

# **Attachment H**

Coastal Commission Staff Report,  
Addendum, and Correspondence

**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST DISTRICT OFFICE  
301 E. OCEAN BLVD, SUITE 300  
LONG BEACH, CA 90802  
VOICE (562) 590-5071  
FAX (562) 590-5084



# F11a

**DATE:** April 17, 2026

**TO:** Commissioners and Interested Persons

**FROM:** Karl Schwing, Deputy Director  
Amrita Spencer, District Manager  
Mandy Revell, District Supervisor  
Dulce Cortez, Coastal Program Analyst

**SUBJECT:** Major Amendment Request No. LCP-5-NPB-24-0032-2, 6<sup>th</sup> Cycle Housing Element, to the City of Newport Beach LUP & IP for Commission Action at the April 15-17, 2026, meeting.

## **SUMMARY OF LCP AMENDMENT REQUEST**

The City of Newport Beach requests that the Commission certify an amendment to the City's certified Local Coastal Program (LCP). LCP Amendment Request No. LCP-5-NPB-24-0032-2 proposes amendments to both the certified Land Use Plan (LUP) and the certified Implementation Plan (IP) to implement portions of the City's adopted and certified Sixth Cycle Housing Element for the 2021-2029 planning period.

The proposed amendment would establish Housing Opportunity (HO) Overlay coastal zoning districts on selected sites within the coastal zone to facilitate residential development consistent with state housing law and City's Housing Element. Citywide, the Housing Element identifies 228 sites with a collective capacity of accommodating approximately 1,874 dwelling units. Of these sites, 26 parcels- representing roughly 11% of the total- are located within the coastal zone and would be subject to the proposed HO Overlay, with an assumed collective capacity of approximately 1,441 dwelling units.

Under the proposed amendment, multi-family residential uses would be permitted as an allowable use on the HO Overlay sites regardless of underlying land use designations or density limits, subject to applicable development standards and coastal resource protections. Because several HO Overlay sites are currently designated for commercial, visitor-serving commercial, marine-related, parks, recreation, or open-space uses, the amendment raises questions regarding consistency with the Coastal Act priorities and certified LUP policies that protect visitor-serving uses, public access, recreation, and coastal resources.

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The primary concerns regarding the HO Overlay amendment involve allowing residential units to be constructed in four parcels currently designated for open space and recreational uses that are also immediately adjacent to the planned Santa Ana Delhi Channel Project, which includes channel widening, habitat restoration and potential Environmentally Sensitive Habitat Area (ESHA).

The Coastal Commission certified the City of Newport Beach Local Coastal Program (LCP) on January 13, 2017. The Commission's standard of review for the proposed LUP amendment are the Chapter 3 policies of the Coastal Act, while the standard of review for the proposed IP amendment is whether the IP, as amended, conforms with and is adequate to carry out the provisions of the certified LUP. Commission staff identified a set of suggested modifications necessary to ensure that residential development authorized by the HO Overlay does not displace or diminish Coastal Act priority uses, maintains public access and recreational opportunities, protected marine-related and coastal dependent uses, protects tribal cultural resources, and remains subject to all applicable coastal resources protection standards.

As modified, the amendment clarifies that residential development under the HO Overlay is permitted only in addition to, and not in place of, existing or planned visitor-serving, marine-related or public serving uses; prohibits the conversion or replacement of hotels, motels or other lodging accommodations with residential use; requires retention or on-site provision of functionally equivalent visitor-serving uses where such uses exist or are planned; and establishes additional protections of open-space and recreation sites, including HO-1 parcels within the Santa Ana Heights area. The suggested modifications also clarify continued applicability of certified IP provisions addressing hazards, water quality, environmentally sensitive habitat areas, and public access.

The proposed LCP amendment was submitted for Commission certification by City Council Resolution No. 2024-52 on July 23, 2024, following public hearings before the City Planning Commission and City Council.

Staff recommends that the Commission, after public hearing, reject the proposed LUP and IP amendment as submitted and certify the amendment with suggested modifications to both the LUP and IP, which can be found in Section III of this staff report. The suggested modifications are necessary to ensure the amendment to the LUP is consistent with the Chapter 3 policies of the Coastal Act and the amendment to the IP conforms with, is adequate to carry out, the provisions of the City's certified LUP, as amended. The motions and resolutions to accomplish this recommendation are found in Section II of this staff report.

Further information on the City of Newport Beach's LCP Amendment Request No. LCP-5-NPB-24-0032-2 may be obtained from Dulce Cortez, Coastal Program Analyst, at (562) 590-5071. If you wish to comment on the proposed amendment, please contact

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either [dulce.cortez@coastal.ca.gov](mailto:dulce.cortez@coastal.ca.gov) via email or the South Coast District Office via hard-copy mail by 5pm on Friday, April 10, 2026.

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### Exhibits

Exhibit 1 - Resolution No. 2024-52

Exhibit 2 - Ordinance No. 2024-16

Exhibit 3 - Housing Opportunity Overlay Zoning Districts maps

## **I. PROCEDURAL REQUIREMENTS**

### **A. STANDARD OF REVIEW**

Pursuant to Coastal Act Sections 30512, 30513, and 30514(b), the standard of review for amendments to a certified Local Coastal Program (LCP) depends on which component of the LCP is being amended. The City of Newport Beach's LCP Amendment Request No. LCP-5-NPB-24-0032-2 proposes amendments to both the certified Coastal Land Use Plan (LUP) and the certified Implementation Plan (IP) to implement the City's adopted 6th Cycle Housing Element (2021–2029) within the coastal zone.

Amendments to the certified LUP must be reviewed for consistency with Chapter 3 polices of the Coastal Act. Amendments to the certified IP must be reviewed to determine whether the IP, as amended, conforms with, and is adequate to carry out, the provisions of the certified (as amended) LUP.

### **B. PUBLIC PARTICIPATION**

Section 30503 of the Coastal Act states:

During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected government agencies, including special districts, shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not yet been subjected to public hearing within four years of such submission.

Coastal Act Section 30503 thus requires local governments to provide adequate opportunities for public participation during the LCP amendment process. The City of Newport Beach held multiple publicly noticed hearings to consider the proposed amendment to the certified LUP and IP to establish the Housing Opportunity (HO) overlay, consistent with the City's adopted and certified 6<sup>th</sup> Cycle Housing Element.

On April 18, 2024, the Planning Commission held a duly noticed public hearing to review the proposed LCP amendment and receive testimony from City staff and members of the public. City staff presented an overview of the Housing Element implementation program and described how the proposed overlay would enable residential development on selected parcels within the coastal zone to help meet the City's Regional Housing Need Allocation (RHNA).

One member of the public- Jim Mosher- provided comments at the local level. Jim Mosher expressed concern regarding the relationship between the proposed overlay and existing visitor-serving commercial uses and raised questions about how the City

would ensure that future housing did not displace those priority uses. Members of the public raised concerns about the potential changes to the HO-1 (Airport Environs/Santa Ana Heights) site, including the potential loss of open space and recreational land, traffic and parking impacts, and the adequacy of supporting infrastructure. Some community members supported the addition of affordable-housing capacity but requested further assurances that sensitive coastal resources and public access would remain protected. After discussion, the Planning Commission voted to recommend approval of the amendment to the City Council.

On July 23, 2024, the City Council held a public hearing to consider the Planning Commission's recommendation and the proposed amendments to the certified LCP. City staff summarized the purpose of the Housing Opportunity Overlay and explained how it would implement the City's Housing Element while maintaining consistency with Coastal Act policies. Public comments reiterated many of the issues raised at the Planning Commission hearing. Jim Mosher again emphasized the need to retain existing visitor-serving uses and requested clarification on how such uses would be protected within the overlay. Other commenters expressed concern about potential impacts to the Santa Ana Heights open-space area, including changes to land currently utilized as a golf course and public-access amenities. Following deliberation, the City Council adopted Resolution No. 2024-52 ([Exhibit 1](#)), approving the LCP amendment and authorizing its submittal to the Coastal Commission for certification.

In summary, the City complied with Coastal Act Section 30503 through the provision of multiple public hearings and the consideration of public testimony at both the Planning Commission and City Council levels. Notice of the Coastal Commission hearing for the subject amendment has been distributed to all known interested parties.

### **C. PROCEDURAL REQUIREMENTS**

If the Commission certifies the LCP amendment as submitted, no further City Council action will be necessary, and the amendment takes effect. Should the Commission deny the LCP Amendment, as submitted, without suggested modifications, no further action is required by either the Commission or the City, and the LCP amendment is not effective, pursuant to Section 13542(f). Should the Commission deny the LCP Amendment, as submitted, but then approve it with suggested modifications, then the City Council may consider accepting the suggested modifications and submitting them by resolution to the Executive Director for a determination that the City's acceptance is consistent with the Commission's action.<sup>1</sup> ([Exhibit 2](#)) In that scenario, pursuant to Section 13544(c) of Title 14 of the California Code of Regulations (CCR), the modified LCP Amendment will become final at a subsequent Commission meeting if the

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<sup>1</sup> The City's submittal resolution indicates that the ordinance will only become final after effective certification by the Commission, but pursuant to CCR [Section 13544\(c\)\(3\)](#), no further formal Commission action is required if the Executive Director reports having determined the City's action accepting the Commission's suggested modifications and the City's notification procedures are legally adequate.

Executive Director reports a Determination that the City's action in accepting suggested modifications approved by the Commission for the LCP Amendment is legally adequate. If the City does not accept the suggested modifications within six months of the Commission's action, then the LCP amendment remains uncertified and not effective within the coastal zone.<sup>2</sup>

## **D. DEADLINE FOR COMMISSION ACTION**

On August 16, 2024, the City of Newport Beach submitted LCP Amendment Request No. LCP-5-NPB-24-0032-2 to the Coastal Commission to amend both the certified IP and LUP to establish a Housing Opportunity (HO) Overlay District. The amendment was submitted through adoption of City Council Resolution No. 2024-52. Commission staff reviewed the submittal for completeness in accordance with Coastal Act Section 30510 and California Code of Regulations (CCR) Sections 13518–13520 and determined that additional materials were necessary on September 3, 2024. The City provided supplemental materials on November 14, 2024, and again on December 20, 2024. On January 7, 2025, Commission staff determined that the amendment was in proper order and legally adequate to comply with the submittal requirements of CCR Section 13553.

Pursuant to Coastal Act Section 30512 and California Code of Regulations (CCR) Section 13522, the Commission must act on a combined LUP and IP amendment within 90 working days of a complete submittal. Based on the January 7, 2025, filing date, the deadline for Commission action would have been May 16, 2025 (i.e., the May 7–9, 2025 hearing). However, at its March 13, 2025, meeting, the Commission approved a one-year extension, as permitted under Coastal Act Section 30517 and CCR Section 13535(c), to allow additional time for review of the amendment. Accordingly, the deadline for Commission action on LCP Amendment Request No. LCP-5-NPB-24-0032-2 is now May 16, 2026.

## **II. MOTIONS AND RESOLUTIONS**

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings.

### **A. DENY LUP AMENDMENTS AS SUBMITTED**

Motion I: I move that the Commission certify Land Use Plan Amendment No. 5-NPB-24-0032-2 as submitted by the City of Newport Beach.

Staff recommends a **NO** vote. Passage of this motion will result in denial of the amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

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<sup>2</sup> See 14 CCR § [13537\(b\)](#) and [13542\(b\)](#).

**Resolution to Deny Certification of the LUP as Submitted:**

The Commission hereby denies certification of Land Use Plan Amendment No. LCP-5-NPB-24-0032-2 as submitted and adopts the findings set forth below on grounds that the amendment to the Land Use Plan does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the amendment to the Land Use Plan as submitted would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the amendment to the Implementation Program as submitted.

**B. APPROVE LUP AMENDMENTS WITH SUGGESTED MODIFICATIONS**

Motion II I move that the Commission certify the Land Use Plan Amendment LCP-5-NPB-24-0032-2, for the City of Newport Beach if modified as recommended by staff.

Staff recommends a **YES** vote. Passage of this motion will result in certification of the land use plan with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of a majority of the appointed Commissioners.

**Resolution to Approve with Modifications:**

The Commission hereby certifies Land Use Plan Amendment No. LCP-5-NPB-24-0032-2 if modified as suggested and adopts the findings set forth below on grounds that the land use plan with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan if modified.

**C. DENY IP AMENDMENT AS SUBMITTED**

Motion III: I move that the Commission reject Implementation Plan Amendment No. LCP 5-NPB-24-0032-2, as submitted by the City of Newport Beach.

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Program Amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**Resolution to Deny as Submitted:**

The Commission hereby denies certification of Implementation Plan Amendment No. LCP-5-NPB-24-0032-1, as submitted by the City of Newport Beach and adopts the findings set forth below on the grounds that the Implementation Plan Amendment does not conform with, and is not adequate to carry out, the provisions of the certified Land Use Plan. Certification of the amendment to the Implementation Plan would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the amendment to the Implementation Program as submitted.

**D. APPROVE IP AMENDMENT WITH SUGGESTED MODIFICATIONS**

Motion IV: I move that the Commission certify Implementation Plan Amendment No. LCP-5-NPB-24-0032-2, if modified as recommended by staff.

Staff recommends a **YES** vote. Passage of this motion will result in the certification of the Implementation Plan Amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the Commissioners present.

**Resolution to Certify if Modified:**

The Commission hereby certifies Amendment No. LCP-5-NPB-24-0032-2, to the Implementation Plan for the City of Newport Beach certified LCP if modified as suggested and adopts the findings set forth below on grounds that the Amendment to the Implementation Plan with the suggested modifications will be in conformance with and adequate to carry out the provisions of the certified Land Use Plan. Certification of the Amendment to the Implementation Program if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

**III. SUGGESTED MODIFICATIONS**

Certification of LUP and IP Amendment No. LCP-5-NPB-24-0032-2, related to the standards for the housing overlay, is subject to the following modifications:

The City's proposed new text is shown in underlined text.

The City's proposed deleted text is shown in ~~single strike-through~~.

The Commission's proposed new text is shown in **bold underline**.

The Commission's proposed deleted text is shown in ~~**bold strike-through**~~.

The following suggested modifications to the Coastal Land Use Plan (LUP) are necessary to ensure that the proposed LUP amendments are consistent with the policies of Chapter 3 of the Coastal Act. The following suggested modifications to the Implementation Plan (IP) are necessary to ensure that the proposed IP amendments conform with, and are adequate to carry out, the provisions of the certified (as amended) LUP. For clarity, the suggested modifications are presented using the section numbering and terminology proposed in the City's amendment.

## Land Use Plan (LUP) Modifications

**Suggested Modification 1:** Delete all text in CLUP Policy 2.1.11-1 that applies the Housing Opportunity (HO) Overlay to parcels in the Deferred Certification Area (DCA) of the HO-2 (West Newport Mesa) Subarea.

### **CLUP Policy 2.1.11-1 shall be modified 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 City will reserve 25% of allocated dwelling units within the Coastal Zone 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. 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.
- ~~**West Newport Mesa: the intent is to support a density between 20 and 50 dwelling units per gross acre to accommodate up to 1,107 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.

**Suggested Modification 2:** Ensure that residential uses permitted under the Housing Opportunity (HO) Overlay Coastal Zoning District are harmonized with the Coastal Act with respect to prioritizing visitor-serving, marine-related, or public-serving uses.

**CLUP Policy 2.1.11-2 shall be modified 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.

**Implementation Plan (IP) Modifications:**

**Suggested Modification 3:**

**IP Subsection 21.28.070(A) shall be modified as follows:**

1. Applicability. This section applies to properties located in one of the Housing Opportunity (HO) Overlay Coastal Zoning Districts, as identified in Part 8 of this title. This includes the following subareas:
  - 4- 1. HO-1 - Airport Area Environs Area – The Airport Area Environs Area is located north of the Upper Newport Bay Nature Reserve, primarily around the John Wayne Airport.
  2. ~~HO-2 - West Newport Mesa Area – The West Newport Mesa Area is located near the southwest corner of the City and primarily consists of industrial properties along 16<sup>th</sup> Street, Production Place, and 15<sup>th</sup> Street.~~
  3. 2. HO-3 - Dover-Westcliff Area – The Dover-Westcliff Area includes property on both sides of West Coast Highway and the west of Dover Drive. Properties in the Lido Village area are included.

4. 3. HO-4 - Newport Center Area – The Newport Center Area is generally bounded by San Joaquin Hills Road, MacArthur Blvd, Coast Highway, and Jamboree Road.

IP Table 21.28-1 shall be modified as follows:

**TABLE 21.28-1  
 DEVELOPMENT STANDARDS FOR HOUSING OPPORTUNITY OVERLAY ZONES**

Development Feature	Housing Opportunity Subareas			
	HO-1	<del>HO-2</del>	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>	<del>10 ft.<sup>(2)</sup></del>	10 ft. <sup>(2)(3)</sup>	0 <sup>(2)</sup>
Rear	0	<del>20 ft.</del>	20 ft.	0
Side	0' <sup>(4)</sup>			
Street Side	0 <sup>(2)</sup>	<del>10 ft.<sup>(2)</sup></del>	10 ft. <sup>(2)</sup>	0 ft. <sup>(2)</sup>
Height	Per Base Zone unless otherwise identified on the map	<del>65 ft.</del>	65 ft. <sup>(5)</sup>	Per Base Zone <sup>(6)</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 <sup>(7)</sup>	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 <a href="#">21.30.070</a> (Outdoor Lighting).			
Parking	See Subsection (D)(2) below and Chapter <a href="#">21.40</a> (Off-Street Parking).			
Signs	See Chapter <a href="#">21.30.065</a> (Sign Standards).			

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- (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.

**IP Subsection 21.28.070(C) shall be modified as follows:**

**~~3. West Newport Mesa Area (HO-2). The following development standards shall only apply to projects with the West Newport Mesa Area:~~**

**~~a. West Newport Mesa Streetscape Master Plan. Any residential or mixed-use residential development shall implement applicable components of the adopted West Newport Mesa Streetscape Master Plan.~~**

**IP Section 21.80.032 (Housing Opportunity Overlay Districts Maps) shall be modified as follows:**

- HO-1 - Airport Area Environs Area (PDF)
- ~~HO-2 - West Newport Mesa Area (PDF)~~
- HO-3 - Dover-Westcliff Area (PDF)
- HO-4 - Newport Center Area (PDF)

**Suggested Modification 4:** Update Table 21.14-1 (Coastal Zoning Districts) by inserting “Housing Opportunity (HO) Overlay” to reflect inclusion within the certified set of coastal zoning districts.

**IP Table 21.14-1 shall be modified as follows:**

Coastal Zoning Map Symbol	Coastal Zoning Districts	Coastal Land Use Plan Designations Implemented by Zoning Districts	
Overlay Coastal Zoning Districts			
MHP	Mobile Home Park	RM	Multiple-Unit Residential
PM	Parking Management	All designations	

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Coastal Zoning Map Symbol	Coastal Zoning Districts	Coastal Land Use Plan Designations Implemented by Zoning Districts	
B	Bluff	All designations	
C	Canyon	RS, RM	Single-Unit Residential Multiple-Unit Residential
H	Height	RM	Multiple-Unit Residential
<b>HO</b>	<b>Housing Opportunity</b>	<b>Varies</b>	<b>Varies</b>

**Suggested Modification 5:** Add a new subsection (5) to Subsection 21.28.070(B) to prohibit displacement of visitor-serving and public-serving commercial uses, including hotels and lodging accommodations, by residential development under the Housing Opportunity Overlay.

**Subsection 21.28.070(B) shall be modified as follows:**

4. Residential supporting uses such as leasing/sales/property management offices, fitness facilities, recreation facilities, etc.; and
5. Residential uses permitted under this section shall harmonize with the Coastal Act’s priority uses, including visitor-serving, marine-related, public-serving, or recreational uses, and shall retain or provide functionally equivalent uses, as measured by comparable visitor peak use intensity and public availability.

**Suggested Modification 6:** Add a new subsection (d) to Subsection 21.28.070(C)(2) to apply habitat protection and open space preservation requirements to Housing Opportunity Sites 23-26. These parcels are located immediately adjacent to the Santa Ana Delhi Channel, which is the site of the proposed Santa Ana Delhi Channel Improvement Project that is pending a Coastal Development Permit and is currently being reviewed by Commission staff.

**Subsection 21.28.070(C)(2) shall be modified as follows:**

**d. Housing Opportunity Sites 23, 24, 25 and 26. A residential or mixed-use development encompassing Housing Opportunity Sites 23, 24, 25, and 26 shall include a free to access public park or public recreational opportunity that conforms to all the following:**

- 1. A minimum 50 ft. ESHA buffer measured from the outermost extent of the riparian vegetation shall be provided. For a minimum 10-year period, the buffer shall be measured from the outermost extent of the vegetation established as part of the Santa Ana Delhi Channel Improvement Project proposed by the Orange County Flood Control District. The 50 ft. buffer shall be consistent with 21.30B.30 (D); however, the exceptions criteria for smaller ESHA buffers shall not apply.**
- 2. An additional 50 ft. buffer measured from the outermost extent of the ESHA buffer shall also be provided consistent with 21.30B.30 (E). This transitional buffer may be used to accommodate a free, low-impact public recreational opportunity. At a minimum, such public recreational opportunity shall include a contiguous open space corridor along the entire length of the Santa Ana Delhi Channel located adjacent to the subject properties that is of sufficient width to accommodate a 100-ft. biological buffer, separately and contiguously, to protect habitat in and along the channel. Such recreational opportunity shall also provide public access and recreational open space that will accommodate passive and active public recreational opportunities including, but not limited to continuous pedestrian/cycling trail, benches, drinking fountains and/or water fill stations, picnic tables, shade structures and fitness/exercise equipment.**
- 3. In the event the Santa Ana Delhi Channel Improvement Project does not occur there shall be a minimum 100 ft. wide corridor along the channel that extends from the top of the channel bank to be used for the free, low-impact coastal access and public recreational opportunity described in subsection B. above.**

**Suggested Modification 7:** Add new sections to Subsection 21.28.070(D) to 1) ensure that development on sites with visitor-serving or marina-related uses results in no net loss of public availability or capacity; 2) prohibit displacement of visitor-serving and public-serving commercial uses, including hotels and lodging accommodations, by residential development under the Housing Opportunity Overlay; and 3) add explicit language in §21.28.070 confirming that HO Overlay projects must comply with §§21.30.015, 21.30.030, 21.30.100, 21.30.105, and Ch. 21.30B.

**Subsection 21.28.070(D) shall be modified as follows:**

- 3. Visitor-Serving Commercial, Marine-Related Uses, or Visitor Accommodations. For sites with base designations intended for Visitor-Serving Commercial, Marine-Related Uses, or Overnight Visitor**

**Accommodations, any existing uses consistent with the intent of those designations shall be retained, replaced, or expanded where feasible, with a functionally equivalent use in terms of comparable visitor peak use intensity and public availability. No hotel, motel, or other overnight visitor accommodations shall be converted or replaced with residential use.**

- 4. Parks and Recreation or Open Space- Uses. For sites with base designations intended for Parks and Recreation or Open Space, any existing uses consistent with the intent of those designations shall be retained, replaced or expanded where feasible, with a functionally equivalent use in terms of comparable visitor peak use intensity and public availability. When there is a proposed replacement of any existing priority use with a new priority use, a use that provides lower-cost and/or no-cost visitor-serving and coastal access is preferred.**
  
- 5. All housing projects within the Housing Opportunity (HO) Overlay Coastal Zoning District shall demonstrate consistency with:**
  - a. Section 21.30.015 (General Site and Development Standards);**
  - b. Section 21.30.030 (Natural Landform and Shoreline Protection);**
  - c. Section 21.30.100 (Scenic and Visual Quality Protection);**
  - d. Section 21.30.105 (Cultural Resource Protection); and**
  - e. Chapter 21.30B (Habitat Protection).**

## IV. FINDINGS

The Commission hereby finds and declares:

### A. AMENDMENT DESCRIPTION

The City of Newport Beach requests that the Commission certify Local Coastal Program (LCP) Amendment Request No. LCP-5-NPB-24-0032-2, which proposes amendments to the City's certified Coastal Land Use Plan (LUP) and Implementation Plan (IP) to implement the City's adopted and certified 6<sup>th</sup> Cycle Housing Element (2021-2029). Specifically, the Amendment would establish a new Housing Opportunity (HO) Overlay Coastal Zoning District ([Exhibit 1](#)).

State housing law, including recent legislation such as Senate Bill 423, requires local governments to plan for and accommodate their assigned share of regional housing need through adoption of a Housing Element that is certified by the California Department of Housing and Community Development (HCD). Each Housing Element must identify adequate sites with realistic development capacity to meet the jurisdictions Regional Housing Needs Allocation (RHNA) for the applicable planning period. The HO

Overlay is a key Housing Element implementation tool intended to facilitate residential development on selected sites, and implementation of the HO Overlay on sites within the coastal zone requires amendment of the City's certified LCP to ensure consistency with the Coastal Act. The subject amendment was submitted for Commission certification pursuant to City Council Resolution No. 2024-52, adopted July 23, 2024 ([Exhibit 1](#)). The proposed LCPA is part of a broader Housing Element implementation program that includes complementary amendments to the General Plan Land Use Element and Newport Beach Municipal Code (NBMC) Title 20 (Planning and Zone). Collectively, these actions are intended to provide capacity for 8,175 dwelling units citywide, including 2,707 units affordable to very-low, low-, and moderate-income households, across 228 Housing Elements. Of those sites, 26 parcels (appx 11%) are located within the coastal zone, with an assumed collective capacity of approximately 1,441 dwelling units.

### **Housing Opportunity Overlay**

The proposed LCPA would establish a new Housing Opportunity (HO) Overlay on selected Housing Element sites within the coastal zone where residential use is not currently allowed by underlying LUP land use designation or IP zoning. Specifically, The HO Overlay is intended to allow multifamily residential use in addition to existing allowable uses on designated parcels, while maintaining consistency with the Coastal Act and the certified LCP. In other words, the proposed overlay would add residential development as an allowable use on the 26 coastal affected parcels ([Exhibit 3](#)), but it would not rezone the subject parcels or remove any of the existing allowable uses.

The proposed Amendment to the certified LUP would add new policies that identify the purpose of the HO Overlay, establish residential densities of 20-50 units per gross acre (which corresponds to a medium density residential use), and clarifies the relationship between the overlay and underlying land use designations. The amendment also adds a

The proposed Amendment to the certified IP (NBMC Title 21) would add a new IP (Section 21.28.070) to incorporate the HO Overlay Coastal Zoning District, establish objective development standards governing overlay applicability, and outline allowed uses, developments, and coastal development permit processing associated with the HO Overlay Coastal Zoning District.

The Commission's standard of review for the subject amendment is whether the proposed LUP amendments are consistent with Chapter 3 of the Coastal Act, and whether the proposed IP amendments conform with, and are adequate to carry out, the provisions of the certified (as amended) LUP. As discussed in Section II of this report, Commission staff recommends certification of the amendment with suggested modifications to ensure continued Coastal Act consistency with the certified LCP.

## **B. CONSISTENCY ANALYSIS**

Chapter 3 of the Coastal Act includes the following relevant sections:

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- 30210** Maximum public access and recreational opportunities shall be provided for all the people, consistent with public safety needs and the protection of private property rights and natural resources.
- 30213** Lower-cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided.
- 30222** The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.
- 30221** Oceanfront land suitable for recreational use shall be protected for recreational use unless adequate recreational opportunities are already provided in the area.
- 30231** The biological productivity and quality of coastal waters shall be maintained and restored through control of runoff and nonpoint source pollution.
- 30240** Environmentally sensitive habitat areas (ESHAs) shall be protected against significant disruption of habitat values.
- 30253** New development shall do all of the following:
- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
  - (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.
- 30244** Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The LUP includes the following relevant policies:

- 2.3.1-3** On land designated for visitor-serving and/or recreational uses, give priority to visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation over other commercial uses.

- 2.3.3-3** Identify, protect, encourage, and provide lower-cost visitor-serving and recreational facilities.
- 2.3.3-4** Encourage visitor-serving and recreational developments that provide public recreational opportunities.
- 2.4.1-1** Give priority to coastal-dependent uses over other uses on or near the shoreline.
- 2.4.1-3** Discourage reuse of properties that result in the reduction of coastal-dependent commercial uses; allow reuse only where coastal-dependent uses remain.
- 2.3.2-1** Protect and enhance public and private recreational facilities and open space.
- 2.3.2-4** Ensure recreational uses are preserved and remain available to the public.
- 3.1.1-1** Protect, maintain, and enhance public access to the coast.
- 4.1.1-4** Protect ESHAs against any significant disruption of habitat values.
- 4.1.1-6** Require development in areas adjacent to environmentally sensitive habitat areas to be sited and designed to prevent impacts that would significantly degrade those areas, and to be compatible with the continuance of those habitat areas.
- 4.1.1-8** Limited public access improvements and minor educational, interpretative and research activities and development may be considered resource dependent uses. Measures, including, but not limited to, trail creation, signage, placement of boardwalks, and fencing, shall be implemented as necessary to protect ESHA.
- 4.1.1-9** Where feasible, confine development adjacent to ESHAs to low impact land uses, such as open space and passive recreation.
- 4.1.1-10** Require buffer areas of sufficient size to ensure the biological integrity and preservation of the habitat they are designed to protect. Terrestrial ESHA shall have a minimum buffer width of 50 feet wherever possible. Smaller ESHA buffers may be allowed only where it can be demonstrated that 1) a 50-foot wide buffer is not possible due to site-specific constraints, and 2) the proposed narrower buffer would be amply protective of the biological integrity of the ESHA given the site-specific characteristics of the resource and of the type and intensity of disturbance.

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- 4.1.1-11** Provide buffer areas around ESHAs and maintain with exclusively native vegetation to serve as transitional habitat and provide distance and physical barriers to human and domestic pet intrusion.
- 4.1.1-12** Require the use of native vegetation and prohibit invasive plant species within ESHAs and ESHA buffer areas.
- 4.5.1-1.** Require new development to protect and preserve paleontological and archaeological resources from destruction and avoid and minimize impacts to such resources. If avoidance of the resource is not feasible, require an in situ or site-capping preservation plan or a recovery plan for mitigating the effect of the development.
- 4.5.1-2** Require a qualified paleontologist/archeologist to monitor all grading and/or excavation where there is a potential to affect cultural or paleontological resources. If grading operations or excavations uncover paleontological/archaeological resources, require the paleontologist/archeologist monitor to suspend all development activity to avoid destruction of resources until a determination can be made as to the significance of the paleontological/ archaeological resources. If resources are determined to be significant, require submittal of a mitigation plan. Mitigation measures considered may range from in-situ preservation to recovery and/or relocation. Mitigation plans shall include a good faith effort to avoid impacts to cultural resources through methods such as, but not limited to, project redesign, in situ preservation/capping, and placing cultural resource areas in open space.
- 4.5.1-3.** Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow qualified representatives of such groups to monitor grading and/or excavation of development sites.
- 4.5.1-4.** Where in situ preservation and avoidance are not feasible, require new development to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Orange County, whenever possible.
- 4.5.1-5.** Where there is a potential to affect cultural or paleontological resources, require the submittal of an archeological/cultural resources monitoring plan that identifies monitoring methods and describes the procedures for selecting archeological and Native American monitors and procedures that will be followed if additional or unexpected archeological/cultural resources are encountered during development of the site. Procedures may include, but are not limited to, provisions for cessation of all grading and construction activities in the area of the discovery that has any

potential to uncover or otherwise disturb cultural deposits in the area of the discovery and all construction that may foreclose mitigation options to allow for significance testing, additional investigation and mitigation.

As described in the “Standard of Review” subsection above, the proposed LUP amendment must be consistent with Chapter 3 of the Coastal Act and the IP amendment must conform with, and be adequate to carry out, the provisions of the City’s certified Coastal Land Use Plan (LUP). The proposed amendment would establish Housing Opportunity (HO) Overlay coastal zoning districts to facilitate residential development on selected sites within the coastal zone in furtherance of the City’s adopted Housing Element.

**Suggested Modifications 1 and 2** will modify the Land Use Plan in order to be consistent with Chapter 3 Coastal Act policies. Suggested modifications 3-7 will modify the IP to be consistent with the LUP.

**Suggested Modification 1** provides clarifying revisions to the HO Overlay provisions to clearly define the scope, applicability, and implementation of the overlay within the certified LCP, ensuring consistent interpretation and administration. Because the HO Overlay introduces a new policy framework allowing residential use on properties with a range of underlying land use designations, the amendment must be evaluated to ensure that it does not conflict with Coastal Act priorities and existing certified LUP policies addressing visitor-serving uses, marine-related uses, public access, parks and recreation, open space, or coastal resource protection.

Chapter 3 of the Coastal Act prioritizes public access and coastal recreation, protection of lower-cost visitor-serving facilities, and the priority of visitor-serving commercial recreational uses over private residential development on suitable coastal lands. In addition, the Coastal Act requires protection of coastal resources, including water quality, environmentally sensitive habitat areas (ESHAs), and public safety in hazardous areas. The City’s certified LUP implements these Coastal Act mandates through policies that protect and encourage visitor-serving and recreation uses, prioritize coastal-dependent and marine-related uses, preserve parks, recreation, and open space, and protect public access to the coast.

**Suggested Modification 1 and 3** remove all text that applies the HO Overlay to HO-2 (West Newport Mesa) Subarea parcels because this subarea is in the Deferred Certification Area (DCA) of the Newport Beach LCP.

### **Visitor-Serving and Marine-Related Uses**

The proposed HO Overlay would allow residential use on certain properties with underlying commercial, visitor-serving commercial, marine-related, or parks and recreations designations. Absent appropriate safeguards, residential development on such sites could result in the displacement or reduction of Coastal Act priority land use,

including visitor-serving commercial recreational facilities and marine-related uses. See Coastal Act Sections 30210, 30213, and 30222.

To address this concern, **Suggested Modifications 2, 5, and 7** revise the HO Overlay provisions to ensure that residential development authorized in the HO Overlay is permitted only in addition to, and not in place of, existing or planned visitor-serving, marine-related, public serving uses on applicable sites. Specifically, these suggested modifications clarify that where such priority uses exist or are planned, any development proposing to reduce or remove them must retain, replace or provide an on-site visitor - serving or functionally equivalent use that maintains comparable capacity and public availability. **Suggested Modification 7** further prohibits the conversion or replacement of hotels, motels, or other lodging accommodations with residential use under the HO Overlay, thereby protecting lower-cost and overnight visitor-serving facilities.

In addition, **Suggested Modification 3** removes the HO Overlay designation from certain sites where the potential for conflict with the Coastal Act priority uses cannot be adequately addressed through development standards alone, thereby avoiding land use conflicts and ensuring the continued protection of such uses. **Suggested Modification 4** further clarifies the application of the HO Overlay within the IP plan by updating Table 21.14-1 to ensure consistency between the overlay districts and permitted land uses.

Together, these suggested modifications ensure that residential development facilitated by the HO Overlay does not displace or diminish Coastal Act priority uses and remains consistent with the certified LUP's policies requiring protection of visitor-serving, marine-related, and public-serving uses.

### **Parks, Recreation, Open Space and Habitat Protection**

Although the proposed HO Overlay would facilitate residential development on selected coastal zone sites, it does not exempt development from compliance with existing coastal resource protection standards. Coastal Act sections 30210, 30213, 30221, 30231, 30240, and 30253, together with corresponding certified LUP polices require protection of public access, recreational opportunities, water quality, biological resources and public safety in hazardous areas. The primary concerns regarding the HO Overlay amendment involve allowing residential units to be constructed in four parcels currently designated for open space and recreational uses that are also immediately adjacent to the planned Santa Ana Delhi Channel Project, which includes channel widening, habitat restoration and creation.

#### Open Space/Recreation

The City's proposed HO Overlay includes four parcels (Housing Opportunity Sites 23, 24, 25, and 26, hereafter referred to as the "Golf Course Parcels") within HO-1 that are currently designated as PR (Parks and Recreation) and developed with a portion of the Newport Beach Golf Course. As mentioned previously, the proposed amendment would

amend both the certified LUP and the IP to permit residential development as an allowable use on these sites. Certified LUP Policies 2.3.1-3, 2.3-3.3, and 2.3.3-4 collectively require the prioritization, encouragement, and protection of recreational uses, particularly recreational uses that are lower cost. This is in line with Chapter 3 of Coastal Act Sections 30210, 30213, and 30222, which prioritize and protect recreational uses within the Coastal Zone.

As currently proposed by the City, the HO Overlay does not contain clear policies to protect recreational uses onsite to the maximum extent feasible. If residential uses are allowed on the site without meaningful protections for recreational uses, a developer could opt to redevelop the sites with a completely residential project, with no recreational uses that benefit the general public. The City has indicated that the Golf Course Parcels have a development potential of over 700 units, which comprise approximately half of the potential unit creation within their entire HO Overlay. The Commission is understanding of the need for the City to identify sites and create opportunities to accommodate new residential development to conform to State housing laws. However, the Commission is charged with implementing the Coastal Act and upholding the City's certified LCP, both of which explicitly call for the prioritization of open space and recreational uses. Thus, in this case, modifications to the proposed Amendment are needed to balance the protection of open space/recreational uses as required in the Coastal Act and LCP with opportunities to allow for multifamily residential development on the site.

#### ESHA/Habitat Creation

The Orange County Department of Public Works is currently seeking authorization from the Commission for the Santa Ana Delhi Channel Improvement Project, which includes restoration and/or creation of riparian habitat which has been determined by the Commission's Ecology staff as potential ESHA. Although the Commission has not yet acted upon this application, if the project is approved, additional ESHA will be created immediately adjacent to Parcels 23-26, which would require ESHA buffers and additional habitat protections under Certified LUP Policies 4.1.1-10, 4.1.1-11, and 4.1.1-12. In addition, the resulting ESHA has the potential to be adversely impacted by the construction of residential units on these parcels. The currently proposed HO Overlay amendment does not account for this potential for new ESHA creation. If not addressed through modifications, a future residential development project could adversely impact riparian ESHA by encroaching too close to the sensitive habitat.

#### Tribal Cultural Resources

During tribal consultation, a tribal member discussed the sensitivity of some of the open space/ public park parcels that are part of the HO Overlay, particularly the Housing Opportunity sites 23, 24, 25, and 26, and requested that consultation occur prior to any approved development on these sites. The City's certified LUP contains policies that require the protection of tribal cultural resources; however, the currently proposed HO

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Overlay amendment does not identify that projects proposed under the overlay must also be consistent with existing code sections that require protection of tribal cultural resources.

### Suggested Modifications

While the HO Overlay is intended to facilitate residential development, such development must occur in a manner that does not adversely impact coastal resources. As recognized in prior Commission actions, including LCP Amendment LCP-4-STB-18-0098-3 Part B, housing and other supportive uses may be accommodated in the coastal zone, but only where such development is sited and designed to avoid impacts to protected resources and to maintain their long-term viability. In this case, the subject sites are located adjacent to an area planned for habitat restoration and enhanced public access, and without clearly established standards, residential development could encroach into sensitive habitat areas, reduce open space, or compromise the integrity of potential habitat and recreational corridor.

With respect to parks, recreation, open-space resources, and habitat protection, the Commission imposes **Suggested Modification 6**, which establishes specific requirements for Housing Opportunity sites 23, 24, 25, and 26 located immediately adjacent to the Santa Ana Delhi Channel, the site of the proposed Santa Ana Delhi Channel Improvement Project which includes habitat restoration and creation, that is pending a Coastal Development Permit and is currently being reviewed by Commission staff. These provisions require a minimum 100-foot buffer area, consisting of a 50-foot ESHA buffer and an additional 50-ft transitional buffer, and the provision of a free low-impact public recreational opportunity, including a contiguous open space corridor with public access amenities. This requirement ensures the protection of sensitive habitat areas while providing expanded public access and recreational opportunities along the channel corridor.

**Suggested Modification 6** also ensures that residential development may still occur on the subject sites, but only in a manner that preserves open space, protects biological resources, and maintains public access. The implementation of setbacks or other site features does not eliminate the need for biologically protective buffers, as such measures do not ensure the protection of habitat functions or the long-term viability of adjacent ESHA proposed with the future Santa Ana Delhi Channel Improvement Project. To the extent the site constraints limit the intensity or density of development, such limitations are necessary to ensure consistency with the resource protection policies of the certified LCP and chapter 3 of the Coastal Act. Moreover, should the Santa Ana Delhi Channel Improvement Project not occur within 10 years, **Suggested Modification 6** requires a minimum 100 ft. wide corridor along the channel that extends from the top of the channel bank to be used for the free, low-impact coastal access and public recreational opportunity described in subsection B. above.

The Commission also imposes **Suggested Modification 7**, which clarifies that development under the HO Overlay remains subject to all applicable certified IP resources-protection standards, including those addressing natural landforms, shoreline protection, scenic and visual resources, tribal cultural resources, and habitat protection.

With regard to tribal cultural resources, **Suggested Modification 7** includes a reference to IP section 21.30.105 which states that when a development is proposed in an area where there are known or has potential for archaeological or paleontological resources an Archaeological Research Plan (ARP) shall be prepared. The development of the ARP must include consultation with tribal governments listed on the Native American Heritage Commission list. Only as modified to require consistency with this provision of the IP is the amendment consistent with the certified LUP.

As such, development authorized under the HO Overlay must be reviewed and conditioned, as necessary, to avoid adverse impacts to coastal resources and public safety and to ensure consistency with the certified LCP.

In addition, **Suggested Modification 7** requires that development on sites designated for parks, recreation, or open space retain, replace, or provide functionally equivalent uses that maintain comparable public access, visitor-serving capacity, and recreational opportunities. Together, these suggested modifications ensure that implementation of the HO Overlay does not result in the loss or degradation of public access, recreational opportunities, or open-space resources. While the proposed amendment facilitates residential development to implement the City's adopted Housing Element, such development must be carefully balanced with the protection of coastal resources. As modified by the Commission's suggested modifications, the amendment ensures that residential development remains subject to all applicable coastal resource protection standards and preserves public access and recreational opportunities consistent with the certified LUP and Chapter 3 of the Coastal Act.

## **C. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Section 21080.9 of the California Public Resources Code, within the California Environmental Quality Act (CEQA), exempts local governments from the requirement to prepare environmental review documentation in connection with activities and approvals necessary for the preparation and adoption of a LCP. In addition, pursuant to CCR Section 15251(f), the Commission's LCP review and approval program has been certified by the Secretary of the Resources Agency as functionally equivalent to the preparation of an environmental impact report (EIR). CEQA Section 21080.5 further provides that the Commission's review of LCP amendments satisfies CEQA if the Commission considers whether there are feasible alternatives or mitigation measures that would substantially lessen any significant adverse environmental impacts of the proposed LCP amendment.

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As discussed in the Consistency Analysis sections above, the proposed LCP amendment, which includes amendments to both the LUP and the IP, is consistent with the Chapter 3 policies of the Coastal Act and conforms with, and is adequate to carry out, the provisions of the certified LUP. The Commission therefore finds that approval of the proposed LCP amendment, as modified, will not result in significant adverse environmental impacts within the meaning of CEQA and is consistent with Public Resources Code Section 21080.5(d)(2)(A). In addition, there are no feasible alternatives or mitigation measures available that would substantially lessen any potential adverse environmental effects of the proposed LCP amendment.

## APPENDIX A—SUGGESTED MODIFICATIONS IN TEXT

For ease of reading, the suggested modifications associated with the subject LCP amendment have been incorporated into Appendix A. The suggested modifications are shown overlaid onto the City’s proposed amendments to both the Coastal Land Use Plan and Implementation Plan, as submitted pursuant to City Council Resolution No. 2024-52, resulting in a consolidated and more readable presentation of the proposed amendments as modified.

Normal Text = Existing, unmodified language

~~Strikethrough Text~~ = City’s proposed eliminated language

Underline Text = City’s proposed added language

~~**Bold Strikethrough Text**~~ = Commission’s proposed eliminated language

**Bold Underline Text** = Commission’s proposed added language

### Land Use Plan (LUP) and Implementation Plan (IP) Modifications

1. Modify proposed LUP policy 2.1.11-1 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 City will reserve 25% of allocated dwelling units within the Coastal Zone 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. 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.
- ~~**West Newport Mesa: the intent is to support a density between 20 and 50 dwelling units per gross acre to accommodate up to 1,107 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.

2. Modify proposed LUP policy 2.1.11-2 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.

3. Modify proposed IP Subsection 21.28.070(A) as follows:

2. Applicability. This section applies to properties located in one of the Housing Opportunity (HO) Overlay Coastal Zoning Districts, as identified in Part 8 of this title. This includes the following subareas:

4. 1. HO-1 - Airport Area Environs Area – The Airport Area Environs Area is located north of the Upper Newport Bay Nature Reserve, primarily around the John Wayne Airport.
- ~~2. HO-2 - West Newport Mesa Area – The West Newport Mesa Area is located near the southwest corner of the City and primarily consists of industrial properties along 16<sup>th</sup> Street, Production Place, and 15<sup>th</sup> Street.~~
3. 2. HO-3 - Dover-Westcliff Area – The Dover-Westcliff Area includes property on both sides of West Coast Highway and the west of Dover Drive. Properties in the Lido Village area are included.

4. **3.** HO-4 - Newport Center Area – The Newport Center Area is generally bounded by San Joaquin Hills Road, MacArthur Blvd, Coast Highway, and Jamboree Road.

Modify proposed IP Table 21.28-1 as follows:

**TABLE 21.28-1  
DEVELOPMENT STANDARDS FOR HOUSING OPPORTUNITY OVERLAY ZONES**

Development Feature	Housing Opportunity Subareas			
	HO-1	<b>HO-2</b>	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>	<b>10 ft.<sup>(2)</sup></b>	10 ft. <sup>(2)(3)</sup>	0 <sup>(2)</sup>
Rear	0	<b>20 ft.</b>	20 ft.	0
Side	0' <sup>(4)</sup>			
Street Side	0 <sup>(2)</sup>	<b>10 ft.<sup>(2)</sup></b>	10 ft. <sup>(2)</sup>	0 ft. <sup>(2)</sup>
Height	Per Base Zone unless otherwise identified on the map	<b>65 ft.</b>	65 ft. <sup>(5)</sup>	Per Base Zone <sup>(6)</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 <sup>(7)</sup>	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 <a href="#">21.30.070</a> (Outdoor Lighting).			
Parking	See Subsection (D)(2) below and Chapter <a href="#">21.40</a> (Off-Street Parking).			
Signs	See Chapter <a href="#">21.30.065</a> (Sign Standards).			

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- (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.

**IP Subsection 21.28.070(C) shall be modified as follows:**

~~3. West Newport Mesa Area (HO-2). The following development standards shall only apply to projects with the West Newport Mesa Area:~~

~~b. West Newport Mesa Streetscape Master Plan. Any residential or mixed-use residential development shall implement applicable components of the adopted West Newport Mesa Streetscape Master Plan.~~

**IP Section 21.80.032 (Housing Opportunity Overlay Districts Maps) shall be modified as follows:**

- HO-1 - Airport Area Environs Area (PDF)
- ~~HO-2 - West Newport Mesa Area (PDF)~~
- HO-3 - Dover-Westcliff Area (PDF)
- HO-4 - Newport Center Area (PDF)

4. Modify Table 21.14-1 (Coastal Zoning Districts) by inserting “Housing Opportunity (HO) Overlay” to reflect inclusion within the certified set of coastal zoning districts as follows:

**IP Table 21.14-1 shall be modified as follows:**

Coastal Zoning Map Symbol	Coastal Zoning Districts	Coastal Land Use Plan Designations Implemented by Zoning Districts	
Overlay Coastal Zoning Districts			
MHP	Mobile Home Park	RM	Multiple-Unit Residential

Coastal Zoning Map Symbol	Coastal Zoning Districts	Coastal Land Use Plan Designations Implemented by Zoning Districts	
PM	Parking Management	All designations	
B	Bluff	All designations	
C	Canyon	RS, RM	Single-Unit Residential Multiple-Unit Residential
H	Height	RM	Multiple-Unit Residential
<b><u>HO</u></b>	<b><u>Housing Opportunity</u></b>	<b><u>Varies</u></b>	<b><u>Varies</u></b>

5. Modify proposed 21.28.070(B) as follows:

**Subsection 21.28.070(B) shall be modified as follows:**

- 6. Residential supporting uses such as leasing/sales/property management offices, fitness facilities, recreation facilities, etc.; and
- 7. **Residential uses permitted under this section shall harmonize with the Coastal Act’s priority uses, including visitor-serving, marine-related, public-serving, or recreational uses, and shall retain or provide functionally equivalent uses, as measured by comparable visitor peak use intensity and public availability.**

6. Modify proposed LUP Subsection 21.28.070(C)(2) as follows:

**Subsection 21.28.070(C)(2) shall be modified as follows:**

**d. Housing Opportunity Sites 23, 24, 25 and 26. A residential or mixed-use development encompassing Housing Opportunity Sites 23, 24, 25, and 26 shall include a free to access public park or /public recreational opportunity that conforms to all the following:**

- 4. **A minimum 50 ft. ESHA buffer measured from the outermost extent of the riparian vegetation shall be provided. For a minimum 10-year period, the buffer shall be measured from the outermost extent of the vegetation established as part of the Santa Ana Delhi Channel Improvement Project proposed by the Orange County Flood Control District. The 50 ft. buffer shall be consistent with 21.30B.30 (D); however, the exceptions criteria for smaller ESHA buffers shall not apply.**

- 5. An additional 50 ft. buffer measured from the outermost extent of the ESHA buffer shall also be provided consistent with 21.30B.30 (E). This transitional buffer may be used to accommodate a free, low-impact public recreational opportunity. At a minimum, such public recreational opportunity shall include a contiguous open space corridor along the entire length of the Santa Ana Delhi Channel located adjacent to the subject properties that is of sufficient width to accommodate a 100-ft. biological buffer, separately and contiguously, to protect habitat in and along the channel. Such recreational opportunity shall also provide public access and recreational open space that will accommodate passive and active public recreational opportunities including, but not limited to continuous pedestrian/cycling trail, benches, drinking fountains and/or water fill stations, picnic tables, shade structures and fitness/exercise equipment.**
- 6. In the event the Santa Ana Delhi Channel Improvement Project does not occur there shall be a minimum 100 ft. wide corridor along the channel that extends from the top of the channel bank to be used for the free, low-impact coastal access and public recreational opportunity described in subsection B. above.**

7. Modify proposed LUP\_Subsection 21.28.070(D) as follows:

Subsection 21.28.070(D) shall be modified as follows:

- 6. Visitor-Serving Commercial, Marine-Related Uses, or Visitor Accommodations. For sites with base designations intended for Visitor-Serving Commercial, Marine-Related Uses, or Overnight Visitor Accommodations, any existing uses consistent with the intent of those designations shall be retained, replaced, or expanded where feasible, with a functionally equivalent use in terms of comparable visitor peak use intensity and public availability. No hotel, motel, or other overnight visitor accommodations shall be converted or replaced with residential use.**
- 7. Parks and Recreation or Open Space. For sites with base designations intended for Parks and Recreation or Open Space, any existing uses consistent with the intent of those designations shall be retained, replaced or expanded where feasible, with a functionally equivalent use in terms of comparable visitor peak use intensity and public availability. When there is a proposed replacement of any existing priority use with a new priority use, a use that provides lower-cost and/or no-cost visitor-serving and coastal access is preferred.**

**8. All housing projects within the Housing Opportunity (HO) Overlay Coastal Zoning District shall demonstrate consistency with:**

- f. Section 21.30.015 (General Site and Development Standards);**
- g. Section 21.30.030 (Natural Landform and Shoreline Protection);**
- h. Section 21.30.100 (Scenic and Visual Quality Protection);**
- i. Section 21.30.105 (Cultural Resource Protection); and**
- j. Chapter 21.30B (Habitat Protection).**

**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST DISTRICT OFFICE  
301 E. OCEAN BLVD., SUITE 300  
LONG BEACH, CA 90802-4830  
(562) 590-5071



# F11a

**LCP-5-NPB-24-0032-2 (Housing Overlay**

**April 17, 2025**

## **EXHIBITS**

### **Table of Contents**

Exhibit 1 – Resolution 2024-52

Exhibit 2 – Ordinance 2024-16

Exhibit 3 – Housing Opportunity Overlay Zoning Districts maps

RESOLUTION NO. 2024-52

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 THE CITY OF NEWPORT BEACH COASTAL LAND USE PLAN AND TITLE 21 (LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN) OF THE NEWPORT BEACH MUNICIPAL CODE RELATED TO THE IMPLEMENTATION OF THE HOUSING ELEMENT (PA2022-0245)

**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) ("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's General Plan Land Use Element is a mandatory element that governs the ultimate pattern of development and requires updating as necessary for consistency with other General Plan elements;

**WHEREAS**, every eight years, State Housing Element Law requires the City to update its General Plan Housing Element to identify and analyze existing and projected housing needs for the City along with a housing plan that provides adequate land use capacity to meet those needs;

**WHEREAS**, the City was assigned a Regional Housing Needs Assessment (“RHNA”) allocation of 4,845 new units as its projected housing need for the planning period covering 2021-2029 and, as a result, the City worked diligently to prepare its 6<sup>th</sup> Cycle Housing Element in compliance with state law;

**WHEREAS**, preparation of the 6<sup>th</sup> Cycle Housing Element involved extensive public participation with community groups at numerous workshops, as well as meetings with the Planning Commission and City Council, and was assisted by an ad-hoc committee called the Housing Element Update Advisory Committee (“HEUAC”) formed and appointed by the City Council;

**WHEREAS**, after several meetings with the State Department of Housing and Community Development (“HCD”) and numerous drafts, the City Council adopted the final 6<sup>th</sup> Cycle Housing Element on September 13, 2022;

**WHEREAS**, HCD certified the City’s 6<sup>th</sup> Cycle Housing Element on October 5, 2022, as statutorily compliant with state law;

**WHEREAS**, Section 4 (Housing Plan) of the 6<sup>th</sup> Cycle Housing Element presents a framework and strategy for meeting the needs of existing and future resident populations in Newport Beach based on the RHNA allocation of 4,845 new housing units, the “fair share” of regional housing need and demand, by planning for units within the following site groupings or “focus areas” that are best suited for residential growth: Airport Area Environs, West Newport Mesa, Newport Center, Dover/Westcliff, and Coyote Canyon;

**WHEREAS**, the 6<sup>th</sup> Cycle Housing Element opportunity sites are to be rezoned per Housing Element Policy Actions 1A through 1F to accommodate the City’s RHNA obligation, including a buffer necessary to address future “no net loss” of available sites and to preclude the need to identify replacement sites during implementation;

**WHEREAS**, the rezoning includes the establishment of overlay zoning districts and accompanying development standards, as well as corresponding amendments to the General Plan Land Use Element and the Local Coastal Program;

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City of Newport Beach Exhibit 1

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**WHEREAS**, to comply with state law, the City has been working diligently to implement the 6<sup>th</sup> Cycle Housing Element no later than February 2025 (“6<sup>th</sup> Cycle Housing Element Implementation”), which requires the following amendments and actions:

- General Plan Amendment (“GPA”) - To revise the necessary goals and/or policies within the City’s Land Use Element to support housing production in the focus areas identified by the 6<sup>th</sup> Cycle Housing Element;
- Amendment to Title 20 (Planning and Zoning) (“ZCA”) - To implement the Land Use Element’s policy changes by allowing housing development as an opportunity and establishing appropriate objective design and development standards for multi-unit residential and mixed-use development projects;
- Local Coastal Program Amendment (“LCPA”) - To revise and create new policies within the City’s Coastal Land Use Plan and update Title 21 (Local Coastal Program Implementation Plan) of the NBMC to support housing production in the focus areas identified by the 6<sup>th</sup> Cycle Housing Element that are within the Coastal Zone; and
- Program Environmental Impact Report (“PEIR”) (SCH No. 2023060699) - To analyze potential environmental impacts under the California Environmental Quality Act (“CEQA”) related to the 6<sup>th</sup> Cycle Housing Element Implementation, a Draft Housing Element Implementation Program Amendments Program Environmental Impact Report (“Draft PEIR”), to address reasonably foreseeable environmental impacts resulting from the 6<sup>th</sup> Cycle Housing Element Implementation;

**WHEREAS**, the 6<sup>th</sup> Cycle Housing Element Implementation must take effect by February 2025 to avoid significant penalties and loss of local control dictated by state law, which may include, but are not limited to:

- Increased exposure to public and private litigation;
- Loss of permitting authority;
- Financial penalties including monthly fines of up to \$600,000;
- Loss of eligibility for state and regional funding sources;
- Court receivership;
- Allowing housing developers to bypass the City’s zoning requirements; and
- Increased exposure to monitoring by the newly formed Housing Accountability Unit of HCD;

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**WHEREAS**, City staff worked closely with the community through the City Council-appointed General Plan Advisory Committee (“GPAC”) and General Plan Update Steering Committee (“GPUSC”) from March 2023 to August 2023 to draft Land Use Element goals and policies that support 6<sup>th</sup> Cycle Housing Element Implementation;

**WHEREAS**, the draft GPA that was supported by the GPAC and the GPUSC was posted online on August 30, 2023, with additional public comments and participation at the Planning Commission Study Session on September 21, 2023, and the City Council Study Session on February 13, 2024;

**WHEREAS**, the draft GPA was revised and reposted online on January 16, 2024, and March 28, 2024, based on the public's input;

**WHEREAS**, a public hearing was held by the Planning Commission on April 18, 2024, in the Council Chambers at 100 Civic Center Drive, Newport Beach, California to consider the actions and amendments required for the 6<sup>th</sup> Cycle Housing Element Implementation. A notice of time, place, and purpose of the hearing was given in accordance with Government Code Section 54950 *et seq.* (“Ralph M. Brown Act”), Chapter 20.62 (Public Hearings) and Chapter 21.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by the Planning Commission at this hearing;

**WHEREAS**, at the conclusion of the public hearing, the Planning Commission adopted Resolution No. PC2024-006 by a unanimous vote (5 ayes, 2 recusals) recommending the City Council certify the Housing Element Implementation Program Amendments Draft PEIR and approve the 6<sup>th</sup> Cycle Housing Element Implementation;

**WHEREAS**, California Public Utilities Code (“CPUC”) Section 21676(b) requires the City to refer the 6<sup>th</sup> Cycle Housing Element Implementation 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 May 16, 2024, the ALUC determined the 6<sup>th</sup> Cycle Housing Element Implementation is inconsistent with the AELUP;

**WHEREAS**, pursuant to Sections 21670 and 21676 of the CPUC, the City Council held a duly noticed public hearing on May 28, 2024, and adopted Resolution No. 2024-32 (7 ayes, 0 nays), to notify the ALUC and State Department of Transportation Aeronautics Program of the City's intent to override ALUC's inconsistency finding and on May 29, 2024, the City issued the Notice of Intent to Override ALUC's determination and received two comments in response;

**WHEREAS**, a public hearing was held on July 23, 2024, by the City Council in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California to consider the 6<sup>th</sup> Cycle Housing Element Implementation, including consideration of certifying the PEIR, adoption of CEQA Findings, Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations. A notice of time, place, and purpose of the hearing was given in accordance with CPUC Section 21676(b), the Ralph M. Brown Act, Chapter 20.62 (Public Hearings), Chapter 20.66 (Amendments), and Chapter 21.62 (Public Hearings) of the NBMC, and City Council Policy K-1 (General Plan and Local Coastal Program) and City Council Policy K-3 (Implementation procedures for the California Environmental Quality Act). Evidence both written and oral, was presented to, and considered by, the City Council at this hearing; and

**WHEREAS**, pursuant to Section 13515 of the California Code of Regulations Title 14, Division 5. 5, Chapter 8 ("Section 13515"), drafts of the LCPA were made available and a Notice of Availability was distributed on April 15, 2024, at least six weeks prior to the anticipated final action date.

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

**Section 1:** The City Council finds amendments to the LCP are legislative acts. Neither Title 21 nor State Planning Law set for any required findings for either approval or denial of such amendments. Notwithstanding the foregoing, the LCPA is consistent with the corresponding GPA and ZCA.

**Section 2:** The City Council does hereby make the findings attached hereto as Exhibit "A" and incorporated by reference and authorizes staff to submit this LCPA to amend portions of the Coastal Land Use Plan and Title 21, as set forth in Exhibits "B" and "C," which are attached hereto and incorporated by reference, to the California Coastal Commission for review and approval.

**Section 3:** The Housing Element Implementation Program Amendments Final PEIR (SCH No. 2023060699) was prepared for the 6<sup>th</sup> Cycle Housing Element Implementation (also referred to as the "Project") 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). On July 23, 2024, the City Council adopted Resolution No. 2024-50, to certify the PEIR as complete and adequate, inclusive of all required findings, a statement of overriding considerations, and a mitigation monitoring reporting program. The City Council hereby finds that the action to adopt this Resolution approving the LCPA was considered within the PEIR. Resolution No. 2024-50 is hereby incorporated by reference.

**Section 4:** This LCPA shall not become effective until voter approval set forth in Section 8 below followed by approval by the California Coastal Commission and adoption, including any modifications suggested by the California Coastal Commission, by resolution and/or ordinance of the City of Newport Beach.

**Section 5:** This LCPA, if approved, will be carried out fully in conformity with the California Coastal Act.

**Section 6:** The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

**Section 7:** 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 for Approval**

General Finding:

An amendment to the City's Local Coastal Program is a legislative act. Neither Title 21 (Planning and Zoning) of the NBMC 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 6<sup>th</sup> Cycle Housing Element:

Facts in Support of Finding:

1. The Local Coastal Program ("LCP"), including the Coastal Land Use Plan and the Implementation Plan (Title 21) are designed to implement the General Plan within the Coastal Zone in furtherance of the California Coastal Act. Since the 6<sup>th</sup> Cycle Housing Element Implementation involves an amendment to the General Plan and Title 20 (Planning and Zoning) affecting several properties within the Coastal Zone, it is necessary to also amend the LCP to achieve the goals and policies.
2. The LCP Amendment ("LCPA"), attached to this resolution as Exhibits "B" and "C" incorporated herein, including the Housing Opportunity (HO) Overlay Coastal Zoning Districts with associated development standards, are consistent with the implementation program in the Housing Plan of the Housing Element, as discussed in Resolution No. 2024-\_\_\_\_ 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"**  
**Amendment to Coastal Land Use Plan**

Policy 2.1.2-1 of the CLUP is revised 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.

Policy 2.1.10-1 of the CLUP is revised 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.

New Policy 2.1.11-1 is inserted and reads 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 City will reserve 25% of allocated dwelling units within the Coastal Zone 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. 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.
- **West Newport Mesa:** the intent is to support a density between 20 and 50 dwelling units per gross acre to accommodate up to 1,107 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.

New Policy 2.1.11-2 is inserted and reads 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. 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.

New Policy 2.1.11-3 is inserted and reads 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.

New Policy 2.1.11-4 is inserted and reads 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).

**EXHIBIT “C”**  
**Amendment to Title 21 (Local Coastal Program Implementation Plan)**

Chapter 21.28 (Overlay Coastal Zoning Districts) of the NBMC is amended to include a new Section 21.28.070 (Housing Opportunity [HO] Overlay Coastal Zoning District) as follows:

**Chapter 21.28**

**OVERLAY COASTAL ZONING DISTRICTS (MHP, PM, B, C, H, AND HO)**

Sections:

- 21.28.010 Purposes of Overlay Coastal Zoning Districts.**
- 21.28.020 Mobile Home Park (MHP) Overlay Coastal Zoning District.**
- 21.28.030 Parking Management (PM) Overlay District.**
- 21.28.040 Bluff (B) Overlay District.**
- 21.28.050 Canyon (C) Overlay District.**
- 21.28.060 Height (H) Overlay District.**
- 21.28.070 Housing Opportunity (HO) Overlay Coastal Zoning Districts.**

Section 21.28.010 (Purposes of Overlay Coastal Zoning Districts) is amended to include a new Subsection (F) as follows:

F. HO (Housing Opportunity) Overlay Coastal Zoning Districts. The HO Overlay Coastal Zoning Districts are intended to accommodate housing opportunities consistent with the Housing Element’s focus areas and to ensure the City can meet its allocation of the Regional Housing Needs Assessment (RHNA). The specific areas are identified in Part 8 of this title (Maps).

New Section 21.28.070 (Housing Opportunity [HO] Overlay Coastal Zoning Districts) is incorporated into the Chapter as follows:

**21.28.070 Housing Opportunity (HO) Overlay Coastal Zoning Districts.**

A. Applicability. This section applies to properties located in one of the Housing Opportunity (HO) Overlay Coastal Zoning Districts, as identified in Part 8 of this title. This includes the following subareas:

1. HO-1 - Airport Area Environs Area – The Airport Area Environs Area is located north of the Upper Newport Bay Nature Reserve, primarily around the John Wayne Airport.
2. HO-2 - West Newport Mesa Area – The West Newport Mesa Area is located near the southwest corner of the City and primarily consists of industrial properties along 16<sup>th</sup> Street, Production Place, and 15<sup>th</sup> Street.
3. HO-3 - Dover-Westcliff Area – The Dover-Westcliff Area includes property on both sides of West Coast Highway and the west of Dover Drive. Properties in the Lido Village area are included.
4. HO-4 - Newport Center Area – The Newport Center Area is generally bounded by San Joaquin Hills Road, MacArthur Blvd, Coast Highway, and Jamboree Road.

The above listed are general descriptions of each subarea and additional properties may be included with the subarea. To be eligible for the provisions of this chapter, the property must be listed on the HO area map as an “Opportunity Site”.

B. Uses Allowed. The following uses shall be permitted in the Housing Opportunity (HO) Overlay Coastal Zoning Districts:

1. Any use that is permitted or conditionally permitted in the base zone;
2. Multiple-unit development that meets the density requirements set forth in this section;
3. Mixed-use development that includes a residential component which complies with the minimum density set forth in this section; and
4. Residential supporting uses such as leasing/sales/property management offices, fitness facilities, recreation facilities, etc.

C. Subarea Development Standards.

1. Development Standards. The following development standards shall apply to any residential or mixed-use project permitted pursuant to this section. Unless otherwise modified by this section, all applicable development standards, including any adopted objective design standards, shall apply.

**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 <sup>(6)</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.

2. Airport Area Environs Area (HO-1). The following development standards shall only apply to projects with the Airport Area Environs Area:
  - a. Sound Mitigation. The interior ambient noise level of all new residential dwelling units shall meet applicable standards of the Section 10.26.030 (Interior Noise Standards). An acoustical analysis report, prepared by an acoustical engineer, shall be submitted describing the acoustical design features of the structure that will satisfy the interior noise standard. The residential units shall be constructed, and noise attenuated in compliance with the report.
  - b. Advanced Air Filtration. The design of all new residential and mixed-use residential developments shall include advanced air filtration systems to promote cleaner air within living environments.
  - c. Notification to Owners and Tenants. A written disclosure statement shall be prepared prior to sale, lease, or rental of a residential unit within the development. The disclosure statement shall indicate that the occupants will be living in an urban type of environment adjacent to an airport and that the noise, odor, and outdoor activity levels may be higher than a typical suburban residential area. The disclosure statement shall include a written description of the potential impacts to residents of both the existing environment (e.g., noise from planes, commercial activity on the site and vehicles streets) and potential nuisances based upon the allowed uses in the zoning district. Each and every buyer, lessee, or renter shall sign the statement acknowledging that they have received, read, and understand the disclosure statement. A covenant shall also be included within all deeds, leases or contracts conveying any interest in a residential unit within the development that requires: (1) the disclosure and notification requirement stated herein; (2) an acknowledgment by all grantees or lessees that the property is located within an urban type of environment and that the noise, odor, and outdoor activity levels may be higher than a typical suburban residential area; and (3) acknowledgment that the covenant is binding for the benefit and in favor of the City of Newport Beach.
3. West Newport Mesa Area (HO-2). The following development standards shall only apply to projects with the West Newport Mesa Area:
  - a. West Newport Mesa Streetscape Master Plan. Any residential or mixed-use residential development shall implement applicable components of the adopted West Newport Mesa Streetscape Master Plan.

D. General Development Standards. The following development standards shall apply to all projects within the Housing Opportunity zone, regardless of subarea:

1. Landscaped Setbacks. All front and street side setbacks shall be landscaped, except for areas that provide vehicle and pedestrian access to the right-of-way.
2. Residential Off-Street Parking Requirements. Residential parking requirements for projects within the Housing Opportunity Overlay Zones shall be provided in accordance with Table 21.28-2 below. Parking for all other uses not included in this table shall be provided in accordance with Chapter 21.40 (Off-Street Parking Requirements) of the NBMC.

**TABLE 21.28-2  
RESIDENTIAL OFF-STREET PARKING FOR HOUSING OPPORTUNITY COASTAL OVERLAY  
ZONES**

<b>Land Use</b>	<b>Subtype</b>	<b>Parking Requirement</b>
Residential (Rental)	Studio	1.1 spaces per dwelling unit
	1 Bedroom	1.5 spaces per dwelling unit
	2 Bedrooms	1.8 spaces per dwelling unit
	3 Bedrooms	2.0 spaces per dwelling unit
	Visitor Parking	0.3 spaces per dwelling unit
Residential (Ownership)	Studio	1.4 spaces per dwelling unit
	1 Bedroom	1.8 spaces per dwelling unit
	2 Bedrooms	1.8 spaces per dwelling unit
	3 Bedrooms	2.0 spaces per dwelling unit
	Visitor Parking	0.3 spaces per dwelling unit

Part 8. Maps, Chapter 20.80 (Maps) is amended to include new Section 21.80.032 (Housing Opportunity Overlay Districts Maps) as follows:

**Chapter 21.80**

**MAPS**

Sections:

- 21.80.010 Area Maps.**
- 21.80.020 Bluff Overlay.**
- 21.80.025 Canyon Overlay.**
- 21.80.030 Height Limit Areas.**
- 21.80.032 Housing Opportunity Overlay Districts Maps.**
- 21.80.035 Parking Management Overlay District Maps.**
- 21.80.040 Setback Maps.**

**21.80.055 Planned Community Site Plans.**

**21.80.065 Planned Community Land Use Maps.**

Section 21.80.032 (Housing Opportunity Overlay Zoning Districts Maps) is added in its entirety to include an indexing of maps as follows:

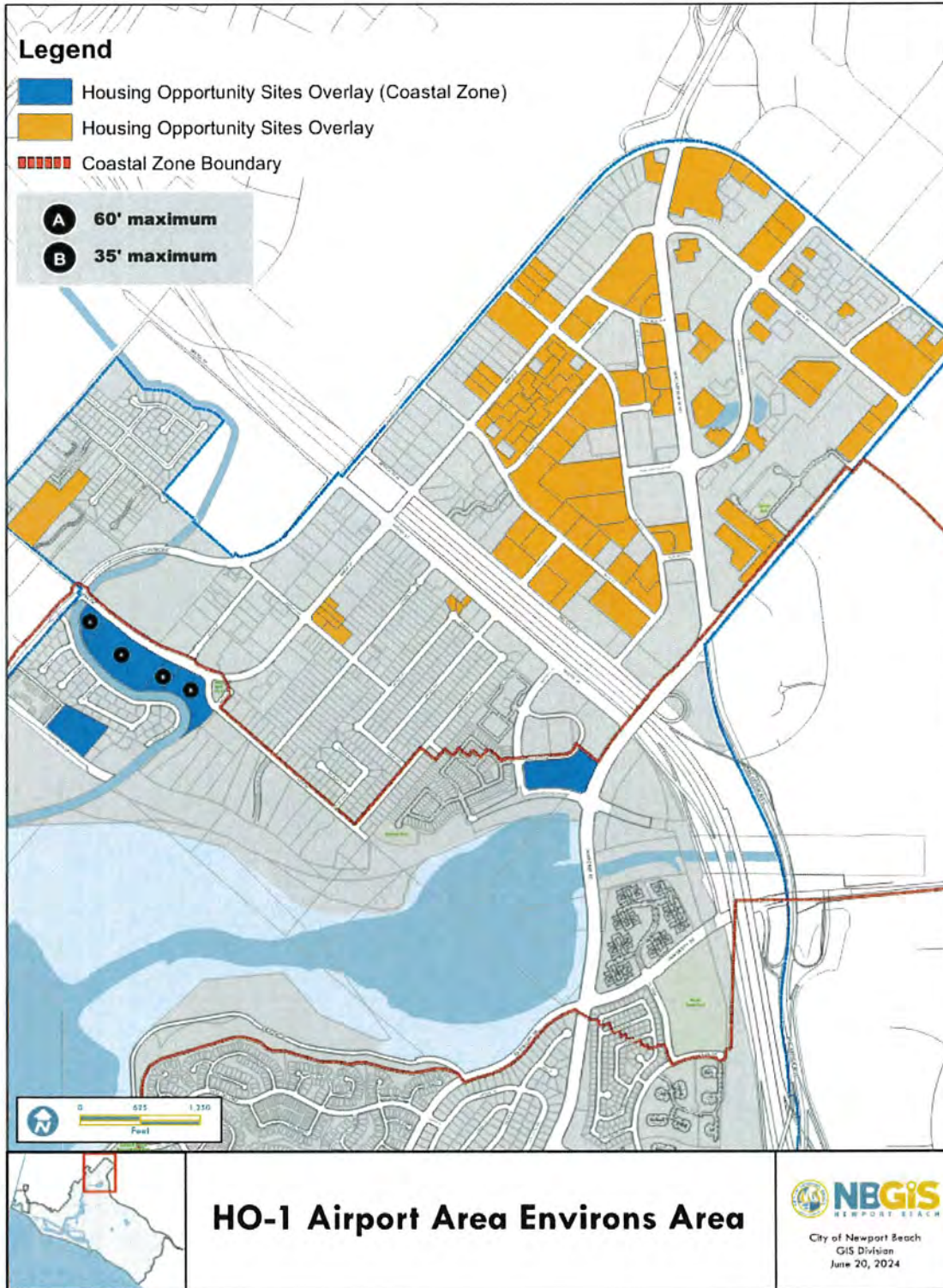
HO-1 - Airport Area Environs Area (PDF)

HO-2 - West Newport Mesa Area (PDF)

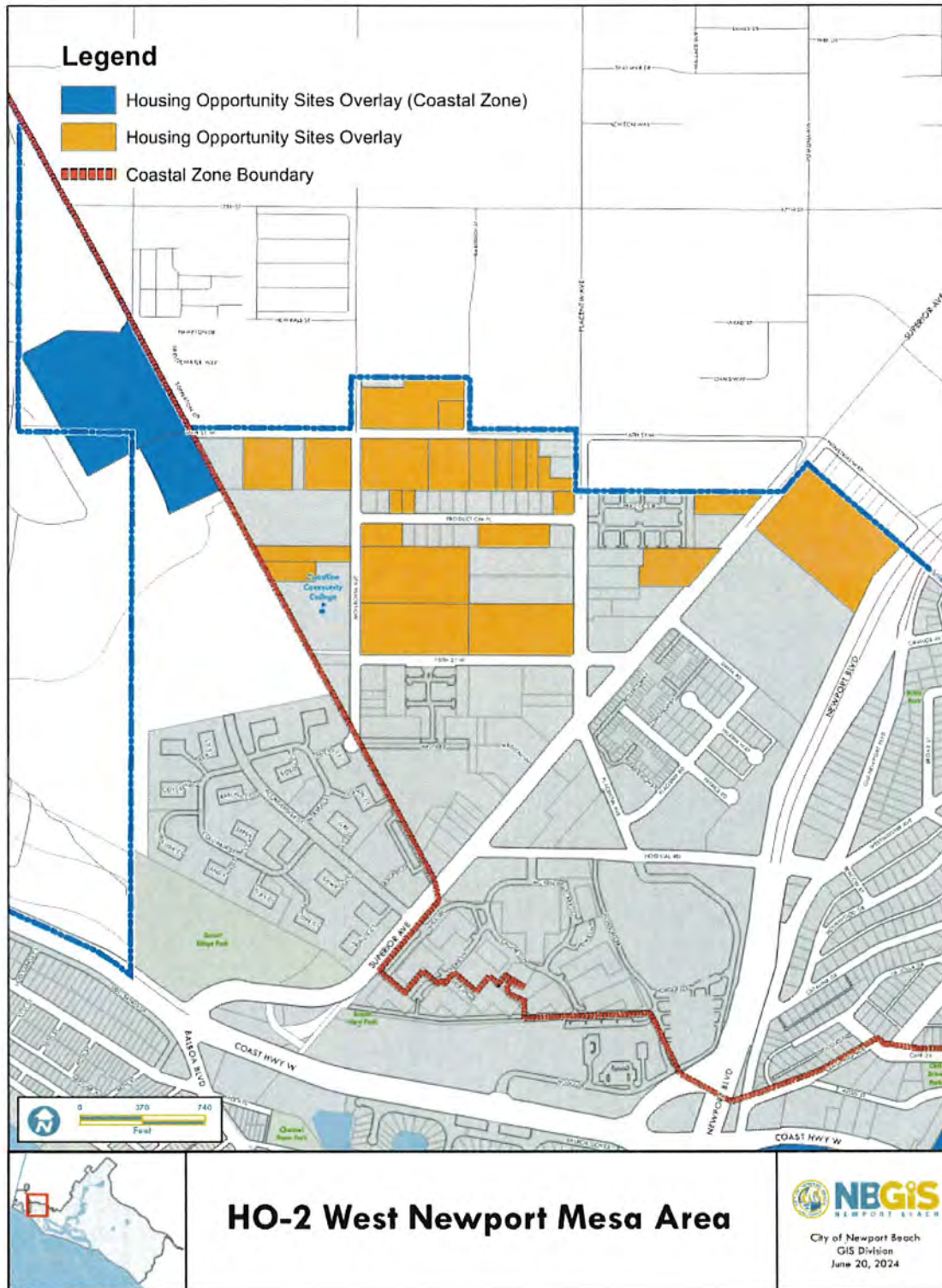
HO-3 - Dover-Westcliff Area (PDF)

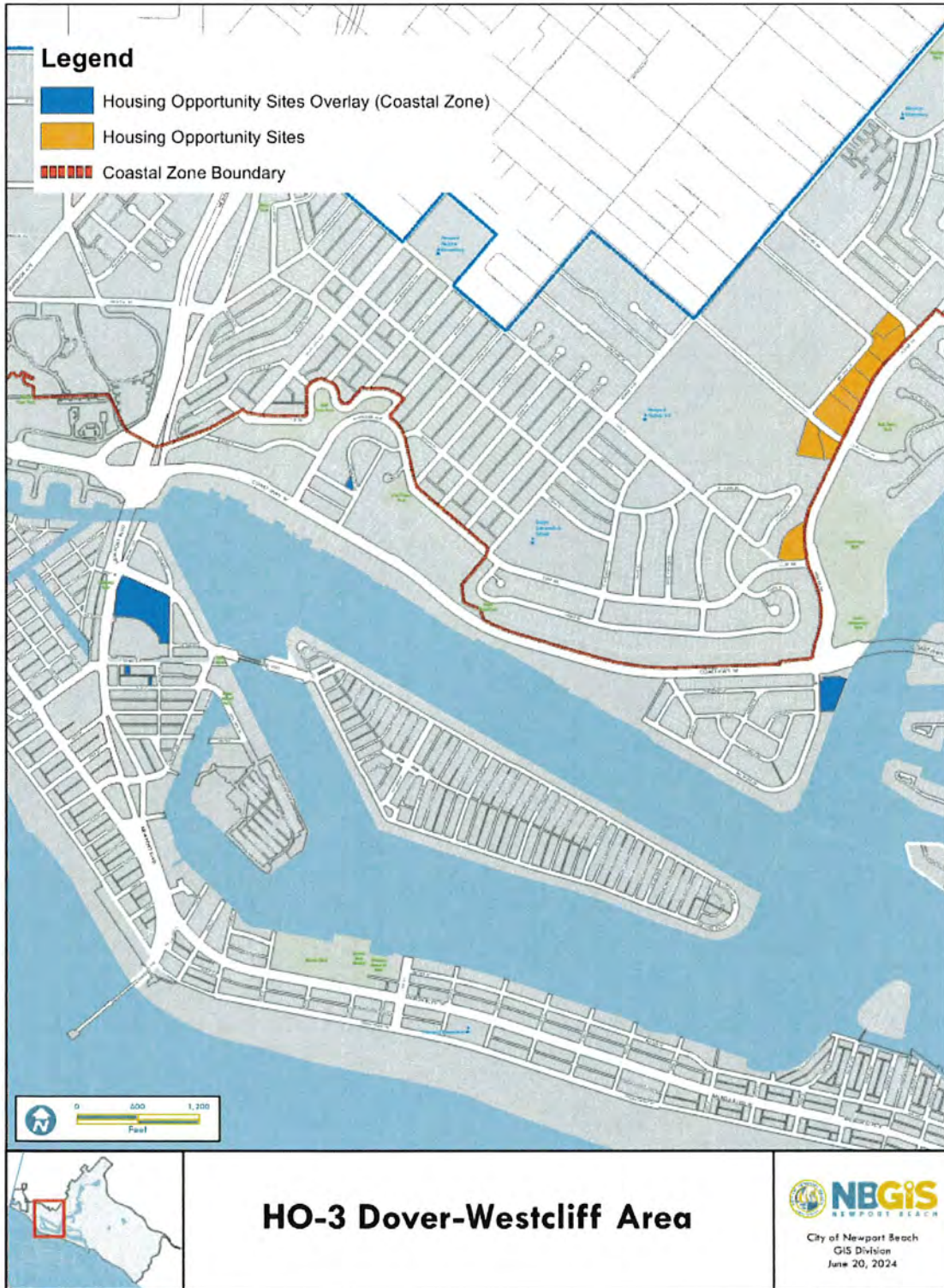
HO-4 - Newport Center Area (PDF)

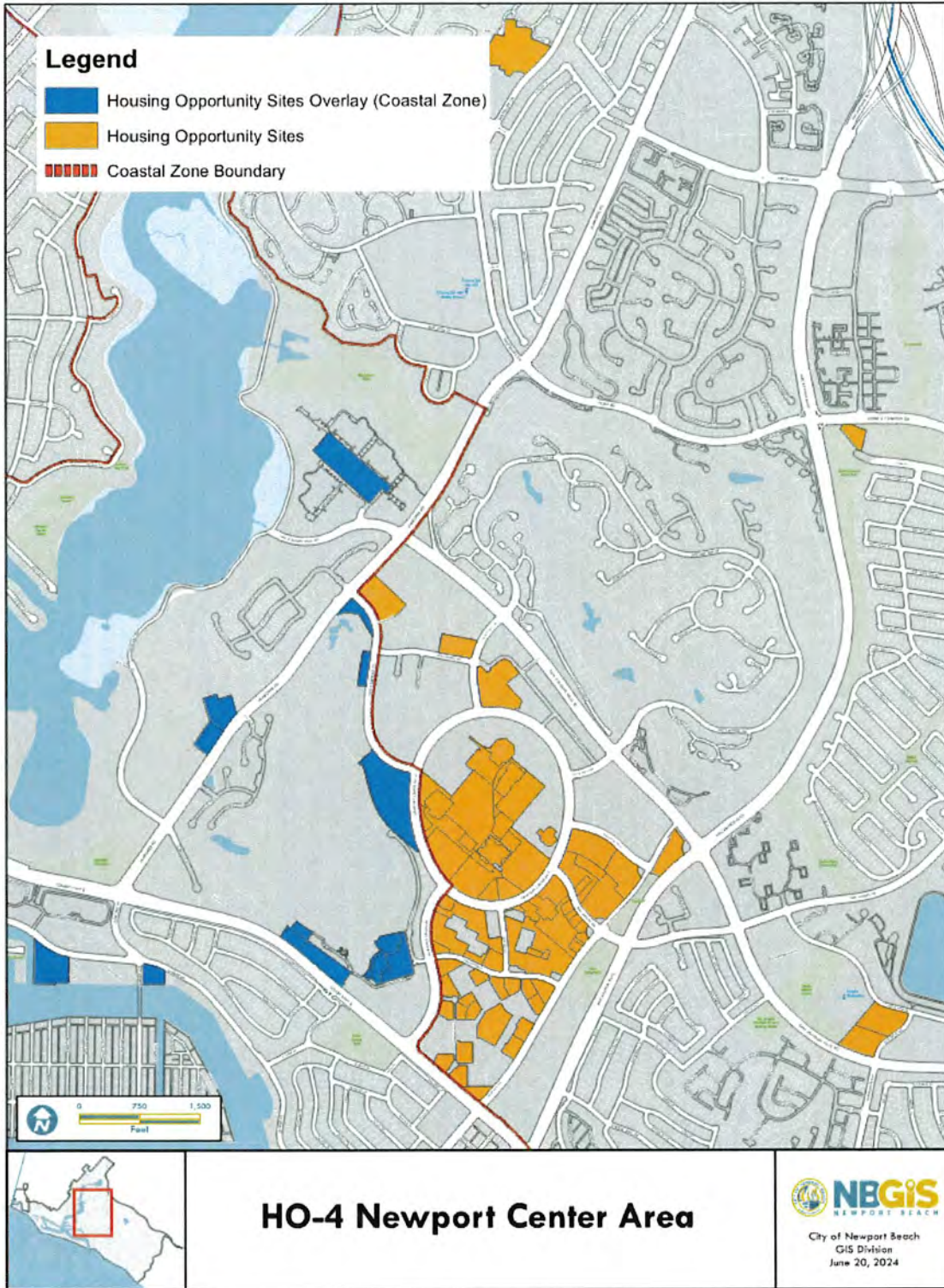
The corresponding maps for each of the Housing Opportunity Overlay Coastal Zoning Districts, as indexed in Section 21.80.032 and linked as a PDF, are to be in a similar format to the following series of maps beginning on the next page:



HO-1 Airport Area Environs Area.mxd







STATE OF CALIFORNIA  
COUNTY OF ORANGE  
CITY OF NEWPORT BEACH

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ss.

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. 2024-52 was duly introduced before and adopted by the City Council of said City at a regular meeting of said Council held on the 23<sup>rd</sup> day of July, 2024; and the same was so passed and adopted by the following vote, to wit:

AYES: Mayor Pro Tem Joe Stapleton, Councilmember Brad Avery, Councilmember Noah Blom, Councilmember Robyn Grant, Councilmember Lauren Kleiman, Councilmember Erik Weigand

NAYS: None

ABSTAINED: Mayor Will O'Neill

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 24<sup>th</sup> day of July, 2024.



Leilani I. Brown  
City Clerk  
Newport Beach, California



**ORDINANCE NO. 2024-16**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AMENDING TITLE 20 (PLANNING AND ZONING) OF THE NEWPORT BEACH MUNICIPAL CODE TO IMPLEMENT THE GENERAL PLAN 6<sup>TH</sup> CYCLE HOUSING ELEMENT (PA2022-0245)**

**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**, the City’s General Plan Land Use Element is a mandatory element that governs the ultimate pattern of development and requires updating every now and then for consistency with other General Plan elements;

**WHEREAS**, every eight years, State Housing Element Law requires the City to update its General Plan Housing Element to identify and analyze existing and projected housing needs for the City along with a housing plan that provides adequate land use capacity to meet those needs;

**WHEREAS**, the City was assigned a Regional Housing Needs Assessment (“RHNA”) allocation of 4,845 new units as its projected housing need for the planning period covering 2021-2029 and, as a result, the City worked diligently to prepare its 6<sup>th</sup> Cycle Housing Element in compliance with state law;

**WHEREAS**, preparation of the 6<sup>th</sup> Cycle Housing Element involved extensive public participation with community groups at numerous workshops, as well as meetings with the Planning Commission and City Council, and was assisted by an ad-hoc committee called the Housing Element Update Advisory Committee (“HEUAC”) formed and appointed by the City Council;

**WHEREAS**, after several meetings with the State Department of Housing and Community Development (“HCD”) and numerous drafts, the City Council adopted the final 6<sup>th</sup> Cycle Housing Element on September 13, 2022;

**WHEREAS**, HCD certified the City’s 6<sup>th</sup> Cycle Housing Element on October 5, 2022, as statutorily compliant with state law;

**WHEREAS**, Section 4 (Housing Plan) of the 6<sup>th</sup> Cycle Housing Element presents a framework and strategy for meeting the needs of existing and future resident populations in Newport Beach based on the RHNA allocation of 4,845 new housing units, the “fair share” of regional housing need and demand, by planning for units within the following site groupings or “focus areas” that are best suited for residential growth: Airport Area Environs, West Newport Mesa, Newport Center, Dover/Westcliff, and Coyote Canyon;

**WHEREAS**, the 6<sup>th</sup> Cycle Housing Element opportunity sites are to be rezoned per Housing Element Policy Actions 1A through 1F to accommodate the City’s RHNA obligation, including a buffer necessary to address future “no net loss” of available sites and to preclude the need to identify replacement sites during implementation;

**WHEREAS**, the rezoning includes the establishment of overlay zoning districts and accompanying development standards, as well as corresponding amendments to the General Plan Land Use Element and the Local Coastal Program;

**WHEREAS**, to comply with state law, the City has been working diligently to implement the 6<sup>th</sup> Cycle Housing Element no later than February 2025 (“6<sup>th</sup> Cycle Housing Element Implementation”), which requires the following amendments and actions:

- General Plan Amendment (“GPA”) - To revise the necessary goals and/or policies within the City’s Land Use Element to support housing production in the focus areas identified by the 6<sup>th</sup> Cycle Housing Element;
- Amendment to Title 20 (Planning and Zoning) (“ZCA”) - To implement the Land Use Element’s policy changes by allowing housing development as an opportunity and establishing appropriate objective design and development standards for multi-unit residential and mixed-use development projects;

- Local Coastal Program Amendment (“LCPA”) - To revise and create new policies within the City’s Coastal Land Use Plan and update Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (“NBMC”) to support housing production in the focus areas identified by the 6<sup>th</sup> Cycle Housing Element that are within the Coastal Zone; and
- Program Environmental Impact Report (“PEIR”) (SCH No. 2023060699) - To analyze potential environmental impacts under the California Environmental Quality Act (“CEQA”) related to the 6<sup>th</sup> Cycle Housing Element Implementation, a Draft Housing Element Implementation Program Amendments Program Environmental Impact Report (“Draft PEIR”), to address reasonably foreseeable environmental impacts resulting from the 6<sup>th</sup> Cycle Housing Element Implementation;

**WHEREAS**, the 6<sup>th</sup> Cycle Housing Element Implementation must take effect by February 2025 to avoid significant penalties and loss of local control dictated by state law, which may include, but are not limited to:

- Increased exposure to public and private litigation;
- Loss of permitting authority;
- Financial penalties including monthly fines of up to \$600,0000;
- Loss of eligibility for state and regional funding sources;
- Court receivership;
- Allowing housing developers to bypass the City’s zoning requirements; and
- Increased exposure to monitoring by the newly formed Housing Accountability Unit of HCD;

**WHEREAS**, City staff worked closely with the community through the City Council-appointed General Plan Advisory Committee (“GPAC”) and General Plan Update Steering Committee (“GPUSC”) from March 2023 to August 2023 to draft Land Use Element goals and policies that support 6<sup>th</sup> Cycle Housing Element Implementation, including the ZCA;

**WHEREAS**, the draft GPA that was supported by the GPAC and the GPUSC was posted online along with the draft ZCA on August 30, 2023, with additional public comments and participation at the Planning Commission Study Session on September 21, 2023, and City Council Study Session on February 13, 2024;

**WHEREAS**, the draft GPA was revised and reposed online on January 16, 2024, and March 28, 2024, based on the public California Coastal Commission

LCP-5-NPB-24-0032-2

Exhibit 2

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**WHEREAS**, a public hearing was held by the Planning Commission on April 18, 2024, in the Council Chambers at 100 Civic Center Drive, Newport Beach, California to consider the actions and amendments required for the 6<sup>th</sup> Cycle Housing Element Implementation. A notice of time, place, and purpose of the hearing was given in accordance with Government Code Section 54950 *et seq.* ("Ralph M. Brown Act"), Chapter 20.62 (Public Hearings) and Chapter 21.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by the Planning Commission at this hearing;

**WHEREAS**, at the conclusion of the public hearing, the Planning Commission adopted Resolution No. PC2024-006 by a unanimous vote (5 ayes, 2 recusals) recommending the City Council certify the Housing Element Implementation Program Amendments Draft PEIR and approve the 6<sup>th</sup> Cycle Housing Element Implementation;

**WHEREAS**, California Public Utilities Code ("CPUC") Section 21676(b) requires the City to refer the 6<sup>th</sup> Cycle Housing Element Implementation 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 May 16, 2024, the ALUC determined the 6<sup>th</sup> Cycle Housing Element Implementation is inconsistent with the AELUP;

**WHEREAS**, pursuant to Sections 21670 and 21676 of the CPUC, the City Council held a duly noticed public hearing on May 28, 2024, and adopted Resolution No. 2024-32 (7 ayes, 0 nays), to notify the ALUC and State Department of Transportation Aeronautics Program of the City's intent to override ALUC's inconsistency finding and on May 29, 2024, the City issued the Notice of Intent to Override ALUC's determination and received two comments in response; and

**WHEREAS**, a public hearing was held on July 23, 2024, by the City Council in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California to consider the 6<sup>th</sup> Cycle Housing Element Implementation, including consideration of certifying the PEIR, adoption of CEQA Findings, Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations. A notice of time, place, and purpose of the hearing was given in accordance with CPUC Section 21676(b), the Ralph M. Brown Act, Chapter 20.62 (Public Hearings), Chapter 20.66 (Amendments), and Chapter 21.62 (Public Hearings) of the NBMC, and City Council Policy K-1 (General Plan and Local Coastal Program) and City Council Policy K-3 (Implementation procedures for the California Environmental Quality Act). Evidence both written and oral, was presented to, and considered by, the City Council at this hearing.

California Coastal Commission

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Exhibit 2

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

**Section 1:** The City Council finds amendments to Title 20 (Planning and Zoning) of the NBMC are legislative acts. Neither Title 20 nor State Planning Law set for any required findings for either approval or denial of such amendments. Notwithstanding the foregoing, the ZCA is consistent with the corresponding GPA and LCPA.

**Section 2:** The City Council does hereby make the findings attached hereto as Exhibit "A" and incorporated by reference, and approves the ZCA, as set forth in Exhibit "B," which is attached hereto and incorporated herein by reference.

**Section 3:** The Housing Element Implementation Program Amendments Final PEIR (SCH No. 2023060699) was prepared for the 6<sup>th</sup> Cycle Housing Element Implementation (also referred to as the "Project") 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). On July 23, 2024, the City Council adopted Resolution No. 2024-50, to certify the PEIR as complete and adequate, inclusive of all required findings, a statement of overriding considerations, and a mitigation monitoring reporting program. The City Council hereby finds that the action to adopt this Resolution approving the ZCA was considered within the PEIR. Resolution No. 2024-50 is hereby incorporated by reference.

**Section 4:** The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

**Section 5:** If any section, subsection, sentence, clause or phrase of this ordinance 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 ordinance. The City Council hereby declares that it would have passed this ordinance 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:** Except as expressly modified in this ordinance, all other sections, subsections, terms, clauses and phrases set forth in the NBMC shall remain unchanged and shall be in full force and effect.

California Coastal Commission

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Exhibit 2

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**EXHIBIT "A"**  
**Findings for Approval**

General Finding:

An amendment to the City's Zoning Code is a legislative act. Neither Title 20 (Planning and Zoning) of the NBMC 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 Zoning Code will create internal consistency with the certified 6<sup>th</sup> Cycle Housing Element:

Facts in Support of Finding:

1. The Zoning Code is a tool designed to implement the General Plan. Since the 6<sup>th</sup> Cycle Housing Element Implementation involves an amendment to the General Plan, it is necessary to also amend Title 20 (Planning and Zoning) to achieve its goals and policies.
2. The Zoning Code Amendment ("ZCA"), attached to this ordinance as Exhibit "B" incorporated herein, including the Housing Opportunity (HO) Overlay Zoning Districts with associated development standards, are consistent with the implementation program in the Housing Plan of the Housing Element, as discussed in Resolution No. 2024-\_\_\_\_ under the Findings for the General Plan Amendment. The ZCA 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”**  
**Title 20 (Planning and Zoning)**  
**Housing Opportunity (HO) Overlay Zoning Districts**

Chapter 20.28 (Overlay Zoning Districts) of the NBMC is amended to include a new Section 20.28.050 (Housing Opportunity [HO] Overlay Zoning Districts) as follows:

**Chapter 20.28**

**OVERLAY ZONING DISTRICTS (MHP, PM, B, HO, H)**

Sections:

- 20.28.010 Purposes of Overlay Zoning Districts.**
- 20.28.020 Mobile Home Park (MHP) Overlay Zoning District.**
- 20.28.030 Parking Management (PM) Overlay District.**
- 20.28.040 Bluff (B) Overlay District.**
- 20.28.050 Housing Opportunity (HO) Overlay Zoning Districts.**
- 20.28.060 Height (H) Overlay District.**

Section 20.28.010 (Purposes of Overlay Zoning Districts) is amended to include a new Subsection (D) as follows:

D. HO (Housing Opportunity) Overlay Zoning Districts. The HO Overlay Zoning Districts are intended to accommodate housing opportunities consistent with the Housing Element’s focus areas and to ensure the City can meet its allocation of the Regional Housing Needs Assessment (RHNA). The specific areas are identified in Part 8 of this title (Maps).

New Section 20.28.050 (Housing Opportunity [HO] Overlay Zoning Districts) is incorporated into the Chapter as follows:

**20.28.050 Housing Opportunity (HO) Overlay Zoning Districts.**

A. Applicability. This section applies to properties located in one of the Housing Opportunity (HO) Overlay Zoning Districts, as identified in Part 8 of this title (Maps – NOTE: Maps largely mirror the focus areas in Appendix B of the Housing Element and will be posted once available). This includes the following subareas:

1. HO-1 - Airport Area Environs Area – The Airport Area Environs Area is located north of the Upper Newport Bay Nature Reserve, primarily around the John Wayne Airport.

2. HO-2 - West Newport Mesa Area – The West Newport Mesa Area is located near the southwest corner of the City and primarily consists of industrial properties along 16<sup>th</sup> Street, Production Place, and 15<sup>th</sup> Street.
3. HO-3 - Dover-Westcliff Area – The Dover-Westcliff Area includes property on both sides of West Coast Highway and the west of Dover Drive. Properties in the Lido Village area are included.
4. HO-4 - Newport Center Area – The Newport Center Area is generally bounded by San Joaquin Hills Road, MacArthur Blvd, Coast Highway, and Jamboree Road.
5. HO-5 - Coyote Canyon Area – The Coyote Canyon Area is located on the south side of California State Route 73, at the junction of Newport Coast Drive.

The above listed are general descriptions of each subarea and additional properties may be included with the subarea. To be eligible for the provisions of this chapter, the property must be listed on the HO area map as an “Opportunity Site”.

6. HO-6 - 5<sup>th</sup> Cycle Housing Element Sites – Those sites that are identified as 5<sup>th</sup> Cycle Housing Element sites on Figure B-5 of the 6<sup>th</sup> Cycle Housing Element. See subsection 20.28.050(E) for alternative review process.
- B. Uses Allowed. The following uses shall be permitted in the Housing Opportunity (HO) Overlay Zoning Districts with exception of HO-6 where only the base zoning standards apply:
1. Any use that is permitted or conditionally permitted in the base zone;
  2. Multiple-unit development that meets the density requirements set forth in this section;
  3. Mixed-use development that includes a residential component which complies with the minimum density set forth in this section; and
  4. Residential supporting uses such as leasing/sales/property management offices, fitness facilities, recreation facilities, etc.
- C. Subarea Development Standards.
1.
    1. Development Standards. The following development standards shall apply to any residential or mixed-use project permitted pursuant to this section. Unless otherwise modified by this section, all applicable development standards, including any adopted objective design standards, shall apply.

**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	1,107	521	2,439	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 <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.)					
Fencing	See Section 20.30.040 (Fences, Hedges, Walls, and Retaining Walls).					
Landscaping	See Chapter 20.36 (Landscaping Standards).					
Lighting	See Section 20.30.070 (Outdoor Lighting).					
Outdoor Storage/Display	See Section 20.48.140 (Outdoor Storage, Display, and Activities).					
Parking	See Subsection (D)(3) below and Chapter 20.40 (Off-Street Parking).					
Satellite Antennas	See Section 20.48.190 (Satellite Antennas and Amateur Radio Facilities).					
Signs	See Chapter 20.42 (Sign Standards)					

- (1) Development limits are additional residential development opportunities beyond the base allowances in this Title and General Plan, including projects approved under those base allowances and units identified as pipeline units in the 6<sup>th</sup> Cycle Housing Element (Table B-2). Development limits shall not include density bonus units. 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 6th 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.

2. Airport Area Environs Area (HO-1). The following development standards shall only apply to projects with the Airport Area Environs Area:

- a. Sound Mitigation. The interior ambient noise level of all new residential dwelling units shall meet applicable standards of the Section 10.26.030 (Interior Noise Standards). An acoustical analysis report, prepared by an acoustical engineer, shall be submitted describing the acoustical design features of the structure that will satisfy the interior noise standard. The residential units shall be constructed, and noise attenuated in compliance with the report.
- b. Advanced Air Filtration. The design of all new residential and mixed-use residential developments shall include advanced air filtration systems to promote cleaner air within living environments.
- c. Notification to Owners and Tenants. A written disclosure statement shall be prepared prior to sale, lease, or rental of a residential unit within the development. The disclosure statement shall indicate that the occupants will be living in an urban type of environment adjacent to an airport and that the noise, odor, and outdoor activity levels may be higher than a typical suburban residential area. The disclosure statement shall include a written

description of the potential impacts to residents of both the existing environment (e.g., noise from planes, commercial activity on the site and vehicles streets) and potential nuisances based upon the allowed uses in the zoning district. Each and every buyer, lessee, or renter shall sign the statement acknowledging that they have received, read, and understand the disclosure statement. A covenant shall also be included within all deeds, leases or contracts conveying any interest in a residential unit within the development that requires: (1) the disclosure and notification requirement stated herein; (2) an acknowledgment by all grantees or lessees that the property is located within an urban type of environment and that the noise, odor, and outdoor activity levels may be higher than a typical suburban residential area; and (3) acknowledgment that the covenant is binding for the benefit and in favor of the City of Newport Beach.

3. West Newport Mesa Area (HO-2). The following development standards shall only apply to projects with the West Newport Mesa Area:
  - a. West Newport Mesa Streetscape Master Plan. Any residential or mixed-use residential development shall implement applicable components of the adopted West Newport Mesa Streetscape Master Plan.
4. Coyote Canyon Area (HO-5). The following development standards shall only apply to projects with the Coyote Canyon Area:
  - a. Public Park. Any future residential development within this subarea shall include a public park that is no less than 3.5 acres, in aggregate. As part of the review for the overall project, the developer shall provide a detailed description of the public park, including timing, dimensions, and location within the project site.
  - b. Public Trails. Any future residential development shall include public trails for the entire subarea that accommodate multiple modes of transit (i.e., walking and bicycling) and connect to nearby community resources, as well as the existing trail system. As part of the review for the overall project, the developer shall provide a detailed description of the trail system, including timing, dimensions, alignment, and location within the project site.

D. General Development Standards. The following development standards shall apply to all projects within the Housing Opportunity zone, regardless of subarea:

1. Mixed-use developments. All mixed-use developments shall comply with Section 20.48.130 (Standards for Mixed-Use Projects) California Coastal Commission

floor area of mixed-use developments shall be dedicated to residential uses. For purposes of this section, floor area be defined as all enclosed floor space, but exclude parking garages/spaces, utility areas, and storage areas that are not directly accessible from the interior of a dwelling unit.

2. Landscaped Setbacks. All front and street side setbacks shall be landscaped, except for areas that provide vehicle and pedestrian access to the right-of-way.
3. Residential Off-Street Parking Requirements. Residential parking requirements for projects within the Housing Opportunity Overlay Zones shall be provided in accordance with Table 2-17 below. Parking for all other uses not included in this table shall be provided in accordance with Chapter 20.40 (Off-Street Parking Requirements) of the NBMC.

**TABLE 2-17  
RESIDENTIAL OFF-STREET PARKING FOR HOUSING OPPORTUNITY OVERLAY ZONES**

<b>Land Use</b>	<b>Subtype</b>	<b>Parking Requirement</b>
Residential (Rental)	Studio	1.1 spaces per dwelling unit
	1 Bedroom	1.5 spaces per dwelling unit
	2 Bedrooms	1.8 spaces per dwelling unit
	3 Bedrooms	2.0 spaces per dwelling unit
	Visitor Parking	0.3 spaces per dwelling unit
Residential (Ownership)	Studio	1.4 spaces per dwelling unit
	1 Bedroom	1.8 spaces per dwelling unit
	2 Bedrooms	1.8 spaces per dwelling unit
	3 Bedrooms	2.0 spaces per dwelling unit
	Visitor Parking	0.3 spaces per dwelling unit

E. Review Process. Notwithstanding Sections 20.48.130(A) and 20.52.080, any residential or mixed-use development in the HO Overlay Zones that includes a minimum of 20% of the units reserved for very-low- and low-income residents shall not require a Site Development Review, but shall require an affordable housing implementation plan (AHIP) and shall meet all the following criteria:

1. All units designated as affordable to very-low and/or low-income residents shall be subject to a minimum 30-year affordability covenant;
2. Affordable units shall reflect the range of numbers of bedrooms provided in the residential development project as a whole, but may be smaller and have different interior finishes and features than market-rate units;

3. Affordable units shall be comparable in the facilities provided (e.g., laundry, recreation, etc.) and in the quality of construction and exterior design to the market-rate units; and
4. Affordable units shall be dispersed throughout the residential development.

Subsection 20.48.130(B) shall be amended to include a reference to the HO Overlay Zoning Districts as follows:

B. Development Standards. In addition to the development standards provided in this section, development standards for mixed-use projects are provided in:

1. Table 2-10 (Development Standards for MU-V; MU-MM; MU-DW; and MUCV/15th St.);
2. Table 2-11 (Development Standards for MU-W1 and MU-W2 Mixed-Use Zoning Districts);
3. Table 2-16 (Development Standards for Housing Opportunity Overlay Zones); and
4. Other sections in this Part 4 for specific uses that may be part of the proposed mixed-use project.

Part 8. Maps, Chapter 20.80 (Maps) is amended to include new Section 20.80.025 (Housing Opportunity Overlay Zoning Districts maps) as follows:

## **Chapter 20.80**

### **MAPS**

Sections:

- 20.80.010 Area maps.**
- 20.80.020 Bluff overlay.**
- 20.80.025 Housing Opportunity Overlay Zoning Districts maps.**
- 20.80.030 Height limit areas.**
- 20.80.035 Parking Management Overlay District maps.**
- 20.80.040 Setback maps.**

Section 20.80.025 (Housing Opportunity Overlay Zoning Districts maps) is added in its entirety to include an indexing of maps as follows:

HO-1 - Airport Area Environs Area (PDF)

HO-2 - West Newport Mesa Area (PDF)

HO-3 - Dover-Westcliff Area (PDF)

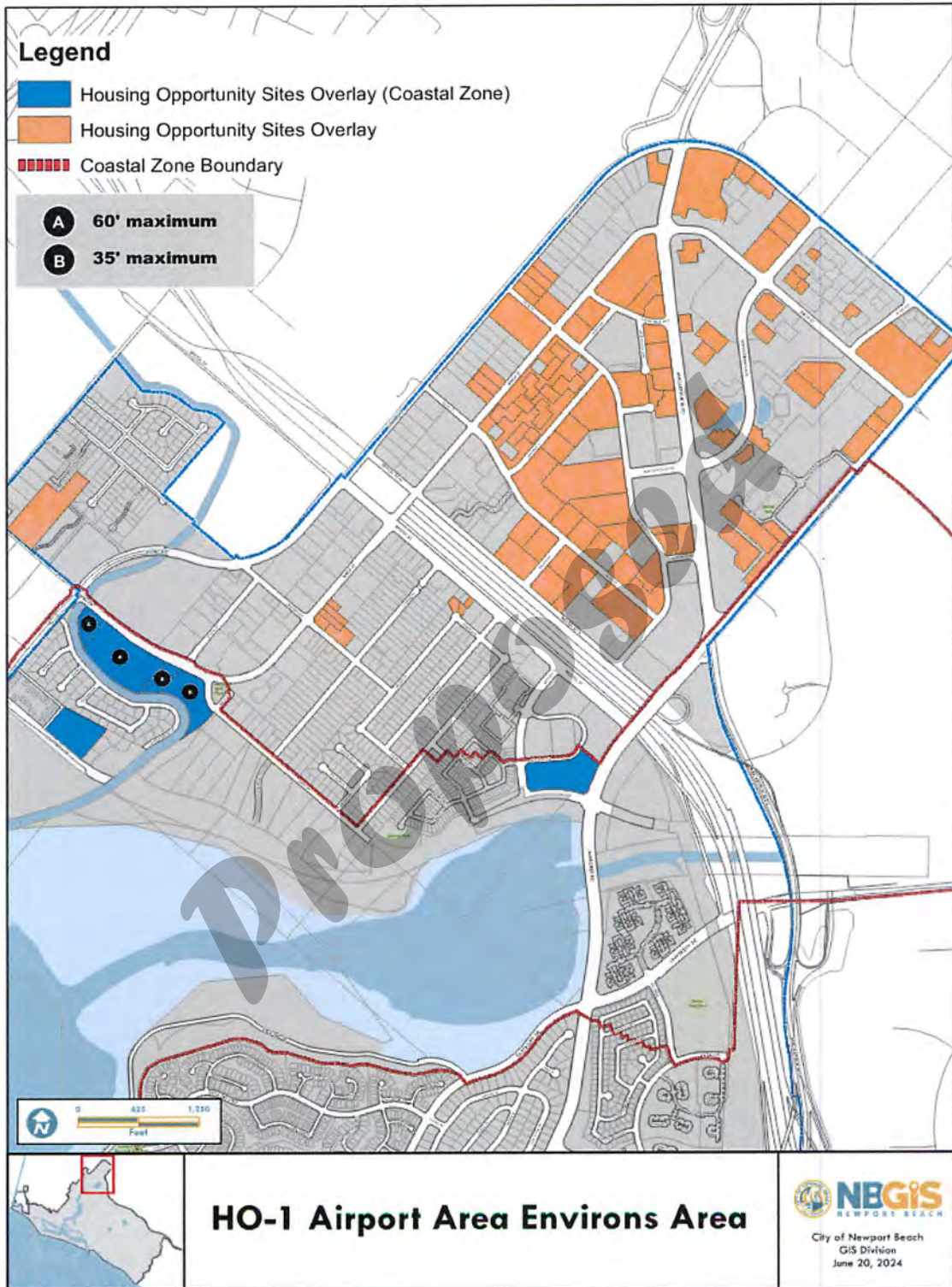
HO-4 - Newport Center Area (PDF)

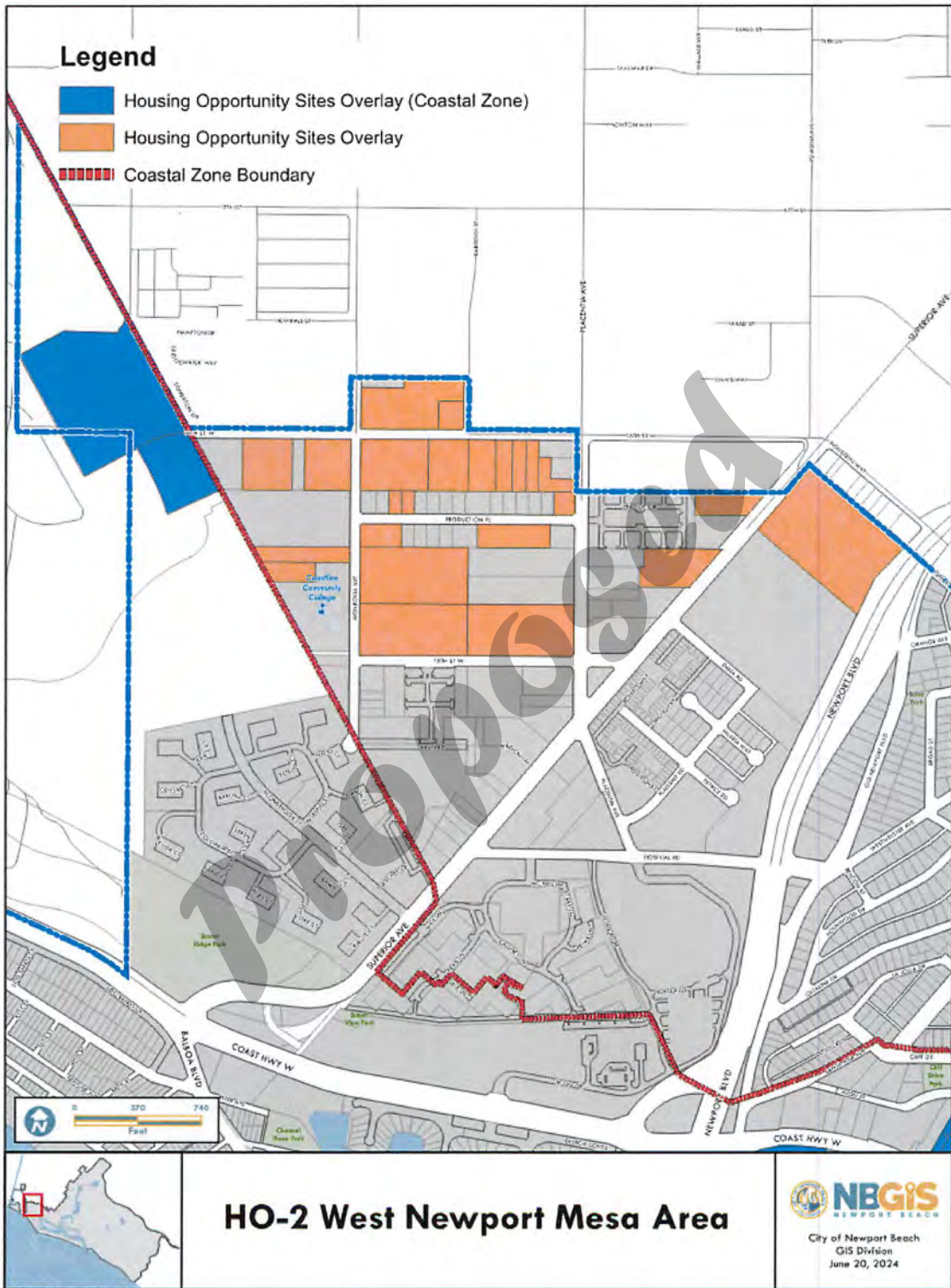
HO-5 - Coyote Canyon Area (PDF)

HO-6 - 5th Cycle Housing Element Sites (PDF)

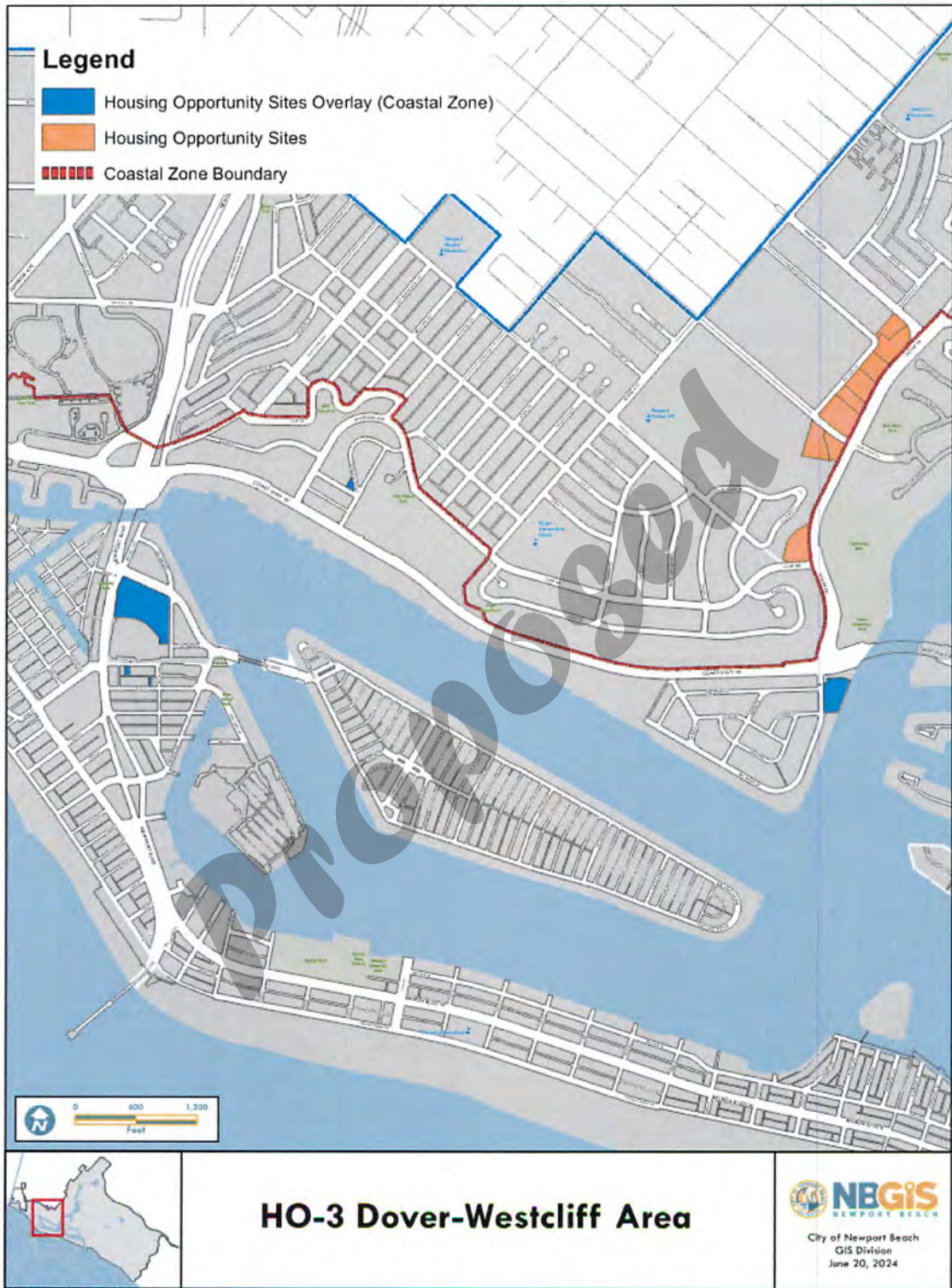
The corresponding maps for each of the Housing Opportunity Overlay Zoning Districts, as indexed in Section 20.80.025 and linked as a PDF, are to be in a similar format to the following series of maps beginning on the next page:

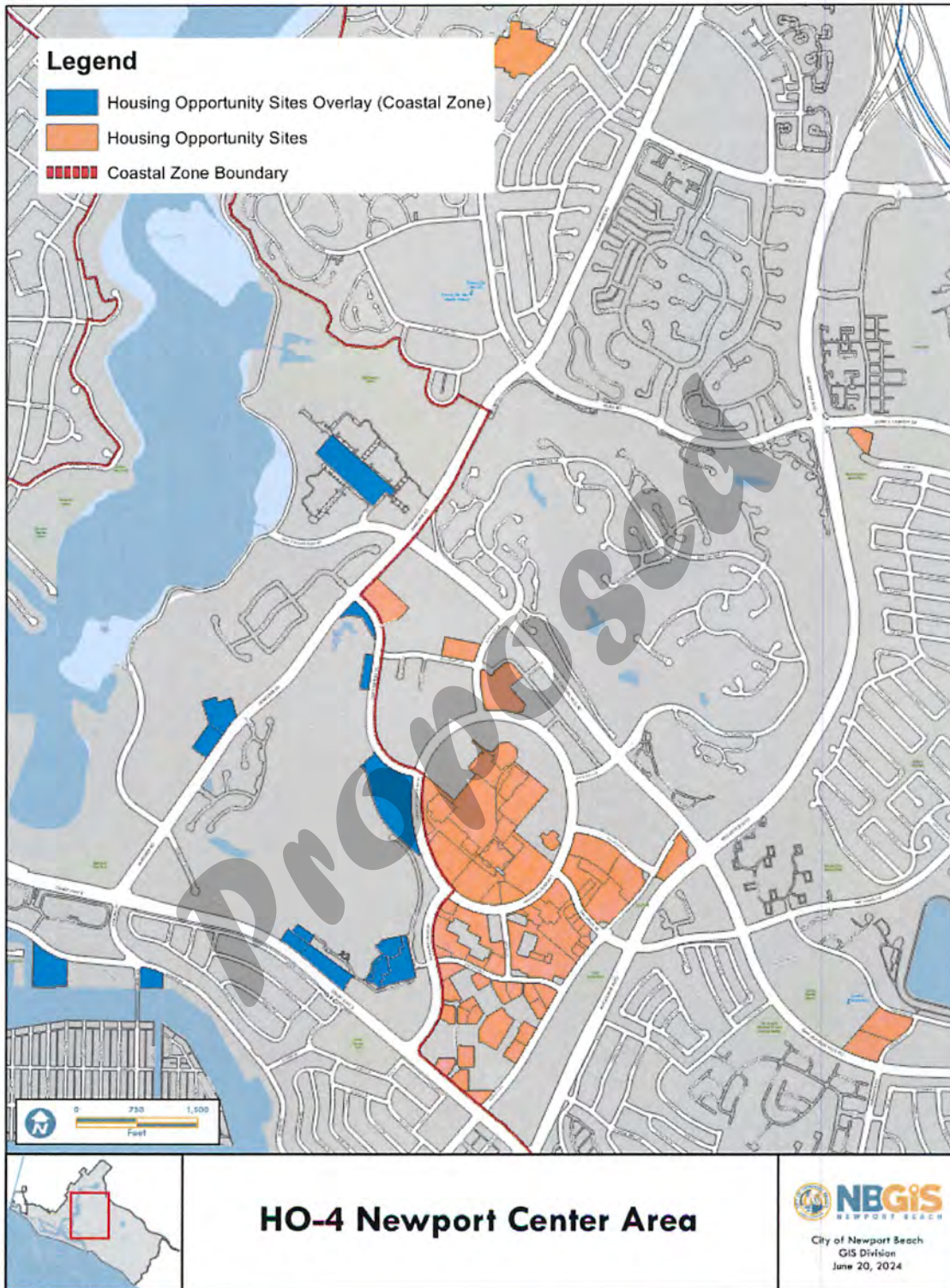
Proposed

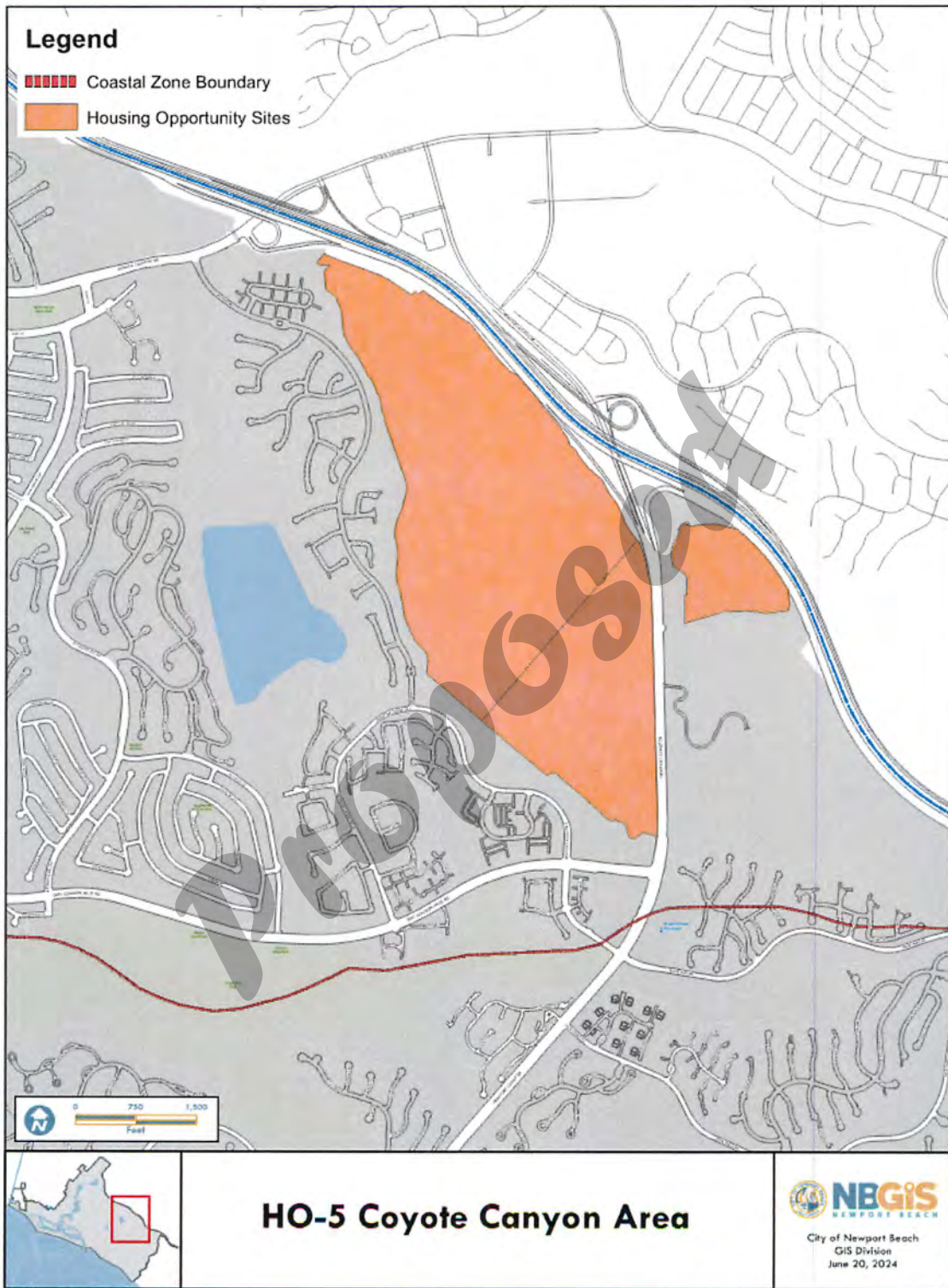


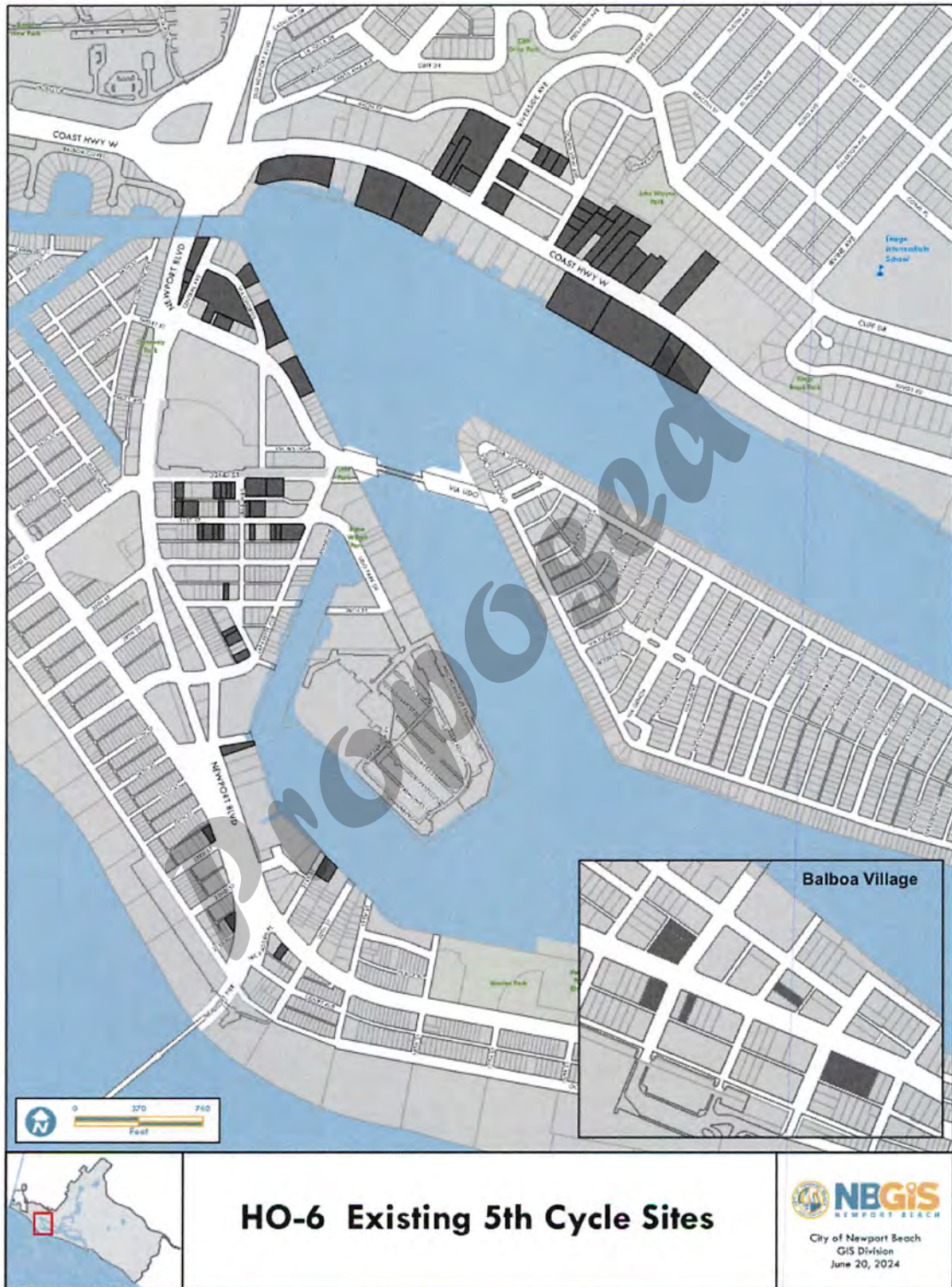


HO-2 West Newport Mesa Area.mxd












# Legend

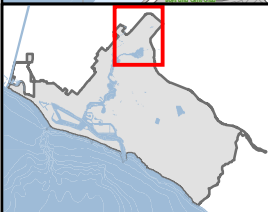
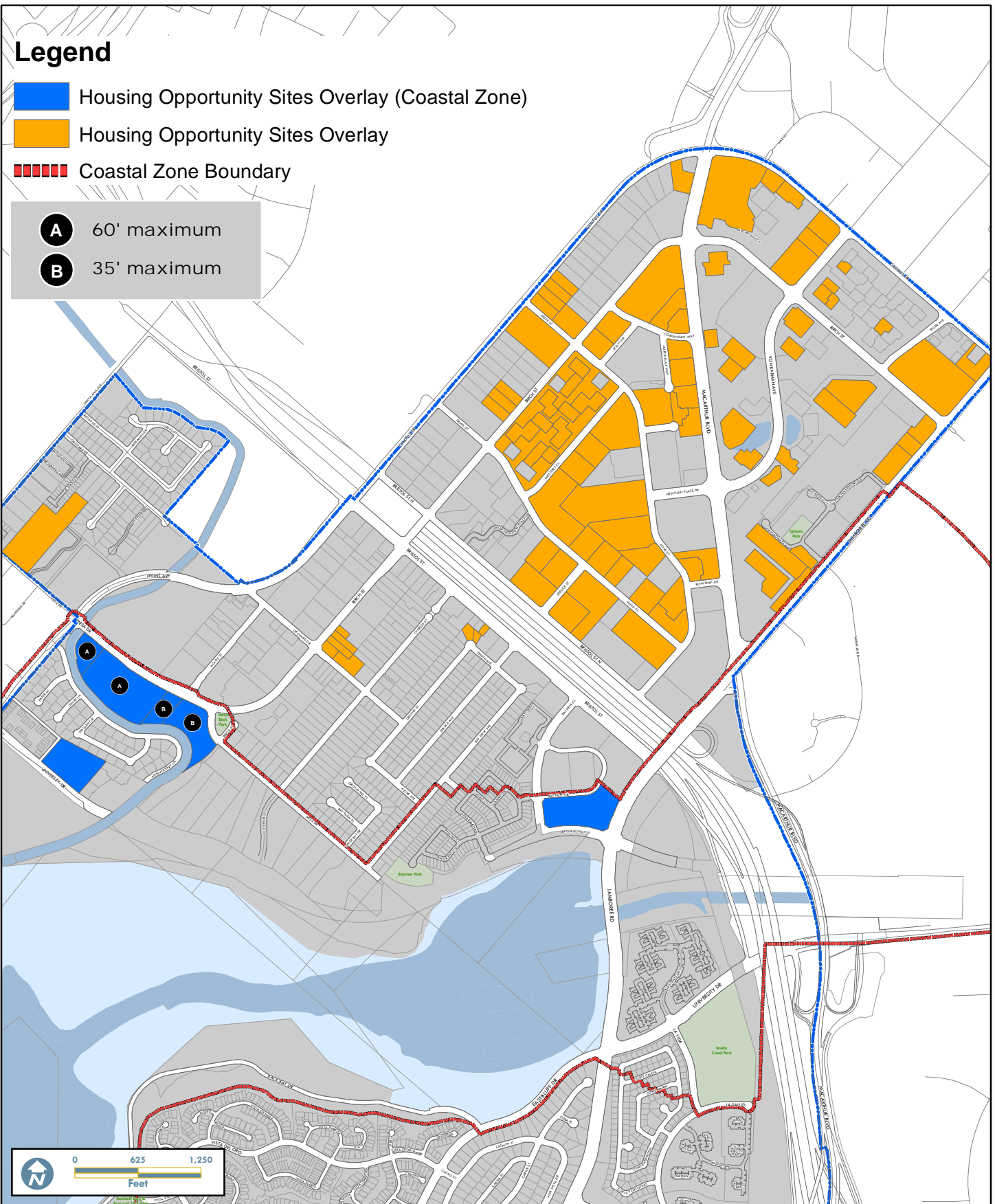
 Housing Opportunity Sites Overlay (Coastal Zone)

 Housing Opportunity Sites Overlay

 Coastal Zone Boundary

 60' maximum

 35' maximum



## HO-1 California Coastal Commission Airport Area Environs Area LCP-5-NPB-24-0032-2

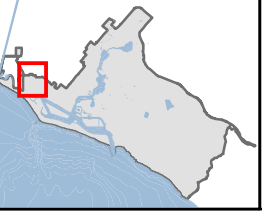
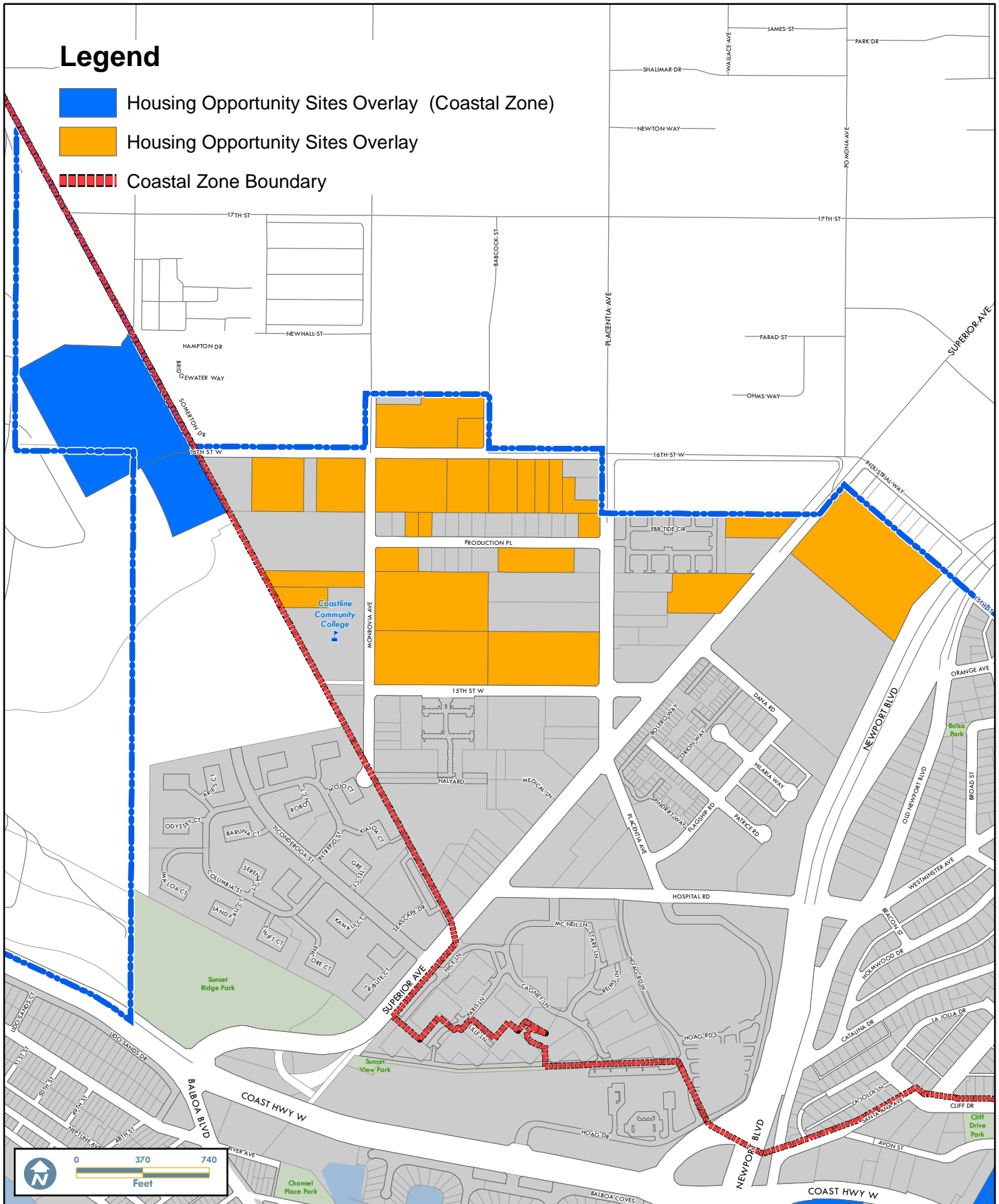
Exhibit 3



City of Newport Beach  
GIS Division  
October 04, 2024

# Legend

- Housing Opportunity Sites Overlay (Coastal Zone)
- Housing Opportunity Sites Overlay
- Coastal Zone Boundary



## HO-2 California Coastal Commission West Newport Mesa Area

LCP-5-NPB-24-0032-2

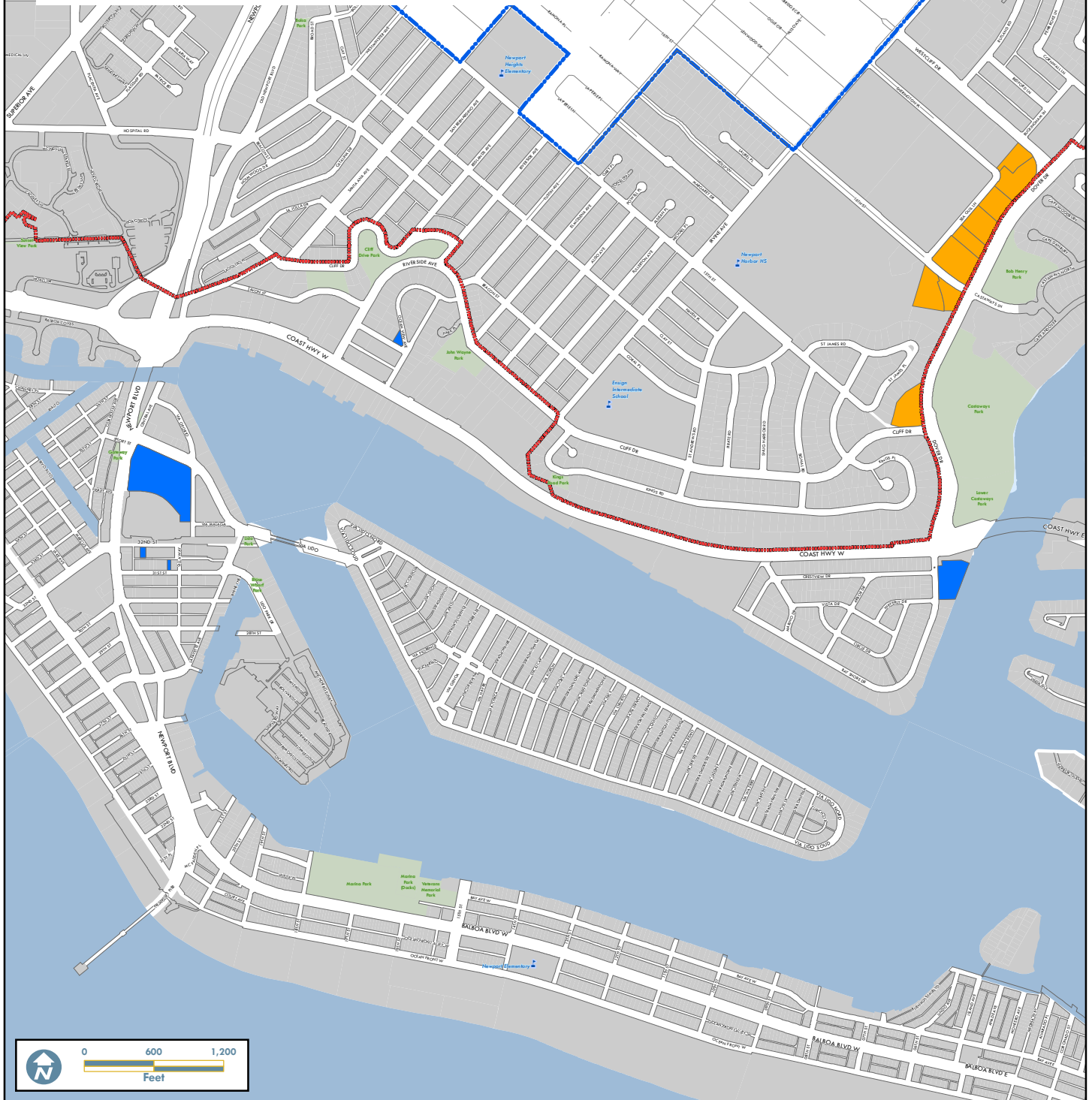
Exhibit 3



City of Newport Beach  
GIS Division  
November 19, 2024

# Legend

-  Housing Opportunity Sites Overlay (Coastal Zone)
-  Housing Opportunity Sites Overlay
-  Coastal Zone Boundary



## HO-3 Dover-Westcliff Area

California Coastal Commission  
LCP-5-NPB-24-0032-2






Exhibit 3

Page 3 of 4

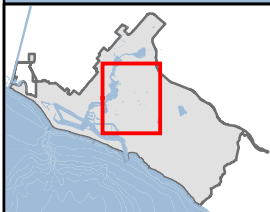
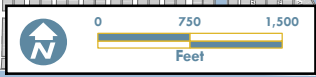
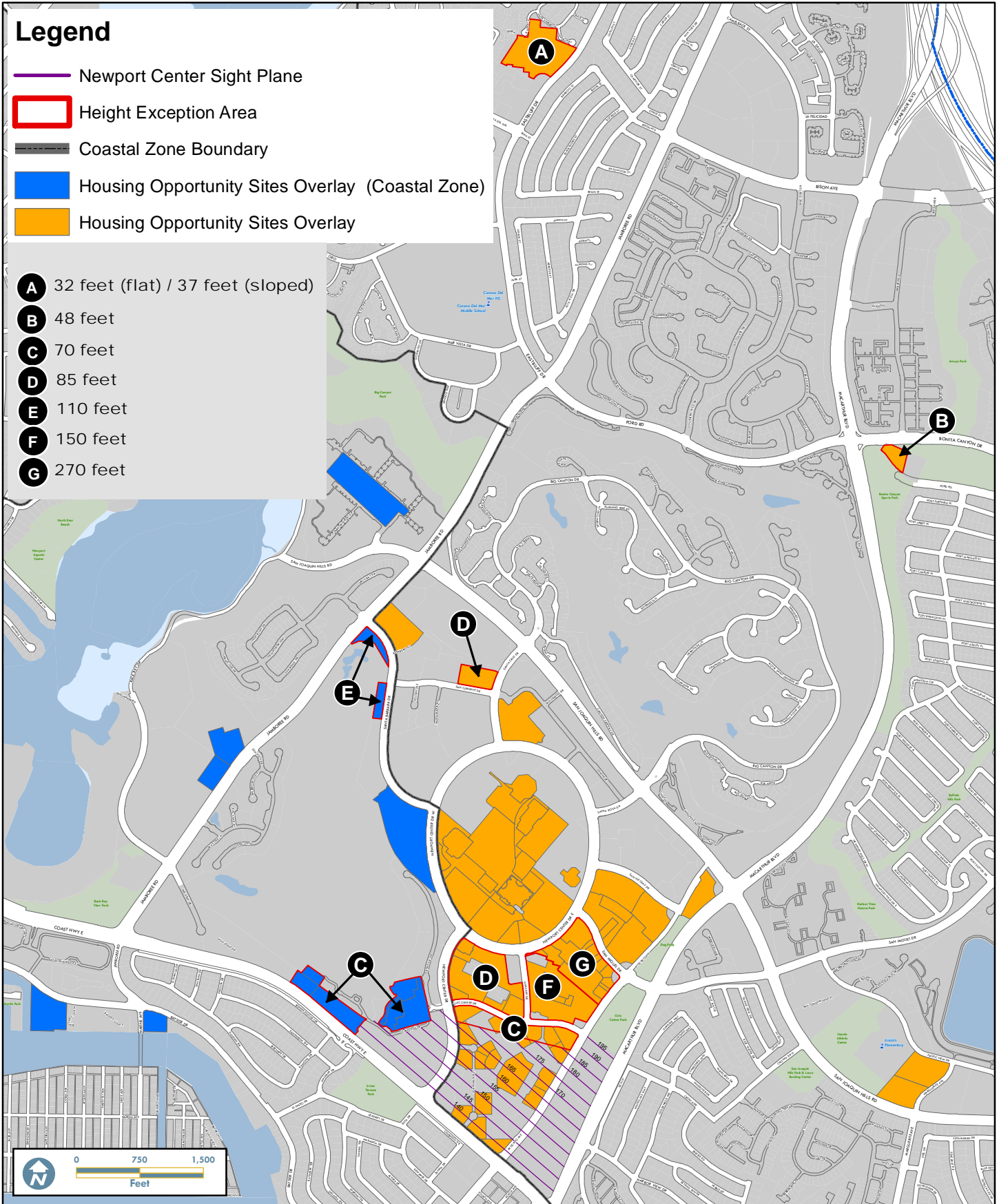


City of Newport Beach  
GIS Division  
October 04, 2024

# Legend

-  Newport Center Sight Plane
-  Height Exception Area
-  Coastal Zone Boundary
-  Housing Opportunity Sites Overlay (Coastal Zone)
-  Housing Opportunity Sites Overlay

- A** 32 feet (flat) / 37 feet (sloped)
- B** 48 feet
- C** 70 feet
- D** 85 feet
- E** 110 feet
- F** 150 feet
- G** 270 feet



California Coastal Commission  
**HO-4 Newport Center Area**  
 LCP-5-NPB-24-0032-2

Exhibit 3



City of Newport Beach  
 GIS Division  
 June 13, 2025

**CALIFORNIA COASTAL COMMISSION**

South Coast District Office  
301 E Ocean Blvd., Suite 300  
Long Beach, CA 90802-4830  
(562) 590-5071



# F11a

## ADDENDUM

DATE: April 16, 2026  
TO: Coastal Commissioners and Interested Parties  
FROM: South Coast District Staff

Subject: **ADDENDUM TO ITEM F11a, LCPA APPLICATION NO. LCP-5-NPB-24-0032-2 (City of Newport Beach) FOR THE COMMISSION MEETING ON April 17, 2026**

This addendum is designed to achieve the following objectives. Section I updates the record by supplementing it with correspondence that the Commission received after the staff report was issued. Section II provides responses to concerns raised in the recent correspondence, which Commission staff proposes the Commission incorporate into its findings, and Section III addresses changes to the staff report

### I. CORRESPONDENCE RECEIVED

Since the publication of the staff report on April 3, 2026, the Commission received approximately 15 letters from members of the public, including members of Protect our Coast Newport Beach and Members of Residents to Save Newport Beach Golf Course, opposing the proposed LCP amendment with regard to the potential loss of open space and recreational uses, safety risks and ecological concerns (development of housing units in a floodplain and under the flight path of John Wayne Airport proximity to Upper Newport Bay Ecological Reserve) particularly as it applies to Housing Opportunity Sites 23, 24, 25, and 26 located at the Newport Beach Golf Course (hereafter referred to as the Golf Course Parcels). Staff also received letters opposing the project from Chris Pederson and Jim Mosher regarding the lack of affordable housing provided with the subject LCPA (both addressed specifically below); and one letter from the City of Newport Beach requesting revisions to **Suggested Modification 6**, which also pertains to the Golf Course parcels. All of the comment letters have been posted with Correspondence for this item. Thus, the following is added as a Response to Comments section of the staff report dated April 17, 2026 (as section IV. C of the staff report on page 25, thus renumbering the CEQA section as section D.

## II. RESPONSE TO COMMENTS

The Commission received multiple letters regarding the proposed amendment. Many of the comments raised similar or overlapping concerns related to the preservation of open space uses, adequate protection of biological resources, coastal hazards, and the scale and intensity of potential development. Accordingly, for clarity and efficiency, staff has organized and addressed these comments by issue area in the form of contentions below. Each contention reflects one or more recurring concerns raised in the correspondence, and staff's responses address these issues collectively.

### **Response to Comments from the City of Newport Beach**

On April 8, 2026, the City of Newport Beach submitted comments focused on **Suggested Modification 6** related to Housing Opportunity sites at the Golf Course Parcels and proposed revised language to provide more flexibility with the 100-ft buffer recommended by staff. Specifically, the City contends that staff's recommended buffer is unnecessarily restrictive and constrains the feasibility of housing development on the sites. According to the City, the adjacent Santa Ana Delhi Channel Project, since it is preliminary/speculative in nature, requires additional coordination with the County and adjacent property owners, and is subject to potential design changes that could include a joint maintenance road and multi-use trail.

As stated in the staff report, the Orange County Department of Public Works (OCPW) is currently seeking a CDP from the Commission for the Santa Ana Delhi Channel Improvement Project (SAD). This project primarily proposes to widen the existing channel to 100 ft in order to be compliant with regulations set forth by the U.S. Army Corps of Engineers (USACE). The proposed project would also create expanded habitat comprised of freshwater marsh, riparian transitional habitat, and coastal salt marsh habitat- all of which has been required by USACE as mitigation for work that has been conducted on the channel since 1986. In order to establish the required habitat areas, the County needs to acquire portions of the Golf Course Parcels through an easement. Upon receiving the easement, the CDP, and all other entitlements, the project would result in new habitat areas that would be established directly on the Golf Course Parcels. As noted in the staff report, the Commission's Ecology Team has indicated that the habitat proposed in this project would constitute environmentally sensitive habitat area (ESHA) that requires special protections under the certified LCP and Chapter 3 of the Coastal Act.

Contrary to the City's assertions in its comment letter, the SAD project is not a speculative project. As previously noted, the SAD channel widening is being required by USACE to increase flood capacity, create habitat, and slow creek flow velocity to prevent scouring of Upper Newport Bay, so the probability of the project being abandoned is very slim. Moreover, in recent conversations between Commission staff and OCPW, OCPW indicated that the project could begin as early as Spring 2027, depending on when all the requisite entitlements (including the CDP) are obtained. OCPW has submitted a CDP application to the Commission's South Coast District

office, and District staff is actively collaborating with County staff to finalize their application materials and schedule a Commission hearing once the project has been thoroughly analyzed.

Given that the SAD channel project is not speculative as implied in the City's comment letter, it is imperative for the Commission to consider the potential new ESHA areas when considering long-term planning policies for residential development that could adversely impact biological resources. This consideration for sensitive biological resources is not only required pursuant to Section 30240 of the Coastal Act, but also in the certified LCP. Among the policies listed in Pages 18-20 of the staff report, LUP policy 4.1.1-4 requires the protection of ESHA from significant disruption of habitat values, LUP Policy 4.1.1-20 requires a minimum buffer of 50 ft. wherever possible, and LUP Policies 4.1.1-11 and 4.1.1-12 outline vegetation requirements for ESHA buffers. Additionally, certified IP Chapter 21.30B.030(D) requires a minimum 50 ft. wide buffer for ESHA.

As detailed in the staff report, the proposed amendment does not establish sufficient standards to ensure the protection of biological resources and open space functions on these sites. In the absence of such standards, development could encroach into ESHA or reduce the effectiveness of a future habitat and recreational corridor. Thus, the recommended 50 ft-foot ESHA buffer required in **Suggested Modification 6** is intended to ensure adequate protection of habitat function and long-term ecological viability.

It should be acknowledged that the LUP and IP policies referenced above do contain language that allows for reductions to the minimum 50-ft. ESHA buffer requirement in limited circumstances where it can be demonstrated a 50-ft. ESHA buffer is infeasible due to site constraints and a narrower buffer would be equally protective of the biological integrity of ESHA.<sup>1</sup> However, in this case, the City's anticipated development of up to 700 medium-density residential units on these sites would adversely impact biological resources (including the planned SAD-created ESHA) if an adequate ESHA buffer is not maintained. Moreover, the Commission's Ecology team has continued to recommend that a minimum 100 ft. buffer (comprised of a 50 ft. ESHA buffer and a 50 ft. transitional buffer) should be maintained throughout the site in order to provide adequate protection for ESHA. Thus, staff continues to recommend that the 50-ft. required ESHA buffer in **Suggested Modification 6** not allow for exceptions to reduce the buffer width.

In addition to a 50-ft. ESHA buffer, Commission staff is recommending an additional 50-ft. transitional buffer pursuant to Suggested Modification 6. As explained in the staff report, this buffer requirement is necessary to ensure that future development does not preclude or constrain and public access and recreation opportunities on sites that have base zoning designations of open space/Parks. In response to the City's contention regarding flexible buffers, Commission staff evaluated the Golf Course sites and determined that a 50 ft. transitional buffer is the minimum buffer necessary to provide a

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<sup>1</sup> Note: both criteria must be met under the certified IP for an exception to apply.

meaningful public access/recreation component. Moreover, as explained in more detail below, the land area that would be impacted by Commission staff's recommended buffers is relatively small compared to the area that would be available to accommodate multifamily residential development projects.

The City's response letter also notes that proposed future improvements under the SAD project may include a maintenance road or multi-use trail and suggests that such features could help determine the appropriate buffer. However, the presence or potential infrastructure does not eliminate the need for biologically protective buffers. Buffers are required to protect habitat areas from indirect impacts such as noise, lighting, human activity, and runoff, and to maintain the long-term success of adjacent habitat areas. As such, infrastructure such as maintenance roads or trails do not, in and of themselves, provide adequate protection of biological resources. The recommended buffer and open space corridor requirements are therefore necessary to ensure that both habitat protection and public access objectives are achieved. However, the City does raise a valid point that **Suggested Modification 6**, as currently recommended, does not account for the possibility of a path for channel maintenance and/or public access within the 50-ft. ESHA buffer. Therefore, Commission staff is recommending modifications to Suggested Modification 6 to address the potential for such a path, as detailed in Section III (Changes to Staff Report) of this addendum.

With regard to site constraints, the City asserts that a uniform 100-foot buffer would substantially reduce the developable area of the sites and limit the feasibility of housing development. While the recommended buffer may constrain the area available for development, it does not prevent residential use on the subject sites.

Based on available site information, the proposed 100-foot buffer would preserve approximately 4.97 acres of the 13.9-acre golf course area (or as open space to accommodate biological resource protection and passive recreational use. This would leave approximately 8.9 acres (or 65% of the total site area) available for potential residential development, as shown in Figure 1 below, which is an exhibit prepared by the Commission's mapping unit illustrating the buffer areas and resulting development footprint.



For illustrative purposes only.

## Santa Ana-Delhi Channel Mitigation Areas



- Santa Ana-Delhi Channel Total Habitat Area
- 50 foot buffer
- 100 foot buffer



Technical Services Division - GIS Unit

Sources: CCC, Geosyntec/Vantor, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community  
EE April 2026

Figure 1. Illustration depicting a 50-foot buffer (in yellow) and 100-foot buffer (in black) for the Santa Ana Delhi Channel Improvement Project.

The proposed amendment does not approve any specific development or guarantee a particular density on any site. The amount and configuration of development will be determined through future coastal development permit review, where site-specific constraints, including ESHA protection, public access, and hazard considerations, must be addressed.

### **Response to Comments from Jim Mosher**

The Commission received correspondence from Jim Mosher on April 10, 2026. The comment is included in the correspondence for this item. Mr. Mosher raises several concerns regarding the proposed amendment, including whether the use of Housing Opportunity Overlay districts is consistent with recent court decisions interpreting state housing law, where the amendment could result in excessive residential density or height increases that may affect coastal views, whether the proposed polices adequately protect visitor-serving and marine related priority uses, and whether the amendment provides sufficient clarity regarding implementation, including mapping and permitting processes. He also raises concerns regarding the potential use of administrative approvals, such as Directors Determination, to implement changes without a Local Coastal Program amendment.

Mr. Mosher raises concerns with the proposed LCP amendment's compliance with state housing law, particularly regarding the use of housing opportunity overlays to meet affordable housing obligations. Mr. Mosher states that the City's Housing Element is no longer compliant with state housing law and that the Housing Opportunity Overlay is similar to those invalidated in two recent cases where housing overlay districts have been ruled invalid. Mr. Mosher's concerns are outside of the Commission's scope of review for this matter. The Commission's standard of review for the proposed amendment to the certified IP is whether the amendment, as modified, conforms with and is adequate to carry out the policies of the certified LUP, and the standard of review for the amendment to the certified LUP is whether the amendment, as modified, conforms with and is adequate to carry out the Chapter 3 policies of the Coastal Act. In any case, the City of Newport Beach has stated that it believes that its Housing Element complies with state housing law, The City's 6<sup>th</sup> Cycle Housing Element was deemed certified and compliant with State law by Housing and Community Development (HCD) on October 5, 2022, within the required deadline.

Regarding concerns related to density, height, and potential impact to coastal views, Mr. Mosher notes that a portion of the City's coastal zone is subject to the Shoreline Height Limitation, and that the amendment is not clear how the proposed HO Overlay development standards would be made consistent with the Shoreline Height Limit. Mr. Mosher further notes that because the proposed density limits are described as averages over a site, even higher densities and heights could be allowed, which could adversely impact visual resources. In response to Mr. Mosher's concerns, the Coastal Act requires that new development be sited and designed to protect views to and along the ocean and scenic coastal areas, consistent with section 30251. In addition, certified

IP Chapter 21.30.100 (Scenic and Visual Quality Protection) provides specific visual resource protection policies that all projects within the City's LCP jurisdiction must meet in order to receive a CDP. As mentioned throughout the staff report, the proposed amendment does not, in and of itself, approve any specific residential development projects. All future development under the Housing Opportunity Overlay would be required to comply with applicable Coastal Act and certified LCP policies, including those governing scenic and visual resources and would be subject to coastal development permit review to ensure consistency with those standards. Moreover, Section 21.32.020B of the certified IP- which relates to Coastal Act Consistency policies related to density bonus projects- prohibits waivers or concessions related to the coastal resource protection development regulations, including Chapter 21.30.100.

With respect to the protection of visitor-serving, marine-related, and other priority coastal uses, Mr. Mosher raises concerns regarding whether such uses would be adequately protected in cases where they do not currently exist on sites with different base land use designations. As discussed in the staff report, **Suggested Modifications 2, 5, and 7** require that residential development be permitted only in addition to, and not in place of, existing or planned priority uses. These modifications also require that where such uses are removed or reduced, they must be retained, replaced or provided through functionally equivalent uses that maintain comparable capacity and public availability. These requirements apply regardless of whether such uses are currently present on a site and are intended to ensure that land designated or appropriate for priority coastal uses is not lost .

Mr. Mosher also raises questions regarding the clarity of policy language and implementation mechanisms, including the identification of Housing Opportunity sites and the relationship between the LUP, IP, and Housing Element. The Commission review focuses on whether the certified LCP, as modified, provides sufficient standards to guide development and ensure consistency with the Coastal Act. The amendment, as modified, is implemented through the certified IP, which establishes the applicable zoning, development standards, and permitting governing development with the coastal zone.

Mr. Mosher also raises concerns regarding the clarity and content of proposed LUP policy 2.1.11, including provisions related to the reservation and prioritization of dwelling units within the Coastal Zone. In response to these concerns, the City has indicated that it supports the removal of the provisions reserving 25% of allocated dwelling units within the Coastal Zone and prioritizing those units following certification of the LCPA.

The City agrees that these provisions are not necessary to implement the Housing Opportunity Overlay and could create confusion regarding the application of development limits within the Coastal Zone. Accordingly, the suggested modifications have been revised to remove these changes to ensure clarity and consistency within the certified LUP.

With respect to concerns regarding the potential use of administrative approvals, such as Director's Determinations, to effectuate changes without a Local Coastal Program amendment, any changes to land use designations, zoning, or permitted uses within the coastal zone must be consistent with the certified LCP and, where applicable, require approval of an LCP amendment by the Commission. The proposed amendment does not alter these requirements.

Finally, Mr. Mosher identifies several minor issues, including typographical errors and clarifications related to figures, tables, and cross-references within the staff report and proposed amendment. Staff has reviewed these comments and, where appropriate, has incorporated corrections and clarifications into this addendum and the revised findings.

### **Response to Comments from Chris Pedersen**

The Commission received an email from Christopher Pederson on April 9, 2026, which raises concerns regarding the potential consistency of the suggested modifications with state housing law. Specifically, Mr. Pederson asserts that the suggested modifications may reduce the amount of housing that could be developed on Housing Opportunity Overlay sites and that the staff does not evaluate whether the modifications would affect the City's ability to meet its obligations under the state housing law. Mr. Pederson further states that the Commission should not act on the amendment without the analysis demonstrating that the City can continue to comply with those obligations.

Public Resources Code Section 30007 provides that the Coastal Act does not exempt local governments from compliance with state housing law. At the same time, The Commission's standard of review for amendment to a certified IP is whether the amendment, as modified, conforms with and is adequate to carry out the policies of the certified LUP, and the standard of review for an amendment to a certified LUP is whether the amendment, as modified, conforms with and is adequate to carry out the Chapter 3 policies of the Coastal Act. These policies include, among others, the protection of environmentally sensitive habitat areas, public access and visitor-serving and coastal dependent uses.

The City's adopted 6<sup>th</sup> Cycle Housing Element was certified by the California Department of Housing and Community Development in October 2022, and the City retains responsibility for maintaining compliance with applicable state housing law requirements. Under state housing law, local governments are required to identify and zone adequate sites to accommodate their assigned housing needs, and implementation of those requirements remains the responsibility of the city.

Though the Commission's standard of review of the LCP amendment does not include an analysis on a local government's ability to comply with state housing law, the City has not raised concerns about the City's ability to comply with state housing law if the Commission's suggested modifications are adopted. The City has raised concerns that Suggested Modification 6 would limit HO-1 area's ability to serve as a housing opportunity because of the reduction of developable area on two of the parcels that

comprise that overlay area. However, the City has not provided any quantitative evidence that this affects their ability to meet their RNHA obligations. As explained above, the buffers are necessary to preserve biological resources and still allows for 65% of the parcels to be developed. As explained in the staff report, several of the sites that are included in the proposed overlay have current base designations that relate to visitor-serving commercial uses, marine commercial uses, and parks and recreation uses. Pages 18-20 of the staff report detail several relevant certified LUP policies and Coastal Act Chapter 3 policies that require prioritization and protection of such uses. While the Commission understands and is supportive of the statewide need for more housing, the certified LCP and the Coastal Act have clearly mandated the need to protect visitor serving, coastal-dependent marine, and recreational uses. Thus, in evaluating the proposed LUP/IP Amendment, Commission staff determined that the suggested modifications are necessary to ensure that residential development within the coastal zone is sited and designed to avoid the displacement of high priority uses as designated in the certified LCP and the Coastal Act. The modifications are not intended to preclude residential development from occurring on sites but rather establish standards to ensure that such development occurs in a manner that adequately preserves priority uses in the Coastal Zone. The amendment does not approve any specific development project or authorize a specific number of units on any site. The ultimate amount and location of development will be determined through future project-level review and implementation by the City.

The Commission's action on this amendment does not determine or alter the City's obligations under state housing law. The City retains responsibility for complying with applicable housing law requirements, including Regional Housing Needs Allocation obligations.

## **Response to other Comments**

### Open Space and Recreation

Several letters of correspondence opposing the project expressed concerns that the proposed Housing Opportunity Overlay would result in the loss of open space and recreational uses, particularly on sites currently designated for parks, recreation, or open space, including the Newport Beach Golf Course. Commenters stated that these areas provide important recreational opportunities and contribute to community character and environmental quality.

As explained in the staff report, the proposed amendment, as modified, does not require or mandate the conversion of such uses to residential development. Instead, **Suggested Modification 6 and 7** ensure where residential development is proposed on sites designated for parks, recreation, or open space, such development must be sited and designed to retain, replace, or provide functionally equivalent recreational and open space uses that maintain comparable public access and availability.

In addition, **Suggested Modification 6** requires the provision of a contiguous open space corridor and public recreational amenities on sites adjacent to the Santa Ana Delhi Channel, ensuring that open space functions are preserved and enhanced.

Therefore, the amendment, as modified, does not result in the loss of open space or recreational opportunities, but instead ensures their continued provision consistent with the Coastal Act and certified LCP.

#### Biological Resources and ESHA

The Commission received correspondence expressing concern that residential development on sites adjacent to the Santa Ana Delhi Channel could adversely impact sensitive habitat areas, including the Upper Newport Bay ecological reserve, through encroachment, runoff, or habitat degradation.

The Coastal Act requires the protection of environmentally sensitive habitat areas (ESHA) and the establishment of appropriate buffers to prevent adverse impacts. **Suggested Modification 6** was specifically developed to address these concerns by requiring a minimum of 100-foot buffer adjacent to the channel, consisting of a 50-foot ESHA buffer and an additional 50-foot transitional buffer. These requirements are intended to ensure the long-term protection of habitat functions and biological resources.

In addition, all development under the HO Overlay remains subject to the City's certified LCP policies and regulations addressing ESHA, water quality, and habitat protection, and must be reviewed and conditioned through the coastal development permit process to avoid adverse impacts.

Therefore, as modified, the amendment ensures the protection of biological resources and ESHA consistent with Coastal Act Section 30240.

#### Coastal Act Priority Uses

The Commission received correspondence expressing concern that the proposed amendment would allow residential development to displace visitor-serving, marine related, or other priority coastal uses in conflict with Coast Act policies.

The Coastal Act prioritizes visitor-serving and coastal-dependent uses over residential development. As submitted, the amendment could allow residential use in sites designated for such priority uses without adequate safeguards. To address these concerns, Suggested Modifications 2, 5, and 7 require that residential development be permitted only in addition to, and not in place of, existing or planned priority uses. These modifications further require that any reduction or removal of such uses be offset through the provision of on-site or functionally equivalent uses that maintain comparable capacity and public availability. In addition, Suggested Modification 7 prohibits the conversion of hotels, motels, or other overnight visitor accommodations to residential use.

Therefore, as modified, the amendment ensures the residential development does not displace Coastal Act priority uses and remains consistent with applicable policies.

### Scale and Intensity of Development

The Commission received correspondence expressing concern regarding the potential scale and intensity of development that could occur under the proposed overlay, including increased traffic, congestion and strain on infrastructure. Commenters reference the potential for several hundred residential units on certain sites.

The proposed amendment does not approve any specific development project or authorize a specific number of residential units on any site. Rather, it establishes a framework under which residential development may be considered, subject to all applicable Coastal Act and LCP requirements.

The amount, location, and design of any development would be determined through future project-specific coastal development permit review, during which site constraints, environmental considerations, and applicable development standards would be applied.

Therefore, the amendment does not result in the approval of any specific development intensity and ensures the future development is appropriately constrained and reviewed.

### Coastal Hazards and Public Safety

Several correspondence letters expressed concern that the subject sites are located within areas subject to flood hazards, airport-related safety constraints, and other environmental risks, and questioned whether residential development would be appropriate in these locations.

The Coastal Act requires that development be sited and designed to minimize risks to life and property and to ensure stability and structural integrity in areas subject to hazards. The proposed amendment does not exempt development from these requirements. All development under the HO Overlay would be required to comply with the applicable hazard-related policies of the Coastal Act and the City's certified LCP, including those addressing flooding, drainage, and public safety. In addition to its biological resource functions, the required 100-foot buffer would also provide secondary hazard-avoidance benefits by maintaining open space adjacent to the drainage channel. Preserving this area as undeveloped open space improves on-site stormwater management capacity and reduces the potential for flood-related impacts to future development areas. These issues would be evaluated through the coastal development permit process, and development would be conditioned or denied as necessary to ensure consistency with these requirements.

Therefore, as modified, the amendment ensures that coastal hazards and public safety concerns have been appropriately addressed.

### III. CHANGES TO STAFF REPORT

The following modifications to the staff report dated April 17, 2026, are made to address minor typographical errors and clarify text. Language to be added is shown in **italicized and double underlined text**, and language to be deleted is identified by ~~strikethrough~~.

- a) **Exhibit 4 (Resolution 2025-32) shall be added to the list of project exhibits as Exhibit 4 and is included at the end of this addendum. This exhibit details Amending Resolution 2025-32, which the City of Newport Beach adopted on June 10, 2025 to amend the height limits of HO-4.**
- b) Modify line 5 of paragraph 2 on page 2 as follows:  
...~~1,88,174~~174 dwelling units.
- c) Modify Section I.B. (Public Participation) of the staff report on Page 6 as follows:

On July 23, 2024, the City Council held a public hearing to consider the Planning Commission's recommendation and the proposed amendments to the certified LCP. City staff summarized the purpose of the Housing Opportunity Overlay and explained how it would implement the City's Housing Element while maintaining consistency with Coastal Act policies. Public comments reiterated many of the issues raised at the Planning Commission hearing. Jim Mosher again emphasized the need to retain existing visitor-serving uses and requested clarification on how such uses would be protected within the overlay. Other commenters expressed concern about potential impacts to the Santa Ana Heights open-space area, including changes to land currently utilized as a golf course and public-access amenities. Following deliberation, the City Council adopted Resolution No. 2024-52 (Exhibit 1), approving the LCP amendment and authorizing its submittal to the Coastal Commission for certification.

**On June 10, 2025, the City Council held a public hearing and adopted an amending resolution (Resolution No. 2025-32), which authorized City staff to increase the proposed height limits to the Newport Center subarea (HO-4) of the proposed HO Overlay amendment (which comprise of 5 parcels in the Coastal Zone) and submit the proposed changes to the Coastal Commission to review as part of the subject LCP Amendment application.**

- d) Modify LCP amendment application number on page 9 as follows:

The Commission hereby denies certification of Implementation Plan Amendment No. LCP-5-NPB-24-0032-~~4-2~~.

- e) Modify Suggested Modification 1 on page 10 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 City will reserve 25% of allocated dwelling units within the Coastal Zone until such a time as the City’s Local Coastal Program has been amended to allow for housing consistent with the implementation of the 6th 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. The goal is to ensure an adequate number of sites Citywide to accommodate the City’s allocation of the Regional Housing Needs Assessment:

f) Modify table 21.28-1 on page 12 as follows:

Height	Per Base Zone unless otherwise identified on the map	<b>65-ft.</b>	65 ft. <sup>(5)</sup>	Per Base Zone <sup>(6)- (8)</sup> <b><u>unless otherwise identified on map</u></b>
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g) Add footnote to table 21.28-1 on page 12 as follows:

**(8) “Base Zone” includes all height limitations by the Sight Plane Ordinance (Ordinance No. 1371 and Ordinance No. 1596).**

h) Modify Suggested Modification 6 beginning on the fourth complete paragraph on page 14 as follows:

**Subsection 21.28.070(C)(2) shall be modified as follows:**

**d. Housing Opportunity Sites 23, 24, 25 and 26. A residential or mixed-use development encompassing Housing Opportunity Sites 23, 24, 25, and 26 shall include a free to access public park or /public recreational opportunity, which shall comply with Subsection 21.28.070(D)(4) and that conforms to all the following:**

- 1. A minimum 50 foot. ESHA buffer measured from the outermost extent of the riparian or wetland vegetation, whichever extends furthest from the channel shall be provided. For a minimum 10-year period, the buffer shall be measured from the outermost extent of the vegetation established as part of the Santa Ana Delhi Channel Improvement Project proposed by the Orange County Flood Control District. The 50-foot buffer shall be consistent with 21.30B.30 (D); however, the exceptions criteria for smaller ESHA buffers shall not apply. Further, a path sited, designed, constructed**

**and operated in a manner that minimizes impacts to ESHA and other coastal resources may be permitted within the 50 foot ESHA buffer where needed to maintain the channel and/or provide for public access and recreation.**

2. **An additional 50 ft.foot buffer measured from the outermost extent of the ESHA buffer shall also be provided consistent with 21.30B.30 (E). This transitional buffer may be used to accommodate a free, low-impact public recreational opportunity. At a minimum, such public recreational opportunity shall include a contiguous open space corridor along the entire length of the Santa Ana Delhi Channel located adjacent to the subject properties that is of sufficient width to accommodate a 100-ft.foot biological buffer, separately and contiguously, to protect habitat in and along the channel. Such recreational opportunity shall also provide public access and recreational open space that will accommodate passive and active public recreational opportunities including, but not limited to continuous pedestrian/cycling trail, benches, drinking fountains and/or water fill stations, picnic tables, shade structures and fitness/exercise equipment.**
  
3. **In the event the Santa Ana Delhi Channel Improvement Project does not occur there shall be a minimum 100 ft. foot wide corridor along the channel that extends from the top of the channel bank to be used for the free, low-impact coastal access and public recreational opportunity described in subsection B. above.**

i) Modify line 11 of paragraph 1 on page 17 as follows:

...across 228 Housing Elements **sites**

j) Modify the first full paragraph under the ESHA/Habitat Creation Section on page 23 of the staff report to allow more flexibility in the final restoration plan that is still sufficiently protective of the buffer required by Suggested Modification 6 as follows:

The Orange County Department of Public Works is currently seeking authorization from the Commission for the Santa Ana Delhi Channel Improvement Project, which includes restoration and/or creation of riparian, **freshwater marsh and saltmarsh** habitat which has been determined by the Commission's Ecology staff as potential ESHA. Although the Commission has not yet acted upon this application, if the project is approved, additional ESHA will be created immediately adjacent to Parcels 23-26, which would require ESHA

buffers and additional habitat protections under Certified LUP Policies 4.1.1-10, 4.1.1-11, and 4.1.1- 12. In addition, the resulting ESHA has the potential to be adversely impacted by the construction of residential units on these parcels. The currently proposed HO Overlay amendment does not account for this potential for new ESHA creation. If not addressed through modifications, a future residential development project could adversely impact riparian ESHA by encroaching too close to the sensitive habitat.

- k) Add the following sentence to the end of the second full paragraph on page 24 as follows:

With respect to parks, recreation, open-space resources, and habitat protection, the Commission imposes **Suggested Modification 6**, which establishes specific requirements for Housing Opportunity sites 23, 24, 25, and 26 located immediately adjacent to the Santa Ana Delhi Channel, the site of the proposed Santa Ana Delhi Channel Improvement Project which includes habitat restoration and creation, that is pending a Coastal Development Permit and is currently being reviewed by Commission staff. These provisions require a minimum 100-foot buffer area, consisting of a 50-foot ESHA buffer and an additional 50-ft transitional buffer, and the provision of a free low-impact public recreational opportunity, including a contiguous open space corridor with public access amenities. This requirement ensures the protection of sensitive habitat areas while providing expanded public access and recreational opportunities along the channel corridor. **In addition, Suggested Modification 6 allows for a path to be constructed within the 50-foot ESHA buffer where needed to maintain the channel and/or provide for public access and recreation, which may be allowed in limited circumstances where maintenance access may be necessary to prevent degradation of the habitat and recreation area.**

**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST DISTRICT OFFICE  
301 E. OCEAN BLVD., SUITE 300  
LONG BEACH, CA 90802-4830  
(562) 590-5071



# F11a

## EXHIBIT 4

### Resolution 2025-32 (City of Newport Beach)

## 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 6<sup>th</sup> 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 6<sup>th</sup> 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.

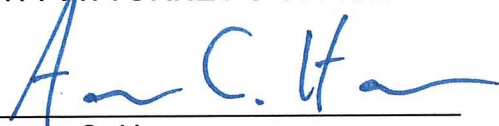
  
\_\_\_\_\_  
Joe Stapleton  
Mayor

**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 6<sup>th</sup> 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.) <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 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 10<sup>th</sup> 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 11<sup>th</sup> day of June, 2025.

  
\_\_\_\_\_  
Leilani I. Brown  
City Clerk  
Newport Beach, California



**CALIFORNIA COASTAL COMMISSION**

South Coast District Office  
301 E Ocean Blvd., Suite 300  
Long Beach, CA 90802-4302  
(562) 590-5071



**F11a**

**LCP-5-NPB-24-0032-2 (City of  
Newport Beach) April 13, 2025**

**CORRESPONDENCE**

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**FW: Opposition to Housing Layer and rezoning**

---

**From** SouthCoast@Coastal <SouthCoast@coastal.ca.gov>  
**Date** Tue 4/7/2026 1:22 PM  
**To** Cortez, Dulce@Coastal <dulce.cortez@coastal.ca.gov>

---

**From:** Andrea <californiakane@yahoo.com>  
**Sent:** Tuesday, April 7, 2026 11:56 AM  
**To:** SouthCoast@Coastal <SouthCoast@coastal.ca.gov>  
**Subject:** Opposition to Housing Layer and rezoning

You don't often get email from [californiakane@yahoo.com](mailto:californiakane@yahoo.com). [Learn why this is important](#)  
To the California Coastal Commission,

I am writing to strongly oppose the proposed approval of the Housing Layer and the rezoning of the Newport Beach Golf Course from its current Recreational Open Space designation to High-Density Housing.

The Newport Beach Golf Course is an invaluable community and environmental asset. Its current zoning as Recreational Open Space safeguards not only the character of the surrounding area but also the ecological balance, open vistas, and natural habitats that are vital to our coastal environment. Rezoning this land for high-density housing would irreversibly damage the integrity of the coastline, increase traffic congestion, strain public services, and diminish the recreational opportunities that residents and visitors currently enjoy.

High-density development in this sensitive coastal area directly contradicts the principles of the California Coastal Act, which prioritizes the protection of coastal resources, scenic beauty, and public access to open spaces. Approving such a drastic change would set a harmful precedent for the erosion of recreational spaces in favor of urban sprawl, undermining the very mission of the California Coastal Commission.

There are alternative opportunities for housing development in areas already designated for urban or residential use that would not compromise the environmental and social value of Newport Beach Golf Course. Preserving this open space is essential to maintaining the quality of life, ecological health, and recreational opportunities that define our region.

A petition to block Surf Park development of middle NBGC parcel was recently signed by 6100 Newport Beach voters and NB reversed approval to avoid a public vote. Housing on golf course will also be opposed by Newport voters.

The John Wayne Airport Land Use Commission rejected development on golf course in high noise and crash zone directly under the flight path

NB Council overrode ALUC to approve the project but then reversed approval after the public petition required a public vote.

I urge the Commission to reject the proposed Housing Layer and rezoning request in order to protect the natural and community resources entrusted to your stewardship.

Andrea Kane  
20231 Spruce Ave  
Newport Beach 92660

**FW: Housing Layer and the rezoning of the Newport Beach Golf Course from its current Recreational Open Space designation to High-Density Housing.**

---

**From** SouthCoast@Coastal <SouthCoast@coastal.ca.gov>  
**Date** Thu 4/9/2026 10:14 AM  
**To** Cortez, Dulce@Coastal <dulce.cortez@coastal.ca.gov>

---

**From:** BJ Sihilling <bjsihilling@gmail.com>  
**Sent:** Wednesday, April 8, 2026 9:14 PM  
**To:** SouthCoast@Coastal <SouthCoast@coastal.ca.gov>  
**Subject:** Housing Layer and the rezoning of the Newport Beach Golf Course from its current Recreational Open Space designation to High-Density Housing.

You don't often get email from [bjsihilling@gmail.com](mailto:bjsihilling@gmail.com). [Learn why this is important](#)  
For the California Coastal Commission,

I would like to submit a quote from our neighbor, Jim Auster, who stated our position succinctly:

**"To the California Coastal Commission,**

I am writing to strongly oppose the proposed approval of the Housing Layer and the rezoning of the Newport Beach Golf Course from its current Recreational Open Space designation to High-Density Housing.

The Newport Beach Golf Course is an invaluable community and environmental asset. Its current zoning as Recreational Open Space safeguards not only the character of the surrounding area but also the ecological balance, open vistas, and natural habitats that are vital to our coastal environment. Rezoning this land for high-density housing would irreversibly damage the integrity of the coastline, increase traffic congestion, strain public services, and diminish the recreational opportunities that residents and visitors currently enjoy.

High-density development in this sensitive coastal area directly contradicts the principles of the California Coastal Act, which prioritizes the protection of coastal resources, scenic beauty, and public access to open spaces. Approving such a drastic change would set a harmful precedent for the erosion of recreational spaces in favor of urban sprawl, undermining the very mission of the California Coastal Commission.

There are alternative opportunities for housing development in areas already designated for urban or residential use that would not compromise the environmental and social value of Newport Beach Golf Course. Preserving this open space is essential to maintaining the quality of life, ecological health, and recreational opportunities that define our region.

A petition to block Surf Park development of middle NBGC parcel was recently signed by 6100 Newport Beach voters and NB reversed approval to avoid a public vote. Housing on golf course will also be opposed by Newport voters.

The John Wayne Airport Land Use Commission rejected development on golf course in high noise and crash zone directly under the flight path.

NB Council overrode ALUC to approve the project but then reversed approval after the public petition required a public vote.

I urge the Commission to reject the proposed Housing Layer and rezoning request in order to protect the natural and community resources entrusted to your stewardship.

Respectfully,  
Jim Auster  
9706187692"

With the above information in mind, we strongly urge you not to approve this. There is a great deal of housing now going up around our community on the opposite side of Bristol Street. To allow these units to be built on our side, next to our residential area would mean drastic changes for all residents here. It is not unreasonable for us to want our community to stay residential.

The added traffic alone will be a major complicating factor to our way of life. The John Wayne Airport land use commission rejected development on the golf course in the high noise and cross zone directly under the flight path. The Newport Beach city Council reversed their approval after our public petition required a public vote. We raised 6100 voters for the petition and will do so again if we need to in opposition to this project. The loss of our golf course impacts all of those who play golf in our area, including school children who receive money from the fundraisers they hold there. The environmental impact from having so many more residents would be huge in this area so close to the Back Bay Environmental preserve.

Please do not approve this. please reject this proposed Housing Layer and rezoning request in order to protect the natural and community resources entrusted to your stewardship.

Please uphold the principles of the California Coastal Act, which prioritizes the protection of coastal resources, scenic beauty, and public access to open spaces. Approving such drastic changes would, indeed set a harmful precedent and does contradict the principles of the California Coastal Act.

Most Sincerely,

Barbara and William Goring

---

**Public Comment on April 2026 Agenda Item Friday 11a - City of Newport Beach LCP Amendment No. LCP-5-NPB-24-0032-2 (Housing Overlay)**

---

**From** Christopher Pederson <chpederson@yahoo.com>

**Date** Thu 4/9/2026 8:31 PM

**To** SouthCoast@Coastal <SouthCoast@coastal.ca.gov>

**Cc** Schwing, Karl@Coastal <Karl.Schwing@coastal.ca.gov>; Spencer, Amrita@Coastal <Amrita.Spencer@coastal.ca.gov>; Revell, Mandy@Coastal <Mandy.Revell@coastal.ca.gov>; Cortez, Dulce@Coastal <dulce.cortez@coastal.ca.gov>; Warren, Louise@Coastal <Louise.Warren@coastal.ca.gov>; Reed, Jessica@Coastal <Jessica.Reed@coastal.ca.gov>

You don't often get email from chpederson@yahoo.com. [Learn why this is important](#)

Dear Chair Harmon and Commissioners:

The proposed suggested modifications to the City of Newport Beach housing overlay LCP amendment appear to significantly reduce the amount of housing that could be provided on sites subject to the suggested modifications. Unfortunately, the staff report does not evaluate how the suggested modifications will affect Newport Beach's ability to comply with the city's obligations under state housing law nor do the suggested modifications identify other areas within the city's coastal zone where additional housing could be provided to offset the effects of the suggested modifications.

Although the Commission has the authority to adopt suggested modifications to ensure the LCP amendment complies with Coastal Act requirements, the Commission may not do so in a way that conflicts with state housing law requirements. The Coastal Act expressly provides that it does not exempt local governments from meeting state law requirements with respect to "any" obligation related to housing. (Pub. Resources Code, § 30007.)

Here, it is unclear whether the proposed suggested modifications would prevent the city from meeting its obligations under state housing law. The Commission should not act on the proposed LCP amendment until staff provides an analysis demonstrating that the proposed suggested modifications will not prevent the city from meeting its obligations under state housing law or provides additional suggested modifications that would allow sufficient additional housing in the city's coastal zone to allow the city to comply with state housing law.

Thank you for your consideration of my comments.

Sincerely,

Christopher Pederson

---

**FW: Public Comment on April 2026 Agenda Item Friday 11a - City of Newport Beach LCP Amendment No. LCP-5-NPB-24-0032-2 (Housing Overlay)**

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**From** SouthCoast@Coastal <SouthCoast@coastal.ca.gov>  
**Date** Fri 4/10/2026 8:57 PM  
**To** Cortez, Dulce@Coastal <dulce.cortez@coastal.ca.gov>  
**Cc** Spencer, Amrita@Coastal <Amrita.Spencer@coastal.ca.gov>; Dobson, Amber@Coastal <amber.dobson@coastal.ca.gov>

FYI

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**From:** Diane Moore <djmore@roadrunner.com>  
**Sent:** Friday, April 10, 2026 4:58 PM  
**To:** SouthCoast@Coastal <SouthCoast@coastal.ca.gov>  
**Subject:** Public Comment on April 2026 Agenda Item Friday 11a - City of Newport Beach LCP Amendment No. LCP-5-NPB-24-0032-2 (Housing Overlay)

You don't often get email from [djmore@roadrunner.com](mailto:djmore@roadrunner.com). [Learn why this is important](#)

I want to urge the Commission to not approve any overlays or rezoning of the Newport Beach Golf course. It has been historically zoned as Recreational Open Space to provide a low occupancy crash buffer for the airport and the parcel is an unoccupied overflow for the Delhi flood channel. The golf course is a beautiful little valley surrounded by housing and small businesses. It is the only affordable public course in Newport Beach and to have it rezoned and high density housing units built on site would certainly not be beneficial to the general public.

I am a long time resident of what was Santa Ana Heights.. We were annexed by Newport to give them leverage in limiting the airport activity to insure the quality of life under the flight path.. Now that they have kept the airport small, they are proposing changes for the golf course and surrounding area without the thought of the quality of life in our neighborhood. The amount of traffic that 600+ units would create and add to that the thousands of residential units planned for the area across the 73 freeway between the airport and Jamboree Road will create horrible traffic numbers on Irvine avenue.

Please don't allow the overlay to occur..

Thank you, Diane Moore



April 8, 2026

California Coastal Commission  
301 E. Ocean Blvd., Suite 300  
Long Beach, CA 90802  
Executive staff@coastal.ca.gov

**Subject: City of Newport Beach LCP Amendment No. LCP-5-NPB-24-0032-2 (Housing Overlay)**

Dear Commissioners and Staff,

Thank you for your continued review and engagement regarding the City of Newport Beach LCP Amendment No. LCP-5-NPB-24-0032-2 (Housing Overlay). As a built-out city in the coastal zone, we believe this amendment harmonizes Coastal Act priorities to protect visitor-serving, marine-related, and public serving uses with the State's mandates for identifying new housing opportunity sites.

We are submitting comments for Suggested Modification 6 for your consideration that affect Housing Opportunity Sites 23, 24, 25 and 26. This revised language is intended to provide the level of certainty sought by the Commission and staff for habitat protection, while avoiding constraints that could unnecessarily hinder the feasibility of housing development on the sites based on the speculative nature of the adjacent Santa Ana Delhi Channel Project. It is our understanding that the channel project is currently under preliminary review with Commission staff, requires additional coordination with the County and adjacent property owners, and is subject to potential design changes that could include a joint maintenance road and multi-use and revised language trail.

As reflected in the attached revision, we have anchored the proposed language to the City's already certified Implementation Plan (IP), specifically referencing Section 21.30B.030(D)(2)(a) (Vegetation for ESHA Buffers). This approach ensures consistency with established, certified standards that have been central to prior discussions and also cited previous correspondences with Coastal staff. By relying on this existing framework, the revised language provides a clear, predictable regulatory path without introducing new or untested requirements.

Importantly, the proposed revision preserves the availability of ESHA buffer exceptions under NBMC Section 21.30B.030.D. Given the uncertainty surrounding the timing, scope, and ultimate implementation of the County's channel project, maintaining these exceptions is critical. Eliminating or restricting them at this stage would introduce significant risk to the feasibility of potential housing development based on assumptions that may not materialize.

With respect to the proposed 100-foot buffer beyond the County's planned improvements along the entire edge of the affected sites, we want to highlight the substantial impact such a requirement would have on feasibility. Imposing a uniform buffer of this size would:

- Significantly reduce the development area of the sites beyond the anticipated County easements needed to accommodate the channel project;
- Constrain site planning flexibility needed to accommodate required circulation, infrastructure, and building placement.
- Undermine the project's ability to deliver housing at a scale necessary to remain consistent with Housing and Community Development (HCD) requirements.

In effect, a 100-foot blanket buffer particularly one tied to a potential future condition would materially limit the site's capacity to function as a viable housing opportunity.

At the same time, we recognize and support the Commission's goal of ensuring meaningful public access and/or recreational opportunities. The revised language strengthens this outcome by explicitly incorporating a functional equivalency requirement. This ensures that any alternative approach to buffer configuration will still deliver comparable or enhanced public access and recreational benefits in a clear and enforceable manner. Additionally, the simplified buffer framework included in the revision improves clarity while maintaining environmental protections.

In summary, the attached revision:

- Provides regulatory certainty by relying on the City's certified Implementation Plan;
- Preserves necessary flexibility through existing ESHA buffer exceptions;
- Avoids imposing constraints tied to uncertain/evolving future infrastructure projects;
- Enhances assurance of meaningful, public access and recreational outcomes through functional equivalency, and which at minimum, include a no-cost, continuous pedestrian/cycling trail, benches, drinking fountains and/or water fill stations, picnic tables, shade structures and fitness/exercise equipment.

We respectfully request that the Commission consider and adopt the revised language as presented. We believe it strikes an appropriate and balanced approach that harmonizes the Coastal Act's objectives of habitat protection and open space preservation while maintaining the feasibility of delivering much-needed housing in the coastal zone

Thank you for your time and consideration. We are available to discuss this further at your convenience.

Sincerely,



Don Schmitz, AICP  
President, Schmitz and Associates

Cc: Jaime Murillo, City of Newport Beach Community Development Director  
Ben Zdeba, City of Newport Beach Deputy Community Development Director

Attachment: Coastal Commission LCP-5-NPB-24-0032-2 Revisions to Suggested Mod #6

**Suggested Modification 6:** Add a new section to Subsection 21.28.070(C)(2) to apply habitat protection and open space preservation requirements to Housing Opportunity Sites 23-26. These parcels are located adjacent to the Delhi Channel, which is the site of Santa Ana Delhi Channel Improvement Project that is pending a CDP from the Commission.

Subsection 21.28.070(C)(2) shall be modified as follows:

**d. Housing Opportunity Sites 23, 24, 25 and 26. A residential or mixed-use development encompassing Housing Opportunity Sites 23, 24, 25, and 26 shall include a free to access public park and/or public recreational opportunity, which shall comply with Subsection 21.28.070(D)(4), that and conforms to all the following:**

**A. ~~A minimum 50-foot-ft. ESHA buffer measured from the outermost extent of the riparian vegetation shall be provided to ensure. For a minimum 10-year period, that the biological integrity buffer shall be measured from the outermost extent of the riparian vegetation is protected, established as part of the Santa Ana Delhi Channel Improvement Project proposed by the Orange County Flood Control District. The 50 ft. buffer shall be consistent with Subsections 21.30B.30 (D) and 21.30B.30(E); however, the exceptions criteria for smaller ESHA buffers shall not apply.~~**

**B.A. ~~An additional 50 ft. buffer measured from the outermost extent of the ESHA buffer shall also be provided consistent with 21.30B.30 (E). This transitional buffer may be used to accommodate a free, low-impact public recreational opportunity. At a minimum, such public recreational opportunity shall include a contiguous open space corridor along the entire length of the Santa Ana Delhi Channel located adjacent to the subject properties that is of sufficient width to accommodate a 100-ft. biological buffer, separately and contiguously, to protect habitat-vegetation in and along the channel. Such recreational opportunity shall also provide public access and recreational open space that will accommodate passive and active public recreational opportunities including, but not limited to continuous pedestrian/cycling trail, benches, drinking fountains and/or water fill stations, picnic tables, shade structures and fitness/exercise equipment.~~**

**C.B. ~~In the event the Santa Ana Delhi Channel Improvement Project does not occur there shall be a minimum 100-foot-ft. wide corridor along the channel that extends from the top of the channel bank to be used for the free, low- impact coastal access and public recreational opportunity described in subsection AB. above.~~**

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**Fwd: California Coastal Commission, Save NBGC**

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**From** Jim Auster <jimauster@hotmail.com>

**Date** Sun 4/12/2026 9:50 AM

**To** citycouncil@newportbeachca.gov <citycouncil@newportbeachca.gov>

**Cc** Jurjis, Seimone@City of Newport Beach <sjurjis@newportbeachca.gov>; Cortez, Dulce@Coastal <dulce.cortez@coastal.ca.gov>; ExecutiveStaff@Coastal <ExecutiveStaff@coastal.ca.gov>

Some people who received this message don't often get email from jimauster@hotmail.com. [Learn why this is important](#)

Dear Mayor and NB Council members,

Before CCC meeting on 4/17, please consider withdrawing CCC application or removing NBGC from the application .

Jim Auster

20401 Bayview Ave

Newport Beach CA 92660

Begin forwarded message:

**From:** Jim Auster <jimauster@hotmail.com>

**Date:** April 12, 2026 at 10:35:56 MDT

**To:** Linda Giedt <lclemensgiedt@gmail.com>, "M. Smith" <mws.aspenroyal@gmail.com>, Steve Carfano Carfano <scarfano@verizon.net>, Benny Hallock <bennyhallock@gmail.com>, merrilee bliss <merrileebliss@gmail.com>, Robert Rosenberg <robert@onetrustlegacy.com>, JOSEPH SALVO <jsalvo2105@aol.com>

**Subject: California Coastal Commission, Save NBGC**

Newport Beach City Council applied to California Coastal Commission for approval of housing overlay that rezones NBGC from recreational open space to high density residential. NB claims development of the golf course is needed and necessary to meet CA Element Housing mandate requiring 4800 units. NB Development Office application pipeline already has 2000 units in Airport Area, 5000 units total, see link below.. Public vote is scheduled in Nov. to limit housing to less than 3000 units. There is no need for any housing or any other development on NBGC open space recreation zone, in Coastal protection zone, in JWA crash zone, in JWA high 65db zone, in flood and tsunami zone, in high traffic zone, adjoining Back Bay wildlife zone, in violation of SAH Specific Plan, etc. Normally legitimate city Council decisions are by law exempt from personal liability claims but council and NB tax payers are not exempt from enormous potential liability for Council's reckless unjustifiable overruling of Airport Land Use Commission's rejection of development in 65db zone and crash zone directly under JWA flight path.

Council members justified their approval of Surf Park as a private property owner's right for highest best and most profitable land use but that was not justified and Surf Park approval has been reversed by public petition. Owners purchased the land from Irvine Ranch for a low price to build the golf course and have had a big return on their investment because golf is the only safe low density highest best appropriate and beneficial use directly under JWA flight path.

If CCC follows their staff recommendation to approve housing in this location I will ask commissioners if there is any purpose of the California Coastal Commission?

Element Housing law exempts all regulations, zoning, existing land uses, environmental impacts, etc, but does not exempt requirement CCC approval of housing overlay . Except for a legal challenge, this may be our last chance to block administrative approval.

I will attend CCC meeting in Gonzales on Friday. It is past 4/10 deadline to submit public comments but please send any comments, information, exhibits, photos, etc you would like me to add to the presentation.

how many housingunits are already in  
planning approval process in Newport  
Beach to meet Element housing mandate  
[google.com](https://www.google.com)



On Apr 3, 2026, at 16:45, Linda Giedt <lclemensgiedt@gmail.com> wrote:

Along with the Bristol housing projects underway now, this was just approved by the Planning Commission last night. 100 units at Quail and Birch. They will knock down the existing 7 story high rise there. No low income housing.

Wow, the added traffic in the Airport area. The 73 to the 405 is already a parking lot.

There are more housing projects still waiting to be approved on the other side of Bristol.

Linda

<image.png>

<100-condo development in Newport Beach near John Wayne Airport OK'd - Los Angeles Times.pdf>

April 7, 2026

To the California Coastal Commission,

I am writing to strongly oppose the proposed approval of the Housing Layer and the rezoning of the Newport Beach Golf Course from its current Recreational Open Space designation to High-Density Housing.

The Newport Beach Golf Course is an invaluable community and environmental asset. Its current zoning as Recreational Open Space safeguards not only the character of the surrounding area but also the ecological balance, open vistas, and natural habitats that are vital to our coastal environment. Rezoning this land for high-density housing would irreversibly damage the integrity of the coastline, increase traffic congestion, strain public services, and diminish the recreational opportunities that residents and visitors currently enjoy.

High-density development in this sensitive coastal area directly contradicts the principles of the California Coastal Act, which prioritizes the protection of coastal resources, scenic beauty, and public access to open spaces. Approving such a drastic change would set a harmful precedent for the erosion of recreational spaces in favor of urban sprawl, undermining the very mission of the California Coastal Commission.

There are alternative opportunities for housing development in areas already designated for urban or residential use that would not compromise the environmental and social value of Newport Beach Golf Course. Preserving this open space is essential to maintaining the quality of life, ecological health, and recreational opportunities that define our region. Newport Beach claim the Housing Overlay is needed to meet Element Housing required number of units is incorrect, more than enough housing applications are already being processed to meet Newport Beach Element mandate without building it on NBGC within Coastal protection boundary.

A petition to block Surf Park development of middle NBGC parcel was recently signed by 6100 Newport Beach voters and NB reversed approval to avoid a public vote. Housing on golf course will also be opposed y by Newport voters. Another petition with required 6100 signatures was approved for a community vote to limit housing to the minimum required Element number under 3000 units. NBGC is not needed for housing.

The John Wayne Airport Land Use Commission rejected development of Surf Park on golf course in high noise and crash zone directly under the flight path. NB Council over rode ALUC to approve the project but then reversed approval after 6100 signature public petition required a public vote. ALUC rejected NB revision of noise contour to allow housing in 65 db zone but NB overrode ALUC. If Overlay is approved ALUC will also reject housing directly under flight path in crash zone that will make NB taxpayer potentiall liable for enormous crash and noise impacts to housing residents.

Housing on this site requires sewage pumping up to Mesa Drive and risks sewage pollution of Back Bay with a power outage. It is also in the tsunami and flood protection zone from historical flooding of Delhi Channel.

Santa Ana Specific Plan enacted when Santa Ana Heights was annexed by NB requites golf course to be permanent, see letter to Nb copied below. The only highest safe and best use of this land is to leace it as it is now, golf course low density recreational with no impact to the environment, airport, our community, and the Back Bay.

I urge the Commission to reject the proposed Housing Layer and rezoning request in order to protect the natural and community resources entrusted to your stewardship.

Respectfully,  
Jim Auster  
9706187692

RESIDENTS TO SAVE NEWPORT BEACH GOLF COURSE

March 16, 2026

Mayor Lauren Kleiman & Newport Beach City Council

100 Civic Center Dr

Newport Beach, CA 92660

[citycouncil@newportbeachca.gov](mailto:citycouncil@newportbeachca.gov)

Dear Mayor Kleiman & City Council Members,

As you are aware, Santa Ana Heights (SAH) was annexed into the city in two phases, in 2002

the area east of Irvine Ave and 2008 the area west of Irvine Ave. The annexation agreement was memorialized on September 10, 2002 and remains in full force.

SAH was content as a county island and did not seek annexation – the City approached us. We were concerned city government would add another layer of regulation and bureaucracy to our lives while disregarding the unique character of SAH. Our fears have been confirmed.

Residents worked with the City and County for over fifteen years to develop an annexation agreement to maintain the unique characteristics of the area. The Heights includes a winery, equestrian property, traditional residential tracts, estate lots, mansions, 18-hole Newport Beach Golf Course and driving range.

These were hard-fought negotiations that encompassed many complex issues across multiple governmental jurisdictions including the City, County, a redevelopment agency, city, Coastal Commission, Mesa Water District, JWA Settlement Agreement, property tax transfers, and a utility undergrounding district.

As previously noted, the 2002 City/County Santa Ana Heights Annexation Agreement remains a legally controlling document. It specifically requires the City to seek the County's consent for General Plan Amendments – including the City's housing zoning overlay on the golf course. ALUC found the housing overlay INCONSISTENT with the Airport Environs Land Use Element (AELUP) on a 5-1 vote. This is the only attempt the City made to seek County approval, and it failed. As such, the City ignored other considerations of the Santa Ana Heights Annexation Agreement as it relates to the proposed development site south of Mesa Drive.

The unique characteristics of the Santa Ana Heights are codified in the Santa Ana Heights Specific Plan (NB Municipal Code Chapter 21.90, specifically Section 21.90.020 SP-7(OSR)) stating "Land Use and development standards for Santa Ana Heights shall be in accordance with Exhibit 21.90-1, "Land Use Map – Specific Plan District No. 7" and the provisions of this section

The plain language of the codified specific plan and enabling map DOES NOT allow any non-golf course uses like wave pools, Costco, apartments, commercial buildings or anything else – no matter how giddy the property owner, politicians and staff are to kill the golf course.

The city council's October 29, 2025, Snug Harbor project approval – effectively killing the Newport Beach Golf Course and replacing it with a 15-acre, 10-million-gallon heated wave pool – sought to destroy the unique characteristic of SAH; ignored the Santa Ana Heights Specific Plan, zoning, and Annexation Agreement. In addition, you failed to acknowledge the long history of the underlying restrictive leases with the County and property owner for the long-term use as a golf course and related uses.

We were forced to circulate a successful citywide referendum petition triggering an election for the council's unanimous Snug Harbor wave pool approval. Over 9600 signatures were collected in just 21 days. We are reminded of the perils of local government.

2To your credit, facing the wrath of the community at the ballot box, the Council rescinded the General Plan Amendment approval of 40,000 square feet of commercial buildings on a site zoned for open space and recreation, whose sole purpose and intent is explicitly "to insure the long-term use and viability of the Newport Beach Golf Course" – not concrete.

In 1973 the Irvine Company leased the site to the Lane Family who graded the community golf course that remains today. It is a very challenging parcel for development due to its topography, proximity to JWA, water table, Delhi Channel, and restrictions of the FEMA Zone A flood hazard area. The Irvine Company understood these development barriers in 1973. Nothing has changed in 53 years – except additional binding restrictions of the SAH Annexation Agreement, SAH Specific Plan, zoning code, and Charter Section 423.

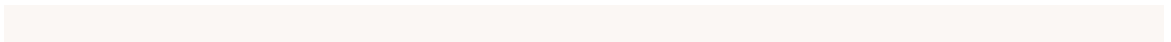
The front nine is owned in fee by Newport Golf Club LLC, comprised of long-time Newport residents. They want the highest and best use on a degraded parcel that is restricted for development. As you know, the back nine is owned by the County of Orange (JWA) and serves as the FAA Runway Protection Zone requiring open space and prohibiting permanent structures – in perpetuity.

We respect the private property rights of the respective families and their heirs. We also respect the decades of their investment in our community, both financial and philanthropic. They are an important part of the fabric that makes Newport Beach a vibrant community.

As elected officials you are often asked to balance the needs of the residents and development community. This is one of those moments.

We encourage you to keep an open mind and create a vehicle that preserves the unique character of Santa Ana Heights, while complying with the requisite Santa Ana Heights Annexation Agreement and Specific Plan, zoning code, Charter Section 423 and if necessary calling for a citywide vote for large commercial projects, and respect private property rights and honor the City's commitment to Santa Ana Heights and the residents of Newport Beach.

Sincerely,  
RESIDENTS TO SAVE NEWPORT BEACH GOLF COURSE



Date of comment: April 10, 2025

Date of hearing: April 17, 2026

Agenda Item: F11a-4-2026

My position: Both items need additional modifications

To: Dulce Cortez  
California Coastal Commission  
301 E. Ocean Blvd, Suite 300  
Long Beach, CA, 90802-4325

Re: City of Newport Beach LCP Amendment No. LCP-5-NPB-24-0032-2

Dear Ms. Cortez,

It is unfortunate staff's recommendation is coming so close to the deadline for a Commission decision. I find it difficult to comment on this item in any concise way, but here is my attempt:

## Synopsis

The Commission is being asked to certify an amended LCP authorizing the City to add housing to its coastal zone, potentially disrupting higher priority uses, in quantities and types not required by its state housing obligations, using a land use mechanism that California courts have found inconsistent with state housing law. Approval, even as modified, will likely lead to unnecessary and unrequired development while leaving for the future the City's true need, which is to meet its state requirement to allow affordable housing, which will, in that future, presumably have to be added on top of whatever is approved here.

### 1. Newport Beach's RHNA Obligation and its Housing Element

The City's citywide RHNA obligation is to allow for 4,845 new housing units in the 6th Cycle, of which 3,436 must be affordable to households with various moderate or lower incomes.

According to Table B-1 on page B-9 of [Appendix B](#) of the City's [6th Cycle Housing Element](#), the City anticipates no difficulty reaching its quota for above moderate housing production even without any rezoning, but expects a shortfall of 2,707 units in the affordable categories.

The Housing Element proposes to meet this affordable housing shortfall by authorizing 8,174 new base units through "Housing Opportunity Overlays" added to selected parcels in five vaguely-defined "focus areas," all but one of which (Coyote Canyon) include portions of the coast zone.

However, even though Policy Action 1K (Inclusionary Housing Policy) on page 4-10 of the Housing Element's [Housing Plan](#) calls for adoption of an inclusionary ordinance, nothing has been done, nor is contemplated, in that regard. Indeed, the Council has reduced inclusionary requirements in the one small non-coastal area of the city that historically had a requirement. As a result, **there is no requirement for any of the 8,174 new base units to be used to meet the City's affordable housing obligation**, which, if not fulfilled, will, per [Government Code Section 65584.09](#), carry over into, and be added to, any new obligations in the 7th Cycle.

All 8,174 new units, including all authorized in the coastal zone, could, and a large portion likely will, be used to entitle new luxury housing not required by state housing law, leaving the 2,707

unit citywide affordable housing requirement largely unfilled and needing to be entitled in the future, above and beyond the 8,174.

## 2. Courts Have Disallowed Use of the Housing Overlays the City Proposes

An additional reason the City's proposal should be approached is with caution is that the scheme of using overlay districts to meet affordable housing obligations was based on erroneous advice<sup>1</sup> from the state Department of Housing and Community Development. While thought consistent with state housing law when the City's Housing Element was [certified](#) as compliant by them in October 2022, it no longer is.

In particular, in *New Commune DTLA v. City of Redondo Beach* (2025) [115 Cal.App.5th 111](#), an opinion published on October 10, 2025, and which the California Supreme Court declined to review on appeal on January 28, 2026, the California Court of Appeal found that the use of voluntary overlay districts of the type proposed here is generally *not* compliant with state housing law. Indeed, to comply with requirements to meet RHNA requirements to allow development of affordable housing, the court found at least 50% of the requirement must be met by actually rezoning selected properties to require that when and if they redevelop, at least 50% of the floor area be devoted to housing. This follows the earlier ruling in *Martinez v. City of Clovis* (2023) [90 Cal. App. 5th 193](#), which the California Supreme Court also declined to review, that housing overlays are not an adequate mechanism to address the carry-over of unmet affordable housing obligations, which Newport Beach will almost certainly face when the 6th Cycle ends on October 15, 2029, and the 7th Cycle begins.

**It seems problematic to add a scheme to the LCP that will need to be completely revised in the near future. How can the Commission be sure the presently-requested entitlements will be unwound when new ones consistent with state housing law are added?**

## 3. Problems with Coastal Land Use Plan Amendments

Regarding the requested amendments to the City's [Coastal Land Use Plan](#) as shown in Exhibit "B" to the staff report's Exhibit 1 (City Council [Resolution No. 2024-52](#)) with the suggested modifications found on pages 10 and 11 of the staff report:

- a. Existing Policy 2.1.10-1, regarding consistency with the City's [Coastal Land Use Plan Map](#), is proposed to be amended to say it is "modified by all Policies in the [new] 2.1.11 series." This does not provide any clear guidance for interpretation of the map because the new 2.1.11 policy series sets limits on how many housing units can be added to named areas, but provides no indication of what the geographic boundaries of those areas are – only a reference to the Housing Element, which is not only not certified by the CCC, but also provides no clear boundaries. For example, the 521 units allowed by the proposed CLUP Policy 2.1.11-1 in the "Dover/Westcliff" area are authorized in the proposed implementation for use on some parcels far afield from "Dover" or "Westcliff," that have been assigned to that CLUP area in a seemingly arbitrary way. Without clear geographic boundaries to the CLUP areas, are those assignments consistent with the

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<sup>1</sup> See [page 15](#) of their May 2020 "Site Inventory Guidebook."

CLUP? While the “correct” assignment of those parcels might be resolved by reference to the Housing Element, but proposed CLUP Policy 2.1.11-1 says other parcels can be added through rezoning. Is it the intent of the CLUP that a parcel in, say, Balboa Village or on Balboa Island that wanted to be added to the overlay implementation be subject to the CLUP’s “Dover/Westcliff” housing limit or its “Newport Center” limit? It seems impossible to tell and reference to the Housing Element is unavailing if the parcel is not in the Housing Element.

- b. The staff report (on page 10) recommends Suggested Modification 1 to proposed new CLUP Policy 2.1.11-1, deleting the “West Newport Mesa” area because all the coastal zone properties are in a Deferred Certification Area.<sup>2</sup> I agree with that modification, but even with it, the policy seems glaringly defective to me:

- i. First, the opening paragraph contains two sentences that say *“The City will reserve 25% of allocated dwelling units within the Coastal Zone until such a time as the City’s Local Coastal Program has been amended to allow for housing consistent with the implementation of the 6th 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.”*

This seems to be forward-looking language saving some units for implementation in the coastal zone, pending Coastal Commission approval. **Shouldn’t this be deleted upon certification?** If not, why would the Commission want to give priority to approving housing in the coastal zone over non-coastal zone sites?

- ii. At least as importantly, assuming the CCC wants to certify overlay districts despite the courts having found them an improper mechanism to meet RHNA quotas, shouldn’t the numeric limits for development in the three (after the recommended modification) areas be reduced, as contemplated in the forward-looking language, to something like 25% of the citywide limits?

For example, since the citywide limit is irrelevant to the CLUP, shouldn’t the limit for housing in the “Airport Environs” be reduced in the CLUP from “2, 577 total dwelling units within the entire area, inclusive of those properties in the Coastal Zone” to “~~2, 577-644~~ total dwelling units within the ~~entire area, inclusive of those properties in the~~ Coastal Zone” and so on for the other areas (644 being 25% of 2,577)? **Otherwise, as proposed, the policy would allow the City’s entire RHNA target for each area to be entitled in the coastal zone.** Why would the CCC approve that?

- iii. An additional problem with this proposed policy, even as amended, is allowing densities of up to 50 du/ac in all areas. As the Commission knows, to preserve the city’s character, part of the City’s coastal zone is subject to a Shoreline Height

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<sup>2</sup> Regarding that Deferred Certification Area, the Commission may or may not be aware that the owner of one of the parcels, the Newport Mesa Unified School District is contemplating accepting a proposal to add 169 units of housing, of which 20% would be below market rate and prioritized for District employees. See the NMUSD Board’s [3/10/2026 Item 21c](#) and [presentation](#). Those units, if built, would count toward the City’s RHNA obligations, but their approval is entirely up to the CCC.

Limitation (CLUP Policy 4.4.2-1). As a matter of policy, it is unclear how a CLUP authorization for 50 du/ac could be made consistent with the **shoreline height limit**, and it seems that under state housing law property owners subject to the overlay could seek, and the City might have to grant, exceptions to make their housing projects feasible, defeating the intent of the height limitation. Although it has apparently been withdrawn for the moment, the City has already received just such an application, [PA2025-0050](#) for the 1.45 acre harbor-front parcel at 1101 Bayside Dr, seeking to provide 144 units in an eight-story building, despite the parcel being subject to the Shoreline Height Limitation and designated in the CLUP for Recreational and Marine Commercial (CM) use. Similarly, although not in the Shoreline Height Limitation area, the City has an [application](#) for the proposed coastal zone overlay site at 2300 University Dr to waive the base height limit of 32/37 feet and build housing to 75 feet, indicating pressure to vastly exceed base heights will exist.

- c. Proposed new Policy 2.1.11-2 aggravates the last-named concern by stating that the density limits are averages over a site, so even higher densities (and heights) would seem to be allowed. In the unlikely event that affordable units are offered, market rate bonus units would add even more density and height, inconsistent with existing CLUP Policy 4.4.2-1 for areas subject to it.

Unrelated to that concern, CCC staff is recommending Suggested Modification 2, to “harmonize” added housing with visitor-serving, marine-related, or public-serving uses. There are at least two problems with the suggested modification:

- i. The modification introduces the term “functionally equivalent” whose meaning is neither obvious nor defined in the CLUP [Glossary](#). Since whether a replacement use is “functionally equivalent” is likely to be a point of contention, I think the criteria for making that decision need to be more clearly defined.
  - ii. The modification does not address the issue of uses not always following a properties base CLUP designation or, alternatively, a property reserved for priority uses through their base designation not currently having such uses. For example, the proposed housing overlay site at 1101 Bayside Dr, mentioned above, is one of the few reserved for Marine Commercial use. If it does not currently have such uses, would that rare designation be ignored? Conversely, one of the more prominent Marine Commercial uses, the [West Marine](#) emporium, is located at 3433 Via Lido, which is proposed to be Housing Opportunity Overlay Site No. 334, with a General Commercial (CG) base CLUP designation. Since it is not on land with one of the listed designations, **is there no policy to prevent this essential high-priority marine-related use from being replaced with lower-priority housing?**
- d. Most of proposed new Policy 2.1.11-3 asks the Commission to certify exactly the features that have caused California courts to find “housing overlays” inconsistent with the requirements of state housing law for meeting affordable housing requirements. **Why would the CCC certify language the courts have said is unacceptable?**

#### 4. Problems with Implementation Plan Amendments

- a. The City's proposed new Section 21.28.010.F refers to the overlay locations being "*identified in Part 8 of this title (Maps).*" This is at least partially inconsistent with staff's Suggested Modification 4, which implies the overlay sites will be identified on the [Section 21.14.010 Coastal Zoning Map](#).
- b. Suggested Modification 3 appropriately deletes the "West Newport Mesa Area" from proposed new Subsection 21.28.070.A.
  - i. However, it leaves intact the description of the "Newport Center Area." Is the word "generally" (and the paragraph that follows) sufficient to include the many housing opportunity sites that are in the coastal zone but far outside the bounds described?
  - ii. It also leaves intact footnote (5) to IP Table 21.28-1, referencing the Shoreline Height Limit Area. But, as noted above, how will that be enforced if an applicant seeks an exception to utilize the 50 du/ac authorization?
  - iii. Additionally in the "Height" row of the "HO-4" column of the modified Table 21.28-1 proposed for certification it says "Per Base Zone (6)," but footnote (6) is not related to height. See also my Comment 5.c, below.
  - iv. A very small point, but in the "Lot area required per unit (sq. ft.)" row of that table, there are two boxes with what appear to be identical specifications. Why are they in two separate boxes, and not combined in one?
- c. By not requiring the addition of housing upon redevelopment, proposed new Subsection 21.28.070.B repeats what California courts have found to be the problematic aspects of housing overlays purporting to be consistent with state housing law.
- d. Suggested Modification 4 recommends the addition of an "HO" symbol to be used on the Section 21.14.010 Coastal Zoning Map. While I think this is a good idea:
  - i. No sample of what the certified new Coastal Zoning Map would look like is provided.
  - ii. As noted above, the City's proposed new Section 21.28.010.F implies the HO sites will only be identified in Part 8 maps.
  - iii. In the proposed revision to IP Table 21.14-1, staff recommends that in the "Coastal Land Use Plan Designations Implemented by Zoning Districts" column, the HO districts say "Various." Since the only thing implemented by the HO districts is "RM Multiple-Unit Residential" shouldn't it say that?
- e. A minor point, but in Suggested Modification 5:
  - i. Hasn't the word "and" been added to the existing clause "4." If so, shouldn't "and" be in bold?

- ii. Similarly, isn't the intent to delete the word "and" from the end of the existing clause "3" (which is not shown)?
- f. With regard to Suggested Modification 6:
  - i. Within the context of the IP, how is the identification of "Housing Opportunity Sites 23, 24, 25 and 26" supposed to be established? I do not see those numeric designations on any of the materials submitted for certification. **Should the proposed Section 21. 80.032 maps be amended to include a numeric designation of each opportunity site?**
  - ii. I am not sure I understand how the proposed buffers of a maximum of 100 foot width is "functionally equivalent" to the larger open space currently available. That, again, emphasizes the need to more precisely define the phrase.
- g. Regarding Suggested Modification 7, this has the same problem noted under comment 3.c.2, above.
  - i. The restriction of the protection of high priority uses to parcels with certain base designations fails to protect existing such uses on parcels without those base designations. It also fails to protect parcels with high priority designations that do not currently have high priority uses on them, leading to a loss of acreage intended to be preserved for them.
  - ii. Again, a clear definition of "functionally equivalent" needs to be added both to the CLUP [Glossary](#) and IP [Section 21.70.020](#) (Definitions of Specialized Terms and Phrases).
  - iii. Since at least two of the Housing Opportunity Overlay Sites are hotels, the "*No hotel, motel, or other overnight visitor accommodations shall be converted or replaced with residential use*" restriction is important. I hope CCC staff does not need to be reminded of the episode (see City Planning Commission [Agenda Item No. 5](#) from May 12, 2022, in which coastal zone hotel rooms on "CV Commercial Visitor-Serving" property were converted to residences by virtue of a City "[Directors Determination](#)," without amending the LCP. Because it was outside the appeal area, CCC staff could do nothing but strenuously object. It is perhaps ominous that the same property, at 900 and 1000 Newport Center Dr is here proposed to be certified as a Housing Opportunity Overlay Site.

## 5. Miscellaneous Comments

- a. Similar to the last-stated concern about hotel rooms outside the appeal area being converted by "Directors Determinations" (supposedly authorized by existing IP [Subsection 21.12.020.A](#)), the proposed amendments are a bit vague as to how parcels can be added to the Housing Opportunity Overlay Districts. Proposed new CLUP Policy 2.1.11-1 suggests the process would involve rezoning, which would require CCC action. However, an example already exists of parcels outside the coastal zone being added

through a Directors Determination, without any rezoning, and presumably without revising the overlay maps (see June 6, 2025, [Action Letter](#)).

- b. I am not sure CCC staff is aware that in recommending certification (with modifications) it is recommending certification of changes to established height limits within the coastal zone, per the reference under “Height” in proposed Table 21.28-1 to “Per Base Zone unless otherwise identified on the map.” The map seems to be the “HO-1” of proposed new Section 21.80.032, allowing heights of 35 to 60 feet on property with a CLUP designation of PR (Parks and Recreation) and formerly limited by the City’s Zoning Code to 18 feet. I do not see any analysis of possible Coastal Act implications of this change. And, as noted in comment 3.b.iii, above, the City has applications to exceed base height limits on an HO-1 property not indicated as having a special height authorization on the map.
- c. More disturbingly, the City’s [Title 20 HO-4 map](#) (linked to from NBMC [Section 20.80.025](#)) contains call-outs for height exceptions, at least four of which affect coastal zone sites, yet the Title 21 HO-4 map being proposed for certification contains no such exceptions. Which prevails?
- d. In line 5 of paragraph 2 of the summary on page 1 of the staff report, the number “8,174” has been inadvertently transposed to “1,874.”
- e. Some of the information in that sentence is repeated in the paragraph at the top of page 17, where the number becomes “1,875” and the reference to “228 sites” has become garbled to “228 Housing Elements.”
- f. In any event, it is not clear what the source is of these statements regarding the City’s overall overlay efforts that “Collectively, these actions are intended to provide capacity for 8,175 dwelling units citywide, including 2,707 units affordable to very-low, low-, and moderate-income households, across 228 Housing Elements. Of those sites, 26 parcels (appx 11%) are located within the coastal zone, with an assumed collective capacity of approximately 1,441 dwelling units.”
  - i. I am not aware of any comprehensive and reliable list of the proposed Housing Opportunity Overlay sites, which is one of the problems with trying to understand the program.
  - ii. [Appendix B](#) of the Housing Element lists many. It appears to list 222 parcels assigned to Overlay Districts with a total buildable area of about 470 acres. But it gives no indication of which parcels are in the coastal zone and which not. And some sites have been added since. A better source might be Table C of the City’s [2025 Annual Progress Report](#) Excel workbook submitted to the state in March. It lists 225 parcels with a total area of 685 acres of which 24 with a combined area of 68 acres are flagged as “Pending Coastal Commission” (approval). However, that does not include the 4.03-acre 919 Bayside Dr parcel or the 7.05-acre 1 Park Newport Dr parcel depicted on the proposed HO-4 (Newport Center Area) map, which might bring the coastal zone totals to 79 acres over the 26 sites mentioned in the staff report (although not in the coastal zone, also missing from Table C

are two parcels comprising 1.77 acres of the Regal Edwards Cinema site at 300 Newport Center Drive and a 1.18-acre parcel at 4667 MacArthur Blvd).

- iii. While the number of coastal zone parcels (“sites”) may be correct, it is especially unclear where the “*with an assumed collective capacity of approximately 1,441 dwelling units*” statement comes from. The housing element assumes each of the coastal zone parcels has a capacity to develop 50 du/ac, and 79 acres x 50 du/ac = 3,950 units. Table C of the 2025 Annual Progress Report, with its two missing coastal zone parcels, but which I believe corrects for existing units on opportunity sites, as well as recent approvals at less than full capacity, shows a “realistic” net increase of coastal zone housing of 2,781 units.
  - iv. That said, Assessors Parcel Numbers may not be the best way of identifying sites, since some parcels have more than one APN and some APN’s contain more than one overlay site covering less than the full parcel. The Newport Beach Country Club is an example of this, with the same 128.5-acre parcel identified as both APN 441 011 51 and 441 011 52, and containing within it two separate and unrelated 0.5-acre Housing Opportunity Sites identified in the Housing Element as Numbers 353 and 354.
  - v. In short, a definitive and reliable list of opportunity sites seems lacking, with the maps providing only tenuous guidance given their marginally legible scale and lack of many property lines, including most internal ones, and all site numbers.
- g. Two additional puzzles are:
- i. No opportunity sites at all have been identified in the Newport Coast portion of the city, even though it comprises a large part of the land area. I do not know why that is, since I would assume there would be opportunities to densify housing in areas where it already exists rather than sacrificing existing commercial, recreational, and visitor- and marine-serving property
  - ii. In all overlay districts other than HO-3 (Dover/Westcliff) the Housing Element offers overlay status to all the housing opportunity sites that were identified in the City’s [5th Cycle Housing Element](#). In the proposed IP HO-3 map only three tiny 5th Cycle parcels (one in the northern part of Mariners Mile and two barely visible south of Lido Village) are authorized to make use of the overlay. I have no idea why or how they were selected, since there are many other similarly-situated 5th Cycle parcels neighboring them. **It would seem to me that if more of them were allowed to participate in the overlay, there would be opportunities for lot consolidation. That would allow housing to densify in areas where it already exists rather than sacrificing existing commercial, recreational and visitor- and marine-serving property.** I would think that would be an option much preferred by the Coastal Commission.
- h. It is not entirely clear why the staff report includes Exhibit 2 (which seems to be a copy of Newport Beach City Council [Ordinance No. 2024-16](#), as introduced). This is an ordinance adopting changes to [Title 20](#) (Planning and Zoning) of the City’s Municipal

Code. **Is Exhibit 2 intended to illustrate the statement near the top of page 17 about City's "broader Housing Element implementation program that includes complementary amendments to the General Plan Land Use Element and Newport Beach Municipal Code (NBMC) Title 20 (Planning and ~~Zone~~ Zoning)"?** If so, why is an unsigned "proposed" version provided instead of the signed, adopted one linked to above? While the text of Title 20 frequently parallels that of [Title 21](#) (Local Coastal Program Implementation Plan), and while actions in the coastal zone have to be consistent with both, it is not the same, nor is its adoption contingent on CCC certification. In fact, the final version of Exhibit 2 was adopted on September 24, 2024, and has been in effect since October 25 of that year. Should the Commission find the text being considered at the present meeting, as modified, consistent with the Coastal Act, my understanding is that the City will introduce and adopt a new and separate resolution (different from Exhibit 1) adding that text to the CLUP and a new ordinance adding it to the IP, subject to subsequent concurrence by the CCC Executive Director.

My apologies for the length of the comments, but this strikes me as an important issue that deserves additional review before being certified. Given the deadline, it's possible the best course would be to deny certification and start over with a new proposal more closely tailored to the City's affordable housing requirements and compliant with the court decisions.

Yours sincerely,

Jim Mosher  
2210 Private Road  
Newport Beach, CA. 92660

April 7, 2026

To the California Coastal Commission,

I am writing to strongly oppose the proposed approval of the Housing Layer and the rezoning of the Newport Beach Golf Course from its current Recreational Open Space designation to High-Density Housing.

The Newport Beach Golf Course is an invaluable community and environmental asset. Its current zoning as Recreational Open Space safeguards not only the character of the surrounding area but also the ecological balance, open vistas, and natural habitats that are vital to our coastal environment. Rezoning this land for high-density housing would irreversibly damage the integrity of the coastline, increase traffic congestion, strain public services, and diminish the recreational opportunities that residents and visitors currently enjoy.

High-density development in this sensitive coastal area directly contradicts the principles of the California Coastal Act, which prioritizes the protection of coastal resources, scenic beauty, and public access to open spaces. Approving such a drastic change would set a harmful precedent for the erosion of recreational spaces in favor of urban sprawl, undermining the very mission of the California Coastal Commission.

There are alternative opportunities for housing development in areas already designated for urban or residential use that would not compromise the environmental and social value of Newport Beach Golf Course. Preserving this open space is essential to maintaining the quality of life, ecological health, and recreational opportunities that define our region. Newport Beach claim the Housing Overlay is needed to meet Element Housing required number of units is incorrect, more than enough housing applications are already being processed to meet Newport Beach Element mandate without building it on NBGC within Coastal protection boundary.

A petition to block Surf Park development of middle NBGC parcel was recently signed by 6100 Newport Beach voters and NB reversed approval to avoid a public vote. Housing on golf course will also be opposed by Newport voters. Another petition with required 6100 signatures was approved for a community vote to limit housing to the minimum required Element number under 3000 units. NBGC is not needed for housing.

The John Wayne Airport Land Use Commission rejected development of Surf Park on golf course in high noise and crash zone directly under the flight path. NB Council overrode ALUC to approve the project but then reversed approval after 6100 signature public petition required a public vote. ALUC rejected NB revision of noise contour to allow housing in 65 db zone but NB overrode ALUC. If Overlay is approved ALUC will also reject housing directly under flight path in crash zone that will make NB taxpayer potential liable for enormous crash and noise impacts to housing residents.

Housing on this site requires sewage pumping up to Mesa Drive and risks sewage pollution of Back Bay with a power outage. It is also in the tsunami and flood protection zone from historical flooding of Delhi Channel.

Santa Ana Specific Plan enacted when Santa Ana Heights was annexed by NB requires golf course to be permanent, see letter to Nb copied below. The only highest safe and best use of this land is to leave it as it is now, golf course low density recreational with no impact to the environment, airport, our community, and the Back Bay.

#### RESIDENTS TO SAVE NEWPORT BEACH GOLF COURSE

March 16, 2026

Mayor Lauren Kleiman & Newport Beach City Council

100 Civic Center Dr

Newport Beach, CA 92660

[citycouncil@newportbeachca.gov](mailto:citycouncil@newportbeachca.gov)

Dear Mayor Kleiman & City Council Members,

As you are aware, Santa Ana Heights (SAH) was annexed into the city in two phases, in 2002 the area east of Irvine Ave and 2008 the area west of Irvine Ave. The annexation agreement was memorialized on September 10, 2002 and remains in full force.

SAH was content as a county island and did not seek annexation – the City approached us.

We were concerned city government would add another layer of regulation and bureaucracy to our lives while disregarding the unique character of SAH. Our fears have been confirmed.

Residents worked with the City and County for over fifteen years to develop an annexation

agreement to maintain the unique characteristics of the area. The Heights includes a winery, equestrian property, traditional residential tracts, estate lots, mansions, 18-hole Newport Beach Golf Course and driving range.

These were hard-fought negotiations that encompassed many complex issues across multiple governmental jurisdictions including the City, County, a redevelopment agency, city, Coastal Commission, Mesa Water District, JWA Settlement Agreement, property tax transfers, and a utility undergrounding district.

As previously noted, the 2002 City/County Santa Ana Heights Annexation Agreement remains a legally controlling document. It specifically requires the City to seek the County's consent for General Plan Amendments – including the City's housing zoning overlay on the golf course. ALUC found the housing overlay INCONSISTENT with the Airport Environs Land Use Element (AELUP) on a 5-1 vote. This is the only attempt the City made to seek County approval, and it failed. As such, the City ignored other considerations of the Santa Ana Heights Annexation Agreement as it relates to the proposed development site south of Mesa Drive.

The unique characteristics of the Santa Ana Heights are codified in the Santa Ana Heights Specific Plan (NB Municipal Code Chapter 21.90, specifically Section 21.90.020 SP-7(OSR) stating "Land Use and development standards for Santa Ana Heights shall be in accordance with Exhibit 21.90-1, "Land Use Map – Specific Plan District No. 7" and the provisions of this section

The plain language of the codified specific plan and enabling map DOES NOT allow any non-golf course uses like wave pools, Costco, apartments, commercial buildings or anything else – no matter how giddy the property owner, politicians and staff are to kill the golf course.

The city council's October 29, 2025, Snug Harbor project approval – effectively killing the Newport Beach Golf Course and replacing it with a 15-acre, 10-million-gallon heated wave pool – sought to destroy the unique characteristic of SAH; ignored the Santa Ana Heights Specific Plan, zoning, and Annexation Agreement. In addition, you failed to acknowledge the long history of the underlying restrictive leases with the County and property owner for the long-term use as a golf course and related uses.

We were forced to circulate a successful citywide referendum petition triggering an election for the council's unanimous Snug Harbor wave pool approval. Over 9600 signatures were collected in just 21 days. We are reminded of the perils of local government.

To your credit, facing the wrath of the community at the ballot box, the Council rescinded the General Plan Amendment approval of 40,000 square feet of commercial buildings on a site zoned for open space and recreation, whose sole purpose and intent is explicitly "to insure the long-term use and viability of the Newport Beach Golf Course" – not concrete. In 1973 the Irvine Company leased the site to the Lane Family who graded the community golf course that remains today. It is a very challenging parcel for development due to its topography, proximity to JWA, water table, Delhi Channel, and restrictions of the FEMA Zone A flood hazard area. The Irvine Company understood these development barriers in 1973. Nothing has changed in 53 years – except additional binding restrictions of the SAH Annexation Agreement, SAH Specific Plan, zoning code, and Charter Section 423.

The front nine is owned in fee by Newport Golf Club LLC, comprised of long-time Newport residents. They want the highest and best use on a degraded parcel that is restricted for development. As you know, the back nine is owned by the County of Orange (JWA) and serves as the FAA Runway Protection Zone requiring open space and prohibiting permanent structures – in perpetuity.

We respect the private property rights of the respective families and their heirs. We also respect the decades of their investment in our community, both financial and philanthropic. They are an important part of the fabric that makes Newport Beach a vibrant community.

As elected officials you are often asked to balance the needs of the residents and development community. This is one of those moments.

We encourage you to keep an open mind and create a vehicle that preserves the unique character of Santa Ana Heights, while complying with the requisite Santa Ana Heights Annexation Agreement and Specific Plan, zoning code, Charter Section 423 and if necessary calling for a citywide vote for large commercial projects, and respect private property rights and honor the City's commitment to Santa Ana Heights and the residents of Newport Beach.

Sincerely,

## RESIDENTS TO SAVE NEWPORT BEACH GOLF COURSE

Sent to NBGC neighboring community and NB City Council 4/12

Newport Beach City Council applied to California Coastal Commission for approval of housing overlay that rezones NBGC from recreational open space to high density residential. NB claims development of the golf course is needed and necessary to meet CA Element Housing mandate requiring 4800 units. NB Development Office application pipeline already has 2000 units in Airport Area, 5000 units total, see link below.. Public vote is scheduled in Nov. to limit housing to less than 3000 units. There is no need for any housing or any other development on NBGC open space recreation zone, in Coastal protection zone, in JWA crash zone, in JWA high 65db zone, in flood and tsunami zone, in high traffic zone, adjoining Back Bay wildlife zone, in violation of SAH Specific Plan, etc. Normally legitimate city Council decisions are by law exempt from personal liability claims but council and NB tax payers are not exempt from enormous potential liability for Council's reckless unjustifiable overruling of Airport Land Use Commission's rejection of development in 65db zone and crash zone directly under JWA flight path.

Council members justified their approval of Surf Park as a private property owner's right for highest best and most profitable land use but that was not justified and Surf Park approval has been reversed by public petition. Owners purchased the land from Irvine Ranch for a low price to build the golf course and have had a big return on their investment because golf is the only safe low density highest best appropriate and beneficial use directly under JWA flight path.

If CCC follows their staff recommendation to approve housing in this location I will ask commissioners if there is any purpose of the California Coastal Commission?

Element Housing law exempts all regulations, zoning, existing land uses, environmental impacts, etc, but does not exempt requirement CCC approval of housing overlay . Except for a legal challenge, this may be our last chance to block administrative approval.

I will attend CCC meeting in Gonzales on Friday. It is past 4/10 deadline to submit public comments but please send any comments, information, exhibits, photos, etc you would like me to add to the presentation.

Sent 4/13 to Seimone Jurgis, Newport Beach Director of Community Development, Assistant City Manager

Dear Seimone

Please send information on the number of housing unit applications being processed by Community Development in Airport Area and citywide, and if number may now exceed number required for NB to comply with Element mandate. If so will Council withdraw CCC housing overlay application based on now baseless claim that housing on NBGC open space is essential to meet Element mandate numbers. If enough housing on other sites is already in the pipeline, especially considering reversal of Surf Park approval and petition for vote to reduce housing numbers, Element mandate is moot, application is inaccurate and obsolete, and there is no public support to proceed with CCC application for housing on NBGC. If not withdrawn but approved by CCC housing overlay will be challenged in court.

Jim Auster

20401 Bayview Ave

9706187692

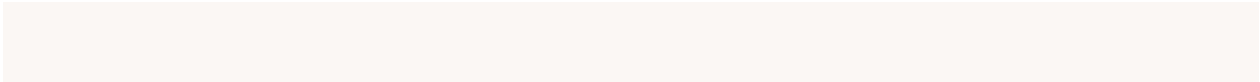
<https://www.google.com/search?q=number+of+housing+units+in+pipeline+in+newport+beach+to+meet+Housing+Element+mamdate+for+6th+cycle&ie=UTF-8&oe=UTF-8&hl=en-us&client=safari>

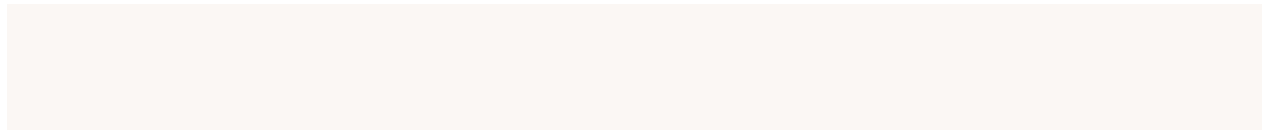
As of October 2025, Newport Beach has over 5,000 housing units in preliminary applications, exceeding its 6th Cycle RHNA mandate to plan for 4,845 new units by 2029. The city is currently in a 2021–2029 planning cycle, with adopted plans focusing on six key areas to meet this quota through 2025.

City of Newport Beach (.gov) +3

- Total Mandate (6th Cycle): 4,845 units, of which 1,456 are for very low-income and 930 for low-income households.
- Pipeline Status: More than 5,000 units are currently in preliminary application stages, with a significant number being apartment developments.
- Buffer Strategy: The city has approved plans for up to 8,174 units (via rezoning/density), intended to serve as a buffer to meet mandates in case projects are canceled.
- Future Developments: A proposed "Responsible Housing Initiative" for the November 2026 ballot aims to cap new housing at 2,900 units, relying on those already in the pipeline to meet the state mandate.







**FW: 4/17 vote to rezone NBGC to high density housing**

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**From** SouthCoast@Coastal <SouthCoast@coastal.ca.gov>

**Date** Thu 4/9/2026 2:33 PM

**To** Cortez, Dulce@Coastal <dulce.cortez@coastal.ca.gov>

-----Original Message-----

**From:** Matt <mattsup62@gmail.com>

**Sent:** Thursday, April 9, 2026 2:31 PM

**To:** SouthCoast@Coastal <SouthCoast@coastal.ca.gov>

**Subject:** 4/17 vote to rezone NBGC to high density housing

[You don't often get email from mattsup62@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Hello,

I am opposed to the rezoning of the NBGC from its current status as recreational open space. As a resident of this neighborhood for 30 years I have seen many changes such as MOB's and executive suites, etc. come in to the neighborhood. The golf course is a buffer from the noise and congestion that has grown over time. The area including the adjacent Delhi channel is critical to many waterfowl as well as Osprey and other raptors, reptiles and mammals who use the area for nesting, denning and hunting. If any housing, let alone high density multi family housing goes in here the area will be negatively impacted.

This is a stones throw from where the Delhi channel empties into the Upper Newport Bay Preserve so the damage could be even more damaging to the area.

My hope would be to keep the open space designation so that this area could enhance the quality of life for all. Rather than decimate it.

Thank you for your time,

Matt Clark

949 422-4942

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**FW: Public Comment on April 2026 Agenda Item Friday 11a - City of Newport Beach LCP Amendment No. LCP-5-NPB-24-0032-2 (Housing Overlay)**

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**From** SouthCoast@Coastal <SouthCoast@coastal.ca.gov>  
**Date** Fri 4/10/2026 9:00 PM  
**To** Cortez, Dulce@Coastal <dulce.cortez@coastal.ca.gov>  
**Cc** Spencer, Amrita@Coastal <Amrita.Spencer@coastal.ca.gov>; Dobson, Amber@Coastal <amber.dobson@coastal.ca.gov>

FYI

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**From:** Protect Our Coast Newport Beach <protectourcoastnb@gmail.com>  
**Sent:** Friday, April 10, 2026 4:35 PM  
**To:** SouthCoast@Coastal <SouthCoast@coastal.ca.gov>; Huckelbridge, Kate@Coastal <Kate.Huckelbridge@coastal.ca.gov>  
**Subject:** Public Comment on April 2026 Agenda Item Friday 11a - City of Newport Beach LCP Amendment No. LCP-5-NPB-24-0032-2 (Housing Overlay)

You don't often get email from [protectourcoastnb@gmail.com](mailto:protectourcoastnb@gmail.com). [Learn why this is important](#)

**Re:** Newport Beach LCP Amendment No. LCP-5-NPB-24-0032-2 (Housing Opportunity Overlay)  
**Hearing Date:** April 11th 2026

Dear Chair Harmon and Commissioners,  
We appreciate the effort by both the City and Coastal Commission staff to address the State's housing requirements within the coastal zone. Increasing housing opportunities—particularly for lower- and moderate-income households—is an important statewide priority. However, the Coastal Act establishes equally important and legally binding protections for public access, lower-cost recreation, coastal-dependent uses, and environmentally sensitive habitat areas. The proposed Housing Opportunity Overlay, as currently structured, appears to shift that balance by allowing residential development in areas traditionally reserved for priority coastal uses, without clear, enforceable safeguards to ensure those uses are preserved. The following comments are intended to identify specific areas where the amendment may not fully conform to Coastal Act requirements and to request clarification and revisions necessary to ensure consistency with those standards.

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**Requested Action**

The Commission should deny the LCP amendment as currently conditioned unless the issues identified below are fully resolved.

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**Threshold Issue – Legal Standard**

The staff report emphasizes that the purpose of the amendment is to: “facilitate residential development... to help meet the City’s Regional Housing Needs Allocation (RHNA)” (pp. 5, 17)

At the same time, the report correctly states:

“The standard of review... is whether the LCP, as amended, conforms with and is adequate to carry out the provisions of the Coastal Act.” (p. 5)

These two statements must be reconciled. While housing obligations are important, they do not

displace the Coastal Act's Chapter 3 requirements. The Commission's obligation remains to ensure that any LCP amendment fully conforms with policies governing priority uses, public access, lower-cost recreation, environmentally sensitive habitat, and coastal hazards.

**Addendum Request:**

Please identify any specific statute or adopted Coastal Commission policy that authorizes the displacement of coastal priority uses or modifies Chapter 3 standards in order to accommodate housing. If no such authority exists, the amendment must be evaluated strictly on its consistency with the Coastal Act.

---

**Priority Use Conflict (Coastal Act §§30222, 30213)**

The staff report acknowledges that the Housing Opportunity Overlay applies to sites currently designated for a wide range of coastal priority uses, stating:

"HO Overlay sites are currently designated for commercial, visitor-serving commercial, marine-related, parks, recreation, or open space uses." (p. 1)

The report further recognizes the inherent risk:

"Residential development... could result in the displacement or reduction of Coastal Act priority uses." (p. 21)

The proposed safeguard—requiring "functional equivalent uses"—is not defined in measurable or enforceable terms. It does not ensure that displaced uses are replaced at the same location, at the same scale, or at the same level of public accessibility.

**Addendum Request:**

Please define "functional equivalent" using objective, enforceable criteria, and explain how allowing residential development on these sites complies with the Coastal Act's requirement that visitor-serving and coastal-dependent uses have priority over residential development.

---

**Loss of Lower-Cost Coastal Access (Coastal Act §30213)**

The Coastal Act requires that:

"Lower-cost visitor and recreational facilities shall be protected and encouraged..." (p. 18)

However, the staff report acknowledges that residential development under the amendment:

"could result in the displacement... of visitor-serving commercial recreational facilities." (p. 21)

The proposed replacement standard—"comparable visitor peak use intensity and public availability"—does not address affordability. As a result, lower-cost uses could be replaced with higher-cost alternatives, undermining a core Coastal Act requirement.

**Addendum Request:**

Please explain how the amendment ensures that lower-cost access opportunities are preserved, rather than replaced with higher-cost or less accessible uses.

---

**Public Access and Recreation Impacts (Coastal Act §§30210, 30223)**

The Coastal Act requires the provision of:

"Maximum public access and recreational opportunities..." (p. 18)

The staff report confirms that certain Housing Opportunity sites include existing recreational lands, including portions of the Newport Beach Golf Course:

"four parcels... are designated as PR (Parks and Recreation)... Newport Beach Golf Course." (p. 22)

Allowing residential use on these sites raises serious concerns about the loss or reduction of recreational opportunities.

**Addendum Request:**

Please provide a quantitative analysis comparing existing recreational acreage and capacity to post-development conditions, and demonstrate how the amendment results in no loss—and preferably an increase—in public access and recreational opportunities.

---

**ESHA and Habitat Protection (Coastal Act §30240)**

The staff report notes that:

"ESHA will be created immediately adjacent to Parcels 23–26..." (p. 23)

It also acknowledges that development could:

“adversely impact riparian ESHA by encroaching too close...” (p. 23)

Despite this, the amendment allows residential development in proximity to these sensitive areas without clearly defined avoidance or buffer standards at the LCP level.

**Addendum Request:**

Please identify ESHA boundaries and required buffers at the program level, and explain why avoidance of these areas is not required prior to allowing residential zoning.

---

**Reliance on Future Discretion (LCP Certification Issue)**

The amendment repeatedly relies on future project-level review, stating that development must: “comply with applicable coastal resource protection standards” (p. 16)

However, LCPs must be clear and enforceable at the time of certification. Key terms such as “functional equivalent,” “comparable,” and “lower-cost” remain undefined.

**Addendum Request:**

Please provide objective definitions and explain how the amendment meets the requirement that an LCP be self-executing and enforceable.

---

**De Facto Rezoning**

Although the staff report states that the amendment:

“would not rezone the subject parcels...” (p. 17)

allowing residential use where it was not previously permitted constitutes a functional change in land use.

**Addendum Request:**

Please analyze the amendment as a land use conversion and reevaluate its consistency with Coastal Act priority use policies under that framework.

---

**Failure to Analyze Alternatives**

The staff report concludes that:

“no feasible alternatives... are available” (p. 26)

However, there is no clear analysis of whether housing could be accommodated outside the coastal zone or on sites that do not currently serve priority coastal functions.

**Addendum Request:**

Please identify feasible inland or non-priority-use alternatives and explain why they were not selected.

---

**Structural Defects – RHNA Misalignment and Overconcentration**

The amendment appears to authorize significantly more housing capacity than is necessary to meet RHNA requirements, particularly within the coastal zone. At the same time, there is no mechanism ensuring that this additional capacity results in the delivery of required affordable housing.

Additionally, the structure of the amendment allows entire “focus area” allocations to be concentrated within the coastal zone, rather than distributed more evenly between coastal and inland areas.

**Addendum Requests:**

- Please explain why coastal zone capacity exceeds what is necessary to meet RHNA requirements.
- Please clarify whether limits should be placed on the number of units that may be located within the coastal zone portions of each focus area.
- Please identify mechanisms that ensure affordable housing obligations are actually met.

---

**Legal Instability of Overlay Approach**

Recent case law raises questions about whether overlay zoning alone is sufficient to meet RHNA obligations, particularly with respect to affordable housing. If additional rezoning is required in the future, previously approved coastal entitlements may be revisited or expanded.

Addendum Request:

Please explain how potential future rezoning requirements would interact with Coastal Act compliance and previously approved development rights.

---

### **Height Limit Conflict**

The amendment allows relatively high residential densities while also maintaining a 35-foot shoreline height limit. This creates a foreseeable conflict, as applicants may argue that the allowed density cannot be achieved within the height limit.

Addendum Request:

Please demonstrate how the proposed densities can be achieved within existing height limits, and clarify whether any mechanism exists to prevent requests for height increases based on feasibility claims.

---

### **Mismatch Between Land Use Designations and Actual Uses**

The amendment protects coastal-related uses based on zoning designations rather than actual existing uses. This could result in the loss of functioning marine or visitor-serving businesses located on commercially designated parcels, while protecting sites that are designated for coastal uses but not actively used as such.

Addendum Request:

Please explain how existing coastal-dependent and visitor-serving uses will be protected regardless of underlying zoning designation.

---

### **Sea Level Rise and Coastal Hazards (Coastal Act §30253)**

The amendment increases residential density in coastal areas without evaluating long-term exposure to sea level rise, flooding, or other coastal hazards. This is particularly relevant for sites near coastal waters and the Santa Ana Delhi Channel.

Coastal Act §30253 requires that development minimize risks to life and property and ensure long-term stability.

**Addendum Request:**

Please identify which Housing Opportunity sites are vulnerable to sea level rise or flooding, and explain how increased residential density in these areas complies with Coastal Act hazard avoidance requirements.

---

### **Conclusion**

The issue before the Commission is not whether housing should be accommodated in the coastal zone—it should and must be. The issue is how that housing is accommodated, and whether it is done in a manner that remains faithful to the Coastal Act's core mandates. The proposed amendment allows housing to displace priority coastal uses based on vague and unenforceable standards, rather than ensuring those uses are preserved as required by law. The Commission can and should require a framework that accommodates housing without sacrificing the coastal resources the Act is designed to protect.

**Housing can and should be built—but not by trading away the public's coast one site at a time.**

Thank you for your careful consideration and for all you do to protect our coast.

Submitted on behalf of the Steering Committee of Protect our Coast Newport Beach

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**FW: Housing Layer of the Newport Beach Golf Course-04.09.26**

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**From** SouthCoast@Coastal <SouthCoast@coastal.ca.gov>

**Date** Thu 4/9/2026 11:15 AM

**To** Cortez, Dulce@Coastal <dulce.cortez@coastal.ca.gov>

---

**From:** jsalvo2105@aol.com <jsalvo2105@aol.com>

**Sent:** Thursday, April 9, 2026 11:07 AM

**To:** SouthCoast@Coastal <SouthCoast@coastal.ca.gov>

**Subject:** Housing Layer of the Newport Beach Golf Course-04.09.26

You don't often get email from [jsalvo2105@aol.com](mailto:jsalvo2105@aol.com). [Learn why this is important](#)  
To the California Coastal Commission,

We are writing to strongly oppose the proposed approval of the Housing Layer and the rezoning of the Newport Beach Golf Course from its current Recreational Open Space designation to High-Density Housing.

The Newport Beach Golf Course is an invaluable community and environmental asset. Its current zoning as Recreational Open Space safeguards not only the character of the surrounding area but also the ecological balance, open vistas, and natural habitats that are vital to our coastal environment. Rezoning this land for high-density housing would irreversibly damage the integrity of the coastline, increase traffic congestion, strain public services, and diminish the recreational opportunities that residents and visitors currently enjoy.

High-density development in this sensitive coastal area directly contradicts the principles of the California Coastal Act, which prioritizes the protection of coastal resources, scenic beauty, and public access to open spaces. Approving such a drastic change would set a harmful precedent for the erosion of recreational spaces in favor of urban sprawl, undermining the very mission of the California Coastal Commission.

There are alternative opportunities for housing development in areas already designated for urban or residential use that would not compromise the environmental and social value of Newport Beach Golf Course. Preserving this open space is essential to maintaining the quality of life, ecological health, and recreational opportunities that define our region.

A petition to block Surf Park development of middle NBGC parcel was recently signed by 6100 Newport Beach voters and NB reversed approval to avoid a public vote. Housing on golf course will also be opposed by Newport voters.

The John Wayne Airport Land Use Commission rejected development on golf course in high noise and crash zone directly under the flight path and NB Council over rode ALUC to approve the project but then reversed approval after the public petition required a public vote.

We urge the Commission to reject the proposed Housing Layer and rezoning request in order to protect the natural and community resources entrusted to your stewardship.

Best Regards,

Shella & Joseph Salvo  
20352 SW Cypress Street  
626-755-5425

I offer the following comments and observations with regards to the proposed action item #11:

1. Initially the proposed action of the City of Newport Beach does not appear to comply with the requirements of *New Commune DTLA LLC v. City of Redondo Beach, Martinez v. City of Clovis* 115 Cal. App. 5th 111 - Cal: Court of Appeal, 2nd Appellate Dist ..., 2025.

2. The proposed action does not comply with the City's own zoning of Open Space Recreational as codified in *NBMC 21.90.030 etc. As stated in the code* : "The Purpose and Intent of the SP-7 (OSR) District is established to ensure the long-term use and viability of the Newport Beach Golf Course." *NBMC 21.90.030*.

For the City to take the action it is requesting must first comply with the condition precedents of

- Apply for a General Plan Amendment and/or a Specific Plan Amendment and Zone Change, which would require public hearings and City Council approval. None of those actions have been taken.
- Nor has the City demonstrated that the proposed change still meets the overall goals and policies of the City's General Plan and the intent of the Open Space recreational district, which is specifically tied to the existing golf course.

3. The City is subject to an Annexation Agreement dated September 10, 2002 with the County of Orange. The 2002 City/County Santa Ana Heights Annexation Agreement remains a legally controlling document. It specifically requires the City to seek the County's "prior written *consent*" for General Plan Amendments – including the City's housing zoning overlay on the golf course. The condition precedent is lacking.

4. The proposed action of the City does not meet the Land Use Element as established by the County of Orange. And in fact when it was brought before the county it was rejected by a vote of the Airport Land Use Commission.

5. As a result of actions taken by the City Council in proposed development of adjoining property, the proposed action before the Commission would require that an additional or amended EIR be completed given the proposed changes in use on adjoining property.

6. The proposed action appears to be inconsistent with the City's own actions of October 28, 2025 wherein the City's own actions stated : "The portions of the golf course ...south of Mesa Drive [the area currently under consideration by the Commission] will remain."

## Chapter 21.90 – Santa Ana Heights Specific Plan

### Sections:

- 21.90.010 Purpose
- 21.90.020 Land Use Regulations
- 21.90.030 Open Space and Recreation District: SP-7 (OSR)
- 21.90.060 Residential Equestrian District: SP-7 (REQ)

### 21.90.010 – Purpose

The purpose of the Santa Ana Heights specific plan is to provide for the orderly and balanced development of the community consistent with the specific plan’s adopted land use plan and with the stated goals and policies of the Coastal Land Use Plan.

### 21.90.020 – Land Use Regulations

A. **Land Use Designations.** The following land use designations are established for the Santa Ana Heights specific plan area:

1. Open Space and Recreation District: SP-7 (OSR)
2. Residential Equestrian District: SP-7 (REQ)

Land use and development standards for Santa Ana Heights shall be in accordance with Exhibit 21.90-1, “Land Use Map—Specific Plan District No. 7,” and the provisions of this section.



Exhibit 20.90-1: Land Use Map

## 21.90.030 – Open Space and Recreation District: SP-7 (OSR)

- A. **Purpose and Intent.** The SP-7 (OSR) District is established to ensure the long-term use and viability of the Newport Beach Golf Course.
- B. **Principal Uses Allowed.**
1. The following principal use is permitted:
    - a. Local and buffer greenbelts.
    - b. Public/private utility buildings and structures.
    - c. Golf courses.
    - d. Outdoor commercial recreation.
- C. **Accessory Uses Permitted.** Accessory uses and structures are permitted when customarily associated with and subordinate to a principal permitted use on the same building site including:
1. Detached buildings.
  2. Fences and walls.
  3. Signs per Section 21.30.065.
  4. Restrooms.
  5. Any other accessory use or structure which the Director finds consistent with the purpose and intent of this District.
- D. **Prohibited Uses.** The following uses are specifically prohibited:
1. All uses not listed in this section as permitted.
- E. **Site Development Standards.**
1. Building Site Area. One acre minimum.
  2. Building Height. Eighteen (18) feet maximum unless otherwise provided for by an approved coastal development permit.
  3. Building Setbacks. Twenty (20) feet minimum from all property lines.
  4. Off-Street Parking. Per Chapter 21.40.

5. Lighting. All lighting shall be designed and located so that direct light rays are confined to the premises.

#### **21.90.060 – Residential Equestrian District: SP-7 (REQ)**

A. **Purpose and Intent.** The SP-7 (REQ) District is established to provide for the development and maintenance of a single-family residential neighborhood in conjunction with limited equestrian uses. A rural character with an equestrian theme shall predominate.

B. **Principal Uses Permitted.**

1. The following principal uses are permitted:
  - a. Single-family detached dwellings or single-family mobile homes (one per building site).
  - b. Residential care facilities, small licensed.
  - c. Parks, playgrounds, and athletic fields (noncommercial).
  - d. Riding and hiking trails.
  - e. Small family child care homes (see Section 21.48.070, Day Care Facilities (Adult and Child)).
  - f. Communication transmitting, reception, or relay facilities.
  - g. Public/private utility buildings and structures.
  - h. Large family child care homes.
  - i. Fire and police stations.
  - j. Churches, temples, and other places of worship.
  - k. Educational institutions.
  - l. Libraries.
  - m. Any other use which the Planning Commission finds consistent with the purpose and intent of this District.

C. **Temporary Uses Permitted.** The following temporary uses are permitted:

1. Continued use of an existing building during construction of a new building.
2. Mobile home residence during construction.

D. **Accessory Uses Permitted.** Accessory uses and structures are permitted when customarily associated with and subordinate to a principal permitted use on the same building site including:

1. Garages and carports.
2. Swimming pools.
3. Fences and walls.
4. Patio covers.
5. Signs per Section 21.30.065.
6. Home occupations.
7. The keeping of the following animals for the recreational enjoyment of persons residing on the same building site, subject to the noted restrictions:
  - a. Any animal if kept exclusively within the residence.
  - b. Horses and ponies, limited to the following (offspring exempt up to the age of eight months):

Size of Building Site (sq. ft.)	Maximum Number Permitted
Less than 10,000	1
10,000 to 15,000	2
Greater than 15,000	3 to 6

- c. Goats, sheep, pigs and cows only on building sites greater than fifteen thousand (15,000) square feet in size and limited to: (i) no more than two adult animals of any one species per building site and (ii) no more than a total of six adult animals, including horses and ponies, per building site. Offspring are exempt until such time as they are weaned.
- d. Rabbits, chickens and ducks, limited to no more than a total of six of such animals per building site.

- e. Up to three dogs and three cats. Offspring are exempt up to the age of four months. The keeping of four or more dogs or four or more cats over the age of four months is also permitted subject to obtaining an animal permit per County health regulations.
- f. Minimum setbacks for the keeping of animals shall be as follows:

	From Ultimate Street		From Property Line		From Property Line	
	Right-of-Way Line	Line	Abutting Districts	RSF or BP	Abutting REQ District	Line
	Front	Side	Front	Side	Front	Side
All structures housing animals (e.g., corrals, pens, stalls, cages, doghouses)	50	20	25	25	5*	5*
Exercise areas	25	10	0	0	0	0

\* Required for covered portions of structures only.

- 8. Granny unit, attached or detached.
- 9. Any other accessory use or structure which the Director finds consistent with the purpose and intent of this District.

**E. Prohibited Uses.** The following uses are specifically prohibited:

- 1. All uses not listed in this section as permitted.
- 2. The storage of vehicles, equipment, or products related to commercial activities not permitted in this District.
- 3. The keeping of animals for any commercial purpose except in the Commercial Stable (S) District, where applicable.
- 4. Commercial kennels.
- 5. Apiaries.
- 6. Aviaries.

**F. Site Development Standards.**

- 1. **Minimum Building Site Area.** Two (2) acres.

2. **Building Height.** Thirty-five (35) feet maximum. Roof-mounted mechanical equipment shall not be visible from any existing dwelling unit located three hundred (300) feet or less from the subject building site.
3. **Building Setbacks.**
  - a. Front Setback. Twenty (20) feet minimum.
  - b. Side Setback. Five feet minimum.
  - c. Rear Setback. Twenty-five (25) feet minimum.
3. **Off-Street Parking.** Per Chapter 21.40.
5. **Lighting.** All lighting shall be designed and located so that direct light rays are confined to the premises.

Public Comment on April 2026 Agenda Item Friday 11a - City of Newport Beach LCP Amendment No. LCP-5-NPB-24-0032-2 (Housing Overlay)

From M. Smith <mws.aspenroyal@gmail.com>  
Date Fri 4/10/2026 1:08 PM  
To SouthCoast@Coastal <SouthCoast@coastal.ca.gov>  
Cc Cortez, Dulce@Coastal <dulce.cortez@coastal.ca.gov>

4 attachments (11 MB)

NBGC\_owner interest and site study 2 5 2021.pdf; Golf Course\_40\_Chapter 21.90 Santa Ana Heights Specific Plan.pdf; OC Business Journal 3 23 2026 Airport Area 14 Housing Projects in color Word.docx; NB Housing Element 2021 2029 Airport Area Sites 23 24 25 26 Newport Beach Golf Course with Highlights.png;

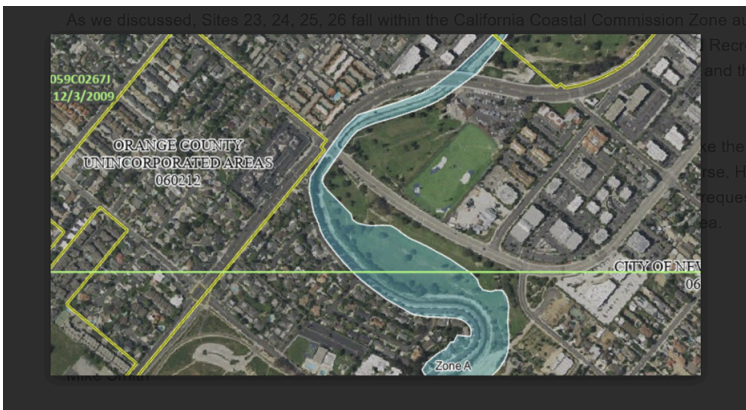
Sent 4/10/2026 @ 1:05 pm.

Dear California Coastal Commission Commissioners:

I write to you today to respectfully request that you NOT approve the original or the modified Housing Overlay for the Airport Area specifically associated with Sites 23, 24, 25, 26 located at the Newport Beach Golf Course in Newport Beach, CA.

Sites 23 - 26 are bordered by the Santa Ana Delhi Channel and Mesa Drive. They are also located in the 100-year flood zone per the Newport Beach Geographic Information System (GIS) flood maps and FEMA notes this area is designated to be in flood Zone A. The Delhi Channel connects directly to the Upper Newport Bay Nature Preserve which is a highly sensitive habit and estuary area. The Upper Newport Bay Nature Preserve is a 135-acre county park and 1,000-acre ecological reserve in Newport Beach, protecting one of Southern California's last remaining pristine coastal estuaries. It is a top birding hotspot and habitat for over 200 species. It is a crucial stop on the Pacific Flyway for up to 30,000 migratory birds in winter. This protected marshland is home to endangered species like the California least tern and Light-footed clapper rail. The preserve is managed by OC Parks in partnership with the California Department of Fish and Wildlife and the Newport Bay Conservancy.

Any building, construction, contaminated runoff, sewage spills, etc. on Sites 23 - 26 would have a major impact to the Preserve and estuary. Please see the comments below regarding the Site owners (Newport Golf Club, LLC) intention for building 693 residential units on Sites 23 - 26.





The Newport Beach Golf Course and specifically Sites 23, 24, 25, 26 are governed by the Santa Ana Heights Specific Plan and are designated as Open Space Recreation (OSR). The Santa Ana Heights Specific Plan (SP-7) protects the Newport Beach Golf Course via the Open Space and Recreation District (OSR) designation, which restricts the land use to ensure its long-term operation as a recreational facility. The plan limits development and supports its function as a greenbelt. The intention of the (SP-7) and (OSR) is very clear. It is not zoned residential and NO Housing Overlay should be allowed given the (SP-7) and (OSR) designation. Please see the Santa Ana Heights Specific Plan attached.

It is my understanding that the Coastal Act prioritizes the protection of parks, recreation, and open space, which are essential for public enjoyment and environmental preservation. That is exactly what exists today, please do NOT approve the Housing Overlay!

**693 Units - Newport Golf Club, LLC intention to develop Sites 23, 24, 25, 26:**

Below is a copy of my 4/8/2026 email addressed to Ms. Cortez of the California Coastal Commission (CCC). I did copy this email and the attachments to the Commissioners on 4/8/2026 via [SouthCoast@coastal.ca.gov](mailto:SouthCoast@coastal.ca.gov). That email and the attachments brought to everyone's attention the property owners of the Newport Beach Golf Course (Newport Golf Club, LLC) intentions for building approximately 693 units on Sites 23 - 26. Please see their email attached dated 2/5/2021. Also attached is the Newport Beach Housing Element for 2021 – 2029, showing that the City of Newport Beach has accounted for these 693 units that are not permitted, especially given the current zoning and the fact that the Santa Ana Heights Specific Plan (SP-7) and the designated Open Space Recreation (OSR) take precedence and are well established.



Table B-12: Airport Area Sites Inventory

Parcel Number	Owner	Existing Zoning	Existing General Plan Land Use	Vacancy	5th Cycle Site?	Existing Units	Gross Acreage	Buildable Acreage	HCD Sizing Criteria?	Density (Du/Ac)		Potential Rezoned Unit Yield	Assumed Net Yield	Assumed Net Unit Yield			Existing Use and Explanation of Propensity	Letter Interest ?	Ft A
										Existing Zone Density	Rezoned Density (Assumed)			Low/Very Low	Mod	Above Mod			
445 161 03	Todd Todd Schiffman	PC	MU-H2	No		0	1.04	1.04	Yes	0	50	51	51	15	5	31	This parcel is already approved by the City for Newport Crossings multi-tenant housing project.		Air A
119 300 17	Newport Golf Club LLC	SP-7	PR	No		0	1.38	1.38	Yes	0	50	69	57*	17	6	34	The current owner of the property has expressed to City staff written interest to develop housing.	Y	Air A
119 310 04	Newport Golf Club LLC	SP-7	PR	No		0	3.70	3.70	Yes	0	50	184	152*	46	15	91	The current owner of the property has expressed to City staff written interest to develop housing.	Y	Air A
119 300 15	Newport Golf Club LLC	SP-7	PR	No		0	1.52	1.52	Yes	0	50	76	62*	19	6	37	The current owner of the property has expressed to City staff written interest to develop housing.	Y	Air A
119 300 16	Newport Golf Club LLC	SP-7	PR	No		0	7.30	7.30	Yes	0	50	364	299*	89	30	180	The current owner of the property has expressed to City staff written interest to develop housing.	Y	Air A
427 131 16	Birch Development Co	OA	AO	No		0	0.67	0.67	Yes	0	50	33	33	10	3	20	This parcel contains vegetation and excess parking stalls and is identified as a site for potential housing.		Air A
427 121 01	Dekk Associates LP	OA	AO	No		0	0.73	0.73	Yes	0	50	36	36	11	4	21	This parcel contains office space for an analytical data company and is identified as a site for potential housing.		Air A
427 131 14	Chiappero	OA	AO	No		0	0.67	0.67	Yes	0	50	33	33	10	3	20	This parcel is currently under construction as a multi-story high rise apartment complex.		Air A

**Airport Concerns for Sites 23, 24, 25, 26:**

Sites 23 – 26 are on the direct flight path for low level takeoffs and low-level landings of commercial and private flights/planes using the John Wayne Airport. This danger is magnified when the Santa Ana Winds are present and extremely low-level landings take place coming in from the Pacific Ocean and over Sites 23 - 26. Common sense says - do not approve a Housing Overlay directly under a low-level flight path. This could also become a liability issue for the Coastal Commission and the City of Newport Beach in the event of an accident tied to any Housing Overlay for Sites 23, 24, 25, 26 at the Newport Beach Golf Course. I believe the Orange County Airport Land Use Commission (ALUC) would NOT approve any building on Sites 23 - 26.

**State Mandate for Housing:**

The Newport Beach City Council and the City of Newport Beach have a mandate from the State of California for building 4,845 housing units in the City of Newport Beach. On July 23, 2024, the Newport Beach City Council opted to bypass a Greenlight vote and implement the housing element, which includes the state mandated plans to accommodate 4,845 housing units, and under the city’s re-zoning program, has a total potential capacity of 8,174 units or more. A close to doubling of the State requirement. This is part of the Newport Beach 6th Cycle Housing Element planning period (October 2021–October 2029). This item will go before the voters of Newport Beach in November 2026, due to the fact that 9,000 signatures were obtained to limit the housing count to 4,845 and not allow the 8,000+ units without a vote of the residents of Newport Beach. In my opinion, no Housing Overlays should be considered or approved until after the November 2026 vote so all parties know the true and correct numbers.

**Airport Area Building Status Today:**

Attached for your review is a recent article taken from the Orange County Business Journal, March 23-29, 2026. This article points out that approximately 4,100 units are in progress or in planning/ discussion in the Airport Area now. Below please find a map that shows the, “Airport Area” as it relates to building & housing projects. Please do take the time to review the attached article. You will be amazed at the volume of building in the Airport Area alone.



Figure B-3: Airport Area Environs – Sites Inventory



Appendix B: Sites Analysis (September 2022 Final Housing Element)

B-28

In my opinion, the Newport Beach Housing Overlay request for Sites 23 – 26 is not warranted given the points raised. Please vote NO on the original and any modified Housing Overlay specifically for Sites 23, 24, 25, 26.

I respectfully request that Staff make sure all links and attachments are presented to all Commissioners for their full review and consideration. If necessary, please print out any items that did not present itself clearly. If any attachment is out of order as noted in this email, please accept my apologies but please do adjust where necessary to see that the complete package and breath of this email is presented to all Commissioners.

Thank you for your time and attention to this matter.

Mike Smith  
Resident, Newport Beach, CA

\*\*\*\*\* Copy of previous 4/8/2026 email & attachments \*\*\*\*\*

Public Comment on April 2026 Agenda Item Friday 11a - City of Newport Beach LCP Amendment No. LCP-5-NPB-24-0032-2 (Housing Overlay)

Inbox



M. Smith <[mws.aspenroyal@gmail.com](mailto:mws.aspenroyal@gmail.com)>

Ms. Cortez,

Thank you for your phone call today regarding the Housing Overlay (HO) issue for Sites 23, 24, 25, 26 on the Newport Beach Golf Course located on Mesa Drive, Newport Beach, CA. Below is one of the housing items we discussed. If you could please confirm receipt of this email and the attachments, and confirm that the Coastal Commission Commissioners/Board Members will review this and the attachments prior to their upcoming meeting on 4/17/2026, I would be very grateful. As you noted, the California Coastal Commission (CCC) is not aware of this information. By sending this email, I would like to make all parties aware of the following:

Attached is the 2/5/2021 document and map from the owners of the Newport Golf Club LLC related to developing housing on the current golf holes 3-8 on Mesa Drive (the Southern section of the golf course), i.e. Sites 23, 24, 25, 26. This housing count has been added to the Newport Beach Housing Element accounting for approx. 693 units being built on Sites 23, 24, 25, 26, which today is zoned open space recreational (OSR). Please see the second attachment below regarding the Newport Beach Housing Element for 2021 - 2029. The open space is called out in the Santa Ana Heights Specific Plan (SP-7) and is called out to remain (OSR) as part of the golf course.

As we discussed, Sites 23, 24, 25, 26 fall within the California Coastal Commission Zone authority and are noted to be in a, "100 Year Floodplain". These same sites are designated Open Space and Recreation District: SP-7 (OSR) as noted in the Santa Ana Heights Specific Plan. A copy is attached for your's and the (CCC) Commissioners/ Board Members review.

Given these facts and new information, I respectfully request that the (CCC) Staff make the recommendation to the (CCC) Commissioners/ Board Members to withdraw the Newport Beach Golf Course, Housing Overlay Sites 23, 24, 25, 26 from the list of this and any future Housing Overlay. I also respectfully request that the (CCC) Commissioners/ Board Members not approve the Housing Overlay for this specific area.

I look forward to your reply.

Thank you for your time and consideration.

Mike Smith

\*\*\*\*\*

**Additional key points opposing development and the Housing Opportunity Overlay on Housing Opportunity Sites 23–26 at the Newport Beach Golf Course, Newport Beach, CA:**

**1. Loss of Open Space and Recreational Land**

- Sites 23–26 are currently designated for open space and recreational uses, including a golf course. Development could lead to the loss of these valuable community resources.
- The Coastal Act prioritizes the protection of parks, recreation, and open space, which are essential for public enjoyment and environmental preservation.

**2. Impact on Environmentally Sensitive Habitat Areas (ESHAs)**

- The Santa Ana Delhi Channel is planned for habitat restoration and may include ESHA. Development on adjacent parcels could disrupt sensitive habitats and compromise restoration efforts.
- The Coastal Act mandates the protection of ESHAs and requires adequate buffer zones to ensure the biological integrity of these areas. Development could encroach on these buffers, harming the ecosystem.

**3. Conflict with Coastal Act Priorities**

- The Coastal Act prioritizes visitor-serving and marine-related uses over residential development in the coastal zone. Allowing residential development on these sites could displace or diminish these priority uses.
- The sites are located in areas that could otherwise be used for lower-cost visitor-serving facilities, which are protected under the Coastal Act.

**4. Potential Loss of Public Access and Recreation**

- Development could reduce public access to recreational opportunities and open space, which are critical for community well-being and coastal enjoyment.
- The Coastal Act requires maximum public access and recreational opportunities, which could be compromised by residential development.

**5. Traffic and Infrastructure Concerns**

- Development of up to 693 residential units on these sites could lead to increased traffic congestion and strain on existing infrastructure, negatively impacting the surrounding community.

**6. Cultural Resource Protection**

- Tribal consultation has identified these sites as sensitive areas for cultural resources. Development could adversely impact archaeological or paleontological resources, which are protected under the Coastal Act and the City's certified LCP.

#### 7. Precedent for Future Development

- Allowing residential development on these sites could set a precedent for further encroachment on open space and recreational areas within the coastal zone, undermining the intent of the Coastal Act and the LCP.

#### 8. Inadequate Safeguards

- While the proposed modifications aim to mitigate impacts, they may not fully ensure the protection of coastal resources, recreational uses, and public access. The risk of losing these priority uses remains significant.

#### 9. Alternative Sites Available

- The City has identified 228 sites for residential development as part of its Housing Element, with only 26 located in the coastal zone. Development should focus on non-coastal sites to avoid conflicts with Coastal Act priorities.

#### 10. Environmental Concerns

- Residential development could lead to increased pollution, runoff, and other environmental impacts, which may harm the biological productivity and quality of coastal waters, as protected under the Coastal Act.

\*\*\*\*\* End \*\*\*\*\*

---

**Public Comment on April 2026 Agenda Item Friday 11a - City of Newport Beach LCP Amendment No. LCP-5-NPB-24-0032-2 (Housing Overlay)**

---

**From** M. Smith <mws.aspenroyal@gmail.com>  
**Date** Wed 4/8/2026 4:25 PM  
**To** Cortez, Dulce@Coastal <dulce.cortez@coastal.ca.gov>  
**Cc** SouthCoast@Coastal <SouthCoast@coastal.ca.gov>

 3 attachments (5 MB)

NBGC\_owner interest and site study 2 5 2021.pdf; Golf Course\_40\_Chapter 21.90 Santa Ana Heights Specific Plan.pdf; NB Final Housing Element Golf Course 345678.png;

Ms. Cortez,

Thank you for your phone call today regarding the Housing Overlay (HO) issue for Sites 23, 24, 25, 26 on the Newport Beach Golf Course located on Mesa Drive, Newport Beach, CA. Below is one of the housing items we discussed. If you could please confirm receipt of this email and the attachments, and confirm that the Coastal Commission Commissioners/Board Members will review this and the attachments prior to their upcoming meeting on 4/17/2026, I would be very grateful. As you noted, the California Coastal Commission (CCC) is not aware of this information. By sending this email, I would like to make all parties aware of the following:

Attached is the 2/5/2021 document and map from the owners of the Newport Golf Club LLC related to developing housing on the current golf holes 3-8 on Mesa Drive (the Southern section of the golf course), i.e. Sites 23, 24, 25, 26. This housing count has been added to the Newport Beach Housing Element accounting for approx. 693 units being built on Sites 23, 24, 25, 26, which today is zoned open space recreational (OSR). Please see the second attachment below regarding the Newport Beach Housing Element for 2021 - 2029. The open space is called out in the Santa Ana Heights Specific Plan (SP-7) and is called out to remain (OSR) as part of the golf course.

As we discussed, Sites 23, 24, 25, 26 fall within the California Coastal Commission Zone authority and are noted to be in a, "100 Year Floodplain". These same sites are designated Open Space and Recreation District: SP-7 (OSR) as noted in the Santa Ana Heights Specific Plan. A copy is attached for your's and the (CCC) Commissioners/ Board Members review.

Given these facts and new information, I respectfully request that the (CCC) Staff make the recommendation to the (CCC) Commissioners/ Board Members to withdraw the Newport Beach Golf Course, Housing Overlay Sites 23, 24, 25, 26 from the list of this and any future Housing Overlay. I also respectfully request that the (CCC) Commissioners/ Board Members not approve the Housing Overlay for this specific area.

I look forward to your reply.

Thank you for your time and consideration.

Mike Smith



**Table B-12: Airport Area Sites Inventory**

Parcel Number	Owner	Existing Zoning	Existing General Plan Land Use	Vacancy	5th Cycle Site?	Existing Units	Gross Acreage	Buildable Acreage	HCD Sizing Criteria?	Density (Du/Ac)		Potential Rezoned Unit Yield	Assumed Net Yield	Assumed Net Unit Yield			Existing Use and Explanation of Propensity	Letter Interest ?	Focus Area	Inventory/ Map ID
										Existing Zone Density	Rezoned Density (Assumed)			Low/ Very Low	Mod	Above Mod				
445 161 03	Todd Todd Schiffman	PC	MU-H2	No		0	1.04	1.04	Yes	0	50	51	51	15	5	31	This parcel is already approved by the City for Newport Crossings multi-tenant housing project.		Airport Area	22
119 300 17	Newport Golf Club LLC	SP-7	PR	No		0	1.38	1.38	Yes	0	50	69	57*	17	6	34	The current owner of the property has expressed to City staff written interest to develop housing.	Y	Airport Area	23
119 310 04	Newport Golf Club LLC	SP-7	PR	No		0	3.70	3.70	Yes	0	50	184	152*	46	15	91	The current owner of the property has expressed to City staff written interest to develop housing.	Y	Airport Area	24
119 300 15	Newport Golf Club LLC	SP-7	PR	No		0	1.52	1.52	Yes	0	50	76	62*	19	6	37	The current owner of the property has expressed to City staff written interest to develop housing.	Y	Airport Area	25
119 300 16	Newport Golf Club LLC	SP-7	PR	No		0	7.30	7.30	Yes	0	50	364	299*	89	30	180	The current owner of the property has expressed to City staff written interest to develop housing.	Y	Airport Area	26
427 131 16	Birch Development Co	OA	AO	No		0	0.67	0.67	Yes	0	50	33	33	10	3	20	This parcel contains vegetation and excess parking stalls and is identified as a site for potential housing.		Airport Area	27

**From:** Brett Feuerstein <brett@mesacenters.com>  
**Sent:** Friday, February 5, 2021 3:40 PM  
**To:** Jurjis, Seimone  
**Cc:** Campbell, Jim; Housing Element Update Advisory Committee; Tucker, Larry  
**Subject:** Newport Beach Golf Course- 3100 Irvine Ave.  
**Attachments:** Site Study.pdf; California Airport Land Use Planning Handbook - Allowable Densities (Zone 4).pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Mr. Jurjis and Mr. Campbell:

Thank you for all of your efforts and work that went into the subcommittee report regarding projects in the 65 CNEL. I would like to submit the attached plan as a potential project for the City to consider as part of the updated Housing Element. We are very excited to participate in this update. Through much study regarding the goals of the City, the policies of the airport, as well as the financial needs for the development to occur, we believe that we have come up with an ideal residential project, as well as providing a 1.5 acre park for the community. The attached plan shows a majority of the denser development in Zone 6 with a little of the multifamily spilling over into Zone 4 (see attached plan to see where Zone 4 and 6 actually are). This portion of the property includes approximately 200 multifamily units as well as 75 affordable units. In Zone 4 which per the airport guidelines allows an “average density/intensity of comparable surrounding users” (see attached for exact language for residential use pertaining to urban areas) we have shown townhomes at approx. 17 du/ac, for a total of approximately 100 units. With the neighboring uses including; single family residential, multifamily residential, commercial center, golf course and office buildings, we thought that townhomes would make sense in Zone 4 and allow the City to get a significant numbers of units. In addition in Zone 4 we placed the 1.5 acre park since obviously that is the least dense use and helps offset the other development in Zone 4. I would love to discuss with you and see if there is anything else that the City would like to see on the property.

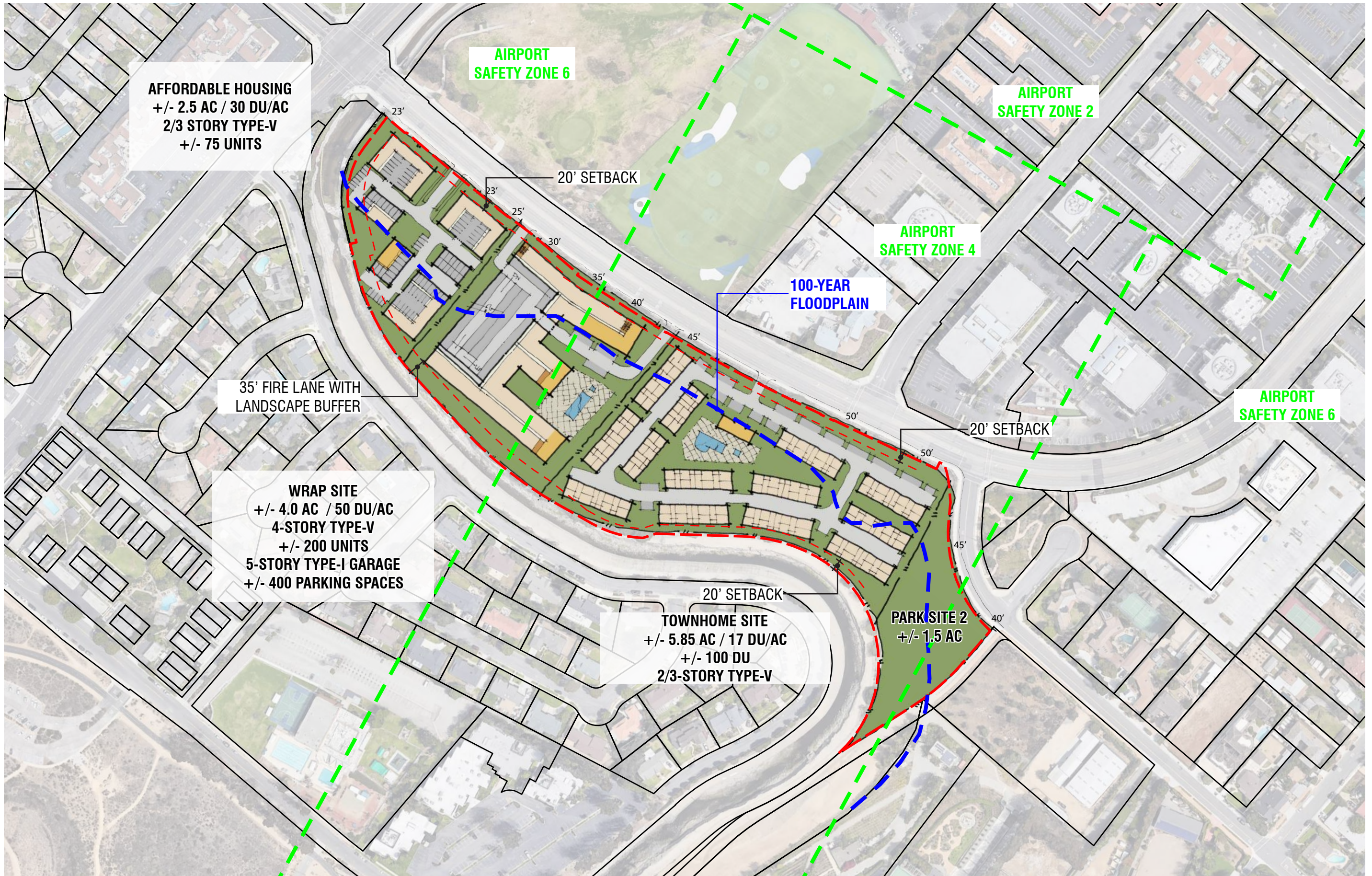
Sincerely,

Brett Feuerstein  
Newport Golf Club, LLC

# NEWPORT BEACH GOLF COURSE

SITE STUDY

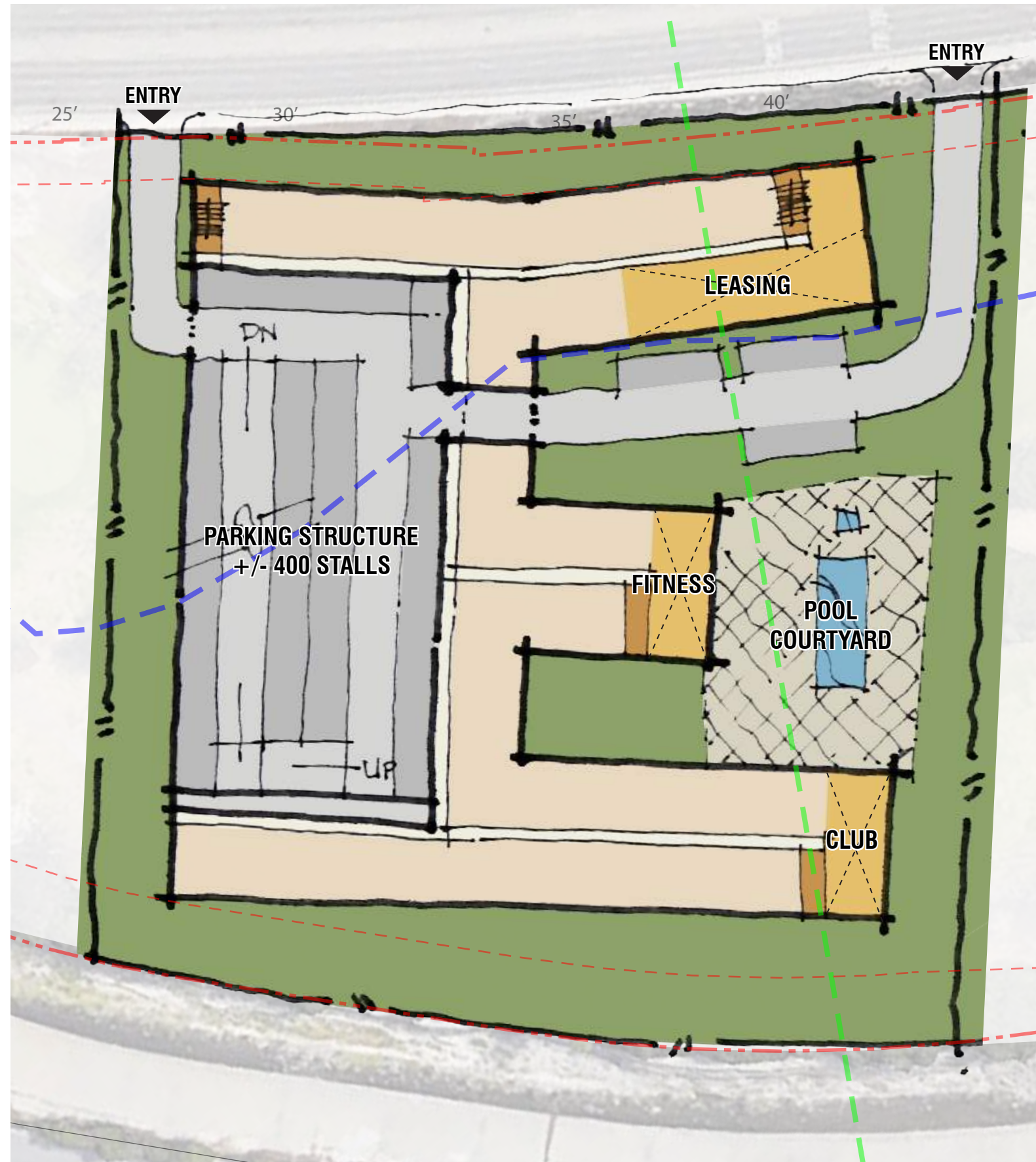






**AFFORDABLE HOUSING**

**SITE:** +/- 2.5 AC  
**TOTAL UNITS:** 75  
**DENSITY:** 30 DU/AC  
**BUILDING TYPE:** RESIDENTIAL: 2/3 STORY - TYPE V



**WRAP**

**SITE:** +/- 4.0 AC.

**UNIT SUMMARY:**

STUDIO: 20 DU / 10%

1-BEDROOM: 100 DU / 50%

2-BEDROOM: 80 DU / 40%

**TOTAL UNITS: 200**

**DENSITY: 50 DU/AC**

**BUILDING TYPE:**

RESIDENTIAL: 4-STORY TYPE-V

GARAGE: 5-STORY TYPE-I

**PARKING SUMMARY:**

**TOTAL +/- 400 STALLS**



**Nature of Risk**

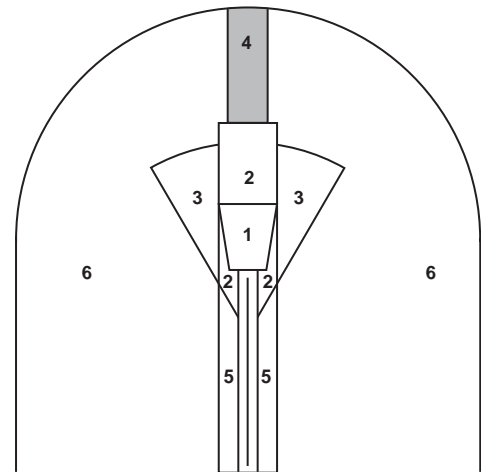
- Normal Maneuvers
  - Approaching aircraft usually at less than traffic pattern altitude. Particularly applicable for busy general aviation runways (because of elongated traffic pattern), runways with straight-in instrument approach procedures, and other runways where straight-in or straight-out flight paths are common
- Altitude
  - Less than 1,000 feet above runway
- Common Accident Types
  - Arrival: Pilot undershoots runway during an instrument approach, aircraft loses engine on approach, forced landing
  - Departure: Mechanical failure on takeoff
- Risk Level
  - Moderate
  - Percentage of near-runway accidents in this zone: 2% - 6%



LONG FINAL

**Basic Compatibility Policies**

- Normally Allow
  - Uses allowed in Zone 3
  - Restaurants, retail, industrial
- Limit
  - Residential uses to low density
- Avoid
  - High-intensity retail or office buildings
- Prohibit
  - Children's schools, large daycare centers, hospitals, nursing homes
  - Stadiums, group recreational uses
- Other Factors
  - Most low to moderate intensity uses are acceptable. Restrict assemblages of people
  - Consider potential airspace protection hazards of certain energy/industrial projects



Refer to Chapter 3 for dimensions.

	Maximum Residential Densities	Maximum Nonresidential Intensities	Maximum Single Acre
	Average number of dwelling units per gross acre	Average number of people per gross acre	3x the Average number of people per gross acre
Rural	See Note A	70 – 100	210 – 300
Suburban	1 per 2 - 5 ac.	100 – 150	300 – 450
Urban	See Note B	150 – 200	450 – 600
Dense Urban	See Note B	See Note B	See Note B

Note A: Maintain current zoning if less than density criteria for suburban setting.  
 Note B: Allow infill at up average density/intensity of comparable surrounding users.

FIGURE 4E

**Safety Zone 4 – Outer Approach/Departure Zone**

# ORANGE COUNTY BUSINESS JOURNAL

Vol. 49, No. 12

THE COMMUNITY OF BUSINESS™

March 23-29, 2026 • \$5.00



Shopoff Realty Investments and the Picerne Group's One Uptown kick started the residential developments in the Newport Beach side of John Wayne Airport

## Newport Beach's Airport Area Becomes New Uptown

### 14 Housing Projects Planned Near John Wayne

By JOSEPH PIMENTEL

NEWPORT BEACH — More than a decade ago, developer **Bill Shopoff** saw an overlooked part of Newport Beach ready for prime redevelopment.

At the time, office parks and light industrial properties dotted the Newport Beach side of **John Wayne Airport** landscape. That changed when voters approved a plan to shift the area from purely

Special Report

Residential Real Estate page 17

commercial use to a mixed-use district that welcomes residential development.

In 2014, Shopoff and the **Picerne Group's Uptown**

Newport Beach 22

## Fast-Growing Karman Gets New CEO

**DEFENSE:** Rambeau succeeds Koblinski at \$14B company

By KEVIN COSTELLOE

HUNTINGTON BEACH — Industry veteran **Jon Rambeau**, the new chief executive of **Karman Space & Defense**, says he has two very straightforward goals: strengthening national defense and advancing space exploration.

Karman, boasting a market cap close to \$14 billion, is a key player in Southern California's growing military-focused sector.

"At a moment when rapid solution delivery is critical to the nation, Karman remains positioned to respond," Rambeau said in a March 12 announcement of his new post.

It's a surprising development, as Rambeau is succeeding **Tony Koblinski**, who in 2021 took over a



Jon Rambeau  
New CEO  
Karman Space & Defense

Karman 40

## OC JV Buys Victoria Gardens for \$530M

**RETAIL:** To spend \$50M to improve Inland Empire center

By JOSEPH PIMENTEL

NEWPORT BEACH — An Orange County joint venture earlier this month acquired the Inland Empire's **Victoria Gardens** for \$530 million.

The JV, led by Newport Beach-based **Redwood West** and Irvine-based **Panattoni** purchased the Rancho Cucamonga lifestyle center from **Brookfield Properties** and **Queensland Investment Corporation** in one of the largest retail transactions in Southern California in recent years. The JV plans to spend another \$50



John Pomer,  
Co-Founder &  
Managing Partner  
Redwood West

Victoria Gardens 40

## Trumark Plans 'Aggressive' Expansion in SoCal

**RESIDENTIAL:** Homebuilder secures 750 new homesites

By JOSEPH PIMENTEL

NEWPORT BEACH — In a **Trumark Homes** boardroom, Southern California Division President **Richard Douglass** stands before a large map displaying the company's housing developments throughout the region.

He points down to **Ocean Breeze Ranch**, where

Trumark Homes 18



Trumark housing developments across Southern California

Special Report

Residential Real Estate page 17



P. 6

**TECHNOLOGY:** Robot developer FieldAI first to move to Carnegie Mellon Research Center

P. 3

**POLITICS:** Pacific Symphony's Iranian concert strikes chord

## THE LIST

**HOMEBUILDERS**  
See page 26





**1 THE RESIDENCES AT 4400 VON KARMAN**  
**DEVELOPER:** The Picerno Group  
**ADDRESS:** 4400 Von Karman Street  
**PROJECT:** Proposed construction of a 5-story residential building (podium-style) featuring 312 apartment units (13 affordable)

## Newport Beach

from page 1

Newport, a mixed-use project with up to 1,244 residential units, 11,500 square feet of retail space and two acres of park space at 4321 Jamboree Road, became the first big residential project approved in the city's airport district. The first phase was completed in 2019.

"We had a long vision of housing being in demand in infill locations," Shopoff, founder and chief executive of **Shopoff Realty Investments**, told the Business Journal. "Although it wasn't prime Newport Beach at the time, we felt there was a big distinction between being in Newport Beach and being just a few blocks over in Irvine."

City officials said this early project proved that housing could succeed in the area and paved the way for more proposals. There are currently 14 housing projects in the airport area in various stages of entitlements and development. If built out, these projects could add more than 4,100 units.

"That was the first project that really took advantage of the opportunities created by the city's 2006 General Plan update," said **Jaime Murillo**, Newport Beach's community development director, to the Business Journal. "It showed the potential of what could be built there and demonstrated that a high-quality residential community could work in the airport area."

Shopoff said the location is one of the biggest selling points.

"You're close to the beach, close to the heart of Newport, and you've got incredible access to the 405, the 73 and the toll roads," he said. "Anything in that airport area has great connectivity."

"Newport is the Beverly Hills of Orange County," he added. "Who wouldn't want to be here?"

The Business Journal this week is publishing its annual list of the biggest homebuilders in Orange County (see page 26).

What follows is a map showing the projects already built or under construction or being planned. ■

John Wayne Airport



**2 1500 QUAIL STREET**  
**DEVELOPER:** Lincoln Property  
**ADDRESS:** 1500 Quail Street  
**PROJECT:** Proposed construction of 100, three story, three and four bedroom townhomes

### John Wayne Condo: \$800K Average

Buyers paid a slight per-square-foot premium for a condominium near John Wayne Airport, highlighting an up-and-coming area that's poised for growth.

In 2025, the median price of a condominium near John Wayne Airport was about \$800,000, or \$708 per square foot, according to property data provider **Cotality**.

Meanwhile, the Orange County median sale price was about \$820,000, or \$641 per square foot.

In data exclusively for the Business Journal, Cotality analyzed 150 condo sales in zip codes 92660, 92612, 92617, 92626, 92627, 92614, 92707, 92782 and 92646.

Cotality officials told the Business Journal that sales volume remains limited, with about 150 independent transactions in the John Wayne Airport area in 2025, making it difficult to compare long-term trends.

—Joseph Piniuel



**3 1300 DOVE STREET**  
**DEVELOPER:** Lincoln Property  
**ADDRESS:** 1301 Dove Street  
**PROJECT:** Proposed construction of 132, three to four story, two, three and four bedroom townhomes



**5 THE PERCH RESIDENCES**  
**DEVELOPER:** YMCA  
**ADDRESS:** 2300 University Drive  
**PROJECT:** Active senior living community featuring 105 rental units (21 affordable) and a 51,000-square-foot YMCA (not on map)



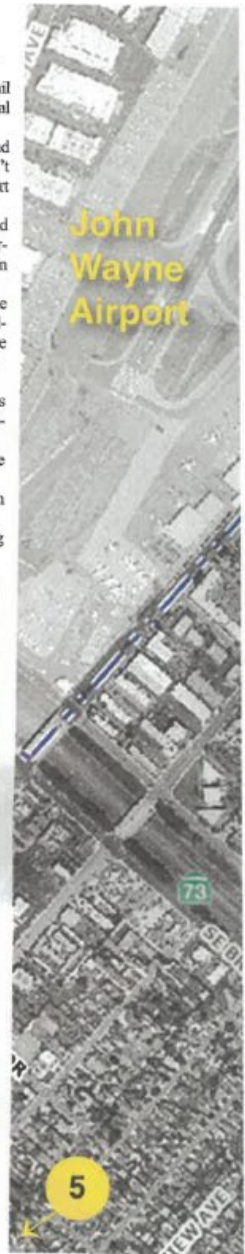
**4 MACARTHUR COURT**  
**DEVELOPER:** Irvine Company  
**ADDRESS:** 4665 MacArthur Court  
**PROJECT:** Company plans to build two five to seven story towers totaling 700 residential units on the western portion of the 19-acre MacArthur Court Campus. The plan for the mixed-use project also includes one acre of publicly accessible, privately maintained open space, and would replace two low-rise office towers

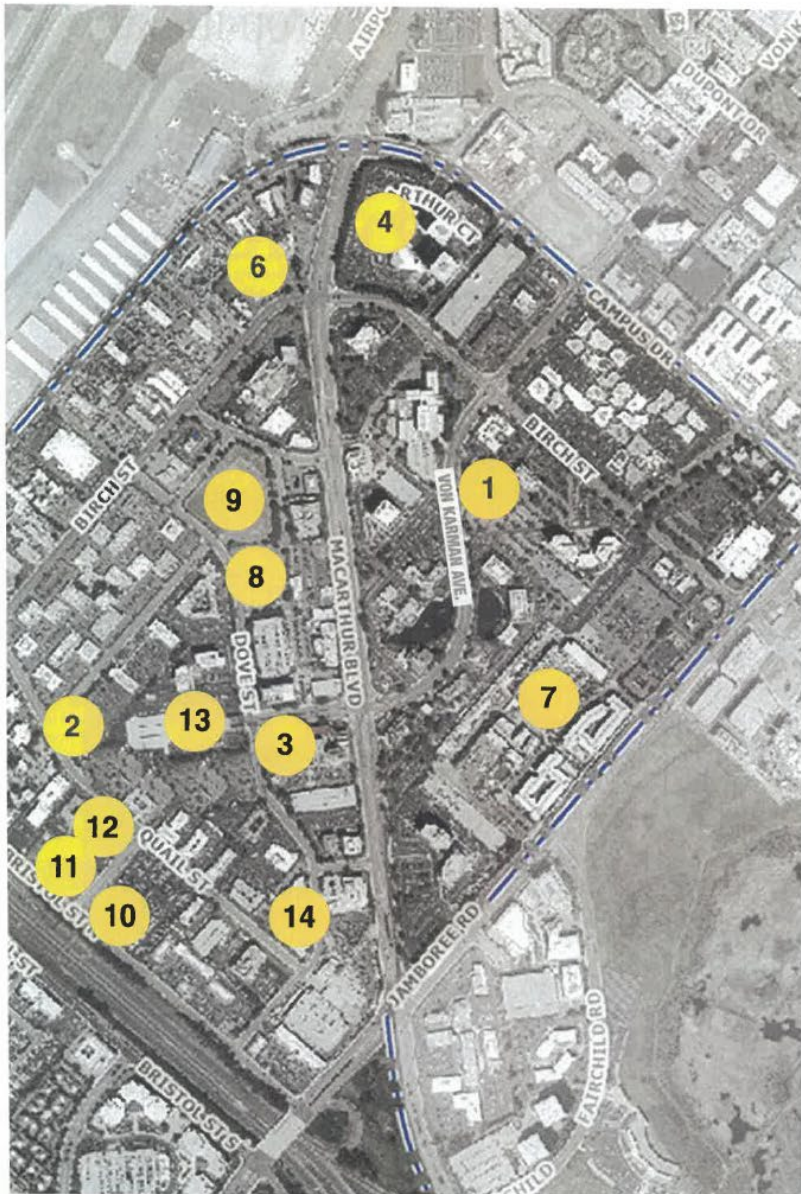


**6 THE RESIDENCES AT AIRPORT VILLAGE**  
**DEVELOPER:** The Picerno Group  
**ADDRESS:** 4540 Campus Drive  
**PROJECT:** Project includes the demolition of seven commercial buildings and surface parking and the construction of 444 residential rental units atop an 806-space parking structure



**7 ONE UPTOWN**  
**DEVELOPER:** Shopoff Realty Investments and the Picerno Group  
**ADDRESS:** 4321 Jamboree Road  
**PROJECT:** Phase 2 of One Uptown will include 619 units, retail space and a park





**1401 QUAIL RESIDENCES**  
**DEVELOPER:** Intracorp  
**ADDRESS:** 1401 Quail Street  
**PROJECT:** Proposed six-story 67-unit for sale units (8 affordable), one, two and three bedrooms

10



**1400 BRISTOL RESIDENCES**  
**DEVELOPER:** The Picerno Group  
**ADDRESS:** 1400 Bristol Street  
**PROJECT:** Five story 229-unit apartment (46 affordable), studio, one to two bedrooms

11



**1300 BRISTOL RESIDENCES**  
**DEVELOPER:** The Picerno Group  
**ADDRESS:** 1300 Bristol Street  
**PROJECT:** Five story 350-unit apartment (78 affordable), studio, one to two bedrooms

12



**RESIDENCES AT 1600 DOVE STREET**  
**DEVELOPER:** 1600 Dove St, LP and GS 1600 Dove  
**ADDRESS:** 1600 Dove Street  
**PROJECT:** Predevelopment stage. Proposal to demolish a 60,600-square-foot office to build a seven-story, 282-unit apartment (28 affordable units), podium style with parking on the first level

8



**NEWPORT CROSSINGS**  
**DEVELOPER:** VLR Capital Partners  
**ADDRESS:** 4200 Scott Drive  
**PROJECT:** Redevelopment of the former MacArthur Square shopping center. Project includes 350 residential units, 2,000 square feet of restaurant space, 5,500 square feet of commercial space and a half-acre public park

9



**UNNAMED**  
**DEVELOPER:** Dove Property Owner/Cress Capital  
**ADDRESS:** 1301 Dove Street  
**PROJECT:** Proposal to demolish the existing parking structure and office building to redevelop as a 139-unit for sale townhomes

13

**UNNAMED**  
**DEVELOPER:** SBS Dove Street  
**ADDRESS:** 901 and 1001 Dove Street  
**PROJECT:** Application to develop and demolish existing office site to make way for 75 for sale units

14

---

**FW: Public Comment on April 2026 Agenda Item Friday 11a - City of Newport Beach LCP Amendment No. LCP-5-NPB-24-0032-2 (Housing Overlay)**

---

**From** SouthCoast@Coastal <SouthCoast@coastal.ca.gov>  
**Date** Fri 4/10/2026 9:06 PM  
**To** Cortez, Dulce@Coastal <dulce.cortez@coastal.ca.gov>  
**Cc** Spencer, Amrita@Coastal <Amrita.Spencer@coastal.ca.gov>; Revell, Mandy@Coastal <Mandy.Revell@coastal.ca.gov>

 4 attachments (7 MB)

Golf Course\_C-3590PreAnnexationAgreementforSantaAnaHeights.pdf; NBGC\_owner interest and site study 2 5 2021.pdf; NB Final Housing Element Golf Course 345678.png; Golf Course\_Apartment Site\_FEMA Flood Map.png;

---

**From:** Linda Giedt <lclemensgiedt@gmail.com>  
**Sent:** Friday, April 10, 2026 1:05 PM  
**To:** SouthCoast@Coastal <SouthCoast@coastal.ca.gov>  
**Subject:** Public Comment on April 2026 Agenda Item Friday 11a - City of Newport Beach LCP Amendment No. LCP-5-NPB-24-0032-2 (Housing Overlay)

You don't often get email from [lclemensgiedt@gmail.com](mailto:lclemensgiedt@gmail.com). [Learn why this is important](#)

**To the California Coastal Commissioners,**

**RE: Opposition to Housing Opportunity (HO) Overlay for Sites 23, 24, 25, and 26 (Newport Beach Golf Course)**

I am writing to formally oppose the proposed Housing Opportunity (HO) Overlay for Sites 23, 24, 25, and 26 at the Newport Beach Golf Course. Beyond the severe environmental and safety risks, this proposal represents a direct violation of a binding legal contract and a failure of the City to follow its own established rule of precedence.

**1. Violation of Binding Annexation Agreement & Municipal Code (Rule of Precedence)**

The proposed housing overlay for Parcels 23–26 directly violates the **Santa Ana Heights Annexation Agreement** dated September 10, 2002. This is a binding legal contract between the City of Newport Beach and the County of Orange that vested specific land-use protections for the community. Per **Newport Beach Municipal Code Section 20.12.020.D**, this annexation agreement **takes legal precedence** over any subsequent zoning changes. The City is effectively attempting to use an "overlay" to unilaterally vacate contractually protected land-use designations (Open Space and Recreation - OSR). The Commission should not certify an LCP amendment that relies on the City's violation of its own rule of precedence and the disregard of vested community rights.

**2. Violation of the Airport Environs Land Use Plan (AELUP)**

The proposed residential use violates the John Wayne Airport AELUP. These sites are within the 65 dB CNEL noise contour and **Safety Zones 4 and 6**. The Airport Land Use Commission (ALUC) has repeatedly found this housing plan inconsistent with state safety standards. The City's decision to

formally "overrule" these findings multiple times does not negate the physical danger of placing 693 families in an aircraft departure zone. By ignoring expert aviation warnings, the City is prioritizing density over public safety.

### **3. Direct Threat to the Newport Beach Back Bay & ESHA**

These sites directly abut the Upper Newport Bay (Back Bay), one of the most environmentally sensitive habitat areas (ESHA) in Southern California. Development will inevitably cause "edge effects"—including light pollution, noise, and urban runoff—that will degrade this fragile ecosystem. The proposed 100-foot buffer is a numerical abstraction that cannot mitigate the permanent loss of biological connectivity between the golf course's current open space and the Back Bay's wildlife corridors.

### **4. Omission of Critical Information and Intent**

In February 2021, the Newport Beach Golf Club LLC owners submitted a Letter of Interest to the City for sites 23, 24, 25, and 26 to be added to the Housing Element, including site plans for 693 high-density dwellings specifically for holes 3-8. This reveals that the proposed density was not a hypothetical "planning exercise" but a specific, developer-led target. The Commission cannot certify an amendment based on an incomplete environmental review that ignored the specific intensity and physical constraints of this intended use.

### **5. Significant Floodplain Hazards**

These sites are located within a **100-Year Floodplain**. Approving high-density housing in a known flood hazard zone directly contradicts Coastal Act priorities regarding public safety and hazard avoidance. In an era of increasing climate volatility and rising sea levels, placing 693 families in a floodplain is a planning failure that the Coastal Commission must prevent.

### **Conclusion**

The combination of contractual violations, airport safety risks, and environmental sensitivity of the Back Bay makes Sites 23–26 entirely unsuitable for a Housing Overlay. Most importantly, this would result in the permanent and irrevocable loss of public open space. Once this recreational land is converted to housing, a vital community asset and a critical environmental buffer for the Back Bay will be gone forever. I respectfully request that the Commission deny the HO Overlay for these four sites to protect the integrity of the Coastal Zone. Housing should not be the "default" for protected open space when alternative, less sensitive sites exist citywide.

Sincerely,

Linda Giedt  
Newport Beach, CA

Attachments: SAH Annexation Agreement, NBGC Letter of Interest, Housing Element Site Inventory, Flood Zone Map

059C0267J  
12/3/2009

ORANGE COUNTY  
UNINCORPORATED AREAS  
060212

CITY OF NEW  
06

Zone A

1 PRE-ANNEXATION AGREEMENT

2  
3 THIS AGREEMENT, is entered into the 10<sup>th</sup> day of September, 2002 by and  
4 between the COUNTY OF ORANGE, a political subdivision of the State of California, hereinafter  
5 referred to as "COUNTY", the ORANGE COUNTY DEVELOPMENT AGENCY, a public body  
6 corporate and politic, hereinafter referred to as the "AGENCY", and the CITY OF NEWPORT BEACH,  
7 a charter city, hereinafter referred to as "CITY".

8 RECITALS:

9 WHEREAS, the Board of Supervisors of the COUNTY acting pursuant to the Community  
10 Redevelopment Law ("CRL") has adopted a redevelopment plan (the "Redevelopment Plan") for a  
11 portion of the unincorporated territory of the COUNTY known as Santa Ana Heights (the  
12 unincorporated territory governed by the Redevelopment Plan is referred to in this Agreement as the  
13 "Project Area"); and

14 WHEREAS, under the CRL, the AGENCY is responsible for implementing and administering  
15 the Redevelopment Plan; and

16 WHEREAS, the COUNTY has adopted the Santa Ana Heights Specific Plan to regulate land use  
17 and zoning within the Project Area (the "Specific Plan"); and

18 WHEREAS, the Redevelopment Plan specifies that the land uses permitted in the Project Area  
19 will be those set out in the Specific Plan; and

20 WHEREAS, in August 2000 the CITY amended its General Plan to include the Specific Plan;  
21 and

22 WHEREAS, the AGENCY and COUNTY desire that the land use and zoning regulations of the  
23 Specific Plan continue in effect in order to encourage development in the Project Area that will generate  
24 sufficient tax increment revenues to repay the redevelopment bonds issued by the AGENCY to finance  
25 capital projects in the Santa Ana Heights Project Area, and meet the AGENCY's obligation to contribute  
26 to the repayment of the COUNTY'S bankruptcy recovery bonds in accordance with the provisions of  
27 Health and Safety Code Sections 33670.9 and 33670.95; and  
28

1           WHEREAS, the CITY is proposing to annex and/or reorganize currently unincorporated  
2 territories adjacent to or within the CITY'S western and northern sphere of influence, including a  
3 portion of the Project Area (the portion of the Project Area proposed to be annexed to the CITY is  
4 referred to in this Agreement as the "Annex Area"); and

5           WHEREAS, if the Annex Area is annexed to the CITY, the COUNTY and the AGENCY desire  
6 assurances from the CITY that the land use regulation applicable to the Annex Area will remain as  
7 specified in the Specific Plan and that the CITY will not amend the Specific Plan or its General Plan as  
8 they pertain to the Annex Area without the COUNTY and AGENCY'S prior written consent; and

9           WHEREAS, after annexation, the CITY desires that the AGENCY cooperate with the CITY in  
10 acquiring land for and constructing a fire station in the Project Area; and

11           WHEREAS, the COUNTY and the CITY intend that, upon the effective date of the annexation  
12 of the Annex Area to the CITY, and the CITY providing local municipal services to the Annex Area,  
13 the property tax sharing between the COUNTY and the CITY shall be 70% of the current COUNTY  
14 General Fund share of the 1% basic property tax levy to the CITY, and 30% to the COUNTY during  
15 the time the AGENCY continues to receive tax increment from the Annexed Area pursuant to Health  
16 and Safety Code Section 33670, and, once the AGENCY is no longer receiving tax increment from the  
17 Project Area, the COUNTY and CITY shall thereafter share the property tax that the COUNTY would  
18 have received if the annexation had not occurred, based on the allocation set out in the Master  
19 Property Tax Agreement between the CITY and the COUNTY, to wit: 51.9378% to the CITY and  
20 48.0622% to the COUNTY. In addition to the above, the CITY shall receive 100% of the property tax  
21 revenues from the Annexed Area that, absent annexation, would have been apportioned to the Orange  
22 County Library District and the Orange County Fire Authority; and

23           WHEREAS, AGENCY is desirous of purchasing a parcel of improved real property in the  
24 Project Area, for purposes of a community center, which property will be turned over to the CITY upon  
25 the completion of the annexation of the Annex Area by the CITY; and  
26  
27  
28

1 WHEREAS, CITY agrees to accept title to the property that AGENCY acquires for a community  
2 center, and thereafter use and maintain the property as a community center, and, upon CITY's  
3 acceptance of title, CITY shall pay all use and maintenance costs connected therewith.

4  
5 NOW THEREFORE, in consideration of the above recitals and of the mutual covenants and for  
6 other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the  
7 COUNTY, AGENCY and CITY agree as follows:

8  
9 **1. OBJECTIVES AND INTENT.**

10 **1.1. Objectives.** The objectives of this Agreement are:

11 1.1.1 Ensure that after the annexation of the Annex Area by the City, the land use and  
12 zoning regulations of the Specific Plan are not be amended by the CITY without  
13 the prior written consent of the COUNTY and the AGENCY.

14 1.1.2. Preserve the AGENCY'S tax increment revenues from the Annex Area after its  
15 annexation by the CITY in order to repay the AGENCY'S redevelopment bonds  
16 issued to finance Project Area capital projects and contribute to the repayment of  
17 the COUNTY'S bankruptcy recovery bonds.

18 1.1.3 Provide AGENCY cooperation and contribute AGENCY funding for the  
19 acquisition of land, (or provide AGENCY land, if suitable), for, and construction  
20 of, a fire station in the Annex Area after its annexation to the CITY.

21 1.1.4 To provide the Santa Ana Heights and Newport Beach residents with a suitable  
22 community center to use for community activities and programs.

23 **1.2. Intent.** The COUNTY, AGENCY and CITY, through this Agreement, intend to  
24 establish the rights, obligations and duties of each of them after the CITY'S annexation of the Annex  
25 Area in order to accomplishment the objectives of this Agreement.

26  
27 **2. AMENDMENT OF THE SPECIFIC PLAN WITHOUT WRITTEN CONSENT OF**  
28 **COUNTY AND AGENCY.**

1           2.1.    After the CITY's annexation of the Annex Area, the CITY shall not amend its General  
2 Plan as it pertains to the Annex Area or the Specific Plan without the prior written consent of the  
3 COUNTY and the AGENCY. The CITY also agrees that in the event of any conflict between the  
4 Redevelopment Plan and the CITY's General Plan or Specific Plan with regard to land uses or other  
5 zoning or land use regulation, the Redevelopment Plan shall prevail. Determinations as to whether such  
6 conflicts exist and their resolution shall be made by the AGENCY. COUNTY and AGENCY recognize  
7 that CITY's current effort to revise CITY's General Plan ("Update") for entirety of Newport Beach may  
8 include the Annex Area. CITY agrees that CITY's Update, where it applies to the Annex Area, shall be  
9 submitted to COUNTY and AGENCY for review and approval.

10  
11 **3.        VARIATION FROM MASTER PROPERTY TAX AGREEMENT.**

12           3.1.    The provisions of the Master Property Tax Agreement between the COUNTY and the  
13 CITY notwithstanding:

14               (a) The COUNTY and the CITY agree that, upon the effective date of the annexation  
15 of the Annex Area to the CITY, and the CITY providing local municipal services to the Annex Area,  
16 the property tax sharing between the COUNTY and the CITY shall be 70% of the current  
17 (preannexation) COUNTY General Fund share of the 1% basic property tax levy to the CITY, and  
18 30% to the COUNTY during the time the AGENCY continues to receive tax increment from the  
19 Annexed Area pursuant to Health and Safety Code Section 33670; provided, however, in the event the  
20 CITY, in violation of Section 2 above, amends its General Plan or Specific Plan without the prior  
21 written consent of the AGENCY and the COUNTY, then the property tax sharing between the  
22 COUNTY and the CITY shall be 30% of the current (preannexation) COUNTY General Fund share of  
23 the 1% basic property tax levy to the CITY, and 70% to the COUNTY.

24               (b) Once the AGENCY is no longer receiving tax increment from the Project Area, the  
25 COUNTY and CITY shall thereafter share the property tax that the COUNTY would have received if  
26 the annexation had not occurred, based on the allocation set out in the Master Property Tax Agreement  
27 between the CITY and the COUNTY, to wit: 51.9378% to the CITY and 48.0622% to the COUNTY,  
28 provided, however, in the event the CITY, in violation of Section 2 above, amends its General Plan or

1 Specific Plan without the prior written consent of the AGENCY and the COUNTY, then the property  
2 tax sharing between the COUNTY and the CITY shall be 30% of the current  
3 (preannexation)COUNTY General Fund share of the 1% basic property tax levy to the CITY, and 70%  
4 to the COUNTY.

5 (c) In addition to the above, the CITY shall receive 100% of the property tax  
6 revenues from the Annexed Area that, absent annexation, would have been apportioned to the Orange  
7 County Library District and the Orange County Fire Authority.

8 (d) COUNTY and AGENCY agree, from the effective date of this Agreement  
9 forward, AGENCY shall not issue redevelopment bonds backed by tax increment revenue from  
10 territory that includes the Annex Area unless the bonds terminate before 2036.

11 The CITY recognizes and acknowledges that so long as the AGENCY receives tax increment  
12 pursuant to Health and Safety Code Section 33670, the forgoing allocation of property taxes between  
13 the COUNTY and CITY applies only to those property taxes allocable to the COUNTY and CITY  
14 pursuant to subsection (a) of Health and Safety Code Section 33670 and that the balance of the  
15 property taxes from the Annex Area will be allocated to the AGENCY as tax increment pursuant to  
16 subsection (b) of Health and Safety Code Section 33670.

17 **4. AGENCY COOPERATION TO ACQUIRE AND CONSTRUCT A FIRE STATION IN**  
18 **SANTA ANA HEIGHTS.**

19 **4.1.** After the annexation of the Annex Area by the City, the AGENCY shall cooperate with  
20 and assist the CITY in locating and financing the acquisition of suitable land for a fire station to serve  
21 Santa Ana Heights, adjacent unincorporated areas (via mutual and automatic aid), and John Wayne  
22 Airport.

23 **4.2.** After annexation of the Annex Area by the CITY, the AGENCY shall cooperate and  
24 assist the CITY in financing the construction of a fire station to serve Santa Ana Heights, adjacent  
25 unincorporated areas (via mutual and automatic aid), and John Wayne Airport. After its construction,  
26 the CITY, at its sole cost, will equip and operate the fire station.

27 **4.3.** The parties understand and agree that the AGENCY's financing of the costs of the land  
28 for and construction of the fire station is subject to and will require public hearings and the making of

1 findings pursuant to Health and Safety Code Sections 33445 and 33679 and that they will cooperate to  
2 hold the requisite hearings and make the findings before the Board of Supervisors of the COUNTY and  
3 City Council of the CITY so as to satisfy the requirements of Health and Safety Code Section 33445 and  
4 33679.

5 **5. AGENCY COOPERATION TO PROVIDE LAND FOR COMMUNITY CENTER**

6 **5.1.** After the annexation of the Annex Area by the CITY, the AGENCY shall cooperate with  
7 and assist the CITY in locating and financing the acquisition of suitable land for a community center to  
8 serve the Annex Area as well as the balance of the Project Area.

9 **5.2.** Once the property for the community center property has been identified, acquired by the  
10 AGENCY and conveyed to the CITY, the CITY will, at the CITY's sole cost, make all improvements to  
11 that property necessary for its use as a community center and shall operate the property as a community  
12 center. The AGENCY deed of the property to the CITY shall contain a right of reverter giving the  
13 AGENCY the right to revest title to the property in the AGENCY in the event the CITY fails to operate  
14 the property as a community center for a period of at least six consecutive months.

15 **5.3.** The parties understand and agree that the AGENCY's financing of the costs of the land  
16 for the community center is subject to and will require the making of findings pursuant to Health and  
17 Safety Code Section 33445 and that they will cooperate to facilitate the making of the requisite findings  
18 before the Board of Supervisors of the COUNTY and City Council of the CITY so as to satisfy the  
19 requirements of Health and Safety Code Section 33445.

20 **6. MISCELLANEOUS PROVISIONS**

21  
22 **6.1. Entire Agreement.**

23 This Agreement constitutes the entire Agreement between the parties with respect to the  
24 matters stated herein. All previous proposals, offers, discussions, preliminary understandings, and other  
25 communications relative to this Agreement, oral or written, are hereby superseded, except to the extent  
26 that they have incorporated into this Agreement. No exceptions, alternatives or substitutes of any of the  
27 terms, conditions and/or provisions of this Agreement shall be considered valid unless specifically agreed  
28 to in writing by both parties.

1           **6.2. Amendments.**

2           No alteration or variation of the terms of this Agreement shall be valid unless made in  
3 writing and signed by the parties; no oral understanding or agreement not incorporated herein shall be  
4 binding on either of the parties.

5           **6.3. Consent To Breach Not Waiver.**

6           No term or provision of this Agreement shall be deemed waived and no breach excused,  
7 unless such waiver or consent shall be in writing and signed by the party claimed to have waived or  
8 consented.

9           Any consent by any party to, or waiver of, a breach by the other, whether express or  
10 implied, shall not constitute consent to, waiver of, or excuse for any other different or subsequent  
11 breach.

12           **6.4. Specific Performance.**

13           The parties acknowledge that monetary damages would be inadequate to remedy any  
14 breach of this Agreement by either party. Accordingly, the parties agree that any breach of this  
15 Agreement shall entitle the non-breaching party to file an action for specific performance in a court of  
16 competent jurisdiction. In no event shall either party be liable for monetary damages in the event of a  
17 breach of this Agreement.

18           **6.5. Counterparts.**

19           This Agreement may be executed by the parties in counterparts, which counterparts shall  
20 be construed together and have the same affect as if all of the parties had executed the same instrument.

21           **6.6. Further Actions and Instruments.**

22           Each of the parties shall cooperate with and provide reasonable assistance to the other to  
23 the extent contemplated by this Agreement to achieve the objectives of this Agreement. Upon the  
24 request of either party at any time, the other party shall promptly execute, with acknowledgement or  
25 affidavit if reasonably required, and file or record instruments and writing. The parties shall also take  
26 any action as may be reasonably necessary under the terms of this Agreement to carry out the intent and  
27 to achieve the objectives of this Agreement.

28           **6.7. Indemnification.**

1 CITY shall defend, indemnify, and hold harmless the COUNTY, the AGENCY, and its  
2 officers, employees and agents with respect to any claim, damage, loss, cause of action, lawsuit or  
3 proceeding that arises out of or is in any way related to any act or omission by CITY or its officers,  
4 employees or agents in the performance or non-performance of any duty or obligation pursuant to this  
5 Agreement. COUNTY and AGENCY shall defend, indemnify, and hold harmless the CITY and its  
6 officers, employees and agents with respect to any claim, damage, loss, cause of action, lawsuit or  
7 proceeding that arises out of or is in any way related to any act or omission by COUNTY, AGENCY or  
8 its officers, employees, or agents in the performance or non-performance of any duty or obligation  
9 pursuant to this Agreement.

10 **6.8. General Law and Venue.**

11 This AGREEMENT has been negotiated and executed in the state of California and shall  
12 be governed by and construed under the laws of the state of California. In the event of any legal action  
13 to enforce or interpret this AGREEMENT, the sole and exclusive venue shall be a court of competent  
14 jurisdiction located in Orange County, California, and the parties hereto agree to and do hereby submit  
15 to the jurisdiction of such court, notwithstanding Code of Civil Procedure Section 394. Furthermore, the  
16 parties specifically agree to waive any and all rights to request that an action be transferred for trial to  
17 another county.

18 **6.9. Waiver of Jury.**

19 Each party acknowledges that it is aware of and has had the opportunity to seek advice of  
20 counsel of its choice with respect to its rights to trial by jury, and each party, for itself and its successors,  
21 creditors, and assigns, does hereby expressly and knowingly waive and release all such rights to trial by  
22 jury in any action, proceeding or counterclaim brought by any party hereto against the other (and/or  
23 against its officers, directors, employees, agents, or subsidiary or affiliated entities) on or with regard to  
24 any matters whatsoever arising out of or in any way connected with this Agreement and/or any other  
25 claim of injury or damage.

26 **6.10. Heading/Severability.**

27

28

1           The various headings and numbers herein, the grouping of provisions of this Agreement  
2 into separate clauses and paragraphs, and the organization hereof are for the purpose of convenience  
3 only and shall not limit or otherwise affect the meaning hereof.

4           If any term, covenant, condition or provision of this Agreement is held by a court of  
5 competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions hereof shall  
6 remain in full force and effect and shall in no way be affected, impaired or invalidated thereby.

7           **6.11. Interpretation.**

8           This Agreement has been negotiated at arm's length and between persons sophisticated  
9 and knowledgeable in the matters dealt with in this Agreement. In addition, each party had been  
10 represented by experienced and knowledgeable independent legal counsel of their own choosing or has  
11 knowingly declined to seek such counsel despite being encouraged and given the opportunity to do so.

12 Each party further acknowledges that they have not been influenced to any extent whatsoever in  
13 executing this Agreement by any other party hereto or by any person representing them, or both.

14 Accordingly, any rule or law (including California Civil Code Section 1654) or legal decision that would  
15 require interpretation of any ambiguities in this Agreement against the party that has drafted it is not  
16 applicable and is waived. The provisions of this Agreement shall be interpreted in a reasonable manner  
17 to effect the purpose of the parties and this Agreement.

18           **6.12. Authority.**

19           The parties to this Agreement represent and warrant that this Agreement has been duly  
20 authorized and executed and constitutes the legally binding obligation of their respective organization or  
21 entity, enforceable in accordance with its terms.

22 //  
23 //  
24 //  
25 //  
26 //  
27 //  
28 //

1 IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and  
2 year dated below.

3 DATED: Sept. 10, 2002

COUNTY OF ORANGE, a political  
subdivision of the State of California

4  
5 By Cynthia P. Coad  
Chair of Its Board of Supervisors

6 "COUNTY"

7 and

8 DATED: Sept. 10, 2002  
ORANGE COUNTY

9 DEVELOPMENT AGENCY, a public body  
10 corporate and politic

11 By Cynthia P. Coad  
12 Chair of Its Board of Supervisors, Acting  
13 as the chair of the Board of the Orange County  
Development Agency

14 "AGENCY"

15 SIGNED AND CERTIFIED THAT A COPY OF  
16 THIS DOCUMENT HAS BEEN DELIVERED  
17 TO THE CHAIR OF THE BOARD AND THE  
18 CHAIR OF THE BOARD ACTING AS THE  
19 ORANGE COUNTY DEVELOPMENT AGENCY



20 Robin Steeler for  
21 DARLENE J. BLOOM  
22 Clerk of the Board of Supervisors  
23 County of Orange, California

24 APPROVED AS TO FORM:  
25 COUNTY COUNSEL

26 By Robert L. Austin  
27 Robert L. Austin, Deputy

28 DATED: 9/9, 2002

DATED: DEC. 17, 2002

CITY OF NEWPORT BEACH

By Steve Lombardi

Mayor of the City of Newport Beach

1  
2 APPROVED AS TO FORM:

3 By *[Signature]*

4 City Attorney for the City of  
Newport Beach

5 DATED: 12/16, 2002

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12 OFFICE OF THE COUNTY COUNSEL  
COUNTY OF ORANGE  
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# NEWPORT BEACH CITY COUNCIL

August 13, 2002 Regular Meeting



Res 2002-55  
as amended

**TO:** Members of the Newport Beach City Council  
**FROM:** Dave Kiff, Assistant City Manager  
**SUBJECT:** Resolution 2002-\_\_ and Memorandum of Understanding (MOU) Relating to Santa Ana Heights, Bay Knolls, and Emerson/Churchill Annexations

**RECOMMENDED ACTIONS:**

- (1) Adopt Resolution 2002-\_\_ relating a property tax exchange agreement for the City's pending annexation of three unincorporated areas between Newport Beach and Costa Mesa.
- (2) Authorize the City Manager to enter into a Memorandum of Understanding (MOU) substantially similar to the attached draft MOU relating to the Santa Ana Heights Specific Plan and the City's operation of a fire station in Santa Ana Heights.

**BACKGROUND:**

State law (the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 – Government Code §56000 *et seq.*) governs the way cities, counties, and special districts address boundary issues like incorporations, annexations, detachments, changes in "spheres of influence", mergers and consolidations, and combinations of these actions called "reorganizations." Readers can access the Act at [www.leginfo.ca.gov](http://www.leginfo.ca.gov).

The Act describes the membership and role of the Local Agency Formation Commission (LAFCO) in each county. Orange County LAFCO, a seven-member body that meets monthly in Santa Ana, addresses boundary changes for our region ([www.oclafco.ca.gov](http://www.oclafco.ca.gov)).

On September 26, 2000, the City Council adopted Resolution 2000-81 directing City staff to process an annexation application for the Newport Coast, Santa Ana Heights, and the Bay Knolls community. The City filed its application to annex these territories on March 19, 2001. The Newport Coast portion of the City's annexation effort became effective January 1, 2002. The City Council added another neighborhood (about nine homes in the Emerson/Churchill tract) to its pending application on May 28, 2002, when it adopted Resolution 2002-36.

The east Santa Ana Heights and Bay Knolls/Emerson annexations are anticipated to become effective July 1, 2003 following a LAFCO hearing in September 2002.

Part I: Proposed Resolution - Property Tax Exchange Agreement. One of the last steps before LAFCO can hear the City's application for any annexation is the adoption by the City Council and the Orange County Board of Supervisors of

nearly-identical resolutions directing the transfer and allocation after annexation of the 1% Basic Levy that all property owners pay. In most of Newport Beach, the city government itself receives about 17% of the 1% Basic Levy paid by Newport Beach property owners, with the remaining 83% going to schools, community colleges, the County of Orange, and special districts.

On October 28, 1980, the City and the County of Orange entered into a Master Property Tax Transfer Agreement (MPTTA) governing the exchange of the 1% Basic Levy in future annexations. The MPTTA determines how the City and the County split that portion of the Levy that goes today to the County General Fund. The Agreement directs that the City and the County always follow the following ratio for any annexation:

0.51937804992 to the City and  
0.48062195008 to the County.

In most circumstances, the MPTTA would be appropriate to use for east Santa Ana Heights and Bay Knolls/Emerson. But the County and the City - in an attempt to assist the County in "getting out of the municipal service business" - have discussed providing a small incentive for Newport Beach to also annex smaller unincorporated islands between Newport Beach and Costa Mesa that remain administered by the County's redevelopment agency ("RDA") and thus have a significant portion of their total property tax apportionments restricted (see the next section for more information about how redevelopment works).

As such, the attached resolution proposes a split different from the MPTTA for the three annexation areas, but only for the property tax base that does not go to redevelopment and only for that share of the property tax base that today goes to the County General Fund. The City and the County propose that, following annexation, the non-RDA property tax share that currently goes to the County General Fund be split in the following manner:

0.70 to the City and  
0.30 to the County.

Because the County Board of Supervisors is directed by State Law to act on behalf of special districts to apportion property taxes from special purpose districts in an annexation, the proposed resolution directs the Board to also apportion 100% of the non-RDA 1% Basic Levy now received by the Orange County Fire Authority the Orange County Library District to the City upon the annexation's effective date.

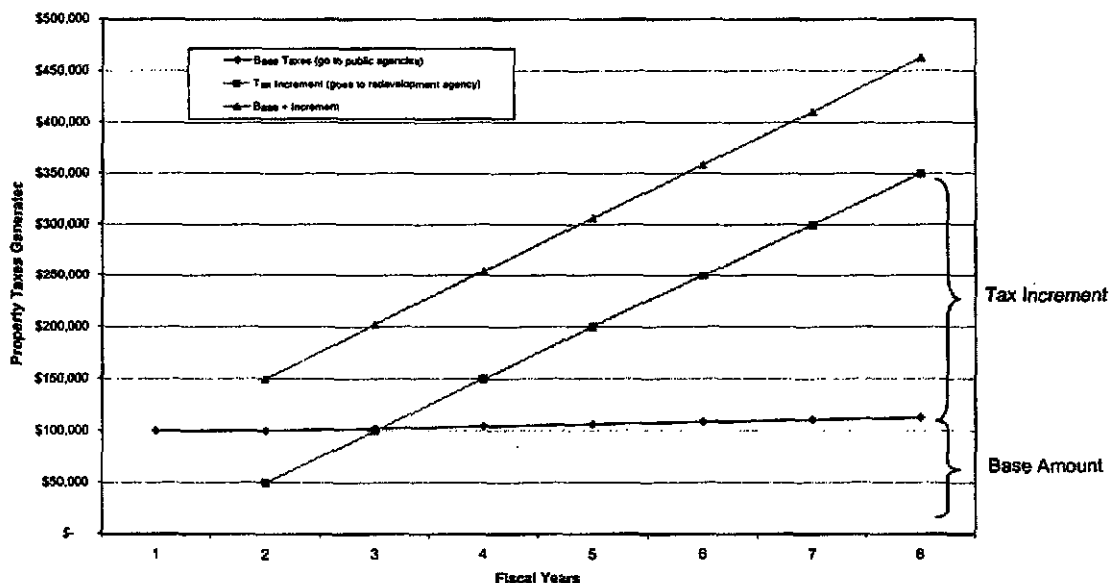
And a Link to the Recent Past. In 2001, the City and the County adopted joint resolutions for the City's proposed Newport Coast annexation that directed the County to, if the City was successful in annexing Bay Knolls at a later date, provide that the property tax apportionment of the County General Fund amounts from the Newport Coast would increase to:

0.52937804992 to the City and  
0.47062195008 to the County.

Part II: An MOU -- City Compliance with the Santa Ana Heights Specific Plan & the Operation of a new Fire Station. The County of Orange's redevelopment agency (called the Orange County Development Agency or OCDA) coordinates specific public works projects in many of the unincorporated islands affected by our annexation proposal. Like any redevelopment agency, OCDA funds capital projects for a "blighted" area by selling bonds based on what's called property tax "increment."

Property tax increment is the amount of property taxes generated during and after an area is redeveloped above a base amount. State law directs that property taxes at or below the base be apportioned to all of the entities that typically get property taxes -- schools, community colleges, special districts, and more. But everything above the base (with a few exceptions for growth and for schools) can be directed to a redevelopment agency. The agency then issues redevelopment bonds that will construct the improvements based on the anticipated increment.

How Redevelopment is Funded



A redevelopment agency bases its projections of increment upon an adopted redevelopment plan. The redevelopment plan typically shows where commercial, residential, or industrial properties will replace blighted areas. For the eastern Santa Ana Heights community, the redevelopment plan's zoning and land uses is reflected in the Santa Ana Heights Specific Plan.

In anticipation of annexation, on August 8, 2000, the City Council adopted Resolution 2000-73 and thereby adopted the Santa Ana Heights Specific Plan as the City's own plan for eastern Santa Ana Heights. However, to protect the County's redevelopment bonds and the anticipated flow of tax increment, the County of Orange has asked the City to confirm that the City will not rezone or redesignate land uses within the Santa Ana Heights Specific Plan without the permission and consent of the Orange County Development Agency (the Orange

County Board of Supervisors). The proposed MOU would make this confirmation.

**Santa Ana Heights Fire Station.** In March 2001, the City established a temporary fire station on Zenith Street serving Santa Ana Heights and the airport area when a nearby Orange County Fire Authority (OCFA) station closed in December 2000. Since that time, Chief Tim Riley and I have worked to find a site for a permanent station should the City be successful in annexing eastern Santa Ana Heights. One such location is on Birch Street in a commercially-zoned area.

The County's executive administration and the County's redevelopment agency staff are amenable to funding all or a significant part of the construction of the station provided that the City pledge to equip it, staff it, and provide traditional mutual and automatic aid to the remaining unincorporated regions around eastern Santa Ana Heights. The proposed MOU would make this commitment on the City's behalf.

**THIS AGENDA  
ITEM:**

This Agenda Item proposes the adoption of a resolution and authorization for the City Manager to execute an MOU (in substantially similar form to the attached draft MOU) relating to the City's proposed annexation of Santa Ana Heights, Bay Knolls, and the Emerson/Churchill tract:

- The Resolution agrees upon a 70% (City) and 30% (County) property tax split (but only of the base property taxes -- not the increment) for each territory. This same resolution re-affirms the City and the County's intent to give the City a slightly higher percentage of the property tax generated in the Newport Coast upon annexation of the Bay Knolls community; and
- The MOU affirms the City's intent to respect the Santa Ana Heights Specific Plan following annexation and the City's intent to equip and staff a permanent fire station in eastern Santa Ana Heights following annexation should the County use redevelopment funds to acquire land for and to construct the station.

County staff intends to place the MOU (in substantially similar form) and the Resolution on the Orange County Board of Supervisors' Agenda also in August or early September, 2002.

**ATTACHMENTS:**

**Attachment A -- Resolution 2002-\_\_**  
**Attachment B -- Draft MOU**

## RESOLUTION 2002-\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH  
RELATING TO A PROPERTY TAX TRANSFER AGREEMENT WITH THE  
COUNTY OF ORANGE ON BEHALF OF THE COUNTY,  
THE ORANGE COUNTY FIRE AUTHORITY,  
AND THE ORANGE COUNTY LIBRARY DISTRICT  
RELATING TO THE ANNEXATIONS OF EAST SANTA ANA HEIGHTS,  
BAY KNOLLS, AND THE EMERSON/CHURCHILL TRACT**

WHEREAS, the City of Newport Beach has proposed the annexation and/or reorganization of territories adjacent to or within the City's western and northern sphere of influence. These territories are known as eastern Santa Ana Heights ("Santa Ana Heights"), Bay Knolls, and the Emerson/Churchill tract; and

WHEREAS, all or portions of these territories are within specific redevelopment project areas administered by the Orange County Development Agency (OCDA) which direct most property tax increment to the OCDA; and

WHEREAS, in January 2002, the City of Newport Beach annexed the Newport Coast community to Newport Beach; and

WHEREAS, in 1980, the City Council adopted a Master Property Tax Transfer Agreement with the County of Orange that directs that 0.51937804992 of the County General Fund share of the 1% Basic Levy be transferred to the City and 0.48062195008 remain with the County upon annexation of territory by the City; and

WHEREAS, on August 14 2001, the Board of Supervisors and the City Council agreed to adjust the Master Property Tax Transfer Agreement for the Newport Coast property tax apportionments upon a future annexation of the Bay Knolls area in order to assist the City of Newport Beach in funding municipal services to the Bay Knolls area because that territory falls within an OCDA project area; and

WHEREAS, because the City has its own library system and fire department, the City's share of the 1% Basic Levy from the Orange County Library System and the Structural Fire Fund or Orange County Fire Authority share will equal 100% of these agencies' respective shares; and

WHEREAS, the eastern Santa Ana Heights, Bay Knolls, and Emerson/Churchill neighborhoods, being all or in part covered by redevelopment project areas, will produce less property tax dollars for non-redevelopment public agencies than had the areas not been under redevelopment; now, therefore be it

**RESOLVED** by the City Council of the City of Newport Beach that the City Council hereby:

1. States that, upon the effective date of each specific annexation, the property tax transfer between the City of Newport Beach and the County of Orange General Fund will be as follows for the annexation areas known as eastern Santa Ana Heights, Bay Knolls, and Emerson/Churchill:
  - 0.70 of the County General Fund share of the non-redevelopment 1% Basic Levy be transferred to the City of Newport Beach; and
  - 0.30 shall remain with the County.
  
2. Accepts that, upon the effective date of the City's annexation of the Bay Knolls community, the property tax exchange for the previously-certified Newport Coast Annexation will be as follows:
  - 0.52937804992 of the County General Fund share of the 1% Basic Levy generated from the Newport Coast annexation area be transferred to the City of Newport Beach; and
  - 0.47062195008 shall remain with the County.
  
3. Requests that, upon the effective date of each specific annexation, 100% of the non-redevelopment property tax revenues accrued from the reorganized or annexed territory to the Orange County Library District shall be transferred to the City of Newport Beach.
  
4. Requests that, upon the effective date of each specific annexation, 100% of the non-redevelopment property tax revenues accrued from the reorganized or annexed territory to the Orange County Fire Authority shall be transferred to the City of Newport Beach.

ADOPTED this 13<sup>th</sup> day of August, 2002.

---

TOD W. RIDGEWAY  
Mayor of Newport Beach

ATTEST:

---

LAVONNE HARKLESS  
City Clerk of Newport Beach

-- DRAFT --

**MEMORANDUM OF UNDERSTANDING**  
**BETWEEN THE CITY OF NEWPORT BEACH**  
**AND THE COUNTY OF ORANGE**  
**REGARDING SANTA ANA HEIGHTS**

The City of Newport Beach ("City") and the County of Orange ("County"), collectively known as the Parties, have hereby entered into this Memorandum of Understanding (MOU) on \_\_\_\_\_, 2002 ("Effective Date") in regards to the following issues in eastern Santa Ana Heights ("SAH"):

1. City has proposed the annexation and/or reorganization of territories adjacent to or within the City's western and northern sphere of influence. These territories are known as eastern SAH, Bay Knolls, and the Emerson/Churchill tract; and
2. County, operating as the Orange County Development Agency ("OCDA"), has adopted and confirmed a Redevelopment Plan ("Plan") for the SAH community; and
3. County has adopted the SAH Specific Plan ("Specific Plan") which describes the land use and zoning associated with the eastern SAH community; and
4. In August 2000, City amended its General Plan to include the Specific Plan in City's General Plan; and
5. The redevelopment plan relies upon the land uses and zoning described in the Specific Plan to derive the property tax increment revenue needed to pay back redevelopment bonds issued for capital projects in the SAH Project Area; and
6. County seeks City's assurance that it will respect the land use designations and zoning within the Specific Plan so that the Plan can continue to provide the tax increment revenue upon which the redevelopment bonds rely; and
7. The Plan and State Law describe various capital improvements that can be constructed with redevelopment funds; and
8. City has previously expressed its desire to have the OCDA acquire land for and construct a fire station at a suitable site in Santa Ana Heights and that following OCDA or private sector construction of such a facility and following City's annexation of the territory, City would equip and operate the station on behalf of eastern Santa Ana Heights, the Airport Area, and the remaining unincorporated areas (via existing mutual and automatic aid agreements);

Now, therefore, the Parties agree as follows:

1. City will respect, protect, and not amend without the written consent of County, the land use designations and zoning within the Specific Plan so that the Plan will continue to

support adequate property tax generation used to pay principal and interest on redevelopment bonds issued for the purposes of capital projects within the Project Area;

2. City and County will support OCDA's use of redevelopment funds for the acquisition of land and the costs of construction of a permanent fire station in eastern Santa Ana Heights;
3. City shall, following construction and following annexation, equip and staff the station in a manner that serves the residents and businesses of eastern Santa Ana Heights, the Airport Area, and nearby unincorporated areas pursuant to existing automatic aid and mutual aid agreements.

IN WITNESS WHEREOF, County and City have caused this Memorandum of Understanding to be executed the day and year first above written.

CITY OF NEWPORT BEACH  
a municipal corporation.

COUNTY OF ORANGE

\_\_\_\_\_  
Homer L. Bludau, City Manager

\_\_\_\_\_  
Dr. Michael Schumacher, County Executive Officer

APPROVED AS TO FORM:

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert L. Burnham, City Attorney

\_\_\_\_\_  
Benjamin DeMayo, County Counsel

## **RESOLUTION 2002- 55**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH  
RELATING TO A PROPERTY TAX TRANSFER AGREEMENT WITH THE  
COUNTY OF ORANGE ON BEHALF OF THE COUNTY,  
THE ORANGE COUNTY FIRE AUTHORITY,  
AND THE ORANGE COUNTY LIBRARY DISTRICT  
RELATING TO THE ANNEXATIONS OF EAST SANTA ANA HEIGHTS,  
BAY KNOLLS, AND THE EMERSON/CHURCHILL TRACT**

**WHEREAS**, the City of Newport Beach has proposed the annexation and/or reorganization of territories adjacent to or within the City's western and northern sphere of influence. These territories are known as eastern Santa Ana Heights ("Santa Ana Heights"), Bay Knolls, and the Emerson/Churchill tract; and

**WHEREAS**, all or portions of these territories are within specific redevelopment project areas administered by the Orange County Development Agency (OCDA) which direct most property tax increment to the OCDA; and

**WHEREAS**, in January 2002, the City of Newport Beach annexed the Newport Coast community to Newport Beach; and

**WHEREAS**, in 1980, the City Council adopted a Master Property Tax Transfer Agreement with the County of Orange that directs that 0.51937804992 of the County General Fund share of the 1% Basic Levy be transferred to the City and 0.48062195008 remain with the County upon annexation of territory by the City; and

**WHEREAS**, on August 14 2001, the Board of Supervisors and the City Council agreed to adjust the Master Property Tax Transfer Agreement for the Newport Coast property tax apportionments upon a future annexation of the Bay Knolls area in order to assist the City of Newport Beach in funding municipal services to the Bay Knolls area because that territory falls within an OCDA project area; and


**WHEREAS**, because the City has its own library system and fire department, the City's share of the 1% Basic Levy from the Orange County Library System and the Structural Fire Fund or Orange County Fire Authority share will equal 100% of these agencies' respective shares; and

**WHEREAS**, the eastern Santa Ana Heights, Bay Knolls, and Emerson/Churchill neighborhoods, being all or in part covered by redevelopment project areas, will produce less property tax dollars for non-redevelopment public agencies than had the areas not been under redevelopment; now, therefore be it

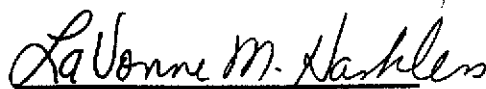
**RESOLVED** by the City Council of the City of Newport Beach that the City Council hereby:

1. States that, upon the effective date of each specific annexation, the property tax transfer between the City of Newport Beach and the County of Orange General Fund will be as follows for the annexation areas known as eastern Santa Ana Heights, Bay Knolls, and Emerson/Churchill:
  - 0.70 of the County General Fund share of the non-redevelopment 1% Basic Levy be transferred to the City of Newport Beach; and
  - 0.30 shall remain with the County.
  - The property tax transfer will revert to the ratio specified in the Master Property Tax Agreement at the time when the Orange County Development Agency ceases to collect tax increment from the areas subject to this annexation. Said ratio is as follows: 0.51937804992 of the County General Fund share of the 1% Basic Levy be transferred to the City and 0.48062195008 remain with the County.
2. Accepts that, upon the effective date of the City's annexation of the Bay Knolls community, the property tax exchange for the previously-certified Newport Coast Annexation will be as follows:
  - 0.52937804992 of the County General Fund share of the 1% Basic Levy generated from the Newport Coast annexation area be transferred to the City of Newport Beach; and
  - 0.47062195008 shall remain with the County.
3. Requests that, upon the effective date of each specific annexation, 100% of the non-redevelopment property tax revenues accrued from the reorganized or annexed territory to the Orange County Library District shall be transferred to the City of Newport Beach.
4. Requests that, upon the effective date of each specific annexation, 100% of the non-redevelopment property tax revenues accrued from the reorganized or annexed territory to the Orange County Fire Authority shall be transferred to the City of Newport Beach.

ADOPTED this 13<sup>th</sup> day of August, 2002.

  
TOD W. RIDGEWAY  
Mayor of Newport Beach

ATTEST:

  
LAVONNE HARKLESS  
City Clerk of Newport Beach

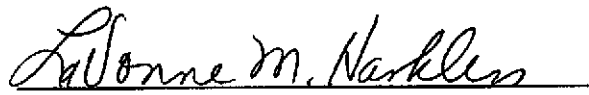


STATE OF CALIFORNIA            }  
COUNTY OF ORANGE            }  
CITY OF NEWPORT BEACH        }        ss.

I, LaVonne M. Harkless, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; that the foregoing resolution, being Resolution No. 2002-55 was duly and regularly introduced before and adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 13th day of August, 2002, and that the same was so passed and adopted by the following vote, to wit:

Ayes:        Heffernan, O'Neil, Bromberg, Glover, Adams, Proctor, Mayor Ridgeway  
Noes:        None  
Absent:      None  
Abstain:     None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 14th day of August, 2002.

  
\_\_\_\_\_  
City Clerk  
Newport Beach, California

(Seal)



**From:** Brett Feuerstein <brett@mesacenters.com>  
**Sent:** Friday, February 5, 2021 3:40 PM  
**To:** Jurjis, Seimone  
**Cc:** Campbell, Jim; Housing Element Update Advisory Committee; Tucker, Larry  
**Subject:** Newport Beach Golf Course- 3100 Irvine Ave.  
**Attachments:** Site Study.pdf; California Airport Land Use Planning Handbook - Allowable Densities (Zone 4).pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Mr. Jurjis and Mr. Campbell:

Thank you for all of your efforts and work that went into the subcommittee report regarding projects in the 65 CNEL. I would like to submit the attached plan as a potential project for the City to consider as part of the updated Housing Element. We are very excited to participate in this update. Through much study regarding the goals of the City, the policies of the airport, as well as the financial needs for the development to occur, we believe that we have come up with an ideal residential project, as well as providing a 1.5 acre park for the community. The attached plan shows a majority of the denser development in Zone 6 with a little of the multifamily spilling over into Zone 4 (see attached plan to see where Zone 4 and 6 actually are). This portion of the property includes approximately 200 multifamily units as well as 75 affordable units. In Zone 4 which per the airport guidelines allows an “average density/intensity of comparable surrounding users” (see attached for exact language for residential use pertaining to urban areas) we have shown townhomes at approx. 17 du/ac, for a total of approximately 100 units. With the neighboring uses including; single family residential, multifamily residential, commercial center, golf course and office buildings, we thought that townhomes would make sense in Zone 4 and allow the City to get a significant numbers of units. In addition in Zone 4 we placed the 1.5 acre park since obviously that is the least dense use and helps offset the other development in Zone 4. I would love to discuss with you and see if there is anything else that the City would like to see on the property.

Sincerely,

Brett Feuerstein  
Newport Golf Club, LLC