNWAY PROTECTION ZONE
- CITY BOUNDARIES
- AIRPORT BOUNDARIES



Composite contour from
John Wayne Airport Project
Case-1990 and 2005
(see section 2.2.1)

CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

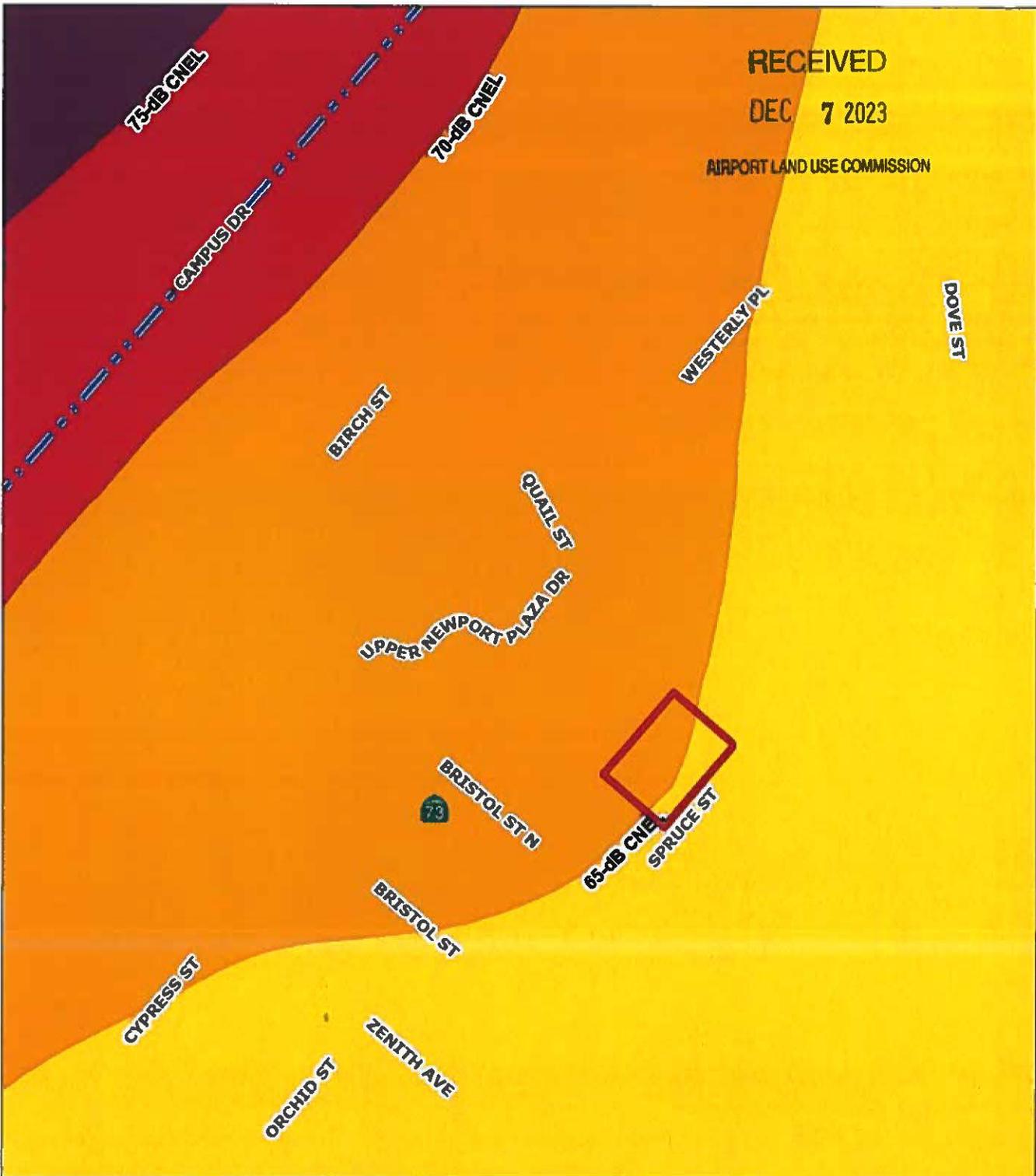
Kari A. Rigoni
Kari A. Rigoni, Executive Officer

April 17, 2008
Date

RECEIVED

DEC 7 2023

AIRPORT LAND USE COMMISSION



NBGiS
NEWPORT BEACH



Disclaimer:

Every reasonable effort has been made to assure the accuracy of the data provided, however, The City of Newport Beach and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use.



CITY OF NEWPORT BEACH

100 Civic Center Drive
Newport Beach, California 92660

949 644-3200

newportbeachca.gov/communitydevelopment

RECEIVED

DEC 1 2023

November 30, 2023

AIRPORT LAND USE COMMISSION

Lea Choum, Planning Manager
John Wayne Airport, Orange County
3160 Airway Avenue
Costa Mesa, CA 92626

RE: 1401 Quail Street Residences General Plan and Planned Community Text
Amendments

Dear Ms. Choum,

Pursuant to Section 4.3 (Amendments to General Plans and Specific Plans [Zoning]) of the Airport Environs Land Use Plan (AELUP) for John Wayne Airport, the City of Newport Beach (City) requests that the Airport Land Use Commission (ALUC) review the City's proposed amendments to the City's General Plan Land Use Element and the Newport Place Planned Community Development Plan (PC-11) for consistency with the Airport Environs Land Use Plan (AELUP) at its December 21, 2023 meeting. The proposed project is for a six-story, podium style condominium building consisting of 67 dwelling units, 8 of which are affordable to low and very low-income families. A General Plan Amendment is required to change the land use designation from General Commercial Office (CO-G) to Mixed-Use Horizontal (MU-H2). An amendment to PC-11 is also required to include the property in the Residential Overlay. The proposed height of the structure is 81 feet above ground level (132 feet above mean sea level), where the maximum height of PC-11's Residential Overlay is 55 feet above ground level. The Staff Report and Conditions of Approval for the December 14, 2023 Planning Commission meeting has been attached (Attachment Nos. 11 and 12), and specific conditions related to disclosure of potential impacts due to the proximity of the airport, requirement for an acoustical analysis and maximum interior noise levels.

Should you have any questions concerning the preceding information, I can be reached at 949-644-3225 or via email at dlee@newportbeachca.gov.

Sincerely,

David Lee, Senior Planner

Attachments:

1. Submittal Forms and Checklists (Total of 2)
2. General Plan Land Use Element Amended Map
3. Newport Place Planned Community Amended Map
4. FAA Determination of No Hazard to Air Navigation
5. JWA Notification Area Map
6. JWA Noise Contours Map
7. JWA Safety Zones Map
8. Obstruction Imaginary Surfaces Map
9. Adopted Noise Amendment Policies
10. Surrounding Building Heights
11. City of Newport Beach Planning Commission Staff Report (No Attachments)
12. City of Newport Beach Planning Commission Conditions of Approval (Noise Related Conditions Highlighted)
13. Newport Place Planned Community Residential Overlay Development Standards and Land Use Plan Map
14. Consistency Analysis
15. Project Plans

RECEIVED

DEC 1 2023

AIRPORT LAND USE COMMISSION

Attachment No. 1

Submittal Forms and Checklists (Total of 2)



AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY

SUBMITTAL FORM: GENERAL PLAN · SPECIFIC PLAN · ZONING CODE

1. Name of City or County: City of Newport Beach

2. Contact Information - Name/Title David Lee, Senior Planner
Agency: City of Newport Beach
Address: 100 Civic Center Drive, Newport Beach CA 92660
Phone/email: 949-644-3225, dlee@newportbeachca.gov

RECEIVED

DEC 1 2023

AIRPORT LAND USE COMMISSION

3. Airport Planning Area(s):

John Wayne Airport Fullerton Municipal Airport JFTB - Los Alamitos

4. Item being submitted for review (submit each item separately): General Plan Amendment
Name of General Plan Element, Specific Plan or Planned Community: Land Use Element

5. Scheduled date of Planning Commission Public Hearing: 12/14/2023

6. Tentative date of City Council/Board of Supervisors Public Hearing: 1/23/2024

7. Requested date of ALUC Review: December 21
(Complete submittals must be received by the first day of the month for the next meeting).

8. Does the item submitted propose a change of land use or heights within the airport Notification/Planning Area*? No (skip items # 9-12). Yes (continue below).

9. Does the item propose a change of land use within the 60 CNEL or 65 CNEL noise contours of the airport(s)*? Please attach an exhibit showing location(s) of the proposed new uses in relation to noise contours.

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<input checked="" type="checkbox"/>	Completed Submittal Form.	DEC 1 2023
<input checked="" type="checkbox"/>	Link to existing Land Use Element and proposed (See attachment No. 2 for Airport Environs Land Use Plan Land Use Map) General Plan Element, Specific Plan or Zoning Code for this submittal.	AIRPORT LAND USE COMMISSION
<input checked="" type="checkbox"/>	Attachment showing proposed changes to General Plan Element, Specific Plan or Zoning Code Section(s) with strikethrough/underline.	
<input checked="" type="checkbox"/>	Exhibit showing location(s) of proposed new uses within the Notification Area/Planning Area for airport(s).	
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<https://www.ocair.com/about/administration/airport-governance/commissions/airport-land-use-commission/>

Noise sensitive uses include but are not limited to community facilities such as: churches, libraries, schools, preschools, day-care centers, hospitals, and nursing/convalescent homes.

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 Attn: Executive Officer, 3160 Airway Avenue, Costa Mesa, CA 92626 / Phone: (949) 252-5170
ALUCinfo@ocair.com*



AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY

SUBMITTAL FORM: GENERAL PLAN • SPECIFIC PLAN • ZONING CODE

1. Name of City or County: City of Newport Beach

2. Contact Information - Name/Title David Lee, Senior Planner
Agency: City of Newport Beach
Address: 100 Civic Center Drive, Newport Beach CA 92660
Phone/email: 949-644-3225, dlee@newportbeachca.gov

RECEIVED

DEC 1 2023

AIRPORT LAND USE COMMISSION

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 John Wayne Airport Fullerton Municipal Airport JFTB - Los Alamitos

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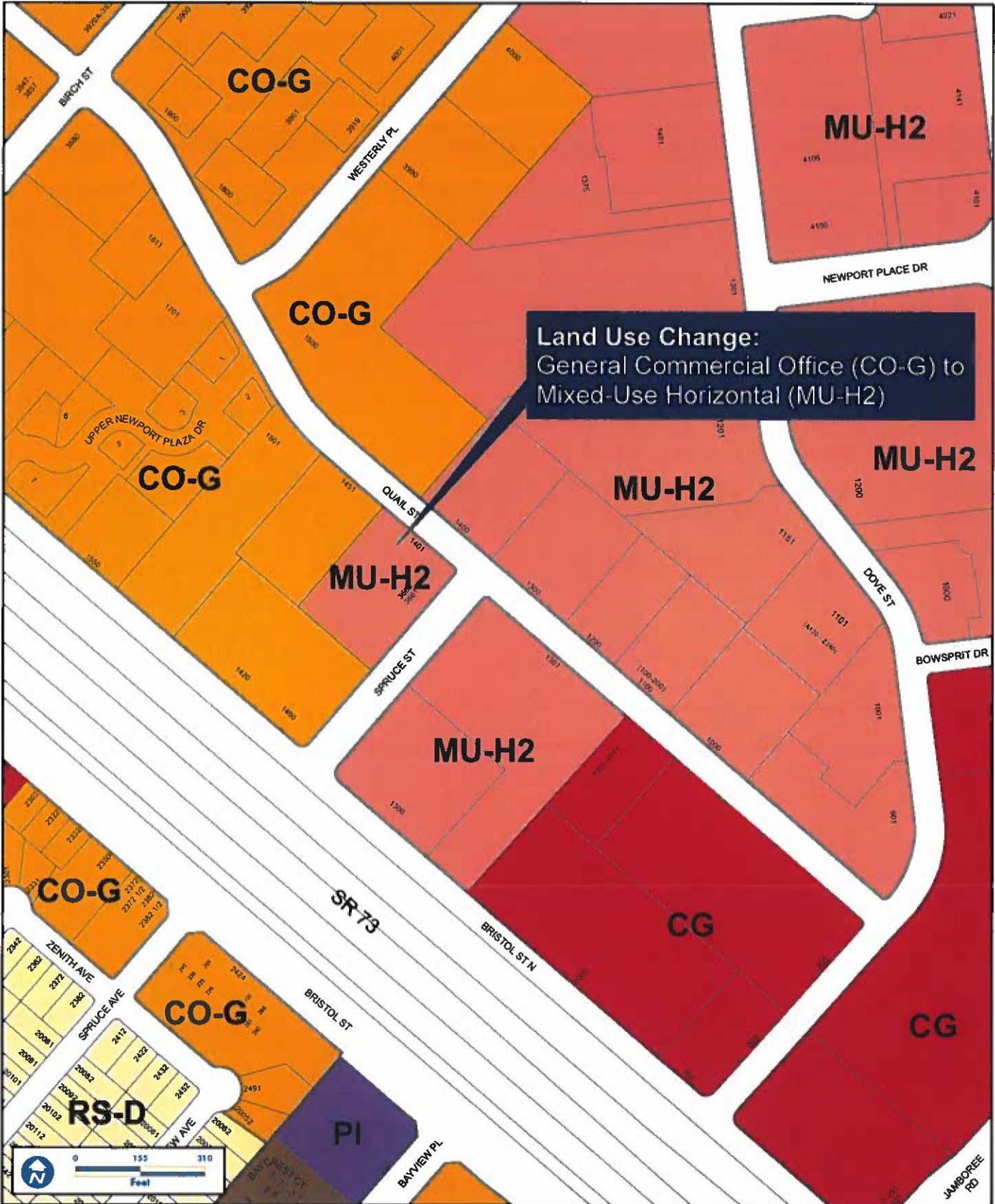
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 Attn: Executive Officer, 3160 Airway Avenue, Costa Mesa, CA 92626 / Phone: (949) 252-5170
ALUCinfo@ocair.com*

Attachment No. 2

General Plan Land Use Element Amended Map

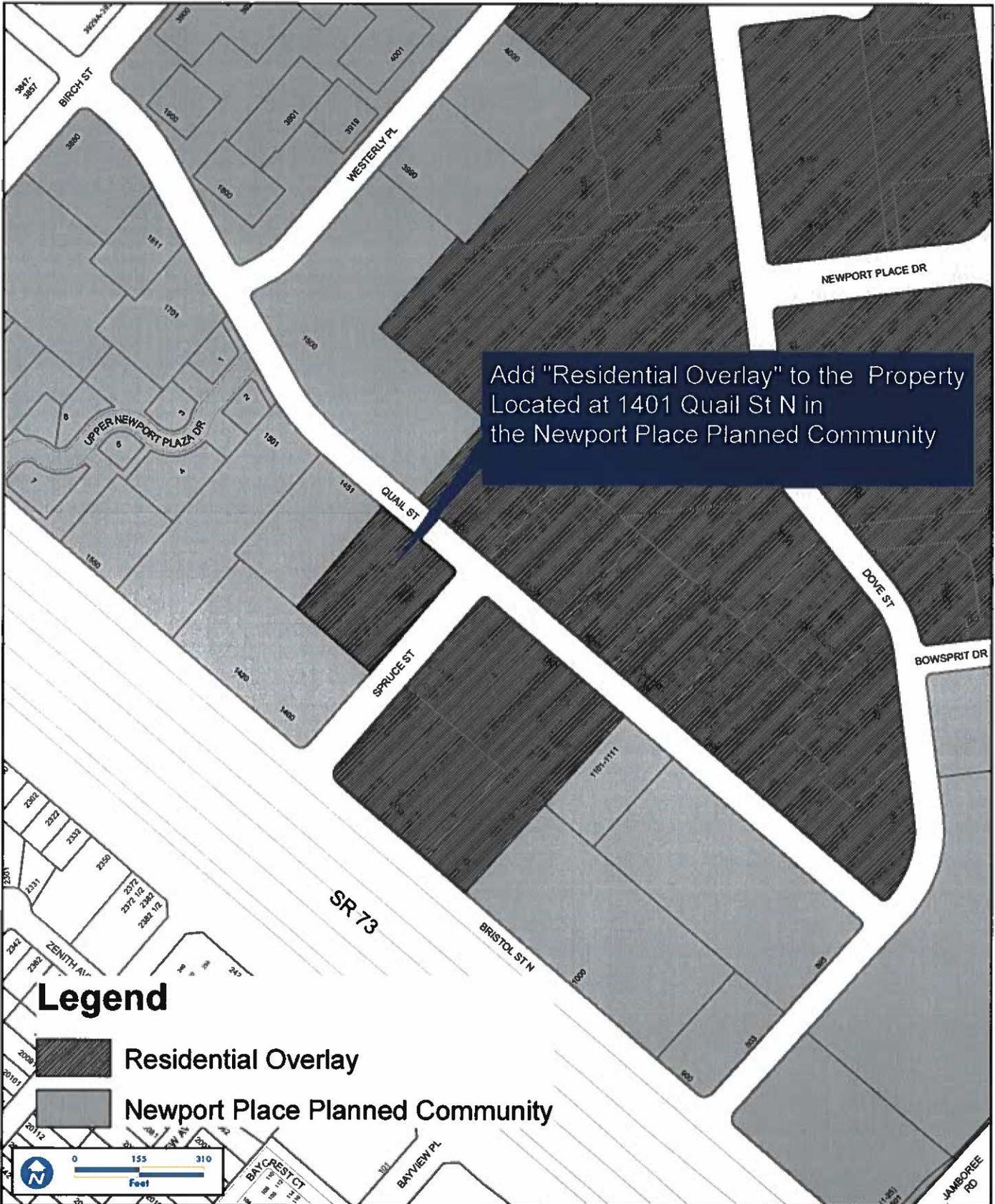


**PA2023-0040 General Plan Amendment
1401 Quail St**



City of Newport Beach
GIS Division
November 22, 2023

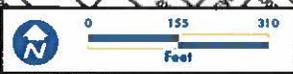
Attachment No. 3
Newport Place Planned Community
Amended Map



Add "Residential Overlay" to the Property Located at 1401 Quail St N in the Newport Place Planned Community

Legend

-  Residential Overlay
-  Newport Place Planned Community



**PA2023-0040
PC-11 Newport Place Amendment
1401 Quail St**

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NEWPORT BEACH
City of Newport Beach
GIS Division
November 22, 2023

Attachment No. 4

FAA Determination of No Hazard to Air
Navigation



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-AWP-11235-OE

Issued Date: 08/21/2023

Rick Puffer
Intracorp Homes
895 Dove St.
Suite 400
Newport Beach, CA 92660

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building 1401 Quail
Location:	Newport Beach, CA
Latitude:	33-39-38.70N NAD 83
Longitude:	117-52-06.80W
Heights:	51 feet site elevation (SE) 81 feet above ground level (AGL) 132 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
 Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 02/21/2025 unless:

- the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- extended, revised, or terminated by the issuing office.
- the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within

6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

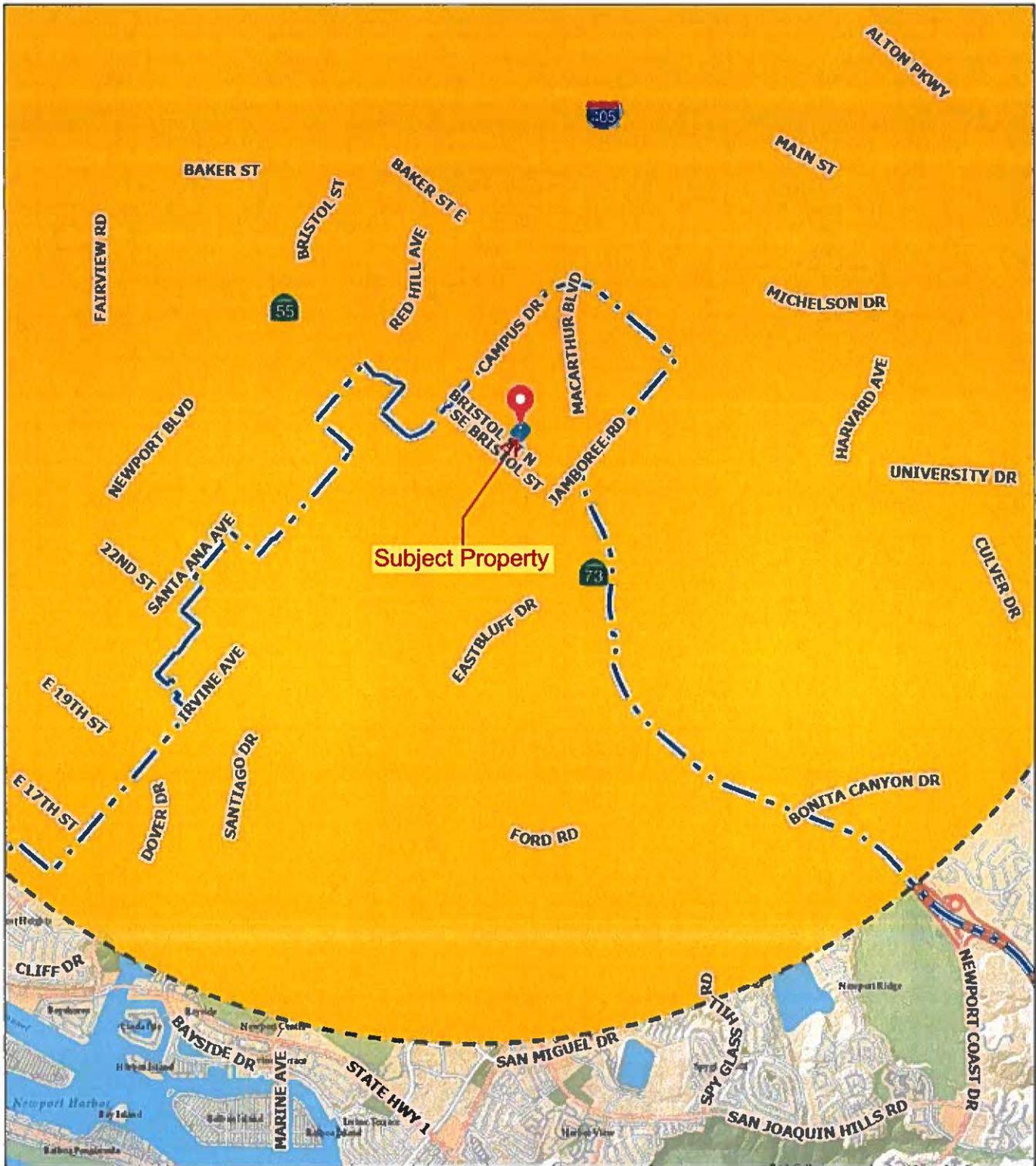
If we can be of further assistance, please contact our office at (206) 231-2877, or Nicholas.Sanders@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AWP-11235-OE.

Signature Control No: 593096079-597054175
Nicholas Sanders
Technician

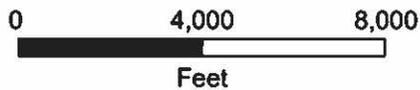
(DNE)

Attachment No. 5

JWA Notification Area Map



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NEWPORT BEACH

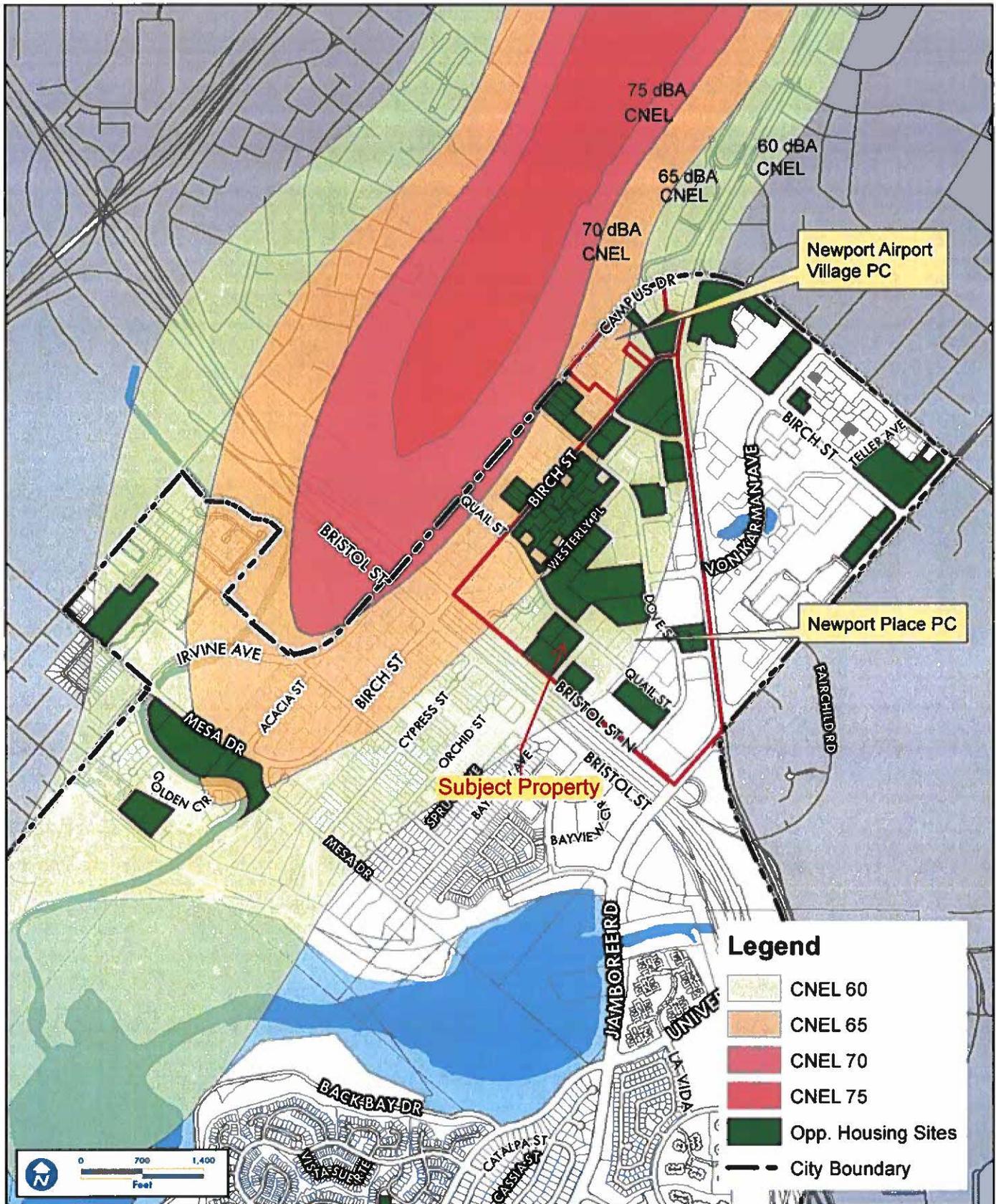


Disclaimer:

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Attachment No. 6

JWA Noise Contours Map



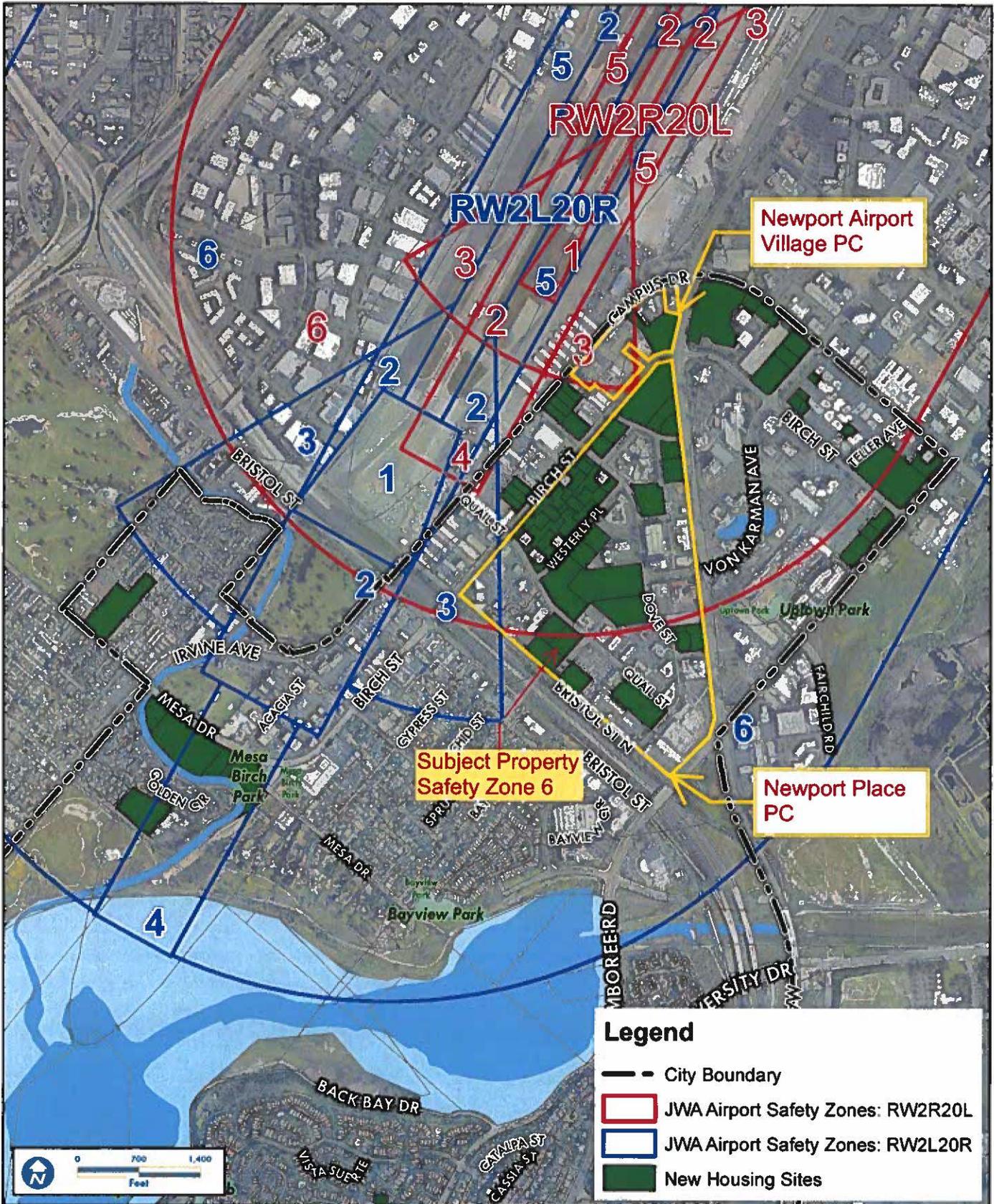
2014 JWA Settlement Agreement Amendment Noise Contours (Housing Opportunity Sites)



City of Newport Beach
GIS Division
July 13, 2023

Attachment No. 7

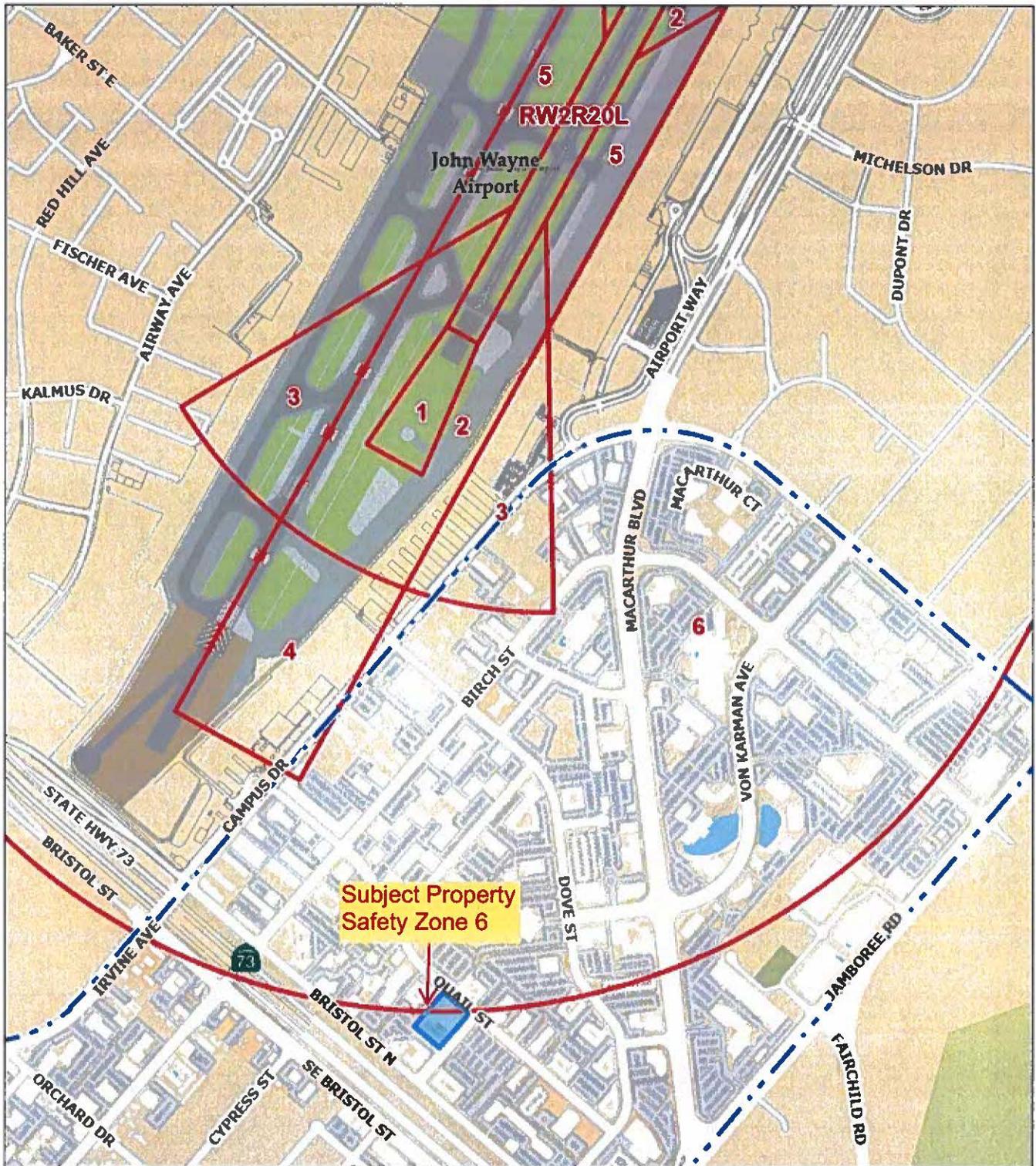
JWA Safety Zones Map



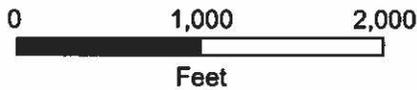
Housing Sites Inventory PA2022-0201 JWA Safety Zones



City of Newport Beach
GIS Division
August 24, 2021

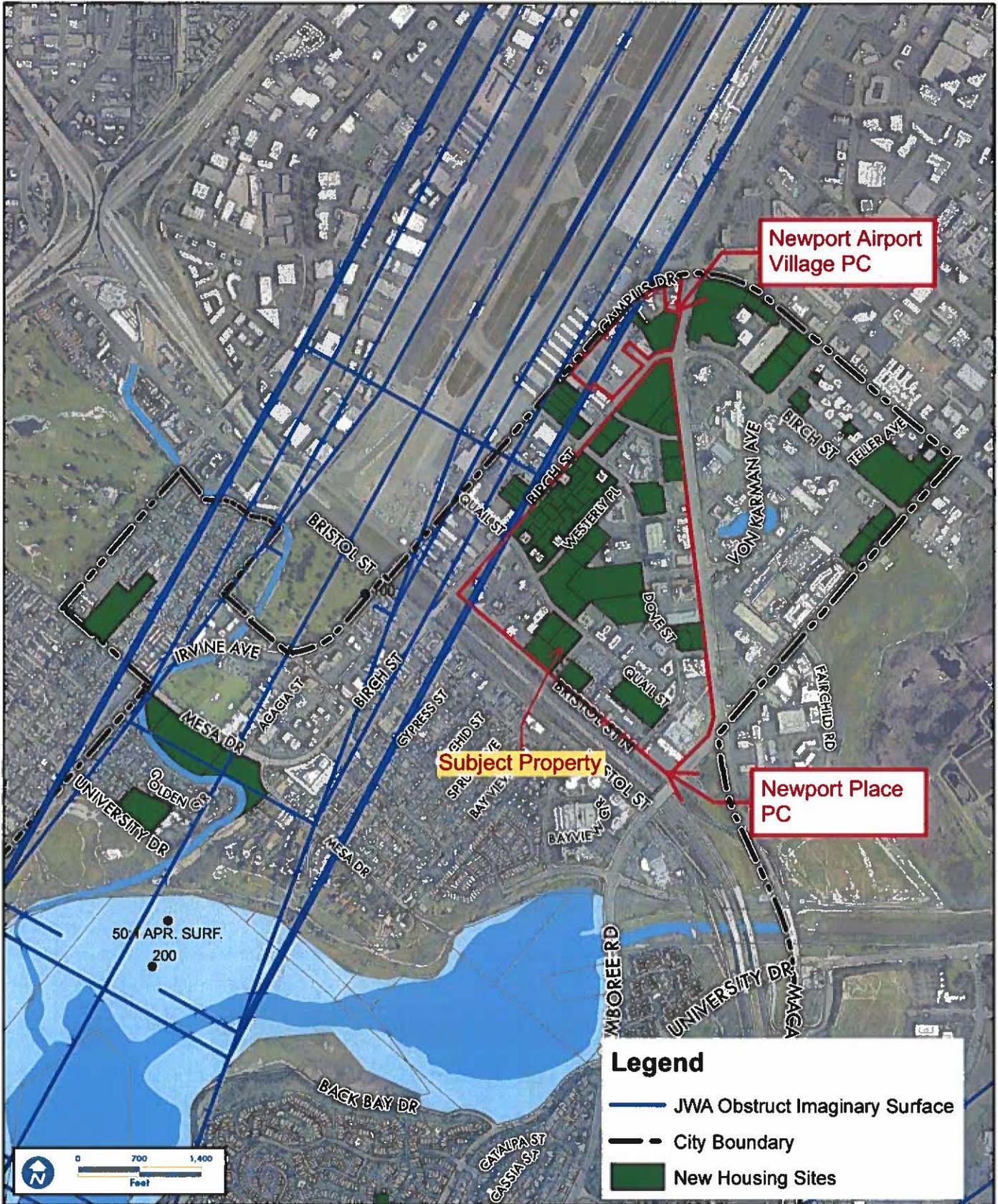


NBGiS
NEWPORT BEACH



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Attachment No. 8
Obstruction Imaginary Surfaces Map



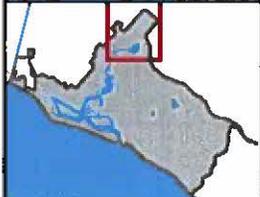
Newport Airport Village PC

Subject Property

Newport Place PC

Legend

- JWA Obstruct Imaginary Surface
- - - City Boundary
- New Housing Sites



**Housing Sites Inventory PA2022-0201
JWA Obstruction Imaginary Surface
(Airport Area)**



City of Newport Beach
GIS Division
August 24, 2021

Attachment No. 9

Adopted Noise Amendment Policies

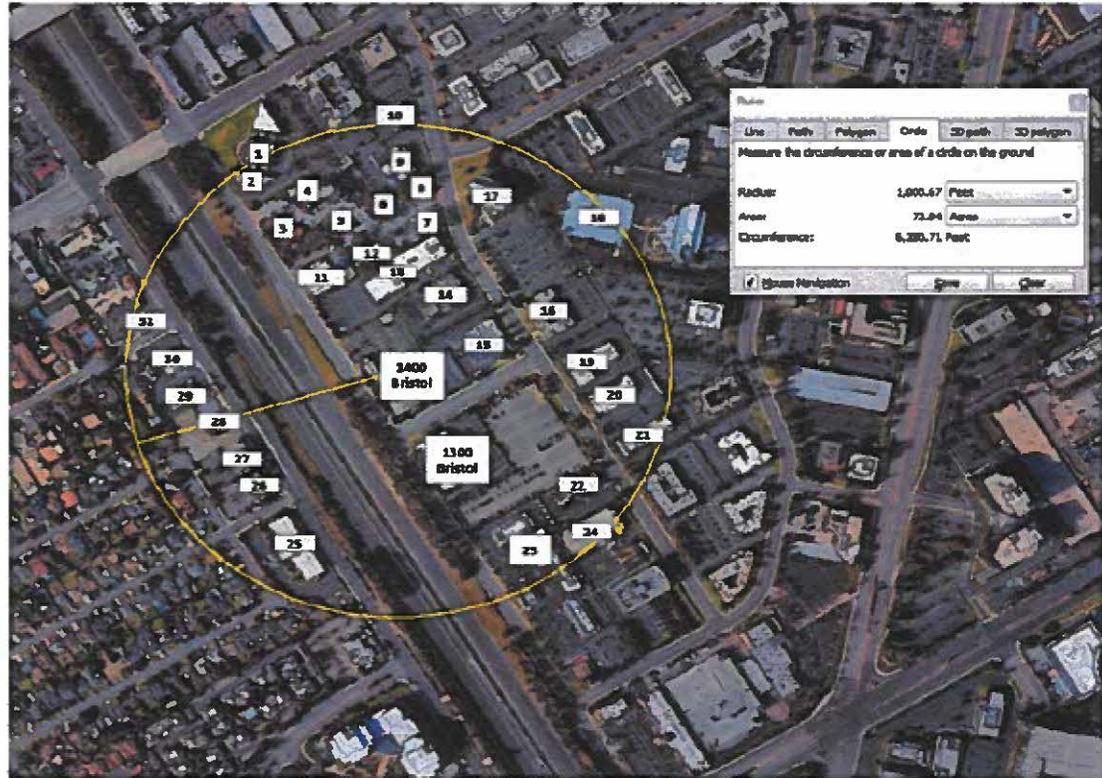
Links:

[Council Ordinance 2023-20: Approving an Amendment to Title 20 \(Planning and Zoning\) of the Newport Beach Municipal Code Related to Noise in the Airport Area Necessary to Implement the 6th Cycle Housing Element](#)

[Council Ordinance 2023-21: Approving Amendments to Newport Place Planned Community Development Plan \(PC-11\) and Newport Airport Village Planned Community Development Plan \(PC-60\) Related to Noise in the Airport Area Necessary to Implement the 6th Cycle Housing Element.](#)

Attachment No. 10
Surrounding Building Heights

Map #	Address	Elevation (ft)
1	3610 Birch St	84
2	3600 Birch St	84
3	7 Upper Newport Plaza	74
4	6 Upper Newport Plaza	74
5	5 Upper Newport Plaza	68
6	3 Upper Newport Plaza	70
7	2 Upper Newport Plaza	58
8	1 Upper Newport Plaza	58
9	1701 Quail St	74
10	1811 Quail St	70
11	1550 Bristol St	60
12	4 Upper Newport Plaza	75
13	1501 Quail St	74
14	1451 Quail St	72
15	1401 Quail St	55
16	1400 Quail St	68
17	1500 Quail St	144
18	1301 Dove St	50
19	1300 Quail St	66
20	1200 Quail St	64
21	1100 Quail St	66
22	1101 Quail St	70
23	1000 Bristol St	60
24	1800 Viola Pl	72
25	2424 Bristol St	80
26	2382 Bristol St	80
27	2350 Bristol St	88
28	2322 Bristol St	65
29	2300 Bristol St	60
30	2290 Bristol St	70
31	2230 Bristol St	60



*Elevations based on North American Vertical Datum of 1988 (NAVD 88)

Attachment No. 11

City of Newport Beach Planning Commission
Staff Report (No Attachments)



CITY OF NEWPORT BEACH PLANNING COMMISSION STAFF REPORT

December 14, 2023
Agenda Item No. 1

SUBJECT: Residences at 1401 Quail Street (PA2023-0040)

- General Plan Amendment
- Planned Community Development Plan Amendment
- Major Site Development Review
- Vesting Tentative Tract Map
- Affordable Housing Implementation Plan
- Development Agreement
- Environmental Impact Report Addendum

SITE LOCATION: 1401 Quail Street

APPLICANT: Intracorp Homes

OWNER: Newport Place Investment Company

PLANNER: David Lee, Senior Planner
949-644-3225

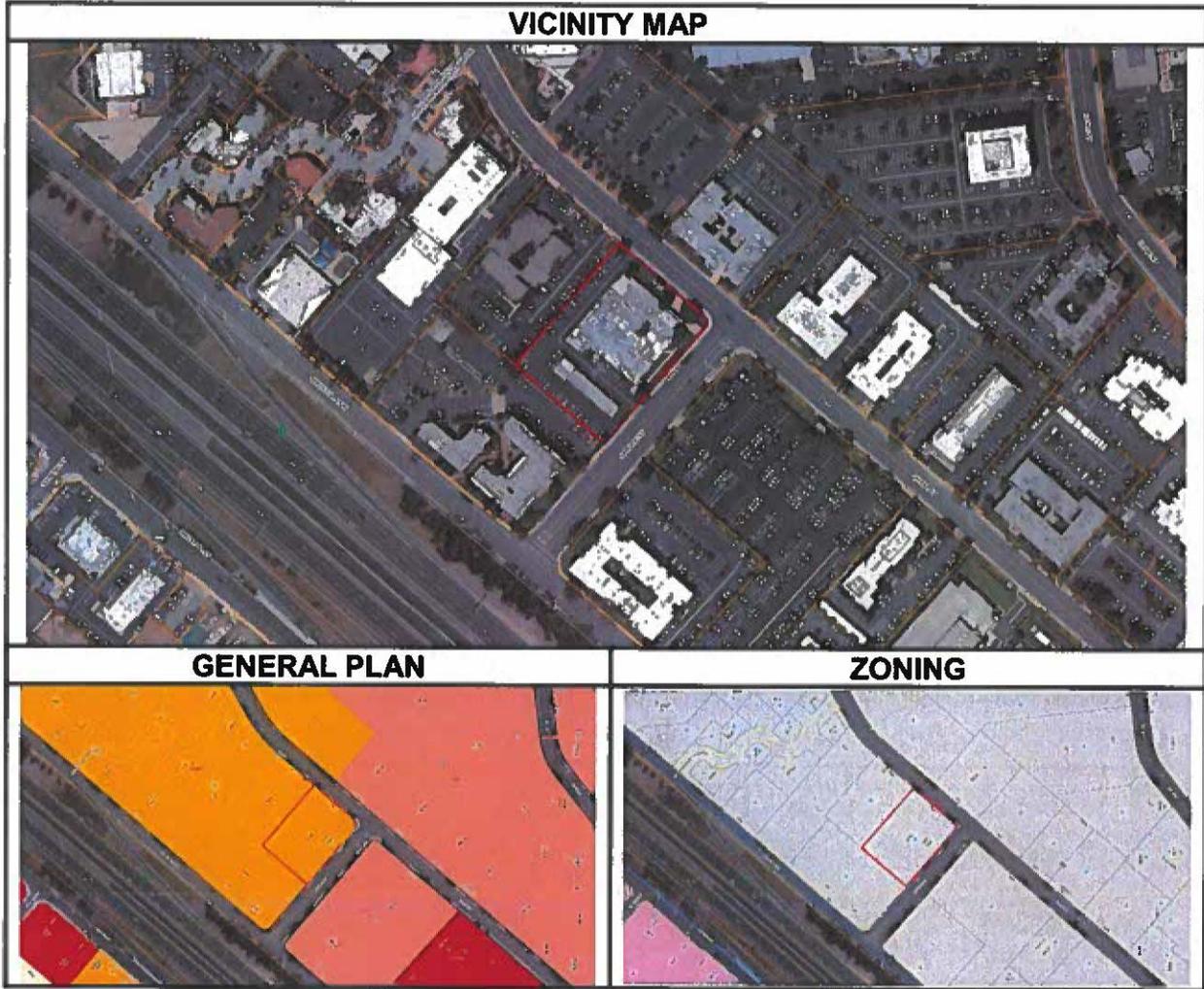
PROJECT SUMMARY

The Residences at 1401 Quail Street includes 67 for-sale condominium units including a 146-space parking structure. The project is located in the Newport Place Planned Community, and at the northwest corner of Quail Street and Spruce Street in the Airport Area. Implementation of the proposed project would require demolition of the existing 22,956-square-foot office building and surface parking on the 1.71-acre site.

RECOMMENDATION

- 1) Conduct a public hearing;
- 2) Find that potential environmental impacts have been previously mitigated through the implementation of the policies of the General Plan as evaluated in Program Environmental Impact Report for the 2006 General Plan Update (SCH No. 2006011119), and the City of Newport Beach Housing Element Initial Study/Negative Declaration (collectively, the PEIR); therefore, in accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, an addendum to the previously adopted PEIR is the appropriate environmental documentation for the project; and
- 3) Adopt Resolution No. PC2023-044 (Attachment No. PC 1) recommending the City Council adoption of an Environmental Impact Report Addendum, and approval of General Plan Amendment, Planned Community Development Plan Amendment,

Major Site Development Review, Affordable Housing Implementation Plan, Tentative Vesting Tract Map and Development Agreement, for the Residences at 1401 Quail Street Project located at 1401 Quail Street (PA2023-0040).



LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	General Commercial Office (CO-G)	Newport Place Planned Community (PC11)	Office
NORTH	CO-G	PC11	Office
SOUTH	CO-G	PC11	Office
EAST	Mixed-Use Horizontal 2 (MU-H2)	PC11	Office / Vehicle Storage
WEST	CO-G	PC11	Office

INTRODUCTION

Project Setting

The subject property is located in the Newport Place Planned Community (PC-11) and approximately 1.71 acres in size. The project site is rectangular in shape, located at the northwest corner of Quail Street and Spruce Street, and adjacent to office buildings to the north, west, and south, as well as a surface parking lot utilized by Fletcher Jones Motorcars to the east. The property to the south at the east corner of Bristol and Spruce (1300 Bristol Street) has been entitled for residential use and the office building that once occupied the site has been demolished. The abutting property to the south at 1400 Bristol was considered for residential development (Residences at 1400 Bristol Street) by the Planning Commission on December 7, 2023. The subject property is currently improved with a 22,956-square-foot office building and a surface parking lot.

Project Description

The applicant, Intracorp Homes, proposes to demolish the existing office building and associated surface parking and landscaping at the project site and construct 67 for-sale condominium units atop a 146-space parking structure (Project). The parking structure is located on the podium level as well as a subterranean gated level underneath. The base density allotted to the property if the requested General Plan amendment is approved would be 52 units. This density is based on the conversion of existing 22,956 square feet of office use, consistent with the City's adopted land use conversion factors to maintain traffic trip neutrality (Attachment No. PC 4), consistent with Land Use Element Policy LU 6.15.5. The applicant also proposes a 27.5% increase in density (15 units), pursuant to Government Code Section 65915 (Density Bonus Law) for a total of 67 residential units.

The applicant's full project description is provided as Attachment No. PC 2 and shown on the plans Attachment No. PC 5.

The application consists of the following components:

- **General Plan Amendment** – A request to change the existing General Plan Land Use Designation of the Property from CO-G (General Commercial Office) to MU-H2 (Mixed-Use Horizontal);
- **Planned Community Development Plan Amendment** – An amendment to the Newport Place Planned Community (PC-11) to include the Property within the Residential Overlay;
- **Major Site Development Review** - A site development review in accordance with the Newport Place Planned Community (PC-11) and Section 20.52.80 (Site

Development Reviews) of the Newport Beach Municipal Code (NBMC), for the construction of the Project;

- **Tentative Vesting Tract Map** – A Vesting Tentative Tract Map No. 19261 pursuant to Title 19 (Subdivisions) of the Newport Beach Municipal Code (NBMC) for condominium purposes of 67 dwelling units;
- **Affordable Housing Implementation Plan** - A program specifying how the Project would meet the City's affordable housing requirements, in exchange for a request of 27.5% increase in density. The Applicant seeks four development standard waivers related to park land dedication, building setbacks, and building height, pursuant to Chapter 20.32 (Density Bonus) of the NBMC and Government Code Section 65915 (Density Bonus Law). The Applicant also seeks two development concessions related to the mix of affordable units and a waiver of a portion of the required park in-lieu fees, pursuant to Chapter 20.32 (Density Bonus) of the NBMC and Government Code Section 65915;
- **Development Agreement** – A Development Agreement, between the Applicant and the City, pursuant to Sections 15.45.020.A.2.a (Development Agreement Required) of the NBMC, which would provide the Applicant with vested right to develop the Project for a term of ten years and provide negotiated public benefits to the City; and
- **Addendum to the 2006 General Plan Update Program Environmental Impact Reports** - Pursuant to the California Environmental Quality Act (CEQA), the Addendum addresses reasonably foreseeable environmental impacts resulting from the Project.

Project Components:

Residential Development

The proposed multi-unit residential building is designed as a “podium style” structure that consists of five stories over one level of on-grade parking and one level of subterranean parking. The building height would be approximately 81 feet, including architectural elements, parapet, rooftop mechanical equipment, and roof access.

The 67 condominium units include 27 two-bedroom units and 40 three-bedroom units. The two-bedroom units would range from 1,304 to 1,963 square feet with four differing layouts. The three-bedroom units would range from 2,097 to 3,174 square feet in size.

Of the 67 units, eight units would be for sale and restricted to low and very low-income households. Of the eight affordable units, six would be for very low-income households and two would be for low-income households. The remaining 59 units would be market-rate. While the overall unit mix would be 40% two-bedroom and 60% three-bedroom, all

the proposed affordable units are two-bedroom units. This does not meet the standards of Section 20.32.070 (Design and Distribution of Affordable Units) of the NBMC that requires affordable units in a density bonus project to reflect the same range of unit types in the development as a whole. The applicant is requesting relief through a financial incentive from State Density Bonus Law, further discussed below.

The proposed residential building is designed with a contemporary modern architectural style, intended to be reflective of the surrounding office setting. It is designed with a darker grey stucco finish on the podium and first floor levels and a white stucco finish for the floors above. The contrast in colors reduces the visual mass and bulk of the building and creates variations in the aesthetic design (Figure 1, below). Additionally, various units on each elevation are constructed with walkable decks with glass railings, adding additional aesthetic treatment to the building. The project's building mass is compatible with the surrounding office and residential developments.



Figure 1: Rendering from Spruce Street

Vehicular Access and Parking

The project is designed with one vehicular access driveway in the approximate location of an existing entry on Spruce Avenue. The proposed driveway is 26 feet wide and connects to a roundabout at the end of the driveway to allow an adequate turning radius for emergency vehicles, as well as pick-up and drop-off for residents and visitors. The entry driveway also provides a direct access to six open-air parking spaces, which includes a van-accessible ADA space and two EV-charging spaces. Finally, the driveway leads to the project's two-level parking structure located on the first floor and has a gated ramp which accesses an additional subterranean parking level (Figure 2, below).



Figure 2: Vehicular Accessway from Spruce Avenue

The parking structure contains a total of 141 spaces, which includes 44 resident spaces and 15 guest spaces on the first floor, and 82 resident spaces on the subterranean level. Overall, the project provides 146 parking spaces, which is 2.18 spaces per unit (Table 1, below).

Table 1: Parking Summary

Level	Resident			Guest			Total
	Resident	Disabled	EV	Guest	Disabled	EV	
Ground Level	22	1	21	11	1	8	64
Subterranean Level	51	1	30	0	0	0	82
Total	73	2	51	11	1	8	146
	Total Resident: 126			Total Guest: 20			

EV=Electric Vehicle

Project Amenities

The proposed project includes a variety of private on-site recreation and amenities for residents and guests including:

- Clubroom (2,186 SF, First Floor)
- Outdoor Seating Area (1,309 SF, First Floor)
- Outdoor Seating Lounge (1,139 SF, First Floor)
- Pool Deck (2,103 SF, Second Floor)
- Swimming Pool (728 SF, Second Floor)
- Spa (132 SF, Second Floor)

Construction Phasing

The demolition and construction activities for the proposed project will be done over an approximate 21-month period. Demolition and construction activities are assumed to commence in September 2024 and conclude in October 2026. The applicant has submitted a draft construction management plan, subject to staff approval that will be finalized prior to the issuance of a building permit.

Off-Site Improvements

The Sewer Capacity Study prepared by Adams-Streeter Civil Engineers, Inc., dated October 20, 2023, concludes that there is insufficient sewer capacity in a downstream segment of pipe to support the project along with other approved and planned residential development in the area. Figure 3 below shows the location of a 435-foot long segment of pipe near the intersection of Newport Place and Dove Street where an existing 10-inch vitrified clay pipe (VCP) pipe will need to be replaced by a 12-inch main. As conditioned, the applicant will either replace the existing segment of pipe and be reimbursed by future applicants and the City or the City will replace the line and applicants will pay their fair share of the costs, unless the City chooses a different method to finance the cost of the improvement. No other off-site improvements other than typical utility connections are proposed or required as part of the project.

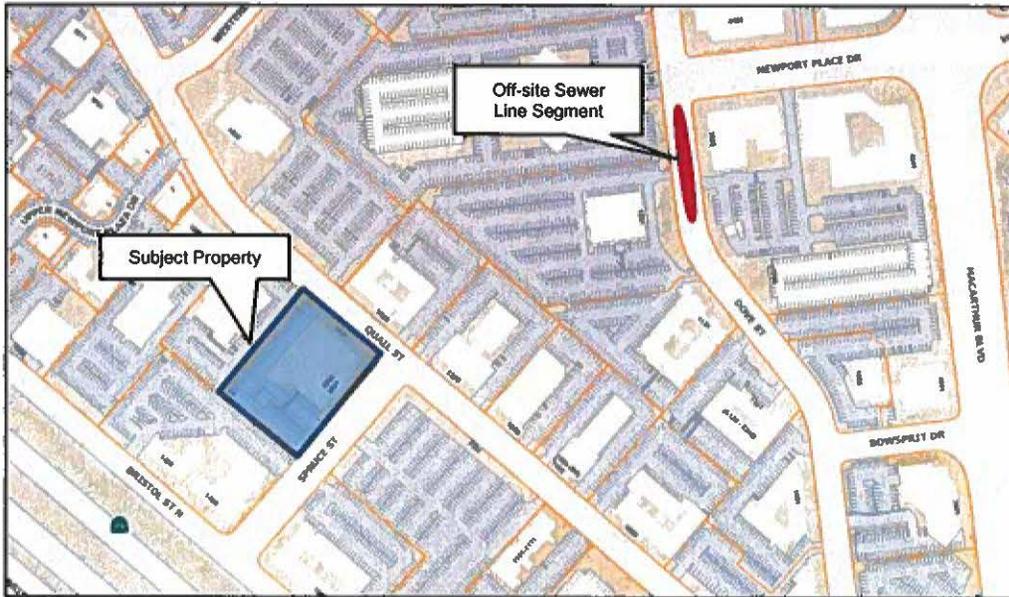


Figure 3: Off-Site Sewer Improvements

DISCUSSION

General Plan Amendment

The subject property is located in the Airport Area and is currently designated as General Commercial Office (CO-G) by the General Plan Land Use Element. The applicant is requesting to change the land use designation of subject property, from the CO-G to Mixed-Use Horizontal 2 (MU-H2), which provides for a horizontal intermixing of uses that may include regional commercial office, multifamily residential, vertical mixed-use buildings, industrial, hotel rooms, and ancillary neighborhood commercial uses.

The MU-H2 designation applies to a majority of properties in the Airport Area and allows a maximum of 2,200 residential units with 1,650 units as replacement of existing office, retail, and/or industrial uses at a maximum density of 50 units per net acre. Any eligible density bonus allowed by Government Code Section 65915 (State density bonus law) and NBMC Chapter 20.32 (Density Bonus) are not included in the 2,200 allowance or the 50 dwelling units per acre standard. Of 2,200 units, a total of 550 units are identified as additive units meaning they are not replacement units that would replace existing development and these units have been entitled and are not available. Presently, there are a total of 353 dwelling units remaining and available in the Airport Area, sufficient to support the project when considering the adjacent Residences at 1400 Bristol project. If both projects are approved, there would be 212 dwelling units available for future projects.

Residential units approved, proposed and remaining within the MU-H2 designation of the Airport Area are listed in the table below.

Airport Area Residential Units						
Residential Development Allocation	Base Units				Density Bonus Units	Project Totals with Density Bonus
	Replacement Units	Additive Units	Transferred Units	Total Units		
General Plan Unit Limit (MU-H2)	1,650	550	0	2,200		
Approved Projects						
Uptown Newport	632	290	-77	845	322	1,167
Newport Crossings	259	0	0	259	91	350
Newport Airport Village	329	0	0	329	115	444
Residences at 4400 Von Karman		260	0	260	52	312
Residences at 1300 Bristol	77	0	+77	154	39	193
Projects Under Review						
Residences at 1401 Quail	52	0	0	52	15	67
Residences at 1400 Bristol	89			89		229*
Remaining Development Allocation	212	0		212		

The GPA and the resulting land use change are compatible with the existing surrounding uses and planned land uses identified by the General Plan, because the project would introduce additional residential land uses in the Airport Area which includes a diverse mix of land uses including the gradual development of residential multifamily dwellings. Additionally, even with the conversion from CO-G to MU-H2, the building will be compatible with adjacent commercial properties architectural style and pedestrian connectivity. Additional residential development would support commercial properties within the Airport Area.

Furthermore, the GPA does not eliminate existing or future land uses to the overall detriment of the community given the subject property's size, location, and surrounding uses. The existing office buildings on-site were built in the 1970's and there are sufficient office facilities in the Airport Area to support the business needs of the community. The proposed change to allow residential uses would increase the City's housing stock including the provision of eight units that will be affordable to lower incomes.

The General Plan contains a number of policies that provide for the orderly evolution of the Airport Area, from a business park, to a mixed-use district with cohesive residential villages integrated within the existing fabric of office, industrial, retail, and airport-related businesses. Residential opportunities are to be developed as clusters of residential villages centering on neighborhood parks and interconnected by pedestrian walkways. These would contain a mix of housing types and buildings that integrate housing with ground level convenience retail uses and would be developed at a sufficient scale to achieve a complete neighborhood. The draft Planning Commission resolution (Attachment No. PC 1) includes facts in support of a finding of consistency of relevant

Airport Area policies. Furthermore, the EIR Addendum includes a comprehensive analysis of all relevant General Plan policies. The project, as proposed, is consistent with all relevant General Plan policies.

Charter 423 Analysis

Charter Section 423 requires voter approval of any major General Plan amendment to the General Plan. A major General Plan amendment is one that significantly increases allowed density or intensity by 40,000 square feet of non-residential floor area, increases traffic by more than 100 peak hour vehicle trips (AM/PM), or increases residential dwelling units by 100 units. These thresholds apply to the total of increases resulting from the amendment itself, plus 80% of the increases resulting from other amendments affecting the same neighborhood (defined as a Statistical Area as shown in the General Plan Land Use Element) and adopted within the preceding 10 years.

Council Policy A-18 (Guidelines for Implementing Charter Section 423) requires that proposed amendments to the General Plan be reviewed to determine if a vote of the Newport Beach electorate would be required. This policy includes a provision that all General Plan amendments be tracked as "Prior Amendments" for 10 years to determine if minor amendments in a single Statistical Area cumulatively exceed the thresholds indicated above.

The property is within Statistical Area L4. There are no prior GPA's in Statistical Area L4 in the past 10 years. The GPA would change the land use designation only and not result in an increase in development. The 52 base dwelling units are already included in the MU-H2 development capacity of 2,200 units and no increase in allowed floor area is proposed. As a result, there is no increase in AM or PM peak hour trips and the amendment is not classified as a major amendment requiring a vote of the electorate should the City Council choose to approve the GPA. Should the pending General Plan Amendment request for 1400 Bristol Street be approved by the City Council before the subject application, there would be no requirement to require voter approval.

Housing Element

The Housing Element identifies adequate sites to accommodate its fair share allocation for the Sixth Cycle Housing Element to accommodate housing growth needs by income categories. The project site is ideal for the development of a residential project as it is identified as a housing inventory site. Figure B-3 of the Housing Element (below) displays the capacity and opportunity within the Airport Area which can help accommodate a portion of the City's RHNA. Ultimately, the project implements the certified Housing Element and aids the City in its goal to provide new housing opportunities.

Figure B-3: Airport Area Environs – Sites Inventory



Noise Element and Airport Environs Land Use Plan

The Project is within the boundaries of the Airport Environs Land Use Plan (AELUP), therefore, the overseeing agency, Airport Land Use Commission (ALUC), must review the proposed GPA and PCDP Amendment pursuant to Government Code Section 65302.3 and Public Utilities Code Section 21676. The purpose of ALUC's review is to determine whether the Project is consistent with the AELUP prior to the City Council acting on the Project. Staff anticipates review of the project by the ALUC on December 21, 2023.

The Project is consistent with the policies of the Noise Element and the safety standards of the AELUP. With respect to noise, the City adopted noise-related amendments to the General Plan Noise and Land Use Elements, the Newport Place Planned Community (PC-11) and Title 20 (Planning and Zoning) contours to implement the 6th Cycle Housing Element. The Project is located within the updated 60 decibel (dBA) community noise equivalent level (CNEL) contour as shown in Figure N5 of the Noise Element of the General Plan, where residential development is allowed. As a result, the Project will be required to comply with the development standards set forth in Section 20.30.080(F) of the NBMC. The Project site is outside of any safety zones set forth in the AELUP. The AELUP includes noise contours from the 1985 Master Plan and the site is bisected by the 65 dBA CNEL noise contour. The AELUP indicates that housing within this noise contour would not be compatible, but it does not prohibit residential use. These outdated AELUP

noise contour maps do not reflect changes in aviation technology and current air traffic patterns. In other words, the noise contours do not reflect current and future noise contours and the site will not be subject to aircraft noise that exceeds 65 dBA CNEL under current approved conditions.

The draft Planning Commission resolution (Attachment No. PC 1) includes facts in support of a finding of consistency of relevant Airport Area policies. Furthermore, the EIR Addendum includes a comprehensive analysis of all relevant General Plan policies. The project, as proposed, is consistent with all relevant General Plan policies.

Tribal Consultation (SB-18)

Pursuant to California Government Code Section 65352.3 (SB-18), a local government is required to contact the appropriate tribes identified by the Native American Heritage Commission (NAHC) each time it considers a proposal to adopt or amend the General Plan. If requested by any tribe, the local government must consult for the purpose of preserving or mitigating impacts to cultural resources. The City received comments from the NAHC indicating that 12 tribal contacts should be provided notice regarding the proposed amendment. The 12 tribal contacts were notified on March 15, 2023, and two tribes requested consultation within the 90-day period to request it. The City participated in consultations with the Gabrieleno Band of Mission Indians – Kizh Nation and the Juaneno Band of Mission Indians, Acjachemen Nation-Belardes. Based on consultation with the participating Native American Tribes, conditions of approval have been included to ensure that a proper monitoring program is in place during the Project's construction.

Newport Place Planned Community (Zoning Code) Amendment

The property is currently located within Industrial Site 3A and not within the Residential Overlay of PC-11. A request to allow the subject property to be added to the Residential Overlay of PC-11 is proposed in order to accommodate the proposed residential development. The Residential Overlay applies to most sites in PC-11 not within the outdated 65 dBA CNEL noise contour that was recently changed by the City. The Overlay currently applies to the sites across Spruce Street approximately 85 feet away including the site at 1300 Bristol that has been approved but not yet constructed as a residential apartment project. The project would be consistent with the anticipated future development of 1300 Bristol as well other adjacent properties within the Overlay.

The Overlay allows for multiple residential development as a stand-alone use provided that it includes a minimum of 15% of the base density for lower income households. The project provides this minimum number of affordable units by provide eight dwelling units as affordable for low income households ($52 \text{ base units} \times 15\% = 7.8 = 8 \text{ units}$). The Overlay also contains development standards for multi-residential development, including density, height, setbacks, parking, signage, airport noise compatibility, amenities, and landscaping. The Overlay requires the density for a residential development to be between 30 and 50 dwelling units per acre. The Project includes 52 base units, resulting

in a base density of 30 dwelling units per acre, exclusive of the density bonus units. With density bonus, there is a total of 67 dwelling units, resulting in an overall density of 39 units per acre. Both the density with and without the density bonus units are consistent with the density requirement¹. Additionally, the Overlay requires that residential dwellings are to be permitted as replacement of existing nonresidential uses, and the number of peak hour trips generated by the Project is not to exceed the number of trips of the underlying permitted nonresidential use. A detailed discussion of the proposed project and conversion of existing office space is provided in the prior sections. Although the Project includes waivers or reductions of the development standards specified in the Overlay pertaining building height and setbacks, the overall intent of providing residential opportunities in the proposed Residential Overlay are being met.

Site Development Review

Residential development pursuant to the Residential Overlay of PC-11 requires a site development review, consistent with MBMC Section 20.52.080 (Site Development Review). In accordance with Section 20.52.080(F), the Planning Commission may approve or conditionally approve a site development review application, only after first finding that the proposed development is:

1. *Allowed within the subject zoning district;*
2. *In compliance with all of the applicable criteria identified in 20.52.080(C)(2)(c) below:*
 - 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 Section 20.30.100 (Public View Protection).*
3. *Not detrimental to the harmonious and orderly growth of the City, nor endangers, jeopardizes, or otherwise constitutes a hazard to the public convenience, health,*

¹ The total density of a project including density bonus units would not need to meet a local density standard.

interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed development.

The project seeks to implement the proposed MU-H2 General Plan designation and Residential Overlay of PC-11 by providing 67 new residential units to an existing major employment center (the Airport Area and Irvine Business Complex), including setting aside eight residential units for low-income households. The project is also in furtherance of the certified Housing Element as the site is an identified housing opportunity site.

The proposed project plans (Attachment No. PC 5) show the configuration of the proposed residential building, including a driveway and roundabout accessed from Spruce Street, location of open spaces, landscaping, and private amenities. The building is proposed to be six stories tall and approximately 81 feet in height including all architectural elements and rooftop mechanical equipment. As previously discussed, the project is designed with a darker grey stucco finish on the podium and first floor levels and a white stucco finish for the floors above. The contrast in colors reduces the visual mass and bulk of the building and creates variations in the aesthetic design. The project's building mass and scale are similar to the nearby existing office developments in the Airport Area and includes pedestrian connectivity to public sidewalks along Quail Street and Spruce Street and pedestrian-scale landscaped areas around the apartment building.

The contemporary architectural style and scale of the project would be compatible with the surrounding office buildings and future development within the Newport Place planned community. The adjacent property at 1451 Quail Street is developed with an approximately 37-foot tall office building. The 1400 Quail Street property, located directly across Quail Street, is developed with an approximately 30-foot tall office building. This is consistent with the policy as there are lower structures surrounding the Project, which is taller. Furthermore, a 78-foot tall residential apartment building has been approved to be constructed at 1300 Bristol Street, which is located across Spruce Street. Finally, 1400 Bristol, which is the adjacent property, is proposing a 229-unit apartment project that is 85 feet in height.

The project includes 146 onsite parking spaces located on a podium level parking structure which includes a subterranean gated parking structure underneath. The project includes adequate onsite parking exceeding the minimum required residential standard pursuant to Density Bonus Law. The excess parking is in recognition of current transit and market demands that necessitate additional parking.

NBMC Section 20.40.040, Off-Street Parking Requirements, identifies that multi-family developments with more than four dwelling units are required to provide two covered parking spaces per unit and 0.5 space per unit for guest parking. Based on these criteria, the proposed Project, if it were not a project requesting consideration pursuant to Density Bonus Laws, would be required to provide 134 resident parking spaces and 34 guest parking spaces for a total of 168 parking spaces. As provided for in Government Code Section 65915 Density Bonus Law and NBMC Section 20.32.040 Parking Requirements

in Density Bonus Projects, the applicant is requesting a reduction in the number of required parking spaces for the project. NBMC Section 20.32.040, reflects the language of Government Code Section 65915 provision of 1.5 parking spaces for units with two to three bedrooms. Parking for the project is based on application of regulatory standards for density bonus projects and under these regulatory standards, the proposed Project is required to provide a minimum of 101 parking spaces. The project as presently designed includes 146 parking spaces. The parking ratio of the proposed project would be 2.18 parking spaces per dwelling unit inclusive of guest parking, which exceeds the minimum parking requirement specified by the Density Bonus parking requirements. The project site does not have the potential to obstruct public views from identified public view points and corridors, as identified on General Plan Figure NR 3 (Coastal Views), to the ocean, bay, harbor, or other scenic or historical resources due to the location of the project site. The proposed building will be highly visible along the Bristol Street corridor and it will be seen from State Route 73, but these areas are not considered scenic.

As discussed above, the project has been designed to ensure that potential conflicts with surrounding land uses are minimized to the extent possible to maintain a healthy environment for both businesses and residents by providing an architecturally pleasing project with articulation and building modulations to enhance the urban environment. The proposed project is consistent with the General Plan as it would integrate residential uses into the existing surroundings, which are primarily nonresidential, as anticipated by the General Plan. Staff believes facts to support the required findings exist to approve the Site Development Review, and they are included in the attached draft resolution for approval (Attachment No. PC 1).

Vesting Tentative Tract Map

The applicant is requesting a vesting tentative tract map for condominium purposes. In accordance with Section 19.12.070 of the Newport Beach Municipal Code, and the following finding and facts in support of such findings are set forth:

1. *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;*
2. *That the site is physically suitable for the type and density of development;*
3. *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;*
4. *That the design of the subdivision or the type of improvements is not likely to cause serious public health problems;*

5. *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 for 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 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;*
6. *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;*
7. *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;*
8. *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;*
9. *That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section [65584](#) of the California Government Code regarding the City's share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City's residents and available fiscal and environmental resources;*
10. *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; and*
11. *For subdivisions lying partly or wholly within the Coastal Zone, that the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter Three of the Coastal Act.*

The tentative vested tract map is required for the separate sale of each condominium unit. The map does not physically divide the lot into individual parcels. The Public Works Department has reviewed the proposed vesting tentative tract map and determined it is consistent with the Title 19 and applicable requirements of the Subdivision Map Act. Additionally, all construction for the project has been conditioned to comply with all Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems.

Affordable Housing Implementation Plan

The applicant has prepared a draft Affordable Housing Implementation Plan (AHIP), dated November 28, 2023 (Exhibit C of Attachment No. PC 1) to illustrate compliance with the affordable housing requirements of the Residential Overlay of Newport Place Planned Community and density bonus allowances pursuant Government Code Section 65915-65918 (Density Bonus Law) and NBMC Chapter 20.32 (Density Bonus Code).

Consistent with the affordable housing requirements of the Residential Overlay, 15% or eight units of the project's 52 base condominium units would be set aside as affordable units to low or very low-income households. Per Section 20.32.140 of the NBMC, if a low or very low-income unit is initially occupied by a low or very low-income household and offered at an affordable housing cost, the unit will be subject to an equity sharing agreement, unless sold to a nonprofit housing corporation. Upon resale, the seller of the unit retains the value of any improvements, the downpayment, and the seller's proportionate share of the appreciation and the City recaptures any initial subsidy and its proportionate share of the appreciation. The City's share is returned to be used to support affordable housing development in the future.

Incentive/Concession Requests:

In addition to the 15 density bonus units, the project is entitled to receive one incentive or concession that would result in identifiable, financially sufficient, and actual cost reductions. In this case, the applicant requests two of the following incentives:

1. **Affordable Unit Mix:** The applicant requests to the City Council to approve a development incentive for the proposed affordable unit mix that does not meet NBMC Section 20.32.070 (Design and Distribution of Affordable Units). This section requires affordable units in a density bonus project reflect the same range of unit types in the residential development as a whole. In this case, the Project provides all eight affordable units as two-bedroom units, whereas the overall unit mix includes 27 two-bedroom units (40%) and 40 three-bedroom units (60%). There are no affordable units that are three-bedroom units. Granting this incentive will result in identifiable, financially sufficient, and actual project cost reductions for the Project. This incentive has been requested and granted in all previous projects where density bonus has been requested. The granting of this incentive is mandatory.

Table 2: Affordable Unit Mix

Unit Type	Total Units	Percent of Total Units	Total Affordable Units	Percent of Total Affordable Units
2 Bedroom	27	40%	8	100%
3 Bedroom	40	60%	0	0%
Total	193	100%	24	100%

2. Waiver of a portion of park in-lieu fee: The applicant requests that the City Council approves a partial waiver of the in-lieu park dedication fee, which is required by the General Plan Land Use Element Policy 6.15.13. The policy requires residential development to provide a public park equal to 8% of the gross land area of the development, or a minimum one-half acre, whichever is greater, to be provided. Since the 1.71-acre project site is too small to feasibly accommodate the physical dedication of the park, the Policy requires an in-lieu fee paid to the City for the acquisition and improvement of a neighborhood park to serve the Airport Area. The applicant is requesting to use a second incentive to waive a portion of the fee in order to provide cost reductions and make the Project financially feasible. This incentive has been granted once previously with the 1300 Bristol Street project and it is not mandatory pursuant to State Density Bonus law. Financial contributions through direct payments, fee waivers, or the waiver of land dedications are not mandatory. The portion of the fee the applicant does pay will help off-set a portion of the recreational impact of the project.

Development Standard Waiver Requests:

In addition to the density bonus units, parking reductions, and financial incentives and concessions, the project is entitled to receive unlimited waivers or reductions of development standards if they would physically prevent the project from being built at the permitted density. In this case, the Project applicant requests a waiver of the following development standards:

1. Park dedication requirements (two waivers):
 - a. General Plan Land Use Policy LU 6.15.13 requires a public park equal to 8% of the gross land area of the development, or a minimum one-half acre, whichever is greater, be provided. In this case, the project is required to provide a half-acre public park. As noted, the 1.71-acre project site is too small to feasibly accommodate the required half-acre park and if it were dedicated, the resulting smaller site could not physically accommodate the proposed affordable housing development. The applicant is requesting to pay the in-lieu fee for the half-acre park, as required by the Policy if approved by the City. This land dedication waiver has been granted twice

previously with the approval of the Newport Airport Village and the Residences at 1300 Bristol Street projects.

- b. Section 19.52.040 (Parkland Standard) of the NBMC applicable only to subdivisions including condos requires park dedication at a ratio of five acres per thousand population due to the proposed vesting tentative tract for residential condominium purposes. Per the latest census data, the average persons per household is 2.2 persons, which results in 147.4 persons and a 0.74-acre park dedication requirement. The parkland dedication requirement does not permit the payment of in-lieu fees. The Property is 1.71 acres in size which is too small to feasibly accommodate a park of minimum one-half acre in size and it can be waived as a Density Bonus development standard.
2. Street setbacks: The Newport Place Planned Community (PC-11) requires street setbacks of 30 feet from property lines. In this case, 30-foot setbacks along Quail Street and Spruce Street would substantially decrease the development of the footprint of the Project. The Project is designed with a 11-foot setback from Spruce Street and a 10-foot setback to Quail Street. Approving the setback reduction is mandatory and the area is sufficient to provide landscaping to soften the streetscape.
3. Building height: The Newport Place Planned Community (PC-11) Residential Overlay limits building height to 55 feet from established grade. In this case, a higher building height is necessary to accommodate 67 residential units. The Project is designed with a height of approximately 81 feet from established grade and this requested waiver is mandatory.

Development Agreement

In accordance with Section 15.45.020.A.2.a (Development Agreement Required) of the NBMC, a development agreement is required as the proposed project includes an amendment to PC-11 and a General Plan Amendment to change the land use designation that include the development of fifty or more residential units.

The applicant requests a 10-year term of agreement. Staff supports the 10-year term. The agreement provides assurance that the applicant may proceed with the Proposed Project in accordance with existing policies, rules and regulations, and conditions of approval. Additionally, the agreement helps the applicant avoid a waste of resources and escalated costs of the proposed project while encouraging a commitment to private participation in comprehensive planning.

The DA provides vested rights to develop the project and the City will finalize the payment of negotiated public benefit fees. The total fee will have three components, a public safety fee, a park fee, and a general public benefit fee. The public safety fee will assist the City

with the costs of an additional ambulance unit that will be stationed at Fire Station No. 7 that will serve this area or other public safety needs. The park fee will be used consistent with City Council Policy B-1 (Park Fee Policy) or for the future acquisition and development of a neighborhood park in the Airport Area. The public benefit fee will be used solely at the City Council's discretion.

Finally, the agreement includes all mandatory elements, including public benefits that are appropriate to support conveying the vested development rights consistent with the City's General Plan, NBMC, and Government Code Sections 65864 *et seq.* No changes to the public benefit fees are proposed.

Environmental Review

On July 25, 2006, the City Council adopted Resolution No. 2006-75, thereby certifying the adequacy and completeness of the Environmental Impact Report (EIR) for the General Plan 2006 Update (SCH No. 2006011119). The EIR was prepared in compliance with the CEQA set forth in the California Public Resources Code Section 21000 *et seq.* and its implementing State regulations set forth in the California Code of Regulations Title 14, Division 6, Chapter 3 (CEQA Guidelines) and City Council Policy K-3. Additionally, in accordance with Section 15168(a) of the CEQA Guidelines, the City prepared the EIR as a Program Environmental Impact Report (PEIR). This PEIR analyzed the potential impacts of a citywide land use plan, and the goals and policies of 10 general plan elements.

Additionally, on November 22, 2011, the City Council adopted General Plan Amendment No. GP2008-003, thereby approving the City of Newport Beach Housing Element Update (2008-2014) and its associated Housing Element Initial Study/Negative Declaration.

Pursuant to Section 21166 of the California Public Resources Code and Section 15162 of the CEQA Guidelines, when an EIR has been certified for a project, no subsequent EIR is required unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. *Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
2. *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
3. *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:*

- a. *The project will have one or more significant effects not discussed in the previous EIR;*
- b. *Significant effects previously examined will be substantially more severe than shown in the previous EIR;*
- c. *Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*
- d. *Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

The City contracted with an environmental consultant (Placeworks) to prepare an Addendum to the PEIR. The entire Addendum and its technical appendixes are available online at the City's website at: www.newportbeachca.gov/ceqa. The conclusion of the Addendum analysis supports the finding that no additional environmental document is required by CEQA.

On the basis of the entire environmental review record, the project will not result in any new significant impacts that were not previously analyzed in the PEIR for the General Plan 2006 Update (SCH No. 2006011119) or the Housing Element Initial Study/Negative Declaration. All potential impacts associated with this Project would either be the same or less than those described in either the PEIR that have been appropriately mitigated. In addition, there are no substantial changes to the circumstances under which the project would be undertaken that would result in new or more severe environmental impacts than previously addressed in either the PEIR, nor has any new information regarding the potential for new or more severe significant environmental impacts been identified. Therefore, in accordance with Section 15164 of the CEQA Guidelines, an addendum to the previously adopted PEIR is the appropriate environmental document for the project.

Summary

Staff believes the findings for project approval can be made, with specific conditions of approval. The proposed project is consistent with the proposed MU-H2 General Plan Land Use designation and its land use policies related residential developments in the Airport Area. The project is consistent with the certified Housing Element and recently update Noise Element.

The proposed inclusion into the Residential Overlay of the PC-11 is consistent as it allows multi-family uses subject to approval of a site development review and facts support approval of the application request. The site development review will ensure the project

will be implemented consistent with the approved development standards and in substantial conformance with the design plans attached to this report. The applicant proposes to redevelop the underperforming office development with a for-sale multi-family development with affordable units consistent with the Overlay. The proposed development with on-site recreation amenities and adequate provisions of parking, allowed by the density bonus provisions, will create a suitable urban living environment integrated into the existing nonresidential area.

Alternatives

The Planning Commission has the following alternatives:

1. The Planning Commission may require or suggest specific design changes that are necessary to alleviate any areas of concern. If the requested changes are substantial, staff will return with a revised resolution incorporating new findings and/or conditions; or
2. If the Planning Commission chooses to deny the project, findings must be made consistent with the Housing Accountability Act (Government Code Section 65589.5) and Density Bonus Law (Government Code Section 65915). Therefore, if after consideration of all written and oral evidence presented, the Planning Commission desires to either disapprove or impose a condition that the project be developed at a lower density or with any other conditions that would adversely impact feasibility of the proposed project, the Planning Commission must articulate the factual basis for making the following findings and direct staff to return with a revised resolution incorporating the articulated findings and factual basis for the decision:
 - a. The housing development project would have a specific, adverse impact upon the public health or safety. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
 - b. There is no feasible method to satisfactorily mitigate or avoid the adverse impact without rendering the development unaffordable to affordable households financially infeasible.

Public Notice

Notice of this hearing was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant, and posted on the subject property at least 10 days before the scheduled meeting, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the city website.

Prepared by:

Submitted by:


David Lee, Senior Planner
Jim Campbell
Deputy Community Development Director

ATTACHMENTS

- PC 1 Draft Resolution with Findings and Conditions
- PC 2 Applicant's Project Description
- PC 3 Addendum to the 2006 General Plan EIR
- PC 4 Airport Area Residential & Mixed-Use Adjustment Factors
- PC 5 Project Plans

01/18/23

Attachment No. 12

City of Newport Beach Planning Commission Conditions
of Approval (Noise Related Conditions Highlighted)

EXHIBIT "F"

CONDITIONS OF APPROVAL

(Project-specific conditions are in italics)

Planning Division

1. The development shall be in substantial conformance with the approved site plan, floor plans, landscape plans, and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. The Project is subject to 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.
3. *Entitlements granted under PA2023-0040 shall expire unless exercised within twenty-four (24) months from the date of approval as specified in Section 20.54.060 of the Newport Beach Municipal Code ("NBMC"), unless an extension is otherwise granted by the City for a period of time provided in the Development Agreement pursuant to the provisions of California Government Code Section 66452.06(a).*
4. *The proposed residential development shall consist of 67 for-sale condominiums, inclusive of 52 base units and 15 density bonus units, consistent with the approved Affordable Housing Implementation Plan (AHIP).*
5. *A minimum of 8 condominium units shall be made affordable to low and very low-income households, consistent with the approved Residences at 1401 Quail Street AHIP dated November 28, 2023.*
6. *Prior to the issuance of a building permit, an affordable housing agreement shall be executed in a recordable form as required by the City Attorney's Office.*
7. *On-site recreational amenities: private balconies, a clubroom, a pool deck, seating area, and lounge 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 total floor area or open space area dedicated to on-site recreational amenities shall not be reduced.*
8. *Maximum building height of the residential structure shall not exceed 81 feet, inclusive of architectural features and mechanical equipment.*
9. *The residential parking garage shall have the following features:*
 - a. *A safe, secure and well lighted and signed pedestrian paths for all users.*

- b. *Adequate and uniform lighting throughout each parking level.*
 - c. *Panic alarms and two-way communication systems in prominent locations on each parking level.*
10. *Prior to the issuance of a building permit, an acoustical analysis report, prepared by an acoustical engineer, shall be submitted to the Planning Division describing the acoustical design features of the structure that will satisfy the exterior and interior noise standards. The Project shall be attenuated in compliance with the report.*
 11. *The residential structure shall be attenuated to provide an interior noise level of 45 dBA CNEL or less. Use of walls, berms, interior noise insulation, double paned windows, advanced insulation systems, or other noise mitigation measures, as deemed appropriate by the City shall be incorporated in the design of the new residential structure to provide adequate noise attenuation.*
 12. *The design of the residential structure shall provide adequate noise attenuation between adjacent units (common floor/ceiling) in accordance with the California Building Code (CBC).*
 13. *Residential uses shall be indoor-oriented to reduce noise impingement on outdoor living areas.*
 14. *Advanced air filtration systems for buildings shall be considered to promote cleaner air without the opening of windows.*
 15. *Prior to the issuance of a building permit, the Applicant shall submit to the Community Development Department a final copy of FAA Determination of No Hazard to Air Navigation reflective of the proposed building height.*
 16. *The Applicant shall comply with all applicable provisions of NBMC Chapter 15.38, Fair Share Traffic Contribution Ordinance, and Chapter 15.42, Major Thoroughfare and Bridge Fee Program. Prior to the issuance of a building permit, Fair Share and Transportation Corridor Agency fees shall be paid for the Project.*
 17. *Prior to the issuance of a building permit, the Applicant shall pay applicable school fees for the Project.*
 18. *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.*
 19. *Prior to the issuance of a building permit, the Applicant shall pay the Project's fair share of public safety fee, as determined by the Community Development Director,*

to fund the cost of staffing, services and equipment as necessary for fire-related public safety purposes.

20. *The property management company shall distribute a written disclosure statement prior to sale of any residential unit. The disclosure statement shall indicate that the occupants will be living in an urban type of environment and that the noise, odor, and outdoor activity levels may be higher than a typical suburban residential area. In addition, potential annoyances or inconveniences associated with residing in proximity to airport operations such as noise, vibration, and odor may occur. The disclosure statement shall include a written description of the potential impacts to residents of both the existing environment and potential impacts based upon the allowed uses in the zoning district and proximity to airport. Each and every purchaser shall sign the statement acknowledging that they have received, read, and understand the disclosure statement. The Applicant shall covenant to include within all deeds, leases or contracts conveying any interest in the Project: (1) the disclosure and notification requirement stated herein; (2) an acknowledgment by all grantees or lessees that the property is located within an urban type of environment and that the noise, odor, and outdoor activity levels may be higher than a typical suburban residential area; and (3) acknowledgment that the covenant is binding for the benefit and in favor of the City of Newport Beach.*
21. *Disturbance to or removal of potential bird nesting habitat shall be prohibited during the migratory bird nesting season (February 1 through August 31) unless a migratory bird nesting survey is completed. If demolition and/or vegetation removal is planned to occur during the migratory bird nesting season (February 1 through August 31), then a migratory bird nesting survey shall be completed in accordance with the following requirements:*
 - a. *Within three (3) days prior to initiating demolition, tree removals and/or vegetation clearing, a nesting bird survey shall be conducted by a qualified biologist within the suitable habitat to be removed and within a 250-foot radius.*
 - b. *If the survey reveals no active nesting, the proposed action may proceed.*
 - c. *If the survey identifies the presence of active sensitive bird nests, then the nests shall not be disturbed unless the qualified biologist verifies through non-invasive methods that either (i) the adult birds have not begun egg-laying and incubation; or (ii) the juveniles from the occupied nests are capable of independent survival.*
 - d. *If the biologist is not able to verify any of the conditions from sub-item "b," above, then no disturbance shall occur within a buffer zone specified by the qualified biologist for each nest or nesting site. The buffer zone shall be species-appropriate (no less than 100-foot radius around the nest for non-raptors and no more than a 500-foot radius around the nest for raptors, or*

as otherwise determined by the qualified biologist) and shall be sufficient to protect the nest from direct and indirect impacts from construction activities. The nests and buffer zones shall be field checked approximately weekly by a qualified biological monitor. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist with City concurrence verify that the nests are no longer occupied and/or juvenile birds can survive independently from the nests.

22. Any substantial modification to the approved Site Development Review plans, as determined by the Community Development Director, shall require an amendment to this Site Development Review application or the processing of a new application.
23. A copy of the Resolution, including conditions of approval Exhibit "F" shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
24. Prior to the issuance of a building permit, 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 Site Development Review and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
25. Prior to the issuance of a building permit, Applicant shall submit a detailed landscape and irrigation plan prepared by a licensed landscape architect for the Project. These plans shall incorporate drought tolerant plantings and water efficient irrigation practices, and the plans shall be approved by the Planning Division.
26. 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.
27. The site 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.

28. Prior to the issuance of a building permit, the Applicant shall prepare photometric study for the Project in conjunction with a final lighting plan for approval by the Planning Division. All outdoor lighting fixtures shall be designed, shielded, aimed, located, and maintained to shield adjacent properties and to not produce glare onto adjacent properties or roadways. Parking lot light fixtures and light fixtures on buildings shall be full cut-off fixtures.
29. Prior to the issuance of Final Certificate of Occupancy, the Applicant shall schedule an evening inspection by the Code and Water Quality Enforcement Division to confirm control of light and glare specified in conditions of approval.
30. 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.
31. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code. The maximum noise shall be limited to no more than depicted below for the specified time periods unless the ambient noise level is higher:

Location	Between the hours of 7:00AM and 10:00PM		Between the hours of 10:00PM and 7:00AM	
	Interior	Exterior	Interior	Exterior
Residential Property	45dBA	55dBA	40dBA	50dBA
Residential Property located within 100 feet of a commercial property	45dBA	60dBA	45dBA	50dBA
Mixed Use Property	45dBA	60dBA	45dBA	50dBA
Commercial Property	N/A	65dBA	N/A	60dBA

32. 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.
33. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday, and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.
34. Refuse collection shall comply with the Waste Management Plan included in the approved plans. The Applicant's property management company shall contract with a franchised hauler on the City list of authorized companies.
35. 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.

36. 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 NBMC Title 14 (Water and Sewers), including all future amendments (including Water Quality related requirements).
37. *A qualified monitor, one from each consulting tribe (the Juaneño Band of Mission Indians - Acjachemen Nation 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. A rotation schedule between the two tribes shall be established with the applicant. Voluntary monitoring by each consulting tribe is permitted on days that the tribe(s) is not scheduled to monitor.*
38. *The rotating 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.*
39. *A copy of the executed monitoring agreement 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.*
40. *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.*
41. *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.

42. *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.*
43. *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.*
44. *If Native American human remains and/or grave goods are discovered or recognized on the project site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed.*
45. *Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).*
46. *Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods.*
47. *Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.*
48. **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 Residences at 1401 Quail Street including, but not limited to, a General Plan Amendment, Planned Community Development Plan Amendment, Site Development Review, Vesting Tentative Tract Map, Affordable Housing Implementation Plan, Development Agreement and Addendum to the 2006 General Plan Update Program Environmental Impact Reports No. ER2022-001 (PA2023-0040). 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

49. *Prior to the issuance of any occupancy permits (temporary or final), all fire and life safety systems, and the emergency responder radio system shall be inspected and approved by the Fire Marshal.*
50. Prior to the building permit issuance, a fire master plan shall be submitted and approved by the Fire Marshall.
51. Prior to any foundation permit issuance for the garage basement area, a temporary fire department access way, as approved by the Fire Department, shall be provided until the permanent fire access way is installed. Required fire and life safety systems, including the fire sprinkler system, shall be operational in the garage basement areas used for parking by the construction crews and for storage of building materials and construction equipment.
52. *One elevator shall be gurney sized and equipped as a medical emergency elevator as CBC Section 3002.*
53. Emergency responder radio coverage shall be required to comply with Nbfd Guideline D.05 "Public Safety Radio Coverage" and CFC Section 510.
54. Emergency power and Standby Power System shall be required as per CFC Section 604.2.14.
55. An automatic sprinkler system shall be installed in accordance with CFC Section 903.2 amendment shall be provided throughout all buildings.
56. A standpipe system shall be required and installed as per CFC Section 905.3.1.
57. Fire Alarm system shall be provided as per CFC Section 907.2.9.

Building Division

58. 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.

59. 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 percent soil moisture content in the top six-inch surface layer, subject to review/discretion of the geotechnical engineer.

60. 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.
61. Prior to the issuance of a grading permit, the Applicant shall prepare and submit a Water Quality Management Plan (WQMP) for the proposed project, subject to the approval of the Building Division and Code and Water Quality Enforcement

Division. The WQMP shall provide appropriate Best Management Practices (BMPs) to ensure that no violations of water quality standards or waste discharge requirements occur.

62. A list of "good housekeeping" practices will be incorporated into the long-term post-construction operation of the site to minimize the likelihood that pollutants will be used, stored or spilled on the site that could impair water quality. These may include frequent parking area vacuum truck sweeping, removal of wastes or spills, limited use of harmful fertilizers or pesticides, and the diversion of storm water away from potential sources of pollution (e.g., trash receptacles and parking structures). The Stage 2 WQMP shall list and describe all structural and non-structural BMPs. In addition, the WQMP must also identify the entity responsible for the long-term inspection, maintenance, and funding for all structural (and if applicable Treatment Control) BMPs.
63. Prior to the building plan check submittal, the Applicant shall submit the Project for Building Code Preliminary Review.
64. *The residential dwelling units and their common use areas shall comply with Housing Accessibility per Chapter 11A.*
65. *The nonresidential portion of the development shall comply with the public accommodation requirements per Chapter 11B.*

Public Works Department

66. A Tract Map shall be recorded prior to the sale of any residential units. The map shall be prepared on the California coordinate system (NAD83). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Sub Article 18. The Map to be submitted to the City of Newport Beach shall comply with the City's CADD standards. Scanned images will not be accepted.
67. 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.
68. Prior to the recordation of the Tract Map, a Subdivision Agreement shall be obtained and approved by the City Council consistent with the Subdivision Code Section 19.36.010.

69. Prior to Final Map approval, the applicant shall provide a Faithful Performance Bond and Labor and Materials Bond, each for 100 percent 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.
70. Warranty Bond for a minimum of 10 percent of the engineers cost estimate (final percentage to be determined by the Public Works Director) to be released 1-year after the improvements have been accepted.
71. All improvements shall be constructed as required by Ordinance and the Public Works Department.
72. An encroachment permit shall be required for all work activities within the public right-of-way.
73. The final Construction Management Plan (CMP) shall be reviewed and approved by the Community Development Director and the City Traffic Engineer prior to building permit issuance.
74. Prior to the issuance of a building permit, a Parking Management Plan (PMP) shall be reviewed and approved by the Community Development Director and City Traffic Engineer. The PMP shall include information regarding gate operation, move-in and move-out, ride-share area, guest parking areas and residential parking areas.
75. Parking layout and ramp slopes shall comply with the City Parking Lot Standard 805. Dead-end drive aisle in public areas and/or unassigned parking areas shall provide a dedicated turn around space and minimum 5-foot drive aisle extension.
76. The applicant shall reconstruct all existing broken and/or otherwise damaged curb, gutter and sidewalk along the Spruce Street and Quail Street frontages per City Standards.
77. All deliveries shall be accommodated on-site and prohibited from parking or stopping within the public right of way. Only ride share vehicles shall be permitted to utilize the pull-out area located on Spruce Street.

78. The proposed driveway shall be constructed per City Standard 161. The radius for the Bristol Street North driveway shall be minimum 20-foot radius and the radius for the Spruce Street driveway shall be 15-foot minimum.
79. All on-site fire hydrants shall be privately owned and maintained.
80. All landscaping and walls along the Spruce Street and Quail Street frontages shall comply with the City's line of sight standard 105.
81. Final design of the water and sewer services is subject to further review by the Public Works Department during plan check.
82. *Prior to the issuance of a Certificate of Occupancy, the Applicant shall coordinate with the City to complete the required off-site improvements identified in the Sewer Capacity Study dated October 20, 2023, to the satisfaction of the Public Works Director. The Applicant shall be responsible for their fair share cost of the improvements as determined by the City, which may include the payment and construction of the entire improvement.*

Attachment No. 13

Existing Newport Place Planned Community
Residential Overlay Development Standards
and Land Use Map

All "on-site" electrical lines (excluding lines in excess of 12KV) and telephone lines shall be placed underground. Transformer or terminal equipment shall be visually screened from view from streets and adjacent properties.

J. Pedestrian Access

It is required of all developments in the commercial areas to submit a plan of pedestrian access to the Planning Division prior to the issuance of building permits. Said plans will detail consideration for pedestrian access to the subject property and to adjacent properties, and shall be binding on subsequent development of the property. The plan shall show all interior walkways and all walkways in the public right-of-way, if such walkways are proposed or necessary.

PART III. RESIDENTIAL OVERLAY

Section I. Minimum Site Area

None. Pursuant to General Plan Program HP3.2.2, residential development meeting requirements in the following Section IV. A. shall be exempt from the minimum 10-acre site requirement specified in General Plan Policy LU6.15.6.

Section II. Density

1. Minimum – 30 du/acre
2. Maximum – 50 du/acre

Chapter 20.32 of the Zoning Code provides for density bonus which allows affordable housing projects to achieve increased densities up to a maximum 35 percent of the base density. The provision also includes the opportunity for incentives.

Section III. Definitions

Very Low–Income Household: 50 percent or less of the area median income, as adjusted for family size by the United States Department of Housing and Urban Development.

Low–Income Household: 50–80 percent of the area median income, as adjusted for family size by the United States Department of Housing and Urban Development.

Moderate–Income Household: 80–120 percent of the area median income, as adjusted for family size by the United States Department of Housing and Urban Development.

Above Moderate–Income Household: 120+ percent of the area median income, as adjusted for family size by the United States Department of Housing and Urban Development.

Lower-IncomeHousehold: Includes all that qualify under low and very- low income definitions.

Section IV. Permitted Residential Uses

- A. To allow residential development that supports the City's need for lower-income households. Residential development shall be permitted by right subject to the following requirements:
1. Limited to multi-unit residential development and subject to Site Development Review pursuant to Section 20.52.080 of the Newport Beach Zoning Code.
 2. Notwithstanding, the review authority for site development review listed in Table 5-2 of the Newport Beach Zoning Code, the review authority for site development review shall be the Planning Commission.
 3. A minimum of 30 percent of the units within the residential development shall be affordable to lower-income households and subject to a 30-year affordability covenant.
 4. Densities shall be limited to a minimum of 30 dwelling units per acre and a maximum of 50 dwelling units per acre.
 5. Sites shall be located such that any noise, dust, smoke, vibration, odor, toxic or noxious matter that may be generated by existing commercial or industrial uses in the surrounding environment would not negatively impact future residents of the development.
 6. Residential dwellings shall be permitted as replacement of existing nonresidential uses. The number of peak hour trips generated by the development of the site shall not exceed the number of trips that would have resulted from the existing development of the underlying permitted nonresidential uses. A standardized set of conversion rates provided by the City Traffic Engineer shall be utilized.
 7. Residential development shall be subject to the maximum development allocation for the Airport Area established by General Plan Land Use Policy 6.15.5.

Section V. General Development Standards for Residential

Residential development shall be subject to the development standards applicable to the Multi-Unit (RM) residential zoning district as specified in the Newport Beach Zoning Code, except as specified below:

A. Building Height

Maximum building heights shall be limited to a height limit of 55 feet. The height of a structure can be increased with the approval of a site development review and subject to required findings specified in Section 20.30.060.C.3 of the Newport Beach Zoning Code but shall not penetrate Federal Aviation Regulation (FAR) Part 77, Obstruction—Imaginary Surfaces, for John Wayne Airport unless approved by the Airport Land Use Commission (ALUC), shall be in compliance with FAR Part 77, and comply with the requirements of Section 20.30.060.E of the Newport Beach Zoning Code (Airport Environs Land Use Plan for John Wayne Airport and the Airport Land Use Commission Review Requirements).

B. Floor Area Limit

None.

C. Setbacks

All setbacks shall be measured from the property line. For the purpose of this ordinance, a street side property line is that line created by the ultimate right-of-way line of the frontage street.

1. Street Setback

Thirty (30) feet minimum, except that unsupported roofs or sunscreens may project six (6) feet into the setback area.

2. Interior Setback

Ten (10) feet, except on a through-lot in which case the required street setback shall be observed.

3. Footprint Lots

Except as required by the Building Code there shall be no additional setback requirements for buildings within footprint lots. Provided, however, that buildings within footprint lots shall be so located as to observe the setbacks from streets and existing lot lines required under Part III Section V.C. 1 & 2.

D. Airport Noise Compatibility

1. Residential development shall be located outside the JWA 65 dB CNEL noise contour, specified by the 1985 JWA Master Plan.
2. Notice of aircraft overflight and noise shall be posted at all public parks and designated outdoor common and recreational areas.
3. Notice shall be provided to all future residents to inform of potential annoyances or inconveniences associated with residing in proximity to airport operations such as noise, vibration, and odors.

E. Signs

All signage shall be as specified in Chapter 20.42 of the Newport Beach Zoning Code.

F. Amenities and Neighborhood Integration

Due to the potential land use incompatibility with other uses within the established commercial or industrial area, residential development shall incorporate sufficient amenities (e.g., parks, clubhouse, pool, etc.) for the use of the residents and incorporate necessary improvements (e.g., pedestrian walkways, open space, recreational space, pedestrian and bicycle connections) to allow integration into the existing community and larger residential development that may occur in the future. The number and type of amenities required and necessary improvements shall be determined through the Site Development Review process based on the size, density, location, and any other factors deemed relevant.

Affordable units shall be designed and distributed within the residential development as follows:

1. Number of Bedrooms. Affordable units shall reflect the range of numbers of bedrooms provided in the residential development project as a whole;
2. Comparable Quality and Facilities. Affordable units shall be comparable in the facilities provided (e.g., laundry, recreation, etc.) and in the quality of construction and exterior design to the market-rate units;
3. Size. Affordable units may be smaller and have different interior finishes and features than the market-rate units; and
4. Location. Affordable units shall be dispersed throughout the residential development, unless clustering is allowed by the review authority.

G. Parking

Parking shall comply with the requirements and standards specified in Chapter 20.40 of the Newport Beach Municipal Code for multi-unit residential development.

H. Landscape

All landscaping shall comply with the requirements specified in Chapter 20.36 of the Newport Beach Municipal Code for multi-unit residential development, with the following exceptions:

1. Special Landscaped Street

The entire area between the curb and the building setback line shall be landscaped, except for any driveway in said area. Tree size to be no less than 24-inch box.

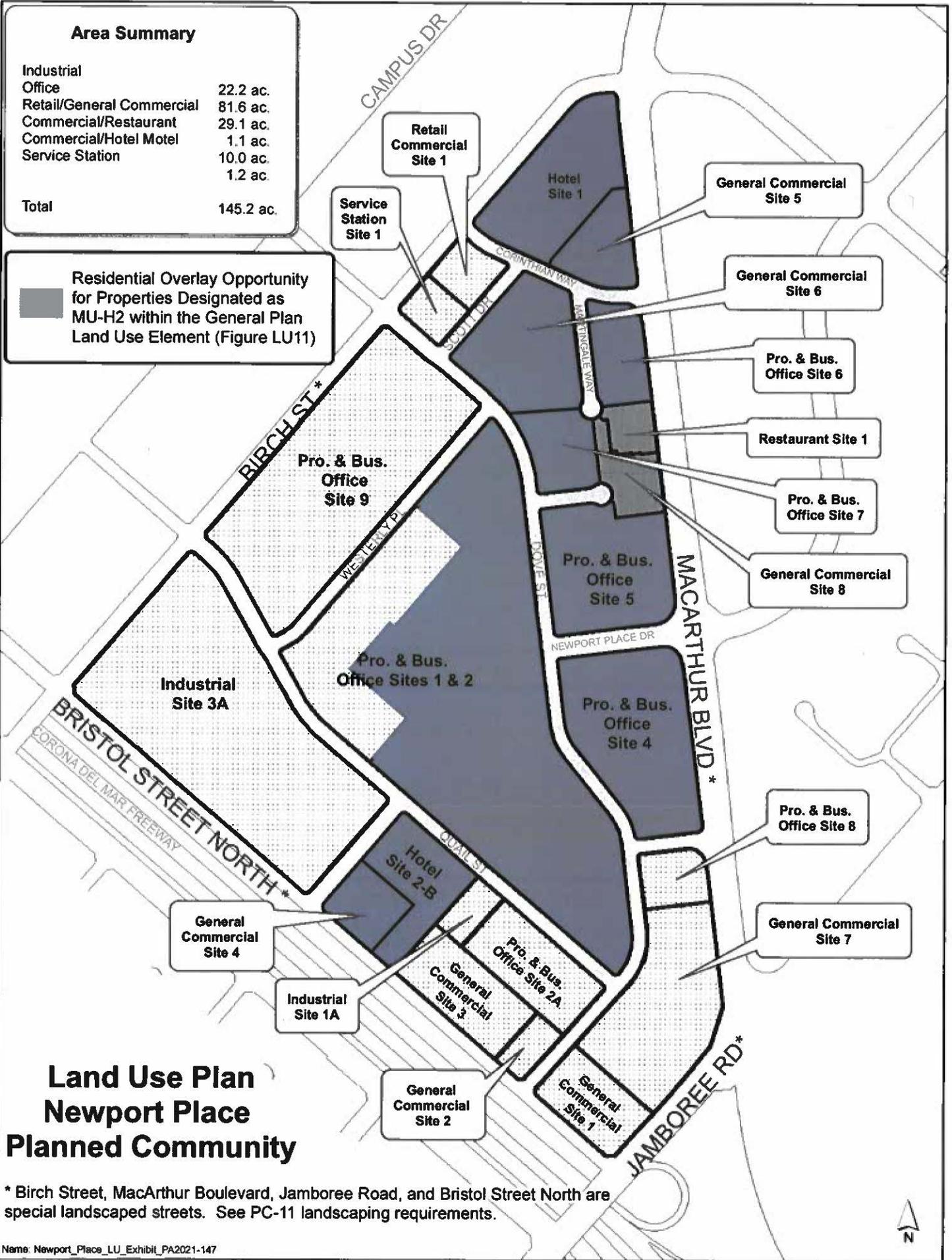
2. Other Streets

The entire area between the curb and a point ten (10) feet back from the front property line shall be landscaped except for any driveway in said area. Tree size to be no less than 24- inch box.

Area Summary

Industrial Office	22.2 ac.
Retail/General Commercial	81.6 ac.
Commercial/Restaurant	29.1 ac.
Commercial/Hotel Motel	1.1 ac.
Service Station	10.0 ac.
	1.2 ac.
Total	145.2 ac.

Residential Overlay Opportunity for Properties Designated as MU-H2 within the General Plan Land Use Element (Figure LU11)



**Land Use Plan
Newport Place
Planned Community**

* Birch Street, MacArthur Boulevard, Jamboree Road, and Bristol Street North are special landscaped streets. See PC-11 landscaping requirements.



ORDINANCE NO. 2023-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING AMENDMENTS TO NEWPORT PLACE PLANNED COMMUNITY DEVELOPMENT PLAN (PC-11) AND NEWPORT AIRPORT VILLAGE PLANNED COMMUNITY DEVELOPMENT PLAN (PC-60) RELATED TO NOISE IN THE AIRPORT AREA NECESSARY TO IMPLEMENT THE 6th CYCLE HOUSING ELEMENT (PA2022-0201)

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, in January 2019, the City Council initiated a comprehensive update of the Newport Beach General Plan; however, due to the Regional Housing Needs Assessment ("RHNA") allocation of 4,845 new housing units to plan for the 2021-2029 housing period, the City Council directed City staff to focus on the Housing Element, Land Use Element, and Circulation Element;

WHEREAS, the City Council adopted the 6th Cycle Housing Element covering the period 2021-2029 planning period ("6th Cycle Housing Element") on September 13, 2022, and it was certified by the State Department of Housing and Community Development on October 5, 2022;

WHEREAS, the 6th Cycle Housing Element, including Appendix B, has been subject to extensive public participation in accordance with Government Code Section 65351 including thirteen community workshops, fourteen Housing Element Update Advisory Committee ("HEUAC") meetings, review of the Housing Element by the Planning Commission, and six duly noticed City Council study sessions;

WHEREAS, additionally, the HEUAC formed five different subcommittees to thoroughly review and identify all feasible sites for potential redevelopment as residential in the future and those sites are captured in Appendix B (Adequate Sites Analysis), which demonstrates the City's capacity to meet the RHNA allocation;

WHEREAS, the 6th Cycle Housing Element identifies five focus areas where future housing opportunities will be created through the adoption of housing opportunity overlays or other rezone strategies to establish the ability to develop additional housing to meet the RHNA allocation;

WHEREAS, the increase in units above the minimum RHNA is in response to the unusually high percentage of below market rate units the RHNA mandates coupled with the significant challenges to planning, financing, and constructing workforce housing with higher-than-average land costs;

WHEREAS, the entire Airport Area Environs is proximate to John Wayne Airport and subject to the John Wayne Airport Environs Land Use Plan ("AELUP");

WHEREAS, forty-eight housing sites identified in the focus area are within or bisected by the 65 weighted decibel ("dBA") community noise equivalent level ("CNEL") noise contour identified in the AELUP;

WHEREAS, the following amendments to the Noise Element and Land Use Element of the General Plan, Title 20 (Planning and Zoning) of the Newport Beach Municipal Code ("NBMC"), Newport Place Planned Community Development Plan (PC-11), and Newport Airport Village Planned Community Development Plan (PC-60) are necessary to allow residential use, including mixed-use residential, on housing opportunity sites that are wholly or partially located outside the 65 dBA:

Land Use Element:

- Policy LU6.15.3 (Airport Compatibility),
- Figure LU11 – Statistical Areas J6, L4,
- Figure LU22 – Airport, and
- Figure LU23 - Airport Area Residential Villages Illustrative Concept Diagram (removal of 65 CNEL noise contour line);

Noise Element:

- Policy N 1.2 (Noise Exposure Verification for New Development),
- Policy N1.5.A (Airport Area Infill Amendments (new policy),
- Policy N 2.2 (Design of Sensitive Land Uses),
- Policy N 3.2 (Residential Development),
- Figure N4 - Future Noise Contours, and
- Figure N5 – Future Noise Contours;

Title 20 (Planning and Zoning) of the NBMC:

- Section 20.30.080(F) (Noise-Airport Environs Land Use Plan);

Planned Communities:

- Newport Place Planned Community Development Plan (PC-11) – Part III. Residential Overlay Zone, Section V.D.1 (Airport Noise Compatibility), and
- Newport Airport Village Planned Community Development Plan (PC-60) – Section I.D (Purpose and Objective) & Section II.B.2 (Prohibited Uses);

WHEREAS, the Amendments change noise compatibility policies and regulations and do not change the existing underlying land use categories or zoning designations of any property;

WHEREAS, the Amendments do not add residential unit capacity to the Land Use Element, and therefore, the General Plan amendments included in the Amendments do not require a vote of the electorate pursuant to Charter Section 423;

WHEREAS, a public hearing was held by the Planning Commission on August 3, 2023, in the City 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 Government Code Section 54950 *et seq.* ("Ralph M. Brown Act") and Chapter 20.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing;

WHEREAS, at the conclusion of the hearing, the Planning Commission adopted Resolution No. PC2022-015, unanimously (4 ayes and 3 recusals), recommending the City Council approve the Amendments;

WHEREAS, Section 21676(b) of the California Public Utilities Code ("CPUC") required the City to refer the Amendments to the Orange County Airport Land Use Commission ("ALUC") for a determination that the Amendments are consistent with the AELUP;

WHEREAS, on August 17, 2023, ALUC determined the Amendments were inconsistent with the AELUP;

WHEREAS, pursuant to Sections 21670 and 21676 of CPUC, the City Council may, after a public hearing, propose to overrule ALUC with a two-thirds vote, if it makes specific findings that the Amendments are consistent with the purpose of Section 21670 of the CPUC to protect the public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses;

WHEREAS, a public hearing was held by the City Council on September 12, 2023, in the City Council Chambers, 100 Civic Center Drive, Newport Beach, California. A notice of time, place, and purpose of the hearing was given in accordance with CPUC Section 21676(b) and the Ralph M. Brown Act. Evidence, both written and oral, was presented to, and considered by, the City Council at this hearing;

WHEREAS, at the conclusion of the hearing, the City Council adopted Resolution No. 2023-52 by a unanimous vote (5 ayes, 1 recused, 1 absent), to notify ALUC and the State Department of Transportation, Aeronautics Program ("Aeronautics Program") of the City's intent to consider overriding ALUC's inconsistency finding;

WHEREAS, notice of the City's intent to consider overriding the ALUC inconsistency determination, along with Resolution No. 2023-52 was sent via certified mail and emailed to ALUC and Aeronautics Program on September 13, 2023;

WHEREAS, the City received timely comments in response to the notice of the City's intent to consider overriding the ALUC inconsistency determination from John Wayne Airport, ALUC, and the Aeronautics Program in accordance with CPUC Section 21676; and

WHEREAS, a public hearing was held by the City Council on November 14, 2023, in the City Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place, and purpose of the hearing was given in accordance with Government Code Section 54950 et seq. ("Ralph M. Brown Act"), Chapters 20.56 (Planned Community District Procedures) and 20.62 (Public Hearings) of the NBMC, and CPUC Section 21676(b). Evidence both written and oral, was presented to, and considered by, the City Council at this hearing.

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

Section 1: The City Council hereby approves amendments to the Newport Placed Planned Community (PC-11), as set forth in Exhibit "A" and Newport Airport Village Planned Community (PC-60), as set forth in Exhibit "B" which are attached hereto and incorporated by reference. Neither PC-11 and PC-60, Chapter 20.56 (Planning and Zoning, Planned Community District Procedures) or Chapter 20.66 (Planning and Zoning, Amendments) of Title 20 (Planning and Zoning) of NBMC, or 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 the amendments. Notwithstanding the foregoing, the amendments to PC-11 and PC-60 are consistent with the following General Plan policies:

Findings:

1. *Housing Element Policy 4.2.*

Enable construction of new housing units sufficient to meet City qualified goals by identifying adequate sites for their construction.

2. *Policy Action 4J (Airport Environs Sub Area Environmental Constraints).*

Policy Action 4J requires the City to take the following actions to address potential environmental constraints in the Airport Environs Sub Area and ensure continued feasibility of sites, particularly for lower-income RHNA:

- a. Require new residential development projects in the Airport Environs Sub Area provide noise studies and acoustical analyses to ensure designs include proper sound attenuation;
- b. Require new residential development projects in the Airport Environs Sub Area to explore advanced air filtration systems for buildings to promote cleaner air;
- c. Encourage on-site indoor amenities, such as fitness facilities or recreation and entertainment facilities; and

- d. Continue to implement park dedication requirements consistent with the City's Park Dedication ordinance and Land Use Element Policy LU 6.15.13 (Neighborhood Parks—Standards) and Policy LU 6.15.16 (On-Site Recreation and Open Space) to ensure adequate recreational space to ensure at least 8- percent of a project's gross land area (exclusive of existing rights-of-way) of the first phase for any development in each neighborhood or ½ acre, whichever is greater, is developed as a neighborhood park, unless waived through Density Bonus Law.

Facts in Support of Findings:

The City has taken actions to address potential environmental constraints in the Airport Area and ensure continued feasibility of sites, particularly for lower-income RHNA by providing the following uniform and concise criteria:

- a. Prior to the issuance of any building permits for such development, a noise study shall be prepared by a City-approved qualified acoustical consultant and submitted to the Community Development Director for approval;
- b. All new residential structures or the residential units within a mixed-use development shall be attenuated to provide an interior noise level of 45 dBA CNEL or less;
- c. The design of the residential portions of mixed-use projects and residential developments shall have adequate noise attenuation between adjacent uses and units (common floor/ceilings) in accordance with the California Building Code;
- d. New mixed-use developments shall incorporate designs with loading areas, parking lots, driveways, trash enclosures, mechanical equipment, and other noise sources away from the residential portion of the development;
- e. Use of walls, berms, interior noise insulation, double paned windows, advance insulation systems, or other noise mitigation measures, as deemed appropriate shall be incorporated in the design of new residential to bring interior sound attenuation to 45 dBA CNEL or less;
- f. Residential uses shall be indoor-oriented to reduce noise impingement on outdoor living areas;

- g. On-site indoor amenities, such as fitness facilities or recreation and entertainment facilities shall be encouraged; and
- h. Advanced air filtration systems for buildings shall be considered to promote cleaner air.

Lastly, all new housing opportunity sites located in Newport Place and Newport Airport Village planned communities are located wholly or partially outside the updated 65 dBA noise contour area. By requiring conditions of approval identified in amendment to Title 20 (Planning and Zoning) of NBMC, the City has taken actions to address potential environmental constraints in the Airport Area and ensure continued feasibility of sites, particularly for lower-income RHNA.

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

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

Section 4: The City Council finds the action to override the ALUC's August 17, 2023, determination and the approval of the Amendments are exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15183 because they do not change the underlying land use or zoning designations of any specific parcels, including parcels within the Airport Area or within the updated noise contours based upon the findings set forth in Exhibit "C," which is attached hereto and incorporated herein by reference.

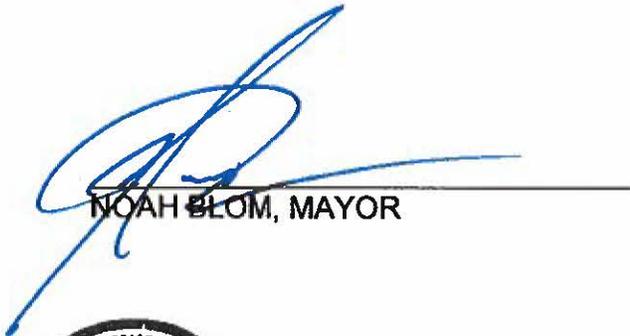
Section 5: The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the ordinance, or a summary thereof, to be published pursuant to City Charter Section 414. This ordinance shall be effective thirty (30) calendar days after its adoption.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 14th day of November, 2023, and adopted on the 28th day of November, 2023, by the following vote, to-wit:

AYES: Mayor Blom, Mayor Pro Tem O'Neill, Councilmember Avery, Councilmember Grant, Council member Kleiman, and Councilmember Stapleton

NAYS: _____

RECUSED: Councilmember Weigand _____



NOAH BLOM, MAYOR

ATTEST:



LEILANI I. BROWN, CITY CLERK



APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



AARON C. HARP, CITY ATTORNEY

Attachment(s): Exhibit A - Amendment to Newport Place Planned Community (PC-11)
Exhibit B - Amendment to Newport Airport Village Planned Community (PC-60)
Exhibit C - CEQA Findings of Consistency

EXHIBIT "A"

Amendment to Newport Place Planned Community (PC-11)

Amend Part III. Residential Overlay, Section V.D.1 (Airport Noise Compatibility) to read as follows:

1. Residential development shall be located ~~outside up to the JWA 65 dB CNEL noise contour, specified by the 1985 JWA Master Plan~~ **the John Wayne Airport 65 dBA CNEL noise contour as shown in Figure N5 of the Noise Element of the General Plan, and subject to compliance with Section 20.30.080.F (Residential Use Proximate to John Wayne Airport) of the Newport Beach Municipal Code. Residential development shall be limited to parcels wholly or partially outside the 65 dBA CNEL noise contour, unless and until the City determines, based on substantial evidence, that the sites wholly within such contour area are needed for the City to satisfy its 6th Cycle RHNA mandate. Non-residential uses are encouraged on parcels located wholly within the 65 dBA CNEL contour area.**

Attachment No. 14

Consistency Analysis

Proposed Amendments

The City of Newport Beach is amending the General Plan Land Use Element and the Newport Place Planned Community Text (PC-11) for a 67-unit residential condominium project located at 1401 Quail Street, which accommodates housing units identified by the certified 2021-2029 Sixth Cycle General Plan Housing Element. Additional detailed analysis for the project is provided in the December 14, 2023 Planning Commission Staff Report (Attachment No. 11 of the ALUC submittal package).

Previously Approved Noise-Related Amendments

On November 14, 2023, the City Council of Newport Beach adopted legislative amendments to the General Plan Land Use and Noise Elements and approved ordinances to amend Title 20 (Planning and Zoning), PC-11, and Newport Airport Village Planned Community (PC-60) in order to accommodate some of the housing units identified by Housing Element. The changes included the following:

- Adopting updated noise contours (shown in Noise Element Figures N4 and N5) to reflect the noise contours identified by the 2014 John Wayne Airport Settlement Agreement Amendment Environmental Impact Report No. 617 (EIR No. 617),
- Updating Land Use and Noise Element Policies, Land Use Element Figures LU11, LU22, and LU23, Title 20, PC-11, and PC-60 to modify and incorporate the updated noise contours identified by EIR No. 617 and to implement additional noise attenuation measures for future housing units proximate to John Wayne Airport; and
- Allowing residential units identified by the certified 2021-2029 Sixth Cycle Newport Beach Housing Element to be located within the 65 dBA CNEL noise contour area as identified in the updated noise contour maps identified by EIR No. 617. Parcels bisected by the updated 65 dBA CNEL noise contour could support future housing; whereas parcels located wholly within the updated 65 dBA CNEL noise contour could support housing, if deemed necessary to satisfy the Regional Housing Needs Assessment (RHNA) mandate.

The following changes to specific policies, maps, and regulations were approved:

Land Use Element:

- Policy LU6.15.3 (Airport Compatibility)
- Figure LU11 – Statistical Areas J6, L4 (removal of the outdated 65 dBA CNEL noise contour line),
- Figure LU22 – Airport (removal of the outdated noise contour line), and
- Figure LU23 - Airport Area Residential Villages Illustrative Concept Diagram (removal of the outdated noise contour line)

Noise Element:

- Policy N1.2 (Noise Exposure Verification for New Development)
- Policy N1.5.A (Airport Area Infill Projects (new policy for Airport Area)
- Policy N2.2 (Design of Sensitive Land Uses)

- Policy N3.2 (Residential Development)
- Figure N4 - Future Noise Contours (update JWA noise contours) and
- Figure N5 - Future Noise Contours (update JWA noise contours)

Title 20 Zoning Code Amendment:

- Section 20.30.080(F) (Noise-Airport Environs Land Use Plan)

Planned Community Text Amendments:

- Newport Place Planned Community (PC-11) – Part III. Residential Overlay Zone, Section V.D.1 (Airport Noise Compatibility)
- Newport Airport Village Planned Community (PC-60) –Sections I.D (Purpose and Objective), & II.A & B (Permitted & Prohibited Uses)

Links to these adopted ordinances are provided here:

[Council Ordinance 2023-20: Approving an Amendment to Title 20 \(Planning and Zoning\) of the Newport Beach Municipal Code Related to Noise in the Airport Area Necessary to Implement the 6th Cycle Housing Element](#)

[Council Ordinance 2023-21: Approving Amendments to Newport Place Planned Community Development Plan \(PC-11\) and Newport Airport Village Planned Community Development Plan \(PC-60\) Related to Noise in the Airport Area Necessary to Implement the 6th Cycle Housing Element.](#)

The proposed project, which is located within the 60 dBA CNEL Noise Contour, is consistent with these adopted changes.

Community Noise Equivalent Levels (CNEL) Compatibility

A total of 62 new housing opportunity sites are identified in the Airport Area according to the Sixth Cycle Housing Element. Of those sites, 48 are located wholly or partially outside the 65 dBA CNEL contour identified by the 2014 John Wayne Airport Settlement Agreement Amendment Environmental Impact Report No. 617 (EIR No. 617). Only 14 new housing opportunity sites are located wholly within the updated 65 dBA CNEL contour boundary. The proposed project is located within the 60 dBA CNEL, but wholly outside of the 65dBA CNEL contour, per the 2014 map, which has been included as Attachment No. 6 in the ALUC submittal package.

As discussed in AELUP Subsection 3.2.3 (Noise Impact Zone “1” – High Noise Impact [65 dB CNEL and above]) and Subsection 3.2.4 (Noise Impact Zone “2” – Moderate Noise Impact [60 dB CNEL or greater, less than 65 dB CNEL]), residential units may be consistent with proper sound-attenuation and careful design considerations. For any residential sites and uses within Noise Impact Zone “1” or “2,” the City requires future development to be consistent with the AELUP considerations and proposed noise-related policies and development standards to ensure compatibility.

Table 1 (Airport Land Use Commission for Orange County Airport Environs Land Use Plan Limitations on Land Use Due to Noise) of the AELUP shows all types of residential land uses in this noise area as “Normally Inconsistent” *unless sound attenuated to ensure that the interior CNEL does not exceed 45 dB, and that all units are indoor oriented so as to preclude noise impingement on outdoor living areas.* This is further explained in Subsection 3.2.3 (Noise Impact Zone “1” – High Noise Impact [65 dB CNEL

and above]). The City's proposed changes will help to ensure that appropriate noise considerations are made and that mitigation measures are included in the design.

TABLE I
AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY
AIRPORT ENVIRONS LAND USE PLAN
LIMITATIONS ON LAND USE DUE TO NOISE
(Applicable to Aircraft Noise Sources)

LAND USE CATEGORY	COMMUNITY NOISE EQUIVALENT LEVEL dB					
	55	60	65	70	75	80
Residential (all types): Single and Multi-Family Residences						
Community Facilities: Churches, Libraries, Schools, Preschools, Day-Care Centers, Hospitals, Nursing/Convalescent Homes, & Other noise sensitive uses						
Commercial: Retail, Office						
Industrial:						

- 
NORMALLY CONSISTENT
 Conventional construction methods used. No special noise reduction requirements.
- 
CONDITIONALLY CONSISTENT
 Must use sound attenuation as required by the California Noise Insulation Standards, Title 25, California Code of Regulations. Residential use sound attenuation required to ensure that the interior CNEL does not exceed 45 dB. Commercial and industrial structures shall be sound attenuated to meet Noise Impact Zone "1" criteria (refer to Section 3.2.3).
- 
NORMALLY INCONSISTENT
 All residential units are inconsistent unless are sound attenuated to ensure that the interior CNEL does not exceed 45 dB, and that all units are indoor oriented so as to preclude noise impingement on outdoor living areas.

Safety Compatibility

The proposed project is located completely within Safety Zone 6.

As part of the site selection process for the Housing Element, the City avoided sites in the following runway safety zones:

- Safety Zone 1 – Runway Protection Zone “RPZ”;
- Safety Zone 2 – Inner Approach/Departure Zone;
- Safety Zone 3 – Inner Turning Zone; and
- Safety Zone 5 – Sideline Zone

As provided in Appendix D of the AELUP, Table 9B (Safety Compatibility Qualities), residential uses are allowed in Safety Zone 6. Residential uses are allowed in Safety Zone 4 as infill in urban areas.

<p>Zone 4: Outer Approach/Departure Zone</p> <p><i>Risk Factors / Runway Proximity</i></p> <ul style="list-style-type: none">▶ Situated along extended runway centerline beyond Zone 3▶ Approaching aircraft usually at less than traffic pattern altitude▶ Particularly applicable for busy general aviation runways (because of elongated traffic pattern), runways with straight-in instrument approach procedures, and other runways where straight-in or straight-out flight paths are common▶ Zone can be reduced in size or eliminated for runways with very-low activity levels	<p><i>Basic Compatibility Qualities</i></p> <ul style="list-style-type: none">▶ In undeveloped areas, limit residential uses to very low densities (if not deemed unacceptable because of noise); if alternative uses are impractical, allow higher densities as infill in urban areas▶ Limit nonresidential uses as in Zone 3▶ Prohibit children's schools, large day care centers, hospitals, nursing homes
<p>Zone 5: Sideline Zone</p> <p><i>Risk Factors / Runway Proximity</i></p> <ul style="list-style-type: none">▶ Encompasses close-in area lateral to runways▶ Area not normally overflowed; primary risk is with aircraft (especially twins) losing directional control on takeoff▶ Area is on airport property at most airports	<p><i>Basic Compatibility Qualities</i></p> <ul style="list-style-type: none">▶ Avoid residential uses unless airport related (noise usually also a factor)▶ Allow all common aviation-related activities provided that height-limit criteria are met▶ Limit other nonresidential uses similarly to Zone 3, but with slightly higher usage intensities▶ Prohibit children's schools, large day care centers, hospitals, nursing homes
<p>Zone 6: Traffic Pattern Zone</p> <p><i>Risk Factors / Runway Proximity</i></p> <ul style="list-style-type: none">▶ Generally low likelihood of accident occurrence at most airports; risk concern primarily is with uses for which potential consequences are severe▶ Zone includes all other portions of regular traffic patterns and pattern entry routes	<p><i>Basic Compatibility Qualities</i></p> <ul style="list-style-type: none">▶ Allow residential uses▶ Allow most nonresidential uses; prohibit outdoor stadiums and similar uses with very high intensities▶ Avoid children's schools, large day care centers, hospitals, nursing homes

Height Restriction Zones

As discussed during the latest noise-related amendments, the majority of the newly identified housing opportunity sites will need to be rezoned to accommodate residential development at later date. As part of that rezoning, height limitations will be developed and applied. In no event will the City's rezoned height limits be inconsistent with the parameters outlined in Subsection 3.2.6 (Height Restriction Zone) of the AELUP and FAA standards. In addition, future comprehensive updates to the Land Use Element and rezoning will be subject to future Airport Land Use Commission (ALUC) review, consistent with Public Utilities Code Section 21676. The proposed project is 81 feet above ground level, or 132 feet above mean sea level. A letter from the FAA determining no hazard to air navigation has been provided as Attachment No. 4 of the ALUC submittal package.

Attachment No. 15

Project Plans

R H A

ROBERT HIDEY ARCHITECTS

SITE DEVELOPMENT REVIEW
1401 QUAIL ST.

1170 QUAIL ST., NEWPORT BEACH, CA

11/30/2023

INTRACORP 

ARCHITECTURE

RENDERING	A1
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LANDSCAPE

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1401 QUAIL ST.
NEWPORT BEACH, CALIFORNIA

ROBERT HIDEY ARCHITECTS
ARCHITECT

URBAN ARENA
LANDSCAPE

ADAMS STREETER
CIVIL

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RENDERING

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RENDERING

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RENDERING

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RENDERING

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RENDERING

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RENDERING

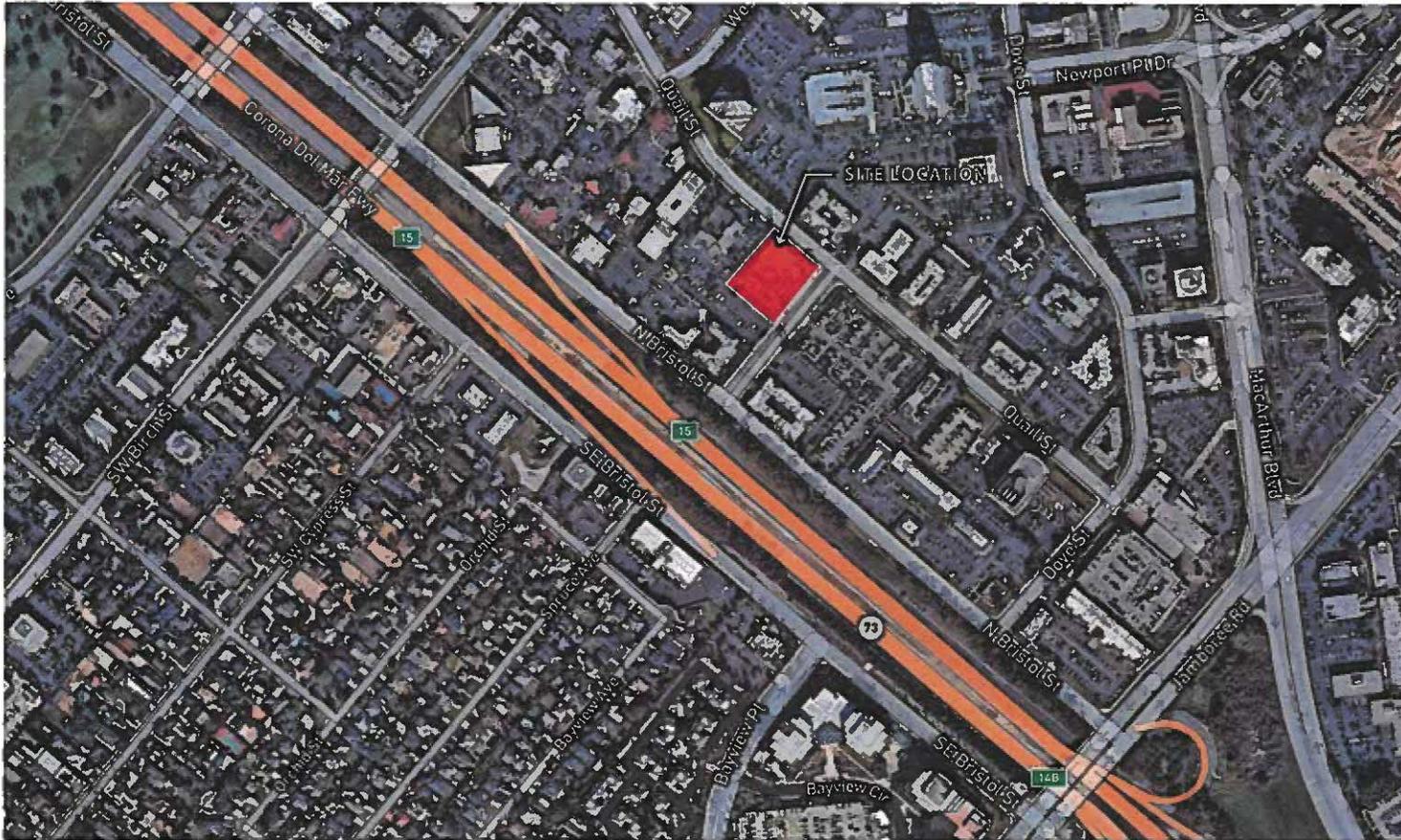
1401 QUAIL ST.
NEWPORT BEACH, CALIFORNIA

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SITE LOCATION

QUAIL ST PODIUM
NEWPORT BEACH, CALIFORNIA

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URBAN ARENA
LANDSCAPE

ADAMS STREETER
CIVIL

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SITE AREA: 1.71 ACRES

- ▬ EXISTING MAIN ONE-STORY OFFICE BUILDING
- ▬ EXISTING DETACHED BUILDING

EXISTING BUILDINGS TOTAL AREA: 22,956 SF

SQUARE FOOTAGE OF EXISTING - PER CITY OF NEWPORT BEACH, OCTOBER 2, 2022 NOTICE OF INCOMPLETE FILING LETTER

1401 QUAIL STREET
NEWPORT BEACH, CA 95660

EXISTING SITE PLAN

QUAIL ST PODIUM
NEWPORT BEACH, CALIFORNIA

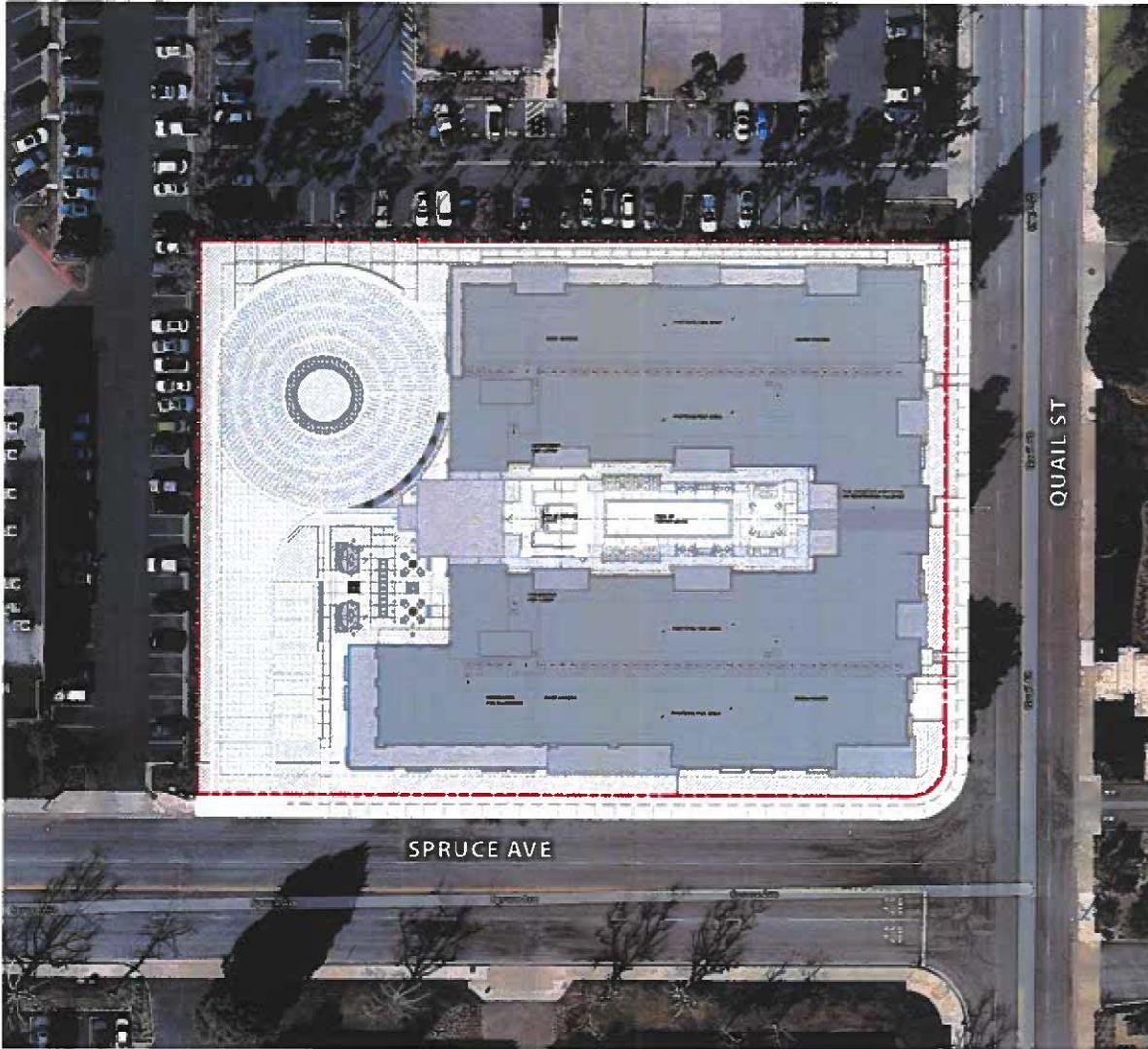
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LANDSCAPE

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2.0952.01 11/30/2023
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UNIT MIX

PLAN TYPE	PROGRAM	UNIT SIZE	COUNT	TOTAL (SF)	MIX
PLAN 1	2 BD/ 2 BA	1,304 SF	8	10,432	12%
PLAN 2	2 BD/ 2.5 BA	1,784 SF	2	3,568	3%
PLAN 2X	2 BD/2.5 BA	1,893 SF	8	15,144	12%
PLAN 3	2 BD+OFFICE/ 2.5 BA	1,963 SF	9	17,667	13%
PLAN 4	3 BD/ 3.5 BA	2,097 SF	10	20,970	15%
PLAN 5	3 BD/ 3.5 BA	2,214 SF	2	4,428	3%
PLAN 5X	3 BD/ 3.5 BA	2,327 SF	8	18,616	12%
PLAN 6	3 BD/ 3.5 BA	2,257 SF	8	18,056	12%
PLAN 7	3 BD/ 3.5 BA	2,320 SF	5	11,600	7%
PLAN 8	3 BD/ 3.5 BA	2,405 SF	4	9,620	6%
PLAN 9	3 BD+OFFICE/ 3.5 BA	2,968 SF	1	2,968	1%
PLAN 9X	3 BD+OFFICE/ 3.5 BA	3,303 SF	1	3,303	1%
PLAN 10	3 BD/ 3.5 BA	3,174 SF	1	3,174	1%
TOTAL			67	139,546	100%

NOTE: 8 UNITS (PLAN 1) ARE AFFORDABLE

- SITE AREA:** 1.71 ACRES
- RESIDENTIAL DENSITY:** 39 DU/ACRE
- BUILDING FOOTPRINT (GROSS SF):** 44,161 SF
- BUILDING AREA, INC. PARKING (GROSS SF):** 261,790 SF
INCLUDING STAIRS & ELEVATORS ABOVE BASEMENT
- BUILDING AREA, INC. PARKING (GROSS SF):** 257,447 SF
EXCLUDING STAIRS & ELEVATORS ABOVE BASEMENT

PROPOSED SITE PLAN

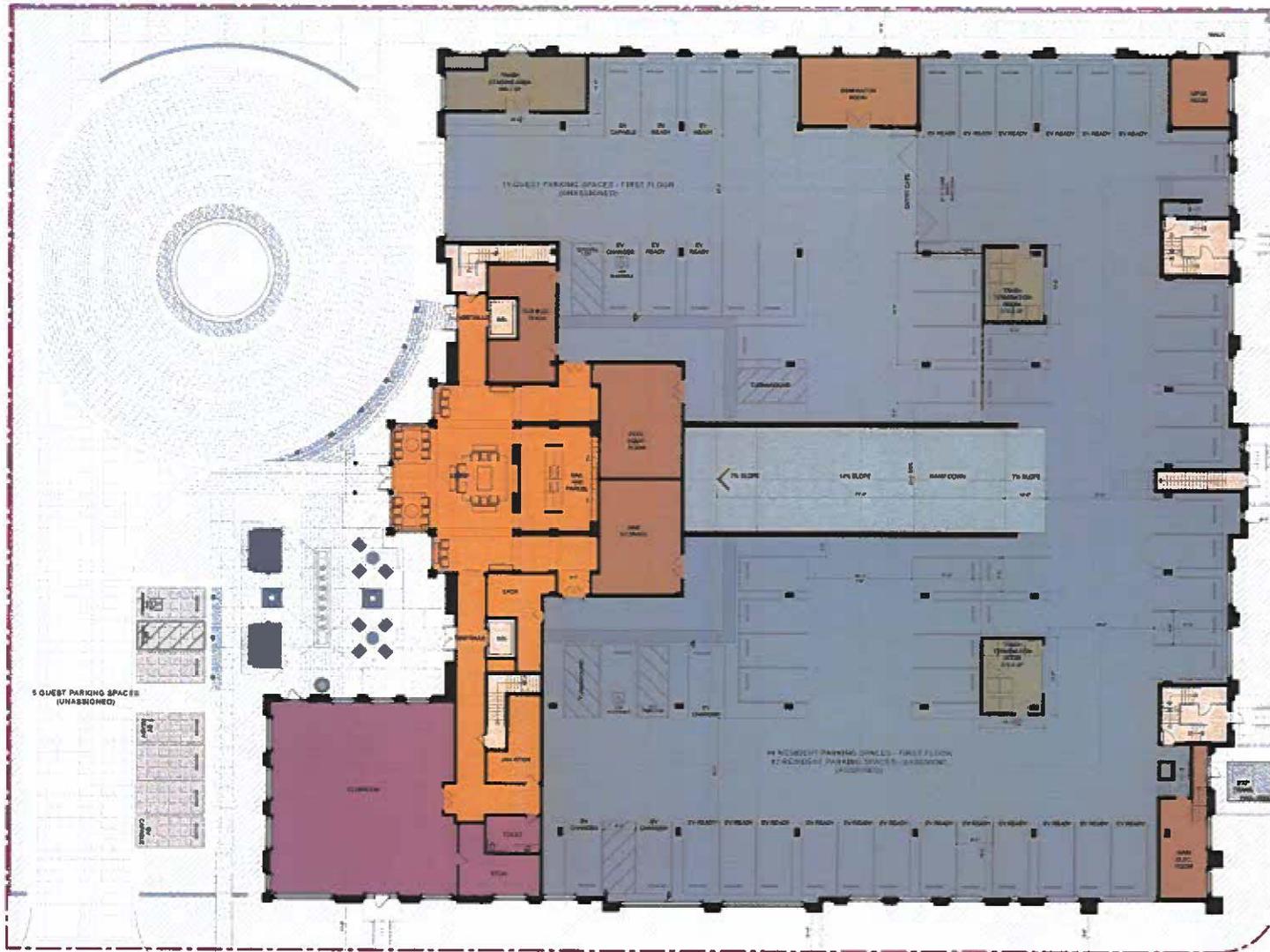
QUAIL ST PODIUM
NEWPORT BEACH, CALIFORNIA

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ARCHITECT

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LANDSCAPE

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CIVIL

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LEGEND

- GUEST PARKING - EXTERIOR
- GUEST PARKING - IN GARAGE
- ASSIGNED PARKING - IN GARAGE

Costume Tabulations

Table:

Unit Type	Target
2 BR AFFORDABLE	1 owner / Unit 1 x 2 Units = 2 spaces
3 BR	2 owner / Unit 2 x 2 Units = 4 spaces
4 BR	3 owner / Unit 3 x 2 Units = 6 spaces
	120

Target 120 spaces, 1.5x guest/unit storage

Provided:

245 Spaces

Guest Parking: 20 spaces available for guests

2000 +/- 20 guest units per unit

Unit Type	Assigned	Count / Assignment
2 BR AFFORDABLE	1 owner / Unit 1 x 2 Units = 2 spaces	18 x 47 spaces/unit
3 BR	2 owner / Unit 2 x 2 Units = 4 spaces	18 x 24 spaces/unit
4 BR	3 owner / Unit 3 x 2 Units = 6 spaces	48 x 24 spaces/unit
	120	20

Provision: 120 spaces, 1.5x guest/unit storage

EV Assigned/Provided:

Per California A.205.4.2: 20% EV Capacity, 75% EV Ready and 5% EV Chargers are required.

EV Capacity: 24 x 145 = 3480 spaces (15% assigned = 372 of unassigned/guest)

EV Ready: 24 x 145 = 3480 spaces (15% assigned = 372 of unassigned/guest)

EV Charge: 24 x 145 = 3480 spaces (7% assigned = 244 of unassigned/guest)

Total: 372 spaces (15% assigned = 372 of unassigned/guest)

Available Required/Provided:

Required:

Per CBC 13096.1:

Each parking facility shall provide accessible parking as required by Section 13096.

Per California Green Building Standards Code 4.205.4.2.1.2:

One in every 25 off-garage spaces, but not

less than one, shall also have an in-lot vehicle storage unit. A 5-foot wide minimum aisle shall be provided parallel the maximum width of the EV space is 12 feet.

Provided:

Assigned provided: per 13096.1:

15% of the unassigned spaces (100 units EV)

Assigned garage parking = 15 x 102 = 1.5 spaces. Round up to 2 (includes 1 van accessible)

Assigned provided: per 4.205.4.2.1.2:

One per 25 spaces (10 EV)

Assigned garage parking: 10 x 102 = 1.0 spaces. Round up to 1 (includes 1 van accessible)

Unassigned provided: per 13096.1:

15% of the unassigned spaces (100 units EV)

Unassigned guest parking = 15 x 102 = 1.5 spaces. Round up to 1 (includes 1 van accessible)

Unassigned provided: per 4.205.4.2.1.2:

One per 25 spaces (10 EV)

Unassigned guest parking: 10 x 102 = 1.0 spaces. Round up to 1 (includes 1 van accessible)

Parking Standards:

All Accessible and EV Spaces are 8'6" x 12'6"

Other spaces are 7'6" x 12'6"

All drive aisles are 20'6"

FIRST FLOOR



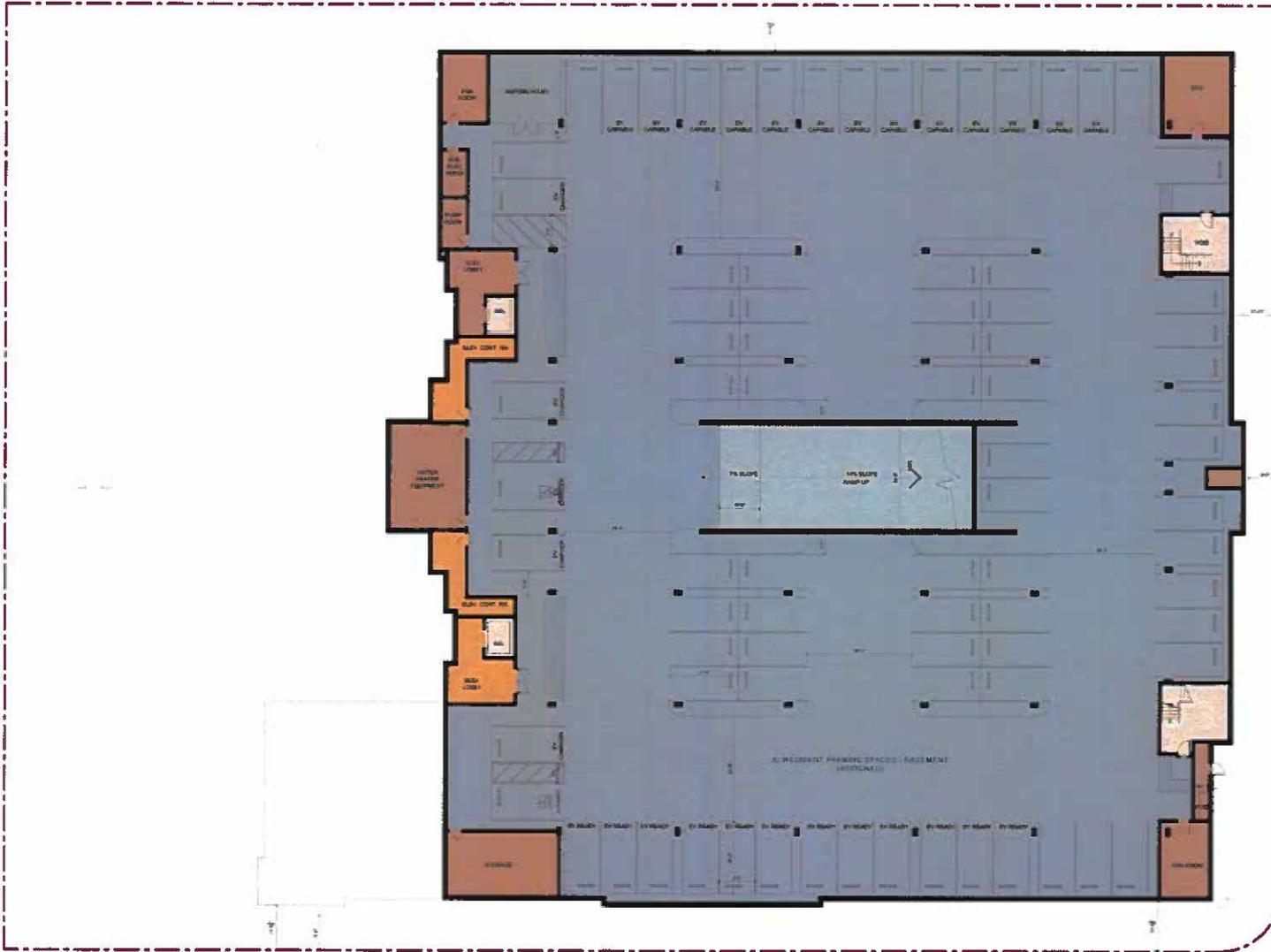
QUAIL ST PODIUM
NEWPORT BEACH, CALIFORNIA

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ARCHITECT

URBAN ARENA
LANDSCAPE

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BASEMENT FLOOR



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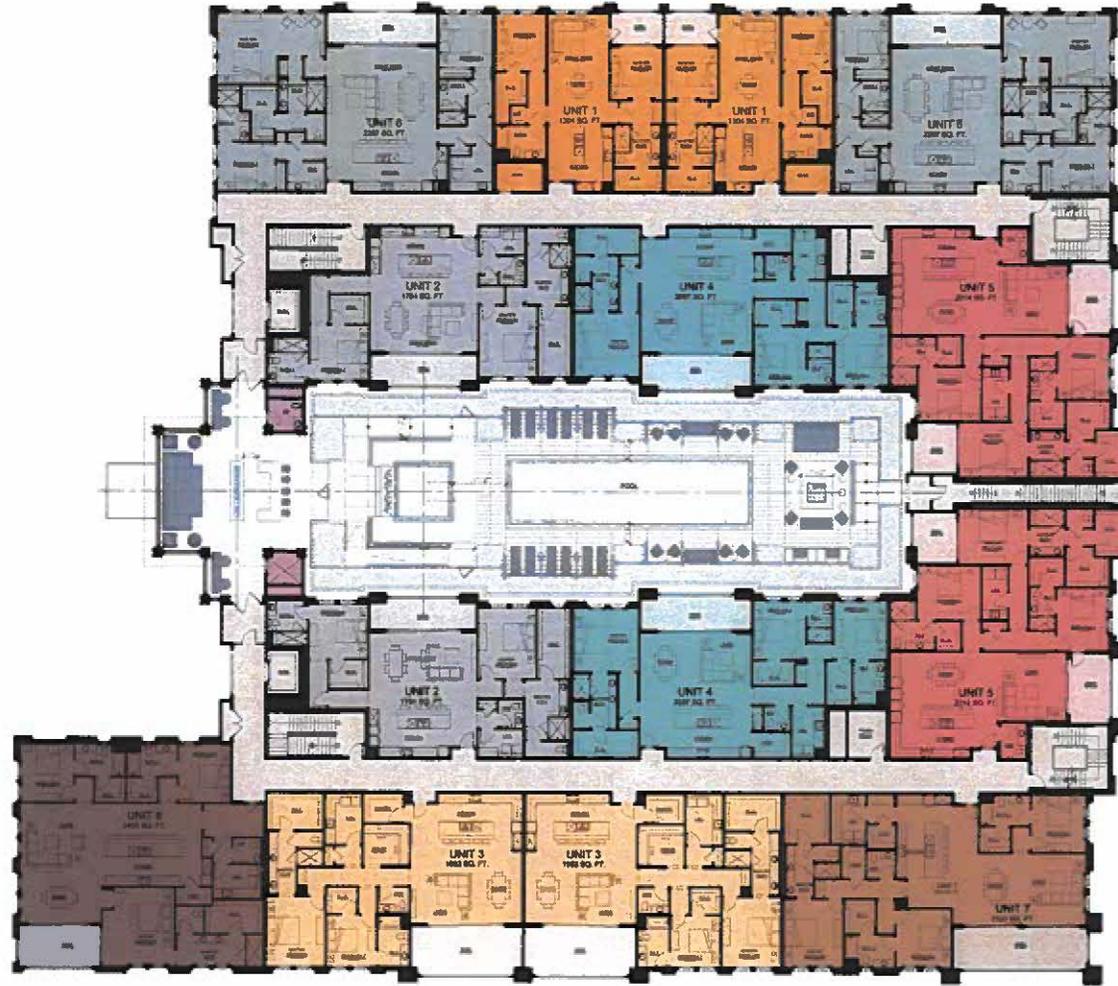
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R H A

ROBERT HIDEY ARCHITECTS



UNIT TYPE	NO. OF UNITS
PLAN 1	2
PLAN 2	2
PLAN 2X	0
PLAN 3	2
PLAN 4	2
PLAN 5	2
PLAN 5X	0
PLAN 6	2
PLAN 7	1
PLAN 8	1
PLAN 9	0
PLAN 9X	0
PLAN 10	0
TOTAL	14

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SECOND FLOOR



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UNIT TYPE	NO. OF UNITS
PLAN 1	2
PLAN 2	0
PLAN 2X	2
PLAN 3	2
PLAN 4	2
PLAN 5	0
PLAN 5X	2
PLAN 6	2
PLAN 7	1
PLAN 8	1
PLAN 9	0
PLAN 9X	0
PLAN 10	0
TOTAL	14

THIRD TO FIFTH FLOOR

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ARCHITECT

URBAN ARENA
LANDSCAPE

ADAMS STREETER
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R H A

ROBERT HIDEY ARCHITECTS



UNIT TYPE	NO. OF UNITS
PLAN 1	0
PLAN 2	0
PLAN 2X	0
PLAN 3	1
PLAN 4	2
PLAN 5	0
PLAN 5X	2
PLAN 6	2
PLAN 7	1
PLAN 8	0
PLAN 9	1
PLAN 9X	1
PLAN 10	1
TOTAL	11

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NEWPORT BEACH, CALIFORNIA

ROBERT HIDEY ARCHITECTS
ARCHITECT

URBAN ARENA
LANDSCAPE

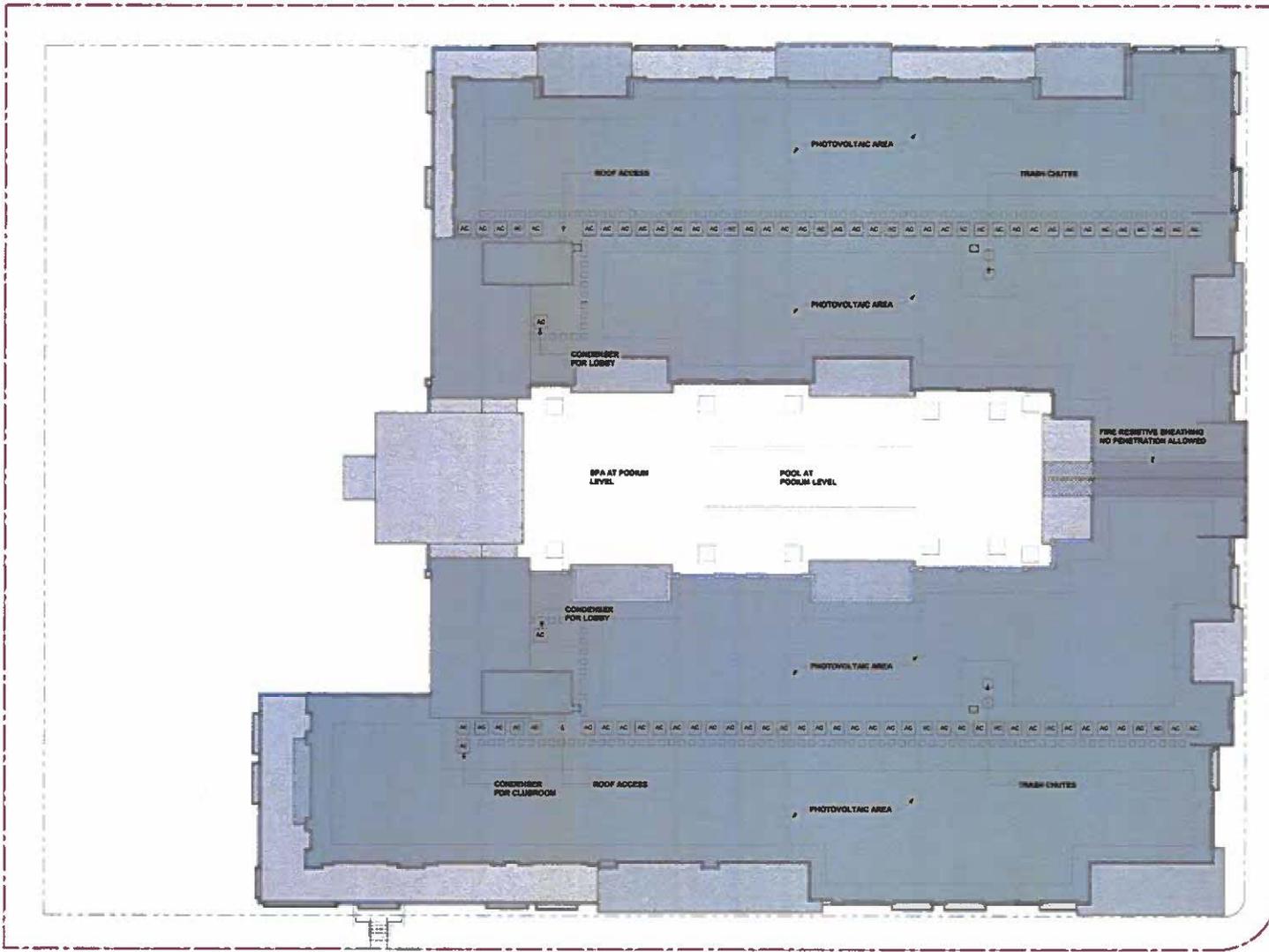
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SIXTH FLOOR



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ROOF

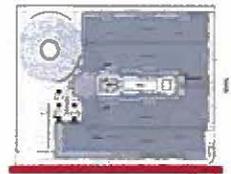


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ARCHITECT

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**SOUTHEAST ELEVATION
(SPRUCE AVENUE)**



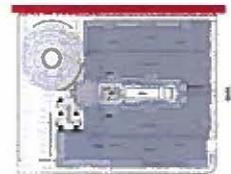
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**NORTHWEST ELEVATION
(SIDEYARD)**

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

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NEWPORT BEACH, CALIFORNIA

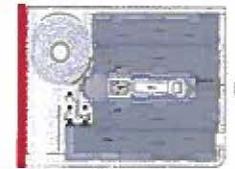
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SOUTHWEST ELEVATION
(MOTORCOURT)



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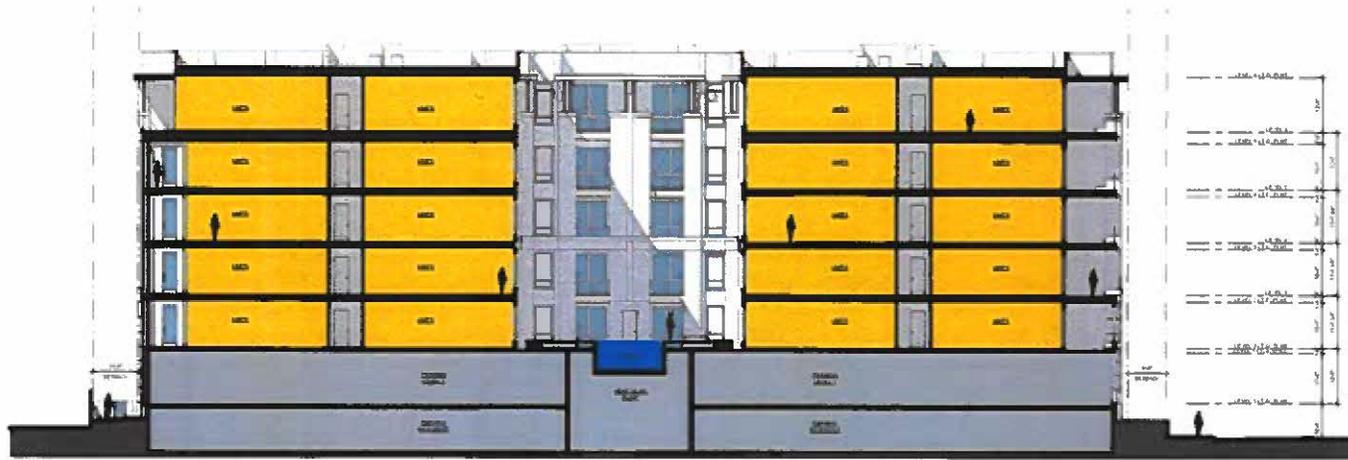
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ARCHITECT

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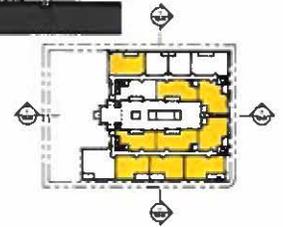
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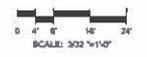
SECTION 1



SECTION 2



SECTIONS



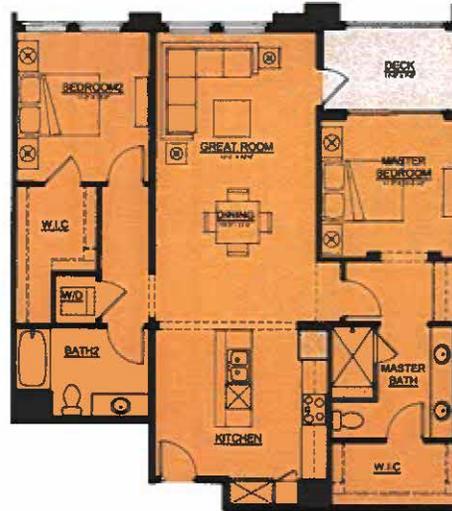
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UNIT 1
1,304 SF

UNIT PLANS



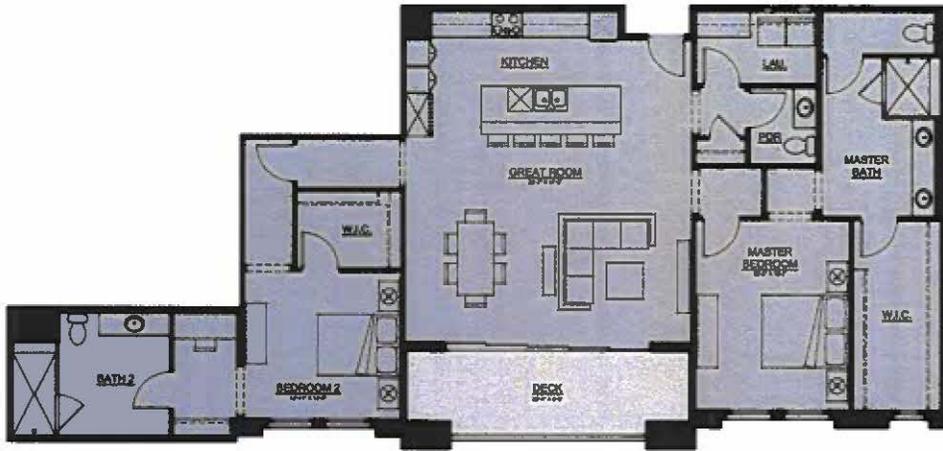
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UNIT 2X
1,893 SF



UNIT 2
1,784 SF

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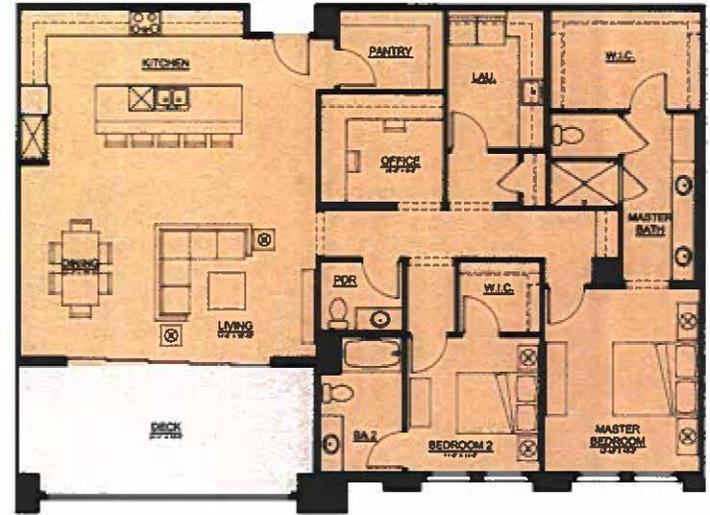
UNIT PLANS



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UNIT 4
2,097 SF



UNIT 3
1,963 SF

UNIT PLANS



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UNIT 5X
2,327 SF



UNIT 5
2,214 SF

UNIT PLANS



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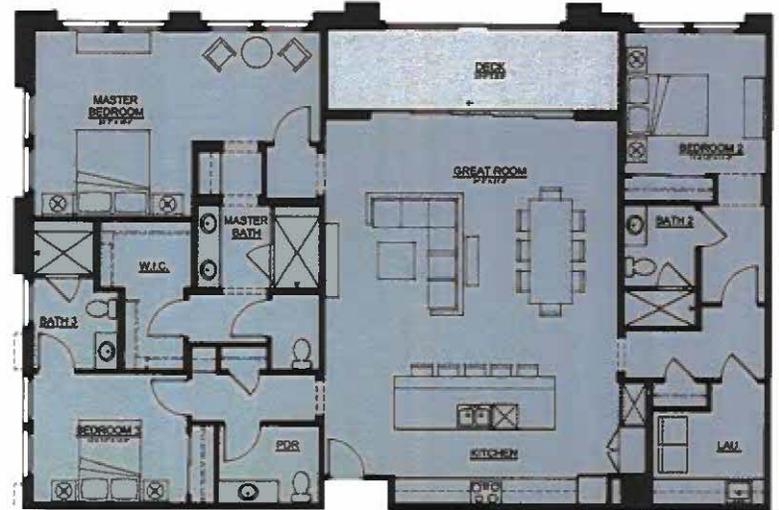
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UNIT 7
2,320 SF



UNIT 6
2,207 SF

UNIT PLANS



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UNIT 8
2,405 SF

UNIT PLANS



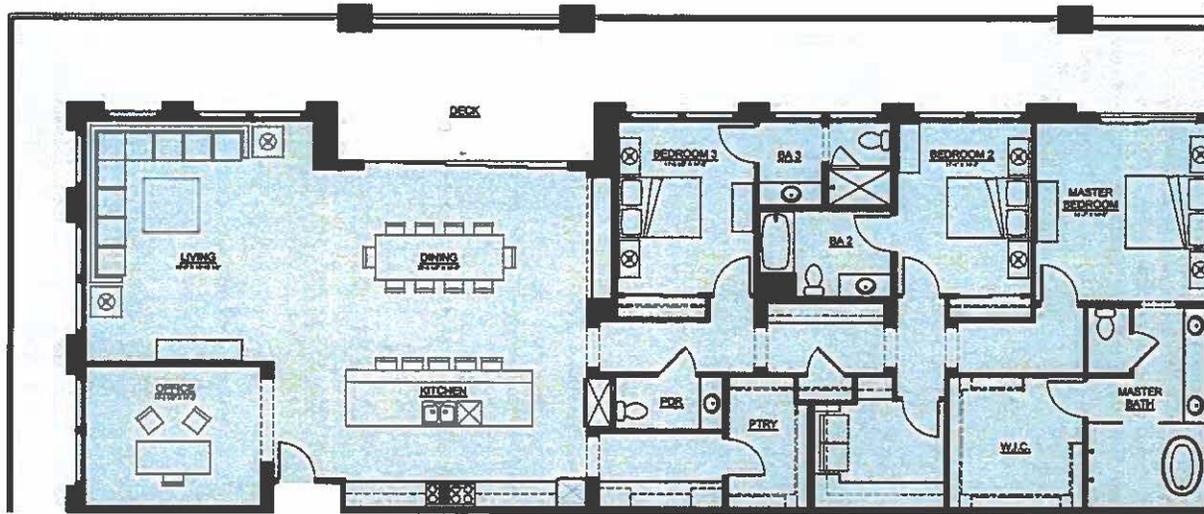
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UNIT 9
2,968 SF

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ARCHITECT

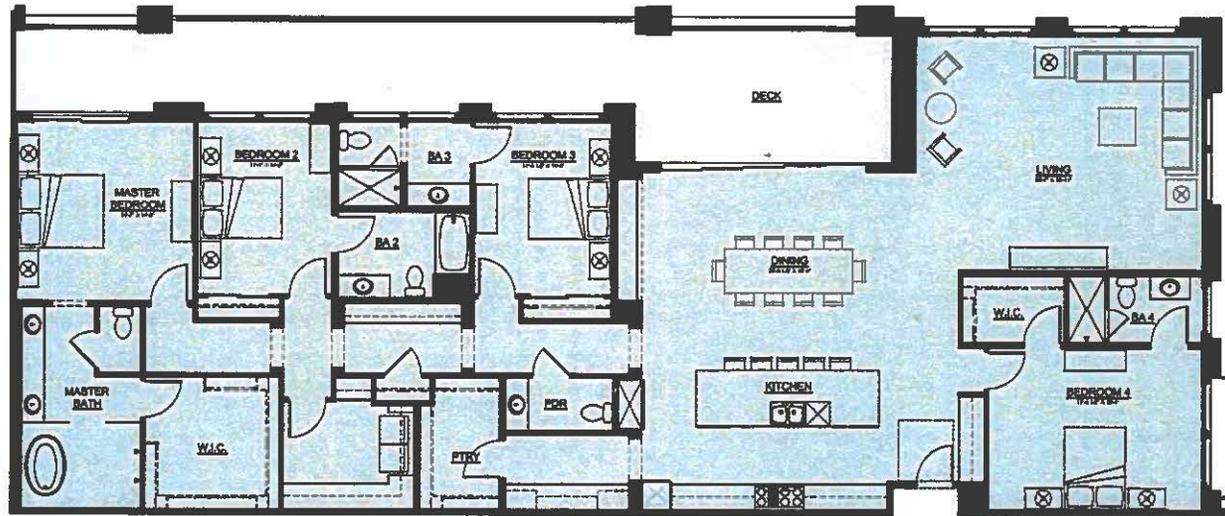
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UNIT PLANS



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UNIT 9X
3,303 SF

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ARCHITECT

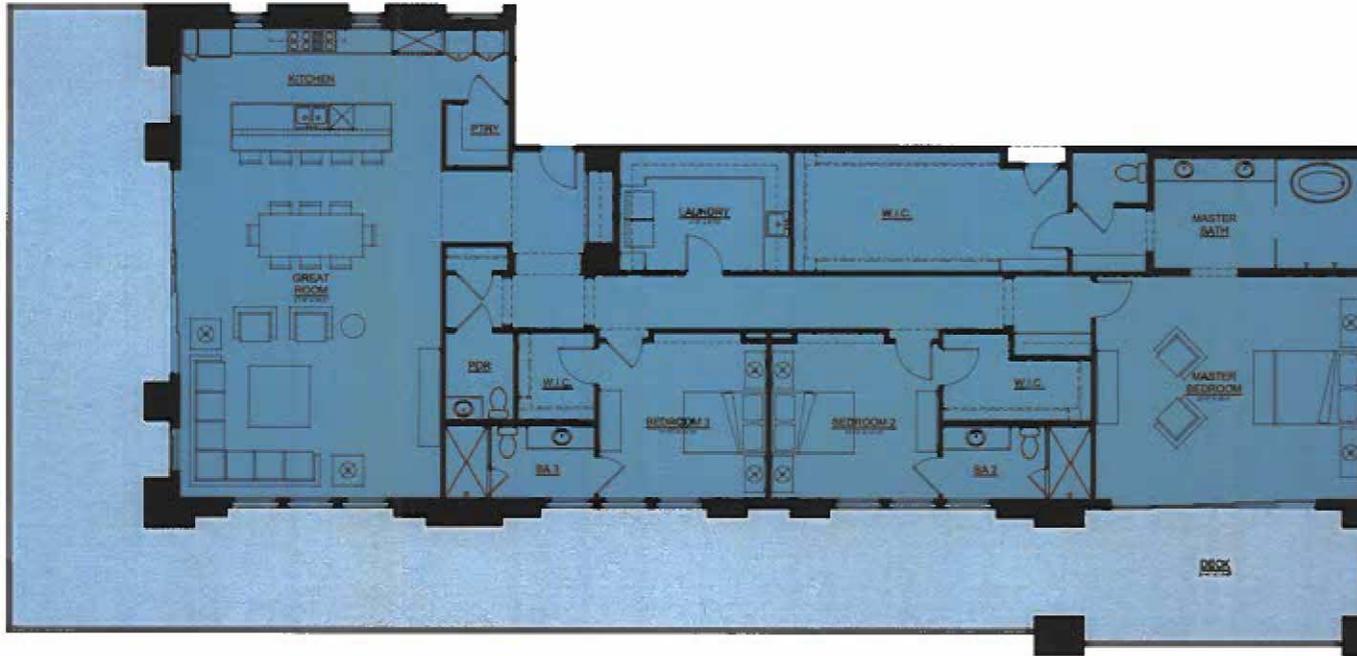
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UNIT PLANS



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UNIT 10
3,174 SF

UNIT PLANS



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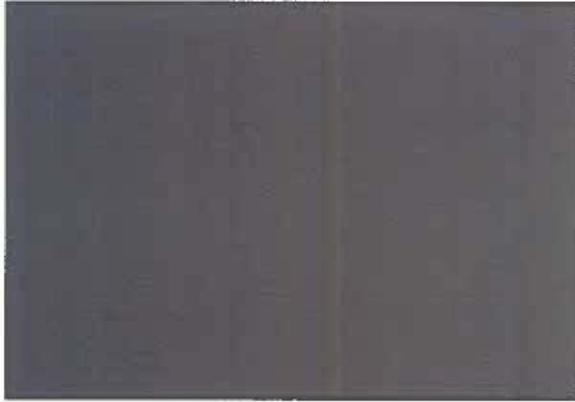
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ARCHITECT

URBAN ARENA
LANDSCAPE

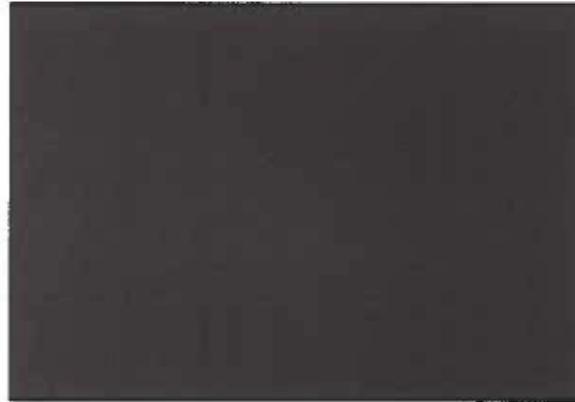
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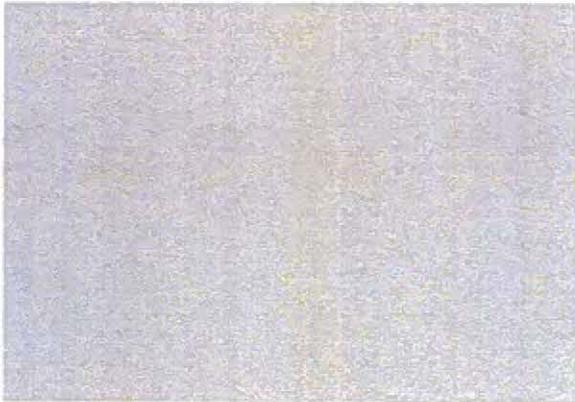
STUCCO 1
SHERWIN WILLIAMS SW 7060 "ATTITUDE GRAY"



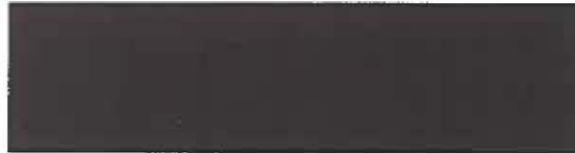
STUCCO 3
SHERWIN WILLIAMS SW 7048 "URBANE BRONZE"



STUCCO 2
BENJAMIN MOORE OC-141 "CHINA WHITE"



ACCENT 1, VINYL DOORS, WINDOWS & SLIDERS
SHERWIN WILLIAMS SW 7048 "URBANE BRONZE"



ACCENT 1, METAL PANELS, RAILING, DETAILS
SHERWIN WILLIAMS SW 7048 "URBANE BRONZE"



COLOR AND MATERIAL SELECTIONS

1401 QUAIL ST.
NEWPORT BEACH, CALIFORNIA

ROBERT HIDEY ARCHITECTS
ARCHITECT

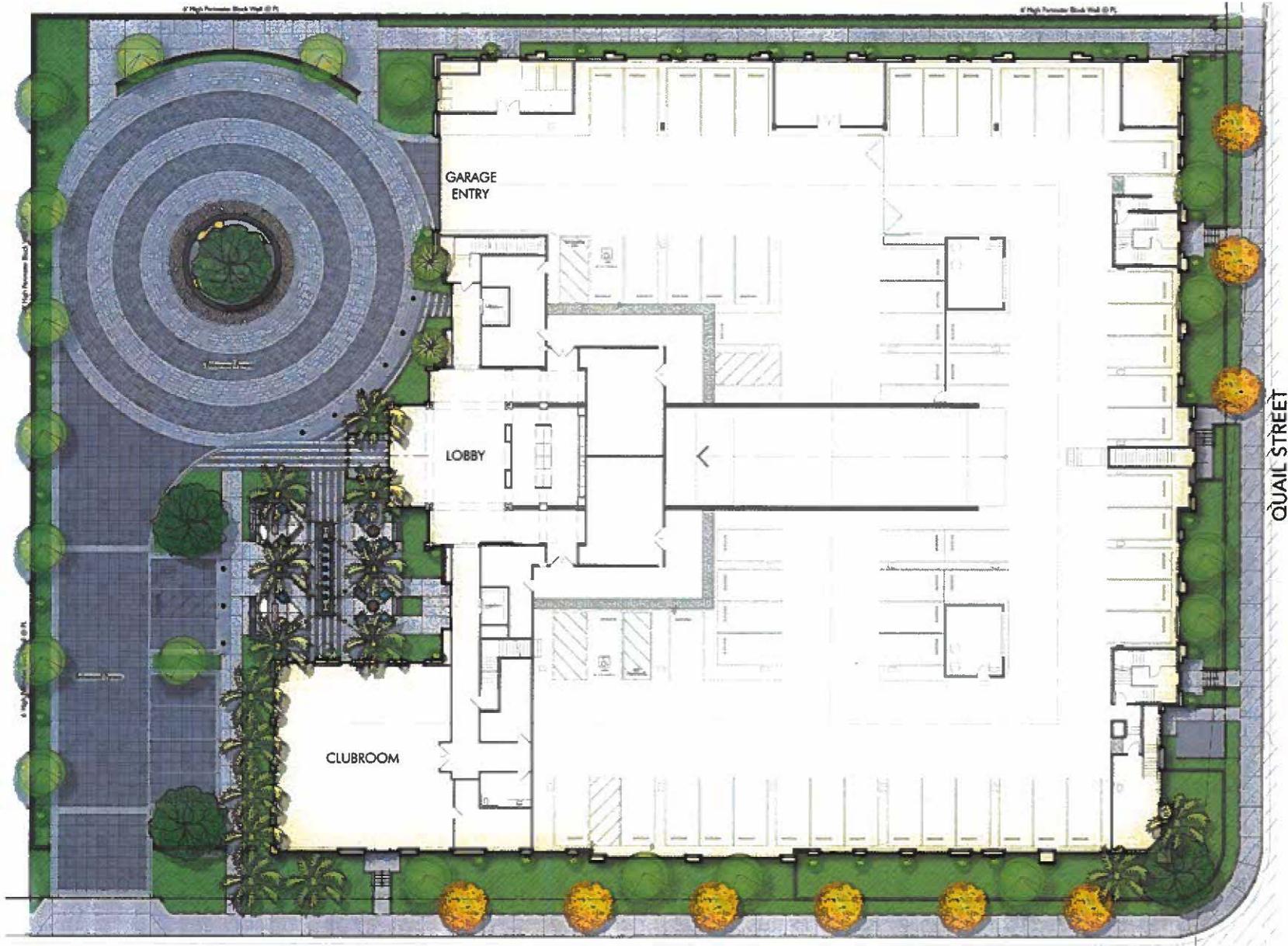
URBAN ARENA
LANDSCAPE

ADAMS STREETER
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High Performance Block Wall © P.

High Performance Block Wall © P.



PLANT SCHEDULE

- | SIZE | BOTANICAL & COMMON NAME |
|------|---|
| | CURATELLA BAMBUSENSIS QUAIL / BLUE (CALAM) CYPRESS |
| | MADROXIA QUERIFLORA 'SITULA QM' / LITTLE OAK (ORANGE SOUTHERN HAWKWOOD) |
| | CLEA EUROPAEA 'FRUTICOSA' / FRUITLESS OAK |
| | PHOENIX DACTYLOPERA 'MEDICINA' / MEDICINE DATE PALM |
| | FINIS BOMBAICA / AFGHAN PINE |
| | PLATANUS X ACROBOLUS 'BLOODGOOD' / BLOODGOOD LONDON PLANE TREE |
- REMARK: STREET TREE SPECIES TO BE APPROVED BY PUBLIC WORKS.

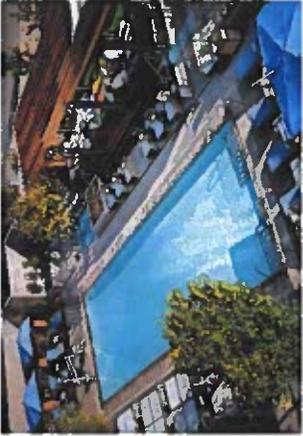
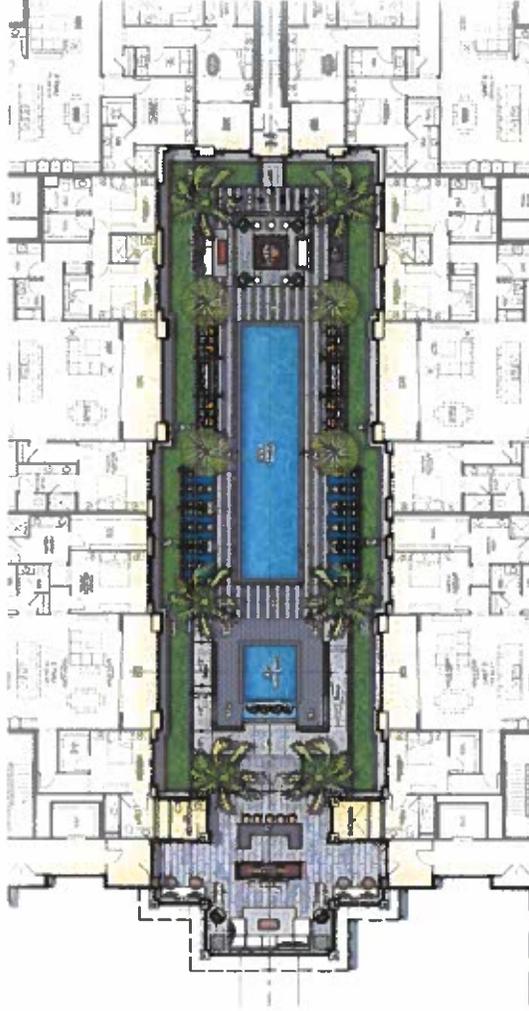
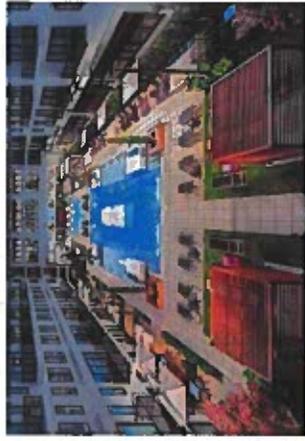
IRRIGATION NOTES: THE IRRIGATION SYSTEM SHALL BE AUTOMATIC WITH SMART IRRIGATOR AND TO BE DESIGNED TO COMPLY WITH THE CITY OF NEWPORT BEACH WATER EFFICIENT LANDSCAPE ORDINANCE (MUNICIPAL CODE: CHAPTER 14.17)



QUAIL STREET
 NEWPORT BEACH | CA
 INTRACORP | 23-003
 DATE 10|03|23

SPRUCE AVE.

QUAIL STREET



CONCEPTUAL LANDSCAPE PLAN - PODIUM LEVEL | L2

QUAIL STREET
NEWPORT BEACH | CA
INTRACORP | 23-003
DATE 10 | 03 | 23



LINE OF SIGHT LIMITED USED AREA (HATCHED AREA)



LINE OF SIGHT LIMITED USED AREA (HATCHED AREA)

QUAIL STREET

SPRUCE AVE.

PLANT SCHEDULE

- | AREA | BOTANICAL / COMMON NAME |
|---|---|
|  | CITRUSUS SPP/SHAWNEE 'ORANGE' / BLUE ITALIAN CYPRESS |
|  | MONOTERIS GRANDIFLORA 'LITTLE OAK' / LITTLE OAK SHAWNEE 'SCULPTURE MONOTERIS' |
|  | QUILA QUERCUS 'WYLLDEN' / PRUNUS OULIVE |
|  | PHOENIX DACTYLISPA 'MADAGASCAR' / MEXICAN DATE PALM |
|  | PAULS BILIMBICA / APOKALIPSE |
|  | PLATANUS X ADERSONIA 'BROADLEAF' / BROADLEAF LANDSCAPE PLANE TREE |

IRRIGATION NOTES: THE IRRIGATION SYSTEM SHALL BE AUTOMATIC WITH SMART CONTROLLER AND TO BE DESIGNED TO COMPLY WITH THE CITY OF NEWPORT BEACH WATER EFFICIENT LANDSCAPE ORDINANCE (MUNICIPAL CODE, CHAPTER 14.17)

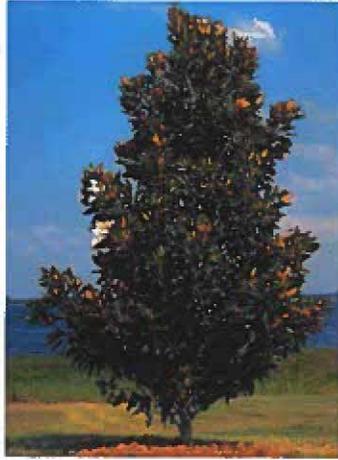
QUAIL STREET
 NEWPORT BEACH | CA
 INTRACORP | 23-003
 DATE 10|03|23



TREE PLANTING PALETTE



CUPRESSUS SEMPERVIRENS
BLUE ITALIAN CYPRESS



MAGNOLIA GRANDIFLORA 'LITTLE GEM' /
LITTLE GEM DWARF SOUTHERN MAGNOLIA



OLEA EUROPAEA 'FRUITLESS' /
FRUITLESS OLIVE



PHOENIX DACTYLIFERA 'MEDJOOK' /
MEDJOOK DATE PALM



PINUS ELДАРICA /
AFGHAN PINE



PLATANUS X ACERIFOLIA 'BLOODGOOD' /
BLOODGOOD LONDON PLANE TREE

SHRUB PLANTING PALETTE



AGAVE ATTENUATA
FOX TAIL AGAVE



ALOE ARBORESCENS
TORCH ALOE



BOUGAINVILLEA 'TORCH GLOW' /
'TORCH GLOW' BOUGAINVILLEA



RHAPHIOLEPS UMBELLATA 'MINOR' /
INDIAN HAWTHORN



FESTUCA MAIREI
ATLAS FESCUE



JUNIPERUS C. 'BLUE POINT' /
BLUE POINT JUNIPER



LIGUSTRUM JAPONICUM 'TEXANUM' /
WAXLEAF PRIVET



PRUNUS CAROLINIANA COMPACTA /
COMPACT CAROLINA CHERRY LAUREL



NANDINA DOMESTICA 'GULF STREAM' /
COMPACT HEAVENLY BAMBOO



CARISSA MACROCARPA 'EMERAL BLANKET' /
NATAL PLUM



SALVIA GREGGII /
AUTUMN SAGE



SEDUM 'AUTUMN JOY' /
AUTUMN JOY SEDUM



KALANCHOE THYSIFLORA 'FLAPJACK' /
FLAPJACK



SENECIO VITALIS /
BLUE CHALK FINGERS

QUAIL STREET

NEWPORT BEACH | CA

INTRACORP | 23-003

DATE 10 | 03 | 23

CALIFORNIA | FRESH | CONTEMPORARY | WATERWISE

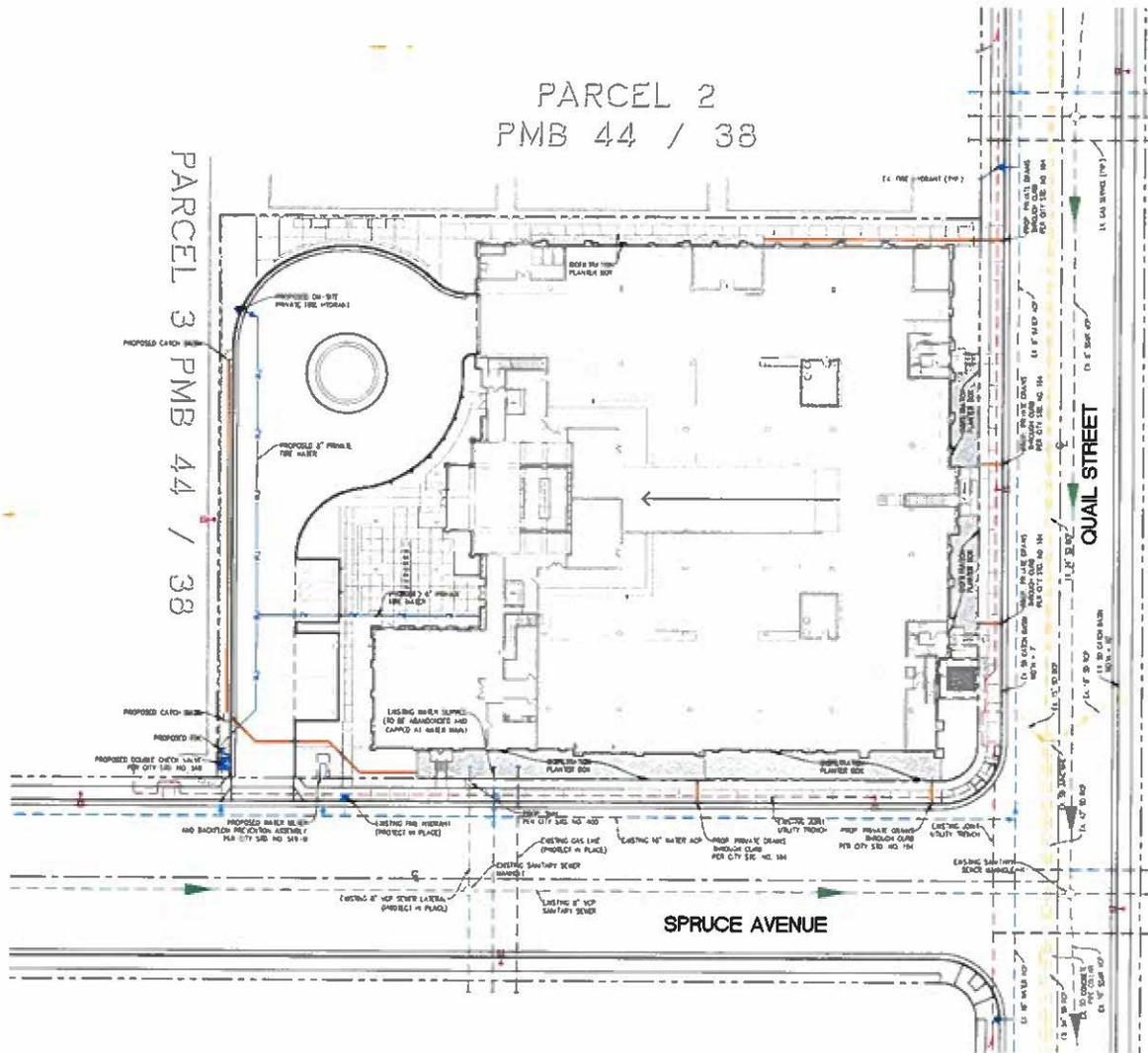
PLANTING IMAGES | L4



URBAN
ARENA

PARCEL 2
PMB 44 / 38

PARCEL 3 PMB 44 / 38



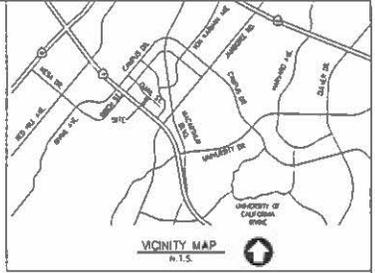
- LEGEND**
- RIGHT OF WAY
 - EXISTING
 - PROPOSED
 - STORM DRAIN LINE (WITH W/120)
 - L1 LATCH BOX (WITH W/120)
 - D1 30 INCHER STRUCTURE
 - EXISTING FIRE COLLAR
 - CL WATER LINE
 - CL W/200 GATE VALVE
 - CL FIRE HYDRANT
 - CL SANITARY SEWER LINE
 - CL SANITARY SEWER MANHOLE
 - EX GAS IN PLACE
 - EX 20" W/120 TRENCH
 - EX 18" TRENCH
 - PROPOSED SUPPLEMENTAL WATER MAIN
 - PROPOSED STORM DRAIN
 - PROPOSED ON-STREET PRIVATE TIE
 - PROPOSED ON-STREET GATE VALVE
 - PROPOSED FIRE WATER TRENCH (FOR PLUMBING)



REVISIONS NO. DATE REVISION PREPARED BY INTRACORP	AS ADAMS STREETER civil engineers 895 DOWY STREET, SUITE 400 NEWPORT BEACH, CA 92660 PHONE: 949/772-2121	DEVELOPER INTRACORP Building the Extraordinary 895 DOWY STREET, SUITE 400 NEWPORT BEACH, CA 92660	Sealer: Jay Howell, City Planner Drawn: 10/2/2023 Revised:	COMPOSITE UTILITY PLAN FOR TENTATIVE TRACT MAP NO. 82891 CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA	SHEET C-3 TOTAL SHEETS: 10
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U:\2022\22-1131\Qual St - Parcels\Qual Plan\02-2121 Composite Utility Plan.dwg

TENTATIVE TRACT MAP NO. 19261
FOR CONDOMINIUM PURPOSES
CITY OF NEWPORT BEACH, COUNTY OF ORANGE,
STATE OF CALIFORNIA



NOTES:

OWNER: NEWPORT PLACE INVESTMENT COMPANY, A GENERAL PARTNERSHIP
 1401 QUAIL STREET, SUITE 100, NEWPORT BEACH, CA 92660

APPLICANT: INTRACORP CIV. LLC
 895 OCEAN STREET, SUITE 400, NEWPORT BEACH, CA 92660

PLANNING/ENGINEER: ADAMS - STREETER CIVIL ENGINEERS INC.
 1610 1/2 W. LAMAR AVENUE, SUITE 100, NEWPORT BEACH, CA 92660
 (949) 474-1139

PROJECT ADDRESS: 1401 QUAIL STREET
 NEWPORT BEACH, CA 92660

APN NO.: 471-132-04

PLANNING AREA: BASED UPON UNLINED BOUNDARIES AND DIMENSIONS AS SHOWN HEREON, THE AREA IS 1.71 ACRES.

FLOOD ZONE: SUBJECT PROPERTY IS IN A FLOOD ZONE (AREA OF SPECIAL FLOOD HAZARD) AS SHOWN ON FLOOD INSURANCE RATE MAP NO. DMB000004A DATED DECEMBER 3, 2009 AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

EXISTING USE: OFFICE BUILDING (22,440 SF)

EXISTING LAND USE: CO-4 GENERAL COMMERCIAL OFFICE

EXISTING ZONING: PLANNED COMMUNITY - PC11 NEWPORT PLACE

PROPOSED NUMBER OF UNITS: 24 RESIDENTIAL UNITS

PROPOSED DENSITY: 45.61 UNITS/ACRE

PARKING: RESIDENTIAL PARKING REQUIRED (1.77 SPACES/UNIT) AND OFFICE 120 SPACES
 RESIDENTIAL PARKING PROVIDED:

LEGAL DESCRIPTION

ALL PROPERTY IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL 1 OF PARCEL MAP NO. 341, AS PER MAP FILED IN BOOK 44, PAGE 38 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

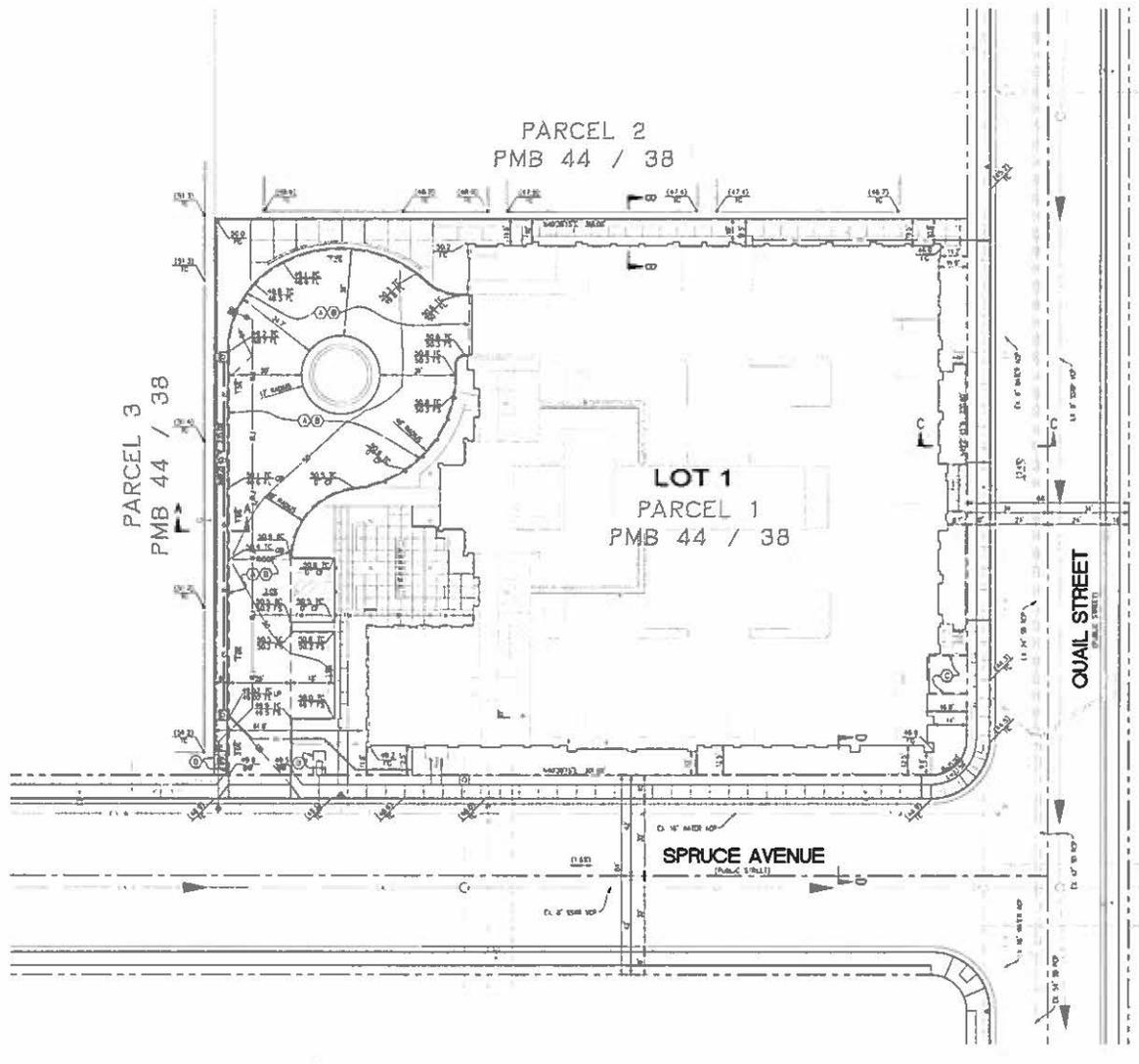
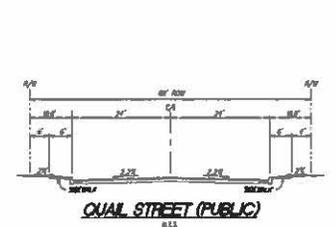
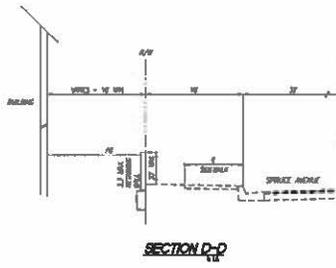
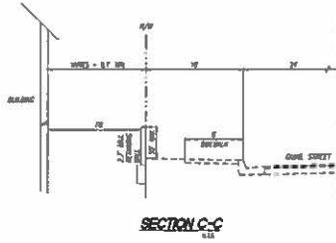
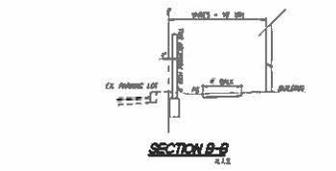
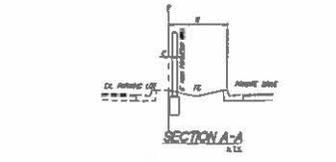
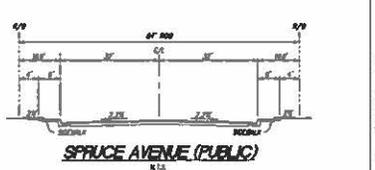
EXCEPT THE FULL RIGHTS TO ALL UTILITIES, TELEPHONE, GAS AND OTHER INFORMATION SUBSCRIBERS SERVING SAID PARCEL FROM THE BOUNDARIES OF SAID PARCEL AS PROBABLY DESCRIBED ABOVE, PROVIDED HOWEVER, THAT CHANGES HEREIN EXPRESSLY WAIVE THE RIGHT TO TAKE UPON THE SURFACE OF SAID PARCEL, PROPERTY FOR THE PURPOSES OF SUPPLYING GAS, OR PROVIDING THE UTILITIES, TELEPHONE, GAS AND OTHER INFORMATION SUBSCRIBERS TO BE RECEIVED AS REFERRED TO IN SAID PARCEL MAP NO. 341, IN BOOK 44, PAGE 38 OF OFFICIAL RECORDS.

APN: 471-132-04

EXISTING EASEMENTS

PER PRELIMINARY REPORT NO. 18163-182720 DATED APRIL 16, 2020 BY FIRST AMERICAN TITLE COMPANY, THERE ARE NO EXISTING EASEMENTS AFFECTING THE PROPERTY.

- PROPOSED EASEMENT NOTES**
- ① NON-EXCLUSIVE EASEMENT FOR EMERGENCY VEHICULAR ACCESS AND FIRE PROTECTION FACILITIES PURPOSES.
 - ② NON-EXCLUSIVE EASEMENT RESERVED FOR UTILITIES AND FLOOD ZONE.
 - ③ PROPOSED UTILITIES EASEMENT.
 - ④ PROPOSED EASEMENT DEDICATED TO THE CITY OF NEWPORT BEACH.



<table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>REVISIONS</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	REVISIONS				PREPARED BY: ADAMS - STREETER CIVIL ENGINEERS 895 OCEAN STREET, SUITE 400 NEWPORT BEACH, CA 92660 Date: 10/2/2023	INTRACORP Building the Extraordinary 895 OCEAN STREET, SUITE 400 NEWPORT BEACH, CA 92660	 Seal: As Noted On Plan Created: 10/2/2023 Revised:	TENTATIVE TRACT MAP NO. 19261 1401 QUAIL STREET CITY OF NEWPORT BEACH, CALIFORNIA	SHEET TTM-1
	NO.	DATE	REVISIONS								
LEGEND: - - - - - CENTERLINE - - - - - RIGHT OF WAY - - - - - PROPERTY LINE - - - - - EASEMENT LINE	GRAPHIC SCALE: 1" = 20' 	PLOT DATE: 10/2/2023									