

Attachment A

Resolution No. 2026-__

RESOLUTION NO. 2026- __

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING AN AMENDMENT TO THE COASTAL LAND USE PLAN, AS MODIFIED BY THE CALIFORNIA COASTAL COMMISSION, TO INCORPORATE UPDATES FOR CONSISTENCY WITH THE ADOPTED AND CERTIFIED 6TH CYCLE HOUSING ELEMENT (PA2022-0245)

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

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

WHEREAS, Section 30500 of the California Public Resources Code requires each county and city to prepare a Local Coastal Program (“LCP”) for that portion of the coastal zone within its jurisdiction;

WHEREAS, the California Coastal Commission (“CCC”) effectively certified the City’s LCP Implementation Plan on January 13, 2017, and the City added Title 21 (Local Coastal Program Implementation Plan) (“Title 21”) to the Newport Beach Municipal Code (“NBMC”) whereby the City assumed coastal development permit issuing authority on January 30, 2017;

WHEREAS, the City Council adopted Resolution No. 2024-52 on July 23, 2024, authorizing submittal of the LCP Amendment (“LCPA”) to the CCC amending the City’s Coastal Land Use Plan and Title 21 of the NBMC to establish the Housing Opportunity (HO) Overlay Coastal Zoning Districts and their corresponding development standards applicable to properties located within the Coastal Zone;

WHEREAS, the City filed the LCPA application with the CCC on August 16, 2024, and received a letter from CCC staff on January 7, 2025, confirming the City’s application is complete and pending a hearing date;

WHEREAS, the City Council adopted Resolution No. 2024-51 on July 23, 2024, updating the General Plan Land Use Element to implement the adopted and certified 6th Cycle Housing Element (“Housing Element”);

WHEREAS, the City Council adopted Ordinance No. 2024-16 on September 24, 2024, adding Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) to the NBMC, creating Housing Opportunity Overlay Zoning Districts;

WHEREAS, the new section partially implements Policy Actions 1A through 1G in the City’s adopted and certified 6th Cycle Housing Element (“Housing Element”);

WHEREAS, Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) of the NBMC allows for new housing opportunities within five focus areas consisting of the Airport Area Environs Area (HO-1), West Newport Mesa Area (HO-2), Dover-Westcliff Area (HO-3), Newport Center Area (HO- 4), and Coyote Canyon Area (HO- 5) (“Focus Areas”) that correspond with the Focus Areas in the Housing Element to ensure that the City accommodates its Housing Element Regional Housing Needs Assessment allocation;

WHEREAS, properties identified within the Focus Areas are eligible for specified development standards conducive to residential development at the prescribed average density of 20 to 60 dwelling units per acre that include, but are not limited to, minimum lot area, setbacks, height, open space, landscaping, and parking;

WHEREAS, pursuant to Section 13515 (Public Participation and Agency Coordination Procedures) of the California Code of Regulations Title 14, Division 5.5, Chapter 8, Subchapter 2, Article 5 (Public Participation) (“Section 13515”), drafts of the LCPA were made available, and a Notice of Availability was distributed at least six weeks prior to the anticipated final action date;

WHEREAS, the CCC denied the LCPA at its April 17, 2026, hearing, as submitted and approved it with suggested modifications (LCP-5-NPB-24-0032-2) as being consistent with the California Coastal Act; and

WHEREAS, the City Council held a public hearing on May 26, 2026, in the City Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with California Government Code Section 54950 et seq. (“Ralph M. Brown Act”) and Chapters 20.62

(Public Hearings) and 21.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing.

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

Section 1: The City Council hereby approves the Local Coastal Program Amendment (“LCPA”) filed as PA2022-0245 and accepts the suggested modifications by the California Coastal Commission (“CCC”) to amend the Coastal Land Use Plan (“CLUP”) as set forth in Exhibit “A,” and based upon the Findings in Exhibit “B,” both of which are attached hereto and incorporated herein by reference.

Section 2: The LCPA filed as PA2022-0245, will be carried out fully in conformity with the California Coastal Act.

Section 3: The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

Section 4: The City Council hereby authorizes City staff to submit this resolution for a determination by the Executive Director of the CCC that this action is legally adequate to satisfy the specific requirements of the CCC's April 17, 2026, action on LCPA Request No. LCP-5-NPB-24-0032-2 (6th Cycle Housing Element).

Section 5: This resolution shall not become effective until the Executive Director of the CCC certifies that this resolution complies with the CCC's April 17, 2026, action on LCPA Request No. LCP-5-NPB-24-0032-2 (6th Cycle Housing Element).

Section 6: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

EXHIBIT A

FINDINGS

The City Council finds amendments to the LCP are legislative acts. Neither Title 21 nor State Planning Law set forth any required findings for either approval or denial of such amendments. Notwithstanding the foregoing, the Local Coastal Program Amendment is consistent with the corresponding General Plan Amendment and Zoning Code Amendment, adopted by City Council Resolution No. 2024-51 and Ordinance No. 2024-16, respectively. The LCPA will also create internal consistency with the Housing Element:

Findings and Facts in Support of Finding:

1. The Housing Element includes Section 4 (Housing Plan), which sets forth programs and strategies to facilitate and encourage the development of the City's obligation to meet regional housing demand. Appendix B of the Housing Element is the Sites Analysis and identifies several sites to be rezoned to allow for potential redevelopment with housing projects. A number of these sites are within the City's Coastal Zone. As Title 20 has been amended to add the new HO Overlay Zones with associated development standards, similarly, the amendment to Title 21 to add the new Housing Opportunity (HO) Overlay Coastal Zoning Districts for properties within the Coastal Zone has been prepared and submitted to the California Coastal Commission for consideration.
2. The amendment specific to the Coastal Land Use Plan ("CLUP"), attached hereto as Exhibit "B," and incorporated herein by reference, will create consistency in implementation between the General Plan and the CLUP and will help to fulfill the Housing Plan. The proposed LCPA will facilitate the development of housing consistent with the implementation program in the Housing Plan of the Housing Element, as discussed in Resolution No. 2024-51 under the Findings for the General Plan Amendment. The LCPA will enable the implementation of the Housing Element's key objective, which is to accommodate the development of housing projects to fulfill City's "fair share" of regional housing need and demand.

EXHIBIT B

LOCAL COASTAL PROGRAM AMENDMENT FILED AS PA2022-0245 AND PA2024-0205

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

Development in each district and corridor shall adhere to policies for land use type and density/ intensity contained in Table 2.1.1-1, except as modified in Sections 2.1.3 to 2.1.8, and 2.1.11.

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

Land uses and new development in the coastal zone shall be consistent with the Coastal Land Use Plan Map and all applicable LCP policies and regulations, except as modified by all Policies in the 2.1.11 series.

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

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

- Airport Environs: the intent is to support a density between 20 and 50 dwelling units per gross acre to accommodate up to 2,577 total dwelling units within the entire area, inclusive of those properties in the Coastal Zone.
- Newport Center: the intent is to support a density between 20 and 50 dwelling units per gross acre to accommodate up to 2,439 total dwelling units within the entire area, inclusive of those properties in the Coastal Zone.
- Dover/Westcliff: the intent is to support a density between 20 and 50 dwelling units per gross acre to accommodate up to 521 total dwelling units within the entire area, inclusive of those properties in the Coastal Zone.

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

Residential use of any property included within an established housing opportunity overlay coastal zoning district is allowed regardless of and in addition to the underlying land use category or density limit established herein. However, for properties with base designations of either Visitor Serving Commercial or Parks and Recreation, any housing project shall be required to retain or replace existing higher priority Coastal Act uses with an on-site functionally equivalent use that maintains comparable visitor peak use intensity and public availability. Replacement of any existing priority use with a new priority use that provides lower-cost and/or no-cost coastal access is preferred. An amendment to the Coastal Land Use Plan is not required to develop a residential use within an established housing opportunity zoning overlay coastal zoning district. The maximum density specified for the various overlay coastal zoning districts specified in Policy 2.1.11-1 is an average over the entire property or project site. For example, a portion of a development site may be developed at a higher density than specified by Policy 2.1.11-1 provided other portions of the site are developed at lower densities such that the average does not exceed the maximum. Density calculations and total units do not include units identified as pipeline units or units permitted pursuant to State density bonus law.

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

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

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

If residential or mixed-use projects pursuant to a housing opportunity overlay coastal zoning district are developed, projects shall be consistent with applicable overlay coastal zoning district or Implementation Plan requirements unless modified consistent with an established procedure to grant relief from standards (e.g., Coastal Modification or Variance, or the application of Density Bonus regulations).