

**Attachment No. PC 1**  
Draft Resolution

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## RESOLUTION NO. PC2025-004

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE AN AMENDMENT TO SECTION 20.28.050 (HOUSING OPPORTUNITY (HO) OVERLAY ZONING DISTRICTS) OF TITLE 20 (PLANNING AND ZONING) AND 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 (PA2024-0205)**

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

#### SECTION 1. STATEMENT OF FACTS.

1. On September 24, 2024, the City Council adopted Ordinance Nos. 2024-16 and 2024-17, approving amendments to Title 20 (Planning and Zoning) of the Newport Beach Municipal Code ("NBMC"), to establish the Housing Opportunity (HO) Overlay Zoning Districts in Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) and to create multi-unit objective design standards in Section 20.48.185 (Multi-Unit Objective Design Standards). The new sections serve to implement Policy Actions 1A through 1G and 3A in the General Plan 6<sup>th</sup> Cycle Housing Element ("Housing Element").
2. Section 20.28.050 of the NBMC allows for new housing opportunities within five subareas to ensure the City can accommodate its 6<sup>th</sup> Cycle Regional Housing Needs Assessment ("RHNA") allocation. These subareas correspond to the Focus Areas identified in the Housing Element and are as follows: 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). Properties identified within these subareas are eligible for specified development allowances conducive to residential development at the prescribed average density of 20 to 50 dwelling units per acre. The standards include but are not limited to minimum lot area, setbacks, height, open space, landscaping, and parking.
3. On July 23, 2024, the City Council adopted Resolution No. 2024-52, authorizing submittal of the Local Coastal Program Amendment to the California Coastal Commission to amend the City's Coastal Land Use Plan and Title 21 (Local Coastal Program Implementation Plan) 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 to implement the Housing Element.
4. On November 19, 2024, the City Council adopted Resolution No. 2024-85, initiating an amendment to Section 20.28.050 of the NBMC and the pending complementary amendments in Title 21 of the NBMC, to review and make possible adjustments to certain development standards, including but not limited to building height limits specified in Table 2-16 (Development Standards for Housing Opportunity Overlay Zones) of Section

20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) and pending Table 21.28-1 (Development Standards for Housing Opportunity Overlay Zones) of the NBMC.

5. An amendment to Table 2-16 of Section 20.28.050 and pending Table 21.28-1 of the NBMC is necessary to adjust the height limitations of certain properties within the HO-4 subarea 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 HO-1 and HO-4 subareas. The corresponding Housing Opportunity Overlay District Maps in Section 20.80.025 and pending Section 21.80.035 would also be amended accordingly (“Amendment”).
6. A public hearing was held on January 23, 2025, in the Council Chambers 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.

## SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. Pursuant to the California Environmental Quality Act (“CEQA”) as set forth in California Public Resources Code Section 21000 *et seq.* and its implementing guidelines set forth in California Code of Regulations, Title 14, Division 6, Chapter 3 (“CEQA Guidelines”), the City Council adopted Resolution No. 2024-50 on July 23, 2024, certifying Final Program Environmental Impact Report SCH No. 2023060699 (“PEIR”), approving a Mitigation Monitoring and Reporting Program (“MMRP”), and adopting Findings and a Statement of Overriding Considerations related to the implementation of the Housing Element involving amendments to the General Plan, Coastal Land Use Plan, and Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the NBMC which are available at: [Housing Implementation Program EIR](#).
2. Pursuant to Section 21166 of the California Public Resources Code and Section 15162 of the CEQA Guidelines, when an environmental impact report (“EIR”) is adopted for a project, no subsequent EIR is required unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
  - a. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
  - b. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

- c. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was adopted as complete, shows any of the following:
  - i. The project will have one or more significant effects not discussed in the previous negative declaration;
  - ii. Significant effects previously examined will be substantially more severe than shown in the adopted negative declaration;
  - iii. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives; or
  - iv. Mitigation measures or alternatives which are considerably different from those analyzed in the previous negative declaration would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternatives.

3. The Amendment, which include adjustment to the height limitations of certain properties within the HO-4 Subarea to accommodate potential residential development with the intended prescribed density range, and to identify the number of units being allocated from the residential development limits for certain City-owned properties within HO-1 and HO-4 Subareas, does not constitute substantial changes to the circumstances under which the project would be undertaken that would result in new or more severe environmental impacts than previously addressed in the EIR, 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 "A" 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 Amendments.

SECTION 3. FINDINGS.

**Title 20 (Planning and Zoning) Amendment**

An amendment to Title 20 (Planning and Zoning) of the NBMC is a legislative act. Neither Title 20 itself nor California Government Code Section 65000 *et seq.*, sets forth any required findings for approval of such amendments. However, Section 20.66.040 (Commission Recommendation) of the NBMC requires the Planning Commission to make and file a report of its findings and recommendations with the Council.

Findings and Facts in Support of Finding:

1. Title 20 of the NBMC serves as the City’s Zoning Code, which is a tool to ensure consistency with and implementation of the General Plan. It is necessary to amend and update Title 20 from time to time to ensure the policies set forth by the General Plan are being implemented effectively.
2. The Amendment specific to Title 20 (Planning and Zoning) of the NBMC, which is attached hereto as Exhibit “B” and incorporated herein by reference will further enable the implementation of the Housing Element’s key objective, which is to accommodate the development of housing to fulfill City’s obligation to meet regional housing demands. Specifically, the Amendment will allow increased height limitations for certain properties within HO-4 to accommodate residential developments within the intended prescribed density range while furthering the longstanding vision for development in Newport Center, as noted in General Plan Land Use Element Policy 6.14.4 (Development Scale). Increased heights will accommodate density on smaller sites and/or fewer sites and will increase walkability for residents and activate the urban core of Newport Center to create a true mixed-use community while decreasing development footprints and encouraging increased open space and views through developments.
3. The Amendment will also allocate a portion of the development limits in HO-1 and HO-4 to City-owned sites where there is a potential for redevelopment with housing projects within the Housing Element’s planning period.

**Title 21 (Local Coastal Program Implementation Plan) Amendment**

An amendment to Title 21 (Local Coastal Program Implementation Plan) of the NBMC is a legislative act. Neither Title 21 itself nor California Government Code Section 65000 et seq., sets forth any required findings for approval of such amendments.

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 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 “C,” 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.

SECTION 4. DECISION.

**NOW, THEREFORE, BE IT RESOLVED:**

1. In accordance with Section 21166 of the California Public Resources Code and Section 15162 of the of the CEQA Guidelines, no additional environmental review is required as the Amendment does not constitute substantial changes to the circumstances under which the project would be undertaken that would result in new or more severe environmental impacts than previously addressed in the EIR, 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 "A."
  
2. The Planning Commission hereby recommends to the City Council approval of the Amendment to Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of NBMC as part of the consideration of the adopted 6<sup>th</sup> Cycle Housing Element implementation programs, as contained in Exhibits "B" and "C," and identified as PA2024-0205.

**PASSED, APPROVED, AND ADOPTED THIS 23<sup>RD</sup> DAY OF JANUARY, 2025.**

AYES:

NOES:

ABSENT:

BY: \_\_\_\_\_  
Mark Rosene, Chair

BY: \_\_\_\_\_  
David Salene, Secretary

- Attachments:
- Exhibit A – CEQA Consistency Memorandum
  - Exhibit B – Amendment to Chapter 20.28 (Overlay Zoning Districts (MHP, PM, B, and H)) of Title 20 (Planning And Zoning)
  - Exhibit C – Amendment to Pending Chapter 21.28 (Overlay Coastal Zoning Districts (MHP, PM, B, C, H, and HO)) of Title 21 (Local Coastal Program Implementation Plan)

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**EXHIBIT "A"**

**CEQA CONSISTENCY MEMORANDUM**

***(To be provided as a supplemental material after initial agenda publishing)***

**EXHIBIT “B”**

**AMENDMENT TO CHAPTER 20.28 (OVERLAY ZONING DISTRICTS (MHP, PM, B, H)) OF TITLE 20 (PLANNING AND ZONING)**

Table 2-16 of Section 20.28.50 (Housing Opportunity (HO) Overlay Zoning Districts) of Chapter 20.28 of the Newport Beach Municipal Code would be amended as follows, currently shown in redline-strikeout format for ease of reference only:

TABLE 2-16						
DEVELOPMENT STANDARDS FOR HOUSING OPPORTUNITY OVERLAY ZONES						
Development Feature	Housing Opportunity Subareas					
	HO-1	HO-2	HO-3	HO-4	HO-5	HO-6
Development Limit (units) <sup>(1)</sup>	2,577 <sup>(11)</sup>	1,107	521	2,439 <sup>(12)</sup>	1,530	N/A
Lot Size/Dimension	Per Base Zone					
Lot area required per unit (sq. ft.) <sup>(2)</sup>	Minimum: 2,178 (20 du/ac) Maximum: 871 (50 du/ac)	Minimum: 2,178 (20 du/ac) Maximum: 871 (50 du/ac)		Minimum: 2,178 (20 du/ac) Maximum: 726 (60 du/ac) <sup>(10)</sup>	All Standards Per Base Zone	
Setbacks						
Front	0 ft. <sup>(3)</sup>	10 ft. <sup>(3)</sup>	10 ft. <sup>(3)(4)</sup>	0 <sup>(3)</sup>	10 ft. <sup>(3)</sup>	
Rear	0	20 ft.	20 ft.	0	20 ft.	
Side	0 <sup>(4)</sup>					
Street Side	0 <sup>(3)</sup>	10 ft. <sup>(3)</sup>	10 ft. <sup>(3)</sup>	0 ft. <sup>(3)</sup>	10 ft. <sup>(3)</sup>	
Height	Per Base Zone unless otherwise identified on the map	65 ft.	65 ft. <sup>(6)</sup>	Per Base Zone unless otherwise Identified on the map <sup>(7)</sup>	65 ft.	
Building Separation	10 ft.					
Floor Area Ratio (FAR)	No restriction <sup>(8)</sup>					
Common Open Space <sup>(9)</sup>	Minimum 75 square feet/dwelling unit. (The minimum dimension (length and width) shall be 15 feet.)					
Private Open Space <sup>(9)</sup>	5% of the gross floor area for each unit. (The minimum dimension (length and width) shall be 6 feet.)					

**TABLE 2-16**

**DEVELOPMENT STANDARDS FOR HOUSING OPPORTUNITY OVERLAY ZONES**

Development Feature	Housing Opportunity Subareas					
	HO-1	HO-2	HO-3	HO-4	HO-5	HO-6
Fencing	See Section <a href="#">20.30.040</a> (Fences, Hedges, Walls, and Retaining Walls).					
Landscaping	See Chapter <a href="#">20.36</a> (Landscaping Standards).					
Lighting	See Section <a href="#">20.30.070</a> (Outdoor Lighting).					
Outdoor Storage/Display	See Section <a href="#">20.48.140</a> (Outdoor Storage, Display, and Activities).					
Parking	See subsection (D)(3) of this section and Chapter <a href="#">20.40</a> (Off-Street Parking).					
Satellite Antennas	See Section <a href="#">20.48.190</a> (Satellite Antennas and Amateur Radio Facilities).					
Signs	See Chapter <a href="#">20.42</a> (Sign Standards).					

- (1) Development limits are additional residential development opportunities beyond the base allowances in this Title or the General Plan. These limits shall not include density bonus units or units that are either identified as pipeline units in the 6<sup>th</sup> Cycle Housing Element (Table B-2) or units that were applied for and predate the effective date of the HO Overlay Zoning Districts. Furthermore, eligible units are only counted against the development limits when they are either entitled or are issued a building permit if allowed by right. However, 25% of the development limit within each HO Overlay Zoning District that includes properties within the Coastal Zone shall be reserved until such a time as the City’s Local Coastal Program has been amended to allow for housing consistent with the implementation of the 6<sup>th</sup> Cycle Housing Element. Following the City’s Local Coastal Program Amendment, priority for the reserved units will be given to sites located within the Coastal Zone.
- (2) Minimum/maximum allowable density range may be based on an average density of the entire project site, excluding density bonus units.
- (3) 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.
- (4) Except in the Mixed-Use Mariners Mile (MU-MM) Zoning District wherein residential uses are only allowed beginning 100 feet north of Coast Highway.
- (5) The combined total from both sides shall be 15 feet.
- (6) The height shall be limited to 35 feet in the Shoreline Height Limit Area, as identified in Map H-1.
- (7) “Base Zone” includes all height limitations established by the Sight Plane Ordinance (Ordinance No. 1371 and Ordinance No. 1596).
- (8) 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.
- (9) 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.
- (10) This density is intended for the former Coyote Canyon Landfill site only. The Sage Hill School site is limited to a maximum of 20 dwelling units.
- (11) Of the 2,577 base development units, 179 units (50 du/ac) shall be allocated to Site ID No. 77 (1201 Dove Street) from the 6<sup>th</sup> Cycle Housing Element Sites Inventory.
- (12) Of the 2,439 base development units for HO-4, 199 units (50 du/ac) shall be allocated to Site ID No. 362 (868 and 870 Santa Barbara Drive) from the 6<sup>th</sup> Cycle Housing Element Sites Inventory.

The following map would be updated in Section 20.80.025 (Housing Opportunity Overlay District maps) of Chapter 20.80 (Maps) of the NBMC and will be provided prior to City Council consideration:

[HO-4 – Newport Center Area](#) (PDF)

**EXHIBIT “C”**

**AMENDMENT TO CHAPTER 21.28 (OVERLAY COASTAL ZONING DISTRICTS (MHP, PM, B, C, H, AND HO)) OF TITLE 21 (LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN)**

Table 21.28-1 of 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.) <sup>1</sup>	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. <sup>(2)</sup>	10 ft. <sup>(2)</sup>	10 ft. <sup>(2)(3)</sup>	0 <sup>(2)</sup>
Rear	0	20 ft.	20 ft.	0
Side	0 <sup>(4)</sup>			
Street Side	0 <sup>(2)</sup>	10 ft. <sup>(2)</sup>	10 ft. <sup>(2)</sup>	0 ft. <sup>(2)</sup>
Height	Per Base Zone unless otherwise identified on the map	65 ft.	65 ft. <sup>(5)</sup>	Per Base Zone— <del>unless otherwise identified on map</del> <sup>(6)(8)</sup>
Building Separation	10 ft.			
Floor Area Ratio (FAR)	No restriction <sup>(6)</sup>			
Common Open Space <sup>(7)</sup>	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 would be updated/added to pending Section 21.80.032 (Housing Opportunity Overlay District maps) of Chapter 20.80 (Maps) of the NBMC:

[HO-4 – Newport Center Area](#) (PDF)

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