

Attachment No. PC 3

Land Use Existing Conditions and
Background Analysis Report

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Land Use Element Existing Conditions and Background Analysis

General Plan Update

JUNE 2024

Prepared for:

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Table of Contents

| SECTION | PAGE NO. |
|---|----------|
| Acronyms, Abbreviations, Key Terms | iv |
| 1 Executive Summary..... | 6 |
| 2 Introduction | 7 |
| 2.1 Overview..... | 7 |
| 2.2 Purpose and Process | 7 |
| 2.3 Geography and Planning Area | 7 |
| 3 General Plan Review | 9 |
| 3.1 Land Use | 9 |
| 3.2 Harbor and Bay..... | 10 |
| 3.3 Housing | 11 |
| 3.4 Historical Resources | 12 |
| 3.5 Circulation | 12 |
| 3.6 Recreation..... | 13 |
| 3.7 Natural Resources..... | 14 |
| 3.8 Safety | 15 |
| 3.9 Noise | 16 |
| 4 Regulatory Review..... | 18 |
| 4.1 State | 18 |
| 4.1.1 Land Use Element Guidelines | 18 |
| 4.1.2 California Coastal Commission | 19 |
| 4.2 Regional | 19 |
| 4.2.1 Airport Land Use Compatibility | 19 |
| 4.2.2 Water Supply | 20 |
| 4.3 Local | 21 |
| 4.3.1 Zoning Ordinance..... | 21 |
| 4.3.2 Charter Section 423 | 21 |
| 4.3.3 Local Coastal Program and Implementation Plan | 22 |
| 4.3.4 Concurrent Land Use Amendment | 22 |
| 4.3.5 Specific Plans..... | 23 |
| 5 Existing Conditions..... | 24 |
| 5.1 Development | 24 |
| 5.1.1 Residential | 24 |
| 5.1.2 Non-Residential Development | 26 |
| 5.1.3 Parks and Open Space | 27 |

| | | |
|-------|--|----|
| 5.1.4 | Waste Management | 28 |
| 5.1.5 | Sphere of Influence | 28 |
| 5.2 | Land Use Designations | 30 |
| 5.2.1 | Residential | 38 |
| 5.2.2 | Commercial and Mixed-Use | 38 |
| 5.2.3 | Industrial and Airport Supporting..... | 38 |
| 5.2.4 | Public, Semi-Public, and Institutional | 39 |
| 5.2.5 | Specific Plans..... | 39 |
| 5.3 | Land Use Needs | 42 |
| 6 | Issues and Opportunities..... | 43 |
| 6.1 | Constraints to Land Use Changes | 43 |
| 6.2 | Opportunities for Land Use Changes | 43 |
| 7 | Recommendations..... | 45 |
| 7.1 | General Plan Consistency | 45 |
| 7.2 | Community Priorities | 45 |
| 7.3 | Balanced Communities | 45 |

TABLES

| | | |
|----------|---|----|
| Table 1. | Anticipated Housing Opportunity Overlay Zoning District Rezone..... | 23 |
| Table 2. | Land Use Designation Categories | 30 |

FIGURES

| | | |
|-----------|--|----|
| Figure 1. | Planning Area and Sphere of Influence..... | 8 |
| Figure 2. | Existing Residential Development | 25 |
| Figure 3. | Existing Non-Residential Development: Building Footprint to Parcel Ratio. | 26 |
| Figure 4. | Existing Public, Semi-Public, and Institutional Development | 27 |
| Figure 5. | Existing Use of Land in Sphere of Influence..... | 29 |
| Figure 6. | Total Percentage of Acreage per Land Use Designation Category | 36 |
| Figure 7. | Land Use Designations in Newport Beach | 37 |
| Figure 8. | Land Use Designations in the Santa Ana Heights Specific Planning Area | 41 |

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Acronyms, Abbreviations, Key Terms

| Acronym/Abbreviation/Term | Expanded Form |
|---------------------------|--|
| AELUP | Airport Environs Land Use Plan |
| CCC | California Coastal Commission |
| City | City of Newport Beach |
| FAR | floor area ratio |
| Imp. | Implementation Plan |
| LCP | Local Coastal Program |
| Orange LAFCO | Local Agency Formation Commission of Orange County |
| RHNA | Regional Housing Needs Assessment |

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1 Executive Summary

Land use planning guides the ultimate pattern of development for Newport Beach and interacts with all other elements of planning by designating the general distribution of different land uses, including residential, commercial, industrial, agricultural, and open space. Therefore, thoughtful and equitable land use planning decisions provide opportunities to improve public health, reduce infrastructure costs, enhance local economies, and address long-term environmental issues such as climate change and water resources. Because Newport Beach is largely developed, the City of Newport Beach General Plan Land Use Element focuses on strategically accommodating population and employment growth while preserving its distinguishing and valued qualities. Policies and goals of the Land Use Element directly affect the establishment and maintenance of the neighborhoods, districts, corridors, and open spaces that distinguish and contribute to Newport Beach's livability, vitality, and image.

This existing conditions and background analysis (report) provides an overview of land use in Newport Beach, including adopted land use policies, and State, regional, and local regulatory and programmatic requirements, such as the Airport Environs Land Use Plan for John Wayne Airport and the Newport Beach Local Coastal Plan. In addition, this report assesses existing land uses and development in Newport Beach, the General Plan's land use designations, and how projected land use and development needs compare. The assessment compares existing development to the maximum development capacity permitted under the land use designations.

There are currently 30 land use designations in Newport Beach, classified into seven primary use categories: Residential Neighborhoods; Commercial Districts and Corridors; Commercial Office Districts; Industrial Districts; Airport Supporting Districts; Mixed-Use Districts; and Public, Semi-Public, and Institutional. The Land Use Element defines each land use designation and specifies the primary land use categories, types of uses, and the densities/intensities to be permitted throughout Newport Beach.

One of the primary influences to the updated Land Use Element is the Housing Element Implementation Plan, which has a separate but parallel amendment to the adopted Land Use Element to support housing production in areas identified by the adopted Housing Element. The Implementation Plan will provide increased housing capacity for approximately 8,000 housing units. If approved, additional land use changes may be needed to support future residents.

Although future planned residential units present an opportunity to increase community-serving uses, such as retail, employment, and entertainment, additional planned growth must consider a balanced approach. Changes in land use that would be considered "significant increases" could require voter approval that could prove challenging. Further, changes in land use may be limited due to the portions of Newport Beach that are in the coastal zone and because of Newport Beach's proximity to John Wayne Airport. Although there are constraints, potential land use changes can strategically capitalize on planned improvements, such as public facilities. Further, the update to the adopted Land Use Element could prioritize the types of development that the community most values and help identify strategies to facilitate such development.

Changes to the adopted Land Use Element through the General Plan Update process should consider strategies for facilitating development in a manner that increases opportunities for existing and future residents, providing a balance of appropriately planned land uses that prioritize the aspirations of the community, and ensuring that land uses will meet existing and planned needs without making implementation infeasible.

2 Introduction

Land use planning is one of the most important tools and determinants in improving public health, enhancing local economies, addressing long-term environmental issues, addressing safety issues, conserving land for parkland, and guiding development to support projected populations and shifting demographics of Newport Beach residents. As the community continues to grow and development opportunities are limited, planning for land in Newport Beach will need to balance the community's vision with regulatory consideration for accommodating the City of Newport Beach's (City) fair share of housing needs in Southern California.

2.1 Overview

This report provides an overview of the provisions of the Land Use Element from the City's adopted General Plan. This includes a description of the framework for consistency with local, State, and Federal regulations; ongoing amendments to the adopted Land Use Element; existing development distribution compared to land use designations in Newport Beach; and a high-level overview of needs and key issues and opportunities for land use planning and decisions.

2.2 Purpose and Process

A Land Use Element designates the proposed general distribution, location, and extent of the uses of land for housing, business, industry, open space (including agriculture, natural resources, recreation, and enjoyment of scenic beauty), education, public buildings and grounds, solid and liquid waste disposal facilities, greenways, and other categories of public and private uses of land. It serves as the central organizing element for the General Plan as a whole, and it reflects land use distributions and conforms to the goals and policies of all other elements in the General Plan. For example, the Land Use Element must accommodate specific land uses identified in the Natural Resources Element, and identify waterways used for flood management identified in the Safety Element. Specific goals and policies related to land uses from other elements in the City's adopted General Plan are identified in Chapter 3, General Plan Review.

The process for updating the Land Use Element is multifaceted. There are several statutory requirements and related considerations that must be examined to develop appropriate policies that address identified needs and opportunities while balancing the community's vision for and preserving the character of Newport Beach. This existing conditions and background report is the first step in updating the adopted Land Use Element. It identifies the current land distribution; development patterns; ongoing amendments; and local, State, and Federal regulatory requirements to identify issues and opportunities from a data-driven perspective. Community engagement and visioning are critical components of updating a General Plan. During the final steps before developing a Land Use Element, the needs and opportunities identified in related General Plan elements, including the Vision Statement, are considered to inform and create the goals and policies of the Land Use Element.

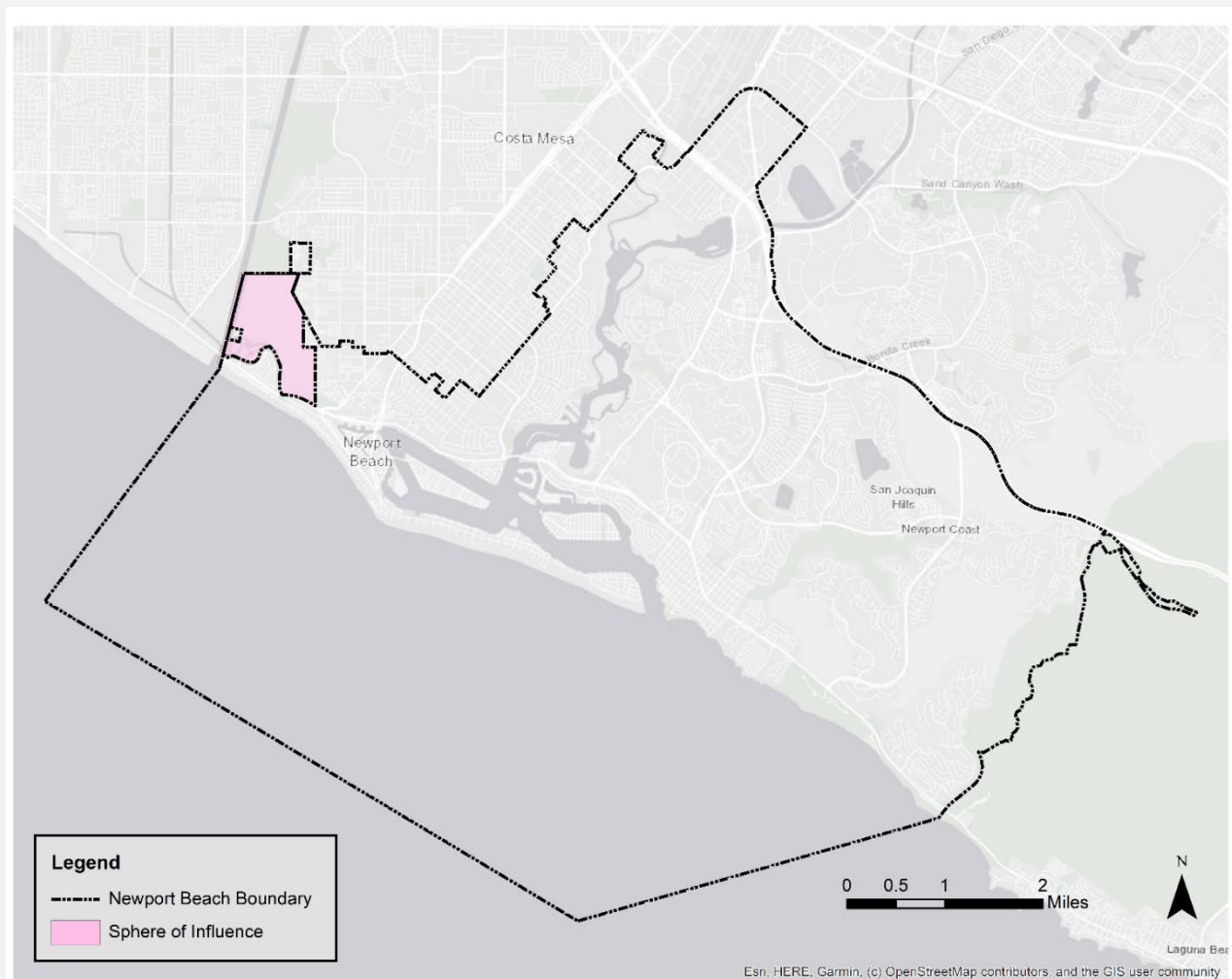
2.3 Geography and Planning Area

The City's Planning Area is the identified boundary and extent for which the General Plan provides policies. As shown in Figure 1, Planning Area and Sphere of Influence, the Planning Area includes the areas within the existing City boundary, including waterways and its Sphere of Influence. The Sphere of Influence is considered in the development of the Land Use Element because it encompasses the area most likely to be the ultimate physical

boundaries and service area of local government agencies, as determined by the Local Agency Formation Commission of Orange County (Orange LAFCO). Section 5.1.7, Sphere of Influence, provides a description of existing developed land uses within the Sphere of Influence.

Newport Beach is in the Southern California region within the western edge of Orange County, adjacent to the Pacific Ocean. It is generally bordered by Costa Mesa to the northwest, Irvine to the northeast, and unincorporated portions of Orange County and Laguna Beach to the southeast. Newport Beach is surrounded by natural landscape, including ecological preserves and marine conservation areas, State parks, and the Pacific Ocean. Although the landscape provides open space and recreational opportunities and promotes public health, it also constraints the City from identifying such areas for the development of housing and employment-generating land uses.

Figure 1. Planning Area and Sphere of Influence.



Source: City of Newport Beach GIS data. <https://www.newportbeachca.gov/government/departments/city-manager-s-office/information-technology-city-division/gis-mapping/data-catalog>

3 General Plan Review

The City's adopted General Plan is organized into 10 chapters, or "elements." Each element of the General Plan presents an overview of its scope; a summary of conditions; and planning issues, goals, and policies. Although the General Plan consists of individual elements, each of which addresses a specific area of concern, it also embodies a comprehensive and integrated planning approach. As such, a summary of the components included in the City's adopted Land Use Element, as well as an overview of other elements of the General Plan that have goals and policies that overlap with those of the Land Use Element, are provided in the sections that follow. Information for this chapter is based on the City of Newport Beach General Plan, adopted in 2006.

3.1 Land Use

Consistent with State law, the City's Land Use Element provides guidance regarding the ultimate pattern of development for Newport Beach by designating the general distribution, location, and extent (including standards for population density and building intensity) of the uses of land for housing, business, industry, agriculture, open space, public facilities, and other categories of public and private uses. The primary purpose of the Land Use Element is to identify the goals, policies, and standards of the General Plan that will guide the physical growth of Newport Beach. As such, it is based on and correlates with the policies from all General Plan elements into a set of coherent development policies, which serve as the central organizing element for the General Plan as a whole.

The Land Use Element includes three main components:

- **Introduction:** The introduction includes the purpose and general objectives of the Land Use Element, as well as the overall relationship between the element's development policies and the policies from all elements of the General Plan as a whole.
- **Existing Land Use Overview:** Newport Beach's unique physical setting, which offers many visual, recreational, and environmental resources, has influenced the type and form of diverse land uses within the community. This section of the Land Use Element provides an overview of Newport Beach's existing land use patterns, and briefly summarizes the general development patterns for Newport Beach's existing residential, retail, office, industrial, and recreational and open space uses.
- **Goals and Policies:** The overall focus of the Land Use Element is a conservative growth strategy emphasizing the importance of maintaining neighborhoods, districts, corridors, and open spaces that distinguish and contribute to the City's livability, vitality, and image. As such, rather than generally distinguishing a range of densities permitted within a land use designation, the adopted Land Use Element approaches its policies for development of individual parcels as inseparable from those that address how they will fit together to create places that are valued by the City's residents. The Land Use Element contains 29 goals with accompanying development policies that aim to guide land use development within Newport Beach. The goals and policies in the Land Use Element pertain to how existing development is going to be maintained and enhanced, and new development will occur.

Goals and corresponding policies are grouped into seven categories to address the following:

- ***Role and Character of Newport Beach*** ("Who We Are"): including goals and policies that address Newport Beach's unique environment, Citywide identity, natural resources, growth management, economic health, and public views.

- ***Uses to Be Accommodated*** (“What Uses Contribute to Our Community?”): including goals and policies for a diversity of uses that support the needs of residents, sustain and enhance the economy, provide job opportunities, serve visitors that enjoy the City’s diverse recreational amenities, and protect its important environmental setting, resources, and quality of life.
- ***Organization and Form of Uses*** (“How Are Land Uses Distributed?”): including goals and policies that promote a development pattern that retains and complements the City’s residential neighborhoods, commercial and industrial districts, open spaces, and natural environment.
- ***Land Use Plan and Diagram***: including goals and policies that establish the City’s Land Use Plan, which depicts the general distribution of uses throughout Newport Beach; specific use categories for each parcel within defined Statistical Areas; and the Land Use Plan categories, which specify the primary land use categories, types of uses, and, for certain categories, the densities/intensities that may be permitted on any parcel within the land use designations. The permitted densities/intensities or amount of development for certain land use categories are not generally determined and are instead specified on the Land Use Plan Statistical Area map, which conveys maximum and, in some cases, minimums that may be permitted on any parcel within the designation. Additionally, the Land Use Plan and Diagram determine precise development limits for certain parcels, which are referred to “Anomaly Locations.”
- ***Community Character*** (“Maintaining the Character of Our Neighborhoods and Districts”): including goals and policies that provide for the maintenance and enhancement of Newport Beach’s residential neighborhoods, commercial districts, employment centers, corridors, and open spaces, ensuring that new development complements and reinforces these characteristics.
- ***All Neighborhoods, Districts, and Corridors***: including goals and policies that support neighborhoods, districts, and corridors that contain a diversity of uses and buildings that are mutually compatible and enhance the quality of Newport Beach’s environment.
- ***Neighborhoods, Districts, and Corridors*** (“Places That Distinguish Newport Beach”): including goals and policies that provide for the management of growth and change of existing neighborhoods, districts, corridors, and public and civic uses.

3.2 Harbor and Bay

The Harbor and Bay Element are intended to guide the content of regulations related to development of, and the activities conducted on, the water, as well as land-use decisions related to waterfront property around Newport Harbor. Goals and policies within the Harbor and Bay Element aim to preserve the diversity and charm of existing uses without unduly restricting the rights of waterfront property owners, and are organized to address water- and land-related issues, provision of public access, water quality and environmental issues, visual characteristics, and the administration of Newport Harbor and Newport Bay.

Goals and policies in the Harbor and Bay Element that are related to those in the Land Use Element include the following:

Goal HB 1: Preservation of the diverse uses of the Harbor and the waterfront that contribute to the charm and character of Newport Bay, and that provide needed support for recreational boaters, visitors, and residents. (See corresponding policies HB 1.1 and HB 1.2)

Goal HB 2: Retention of water-dependent and water-related uses and recreational activities as primary uses of properties fronting on the Harbor. (See corresponding policies HB 2.1 through HB 2.6)

Goal HB 3: Enhanced and updated waterfront commercial areas. (See *corresponding policies HB 3.1 through HB 3.3*)

Policy HB 5.1: Marinas and Dry Boat Storage Facilities: Protect and, where feasible through the use of new designs and technology, enhance and expand marinas and dry boat storage facilities. (Imp. 2.1, 21.1)

Goal HB 6: Provision and maintenance of public access for recreational purposes to the City's coastal resources (Goal R9). (See *corresponding policies HB 6.1 through HB 6.5*)

Policy HB 7.4: Public Uses within Upper Newport Bay Ecological Reserve: Maintain public use of the Upper Newport Bay Ecological Reserve to the extent such use is consistent with the preservation of sensitive resources. (Policy NR 16.5) (Imp. 2.1, 23.1)

Policy HB 8.16: Siting of New Development: Require that development be located on the most suitable portion of the site and designed to ensure the protection and preservation of natural and sensitive site resources that provide important water quality benefits. (Policy NR 3.16) (Imp. 3.1 6.1)

Policy HB 9.3: Structures Impacting Visual Resources Limit structures bayward of the bulkhead line to piers, floats, groins, appurtenances related to marine activities, and public walkways. (Imp 2.1, 5.1)

Goal HB 11: Adequate harbor access for coastal-dependent harbor maintenance equipment and facilities. (See *corresponding policies HB 11.1 and HB 11.2*)

3.3 Housing

The General Plan Housing Element addresses issues, goals, and policies related to ensuring an adequate supply of housing opportunities for all residents. Unlike the other General Plan elements, State law sets forth specific regulations regarding the content and breadth of the Housing Element. Typically Housing Elements must be updated every 8 years in response to Regional Housing Needs Assessment cycles established by the State Department of Housing and Community Development. In accordance with State law, the City adopted the 6th Cycle Housing Element for the 2021–2029 planning cycle in September 2022, and received final certification in October 2022.

Under State law, a Land Use Element must designate the proposed general distribution and general location and extent of the uses of the land for housing. Because the Housing Element describes the specific goals, policies, and programs to assist the City in achieving its long-term housing objectives, numerous goals and policies relate to those in the Land Use Element, including the following:

Policy HP 1.1: Identify a variety of sites to accommodate housing growth need by income categories to serve the needs of the entire community. (See *corresponding policy actions 1A through 1K*)

Policy HP 4.1: Mitigate potential governmental constraints to housing production and affordability by increasing the City's role in facilitating construction of market-rate housing and affordable housing for all income groups. (See *corresponding policy actions 4E, 4H through 4L*)

Policy HP 6.1: Encourage approval of housing opportunities for senior citizens and other special needs populations.

Policy HP 7.1: Support fair and equal housing opportunities, and environmental justice considerations for all housing opportunities in the City.

3.4 Historical Resources

The City's Historical Resources Element addresses the protection and sustainability of Newport Beach's historic and paleontological resources. Goals and policies included in the Historical Resources Element are intended to recognize, maintain, and protect the community's unique historical, cultural, and archeological sites and structures. As such, goals and policies in the Historical Resources Element relate to those in the Land Use Element that involve maintaining the character of neighborhoods and districts, including the following:

Policy HR 1.2: Preservation or Re-Use of Historical Structures: Encourage the preservation of structures listed on the National Register of Historic Places and/or the list of California Historical Landmarks, and/or the Newport Beach Register of Historical Property. Provide incentives, such as grading reductions or waivers of application fees, permit fees, and/or any liens placed by the City to properties listed in the National or State Register or the Newport Beach Register of Historical Property in exchange for preservation easements. (Imp. 8.2, 29.2)

Policy HR 1.4: Adaptive Re-use: Encourage alternatives to demolition of historical sites or structures by promoting architecturally compatible rehabilitation or adaptive re-use. Provide incentives such as permit and application fee waivers, flexible building requirements and free technical advice by person(s) qualified in historical preservation. (Imp. 8.2, 29.2)

Policy HR 1.5: Historical Elements within New Projects: Require that proposed development that is located on a historical site or structure incorporate a physical link to the past within the site or structural design, if preservation or adaptive reuse is not a feasible option. For example, incorporate historical photographs or artifacts within the proposed project or preserve the location and structures of existing pathways, gathering places, seating areas, rail lines, roadways, or viewing vantage points within the proposed site design. (Imp. 29.2)

3.5 Circulation

The City's Circulation Element, which was last updated in October 2022, addresses the movement of people and goods via automobiles, transit, bicycles, and other modes. It addresses key issues, such as trip reduction; parking; bicycle, pedestrian, and equestrian access; traffic flow; transportation improvements and funding; traffic safety; and enhancement of public water transportation services. Under State law, the Circulation Element must correlate with the Land Use Element. As such, the goals and policies in the Circulation Element are balanced with the goals and policies of the Land Use and Housing Elements to provide a correlation between land use and transportation planning. In the City's General Plan, several goals and policies in the Circulation Element demonstrate connectivity between land uses in Newport Beach or provide direction for new development to respond to any changes in land use. Some examples of goals in the Circulation Element that correspond to access of certain land uses are the following:

Goal CE 1.1: An overall transportation system that facilitates the movement of people and goods within and through the City of Newport Beach and accommodates conservative growth within the City of Newport Beach but is not expanded primarily to accommodate growth in the surrounding region.

Goal CE 2.1: A roadway system with no significant gaps that provides for the efficient movement of goods and people in the City of Newport Beach, while maintaining the community's character and its residents' quality of life.

Goal CE 2.4: Truck routes that support goods movement to and from land use in the City while minimizing adverse impacts to residents or businesses.

Examples of policies in the Circulation Element that correlate with the Land Use Element include the following:

Policy CE 1.1.2: Integrated System of Multiple Modes: Provide an integrated transportation system that supports the land use plan set forth in the Land Use Element. (Imp. 2.1)

Policy CE 5.2.5: Travel Mode Connectivity: Ensure all active transportation networks are linked and provide connectivity between transit, transit centers, and other major land uses such as village areas, commercial centers, activity nodes, recreation facilities, schools, parks, and institutions so that residents can travel within the community without driving. (Imp. 16.8, 16.11, 20.1)

Policy CE 7.1.6: Public Right of Way Curbside Management: Review areas with commercial uses (such as retail, restaurant, and hospitality) to incorporate strategies to accommodate novel use of curb side right of way to reduce passenger car use through drop-off or valet and accommodate rideshare as well as delivery activities where appropriate. (Imp. 16.10)

Policy CE 8.1.5: Expanded Parking in Corona del Mar: Permit conversion of Corona del Mar residential lots adjacent to commercial areas and commercial lots for parking to support commercial uses. Encourage continued use of existing parking on residential zoned lots, as well as existing shared parking lots. (Imp. 2.1, 8.1, 8.2, 24.1)

Policy CE 8.1.7: Avon Street Municipal Parking Lot Relocation: Consider relocation of the Avon Street municipal lot to better serve commercial uses in Mariners' Mile. (Imp. 2.1, 16.10)

Policy CE 8.1.8: Public Use of Private Parking Facilities: Encourage the use of commercial, office, and institutional parking areas for use as public parking to serve coastal recreational areas during weekends and holidays, in conjunction with public transit or shuttles where appropriate. (Imp. 8.1, 8.2, 16.10)

Policy CE 8.1.12: Parking for Marine Recreational Users: Provide adequate parking as necessary in the vicinity of visitor serving marine uses, including marinas, water transportation terminals, boat ramps, as well as parking suitable for service vehicles in commercial marinas and berthing areas. (Imp. 16.12)

3.6 Recreation

The City's Recreation Element addresses the provision of parklands and recreation programs. Specific recreational issues and policies contained in the Recreation Element include parks and recreation facilities, recreation programs, shared facilities, coastal recreation and support facilities, marine recreation, and public access. The primary purpose of the Recreation Element is to ensure that the balance between the provision of sufficient parks and recreation facilities are appropriate for the residential and business population of Newport Beach. The City's Land Use Element projects additional population increases through infill development, intensification of existing uses, and annexations. In addition, the Land Use Element allows for higher-density development within Newport Beach where opportunities for different types of park and recreational facilities may arise. Therefore, the Recreation Element includes policies that aim to address any unmet park and recreation needs of the present population and the future demand for recreation facilities. Examples of goals and policies in the Recreation Element that are related to the Land Use Element include the following:

Goal R 1: Provision of Facilities: Provision of adequate park and recreation facilities that meet the recreational needs of existing and new residents of the community. (See corresponding Policies R 1.1 and R 1.2)

Policy R 2.2: Preservation of Public Parkland: Protect public parkland from non-recreational uses; any loss of parkland through governmental action shall be replaced in-kind. (Imp. 23.1)

Policy R 5.6: New Joint-Use Facilities: Explore use of government-owned surplus or remnant parcels for public park use. (Imp. 14.3, 14.8, 23.1)

Policy R 2.2: Preservation of Public Parkland: Protect public parkland from non-recreational uses; any loss of parkland through governmental action shall be replaced in-kind. (Imp. 23.1)

Policy R 6.1: Preservation of Public Parkland: Protect recreational opportunities along the coast and beaches from nonrecreational uses. Where feasible, expand and enhance recreational opportunities along the coast and beaches. (Imp. 23.1, 21.4)

Policy R 6.3: Recreational Commercial Uses: Allow recreational commercial uses in commercial areas adjacent to beaches and the bay. (Imp. 2.1)

Policy R 7.2: Facilities and Services Location: Distribute support facilities and services in coastal areas to avoid overcrowding and overuse by the public. (Imp. 2.1, 23.1)

Policy R 8.2: Provision of New Facilities: Provide additional marine recreational, educational and support facilities and opportunities as feasible. (Imp. 21.1, 23.1)

3.7 Natural Resources

The City's Natural Resources Element provides direction regarding the conservation, development, and utilization of natural resources. The Natural Resources Element addresses water supply (as a resource) and water quality (includes bay and ocean quality, and potable drinking water), air quality, terrestrial and marine biological resources, open space, mineral resources, visual resources, and energy, and provides goals and policies for their preservation, development, and wise use. Several policies in the Natural Resources Element, such as those that affect siting and development, public uses and open space, and preservation of visual resources, relate to those in the Land Use Element, including the following:

Policy NR 6.1: Walkable Neighborhoods: Provide for walkable neighborhoods to reduce vehicle trips by siting amenities such as services, parks, and schools in close proximity to residential areas. (Imp. 1.2, 2.1)

Policy NR 6.2: Mixed-Use Development: Support mixed-use development consisting of commercial or office with residential uses in accordance with the Land Use Element that increases the opportunity for residents to live in proximity to jobs, services, and entertainment. (Imp. 1.2, 2.1)

Policy NR 10.5: Development in Areas Containing Significant or Rare Biological Resources: Limit uses within an area containing any significant or rare biological resources to only those uses that are dependent on such resources, except where application of such a limitation would result in a taking of private property. If application of this policy would likely constitute a taking of private property, then a non-resource-dependent use shall be allowed on the property, provided development is limited to the minimum amount necessary

to avoid a taking and the development is consistent with all other applicable resource protection policies. Public access improvements and educational, interpretative and research facilities are considered resource dependent uses. (Imp. 2.1)

Policy NR 10.9: Development on Banning Ranch: Protect the sensitive and rare resources that occur on Banning Ranch. If future development is permitted, require that an assessment be prepared by a qualified biologist that delineates sensitive and rare habitat and wildlife corridors. Require that development be concentrated to protect biological resources and coastal bluffs, and structures designed to not be intrusive on the surrounding landscape. Require the restoration or mitigation of any sensitive or rare habitat areas that are affected by future development. (Imp 2.1, 14.7, 14.11, 14.12)

Policy NR 16.5: Public Uses within Upper Newport Bay Ecological Reserve. Maintain public use of the Upper Newport Bay Ecological Reserve to the extent such use is consistent with the preservation of sensitive resources. (Policy HB 7.4) (Imp. 2.1, 23.1)

Goal NR 17: Maintenance and expansion of designated open space resources. (See corresponding Policies NR 17.1 through NR 17.3)

Goal NR 20: Preservation of significant visual resources. (See corresponding Policies Nr 20.1 through NR 20.5).

Goal NR 22: Maintain the intensity of development around Newport Bay to be consistent with the unique character and visual scale of Newport Beach.

Goal NR 23: Development respects natural landforms such as coastal bluffs.

3.8 Safety

The primary goal of the City's Safety Element is to reduce the potential risk of death, injuries, property damage, and economic and social dislocation resulting from natural and human-induced hazards. The Safety Element specifically addresses coastal hazards, geologic hazards, seismic hazards, wildland and urban fire hazards, hazardous materials, disaster planning, aviation hazards, and flood hazards, and identifies areas subject to flooding. The Safety Element also includes policies and programs to minimize impacts, including several policies that provide direction for new development and existing land uses that aim to respond to adverse effects resulting from natural and human-induced hazards. Examples of Safety Element policies that are related to those in the Land Use Element include the following:

Policy S 3.5: Protection of Coastal-Dependent Uses: Permit revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls and other structures altering natural shoreline processes or retaining walls when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. (Imp. 21.1)

Policy S 4.4: New Essential Facility Siting: Regulate the location of new essential facilities within areas that would directly be affected by seismic or geologic hazards, in accordance with state law. (Imp. 2.1)

- Policy S 4.5: New Essential Facility Siting: Regulate the location of new sensitive facilities such as schools, hospitals, and facilities for the elderly population, within 500 feet to active and potentially active faults, in accordance with state law. (Imp. 2.1)
- Policy S 5.1: New Development Design within 100-year: Require that all new development within 100-year floodplains incorporate sufficient measures to mitigate flood hazards including the design of onsite drainage systems that are connected with the City's storm drainage system, gradation of the site such that runoff does not impact adjacent properties, and buildings are elevated. (Imp. 6.1)
- Policy S 6.3: New Development Design: Site and design new development to avoid the need to extend fuel modification zones into sensitive habitats. (Imp. 2.1, 6.1)
- Policy S 7.5: Siting of Sensitive Uses: Develop and implement strict land use controls, performance standards, and structure design standards including development setbacks from sensitive uses such as schools, hospitals, day care facilities, elder care facilities, residential uses, and other sensitive uses that generate or use hazardous materials. (Imp. 2.1)
- Policy S 8.5: Limit John Wayne Airport Expansion: Oppose any facility expansions that would increase air operations at John Wayne Airport, except those described in the Settlement Agreement Extension. (Imp. 14.3)
- Policy S 8.6: John Wayne Airport Traffic Pattern Zone: Use the most currently available John Wayne Airport (JWA) Airport Environs Land Use Plan (AELUP) as a planning resource for evaluation of land use compatibility and land use intensity in areas affected by JWA operations. In particular, future land use decisions within the existing JWA Clear Zone/Runway Protection Zone (Figure S5) should be evaluated to minimize the risk to life and property associated with aircraft operations. (Imp. 14.3)
- Policy S 9.7: Existing Development within 100-year Flood Zones: Implement flood warning systems and evacuation plans for areas that are already developed within 100-year flood zones. (Imp. 28.2)

3.9 Noise

The City's Noise Element identifies noise-sensitive land uses and noise sources, and defines areas of noise impact. Goals and policies within the Noise Element provide a framework to ensure that Newport Beach residents will be protected from excessive noise intrusion. These policies are designed to maintain compatible land uses and environmental noise levels. Examples of goals and policies in the Noise Element that integrate noise considerations into land use planning include the following:

- Policy N 1.1: Noise Compatibility of New Development: Require that all proposed projects are compatible with the noise environment through use of Table N2, and enforce the interior and exterior noise standards shown in Table N3. (Imp. 2.1)
- Policy N 1.4: New Developments in Urban Areas: Require that applicants of residential portions of mixed-use projects and high density residential developments in urban areas (such as the Airport Area and Newport Center) demonstrate that the design of the structure will adequately isolate noise between adjacent uses and units (common floor/ceilings) in accordance with the California Building Code. (Imp. 7.1)

- Policy N 1.7: Commercial/Entertainment Uses: Limit hours and/or require attenuation of commercial/entertainment operations adjacent to residential and other noise sensitive uses in order to minimize excessive noise to these receptors. (Imp. 2.1, 8.1, 8.2)
- Policy N 2.2: Design of Sensitive Land Uses: Require the use of walls, berms, interior noise insulation, double paned windows, or other noise mitigation measures, as appropriate, in the design of new residential or other new noise sensitive land uses that are adjacent to major roads. Application of the Noise Standards in Table N3 shall govern this requirement. (Imp. 7.1)
- Policy N 3.1: New Development: Ensure new development is compatible with the noise environment by using airport noise contours no larger than those contained in the 1985 JWA Master Plan, as guides to future planning and development decisions. (Imp. 2.1, 3.1, 4.1)
- Policy N 3.2: Residential Development: Require that residential development proximate to John Wayne Airport shall not be located on parcels wholly within the John Wayne Airport 65 dBA CNEL noise contour shown in Figure N5 of the Noise Element of the General Plan, unless and until the City determines, based on substantial evidence, that the sites wholly within such contour area are needed for the City to satisfy its Sixth Cycle RHNA mandate. Require developers of residential or mixed-use land uses with a residential component to notify prospective purchasers or tenants of aircraft noise. Additionally, require outdoor common areas or recreational areas of residential or mixed-used developments to be posted with signs notifying users regarding the proximity to John Wayne Airport and the presence of operating aircraft and noise. (Imp. 2.1, 3.1, 4.1)
- Policy N 4.2: New Uses: Require that new uses such as restaurants, bars, entertainment, parking facilities, and other commercial uses where large numbers of people may be present adjacent to sensitive noise receptors obtain a use permit that is based on compliance with the noise standards in Table N3 and the City's Municipal Code. (Imp. 2.1)

4 Regulatory Review

Land Use Elements are mandated by State General Plan requirements, and there are also State, regional, and local policies, programs, and regulations that support and influence Land Use Elements. This chapter outlines key requirements, policies, and programs as they relate to the Land Use Element.

4.1 State

Land Use Elements are a required element of General Plans. They designate the proposed general distribution, location, and extent of the uses of land for housing, business, industry, open space, and other categories of public and private uses of land. In addition to State land use regulations, other regulations can influence land use.

4.1.1 Land Use Element Guidelines

Land Use Elements and their requirements are mandated by the State, although there are certain aspects that the State recommends or incentivizes. The California Governor's Office of Planning and Research is required to adopt and periodically revise the State General Plan Guidelines for the preparation and content of General Plans for all cities and counties in California, consistent with Government Code Section 65302, which establishes the content, statutory requirements, and consultation for the General Plan.

The guidelines provided by the Office of Planning and Research focus on the importance of the Land Use Element to implement policies from other elements related to land use. For example, elements related to conservation, noise, and circulation should serve as guides for establishing a pattern of land use that minimizes the exposure of residents to excessive noise. Additionally, the guidelines emphasize the needs for a land use plan to implement the Regional Housing Needs Allocation and consider population growth and trends, community and regional demographics, the local mix of jobs and housing, economic trends, and infrastructure needs. Government Code Sections 65302–65302(a) specifically required the Land Use Element to designate the proposed general distribution, location, and extent of land uses, and need to provide a diagram or diagrams for the following:

- Housing, business, and industry
- Open space, including agricultural land, watersheds, natural resources, and recreation
- Recreation facilities and opportunities
- Educational facilities
- Public buildings and grounds
- Future solid and liquid waste facilities
- Greenways
- Timberland Preserve Zone lands
- Areas subject to flooding, identified by either flood plain mapping prepared by the Federal Emergency Management Agency or the California Department of Water Resources, or mapped flood areas adopted by the local community on Flood Insurance Rate Maps

- Military land use compatibility and impacts to military readiness
- Other categories of public and private uses of land, such as marine protected areas

Through the update of the adopted Land Use Element, the Land Use Element will designate and provides a diagram or diagrams identifying the proposed distribution, location, and extent of land uses, as applicable.

4.1.2 California Coastal Commission

The California Coastal Act is a State law that governs development in the coastal zone, and the California Coastal Commission (CCC) is the State agency that implements the California Coastal Act. The CCC maintains regulatory authority and permitting jurisdiction over the use of land and water in the coastal zone until a local government prepares a Local Coastal Program (LCP) that includes both a Land Use Plan and an Implementation Plan. Generally, the Land Use Plan is either a portion of a city's General Plan or a distinct plan that indicates the kinds, locations, and intensities of land uses in that city's coastal zone and includes resource protection and development policies. The Implementation Plan is made up of zoning ordinances and maps that implement and further delineate the policies of the Land Use Plan, and it can be a distinct ordinance or part of a city's larger zoning code. After approval of the LCP by the local government, the CCC reviews the LCP for consistency with the policies of the California Coastal Act and certifies it. Once a local government's LCP is certified, the CCC delegates permitting authority for development within the coastal zone to that local government. The LCP is the standard regulatory and permitting guide for development in a city's coastal zone. The Newport Beach LCP was certified by the CCC in 2017 and is further discussed in Section 4.3.3.

4.2 Regional

Regional influences can help to inform local land use policies and decisions. A variety of agencies, uses, regulations, and resources at the regional scale influence land use in Newport Beach and are further discussed in this section.

4.2.1 Airport Land Use Compatibility

In 1967 the California State Legislature authorized the creation of Airport Land Use Commissions to protect the public health and safety within areas around public airports.¹ The specific commissions are established at the county level, governed by Public Utility Code Section 21670, which must create an Airport Land Use Compatibility Plan that will provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the commission, in accordance with Public Utility Code Section 21675(a). Local General Plans and zoning must be consistent with Airport Land Use Compatibility Plans.

Although there is no airport within the City's boundaries, John Wayne Airport abuts the City's northern-most boundary, referred to as "Airport Area" in the adopted Land Use Element. The Orange County Airport Land Use Commission's John Wayne Airport: Airport Environs Land Use Plan² (AELUP) provides guidelines, land use policies, and actions for the development of land in the Airport Area to protect public health and safety. The AELUP establishes standards to protect the public from aircraft noise and potential aircraft accidents, to prevent

¹ California Department of Transportation: <https://dot.ca.gov/programs/aeronautics/airport-land-use-planning>.

² Orange County Airport Land Use Commission. 2008. Airport Environs Land Use Plan for John Wayne Airport. April 17, 2008. https://files.ocair.com/media/2021-02/JWA_AELUP-April-17-2008.pdf?VersionId=cB0byJjdad9OuY5im7Oaj5aWaT1FS.vD.

development from encroaching in navigable airspace, and to prevent activities or facilities that could be unfavorable for airport operations.

Standards in the AELUP that impact land use include the following:

- **Noise.** Noise contours established by the AELUP provide guidance on the types of land uses that are appropriate given the noise levels. Sensitive uses, such as residential uses and certain community facilities that may contain sensitive populations, should be avoided in areas with higher noise levels, unless the building uses materials and is designed in a manner to attenuate noise to appropriate levels.
- **Hazards.** Zones are established by the AELUP to identify areas with the greatest potential for aircraft accidents. To minimize the risk for loss of life and property, residential uses are prohibited in these areas, and intensity of any use developed should be minimized.
- **Height Restrictions.** To maintain navigable airspace, the height, location, and visibility of development must be considered. Per Federal Aviation Regulation Part 77, Section 77.13(a), notice to the Federal Aviation Administration is required for any proposed structure more than 200 feet above ground level.

Given the regulations of the AELUP and the limitations imposed on lands in the Airport Area, future land use changes must consider potential conflicts with the AELUP and the operations of the airport.

4.2.2 Water Supply

Per the City's 2020 Urban Water Management Plan, the City's water supply comes from a combination of imported water, which includes water from the Colorado River and the State Water Project; recycled water; and local groundwater, with groundwater from the Orange County Basin comprising the largest share.³ In fiscal year 2019/2020, water supplies consisted of 68% groundwater, 28.5% imported water, and 3.5% recycled water. By 2045, groundwater is expected to total 82% of water supply, followed by imported water (14.5%) and recycled water (3.5%). This indicates a growing reliance on groundwater and a shrinking dependence on imported water. However, the City's 2020 Urban Water Management Plan also refers to the Metropolitan Water District of Southern California's Seawater Desalination Program, which provides incentives for developing new seawater desalination projects in the Metropolitan Water District of Southern California's service area. Desalination projects would help to reduce reliance on imported water and increase local resilience.

Water service is provided by the City Utilities Department, which is responsible for operation and maintenance, wastewater, and the storm drain system. The Utilities Department and Public Works Department work collaboratively to plan water supply and distribution system improvements. The City's water service area covers approximately 11 square miles, bounded by the Pacific coast and surrounding cities of Huntington Beach, Costa Mesa, Laguna Beach, and Irvine. Although the City's water service area covers most of the City's boundaries, some areas lie outside the service area and are served by Irvine Ranch Water District (IRWD) and Mesa Water District (Mesa Water). Additionally, the City operates a wellfield with a total capacity of 10,900 gallons per minute (gpm), 15 recycled water connections, 6 inter-agency emergency interconnections and manages about 300-mile water mains system with 26,765 service connections.⁴

³ City of Newport Beach. 2020. *2020 Urban Water Management Plan: Final Draft*. May 2020. <https://www.newportbeachca.gov/government/departments/utilities/water-services>.

⁴ Ibid.

Water use within the City’s service area has been relatively stable, with an average of 15,413 acre-feet per year, of which potable water use accounted for 97%. Of this usage in fiscal year 2019/2020, residential use comprised 58.9%; commercial, institutional, and industrial comprised 18.2%; and large landscape/irrigation comprised 18.1%; with the remaining other uses comprising 4.8%. In compliance with SB 7 as part of the Seventh Extraordinary Session (SBx7-7), known as the Water Conservation Act of 2009, the City more than met its 2020 water use target of 207 gallons per-capita per day, achieving an average of 160 gallons per-capita per day.

To plan for the event of water shortage due to drought, a catastrophic event (e.g., earthquake), or other circumstances, the City has created a Water Shortage Contingency Plan, the most recent in 2020, to help maintain adequate, reliable supplies and reduce impacts of supply interruptions. The Water Shortage Contingency Plan provides real-time water supply availability assessments and strategic steps to respond to actual conditions.⁵

4.3 Local

Local regulations are essential for the implementation of land use elements. Zoning is perhaps the most common tool used to implement land uses in a manner that aligns with goals and policies.

4.3.1 Zoning Ordinance

Zoning ordinances are essential regulatory tools that implement the General Plan. Although Land Use Elements designate the type, intensity, location, and character of land uses allowed throughout a city, a city’s Zoning Code regulates specifically how land may be developed to achieve that vision. The City’s zoning rules are located in Title 20 of the Newport Beach Municipal Code. The Zoning Code contains standards to regulate aspects of development, including use, standards for development (such as size and height of buildings), standards for design (such as site and building design), administration and procedures for reviewing and approving development projects, and performance standards. The City’s Zoning Code was last comprehensively updated in 2010, with subsequent amendments.

4.3.2 Charter Section 423

On November 7, 2000, the City’s electorate approved Measure S, which amended the Newport Beach City Charter by adding Section 423. Section 423 of the City Charter requires voter approval of “major amendments” to the Newport Beach General Plan. A “major amendment” is defined as an amendment “that significantly increases the maximum amount of traffic that allowed uses could generate, or significantly increases allowed density or intensity.” Section 423 provides further clarity by defining “significant increases” to include “over 100 peak hour trips (traffic), or over 100 dwelling units (density), or over 40,000 square feet of floor area (intensity).”

In accordance with Section 423, a major amendment to the General Plan cannot take effect unless it has been submitted to the voters and approved by a majority of those voters. Charter Section 423 encourages the City Council to adopt implementing guidelines that are consistent with its purpose and intent. Proposed amendments to the General Plan must first be considered and approved by the City Council.

⁵ City of Newport Beach. 2021. *2020 Water Shortage Contingency Plan*. June 2021.
<https://www.newportbeachca.gov/government/departments/utilities/water-services>.

4.3.3 Local Coastal Program and Implementation Plan

The CCC maintains regulatory authority and permitting jurisdiction over the use of land and water in the coastal zone until a local government prepares an LCP that includes both a Land Use Plan and an Implementation Plan. The Newport Beach LCP was certified by the CCC in 2017⁶ and has been amended regularly to clarify and update existing policies and to incorporate new policies to reflect emerging planning issues and the best available science. The LCP acts as the standard regulatory and permitting guide for development in the coastal zone within Newport Beach and its Sphere of Influence, with the exception of Newport Coast and Banning Ranch. The LCP acts in tandem with the adopted Land Use Element, which provides specific densities and number of permitted units for select parcels. While Newport Coast is within the City's boundary, the Newport Beach LCP does not address Newport Coast. This is because prior to the annexation of Newport Coast into the City of Newport Beach, Newport Coast was addressed in the County of Orange LCP, which was developed and certified by the CCC in 1988. As the Newport Coast segment of the County of Orange LCP has not been updated since its certification, it is still the regulatory document for areas in the Coastal Zone in Newport Coast.

In accordance with Title 21 of the Newport Beach Municipal Code, where conflicts may arise between the City's LCP and the adopted ordinance or element of the General Plan, the Coastal Land Use Plan shall prevail, but shall not be interpreted to allow development to exceed limits established by the General Plan or its implementing ordinance. The Land Use Plan of the LCP contains three key chapters: Land Use and Development, Public Access and Recreation, and Coastal Resource Protection. The Land Use and Development Chapter addresses land use.

4.3.4 Concurrent Land Use Amendment

In addition to the aforementioned local programs and policies that influence the adopted Land Use Element, the City is currently undertaking a parallel but separate amendment to its adopted Land Use Element. The concurrent Land Use Element amendment is part of the Housing Element Implementation Plan to support housing production in the focus areas identified by the adopted Housing Element. Proposed policies of the draft Land Use Element amendment include the following:

- Rezoning to Accommodate Housing Opportunities - Rezoning in five key areas to accommodate densities between 20 and 50 dwelling units per acre in the Airport Area Environs, West Newport Mesa, Newport Center, and Dover/Westcliff areas and between 20 and 60 dwelling units per acre in the Coyote Canyon area.
- Residential Uses and Residential Densities - Clarifying that the densities established for the areas are an average over the entirety of a project site and that while some phases of a development may vary in density, the maximum established is applied as an average across the project site.
- Continuation of Existing Development – Confirming that existing uses allowed by the General Plan may continue operating in conformance with existing regulations.

⁶ The Land Use Plan portion of the Local Coastal Program (LCP) was first certified by the California Coastal Commission (CCC) in 2005, and the Implementation Plan followed in 2017. An LCP is not considered certified until both the Land Use Plan and Implementation Plan are approved by the CCC.

- **Redevelopment and Transfer of Development Rights** – Allows for the conversion of uses as long the building floor area is not increased and as long as average daily trips and peak hour traffic trips are not increased beyond the existing allowed use.

Although the concurrent amendment to the adopted Land Use Element is not finalized, the adopted Housing Element identifies five key areas where a Housing Opportunity Overlay Zoning District will be applied to accommodate new housing. . The proposed land use changes create an overlay allowing residential and mixed-uses. Because this is an overlay, existing development opportunities remain. This approach provides opportunity to create balanced communities that provides a variety of services and resources for existing and future residents. These areas and their anticipated housing capacity are detailed in Table 1.

Table 1. Anticipated Housing Opportunity Overlay Zoning District Rezone

| Area Identified | Anticipated Acreage | Anticipated Housing Capacity (number of units) |
|-----------------------|---------------------|--|
| Airport Area Environs | 172 | 2,577 |
| West Newport Mesa | 47 | 1,107 |
| Dover-Westcliff | 20 | 521 |
| Newport Center | 163 | 2,439 |
| Coyote Canyon | 34 | 1,530 |

Source: Newport Beach adopted Housing Element.

Due to the increased housing capacity, the Housing Element Implementation Plan’s amendment to the adopted Land Use Element will be subject to a vote of the electorate pursuant to Charter Section 423. This concurrent amendment is expected to be on the November 2024 ballot.

4.3.5 Specific Plans

Specific Plans act as a form of a land use overlay to implement the goals and policies of General Plans. Specific Plans contain development standards and implementation measures for an identified geographic area, providing standards beyond those established by the base zone. Specific Plans can work in conjunction with the base zone, or can allow uses and provide regulations for uses not permitted by the base zone. California Government Code Sections 65450–65457 establish regulations for what Specific Plans should address. Although charter cities are exempt from the specific plan statutes contained in Government Code §65450-65457, once a charter city adopts a specific plan, the city must make findings of consistency between the specific plan and any proposed tentative subdivision map before the subdivision can be approved. Title 20, Chapter 20.58 of the Newport Beach Municipal Code establishes procedures for the preparing, processing, reviewing, adopting, and amending Specific Plans. The City has one adopted Specific Plan, Santa Ana Heights Specific Plan, which is further detailed in Section 5.2.5.

5 Existing Conditions

Newport Beach is primarily a residential community, offering significant recreational and open space opportunities. Much of what defines Newport Beach and what is valued by the community can be seen through its built environment. One such example can be seen in the City’s Civic Center and Park, which includes City Hall; a public green; the Central Library; a parking structure; and a community park with a pedestrian bridge, art sculptures, and other amenities. The Civic Center serves as a key community amenity, and demonstrates the value that public facilities can offer to a community. Additionally, the City recently approved a new Central Library Lecture Hall, which will further the City’s reputation as a community that values arts, education, and civic pride.

This chapter extrapolates data on the existing or “on the ground” land uses based on existing development as well as the planned land uses in accordance with the adopted Land Use Element. This offers insight into how well development has aligned with planned land use, reveals areas that may offer opportunities to continue development patterns, and displays the variety of uses at varying typologies and intensities offered in Newport Beach.

5.1 Development

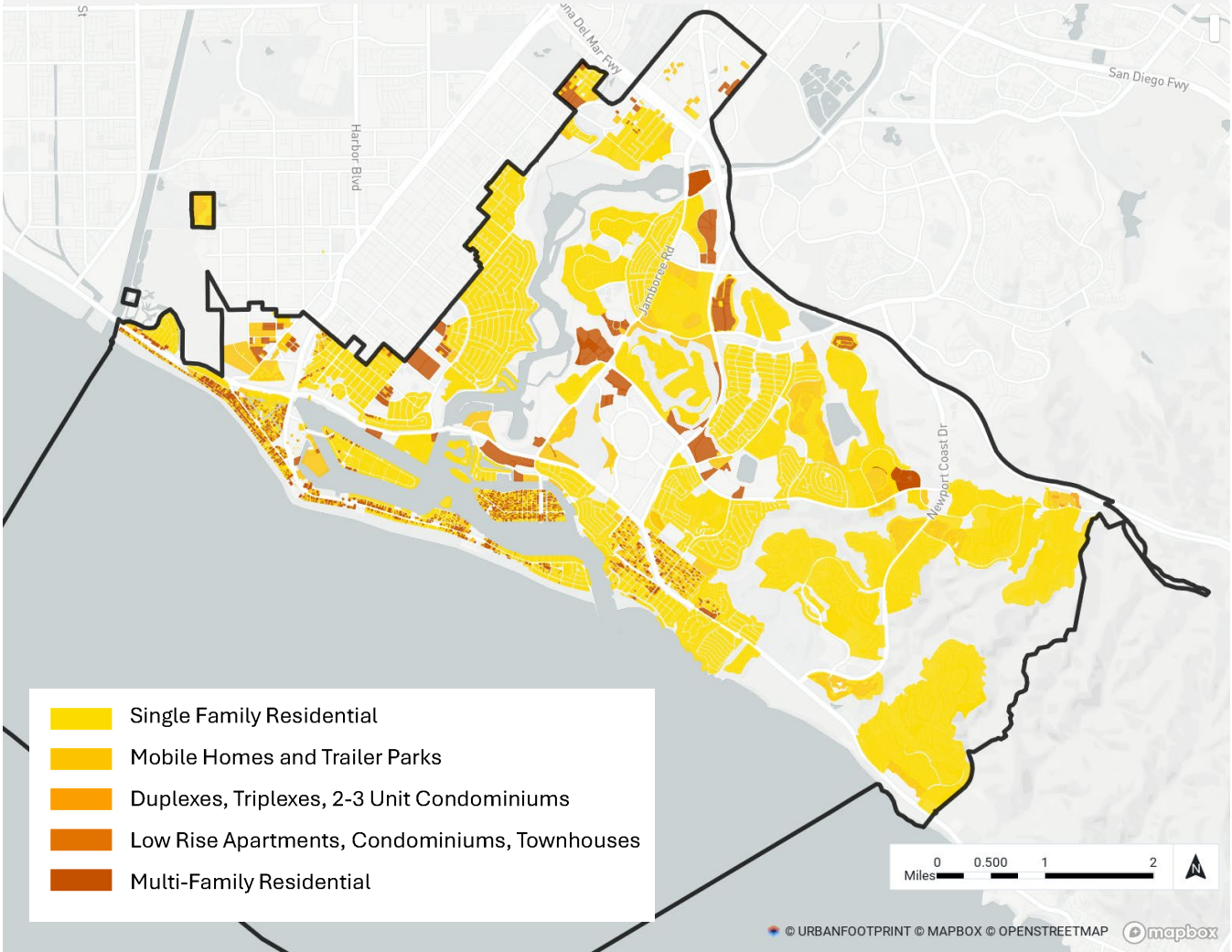
This section assesses the extent, density, and intensity of existing or “on the ground” development in Newport Beach using publicly available 2019 Parcel Data from Southern California Association of Governments.⁷ The data reflected builds upon County Assessor Parcel data to identify the use of land, building footprints, and building typologies. Development has occurred since the release of this data, however this is the best available data for such an assessment. Data is reflected in the maps below and shows where key areas of development have occurred.

5.1.1 Residential

As shown in Figure 2, Existing Residential Development, Newport Beach is a primarily residential community. The majority of residential uses consist of traditional single family residential houses. Areas near key corridors and near the coast provide more variety in residential development, offering duplexes, triplexes, condominiums, and apartments. Increased density on smaller residential lots is common in coastal areas in southern California where coastal neighborhoods tend to exhibit walkable and urban development patterns, due in part to the finite nature of land availability.

⁷ Urban Footprint base canvas parcel data from CoreLogic, “Parcel Reference Data” (<https://www.corelogic.com/>), compiled from 2023 County Assessor and tax data, and United States Census Bureau’s 2020 Census of Population and Housing, 2021 (<https://www.census.gov/programs-surveys/decennial-census/decade/2020.html>).

Figure 2. Existing Residential Development

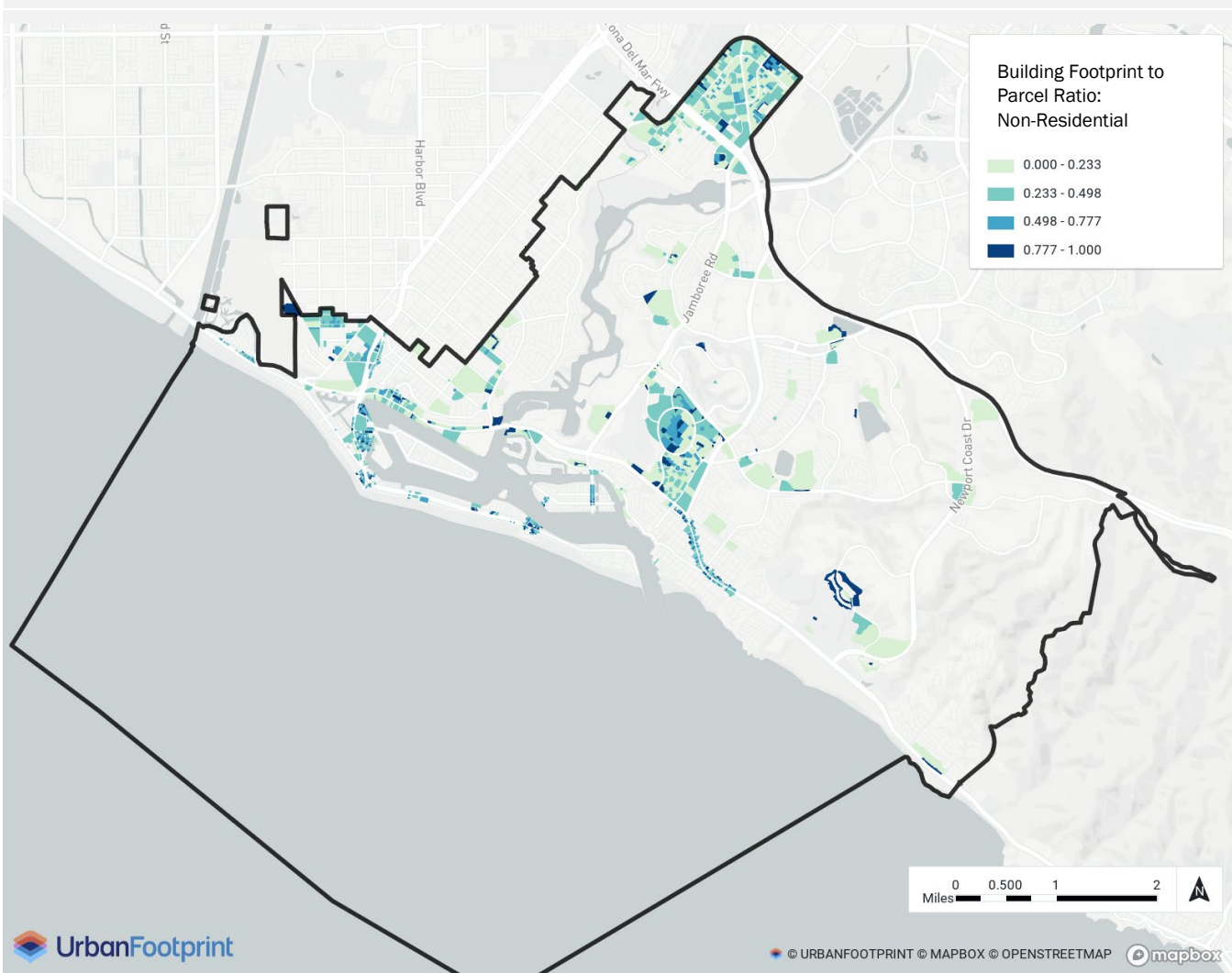


Source: SCAG, 2019 Annual Land Use.

5.1.2 Non-Residential Development

Non-residential development varies from offices, commercial services, public facilities, institutional, and industrial uses. As shown in Figure 3, Existing Non-Residential Development, non-residential development is concentrated in key areas across Newport Beach. Figure 3 shows the intensity of development through a comparison of the building footprint to the total parcel area, represented as a ratio. Non-residential development is primarily concentrated in Newport Center, the Airport Area, West Newport Mesa, Corona del Mar, and along the coast. These areas offer essential services for residents and visitors alike providing retail and dining opportunities, entertainment, employment, and more.

Figure 3. Existing Non-Residential Development: Building Footprint to Parcel Ratio.

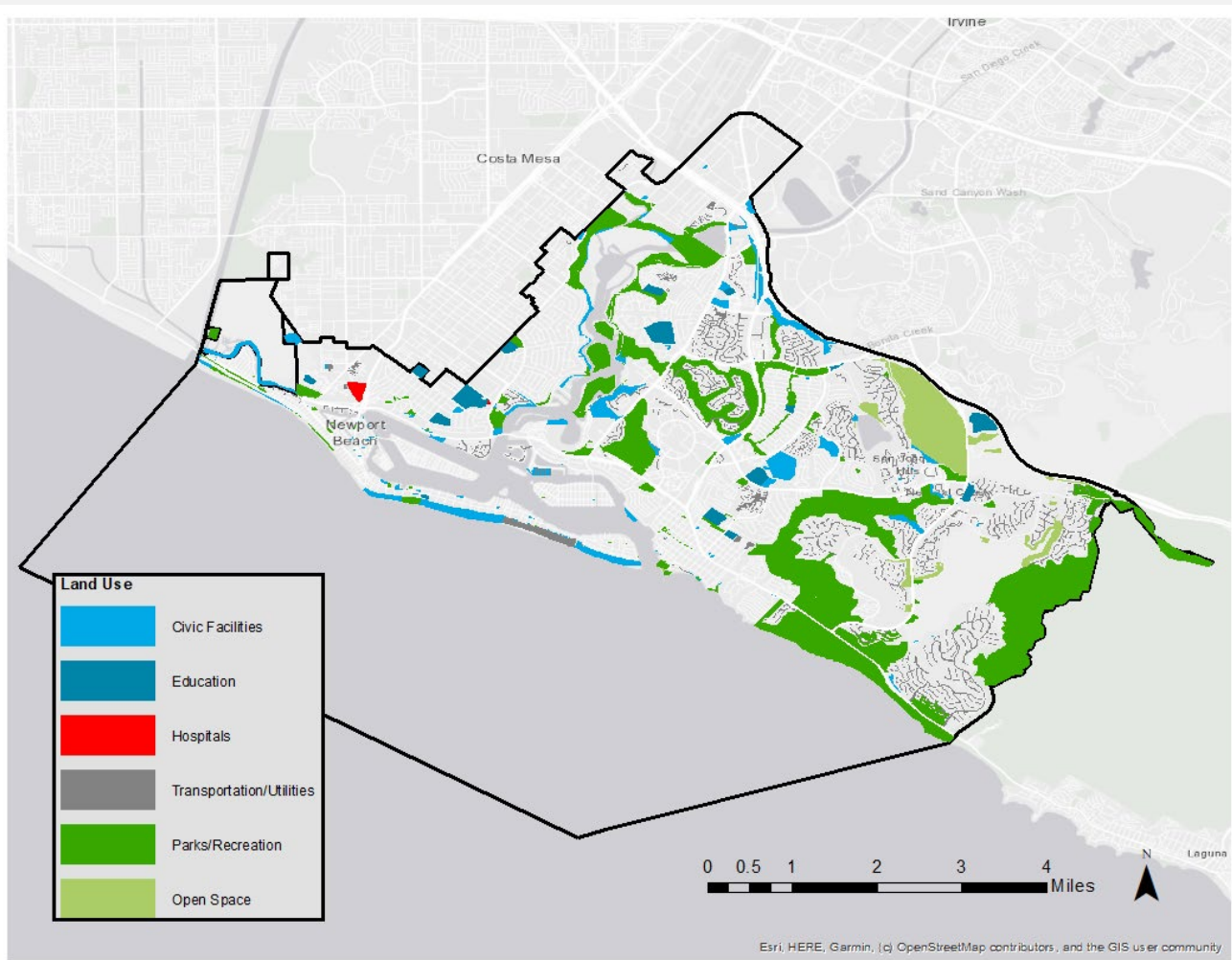


Source: SCAG, 2019 Annual Land Use

5.1.3 Parks and Open Space

Together, parks and open space make up the second largest use of land by area in Newport Beach, constituting 30% of total land. These land uses are generally undeveloped, but contain some low-intensity development to accommodate community rooms, restrooms, and other type of facilities. Because these parcels are not intended for development, and as such, built development totals are not calculated. As shown in Figure 4, Newport Beach has an abundance of parks and open space, and these parks are relatively evenly distributed. More densely developed areas, such as Balboa Peninsula and the western part of Newport Beach, have much smaller parks than the central parts of Newport Beach and Newport Coast, but are surrounding by water, beaches, and other types of recreational opportunities.

Figure 4. Existing Public, Semi-Public, and Institutional Development



Source: Dudek, Urban Footprint base canvas parcel data from CoreLogic, Parcel Reference Data 2023

5.1.4 Waste Management

The City of Newport Beach, California, provides comprehensive waste collection services for both residential and commercial sectors. Residential waste is collected by the City's waste hauler, CR&R Environmental Services; several franchised haulers provide commercial solid waste collection for Tier 1 waste (municipal solid waste and divertible materials) and Tier 2 waste (construction and demolition debris). For waste disposal, the Newport Beach Transfer Station, located at 592 Superior Avenue, accepts various types of waste including tires, solid waste, hazardous waste, and inert material waste. Other types of waste are handled by Orange County Landfills.

The City has also implemented a new and improved recycling collection program to meet new state mandates from SB 1383 (2022). This includes the recycling of organic waste, including food waste and green waste, for which the City provides separate recycle containers for all homes and requires the recycling of organic waste. The purpose of these new requirements is to reduce organic waste disposal by 75% by 2025 in an effort to abate methane emissions, of which organic waste comprises 20% statewide⁸.

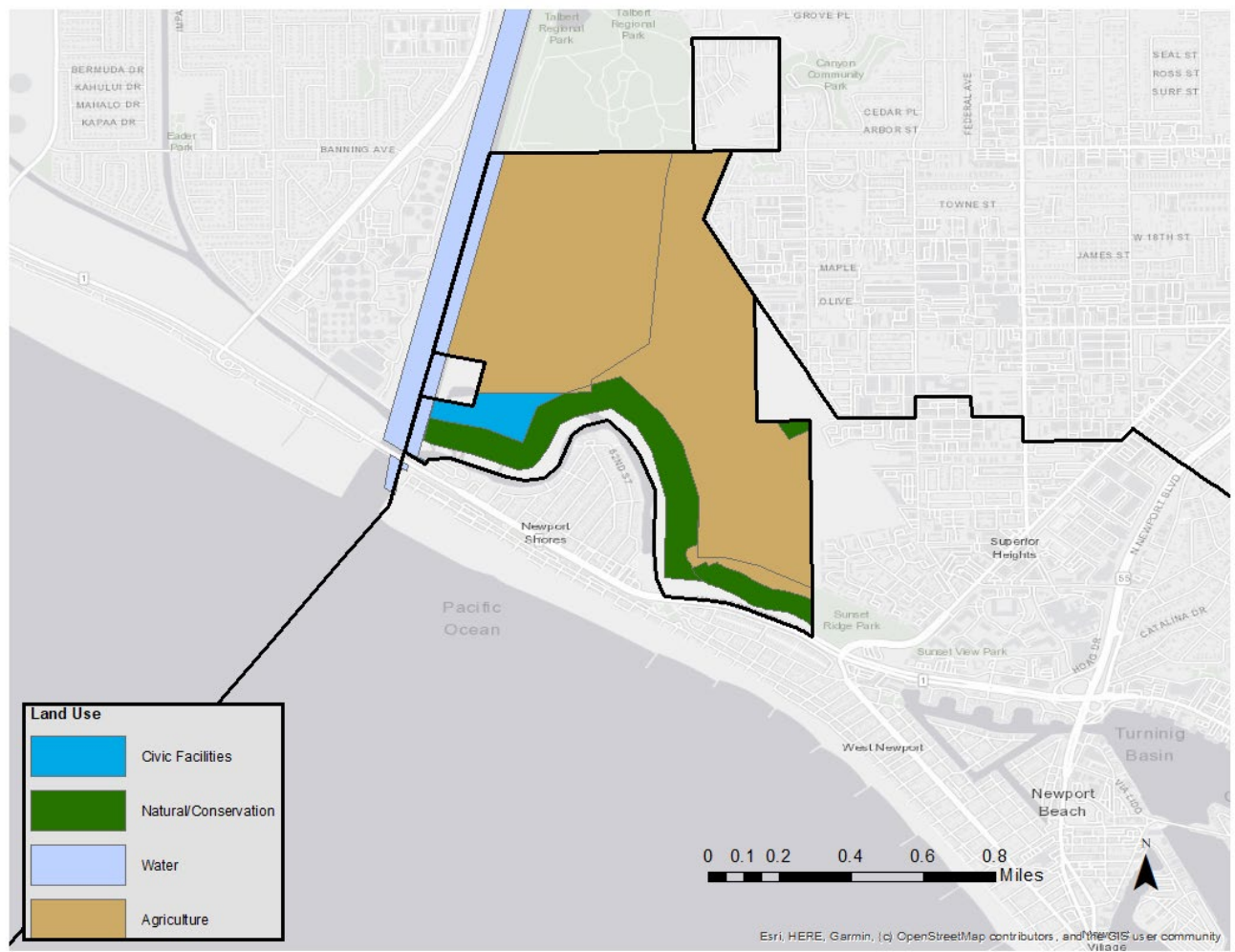
5.1.5 Sphere of Influence

The Sphere of Influence (SOI) is considered in the development of the Land Use Element because it encompasses the area most likely to be the ultimate physical boundary and service area of local government agencies, as determined by the Local Agency Formation Commission of Orange County (Orange LAFCO). While cities do not have jurisdiction within the SOI, a city may pre-zone unincorporated territory to determine the zoning that will apply to that territory upon annexation to the city (Cal. GOV. 65859). The City's SOI is a 492.85-acre area located west of Newport Beach adjacent to the Santa Ana River and the Cities of Huntington Beach and Costa Mesa. The area is referred to as the Randall Preserve but was formerly known as Banning Ranch, and is referred to as Banning Ranch in the adopted General Plan. The Randall Preserve is an important open space resource for Newport Beach. Several policies for the acquisition and preservation of the area are included in the adopted General Plan Natural Resources and Land Use Elements. Within the adopted Natural Resources Element, one policy is included for the protection of sensitive and rare resources, and for consideration of the natural resources within Banning Ranch if development were to occur (NR 10.9 Development on Banning Ranch). Policies within the adopted Land Use Element also identify Banning Ranch as a priority site for acquisition of and preservation as an open space amenity for Newport Beach residents (LU 3.4, 6.3.2); and several policies include considerations and direction for the uses allowed, development and design priorities, and prohibited activities in the event the site would be annexed and/or if acquisition of the property for the preservation of open space is unsuccessful (LU 2.7, 6.4.5, 6.4.10, 6.4.11, and 6.5.2). As shown in Figure 5, Existing Land Uses and Development in Sphere of Influence, it includes agriculture, civic facilities, natural/conservation, and water uses, but has no buildings or developed land.

A portion of the Randall Preserve is under the stewardship of the Mountains Recreation and Conservation Authority with the intent of preserving and restoring the natural habitat and increasing public access for recreational purposes. The oil field within Banning Ranch, known as the Banning Ranch Remainder, was acquired by the Coastal Alliance Corridor (previously Banning Ranch Conservancy) and the Trust for Public Land renamed as the Banning Ranch Remainder. The Banning Ranch Remainder is a 13-acre carve out from the Randall Preserve property. This land is privately owned and is intended for the consolidation of oil operations.

⁸ City of Newport Beach. n.d. "Trash & Recycling." <https://www.newportbeachca.gov/government/departments/public-works/municipal-operations/trash-recycling>

Figure 5. Existing Use of Land in Sphere of Influence



Source: Dudek, Urban Footprint base canvas parcel data from CoreLogic, Parcel Reference Data 2023

5.2 Land Use Designations

There are 30 land use designations for the City, each of which fall under one of seven primary use categories. These designations are defined in the Land Use Element, which specifies the primary land use categories, types of uses, and the densities/intensities to be permitted, and depicts the specific use categories for each parcel throughout Newport Beach. Figure 6, Total Percentage of Acreage per Land Use Designation Category, provides a visual breakdown of acreage based on the following land use designations:

- Residential Neighborhoods
- Commercial Districts and Corridors
- Commercial Office Districts
- Industrial Districts
- Airport Supporting Districts
- Mixed-Use Districts
- Public, Semi-Public, and Institutional

Table 2, Land Use Designation Categories, provides a detailed breakdown of total acres and percentage of acreage relative to the City’s total for each land use designation listed in the General Plan, as well as a description of each land use designation, including density and intensity ranges, where applicable. Of the seven categories, the Public, Semi-Public, and Institutional and the Residential categories comprise the most acreage in Newport Beach. Together, both categories cover 89.8% of Newport Beach’s total acreage, reflecting the City’s primary nature as a residential community surrounded by natural landscapes, as reflected in Figure 7, Land Use Designations in Newport Beach. The Public, Semi-Public, and Institutional category accounts for the most acreage covered, which has enabled the City to offer numerous natural and recreational spaces for its residents and visitors.

The density and intensity ranges provided for all land use categories, with the exception of Mixed-Use, are not provided in the adopted General Plan, and are provided based on ranges identified in the land use GIS data. Within the GIS data, two areas amounting to approximately 3 acres of land within Newport Beach are identified as a Multiple Residential/Open Space (RM/OS) land use designation, which is not listed in the adopted Land Use Element and may need to be included as part of this update.

Table 2. Land Use Designation Categories

| Land Use Designation | Description | Total Acres | Percent of City’s Land |
|--------------------------------------|--|-----------------|------------------------|
| Residential Neighborhoods | | 5,616.50 | 43.27% |
| Multiple Residential (RM) | Intended for multi-family residential developments with attached and/or detached dwelling units. <i>(Density range 11 to 43 units per acre or fixed capacity for specific locations.)</i> | 986.36 | 7.59% |
| Multiple Residential Detached (RM-D) | Intended for multi-family residential developments with detached dwelling units. <i>(Fixed capacity for specific locations from 23 units to 144 units.)</i> | 64.26 | 0.49% |

Table 2. Land Use Designation Categories

| Land Use Designation | Description | Total Acres | Percent of City's Land |
|---|--|---------------|------------------------|
| Single Unit Residential Attached (RS-A) | Intended for attached single-family residential developments on a single lot, and does not include condominiums or cooperative housing. <i>(Fixed capacity at 1 unit per lot.)</i> | 176.85 | 1.36% |
| Single Unit Residential Detached (RS-D) | Intended for detached single-family residential developments on a single lot, and does not include condominiums or cooperative housing. <i>(Fixed capacity at 1 unit per lot.)</i> | 4,012.82 | 30.91% |
| Two Unit Residential (RT) | Intended for two-family residential developments, which may include duplexes and townhomes. <i>(Fixed capacity at 2 units per lot.)</i> | 376.21 | 2.89% |
| Commercial Districts and Corridors | | 552.86 | 4.25% |
| Corridor Commercial (CC) | Intended for neighborhood-serving retail and service uses along street frontages to encourage pedestrian activity. <i>(Floor area ratio [FAR] from 0.5 to 0.75.)</i> | 20.85 | 0.16% |
| General Commercial (CG) | Intended for commercial activities that serve Citywide and/or general needs. <i>(FAR ranges from 0.1 to 0.75 or cumulative development for specific sites.)</i> | 120.06 | 0.92% |
| Neighborhood Commercial (CN) | Intended for a limited range of retail and service uses developed in one or more distinct centers oriented to primarily serve the needs of and maintain compatibility with nearby residential uses. <i>(FAR of 0.3 or cumulative development for specific sites.)</i> | 57.06 | 0.43% |
| Recreational and Marine Commercial (CM) | Intended for commercial development on waterfront commercial and industrial building sites on or near Newport Bay. <i>(FAR ranges from 0.3 to 0.5 or cumulative development for specific sites.)</i> | 52.74 | 0.4% |
| Regional Commercial (CR) | Intended for shopping centers with one or more anchor retail, entertainment, and related uses for local and regional residents and visitors. <i>(Cumulative development for a specific site.)</i> | 74.75 | 0.57% |
| Visitor Serving Commercial (CV) | Intended for commercial uses that primarily serve visitors. <i>(FAR range of 0.5 to 1 or cumulative development for a specific site.)</i> | 221.92 | 1.7% |
| Visitor Serving Commercial – Lido Village (CV-LV) | Intended for several commercial uses in the Lido Village area that primarily serve visitors. <i>(Cumulative development for a specific site.)</i> | 5.48 | 0.04% |

Table 2. Land Use Designation Categories

| Land Use Designation | Description | Total Acres | Percent of City's Land |
|---|---|---------------|------------------------|
| Commercial Office Districts | | 306.45 | 2.36% |
| General Commercial Office (CO-G) | Intended for administrative, professional, and medical offices with limited accessory retail and service uses. <i>(FAR from 0.25 to 0.75 or cumulative development for specific sites.)</i> | 170.25 | 1.31% |
| Medical Commercial Office (CO-M) | Intended for medical-related offices, retail, care facilities, research labs, and similar uses. <i>(FAR from 0.45 to 0.5 or cumulative development for specific sites.)</i> | 45.76 | 0.35% |
| Regional Commercial Office (CO-R) | Intended for administrative and professional offices that serve local and regional markets, with limited accessory retail, financial, service, and entertainment uses. <i>(Cumulative development for specific sites.)</i> | 90.44 | 0.69% |
| Industrial Districts | | 41.66 | 0.32% |
| General Industrial (IG) | Intended for moderate- to low-intensity industrial uses, such as light manufacturing, and limited ancillary commercial and office uses. <i>(FAR from 0.5 to 0.75 or cumulative development for specific sites.)</i> | 41.66 | 0.32% |
| Airport Supporting Districts | | 37.81 | 0.29% |
| Airport Office and Supporting Uses (AO) | Intended for uses that support or benefit from operations of the John Wayne Airport. May include professional offices, aviation retail, car rental, hotels, ancillary retail, restaurant, and service uses. <i>(FAR to be 0.5, except for warehousing, which may be developed at a FAR of 0.75.)</i> | 37.81 | 0.29% |
| Mixed-Use Districts | | 383.97 | 2.95% |
| Mixed-Use Horizontal 1 (MU-H1) | Intended for horizontal mix of uses. Types of uses permitted is context sensitive. In the Mariners Mile Corridor, Recreational and Marine Commercial (CM) and General Commercial (CG) uses apply, including general and marine-related and highway-oriented uses; in the Dover Drive/Westcliff Drive area, may be developed with a mix of professional offices, retail, and residential uses in accordance with the Commercial Office (CO) and Mixed-Use Vertical (MU-V) designations. MU-H1 designated properties to the rear of the commercial frontage may be developed for free-standing neighborhood-serving retail, multi-family residential units, or mixed-use buildings that integrate residential with retail uses on the ground floor in accordance with the Neighborhood Commercial (CN), Multiple Residential (RM), Visitor Serving Commercial (CV), or Mixed-Use Vertical (MU-V) designations, respectively. | 23.78 | 0.18% |

Table 2. Land Use Designation Categories

| Land Use Designation | Description | Total Acres | Percent of City's Land |
|--------------------------------|--|-------------|------------------------|
| | <p>Commercial or Office uses shall not exceed a FAR of 0.5.</p> <p>Multi-Family Residential are allowed 20.1 to 26.7 units per acre.</p> <p><i>Mixed-use is allowed a FAR of 1.5; where a minimum FAR of 0.25 and a maximum FAR of 0.5 shall be used for non-residential purposes, and a maximum FAR of 1.0 shall be used for residential.</i></p> | | |
| Mixed-Use Horizontal 2 (MU-H2) | <p>Intended for horizontal intermixing of uses near the Airport Area, which may include regional commercial office, multi-family residential, vertical mixed-use buildings, industrial, and ancillary neighborhood commercial uses.</p> <p><i>(Cumulative non-residential and residential development for specific sites apply.)</i></p> | 219.76 | 1.69% |
| Mixed-Use Horizontal 3 (MU-H3) | <p>Intended for horizontal intermixing of uses near Newport Center, which may include commercial office, multi-family residential, and ancillary commercial uses. Within the Tennis Club, residential uses may be developed as single-family units.</p> <p><i>(Cumulative development for non-residential and residential uses for specific sites apply.)</i></p> | 76.05 | 0.58% |
| Mixed-Use Horizontal 4 (MU-H4) | <p>Intended to establish the character of a distinct and cohesively developed district or neighborhood containing multi-family residential with clusters of mixed-use and/or general and neighborhood commercial uses. Standalone uses are permitted except at street intersections where mixed-use or commercial building is required. In mixed-use structures, uses in accordance with the Mixed-Use Vertical (MU-V) designation apply.</p> <p>Mixed-Use FAR of 1.5; where a minimum FAR of 0.25 and a maximum FAR of 0.5 shall be used for non-residential purposes, and a maximum FAR of 1.0 shall be used for residential.</p> <p>Commercial uses shall not exceed a FAR of 0.5.</p> <p><i>Multi-Family Residential</i> developments are allowed 20.1 to 26.7 units per acre.</p> | 9.74 | 0.07% |
| Mixed-Use Vertical (MU-V) | <p>Intended to provide for the development of properties for mixed-use structures that vertically integrate housing with retail uses, including retail, office, restaurant, and similar non-residential uses, or as standalone retail or office uses in accordance with the Neighborhood Commercial (CN), Corridor Commercial (CC), General Commercial (CG), or General Commercial Office (CO-G) designations.</p> <p>Mixed-use allows a FAR of 1.5, where a minimum FAR of 0.35 and a maximum FAR of 0.5 shall be used for non-residential purposes, and a maximum FAR of 1.0 shall be used for residential.</p> | 5.37 | 0.04% |

Table 2. Land Use Designation Categories

| Land Use Designation | Description | Total Acres | Percent of City's Land |
|---|--|-----------------|------------------------|
| | <i>Non-residential uses are allowed a FAR of 0.75.</i> | | |
| Mixed-Use Water 1 (MU-W1) | <p>This designation is applied to waterfront locations along the Mariners' Mile Corridor in which marine-related, visitor-serving, commercial and residential uses are intermixed with buildings that provide residential uses above the ground floor. Permitted uses include those permitted by the Recreational and Marine Commercial (CM), Visitor Serving Commercial (CV), Mixed-Use Vertical (MU-V), and Multiple Residential (RM) designations. A minimum of 50% of the permitted square footage shall be used for the CM or CV land uses, and no more than 50% of the waterfront area between the Arches Bridge and the Boy Scout Sea Base may be developed with mixed-use structures.</p> <p><i>Commercial development may not exceed a FAR of 0.5. Residential development may not exceed 12 units per acre, with the number of units calculated based on a maximum of 50% of the property.</i></p> <p><i>Mixed-use may not exceed a FAR of 1.25, where a minimum FAR of 0.35 and a maximum FAR of 0.5 shall be used for non-residential purposes, and the number of residential units shall not exceed the cumulative total, as calculated above.</i></p> | 20.12 | 0.15% |
| Mixed-Use Water 2 (MU-W2) | <p>This designation is intended for waterfront locations where marine-related uses may be intermixed with buildings that provide residential on the upper floors. Permitted uses include those permitted by the Recreational and Marine Commercial (CM), Visitor Serving Commercial (CV), and Mixed-Use Vertical (MU-V) designations. Free-standing residential shall not be permitted.</p> <p>Mixed-use may not exceed a FAR of 1.25, where a minimum FAR of 0.35 and a maximum FAR of 0.5 shall be used for non-residential purposes, and a maximum FAR of 0.75 for residential.</p> <p>Lido Marina Village maximum FAR shall be 1.5, where a minimum FAR of 0.35 and a maximum FAR of 0.7 shall be used for non-residential purposes, and a maximum FAR of 0.8 shall be for residential.</p> <p><i>Non-residential uses may not exceed a FAR of 0.5.</i></p> | 29.11 | 0.22% |
| Public, Semi-Public, and Institutional | | 6,039.60 | 46.53% |
| Public Facilities (PF) | <p>Intended for public facilities, which may include public schools, hospitals, cultural institutions, government facilities, libraries, and community centers.</p> <p><i>(Cumulative development for specific sites.)</i></p> | 444.52 | 3.42% |
| Private Institutions (PI) | Intended for privately owned facilities that serve the public, such as places for religious assembly, private schools, health care, cultural institutions, and comparable facilities. | 221.20 | 1.70% |

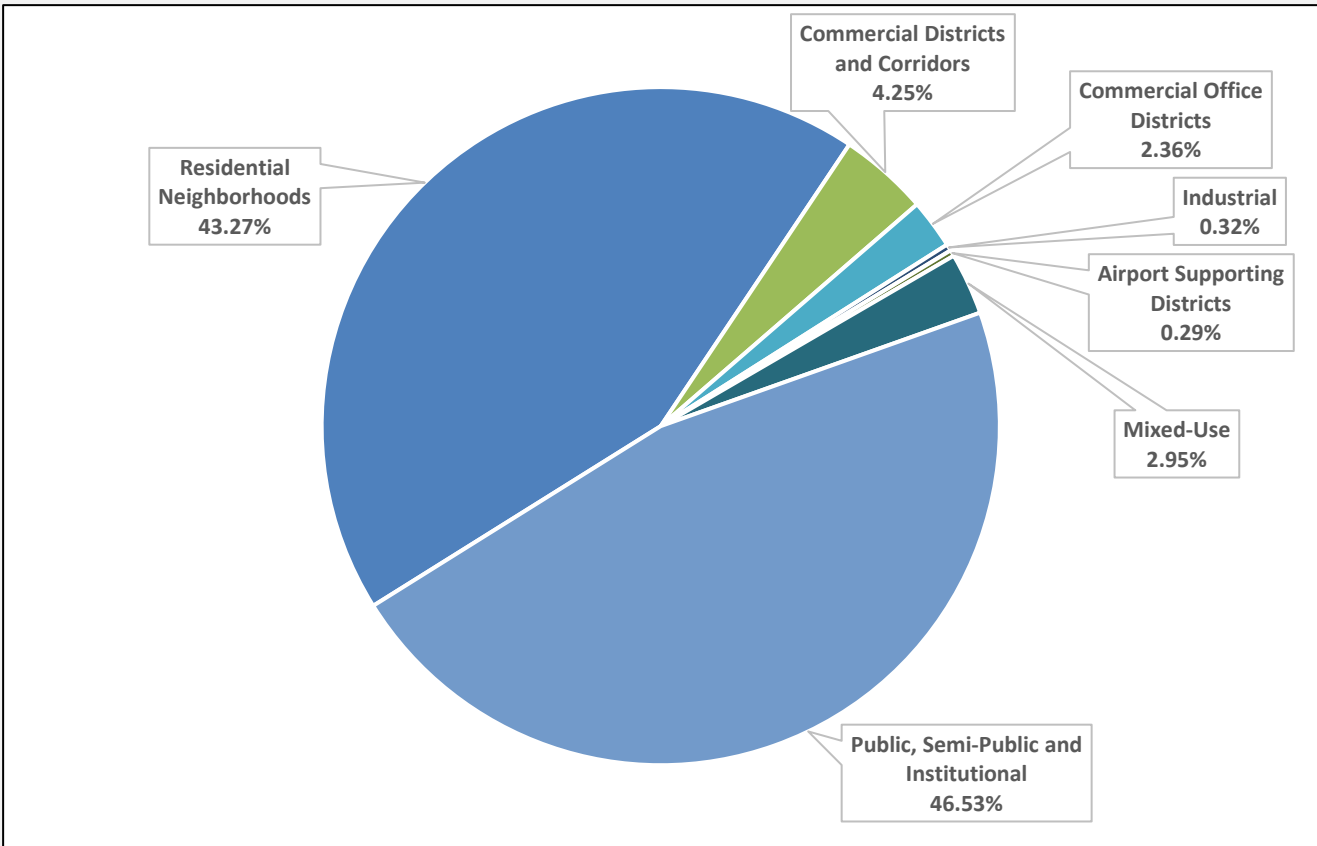
Table 2. Land Use Designation Categories

| Land Use Designation | Description | Total Acres | Percent of City's Land |
|---|---|------------------|------------------------|
| | <i>(FAR ranges from 0.1 to 1 or cumulative development for specific sites.)</i> | | |
| Open Space (OS) | Intended for areas providing a range of public and private uses intended to protect, maintain, and enhance the community's natural resources. | 3,042.46 | 23.44% |
| Open Space/ Residential Village (OS/RV) | Intended for the preservation of Banning Ranch as open space, restoration of wetlands and other habitats, development of a community park, and consolidation of oil extraction and processing facilities. <i>(Cumulative development for specific site.)</i> | 520.44 | 4.00% |
| Parks and Recreation (PR) | Intended for active public or private recreational use, which may include active and passive parks, marina support facilities, aquatic facilities, and similar facilities. | 1,783.37 | 13.74% |
| Tidelands and Submerged Lands (TS) | Intended for uses related to tidelands and submerged lands of Newport Bay and the Pacific Ocean immediately adjacent to Newport Beach. | 27.60 | 0.21% |
| Total | | 12,978.85 | 99.97% |

Source: City of Newport Beach, 2006, City of Newport Beach General Plan Land Use Element, Newport Beach Land Use GIS data.

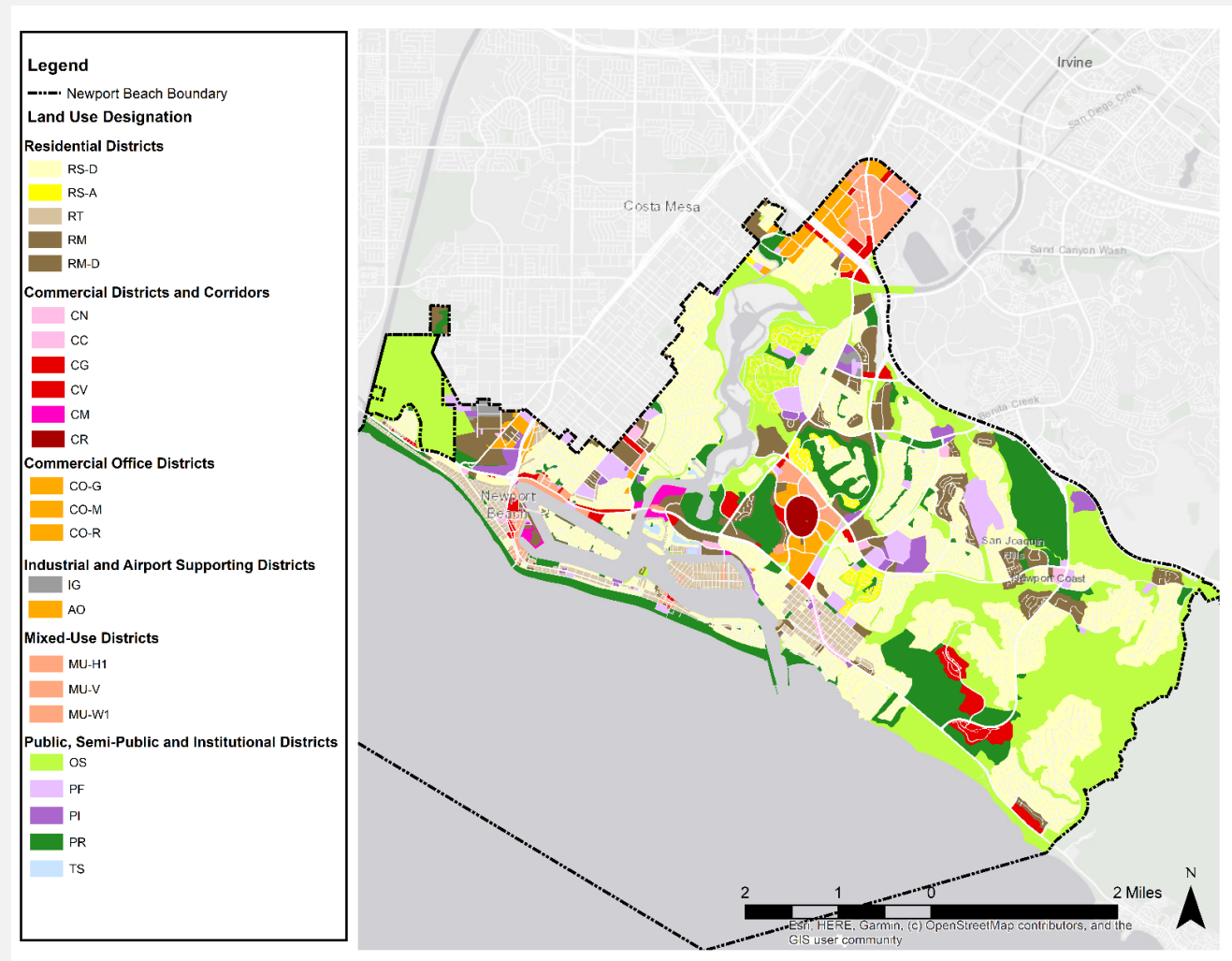
Note: Totals may not sum due to rounding.

Figure 6. Total Percentage of Acreage per Land Use Designation Category



Source: Dudek, Newport Beach Land Uses GIS data

Figure 7. Land Use Designations in Newport Beach



Source: Dudek, Newport Beach Land Uses GIS data

5.2.1 Residential

The Single Unit Residential Attached (RS-A) designation, one of five residential land use designations, is the land use that is the most common throughout Newport Beach and accounts for nearly one-third of the City's land. Although most residential land is designated for single-family use, Newport Beach also has a sizable amount of land designated for multi-family uses. All residential land uses have fixed capacities in lieu of density ranges, with the exception of the Multiple Residential (RM) land use designation, which has a range of permitted densities of 11 to 43 dwelling units per acre. Proposed residential overlays include permitted maximum densities ranging from 50 to 60 dwelling units per acre, however, this considers the average density of a project site. Residential uses are predominately single-family homes, with both types of single-unit residential (attached and detached) accounting for nearly one-third of Newport Beach's land. As shown in Figure 7, the residential land use designation is fairly evenly dispersed across Newport Beach. Developed areas are mostly bound by natural barriers, such as bodies of water and open space, and more dense land use designation types are generally located along major and arterial roads.

5.2.2 Commercial and Mixed-Use

The most prominent commercial land use designation, including Districts, Corridors, and Commercial Office Districts, is Visitor Serving Commercial (CV), reflecting Newport Beach's prominence as a destination city and the benefits that tourism provides to the local economy. The Visitor Serving Commercial (CV) land use designation occurs near Lower Newport Bay and on the southeastern area of Newport Beach near Crystal Cove State Beach. Commercial land use designations form specific nodes within Newport Beach, with notable locations at Newport Center in the central of Newport Beach, and in the northern area of Newport Beach known as the Airport Area, near John Wayne Airport. Most commercial land use designations provide a FAR range that dictates the permitted intensity of commercial development; however, some designations, such as Regional Commercial (CR), Visitor Serving Commercial – Lido Village (CV-LV), and Regional Commercial Office (CO-R), prescribe specific development capacities based on maximum square footage for commercial development.

Mixed-use land use designations are generally clustered near commercially designated lands. Therefore, mixed uses are generally distributed in the same areas as commercial land uses, with the exception of the eastern area of Newport Beach where there are no mixed-use designations. The Mixed Use Horizontal 2 (MU-H2) land use designation is the most prominent mixed-use land use type and is intended to serve the Airport Area. The MU-H2 designation identifies cumulative non-residential and residential development for specific sites.

5.2.3 Industrial and Airport Supporting

The Industrial Districts and Airport Supporting Districts land use designations make up a low percentage of the City's land at 0.36% and 0.29%, respectively. There are three distinct nodes within Newport Beach with these designations: near the Airport Area, near Jamboree Road and Bison Avenue, and near Newport Beach's western boundary near Banning Ranch. Industrial Districts include the General Industrial designation, which provides for a range of industrial uses such as light manufacturing and research and development, and limited ancillary commercial and office uses. The Airport Supporting Districts includes the Airport Office and Supporting Uses designation, which provides for the development of properties adjoining the John Wayne Airport for uses that support or benefit from proximity to the

airport such as professional offices, aviation retail, automobile rental, sales, and service, hotels, and ancillary retail restaurant, and service uses.

5.2.4 Public, Semi-Public, and Institutional

Public, Semi-Public, and Institutional lands make up nearly half of Newport Beach, at 46.53%. These areas make up beaches, parks, open spaces, schools, the Civic Center, and the San Joaquin Reservoir, among other public-serving facilities. The amount of land dedicated to these uses is representative of the values of the community, contributing to public health, social wellbeing, and economic vitality. Current land use patterns are indicative of many of the key characteristics that make Newport Beach unique.

The most significant land use designation within the Public, Semi-Public, and Institutional category is Open Space (OS), making up approximately 23% of Newport Beach's land, followed by Parks and Recreation (PR) at approximately 13%, which includes beaches. As shown in Figure 7, the Open Space (OS) land use designation is generally distributed throughout Newport Beach, with larger swaths of land on the eastern side where reserves and State parks reside.

5.2.5 Specific Plans

The City's adopted Land Use Element identifies Specific Plans for seven areas, including Newport Shores, Central Balboa, Old Newport Boulevard, and Mariners' Mile. These Specific Plans detail additional design guidelines and development standards to support specific visions for these districts. In the Mariners' Mile Specific Plan, for example, regulations supported the district's marine-oriented uses through an emphasis on visitor-serving, neighborhood commercial and marine-oriented uses. Through the October 2010 Comprehensive Zoning Code Update, the Specific Plan districts of Newport Shores, Mariners' Mile, Cannery Village/McFadden Square, Central Balboa, and Old Newport Village were all eliminated and were replaced by existing zones based on the General Plan. This approach applied citywide zones to these areas, as appropriate, to provide a more comprehensive and streamlined approach to development of these areas.

The only remaining City Specific Plan is the Santa Ana Heights Specific Plan, which is Chapter 20.90 (Santa Ana Heights Specific Plan) of the Newport Beach Zoning Code. The area was previously under Orange County's jurisdiction and while the City has permitting jurisdiction in the Santa Ana Heights Specific Plan, any amendments to the specific plan would require coordination with the County. The primary objectives of the Santa Ana Heights Specific Plan are as follows:

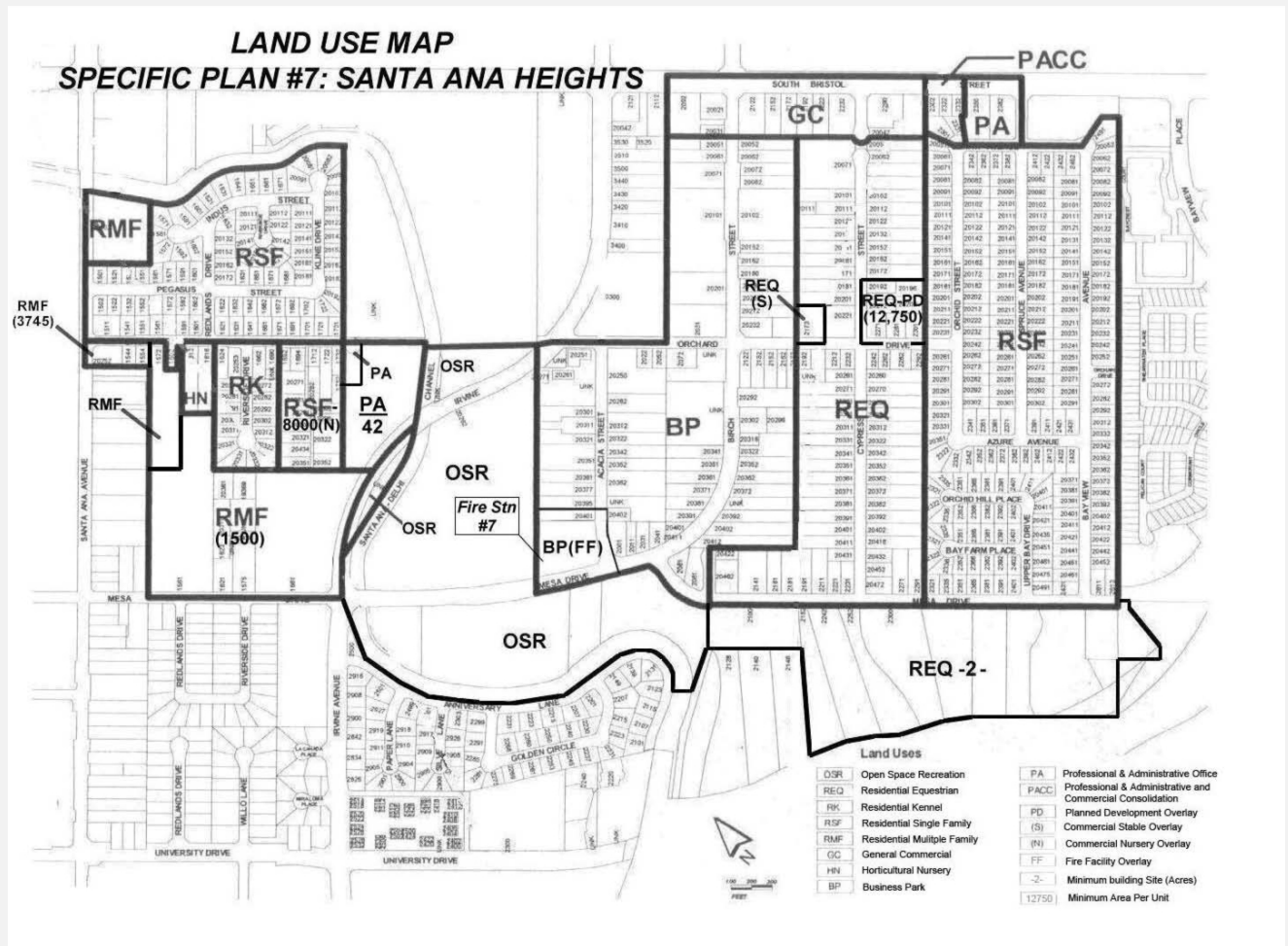
- Encourage the improvement of existing residential and commercial areas
- Provide adequate buffers between residential neighborhoods and adjacent business park and commercial development, including traffic control between these land uses
- Encourage the consolidation of small lots in business park areas
- Provide adequate public facilities to support continued development in the community
- Facilitate the development of increased equestrian opportunities in permitted residential zones
- Enhance the community's overall aesthetic character

The Santa Ana Heights Specific Plan includes 13 land use designations that were created specifically to support these objectives, as follows:

- Open Space and Recreational District: SP-7 (OS/R)
- Residential Equestrian District: SP-7 (REQ)
- Residential Kennel District: SP-7 (RK)
- Residential Single-Family District: SP-7 (RSF)
- Residential Multiple-Family District: SP-7 (RMF)
- Horticultural Nursery District: SP-7 (HN)
- General Commercial District: SP-7 (GC)
- Business Park District: SP-7 (BP)
- Professional and Administrative Office District: SP-7 (PA)
- Professional, Administrative, and Commercial Consolidation District: SP-7 (PACC)
- Planned Development Combining District (PD)
- Commercial Stable Overlay District: (S)
- Commercial Nursery Overlay District: (N)

Figure 8, Land Use Designations in the Santa Ana Heights Specific Planning Area, indicates each parcel's land use.

Figure 8. Land Use Designations in the Santa Ana Heights Specific Planning Area



Source: City of Newport Beach Municipal Code. Title 20, Chapter 20.90. <https://www.codepublishing.com/CA/NewportBeach20/NewportBeach2090.html#20.90>. Retrieved May 2024.

5.3 Land Use Needs

The updated Land Use Element will need to consider whether the non-residential needs of existing and planned residents will be met as new development occurs. This will be determined largely through community outreach and engagement, and will focus on identifying the needs of residents Citywide and by village/neighborhood. According to 2023 parcel reference data, there are 45,097 housing units and approximately 39 million square feet of commercial, industrial, and institutional uses in Newport Beach. Although housing compared to the population can indicate the approximate number of people per household, the amount of space dedicated to employment, retail, and community services can indicate how the population is served at a point in time. If approved, the Housing Element Implementation Plan's amendment to the adopted Land Use Element will increase housing capacity by approximately 8,000 units. Although this will not directly result in the development of new units, it is important to consider comparable land use changes that could accommodate the potential for new residents. As the population increases, the number of housing units and employment, retail, and community services may need to increase to maintain the access to resources to which the community is accustomed.

As described in Section 5.1.1 above, the City's housing stock consists of approximately 45,097 total units. The proposed increase in residential capacity identified in the concurrent Land Use Element amendment, as further described in Section 4.3.5, would allow for approximately 8,000 additional units beyond those in the adopted 2006 General Plan. If the entirety of the units identified through the Land Use Element amendment for the Housing Element Implementation Program were developed, this would represent an increase in the current housing stock of approximately 18%. Although planned capacity for development does not mean that development will occur, planned uses should consider a balanced approach to meet existing and planned community needs. This can be supported through the development of Specific Plans for key areas to provide a balanced approach to land use that incorporates area-specific regulations, approval processes, and infrastructure plans.

Through the General Plan Update process land use changes should be considered by all interested parties through a robust outreach and engagement program that considers current and future needs. Further, any land use changes that would be considered to be a "significant increase" under Charter Section 423 should weigh the potential risks and barriers.

6 Issues and Opportunities

This chapter identifies key topic areas that present opportunities in terms of land use decisions and potential constraints related to land use. Because Newport Beach is largely built-out, most new development will occur on scattered sites or through redevelopment. Developing a baseline of understanding for what is on the ground compared to what is planned can help identify where opportunities may lie. Further, an understanding of those areas that the community values the most can identify areas that should be protected and preserved. Striking a balance between accommodating growth and maintaining the community's identity will require careful consideration from all interested parties.

6.1 Constraints to Land Use Changes

While there is limited vacant land available for development in Newport Beach, development is further constrained by the City's location in the coastal zone and its proximity to the John Wayne Airport. The coastal zone includes all neighborhoods adjacent to the coast and harbor, and extends inland to the areas surrounding Upper Newport Bay. The areas constrained by the John Wayne Airport include areas near the John Wayne Airport both northeast and southwest of the 73 Freeway, referred to as "Airport Area" in the adopted Land Use Element. The AELUP is intended to protect public health and safety as it relates to airport-related hazards, and the LCP ensures that California's coastline is developed in a manner that maintains public access to beaches. Both of these planning areas are subject to additional land use and development restrictions, including additional development review. For these reasons, some land use changes and development may be restricted in the coastal zone and the Airport Area. Given planned densities in the Airport Area, members of the General Plan Advisory Committee (GPAC) have expressed desire for the development of a specific plan to help guide development in the area.

Further, changes to the adopted Land Use Element are limited by Charter Section 423. Any amendment to the Land Use Element that could result in more than 100 new dwelling units or more than 40,000 square feet of floor area would require voter approval. As discussed in Section 5.4, Land Use Needs, if the Housing Element Implementation Plan's amendment to the adopted Land Use Element is approved by voters, a proportional increase in land uses to support employment, retail, and community services would result in a more than 40,000 square feet of floor area. Generating support for major amendments to the adopted General Plan can take time and can be costly.

6.2 Opportunities for Land Use Changes

One of the greatest opportunities for changes in land use involves expanding opportunities for community-serving retail, entertainment, and services. Through the adopted Arts and Cultural Element, the recently approved Central Library Lecture Hall, and the variety of arts and culture programs offered, it is apparent that facilities that highlight arts and culture are highly valued in Newport Beach. If there is community desire for land use changes through the General Plan Update, community-serving uses should be considered in a manner that can be realistically achieved.

Any changes in land use should consider building upon ongoing and planned efforts to capitalize on neighborhood improvements, such as the expansion of the Sherman Library and Gardens, an assessment of Corona del Mar to identify enhancement opportunities, and other planned investments, such as capital improvements. Planning land

use changes to go alongside neighborhood investments can help increase the likelihood that the development will occur because surrounding investments can help reduce the cost associated with planned development.

Further opportunities exist through the use of Specific Plans that can be utilized to create complete communities for specific areas where a variety of uses and supportive infrastructure may be needed.

The identification of opportunities for potential land use changes and supporting policies will be determined through outreach and engagement where discourse on community values and aspirations can be fostered.

7 Recommendations

The updated Land Use Element presents opportunities for the City and community to develop a plan for growth and preservation that will meet the needs of existing and future residents, employees, businesses, and visitors. The recommendations of this chapter should be expanded upon through coordination with the community through an outreach and engagement program. Further recommendations can be further assessed through data analysis and research of targeted areas.

7.1 General Plan Consistency

The adopted General Plan identifies “planning sub-areas” that some in the community would refer to as villages or neighborhoods. The General Plan Update presents an opportunity to comprehensively identify sub-areas, villages, and neighborhoods that already may be identified by many in the community within Newport Beach but that may not be reflected in current data and maps. A comprehensive identification of these areas would need to be developed through coordination with the community. Once developed, such areas could create consistent messaging and a sense of connection to the community while establishing City-recognized boundaries, preventing outside organizations from establishing boundaries the community does not identify with.

7.2 Community Priorities

Any proposed land use changes should only be considered with robust community engagement to understand the community’s current and anticipated needs. When communities are balanced with a variety of land uses to meet the varying needs of residents, businesses, and visitors, this can result in a thriving community. While, changes in land use alone do not result in development, it is important that the community’s values and vision also consider ongoing efforts, such as the expansion of the Sherman Library and Gardens and the analysis of Corona del Mar to identify opportunity areas where there may be interest in land use changes through the General Plan Update. Other considerations could include areas where there are planned capital improvements that could benefit from additional development as a result of land use changes. Such considerations will identify key opportunities where community values hold the greatest propensity for being realized.

7.3 Balanced Communities

Although it can be exciting to consider key areas where change could occur, it is important to consider the comprehensive implications of land use changes. Increases in density and intensity often result in needed improvements to public facilities, often related to water, electricity, and transportation facilities. With new facilities comes additional costs, much of which is placed on the prospective developer and the City. Any proposed land use changes should consider the facility upgrades and investments, and their impact on the potential for implementation. If proposed land use changes are significant, they could result in costly needed improvements that could render future development infeasible. Policy considerations include identifying planning tools to implement and identifying focus areas where improvements to support development may be needed. For example, specific plans often provide a comprehensive approach to addressing land use and infrastructure needs at the neighborhood scale and should be considered to build on opportunities where a variety of land uses is expected.

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