



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

AGENDA ITEM 2

June 20, 2024

TO: Commissioners/Alternates

FROM: Julie Fitch, Interim Executive Officer

SUBJECT: The Residences at 1600 Dove Street - City of Newport Beach General Plan (Land Use) Amendment

Background

In June 2012, your Commission reviewed City of Newport Beach amendment to the Newport Place Planned Community (PC-11) for consistency with the *Airport Environs Land Use Plan for John Wayne Airport (AELUP for JWA)*. The Amendment allowed residential development for certain parcels within the Newport Place Planned Community by adding the Mixed-Use Overlay (MU-H2). In September 2021, the City submitted its 2021-2029 Housing Element Update to the Airport Land Use Commission for Orange County (ALUC) for a consistency review. Your Commission found it to be inconsistent with the *AELUP for JWA* due to noise, safety, and land-use incompatibility issues. The City overruled ALUC's determination in February 2022, and adopted the Housing Element in September 2022.

In July 2023, the City submitted an amendment to the Newport Place Planned Community reducing the minimum percentage of affordable residential units from thirty percent to fifteen percent. The Commission found both Newport Place Planned Community amendments consistent with the *AELUP for JWA*, however, the Commission required that no residential uses be located within the 65 CNEL noise contour for John Wayne Airport as currently required in the Newport Place PC, and that any future changes to the Newport Place Planned Community be brought back to the ALUC for review.

In August 2023, the City submitted Housing Element Implementation – Noise Related Amendments to your Commission. The submittal included amendments to the Newport Place Planned Community, Newport Airport Village Planned Community, Noise Element, Land Use Element and Zoning Code to allow residential units in the 65 CNEL contour. In addition, the City adopted the noise contours from the 2014 Settlement Agreement Amendment EIR 617,

which are smaller than the 1985 CNEL contours adopted by ALUC and incorporated in the *AELUP for JWA*. Your Commission found the Noise-Related Amendments to be inconsistent with the AELUP, and the City overruled ALUC in November 2023.

Proposed Project

The 2.49-acre project site at 1600 Dove Street, is located within the Residential Overlay zone of Newport Place Planned Community (PC-11) and currently improved with one 4-story, 60,675-square-foot office building and a surface parking lot. The proposed project is a 7-story, podium style apartment building consisting of 282 dwelling units, 28 of which are affordable to very-low income households. The project has been submitted to the Airport Land Use Commission for review because the site is located within the Notification Area for John Wayne Airport and a General Plan Amendment is proposed. See Attachment 1 for project location. No changes to the underlying land use designation or zoning district are proposed.

The project site was included in the Housing Element Update and identified as Site 80 (See Attachment 2). The property has primary frontage on Dove Street and is adjacent to the Newport Crossings Residential Project. It is bordered by Martingale Way to the north, Dolphin-Striker Way to the south, and an existing commercial development to the east. It is designated as MU-H2 in the City's General Plan and is currently improved with one 4-story, 60,675-square-foot office building and a surface parking lot. The project site is in the Newport Beach "Airport Area" and the MU-H2 designation allows a maximum of 2,200 residential units as replacement of existing office, retail, and/or industrial uses at a maximum density of 50 units per net acre. Density bonuses allowed by the state density bonus law (Government Code Section 65915) would be over and above the 2,200 unit maximum. The current MU-H2 designation for the site would allow for 139 residential base units plus density bonus units. The City is proposing an amendment to Anomaly 12 of the General Plan Table LU2 to increase the number of dwelling units allocated to the project site by 49 dwelling units, for a total of 188 base units. With the density bonus of 50%, the project would be allowed a new maximum of 282 total units.

The City of Newport Beach has conducted and scheduled the following public hearings for the proposed project:

May 23, 2024	Planning Commission (recommended approval)
July 9, 2024	City Council

JWA AELUP Issues

Regarding Aircraft Noise Impacts

The project is located within the 60 dBA CNEL contour for JWA (See Attachment 3). The *AELUP for JWA* indicates that residences in the 60 dBA CNEL are "normally consistent." The City's Newport Place Planned Community Development Plan contains policies requiring that notice of aircraft overflight and noise be posted at all public parks and designated outdoor

common and recreational areas, and that notice be provided to all future residents to inform of potential annoyances or inconveniences associated with residing in proximity to airport operations such as noise, vibration, and odors.

Regarding Height Restrictions

The proposed height of the structure is 100 feet above ground level (approximately 154 feet above mean sea level), where the maximum height of PC-11's Residential Overlay is 55 feet above ground level. The proposed project is within the Horizontal Surface of the Federal Aviation Regulation (FAR) Part 77 Obstruction Imaginary Surfaces for JWA (See Attachment 4). The City's maximum building height for projects within the residential overlay is currently 55 feet above ground level. Through development-standard incentives the project would be allowed to reach 154 feet AMSL. With a site elevation of approximately 54 feet above mean sea level (AMSL), projects developed at a maximum height of 100 feet for a total of 154 feet AMSL, would not penetrate the obstruction imaginary surface of 206 feet AMSL.

The City has obtained an FAA Determination of No Hazard to Air Navigation dated October 24, 2023. (Attachment 5). As stated in Section 2.2.1 of the *AELUP for JWA*, "the FAA aeronautical studies are concerned only with airspace hazards, not with hazards to people and property on the ground. An FAA determination of "no hazard" says nothing about whether proposed construction is compatible with airport activity in terms of safety and noise." See Attachment 6 for a list and satellite image that the City submitted showing the surrounding heights of buildings within a 1000' radius.

Regarding Flight Tracks and Safety Zones

The project site is located within Safety Zone 6 – Traffic Pattern Zone (See Attachment 7). According to the California Airport Land Use Planning Handbook, noise and overflight should be considered in Safety Zone 6. Flight tracks were provided by the John Wayne Airport Noise Office for a Tuesday, Thursday, and Saturday in May 2024, which are color coded based on aircraft elevation. As shown in Attachment 8, there are numerous flights near the project site at an elevation of 500-1,000 feet, which could subject future residents to excessive noise and safety issues both indoors and outdoors.

Heliports

No heliports are proposed as part of this project.

Environmental Compliance

In the May 23, 2024, staff report to the Planning Commission the City states, "...the project will not result in any new significant impacts that were not previously analyzed in the PEIR for the General Plan 2006 Update (SCH No. 2006011119) or the Housing Element Initial Study/Negative Declaration. All potential impacts associated with this Project would either be the same or less than those described in either the PEIR or Negative Declaration that have been

appropriately mitigated. In addition, there are no substantial changes to the circumstances under which the project would be undertaken that would result in new or more severe environmental impacts than previously addressed in either Residences at 1600 Dove Street (PA2022-0297) the PEIR, nor has any new information regarding the potential for new or more severe significant environmental impacts been identified. Therefore, in accordance with Section 15164 of the CEQA Guidelines, an addendum to the previously adopted PEIR is the appropriate environmental document for the project.”

Conclusion

Attachment 9 contains excerpts from the City of Newport Beach submittal for this project. ALUC staff has reviewed this project with respect to compliance with the *AELUP for JWA*, including review of noise, height restrictions, overflight and imaginary surfaces. The recommendation below is based on the project allowing for a significant increase of residential intensity in the 60 dBA CNEL for JWA, in Safety Zone 6 where there are numerous daily flights, and an increased building height in close proximity to John Wayne Airport.

Recommendation

That the Commission find the proposed Residences at 1600 - City of Newport Beach General Plan Amendment inconsistent with the *AELUP for JWA* per:

1. Section 2.1.1 Aircraft Noise that the “aircraft noise emanating from airports may be incompatible with general welfare of the inhabitants within the vicinity of an airport.”
2. Section 2.1.2 Safety Compatibility Zones in which “the purpose of these zones is to support the continued use and operation of an airport by establishing compatibility and safety standards to promote air navigational safety and to reduce potential safety hazards for persons living, working or recreating near JWA.”
3. 3.2.1 General Policy (in pertinent part): “Within the boundaries of the AELUP, any land use may be found to be Inconsistent with the AELUP which: (1) Places people so that they are affected adversely by aircraft noise, [or] (2) Concentrates people in areas susceptible to aircraft accidents...”

Respectfully submitted,



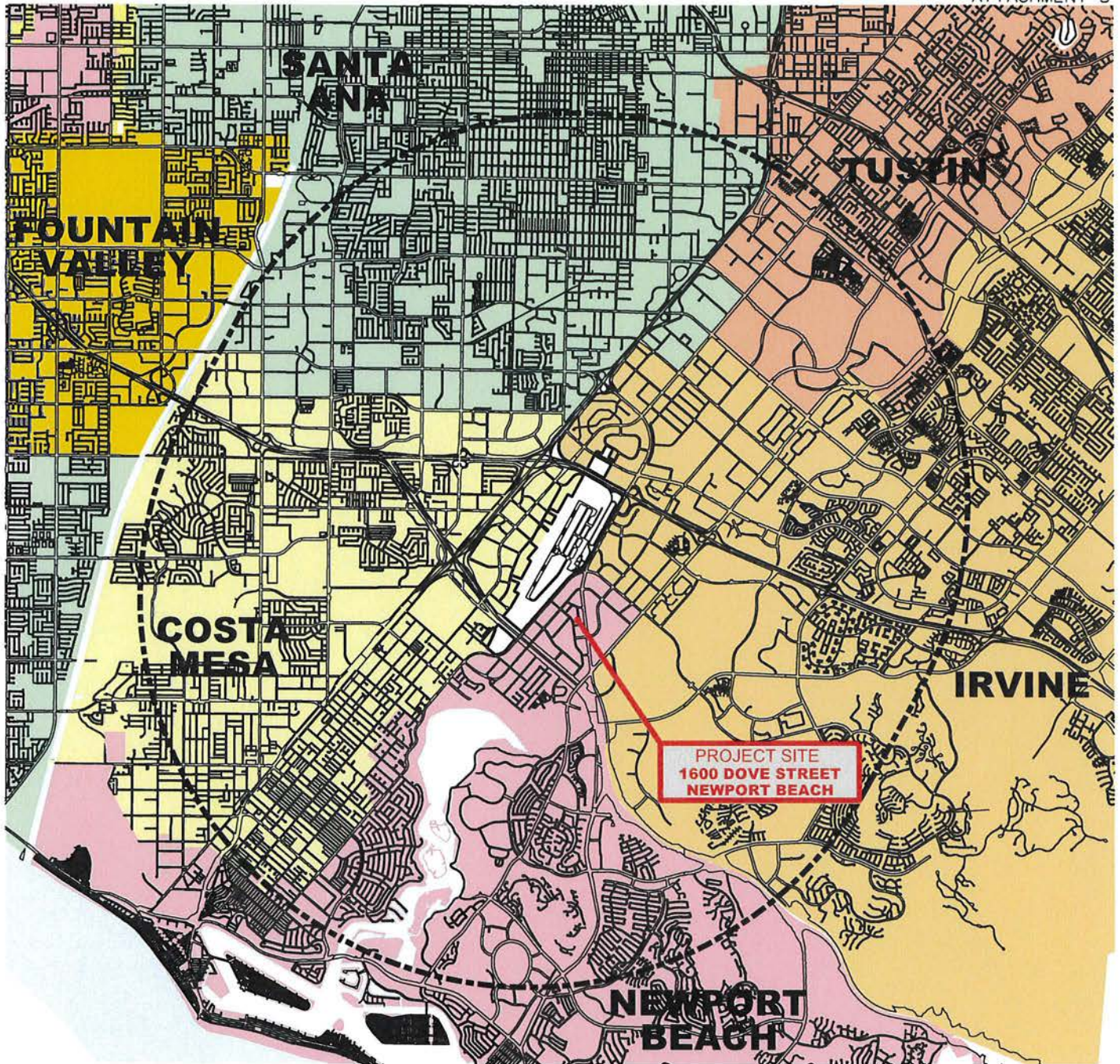
Julie Fitch
Interim Executive Officer

Attachments:

1. Project Location in JWA Notification Area
2. Housing Element Location and Table
3. Project Location within JWA Noise Contour
4. JWA Obstruction Imaginary Surfaces
5. FAA Determination of No Hazard
6. Existing Building Heights within 1000' of Project
7. JWA Safety Zones
8. Flight Track Exhibits
9. Excerpts from City Submittal

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



0 1000 2000 3000 4000 5000 7500
Scale in Feet

CERTIFICATION

ATTACHMENT 1

Commission for Orange County

Date

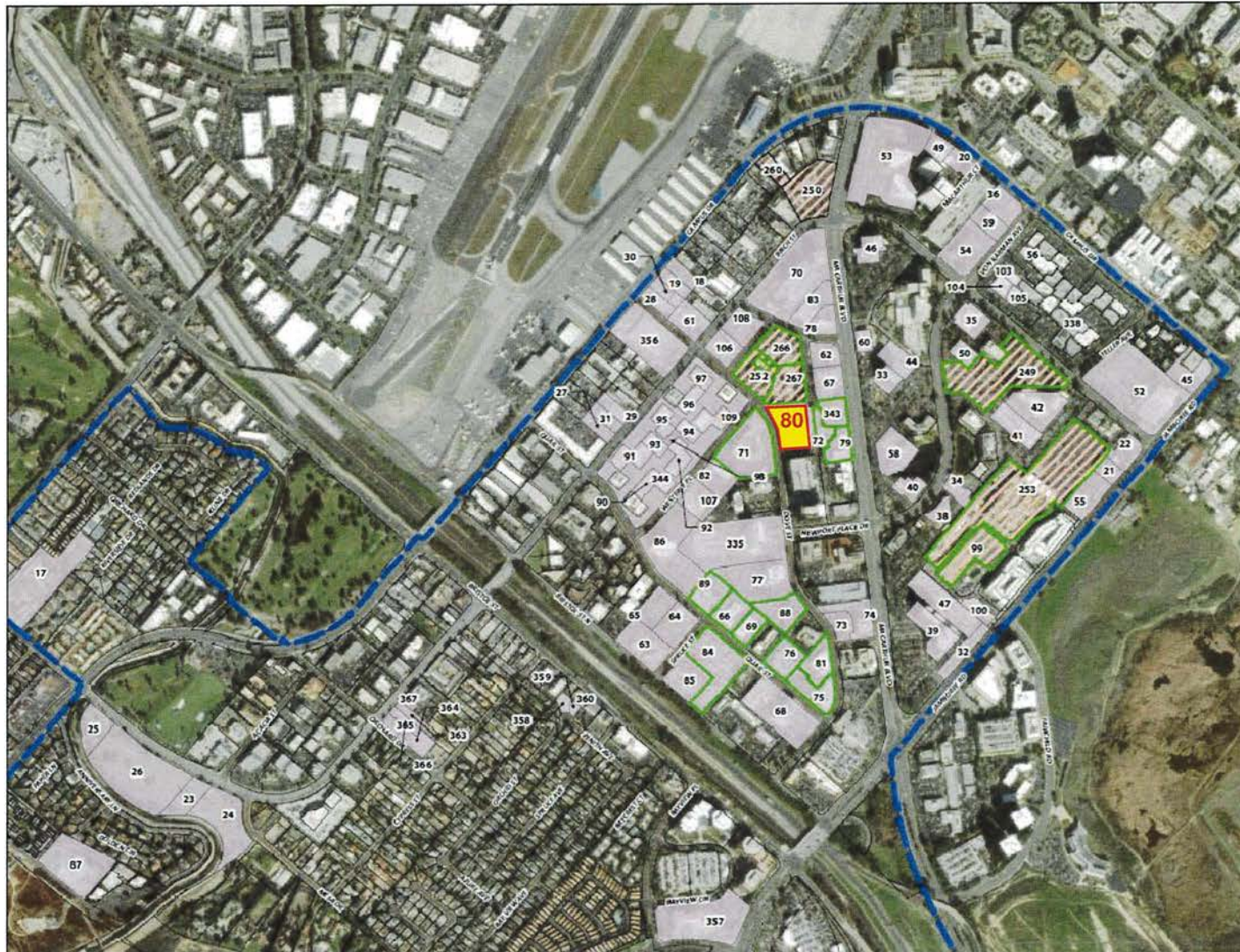


NBGiS
NEWPORT BEACH



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.

Figure B-3: Airport Area Environs – Sites Inventory



Site Inventory Airport Area Environs

LEGEND

- City Boundary
- 5th Cycle Sites
- Pipeline Projects
- Opportunity Sites

Site 80 - 1600 Dove
(Highlighted by ALUC)

Key Map

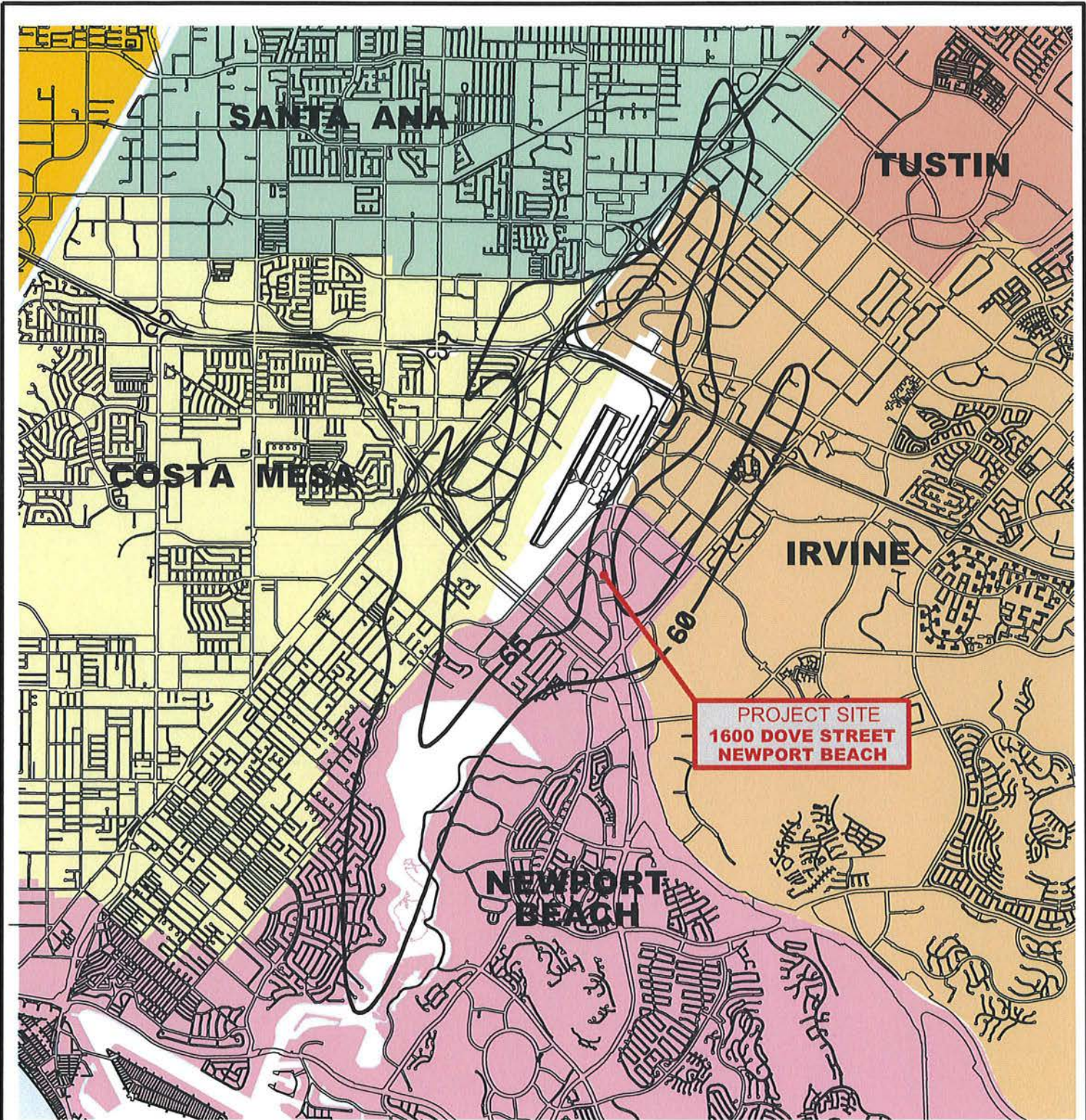


ATTACHMENT 2



Table B-12: Airport Area Sites Inventory

Parcel Number	Owner	Existing Zoning	Existing General Plan Land Use	Vacancy	5th Cycle Site?	Existing Units	Gross Acreage	Buildable Acreage	HCD Sizing Criteria?	Density (Du/Ac)		Potential Rezoned Unit Yield	Assumed Net Yield	Assumed Net Unit Yield			Existing Use and Explanation of Propensity	Letter Interest ?	Focus Area	Inventory/ Map ID
										Existing Zone Density	Rezoned Density (Assumed)			Low/ Very Low	Mod	Above Mod				
427 221 10	Sbs Dove Street Partners	PC	MU-H2	No		0	1.71	1.71	Yes	0	50	85	85	26	9	50	This parcel contains office space for an architectural firm and is identified as a site for potential housing.		Airport Area	75
427 221 11	Hankey Investment Company	PC	MU-H2	No		0	1.52	1.52	Yes	0	50	76	76	23	8	45	This parcel contains office space for a manufacturing company and is identified as a site for potential housing.		Airport Area	76
427 221 06	Dove Owner Ag	PC	MU-H2	No		0	3.59	3.59	Yes	0	50	179	179	54	18	107	This parcel has a two-level parking structure for a multi-story office structure that could be re-worked to add housing. The owner of this parcel should be advised that the addition of housing might be possible.		Airport Area	77
427 174 06	J Ray Macarthur Sanderson	PC	MU-H2	No		0	0.94	0.94	Yes	0	50	47	47	14	5	28	The current owner of the property has expressed to City staff written interest to allow housing.	Y	Airport Area	78
427 181 07	Ridgeway Real Estate	PC	MU-H2	No		0	1.10	1.10	Yes	0	50	55	55	17	6	32	This parcel shares a parking lot with parcel 72. The two buildings on this parcel are newer, vintage commercial buildings, and due to the existing use, identified as a potential source for housing development. The current owner of the property has expressed to City staff written interest to allow housing.	Y	Airport Area	79
427 181 03	Gs 1600 Dove LLC	PC	MU-H2	No		0	2.49	2.49	Yes	0	50	124	124	37	12	75	This parcel is a commercial retail building operated by national food and beverage companies and likely to be housing sites if combined with neighboring sites.		Airport Area	80
427 221 09	Feb Dove Street Partners	PC	MU-H2	No		0	1.51	1.51	Yes	0	50	75	75	23	8	44	This parcel is an oddly shaped parcel that would not be able to efficiently be planned as separate housing projects. The City will work with the owner to encourage housing development with adjacent parcels nearby.		Airport Area	81
427 221 02	Westerly Ow-Aberdeen	PC	CO-G	No		0	1.46	1.46	Yes	0	50	72	72	22	7	43	The current owner of the property has expressed to City staff written interest to allow housing.	Y	Airport Area	82



Note: County Unincorporated areas are shown in white.

John Wayne Airport Impact Zones

LEGEND

- 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)

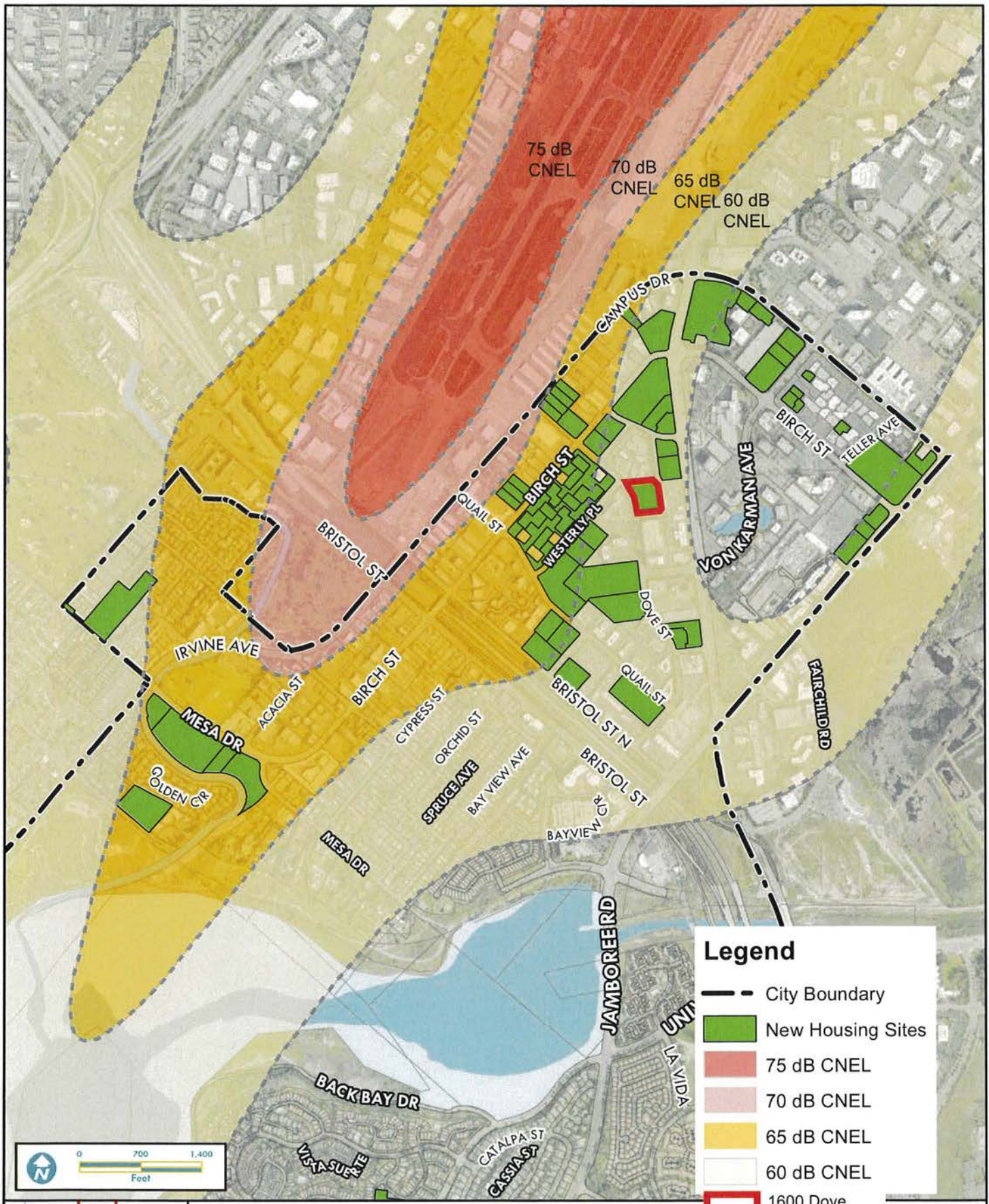


CERTIFICATION

ATTACHMENT 3

Commission for Orange County

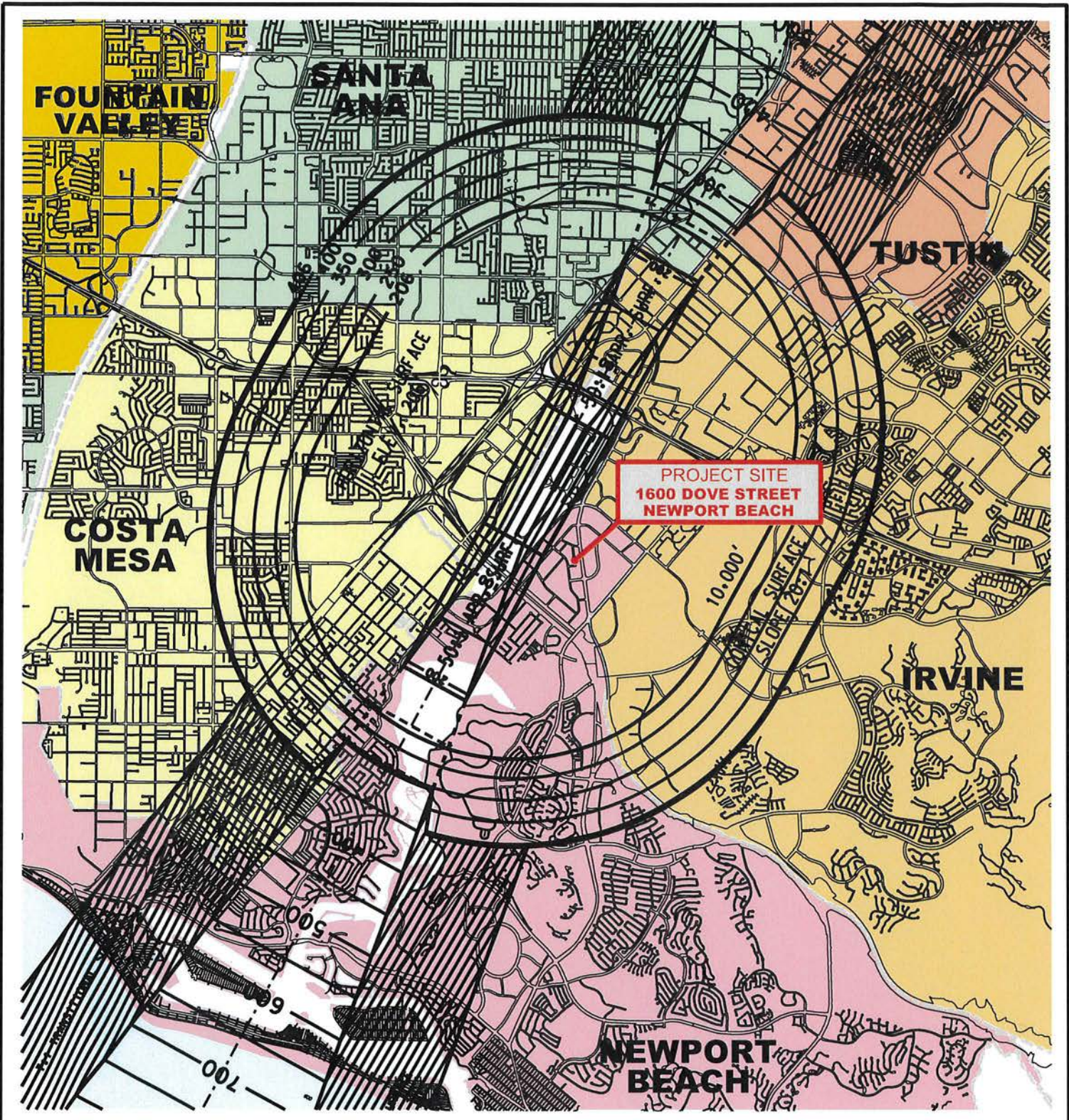
Date



Housing Sites Inventory (PA2017-141) JWA CNEL Noise Contours



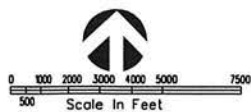
City of Newport Beach
GIS Division
August 31, 2021



PROJECT SITE
1600 DOVE STREET
NEWPORT BEACH

Note: County Unincorporated areas are shown in white.

FAR PART 77 John Wayne Airport Obstruction Imaginary Surfaces



LEGEND

- CITY BOUNDARIES
- AIRPORT BOUNDARIES

CERTIFICATION

Commission for Orange County

ATTACHMENT 4

Date _____

Map #	Address	Elevation (ft)
1	1801 Dove St	68
2	1901 Dove St	72
3	4120 Birch St	64
4	4100 Birch St	64
5	4121 Westerly Pl	63
6	4101 Westerly Pl	62
7	4029 Westerly Pl	72
8	4109 Westerly Pl	72
9	4020 Birch St	72
10	4001 Westerly Pl	64
11	1601 Dove St	89
12	4000 Westerly Pl	89
13	3990 Westerly Pl	89
14	1401 Dove St	145
15	1375 Dove St	105
16	1301 Dove St	202
17	1300 Dove St	100
18	4041 MacArthur Blvd	128
19	4100 Newport Place Dr	185
20	4101 MacArthur Blvd	75
21	4141 MacArthur Blvd	102
22	4221 Dolphin Striker Way	70
23	4225 MacArthur Blvd	70
24	4241 MacArthur Blvd	72
25	4251 MacArthur Blvd	78
26	4299 MacArthur Blvd	92
27	4301 Martingale Dr	86
28	4341 MacArthur Blvd	80
29	4343 MacArthur Blvd	74
30	1801 Corinthian Way	74
31	4200 Birch St	65
32	4100 MacArthur Blvd	98
33	4110 MacArthur Blvd	80
34	4343 Von Karman Ave	96
35	4400 MacArthur Blvd	189
36	4590 MacArthur Blvd	90
37	4545 MacArthur Blvd	70



ATTACHMENT 5



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

Aeronautical Study No.
 2023-AWP-15339-OE

Issued Date: 10/24/2023

Satish Lion
 The Picerne Group
 5000 Birch St. Ste. 600
 Newport Beach, CA 92660

**** 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 Residences at 1600 Dove Street
 Location: Newport Beach, CA
 Latitude: 33-39-51.44N NAD 83
 Longitude: 117-51-54.28W
 Heights: 54 feet site elevation (SE)
 100 feet above ground level (AGL)
 154 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 M.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 04/24/2025 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.

ATTACHMENT 6

- (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, 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 (847) 294-7575, or vivian.vilaro@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AWP-15339-OE.

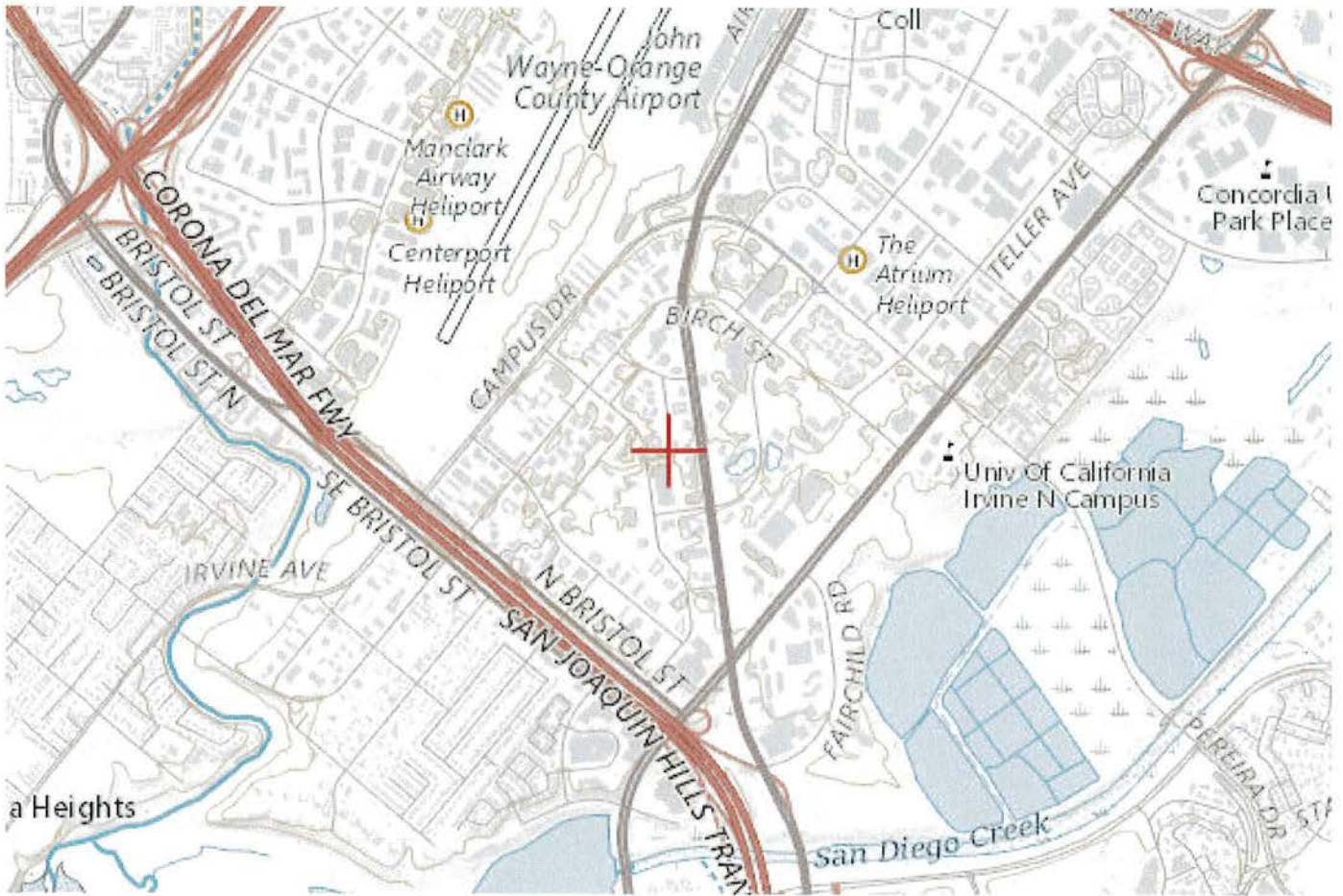
Signature Control No: 600626941-602785189

Vivian Vilaro
Specialist

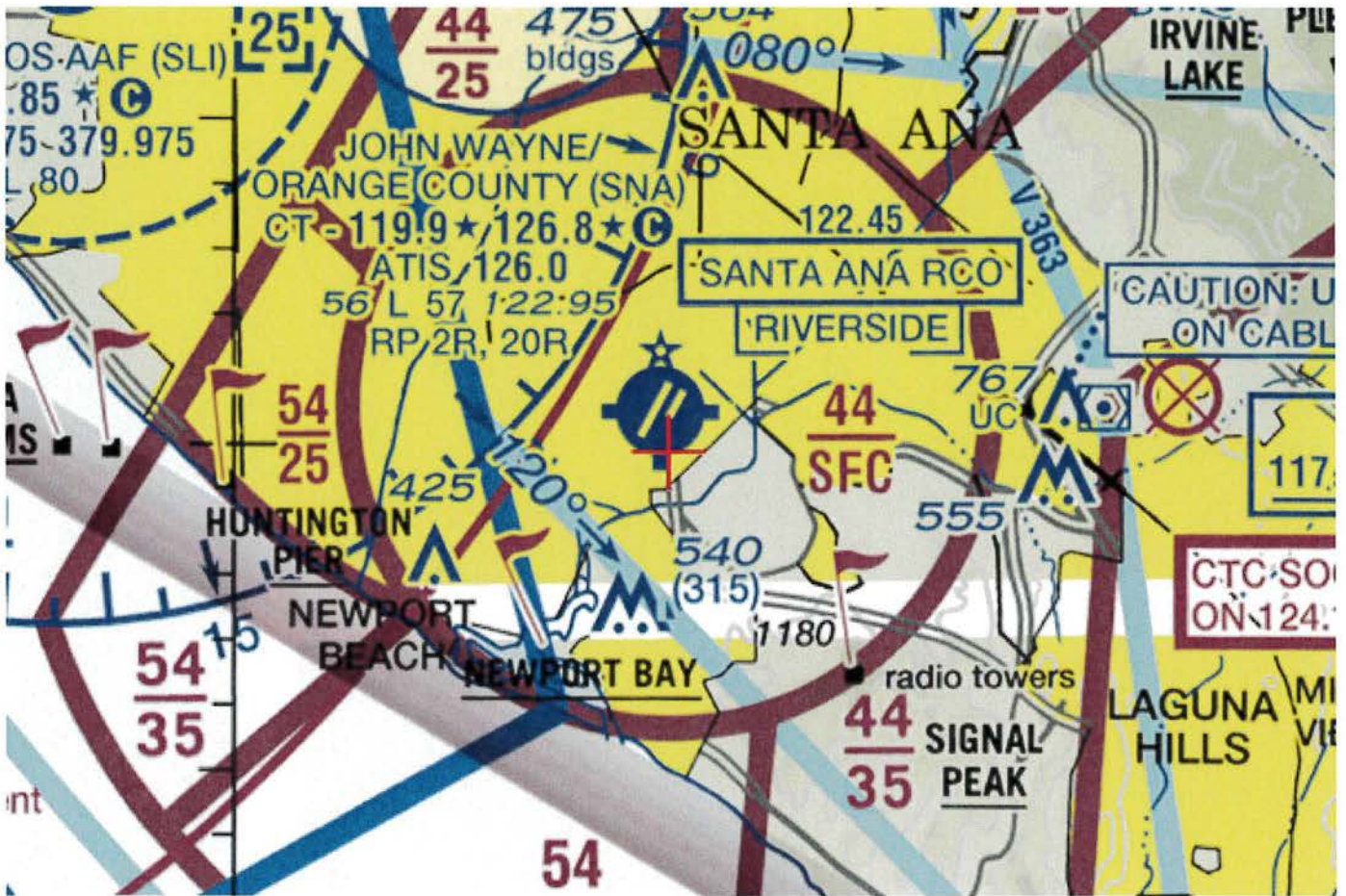
(DNE)

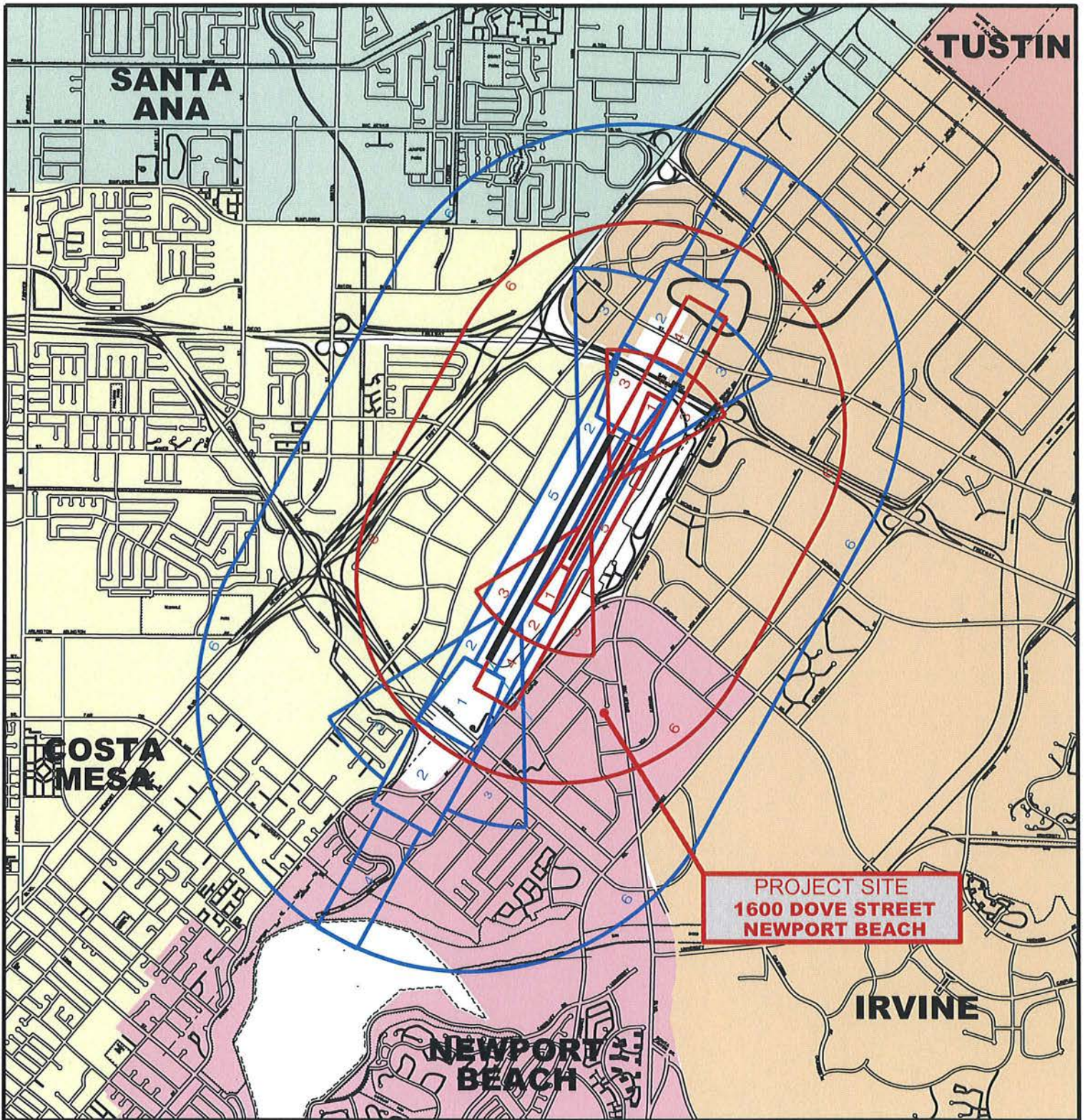
Attachment(s)
Map(s)

TOPO Map for ASN 2023-AWP-15339-OE



Sectional Map for ASN 2023-AWP-15339-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 2L & 20R (A MEDIUM GENERAL AVIATION RUNWAYS AS DESCRIBED IN THE CALIFORNIA AIRPORT LAND USE PLANNING HANDBOOK, JANUARY 2002 EDITION)



SAFETY COMPATIBILITY ZONES FOR RUNWAY 2R & 20L (A SHORT GENERAL AVIATION RUNWAYS AS DESCRIBED IN THE CALIFORNIA AIRPORT LAND USE PLANNING HANDBOOK, JANUARY 2002 EDITION)



0 500 1000 2000
Scale In Feet

CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

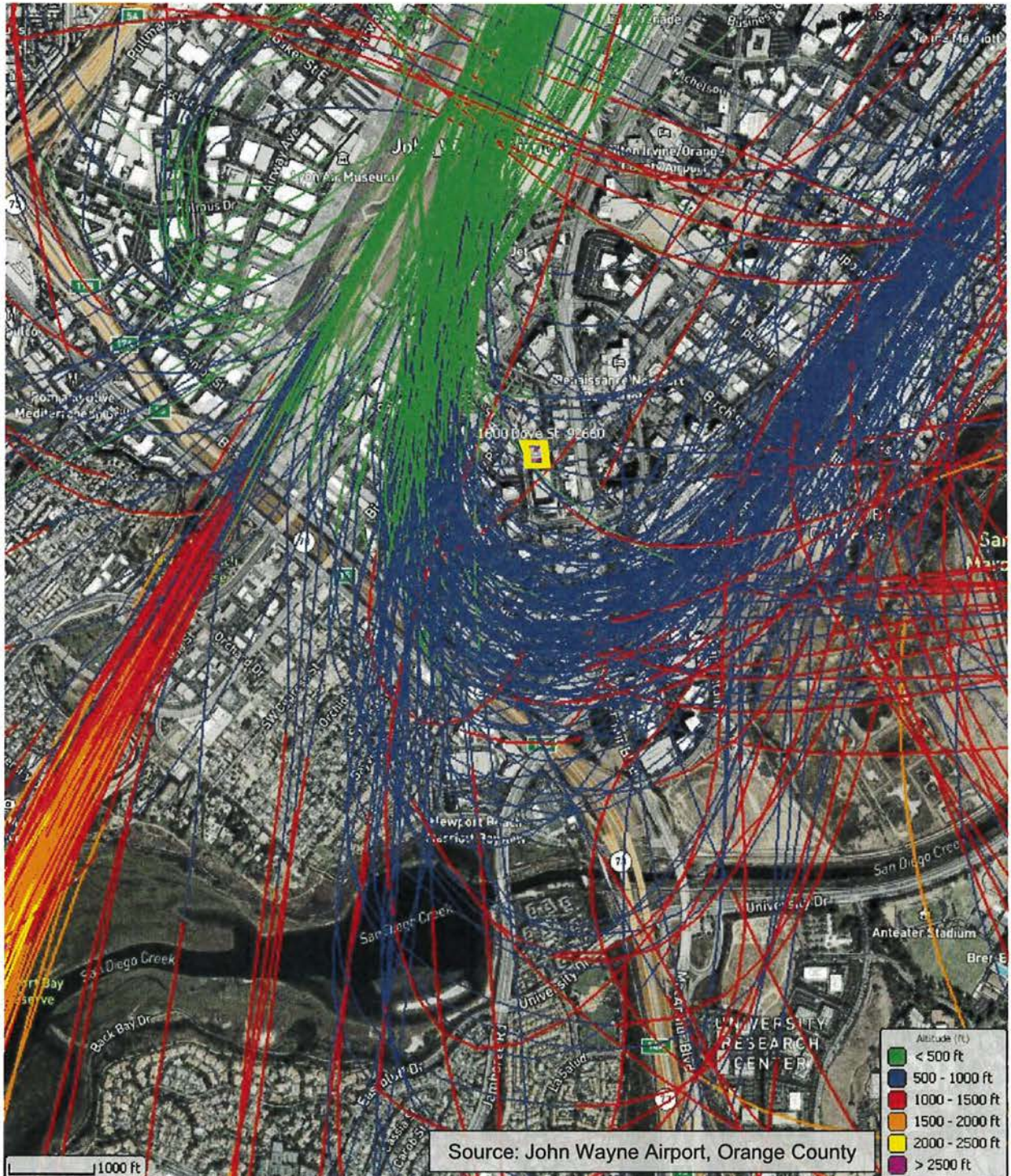
ATTACHMENT 7

Lee Choum, Executive Officer

Date



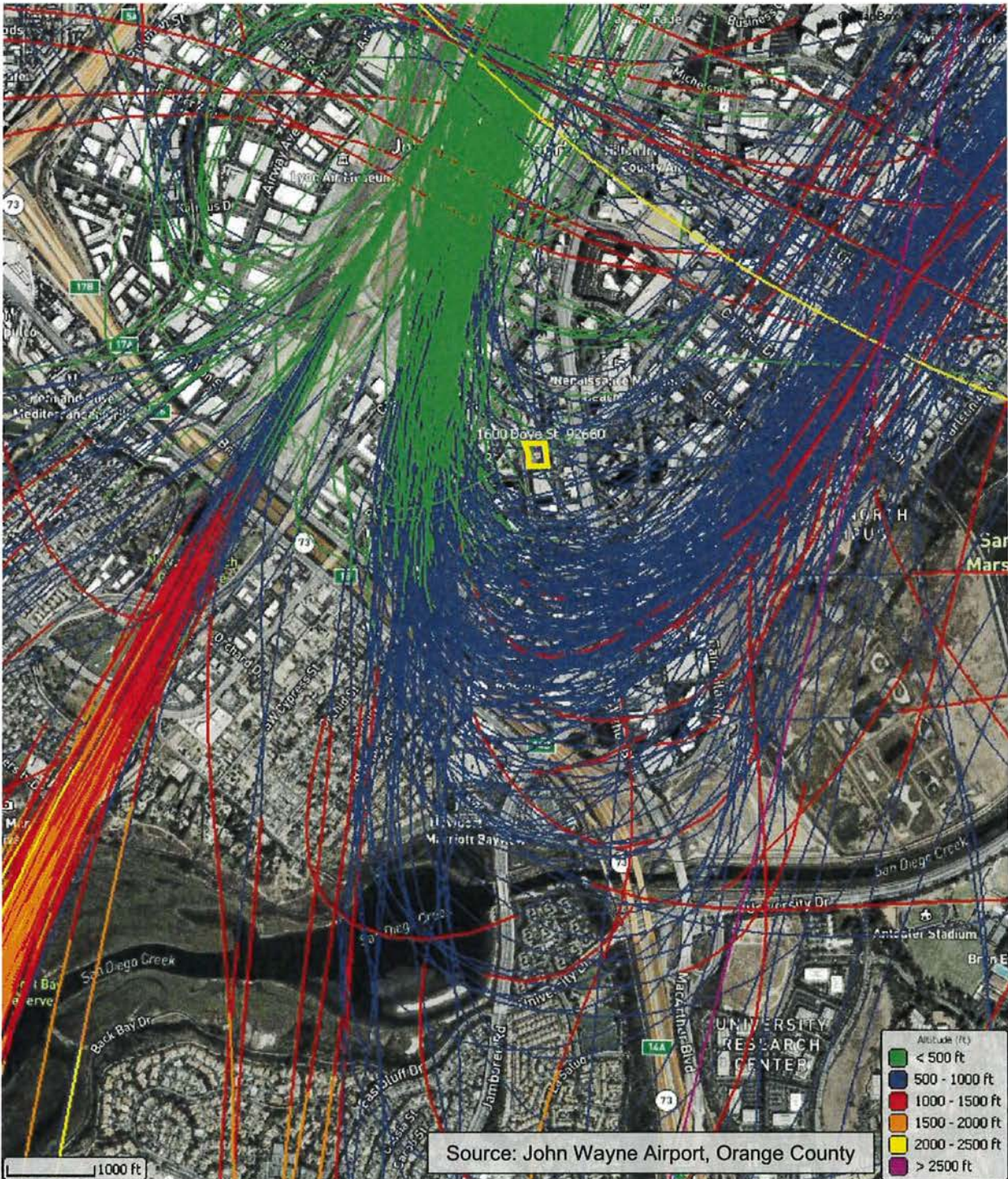
John Wayne Airport Altitude Analysis
Tuesday, May 14, 2024
533 Operations



ATTACHMENT 8

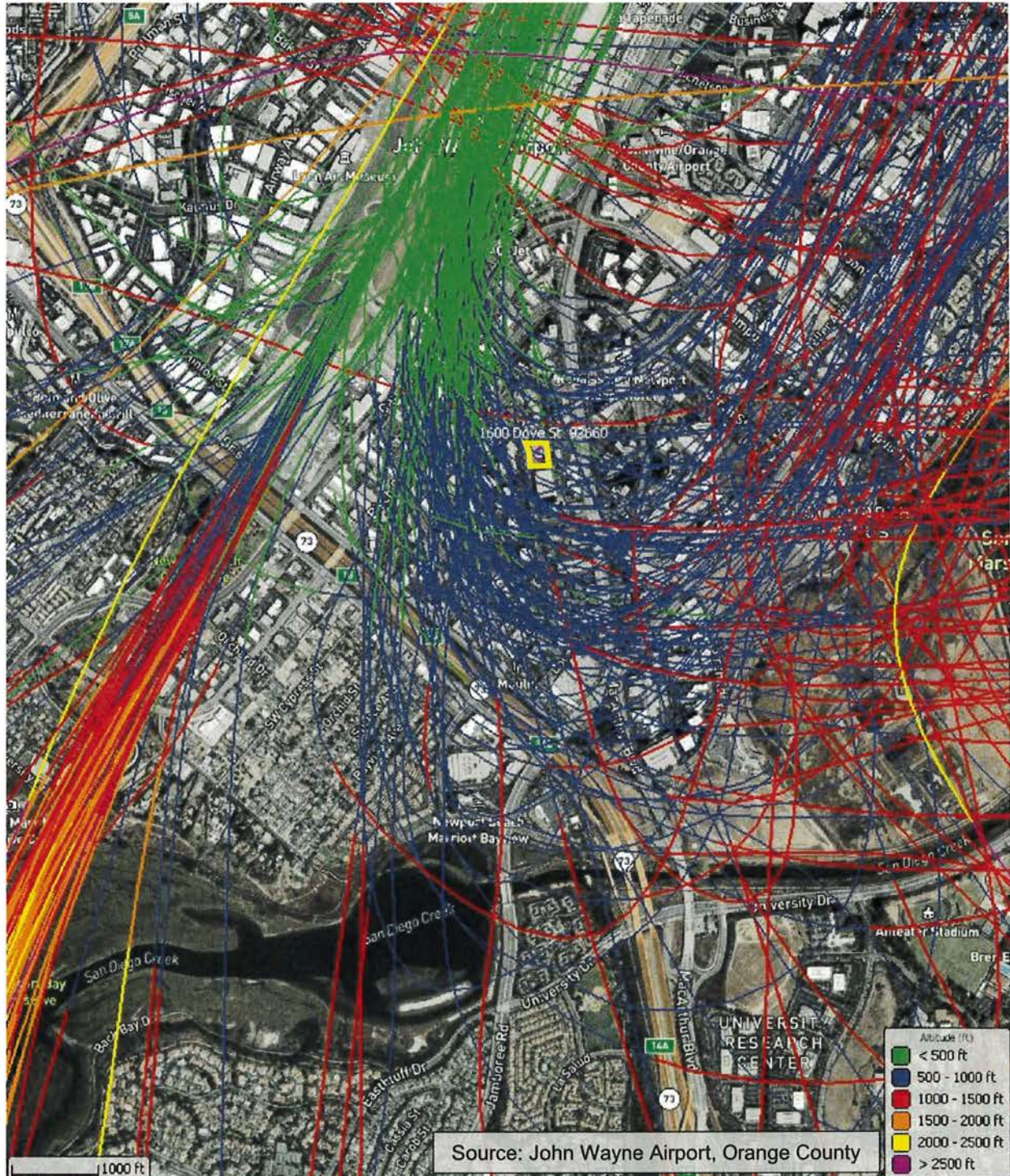


John Wayne Airport Altitude Analysis
Thursday, May 16, 2024
640 Operations





John Wayne Airport Altitude Analysis
Saturday, May 11, 2024
493 Operations





CITY OF NEWPORT BEACH

100 Civic Center Drive
Newport Beach, California 92660

949 644-3200

newportbeachca.gov/communitydevelopment

RECEIVED

MAY 28 2024

AIRPORT LAND USE COMMISSION

May 28, 2024

Julie Fitch, Staff Planner
John Wayne Airport, Orange County
3160 Airway Avenue
Costa Mesa, CA 92626

RE: Residences at 1600 Dove Street General Plan Amendment

Dear Ms. Fitch,

Pursuant to Section 4.3 (Amendments to General Plans and Specific Plans [Zoning]) 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 City's proposed amendments to the City's General Plan Land Use Element for consistency with the Airport Environs Land Use Plan (AELUP) at its June 20, 2024, meeting. The proposed project is for a seven-story, podium style apartment building consisting of 282 dwelling units, 28 of which are affordable to very-low income households. A General Plan Amendment is requested to increase the base dwelling unit count by 49 units. No changes to the underlying land use designation or zoning district are proposed. The proposed height of the structure is 100 feet above ground level (elevation of approximately 154 feet above mean sea level), where the maximum height of PC-11's Residential Overlay is 55 feet above ground level. The Staff Report and Conditions of Approval for the May 23, 2024 Planning Commission meeting have been attached (Attachment Nos. 12 and 13).

Should you have any questions concerning the preceding information, I can be reached at 949-644-3234 or via email at westmoreland@newportbeachca.gov.

Sincerely,

Liz Westmoreland, AICP
Senior Planner

ATTACHMENT 9

Attachments:

1. Submittal Forms and Checklist
2. General Plan Land Use Element Existing Map
3. General Plan Amendment (Amended Table LU2)
4. Newport Place Planned Community Existing Map
5. FAA Determination of No Hazard to Air Navigation
6. JWA Notification Area Map
7. JWA Noise Contours Map
8. City's General Plan Noise Contour Map
9. JWA Safety Zones Map
10. Obstruction Imaginary Surfaces Map
11. Surrounding Building Elevations
12. City of Newport Beach Planning Commission Staff Report (No Attachments)
13. City of Newport Beach Planning Commission Conditions of Approval
14. Noise, Height, and AELUP Consistency Analysis
15. Conceptual Plans



AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY

SUBMITTAL FORM: GENERAL PLAN • SPECIFIC PLAN • ZONING CODE

1. Name of City or County: City of Newport Beach
2. Contact Information - Name/Title Liz Westmoreland, Senior Planner
Agency: City of Newport Beach
Address: 100 Civic Center Drive, Newport Beach, CA 92660
Phone/email: 949-644-3234 lwestmoreland@newportbeachca.gov
3. Airport Planning Area(s):
 John Wayne Airport Fullerton Municipal Airport JFTB - Los Alamitos
4. Item being submitted for review (submit each item separately): General Plan Amendment
Name of General Plan Element, Specific Plan or Planned Community: Land Use Element
5. Scheduled date of Planning Commission Public Hearing: 5/23/2024
6. Tentative date of City Council/Board of Supervisors Public Hearing: 7/9/2024
7. Requested date of ALUC Review: June 15
(Complete submittals must be received by the first day of the month for the next meeting).
8. Does the item submitted propose a change of land use or heights within the airport Notification/Planning Area*? No (skip items # 9-12). Yes (continue below).
9. Does the item propose a change of land use within the 60 CNEL or 65 CNEL noise contours of the airport(s)*? Please attach an exhibit showing location(s) of the proposed new uses in relation to noise contours.
10. Are noise policies or mitigation measures identified in the proposed item or elsewhere in the General Plan? No Yes - Please attach pages with current (and proposed if applicable) noise policies/mitigation measures highlighted.
11. Does the item submitted propose a change of land use within the Runway Protection Zone (RPZ), Clear Zone (CZ), or Airport Safety Zones of the airport*? No Yes - Please attach exhibit showing location(s) of proposed uses.
12. Does the item submitted propose a change of land use within the Obstruction Imaginary Surfaces*? No Yes
13. Please indicate current 55 feet and proposed 100 feet maximum heights allowed.

SUBMITTAL CHECKLIST: General Plan · Specific Plan · Zoning Code

- Cover letter on City/County letterhead.
- Completed Submittal Form.
- Link to existing attached and proposed attached General Plan Element, Specific Plan or Zoning Code for this submittal.
- Attachment showing proposed changes to General Plan Element, Specific Plan or Zoning Code Section(s) with strikethrough/underline.
- Exhibit showing location(s) of proposed new uses within the Notification Area/Planning Area for airport(s).
- Exhibit showing location(s) of proposed new uses in relation to noise contours for airport(s).
- Exhibit showing location(s) of proposed new uses in relation to Airport Safety Zones.
- Exhibit showing location(s) of proposed new uses in relation to the Obstruction Imaginary Surfaces.
- Attachment showing current and proposed noise policies/mitigation measures.
- Explanation of how the General Plan, Specific Plan, or Zoning Code address the AELUP standards for noise impact, safety compatibility, and height restriction zones.
Attachment No. 14
- Describe height and density changes in cover letter and attach pages of General Plan, Specific Plan and/or Zoning Code where maximum heights are specified.

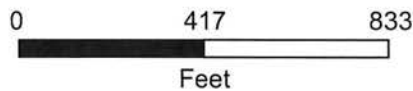
*For airport planning/notification areas, noise contours, safety zones and obstruction imaginary surfaces see Appendix D of the applicable Airport Environs Land Use Plan (AELUP) at: <https://www.ocair.com/about/administration/airport-governance/commissions/airport-land-use-commission/>

Noise sensitive uses include but are not limited to community facilities such as: churches, libraries, schools, preschools, day-care centers, hospitals, and nursing/convalescent homes.

Mail or Email Submittal Form, Checklist and attachments to: Airport Land Use Commission for Orange County,
Attn: Executive Officer, 3160 Airway Avenue, Costa Mesa, CA 92626 / Phone: (949) 252-5170
ALUCinfo@ocair.com



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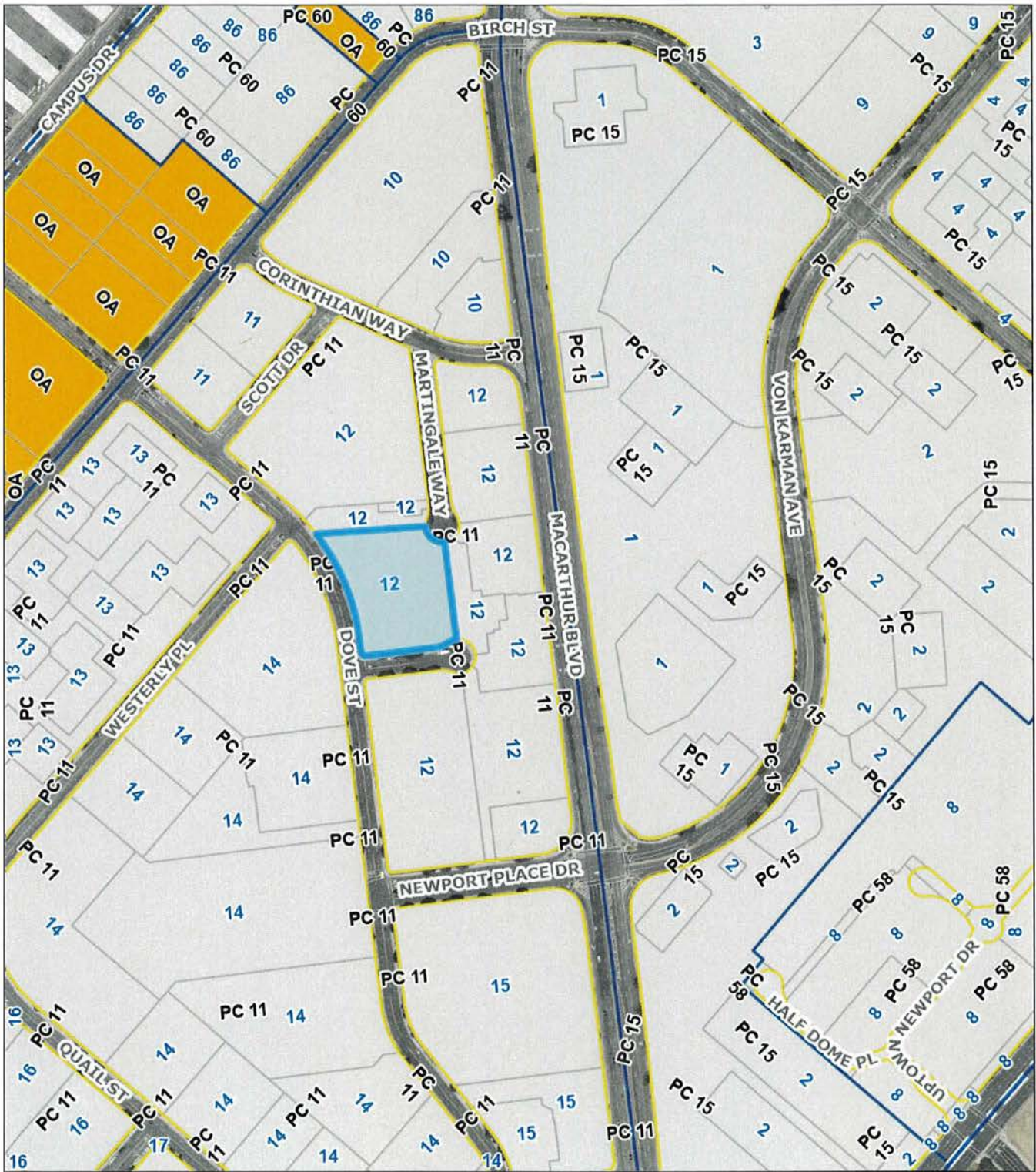


Disclaimer:

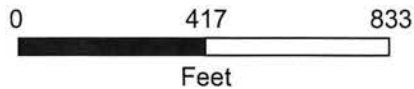
Every reasonable effort has been made to assure the accuracy of the data provided, however, The City of Newport Beach and its employees and agents disclaim any and all responsibility for or relating to any results obtained in its use.

Table LU2 Anomaly Locations

Anomaly Number	Statistical Area	Land Use Designation	Development Limit (sf)	Development Limit (Other)	Additional Information
12	L4	MU-H2	457,880	49 Dwelling Units	139 dwelling units were converted from one existing office building totaling 60,675 square feet consistent with LU 6.15.5 and 49 units were added through a GPA at 1600 Dove Street (PA2022-0297)



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

Aeronautical Study No.
 2023-AWP-15339-OE

Issued Date: 10/24/2023

Satish Lion
 The Picerne Group
 5000 Birch St. Ste. 600
 Newport Beach, CA 92660

**** 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 Residences at 1600 Dove Street
Location:	Newport Beach, CA
Latitude:	33-39-51.44N NAD 83
Longitude:	117-51-54.28W
Heights:	54 feet site elevation (SE) 100 feet above ground level (AGL) 154 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 M.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 04/24/2025 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, 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 (847) 294-7575, or vivian.vilaro@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AWP-15339-OE.

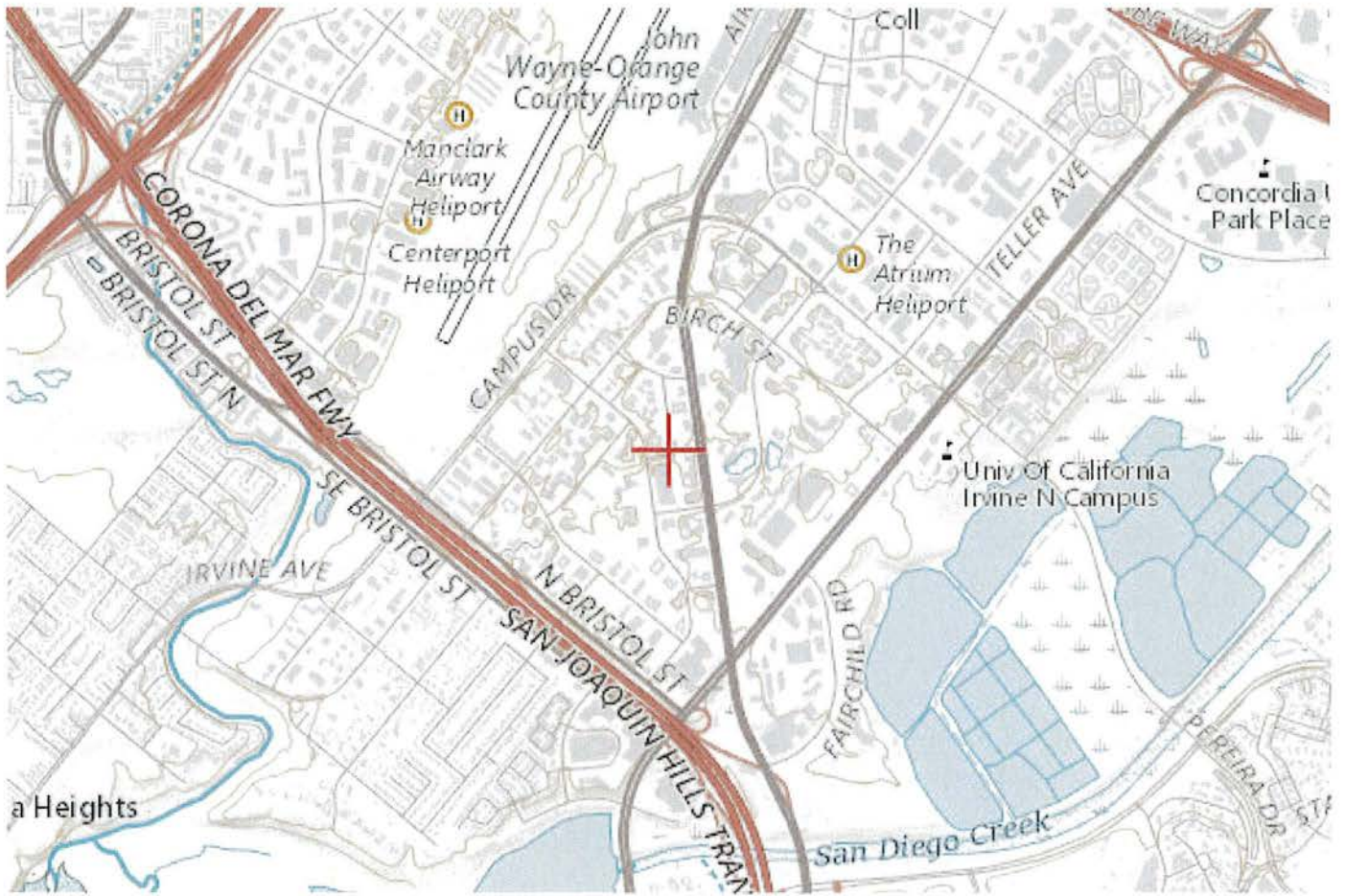
Signature Control No: 600626941-602785189

Vivian Vilaro
Specialist

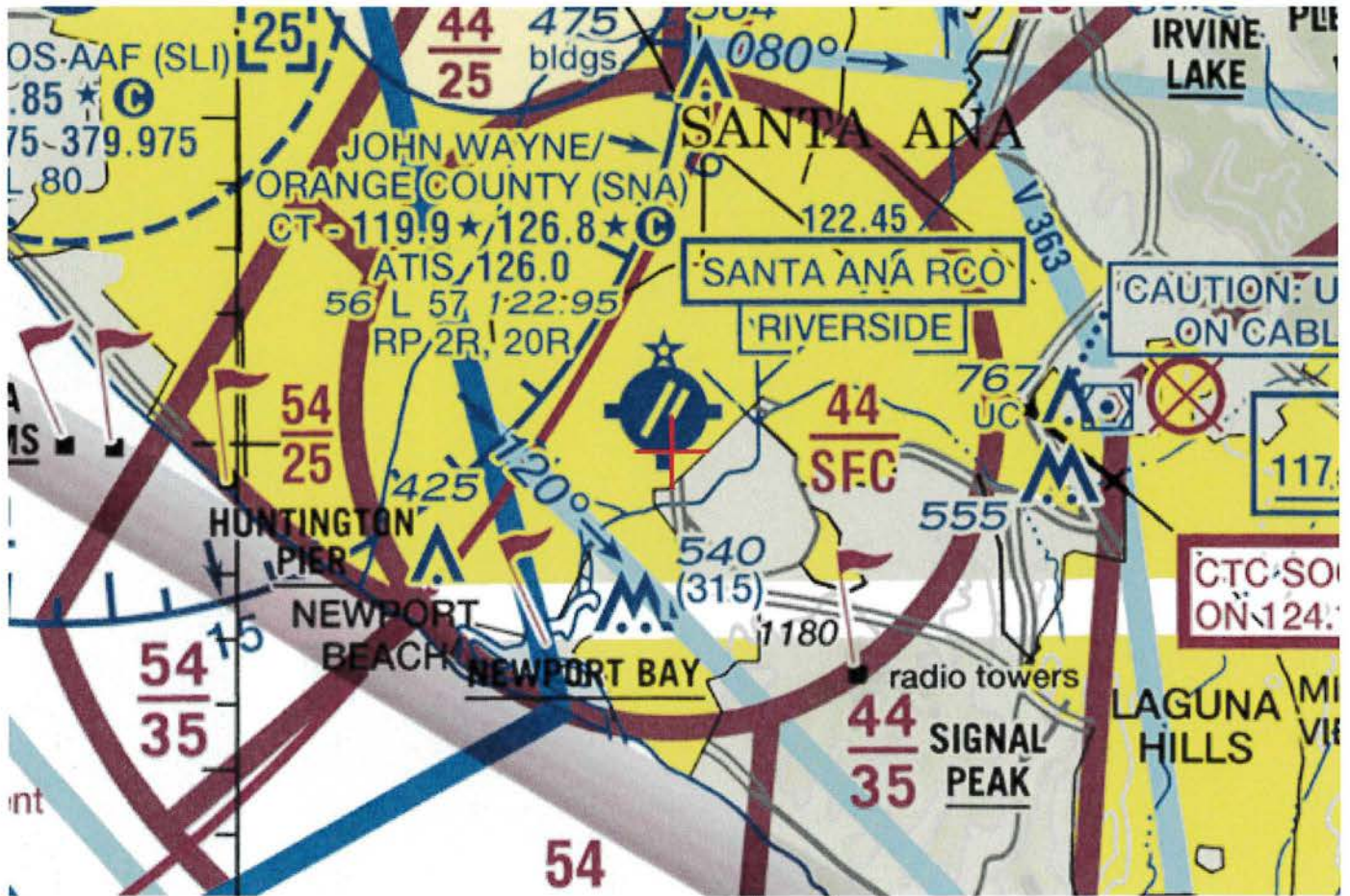
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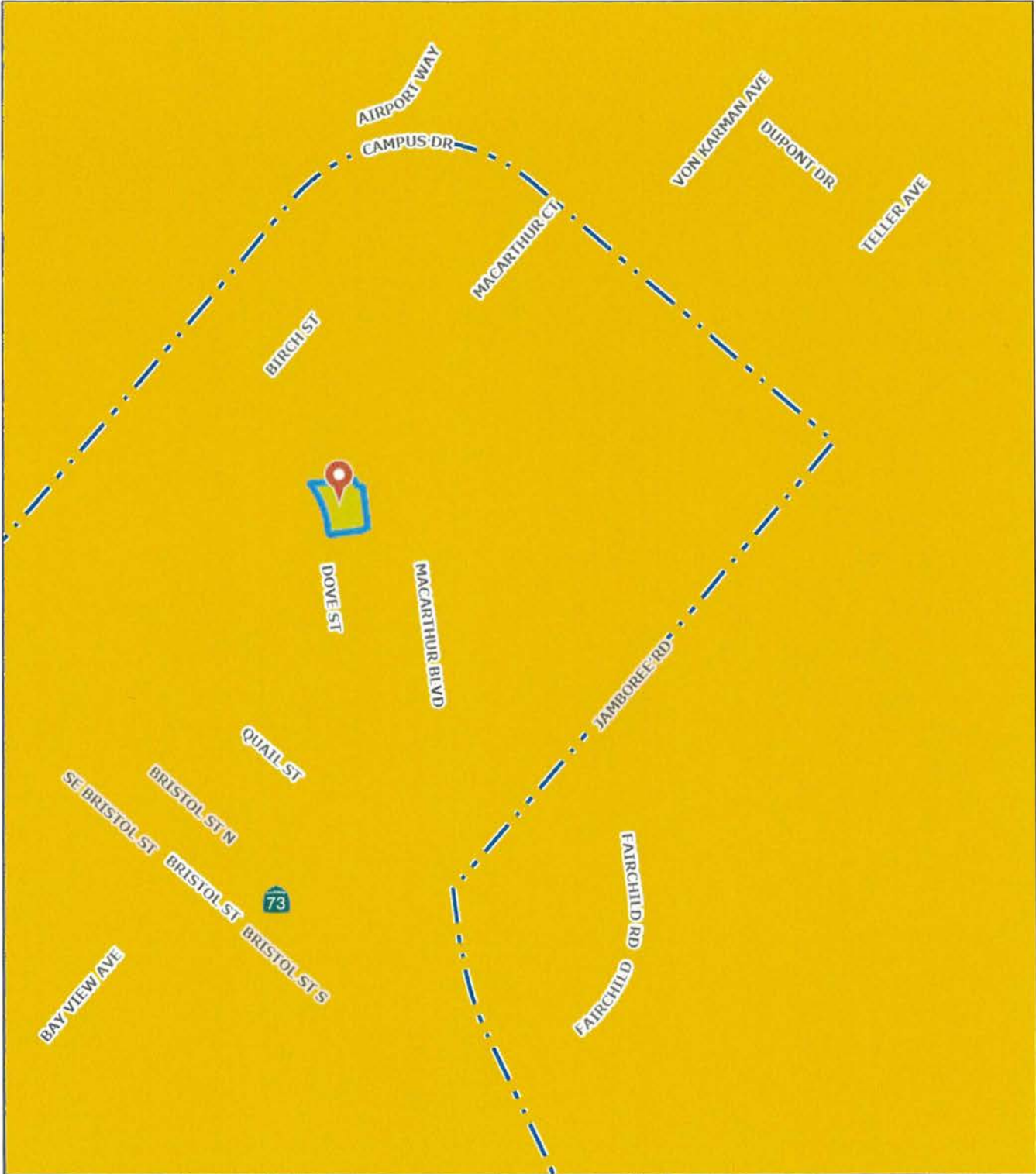
Attachment(s)
Map(s)

TOPO Map for ASN 2023-AWP-15339-OE

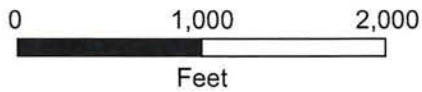


Sectional Map for ASN 2023-AWP-15339-OE



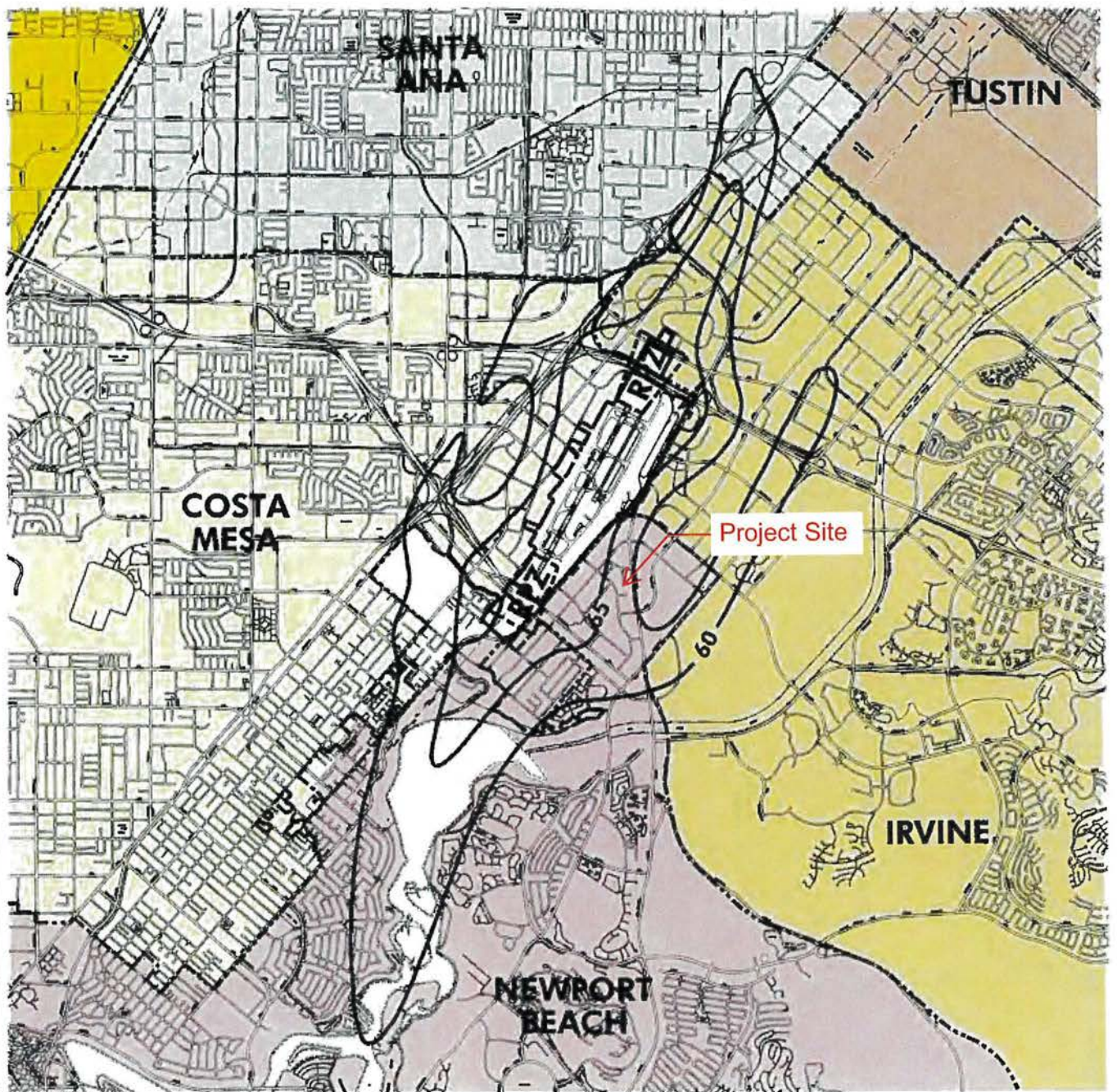


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Note: County Unincorporated areas are shown in white.

John Wayne Airport Impact Zones

LEGEND

- 60 CNEL CONTOUR
- RUNWAY PROTECTION ZONE
- CITY BOUNDARIES
- AIRPORT BOUNDARIES



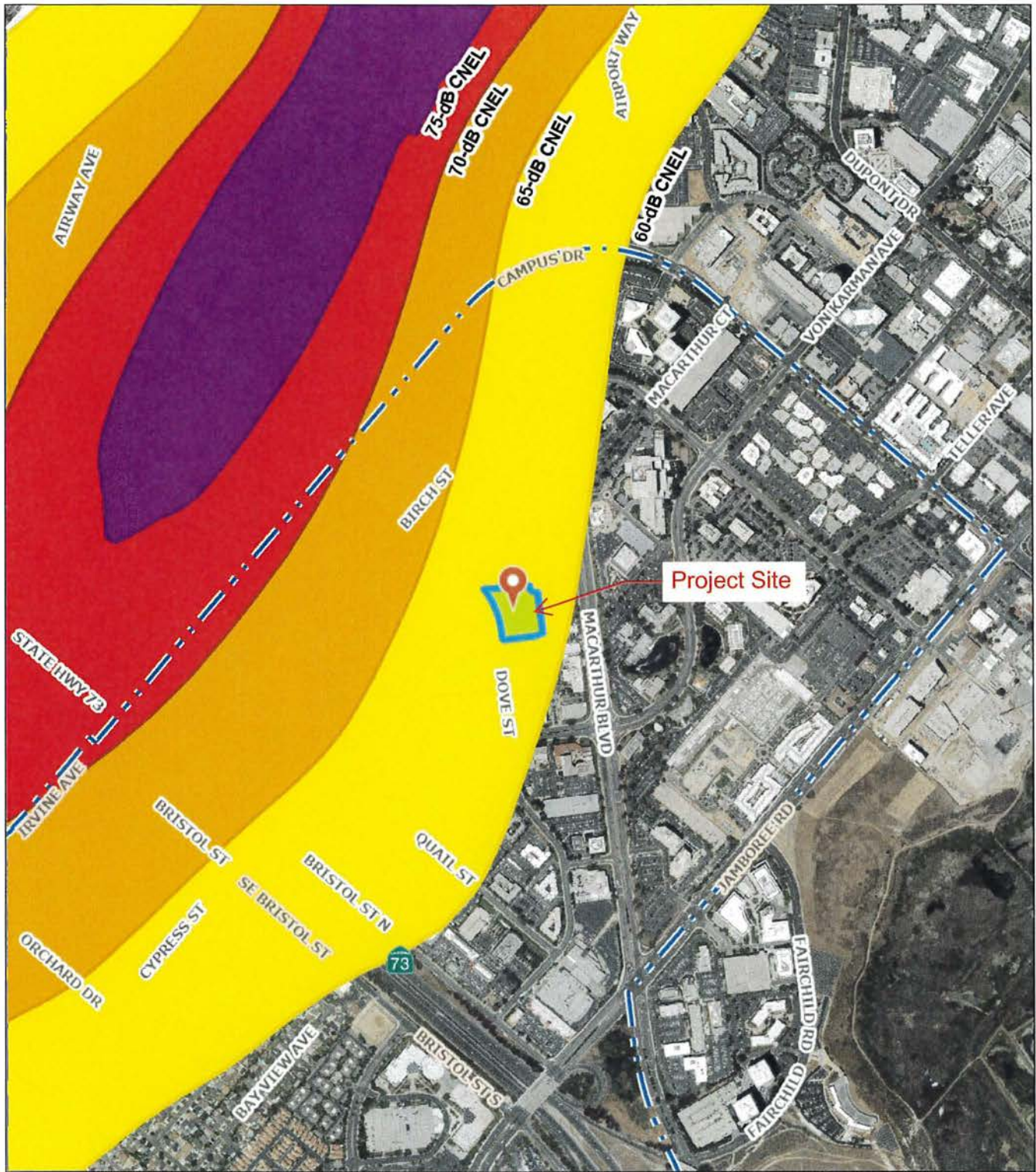
Composite contour from
John Wayne Airport Project
Case-1990 and 2005
(see section 2.2.1)

CERTIFICATION

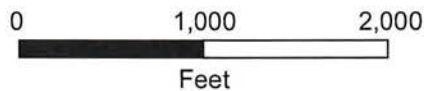
Adopted by the Airport Land Use Commission for Orange County

Kari A. Rigoni, Executive Officer

April 17, 2008
Date

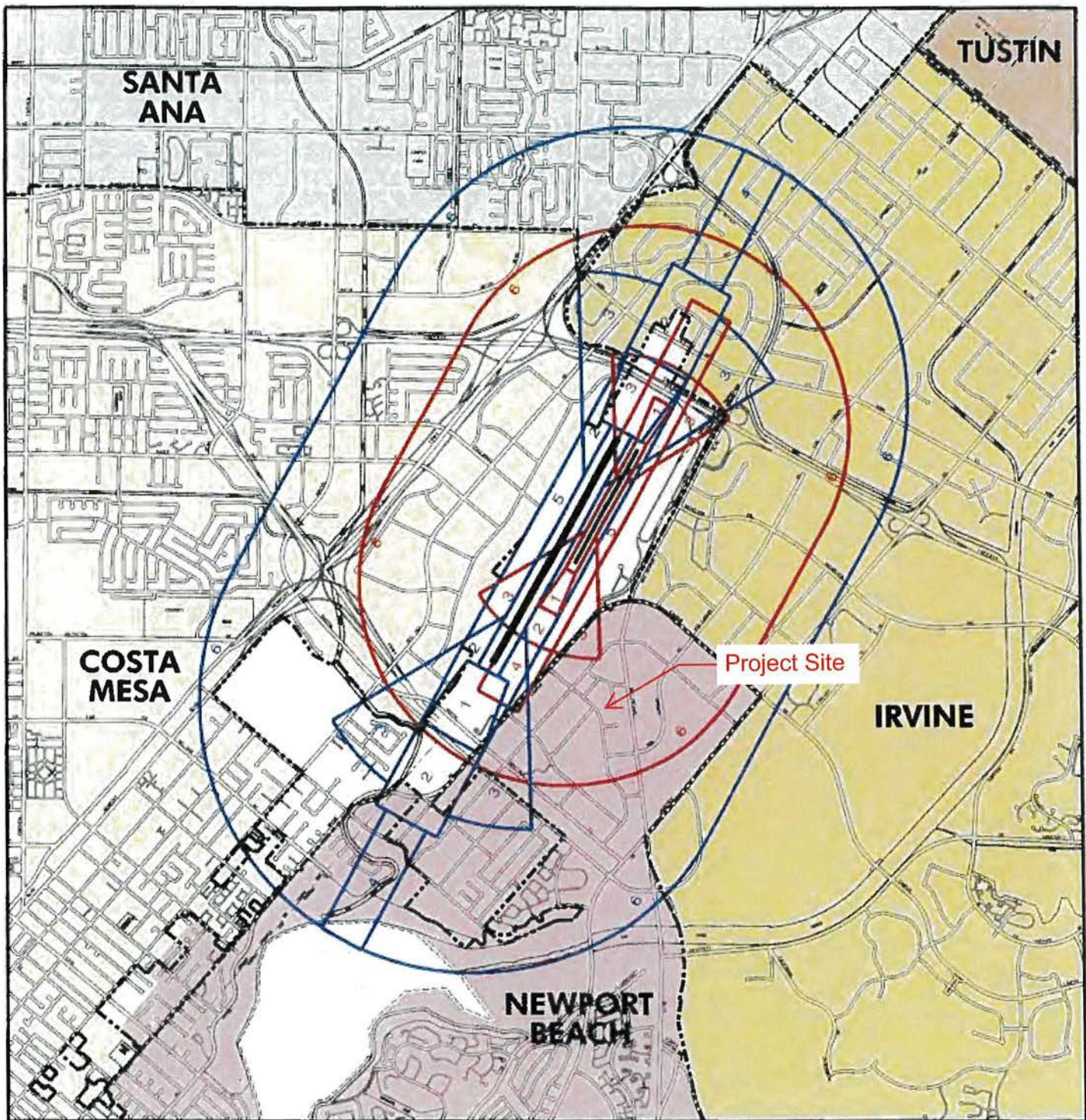


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NEWPORT BEACH



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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)



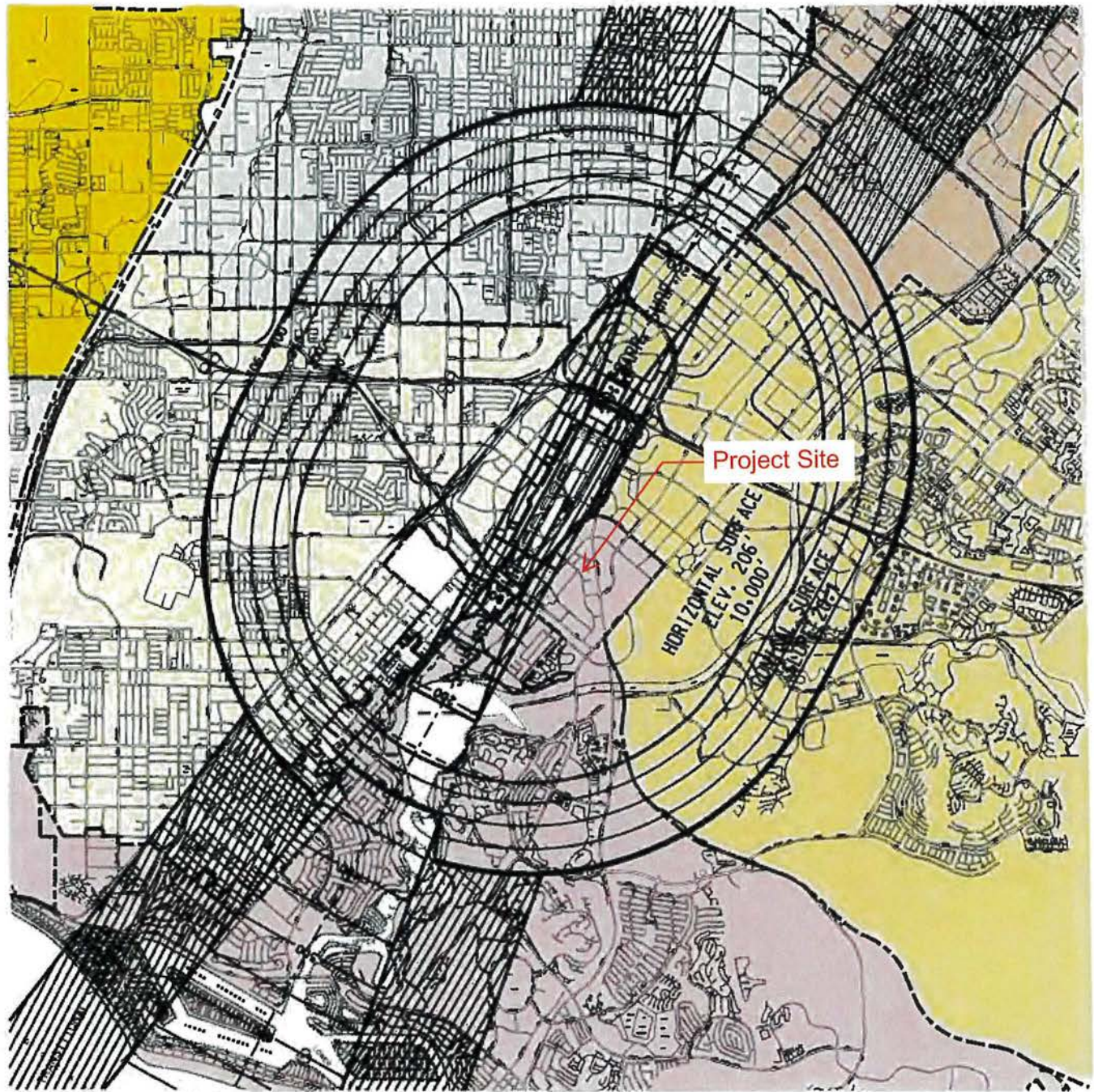
SAFETY COMPATIBILITY ZONES FOR RUNWAY 1R & 19L (A SHORT GENERAL AVIATION RUNWAY AS DESCRIBED IN THE CALIFORNIA AIRPORT LAND USE PLANNING HANDBOOK, JANUARY 2002 EDITION)



CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

Kari A. Rigoni *April 17, 2008*
 Kari A. Rigoni, 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

Kari A. Rigoni April 17, 2008
 Kari A. Rigoni, Executive Officer Date

Map #	Address	Elevation (ft)
1	1801 Dove St	68
2	1901 Dove St	72
3	4120 Birch St	64
4	4100 Birch St	64
5	4121 Westerly Pl	63
6	4101 Westerly Pl	62
7	4029 Westerly Pl	72
8	4109 Westerly Pl	72
9	4020 Birch St	72
10	4001 Westerly Pl	64
11	1601 Dove St	89
12	4000 Westerly Pl	89
13	3990 Westerly Pl	89
14	1401 Dove St	145
15	1375 Dove St	105
16	1301 Dove St	202
17	1300 Dove St	100
18	4041 MacArthur Blvd	128
19	4100 Newport Place Dr	185
20	4101 MacArthur Blvd	75
21	4141 MacArthur Blvd	102
22	4221 Dolphin Striker Way	70
23	4225 MacArthur Blvd	70
24	4241 MacArthur Blvd	72
25	4251 MacArthur Blvd	78
26	4299 MacArthur Blvd	92
27	4301 Martingale Dr	86
28	4341 MacArthur Blvd	80
29	4343 MacArthur Blvd	74
30	1801 Corinthian Way	74
31	4200 Birch St	65
32	4100 MacArthur Blvd	98
33	4110 MacArthur Blvd	80
34	4343 Von Karman Ave	96
35	4400 MacArthur Blvd	189
36	4590 MacArthur Blvd	90
37	4545 MacArthur Blvd	70





CITY OF NEWPORT BEACH PLANNING COMMISSION STAFF REPORT

May 23, 2024
Agenda Item No. 4

SUBJECT: Residences at 1600 Dove Street (PA2022-0297)

- General Plan Amendment
- Affordable Housing Implementation Plan
- Traffic Study
- Development Agreement
- Environmental Impact Report Addendum

SITE LOCATION: 1600 Dove Street

APPLICANT: The Picerne Group

OWNERS: 1600 Dove LP and GS 1600 Dove LLC

PLANNER: Liz Westmoreland, Senior Planner
949-644-3234, westmoreland@newportbeachca.gov

PROJECT SUMMARY

The Applicant is requesting approval of a General Plan Amendment (GPA), Affordable Housing Implementation Plan (AHIP), Traffic Study, and Development Agreement (DA) for the future development of a multi-unit residential project consisting of up to 282 dwelling units at 1600 Dove Street, in the Airport Area (Project). No specific design for the Project is included in this application. The Project would require a future Site Development Review by the Planning Commission prior to building permit issuance.

RECOMMENDATION

- 1) Conduct a public hearing;
- 2) Find that potential environmental impacts have been previously mitigated through the implementation of the policies of the General Plan as evaluated in Program Environmental Impact Report for the 2006 General Plan Update (SCH No. 2006011119), and the City of Newport Beach Housing Element Initial Study/Negative Declaration (collectively, the PEIR); therefore, in accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, an addendum to the previously adopted PEIR is the appropriate environmental documentation for the Project; and
- 3) Adopt Resolution No. PC2024-008 (Attachment No. PC 1) recommending the City Council adoption of Environmental Impact Report Addendum No. 9, and approval of General Plan Amendment, Affordable Housing Implementation Plan, Traffic Study,

and Development Agreement, for the Project located at 1600 Dove Street (PA2022-0297).

VICINITY MAP



GENERAL PLAN



ZONING



LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	Mixed Use Horizontal (MU-H2)	Newport Place Planned Community (PC-11)	Office
NORTH	MU-H2	PC-11	350-unit Newport Crossings (graded site)
SOUTH	MU-H2	PC-11	Parking structure and office
EAST	MU-H2	PC-11	Medical office
WEST	General Commercial Office (CO-G)/MU-H2	PC-11	Office

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INTRODUCTION

Project Setting

The 2.49-acre project site is located within the Residential Overlay zone of Newport Place Planned Community (PC-11) and currently improved with one 4-story, 60,675-square-foot office building and a surface parking lot. The property is somewhat rectangular in shape, with a primary frontage on Dove Street to the west, bordered by the approved Newport Crossings Residential Project (PA2017-107) and Martingale Way to the north, Dolphin-Striker Way to the south, and an existing commercial development to the east.

Project Description

The Applicant, the Picerne Group, seeks the following approvals that would allow future development of a seven-story, multiple-unit residential development consisting of up to 282 apartment units:

- **General Plan Amendment (GPA)**- A request to add 49 dwelling units above the current General Plan allowance for the Airport Area, and amend Anomaly 12 of the General Plan Table LU2 (Anomaly Locations) allocating the 49 residential dwelling units to the Property;
- **Affordable Housing Implementation Plan (AHIP)**- A plan specifying how the Project would meet the City's affordable housing requirements, in exchange for a request of 50% increase in density including a request for three development standard waivers related to height, park dedication requirement, and overall residential density along with two development concessions related to the payment of park in-lieu fees and affordable unit mix pursuant to Chapter 20.32 (Density Bonus) of the Newport Beach Municipal Code and Government Code Section 65915 *et seq.* ("State Density Bonus Law");
- **Development Agreement (DA)** – A Development Agreement between the Applicant and the City, pursuant to Section 15.45.020 (Development Agreement Required) of the NBMC, which would provide the Applicant with the vested right to develop the Project for a term of 10 years and to provide negotiated public benefits to the City;
- **Addendum to the 2006 General Plan Update Program Environmental Impact Report** (Addendum No. 9) - Pursuant to the California Environmental Quality Act (CEQA), the Addendum addresses reasonably foreseeable environmental impacts resulting from the Project; and
- **Traffic Study** - A traffic study pursuant to Chapter 15.40 (Traffic Phasing Ordinance) of the NBMC.

The applicant has provided conceptual exhibits showing the anticipated design types and possible site plan that may be presented as part of the future Project (Attachment 4). Figures 1 and 2 show the conceptual plans. Should the applications be approved by the City Council, future development of the Project would be required to comply with the Residential Overlay development standards set forth in the PC-11 and subject to Site Development review by the Planning Commission. The applicant's full project description and letters of support are provided as Attachment No. PC 2.

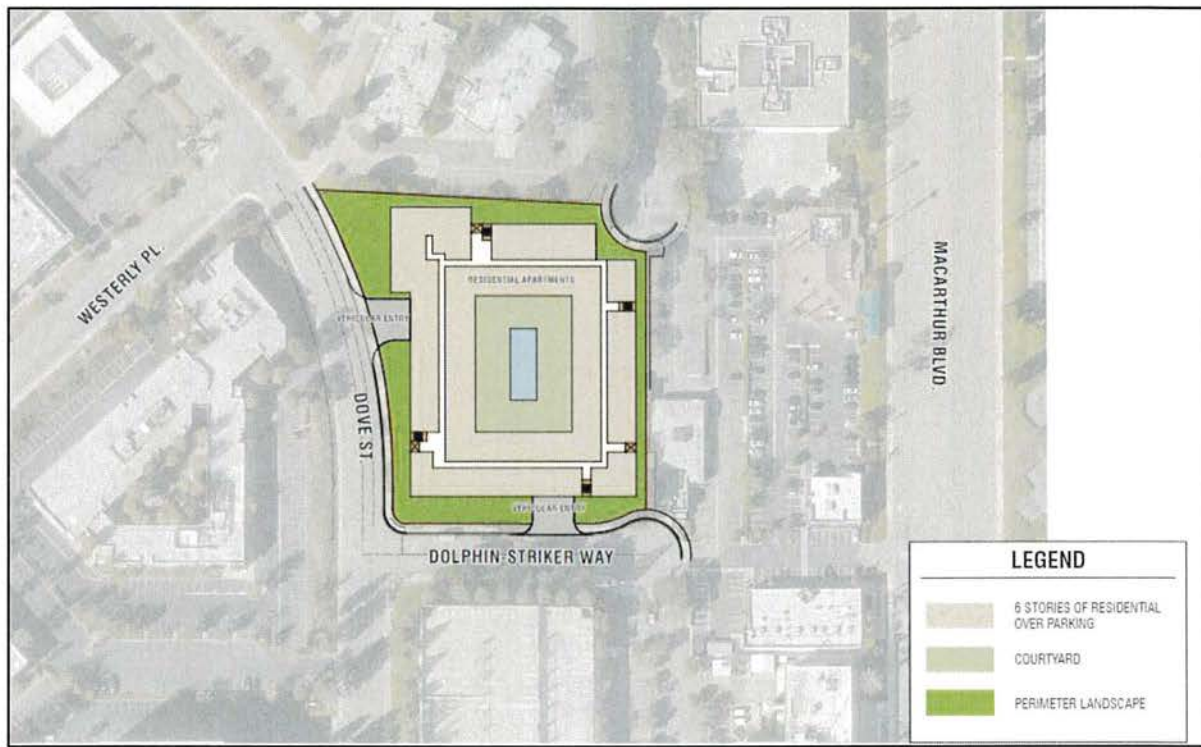


Figure 1: Conceptual Site Plan



Figure 2: Conceptual Elevations

DISCUSSION

General Plan Consistency

The subject property is located in the Airport Area and is currently designated as Mixed Use Horizontal 2 (MU-H2) by the General Plan Land Use Element. The Mixed-Use Horizontal 2 (MU-H2) designation provides for a horizontal intermixing of uses that may include regional commercial office, multifamily residential, vertical mixed-use buildings, industrial, hotel rooms, and ancillary neighborhood commercial uses to a majority of properties in the Airport Area. The MU-H2 designation also allows a maximum of 2,200 residential units as replacement of existing office, retail, and/or industrial uses at a maximum density of 50 units per net acre. Any eligible density bonus allowed by Government Code Section 65915 (State density bonus law) and NBMC Chapter 20.32 (Density Bonus) are not included in the 2,200-unit policy allowance.

While the proposed Project is allowed by the General Plan, the applicant is requesting an amendment to Anomaly 12 of the General Plan Table LU2 (Anomaly Locations) to increase the number of dwelling units allocated to the project site by 49 dwelling units, for a total of 188 dwelling units. The base density currently allotted to the property is 139 dwelling units. This density is based on the conversion of the existing 60,675-square-foot office building, consistent with the City's adopted land use conversion factors. The applicant also proposes a 50% density bonus to increase the total unit count to 282

pursuant to Newport Beach Municipal Code (NBMC) Section 20. 32 (Density Bonus) and Government Code Section 65915 (Density Bonus Law). The dwelling unit calculations are summarized below in Table 1.

Table 1 – Dwelling Unit Summary	
Units Based on Existing Nonresidential Uses	139
Additional Units Requested via GPA	49
Total Base Units	188
Density Bonus (50%)	94
Total Units Allowed	282
Total Units Proposed	282

Presently, there are a total of 209 units remaining and available to be entitled in the Airport Area 2,200-unit policy allowance. The requested 49 GPA units would be in addition to the 2,200-unit policy allowance. With the approval of this project, there would be 70 (209-139=70) dwelling units remaining (exclusive of density bonus units and units authorized through General Plan Amendments). Residential units approved, proposed, and remaining within the MU-H2 designation of the Airport Area are listed in the Table 2 below.

Table 2 - Airport Area Residential Units						
Residential Development Allocation	Base Units				Density Bonus Units	Project Totals with Density Bonus*
	Replacement Units	Additive Units	Transferred Units	Total Units		
General Plan Unit Limit (MU-H2)	1,650	550	0	2,200		
Approved Projects						
Uptown Newport	632	290	-77	845	322	1,167
Newport Crossings	259	0	0	259	91	350
Residences at Airport Village	329	0	0	329	115	444
Residences at 4400 Von Karman		260	0	260	52	312
Residences at 1300 Bristol	77	0	+77	154	39	193
Residences at 1400 Bristol	89	0	0	89	77	229**
Residences at 1401 Quail	52	0	0	52	15	67
Projects Under Review						
Residences at 1600 Dove	139	0	0	139	94	282***
Remaining Development Allocation	70	0		70		
*Project totals reflect actual proposed project inclusive of density bonus units and any GPA units. However, the density bonus units and GPA units are not restricted by the 2,200 residential unit limit identified in the 2006 General Plan. **Total includes GPA for 64 dwelling units. ***Total includes GPA for 49 dwelling units.						

The future residential development as envisioned is consistent with existing surrounding uses and planned land uses identified by the General Plan, as it would introduce additional residential land uses in the Airport Area which includes a diverse mix of land uses including the gradual multiple residential opportunities.

The GPA to increase dwelling units does not eliminate existing or future land uses to the overall detriment of the community given the subject property's size, location, and surrounding uses. The existing office building on-site was built in the 1970's and there are sufficient office facilities in the Airport Area to support the business needs of the community. The Project would increase the City's housing stock including the provision of 28 units that will be affordable to lower incomes.

The General Plan contains a number of policies that provide for the orderly evolution of the Airport Area, from a business park to a mixed-use district with cohesive residential villages integrated within the existing fabric of office, industrial, retail, and airport-related businesses. This project site was identified as a site for mixed-use development within the General Plan.

Housing Element

The Housing Element identifies adequate sites to accommodate its fair share allocation for the 6th Cycle Housing Element to accommodate housing growth needs by income categories. The project site is identified as a Housing Inventory Site 80. Figure B-3 of the Housing Element (below) displays the capacity and opportunity within the Airport Area which can help accommodate a portion of the City's Regional Housing needs Allocation (RHNA). Ultimately, the anticipated residential development implements the certified Housing Element and aids the City in its goal to provide new housing opportunities.

Figure B-3: Airport Area Environs – Sites Inventory



Airport Land Use Commission Consistency Determination

The project site is within the boundaries of the Airport Environs Land Use Plan (AELUP), therefore, the overseeing agency, Airport Land Use Commission (ALUC), must review the proposed GPA pursuant to Government Code Section 65302.3 and Public Utilities Code Section 21676. The purpose of ALUC's review is to determine whether the Project is consistent with the AELUP prior to the City Council acting on the Project. Staff anticipates review of the project by the ALUC on June 20, 2024.

Staff believes the Project is consistent with the requirements and standards in the AELUP. The project site is located within the 60 decibel (dBA) community noise equivalent level (CNEL) contour as shown in Figure N5 of the Noise Element of the General Plan and in the AELUP, where residential development is allowed. Additionally, the subject site is located within John Wayne Airport Safety Zone 6 which allows residential uses. Lastly, the future residential development at the subject site will be required to comply with the noise-related development standards set forth in Section 20.30.080(F) of the NBMC applicable to residential uses proximate to John Wayne Airport.

The draft Planning Commission resolution (Attachment No. PC 1) includes facts in support of a finding of consistency of relevant Airport Area policies. Furthermore, the EIR Addendum includes a comprehensive analysis of all relevant General Plan policies. The Project, as proposed, is consistent with all relevant General Plan policies except as

waived through the Affordable Housing Implementation Plan (AHIP) pursuant to State Density Bonus Law and NBMC Section 20.42 (Density Bonus) (see AHIP discussion below).

Charter Section 423 Analysis

Charter Section 423 requires voter approval of any major General Plan amendment to the General Plan. A major General Plan amendment is one that significantly increases allowed density or intensity by 40,000 square feet of non-residential floor area, increases traffic by more than 100 peak hour vehicle trips (AM/PM), or increases residential dwelling units by 100 units. These thresholds apply to the total of increases resulting from the amendment itself, plus 80% of the increases resulting from other amendments affecting the same neighborhood (defined as a Statistical Area as shown in the General Plan Land Use Element) and adopted within the preceding ten years.

Council Policy A-18 (Guidelines for Implementing Charter Section 423) requires that proposed amendments to the General Plan be reviewed to determine if a vote of the Newport Beach electorate would be required. This policy includes a provision that all General Plan amendments be tracked as "Prior Amendments" for 10 years to determine if minor amendments in a single Statistical Area cumulatively exceed the thresholds indicated above.

The Project is the second General Plan Amendment in Statistical Area L1 within the last 10 years that included additional dwelling units or non-residential floor area. The proposed amendment results in 49 additional dwelling units and no change in the square footage of non-residential floor area. Density bonus units are not included in Charter Section 423 analysis nor the General Plan Anomaly calculations.

The 49 additional dwelling units result in a net increase of 18 a.m. peak hour trips and 19 p.m. peak hour trips based on the "Multifamily Housing (Mid Rise) Not Close to Rail" ITE 11th Edition trip rate for the proposed use, as provided in Council Policy A-18. No credit is given to the existing non-residential uses on-site because the existing office floor area was converted to residential dwelling units so that the proposed Project (less the density bonus and GPA units) is traffic neutral. Therefore, the Project individually does not exceed the Charter Section 423 thresholds. A summary of the analysis is provided below in Table 3.

Table 3 – Charter 423 Analysis

Projects	Description	Thresholds			
		Nonresidential SF Change	Dwelling Unit Change	AM Peak Hour Change	PM Peak Hour Change
Prior Amendments					
Residences at 1400 Bristol Street (PA 2022-0296) Approved April 9, 2024	General Commercial (CO-G) to Mixed-Use Horizontal (MU-H2) and GPA for 64 additional units	0	64	24	25
100% Totals		0	64	24	25
80% Totals		0	51	19	2
Remaining Capacity Without a Vote		40,000	49	66	65
Residences at 1600 Dove Street (Subject Project)	GPA for 49 additional units	0	49	18	19
Thresholds Exceeded?		-	No	No	No

As none of the thresholds specified by Charter Section 423 are exceeded, no vote of the electorate is required if the City Council chooses to approve the requested GPA.

Tribal Consultation (SB-18)

Pursuant to California Government Code Section 65352.3 (SB18), a local government is required to contact the appropriate tribes identified by the Native American Heritage Commission (NAHC) each time it considers a proposal to adopt or amend the General Plan. If requested by any tribe, the local government must consult for the purpose of preserving or mitigating impacts to cultural resources. The City received comments from the NAHC indicating that 12 tribal contacts should be provided notice regarding the proposed amendment. The tribal contacts were provided notice on February 23, 2023. California Government Code Section 65352.3 requires notification 90 days prior to Council action to allow tribal contacts to respond to the request to consult. The Project will not be heard by the City Council until after the 90-day period, which expired on April 26, 2023. The City participated in consultations with three tribes: the Gabrieleno Band of Mission Indians – Kizh Nation, the Juaneno Band of Mission Indians, Acjachemen Nation-Belardes, and the Gabrielino Tongva Indians of California. Based on consultation with the participating Native American Tribes, conditions of approval have been included to address potential concerns regarding the protection of Tribal Cultural Resources.

Newport Place Planned Community (Zoning Code) Consistency

The project site is located within the Newport Place Planned Community (PC-11) in the Residential Overlay.

The Overlay allows for multi-unit residential development as a stand-alone use provided that it includes a minimum of 15% of the base density for lower income households. The future development project, as currently proposed, would provide this minimum number

of affordable units by providing 28 dwelling units as affordable for very-low-income households (188 base units x 15% = 28.2 = 28 units). The Overlay also contains development standards for multi-unit residential development, including density, height, setbacks, parking, signage, airport noise compatibility, amenities, and landscaping.

The Overlay limits the density for a residential development to be between 30 and 50 dwelling units per acre. The Project includes 139 base units or 55.8 dwelling units per acre, not including density bonus units or the requested units through the requested GPA. The base density with the requested GPA results in a density of 75.5 dwelling units per acre. The overall density of the project including the density bonus units is 113 units per acre. Both the base density and density bonus units are not consistent with the PC Text density requirement; however, the Applicant is requesting a development standard waiver pursuant to the NBMC and State Density Bonus Law. Furthermore, the proposed building will likely exceed the 55-foot maximum height allowed by PC-11, and therefore a development standard waiver is requested for this height restriction to allow future development of up to 100 feet.

The future residential development is subject to a Major Site Development Review and will be required to comply with all other development standards of the PC-11 Residential Overlay.

Affordable Housing Implementation Plan

The applicant has prepared a draft Affordable Housing Implementation Plan (AHIP), dated April 22, 2024 (Exhibit D of Attachment No. PC 1) to illustrate compliance with the affordable housing requirements of the Residential Overlay of Newport Place Planned Community and density bonus allowances pursuant NBMC Chapter 20.32 (Density Bonus Code) and Government Code Section 65915-65918 (Density Bonus Law). Because the Project has not been designed yet, additional incentives or development standards may be requested as part of a future site development review and subject to approval of any changes through an AHIP amendment.

Consistent with the affordable housing requirements of the Residential Overlay, 15% or 28 units of the Project's 188 base units would be set aside as affordable units to very-low-income households for 55 years.

Incentive/Concession Requests:

The 15% allocation of very-low-income households makes the Project entitled to a density bonus of 50% (94 units) above the maximum number of units allowed by the General Plan and requested GPA increase.

In addition to the 94 density bonus units requested, the Project is entitled to receive three incentives or concessions that would result in identifiable, financially sufficient, and actual cost reductions. The applicant requests the following two incentives at this time:

1. Partial In-Lieu Park Fee Waiver. Pursuant to General Plan Policy General Plan Land Use Policy LU 6.15.13, the Applicant is required to dedicate 0.50 acre of land for a neighborhood park or pay an in-lieu fee for the City to acquire and improve parks in the Airport Area. The applicant is required to pay \$1,837,500 for the in-lieu park fee (0.50-acre park equivalent). The Applicant is contributing approximately \$714,212 for this purpose; therefore, an incentive/concession is required to waive the remaining fee. The reduction in park in-lieu fees would allow the applicant to contribute to the overall fund for parks in the Airport Area, while providing identifiable cost reduction that make the provision of affordable units feasible. *Because the request includes a waiver of a City imposed fee, the Council has the discretion to approve, deny, or modify this concession pursuant to Density Bonus Law.*
2. Affordable unit mix that does not meet NBMC Section 20.32.110 (Design and Distribution of Affordable Units). This section requires affordable units in a density bonus project reflect the same range of unit types in the residential development as a whole. See previous discussion regarding unit mix. Granting this incentive will result in identifiable, financially sufficient, and actual project cost reductions by reducing the long-term rental subsidy costs associated with the two-bedroom units and affording additional rental income for the project to ensure financial feasibility.

Development Standard Waivers

In addition to the density bonus units and financial concessions, the Project is entitled to receive unlimited waivers or reductions of development standards, including parking reductions, if the development standard would physically prevent the project from being built at the permitted density. In this case, the Applicant requests waivers of the following three development standards:

1. Park dedication requirement. General Plan Land Use Policy LU 6.15.13 requires a public park equal to 8% of the gross land area of the development, or a minimum one-half acre, whichever is greater, be provided. In this case, the 2.49-acre project site is too small to feasibly accommodate a half-acre park. The City has granted this dedication waiver four times previously with the Newport Airport Village Planned Community, the Residences at 1300 Bristol Street, Residences at 1400 Bristol, and Residences at 1401 Quail projects.
2. Residential density. General Plan Land Use Policy LU 6.15.7 and PC-11 limits residential density between 30-50 units per acre. Inclusive of only the conversion units, the density would not comply at 55.8 dwelling units per acre. Including the proposed GPA units, the conversion units, and density bonus the resulting density would be 113 units per acre exceeding the limit and a waiver is necessary to implement the project. Again, the City has previously granted this policy waiver allowing excess density three times with the Newport Airport Village

Planned Community, the Residences at 1300 Bristol Street, and Residences at 1400 Bristol projects.

3. Building height. The Newport Place Planned Community (PC-11) limits building height to 55 feet from established grade. In this case, a higher building height is necessary to accommodate 282 residential units within seven stories. The Project is anticipated to have a height of 100 feet from established grade.

Fiscal Impact Analysis

Pursuant to General Plan Implementation Program 12.1, a fiscal impact analysis was prepared for the project by Applied Development Economics dated April 17, 2024 (Attachment PC 3). The fiscal impact model used in the report calculates public service impacts for specific land uses that support the residential population, the employment base and the visitor population in Newport Beach. It also calculates the public revenues that each type of land use typically generates for the City, including property taxes, sales taxes and other taxes as well as a variety of user charges and fees.

The report concludes that the future residential rental project would generate a positive fiscal impact for the City, compared to the negative fiscal impact of the existing office use of the site. Annually, the existing office use generates a negative fiscal impact of about \$104,661 per year and the residential development would anticipate generating a positive fiscal impact of approximately \$41,732. This is based on the expected socio-economic profile of the future tenants. A positive fiscal impact for a for-rent property is not consistent with the original fiscal analysis of residential uses in the 2006 General Plan, although in recent years some other very high value luxury residential projects have shown a positive fiscal benefit. If the anticipated resident profile (i.e. demographic profile of residents) turns out to be more like the average Newport Beach demographic (e.g. older population), or if it changes in that direction over time, then the residential development would have a lower, or possibly negative impact on the City budget. However, even so, the 2006 General Plan anticipated an increased development potential for commercial and lodging uses, in addition to the new residential units it would permit. The net impact of the growth in land uses at buildout of the General Plan compared to existing land uses in 2006 when the plan was adopted, would result in a positive fiscal impact for the General Fund of \$21.7 million per year.¹ Thus, any negative fiscal impacts of future residential development can potentially be mitigated as long as commercial development keeps pace elsewhere throughout the City.

Development Agreement

In accordance with Section 15.45.020.A.2.a (Development Agreement Required) of the NBMC, a development agreement is required as the proposed project includes a General Plan Amendment and the development of 50 or more residential units. Additionally, the project will be required to pay public benefit fees as part of the

¹ Applied Development Economics, *Fiscal Impact Analysis Land Use Element Amendment*, April 4, 2014. p. 3.

Development Agreement. The project would also provide much needed housing opportunities in the City in furtherance of the certified Housing Element including 28 rental units affordable to very-low income households.

The applicant requests a 10-year term of agreement. The agreement provides assurance that the applicant may proceed with the proposed project in accordance with existing policies, rules and regulations, and conditions of approval. Additionally, the agreement helps the applicant avoid a waste of resources and escalated costs of the proposed project while encouraging a commitment to private participation in comprehensive planning. Staff supports the requested 10-year term.

The DA provides vested rights to develop the project and the City will finalize the payment of negotiated public benefit fees per each residential dwelling unit. The total fee will have three components: a public safety fee, a reduced park in-lieu fee, and a general public benefit fee (Table 4, below). The public safety fee will assist the City with the costs of an additional ambulance unit that will be stationed at Fire Station No. 7 that will serve this area or other public safety needs. The park fee will be used consistent with City Council Policy B-1 (Park Fee Policy) or for the future acquisition and development of a neighborhood park in the Airport Area. The public benefit fee will be used solely at the City Council's discretion. The public benefit fee would be subject to annual adjustments, based on the CPI Index after two years, and would be payable at building permit issuance or prior to occupancy.

Category	Fee
Public Safety	\$285,760
Reduced Park In-Lieu	\$714,212
General Public Benefit	\$3,555,268
Total	\$4,555,240

Finally, the agreement includes all mandatory elements, including public benefits that are appropriate to support conveying the vested development rights consistent with the City's General Plan, NBMC, and Government Code Sections 65864 et seq.

Traffic Phasing Ordinance (TPO)

NBMC Chapter 15.40 (Traffic Phasing Ordinance) requires a traffic study to be prepared prior to issuance of building permits if a proposed project generates in excess of 300 new average daily trips (ADT).

Ganddini Group Inc. has prepared a traffic study dated August 14, 2023 (Exhibit F of Attachment No. PC 1), under the supervision of the City Traffic Engineer, pursuant to the Traffic Phasing Ordinance (TPO) and its implementing guidelines. The traffic study is focused on the conditions one year after project occupancy, or five years after project

approval for larger projects not expected to be complete within five years. Baseline traffic conditions for a TPO traffic study include previously approved projects in the City.

The Traffic Study provides an evaluation of morning and evening peak hours at 14 existing intersections that are located in the City and the adjoining City of Irvine. The Project is projected to generate an additional (i.e. net increase of) 622 daily trips, including 12 peak a.m. trips and 22 peak p.m. trips. When these trips are distributed to these studied intersections, the analysis concludes that there is no significant impact as the project will neither cause nor make worse an unsatisfactory level of service at any impacted primary intersection, and all intersections are forecasted to continue to operate at acceptable Levels of Service (LOS). Additionally, the Traffic Study includes vehicle miles traveled (VMT) analysis for informational purposes only. An analysis of VMT was not required as a part of the CEQA Addendum because the adopted Program Environmental Impact Report (PEIR), adopted in 2006, did not utilize VMT analysis. Nonetheless, the informational analysis concludes that the project is in an area mapped with low residential VMT per capita. Therefore, the project is presumed to have a less than significant impact on VMT since it satisfies the City established screening criteria.

Furthermore, the TPO requires findings that, based on the weight of the evidence in the administrative record, including the traffic study, the proposed project complies with the TPO. Findings related to the preparation of the traffic study are provided in the draft resolution for project approval (Attachment No. PC 1).

Environmental Review

On July 25, 2006, the City Council adopted Resolution No. 2006-75, thereby certifying the adequacy and completeness of the Environmental Impact Report (EIR) for the General Plan 2006 Update (SCH No. 2006011119). The EIR was prepared in compliance with the CEQA set forth in the California Public Resources Code Section 21000 *et seq.* and its implementing State regulations set forth in the California Code of Regulations Title 14, Division 6, Chapter 3 (CEQA Guidelines) and City Council Policy K-3. Additionally, in accordance with Section 15168(a) of the CEQA Guidelines, the City prepared the EIR as a Program Environmental Impact Report (EIR). This PEIR analyzed the potential impacts of a citywide land use plan, and the goals and policies of 10 general plan elements.

Additionally, on November 22, 2011, the City Council adopted General Plan Amendment No. GP2008-003, thereby approving the City of Newport Beach Housing Element Update (2008-2014) and its associated Housing Element Initial Study/Negative Declaration.

Pursuant to Section 21166 of the California Public Resources Code and Section 15162 of the CEQA Guidelines, when an EIR or prior Negative Declaration has been certified for a project, no subsequent EIR or other analysis is required unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. *Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
2. *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
3. *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:*
 - a. *The project will have one or more significant effects not discussed in the previous EIR;*
 - b. *Significant effects previously examined will be substantially more severe than shown in the previous EIR;*
 - c. *Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*
 - d. *Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

The City contracted with an environmental consultant (Psomas, Inc.) to prepare an Addendum to the PEIR. The entire Addendum and its technical appendixes are available online at the City's website at: www.newportbeachca.gov/ceqa. The conclusion of the Addendum analysis supports the finding that no additional environmental documentation is required by CEQA.

On the basis of the entire environmental review record, the project will not result in any new significant impacts that were not previously analyzed in the PEIR for the General Plan 2006 Update (SCH No. 2006011119) or the Housing Element Initial Study/Negative Declaration. All potential impacts associated with this Project would either be the same or less than those described in either the PEIR or Negative Declaration that have been appropriately mitigated. In addition, there are no substantial changes to the circumstances under which the project would be undertaken that would result in new or more severe environmental impacts than previously addressed in either

the PEIR, nor has any new information regarding the potential for new or more severe significant environmental impacts been identified. Therefore, in accordance with Section 15164 of the CEQA Guidelines, an addendum to the previously adopted PEIR is the appropriate environmental document for the project.

Summary

Staff believes the findings for project approval can be made, with specific conditions of approval for the AHIP and TPO Study. The proposed Project is consistent with the existing MU-H2 General Plan Land Use designation and its land use policies related residential developments in the Airport Area. The proposed project is also consistent with the recently updated Noise Element and AELUP.

The existing Newport Place Residential Overlay allows multi-unit uses subject to approval of a site development review, which would be requested once the Project is designed. The site development review will ensure the design of the future project will be implemented consistent with all applicable development and design standards. Ultimately, the Project will lead to the redevelopment of underperforming office with a multi-unit residential apartment development that will include affordable units consistent with the Overlay and in furtherance of the adopted 6th Cycle Housing Element.

Alternatives

1. The Planning Commission has the discretion to recommend changes to the proposed Project to address any areas of concern.
2. The Planning Commission can also recommend denial if the Project's consistency with the MU-H2 and/or other applicable Airport Area policies are not in evidence. If the Planning Commission chooses to deny the project, findings must be made consistent with the Housing Accountability Act (Government Code Section 65589.5) and Density Bonus Law (Government Code Section 65915). Therefore, if after consideration of all written and oral evidence presented, the Planning Commission desires to either disapprove or impose a condition that the project be developed at a lower density or with any other conditions that would adversely impact feasibility of the proposed project, the Planning Commission must articulate the factual basis for making the following findings and direct staff to return with a revised resolution incorporating the articulated findings and factual basis for the decision:
 - a. The housing development project would have a specific, adverse impact upon the public health or safety. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

- b. There is no feasible method to satisfactorily mitigate or avoid the adverse impact without rendering the development unaffordable to affordable households financially infeasible.

Public Notice

Notice of this hearing was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant, and posted on the subject property at least 10 days before the scheduled meeting, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the city website.

Prepared by:

Submitted by:



Liz Westmoreland, AICP
Senior Planner



Jaime Murillo, AICP
Acting Deputy Community Development Director

~~ATTACHMENTS~~

- ~~PC 1 Draft Resolution with Findings and Conditions~~
- ~~PC 2 Applicant's Project Description and Letters of Support~~
- ~~PC 3 Fiscal Impact Memorandum~~
- ~~PC 4 Conceptual Exhibits~~

Attachment No. 13

City of Newport Beach Planning
Commission Conditions of Approval

Exhibit G

CONDITIONS OF APPROVAL

(Project-specific conditions are in italics)

Planning Division

1. The development shall be in substantial conformance with the approved *Residences at 1600 Dove Street Affordable Housing Implementation Plan and Density Bonus Application dated April 22, 2024* (except as modified by applicable conditions of approval).
2. *Prior to the issuance of building permits, the applicant shall obtain all applicable discretionary permits (e.g. Site Development Review). The Applicant shall comply with all conditions of approval for said discretionary permits.*
3. The Project is subject to compliance with all applicable submittals approved by the City of Newport Beach ("City") and all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
4. *The Approval of the Affordable Housing Implementation Plan granted under PA2022-0297 shall expire unless exercised within twenty-four (24) months from the date of approval as specified in Section 20.54.060 of the Newport Beach Municipal Code ("NBMC"), unless an extension is otherwise granted by the City for a period of time provided for in the Development Agreement pursuant to California Government Code Section 66452.06(a).*
5. *The proposed residential development shall consist of 282 apartment units, inclusive of 188 base units (conversion and GPA units) and 94 density bonus units.*
6. *A minimum of 28 apartment units shall be made affordable to very-low-income households consistent with the approved Residences at 1600 Dove Street Affordable Housing Implementation Plan and Density Bonus Application dated April 22, 2024.*
7. *Prior to the issuance of a building permit, an affordable housing agreement shall be executed in a recordable form as required by the City Attorney's Office.*
8. *The Applicant shall comply with all provisions of the Development Agreement including payment and timing of the public benefit fees.*
9. *A qualified monitor from the Gabrieleno Band of Mission Indians - Kizh Nation, shall be retained and compensated as a Native American Monitor for the project site prior to the*

commencement of any ground-disturbing activity to the completion of ground disturbing activities to monitor grading and excavation activities.

- 10. The monitor shall be retained prior to the commencement of any "ground-disturbing activity" for the subject project. "Ground-disturbing activity" shall include any demolition that includes subterranean impacts, mass grading, and excavation. The monitor is expected to accommodate the construction schedule provided by the Applicant. The Applicant shall make a good faith effort to notify the monitor of any changes to the construction schedule at least 24 hours in advance.*
- 11. A copy of the executed monitoring agreement shall be submitted to the City prior to the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.*
- 12. The monitor shall complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the project applicant/lead agency upon written request to the monitors.*
- 13. On-site tribal monitoring shall conclude upon the earlier of the following: (1) written confirmation to the consulting tribe from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the consulting tribe to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact TCRs of the consulting tribe.*
- 14. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., within the surrounding 25 feet) and shall not resume until the discovered TCR has been fully assessed by the monitor and/or archaeologist. The monitor will recover and retain all discovered TCRs in the form and/or manner the tribe deems appropriate, in the tribe's sole discretion in coordination with the applicant, and for any purpose the tribe deems appropriate, including for educational, cultural and/or historic purposes.*
- 15. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.*

16. *If Native American human remains and/or grave goods are discovered or recognized on the project site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed.*
17. *Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).*
18. *Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods.*
19. *Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.*
20. *A copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans before issuance of the building permits.*
21. *Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or leasing agent.*
22. *To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including without limitation, attorney's fees, disbursements, and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Residences at 1600 Dove Street including, but not limited to, General Plan Amendment, Affordable Housing Implementation Plan, Development Agreement, Addendum to the 2006 General Plan Update Program Environmental Impact Report, and Traffic Study, (PA2022-0297). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing the such proceeding. The applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages that which City incurs in enforcing the indemnification provisions outlined in this condition. The applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.*

Attachment No. 14

Noise, Height, and AELUP Consistency
Analysis

Proposed Amendment

The City of Newport Beach is amending the General Plan Land Use Element to add 49 dwelling units to the subject property, above the current General Plan allowance for the Airport Area to accommodate for the future development of a 282-unit residential rental project located at 1600 Dove Street. The property has a General Plan designation of MU-H2 (Mixed Use Horizontal 2), and is located within the Residential Overlay of Planned Community PC-11 (Newport Place) Zoning District where multiple-family residential development is allowed. Additional detailed analysis for the project is provided in the May 23, 2024 Planning Commission Staff Report (Attachment No. 12 of the ALUC submittal package).

No specific design for the project is included in this application; and therefore, future site development review by the Newport Beach Planning Commission would be required prior to building permit issuance.

Community Noise Equivalent Levels (CNEL) Compatibility

The proposed project is located within the 60 dBA CNEL as shown in Figure N5 of the Noise Element of the General Plan and ALEUP Noise contours map, which are included as Attachment Nos. 7 and 8 of the ALUC submittal package. As discussed in AELUP Subsection 3.2.4 (Noise Impact Zone "2" – Moderate Noise Impact [60 dB CNEL or greater, less than 65 dB CNEL]), residential units are normally consistent with conventional construction methods used and no special noise reduction requirements are required. Table 1 (Airport Land Use Commission for Orange County Airport Environs Land Use Plan Limitations on Land Use Due to Noise) of the AELUP is included below for reference.

TABLE 1

AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY
 AIRPORT ENVIRONS LAND USE PLAN
 LIMITATIONS ON LAND USE DUE TO NOISE
 (Applicable to Aircraft Noise Sources)

LAND USE CATEGORY	COMMUNITY NOISE EQUIVALENT LEVEL, dB					
	55	60	65	70	75	80
Residential (all types): Single and Multi-Family Residences						
Community Facilities: Churches, Libraries, Schools, Preschools, Day-Care Centers, Hospitals, Nursing/Convalescent Homes, & Other noise sensitive uses						
Commercial: Retail, Office						
Industrial:						



NORMALLY CONSISTENT

Conventional construction methods used. No special noise reduction requirements.



CONDITIONALLY CONSISTENT

Must use sound attenuation as required by the California Noise Insulation Standards, Title 25, California Code of Regulations. Residential use sound attenuation required to ensure that the interior CNEL does not exceed 45 dB. Commercial and industrial structures shall be sound attenuated to meet Noise Impact Zone "1" criteria (refer to Section 3.2.3).



NORMALLY INCONSISTENT

All residential units are inconsistent unless are sound attenuated to ensure that the interior CNEL does not exceed 45 dB, and that all units are indoor oriented so as to preclude noise impingement on outdoor living areas.

For any residential sites and uses within Noise Impact Zone “2” the City requires future development to be consistent with the AELUP considerations and the City’s noise-related General Plan policies and development standards as listed below to ensure compatibility.

General Plan Policies

<p>Policy LU 6.15.3 Airport Compatibility. Require that all development be constructed in conformance with the height restrictions set forth by the Federal Aviation Administration (FAA), Federal Aviation Regulations (FAR) Part 77, and Caltrans Division of Aeronautics, and that residential development shall be allowed only on parcels with noise levels of less than the John Wayne Airport 65 dBA CNEL noise contour area as shown in Figure N5 of the Noise Element of the General Plan, unless and until the City determines, based on substantial evidence, that the sites wholly within the 65 dBA CNEL noise contour shown in Figure N5 are needed for the City to satisfy its Sixth Cycle RHNA mandate. Nonresidential uses are, however, encouraged on parcels located wholly within the 65 dBA CNEL contour area.</p>	<p>Consistent: The Project is a seven-story apartment development with podium level amenity space, a leasing office, potential roof-top common space, and parking within an on-grade parking garage with two and a half levels of subterranean parking. The Project site is in Safety Zone 6 of the JWA AELUP, the FAR Part 77 Obstruction Imaginary Surface Zone, and the FAR Part 77 Notification Area. The building is proposed to be approximately 100 feet high, measured from the established grade to the top of the rooftop parapet, which is consistent with the allowable uses under the AELUP Safety Zone 6 and is under the 200 feet height limit for the AELUP and for FAA Part 77 notification. Therefore, the Project would not exceed obstruction standards and would not be a hazard to air navigation.</p> <p>Further, the Project site is outside of the 65 dBA CNEL noise contour identified by the City of Newport Beach for JWA as set forth in the 2014 JWA Settlement Agreement Amendment EIR No. 617 as well as the AELUP. Therefore, the Project is consistent with the land use and noise-related policies of the General Plan including LU 6.15.3</p>
<p>Policy N 1.1 Noise Compatibility of New Development. Require that all proposed projects are compatible with the noise environment through use of Table N2 and enforce the interior and exterior noise standards shown in Table N3.</p>	<p>Consistent: The Project site is outside of the 65 dBA CNEL noise contour identified by the City of Newport Beach for JWA as set forth in the 2014 JWA Settlement Agreement Amendment EIR No. 617 and the AELUP. General Plan Noise Element Table N2 characterizes residential development as “normally compatible” up to 65 dBA. The Addendum noise analysis demonstrates that the Project would comply with the requirements as outlined in the City’s Noise Ordinance.</p>
<p>Policy N 1.2 Noise Exposure Verification for New Development. Applicants for proposed residential or mixed-use projects located in areas projected to be exposed to 65-70 dBA CNEL or greater, as shown on Figure N5 must conduct a noise study to provide evidence that the depicted noise contours do not adequately account for local noise exposure circumstances due to such factors as, topography, variation in traffic speeds, and other applicable conditions. These findings shall be used to determine the level of exterior or interior, noise attenuation needed to attain an acceptable noise exposure level and the feasibility of such mitigation when other planning</p>	<p>Consistent: On-site noise impacts are evaluated in Section 3.13, Noise, of the CEQA Addendum. As indicated above, the Project site is outside of the 65 dBA CNEL for JWA and the AELUP. Additionally, the Project site is outside of the 60 dBA CNEL noise contours developed for roadway noise exposure within the Noise Element of the General Plan. For additional detail, please see response to Policy N 1.8, below.</p>

<p>considerations are taken into account consistent with Title 21 of the California Code of Regulations.</p>	
<p>Policy N 2.1 New Development. Require that proposed noise-sensitive uses in areas of 60 dBA and greater, as determined the analyses stipulated by Policy N1.1, demonstrate that they meet interior and exterior noise levels.</p>	<p>Consistent: The Project site is outside of the 65 dBA CNEL noise contour identified by the City of Newport Beach for JWA as set forth in the 2014 JWA Settlement Agreement Amendment EIR No. 617 and the AELUP. General Plan Noise Element Table N2 characterizes residential development as “normally compatible” up to 65 dBA. The Project would comply with the requirements as outlined in the NBMC and the City’s Noise Ordinance.</p>
<p>Policy N 2.2 Design of Sensitive Land uses. Require the use of walls, berms, interior noise insulation, double-paned windows, advanced insulation systems, or other noise mitigation measures, as appropriate, in the design of new residential developments to attenuate noise levels to not exceed 45 dBA CNEL interior. Other new noise-sensitive land uses that are adjacent to major arterials and located proximate to John Wayne Airport (e.g., infill residential) and within the 65-70 dBA CNEL noise contour area are required to be indoor-oriented to reduce noise impacts on outdoor living or recreational areas. Application of the Noise Standards in Table N2 shall govern this requirement.</p>	<p>Consistent: Based on standard attenuation rates, interior noise levels would not exceed noise levels set forth in General Plan Policy N2.2. Because the Project is in an area which is below the 65 dBA CNEL noise contours for both roadways and aircraft, the interior noise level limits can be met with standard construction designs. To address the potential for activity or sleep disturbance from single-event aircraft flyovers the Project will comply with Standard Policies related to building design.</p>
<p>Policy N 3.1 New Development. Ensure new development is compatible with the noise environment proximate to John Wayne Airport by not allowing residential units on parcels located wholly within the John Wayne Airport 65 dBA CNEL noise contour, as shown in Figure N5 of the Noise Element of the General Plan, unless and until the City determines, based on substantial evidence, that the sites wholly within such contour area are needed for the City to satisfy its Sixth Cycle RHNA mandate.</p>	<p>Consistent: The Project site is wholly outside of the existing and future 65 dBA CNEL noise contour identified by the City of Newport Beach for JWA as set forth in the 2014 John Wayne Airport Settlement Agreement Amendment EIR No. 617 and the AELUP. The Project would comply with the requirements as outlined in the NBMC and the City’s Noise Ordinance.</p>
<p>Policy N 3.2 Residential Development. Require that residential development proximate to John Wayne Airport shall not be located on parcels wholly within the John Wayne Airport 65 dBA CNEL noise contour shown in Figure N5 of the Noise Element of the General Plan, unless and until the City determines, based on substantial evidence, that the sites wholly within such contour area are needed for the City to satisfy its Sixth Cycle RHNA mandate. Require developers of residential or mixed-use land uses with a residential component to notify prospective purchasers or tenants of aircraft noise.</p>	<p>Consistent: The Project site is wholly outside the existing and future 65 dBA CNEL noise contour. The Applicant would be required to notify prospective tenants of aircraft noise and require signage notifying users regarding the proximity to JWA and operating aircraft noise.</p>

Additionally, require outdoor common areas or recreational areas of residential or mixed-used developments to be posted with signs notifying users regarding the proximity to John Wayne Airport and the presence of operating aircraft and noise.	
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Newport Place Planned Community (PC-11) – Development Plan

Part III. Residential Overlay Zone, Section V.D.1 (Airport Noise Compatibility)

D. Airport Noise Compatibility

1. Residential development shall be located up to the John Wayne Airport 65 dBA CNEL noise contour as shown in Figure N5 of the Noise Element of the General Plan, subject to compliance with Section 20.30.080.F (Residential Use Proximate to John Wayne Airport) of the Newport Beach Municipal Code. Residential development shall be limited to parcels wholly or partially outside the 65 dBA CNEL noise contour, unless and until the City determines, based on substantial evidence, that the sites wholly within such contour area are needed for the City to satisfy its 6th Cycle RHNA mandate. Non-residential uses are encouraged on parcels located wholly within the 65 dBA CNEL contour area.

2. Notice of aircraft overflight and noise shall be posted at all public parks and designated outdoor common and recreational areas.

3. Notice shall be provided to all future residents to inform of potential annoyances or inconveniences associated with residing in proximity to airport operations such as noise, vibration, and odors.

Newport Beach Municipal Code Section 20.30.080 (Noise)

F. Residential Use Proximate to John Wayne Airport. Residential uses, including mixed-use residential, shall be allowed on parcels or sites wholly or partially outside the John Wayne Airport 65 dBA CNEL noise contour as shown in Figure N5 of the Noise Element of the General Plan, as identified in the 2014 John Wayne Airport Settlement Agreement Amendment Environmental Impact Report (EIR No. 617) and consistent with Title 21 of the California Code of Regulations, subject to the following conditions that apply to all residential projects within the John Wayne Airport 60 dBA CNEL or higher CNEL noise as shown in Figures N4 and N5 of the Noise Element of the General Plan:

1. Prior to the issuance of any building permits for such development, a noise study shall be prepared by a City-approved qualified acoustical consultant and submitted to the Community Development Director for approval;

2. All new residential structures or the residential units within a mixed-use development shall be attenuated to provide an interior noise level of 45 dBA CNEL or less;

3. The design of the residential portions of mixed-use projects and residential developments shall have adequate noise attenuation between adjacent uses and units (common floor/ceilings) in accordance with the California Building Code;
4. New mixed-use developments shall incorporate designs with loading areas, parking lots, driveways, trash enclosures, mechanical equipment, and other noise sources away from the residential portion of the development;
5. Use of walls, berms, interior noise insulation, double-paned windows, advance insulation systems, or other noise mitigation measures as deemed appropriate shall be incorporated in the design of new residential to bring interior sound attenuation to 45 dBA CNEL or less;
6. Residential uses shall be indoor-oriented to reduce noise impingement on outdoor living areas;
7. On-site indoor amenities, such as fitness facilities or recreation and entertainment facilities, shall be encouraged; and
8. Advanced air filtration systems for buildings shall be considered to promote cleaner air.
9. Residential development shall be limited to parcels or sites wholly or partially outside the 65 dBA CNEL noise contour, unless and until the City determines, based on substantial evidence, that the parcels or sites wholly within such contour area are needed for the City to satisfy its 6th Cycle RHNA mandate. Nonresidential uses are encouraged on parcels or sites located wholly within the 65 dBA CNEL contour area.

G. Mitigation of Impacts. Noise mitigation measures may be required in conjunction with the approval of an application for new development when a significant noise impact is identified.

TABLE 3-2

SIGNIFICANT NOISE INCREASE

CNEL (dBA)	dBA Increase
55	3
60	2
65	1
70	1
Over 75	Any increase is considered significant

H. Dedications of avigation easements in favor of the County of Orange may be required when noise sensitive uses are proposed in the JWA Planning Area, as established in the JWA AELUP.

Safety Compatibility

As provided in Appendix D of the AELUP, Table 9B (Safety Compatibility Qualities), residential uses are allowed in Safety Zone 6. The proposed project is located within John Wayne Airport Safety Zone 6, and an exhibit is included as Attachment No. 9 in the ALUC submittal package.

Zone 6: Traffic Pattern Zone

Risk Factors / Runway Proximity

- Generally low likelihood of accident occurrence at most airports; risk concern primarily is with uses for which potential consequences are severe
- Zone includes all other portions of regular traffic patterns and pattern entry routes

Basic Compatibility Qualities

- Allow residential uses
- Allow most nonresidential uses; prohibit outdoor stadiums and similar uses with very high intensities
- Avoid children's schools, large day care centers, hospitals, nursing homes

Height Restriction Zones

The proposed building height for the project is 100 feet above ground level, or 154 feet above mean sea level. A letter from the FAA determining no hazard to air navigation has been provided as Attachment No.5 of the ALUC submittal package. The project site is identified as a Housing Inventory Site 80, shown in Figure B-3 of the Housing Element that displays the capacity and opportunity within the Airport Area to help accommodate a portion of the City's Regional Housing needs. The majority of the newly identified housing opportunity sites will need to be rezoned to accommodate residential development at later date. As part of that rezoning, height limitations will be developed and applied. In no event will the City's rezoned height limits be inconsistent with the parameters outlined in Subsection 3.2.6 (Height Restriction Zone) of the AELUP and FAA standards. In addition, future comprehensive updates to the Land Use Element and rezoning will be subject to future Airport Land Use Commission (ALUC) review, consistent with Public Utilities Code Section 21676.

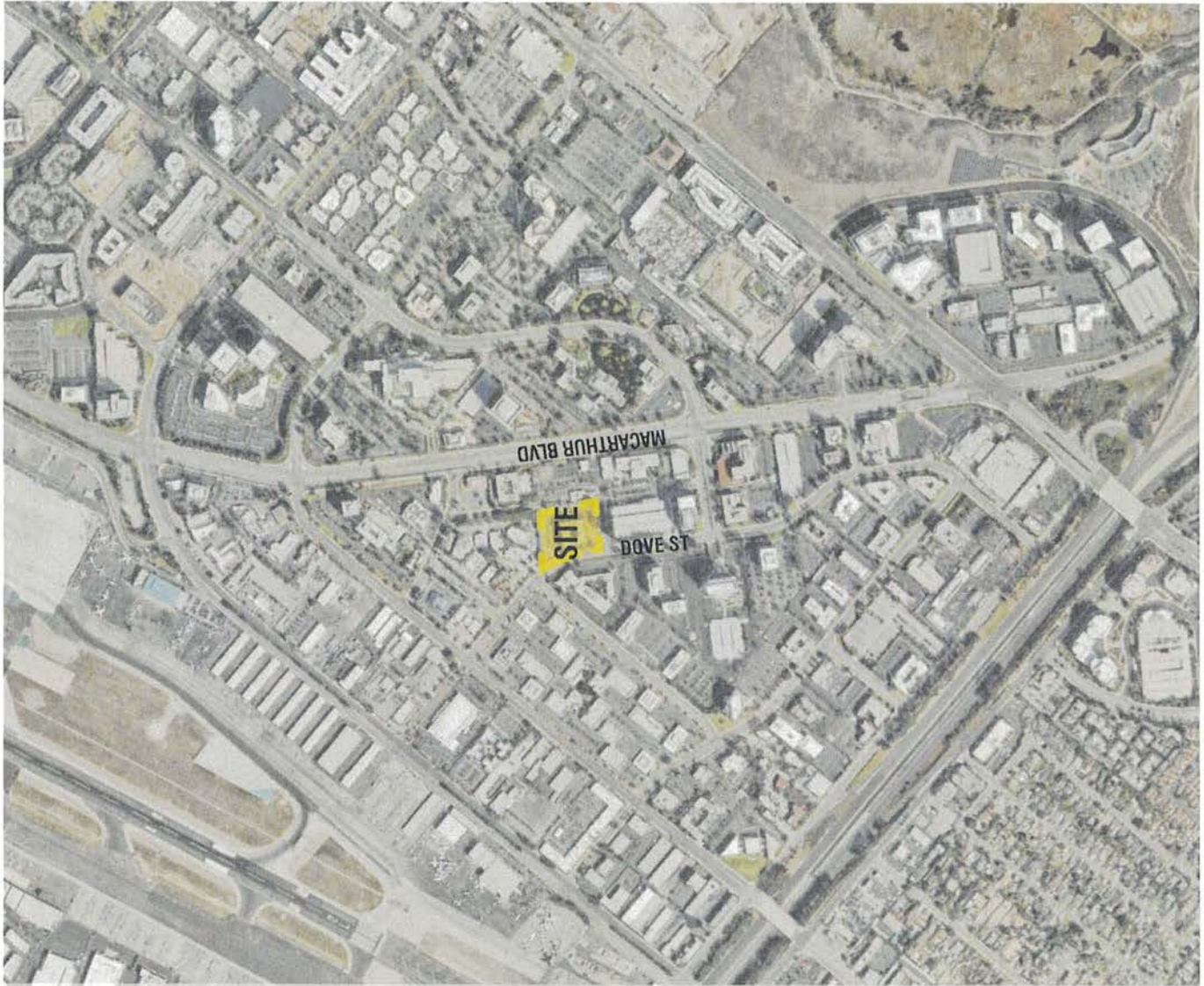
Links to Existing General Plan and Zoning District:

General Plan: <https://newportbeachca.gov/government/departments/community-development/planning-division/general-plan-codes-and-regulations/general-plan>

Zoning District (PC-11: Newport Place Planned Community):

https://www.newportbeachca.gov/PLN/MAP_DOCUMENTS/PC_TEXT/PC_11_Newport_Place.pdf

Attachment No. 15
Conceptual Plans



1600 DOVE
ENTITLEMENT EXHIBIT &
REPRESENTATIVE ELEVATIONS
APRIL 18, 2023





LEGEND

- 6 STORIES OF RESIDENTIAL OVER PARKING
- COURTYARD
- PERIMETER LANDSCAPE

1600 DOVE
 NEWPORT BEACH, CALIFORNIA
 TCA # 2022-060



ENTITLEMENT EXHIBIT & REPRESENTATIVE ELEVATIONS
 APRIL 18, 2023



CONCEPTUAL DEVELOPMENT PLAN



1600 DOVE
 NEWPORT BEACH, CALIFORNIA
 TCA # 2022-060



ENTITLEMENT EXHIBIT & REPRESENTATIVE ELEVATIONS
 APRIL 18, 2023

REPRESENTATIVE ELEVATIONS

A-1.2