



NEWPORT BEACH

City Council Staff Report

April 28, 2026
Agenda Item No. 15

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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TITLE: Resolution No. 2026-25: Notice of Intent to Override Orange County Airport Land Use Commission's Determination of Inconsistency for the Comprehensive General Plan Update (PA2022-080)

ABSTRACT:

Since 2019, the City's General Plan Update process has evolved in phases, including an interim focus on preparation and implementation of the 6th Cycle Housing Element. Following certification of the Housing Element, the City of Newport Beach (City) resumed the broader General Plan Update, which was informed by extensive public outreach and approximately 100 meetings of the General Plan Update Steering Committee (GPUSC), General Plan Advisory Committee (GPAC), and related subcommittees. On January 21, 2026, the GPUSC and GPAC supported forwarding the Final GPUSC/GPAC Draft General Plan Update for formal consideration. The General Plan Update was subsequently submitted to the Orange County Airport Land Use Commission (ALUC), which determined on March 19, 2026, that the update is inconsistent with the Airport Environs Land Use Plan.

For the City Council's consideration is a recommendation to override the ALUC's finding of inconsistency. This action would authorize City staff to formally provide notice, pursuant to CPUC Section 21676(b), to the ALUC and the State Department of Transportation, Aeronautics Program, of the City's intention to override the ALUC's inconsistency finding.

RECOMMENDATIONS:

- a) Conduct a public hearing;
- b) Find that the proposed overriding action 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 because it has no potential for resulting in physical change to the environment, directly or indirectly; and
- c) Adopt Resolution No. 2026-25, *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 Comprehensive General Plan Update is Consistent with the 2008 John Wayne Airport Environs Land Use Plan (PA2022-080).

DISCUSSION:

On January 22, 2019, the City Council adopted Resolution No. 2019-7 to establish the General Plan Update Steering Committee (Original GPUSC) and to initiate a comprehensive review and update of the Newport Beach General Plan (General Plan), which was last comprehensively updated in 2006. Subsequent to the initiation, however, it became clear that the 6th Cycle Regional Housing Needs Assessment (RHNA) allocation for the City would be unprecedentedly high.

On January 14, 2020, the City Council adopted Resolution No. 2020-6 to dissolve the Original GPUSC and to establish the Housing Element Update Advisory Committee. With this action, the City Council directed staff to focus on preparing the 6th Cycle Housing Element for the 2021-2029 planning period (Housing Element) and updating the Land Use Element and Circulation Element.

As the work on the Housing Element was nearing completion, the City Council adopted Resolution No. 2022-2 on January 25, 2022, to reestablish the General Plan Update Steering Committee (GPUSC) with three community members to assist the City in reviewing and updating the General Plan (General Plan Update). Alongside the final adoption of the Housing Element, the City Council also adopted Resolution No. 2022-59 on September 13, 2022, to establish the General Plan Advisory Committee (GPAC) comprised of up to 30 community members tasked with reviewing and providing guidance on policy changes.

On October 5, 2022, the California Department of Housing and Community Development (HCD) certified the City's adopted Housing Element as compliant with State law. As a result, the City Council adopted Resolution Nos. 2023-74 and 2024-51, approving focused amendments to the General Plan Noise Element and Land Use Element necessary to implement the Housing Element.

On a parallel track to the amendments required for implementation of the Housing Element, City staff began to refocus efforts on the General Plan Update. The draft General Plan Update evolved over the course of a combined 100 meetings between the GPUSC, GPAC, and GPAC's various subcommittees. It incorporates amendments to the Arts & Culture, Harbor, Bay and Beaches, Historical Resources, Land Use, Natural Resources, Noise, Recreation and Safety Elements, and includes input from hundreds of community members.

The GPUSC and GPAC held a special joint meeting on December 3, 2025, to review comments on the General Plan Update from City boards, commissions, and committees and community members, and to provide direction on how to incorporate responsive revisions.

On January 21, 2026, the GPUSC and GPAC held another special joint meeting to review the revised General Plan Update. At the conclusion of the meeting, the GPUSC and GPAC overwhelmingly supported the comprehensive set of revised draft elements moving forward as the “Final GPUSC/GPAC Draft General Plan Update.”

Airport Land Use Commission Review

Section 4.3 of the 2008 John Wayne Airport Environs Land Use Plan (AELUP) and Section 21676(b) of the California Public Utilities Code (CPUC) require the City to submit General Plan amendments to the ALUC for a consistency determination with the AELUP. As such, the City submitted the General Plan Update for ALUC review. Although the entire General Plan Update was referred to ALUC for a consistency determination, ALUC staff focused its review on the Land Use, Noise and Safety Elements.

On March 19, 2026, the ALUC conducted a public hearing on the General Plan Update and unanimously determined (5 ayes and 0 nays) it is inconsistent with the AELUP.

The March 19, 2026, ALUC staff report is included as Attachment B, and the ALUC inconsistency determination letter is included as Attachment C.

Planning Commission Review and Recommendation

On April 23, 2026, the Planning Commission will conduct a public hearing and consider recommending that the City Council adopt the General Plan Update. City staff will provide an update on the Planning Commission’s action as additional materials prior to the City Council meeting.

ALUC Override Process

As a final review authority on legislative acts, the City Council may choose to override the ALUC’s determination by following a two-step process, which is established in CPUC Section 21676. The first step in the process is to conduct a public hearing to adopt a resolution of intention to override, a copy of which would be sent to the ALUC and State Department of Transportation, Aeronautics Program (Caltrans Aeronautics) to provide formal notification of the City’s intent.

The second step in the process is that not less than 45 days after notification has been sent to the ALUC and Caltrans Aeronautics, the City Council may conduct a second public hearing to consider adopting a resolution to override the ALUC. At this time, the Council may also consider the General Plan Update and take final action on it.

The following points are important to consider:

- The City Council’s adoption of the attached notification resolution does not constitute approval of the General Plan Update, nor does it predispose the City Council’s future action on either the General Plan Update or the consistency determination;
- The attached resolution notifying the ALUC and the State Department of Transportation, Aeronautics Program of the City’s intent, and the resolution to overrule

the ALUC, which will be presented at a future hearing, must be adopted by a two-thirds majority vote. Since there are seven City Council members, five affirmative votes are needed to pass the resolution;

- Should the City Council ultimately overrule the ALUC decision, that action will not immediately affect the City's status as a consistent agency with the AELUP. The ALUC would need to place an item on one of its future agendas to consider deeming the City an inconsistent agency; and
- CPUC Section 21678 states that if the City overrides the ALUC's action or recommendation, the operator of the airport shall be immune from liability from damages to property or personal injury caused by or resulting directly or indirectly from the City's decision to overrule the ALUC determination.

The draft resolution provided as Attachment A to this report includes a preliminary analysis of the General Plan Update's consistency with the AELUP.

FISCAL IMPACT:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

Final action on the General Plan Update is not being considered at this time. An addendum to the Program Environmental Impact Report for the City of Newport Beach General Plan Housing Element Implementation Program is being prepared and will be provided for future action on the General Plan Update.

Nevertheless, the action that is currently before the City Council is consideration of adopting a resolution of intent to override the ALUC's finding that the General Plan Update is not consistent with the AELUP.

The City Council finds the adoption of this resolution is not subject to 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 resolution 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

notification of the City's intent to overrule the ALUC determination and it does not commit the City to approve the General Plan Update.

NOTICING:

Notice of this hearing was published in the Daily Pilot in a one-eighth-page format at least 10 days before the scheduled meeting, consistent with Section 20.62.020(B)(2)(c) of the NBMC. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

ATTACHMENTS:

- Attachment A – Resolution No. 2026-25
- Attachment B – ALUC Staff Report, dated March 19, 2026
- Attachment C – ALUC Determination Letter, dated March 21, 2026