

Attachment A

Resolution No. 2026__:Addendum

RESOLUTION NO. 2026-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, ADOPTING AN ADDENDUM TO THE NEWPORT BEACH GENERAL PLAN HOUSING IMPLEMENTATION PROGRAM FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT SCH NO. 2023060699 FOR A 132-UNIT RESIDENTIAL TOWNHOME PROJECT LOCATED AT 1200 DOVE STREET, 1300 DOVE STREET, AND 4041 MACARTHUR BOULEVARD (PA2025-0170)

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

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

WHEREAS, an application was filed by Sean Matsler with Cox, Castle, & Nicholson, LLP (“Applicant”), concerning property located at 1200 and 1300 Dove Street and 4041 MacArthur Boulevard (APN No. 427-222-01), and legally described in “Exhibit A,” which is attached hereto and incorporated herein by reference (“Property”);

WHEREAS, the Applicant is requesting approval to develop a 132-unit residential townhome project (“Project”), which will require the following approvals:

- a. Zoning Code Amendment (“ZCA”): An amendment to Section 20.80.025 (Housing Opportunity Overlay Zoning Districts Maps) of the Newport Beach Municipal Code (“NBMC”) to include the Property in the Housing Opportunity Sites Overlay in the HO-1- Airport Area Environs Map;
- b. Major Site Development Review (“SDR”): A major site development review in accordance with Section 20.52.080 (Site Development Reviews) of the NBMC for five or more units with a tentative tract map;

- c. Vesting Tentative Tract Map ("VTTM"): A vesting tentative tract map to allow for an airspace subdivision of the individual residential units on a 6.5-acre parcel pursuant to Chapter 19.12 (Tentative Map Review) of the NBMC;
- d. Affordable Housing Implementation Plan ("AHIP"): A plan specifying how the Project meets the City's affordable housing requirement pursuant to Chapter 20.32 (Density Bonus) of the NBMC and Government Code Section 65915 ("Density Bonus Law");
- e. Development Agreement ("DA"): A development agreement between the Applicant and the City, pursuant to Section 15.45.020 (Development Agreement Required) of the NBMC, which provides the Applicant with the vested right to develop the Project for a term of ten years and will provide negotiated public benefits to the City; and
- f. Addendum to the Newport Beach General Plan Housing Implementation Program Environmental Impact Report ("Addendum"): Pursuant to the California Environmental Quality Act ("CEQA"), the Addendum addresses reasonably foreseeable environmental impacts resulting from the Project;

WHEREAS, the Property is designated Mixed-Use Horizontal (MU-H2) by the General Plan Land Use Element and is located within the Newport Place Planned Community (PC-11) Zoning District in the Professional & Business Office Site 4 subarea within the residential overlay;

WHEREAS, on September 24, 2024, the City Council adopted Ordinance Nos. 2024-16 and 2024-17, approving amendments to Title 20 (Planning and Zoning) of the NBMC to establish the Housing Opportunity (HO) Overlay Zoning Districts in Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) ("Housing Overlay") and to create multi-unit objective design standards in Section 20.48.185 (Multi-Unit Objective Design Standards) of the NBMC;

WHEREAS, these new sections serve to implement Policy Actions 1A through 1G and 3A in the 6th Cycle Housing Element ("Housing Element") of the General Plan;

WHEREAS, on July 23, 2024, the City Council adopted Resolution No. 2024-50 certifying Final Program Environmental Impact Report SCH No. 2023060699 ("PEIR"), approving a Mitigation Monitoring and Reporting Program ("MMRP"), and adopting Findings and a Statement of Overriding Considerations related to the implementation of the Housing Element involving amendments to the General Plan, Coastal Land Use Plan, and Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the NBMC;

WHEREAS, a public hearing was held by the Planning Commission on June 4, 2026, in the City Council Chambers located at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the public hearing was given in accordance with Government Code Section 54950 et seq. ("Ralph M. Brown Act") and Chapter 20.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing;

WHEREAS, at the hearing, the Planning Commission adopted Resolution No. PC2026-018 by a unanimous vote (6 ayes, 1 absent), recommending the City Council approve the Project;

WHEREAS, California Public Utilities Code ("CPUC") Section 21676(b) requires the City to refer the Project to the Orange County Airport Land Use Commission ("ALUC") to review for consistency with the 2008 John Wayne Airport Environs Land Use Plan ("AELUP");

WHEREAS, on July 16, 2026, the ALUC determined the Project is consistent with the AELUP for the John Wayne Airport ("JWA");

WHEREAS, the Addendum was prepared for the Project by EPD Solutions, Inc. in May of 2026, in compliance with CEQA, the CEQA Guidelines and City Council Policy K-3 (Implementation Procedures for the California Environmental Quality Act) to ensure that the Project will not result in new or increased environmental impacts; and

WHEREAS, the City Council held a public hearing on July 28, 2026, in the City Council Chambers, 100 Civic Center Drive, Newport Beach, California. A notice of time, place, and purpose of the hearing was given in accordance with the Ralph M. Brown Act and Chapter 20.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by, the City Council at this hearing.

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

Section 1: The City Council adopted Resolution No. 2024-50 certifying Final Program Environmental Impact Report SCH No. 2023060699 ("PEIR"), approving a Mitigation Monitoring and Reporting Program ("MMRP"), and adopting Findings and a Statement of Overriding Considerations related to the implementation of the Housing Element involving amendments to the General Plan, Coastal Land Use Plan, and Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the NBMC which is attached hereto as Exhibit "B," and incorporated herein by reference.

Section 2: Pursuant to Section 21166 of the California Public Resources Code and Section 15162 of the CEQA Guidelines, when an EIR has been certified for a project, no subsequent EIR is required unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

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

Section 3: An Addendum to PEIR which is attached hereto as Exhibit "C," and incorporated herein by reference was prepared pursuant to Sections 15162 (Subsequent EIRs and Negative Declarations) and 15164 (Addendum to an EIR or Negative Declaration) of the CEQA Guidelines.

Section 4: The following environmental topics were analyzed for the Project: Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire.

Section 5: On the basis of the PEIR and entire environmental review record, the Project will not result in any new significant impacts that were not previously analyzed in the PEIR. The Addendum confirms and provides substantial evidence that the potential impacts associated with this Project would either be the same or less than those described in the PEIR, as reduced by applicable General Plan Policies and mitigation measures in the PEIR. In addition, there are no substantial changes to the circumstances under which the Project would be undertaken that would result in new or more severe environmental impacts than previously addressed in the PEIR, nor has any new information regarding the potential for new or more severe significant environmental impacts been identified. Therefore, in accordance with Section 15164 of the CEQA Guidelines, an addendum to the previously adopted PEIR is the appropriate environmental document for the Project. In taking action to approve any of the requested applications for the Project, the data presented in the PEIR, as augmented by the Addendum for this Project, are considered as part of the record.

Section 6: The Addendum, which is attached hereto as Exhibit "C," and incorporated herein by reference, is hereby adopted by the City Council. The Addendum constitutes the administrative record upon which this decision was based and is on file with the Planning Division, City Hall, 100 Civic Center Drive, Newport Beach, California.

Section 7: The City Council finds that judicial challenges to the City's CEQA determinations and approvals of land use projects are costly and time-consuming. In addition, project opponents often seek an award of attorneys' fees in such challenges. As project applicants are the primary beneficiaries of such approvals, it is appropriate that such applicants should bear the expense of defending against any such judicial challenge, and bear the responsibility for any costs, attorneys' fees, and damages that may be awarded to a successful challenger.

Section 8: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 10: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

Lauren Kleiman
Mayor

Lena Shumway
City Clerk


Aaron C. Harp
City Attorney

Attachments: Exhibit A - Legal Description
Exhibit B - Final Program Environmental Impact Report SCH No. 2023060699 the 2050 General Plan
Exhibit C - Addendum to 2050 General Plan FEIR

Exhibit "A"
Legal Description

The Land referred to herein below is situated in the City of Newport Beach, County of Orange, State of California, and is described as follows:

Parcel 2, in the City of Newport Beach, County of Orange, State of California, as shown on the map filed in Book 63, Page 27 of Parcel Maps, in the Office of the County Recorder of said County.

Exhibit “B”

**Final Program Environmental Impact Report SCH No. 2023060699 the 2050 General
Plan**

Available separately due to bulk at:

<https://ecms.newportbeachca.gov/WEB/Browse.aspx?id=3034050&dbid=0&repo=CNB>

Exhibit “C”

Program Environmental Impact Report Addendum

Available separately due to bulk at:

https://www.newportbeachca.gov/Pln/PC_TEMP_LINK/Program%20Environmental%20Impact%20Report%20Addendum.pdf