

CALIFORNIA COASTAL COMMISSION

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



F11a

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

CORRESPONDENCE

FW: Opposition to Housing Layer and rezoning

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

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

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

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

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

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

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

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

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

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

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

Andrea Kane
20231 Spruce Ave
Newport Beach 92660

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

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

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

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

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

"To the California Coastal Commission,

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

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

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

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

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

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

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

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

Respectfully,
Jim Auster
9706187692"

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

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

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

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

Most Sincerely,

Barbara and William Goring

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

From Christopher Pederson <chpederson@yahoo.com>

Date Thu 4/9/2026 8:31 PM

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

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

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

Dear Chair Harmon and Commissioners:

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

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

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

Thank you for your consideration of my comments.

Sincerely,

Christopher Pederson

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

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

FYI

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

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

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

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

Please don't allow the overlay to occur..

Thank you, Diane Moore



April 8, 2026

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

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

Dear Commissioners and Staff,

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

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

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

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

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

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

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

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

In summary, the attached revision:

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

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

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

Sincerely,



Don Schmitz, AICP
President, Schmitz and Associates

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

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

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

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

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

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

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

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

Fwd: California Coastal Commission, Save NBGC

From Jim Auster <jimauster@hotmail.com>

Date Sun 4/12/2026 9:50 AM

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

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

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

Dear Mayor and NB Council members,

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

Jim Auster

20401 Bayview Ave

Newport Beach CA 92660

Begin forwarded message:

From: Jim Auster <jimauster@hotmail.com>

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

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

Subject: California Coastal Commission, Save NBGC

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

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

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

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

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

how many housingunits are already in
planning approval process in Newport
Beach to meet Element housing mandate
google.com



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

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

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

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

Linda

<image.png>

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

April 7, 2026

To the California Coastal Commission,

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

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

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

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

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

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

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

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

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

Respectfully,
Jim Auster
9706187692

RESIDENTS TO SAVE NEWPORT BEACH GOLF COURSE

March 16, 2026

Mayor Lauren Kleiman & Newport Beach City Council

100 Civic Center Dr

Newport Beach, CA 92660

citycouncil@newportbeachca.gov

Dear Mayor Kleiman & City Council Members,

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

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

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

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

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

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

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

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

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

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

2To your credit, facing the wrath of the community at the ballot box, the Council rescinded the General Plan Amendment approval of 40,000 square feet of commercial buildings on a site zoned for open space and recreation, whose sole purpose and intent is explicitly "to insure the long-term use and viability of the Newport Beach Golf Course" – not concrete. In 1973 the Irvine Company leased the site to the Lane Family who graded the community golf course that remains today. It is a very challenging parcel for development due to its topography, proximity to JWA, water table, Delhi Channel, and restrictions of the FEMA Zone A flood hazard area. The Irvine Company understood these development barriers in 1973. Nothing has changed in 53 years – except additional binding restrictions of the SAH Annexation Agreement, SAH Specific Plan, zoning code, and Charter Section 423.

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

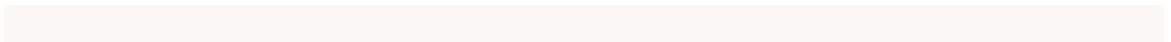
We respect the private property rights of the respective families and their heirs. We also respect the decades of their investment in our community, both financial and philanthropic. They are an important part of the fabric that makes Newport Beach a vibrant community.

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

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

Sincerely,

RESIDENTS TO SAVE NEWPORT BEACH GOLF COURSE



Date of comment: April 10, 2025

Date of hearing: April 17, 2026

Agenda Item: F11a-4-2026

My position: Both items need additional modifications

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

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

Dear Ms. Cortez,

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

Synopsis

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

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

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

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

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

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

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

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

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

An additional reason the City's proposal should be approached is with caution is that the scheme of using overlay districts to meet affordable housing obligations was based on erroneous advice¹ from the state Department of Housing and Community Development. While thought consistent with state housing law when the City's Housing Element was [certified](#) as compliant by them in October 2022, it no longer is.

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

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

3. Problems with Coastal Land Use Plan Amendments

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Problems with Implementation Plan Amendments

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

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

5. Miscellaneous Comments

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

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

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

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

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

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

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

Yours sincerely,

Jim Mosher
2210 Private Road
Newport Beach, CA. 92660

April 7, 2026

To the California Coastal Commission,

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

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

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

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

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

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

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

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

RESIDENTS TO SAVE NEWPORT BEACH GOLF COURSE

March 16, 2026

Mayor Lauren Kleiman & Newport Beach City Council

100 Civic Center Dr

Newport Beach, CA 92660

citycouncil@newportbeachca.gov

Dear Mayor Kleiman & City Council Members,

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

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

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

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

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

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

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

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

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

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

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

2To your credit, facing the wrath of the community at the ballot box, the Council rescinded the General Plan Amendment approval of 40,000 square feet of commercial buildings on a site zoned for open space and recreation, whose sole purpose and intent is explicitly "to insure the long-term use and viability of the Newport Beach Golf Course" – not concrete. In 1973 the Irvine Company leased the site to the Lane Family who graded the community golf course that remains today. It is a very challenging parcel for development due to its topography, proximity to JWA, water table, Delhi Channel, and restrictions of the FEMA Zone A flood hazard area. The Irvine Company understood these development barriers in 1973. Nothing has changed in 53 years – except additional binding restrictions of the SAH Annexation Agreement, SAH Specific Plan, zoning code, and Charter Section 423.

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

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

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

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

Sincerely,

RESIDENTS TO SAVE NEWPORT BEACH GOLF COURSE

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

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

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

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

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

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

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

Dear Seimone

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

Jim Auster

20401 Bayview Ave

9706187692

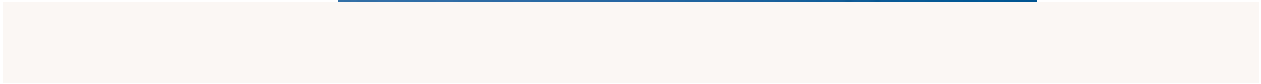
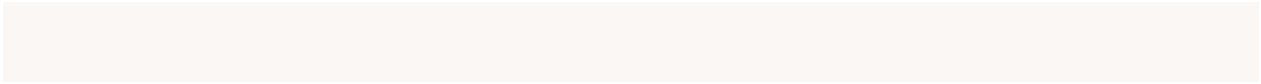
<https://www.google.com/search?q=number+of+housing+units+in+pipeline+in+newport+beach+to+meet+Housing+Element+mandate+for+6th+cycle&ie=UTF-8&oe=UTF-8&hl=en-us&client=safari>

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

City of Newport Beach (.gov) +3

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







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

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

Date Thu 4/9/2026 2:33 PM

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

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

From: Matt <mattsup62@gmail.com>

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

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

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

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

Hello,

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

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

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

Thank you for your time,

Matt Clark

949 422-4942

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

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

FYI

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

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

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

Dear Chair Harmon and Commissioners,

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

Requested Action

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

Threshold Issue – Legal Standard

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

At the same time, the report correctly states: "The standard of review... is whether the LCP, as amended, conforms with and is adequate to carry out the provisions of the Coastal Act." (p. 5)

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

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

Addendum Request:

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

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

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

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

The report further recognizes the inherent risk:

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

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

Addendum Request:

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

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

The Coastal Act requires that:

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

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

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

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

Addendum Request:

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

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

The Coastal Act requires the provision of:

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

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

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

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

Addendum Request:

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

ESHA and Habitat Protection (Coastal Act §30240)

The staff report notes that:

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

It also acknowledges that development could:

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

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

Addendum Request:

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

Reliance on Future Discretion (LCP Certification Issue)

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

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

Addendum Request:

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

De Facto Rezoning

Although the staff report states that the amendment:

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

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

Addendum Request:

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

Failure to Analyze Alternatives

The staff report concludes that:

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

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

Addendum Request:

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

Structural Defects – RHNA Misalignment and Overconcentration

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

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

Addendum Requests:

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

Legal Instability of Overlay Approach

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

Addendum Request:

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

Height Limit Conflict

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

Addendum Request:

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

Mismatch Between Land Use Designations and Actual Uses

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

Addendum Request:

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

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

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

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

Addendum Request:

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

Conclusion

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

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

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

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

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

From SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Date Thu 4/9/2026 11:15 AM
To Cortez, Dulce@Coastal <dulce.cortez@coastal.ca.gov>

From: jsalvo2105@aol.com <jsalvo2105@aol.com>
Sent: Thursday, April 9, 2026 11:07 AM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Housing Layer of the Newport Beach Golf Course-04.09.26

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

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

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

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

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

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

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

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

Best Regards,

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

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

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

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

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

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

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

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

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

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

Chapter 21.90 – Santa Ana Heights Specific Plan

Sections:

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

21.90.010 – Purpose

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

21.90.020 – Land Use Regulations

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

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

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



Exhibit 20.90-1: Land Use Map

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

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

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

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

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

B. **Principal Uses Permitted.**

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

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

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

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

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

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

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

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

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

* Required for covered portions of structures only.

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

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

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

F. Site Development Standards.

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

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

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

From M. Smith <mws.aspenroyal@gmail.com>

Date Fri 4/10/2026 1:08 PM

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

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

4 attachments (11 MB)

NBGC_owner interest and site study 2 5 2021.pdf; Golf Course_40_Chapter 21.90 Santa Ana Heights Specific Plan.pdf; OC Business Journal 3 23 2026 Airport Area 14 Housing Projects in color Word.docx; NB Housing Element 2021 2029 Airport Area Sites 23 24 25 26 Newport Beach Golf Course with Highlights.png;

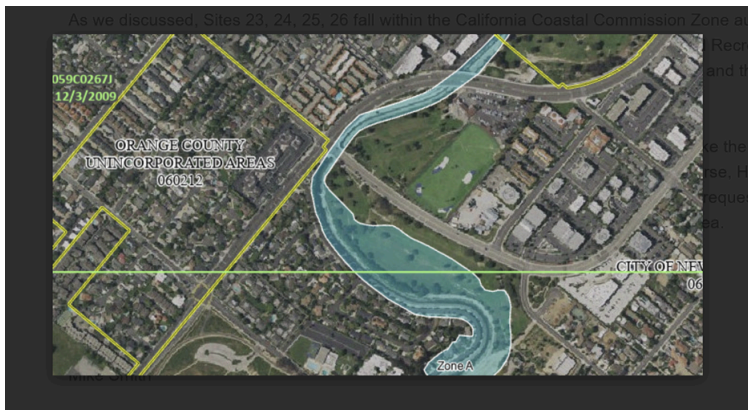
Sent 4/10/2026 @ 1:05 pm.

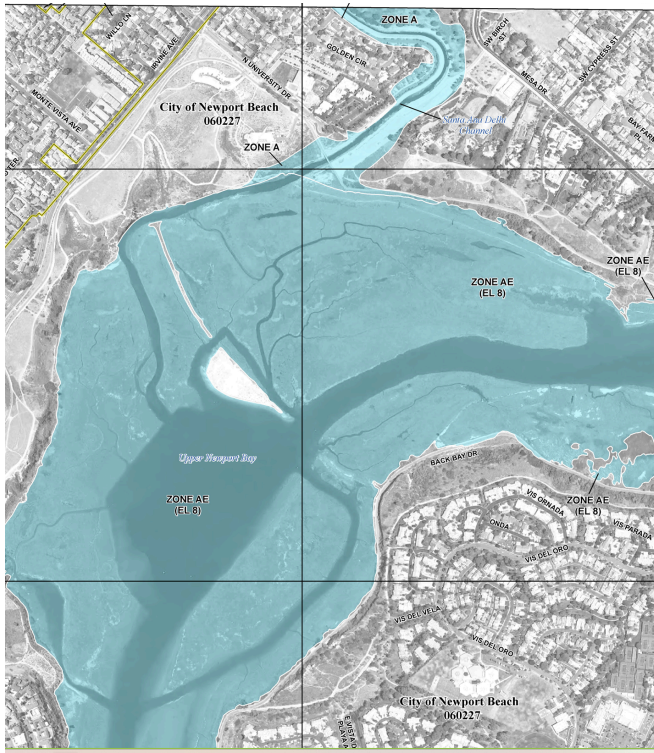
Dear California Coastal Commission Commissioners:

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

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

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





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

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

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

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



Table B-12: Airport Area Sites Inventory

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

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

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

State Mandate for Housing:

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

Airport Area Building Status Today:

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

Figure B-3: Airport Area Environs – Sites Inventory



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

B-28

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

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

Thank you for your time and attention to this matter.

Mike Smith
Resident, Newport Beach, CA

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

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

Inbox



M. Smith <mws.aspenroyal@gmail.com>

to Dulce@Coastal, SouthCoast, bcc: me

Ms. Cortez,

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

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

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

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

I look forward to your reply.

Thank you for your time and consideration.

Mike Smith

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

1. Loss of Open Space and Recreational Land

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

2. Impact on Environmentally Sensitive Habitat Areas (ESHAs)

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

3. Conflict with Coastal Act Priorities

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

4. Potential Loss of Public Access and Recreation

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

5. Traffic and Infrastructure Concerns

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

6. Cultural Resource Protection

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

7. Precedent for Future Development

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

8. Inadequate Safeguards

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

9. Alternative Sites Available

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

10. Environmental Concerns

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

***** End *****

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

From M. Smith <mws.aspenroyal@gmail.com>

Date Wed 4/8/2026 4:25 PM

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

Cc SouthCoast@Coastal <SouthCoast@coastal.ca.gov>

 3 attachments (5 MB)

NBGC_owner interest and site study 2 5 2021.pdf; Golf Course_40_Chapter 21.90 Santa Ana Heights Specific Plan.pdf; NB Final Housing Element Golf Course 345678.png;

Ms. Cortez,

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

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I look forward to your reply.

Thank you for your time and consideration.

Mike Smith



Table B-12: Airport Area Sites Inventory

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

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

Follow Up Flag: Follow up
Flag Status: Flagged

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

Mr. Jurjis and Mr. Campbell:

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

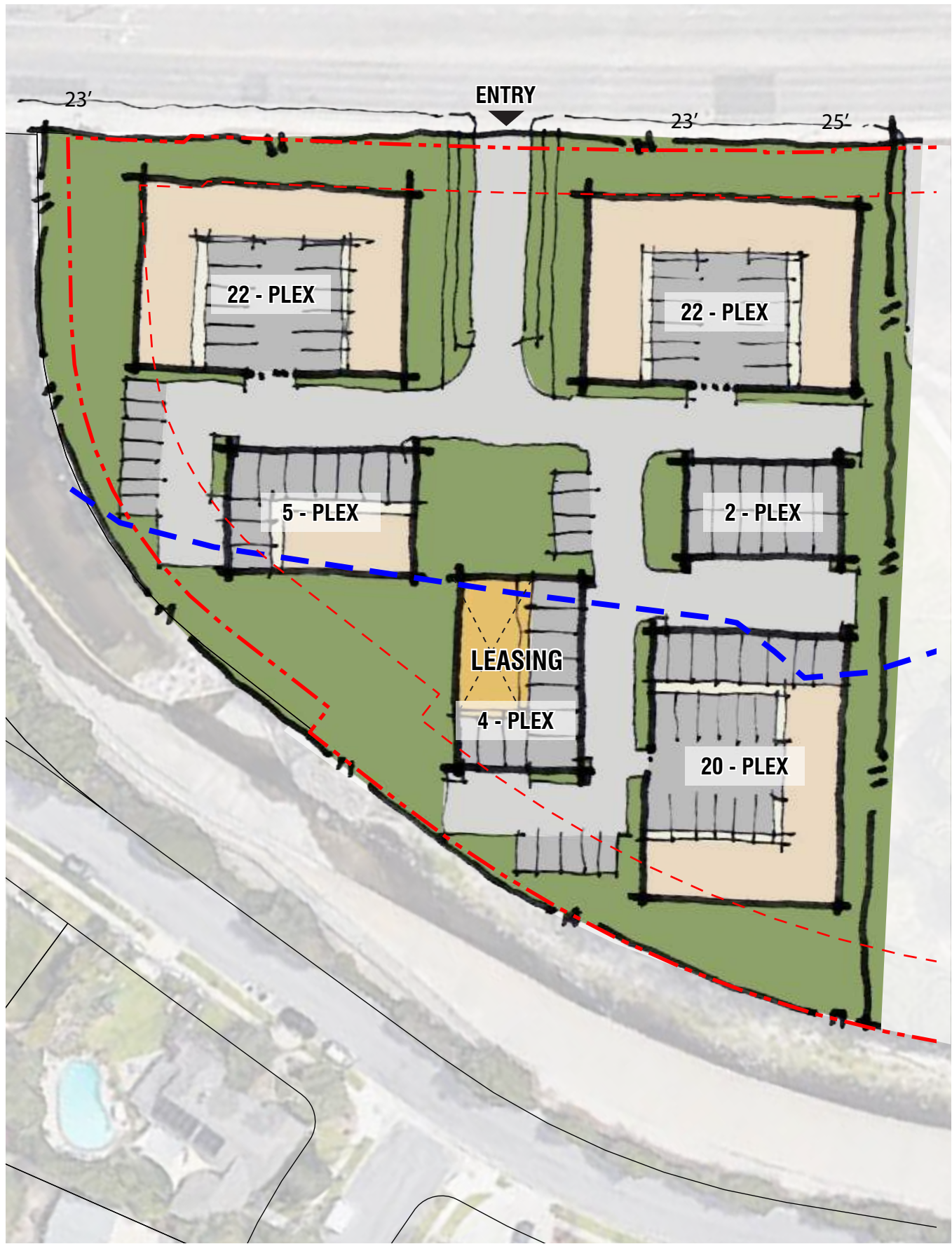
Sincerely,

Brett Feuerstein
Newport Golf Club, LLC

NEWPORT BEACH GOLF COURSE

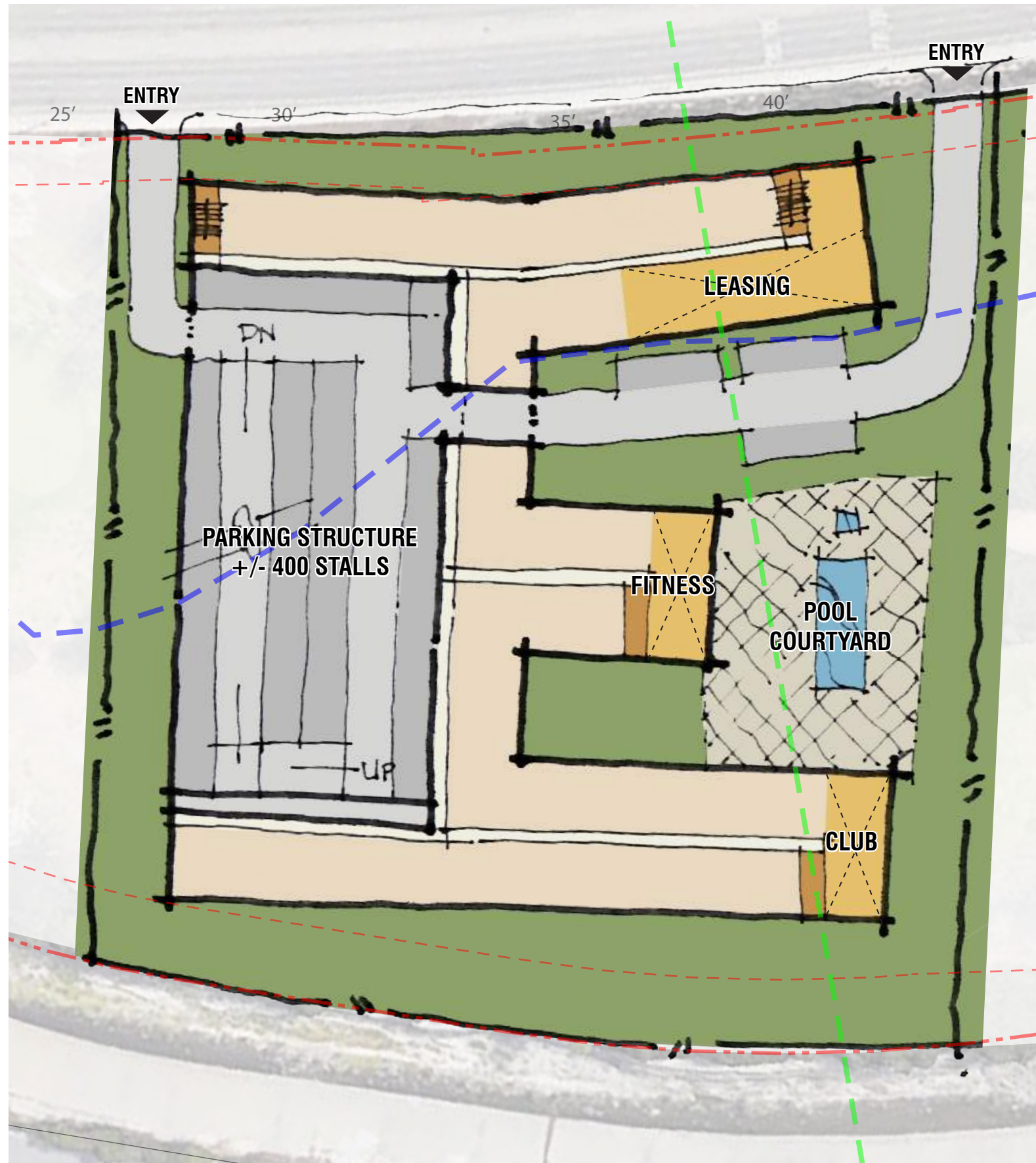
SITE STUDY





AFFORDABLE HOUSING

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



WRAP

SITE: +/- 4.0 AC.

UNIT SUMMARY:

STUDIO: 20 DU / 10%

1-BEDROOM: 100 DU / 50%

2-BEDROOM: 80 DU / 40%

TOTAL UNITS: 200

DENSITY: 50 DU/AC

BUILDING TYPE:

RESIDENTIAL: 4-STORY TYPE-V

GARAGE: 5-STORY TYPE-I

PARKING SUMMARY:

TOTAL +/- 400 STALLS



Nature of Risk

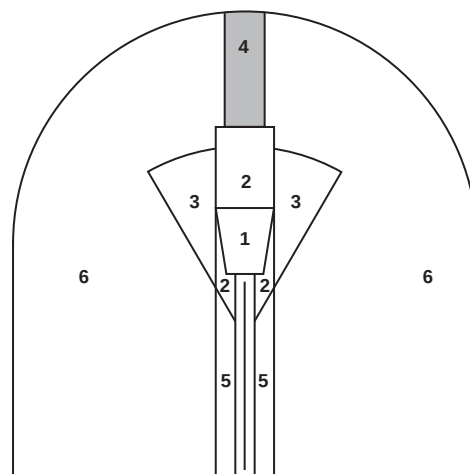
- Normal Maneuvers
 - Approaching aircraft usually at less than traffic pattern altitude. Particularly applicable for busy general aviation runways (because of elongated traffic pattern), runways with straight-in instrument approach procedures, and other runways where straight-in or straight-out flight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



LONG FINAL

Basic Compatibility Policies

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



Refer to Chapter 3 for dimensions.

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

Note A: Maintain current zoning if less than density criteria for suburban setting.

Note B: Allow infill at up average density/intensity of comparable surrounding users.

FIGURE 4E

Safety Zone 4 – Outer Approach/Departure Zone

ORANGE COUNTY BUSINESS JOURNAL

Vol. 49, No. 12

THE COMMUNITY OF BUSINESS™

March 23-29, 2026 • \$5.00



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

Newport Beach's Airport Area Becomes New Uptown

14 Housing Projects Planned Near John Wayne

■ By JOSEPH PIMENTEL

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

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

► Special Report

Residential Real Estate page 17

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

In 2014, Shopoff and the Picerne Group's Uptown

► Newport Beach 22

Trumark Plans 'Aggressive' Expansion in SoCal

RESIDENTIAL: Homebuilder secures 750 new homesites

■ By JOSEPH PIMENTEL

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

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

► Trumark Homes 18



Trumark housing developments across Southern California

► Special Report

Residential Real Estate page 17



P. 6

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

P. 3

POLITICS: Pacific Symphony's Iranian concert strikes chord

Fast-Growing Karman Gets New CEO

DEFENSE: Rambeau succeeds Koblinski at \$14B company

■ By KEVIN COSTELLOE

HUNTINGTON BEACH

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

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

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

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

► Karman 40



Jon Rambeau
New CEO
Karman Space & Defense

OC JV Buys Victoria Gardens for \$530M

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

■ By JOSEPH PIMENTEL

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

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

► Victoria Gardens 40



John Pomer,
Co-Founder &
Managing Partner
Redwood West

THE LIST

HOMEBUILDERS
See page 26





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



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



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



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

Newport Beach

from page 1

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

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

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

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

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

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

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

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

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

John Wayne Condo: \$800K Average

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

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

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

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

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

—Joseph Pinentel



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

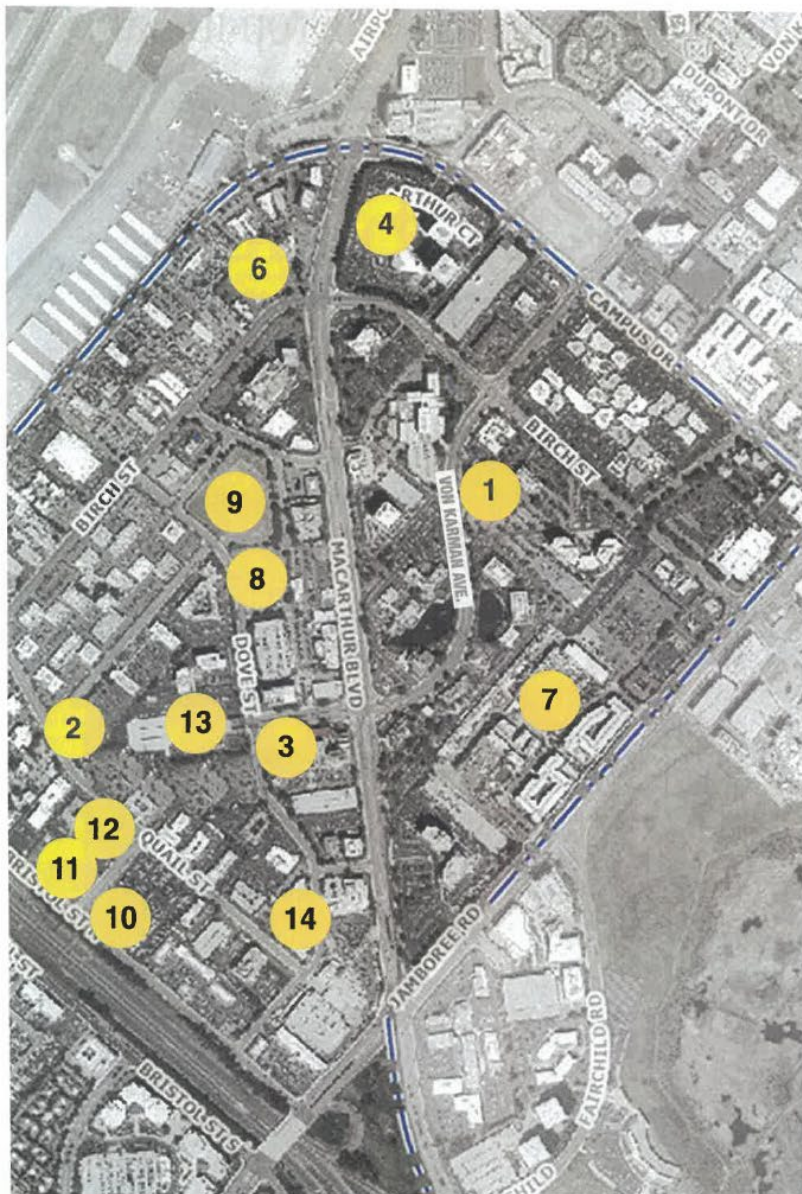


6 THE RESIDENCES AT AIRPORT VILLAGE
DEVELOPER: The Picerno Group
ADDRESS: 4540 Campus Drive
PROJECT: Project includes the demolition of seven commercial buildings and surface parking and the construction of 444 residential rental units atop an 806-space parking structure



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





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

10



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

11



1300 BRISTOL RESIDENCES
DEVELOPER: The Picerne Group
ADDRESS: 1300 Bristol Street
PROJECT: Five story 350-unit apartment (78 affordable), studio, one to two bedrooms

12



RESIDENCES AT 1600 DOVE STREET
DEVELOPER: 1600 Dove St, LP and GS 1600 Dove
ADDRESS: 1600 Dove Street
PROJECT: Predevelopment stage. Proposal to demolish a 60,600-square-foot office to build a seven-story, 282-unit apartment (28 affordable units), podium style with parking on the first level

8



NEWPORT CROSSINGS
DEVELOPER: VLR Capital Partners
ADDRESS: 4200 Scott Drive
PROJECT: Redevelopment of the former MacArthur Square shopping center. Project includes 350 residential units, 2,000 square feet of restaurant space, 5,500 square feet of commercial space and a half-acre public park

9



UNNAMED
DEVELOPER: Dove Property Owner/Cress Capital
ADDRESS: 1301 Dove Street
PROJECT: Proposal to demolish the existing parking structure and office building to redevelop as a 139-unit for sale townhomes

13

UNNAMED
DEVELOPER: SBS Dove Street
ADDRESS: 901 and 1001 Dove Street
PROJECT: Application to develop and demolish existing office site to make way for 75 for sale units

14

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

From SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Date Fri 4/10/2026 9:06 PM
To Cortez, Dulce@Coastal <dulce.cortez@coastal.ca.gov>
Cc Spencer, Amrita@Coastal <Amrita.Spencer@coastal.ca.gov>; Revell, Mandy@Coastal <Mandy.Revell@coastal.ca.gov>

 4 attachments (7 MB)

Golf Course_C-3590PreAnnexationAgreementforSantaAnaHeights.pdf; NBGC_owner interest and site study 2 5 2021.pdf; NB Final Housing Element Golf Course 345678.png; Golf Course_Apartment Site_FEMA Flood Map.png;

From: Linda Giedt <lclemensgiedt@gmail.com>
Sent: Friday, April 10, 2026 1:05 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Public Comment on April 2026 Agenda Item Friday 11a - City of Newport Beach LCP Amendment No. LCP-5-NPB-24-0032-2 (Housing Overlay)

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

To the California Coastal Commissioners,

RE: Opposition to Housing Opportunity (HO) Overlay for Sites 23, 24, 25, and 26 (Newport Beach Golf Course)

I am writing to formally oppose the proposed Housing Opportunity (HO) Overlay for Sites 23, 24, 25, and 26 at the Newport Beach Golf Course. Beyond the severe environmental and safety risks, this proposal represents a direct violation of a binding legal contract and a failure of the City to follow its own established rule of precedence.

1. Violation of Binding Annexation Agreement & Municipal Code (Rule of Precedence)

The proposed housing overlay for Parcels 23–26 directly violates the **Santa Ana Heights Annexation Agreement** dated September 10, 2002. This is a binding legal contract between the City of Newport Beach and the County of Orange that vested specific land-use protections for the community. Per **Newport Beach Municipal Code Section 20.12.020.D**, this annexation agreement **takes legal precedence** over any subsequent zoning changes. The City is effectively attempting to use an "overlay" to unilaterally vacate contractually protected land-use designations (Open Space and Recreation - OSR). The Commission should not certify an LCP amendment that relies on the City's violation of its own rule of precedence and the disregard of vested community rights.

2. Violation of the Airport Environs Land Use Plan (AELUP)

The proposed residential use violates the John Wayne Airport AELUP. These sites are within the 65 dB CNEL noise contour and **Safety Zones 4 and 6**. The Airport Land Use Commission (ALUC) has repeatedly found this housing plan inconsistent with state safety standards. The City's decision to

formally "overrule" these findings multiple times does not negate the physical danger of placing 693 families in an aircraft departure zone. By ignoring expert aviation warnings, the City is prioritizing density over public safety.

3. Direct Threat to the Newport Beach Back Bay & ESHA

These sites directly abut the Upper Newport Bay (Back Bay), one of the most environmentally sensitive habitat areas (ESHA) in Southern California. Development will inevitably cause "edge effects"—including light pollution, noise, and urban runoff—that will degrade this fragile ecosystem. The proposed 100-foot buffer is a numerical abstraction that cannot mitigate the permanent loss of biological connectivity between the golf course's current open space and the Back Bay's wildlife corridors.

4. Omission of Critical Information and Intent

In February 2021, the Newport Beach Golf Club LLC owners submitted a Letter of Interest to the City for sites 23, 24, 25, and 26 to be added to the Housing Element, including site plans for 693 high-density dwellings specifically for holes 3-8. This reveals that the proposed density was not a hypothetical "planning exercise" but a specific, developer-led target. The Commission cannot certify an amendment based on an incomplete environmental review that ignored the specific intensity and physical constraints of this intended use.

5. Significant Floodplain Hazards

These sites are located within a **100-Year Floodplain**. Approving high-density housing in a known flood hazard zone directly contradicts Coastal Act priorities regarding public safety and hazard avoidance. In an era of increasing climate volatility and rising sea levels, placing 693 families in a floodplain is a planning failure that the Coastal Commission must prevent.

Conclusion

The combination of contractual violations, airport safety risks, and environmental sensitivity of the Back Bay makes Sites 23–26 entirely unsuitable for a Housing Overlay. Most importantly, this would result in the permanent and irrevocable loss of public open space. Once this recreational land is converted to housing, a vital community asset and a critical environmental buffer for the Back Bay will be gone forever. I respectfully request that the Commission deny the HO Overlay for these four sites to protect the integrity of the Coastal Zone. Housing should not be the "default" for protected open space when alternative, less sensitive sites exist citywide.

Sincerely,

Linda Giedt
Newport Beach, CA

Attachments: SAH Annexation Agreement, NBGC Letter of Interest, Housing Element Site Inventory, Flood Zone Map

059C0267J
12/3/2009

ORANGE COUNTY
UNINCORPORATED AREAS
060212

CITY OF NEW
06

Zone A

OFFICE OF THE COUNTY COUNSEL
COUNTY OF ORANGE

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RECITALS:

WHEREAS, the Board of Supervisors of the COUNTY acting pursuant to the Community Redevelopment Law ("CRL") has adopted a redevelopment plan (the "Redevelopment Plan") for a portion of the unincorporated territory of the COUNTY known as Santa Ana Heights (the unincorporated territory governed by the Redevelopment Plan is referred to in this Agreement as the "Project Area"); and

WHEREAS, under the CRL, the AGENCY is responsible for implementing and administering the Redevelopment Plan; and

WHEREAS, the COUNTY has adopted the Santa Ana Heights Specific Plan to regulate land use and zoning within the Project Area (the "Specific Plan"); and

WHEREAS, the Redevelopment Plan specifies that the land uses permitted in the Project Area will be those set out in the Specific Plan; and

WHEREAS, in August 2000 the CITY amended its General Plan to include the Specific Plan;

WHEREAS, the AGENCY and COUNTY desire that the land use and zoning regulations of the Specific Plan continue in effect in order to encourage development in the Project Area that will generate sufficient tax increment revenues to repay the redevelopment bonds issued by the AGENCY to finance capital projects in the Santa Ana Heights Project Area, and meet the AGENCY's obligation to contribute to the repayment of the COUNTY'S bankruptcy recovery bonds in accordance with the provisions of Health and Safety Code Sections 33670.9 and 33670.95; and

1 WHEREAS, the CITY is proposing to annex and/or reorganize currently unincorporated
2 territories adjacent to or within the CITY'S western and northern sphere of influence, including a
3 portion of the Project Area (the portion of the Project Area proposed to be annexed to the CITY is
4 referred to in this Agreement as the "Annex Area"); and

5 WHEREAS, if the Annex Area is annexed to the CITY, the COUNTY and the AGENCY desire
6 assurances from the CITY that the land use regulation applicable to the Annex Area will remain as
7 specified in the Specific Plan and that the CITY will not amend the Specific Plan or its General Plan as
8 they pertain to the Annex Area without the COUNTY and AGENCY'S prior written consent; and

9 WHEREAS, after annexation, the CITY desires that the AGENCY cooperate with the CITY in
10 acquiring land for and constructing a fire station in the Project Area; and

11 WHEREAS, the COUNTY and the CITY intend that, upon the effective date of the annexation
12 of the Annex Area to the CITY, and the CITY providing local municipal services to the Annex Area,
13 the property tax sharing between the COUNTY and the CITY shall be 70% of the current COUNTY
14 General Fund share of the 1% basic property tax levy to the CITY, and 30% to the COUNTY during
15 the time the AGENCY continues to receive tax increment from the Annexed Area pursuant to Health
16 and Safety Code Section 33670, and, once the AGENCY is no longer receiving tax increment from the
17 Project Area, the COUNTY and CITY shall thereafter share the property tax that the COUNTY would
18 have received if the annexation had not occurred, based on the allocation set out in the Master
19 Property Tax Agreement between the CITY and the COUNTY, to wit: 51.9378% to the CITY and
20 48.0622% to the COUNTY. In addition to the above, the CITY shall receive 100% of the property tax
21 revenues from the Annexed Area that, absent annexation, would have been apportioned to the Orange
22 County Library District and the Orange County Fire Authority; and

23 WHEREAS, AGENCY is desirous of purchasing a parcel of improved real property in the
24 Project Area, for purposes of a community center, which property will be turned over to the CITY upon
25 the completion of the annexation of the Annex Area by the CITY; and
26
27
28

1 WHEREAS, CITY agrees to accept title to the property that AGENCY acquires for a community
2 center, and thereafter use and maintain the property as a community center, and, upon CITY's
3 acceptance of title, CITY shall pay all use and maintenance costs connected therewith.

4
5 NOW THEREFORE, in consideration of the above recitals and of the mutual covenants and for
6 other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the
7 COUNTY, AGENCY and CITY agree as follows:

8
9 **1. OBJECTIVES AND INTENT.**

10 **1.1. Objectives.** The objectives of this Agreement are:

11 1.1.1 Ensure that after the annexation of the Annex Area by the City, the land use and
12 zoning regulations of the Specific Plan are not be amended by the CITY without
13 the prior written consent of the COUNTY and the AGENCY.

14 1.1.2. Preserve the AGENCY'S tax increment revenues from the Annex Area after its
15 annexation by the CITY in order to repay the AGENCY'S redevelopment bonds
16 issued to finance Project Area capital projects and contribute to the repayment of
17 the COUNTY'S bankruptcy recovery bonds.

18 1.1.3 Provide AGENCY cooperation and contribute AGENCY funding for the
19 acquisition of land, (or provide AGENCY land, if suitable), for, and construction
20 of, a fire station in the Annex Area after its annexation to the CITY.

21 1.1.4 To provide the Santa Ana Heights and Newport Beach residents with a suitable
22 community center to use for community activities and programs.

23 **1.2. Intent.** The COUNTY, AGENCY and CITY, through this Agreement, intend to
24 establish the rights, obligations and duties of each of them after the CITY'S annexation of the Annex
25 Area in order to accomplishment the objectives of this Agreement.

26
27 **2. AMENDMENT OF THE SPECIFIC PLAN WITHOUT WRITTEN CONSENT OF**
28 **COUNTY AND AGENCY.**

1 2.1. After the CITY's annexation of the Annex Area, the CITY shall not amend its General
2 Plan as it pertains to the Annex Area or the Specific Plan without the prior written consent of the
3 COUNTY and the AGENCY. The CITY also agrees that in the event of any conflict between the
4 Redevelopment Plan and the CITY's General Plan or Specific Plan with regard to land uses or other
5 zoning or land use regulation, the Redevelopment Plan shall prevail. Determinations as to whether such
6 conflicts exist and their resolution shall be made by the AGENCY. COUNTY and AGENCY recognize
7 that CITY's current effort to revise CITY's General Plan ("Update") for entirety of Newport Beach may
8 include the Annex Area. CITY agrees that CITY's Update, where it applies to the Annex Area, shall be
9 submitted to COUNTY and AGENCY for review and approval.
10

11 **3. VARIATION FROM MASTER PROPERTY TAX AGREEMENT.**

12 3.1. The provisions of the Master Property Tax Agreement between the COUNTY and the
13 CITY notwithstanding:

14 (a) The COUNTY and the CITY agree that, upon the effective date of the annexation
15 of the Annex Area to the CITY, and the CITY providing local municipal services to the Annex Area,
16 the property tax sharing between the COUNTY and the CITY shall be 70% of the current
17 (preannexation) COUNTY General Fund share of the 1% basic property tax levy to the CITY, and
18 30% to the COUNTY during the time the AGENCY continues to receive tax increment from the
19 Annexed Area pursuant to Health and Safety Code Section 33670; provided, however, in the event the
20 CITY, in violation of Section 2 above, amends its General Plan or Specific Plan without the prior
21 written consent of the AGENCY and the COUNTY, then the property tax sharing between the
22 COUNTY and the CITY shall be 30% of the current (preannexation) COUNTY General Fund share of
23 the 1% basic property tax levy to the CITY, and 70% to the COUNTY.

24 (b) Once the AGENCY is no longer receiving tax increment from the Project Area, the
25 COUNTY and CITY shall thereafter share the property tax that the COUNTY would have received if
26 the annexation had not occurred, based on the allocation set out in the Master Property Tax Agreement
27 between the CITY and the COUNTY, to wit: 51.9378% to the CITY and 48.0622% to the COUNTY,
28 provided, however, in the event the CITY, in violation of Section 2 above, amends its General Plan or

1 Specific Plan without the prior written consent of the AGENCY and the COUNTY, then the property
2 tax sharing between the COUNTY and the CITY shall be 30% of the current
3 (preannexation)COUNTY General Fund share of the 1% basic property tax levy to the CITY, and 70%
4 to the COUNTY.

5 (c) In addition to the above, the CITY shall receive 100% of the property tax
6 revenues from the Annexed Area that, absent annexation, would have been apportioned to the Orange
7 County Library District and the Orange County Fire Authority.

8 (d) COUNTY and AGENCY agree, from the effective date of this Agreement
9 forward, AGENCY shall not issue redevelopment bonds backed by tax increment revenue from
10 territory that includes the Annex Area unless the bonds terminate before 2036.

11 The CITY recognizes and acknowledges that so long as the AGENCY receives tax increment
12 pursuant to Health and Safety Code Section 33670, the forgoing allocation of property taxes between
13 the COUNTY and CITY applies only to those property taxes allocable to the COUNTY and CITY
14 pursuant to subsection (a) of Health and Safety Code Section 33670 and that the balance of the
15 property taxes from the Annex Area will be allocated to the AGENCY as tax increment pursuant to
16 subsection (b) of Health and Safety Code Section 33670.

17 **4. AGENCY COOPERATION TO ACQUIRE AND CONSTRUCT A FIRE STATION IN**
18 **SANTA ANA HEIGHTS.**

19 **4.1.** After the annexation of the Annex Area by the City, the AGENCY shall cooperate with
20 and assist the CITY in locating and financing the acquisition of suitable land for a fire station to serve
21 Santa Ana Heights, adjacent unincorporated areas (via mutual and automatic aid), and John Wayne
22 Airport.

23 **4.2.** After annexation of the Annex Area by the CITY, the AGENCY shall cooperate and
24 assist the CITY in financing the construction of a fire station to serve Santa Ana Heights, adjacent
25 unincorporated areas (via mutual and automatic aid), and John Wayne Airport.. After its construction,
26 the CITY, at its sole cost, will equip and operate the fire station.

27 **4.3.** The parties understand and agree that the AGENCY's financing of the costs of the land
28 for and construction of the fire station is subject to and will require public hearings and the making of

1 findings pursuant to Health and Safety Code Sections 33445 and 33679 and that they will cooperate to
2 hold the requisite hearings and make the findings before the Board of Supervisors of the COUNTY and
3 City Council of the CITY so as to satisfy the requirements of Health and Safety Code Section 33445 and
4 33679.

5 **5. AGENCY COOPERATION TO PROVIDE LAND FOR COMMUNITY CENTER**

6 **5.1.** After the annexation of the Annex Area by the CITY, the AGENCY shall cooperate with
7 and assist the CITY in locating and financing the acquisition of suitable land for a community center to
8 serve the Annex Area as well as the balance of the Project Area.

9 **5.2.** Once the property for the community center property has been identified, acquired by the
10 AGENCY and conveyed to the CITY, the CITY will, at the CITY's sole cost, make all improvements to
11 that property necessary for its use as a community center and shall operate the property as a community
12 center. The AGENCY deed of the property to the CITY shall contain a right of reverter giving the
13 AGENCY the right to revest title to the property in the AGENCY in the event the CITY fails to operate
14 the property as a community center for a period of at least six consecutive months.

15 **5.3.** The parties understand and agree that the AGENCY's financing of the costs of the land
16 for the community center is subject to and will require the making of findings pursuant to Health and
17 Safety Code Section 33445 and that they will cooperate to facilitate the making of the requisite findings
18 before the Board of Supervisors of the COUNTY and City Council of the CITY so as to satisfy the
19 requirements of Health and Safety Code Section 33445.

20 **6. MISCELLANEOUS PROVISIONS**

21
22 **6.1. Entire Agreement.**

23 This Agreement constitutes the entire Agreement between the parties with respect to the
24 matters stated herein. All previous proposals, offers, discussions, preliminary understandings, and other
25 communications relative to this Agreement, oral or written, are hereby superseded, except to the extent
26 that they have incorporated into this Agreement. No exceptions, alternatives or substitutes of any of the
27 terms, conditions and/or provisions of this Agreement shall be considered valid unless specifically agreed
28 to in writing by both parties.

6.2. Amendments.

No alteration or variation of the terms of this Agreement shall be valid unless made in writing and signed by the parties; no oral understanding or agreement not incorporated herein shall be binding on either of the parties.

6.3. Consent To Breach Not Waiver.

No term or provision of this Agreement shall be deemed waived and no breach excused, unless such waiver or consent shall be in writing and signed by the party claimed to have waived or consented.

Any consent by any party to, or waiver of, a breach by the other, whether express or implied, shall not constitute consent to, waiver of, or excuse for any other different or subsequent breach.

6.4. Specific Performance.

The parties acknowledge that monetary damages would be inadequate to remedy any breach of this Agreement by either party. Accordingly, the parties agree that any breach of this Agreement shall entitle the non-breaching party to file an action for specific performance in a court of competent jurisdiction. In no event shall either party be liable for monetary damages in the event of a breach of this Agreement.

6.5. Counterparts.

This Agreement may be executed by the parties in counterparts, which counterparts shall be construed together and have the same affect as if all of the parties had executed the same instrument.

6.6. Further Actions and Instruments.

Each of the parties shall cooperate with and provide reasonable assistance to the other to the extent contemplated by this Agreement to achieve the objectives of this Agreement. Upon the request of either party at any time, the other party shall promptly execute, with acknowledgement or affidavit if reasonably required, and file or record instruments and writing. The parties shall also take any action as may be reasonably necessary under the terms of this Agreement to carry out the intent and to achieve the objectives of this Agreement.

6.7. Indemnification.

1 CITY shall defend, indemnify, and hold harmless the COUNTY, the AGENCY, and its
2 officers, employees and agents with respect to any claim, damage, loss, cause of action, lawsuit or
3 proceeding that arises out of or is in any way related to any act or omission by CITY or its officers,
4 employees or agents in the performance or non-performance of any duty or obligation pursuant to this
5 Agreement. COUNTY and AGENCY shall defend, indemnify, and hold harmless the CITY and its
6 officers, employees and agents with respect to any claim, damage, loss, cause of action, lawsuit or
7 proceeding that arises out of or is in any way related to any act or omission by COUNTY, AGENCY or
8 its officers, employees, or agents in the performance or non-performance of any duty or obligation
9 pursuant to this Agreement.

10 **6.8. General Law and Venue.**

11 This AGREEMENT has been negotiated and executed in the state of California and shall
12 be governed by and construed under the laws of the state of California. In the event of any legal action
13 to enforce or interpret this AGREEMENT, the sole and exclusive venue shall be a court of competent
14 jurisdiction located in Orange County, California, and the parties hereto agree to and do hereby submit
15 to the jurisdiction of such court, notwithstanding Code of Civil Procedure Section 394. Furthermore, the
16 parties specifically agree to waive any and all rights to request that an action be transferred for trial to
17 another county.

18 **6.9. Waiver of Jury.**

19 Each party acknowledges that it is aware of and has had the opportunity to seek advice of
20 counsel of its choice with respect to its rights to trial by jury, and each party, for itself and its successors,
21 creditors, and assigns, does hereby expressly and knowingly waive and release all such rights to trial by
22 jury in any action, proceeding or counterclaim brought by any party hereto against the other (and/or
23 against its officers, directors, employees, agents, or subsidiary or affiliated entities) on or with regard to
24 any matters whatsoever arising out of or in any way connected with this Agreement and/or any other
25 claim of injury or damage.

26 **6.10. Heading/Severability.**

27

28

1 The various headings and numbers herein, the grouping of provisions of this Agreement
2 into separate clauses and paragraphs, and the organization hereof are for the purpose of convenience
3 only and shall not limit or otherwise affect the meaning hereof.

4 If any term, covenant, condition or provision of this Agreement is held by a court of
5 competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions hereof shall
6 remain in full force and effect and shall in no way be affected, impaired or invalidated thereby.

7 **6.11. Interpretation.**

8 This Agreement has been negotiated at arm's length and between persons sophisticated
9 and knowledgeable in the matters dealt with in this Agreement. In addition, each party had been
10 represented by experienced and knowledgeable independent legal counsel of their own choosing or has
11 knowingly declined to seek such counsel despite being encouraged and given the opportunity to do so.
12 Each party further acknowledges that they have not been influenced to any extent whatsoever in
13 executing this Agreement by any other party hereto or by any person representing them, or both.
14 Accordingly, any rule or law (including California Civil Code Section 1654) or legal decision that would
15 require interpretation of any ambiguities in this Agreement against the party that has drafted it is not
16 applicable and is waived. The provisions of this Agreement shall be interpreted in a reasonable manner
17 to effect the purpose of the parties and this Agreement.

18 **6.12. Authority.**

19 The parties to this Agreement represent and warrant that this Agreement has been duly
20 authorized and executed and constitutes the legally binding obligation of their respective organization or
21 entity, enforceable in accordance with its terms.

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1 IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and
2 year dated below.

3 DATED: Sept. 10, 2002

COUNTY OF ORANGE, a political
subdivision of the State of California

4
5 By Cynthia P. Conrad
Chair of Its Board of Supervisors

6 "COUNTY"

7 and

8 DATED: Sept. 10, 2002
ORANGE COUNTY

9 DEVELOPMENT AGENCY, a public body
10 corporate and politic

11 By Cynthia P. Conrad
12 Chair of Its Board of Supervisors, Acting
13 as the chair of the Board of the Orange County
Development Agency

14 "AGENCY"

15 SIGNED AND CERTIFIED THAT A COPY OF
16 THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIR OF THE BOARD AND THE
CHAIR OF THE BOARD ACTING AS THE
ORANGE COUNTY DEVELOPMENT AGENCY



17 Robin Stieler for
18 DARLENE J. BLOOM
19 Clerk of the Board of Supervisors
County of Orange, California

20 APPROVED AS TO FORM:
COUNTY COUNSEL

21 By Robert L. Austin
22 Robert L. Austin, Deputy

23 DATED: 9/9, 2002

24
25
26 DATED: DEC. 17, 2002

CITY OF NEWPORT BEACH

27 By Steve Lombardi
28

Mayor of the City of Newport Beach

APPROVED AS TO FORM:

By

City Attorney for the City of
Newport Beach

DATED: 12/16, 2002

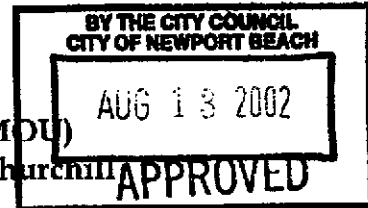
OFFICE OF THE COUNTY COUNSEL
COUNTY OF ORANGE

NEWPORT BEACH CITY COUNCIL

August 13, 2002 Regular Meeting



TO: Members of the Newport Beach City Council
FROM: Dave Kiff, Assistant City Manager
SUBJECT: Resolution 2002-__ and Memorandum of Understanding (MOU)
Relating to Santa Ana Heights, Bay Knolls, and Emerson/Churchill
Annexations



Res 2002-55
as amended

RECOMMENDED ACTIONS:

- (1) Adopt Resolution 2002-__ relating a property tax exchange agreement for the City's pending annexation of three unincorporated areas between Newport Beach and Costa Mesa.
- (2) Authorize the City Manager to enter into a Memorandum of Understanding (MOU) substantially similar to the attached draft MOU relating to the Santa Ana Heights Specific Plan and the City's operation of a fire station in Santa Ana Heights.

BACKGROUND:

State law (the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 – Government Code §56000 *et seq.*) governs the way cities, counties, and special districts address boundary issues like incorporations, annexations, detachments, changes in "spheres of influence", mergers and consolidations, and combinations of these actions called "reorganizations." Readers can access the Act at www.leginfo.ca.gov.

The Act describes the membership and role of the Local Agency Formation Commission (LAFCO) in each county. Orange County LAFCO, a seven-member body that meets monthly in Santa Ana, addresses boundary changes for our region (www.oclafco.ca.gov).

On September 26, 2000, the City Council adopted Resolution 2000-81 directing City staff to process an annexation application for the Newport Coast, Santa Ana Heights, and the Bay Knolls community. The City filed its application to annex these territories on March 19, 2001. The Newport Coast portion of the City's annexation effort became effective January 1, 2002. The City Council added another neighborhood (about nine homes in the Emerson/Churchill tract) to its pending application on May 28, 2002, when it adopted Resolution 2002-36.

The east Santa Ana Heights and Bay Knolls/Emerson annexations are anticipated to become effective July 1, 2003 following a LAFCO hearing in September 2002.

Part I: Proposed Resolution - Property Tax Exchange Agreement. One of the last steps before LAFCO can hear the City's application for any annexation is the adoption by the City Council and the Orange County Board of Supervisors of

nearly-identical resolutions directing the transfer and allocation after annexation of the 1% Basic Levy that all property owners pay. In most of Newport Beach, the city government itself receives about 17% of the 1% Basic Levy paid by Newport Beach property owners, with the remaining 83% going to schools, community colleges, the County of Orange, and special districts.

On October 28, 1980, the City and the County of Orange entered into a Master Property Tax Transfer Agreement (MPTTA) governing the exchange of the 1% Basic Levy in future annexations. The MPTTA determines how the City and the County split that portion of the Levy that goes today to the County General Fund. The Agreement directs that the City and the County always follow the following ratio for any annexation:

0.51937804992 to the City and
0.48062195008 to the County.

In most circumstances, the MPTTA would be appropriate to use for east Santa Ana Heights and Bay Knolls/Emerson. But the County and the City - in an attempt to assist the County in "getting out of the municipal service business" - have discussed providing a small incentive for Newport Beach to also annex smaller unincorporated islands between Newport Beach and Costa Mesa that remain administered by the County's redevelopment agency ("RDA") and thus have a significant portion of their total property tax apportionments restricted (see the next section for more information about how redevelopment works).

As such, the attached resolution proposes a split different from the MPTTA for the three annexation areas, but only for the property tax base that does not go to redevelopment and only for that share of the property tax base that today goes to the County General Fund. The City and the County propose that, following annexation, the non-RDA property tax share that currently goes to the County General Fund be split in the following manner:

0.70 to the City and
0.30 to the County.

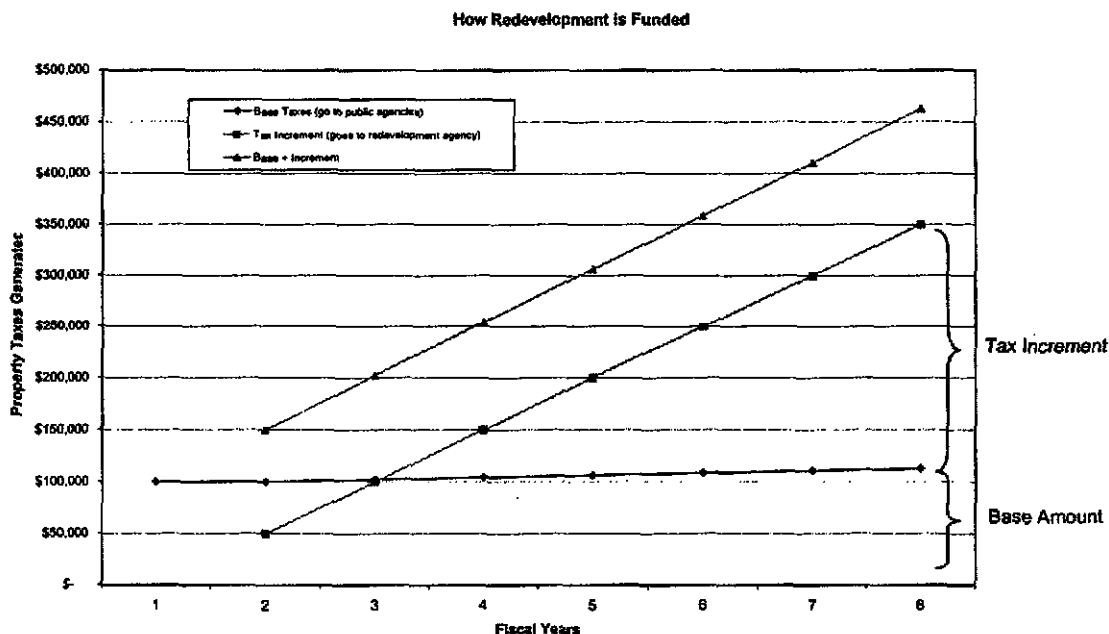
Because the County Board of Supervisors is directed by State Law to act on behalf of special districts to apportion property taxes from special purpose districts in an annexation, the proposed resolution directs the Board to also apportion 100% of the non-RDA 1% Basic Levy now received by the Orange County Fire Authority the Orange County Library District to the City upon the annexation's effective date.

And a Link to the Recent Past. In 2001, the City and the County adopted joint resolutions for the City's proposed Newport Coast annexation that directed the County to, if the City was successful in annexing Bay Knolls at a later date, provide that the property tax apportionment of the County General Fund amounts from the Newport Coast would increase to:

0.52937804992 to the City and
0.47062195008 to the County.

Part II: An MOU -- City Compliance with the Santa Ana Heights Specific Plan & the Operation of a new Fire Station. The County of Orange's redevelopment agency (called the Orange County Development Agency or OCDA) coordinates specific public works projects in many of the unincorporated islands affected by our annexation proposal. Like any redevelopment agency, OCDA funds capital projects for a "blighted" area by selling bonds based on what's called property tax "increment."

Property tax increment is the amount of property taxes generated during and after an area is redeveloped above a base amount. State law directs that property taxes at or below the base be apportioned to all of the entities that typically get property taxes -- schools, community colleges, special districts, and more. But everything above the base (with a few exceptions for growth and for schools) can be directed to a redevelopment agency. The agency then issues redevelopment bonds that will construct the improvements based on the anticipated increment.



A redevelopment agency bases its projections of increment upon an adopted redevelopment plan. The redevelopment plan typically shows where commercial, residential, or industrial properties will replace blighted areas. For the eastern Santa Ana Heights community, the redevelopment plan's zoning and land uses is reflected in the Santa Ana Heights Specific Plan.

In anticipation of annexation, on August 8, 2000, the City Council adopted Resolution 2000-73 and thereby adopted the Santa Ana Heights Specific Plan as the City's own plan for eastern Santa Ana Heights. However, to protect the County's redevelopment bonds and the anticipated flow of tax increment, the County of Orange has asked the City to confirm that the City will not rezone or redesignate land uses within the Santa Ana Heights Specific Plan without the permission and consent of the Orange County Development Agency (the Orange

County Board of Supervisors). The proposed MOU would make this confirmation.

Santa Ana Heights Fire Station. In March 2001, the City established a temporary fire station on Zenith Street serving Santa Ana Heights and the airport area when a nearby Orange County Fire Authority (OCFA) station closed in December 2000. Since that time, Chief Tim Riley and I have worked to find a site for a permanent station should the City be successful in annexing eastern Santa Ana Heights. One such location is on Birch Street in a commercially-zoned area.

The County's executive administration and the County's redevelopment agency staff are amenable to funding all or a significant part of the construction of the station provided that the City pledge to equip it, staff it, and provide traditional mutual and automatic aid to the remaining unincorporated regions around eastern Santa Ana Heights. The proposed MOU would make this commitment on the City's behalf.

**THIS AGENDA
ITEM:**

This Agenda Item proposes the adoption of a resolution and authorization for the City Manager to execute an MOU (in substantially similar form to the attached draft MOU) relating to the City's proposed annexation of Santa Ana Heights, Bay Knolls, and the Emerson/Churchill tract:

- The Resolution agrees upon a 70% (City) and 30% (County) property tax split (but only of the base property taxes -- not the increment) for each territory. This same resolution re-affirms the City and the County's intent to give the City a slightly higher percentage of the property tax generated in the Newport Coast upon annexation of the Bay Knolls community; and
- The MOU affirms the City's intent to respect the Santa Ana Heights Specific Plan following annexation and the City's intent to equip and staff a permanent fire station in eastern Santa Ana Heights following annexation should the County use redevelopment funds to acquire land for and to construct the station.

County staff intends to place the MOU (in substantially similar form) and the Resolution on the Orange County Board of Supervisors' Agenda also in August or early September, 2002.

ATTACHMENTS:

Attachment A -- Resolution 2002-__
Attachment B -- Draft MOU

RESOLUTION 2002-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH
RELATING TO A PROPERTY TAX TRANSFER AGREEMENT WITH THE
COUNTY OF ORANGE ON BEHALF OF THE COUNTY,
THE ORANGE COUNTY FIRE AUTHORITY,
AND THE ORANGE COUNTY LIBRARY DISTRICT
RELATING TO THE ANNEXATIONS OF EAST SANTA ANA HEIGHTS,
BAY KNOLLS, AND THE EMERSON/CHURCHILL TRACT**

WHEREAS, the City of Newport Beach has proposed the annexation and/or reorganization of territories adjacent to or within the City's western and northern sphere of influence. These territories are known as eastern Santa Ana Heights ("Santa Ana Heights"), Bay Knolls, and the Emerson/Churchill tract; and

WHEREAS, all or portions of these territories are within specific redevelopment project areas administered by the Orange County Development Agency (OCDA) which direct most property tax increment to the OCDA; and

WHEREAS, in January 2002, the City of Newport Beach annexed the Newport Coast community to Newport Beach; and

WHEREAS, in 1980, the City Council adopted a Master Property Tax Transfer Agreement with the County of Orange that directs that 0.51937804992 of the County General Fund share of the 1% Basic Levy be transferred to the City and 0.48062195008 remain with the County upon annexation of territory by the City; and

WHEREAS, on August 14 2001, the Board of Supervisors and the City Council agreed to adjust the Master Property Tax Transfer Agreement for the Newport Coast property tax apportionments upon a future annexation of the Bay Knolls area in order to assist the City of Newport Beach in funding municipal services to the Bay Knolls area because that territory falls within an OCDA project area; and

WHEREAS, because the City has its own library system and fire department, the City's share of the 1% Basic Levy from the Orange County Library System and the Structural Fire Fund or Orange County Fire Authority share will equal 100% of these agencies' respective shares; and

WHEREAS, the eastern Santa Ana Heights, Bay Knolls, and Emerson/Churchill neighborhoods, being all or in part covered by redevelopment project areas, will produce less property tax dollars for non-redevelopment public agencies than had the areas not been under redevelopment; now, therefore be it

RESOLVED by the City Council of the City of Newport Beach that the City Council hereby:

1. States that, upon the effective date of each specific annexation, the property tax transfer between the City of Newport Beach and the County of Orange General Fund will be as follows for the annexation areas known as eastern Santa Ana Heights, Bay Knolls, and Emerson/Churchill:
 - 0.70 of the County General Fund share of the non-redevelopment 1% Basic Levy be transferred to the City of Newport Beach; and
 - 0.30 shall remain with the County.
2. Accepts that, upon the effective date of the City's annexation of the Bay Knolls community, the property tax exchange for the previously-certified Newport Coast Annexation will be as follows:
 - 0.52937804992 of the County General Fund share of the 1% Basic Levy generated from the Newport Coast annexation area be transferred to the City of Newport Beach; and
 - 0.47062195008 shall remain with the County.
3. Requests that, upon the effective date of each specific annexation, 100% of the non-redevelopment property tax revenues accrued from the reorganized or annexed territory to the Orange County Library District shall be transferred to the City of Newport Beach.
4. Requests that, upon the effective date of each specific annexation, 100% of the non-redevelopment property tax revenues accrued from the reorganized or annexed territory to the Orange County Fire Authority shall be transferred to the City of Newport Beach.

ADOPTED this 13th day of August, 2002.

TOD W. RIDGEWAY
Mayor of Newport Beach

ATTEST:

LAVONNE HARKLESS
City Clerk of Newport Beach

-- DRAFT --

MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF NEWPORT BEACH
AND THE COUNTY OF ORANGE
REGARDING SANTA ANA HEIGHTS

The City of Newport Beach ("City") and the County of Orange ("County"), collectively known as the Parties, have hereby entered into this Memorandum of Understanding (MOU) on _____, 2002 ("Effective Date") in regards to the following issues in eastern Santa Ana Heights ("SAH"):

1. City has proposed the annexation and/or reorganization of territories adjacent to or within the City's western and northern sphere of influence. These territories are known as eastern SAH, Bay Knolls, and the Emerson/Churchill tract; and
2. County, operating as the Orange County Development Agency ("OCDA"), has adopted and confirmed a Redevelopment Plan ("Plan") for the SAH community; and
3. County has adopted the SAH Specific Plan ("Specific Plan") which describes the land use and zoning associated with the eastern SAH community; and
4. In August 2000, City amended its General Plan to include the Specific Plan in City's General Plan; and
5. The redevelopment plan relies upon the land uses and zoning described in the Specific Plan to derive the property tax increment revenue needed to pay back redevelopment bonds issued for capital projects in the SAH Project Area; and
6. County seeks City's assurance that it will respect the land use designations and zoning within the Specific Plan so that the Plan can continue to provide the tax increment revenue upon which the redevelopment bonds rely; and
7. The Plan and State Law describe various capital improvements that can be constructed with redevelopment funds; and
8. City has previously expressed its desire to have the OCDA acquire land for and construct a fire station at a suitable site in Santa Ana Heights and that following OCDA or private sector construction of such a facility and following City's annexation of the territory, City would equip and operate the station on behalf of eastern Santa Ana Heights, the Airport Area, and the remaining unincorporated areas (via existing mutual and automatic aid agreements);

Now, therefore, the Parties agree as follows:

1. City will respect, protect, and not amend without the written consent of County, the land use designations and zoning within the Specific Plan so that the Plan will continue to

support adequate property tax generation used to pay principal and interest on redevelopment bonds issued for the purposes of capital projects within the Project Area;

2. City and County will support OCDA's use of redevelopment funds for the acquisition of land and the costs of construction of a permanent fire station in eastern Santa Ana Heights;
3. City shall, following construction and following annexation, equip and staff the station in a manner that serves the residents and businesses of eastern Santa Ana Heights, the Airport Area, and nearby unincorporated areas pursuant to existing automatic aid and mutual aid agreements.

IN WITNESS WHEREOF, County and City have caused this Memorandum of Understanding to be executed the day and year first above written.

CITY OF NEWPORT BEACH
a municipal corporation.

COUNTY OF ORANGE

Homer L. Bludau, City Manager

Dr. Michael Schumacher, County Executive Officer

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Robert L. Burnham, City Attorney

Benjamin DeMayo, County Counsel

RESOLUTION 2002- 55

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH
RELATING TO A PROPERTY TAX TRANSFER AGREEMENT WITH THE
COUNTY OF ORANGE ON BEHALF OF THE COUNTY,
THE ORANGE COUNTY FIRE AUTHORITY,
AND THE ORANGE COUNTY LIBRARY DISTRICT
RELATING TO THE ANNEXATIONS OF EAST SANTA ANA HEIGHTS,
BAY KNOLLS, AND THE EMERSON/CHURCHILL TRACT**

WHEREAS, the City of Newport Beach has proposed the annexation and/or reorganization of territories adjacent to or within the City's western and northern sphere of influence. These territories are known as eastern Santa Ana Heights ("Santa Ana Heights"), Bay Knolls, and the Emerson/Churchill tract; and

WHEREAS, all or portions of these territories are within specific redevelopment project areas administered by the Orange County Development Agency (OCDA) which direct most property tax increment to the OCDA; and

WHEREAS, in January 2002, the City of Newport Beach annexed the Newport Coast community to Newport Beach; and

WHEREAS, in 1980, the City Council adopted a Master Property Tax Transfer Agreement with the County of Orange that directs that 0.51937804992 of the County General Fund share of the 1% Basic Levy be transferred to the City and 0.48062195008 remain with the County upon annexation of territory by the City; and

WHEREAS, on August 14 2001, the Board of Supervisors and the City Council agreed to adjust the Master Property Tax Transfer Agreement for the Newport Coast property tax apportionments upon a future annexation of the Bay Knolls area in order to assist the City of Newport Beach in funding municipal services to the Bay Knolls area because that territory falls within an OCDA project area; and

WHEREAS, because the City has its own library system and fire department, the City's share of the 1% Basic Levy from the Orange County Library System and the Structural Fire Fund or Orange County Fire Authority share will equal 100% of these agencies' respective shares; and

WHEREAS, the eastern Santa Ana Heights, Bay Knolls, and Emerson/Churchill neighborhoods, being all or in part covered by redevelopment project areas, will produce less property tax dollars for non-redevelopment public agencies than had the areas not been under redevelopment; now, therefore be it

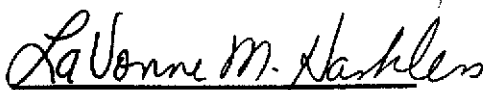
RESOLVED by the City Council of the City of Newport Beach that the City Council hereby:

1. States that, upon the effective date of each specific annexation, the property tax transfer between the City of Newport Beach and the County of Orange General Fund will be as follows for the annexation areas known as eastern Santa Ana Heights, Bay Knolls, and Emerson/Churchill:
 - 0.70 of the County General Fund share of the non-redevelopment 1% Basic Levy be transferred to the City of Newport Beach; and
 - 0.30 shall remain with the County.
 - The property tax transfer will revert to the ratio specified in the Master Property Tax Agreement at the time when the Orange County Development Agency ceases to collect tax increment from the areas subject to this annexation. Said ratio is as follows: 0.51937804992 of the County General Fund share of the 1% Basic Levy be transferred to the City and 0.48062195008 remain with the County.
2. Accepts that, upon the effective date of the City's annexation of the Bay Knolls community, the property tax exchange for the previously-certified Newport Coast Annexation will be as follows:
 - 0.52937804992 of the County General Fund share of the 1% Basic Levy generated from the Newport Coast annexation area be transferred to the City of Newport Beach; and
 - 0.47062195008 shall remain with the County.
3. Requests that, upon the effective date of each specific annexation, 100% of the non-redevelopment property tax revenues accrued from the reorganized or annexed territory to the Orange County Library District shall be transferred to the City of Newport Beach.
4. Requests that, upon the effective date of each specific annexation, 100% of the non-redevelopment property tax revenues accrued from the reorganized or annexed territory to the Orange County Fire Authority shall be transferred to the City of Newport Beach.

ADOPTED this 13th day of August, 2002.


TOD W. RIDGEWAY
Mayor of Newport Beach

ATTEST:


LAVONNE HARKLESS
City Clerk of Newport Beach



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

I, LaVonne M. Harkless, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; that the foregoing resolution, being Resolution No. 2002-55 was duly and regularly introduced before and adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 13th day of August, 2002, and that the same was so passed and adopted by the following vote, to wit:

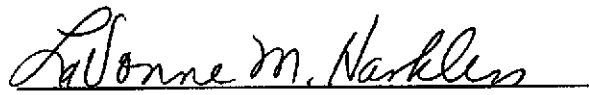
Ayes: Heffernan, O'Neil, Bromberg, Glover, Adams, Proctor, Mayor Ridgeway

Noes: None

Absent: None

Abstain: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 14th day of August, 2002.



City Clerk
Newport Beach, California

(Seal)



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

Follow Up Flag: Follow up
Flag Status: Flagged

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

Mr. Jurjis and Mr. Campbell:

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

Sincerely,

Brett Feuerstein
Newport Golf Club, LLC