

Attachment G

ALUC and State Department of Transportation, Aeronautics Program Letters



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

June 11, 2026

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

Subject: Response to Notice of Intent to Overrule the Airport Land Use Commission Determination Regarding the Amendment to Newport Place Planned Community Development Plan (PC-11) (PA2025-0196)

Dear Ms. Ung,

We are in receipt of the City of Newport Beach (City) letter dated May 13, 2026, and City Council Resolution No. 2026-27 notifying the Airport Land Use Commission (ALUC) for Orange County of the City's intent to overrule the ALUC's inconsistency determination on the proposed Amendment to the Newport Place Planned Community Development Plan (PC-11) related to the minimum inclusionary for-sale housing percentage required within the Residential Overlay (PA2025-0196). 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."

Background

On April 16, 2026, the ALUC for Orange County found the proposed Newport Place Planned Community Development Plan (PC-11) Amendment related to Affordable Housing Percentage in Residential Overlay (PA2025-0196) to be inconsistent with the *Airport Environs Land Use Plan (AELUP) for John Wayne Airport (JWA)*. The inconsistency determination was based on AELUP Sections 2.1.1, 2.1.2, 2.1.4, PUC Section 21674, and Section 3.2.1.

Pursuant to Section 1.2 of the *AEUP for JWA*, the purpose of the *AEUP* is to safeguard the general welfare of the inhabitants within the vicinity of the airport and to ensure the continued operation of the airport. Specifically, the *AEUP* 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.

Additionally, Section 2.1.4 of the *AEUP for JWA* and PUC Section 21674 charge the Commission to coordinate at the local level to ensure compatible land use planning. The current PC-11 Development Standards no longer contain the same airport noise compatibility limitation that supported the ALUC's prior consistency determination in July 2023. The proposed Amendment also relies on the 2014 Settlement Agreement/EIR 617 noise contours rather than the noise contours adopted in the *AEUP for JWA*. Because those contours have not been adopted by ALUC or incorporated into the *AEUP for JWA*, the City's proposed actions are inconsistent with the *AEUP for JWA*.

ALUC has the following additional comments regarding the findings included in Resolution No. 2026-27 and the facts provided in support of those findings.

Response to Finding A - Regarding Noise Standards:

Finding A states that the Amendment is consistent with the noise standards of the *AEUP* because the Residential Overlay is located within the 60 dBA and 65 dBA CNEL noise contours and residential uses are identified as "normally consistent" within the 60 dBA CNEL noise contour. Finding A further provides that 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 sites wholly within the 65 dBA contour area are needed to satisfy the City's 6th Cycle RHNA mandate.

The ALUC acknowledges that residential uses may be identified as normally consistent within the 60 dBA CNEL noise contour. However, unlike the amendment considered by ALUC in July 2023, the current PC-11 Development Standards no longer contain the airport noise compatibility limitation that supported the prior consistency determination.

For purposes of ALUC review, the applicable noise contours are those contained in the adopted *AEUP for JWA*. A consistency analysis cannot be based on different or updated noise contours unless those contours have been incorporated into the *AEUP*. Because the proposed Amendment relies on the 2014 Settlement Agreement/EIR 617 noise contours, and because the current PC-11 Development Standards no longer contain the prior airport noise compatibility limitation, the proposed Amendment remains inconsistent with the *AEUP for JWA*.

Response to Finding B - Regarding Safety:

Pursuant to *AEUP* Section 2.1.2, "[s]afety and compatibility zones depict which land uses are acceptable and which are unacceptable in various portions of airport environs. 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.”

Finding B states that the Residential Overlay is located within Safety Zone 6, that residential uses are allowed in this zone, and that the Amendment is not within the JWA Clear Zone/Runway Protection Zone. The ALUC acknowledges that the Residential Overlay is located within Safety Zone 6 and outside Safety Zone 3. However, the fact that residential uses may be allowed in Safety Zone 6 does not end the compatibility analysis, particularly where aircraft overflight, proximity to JWA, and noise compatibility remain relevant considerations.

Newport Place Planned Community is located within Safety Zone 6 – Traffic Pattern Zone, with a small portion also within Safety Zone 3 – Inner Turning Zone. Flight tracks included in the ALUC staff report show numerous general aviation flights over the Newport Place Planned Community, including one day of Reverse Flow operations. Considering the applicable Safety Zones, proximity to JWA, and aircraft overflight activity, safety and land use compatibility remain relevant considerations for this Amendment.

Response to Finding C - Regarding Purpose and Intent of the AELUP and Compatibility with Adjacent Land Uses:

Finding C states that the Amendment is consistent with the purpose and intent of the *AELUP* and will not result in incompatible land uses adjacent to JWA because it would revise only the minimum affordability housing percentage for for-sale residential development within the Overlay, from 15 percent to 6 percent for lower-income households and 8 percent for moderate-income households, and no other changes are proposed.

By virtue of *AELUP for JWA* Sections 1.2 “Purpose and Scope” and 2.0 “Planning Guidelines,” the ALUC understands the complex legal charge to protect public airports from encroachment by incompatible land use development, while simultaneously protecting the health, safety and welfare of citizens who work and live in the airport’s environs. To this end, and as also statutorily required, ALUC proceedings are benefited by several members having expertise in aviation.

Although the proposed Amendment is limited to the affordable housing percentage, it applies within a Residential Overlay that no longer contains the same airport noise compatibility limitation that supported the prior ALUC consistency determination. Therefore, while the Amendment does not directly modify the Residential Overlay boundaries or other development standards, it would further facilitate for-sale residential development under standards that ALUC found inconsistent with the *AELUP for JWA*. Based upon careful consideration of all information provided, the applicable *AELUP* policies, the ALUC-adopted noise contours for JWA, and input from ALUC members with expertise in aviation, the ALUC found the proposed PC-11 Amendment to be inconsistent with the *AELUP for JWA*.

We urge the City Council to take ALUC’s concerns into consideration in its deliberations prior to deciding whether to overrule ALUC. Thank you for the opportunity to provide these comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephen Beverburg", with a stylized flourish at the end.

Stephen Beverburg
Vice Chairman

cc: Airport Land Use Commission for Orange County
Caltrans/Division of Aeronautics

From: Akhtar, Ahmed@DOT <Ahmed.Akhtar@dot.ca.gov>
Sent: May 20, 2026 11:28 AM
To: Ung, Rosalinh
Cc: Friedman, Matthew L@DOT; Tabshouri, Tarek I@DOT; jfitch@ocair.com
Subject: Caltrans Aeronautics Response – Newport Beach Overrule Intent (PA2025-0196)
Attachments: Aeronautics Response_ City of Newport Beach Overrule May 2026.pdf

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

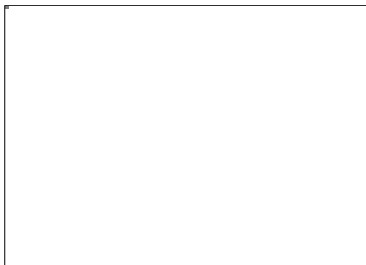
Dear Ms. Ung,

Attached is the Caltrans Division of Aeronautics response regarding the City of Newport Beach's intent to overrule the Orange County ALUC's inconsistency determination for the Newport Place Planned Community Development Plan (PC11) (Project PA2025-0196).

After reviewing Resolution No. 2026-27 and the associated Findings, Caltrans concurs with the ALUC's April 16, 2026 determination that the Project is inconsistent with the John Wayne Airport AELUP and recommends revisions to ensure compliance with applicable statutory and policy requirements.

Please let me know if any additional information is needed.

Sincerely,
Ahmed Akhtar



Ahmed Akhtar

Planner

Office of Aviation Planning

Division of Aeronautics

(916) 917-3477



[Chat With Me on Teams!](#)

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 20, 2026

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

Electronically Sent: run@newportbeachca.gov

Dear Ms. Ung:

The California Department of Transportation, Division of Aeronautics (Caltrans), supports cities, counties, and Airport Land Use Commissions (ALUC) 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 May 13, 2026, Caltrans received an email that included Resolution No. 2026-27 declaring an intent to overrule the ALUC's April 16, 2026, inconsistency determination for the proposed Newport Place Planned Community Development Plan (PC11) Project (PA2025-0196) (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 March 19, 2026, and the Inconsistency Determination letter dated April 16, 2026.

Based on the proposed Findings of Resolution No. 2026-27, Caltrans has determined that the Findings are not sufficient to warrant the proposed overrule. Specifically, the Findings do not appear to be consistent with the purposes of the statutes set forth in the California Public Utilities Code (PUC) sections 21670–21676.5, nor with the noise and safety criteria disseminated in the AELUP for the JWA. Caltrans concurs with the ALUC's determination that the City's Newport Place Planned Community (PC-11) Development Plan is inconsistent with the AELUP and recommends that the City revise its proposal to ensure full compliance with applicable statutory and policy requirements.

Ms. Rosalinh Ung, Principal Planner
May 20, 2026
Page 2

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 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 ahmed.akhtar@dot.ca.gov or I can be reached at (916) 917-3477.

Sincerely,

Ahmed Akhtar
Aviation Planner
Caltrans Division of Aeronautics

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