

Attachment J

Redline-Strikeout with Suggested
Modifications

REDLINE-STRIKEOUT: SUGGESTED MODIFICATIONS

COASTAL LAND USE PLAN AMENDMENT

I. Policy 2.1.2-1 of the CLUP is hereby modified as follows:

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.

II. Policy 2.1.10-1 of the CLUP is hereby modified as follows:

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.

III. New Policy 2.1.11-1 is hereby incorporated in the CLUP in series and shall read as follows:

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:

- 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.
- 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.

- IV. New Policy 2.1.11-2 is hereby incorporated in the CLUP in series and shall read as follows:

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. However, for properties with base designations of either Visitor Serving Commercial or Parks and Recreation, any housing project shall be required to retain or replace existing higher priority Coastal Act uses with an on-site functionally equivalent use that maintains comparable visitor peak use intensity and public availability. Replacement of any existing priority use with a new priority use that provides lower-cost and/or no-cost coastal access is preferred. 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.

- V. New Policy 2.1.11-3 is hereby incorporated in the CLUP in series and shall read as follows:

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.

- VI. New Policy 2.1.11-4 is hereby incorporated in the CLUP in series and shall read as follows:

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).

TITLE 21 AMENDMENT

- I. The title and section listing of Chapter 21.28 are hereby revised to include the Housing Opportunity (HO) Overlay Coastal Zoning Districts as follows:

Chapter 21.28

OVERLAY COASTAL ZONING DISTRICTS (MHP, PM, B, C, 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 Special Flood Hazard Area (VE) Overlay District.
- 21.28.080 Housing Opportunity (HO) Overlay Coastal Zoning Districts.

- II. Section 21.28.010 (Purpose of Overlay Coastal Zoning Districts) is hereby amended to include the HO Overlay Coastal Zoning Districts to read as follows:

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.

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).

III. Section 21.28.080 (Housing Opportunity (HO) Overlay Coastal Zoning Districts) is hereby added to read as follows:

21.28.080 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.~~

~~3.2.~~ 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.

~~4.3.~~ 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.; ~~and~~
5. Residential uses permitted under this section shall harmonize with the Coastal Act’s priority uses, including visitor-serving, marine-related, public-serving, or recreational uses, and shall retain or provide functionally equivalent uses, as measured by comparable visitor peak use intensity and public availability.

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**

Development Feature	Housing Opportunity Subareas			
	HO-1	HO-2	HO-3	HO-4
Lot Size/Dimension	Per Base Zone			
Lot area required per unit (sq. ft.) ¹	Minimum: 2,178 (20 du/ac) Maximum: 871 (50 du/ac)			
Setbacks				
Front	0 ft. ⁽²⁾	10 ft.⁽³⁾	10 ft. ⁽²⁾⁽³⁾	0 ⁽²⁾
Rear	0	20 ft.	20 ft.	0
Side	0’ ⁽⁴⁾			
Street Side	0 ⁽²⁾	10 ft.⁽²⁾	10 ft. ⁽²⁾	0 ft. ⁽²⁾

Height	Per Base Zone unless otherwise identified on the map	65 ft.	65 ft. ⁽⁵⁾	Per Base Zone ⁽⁶⁾⁽⁸⁾ , <u>unless otherwise identified on the map</u>
Building Separation	10 ft.			
Floor Area Ratio (FAR)	No restriction ⁽⁶⁾			
Common Space ⁽⁷⁾	Open	Minimum 75 square feet/dwelling unit. (The minimum dimension [length and width] shall be 15 feet.)		
Private Space ⁽⁷⁾	Open	5% of the gross floor area for each unit. (The minimum dimension [length and width] shall be 6 feet.)		
Fencing	See Section 21.30.040 (Fences, Hedges, Walls, and Retaining Walls).			
Landscaping	See Section 21.30.075 (Landscaping) and 21.30.085 (Water Efficient Landscaping).			
Lighting	See Section 21.30.070 (Outdoor Lighting).			
Parking	See Subsection (D)(2) below and Chapter 21.40 (Off-Street Parking).			
Signs	See Chapter 21.30.065 (Sign Standards).			

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

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.
- d. Housing Opportunity Sites 23, 24, 25 and 26. A residential or mixed-use development encompassing Housing Opportunity Sites 23, 24, 25, and 26 shall include a free to access public park or public recreational opportunity, which shall comply with Subsection 21.28.070(D)(4) and that conforms to all the following:
 - i. A minimum 50-foot ESHA buffer measured from the outermost extent of the riparian or wetland vegetation, whichever extends furthest from the channel shall be provided. For a minimum 10-year period, the buffer shall be measured from the outermost extent of the vegetation established as part of the Santa Ana Delhi Channel Improvement Project proposed by the Orange County Flood Control District. The 50-foot buffer shall be consistent with 21.30B.30(D); however, the exceptions criteria for smaller ESHA buffers shall not apply. Further, a path sited, designed, constructed and operated in a manner that minimizes impacts to ESHA and other coastal resources may be permitted within the 50-foot ESHA buffer where needed to maintain the channel and/or provide for public access and recreation.
 - ii. An additional 50-foot buffer measured from the outermost extent of the ESHA buffer shall also be provided consistent with 21.30B.30(E). This transitional buffer may be used to accommodate a free, low-impact public

recreational opportunity. At a minimum, such public recreational opportunity shall include a contiguous open space corridor along the entire length of the Santa Ana Delhi Channel located adjacent to the subject properties that is of sufficient width to accommodate a 100-foot biological buffer, separately and contiguously, to protect habitat in and along the channel. Such recreational opportunity shall also provide public access and recreational open space that will accommodate passive and active public recreational opportunities including, but not limited to continuous pedestrian/cycling trail, benches, drinking fountains and/or water fill stations, picnic tables, shade structures and fitness/exercise equipment.

iii. In the event the Santa Ana Delhi Channel Improvement Project does not occur there shall be a minimum 100-foot-wide corridor along the channel that extends from the top of the channel bank to be used for the free, low-impact coastal access and public recreational opportunity described in subsection (B) above.

~~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**

Land Use	Subtype	Parking Requirement
Residential (Rental)	Studio	1.1 spaces per dwelling unit
	1 Bedroom	1.5 spaces per dwelling unit
	2 Bedrooms	1.8 spaces per dwelling unit

	3 Bedrooms Visitor Parking	2.0 spaces per dwelling unit 0.3 spaces per dwelling unit
Residential (Ownership)	Studio 1 Bedroom 2 Bedrooms 3 Bedrooms Visitor Parking	1.4 spaces per dwelling unit 1.8 spaces per dwelling unit 1.8 spaces per dwelling unit 2.0 spaces per dwelling unit 0.3 spaces per dwelling unit

3. Visitor-Serving Commercial, Marine-Related Uses, or Visitor Accommodations. For sites with base designations intended for Visitor-Serving Commercial, Marine-Related Uses, or Overnight Visitor Accommodations, any existing uses consistent with the intent of those designations shall be retained, replaced, or expanded where feasible, with a functionally equivalent use in terms of comparable visitor peak use intensity and public availability. No hotel, motel, or other overnight visitor accommodations shall be converted or replaced with residential use.

4. Parks and Recreation or Open Space-Uses. For sites with base designations intended for Parks and Recreation or Open Space, any existing uses consistent with the intent of those designations shall be retained, replaced or expanded where feasible, with a functionally equivalent use in terms of comparable visitor peak use intensity and public availability. When there is a proposed replacement of any existing priority use with a new priority use, a use that provides lower-cost and/or no-cost visitor-serving and coastal access is preferred.

5. All housing projects within the Housing Opportunity (HO) Overlay Coastal Zoning District shall demonstrate consistency with:

- a. Section 21.30.015 (General Site and Development Standards);
- b. Section 21.30.030 (Natural Landform and Shoreline Protection);
- c. Section 21.30.100 (Scenic and Visual Quality Protection);
- d. Section 21.30.105 (Cultural Resource Protection); and
- e. Chapter 21.30B (Habitat Protection).

IV. Chapter 21.80 (Maps) is hereby revised to incorporate Section 21.80.032 (Housing Opportunity Overlay Districts Maps) as follows:

21.80.032 Housing Opportunity Overlay Districts Maps.

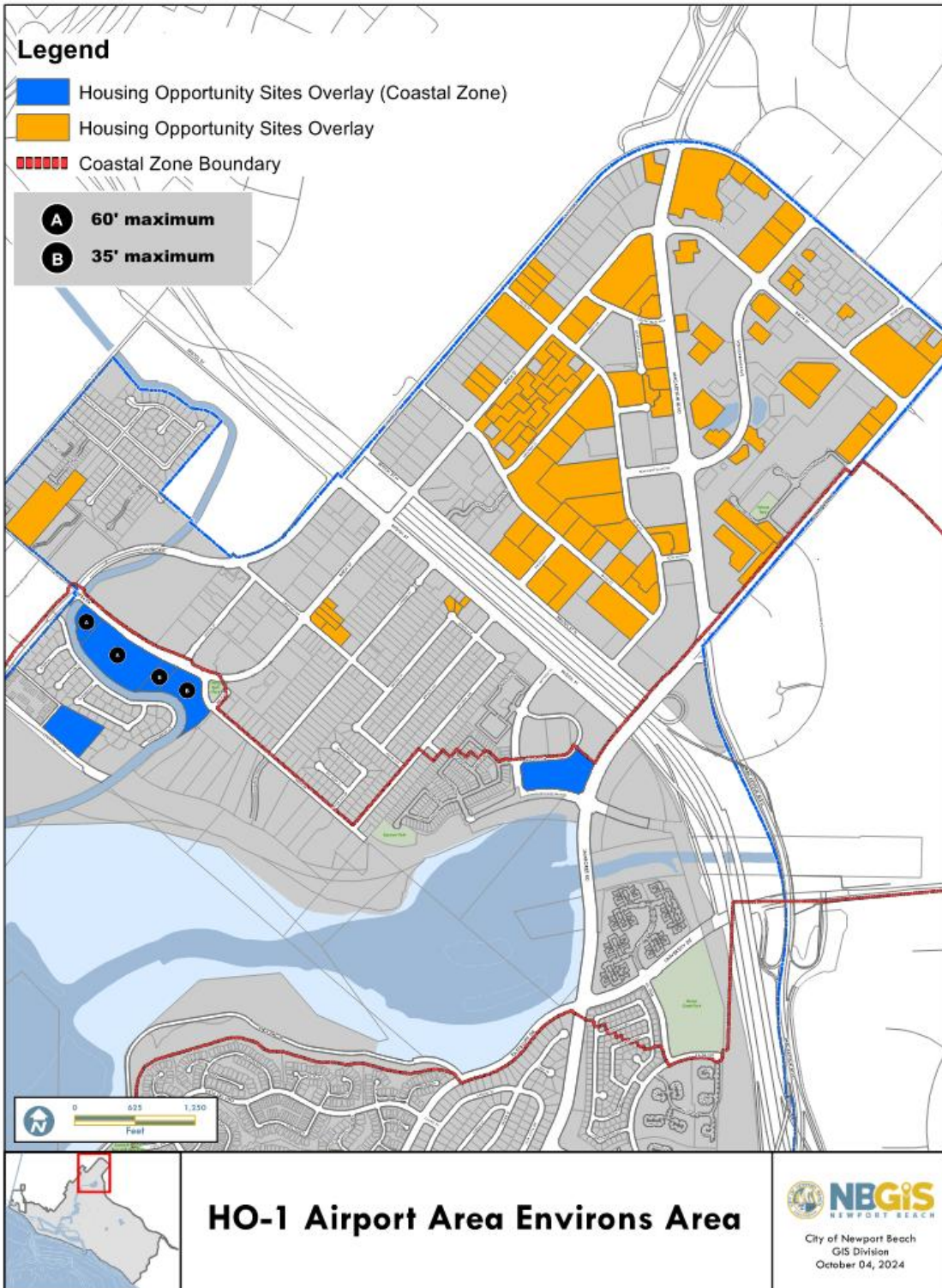
HO-1 - Airport Area Environs Area (PDF)

~~HO-2 - West Newport Mesa Area (PDF)~~

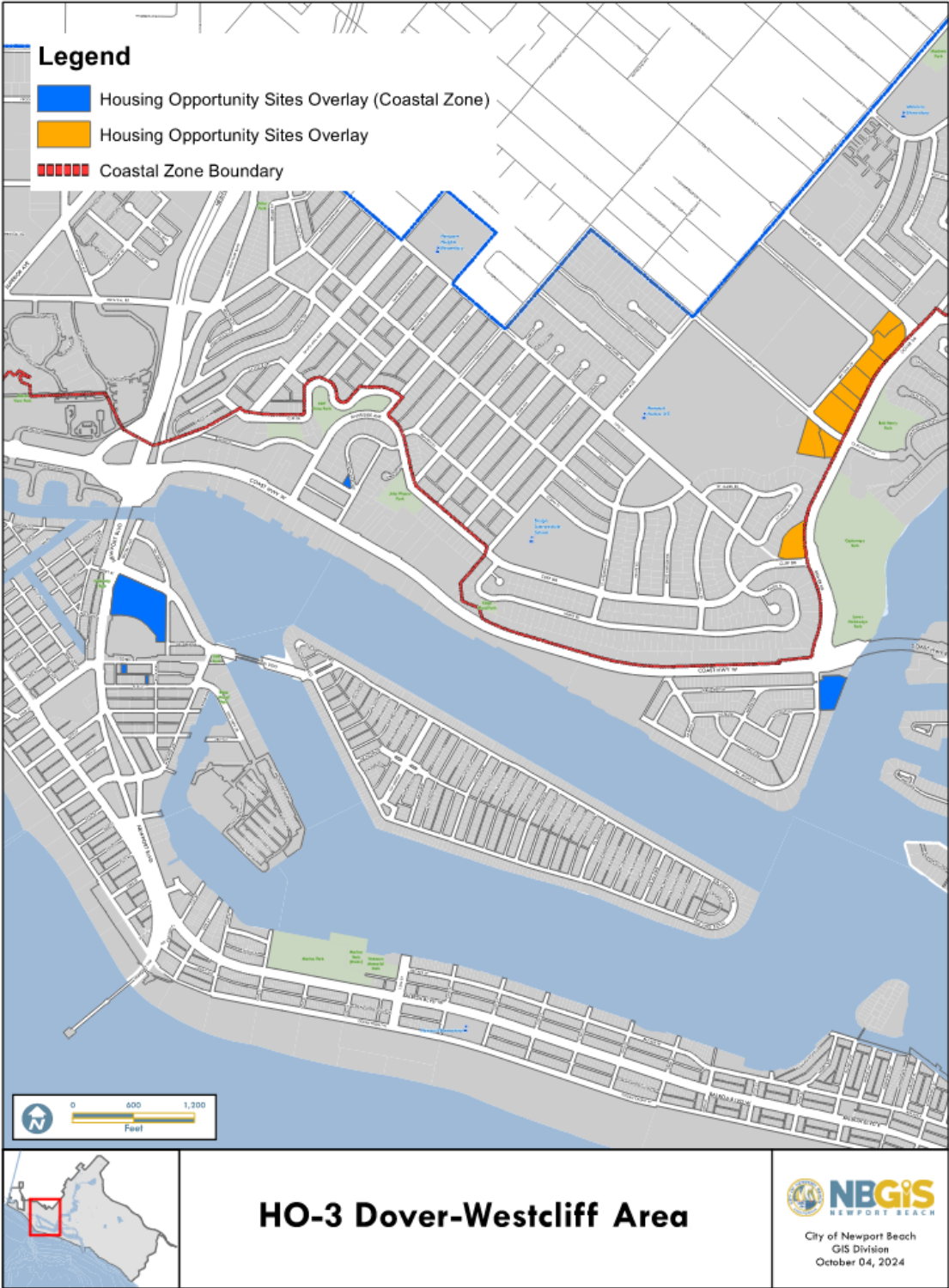
HO-3 - Dover-Westcliff Area (PDF)

HO-4 - Newport Center Area (PDF)

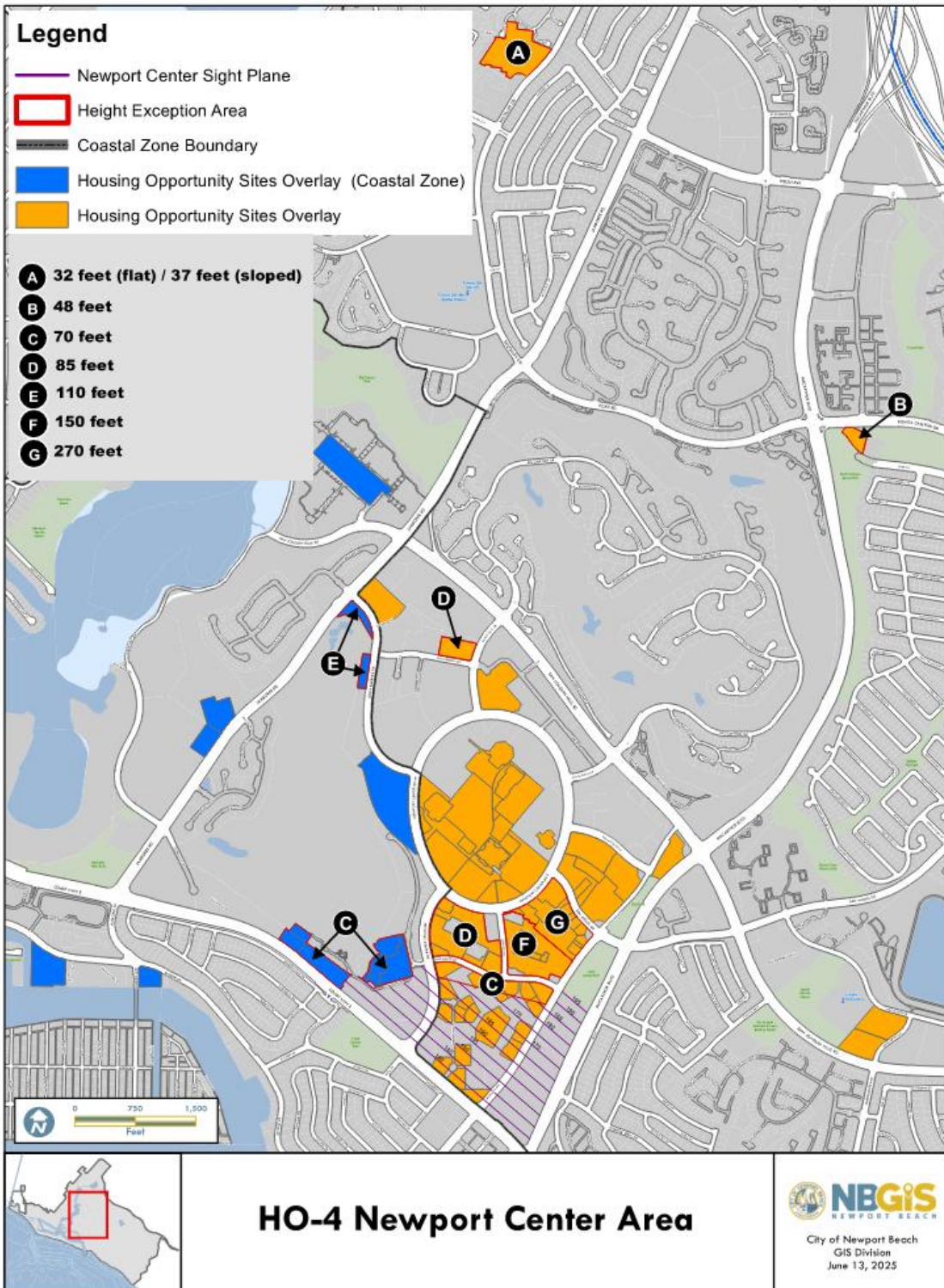
- V. The corresponding maps identified in Section 21.80.032 are as follows on the subsequent pages:



HO-1 Airport Area Environs Area.mxd



HO-3 Dover-Westcliff Area.mxd



HO-4 Newport Center Area_Height_Exceptions.mxd

VI. The bottommost portion of Table 21.14-1 entitled “Overlay Coastal Zoning Districts” within Section 21.14.020 (Coastal Zoning Districts Established) is hereby revised as follows:

**TABLE 21.14-1
COASTAL ZONING DISTRICTS**

Coastal Zoning Map Symbol	Coastal Zoning Districts	Coastal Land Use Plan Designations Implemented by Zoning Districts	
Overlay Coastal Zoning Districts			
MHP	Mobile Home Park	RM	Multiple-Unit Residential
PM	Parking Management	All designations	
B	Bluff	All designations	
C	Canyon	RS, RM	Single-Unit Residential Multiple-Unit Residential
H	Height	RM	Multiple-Unit Residential
<u>HO</u>	<u>Housing Opportunity</u>	<u>Varies</u>	<u>Varies</u>