



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

AGENDA ITEM 2

February 20, 2025

TO: Commissioners/Alternates

FROM: Julie Fitch, Executive Officer

SUBJECT: City of Newport Beach Housing Opportunity Overlay (HO) Zoning/Coastal Zoning Amendments

Background

In September 2021, the City of Newport Beach submitted its 2021-2029 Housing Element Update (“Update”) to the Airport Land Use Commission for Orange County (ALUC) for a consistency review. The 2021-2029 Housing Element identified five focus areas in the City to meet its RHNA allocation of 4,845 total units, plus a buffer of 5,069 units. The focus areas are: Airport Area; West Newport Mesa; Dover-Westcliff; Newport Center; and Coyote Canyon (See Attachment 1). Your Commission found the Update to be inconsistent with the *Airport Environs Land Use Plan for John Wayne Airport (AELUP for JWA)* due to noise, safety and land-use incompatibility issues mainly for new units in the Airport Area. The City overruled ALUC’s determination and adopted the Update in February 2022. In August 2023, the City submitted Housing Element Implementation/Noise Related Amendments, and in May 2024, the City submitted Housing Element Implementation Program General Plan Land Use Element and Title 20 Amendments. Both of these submittals were found to be inconsistent, and the City overruled ALUC on both.

Most of the Newport Center area is within the North Newport Center Planned Community which allows for structures up to 295 feet. The North Newport Center Planned Community was originally adopted in 2007, with amendments in 2009, 2011, 2012 and 2015. The original Planned Community as well as the amendments were reviewed by your Commission and found to be consistent with the *AELUP for JWA*. No changes to the Planned Community are proposed.

Proposed Project

The City is now submitting proposed amendments to Newport Beach Municipal Code Title 20 (Planning and Zoning) and pending Title 21 (Local Coastal Program Implementation Plan). Some of the locations of the sites included in this project are located within the Notification Area for John Wayne Airport as shown on Attachment 2. The purpose of the amendments is to adjust

the height limits for certain properties within the Newport Center Area (HO-4 Subarea) to accommodate potential residential development; to designate 179 units from the 2,577-unit limit identified for the Airport Area HO-1 Subarea to City-owned property at 1201 Dove Street; and to designate 199 units from the 2,439-unit limit identified for the HO-4 Newport Center Subarea to City-owned property at 868 and 870 Santa Barbara Drive. These subareas correspond to the focus areas identified in Appendix B of the Housing Element. Because these units would be allocated from within the existing sub-area allocations, there would be no density increases or additional units with these amendments.

The proposed Zoning Code Amendment would increase the maximum building height requirement for specified housing sites in the Newport Center Housing Opportunity (HO) Overlay Zoning District. Specifically, the proposed Project would increase the maximum building heights for 35 of the 247 housing sites identified in the Housing Element within the Newport Center Focus Area. See Attachment 3 for a table and exhibits showing existing and proposed heights. No increases in development capacities or changes to other development standards or development areas are proposed on any of these housing sites. In addition, footnotes would be added to Table 2-16 and Table 2-28-1 of the Zoning Code indicating the allocation of sites for 1201 Dove Street and 868 and 870 Santa Barbara Drive as shown in Attachment 4 (pages 9-13 of Planning Commission Resolution PC2025-004).

Two of the properties that would be affected by the height increase at Newport Center, are within the JWA Notification Area and also located within the Newport Beach Local Coastal Zone boundary, so an amendment to the pending Local Coastal Zone Program would be required.

The City has held/scheduled the following public hearings:

January 23, 2025	Planning Commission
March 11, 2025	City Council

AE LUP for JWA Issues

Regarding Aircraft Noise Impacts:

While the Housing Element includes numerous sites within the 65 dBA CNEL for John Wayne Airport, the site at 1201 Dove Street is in the 60 dBA CNEL Attachment 5. The property at 868-870 Santa Barbara Drive and the Newport Center properties are outside of the noise contours.

Regarding Height Restrictions:

The sites included in this proposed project are within the Notification Area for JWA and some of the sites fall under the Federal Aviation Regulation (FAR) Part 77 Imaginary Surfaces. (See Attachment 6). The 1201 Dove Street and 868-870 Santa Barbara Drive sites are within the Horizontal Surface which would be penetrated at 206 feet Above Mean Sea Level (AMSL). The existing height limits for these sites is well below that and not proposed to change. Some of the

sites in Newport Center area are proposed for an increase in height limits of up to 270 feet. With ground elevations of 150 to 200 feet, the proposed increase would not penetrate the obstruction surface for JWA.

Section 20.30.060(E) of the City's Planning and Zoning Code refers to *AELUP* requirements that structures shall not penetrate FAA Part 77 surfaces unless approved by ALUC, and that for structures that penetrate the 100:1 Notification Surface, a Form 7460-1 will be filed and submitted to ALUC. It also states that structures over 200 feet above ground level will be submitted to ALUC. The North Newport Center Planned Community also has similar language. (See Attachment 7).

Regarding Flight Tracks and Safety Zones:

As shown in Attachment 8 the 1201 Dove Street site is located in Safety Zone 6. According to the California Airport Land Use Planning Handbook, noise and overflight should be considered in Safety Zone 6. Attachment #9 illustrates flight tracks provided by the John Wayne Airport Noise Office for two separate days in December of 2024. As shown on the exhibits, there are numerous flights over this site and the Airport Area in general, however, the site is already designated for residential use and no new units are proposed. The Santa Barbara Drive and Newport Center sites are well outside of the safety zones.

Regarding Heliports:

No heliports are proposed as part of the Noise-Related Amendments, therefore, consistency with the *AELUP* for Heliports was not evaluated.

Environmental Compliance

The City Council adopted Resolution No. 2024-50 on July 23, 2024, certifying Final Program Environmental Impact Report SCH No. 2023060699 ("PEIR"), approving a Mitigation Monitoring and Reporting Program ("MMRP"), and adopting Findings and a Statement of Overriding Considerations related to the implementation of the Housing Element involving amendments to the General Plan, Coastal Land Use Plan, and Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the NBMC. A Consistency Analysis Memorandum evaluating proposed amendments was prepared, and the City determined that no additional environmental review was required pursuant to State CEQA Guidelines Section 15162.

Conclusion

ALUC staff has reviewed this project with respect to consistency with the *AELUP for JWA*, including review of noise, height restrictions, overflight and imaginary surfaces. The recommendation below is based on the proposed allocation of approved residential unit allocations from the airport area to areas further from John Wayne Airport (in the 60 dBA CNEL and Safety Zone 6). The City's proposed changes would help reduce the public's exposure to

excessive noise and safety hazards around John Wayne Airport. Regarding the proposed increases in height, both the Newport Beach Planning and Zoning Code and the North Newport Center Planned Community Development Plan include the necessary language regarding height restrictions related to Part 77 and ALUC.

Attachment 10 contains excerpts from the City of Newport Beach submittal for this project. The January 23, 2025 Newport Beach Planning Commission staff report and PowerPoint presentation can be found on the City's website:

Staff report:

<https://ecms.newportbeachca.gov/WEB/DocView.aspx?id=3096724&dbid=0&repo=CNB>

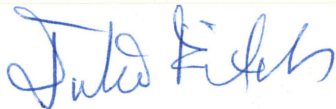
PowerPoint:

<https://ecms.newportbeachca.gov/WEB/DocView.aspx?id=3096725&dbid=0&repo=CNB>

Recommendation

That the Commission find the proposed Housing Opportunity Overlay (HO) Zoning/Coastal Zoning Amendments consistent with the *AELUP for JWA*.

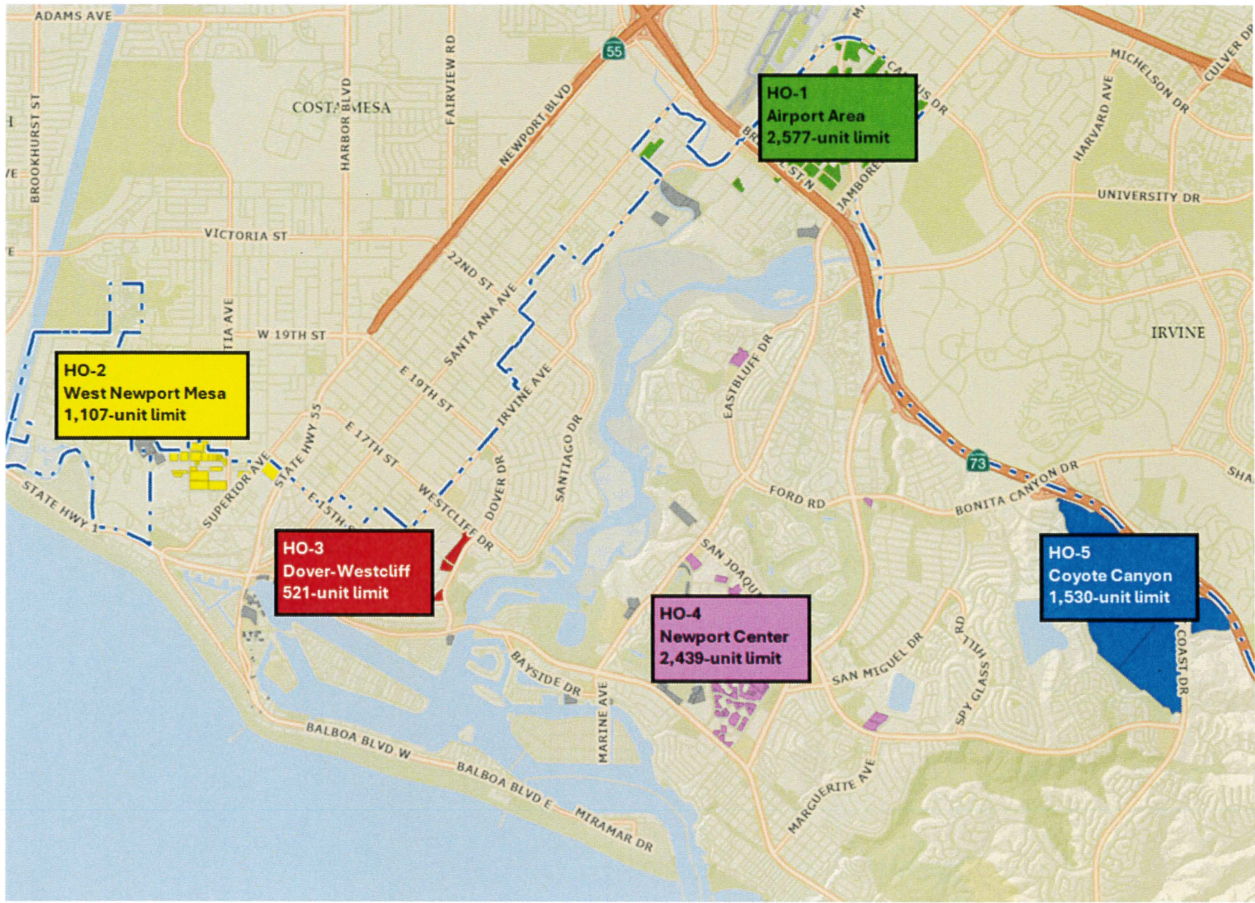
Respectfully submitted,



Julie Fitch
Executive Officer

Attachments:

1. Newport Beach Housing Element Focus Areas
2. Project Locations in JWA Notification Area
3. Existing and Proposed Heights
4. Zoning Code Tables Referring to Dove Street and Santa Barbara Drive
5. Project Locations and JWA Noise Contours
6. JWA Obstruction Imaginary Surfaces
7. Height References in Zoning Code and NNCPC
8. JWA Safety Zones
9. Flight Track Exhibits
10. Excerpts from City Submittal



ATTACHMENT 1

City of Newport Beach Housing Opportunity (HO) Overlay Zoning District Amendments
ALUC Submittal, January 29, 2025
EXHIBIT A – Notification Area/Planning Area



ATTACHMENT 2

(2) Amend the Zoning Map to identify the HO Overlay Zoning Districts. (3) Adopt City of Newport Beach Multi-Unit Objective Design Standards. (Resolution Nos. 2024-17 and 2024-16).

- **Local Coastal Program Amendment.** Amend the Local Coastal Program for rezoning program implementation for those sites located in the Coastal Zone. (Resolution No. 2024-52)
- **City Charter Section 423.** Approve a ballot measure for a major amendment to the General Plan in compliance with City Charter Section 423. (Resolution No. 2024-58)

Proposed Project Description

The proposed Municipal Code Amendment would increase the maximum building height requirement for specified housing sites in the Newport Center Housing Opportunity (HO) Overlay Zoning District, as outlined in the City of Newport Municipal Code (Municipal Code) Chapter 20.28 and pending Chapter 21.28. Specifically, the proposed Project would increase the maximum building heights for only 32 (all within the Newport Center Focus Area) of the 247 housing sites identified in the 2021-2029 Housing Element, as outlined in **Table 1: HO-4 Newport Center Area - Existing and Proposed Height Limits** and depicted on **Exhibit 1: HO-4 Newport Center Area Existing Height Limits**, **Exhibit 2: HO-4 Newport Center Area Proposed Height Limits**, and **Exhibit 3: HO-4 Newport Center Area Existing/Proposed Height Limits**. No increases in development capacities or changes to other development standards or development areas are proposed on any of these housing sites. Additionally, the proposed Project does not propose any changes to the other 215 housing sites identified in the 2021-2029 Housing Element.

Housing Site	Existing Height	Proposed Height
148 ⁽¹⁾	32'/37'	60'
149	32'/37'	60'
155	32'/37'	85'
164	32'/37'	60'
168	32'/37'	60'
169	32'/37'	60'
173 ⁽¹⁾	32'/37'	60'
175	32'/37'	60'
181	50'	50'
182	50'	60'
185	32'/37'	85'
186	32'/37'	85'
187	32'/37'	85'
192	50'	85'
203	50'	85'
212	32'	50'
240	50'	60'
257	50'	60'
339	32'/37' ⁽²⁾	110'
340	32'/37'	85'
341	32'/37'	85'
345	32'/37'	270'
346	32'/37'	270'
347	32'/37'	270'

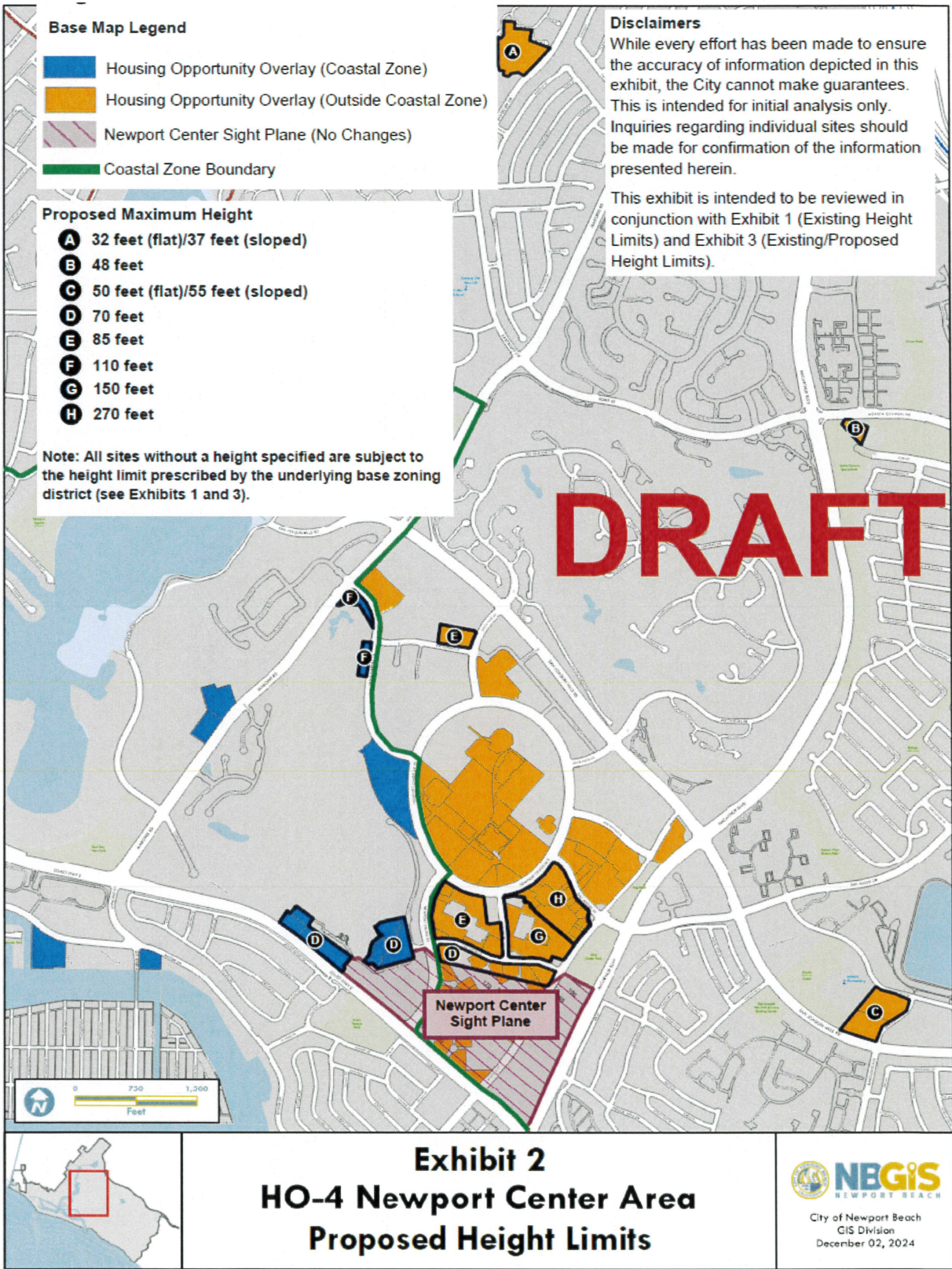
Housing Site	Existing Height	Proposed Height
348	32'/37'	270'
349	32'/37'	270'
350	32'/37'	270'
351	32'/37'	270'
352	32'/37'	270'
353	300'	110'
354	50'	60'
E	32'/37'	270'

Notes:

1. The maximum allowable height for portions of Housing Sites 148 and 173 within the Newport Center Sight Plane would not change. These sites' maximum allowable height would remain between 15' to 32'.
2. The "32'/37'" limit reflects "flat/sloped" height limits.

In addition, the proposed Municipal Code Amendment would add footnotes for the Airport Area Housing Opportunity (HO-1) Overlay Zoning District and HO-4 Overlay Zoning District to identify a certain number of units being allocated from the respective development limits to a select group of City-owned properties.





Base Map Legend

- Housing Opportunity Overlay (Coastal Zone)
- Housing Opportunity Overlay (Outside Coastal Zone)
- Newport Center Sight Plane (No Changes)
- Coastal Zone Boundary

Proposed Maximum Height

- A** 32 feet (flat)/37 feet (sloped)
- B** 48 feet
- C** 50 feet (flat)/55 feet (sloped)
- D** 70 feet
- E** 85 feet
- F** 110 feet
- G** 150 feet
- H** 270 feet

Note: All sites without a height specified are subject to the height limit prescribed by the underlying base zoning district (see Exhibits 1 and 3).

Disclaimers

While every effort has been made to ensure the accuracy of information depicted in this exhibit, the City cannot make guarantees. This is intended for initial analysis only. Inquiries regarding individual sites should be made for confirmation of the information presented herein.

This exhibit is intended to be reviewed in conjunction with Exhibit 1 (Existing Height Limits) and Exhibit 3 (Existing/Proposed Height Limits).

DRAFT

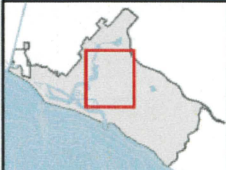


Exhibit 2
HO-4 Newport Center Area
Proposed Height Limits



City of Newport Beach
GIS Division
December 02, 2024

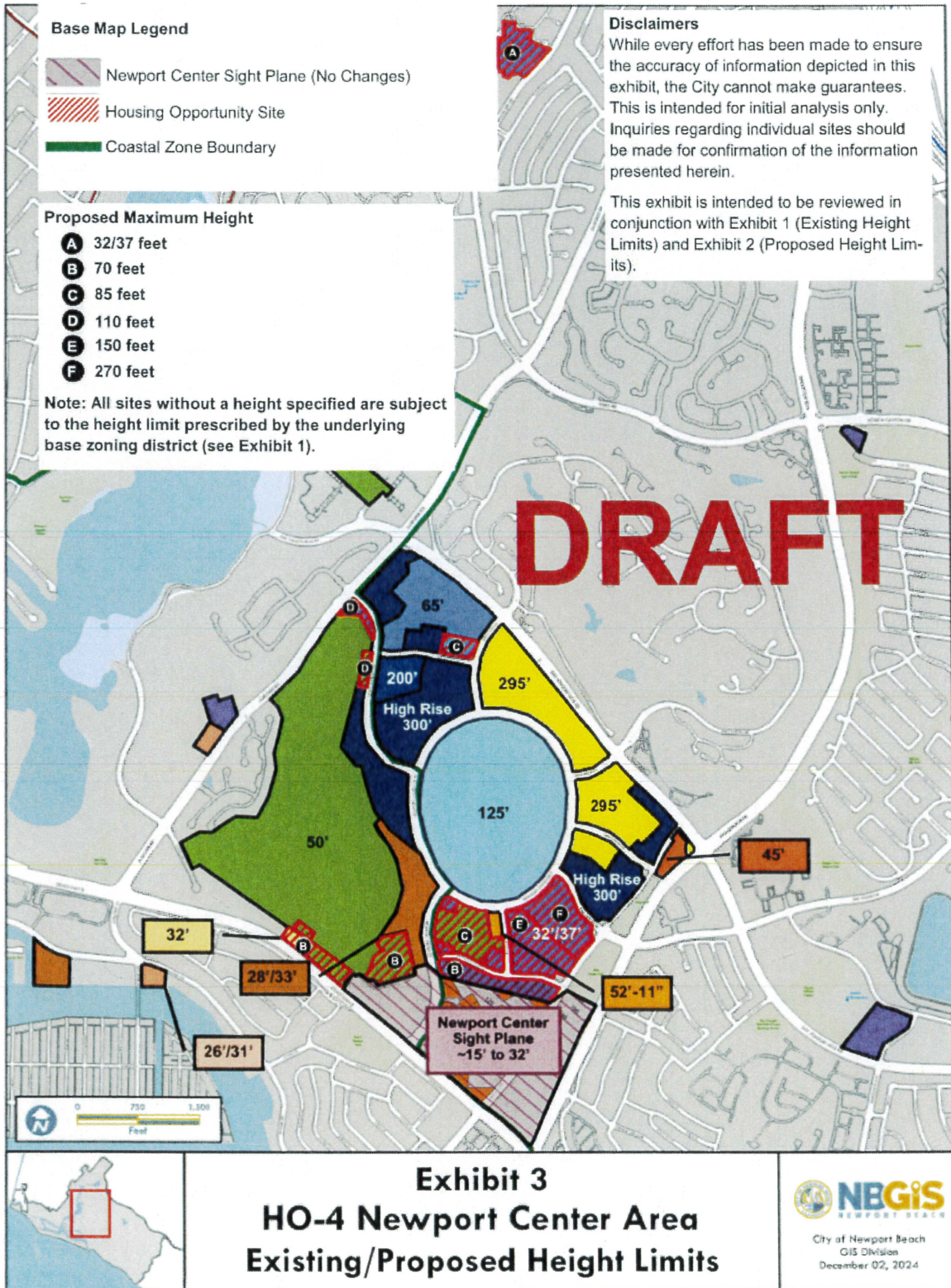


EXHIBIT “B”

AMENDMENT TO CHAPTER 20.28 (OVERLAY ZONING DISTRICTS (MHP, PM, B, H)) OF TITLE 20 (PLANNING AND ZONING)

Table 2-16 of Section 20.28.50 (Housing Opportunity (HO) Overlay Zoning Districts) of Chapter 20.28 of the Newport Beach Municipal Code would be amended as follows, currently shown in redline-strikeout format for ease of reference only:

**TABLE 2-16
DEVELOPMENT STANDARDS FOR HOUSING OPPORTUNITY OVERLAY ZONES**

Development Feature	Housing Opportunity Subareas					
	HO-1	HO-2	HO-3	HO-4	HO-5	HO-6
Development Limit (units) ⁽¹⁾	2,577 ⁽¹¹⁾	1,107	521	2,439 ⁽¹²⁾	1,530	N/A
Lot Size/Dimension	Per Base Zone					
Lot area required per unit (sq. ft.) ⁽²⁾	Minimum: 2,178 (20 du/ac) Maximum: 871 (50 du/ac)	Minimum: 2,178 (20 du/ac) Maximum: 871 (50 du/ac)		Minimum: 2,178 (20 du/ac) Maximum: 726 (60 du/ac) ⁽¹⁰⁾	All Standards Per Base Zone	
Setbacks	0 ⁽⁴⁾					
Front	0 ft. ⁽³⁾	10 ft. ⁽³⁾	10 ft. ⁽³⁾⁽⁴⁾	0 ⁽³⁾	10 ft. ⁽³⁾	
Rear	0	20 ft.	20 ft.	0	20 ft.	
Side	0 ⁽⁴⁾					
Street Side	0 ⁽³⁾	10 ft. ⁽³⁾	10 ft. ⁽³⁾	0 ft. ⁽³⁾	10 ft. ⁽³⁾	
Height	Per Base Zone unless otherwise identified on the map	65 ft.	65 ft. ⁽⁶⁾	Per Base Zone unless otherwise Identified on the map ⁽⁷⁾	65 ft.	
Building Separation	10 ft.					
Floor Area Ratio (FAR)	No restriction ⁽⁸⁾					
Common Open Space ⁽⁹⁾	Minimum 75 square feet/dwelling unit. (The minimum dimension (length and width) shall be 15 feet.)					
Private Open Space ⁽⁹⁾	5% of the gross floor area for each unit. (The minimum dimension (length and width) shall be 6 feet.)					

TABLE 2-16
DEVELOPMENT STANDARDS FOR HOUSING OPPORTUNITY OVERLAY ZONES

Development Feature	Housing Opportunity Subareas					
	HO-1	HO-2	HO-3	HO-4	HO-5	HO-6
Fencing	See Section 20.30.040 (Fences, Hedges, Walls, and Retaining Walls).					
Landscaping	See Chapter 20.36 (Landscaping Standards).					
Lighting	See Section 20.30.070 (Outdoor Lighting).					
Outdoor Storage/Display	See Section 20.48.140 (Outdoor Storage, Display, and Activities).					
Parking	See subsection (D)(3) of this section and Chapter 20.40 (Off-Street Parking).					
Satellite Antennas	See Section 20.48.190 (Satellite Antennas and Amateur Radio Facilities).					
Signs	See Chapter 20.42 (Sign Standards).					

- (1) Development limits are additional residential development opportunities beyond the base allowances in this Title or the General Plan. These limits shall not include density bonus units or units that are either identified as pipeline units in the 6th Cycle Housing Element (Table B-2) or units that were applied for and predate the effective date of the HO Overlay Zoning Districts. Furthermore, eligible units are only counted against the development limits when they are either entitled or are issued a building permit if allowed by right. However, 25% of the development limit within each HO Overlay Zoning District that includes properties within the Coastal Zone shall be reserved until such a time as the City's Local Coastal Program has been amended to allow for housing consistent with the implementation of the 6th Cycle Housing Element. Following the City's Local Coastal Program Amendment, priority for the reserved units will be given to sites located within the Coastal Zone.
- (2) Minimum/maximum allowable density range may be based on an average density of the entire project site, excluding density bonus units.
- (3) Any portion of the building that is over 20 feet in height shall be setback a minimum 20 feet from the street right-of-way.
- (4) Except in the Mixed-Use Mariners Mile (MU-MM) Zoning District wherein residential uses are only allowed beginning 100 feet north of Coast Highway.
- (5) The combined total from both sides shall be 15 feet.
- (6) The height shall be limited to 35 feet in the Shoreline Height Limit Area, as identified in Map H-1.
- (7) "Base Zone" includes all height limitations established by the Sight Plane Ordinance (Ordinance No. 1371 and Ordinance No. 1596).
- (8) The FAR in this table only applies to residential floor area, including any supporting facilities. In mixed-use developments, the FAR for nonresidential is still applicable.
- (9) For purposes of this section, common and private open space in HO-1 may include enclosed shared amenities such as a clubhouse, swimming pool, tennis court, basketball court, racquetball court, weightlifting facility, children's playground equipment, sauna, jacuzzi, day care facility, or any other recreational amenities/facilities as deemed appropriate by the Community Development Director.
- (10) This density is intended for the former Coyote Canyon Landfill site only. The Sage Hill School site is limited to a maximum of 20 dwelling units.
- (11) Of the 2,577 base development units, 179 units (50 du/ac) shall be allocated to Site ID No. 77 (1201 Dove Street) from the 6th Cycle Housing Element Sites Inventory.
- (12) Of the 2,439 base development units for HO-4, 199 units (50 du/ac) shall be allocated to Site ID No. 362 (868 and 870 Santa Barbara Drive) from the 6th Cycle Housing Element Sites Inventory.

The following map would be updated in Section 20.80.025 (Housing Opportunity Overlay District maps) of Chapter 20.80 (Maps) of the NBMC and will be provided prior to City Council consideration:

[HO-4 – Newport Center Area](#) (PDF)

EXHIBIT “C”

AMENDMENT TO CHAPTER 21.28 (OVERLAY COASTAL ZONING DISTRICTS (MHP, PM, B, C, H, AND HO)) OF TITLE 21 (LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN)

Table 21.28-1 of Section 21.28.070 (Housing Opportunity (HO) Overlay Coastal Zoning Districts) of Chapter 21.28 of Title 21 (Local Coastal Program Implementation Plan) of the of the Newport Beach Municipal Code would be amended as follows, currently shown in redline-strikeout format for ease of reference only, and subject to California Coastal Commission review and approval:

TABLE 21.28-1

DEVELOPMENT STANDARDS FOR HOUSING OPPORTUNITY OVERLAY ZONES

Development Feature	Housing Opportunity Subareas			
	HO-1	HO-2	HO-3	HO-4
Lot Size/Dimension	Per Base Zone			
Lot area required per unit (sq. ft.) ¹	Minimum: 2,178 (20 du/ac) Maximum: 871 (50 du/ac)	Minimum: 2,178 (20 du/ac) Maximum: 871 (50 du/ac)		
Setbacks				
Front	0 ft. ⁽²⁾	10 ft. ⁽²⁾	10 ft. ⁽²⁾⁽³⁾	0 ⁽²⁾
Rear	0	20 ft.	20 ft.	0
Side	0 ⁽⁴⁾			
Street Side	0 ⁽²⁾	10 ft. ⁽²⁾	10 ft. ⁽²⁾	0 ft. ⁽²⁾
Height	Per Base Zone unless otherwise identified on the map	65 ft.	65 ft. ⁽⁵⁾	Per Base Zone— <u>unless otherwise Identified on map⁽⁶⁾⁽⁸⁾</u>
Building Separation	10 ft.			
Floor Area Ratio (FAR)	No restriction ⁽⁶⁾			
Common Open Space ⁽⁷⁾	Minimum 75 square feet/dwelling unit. (The minimum dimension [length and width] shall be 15 feet.)			
Private Open Space	5% of the gross floor area for each unit. (The minimum dimension [length and width] shall be 6 feet.)			
Fencing	See Section 21.30.040 (Fences, Hedges, Walls, and Retaining Walls).			
Landscaping	See Section 21.30.075 (Landscaping) and 21.30.085 (Water Efficient Landscaping).			
Lighting	See Section 21.30.070 (Outdoor Lighting).			
Parking	See Subsection (D)(2) below and Chapter 21.40 (Off-Street Parking).			
Signs	See Chapter 21.30.065 (Sign Standards).			

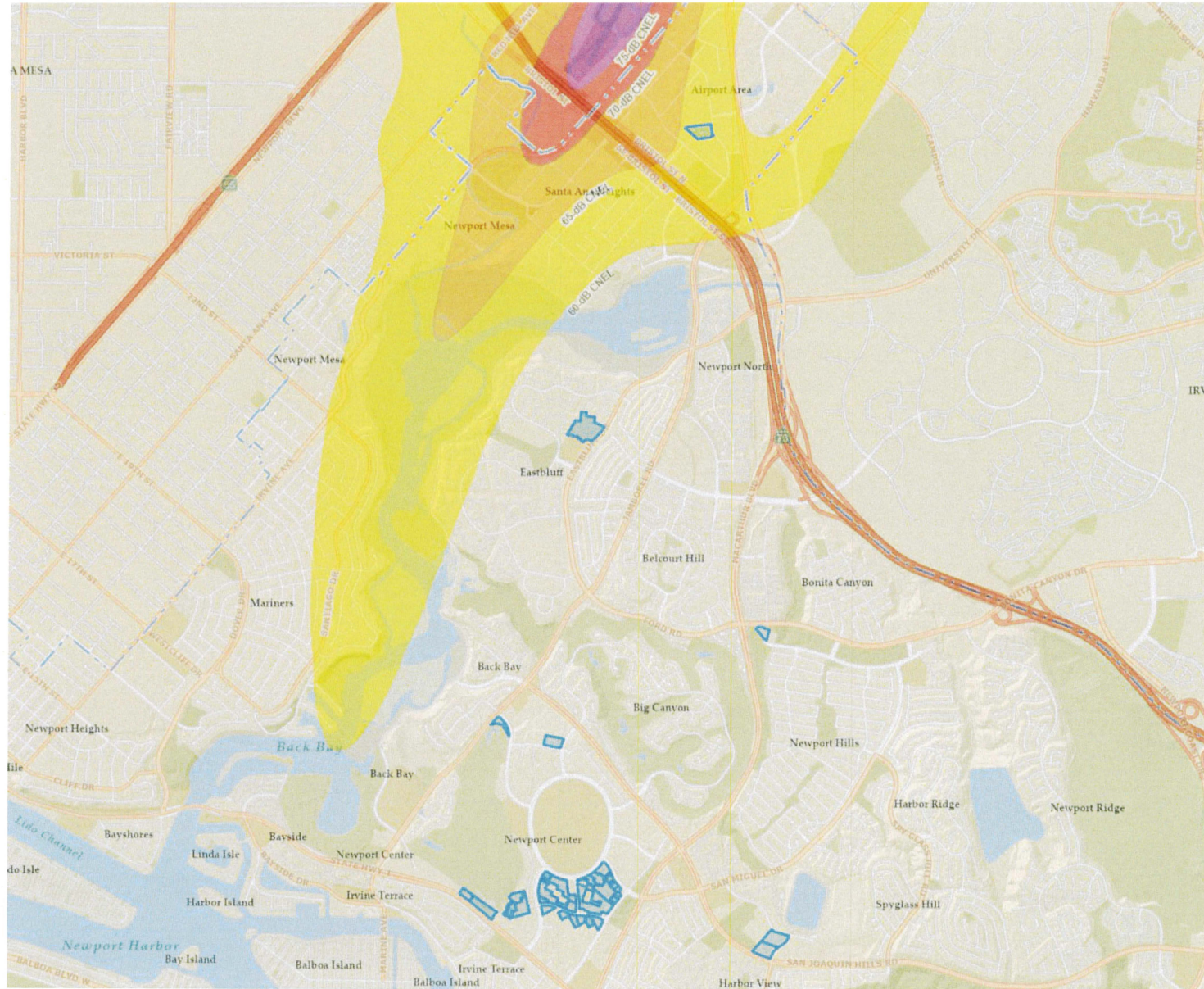
(1) Minimum/maximum allowable density range may be based on an average density of the entire project site, excluding density bonus units.

- (2) Any portion of the building that is over 20 feet in height shall be setback a minimum 20 feet from the street right-of-way.
- (3) Except in the Mixed-Use Mariners Mile (MU-MM) Zoning District wherein residential uses are only allowed beginning 100 feet north of Coast Highway.
- (4) The combined total from both sides shall be 15 feet.
- (5) The height shall be limited to 35 feet in the Shoreline Height Limit Area, as identified in Map H-1.
- (6) The FAR in this table only applies to residential floor area, including any supporting facilities. In mixed-use developments, the FAR for nonresidential is still applicable.
- (7) For purposes of this section, common and private open space in HO-1 may include enclosed shared amenities such as a clubhouse, swimming pool, tennis court, basketball court, racquetball court, weightlifting facility, children's playground equipment, sauna, jacuzzi, day care facility, or any other recreational amenities/facilities as deemed appropriate by the Community Development Director.
- (8) **"Base Zone" includes all height limitations established by the Sight Plane Ordinance (Ordinance No. 1371 and Ordinance No. 1596).**

The following map would be updated/added to pending Section 21.80.032 (Housing Opportunity Overlay District maps) of Chapter 20.80 (Maps) of the NBMC:

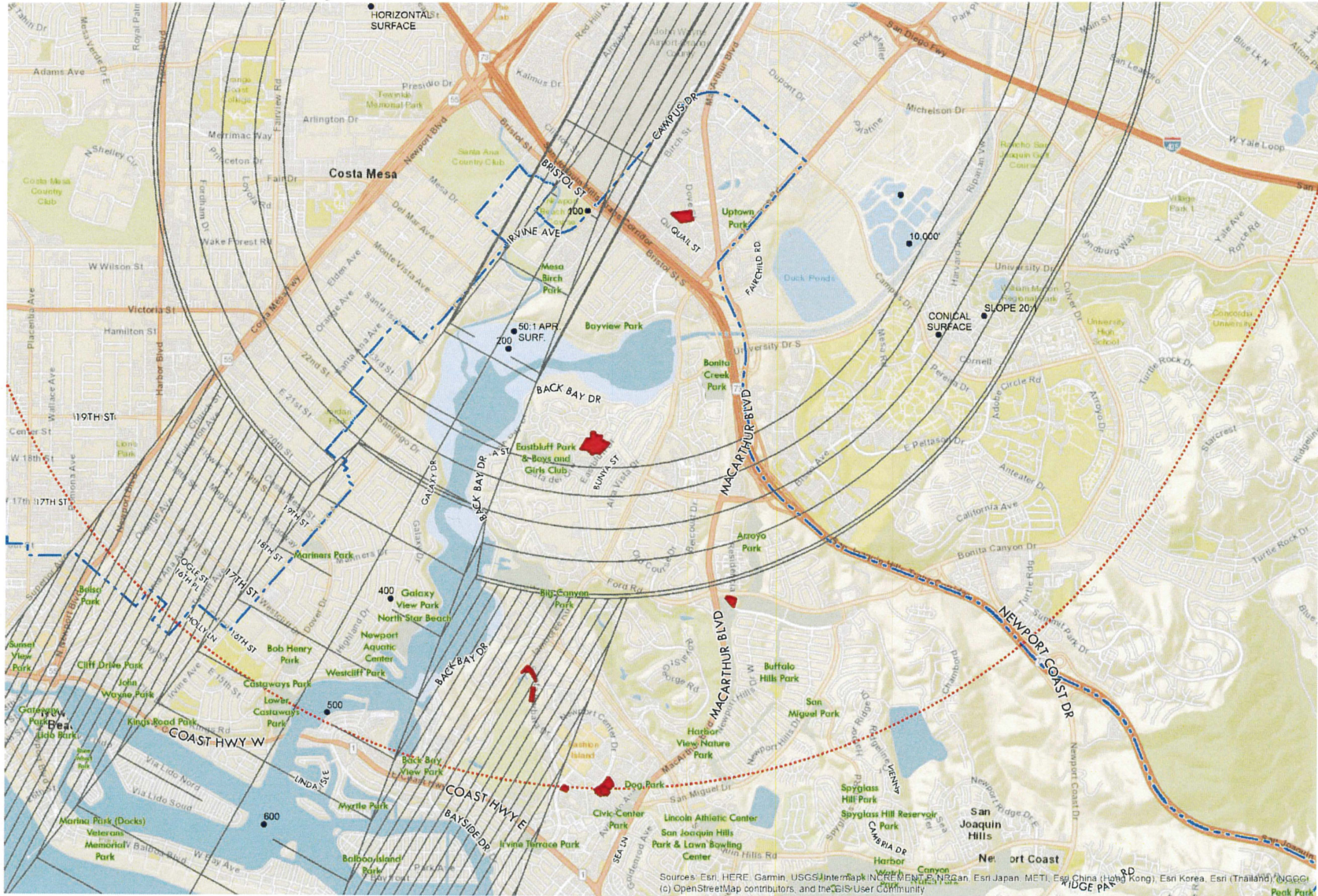
[HO-4 – Newport Center Area \(PDF\)](#)

City of Newport Beach Housing Opportunity (HO) Overlay Zoning District Amendments
ALUC Submittal, January 29, 2025
EXHIBIT B1 – 2008 AELUP Noise Contours



ATTACHMENT 5

**City of Newport Beach Housing Opportunity (HO) Overlay Zoning District Amendments
ALUC Submittal, January 29, 2025
EXHIBIT D – Obstruction Imaginary Surfaces**



NEWPORT BEACH MUNICIPAL CODE
Title 20 PLANNING AND ZONING*

20.30.060 Height Limits and Exceptions.

E. Airport Environs Land Use Plan (AELUP) for John Wayne Airport and Airport Land Use Commission (ALUC) Review Requirements.

1. AELUP Requirements.

a. Buildings and structures shall not penetrate Federal Aviation Regulation (FAR) Part 77, Obstruction—Imaginary Surfaces, for John Wayne Airport unless approved by the Airport Land Use Commission (ALUC).

b. In compliance with FAR Part 77, applicants proposing buildings or structures that penetrate the 100:1 Notification Surface shall file a Form 7460-1, Notice of Proposed Construction or Alteration with the FAA. A copy of the FAA application shall be submitted to the ALUC and the applicant shall provide the City with FAA and ALUC responses.

2. Citywide Requirements. Development projects that include structures higher than two hundred (200) feet above existing grade shall be submitted to the Airport Land Use Commission (ALUC) for review. In addition, projects that exceed a height of two hundred (200) feet above existing grade shall file Form 7460-1 with the Federal Aviation Administration (FAA). (Ord. 2015-12 § 4, 2015; Ord. 2012-11 § 1 (Exh. A), 2012; Ord. 2010-21 § 1 (Exh. A)(part), 2010)

III. Site Development Standards

The following site development standards shall apply to the North Newport Center Planned Community.

A. Permitted Height of Structures

1. Standards for Allowable Heights

Allowable heights are determined by sub-area. All building heights are measured at finished grade. Rooftop appurtenances and architectural features are permitted and may exceed the maximum building height by up to 10 feet. Rooftop appurtenances must be screened from view; the height of rooftop appurtenances shall not exceed the height of screening. Supports for window washing equipment are permitted, and are not required to be screened from view. No setbacks are required. Architectural features must be an extension of the architectural style of the building in terms of materials, design and color.

Fashion Island: The maximum heights of structures within Fashion Island are depicted in Table 3, Fashion Island Height Limits.

Table 3 – Fashion Island Height Limits

Building Type	Height
Major buildings	125 feet
Mall buildings	75 feet
Parking structures	55 feet
Periphery buildings	40 feet

Block 100: The maximum height of all structures shall be 50 feet as measured from finished grade.

Blocks 400, 500, and 600: The maximum height of all structures shall be 295 feet as measured from finished grade.

Block 800: The maximum height of all structures within the residential portion shall be 200 feet as measured from finished grade. The maximum height of all structures within the commercial office portion shall be 125 feet as measured from finished grade.

San Joaquin Plaza: The maximum height of all structures in San Joaquin Plaza shall be 65 feet as measured from finished grade.

2. Standards for Buildings Over 200 Feet in Height

a. Aviation Compatibility

Prior to issuance of building permits, the project applicant must demonstrate that the following conditions have been satisfied. New development shall be required to comply with the following conditions related to the Airport Environs Land Use Plan (AELUP) for the John Wayne Airport:

1. For development of structures that exceed 200 feet in height above ground level at a development site, applicants shall file a Notice of Proposed Construction or Alteration with the Federal Aviation Administration (FAA) (FAA Form 7460-1). Following the FAA's Aeronautical Study of the project, projects must comply with conditions of

approval imposed or recommended by the FAA. Subsequent to the FAA findings, the City shall refer the project to the Airport Land Use Commission (ALUC) of Orange County for consistency analysis.

2. No buildings within the North Newport Center Planned Community area shall penetrate the FAA Federal Aviation Regulations (FAR) Part 77 imaginary obstruction surface for John Wayne Airport.
3. Applicants shall file a Notice of Proposed Construction or Alteration with the FAA (Form 7460-1) for any construction cranes that exceed 200 feet in height above ground level.

b. Shade Standards

Prior to issuance of a building permit for a structure over 200 feet in height that has the potential to shade residential areas north of San Joaquin Hills Road, a shade study shall be prepared by the applicant and submitted to the City. The shade study shall demonstrate that the new development will not add shade to the designated residential areas beyond existing conditions for more than three hours between the hours of 9:00 a.m. and 3:00 p.m. Pacific Standard Time, or for more than four hours between the hours of 9:00 a.m. and 5:00 p.m. Pacific Daylight Time.

The shade study shall be prepared to the satisfaction of the Community Development Director and the Community Development Director shall determine conformance with the standards identified herein as part of the plan review process.

c. Rooftop Appurtenances

Rooftop appurtenances are permitted and may exceed the maximum building height up to 20 feet. Rooftop appurtenances shall demonstrate compliance with conditions related to the AELUP for the John Wayne Airport, consistent with Section III(A)(2)(a). Rooftop appurtenances must be screened from view; the height of rooftop appurtenances shall not exceed the height of the screening. Supports for window washing equipment are permitted, and are not required to be screened from view. No setbacks are required. The Community Development Director shall notify the Planning Commission and City Council if rooftop appurtenances above the height limit are approved, consistent with Section IV(A)(3).

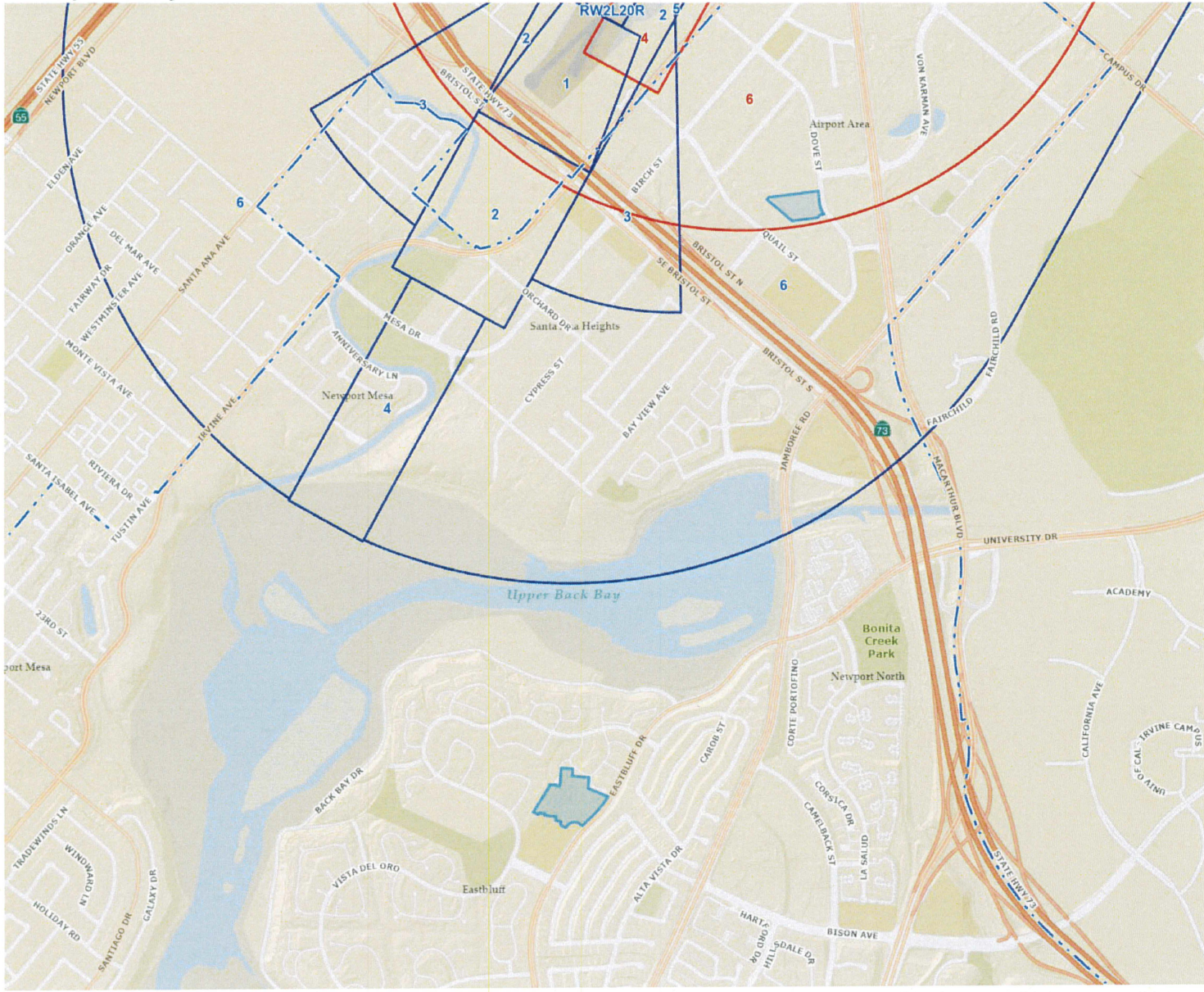
d. Architectural Features

Architectural features are permitted and may exceed the maximum building height up to 20 feet. Such features must be an extension of the architectural style of the building in terms of materials, design and color. Architectural features shall demonstrate compliance with conditions related to the AELUP for the John Wayne Airport, consistent with Section III(A)(2)(a). The Community Development Director shall notify the Planning Commission and City Council if architectural features above the height limit are approved, consistent with Section IV(A)(3).

B. Setback Requirements

Setbacks for the seven sub-areas are listed below. Setbacks for surface parking must be screened using hedges, landscaping or other similar methods. Setbacks are the minimum distance from the property line to building, parking structure, or parking lot, unless otherwise specified. This is not intended to apply to interior lot lines or property lines.

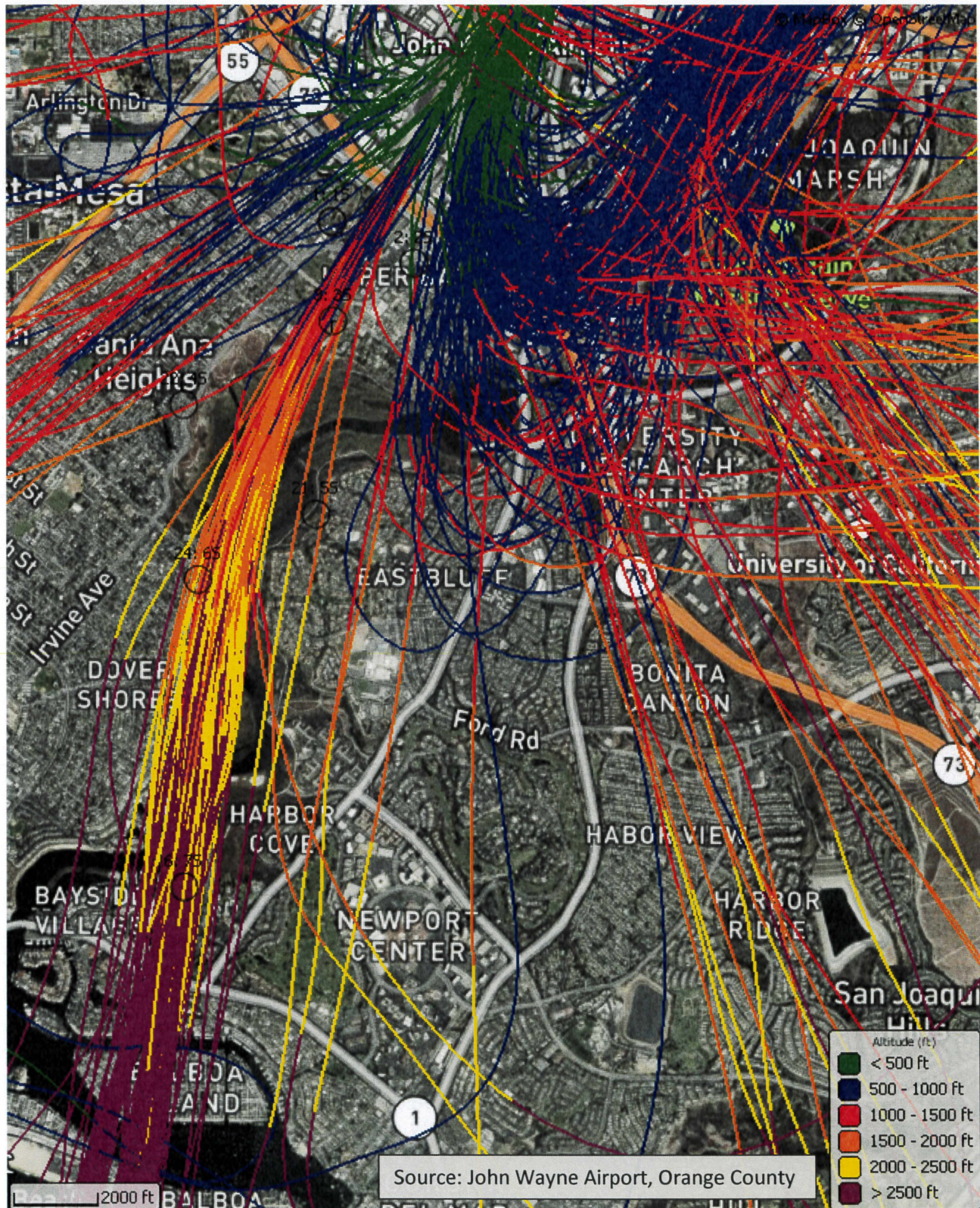
City of Newport Beach Housing Opportunity (HO) Overlay Zoning District Amendments
ALUC Submittal, January 29, 2025
EXHIBIT C – Airport Safety Zones



ATTACHMENT 8

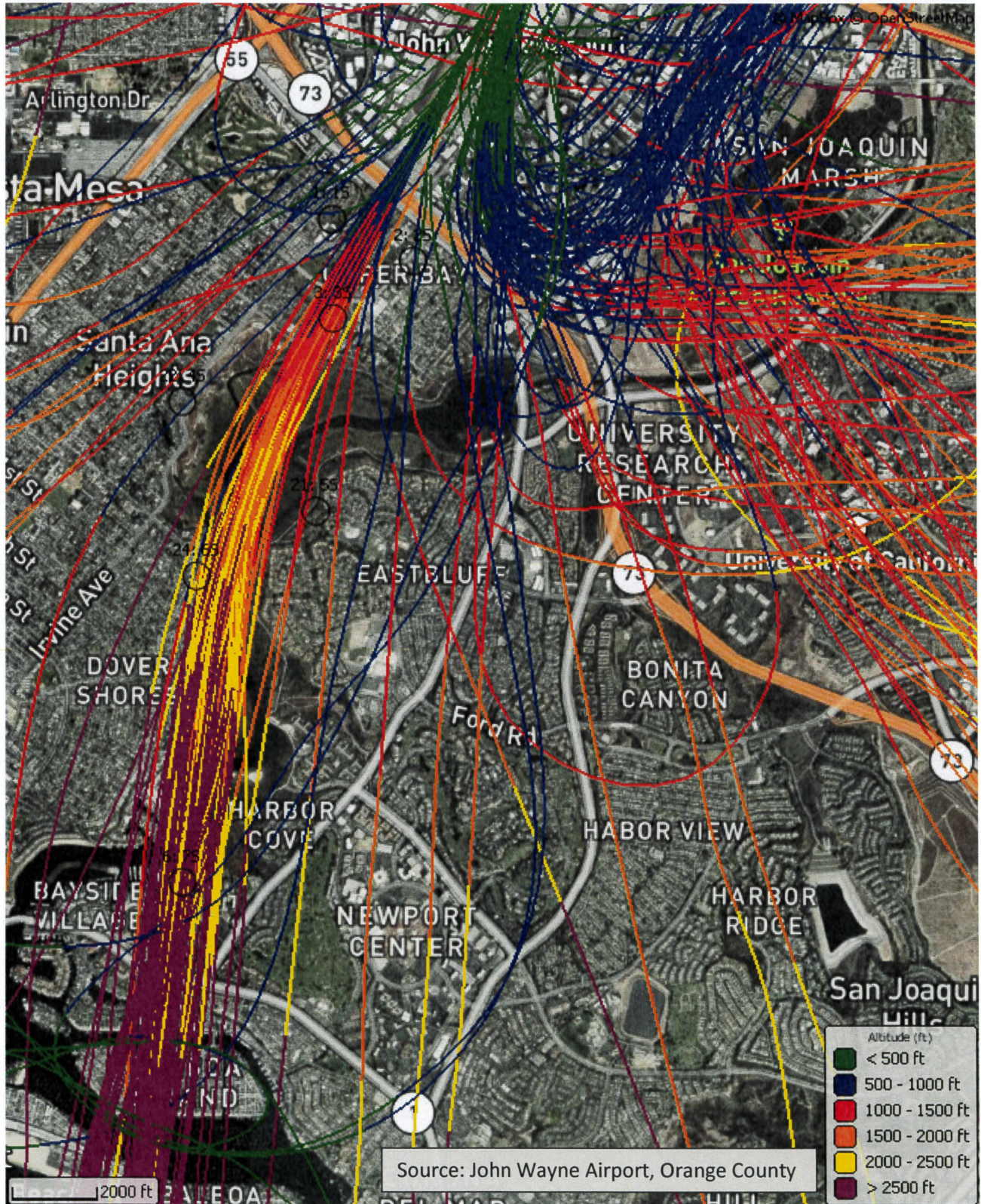


John Wayne Airport Altitude Analysis
Thursday, December 19, 2024
637 Operations





John Wayne Airport Altitude Analysis
Saturday, December 21, 2024
487 Operations





CITY OF NEWPORT BEACH

100 Civic Center Drive
Newport Beach, California 92660

949 644-3200

newportbeachca.gov/communitydevelopment

RECEIVED

JAN 29 2025

AIRPORT LAND USE COMMISSION

January 29, 2025

Julie Fitch, Executive Officer
Airport Land Use Commission for Orange County
3160 Airway Avenue
Costa Mesa, CA 92626

RE: City of Newport Beach Housing Opportunity (HO) Overlay Zoning/Coastal Zoning Amendments

Dear Ms. Fitch,

Pursuant to Section 4.3 (Amendments to General Plans and Specific Plans [Zoning]) of the Airport Environs Land Use Plan (AELUP) for John Wayne Airport, the City of Newport Beach (City) requests that the Airport Land Use Commission (ALUC) review the City's proposed narrowly focused amendments to Title 20 (Planning and Zoning) and pending Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (NBMC) for consistency with the Airport Environs Land Use Plan (AELUP) at its meeting on February 20, 2025.

The purpose of the amendments is to adjust the height limitations of certain properties within the Newport Center Area (HO-4) Subarea to accommodate potential residential development within the intended prescribed density range, and to allocate units from the respective development limits for a group of City-owned properties located within the Airport Area Environs Area (HO-1) and HO-4 Subareas. It is important to emphasize that no density or additional units are being proposed with these amendments. These Subareas correspond directly to the Focus Areas identified in Appendix B (Adequate Sites Analysis) of the certified 6th Cycle Housing Element (Housing Element).

I believe the enclosed materials adequately address all the required information your office needs to evaluate and bring our application to hearing on February 20, 2025. Should this not be the case, please know the City is committed to providing any additional information necessary to constitute a complete application and stands ready to provide such information at a moment's notice.

I can be reached at 949-644-3253 or bzdeba@newportbeachca.gov. You may also reach out to Deputy Community Development Director Jaime Murillo at 949-644-3209 or jmurillo@newportbeachca.gov.

Thank you for your time and consideration of our application. The City looks forward to collaborating with ALUC and ALUC staff on this matter.

Sincerely,

Benjamin M. Zdeba, AICP, Planning Manager

ATTACHMENT 10

Attachments:

- 1a. Title 20 (Zoning & Planning Code) Amendment Submittal Form & Checklist
- 1b. Title 21 (Local Coastal Program Implementation Plan) Amendment Submittal Form & Checklist
- 2.a. Planning Commission Resolution No. PC2025-004
- 2.b. January 23, 2025, Planning Commission Staff Report with Attachments
- 2.c. January 23, 2025, Planning Commission Memorandum with Attachments
3. Strikethrough-Underline Tables & Existing/Proposed Height Exhibits
4. AELUP and City Noise, Height, and Safety Consistency Analysis

Exhibits:

- A. Notification Area/Planning Area
- B1 & B2. Noise Contours
- C. Airport Safety Zones
- D. Obstruction Imaginary Surfaces



AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY

SUBMITTAL FORM: GENERAL PLAN • SPECIFIC PLAN • ZONING CODE

1. Name of City or County: City of Newport Beach
2. Contact Information - Name/Title Ben Zdeba/Planning Manager
Agency: City of Newport Beach
Address: 100 Civic Center Drive, Newport Beach, CA 92660
Phone/email: 949-644-3253/bzdeba@newportbeachca.gov
3. Airport Planning Area(s):
 John Wayne Airport Fullerton Municipal Airport JFTB - Los Alamitos
4. Item being submitted for review (submit each item separately): Zoning Code Amendment
Name of General Plan Element, Specific Plan or Planned Community: Housing Opportunity (HO)
Overlay Zoning District Amendments – Title 20 (Planning & Zoning) of Newport Beach Municipal Code
5. Scheduled date of Planning Commission Choose month. Public Hearing: 1/23/2025
6. Tentative date of City Council/Board of Supervisors Public Hearing: 3/11/2025
7. Requested date of ALUC Review February 20.
Complete submittals must be received by the first day of the month to be considered for the next meeting date.
8. Does the item submitted propose a change of land use or heights within the airport
Notification/Planning Area*? No (skip items # 9-12). Yes (continue below).
9. Does the item propose a change of land use, density or heights within the
 60 CNEL or 65 CNEL noise contours of the airport(s)*? Please attach an exhibit showing
location(s) of the sites in relation to noise contours.
10. Are noise or height policies/mitigation measures included in the proposed item or
elsewhere in the General Plan? No Yes - Please attach pages with current (and
proposed if applicable) noise policies/mitigation measures highlighted.
11. Does the item submitted propose a change of land use, density or heights within the
Runway Protection Zone (RPZ), Clear Zone (CZ), or Airport Safety Zones of the airport*?
If so, please attach exhibit(s) showing location(s) of sites.
12. Does the item submitted propose a change of land use, density or heights within the
Obstruction Imaginary Surfaces*? If so, please attach exhibit(s) showing location of sites.
13. Please indicate current 32 ft to 65 feet and proposed 32 feet to 270 feet maximum heights
allowed.

Continued on next page.

SUBMITTAL CHECKLIST: General Plan · Specific Plan · Zoning Code

<input checked="" type="checkbox"/>	Cover letter on City/County letterhead.
<input checked="" type="checkbox"/>	Completed Submittal Form.
<input checked="" type="checkbox"/>	Link to existing Section 20.28.050 Housing Opportunity (HO) Overlay Zoning Districts and proposed please see Attachment 3 General Plan Element, Specific Plan or Zoning Code for this submittal.
<input checked="" type="checkbox"/>	Attachment showing proposed changes to General Plan Element, Specific Plan or Zoning Code Section(s) with strikethrough/underline.
<input checked="" type="checkbox"/>	Exhibit showing location(s) of project locations within the Notification Area/Planning Area for airport(s).
<input checked="" type="checkbox"/>	Exhibit showing location(s) of project locations in relation to noise contours for airport(s).
<input checked="" type="checkbox"/>	Exhibit showing location(s) of project locations in relation to Airport Safety Zones.
<input checked="" type="checkbox"/>	Exhibit showing location(s) of project locations in relation to the Obstruction Imaginary Surfaces.
<input type="checkbox"/>	Attachment showing current and proposed noise and/or policies/mitigation measures (if applicable).
<input checked="" type="checkbox"/>	Explanation of how the General Plan, Specific Plan, or Zoning Code address the AELUP standards for noise impact, safety compatibility, and height restriction zones. Please see Attachment 4
<input checked="" type="checkbox"/>	Describe land use, height and density changes in cover letter and attach pages of General Plan, Specific Plan and/or Zoning Code where maximum heights are specified.
<input checked="" type="checkbox"/>	Provide information regarding CEQA compliance.

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

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

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



AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY

SUBMITTAL FORM: GENERAL PLAN • SPECIFIC PLAN • ZONING CODE

1. Name of City or County: City of Newport Beach
2. Contact Information - Name/Title Ben Zdeba/Planning Manager
Agency: City of Newport Beach
Address: 100 Civic Center Drive, Newport Beach, CA 92660
Phone/email: 949-644-3253/bzdeba@newportbeachca.gov
3. Airport Planning Area(s):
 John Wayne Airport Fullerton Municipal Airport JFTB - Los Alamitos
4. Item being submitted for review (submit each item separately): Zoning Code Amendment
Name of General Plan Element, Specific Plan or Planned Community: Pending Housing Opportunity (HO) Overlay Zoning Districts Amendments – Title 21 (Local Coastal Program Implementation Plan) of Newport Beach Municipal Code
5. Scheduled date of Planning Commission Choose month. Public Hearing: 1/23/2025
6. Tentative date of City Council/Board of Supervisors Public Hearing: 3/11/2025
7. Requested date of ALUC Review February 20.
Complete submittals must be received by the first day of the month to be considered for the next meeting date.
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9. Does the item propose a change of land use, density or heights within the 60 CNEL or 65 CNEL noise contours of the airport(s)*? Please attach an exhibit showing location(s) of the sites in relation to noise contours.
10. Are noise or height policies/mitigation measures included in the proposed item or elsewhere in the General Plan? No Yes - Please attach pages with current (and proposed if applicable) noise policies/mitigation measures highlighted.
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12. Does the item submitted propose a change of land use, density or heights within the Obstruction Imaginary Surfaces*? If so, please attach exhibit(s) showing location of sites.
13. Please indicate current 32 feet to 65 feet and proposed 32 feet to 270 feet maximum heights allowed.

Continued on next page.

SUBMITTAL CHECKLIST: General Plan · Specific Plan · Zoning Code

<input checked="" type="checkbox"/>	Cover letter on City/County letterhead.
<input checked="" type="checkbox"/>	Completed Submittal Form.
<input checked="" type="checkbox"/>	Link to existing City Council Resolution 2024-52 and proposed please see Attachment 3 General Plan Element, Specific Plan or Zoning Code for this submittal.
<input checked="" type="checkbox"/>	Attachment showing proposed changes to General Plan Element, Specific Plan or Zoning Code Section(s) with strikethrough/underline.
<input checked="" type="checkbox"/>	Exhibit showing location(s) of project locations within the Notification Area/Planning Area for airport(s).
<input checked="" type="checkbox"/>	Exhibit showing location(s) of project locations in relation to noise contours for airport(s).
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Noise sensitive uses include but are not limited to community facilities such as: churches, libraries, schools, preschools, day-care centers, hospitals, and nursing/convalescent homes.

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

RESOLUTION NO. PC2025-004

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE AN AMENDMENT TO SECTION 20.28.050 (HOUSING OPPORTUNITY (HO) OVERLAY ZONING DISTRICTS) OF TITLE 20 (PLANNING AND ZONING) AND PENDING SECTION 21.28.070 [HOUSING OPPORTUNITY (HO) OVERLAY COASTAL ZONING DISTRICTS] IN TITLE 21 (LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN) OF THE NEWPORT BEACH MUNICIPAL CODE (PA2024-0205)

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

SECTION 1. STATEMENT OF FACTS.

1. On September 24, 2024, the City Council adopted Ordinance Nos. 2024-16 and 2024-17, approving amendments to Title 20 (Planning and Zoning) of the Newport Beach Municipal Code ("NBMC"), to establish the Housing Opportunity (HO) Overlay Zoning Districts in Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) and to create multi-unit objective design standards in Section 20.48.185 (Multi-Unit Objective Design Standards). The new sections serve to implement Policy Actions 1A through 1G and 3A in the General Plan 6th Cycle Housing Element ("Housing Element").
2. Section 20.28.050 of the NBMC allows for new housing opportunities within five subareas to ensure the City can accommodate its 6th Cycle Regional Housing Needs Assessment ("RHNA") allocation. These subareas correspond to the Focus Areas identified in the Housing Element and are as follows: Airport Area Environs Area (HO-1), West Newport Mesa Area (HO-2), Dover-Westcliff Area (HO-3), Newport Center Area (HO-4), and Coyote Canyon Area (HO-5). Properties identified within these subareas are eligible for specified development allowances conducive to residential development at the prescribed average density of 20 to 50 dwelling units per acre. The standards include but are not limited to minimum lot area, setbacks, height, open space, landscaping, and parking.
3. On July 23, 2024, the City Council adopted Resolution No. 2024-52, authorizing submittal of the Local Coastal Program Amendment to the California Coastal Commission to amend the City's Coastal Land Use Plan and Title 21 (Local Coastal Program Implementation Plan) of the NBMC to establish the Housing Opportunity (HO) Overlay Coastal Zoning Districts and their corresponding development standards applicable to properties located within the Coastal Zone to implement the Housing Element.
4. On November 19, 2024, the City Council adopted Resolution No. 2024-85, initiating an amendment to Section 20.28.050 of the NBMC and the pending complementary amendments in Title 21 of the NBMC, to review and make possible adjustments to certain development standards, including but not limited to building height limits specified in Table 2-16 (Development Standards for Housing Opportunity Overlay Zones) of Section

20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) and pending Table 21.28-1 (Development Standards for Housing Opportunity Overlay Zones) of the NBMC.

5. An amendment to Table 2-16 of Section 20.28.050 and pending Table 21.28-1 of the NBMC is necessary to adjust the height limitations of certain properties within the HO-4 subarea to accommodate potential residential development with the intended prescribed density range, and to identify a certain number of units being allocated from the respective development limits for a selected group of City-owned properties located within HO-1 and HO-4 subareas. The corresponding Housing Opportunity Overlay District Maps in Section 20.80.025 and pending Section 21.80.035 would also be amended accordingly ("Amendment").
6. A public hearing was held on January 23, 2025, in the Council Chambers at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with California Government Code Section 54950 *et seq.* ("Ralph M. Brown Act") and Chapters 20.62 (Public Hearings) and 21.62 (Public Hearings) of the NBMC. 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. Pursuant to the California Environmental Quality Act ("CEQA") as set forth in California Public Resources Code Section 21000 *et seq.* and its implementing guidelines set forth in California Code of Regulations, Title 14, Division 6, Chapter 3 ("CEQA Guidelines"), the City Council adopted Resolution No. 2024-50 on July 23, 2024, certifying Final Program Environmental Impact Report SCH No. 2023060699 ("PEIR"), approving a Mitigation Monitoring and Reporting Program ("MMRP"), and adopting Findings and a Statement of Overriding Considerations related to the implementation of the Housing Element involving amendments to the General Plan, Coastal Land Use Plan, and Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the NBMC which are available at: [Housing Implementation Program EIR](#).
2. Pursuant to Section 21166 of the California Public Resources Code and Section 15162 of the CEQA Guidelines, when an environmental impact report ("EIR") is adopted for a project, no subsequent EIR is required unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
 - a. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
 - b. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

-
- c. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was adopted as complete, shows any of the following:
- i. The project will have one or more significant effects not discussed in the previous negative declaration;
 - ii. Significant effects previously examined will be substantially more severe than shown in the adopted negative declaration;
 - iii. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives; or
 - iv. Mitigation measures or alternatives which are considerably different from those analyzed in the previous negative declaration would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternatives.
3. The Amendment, which include adjustment to the height limitations of certain properties within the HO-4 Subarea to accommodate potential residential development with the intended prescribed density range, and to identify the number of units being allocated from the residential development limits for certain City-owned properties within HO-1 and HO-4 Subareas, does not constitute substantial changes to the circumstances under which the project would be undertaken that would result in new or more severe environmental impacts than previously addressed in the EIR, nor has any new information regarding the potential for new or more severe significant environmental impacts been identified as detailed in the CEQA Consistency Memorandum, which is attached hereto as Exhibit "A" and incorporated by reference. Therefore, in accordance with Section 21166 of the California Public Resources Code and Section 15162 of the CEQA Guidelines, no additional environmental review is required to adopt the Amendments.

SECTION 3. FINDINGS.

Title 20 (Planning and Zoning) Amendment

An amendment to Title 20 (Planning and Zoning) of the NBMC is a legislative act. Neither Title 20 itself nor California Government Code Section 65000 *et seq.*, sets forth any required findings for approval of such amendments. However, Section 20.66.040 (Commission Recommendation) of the NBMC requires the Planning Commission to make and file a report of its findings and recommendations with the Council.

Findings and Facts in Support of Finding:

1. Title 20 of the NBMC serves as the City's Zoning Code, which is a tool to ensure consistency with and implementation of the General Plan. It is necessary to amend and update Title 20 from time to time to ensure the policies set forth by the General Plan are being implemented effectively.
2. The Amendment specific to Title 20 (Planning and Zoning) of the NBMC, which is attached hereto as Exhibit "B" and incorporated herein by reference will further enable the implementation of the Housing Element's key objective, which is to accommodate the development of housing to fulfill City's obligation to meet regional housing demands. Specifically, the Amendment will allow increased height limitations for certain properties within HO-4 to accommodate residential developments within the intended prescribed density range while furthering the longstanding vision for development in Newport Center, as noted in General Plan Land Use Element Policy 6.14.4 (Development Scale). Increased heights will accommodate density on smaller sites and/or fewer sites and will increase walkability for residents and activate the urban core of Newport Center to create a true mixed-use community while decreasing development footprints and encouraging increased open space and views through developments.
3. The Amendment will also allocate a portion of the development limits in HO-1 and HO-4 to City-owned sites where there is a potential for redevelopment with housing projects within the Housing Element's planning period.

Title 21 (Local Coastal Program Implementation Plan) Amendment

An amendment to Title 21 (Local Coastal Program Implementation Plan) of the NBMC is a legislative act. Neither Title 21 itself nor California Government Code Section 65000 et seq., sets forth any required findings for approval of such amendments.

Findings and Facts in Support of Finding:

1. The Housing Element includes Section 4 (Housing Plan), which sets forth programs and strategies to facilitate and encourage the development of the City's obligation to meet regional housing demand. Appendix B of the Housing Element is the Sites Analysis and identifies several sites to be rezoned to allow for potential redevelopment with housing projects. A number of these sites are within the Coastal Zone. As Title 20 has been amended to add the new HO Overlay Zones with associated development standards, similarly, the amendment to Local Coastal Program Implementation Plan to add the new Overlay Coastal Zones for properties within the Coastal Zone has been prepared and submitted to the California Coastal Commission for consideration.
2. The Amendment specific to Title 21 (Local Coastal Program Implementation Plan) of the NBMC, attached hereto as Exhibit "C," and incorporated herein by reference, will create consistency in implementation between Titles 20 and 21 of the NBMC and will help to fulfill the Housing Plan, as the proposed Amendment will facilitate the development of housing consistent with the Housing Element.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. In accordance with Section 21166 of the California Public Resources Code and Section 15162 of the of the CEQA Guidelines, no additional environmental review is required as the Amendment does not constitute substantial changes to the circumstances under which the project would be undertaken that would result in new or more severe environmental impacts than previously addressed in the EIR, nor has any new information regarding the potential for new or more severe significant environmental impacts been identified as detailed in the CEQA Consistency Memorandum, which is attached hereto as Exhibit "A."
2. The Planning Commission hereby recommends to the City Council approval of the Amendment to Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of NBMC as part of the consideration of the adopted 6th Cycle Housing Element implementation programs, as contained in Exhibits "B" and "C," and identified as PA2024-0205, and with inclusion of Housing Element Site ID Nos. 146 and 147 with a maximum height limit of 50 feet (flat) and 55 feet (sloped) and Site ID No. 141 with a maximum height limit of 48 feet.


PASSED, APPROVED, AND ADOPTED THIS 23RD DAY OF JANUARY, 2025.

AYES: Ellmore, Harris, Lowrey, Rosene, and Salene

NOES: None

ABSENT: None

RECUSED: Langford

BY: 

Mark Rosene, Chair

BY: 

David Salene, Secretary

- Attachments: Exhibit A – CEQA Consistency Memorandum
Exhibit B – Amendment to Chapter 20.28 (Overlay Zoning Districts (MHP, PM, B, and H)) of Title 20 (Planning And Zoning)
Exhibit C – Amendment to Pending Chapter 21.28 (Overlay Coastal Zoning Districts (MHP, PM, B, C, H, and HO)) of Title 21 (Local Coastal Program Implementation Plan)

City of Newport Beach General Plan Housing Implementation Program Consistency Analysis

The purpose of this memo is to provide the City of Newport Beach (City) with information to substantiate that the proposed changes to the City of Newport Beach General Plan Housing Implementation Program (approved Project) are within the scope of the certified City of Newport Beach General Plan Housing Implementation Program Final Environmental Impact Report (Final EIR; State Clearinghouse Number 2023060699). The proposed changes would increase the maximum building heights on specified housing sites in the Newport Center Housing Opportunity (HO) Overlay Zoning District, as set forth in Chapter 20.28 and pending Chapter 21.28 [Housing Opportunity (HO) Overlay Zoning Districts] of City of Newport Municipal Code (Municipal Code), hereinafter referred to as “proposed Project.”

State California Environmental Quality Act (CEQA) Guidelines (Title 14, California Code of Regulations [CCR] §§15000 et seq.) State CEQA Guidelines Sections 15162 and 15164 provide guidance regarding when additional environmental review is required. The following discussion identifies the applicable subsections of State CEQA Guidelines Sections 15162 and 15164 and provides justification for the City to make a determination that subsequent review pursuant to CEQA is not required for the proposed Project, based on the environmental analysis provided in the Final EIR and this consistency analysis.

State CEQA Guidelines Section 15162 – Subsequent EIRs and Negative Declarations

- (a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:
- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

As documented in the consistency analysis, no new or substantially more severe significant environmental effects beyond what was evaluated in the Final EIR would occur that would require substantive revisions to the Final EIR. The proposed Project would not result in substantially increased impacts beyond what was evaluated in the Final EIR.

- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

As documented in the consistency analysis, there have been no changes in circumstances under which the proposed Project is being undertaken compared to the Final EIR. The proposed Project would be implemented within the same study areas evaluated in the Final EIR. The proposed Project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effect, as compared to those previously identified in the Final EIR.

- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

- (A) The project will have one or more significant environmental effects not discussed in the previous EIR or negative declaration;
- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

No new information of substantial importance, which was not known at the time the Final EIR was certified is now available or shows that the proposed Project will result in a new or more significant environmental effect. As documented in the consistency analysis, the previously examined significant effects would not be substantially more severe than shown in the Final EIR as a result of the proposed Project. The Final EIR's findings are applicable to the proposed Project.

- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

No mitigation measures in the Final EIR were found infeasible, as documented in the consistency analysis. All Final EIR mitigation measures would also apply to the proposed Project and are provided in **Attachment A: Mitigation Monitoring and Reporting Program**.

As documented in the consistency analysis in this document, the proposed Project would not result in any new significant environmental effects that are substantially different from those identified in the Final EIR, nor would it substantially increase the severity of significant effects previously identified in the Final EIR.

Therefore, a consistency analysis to the Final EIR is the appropriate documentation for the proposed Project to supplement the Final EIR. The City will consider this consistency analysis with the Final EIR prior to making a decision on the proposed Project.

Background

The Final EIR was previously prepared to evaluate the potential environmental impacts of the implementing actions associated with the City's 6th Cycle Housing Element for 2021-2029 (2021-2029 Housing Element). The Housing Element is one of the state-mandated General Plan elements and must be updated every eight years to address existing and projected housing needs across all segments of the community. The City Council adopted the 2021-2029 Housing Element on September 13, 2022. The State of California Department of Housing and Community Development (HCD) subsequently found the 2021-2029 Housing Element to be in compliance with State housing law (i.e., certified) on October 5, 2022. The Regional Housing Needs Assessment (RHNA) is a State housing law requirement that is part of the periodic updating of local General Plan Housing Elements. It is a process that determines the existing and projected housing needs (i.e., RHNA allocation) for all jurisdictions (cities and unincorporated county areas) to provide opportunities for a mix of unit types, tenure, and affordability. Each jurisdiction must demonstrate that its Housing Element can accommodate its RHNA allocation at all income levels. The City's 6th Cycle RHNA allocation is 4,845 housing units, including 1,456 Very-Low-Income and 930 Low-Income units.

In addition to the 6th Cycle RHNA allocation, the Final EIR analysis accounted for additional housing units as a buffer to address future “no net loss” to preclude the need to identify replacement sites during 6th Cycle implementation.¹ Therefore, the Final EIR conservatively analyzed a total development capacity of 9,914 units, including future residential development capacity of up to 9,649 units (4,845 RHNA plus a 5,069-unit buffer) on 247 housing sites, 25 units of pipeline projects, and 240 accessory dwelling units. However, only a portion of the housing units identified on the housing sites are necessary to accommodate the City’s RHNA planning obligation of 4,845 housing units.

The City is not required to build housing units to meet its RHNA allocation; it is only required to identify potential sites and create the framework to allow the market the opportunity to develop these units. The 2021-2029 Housing Element does not directly construct new housing but facilitates the development of housing units by adopting implementing actions.

The 2021-2029 Housing Element identifies six Focus Areas in the City with sufficient capacity to meet its RHNA allocation for the 6th Cycle. The six Focus Areas in the 2021-2029 Housing Element are:

- Airport Area
- West Newport Mesa
- Dover-Westcliff
- Newport Center
- Coyote Canyon
- Banning Ranch

As part of the approved Project, amendments to the General Plan Land Use Element’s goals and policies were adopted, including modifications to existing land use goals and policies, as well as the addition of new policies that further the implementation of the 2021-2029 Housing Element. Amendments were also adopted to the City’s Local Coastal Program Coastal Land Use Plan, including modifications to existing policies and additions of new policies. To facilitate future housing development within the six identified Focus Areas, five corresponding “Housing Overlay Zones” were proposed and adopted to increase the maximum allowable density for future housing projects on identified housing sites within each Focus Area. A Housing Overlay Zone was not proposed for Banning Ranch. A sixth Housing Overlay Zone applies to the 5th Cycle Housing Element for 2014-2021 housing sites. In addition to the Housing Overlay Zones, the Municipal Code was amended to add Multi-Unit Objective Design Standards and Zoning Maps were amended to identify the Housing Overlay Zoning Districts.

The City of Newport Beach General Plan Housing Implementation Program was approved, and the Final EIR was certified on July 23, 2024. Approval of the City of Newport Beach General Plan Housing Implementation Program included the following discretionary actions:

- **Certification of the City of Newport Beach General Plan Housing Implementation Program Final Program Environmental Impact Report.** (Resolution No. 2024-50)
- **General Plan Amendment.** Amend the General Plan Land Use Element to include changes to goals and policies consistent with the adopted and certified 2021-2029 Housing Element. (Resolution No. 2024-51)
- **Municipal Code Amendment.** (1) Amend Newport Beach Municipal Code Chapter 20.28, Overlay Zoning Districts, to include Section 20.28.050: Housing Opportunity (HO) Overlay Zoning Districts.

¹ State housing laws require cities and counties to identify RHNA obligations by income category. A future housing applicant is not required to meet affordability goals. The City is obligated to ensure there is no net loss when projects are developed such that there are adequate opportunities for the City to meet its RHNA obligations. If there is a net loss, the City has 120 days to provide rezoning that accommodates the net loss. Therefore, Newport Beach included a buffer to avoid the net loss scenario.

(2) Amend the Zoning Map to identify the HO Overlay Zoning Districts. (3) Adopt City of Newport Beach Multi-Unit Objective Design Standards. (Resolution Nos. 2024-17 and 2024-16).

- **Local Coastal Program Amendment.** Amend the Local Coastal Program for rezoning program implementation for those sites located in the Coastal Zone. (Resolution No. 2024-52)
- **City Charter Section 423.** Approve a ballot measure for a major amendment to the General Plan in compliance with City Charter Section 423. (Resolution No. 2024-58)

Proposed Project Description

The proposed Municipal Code Amendment would increase the maximum building height requirement for specified housing sites in the Newport Center Housing Opportunity (HO) Overlay Zoning District, as outlined in the City of Newport Municipal Code (Municipal Code) Chapter 20.28 and pending Chapter 21.28. Specifically, the proposed Project would increase the maximum building heights for only 32 (all within the Newport Center Focus Area) of the 247 housing sites identified in the 2021-2029 Housing Element, as outlined in **Table 1: HO-4 Newport Center Area - Existing and Proposed Height Limits** and depicted on **Exhibit 1: HO-4 Newport Center Area Existing Height Limits**, **Exhibit 2: HO-4 Newport Center Area Proposed Height Limits**, and **Exhibit 3: HO-4 Newport Center Area Existing/Proposed Height Limits**. No increases in development capacities or changes to other development standards or development areas are proposed on any of these housing sites. Additionally, the proposed Project does not propose any changes to the other 215 housing sites identified in the 2021-2029 Housing Element.

Housing Site	Existing Height	Proposed Height
148 ⁽¹⁾	32'/37'	60'
149	32'/37'	60'
155	32'/37'	85'
164	32'/37'	60'
168	32'/37'	60'
169	32'/37'	60'
173 ⁽¹⁾	32'/37'	60'
175	32'/37'	60'
181	50'	50'
182	50'	60'
185	32'/37'	85'
186	32'/37'	85'
187	32'/37'	85'
192	50'	85'
203	50'	85'
212	32'	50'
240	50'	60'
257	50'	60'
339	32'/37' ⁽²⁾	110'
340	32'/37'	85'
341	32'/37'	85'
345	32'/37'	270'
346	32'/37'	270'
347	32'/37'	270'

Housing Site	Existing Height	Proposed Height
348	32'/37'	270'
349	32'/37'	270'
350	32'/37'	270'
351	32'/37'	270'
352	32'/37'	270'
353	300'	110'
354	50'	60'
E	32'/37'	270'

Notes:

1. The maximum allowable height for portions of Housing Sites 148 and 173 within the Newport Center Sight Plane would not change. These sites' maximum allowable height would remain between 15' to 32'.
2. The "32'/37'" limit reflects "flat/sloped" height limits.

In addition, the proposed Municipal Code Amendment would add footnotes for the Airport Area Housing Opportunity (HO-1) Overlay Zoning District and HO-4 Overlay Zoning District to identify a certain number of units being allocated from the respective development limits to a select group of City-owned properties.

Land Use and Planning

Approved Project Summary. The Final EIR concluded that there would be a less than significant impact concerning land use and planning. The approved Project would not result in the division of an established community because housing sites are located throughout the City rather than in a single concentrated area. The approved Project did not propose any major roadways that would traverse an existing community or neighborhood. The approved Project did not propose any changes to the existing General Plan land use categories that govern land uses within the City, including the five land use designations that solely accommodate residential development. No changes were proposed to the designations' densities or housing types. The approved Project did propose amendments to the General Plan Land Element goals and policies. However, upon approval, a less than significant impact concerning conflicts with Municipal Code plans and standards adopted for the purpose of avoiding or mitigating an environmental effect would occur. The approved Project was found to be consistent with applicable existing and proposed General Plan goals and policies and the Local Coastal Program's existing and proposed policies.

Proposed Project. The proposed Project would increase the maximum allowable height on specified housing sites but would not increase the residential development capacities of any housing sites or change their development areas, as assumed for the approved Project. The proposed Project would not result in the division of an established community because it does not propose any major roadways that would traverse an existing community or neighborhood. The proposed Project involves a Zone Change to increase the maximum building heights on specified housing sites in the HO-4 Overlay Zoning District, as set forth in Municipal Code Chapter 20.28 and pending Chapter 21.28. The proposed Project is consistent with the General Plan's goals and objectives, including, but not limited to:

- **Policy LU 5.1.2 – Compatible Interfaces.** Require that the height of development in nonresidential and higher density residential areas transition as it nears lower density residential areas to minimize conflicts at the interface between the different types of development.
- **Policy LU 6.14.4 – Newport Center/Fashion Island Development Scale.** Reinforce the original design concept for Newport Center by concentrating the greatest building mass and height in the northeasterly section along San Joaquin Hills Road, where the natural topography is highest, and progressively scaling down building mass and height to follow the lower elevations toward the southwesterly edge along East Coast Highway.

In addition, the proposed Project is consistent with the following Coastal Land Use Plan policies:

- **Policy 2.2.2-4.** Implement building design and siting regulations to protect coastal resources and public access through height, setback, floor area, lot coverage, building bulk, and other property development standards of the Zoning Code intended to control building height.
- **Policy 2.7-1.** Continue to maintain appropriate setbacks and density, floor area, and height limits for residential development to protect the character of established neighborhoods and to protect coastal access and coastal resources.
- **Policy 4.4.2-2.** Continue to regulate the visual and physical mass of structures consistent with the unique character and visual scale of Newport Beach.
- **Policy 4.4.2-3.** Implement the regulation of the building envelope to preserve public views through the height, setback, floor area, lot coverage, and building bulk regulation of the Zoning Code.

The proposed Project would be consistent with or otherwise would not conflict with the identified General Plan goals and policies. Therefore, the proposed Project would not conflict with any land use plan, policy, or regulation adopted to mitigate an environmental effect. The findings of the Final EIR would, therefore, apply to the proposed Project.

Conclusion. Accordingly, no new or substantially more severe significant environmental effects concerning land use and planning would occur beyond what was evaluated in the Final EIR. Additionally, no new information of substantial importance that was not known and could not have been known at the time the Final EIR was certified is available that would change the prior finding of less than significant. The Final EIR's findings apply to the proposed Project.

Noise

Approved Project Summary. The Final EIR concluded that with implementation of MM NOI-1, potential traffic noise impacts would remain significant and unavoidable. Impacts concerning construction noise, operational stationary noise, and vibration would be less than significant on a project-specific and cumulative basis. Implementation of MM NOI-1 and compliance with Municipal Code Section 20.30.080(F) would also reduce impacts concerning housing development near John Wayne Airport to a less than significant level.

Proposed Project. The proposed Project would increase the maximum allowable height on specified housing sites but would not increase the residential development capacities of any housing sites or change their development areas, as assumed for the approved Project. The proposed Project would not intensify construction activities, increase traffic volumes, or use of stationary mechanical equipment beyond the levels evaluated in the Final EIR. As a result, project-level and cumulative noise level impacts of the proposed Project would be the same as under the approved Project, the same mitigation measures would apply, and no new mitigation measures are required.

Conclusion. Accordingly, no new or substantially more severe significant environmental effects concerning noise would occur beyond what was evaluated in the Final EIR. Additionally, no new information of substantial importance that was not known and could not have been known at the time the Final EIR was certified is available that would change the prior finding of less than significant. The Final EIR's findings apply to the proposed Project.

Population and Housing

Approved Project Summary. The Final EIR found that the approved Project would have less than significant impacts on population and housing as it would not result in substantial unplanned population growth and would not displace people or housing. Additionally, the approved Project did not include the extension of roads or other infrastructure to unserved areas, which could induce indirect growth. The Final EIR concluded that the approved Project would not induce substantial unplanned growth but would accommodate projected growth in the region. The approved Project would be consistent with State and local land use plans and would not displace a substantial number of housing units requiring replacement.

Proposed Project. The proposed Project would increase the maximum allowable height on specified housing sites but would not increase the residential development capacities of any housing sites or change their development areas, as assumed for the approved Project. Therefore, because the proposed Project would not result in additional residential units or non-residential square footage that would increase the onsite population compared to the approved Project, like the approved Project, the proposed Project would have less than significant impacts on population and housing.



CITY OF NEWPORT BEACH PLANNING COMMISSION STAFF REPORT

January 23, 2025
Agenda Item No. 3

SUBJECT: Housing Opportunity (HO) Overlay Zoning and Coastal Zoning Districts Amendments (PA2024-0205)

- Title 20 (Planning and Zoning) Amendment
- Title 21 (Local Coastal Program Implementation Plan) Amendment

SITE LOCATION: Airport Area Environs Area (HO-1) and Newport Center Area (HO-4)

APPLICANT: City of Newport Beach

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PLANNERS:

Benjamin M. Zdeba, AICP, Planning Manager
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PROJECT SUMMARY

Amendments to Table 2-16 of Section 20.28.050 in Title 20 (Planning and Zoning) and pending Table 21.28-1 of Section 21.28.070 in Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (NBMC) to adjust the height limitations of certain properties within the Newport Center Area (HO-4) Subarea to accommodate potential residential development within the intended prescribed density range, and to identify a number of units being allocated from the respective development limits for a group of City-owned properties located within the Airport Area Environs Area (HO-1) and HO-4 Subareas. The corresponding Housing Opportunity Overlay District Maps in Section 20.80.025 and pending Section 21.80.032 would also be amended accordingly.

RECOMMENDATION

- 1) Conduct a public hearing;
- 2) Find that all potential environmental effects for the amendments have been adequately addressed in the previously certified Final Program Environmental Impact Report (EIR) identified by State Clearinghouse Number (SCH No.) 2023060699, and the City of Newport Beach intends to use said document for the approval of the amendments; and
- 3) Adopt Resolution No. PC2025-004 (Attachment No. PC 1), recommending City Council approve the amendments to the Housing Opportunity (HO) Overlay Zoning Districts (PA2024-0205).

amend the City's Coastal Land Use Plan and Title 21 (Local Coastal Program Implementation Plan) of the NBMC. The LCPA would establish the Housing Opportunity (HO) Overlay Coastal Zoning Districts and their corresponding development standards applicable to properties located within the Coastal Zone of the City to implement the Housing Element. The City initially submitted its LCPA application on August 16, 2024, and most recently received its notice of complete filing on January 7, 2025. The LCPA will be scheduled for a CCC public hearing for consideration.

On November 19, 2024, the City Council adopted Resolution No. [2024-85](#), initiating an amendment to Section 20.28.050 in Title 20 and the pending complementary section in Title 21 of the NBMC, to review and make possible adjustments to certain development standards, including but not limited to building height limits specified in Table 2-16 (Development Standards for Housing Opportunity Overlay Zones) of Section 20.28.050 [Housing Opportunity (HO) Overlay Zoning Districts] and pending Table 21.28-1 (Development Standards for Housing Opportunity Overlay Zones) of the NBMC.

PROPOSED AMENDMENTS

Specifying Height Limitations

Since the implementation of the HO Overlay Zoning Districts, City staff has met with several prospective developers, and it has become apparent that the height limits applicable to some sites within the HO-4 Subarea cannot accommodate the intended densities.

Currently, Table 2-16 (Development Standards For Housing Opportunity Overlay Zones) of Section 20.28.050 identifies that heights within this Subarea are limited to those in the underlying base zoning district. Given the variety of zoning districts in HO-4, maximum height limits range as high as 300 feet and as low as 32 feet. Due to the lower base height limits, an adjustment to allowable building heights is appropriate and necessary to accommodate residential developments within the intended prescribed density range of 20 to 50 dwelling units per acre.

Adjusting these heights is also in furtherance of the longstanding vision for development in Newport Center, which includes taller buildings around the center to create a downtown-like feel while preserving open view corridors. This intention is depicted in a photograph of a cardboard cutout model from its earliest planning efforts, provided as Figure 2 above. More importantly, the proposed

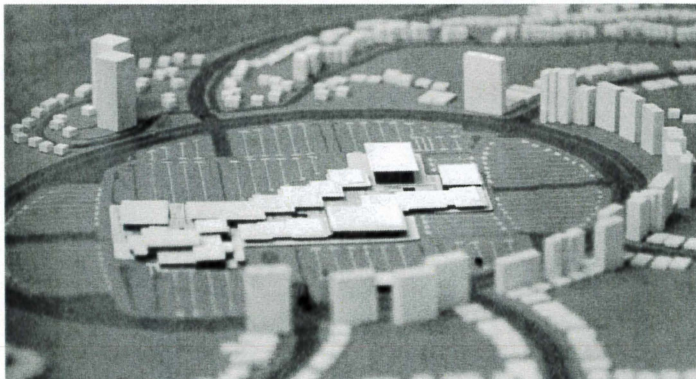


Figure 2, 1960s cardboard model of Newport Center (Real Estate Masterwork Series; Emmert, Frost)

increases are also consistent with General Plan Land Use Element Policy 6.14.4 (Development Scale), excerpted below.

LU 6.14.4 Development Scale. Reinforce the original design concept for Newport Center by concentrating the greatest building mass and height in the northeasterly section along San Joaquin Hills Road, where the natural topography is highest and progressively scaling down building mass and height to follow the lower elevations toward the southwesterly edge along East Coast Highway. (Imp 2.1, 3.1, 4.1)

The benefits of increasing heights include accommodating density on smaller sites and/or fewer sites, increasing walkability for residents and activating the urban core of Newport Center to create a true mixed-use community, and decreasing development footprints and encouraging increased open space and views through developments.

City staff has prepared a series of three exhibits depicting: 1) existing height limits; 2) proposed height limits; and 3) existing height limits with proposed height limits overlaid. Those exhibits are provided as Attachment No. PC 2 for reference and are intended to be reviewed together.

Table 1 below summarizes the locations and proposed specified heights for potential housing sites taking advantage of the HO Overlay Zoning Districts along with their existing allowed base heights.

It should be emphasized that there are no changes proposed to the Newport Center Sight Plane, as established by Ordinance Nos. 1371, 1596, 83-27, and 91-97, which serves to maintain residential views across the southeasterly quadrant of Newport Center

Table 1, HO-4 properties with proposed height increase

Location Description	Base Heights	Proposed Height
Newport Beach Tennis Club in Eastbluff	32 feet	32 feet ¹
Armstrong Gardens, Newport Beach Country Club's surface parking lot, maintenance yard, and tennis courts	32 feet, 50 feet	70 feet
Northern portion of Corporate Plaza outside the Newport Center Sight Plane	32 feet	70 feet
100 Block Newport Center	32 feet, 50 feet	85 feet
Underutilized parking structure	65 feet	85 feet
Chase bank	32 feet	110 feet
Newport Beach Country Club golf course portion	50 feet	110 feet
Southern portion of 200 Block Newport Center excepting Regal Edwards Big Newport site	32 feet	150 feet
300 Block Newport Center and Regal Edwards Big Newport Site	32 feet	270 feet

¹ This site is in a well-established neighborhood in Eastbluff where anything higher than the base height limit would likely not be compatible with surrounding development. Limiting the height to 32 feet eliminates the potential to seek a site development review to increase the height and further encourages a lower density of 20 dwelling units per acre for neighborhood compatibility.

Allocating Units to City-Owned Properties

The proposed amendments would also allocate a certain number of units from the development limits of HO-1 and HO-4 Subareas to a small group of City-owned properties.

The City acquired real property at 1201 Dove Street in 2023 with the intention of potentially redeveloping it in the future as the new headquarters for the Newport Beach Police Department (NBPd); however, alternative uses for the site are possible. Of the 2,577-unit development limit in HO-1, a total of 179 units (50 du/ac) would be allocated to Site ID No. 77 (1201 Dove Street) from the Housing Element Sites Inventory. This gives the City flexibility on the final use in the future.

868 and 870 Santa Barbara Drive is the current location of Newport Beach Fire Station No. 3 and the NBPd's headquarters. Both sites are City-controlled and have the potential for redevelopment with housing projects within the Housing Element's planning period. Of the 2,439-unit development limit in HO-4, a total of 199 units (50 du/ac) would be allocated to Site ID No. 362 (868 and 870 Santa Barbara Drive) from the Housing Element Sites Inventory.

Title 20 (Planning and Zoning) Amendment

Table 2-16 of Section 20.28.050 would be amended as illustrated below:

TABLE 2-16
DEVELOPMENT STANDARDS FOR HOUSING OPPORTUNITY OVERLAY ZONES

Development Feature	Housing Opportunity Subareas					
	HO-1	HO-2	HO-3	HO-4	HO-5	HO-6
Development Limit (units) ⁽¹⁾	2,577 ⁽¹¹⁾	1,107	521	2,439 ⁽¹²⁾	1,530	N/A
Height	Per Base Zone unless otherwise identified on the map	65 ft.	65 ft. ⁽⁶⁾	Per Base Zone unless otherwise identified on the map ⁽⁷⁾	65 ft.	All Standards Per Base Zone

(11) Of the 2,577 base development units, 179 units (50 du/ac) shall be allocated to Site ID No. 77 (1201 Dove Street) from the 6th Cycle Housing Element Sites Inventory.

(12) Of the 2,439 base development units for HO-4, 199 units (50 du/ac) shall be allocated to Site ID No. 362 (868 and 870 Santa Barbara Drive) from the 6th Cycle Housing Element Sites Inventory.

Local Coastal Program Implementation Plan Amendment

For those properties located in the Coastal Zone, the proposed amendment to Table 21.28-1 and updated or added maps to Section 21.80.032 of Title 21 would mirror proposed changes as proposed to Table 2-16 and Section 20.80.25 of the NBMC.

Environmental Review

All potential environmental effects for the amendments have been adequately addressed in the previously certified Final Program Environmental Impact Report (EIR) identified by State Clearinghouse Number (SCH No.) 2023060699, and the City of Newport Beach intends to use said document for the approval of the amendments. Copies of the previously prepared environmental document are available for public review and inspection at the Planning Division or at the City of Newport Beach website here: [Housing Implementation Program EIR \(PA2022-0245\)](#).

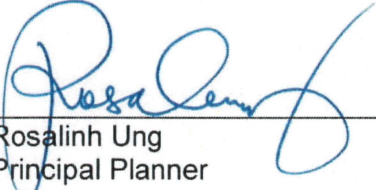
A consistency analysis was prepared by Kimley-Horn & Associates, Inc. on January 9, 2025, and is attached as Exhibit "A" of Draft Resolution (Attachment No. PC 1). It was determined that the amendments are consistent with the Housing Element and within the scope of EIR. Under State CEQA Guidelines Sections 15162 and 15164, no additional environmental review is required.

Public Notice

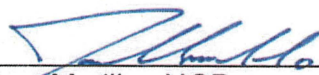
Notice of this hearing was published in the Daily Pilot in a one-eighth-page format at least 10 days before the scheduled meeting, consistent with Section 20.62.020(B)(2)(c) of the NBMC. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

Prepared by:

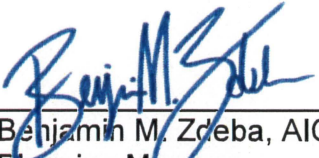
Submitted by:



Rosalinh Ung
Principal Planner



Jaime Murillo, AICP
Deputy Community Development Director



Benjamin M. Zdeba, AICP
Planning Manager

ATTACHMENTS

- PC 1 Draft Resolution
- PC 2 Draft Height Exhibits 1, 2, and 3

RESOLUTION NO. PC2025-004

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE AN AMENDMENT TO SECTION 20.28.050 (HOUSING OPPORTUNITY (HO) OVERLAY ZONING DISTRICTS) OF TITLE 20 (PLANNING AND ZONING) AND PENDING SECTION 21.28.070 [HOUSING OPPORTUNITY (HO) OVERLAY COASTAL ZONING DISTRICTS] IN TITLE 21 (LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN) OF THE NEWPORT BEACH MUNICIPAL CODE (PA2024-0205)

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

SECTION 1. STATEMENT OF FACTS.

1. On September 24, 2024, the City Council adopted Ordinance Nos. 2024-16 and 2024-17, approving amendments to Title 20 (Planning and Zoning) of the Newport Beach Municipal Code ("NBMC"), to establish the Housing Opportunity (HO) Overlay Zoning Districts in Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) and to create multi-unit objective design standards in Section 20.48.185 (Multi-Unit Objective Design Standards). The new sections serve to implement Policy Actions 1A through 1G and 3A in the General Plan 6th Cycle Housing Element ("Housing Element").
2. Section 20.28.050 of the NBMC allows for new housing opportunities within five subareas to ensure the City can accommodate its 6th Cycle Regional Housing Needs Assessment ("RHNA") allocation. These subareas correspond to the Focus Areas identified in the Housing Element and are as follows: Airport Area Environs Area (HO-1), West Newport Mesa Area (HO-2), Dover-Westcliff Area (HO-3), Newport Center Area (HO-4), and Coyote Canyon Area (HO-5). Properties identified within these subareas are eligible for specified development allowances conducive to residential development at the prescribed average density of 20 to 50 dwelling units per acre. The standards include but are not limited to minimum lot area, setbacks, height, open space, landscaping, and parking.
3. On July 23, 2024, the City Council adopted Resolution No. 2024-52, authorizing submittal of the Local Coastal Program Amendment to the California Coastal Commission to amend the City's Coastal Land Use Plan and Title 21 (Local Coastal Program Implementation Plan) of the NBMC to establish the Housing Opportunity (HO) Overlay Coastal Zoning Districts and their corresponding development standards applicable to properties located within the Coastal Zone to implement the Housing Element.
4. On November 19, 2024, the City Council adopted Resolution No. 2024-85, initiating an amendment to Section 20.28.050 of the NBMC and the pending complementary amendments in Title 21 of the NBMC, to review and make possible adjustments to certain development standards, including but not limited to building height limits specified in Table 2-16 (Development Standards for Housing Opportunity Overlay Zones) of Section

20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) and pending Table 21.28-1 (Development Standards for Housing Opportunity Overlay Zones) of the NBMC.

5. An amendment to Table 2-16 of Section 20.28.050 and pending Table 21.28-1 of the NBMC is necessary to adjust the height limitations of certain properties within the HO-4 subarea to accommodate potential residential development with the intended prescribed density range, and to identify a certain number of units being allocated from the respective development limits for a selected group of City-owned properties located within HO-1 and HO-4 subareas. The corresponding Housing Opportunity Overlay District Maps in Section 20.80.025 and pending Section 21.80.035 would also be amended accordingly (“Amendment”).
6. A public hearing was held on January 23, 2025, in the Council Chambers at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with California Government Code Section 54950 *et seq.* (“Ralph M. Brown Act”) and Chapters 20.62 (Public Hearings) and 21.62 (Public Hearings) of the NBMC. 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. Pursuant to the California Environmental Quality Act (“CEQA”) as set forth in California Public Resources Code Section 21000 *et seq.* and its implementing guidelines set forth in California Code of Regulations, Title 14, Division 6, Chapter 3 (“CEQA Guidelines”), the City Council adopted Resolution No. 2024-50 on July 23, 2024, certifying Final Program Environmental Impact Report SCH No. 2023060699 (“PEIR”), approving a Mitigation Monitoring and Reporting Program (“MMRP”), and adopting Findings and a Statement of Overriding Considerations related to the implementation of the Housing Element involving amendments to the General Plan, Coastal Land Use Plan, and Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the NBMC which are available at: [Housing Implementation Program EIR](#).
2. Pursuant to Section 21166 of the California Public Resources Code and Section 15162 of the CEQA Guidelines, when an environmental impact report (“EIR”) is adopted for a project, no subsequent EIR is required unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
 - a. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
 - b. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

-
- c. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was adopted as complete, shows any of the following:
- i. The project will have one or more significant effects not discussed in the previous negative declaration;
 - ii. Significant effects previously examined will be substantially more severe than shown in the adopted negative declaration;
 - iii. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives; or
 - iv. Mitigation measures or alternatives which are considerably different from those analyzed in the previous negative declaration would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternatives.
3. The Amendment, which include adjustment to the height limitations of certain properties within the HO-4 Subarea to accommodate potential residential development with the intended prescribed density range, and to identify the number of units being allocated from the residential development limits for certain City-owned properties within HO-1 and HO-4 Subareas, does not constitute substantial changes to the circumstances under which the project would be undertaken that would result in new or more severe environmental impacts than previously addressed in the EIR, nor has any new information regarding the potential for new or more severe significant environmental impacts been identified as detailed in the CEQA Consistency Memorandum, which is attached hereto as Exhibit "A" and incorporated by reference. Therefore, in accordance with Section 21166 of the California Public Resources Code and Section 15162 of the CEQA Guidelines, no additional environmental review is required to adopt the Amendments.

SECTION 3. FINDINGS.

Title 20 (Planning and Zoning) Amendment

An amendment to Title 20 (Planning and Zoning) of the NBMC is a legislative act. Neither Title 20 itself nor California Government Code Section 65000 *et seq.*, sets forth any required findings for approval of such amendments. However, Section 20.66.040 (Commission Recommendation) of the NBMC requires the Planning Commission to make and file a report of its findings and recommendations with the Council.

Findings and Facts in Support of Finding:

1. Title 20 of the NBMC serves as the City's Zoning Code, which is a tool to ensure consistency with and implementation of the General Plan. It is necessary to amend and update Title 20 from time to time to ensure the policies set forth by the General Plan are being implemented effectively.
2. The Amendment specific to Title 20 (Planning and Zoning) of the NBMC, which is attached hereto as Exhibit "B" and incorporated herein by reference will further enable the implementation of the Housing Element's key objective, which is to accommodate the development of housing to fulfill City's obligation to meet regional housing demands. Specifically, the Amendment will allow increased height limitations for certain properties within HO-4 to accommodate residential developments within the intended prescribed density range while furthering the longstanding vision for development in Newport Center, as noted in General Plan Land Use Element Policy 6.14.4 (Development Scale). Increased heights will accommodate density on smaller sites and/or fewer sites and will increase walkability for residents and activate the urban core of Newport Center to create a true mixed-use community while decreasing development footprints and encouraging increased open space and views through developments.
3. The Amendment will also allocate a portion of the development limits in HO-1 and HO-4 to City-owned sites where there is a potential for redevelopment with housing projects within the Housing Element's planning period.

Title 21 (Local Coastal Program Implementation Plan) Amendment

An amendment to Title 21 (Local Coastal Program Implementation Plan) of the NBMC is a legislative act. Neither Title 21 itself nor California Government Code Section 65000 et seq., sets forth any required findings for approval of such amendments.

Findings and Facts in Support of Finding:

1. The Housing Element includes Section 4 (Housing Plan), which sets forth programs and strategies to facilitate and encourage the development of the City's obligation to meet regional housing demand. Appendix B of the Housing Element is the Sites Analysis and identifies several sites to be rezoned to allow for potential redevelopment with housing projects. A number of these sites are within the Coastal Zone. As Title 20 has been amended to add the new HO Overlay Zones with associated development standards, similarly, the amendment to Local Coastal Program Implementation Plan to add the new Overlay Coastal Zones for properties within the Coastal Zone has been prepared and submitted to the California Coastal Commission for consideration.
2. The Amendment specific to Title 21 (Local Coastal Program Implementation Plan) of the NBMC, attached hereto as Exhibit "C," and incorporated herein by reference, will create consistency in implementation between Titles 20 and 21 of the NBMC and will help to fulfill the Housing Plan, as the proposed Amendment will facilitate the development of housing consistent with the Housing Element.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. In accordance with Section 21166 of the California Public Resources Code and Section 15162 of the of the CEQA Guidelines, no additional environmental review is required as the Amendment does not constitute substantial changes to the circumstances under which the project would be undertaken that would result in new or more severe environmental impacts than previously addressed in the EIR, nor has any new information regarding the potential for new or more severe significant environmental impacts been identified as detailed in the CEQA Consistency Memorandum, which is attached hereto as Exhibit "A."
2. The Planning Commission hereby recommends to the City Council approval of the Amendment to Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of NBMC as part of the consideration of the adopted 6th Cycle Housing Element implementation programs, as contained in Exhibits "B" and "C," and identified as PA2024-0205.

PASSED, APPROVED, AND ADOPTED THIS 23RD DAY OF JANUARY, 2025.

AYES:

NOES:

ABSENT:

BY: _____
Mark Rosene, Chair

BY: _____
David Salene, Secretary

Attachments: Exhibit A – CEQA Consistency Memorandum
Exhibit B – Amendment to Chapter 20.28 (Overlay Zoning Districts (MHP, PM, B, and H)) of Title 20 (Planning And Zoning)
Exhibit C – Amendment to Pending Chapter 21.28 (Overlay Coastal Zoning Districts (MHP, PM, B, C, H, and HO)) of Title 21 (Local Coastal Program Implementation Plan)

EXHIBIT "A"

CEQA CONSISTENCY MEMORANDUM

(To be provided as a supplemental material after initial agenda publishing)

EXHIBIT “B”

AMENDMENT TO CHAPTER 20.28 (OVERLAY ZONING DISTRICTS (MHP, PM, B, H)) OF TITLE 20 (PLANNING AND ZONING)

Table 2-16 of Section 20.28.50 (Housing Opportunity (HO) Overlay Zoning Districts) of Chapter 20.28 of the Newport Beach Municipal Code would be amended as follows, currently shown in redline-strikeout format for ease of reference only:

Development Feature	Housing Opportunity Subareas					
	HO-1	HO-2	HO-3	HO-4	HO-5	HO-6
Development Limit (units) ⁽¹⁾	2,577 ⁽¹¹⁾	1,107	521	2,439 ⁽¹²⁾	1,530	N/A
Lot Size/Dimension	Per Base Zone					
Lot area required per unit (sq. ft.) ⁽²⁾	Minimum: 2,178 (20 du/ac) Maximum: 871 (50 du/ac)	Minimum: 2,178 (20 du/ac) Maximum: 871 (50 du/ac)		Minimum: 2,178 (20 du/ac) Maximum: 726 (60 du/ac) ⁽¹⁰⁾	All Standards Per Base Zone	
Setbacks						
Front	0 ft. ⁽³⁾	10 ft. ⁽³⁾	10 ft. ⁽³⁾⁽⁴⁾	0 ⁽³⁾	10 ft. ⁽³⁾	
Rear	0	20 ft.	20 ft.	0	20 ft.	
Side	0 ⁽⁴⁾					
Street Side	0 ⁽³⁾	10 ft. ⁽³⁾	10 ft. ⁽³⁾	0 ft. ⁽³⁾	10 ft. ⁽³⁾	
Height	Per Base Zone unless otherwise identified on the map	65 ft.	65 ft. ⁽⁶⁾	Per Base Zone unless otherwise Identified on the map ⁽⁷⁾	65 ft.	
Building Separation	10 ft.					
Floor Area Ratio (FAR)	No restriction ⁽⁸⁾					
Common Open Space ⁽⁹⁾	Minimum 75 square feet/dwelling unit. (The minimum dimension (length and width) shall be 15 feet.)					
Private Open Space ⁽⁹⁾	5% of the gross floor area for each unit. (The minimum dimension (length and width) shall be 6 feet.)					

TABLE 2-16
DEVELOPMENT STANDARDS FOR HOUSING OPPORTUNITY OVERLAY ZONES

Development Feature	Housing Opportunity Subareas					
	HO-1	HO-2	HO-3	HO-4	HO-5	HO-6
Fencing	See Section 20.30.040 (Fences, Hedges, Walls, and Retaining Walls).					
Landscaping	See Chapter 20.36 (Landscaping Standards).					
Lighting	See Section 20.30.070 (Outdoor Lighting).					
Outdoor Storage/Display	See Section 20.48.140 (Outdoor Storage, Display, and Activities).					
Parking	See subsection (D)(3) of this section and Chapter 20.40 (Off-Street Parking).					
Satellite Antennas	See Section 20.48.190 (Satellite Antennas and Amateur Radio Facilities).					
Signs	See Chapter 20.42 (Sign Standards).					

- (1) Development limits are additional residential development opportunities beyond the base allowances in this Title or the General Plan. These limits shall not include density bonus units or units that are either identified as pipeline units in the 6th Cycle Housing Element (Table B-2) or units that were applied for and predate the effective date of the HO Overlay Zoning Districts. Furthermore, eligible units are only counted against the development limits when they are either entitled or are issued a building permit if allowed by right. However, 25% of the development limit within each HO Overlay Zoning District that includes properties within the Coastal Zone shall be reserved until such a time as the City's Local Coastal Program has been amended to allow for housing consistent with the implementation of the 6th Cycle Housing Element. Following the City's Local Coastal Program Amendment, priority for the reserved units will be given to sites located within the Coastal Zone.
- (2) Minimum/maximum allowable density range may be based on an average density of the entire project site, excluding density bonus units.
- (3) Any portion of the building that is over 20 feet in height shall be setback a minimum 20 feet from the street right-of-way.
- (4) Except in the Mixed-Use Mariners Mile (MU-MM) Zoning District wherein residential uses are only allowed beginning 100 feet north of Coast Highway.
- (5) The combined total from both sides shall be 15 feet.
- (6) The height shall be limited to 35 feet in the Shoreline Height Limit Area, as identified in Map H-1.
- (7) "Base Zone" includes all height limitations established by the Sight Plane Ordinance (Ordinance No. 1371 and Ordinance No. 1596).
- (8) The FAR in this table only applies to residential floor area, including any supporting facilities. In mixed-use developments, the FAR for nonresidential is still applicable.
- (9) For purposes of this section, common and private open space in HO-1 may include enclosed shared amenities such as a clubhouse, swimming pool, tennis court, basketball court, racquetball court, weightlifting facility, children's playground equipment, sauna, jacuzzi, day care facility, or any other recreational amenities/facilities as deemed appropriate by the Community Development Director.
- (10) This density is intended for the former Coyote Canyon Landfill site only. The Sage Hill School site is limited to a maximum of 20 dwelling units.
- (11) Of the 2,577 base development units, 179 units (50 du/ac) shall be allocated to Site ID No. 77 (1201 Dove Street) from the 6th Cycle Housing Element Sites Inventory.
- (12) Of the 2,439 base development units for HO-4, 199 units (50 du/ac) shall be allocated to Site ID No. 362 (868 and 870 Santa Barbara Drive) from the 6th Cycle Housing Element Sites Inventory.

The following map would be updated in Section 20.80.025 (Housing Opportunity Overlay District maps) of Chapter 20.80 (Maps) of the NBMC and will be provided prior to City Council consideration:

[HO-4 – Newport Center Area](#) (PDF)

EXHIBIT “C”

AMENDMENT TO CHAPTER 21.28 (OVERLAY COASTAL ZONING DISTRICTS (MHP, PM, B, C, H, AND HO)) OF TITLE 21 (LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN)

Table 21.28-1 of Section 21.28.070 (Housing Opportunity (HO) Overlay Coastal Zoning Districts) of Chapter 21.28 of Title 21 (Local Coastal Program Implementation Plan) of the of the Newport Beach Municipal Code would be amended as follows, currently shown in redline-strikeout format for ease of reference only, and subject to California Coastal Commission review and approval:

TABLE 21.28-1

DEVELOPMENT STANDARDS FOR HOUSING OPPORTUNITY OVERLAY ZONES

Development Feature	Housing Opportunity Subareas			
	HO-1	HO-2	HO-3	HO-4
Lot Size/Dimension	Per Base Zone			
Lot area required per unit (sq. ft.) ¹	Minimum: 2,178 (20 du/ac) Maximum: 871 (50 du/ac)	Minimum: 2,178 (20 du/ac) Maximum: 871 (50 du/ac)		
Setbacks				
Front	0 ft. ⁽²⁾	10 ft. ⁽²⁾	10 ft. ⁽²⁾⁽³⁾	0 ⁽²⁾
Rear	0	20 ft.	20 ft.	0
Side	0 ⁽⁴⁾			
Street Side	0 ⁽²⁾	10 ft. ⁽²⁾	10 ft. ⁽²⁾	0 ft. ⁽²⁾
Height	Per Base Zone unless otherwise identified on the map	65 ft.	65 ft. ⁽⁵⁾	Per Base Zone— <u>unless otherwise identified on map</u> ⁽⁶⁾⁽⁸⁾
Building Separation	10 ft.			
Floor Area Ratio (FAR)	No restriction ⁽⁶⁾			
Common Open Space ⁽⁷⁾	Minimum 75 square feet/dwelling unit. (The minimum dimension [length and width] shall be 15 feet.)			
Private Open Space	5% of the gross floor area for each unit. (The minimum dimension [length and width] shall be 6 feet.)			
Fencing	See Section 21.30.040 (Fences, Hedges, Walls, and Retaining Walls).			
Landscaping	See Section 21.30.075 (Landscaping) and 21.30.085 (Water Efficient Landscaping).			
Lighting	See Section 21.30.070 (Outdoor Lighting).			
Parking	See Subsection (D)(2) below and Chapter 21.40 (Off-Street Parking).			
Signs	See Chapter 21.30.065 (Sign Standards).			

(1) Minimum/maximum allowable density range may be based on an average density of the entire project site, excluding density bonus units.

- (2) Any portion of the building that is over 20 feet in height shall be setback a minimum 20 feet from the street right-of-way.
- (3) Except in the Mixed-Use Mariners Mile (MU-MM) Zoning District wherein residential uses are only allowed beginning 100 feet north of Coast Highway.
- (4) The combined total from both sides shall be 15 feet.
- (5) The height shall be limited to 35 feet in the Shoreline Height Limit Area, as identified in Map H-1.
- (6) The FAR in this table only applies to residential floor area, including any supporting facilities. In mixed-use developments, the FAR for nonresidential is still applicable.
- (7) For purposes of this section, common and private open space in HO-1 may include enclosed shared amenities such as a clubhouse, swimming pool, tennis court, basketball court, racquetball court, weightlifting facility, children's playground equipment, sauna, jacuzzi, day care facility, or any other recreational amenities/facilities as deemed appropriate by the Community Development Director.
- (8) "Base Zone" includes all height limitations established by the Sight Plane Ordinance (Ordinance No. 1371 and Ordinance No. 1596).

The following map would be updated/added to pending Section 21.80.032 (Housing Opportunity Overlay District maps) of Chapter 20.80 (Maps) of the NBMC:

[HO-4 – Newport Center Area \(PDF\)](#)

Base Map Legend

 Newport Center Sight Plane (No Changes)

Established by Ordinance Nos. 1371, 1596, 83-27 and 91-97. This area is limited in height by a uniform slope defined by contour lines of elevation above mean sea level. Structures are generally limited to between 15 and 32 feet in height from existing grade.

 Coastal Zone Boundary

Disclaimers

While every effort has been made to ensure the accuracy of information depicted in this exhibit, the City cannot make guarantees. This is intended for initial analysis only. Inquiries regarding individual sites should be made for confirmation of the information presented herein.

This exhibit is intended to be reviewed in conjunction with Exhibit 2 (Proposed Height Limits) and Exhibit 3 (Existing/Proposed Height Limits).

DRAFT



**Exhibit 1
HO-4 Newport Center Area
Existing Height Limits**



City of Newport Beach
GIS Division
December 02, 2024

Base Map Legend

-  Housing Opportunity Overlay (Coastal Zone)
-  Housing Opportunity Overlay (Outside Coastal Zone)
-  Newport Center Sight Plane (No Changes)
-  Coastal Zone Boundary

Proposed Maximum Height

- A** 32/37 feet
- B** 70 feet
- C** 85 feet
- D** 110 feet
- E** 150 feet
- F** 270 feet

Note: All sites without a height specified are subject to the height limit prescribed by the underlying base zoning district (see Exhibits 1 and 3).

Disclaimers

While every effort has been made to ensure the accuracy of information depicted in this exhibit, the City cannot make guarantees. This is intended for initial analysis only. Inquiries regarding individual sites should be made for confirmation of the information presented herein.

This exhibit is intended to be reviewed in conjunction with Exhibit 1 (Existing Height Limits) and Exhibit 3 (Existing/Proposed Height Limits).

DRAFT

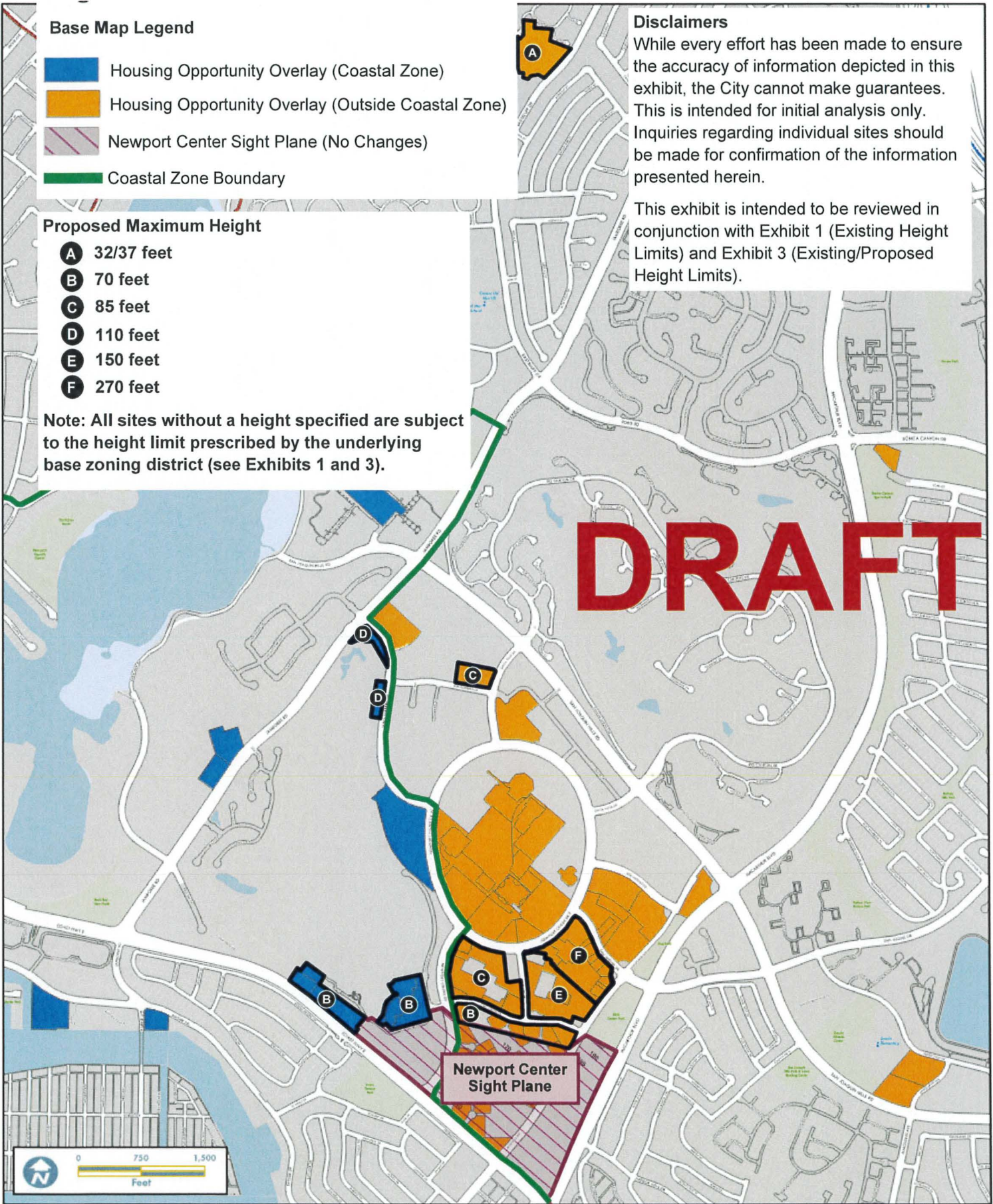


Exhibit 2


**HO-4 Newport Center Area
Proposed Height Limits**



City of Newport Beach
GIS Division
December 02, 2024



Base Map Legend

-  Newport Center Sight Plane (No Changes)
-  Housing Opportunity Site
-  Coastal Zone Boundary

Proposed Maximum Height

- A** 32/37 feet
- B** 70 feet
- C** 85 feet
- D** 110 feet
- E** 150 feet
- F** 270 feet

Note: All sites without a height specified are subject to the height limit prescribed by the underlying base zoning district (see Exhibit 1).

Disclaimers

While every effort has been made to ensure the accuracy of information depicted in this exhibit, the City cannot make guarantees. This is intended for initial analysis only. Inquiries regarding individual sites should be made for confirmation of the information presented herein.

This exhibit is intended to be reviewed in conjunction with Exhibit 1 (Existing Height Limits) and Exhibit 2 (Proposed Height Limits).

DRAFT

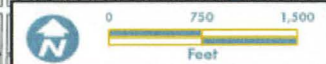


Exhibit 3
HO-4 Newport Center Area
Existing/Proposed Height Limits

**February 20, 2025 ALUC Submittal - Attachment 3
Strikethrough-Underline Versions or Matrices of All Revisions**

Title 20 (Planning and Zoning) Amendment

Table 2-16 of Section 20.28.050 would be amended as illustrated below:

TABLE 2-16 DEVELOPMENT STANDARDS FOR HOUSING OPPORTUNITY OVERLAY ZONES							
Development Feature	Housing Opportunity Subareas						
	HO-1	HO-2	HO-3	HO-4	HO-5	HO-6	
Development (units) ⁽¹⁾ Limit	2,577 ⁽¹¹⁾	1,107	521	2,439 ⁽¹²⁾	1,530	N/A	
Height	Per Base Zone unless otherwise identified on the map	65 ft.	65 ft. ⁽⁶⁾	Per Base Zone unless otherwise identified on the map ⁽⁷⁾	65 ft.	All Standards Per Base Zone	

(11) Of the 2,577 base development units, 179 units (50 du/ac) shall be allocated to Site ID No. 77 (1201 Dove Street) from the 6th Cycle Housing Element Sites Inventory.

(12) Of the 2,439 base development units for HO-4, 199 units (50 du/ac) shall be allocated to Site ID No. 362 (868 and 870 Santa Barbara Drive) from the 6th Cycle Housing Element Sites Inventory.

Title 21 Local Coastal Program Implementation Plan Amendment

Table 21.28-1 of Section 21.80.032 would be amended as illustrated below:

TABLE 21-28-1							
DEVELOPMENT STANDARDS FOR HOUSING OPPORTUNITY OVERLAY ZONES							
Development Feature	Housing Opportunity Subareas						
	HO-1	HO-2	HO-3	HO-4	HO-5	HO-6	
Development (units) ⁽¹⁾ Limit	2,577 ⁽¹¹⁾	1,107	521	2,439 ⁽¹²⁾	1,530	N/A	
Height	Per Base Zone unless otherwise identified on the map	65 ft.	65 ft. ⁽⁶⁾	Per Base Zone unless otherwise identified on the map ⁽⁷⁾	65 ft.	All Standards Per Base Zone	

(11) Of the 2,577 base development units, 179 units (50 du/ac) shall be allocated to Site ID No. 77 (1201 Dove Street) from the 6th Cycle Housing Element Sites Inventory.

(12) Of the 2,439 base development units for HO-4, 199 units (50 du/ac) shall be allocated to Site ID No. 362 (868 and 870 Santa Barbara Drive) from the 6th Cycle Housing Element Sites Inventory.

January 29, 2025 ALUC Submittal – Attachment 4 AELUP and City Noise, Height and Safety Consistency Analysis

Introduction and Project Description

The City is pursuing narrowly focused amendments to its existing Housing Opportunity (HO) Overlay Zoning Districts to:

1. Allocate units from the identified development limits within HO-1 (Airport Area Environs) and HO-4 (Newport Center) to City-owned properties identified as opportunity sites in the Housing Element's adequate sites analysis; and
2. Increase heights for 35 properties within the HO-4 Subarea.

The City is not modifying any development standards proximate to John Wayne Airport nor is the City adding any density or intensity. There are no changes in the HO-1 Subarea with exception of allocating currently available units to City-owned property at 1201 Dove Street. Importantly, this property is within Safety Zone 6 and within the 60 dBA CNEL noise contour area.

The 35 properties that are the subject of the proposed increase in height are generally within the Newport Center area, which is far removed from JWA and where heights of up to 300 feet are already allowed. In fact, only 9 of the properties fall entirely or partially within the JWA Notification Area. These 9 are not within any noise contour area nor are they within any safety zones; therefore, the City believes that the proposed increases in height are consistent with the 2008 AELUP.

However, because the City-owned property at 1201 Dove Street is adjacent to JWA, the City has prepared the following consistency analysis for reference.

Background: Explanation of Housing Element Implementation Program and Proposed Amendments

The very high 6th-Cycle Regional Housing Needs Assessment (RHNA) allocation of 4,845 new units required the City to look citywide for new housing opportunity sites. While several sites were identified in the Airport Area and its proximity, there are five other focus areas where most new housing opportunity sites are being listed: Banning Ranch, West Newport Mesa, Dover-Westcliff/Mariner's Mile, Newport Center, and Coyote Canyon. The complete breakdown is viewable in Section 4 and [Appendix B](#) of the adopted and certified Housing Element.

The City's Housing Element was reviewed by ALUC on September 16, 2021. The City Council adopted the Housing Element in February 2022; however, subsequent revisions were required based on feedback from HCD. After multiple iterations and responsive revisions, the City Council re-adopted a revised Housing Element on September 13, 2022. The adopted Housing Element was then certified as being statutorily compliant by HCD on October 5, 2022. Section 4 (Housing Plan) of the Housing Element is the City's strategy to meet the RHNA allocation and includes several policy actions for implementation.

To implement the strategy, the City pursued establishment of the Housing Opportunity (HO) Overlay Zoning Districts. The HO Overlay Zoning Districts were reviewed by ALUC on May 16, 2024, and adopted by City Council on September 24, 2024. The proposed amendments serve to continue implementation of the City's adopted and certified Housing Element by enhancing viability of housing projects particularly in Newport Center in furtherance of the State's goals and objectives.

Noise Policies and Mitigation

There are no proposed policies or mitigation measures related to this proposal that are related to noise from John Wayne Airport. The City relies on its General Plan Land Use Element and Noise Element to provide pertinent goals and policies. The City also relies on its Title 20 (Planning and Zoning) of the Newport Beach Municipal Code (NBMC).

In November 2023, the City amended the Land Use and Noise Elements, as well as Title 20 of the NBMC to accommodate housing units identified by the adopted and certified 6th Cycle Housing Element, as follows:

- Adopted updated noise contours (shown in Noise Element Figures N4 and N5) to reflect the noise contours identified by the 2014 John Wayne Airport Settlement Agreement Amendment Environmental Impact Report No. 617 (EIR No. 617),
- Updated Land Use and Noise Element Policies, Land Use Element Figures LU11, LU22, and LU23, as well as Title 20 to modify and incorporate the updated noise contours identified by EIR No. 617 and to implement additional noise attenuation measures for future housing units proximate to John Wayne Airport; and
- Allowed residential units identified by the certified 6th Cycle Housing Element to be located within the 65 dBA CNEL noise contour area as identified in the updated noise contour maps identified by EIR No. 617. Parcels bisected by the updated 65 dBA CNEL noise contour could support future housing; whereas parcels located wholly within the updated 65 dBA CNEL noise contour could support housing, if deemed necessary to satisfy the Regional Housing Needs Assessment (RHNA) mandate.

The City's cited General Plan Policies and Title 20 regulations will help ensure that appropriate noise considerations are made, and that mitigation is included in the design. All current policies and regulations are all listed in Tables 1 and 2 below.

TABLE 1, CITY OF NEWPORT BEACH GENERAL PLAN RELEVANT GOALS AND POLICIES TO PROTECT DEVELOPMENTS FROM UNDUE NOISE
<p>Goal LU 6.15 A mixed-use community that provides jobs, residential, and supporting services in close proximity, with pedestrian-oriented amenities that facilitate walking and enhance livability.</p>
<p>Policy LU 6.15.3 (Current General Plan Page 3-101) – Airport Compatibility Require that all development be constructed in conformance with the height restrictions set forth by the Federal Aviation Administration (FAA), Federal Aviation Regulations (FAR) Part 77, and Caltrans Division of Aeronautics, and that residential development shall be allowed only on parcels with noise levels of less than John Wayne Airport 65 dBA CNEL noise contour area as shown in Figure N5 of the Noise Element of the General Plan, unless and until the City determines, based on substantial evidence, that the sites wholly within the 65 dBA CNEL noise contour shown in Figure N5 are needed for the City to satisfy its Sixth Cycle RHNA mandate. Nonresidential uses are, however, encouraged on parcels located wholly within the 65 dBA CNEL contour area.</p>
<p>Goal N 1 (Current General Plan Page 12-25) – Noise Compatibility Minimized land use conflicts between various noise sources and other human activities.</p>
<p>Policy N 1.1 (Current General Plan Page 12-26) – Noise Compatibility of New Development Require that all proposed projects are compatible with the noise environment through use of Table N2 and enforce the interior noise standards shown in Table N3.</p>
<p>Policy N 1.2 (Current General Plan Page 12-26) – Noise Exposure Verification for New Development Applicants for proposed residential or mixed-use projects located in areas projected to be exposed to 65-70 dBA CNEL or greater, as shown on Figure N5 must conduct a noise study to provide evidence that the depicted noise contours do not adequately account for local noise exposure circumstances due to such factors as, topography, variation in traffic speeds, and other applicable conditions. These findings shall be used to determine the level of exterior or interior noise attenuation needed to attain an acceptable noise exposure level and feasibility of such mitigation when other planning considerations are taken into account, consistent with Title 21 of the California Code of Regulations.</p>
<p>Policy N 1.3 (Current General Plan Page 12-26) – Remodeling and Additions of Structures Require that all remodeling and additions of structures comply with the noise standards shown in Table N3.</p>
<p>Policy N 1.4 (Current General Plan Page 12-26) – New Development in Urban Areas Require that applicants of residential portions of mixed-use projects and high-density residential developments in urban areas (such as the Airport Area and Newport Center) demonstrate that the design of the structure will adequately isolate noise between adjacent uses and units (common floor/ceilings) in accordance with the California Building Code.</p>
<p>Policy N 1.5 (Current General Plan Page 12-26) – Infill Projects Allow a higher (above 65 dBA CNEL) exterior noise level standard for infill projects in existing residential areas adjacent to major arterials if it can be shown that there are no feasible mechanisms to meet the exterior noise</p>

levels. The interior standard of 45 dBA CNEL shall be enforced for any new residential project or mixed-use project containing a residential component, consistent with Title 21 of California Code of Regulations.

Policy N 1.5A (Current General Plan Page 12-26) – Airport Area Infill Projects

Allow infill residential projects proximate to John Wayne Airport to have a higher exterior noise level standard (65-70 dBA CNEL) if it can be shown that there are no practical mechanisms or designs to meet the exterior noise levels. The interior standard of 45 dBA CNEL shall be enforced for any residential component of projects. No residential units may be located on parcels wholly within the John Wayne Airport 65 dBA CNEL noise contour area as shown in Figure N5, of the Noise Element of the General Plan, unless and until the City determines, based on substantial evidence, that the sites wholly within such contour area are needed for the City to satisfy its Sixth Cycle RHNA mandate. Nonresidential uses are encouraged on parcels located wholly within the 65 dBA CNEL contour area, shown in Figure N5.

Policy N 1.6 (Current General Plan Page 12-27) – Mixed-Use Development

Encourage new mixed-use developments to site loading areas, parking lots, driveways, trash enclosures, mechanical equipment, and other noise sources away from the residential portion of the development.

Goal N 3 (Current General Plan Page 12-29)

Protection of Newport Beach residents from adverse noise impacts of commercial air carrier operations at John Wayne Airport as provide in the City Council Airport Policy.

Policy N 3.1 (Current General Plan Page 12-29) – New Development

Ensure new development is compatible with the noise environment proximate to John Wayne Airport by not allowing residential units on parcels located wholly within the John Wayne Airport 65 dBA CNEL noise contour, as shown in Figure N5 of the Noise Element of the General Plan, unless and until the City determines, based on substantial evidence, that the sites wholly within such contour area are needed for the City to satisfy its Sixth Cycle RHNA mandate.

Policy N 3.2 (Current General Plan Page 12-29) – Residential Development

Require that residential development proximate to John Wayne Airport shall not be located on parcels wholly within the John Wayne Airport 65 dBA CNEL noise contour shown in Figure N5 of the Noise Element of the General Plan, unless and until the City determines, based on substantial evidence, that the sites wholly within such contour area are needed for the City to satisfy its Sixth Cycle RHNA mandate. Require developers of residential or mixed-use land uses with a residential component to notify prospective purchasers or tenants of aircraft noise. Additionally, require outdoor common areas or recreational areas of residential or mixed-used developments to be posted with signs notifying users regarding the proximity to John Wayne Airport and the presence of operating aircraft and noise.

Policy N 3.3 (Current General Plan Page 12-29) – Avigation Easement

Consider requiring the dedication of avigation easements in favor of the County of Orange when noise sensitive uses are proposed in the JWA planning area, as established in the JWA Airport Environs Land Use Plan (AELUP).

TABLE 2, CITY OF NEWPORT BEACH GENERAL PLAN RELEVANT TITLE 20 (PLANNING AND ZONING) REGULATIONS TO PROTECT DEVELOPMENTS FROM UNDUE NOISE

20.30.080 (Noise)

Subsection (F)

- F. Residential Use Proximate to John Wayne Airport. Residential uses, including mixed-use residential, shall be allowed on parcels or sites wholly or partially outside the John Wayne Airport 65 dBA CNEL noise contour as shown in Figure N5 of the Noise Element of the General Plan, as identified in the 2014 John Wayne Airport Settlement Agreement Amendment Environmental Impact Report (EIR No. 617) and consistent with Title 21 of the California Code of Regulations, subject to the following conditions that apply to all residential projects within the John Wayne Airport 60 dBA CNEL or higher CNEL noise as shown in Figures N4 and N5 of the Noise Element of the General Plan:

1. Prior to the issuance of any building permits for such development, a noise study shall be prepared by a City-approved qualified acoustical consultant and submitted to the Community Development Director for approval;
2. All new residential structures or the residential units within a mixed-use development shall be attenuated to provide an interior noise level of 45 dBA CNEL or less;
3. The design of the residential portions of mixed-use projects and residential developments shall have adequate noise attenuation between adjacent uses and units (common floor/ceilings) in accordance with the California Building Code;
4. New mixed-use developments shall incorporate designs with loading areas, parking lots, driveways, trash enclosures, mechanical equipment, and other noise sources away from the residential portion of the development;
5. Use of walls, berms, interior noise insulation, double-paned windows, advance insulation systems, or other noise mitigation measures as deemed appropriate shall be incorporated in the design of new residential to bring interior sound attenuation to 45 dBA CNEL or less;
6. Residential uses shall be indoor-oriented to reduce noise impingement on outdoor living areas;
7. On-site indoor amenities, such as fitness facilities or recreation and entertainment facilities, shall be encouraged;
8. Advanced air filtration systems for buildings shall be considered to promote cleaner air; and
9. Residential development shall be limited to parcels or sites wholly or partially outside the 65 dBA CNEL noise contour, unless and until the City determines, based on substantial evidence, that the parcels or sites wholly within such contour area are needed for the City to satisfy its 6th Cycle RHNA mandate. Nonresidential uses are encouraged on parcels or sites located wholly within the 65 dBA CNEL contour area.

Section 20.28.050 (Housing Opportunity [HO] Overlay Zoning Districts)

Subsection (C)(2)

2. Airport Area Environs Area (HO-1). The following development standards shall only apply to projects within the Airport Area Environs Area:
 - a. Sound Mitigation. The interior ambient noise level of all new residential dwelling units shall meet applicable standards of Section [10.26.030](#) (Interior Noise Standards). An acoustical analysis report, prepared by an acoustical engineer, shall be submitted describing the acoustical design features of the structure that will satisfy the interior noise standard. The residential units shall be constructed and noise attenuated in compliance with the report.
 - b. Advanced Air Filtration. The design of all new residential and mixed-use residential developments shall include advanced air filtration systems to promote cleaner air within living environments.
 - c. Notification to Owners and Tenants. A written disclosure statement shall be prepared prior to sale, lease, or rental of a residential unit within the development. The disclosure statement shall indicate that the occupants will be living in an urban type of environment adjacent to an airport and that the noise, odor, and outdoor activity levels may be higher than a typical suburban residential area. The disclosure statement shall include a written description of the potential impacts to residents of both the existing environment (e.g., noise from planes, commercial activity on the site and vehicles on streets) and potential nuisances based upon the allowed uses in the zoning district. Each and every buyer, lessee, or renter shall sign the statement acknowledging that they have received, read, and understand the disclosure statement. A covenant shall also be included within all deeds, leases or contracts conveying any interest in a residential unit within the development that requires: (i) the disclosure and notification requirement stated herein; (ii) an acknowledgment by all grantees or lessees that the property is located within an urban type of environment and that the noise, odor, and outdoor activity levels may be higher than a typical suburban residential area; and (iii) acknowledgment that the covenant is binding for the benefit and in favor of the City of Newport Beach.

Community Noise Equivalent Levels (CNEL) Compatibility

As noted, the only property affected by these amendments within the Noise Impact Zone is the City-owned site at 1201 Dove Street, which is located within the 2008 AELUP and City's Noise Element 60 dB CNEL noise contour areas. As discussed in AELUP Subsection 3.2.4 (Noise Impact Zone "2" – Moderate Noise Impact [60 dB CNEL or greater, less than 65 dB CNEL]), residential units may be consistent with proper sound-attenuation and careful design considerations. For any residential sites and uses within Noise Impact Zone "2," the City will ensure future development is consistent with the AELUP considerations and Noise Element policies cited above to ensure compatibility.

Table 1 (Airport Land Use Commission for Orange County Airport Environs Land Use Plan Limitations on Land Use Due to Noise) of the AELUP shows all types of residential land uses within the 60 dB CNEL noise contour area as "Normally Consistent" and conventional construction methods used with no special noise reduction requirements. However, the California Building Code and the City's regulatory framework, listed in Tables 1 and 2 above, will help to ensure that appropriate noise considerations are made and that mitigation measures, if there any, are included in the design.

Safety Compatibility

The 6 sites within the JWA Notification Area in the HO-4 Subarea are not within any safety zones. The site at 1201 Dove Street is within Safety Zone 6.

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

Zone 6: Traffic Pattern Zone

Risk Factors / Runway Proximity

- Generally low likelihood of accident occurrence at most airports; risk concern primarily is with uses for which potential consequences are severe
- Zone includes all other portions of regular traffic patterns and pattern entry routes

Basic Compatibility Qualities

- Allow residential uses
- Allow most nonresidential uses; prohibit outdoor stadiums and similar uses with very high intensities
- Avoid children's schools, large day care centers, hospitals, nursing homes

Height Restriction Zones

All sites within the Housing Opportunity (HO) Overlay Zones are subject to the current heights allowed by the base zoning district unless otherwise identified on the associated zoning map for each HO Subarea. The City is not proposing any height increases within the HO-1 Subarea nearest JWA. All height increases are proposed in the HO-4 Subarea. Furthermore, in no event will the City's rezoned height limits be inconsistent with the parameters outlined in Subsection 3.2.6 (Height Restriction Zone) of the AELUP and FAA standards.

Future updates to the Land Use Element and rezoning will be subject to future Airport Land Use Commission (ALUC) review, consistent with Public Utilities Code Section 21676. See the draft Exhibit showing the area and proposed increased heights below.