RESOLUTION NO. PC2021-001


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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by 2510 W. Coast Hwy LLC & 2510 W. Coast Hwy Eat LLC, with respect to property located at 2510 & 2530 West Coast Highway, and legally described as Parcel A: Parcels 1, 2 & 3, in the City of Newport Beach, County of Orange, State of California as shown on a parcel map filed in Book 85, Pages 30 & 31 of Parcel Maps in the Office of the County Recorder of said County; Parcel B: that portion of Lot A, of Tract No. 919, in the City of Newport Beach, County of Orange, State of California as shown in Book 29, Pages 31 to 34, inclusive of miscellaneous maps, records of said County, described as follows: Beginning at the intersection of the southeasterly line of Tract No.1133, Seaview Heights, as shown on map recorded in Book 36, Pages 13 and 14 of miscellaneous maps in said office, with the northeasterly line of Lot 19 of last said tract; thence along the southeasterly prolongation of said northeasterly line South 61°,00’30” East 57.10 feet to a point in the southwesterly prolongation of the northwesterly line of that certain land described in deed recorded in book 1396, page 168 of official records in said office; thence along said southerly prolongation south 39°43’30” east, 35.65 feet to the northwesterly line of the land described in deed recorded in book 975; page 361 of official records in said office; to said southeasterly line; thence along southeasterly line north 39°43’30” east, 35.65 feet to the point of beginning. Parcel C: Parcel 1 of Parcel Map No. 90-173, in the City of Newport Beach, County of Orange, State of California, as per map filed in Book 256, pages 25 & 26 of Parcel Maps, record of Orange County requesting approval of the following:

   a. A Coastal Development Permit No. (CD2019-062) authorizing the construction of the mixed-use project within the Coastal Zone

   b. A Site Development Permit (SD2019-003) authorizing the construction of the mixed-use building;

   c. A Conditional Use Permit (UP2019-054) authorizing the establishment of an auto show room use and reduction in off street parking;

   d. A Tentative Parcel Map (NP2020-013) to consolidate the five (5) existing parcels into a single parcel; and
e. A density bonus with an incentive and waiver pursuant to Chapter 20.32 (Density Bonus) of the Newport Beach Municipal Code (“NBMC”) and Government Code Section 65915 (Density Bonus Law).

2. The Applicant requests to replace an existing marine sales facility with a mixed-use development consisting of thirty-five (35) residential dwelling units, and an 11,266-square-foot boutique auto showroom. The residential component will consist of ten (10) studio units, sixteen (16) one-bedroom units and nine (9) two-bedroom units (“Project”). Three (3) of the units will be made available for workforce housing and affordable to low income households. The commercial component of the Project will consist of an 8,741 square foot auto showroom, with a 1,484 square-foot mezzanine and 750 square-foot office.

3. The Property is designated Mixed-Use Horizontal (MU-H1) by the General Plan Land Use Element and is located within the Mixed-Use Mariners’ Mile (MU-MM) Zoning District.

4. The Property is located within the coastal zone. The Coastal Land Use Plan category is Mixed-Use – Horizontal (MU-H) and it is located within the Mixed-Use Mariners’ Mile (MU-MM) Coastal Zone District.

5. A public hearing was held online by the Planning Commission on January 21, 2021, observing restrictions due to the Declaration of a State Emergency and Proclamation of Local Emergency related to COVID-19. 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”) and Chapters 20.62 and 21.62 (Public Hearings) of the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing.

6. At the request of the applicant, the project was continued to the February 18, 2021, Planning Commission meeting in order to provide an opportunity for the applicant to conduct a community outreach meeting and allow the public to review the project more thoroughly.

7. A telephonic public hearing was held by the Planning Commission on February 18, 2021, in the Council Chambers located at 100 Civic Center Drive, Newport Beach, observing restrictions due to the Declaration of a State Emergency and Proclamation of Local Emergency related to COVID-19. 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”) and Chapters 20.62 and 21.62 (Public Hearings) of the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

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

2. Class 32 exemptions for in-fill development projects are required to meet the following conditions.

a. **The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.**

The City of Newport Beach General Plan (“General Plan”) Land Use Element designates the site as Mixed-Use Horizontal (MU-H1), which provides for a horizontal intermixing of uses. For properties located on the inland side of Coast Highway in the Mariners’ Mile Corridor, where the Property is located, the General Plan contemplates marine-related and highway-oriented general commercial uses. Portions of properties to the rear of the commercial frontage may be developed with free-standing neighborhood-serving retail, multi-family residential units, or mixed-use buildings that integrate residential with retail uses on the ground floor. The Project will be consistent with the General Plan designation of MU-H1 by developing a boutique auto showroom along Coast Highway and a multi-family residential building to the rear of the commercial frontage.

The Project would be consistent with the General Plan’s density limitations, which are 0.5 for the commercial building and 20.1-26.7 units per acre for the multi-family building.

**Land Use Policies**

**Policy LU2.1 Resident-Serving Land Uses.** Accommodate uses that support the needs of Newport Beach’s residents including housing, retail, services, employment, recreation, education, culture, entertainment, civic engagement, and social and spiritual activity that are in balance with community natural resources and open spaces.

**Policy LU2.2 Sustainable and Complete Community.** Emphasize the development of uses that enable Newport Beach to continue as a self-sustaining community and minimize the need for residents to travel outside of the community for retail, goods and services, and employment.

**Policy LU 2.8 Adequate Infrastructure.** Accommodate the types, densities, and mix of land uses that can be adequately supported by transportation and utility infrastructure (water, sewer, storm drainage, energy, and so on) and public services (schools, parks, libraries, seniors, youth, police, fire, and so on).
**Policy LU 3.2**  
**Growth and Change.** Enhance existing neighborhoods, districts and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach’s share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.

**Policy LU 4.1**  
**Land Use Diagram.** Accommodate land use development consistent with the Land Use Plan. Figure LU1 depicts the general distribution of uses throughout the City and Figure LU2 through Figure LU15 depict specific use categories for each parcel within defined Statistical Areas. Table LU1 (Land Use Plan Categories) specifies the primary land use categories, types of uses, and, for certain categories, the densities/intensities to be permitted. The permitted densities/intensities or amount of development for land use categories for which this is not included in Table LU1, are specified on the Land Use Plan, Figure LU4 through Figure LU15. These are intended to convey maximum and, in some cases, minimums that may be permitted on any parcel within the designation or as otherwise specified by Table LU2 (Anomaly Locations).

**Goal LU 5.1**  
Residential neighborhoods that are well-planned and designed contribute to the livability and quality of life of residents, respect the natural environmental setting, and sustain the qualities of place that differentiate Newport Beach as a special place in the Southern California region.

**Policy LU 6.19.3**  
**Marine-Related Businesses** Protect and encourage facilities that serve marine-related businesses and industries unless present and foreseeable future demand for such facilities is already adequately provided for in the area. Encourage coastal-dependent industrial uses to locate or expand within existing sites and allow reasonable longterm growth.

**Policy LU 6.19.4**  
Inland side of Coast Highway [designated as “MU-H1,” “CG(0.3),” and “CG(0.5)” Sub-Areas B and C]. Accommodate a mix of visitor- and local-serving retail commercial, residential, and public uses. The Coast Highway frontage shall be limited to nonresidential uses. On inland parcels, generally between Riverside Avenue and Tustin Avenue, priority should be placed on
accommodating uses that serve upland residential neighborhoods such as grocery stores, specialty retail, small service office.

**Policy LU 6.19.6** Corridor Identity and Quality Implement landscape, signage, lighting, sidewalk, pedestrian crossing, and other amenities consistent with the Mariners’ Mile Specific Plan District and Mariners’ Mile Strategic Vision and Design Plan. (Imp 20.1) restaurants, coffee shops, and similar uses.

The mixed-use Project would include an 11,266 square foot boutique auto showroom with an accessory office along Coast Highway, with a 35-unit affordable multi-family residential building to the rear of the site. The existing marine sale use does not have direct access to sea and is not dependent on its location to function. There are adequate marine related businesses in the area including boat dealers, boat rentals and sailing and seamanship schools to serve current and foreseeable demand. The intent of the Project is to add new commercial retail and housing to an underutilized site to serve the needs of the community. The mixed-use concept would foster a self-sustaining community and the proposed uses would complement the existing type and character of nearby development, which includes a variety of commercial and residential development. The Project features a well-planned layout and high-quality design that would contribute to the livability and quality of life of residents. There is capacity in the sewer and water facilities, circulation, and other public services and facilities to provide an adequate level of service to the proposed development. The Project represents infill development that can be served by the existing infrastructure.

The Property is located within the MU-H1 designation, which is intended to accommodate a mix of visitor- and local-serving retail commercial, residential, and public uses. The mix of proposed uses would be consistent with this designation.

**Project Design Policies**

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

- **Building Elevations:**
  - Treatment of the elevations of buildings facing public streets and pedestrian ways as the principal façades with respect to architectural treatment to achieve the highest level of urban design and neighborhood quality,
  - Architectural treatment of building elevations and modulation of mass to convey the character of separate living units or clusters of living units, avoiding the appearance of a singular building volume,
  - Provide street- and path-facing elevations with high-quality doors, windows, moldings, metalwork, and finishes,
• **Ground Floor Treatment:**
  o Where multi-family residential is developed on large parcels such as the Airport Area and West Newport Mesa:
    ▪ Set ground-floor residential uses back from the sidewalk or from the right-of-way, whichever yields the greater setback to provide privacy and a sense of security and to leave room for stoops, porches and landscaping,
    ▪ Raise ground-floor residential uses above the sidewalk for privacy and security but not so much that pedestrians face blank walls or look into utility or parking spaces,
    ▪ Encourage stoops and porches for ground-floor residential units facing public streets and pedestrian ways,
  o Where multi-family residential is developed on small parcels, such as the Balboa Peninsula, the unit may be located directly along the sidewalk frontage and entries should be setback or elevated to ensure adequate security.

• **Roof Design:**
  o Modulate roof profiles to reduce the apparent scale of large structures and to provide visual interest and variety.

• **Parking:**
  o Design covered and enclosed parking areas to be integral with the architecture of the residential units’ architecture.

• **Open Space and Amenity:**
  o Incorporate usable and functional private open space for each unit.

**Policy 5.2.1 Architecture and Site Design.** Require that new development within existing commercial districts and corridors complement existing uses and exhibit a high level of architectural and site design in consideration of the following principals:

• Seamless connections and transitions with existing buildings, except where developed as a free-standing building;
• modulation of building masses, elevations and rooflines to promote visual interest;
• architectural treatment of all building elevations, including ancillary facilities such as storage, truck loading and unloading, and trash enclosures;
• treatment of the ground floor of buildings to promote pedestrian activity by avoiding long continuous blank walls, incorporating extensive glazing for transparency, and modulating and articulating elevations to promote visual interest;
• clear identification of storefront entries;
incorporation of signage that is integrated with the buildings’ architectural character;
architectural treatment of parking structures consistent with commercial buildings, including the incorporation of retail in the ground floors where the parking structure faces a public street or pedestrian way;
extensive on-site landscaping, including mature vegetation to provide a tree canopy to provide shade for customers;
incorporation of plazas and expanded sidewalks to accommodate pedestrian, outdoor dining, and other activities;
clearly delineated pedestrian connections between business areas, parking, and to adjoining neighborhoods and districts (paving treatment, landscape, wayfinding signage, and so on);
integration of building design and site planning elements that reduce the consumption of water, energy, and other renewable resources.

The Project includes an 11,266 square-foot boutique auto showroom, thirty-five (35) multi-family residential units, fifty-eight (58) at-grade parking spaces, 3,683 square feet of landscaping, and a 3,015 square-foot roof top deck for outdoor recreation. The auto showroom would front Coast Highway and would include a sloped and arched roof with articulation along the street frontage. The residential building would be developed behind the auto showroom and would feature a flat roof design.

The buildings would be constructed with high quality wood, glass, and metal siding to integrate the design of the buildings with adjacent uses and the natural environment. The parking areas would be easily accessible and would accommodate resident, customer and employee parking needs. There would be two (2) access points: one (1) off Coast Highway to access the auto showroom and one (1) off Avon Street to access the residential component of the Project. The driveways would stay within the prolongation of the Property lines and a dedication would be provided to meet City driveway standards. Pedestrian connections would be provided along Coast Highway and throughout the site.

Landscaping would be strategically incorporated to provide varied and high-quality views of the façades, with existing trees along Coast Highway to be protected in place. The residential building would feature a courtyard with enlarged private patios, wood screens and gates, and landscaping. The commercial building fronting Coast Highway would feature a fireside lounge, communal dining, a lounge lawn with synthetic turf, lounge furniture, and hedge screening.

Neighborhood Compatibility Policies

Policy LU 5.2.1 Architecture and Site Design. Require that new development within existing commercial districts centers and corridors complement existing uses and exhibit a high level of architectural and site design in consideration of the following principles:
• Seamless connections and transitions with existing buildings, except where developed as a free-standing building;
• Modulation of building masses, elevations, and rooflines to promote visual interest;
• Architectural treatment of all building elevations, including ancillary facilities such as storage, truck loading and unloading, and trash enclosures;
• Treatment of the ground floor of buildings to promote pedestrian activity by avoiding long, continuous blank walls, incorporating extensive glazing for transparency, and modulating and articulating elevations to promote visual interest;
• Clear identification of storefront entries;
• Incorporation of signage that is integrated with the buildings’ architectural character;
• Architectural treatment of parking structures consistent with commercial buildings, including the incorporation of retail in the ground floors where the parking structure faces a public street or pedestrian way;
• Extensive on-site landscaping, including mature vegetation to provide a tree canopy to provide shade for customers
• Incorporation of plazas and expanded sidewalks to accommodate pedestrian, outdoor dining, and other activities;
• Clearly delineated pedestrian connections between business areas, parking, and to adjoining neighborhoods and districts (paving treatment, landscape, wayfinding signage, and so on);
• Integration of building design and site planning elements that reduce the consumption of water, energy, and other nonrenewable resources.

Policy LU 5.2.2 Buffering Residential Areas. Require that commercial uses adjoining residential neighborhoods be designed to be compatible and minimize impacts through such techniques as:
• Incorporation of landscape, decorative walls, enclosed trash containers, downward focused lighting fixtures, and/or comparable buffering elements;
• Attractive architectural treatment of elevations facing the residential neighborhood;
• Location of automobile and truck access to prevent impacts on neighborhood traffic and privacy.

Policy LU 5.3.5 Pedestrian-Oriented Architecture and Streetscapes. Require that buildings located in pedestrian-oriented commercial and mixed-use districts (other than the Newport Center and Airport Area, which are guided by Goals 6.14 and 6.15, respectively, specific to those areas) be designed to define the public realm, activate sidewalks and
pedestrian paths, and provide “eyes on the street” in accordance with the following principles:

- Location of buildings along the street frontage sidewalk, to visually form a continuous or semi-continuous wall with buildings on adjacent parcels;
- Inclusion of retail uses characterized by a high level of customer activity on the ground floor; to insure successful retail-type operations, provide for transparency, elevation of the first floor at or transitioning to the sidewalk, floor-to-floor height, depth, deliveries, and trash storage and collection;
- Articulation and modulation of street-facing elevations to promote interest and character;
- Inclusion of outdoor seating or other amenities that extend interior uses to the sidewalk, where feasible;
- Minimization of driveways that interrupt the continuity of street facing building elevations, prioritizing their location to side streets and alleys where feasible.

**Policy LU 6.16.5 Compatibility of Business Operations with Adjoining Residential Neighborhoods.** Work with local businesses to ensure that retail, office, and other uses do not adversely impact adjoining residential neighborhoods. This may include strategies addressing hours of operation, employee loitering, trash pickup, truck delivery hours, customer arrivals and departures, and other activities.

**Policy LU 5.3.6 Parking Adequacy and Location.** Require that adequate parking be provided and is conveniently located to serve tenants and customers. Set open parking lots back from public streets and pedestrian ways and screen with buildings, architectural walls, or dense landscaping.

**Policy LU 6.16.6 Design Compatibility with Adjoining Residential Neighborhoods.** Require that building elevations facing adjoining residential units be designed to convey a high-quality character and ensure privacy of the residents, and that properties be developed to mitigate to the maximum extent feasible impacts of lighting, noise, odor, trash storage, truck deliveries, and other business related activities. Building elevations shall be architecturally treated and walls, if used as buffers, shall be well-designed and landscaped to reflect the area’s residential village character.

The Project incorporates a variety of features to ensure neighborhood compatibility, including a parking garage within the footprint of the building to minimize noise. Landscaping and green screens would also be provided between adjacent uses to minimize noise. Pedestrian connections would be incorporated throughout the site and would connect to sidewalks along Coast Highway.
The design of the Project would be high-quality and would be compatible with adjacent uses with respect to building elevations. The architectural details would provide modulation of building masses, elevations, and rooflines to promote visual interest. The buildings would be three stories in height, which is compatible with surrounding buildings that are generally two stories in height.

Adequate setbacks are incorporated into the Project design to ensure that the Project will be compatible with the adjoining uses. Parking would be sufficient to accommodate projected demand and would be located on the ground level beneath the residential building in a convenient location for residents, visitors, customers, and employees.

b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The Project site is within the Newport Beach city limits, and consists of 42,821 square feet, or 0.98 acres. The site is surrounded by urban uses, including commercial uses south, east and west of the site and commercial and single-family residential uses north of the site.

c. The project site has no value, as habitat for endangered, rare or threatened species.

The Property has no native vegetation and/or habitat. It is currently a commercial Marine Sales facility that is entirely paved, with the exception of minor non-native decorative vegetation. There is no potential for special-status plants or animals to exist on the Property. The Project would not encroach into any jurisdictional waters or areas that support native and/or sensitive habitat. The Property does not contain any wetland area. There would be no significant direct or indirect impacts to wetland Environmental Sensitive Habitat Area (ESHA) associated with the Project. For these reasons, the Project site has no value as habitat for endangered, rare or threatened species. Given the urban character of the surrounding area, no significant impacts to biological resources would occur.

d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

A Parking Demand Evaluation was prepared for the Project by Urban Crossroads dated July 7, 2020. The Evaluation concluded that the Project provides adequate parking capacity to support the proposed type and intensity of uses. Chapter 20.40 of the NBMC (Off-Street Parking) requires off-street parking in the amount of forty-four (44) spaces for the residential use. The Project will provide a total of forty-four (44) residential parking spaces, including twenty-six (26) spaces for the studio and one (1) bedroom units and nine (9) spaces for the two (2) bedroom units.

For the showroom, Section 20.40.404 of the NBMC requires one (1) space per 1,000 square feet of lot area for vehicle sales, which would equate to forty-three (43)
spaces. However, the City’s vehicle sales parking rate does not accurately reflect
the high-end boutique showroom use planned for the site and overstates the actual
parking demand. The high-end boutique showroom will operate by appointment only
during typical business hours. No mechanical services will be provided on-site.
Counts observed at similar high-end boutique showrooms indicate the City’s vehicle
sales overstate the actual parking demands. Similarly, the City’s Retail Sales
parking rate does not adequately describe the parking demand for the proposed use.
Therefore, Urban Crossroads collected reference parking demand counts at three
similar locations to obtain an accurate reference parking demand rate.

A comparison of the three reference parking demand rates suggests an average
parking rate of one (1) space per every 1,656 square feet, with a peak parking rate
of one (1) space for every 876 square feet. With 11,266 square feet of high-end
boutique showroom auto sales use, there would be a peak parking demand of
thirteen (13) spaces at the 2510 West Coast Highway showroom. As such, the
Applicant is seeking a 30-space reduction in required parking.

The onsite parking would be sufficient to accommodate projected demand and with
approval of the parking reduction, and comply with City requirements. The Project
will provide adequate, convenient parking for residents, customers, and employees.

Chapter 15.40 (Traffic Phasing Ordinance) of the Municipal Code requires a traffic
study to be prepared and findings be made prior to issuance of building permits if a
proposed project will generate in excess of 300 average daily trips (ADT). Per Traffic
Phasing Ordinance (TPO) trip generation procedures, the project will generate 294
daily trips. Since the project would generate less than 300 average daily trips, a TPO
traffic impact analysis is not required for the project.

A Noise Impact Analysis was prepared for the Project on July 28, 2020, consistent
with applicable City of Newport Beach noise standards and the CEQA Guidelines. It
concluded that the Project would not create any sources of noise that would exceed
thresholds. The primary source of traffic noise for the future onsite residents will be
Coast Highway. Noise levels are not expected to exceed 64 dBA CNEL at the
building façade, which is less than the City’s 65 dBA CNEL exterior noise
compatibility criteria for residential mixed-use.

Project-related stationary-source noise levels would result from air conditioning units,
the trash enclosure, roof deck activities and vehicle movements. The closest
sensitive receptor to the site is an existing outdoor play area approximately twenty-
three (23) feet east of the site. Stationary-source noise levels will be below
applicable standards of 55 dBA Leq during daytime hours and 50 dBA Leq during
nighttime hours at all nearby sensitive receptor locations.

During construction, the Project would generate noise and vibration. For
construction noise, the Noise Impact Analysis uses a threshold of 85 dBA Leq since
the City does not have a construction noise threshold. With the planned 8 to 16-foot
high temporary noise barrier during demolition, site preparation and grading, the
Project’s construction noise would be below 74 dBA Leq and would not expose sensitive receptors to construction noise levels in excess of standards. Likewise, the highest vibration levels of 75.6 VdB at the nearest sensitive receptor location would not exceed the vibration threshold of 78 VdB.

An Air Quality and Greenhouse Gas Assessment was prepared for the Project, dated June 10, 2020. Neither short-term nor long-term air pollutant emissions generated by the Project would exceed significance thresholds established by the South Coast Air Quality Management District ("SCAQMD") as shown in Table 1 and 2 below. Localized air emissions would similarly not exceed applicable thresholds. No sensitive receptor would be exposed to emissions in excess of standards during construction or operation. The Assessment concluded that the Project would not produce the volume of traffic required to generate a CO “hot spot" and would not have the potential to generate any objectionable odors. Additionally, the Project would be consistent with all policies of the Air Quality Management Plan. The Project’s greenhouse gas emissions estimate of 718.74 metric tons of carbon dioxide equivalent (MTCO2e) per year would not exceed the screening threshold of 3,000 MTCO2e per year applicable SCAQMD threshold for greenhouse gas emissions. Therefore, approval of the Project would not result in any significant effects relating to air quality or greenhouse gas emissions.

| TABLE 1: PROJECT CONSTRUCTION EMISSIONS AND REGIONAL THRESHOLDS (WITHOUT MITIGATION) |
|-----------------------------------|-------|-------|-------|-------|-------|-------|
| Emissions (lbs/day)               | VOC   | NOX   | CO    | SOX   | PM10  | PM2.5  |
| Maximum Daily Emissions          | 64.06 | 17.08 | 8.50  | 0.03  | 1.65  | 0.89   |
| SCAQMD Regional Threshold        | 75    | 100   | 550   | 150   | 150   | 55     |
| Threshold Exceeded?              | NO    | NO    | NO    | NO    | NO    | NO     |

lbs/day = Pounds Per Day

| TABLE 2: PROJECT OPERATIONAL EMISSIONS AND REGIONAL THRESHOLDS – WITHOUT MITIGATION |
|-----------------------------------|-------|-------|-------|-------|-------|-------|
| Emissions (lbs/day)               | VOC   | NOX   | CO    | SOX   | PM10  | PM2.5  |
| Summer Scenario                  |       |       |       |       |       |       |
| Area Source                       | 10.25 | 0.76  | 20.69 | 0.05  | 2.69  | 2.69   |
| Energy Source                     | 0.02  | 0.17  | 0.08  | 0.00  | 0.01  | 0.01   |
| Mobile                            | 1.41  | 2.91  | 12.18 | 0.03  | 3.27  | 0.90   |
| Total Maximum Daily Emissions     | 11.67 | 3.84  | 32.95 | 0.08  | 5.98  | 3.60   |
| SCAQMD Regional Threshold         | 55    | 55    | 550   | 150   | 150   | 55     |
| Threshold Exceeded?              | NO    | NO    | NO    | NO    | NO    | NO     |

Winter Scenario

| Area Source                       | 10.25 | 0.76  | 20.69 | 0.05  | 2.69  | 2.69   |
| Energy Source                     | 0.02  | 0.17  | 0.08  | 0.00  | 0.01  | 0.01   |
| Mobile                            | 1.47  | 3.02  | 11.85 | 0.03  | 3.27  | 0.90   |
| Total Maximum Daily Emissions     | 11.74 | 3.94  | 32.63 | 0.08  | 5.98  | 3.60   |
A preliminary Water Quality Management Plan (“WQMP”) has been reviewed and approved by the City of Newport Beach. The WQMP concludes that implementation of the Project would not result in potentially significant impacts to the drainage patterns on-site. Project storm water must comply with all applicable Municipal Separate Storm Systems (MS4) requirements to ensure that impacts to surface and ground water quality do not occur. Water quality objectives will be achieved through the incorporation of Best Management Practices (BMPs) identified in the preliminary Water Quality Management Plan during construction and post-project implementation.

The new drainage pattern would match the existing drainage pattern, which drains southerly toward Coast Highway. The flow would be collected into the cross gutter and directed toward a new stormwater treatment system. The Project would be designed to minimize impervious areas by meeting, but not exceeding, minimum allowable driveway requirements. It would disconnect the impervious areas by directing runoff to landscaping. It would also involve plantings in disturbed areas with native and drought tolerant plants and trees. Approval of the Project would not result in any significant effect related to water quality or drainage.

e. The site can be adequately served by all required utilities and public services.

All required utilities, including sewer, water, energy, etc., exist within the Project site. Private sewer and water lines will be located within an easement along the central portion of the site and connect to City sewer and water lines along Coast Highway. The southern portion of the site provides drainage and utility access via several easements and the Project will maintain access to these easements and utilities. No backbone facilities (i.e., master-planned roads and/or utilities) will be required to accommodate the Project. The nearest fire station is approximately one (1) mile from the Project site at 32nd Street and Via Oporto. All of the public services, including police and fire protection, schools and parks and recreation, are adequate to accommodate the Project. Thus, the site can be adequately served by all required utilities and public services.

3. CEQA Class 32 consists of projects characterized as in-fill development meeting the conditions described above. The Project consists of thirty-five (35) multi-family residential units and a boutique auto showroom with office. It is consistent with the City’s General Plan land use and zoning designations. There is no reasonable probability that the Project will have a significant effect on the environment due to unusual circumstances, nor will the Project result in any short-term or long-term environmental impacts that were not previously considered in the City of Newport Beach General Plan (“General Plan”) and General Plan EIR. As described above, implementation of the Project will not result in any adverse effects on sensitive biological resources, traffic, air quality, noise or water quality. Therefore, the
Project meets all of the conditions described above for in-fill development and qualifies for a Class 32 exemption.

SECTION 3. REQUIRED FINDINGS.

Coastal Development Permit

In accordance with Section 21.52.015(F) (Coastal Development Permits, Findings and Decision) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

A. Conforms to all applicable sections of the certified Local Coastal Program

Facts in Support of Finding:

1. The Local Coastal Plan designates the Project site as Mixed-Use – Horizontal (MU-H). The MU-H category is intended to provide for the development of areas for a horizontally distributed mix of uses, which may include general or neighborhood commercial, commercial offices, multifamily residential, visitor-serving and marine-related uses, and/or buildings that vertically integrate residential with commercial uses. The Project will be consistent with the Local Coastal Plan designation of MU-H by developing a boutique auto showroom along Coast Highway and a multi-family residential building to the rear of the commercial frontage.

2. The Project site is zoned Mixed-Use Mariners’ Mile, which allows properties fronting on Coast Highway to be developed for nonresidential uses only. Properties to the rear of the commercial frontage may be developed for freestanding nonresidential uses, multi-unit residential dwelling units, or mixed-use structures that integrate residential above the ground floor with nonresidential uses on the ground floor. Notwithstanding the height exception and unit-mix incentive requested through the allowed density bonus, the Project complies with the applicable standards.

3. The Property is located in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved prior to the issuance of building permits. Permit issuance is also contingent on the inclusion of design mitigation identified in the geotechnical investigations. Construction plans are reviewed for compliance with approved investigations and the California Building Code (CBC) prior to building permit issuance.

4. A preliminary Water Quality Management Plan (“WQMP”) has been reviewed and approved by the City of Newport Beach. The WQMP concludes that implementation of the Project would not result in potentially significant impacts to the drainage patterns on-site. Project storm water must comply with all applicable Municipal
Separate Storm Systems (MS4) requirements to ensure that impacts to surface and ground water quality do not occur. Water quality objectives will be achieved through the incorporation of Best Management Practices (BMPs) identified in the preliminary Water Quality Management Plan during construction and post-project implementation.

5. The new drainage pattern would match the existing drainage pattern, which drains southerly toward Coast Highway. The flow would be collected into the cross gutter and directed toward a new stormwater treatment system. The Project would be designed to minimize impervious areas by meeting, but not exceeding, minimum allowable driveway requirements. It would disconnect the impervious areas by directing runoff to landscaping. It would also involve plantings in disturbed areas with native and drought tolerant plants and trees. Approval of the Project would not result in any significant effect related to water quality or drainage.

6. The Property has no native vegetation and/or habitat. It is currently a commercial Marine Sales facility that is entirely paved, with the exception of minor non-native decorative vegetation. There is no potential for special-status plants or animals to exist on the Property. The Project would not encroach into any jurisdictional waters or areas that support native and/or sensitive habitat. The Property does not contain any wetland area. There would be no significant direct or indirect impacts to wetland ESHA associated with the Project. For these reasons, the Project site has no value as habitat for endangered, rare or threatened species. Given the urban character of the surrounding area, no significant impacts to biological resources would occur.

Finding:

B. Conforms with the public access and public recreation policies of Chapter 3 of the Coastal Act if the project is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.

Facts in Support of Finding:

1. The closest public viewpoint is adjacent and above the Property to the northeast at John Wayne Park. View simulations were provided as part of the Project plans. The inland location of the Project site combined with the elevated and sloping location of the adjacent park minimize coastal view impacts. The Project’s flat roof which is void mechanical equipment or vertical intrusions and strategic spacing of landscaping (palm trees) further protects coastal views; therefore, the development will not impact coastal views.

2. The closest coastal view road is West Coast Highway, which is to the south, as designated in the Coastal Land Use Plan. The Project is located entirely on private property and will not inhibit coastal views from the road since the proposed development will be constructed on the inland side of West Coast Highway. The building will be three (3) stories (35 feet) high. The building architecture is designed to provide an attractive appearance that is compatible with the surrounding area with high quality materials, neutral
colors, and architectural treatments to prevent building monotony. Therefore, the Project does not have the potential to degrade the visual quality of the coastal zone or result in significant adverse impacts to public views.

3. The Property is located in Mariners’ Mile corridor area and is not located between the nearest public road and the sea. Section 21.30A.040 (Determination of Public Access/Recreation Impacts) of the NBMC, requires that the provision of public access bear a reasonable relationship between the requirement and the Project’s impact and be proportional to the impact. In this case, the Project involves the demolition of an existing Marine Sales use the construction of a new mixed-use project. Although the Project involves a change in intensity from the existing condition, mixed-use projects are the intended and allowed use for the Property and the development complies with all other applicable development standards including required parking. The Project is not anticipated to result in a significantly increased demand on public access and recreation opportunities. The Property is located on the inland side of West Coast Highway approximately 300 feet from Newport Harbor, and does not provide any public access easements.

**Site Development Review**

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

**Finding:**

A. The proposed development is allowed within the subject zoning district.

**Facts in Support of Finding:**

1. The Property is zoned Mixed-Use Mariners’ Mile, which allows properties fronting on Coast Highway to be developed for nonresidential uses only. Properties to the rear of the commercial frontage may be developed with freestanding nonresidential uses, multi-unit residential dwelling units, or mixed-use structures that integrate residential above the ground floor with nonresidential uses on the ground floor. Notwithstanding the height exception and unit-mix incentive requested through the allowed density bonus, the Project complies with the applicable standards of the Zoning Code.

**Finding:**

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

i. Compliance with this section, the General Plan, this Zoning Code, any applicable specific plan, and other applicable criteria and policies related to the use or structure;
ii. The efficient arrangement of structures on the site and the harmonious relationship of the structures to one another and to other adjacent developments; and whether the relationship is based on standards of good design;

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

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

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

vi. The protection of significant views from public right(s)-of-way and compliance with NBMC Section 20.30.100 (Public View Protection).

Facts in Support of Finding:

1. All Facts in Support of Coastal Development Permit Findings A and B are hereby incorporated by reference.

2. The General Plan Land Use Element designates the site as Mixed-Use Horizontal (MU-H1), which provides for a horizontal intermixing of uses. For properties located on the inland side of Coast Highway in the Mariners’ Mile Corridor, where the Property is located, the General Plan contemplates marine-related and highway-oriented general commercial uses. Portions of properties to the rear of the commercial frontage may be developed with free-standing neighborhood-serving retail, multi-family residential units, or mixed-use buildings that integrate residential with retail uses on the ground floor. The Project will be consistent with the General Plan designation of MU-H1 by developing a boutique auto showroom along Coast Highway and a multi-family residential building to the rear of the commercial frontage.

The Project would be consistent with the General Plan’s density limitations, which are 0.5 for the commercial building and 20.1-26.7 units per acre for the multi-family building.

3. Land Use Policies

Policy LU2.1 Resident-Serving Land Uses. Accommodate uses that support the needs of Newport Beach’s residents including housing, retail, services, employment, recreation, education, culture, entertainment, civic engagement, and social and spiritual activity that are in balance with community natural resources and open spaces.

Policy LU2.2 Sustainable and Complete Community. Emphasize the development of uses that enable Newport Beach to continue as a
self-sustaining community and minimize the need for residents to travel outside of the community for retail, goods and services, and employment.

**Policy LU 2.8** **Adequate Infrastructure.** Accommodate the types, densities, and mix of land uses that can be adequately supported by transportation and utility infrastructure (water, sewer, storm drainage, energy, and so on) and public services (schools, parks, libraries, seniors, youth, police, fire, and so on).

**Policy LU 3.2** **Growth and Change.** Enhance existing neighborhoods, districts and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach’s share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.

**Policy LU 4.1** **Land Use Diagram.** Accommodate land use development consistent with the Land Use Plan. Figure LU1 depicts the general distribution of uses throughout the City and Figure LU2 through Figure LU15 depict specific use categories for each parcel within defined Statistical Areas. Table LU1 (Land Use Plan Categories) specifies the primary land use categories, types of uses, and, for certain categories, the densities/intensities to be permitted. The permitted densities/intensities or amount of development for land use categories for which this is not included in Table LU1, are specified on the Land Use Plan, Figure LU4 through Figure LU15. These are intended to convey maximum and, in some cases, minimums that may be permitted on any parcel within the designation or as otherwise specified by Table LU2 (Anomaly Locations).

**Goal LU 5.1** Residential neighborhoods that are well-planned and designed contribute to the livability and quality of life of residents, respect the natural environmental setting, and sustain the qualities of place that differentiate Newport Beach as a special place in the Southern California region.

**Policy LU 6.19.4** Inland side of Coast Highway [designated as “MU-H1,” “CG(0.3),” and “CG(0.5)” Sub-Areas B and C]. Accommodate a mix of visitor- and local-serving retail commercial, residential, and
public uses. The Coast Highway frontage shall be limited to nonresidential uses. On inland parcels, generally between Riverside Avenue and Tustin Avenue, priority should be placed on accommodating uses that serve upland residential neighborhoods such as grocery stores, specialty retail, small service office, restaurants, coffee shops, and similar uses.

The mixed-use Project would include an 11,266 square-foot boutique auto showroom with an accessory office along Coast Highway, with a thirty-five (35)-unit affordable multi-family residential building to the rear of the site. The intent of the Project is to add new commercial retail and housing to an underutilized site to serve the needs of the community. The mixed-use concept would foster a self-sustaining community and the proposed uses would complement the existing type and character of nearby development, which includes a variety of commercial and residential development. The Project features a well-planned layout and high-quality design that would contribute to the livability and quality of life of residents. There is capacity in the sewer and water facilities, circulation, and other public services and facilities to provide an adequate level of service to the proposed development. The Project represents infill development that can be served by the existing infrastructure.

The Property is located within the MU-H1 designation, which is intended to accommodate a mix of visitor- and local-serving retail commercial, residential, and public uses. The mix of proposed uses would be consistent with this designation.

4. Project Design Policies

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

- **Building Elevations:**
  - Treatment of the elevations of buildings facing public streets and pedestrian ways as the principal façades with respect to architectural treatment to achieve the highest level of urban design and neighborhood quality,
  - Architectural treatment of building elevations and modulation of mass to convey the character of separate living units or clusters of living units, avoiding the appearance of a singular building volume,
  - Provide street- and path-facing elevations with high-quality doors, windows, moldings, metalwork, and finishes,

- **Ground Floor Treatment:**
  - Where multi-family residential is developed on large parcels such as the Airport Area and West Newport Mesa:
    - Set ground-floor residential uses back from the sidewalk or from the right-of-way, whichever yields
the greater setback to provide privacy and a sense of security and to leave room for stoops, porches and landscaping,

- Raise ground-floor residential uses above the sidewalk for privacy and security but not so much that pedestrians face blank walls or look into utility or parking spaces,
- Encourage stoops and porches for ground-floor residential units facing public streets and pedestrian ways,
  - Where multi-family residential is developed on small parcels, such as the Balboa Peninsula, the unit may be located directly along the sidewalk frontage and entries should be setback or elevated to ensure adequate security.

- **Roof Design:**
  - Modulate roof profiles to reduce the apparent scale of large structures and to provide visual interest and variety.

- **Parking:**
  - Design covered and enclosed parking areas to be integral with the architecture of the residential units’ architecture.

- **Open Space and Amenity:**
  - Incorporate usable and functional private open space for each unit.

**Policy 5.2.1 Architecture and Site Design.** Require that new development within existing commercial districts and corridors complement existing uses and exhibit a high level of architectural and site design in consideration of the following principals:

- Seamless connections and transitions with existing buildings, except where developed as a free-standing building;
- Modulation of building masses, elevations and rooflines to promote visual interest;
- Architectural treatment of all building elevations, including ancillary facilities such as storage, truck loading and unloading, and trash enclosures;
- Treatment of the ground floor of buildings to promote pedestrian activity by avoiding long continuous blank walls, incorporating extensive glazing for transparency, and modulating and articulating elevations to promote visual interest;
- Clear identification of storefront entries;
- Incorporation of signage that is integrated with the buildings’ architectural character;
- Architectural treatment of parking structures consistent with commercial buildings, including the incorporation of retail in the ground
floors where the parking structure faces a public street or pedestrian way;
• extensive on-site landscaping, including mature vegetation to provide a tree canopy to provide shade for customers;
• incorporation of plazas and expanded sidewalks to accommodate pedestrian, outdoor dining, and other activities;
• clearly delineated pedestrian connections between business areas, parking, and to adjoining neighborhoods and districts (paving treatment, landscape, wayfinding signage, and so on);
• integration of building design and site planning elements that reduce the consumption of water, energy, and other renewable resources.

The proposed development includes an 11,266 square-foot boutique auto showroom, thirty-five (35) multi-family residential units, fifty-eight (58) at-grade parking spaces, 3,683 square feet of landscaping, and a 3,015 square-foot roof top deck for outdoor recreation. The auto showroom would front Coast Highway and would include a sloped and arched roof with articulation along the street frontage. The residential building would be developed behind the auto showroom and would feature a flat roof design.

The buildings would be constructed with high quality wood, glass, and metal siding to integrate the design of the buildings with adjacent uses and the natural environment. The parking areas would be easily accessible and would accommodate resident, customer and employee parking needs. There would be two (2) access points: one (1) off Coast Highway to access the auto showroom and one (1) off Avon Street to access the residential component of the Project. The driveways would stay within the prolongation of the Property lines and a dedication would be provided to meet City driveway standards. Pedestrian connections would be provided along Coast Highway and throughout the site.

Landscaping would be strategically incorporated to provide varied and high-quality views of the façades, with existing trees along Coast Highway to be protected in place. The residential building would feature a courtyard with enlarged private patios, wood screens and gates, and landscaping. The commercial building fronting Coast Highway would feature a fireside lounge, communal dining, a lounge lawn with synthetic turf, lounge furniture, and hedge screening.

5. Neighborhood Compatibility Policies

Policy LU 5.2.1 Architecture and Site Design. Require that new development within existing commercial districts centers and corridors complement existing uses and exhibit a high level of architectural and site design in consideration of the following principles:

• Seamless connections and transitions with existing buildings, except where developed as a free-standing building;
• Modulation of building masses, elevations, and rooflines to promote visual interest;
• Architectural treatment of all building elevations, including ancillary facilities such as storage, truck loading and unloading, and trash enclosures;
• Treatment of the ground floor of buildings to promote pedestrian activity by avoiding long, continuous blank walls, incorporating extensive glazing for transparency, and modulating and articulating elevations to promote visual interest;
• Clear identification of storefront entries;
• Incorporation of signage that is integrated with the buildings’ architectural character;
• Architectural treatment of parking structures consistent with commercial buildings, including the incorporation of retail in the ground floors where the parking structure faces a public street or pedestrian way;
• Extensive on-site landscaping, including mature vegetation to provide a tree canopy to provide shade for customers;
• Incorporation of plazas and expanded sidewalks to accommodate pedestrian, outdoor dining, and other activities;
• Clearly delineated pedestrian connections between business areas, parking, and to adjoining neighborhoods and districts (paving treatment, landscape, wayfinding signage, and so on);
• Integration of building design and site planning elements that reduce the consumption of water, energy, and other nonrenewable resources.

Policy LU 5.2.2 Buffering Residential Areas. Require that commercial uses adjoining residential neighborhoods be designed to be compatible and minimize impacts through such techniques as:
• Incorporation of landscape, decorative walls, enclosed trash containers, downward focused lighting fixtures, and/or comparable buffering elements;
• Attractive architectural treatment of elevations facing the residential neighborhood;
• Location of automobile and truck access to prevent impacts on neighborhood traffic and privacy.

Policy LU 5.3.5 Pedestrian-Oriented Architecture and Streetscapes. Require that buildings located in pedestrian-oriented commercial and mixed-use districts (other than the Newport Center and Airport Area, which are guided by Goals 6.14 and 6.15, respectively, specific to those areas) be designed to define the public realm, activate sidewalks and pedestrian paths, and provide “eyes on the street” in accordance with the following principles:
• Location of buildings along the street frontage sidewalk, to visually form a continuous or semi-continuous wall with buildings on adjacent parcels;
• Inclusion of retail uses characterized by a high level of customer activity on the ground floor; to insure successful retail-type operations, provide for transparency, elevation of the first floor at or transitioning to the sidewalk, floor-to-floor height, depth, deliveries, and trash storage and collection;
• Articulation and modulation of street-facing elevations to promote interest and character;
• Inclusion of outdoor seating or other amenities that extend interior uses to the sidewalk, where feasible;
• Minimization of driveways that interrupt the continuity of street facing building elevations, prioritizing their location to side streets and alleys where feasible.

Policy LU 6.16.5 Compatibility of Business Operations with Adjoining Residential Neighborhoods. Work with local businesses to ensure that retail, office, and other uses do not adversely impact adjoining residential neighborhoods. This may include strategies addressing hours of operation, employee loitering, trash pickup, truck delivery hours, customer arrivals and departures, and other activities.

Policy LU 5.3.6 Parking Adequacy and Location. Require that adequate parking be provided and is conveniently located to serve tenants and customers. Set open parking lots back from public streets and pedestrian ways and screen with buildings, architectural walls, or dense landscaping.

Policy LU 6.16.6 Design Compatibility with Adjoining Residential Neighborhoods. Require that building elevations facing adjoining residential units be designed to convey a high-quality character and ensure privacy of the residents, and that properties be developed to mitigate to the maximum extent feasible impacts of lighting, noise, odor, trash storage, truck deliveries, and other business related activities. Building elevations shall be architecturally treated and walls, if used as buffers, shall be well-designed and landscaped to reflect the areas residential village character.

The Project incorporates a variety of features to ensure neighborhood compatibility, including a parking garage within the footprint of the building to minimize noise. Landscaping and green screens would also be provided between adjacent uses to minimize noise. Pedestrian connections would be incorporated throughout the site and would connect to sidewalks along Coast Highway.

The design of the Project would be high-quality and would be compatible with adjacent uses with respect to building elevations. The architectural details would provide modulation of building masses, elevations, and rooflines to promote visual interest. The
buildings would be three stories in height, which is compatible with surrounding buildings that are generally two stories in height.

Adequate setbacks are incorporated into the Project design to ensure that the Project will be compatible with the adjoining uses. Parking would be sufficient to accommodate projected demand and would be located on the ground level beneath the residential building in a convenient location for residents, visitors, customers, and employees.

6. The Project is compliant with the Mariners’ Mile Strategic Vision and Design Framework. The proposed boutique auto showroom is consistent with the uses envisioned along this inland area of Mariners’ Mile. The Projects color scheme utilizes neutral brown, tan and grey colors with contrasting white trim elements consistent with the Mariners’ Mile color palate. The architecture respects views from above by providing both flat and undulating rooflines that are free of mechanical equipment or vertical intrusions such as elevator overruns. The Project’s landscaping preserves existing Palms along West Coast Highway while adding an additional Palm and background hedge consistent with the Mariners’ Mile Coast Highway edge landscaping framework. Additional landscape features include linear concrete paver driveways, vine covered walls (green screen) and palms lining the eastern edge of the West Coast Highway access driveway.

Finding:

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

Facts in Support of Finding:

1. 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.

2. The proposed building has been designed to accommodate and provide safe access for emergency vehicles, delivery trucks, and refuse collections vehicles, as determined by the City Traffic Engineer.

3. The Project does not involve the use or manufacture of any hazardous substances that could impact nearby development.

4. The new construction complies with all Building, Public Works, Fire Codes, City ordinances, and all conditions of approval.
Conditional Use Permit

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

Finding:

A. The use is consistent with the General Plan and any applicable specific plan.

Facts in Support of Finding:

1. All Facts in Support of Site Development Review Findings A and B are hereby incorporated by reference.

Finding:

B. The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Newport Beach Municipal Code.

Facts in Support of Finding:

1. All Facts in Support of Site Development Review Findings A and B are hereby incorporated by reference.

2. A Parking Demand Evaluation was prepared for the Project by Urban Crossroads dated July 7, 2020. The Evaluation concluded that the Project provides adequate parking capacity to support the proposed type and intensity of uses. Chapter 20.40 (Off-Street Parking) of the NBMC requires off-street parking in the amount of forty-four (44) spaces for the residential use. The Project will provide a total of forty-four (44) residential parking spaces, including twenty-six (26) spaces for the studio and one (1) bedroom units and nine (9) spaces for the two (2) bedroom units.

For the proposed showroom, the Chapter 20.40 (Off-Street Parking) requires one (1) space per 1,000 square feet of lot area for vehicle sales, which would equate to forty-three (43) spaces. However, the City’s vehicle sales parking rate does not accurately reflect the high-end boutique showroom use planned for the site and overstates the actual parking demand. The high-end boutique showroom will operate by appointment only during typical business hours. No mechanical services will be provided on-site. Counts observed at similar high-end boutique showrooms indicate the City’s vehicle sales overstate the actual parking demands. Similarly, the City’s Retail Sales parking rate does not adequately describe the parking demand for the proposed use. Therefore, Urban Crossroads collected reference parking demand counts at three similar locations to obtain an accurate reference parking demand rate prior to the onset of the Covid-19 pandemic.

A comparison of the three (3) reference parking demand rates suggests an average parking rate of one (1) space per every 1,656 square feet, with a peak parking rate of
one (1) space for every 876 square feet. With 11,266 square feet of high-end boutique showroom auto sales use, there would be a peak parking demand of thirteen (13) spaces at the 2510 West Coast Highway showroom. As such, the Applicant is seeking a thirty (30) space reduction in required parking.

The onsite parking would be sufficient to accommodate projected demand and with approval of the parking reduction, the Project will comply with City requirements. The Project will provide adequate, convenient parking for residents, customers, and employees.

Finding:

C. The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity.

Facts in Support of Finding:

1. All Facts in Support of Site Development Review Findings A and B are hereby incorporated by reference.

2. The commercial component of the Project consists of an 8,741 square-foot auto showroom, with a 1,484 square-foot mezzanine and 750 square-foot office. The showroom will operate by appointment only, during typical business hours, will not be permitted to test drive vehicles on residential streets and will not provide onsite mechanical services or store vehicles on the exterior of the building. Conditions of approval have been incorporated into the draft resolution to minimize the impacts of the proposed use.

Finding:

D. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities.

Facts in Support of Finding:

1. All Facts in Support of Site Development Review Findings A and B are hereby incorporated by reference.

Finding:

E. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.
Facts in Support of Finding:

1. All Facts in Support of Site Development Review Finding C are hereby incorporated by reference.

Tentative Parcel Map

In accordance with NBMC Subsection 19.12.070 (Required Findings for Action on Tentative Maps (66412.3, 66473 et seq.)), the following findings and facts in support of such findings are set forth:

Finding:

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

Facts in Support of Finding:

1. All Facts in Support of Site Development Review Findings A and B are hereby incorporated by reference.

2. The Project has been conditioned to require public improvements, including the reconstruction of sidewalks, curbs, and gutters on West Coast Highway and Avon Street as necessary.

Finding:

B. That the site is physically suitable for the type and density of development.

Facts in Support of Finding:

1. The Property is approximately 0.98 acres in size. The existing site consists of five (5) contiguous parcels and is bound by Avon Street to the north, West Coast Highway to the south. The proposed subdivision consolidates five (5) existing parcels into a single parcel. The proposed development is consistent with the type and density of development permitted for the site.

Finding:

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

Facts in Support of Finding:

1. The Property is currently developed and located in an urbanized area and does not contain any sensitive vegetation or habitat.

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

Finding:

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

Facts in Support of Finding:

1. All Facts in Support of Site Development Review Finding C are hereby incorporated by reference.

Finding:

E. 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.

Facts in Support of Finding:

1. The City Public Works and Utilities Departments have reviewed the Project to ensure the proposed subdivision will not conflict with easements acquired by the public at large, for access through, or use of property within the Project.

Finding:

F. 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.

Facts in Support of Finding:

1. The Property is not subject to the Williamson Act because the Property is not designated as an agricultural preserve and is less than one hundred (100) acres in area.

2. The Property is developed with a commercial use and is located in a Zoning District that does not permit agricultural development.

Finding:

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

Facts in Support of Finding:

1. California Business and Professions Code Section 11000.5 has been repealed by the Legislature. However, this Project is not considered a “land project” as previously defined in Section 11000.5 of the California Business and Professions Code because the Property does not contain fifty (50) or more parcels of land.

2. The Project is not located within a specific plan area.

Finding:

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

Facts in Support of Finding:

1. The Tentative Parcel Map and any future improvements are subject to Title 24 of the California Code of Regulations (“Building Code”) that requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The Newport Beach Building Division enforces the Building Code compliance through the plan check and inspection process.

Finding:

I. 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.

Facts in Support of Finding:

1. The Project would add thirty-five (35) housing units to the City’s housing inventory including three (3) units affordable to Very Low-Income households. The redevelopment of an aging commercial site with the addition of both market and affordable housing units balances the City’s housing needs while providing an updated commercial space (auto showroom) that will generate sales tax income in support of the City’s fiscal resources.

2. The Property is currently developed and located in an urbanized area and does not contain any sensitive vegetation or habitat.

Finding:

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

Facts in Support of Finding:

1. The proposed subdivision would not create waste that would result in a violation of the existing requirements prescribed by the Regional Water Quality Control Board. A preliminary Water Quality Management Plan (“WQMP”) (Exhibit D) has been reviewed and approved by the City of Newport Beach. The WQMP concludes that implementation of the Project would not result in potentially significant impacts to the drainage patterns on-site. Project storm water must comply with all applicable Municipal Separate Storm Systems (MS4) requirements to ensure that impacts to surface and ground water quality do not occur. Water quality objectives will be achieved through the incorporation of Best Management Practices (BMPs) identified in the preliminary Water Quality Management Plan during construction and post-project implementation.

Finding:

K. 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.

Facts in Support of Finding:

1. All Facts in Support of Coastal Development Permit Findings A and B are hereby incorporated by reference.
Density Bonus

The proposed Affordable Housing Implementation Plan (“AHIP”) is consistent with the intent to implement affordable housing goals within the City pursuant to Government Code Section 65915-65918 (State Density Bonus Law), and Title 20 (Planning and Zoning), Chapter 20.32 (Density Bonus) of the Newport Beach Municipal Code (“NBMC”) for the following reasons:

1. The State Density Bonus Law and the City’s Density Bonus Code provide for an increase in the number of units of up to thirty-five percent (35%) above the maximum number of units allowed by the General Plan, for projects that include a minimum of eleven percent (11%) units affordable to Very Low Income Households, in the case of the Project will provide three (3) units affordable to Very Low Income households, which equates to eleven percent (11%) of the twenty-six (26) base units. At the maximum density bonus of thirty-five percent (35%), the Project is eligible for ten (10) additional units above the twenty-six (26) base units allowed by the General Plan for a total of thirty-six (36) units.

Incentive Request: Pursuant to Section 20.32.070 of the NBMC (Design and Distribution of Affordable Units), affordable units shall reflect the range of the number of bedrooms provided in the residential development project as a whole. The Project would provide a unit mix that includes a greater percentage of studio and one-bedroom units than the Project as a whole. Granting this incentive will result in identifiable, financially sufficient, and actual project cost reductions by reducing the long-term rental subsidy costs associated with the two-bedroom units and affording additional rental income for the Project to ensure financial feasibility.

Development Standard Waiver Request: Pursuant to the Mixed-Use H1 MM zoning standards, building heights are limited to a base height of 26 feet with flat roofs, but may be increased through a site development review to a height of 35 feet. Government Code Section 65915(e)(1) provides that a city may not apply a development standard that will have the effect of physically precluding the construction of the density bonus units at the density permitted under the density bonus law. In the case of the Project, a waiver of the 26-foot base height limit development standard to allow a height of 35 feet is requested to accommodate the Project. Given the restriction on developing residential units along Coast Highway and requirement that residential units be located above the ground level the waiver is necessary to accommodate the density bonus units permitted under State law.

2. As authorized pursuant to Government Code Section 65915-65918 (Density Bonus Law) and NBMC Chapter 20.32 (Density Bonus), the Project is eligible for parking requirements calculated in accordance with Government Code Section 65915(p). Therefore, studio and one (1) bedroom units are required to provide one (1) onsite parking space per unit and two (2) bedroom units are required to provide two (2) onsite parking spaces.
SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby finds this Project is categorically exempt from the California Environmental Quality Act pursuant to Section 15332 under Class 32 of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.

2. The Planning Commission of the City of Newport Beach hereby approves Coastal Development Permit No. CD2019-062, Conditional Use Permit No. UP2019-054, Site Development Review No. SD2019-003, and Tentative Parcel Map No. NP2020-013, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.

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

4. This action shall become final and effective ten (10) days after the adoption of this Resolution unless within such time an appeal is filed with the City Council in accordance with the provisions of Title 19 (Subdivisions), of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 18th DAY OF FEBRUARY, 2021.

AYES: Ellmore, Klaustermeier, Koetting, Lowrey, and Rosene

NOES: Weigand

ABSTAIN:

ABSENT: Kleiman

BY: [Signature]

Erik Weigand, Chairman

BY: [Signature]

Seimone Juris, Ex-Officio Secretary
EXHIBIT “A”

CONDITIONS OF APPROVAL

Planning Division

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

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

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

4. This approval may be modified or revoked by the Planning Commission should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the Property is operated or maintained so as to constitute a public nuisance.

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

6. Prior to the issuance of a building permit, the Applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Site Development Review Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Site Development Review and shall highlight the approved elements such that they are readily discernible from other elements of the plans.

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

8. 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.
9. 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.

10. Prior to the issuance of a building permit, the applicant shall prepare photometric study in conjunction with a final lighting plan for approval by the Planning Division. The survey shall show that lighting values are “1” or less at all property lines.

11. 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.

12. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 (Community Noise Control) 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:

<table>
<thead>
<tr>
<th>Location</th>
<th>Between the hours of 7:00AM and 10:00PM</th>
<th>Between the hours of 10:00PM and 7:00AM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Property</td>
<td>45dBA</td>
<td>55dBA</td>
</tr>
<tr>
<td>Residential Property located within 100 feet of a commercial property</td>
<td>45dBA</td>
<td>60dBA</td>
</tr>
<tr>
<td>Mixed Use Property</td>
<td>45dBA</td>
<td>50dBA</td>
</tr>
<tr>
<td>Commercial Property</td>
<td>N/A</td>
<td>65dBA</td>
</tr>
</tbody>
</table>

13. 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.

14. Construction activities shall comply with Section 10.28.040 (Loud and Unreasonable Noise, Construction Activity -Noise Regulations) 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.

15. No outside paging system shall be utilized in conjunction with this establishment.

16. All trash shall be stored within the building or within dumpsters stored in the trash enclosure (three walls and a self-latching gate) or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies. The trash enclosure shall have a decorative solid roof for aesthetic and screening purposes.

17. The auto showroom shall operate by appointment only between the hours of 8:00 a.m. and 9:00 p.m. No mechanical services or repairs may be conducted onsite. No vehicle inventory
may be stored on the exterior of the showroom. No test drives shall be permitted on residential streets.

18. The test driving of vehicles from the auto showroom shall be prohibited on residential streets within the City of Newport Beach.

19. Auto showroom vehicle delivery and trash service pick-up shall utilize the Avon Street driveway only.

20. Thirteen (13) parking spaces shall be signed and reserved for the use of the auto showroom during business hours.

21. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within twenty (20) feet of the premises.

22. The applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).

23. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and Saturdays and between the hours of 10:00 p.m. and 9:00 a.m. on Sundays and Federal holidays, unless otherwise approved by the Director of Community Development, and may require an amendment to this Use Permit.

24. Storage outside of the building in the front or at the rear of the Property shall be prohibited, with the exception of the required trash container enclosure.

25. A designated onsite pet relief area, subject to the review and approval of the Director of Community Development, shall be provided onsite or dogs shall otherwise be prohibited to reside onsite through a provision of each tenant’s lease agreement.

26. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.

27. This approval shall expire and become void unless exercised within twenty-four (24) months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 (Planning and Zoning) of the Newport Beach Municipal Code.
28. A minimum of three (3) apartments units shall be made affordable to very low-income households consistent with the Affordable Housing Implementation Plan dated July 9, 2020.

29. 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.

30. 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 2510 West Coast Highway Mixed-Use Project including, but not limited to, Coastal Development Permit No. CD2019-062, Conditional Use Permit No. UP2019-054, Site Development Review No. SD2019-003, and Tentative Parcel Map No. NP2020-013 (PA2019-249). 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

31. Fire access shall have an unobstructed vertical clearance of not less than 13 feet 6 inches. California Fire Code Section 503.2.1 Off Street Fire Access shall be provided on West Coast Highway - a designated safe place for fire department to stage off the street for medical aids.

32. Group R occupancies shall be equipped throughout with an automatic sprinkler system in accordance with CFC Section 903.2.8. California Building Code (CBC) Section 420.5, Newport Beach Fire Department (NBFD) Guideline F.05 and NBFD Guideline F.03.

33. Fire Alarm Systems and Smoke Alarms shall be installed in Group R-1 occupancies as required in Sections 907.2.8.1 through 907.2.8.3 CFC Section 907.2.8.

34. All buildings and structures with one or more passenger service elevators shall be provided with not less than one medical emergency service elevator to all landings meeting the provisions of Section 3002.4a. California Building Code (CBC) Section 3002.4a.

35. The elevator car shall be of such a size and arrangement to accommodate a 24-inch by 84-inch ambulance gurney or stretcher with not less than 5-inch radius corners, in the horizontal, open position, shall be provided with a minimum clear distance between walls or between walls and door, excluding return panels not less than 80 inches by 54 inches,
and a minimum distance from wall to return panel not less than 51 inches with a 42-inch side slide door. CBC Section 3002.4.3a

36. Walls separating dwelling units in the same building, walls separating sleeping units in the same building and walls separating dwelling or sleeping units from other occupancies contiguous to them in the same building shall, be constructed as fire partitions in accordance with Section 708. CBC Section 420.2

37. Floor assemblies separating dwelling units in the same building, floor assemblies separating sleeping units in the same building and floor assemblies separating dwelling or sleeping units from other occupancies contiguous to them in the same building shall be constructed as horizontal assemblies in accordance with Section 711. CBC Section 420.3.

38. Fire Hydrants are required and shall be provided within 400 feet of all portions of a building. An approved route around the exterior of the facility or building shall measure the distances. CFC Section 507.5.1.

39. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. CFC Section 510.1. An Emergency Responder Radio Coverage system for a duration of not less than 24 hours. CFC Section 510.4.2.3.

40. Emergency responder radio coverage systems shall be provided with standby power in accordance with Section 604. The standby power supply shall be capable of operating the emergency responder radio coverage system for a duration of not less than 24 hours. CFC Section 510.4.2.3.

41. Dumpsters and containers with an individual capacity of 1.5 cubic yards or more shall not be stored in buildings or placed within 5 feet of combustible walls, openings or combustible to roof eave lines. CFC Section 304.3.3.

42. Class I standpipes shall be installed and located as required per NBFD. Standpipes are necessary due to lack of access around the perimeter of the structure.

43. A two-way communication system complying with Sections 12009.8.1 and 1009.8.2 shall be provided at the landing serving each elevator or bank of elevators one ach accessible floor that is one or more stories above or below the level of exit discharge. CFC Section 1009.8.

44. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities and buildings are hereafter constructed or moved into or within the jurisdiction. CFC Section 507.1.

45. Fire hydrants shall be provided and located within 400 feet of all portions of the building. The fire flow will also determine if additional fire hydrants are required. CFC Section 507.5.
46. As per Amendment to CFC Section 604.8, provide and install electrical outlets connected to the emergency generator circuitry system when a generator is required by Section 604.2 of the CFC in every fire control room and in other areas as may be designated by the fire code official in the following locations:
   a. In the main exit corridor of each floor adjacent to each exit enclosure.
   b. On every level in every stairwell.
   c. In each elevator lobby.
   d. In public assembly areas larger than 1,500 square feet.
   e. In every fire control room.
   f. In such other areas as may be designated by the fire code official.

47. Liquid or gas-fueled vehicles, boats or other motor craft shall not be located indoors except as follows:
   a. Batteries are disconnected.
   b. Fuel in fuel tanks does not exceed one-quarter tank or 5 gallons (whichever is least).
   c. Fuel tanks and fill openings are closed and sealed to prevent tampering.
   d. Vehicles, boats or other motor craft equipment are not fueled or defueled within the building.

48. Fire lanes shall be identified as per NBFD Guideline C.02 and shown as indicated on the plans.

49. During construction, an approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site. CFC Section 3312.1.

50. Construction Access. Either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions, shall provide vehicle access. Vehicle access shall be maintained until permanent fire apparatus access roads are available. NBFD Guideline C.01.

51. The elevator designated the medical emergency elevator shall be equipped with a key switch to recall the elevator nonstop to the main floor. CBC Section 3002.4.4a.

52. Fire Flow needs to be determined as per NBFD Guideline B.01.

53. The Fire Department Connection (FDC) shall be on the address side of the building and located a minimum of 30 feet from beginning of the radius for the driveway approach; arranged so they are located immediately adjacent to the approved fire department access road so that hose lines can be readily and conveniently attached to the inlets without interference from nearby objects including building, fence, posts, or other fire department connections. NBFD Guideline F.04.

54. The FDC shall be located no more than 100 feet from a public hydrant. NBFD Guideline F.04.
55. Fire Pits must be installed as per California Mechanical Code 932.0 and the manufacturer’s specifications.

56. Gates across the fire access or gates blocking pedestrian access must be equipped with a means for emergency personnel to enter the Property via the road. NBFD Guideline C.01.

**Building Division**

57. 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.

58. 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.

59. **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.

60. Prior to the issuance of a grading permit, the applicant shall prepare and submit a Water Quality Management Plan (WQMP) for the Project, subject to the approval of the Building Division and Code and Water Quality Enforcement Division. The WQMP shall provide appropriate Best Management Practices (BMPs) to ensure that no violations of water quality standards or waste discharge requirements occur.

61. 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.

**Public Works Department**

62. A Parcel Map shall be recorded. 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 Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 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.**

63. Prior to recordation of the parcel 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, Subarticle 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.

64. The conflicting easement (i.e. private sewer, water, storm drain, ingress, and egress easements) within the Project shall be vacated prior to the final parcel map processing or shall be vacated as part of the proposed parcel map.

65. The Project shall provide a 12-foot wide dedication for street-purposes along the West Coast Highway frontage.
66. The Project shall provide a minimum 10-foot easement for street and pedestrian purposes to provide an accessible compliant walkway at the top of the driveway along the Avon Street extension frontage.

67. No structural improvements shall be permitted within the limits of the proposed 12-foot wide street dedication along the West Coast Highway frontage and minimum 10-foot wide street and pedestrian easement along the Avon Street extension frontage.

68. The existing street light pole located adjacent to the new driveway along West Coast Highway shall be relocated a minimum of 5-feet away from the proposed driveway approach unless otherwise approved by Caltrans.

69. Each unit shall be served by separate sewer and water services unless otherwise waived by the Utilities Director. If waived by the Utilities Director, at a minimum the residential and commercial uses shall have separate sewer and water services. Each sewer and water service shall be installed per applicable City Standards.

70. The driveways shall be constructed and installed per City Standard STD-160-L-A. A minimum 4-foot wide accessible walkway shall be provided at the top of the driveway approach.

71. Reconstruct curb, gutter and sidewalks along the West Coast Highway and Avon Street extension project frontages per the applicable City Standards.

72. Parking layout shall comply with City Standard STD-805-L-A and STD-805-L-B. All drive aisles shall be a minimum of 26-feet wide. No obstruction shall be permitted to Project into the required width of the drive aisle.

73. All improvements shall be constructed as required by Ordinance and the Public Works Department.

74. The existing City street trees along the West Coast Highway and Avon Street extension frontages shall be protected in place.

75. All existing overhead utilities shall be undergrounded.

76. An encroachment permit is required for all work activities within the public right-of-way.

77. All on-site drainage shall comply with the latest City Water Quality requirements.

78. All unused water services to be abandoned shall be capped at the main (corporation stop) and all unused sewer laterals to be abandoned shall be capped at Property line. If the sewer lateral to be abandoned has an existing cleanout, abandonment shall include removal of the cleanout riser, the 4TT box and the wye. Sewer lateral shall then be capped where the wye used to be.
79. Sewer and water demand study shall be reviewed and approved by the Public Works and Utilities Departments. Any City required improvements to accommodate the Project shall be designed and constructed at the owner's expense.

80. Fire Flow analysis shall be reviewed and approved by the Public Works Department, Utilities Department and Fire Marshall. Any City required improvements to accommodate the Project shall be designed and constructed at the owner’s expense.

81. A construction management plan (CMP) shall be reviewed and approved by the City Traffic Engineer and the Community Development Director prior to the issuance of a building permit.