

## Chapter 20.28

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

Sections:

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#### **20.28.010 Purposes of Overlay Zoning Districts.**

The purposes of the individual overlay zoning districts and the manner in which they are applied are outlined below. An overlay district may be initiated as a Zoning Map amendment in compliance with Chapter [20.66](#) (Amendments). All development shall comply with the applicable development standards (e.g., setbacks, height) of the underlying zoning district in addition to the standards provided in this chapter, if any. In situations where an inconsistency occurs between the development standards of the underlying zoning district and the standards in this chapter, the standards of the overlay district shall prevail.

A. MHP (Mobile Home Park) Overlay Zoning District. The MHP Overlay Zoning District is intended to establish a mobile home district on parcels of land developed with mobile home parks. The regulations of this district are designed to maintain and protect mobile home parks in a stable environment with a desirable residential character.

B. PM (Parking Management) Overlay Zoning District. The PM Overlay Zoning District is intended to provide for areas where parking management plans are appropriate to ensure adequate parking.

C. B (Bluff) Overlay Zoning District. The B Overlay District is intended to establish special development standards for areas of the City where projects are proposed on identified bluff areas. The specific areas are identified in Part 8 of this title (Maps).

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

E. H (Height) Overlay District. The H Overlay District is intended to establish standards for review of increased building height in conjunction with the provision of enhanced project design features and amenities.

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

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

1. HO-1 - Airport Area Environs Area – The Airport Area Environs Area is located north of the Upper Newport Bay Nature Reserve, primarily around the John Wayne Airport.
2. HO-2 - West Newport Mesa Area – The West Newport Mesa Area is located near the southwest corner of the City and primarily consists of industrial properties along 16<sup>th</sup> Street, Production Place, and 15<sup>th</sup> Street.
3. HO-3 - Dover-Westcliff Area – The Dover-Westcliff Area includes property on both sides of West Coast Highway and the west of Dover Drive. Properties in the Lido Village area are included.
4. HO-4 - Newport Center Area – The Newport Center Area is generally bounded by San Joaquin Hills Road, MacArthur Blvd, Coast Highway, and Jamboree Road.
5. HO-5 - Coyote Canyon Area – The Coyote Canyon Area is located on the south side of California State Route 73, at the junction of Newport Coast Drive.

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

6. HO-6 - 5<sup>th</sup> Cycle Housing Element Sites – Those sites that are identified as 5<sup>th</sup> Cycle Housing Element sites on Figure B-5 of the 6<sup>th</sup> Cycle Housing Element. All base zoning development standards shall apply. See subsection 20.28.050(E) for alternative review process.

B. Uses Allowed. The following uses shall be permitted in the Housing Opportunity (HO) Overlay Zoning Districts with exception of HO-6 where only the base zoning standards apply:

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

C. Subarea Development Standards.

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

**TABLE 2-16**

**DEVELOPMENT STANDARDS FOR HOUSING OPPORTUNITY OVERLAY ZONES**

	Housing Opportunity Subareas					
Development Feature	HO-1	HO-2	HO-3	HO-4	HO-5	HO-6
Development Limit (units) <sup>(1)</sup>	2,577	1,107	521,458	2,439,374	1,530	N/A
Lot Size/Dimension	Per Base Zone					
Lot area required per unit (sq. ft.) <sup>(2)</sup>	Minimum: 2,178 (20 du/ac) Maximum: 871 (50 du/ac)	Minimum: 2,178 (20 du/ac) Maximum: 871 (50 du/ac)			Minimum: 2,178 (20 du/ac) Maximum: 726 (60 du/ac) <sup>(10)</sup>	All Standards Per Base Zone
Setbacks						
Front	0 ft. <sup>(3)</sup>	10 ft. <sup>(3)</sup>	10 ft. <sup>(3)(4)</sup>	0 <sup>(3)</sup>	10 ft. <sup>(3)</sup>	
Rear	0	20 ft.	20 ft.	0	20 ft.	
Side	0 <sup>(4)</sup>					
Street Side	0 <sup>(3)</sup>	10 ft. <sup>(3)</sup>	10 ft. <sup>(3)</sup>	0 ft. <sup>(3)</sup>	10 ft. <sup>(3)</sup>	
Height	Per Base Zone unless otherwise identified on the map	65 ft.	65 ft. <sup>(6)</sup>	Per Base Zone <sup>(7)</sup>	65 ft.	
Building Separation	10 ft.					
Floor Area Ratio (FAR)	No restriction <sup>(8)</sup>					
Common Open Space <sup>(9)</sup>	Minimum 75 square feet/dwelling unit. (The minimum dimension [length and width] shall be 15 feet.)					
Private Open Space <sup>(9)</sup>	5% of the gross floor area for each unit. (The minimum dimension [length and width] shall be 6 feet.)					
Fencing	See Section 20.30.040 (Fences, Hedges, Walls, and Retaining Walls).					
Landscaping	See Chapter 20.36 (Landscaping Standards).					
Lighting	See Section 20.30.070 (Outdoor Lighting).					
Outdoor Storage/Display	See Section 20.48.140 (Outdoor Storage, Display, and Activities).					
Parking	See Subsection (D)(3) below and Chapter 20.40 (Off-Street Parking).					

<u>Satellite Antennas</u>	<u>See Section 20.48.190 (Satellite Antennas and Amateur Radio Facilities).</u>	
<u>Signs</u>	<u>See Chapter 20.42 (Sign Standards).</u>	

- (1) Development limits are additional residential development opportunities beyond the base allowances in this Title or the General Plan. These limits shall not include density bonus units or units that are either identified as pipeline units in the 6<sup>th</sup> Cycle Housing Element (Table B-2) or units that were applied for and predate the effective date of the HO Overlay Zoning Districts. Furthermore, eligible units are only counted against the development limits when they are either entitled or are issued a building permit if allowed by right. However, 25% of the development limit within each HO Overlay Zoning District that includes properties within the Coastal Zone shall be reserved until such a time as the City's Local Coastal Program has been amended to allow for housing consistent with the implementation of the 6th Cycle Housing Element. Following the City's Local Coastal Program Amendment, priority for the reserved units will be given to sites located within the Coastal Zone.
- (2) Minimum/maximum allowable density range may be based on an average density of the entire project site, excluding density bonus units.
- (3) Any portion of the building that is over 20 feet in height shall be setback a minimum 20 feet from the street right-of-way.
- (4) Except in the Mixed-Use Mariners Mile (MU-MM) Zoning District wherein residential uses are only allowed beginning 100 feet north of Coast Highway.
- (5) The combined total from both sides shall be 15 feet.
- (6) The height shall be limited to 35 feet in the Shoreline Height Limit Area, as identified in Map H-1.
- (7) "Base Zone" includes all height limitations established by the Sight Plane Ordinance (Ordinance No. 1371 and Ordinance No. 1596).
- (8) The FAR in this table only applies to residential floor area, including any supporting facilities. In mixed-use developments, the FAR for nonresidential is still applicable.
- (9) For purposes of this section, common and private open space in HO-1 may include enclosed shared amenities such as a clubhouse, swimming pool, tennis court, basketball court, racquetball court, weightlifting facility, children's playground equipment, sauna, jacuzzi, day care facility, or any other recreational amenities/facilities as deemed appropriate by the Community Development Director.
- (10) This density is intended for the former Coyote Canyon Landfill site only. The Sage Hill School site is limited to a maximum of 20 dwelling units.

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

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

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

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

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

1. Mixed-use developments. All mixed-use developments shall comply with Section 20.48.130 (Standards for Mixed-Use Projects). In addition, a minimum of 50% of the floor area of mixed-use developments shall be dedicated to residential uses. For purposes of this section, floor area be defined as all enclosed floor space, but exclude parking garages/spaces, utility areas, and storage areas that are not directly accessible from the interior of a dwelling unit.
2. Landscaped Setbacks. All front and street side setbacks shall be landscaped, except for areas that provide vehicle and pedestrian access to the right-of-way.
3. Residential Off-Street Parking Requirements. Residential parking requirements for projects within the Housing Opportunity Overlay Zones shall be provided in accordance with Table 2-17 below.

Parking for all other uses not included in this table shall be provided in accordance with Chapter 20.40 (Off-Street Parking Requirements) of the NBMC.

**TABLE 2-17**

**RESIDENTIAL OFF-STREET PARKING FOR HOUSING OPPORTUNITY OVERLAY ZONES**

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

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

1. All units designated as affordable to very-low and/or low-income residents shall be subject to a minimum 30-year affordability covenant;
2. Affordable units shall reflect the range of numbers of bedrooms provided in the residential development project as a whole, but may be smaller and have different interior finishes and features than market-rate units;
3. Affordable units shall be comparable in the facilities provided (e.g., laundry, recreation, etc.) and in the quality of construction and exterior design to the market-rate units; and
4. Affordable units shall be dispersed throughout the residential development.

## 20.48.130 Mixed-Use Projects.

This section provides standards and criteria for the development of mixed-use projects. The primary intent of these standards and criteria is to balance the needs of nonresidential uses for access, visibility, parking, loading, safety, and economic development with the needs of residential uses for privacy, security, and relative quiet.

A. Site Development Review Approval Required. Mixed-use projects shall require approval of a site development review in compliance with Section [20.52.080](#) (Site Development Reviews).

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

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

C. Nonresidential Uses Required on Ground-Floor. All (i.e., one hundred (100) percent) of the ground floor street frontage of mixed-use structures shall be a minimum depth of twenty-five (25) feet and shall be occupied by retail and other compatible nonresidential uses except:

1. As specified otherwise by Table 2-10 or Table 2-11 in Part 2 of this title (Zoning Districts, Allowable Land Uses, and Zoning District Standards); or
2. For common/shared building entrances for residences on upper floors.

D. Open Space Areas. Open space areas shall be provided in compliance with Table 2-10 or Table 2-11 in Part 2 of this title (Zoning Districts, Allowable Land Uses, and Zoning District Standards).

1. Private Open Space. The private open space areas required for residential dwelling units (e.g., balconies, decks, porches, etc.) shall be designed to limit intrusion by nonresidents.
2. Common Open Space. The common open space areas required for residential dwelling units shall be separated from nonresidential uses on the site and shall be sited and designed to limit intrusion by nonresidents and customers of nonresidential uses. However, the sharing of common open space may be allowed by the review authority when it is clear that the open space will provide direct benefit to project residents. Common open space uses may be provided on rooftops for use only by the project residents.

E. Sound Mitigation. An acoustical analysis report, prepared by an acoustical engineer, shall be submitted to the Director describing the acoustical design features of the structure that will satisfy the exterior and interior noise standards. Projects shall be attenuated in compliance with the report. Mixed-use projects shall comply with the noise standards in Chapter [10.26](#).

F. Parking, Loading, and Access.

1. Type and Layout of Parking Facility. Parking facilities shall be physically separated for nonresidential uses and residential uses, except for residential guest parking. If enclosed parking is provided for an entire mixed-use complex, separate areas/levels shall be provided for nonresidential and residential uses with separate building entrances, whenever possible, subject to confirmation and approval by the review authority.

2. Loading Areas. Loading areas for nonresidential uses shall be located as far away as possible from residential uses and shall be completely screened from view from the residential portion of the project and public rights-of-way. Loading areas shall be compatible in architectural design and details with the overall project. The location and design of loading areas shall mitigate nuisances from odors when residential uses might be impacted.

3. Site Access Driveways. Separate site access driveways shall be provided, whenever possible, for nonresidential and residential uses. Site access driveways shall incorporate distinctive architectural elements, landscape features, and signs to help differentiate access to nonresidential parking areas from access to residential parking areas.

G. Buffering and Screening. Buffering and screening shall be provided in compliance with Section [20.30.020](#) (Buffering and Screening). Mixed-use projects shall locate loading areas, parking lots, driveways, trash enclosures, mechanical equipment, and other noise sources away from the residential portion of the development to the greatest extent feasible.

H. Notification to Owners and Tenants. Project applicants shall prepare a written disclosure statement prior to sale, lease, or rental of a residential unit in a mixed-use project or located within a mixed-use zoning district. The disclosure statement shall indicate that the occupants will be living in an urban type of environment and that the noise, odor, and outdoor activity levels may be higher than a typical suburban residential area. The disclosure statement shall include a written description of the potential impacts to residents of both the existing environment and potential impacts based upon the allowed uses in the zoning district. Each and every buyer, lessee, or renter shall sign the statement acknowledging that they have received, read, and understand the disclosure statement. The project applicant shall covenant to include within all deeds, leases or contracts conveying any interest in a residential unit in a mixed-use project or located within a mixed-use zoning district (1) the disclosure and notification requirement stated herein; (2) an acknowledgment by all grantees or lessees that the property is located within an urban type of environment and that the noise, odor, and outdoor activity levels may be higher than a typical suburban residential area; and (3) acknowledgment that the covenant is binding for the benefit and in favor of the City of Newport Beach.

I. Deed Notification. As a condition of project approval for a residential unit in a mixed-use project or in a mixed-use zoning district, applicants shall record a deed notification with the County Recorder's Office, the form and content of which shall be satisfactory to the City Attorney. The deed notification document shall state that the residential unit is located in a mixed-use project or in a mixed-use zoning district and that an owner may be subject to



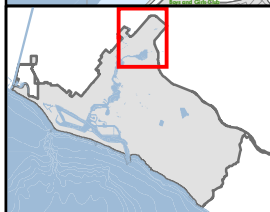
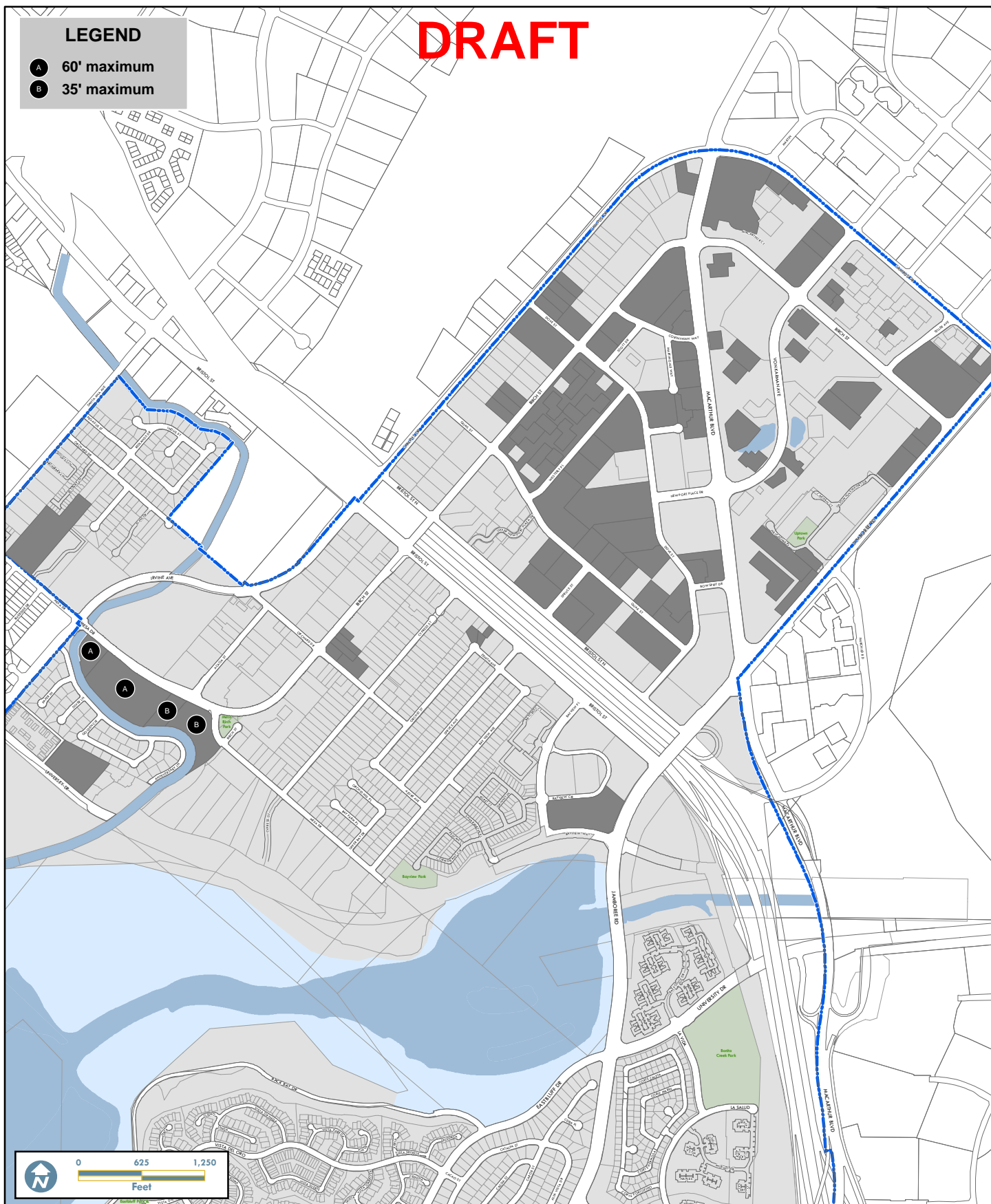
impacts, including inconvenience and discomfort, from lawful activities occurring in the project or zoning district (e.g., noise, lighting, odors, high pedestrian activity levels, etc.). (Ord. 2010-21 § 1 (Exh. A)(part), 2010)

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## LEGEND

- A** 60' maximum
- B** 35' maximum

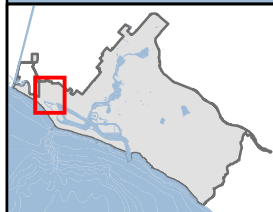
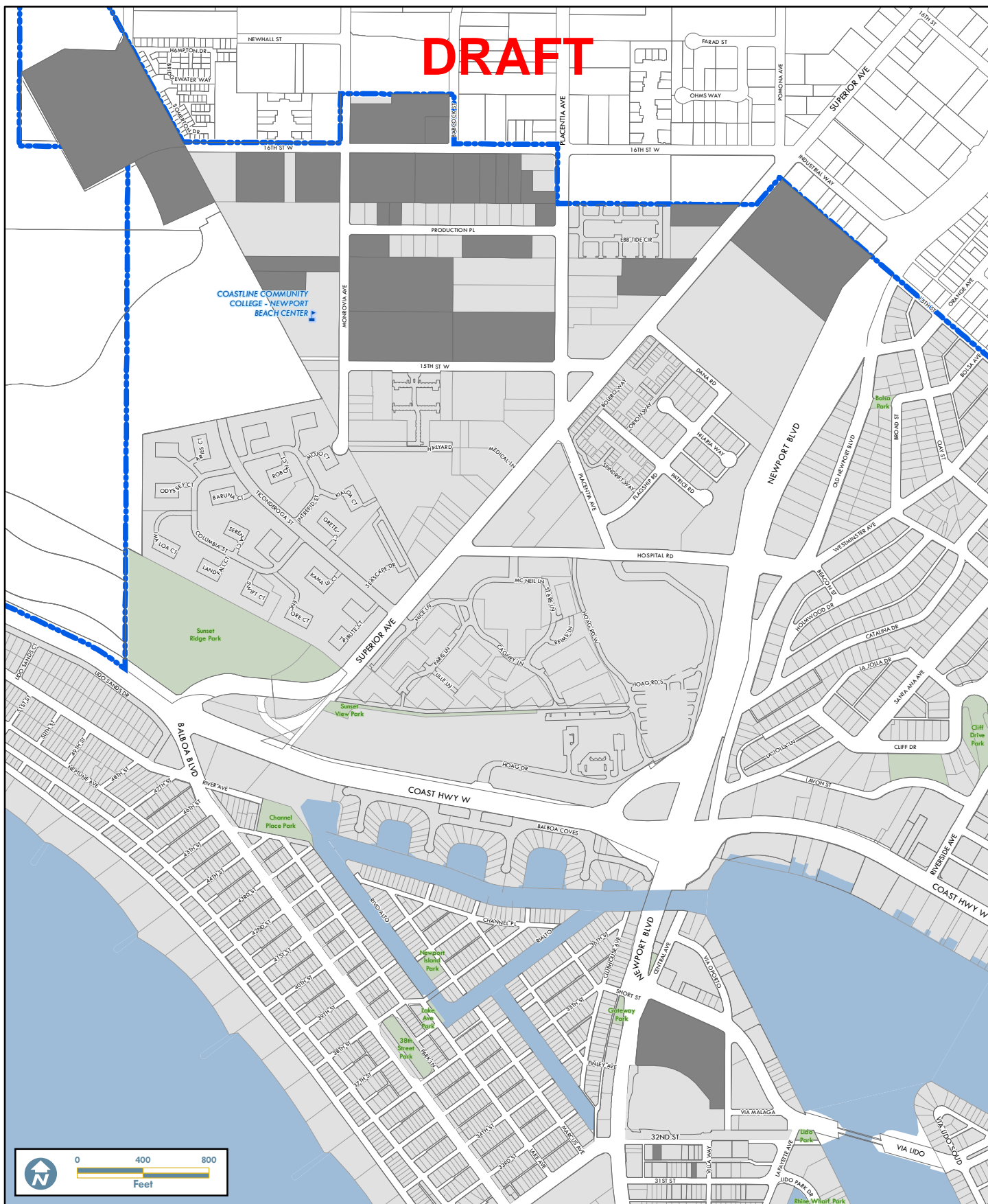


## HO-1 Airport Area Environs Area



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October 09, 2023

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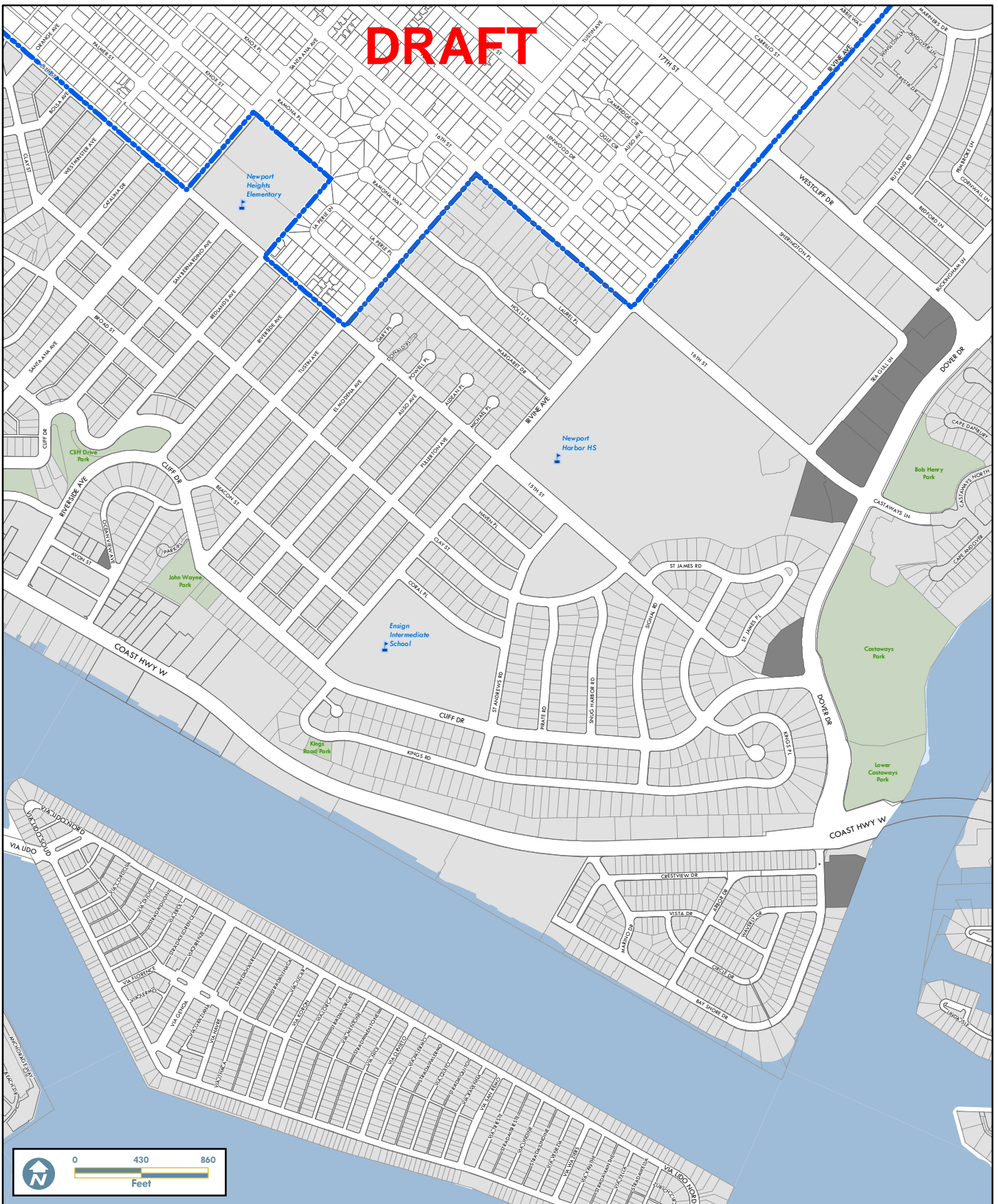
## HO-2 West Newport Mesa Area



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October 09, 2023



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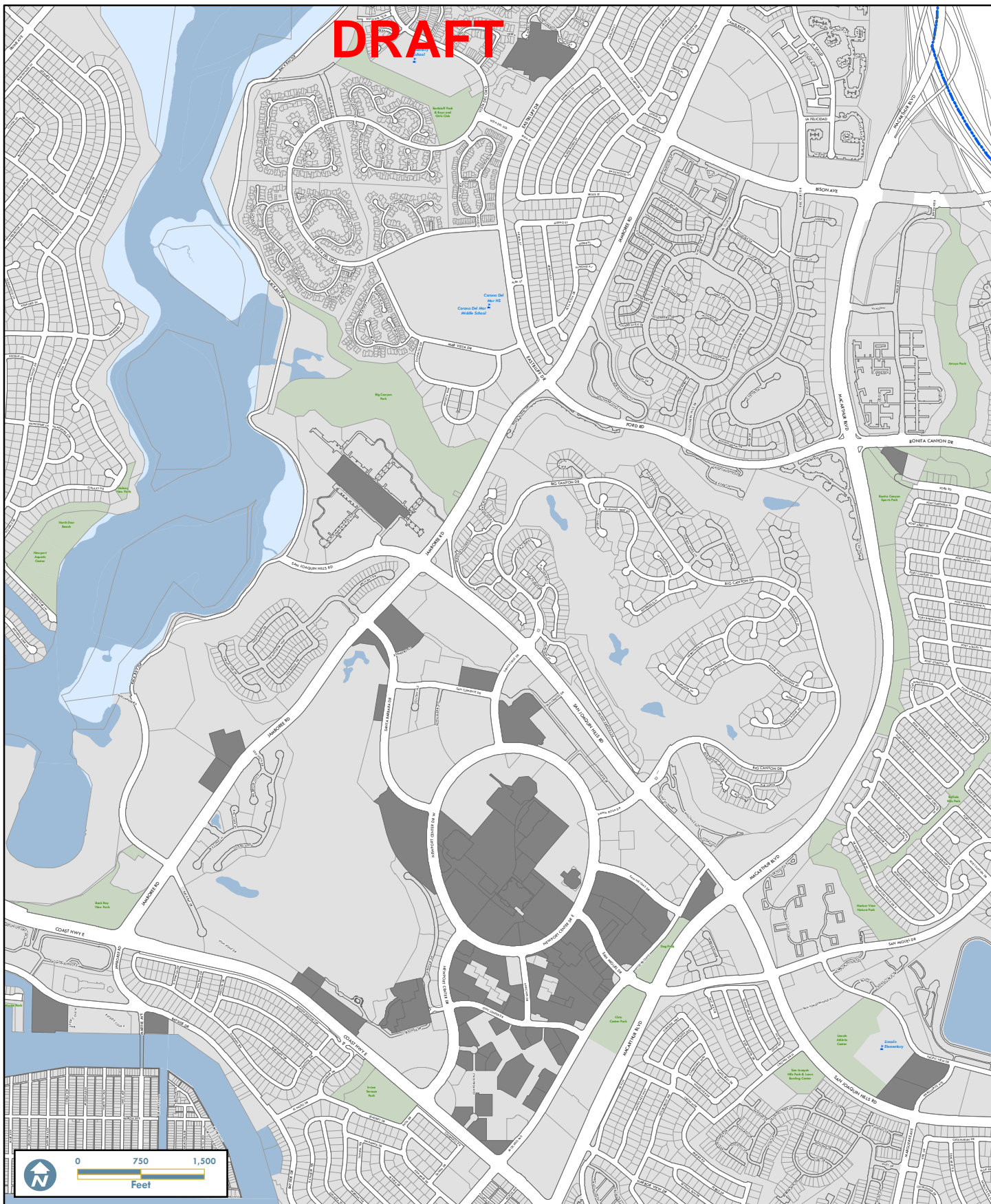


## HO-3 Dover-Westcliff Area



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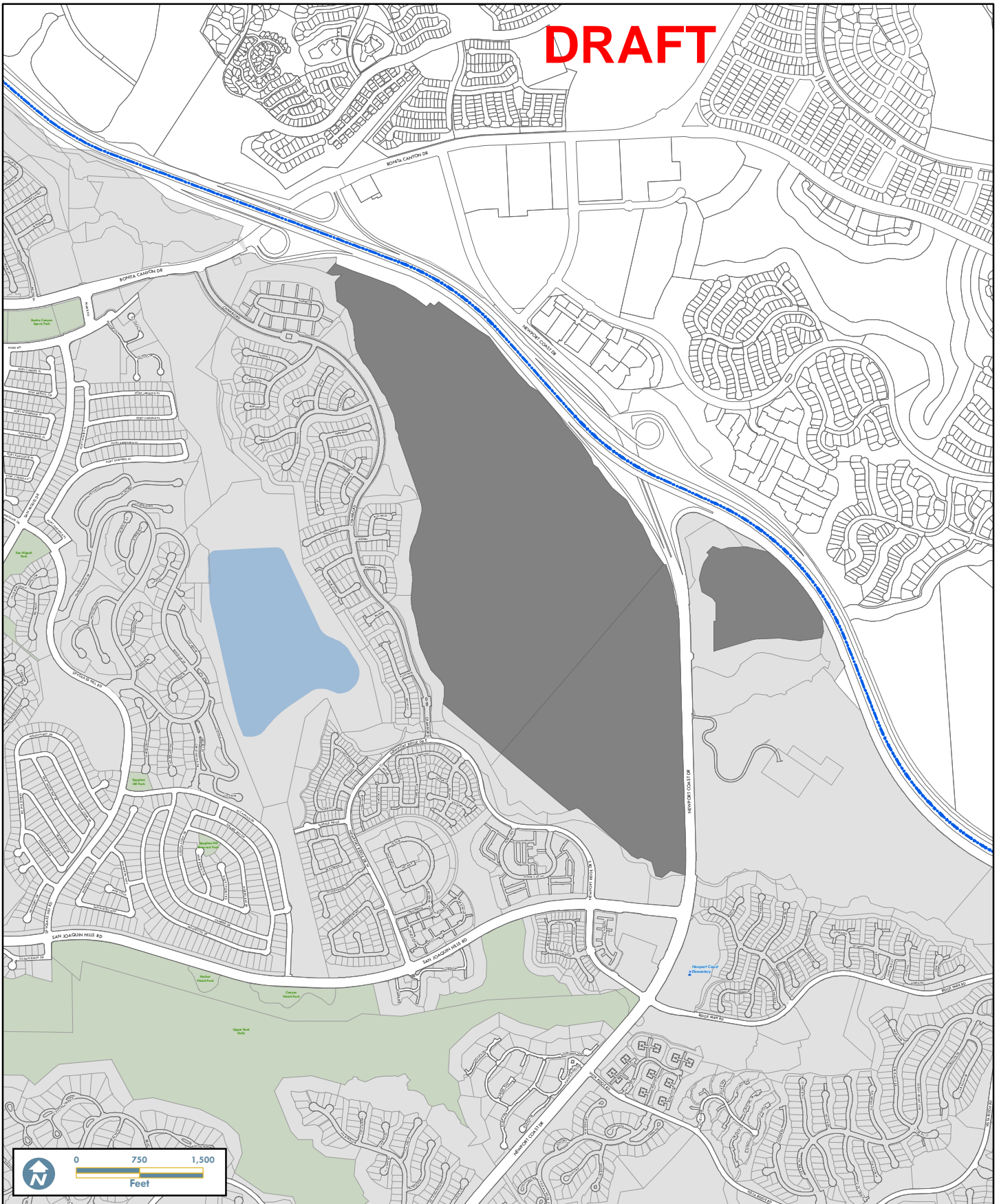
## HO-4 Newport Center Area



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## HO-5 Coyote Canyon Area



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