

Attachment G

Resolution No. 2025-32

RESOLUTION NO. 2025-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AUTHORIZING SUBMITTAL OF A LOCAL COASTAL PROGRAM AMENDMENT TO THE CALIFORNIA COASTAL COMMISSION TO AMEND PENDING SECTION 21.28.070 (HOUSING OPPORTUNITY (HO) OVERLAY COASTAL ZONING DISTRICTS) IN TITLE 21 (LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN) OF THE NEWPORT BEACH MUNICIPAL CODE RELATED TO IMPLEMENTATION OF THE HOUSING ELEMENT (PA2024-0205)

WHEREAS, Section 200 of the City of Newport Beach (“City”) Charter 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 Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges, or procedures granted or prescribed by any law of the State of California;

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

WHEREAS, 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 effectively certified the City’s Local Coastal Program Implementation Plan on January 13, 2017, and the City added Title 21 (Local Coastal Program Implementation Plan) 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 Nos. 2024-52 and 2024-58 on July 23, 2024, authorizing submittal of the Local Coastal Program Amendment (“LCPA”) to the California Coastal Commission (“CCC”) amending the City’s Coastal Land Use Plan and Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (“NBMC”) to establish the Housing Opportunity (HO) Overlay Coastal Zoning Districts and their corresponding development standards applicable to properties located within the Coastal Zone and initiating a narrowly focused amendment to the 6th Cycle Housing Element (“Housing Element”) to remove reference to Charter Section 423 to implement the Housing Element;

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 Ordinance Nos. 2024-16 and 2024-17 on September 24, 2024, adding Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) and Section 20.48.185 (Multi-Unit Objective Design Standards) to the NBMC creating Housing Opportunity Overlay Zoning Districts and creating multi-unit objective design standards respectively;

WHEREAS, the new sections implement Policy Actions 1A through 1G and 3A in the Housing Element;

WHEREAS, Section 20.28.050 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, the City Council adopted Resolution No. 2024-85 on November 19, 2024, initiating amendments to Section 20.28.050 and the pending amendments to Section 21.28.070 of the NBMC to adjust certain development standards, including but not limited to, building height limits;

WHEREAS, an amendment to Table 2-16 in Section 20.28.050 and pending Table 21.28-1 in Section 21.28.070 of the NBMC are necessary to adjust the height limitations of certain properties within the Newport Center Area (HO-4) to accommodate potential residential development with the intended prescribed density range, and to identify a certain number of units being allocated from the respective development limits for a selected group of City-owned properties located within the Airport Area Environs Area (HO-1) and Newport Center Area (HO-4) (“Amendment”);

WHEREAS, a public hearing was held by the Planning Commission on January 23, 2025, in the Council Chambers at 100 Civic Center Drive, Newport Beach, California to consider the Amendment. 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;

WHEREAS, at the conclusion of the public hearing, the Planning Commission adopted Resolution No. PC2025-004 by a unanimous vote of (5 ayes and 1 recusal) recommending the City Council approve the Amendment including the addition of Site ID Nos. 146 and 147 with a maximum height limit of 50 feet for flat roofs and 55 feet for sloped roofs and Site ID No. 141 with a maximum height limit of 48 feet;

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

WHEREAS, on February 20, 2025, the ALUC conducted a public hearing on the Amendment and continued the hearing to its March 20, 2025, meeting by a unanimous vote (5 ayes, 0 nays);

WHEREAS, at the continued hearing on March 20, 2025, the ALUC determined the Amendment is inconsistent with the AELUP (5 ayes, 1 nay);

WHEREAS, the City Council unanimously adopted Resolution No. 2025-13 on April 15, 2025, pursuant to Sections 21670 and 21676 of the CPUC, notifying the ALUC and State Department of Transportation Aeronautics Program of the City’s intent to override ALUC’s inconsistency finding and on April 16, 2025, the City issued a Notice of Intent to Override ALUC’s determination and received two comments in response; and

WHEREAS, a public hearing was held on June 10, 2025, by the City Council in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California to consider the Amendment. A notice of time, place and purpose of the public hearing was given in accordance with the Ralph M. Brown Act, CPUC Section 21676(b), 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 City Council at this public hearing.

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

Section 1: The City Council finds the Amendment is a legislative act. Neither Title 21 nor California Government Code Section 65000 *et seq.*, sets forth any required findings for either approval or denial of the Amendment.

Section 2: Notwithstanding the above, the City Council does hereby make the findings attached hereto as Exhibit "A" and incorporated herein by reference and authorizes staff to submit this Amendment to update pending Table 21.28-1 and corresponding Housing Opportunity Overlay District Map in Section 21.80.035 of Title 21 proposed by the LCPA, as set forth in Exhibit "B," which is attached hereto and incorporated herein by reference, to the California Coastal Commission for review and approval.


Section 3: The City Council finds all potential environmental effects for the Amendment have been adequately addressed in the previously certified Final Program Environmental Impact Report ("PEIR") (SCH No. 2023060699) which was done in compliance with the California Environmental Quality Act ("CEQA") as set forth in the Public Resources Code Section 21000 *et seq.*, Title 14, Division 6, Chapter 3 of the California Code of Regulations ("CEQA Guidelines"), and City Council Policy K-3 (Implementation Procedures for the California Environmental Quality Act) related to the 6th Cycle Housing Element Implementation involving amendments to the General Plan, Coastal Land Use Plan, Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the NBMC. Furthermore, the Amendment does not constitute substantial changes to the circumstances under which the project shall be undertaken that would result in new or more severe environmental impacts than previously addressed in the PEIR, nor has any new information regarding the potential for new or more severe significant environmental impacts been identified as detailed in the CEQA Consistency Memorandum, which is attached hereto as Exhibit "C" and incorporated by reference. Therefore, in accordance with Section 21166 of the California Public Resources Code and Section 15162 of the CEQA Guidelines, no additional environmental review is required to adopt the Amendment.

Section 4: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 5: 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.

Section 6: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 10th day of June, 2025.



Joe Stapleton
Mayor

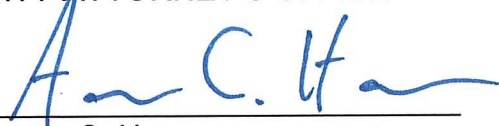
ATTEST:



Leilani I. Brown
City Clerk



APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney

- Attachments:
- Exhibit "A" – Findings for Approval
 - Exhibit "B" – Amendment to Chapter 21.28 (Overlay Coastal Zoning Districts (MHP, PM, B, C, H, & HO) of Title 21 (Local Coastal Program Implementation Plan)
 - Exhibit "C" – CEQA Consistency Memorandum

EXHIBIT “A”
Findings for Approval

General Finding:

An amendment to the City’s Local Coastal Program is a legislative act. Neither Title 21 (Local Coastal Program Implementation Plan) nor California Government Code Section 65000 *et seq.*, set forth any required findings for approval of such amendments. Notwithstanding the foregoing, the following amendments to the Local Coastal Program will create internal consistency with the certified 6th Cycle 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 Local Coastal Program Implementation Plan to add the new Overlay Coastal Zones for properties within the Coastal Zone has been prepared and submitted to the California Coastal Commission for consideration.
2. The Amendment specific to Title 21 (Local Coastal Program Implementation Plan) of the NBMC, attached hereto as Exhibit “B,” and incorporated herein by reference, will create consistency in implementation between Titles 20 and 21 of the NBMC and will help to fulfill the Housing Plan, as the proposed Amendment will facilitate the development of housing consistent with the Housing Element.

EXHIBIT “B”

Amendment to Chapter 21.28 (Overlay Coastal Zoning Districts (MHP, PM, B, C, H, & HO) of Title 21 (Local Coastal Program Implementation Plan)

Table 21.28-1 of pending Section 21.28.070 (Housing Opportunity (HO) Overlay Coastal Zoning Districts) of Chapter 21.28 of Title 21 (Local Coastal Program Implementation Plan) of the of the Newport Beach Municipal Code would be amended as follows, currently shown in redline-strikeout format for ease of reference only, and subject to California Coastal Commission review and approval:

TABLE 21.28-1
DEVELOPMENT STANDARDS FOR HOUSING OPPORTUNITY OVERLAY ZONES

| Development Feature | Housing Opportunity Subareas | | | |
|---|---|--|--------------------------|---|
| | HO-1 | HO-2 | HO-3 | HO-4 |
| Lot Size/Dimension | Per Base Zone | | | |
| Lot area required per unit (sq. ft.) ¹ | Minimum: 2,178 (20 du/ac) Maximum: 871 (50 du/ac) | Minimum: 2,178 (20 du/ac) Maximum: 871 (50 du/ac) | | |
| Setbacks | | | | |
| Front | 0 ft. ⁽²⁾ | 10 ft. ⁽²⁾ | 10 ft. ⁽²⁾⁽³⁾ | 0 ⁽²⁾ |
| Rear | 0 | 20 ft. | 20 ft. | 0 |
| Side | 0 ⁽⁴⁾ | | | |
| Street Side | 0 ⁽²⁾ | 10 ft. ⁽²⁾ | 10 ft. ⁽²⁾ | 0 ft. ⁽²⁾ |
| Height | Per Base Zone unless otherwise identified on the map | 65 ft. | 65 ft. ⁽⁵⁾ | Per Base Zone unless otherwise identified on map ⁽⁶⁾⁽⁸⁾ |
| Building Separation | 10 ft. | | | |
| Floor Area Ratio (FAR) | No restriction ⁽⁶⁾ | | | |
| Common Open Space ⁽⁷⁾ | Minimum 75 square feet/dwelling unit. (The minimum dimension [length and width] shall be 15 feet.) | | | |
| Private Open Space | 5% of the gross floor area for each unit. (The minimum dimension [length and width] shall be 6 feet.) | | | |
| Fencing | See Section 21.30.040 (Fences, Hedges, Walls, and Retaining Walls). | | | |
| Landscaping | See Section 21.30.075 (Landscaping) and 21.30.085 (Water Efficient Landscaping). | | | |
| Lighting | See Section 21.30.070 (Outdoor Lighting). | | | |
| Parking | See Subsection (D)(2) below and Chapter 21.40 (Off-Street Parking). | | | |
| Signs | See Chapter 21.30.065 (Sign Standards). | | | |

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

The following map is updated to pending Section 21.80.032 (Housing Opportunity Overlay District maps) of Chapter 20.80 (Maps) of the NBMC:

EXHIBIT "C"
CEQA Consistency Memorandum

Available separately due to bulk at:

<https://newportbeachca.gov/home/showdocument?id=76683&t=638833463869042483>

STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss.
CITY OF NEWPORT BEACH }

I, Leilani I. Brown, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; the foregoing resolution, being Resolution No. 2025-32 was duly introduced before and adopted by the City Council of said City at a regular meeting of said Council held on the 10th day of June, 2025; and the same was so passed and adopted by the following vote, to wit:

- AYES: Mayor Joe Stapleton, Mayor Pro Tem Lauren Kleiman, Councilmember Michelle Barto, Councilmember Noah Blom, Councilmember Robyn Grant, Councilmember Sara J. Weber
- NAYS: None
- ABSENT: Councilmember Erik Weigand

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 11th day of June, 2025.



Leilani I. Brown
City Clerk
Newport Beach, California

