



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

AGENDA ITEM 1

June 18, 2026

TO: Commissioners/Alternates

FROM: Julie Fitch, Executive Officer

SUBJECT: City of Newport Beach 1300 Dove Townhomes Project (PA2025-0170)

Background

In 2012, the City of Newport Beach amended the Newport Place Planned Community Development Plan (PC-11) to create a Residential Overlay (RO) for properties with a Mixed-Use Horizontal 2 (MU-H2) General Plan Land Use designation. The Residential Overlay allowed residential development on MU-H2 parcels at densities between 30 and 50 dwelling units per acre. ALUC found the 2012 PC-11 Amendment consistent with the *Airport Environs Land Use Plan for John Wayne Airport (AELUP for JWA)*.

In May 2024, the City submitted the Housing Element Implementation Program Amendments. These Amendments created the Housing Opportunity Overlay Zoning Districts which applied to the housing opportunity sites identified in the Housing Element. This included 2,577 units in the Airport Area and housing opportunity sites within the 65 dBA CNEL. ALUC found these amendments inconsistent with the *AELUP for JWA* due to noise, safety, and overflight concerns associated with allowing residential uses within the 65 dBA CNEL contour and within Safety Zones 4 and 6. See Attachment 1 for a list of recent Newport Beach projects submitted to ALUC that are related to the proposed project.

Proposed Project

The proposed project site is located at 1200-1300 Dove Street and 4041 MacArthur Boulevard within the Newport Place Planned Community (PC-11). It is bounded by Dove Street, Newport Place Drive, and MacArthur Boulevard. See Attachment 2 for the project location. The project site is currently designated as Mixed-Use Horizontal (MU-H2) in the Land Use Element of the General Plan and designated as Professional & Business Office in PC-11 with a Residential Overlay (RO). See Attachment 3 for the PC-11 Residential Overlay. The site is currently developed with a 125,249-square-foot, five-story office building, a 48,715-square-foot, three-story office building,

a 137,557-square-foot, three-level parking structure, and surface parking. The Residential Overlay in PC-11 allows residential uses with a density of 30-50 dwelling units per acre. Therefore, the approximate 6.5-acre project site is currently allowed to have 195-325 units.

The City is proposing a Zoning Code Amendment to include the project site in the Housing Opportunity Overlay Zoning District (HO-1 Overlay). According to the City’s Zoning Code, development must comply with both the underlying zoning district and any applicable overlay district. Where standards conflict, the overlay district standards prevail. In in this case the HO-1 standards of 20-50 units per acre would prevail. Attachment 4 shows the proposed HO-1 Overlay zoning map with the 1300 Dove Townhomes Project site included. The proposed amendment would allow development of the 132-unit 1300 Dove Townhomes project at the reduced density of 20.3 dwelling units per acre, rather than the 30 to 50 dwelling units per acre specified in the PC-11 Residential Overlay. The proposed project and inclusion of the project site in the HO-1 Overlay would not require an amendment to PC-11.

The project proposes demolition of the existing office development and construction of 132 residential units within 36 townhome and duplex buildings totaling approximately 298,000 square feet. The proposed units would include two, three, and four-bedroom units ranging from approximately 1,251 to 2,562 square feet, including seven units affordable to very-low-income households. The 132 units would be distributed within three- and four-story townhome and duplex building types. The project would include vehicular access from Dove Street and Newport Place Drive, and would include landscaped open space, residential amenities, pedestrian improvements along MacArthur Boulevard.

The City has held/scheduled the following public hearings for the proposed project:

June 4, 2026	Planning Commission (approved 6-0)
July 28, 2026	City Council

AE LUP for JWA Issues

Regarding Aircraft Noise Impacts:

As shown in Attachment 5, the project site is located outside the 65 dBA CNEL contour, but within the 60 dBA CNEL contour for JWA. The *AE LUP for JWA* identifies residential uses in the 60 dBA CNEL as conditionally consistent, provided sound attenuation is used to ensure that the interior CNEL does not exceed 45 dBA. In addition, the AELUP recommends that designated outdoor common or recreational areas within Noise Impact 2 (60 dBA CNEL) provide outdoor signage informing the public of the presence of operating aircraft.

The City’s Community Noise Control Ordinance Section 10.26.030 Interior Noise Standards requires that all residential property within noise zones shall not exceed 45 dBA, and the Zoning Code contains the following development standards for residential projects within the Airport Area Environs Area (HO-1):

- a) Sound Mitigation. “The interior ambient noise level of all new residential dwelling units shall meet applicable standards of Section 10.26.030 (Interior Noise Standards). An acoustical analysis report, prepared by an acoustical engineer, shall be submitted describing the acoustical design features of the structure that will satisfy the interior noise standard. The residential units shall be constructed and noise attenuated in compliance with the report...”
- b) Advanced Air Filtration. “The design of all new residential and mixed-use residential developments shall include advanced air filtration systems to promote cleaner air within living environments.”
- c) Notification to Owners and Tenants. “A written disclosure statement shall be prepared prior to sale, lease, or rental of a residential unit within the development.” The disclosure statement shall indicate that occupants will be living “in an urban type of environment adjacent to an airport” and that “the noise, odor, and outdoor activity levels may be higher than a typical suburban residential area.”

In addition, PC-11 Development Standards Section 5.D.2 requires that “Notice of Aircraft Overflight and Noise shall be posted at all public parks and designated outdoor common and recreational areas.”

Regarding Height Restrictions:

As shown in Attachment 6, the project site is located within the Notification Area for JWA. The Newport Beach HO-1 overlay does not include height restrictions for the property therefore, the PC-11 maximum height of 55 feet applies. With an existing ground elevation of approximately 46 feet and proposed building heights of 37 to 47 feet, the project would penetrate the Notification Surface of 89 feet above mean sea level (AMSL). The applicant submitted Form 7460 Notice of Proposed Construction and received a Determination of No Hazard to Air Navigation from FAA. See Attachment 7 for the March 10, 2026 FAA determination letter.

Attachment 8 shows the project location in relation to the Part 77 Obstruction Imaginary Surfaces for JWA. The site is located under the JWA horizontal surface, which is 206 feet AMSL in this area. At 89 feet AMSL, the proposed project would be well below the Horizontal Surface.

Regarding Flight Tracks and Safety Zones:

As shown in Attachment 9, the project site is located within Safety Zone 6 – Traffic Pattern Zone for JWA. According to the California Airport Land Use Planning Handbook, residential uses are normally compatible in Safety Zone 6, however, noise and overflight impacts should be considered. Flight tracks for three separate days were provided by the John Wayne Airport Noise Office and are included in Attachment 10. As shown on the exhibits, there are a number of general aviation flights over the project site, however at a proposed project height of 47 feet above ground level, the project would be below many of the surrounding buildings.

Regarding Heliports:

No heliports are proposed as part of this project therefore heliports were not evaluated for consistency.

Environmental Compliance

The Newport Beach City Council certified Final Program Environmental Impact Report SCH No. 2023060699 (PEIR) for 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. An Addendum to the PEIR was prepared for the proposed project, and the City has determined that no subsequent or supplemental EIR is required.

Conclusion

ALUC staff has reviewed this project with respect to consistency with the *AELUP for JWA*, including review of noise, height restrictions, overflight, safety, and imaginary surfaces. The project site is located outside of the 65 dBA CNEL contour but within the 60 dBA CNEL contour, within Safety Zone 6, and within the Notification Area and Part 77 Obstruction Imaginary Surfaces for JWA.

The proposed amendment would add the project site to the HO-1 Overlay map which would allow residential development at a reduced density of 20-50 units/acre, than what is currently allowed. The City's Zoning Code and PC-11 Development Standards include the AELUP recommended noise policies for the project site. The proposed project would not entail an amendment to PC-11 and would not increase the maximum allowable building height. The project site is located within Safety Zone 6, where residential uses are generally considered compatible with appropriate sound mitigation measures, which exist in this case.

Attachment 11 contains excerpts from the City of Newport Beach submittal for this project, and Attachment 12 is the June 4, 2026 Newport Beach Planning Commission staff report and resolution.

Recommendation

That the Commission find the proposed City of Newport Beach 1300 Dove Townhomes Project (PA2025-0170) consistent with the *AELUP for JWA*.

Respectfully submitted, ✓



Julie Fitch
Executive Officer

Attachments:

1. Recent Related Newport Beach Projects Submitted to ALUC
2. Project Location Map
3. Existing PC-11 RO Map
4. Proposed HO-1 Overlay Map
5. JWA Noise Contours
6. JWA Notification Area
7. FAA Determination of No Hazard
8. JWA Obstruction Imaginary Surfaces
9. JWA Safety Zones
10. JWA Flight Tracks
11. Excerpts from City Submittal Package
12. Planning Commission Staff Report and Resolution

Newport Beach ALUC Submittals 2021-2026*

9/16/2021 Housing Element Update

- Eliminated policies prohibiting housing in the JWA 65 dBA CNEL
- Added new housing sites within the 65 dBA CNEL
- Found inconsistent
- Overruled

7/20/2023 Newport Place PC-11 Amendment

- Changed Affordable Housing percentage in Residential Overlay
- Found consistent because underlying PC-11 Development Plan was consistent

8/17/2023 Housing Element Implementation/Noise Related Amendments

- Amendments to Land Use Element, Noise Element, Zoning Code, Newport Airport Village PC and Newport Place PC-11
- Incorporated 2014 (non-AELUP) noise contours into General Plan
- Found inconsistent because it eliminated policies prohibiting residential within the 65 dBA CNEL and allowed residential within Safety Zones 4 & 6 and under approach/departure corridor. Also incorporated non-AELUP noise contours
- Overruled

1/18/2024 Residences at 1401 Quail Street

- Amendments to Land Use Element and Newport Place Planned Community
- GPA changed 1401 Quail Street land use from General Commercial Office (CO-G) to Mixed-Use Horizontal (MU-H2) which allowed residential
- PC-11 added 1401 Quail Street to Residential Overlay
- 67 condominiums (increase in density by 15 units)
- Allowed residential in 65 dBA CNEL, increased height from 55 feet to 81 feet AGL
- Found inconsistent because new residential in 65 dBA CNEL and increased height
- Overruled

1/18/2024 1400 Bristol Street

- Amend Land Use Element and Newport Place Planned Community
- GPA changed 1400 Bristol Street land use from General Commercial Office (CO-G) to Mixed-Use Horizontal (MU-H2) which allow residential
- PC-11 added 1400 Bristol Street to Residential Overlay
- Allowed 153 base units and 229 units with density bonus
- Within 65 dBA CNEL, increased max. height from 55 feet to 85 feet AGL
- Found inconsistent because new residential in 65 dBA CNEL and increased height
- Overruled

5/16/2024 Housing Element Implementation Program Amendments

- Created Housing Opportunity Overlay Zoning Districts for housing opportunity sites in the Housing Element (2,577 units in Airport Area)
- Found inconsistent because further allowing residential within the 65 dBA CNEL
- Overruled 7/23/2024

ATTACHMENT 1

**Related to 1300 Dove Townhomes*

Newport Beach ALUC Submittals 2021-2026*

6/20/2024 1600 Dove Street

- Site included in Housing Element & HOO
- Increased the # of units allowed (50 for base) resulting in almost double the amount
- Increased height from max 55 to 100 feet.
- 60 CNEL, Safety Zone 6
- Inconsistent because increased density and height in Safety Zone 6
- Overruled

3/20/2025 Housing Opportunity Overlay Zoning/Coastal Zoning Amendments

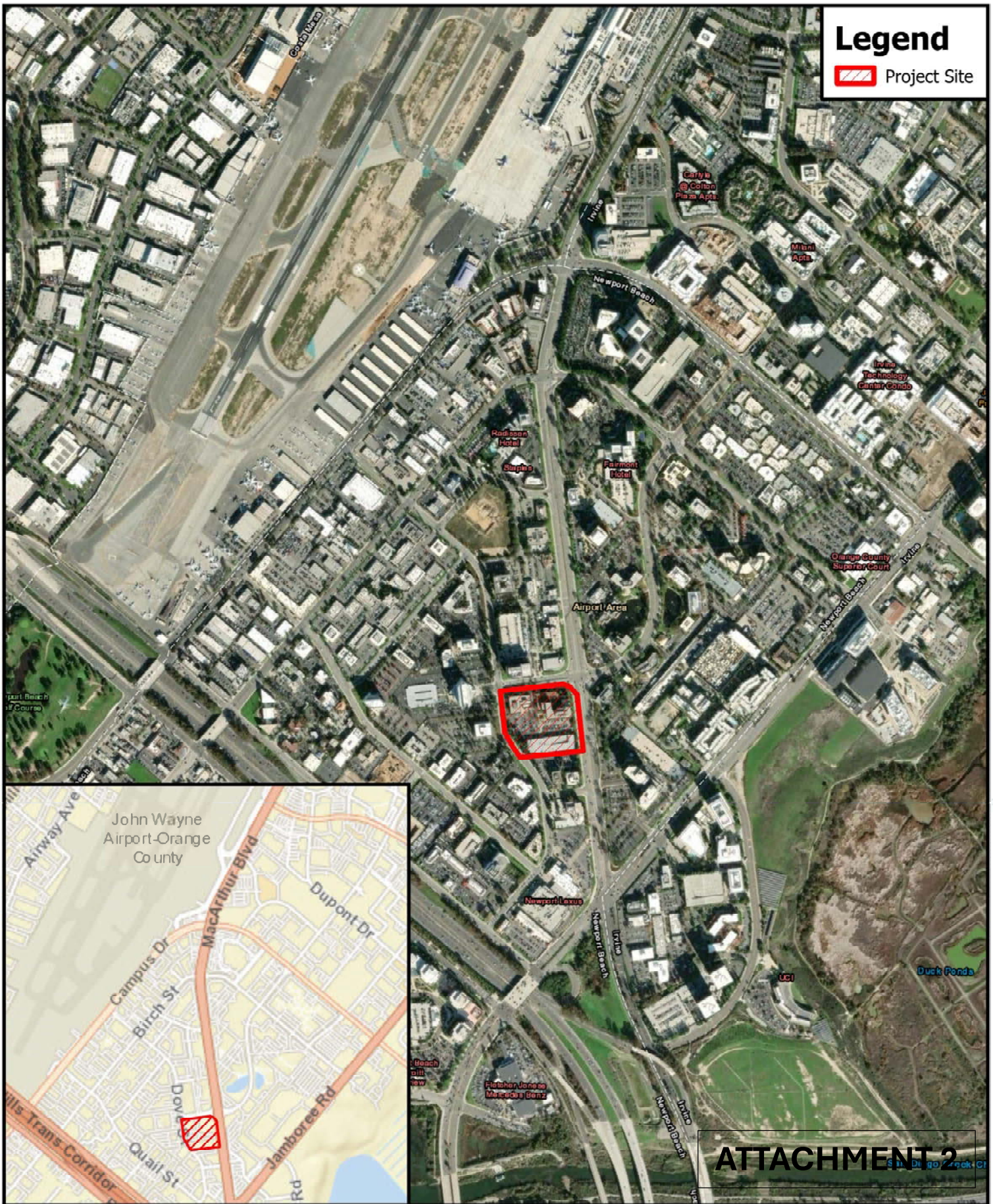
- Increase max. height for specific properties within the Newport Center Area Housing Opportunity Overlay
- Designated 179 units from Airport Area HO-1 total to City-owned property at 1201 Dove Street
- Added footnote to Zoning Code for 1201 Dove Street and 868-870 Santa Barbara
- 1201 Dove Street located in 60 CNEL and Safety Zone 6
- Residential already allowed at 1201 Dove Street
- Staff recommended Consistent because proposed allocation of residential units from airport area to areas further from John Wayne Airport
- Commission found inconsistent because 1201 Dove Street was included in Housing Element which was previously found inconsistent
- Overruled

3/19/2026 Comprehensive General Plan Update

- Updated eight General Plan Elements including Noise, Land Use, and Safety.
- Minor revisions to Noise Policies
- Found inconsistent because the General Plan continued to include non-AELUP noise contours and residential uses in 65 dBA CNEL
- City Notice of Intent to Overrule (May 2026)

4/17/2026 Newport Place PC-11 Amendment

- Reduced affordable housing requirements within the Residential Overlay
- Applied to properties within the 65 dBA CNEL for JWA
- PC-11 based on General Plan (non-AELUP) noise contours
- Found inconsistent
- City Notice of Intent to Overrule (May 2026)




Legend

 Project Site

Project Location

1300 Dove Townhomes - Newport Beach

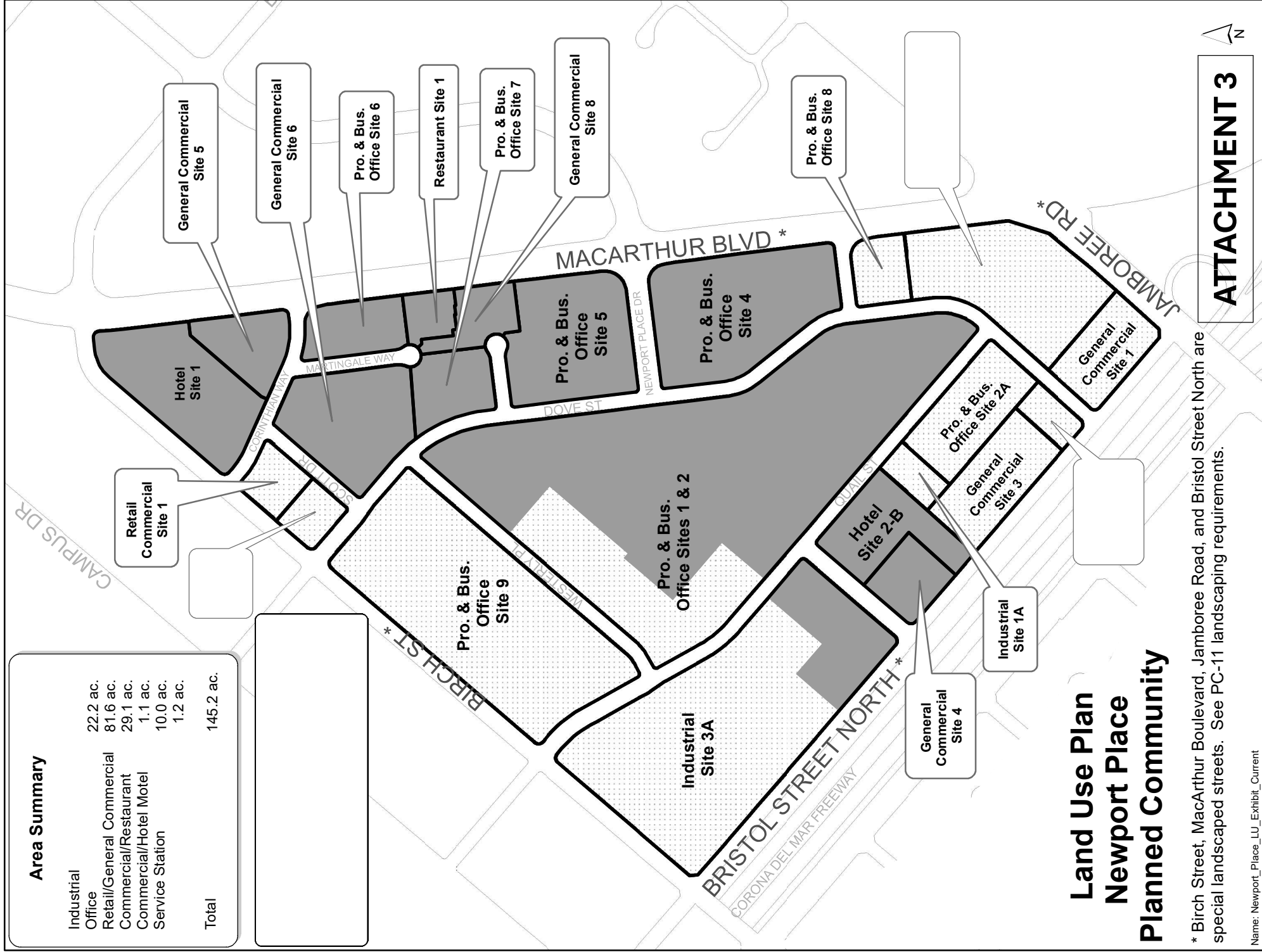
0 0.380.75 1.5 Miles




ATTACHMENT 2

Area Summary

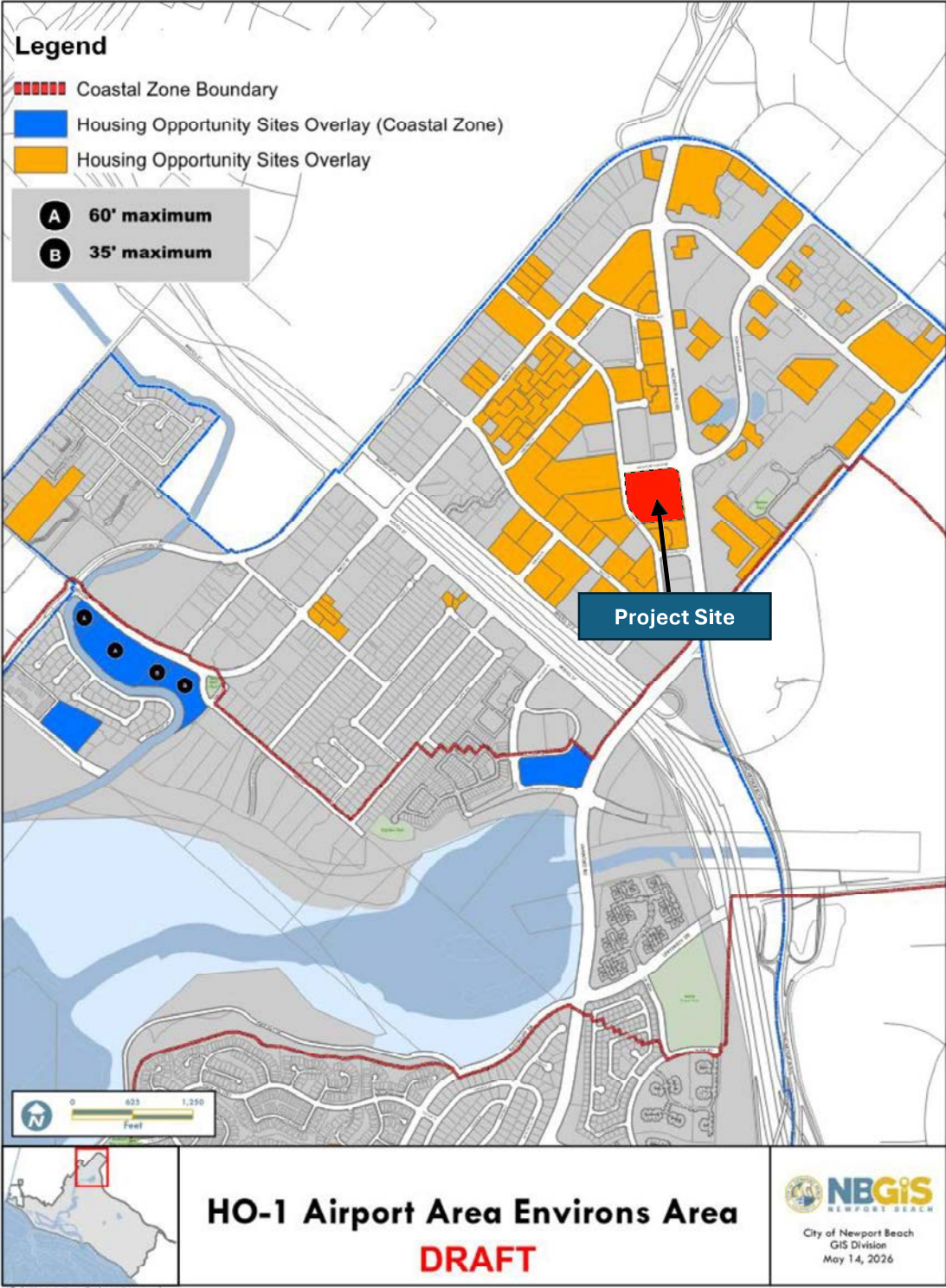
Industrial Office	22.2 ac.
Retail/General Commercial	81.6 ac.
Commercial/Restaurant	29.1 ac.
Commercial/Hotel Motel Service Station	1.1 ac.
	10.0 ac.
	1.2 ac.
Total	145.2 ac.



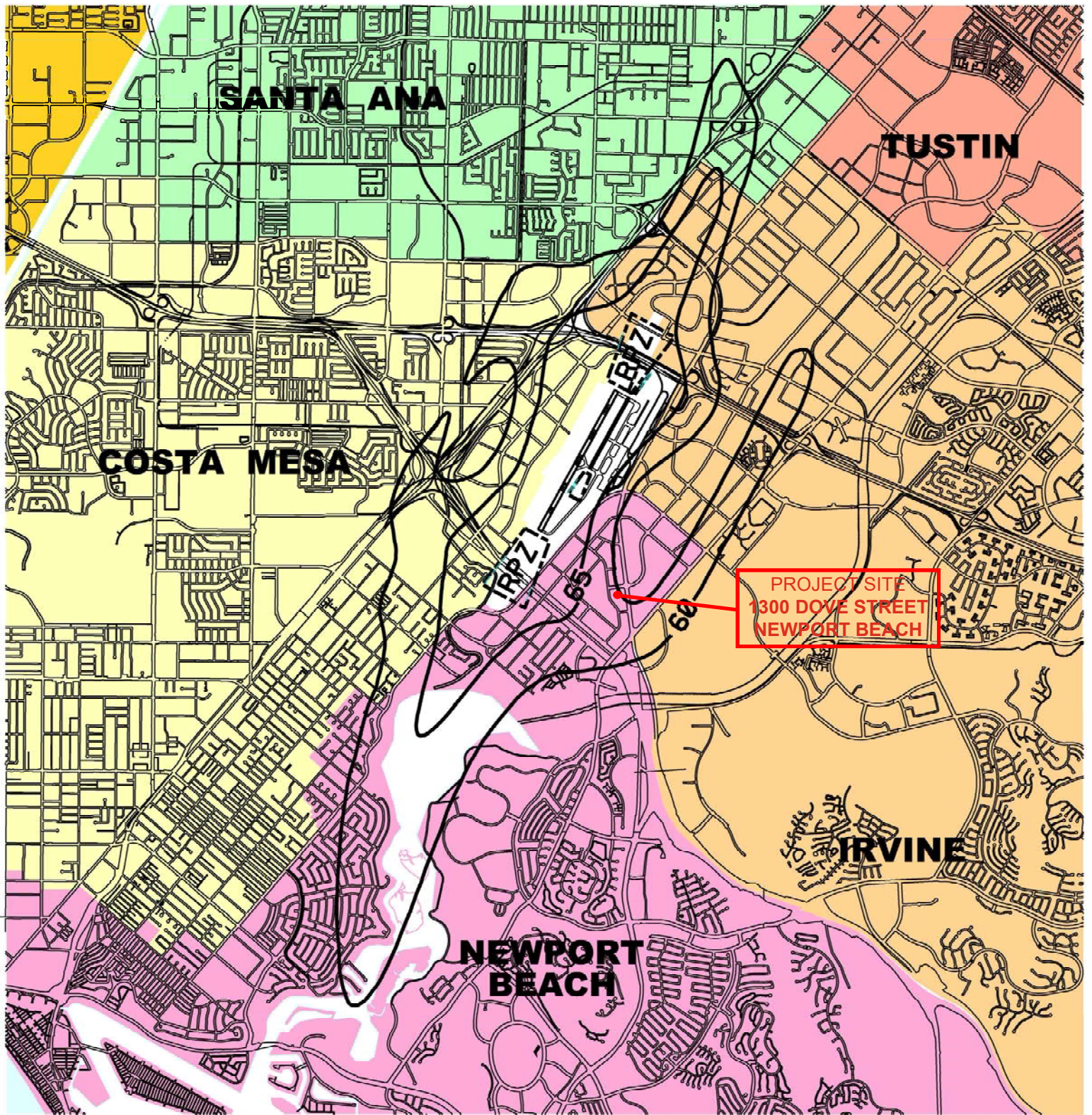
Land Use Plan Newport Place Planned Community

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

Proposed Zoning Overlay Change (Map)



(inclusion of site in HO-1 Overlay)



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

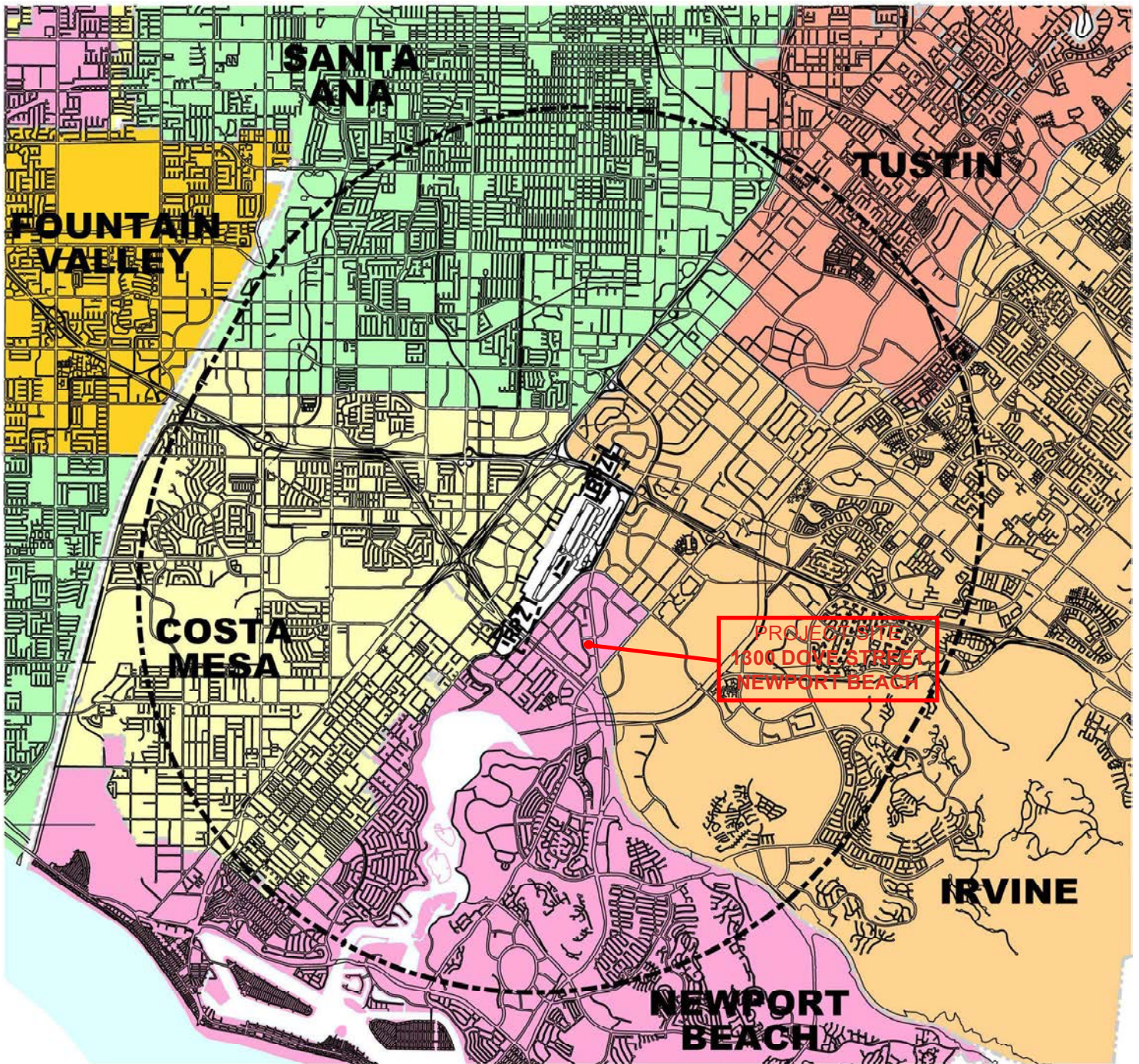
Adopted by the Airport Land Use Commission for Orange County

ATTACHMENT 5



Scale in Feet

AELUP Notification Area for JWA



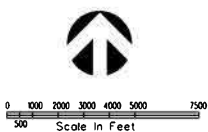
Note: County Unincorporated areas are shown in white.

FAR PART 77

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

LEGEND

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



CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

ATTACHMENT 6



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

Aeronautical Study No.
 2026-AWP-2073-OE

Issued Date: 03/10/2026

LINCOLN PROPERTY COMPANY
 ALLIE MEISTER
 4041 MacArthur Blvd.
 Suite 510
 Newport Beach, CA 92660

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

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

Structure: Building 1300 Dove Street
 County, State: Orange, California

Collected Point(s):

Label	Latitude	Longitude	SE	DET AGL	AMSL
Northwest corner	33-39-43.61N	117-51-55.84W	50 Ft	46 Ft	96 Ft
Northeast corner	33-39-44.13N	117-51-49.79W	50 Ft	46 Ft	96 Ft
Southeast corner	33-39-39.25N	117-51-48.80W	50 Ft	46 Ft	96 Ft
Southwest corner	33-39-38.55N	117-51-53.60W	50 Ft	46 Ft	96 Ft
Internal West boundary	33-39-40.36N	117-51-55.34W	50 Ft	46 Ft	96 Ft

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

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

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

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

This determination expires on 09/10/2027 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

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

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

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

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

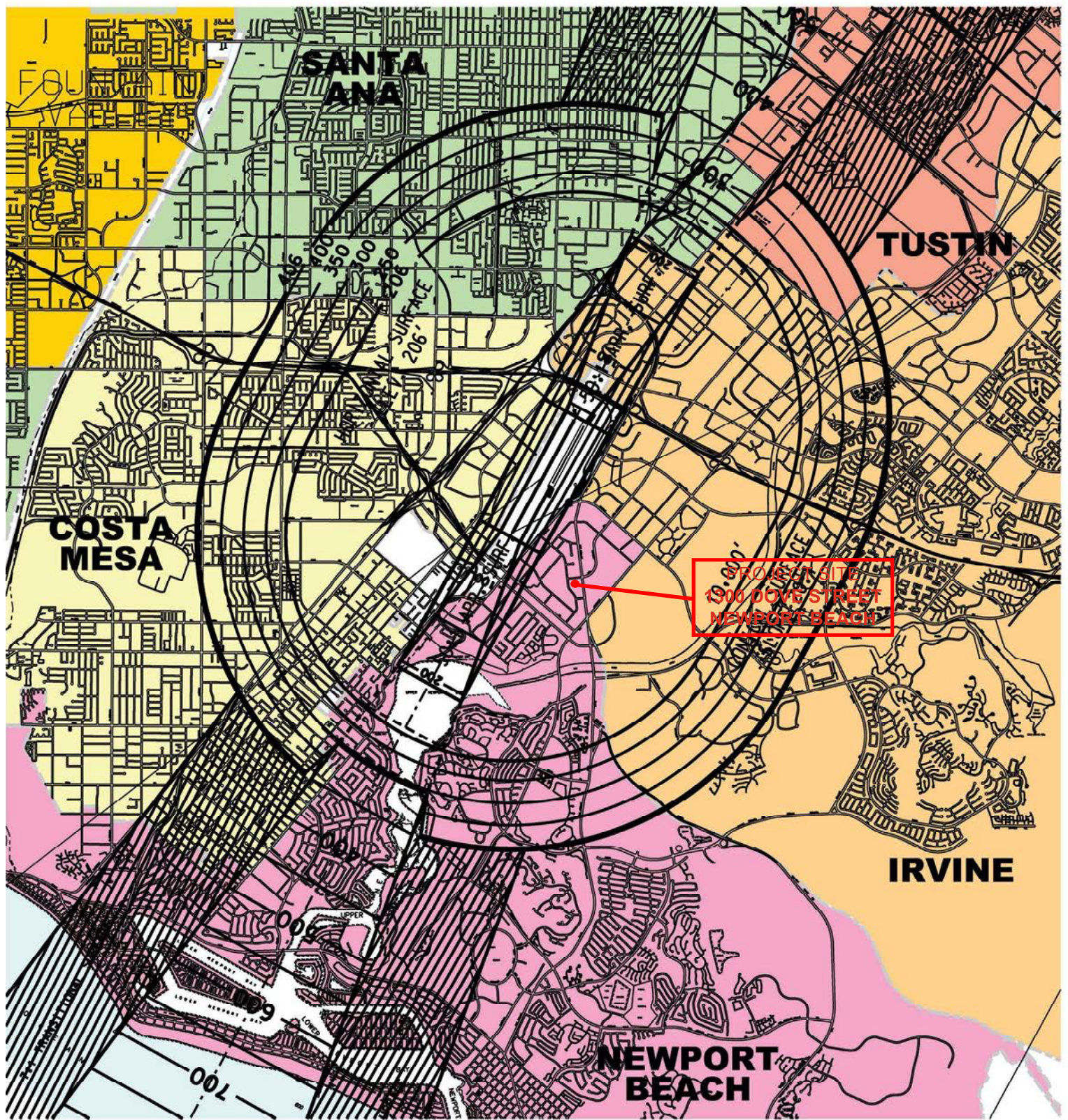
This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at 1-206-231-2877, or Nicholas.Sanders@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2026-AWP-2073-OE.

Signature Control No: 691559257-696281607

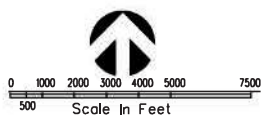
Nicholas Sanders
Technician

(DNE)



Note: County Unincorporated areas are shown in white.

FAR PART 77 John Wayne Airport Obstruction Imaginary Surfaces



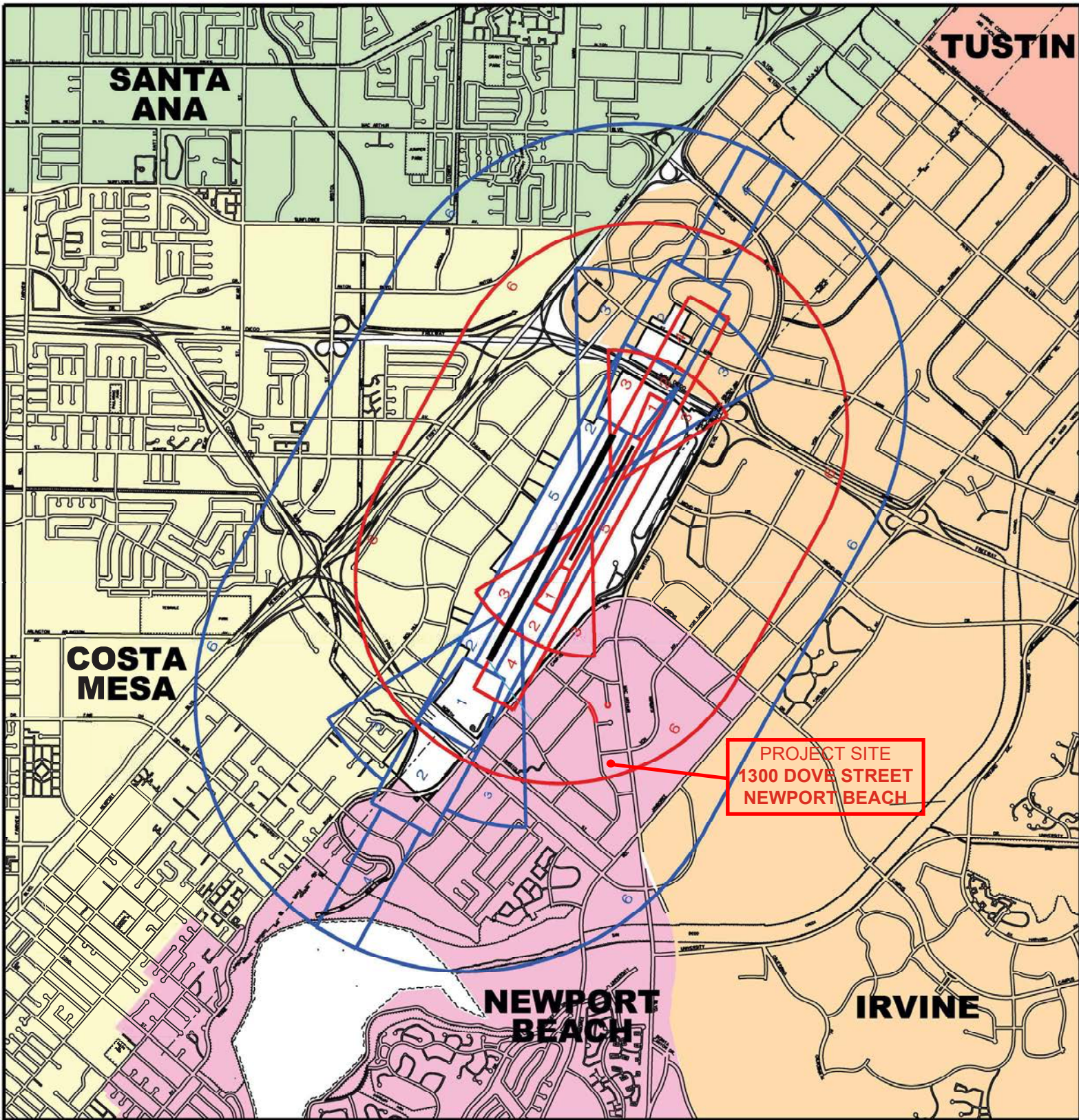
LEGEND

- CITY BOUNDARIES
- AIRPORT BOUNDARIES

CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

ATTACHMENT 8



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)



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Scale in Feet

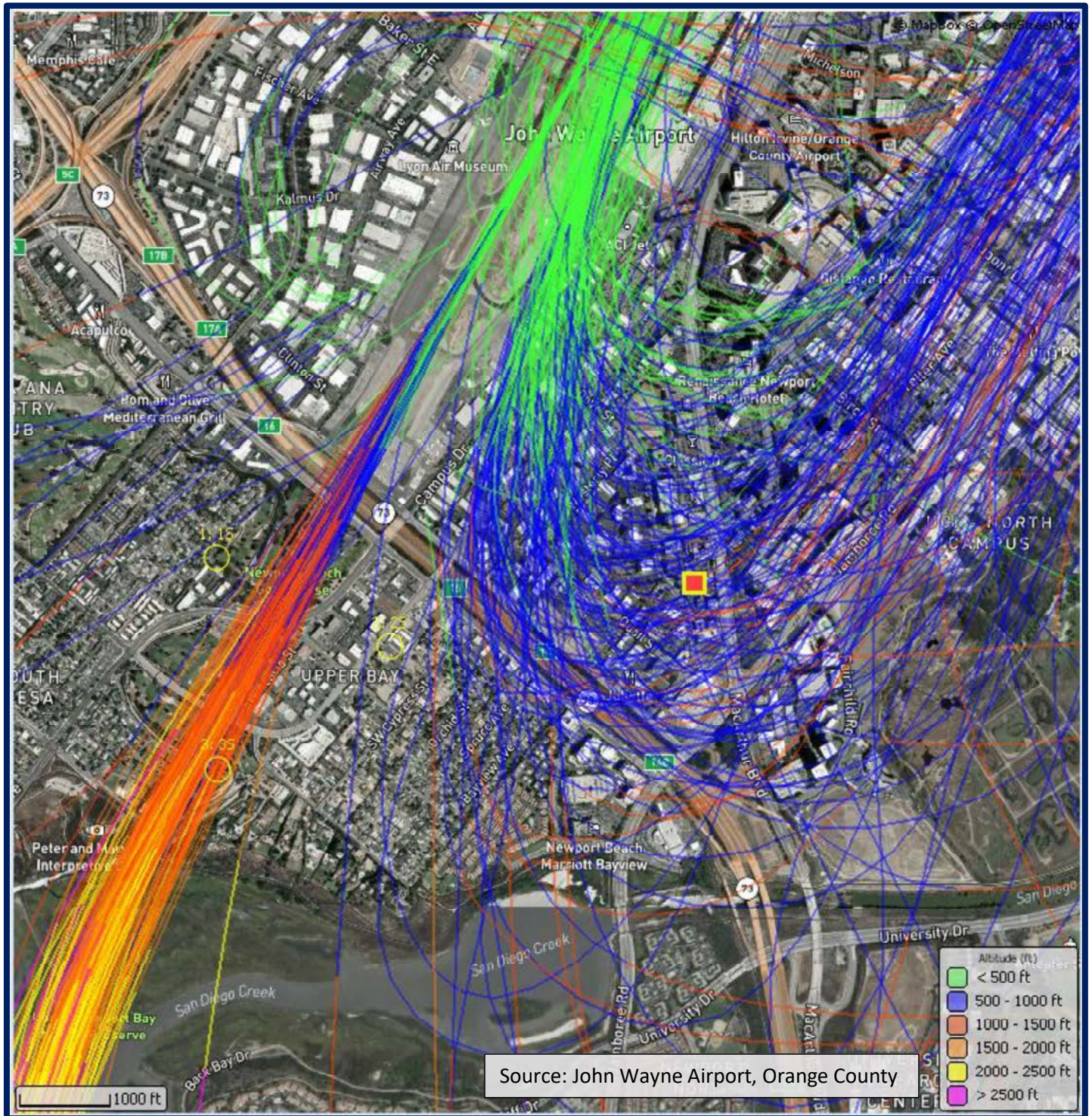
CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

ATTACHMENT 9

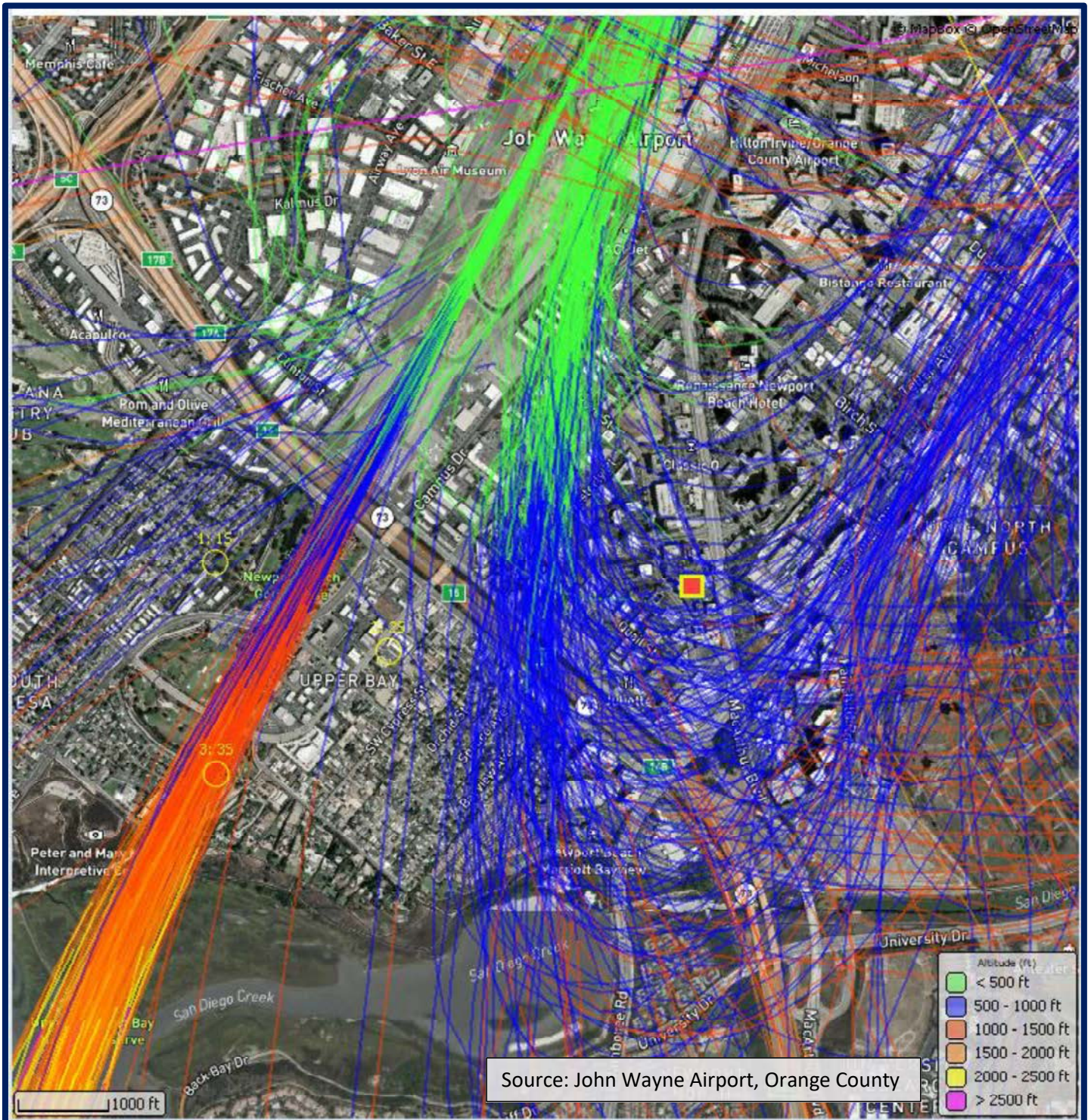


John Wayne Airport
Tuesday, February 17, 2026
461 Operations



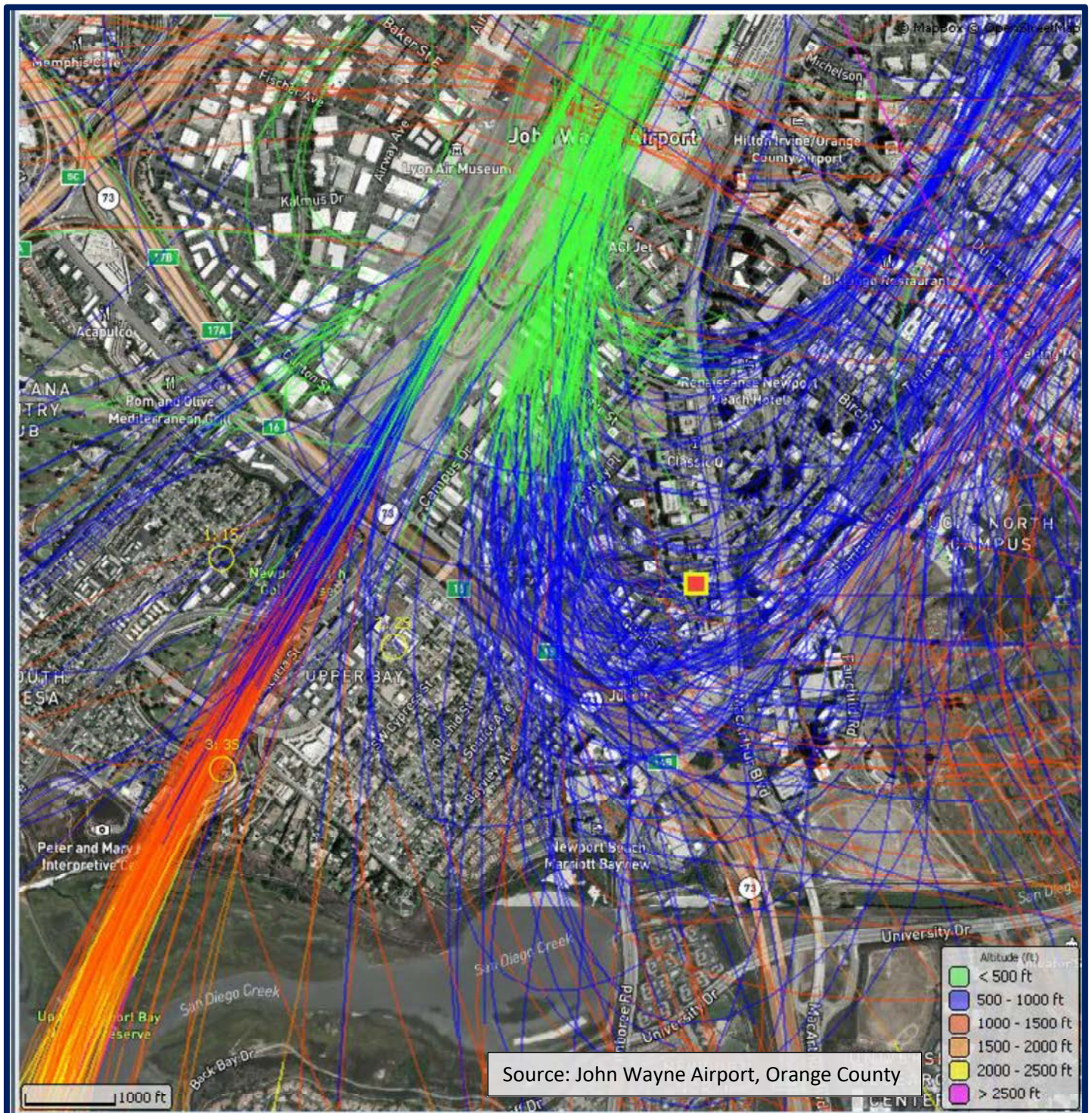


John Wayne Airport
Thursday, February 12, 2026
732 Operations





John Wayne Airport
Saturday, February 21, 2026
519 Operations





COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915

949-644-3200 Fax: 949-644-3229

www.newportbeachca.gov

May 28, 2026

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



RE: 1300 Dove Street

Dear Ms. Fitch,

Pursuant to Section 4.4 of the Airport Environs Land Use Plan ("AELUP") for John Wayne Airport and California Public Utilities Code Section 21676(c), the City of Newport Beach ("City") respectfully requests that the Airport Land Use Commission ("ALUC") review an application to apply the Housing Opportunity Overlay to a proposed residential redevelopment project at 1300 Dove Street ("Project") and determine its consistency with the AELUP.

The approximately 6.5-acre project site is located within the City's Airport Area and is currently developed with two office buildings, structured parking, and associated surface parking areas. The site is bounded by Dove Street, Newport Place Drive, and MacArthur Boulevard.

The property is designated Mixed-Use Horizontal 2 in the City's General Plan and is located within the Newport Place Planned Community (PC-11), with a base zoning designation of Professional and Business Office Site 4. The site is also subject to the PC-11 Residential Overlay at a minimum density of 30 dwelling units per acre (du/ac). The applicant requests application of the Housing Opportunity Overlay Zoning District for the Airport Environs Area ("HO-1 Overlay") to facilitate redevelopment of the site with residential uses at a density of approximately 20 du/ac. To be clear, the site already allows residential uses, but the HO-1 Overlay would provide an additional residential entitlement pathway.

The Project proposes demolition of the existing office development and construction of 132 residential units within 36 townhome and duplex buildings totaling approximately 298,000 square feet. The proposed development would include attached garages and surface parking areas totaling 304 parking spaces, landscaped open space, internal circulation improvements, recreational amenities, a pool and community area, and multiple residential courtyards.

Primary vehicular access would be provided from Dove Street, with secondary access from Newport Place Drive. Emergency vehicle access would be provided via an internal fire access lane traversing the site.

The tallest proposed structure would be approximately 47 feet in height, which is below the maximum allowable height permitted under the existing residential overlay (PC-11) (55 feet).

Environmental review for the Project would be based on an Addendum to the City of Newport Beach General Plan Housing Implementation Program Environmental Impact Report (HIP PEIR) (State Clearinghouse [SCH] No. 2023060699), which was certified by the City of Newport Beach on September 24, 2024. The HIP PEIR Addendum addresses relevant environmental topics including noise, air quality, transportation, and hazards related to proximity to John Wayne Airport, and will incorporate applicable mitigation measures.

The City respectfully requests that the ALUC review the proposed Project and determine that it is consistent with the Airport Environs Land Use Plan for John Wayne Airport.

Should you have any questions concerning the preceding information, I can be reached at 949-644-3219 or via email at oorozco@newportbeachca.gov.

Sincerely,



Oscar Orozco, Associate Planner

Attachments:

1. Submittal Forms and Checklist
2. Proposed Zoning Overlay Change (Map)
3. JWA Notification Area Map
4. JWA Notification Area City Map
5. JWA Noise Contour Map

6. JWA Safety Zones Map
7. Obstruction Imaginary Surfaces Map
8. Applicable Noise Policies (Zoning Ordinance)
9. Explanation Regarding Applicable AELUP Standards for Noise Impact, Safety Compatibility, and Height Restriction Zones
10. Architectural and Landscape Plans



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 Oscar Orozco, Associate Planner
Agency: City of Newport Beach
Address: 100 Civic Center Drive, Newport Beach, CA 92660
Phone/email: 949-644-3319 oorozco@newportbeachca.gov

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

4. Item being submitted for review (**submit each on a separate form**): Name of General Plan Element, Specific Plan or Planned Community: Newport Beach Zoning Code

5. Scheduled date of Planning Commission Public Hearing: 6/4/2026

6. Tentative date of City Council/Board of Supervisors Public Hearing: 7/28/2026

7. Requested date of ALUC Review June 18, 2026.
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 height within the Obstruction Imaginary Surfaces*? No Yes

13. Please indicate current (see attachments) and proposed (see attachments) maximum heights allowed.

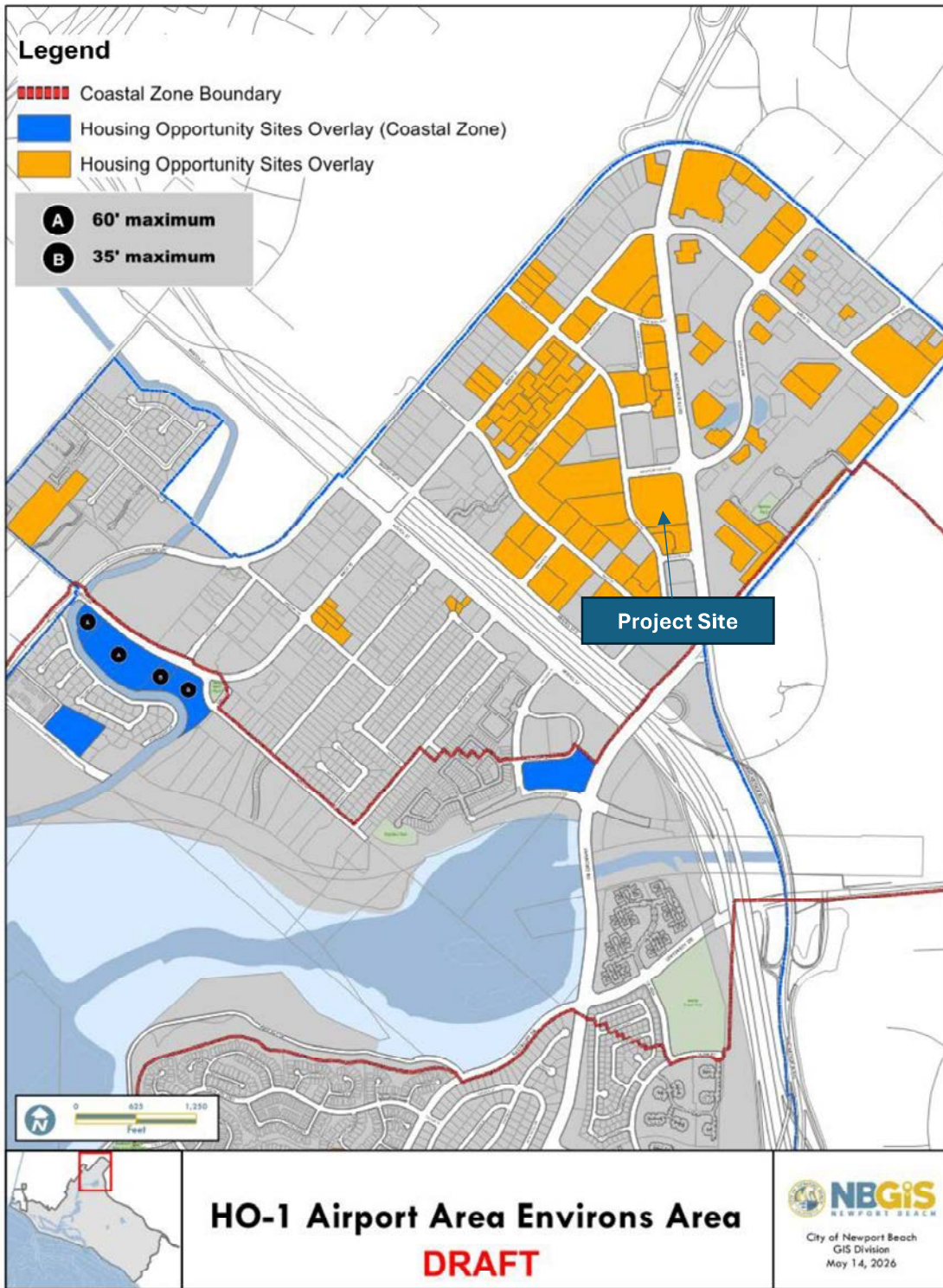
SUBMITTAL CHECKLIST: General Plan · Specific Plan · Zoning Code	
<input checked="" type="checkbox"/>	Cover letter on City/County letterhead.
<input checked="" type="checkbox"/>	Completed Submittal Form.
<input checked="" type="checkbox"/>	Link to existing (see attachments) and proposed (see attachments) 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 attachment)
<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*

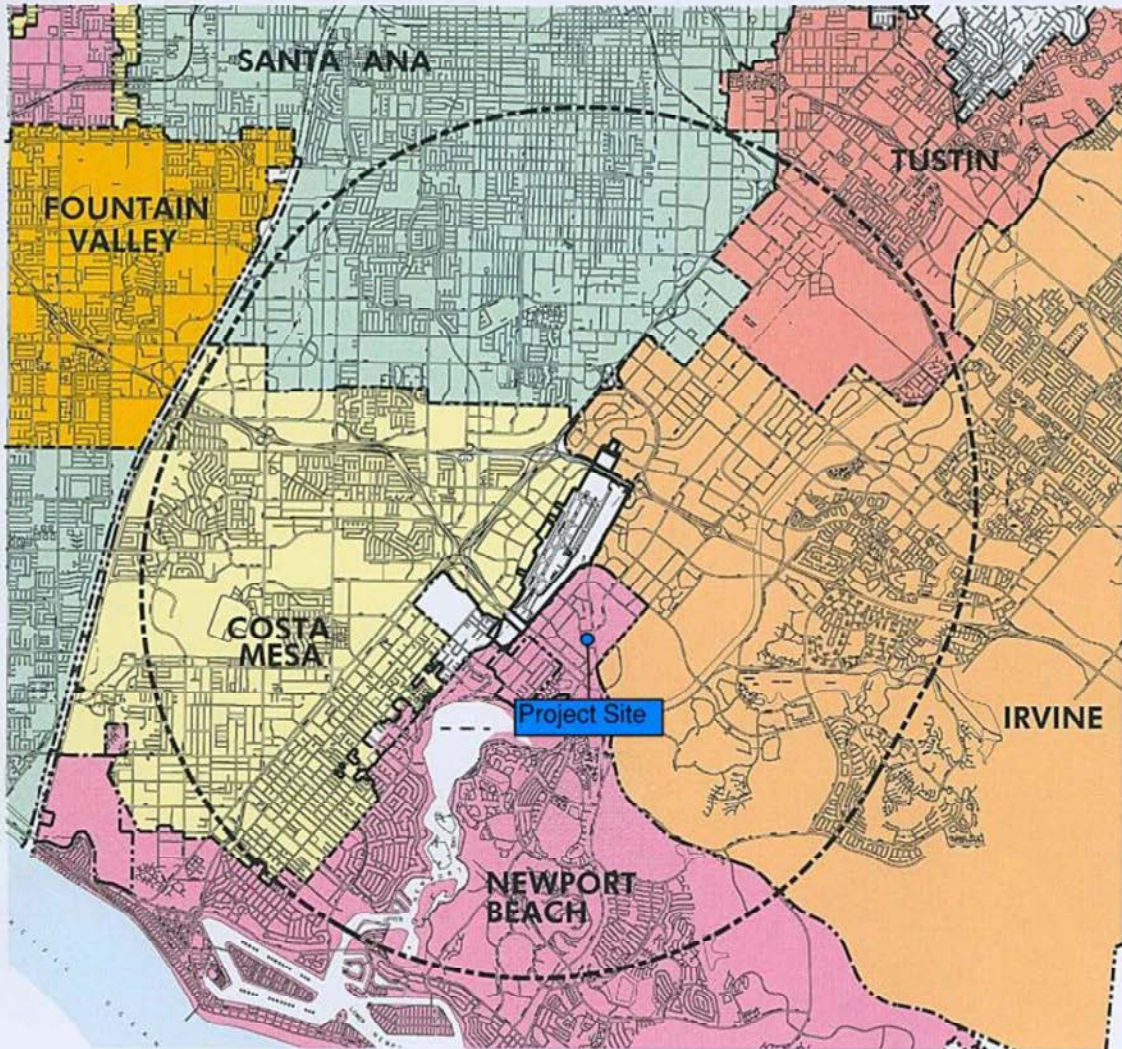
Attachment No. 2 – Proposed Zoning Overlay Change (Map)



(inclusion of site in HO-1 Overlay)

Attachment No. 3 – JWA Notification Area Map

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



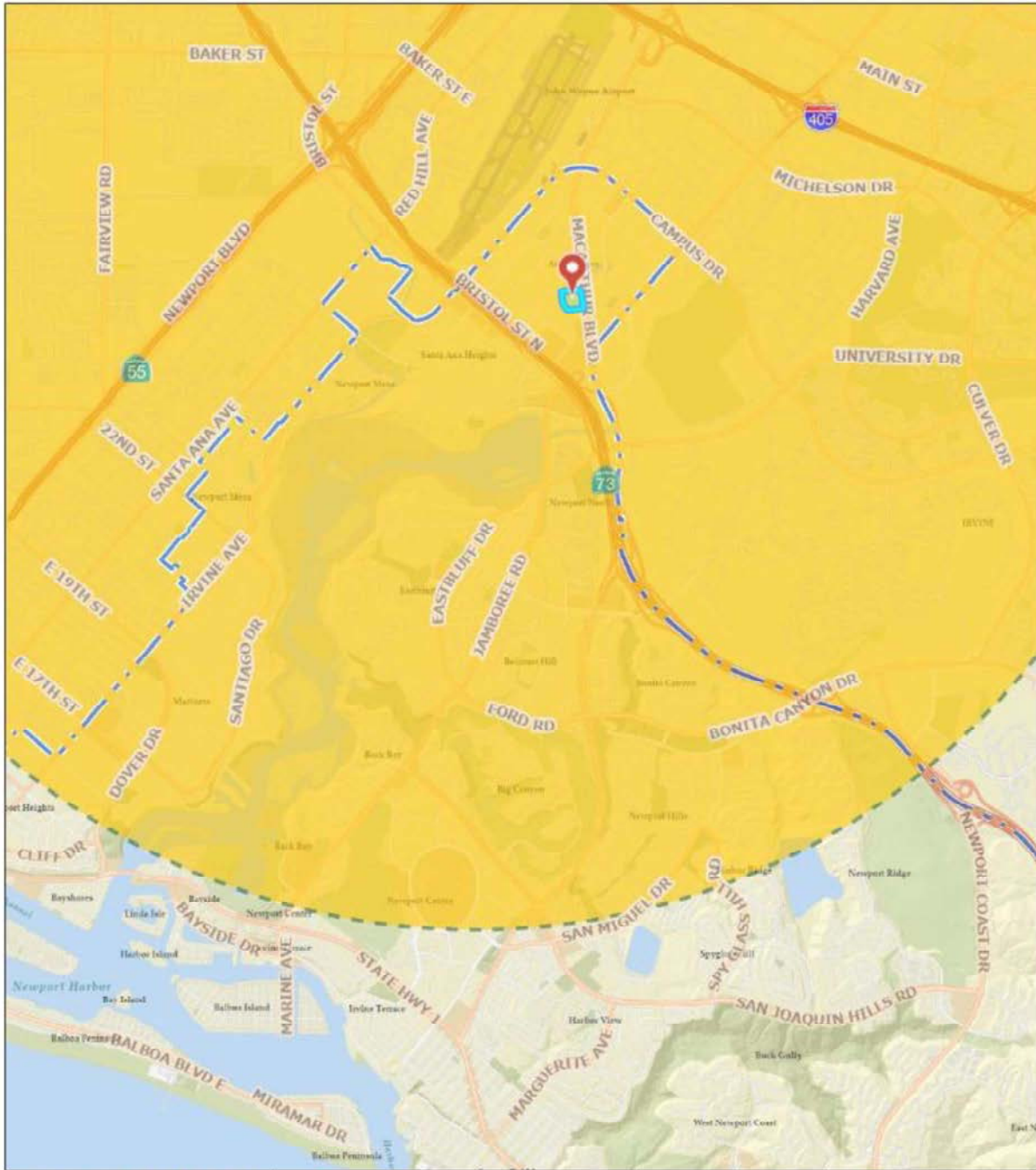
CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

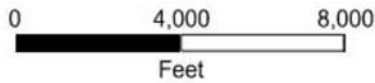
Kari A. Rigoni April 17, 2008
Kari A. Rigoni, Executive Officer Date

AELUP-2007/Jwanotf-07.dgn

Attachment No. 4 – JWA Notification Area City Map

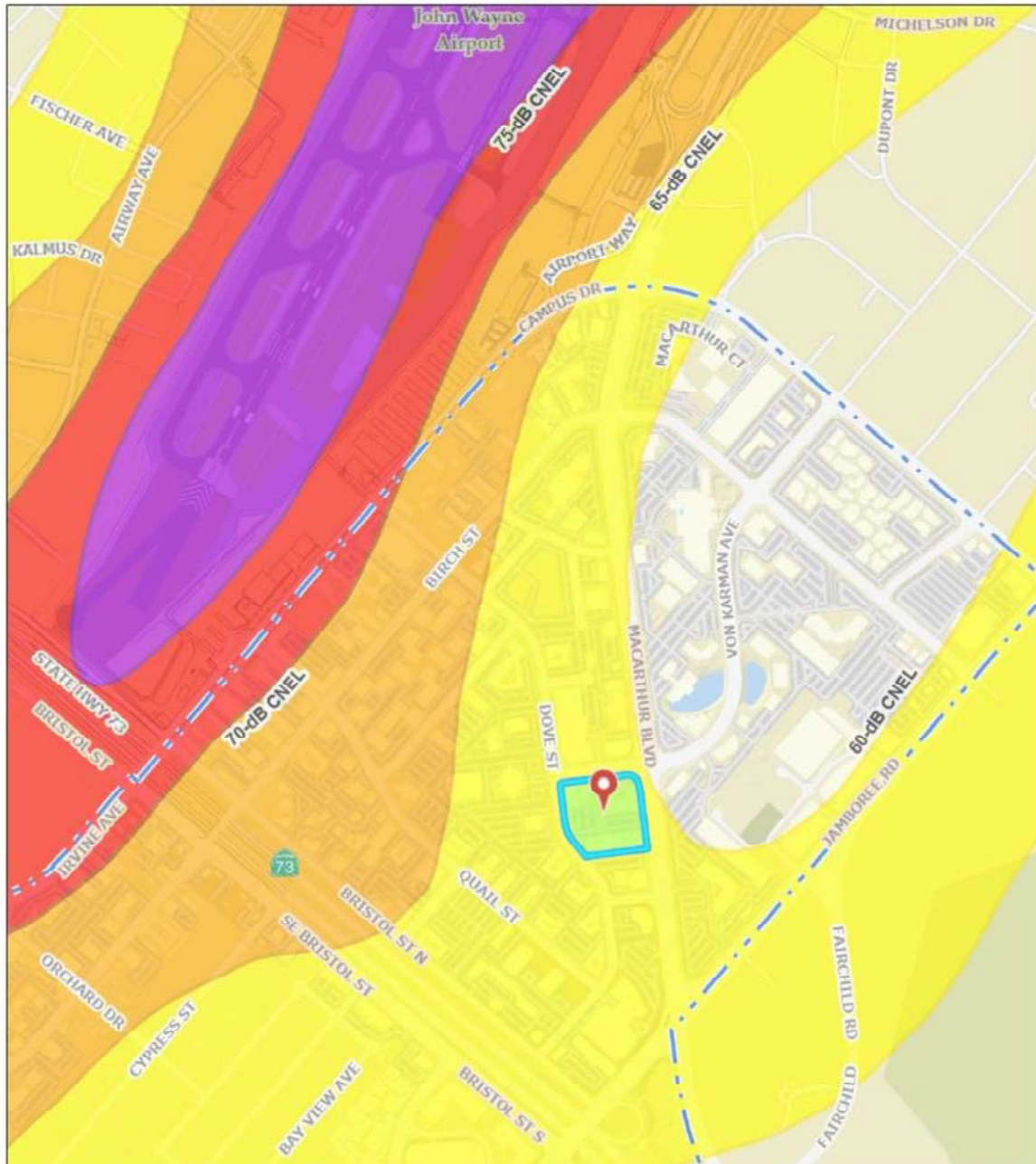


NBGiS
NEWPORT BEACH

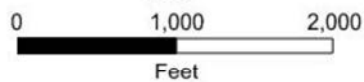


Disclaimer:
Every reasonable effort has been made to assure the accuracy of the data provided, however. The City of Newport Beach and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use.

Attachment No. 5 – JWA Noise Contour Map



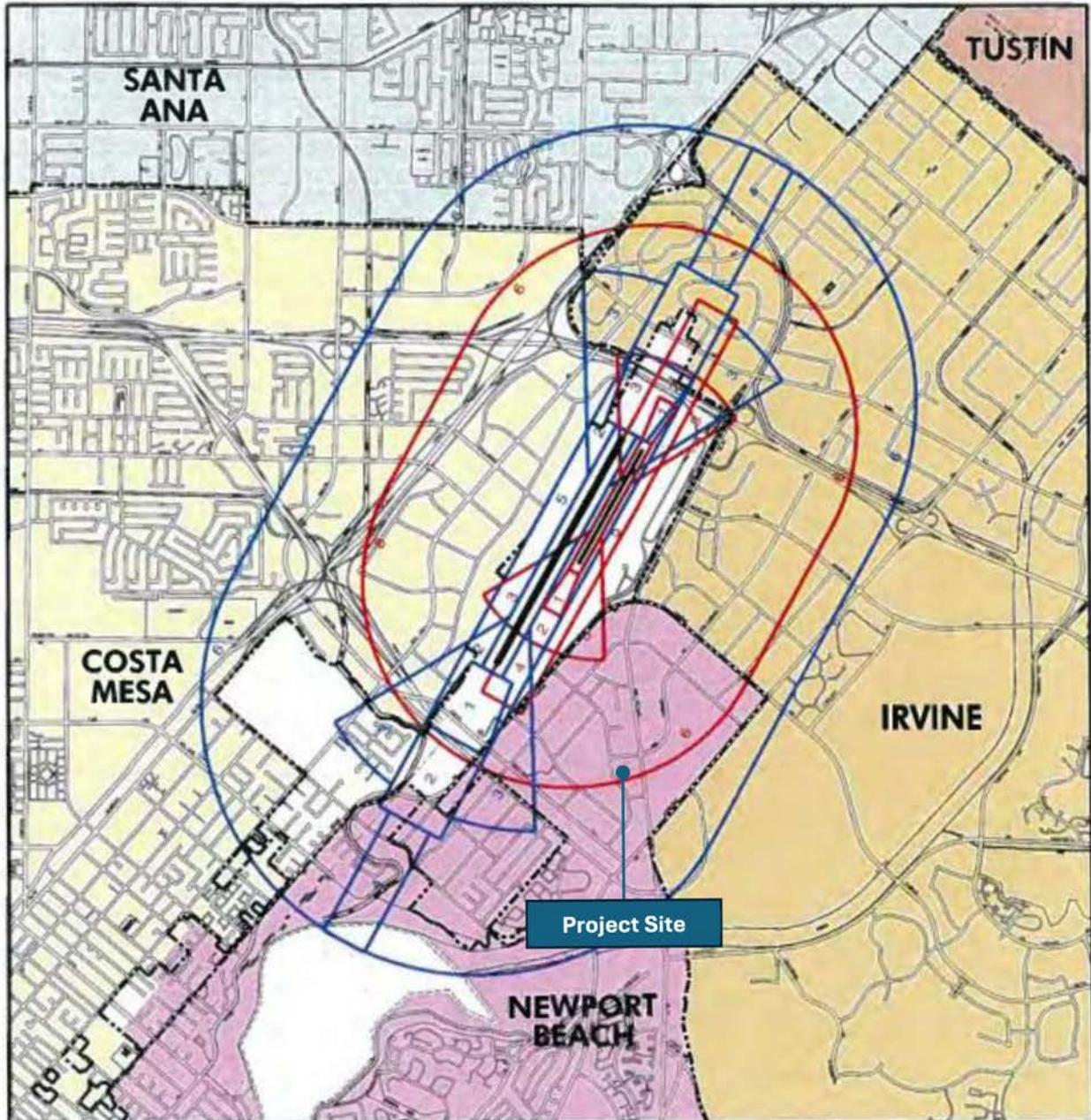
NBGiS
NEWPORT BEACH



Disclaimer:

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

Attachment No. 6 – JWA Safety Zones Map



Project Site

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 1, & 19R (A MEDIUM GENERAL AVIATION RUNWAY AS DESCRIBED IN THE CALIFORNIA AIRPORT LAND USE PLANNING HANDBOOK, JANUARY 2002 EDITION)

SAFETY COMPATIBILITY ZONES FOR RUNWAY 19L & 21R (A SHORT GENERAL AVIATION RUNWAY AS DESCRIBED IN THE CALIFORNIA AIRPORT LAND USE PLANNING HANDBOOK, JANUARY 2002 EDITION)

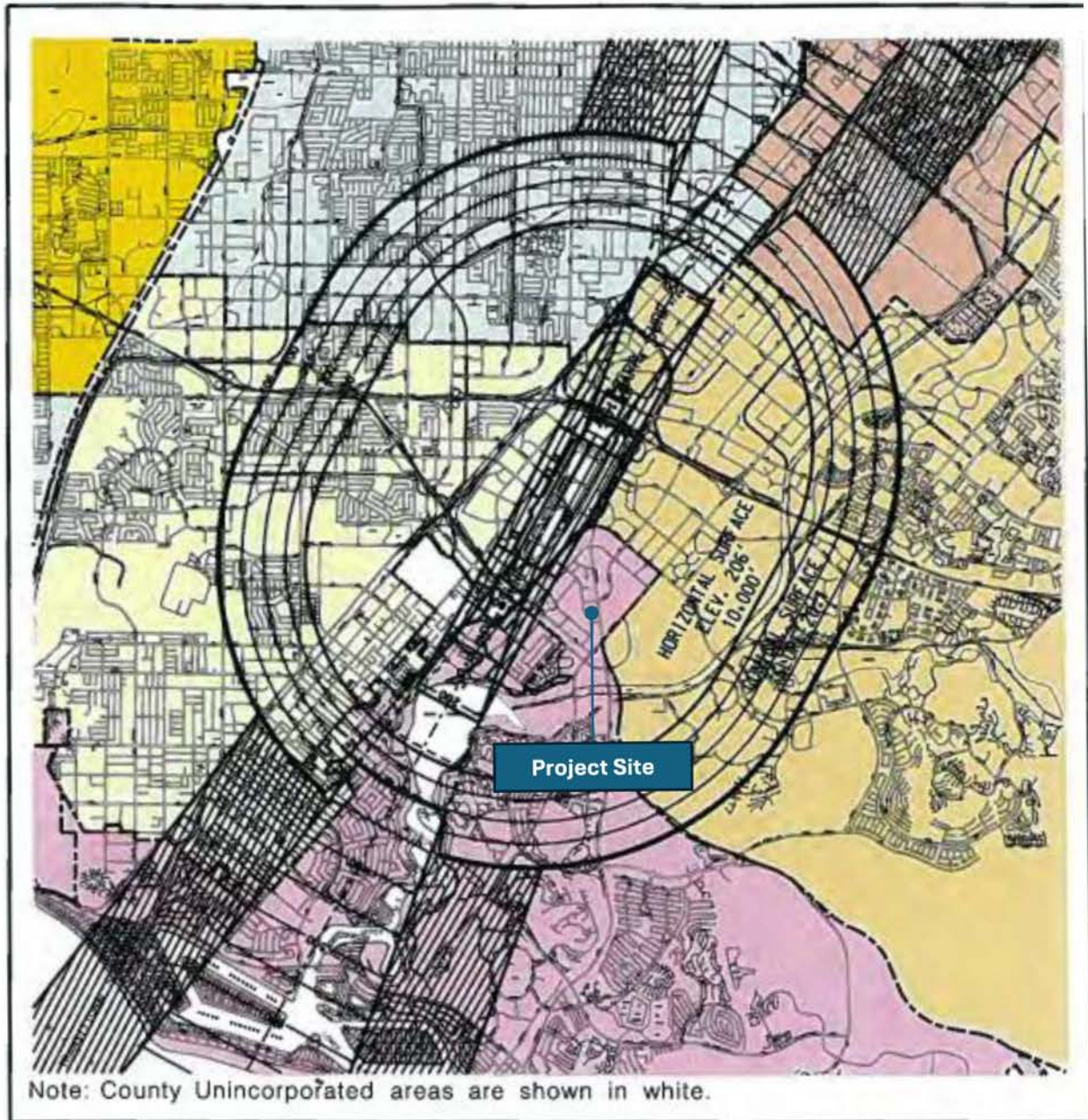


CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

Kari A. Rigoni April 17, 2008
 Kari A. Rigoni, Executive Officer Date

Attachment No. 7 – Obstruction Imaginary Surfaces Map



FAR PART 77 John Wayne Airport Obstruction Imaginary Surfaces



LEGEND

- CITY BOUNDARIES
- AIRPORT BOUNDARIES

CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

Kari A. Rigoni April 17, 2008
Kari A. Rigoni, Executive Officer Date

Attachment No. 8 – Applicable Noise Policies (Zoning Ordinance - § 20.28.050 Housing Opportunity (HO) Overlay Zoning Districts)

2. Airport Area Environs Area (HO-1). The following development standards shall only apply to projects within the Airport Area Environs Area:

a. Sound Mitigation. The interior ambient noise level of all new residential dwelling units shall meet applicable standards of Section 10.26.030 (Interior Noise Standards). An acoustical analysis report, prepared by an acoustical engineer, shall be submitted describing the acoustical design features of the structure that will satisfy the interior noise standard. The residential units shall be constructed and noise attenuated in compliance with the report.

b. Advanced Air Filtration. The design of all new residential and mixed-use residential developments shall include advanced air filtration systems to promote cleaner air within living environments.

c. Notification to Owners and Tenants. A written disclosure statement shall be prepared prior to sale, lease, or rental of a residential unit within the development. The disclosure statement shall indicate that the occupants will be living in an urban type of environment adjacent to an airport and that the noise, odor, and outdoor activity levels may be higher than a typical suburban residential area. The disclosure statement shall include a written description of the potential impacts to residents of both the existing environment (e.g., noise from planes, commercial activity on the site and vehicles on streets) and potential nuisances based upon the allowed uses in the zoning district.

Each and every buyer, lessee, or renter shall sign the statement acknowledging that they have received, read, and understand the disclosure statement. A covenant shall also be included within all deeds, leases or contracts conveying any interest in a residential unit within the development that requires: (i) the disclosure and notification requirement stated herein; (ii) an acknowledgment by all grantees or lessees that the property is located within an urban type of environment and that the noise, odor, and outdoor activity levels may be higher than a typical suburban residential area; and (iii) acknowledgment that the covenant is binding for the benefit and in favor of the City of Newport Beach.

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

<https://ecms.newportbeachca.gov/WEB/DocView.aspx?id=2930077&dbid=0&repo=CNB&cr=1>

Attachment No. 9 – Explanation Regarding Applicable AELUP Standards for Noise Impact, Safety Compatibility, and Height Restriction Zones

General Background

The Project includes a request to apply the City's Housing Opportunity Overlay Zoning District for the Airport Area Environs (HO-1 Overlay), a Site Development Review (Major), and a Tract Map. The Project site is within the Airport Environs Land Use Plan (AELUP) Notification Area for John Wayne Airport. 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

The 1300 Dove Street Project (Project) is located on an approximately 6.5-acre property bounded by Dove Street, Newport Place Drive, and MacArthur Boulevard in the City of Newport Beach's Airport Area. The Project proposes to demolish two existing office buildings, a surface parking lot, and a parking structure, and to redevelop the site with 132 residential dwelling units within 36 townhome and duplex buildings totaling approximately 298,000 square feet.

The residential buildings are organized into four building types:

- 3-Story Townhomes (Type A): 6 buildings, totaling 48 units
- 3-Story Townhomes (Type B): 4 buildings, totaling 32 units
- 3-Story Duplexes (Type C): 14 buildings, totaling 28 homes
- 4-Story Duplexes (Type D): 12 buildings, totaling 24 homes

The unit mix consists of 2–4 bedrooms, providing a variety of unit types to serve the diverse needs of Newport Beach residents. The Project also includes 304 parking spaces within attached garages and surface parking areas distributed throughout the site.

Primary vehicular access is provided from Dove Street, with secondary access from Newport Place Drive. A fire access lane would traverse the Project site to provide emergency vehicle access. The Project would improve MacArthur Boulevard with cohesive landscaping and an enhanced pedestrian walkway.

The tallest proposed building height is 47 feet (4-story duplexes), which is below the maximum allowable height under the HO-1 Overlay (which permits height based on underlying zoning). The Project is proposed at a density of approximately 20.3 dwelling units per acre, consistent with the HO-1 Overlay range of 20–50 units per acre.

General Plan/Zoning Designations

The Project site is designated Mixed-Use Horizontal 2 (MU-H2) by the Land Use Element of the General Plan. This designation allows for a mix of nonresidential and residential uses. The General Plan recognizes the Airport Area as ideal for "re-use of underperforming industrial and office properties and development of cohesive residential neighborhoods in proximity to jobs and services" (GP LUE Policy LU 3.3).

The Project site is located within the Newport Place Planned Community (PC-11), with a base zoning designation of Professional and Business Office Site 4. The site is currently within the PC-11 Residential Overlay, which permits residential densities of 30–50 units per acre. The Project requests a rezoning to apply the City's Housing Opportunity Overlay Zoning District, specifically the HO-1 – Airport Area Environs Area Overlay (HO-1 Overlay), to facilitate residential redevelopment. Adjacent properties are already subject to the same HO-1 Overlay designation.

The Housing Element identified the Airport Environs Area as appropriate for significant residential development and designated the area for the HO-1 District. The HO-1 Overlay permits housing at densities of 20–50 units per acre. The Project proposes a base density of approximately 20.3 units per acre, consistent with the minimum density threshold of the HO-1 Overlay.

Existing Uses on the Site and Adjacent Properties

The site is currently developed with two office buildings, a surface parking lot, and a parking structure associated with existing professional and business office uses.

The site is located within the City's Airport Area, approximately 0.5 miles southeast of John Wayne Airport (SNA). The surrounding land uses are predominantly office, commercial, and business park uses consistent with the Airport Area character, with several properties within the vicinity already subject to the HO-1 Overlay.

Approval Process/Schedule

Planning Commission Review: June 4, 2026

City Council Review:

TBD (Estimated July 28, 2026)

Noise Analysis and Safety Hazards

The Project site is located within the airport planning boundaries and ALUC notification area. The John Wayne Airport Noise Contours depict the Project site as located within the 60 dB CNEL noise contour.

The AELUP establishes aircraft noise exposure exterior noise level compatibility thresholds for new by land use category. **Residential development is “normally consistent” with the 60 dB CNEL noise contour.** (AELUP, p. 23 [Table 1].) For projects which are “normally consistent,” conventional construction methods may be used and “[n]o special noise reduction requirements [apply].” (*Id.*) Consistent with the AELUP and the City’s Zoning Ordinance (§ 20.28.050) the Project has been designed to incorporate adequate sound attenuation measures to achieve acceptable interior noise levels for residential uses.

Runway Protection and Safety Zones Analysis

All Project components, including the residential buildings (maximum 47 feet) and any accessory structures, are within Safety Zone 6. This Zone carries a **low likelihood** of accidents occurrence at most airports. (California Airport Land Use Planning Handbook (January 2002), p. 9-45.)

Residential uses are allowed within this Zone. The residential density proposed (approximately 20.3 units per acre) is consistent with the intensity limits for residential uses in Safety Zone 6. Indeed, the proposed HO-1 Overlay provides a **lower density residential** option compared to the existing PC-11 Overlay.

Height Analysis

The Project site is located under the FAR Part 77 Obstruction Imaginary Surface area but proposes **no change in allowable uses and no increase in building height**; i.e., the project already allows residential use at a density of 30-50 units per acre, and existing office buildings exceed the proposed residential building height(s). As such, no notification to the FAA is required.

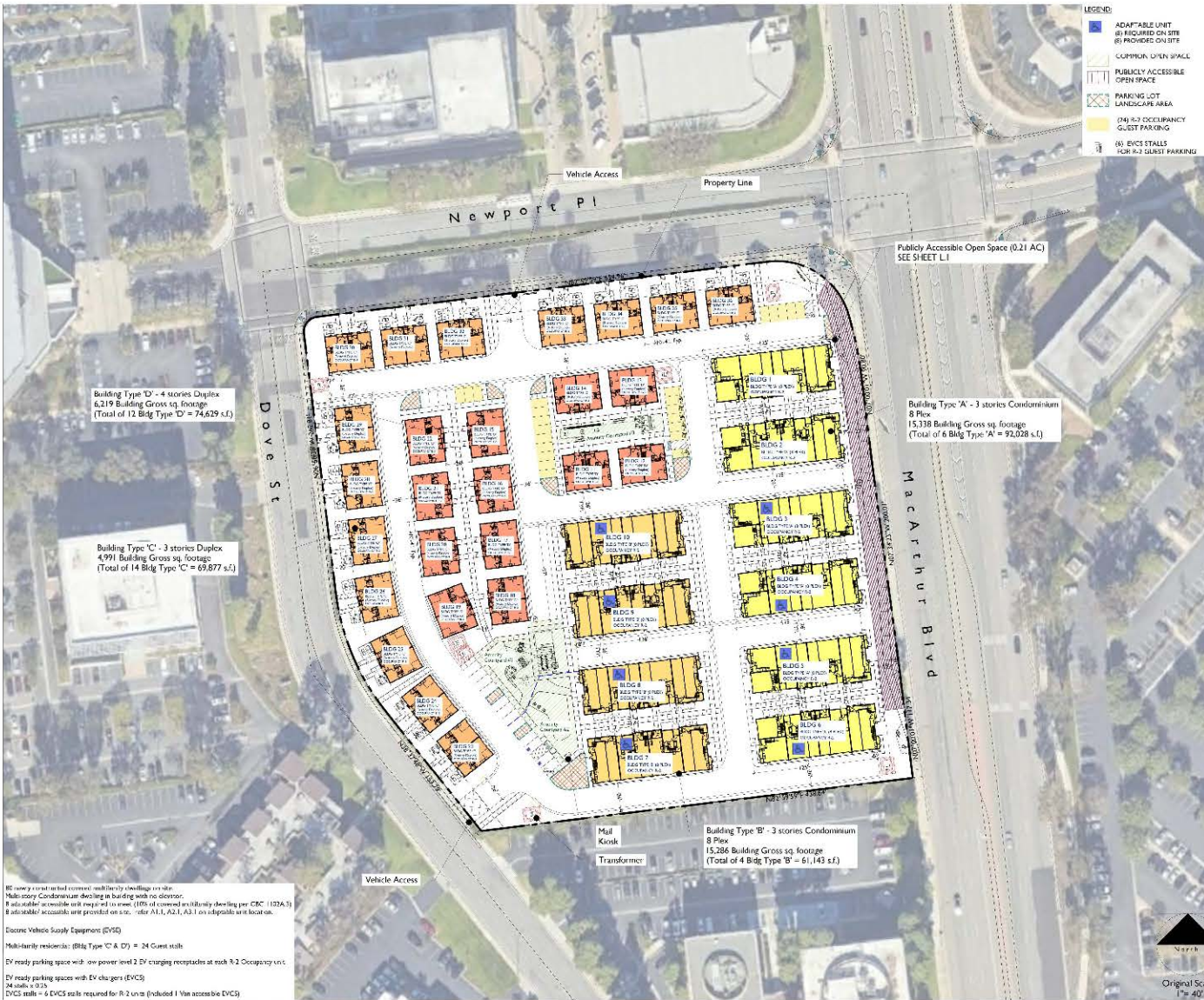
The maximum building height proposed for the Project is 47 feet above ground level for the 4-story duplex buildings (Type D). Architectural plans are included as Attachment No. 9.

CEQA Analysis

Environmental review for the Project would be based on an Addendum to the City of Newport Beach General Plan Housing Implementation Program Environmental Impact Report (HIP PEIR) (State Clearinghouse [SCH] No. 2023060699), which was certified by

the City of Newport Beach on September 24, 2024. The Addendum evaluates whether the Project's environmental effects are within the scope of the impacts analyzed in the HIP PEIR and determines that no subsequent or supplemental EIR is required.

The HIP PEIR Addendum addresses relevant environmental topics including noise, air quality, transportation, and hazards related to proximity to John Wayne Airport. The addendum (including MMRP) is available at this link: [newportbeachca.gov/Pln/PC_TEMP_LINK/Program Environmental Impact Report Addendum.pdf](https://newportbeachca.gov/Pln/PC_TEMP_LINK/Program_Environmental_Impact_Report_Addendum.pdf)



Site Summary:

Total:	132 Homes
Site Area:	±6.5 Acres
Density:	±20.3 Homes/Acre
Current use:	Offices
General plan land use:	MU-H2 Mixed-use horizontal
Existing Zoning:	PC-11 Newport Place
Propose overlay:	Pro. & Bus. office site 4
APN:	Housing Opportunity Overlay
Tract:	HC-1 - Airport Area Environs Area
Lot:	42722201
Setback:	7815
Building separation:	PCL 2
Gross Floor Area on site:	Frontage 0' (20' any portion over 20' in ht)
F.A.R.:	Sides 0'
Total parking on site:	Rear 0'
	10'
	297,676 SF
	1,012
	305

Mix Summary:

3-Story Condominium - Building Type A (±1,890 saleable s.f. each)
Occupancy R-2, 6 Bldg Type A on site

Plan 1 (2BR/2.SBA, ±1,251 sf):	6 Homes	(±7,506 sf)
Plan 2 (2BR/2.SBA, ±1,350 sf):	6 Homes	(±8,100 sf)
Plan 3 (2BR/2.SBA, ±1,375 sf):	6 Homes	(±8,250 sf)
Plan 4 (2BR/2.SBA, ±1,358 sf):	6 Homes	(±8,148 sf)
Plan 5 (3BR/2.SBA, ±1,593 sf):	12 Homes	(±19,116 sf)
Plan 6 (3BR/3.SBA, ±1,685 sf):	12 Homes	(±20,220 sf)
Total:	48 Homes	(±71,340 saleable s.f.)

3-Story Condominium - Building Type B (±1,972 saleable s.f. each)
Occupancy R-2, 4 Bldg Type B on site

Plan 2 (2BR/2.SBA, ±1,350 sf):	8 Homes	(±10,800 sf)
Plan 4 (2BR/2.SBA, ±1,358 sf):	8 Homes	(±10,864 sf)
Plan 5 (3BR/2.SBA, ±1,593 sf):	8 Homes	(±12,744 sf)
Plan 6 (3BR/3.SBA, ±1,685 sf):	8 Homes	(±13,480 sf)
Total:	32 Homes	(±47,888 saleable s.f.)

3-Story Duplexes - Building Type C (±3,927 saleable s.f. each)
Occupancy R-3, 14 Bldg Type C on site

Plan1 (3BR/3.SBA, ±1,948 sf):	14 Homes	(±27,272 sf)
Plan2 (4BR/3.SBA, ±1,979 sf):	14 Homes	(±27,706 sf)
Total:	28 Homes	(±54,978 saleable s.f.)

4-Story Duplexes - Building Type D (±5,092 saleable s.f. each)
Occupancy R-3, 12 Bldg Type D on site

Plan3 (4BR/4.SBA, 12,562 sf):	12 Homes	(±30,744 sf)
Plan4 (4BR/4.SBA, ±2,530 sf):	12 Homes	(±30,360 sf)
Total:	24 Homes	(±61,104 saleable s.f.)

Condominium Gross Buildable S.F. Summary: (Conditioned+Decks+Garages)

- (6) Building type 'A' (8 plex Condominium): 3 story = 48 units
15,338 S.F. x 6 bldg = 92,028 s.f.
- (4) Building type 'B' (8 plex Condominium): 3 story = 32 units
15,286 S.F. x 4 bldg = 61,143 s.f.

Duplex Gross Buildable S.F. Summary: (Conditioned+Garages)

- (14) Building type 'C' (Duplex): 3 story = 28 units
4,991 S.F. x 14 bldg = 69,877 s.f.
- (12) Building type 'D' (Duplex): 4 story = 24 units
6,219 S.F. x 12 bldg = 74,629 s.f.

Total project Gross Square footage = 297,676 s.f.

Parking Required:

2BR(1.8X40):	72 Spaces
3+BR(2.0X92):	184 Spaces
R-3 Guest (0.3x52)	15.6 Spaces
R-2 Guest (0.3x80):	24 Spaces
Total	295.6 Spaces (±2.24:1)

Parking Provided:

Garage:	264 Spaces
Uncovered:	40 Spaces
Total	304 Spaces (±2.30:1)
(Included 1 Van, 1 std. accessible parking stall)	

See Page L-1 for PAOS Area Calculation

AVERAGE GRADE PLANE DATA - SEE SHEET A2.6

MATERIAL LEGEND

- A. INTEGRAL COLORS STUCCO WALL
- B. ACCENT STUCCO #1
- C. STONE VENEER
- D. FOAM TRIM
- E. CONCRETE FLAT TILE
- F. VINYL WINDOW
- G. ENTRY DOOR
- H. WOOD AWNING
- I. METAL RAILING
- J. CONTROL JOINT
- K. EXTERIOR COACH LIGHT
- L. UTILITY DOOR
- M. WOOD FASCIA
- N. CEMENTITIOUS SIDING
- O. CEMENTITIOUS TRIM



FRONT



REAR

Bassonian | Lagoni
 ARCHITECTURE • PLANNING • INTERIORS
1300 DOVE STREET, SUITE 200, NEWPORT BEACH, CA 92660
 TEL: 949.261.1100

8-PLEX BUILDING TYPE 'A'
 Front & Rear Elevations
1300 DOVE STREET
 Newport Beach, California

SCALE: 1/4" = 1'-0" B05.25082

City of Newport Beach

A 2.5
 02.06.26



AVERAGE GRADE PLANE			
BLDG TYPE	BLDG NUMBER	AVERAGE GRADE PLANE	HIGHEST RIDGE F.F.E.
DUPLEX	BLDG 23	46.53	82.95
DUPLEX	BLDG 24	46.53	82.95
DUPLEX	BLDG 25	46.18	82.60
DUPLEX	BLDG 26	45.38	81.80
DUPLEX	BLDG 27	45.20	81.62
DUPLEX	BLDG 28	45.48	81.90
DUPLEX	BLDG 29	45.88	82.30
DUPLEX	BLDG 30	46.50	82.92
DUPLEX	BLDG 31	46.98	83.40
DUPLEX	BLDG 32	47.35	83.77
DUPLEX	BLDG 33	48.18	84.60
DUPLEX	BLDG 34	48.68	85.10
DUPLEX	BLDG 35	49.13	85.55
DUPLEX	BLDG 36	49.53	85.95

MATERIAL LEGEND

- A. INTEGRAL COLORS STUCCO WALL
- B. ACCENT STUCCO #1
- C. STONE VENEER
- D. FOAM TRIM
- E. CONCRETE FLAT TILE
- F. VINYL WINDOW
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- J. CONTROL JOINT
- K. EXTERIOR COACH LIGHT
- L. UTILITY DOOR
- M. WOOD FASCIA
- N. CEMENTITIOUS SIDING
- O. CEMENTITIOUS TRIM



AVERAGE GRADE PLANE			
BLDG TYPE	BLDG NUMBER	AVERAGE GRADE PLANE	HIGHEST RIDGE F.F.E.
DUPLEX	BLDG 11	49.18	95.69
DUPLEX	BLDG 12	49.68	96.18
DUPLEX	BLDG 13	49.90	96.00
DUPLEX	BLDG 14	48.90	95.40
DUPLEX	BLDG 15	48.13	94.63
DUPLEX	BLDG 16	47.78	94.28
DUPLEX	BLDG 17	47.30	93.80
DUPLEX	BLDG 18	47.10	93.60
DUPLEX	BLDG 19	46.53	93.03
DUPLEX	BLDG 20	46.23	92.73
DUPLEX	BLDG 21	46.33	92.83
DUPLEX	BLDG 22	46.85	93.15



- MATERIAL LEGEND**
- A. INTEGRAL COLORS STUCCO WALL
 - B. ACCENT STUCCO #1
 - C. STONE VENEER
 - D. FOAM TRIM
 - E. CONCRETE FLAT TILE
 - F. VINYL WINDOW
 - G. ENTRY DOOR
 - H. WOOD AWNING
 - I. METAL RAILING
 - J. CONTROL JOINT
 - K. EXTERIOR COACH LIGHT
 - L. UTILITY DOOR
 - M. WOOD FASCIA
 - N. CEMENTITIOUS SIDING
 - O. CEMENTITIOUS TRIM



FUTURE ALIGNMENT OF ROADWAY

REQUIRED PAOS 8,786 sf (3%)
 PROVIDED PAOS: 8,927 sf (3.1%)

PUBLICLY ACCESSIBLE OPEN SPACE (PAOS)

- meandering 8' width concrete sidewalk
- seating areas with flat top boulders and decomposed granite
- portals at pedestrian connections to development
- curb adjacent street trees
- california friendly planting
- groupings of ornamental trees and palms
- dedicated as a public easement

20' LIMIT OF PAOS
 - credit only taken at 20' width areas

AMENITY COURTYARD #3
 SEE SHEET L.2

TYPICAL DUPLEX PASEO
 SEE SHEET L.5

TYPICAL TOWNHOME PASEO
 SEE SHEET L.4

EXISTING SIDEWALK TO BE REPLACED WITH LANDSCAPE

AMENITY COURTYARDS #1 AND #2
 SEE SHEET L.2

PROPERTY LINE

6' HT DECORATIVE MASONRY WALL

TRANSFORMER NOTE
 TRANSFORMERS TO BE LOCATED WITHIN PROPERTY LINE

LANDSCAPE PLAN NOTE
 ALL NON-LPZ LANDSCAPE AREAS WITH A MINIMUM DIMENSION OF 3' FOR SHRUBS AND 4' FOR TREES PER NBMC SECTION 20.36.

LANDSCAPE AREA
 REQUIRED: 23,814 sf (8% OF SITE - 297,676 S.F.)
 PROVIDED: 67,838 sf (23%)



CITY OF NEWPORT BEACH PLANNING COMMISSION STAFF REPORT

June 4, 2026
Agenda Item No. 3

SUBJECT: 1300 Dove Townhomes (PA2025-0170)

- Zoning Code Amendment
- Major Site Development Review
- Vesting Tentative Tract Map
- Affordable Housing Implementation Plan
- Development Agreement
- Addendum to the Newport Beach General Plan Housing Implementation Program EIR

SITE LOCATION: 1200 and 1300 Dove Street and 4041 MacArthur Boulevard

APPLICANT: Sean Matsler with Cox, Castle, & Nicholson, LLP

OWNER: AG Redstone Owner, L.P., A Delaware limited partnership

PLANNER: Oscar Orozco, Associate Planner
949-644-3219, oorozco@newportbeachca.gov

PROJECT SUMMARY

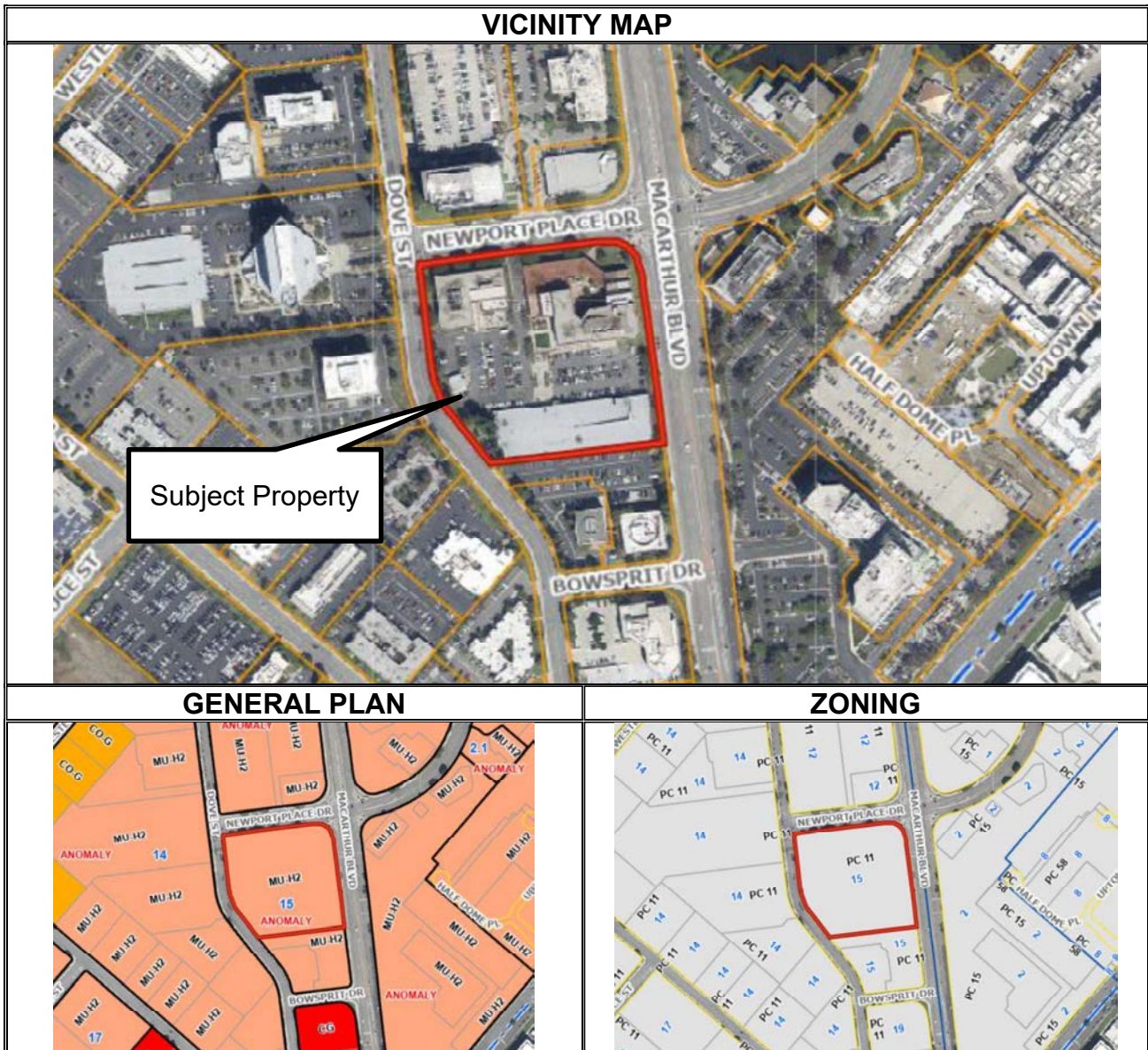
A request to authorize the development of a 132-unit, for-sale, residential townhome community including 7 units affordable to very low-income households on an existing office site. The proposed development includes the demolition of two existing office buildings and an existing parking structure and the construction of two-, three- and four-bedroom townhomes ranging from 1,251 to 2,562 square feet. The development includes a two-car garage for each unit and 40 uncovered guest parking spaces for a total of 304 on-site parking spaces. The 132 units will be distributed within 36 buildings, with units arranged in two- and eight-unit buildings. The buildings have a maximum structure height ranging from approximately 37 to 47 feet above established grade. The development will provide resident-serving amenities, including outdoor courtyards with barbeque, a pizza oven, covered seating, a fire pit, and a game lawn. Additionally, a publicly accessible pedestrian "strada" improved with landscaping and seating areas is proposed along the MacArthur Boulevard frontage. Onsite and offsite public improvements such as updating the storm drain, sidewalks, and driveways are included in project implementation (Project). To implement the Project, the request requires the following approvals from the City:

- **Zoning Code Amendment** - An amendment to Section 20.80.025 (Housing Opportunity Overlay Zoning Districts Maps) of the Newport Beach Municipal Code (NBMC) to include the Project Site in the Housing Opportunity Sites Overlay in the HO-1- Airport Area Environs Map;

- **Major Site Development Review (SDR)** - A major site development review in accordance with Section 20.52.080 (Site Development Reviews) of the NBMC for five or more units with a tentative tract map;
- **Vesting Tentative Tract Map (VTTM)** - A vesting tentative tract map to allow for an airspace subdivision of the individual residential units on a 6.5-acre parcel, pursuant to Chapter 19.12 (Tentative Map Review) of the NBMC;
- **Affordable Housing Implementation Plan (AHIP)** - A plan specifying how the Project would meet the City's affordable housing requirements pursuant to Chapter 20.32 (Density Bonus) of the NBMC and Government Code Section 65915 (Density Bonus Law);
- **Development Agreement (DA)** - A Development Agreement between the Applicant and the City, pursuant to Section 15.45.020 (Development Agreement Required) of the NBMC, which would provide the Applicant with the vested right to develop the Project for a term of 10 years and to provide negotiated public benefits to the City; and
- **Addendum to the Newport Beach General Plan Housing Implementation Program EIR (Addendum No. 1)** - Pursuant to the California Environmental Quality Act (CEQA), the Addendum addresses reasonably foreseeable environmental impacts resulting from the Project.

RECOMMENDATION

- 1) Conduct a public hearing;
- 2) Adopt Resolution No. PC2026-018 (Attachment No. PC 1) recommending City Council approval of the Addendum No. 1 to the Certified Final Programmatic Environmental Impact Report for the City of Newport Beach Housing Implementation Program (SCH No. 2023060699), Zoning Code Amendment, Major Site Development Review, Vesting Tentative Tract Map, Affordable Housing Implementation Plan, and Development Agreement for the 1300 Dove Townhomes Project located at 1200 and 1300 Dove Street and 4041 MacArthur Boulevard (PA2025-0170).



LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	Mixed-Use Horizontal (MU-H2)	Newport Place Planned Community (PC-11) in the Professional & Business Office Site 4 sub-area within the residential overlay	Office
NORTH	MU-H2	PC-11 in the Professional & Business Office Site 5 sub-area within the residential overlay	Office
SOUTH	MU-H2	PC-11 in the Professional & Business Office Site 4 sub-area within the residential overlay, HO-1 Overlay Zoning District	Office
EAST	MU-H2	PC-15 Koll Center	Office
WEST	MU-H2	PC-11 in the Professional & Business Office Site 1 & 2 sub-area, HO-1 Overlay Zoning District	Office

INTRODUCTION

Project Setting

The Project Site is 6.5 acres, addressed as 1200 and 1300 Dove Street and 4041 MacArthur Boulevard, and located on the southwest corner of the Von Karman Avenue and MacArthur Boulevard intersection, shown in Figure 1 (Project Site). It is currently improved with a 125,249-square-foot, five-story office building, a 48,715-square-foot, three-story office building, a 137,557-square-foot three level parking structure and surface parking lot.

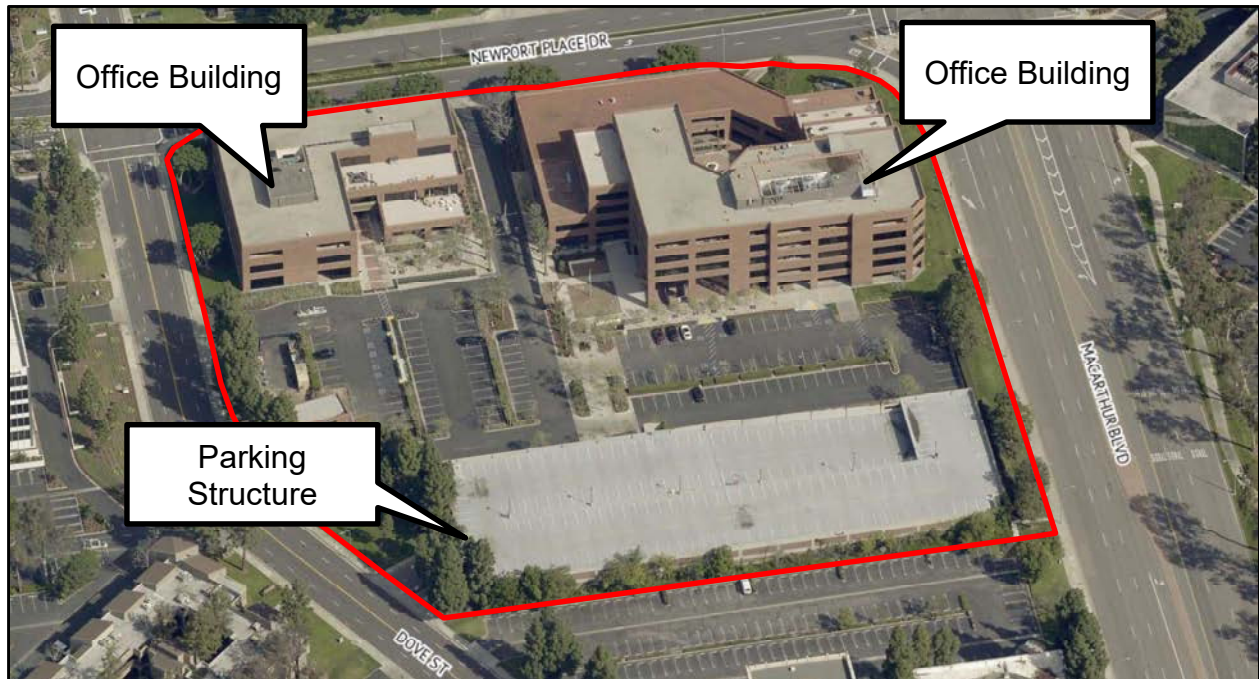


Figure 1, Birds-eye aerial image of current development on the Project Site

Project Description

The applicant proposes the demolition of all existing on-site improvements and construction of 132 dwellings. The development is organized into four building types (Types A, B, C, and D), ranging from approximately 4,991 to 15,338 square feet per building. A total of 36 residential buildings is proposed across the Project Site.

Building Types A and B consist of eight-unit, three-story structures that incorporate stacked unit configurations, while Building Types C and D consist of attached two-unit buildings in three- and four-story formats. Although building heights vary by type, all buildings remain within the allowable height limit for the site.

The unit mix includes two-, three-, and four-bedroom townhomes ranging from approximately 1,251 to 2,562 square feet. All units feature multi-story layouts with private

living areas, bedrooms, bathrooms, and outdoor private open space such as decks or patios. Parking is accommodated through private garages integrated within each building, consistent with typical condominium and duplex configurations.

A summary of the building types and associated floor areas is provided in Table 1.

Table 1 – Building Summary

	Building Type A (8 Units)	Building Type B (8 Units)	Building Type C (2 Units)	Building Type D (2 Units)	Total
Building Size (Sq. Ft.)	15,338	15,286	4,991	6,219	-
Number of Buildings	6	4	14	12	36
Total Sq. Ft.	92,028	61,143	69,877	74,629	297,677

Design and Architecture

As depicted in Figures 2 and 3 below, the Project will have a contemporary coastal inspired design with clean straight lines, large windows, stacked units, stucco siding with stone veneer accents as well as cementitious horizontal siding and wood awnings. The light, neutral tones used in the color palette enhance architectural articulation and reflect the coastal environment, while stone veneer adds texture and durability.



Figure 2, Rendering of Two-Unit Buildings from Interior Private Street



Figure 3, Rendering of an Eight-Unit Building from Interior Private Street

To enhance architectural articulation and create visual variety throughout the community, four coordinated and complementary color schemes are proposed for all condominium and duplex buildings. Each scheme, described below, uses a consistent family of paint colors, stone veneers, and stone mortar with variations in siding, stucco, and accent tones to introduce subtle contrast while maintaining overall neighborhood cohesion.

- Scheme 1 features a light, neutral palette with white trim, soft gray-green siding tones, and light stucco colors. Stone materials in with gray mortar adds texture while reinforcing the overall light appearance.
- Scheme 2 introduces slightly warmer gray tones, paired with white trim and balanced stucco colors. Warm neutral accents provide subtle variation while maintaining consistency with Scheme 1.
- Scheme 3 incorporates deeper mid-range grays for a more contemporary look. Darker entry door colors in deep brown and warm brown offer contrast, while siding and stucco remain within a controlled gray palette to ensure compatibility.
- Scheme 4 is the warmest of the four schemes, using taupe-based siding and complementary warm gray stucco colors. White trim and consistent stone treatments unify the design with the other schemes.

Across all four schemes, the roof materials are selected to complement each palette, with a range of colors depending on scheme and building type. The resulting design approach provides a unified but visually varied community character, avoiding monotony while maintaining a consistent architectural theme. Full digital materials boards with detailed color schemes and materials breakdown are provided in Attachment No. PC 4 in the Project Plans.

Access and Parking

Vehicular access to the Project Site is provided by a driveway on Newport Place Drive and a second driveway on Dove Street. The two access points connect to a private internal street that runs the full length of the development, providing a minimum 26-foot-wide vehicular path throughout the site. This internal circulation system leads to the individual two-car garages serving each unit, all of which meet the minimum garage dimensions of 17 feet 6 inches in width and 19 feet in depth. In addition to the private garage parking, 40 guest/visitor parking spaces will be provided throughout the Project Site, resulting in a total of 304 parking spaces. Figure 4 depicts the on-site circulation and the guest parking locations.

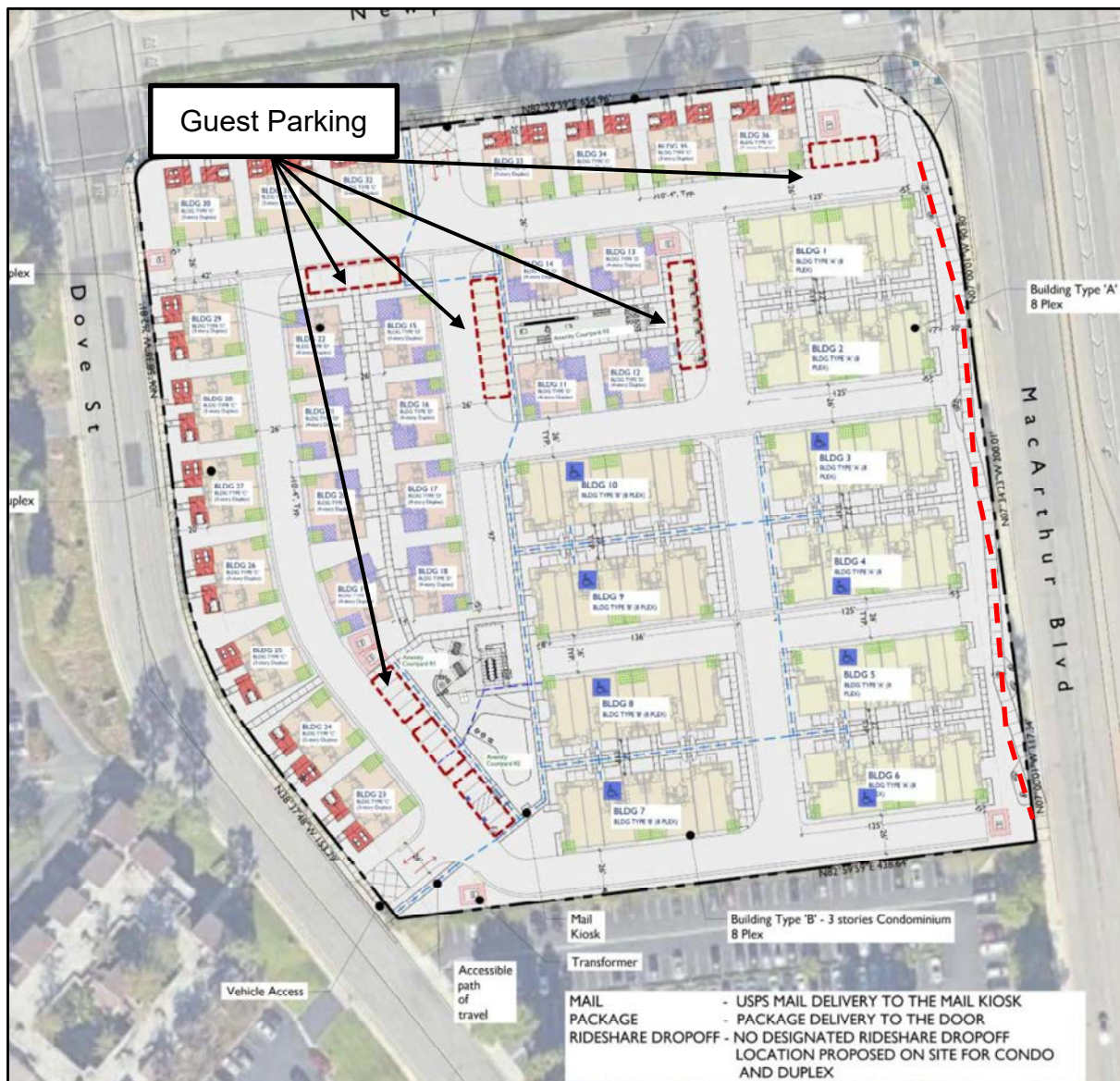


Figure 4, Private Driveways and Parking Areas

Residential Amenities

The Project provides the required private open space in the form of private balconies and courtyards for each unit, ranging from 63 square feet for the smallest unit to 127 square feet the largest unit.

In addition to the private open space, there will be three common open space courtyards with the following resident-serving amenities:

- Courtyard 1 is an approximately 2,000-square-foot outdoor dining area, which includes a shade structure, outdoor kitchen, barbeque, pizza oven, as well as an outdoor lounge which includes a seat wall, fire pit, picnic tables with umbrellas and catenary lighting overhead.
- Courtyard 2 is an approximately 2,000-square-foot open lawn intended for flexible play and activities, with seating and shade trees.
- Courtyard 3 is an approximately 1,900-square-foot courtyard with an outdoor dining area, which includes barbeques, a seat wall with bench top seating, as well as concrete steppers onto a game lawn.

Additionally, the Project includes an 8,927-square-foot Publicly Accessible Open Space (PAOS) along the MacArthur Boulevard frontage. The PAOS provides a meandering sidewalk “strada” with landscaping and seating areas to enhance the pedestrian experience, which is shown in a red-dashed line in Figure 4 on the preceding page. More detail is provided on the common open space area and the PAOS under the “Design and Open Space” header of the “Major Site Development Review” Section below.

Solid Waste and Recycling

The private garages are adequately sized to accommodate individual containers for trash, recycling, and organics while maintaining the appropriate dimensions for residential parking spaces. Due to the configuration of dwelling units proposed, the Homeowners Association will be responsible for securing waste pickup for its residents.

Subdivision and Establishment of Grade

The Project includes a request for an airspace subdivision of the units to allow for individual sale as townhomes (i.e., for condominiums purposes). It also proposes the establishment of grade for height measurement purposes for each building consistent with Section 20.30.050(B) (Establishment of Grade) of the NBMC, which allows the average of the elevation from each corner of the building to establish the grade. All individual building heights would be measured based on the established grade plane elevation for that building.

Required City Approvals

The following approvals are requested from the City to implement the Project:

- **Zoning Code Amendment** - An amendment to Section 20.80.025 (Housing Opportunity Overlay Zoning Districts Maps) of the Newport Beach Municipal Code (NBMC) to include the Project Site in the Housing Opportunity Sites Overlay in the HO-1- Airport Area Environs Map;
- **Major Site Development Review (SDR)** - A major site development review in accordance with Section 20.52.080 (Site Development Reviews) of the NBMC for five or more units with a tentative tract map;
- **Vesting Tentative Tract Map (VTTM)** - A vesting tentative tract map to allow for an airspace subdivision of the individual residential units on a 6.5-acre parcel, pursuant to Chapter 19.12 (Tentative Map Review) of the NBMC;
- **Affordable Housing Implementation Plan (AHIP)** - A plan specifying how the Project would meet the City's affordable housing requirements pursuant to Chapter 20.32 (Density Bonus) of the NBMC and Government Code Section 65915 (Density Bonus Law);
- **Development Agreement (DA)** - A Development Agreement between the Applicant and the City, pursuant to Section 15.45.020 (Development Agreement Required) of the NBMC, which would provide the Applicant with the vested right to develop the Project for a term of 10 years and to provide negotiated public benefits to the City; and
- **Addendum to the Newport Beach General Plan Housing Implementation Program EIR (Addendum No. 1)** - Pursuant to the California Environmental Quality Act (CEQA), the Addendum addresses reasonably foreseeable environmental impacts resulting from the Project.

Background

Housing Opportunity (HO) Overlay Zoning District and Amendment

On September 13, 2022, the City Council adopted the City's 6th Cycle Housing Element for the 2021-2029 planning period (Housing Element). The Housing Element was later certified as statutorily compliant with state law by the California Department of Housing and Community Development (HCD) on October 5, 2022.

On September 24, 2024, the City Council adopted Ordinance Nos. 2024-16 and 2024-17, approving amendments to Title 20 (Planning and Zoning) of the NBMC to establish the Housing Opportunity (HO) Overlay Zoning Districts (Housing Overlay) in Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) of the NBMC and to create multi-unit objective design standards (ODS) in Section 20.48.185 (Multi-Unit Objective Design Standards) of the NBMC, respectively. The new sections serve to implement Policy Actions 1A through 1G and 3A in the Housing Element.

The adoption of these ordinances provided new housing opportunities within five subareas to ensure the City can meet its 6th Cycle Regional Housing Needs Assessment (RHNA) allocation: 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). These subareas correspond directly to the Focus Areas identified in Appendix B (Adequate Sites Analysis) of the Housing Element.

Properties identified as a “Housing Opportunity Site” have specific development standards 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. The ODS are applicable to any residential project with a minimum density of 20 dwelling units per acre to ensure the high-quality design and to provide a baseline standard for new multi-unit developments throughout the City.

The Project Site is located within the Airport Area Environs Area; however, it is not identified as a housing opportunity site, as illustrated in Figure 5 below. An amendment is requested to the Housing Opportunity Overlay Zoning Districts Maps of the NBMC to include the Project Site in the Housing Opportunity Sites Overlay in the HO-1- Airport Area Environs Map.



Figure 5, Excerpt of the HO-1 (Airport Area Environs Area) Subarea

DISCUSSION

Analysis

General Plan Consistency

The Project Site is categorized as Mixed-Use Horizontal (MU-H2) by the General Plan Land Use Element. The MU-H2 Designation is intended to provide for horizontal intermixing of uses that may include regional commercial office, multifamily residential, vertical mixed-use buildings, industrial, hotel rooms, and ancillary neighborhood commercial uses. Although the Project is consistent with the intent of the MU-H2 designation, it is not required to be consistent with the underlying General Plan Land Use Designation, pursuant to Land Use Element Policy LU 4.5 (Residential Uses and Residential Densities). Policy LU 4.5 allows residential use of any Project Site included within an established HO Overlay Zoning District regardless of and in addition to the underlying land use category or density limit established in the General Plan.

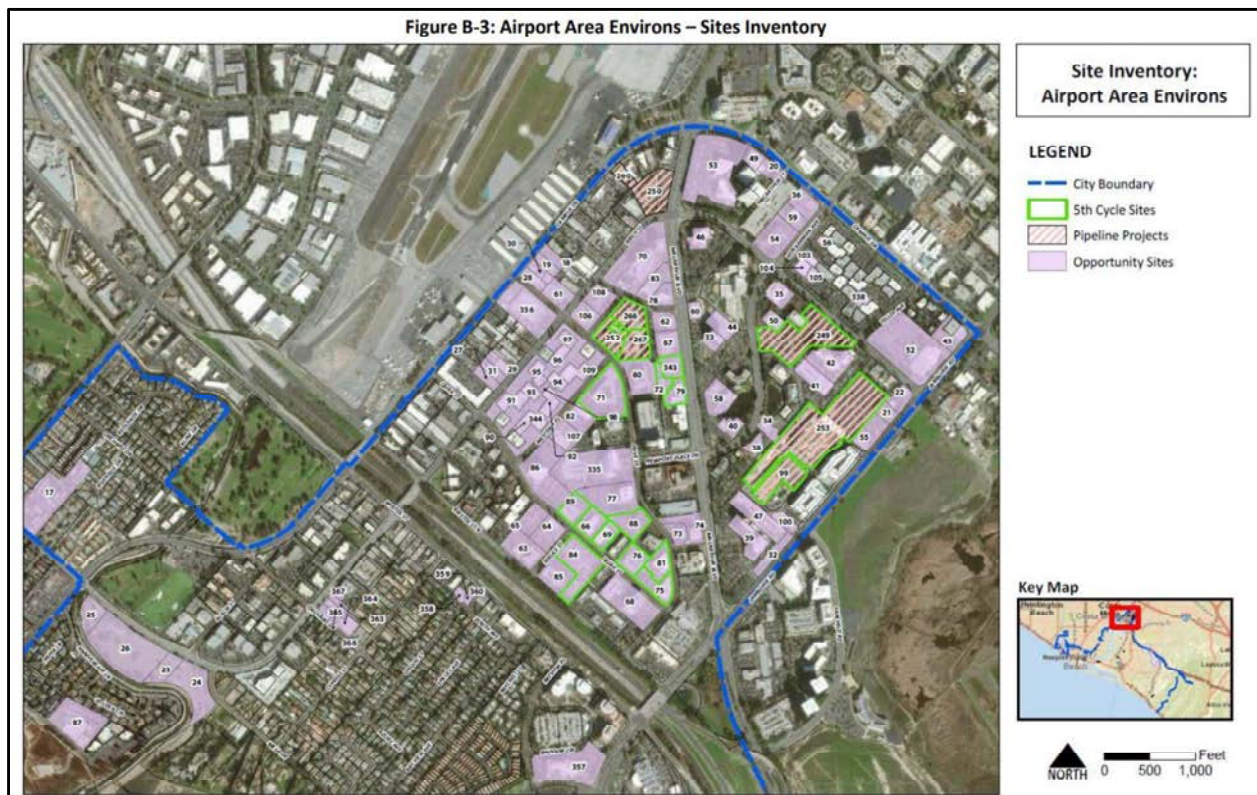


Figure 6, Figure B-3 of the Housing Element

Furthermore, the Housing Element identifies adequate sites to accommodate the City's fair share allocation of the RHNA. Figure B-3 of the Housing Element (Figure 6 above) displays the Opportunity Sites within the Airport Area Environs Focus Area. Although the Project Site was not identified as a Housing Opportunity Site, Policy LU 4.4

(Rezoning to Accommodate Housing Opportunities) indicates that additional sites can be identified through rezoning. In this case, the applicant is requesting an amendment to include the Project Site in the HO Overlay Zoning Districts of the NBMC. The amendment would not increase the number of units allocated to the HO-1 Subarea rather it would add another site to the list of eligible sites.

Ultimately, the Project implements the certified Housing Element by producing housing and aids the City in its goal to provide new housing opportunities, including housing for very-low-income households.

In addition to the above, the Project is consistent with several other Housing, Land Use, and Circulation Element policies that establish fundamental criteria for the formation and implementation of new residential development. A consistency analysis was completed and is detailed in the attached draft resolution (Attachment No. PC 1), as well as the attached General Plan Consistency Table (Attachment No. PC 2).

Zoning Code Amendment

An amendment to the Zoning Code is a legislative act. Based on State Law and the NBMC, there are no findings for either approval or denial of such amendments to the NBMC. Notwithstanding this, the requested Zoning Code Amendment to incorporate the Project Site into the HO-1 Subarea of the HO Overlay Zoning Districts is in furtherance of the Housing Element and the request is supportable for the following key reasons:

1. The Project Site is located within the Newport Place Planned Community (PC-11) Zoning District in the Professional & Business Office Site 4 Subarea. It is also within the Residential (R) Overlay, which allows for multifamily residential development on the Project Site. The R Overlay requires a minimum of 30 dwelling units per acre, where the Project proposes approximately 20 dwelling units per acre. Therefore, the applicant is seeking an amendment to Section 20.80.025 (Housing Opportunity Overlay Zoning Districts Maps) of the NBMC to include the Project Site in the HO Overlay Zoning Districts within the HO-1 (Airport Area Environs Map), where the minimum density is 20 dwelling units per acre. Because the existing PC-11 R overlay would allow residential, the Project would be consistent with the intent of the existing zoning district to provide housing.
2. The proposed Project allocates 5% of the base units (7 dwelling units) as affordable for very-low-income households, increasing the overall affordable housing supply. Specifically, the Project would include the introduction of a for-sale affordable housing product, which would diversify the City's housing stock.
3. Given the location of the Project Site in the Airport Area, which includes a mixture of service uses, hotels, Airport and commercial support services, professional offices, and new residential developments that cumulatively contain the

ingredients of a planned community, the proposed Zoning Code Amendment would not disrupt the existing uses within the Planned Community and would add to this diversity of uses, assisting the City in larger scale community planning and the provision of additional housing opportunities.

4. As illustrated in Figure 5 above, the Project Site is located within the Airport Area Environs Area, which includes numerous properties designated within the HO Overlay Zoning District. The property nearest to the site, located at 1050 Dove Street immediately to the south, is within the HO-1 subarea. The Project would be consistent with the anticipated future development of other adjacent properties within the HO Overlay Zoning District in the Airport Area Environs Area. Additionally, the Airport Area Environs Area contains a dispersed pattern of HO Overlay Zoning District sites, and because the Project site is directly adjacent to an existing housing-designated property, its inclusion within this broader development context is appropriate and not a substantial change in the anticipated character of the area. The Zoning Code Amendment would not increase the number of units allocated to the HO-1 subarea.
5. The Project would be subject to the appropriate site and project specific setbacks, density, and height limits for this urban location. All required parking is provided on-site. The Project complies with the development standards identified for the HO Overlay Zoning District, except as modified by the allowed development standard waivers identified in the Affordable Housing Implementation Plan. The HO Overlay Zoning District provides a density range for proposed projects and references the Section 20.32 (Density Bonus) of the NBMC that prescribes the maximum density bonus and incentives allowed. Therefore, the proposed project is consistent with the intent of the density bonus assumptions in the HO Overlay Zoning District and within the maximum allowed by the density bonus provisions.
6. The Project Site is located near existing office buildings within the Airport Area and is not negatively impacted by noise, dust, smoke, vibration, odor, toxic or noxious matter that may be generated by existing commercial or industrial uses nearby. The Project would develop 132 of the overall 2,577 units allowed within the HO-1 subarea. The Project Site is located within the 60dBA CNEL noise contour, reducing the likelihood of dwelling units being developed within the 65dBA CNEL noise contours.
7. The Project Site is fully developed and does not support any natural resources and all potential environmental impacts associated with the Project are appropriately addressed through standard building permit procedures, conditions of approval, and the General Plan Policies identified in the Housing Implementation Program EIR.

Zoning Code Consistency

The Project includes a Zoning Code Amendment to include the site within the Housing Opportunity Overlay Zoning District. As previously discussed, Section 20.28.050 (B) (Housing Opportunity (HO) Overlay Zoning Districts – Uses Allowed) of the NBMC allows for multi-unit residential development on housing overlay sites if the Project meets the 20 to 50 dwelling units per acre density requirement. Based on the 6.5-acre lot, the project results in a density of 20.3 units per acre and meets the density requirement of the HO-1 Subarea. Table 2 demonstrates the project’s compliance with the development standards of the HO-1 subarea.

Table 2 – Development Standards

Development Standard	Standard	Proposed
Density	20-50 dwelling units per acre (du/acre)	20.3 du/acre
Setbacks		
Front	0 feet (ft) ¹	N/A
Rear	0 ft	30 ft
Side	0 ft	N/A
Street Side (MacArthur Blvd., Newport Place Dr., Dove St.)	0 ft ¹	20 ft
Height	55 ft	37 to 47 ft
Building Separation	10 ft	10 ft (minimum)
Floor Area Limit	No restriction	297,676 square feet (sq ft)
Common Open Space (75 sq ft/unit)	9,900 sq ft	10,283 sq ft
Private Open Space (5% gross floor area/unit)	14,884 sq ft	22,550 sq ft
Parking		
2 Bedroom unit (1.8 space/unit)	256 spaces (total)	264 spaces (total)
3 + Bedroom unit (2.0 space/unit)		
Visitor/Guest (0.3 space/unit)	40 spaces	40 spaces
<i>1. Any portion of the structure that is twenty (20) feet in height shall be set back a minimum twenty (20) feet from the street right-of-way. In this case, the Project Site includes three street frontages and there are no front or rear setbacks.</i>		

Pursuant to Section 20.28.050 (C)(2) (Subarea Development Standards – Airport Area Environs Area) of the NBMC, additional specific development standards are required for development in the HO-1 Subarea to mitigate sound with a required acoustical report to confirm levels within Section 10.26.30 (Interior Noise Standards) of the NBMC; advanced interior air filtration system; and a required notification to owners and tenants disclosing potential impacts to residents of the existing environment and potential nuisances based upon the allowed uses in the area. Condition of Approval Nos. 22 through 24 are included in the Resolution (Attachment No. PC 1), ensuring these regulations are met.

The Project is also subject to the ODS provided in Section 20.48.185 (Multi-Unit Objective Design Standards) of the NBMC. The Project conforms to 49 of the 52

applicable standards. Additional discussion regarding the request to deviate from the three ODS is provided under the AHIP section below.

Major Site Development Review

Section 20.52.080(F) (Site Development Reviews – Findings and Decision) of the NBMC requires the Planning Commission to make the following findings before approving the SDR:

- A. *The proposed development is allowed within the subject zoning district;*
- B. *The proposed development is in compliance with all of the following applicable criteria:*
 - i. *Compliance with this section, the General Plan, this Zoning Code, any applicable specific plan, and other applicable criteria and policies related to the use or structure;*
 - ii. *The efficient arrangement of structures on the site and the harmonious relationship of the structures to one another and to other adjacent developments; and whether the relationship is based on standards of good design;*
 - iii. *The compatibility in terms of bulk, scale, and aesthetic treatment of structures on the site and adjacent developments and public areas;*
 - iv. *The adequacy, efficiency, and safety of pedestrian and vehicular access, including drive aisles, driveways, and parking and loading spaces;*
 - v. *The adequacy and efficiency of landscaping and open space areas and the use of water efficient plant and irrigation materials; and*
 - vi. *The protection of significant views from public right(s)-of-way and compliance with NBMC Section 20.30.100 (Public View Protection); and*
- C. *Not detrimental to the harmonious and orderly growth of the City, nor endangers, jeopardizes, or otherwise constitutes a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed development.*

Staff believes facts to support the findings exist to approve the SDR. These facts are discussed in detail in the attached draft resolution (Attachment No. PC 1). The key facts in support of findings are summarized in the following paragraphs.

Development Compliance

As described in Table 3 of this report, the Project is fully consistent with the HO-1 Subarea of the HO Overlay Zoning Districts. The Project also allocates 5% of the dwelling units as affordable housing as outlined in the AHIP discussion below.

Therefore, approval of the Project would be consistent with the State's no net loss provisions.

A detailed analysis of the Project's consistency with the General Plan is included as Attachment No. PC 2. For example, the Project is consistent with Land Use Element Policy LU3.2 (Growth and Change). The underutilized Project Site is improved with a multi-story office building and large surface parking lot. The Project would replace these uses with 132 dwelling units that assist the City in meeting its share of RHNA and accommodating additional growth in the community. These new units are in a job-rich area, supporting reduced commute times.

Design and Open Space

The Project design compactly arranges the 36 separate buildings to maximize site efficiency and preserve larger-than-required open space areas. The PAOS strada exceeds the minimum required publicly accessible open space of 8,786 square feet and provides 8,927 square feet. The Project's design includes interior driveways and resident amenity areas which are screened from public view. The Project's larger common open space areas, PAOS strada, landscaped edge conditions, location of drive aisles and residential amenities reduce any potential visual impact of the Project and ensure compatibility with the surrounding neighborhood.

Throughout the Project Site, areas of passive green space are integrated alongside pedestrian walkways, including seating areas elements that provide space for informal use, rest, and neighborhood interaction. Figure 7 illustrates the PAOS along MacArthur Boulevard and the landscape buffer and entrances to the community along Newport Place Drive, and Dove Street, which reinforce the aesthetics of a residential neighborhood.

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Figure 7, Landscape Buffers and Community Entrances along Quail Street

As noted in Table 2 above, the Project exceeds the minimum common open space standards. A total of 10,283 square feet of common open area is provided throughout the Project Site. There are three distinct areas previously mentioned that provide outdoor dining areas, which include a shade structure, outdoor kitchen, barbeque, pizza oven, as well as an outdoor lounge which includes a seat wall, fire pit, picnic tables with umbrellas and string lighting overhead and game lawn. See Figures 8 and 9 below.



Figure 8, Community Amenity Areas 1 and 2



Figure 9, Community Amenity Areas 1 and 2

Hazards Analysis

The Project Site is located near John Wayne Airport (JWA) within the notification area, and subject to compliance with the Airport Environs Land Use Plan (AELUP) for JWA which includes standards related to height, safety, and noise. The Project includes a legislative amendment (e.g., zoning amendment); therefore, review by the Airport Land Use Commission (ALUC) is required to implement the project. The Project is tentatively planned for a public hearing with ALUC on June 18, 2026.

Safety Zones

The Project Site is within Safety Zone 6 (Traffic Pattern Zone) of the AELUP for both runways. Residential uses are a compatible use within Safety Zone 6.

Height

Section 20.30.060 (E) (Airport Environs Land Use Plan [AELUP]) for John Wayne Airport and Airport Land Use Commission [ALUC] Review Requirements) of the NBMC

prohibits projects from penetrating the Federal Aviation Regulation Part 77, Obstruction – Imaginary surfaces, for John Wayne Airport unless approved by the Airport Land Use Commission (ALUC). Heights in the Airport Area are generally limited through the use of imaginary surfaces that surround the runways. The intent of these surfaces is to protect aircraft from obstacles during takeoff, landing, and maneuvering. The NBMC requires Applicants to file forms with the Federal Aviation Administration (FAA). The FAA issued a Determination of No Hazard to Air Navigation for the project, dated March 10, 2026, and provided as Attachment No. PC 5. Accordingly, a condition of approval is included requiring the applicant to comply with all conditions of the FAA determination.

Noise

General Plan Policy LU 6.15.3 (Airport Compatibility) and Section 20.30.080(F) (Residential use Proximate to John Wayne Airport) of the NBMC allow residential use on parcels or sites wholly or partially outside the John Wayne Airport 65 dBA CNEL noise contour as shown in Figure N5 of the Noise Element of the General Plan. The Project Site is located within the 60 dBA CNEL noise contours established in the Figure N5 and would comply with the regulations identified in Section 20.28.050(C)(2) (Subarea Development Standards – Airport Area Environs Area [HO-1]) including the interior ambient noise level limits set forth in Section 10.26.030 (Interior Noise Standards) of the NBMC. Figure 10 shows the City’s noise contours.

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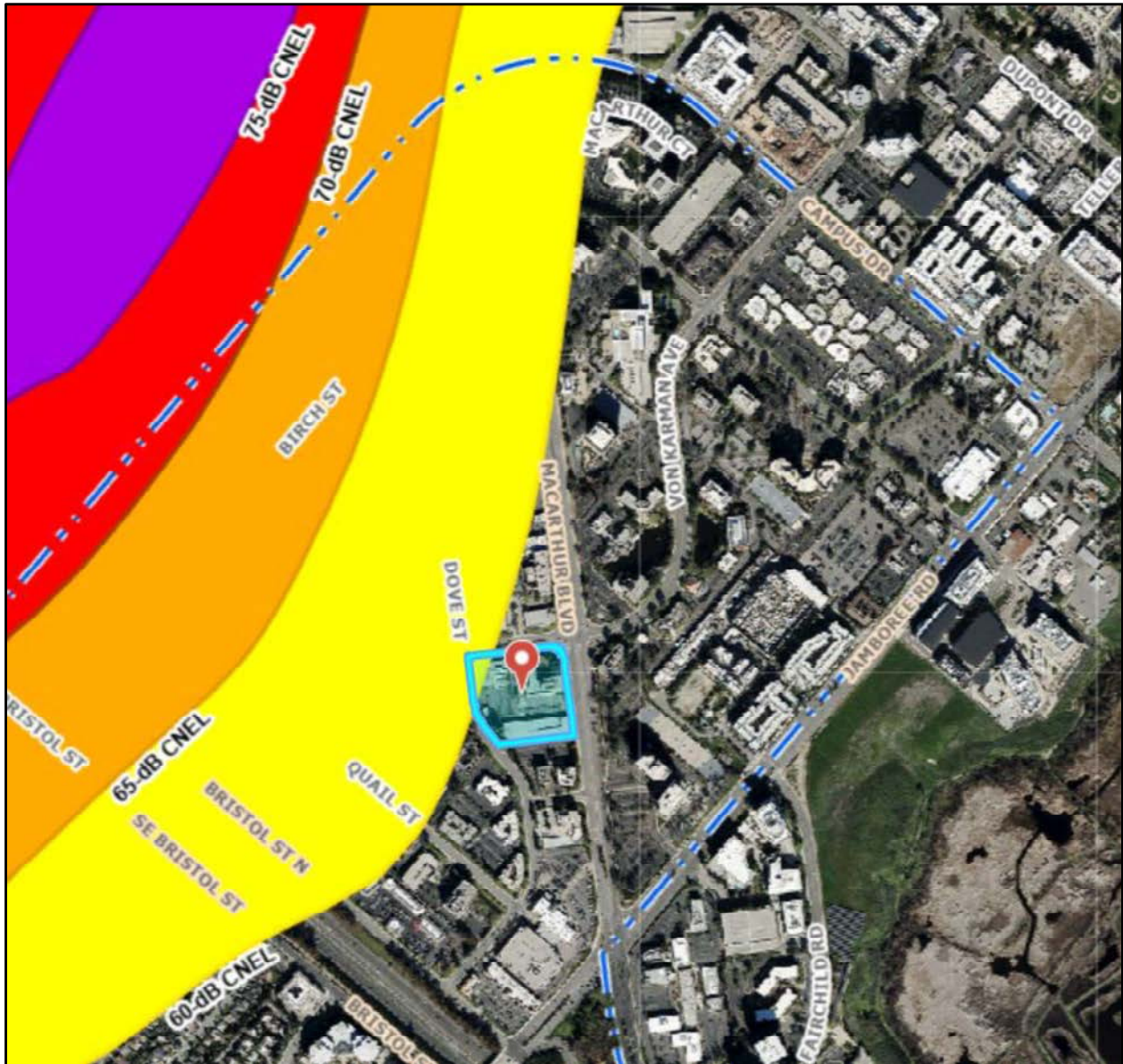


Figure 10, Airport Noise Contours

Compatibility, Traffic, and Scale

The Project is proposed on an existing property with an office development which was constructed in the 1970s that is underutilized, within an area of the City that is considerably developed. The Project will add 132 attached single-unit dwellings to the City's housing stock which furthers the City's efforts of increasing and diversifying the housing stock.

The Project's trip generation was reviewed and approved by the Public Works Department. The estimated trip generation for the Project is 820 average daily trips (ADTs), which is 758 ADTs less than the existing office use. Therefore, the Project does not result in a net increase of 300 ADTs, and no traffic study is required per Chapter 15.40 (Traffic Phasing Ordinance) of the NBMC.

All internal driveways to garages are behind the residential buildings and individual trash containers are kept within each private garage space and not visible from the public street. There is adequate space within the garage, clear of the minimum required dimensions, to accommodate the minimum clear parking space as well as the storage of trash, recycling, and organics.

The Project includes maximum structure heights ranging from approximately 37 to 47 feet above established grade which is 8 feet below the maximum allowed height limit of 55 feet. The height of the residential buildings will be compatible with the surrounding neighborhood that includes multi-story office building. There are no setback requirements from the property lines not abutting streets. However, the Project proposes a setback of 30 feet including a 6-foot-tall decorative masonry wall with landscaping along the property line.

Major Site Development Review – Multi-Unit Objective Design Standard Deviation

Pursuant to Section 20.48.185(A) (Multi-Unit Objective Design Standards – Purpose) of the NBMC, the Project is seeking deviation from three of the 52 applicable Multi-Unit Objective Design Standards (ODS).

However, the applicant is seeking to address the ODS waivers through the development standard waivers provided through State Density Bonus Law and Chapter 20.32 (Density Bonus) of the NBMC. Therefore, the findings identified in Section 20.48.185(A) are not applicable to the Project and are not required. Additional detail is provided in the next section.

Affordable Housing Implementation Plan

The applicant has prepared an Affordable Housing Implementation Plan (AHIP), dated May 6, 2026 (Exhibit "E" of Attachment No. PC 1). The AHIP is consistent with the intent to implement affordable housing goals within the City pursuant to Government Code Sections 65915-65918 (State Density Bonus Law), and Title 20, Chapter 20.32 (Density Bonus) of the NBMC for the following reasons:

The Project includes 7 very-low-income units, representing 5% of the total 132 units, consistent with State Density Bonus Law and Chapter 20.32 (Density Bonus) of the NBMC. The affordable units are proportionally distributed across two-, three-, and four-bedroom floor plans and will be dispersed throughout the site to avoid concentration.

By providing at least 5% of the total units as very-low-income units, the Project qualifies for one incentive/concession under Government Code §65915(d). The Developer requests a partial reduction of the park in-lieu fee, which provides an identifiable, financially sufficient, and actual cost reduction necessary to support the affordable units. The reduction in park in-lieu fees would allow the applicant to contribute to the overall fund for parks in the Airport Area, while providing identifiable cost reductions that make the provision of affordable units feasible.

In addition to the concessions, the Project is entitled under California Government Code Section 65915(e), Section 20.32.080 (Waivers or Reductions of Development Standards), and recent case law to receive waivers or reductions of development standards where application of the development standard would physically preclude construction of a density bonus project. In this case, the Applicant requests a waiver of three Objective Design Standards identified in 20.48.185 (Multi-Unit Objective Design Standards) of the NBMC and listed below.

1. 20.48.185(S)(1)(a) (First Floor Opening and Transparency Standards);
2. 20.48.185(N)(2)(b) (Private Driveway Standards – Landscape and Paving Zone (LPZ)); and
3. 20.48.185 (R)(1)(c) (Horizontal Modulation – Minimum Depth); of the NBMC.

Affordable units will be priced and income-qualified in accordance with Health & Safety Code §50052.5, HCD Very Low-Income limits, and the Orange County Housing Authority (OCHA) utility allowances, ensuring long-term affordability consistent with State and local requirements. As conditioned, prior to issuance of building permits, the Developer must execute an Affordable Housing Agreement identifying the location, distribution, and sale procedures for the affordable units, ensuring compliance with State Density Bonus Law and NBMC provisions. The Project's affordable for-sale units will be subject to an Equity Sharing Agreement under NBMC Section 20.32.140 (Occupancy and Resale of Ownership Units), ensuring the City recaptures its proportionate share of appreciation upon resale for reinvestment in affordable homeownership opportunities.

Vesting Tentative Tract Map

Section 19.12.070 (Required Findings for Action on Tentative Maps) of the NBMC, requires the Planning Commission to make the following findings before approving the Vesting Tentative Tract Map (VTTM):

- A. That the proposed map and the design or improvements of the subdivision are consistent with the General Plan and any applicable specific plan, and with applicable provisions of the Subdivision Map Act and this Subdivision Code;*
- B. That the site is physically suitable for the type and density of development;*

- C. *That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision making body may nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report;*
- D. *That the design of the subdivision or the type of improvements is not likely to cause serious public health problems;*
- E. *That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the decision-making body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these easements will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision;*
- F. *That, subject to the detailed provisions of Section 66474.4 of the Subdivision Map Act, if the land is subject to a contract entered pursuant to the California Land Conservation Act of 1965 (Williamson Act), the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use or the subdivision will result in residential development incidental to the commercial agricultural use of the land;*
- G. *That, in the case of a “land project” as defined in California Business and Professions Code Section [11000.5](#), (1) there is an adopted specific plan for the area to be included within the land project; and (2) the decision making body finds that the proposed land project is consistent with the specific plan for the area;*
- H. *That solar access and passive heating and cooling design requirements have been satisfied in accordance with Sections 66473.1 and 66475.3 of the Subdivision Map Act;*
- I. *That the subdivision is consistent with California Government Code Sections [66412.3](#) and [65584](#) regarding the City’s share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City’s residents and available fiscal and environmental resources;*

- J. That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board; and*
- K. For subdivisions lying partly or wholly within the Coastal Zone, that the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter Three of the Coastal Act.*

Staff believe facts to support the findings exist to approve the VTTM. These facts are discussed in detail in the attached draft resolution (Attachment No. PC 1). The key facts in support of findings are summarized in the following paragraphs.

Because the Project includes for-sale residential units, the Project applicant is required to pay in-lieu park dedication fees pursuant to Chapter 19.52 (Park Dedications and Fees) of the NBMC, for park and recreational purposes. The Project is also subject to General Plan Policy LU 6.15.13 (Neighborhood Parks – Standards) that requires new residential development in the Airport Area to dedicate and improve a minimum ½ acre as a neighborhood park. However, as part of the AHIP, the applicant has requested an incentive to reduce the in-lieu park dedication fee.

Additionally, the Project provides the required PAOS on the site. The PAOS is located along the MacArthur Boulevard frontage, which includes a pedestrian strada improved with landscaping and seating areas.

The Project Site is suitable for the type and density of the development in that the infrastructure serving the site has been designed to accommodate the Project. Sewer and Water Demand Studies were prepared by Fuscoe Engineering, both dated August 2025 and revised December 2025. The Water Demand Study concluded that the proposed onsite water system is adequately designed to provide domestic water service and fire flows for the proposed onsite fire hydrants and building's domestic demand.

The Project does not result in more than 500 dwelling units; therefore, a Water Supply Assessment (WSA) is not required for the Project. The Sewer Demand Study concluded that the existing sewer systems will not be adversely impacted by the wastewater flows associated with the proposed project, and no sewer upgrades are required as part of the Project. The Public Works Department has reviewed and accepted these studies.

The Project storm drain system is conditioned to be privately owned and maintained. The applicant is required to upsize the existing public storm drain line along Dove Street to a 48-inch storm drain line. The extent of the improvement will be determined by the Public Works Department. The Project is also conditioned so that any additional required improvements to downstream City infrastructure to accommodate the Project

will be designed and constructed as part of the Project. Final design will be reviewed and approved by the Public Works Department.

The Project Site does not contain riparian habitat or other sensitive natural communities, or wetlands. Furthermore, the Project is not expected to result in any public health or safety concern to residents in this area or throughout the City. All improvements associated with the Project will comply with all Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. Public improvements will be required of the developer per Section 19.28.010 (General Improvement Requirements) of the NBMC.

Development Agreement

In accordance with Section 15.45.020(A)(2)(a) (Development Agreement Required) of the NBMC, a development agreement (DA) is required as the Project requires a Zoning Code Amendment that includes the development of more than 50 residential units. In this case the Project includes a total of 132 residential units.

The applicant requests a 10-year term of agreement, and the DA would establish rights to develop the Project over the term. However, the public benefit fees are structured to incentivize development in a shorter term. The DA includes the following key terms:

Table 3 – Development Agreement Key Terms

Term	The initial term is 10 years.	
Affordability	Affordable housing for 5% of total units (i.e., 7 units), allocated to very-low-income households.	
Developer Fees	Park Fee <i>(Reduced)*</i>	\$1,011,252 total (\$7,661 per unit) Due at permit issuance
	Development Impact Fees <i>(Police, Fire, Sewer, Water, Recreation)</i>	\$2,607,483.98 total (Estimated) Does not apply to affordable units
	General Public Benefit Fee	\$3,000,000 total (\$24,000 per market rate unit) Subject to CPI** Does not apply to affordable units
<p>*NBMC and adopted Park Fee Schedule requires \$48,987 per unit (\$6,466,284 total) unless the City Council grants a financial incentive (to reduce the fee) pursuant to State Density Bonus Law and Chapter 20.32 of the NBMC. **CPI adjustment incentivizes development prior to the 10-year term limit.</p>		

Finally, the DA includes all mandatory elements, including public benefits that are appropriate to support conveying the vested development rights consistent with the City's General Plan, NBMC, and Government Code Sections 65864 et seq.

Environmental Review

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](#).

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

- a. Substantial changes are proposed in the Project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- b. Substantial changes occur with respect to the circumstances under which the Project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
or
- c. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
 - i. The project will have one or more significant effects not discussed in the previous EIR;
 - ii. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - iii. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more

significant effects of the Project, but the Project proponents decline to adopt the mitigation measure or alternative; or

- iv. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the Project proponents decline to adopt the mitigation measure or alternative.

An Addendum to the PEIR was prepared by EPD Solutions, Inc. dated May 2026 and peer reviewed by the City's consultant Kimley-Horn, pursuant to Section 15162 (Subsequent EIRs and Negative Declarations) and 15164 (Addendum to an EIR or Negative Declaration) of the CEQA Guidelines.

The following environmental topics were analyzed for the Project: Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire.

On the basis of the PEIR and entire environmental review record, the Project will not result in any new significant impacts that were not previously analyzed in the PEIR. The Addendum confirms and provides substantial evidence that the potential impacts associated with this Project would either be the same or less than those described in the PEIR, as reduced by applicable General Plan Policies and mitigation measures in the PEIR. In addition, there are no substantial changes to the circumstances under which the Project would be undertaken that would result in new or more severe environmental impacts than previously addressed in the PEIR, nor has any new information regarding the potential for new or more severe significant environmental impacts been identified. Therefore, in accordance with Section 15164 of the CEQA Guidelines, an addendum to the previously adopted PEIR is the appropriate environmental document for the Project. In taking action to approve any of the requested applications for the Project, the data presented in the PEIR, as augmented by the Addendum for this Project, are considered as part of the record.

Summary and Alternatives

Staff believes the Zoning Code Amendment is appropriate and the findings for approval can be made, as demonstrated in Attachment No. PC 1 to this report. The proposal is consistent with the intent of the HO-1 Subarea and several policies within the General Plan Housing, Land Use, and Circulation Elements. The Project would provide a net increase of 132 for-sale attached single-unit dwellings, including 7 units allocated to very-low-income households, diversifying and expanding the City's housing supply in an employment-rich area. Although the Project includes a Zoning Code Amendment to be included in the HO-1 Subarea, it would not alter the total number of housing units

allocated to the HO-1 Subarea, and substantial public benefits would be provided through the DA.

The following alternatives are available to the Planning Commission:

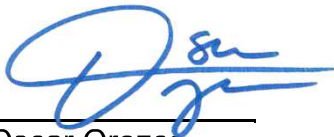
1. The Planning Commission may recommend approval to the City Council with suggested specific changes that are necessary to alleviate any identified concerns. If the requested changes are substantial, staff will return with a revised resolution incorporating new findings and/or conditions.
2. If the Planning Commission believes the change in land use is inappropriate, or if there are insufficient facts to support the project, the Planning Commission may recommend denial to the City Council of the application.

Public Notice

Notice of this hearing was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the Applicant, and posted on the subject property at least 20 days before the scheduled meeting, consistent with the provisions of the NBMC, Assembly Bill No. 2904 (AB 2904), and California Government Code Section 65854. AB2904 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 May 14, 2026, at least 20 days prior to June 4, 2026. This is also consistent with the NBMC which requires notice at least 10 days prior to the public hearing.

Prepared by:

Submitted by:



Oscar Orozco
Associate Planner



Benjamin M. Zdeba, AICP
Deputy City Manager

LAW/oo

ATTACHMENTS

- PC 1 Draft Resolution
- PC 2 General Plan Consistency Analysis
- PC 3 FAA Letter - Finding of No Hazard
- PC 4 Applicant Project Description Letter
- PC 5 Project Plans

RESOLUTION NO. PC2026-018

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A ZONING CODE AMENDMENT, A MAJOR SITE DEVELOPMENT REVIEW, VESTING TENTATIVE TRACT MAP, AFFORDABLE HOUSING IMPLEMENTATION PLAN, DEVELOPMENT AGREEMENT, AND AN ADDENDUM TO THE NEWPORT BEACH GENERAL PLAN HOUSING IMPLEMENTATION PROGRAM ENVIRONMENTAL IMPACT REPORT FOR A 132-UNIT RESIDENTIAL TOWNHOME PROJECT LOCATED AT 1200 AND 1300 DOVE STREET AND 4041 MACARTHUR BOULEVARD (PA2025-0170)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Sean Matsler with Cox, Castle, & Nicholson, LLP (“Applicant”), concerning property located at 1200 and 1300 Dove Street and 4041 MacArthur Boulevard (APN 427-222-01), and legally described in “Exhibit A,” which is attached hereto and incorporated herein by reference (“Property”).
2. The proposed development includes 132-unit, for-sale, residential townhome community including 7 units affordable to very low-income households on an existing office site. The proposed development includes the demolition of two existing office buildings and an existing parking structure and the construction of two-, three- and four-bedroom townhomes ranging from 1,251 to 2,562 square feet. The development includes a two-car garage for each unit and 40 uncovered guest parking spaces for a total of 304 on-site parking spaces. The 132 units will be distributed within 36 buildings, with units arranged in two- and eight-unit buildings. The buildings have a maximum structure height ranging from approximately 37 to 47 feet above established grade. The development will provide resident-serving amenities, including outdoor courtyards with barbeque, a pizza oven, covered seating, a fire pit, and a game lawn. Additionally, a publicly accessible pedestrian “strada” improved with landscaping and seating areas is proposed along the MacArthur Boulevard frontage. Onsite and offsite public improvements such as updating the storm drain, sidewalks, and driveways are included in project implementation (“Project”).
3. The following approvals are required from the City of Newport Beach (“City”) to implement the Project:
 - a. **Zoning Code Amendment (“ZCA”)**: An amendment to Section 20.80.025 (Housing Opportunity Overlay Zoning Districts Maps) of the Newport Beach Municipal Code (“NBMC”) to include the property in the Housing Opportunity Sites Overlay in the HO-1- Airport Area Environs Map; and

- b. **Major Site Development Review (“SDR”)**: A major site development review in accordance with Section 20.52.080 (Site Development Reviews) of the NBMC for five or more units with a tentative tract map; and
 - c. **Vesting Tentative Tract Map (“VTTM”)**: A vesting tentative tract map to allow for an airspace subdivision of the individual residential units on a 6.5-acre parcel, pursuant to Chapter 19.12 (Tentative Map Review) of the NBMC;
 - d. **Affordable Housing Implementation Plan (“AHIP”)**: A plan specifying how the Project meets the City’s affordable housing requirement pursuant to Chapter 20.32 (Density Bonus) of the NBMC and Government Code Section 65915 (“Density Bonus Law”);
 - e. **Development Agreement (“DA”)**: A Development Agreement between the Applicant and the City, pursuant to Section 15.45.020 (Development Agreement Required) of the NBMC, which provides the Applicant with the vested right to develop the Project for a term of ten years and will provide negotiated public benefits to the City; and
 - f. **Addendum to the Newport Beach General Plan Housing Implementation Program Environmental Impact Report (“Addendum”)**: Pursuant to the California Environmental Quality Act (“CEQA”), the Addendum addresses reasonably foreseeable environmental impacts resulting from the Project.
4. The Property is designated Mixed-Use Horizontal (MU-H2) by the General Plan Land Use Element and is located within the Newport Place Planned Community (PC-11) Zoning District in the Professional & Business Office Site 4 subarea within the residential overlay.
 5. The Property is not located within the coastal zone; therefore, compliance with the Local Coastal Program and the Coastal Act is not applicable.
 6. On September 24, 2024, the City Council adopted Ordinance Nos. 2024-16 and 2024-17, approving amendments to Title 20 (Planning and Zoning) of the 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) of the NBMC. 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.
 7. A public hearing was held on June 4, 2026, 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) 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 CEQA as set forth in California Public Resources Code Section 21000 *et seq.* and its implementing guidelines set forth in California Code of Regulations, Title 14, Division 6, Chapter 3 (“CEQA Guidelines”), the City Council adopted Resolution No. 2024-50 on July 23, 2024, certifying Final Program Environmental Impact Report SCH No. 2023060699 (“PEIR”), approving a Mitigation Monitoring and Reporting Program (“MMRP”), and adopting Findings and a Statement of Overriding Considerations related to the implementation of the Housing Element involving amendments to the General Plan, Coastal Land Use Plan, and Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the NBMC which are available at: [Housing Implementation Program EIR](#).

2. Pursuant to Section 21166 of the California Public Resources Code and Section 15162 of the CEQA Guidelines, when an EIR (Environmental Impact Report) has been certified for a project, no subsequent EIR is required unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
 - a. Substantial changes are proposed in the Project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
 - b. Substantial changes occur with respect to the circumstances under which the Project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
 - c. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
 - i. The project will have one or more significant effects not discussed in the previous EIR;
 - ii. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - iii. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the Project proponents decline to adopt the mitigation measure or alternative; or
 - iv. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the Project proponents decline to adopt the mitigation measure or alternative.

3. An Addendum to the PEIR was prepared pursuant to Section 15162 (Subsequent EIRs and Negative Declarations) and 15164 (Addendum to an EIR or Negative Declaration) of the CEQA Guidelines.
4. The following environmental topics were analyzed for the Project: Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire.
5. Pursuant to the PEIR and entire environmental review record, the Project will not result in any new significant impacts that were not previously analyzed in the PEIR. The Addendum confirms and provides substantial evidence that the potential impacts associated with this Project would either be equal to or less than those described in the PEIR, as reduced by applicable General Plan Policies in the PEIR. In addition, there are no substantial changes to the circumstances under which the Project would be undertaken that would result in new or more severe environmental impacts than previously addressed in the PEIR, nor has any new information regarding the potential for new or more severe significant environmental impacts been identified. Therefore, in accordance with Section 15164 of the CEQA Guidelines, an addendum to the previously adopted PEIR is the appropriate environmental document for the Project. In taking action to approve any of the requested applications for the Project, the data presented in the PEIR, as augmented by the Addendum for this Project, are considered as part of the record.
6. The Addendum to the PEIR is hereby recommended for adoption by the City Council given its analysis and conclusions. The Addendum to the PEIR and related and referenced documentation, which constitute the administrative record upon which this decision was based, are on file with the Planning Division, City Hall, 100 Civic Center Drive, Newport Beach, California.
7. 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 that may be awarded to a successful challenger.

SECTION 3. REQUIRED FINDINGS.

Zoning Code Amendment

Finding:

- A. An amendment to the Zoning Code is a legislative act. Chapter 20.66 (Amendments) of Title 20 (Planning and Zoning) of the NBMC, or Article 2 (Adoption of Regulations) of Chapter 4 (Zoning Regulations) of Division 1 (Planning and Zoning) of Title 7 (Planning and Land Use) of the California Government Code does not set forth any required findings for either approval or denial of such amendments to the NBMC.

Facts in Support of Finding:

1. The Property is located within the Newport Place Planned Community (PC-11) Zoning District in the Professional & Business Office Site 4 Subarea. It is also within the Residential (R) Overlay, which allows for multifamily residential development on the Project Site. The R Overlay requires a minimum of 30 dwelling units per acre, where the Project proposes approximately 20 dwelling units per acre. Therefore, the applicant is seeking an amendment to Section 20.80.025 (Housing Opportunity Overlay Zoning Districts Maps) of the NBMC to include the Project Site in the HO Overlay Zoning Districts within the HO-1 (Airport Area Environs Map), where the minimum density is 20 dwelling units per acre. Because the existing PC-11 R overlay would allow residential, the Project would be consistent with the intent of the existing zoning district to provide housing.
2. The proposed Project allocates 5% of the base units (7 dwelling units) as affordable for very-low-income households, increasing the overall affordable housing supply. Specifically, the Project would include the introduction of a for-sale affordable housing product, which would diversify the City's housing stock.
3. Given the location of the Project Site in the Airport Area, which includes a mixture of service uses, hotels, Airport and commercial support services, professional offices, and new residential developments that cumulatively contain the ingredients of a planned community, the proposed Zoning Code Amendment would not disrupt the existing uses within the Planned Community and would add to this diversity of uses, assisting the City in larger scale community planning and the provision of additional housing opportunities.
4. The Property is located within the Airport Area Environs Area, which includes numerous properties designated within the HO Overlay Zoning District. The property nearest to the site, located at 1050 Dove Street immediately to the south, is within the HO-1 subarea. The Project would be consistent with the anticipated future development of other adjacent properties within the HO Overlay Zoning District in the Airport Area Environs Area. Additionally, the Airport Area Environs Area contains a dispersed pattern of HO Overlay Zoning District sites, and because the Project site is directly adjacent to an existing housing-designated property, its inclusion within this broader development context is appropriate and not a substantial change in the anticipated character of the

area. The Zoning Code Amendment would not increase the number of units allocated to the HO-1 subarea

5. The Project would be subject to the appropriate site and project specific setbacks, density, and height limits for this urban location. All required parking is provided on-site. The Project complies with the development standards identified for the HO Overlay Zoning District, except as modified by the allowed development standard waivers identified in the Affordable Housing Implementation Plan. The HO Overlay Zoning District provides a density range for proposed projects and references the Section 20.32 (Density Bonus) of the NBMC that prescribes the maximum density bonus and incentives allowed. Therefore, the proposed project is consistent with the intent of the density bonus assumptions in the HO Overlay Zoning District and within the maximum allowed by the density bonus provisions.
6. The Project also requires a site development review in accordance with Section 20.52.080 (Site Development Reviews) of the NBMC. The Project includes an SDR, and all required findings are addressed below (Findings A through C below).
7. The Property is located near existing office buildings within the Airport Area and is not negatively impacted by noise, dust, smoke, vibration, odor, toxic or noxious matter that may be generated by existing commercial or industrial uses nearby.
8. The Project will develop 132 of the overall 2,577 units allowed within the HO-1 (Airport Area Environs Area) Subarea. The Property is located within the 60dba CNEL noise contour, reducing the likelihood of dwelling units being developed within the 65dba CNEL noise contours.
9. The Property is fully developed and does not support any natural resources and all potential environmental impacts associated with the Project are appropriately addressed through standard building permit procedures, conditions of approval, and the General Plan Policies identified in the Housing Implementation PEIR and summarized in Exhibit B (Addendum), which is attached hereto and incorporated herein by this reference.

Major Site Development Review

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

Finding:

B. The proposed development is allowed within the subject Zoning District.

Facts in Support of Finding:

1. The Property is located within the Professional and Business Office Site 4 within the residential overlay of PC-11. The Project includes a request to amend the Property’s land use designation to be included within the Housing Overlay pursuant to Section

20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) of the NBMC. The Housing Overlay allows for residential development consistent with the existing MU-H2 (Mixed-Use Horizontal) land use designation and subject to site development review.

2. The Project includes a ZCA to designate the Property as HO-1 (Airport Area Environs Area) Subarea. With the ZCA, the Project is consistent with the applicable Housing Overlay regulations. Pursuant to Section 20.28.050(B) (Housing Opportunity (HO) Overlay Zoning Districts – Uses Allowed), multi-unit residential development meeting the required 20 to 50 dwelling units per acre density range is permitted within the HO-1 (Airport Area Environs Area) Subarea in addition to the uses allowed in the designated zoning district. Therefore, the Project complies with the applicable provisions of the HO-1 (Airport Area Environs Area) Subarea of the Housing Overlay.
3. Pursuant to Table 2-16 (Development Standards for Housing Opportunity Overlay Zones) of Section 20.28.050 of the NBMC (“Table 2-16”), the HO-1 (Airport Area Environs Area) Subarea requires a density of 20 to 50 dwelling units per acre. Based on the proposed 6.5-acre lot, the Project results in a density of 20 units per acre and meets the density requirement of the HO-1 (Airport Area Environs Area) Subarea.
4. The HO-1 (Airport Area Environs Area) Subarea does not require a minimum setback; however, footnote No. 3 of Table 2-16 requires that any portion of a building that is over 20 feet in height shall be set back a minimum 20 feet from the street right-of-way. The Project buildings, including upper levels, are proposed at a minimum of 20 feet from the property lines. The Project is bounded to the west by MacArthur Boulevard and to the north by Newport Place, to the east by Dove Street and to the South by an existing commercial office site.
5. Table 2-16 establishes the maximum height for the HO-1 (Airport Area Environs Area) Subarea per the base zone. The base zone, PC-11 specifies a height limit of 55 feet. The Project includes a maximum structure height ranging from approximately 37 to 47 feet above established grade indicated on the VTTM, consistent with Section 20.30.050 (B)(1) (Grade Establishment – Subdivisions) of the NBMC.
6. Table 2-17 (Residential Off-Street Parking Requirements for Housing Opportunity Overlay Zones) of Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) of the NBMC requires 1.8 parking spaces per dwelling unit with two bedrooms, 2.0 parking spaces per dwelling unit with three or more bedrooms, and 0.3 spaces per dwelling unit for visitor parking. The Project proposes 132 dwelling units, including 40 units with two bedrooms and 92 units with three or more bedrooms, resulting in a requirement of 296 parking spaces overall. The Project provides a two-car garage for each unit and 40 guest parking spaces for a total of 304 on-site parking spaces. The Project therefore complies with the minimum parking requirement.
7. Pursuant to Section 20.30.130 (Traffic Safety Visibility Area) of the NBMC, the Project complies with sight-distance requirements.

8. Pursuant to Section 20.30.120 (Solid Waste and Recyclable Materials Storage) of the NBMC, the Project provides the minimum common storage areas for refuse and recycling.
9. Pursuant to Section 20.48.185 (Multi-Unit Objective Design Standards) of the NBMC, multi-unit objective design standards are applicable to any residential project with a minimum density of 20 dwelling units per acre. These standards ensure the highest possible design quality and provide a baseline standard for new multi-unit developments throughout the City. The Project deviates from the following three objective design standards:

- (1) 20.48.185(S)(1)(a) (First Floor Opening and Transparency Standards);
- (2) 20.48.185(N)(2)(b) (Private Driveway Standards – Landscape and Paving Zone (LPZ)); and
- (3) 20.48.185 (R)(1)(c) (Horizontal Modulation – Minimum Depth); of the NBMC.

The Project otherwise complies with the design standards and, in some cases, exceeds the intent of the standards. Section 20.48.185(C) (Multi-Unit Objective Design Standards – Applicability) of the NBMC allows for deviations from any objective design standards through the approval of an SDR by the Planning Commission if the Applicant can demonstrate that strict compliance with the standards is not necessary to achieve the purpose of the objective design standards and that the project possesses compensating design and development features that meets or exceeds the intent of the objective design standards. However, under Density Bonus law, the Project is entitled to receive waivers or reductions of development standards if the standard would physically prevent the project from being built at the permitted density. Since the Project includes a density bonus, the Applicant is entitled to the development standard waivers for the aforementioned objective design standards. Therefore, the findings identified in Section 20.48.185(A) (Multi-Unit Objective Design Standards – Purpose) of the NBMC are not applicable.

10. The HO-1 Subarea requires a minimum building separation of 10 feet. The Project proposes varying building separations with a minimum distance of approximately 10.3 feet. The Project therefore complies with the minimum building separation requirement.
11. The HO-1 (Airport Area Environs Area) Subarea requires that at least 75 square feet of common space be provided per dwelling unit throughout the Property with a minimum length and width of 15 feet. The Project is therefore required to provide a minimum of 9,900 square feet of common open space. Section 20.70 (Definitions) of the NBMC defines common open space as the land area within a residential development that is not individually owned or dedicated for public use and that is designed, intended, and reserved exclusively for the shared enjoyment or use by all the residents and their guests including but not limited to areas of scenic or natural beauty, barbecue areas, landscaped areas, turf areas, and habitat areas. The Project provides a total of 10,283 square feet of common open area within three courtyards that include a game lawn;

BBQ area with pizza oven and overhead structure; and passive open space area with outdoor seating and fountain. The Project therefore complies with the minimum common open space requirement.

12. The HO-1 (Airport Area Environs Area) Subarea requires that at least 5% of the proposed gross floor area per unit be dedicated to private open space. Qualifying areas of private open space shall have a dimension of at least 6 feet in length and width. Section 20.70 (Definitions) of the NBMC defines private open spaces as outdoor or unenclosed areas directly adjoining and accessible to a dwelling unit, reserved for the exclusive private enjoyment and use of residents of the dwelling unit and their guests including but not limited to a balcony, deck, porch or terrace. The Project provides six floor plans for the eightplex buildings and four floor plans for the duplex buildings. The minimum required private open space ranges from 63 square feet for Floor Plan 1 of the eightplex buildings to 127 square feet for Floor Plan 4 of the duplex buildings. All floor plans within the range provide the minimum required 5%.

Finding:

- C. *The proposed development is in compliance with all of the following applicable criteria:*
 - i. *Compliance with this section, the General Plan, this Zoning Code, any applicable specific plan, and other applicable criteria and policies related to the use or structure;*
 - ii. *The efficient arrangement of structures on the site and the harmonious relationship of the structures to one another and to other adjacent developments; and whether the relationship is based on standards of good design;*
 - iii. *The compatibility in terms of bulk, scale, and aesthetic treatment of structures on the site and adjacent developments and public areas;*
 - iv. *The adequacy, efficiency, and safety of pedestrian and vehicular access, including drive aisles, driveways, and parking and loading spaces;*
 - v. *The adequacy and efficiency of landscaping and open space areas and the use of water efficient plant and irrigation materials; and*
 - vi. *The protection of significant views from public right(s)-of-way and compliance with NBMC Section 20.30.100 (Public View Protection).*

Facts in Support of Finding:

1. The Property is categorized as Mixed-Use Horizontal (MU-H2) by the Land Use Element of the General Plan. The Mixed-Use Horizontal (MU-H2) Land Use Designation is intended to provide for a horizontal intermixing of uses that may include regional commercial office, multifamily residential, vertical mixed-use buildings, industrial, hotel rooms, and ancillary neighborhood commercial uses. In this case, the Project is for residential development on a property designated for a mix of uses which include

residential. In addition, the Project requests a ZCA to designate the site within the HO-1 (Airport Area Environs Area) Subarea which would allow residential development on the Property in addition to the uses already allowed.

2. The Project is consistent with the following General Plan Housing Element, Land Use Element, and Circulation Element policies that establish fundamental criteria for the formation and implementation of new residential development, including, but not limited to the following:

a. **Housing Element Policy 3.2.** *Encourage housing developments to offer a wide spectrum of housing choices, designs, and configurations.*

See LU 2.3 Range of Residential Choices below.

b. **Land Use Element Policy LU 2.3 (Range of Residential Choices).** *Provide opportunities for the development of residential units that respond to community and regional needs in terms of density, size, location, and cost. Implement goals, policies, programs, and objectives identified within the City's Housing Element.*

The Project proposes a 132-unit residential townhome complex consisting of for-sale, attached single-unit dwellings offered in ten distinct floor plan configurations ranging from two to four bedrooms and 1,251 to 2,562 square feet. This Project would diversify the City's housing stock, accommodate a variety of household sizes, respond to market demand, and support the City's efforts to increase the supply of housing throughout the City.

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

The Project is proposed on an existing property with an older office development that is underutilized, within an area of the City that is considerably developed. The Project will add 132 attached single-unit dwellings to the City's housing stock which furthers the City's efforts of increasing and diversifying the housing stock. Additionally, the Public Works Department reviewed the sewer and water demand study prepared for the Project. There are conditions that require final design of the water and sewer system, including water meter locations, to be reviewed and approved by the Public Works and Utilities Departments.

- d. **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.*

The Project includes a ZCA to designate the Property to be included within HO-1 (Airport Area Environs Area) Subarea. The Project proposes 132 residential condominiums on a 6.5-acre property which yields a density of 20 dwelling units per acre, consistent with the allowed density of the HO-1 (Airport Area Environs Area) Subarea.

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

Building Elevations

Treatment of the elevations of buildings facing public streets and pedestrian ways as the principal façades with respect to architectural treatment to achieve the highest level of urban design and neighborhood quality.

Architectural treatment of building elevations and modulation of mass to convey the character of separate living units or clusters of living units, avoiding the appearance of a singular building volume.

Provide street- and path-facing elevations with high-quality doors, windows, moldings, metalwork, and finishes.

Ground Floor Treatment

Set ground-floor residential uses back from the sidewalk or from the right-of-way, whichever yields the greater setback to provide privacy and a sense of security and to leave room for stoops, porches and landscaping.

Raise ground-floor residential uses above the sidewalk for privacy and security but not so much that pedestrians face blank walls or look into utility or parking space.

Encourage stoops and porches for ground-floor residential units facing public streets and pedestrian ways.

Roof Design

Modulate roof profiles to reduce the apparent scale of large structures and to provide visual interest and variety.

Parking

Design covered and enclosed parking areas to be integral with the architecture of the residential units' architecture.

Open Space and Amenity

Incorporate usable and functional private open space for each unit.

Incorporate common open space that creates a pleasant living environment with opportunities for recreation.

The principles of this policy are implemented through Section 20.48.185 (Multi-Unit Objective Design Standards) of the NBMC. The Project complies with the majority (49 of 52) of the applicable objective design standards and in some cases exceeds the intent of the standards. However, the Applicant requests minor deviations of three objective design standards. The Objective Design Standards were developed to implement Land Use Policy LU 5.1.9, therefore compliance with these standards with negligible deviation ensures that the Project is consistent with Land Use Policy LU5.1.9.

Additionally, the Project includes buffer landscaped areas and common open space that are thoroughly landscaped with drought tolerant and noninvasive plant species. Additionally, all internal driveways to garages are behind the residential buildings and individual trash containers are kept within each private garage space not visible from the public street.

- f. **Land Use Element Policy LU 5.6.1 (Compatible Development).** *Require that buildings and properties be designed to ensure compatibility within and as interfaces between neighborhoods, districts, and corridors.*

The Project design compactly arranges the 36 separate buildings to maximize site efficiency and preserve the required setbacks and building separations. The Project site design includes interior drive aisles and resident amenity areas which are screened from public view. The Project's landscaped edge conditions, location of drive aisles and residential amenities reduce the visual impact of the Project and ensures compatibility with the surrounding neighborhood.

- g. **Land Use Element Policy LU 5.6.2 (Form and Environment).** *Require that new and renovated buildings be designed to avoid the use of styles, colors, and materials that unusually impact the design character and quality of their location such as abrupt changes in scale, building form, architectural style, and the use of surface materials that raise local temperatures, result in glare and excessive illumination of adjoining properties and open spaces, or adversely modify wind patterns.*

The architectural design of the Project is a coastal region inspired modern design with clean straight lines, large windows, stacked units, and stucco siding with brick accents. The light, neutral tones used in the color palette enhance architectural articulation and reflect the coastal environment, while limestone adds texture and durability.

- h. **Land Use Element Policy LU 5.6.3 (Ambient Lighting).** *Require that outdoor lighting be located and designed to prevent spillover onto adjoining properties or significantly increase the overall ambient illumination of their location.*

The Project has been conditioned to require the Applicant to prepare a photometric study in conjunction with a final lighting plan which shows that lighting values are “1” foot-candle or less at all property lines. The Project has also been conditioned to allow the Community Development Director to order the dimming of light sources or other remediation upon finding that the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources.

- i. **Land Use Policy LU 6.15.23 (Sustainable Development Practices).** *Require that development achieves a high level of environmental sustainability that reduces pollution and consumption of energy, water, and natural resources. This may be accomplished through the mix and density of uses, building location and design, transportation modes, and other techniques. Among the strategies that should be considered are the integration of residential with job-generating uses, use of alternative transportation modes, maximized walkability, use of recycled materials, capture and re-use of storm water on-site, water conserving fixtures and landscapes, and architectural elements that reduce heat gain and loss.*

The Project is required to comply with the provisions of the Building and Energy Efficiency Standards California Code of Regulations (“CCR”), Title 24, Parts 6 – California Energy Code) and the Green Building Standards Code (CCR, Title 24, Part 11 - CALGreen). Additionally, the Project would generally implement water-efficient landscaping, water quality best management practices, and low impact development practices. The Project would generally mimic the existing flow patterns; however, an upgrade to the storm drain is required and conditioned to a minimum upsize of the existing storm drain along Quail Street to 48 inches. The Project is conditioned so that the extent of the work will be determined by the Public Works Department. Any additional required improvements to downstream City infrastructure to accommodate the Project shall be designed and constructed by the Project.

Throughout the site, areas of passive green space are integrated alongside pedestrian walkways, including a turf and decomposed granite seating zone with benches that provide areas for informal use, rest, and neighborhood interaction.

- j. **Circulation Element Policy CE 2.3.3 (New Development Maintained Responsibility).** *Ensure minimization of traffic congestion impacts and parking impacts and ensure proper roadway maintenance through review and approval of*

Construction Management Plans associated with new development proposals in residential neighborhoods.

Although the Project is not located within an established residential neighborhood, a draft construction management plan (“CMP”) has been reviewed and approved by the Community Development, Fire, and Public Works Departments. This ensures that any traffic congestion impact associated with the construction process is minimized to the greatest extent possible. The Project has been conditioned to require the Applicant to provide a final CMP to be reviewed and approved by Community Development, Fire, and Public Works Departments.

- k. **Circulation Element Policy CE 7.1.7 (Project Site Design Supporting Alternative Modes).** *Encourage increased use of public transportation by requiring project site designs that facilitate the use of public transportation and walking.*

See finding *LU 6.15.23 Sustainable Development Practices* above.

- 3. Facts 1 through 11 in support of Finding A are hereby incorporated by reference.

While the City is preparing a specific plan for the Airport Area Environs Area, it is in the early stages of development and has not been adopted.

- 4. The Project includes various intentional architectural design features, including recessed variation of wall planes, varied rooflines, and material changes with a neutral color palette. These design features result in well-articulated facades which reduce the visual bulk of the Project and allow each unit to appear as distinct homes rather than a single, unarticulated, building.
- 5. The Project landscaping complies with Chapter 14.17 (Water-Efficient Landscaping) and Chapter 20.36 (Landscaping Standards) of the NBMC. Additionally, the Project complies with the City’s Water Efficient Landscape Ordinance (“WELO”) which requires the installation and maintenance of drought tolerant and noninvasive plant species. The Project includes common landscaped open space and landscape buffer zones along street frontages. Additionally, landscaping is integrated throughout the Property, including the common open-space areas to enhance the residential experience.
- 6. Pursuant to Section 20.30.100 (Public View Protection) of the NBMC, projects shall preserve significant visual resources from public views and corridors including identified in Figure NR 3 (Coastal Views) of the Natural Resources Element of the General Plan. The Property is not within the vicinity of any public viewpoints, nor any coastal view roads as identified in Figure NR3. The nearest designated public viewpoint is located over 4,100 feet to the south at Bayview Park. The nearest designated coastal view road is Jamboree Road, south of California State Route 73, over 2,900 feet southeast of the Property. Due to the distance, intervening structures, and urbanized nature of the Project area, the Project is not anticipated to impact any public views.

Finding:

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

Facts in Support of Finding:

1. The Project has been designed to minimize aesthetic impacts to the surrounding neighborhood to the greatest extent possible by providing an architecturally pleasing coastal inspired modern architectural style design with articulation and high-quality materials.
2. The Project has been designed to have adequate, efficient, and safe pedestrian and vehicular access to and from the Property within driveways, parking, and loading areas. The Project includes the drive aisles that are located within the Property, behind the proposed buildings. The Project is also designed to accommodate and provide sufficient access for emergency vehicles and refuse collection vehicles through the Newport Place Drive and Dove Street access points.
3. The Project exceeds the required 296 on-site parking spaces and provides 304 parking spaces including a two-car garage for each unit and 40 guest parking spaces. The individual unit garage parking and guest parking will mitigate use of street parking on the surrounding streets that are adjacent to the Property.
4. The Project has been conditioned to require the Applicant to prepare a photometric study in conjunction with a final lighting plan which shows that lighting values are “1” or less at all property lines. The Project has also been conditioned to allow the Community Development Director to order the dimming of light sources or other remediation upon finding that the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources.
5. The Project is consistent with the following General Plan Land Use and Noise Element policies that establish noise and safety regulations for residential uses in the Airport Area, including, but not limited to the following:
 - a. **Land Use Element Policy LU 6.15.3 (Airport Compatibility)** *Require that all development be constructed in conformance with the height restrictions set forth by the Federal Aviation Administration (FAA), Federal Aviation Regulations (FAR) Part 77, and Caltrans Division of Aeronautics, and that residential development shall be allowed only on parcels with noise levels of less than John Wayne Airport 65 dBA CNEL noise contour area as shown in Figure N5 of the Noise Element of the General Plan, unless and until the City determines, based on substantial evidence, that the sites wholly within the 65 dBA CNEL noise contour shown in Figure N5 are needed for the City to satisfy its Sixth Cycle RHNA mandate. Nonresidential uses are,*

however, encouraged on parcels located wholly within the 65 dBA CNEL contour area.

- b. **Noise Element Policy N 3.2 Residential Development** *Require that residential development proximate to John Wayne Airport shall not be located on parcels wholly within the John Wayne Airport 65 dBA CNEL noise contour shown in Figure N5 of the Noise Element of the General Plan, unless and until the City determines, based on substantial evidence, that the sites wholly within such contour area are needed for the City to satisfy its Sixth Cycle RHNA mandate. Require developers of residential or mixed-use land uses with a residential component to notify prospective purchasers or tenants of aircraft noise. Additionally, require outdoor common areas or recreational areas of residential or mixed-used developments to be posted with signs notifying users regarding the proximity to John Wayne Airport and the presence of operating aircraft and noise.*

The Property is located within the 60 dBA CNEL noise contours established in the General Plan Noise Element Figure N5 and outside the 65 dBA CNEL noise contours. Pursuant to Section 20.28.050 (C)(2) (Subarea Development Standards – Airport Area Environs Area (HO-1)) of the NBMC, additional specific development standards are required for development in the Airport Area to mitigate sound with a required acoustical report to confirm levels within Section 10.26.30 (Interior Noise Standards) of the NBMC; advanced interior air filtration systems; and a required notification to owners and tenants disclosing potential impacts to residents of the existing environment and potential nuisances based upon the allowed uses in the area. Condition of Approval Nos. 23 through 25 are included in the Resolution, ensuring these regulations are met.

- 6. The Project will comply with all Building, Public Works, and Fire Codes, along with all City ordinances and all conditions of approval which are attached hereto as Exhibit “F”.

Affordable Housing Implementation Plan

- E. The AHIP is consistent with the intent to implement affordable housing goals within the City pursuant to Government Code Sections 65915-65918 (State Density Bonus Law), and Chapter 20.32 (Density Bonus) of the NBMC.

Facts in Support of Finding:

- 1. The Project includes 7 Very Low-Income units, representing 5% of the total 132 units, consistent with State Density Bonus Law and Chapter 20.32 (Density Bonus) of the NBMC. The affordable units are proportionally distributed across two-, three-, and four-bedroom floor plans and will be dispersed throughout the site to avoid concentration.
- 2. By providing at least 5% Very Low-Income units, the Project qualifies for one incentive/concession under Government Code Section 65915(d). The Developer

requests a partial reduction of the park in-lieu fee, which provides an identifiable, financially sufficient, and actual cost reduction necessary to support the affordable units. The reduction in park in-lieu fees would allow the Applicant to contribute to the overall fund for parks in the Airport Area, while providing identifiable cost reduction to make the provision of affordable units feasible.

3. In addition to the concessions, the Project is entitled under California Government Code Section 65915(e), Section 20.32.080 (Waivers or Reductions of Development Standards), and recent case law to receive waivers or reductions of development standards where application of the development standard would physically preclude construction of a density bonus project. In this case, the following development standards are entitled to a waiver of Objective Design Standards. Facts in support of finding D are hereby incorporated by reference.
4. Affordable units will be priced and income-qualified in accordance with Health & Safety Code Section 50052.5, HCD Very Low-Income limits, and the Orange County Housing Authority (“OCHA”) utility allowances, ensuring long-term affordability consistent with State and local requirements. As conditioned, prior to issuance of building permits, the Developer must execute an Affordable Housing Agreement identifying the location, distribution, and sale procedures for the affordable units, ensuring compliance with State Density Bonus Law and NBMC provisions. The Project’s affordable for-sale units will be subject to an Equity Sharing Agreement under NBMC Section 20.32.140 (Occupancy and Resale of Ownership Units), ensuring the City recaptures its proportionate share of appreciation upon resale for reinvestment in affordable homeownership opportunities.

Vesting Tentative Tract Map

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

Finding:

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

Facts in Support of Finding:

1. The VTTM is for 132-unit residential air-space condominiums (attached townhomes).
2. Facts 1, 2, and 4 in support of Finding B are hereby incorporated by reference.
3. The Public Works Department has reviewed the proposed VTTM and found it consistent with Title 19 (Subdivisions) of the NBMC and applicable requirements of the Subdivision Map Act.

4. The Applicant will provide an in-lieu park dedication fee pursuant to Chapter 19.52 (Park Dedications and Fees) and as required by the DA, as required for park and recreational purposes in conjunction with the approval of this VTTM. The existing parcel is a commercial office development; therefore, the in-lieu park fee will be required for 132 new dwelling units.
5. A preliminary application for residential development, filed as PA2025-0125, was deemed submitted on July 14, 2025 for this Project. The Preliminary Application prevents the Project from being subject to any City ordinances, policies, and standards adopted after the date of submission, except as specified in Government Code Section 65589.5(o). Therefore, the Project will be subject to the in-lieu park fee in the amount of \$48,987 per unit, which was the fee in effect at the time it was deemed submitted.

Finding:

- G. *The site is physically suitable for the type and density of development.*

Facts in Support of Finding:

1. The 6.5-acre Property is rectangular in shape, slopes slightly towards the east, and is not within a zone subject to seismically induced liquefaction potential. The Property is adequately sized to accommodate the proposed density in compliance with all applicable requirements of the HO-1 (Airport Area Environs Area) Subarea.
2. The Property is suitable for the type and density of the development in that the infrastructure serving the site has been designed to accommodate the Property. Sewer and water demand studies were prepared by Fuscoe Engineering, both dated August, 2025 and revised December 2025. The water study concluded that the proposed onsite water system is adequately designed to provide domestic water service and fire flow for the proposed onsite fire hydrants and building's domestic demand. The Project does not result in more than 500 dwelling units; therefore, a Water Supply Assessment ("WSA") is not required for the Project. The sewer study concluded that the existing sewer systems will not be adversely impacted by the wastewater flows associated with the proposed project, and no sewer upgrades are recommended to be required as a result of the proposed development.
3. The Public Works Department has reviewed and accepted these studies. The Project storm drain system is conditioned to be privately owned and maintained. The Applicant is required to upsize the existing storm drain line along Dove Street to a 48-inch storm drain line. Extent of the improvement will be determined by the Public Works Department. The Project is also conditioned so that any additional required improvements to downstream City infrastructure to accommodate the Project will be designed and constructed as part of the Project. Final design will be reviewed and approved by the Public Works Department.
4. The Project has been reviewed by the Building, Fire, and Public Works Department and must comply with all Building, Fire, and Public Works Codes and City ordinances.

Finding:

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

Fact in Support of Finding:

As detailed in the CEQA determination in Section 2 of this resolution, an Addendum to PEIR was prepared pursuant to Section 15162 (Subsequent EIRs and Negative Declarations) and 15164 (Addendum to an EIR or Negative Declaration) of the CEQA Guidelines. On the basis of the PEIR and entire environmental review record, the Project will not result in any new significant impacts that were not previously analyzed in the PEIR. The Addendum confirms and provides substantial evidence that the potential impacts associated with this Project would either be the same or less than those described in the PEIR, as reduced by applicable General Plan Policies in the PEIR. In addition, there are no substantial changes to the circumstances under which the Project would be undertaken that would result in new or more severe environmental impacts than previously addressed in the PEIR, nor has any new information regarding the potential for new or more severe significant environmental impacts been identified. Therefore, as detailed in Section 2 of the resolution, no substantial environmental damage is anticipated as part of the Project

Finding:

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

Facts in Support of Finding:

1. The proposed VTTM is for a 132-unit residential development. All improvements associated with the Project will comply with all Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. Public improvements will be required of the developer per Section 19.28.010 (General Improvement Requirements) of the NBMC and Section 66411 (Local agencies to regulate and control design of subdivisions) of the Subdivision Map Act. The Project will conform to all City ordinances and Conditions of Approval.
2. No evidence is known to exist that would indicate that the proposed subdivision will generate any serious health problems.

Finding:

J. *That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the decision-making body may approve a map if it finds that alternate easements, for access or use, will be provided and that these easements will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record or to easements established by the judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision.*

Facts in Support of Finding:

The Public Works Department has reviewed the proposed VTTM and determined that the design of the development will not conflict with easements acquired by the public at large for access through, or use of, the Property. As conditioned, an emergency access easement will be recorded over the drive aisles and a blanket easement throughout the property will be provided for water meters, and water and sewer infrastructure as determined by the Public Works Department.

Finding:

K. *That, subject to the detailed provisions of Section 66474.4 of the Subdivision Map Act, if the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act), the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use or the subdivision will result in residential development incidental to the commercial agricultural use of the land.*

Facts in Support of Finding:

1. The Property is not subject to the Williamson Act. The Property is not designated as an agricultural preserve and is less than 100 acres in area.
2. The Property is proposed to be included in the HO-1 (Airport Area Environs Area) Subarea of the Housing Overlay through a ZCA. Once incorporated into the HO-1 (Airport Area Environs Area) Subarea, the Property will be appropriately designated for development of a multi-story residential project. The intended use is not residential development incidental to a commercial agricultural use.

Finding:

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

Facts in Support of Finding:

1. California Business and Professions Code Section 11000.5 has been repealed by the Legislature. However, this Property is not considered a “land project” as previously defined in Section 11000.5 of the California Business and Professions Code because the project site does not contain 50 or more parcels of land.
2. The Project is not located within a specific plan area.

Finding:

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

Facts in Support of Finding:

1. The VTTM includes attached dwelling units with open space, private driveways, and walkways which separate the individual buildings.

The Project and any future improvements are subject to Title 24 of the California Building Code, which requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The City’s Building Division enforces Title 24 compliance through the plan check and inspection process.

Finding:

- N. That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City’s share of the regional housing needs and that it balances the housing needs of the region against the public service needs of the City’s residents and available fiscal and environmental resources.*

Fact in Support of Finding:

1. The 132 dwelling unit Project yields a density of 20 dwelling units per acre, consistent with the HO-1 (Airport Area Environs Area) Subarea. The Project is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code as the Project results in a net increase in 132, for-sale, residential dwelling units which contributes to the City’s assigned 6th Cycle RHNA. By developing underutilized office site with medium-density ownership housing, the Project helps meet the City’s housing goals while utilizing existing infrastructure and public services.

Finding:

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

Facts in Support of Finding:

1. Wastewater discharge from the Project into the existing sewer system has been designed to comply with the Regional Water Quality Control Board (“RWQCB”) requirements.
2. A Water Quality Management Plan (“WQMP”) has been prepared by Fuscoe Engineering dated February 2026 for the Project.
3. Fact 2 and 4 in support of Finding G is hereby incorporated by reference.

Finding:

- P. For subdivisions lying partly or wholly within the Coastal Zone, the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter 3 of the Coastal Act.*

Fact in Support of Finding:

The Property is not located in the Coastal Zone; therefore, compliance with the Local Coastal Program and the Coastal Act is not applicable.

Development Agreement

- Q. In accordance with Section 15.45.020(A)(2)(a) (Development Agreement Required) of the NBMC, a development agreement is required as the Project requires a Zoning Code amendment that includes the development of more than 50 residential units. In this case, the Project has a total of 132 residential units.

Facts in Support of Finding:

The DA satisfies the requirements of Chapter 15.45 (Development Agreements) of the NBMC as follows:

1. The DA includes all the mandatory elements including a term of ten years and public benefits that are appropriate to support conveying the vested development rights consistent with the City’s General Plan, the NBMC, and Government Code Sections 65864 *et seq.*
2. Public benefits include the payment of a public safety fee to satisfy any obligation the Project may have to provide new emergency response services or Fire Department equipment to serve the Airport Area whether a Community Facilities District is formed or not. The Applicant has also agreed to pay a separate public benefit fee to be used by the City Council as it deems appropriate.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

The Planning Commission of the City of Newport Beach hereby recommends the following to the City Council:

1. Adopt Environmental Impact Report Addendum to the Housing Implementation Program Environmental Impact Report SCH No. 2023060699 ("PEIR"), as depicted in Exhibit "B," which is attached hereto and incorporated herein by reference;
2. Approve Zoning Code Amendment which is attached hereto as Exhibit "C," and incorporated herein by reference;
3. Approve Development Agreement, which is attached hereto as Exhibit "D," and incorporated herein by reference;
4. Approve Affordable Housing Implementation Plan, in Exhibit "E," which is attached hereto and incorporated herein by reference;
5. Approve Major Site Development Review with conditions of approval which is attached hereto as Exhibit "F," and incorporated by reference (PA2025-0170).

PASSED, APPROVED, AND ADOPTED THIS 4th DAY OF JUNE 2026.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
Tristan Harris, Chair

BY: _____
Jonathan Langford, Secretary

Exhibits:

- Exhibit A – Legal Description
- Exhibit B – Program Environmental Impact Report Addendum
- Exhibit C – Zoning Code Amendment
- Exhibit D – Development Agreement

Exhibit E – Affordable Housing Implementation Plan
Exhibit F – Conditions of Approval