

Attachment B

Resolution No. 2024-51 Amending the General Plan Land Use Element

RESOLUTION NO. 2024- 51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AMENDING THE GENERAL PLAN LAND USE ELEMENT TO IMPLEMENT THE GENERAL PLAN HOUSING ELEMENT IMPLEMENTATION PROGRAM (PA2022-0245)

WHEREAS, Section 200 of the City of Newport Beach (“City”) Charter vests the City Council with the authority to make and enforce all laws, rules, and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges, or procedures granted or prescribed by any law of the State of California;

WHEREAS, California Government Code Section 65580 *et seq.* (“State Housing Element Law”) requires each city and county adopt a housing element that identifies and analyzes existing and projected housing needs within their jurisdiction and prepare goals, policies, and programs, and quantified objectives to further the development, improvement, and preservation of housing;

WHEREAS, the City’s General Plan Land Use Element is a mandatory element that governs the ultimate pattern of development and requires updating as necessary for consistency with other General Plan elements;

WHEREAS, every eight years, State Housing Element Law requires the City to update its General Plan Housing Element to identify and analyze existing and projected housing needs for the City along with a housing plan that provides adequate land use capacity to meet those needs;

WHEREAS, the City was assigned a Regional Housing Needs Assessment (“RHNA”) allocation of 4,845 new units as its projected housing need for the planning period covering 2021-2029 and, as a result, the City worked diligently to prepare its 6th Cycle Housing Element in compliance with state law;

WHEREAS, preparation of the 6th Cycle Housing Element involved extensive public participation with community groups at numerous workshops, as well as meetings with the Planning Commission and City Council, and was assisted by an ad-hoc committee called the Housing Element Update Advisory Committee (“HEUAC”) formed and appointed by the City Council;

WHEREAS, after several meetings with the State Department of Housing and Community Development (“HCD”) and numerous drafts, the City Council adopted the final 6th Cycle Housing Element on September 13, 2022;

WHEREAS, HCD certified the City’s 6th Cycle Housing Element on October 5, 2022, as statutorily compliant with state law;

WHEREAS, Section 4 (Housing Plan) of the 6th Cycle Housing Element presents a framework and strategy for meeting the needs of existing and future resident populations in Newport Beach based on the RHNA allocation of 4,845 new housing units, the “fair share” of regional housing need and demand, by planning for units within the following site groupings or “focus areas” that are best suited for residential growth: Airport Area Environs, West Newport Mesa, Newport Center, Dover/Westcliff, and Coyote Canyon;

WHEREAS, the 6th Cycle Housing Element opportunity sites are to be rezoned per Housing Element Policy Actions 1A through 1F to accommodate the City’s RHNA obligation, including a buffer necessary to address future “no net loss” of available sites and to preclude the need to identify replacement sites during implementation;

WHEREAS, the rezoning includes the establishment of overlay zoning districts and accompanying development standards, as well as corresponding amendments to the General Plan Land Use Element and the Local Coastal Program;

WHEREAS, to comply with state law, the City has been working diligently to implement the 6th Cycle Housing Element no later than February 2025 (“6th Cycle Housing Element Implementation”), which requires the following amendments and actions:

- General Plan Amendment (“GPA”) - To revise the necessary goals and/or policies within the City’s Land Use Element to support housing production in the focus areas identified by the 6th Cycle Housing Element;
- Amendment to Title 20 (Planning and Zoning) (“ZCA”) - To implement the Land Use Element's policy changes by allowing housing development as an opportunity and establishing appropriate objective design and development standards for multi-unit residential and mixed-use development projects;

- Local Coastal Program Amendment (“LCPA”) - To revise and create new policies within the City’s Coastal Land Use Plan and update Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (“NBMC”) to support housing production in the focus areas identified by the 6th Cycle Housing Element that are within the Coastal Zone; and
- Program Environmental Impact Report (“PEIR”) (SCH No. 2023060699) - To analyze potential environmental impacts under the California Environmental Quality Act (“CEQA”) related to the 6th Cycle Housing Element Implementation, a Draft Housing Element Implementation Program Amendments Program Environmental Impact Report (“Draft PEIR”), to address reasonably foreseeable environmental impacts resulting from the 6th Cycle Housing Element Implementation;

WHEREAS, the 6th Cycle Housing Element Implementation must take effect by February 2025 to avoid significant penalties and loss of local control dictated by state law, which may include, but are not limited to:

- Increased exposure to public and private litigation;
- Loss of permitting authority;
- Financial penalties including monthly fines of up to \$600,000;
- Loss of eligibility for state and regional funding sources;
- Court receivership;
- Allowing housing developers to bypass the City’s zoning requirements; and
- Increased exposure to monitoring by the newly formed Housing Accountability Unit of HCD;

WHEREAS, City staff worked closely with the community through the City Council-appointed General Plan Advisory Committee (“GPAC”) and General Plan Update Steering Committee (“GPUSC”) from March 2023 to August 2023 to draft Land Use Element goals and policies that support 6th Cycle Housing Element Implementation;

WHEREAS, the draft GPA that was supported by the GPAC and the GPUSC was posted online on August 30, 2023, with additional public comments and participation at the Planning Commission Study Session on September 21, 2023, and City Council Study Session on February 13, 2024;

WHEREAS, the draft GPA was revised and reposted online on January 16, 2024, and March 28, 2024, based on the public’s input;

WHEREAS, a public hearing was held by the Planning Commission on April 18, 2024, in the Council Chambers at 100 Civic Center Drive, Newport Beach, California to consider the actions and amendments required for the 6th Cycle Housing Element Implementation. A notice of time, place, and purpose of the hearing was given in accordance with Government Code Section 54950 *et seq.* (“Ralph M. Brown Act”), Chapter 20.62 (Public Hearings) and Chapter 21.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by the Planning Commission at this hearing;

WHEREAS, at the conclusion of the public hearing, the Planning Commission adopted Resolution No. PC2024-006 by a unanimous vote (5 ayes, 2 recusals) recommending the City Council certify the Housing Element Implementation Program Amendments Draft PEIR and approve the 6th Cycle Housing Element Implementation;

WHEREAS, California Public Utilities Code (“CPUC”) Section 21676(b) requires the City to refer the 6th Cycle Housing Element Implementation to the Orange County Airport Land Use Commission (“ALUC”) to review for consistency with the 2008 John Wayne Airport Environs Land Use Plan (“AELUP”);

WHEREAS, on May 16, 2024, the ALUC determined the 6th Cycle Housing Element Implementation is inconsistent with the AELUP;

WHEREAS, pursuant to Sections 21670 and 21676 of the CPUC, the City Council held a duly noticed public hearing on May 28, 2024, and adopted Resolution No. 2024-32 (7 ayes, 0 nays), to notify the ALUC and State Department of Transportation Aeronautics Program of the City’s intent to override ALUC’s inconsistency finding and on May 29, 2024, the City issued the Notice of Intent to Override ALUC’s determination and received two comments in response; and

WHEREAS, a public hearing was held on July 23, 2024, by the City Council in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California to consider the 6th Cycle Housing Element Implementation, including consideration of certifying the PEIR, adoption of CEQA Findings, Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations. A notice of time, place, and purpose of the hearing was given in accordance with CPUC Section 21676(b), the Ralph M. Brown Act, Chapter 20.62 (Public Hearings), Chapter 20.66 (Amendments), and Chapter 21.62 (Public Hearings) of the NBMCA, and City Council Policy K-1 (General Plan and Local Coastal Program) and City Council Policy K-3 (Implementation procedures for the California Environmental Quality Act). Evidence both written and oral, was presented to, and considered by, the City Council at this hearing.

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

Section 1: The City Council does hereby make the findings attached hereto as Exhibit "A," and incorporated herein by reference, and approves the GPA, which is also attached hereto as Exhibit "B," and incorporated herein by reference.

Section 2: The Housing Element Implementation Program Amendments Final PEIR (SCH No. 2023060699) was prepared for the 6th Cycle Housing Element Implementation (also referred to as the "Project") in compliance with the California Environmental Quality Act ("CEQA") as set forth in the Public Resources Code Section 21000 *et seq.*, Title 14, Division 6, Chapter 3 of the California Code of Regulations ("CEQA Guidelines"), and City Council Policy K-3 (Implementation Procedures for the California Environmental Quality Act). On July 23, 2024, the City Council adopted Resolution No. 2024-____, to certify the PEIR as complete and adequate, inclusive of all required findings, a statement of overriding considerations, and a mitigation monitoring reporting program. The City Council hereby finds that the action to adopt this Resolution approving the GPA was considered within the PEIR. Resolution No. 2024-____ is hereby incorporated by reference.

Section 3: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 4: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 5: This resolution shall take effect upon approval of the Land Use Element Amendment by a majority (50%+1) of the electorate voting on it at the General Municipal Election on November 5, 2024, and the City Clerk's certification of the vote.

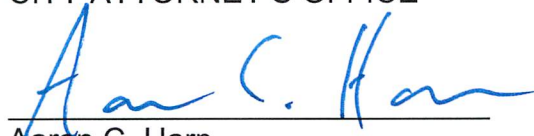
ADOPTED this 23rd day of July, 2024.

Will O'Neill
Mayor

ATTEST:

Leilani I. Brown
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney

Attachments: Exhibit "A" – Findings for Approval
 Exhibit "B" – General Plan Land Use Element Amendment

**Exhibit “A”
Findings for Approval**

General Finding:

An amendment to the City’s General Plan Land Use Element is a legislative act. Neither Title 20 (Planning and Zoning) of the NBMC nor California Government Code Section 65000 *et seq.*, set forth any required findings for approval of such amendments. Notwithstanding the foregoing, the following amendments to the General Plan Land Use Element will create internal consistency with the certified 6th Cycle Housing Element:

Facts in Support of Finding:

1. According to General Plan Implementation Program 1.2, revisions and updates of the General Plan must be made in accordance with the Vision Statement. While it is being reviewed as part of the comprehensive General Plan update, as presently written, it is the City’s intention to be a residential community, balanced with supporting nonresidential uses, job opportunities, and visitor and recreational services and amenities. Furthermore, the Vision Statement calls for “a range of housing opportunities that allows people to live and work in the City.”
2. Implementation Program 1.2 further states that amendments to accommodate the City’s “fair share” of regional housing demand will be considered in context of these visions and the goals stipulated by the General Plan. Adoption of the proposed Amendment will support the 6th Cycle Housing Element adopted in the context of the visions and goals stipulated by the General Plan.
3. The proposed GPA, attached to this resolution and incorporated herein, is in full compliance with the Section 4 of the 6th Cycle Housing Element as presented below:

6th Cycle Housing Element Implementation Measures	Amendments in Support of Housing Element’s Implementation Measures
<p>Housing Goal #1. Provision of adequate sites to accommodate projected housing unit growth needs within the following identified housing opportunity sites:</p> <ul style="list-style-type: none"> • Airport Area Environs • West Newport Mesa • Newport Center • Dover/Westcliff • Banning Ranch • Coyote Canyon 	<p>Revised Policies LU 1.1 through LU 1.5 emphasize the goal of balancing the needs of residents, business and visitors through the recognition that Newport Beach is primarily a residential community. The polices underscore the need to preserve and enhance residential neighborhoods. The identified sites direct new housing opportunities outside of established residential neighborhoods. The amended Policies ensure the continued recognition that Newport Beach is primarily a residential community.</p>

6th Cycle Housing Element Implementation Measures	Amendments in Support of Housing Element's Implementation Measures
<p>Housing Goal #2. Quality residential development and preservation, conservation and appropriate redevelopment of housing stock.</p> <p>Housing Goal #3. A variety of housing types, designs, and opportunities for all social and economic segments.</p> <p>Housing Goal #4. Housing opportunities for as many renter- and owner-occupied households as possible in response to the market demand and RHNA obligations for housing in the City.</p>	<p>Revised Policies LU 2.2 and LU 2.5 call for supporting the development of uses that allow the City to be a complete community and indicate that harbor and waterfront Uses contribute to the charm and character of the City and provide needed support for residents.</p> <p>Revised Policy 3.3 (Transition of Land Uses) calls for supporting residential opportunities in West Newport Mesa; residential infill development along Balboa Boulevard corridor and facilitating workforce housing in proximity to jobs, transportation and services in West Newport Mesa and the Airport Area; and providing for housing opportunities that complement nonresidential uses in the Coyote Canyon Landfill site.</p> <p>Revised Goal LU 4 Manage growth and change to:</p> <ul style="list-style-type: none"> • Support the livability of existing neighborhoods. • Support residential opportunities that accommodate the City's share of the Regional Housing Needs Assessment. • Promote new uses that are complimentary to already existing neighborhoods and uses. • Achieve distinct and economically vital business and employment districts. • Correlate with supporting infrastructure and public services. • Sustain Newport Beach's natural setting. <p>The above goal supports Housing Goal #1 as it accommodates City's share of RHNA.</p> <p>Revised Policy LU4.1 (Land Use Diagram) clarifies that density limits exclude increases allowed through the application of density bonus laws as stipulated also by State law.</p> <p>New Policies 4.4 (Rezoning to Accommodate Housing Opportunities); 4.5 (Residential Uses and Residential Densities); 4.6 (Continuation of</p>

6 th Cycle Housing Element Implementation Measures	Amendments in Support of Housing Element's Implementation Measures
	<p>Existing Development); and 4.7 (Redevelopment and Transfer of Development Rights) all support 6th Cycle Housing Element Implementation Measures. These policies stipulate that residential opportunities are to be established as overlay zones which allow for existing uses to continue. Opportunities for by-right development, when at least 20 percent or more of units are affordable to lower-income households, ensures housing opportunities for all social and economic segments and ensures streamlined project review.</p> <p>Revised Policy LU 5.1.3 (Neighborhood Identification) calls for the establishment of objective design and development standards which ensures Implementation Goals 1 and 2 which stipulate quality design and variety of housing designs.</p> <p>Revised Policy LU 6.2.4 (Accessory Dwelling Units (ADU)) supports and promotes the development of accessory dwelling units and junior accessory dwellings. This policy fulfills Implementation Goal #1 that calls for the City to aggressively support and accommodate the construction of at least 240 ADUs.</p> <p>Revised Policies LU 6.4.2 (Residential); LU 6.6.2 (Residential Types (West Newport Mesa); LU 6.15.4 (Priority Uses (Airport Area – Mixed-Use Districts [Subarea C, “MU-H2” designation]); LU 6.15.28 (Priority Uses (Airport Area – Commercial Nodes]”CG” designation Sub-Area C-part]) and LU 6.15.29 (Priority Uses (Airport Area – Commercial Office District [“CO-G” designation Sub-Area C—part]) support housing development or redevelopment within the opportunity sites identified in the Housing Element.</p>

Charter Section 423 Analysis Finding:

Unless precluded by state or federal law, Section 423 of the Charter of the City of Newport Beach (“Charter Section 423”) requires voter approval for any major amendment to the City’s General Plan. A “major amendment” is one that significantly increases allowed intensity by 40,000 square feet of nonresidential floor area, increases traffic by more than 100 peak hour vehicle trips (AM/PM), or increases residential dwelling units by 100 units. These thresholds apply to the total of increases resulting from the amendment itself, plus 80% of the increases resulting from other amendments affecting the same neighborhood (defined as a “statistical area” as shown in the General Plan Land Use Element) and adopted within the preceding 10 years.

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

Facts in Support of Finding:

1. If it is determined a Section 423 vote is required, the proposed amendment will not take effect unless approved by a majority of the electorate voting on it.
2. Should the City not implement the 6th Cycle Housing Element by February 2025, the City may be considered non-compliant with State Housing Laws and developers of affordable housing projects will be entitled to have their residential projects approved as a “builder’s remedy” in accordance with Senate Bill 35 effectively ignoring height limits, density limits and other regulations designed to ensure development is consistent with the City’s Vision Statement of the General Plan.

Tribal Consultation (SB18) Finding:

Pursuant to California Government Code Section 65352.3 (“SB18”), a local government is required to contact the appropriate tribes identified by the Native American Heritage Commission (“NAHC”) each time it considers a proposal to adopt or amend the General Plan. If requested by any tribe, the local government must consult for the purpose of preserving or mitigating impacts to cultural resources.

Facts in Support of Finding:

Pursuant to SB18, the City requested a Sacred Lands File (“SLF”) search on the Project locations from the NAHC on March 5, 2023. On March 22, 2023, the NAHC responded that the findings of the search were positive and identified 19 Native American tribal representatives to contact for further information on potential tribal resources. To comply with both the requirements of SB18 and Assembly Bill 52, the City mailed and emailed notices regarding the proposed project to all of the listed tribes. The City received a response from only one representative of the Gabrieleño Band of Mission Indians – Kizh Nation expressing no concerns on the project given its programmatic nature, but also expressing a desire to be consulted on future individual projects.

Fiscal Impact Analysis Finding:

Pursuant to General Plan Implementation Program 12.1, a fiscal impact analysis is required to be prepared for the Project. This analysis must use the City’s fiscal impact model and should calculate public service impacts for specific land uses that support the residential population, the employment base, the visitor population in Newport Beach, public revenues that each type of land use typically generates for the City, including property taxes, sales taxes and other taxes, as well as a variety of user charges and fees. The fiscal impact model is designed to calculate the average cost of public services required by new development, on the assumption that new development affects the City services in approximately the same way that existing development does.

Facts in Support of Finding:

A fiscal impact analysis was prepared for the Housing Element Implementation Program Amendments by Keyser Marston Associates (“KMA”) dated July 9, 2024 (“Fiscal Impact Analysis”). As there are no specific projects proposed and the dwelling unit capacity added through implementation does not contemplate any replacement of existing uses, KMA’s evaluation is highly conservative and theoretical. In summary, KMA found the following:

- Rents, sales prices and assessed values in the City are all very high, benefiting General Fund revenues.
- Total buildout of all the potential residential would have a net negative impact on the City’s General Fund; however, this may be mitigated if projects continue to be developed at higher price points.
- The replacement of land uses that generate minimal public revenues can offset the negative impact of the residential. For example, the recently approved 1400 Bristol Street project demonstrates that office development can have a net negative impact on the General Fund and higher

rents/values can significantly reduce the residential impact to the General Fund.

- Cities will often adopt a development fee program, negotiate development agreements, and pursue other methods to mitigate the fiscal impact of residential development. KMA understands the City is currently preparing a development fee program, which could potentially offset some of the projected impacts.

EXHIBIT “B”
General Plan Land Use Amendment

General Plan Land Use Element Policy LU 1.1 is amended as follows:

LU 1.1 Unique Environment

Maintain and enhance the different villages, neighborhoods, business districts, and harbor that define Newport Beach through neighborhood preservation. Locate and design development in a way that to reflects Newport Beach’s topography and, architectural diversity while emphasizing the City’s coastal orientation, including public views. (Imp 1.1)

General Plan Land Use Element Policy LU 1.2 is amended as follows:

LU 1.2 Citywide Identity

Recognize and support the qualities that uniquely define Newport Beach’s neighborhoods and districts that promote a Citywide identity unique to the Southern California region. (Imp 1.1)

General Plan Land Use Element Policy LU 1.2 is amended as follows:

LU 1.5 Economic Health

Support the local economy through the identification and development of housing opportunities, as well as adequate commercial, office, medical, industrial, and marine-oriented uses that provide employment and local revenue opportunities to support high-quality community services for residents, businesses, and visitors. (Imp 1.1, 24.1)

General Plan Land Use Element Policy LU 2.2 is amended as follows:

LU 2.2 Sustainable and Complete Community

Emphasize and support the development of uses that enable Newport Beach to be a complete community that maintains the ability to provide locally accessible opportunities for retail, goods and services, and employment. (Imp 1.1, 24.1)

General Plan Land Use Element Policy LU 2.5 is amended as follows:

LU 2.5 Harbor and Waterfront Uses

Preserve the uses of the Harbor and the waterfront that contribute to the charm and character of Newport Beach and provide needed support for residents, boaters, and visitors, with appropriate regulations necessary to protect the interests of all users as well as adjoining residents. (Imp 1.1, 2.5, 5.1, 21.4, 24.1)

General Plan Land Use Element Policy LU 3.3 is amended as follows:

LU 3.3 Opportunities for Change

Support opportunities for new development and improved physical environments for residents, businesses, and visitors in the following districts and corridors, as specified in Policies 6.3.1 through 6.22.7:

West Newport: support consolidation of retail and visitor-serving commercial uses, and new residential opportunities

Santa Ana Heights: support continued implementation of the adopted Specific Plan and Redevelopment Plan

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

Balboa Peninsula: support patterns of use that consolidate the Peninsula's visitor-serving and mixed uses within the core commercial districts; encourage marine-related uses especially along the bay front; integrate residential with retail and visitor-serving uses in Lido Village, McFadden Square, Balboa Village, and along portions of the Harbor frontage; re-use interior parcels in Cannery Village for residential and limited mixed-use and live/work buildings; and redevelop underperforming properties outside of the core commercial districts along the Balboa Boulevard corridor for residential. Infill development shall be designed and sited to preserve the historical and architectural fabric of these districts

Mariners' Mile: support revitalization of existing properties for retail, visitor-serving, and marine-related uses, integrated with residential

Corona del Mar: support enhancement of public improvements and parking (Imp 1.1, 2.1, 5.1)

Study and consider the adoption of specific plans or other appropriate land use guidance for the following areas:

West Newport Mesa: This area is generally bounded by the City of Costa Mesa to the north, Banning Ranch to the west, State Route 55 to the east, and Hospital Road to the south. The area may be expanded if warranted. The intent is to support a cohesive strategy that enhances existing land use or repurpose underperforming commercial and industrial uses or activities while facilitating new and varied housing, including workforce housing proximate to jobs, transportation, and services. Future land uses are intended to be appropriately located and sized to accommodate local community needs.

Airport Area: This area is generally bound by Jamboree Road to the east, Campus Drive to the north and west, and State Route 73 to the south. This area may be expanded subject to LU 4.4. This area must support flexible land use planning for the reuse and repurposing of existing nonresidential uses while allowing for a variety of housing opportunities inclusive of workforce housing proximate to jobs, transportation, supporting commercial, and services. The intent is to support and provide neighborhood parks or other recreational opportunities, and other public services. Development in this area should contribute to a cohesive urban, mixed-use character where residents and visitors can live, work, shop, access services, and play.

Coyote Canyon Landfill: This approximately 375-acre open space area is generally bound by Newport Coast Drive to the east, State Route 73 to the north, and the Newport Ridge Planned Community to the west and south. The intent for this area is to support a comprehensive vision that

balances future land uses with environmental stewardship and public access. Future development should adapt the closed landfill as an area that supports a variety of outdoor recreational uses such as golf, hiking, and nature interpretation alongside housing opportunities with complementary nonresidential uses.

General Plan Land Use Element Goal LU 4 is amended as follows:

LU 4

Management of growth and change to:

- Support the livability of existing neighborhoods.
- Support residential opportunities that accommodate the City's share of the Regional Housing Needs Assessment.
- Promote new uses that are complementary to already existing neighborhoods and uses.
- Achieve distinct and economically vital business and employment districts.
- Correlate with supporting infrastructure and public services.
- Sustain Newport Beach's natural setting.

General Plan Land Use Element Policy LU 4.1 is amended as follows:

LU 4.1 Land Use Diagram

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

The density/intensity ranges exclude increases allowed through the applications of density bonus laws and are calculated based on actual land area, actual number of dwelling units in fully developed residential areas, and development potential in areas where the General Plan allows additional development.

To determine the permissible development, the user should:

- a. Identify the parcel and the applicable land use designation on the Land Use Plan, Figure LU4 through Figure LU15
- b. Refer to Figure LU4 through Figure LU15 and Table LU1 to identify the permitted uses and permitted density or intensity or amount of development for the land use classification. Where densities/intensities are applicable, the maximum amount of development shall be determined by multiplying the area of the parcel by the density/intensity.
- c. For anomalies identified on the Land Use Map by a symbol, refer to Table LU2 to determine the precise development limits.
- d. For residential development in the Airport Area., refer to the policies prescribed by the Land Use Element that define how development may occur. (Imp 2.1, 5.1, 10.2)

General Plan Land Use Element Policy LU 4.4 is added in its entirety as follows:

LU 4.4 Rezoning to Accommodate Housing Opportunities

Accommodate housing opportunities through the adoption of housing opportunity overlay zoning districts or other land use regulatory policy. The following areas are intended to be consistent with the Housing Element’s focus areas. Properties within each overlay district should include, but are not limited to, sites identified in the Housing Element; however, not all sites must be included, and other sites or adjustments may be identified in the future through rezoning unless precluded by state law. The goal is to ensure an adequate number of sites Citywide to accommodate the City’s overall allocation of the Regional Housing Needs Assessment:

- **Airport Environs:** the intent is to support a density between 20 and 50 dwelling units per gross acre to accommodate up to 2,577 total dwelling units within the area.
- **West Newport Mesa:** the intent is to support a density between 20 and 50 dwelling units per gross acre to accommodate up to 1,107 total dwelling units within the area.
- **Newport Center:** the intent is to support a density between 20 and 50 dwelling units per gross acre to accommodate up to 2,439 total dwelling units within the area. units per gross acre.
- **Dover / Westcliff:** the intent is to support a density between 20 and 50 dwelling units per gross acre to accommodate up to 521 total dwelling units within the area.
- **Coyote Canyon:** the intent is to allow a density between 20 and 60 dwelling units per gross acre of viable land to accommodate up to 1,530 total dwelling units within the area.

General Plan Land Use Element Policy LU 4.5 is added in its entirety as follows:

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 4.2 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.

General Plan Land Use Element Policy LU 4.6 is added in its entirety as follows:

LU 4.6 Continuation of Existing Development

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

General Plan Land Use Element Policy LU 4.7 is added in its entirety as follows:

LU 4.7 Redevelopment and Transfer of Development Rights

Within an established housing opportunity overlay zone and notwithstanding Policy LU 6.15.5, the intensity of existing allowed uses of a site may be reconstructed on the site as part of a mixed-use development provided the gross floor area allowed by the General Plan is not increased, unless it is increased through a General Plan amendment or density bonus concession. The intensity of existing uses may be converted to other uses allowed by the underlying General Plan land use category provided that average daily trips and peak hour traffic trips are not increased above the trips from the existing allowed use. For example, office intensity may be converted to retail or service commercial, restaurants, or other nonresidential uses provided the General Plan land use category allows these uses. Nonresidential intensity not included as a component of a future residential project will remain within the General Plan allocations on a statistical area-wide basis. The City Council may transfer the intensity of a use to another site within the Statistical Area consistent with Policy LU 4.3 or Policy LU 6.15.3.

General Plan Land Use Element Policy LU 5.1.3 is amended as follows:

LU 5.1.3 Neighborhood Identification

Encourage and support residential neighborhood identity through the establishment of objective design and development standards that will distinguish neighborhoods from others in the City. (Imp 1.1, 1.3)

General Plan Land Use Element Policy 6.2.4 is amended as follows:

LU 6.2.4 Accessory Dwelling Units

Support and promote the development of accessory dwelling units and junior accessory dwelling units in all zones that will allow residential units, to provide a more affordable housing option that helps the City meet its housing production goals while minimizing the need to rezone for additional future capacity. (Imp 2.1)

General Plan Land Use Element Policy 6.4.2 is amended as follows:

LU 6.4.2 Residential

Accommodate a maximum of 1,475 residential units, which shall consist of a mix of single-family detached, attached, and multi-family units to provide a range of choices and prices for residents. (Imp 2.1)

General Plan Land Use Element Policy 6.6.2 is amended as follows:

LU 6.6.2 Residential Types

Support the development of a mix of residential types consistent with the densities permitted by the General Plan (Figure LU18), which may include single-family attached, townhomes, apartments, and comparable units, provided the overall average project density of 20 to 50 dwelling units per acre is not exceeded. (Imp 2.1)

General Plan Land Use Element Policy 6.10.2 is stricken and removed in its entirety.

General Plan Land Use Element Policy 6.10.3 is stricken and removed in its entirety.

General Plan Land Use Element Policy 6.12.2 is stricken and removed in its entirety.

General Plan Land Use Element Policy 6.15.4 is amended as follows:

LU 6.15.4 Priority Uses

Accommodate office, research and development, and similar uses that support the primary office and business park functions such as retail and financial services, as prescribed for the “CO-G” designation, while allowing for the re-use of properties for the development of cohesive mixed-use and residential developments that are integrated with business park uses. (Imp 2.1)

General Plan Land Use Element Policy 6.15.28 is amended as follows:

LU 6.15.28 Priority Uses

Encourage the development of retail, financial services, dining, hotel, and other uses that support the John Wayne Airport, the Airport Area’s office uses, and, as developed or redeveloped, its residential neighborhoods, as well as automobile sales and supporting uses at the MacArthur Boulevard and Bristol Street node. (Imp 2.1, 24.1)

General Plan Land Use Element Policy 6.15.29 is amended as follows:

LU 6.15.29 Priority Uses

Encourage the development of administrative, professional, and office uses that are proximate or adjacent to residential uses; with accessory retail and service uses that provide jobs for residents and benefit adjoining mixed-use districts. (Imp 2.1, 24.1)