



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

AGENDA ITEM 1

April 17, 2025

TO: Commissioners/Alternates

FROM: Julie Fitch, Executive Officer

SUBJECT: City of Newport Beach Proposed Amendments to the North Newport Center Planned Community Development Plan (PC-56)

Background

The original North Newport Center Planned Community Development Plan (PC-56) was adopted by the City of Newport Beach in 2007, with amendments in 2009, 2011, 2012 and 2015. The original Planned Community and the amendments were reviewed by the Airport Land Use Commission and found to be consistent with the *AELUP for JWA*. The North Newport Center Planned Community (NNCPC) is comprised of seven sub-areas along San Joaquin Hills Road and Newport Center Drive, including Fashion Island, Block 600 and Block 800, portions of Block 100, Block 400, Block 500, and San Joaquin Plaza. The NNCPC is located within the Notification Area for John Wayne Airport (JWA) as shown in Attachment 1.

Proposed Project

The proposed amendments to the NNCPC Development Plan would ensure that the allocation of 1,500 dwelling units from the Housing Opportunity Overlay Zone HO-4 (Newport Center) Subarea are located in the NNCPC; allow for residential uses in Blocks 100, 400, and Fashion Island; increase building height limits for residential developments in Block 100, Fashion Island and a portion of San Joaquin Plaza; and change the zoning of 100 and 190 Newport Center Drive from Office-Regional to PC-56. Other amendments include modifying open space requirements, incorporating additional objective design standards, modifying parking standards for residential, updating sign standards, and other minor text changes.

The City of Newport Beach has scheduled public hearings on the proposed PC zoning amendment as follows:

March 6, 2025
April 29, 2025

City of Newport Beach Planning Commission
City of Newport Beach City Council

AELUP for JWA Issues**Regarding Aircraft Noise Impacts:**

The proposed project site is located outside of the 60 dBA and 65 dBA CNEL Noise Contours for JWA (see Attachment 2).

Regarding Height Restrictions:

The proposed Amendments would allow for an increase in residential building height within the housing overlay areas located in Block 100, Fashion Island, and a portion of San Joaquin Plaza (800 San Clemente Dr.). The building heights for residential development are proposed to be increased as follows: Block 100 increase from 50 feet to 125 feet; Fashion Island increase from 125 feet to 225 feet; and 800 San Joaquin Plaza (within San Joaquin Plaza) increase from 65 feet to 85 feet. The proposed amendment will not exceed the maximum allowable building heights already allowed in the larger NNCP area (Blocks 400, 500, and 600), which is 295 feet, plus 20 feet for appurtenances and architectural features. See Attachment 3 for existing and proposed building heights.

The proposed project area is within the Notification Area for JWA and a portion of the area falls under the Obstruction Imaginary Surfaces for JWA (See Attachment 4). The FAA Part 77 imaginary obstruction surface for JWA above the project area is at approximately 800 feet. The ground elevation in this area ranges from approximately 175 to 225 feet. The proposed amendment would change the maximum building heights for some of the properties within the NNCP. The maximum building height for the NNCP area is 295 feet plus 20 feet for appurtenances (totals 315 feet). With approximate ground elevations of 175 to 225 feet, the maximum building height would remain below the obstruction surface for JWA.

The existing and proposed North Newport Center Planned Community Development Plan (PC-56) includes standards for structures of 200 feet in height that comply with the *AELUP for JWA*. (See Attachment 5).

Regarding Safety Zones and Flight Tracks:

As shown in Attachment 6, the NNCP is outside of the Safety Zones for JWA. Although not required for areas outside of the safety zones, flight track exhibits for three separate days in January and February 2025 are provided in Attachment 7. As shown on the exhibits, there are fewer than five flights over the project area on a typical day.

AELUP for Heliports

While the development of heliports was not discussed within the North Newport Center Planned Community Development Plan Amendment and is not proposed as part of project. Heliports are not a permitted use without the prior approval and issuance of a conditional use permit which establishes the maintenance and operation of such a use. The Newport Beach General Plan includes language that states proposals to develop new heliports must be submitted through the City to the ALUC for review and action pursuant to Public Utilities Code Section 21661.5 and

includes the requirement that proposed heliport projects must comply fully with the State permit procedure provided by law and with all conditions of approval imposed or recommended by FAA, by the ALUC for Orange County and by Caltrans/Division of Aeronautics.

Environmental Compliance

The City has determined that the proposed PC Amendment complies with CEQA Guidelines section 15183, which provides an exemption for projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified. The City's Housing Implementation Program Final Program EIR (State Clearinghouse SCH Number 2023060699) was certified by the City Council on July 23, 2024.

Conclusion

Attachment 8 to this report contains excerpts from the project submittal package received from the City of Newport Beach and Attachment 9 is the Planning Commission Resolution. The Newport Beach Planning Commission Staff Report can be found at:

<https://www.newportbeachca.gov/government/departments/community-development/planning-division/planning-commission>

ALUC staff has reviewed this project with respect to compliance with the *AE LUP for JWA*, including review of noise, height, and safety. The project area is outside of the noise contours and safety zones for JWA, and the Planned Community Development Plan includes the necessary language regarding height.

Recommendation:

That the Commission find the City of Newport Beach Proposed Amendments to the North Newport Center Planned Community (PC-56) to be consistent with the *AE LUP for JWA*.

Respectfully submitted,



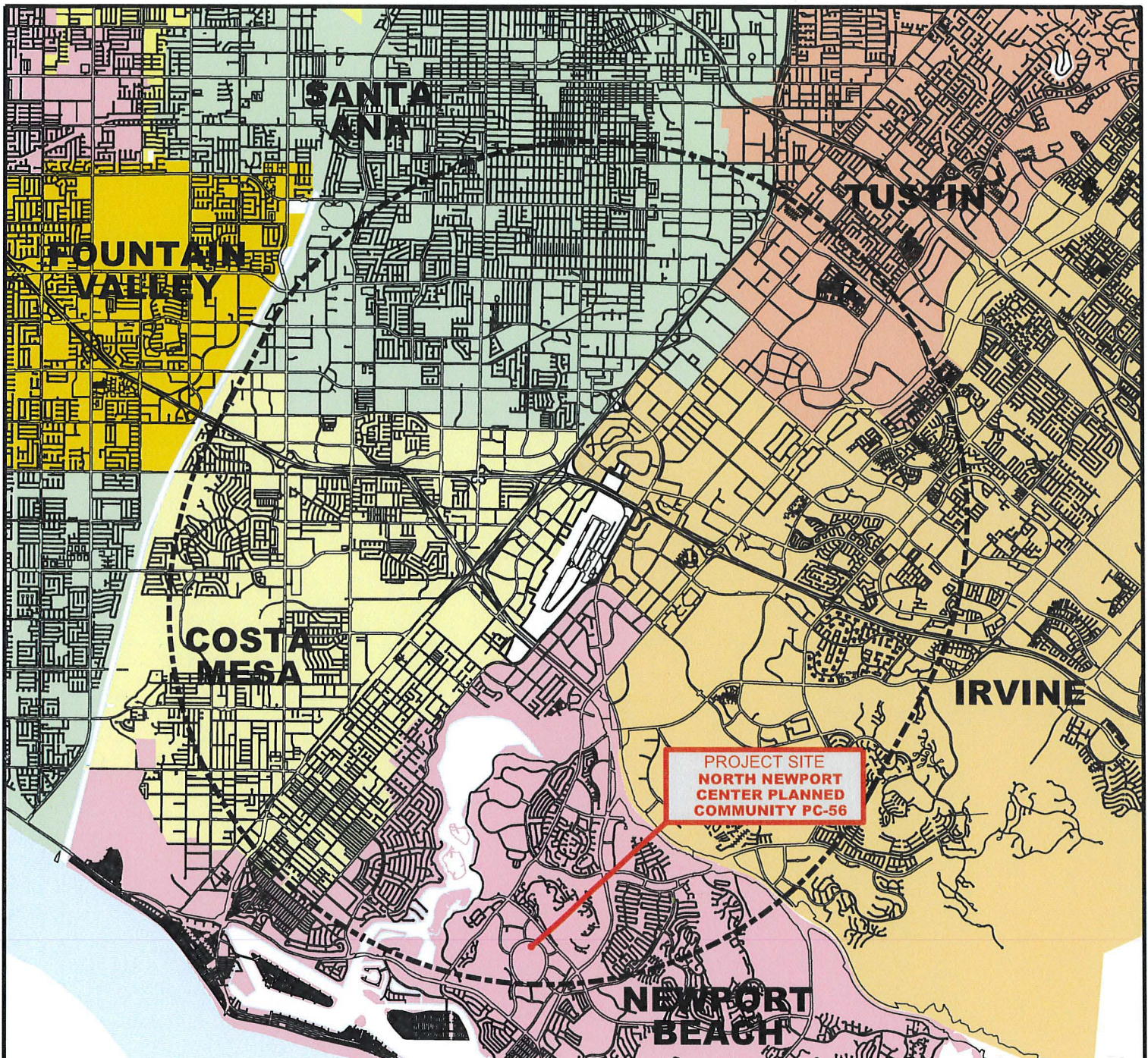
Julie Fitch
Executive Officer

Attachments:

1. North Newport Center PC location in JWA Notification Area
2. JWA Noise Contours
3. Existing and Proposed Heights

4. JWA Obstruction Imaginary Surfaces
5. PC-56 References to AELUP Height Restrictions
6. JWA Safety Zones
7. JWA Flight Tracks
8. Excerpts from City of Newport Beach Submittal Package
9. Planning Commission Resolution

AELUP Notification Area for JWA



Note: County Unincorporated areas are shown in white.

FAR PART 77

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

LEGEND

- 20,000' Radius
- CITY BOUNDARIES
- AIRPORT BOUNDARIES



0 1000 2000 3000 4000 5000 7500
Scale In Feet

CERTIFICATION

ATTACHMENT 1

for Orange County

Date

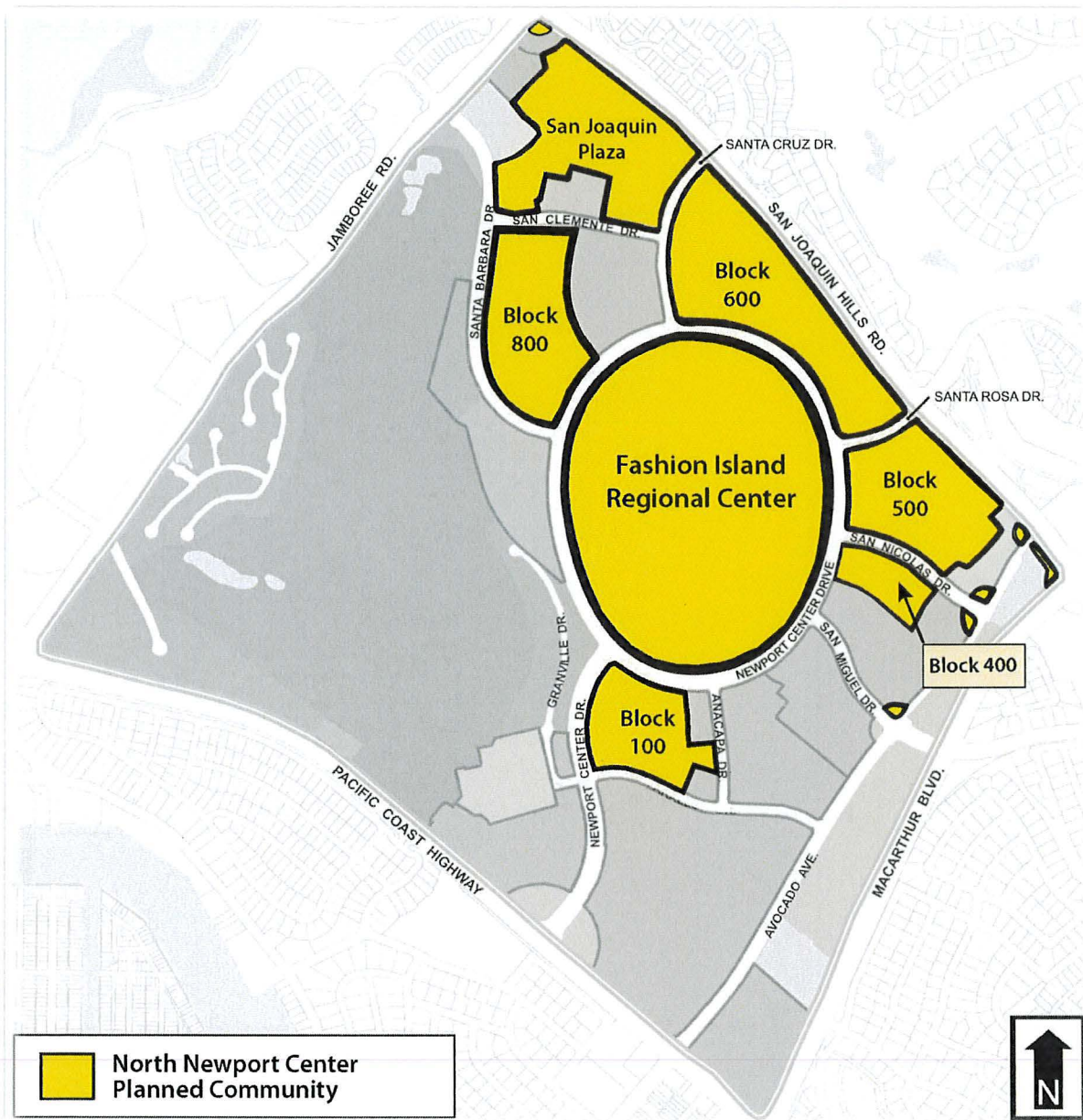
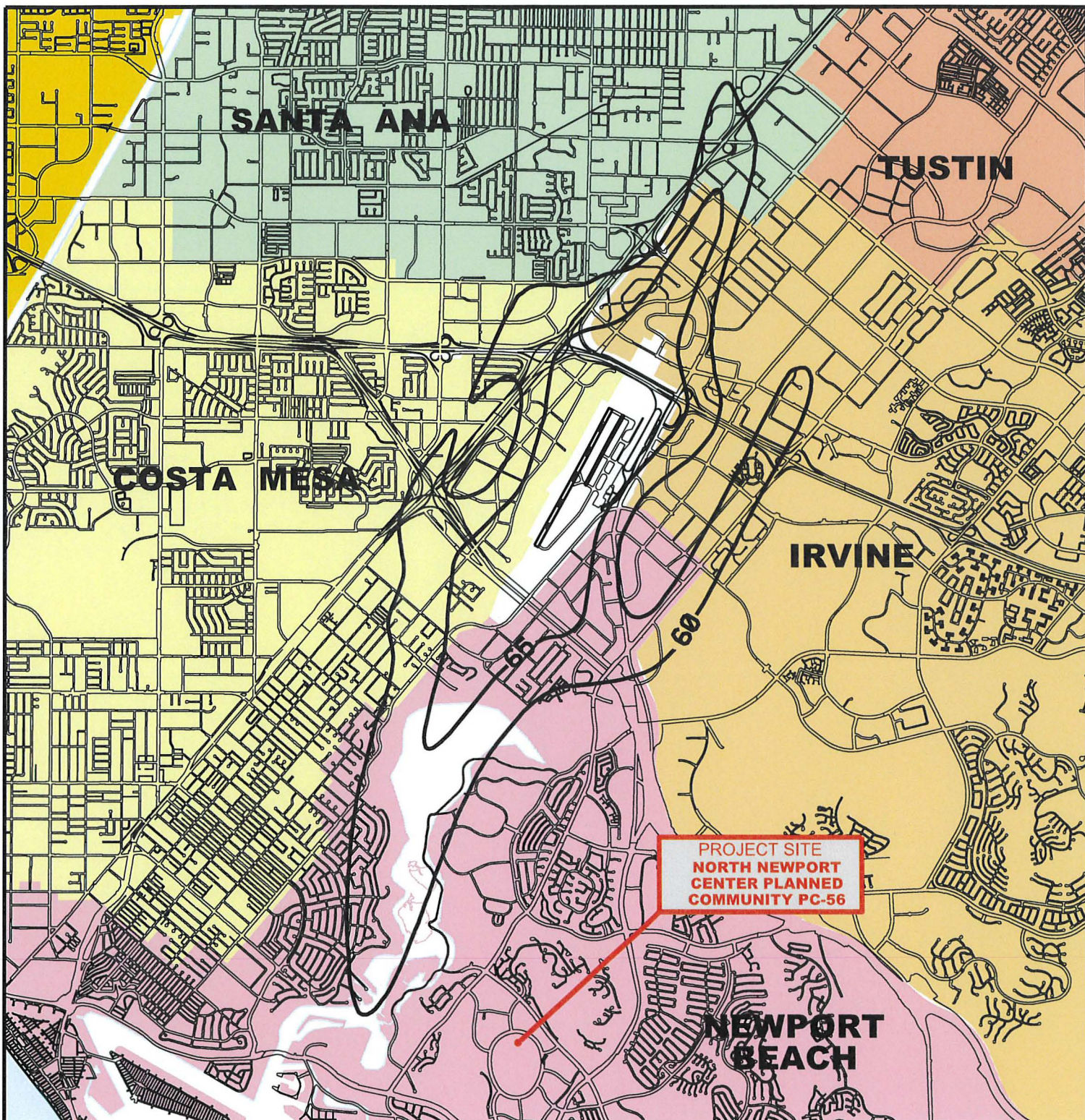


Figure 1 – North Newport Center Planned Community



Note: County Unincorporated areas are shown in white.

John Wayne Airport Impact Zones

LEGEND

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



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

CERTIFICATION

ATTACHMENT 2

Commission for Orange County

Date

Table 1: Height Limits

Block	Existing	Housing Overlay Amendments	Proposed
Block 100	50'	85'	125'
Fashion Island	125'	125'	225'
800 San Clemente Drive (San Joaquin Plaza)	65'	85'	85'

Please see attached for an exhibit depicting existing and proposed increase heights in NNCPC is included at Attachment 1 – NNCPC Residential Max Height - Existing vs. PC Amendment. A second exhibit depicting existing height limits, Housing Overlay height limits, and height limits proposed by the NNCPC amendment is included as Attachment 2 - NNCPC Residential Max Height - Comparison of Existing, HO, and PC Amendment.

Additionally, two images are included below that depict the existing heights of buildings in the area as well as the elevations above mean sea level (AMSL).



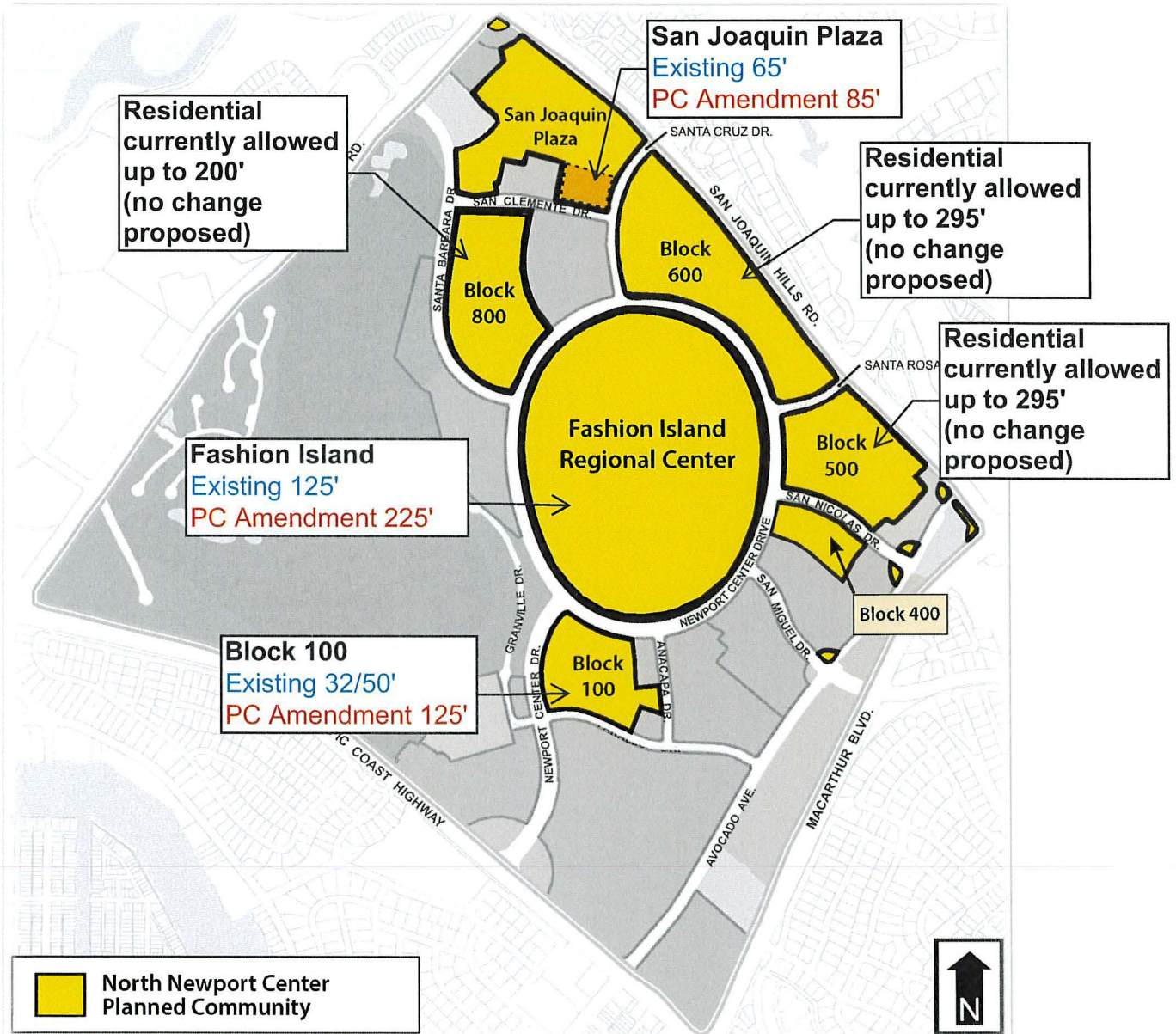
RECEIVED

MAR 06 2025

AIRPORT LAND USE COMMISSION

ATTACHMENT 3

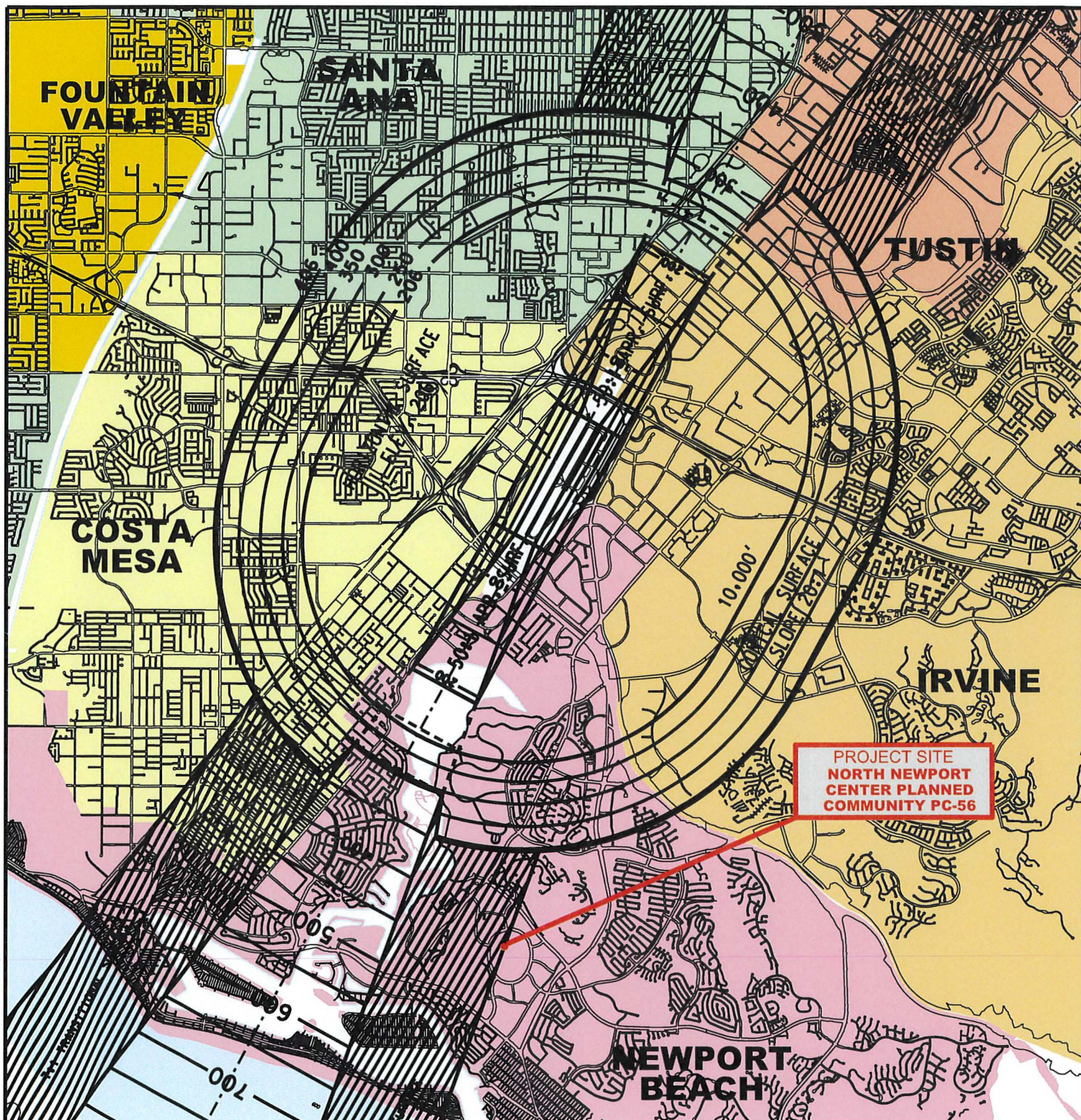
**North Newport Center Planned Community Maximum Residential Height
Limitations - Comparison Between Existing and Proposed NNCPC
Amendment**



RECEIVED

APR 07 2025

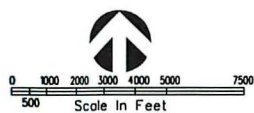
AIRPORT LAND USE COMMISSION



Note: County Unincorporated areas are shown in white.

FAR PART 77

John Wayne Airport Obstruction Imaginary Surfaces



LEGEND

- CITY BOUNDARIES
- AIRPORT BOUNDARIES

CERTIFICATION

Approved by the Airport Land Use Commission for Orange County

ATTACHMENT 4

Earl Rigdon, Executive Officer

Date

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 residential structures within Fashion Island shall be 225 feet as measured from finished grade. All other building heights 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 ~~commercial-office~~nonresidential structures shall be 50 feet as measured from finished grade. The maximum height of residential structures shall be 125 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 with the exception of 800 San Clemente Drive, located at the corner of San Clemente Drive and Santa Cruz Drive, which shall be 85 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

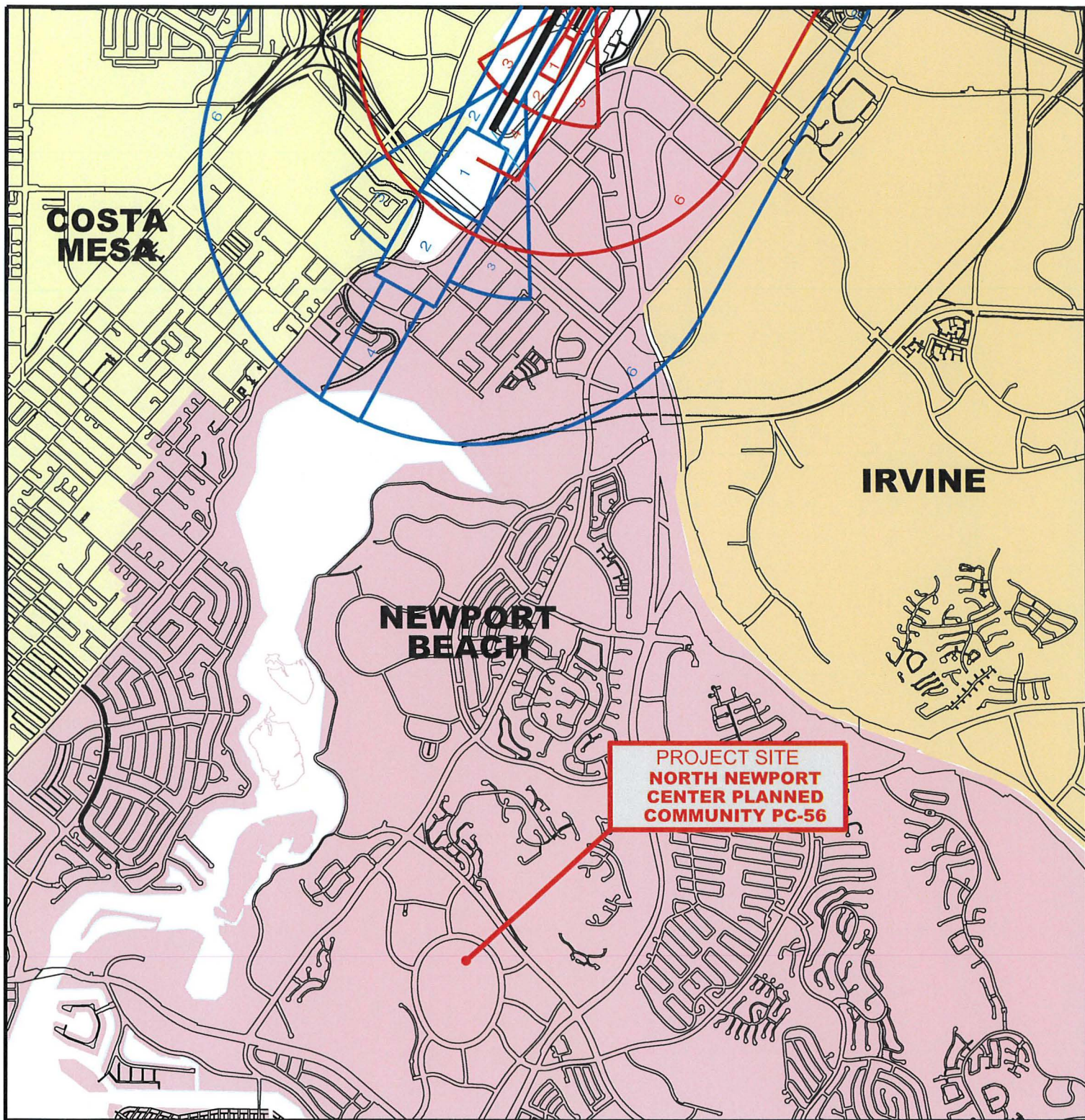
Rooftop appurtenances are permitted and may exceed the maximum building height up to 20 feet. Rooftop appurtenances shall demonstrate compliance with conditions related to the AELUP for the John Wayne Airport, consistent with Section III(A)(2)(a). Rooftop appurtenances must be screened from view; the 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



John Wayne Airport Safety Zone Reference Map

LEGEND

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



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



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



0 500 1000 1500 2000
Scale in Feet

CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

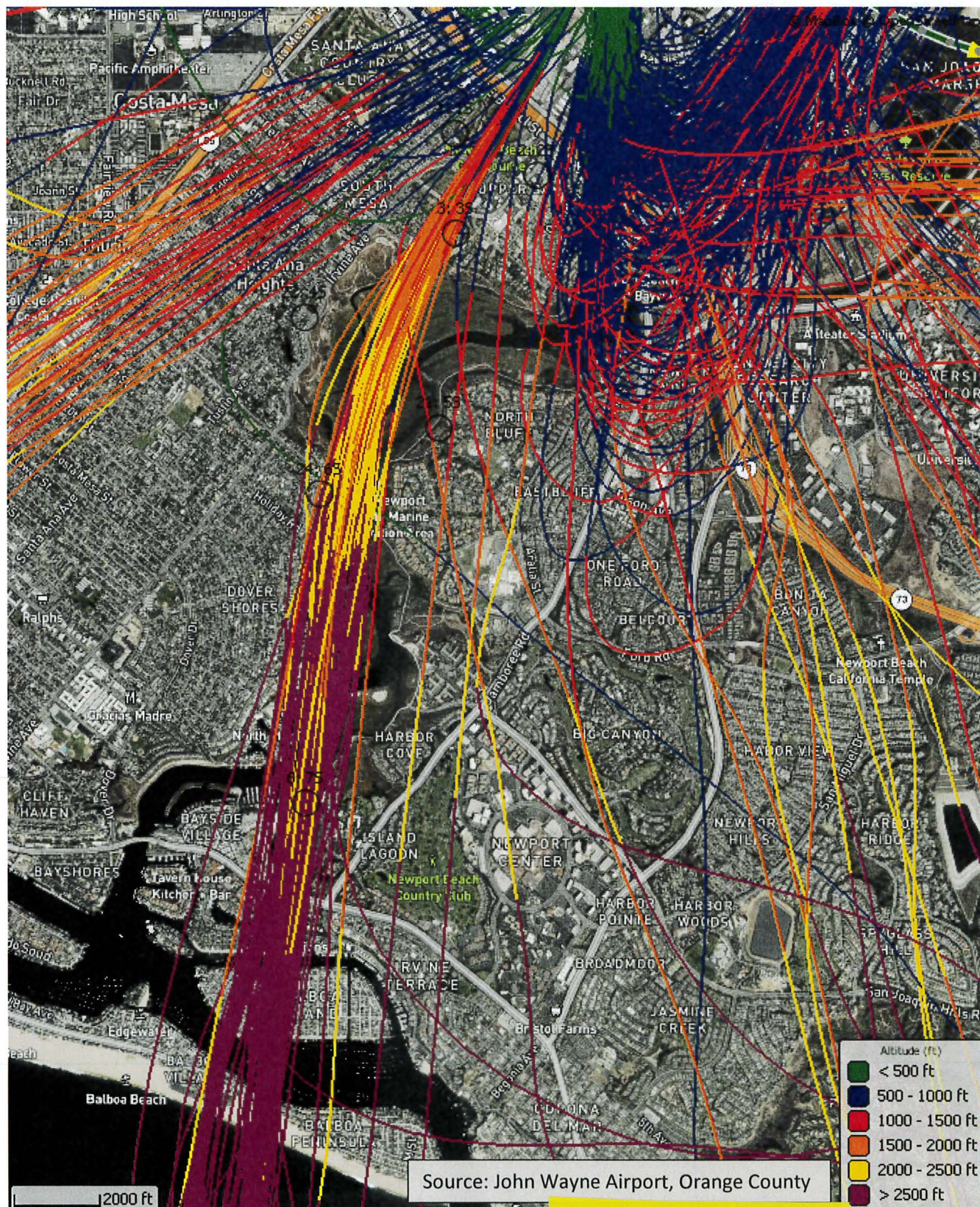
ATTACHMENT 6

Karl Rignoli, Executive Officer

Date

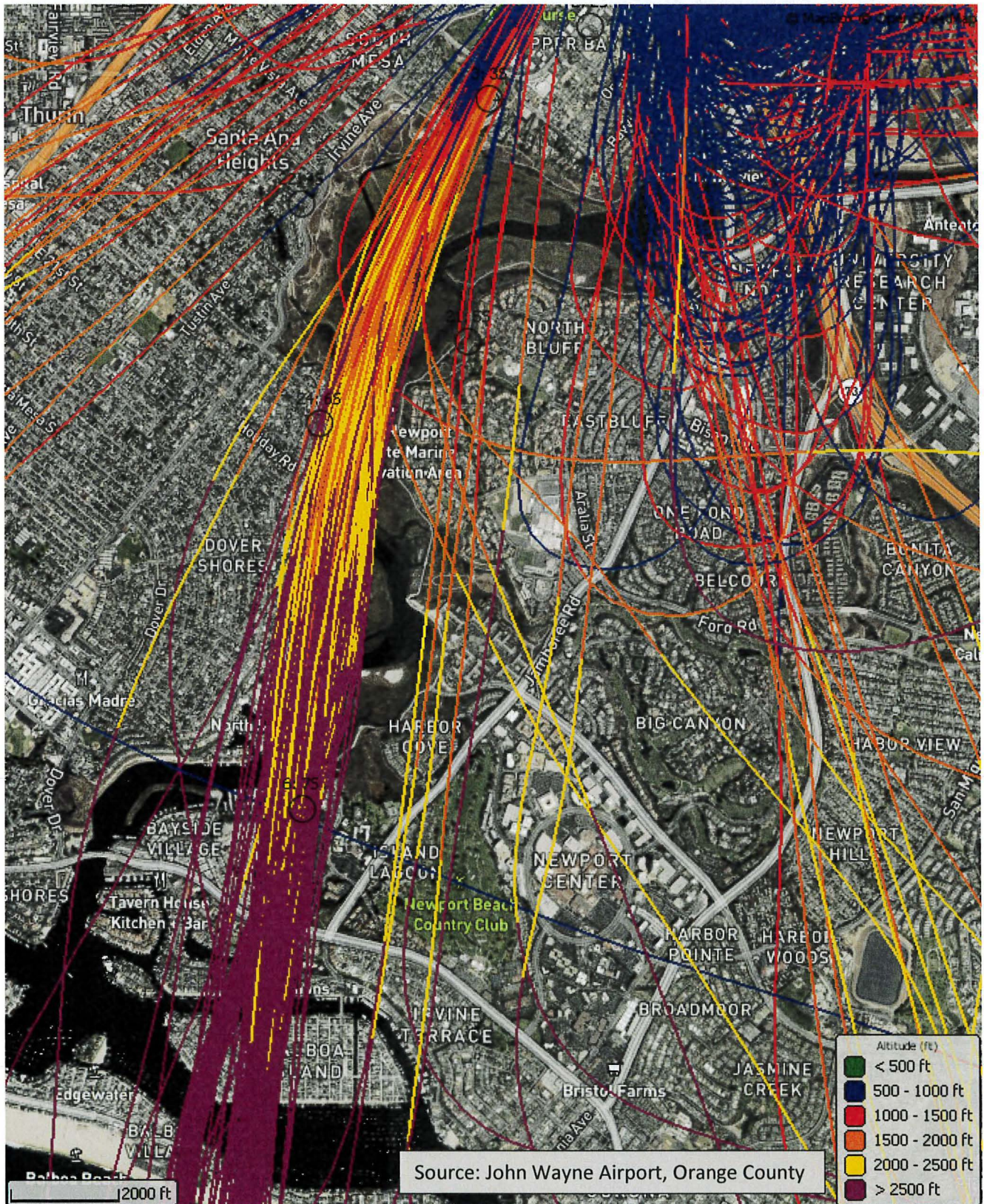


John Wayne Airport Altitude Analysis
Tuesday, January 28, 2025
563 Operations



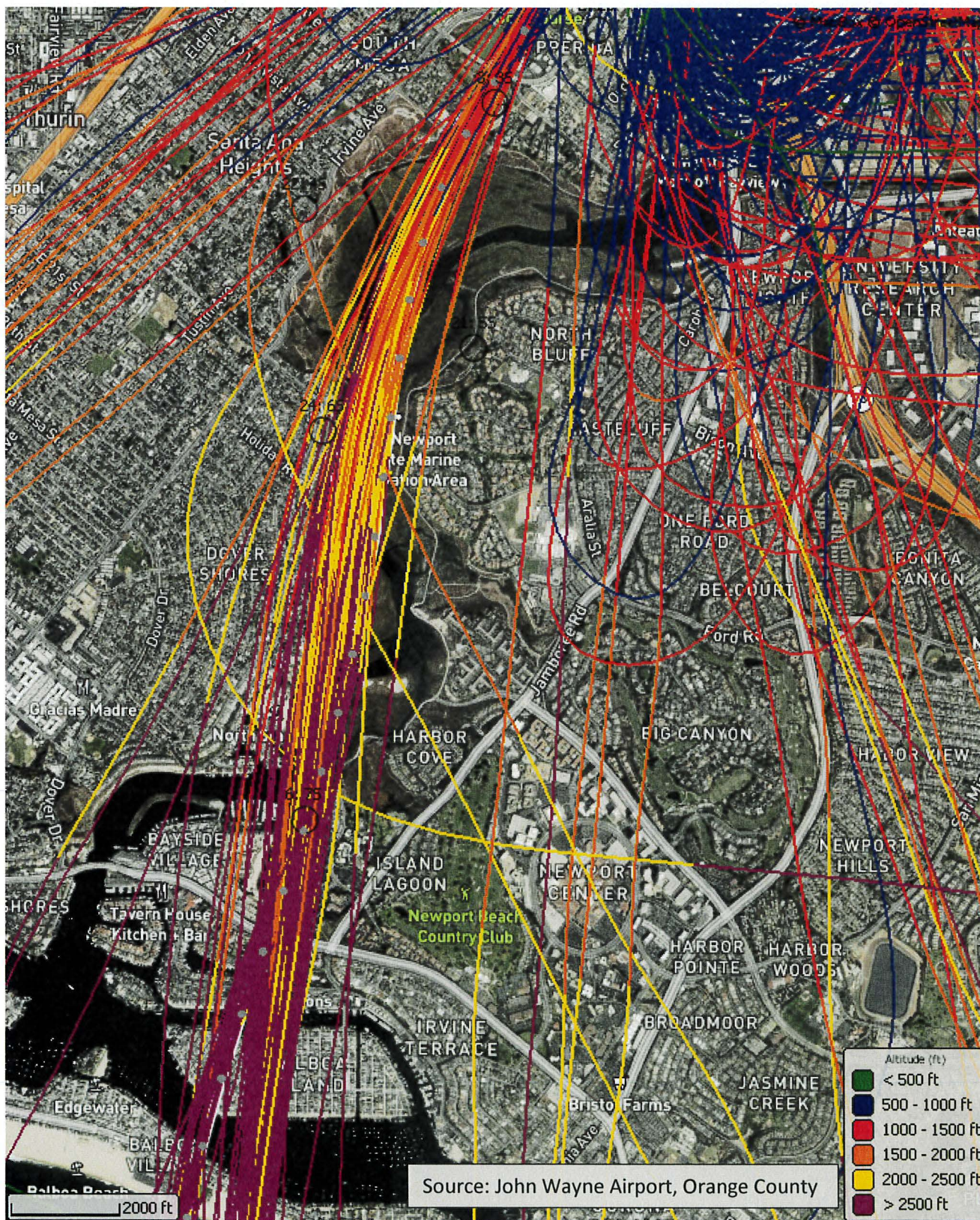


John Wayne Airport Altitude Analysis
Thursday, January 30, 2025
654 Operations





John Wayne Airport Altitude Analysis
Saturday, February 1, 2025
482 Operations





CITY OF NEWPORT BEACH

100 Civic Center Drive
Newport Beach, California 92660

949 644-3200
newportbeachca.gov/communitydevelopment

RECEIVED

FEB 27 2025

AIRPORT LAND USE COMMISSION

February 26, 2025

Ms. Julie Fitch, Executive Officer
Airport Land Use Commission
3160 Airway Avenue
Costa Mesa, CA 92626

RE: North Newport Center Planned Community (PC-56) Text 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 amendments to the North Newport Center Planned Community Development Plan (PC-56) for consistency with the Airport Environs Land Use Plan (AELUP) at its March 20, 2025, meeting.

The project includes amendments to the PC-56 Development Plan to allocate 1,500 dwelling units from the development limit identified in the HO-4 (Newport Center) Subarea of the Housing Opportunity (HO) Overlay Zoning Districts pursuant to Newport Beach Municipal Code (NBMC) Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts). Other amendments include increasing or establishing residential building height limits for Block 100, Fashion Island, and a portion of San Joaquin Plaza, modifying open space requirements, incorporating additional objective design standards, modifying parking standards for residential, updating sign standards, and other minor text changes. Lastly, the amendments include changing the zoning of 100 and 190 Newport Center Drive from OR (Office-Regional) to PC-56. No construction is proposed at this time. The Staff Report for the March 6, 2025, Planning Commission meeting has been linked.

Should you have any questions concerning the preceding information, I can be reached at 949-644-3234 or via email at lwestmoreland@newportbeachca.gov.

Sincerely,

Liz Westmoreland, Principal Planner

ATTACHMENT 8

Attachments:

1. Submittal Forms and Checklist
2. Proposed PC Text Amendments for PC-56 (in redline)
3. Existing and Proposed Maps of PC-56
4. JWA Notification Area Maps
5. JWA Noise Contour Maps
6. JWA Safety Zones Maps
7. Obstruction Imaginary Surfaces Maps
8. Background Discussion with CEQA, Noise, Safety, and Height Analysis
9. Link to City of Newport Beach Planning Commission Staff Report
10. Link to Existing North Newport Center Planned Community Text (PC-56)
11. Proposed Height Exhibit for PC-56



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 Liz Westmoreland, Principal Planner
Agency: City of Newport Beach
Address: 100 Civic Center Drive, Newport Beach, CA 92660
Phone/email: 949-644-3234 lwestmoreland@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): Planned Community
Name of General Plan Element, Specific Plan or Planned Community: North Newport Center
Planned Community (PC-56)
5. Scheduled date of Planning Commission Choose month. Public Hearing: 3/6/2025
6. Tentative date of City Council/Board of Supervisors Public Hearing: 4/15/2025
7. Requested date of ALUC Review March 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 within the ☐ 60 CNEL or ☐ 65 CNEL noise
contours of the airport(s)*? Please attach an exhibit showing location(s) of the proposed
new uses in relation to noise contours.
10. Are noise policies or mitigation measures identified in the proposed item or elsewhere in the
General Plan? ☐ No ☒ Yes - Please attach pages with current (and proposed if applicable)
noise policies/mitigation measures highlighted.
11. Does the item submitted propose a change of land use within the Runway Protection Zone
(RPZ), Clear Zone (CZ), or Airport Safety Zones of the airport*? ☒ No ☐ Yes - Please attach
exhibit showing location(s) of proposed uses.
12. Does the item submitted propose a change of land use within the Obstruction Imaginary
Surfaces*? ☒ No ☐ Yes
13. Please indicate current (see attachments) and proposed (see attachments) 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 (see attachments) and proposed (see attachments) General Plan Element, Specific Plan or Zoning Code for this submittal.
<input checked="" type="checkbox"/>	Attachment showing proposed changes to General Plan Element, Specific Plan or Zoning Code Section(s) with strikethrough/underline.
<input checked="" type="checkbox"/>	Exhibit showing location(s) of proposed new uses within the Notification Area/Planning Area for airport(s).
<input checked="" type="checkbox"/>	Exhibit showing location(s) of proposed new uses in relation to noise contours for airport(s).
<input checked="" type="checkbox"/>	Exhibit showing location(s) of proposed new uses in relation to Airport Safety Zones.
<input checked="" type="checkbox"/>	Exhibit showing location(s) of proposed new uses in relation to the Obstruction Imaginary Surfaces.
<input checked="" type="checkbox"/>	Attachment showing current and proposed noise policies/mitigation measures.
<input checked="" type="checkbox"/>	Explanation of how the General Plan, Specific Plan, or Zoning Code address the AELUP standards for noise impact, safety compatibility, and height restriction zones. See attached.
<input checked="" type="checkbox"/>	Describe height and density changes in cover letter and attach pages of General Plan, Specific Plan and/or Zoning Code where maximum heights are specified.
<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*

North Newport Center Planned Community Development Plan

Land Uses, Development Standards & Procedures

Adopted December 18, 2007, Ordinance No. 2007-20 (PA 2007-151)

Amended November 24, 2009, Ordinance No. 2009-28 (PA 2009-111)

Amended May 24, 2011, Ordinance No. 2011-16 (PA 2011-017)

Amended July 24, 2012, Ordinance No. 2012-19 (PA 2012-020)

Amended November 10, 2015, Ordinance No. 2015-32 (PA 2015-109)

Amended __, Ordinance No. __ (PA2024-0173)

Contents

I.	Introduction and Purpose of Development Plan	1
A.	Sub-Area Purpose.....	1
B.	Relationship to Municipal Code.....	10
C.	Relationship to North Newport Center Design Regulations.....	10
II.	Land Use and Development Regulations	11
A.	Permitted Uses.....	11
B.	Development Limits	12
C.	Transfer of Development Rights	1413
III.	Site Development Standards	1715
A.	Permitted Height of Structures	1715
B.	Setback Requirements	1816
C.	Parking Requirements	2018
D.	Landscaping	2119
E.	Lighting	2119
F.	Signs	2119
G.	Residential Compatibility.....	2623
H.	Residential Open Space Requirements.....	2624
IV.	Planned Community Development Plan Administration	3125
A.	Process for New Structures	3125
B.	Process for New Signs.....	3226
C.	Transfer of Development Rights	3226
V.	Definitions.....	3529

Appendix A – Design Regulations

I. Introduction and Purpose of Development Plan

The North Newport Center Planned Community district is comprised of seven sub-areas that include Fashion Island, Block 600, and Block 800; and portions of Block 100, Block 400, Block 500, and San Joaquin Plaza. The sub-areas that comprise North Newport Center shall be governed by the North Newport Center Planned Community ("PC") Development Plan set forth herein, which includes land uses, development standards, and administration.

The City of Newport Beach Municipal Code allows a Planned Community Development Plan to address land use designations and regulations in Planned Communities. The North Newport Center PC Development Plan serves as the controlling zoning ordinance for the sub-areas identified in the Planned Community Development Plan and is authorized and intended to implement the provisions of the Newport Beach General Plan.

A. Sub-Area Purpose

Newport Center is a regional center comprised of major retail, professional office, entertainment, recreation, and residential development within the City of Newport Beach. The North Newport Center site comprises approximately ~~470.3~~171.46 acres along San Joaquin Hills Road and Newport Center Dr. The seven sub-areas that make up the site including Fashion Island (75 acres), Block 100 (10.76 acres), Block 400 (4 acres), Block 500 (16.3 acres and a 0.4-acre open space area at the corner of MacArthur Boulevard and San Joaquin Hills Road), Block 600 (25 acres), Block 800 (17 acres), and San Joaquin Plaza (23 acres) are shown on Figure 1 and are described below.

The General Plan identifies the goal of creating a successful Mixed-Use district that integrates economic and commercial centers serving the needs of Newport Beach residents and the sub-region, with expanded opportunities for residential development.

Fashion Island is the primary retail hub within Newport Center and is developed with retail, dining, and commercial entertainment uses. Permitted uses for Fashion Island include uses in support of the existing retail, dining, ~~and commercial entertainment,~~ and residential uses. Fashion Island is intended to be a vibrant regional retail and entertainment center and a day/evening destination with a wide variety of uses that will serve visitors, residents, and employees of the area. Figure 2, Fashion Island Sub-Area, shows the boundary of Fashion Island.

The Commercial Office/Residential blocks include Block 100 (Figure 3), Block 400 (Figure 4), and a portion of Block 800 also referred to as Pacific Financial Plaza. Block 100 generally comprises administrative and professional offices that serve local and regional markets. Other uses permitted in the block include limited accessory retail, financial, service and entertainment uses. Block 400 generally comprises commercial office, with medical related offices and retail use. The Pacific Financial Plaza portion of Block 800 is generally comprised of commercial office and restaurant uses. Residential uses are permitted within the Commercial Office/Residential blocks.

The Mixed-Use blocks include Block 500 (Figure 5), Block 600 (Figure 6), and San Joaquin Plaza (Figure 7). The Mixed-Use blocks are generally composed of administrative, professional, and financial office uses. Block 600 contains hotel and related ancillary uses. This Development Plan allows for the diversification of land uses in order to encourage new and original uses consistent with the Mixed-Use concept as established in the General Plan. Permitted uses for the Mixed-Use blocks include offices, light general commercial, hotel, residential and other mixed uses in accordance with the General Plan MU-H3 land use designation. The residential portion of Block 800 (Figure 8) allows for multi-family residential or senior citizen housing uses. While not categorized as a mixed-use area, Block 800 contains two distinct uses which are not interchangeable. The northern portion of Block 800 is designated for residential use and the southern portion is commercial office. The boundaries of the Mixed-Use blocks included in this Development Plan are shown in Figure 5, Block 500 Sub-Area, Figure 6, Block 600 Sub-Area, and Figure 7, San Joaquin Plaza Sub-Area, respectively.

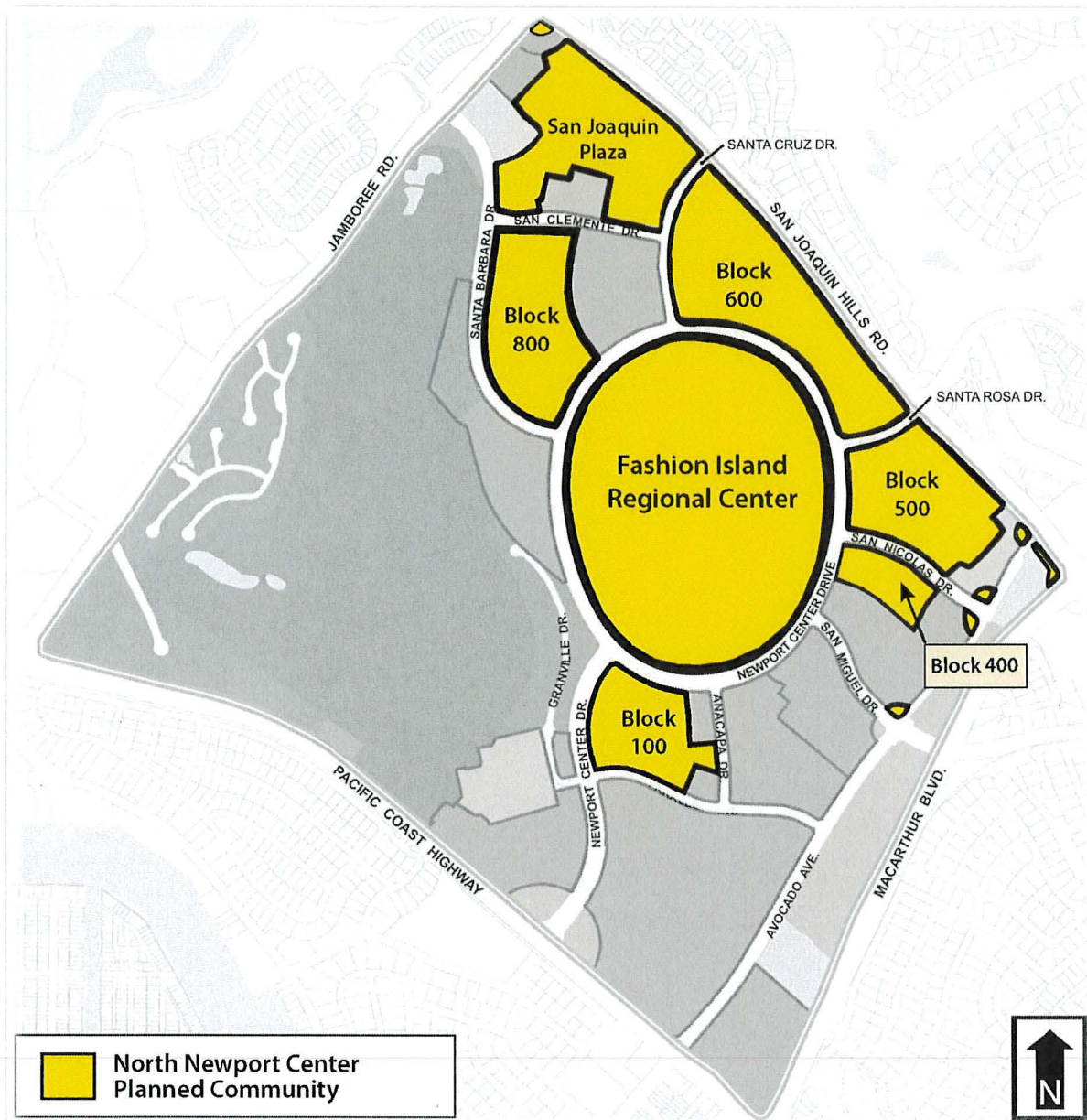


Figure 1 – North Newport Center Planned Community

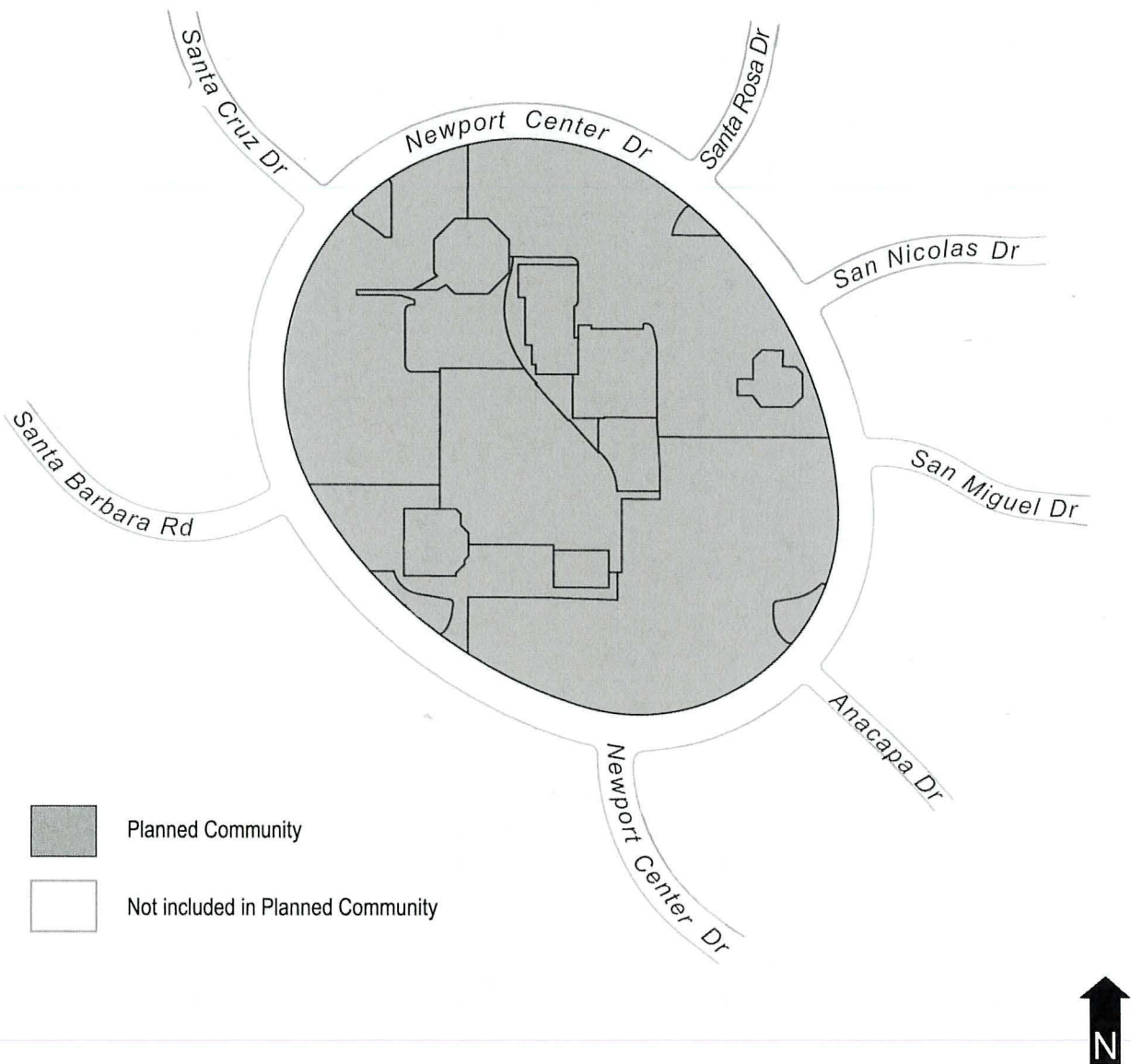


Figure 2 – Fashion Island Sub-Area

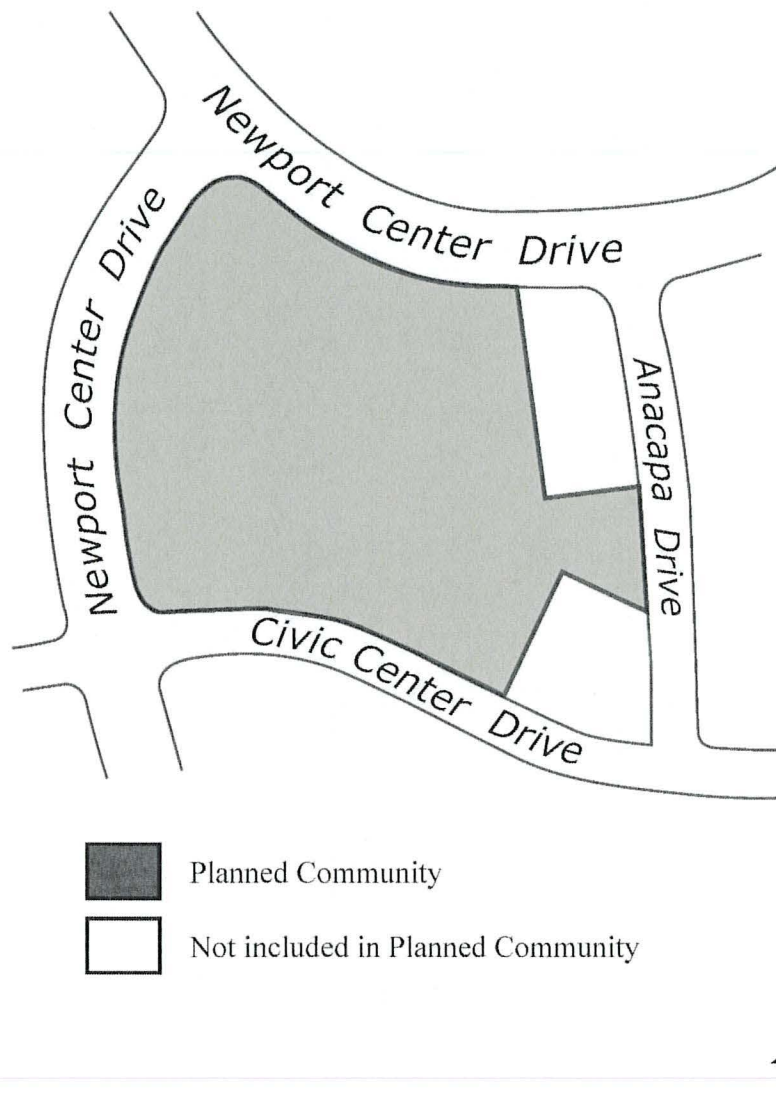


Figure 3 – Block 100 Sub Area

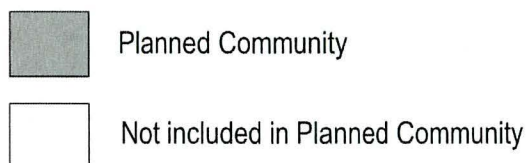
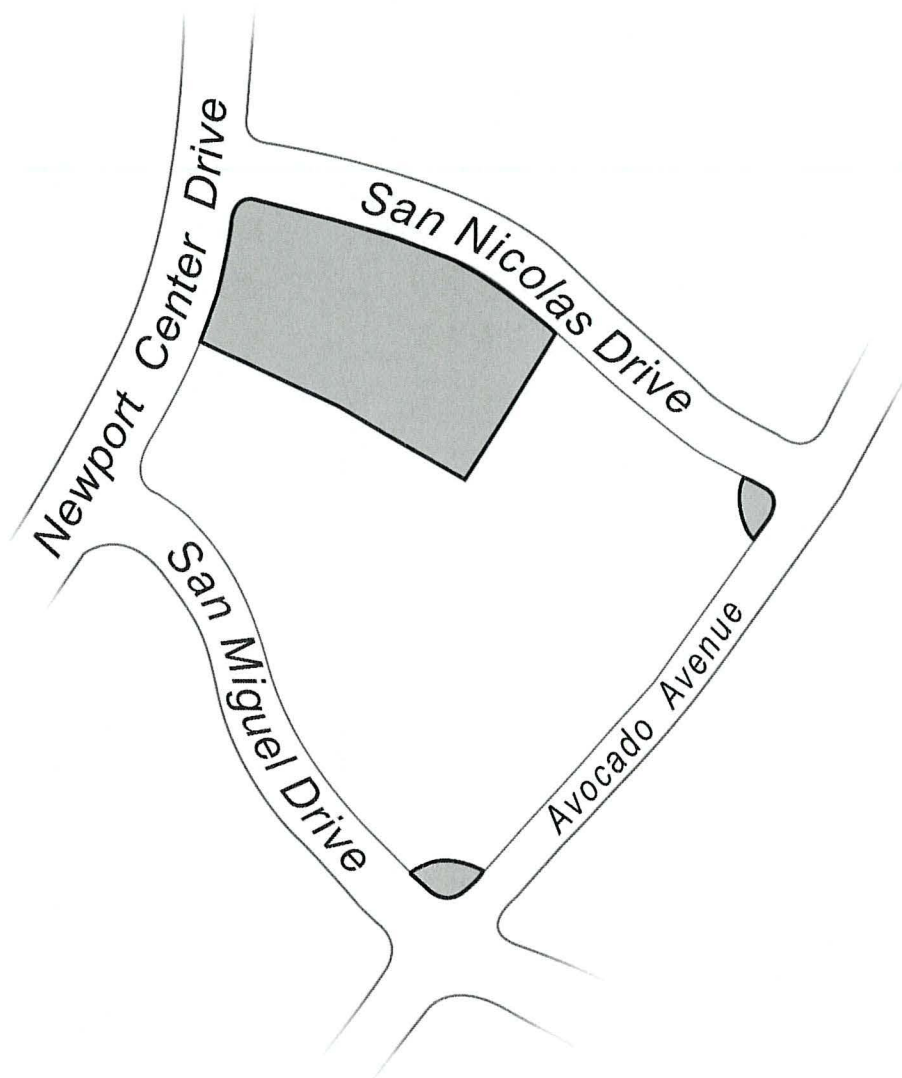


Figure 4 – Block 400 Sub Area

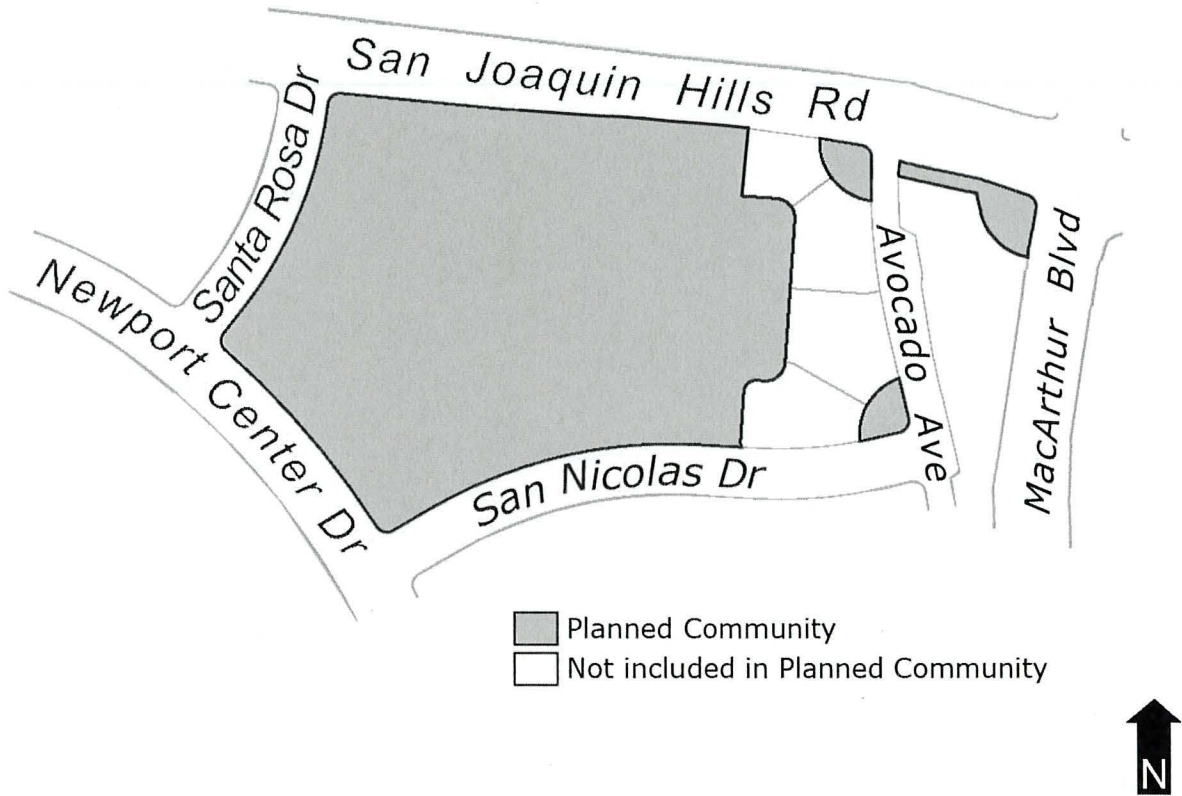


Figure 5 – Block 500 Sub-Area

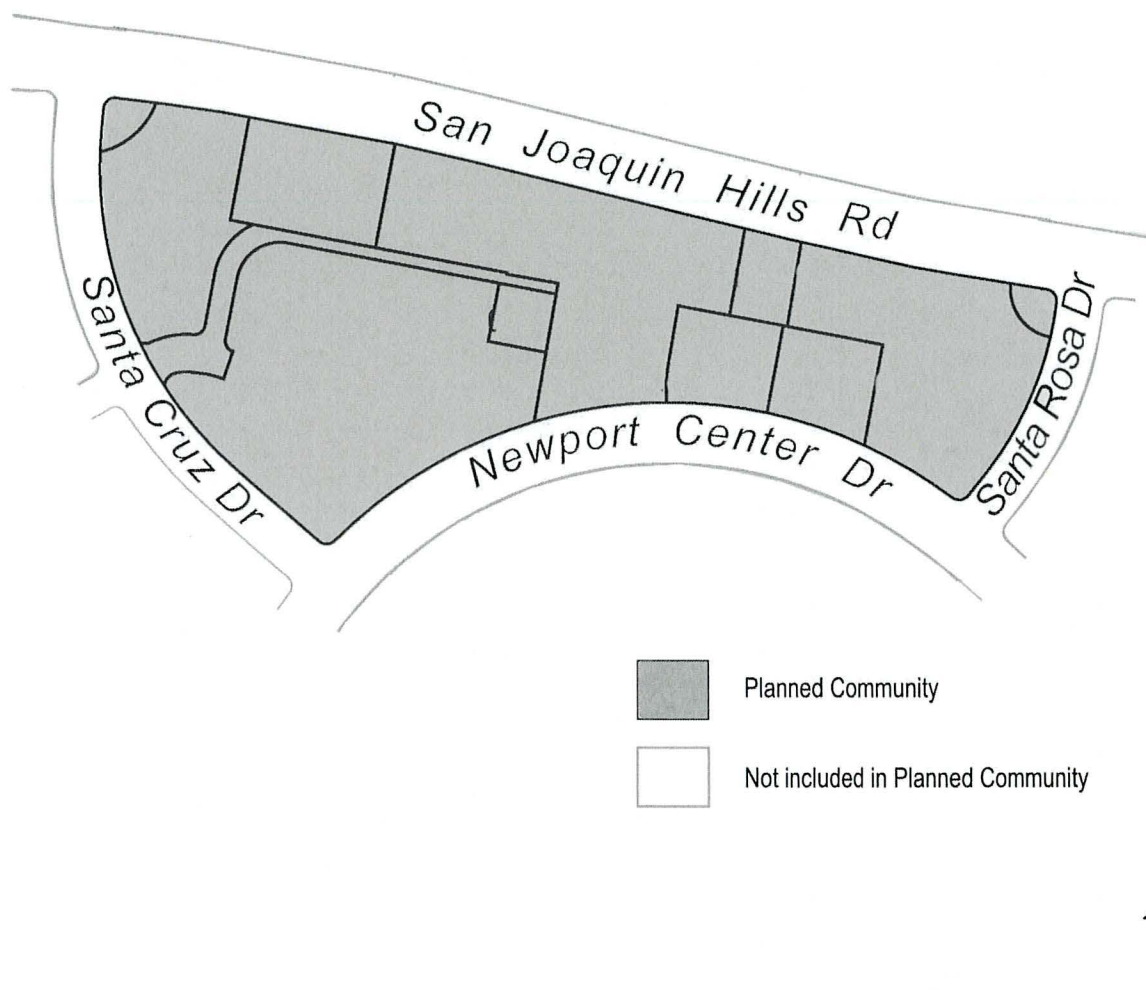


Figure 6 – Block 600 Sub-Area

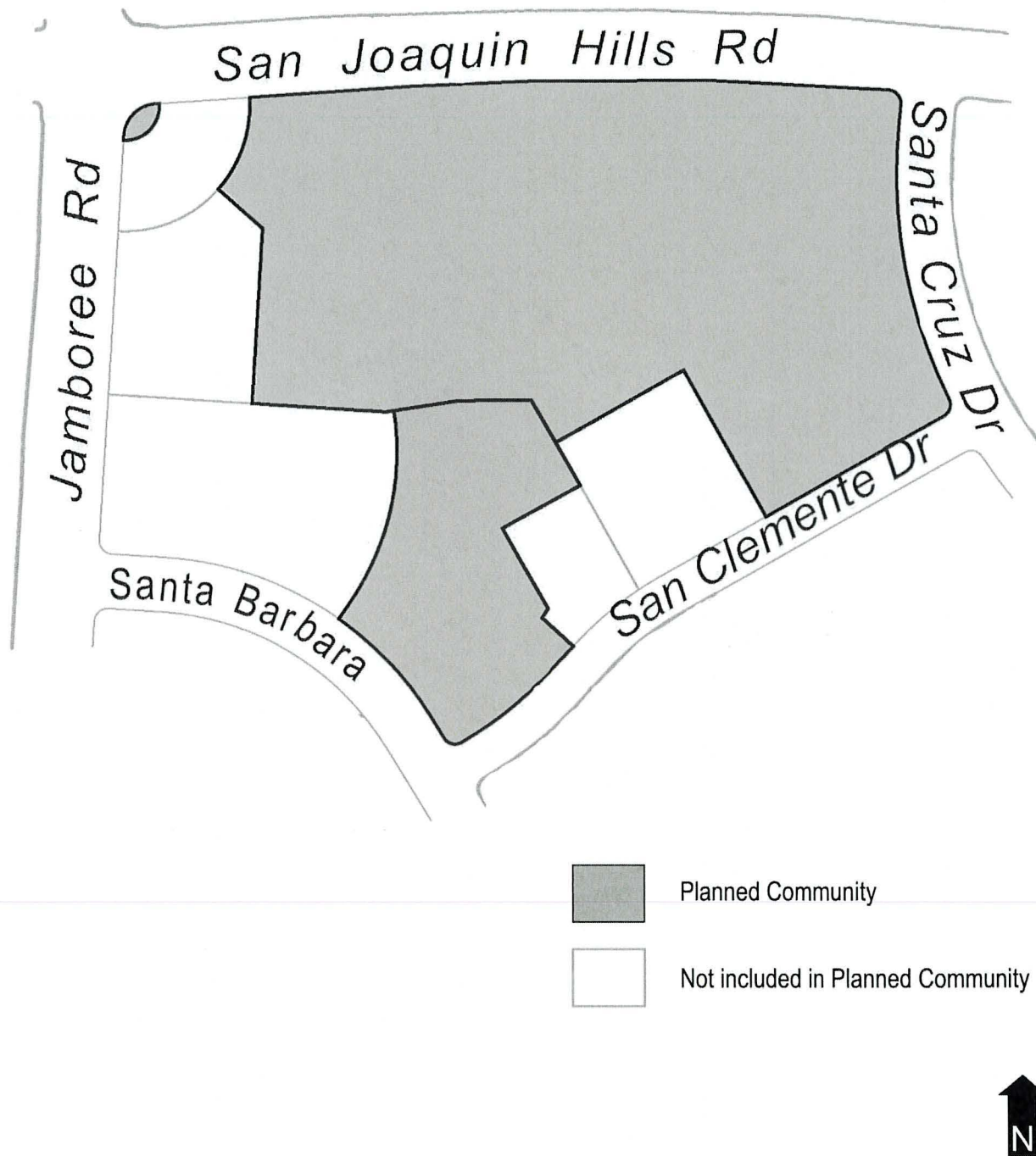
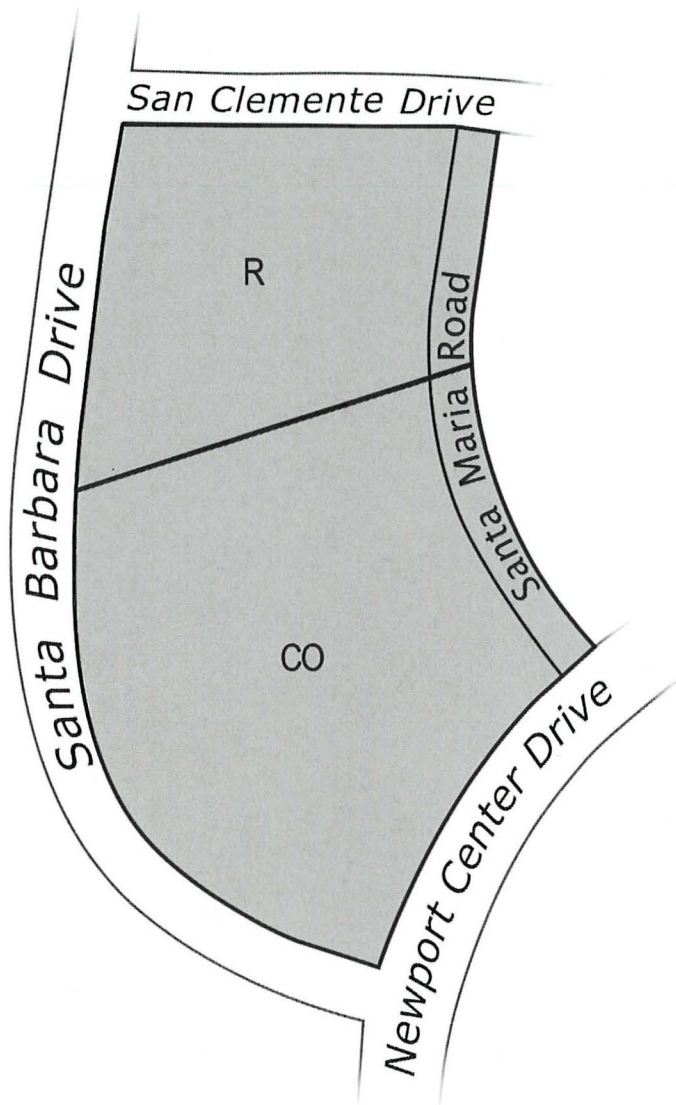


Figure 7 – San Joaquin Plaza Sub-Area





-  Planned Community
-  Not included in Planned Community
- R = Residential
- CO = Commercial Office



Figure 8 - Block 800 Sub-Area

B. Relationship to Municipal Code

Whenever the development regulations of this plan conflict with the regulations of the Newport Beach Municipal Code, the regulations contained herein shall prevail. The Municipal Code shall regulate this development whenever regulations are not provided within these district regulations. All words and phrases used in this North Newport Center PC Development Plan shall have the same meaning and definition as used in the City of Newport Beach Municipal Code unless defined differently in Section V – Definitions.

The Municipal Code referred to herein for Blocks 500, 600, San Joaquin Plaza, and Fashion Island is the version of the Code in effect on December 18, 2007 and specifically includes ~~Title 15 of the Municipal Code (Buildings and Construction)~~, Title 19 of the Municipal Code (Subdivisions) and Title 20 of the Municipal Code (Planning and Zoning) but specifically excluding all other sections of the Municipal Code including Title 5 of the Municipal Code (Business Licenses and Regulations). The Municipal Code referred to herein for Blocks 100, 400 and 800 is the version of the Code in effect on June 5, 2012 and specifically includes ~~Title 15 of the Municipal Code (Buildings and Construction)~~, Title 19 of the Municipal Code (Subdivisions) and Title 20 of the Municipal Code (Planning and Zoning) but specifically excluding all other sections of the Municipal Code including Title 5 of the Municipal Code (Business Licenses and Regulations).

C. Relationship to North Newport Center Design Regulations

Development in North Newport Center shall be regulated by both the Development Plan and the Design Regulations, which is provided as Appendix A.

II. Land Use and Development Regulations

A. Permitted Uses

1. General

Permitted uses are those uses set forth in this Section for each sub-area as shown on Table 1. The uses identified within the table are not comprehensive but rather major use categories. Specific uses are permitted consistent with the definitions provided in Section V of this Development Plan. Uses determined to be accessory or ancillary to permitted uses, or residential support uses to permitted uses are also permitted. The Community Development Director may determine other uses not specifically listed herein, provided they are consistent with the Commercial Office, Regional Commercial, Mixed-Use, and Residential General Plan districts, the purpose of this Planned Community Development Plan, and the purpose of the sub-area in which the property is located.

Table 1 - North Newport Center Land Use Regulation Table

Uses	Fashion Island	Block 100	Block 400	Block 500	Block 600	Block 800		San Joaquin Plaza
						Commercial Office	Residential	
Banks/Savings and Loans	P	P	P	P	P	P	--	P
- With drive through services	MUP	MUP	MUP	MUP	MUP	MUP	--	MUP
Business, Government and Professional	--	P	P	P	P	P	--	P
- Emergency Healthcare	--	P ¹	P	P	P	P	--	P
- Management and Leasing Offices	P	P	P	P	P	P	--	P
- Office, Medical and Dental	--	P	P	P	P	P	--	P
- Public Safety Facilities	P	MUP	MUP	P	P	MUP	--	P
Commercial Recreation and Entertainment	P	UP	UP	MUP	MUP	UP	--	MUP
Cultural and Institutional	UP	UP	UP	P	P	UP	--	P
Day Care	P	P	P	P	P	P	--	P
Day Spas	MUP	MUP ²	MUP ²	MUP	MUP	MUP ²	--	MUP
Eating and Drinking Establishments	P*	MUP	MUP	P**	P**	MUP	--	P**
- Bars/Cocktail Lounges	MUP	UP	UP	UP	UP	UP	--	UP
Personal Improvement	MUP	MUP	MUP	P	P	MUP	--	P
- Health/Fitness Clubs	MUP	P	P	P	P	P	P+	P
Personal Services	P	P ¹	P ¹	P	P	P ¹	P	P
Residential	P	P	P	P	P	--	P	P
Retail Sales	P	P ¹	P ¹	P	P	P ¹	P+	P
- Animal Sales and Services	MUP	--	--	MUP	MUP	--	--	MUP
- Medical Retail	P	P++	P++	P	P	P++	--	P
Visitor Accommodations	UP	UP	UP	UP	UP	UP	--	UP

P = Permitted

UP = Use Permit

MUP = Minor use Permit Issued by the Zoning Administrator

1 = Permitted as Accessory/Ancillary Use

2 = In accordance with Chapter 20.87 of the Municipal Code

* = A Minor Use Permit Issued by the Zoning Administrator is required for the sale of alcohol

** = A Use Permit is required for the Sale of Alcohol

+ = Intended for Residential Support Use

++ = Accessory and ancillary medical retail, including those in freestanding structures, shall remain subordinate to principal uses

-- = Not Permitted

2. Open Space Corners

The passive landscape areas on the following corners shall be limited to landscaping, and permitted signage.

San Joaquin Hills Road and Avocado, Avocado and San Nicolas Dr. (northwest and southwest corners), Avocado and San Miguel (northwest), San Joaquin Hills Road and Santa Rosa Dr. (southwest and southeast), San Joaquin Hills Road and Santa Cruz Dr. (southwest and southeast corners), San Joaquin Hills Road and Jamboree Road and San Joaquin Hills Road and MacArthur Boulevard.

3. Special Events

The general regional Mixed-Use nature of North Newport Center results in a variety of special events and temporary uses throughout the year. Special community events, such as parades, trade shows, car shows, pageants, community concerts, outdoor displays, recreation/entertainment events and temporary structures are permitted within the North Newport Center Planned Community consistent with the following provisions:

- a. If the event takes place on private property within Fashion Island the event is not regulated so long as it does not displace required parking. Such events must comply with the City's Municipal Code related to noise control and other pertinent standards.
- b. If the event takes place anywhere else within North Newport Center or the public right-of-way, such events are permitted as long as they comply with the Municipal Code.

B. Development Limits

The development limits in this Development Plan are consistent with those established by the General Plan and are identified in Table 2 below. Development limits may be modified through the approval of a Transfer of Development Rights. Carts, kiosks, temporary uses, and support uses are permitted and are not counted towards square footage development limits. Support uses are not included in the square footage development limits and shall not require parking.

Development limits for residential uses are based on unit counts and are not within square footage limits. A total of 1,500 residential units may be developed on the Housing Opportunity Sites as identified in NMBC Sections 20.80.012 (Housing Opportunity Overlay Zoning Districts maps) and 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) including within Fashion Island, Block 100, Block 400, Block 600 and San Joaquin Plaza, with a minimum density of 20 dwelling units per acre. While the dwelling units are derived from the Housing Opportunity Overlay, future projects are exempt from the development and design standards of NBMC Sections 20.28.050 and 20.48.180 because this development plan contains commensurate or more restrictive development standards compared to the NBMC.

Table 2 – Development Limits (A)

Land Use	Fashion Island	Block 100	Block 400	Block 500	Block 600	Block 800	San Joaquin Plaza	Total
Regional Commercial	1,523,416 sq.ft.	0	0	0	0	0	0	1,523,416 sq.ft.
Movie Theater	680 seats 11,000 sq.ft.	0	0	0	0	0	0	680 seats 11,000 sq.ft.
Hotel	(B)	0	0	0	295	0	0	295
Residential	<u>0C</u>	<u>0C</u>	<u>0C</u>	0	<u>0C</u>	245	524 <u>C</u>	<u>7692,269</u>
Office/ Commercial	0	<u>121,114</u> <u>150,126</u> sq.ft. (C)	91,727 sq.ft.	623,525 sq.ft. (D)	<u>1,353,399</u> <u>1,310,899</u> sq.ft.	286,166 sq.ft.	95,550 sq.ft.	2,571,481 sq.ft.

- A. Square footage indicated in Table 2 may not reflect current development limits because of the transfer of development rights provision described in Sections II.C and IV.C herein. Transfers may result in increased or decreased development limits, so long as the transfers are consistent with the General Plan and do not result in greater intensity than allowed in the Newport Center statistical area. A transfer of development rights must be approved by the City Council and is recorded on the City's Tracking Development Rights table for North Newport Center Planned Community.
- B. Hotel rooms are permitted in Fashion Island through the transfer of development rights.
- C. Residential units are permitted in all blocks consistent with Table 1, North Newport Center Land Use Regulations table. A total of 1,500 units are permitted within the Newport Center Housing Overlay sites including Fashion Island, Block 100, Block 400, Block 600, and San Joaquin Plaza with an aggregate density not to exceed 50 dwelling units per acre.
- ~~G. The maximum development for Block 100 may not exceed 121,114 square feet. Transfers of development rights shall be permitted, provided the maximum development limit of 121,114 square feet is not exceeded.~~
- D. The development limit for Block 500 reflects the boundary adjustment and incorporation of two existing 12,000 sq. ft. office buildings into North Newport Center Planned Community.

1. Fashion Island

~~2.~~—The total gross floor area for Fashion Island is 1,523,416 square feet plus 680 movie theater seats. The movie theater building area is equivalent to and may be converted to 11,000 square feet of retail development. The conversion of the movie theater to retail space shall not require any additional parking. The gross floor area for Regional Commercial development is the total horizontal floor area of all floors of a building within the exterior walls thereof, measured in square feet, exclusive of common areas such as, but not limited to: covered malls and walkways, carts, kiosks, open or roofed patio areas (defined by planters, awnings, shade structures, fences or rails), covered entries, covered parking, driveways or loading areas.

3.2. Mixed-Use Sub-Areas

The Mixed-Use blocks include Block 500, Block 600 and San Joaquin Plaza. ~~Up to 524 R~~residential units and ~~295~~ hotel rooms are permitted within the Mixed-Use blocks consistent with Table 2 – Development Limits. Residential and hotel uses are measured on a per unit basis. The gross floor area for all other permitted uses is the total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms and basement or attic areas having a height of more than seven feet. Excluded are covered porches, walkways and loading docks, service tunnels, and mechanical shafts. Mechanical spaces on roofs, which are inaccessible to tenants, are not counted as square footage. Development limits for residential uses are based on unit counts, and are not within square footage limits. Support uses are not included in the square footage development limits and shall not require parking.

4.3. Commercial Office/Residential Blocks

The maximum development limit for the commercial office/residential blocks is specified in Table 2 above. The gross floor area for all permitted uses is the total enclosed area of all floors of a building

measured to the outside face of the structural members in exterior walls, including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms and basement or attic areas having a height of more than seven feet. Excluded are covered porches, walkways and loading docks, service tunnels, and mechanical shafts. Mechanical spaces on roofs, which are inaccessible to tenants, are not counted as square footage. Support uses are not included in the square footage development limits and shall not require parking.

5.4. Block 800 Residential

The maximum number of dwelling units for multi-family residential use shall not exceed 245.

C. Transfer of Development Rights

The transfer of development rights among sub-areas of this Planned Community and to/from other areas in the Newport Center/Fashion Island District identified in the General Plan is allowed in accordance with the General Plan.

Development rights may be transferred through a change in location of use(s) and/or a conversion of non-residential use to any other non-residential use allowed by the General Plan and this Planned Community Development Plan or applicable zoning at the receiving site(s). Residential use may be relocated, but may not be converted to or from another use.

The transfer of development rights shall be approved, as specified in Section IV.C below, if the transfer will not result in any adverse traffic impacts and will not result in greater intensity than development allowed without the transfer.

[this page intentionally blank]

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 residential structures within Fashion Island shall be 225 feet as measured from finished grade. All other building heights 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 commercial office nonresidential structures shall be 50 feet as measured from finished grade. The maximum height of residential structures shall be 125 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 with the exception of 800 San Clemente Drive, located at the corner of San Clemente Drive and Santa Cruz Drive, which shall be 85 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.

Fashion Island

Newport Center Dr.: 10 feet; may be reduced to 0 feet by the Community Development Director through the plan review process.

Block 100

Newport Center Dr.: 15 feet
Anacapa Dr.: 15 feet
Civic Center Dr.: 15 feet

Block 400

Newport Center Dr.: 15 feet
San Nicolas Dr.: 15 feet

Block 500

Newport Center Dr.: 15 feet
Santa Rosa Dr.: 15 feet
San Joaquin Hills: 15 feet
San Nicolas: 15 feet

Block 600

Newport Center Dr.: 15 feet
Santa Cruz Dr.: 15 feet
San Simeon: 15 feet – setbacks for parking structure access points may be reduced by the Community Development Director through the plan review process
San Joaquin Hills: 15 feet – setbacks for parking structure access points may be reduced by the Community Development Director through the plan review process
Santa Rosa Dr.: 15 feet
Center Dr. (e/w): 0 feet
Center Dr. (n/s): 0 feet

Block 800

Newport Center Dr.: 15 feet
Commercial office buildings shall be set back 15 feet from Block 800 residential
Commercial office parking lots and parking structures shall be set back 5 feet from Block 800 residential
Santa Barbara Dr.: 15 feet
San Clemente Dr.: 15 feet
Santa Maria Road: 0 feet

San Joaquin Plaza

San Joaquin Hills: 15 feet
Santa Cruz Dr.: 15 feet
San Clemente: 15 feet
Santa Barbara Dr.: 15 feet

C. Parking Requirements

1. General Standards

Parking requirements are based on gross floor area (as defined in the Development Limits for Fashion Island) for regional commercial uses, net floor area for office/commercial uses, and unit counts for hotel rooms and residential units. Kiosks for retail sales, covered or uncovered, shall not be included in the calculation of required parking. Accessory, ancillary, and support uses for hotel and residential developments shall not be included in the calculation of required parking. Kiosks and sundry shops serving tenants, including accessory, ancillary and support uses less than 5 percent of the gross floor area, are not counted as square footage and do not require parking. Parking management or engineering offices located in parking structures are counted as square footage and require parking.

Parking requirements for North Newport Center are shown below on Table 4, North Newport Center Parking Requirements.

Table 4 - North Newport Center Parking Requirements

Land Use	Parking Requirement
Regional Commercial	3 spaces per 1,000 square feet ¹
Movie Theater	3 spaces per 1,000 square feet
Office	1 space per 375 square feet
Medical Office	Municipal Code
Hotel	Municipal Code
Residential	<u>2-1.1 spaces per unit-bedroom, inclusive of guest parking, including 1 covered space per unit; plus 0.5 spaces per unit up to 50 units, then 0.25 spaces per unit thereafter for guest parking. Studio units are counted as one bedroom</u>
Other	Municipal Code

Shared parking among and between sites, lots, blocks, and sub-areas is allowed. Parking for Block 800 Residential shall be provided at 2 parking spaces per unit including 1 covered; plus 0.5 spaces per unit for guest parking.

2. Valet Parking

Valet parking and satellite parking with shuttle service that involves use of the public right-of-way shall require approval by the City Traffic Engineer.

3. Parking Management Plan

Parking management plans may be prepared if the applicant wishes to deviate from the parking standards identified above.

Parking management plans may address issues such as modified parking requirements based upon complimentary peak hour demand of uses, off peak shared parking between sub-areas, drop off and valet services on private property, and tandem parking. The parking management plan shall take into account properties that are not part of the Planned Community district, but that are served by parking located within the district, and shall ensure that no detrimental effects to the existing parking for such properties occur. Parking management plans shall be prepared by an independent traffic engineer at the applicant's

¹ The parking requirement during the peak seasonal period is 4 spaces per 1,000 square feet per an existing parking management plan.

expense. Parking management plans shall be approved by the City Traffic Engineer prior to the issuance of building permits.

D. Landscaping

Landscaping shall be installed subject to the following standards and maintained in a healthy, weed-free condition, free of litter and so as not to interfere with traffic safety

1. **Surface Parking Lot Landscaping:** Parking lots shall be landscaped at a minimum of 1 tree per 5 parking spaces. The minimum size of trees shall be 24-inch box.
2. **Water Conservation:** Satellite linked irrigation controllers or appropriate best management practices shall be incorporated into landscape design for new construction.

E. Lighting

Parking lots and walkways accessing building and parking areas shall be illuminated with a minimum maintained 0.5 foot-candle average on the driving or walking surface during the hours of operation and one hour thereafter. If the applicant wishes to deviate from this lighting standard, a lighting plan may be prepared by the applicant and submitted to the Community Development Director for review and approval.

Indirect, decorative halo banding along the top of buildings is permitted.

F. Signs

1. General Sign Standards

All permanent and temporary signs in North Newport Center that are visible from public right-of-ways and public property shall be consistent with the provisions of these sign standards, unless otherwise approved by the Community Development Director. All permanent and temporary signs that are not visible from public right-of-ways are not limited in quantity, size, location, or design. Sign illumination is permitted for all sign types.

Wall signs that are visible from public right-of-ways must consist of individual fabricated letters; or routed-out letters in an opaque background. Enclosed “box” or “can” signs are not permitted, unless they are logos.

All commercial uses are permitted to place at each entry an incidental sign located at or below eye level to be visible to pedestrians, and shall not exceed six square feet.

In addition to other signs permitted in this section, signs used to give direction to vehicular or pedestrian traffic are permitted. Directional signs oriented to vehicular or pedestrian traffic within internal drives or walkways of a development block are not regulated. Directional signs oriented to vehicular or pedestrian traffic in the public right of way are regulated as follows. Sign content shall not be limited. Signs shall be subject to the review of the City Traffic Engineer to ensure adequate sight distance in accordance with the provisions of the Municipal Code. Directional signs are limited to a maximum of 10 square feet in size but are not limited in quantity, location, or design. Temporary signs that are intended to be displayed for 60 days or less are permitted for purposes related to special events, holiday activities, and store openings. Detailed standards for temporary signs are contained below.

A comprehensive sign program may be prepared if the applicant wishes to deviate from the sign standards identified herein. Comprehensive sign programs shall be submitted for review and consideration in

accordance with the provisions of the Municipal Code. Sign programs in place prior to this writing including the Island Hotel and Leasing Sign Programs shall remain in place.

2. Restricted Sign Types

Signs visible from public right-of-ways are subject to the following restrictions:

- No rotating, flashing, blinking, or signing with animation shall be permitted on a permanent basis.
- No signs shall be permitted which imitate or resemble official traffic signs or signals.
- No wind signs or audible signs are permitted.

Animated signs visible from public streets are not allowed unless otherwise permitted by the Municipal Code.

3. Sign Standards for Fashion Island

In addition to the general sign standards identified above, specific sign standards for Fashion Island are provided in Table 6, Fashion Island Sign Standards below.

Table 6 – Fashion Island Sign Standards

Sign Type	Location	Maximum Number	Maximum Sign Size	Maximum Letter/Logo Height
Shopping Center Identification Sign	Each vehicle entry drive location	2 per entry drive (one on each side)	100 square feet 10 feet high	9 feet
Major Tenant Sign	Exterior walls or parapets of buildings	1 sign per building elevation (maximum 4 signs for each major tenant)	Determined by name of tenant; letter/logo height not to exceed 10 feet	10 feet
Freestanding Commercial	Exterior walls or parapets of buildings	1 sign per building elevation (maximum 4 signs for each building or structure)	Determined by name of tenant; letter/logo height not to exceed 3 feet	3 feet
	Monument	1 per building <u>elevation (maximum 4)</u>	<u>50-100</u> square feet <u>5-8</u> feet high	4.5 feet
Tenant Sign	Exterior elevations of shopping center and parking structures facing Newport Center Dr.	1 sign per tenant, per building elevation	1 square foot per each lineal foot of storefront (not to exceed 100 square feet)	10 feet
Theater Signs	Facing Newport Center Dr. (exterior wall or parapet of building which theater occupies, free standing, or on adjacent parking structure)	2	300 square feet 20 feet high	Theater name: 5 feet Each show title: 3 feet high 15 feet wide
Digital Monument Sign	Facing Newport Center Drive (freestanding)	2	<u>200 square feet</u> <u>15 feet high</u>	<u>5 feet</u>
Store Address	Each entry to store	1 per store entry	6 square feet	12 inches
Entry Marker Signs	To be approved by Community Development Director	7 signs	36 square feet (with 2-foot overhang) 15 feet high	2 feet

4. Sign Standards for Mixed-Use and Commercial Office Blocks

In addition to the general sign standards identified above, specific sign standards for the Mixed-Use blocks, Block 100, Block 400, and Block 800 are provided in Table 7 below. The location of signs specified below may be changed subject to the review of the City Traffic Engineer to ensure adequate sight distance in accordance with the provisions of the Municipal Code, so long as the total number of signs in not increased.

Primary building address numbers shall be visible from the street (and/or pedestrian walkways in the case of necessity), and be located on the building so that they are visible from adjacent frontage roads and designated parking areas, except for the buildings at 500 and 550 Newport Center Dr., which have their primary address numbers on the cubes along Newport Center Dr. Secondary address signs may be located where appropriate for on-site orientation and safety. All address signs shall have a consistent color, design, and material for any given building. A single letter style is recommended.

Table 7 – Sign Standards for Blocks 100, 400, 500, 600, 800 and San Joaquin Plaza

Sign Type	Description	Location	Maximum Number of Signs	Maximum Sign Size	Maximum Letter/ Logo Height
A	Large cube or blade sign located at entries to Newport Center	Santa Rosa Dr. at San Joaquin Hills Rd.	2 (1 per corner)	15 feet high 15 feet wide	24 inches
		Santa Cruz Dr. at San Joaquin Hills Rd.	2 (1 per corner)	15 feet high 15 feet wide	24 inches
		Block 500: San Joaquin Hills Rd. at Avocado Ave.	4	15 feet high 15 feet wide	24 inches
		San Nicolas Dr. at Avocado Ave.			
		MacArthur Blvd. at San Joaquin Hills Rd.			
		San Joaquin Plaza Villas Fashion Island: Jamboree Rd. at San Joaquin Hills Rd.	1	15 feet high 15 feet wide	24 inches
B	Small cube located along Newport Center Dr.	San Nicolas Dr. at Newport Center Dr.	2 (1 per corner)	5 feet high 5 feet wide	5-inches 24 inches/48 inches
		Newport Center Dr. and Santa Rosa Dr.	2 (1 per corner)	5 feet high 5 feet wide	5-inches 24 inches/48 inches
		Block 600: Along Newport Center Dr.	5	5 feet high 5 feet wide	5-inches 24 inches/48 inches
		Block 800: Newport Center Dr. at Santa Maria Rd.	2	5 feet high 5 feet wide	5-inches 24 inches/48 inches
		Newport Center Dr. at Santa Barbara Dr.			
C	Other Freestanding Signs	Block 100	1 per frontage	8 5 feet high 28 40 feet wide	40-inches 36 inches/48 inches
		Block 400: Avocado Ave. at San Miguel Dr.	2	5 feet high	13 inches
		Along San Nicolas Dr.	1	6 feet wide	13 inches
		Between 500 and 550 Newport Center Dr.	1	4 feet high 12 feet wide	18 inches

Sign Type	Description	Location	Maximum Number of Signs	Maximum Sign Size	Maximum Letter/ Logo Height
		Block 600: Along Santa Cruz Dr.	2	87 feet high 2822 feet wide	48 inches36 inches/48 inches
		Block 800: Along Newport Center Dr.	2	86 feet high 2840 feet wide	8 inches36 inches/48 inches
		Along Santa Barbara Dr.	42	84 feet high 286 feet wide	365 inches/ 4824 inches
		Santa Cruz Dr. at Newport Center Dr.	1	845 feet high 2845 feet wide	24 inches36 inches/48 inches
		San Joaquin Plaza Villas Fashion Island: Along San Joaquin Hills Rd.	24 each (3 signs along San Clemente Dr.)	86 feet high 2842 feet wide	36 inches/48 inches5½ inches for Tenant ID; 48 inches for Project ID
		Along Santa Cruz Dr.			
		Along San Clemente Dr.			
		San Clemente Dr. at Santa Cruz Dr.	1	85 feet high 2842 feet wide	36 inches/48 inches48 inches
		San Clemente Dr. at Santa Barbara Dr.	1	85 feet high 2846 feet wide	36 inches/48 inches48 inches
D	Signs mounted on landscape walls (includes ground mounted signs in front of landscaping and landscape walls)	Block 400: Facing Newport Center Dr.	1	Determined by name of tenant; letter/logo height not to exceed 18 inches	18 inches
		Block 500: Facing Newport Center Dr.	4	Determined by name of tenant; letter/logo height not to exceed 4826 inches	36 inches/48 inches26 inches
		Block 600: Facing streets	3 facing San Joaquin Hills; 5 facing Newport Center Dr.; 1 facing Santa Rosa Dr.	Determined by name of tenant; letter/logo height not to exceed 4848 inches	36 inches/48 inches48 inches
		Block 800: At San Clemente Dr. project entry	2	Determined by name of tenant; letter/logo height not to exceed 4836 inches	36 inches/48 inches36 inches
		Block 800: San Clemente Dr. at Santa Barbara Dr.	1	Determined by name of tenant; letter/logo height not to exceed 3648 inches	36 inches/48 inches36 inches
		Block 800 Along Newport Center Dr.	42	Determined by name of tenant; letter/logo height not to exceed 4048inches	36 inches/48 inches40 inches
E	Building Sign	On building elevation, awning or parking structure	2 per Primary Tenant 1 per Secondary Tenant 3 for restaurants	Determined by name of tenant; letter/logo height not to exceed: Primary: 24 inches, Secondary: 16 inches Restaurant: 40 inches	Primary Tenant: 24 inches Secondary Tenant: 16 inches Restaurant: 40 inches

Sign Type	Description	Location	Maximum Number of Signs	Maximum Sign Size	Maximum Letter/ Logo Height
F	Building Address	On building elevation	1 each (additional address signs may be located where appropriate for on-site orientation)	24 inches high	24 inches
G	Freestanding Building Address	Santa Rosa Dr. at Newport Center Dr.	1 each	8 feet high 6 feet wide	18 inches
		Santa Nicolas Dr. at Newport Center Dr.			
		Santa Cruz Dr. at Newport Center Dr.			
		San Joaquin Hills Rd.	2	8 feet high 6 feet wide	28 inches
H	Advisory Signs	Parking lots and entries to parking lots	As appropriate for safety and orientation	6 feet high	As required by Fire Department or Building Code for safety purposes
I	Drive Through Signs	Drive throughs	1 per tenant per elevation, up to 2 on walls of structure	8 feet wide	15 inches
J	Apartment Leasing Signs	Block 800 Apartment Projects	1 per frontage	7.5 feet high by 7.3 feet wide panel-on post	24 inches
K	Office Leasing Signs	Blocks 100, 400, 500, 600, 800 and San Joaquin Plaza	1 per frontage	4.5 feet high by 5 feet wide	7 inches

5. Temporary Signs

The following standards are intended to produce consistent sign design for temporary signs within Newport Center. Temporary signs are to identify a future site or project; or a facility under development or offered for lease. Temporary signs that are visible from public right-of-ways and identify new construction or remodeling may be displayed for the duration of the construction period beyond the 60-day limit. Signs mounted on a construction fence are allowed during construction and may be rigid or fabric. The top of the sign must be no greater than 20 feet above grade.

Maximum Number: One (1) temporary sign is permitted on a site for each frontage street, up to two (2) signs per building, but not at the same corner of the building.

Type: Single- or double-faced ground signs or wall signs.

Location: If ground signs, they may be parallel or perpendicular to the roadway. If wall signs, they must be located below the sill of second floor windows.

Design: Rectangular shape; rigid, permanent material; not fabric.

Mounting Technique: Flush with building; entirely on glass or entirely on a wall surface; not overlapping glass or wall surface.

Duration: Signs may exist from the time of lease or sale of the parcel until the construction and/or leasing of the facility is complete.

G. Residential Compatibility

In keeping with the purpose of Fashion Island and the Mixed-Use sub-areas, permitted uses in North Newport Center include uses and events that have the potential to generate noise. Due to the day/evening use of Fashion Island in particular, noise generating activities, lighting, odors from restaurants, and similar occurrences are produced and take place during all hours of operation. Such uses and events are required to comply with the City's Municipal Code regulating these uses.

Disclosures shall be made to prospective buyers/tenants of residential developments that there is an expectation for noise levels higher than in typical suburban residential areas as part of the Mixed-Use concept within North Newport Center. Additionally, the disclosure shall indicate that there is an expectation for lighting, odors, and similar occurrences in a Mixed-Use setting as compared to suburban residential areas.

H. Residential Open Space Design Requirements

Residential Design Requirements contained herein shall apply to the Housing Opportunity Sites as identified in NBMC Sections 20.80.012 (Housing Opportunity Overlay Zoning Districts maps) and 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) including within Fashion Island, Block 100, Block 400, Block 600 and San Joaquin Plaza. Primary Building entries shall face the primary public street with direct pedestrian connections to the public sidewalks, unless determined to be infeasible due to topographic constraints by the Director. Pedestrian connections to the public sidewalks shall also be provided to parking areas and publicly accessible open space. For larger sites with multiple buildings, building entries may also be oriented to face internal open spaces, paseos, and recreation amenities. Parking areas, covered and uncovered, shall be screened from public street frontages. Screening may be accomplished through building placement, landscaping, fencing, or some combination thereof.

4. — The following open space standards shall apply to residential development projects:

1. Parking Lots and Structures

Parking lots and structures shall comply with standards specified in NBMC Section 20.40.070 and the following.

- a. Parking lots shall be placed to the side or rear of buildings. Parking lots shall be connected to building entrances by means of internal pedestrian walkways.
- b. In surface parking lots with ten (10) or more spaces, a minimum of fourteen (14) square feet of landscape area shall be provided per parking space. Landscaping may be provided in parking lot planters and/or for perimeter screening.
- c. Parked vehicles at each level within a parking structure shall be shielded from view from adjoining streets.
- d. The exterior elevations of parking structures shall be designed to minimize the use of blank concrete facades. This shall be accomplished through the use of decorative textured concrete, planters or trellises, or other architectural treatments.

e. Except for garage entrances, structured parking shall not be visible from the primary streets or any public open space, unless treated in an architectural manner subject to the approval of the Director.

2. Landscaping

A minimum of eight percent of the total site shall be landscaped. Required setbacks and parking lot landscaping may be counted toward this requirement. Turf areas shall be placed in areas for recreational use only and must have a ten (10) foot minimum dimension. All landscaping shall comply with all standards as specified in NBMC Chapter 20.36.

2.3. Common Outdoor Open Space

Each project shall provide common outdoor open space either at grade, podium level, or roof level. Common outdoor open space areas shall have a minimum dimension of 30 feet and may contain active and/or passive areas and a combination of hardscape and landscape features, but a minimum of 10 percent of the common outdoor open space must be landscaped. All common outdoor open space must be accessible to all residents. Projects shall provide a minimum of 5 percent common outdoor open space based on the residential lot area and including the following.

The required front yard area shall not be counted toward satisfying the common recreation area requirement.

Residential unit entries shall be within a quarter mile walking distance of common open space.

Pedestrian walkways shall connect the common open space to a public right-of-way or building entrance.

Open space areas shall not be located directly next to arterial streets, service areas, or adjacent commercial development to ensure they are sheltered from the noise and traffic of adjacent streets or other incompatible uses. Alternatively, a minimum of ten (10) foot wide, dense landscaping area shall be provided as screening, but does not count towards the open space requirement.

An area of usable common open space shall not exceed an average grade of ten (10) percent. The area may include landscaping, walks, recreational facilities, and small decorative objects such as artwork and fountains.

All common open spaces shall include seating and lighting.

3.4. Common Indoor Space Recreation Amenities

Each project shall provide at least one recreational amenity for each fifty (50) units or fraction thereof. Facilities that serve more people could be counted as two amenities. community room of at least 500 square feet for use by all residents of the project. The area should be located adjacent to, and accessible from, common outdoor open space. This area may contain active or passive recreational facilities or meeting space, and must be accessible through a common corridor. Examples of amenities that satisfy the recreational requirements include:

a. Clubhouse or lounge at a minimum of seven hundred fifty (750) square feet.

b. Swimming pool at a minimum of fifteen (15) by thirty (30) feet or equal surface area.

c. Tennis, basketball or racquetball court.

d. Children's playground at a minimum of six hundred (600) square feet.

e. Sauna or jacuzzi.

f. Day care facility.

g. Community garden.

h. Fitness facility

i. Co-working spaces

j. Other recreational amenities deemed adequate by the Director.

5. Utilities

All utility equipment shall be located out of the pedestrian path of travel. All utility equipment shall be purposefully and aesthetically placed adjacent to alleyways, within parking areas, rear or side yards, or within building "notch outs" and screened from public view. If the mechanical equipment cannot be placed in rear or side yards, it shall be either placed on the ground and screened with landscape or placed on the roof and screened with architectural materials such as roof or parapet consistent with the overall architectural style.

All electrical utility equipment, electrical meters, and junction boxes shall be placed within a utility room. If a utility room is not feasible, then all utility equipment shall be purposefully designed as an integral part of the building development, placed adjacent to alleyways, within parking areas, or within rear or side yards, and screened from public view.

6. Private Streets

Private streets shall be designed to foster a low speed, multi-modal internal site circulation network. Streets shall provide a limited amount of curbside parking for visitors, loading, service, and accessible ADA spaces. The streets shall be designed as an amenity for the site, including surface treatments and landscaping similar in character and quality to any paseos or common open space.

All new multi-unit development sites that provide private streets shall comply with a minimum width right-of-way standard. When on-street parallel parking is not provided, the right-of-way width shall be forty-one (41) feet in width. When on-street parallel parking is provided, the right-of-way width shall be fifty (50) feet in width.

Streets shall be twenty-six (26) to thirty-five (35) feet in width from curb to curb designed to provide motor vehicle and bicycle access. All police and fire emergency and maintenance vehicle access standards shall be met. Parallel curbside parking shall be permitted within roadways. Angled or head-in parking shall be prohibited. A minimum of one sidewalk, five feet wide, shall be provided. When on-street parking is provided, the sidewalk shall be on the side of street with parking. Shrubs, ground cover, and street trees are prohibited within the 5-foot sidewalk area. There shall be a minimum of five feet for a landscaping and paving area intended to provide a transition between the street and private residences. Landscaping shall comprise a minimum of twenty (20) percent of the total building frontage(s) area. Landscape planting beds shall have a minimum width of three feet. Paving stone, brick or concrete unit pavers or poured-in-place concrete with integral color pigments is permitted in the zone. Steps are permitted to above-grade first floor entrances.

4.7. Private Open Space

~~5.~~ At least ~~50~~25% of all dwelling units shall provide private open space, on a balcony, patio, or roof terrace, with a minimum area of 30 square feet each and an average horizontal dimension of 6 feet. Balconies should be proportionately distributed throughout the project in relationship to floor levels and sizes of units. ~~For any project 8 acres or larger, open space shall be provided in accordance with the General Plan.~~

8. Buildings in 30+ Dwelling Unit Per Acre Minimum Base Density

Buildings shall be designed to foster passive “eyes on the street” surveillance of the public realm by providing an adequate number of clear and direct sightlines between first floor residences and adjacent public realm sidewalks and common areas without compromising residential livability, privacy, and security. For multiunit buildings with commercial first floor uses, the standards are intended to provide a greater amount of visibility of merchant goods and services for potential walking, rolling, or driving-by clients or customers. For all buildings, the standards apply only to portions of the first floor that contain residential or commercial conditioned/occupied floor areas fronting streets and common open space.

Any at-grade or above-grade residential first floor unit fronting a street or paseo shall be comprised of twenty-five (25) percent transparent glazed door and window openings. Individual residential unit entrances shall have walkway, ramps, and stairs connecting to a public sidewalk shall be a minimum of five feet in width. Entry terraces and patio areas shall be a minimum of forty (40) square feet. If proposed, entry stoops shall be a minimum of twenty (20) square feet excluding any required stairs or ramp area.

Lobby entries should be located along street frontages to foster pedestrian neighborhood access and street oriented activity. Unobstructed sight lines and pedestrian access from the public sidewalk shall be provided. Lobby entrances shall be located at-grade, unless determined not feasible by the Director. Residential and commercial lobby entrances shall be accessed directly from the adjacent public realm. First floor entry standards do not apply to service and loading entrances.

a. No lobby door setback is required.

b. Minimum entry sidewalk width, where entries are set back, walkway width connecting to the sidewalk zone shall be a minimum of six feet.

c. Entry landing area shall be a minimum of sixty (60) square feet.

d. Lobby entrance primary entries are prohibited from driveways, at-grade parking lots, parking structures, or alleys unless required due to topographic conditions.

~~6.~~

IV. Planned Community Development Plan Administration

A. Process for New Structures

1. Purpose and Intent

The purpose of the Plan Review process is to provide for review of development proposals for new structures within the North Newport Center Planned Community district. Prior to the issuance of a building permit, all development proposals shall be subject to a Plan Review by the Community Development Director for review to determine compliance with the Planned Community Development Plan and North Newport Center Design Regulations. Signs, tenant improvements, carts, kiosks, temporary structures and uses are exempt from this provision.

2. Submittal Contents

Each Plan Review submittal or amendment thereof shall contain sufficient details for a thorough review of the relationships between uses on the site and on adjacent sites consistent with the Development Plan and the Design Regulations. At the discretion of the Community Development Director, the requirements for submittal of a Plan Review may be altered from those set forth below when the Director determines that other information will be sufficient to allow a thorough review of the project by the approving authority.

Submittals for Plan Review shall include plans that contain the following elements in addition to the City's submittal requirements for plan check:

- a. Existing Conditions including adjacent structures and proposed improvements
- b. Floor plans
- c. Elevations that clearly demonstrate the architectural theme of each face of all structures, including walls and signs, illustrating the following:
 - 1) All exterior materials
 - 2) All exterior colors
 - 3) Building heights
- d. Parking management plan (where applicable)
- e. Preliminary Landscape Plan, illustrating:
 - 1) General location of all plant materials, by common and botanical names
 - 2) Size of plant materials
 - 3) Irrigation concept
- f. Lighting Plan, including: locations, fixture height, lighting fixture product type and technical specification
- g. Permitted and proposed floor area, number of hotel rooms, theater seats, and/or residential units
- h. Statement of consistency with the General Plan, Planned Community Development Plan and Design Regulations
- i. Any additional background and supporting information, studies or materials that the Community Development Director deems necessary for a clear representation of the projects
- j. Shade analysis if required
- k. Open Space Plans for residential projects

3. Review and Action

Submittals shall be reviewed by the Community Development Director, and the Community Development Director shall approve the project if he/she makes the following findings:

- a. The proposed use and/or development is consistent with the General Plan.
- b. The proposed use and/or development is consistent with the North Newport Center PC Development Plan and Design Regulations.

The Community Development Director action is the final action unless appealed in accordance with the Municipal Code Chapter 20.64 (Appeals).

4. Traffic Study

If a development proposal would require the preparation of a traffic study pursuant to Chapter 15.40 (Traffic Phasing Ordinance), the review authority shall be the City Traffic Engineer, and said traffic study shall be included in the Plan Review Submittal. The City Traffic Engineer shall approve the project if he/she makes the required finding pursuant to Section 15.40.030 (B)(1)(a) or Section 15.40.030 (B)(1)(b) (Findings for Approval) of the NBMC. However, if the finding under 15.40.030 (B)(1)(a) or Section 15.40.030 (B)(1)(b) (Findings for Approval) cannot be made, the project shall be reviewed by the Planning Commission or City Council consistent with the provisions of Chapter 15.40 (Traffic Phasing Ordinance) of the NBMC.

~~The Community Development Director shall notify the Planning Commission and City Council if deviations from the height limit are approved. The Community Development Director action is the final action unless appealed in accordance with the Municipal Code.~~

B. Process for New Signs

Applications for new signs shall follow the process identified in the Municipal Code. Submittal shall be reviewed for consistency with the Development Plan and Design Regulations.

C. Transfer of Development Rights

The following procedure shall be used for the transfer of development rights.

1. The project applicant shall submit an application to the Community Development Director, which identifies the quantity of entitlement (floor area, hotel rooms, theater seats) to be relocated, and the sending and receiving sites. If the requested transfer includes the conversion of non-residential uses, the application shall also identify the quantity of entitlement, by use category, before and after the transfer.
2. The City Traffic Engineer shall perform a traffic analysis to determine the total number of PM peak hour trips that would be generated by development allowed with and without the transfer. Trip generation rates shall be based on standard trip generation values in the current version of ITE's "Trip Generation," unless the Traffic Engineer determines that other rates are more valid for the uses involved in the transfer.
3. Depending on the location of the sending and receiving sites, the Traffic Engineer may determine that a more detailed traffic analysis is required to determine whether adverse traffic impacts will result from the transfer. This analysis shall demonstrate whether allowed development, with and without the transfer, would either cause or make worse an

unsatisfactory level of service at any primary intersections for which there is no feasible mitigation. This analysis shall be consistent with the definitions and procedures contained in the Traffic Phasing Ordinance of the Municipal Code, except that “unsatisfactory level of service” shall be as specified in the General Plan.

4. If the transfer request involves the conversion of uses, the Community Development Director shall perform a land use intensity analysis to determine the floor area that could be developed with and without the transfer. For purposes of this analysis, theater use shall be allocated 16.1765 square feet per seat. Hotel use shall be allocated the number of square feet per room at which it is included in the General Plan. When the General Plan does not specify intensity for hotel rooms, it shall be as determined by the Community Development Director.
5. Applications for transfer of development rights shall be considered by the City Council as a ministerial action. The City Council shall approve a transfer of development rights if it finds that the transfer will result in no more trips and no greater intensity of land use than the development allowed without the transfer. In addition, if the traffic study in Subsection c. is required, the City Council shall approve the transfer if it results in no greater traffic impact than the development allowed without the transfer.

V. Definitions

All words and phrases used in this North Newport Center PC shall have the same meaning and definition as used in the City of Newport Beach Municipal Code unless defined differently in this section.

Architectural Features: A visually prominent or formally significant element of a building which expressed its architectural language and style in a complementary fashion. Architectural features should be logical extensions of the massing, details, materials and color of the building which complement and celebrate its overall aesthetic character.

Advisory Sign: Any sign that contains directional or safety information; does not contain advertisements.

Audible Signs: Any sign that uses equipment to communicate a message with sound or music.

Banks/Savings & Loans: Establishments that provide a full range of retail banking and mortgage loan services to individuals and businesses. Includes only those institutions engaged in the on-site circulation of cash money. Also includes businesses offering check-cashing services. Drive-through or drive-up service included.

Bars and Cocktail Lounges: Establishments engaged in selling or serving alcoholic beverages for consumption on the premises or establishments having any of the following characteristics:

- Licensed as a “public premises” by the California Department of Alcoholic Beverage Control.
- Provides an area for serving alcoholic beverages that is operated during hours not corresponding to regular meal service hours. Food products sold or served incidentally to the sale or service of alcoholic beverages shall not be deemed as constituting regular food service.

Building Elevation: The exterior wall surface formed by one (1) side of the building.

Building Height: Building height is measured from the corresponding point on the roof to the exterior finished grade. If the building is on a sloping surface, the height measurement is taken from the building entrance. Exceptions include but are not limited to below grade parking structure entrances, motor courts, and retaining walls. See Graphic 1 on page [4034](#).

Business, Government and Professional: Offices of firms, individuals or organizations that provide professional, executive, management or administrative services (e.g., architectural, engineering, government, insurance, investment, legal, planning). Includes administrative, clerical or public contact offices of a government agency, including incidental storage and maintenance of vehicles. Support retail and service uses also allowed.

Carts and Kiosks: Carts and kiosks are small, freestanding structures used for retail sales and services. Generally mobile in terms of ease of relocation, the structures can be seasonal, temporary or for a more permanent use.

Commercial, Recreation and Entertainment: Establishments providing participant or spectator recreation or entertainment, either indoors or outdoors, for a fee or admission charge. Illustrative examples of these uses include:

- arcades or electronic games centers having three or more coin-operated game machines
- bowling alleys
- billiard parlors
- cinemas
- ice/roller skating rinks
- live entertainment
- pool rooms
- tennis/racquetball courts
- theaters

Cultural Institutions: Public or private institutions that display or preserve objects of community, or cultural interest in one or more of the arts or sciences.

Day Care: Non-medical care and supervision of children or adults on a less than 24 hour basis, including nursery schools, preschools, and day care centers.

Day Spas: Establishments that specialize in the full complement of body care including, but not limited to, body wraps, facials, pedicures, make-up, hairstyling, nutrition, exercise, water treatments and massage which is open primarily during normal daytime business hours and without provisions for overnight accommodations.

Department Store: A store selling a wide variety of goods or services arranged in several departments.

Eating and Drinking Establishments: Establishments engaged in serving prepared food or beverages for consumption on or off the premises.

Emergency Health Care: Establishments that provide emergency medical service with no provision for continuing care on an inpatient basis.

Entry Marker Sign: Sign used to provide information on activities and events, as well as advertise stores and shops within a shopping center.

Eye Level: The height of 5 feet measured from grade.

Freestanding Commercial: Any building with a commercial use which is separated from other commercial uses by parking and/or streets.

Internal Pedestrian Street: Any walkway, path, plaza, arcade or corridor, either covered or open to the sky, which is primarily for use by people on foot and is not adjacent to the frontage road or common parking areas.

Major Building: A ~~mall~~ building over 50,000 square feet.

Major Tenant: A store or restaurant having a minimum of 10,000 square feet of floor space, which is located within or between other commercial buildings.

Mall Building: Retail buildings where stores front a pedestrian walkway, which may be enclosed or open.

Medical Retail: Sales of medical goods or services that are retail oriented. Illustrative examples of these uses include:

- eye exam, eyeglass/contact lens sales
- skin treatments
- body scanning
- dental enhancement treatments

Minor Use Permit: Use permit issued by the Zoning Administrator.

Monument Sign: Any sign that is supported by its own structure and is not part of or attached to any building.

Parking Structure: Structures containing more than one story principally dedicated to parking. Parking structures may contain accessory, ancillary and resident support uses.

Periphery Building: Building located along the ring of Fashion Island adjacent to Newport Center Dr.

Personal Improvement: Includes those services that are personal and that promote the health and well-being of an individual.

Personal Services: Establishments that provide recurring services of a personal nature. Illustrative examples of these uses include:

- barber and beauty shops
- clothing rental shops
- dry cleaning pick up store with limited equipment
- dry cleaning with no on-site equipment
- home electronics and small appliance repair
- postal services
- locksmiths
- self-service laundries
- shoe repair shops
- tailors and seamstresses
- tanning salons
- printing & duplicating
- travel agencies/services
- nail salon

Podium Level: A superposed terrace conforming to a building's plan, a continuous pedestal; a level of vertical segregation linking separate areas.

Primary Tenant: The largest tenant of a building.

Project Identification Sign: A free-standing (single or double faced) monument sign containing the project name.

Public Safety Facilities: Police, fire, paramedic and emergency service facilities.

Regional Commercial Gross Floor Area: Refer to Section II.B.1 above.

Residential: An area within a structure on a parcel that contains separate or independent living facilities for one or more persons, with area or equipment for sleeping, sanitation or food preparation.

Retail Sales: Stores and shops which sell various lines of merchandise for profit. This includes the sales of non-durable and durable goods to customers. Illustrative examples of these stores and lines of merchandise include:

- antiques
- appliances
- artists supplies
- automotive accessories (no installation)
- animal sales and services
- bakeries
- bicycles
- books
- cameras and photographic supplies
- carpeting and floor covering
- clothing and accessories
- convenience markets/stores
- department stores
- drug and discount stores
- dry goods
- electronic equipment (including automotive installation)
- food and beverages
- gift shops
- handcrafted items
- hardware
- hobby materials
- jewelry
- real estate information center
- luggage and leather goods
- medical supplies and equipment
- musical instruments, parts and accessories
- office supplies
- paint and wallpaper
- pharmacies
- shoe stores
- specialty shops
- sporting goods and equipment
- supermarkets
- tobacco
- toys and games

Rooftop Appurtenance: Rooftop appurtenances include, but are not limited to, mechanical equipment, stairwell and elevator shaft housing, antennae, window washing equipment, and wireless communication facilities. See Graphic 1 on page [4034](#).

Secondary Tenant: A small tenant; not the primary tenant of an office building.

Senior Citizen Housing: A residential development for senior citizens (i.e., persons 55 years of age or older) that has at least 35 dwelling units and conforms to Civil Code §51.3(b)(4).

Service Tunnels: A corridor limited to access for building supply and maintenance personnel and equipment including horizontal and vertical tunnels and shafts, and freight elevators, not intended for customer circulation or access, and not for use as storage or office space.

Sign: Any media, including their structure and component parts which are used or intended to be used out-of-doors to communicate information to the public.

Sign Area: The area enclosed by a rectangle drawn around the working, numbers or images composing the sign.

Sign Face: The physical plane and/or surface upon which the working or images are applied.

Sign Letter: The individual symbols of the alphabet used in forming the words of a message.

Shopping Center Identification Sign: A monument sign identifying a shopping center.

Support Uses: Uses designed, oriented, and intended to primarily serve building, block, and proximate sub-area occupants and users. Such uses must be consistent with the pertinent regulations in Table 1.

Tenant Sign: Any permanent sign of an establishment that is located on or attached to the storefront elevation, a covered walkway, or an awning for the purpose of communicating the name of the tenant.

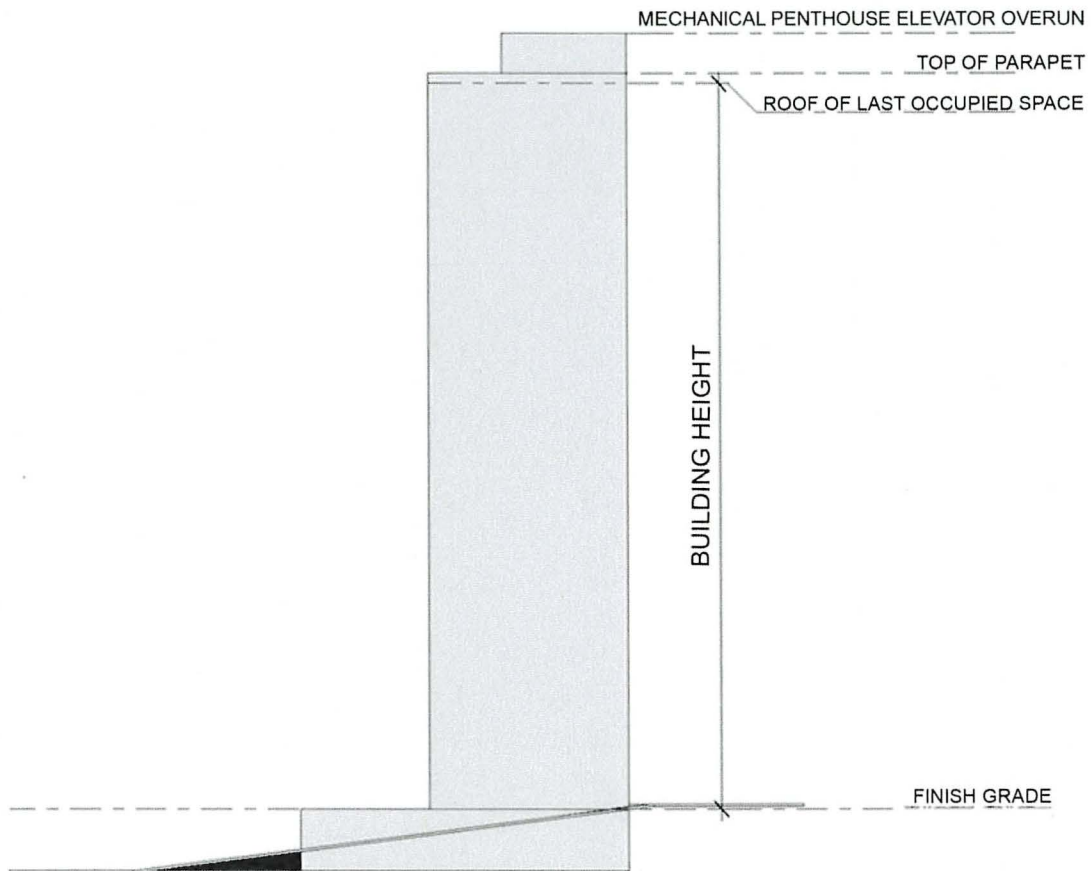
Temporary Sign: Any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, plywood, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for a limited period of time.

Theater Sign: Any permanent sign used to communicate to the public the name of a theater and the show(s) or movie(s) that are offered.

Vehicle Entry: Any intersection points along the public right-of-way that provide access for automobiles.

Visitor Accommodations: Establishments offering lodging rooms, including bed and breakfasts, inns, hotel, and motels. Incidental support facilities are included within these uses.

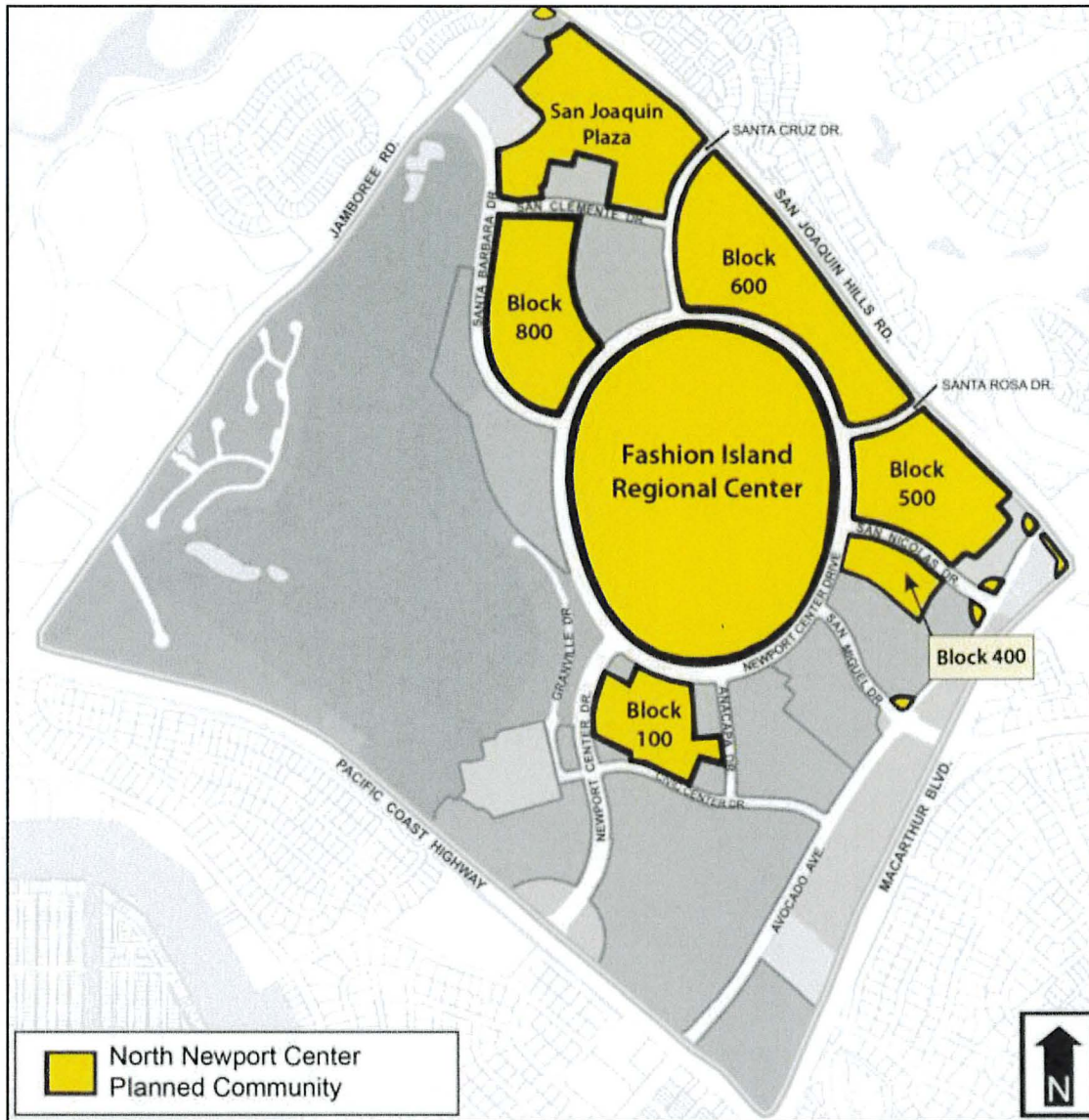
Wind Sign: A series of similar banners or objects of plastic or other light material more than 2 inches in diameter which are fastened together at intervals by wire, rope, cord, string or by any other means, designed to move and attract attention upon being subjected to pressure by wind or breeze.



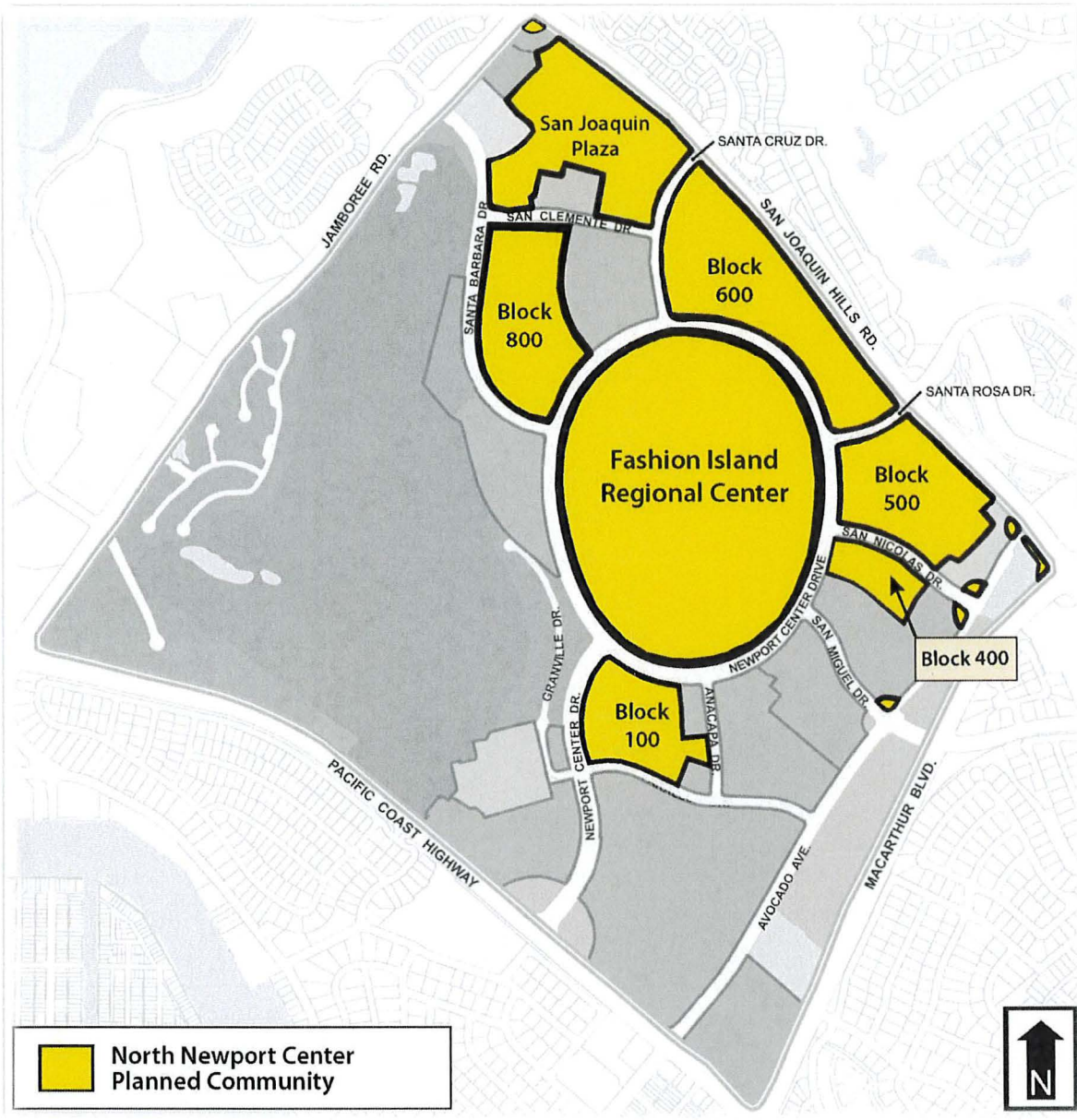
NOTE: In no instance shall any part of the building, including rooftop appurtenances or architectural features, penetrate the FAA (Part 77) imaginary obstruction surface for John Wayne Airport.

Graphic 1, Example of Building Height and Rooftop Appurtenances

Existing Map for PC-56



Proposed Map for PC-56





NBGiS
NEWPORT BEACH



0 2,000 4,000
Feet

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

2/25/2025



NBGiS
NEWPORT BEACH



0 4,000 8,000
Feet

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

2/25/2025

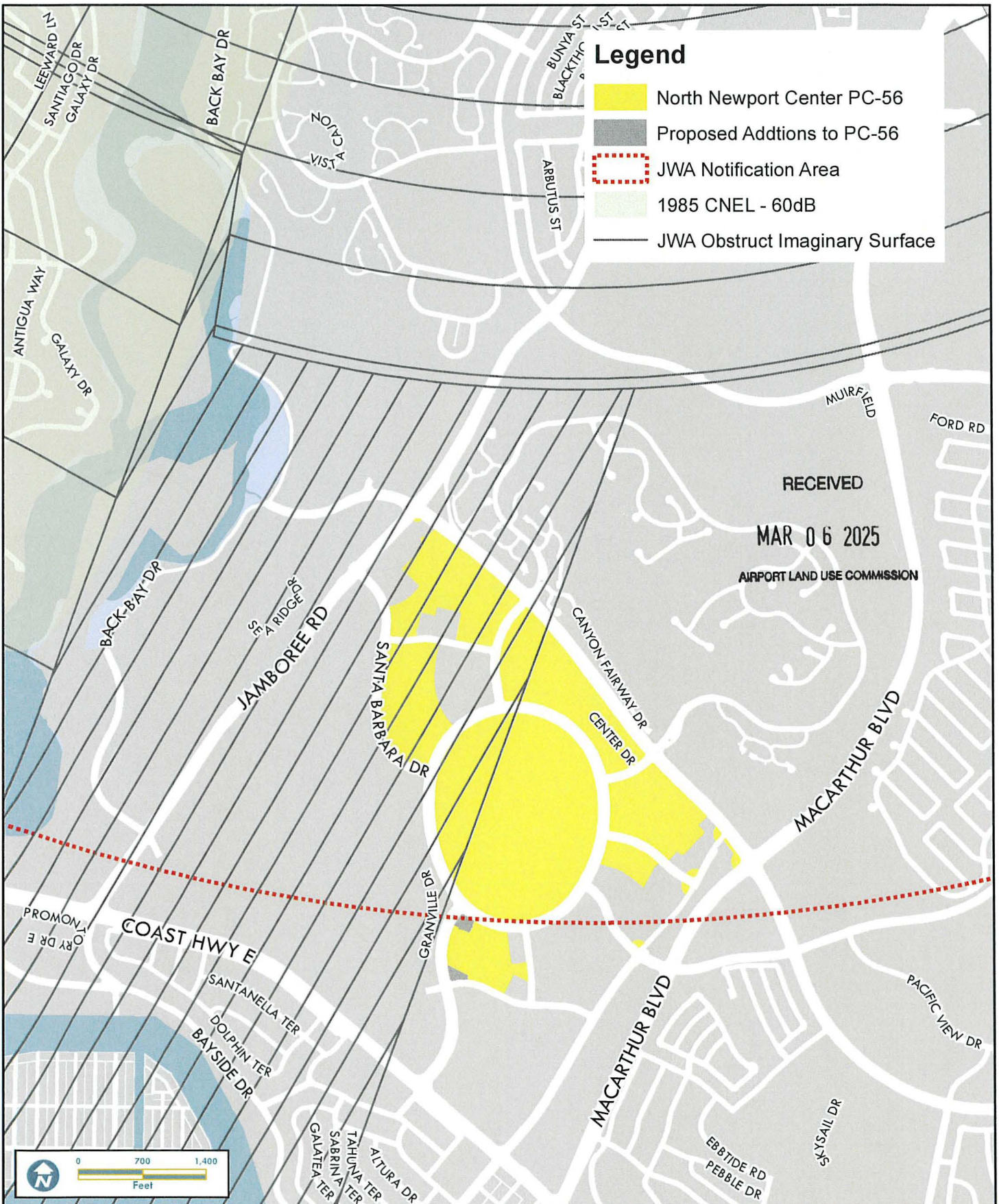
Legend

- North Newport Center PC-56
- Proposed Additions to PC-56
- JWA Notification Area
- 1985 CNEL - 60dB
- JWA Obstruct Imaginary Surface

RECEIVED

MAR 06 2025

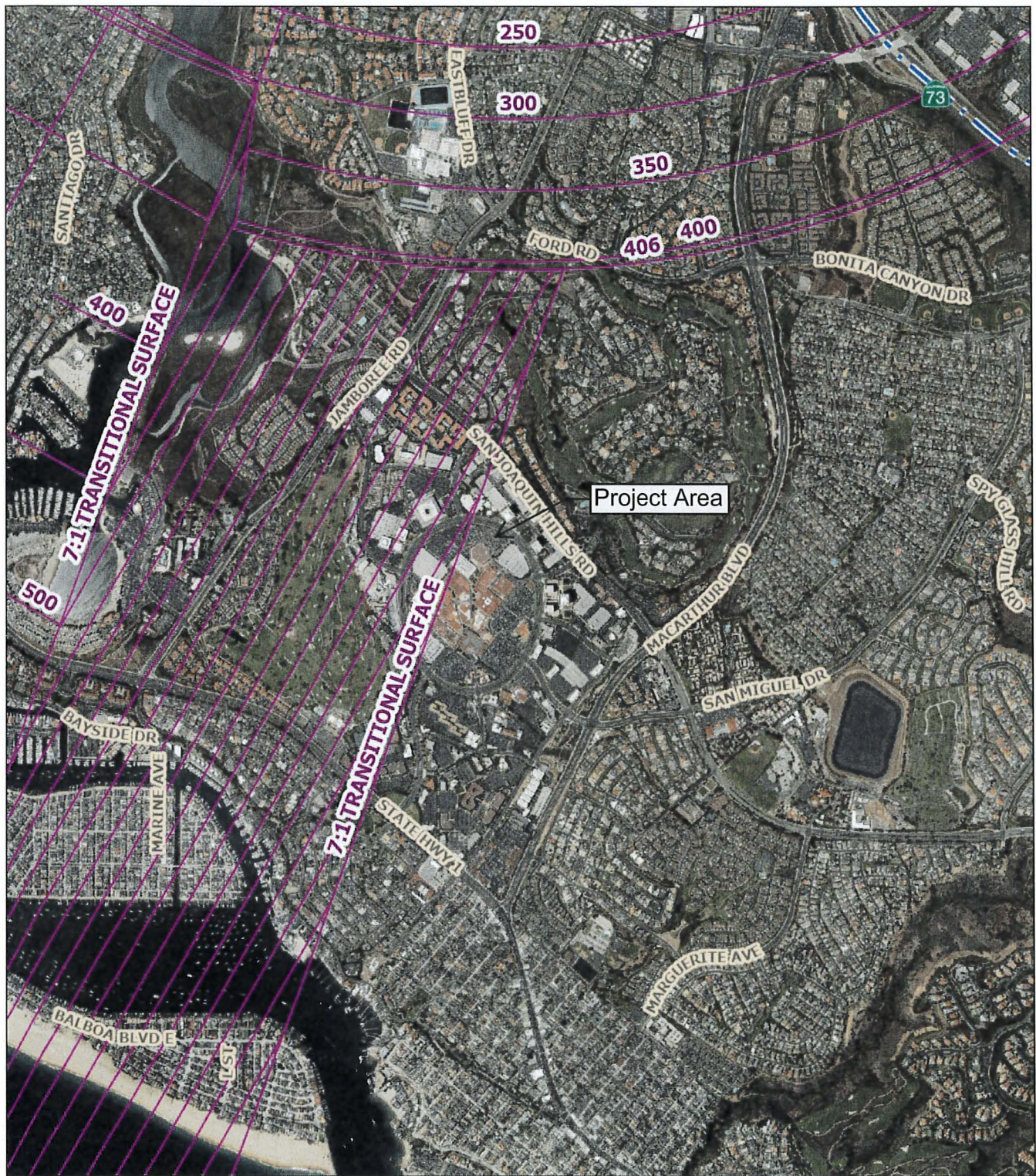
AIRPORT LAND USE COMMISSION



North Newport Center Planned Community (NNCPC) ALUC Submittal



City of Newport Beach
GIS Division
March 06, 2025



NBGiS
NEWPORT BEACH



0 2,000 4,000
Feet

Disclaimer:

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

2/25/2025

Background Discussion with CEQA, Noise, Safety, and Height Analysis

General Background

The City of Newport Beach (City) is requesting the Airport Land Use Commission's (ALUC) review of the above-referenced project consistent with the Airport Environs Land Use Plan for John Wayne Airport (AELUP). The ALUC determined that the City's 2021-2029 Housing Element was inconsistent with the AELUP due to noise, safety and land-use incompatibility issues mainly for new units in the Airport Area. The City Council voted to override the ALUC determination on February 8, 2022.

On August 17, 2023, ALUC determined that the Housing Element Implementation/Noise Related Amendments were inconsistent with the AELUP, and on May 16, 2024, ALUC determined that the Housing Element Implementation Program General Plan Land Use Element and Title 20 Amendments were inconsistent with the AELUP. The City Council voted to override the ALUC determination on May 28, 2024.

Recently, on February 20, 2025, ALUC continued the item for the Housing Opportunity Overlay (HO) Zoning/Coastal Zoning Amendments, including an increase in height limits within the Newport Center Area (HO-4 Subarea). The following information is provided in accordance with Section 4.7 of the AELUP.

Background on PC-56

In November of 2007, ALUC considered the City's request and found the North Newport Center Planned Community (NNCPC) consistent with the AELUP. Subsequently, in 2009, the NNCPC was amended by Ordinance No. 2009-28 (PA2009-111) to include Irvine Company ownership of portions of Block 100, Block 400 and the residential portion of Block 800. On October 15, 2009, ALUC found these additions to the NNCPC consistent with the AELUP. On May 10, 2011, the City of Newport Beach approved an Amendment to the NNCPC (Ordinance No. 2011-16) to include Block 800 (commercial office). The ALUC found the PC consistent with the AELUP on April 21, 2011.

On July 5, 2012, the City of Newport Beach approved an Amendment to the NNCPC (Ordinance No 2012-19) increasing the residential development allocation from 430 units to 524 units and allocating the units to the San Joaquin Plaza sub-area of NCCPC. On July 19, 2012, the ALUC found the increase in residential development allocation consistent with the AELUP.

On November 10, 2015, the City of Newport Beach approved an Amendment to the NNCPC (Ordinance No 2015-32) to allow the transfer unused development intensity from Corporate Plaza and Corporate Plaza West into the NNCPC Block 100. On October 15, 2015, the ALUC found the transfer of unbuilt intensity consistent with the AELUP.

The existing NNCPC includes Fashion Island (125' height maximum), Blocks 500 and 600 (295' height maximum), Block 800 (200' height maximum/residential portion-125' height maximum/office portion) and San Joaquin Plaza (65' height maximum) and Irvine Company portions of Block 100 (50' height maximum), and Block 400 (295' height maximum).

In accordance with the City of Newport Beach General Plan Land Use Policy 3.8 the proposed project is submitted to the ALUC for review. Policy 3.8 states:

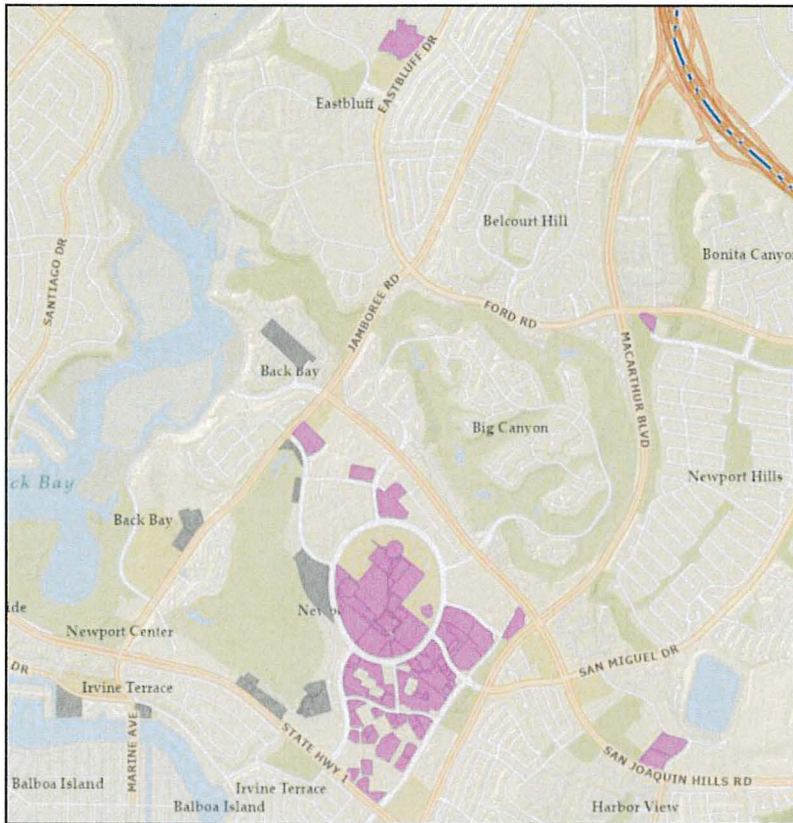
Refer the adoption or amendment of the General Plan, Zoning Code, specific plans and Planned Community Development Plans for land within the John Wayne Airport planning area, as established in the JWA Airport Environs Land Use Plan (AELUP), to the Airport Land Use Commission (ALUC) for Orange County for review, as required by Section 21676 of the California Public Utilities Code.

Description of Project

On July 23, 2024 the City of Newport Beach adopted Resolution No. 2024-50 certifying PEIR No. 2023060699, Resolution No. 2024-51 amending the General Plan Land Use Element, and Ordinance No. 2024-16 amending Title 20 (Planning and Zoning). The actions taken by the City were for the purpose of implementing the City's certified Housing Element including planning for 4,845 Regional Housing Needs Assessment (RHNA) units in Newport Beach, with an allocation of 2,439 units in the Newport Center area (HO-4 Subarea).

The amendment to the NNCPC is requested to ensure that housing opportunities for 1,500 dwelling units are created in the NNCPC area consistent with the certified Housing Element and adopted Land Use Element. Changes to the NNCPC include allowing for residential use in Blocks 100 and 400, and Fashion Island, an increase in the maximum allowable height of residential buildings in certain blocks within NNCPC, an update to the residential parking and open space requirements, sign standard changes, and minor text changes for the purpose of clarifying purpose or intent.

Amendments to the PC-56 Development Plan are requested to allocate 1,500 dwelling units from the development limit identified in the HO-4 (Newport Center) Subarea of the Housing Opportunity (HO) Overlay Zoning Districts pursuant to Newport Beach Municipal Code (NBMC) Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts). As stated in the proposed PC-56 Development Plan, all new dwelling units would be located on sites identified as Housing Opportunities pursuant to Section 20.80.025 (Housing Opportunity Overlay Zoning Districts Maps) of the Newport Beach Municipal code. See exhibit below showing locations of Housing Opportunity sites in the project area and vicinity:



Other amendments include increasing building height limits for Block 100, Fashion Island, and a portion of San Joaquin Plaza, modifying open space requirements, incorporating additional objective design standards, modifying parking standards for residential, updating sign standards, and other minor text changes. Lastly, the amendments include changing the zoning of 100 and 190 Newport Center Drive from OR (Office-Regional) to PC-56. No construction is proposed at this time.

Essentially, the proposed amendment is intended to make minor updates to NNCPC, include two new parcels in the NNCPC, increase height limits for certain blocks to accommodate residential use, and allocate 1,500 units from the Housing Overlay (HO-4 Subarea) specifically into the PC for future construction by the property owner. No additional residential development potential is being created as part of the amendment, as the development potential was already established when the General Plan and Zoning Code were updated to implement the City's 6th Cycle Housing Element.

Location of Project

The Project is located in the City of Newport Beach, within the City's Newport Center Statistical Area (Statistical Area L1). This area is commonly known as Newport Center/Fashion Island, which is a mixed use district that includes major retail, professional office, entertainment,

recreation, and residential uses in a master-planned development. The Newport Center Statistical Area generally consists of Fashion Island (located in the central portion of Statistical Area L1), Newport Center (located northerly, southerly, and easterly of Fashion Island), the Newport Beach Country Club and Golf Course (located westerly of Fashion Island), and two existing single-family neighborhoods (located westerly and southwesterly of the golf course).

Existing and Proposed General Plan/Zoning Designations

Newport Center is a regional center comprised of major retail, professional office, entertainment, recreation and residential development. The General Plan designation for Fashion Island is Regional Commercial (CR). Block 100, Block 400 and a portion of Block 800 are designated Commercial Office (CO). Block 500, Block 600 and San Joaquin Plaza are designated Mixed Use (MU-H3). 100 and 190 Newport Center Drive are designated Regional Commercial Office (CO-R). The Zoning Code designation for the entire site is Planned Community 56 (PC 56) with the exception of 100 and 190 Newport Center Drive, which are currently zoned OR (Office Regional). 100 and 190 Newport Center Drive are included within this PC Amendment to change their zoning to PC-56. See proposed PC-56 maps in Attachment 3 to this submittal.

All of the properties that are impacted by this amendment are located within the City's Housing Overlay, which allows the construction of housing regardless of the underlying General Plan and Zoning Code Designations. Therefore, no General Plan Amendment is necessary to facilitate the proposed changes. There are additional very minor changes to the Planned Community text that would impact additional properties that are not located in the Housing Overlay (i.e. sign standards), however, no height changes or land use changes are proposed to properties not located in the Housing Overlay.

Existing and Proposed Uses on the Site and Adjacent Properties

The existing NNCPC land uses generally consist of regional commercial, office/commercial, entertainment and residential. Newport Center is made up of the following sub-areas and land uses including allocating units from the Housing Opportunity (HO) Overlay Zoning District pursuant to Newport Beach Municipal Code (NBMC) Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts):

Block	Existing Land Uses
Fashion Island	retail, dining, commercial, entertainment
100	administrative and professional offices
200	administrative and professional offices, limited accessory retail, financial, service, and entertainment uses
300	administrative and professional offices, limited accessory retail, financial, service, and entertainment uses

400	commercial/office, medical related offices, retail
500	mixed use administrative, professional and financial office
600	hotel and related ancillary uses
700	regional commercial office and multi-family residential
800	commercial/office, dining, residential
900	multi-family housing, hotel, visitor serving land uses
San Joaquin Plaza	residential, commercial/office

In addition, Corporate Plaza, Corporate Plaza West and Newport Village are designated for commercial, professional and business office uses. A golf course and tennis club facilities are located to the west between Fashion Island and Jamboree Road. With respect to land uses outside of Newport Center, single-family and multi-family residential housing and a golf course are located across San Joaquin Hills Road in Big Canyon. Single-family housing, multi-family residential and general commercial land uses are located east of Newport Center across MacArthur Boulevard. Parks/recreational land uses and single-family housing are located south of Newport Center, across Pacific Coast Highway. Open space, single-family housing, visitor serving commercial and parks/recreational land uses are located west of Newport Center, across Jamboree Road.

Approval Process/Schedule

Section IV. of the PC identifies the process required by the City which provides for review of development proposals within the PC. No specific development is proposed at this time. The proposed Amendment would allocate 1,500 dwelling units to the NNCPC from the development limit identified in the HO-4 (Newport Center) Subarea of the Housing Opportunity (HO) Overlay Zoning Districts pursuant to Newport Beach Municipal Code (NBMC) Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts). Other amendments include increasing building height limits for residential development in Fashion Island, Block 100, and San Joaquin Plaza, modifying open space requirements, incorporating additional objective design standards, modifying parking standards for residential, updating sign standards, changing the zoning of 100 and 190 Newport Center Drive from OR (Office-Regional) to PC-56 (NNCPC), and other minor text changes. The above actions do not, however, increase the overall intensity currently allowed by the General Plan. A General Plan Amendment is not required to allocate dwelling units.

A public hearing before the City of Newport Beach Planning Commission is scheduled on March 6, 2025. The Planning Commission will make a recommendation to the City Council on the proposed Amendment. A public hearing is anticipated to be held before the City Council to consider the proposed Amendment on April 15, 2025. Public comments will be heard at the hearing(s). At the conclusion of the public hearing process, the City Council will take action to approve, conditionally approve, or deny approval of the proposed NNCPC Amendment. If

approved, the City Council also will adopt findings relative to the Project's environmental effects.

Noise Analysis

The project is not within the 60 or 65 CNEL Contours for John Wayne Airport. Refer to Attachment 5 for maps. Therefore, the standards of Newport Beach Municipal Code Section 20.30.080 (F) (Residential Use Proximate to John Wayne Airport) do not apply. Nonetheless, future development will be required to comply with the interior and exterior noise standards identified in Chapter 10.26 (Community Noise Control) of the Newport Beach Municipal Code for residential uses. Additionally, pursuant to Section 20.28.080 (Noise) of the Newport Beach Municipal Code, the Director of Community Development has the authority to request an Acoustical Study if the project may expose proposed noise-sensitive uses to noise levels exceeding the aforementioned standards.

Runway Protection and Safety Zones Analysis

The project is not located within the Runway Protection Zone or Safety Zones. Further, there are no Accident Potential Zones (APZ I or II) for John Wayne Airport. Refer to Attachment 6 of this submittal for maps.

Height Analysis

No specific development is included in the proposed Amendment. The proposed Amendment will allow for an increase in residential building height within the housing overlay areas located in Block 100, Fashion Island, and a portion of San Joaquin Plaza (800 San Clemente Dr.). The building heights for residential development are proposed to be increased as follows:

Block	Existing	Proposed
Block 100	50'	125'
Fashion Island	125'	225'
Portion of San Joaquin Plaza	65'	85'

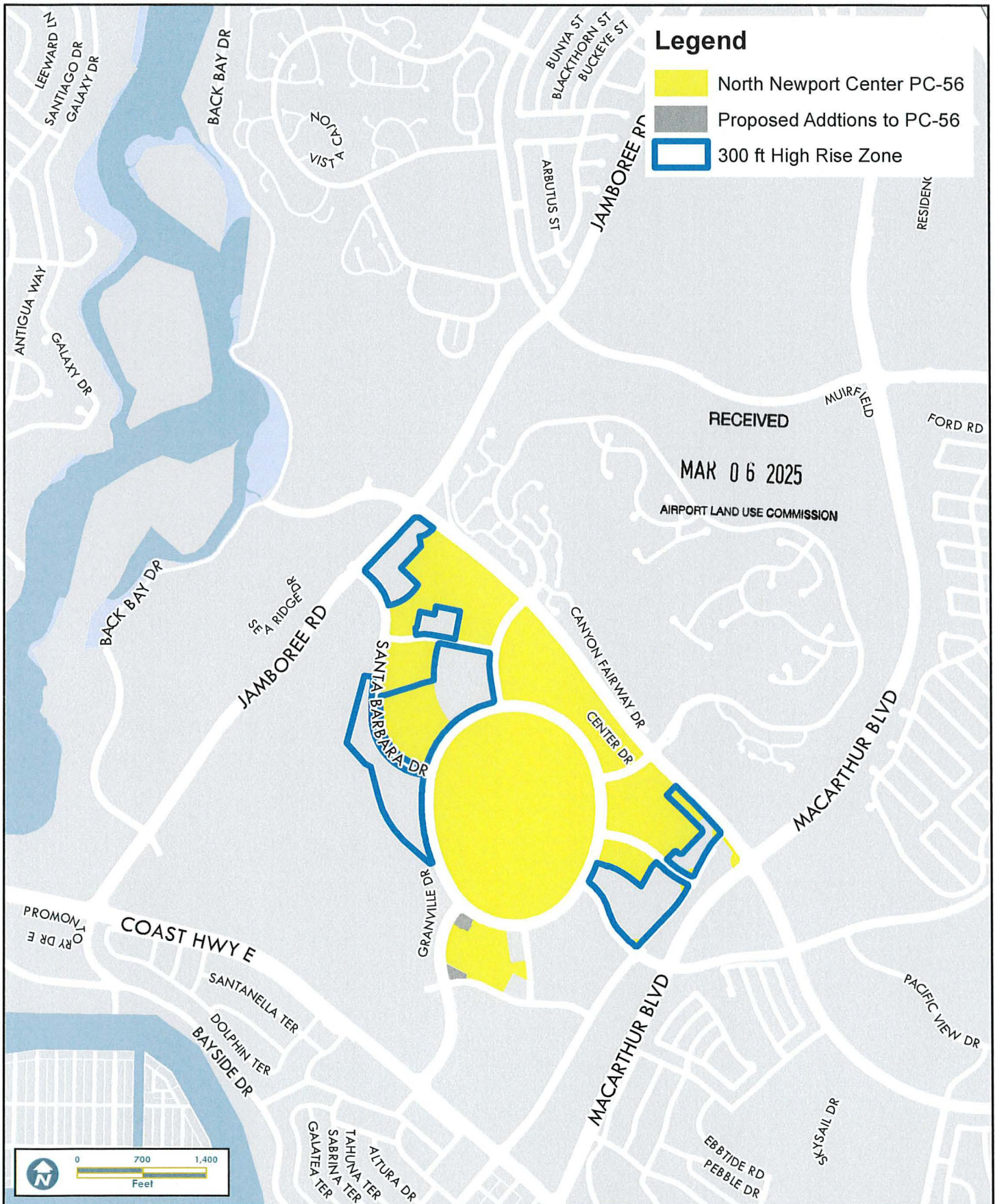
However, as indicated above, the proposed amendment will not result in an increase in the maximum allowable building heights in the larger PC area, which is 295 feet, plus 20 feet for appurtenances and architectural features. The proposed amendments would allow residential buildings that are still 70-210 feet lower than the maximum height of other buildings in the PC (i.e. 295'). There are no proposed changes to building heights for non-residential buildings. No changes are proposed to Section III.A.2., Standards for Buildings Over 200 Feet in Height. Refer to Attachment 11 for a link to existing Planned Community language regarding buildings over 200 feet in height and Attachment 12 for height exhibit.

CEQA Analysis

The proposed PC Amendment with CEQA Guidelines section 15183, which provides an exemption for projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified. The City's Housing Implementation Program Final Program EIR (State Clearinghouse SCH Number 2023060699) was certified by the City Council on July 23, 2024. A detailed CEQA analysis can be found in the staff report for Planning Commission March 6, 2025 linked as Attachment 10 to this submittal.

Conclusion

Per Section 21676(b) of the Public Utilities Code, the City requests that the Airport Land Use Commission place this item on the March 20, 2025 meeting agenda for formal review and a consistency determination. Please let me know if any additional information is required to be placed on an upcoming agenda. Thank you in advance for your assistance in this matter.



North Newport Center Planned Community (NNCPC) High Rise Height Limit



City of Newport Beach
GIS Division
March 06, 2025

RESOLUTION NO. PC2025-006

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, RECOMMENDING CITY COUNCIL ADOPTION OF A PLANNED COMMUNITY DEVELOPMENT PLAN AMENDMENT, DEVELOPMENT AGREEMENT AMENDMENT, AFFORDABLE HOUSING IMPLEMENTATION PLAN, AND WATER SUPPLY ASSESSMENT TO ALLOCATE 1,500 BASE DWELLING UNITS FROM THE HO-4 (NEWPORT CENTER) SUBAREA DEVELOPMENT LIMITS SET FORTH IN SECTION 20.28.050 (HOUSING OPPORTUNITY (HO) OVERLAY ZONING DISTRICTS) OF THE NEWPORT BEACH MUNICIPAL CODE TO THE NORTH NEWPORT CENTER PLANNED COMMUNITY (PC-56) DEVELOPMENT PLAN FOR 100 AND 190 NEWPORT CENTER DRIVE ALONG WITH VARIOUS ADDRESSES WITHIN THE NORTH NEWPORT CENTER PLANNED COMMUNITY (PA2024-0173)

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 of Newport Beach ("City") 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) ("Housing Overlay") 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 6th Cycle Housing Element ("Housing Element") of the General Plan.
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. Each of the five subareas is also subject to a base density development limit. For the HO-4 Subarea, the development limit is 2,439 units.
3. An application was filed by The Irvine Company ("Applicant") concerning properties located at 100 and 190 Newport Center Drive and within the North Newport Center Planned Community (PC-56) Zoning District ("PC-56 Development Plan"), as described in Exhibit

“A” (“Properties”), which is attached hereto and incorporated herein by reference, requesting approval of amendments to the PC-56 Development Plan.

4. The Applicant maintains ownership interest and control over several properties within the HO-4 Subarea and requests the following approvals (collectively, the “Project”):
 - **Amendments to the PC-56 Development Plan (“PC-56 Amendment”)** to allocate 1,500 of the 2,439 dwelling units from the development limit identified in Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) of the NBMC for the HO-4 Subarea to the Properties within the PC-56 Development Plan. Other amendments include increasing building height limits for Fashion Island, Block 100, and San Joaquin Plaza, modifying open space requirements, incorporating additional objective design standards, modifying parking standards for residential, updating sign standards, and other minor text changes. Lastly, the amendments change the zoning of 100 and 190 Newport Center Drive from OR (Office-Regional) to PC-56 Development Plan. No construction is proposed at this time;
 - **Development Agreement (“DA”) Amendment (“Third Amendment to DA”)** between the City and the Applicant to vest development rights for 1,500 dwelling units created by the HO-4 Subarea in exchange for to-be-determined public benefits. The existing DA includes an Affordable Housing Implementation Plan, which will be supplemented as part of the project to help ensure there is a commitment to furthering affordable housing production;
 - **Affordable Housing Implementation Plan (“AHIP”)** that specifies how the Applicant will assist the City in furthering the production of affordable housing; and
 - **Water Supply Assessment (“WSA”)** to evaluate the water supply availability for a project including more than 500 dwelling units pursuant to Section 21151.9 of the Public Resources Code (“PRC”) and Section 10910 *et seq.* of the Water Code and as contemplated in the City’s Housing Implementation Program Final Program Environmental Impact Report (“EIR”).
5. The Properties are categorized as MU-H3 (Mixed Use Horizontal), CO-R (Commercial Regional Office), CR (Regional Commercial), RM (Multiple Residential), OS (Open Space), CO-M (Medical Commercial Office) by the General Plan Land Use Element and are either located within the PC-56 Zoning District with the properties at 100 and 190 Newport Center Drive categorized as the OR (Office-Regional) Zoning District.
6. The Properties are not located within the coastal zone.
7. A public hearing was held on March 6, 2025, in the Council Chambers at 100 Civic Center Drive, Newport Beach. A notice of the time, place, and purpose of the hearing was given in accordance with Government Code Section 54950 *et seq.* (“Ralph M. Brown Act”) and Chapter 20.62 (Public Hearings), and Section 15.45.050 (Public Hearing-Notice) of the

NBMC. Evidence, both written and oral, was presented to and considered by, the Planning Commission at this 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. The Project is not subject to further environmental review pursuant to Section 21083.3 of the PRC and Section 15183 of the CEQA Guidelines because, inasmuch as the Properties involved are all within the HO-4 Subarea, the Project does not change the underlying land use or zoning designations; and would not result in new significant impacts or a substantial more adverse impact than addressed in the PEIR.
3. Section 15183 of the CEQA Guidelines provides, in relevant part:
 - a. Projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.
 - b. In approving a project meeting the requirements of this section, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:
 - i. Are peculiar to the project or the parcel on which the project would be located;
 - ii. Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent;
 - iii. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action; or
 - iv. Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are

determined to have a more severe adverse impact than discussed in the prior EIR.

- c. If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, as contemplated by subdivision (e) below, then an additional EIR need not be prepared for the project solely on the basis of that impact.
- d. This section shall apply only to projects which meet the following conditions:
 - i. The project is consistent with:
 - A. A community plan adopted as part of a general plan;
 - B. A zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development; or
 - C. A general plan of a local agency; and
 - ii. An EIR was certified by the lead agency for the zoning action, the community plan, or the general plan.
- 4. As part of its decision-making process, the City is required to review and consider whether the Project would create new significant impacts or significant impacts that would be substantially more severe than those disclosed in the PEIR. Additional CEQA review is only triggered if the Project's new significant impacts or impacts that are more severe than those disclosed in PEIR such that major revisions to the PEIR would be required. A detailed consistency analysis has been prepared by T & B Planning Inc., dated February, 2025, and peer reviewed by Kimley-Horn & Associates, Inc., is attached hereto as Exhibit "B," and incorporated herein by reference.
- 5. The PEIR contemplated those future projects meeting the thresholds of Senate Bill No. 610 ("SB 610") would require the preparation of a WSA. As evidence of the Project's compliance with the PEIR and Section 15183 of the CEQA Guidelines, a WSA has been prepared for the Project. Although the PEIR concluded that there would be a potentially significant and unavoidable impact related to water supply for which the City adopted a Statement of Overriding Considerations, the Project specific WSA concluded that adequate and reliable water supplies are and will be available to serve units that are developed through this Project for at least the next 20 years.
- 6. Although the Project includes a zoning amendment to change the designation of 100 and 190 Newport Center Drive from the OR Zoning District to the PC-56 Zoning District, these properties were already identified in the HO-4 Subarea of the Housing Overlay, which would not change as part of the Project. Therefore, the analysis contained in the PEIR would remain applicable to those two sites and the Project would be consistent

with the existing zoning that allows 20 to 50 dwelling units per acre of residential development.

7. The Project is consistent with the development density and use characteristics established by the City's General Plan Housing Implementation Program as analyzed by the PEIR, and the required determinations can be made, as detailed in Exhibit "B." Therefore, in accordance with Section 21083.3 of the PRC and Section 15183 of the CEQA Guidelines, no additional environmental review is required to approve the Project. The Planning Commission determines:
 - a. The Project is consistent with the development density of 20 to 50 dwelling units per acre established by existing zoning and general plan policies for which the PEIR was certified;
 - b. There are no significant environmental effects that are peculiar to the Project or the parcels on which the Project would be located;
 - c. There are no significant environmental effects of the Project that were not analyzed as significant effects in the PEIR;
 - d. There are no potentially significant off-site impacts or cumulative impacts which were not discussed in the PEIR; and
 - e. There are no previously identified significant effects which, as a result of substantial new information which was not known at the time the PEIR was certified, are determined to have a more severe adverse impact than discussed in the prior PEIR.
8. The Planning Commission finds that judicial challenges to the City's CEQA determinations and approvals of land use projects are costly and time consuming. In addition, project opponents often seek an award of attorneys' fees in such challenges. As project applicants are the primary beneficiaries of such approvals, it is appropriate that such applicants should bear the expense of defending against any such judicial challenge, and bear the responsibility for any costs, attorneys' fees, and damages which may be awarded to a successful challenger.

SECTION 3. REQUIRED FINDINGS.

Planned Community Development Plan Amendment

An amendment to the North Newport Center Planned Community (PC-56) Development Plan is a zoning amendment and legislative act. Neither Chapters 20.56 (Planned Community District Procedures) and 20.66 (Amendments) of the NBMC, the North Newport Center Planned Community (PC-56) Development Plan, nor California Government Code Section 65000 *et seq.*, set forth any required findings for approval of such amendments. However, the PC-56 Amendment complies with the aforementioned based on the following findings:

Findings and Facts in Support of Finding:

1. The Properties are in Newport Center, which includes a mixture of entertainment, major retail, recreation, professional offices, and residential development. The Project's proposal to allocate dwelling units to sites already within the HO-4 (Newport Center) Subarea of the Housing Overlay would not disrupt the existing uses within the PC-56 Development Plan. Instead, it would serve to add to the diversity of uses helping to activate an urban core in Newport Center while assisting the City in larger scale community planning and the provision of additional housing opportunities. Newport Center is an established, urban area of the city with significant amenities and services that can support the development of additional residential uses.
2. Although properties identified as Housing Overlay sites in Section 20.80.020 (Housing Opportunity Overlay Zoning District Maps) of the NBMC are subject to the standards set forth therein, the PC-56 Amendment to incorporate the dwelling units into the PC-56 Development Plan would require its future residential development be subject to its development standards, not the development standards set forth in Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts). As such, future residential projects would be subject to the appropriate site and project specific setbacks, parking, and height limits for this urban location. Incorporation of these dwelling units into the existing PC-56 Development Plan allows for planning on a larger scale that will account for context and ensure the units are cohesively incorporated into a larger plan for the HO-4 Subarea. Proposed text revisions to the PC-56 Development Plan are set forth in Exhibit "C," which is attached hereto and incorporated herein by reference.
3. Similarly, projects located within the Housing Overlay are subject to Section 20.48.185 (Multi-Unit Objective Design Standards) of the NBMC, which are intended provide for quality design of multi-unit residential and mixed-use development that build on context, contribute to the public realm and provide high quality and resilient buildings and public spaces. These standards apply to both market rate and affordable multi-unit development consisting of at least 20 dwelling units per acre. The existing PC-56 Development Plan includes design standards to ensure high quality design; however, additional objective design standards have been incorporated that are commensurate with the standards identified in the NBMC. For example, the PC-56 Amendment includes standards for general design, parking lots and structures, landscaping, common open space, recreation amenities, and private streets. These design standards would apply to both market rate and affordable multi-unit developments. The existing PC-56 Development Plan encompasses approximately 170 acres of land, which allows for larger scale planning efforts that are sensitive to context and provide for a robust, aesthetically pleasing, and functional public realm.
4. The PC-56 Amendment also includes changes to the existing private open space requirements for residential. The existing PC-56 Development Plan requires at least 50% of all dwelling units to provide private open space in the form of a patio, balcony, or similar feature, where the proposed PC would require at least 25% of dwelling units to provide private open space. No changes are proposed to the existing common open space requirements; however, the PC-56 Amendment includes a new requirement for "Recreation Amenities" to serve future residential projects. The new recreation

amenities could include a clubhouse or lounge, a swimming pool, sport courts, or other similar amenities. Reducing the private open space that is required on a per unit basis would allow for larger, more functional communal and recreational outdoor spaces that will serve the future residents and encourage community activity.

5. The PC-56 Amendment would provide for a streamlined review of future residential development projects by the Community Development Director pursuant to Section IV - Planned Community Development Plan Administration of the existing PC-56 Development Plan. Compliance with both the PC-56 Development Plan and amended DA would ensure that the appropriate technical studies and other supporting documents are completed.
6. The PC-56 Amendment would modify existing standards for properties in Blocks that are fully developed and do not support any natural resources. No changes are proposed to properties that are designated for open space by the General Plan. All potential environmental impacts associated with the Project are appropriately addressed through compliance with standard building permit procedures, conditions of approval, and the PEIR, as discussed in Exhibit "B."
7. The proposed changes to height for Fashion Island, Block 100, and San Joaquin Plaza in the PC-56 Development Plan would be consistent with the continued trend of urbanization in Newport Center that has occurred over the last several decades. The revised building heights would allow for future residential projects to meet the minimum density of 20 dwelling units that is required, while retaining open areas to increase walkability and activate the urban core of Newport Center. The proposed height increases are consistent with the original vision of Newport Center to allow taller buildings around the top (northeast) and center of Newport Center, with lower buildings following the topography and stepping down towards East Coast Highway. The proposed changes to height of buildings in the PC-56 Development Plan would be subject to review by the Airport Land Use Commission to ensure the changes are consistent with the County of Orange Airport Environs Land Use Plan for John Wayne Airport. Additionally, the proposed amendments would not impact the existing Newport Center Sight Plane, as established By Ordinance Nos. 1371, 1596, and 83-27, which maintain residential views across the southeastern portion of Newport Center.
8. The PC-56 Amendment includes changes to signs to allow larger signs that are generally consistent with approved sign programs in Newport Center. The proposed sign standards are appropriate for the future development of housing and for the scale of Newport Center and its wide streets. Changes are also proposed to remove theater signs as a specific sign type, and the incorporation of a new digital sign type. Although the new sign type would include a digital display, the existing PC-56 Development Plan prohibits the establishment of any signs that are visible from the public right of way and include flashing, animation, blinking, strobing, or other effects that could impact safety for motorists and cyclists.
9. The PC-56 Amendment changes residential parking to 1.1 parking spaces per bedroom, inclusive of guest parking, including one covered space per unit with studio units

counting as one bedroom. This is compared to the current parking requirement in the PC-56 Development Plan of two spaces per unit including one covered; plus 0.5 spaces per unit up to 50 units, then 0.25 spaces per unit thereafter for guest parking. As a comparison, the NBMC requires parking for residential (rental) units based on the number of bedrooms, ranging from 1.1 parking spaces per dwelling unit for studios up to two parking spaces for three-bedroom apartments. Visitor (guest) parking is required at a rate of 0.3 parking spaces per dwelling unit. In the NBMC, parking requirements for residential (ownership) units are similar to the rental rate, but slightly higher. Therefore, the proposed PC-56 Development Plan is generally consistent with the City's standards for parking.

10. The Project is consistent with the City's General Plan including the following General Plan policies:

a. Land Use Element Policy 2.2 – Sustainable and Complete Community- *Emphasize and support the development of uses that enable Newport Beach to be a complete community that maintains the ability to provide locally accessible opportunities for retail, goods and services, and employment.*

The proposed allocation of 1,500 dwelling units to Housing Overlay sites within the PC-56 Development Plan would contribute to the sustainability of the City by providing housing opportunities near retail, goods and services, and employment within Newport Center. The PC-56 Development Plan includes appropriate standards for all land uses, to support a cohesive and complete community with all of the necessary amenities.

b. Land Use Element Policy 3.3. – Opportunities for Change – Support opportunities for new development and improved physical environments for residents, businesses and visitors in the following districts and corridors, as specified in Policies 6.3.1 and 6.22.7:

Fashion Island/Newport Center: support balanced expansion and enhancement of retail uses, hotel rooms, and offices, and development of residential in proximity to jobs and services.

The proposed allocation of 1,500 dwelling units from Subarea 4 of the Housing Overlay to the PC-56 Development Plan would be consistent with this policy as it would provide additional residential opportunities in proximity to existing jobs and services.

c. Housing Element Policy Action 1C– Newport Center- *The City will establish a housing opportunity overlay, or similar rezoning strategy, in the Newport Center area for 163 acres of land to provide for the accommodation of at least 2,439 housing units in the Very Low, Low, Moderate and Above Moderate-income categories. A Map and Table Summary of these sites are provided in Appendix B of this Housing Element. The overlay, or similar rezone strategy, will allow development of a variety*

of residential product types at a permitted average density of 50 dwelling units per acre.

The proposed allocation of 1,500 dwelling units to Housing Overlay sites within the PC-56 Development Plan would be consistent with this policy, as it would provide zoning in Newport Center to provide for the accommodation of up to 1,500 dwelling units at an average density of 20 to 50 dwelling units per acre. Although the 1,500 dwelling units would likely be market rate units, the Project includes an amendment to the DA and preliminary AHIP to ensure the Applicant provides affordable housing.

- d. Housing Element Policy Action 3A – Objective Design Standards - State Housing law includes various exemptions for projects with an affordable housing component, which limits the City's ability to apply discretionary design review requirements to certain residential projects. State Housing law specifies having objective design standards available to apply to housing projects where the City's discretion over design review is otherwise preempted per State law. The City of Newport Beach will review existing entitlement processes for housing development and will eliminate discretionary review for all housing development proposals that include a minimum affordable housing component. The City will also review the appropriateness of its current development standards to ensure that it reasonably accommodates the type and density of housing it is intended to support. The City will also amend existing development standards to replace or remove all subjective standards for projects with a minimum affordable housing component with objective standards that do not impede the type and density of housing it is intended to allow.**

The City has implemented this policy through the establishment of Multi-Unit Objective Design Standards for all multi-unit residential projects consisting of 20 or more dwelling units per acre. As previously discussed in Fact 3, Section 20.48.185 (Multi-Unit Objective Design Standards) of the NBMC, was implemented to provide for quality design of multi-unit residential and mixed-use development that build on context, contribute to the public realm and provide high quality and resilient buildings and public spaces. The PC-56 Amendment incorporates additional objective design standards for parking lots, landscaping, open space, and other features.

Additionally, the PC-56 Amendment adjusts the allowed height of structures in Block 100, Fashion Island, and San Joaquin Plaza. These changes will reduce potential impediments to the construction of housing at the specified densities of 20 to 50 dwelling units per acre.

- e. Land Use Element Policy 4.4 – Rezoning to Accommodate Housing Opportunities - Accommodate housing opportunities through the adoption of housing opportunity overlay zoning districts or other land use regulatory policy. The following areas are intended to be consistent with the Housing Element's focus areas. Properties within each overlay district should include, but are not limited to, sites identified in the Housing Element; however, not all sites must be included, and other sites or adjustments may be identified in the future through rezoning unless precluded by state law. The goal is to ensure an adequate number of sites Citywide**

to accommodate the City's overall allocation of the Regional Housing Needs Assessment:

Newport Center: the intent is to support a density between 20 and 50 dwelling units per gross acre to accommodate up to 2,439 total dwelling units within the area.

The Project is consistent with and wholly in furtherance of LU 4.4 since the PC-56 Amendment will provide a "land use regulatory policy" to implement the housing opportunities within the Newport Center Subarea 4. The PC-56 Amendment allocates 1,500 dwelling units from the General Plan and Housing Overlay to another regulatory policy or zoning document, the PC-56 Development Plan. Further, as proposed, all 1,500 dwelling units must be located on sites that are included in Housing Overlay, as identified in Section 20.80.025 (Housing Opportunity Overlay Zoning Districts Maps) (HO-4 Newport Center Area) of the NBMC. This allocation would not exceed the 2,439-dwelling-unit limit for the Newport Center (HO-4) Subarea, nor would it impact the dwelling units reserved for properties that are located within the Coastal Zone. Lastly, the PC-56 Development Plan includes language that would require a minimum average of 20 dwelling units per gross acre for future projects on an individual basis and a maximum average of 50 dwelling units per gross acre in aggregate throughout properties regulated by the PC-56 Development Plan. This would ensure that future development will comply with minimum and maximum densities required, while allowing for planning on a larger scale. Therefore, the Project is consistent with General Plan Policy LU 4.4 and the development limits of the General Plan.

f. Land Use Element Policy LU 4.5 - Residential Uses and Residential Densities

- Residential use of any property included within an established housing opportunity overlay zoning district is allowed regardless of and in addition to the underlying land use category or density limit established through Policy LU 4.1, Table LU 1 and Table LU 2, or any other conflict in the Land Use Element. A general plan amendment is not required to develop a residential use within an established housing opportunity zoning overlay district. The maximum density specified for the various overlay districts specified in Policy LU 4.4 is an average over the entire property or project site. For example, a portion of a development site may be developed at a higher density than specified by Policy 4.4 provided other portions of the site are developed at lower densities such that the average does not exceed the maximum. Density calculations and total units identified in LU 4.4 do not include units identified as pipeline units or units permitted pursuant to State density bonus law.

Although Policy LU 4.5 allows residential development on Housing Overlay sites regardless of the underlying zoning district or General Plan designation, the PC-56 Development Plan is being amended to specifically allow residential development within Fashion Island, Block 100, and Block 400 to provide consistency and allow future buildout pursuant to the PC-56 Development Plan, in-lieu of the standards identified in Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts).

g. Land Use Element Policy LU 4.6 Continuation of Existing Development - Residential opportunities are in addition to existing uses allowed by the General Plan. Properties within the established overlay zones are not required to be developed for mixed-use or residential. Existing uses may continue to operate provided they are legally established and consistent with policies and regulations related to legal nonconforming uses. The adoption of housing opportunity overlay districts shall not affect existing rights to use the property.

The PC-56 Amendment would allow for the existing underlying development rights to be maintained. In particular, the two office buildings that are currently within the OR (Office-Regional) Zoning District would be rezoned to PC-56 as part of the Project and included in Block 100 of the PC-56 Development Plan, which allows for the continuation of office uses. Further, the existing floor area of those two buildings would be captured within the PC-56 Development Plan to ensure the existing buildings remain conforming.

- h. Land Use Element Policy LU 6.14.4 - Development Scale.*** The Project reinforces 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.

The PC-56 Amendment to increase the height limits for Fashion Island (Major buildings and Periphery buildings), Block 100, and San Joaquin Plaza would be consistent with this policy, as the greatest building mass and height would remain concentrated to the northeasterly section of Newport Center. For Fashion Island, the modified heights would remain lower than the existing height limits for buildings in Blocks 400, 500, and 600 of the PC-56 Development Plan. For Block 100 and San Joaquin Plaza, the increased height limit of 85 feet would be consistent with other recently approved residential projects in the city. As previously stated in Fact 7, the benefits of increasing heights include accommodating density on smaller sites and/or fewer sites, increasing walkability for residents, activating the urban core of Newport Center to create a true mixed-use community, and decreasing development footprints to provide increased open space and views through developments. The proposed amendments would not impact the existing Newport Center Sight Plane, as established By Ordinance Nos. 1371, 1596, and 83-27, which maintain residential views across the southeastern portion of Newport Center.

Development Agreement (Zoning Implementation and Public Benefit Agreement)

The Project satisfies the requirements of Chapter 15.45 (Development Agreements) of the NBMC and California Government Code Section 65864 as follows:

Findings and Facts in Support of Finding:

1. The DA between the City and Applicant for this area is also referred to as the Zoning Implementation and Public Benefit Agreement. The existing agreement was approved in 2007, amended in 2012, and amended and restated in 2013. The DA provides development rights in exchange for significant public benefits over a term of 20 years. The Third Amendment to the DA is requested between the City and Applicant to vest the increased residential density of 1,500 dwelling units in exchange for certain public benefits. The Third Amendment to the DA is attached hereto as "Exhibit D," and incorporated herein by reference. The DA includes an AHIP, which will be supplemented as part of the Project to help ensure there is a commitment to furthering affordable housing production. An amendment is also necessary to incorporate two additional properties within Newport Center (100 and 190 Newport Center Drive) into the DA that were not previously included.
2. The Third Amendment to the DA includes all the mandatory elements, including terms and public benefits that are appropriate to support conveying the vested development rights consistent with the city's General Plan, NBMC, and Government Code Sections 65864 et. seq.

Affordable Housing Implementation Plan

Findings and Facts in Support of Finding:

1. The Applicant has committed to assisting the City in the provision of additional affordable housing opportunities. The location, type, affordability level, design, and other details will be determined in the future as part of a site-specific project review. The AHIP is attached as Exhibit "E" to this resolution.
2. The AHIP has been prepared consistent with the provisions of Section 20.52.015 (Affordable Housing Implementation Plan) of the NBMC.

Water Supply Assessment

A Water Supply Assessment (WSA) has been prepared by Fuscoe Engineering, Inc. dated January 14, 2025, for the project to evaluate the water supply availability pursuant to California SB 610 adopted in 2011, Section 21151.9 of the PRC, and Section 10910 et seq. of the Water Code and as contemplated in the City's Housing Implementation Program Final Program EIR. The WSA is attached hereto as Exhibit "F".

Findings and Facts in Support of Finding:

1. The WSA evaluates whether the total projected water supplies, determined to be available by the city or county for the project during normal, single dry, and multiple dry water years during a 20-year projection, will meet the projected water demand associated with the Project, in addition to existing and planned future uses, including agricultural and manufacturing uses

2. The WSA identifies all existing water supply entitlements, water rights, or water service contracts relevant to the water supply for the Project and describes the quantities of water received in prior years by the existing water supply entitlements, water rights, or water service contracts.
3. The Utilities Department has reviewed the WSA and found it to be acceptable. Based on the facts and analysis contained in the WSA, adequate and reliable water supplies are and will be available to serve the proposed project for the next 20 years.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. Assembly Bill No. 2904 ("AB 2904") and California Government Code Section 65854 state that an amendment to a zoning ordinance that affects the permitted uses of real property shall require notice at least 20 days prior to the public hearing with the Planning Commission. In accordance with said requirement, notice of this public hearing was given on February 8, 2025, at least 20 days prior to March 6, 2025.
2. In accordance with Section 21083.3 of the California Public Resources Code and Section 15183 of the CEQA Guidelines, the Project is consistent with the development density and use characteristics established by the City's General Plan Housing Implementation Program as analyzed by the PEIR, and the required determinations can be made, as detailed in Exhibit "B"; therefore, the Planning Commission finds that no additional environmental review is required to approve the Project.
3. The Planning Commission of the City of Newport Beach hereby recommends approval of the Project to the City Council, including: (1) the North Newport Center Planned Community (PC-56) Development Plan amendment, attached hereto as Exhibit "C"; (2) the Third Amendment to the DA in compliance with Chapter 15.45 (Development Agreements) of the NBMC and California Government Code Section 65864 attached hereto as Exhibit "D" ; (3) the Affordable Housing Implementation Plan attached hereto as Exhibit "E"; and (4) the Water Supply Assessment, attached hereto as Exhibit "F."

PASSED, APPROVED, AND ADOPTED THIS 6TH DAY OF MARCH, 2025.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
Mark Rosene, Chair

BY: _____
David Salene, Secretary

Attachments: Exhibit A – Description and Depiction of Properties
Exhibit B – Section 15183 Consistency Analysis prepared by T & B Planning, Inc. dated February, 2025.
Exhibit C – Amendment to the North Newport Center Planned Community (PC-56) Development Plan
Exhibit D – Draft Development Agreement (DA)
Exhibit E – Affordable Housing Implementation Plan (AHIP) prepared by CAA Planning Inc. dated February 26, 2025.
Exhibit F – Water Supply Assessment prepared by Fuscoe Engineering, Inc. dated January 14, 2025