

Attachment E

February 20, 2025 ALUC Staff Report (No Attachments)



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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AGENDA ITEM 2

February 20, 2025

TO: Commissioners/Alternates

FROM: Julie Fitch, Executive Officer

SUBJECT: City of Newport Beach Housing Opportunity Overlay (HO) Zoning/Coastal Zoning Amendments

Background

In September 2021, the City of Newport Beach submitted its 2021-2029 Housing Element Update (“Update”) to the Airport Land Use Commission for Orange County (ALUC) for a consistency review. The 2021-2029 Housing Element identified five focus areas in the City to meet its RHNA allocation of 4,845 total units, plus a buffer of 5,069 units. The focus areas are: Airport Area; West Newport Mesa; Dover-Westcliff; Newport Center; and Coyote Canyon (See Attachment 1). Your Commission found the Update to be inconsistent with the *Airport Environs Land Use Plan for John Wayne Airport (AELUP for JWA)* due to noise, safety and land-use incompatibility issues mainly for new units in the Airport Area. The City overruled ALUC’s determination and adopted the Update in February 2022. In August 2023, the City submitted Housing Element Implementation/Noise Related Amendments, and in May 2024, the City submitted Housing Element Implementation Program General Plan Land Use Element and Title 20 Amendments. Both of these submittals were found to be inconsistent, and the City overruled ALUC on both.

Most of the Newport Center area is within the North Newport Center Planned Community which allows for structures up to 295 feet. The North Newport Center Planned Community was originally adopted in 2007, with amendments in 2009, 2011, 2012 and 2015. The original Planned Community as well as the amendments were reviewed by your Commission and found to be consistent with the *AELUP for JWA*. No changes to the Planned Community are proposed.

Proposed Project

The City is now submitting proposed amendments to Newport Beach Municipal Code Title 20 (Planning and Zoning) and pending Title 21 (Local Coastal Program Implementation Plan). Some of the locations of the sites included in this project are located within the Notification Area for John Wayne Airport as shown on Attachment 2. The purpose of the amendments is to adjust

the height limits for certain properties within the Newport Center Area (HO-4 Subarea) to accommodate potential residential development; to designate 179 units from the 2,577-unit limit identified for the Airport Area HO-1 Subarea to City-owned property at 1201 Dove Street; and to designate 199 units from the 2,439-unit limit identified for the HO-4 Newport Center Subarea to City-owned property at 868 and 870 Santa Barbara Drive. These subareas correspond to the focus areas identified in Appendix B of the Housing Element. Because these units would be allocated from within the existing sub-area allocations, there would be no density increases or additional units with these amendments.

The proposed Zoning Code Amendment would increase the maximum building height requirement for specified housing sites in the Newport Center Housing Opportunity (HO) Overlay Zoning District. Specifically, the proposed Project would increase the maximum building heights for 35 of the 247 housing sites identified in the Housing Element within the Newport Center Focus Area. See Attachment 3 for a table and exhibits showing existing and proposed heights. No increases in development capacities or changes to other development standards or development areas are proposed on any of these housing sites. In addition, footnotes would be added to Table 2-16 and Table 2-28-1 of the Zoning Code indicating the allocation of sites for 1201 Dove Street and 868 and 870 Santa Barbara Drive as shown in Attachment 4 (pages 9-13 of Planning Commission Resolution PC2025-004).

Two of the properties that would be affected by the height increase at Newport Center, are within the JWA Notification Area and also located within the Newport Beach Local Coastal Zone boundary, so an amendment to the pending Local Coastal Zone Program would be required.

The City has held/scheduled the following public hearings:

January 23, 2025	Planning Commission
March 11, 2025	City Council

AE LUP for JWA Issues

Regarding Aircraft Noise Impacts:

While the Housing Element includes numerous sites within the 65 dBA CNEL for John Wayne Airport, the site at 1201 Dove Street is in the 60 dBA CNEL Attachment 5. The property at 868-870 Santa Barbara Drive and the Newport Center properties are outside of the noise contours.

Regarding Height Restrictions:

The sites included in this proposed project are within the Notification Area for JWA and some of the sites fall under the Federal Aviation Regulation (FAR) Part 77 Imaginary Surfaces. (See Attachment 6). The 1201 Dove Street and 868-870 Santa Barbara Drive sites are within the Horizontal Surface which would be penetrated at 206 feet Above Mean Sea Level (AMSL). The existing height limits for these sites is well below that and not proposed to change. Some of the

sites in Newport Center area are proposed for an increase in height limits of up to 270 feet. With ground elevations of 150 to 200 feet, the proposed increase would not penetrate the obstruction surface for JWA.

Section 20.30.060(E) of the City's Planning and Zoning Code refers to *AEUP* requirements that structures shall not penetrate FAA Part 77 surfaces unless approved by ALUC, and that for structures that penetrate the 100:1 Notification Surface, a Form 7460-1 will be filed and submitted to ALUC. It also states that structures over 200 feet above ground level will be submitted to ALUC. The North Newport Center Planned Community also has similar language. (See Attachment 7).

Regarding Flight Tracks and Safety Zones:

As shown in Attachment 8 the 1201 Dove Street site is located in Safety Zone 6. According to the California Airport Land Use Planning Handbook, noise and overflight should be considered in Safety Zone 6. Attachment #9 illustrates flight tracks provided by the John Wayne Airport Noise Office for two separate days in December of 2024. As shown on the exhibits, there are numerous flights over this site and the Airport Area in general, however, the site is already designated for residential use and no new units are proposed. The Santa Barbara Drive and Newport Center sites are well outside of the safety zones.

Regarding Heliports:

No heliports are proposed as part of the Noise-Related Amendments, therefore, consistency with the *AEUP* for Heliports was not evaluated.

Environmental Compliance

The City Council adopted Resolution No. 2024-50 on July 23, 2024, certifying Final Program Environmental Impact Report SCH No. 2023060699 ("PEIR"), approving a Mitigation Monitoring and Reporting Program ("MMRP"), and adopting Findings and a Statement of Overriding Considerations related to the implementation of the Housing Element involving amendments to the General Plan, Coastal Land Use Plan, and Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the NBMC. A Consistency Analysis Memorandum evaluating proposed amendments was prepared, and the City determined that no additional environmental review was required pursuant to State CEQA Guidelines Section 15162.

Conclusion

ALUC staff has reviewed this project with respect to consistency with the *AEUP for JWA*, including review of noise, height restrictions, overflight and imaginary surfaces. The recommendation below is based on the proposed allocation of approved residential unit allocations from the airport area to areas further from John Wayne Airport (in the 60 dBA CNEL and Safety Zone 6). The City's proposed changes would help reduce the public's exposure to

excessive noise and safety hazards around John Wayne Airport. Regarding the proposed increases in height, both the Newport Beach Planning and Zoning Code and the North Newport Center Planned Community Development Plan include the necessary language regarding height restrictions related to Part 77 and ALUC.

Attachment 10 contains excerpts from the City of Newport Beach submittal for this project. The January 23, 2025 Newport Beach Planning Commission staff report and PowerPoint presentation can be found on the City's website:

Staff report:

<https://ecms.newportbeachca.gov/WEB/DocView.aspx?id=3096724&dbid=0&repo=CNB>

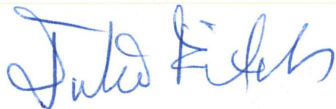
PowerPoint:

<https://ecms.newportbeachca.gov/WEB/DocView.aspx?id=3096725&dbid=0&repo=CNB>

Recommendation

That the Commission find the proposed Housing Opportunity Overlay (HO) Zoning/Coastal Zoning Amendments consistent with the *AE LUP for JWA*.

Respectfully submitted,



Julie Fitch
Executive Officer

Attachments:

1. Newport Beach Housing Element Focus Areas
2. Project Locations in JWA Notification Area
3. Existing and Proposed Heights
4. Zoning Code Tables Referring to Dove Street and Santa Barbara Drive
5. Project Locations and JWA Noise Contours
6. JWA Obstruction Imaginary Surfaces
7. Height References in Zoning Code and NNCPC
8. JWA Safety Zones
9. Flight Track Exhibits
10. Excerpts from City Submittal