

## 4.10 LAND USE AND PLANNING

### 4.10.1 Introduction

This section of the Program EIR describes the existing environmental and regulatory settings concerning land use and planning and evaluates the potential for the Project to cause a significant environmental impact due to a conflict with a relevant land use plan or regulation adopted to avoid or mitigate an environmental effect. Housing sites and nearby land uses will be considered to comprehensively evaluate the Project's potential impacts.

### 4.10.2 Existing Regulatory Setting

#### State

##### *California Planning Law and General Plan Guidelines*

California planning law requires cities and counties to prepare and adopt a "comprehensive, long-range general plan" to guide development (Government Code §65300). To successfully guide long-range development, general plans require a complex set of analyses, comprehensive public outreach and input, and public policy covering a broad range of topics. The general plan serves as a broad policy framework and guide for future development and must contain seven mandated elements addressing land use, circulation, housing, conservation, open space, noise, and safety. All other land use regulations, including specific plans, ordinances, and land use decisions within the jurisdiction must be consistent with the general plan. The *City of Newport Beach General Plan 2006 Update* is the City's General Plan.

##### *State Housing Law*

The State legislature has prioritized the provision of a decent home and suitable living environment to each Californian, with particular focus on housing affordable to low and very low-income households. State Housing law was established to assure the availability of affordable housing and uniform statewide code enforcement to protect the health, safety, and general welfare of the public and occupants of housing and accessory buildings. State Housing law (Government Code §§65583 et seq.) requires all incorporated cities and unincorporated counties to regularly update their General Plan Housing Elements to ensure that each city and county in the State provides its fair share of housing at all economic levels. Further, State Housing law requires cities to regularly update their Housing Elements to identify and analyze housing need; establish reasonable goals, objectives, and policies based on those needs; and set forth a comprehensive list of actions to achieve the identified goals and substantially comply with State Housing law requirements. Applicable State Housing laws are discussed in **Section 4.12: Population and Housing** of this EIR.

##### *Assembly Bill 1233 (2005) and Senate Bill 375 (2008)*

Assembly Bill (AB) 1233, approved by the Governor in 2005, requires each city, county, or city and county to prepare and adopt a general plan for its jurisdiction that contains certain mandatory elements, including a housing element. One part of the housing element is an assessment of housing needs and an inventory of land suitable for residential development in meeting the jurisdiction's share of the regional housing need, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning facilities and services to these sites. AB 1233 also requires that the local government specify action programs that would be taken to make sites available, in this case, during the 6<sup>th</sup> Cycle Housing Element planning period (2021-2029), as necessary to accommodate the RHNA units assigned to

the City for the 6<sup>th</sup> Cycle, plus any additional actions that are necessary to make sites available to accommodate any RHNA units that were assigned during the 5<sup>th</sup> Cycle Housing Element (2013–2021) that were not accommodated.

Senate Bill (SB) 375 approved by the Governor in 2008, requires that each city, county, or city and county identify the existing and projected housing needs of all economic segments of the community. Existing law requires the City to identify actions that would be undertaken to make sites available to accommodate various housing needs, including, in certain cases, the rezoning of sites to accommodate 100 percent of the need for housing for very low and low-income households. SB 375 instead would require the City's housing element action program to set forth a schedule of actions during the planning period, as defined, and require each action to have a timetable for implementation. SB 375 would generally require rezoning of certain sites to accommodate certain housing needs within specified times, with an opportunity for an extension time in certain cases, and would require the local government to hold a noticed public hearing within 30 days after the deadline for compliance expires. SB 375 would, under certain conditions, prohibit a local government that fails to complete a required rezoning within the timeframe required from disapproving a housing development project, as defined, or from taking various other actions that would render the project infeasible, and would allow the project applicant or any interested person to bring an action to enforce these provisions. SB 375 would also allow a court to compel a local government to complete the rezoning within specified times and to impose sanctions on the local government if the court order or judgment is not carried out, and would provide that in certain cases the local government shall bear the burden of proof relative to actions brought to compel compliance with specified deadlines and requirements.

#### *Assembly Bill 1397*

AB 1397 made a number of changes to Housing Element law by revising what could be included in a jurisdiction's inventory of land suitable for residential development. AB 1397 changed the definition of land suitable for residential development to increase the number of multi-family sites. AB 1397 requires that the inventory of land to be "available" for residential development in addition to being "suitable" for residential development and to include vacant sites and sites that have realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level. By imposing new duties upon local agencies with respect to the housing element of the general plan, this bill imposes a state-mandated local program.

#### *Senate Bill 330 (Housing Crisis Act of 2019)*

The California Housing Crisis Act (SB 330) was enacted by Governor Newsom in 2019 as a means to combat the State's growing housing crisis. This legislation's goal is to increase California's affordable housing stock by 3.5 million new units by 2025. To streamline residential development, a new preliminary development application process is required which includes a staff-level review of basic information regarding a project such as:

- Site characteristics;
- The planned project;
- Certain environmental concerns;
- Facts related to any potential density bonus;

- Certain coastal zone-specific concerns;
- The number of units to be demolished; and
- The location of recorded public easements.

SB 330 further streamlines housing development by reducing the amount of public meetings or hearings to five or less (e.g., workshops, design review board meetings, planning commission meetings, advisory committee meetings, and city council meetings). A shortened approval time of 90 days instead of 120 days from the time of EIR certification to streamline the development approval process. Local agencies are no longer able to remove or modify land use designations or allowances to inhibit the development of housing, unless the local agency replaces the lost housing potential; therefore, ensuring no net loss in housing availability. Further, local agencies would no longer be able to limit the annual number of housing-focused land use approvals, create caps on the amount of constructed housing units, or limit the population size of their city. Subjective design limitations on parcels where housing is an allowable use is also no longer permissible for projects that are subject to processing per SB 330 (any housing project).

### *California Coastal Act*

The California Coastal Act of 1976 (Coastal Act; Public Resources Code [PRC] Section 30000) and the California Coastal Commission, which is the State's coastal protection and planning agency, were established by voter initiative to plan for and regulate new development and create strong policies to protect public access to and along the shoreline. To ensure maximum public access to the coast and public recreation areas, the Coastal Act directs each local government lying within the coastal zone to prepare a Local Coastal Program (LCP) consistent with Section 30501 of the Coastal Act in consultation with the Coastal Commission and with public participation.

Until an LCP has been adopted by the local jurisdiction and certified compliant with the Coastal Act, the Coastal Commission retains permitting authority within the local jurisdiction. Regardless of State or local jurisdiction, a coastal development permit is required for development in the coastal zone that results in changes to the density or intensity of the use of land, changes in water use, and/or impacts to coastal access. The components of the Coastal Act most relevant to land use and development within the coastal zone in the City include:

- **Chapter 3: Coastal Resources Planning and Management Policies**, which provides goals and objectives associated with California's coastal resources and associated public access, recreation, marine environment, land resources, development, and industrial development.
- **Chapter 6: Implementation**, which establishes the process and procedure for the development and certification of LCPs within the coastal zone.
- **Chapter 7: Development Controls**, which creates general provisions and procedures for development within the coastal zone to best achieve the goals and objectives identified in Chapter 3.

## Regional and Local

### *Regional Housing Needs Assessment*

The purpose of the Regional Housing Needs Assessment (RHNA) is to plan for population growth, such that the region and subregion will collectively produce sufficient housing to meet population needs and address social equity, with each jurisdiction providing its fair share of housing needs. The RHNA identifies

the housing needs for very low income, low income, moderate income, and above moderate income groups. The RHNA does not necessarily encourage or promote growth but rather allows communities to anticipate projected growth and address existing need, so that they can grow in ways that enhance quality of life, improve access to jobs, transportation and housing, and not adversely impact the environment. For the 2021-2029 planning period (6<sup>th</sup> Cycle), the City of Newport Beach (City) was allocated 4,845 units: 1,456 units for very low-income households; 930 units for low-income households; 1,050 units for moderate-income households; and 1,409 units for above moderate-income households. The RHNA is further discussed in **Section 4.12: Population and Housing**, of this Program EIR.

### *Southern California Association of Governments*

The Southern California Association of Governments (SCAG) is the Council of Governments (COG) representing Orange, Los Angeles, Riverside, San Bernardino, Ventura, and Imperial counties and 191 cities. Newport Beach is a member agency of SCAG and Orange County Council of Governments (OCCOG), which is a sub-region of the SCAG planning area. SCAG is the federally recognized Metropolitan Planning Organization (MPO) for this region. SCAG is a regional planning agency and a forum for addressing regional issues concerning transportation, the economy, community development, and the environment. SCAG is also the regional clearinghouse for projects requiring environmental documentation under federal and State law. In this role, SCAG reviews proposed development and infrastructure projects to analyze their impacts on regional planning programs. As the Southern California region's MPO, SCAG cooperates with the South Coast Air Quality Management District (SCAQMD), California Department of Transportation (Caltrans), and other agencies in preparing regional planning documents.

### *SCAG 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy*

In April 2020, SCAG adopted the *2020-2045 Regional Transportation Plan/Sustainable Communities Strategy* (RTP/SCS) or Connect SoCal Plan, a long-range visioning plan that balances future mobility and housing needs with economic, environmental, and public health goals. The 2020 RTP/SCS includes a strong commitment to reduce emissions from transportation sources to comply with SB 375, improve public health, and meet the National Ambient Air Quality Standards. This long-range plan, required by the State of California and the federal government, is updated by SCAG every four years as demographic, economic, and policy circumstances change.

Connect SoCal includes a regional growth forecast that was developed by working with local jurisdictions using the most recent land use plans, policies, and assumptions. Connect SoCal's growth projections are used by SCAG for regional modeling purposes and were not adopted as part of Connect SoCal. The growth forecasts do not affect a local jurisdiction's authority or decision on future development projects or plans. When adopting Connect SoCal, SCAG recognized that cities and counties will foreseeably update their Housing Elements as part of General Plans and amend zoning designations to accommodate the 6<sup>th</sup> Cycle RHNA. For many cities and counties, SCAG acknowledged that the required RHNA and Housing Element may need to accommodate more housing units than reflected in the Connect SoCal's household and population growth projections for the jurisdictions.

### *SCAG Intergovernmental Review Program*

SCAG's Intergovernmental Review Program provides informational resources to regionally significant plans, projects, and programs per CEQA Guidelines Section 15206: Projects of Statewide, Regional, or



Areawide Significance,<sup>1</sup> to facilitate review for these projects' consistency with SCAG's adopted regional plans, to be determined by the lead agencies. Informational resources include regional goals and policies, and jurisdictional-level growth forecasts and mitigation measures.

### *Airport Environs Land Use Plan for John Wayne Airport<sup>2</sup>*

In 1975, the Airport Land Use Commission (ALUC) of Orange County adopted an Airport Environs Land Use Plan (AELUP, amended April 17, 2008) that includes John Wayne Airport, Fullerton Municipal Airport, and the Joint Forces Training Base Los Alamitos. The AELUP is a land use compatibility plan that is intended to protect the public from adverse effects of aircraft noise; to ensure the people and facilities are not concentrated in areas susceptible to aircraft accidents; and to ensure that no structures or activities adversely affect navigable space. The AELUP identifies standards for development in the airport's planning area based on noise contours, accident potential zone, and building heights and identifies safety and compatibility zones that depict which land uses are acceptable and unacceptable in various portions of AELUP Safety Zones 1 through 6. ALUC is an agency authorized under State law to assist local agencies in ensuring compatible land uses near airports. Primary areas of concern for ALUC are noise, safety hazards, and airport operational integrity.

ALUCs are not implementing agencies in the manner of local governments, nor do they issue permits for a project such as those required by local governments. However, pursuant to California Public Utilities Code Section 21676, local governments are required to submit all general plan amendments and zone changes that occur in the ALUC planning areas for consistency review by the ALUC. If such an amendment or change is deemed inconsistent with the ALUC plan, a local government may override the ALUC decision by a two-thirds vote of its governing body, if it makes specific findings that the proposed action is consistent with the purposes stated in Section 21670(a)(2) of the Public Utilities Code: "to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards in areas around public airports to the extent that these areas are not already devoted to incompatible uses."

### *City of Newport Beach General Plan*

The *City of Newport Beach General Plan 2006 Update* (General Plan) is the long-range guide for growth and development in the City. On July 25, 2006, the General Plan was adopted and the Final EIR was certified by the Newport Beach City Council. At the General Municipal Election held on November 7, 2006, the City electorate approved increased density and intensity of development and associated increased peak hour traffic trips provided in the Land Use Element of the General Plan, pursuant to City Charter Section 423.

A general plan functions as a guide for the type of community that is desired for the future and provides the means to achieve it. The General Plan contains the following elements: Land Use, Harbor and Bay, Housing, Historical Resources, Circulation, Recreation, Arts and Cultural, Natural Resources, Safety, and Noise.

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<sup>1</sup> The Lead Agency shall determine that a proposed project is of statewide, regional, or areawide significance if the project meets various criteria, including "A proposed local general plan, element, or amendment thereof for which an EIR was prepared" (State CEQA Guidelines §15206(b)(1)).

<sup>2</sup> John Wayne Airport (2008). *Airport Environs Land Use Plan*. [https://files.ocair.com/media/2021-02/JWA\\_AELUP-April-17-2008.pdf?VersionId=cB0byJjdad9OuY5im7Oaj5aWaT1FS.vd](https://files.ocair.com/media/2021-02/JWA_AELUP-April-17-2008.pdf?VersionId=cB0byJjdad9OuY5im7Oaj5aWaT1FS.vd) Accessed December 2023.

**Land Use Element.** The General Plan Land Use Element provides guidance regarding the ultimate pattern of development and provides development allocations for land uses throughout the City. It presents goals and policies pertaining to how existing development is to be maintained and enhanced and how new development is to be implemented. It is based on and correlates the policies from all the elements in the General Plan into a set of coherent development policies. The Land Use Element policies serve as the central organizing element for the City's General Plan. Cumulatively, the Land Uses Element's policies directly affect the establishment and maintenance of the neighborhoods, districts, corridors, and open spaces that distinguish and contribute to Newport Beach's livability, vitality and image.

**Harbor and Bay Element.** The goals and policies pertaining to harbor issues are intended to guide the content of regulations related to development of, and the activities conducted on, the water. Additional goals and policies recognize the important component of land use decisions related to waterfront property around Newport Harbor. The aim of the Harbor and Bay Element goals and policies is to preserve the diversity and charm of existing uses without unduly restricting the rights of the waterfront property owner. Goals and policies in the Harbor and Bay Element are organized to address both water-related and land-related issues, provision of public access, water quality and environmental issues, visual characteristics, and the administration of the harbor and the bay.

**2021-2029 Housing Element.** Development of housing in the City of Newport Beach is guided by the goals, objectives and policies contained in the Housing Element. The City's 2021–2029 Housing Element was adopted by the City Council on September 13, 2022, as part of the 6<sup>th</sup> Cycle Housing Element process and was subsequently certified by HCD on October 5, 2022. It examines housing needs, estimates future housing needs, and establishes goals, policies, and programs pertaining to those needs. Housing programs are responsive to current and future needs. They are also established within the context of available community, State, and federal economic and social resources and realistic quantified housing objectives. The 2021-2029 Housing Element is designed to facilitate attainment of the City's RHNA, and to foster the availability of housing affordable to all income levels to the extent possible given Newport Beach's constraints. To achieve its housing goals, Newport Beach encourages the development of additional housing units in locations identified in the Land Use Element and the 2021-2029 Housing Element.

**Historical Resources Element.** The Historic Resources Element addresses the protection and sustainability of Newport Beach's historical and paleontological resources. Goals and policies presented within this element are intended to recognize, maintain, and protect the community's unique historical, cultural, and archaeological sites and structures. Preserving and maintaining these resources helps to create an awareness and appreciation of the City's history.

**Arts and Cultural Element.** Arts and cultural activities play an important role in community life and have been a valued component of Newport Beach for over 125 years. The City has a wide range of art and cultural organizations, resources, attractions, and activities that are a source of community pride and enrichment. The goals and policies of the Arts and Culture Element are intended to be a guide for meeting the future cultural needs of the community. This General Plan element is intended to serve as a mechanism for integrating multiple resources in order to provide improved and expanded arts and cultural facilities and programs to the community.

**Circulation Element.** The Circulation Element governs the long-term mobility system of the City. The goals and policies in this element are closely correlated with the Land Use Element and are intended to provide the best possible balance between the City's future growth and land use development, roadway size,

traffic service levels, and community character. On October 25, 2022, the General Plan Circulation Element was approved by the City Council to comply with State law mandates including “Complete Streets” and Vehicle Miles Traveled (VMT) legislation. The updated Circulation Element includes new and revised goals and policies to provide for a balanced transportation network that will support and encourage walking, bicycling, and transit ridership.

**Recreation Element.** The primary purpose of the Recreation Element is to ensure that the provision of parks and recreation facilities are appropriate for the residential and business population of the City. Specific recreational issues and policies in the Recreation Element include: parks and recreation facilities, recreation programs, shared facilities, coastal recreation and support facilities, marine recreation, and public access.

**Natural Resources Element.** The primary objective of the Natural Resources Element is to provide direction regarding the conservation, development, and utilization of natural resources. It identifies Newport Beach’s natural resources and policies for their preservation, development and wise use. This element addresses water supply and water quality, air quality, terrestrial and marine biological resources, open space, archaeological and paleontological resources, mineral resources, visual resources, and energy.

**Safety Element.** The primary goal of the Safety Element is to reduce the potential risk of death, injuries, property damage, and economic and social dislocation resulting from natural and human-induced hazards. The Safety Element recognizes and responds to public health and safety risks. It specifically addresses coastal hazards, geologic hazards, seismic hazards, flood hazards, wildland and urban fire hazards, hazardous materials, aviation hazards, and disaster planning. The Safety Element also includes policies and programs that minimize potential impacts from hazards.

**Noise Element.** The Noise Element is a tool for including noise control in the planning process to maintain compatible land use with environmental noise levels. The element identifies noise sensitive land uses and noise sources and defines areas of noise impacts for the purpose of developing policies to ensure the residents will be protected from excessive noise intrusion. The Noise Element includes goals and policies aimed at ensuring that adequate measures for regulating noise-generating activities and land uses are provided. On November 28, 2023, the City Council adopted changes to the General Plan and Municipal Code to reflect the noise contours identified by the 2014 John Wayne Airport Settlement Agreement Amendment EIR No. 617 as well as updated General Plan Land Use and Noise Element policies and additional noise attenuation measures for future housing units proximate to John Wayne Airport.

The following General Plan goals and policies that have been adopted by the City for the purpose of avoiding or mitigating an environmental effect are applicable to future development projects associated with the proposed Project. Proposed modifications to and the inclusion of new General Plan Land Use policies are identified in in this section under Threshold 3.10-2.

## Land Use Element

**Goal LU 2**                    **A living, active, and diverse environment that complements all lifestyles and enhances neighborhoods, without compromising the valued resources that make Newport Beach unique. It contains a diversity of uses that support the needs of residents, sustain and enhance the economy, provide job opportunities, serve**

**visitors that enjoy the City's diverse recreational amenities, and protect its important environmental setting, resources, and quality of life.**

**Policy LU 2.3**      **Range of Residential Choices.** Provide opportunities for the development of residential units that respond to community and regional needs in terms of density, size, location, and cost. Implement goals, policies, programs, and objectives identified within the City's Housing Element.

**Policy LU 2.8**      **Adequate Infrastructure.** Accommodate the types, densities, and mix of land uses that can be adequately supported by transportation and utility infrastructure (water, sewer, storm drainage, energy, and so on) and public services (schools, parks, libraries, seniors, youth, police, fire, and so on).

**Goal LU 3**          **A development pattern that retains and complements the City's residential neighborhoods, commercial and industrial districts, open spaces, and natural environment.**

**Policy LU 3.2**      **Growth and Change.** Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach's share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.

**Policy LU 3.8**      **Project Entitlement Review with Airport Land Use Commission.** Refer the adoption or amendment of the General Plan, Zoning Code, specific plans, and Planned Community development plans for land within the John Wayne Airport planning area, as established in the JWA Airport Environs Land Use Plan (AELUP), to the Airport Land Use Commission (ALUC) for Orange County for review, as required by Section 21676 of the California Public Utilities Code. In addition, refer all development projects that include buildings with a height greater than 200 feet above ground level to the ALUC for review.

**Goal LU 5.1**      **Residential neighborhoods that are well-planned and designed contribute to the livability and quality of life of residents, respect the natural environmental setting, and sustain the qualities of place that differentiate Newport Beach as a special place in the Southern California region.**

**Policy LU 5.1.2**      **Compatible Interfaces.** Require that the height of development in nonresidential and higher-density residential areas transition as it nears lower-density residential areas to minimize conflicts at the interface between the different types of development.

**Goal LU 5.3**      **Districts where residents and businesses are intermixed that are designed and planned to ensure compatibility among the uses, that they are highly livable for residents, and are of high quality design reflecting the traditions of Newport Beach.**

- Policy LU 5.3.3**      **Parcels Integrating Residential and Nonresidential Uses.** Require that properties developed with a mix of residential and nonresidential uses be designed to achieve high levels of architectural quality in accordance with policies LU 5.1.9 and LU 5.2.1 and planned to ensure compatibility among the uses and provide adequate circulation and parking. Residential uses should be seamlessly integrated with nonresidential uses through architecture, pedestrian walkways, and landscape. They should not be completely isolated by walls or other design elements.
- Goal LU 5.6**        **Neighborhoods, districts, and corridors containing a diversity of uses and buildings that are mutually compatible and enhance the quality of the City’s environment.**
- Policy LU 5.6.1**    **Compatible Development.** Require that buildings and properties be designed to ensure compatibility within and as interfaces between neighborhoods, districts, and corridors.
- Goal LU 6.2**        **Residential neighborhoods that contain a diversity of housing types and supporting uses to meet the needs of Newport Beach’s residents and are designed to sustain livability and a high quality of life.**
- Policy LU 6.2.1**    **Residential Supply.** Accommodate a diversity of residential units that meets the needs of Newport Beach’s population and fair share of regional needs in accordance with the Land Use Plan’s designations, applicable density standards, design and development policies, and the adopted Housing Element.
- Policy LU 6.2.3**    **Residential Affordability.** Encourage the development of residential units that are affordable for those employed in the City.
- Policy LU 6.2.5**    **Neighborhood Supporting Uses.** Allow for the integration of uses within residential neighborhoods that support and are complementary to their primary function as a living environment such as schools, parks, community meeting facilities, religious facilities, and comparable uses. These uses shall be designed to ensure compatibility with adjoining residential addressing such issues as noise, lighting, and parking.
- Goal LU 6.14**      **Newport Center/Fashion Island. A successful mixed-use district that integrates economic and commercial centers serving the needs of Newport Beach residents and the subregion, with expanded opportunities for residents to live close to jobs, commerce, entertainment, and recreation, and is supported by a pedestrian-friendly environment.**
- Policy LU 6.14.2**   **Newport Center.** Provide the opportunity for limited residential, hotel, and office development in accordance with the limits specified by Tables LU1 and LU2.
- Goal LU 6.15**      **Airport Area. A mixed-use community that provides jobs, residential, and supporting services in close proximity, with pedestrian-oriented amenities that facilitate walking and enhance livability.**
- Policy LU 6.15.3**   **Airport Area, Airport Compatibility.** Require that all development be constructed in conformance with the height restrictions set forth by the Federal Aviation Administration (FAA), Federal Aviation Regulations (FAR) Part 77, and Caltrans Division of Aeronautics, and that residential development shall be allowed only on parcels with noise levels of less than John Wayne Airport 65 dBA CNEL noise contour area as shown

in Figure N5 (see **Figure 4.11-1 in Section 4.11: Noise**) of the Noise Element of the General Plan unless and until the City determines, based on substantial evidence, that the sites wholly within the 65 dBA CNEL noise contour shown in Figure N5 are needed for the City to satisfy its Sixth Cycle RHNA mandate. Nonresidential uses are, however, encouraged on parcels located wholly within the 65 dBA CNEL contour area.

### *City of Newport Beach Local Coastal Program*

The California Coastal Act requires each local jurisdiction wholly or partly within the coastal zone to prepare a Local Coastal Program (LCP), which is used to carry out the policies and requirements of the Coastal Act. Approximately 47 percent of the City's land area is in the coastal zone. A LCP includes: (1) a coastal element consisting of a land use plan and policies for development and conservation within the coastal zone, and (2) an implementation plan consisting of ordinances, maps, and implementing actions for the land use plan and policies.

The City received certification of its LCP with an effective date of January 30, 2017.<sup>3</sup> Certification of the LCP allows the City to issue Coastal Development Permits (CDPs) in most circumstances. The Coastal Commission retains CDP authority in "Original Jurisdiction Areas," which includes submerged lands and tidelands (areas below the mean high tide line), and on certain public trust lands. The Coastal Commission also serves as an appellate authority in certain areas.

**Coastal Land Use Plan.** The Coastal Land Use Plan (CLUP) of the City's LCP was derived from the City's General Plan Land Use Element and is intended to identify the distribution of land uses in the coastal zone. The CLUP sets forth goals, objectives, and policies that govern the use of land and water in the coastal zone within the City of Newport Beach and its Sphere of Influence, with the exception of Newport Coast and Banning Ranch. Newport Coast is governed by the previously certified and currently effective Newport Coast segment of the Orange County LCP. Banning Ranch is a Deferred Certification Area (DCA).

The relevant development policies of the LCP are provided below. It is also noted that the proposed Project includes new LCP policies and modifications to existing policies. Proposed changes are identified in this section under Impact Threshold 3.10-2.

**Policy 2.1.1-1** The land use categories in LCP Table 2.1.1-1 establish the type, density and intensity of land uses within the coastal zone. If there is a conflict between the development limits of the Land Use Element and the Coastal Land Use Plan, the provision that is most protective of coastal resources shall take precedence. However, in no case, shall the policies of the Coastal Land Use Plan be interpreted to allow a development to exceed a development limit established by the General Plan or its implementing ordinances.

**Policy 2.2.1-1** Continue to allow redevelopment and infill development within and adjacent to the existing developed areas in the coastal zone subject to the density and intensity limits and resource protection policies of the Coastal Land Use Plan.

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<sup>3</sup> City of Newport Beach. *Local Coastal Program Frequently Asked Questions (FAQ)*. <https://www.newportbeachca.gov/government/departments/community-development/-/planning-division/local-coastal-program-launch-page/faq#Q3>. Accessed January 15, 2024.

- Policy 2.2.1-2** Require new development be located in areas with adequate public services or in areas that are capable of having public services extended or expanded without significant adverse effects on coastal resources.
- Policy 2.2.1-3** Provide commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads.
- Policy 2.2.2-1** After certification of the LCP, require a coastal development permit for all development within the coastal zone, subject to exceptions provided for under the Coastal Act as specified in the LCP.
- Policy 2.7-1** Continue to maintain appropriate setbacks and density, floor area, and height limits for residential development to protect the character of established neighborhoods and to protect coastal access and coastal resources.
- Policy 2.7-2** Continue the administration of provisions of State law relative to the demolition, conversion and construction of low and moderate-income dwelling units within the coastal zone.
- Policy 2.7-5** Administer the provisions of Government Code Section 65852.2 relative to the development of accessory dwelling units to increase the supply of lower-cost housing in the coastal zone and meet the needs of existing and future residents, while respecting the architectural character of existing neighborhoods and in a manner consistent with the LCP and any applicable policies from Chapter 3 of the Coastal Act.

**Implementation Plan.** The second portion of the City's LCP, the Implementation Plan is the primary tool used by the City to carry out the goals, objectives, and policies of the Coastal Plan and applies to most development of land and water in the coastal zone within the City and its Sphere of Influence. The Implementation Plan is a part of the City's Municipal Code (Title 21). The Implementation Plan must be consistent with the goals and policies of the Coastal Land Use Plan, and if proposed development is located between the first public road and the sea or the shoreline of any body of water located within the coastal zone, any approved development must be in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act.

The certified LCP includes the following zoning regulations associated with land uses:

- Chapter 21.18 Residential Coastal Zoning Districts (R-A, R-1, R-BI, R02, and RM)
- Chapter 21.22 Mixed-Use Coastal Zoning Districts (MU-V, MU-MM, MU-CV/15<sup>th</sup> St., MU-W1, MU-W2)
- Special Purpose Coastal Zoning Districts (OS, PC, PF, PI, PR, and TS)
- Overlay Coastal Zoning Districts (MHP, PM, B, C, and H)

As a part of the Project, the LCP Implementation Plan would be amended for consistency with the provisions of proposed Municipal Code Section 20.28.050. Municipal Code Chapter 21.28, Overlay Coastal Zoning Districts, would be amended to include Section 21.28.070: Housing Opportunity (HO) Overlay Coastal Zoning Districts (see Threshold 3.10-2).

Development located in these zones and in overlay zones within the coastal zone are subject to Coastal Development Permits (CDPs). CDPs are a discretionary action and conditions may be placed on the permit

to ensure that the intent of the approval is achieved and/or to mitigate or eliminate adverse impacts. Additional permits are also required depending on the context of a proposed development (i.e., Conditional Use Permits or Floodplain Development Permits). Future housing development within the Coastal Zone must demonstrate adherence to and compliance with the applicable provisions of these zones, overlay zones, and permit requirements consistent with the Coastal Act which is required to be reflected in the findings for approval required by each of the respective discretionary permits.

### *Zoning*

Zoning is the instrument that implements the land use designations of the General Plan. In addition to establishing permitted uses, zoning may also establish development standards relating to issues such as intensity, setbacks, height, and parking. Projects submitted for review and approval are evaluated for consistency with the zoning designations.

### **Zoning Districts**

Zoning districts are designed to protect citizens and their homes and businesses from conflicting activities in scope or purpose within the vicinity. For example, commercial business cannot be conducted in a residential area except under certain conditions. Newport Beach has more than 20 zoning designations within its boundaries. District types are as follows:

- Residential districts are designed for dwellings.
- Mixed-Use districts integrate a variety of land uses and provide for the vertical and horizontal development of a mix of land uses.
- Business districts contain commercial retail and office businesses.
- Industrial districts allow the operation of assembly and research and development businesses.
- Open Space districts contain undeveloped land and allow recreation facilities.
- Planned Community and Specific Plan districts are established with supplemental zoning requirements that encourage cohesive development within a specific area.

### *City Charter Section 423*

City Charter Section 423 requires voter approval of certain amendments to the Newport Beach General Plan. In its text, Charter Section 423 suggests that the City Council adopt implementing guidelines consistent with its purpose and intent, and the City Council did so. The guidelines outline the information to be provided to the applicant, the Planning Commission, and the City Council during the amendment process. They also describe the informational and procedural requirements after amendment approval to determine if voter approval is required by Charter Section 423. As required, the City Council shall submit the amendment to voters if:

- The amendment relates to a non-residential use and authorizes an increase in floor area for the property or statistical area that is the subject of the amendment that exceeds 40,000 square feet when compared to the General Plan before approval of the amendment; or
- The amendment relates to a residential use and authorizes an increase in the number of dwelling units for the property or statistical area that is the subject of the amendment that exceeds 100 dwelling units when compared to the General Plan before approval of the amendment; or



- The amendment modifies the type or amount of residential use or non-residential use specified for the property or statistical area that is the subject of the amendment such that the proposed use(s) as approved by the amendment generate(s) at least 101 more morning or evening peak hour trips than allowed use(s) before the amendment; or
- The increase in morning or evening peak hour trips, dwelling units, or floor area resulting from the amendment, when added to 80 percent of the increases in morning or evening peak hour trips, dwelling units, or floor area resulting from amendments in the same statistical area over the previous ten years not required to be approved by the voters, exceeds one or more of the voter approval thresholds in Charter Section 423 as specified above.

### 4.10.3 Existing Conditions

Implementation of the proposed Project would occur within the boundaries of the City of Newport Beach and its Sphere of Influence (collectively referred to as City).

The 2021–2029 Housing Element was adopted by the City Council on September 13, 2022, as part of the 6<sup>th</sup> Cycle Housing Element process and was subsequently certified by HCD on October 5, 2022. The City has compiled an inventory of housing sites, which includes properties within six focus areas that are dispersed throughout the City to minimize the potential for adverse changes to the City’s character and reduce the potential for adverse environmental impacts. To fulfill its share of regional housing needs and facilitate the future development of housing on identified housing sites, the Project requires a General Plan Amendment and amendments to the Newport Beach Municipal Code (Municipal Code). **Section 3.0: Project Description** provides details on the City’s Housing Strategy and identified focus areas and housing sites. Further discussion of the City’s land uses is provided below.

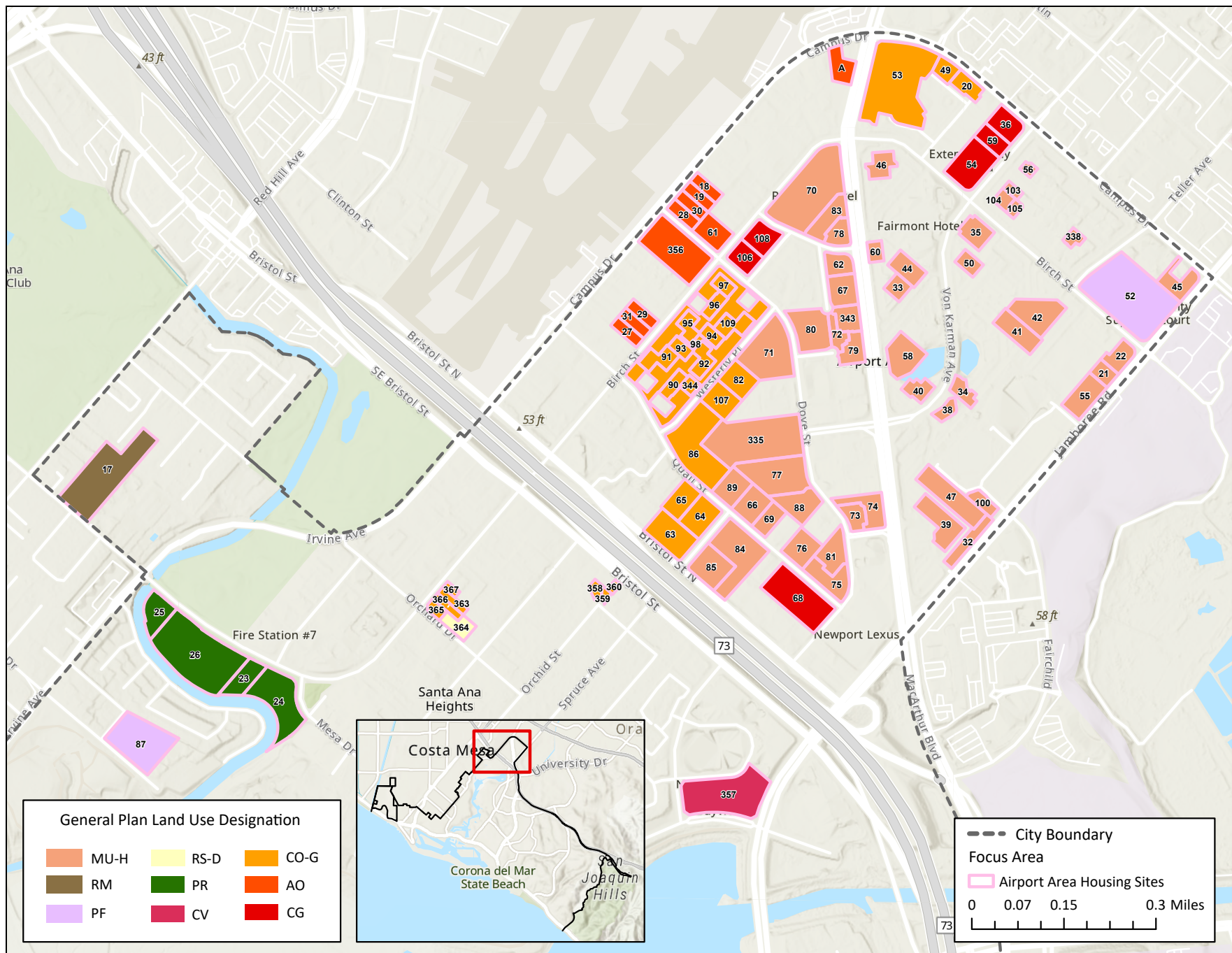
#### Existing Land Uses

According to the General Plan Land Use Element, residential uses represent the largest portion of land uses within the City. Single-family attached and detached homes comprise the majority of housing in the community; however, multi-family homes and mixed uses are located throughout the City and development of such uses has increased. In addition to residential uses, a variety of commercial uses (primarily retail and office) and parks and open space are found throughout the City.

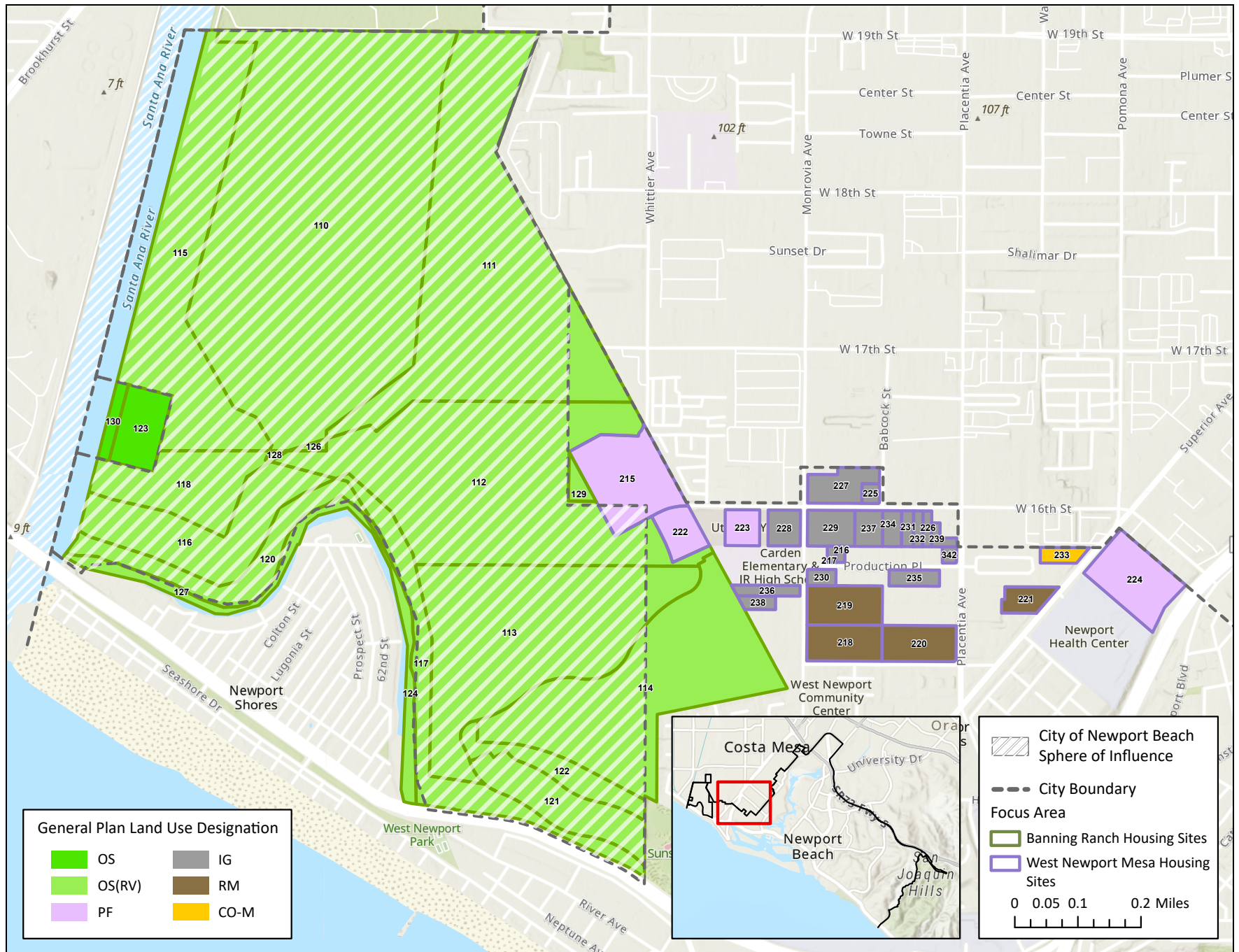
There are 247 housing sites. Except for the 21 vacant housing sites (Sites 110-118, 120-124, 126-131, and 215), all other housing sites are developed/occupied by structures.

**Figure 4.10-1** through **Figure 4.10-5** depict the existing General Plan land use designations of the housing sites within the focus areas. **Figures 4.10-6** through **Figure 4.10-10** depict the existing zoning of housing sites within the focus areas. **Section 3.0: Project Description** provides descriptions of both General Plan Land Use and zoning designations for the housing sites.

Approximately 47 percent of the City’s land area, generally consisting of land near the City’s shoreline, is within a defined area known as the “Coastal Zone” enacted by the California Coastal Act (California State Public Resources Code (PRC), Division 20, Section 30000 et seq.); see **Figure 3.8** in **Section 3.0: Project Description**. Of the 247 housing sites, 48 sites are in the coastal zone.

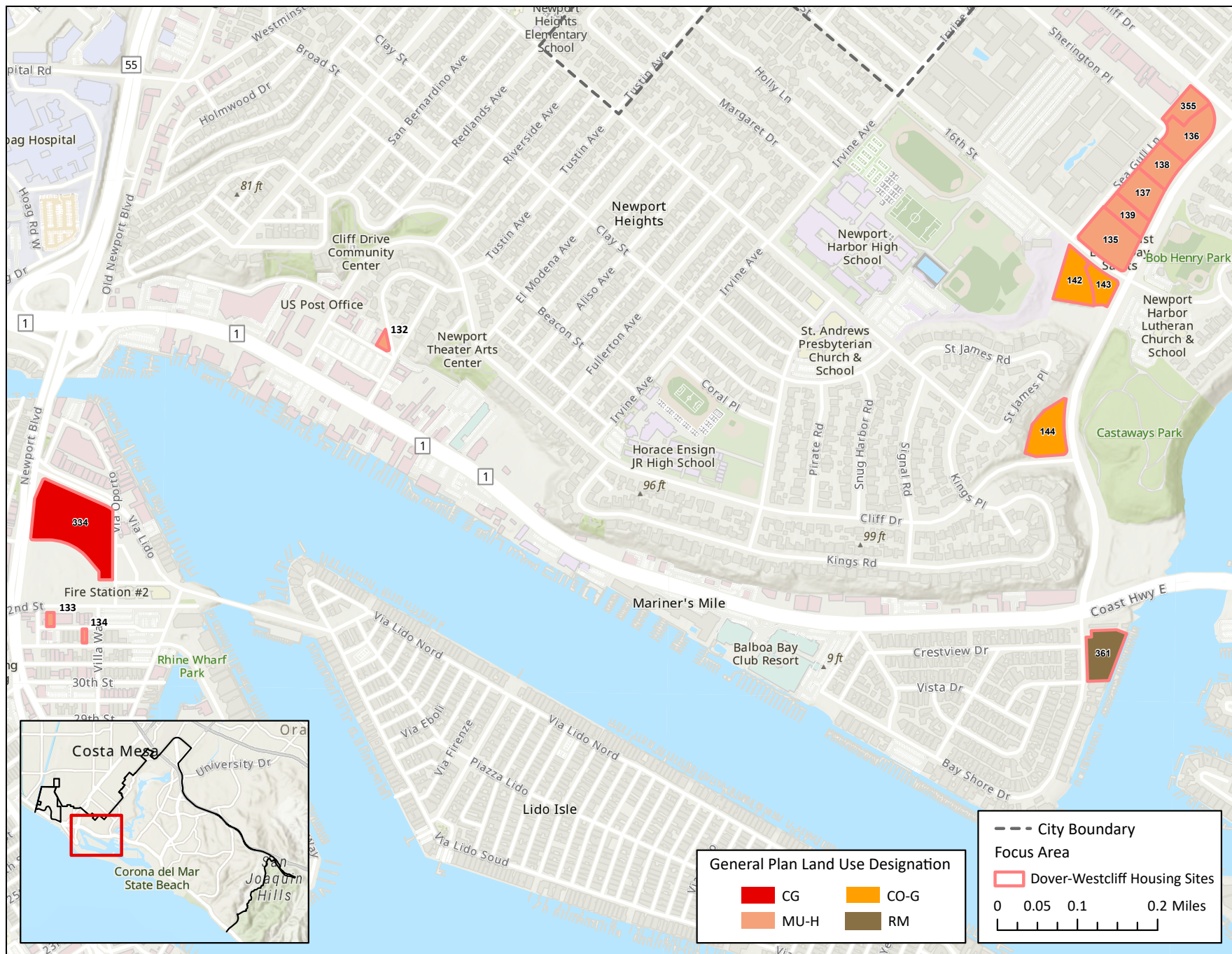


Not to Scale



**Figure 4.10-2: Existing General Plan Land Use, Banning Ranch and West Newport Mesa Focus Areas**  
 City of Newport Beach General Plan Housing Implementation  
 Program Environmental Impact Report



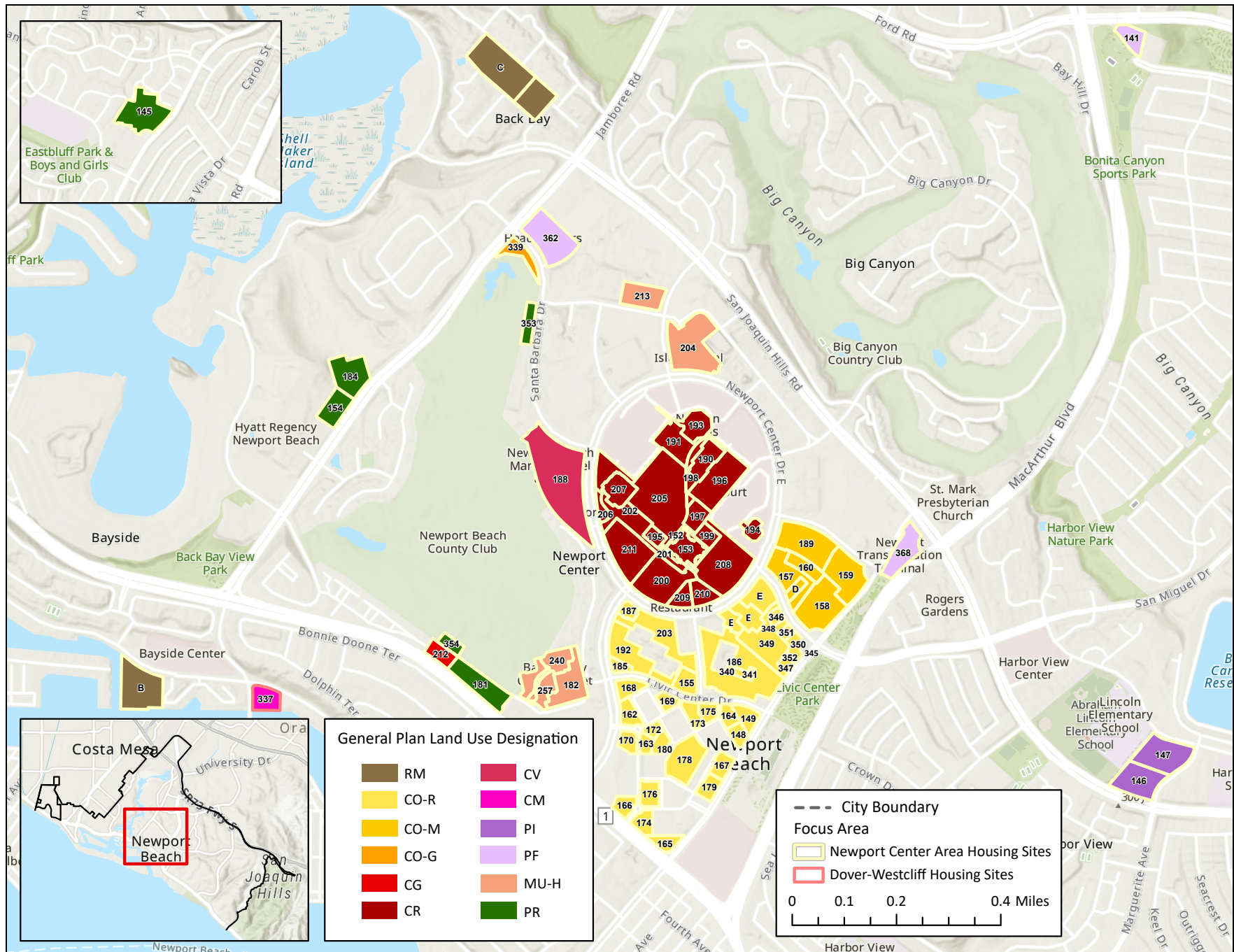


**Figure 4.10-3: Existing General Plan Land Use, Dover-Westcliff Focus Area**  
 City of Newport Beach General Plan Housing Implementation  
 Program Environmental Impact Report



Not to Scale



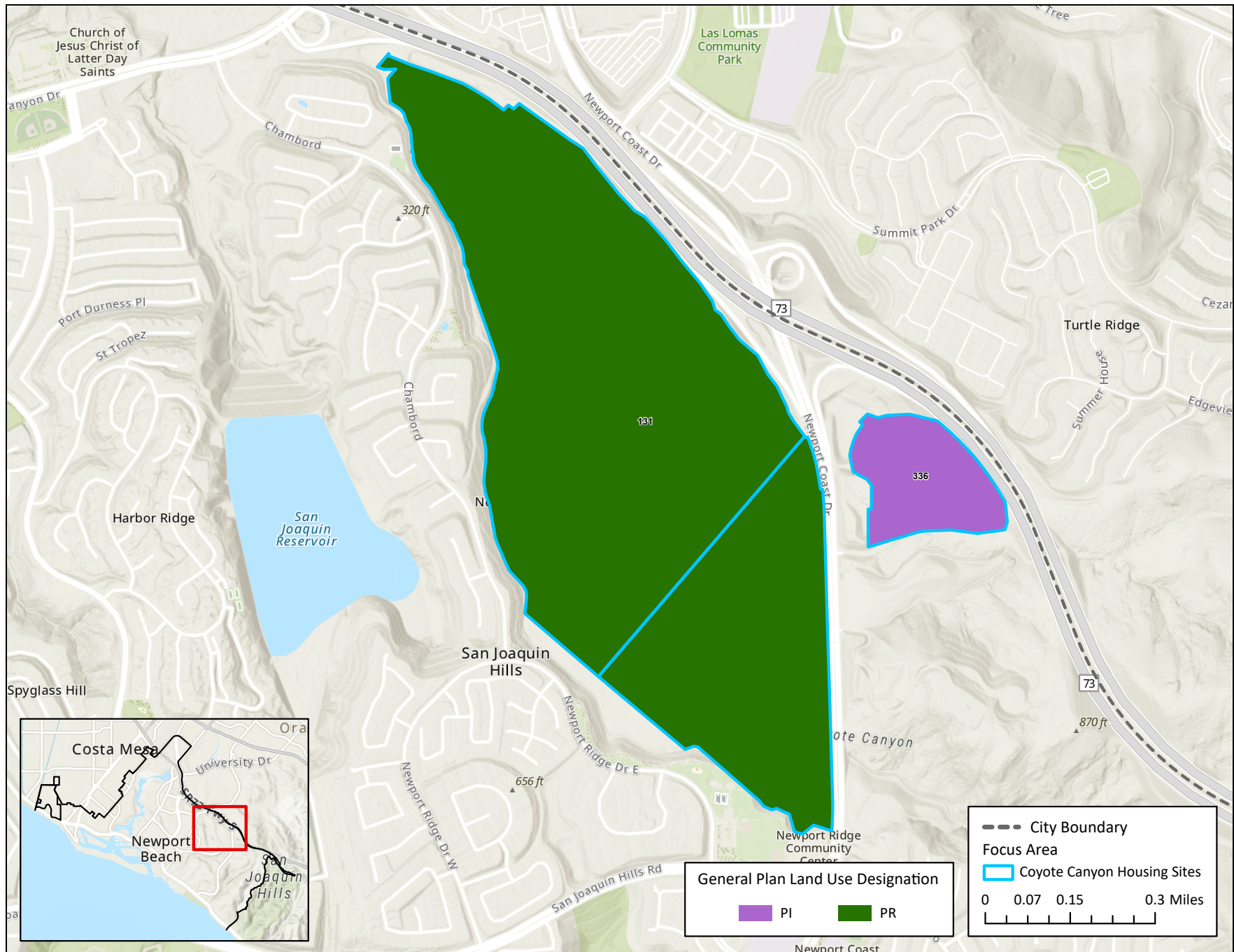


**Figure 4.10-4: Existing General Plan Land Use, Newport Center Focus Area**  
 City of Newport Beach General Plan Housing Implementation  
 Program Environmental Impact Report

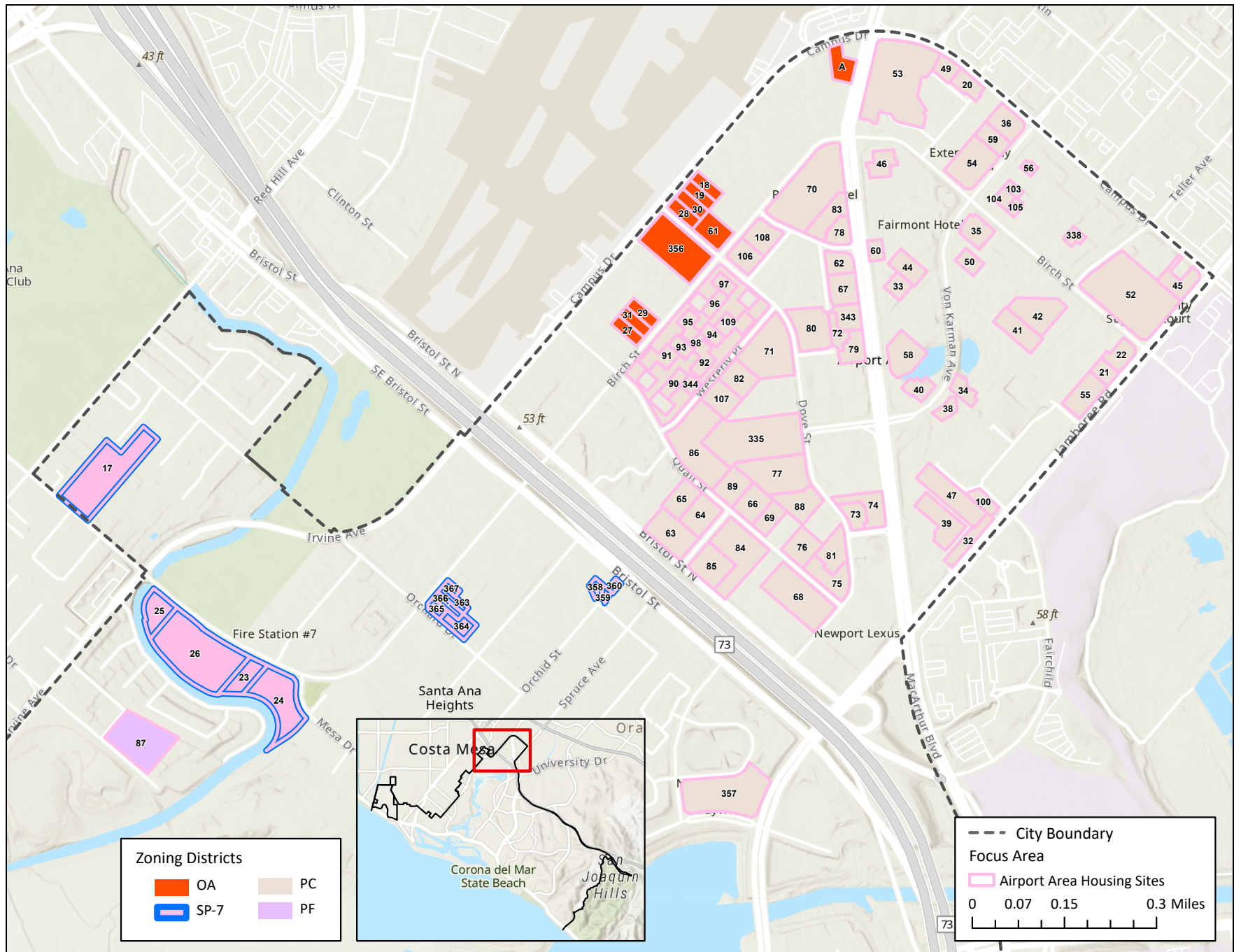


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**Figure 4.10-5: Existing General Plan Land Use, Coyote Canyon Focus Area**  
City of Newport Beach General Plan Housing Implementation  
Program Environmental Impact Report

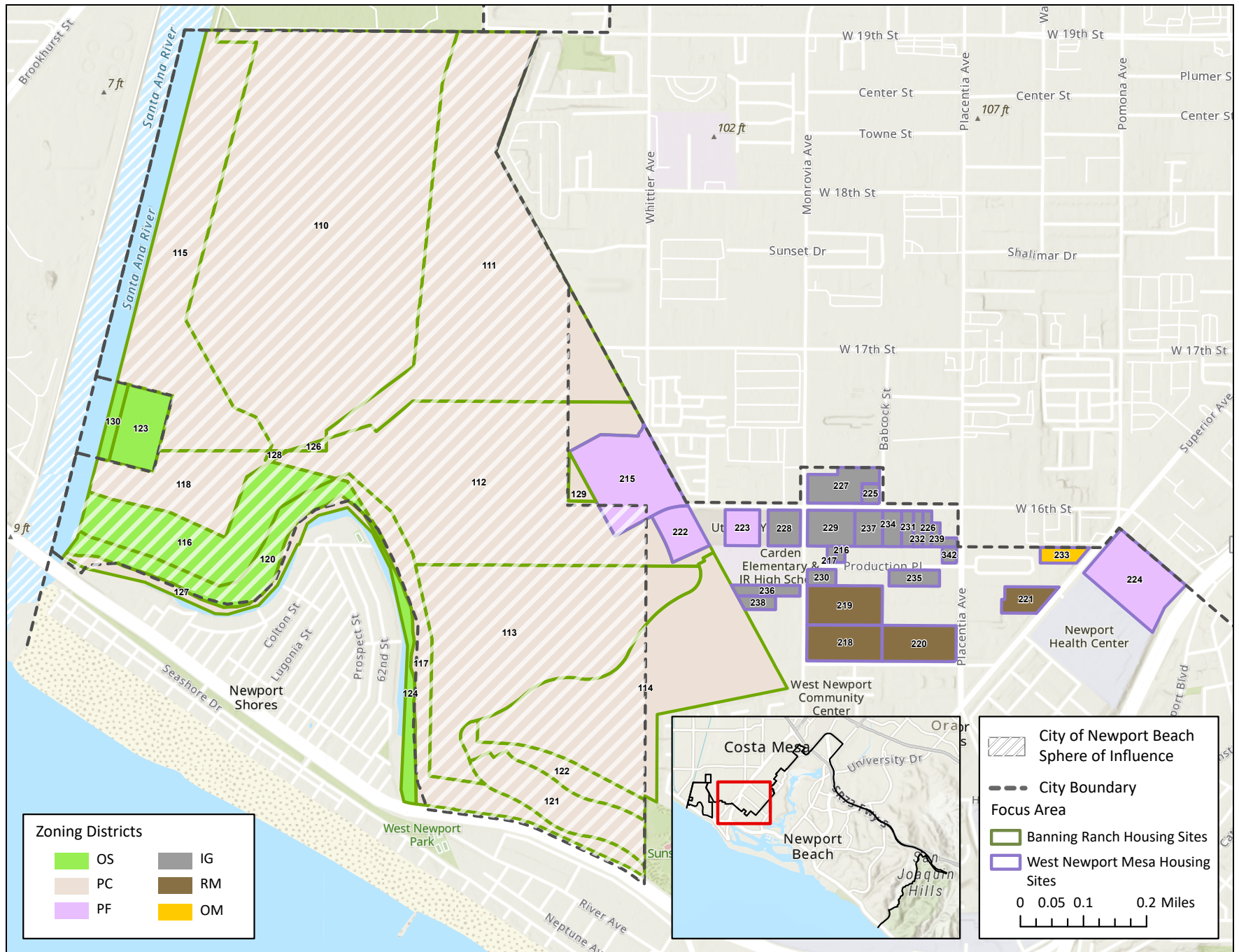


**Figure 4.10-6: Existing Zoning Designation, Airport Area Focus Area**  
 City of Newport Beach General Plan Housing Implementation  
 Program Environmental Impact Report



Not to Scale





**Figure 4.10-7: Existing Zoning Designation, Banning Ranch and West Newport Mesa Focus Areas**

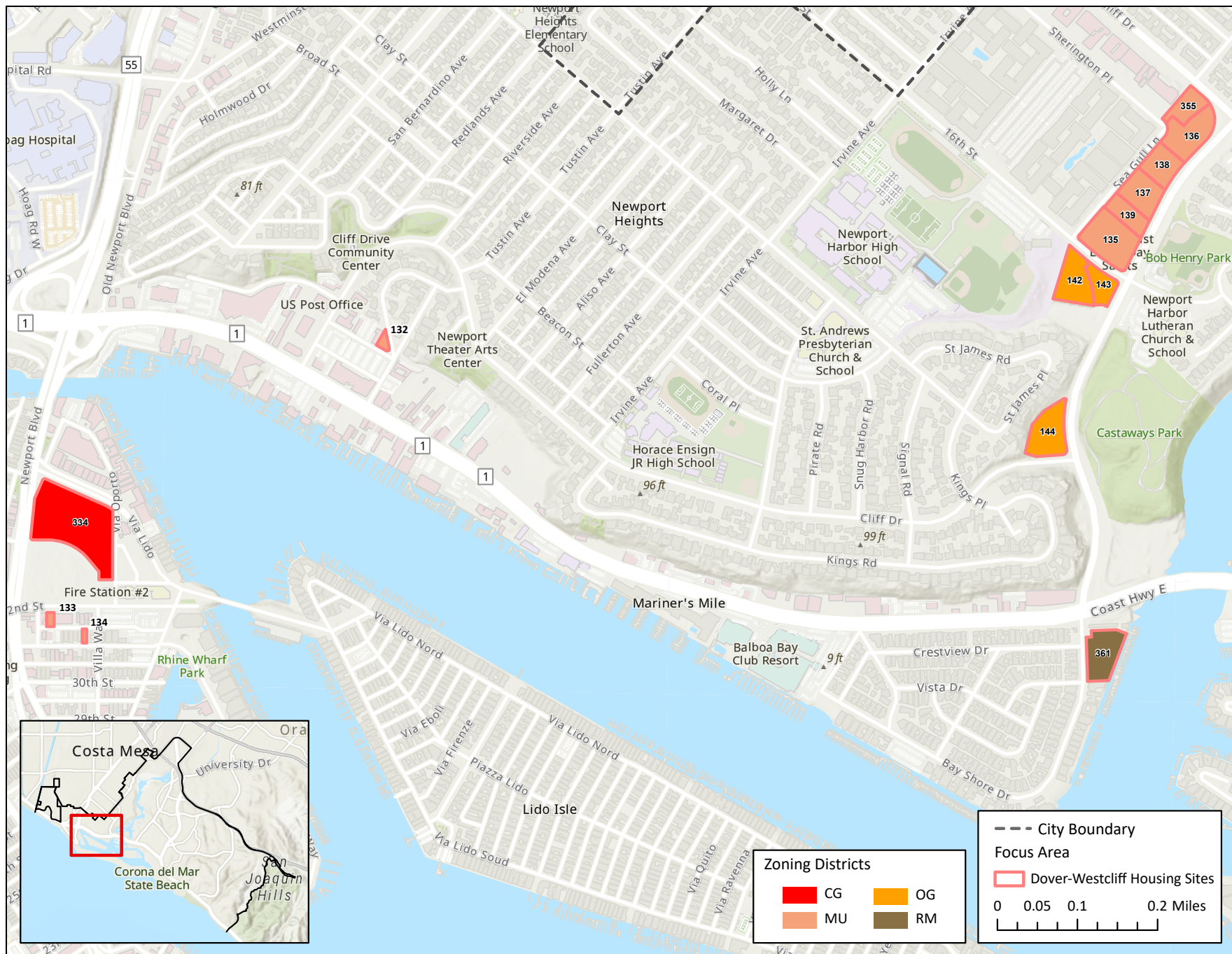
City of Newport Beach General Plan Housing Implementation

Program Environmental Impact Report



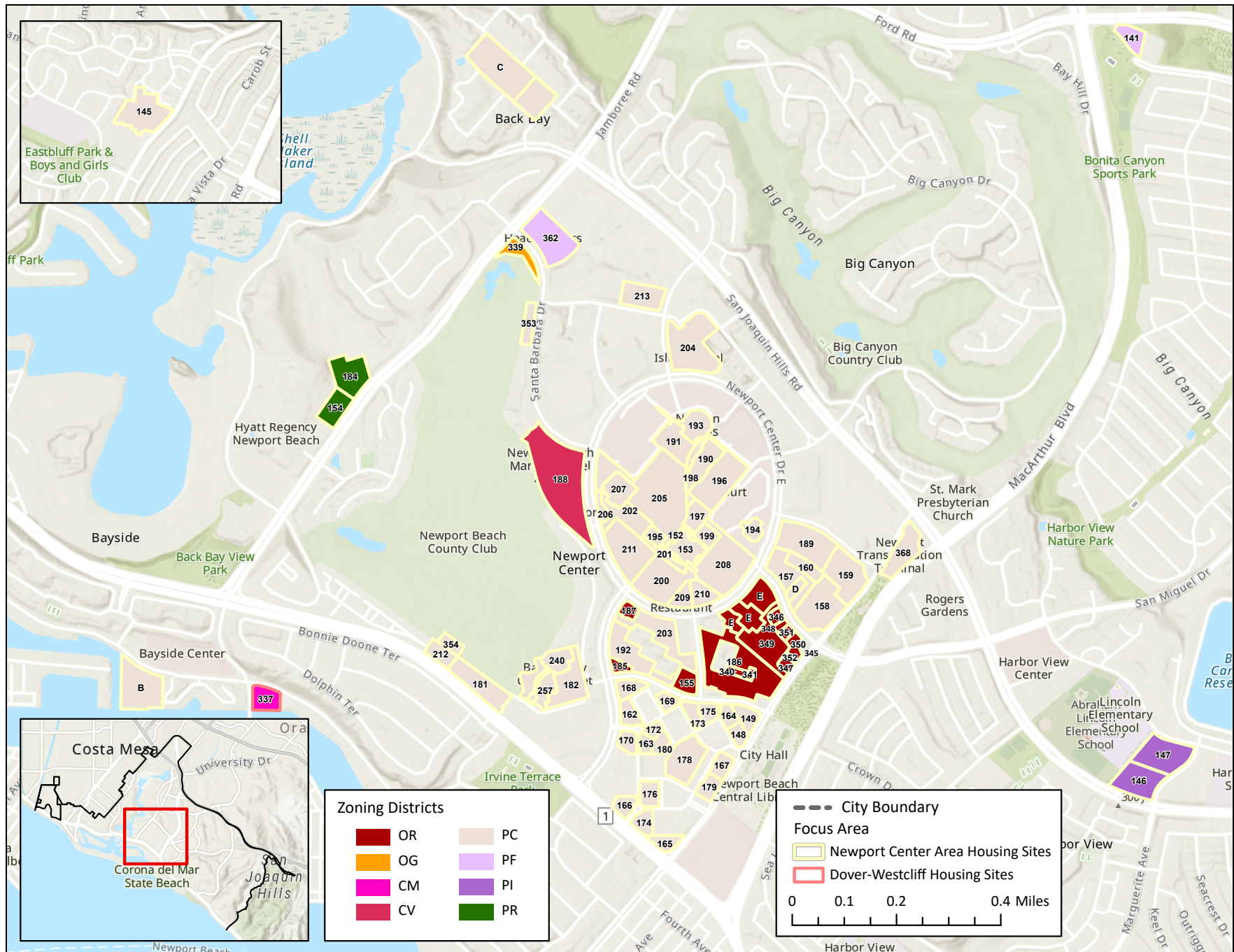
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**Figure 4.10-8: Existing Zoning Designation, Dover-Westcliff Focus Area**  
City of Newport Beach General Plan Housing Implementation  
Program Environmental Impact Report



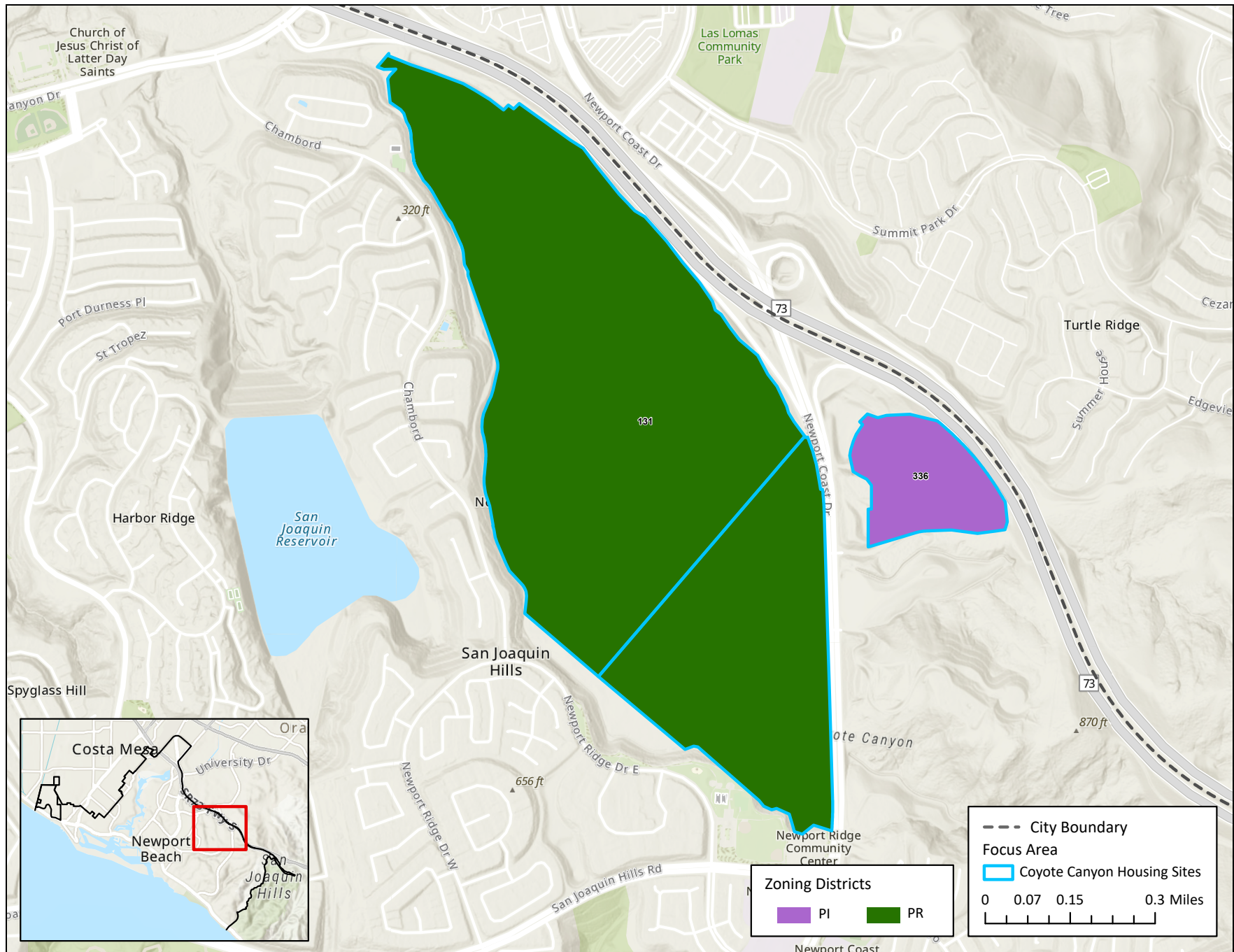


**Figure 4.10-9: Existing Zoning Designation, Newport Center Focus Area**  
 City of Newport Beach General Plan Housing Implementation  
 Program Environmental Impact Report



Not to Scale





**Figure 4.10-10: Existing Zoning Designation, Coyote Canyon Focus Area**  
City of Newport Beach General Plan Housing Implementation  
Program Environmental Impact Report



Not to Scale

### 4.10.1 Thresholds of Significance

The City uses the thresholds of significance specified in the *State CEQA Guidelines Appendix G*. Impacts to land use and planning would be significant if the Project would:

- Physically divide an established community; or
- Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

### 4.10.2 Methodology

This analysis considers the *State CEQA Guidelines Appendix G* thresholds, as described above, in determining whether the Project, including future housing development facilitated by the proposed Project, would result in impacts concerning land use and planning. The evaluation was based on a review of existing policies and regulations to determine their applicability to the Project. The baseline conditions and impact analyses are based on review of various data available in public records, including local planning documents. The determination that future housing development facilitated by the proposed Project would or would not result in “substantial” adverse effects on land use resources considers the relevant policies and regulations established by local and regional agencies and the Project’s compliance with these policies.

### 4.10.3 Project Impacts and Mitigation

<b>Threshold 4.1-1: Would the Project physically divide an established community?</b>
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The proposed Project would not directly construct new housing, but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. Implementation of the Project would involve the future development of vacant land, the redevelopment of currently developed sites with residential and mixed-use land uses; the intensification of existing residential sites; and the introduction of new residential land uses on parcels throughout the City.

Of the 247 housing sites, 21 sites are currently vacant (see **Table 3-12**, **Figure 3-9** and **Figure 3-10** in **Section 3.0: Project Description**). Of the remaining 226 housing sites, 215 housing sites are developed with non-residential uses (i.e., commercial, office, industrial, and public) and 11 housing sites are developed with residential uses (433 dwelling units). This EIR conservatively analyzes a total development capacity of 9,914 units including future development capacity of up to 9,649 units on the 247 housing sites, 25 units of pipeline projects, and 240 ADUs. However, only a portion of the housing units identified on housing sites will be necessary to accommodate the City’s RHNA planning obligation of 4,845 housing units.

On the vacant housing sites, future housing development facilitated by the Project would replace vacant properties with residential developments. While these sites are vacant, they are either within a developed area of the site or adjacent to existing development. On the remaining 226 housing sites, future housing development facilitated by the Project may replace existing land uses with residential developments or result in the intensification of development. For example, a site may be a mixed-use development with residential and non-residential uses. A majority of future projects would occur through infill development (see **Exhibit 3-3** through **Exhibit 3-7** in **Section 3.0**) which show the locations of the housing sites in the

focus areas). ADUs throughout the City would also occur through infill development. ADUs are allowed in all residential and mixed-use zones and there is no minimum lot size.<sup>4</sup> Given the City's urbanized nature, and since the future housing development facilitated by the Project would occur on sites adjacent to existing development and would occur through infill development, physical divisions to an established community would not occur.

Future housing development facilitated by the Project would be subject to compliance with the Municipal Code, which is intended to allow the most appropriate use of land and prevent land use incompatibilities. Pursuant to Municipal Code Chapter 20.16, Development and Land Use Approval Requirements, no use of land or structures shall be allowed, altered, constructed, established, expanded, reconstructed, or replaced unless the use of land or structures comply with the Zoning Code and its requirements. Additionally, future housing development would be subject to the development standards for the proposed housing opportunity overlay zones. This would include all applicable development standards, and adopted objective design standards, unless otherwise modified by Municipal Code Section 20.28.050. Compliance with the Municipal Code would ensure compatibility of future residential development with existing land uses and avoid conflicts between development within the City.

Future housing development facilitated by the Project would also be required to demonstrate consistency with applicable polices of Newport Beach General Plan, including Land Use Element Policy LU 3.1 and Policy LU 3.2, which support development that maintains the City's existing development pattern while enhancing them to allow for re-use and infill development. Further, future projects would need to address Policies LU 5.1.2, LU 5.3.3, and 5.6.1 which aim to provide compatibility between neighborhoods, districts, and corridors throughout the City and to integrate residential uses with non-residential uses throughout the City, and Policy 6.2.1 and 6.2.3 which encourages a mix of residential types to accommodate people with diverse housing needs.

Accordingly, the Project would comply with the Municipal Code and General Plan and future projects would be required to demonstrate consistency with applicable regulations and compatibility with existing development within the City. The proposed Project would not result in the division of an established community because housing sites are located throughout the City, rather than in a single, concentrated area, and the Project does not propose any major roadways (e.g., expressway or freeway) that would traverse an existing community or neighborhood. Because the Project would not physically divide an established community, impacts would be less than significant.

**Impact Summary:**      **Less than Significant.** Implementation of the Project would not physically divide established communities.

<b>Threshold 4.1-2:</b>	<b>Would the Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.?</b>
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## Newport Beach General Plan

The Project does not propose any changes to the existing General Plan land use categories that govern land uses within the City, including the five land use designations that solely accommodate residential

<sup>4</sup> ADUs in the Coastal Zone require a Coastal Development Permit.

development. Further, no change is proposed to the designations' densities or housing types. However, the Project does propose amendments to the General Plan Land Use Element goals and policies, as provided in **Table 3-14: Proposed Land Use Element Policy Amendments**. The proposed amendments include modifications to existing goals and policies, as well as new policies, to further the implementation of the 2021-2029 Housing Element. The proposed Land Use Element updates are required to ensure consistency between General Plan elements (i.e., the Housing Element and the Land Use Element) in compliance with State law. Further, the proposed Land Use Element amendments would ensure that future housing development facilitated by the Project occurs in a manner that is consistent with densities, objective design, and development standards in the City.

An analysis of the proposed Project's consistency with the applicable existing and proposed goals and policies of the General Plan Land Use Element is provided in **Table 4.10-1: General Plan Consistency Analysis**. The analysis concludes that the Project would not conflict with key relevant Land Use Element policies adopted for the purpose of avoiding or mitigating an environmental effect.

Further, the proposed Project would not result in the direct construction of housing that could result in a significant environmental impact. Rather, the Project would provide a framework for future housing development in the City, in a manner that is consistent with the General Plan, including General Plan policies adopted for the purpose of avoiding or minimizing environmental impacts. Physical environmental impacts resulting from implementation of the Project are discussed in the applicable environmental resource sections in this Program EIR.

The Project's proposed policy amendments would ensure internal consistency between the land use documents governing development in the City and the Project would result in less than significant impacts related to conflicts with key relevant Land Use Element policies adopted for the purpose of avoiding or mitigating an environmental effect.

### Newport Beach Local Coastal Program

The proposed Project includes 48 housing sites that are located within the Coastal Zone and would be subject to the LCP (see **Figure 3-8**). The proposed Project includes modifications to existing LCP policies, as well as new policies, to facilitate future development of housing on sites located within the Coastal Zone. The proposed LCP Land Use Policy amendments are provided in **Table 3-15**. Additionally, Municipal Code Chapter 21.28, Overlay Coastal Zoning Districts, would be amended to include Section 21.28.070: Housing Opportunity (HO) Overlay Coastal Zoning Districts. The HO Overlay Coastal Zoning Districts are intended to accommodate housing opportunities consistent with the 2021-2029 Housing Element's focus areas and to ensure the City can meet RHNA allocation.

An analysis of the proposed Project's consistency with the applicable existing and proposed LCP policies is provided in **Table 4.10-2: Local Coastal Program Policy Consistency Analysis**. The proposed LCP policy changes and associated Municipal Code amendments would not change the underlying zoning or land use of housing sites. Future housing development facilitated by the Project would be subject to the City's review and approval process and would need to comply with all applicable federal, State, and local laws and regulations, including those related to the Coastal Zone. Therefore, upon approval of the Project's discretionary actions, the Project would result in less than significant impacts related to conflicts with the LCP and policies and programs adopted for the purpose of avoiding or mitigating an environmental effect.

Table 4.10-1. General Plan Consistency Analysis	
Applicable City of Newport Beach Existing and Proposed General Plan Goals and Policies	Project Consistency
<b>Land Use Element</b>	
<b>Goal LU 1</b> – A unique residential community with diverse coastal and upland neighborhoods, which values its colorful past, high quality of life, and community bonds, and balances the needs of residents, businesses, and visitors through the recognition that Newport Beach is primarily a residential community.	
<b>Policy LU 1.1 Unique Environment.</b> Maintain and enhance the <del>beneficial and unique character of the different</del> <u>villages</u> , neighborhoods, business districts, and harbor that <del>together identify</del> define Newport Beach <u>through neighborhood preservation</u> . Locate and design development to <u>in a way that</u> reflects Newport Beach’s topography, <u>and</u> architectural diversity, <del>and view sheds</del> <u>while emphasizing the City’s coastal orientation, including public views.</u>	<b>Consistent.</b> The Project would not conflict with the intent of this policy. Please also refer to <b>Section 4.1: Aesthetics</b> of this EIR. Future housing projects would be subject to development review by the City.
<b>Policy LU 1.2 Citywide Identity.</b> <del>While recognizing</del> Recognize <u>and support</u> the qualities that uniquely define its <u>Newport Beach’s</u> neighborhoods and districts; that promote the identity of the entire City that differentiates it as a special place within <u>a citywide identity unique to</u> the Southern California region.	<b>Consistent.</b> Implementation of future housing projects associated with this Project would not conflict with the intent of this policy. Future housing projects would be subject to development review by the City.
<b>Policy LU 1.5 Economic Health.</b> <del>Encourage a</del> <u>Support the</u> local economy that provides <u>through the identification and development of housing opportunities, as well as</u> adequate commercial, office, <u>medical</u> , industrial, and marine- oriented opportunities <u>uses</u> that provide employment and local revenue opportunities to support high- quality community services <u>for residents, businesses, and visitors.</u>	<b>Consistent.</b> The 2021-2029 Housing Element identifies housing sites located in the City to accommodate the City’s RHNA for the 6 <sup>th</sup> Cycle. This Program EIR evaluates the potential future development of the housing sites. It also allows for ongoing non-residential development throughout the City.
<b>Goal LU 2</b> – A living, active, and diverse environment that complements all lifestyles and enhances neighborhoods, without compromising the valued resources that make Newport Beach unique. It contains a diversity of uses that support the needs of residents, sustain and enhance the economy, provide job opportunities, serve visitors that enjoy the City’s diverse recreational amenities, and protect its important environmental setting, resources, and quality of life.	
<b>Policy LU 2.2 Complete Community.</b> Emphasize <u>and support</u> the development of uses that <del>enable allow</del> Newport Beach to <del>continue as a self-sustaining</del> <u>complete</u> community <del>and minimize the need for residents to travel outside of the community that maintains the ability to provide locally accessible opportunities</del> for retail, goods and services, and employment.	<b>Consistent.</b> Future implementation of housing in the focus areas allows for the integration of housing on vacant sites, sites currently developed with non-residential uses, and on sites with housing. Both mixed-use and residential developments would be integrated into the community, in many cases proximate to employment, retail, and entertainment uses.
<b>Policy LU 2.3 Range of Residential Choices.</b> Provide opportunities for the development of residential units that respond to community and regional needs in terms of density, size, location, and cost. Implement goals, policies, programs, and objectives identified within the City’s Housing Element.	<b>Consistent.</b> The proposed Project would not directly construct new housing, but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. The 2021-2029 Housing Element was prepared to ensure the City establishes policies, procedures, and incentives in its land use planning and development activities that result in

**Table 4.10-1. General Plan Consistency Analysis**

Applicable City of Newport Beach Existing and Proposed General Plan Goals and Policies	Project Consistency
	maintenance and expansion of the housing supply to adequately accommodate households currently living and expected to live in the City.
<b>Policy LU 2.5 Harbor and Waterfront Uses.</b> Preserve the uses of the Harbor and the waterfront that contribute to the charm and character of Newport Beach and provide needed support for <u>residents, recreational and commercial boaters, and visitors</u> , and <del>residents</del> , with appropriate regulations necessary to protect the interests of all users as well as adjoining residents.	<b>Consistent.</b> The Project would not conflict with the intent of this policy with respect to the harbor and waterfront areas. Future housing projects would be subject to development review by the City including but not limited to sites within the Coastal Zone.
<b>Policy LU 2.8 Adequate Infrastructure.</b> Accommodate the types, densities, and mix of land uses that can be adequately supported by transportation and utility infrastructure (water, sewer, storm drainage, energy, and so on) and public services (schools, parks, libraries, seniors, youth, police, fire, and so on).	<b>Consistent.</b> General Plan policies require that adequate public services and infrastructure be provided as new development occurs. All future housing development facilitated by the Project would be subject to the City's development review process and would be assessed on a case-by-case basis and would need to demonstrate that project can be served or if potential infrastructure improvements are required. Please refer to <b>Section 4.13: Public Services</b> and <b>Section 4.17: Utilities and Service Systems</b> , for further information and analysis regarding public services and utility infrastructure, respectively.
<b>Goal LU 3 – A development pattern that retains and complements the City's residential neighborhoods, commercial and industrial districts, open spaces, and natural environment.</b>	
<b>Policy LU 3.2 Growth and Change.</b> Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach's share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.	<b>Consistent.</b> See response to Policy LU 2.2, Policy LU 2.3, and Policy LU 2.8. The proposed Project would not directly construct new housing, but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. Future implementation of housing in the focus areas allows for the integration of housing on vacant sites, sites currently developed with non-residential uses, and on sites with housing. The proposed pattern of development can provide connectivity and livability proximate to employment, transportation, and recreation and open space, and retail centers.
<b>Policy LU 3.3 Transition of Land Uses.</b> <del>Provide support</del> opportunities for <u>improved new development and enhanced improved physical environments for residents, businesses, and visitors</u> in the following districts and corridors, as specified in Policies 6.3.1 through 6.22.7:  ▪ <b>West Newport:</b> <u>support</u> consolidation of retail and visitor-serving commercial uses, <del>with remaining areas developed for</del> and new residential <u>opportunities</u>	<b>Consistent.</b> See response to Policy LU 2.3 and Policy LU 2.8. The proposed Project would not directly construct new housing, but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. Future implementation of housing in the focus areas allows for the integration of housing on vacant sites, sites currently developed with non-residential uses, and on sites with housing.



**Table 4.10-1. General Plan Consistency Analysis**

Applicable City of Newport Beach Existing and Proposed General Plan Goals and Policies	Project Consistency
<ul style="list-style-type: none"> <li>▪ <del>West Newport Mesa:</del> re-use of underperforming commercial and industrial properties for offices and other uses that support Hoag Hospital's medical activities, improvement of remaining industrial properties adjoining the City of Costa Mesa, accommodation of nonwater marine-related industries, and development of residential in proximity to jobs and services</li> <li>▪ <b>Santa Ana Heights:</b> use of properties consistent with the adopted Specific Plan and Redevelopment Plan <u>support continued implementation of the adopted Specific Plan</u></li> <li>▪ <del>John Wayne Airport Area:</del> re-use of underperforming industrial and office properties and development of cohesive residential neighborhoods in proximity to jobs and services</li> <li>▪ <b>Fashion Island/Newport Center:</b> <del>expanded</del> <u>support balanced expansion and enhancement of</u> retail uses, <u>and hotel rooms, and offices,</u> and development of residential uses in proximity to jobs and services, <del>while limiting increases in office development</del></li> <li>▪ <b>Balboa Peninsula:</b> <del>more efficient</del> <u>support</u> patterns of use that consolidate the Peninsula's visitor-serving and mixed uses within the core commercial districts; encourage marine-related uses especially along the bay front; integrate residential with retail and visitor-serving uses in Lido Village, McFadden Square, Balboa Village, and along portions of the Harbor frontage; re-use interior parcels in Cannery Village for residential and limited mixed-use and live/work buildings; and redevelop underperforming properties outside of the core commercial <u>along the Balboa Boulevard corridor for residential. Infill development shall be designed and sited to preserve historical and architectural fabric of these districts</u></li> <li>▪ <b>Mariners' Mile:</b> <u>support revitalization of underperforming existing properties</u> for retail, visitor-serving, and marine-related uses, integrated with residential</li> <li>▪ <b>Corona del Mar:</b> <u>support</u> enhancement of public improvements and parking (Imp 1.1, 2.1, 5.1)</li> </ul> <p><u>Study, create, and consider the adoption of specific plans or other appropriate land use guidance for the following areas:</u></p> <ul style="list-style-type: none"> <li>▪ <b>West Newport Mesa:</b> <u>This area is generally bounded by the City of Costa Mesa to the north, Banning Ranch to the west, State Route 55 to the east, and Hospital Road to</u></li> </ul>	

**Table 4.10-1. General Plan Consistency Analysis**

Applicable City of Newport Beach Existing and Proposed General Plan Goals and Policies	Project Consistency
<p><u>the south. The area may be expanded subject to land use amendments (if required). The intent is to support a cohesive strategy that enhances existing land use or repurpose underperforming commercial and industrial uses or activities while facilitating new and varied housing, including workforce housing proximate to jobs, transportation, and services. Future land uses are intended to be appropriately located and sized to accommodate local community needs.</u></p> <ul style="list-style-type: none"> <li>▪ <b>Airport Area:</b> <u>This area is generally bound by Jamboree Road to the east, Campus Drive to the north and west, and State Route 73 to the south. The area may be expanded subject to land use amendments (if required). This area must support flexible land use planning for the reuse and repurposing of existing nonresidential uses while allowing for a variety of housing opportunities inclusive of workforce housing proximate to jobs, transportation, supporting commercial, and services. The intent is to support and provide neighborhood parks or other recreational opportunities, and other public services. Development in this area should contribute to a cohesive urban, mixed-use character where residents and visitors can live, work, shop, access services, and play.</u></li> <li>▪ <b>Coyote Canyon Landfill:</b> <u>This approximately 375-acre open space area is generally bound by Newport Coast Drive to the east, State Route 73 to the north, and the Newport Ridge Planned Community to the west and south. The intent for this area is to support a comprehensive vision that balances future land uses with environmental stewardship and public access. Future development should adapt the closed landfill as an area that supports a variety of outdoor recreational uses such as golf, hiking, and nature interpretation alongside housing opportunities with complementary nonresidential uses.</u></li> </ul>	
<p><b>Policy LU 3.8 Project Entitlement Review with Airport Land Use Commission.</b> Refer the adoption or amendment of the General Plan, Zoning Code, specific plans, and Planned Community development plans for land within the John Wayne Airport planning area, as established in the JWA Airport Environs Land Use Plan (AELUP), to the Airport Land Use Commission (ALUC) for Orange County for review, as required by Section 21676 of the California Public Utilities Code. In addition, refer all development projects that include buildings with a height greater than 200 feet above ground level to the ALUC for review.</p>	<p><b>Consistent.</b> The proposed Project requires a determination of consistency by the Airport Land Use Commission (ALUC) with the Airport Environs Land Use Plan (AELUP) for John Wayne Airport in accordance with General Plan Policy LU 3.8 and the requirements outlined in the AELUP because the Project requires an amendment to General Plan and Zoning Code. The ALUC’s consistency determination for the Project must occur prior to the Newport Beach City Council taking action on this Project. Should the ALUC make a determination of inconsistency with the AELUP, the City may override the ALUC decision by a two-thirds vote of its governing body, if it makes specific findings that the proposed</p>

**Table 4.10-1. General Plan Consistency Analysis**

Applicable City of Newport Beach Existing and Proposed General Plan Goals and Policies	Project Consistency
	<p>action is consistent with the purposes stated in Section 21670(a)(2) of the Public Utilities Code: “to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public’s exposure to excessive noise and safety hazards in areas around public airports to the extent that these areas are not already devoted to incompatible uses.” As applicable, future housing projects would also be subject to review by the ALUC.</p>
<p><b>Goal LU 4 – Management of growth and change to protect and enhance the livability of neighborhoods and achieve distinct and economically vital business and employment districts, which are correlated with supporting infrastructure and public services and sustain Newport Beach’s natural setting</b>  <u>Manage growth and change to:</u></p> <ul style="list-style-type: none"> <li>▪ <u>Support the livability of existing neighborhoods.</u></li> <li>▪ <u>Support residential opportunities that accommodate the City’s share of the Regional Housing Needs Assessment.</u></li> <li>▪ <u>Promote new uses that are complimentary to already existing neighborhoods and uses.</u></li> <li>▪ <u>Achieve distinct and economically vital business and employment districts.</u></li> <li>▪ <u>Correlate with supporting infrastructure and public services.</u></li> <li>▪ <u>Sustain Newport Beach’s natural setting.</u></li> </ul>	
<p><b>Policy LU 4.1 Land Use Diagram.</b> Support land use development consistent with the Land Use Plan. Figure LU1 depicts the general distribution of uses throughout the City and Figure LU2 through Figure LU15 depict specific use categories for each parcel within defined Statistical Areas. Table LU1 (Land Use Plan Categories) specifies the primary land use categories, types of uses, and, for certain categories, the densities/intensities to be permitted. The permitted densities/intensities or amount of development for land use categories for which this is not included in Table LU1, are specified on the Land Use Plan, Figure LU4 through Figure LU15. These are intended to convey maximum and, in some cases, minimums that may be permitted on any parcel within the designation or as otherwise specified by Table LU2 (Anomaly Locations).</p> <p>The density/intensity ranges <u>exclude increases allowed through the application of density bonus laws and</u> are calculated based on actual land area, actual number of dwelling units in fully developed residential areas, and development potential in areas where the General Plan allows additional development.</p> <p>To determine the permissible development, the user should:</p>	<p><b>Consistent.</b> The proposed Project would not directly construct new housing, but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element.</p>

**Table 4.10-1. General Plan Consistency Analysis**

Applicable City of Newport Beach Existing and Proposed General Plan Goals and Policies	Project Consistency
<p>a. Identify the parcel and the applicable land use designation on the Land Use Plan, Figure LU4 through Figure LU15</p> <p>b. Refer to Figure LU4 through Figure LU15 and Table LU1 to identify the permitted uses and permitted density or intensity or amount of development for the land use classification. Where densities/intensities are applicable, the maximum amount of development shall be determined by multiplying the area of the parcel by the density/intensity.</p> <p>c. For anomalies identified on the Land Use Map by a symbol, refer to Table LU2 to determine the precise development limits.</p> <p>For residential development in the Airport Area. refer to the policies prescribed by the Land Use Element that define how development may occur.</p>	
<p><b><u>Policy LU 4.2 Rezoning to Accommodate Housing Opportunities (new).</u></b> <u>Accommodate housing opportunities through the adoption of housing opportunity overlay 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 district should include, but are not limited to, sites identified in the Housing Element; however, not all sites must be included, and other sites may be identified in the future through rezoning unless precluded by State law. The goal is to ensure an adequate number of sites Citywide to accommodate the City’s allocation of the Regional Housing Needs Assessment:</u></p> <ul style="list-style-type: none"> <li>▪ <b><u>Airport Environs Area:</u></b> <u>the intent is to support a density between 30 and 50 dwelling units per gross acre to accommodate up to 2,577 total dwelling units within the area.</u></li> <li>▪ <b><u>West Newport Mesa:</u></b> <u>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 area.</u></li> <li>▪ <b><u>Newport Center:</u></b> <u>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 area.</u></li> <li>▪ <b><u>Dover / Westcliff:</u></b> <u>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 area.</u></li> <li>▪ <b><u>Coyote Canyon:</u></b> <u>the intent is to allow a density between 20 and 60 dwelling units per gross acre of viable land to accommodate up to 1,530 total dwelling units within the area.</u></li> </ul>	<p><b>Consistent.</b> The purpose of this Project is to adopt implementing actions associated with the 2021-2029 Housing Element, including but not limited to the Housing Overlay zones.</p>

**Table 4.10-1. General Plan Consistency Analysis**

Applicable City of Newport Beach Existing and Proposed General Plan Goals and Policies	Project Consistency
<p><b><u>Policy LU 4.4 Residential Uses and Residential Densities (new).</u></b> Residential use of any property included within an established housing opportunity overlay zoning district is allowed regardless of the underlying land use category or density limit established through Policy LU 4.1, Table LU 1 and Table LU 2. A general plan amendment is not required to develop a residential use within an established housing opportunity zoning overlay district. The maximum density specified for the various overlay districts specified in Policy LU 4.2 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 4.2 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 permitted pursuant to State density bonus law.</p>	<p><b>Consistent.</b> The purpose of this Project is to adopt implementing actions associated with the 2021-2029 Housing Element, including but not limited to the Housing Overlay zones. An overlay district is a regulatory tool that adds special provisions and regulations to an area in the City. An overlay district may be added to a neighborhood or corridor on a map or it may apply to the City as whole and be applied under certain circumstances. An overlay district may be initiated as a Zoning Map amendment. All proposed developments within the overlay district must comply with the district's applicable development standards in addition to the Zoning Code standards. Please also refer to <b>Section 3.0: Project Description</b> regarding descriptions of and development standards for the Overlay Zones.</p>
<p><b><u>Policy LU 4.5 Continuation of Existing Development (new).</u></b> Residential opportunities are in addition to existing uses allowed by the General Plan. Properties within the established overlay 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 districts shall not affect existing rights to use the property.</p>	<p><b>Consistent.</b> Refer to responses to Policy LU 4.2 and Policy LU 4.4.</p>
<p><b><u>Policy LU 4.6 Consistency Required (new).</u></b> If residential or mixed-use projects pursuant to a housing opportunity overlay district are developed, projects shall be consistent with applicable overlay or Zoning Code requirements unless modified consistent with an established procedure to grant relief from standards (e.g., Planned Development Permit, Variance, Conditional Use Permit, Modification Permit, or the application of Density Bonus regulations).</p>	<p><b>Consistent.</b> Refer to responses to Policy LU 4.2 and Policy LU 4.4.</p>
<p><b><u>Policy LU 4.7 Redevelopment and Transfer of Development Rights (new).</u></b> Within an established housing opportunity overlay zone and notwithstanding Policy LU 6.15.5, the intensity of existing allowed uses of a site may be reconstructed on the site as part of a mixed-use development provided the gross floor area allowed by the General Plan is not increased, unless it is increased through a General Plan amendment or density bonus concession. The intensity of existing uses may be converted to other uses allowed by the underlying General Plan land use category provided that average daily trips and peak hour traffic trips are not increased above the trips from the existing allowed use. For example, office intensity may be converted to retail or service commercial, restaurants, or other nonresidential uses provided the General Plan land use category allows these uses.</p>	<p><b>Consistent.</b> Refer to responses to Policy LU 4.2 and Policy LU 4.4.</p>

**Table 4.10-1. General Plan Consistency Analysis**

Applicable City of Newport Beach Existing and Proposed General Plan Goals and Policies	Project Consistency
<u>Nonresidential intensity not included as a component of a future residential project will remain within the General Plan allocations on a statistical area-wide basis. The City Council may transfer the intensity of a use to another site within the Statistical Area consistent with Policy LU 4.3 or Policy LU 6.15.3.</u>	
<p><b><u>Policy LU 4.8 Housing Opportunity Overlay Zones (new).</u></b> The housing opportunity overlay zones identified in LU 4.2 shall accomplish the following:</p> <ul style="list-style-type: none"> <li>▪ <u>Allow owner-occupied and rental multifamily uses by-right without discretionary review for developments in which 20 percent or more of the units are affordable to lower-income households;</u></li> <li>▪ <u>Allow a minimum of 16 units per site;</u></li> <li>▪ <u>Require developments to include a minimum density of 20 units per acre;</u></li> <li>▪ <u>Require that at least 50 percent of the lower-income need be accommodated on sites designated for residential use only or on sites zoned for mixed uses that accommodate all of the very low and low-income housing need, if those sites: to allow 100 percent residential use, and to require residential use occupy 50 percent of the total floor area of a mixed-use project.</u></li> </ul>	<b>Consistent.</b> Refer to responses to Policy LU 4.2 and Policy LU 4.4.
<b>Goal LU 5.1</b> – Residential neighborhoods that are well-planned and designed contribute to the livability and quality of life of residents, respect the natural environmental setting, and sustain the qualities of place that differentiate Newport Beach as a special place in the Southern California region.	
<b>Policy LU 5.1.2 Compatible Interfaces.</b> Require that the height of development in nonresidential and higher-density residential areas transition as it nears lower-density residential areas to minimize conflicts at the interface between the different types of development.	<b>Consistent.</b> All future housing development facilitated by the Project would be subject to the City’s development review process and would be assessed on a case-by-case basis including consistency with applicable General Plan policies and Municipal Code requirements. Please also refer to <b>Section 4.1: Aesthetics</b> .
<b>Policy LU 5.1.3 Neighborhood Identification (All Neighborhoods).</b> Encourage and support <u>the identification of distinct residential neighborhoods, identity through the establishment of objective design and development standards that will distinguish neighborhoods from others in the City.</u>	<b>Consistent.</b> The purpose of this Project is to adopt implementing actions associated with the 2021-2029 Housing Element, including but not limited to the draft <i>City of Newport Beach Multi-Unit Objective Design Standards</i> , which are included as Appendix B to this Program EIR. These implementing actions would be consistent with the intent of this policy.
<b>Goal LU 5.3</b> – Districts where residents and businesses are intermixed that are designed and planned to ensure compatibility among the uses, that they are highly livable for residents, and are of high quality design reflecting the traditions of Newport Beach.	
<b>Policy LU 5.3.3 Parcels Integrating Residential and Nonresidential Uses.</b> Require that properties developed with a mix of residential and nonresidential uses be designed to	<b>Consistent.</b> All future housing development facilitated by the Project would be subject to the City’s development review process and would be assessed on a case-

**Table 4.10-1. General Plan Consistency Analysis**

Applicable City of Newport Beach Existing and Proposed General Plan Goals and Policies	Project Consistency
achieve high levels of architectural quality in accordance with policies LU 5.1.9 and LU 5.2.1 and planned to ensure compatibility among the uses and provide adequate circulation and parking. Residential uses should be seamlessly integrated with nonresidential uses through architecture, pedestrian walkways, and landscape. They should not be completely isolated by walls or other design elements.	by-case basis including consistency with applicable General Plan policies and Municipal Code requirements. Refer to <b>Section 4.1: Aesthetics</b> and the response to Policy LU 5.1.3.
<b>Goal LU 5.6 –</b> Neighborhoods, districts, and corridors containing a diversity of uses and buildings that are mutually compatible and enhance the quality of the City’s environment	
<b>Policy LU 5.6.1 Compatible Development.</b> Require that buildings and properties be designed to ensure compatibility within and as interfaces between neighborhoods, districts, and corridors.	<b>Consistent.</b> Please refer to response to Policy LU 5.3.3.
<b>Goal LU 6.2 –</b> Residential neighborhoods that contain a diversity of housing types and supporting uses to meet the needs of Newport Beach’s residents and are designed to sustain livability and a high quality of life.	
<b>Policy LU 6.2.1 Residential Supply.</b> Accommodate a diversity of residential units that meets the needs of Newport Beach’s population and fair share of regional needs in accordance with the Land Use Plan’s designations, applicable density standards, design and development policies, and the adopted Housing Element.	<b>Consistent.</b> The Project would not directly construct new housing, but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. The Housing Element was prepared to ensure the City establishes policies, procedures, and incentives in its land use planning and development activities that result in maintenance and expansion of the housing supply to adequately accommodate households currently living and expected to live in the City.
<b>Policy LU 6.2.3 Residential Affordability.</b> Encourage the development of residential units that are affordable for those employed in the City.	<b>Consistent.</b> The City’s 2021–2029 Housing Element demonstrates compliance with its RHNA obligations for the identification of housing sites through a combination of housing strategies. <b>Table 3-3: RHNA Status and Housing Development Capacity</b> summarizes the City’s RHNA obligations, existing capacity, and development capacity on identified housing sites. The City’s 6 <sup>th</sup> Cycle RHNA allocation is 4,845 housing units, including 1,456 very low-income units and 930 low-income units.
<b>Policy LU 6.2.4 Accessory Dwelling Units. Policy LU 6.2.4 Accessory Dwelling Units</b> <del>Permit conditionally the construction of one granny unit (accessory age-restricted units for one or two adult persons who are sixty years of age or older) per single family residence within single family districts, provided that such units meet set back, height, occupancy, and other applicable regulations set forth in the Municipal Code.</del> <u>Support and promote the development of accessory dwelling units and junior accessory dwellings units in all zones that allow residential units, to provide a more affordable housing option</u>	<b>Consistent.</b> The 2021-2029 Housing Element includes as a part of its RHNA implementation strategy, 240 ADUs. ADUs are allowed in all residential and mixed-use zones and there is no minimum lot size. ADUs in the Coastal Zone require a Coastal Development Permit.

**Table 4.10-1. General Plan Consistency Analysis**

Applicable City of Newport Beach Existing and Proposed General Plan Goals and Policies	Project Consistency
<u>that helps the City meet its housing production goals while minimizing the need to rezone for additional future capacity.</u>	
<b>Policy LU 6.2.5 Neighborhood Supporting Uses.</b> Allow for the integration of uses within residential neighborhoods that support and are complementary to their primary function as a living environment such as schools, parks, community meeting facilities, religious facilities, and comparable uses. These uses shall be designed to ensure compatibility with adjoining residential addressing such issues as noise, lighting, and parking.	<b>Consistent.</b> The Project would not conflict with the intent of this policy.
<b>Goal LU 6.4 –Banning Ranch.</b> If acquisition for open space is not successful, a high-quality residential community with supporting uses that provides revenue to restore and protect wetlands and important habitats.	
<b>Policy LU 6.4.2 Residential.</b> Accommodate a maximum of <del>1,375</del> <u>1,475</u> residential units, which shall consist of a mix of single-family detached, attached, and multi-family units to provide a range of choices and prices for residents.	<b>Consistent.</b> This policy change allows for consistency with the assumptions for Banning Ranch as set forth in the 2021-2029 Housing Element. As addressed in this EIR, the Banning Ranch Focus Area is included in the 2021–2029 Housing Element’s sites inventory but is not assumed in order to accommodate the City’s 2021–2029 RHNA growth need. Banning Ranch is considered as additional dwelling unit opportunity in addition to those that accommodate the RHNA.
<b>Goal LU 6.6 – West Newport Mesa.</b> A medical district with peripheral medical services and research facilities that support the Hoag Hospital campus within a well-planned residential neighborhood, enabling residents to live close to their jobs and reducing commutes to outlying areas	
<b>Policy LU 6.6.2 Residential Types (West Newport Mesa).</b> <del>Promote</del> <u>Support</u> the development of a mix of residential types <del>and building scales within consistent with</del> the densities permitted by the “ <u>RM</u> ” <u>General Plan</u> (Figure LU18, <del>Sub-Area C</del> ) <del>designation,</del> which may include single-family attached, townhomes, apartments, <del>flats,</del> and comparable units. <del>Residential densities may be increased on a property as a means of promoting a variety of housing types within Newport Mesa,</del> provided that the overall average <u>project</u> density of <del>18-30</del> <u>to 50 dwelling</u> units per acre is not exceeded (consistent with Policy LU 4.2).	<b>Consistent.</b> Refer to response to Policy LU 4.2.
<b>Goal LU 6.14 – Newport Center/Fashion Island.</b> A successful mixed-use district that integrates economic and commercial centers serving the needs of Newport Beach residents and the subregion, with expanded opportunities for residents to live close to jobs, commerce, entertainment, and recreation, and is supported by a pedestrian-friendly environment.	
<b>Policy LU 6.14.2 Newport Center.</b> Provide the opportunity for limited residential, hotel, and office development in accordance with the limits specified by Tables LU1 and LU2.	<b>Consistent.</b> The Newport Center Focus Area include 85 housing sites on 230 acres. Refer to <b>Figure 3-6: Newport Center Focus Area Sites</b> for the locations of these housing sites.



<b>Table 4.10-1. General Plan Consistency Analysis</b>	
<b>Applicable City of Newport Beach Existing and Proposed General Plan Goals and Policies</b>	<b>Project Consistency</b>
<b>Goal LU 6.15 – Airport Area.</b> A mixed-use community that provides jobs, residential, and supporting services in close proximity, with pedestrian-oriented amenities that facilitate walking and enhance livability.	
<b>Policy LU 6.15.3 Airport Compatibility.</b> Require that all development be constructed in conformance with the height restrictions set forth by the Federal Aviation Administration (FAA), Federal Aviation Regulations (FAR) Part 77, and Caltrans Division of Aeronautics, and that residential development shall be allowed only on parcels with noise levels of less than John Wayne Airport 65 dBA CNEL noise contour area <i>as shown in Figure N5 (see Figure 4.11-1 in Section 4.11: Noise of this EIR) of the Noise Element of the General Plan</i> unless and until the City determines, based on substantial evidence, that the sites wholly within the 65 dBA CNEL noise contour shown in Figure N5 are needed for the City to satisfy its Sixth Cycle RHNA mandate. Nonresidential uses are, however, encouraged on parcels located wholly within the 65 dBA CNEL contour area.	<b>Consistent.</b> Future housing projects would be subject to development review by the City including, as applicable, building height consistency with FAA regulations.
<b>Policy LU 6.15.4 Priority Uses (Airport Area – Mixed-Use Districts [Subarea C, “MU-H2” designation]).</b> Accommodate office, research and development, and similar uses that support the primary office and business park functions such as retail and financial services, as prescribed for the “CO-G” designation, while allowing for the re-use of properties for the development of cohesive <u>mixed-use and residential villages developments</u> that are integrated with business park uses.	<b>Consistent.</b> The Project would not directly construct new housing, but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. Refer to LU Policies 4.2, 4.4, 4.5, 4.6, and 4.7.
<b>Policy LU 6.15.28 Priority Uses (Airport Area – Commercial Nodes [“CG” designation Sub-Area C—part]).</b> Encourage the development of retail, financial services, dining, hotel, and other uses that support the John Wayne Airport, the Airport Area’s office uses and as developed <u>or redeveloped</u> , its residential neighborhoods, as well as automobile sales and supporting uses at the MacArthur Boulevard and Bristol Street node.	<b>Consistent.</b> The proposed Project would not directly construct new housing, but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. Future implementation of housing in the focus areas allows for the integration of housing on vacant sites, sites currently developed with non-residential uses, and on sites with housing. The proposed pattern of development can provide connectivity and livability proximate to employment, transportation, and recreation and open space, and retail centers.
<b>Policy LU 6.15.29 Priority Uses (Airport Area – Commercial Office District [“CO-G” designation Sub-Area C—part]).</b> Encourage the development of administrative, professional, and office uses <u>that are proximate or adjacent to residential uses;</u> with <del>limited</del> accessory retail and service uses that provide jobs for residents and benefit adjoining mixed-use districts.	<b>Consistent.</b> Refer to the response to LU Policies 4.2, 4.4, 4.5, 4.6, 4.7, and 4.15.28.

**Table 4.10-2. Local Coastal Program Policy Consistency Analysis**

Applicable City of Newport Beach Existing and Proposed Local Coast Program Policies	Project Consistency
<b>Policy 2.1.1-1</b> The land use categories in LCP Table 2.1.1-1 establish the type, density and intensity of land uses within the coastal zone. If there is a conflict between the development limits of the Land Use Element and the Coastal Land Use Plan, the provision that is most protective of coastal resources shall take precedence. However, in no case, shall the policies of the Coastal Land Use Plan be interpreted to allow a development to exceed a development limit established by the General Plan or its implementing ordinances.	<b>Consistent.</b> Future housing projects within the Coastal Zone would be required to be consistent with the LCP policies and would be subject to review by the City as a part of its development review process.
<b>Policy LU 2.1.2-1</b> 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, <u>and 2.1.11.</u>	<b>Consistent.</b> Future housing projects within the Coastal Zone would be required to be consistent with the LCP policies and would be subject to review by the City as a part of its development review process.
<b>Policy LU 2.1.10-1</b> 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, <u>except as modified by all Policies in the 2.1.11 series.</u>	<b>Consistent.</b> Future housing projects within the Coastal Zone would be required to be consistent with the LCP policies and would be subject to review by the City as a part of its development review process.
<p><b>Policy LU 2.1.11-1</b> Accommodate housing opportunities through the adoption of housing opportunity overlay zoning districts or other land use regulatory policy. <u>The following areas are intended to be consistent with the Housing Element’s focus areas. Properties within each overlay district should include, but are not limited to, sites identified in the Housing Element; however, not all sites must be included, and other sites may be identified in the future through rezoning unless precluded by state law. The goal is to ensure an adequate number of sites Citywide to accommodate the City’s allocation of the Regional Housing Needs Assessment:</u></p> <ul style="list-style-type: none"> <li>▪ <u>Airport Environs: the intent is to support a density between 30 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.</u></li> <li>▪ <u>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.</u></li> <li>▪ <u>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.</u></li> </ul>	<b>Consistent.</b> The purpose of this Project is to adopt implementing actions associated with the 2021-2029 Housing Element, including but not limited to the Housing Overlay zones.

**Table 4.10-2. Local Coastal Program Policy Consistency Analysis**

Applicable City of Newport Beach Existing and Proposed Local Coast Program Policies	Project Consistency
<ul style="list-style-type: none"> <li><u>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.</u></li> </ul>	
<p><u><b>Policy LU 2.1.11-2</b> Residential use of any property included within an established housing opportunity overlay zoning district is allowed regardless of 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 district. The maximum density specified for the various overlay 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 permitted pursuant to State density bonus law.</u></p>	<p><b>Consistent.</b> Refer to responses to Policy LU 2.1.11-2.</p>
<p><u><b>Policy LU 2.1.11-3</b> 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.</u></p>	<p><b>Consistent.</b> Refer to responses to Policy LU 2.1.11-2.</p>
<p><u><b>Policy LU 2.1.11-4</b> If residential or mixed-use projects pursuant to a housing opportunity overlay district are developed, projects shall be consistent with applicable overlay 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).</u></p>	<p><b>Consistent.</b> Refer to responses to Policy LU 2.1.11-2..</p>
<p><b>Policy 2.2.1-1</b> Continue to allow redevelopment and infill development within and adjacent to the existing developed areas in the coastal zone subject to the density and intensity limits and resource protection policies of the Coastal Land Use Plan.</p>	<p><b>Consistent.</b> Refer to responses to Policy LU 2.1.11-2.</p>
<p><b>Policy 2.2.1-2</b> Require new development be located in areas with adequate public services or in areas that are capable of having public services extended or expanded without significant adverse effects on coastal resources.</p>	<p><b>Consistent.</b> General Plan policies and LCP policies require that adequate public services and infrastructure be provided as new development occurs. All future housing development facilitated by the Project would be subject to the City's development review process and would be assessed on a project-specific basis and would need to demonstrate that project can be served or if potential infrastructure</p>

<b>Table 4.10-2. Local Coastal Program Policy Consistency Analysis</b>	
<b>Applicable City of Newport Beach Existing and Proposed Local Coast Program Policies</b>	<b>Project Consistency</b>
	improvements are required. Please refer to <b>Section 4.13: Public Services</b> and <b>Section 4.17: Utilities and Service Systems</b> , for further information and analysis regarding public services and utility infrastructure, respectively.
<b>Policy 2.2.1-3</b> Provide commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads.	<b>Consistent.</b> The Project would not conflict with the intent of this policy.
<b>Policy 2.2.2-1</b> After certification of the LCP, require a coastal development permit for all development within the coastal zone, subject to exceptions provided for under the Coastal Act as specified in the LCP.	<b>Consistent.</b> Development in overlay zones within the coastal zone are subject to CDPs. Because a CDP is a discretionary action, conditions may be placed on the permit to ensure that the intent of the approval is achieved and/or to mitigate or eliminate adverse impacts. Future housing development within the Coastal Zone must demonstrate adherence to and compliance with the applicable provisions of overlay zones and permit requirements consist with the Coastal Act which is required to be reflected in the findings for approval required by each of the respective discretionary permits.
<b>Policy 2.7-1</b> Continue to maintain appropriate setbacks and density, floor area, and height limits for residential development to protect the character of established neighborhoods and to protect coastal access and coastal resources.	<b>Consistent.</b> Future housing projects in the Coastal Zone would be subject to review by the City and would require a CDP. The purpose of this Project is to adopt implementing actions associated with the 2021-2029 Housing Element.
<b>Policy 2.7-2</b> Continue the administration of provisions of State law relative to the demolition, conversion and construction of low and moderate-income dwelling units within the coastal zone.	<b>Consistent.</b> The purpose of this Project is to adopt implementing actions associated with the 2021-2029 Housing Element.
<b>Policy 2.7-5</b> Administer the provisions of Government Code Section 65852.2 relative to the development of accessory dwelling units to increase the supply of lower-cost housing in the coastal zone and meet the needs of existing and future residents, while respecting the architectural character of existing neighborhoods and in a manner consistent with the LCP and any applicable policies from Chapter 3 of the Coastal Act.	<b>Consistent.</b> The 2021-2029 Housing Element includes as a part of its RHNA implementation strategy, 240 ADUs. ADUs are allowed in all residential and mixed-use zones and there is no minimum lot size. ADUs in the Coastal Zone require a Coastal Development Permit.

## Newport Beach Municipal Code

The proposed Project would not change the underlying zoning or zoning designations for housing sites. As a part of the proposed Project, Municipal Code Chapter 20.28, Overlay Zoning Districts, would be amended to include Section 20.28.050: Housing Opportunity (HO) Overlay Zoning Districts and Municipal Code Chapter 21.28, Overlay Coastal Zoning Districts, would be amended to include Section 21.28.070 Housing Opportunity (HO) Overlay Coastal Zoning Districts. The HO Overlay Zoning Districts are intended to accommodate housing opportunities consistent with the 2021-2029 Housing Element's Focus Areas. To be eligible for the provisions of proposed Municipal Code Chapter 20.28.050 and Chapter 21.28.070, the property must be a "5<sup>th</sup> Cycle Site" or "Opportunity Site." **Table 3-17: Development Standards for Housing Opportunity Overlay Zones in Section 3.0: Project Description** identifies the development standards that would apply to residential or mixed-use project proposed pursuant to proposed Municipal Code Section 20.28.050. **Table 3-19: Coastal Zone – Development Standards for Housing Opportunity Overlay Zones in Section 3.0: Project Description** identifies the development standards that would apply to residential or mixed-use project proposed pursuant to proposed Municipal Code Section 20.28.070 for sites in the Coastal Zone

The intent of the proposed Project is to provide the capacity (i.e., through modifications to existing zoning and land use designations) for the housing market to adequately address housing needs for all income groups, rather than generating the full development capacity housing within the planning cycle. Future housing development facilitated by the Project would be processed in accordance with the applicable zoning regulations and development standards in effect at the time a project is submitted. Future housing development facilitated by the Project would be subject to compliance with the Municipal Code, which is intended to allow the most appropriate use of land and prevent land use incompatibilities.

Overall, the proposed zoning changes described above would be required to meet the City's RHNA and for consistency with the Municipal Code and proposed General Plan Land Use policy amendments. Therefore, upon approval of the Project's discretionary actions, the Project would result in less than significant impacts related to conflicts with Municipal Code plans and standards adopted for the purpose of avoiding or mitigating an environmental effect.

**Impact Summary:**      **Less Than Significant Impact.** The Project would be consistent with applicable existing and proposed General Plan goals and policies and applicable existing and proposed policies of the Local Coastal Program.

### 4.10.4 Cumulative Impacts

As concluded above, the Project would not physical divide an established community or cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigation an environmental effect. Following compliance with existing and proposed General Plan policies, and other applicable State, regional, and local planning documents, the Project's impacts would be less than significant.

As concluded above, the Project would not cause a significant environmental impact due to a conflict with any City land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. All future housing development facilitated by the Project and all future cumulative development projects would be subject to development review by the City to, in part, to address

consistency with applicable General Plan goals and policies and regulations adopted for the purpose of avoiding or mitigating land use effects.

Therefore, future development facilitated by the Project in conjunction with cumulative development would not result in a significant cumulatively considerable land use impact.

#### 4.10.5 Mitigation Program

As noted, all future housing development facilitated by the Project would be subject to the City's development review process, which may include review pursuant to CEQA. Future housing development would be subject to compliance with relevant federal, State, and local requirements including requirements set forth in the Newport Beach General Plan and Newport Beach Municipal Code.

##### General Plan Policies

See **Section 4.10.2: Regulatory Setting** for complete policy text.

- Policy LU 2.3
- Policy LU 3.2
- Policy LU 3.8
- Policy LU 5.1.2
- Policy LU 5.3.3
- Policy LU 5.6.1
- Policy LU 6.2.1
- Policy LU 6.2.3
- Policy LU 6.2.5
- Policy LU 6.14.2
- Policy LU 6.15.3

##### Coastal Land Use Plan Policies

See **Section 4.10.2: Regulatory Setting** for complete policy text.

- Policy 2.1.1-1
- Policy 2.2.1-1
- Policy 2.2.1-2
- Policy 2.2.1-3
- Policy 2.2.2-1
- Policy 2.7-1
- Policy 2.7-2
- Policy 2.7-5

##### Mitigation Measures

No additional mitigation is required.

#### 4.10.6 Level of Significance After Mitigation

No significant impacts related to land use have been identified.

#### 4.10.7 References

City of Newport Beach (2006) *City of Newport Beach General Plan – Land Use Element*. Retrieved from: [https://www.newportbeachca.gov/PLN/General\\_Plan/04\\_Ch3\\_LandUse\\_web.pdf](https://www.newportbeachca.gov/PLN/General_Plan/04_Ch3_LandUse_web.pdf). Accessed January 17, 2024.

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[https://www.newportbeachca.gov/government/departments/community-development/  
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