

Attachment K

April 18, 2024 Planning Commission Staff Report (provided digitally due to size and accessible at the following link

<https://ecms.newportbeachca.gov/WEB/DocView.aspx?id=2954635&dbid=0&repo=CNB>),

Minutes Excerpts, and Resolution No. 2024-006

Satish Lion, representative of The Picerne Group, used a presentation to review The Residences at the Airport Village, thanked staff and partners, introduced the project team, and described The Picerne Group. Cory Bitting, Associate Principal at TCA Architects, provided an overview of the project design highlights by first presenting pictures of the current condition, then relaying the challenges and opportunities using a context map, ground level and podium level plans, and MacArthur, Birch & MacArthur, and Campus perspective elevations. Mike Meyers, Senior Principal at Lifescapes International, reviewed the overall landscaping plan and plans for the ground level, podium level, wellness pool, and pool. In closing, Mr. Lion shared letters of support, reiterated their commitment to the community, and agreed to the recommended conditions as stated in the report including the updates to numbers three and eight.

In response to Vice Chair Rosene’s question, Mr. Lion clarified that the easement by the southeast side against the existing medical facility which provides access to the parking area will be maintained during the construction period. Vice Chair Rosene suggested staff discuss Condition No. 21 regarding a deed notification.

In response to Chair Ellmore’s interest in noise cancellation efforts, Mr. Lion stated that the preliminary acoustical analysis revealed that the noise from the airport is less than the noise from MacArthur, noise within the courtyard is less than at the perimeter of the building, and that during design and development a more detailed analysis will be completed. He relayed that the determinations are consistent with other projects they have developed.

Jim Mosher thought there was a clash between luxury apartments in an anticipated workforce housing area, expressed concern for the noise environment and impact to the balconies facing MacArthur, and suggested measuring the noise level at that location.

Acting Deputy Community Development Director Murillo noted that the project is consistent with legislative approvals for the Newport Airport Village Planned Community approved by the City Council and General Plan Policy N1.5 allows higher exterior noise levels for infill projects and the project includes measures to ensure compliance with City noise standards.

Chair Ellmore closed the public hearing.

Commissioner Langford thought the project was thoughtful and thanked the staff. He expressed his inclination to vote in favor of the project. Vice Chair Rosene concurred.

Commissioner Salene thanked The Picerne Group and appreciated the extra parking being provided.

Motion made by Commissioner Barto and seconded by Commissioner Salene to approve the item as recommended by staff.

AYES: Barto, Ellmore, Langford, Rosene, and Salene
NOES: None
RECUSED: Lowrey and Harris
ABSENT: None

ITEM NO. 3 HOUSING ELEMENT IMPLEMENTATION PROGRAM AMENDMENTS (PA2022-0245)

Site Location: Citywide

Summary:

As required by state law, the City adopted the 6th Cycle Housing Element for the 2021-2029 planning period (Housing Element) on September 13, 2022, which was certified by the California Department of Housing and Community Development on October 5, 2022.

To implement the Housing Element, the Planning Commission will consider a recommendation to the City Council of the amendments and actions described below which must take effect by the statutory deadline of February 2025:

- **General Plan Amendment.** Amend the General Plan Land Use Element to support housing production in the focus areas identified by the Housing Element;
- **Zoning Code Amendment.** Amend Title 20 (Planning and Zoning) of the Newport Beach Municipal Code (NBMC) to implement the Land Use Element's policy changes by allowing housing development through new Housing Opportunity (HO) Overlay Zoning Districts, establish appropriate development standards, and create objective design and development standards for multi-unit residential and mixed-use development projects; and
- **Local Coastal Program Amendment.** Amend the Newport Beach Coastal Land Use Plan and Title 21 (Local Coastal Program Implementation Plan) of the NBMC to include new Housing Opportunity (HO) Overlay Coastal Zoning Districts to support housing production in the focus areas identified by the Housing Element within the Coastal Zone.

Recommended Action:

1. Conduct a public hearing; and
2. Adopt Resolution No. PC2024-006 recommending City Council certify the Program Environmental Impact Report (EIR) identified by State Clearinghouse Number (SCH No.) 2023060699, including the Mitigation Monitoring and Reporting Program (MMRP), and approve the Housing Element Implementation Program Amendments all collectively referred to as "PA2022-0245".

Commissioners Langford and Rosene recused themselves due to business interest conflicts.

Principal Planner Zdeba utilized a presentation to review a brief background, why are we here, implementing action for the Land Use Element update and new policies, City Charter Section 423, vote related to traffic and density; implementing action for the overlay zoning and development standard, recent posting, and overlay zone maps; implementing action for the objective design standards; implementing action for the local coastal program amendment; and implementing action for the California Environmental Quality Act (CEQA) clearance, and program environmental impact report (EIR) topics and impacts. He noted the opportunity for public review of all documents, comment letters, expected next steps, accountability, and key takeaways.

Commissioner Barto suggested greater clarification of mitigation efforts in conflicting areas of the EIR and specifically noted Sections 4.2, 4.26 (table), 4.21, and 4.17. In response, Ace Malisos of Kimley Horn addressed the 3,000 metric ton threshold for greenhouse gas emissions, mitigation screening level to gauge further studies, conservative approach to analysis, and flexible threshold. He noted considerations for air quality consistency including a programmatic analysis, conservative approach, and specific analysis and mitigation requirements for future development projects, plan

consistency criteria, and water supply plans that will be included in the urban management plans in the next round.

In response to Commissioner Salene's question, Principal Planner Zdeba expected that the Airport Land Use Commission will not sign off on the plan due to a conflict with the provisions in the Airport Environs Land Use Plan that discourages residential in sensitive noise areas or safety zone areas.

In response to Secretary Harris' question, Principal Planner Zdeba noted the difficulty predicting the impact to the plan from legislative changes, the proposed policies in the General Plan are matching the housing elements implementation, and a General Plan amendment and zoning code amendment would be required to curtail this back.

Chair Ellmore opened the public comment.

Jim Mosher thought the amendment is not ready for adoption, noted his membership on the General Plan Advisory Committee (GPAC), relayed that the recommendation by the GPAC for the Land Use Element policy changes was not unanimous, stated the Land Use Element changes are the only part included in the vote, indicated areas not ready for adoption in the zoning implementation, and expressed concern for a permanent entitlement in the General Plan without a sunset provision, a plan not tailored to the Regional Housing Needs Assessment (RHNA), and restricting opportunities to a few sites.

In response to Chair Ellmore's inquiry, Principal Planner Zdeba relayed that there are statements relaying that the density bonus units are not being included explicitly in the analysis within the project description for the program EIR and can be clarified by staff in the findings from the EIR and will be provided to the City Council for consideration.

Chair Ellmore suggested replacing the word "parcel" with "sites" in the noise Section 4.11. In response, Acting Deputy Community Development Director Murillo relayed a change to the implementing section of Zoning Ordinance Section 20.30.80.F that clarifies that the intent is to look at the development site as a whole, including those consisting of multiple parcels, and the zoning ordinance language is clear.

Chair Ellmore closed the public hearing.

Commissioner Lowrey thought the City has done a good job on this matter and expressed support for the recommendation.

Secretary Harris thanked staff and volunteer groups and supported the recommendation.

Motion made by Secretary Harris and seconded by Chair Ellmore to approve the item as recommended by staff.

AYES: Barto, Ellmore, Lowrey, Harris, and Salene
NOES: None
RECUSED: Langford and Rosene
ABSENT: None

VIII. STAFF AND COMMISSIONER ITEMS

ITEM NO. 4 MOTION FOR RECONSIDERATION

None

ITEM NO. 5 REPORT BY THE COMMUNITY DEVELOPMENT DIRECTOR OR REQUEST FOR MATTERS WHICH A PLANNING COMMISSION MEMBER WOULD LIKE PLACED ON A FUTURE AGENDA

Acting Deputy Community Development Director Murillo noted that during the April 23 City Council meeting, the appeal of the Orange County Sanitation District Pump Station will be heard. He stated that a legislative approval and a variance are scheduled for the May 9 Planning Commission meeting and several items are expected for the May 23 meeting. Lastly, he congratulated Principal Planner Zdeba for winning the OC Real Estate Challenge.

ITEM NO. 6 REQUESTS FOR EXCUSED ABSENCES


None

IX. ADJOURNMENT – With no further business, the meeting was adjourned by Chair Ellmore at 7:21 p.m.

The agenda for the April 18, 2024, Planning Commission meeting was posted on Thursday, April 11, 2024, at 4:23 p.m. in the Chambers binder, on the digital display board located inside the vestibule of the Council Chambers at 100 Civic Center Drive, and on the City’s website on Thursday, April 11, 2024, at 4:53 p.m.



Curtis Ellmore, Chair



Tristan Harris, Secretary

RESOLUTION NO. PC2024-006

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, RECOMMENDING THE CITY COUNCIL CERTIFY AN ENVIRONMENTAL IMPACT REPORT, INCLUDING A MITIGATION MONITORING AND REPORTING PROGRAM AND A STATEMENT OF OVERRIDING CONSIDERATIONS WITH CEQA FINDINGS, AND AMENDMENT TO THE GENERAL PLAN, COASTAL LAND USE PLAN, AND TITLE 20 (PLANNING AND ZONING) AND TITLE 21 (LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN) OF THE NEWPORT BEACH MUNICIPAL CODE TO IMPLEMENT THE GENERAL PLAN 6TH CYCLE HOUSING ELEMENT IN COMPLIANCE WITH STATE LAW (PA2022-0245)

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

SECTION 1. STATEMENT OF FACTS.

1. Every eight years, state law requires the City of Newport Beach (“City”) to update its Housing Element, one of the seven mandatory elements of the Newport Beach General Plan, which identifies and analyzes existing and projected housing needs within their jurisdiction.
2. Newport Beach was assigned a Regional Housing Needs Allocation (“RHNA”) allocation of 4,845 homes as its projected housing needs for the planning period covering 2021-2029.
3. As a result, the City prepared the 6th Cycle Housing Element, which covers the planning period from 2021-2029 (“6th Cycle Housing Element”) to plan for the 4,845 new housing units.
4. 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 the Housing Element Update Advisory Committee (HEAUC), which was an ad-hoc committee formed and appointed by the City Council.
5. In accordance with state law, the 6th Cycle Housing Element for the 2021-2029 planning period was adopted by the City Council on September 13, 2022, and certified as statutorily compliant with state law by the State Department of Housing and Community Development (“HCD”) on October 5, 2022.
6. 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 based on the RHNA allocation of 4,845 new housing units, the “fair share” of regional housing need and demand.

7. The 6th Cycle Housing Element identifies the following site groupings or “focus areas” that are best suited to accommodate the City’s RHNA planning obligation:
 - Airport Area Environs
 - West Newport Mesa
 - Newport Center
 - Dover/Westcliff
 - Coyote Canyon
8. 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 the 6th Cycle implementation. Rezoning includes the establishment of overlay zoning districts and accompanying development standards, as well as corresponding amendments to the Land Use Element of the General Plan and the Local Coastal Program.
9. To comply with state law, the City has been working diligently to implement the planning strategy outlined in Section 4 (Housing Plan) of the 6th Cycle Housing Element no later than February 2025. The implementing programs and strategies (“6th Cycle Housing Element Implementation”) include 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 Housing Element;
 - **Amendment to Title 20 (Planning and Zoning) of the NBMC (“ZCA”).** To implement the Land Use Element’s policy changes by allowing housing development as an opportunity and establishing appropriate development standards create 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 to 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 and within the Coastal Zone; and
 - **Program Environmental Impact Report (SCH No. 2023060699).** To analyze potential environmental impacts under the California Environmental Quality Act (“CEQA”) related to the implementation of the 6th Cycle Housing Element through providing additional housing development capacity.
10. Certain components of the 6th Cycle Housing Element Implementation constitute a “Major Amendment” as defined in Section 423 (Protection from Traffic and Density) of Article IV

of the City's Charter; therefore, they individually and/or collectively require a majority vote of the electorate.

11. The 6th Cycle Housing Element Implementation must take effect by February of 2025 to avoid significant penalties authorized under by state law, including but not limited to:
 - Increased exposure to public and private litigation;
 - Loss of permitting authority;
 - Financial penalties, including monthly fines from \$10,000 to \$100,000;
 - Loss of eligibility for state and regional funding sources;
 - Court receivership;
 - Senate Bill 35 ("SB 35") streamlined ministerial approval process; and
 - Increased exposure to monitoring by the newly formed Housing Accountability Unit of HCD.
12. SB 35 provides for a "builder's remedy" that allows developers of affordable housing projects to bypass the zoning code and general plan of cities that are deemed non-compliant with state law by effectively ignoring height limits, density limits, and other regulations that make for thoughtfully planned development. Cities are effectively prohibited from denying a "builder's remedy" project except in unique circumstances, resulting in a loss of local control.
13. A public hearing was held on April 18, 2024, in the Council Chambers at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with California Government Code Section 54950 *et seq.* ("Ralph M. Brown Act") and Chapters 20.62 (Public Hearings) and 21.62 (Public Hearing) of the NBMC. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. A draft program Environmental Impact Report (State Clearinghouse Number 2023060699) ("DEIR") has been prepared in compliance with the CEQA set forth in Public Resources Code Section 21000 *et seq.*, the State CEQA Guidelines set forth in 14 California Code of Regulations Section 15000 *et seq.*, and City Council Policy K-3.
2. The DEIR was circulated for a 46-day comment period beginning on February 12, 2024, and ending on March 28, 2024. The Environmental Impact Report ("EIR"), which includes the DEIR, comments, and responses to the comments as of the public hearing date, is being considered by the Planning Commission in its review of the 6th Cycle Housing Element Implementation.
3. The Planning Commission finds that the EIR has been prepared and completed in compliance with CEQA and City Council Policy K-3.
4. The Planning Commission finds that the EIR reflects the independent judgment and analysis of the City.

5. The Planning Commission reviewed and considered the information contained in the EIR prior to forwarding its recommendation on the amendments to the General Plan, NBMC, and Local Coastal Program.
6. Given the programmatic nature of the EIR, any one site within a focus area that exceeds a threshold of significance causes the need to explore mitigation for the corresponding topic area. Accordingly, the EIR discloses significant and unavoidable impacts relating to aesthetics, air quality, cultural resources, greenhouse gas (“GHG”) emissions, noise and utilities and service systems and potentially significant environmental impacts related to geology and soils, tribal cultural resources and wildfire that may directly or indirectly result from the project but would be reduced to a less than significant level of impact by the mitigation measures specified in the EIR.

SECTION 3. FINDINGS.

General Plan Amendment

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 either 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:

Findings and 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 Amendment, attached to this resolution and incorporated herein, is in full compliance with the Section 4 of the 6th Cycle Housing Element as presented below:

<p>6th Cycle Housing Element Implementation Measures</p>	<p>Amendments in Support of Housing Element’s Implementation Measures</p>
<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>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 1.1 through LU 1.5 emphasize the goal of balancing the needs of residents, businesses, 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> <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 amendment supports Housing Goal #1 as it accommodates City’s share of RHNA.</p>

6 th Cycle Housing Element Implementation Measures	Amendments in Support of Housing Element’s Implementation Measures
	<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 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% or more 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 (ADUs)) 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

1. Voter approval is required for any major amendment to the Newport Beach General Plan. A “major amendment” is one that significantly increases the maximum amount of traffic that allowed uses could generate, or significantly increases allowed density or intensity. “Significantly increases” means over 100 peak hour trips (traffic), or over 100 dwelling units (density), or over 40,000 square feet of floor area (intensity).
2. The thresholds apply to the total of: 1) Increases resulting from the amendment itself, plus 2) 80% of the increases resulting from other amendments affecting the same neighborhood and adopted within the preceding 10 years. As the proposed amendment is considered a major amendment, it will not take effect if City Council decides to approve it, unless it has been accessed to registered voters and has been approved by a majority of those voting on it.
3. 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

1. Pursuant to Senate Bill 18, the City requested a Sacred Lands File (SLF) search on the project location from the Native American Heritage Commission (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 SB 18 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.

Zoning Code Amendment

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

Findings and Facts in Support of Finding:

1. The Zoning Code is a tool designed to implement the General Plan. Since the 6th Cycle Housing Element Implementation involves an amendment to the General Plan, it is necessary to also amend Title 20 (Planning and Zoning) to achieve its goals and policies.

2. The ZCA, attached to this resolution as Exhibits “B” and “C,” and incorporated herein, including the Housing Opportunity (HO) Overlay Zoning Districts with associated development standards, and the Multi-Unit Objective Design Standards, are consistent with the implementation program in the Housing Plan of the Housing Element, as discussed above under the Findings for the General Plan Amendment. The ZCA will enable the implementation of the Housing Element’s key objective, which is to accommodate the development of housing projects to fulfill City’s “fair share” of regional housing need and demand.

Local Coastal Program Amendment

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

Findings and Facts in Support of Finding:

1. The 6th Cycle Housing Element includes the Housing Plan, which sets forth programs and strategies to facilitate and encourage the development of the City’s “fair share” of regional housing demand. Appendix B of the 6th Cycle Housing Element has identified several sites to be rezoned with the Housing Overlay (HO) Zoning District. A number of these sites are within the Coastal Zone. As the Zoning Code needs to be amended to add the new HO Overlay Zones, and the associated development standards, similarly, the Local Coastal Program needs to be amended to add the new Overlay Zones along with the development standards, for properties that are within the Coastal Zone.
2. The proposed amendments, attached to this resolution as Exhibit “D,” and incorporated herein, fulfill the Housing Plan, as the amendments will facilitate the development of housing consistent with the 6th Cycle Housing Element as shown below:

6th Cycle Housing Element Implementation Measures	Amendments to the Local Coastal Policy 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 • Dover/Westcliff • Newport Center • Banning Ranch • Coyote Canyon <p>Housing Goal #2. Quality residential development and preservation, conservation and appropriate redevelopment of housing stock.</p>	<p>New Policy LU 2.1.11-1 calls for accommodating housing opportunities through the adoption of housing opportunity overlay zoning districts for the following opportunity sites:</p> <ul style="list-style-type: none"> • Airport Environs • West Newport Mesa • Newport Center • Dover/Westcliff <p>This new policy is consistent with Housing Goal #1.</p> <p>New Policies LU 2.1.11-2, LU 2.1.11-3 and LU 2.1.11-4 establish procedures regarding density</p>

6th Cycle Housing Element Implementation Measures	Amendments to the Local Coastal Policy in Support of Housing Element's Implementation Measures
<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>limits and clarify that residential opportunities are in addition to existing uses allowed by the Coastal Land Use Plan and must be consistent with applicable overlay or implementation plan requirements unless modified consistent with established procedures to grant relief from standards (e.g. Coastal Modification or Variance or the application of Density Bonus regulations). These policies fulfill Housing Goals #1 and #2, as they set parameters for the overlay zones and allow for uses permitted by underlying zones.</p>

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The above recitals are true and correct and incorporate herein.
2. The Planning Commission declares that despite the potential for significant environmental effects that cannot be substantially lessened or avoided through the adoption of feasible mitigation measures or feasible alternatives, there exist certain overriding economic, social and other considerations for approving the proposed Project.
3. The Planning Commission hereby recommends the City Council certify the Final EIR (SCH#2023060699) attached as Exhibit "A," including the forthcoming draft findings.
4. The Planning Commission has read and considered the amendments to the General Plan, amendments to the Zoning Code, and the Local Coastal Program, as contained in Exhibits "B" through "E," as part of the consideration of the adopted 6th Cycle Housing Element implementation programs and recommends adoption of the General Plan Amendment, Zoning Code Amendments, and Local Coastal Program Amendment under PA2022-0245.

PASSED, APPROVED, AND ADOPTED THIS 18TH DAY OF APRIL, 2024.

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

NOES: None

RECUSED: Langford and Rosene

ABSENT: None

BY: Curtis Ellmore
Curtis Ellmore, Chair

BY: Tristan Harris
Tristan Harris, Secretary

EXHIBIT “A”

**DRAFT ENVIRONMENTAL IMPACT REPORT
EIR (SCH#2023060699), INCLUDING RESPONSES TO COMMENTS AND THE
MITIGATION, MONITORING, AND REPORTING PROGRAM (MMRP)**

This Exhibit is attached digitally due to size and is available at www.newportbeachca.gov/CEQA within the folder entitled “Housing Element Implementation Program EIR (PA2022-0245).”

EXHIBIT "B"

**GENERAL PLAN AMENDMENT
LAND USE ELEMENT**

The General Plan Land Use Element would be amended as follows, currently shown in redline-strikeout format for ease of reference only:

This Exhibit is attached digitally due to size and is available at
<https://www.newportbeachca.gov/home/showpublisheddocument/73654/638473094744400000>.

EXHIBIT “C”**TITLE 20 (PLANNING AND ZONING) AMENDMENT
HOUSING OPPORTUNITY (HO) OVERLAY ZONING DISTRICTS**

Chapter 20.28 (Overlay Zoning Districts [MHP, PM, B, H]) of the Newport Beach Municipal Code (NBMC) would be amended as follows, currently shown in redline-strikeout format for ease of reference only:

**Chapter 20.28
OVERLAY ZONING DISTRICTS (MHP, PM, B, HO, H)**

Sections:

- 20.28.010 Purposes of Overlay Zoning Districts.**
- 20.28.020 Mobile Home Park (MHP) Overlay Zoning District.**
- 20.28.030 Parking Management (PM) Overlay District.**
- 20.28.040 Bluff (B) Overlay District.**
- 20.28.050 Housing Opportunity (HO) Overlay Zoning Districts.**
- 20.28.060 Height (H) Overlay District.**

20.28.010 Purposes of Overlay Zoning Districts.

The purposes of the individual overlay zoning districts and the manner in which they are applied are outlined below. An overlay district may be initiated as a Zoning Map amendment in compliance with Chapter [20.66](#) (Amendments). All development shall comply with the applicable development standards (e.g., setbacks, height) of the underlying zoning district in addition to the standards provided in this chapter, if any. In situations where an inconsistency occurs between the development standards of the underlying zoning district and the standards in this chapter, the standards of the overlay district shall prevail.

A. MHP (Mobile Home Park) Overlay Zoning District. The MHP Overlay Zoning District is intended to establish a mobile home district on parcels of land developed with mobile home parks. The regulations of this district are designed to maintain and protect mobile home parks in a stable environment with a desirable residential character.

B. PM (Parking Management) Overlay Zoning District. The PM Overlay Zoning District is intended to provide for areas where parking management plans are appropriate to ensure adequate parking.

C. B (Bluff) Overlay Zoning District. The B Overlay District is intended to establish special development standards for areas of the City where projects are proposed on identified bluff areas. The specific areas are identified in Part 8 of this title (Maps).

D. HO (Housing Opportunity) Overlay Zoning Districts. The HO Overlay Zoning Districts are intended to accommodate housing opportunities consistent with the Housing Element's focus areas and to ensure the City can meet its allocation of the Regional Housing Needs Assessment (RHNA). The specific areas are identified in Part 8 of this title (Maps).

E. H (Height) Overlay District. The H Overlay District is intended to establish standards for review of increased building height in conjunction with the provision of enhanced project design features and amenities.

20.28.050 Housing Opportunity (HO) Overlay Zoning Districts.

A. Applicability. This section applies to properties located in one of the Housing Opportunity (HO) Overlay Zoning Districts, as identified in Part 8 of this title. This includes the following subareas:

1. HO-1 - Airport Area Environs Area – The Airport Area Environs Area is located north of the Upper Newport Bay Nature Reserve, primarily around the John Wayne Airport.
2. HO-2 - West Newport Mesa Area – The West Newport Mesa Area is located near the southwest corner of the City and primarily consists of industrial properties along 16th Street, Production Place, and 15th Street.
3. HO-3 - Dover-Westcliff Area – The Dover-Westcliff Area includes property on both sides of West Coast Highway and the west of Dover Drive. Properties in the Lido Village area are included.
4. HO-4 - Newport Center Area – The Newport Center Area is generally bounded by San Joaquin Hills Road, MacArthur Blvd, Coast Highway, and Jamboree Road.
5. HO-5 - Coyote Canyon Area – The Coyote Canyon Area is located on the south side of California State Route 73, at the junction of Newport Coast Drive.

The above listed are general descriptions of each subarea and additional properties may be included with the subarea. To be eligible for the provisions of this chapter, the property must be listed on the HO area map as an “Opportunity Site”.

6. HO-6 - 5th Cycle Housing Element Sites – Those sites that are identified as 5th Cycle Housing Element sites on Figure B-5 of the 6th Cycle Housing Element. See subsection 20.28.050(E) for alternative review process.

B. Uses Allowed. The following uses shall be permitted in the Housing Opportunity (HO) Overlay Zoning Districts with exception of HO-6 where only the base zoning standards apply:

1. Any use that is permitted or conditionally permitted in the base zone;
2. Multiple-unit development that meets the density requirements set forth in this section;
3. Mixed-use development that includes a residential component which complies with the minimum density set forth in this section; and
4. Residential supporting uses such as leasing/sales/property management offices, fitness facilities, recreation facilities, etc.

C. Subarea Development Standards.

1. Development Standards. The following development standards shall apply to any residential or mixed-use project permitted pursuant to this section. Unless otherwise modified by this section, all applicable development standards, including any adopted objective design standards, shall apply.

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

<u>Development Feature</u>	<u>Housing Opportunity Subareas</u>					
	<u>HO-1</u>	<u>HO-2</u>	<u>HO-3</u>	<u>HO-4</u>	<u>HO-5</u>	<u>HO-6</u>
<u>Development Limit (units)⁽¹⁾</u>	<u>2,577</u>	<u>1,107</u>	<u>521</u>	<u>2,439</u>	<u>1,530</u>	<u>N/A</u>
<u>Lot Size/Dimension</u>	<u>Per Base Zone</u>					
<u>Lot area required per unit (sq. ft.)⁽²⁾</u>	<u>Minimum: 2,178 (20 du/ac)</u> <u>Maximum: 871 (50 du/ac)</u>	<u>Minimum: 2,178 (20 du/ac)</u> <u>Maximum: 871 (50 du/ac)</u>		<u>Minimum: 2,178 (20 du/ac)</u> <u>Maximum: 726 (60 du/ac)⁽¹⁰⁾</u>	<u>All Standards Per Base Zone</u>	
<u>Setbacks</u>	<u>0 ft.⁽³⁾</u>					
<u>Front</u>	<u>0 ft.⁽³⁾</u>	<u>10 ft.⁽³⁾</u>	<u>10 ft.⁽³⁾⁽⁴⁾</u>	<u>0⁽³⁾</u>	<u>10 ft.⁽³⁾</u>	
<u>Rear</u>	<u>0</u>	<u>20 ft.</u>	<u>20 ft.</u>	<u>0</u>	<u>20 ft.</u>	
<u>Side</u>	<u>0⁽⁴⁾</u>					
<u>Street Side</u>	<u>0⁽³⁾</u>	<u>10 ft.⁽³⁾</u>	<u>10 ft.⁽³⁾</u>	<u>0 ft.⁽³⁾</u>	<u>10 ft.⁽³⁾</u>	
<u>Height</u>	<u>Per Base Zone unless otherwise identified on the map</u>	<u>65 ft.</u>	<u>65 ft.⁽⁶⁾</u>	<u>Per Base Zone⁽⁷⁾</u>	<u>65 ft.</u>	
<u>Building Separation</u>	<u>10 ft.</u>					
<u>Floor Area Ratio (FAR)</u>	<u>No restriction⁽⁸⁾</u>					
<u>Common Space⁽⁹⁾</u>	<u>Minimum 75 square feet/dwelling unit. (The minimum dimension [length and width] shall be 15 feet.)</u>					
<u>Private Open Space⁽⁹⁾</u>	<u>5% of the gross floor area for each unit. (The minimum dimension [length and width] shall be 6 feet.)</u>					
<u>Fencing</u>	<u>See Section 20.30.040 (Fences, Hedges, Walls, and Retaining Walls).</u>					
<u>Landscaping</u>	<u>See Chapter 20.36 (Landscaping Standards).</u>					
<u>Lighting</u>	<u>See Section 20.30.070 (Outdoor Lighting).</u>					
<u>Outdoor Storage/Display</u>	<u>See Section 20.48.140 (Outdoor Storage, Display, and Activities).</u>					
<u>Parking</u>	<u>See Subsection (D)(3) below and Chapter 20.40 (Off-Street Parking).</u>					
<u>Satellite Antennas</u>	<u>See Section 20.48.190 (Satellite Antennas and Amateur Radio Facilities).</u>					
<u>Signs</u>	<u>See Chapter 20.42 (Sign Standards).</u>					

(1) Development limits are additional residential development opportunities beyond the base allowances in this Title or the General Plan. These limits shall not include density bonus units or units that are either identified as pipeline units in the 6th Cycle Housing Element (Table B-2) or units that were applied for and predate the effective date of the HO Overlay Zoning Districts. Furthermore, eligible units are only counted against the development limits when they are either entitled or are issued a building permit if allowed by right. However, 25% of the development limit within each HO Overlay Zoning District that includes properties within the Coastal Zone shall be reserved until such a time as the City's Local Coastal Program has been amended to allow for housing consistent with the implementation of the 6th

- Cycle Housing Element. Following the City's Local Coastal Program Amendment, priority for the reserved units will be given to sites located within the Coastal Zone.
- (2) Minimum/maximum allowable density range may be based on an average density of the entire project site, excluding density bonus units.
 - (3) Any portion of the building that is over 20 feet in height shall be setback a minimum 20 feet from the street right-of-way.
 - (4) Except in the Mixed-Use Mariners Mile (MU-MM) Zoning District wherein residential uses are only allowed beginning 100 feet north of Coast Highway.
 - (5) The combined total from both sides shall be 15 feet.
 - (6) The height shall be limited to 35 feet in the Shoreline Height Limit Area, as identified in Map H-1.
 - (7) "Base Zone" includes all height limitations established by the Sight Plane Ordinance (Ordinance No. 1371 and Ordinance No. 1596).
 - (8) The FAR in this table only applies to residential floor area, including any supporting facilities. In mixed-use developments, the FAR for nonresidential is still applicable.
 - (9) For purposes of this section, common and private open space in HO-1 may include enclosed shared amenities such as a clubhouse, swimming pool, tennis court, basketball court, racquetball court, weightlifting facility, children's playground equipment, sauna, jacuzzi, day care facility, or any other recreational amenities/facilities as deemed appropriate by the Community Development Director.
 - (10) This density is intended for the former Coyote Canyon Landfill site only. The Sage Hill School site is limited to a maximum of 20 dwelling units.
2. Airport Area Environs Area (HO-1). The following development standards shall only apply to projects with the Airport Area Environs Area:
- a. Sound Mitigation. The interior ambient noise level of all new residential dwelling units shall meet applicable standards of the 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 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: (1) the disclosure and notification requirement stated herein; (2) 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 (3) acknowledgment that the covenant is binding for the benefit and in favor of the City of Newport Beach.
3. West Newport Mesa Area (HO-2). The following development standards shall only apply to projects with the West Newport Mesa Area:

- a. West Newport Mesa Streetscape Master Plan. Any residential or mixed-use residential development shall implement applicable components of the adopted West Newport Mesa Streetscape Master Plan.
- 4. Coyote Canyon Area (HO-5). The following development standards shall only apply to projects with the Coyote Canyon Area:
 - a. Public Park. Any future residential development within this subarea shall include a public park that is no less than 3.5 acres, in aggregate. As part of the review for the overall project, the developer shall provide a detailed description of the public park, including timing, dimensions, and location within the project site.
 - b. Public Trails. Any future residential development shall include public trails for the entire subarea that accommodate multiple modes of transit (i.e., walking and bicycling) and connect to nearby community resources, as well as the existing trail system. As part of the review for the overall project, the developer shall provide a detailed description of the trail system, including timing, dimensions, alignment, and location within the project site.

D. General Development Standards. The following development standards shall apply to all projects within the Housing Opportunity zone, regardless of subarea:

- 1. Mixed-use developments. All mixed-use developments shall comply with Section 20.48.130 (Standards for Mixed-Use Projects). In addition, a minimum of 50% of the floor area of mixed-use developments shall be dedicated to residential uses. For purposes of this section, floor area be defined as all enclosed floor space, but exclude parking garages/spaces, utility areas, and storage areas that are not directly accessible from the interior of a dwelling unit.
- 2. Landscaped Setbacks. All front and street side setbacks shall be landscaped, except for areas that provide vehicle and pedestrian access to the right-of-way.
- 3. Residential Off-Street Parking Requirements. Residential parking requirements for projects within the Housing Opportunity Overlay Zones shall be provided in accordance with Table 2-17 below. Parking for all other uses not included in this table shall be provided in accordance with Chapter 20.40 (Off-Street Parking Requirements) of the NBMC.

TABLE 2-17

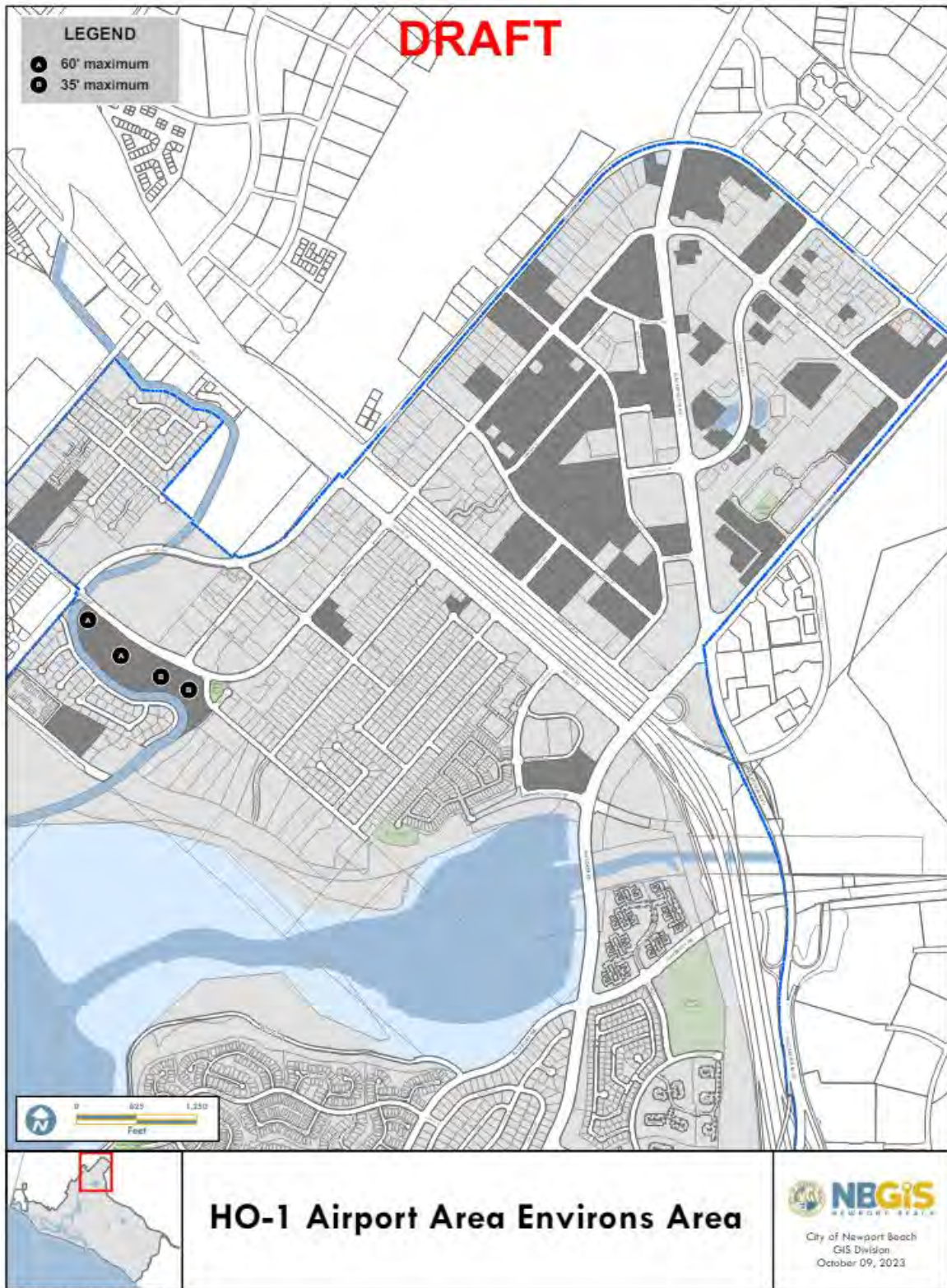
RESIDENTIAL OFF-STREET PARKING FOR HOUSING OPPORTUNITY OVERLAY ZONES

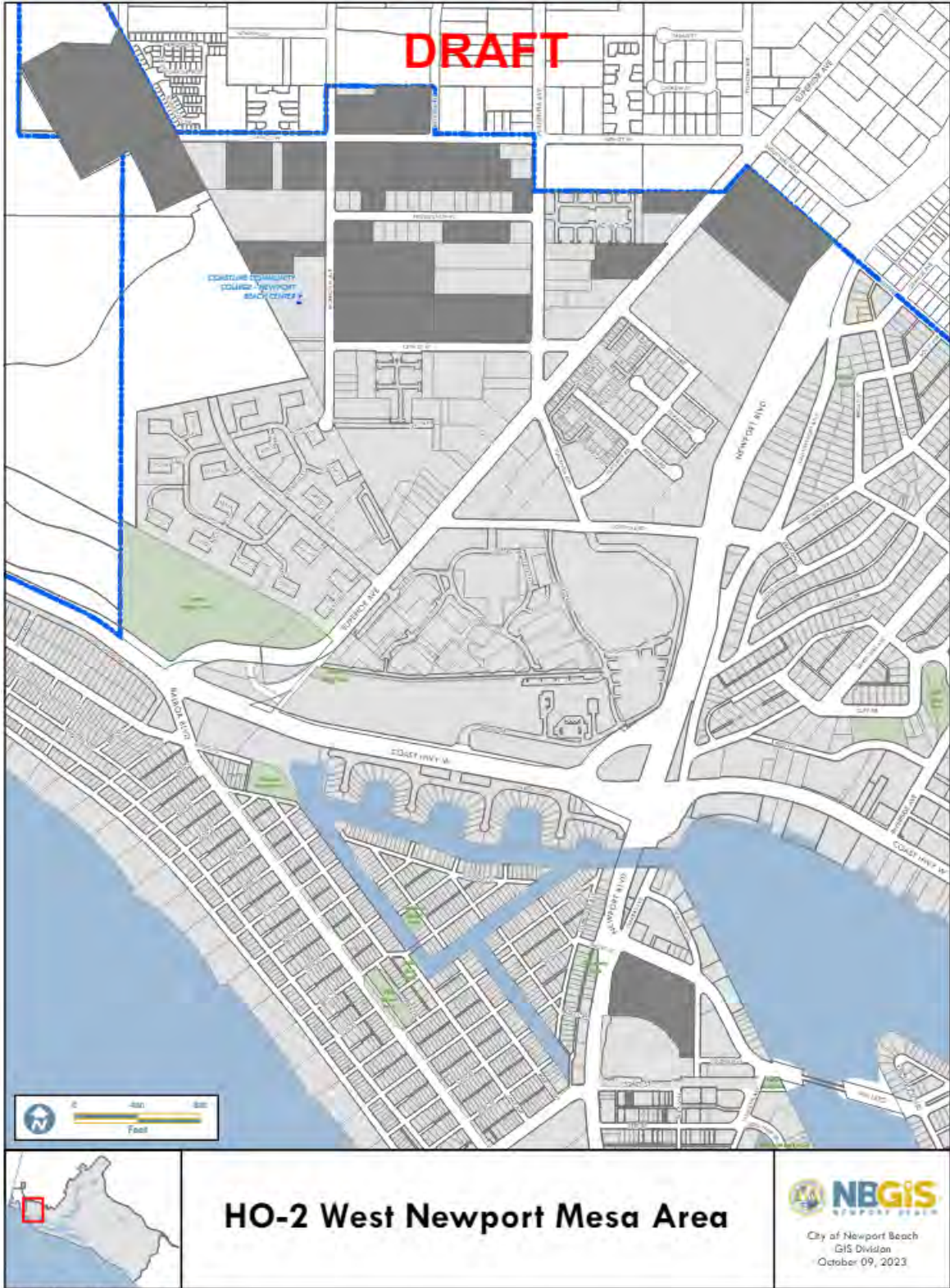
<u>Land Use</u>	<u>Subtype</u>	<u>Parking Requirement</u>
<u>Residential (Rental)</u>	<u>Studio</u>	<u>1.1 spaces per dwelling unit</u>
	<u>1 Bedroom</u>	<u>1.5 spaces per dwelling unit</u>
	<u>2 Bedrooms</u>	<u>1.8 spaces per dwelling unit</u>
	<u>3 Bedrooms</u>	<u>2.0 spaces per dwelling unit</u>
	<u>Visitor Parking</u>	<u>0.3 spaces per dwelling unit</u>
<u>Residential (Ownership)</u>	<u>Studio</u>	<u>1.4 spaces per dwelling unit</u>
	<u>1 Bedroom</u>	<u>1.8 spaces per dwelling unit</u>
	<u>2 Bedrooms</u>	<u>1.8 spaces per dwelling unit</u>
	<u>3 Bedrooms</u>	<u>2.0 spaces per dwelling unit</u>
	<u>Visitor Parking</u>	<u>0.3 spaces per dwelling unit</u>

E. Review Process. Notwithstanding Sections 20.48.130(A) and 20.52.080, any residential or mixed-use development in the HO Overlay Zones that includes a minimum of 20% of the units reserved for very-low- and low-income residents shall not require a Site Development Review, but shall require an affordable housing implementation plan (AHIP) and shall meet all the following criteria:

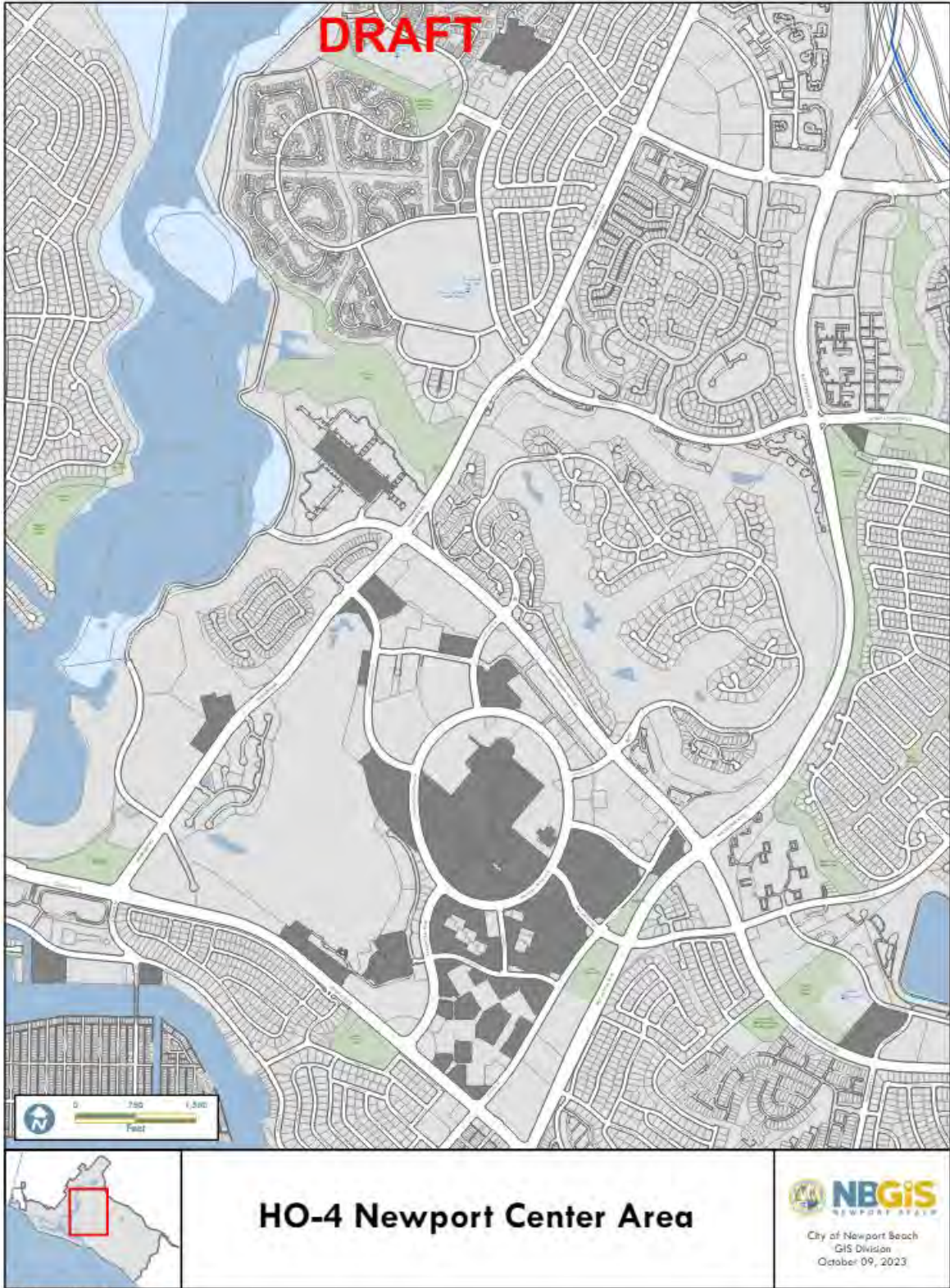
1. All units designated as affordable to very-low and/or low-income residents shall be subject to a minimum 30-year affordability covenant;
2. Affordable units shall reflect the range of numbers of bedrooms provided in the residential development project as a whole, but may be smaller and have different interior finishes and features than market-rate units;
3. Affordable units shall be comparable in the facilities provided (e.g., laundry, recreation, etc.) and in the quality of construction and exterior design to the market-rate units; and
4. Affordable units shall be dispersed throughout the residential development.

A new Section 20.80.036 (Housing Opportunity Overlay District maps) would be added to Part 8, Chapter 20.80 (Maps) of the NBMC to include the following:











Section 20.48.130 (Mixed-Use Projects) of the NBMC would be amended as follows, currently shown in redline-strikeout format for ease of reference only:

20.48.130 Mixed-Use Projects.

This section provides standards and criteria for the development of mixed-use projects. The primary intent of these standards and criteria is to balance the needs of nonresidential uses for access, visibility, parking, loading, safety, and economic development with the needs of residential uses for privacy, security, and relative quiet.

A. Site Development Review Approval Required. Mixed-use projects shall require approval of a site development review in compliance with Section [20.52.080](#) (Site Development Reviews).

B. Development Standards. In addition to the development standards provided in this section, development standards for mixed-use projects are provided in:

1. Table 2-10 (Development Standards for MU-V; MU-MM; MU-DW; and MUCV/15th St.);
2. Table 2-11 (Development Standards for MU-W1 and MU-W2 Mixed-Use Zoning Districts);

3. ~~Table 2-16 (Development Standards for Housing Opportunity Overlay Zones); and~~

4. Other sections in this Part 4 for specific uses that may be part of the proposed mixed-use project.

C. Nonresidential Uses Required on Ground-Floor. All (i.e., one hundred (100) percent) of the ground floor street frontage of mixed-use structures shall be a minimum depth of twenty-five (25) feet and shall be occupied by retail and other compatible nonresidential uses except:

1. As specified otherwise by Table 2-10 or Table 2-11 in Part 2 of this title (Zoning Districts, Allowable Land Uses, and Zoning District Standards); or
2. For common/shared building entrances for residences on upper floors.

D. Open Space Areas. Open space areas shall be provided in compliance with Table 2-10 or Table 2-11 in Part 2 of this title (Zoning Districts, Allowable Land Uses, and Zoning District Standards).

1. Private Open Space. The private open space areas required for residential dwelling units (e.g., balconies, decks, porches, etc.) shall be designed to limit intrusion by nonresidents.
2. Common Open Space. The common open space areas required for residential dwelling units shall be separated from nonresidential uses on the site and shall be sited and designed to limit intrusion by nonresidents and customers of nonresidential uses. However, the sharing of common open space may be allowed by the review authority when it is clear that the open space will provide direct benefit to project residents. Common open space uses may be provided on rooftops for use only by the project residents.

E. Sound Mitigation. An acoustical analysis report, prepared by an acoustical engineer, shall be submitted to the Director describing the acoustical design features of the structure that will satisfy the exterior and interior noise standards. Projects shall be attenuated in compliance with the report. Mixed-use projects shall comply with the noise standards in Chapter [10.26](#).

F. Parking, Loading, and Access.

1. Type and Layout of Parking Facility. Parking facilities shall be physically separated for nonresidential uses and residential uses, except for residential guest parking. If enclosed parking is provided for an entire mixed-use complex, separate areas/levels shall be provided for nonresidential and residential uses with separate building entrances, whenever possible, subject to confirmation and approval by the review authority.

2. Loading Areas. Loading areas for nonresidential uses shall be located as far away as possible from residential uses and shall be completely screened from view from the residential portion of the project and public rights-of-way. Loading areas shall be compatible in architectural design and details with the overall project. The location and design of loading areas shall mitigate nuisances from odors when residential uses might be impacted.

3. Site Access Driveways. Separate site access driveways shall be provided, whenever possible, for nonresidential and residential uses. Site access driveways shall incorporate distinctive architectural elements, landscape features, and signs to help differentiate access to nonresidential parking areas from access to residential parking areas.

G. Buffering and Screening. Buffering and screening shall be provided in compliance with Section [20.30.020](#) (Buffering and Screening). Mixed-use projects shall locate loading areas, parking lots, driveways, trash enclosures, mechanical equipment, and other noise sources away from the residential portion of the development to the greatest extent feasible.

H. Notification to Owners and Tenants. Project applicants shall prepare a written disclosure statement prior to sale, lease, or rental of a residential unit in a mixed-use project or located within a mixed-use zoning district. The disclosure statement shall indicate that the occupants will be living in an urban type of environment 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 and potential impacts 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. The project applicant shall covenant to include within all deeds, leases or contracts conveying any interest in a residential unit in a mixed-use project or located within a mixed-use zoning district (1) the disclosure and notification requirement stated herein; (2) 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 (3) acknowledgment that the covenant is binding for the benefit and in favor of the City of Newport Beach.

I. Deed Notification. As a condition of project approval for a residential unit in a mixed-use project or in a mixed-use zoning district, applicants shall record a deed notification with the County Recorder's Office, the form and content of which shall be satisfactory to the City Attorney. The deed notification document shall state that the residential unit is located in a mixed-use project or in a mixed-use zoning district and that an owner may be subject to impacts, including inconvenience and discomfort, from

lawful activities occurring in the project or zoning district (e.g., noise, lighting, odors, high pedestrian activity levels, etc.). (Ord. 2010-21 § 1 (Exh. A)(part), 2010)

EXHIBIT “D”**TITLE 20 (PLANNING AND ZONING) AMENDMENT
MULTI-UNIT OBJECTIVE DESIGN STANDARDS**

Section 20.48.185 (Multi-Unit Objective Design Standards) would be added to Title 20 (Planning and Zoning) of the NBMC in its entirety, as follows with additional consideration given to formatting:

20.48.185 Multi-Unit Objective Design Standards

- A. Purpose. The purpose of the Objective Design Standards is to ensure the highest possible design quality and to provide a baseline standard for all new multi-unit development in Newport Beach. Multi-unit housing proposals must, at a minimum demonstrate compliance with all the standards contained herein. Proposals not consistent with any of these standards shall be required to seek approval through a discretionary site development review process as provided by Chapter 20.52.080 (Site Development Reviews). Applicants may request site development review to demonstrate that a project meets or exceeds the intent of the standards in this document by other means. The Objective Design Standards shall serve as the basis for evaluating proposed deviations; applicants using a discretionary review process shall refer to the Objective Design Standards to demonstrate how the proposal meets or exceeds the intent of the Newport Beach Development Code.
- B. Intent. The objective design standards are intended to result in quality design of multi-unit residential and mixed-use development. Review under these standards supports development that builds on context, contributes to the public realm, and provides high quality and resilient buildings and public spaces. These standards shall be applied uniformly and without discretion to enhance the built environment for both affordable and market-rate multi-unit residential development.
- C. Applicability. The standards shall be used for review of multi-unit development applications, including by-right and discretionary applications. The development standards in this subsection shall apply to residential and mixed-use development projects that include a residential density of a minimum of 20 dwelling units per acre, which is calculated as an average over a project site. When an applicant elects to deviate from these objective development standards, approval of site development review by the Planning Commission shall be required in compliance with Chapter 20.52.080. The Planning Commission may waive any of the design and development standards in this section upon finding that:
 1. The strict compliance with the standards is not necessary to achieve the purpose and intent of this section; and
 2. The project possesses compensating design and development features that offset impacts associated with the modification or waiver of standards.
- D. General Standards
 1. Multi-unit development orientation shall comply with the following standards:
 - a. Residential developments with more than 8 buildings shall provide a minimum of two (2) distinct color schemes. A single-color scheme shall be dedicated to no less than 30 percent of all residential buildings.
 - b. Residential developments with 30 or more buildings shall provide a minimum of three (3) distinct color schemes. The number of buildings in single style shall be no less than 30 percent.

- c. Pedestrian linkages to nearby neighborhoods, schools, parks, commercial projects, and parking areas shall be provided.
 - d. Visual interest shall be provided through architectural variety, especially where several new buildings face streets, such as by using different layouts and/ or architectural features. Abutting buildings shall have complimentary architectural styles.
 - e. Except for garage entrances, structured parking shall not be visible from the primary streets or any public open space, unless treated in an architectural manner subject to the approval of the Director.
 - f. Loading docks and service areas on a corner lot must be accessed from the side street.
 - g. In order to accommodate a minimum of one vehicle entering the facility, controlled entrances to parking facilities (gates, doors, etc.) shall be located a minimum of 18 feet from the back of sidewalk.
2. Mixed-use buildings orientation shall comply with all the standards mentioned above and the following standards:
- a. Commercial/office unit entrances shall face the street, a parking area, or an interior common space.
 - b. Entrances to residential units shall be physically separated from the entrance to the permitted commercial uses and clearly marked with a physical feature.

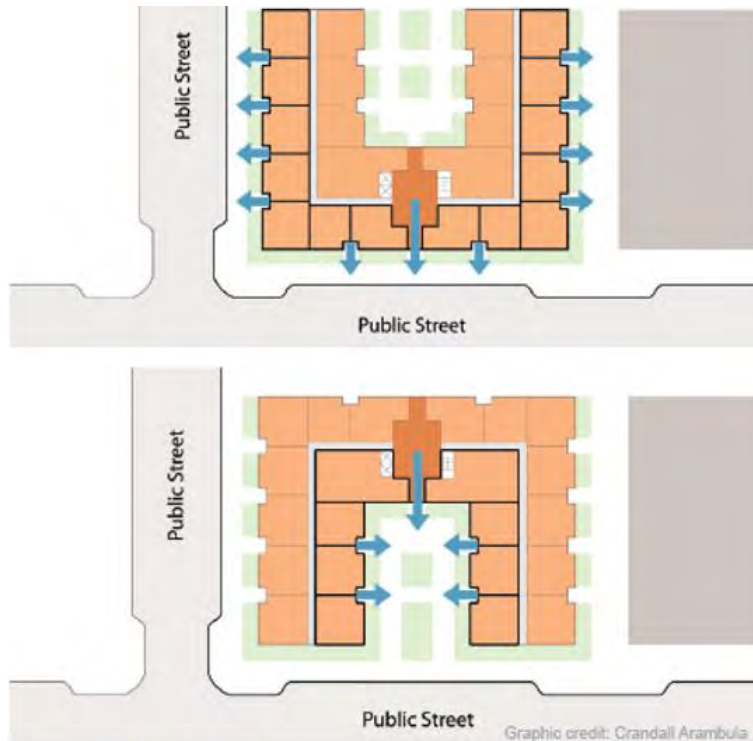


Buildings along streets and open space shall provide visual interest by using different form, color, and materials

E. Orientation

1. Building entries shall face the primary public street with direct pedestrian connections to the public sidewalks, unless determined to be infeasible due to topographic constraints by the Director. Pedestrian connections to the public sidewalks shall also be provided to parking areas and publicly accessible open space. For larger sites with multiple buildings, building entries may also be oriented to face internal open spaces, paseos, and recreation amenities.

2. Parking areas, covered and uncovered, shall be screened from public street frontages. Screening may be accomplished through building placement, landscaping, fencing, or some combination thereof.
3. For multi-unit projects located across the street from a single-unit family zoning district, parking lot areas and carports shall not be located along the single-unit neighborhood street frontages.
4. Buildings shall be arranged to provide functional common outdoors spaces (such as courtyards, paseos, or parks) for the use of residents.



Building entries shall face a public street, internal open space, or paseo

F. Parking Standards

1. **Parking Lots.** Parking shall comply with standards as specified in NBMC Section 20.40.070.

- a. Parking lots shall be placed to the side or rear of buildings. Parking lots shall be connected to building entrances by means of internal pedestrian walkways.
- b. In surface parking lots with 10 or more spaces, a minimum of 14 square feet of landscape area shall be provided per parking space. Landscaping may be provided in parking lot planters and/or for perimeter screening.



Parking lots shall be shielded from view from adjoining streets

2. Residential Garages

- a. Street-facing garage doors serving individual units that are attached to the structure must incorporate one or more of the following so that the garage doors are visually recessive and complementary to other building element:
 - i. Garage door windows or architectural detailing consistent with the main dwelling.
 - ii. Arbor or other similar projecting feature above the garage doors.

3. Parking Structures and Loading Bays

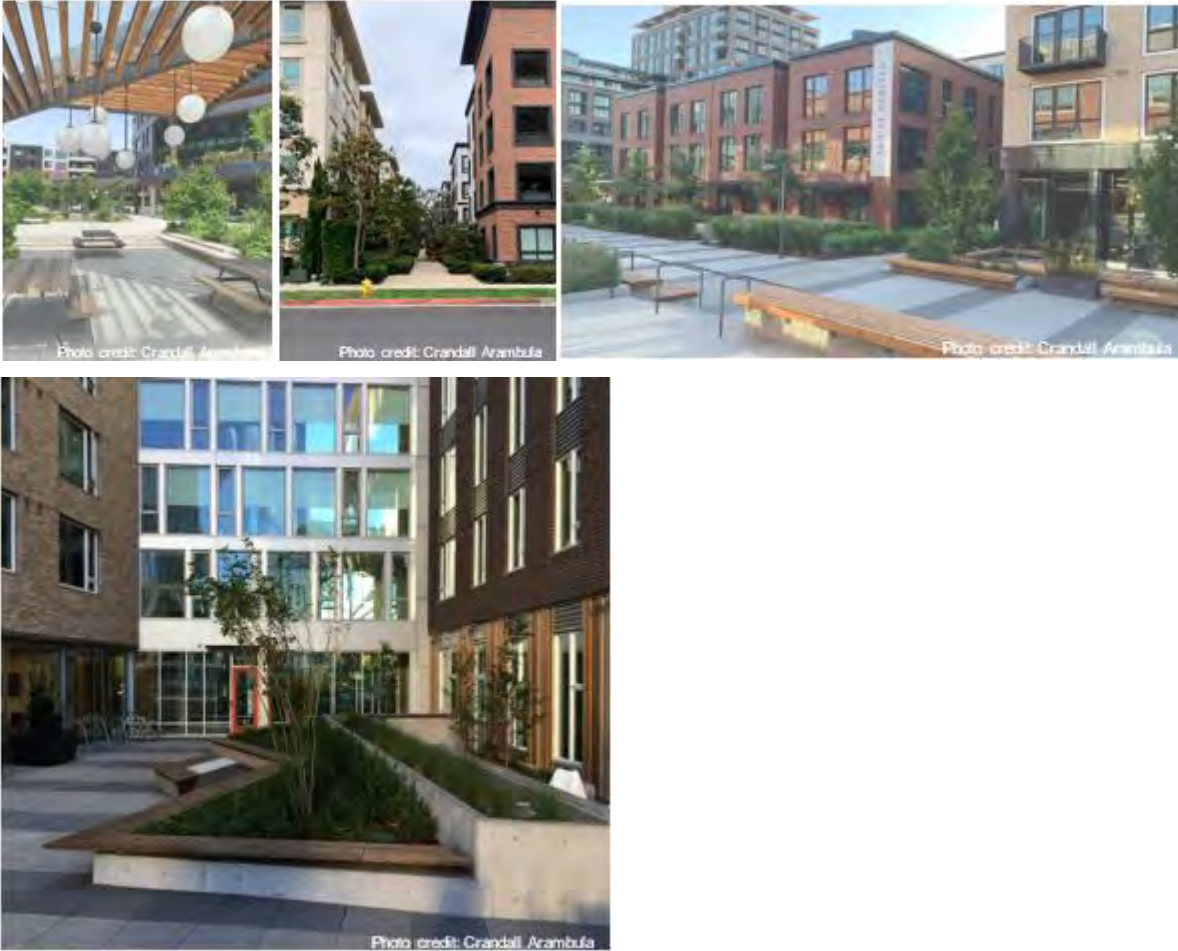
- a. Parked vehicles at each level within the structure shall be shielded from view from adjoining streets.
- b. The exterior elevations of parking structures shall be designed to minimize the use of blank concrete facades. This shall be accomplished through the use of decorative textured concrete, planters or trellises, or other architectural treatments.



Parking structures shall be shielded from view from adjoining streets

G. Common Open Space

1. The required front yard area shall not be counted toward satisfying the common recreation area requirement.
2. Residential unit entries shall be within a 1/4 mile walking distance of common open space.
3. Pedestrian walkways shall connect the common open space to a public right-of-way or building entrance.
4. Open space areas shall not be located directly next to arterial streets, service areas, or adjacent commercial development to ensure they are sheltered from the noise and traffic of adjacent streets or other incompatible uses. Alternatively, a minimum of ten (10) foot wide, dense landscaping area shall be provided as screening, but does not count towards the open space requirement.
5. An area of usable common open space shall not exceed an average grade of ten (10) percent. The area may include landscaping, walks, recreational facilities, and small decorative objects such as artwork and fountains.
6. All common open spaces shall include seatings and lighting.



H. Recreation Amenities

1. All play areas shall be located away from high automobile traffic and shall be situated for maximum visibility from the dwelling units.
2. Senior housing and/or housing for persons with disabilities shall be exempt from the requirement to provide play areas, but shall provide areas of congregation that encourage physical activity.
3. One common recreational amenity shall be provided for each 50 units or fraction thereof. Facilities that serve more people could be counted as two amenities. Examples of amenities that satisfy the recreational requirements include:
 - a. Clubhouse at a minimum of 750 square feet.
 - b. Swimming Pool at a minimum of 15x30 feet or equal surface area.
 - c. Tennis, Basketball or Racquetball court.
 - d. Children’s playground at a minimum of 600 square feet.
 - e. Sauna or Jacuzzi.
 - f. Day Care Facility.
 - g. Community garden.

h. Other recreational amenities deemed adequate by the Director.



- I. Landscaping. All landscaping shall comply with all standards as specified in Chapter 20.36.
 - 1. A minimum of 8 percent of the total site shall be landscaped. Required setbacks and parking lot landscaping may be counted toward this requirement.
 - 2. Landscaping materials shall comply with the following:
 - a. Ground cover instead of grass/turf; and/or

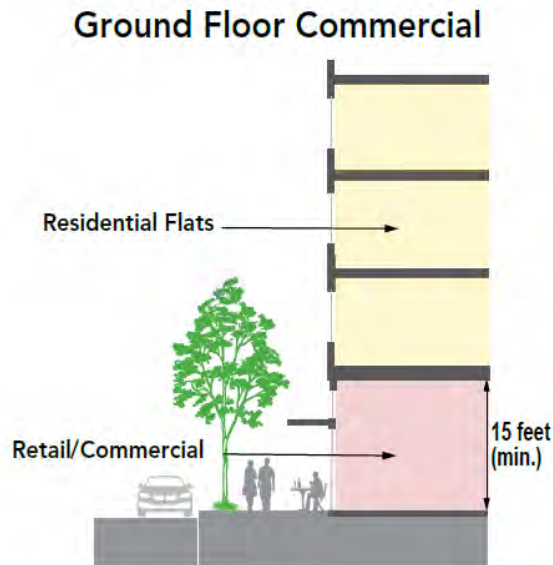
- b. Decorative nonliving landscaping materials including, but not limited to, sand, stone, gravel, wood or water may be used to satisfy a maximum of 25 percent of the required landscaping area.
 - c. Turf areas shall be placed in areas for recreational use only and must have a 10 foot minimum dimension.
3. Landscaping and irrigation shall follow local and regional requirements and guidance for approved plant lists to meet the needs of local conditions, where available. For plants and planting materials addressing water retention areas, recommended resources include the Low Impact Development Manual for Southern California prepared by the Southern California Stormwater Monitoring Coalition, State of California Model Water Efficient Landscape Ordinance (MWELO) or Newport Beach Municipal Code Chapter 14.17 (Water-Efficient Landscaping).



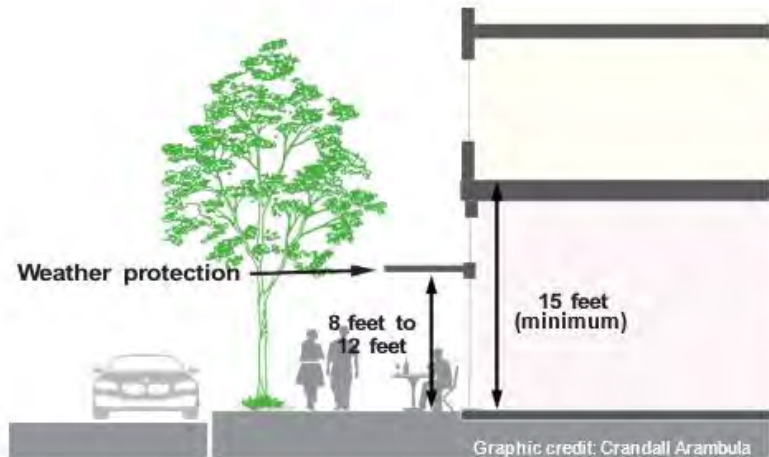
J. Frontage Types and Standards. Frontage is the side of a building facing a public street right-of-way.

1. Storefronts for ground floor commercial in mixed-use projects. A frontage that reinforces the commercial character and use of the ground floor of the building. The elevation of the ground floor is located at or near the grade of sidewalk to provide direct public access into the building.
 - a. The ground floor elevation shall be located at the elevation of the sidewalk to minimize the need for external steps and ramps at public entrances.
 - b. Entrance shall be emphasized and clearly recognizable from the street. One or more of the following methods shall be used to achieve this result:
 - i. Projecting non-fabric awnings or canopies above an entry (covered entry);
 - ii. Varied building mass above an entry, such as a tower that protrudes from the rest of the building surface;
 - iii. Special corner building entryway treatments, such as a rounded or angled facets on the corner, or an embedded corner tower, above the entry;
 - iv. Special architectural elements, such as columns, porticoes, overhanging roofs, and ornamental light fixtures;
 - v. Projecting or recessed entries or bays in the facade;

- vi. Recessed entries must feature design elements that call attention to the entrance such as ridged canopies, contrasting materials, crown molding, decorative trim, or a 45-degree cut away entry; or
- vii. Changes in roofline or articulation in the surface of the subject wall.
- c. Windows and/or glass doors shall cover not less than 50 percent of the first floor elevation along street frontages.
- d. At least 25 percent of the surface area of each upper floor facade shall be occupied by windows.
- e. Development with retail, commercial, community or public uses on the ground floor shall have a clear floor to floor height of at least 15 feet. Floor-to-floor height may be reduced on sloping sites.
- f. The minimum height for awnings or marquees is 8 feet above finished grade and the maximum height for awnings or marquees is 12 feet above finished grade; except as otherwise required in the Building Code approved by the City.

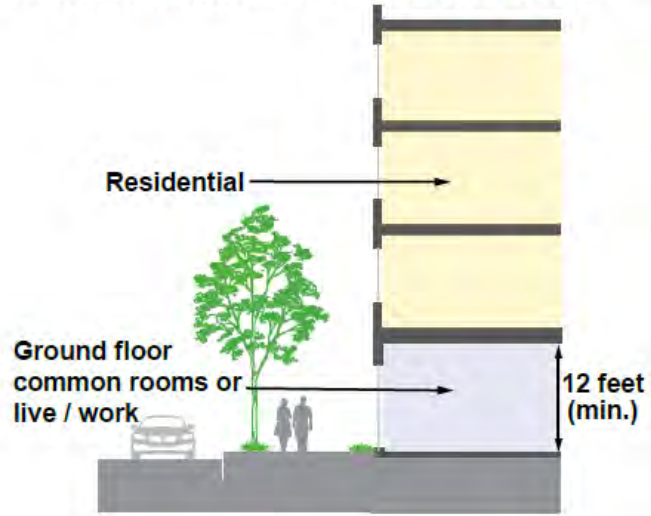






2. Live-work/office fronts. A frontage that reinforces both residential and work activities that can occur in the building. The elevation of the ground floor is located at or near the grade of sidewalk to provide direct public access to the building.
 - a. The ground floor elevation shall be located near the elevation of the sidewalk to minimize the need for external steps and ramps at public entrances.
 - b. All ground floor tenant spaces that have street frontage shall have entrances on a facade fronting a street. All other ground floor uses may have a common lobby entrance along the front facade or private entrances along other facades.
 - c. Entrances to upper floor units may be provided through a common lobby entrance and/or by a common entrance along a facade fronting a street.
 - d. At least 40 percent of the surface area of the ground floor facade shall be occupied by display windows or translucent panels.
 - e. At least 25 percent of the surface area of each upper floor facade shall be occupied by windows.
 - f. The ground floor shall have a clear floor-to-ceiling height of at least 12 feet.
 - g. The minimum height for awnings or marquees is 8 feet above finished grade and the maximum height for awnings or marquees is 12 feet above finished grade; except as otherwise required in the Building Code approved by the City.
 - h. If the front facade is set back from the public sidewalk, the setback shall be landscaped and/or improved as an extension of the public sidewalk.

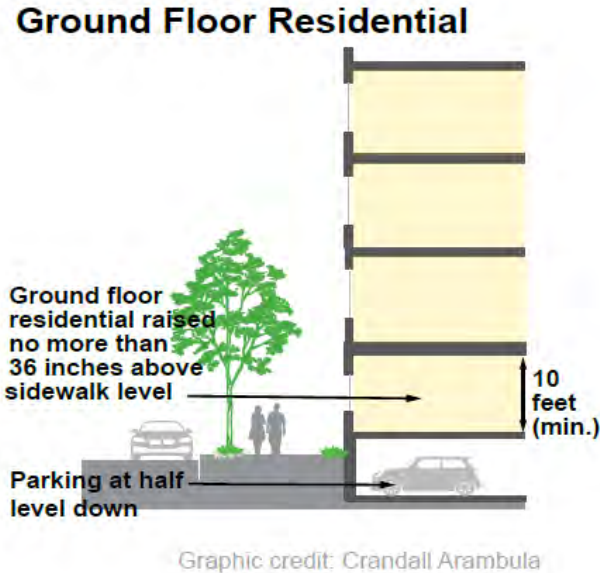
Ground Floor Live - Work / Office





3. Residential fronts. A frontage that reinforces the residential character and use of the buildings. The elevation of the ground floor is typically elevated above the grade of the lot to provide privacy for residences by preventing direct views into the home from the sidewalk. Applicable to buildings with no commercial use on the ground floor.
 - a. Residential frontages reinforce the residential character and use of the building. The ground floor may be elevated a maximum of 36 inches above the grade of the nearest adjacent public or private sidewalk to provide privacy for residences by preventing direct views into the home.
 - i. Garages facing a public street shall not exceed 40 percent of the length of the building facade.
 - ii. Entrances to ground floor units that have street frontage may be provided through a common lobby entrance and/or by private entrances from the adjacent sidewalk.
 - iii. Entrances to upper floor units may be provided through a common lobby entrance and/or by a common entrance along a facade fronting a street.
 - iv. At least 20 percent of the surface area of the ground and upper floor facade shall be occupied by windows.
 - v. If the front facade is set back from the public sidewalk, the setback shall be landscaped (excluding stoops/front porches and paved paths to building entrances).





K. Walls and Fences

1. Community perimeter or theme walls shall be solid decorative block walls.
2. Wall materials shall be brick, slump stone, tile, textured concrete, stucco on masonry, steel framing, or other material walls which require little or no maintenance. Plain concrete block walls (i.e. precision block) nor chain link fencing with inserts shall not be used as wall materials.
3. The style of the wall shall be the same or similar to the architectural style of the project.
4. All exterior perimeter walls located along public streets shall have an offset of a minimum of 5 feet deep for every 50 linear feet to 75 linear feet of the wall length, or be screened by a minimum of 2 feet of landscaping depth.
5. Retaining walls within a street facing setback and visible from the public sidewalk shall not exceed 4 feet in height and shall provide a minimum of 18 inches deep landscape in front of the wall.



L. Utilities

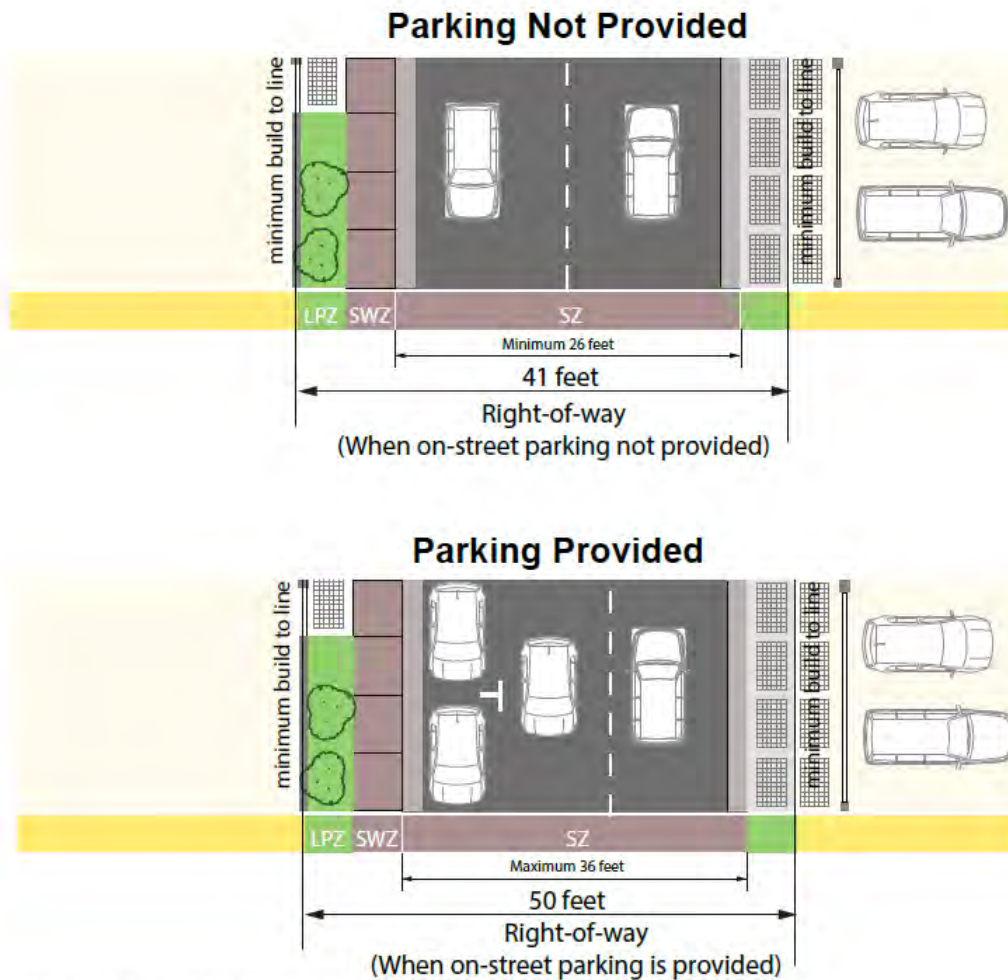
1. All utility equipment shall be located out of the pedestrian path of travel. All utility equipment shall be purposefully and aesthetically placed adjacent to alleyways, within parking areas, rear or side yards, or within building “notch outs” and screened from public view.
2. If the mechanical equipment cannot be placed in rear or side yards, it shall be either placed on the ground and screened with landscape, or placed on the roof and screened with architectural materials such as roof or parapet consistent with the overall architectural style.
3. All electrical utility equipment, electrical meters, and junction boxes shall be placed within a utility room. If a utility room is not feasible, then all utility equipment shall be purposefully designed as an integral part of the building development, placed adjacent to alleyways, within parking areas, or within rear or side yards, and screened from public view.



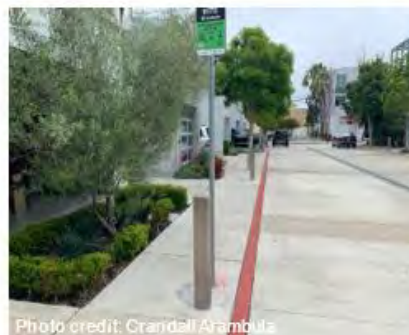
- M. Private Street Standards. The intent of Private Street realm standards is to foster a low speed, multi-modal internal site circulation network. Streets shall provide a limited amount of curbside parking for visitors, loading, service, and accessible ADA spaces. The streets shall be designed as an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

1. Private Street Right-of-Way. All new multi-unit development sites that provide private streets shall comply with a minimum width right-of-way standard.
 - a. When on-street parallel parking is not provided, the right-of-way width shall be 41 feet in width.
 - b. When on-street parallel parking is provided, the right-of-way width shall be 50 feet in width.
2. Private Street Zones. Three zones as described below comprise the right-of-way. Variations in width reflect the presence or absence of on-street parking:
 - a. Street Zone (SZ). Streets shall be 26-35 feet in width from curb-to-curb designed to provide motor vehicle and bicycle access. All Police and Fire emergency and maintenance vehicle access standards shall be met. Parallel curbside parking shall be permitted within roadways. Angled or head-in parking shall be prohibited.

- b. Sidewalk Zone (SWZ). A minimum of one SWZ, 5-foot-wide, shall be provided.. When on-street parking is provided, the SWZ shall be on the side of street with parking. Shrubs, ground cover, and street trees are prohibited in the zone.
- c. Landscaping and Paving Zone (LPZ). There shall be a minimum 5-foot Landscaping and Paving Zone. The zone is intended to provide a transition between the street and private residences. Landscaping shall comprise a minimum of 20 percent of the total building frontage(s) area. Landscape planting beds shall have a minimum width of 3 feet. Paving stone, brick or concrete unit pavers or poured in place concrete with integral color pigments is permitted in the Zone. Steps are permitted to above grade first floor entrances.

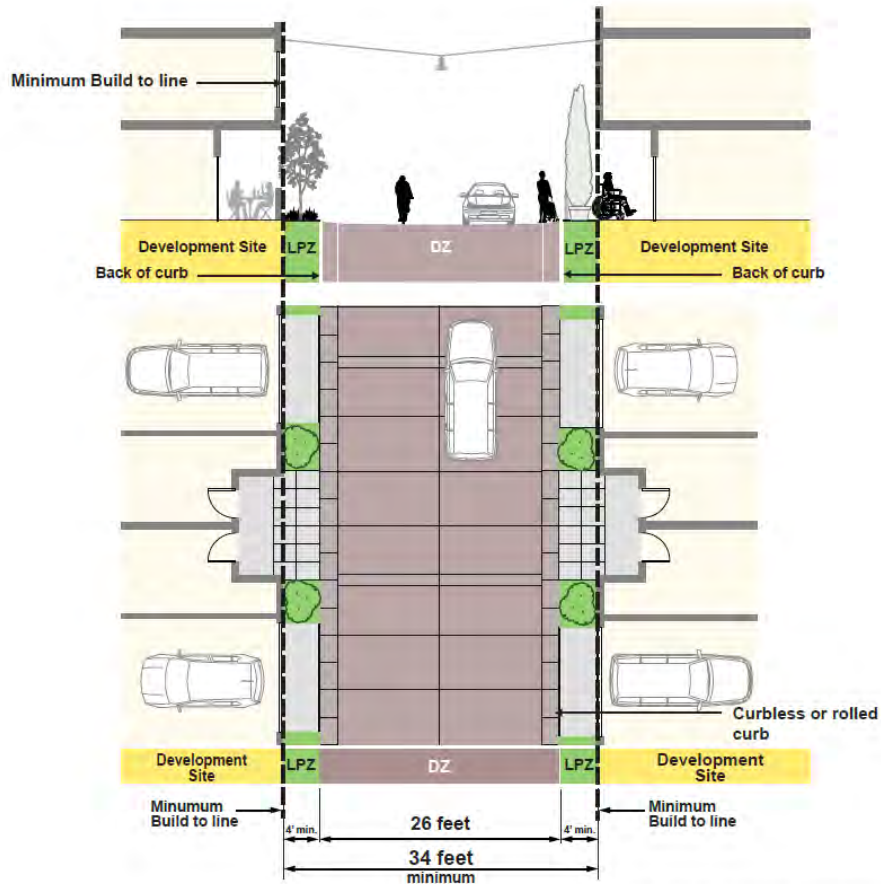


Graphic credit: Crandall Arambula



N. Private Driveway Standards. The intent of Driveway standards is to provide motor vehicle access to private garages and service areas, pedestrian access between residential garages and doors, and private or public street network.

1. Private Driveway Right-of-Way. All private driveways shall comply with a 26-foot minimum width fire apparatus access standard. No dead-end driveway shall exceed 150 feet in length.
2. Driveway Zones. Two zones described below comprise the driveway:
 - a. Driveway Zone (DZ). Paving shall be asphalt, stone, brick or concrete unit pavers or poured in place concrete with integral color pigment. Stamped concrete shall be prohibited.
 - b. Landscape and Paving Zone (LPZ). A 4-foot minimum width zone shall be provided. The Zone shall be landscaped a minimum of 20 percent of the total site abutting a building. A combination of vines, ornamental, grasses, shrubs, ground cover, and ornamental trees shall be provided. Landscaping in pots is permitted.

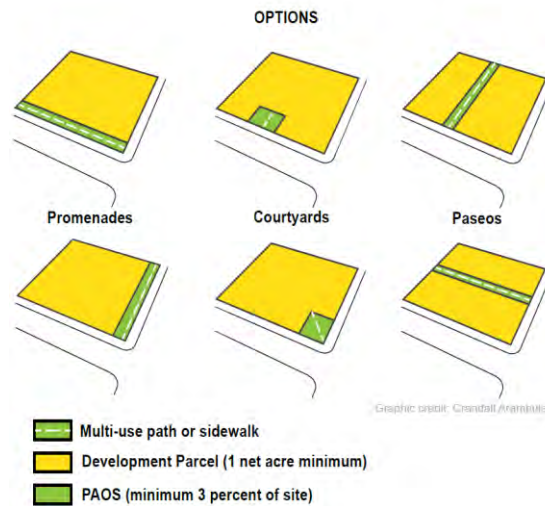


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O. Publicly Accessible Open Space (PAOS) Standards. PAOS is intended to serve as an amenity for multi-unit tenant and surrounding neighborhood residents, employees and visitors. The PAOS shall be configured as passive paseo or promenade mobility corridors that provide walking and biking connections through or along the development site, or more active courtyard gathering spaces that can be the focus for adjacent ground floor uses, especially where ground floor commercial is

provided. The PAOS shall be contiguous, universally accessible, and shall be connected directly to adjacent public realm. Development sites that meet all requirements for providing PAOS, shall include one of the options as specified.



Courtyard PAOS

1. Required PAOS. Development sites with a combined street frontage 200 feet or greater in width and a total development site area of 1 acre or greater shall provide a minimum of 3 percent PAOS of the net site area. All PAOS shall be in addition to all residential zoning common open space.
2. Site Area Calculations. The net site area shall be the total site area minus the following:
 - a. Public Easements. Total area measured between the right-of-way line to the build-to-line.
 - b. Utility Easements. The total area required easements for public utilities through the site.
3. PAOS Design Standards.
 - a. Minimum PAOS width. No paseo, promenade, or courtyard right-of-way shall be no narrower than 20 feet in width. If incorporated in a development plan, paseos or promenades shall include an 8-foot minimum width path; all courtyards shall include a minimum 6-foot minimum width path.
 - b. Access. All PAOS multi-use path access-ways shall be dedicated as a public easement subject to restrictions on hours of use.



Paseo Publicly Accessible Open Space



Promenade Publicly Accessible Open Space



P. Facade Modulation Standards.

The intent of the standards is to modulate the building's massing and volume— the external dimensions comprising of height, length, width, and depth in a manner that results in buildings that are in proportion to development site context and provides opportunities for applied facade plane and surface architectural visual interest. All multi-unit dwellings, or multi-unit components of mixed-use buildings shall be modulated both vertically and horizontally.

Modulation standards are provided for density ranges that correlate with multi-unit building typologies. Townhome buildings shall adhere to standards for buildings up to 30 dwelling units per acre and apartment buildings shall follow standards for buildings with greater than 30 dwelling units per acre. Applicants shall select a set of standards based upon the density of the building. Where development sites are of sufficient size to accommodate multiple building typologies with varying densities, the following Design Standards shall apply to each typology separately. Density allocations may be transferred within a contiguous property.

Q. Vertical Modulation

The intent of the standards is to minimize the perceived height of a building by visually organizing the facade in a manner that reflects the function of the underlying building floor(s) through the use of varied yet uniform application of height, form, material, and color articulation.

1. Components. All buildings shall be organized into an identifiable base, middle, and top to differentiate the first floor and upper function of the building. This tripartite articulation provides opportunities to create varied application of materials, color, and fenestration. Modern or contemporary building architecture may be approved at the discretion of the Director.
 - a. Base. For multi-story buildings, the first floor primary facade shall constitute the building's base.
 - b. Middle. The primary facade of floor(s) above the base and below the top shall constitute the middle.

- c. Top. The primary facade of the uppermost floor(s) to the parapet or ridge line of a building and any facade of a floor(s) that steps back shall constitute the building's top.



Buildings shall be vertically modulated with a base, middle, and top



Buildings shall be horizontally modulated with recesses or projections

2. Vertical Modulation Changes in Facade Material and/or Color

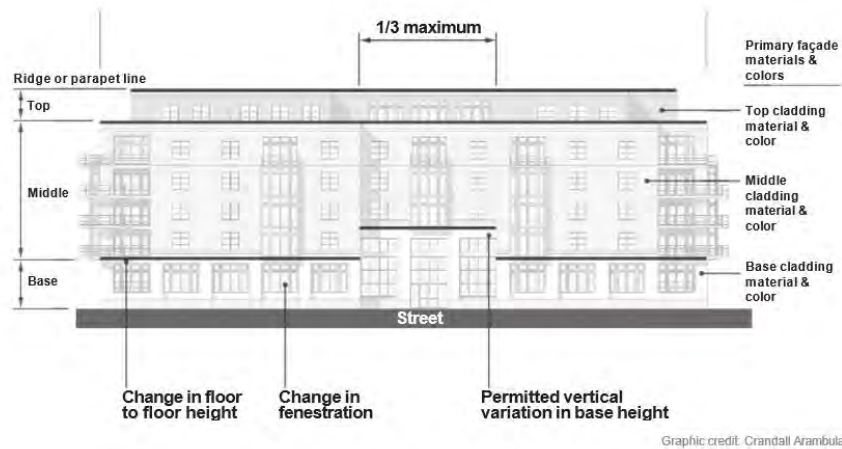
- a. Banding. Use of functional and/or decorative horizontal facade belt course, trim, or other projections or recesses at floor lines between the base, middle, and top. The projection or recess shall have a minimum height of 12 inches and a depth of 4 inches.
- b. Floor Heights. Change in floor-to-floor facade heights at the second floor or above. No middle or top floor-to-floor height shall be less than 10 feet.
- c. Fenestration. Changes in building window and door widths, heights, depths, materials, and colors. Changes in trim and inclusion or absence of shutters, mullions, muntins, transoms or other window components.
- d. Cladding Material. Buildings may express vertical modulation by providing a change of cladding materials to denote base, middle and top. Buildings using cladding material to provide vertical modulation are not required to provide banding. For buildings one hundred feet in height, a curtain wall system may be used above the building base.

3. Additional Vertical Modulation Standards

- a. **First Floor Height.** The minimum first finished floor to second finished floor plate elevation shall be:
- i. 10 feet – for buildings with density of less than 30 dwelling units per acre.
 - ii. 12 feet – for buildings with density greater than 30 dwelling units per acre, developed as residential only.
 - iii. 15 feet – for buildings with a density greater than 30 dwelling units per acre with commercial uses on the ground floor.
- b. **Vertical Variation.** Base, middle and top facade divisions shall be consistent with the underlying floor plate heights.
- i. Density of less than 30 dwellings per acre — combining, omitting, increasing or decreasing the base or middle facade division height along building frontages shall be prohibited.
 - ii. Density of greater than 30 dwellings per acre— increasing the base and decreasing the middle facade division height shall be permitted for any building facade greater than 60 feet in length. Stepping of plate heights shall be limited to no more than 1/3 of any total facade frontage length.



Less than 30 Dwelling unit per acre minimum base density buildings (townhome)

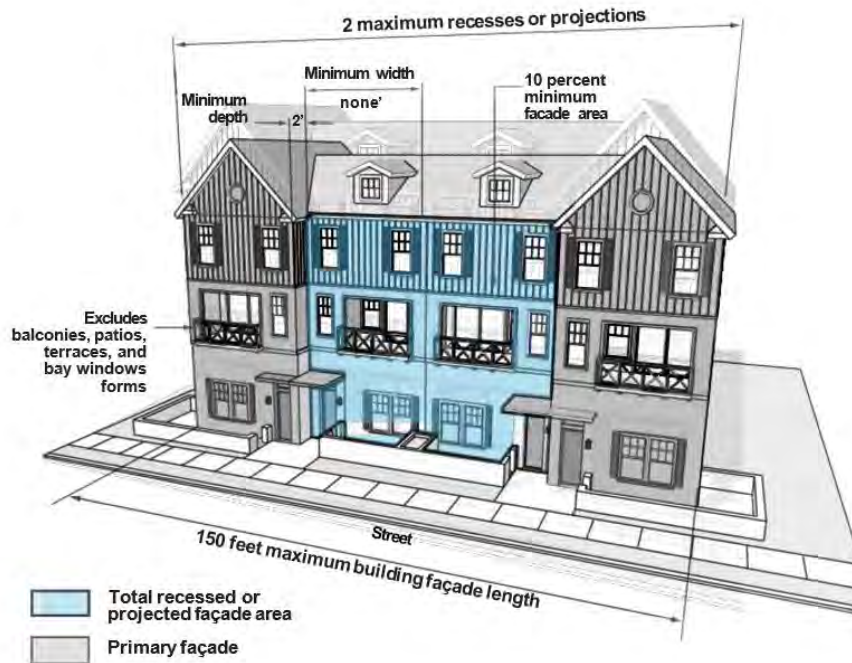


30+ Dwelling unit per acre minimum base density buildings (apartment)

R. Horizontal Modulation

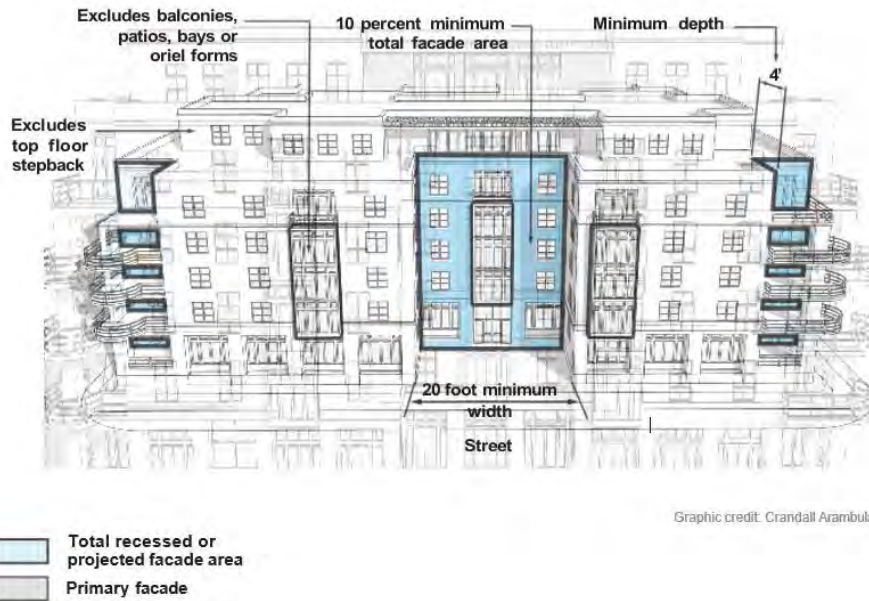
The intent of the standards is to shorten the perceived length and mass of a building by providing facade recesses and projections that break up the horizontal thrust of a building. The modulation provides opportunities to accentuate and draw visual attention to key building features such as stairwells, elevators, lobbies, and entries, and create usable open spaces such as courtyards. Horizontal modulation is intended to be complemented and strengthened by accompanying application of different facade materials, color, and fenestration; and layering of additional recessed and projected architectural elements such as bays, balconies, and patios.

1. Building Standards for Developments with Density of less than 30 dwelling per acre
 - a. Maximum building length. No building shall be greater than 150 feet in length.
 - b. Required minimum modulation area. A minimum of 10 percent of the total facade area shall be horizontally modulated.
 - c. Minimum depth. All recesses or projections shall be a minimum of 2-feet in depth.
 - d. Maximum number. No facade shall have no more than 2 total recesses or projections per facade.
2. Building Standards for Development with Density of 30 dwellings per acre or greater.
 - a. Maximum façade length. Buildings in excess of 200 feet shall have a horizontal massing break of no less than 20 feet with a depth of 15 feet for every 200 feet of additional overall length.
 - b. Required minimum modulation area. A minimum of 10 percent of the total facade area shall be horizontally modulated.
 - c. Minimum depth. All recesses or projections shall be a minimum of 4 feet in depth.
 - d. Minimum width. All recesses or projections shall be a minimum of 20 feet in width.
 - e. Maximum number. No facade shall have no more than 4 total recesses or projections per facade.



Graphic credit: Crandall Arambula

Less than 30 Dwelling unit per acre minimum base density buildings



Graphic credit: Crandall Arambula

30+ Dwelling unit per acre minimum base density buildings

S. First Floor Opening and Transparency Standards

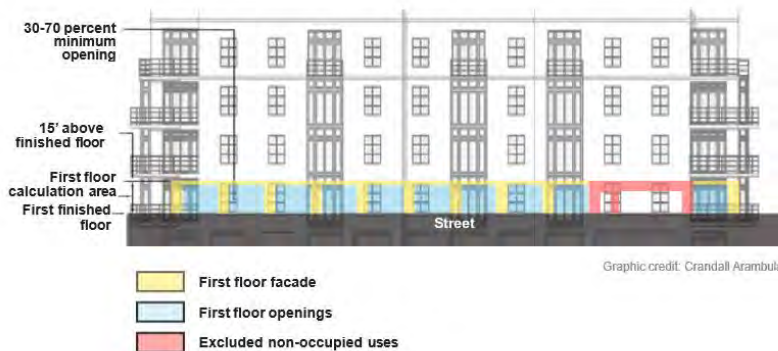
The standards are intended to foster passive ‘eyes on the street’ surveillance of the public realm by providing an adequate number of clear and direct sightlines between first floor residences and

adjacent public realm sidewalks and common areas without compromising residential livability, privacy, and security. For multi-unit buildings with commercial first floor uses, the standards are intended to provide a greater amount of visibility of merchant goods and services for potential walking, rolling, or driving-by clients or customers. For all buildings, the standards apply only to portions of the first floor that contain residential or commercial conditioned/occupied floor areas fronting streets and open common open space.

1. Building Standards for Developments with Density of less than 30 dwellings per acre.
 - a. Minimum Opening Standard. For any at-grade or above-grade residential first floor unit fronting a street or paseo, the building frontages shall be comprised of a minimum 20 percent transparent glazed door and window openings.
2. Building Standards for Developments with Density of 30 dwellings per acre or greater
 - a. Minimum Opening Standard. First floor multi-unit building frontages shall be comprised of transparent glazed door and window openings based public realm frontage adjacency and first floor use as follows:
 - i. 25 percent - for any at-grade or above-grade residential first floor unit fronting a street or paseo.
 - ii. 50 percent - for any mixed use multi-unit building with a first floor commercial use fronting a street, courtyard or paseo and would pertain to commercial spaces only.



Less than 30 Dwelling unit per acre minimum base density buildings



30+ Dwelling unit per acre minimum base density buildings

T. First floor Entry Standards

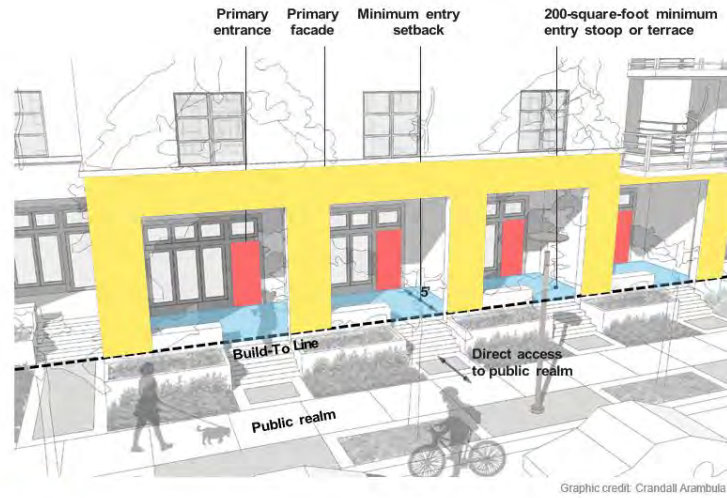
The intent of the standard is to locate building individual unit and lobby entries along street frontages to foster pedestrian neighborhood access and street-oriented activity. Unobstructed sight lines and pedestrian access from the public sidewalk shall be provided. The standards do not apply to service and loading entrances.

1. Individual Residential Unit Entrances

- a. Residential Front Door Standards. At-grade or above-grade first floor individual residential units' entrances shall be accessed directly adjacent public realm or common area unless determined not feasible by the Director or due to site topographic considerations.
 - i. Minimum entry to sidewalk width — walkway, ramp, and stairs connecting to the public sidewalk shall be a minimum of 5 feet in width.
 - ii. Entry stoop, terrace and patio area — if proposed, entry terraces and patio areas shall be a minimum of 40 square feet. If proposed, entry stoops shall be a minimum of 20 square feet excluding any required stairs or ramp area.

2. Lobby Entrances

- a. Standards. Lobby entrances shall be located at-grade, unless determined not feasible by the Director. Residential and commercial lobby entrances shall be accessed directly from the adjacent public realm or PAOS.
 - i. No lobby door setback is required .
 - ii. Minimum entry sidewalk width – where entries are setback, walkway width connecting to the sidewalk zone shall be a minimum of 6 feet.
 - iii. Entry landing area – shall be a minimum of 60 square feet.
 - iv. Prohibited – lobby entrance primary entries are prohibited from driveways, at-grade parking lots, parking structures, or alleys unless required due to topographic conditions.



- Primary facade
- Stoop, terrace or patio
- Primary entrance

Individual residential unit front door standards



Lobby entrances shall be accessed directly from the street

EXHIBIT “E”**LOCAL COASTAL PROGRAM AMENDMENT**

The Coastal Land Use Plan (CLUP) of the City’s Certified Local Coastal Program would be revised as follows, subject to California Coastal Commission review and approval:

Current Policy	Revised Policy
<p>Policy 2.1.2-1 Development in each district and corridor shall adhere to policies for land use type and density/intensity contained in Table 2.1.1-1, except as modified in Sections 2.1.3 to 2.1.8.</p>	<p>Policy 2.1.2-1 (revised) Development in each district and corridor shall adhere to policies for land use type and density/intensity contained in Table 2.1.1-1, except as modified in Sections 2.1.3 to 2.1.8, and 2.1.11.</p>
<p>Policy 2.1.10-1 Land uses and new development in the coastal zone shall be consistent with the Coastal Land Use Plan Map and all applicable LCP policies and regulations.</p>	<p>Policy 2.1.10-1 (revised) Land uses and new development in the coastal zone shall be consistent with the Coastal Land Use Plan Map and all applicable LCP policies and regulations, except as modified by all Policies in the 2.1.11 series.</p>
<p>N/A</p>	<p>Policy 2.1.11-1 (new) Accommodate housing opportunities through the adoption of housing opportunity overlay coastal 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 coastal zoning district should include, but are not limited to, sites identified in the Housing Element; however, not all sites must be included, and other sites may be identified in the future through rezoning unless precluded by state law. The City will reserve 25% of allocated dwelling units within the Coastal Zone until such a time as the City’s Local Coastal Program has been amended to allow for housing consistent with the implementation of the 6th Cycle Housing Element. Following the City’s Local Coastal Program Amendment, priority for the reserved units will be given to sites located within the Coastal Zone. The goal is to ensure an adequate number of sites Citywide to accommodate the City’s allocation of the Regional Housing Needs Assessment:</p> <ul style="list-style-type: none"> ▪ 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 entire area, inclusive of those properties in the Coastal Zone. ▪ 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 entire area, inclusive of those properties in the Coastal Zone. ▪ 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 entire area, inclusive of those properties in the Coastal Zone.

Current Policy	Revised Policy
	<ul style="list-style-type: none"> ▪ 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 entire area, inclusive of those properties in the Coastal Zone.
N/A	<p>Policy 2.1.11-2 (new) Residential use of any property included within an established housing opportunity overlay coastal zoning district is allowed regardless of and in addition to the underlying land use category or density limit established herein. An amendment to the Coastal Land Use Plan is not required to develop a residential use within an established housing opportunity zoning overlay coastal zoning district. The maximum density specified for the various overlay coastal zoning districts specified in Policy 2.1.11-1 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 2.1.11-1 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 do not include units identified as pipeline units or units permitted pursuant to State density bonus law.</p>
N/A	<p>Policy 2.1.11-3 (new) Residential opportunities are in addition to existing uses allowed by the Coastal Land Use Plan. Properties within the established overlay coastal 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 coastal zoning districts shall not affect existing rights to use the property.</p>
N/A	<p>Policy 2.1.11-4 (new) If residential or mixed-use projects pursuant to a housing opportunity overlay coastal zoning district are developed, projects shall be consistent with applicable overlay coastal zoning district or Implementation Plan requirements unless modified consistent with an established procedure to grant relief from standards (e.g., Coastal Modification or Variance, or the application of Density Bonus regulations).</p>

Chapter 21.28 (Overlay Coastal Zoning Districts [MHP, PM, B, C, And H]) of Title 21 (Local Coastal Program Implementation Plan) of the NBMC would be amended as follows, currently shown in redline-strikeout format for ease of reference only, and subject to California Coastal Commission review and approval:

Chapter 21.28
OVERLAY COASTAL ZONING DISTRICTS (MHP, PM, B, C, ANDH, AND HO)

Sections:

- 21.28.010 Purposes of Overlay Coastal Zoning Districts.**
- 21.28.020 Mobile Home Park (MHP) Overlay Coastal Zoning District.**
- 21.28.030 Parking Management (PM) Overlay District.**
- 21.28.040 Bluff (B) Overlay District.**
- 21.28.050 Canyon (C) Overlay District.**
- 21.28.060 Height (H) Overlay District.**
- 21.28.070 Housing Opportunity (HO) Overlay Coastal Zoning Districts.**

21.28.010 Purposes of Overlay Coastal Zoning Districts.

The purposes of the individual overlay coastal zoning districts and the manner in which they are applied are outlined below. An overlay district may be initiated as a Coastal Zoning Map amendment in compliance with Chapter [21.14](#) (Coastal Maps). All development shall comply with the applicable development standards (e.g., setbacks, height) of the underlying coastal zoning district in addition to the standards provided in this chapter, if any. In situations where an inconsistency occurs between the development standards of the underlying coastal zoning district and the standards in this chapter, the standards of the overlay district shall prevail.

- A. MHP (Mobile Home Park) Overlay Coastal Zoning District. The MHP Overlay Coastal Zoning District is intended to establish a mobile home district on parcels of land developed with mobile home parks. The regulations of this district are designed to maintain and protect mobile home parks in a stable environment with a desirable residential character.
- B. PM (Parking Management) Overlay Zoning District. The PM Overlay Zoning District is intended to provide for areas where parking management plans are appropriate to ensure adequate parking.
- C. B (Bluff) Overlay Coastal Zoning District. The B Overlay District is intended to establish special development standards for areas of the City where projects are proposed on identified bluff areas. The specific areas are identified in Part 8 of this Implementation Plan (Maps).
- D. C (Canyon) Overlay Coastal Zoning District. The C Overlay District is intended to establish development setbacks based on the predominant line of existing development for areas that contain a segment of the canyon edge of Buck Gully or Morning Canyon. The specific areas are identified in Part 8 of this Implementation Plan (Maps).
- E. H (Height) Overlay District. The H Overlay District is intended to establish standards for review of increased building height in conjunction with the provision of enhanced project design features and amenities. (Ord. 2021-26 § 4, 2021; Ord. 2016-19 § 9 (Exh. A)(part), 2016)

F. HO (Housing Opportunity) Overlay Coastal Zoning Districts. The HO Overlay Coastal Zoning Districts are intended to accommodate housing opportunities consistent with the Housing Element's focus areas and to ensure the City can meet its allocation of the Regional Housing Needs Assessment (RHNA). The specific areas are identified in Part 8 of this title (Maps).

21.28.060 Housing Opportunity (HO) Overlay Coastal Zoning Districts.

A. Applicability. This section applies to properties located in one of the Housing Opportunity (HO) Overlay Coastal Zoning Districts, as identified in Part 8 of this title. This includes the following subareas:

1. HO-1 - Airport Area Environs Area – The Airport Area Environs Area is located north of the Upper Newport Bay Nature Reserve, primarily around the John Wayne Airport.
2. HO-2 - West Newport Mesa Area – The West Newport Mesa Area is located near the southwest corner of the City and primarily consists of industrial properties along 16th Street, Production Place, and 15th Street.
3. HO-3 - Dover-Westcliff Area – The Dover-Westcliff Area includes property on both sides of West Coast Highway and the west of Dover Drive. Properties in the Lido Village area are included.
4. HO-4 - Newport Center Area – The Newport Center Area is generally bounded by San Joaquin Hills Road, MacArthur Blvd, Coast Highway, and Jamboree Road.

The above listed are general descriptions of each subarea and additional properties may be included with the subarea. To be eligible for the provisions of this chapter, the property must be listed on the HO area map as an "Opportunity Site".

B. Uses Allowed. The following uses shall be permitted in the Housing Opportunity (HO) Overlay Coastal Zoning Districts:

1. Any use that is permitted or conditionally permitted in the base zone;
2. Multiple-unit development that meets the density requirements set forth in this section;
3. Mixed-use development that includes a residential component which complies with the minimum density set forth in this section; and
4. Residential supporting uses such as leasing/sales/property management offices, fitness facilities, recreation facilities, etc.

C. Subarea Development Standards.

1. Development Standards. The following development standards shall apply to any residential or mixed-use project permitted pursuant to this section. Unless otherwise modified by this section, all applicable development standards, including any adopted objective design standards, shall apply.

TABLE 21.28-1**DEVELOPMENT STANDARDS FOR HOUSING OPPORTUNITY OVERLAY ZONES**

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

- (1) Minimum/maximum allowable density range may be based on an average density of the entire project site, excluding density bonus units.
- (2) Any portion of the building that is over 20 feet in height shall be setback a minimum 20 feet from the street right-of-way.
- (3) Except in the Mixed-Use Mariners Mile (MU-MM) Zoning District wherein residential uses are only allowed beginning 100 feet north of Coast Highway.
- (4) The combined total from both sides shall be 15 feet.
- (5) The height shall be limited to 35 feet in the Shoreline Height Limit Area, as identified in Map H-1.
- (6) The FAR in this table only applies to residential floor area, including any supporting facilities. In mixed-use developments, the FAR for nonresidential is still applicable.
- (7) For purposes of this section, common and private open space in HO-1 may include enclosed shared amenities such as a clubhouse, swimming pool, tennis court, basketball court, racquetball court, weightlifting facility, children's playground equipment, sauna, jacuzzi, day care facility, or any other recreational amenities/facilities as deemed appropriate by the Community Development Director.

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

- a. Sound Mitigation. The interior ambient noise level of all new residential dwelling units shall meet applicable standards of the 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 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: (1) the disclosure and notification requirement stated herein; (2) 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 (3) acknowledgment that the covenant is binding for the benefit and in favor of the City of Newport Beach.

3. West Newport Mesa Area (HO-2). The following development standards shall only apply to projects with the West Newport Mesa Area:

- a. West Newport Mesa Streetscape Master Plan. Any residential or mixed-use residential development shall implement applicable components of the adopted West Newport Mesa Streetscape Master Plan.

D. General Development Standards. The following development standards shall apply to all projects within the Housing Opportunity zone, regardless of subarea:

1. Landscaped Setbacks. All front and street side setbacks shall be landscaped, except for areas that provide vehicle and pedestrian access to the right-of-way.
2. Residential Off-Street Parking Requirements. Residential parking requirements for projects within the Housing Opportunity Overlay Zones shall be provided in accordance with Table 21.28-2 below. Parking for all other uses not included in this table shall be provided in accordance with Chapter 21.40 (Off-Street Parking Requirements) of the NBMC.

TABLE 21.28-2

RESIDENTIAL OFF-STREET PARKING FOR HOUSING OPPORTUNITY OVERLAY ZONES

<u>Land Use</u>	<u>Subtype</u>	<u>Parking Requirement</u>
<u>Residential (Rental)</u>	<u>Studio</u>	<u>1.1 spaces per dwelling unit</u>
	<u>1 Bedroom</u>	<u>1.5 spaces per dwelling unit</u>
	<u>2 Bedrooms</u>	<u>1.8 spaces per dwelling unit</u>
	<u>3 Bedrooms</u>	<u>2.0 spaces per dwelling unit</u>
	<u>Visitor Parking</u>	<u>0.3 spaces per dwelling unit</u>
<u>Residential (Ownership)</u>	<u>Studio</u>	<u>1.4 spaces per dwelling unit</u>
	<u>1 Bedroom</u>	<u>1.8 spaces per dwelling unit</u>
	<u>2 Bedrooms</u>	<u>1.8 spaces per dwelling unit</u>
	<u>3 Bedrooms</u>	<u>2.0 spaces per dwelling unit</u>
	<u>Visitor Parking</u>	<u>0.3 spaces per dwelling unit</u>