



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

3160 Airway Avenue • Costa Mesa, California 92626 • 949.252.5170 fax: 949.252.6012

AGENDA ITEM 1

July 18, 2019

TO: Commissioners/Alternates

FROM: Lea U. Choum, Executive Officer

SUBJECT: City of Newport Beach: Request for Consistency review of Vivante Senior Housing Project

Background

The project applicant, Nexus Development Corporation, is proposing to develop a senior housing project. The project consists of the demolition of the former Orange County Museum of Art buildings (approximately 39,000 square feet) on a 2.9-acre site to accommodate the development of a 184,309-square-foot, six-story senior housing development (90 residential dwelling units) and memory care facility (27 beds) as a State-licensed Residential Care Facility for the Elderly [RCFE]. The proposed building would be 77 feet, 10 inches to the highest point of the structure from finished grade.

The proposed project site is located at 850 and 856 San Clemente Drive. A vicinity map is included as Attachment 1. The site is generally bounded by Villas Fashion Island Apartment Community to the north, a parking structure to the east, an office building (Pacific Life) and The Colony Apartment Community across San Clemente Drive to the south, and an office building and parking structure to the west/northwest. See Attachment 2 to view the surrounding land uses.

The project is being referred to your Commission because the project requires a General Plan Amendment (GPA) and Zone Change. The applicant requests 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) is also being requested to modify design standards to allow for 90 senior dwelling units and 27 memory care beds and increase the height limit from 65 feet to 69 feet with architectural features permitted above the primary structure by up to 10 feet (79 feet maximum).

The City of Newport Beach has scheduled public hearings on the proposed PC zoning amendment as follows:

July 18, 2019
August 13, 2019

City of Newport Beach Planning Commission
City of Newport Beach City Council

JWA AELUP Issues

Aircraft Noise Impacts:

The proposed project site is located outside of the 60 and 65 CNEL Noise Contours for JWA (see Attachment 3).

JWA Height Restrictions:

The proposed project area is within the Notification Area and the Federal Aviation Regulation (FAR) Part 77 Obstruction Imaginary Surfaces for JWA (see Attachment 4 and Attachment 5).

The proposed project penetrates the notification surface for JWA. The proposed building height of 79' Above Ground Level (AGL) plus the ground elevation of 181' Above Mean Sea Level (AMSL) equates to a building height of 260' AMSL. The notification surface would be penetrated at 205.8' AMSL. The project applicant filed FAA Form 7460-1 and received a Determination of No Hazard to Air Navigation. The FAA Aeronautical Study No. 2019-AWP-6907-OE is included as Attachment 6.

Attachment 5 shows that the proposed project is located 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 this surface and will not impact areas reserved for air navigation.

JWA Safety Zones:

The proposed project is located outside of the safety zones for JWA. See Attachment 7 to view the Safety Zones for JWA.

AELUP for Heliports Issues

The development of heliports is not part of the proposed project and is not included within the San Joaquin Plaza (PC 19 Amendment) Planned Community Development Plan Amendment. Heliports are not a permitted use without the prior approval and issuance of a conditional use permit which establishes the maintenance and operation of such a use. The Newport Beach General Plan includes language that states proposals to develop new heliports must be submitted through the City to the ALUC for review and action pursuant to Public Utilities Code Section 21661.5 and includes the requirement that proposed heliport projects must comply fully with the State permit procedure provided by law and with all conditions of approval imposed or recommended by FAA, by the ALUC for Orange County and by Caltrans/Division of Aeronautics.

The Newport Beach Police Department (PD) Heliport (FAA Identifier 3CA1) is located near the project site at 870 Santa Barbara Drive. The Newport Beach (PD) confirmed that the project will not impact the safe operation of the police helipad since the proposed project is not in or near enough to standard approach and departure paths for the PD helipad and it is not tall enough to provide an obstruction to helicopter operations in the area. Federal Aviation Regulation 77.23 sets standards for determining obstructions. An object or a structure with a height of 500 feet above ground level could be an obstruction per the FAR. The Vivante Senior Housing Project is proposed to a height of

260' AMSL and will not impact the safe operation of the helipad. See Attachment 8 to view the approach and departure paths for the Newport Beach PD Helicopter.

Environmental Compliance

An Addendum to the Museum House Project Environment Impact Report (EIR (ER2016-002)) was prepared as the CEQA documentation to analyze the potential impacts of the project. The EIR addendum public draft was released on July 8, 2019.

Conclusion

Attachment 9 to this report contains excerpts from the project submittal package received from the City of Newport Beach which includes a draft of the San Joaquin Plaza (PC 19 Amendment) Planned Community Development Plan (PCDP) Land Uses, Development Standards Procedures for your reference.

ALUC staff has reviewed this project with respect to compliance with the *JWA AELUP*, including review of appropriate height restrictions, imaginary surfaces, and environmental compliance. Based upon staff's review, the proposed project and PC Amendment would be Consistent with the Commission's *AELUP for JWA*.

Recommendation:

1. That the Commission find the City of Newport Beach Vivante Senior Housing Project Project to be Consistent with the *AELUP for JWA*. 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 will be required to return to the ALUC for another Consistency determination.

Respectfully submitted,

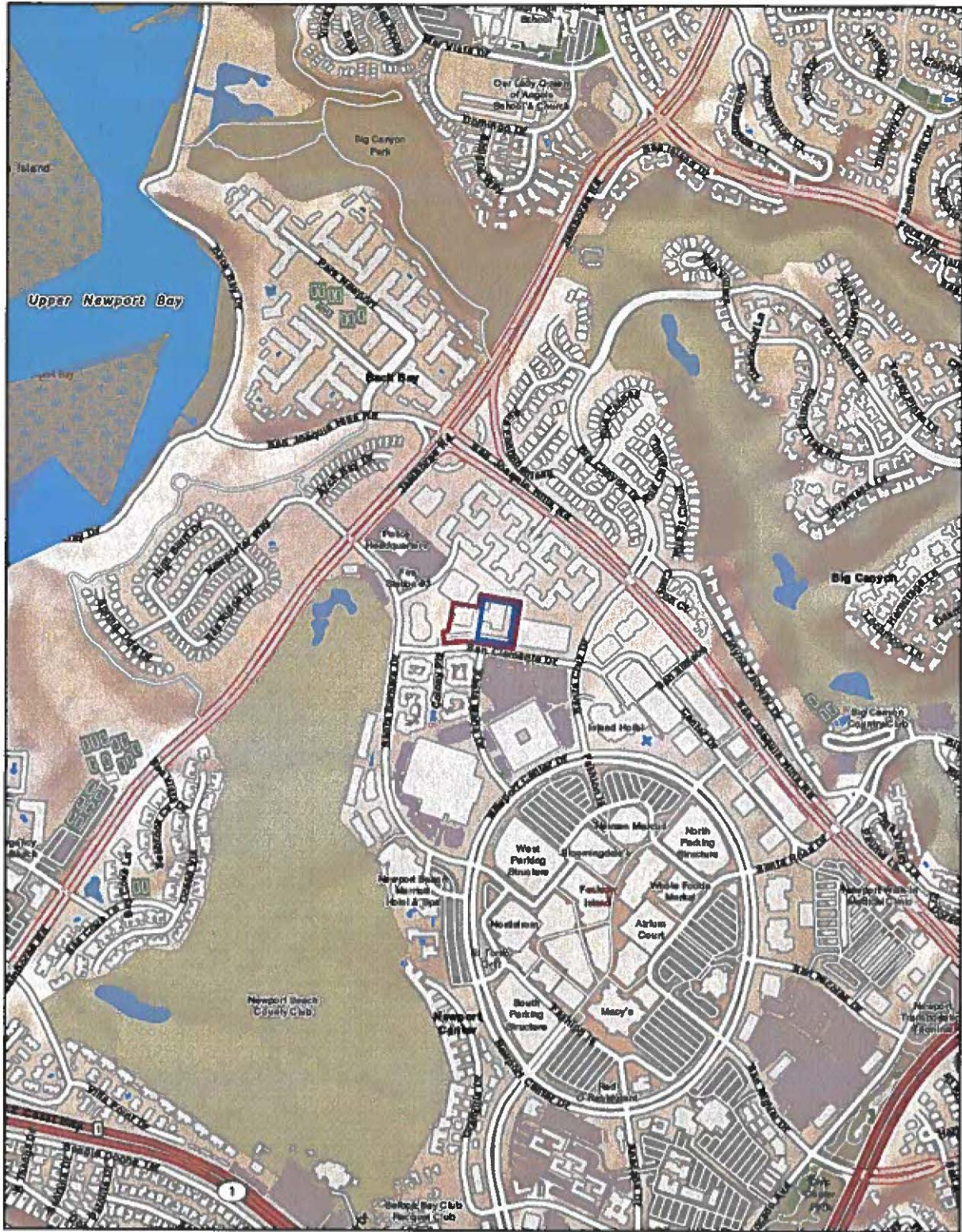


Lea U. Choum
Executive Officer

Attachments:

1. Project Vicinity Map
2. Surrounding land use exhibit
3. JWA Impact Zones (Noise Contours)
4. FAR Part 77 AELUP Notification Area for JWA
5. FAR Part 77 JWA Obstruction Imaginary Surfaces for JWA
6. FAA Aeronautical Study No. 2019-AWP-6907-OE
7. JWA Safety Zone Reference Map
8. Approach/Departure Paths for Newport Beach PD Helicopter
9. Excerpts from the City of Newport Beach Submittal Package

Figure 2 - Local Vicinity



Modified Project Boundary

Original Project Boundary

0 1,000
Scale (Feet)



Source: ESRI, 2018

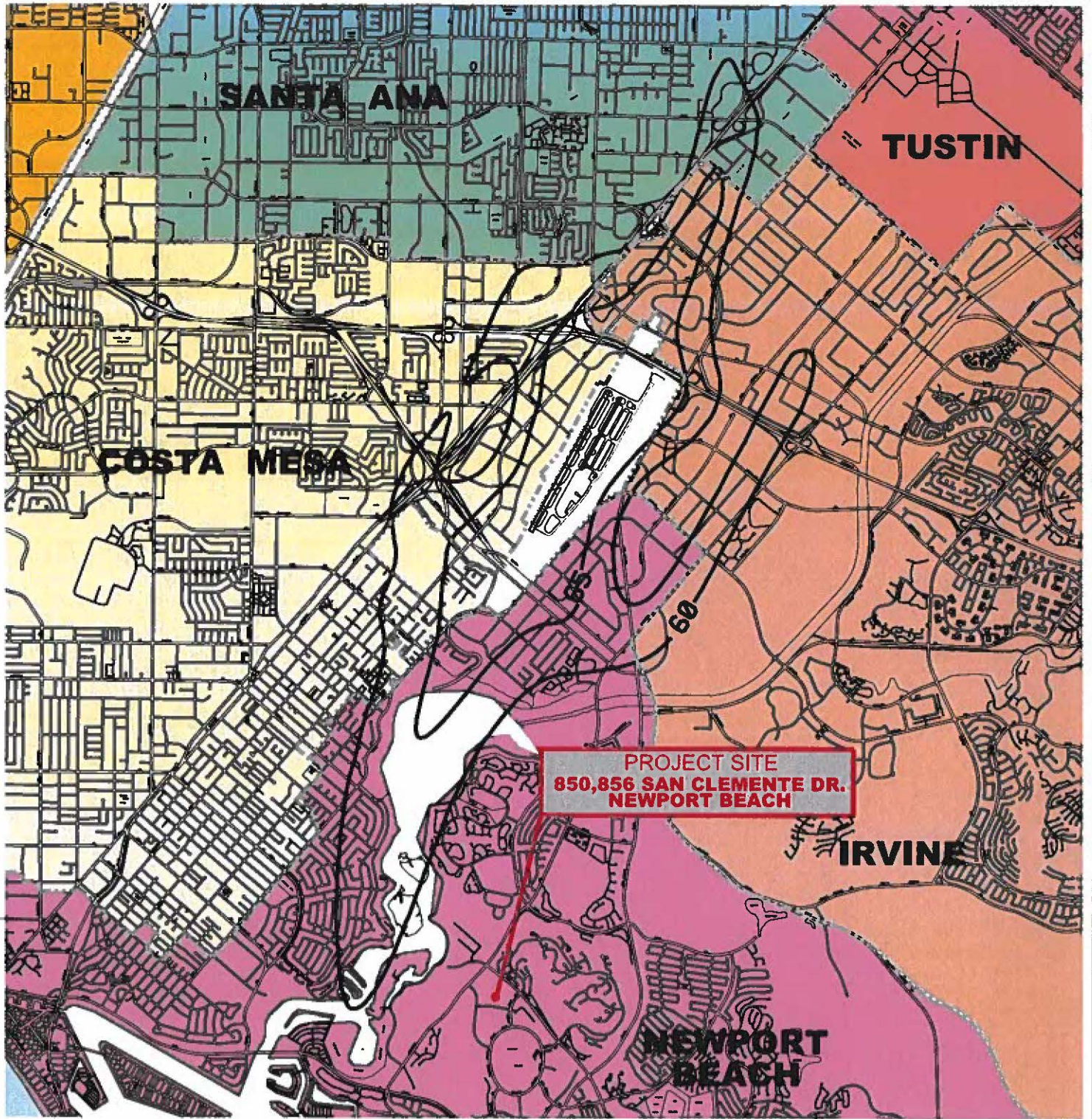
An aerial photograph of an industrial or commercial area. Three blue callout boxes with white text and arrows point to specific locations. The top box is labeled 'Fire Station 3' and points to a building in the upper left. The middle box is labeled 'Office Building' and points to a large white building in the center. The bottom box is labeled 'The Colony' and points to a large area outlined in red in the lower right. The map shows streets, trees, and various buildings. Some street names are visible, such as 'SAN CLEMENTE' at the bottom and 'EAST' on the left. There are also some green dashed lines and other markings on the map.

Fire Station 3

Office Building

The Colony

850 and 856 San Clemente D

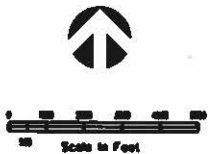


Note: County Unincorporated areas are shown in white.

John Wayne Airport Impact Zones

LEGEND

- 65— CNEL CONTOUR
- - - - RUNWAY PROTECTION ZONE
- · - · - CITY BOUNDARIES
- AIRPORT BOUNDARIES



Composite contour from
John Wayne Airport Project
Case-1990 and 2005
(see section 2.2.1)

CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

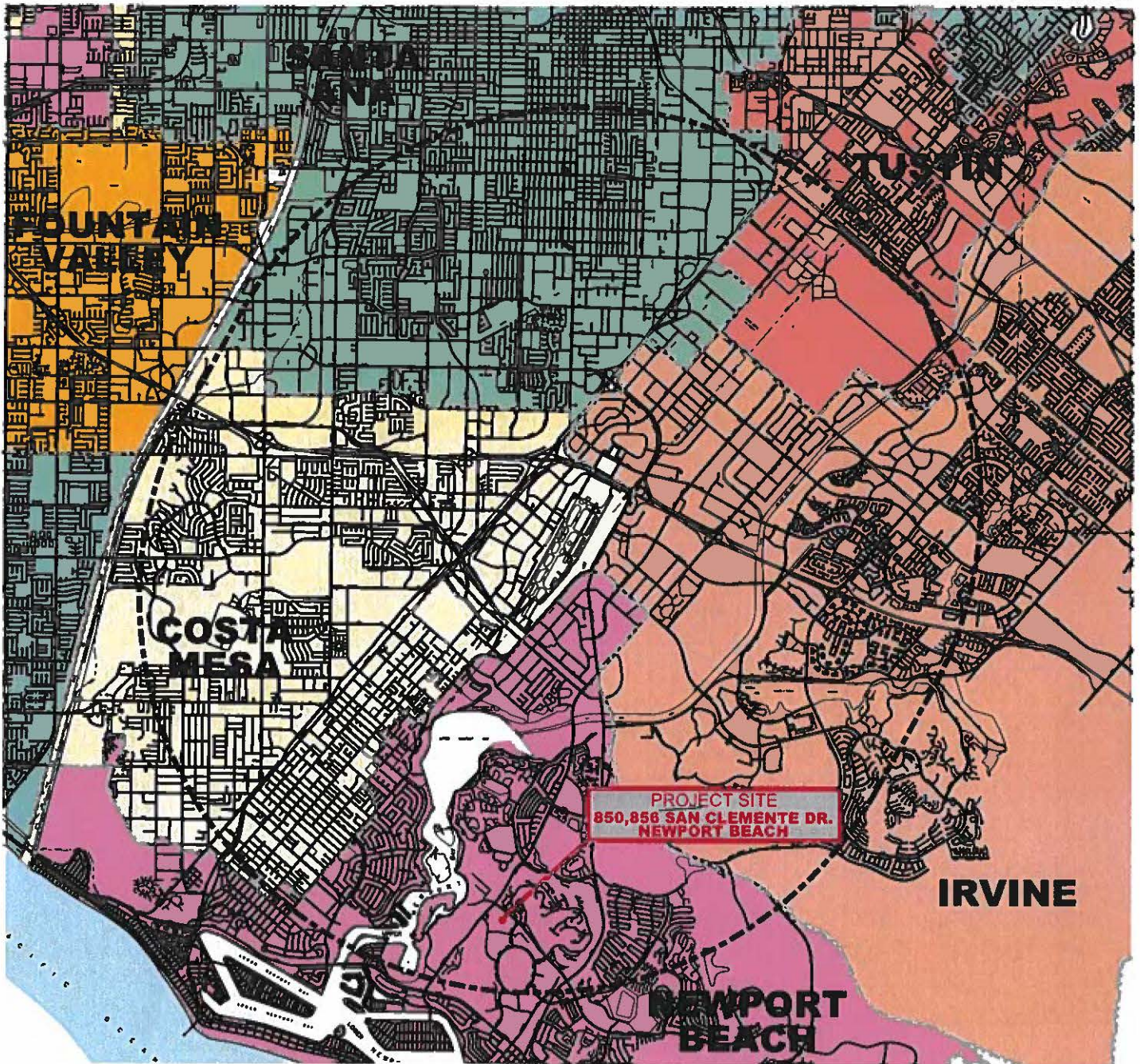
ATTACHMENT 3

Lea Choum, Executive Officer

Date

AELUP Notification Area for JWA

ATTACHMENT 3



Note: County Unincorporated areas are shown in white.

FAR PART 77

Notification Area for John Wayne Airport: 20,000' Radius at 100:1 Slope

LEGEND

- 20,000' Radius
- CITY BOUNDARIES
- AIRPORT BOUNDARIES



Scale in Feet
0 100 200 300 400 500 600 700

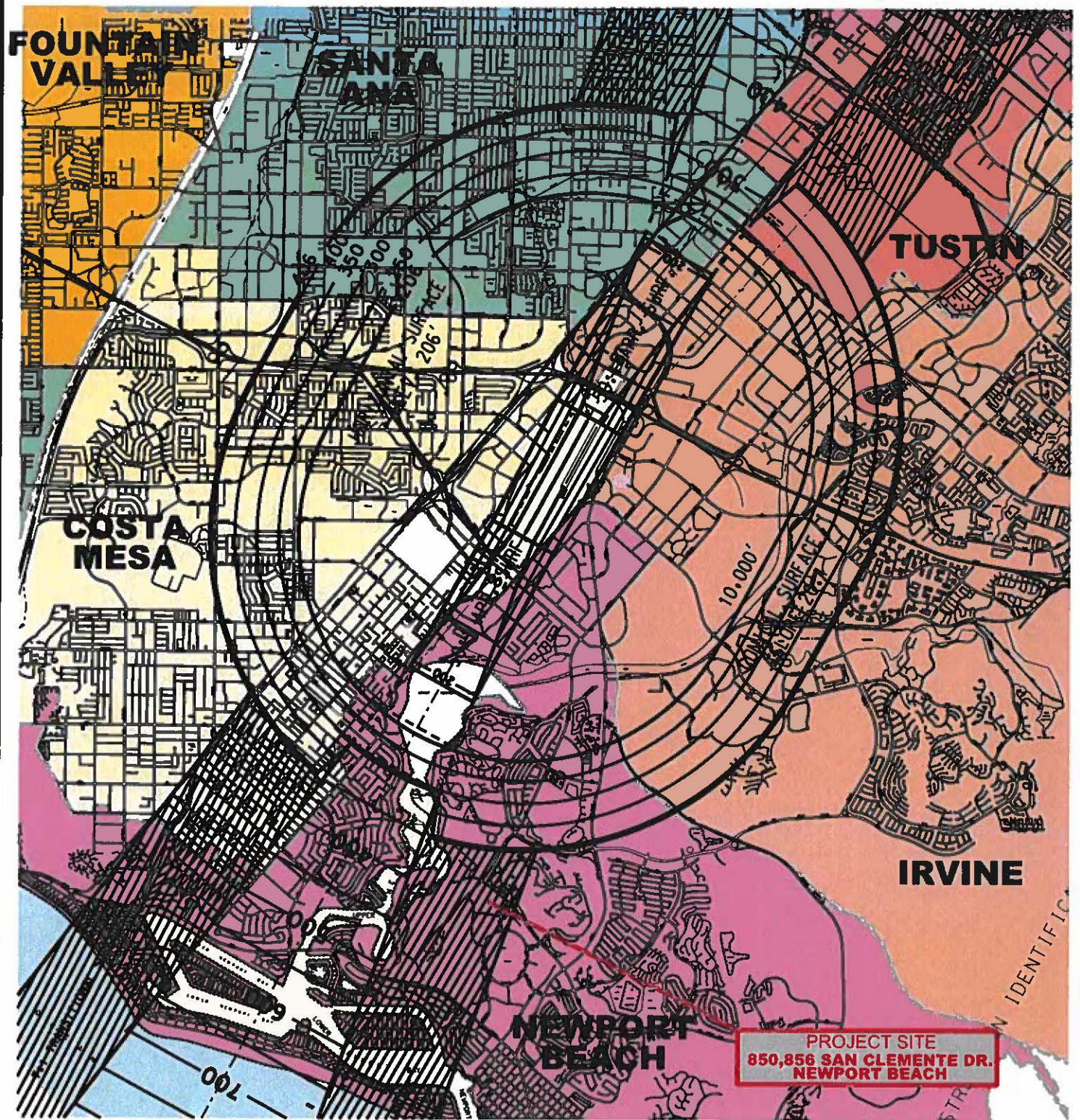
CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

ATTACHMENT 4

Lea Choum, Executive Officer

Date



Note: County Unincorporated areas are shown in white.

FAR PART 77 John Wayne Airport Obstruction Imaginary Surfaces



LEGEND

- CITY BOUNDARIES
- AIRPORT BOUNDARIES

CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

ATTACHMENT 5

Lea Choum, Executive Officer

Date



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2019-AWP-6907-OE

Issued Date: 06/18/2019

Robert Eres
 Nexus Development Corporation
 1 MacArthur Place, Suite 300
 Santa Ana, CA 92707

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building Vivante 1b
 Location: Newport Beach, CA
 Latitude: 33-37-18.71N NAD 83
 Longitude: 117-52-43.64W
 Heights: 181 feet site elevation (SE)
 79 feet above ground level (AGL)
 260 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination expires on 12/18/2020 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

ATTACHMENT 6

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

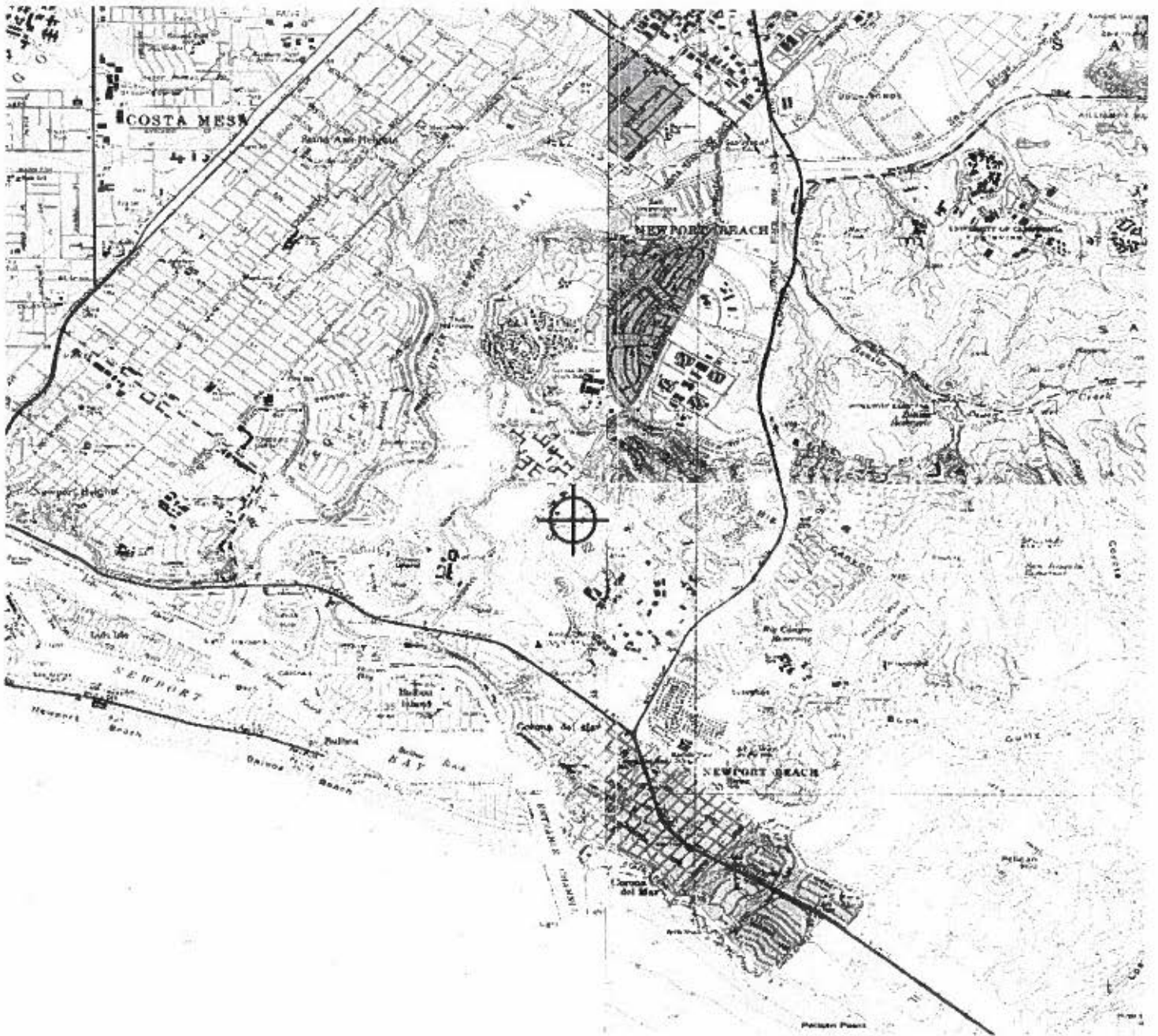
If we can be of further assistance, please contact our office at (424) 405-7643, or karen.mcdonald@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-AWP-6907-OE.

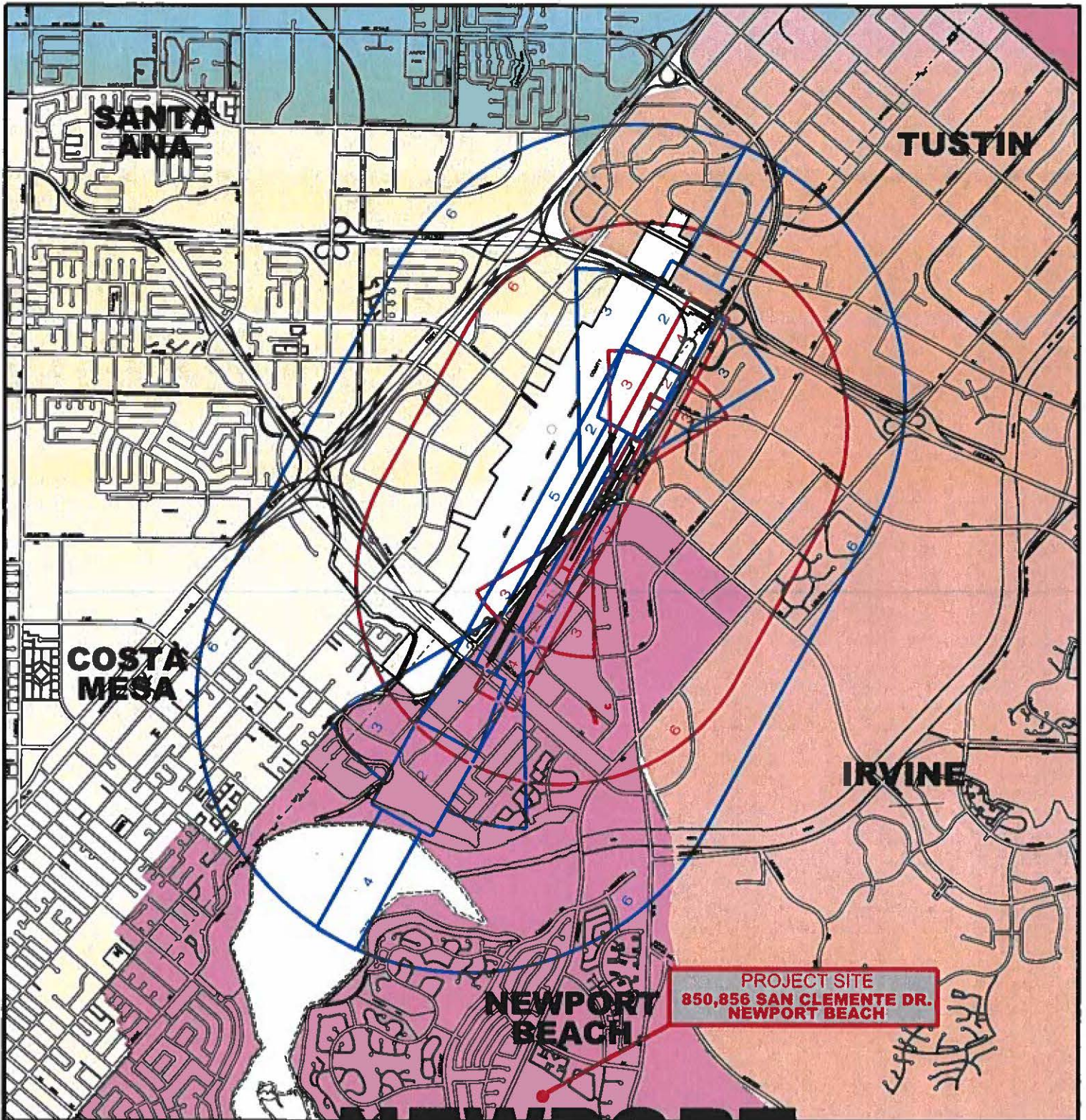
Signature Control No: 407405984-408753567
Karen McDonald
Specialist

(DNE)

Attachment(s)
Map(s)

TOPO Map for ASN 2019-AWP-6907-OE





John Wayne Airport Safety Zone Reference Map

LEGEND

- 1. RUNWAY PROTECTION ZONE
- 2. INNER APPROACH / DEPARTURE ZONE
- 3. INNER TURNING ZONE
- 4. OUTER APPROACH / DEPARTURE ZONE
- 5. SIDELINE ZONE
- 6. TRAFFIC PATTERN ZONE



SAFETY COMPATIBILITY ZONES FOR RUNWAY 1L & 19R (A MEDIUM GENERAL AVIATION RUNWAY AS DESCRIBED IN THE CALIFORNIA AIRPORT LAND USE PLANNING HANDBOOK, JANUARY 2002 EDITION)



SAFETY COMPATIBILITY ZONES FOR RUNWAY 1R & 19L (A SHORT GENERAL AVIATION RUNWAY AS DESCRIBED IN THE CALIFORNIA AIRPORT LAND USE PLANNING HANDBOOK, JANUARY 2002 EDITION)



Scale in Feet

CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

ATTACHMENT 7

Lea Choum, Executive Officer

Date

Approach and Departure Paths for the Newport Beach Police Helicopter (FAA Identifier 3CA1)



Note: The proposed Vivante Senior Housing Project will be replacing the Orange County Museum of Art buildings.



RECEIVED
JUN 28 REC'D
AIRPORT LAND USE COMMISSION

CITY OF NEWPORT BEACH
100 Civic Center Drive
Newport Beach, California 92660
949 644-3200
newportbeachca.gov/communitydevelopment

June 26, 2019

Kari Rigoni, Executive Officer
Airport Land Use Commission for Orange County
John Wayne Airport
3160 Airway Avenue
Costa Mesa, CA 92626

RE: Vivante Senior Housing Project
850 and 856 San Clemente Drive, Newport Beach, CA 92660

Dear Ms. Rigoni:

Pursuant to Section 4.7 of the Airport Environs Land Use Plan (AELUP) for John Wayne Airport, the City of Newport Beach (City) requests that the Airport Land Use Commission (ALUC) review the proposed Vivante Senior Housing project for consistency with the Airport Environs Land Use Plan (AELUP) at its June 20, 2019 meeting.

Project Summary

The project consists of the demolition of the former Orange County Museum of Art buildings (approximately 39,000 square feet) on a 2.9-acre site to accommodate the development of an 184,309-square-foot, six-story senior housing development (90 residential dwelling units) and memory care facility (27 beds) as a State-licensed Residential Care Facility for the Elderly [RCFE]. The proposed building would be 77 feet, 10 inches to the highest point of the structure from finished grade. The project site is approximately 2.9 acres and is located along San Clemente Drive in Newport Center. A vicinity map is attached as Attachment No. ALUC 1.

Required Approvals

Development of the proposed project requires the following approvals from the City:

Approval	Why is it required?
<i>General Plan Amendment (GPA)</i>	To amend Anomaly No. 49 to change the land use category from PI (Private Institutions) to MU-H3 (Mixed-Use Horizontal). The proposed amendment also includes 90 additional dwelling units in Statistical Area L1 and would reduce the non-residential floor area from 45,208-sq-ft to 16,000 square feet. See Attachment ALUC No. 2 for the GPA exhibit.

<p><i>Planned Community Development Plan Amendment (Zoning)</i></p>	<p>To modify the San Joaquin Plaza Planned Community Development Plan (PC-19) to include development and design standards to allow for 90 senior dwelling units and 27 memory care beds. The applicant also requests an increase in the height limit from 65 feet to 77 feet 10 inches. See page 3 of this letter for additional building height information. Also, refer to Attachment No. ALUC 3 for the Proposed Amendment to the PC-19 Development Plan</p>
<p><i>Major Site Development Review</i></p>	<p>To allow the construction of 90 senior dwelling units and a 27 bed memory care facility and to ensure the site is developed in accordance with the applicable planned community and zoning code development standards and regulations pursuant to Newport Beach Municipal Code (NBMC) <u>Section 20.52.080 (Site Development Reviews)</u>.</p>
<p><i>Conditional Use Permit</i></p>	<p>To allow the operation of the proposed senior housing development and memory care facility.</p>
<p><i>Lot Merger</i></p>	<p>To merge the two existing lots into one parcel for development of the site.</p>
<p><i>Development Agreement</i></p>	<p>To provide public benefits should the project be approved pursuant to <u>Section 15.45.020 (Development Agreement Required)</u> of the Municipal Code because the requested General Plan Amendment includes 50 or more dwelling units.</p>
<p><i>Addendum to Environmental Impact Report (EIR) (SCH#2016021023)</i></p>	<p>To address reasonably foreseeable environmental impacts resulting from the legislative and project specific discretionary approvals, the City has determined that an addendum to a previously certified EIR is warranted pursuant to the California Environmental Quality Act (CEQA).</p>

It should be noted that the City's Planning Commission is scheduled to hear this item at its July 18, 2019 meeting. Staff's recommendation is for the Planning Commission to recommend the City Council certify the EIR and approve the project.

Project Location

The site is approximately 2.9 acres and is located at 850 and 856 San Clemente Drive (Assessor's Parcel Numbers 442-061-05 and 442-061-17). It is generally bounded by Villas Fashion Island Apartment Community to the north, a parking structure to the east, an office building (Pacific Life) and The Colony Apartment Community across San Clemente Drive to the south, and an office building and parking structure to the west/northwest.

Latitude and Longitude

The table below includes latitude and longitude for the four corners of the property.

Corner	Latitude	Longitude
Northwest Corner	33.62208° N	117.87754° W
North (center) Corner	33.62221° N	117.87843° W
Northeast Corner	33.62205° N	117.87901° W
Southwest Corner	33.62135° N	117.87914° W
Southeast Corner	33.62124° N	117.87771° W

Surrounding Building Heights and Land Uses

Please refer to Attachment Nos. ALUC 4 and 5 to view the heights of buildings within a 1,000-foot radius of the subject property and land uses adjacent to the subject property.

FAA Filing

The applicant filed with the FAA on April 22, 2019. Six determinations of No Hazard to Air Navigation for the proposed structure were issued separately on May 8, 2019. (Attachment No. ALUC 6). The determination of No Hazard indicated that the structure would not exceed obstruction standards and would not be a hazard to air navigation. The FAA Form 7460-2 (Notice of Actual Construction or Alteration) must be filed electronically within five (5) days after the construction reaches its greatest height. The determinations for all buildings state that while marking and lighting are not necessary, should they be included on a voluntary basis, the installation and maintenance would be in accordance with the FAA Advisory circular 70/7460-1 L Change 2.

JWA Related Information (Noise and Safety)

- **Noise Contours** – The proposed project is not located within a Noise Impact Zone identified in the AELUP.
- **Runway Protection Zone (RPZ)** – The proposed project is not located in the RPZ.
- **Safety Zones** – The proposed project is not located within John Wayne Airport Safety Zones. See Attachment No. ALUC 7 for location of property relative to safety zones.
- **Draft EIR Addendum Analysis** – Please see Attachment No. ALUC 9 for (1) the Land Use section, which includes noise-related analysis and discussion; and (2) the Hazards and Hazardous Materials Section, which includes airport-related hazards analysis and discussion. The entire DEIR is included in electronic form on the attached flash drive.

Elevation of Property and Proposed Building Height

The property slopes approximately a 14.5 from the northeast property corner to the southwest property corner at the existing access driveway. The bulk of the property has elevations that range between 179.3 and 165.0 feet based on the North American Vertical Datum of 1988 (NAVD 88). The proposed finish floor is 181.0 feet (NAVD88). See the Preliminary Grading Plan, Sheet C-1.06 of the project plans (Attachment No. 8) for additional site topography information.

The current (and proposed) height limitation is 68 feet 8 inches from finish grade to the topmost ceiling and an additional 10 feet for mechanical screening. The proposed building complies with

April 18, 2019

this limitation. The topmost ceiling will be at 68 feet 8 inches with the highest point of the roof at 77 feet, 10 inches. Building elevations are included in the project plans (Attachment No. 8).

Proposed Elevations:

- Finished Grade (NAVD88): 181.00 feet
- Top of Roof (NAVD88): 249.67 feet

Project Plans and Environmental Impact Report

Attached for your review are the proposed plans. (Attachment No. ALUC 9). A draft addendum to the environmental impact report (DEIR addendum)-(SCH#2016021023) has been prepared for the proposed project. The flash drive is included with this package contains the draft EIR addendum, technical appendices, and responses to comments document and an electronic version of the project plans. (Attachment No. ALUC 9).

Hearing/Meeting Schedule (Tentative)

Newport Beach Planning Commission – July 18, 2019
Airport Land Use Commission (ALUC) – July 18, 2019
Newport Beach City Council – August 13, 2019

Should you have any questions concerning the preceding information, I can be reached by calling 949-644-3249 or via e-mail at mnova@newportbeachca.gov or in my absence, you may contact Gregg Ramirez, Principal Planner at 949-644-3219 or via email at gramirez@newportbeachca.gov.

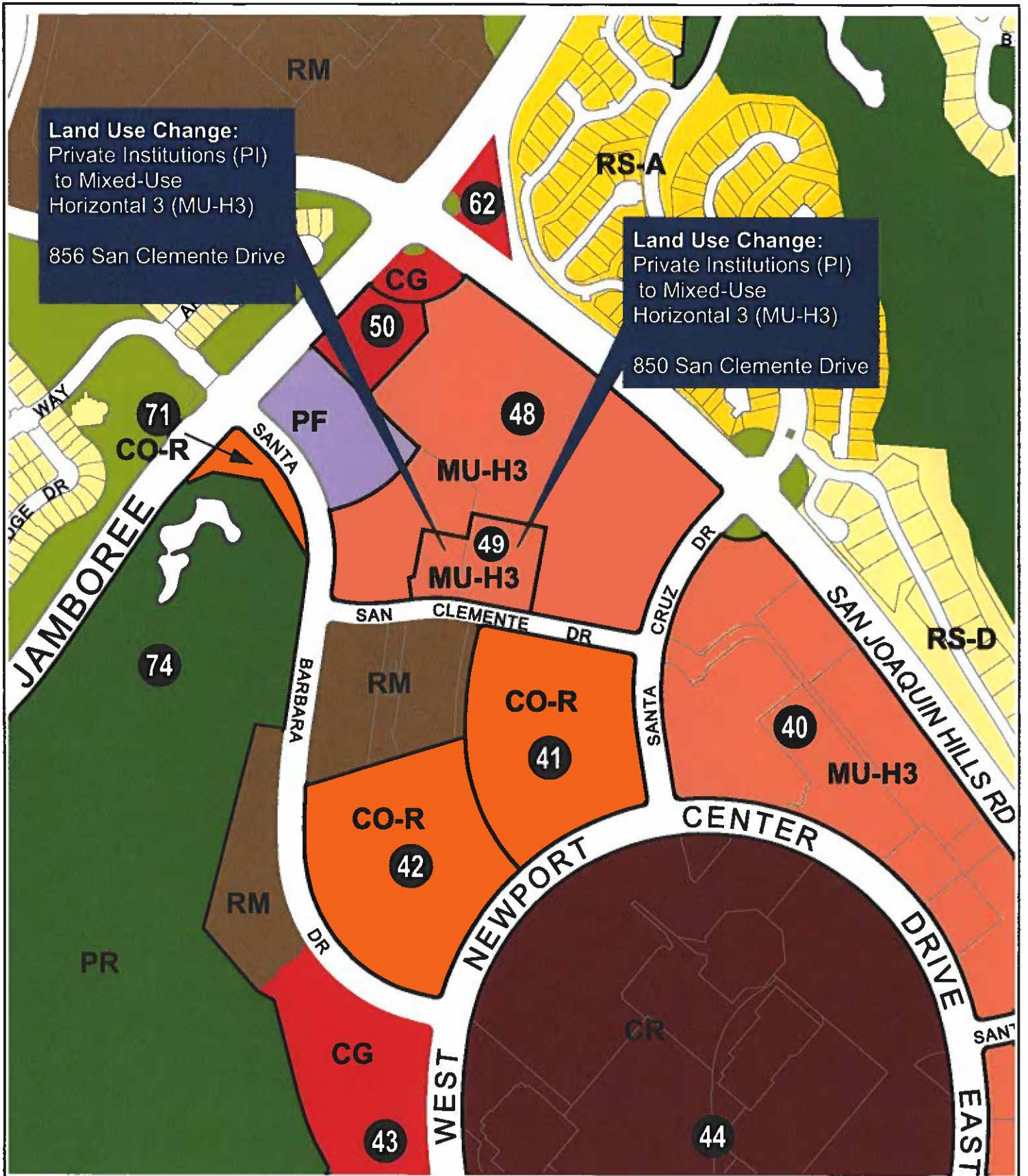
Sincerely,



Makana Nova
Associate Planner

Attachments:

1. Vicinity Map
2. General Plan Amendment Exhibit
3. Proposed Amendment to the PC-32 Development Plan
4. Building Heights of Surrounding Structures Map
5. Adjacent Land Uses Map
6. FAA Determinations
7. JWA Safety Zones
8. Proposed Project Plans
9. DEIR addendum (Flash Drive)



**GP2018-003 (PA2018-185)
General Plan Amendment
850 / 856 San Clemente Drive**



Land Use Element

Table LU2 Anomaly Locations

Anomaly Number	Statistical Area	Land Use Designation	Development Limit (sf)	Development Limit (Other)	Additional Information
37	L1	CO-R	131,201	2,050 Theater Seats (not included in total square footage)	
38	L1	CO-M	443,627		
39	L1	MU-H3	408,084		
40	L1	MU-H3	1,426,634	425 Hotel Rooms (included in total Square Footage)	
41	L1	CO-R	327,671		
42	L1	CO-R	286,166		
43	L1	CV		611 Hotel Rooms	
44	L1	CR	1,619,525	1,700 Theater Seats (not included in total square footage)	
45	L1	CO-G	162,364		
46	L1	MU-H3/PR	3,725	24 Tennis Courts	Residential permitted in accordance with MU-H3.
47	L1	CG	105,000		
48	L1	MU-H3	337,261		
49	L1	MU-H3 PI	16,800 45,208	90 Dwelling Units	
50	L1	CG	25,000		
51	K1	PR	20,000		
52	K1	CV		479 Hotel Rooms	
53	K1	PR	567,500		See Settlement Agreement
54	J1	CM	2,000		
55	H3	PI	119,440		
56	A3	PI	1,343,238	990,349 sf Upper Campus 577,889 sf Lower Campus	In no event shall the total combined gross floor area of both campuses exceed the development limit of 1,343,238 sq. ft.
57	Intentionally Blank				
58	J5	PR	20,000		
59	H4	MU-W1	247,402	144 Dwelling Units (included in total square footage)	
60	N	CV	*3,035,000	2,150 Hotel Rooms (2,960,000 square feet for hotel rooms and related commercial uses identified in Newport Coast LCP) 75,000 square feet for Day Use Commercial	Newport Coast LCP Planning Area 13 *Correction per Planning Commission Resolution 2030 adopted October 6, 2016
61	N	CV	125,000		Newport Coast LCP Planning Areas 3B and 14
62	L2	CG	2,300		
63	G1	CN	66,000		
64	M3	CN	74,000		
65	M5	CN	80,000		
66	J2	CN	138,500		
67	D2	PI	20,000		
68	L3	PI	71,150		
69	K2	CN	75,000		
70	D2	RM-D			Parking Structure for Bay Island (No Residential Units)
71	L1	CO-G	11,630		

**San Joaquin Plaza
Planned Community Development Plan
(PC 19 Amendment No. 8)**

**Land Uses, Development Standards &
Procedures**

Amended [insert date here]

**San Joaquin Plaza Planned Community Development Plan
(PC 19 Amendment No. 8)**

Land Uses, Development Standards & Procedures

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San Joaquin Plaza PC Development Plan
Amendment No. 8

I. Introduction

A. Introduction, Purpose, and Intent of this Development Plan

The San Joaquin Plaza Planned Community District (PC-19) (the "San Joaquin Plaza PC District") for the City of Newport Beach is part of the Newport Center Development in conformance with the Newport Beach General Plan (the "General Plan"). The General Plan identifies the goal of creating a successful mixed-use district that integrates economic and commercial centers serving the needs of Newport Beach residents and the sub-region, with expanded opportunities for a variety of housing development within Newport Center.

As shown on Figure 1, the San Joaquin Plaza PC District is located in the north end of Newport Center where the concentration of building height and mass is greatest. It is generally bounded by Santa Cruz Drive on the east, San Clemente Drive to the south, and Santa Barbara Drive to the west. Surrounding uses include a parking structure to the east, office buildings and a parking structure to the west, residential apartments to the north, and office and residential apartments to the south across San Clemente Drive. The Fashion Island regional mall is approximately ¼ mile to the south. The purpose of the San Joaquin Plaza PC District is to ensure consistency with General Plan policies related to development scale in Newport Center and expectations for high quality development.

This San Joaquin Plaza PC Development Plan (as hereby amended, this "Development Plan") provides land use and development standards for the subject properties located at 850 San Clemente Drive and 856 San Clemente Drive. This Development Plan supersedes the existing San Joaquin Plaza PC Development Plan in its entirety, including the land use and development standards therein. The specifications of this Development Plan are intended to provide flexibility in both the land use and development standards for the planned buildings.

B. Relationship to the Municipal Code

Whenever the development regulations of this Development Plan conflict with the regulations of the City of Newport Beach Municipal Code (the "Municipal Code"), the regulations contained in this Development Plan shall prevail. The development regulations of the Municipal Code shall apply with respect to those regulations not addressed by this Development Plan. All words and phrases used in this Development Plan shall have the same meaning and definition as used in the Municipal Code unless defined differently in Section IV (Definitions) of this Development Plan.

C. San Joaquin Plaza Statistical Analysis

The San Joaquin Plaza PC District area consists of the following two (2) existing buildings located on the following two (2) adjoining parcels (however, this Development Plan allows for such adjoining parcels to be combined into a single parcel for development purposes):

Building 1 (850 San Clemente Drive) on Parcel 1

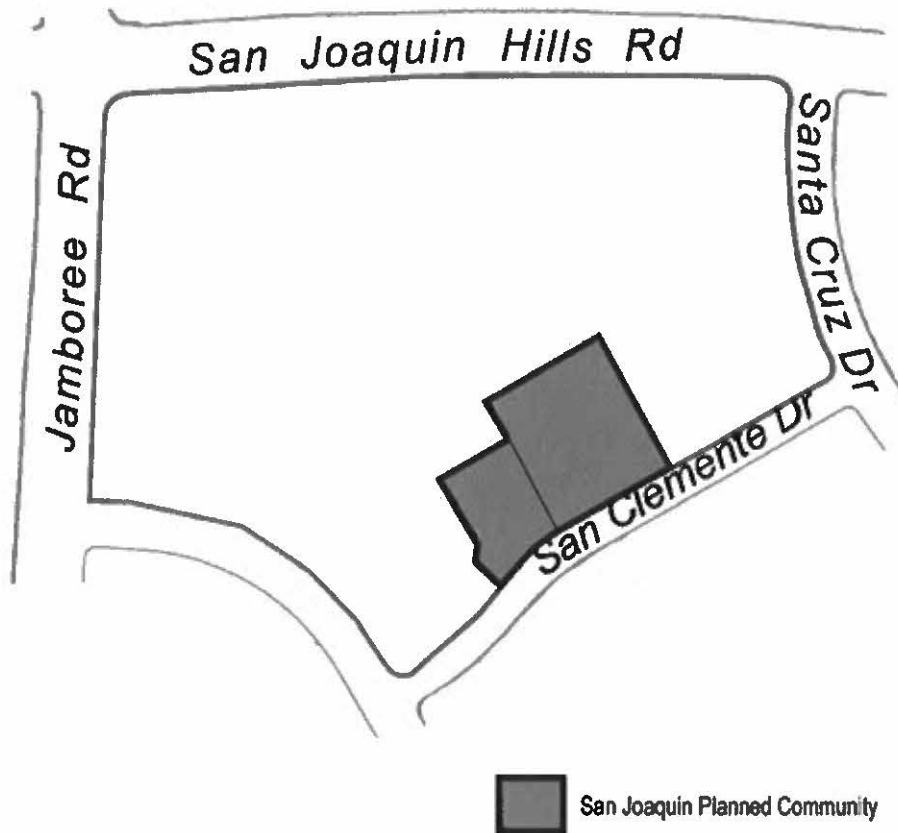
- Existing Use: Orange County Museum of Art Exhibition Space (23,632 Square Feet)
- Parcel Size: 1.996 acres

Building 2 (856 San Clemente Drive) on Parcel 2

- Existing Use: Orange County Museum of Art Galleries Administrative Offices and Storage (13,935 Square Feet)
- Parcel Size: 0.910 acres

Total combined Land Parcels consisting of 2.91 acres

D. Figure 1 - San Joaquin Plaza Planned Community Area Location Map



II. Land Uses and Development Regulations

A. Permitted Uses

1. General

The specific uses listed in Section II.A.2 below are permitted under this Development Plan. In addition, uses determined to be either accessory or ancillary to such permitted uses, or Support Uses to such permitted uses, are also permitted under this Development Plan. In addition, the Community Development Director may determine other uses not specifically listed herein, provided they are consistent with the Mixed- Use Horizontal (MU-H3) Land Use designation.

2. San Joaquin Plaza

- a. Senior Housing (with or without congregate care), which may include a development which is licensed by the State of California as a residential care facility for the elderly ("RCFE"). Such Senior Housing may include independent, assisted-living, and/or memory care units for persons 60 years of age or older.

b. Convalescent Facility (with or without congregate care), which may include a development which is licensed by the State of California as a RCFE. Such Convalescent Facility may include assisted-living care and/or memory care units.

c. Uses that are accessory or ancillary to the foregoing permitted uses, including Support Uses for Senior Housing, are also permitted. These include, but are not limited to, the following:

- i. Lobby
- ii. Club Rooms
- iii. Bowling alley
- iv. Fitness Center
- v. Business Services
- vi. Rooftop Lounge
- vii. Salon/Spa
- viii. Commercial Kitchen & Dining Hall with ancillary on-site sale alcohol service (Type 47/57 or similar license)
- ix. Laundry
- x. Conference Rooms & Admin Offices
- xi. Pool
- xii. Similar resident serving uses

d. Telecommunications facilities are permitted in accordance with Chapter 20.49 (Wireless Telecommunications Facilities) of the NBMC.

e. Land uses that are not listed above are not allowed, except as provided by Chapter 20.12 (Interpretation of Zoning Code Provisions) of the NBMC or as required by State Law.

f. Temporary uses may be allowed only upon approval of a limited term permit pursuant to Section 20.52.040 (Limited Term Permits) of the NBMC.

B. Development Limits

1. General

The following development limits in this Development Plan are consistent with those established by the General Plan:

2. San Joaquin Plaza

Up to 90 Senior Housing units are permitted within the San Joaquin Plaza PC District. Senior Housing units, associated common areas, and ancillary uses are measured on a per unit basis and not by gross floor area. Senior Housing units are comprised of separate or independent

living areas for one or more persons, with area or equipment for sleeping, sanitation, and food preparation.

Up to 16,000 square feet of Convalescent Facilities or other non-residential uses (excluding Senior Housing units and associated common areas and ancillary uses) are permitted within the San Joaquin Plaza PC District. Convalescent Facilities and other non-residential uses (excluding Senior Housing units and associated common areas and ancillary uses) are measured by gross floor area.

C. Transfer of Development Rights

Development limits may be modified through the approval of a Transfer of Development Rights. The transfer of development rights among the San Joaquin Plaza PC District and to/from other areas in the Newport Center/Fashion Island District identified in the General Plan is allowed in accordance with Policy LU 6.14.3 of the General Plan and this Development Plan. The transfer of development rights shall be approved, as specified in the General Plan.

III. Site Development Standards

A. Minimum Lot Size-126,600 square feet 2.9 acres

B. Minimum Lot Width-400 feet

C. Site Setbacks

- | | |
|---|-------|
| a. San Clemente Drive | 15'0" |
| b. East Property Line (Adjacent to Parking Garage) | 5'0" |
| c. North Property Line (Adjacent to San Joaquin Apartments) | 5'0" |
| d. West Property Line | 5'0" |

Note: Carports, site walls, trash or generator enclosures, and parking spaces shall not be subject to any setback requirements.

D. Senior Housing Open Space Requirements

The following open space standards shall apply to Senior Housing:

1. Common Outdoor Open Space

The project shall provide a minimum of 5 percent common outdoor open space based on the lot area (6,330 square feet minimum). The project shall provide common outdoor open space either at grade, podium level, common level within the building or roof level. Qualifying common outdoor open space areas shall have a minimum horizontal dimension of 30 feet and may contain active and/or passive areas and a combination of hardscape and landscape features, but a minimum of 10 percent of the common outdoor open space must be landscaped. All common outdoor space must be accessible to all residents.

2. Common Indoor Open Space

The project shall provide at least one community room of at least 500 square feet for use by residents of the project. The area should be located adjacent to, and accessible from, common access point. This area may contain active or passive recreational facilities or meeting space and must be accessible through a common corridor.

3. Private Open Space

At least 40 percent of all units shall provide private open space, on a balcony, patio, or roof terrace. Private open space shall be a minimum of 30 square feet and an average horizontal dimension of 6 feet. Balconies should be proportionately distributed throughout the project in relationship to floor levels and sizes of units.

E. Parking

Off-street parking for Senior Housing units shall be provided at a ratio of not less than 1.2 parking spaces per unit. Ancillary uses, such as lobbies, club rooms, fitness center, business services, amenities and building services shall not require additional parking as they support the primary operations of the Senior Housing community and its residents.

Off-street parking for Convalescent Facilities (Memory Care) shall be provided at a ratio of not less than one (1) parking space per three beds.

F. Floor Area Ratio

a. Allowable Floor Area Ratio (FAR)	1.5:1 FAR
b. Lot Area	126,600 Square Feet
c. Allowable Floor Area	1889,900 Square Feet

G. Lot Coverage

Lot Coverage is the percentage of the site area.

a. Lot Area	126,600 Square Feet
b. Allowable Lot Coverage is 25%	31,650 Square Feet

H. Permitted Height of Structures

The maximum building height of all buildings shall be 69 feet as measured from finished grade to the top of primary structure (top of ceiling above highest occupiable living space). Finish Grade is defined as the elevation point of the main building entry point at ground floor in relation to mean sea level.

I. Rooftop Appurtenances

Rooftop appurtenances are permitted above the primary structure and may exceed the maximum building height by up to 10 feet (79 feet maximum). Rooftop appurtenances must be screened from public view; the height of rooftop appurtenances shall not exceed the height of the screening. Supports for window washing equipment are permitted, and are not required to be screened from view. Additional setbacks on the roof are not required.

J. Architectural Features

Architectural features are permitted above the primary structure and may exceed the maximum building height by up to 10 feet (79 feet maximum). Such features must be an extension of the architectural style of the building in terms of materials, design and color.

K. Site Walls, Retaining Walls, Garage Walls and Mechanical Screens

- a. Site Walls
 - i. Site walls shall not exceed 8'0" from Finish Grade.
- b. Retaining Walls
 - i. Interior: The height of a retaining wall that faces interior to the project must not exceed 12'0" from Finish Grade to top of wall. A 42-inch guardrail is allowed above the wall where it is necessary for building and safety.
 - ii. Exterior: Retaining walls that face exterior to adjacent properties and San Clemente Drive at property lines are limited in height to 12'0" from Finish Grade not including handrail conditions that may be required above these walls. These handrail requirements may be formed by the retaining wall.
- c. Garage walls that are exposed will be treated as architectural building façade.
- d. Mechanical screens will be allowed to be of sufficient height to provide coverage of equipment from public view. Required grills, louvers, vents and other functional requirements of building equipment will, to the extent practical, be incorporated into the building architecture. Ground-mounted mechanical screens shall not exceed 8 feet in height. Mechanical equipment shall comply with the noise standards of the City of Newport Beach Municipal Code.

L. Refuse Collection

The senior housing and convalescent facility shall provide a minimum of 384 square feet of trash area. The trash area shall provide a dedicated area with three walls, a gate, and a solid roof cover with a drain to the sewer system in accordance with the requirements of Section 20.30.120 (Solid Waste and Recyclable Materials Storage) of the City of Newport Beach Municipal Code. All storage of cartons, containers, and trash shall be shielded from view within a building or within an area enclosed by a wall not less than 6 feet in height.

M. Landscaping

Refer to the landscape standards within the City of Newport Beach Municipal Code.

N. Lighting

Refer to the lighting standards within the City of Newport Beach Municipal Code.

O. Signs

1. General Sign Standards

A comprehensive sign program may be prepared if the applicant wishes to deviate from the sign standards identified herein. Comprehensive sign programs shall be submitted for

review and consideration in accordance with the provisions of the City of Newport Beach Municipal Code.

2. Prohibited Sign Types

Signs visible from public rights-of-way are prohibited as follows:

- a. Rotating, flashing, blinking or signing with animation on a permanent basis are prohibited.
- b. Signs that imitate or resemble official traffic signs or signals are prohibited.
- c. Wind signs or audible signs are prohibited.
- d. Any other sign types identified in the City of Newport Beach Municipal Code as prohibited are also prohibited hereunder.

Animated signs visible from public streets are not allowed unless otherwise permitted by the Municipal Code.

3. Sign Standards San Joaquin Plaza

Primary building address numbers shall be visible from the street (and/or pedestrian walkways in the case of necessity) and be located on the building so that they are visible from adjacent frontage roads and designated parking areas. Secondary address signs may be located where appropriate for on-site orientation and safety. All address signs shall have a consistent color, design, and material for any given building. A single letter style sign is recommended.

Table 2 – Sign Standards for San Joaquin Plaza

Sign Type	Description	Location	Maximum Number/Area	Maximum Letter/ Logo Height
A	Entry columns or ground mounted signs in front of landscaping.	Project entry at San Clemente (minimum 5-foot setback from front property line)	4 (maximum area)	36 inches (6-foot maximum overall height clear of sight-distance areas)
B	Building sign	On building elevation or awning	1 primary and 4 secondary/ (maximum sign area?)	Primary 48 inches Secondary 36 inches

C	Building address	On building elevation	4 (additional address signs may be located where appropriate for in-site orientation)/ (maximum area?)	4 inches minimum as required by Fire Department and 24 inches maximum
D	Advisory signs	Entry to service	As appropriate for safety and orientation (maximum area?)	As required by Fire Department or Building Code for Safety purposes

4. Temporary Signs

Temporary signs are permitted in accordance with the Newport Beach Municipal Code.

N. LEED Certification

The project shall be designed to meet the criteria of LEED Certification as based on LEED's prototype points and scorecard rating system.

P. Construction and Utility Requirements

1. Archaeological/Paleontological

Grading of the site is subject to the provisions of the City Council Policies K-4 & K-5 regarding archaeological and paleontological resources and Mitigation Measures as adopted in the EIR addendum Mitigation Monitoring and Reporting Program (MMRP).

2. Building Codes

Construction shall comply with applicable provisions of the California Building Code and the various other mechanical, electrical and plumbing codes related thereto as adopted by the Municipal Code.

3. Grading

Grading and excavation of the project shall be conducted and undertaken in a manner both consistent with grading manual standards and ordinances of the City of Newport Beach, in accordance with a grading and excavation plan approved by the City of Newport Beach Building Division, and in accordance with Mitigation Measures as adopted in the EIR addendum Mitigation Monitoring and Reporting Program (MMRP).

4. Telephone, Gas and Electrical Service

All "on-site" gas lines, electrical lines and telephone lines shall be placed underground. Unless prohibited by the utility company, transformer or terminal equipment shall be visually screened from view from streets and adjacent properties.

5. Sewage Service

Any new and upgraded on and off-site sewer lines shall be designed in accordance with the Utilities Department Director's approval.

6. Storm Water Management

This project shall adhere to the Water Quality Management Plan (WQMP) approved in conjunction with the issuance of building permits. Drainage and water quality assurance measures will be implemented as per the City Public Works and Municipal Separate Storm Sewer System (MS4) requirements. Development of the property will be undertaken in accordance with the flood protection policies of the City.

7. Water Service

Water service to the site will be provided by the City of Newport Beach and is subject to applicable regulations, permits and fees as prescribed by the City. The project shall provide the infrastructure for Fire Protection Water Service and Domestic water.

IV. Definitions

All words and phrases used in this Development Plan shall have the same meaning and definition as used in the Municipal Code unless defined differently in this section.

Advisory Sign: Any sign that contains directional, directory, or safety information, and does not contain advertisements.

Architectural Features: Architectural features include, but are not limited to, any extension of the architectural style of the building in terms of materials, design and color that may exceed the building height. Examples include: Roof overhangs, brackets, cornices, eaves, belt courses, ornamental moldings, pilasters, and similar features.

Audible Signs: Any sign that uses equipment to communicate a message with sound or music.

Building Elevation: The exterior wall surface formed by one (1) side of the building.

Building Height: The height of a building as measured from the exterior finished grade to the roof of the highest occupied space. If the building is on a sloping surface, the height measurement is taken from the main building entrance.

Convalescent Facility: An age-restricted area or facility (with or without medical professional staffing) designed and intended for persons ages 60 years and older with memory care needs. A Convalescent Facility may be licensed by the State of California as a Residential Care Facility for the Elderly, may include the provision of congregate care, and may offer services and assistance with activities of daily living, such as bathing, dressing, eating, toileting, ambulating, assistance with medications, housekeeping, scheduling of medical and dental appointments, accessing community resources and transferring to outside facilities.

Finish Grade: The elevation point of the main building entry point at ground floor in relation to mean sea level.

Floor Area, Gross: The gross floor area is the total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms and basement or attic areas having a height of more than seven feet. Excluded from gross floor area are covered porches, space below building entry or basement, parking, walkways, loading docks, service tunnels, mechanical shafts, and mechanical spaces which are inaccessible to tenants.

Monument Sign: Any sign that is supported by its own structure and is not part of or attached to any building.

Parking Structure: Structures containing more than one story principally dedicated to parking. Parking structures may contain accessory, ancillary, and resident Support Uses.

Podium Level: A superposed terrace conforming to a building's plan, a continuous pedestal; a line of vertical segregation linking separate areas.

Rooftop Appurtenance: A rooftop structure, equipment or element servicing or appurtenant to a building, including, but not limited to, mechanical equipment, mechanical equipment screens,

stairwell and elevator shaft housing, antennae, window washing equipment, and wireless communication facilities.

Senior Housing: An age-restricted residential development designed and intended for persons ages 60 years and older. Such development may include the provision of congregate care services for independent, assisted-living, or memory care residents. Senior housing units are comprised of separate or independent living facilities for one or more persons, with area or equipment for sleeping, sanitation, and food preparation. Additionally, a Senior Housing development may be licensed by the State of California as a Residential Care Facility for the Elderly.

Sign: Any media, including their structure and component parts which are used or intended to be used out-of-doors to communicate the information to the public.

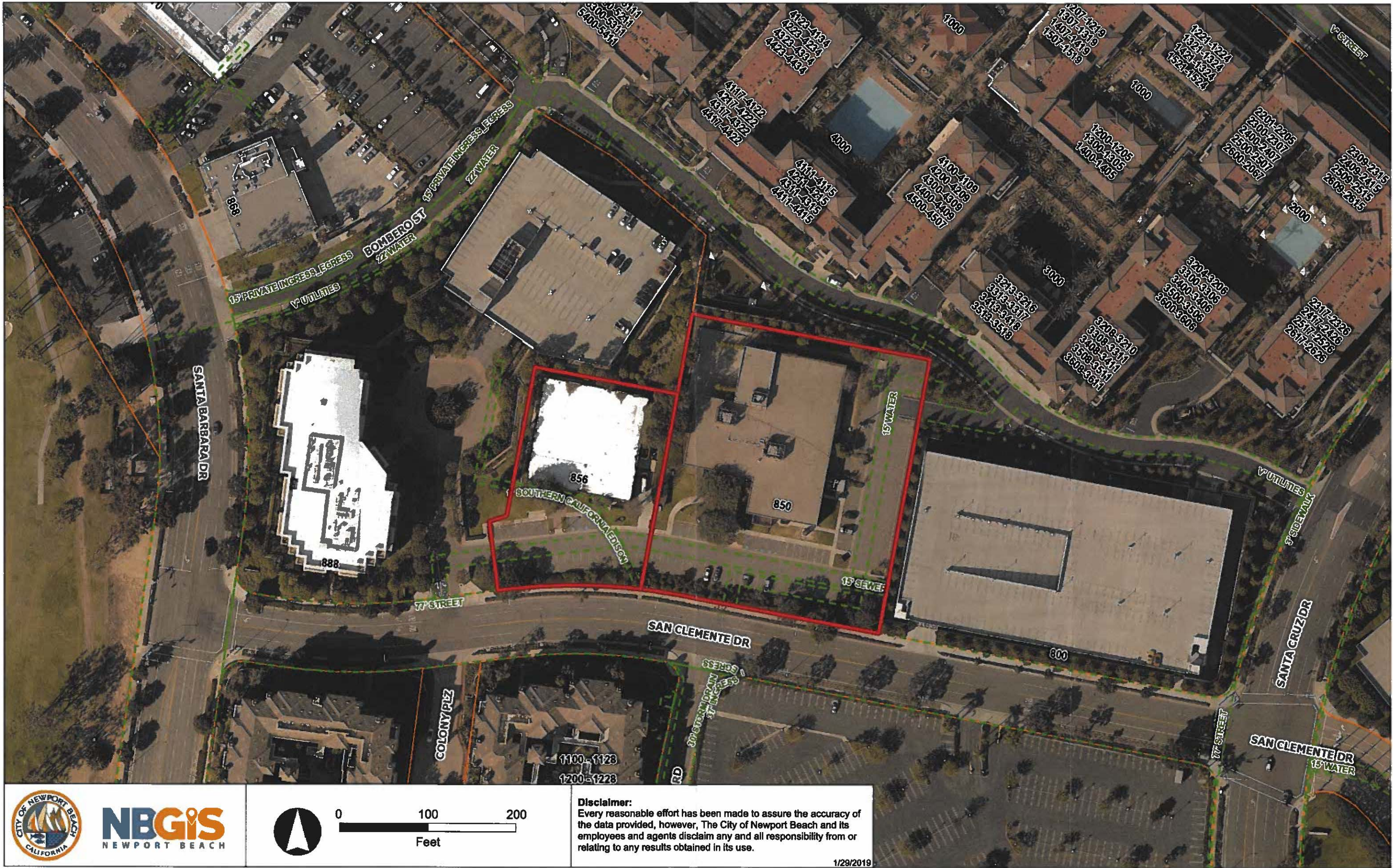
Support Uses: Uses within Senior Housing developments and parking structures designed, oriented, and intended to primarily serve building occupants. This includes uses such as dry cleaners, coffee vendors, and sundry shops.

Temporary Sign: Any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, plywood, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for a limited period of time.

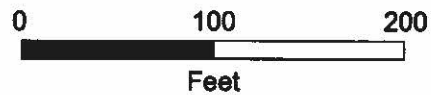
Wind Sign: A series or similar banners or objects of plastic or other light material more than two inches in diameter which are fastened together at intervals by wire, rope, cord, spring or any other means, designed to move and attract attention upon being subjected to pressure by wind or breeze.

V. Site Development Review

The purpose of the Site Development Review (SD) process is to ensure that any new development proposal within the Development Plan, Amendment No. 8) is consistent with the goals and policies of the General Plan and the provisions of the PC-Text. Prior to the issuance of building permits for development, a SD application shall be required in accordance with Section 20.52.080 (Site Development Reviews) of the Newport Beach Municipal Code. The submitted site plans and elevations shall be part of this application.



NBGiS
NEWPORT BEACH



Disclaimer:
Every reasonable effort has been made to assure the accuracy of the data provided, however, The City of Newport Beach and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use.

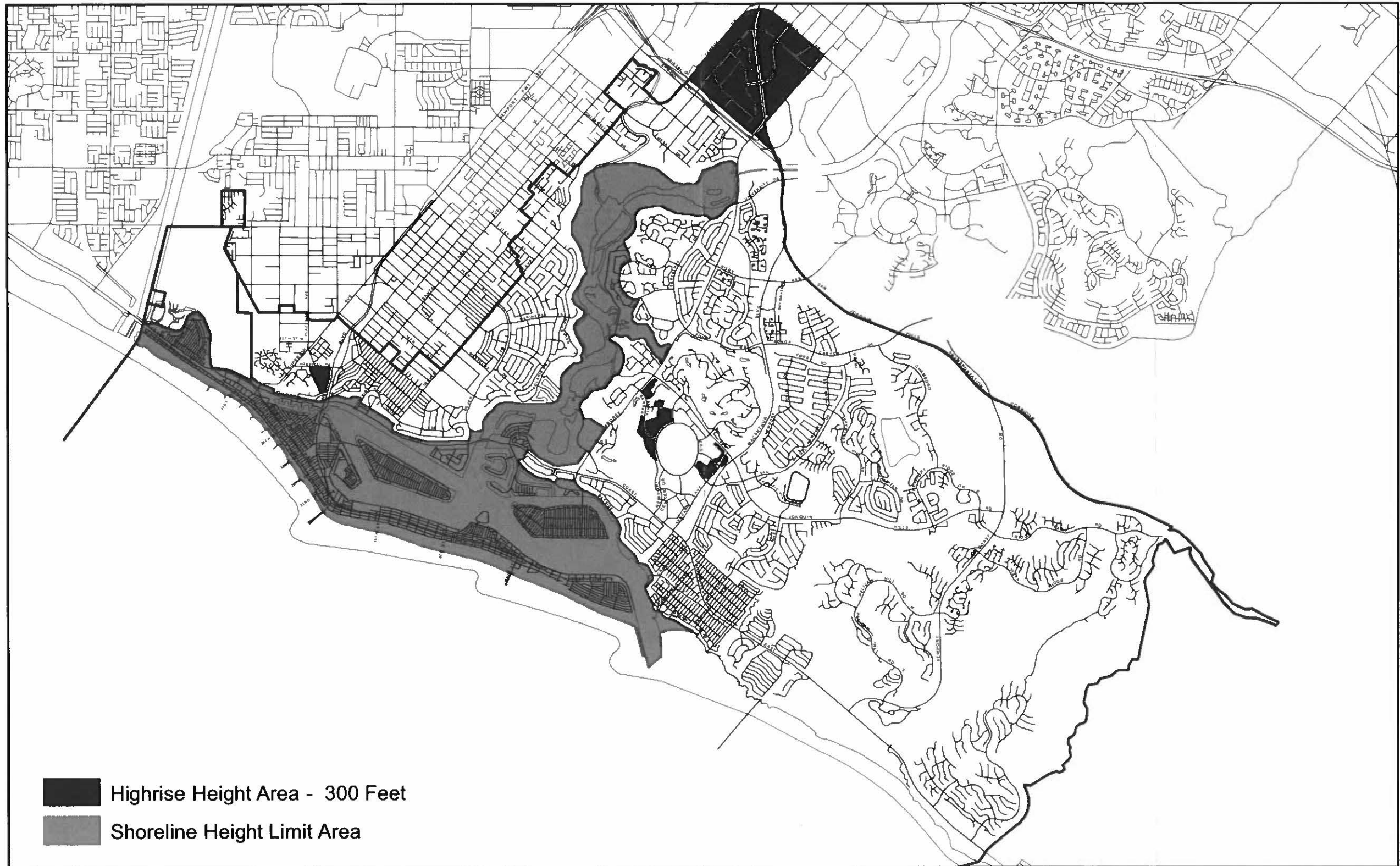
1/29/2019



Building Height within 1,000 feet within 850 San Clemente Drive



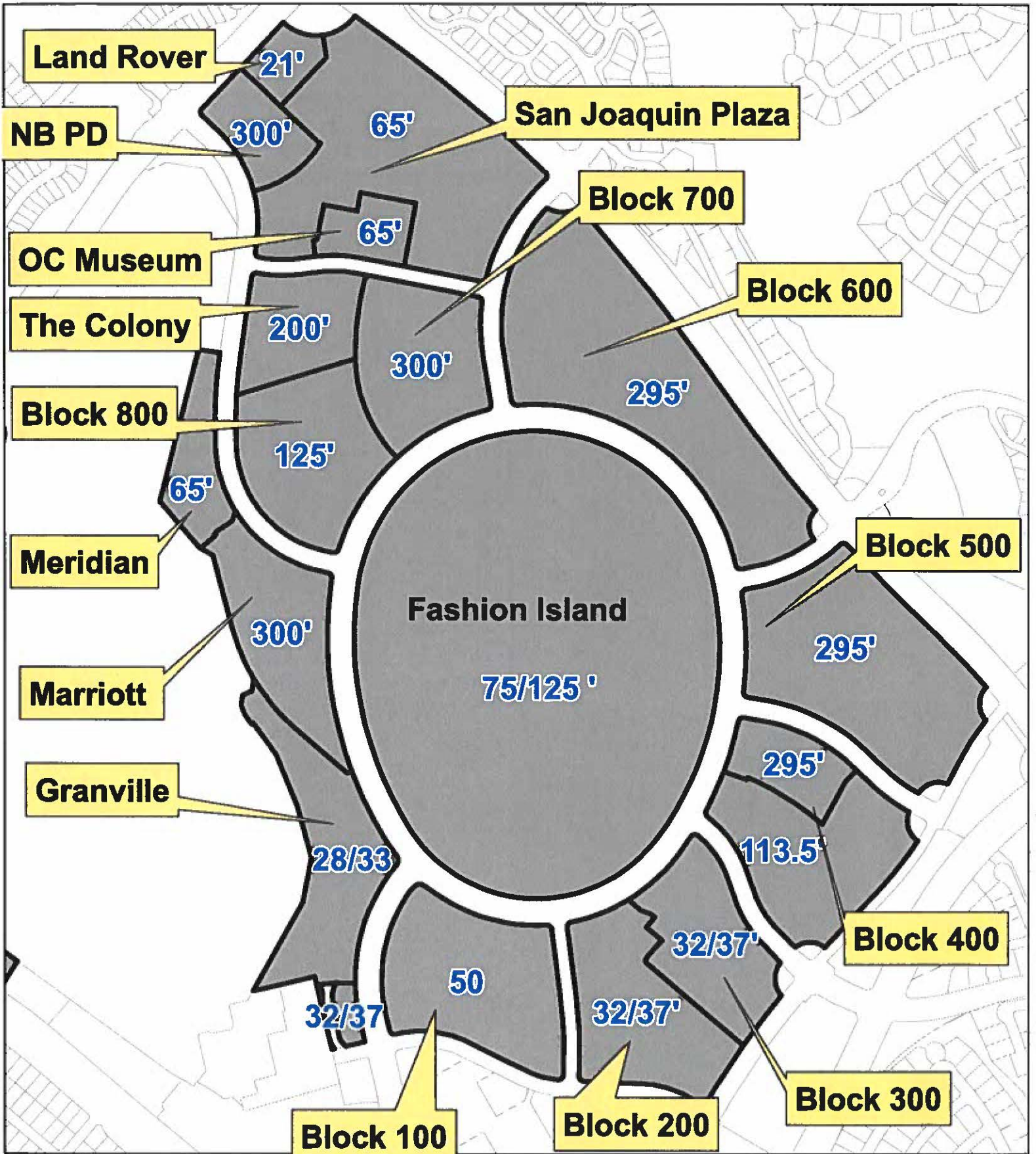
City of Newport Beach
GIS Division
September 30, 2016



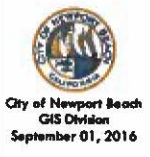
H-1 High Rise and Shoreline Height Limit Areas



0 0.5 1 Miles



Newport Center Height Limitations





Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2019-AWP-6908-OE

Issued Date: 06/18/2019

Robert Eres
 Nexus Development Corporation
 1 MacArthur Place, Suite 300
 Santa Ana, CA 92707

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building Vivante 2b
 Location: Newport Beach, CA
 Latitude: 33-37-18.39N NAD 83
 Longitude: 117-52-41.31W
 Heights: 181 feet site elevation (SE)
 79 feet above ground level (AGL)
 260 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination expires on 12/18/2020 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

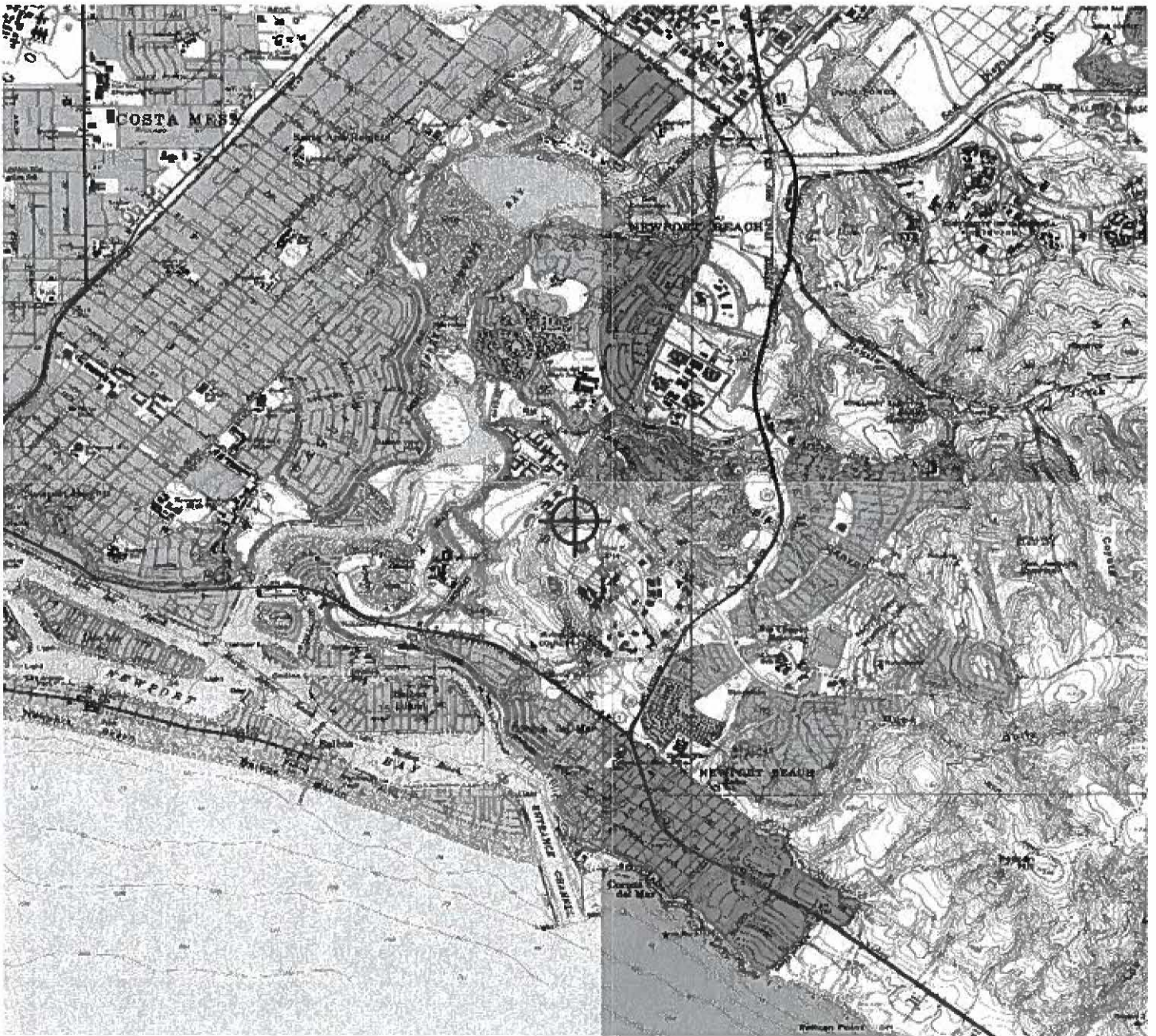
If we can be of further assistance, please contact our office at (424) 405-7643, or karen.mcdonald@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-AWP-6908-OE.

Signature Control No: 407405985-408753568
Karen McDonald
Specialist

(DNE)

Attachment(s)
Map(s)

TOPO Map for ASN 2019-AWP-6908-OE





Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2019-AWP-6909-OE

Issued Date: 06/18/2019

Robert Eres
 Nexus Development Corporation
 1 MacArthur Place, Suite 300
 Santa Ana, CA 92707

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building Vivante 3b
 Location: Newport Beach, CA
 Latitude: 33-37-19.47N NAD 83
 Longitude: 117-52-41.08W
 Heights: 181 feet site elevation (SE)
 79 feet above ground level (AGL)
 260 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination expires on 12/18/2020 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

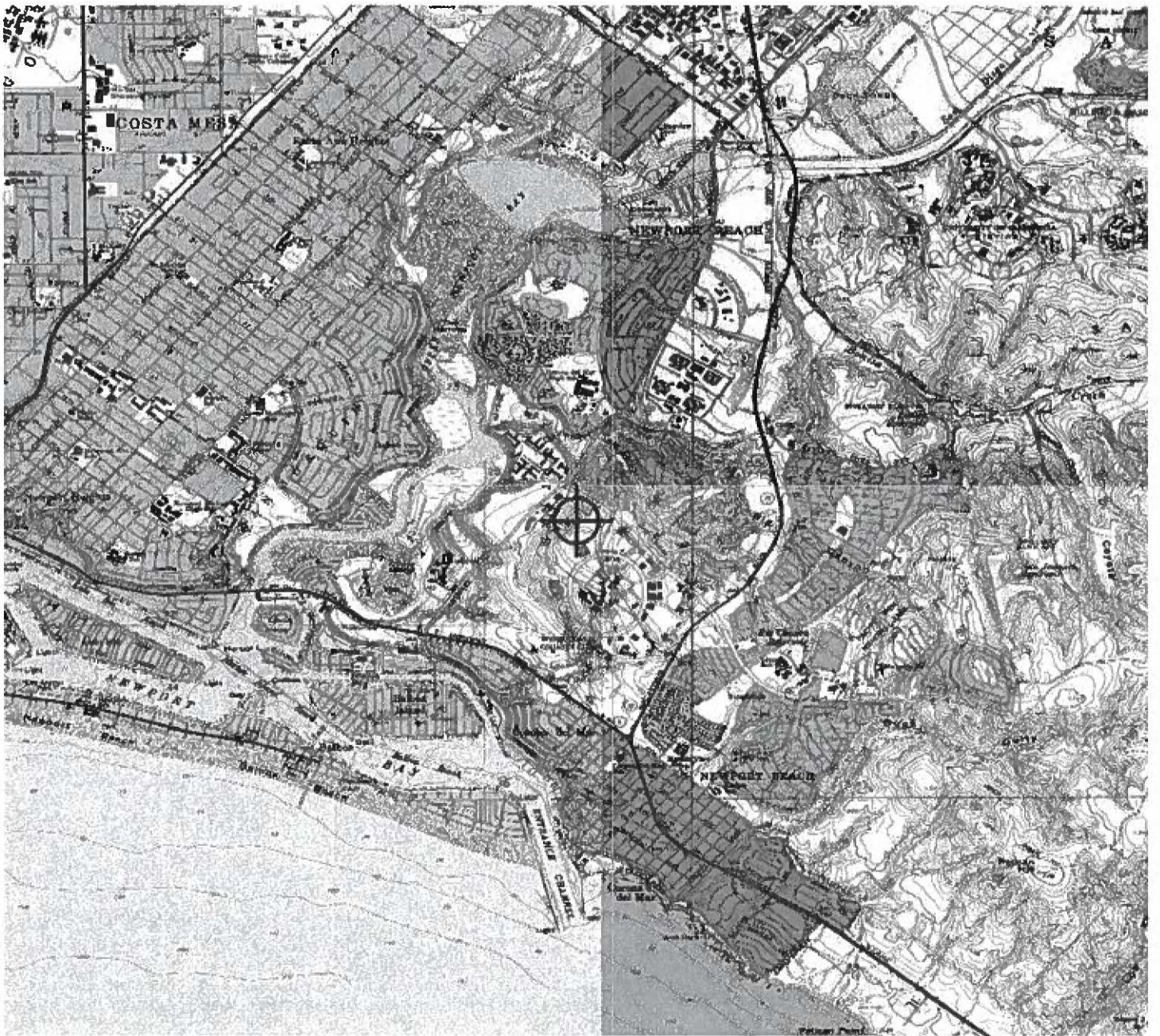
If we can be of further assistance, please contact our office at (424) 405-7643, or karen.mcdonald@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-AWP-6909-OE.

Signature Control No: 407405986-408753571
Karen McDonald
Specialist

(DNE)

Attachment(s)
Map(s)

TOPO Map for ASN 2019-AWP-6909-OE





Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2019-AWP-6911-OE

Issued Date: 06/18/2019

Robert Eres
 Nexus Development Corporation
 1 MacArthur Place, Suite 300
 Santa Ana, CA 92707

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building Vivante 5b
 Location: Newport Beach, CA
 Latitude: 33-37-17.62N NAD 83
 Longitude: 117-52-40.69W
 Heights: 181 feet site elevation (SE)
 79 feet above ground level (AGL)
 260 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination expires on 12/18/2020 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (424) 405-7643, or karen.mcdonald@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-AWP-6911-OE.

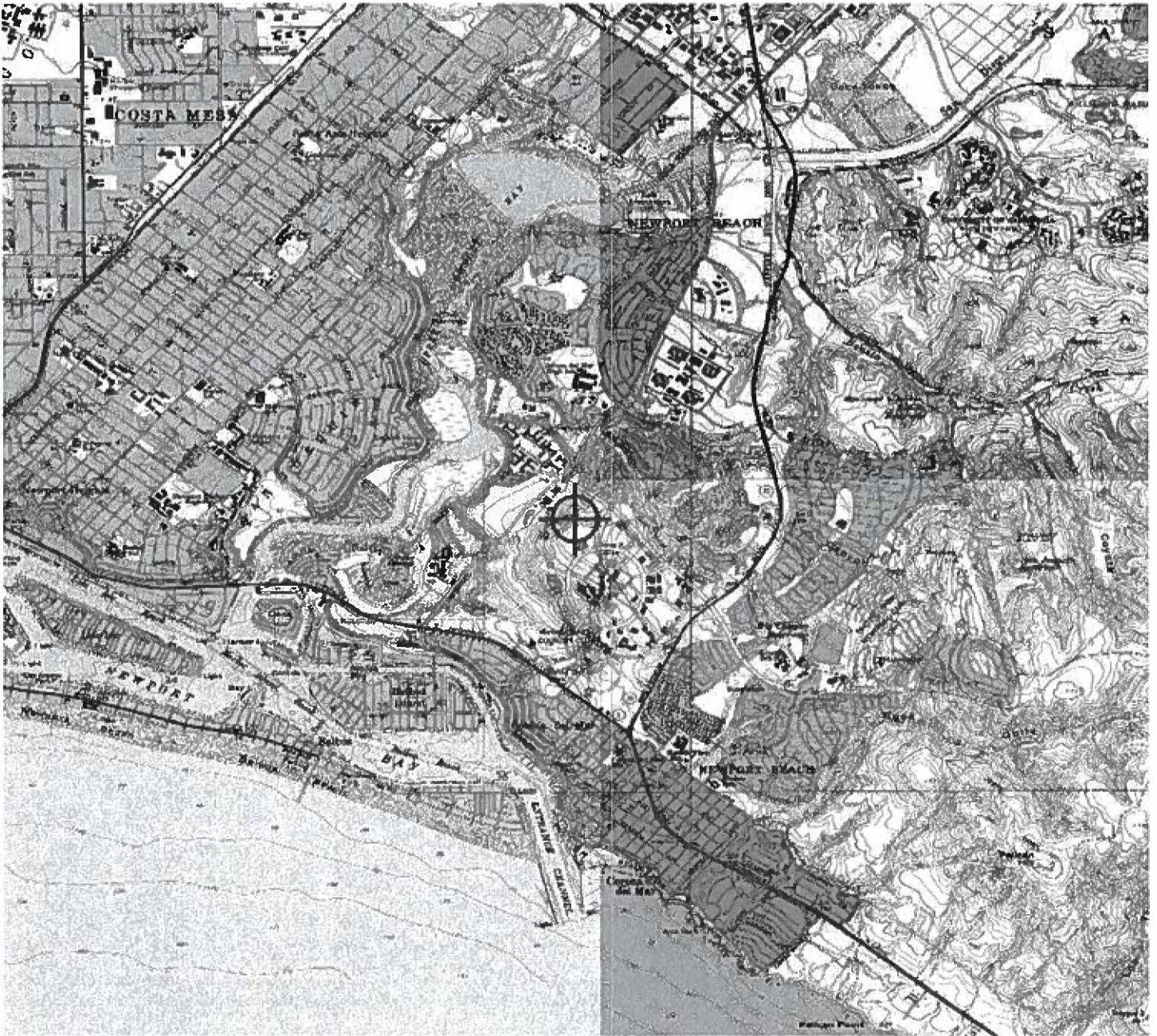
Signature Control No: 407405988-408753566

(DNE)

Karen McDonald
Specialist

Attachment(s)
Map(s)

TOPO Map for ASN 2019-AWP-6911-OE





Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2019-AWP-6912-OE

Issued Date: 06/18/2019

Robert Eres
 Nexus Development Corporation
 1 MacArthur Place, Suite 300
 Santa Ana, CA 92707

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building Vivante 6b
 Location: Newport Beach, CA
 Latitude: 33-37-18.05N NAD 83
 Longitude: 117-52-43.77W
 Heights: 181 feet site elevation (SE)
 79 feet above ground level (AGL)
 260 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination expires on 12/18/2020 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

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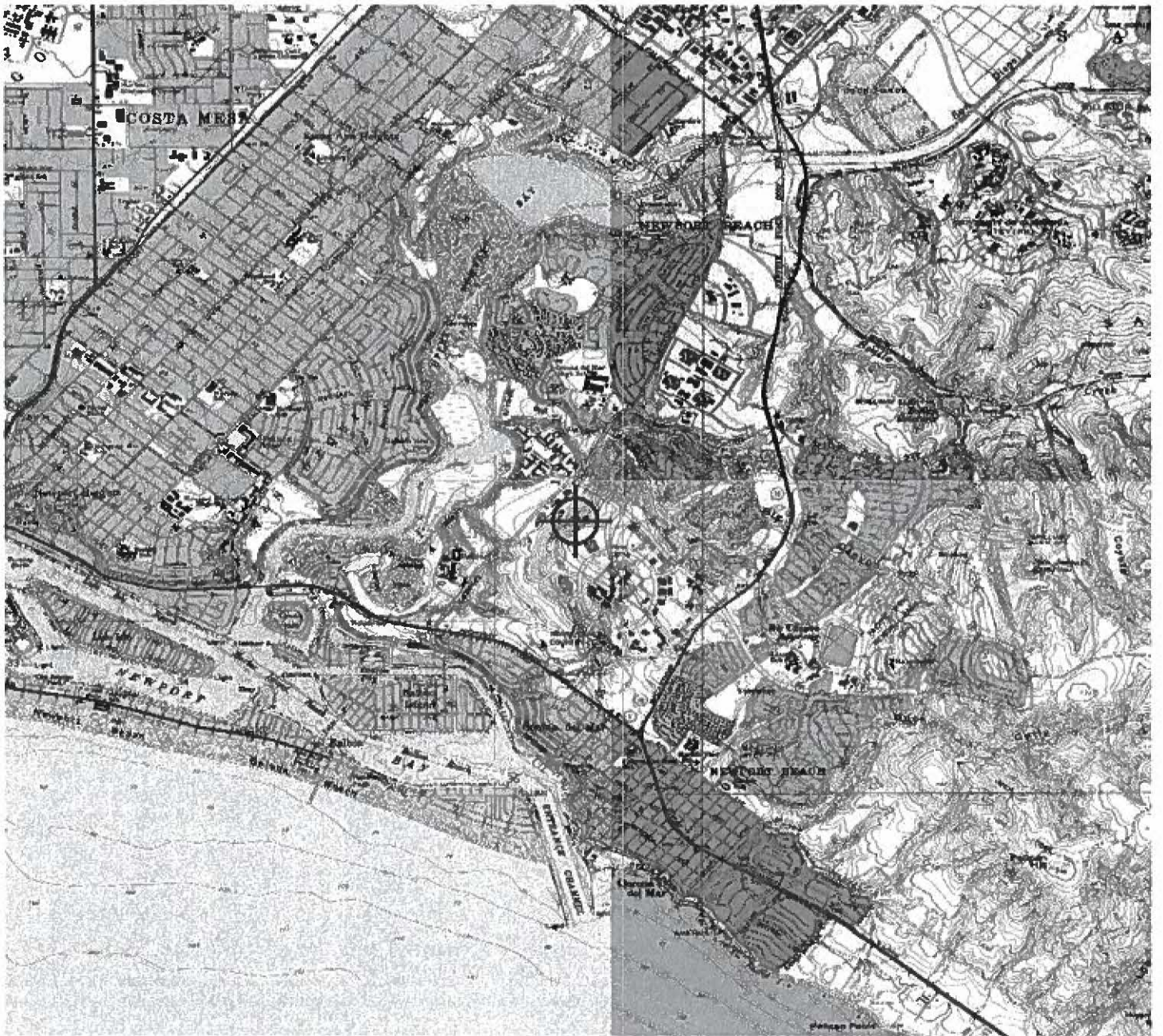
If we can be of further assistance, please contact our office at (424) 405-7643, or karen.mcdonald@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-AWP-6912-OE.

Signature Control No: 407405989-408753570
Karen McDonald
Specialist

(DNE)

Attachment(s)
Map(s)

TOPO Map for ASN 2019-AWP-6912-OE





Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2019-AWP-6910-OE

Issued Date: 06/18/2019

Robert Eres
 Nexus Development Corporation
 1 MacArthur Place, Suite 300
 Santa Ana, CA 92707

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building Vivante 4b
 Location: Newport Beach, CA
 Latitude: 33-37-19.37N NAD 83
 Longitude: 117-52-40.29W
 Heights: 181 feet site elevation (SE)
 79 feet above ground level (AGL)
 260 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
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If we can be of further assistance, please contact our office at (424) 405-7643, or karen.mcdonald@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-AWP-6910-OE.

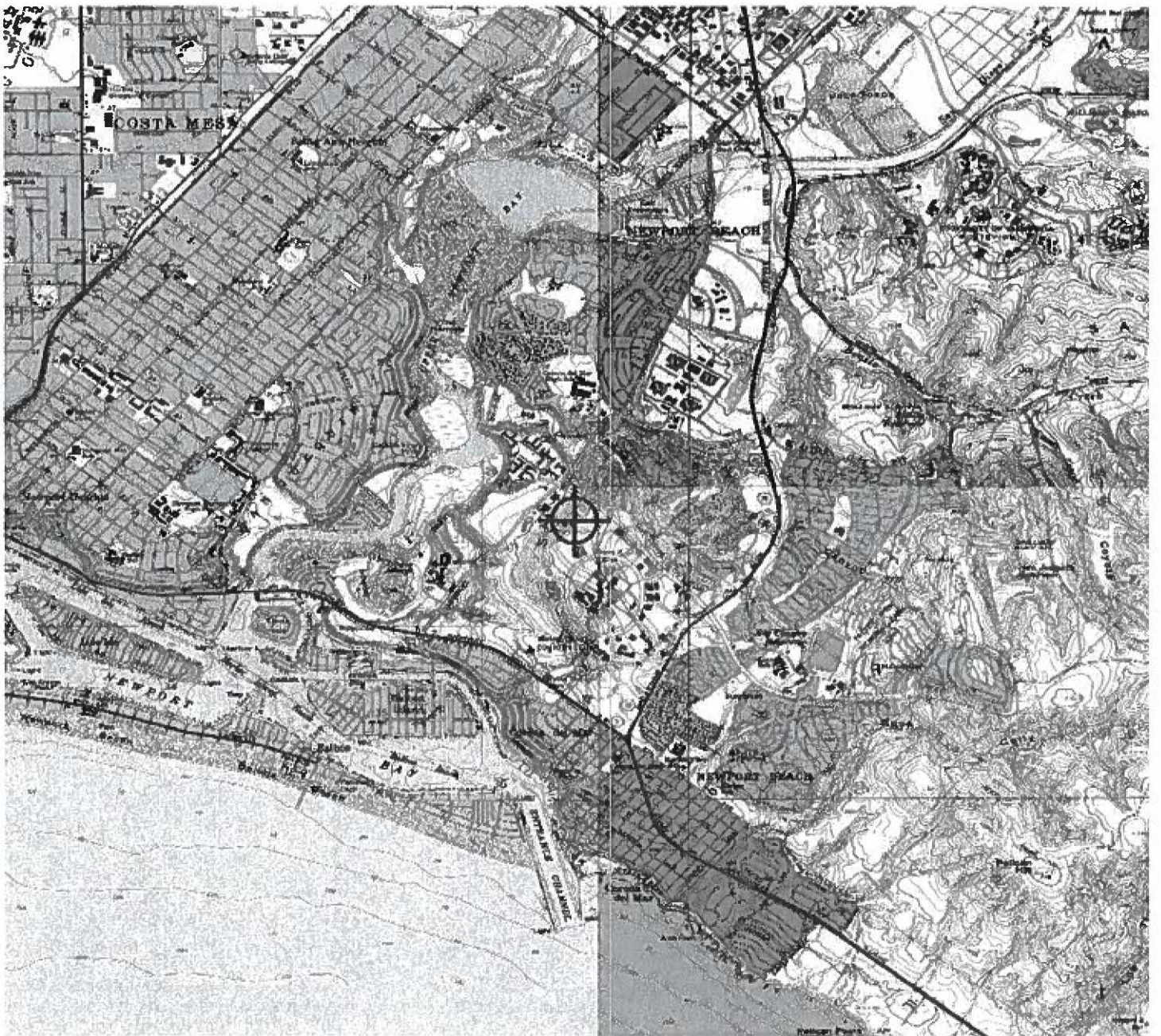
Signature Control No: 407405987-408753569

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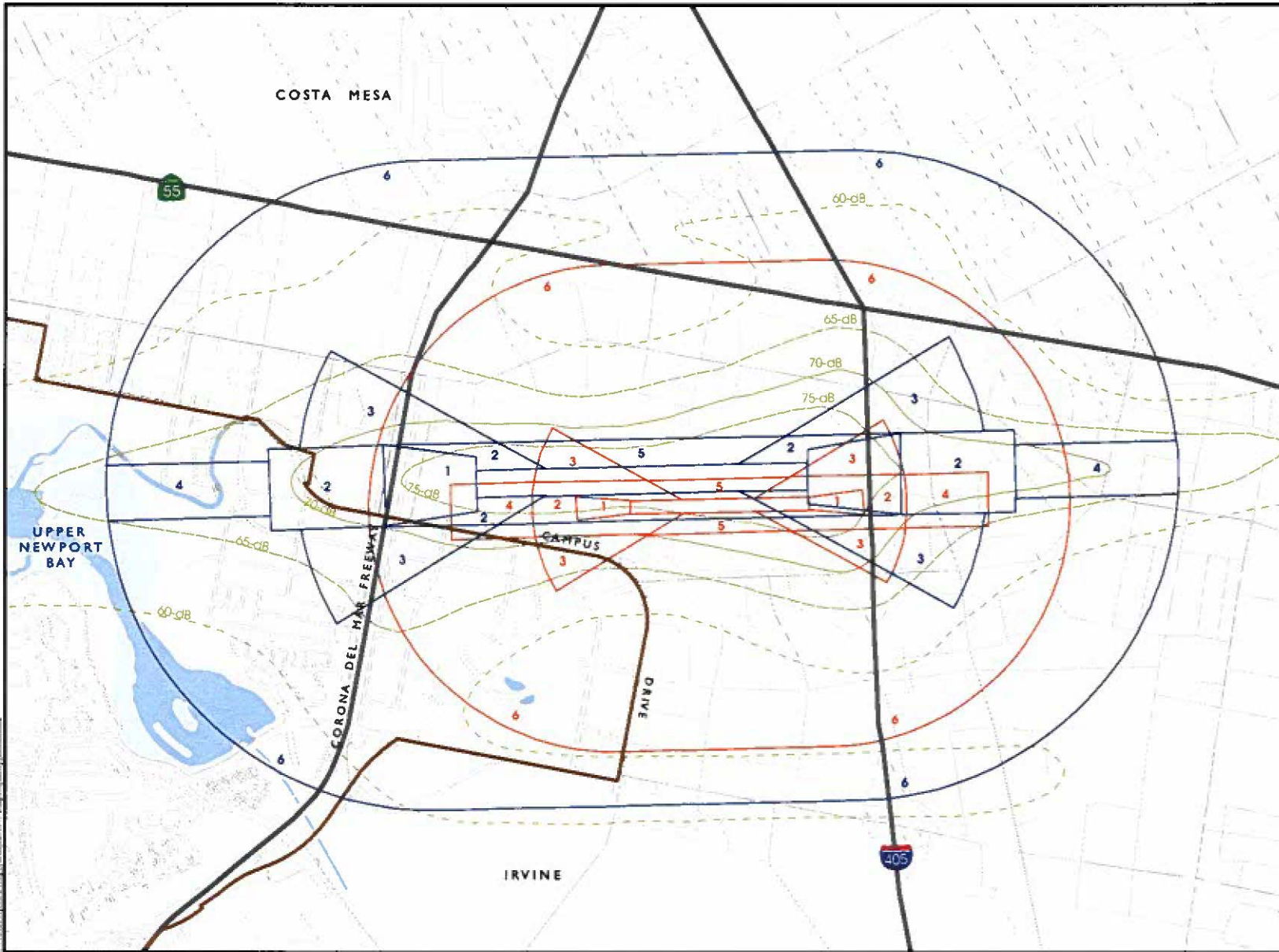
Karen McDonald
Specialist

Attachment(s)
Map(s)

TOPO Map for ASN 2019-AWP-6910-OE



CITY OF NEWPORT BEACH
 GENERAL PLAN
 Figure S5
**JWA CLEAR ZONE/RUNWAY
 PROTECTION ZONES AND
 ACCIDENT POTENTIAL ZONES**



- Legend**
- Safety Compatibility Zones for Runway 1L and 19R (a medium general aviation runway as described in the California Airport Land Use Planning handbook, January 2002)
 - Safety Compatibility Zones for Runway 1R and 19L (a short general aviation runway as described in the California Airport Land Use Planning handbook, January 2002)
 - AELUP Noise Contours
 - Water Body
 - City Boundary
 - Highway
 - Right of Way

- Safety Compatibility Zones**
1. Runway Protection Zone
 2. Inner Approach/Departure Zone
 3. Inner Turning Zone
 4. Outer Approach/Departure Zone
 5. Sideline Zone
 6. Traffic Pattern Zone

0 0.25 0.5
 Miles

Source: Airport Land Use Commission for Orange County, 2006
 PROJECT NUMBER: 10679-01
 Date: 6/2006



No. 10679-01\Map\NewportBeach_10679-01\Map\Safety_Zones.mxd