



CITY OF

NEWPORT BEACH

City Council Staff Report

July 22, 2025
Agenda Item No. 25

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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TITLE: Ordinance No. 2025-17: Third Amendment to Development Agreement No. DA2012-003 for the Uptown Newport Planned Community located at 4321 Jamboree Road (PA2025-0010)

ABSTRACT:

Uptown Newport Jamboree LLC is requesting an amendment to Section 4.5 (Light Industrial Land Uses) of Uptown Newport Development Agreement (DA) No. DA2012-003 (Third Amendment to DA), to extend the existing light industrial land uses currently operating as Tower Semiconductor (TowerJazz) located within future Phase 2 of Uptown Newport Planned Community (PC-58) by 3.5 years, from March 12, 2027, to September 12, 2030 (Project). For the City Council's consideration is the introduction of an ordinance approving the Third Amendment to the DA.

RECOMMENDATIONS:

- a) Conduct a public hearing;
- b) Find that all significant environmental concerns for the Project have been addressed in the previously certified Environmental Impact Report No. ER2012-001 (SCH No. 2010051094), First Addendum No. ER2012-001, and Second Addendum No. ER2020-001; and
- c) Waive full reading, direct the City Clerk to read by title only, introduce Ordinance No. 2025-17, *An Ordinance of the City Council of the City of Newport Beach, California, Approving the Third Amendment to Development Agreement No. DA2012-003 for the Property at 4321 Jamboree Road Located Within Uptown Newport Planned Community (PA2025-0010)*, and pass to second reading on August 26, 2025.

DISCUSSION:

The subject property is located in the Airport Area and is approximately 25.05 acres in size. The site is surrounded to the north, west and south by commercial/office uses within the Koll Center Newport office park. Jamboree Road borders the eastern property line and the University of California, Irvine North Campus.

Uptown Newport Planned Community (PC-58) Project Approval

On March 12, 2013, the City Council adopted [Ordinance No. 2013-5](#), among other entitlement applications, for the adoption of [Uptown Newport Planned Community](#) (PC-58) consisting of removing existing office and industrial uses in two primary phases and constructing a mixed-use planned community consisting of 1,244 residential units, 11,500 square feet of neighborhood-serving retail space, and approximately two acres of public park.

Phase 1 includes 680 residential units and a one-acre neighborhood park and is nearly completed with a total of 548 residential units allotted to One Uptown Newport, Parkhouse Residences, and Uptown Newport Residences projects in various improvement stages. The one-acre park is complete and open to the public. Of the 132 remaining unbuilt units in Phase 1, 77 units have been transferred to the Residences at Bristol Street project (PA2021-161) located in the Airport Area and 55 units will be transferred to Phase 2, as allowed by PC-58.

Phase 2 is currently occupied by TowerJazz and its ancillary uses. Timing for Phase 2 construction is contingent on the existing lease with the TowerJazz facility, which currently extends to March 2027. This phase anticipates development of a total of 619 residential units inclusive of un-built units transferred from Phase 1, 11,500 square feet of retail space transferred from Phase 1, and a remaining one-acre public park.

Figure 1 below illustrates the approved phasing plan for PC-58; and the locations of approved/improved residential projects and a one-acre public park in Phase 1.

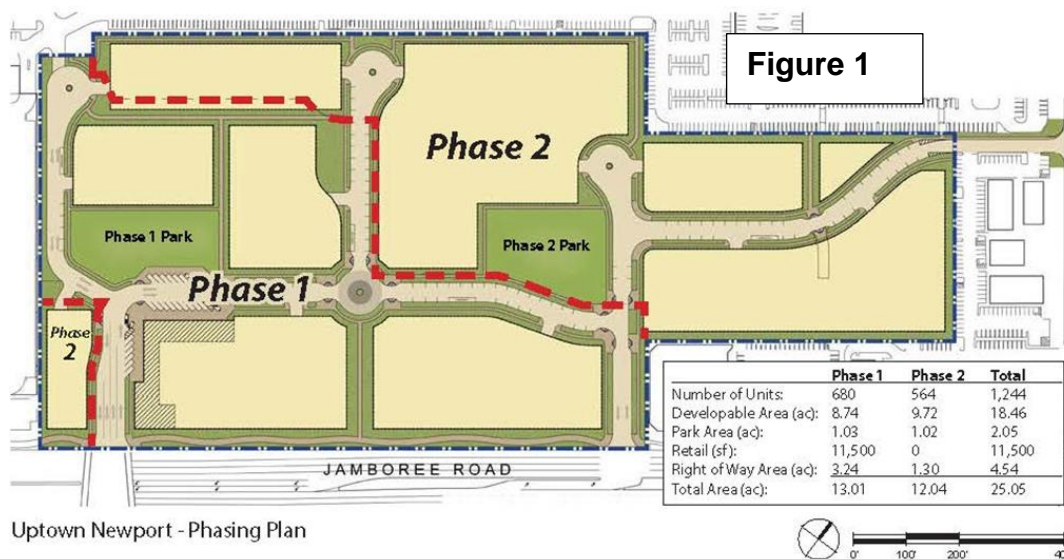


Figure 2 below illustrates the existing location of TowerJazz facility with its ancillary uses and surface parking in Uptown Newport Planned Community.

Figure 2



Development Agreement (DA2012-003) – 2013 Approval

In addition to the PC-58 approval, the City Council adopted [Ordinance No. 2013-6](#), approving Development Agreement No. [DA2012-003](#), which vests development approvals to allow build-out of the project site under development standards and requirements in place at the time of project approval. In exchange for vesting rights, the DA included several public benefits, including the payment of public benefit fees, park land dedication and improvements, park maintenance, publicly accessible open space, and construction of 102 housing units affordable to very low-income households. The term of the DA is 15 years, with two five-year extensions. The DA became effective on April 11, 2013, and one of two five-year extensions has been granted to allow the DA to remain effective until April 11, 2033 (2013+15+5).

First Amendment to DA2012-003

On May 12, 2015, the City Council adopted [Ordinance 2015-11](#) to approve the [First Amendment to DA](#) (PA2015-015) to allow: 1) deferring the payment of public benefit fees to the City from the issuance of building permits to the issuance of certificates of occupancy; and, 2) the payment of fees in-lieu of parkland dedication for all units at the issuance of the first building permit for any unit in a final subdivision map to the issuance of building permits on a per unit basis. The approved First Amendment has no impact on the PC-58 development, the overall terms, condition or development rights specified in the DA; other than the timing of subject payments.

Second Amendment to DA2012-003

On October 22, 2024, the City Council adopted Ordinance No. [2024-24](#) to approve the [Second Amendment to DA](#) (PA2024-0078) to allow excess park in-lieu fee credits to be used towards the developer's public benefit fee obligations for residential projects located within PC-58. The approved Second Amendment has no impact on the development of PC-58, the overall terms, condition or development rights specified in the DA; other than allowing excess park in-lieu fee credits to be used towards public benefit fee obligations.

Requested Amendment

The applicant, on behalf of TowerJazz, proposes amending Section 4.5 (Light Industrial Land Uses) of the DA to extend the closure date for TowerJazz facility by 3.5 years, from March 12, 2027, to September 12, 2030 (Attachment No. B). The proposed amendment does not affect nor make any additional changes to the DA, other than extending the light industrial use beyond the intended expiration date. No changes are required to PC-58 as the DA is the controlling legal document entered by the City of Newport Beach and the property owners that specified the timeline of development for the entire planned community. The existing light industrial use will continue operating as a legal, nonconforming use pursuant to the Newport Beach Municipal Code.

Planning Commission Review and Recommendation

On June 19, 2025, the Planning Commission conducted a duly noticed public hearing to consider the Project. The Planning Commission discussed the merits of the Project including the term of the DA as it related to the proposed DA amendment. The Planning Commission also received public comments concerned with the extended operation of TowerJazz due to noise-related issues and postponement of public benefits specified in the DA. At the conclusion of the public hearing, the Planning Commission unanimously voted to adopt Resolution No. PC2025-009, recommending the City Council approve the Project. The Planning Commission staff report, meeting minutes, and resolution are included for reference as Attachment Nos. C, D and E.

FISCAL IMPACT:

No fiscal impact directly related to the Third Amendment to DA.

ENVIRONMENTAL REVIEW:

All significant environmental concerns for the proposed project have been addressed in the previously certified Environmental Impact Report No. ER2012-001 (SCH No. 2010051094), First Addendum No. ER2012-001, and Second Addendum No. ER2020-001, and the City of Newport Beach intends to use said documents for the above noted project, and further that there are no additional reasonable alternative or mitigation measures that should be considered in conjunction with said project. The previously prepared environmental documents for the Uptown Newport project are available for public review at www.newportbeachca.gov/CEQA.

Additionally, a CEQA Consistency Memorandum has been prepared by PlaceWorks (Exhibit "A" of Attachment No. A) and determined that the proposed amendment is consistent with the Uptown Newport Planned Community (PC-58) and within the scope

of previously prepared CEQA documents. No additional environmental review pursuant to CEQA is required.

NOTICING:

Notice of this hearing was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant, and posted on the subject property at least 10 days before the scheduled meeting, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for the July 22, 2025 City Council meeting, which was posted at City Hall and on the City website.

Furthermore, the agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENTS:

- Attachment A – Ordinance No. 2025-17
- Attachment B – Applicant's Letter of Request
- Attachment C – Planning Commission Staff Report (no attachments)
- Attachment D – Planning Commission Meeting Minutes
- Attachment E – Planning Commission Resolution No. PC2025-009