



# **AIRPORT LAND USE COMMISSION**

**FOR ORANGE COUNTY**  
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## **MINUTES OF REGULAR MEETING**

**JULY 18, 2019**

- PLACE:** John Wayne Airport Administration Building  
Airport Commission Hearing Room  
3160 Airway Avenue  
Costa Mesa, California 92626
- TIME:** Regular Meeting called to order at 4:00 p.m. by Vice-Chair Mark Monin
- COMMISSIONERS PRESENT:** Stephen Beverburg, Schelly Sustarsic, Alan Murphy, Mark Monin, Jeff Mathews  
Alternate Commissioners Present: Vern King, Patti Campbell
- COMMISSIONERS ABSENT:** Gerald Bresnahan, Austin Lumbard
- STAFF PRESENT:** Lea U. Choum, Executive Officer  
Lauren Kramer, County Counsel  
Martha McCool, Recording Secretary
- PLEDGE:** Vice-Chair Monin led all present in the Pledge of Allegiance.

### **APPROVAL OF MINUTES:**

A motion to approve the minutes was made by Commissioner Sustarsic and seconded by Commissioner Beverburg. Commissioners voted unanimously for the approval of the minutes from June 20, 2019. Commissioner Beverburg requested status on the corroboration of the state law from the previous meeting related to requiring notice to tenants of an airport in the vicinity. Lauren

Kramer, County Counsel, who sat in on behalf of ALUC County Counsel Jeffrey Stock did not have an update to provide and asked that we follow up with Counsel Stock at the next meeting.

### **INTRODUCTIONS:**

No introductions.

### **NEW BUSINESS:**

#### **1. City of Newport Beach: Request for determination of the Vivante Senior Housing Project:**

Lea U. Choum, Executive Officer provided background on the proposed project. Ms. Choum reported that the Nexus Development Corporation was proposing to develop a senior housing project at 850 and 856 San Clemente Drive in the City of Newport Beach. The project consists of a six-story housing development with 90 residential dwelling units and a memory care facility to accommodate 27 beds.

The implementation of this project would require the demolition of the former Orange County Museum of Art buildings. The site is 2.9 acres and the proposed building would be 77 feet, 10 inches to the highest point of the structure. The site is generally bound by residential and office uses.

Ms. Choum explained that the proposed project was referred to the Commission because the project required a General Plan Amendment (GPA) and Zone Change. The applicant requested a GPA to change the land use category from PI (Private Institutions) to MU-H3 (Mixed-Use Horizontal). An amendment to the San Joaquin Plaza Planned Community Development Plan (PC-19) was also requested to modify design standards to allow for 90 senior dwelling units, 27 memory care beds and increase the height limit from 65 feet to 69 feet.

Ms. Choum pointed out that the proposed project was submitted to the ALUC for a consistency determination prior to the City of Newport Beach Planning Commission which was set for the same day. The ALUC meeting was held at 4 p.m. and the Planning Commission meeting would follow at 6 p.m. AELUP guidelines recommend that projects be reviewed for consistency with the ALUC between Planning Commission and City Council hearings. The project applicant requested ALUC review on July 18, 2019 which was granted by the ALUC executive officer. The City Council date was scheduled for August 13, 2019.

This proposed project was reviewed for AELUP issues. With respect to noise, the project is located outside the 65 dB CNEL noise contours for John Wayne Airport. In regards to height restrictions, Ms. Choum explained the proposed project does not penetrate the notification surface. The applicant filed Form 7460-1 with the FAA and received a Determination of No Hazard to Air Navigation.

Ms. Choum discussed the proposed project's location within the transitional obstruction imaginary surface for JWA which would be penetrated at 900' AMSL. The proposed maximum building height of 260' AMSL falls below the transitional surface and would not impact areas reserved for air navigation.

Ms. Choum also explained that the proposed project is located outside of the safety zones for JWA and no heliports were proposed as part of the project. There is an existing City of Newport Beach Police Department Heliport in close vicinity of the proposed project. The Newport Beach Police Department confirmed that the proposed project would not be an obstruction or impact the departure and arrival routes for the heliport.

ALUC staff reviewed the proposed project for compliance with the *AELUP* and recommended that the commission find the proposed City of Newport Beach Vivante Senior Housing Project to be consistent with the *AELUP for JWA*. The recommendation further explained that if significant changes are made to the proposed project after being heard by the City of Newport Beach Planning Commission, the proposed Vivante Senior Housing Project would be required to return to the ALUC for another consistency determination.

At the conclusion of the staff report, Ms. Choum introduced Ms. Makana Nova from the City of Newport Beach to the commission who was available to answer questions on the proposed project.

Vice-Chair Monin commented the project has met *AELUP* compliance/regulations and opened the floor for discussion among the commissioners.

Commissioner Mathews discussed the written comments submitted by Jim Mosher which referenced Attachment 7 to the agenda item as being incorrect. The safety zone exhibit did not point to the correct project site. Staff confirmed the error and provided the commission with an updated safety zone exhibit showing the precise location of the proposed project.

Commissioner Murphy commented on the timing of ALUC's review of the project. Proposed projects are usually reviewed for consistency by the ALUC between local agencies Planning Commission and City Council hearings. For this project, it was reviewed by the ALUC first, then heard by the Planning Commission later in the same evening. Staff explained the project was heard by the ALUC first due to timing conflicts between the meeting dates and times for ALUC meetings and Planning Commission meetings. The project review schedule would have been delayed a few months. Commissioner Murphy reiterated that this is not regular practice. Staff concurred and confirmed that this will not become a regular occurrence.

Commissioner Beverburg asked who decides what a significant change is related to language proposed in the recommended action. The recommended action included language stating that if significant changes are made to the proposed project after being heard by the City of Newport Beach Planning Commission, the proposed Vivante Senior Housing Project would be required to return to the ALUC for another consistency determination.

Staff clarified that a significant change would result from a change in use or increase in height of the proposed project.

Vice-Chair Monin opened the floor for a motion. Commissioner Beverburg made a motion to find the Proposed Vivante Senior Housing Project consistent with *AELUP for JWA* with the revised language to the recommend action stating that if a change in use or increase in height is made by the City of Newport Beach Planning Commission, the proposed Vivante Senior Housing Project would be required to return to the ALUC for another consistency determination. The motion was seconded by Commissioner Murphy. The proposed project was unanimously approved by the commission.

Commissioner Beverburg asked for clarification of the proposed building heights and also asked for details on lighting for the proposed facility. Makana Nova with the City of Newport Beach clarified that a lighting recommendation was made by the FAA but it is not a requirement of the project. She also verified the building height as 69 feet with 10 feet for rooftop equipment and appurtenances which totals 79 feet as the maximum building height for the proposed project.

2. **Administrative Status Report**

Lea Choum, Executive Officer spoke on the various pieces of correspondence provided to the Commission. She referred to the JWA monthly statistics and correspondence with the City of Newport Beach regarding Agenda Item 1.

3. **Proceedings with Consistent Agencies:**

Lea Choum, Executive Officer reported that the City of Irvine would be updating their General Plan. Staff is scheduled to meet with City Staff at the beginning of next month to go over the possible proposed changes.

4. **Proceedings with Inconsistent Agencies:**

Nothing new to report.

5. **Items of Interest to the Commissioners:**

Commissioner Murphy relayed his thoughts on the timing of project submittals and recommended that commission continue to maintain the project submittal guidelines outlined in the AELUPs.

6. **Items of Interest to the Public:**

Joan Carroll Hunt, a City of Newport Beach resident expressed her concerns with the Vivante Senior Living Facility. She was not happy with the proposed unattractive boxed look of the facility which she can see from her residence and had concerns with helicopter

noise in the proposed project area. She also expressed her concern that the proposed project was reviewed for consistency by the ALUC prior to the City of Newport Planning Commission hearing.

Because of Ms. Hunt's concern for the aesthetics of the Viviente Senior Living Facility, Commissioner Beverburg discussed not seeing conceptual drawings of the project as part of the staff report for the agenda item and requested to see the conceptual drawings in future proposed project submittals. Commission Murphy commented that aesthetics is not part of ALUC's review of proposed projects but agreed conceptual drawings would be helpful.

**ADJOURNMENT:**

There being no further business before the Commission, the meeting was adjourned at approximately 4:24 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Lea U. Choum".

Lea U. Choum  
Executive Officer