



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY
3160 Airway Avenue Costa Mesa, CA 92626 (949) 252-5170 Fax (949) 252-6012

AGENDA ITEM 6

June 19, 2025

TO: Commissioners/Alternates
FROM:  Executive Officer
SUBJECT: Administrative Status Report

The following attachments are provided for your information:

- John Wayne Airport Statistics March 2025
- ALUC Referral Notice to the City of Irvine regarding Planning Area 25 - June 9, 2025
- ALUC Referral Notice to the City of Costa Mesa regarding Victoria Place Project - June 4, 2025
- ALUC Referral Notice to the City of Santa Ana regarding Village Santa Ana Specific Plan, 1561 W. Sunflower Avenue - May 23, 2025
- ALUC Referral Notice to the City of Costa Mesa regarding Hive Live Project - May 21, 2025
- Incomplete Letter to the City of Seal Beach regarding the Revised Housing Element and Associated Changes to the Zoning Code, Land Use Element, and Main Street Specific Plan - May 16, 2025
- ALUC Response to Newport Beach regarding NOI to Overrule Housing Opportunity (HO) Overlay Amendment and Coastal Zoning Amendments - May 15, 2025.
- Caltrans Response to Newport Beach regarding supporting the ALUC Staff Report - May 14, 2025
- Incomplete Letter to Irvine regarding Planning Area 25 (University Research Park) - May 8, 2025
- Determination Letter to the City of Newport Beach Proposed Amendments to the North Newport Center Planned Community Development Plan (PC-56) - April 18, 2025
- City of Newport Beach NOI to Overrule the ALUC on the Amendment to the Housing Opportunity (HO) Overlay Zoning and Coastal Zoning Districts Project (PA2024-0205)- April 16, 2025

John Wayne Airport Posts March 2025 Statistics

May 1, 2025

(SANTA ANA, CA) - Airline passenger traffic at John Wayne Airport decreased in March 2025 as compared to March 2024. In March 2025, the Airport served 928,717 passengers, a decrease of 3.7% when compared with the March 2024 passenger traffic count of 964,073.

Commercial aircraft operations in March 2025 of 7,916 decreased 2.4% and commuter aircraft operations of 632 increased 53.4% when comparing with March 2024 levels.

Total aircraft operations decreased in March 2025 as compared with the same month in 2024. In March 2025, there were 24,630 total aircraft operations (takeoffs and landings) a 0.2% decrease compared to 24,690 total aircraft operations in March 2024.

General aviation activity of 16,069 accounted for 65.2% of the total aircraft operations during March 2025, and decreased 0.3% compared with March 2024.

The top three airlines in March 2025 based on passenger count were Southwest Airlines (263,847), American Airlines (165,512), and United Airlines (143,799).

John Wayne Airport
Monthly Airport Statistics - March 2025

	March 2025	March 2024	% Change	Year-To-Date 2025	Year-To-Date 2024	% Change
Total passengers	928,717	964,073	-3.7%	2,525,696	2,705,622	-6.7%
Enplaned passengers	465,445	484,577	-3.9%	1,263,047	1,350,023	-6.4%
Deplaned passengers	463,272	479,496	-3.4%	1,262,649	1,355,599	-6.9%
Total Aircraft Operations	24,630	24,690	-0.2%	70,612	70,025	0.8%
General Aviation	16,069	16,122	-0.3%	46,673	45,683	2.2%
Commercial	7,916	8,112	-2.4%	22,151	23,064	-4.0%
Commuter ¹	632	412	53.4%	1,741	1,210	43.9%
Military	13	44	-70.5%	47	68	-30.9%
Air Cargo Tons ²	1,186	1,327	-10.6%	3,783	4,412	-14.3%
International Statistics ³	(included in totals above)					
	March 2025	March 2024	% Change	Year-To-Date 2025	Year-To-Date 2024	% Change
Total Passengers	28,107	31,127	-9.7%	74,907	85,015	-11.9%
Enplaned passengers	14,220	16,115	-11.8%	37,836	43,407	-12.8%
Deplaned passengers	13,887	15,012	-7.5%	37,071	41,608	-10.9%
Total Aircraft Operations	250	248	0.8%	662	692	-4.3%

1. Aircraft used for regularly scheduled air service, configured with not more than seventy (70) seats, and operating at weights not more than ninety thousand (90,000) pounds.

2. All-Cargo Carriers: 1,115 tons

Passenger Carriers (incidental belly cargo): 71 tons

Current cargo tonnage figures in this report are for: February 2025

3. Includes all Canada and Mexico Commercial passengers and operations.

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Ranked #1 in Customer Satisfaction among Large Airports in the [J.D. Power 2024 North America Airport Satisfaction Study](#). John Wayne Airport (SNA) is owned by the County of Orange and is operated as a self-supporting enterprise that receives no general fund tax revenue. The Airport serves more than 11.3 million passengers annually and reaches more than 40 nonstop destinations in the United States, Canada and Mexico. More information can be found at www.ocair.com. Like us on facebook.com/johnwayneairport, or follow us on [X \(formerly Twitter\) @johnwayneair](https://twitter.com/johnwayneair) and [Instagram @johnwayneair](https://instagram.com/johnwayneair).

To receive John Wayne Airport news releases automatically, go to www.ocair.com and click [Subscribe](#).



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

June 9, 2025

Eric Martin, Senior Planner
City of Irvine, Community Development Department
1 Civic Center Plaza
Irvine, CA 92606

Subject: Irvine General Plan Amendment, Zone Change, and Master Plan for Planning Area 25
(University Research Park) Referral Notice

Dear Mr. Martin:

This is to confirm that Airport Land Use Commission (ALUC) staff received your General Plan Amendment, Zone Change, and Master Plan for Residential Development within Planning Area 25 project submittal for a consistency determination. Your April 25, 2025, submittal, along with subsequent exhibits and revised information provided May 29 and May 30, 2025, is deemed complete and will be scheduled for the June 19, 2025, ALUC meeting.

Although not required, your attendance at the meeting would be appreciated in case there are any questions regarding this item. The meeting will be held at 4:00 p.m. at:

JWA/Airport Commission Room
3160 Airway Avenue (back entrance)
Costa Mesa, CA 92626

A copy of the meeting agenda and staff report regarding your item will be provided to you prior to the Commission meeting. You may contact us at (949) 252-5170 or at alucinfo@ocair.com if you have any questions. Thank you!

Sincerely,

DocuSigned by:

9A52604B4060425...

Julie Fitch, AICP
Executive Officer



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

June 4, 2025

Victor Mendez, Senior Planner
City of Costa Mesa/Development Services
77 Fair Drive
Costa Mesa, CA 92626

Subject: Costa Mesa Victoria Place Project Referral Notice for June 19, 2025, ALUC Meeting

Dear Mr. Mendez:

This is to confirm that Airport Land Use Commission (ALUC) staff received your Victoria Place project submittal for a consistency determination. Your May 19, 2025, submittal is deemed complete and will be scheduled for the June 19, 2025, ALUC meeting. Please send us a link to the staff report(s) for the June 9th, Planning Commission Public Hearing when it is available.

Although not required, your attendance at the meeting would be appreciated in case there are any questions regarding this item. The meeting will be held at 4:00 p.m. at:

JWA/Airport Commission Room
3160 Airway Avenue (back entrance)
Costa Mesa, CA 92626

A copy of the meeting agenda and staff report regarding your item will be provided to you prior to the Commission meeting. You may contact us at (949) 252-5170 or at alucinfo@ocair.com if you have any questions. Thank you!

Sincerely,

Julie Fitch, AICP
Executive Officer



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

May 23, 2025

Jerry C. Guevara, AICP
Senior Planner
20 Civic Center Plaza
Santa Ana, CA 92702

Subject: Village Santa Ana Specific Plan, 1561 W. Sunflower Avenue ALUC Referral

Dear Mr. Guevara:

This is to confirm that Airport Land Use Commission (ALUC) staff received your Village Santa Ana Specific Plan, 1561 W. Sunflower Avenue project submittal for a consistency determination. Your April 29, 2025, submittal is deemed complete and will be scheduled for the June 19, 2025, ALUC meeting.

Your attendance at the meeting would be appreciated in case there are any questions regarding this item. The meeting will be held at 4:00 p.m. at:

JWA/Airport Commission Room
3160 Airway Avenue (back entrance)
Costa Mesa, CA 92626

A copy of the meeting agenda and staff report regarding your item will be provided to you prior to the Commission meeting. You may contact us at (949) 252-5170 or at alucinfo@ocair.com if you have any questions. Thank you!

Sincerely,

Julie Fitch, AICP
Executive Officer



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

May 21, 2025

Chris Yeager, Senior Planner
City of Costa Mesa/Development Services
77 Fair Drive
Costa Mesa, CA 92626

Subject: Costa Mesa Hive Live Referral Notice for June 19, 2025, ALUC Meeting

Dear Mr. Yeager:

This is to confirm that Airport Land Use Commission (ALUC) staff received your Hive Live project submittal for a consistency determination. Your April 1 submittal, along with subsequent exhibits and the scheduling information provided in your May 7th email, is now deemed complete and will be scheduled for the June 19, 2025, ALUC meeting. Please send us a link to the staff report(s) for the June 9th, Planning Commission Public Hearing when it is available.

Although not required, your attendance at the meeting would be appreciated in case there are any questions regarding this item. The meeting will be held at 4:00 p.m. at:

JWA/Airport Commission Room
3160 Airway Avenue (back entrance)
Costa Mesa, CA 92626

A copy of the meeting agenda and staff report regarding your item will be provided to you prior to the Commission meeting. You may contact us at (949) 252-5170 or at alucinfo@ocair.com if you have any questions. Thank you!

Sincerely,

Julie Fitch, AICP
Executive Officer



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

May 16, 2025

Alexa Smittle, Community Development Director
/Interim Assistant City Manager
City of Seal Beach
211 Eighth Street,
Seal Beach, CA 90740

Subject: Seal Beach Revised 2021-2029 Housing Element and Associated Changes to the Zoning Code, Land Use Element, and Main Street Specific Plan Referral Submittal to ALUC

Dear Ms. Smittle:

This is to confirm that Airport Land Use Commission (ALUC) staff received your April 25, 2025, submittal for a consistency determination for the City of Seal Beach Revised 2021-2029 Housing Element Update and associated changes to the Zoning Code, Land Use Element, and Main Street Specific Plan. While we appreciate the early submittal, we have identified several items needed prior to deeming the submittal complete and scheduling the item for ALUC consideration. At this time, we are requesting additional information, and we will continue reviewing your submittal upon receipt of the following:

1. A separate Submittal Form and Checklist is required for each item (one for Zoning Code, one for Land Use Element, one for Specific Plan, etc.) so that it is clear what changes are being proposed for each.
2. The project location(s) shown in relation to notification area, noise contours, safety zones, and Obstruction Imaginary Surfaces. Separate exhibits are required for each of the items with the location(s) of proposed changes clearly depicted.
3. Correct all links to documents to ensure they are active and functional.
4. Provide a working version of the amended Main Street Specific Plan PDF that can be opened without restrictions. The PDF currently submitted returns an "Access Denied" error and cannot be accessed.
5. The cover refers to proposed changes to the 2021-2029 Housing Element, but a submittal form was not submitted, and a clearly redlined version of the 2021-2029 Housing Element was not included. Please submit these documents.

6. For clarity, please include the site name, street address, site size, and existing use associated with each housing Opportunity Site with proposed changes shown on the Planning Area Land Use Maps.
7. Please provide all revised pages in the Zoning Code Amendments that reflect the changes made to the MC-RHD zoning designation. Include a redlined or tracked-changes version to clearly identify all modifications.

Section 4.8 of the AELUP states that the Commission requests items be submitted and agendaized for review after Planning Commission hearing but before City Council approval. The submittal indicates that the project will not be scheduled for Planning Commission until September 15, 2025, which is well after the requested ALUC meeting date. To ensure that ALUC has a complete submittal, and one that will be supported by the Seal Beach Planning Commission, please consider resubmitting after Planning Commission public hearing.

Please contact us at (949) 252-5170 or alucinfo@ocair.com if you have any questions. Thank you!

Sincerely,

A handwritten signature in blue ink, appearing to read "Julie Fitch".

Julie Fitch, AICP
Executive Officer



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

May 15, 2025

Rosalinh Ung, Principal Planner
City of Newport Beach
Community Development Department
100 Civic Center Drive
Newport Beach, CA 92660

Subject: Response to Notice of Intent to Overrule the Airport Land Use Commission for
Orange County Determination on the Housing Opportunity (HO) Overlay
Amendment and Coastal Zoning Amendments

Dear Ms. Ung,

On April 16, 2025, we received the City of Newport Beach Letter of Intent to Overrule ALUC and City Council Resolution No. 2025-30 regarding the ALUC's inconsistency determination on the proposed Housing Opportunity (HO) Overlay Amendment and Coastal Zoning Amendments. In accordance with Section 21676 of the Public Utilities Code, the ALUC submits the following comments addressing the proposed overrule findings for the above-referenced project. These comments shall be included in the public record of a final decision to overrule the ALUC.


Please be advised that California Public Utilities Code (PUC) Section 21678 states: "With respect to a publicly owned airport that a public agency does not operate, if the public agency pursuant to Section 21676, 21676.5, or 21677 overrules a commission's action or recommendation, the operator of the airport shall be immune from liability for damages to property or personal injury caused by or resulting directly or indirectly from the public agency's decision to overrule the commission's action or recommendation."

The proposed project would adjust the height limits for certain properties within the Newport Center Area (HO-4 Subarea); designate 179 units from Airport Area HO-1 Subarea to City-owned property at 1201 Dove Street; and designate 199 units from the HO-4 Newport Center Subarea to City-owned property at 868 and 870 Santa Barbara Drive. On March 20, 2025, the ALUC found the subject item inconsistent with *Airport Environs Land Use Plan for John Wayne Airport (AELUP for JWA)* due to noise and safety concerns with the 1201 Dove Street property. Specifically, the proximity of the 1201 Dove Street property to the 65 dBA CNEL contours, and the flight tracks included in the ALUC staff report led the Commission to the inconsistent finding.

The ALUC seeks to protect the public from the adverse effects of aircraft noise to ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, and to ensure that no structures or activities adversely affect navigable airspace. Section 2.1.4 of the *AELUP*

for JWA and PUC Section 21674 charge the Commission to coordinate at the local level to ensure compatible land use planning.

Sincerely,

Signed by:

84DECBF4FA8B4DE...
Gerald A. Bresnahan
Chairman

Attachment: ALUC Staff Report Attachment 5 – Noise Contours
ALUC Staff Report Attachment 9 -JWA Flight Tracks

cc: Members of Airport Land Use Commission for Orange County
Vincent Ray, Aviation Planner, Caltrans/Division of Aeronautics



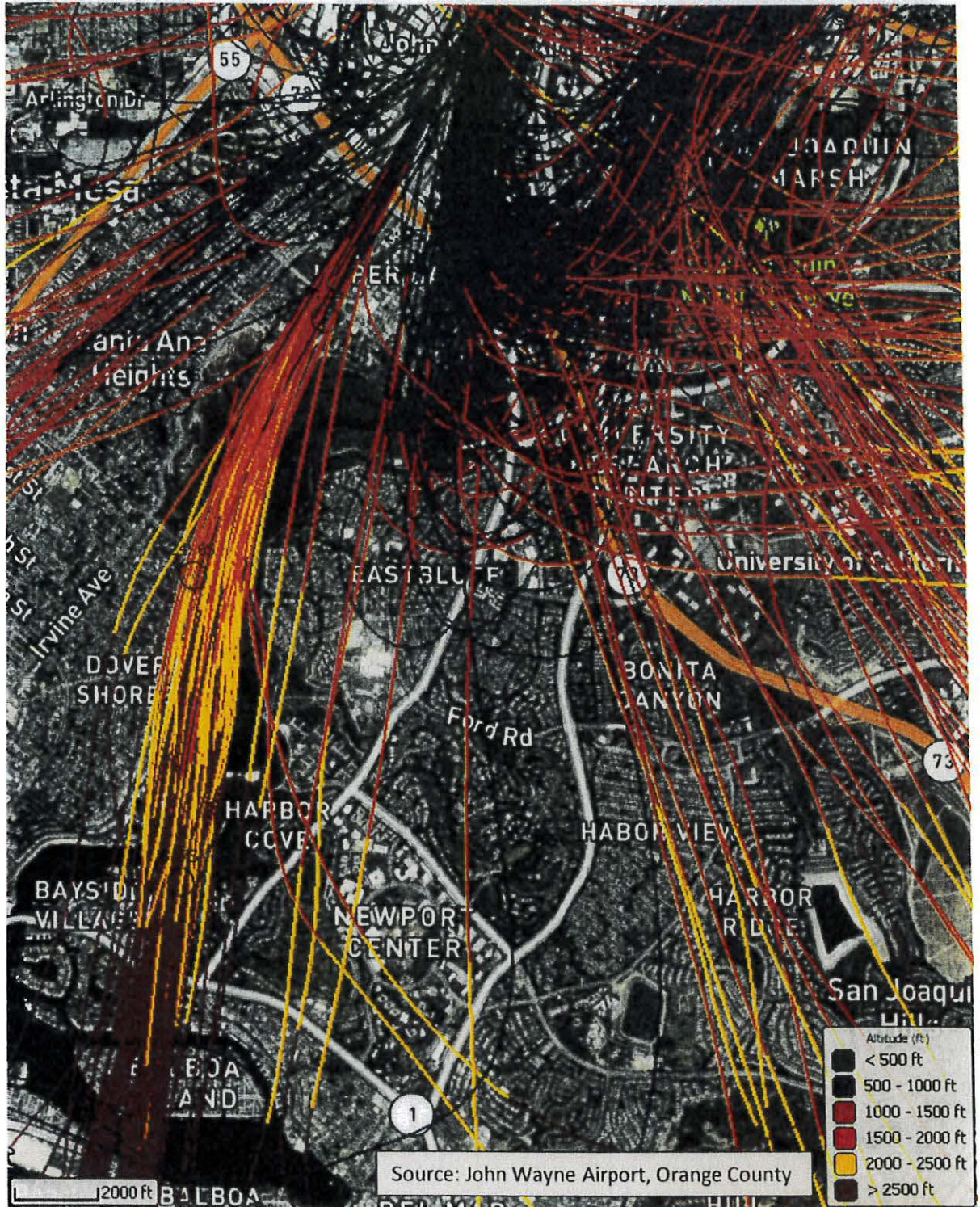
ATTACHMENT 5



JOHN WAYNE
AIRPORT
ORANGE COUNTY

John Wayne Airport Access & Noise Office

John Wayne Airport Altitude Analysis
Thursday, December 19, 2024
637 Operations

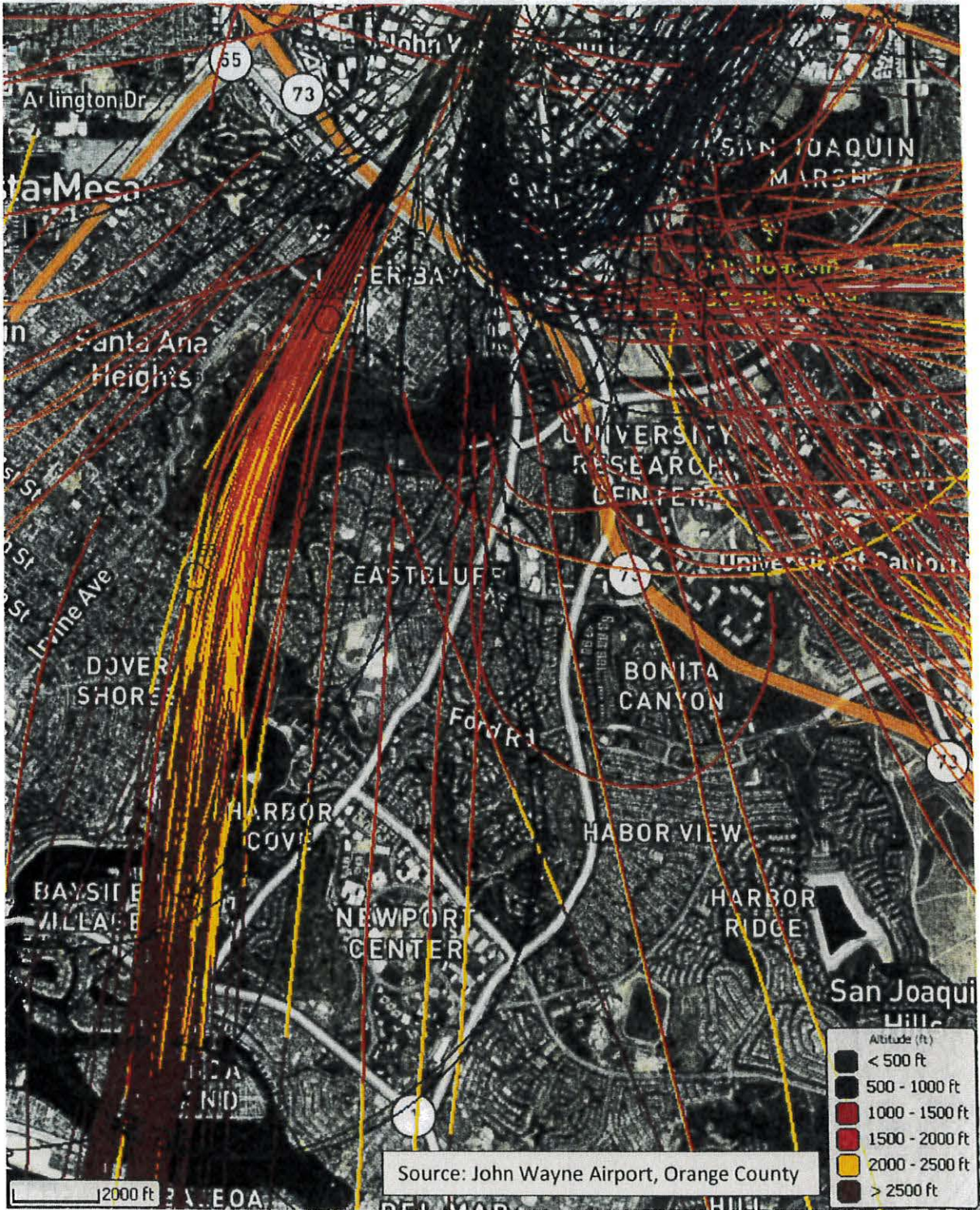




JOHN WAYNE
AIRPORT
ORANGE COUNTY

John Wayne Airport Access & Noise Office

John Wayne Airport Altitude Analysis
Saturday, December 21, 2024
487 Operations



California Department of Transportation

DIVISION OF AERONAUTICS - M.S. #40
1120 N STREET
P. O. BOX 942874
SACRAMENTO, CA 94274-0001
PHONE (916) 654-4959
FAX (916) 653-9531
TTY 711
www.dot.ca.gov



May 14, 2025

Ms. Rosalihn Ung
Principal Planner
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

Electronically Sent: rung@newportbeachca.gov

Dear Ms. Ung,

The California Department of Transportation, Division of Aeronautics (Caltrans), supports cities, counties, and Airport Land Use Commissions (ALUCs) in developing land use policies that promote public health, safety, and welfare near airports. We appreciate the opportunity to provide input on the City's proposed overrule of the Orange County ALUC determination.

On April 16, 2025, Caltrans received an email that included Resolution No. 2025-13 declaring an intent to overrule the ALUC's March 20, 2025, inconsistency determination for the proposed Housing Opportunity (HO) Overlay Zoning and Coastal Zoning Districts Project (PA2024-0205) (Project) with the Airport Environs Land Use Plan (AELUP) for the John Wayne Airport (JWA).

Caltrans has reviewed the proposed Findings and Facts in Support (Findings) provided by the City of Newport Beach (City) and the Staff Report from ALUC dated February 20, 2025, and the Inconsistency Determination letter dated March 20, 2025.

Caltrans has reviewed the proposed Findings of Resolution No. 2025-13 and has determined the Findings are sufficient to warrant the proposed overrule. Specifically, the Findings appear to be consistent with the purposes of the statutes set forth in the California Public Utilities Code (PUC) section 21670-21676.5, as well as noise and safety certain criteria disseminated in the AELUP for the JWA.

PUC Section 21675.1(f) states: "If a city or county overrules the commission pursuant to subdivision(d) with respect to a publicly owned airport that the city or county does not operate, the operator of the airport is not liable for damages to property or personal

Ms. Ung, Principal Planner
May 14, 2025
Page 2

injury resulting from the city's or county's decision to proceed with the action, regulation, or permit."

Pursuant to PUC Section 21676(a), Caltrans and ALUC comments shall be included in the public record of any decision to overrule the ALUC. If you have questions or we may be of further assistance, please contact me at vincent.ray@dot.ca.gov or I can be reached at (916) 907-2219.

Sincerely,

Vincent Ray,
Aviation Planner
Caltrans Division of Aeronautics

c: Julie Fitch, Executive Director, ALUC Orange County, jfitch@ocair.com



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

May 8, 2025

Eric Martin, Senior Planner
City of Irvine, Community Development Department
1 Civic Center Plaza
Irvine, CA 92606

Subject: City of Irvine General Plan Amendment and Zone Change for Residential Development within Planning Area 25 (University Research Park) Submittal to ALUC

Dear Mr. Martin:

This is to confirm that Airport Land Use Commission (ALUC) staff received your April 25, 2025, submittal for a consistency determination for the City of Irvine General Plan Amendment and Zone Change for Residential Development within Planning Area 25. Thank you for providing the requested Submittal Form and Checklist on May 2, 2025. As stated in Section 4.9 of the AELUP for JWA, "upon receipt of a complete referral for Airport Land Use Commission review and consideration, the Commission Secretary shall schedule and agendaize said referral for the next available Airport Land Use Commission meeting."

While the subject submittal is for a General Plan Amendment and Zone Change, the Irvine Planning Commission concurrently reviewed and approved a Master Plan for the project area, contingent upon approval of the subject General Plan Amendment and Zone Change. It is noted that the Master Plan includes heights of up to 85 feet.

Your ALUC meeting request is pending receipt of the following items:

1. Please provide the current and proposed maximum heights allowed in both the General Plan and Zoning Code, as requested on Item 13 of the ALUC Submittal Form.
2. Sections 4.2 and 4.3 of the AELUP for JWA state that submittals should highlight those areas which address the AELUP noise impact, safety compatibility, and **height restriction zones**, and submittals should illustrate how performance standards outlined in the AELUP will be incorporated into the City's planning, zoning, and development processes.

The AELUP further states that the FAA uses the 100:1 notification surface to help identify projects that may interfere with airport operations, and that a project exceeding the 100:1 notification surface requires that the FAA be notified so an aeronautical study can be conducted. Projects that penetrate the 100:1 notification surface must file Form 7460-1 with the FAA. An FAA Determination of No Hazard to Air Navigation does not automatically equate to a Consistency determination by the ALUC.

Irvine GPA and ZC Planning Area 25

05.08.2025

Page 2

As indicated in Section 4.2 and 4.3 of the ABLUP for JWA and on the ALUC Submittal Form and Checklist, please highlight those areas of the General Plan and/or Zoning Code which address the AELUP height restriction zones (i.e. requirement for projects to file a Form 7460-1 with the FAA), illustrate how performance standards outlined in the AELUP will be incorporated into the planning, zoning, and development processes. Below is an example of language typically included in General Plans, Zoning Ordinances, and/or Development Plans:

"Maximum building heights shall be subject to review and determination by the Federal Aviation Administration, under FAA Part 77. No structure shall be permitted to penetrate FAR Part 77 imaginary surfaces or any other applicable FAA standards, including Terminal Instrument Procedures (TERPS). When a project is proposed which exceeds the height limits established by FAA Part 77, a determination will be made by the Airport Land Use Commission for Orange County on a case-by-case basis. For purposes of FAA Part 77 and ALUC, the maximum building height includes any roof mounted equipment and/or architectural details."

To date, the City has referenced FAA height regulations in the submittal letter and narratives but has not provided information illustrating how those standards are incorporated into the planning, zoning, and development processes.

Upon receipt of the above information, we will proceed with agendaing the subject submittal on the next ALUC agenda (June 19, 2025). Please contact us at (949) 252-5170 or alucinfo@ocair.com if you have any questions. Thank you!

Sincerely,

DocuSigned by:

Julie Fitch

9A52804B4060425...

Julie Fitch, AICP
Executive Officer



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

April 18, 2025

Liz Westmoreland, Principal Planner
City of Newport Beach Community Development
100 Civic Center Drive
Newport Beach, CA 92660

Subject: ALUC Determination for Newport Beach Proposed Amendments to the North
Newport Center Planned Community Development Plan (PC-56)

Dear Ms. Westmoreland,

During the public meeting held on April 17, 2025, the Airport Land Use Commission (ALUC) for Orange County considered the subject item. The matter was duly discussed and with a 6-0 vote (Bresnahan, Beverburg, Murphy, Klema, Hasslebrink, Planto), the Commission found the Newport Beach Proposed Amendments to the North Newport Center Planned Community Development Plan (PC-56) to be consistent with *Airport Environs Land Use Plan for John Wayne Airport (AELUP for JWA)*.

Please contact me at jfitch@ocair.com or (949) 252-5170 if you have any questions regarding this proceeding. Thank you!

Sincerely,

Julie Fitch
Executive Officer

cc: ALUC Commissioners



CITY OF NEWPORT BEACH

100 Civic Center Drive
Newport Beach, California 92660

949 644-3200
newportbeachca.gov/communitydevelopment

April 16, 2025

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

RECEIVED

APR 16 2025

AIRPORT LAND USE COMMISSION

SENT VIA CERTIFIED MAIL AND ELECTRONIC MAIL TO JFITCH@OCAIR.COM

Subject: Amendment to the Housing Opportunity (HO) Overlay Zoning and Coastal Zoning Districts Project (PA2024-0205) – Notice of Intent to Overrule the Orange County Airport Land Use Commission

Dear Ms. Fitch:

On April 15, 2025, the City of Newport Beach City Council adopted Resolution No. 2025-13 to notify the Orange County Airport Land Use Commission (ALUC) and Aeronautics Program, Division of Transportation Planning at Caltrans of the City's intent to overrule the Orange County Airport Land Use Commission's determination that the Amendment to the Housing Opportunity (HO) Overlay Zoning and Coastal Zoning Districts project is inconsistent with the Airport Environs Land Use Plan for the John Wayne Airport. Resolution No. 2025-13 includes specific findings, which will be considered during the public hearing to consider overruling ALUC's determination, that the project is consistent with the purposes of the State Aeronautics Act.

Pursuant to Section 21676(b) of Public Utilities Code, ALUC may provide comments to the City and send to:

Rosalinh Ung, Principal Planner
City of Newport Beach
Community Development Department
100 Civic Center Drive
Newport Beach, CA 92660

If you have any questions regarding this matter, or require any additional information, please feel free to contact me at rung@newportbeachca.gov or 949-644-3208.

Sincerely,



Rosalinh Ung
Principal Planner

Attachment: Resolution No. 2025-13

RESOLUTION NO. 2025-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, NOTIFYING THE ORANGE COUNTY AIRPORT LAND USE COMMISSION AND STATE DEPARTMENT OF TRANSPORTATION, AERONAUTICS PROGRAM OF THE CITY'S INTENTION TO FIND THAT THE AMENDMENT TO SECTION 20.28.050 (HOUSING OPPORTUNITY (HO) OVERLAY ZONING DISTRICTS) AND PENDING SECTION 21.28.070 (HOUSING OPPORTUNITY (HO) OVERLAY COASTAL ZONING DISTRICTS) OF THE NEWPORT BEACH MUNICIPAL CODE RELATED TO THE IMPLEMENTATION OF THE HOUSING ELEMENT IS CONSISTENT WITH THE 2008 JOHN WAYNE AIRPORT ENVIRONS LAND USE PLAN (PA2024-0205)

WHEREAS, Section 200 of the City of Newport Beach ("City") Charter vests the City Council with the authority to make and enforce all laws, rules, and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges, or procedures granted or prescribed by any law of the State of California;

WHEREAS, the City Council adopted Ordinance Nos. 2024-16 and 2024-17 on September 24, 2024, amending Title 20 (Planning and Zoning) of the Newport Beach Municipal Code ("NBMC"), to establish the Housing Opportunity (HO) Overlay Zoning Districts in Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) and to create multi-unit objective design standards in Section 20.48.185 (Multi-Unit Objective Design Standards) to implement Policy Actions 1A through 1G and 3A in the General Plan 6th Cycle Housing Element ("Housing Element");

WHEREAS, Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) of the NBMC allows for new housing opportunities within five subareas consisting of the Airport Area Environs Area (HO-1), West Newport Mesa Area (HO-2), Dover-Westcliff Area (HO-3), Newport Center Area (HO-4), and Coyote Canyon Area (HO-5) to accommodate the City's 6th Cycle Regional Housing Needs Assessment ("RHNA") allocation;

WHEREAS, properties identified within these subareas are eligible for specified development allowances conducive to residential development at the prescribed average density of 20 to 50 dwelling units per acre along with minimum lot area, setback, height, open space, landscaping, and parking development standards;

WHEREAS, the City Council also adopted Resolution No. 2024-52 on July 23, 2024, authorizing submittal of the Local Coastal Program Amendment ("LCPA") to the California Coastal Commission ("CCC") amending the City's Coastal Land Use Plan and Title 21 (Local Coastal Program Implementation Plan) of the NBMC and establishing the Housing Opportunity (HO) Overlay Coastal Zoning Districts and their corresponding development standards applicable to properties located within the Coastal Zone of the city to implement the Housing Element;

WHEREAS, the City filed the LCPA application with the CCC on August 16, 2024, and received a letter from CCC staff on January 7, 2025, confirming the City's application is complete and pending a hearing date;

WHEREAS, the City Council adopted Resolution No. 2024-85 on November 19, 2024, initiating an amendment to Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) of the NBMC and the pending complementary amendments in Title 21 (Local Coastal Program Implementation Plan) of the NBMC, to adjust certain development standards, including but not limited to, building height limits specified in Table 2-16 (Development Standards for Housing Opportunity Overlay Zones) of Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) and pending Table 21.28-1 (Development Standards for Housing Opportunity Overlay Zones) of Section 21.28.070 of the NBMC;

WHEREAS, an amendment to Table 2-16 of Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) and pending Table 21.28-1 of the NBMC is necessary to adjust the height limitations of certain properties within the Newport Center Area (HO-4) to accommodate potential residential development with the intended prescribed density range, and to identify a certain number of units being allocated from the respective development limits for a selected group of City-owned properties located within Airport Area Environs Area (HO-1) and Newport Center Area (HO-4) ("Amendment");

WHEREAS, the Amendment includes a revision to the Housing Opportunity Overlay District Maps in Section 20.80.025 and pending Section 21.80.035 of the NBMC;

WHEREAS, the Planning Commission held a public hearing on January 23, 2025, in the Council Chambers at 100 Civic Center Drive, Newport Beach, California to consider the Amendment. A notice of time, place and purpose of the public hearing was given in accordance with California Government Code Section 54950 *et seq.* ("Ralph M. Brown Act") and Chapters 20.62 (Public Hearings) and 21.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing;

WHEREAS, at the conclusion of the public hearing, the Planning Commission adopted Resolution No. PC2025-004 by a unanimous vote of (5 ayes, 1 recusal) recommending the City Council approve the Amendment;

WHEREAS, eight of the 35 properties in Newport Center Area (HO-4) are within the John Wayne Airport ("JWA") Notification Area; however, none of the eight properties are located within any noise contour area or safety zones of the 2008 John Wayne Airport Environs Land Use Plan ("AELUP");

WHEREAS, the City-owned property at 1201 Dove Street in Airport Area Environs Area (HO-1) is located within Safety Zone 6 of the AELUP, 60 dBA CNEL noise contour of the AELUP, and 60 dBA CNEL noise contour of the City's Noise Element;

WHEREAS, due to a portion of the properties being located within the JWA Notification Area, California Public Utilities Code ("CPUC") Section 21676(b) requires the City to refer the Amendment to the Orange County Airport Land Use Commission ("ALUC") to review for consistency with the AELUP;

WHEREAS, on February 20, 2025, the ALUC conducted a public hearing on the Amendment and after two failed motions, the ALUC continued the Amendment to its March 20, 2025, meeting by a unanimous vote (5 ayes, 0 nays);

WHEREAS, on March 20, 2025, the ALUC conducted a second public hearing on the Amendment and after one failed motion, the ALUC determined the Amendment is inconsistent with the AELUP (5 ayes, 1 nay);

WHEREAS, pursuant to Sections 21670 and 21676 of the CPUC, the City Council may, after a public hearing, propose to overrule ALUC with a two-thirds vote, if it makes specific findings that the Amendment is consistent with the purpose of Section 21670 of the CPUC to protect the public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses; and

WHEREAS, a public hearing was held on April 15, 2025, by the City Council in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California to consider the Amendment. A notice of time, place and purpose of the public hearing was given in accordance with the Ralph M. Brown Act, CPUC Section 21676(b), and Chapters 20.62 (Public Hearings) and 21.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by, the City Council at this public hearing.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows:

Section 1: The City Council finds the Amendment is consistent with the purposes of Section 21670 of the CPUC and the AELUP of protecting the public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.

Findings and Facts in Support of Findings:

A. The Amendment is consistent with the noise standards of the AELUP.

The AELUP guides development proposals to provide for the orderly development of JWA and the surrounding area through implementation of the standards in Section 2 (Planning Guidelines) and Section 3 (Land Use Policies). Implementation of these standards is intended to protect the public from the adverse effects of aircraft noise, to ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, and to ensure that no structures or activities adversely affect navigable airspace.

Of the nine properties either wholly or partially within the JWA Notification Area, the City-owned site at 1201 Dove Street is the only one located within the AELUP's 60 dBA noise contour (Noise Impact Zone 2), and City's Noise Element 60 dB CNEL noise contour. The remaining eight properties are far removed from any identified noise impact zone.

Section 2.1.1 of the AELUP sets forth the CNEL standards, and Sections 3.2.3 and 3.2.4 of the AELUP define the noise exposure in the 60 dBA CNEL noise contour (Noise Impact Zone 2) as "Moderate Noise Impact". Section 3, Table 1 (Limitations on Land Use Due to Noise) of the AELUP identifies residential uses as "normally consistent" for the 60 dBA CNEL noise contour. Accordingly, residential units may

be consistent with proper sound-attenuation and careful design considerations. For any residential sites and uses within Noise Impact Zone "2," the City will ensure future development is consistent with the AELUP considerations and the City's General Plan Land Use and Noise Element policies and the development standards specified in the NBMC to ensure compatibility.

B. The Amendment is consistent with the safety standards of the AELUP.

Of the nine properties either wholly or partially within the JWA Notification Area, the City-owned site at 1201 Dove Street is the only one located within the AELUP's Safety Zone 6, with the remaining eight being far removed from any safety zone.

Section 2.1.2 (Safety Compatibility Zones) of the AELUP sets forth allowable land uses within each safety zone of JWA environs. Allowed uses in Safety Zone 6 include residential and most nonresidential uses, excepting outdoor stadiums and similar uses with very high intensities. Uses that should be avoided include children's schools, large day-care centers, hospitals, and nursing homes. Risk factors associated with Safety Zone 6 generally include a low likelihood of accident occurrence.

Furthermore, the City's General Plan Safety Element Policy S 8.6 demonstrates that the City acknowledges the importance of the JWA Safety Zones in providing, "S 8.6 John Wayne Airport Traffic Pattern Zone - Use the most currently available John Wayne Airport (JWA) Airport Environs Land Use Plan (AELUP) as a planning resource for evaluation of land use compatibility and land use intensity in areas affected by JWA operations. In particular, future land use decisions within the existing JWA Clear Zone/Runway Protection Zone (Figure S5) should be evaluated to minimize the risk to life and property associated with aircraft operations."

C. The Amendment is consistent with the height standards of the AELUP.

All sites within the Housing Opportunity (HO) Overlay Zones are subject to the current heights allowed by the base zoning district unless otherwise identified on the associated zoning map for each Housing Opportunity (HO) subarea. No height increase is proposed within Airport Area Environs Area (HO-1), which is nearest to JWA. All height increases are proposed in Newport Center Area (HO-4).

Furthermore, in no event will the City's rezoned height limits in Newport Center Area (HO-4) be inconsistent with the parameters outlined in Subsection 3.2.6 (Height Restriction Zone) of the AELUP and FAA standards.

Section 2: Based on the foregoing findings, the City Council provides this notice of intention to overrule the ALUC's determination that the Amendment is inconsistent with the AELUP.

Section 3: The City Council hereby directs City staff to provide ALUC and State Department of Transportation, Aeronautics Program, with notice of the City's intention to overrule the ALUC's determination that the Amendments are inconsistent with the AELUP.

Section 4: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 5: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.


Section 6: The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Specifically, the Amendment does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment because it is limited to the City's proposal to overrule the ALUC's determination and does not commit the City to approve the Amendment. Furthermore, the Amendment has been evaluated pursuant to CEQA and independently reviewed. All potential environmental effects for the Amendment have been adequately addressed in the previously certified Final Program Environmental Impact Report ("PEIR") (SCH No. 2023060699) which was done in compliance with the California Environmental Quality

Act ("CEQA") as set forth in the Public Resources Code Section 21000 *et seq.*, Title 14, Division 6, Chapter 3 of the California Code of Regulations ("CEQA Guidelines"), and City Council Policy K-3 (Implementation Procedures for the California Environmental Quality Act) related to the 6th Cycle Housing Element Implementation involving amendments to the General Plan, Coastal Land Use Plan, Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the NBMC. Lastly, the Amendment does not constitute substantial changes to the circumstances under which the project shall be undertaken that would result in new or more severe environmental impacts than previously addressed in the PEIR, nor has any new information regarding the potential for new or more severe significant environmental impacts been identified as detailed in the prepared CEQA Consistency Memorandum.


Section 7: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 15th day of April, 2025.



Joe Stapleton
Mayor


ATTEST:



for Lellani I. Brown
City Clerk



APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney

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

I, Leilani I. Brown, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; the foregoing resolution, being Resolution No. 2025-13 was duly introduced before and adopted by the City Council of said City at a regular meeting of said Council held on the 15th day of April, 2025; and the same was so passed and adopted by the following vote, to wit:

AYES: Mayor Joe Stapleton, Mayor Pro Tem Lauren Kleiman, Councilmember Michelle Barto, Councilmember Noah Blom, Councilmember Robyn Grant, Councilmember Sara J. Weber, Councilmember Erik Weigand
NAYS: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 16th day of April, 2025.

for *Leilani I. Brown*
Leilani I. Brown
City Clerk
Newport Beach, California

