

Attachment K

ALUC Comment Letter



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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October 8, 2025

Newport Beach Mayor and City Council
c/o Joselyn Perez, Senior Planner
Community Development Department
100 Civic Center Drive
Newport Beach, CA 92660

Subject: Response to Notice of Intent to Overrule the Airport Land Use Commission Determination for Snug Harbor Surf Park Project at 3100 Irvine Avenue (General Plan Amendment)

Mayor and City Council Members:

We are in receipt of your September 11, 2025, letter notifying the Airport Land Use Commission for Orange County (ALUC) of the City of Newport Beach's (City) intent to overrule the ALUC's inconsistency determination on the Snug Harbor Surf Park project at 3100 Irvine Avenue General Plan Amendment). A copy of Resolution No. 2025-60 with the City's Findings of Fact adopted by the City Council on September 9, 2025, was attached. In accordance with Section 21676 of the Public Utilities Code (PUC), the ALUC submits the following comments addressing the proposed overrule findings for the above-referenced project. This letter is advisory to the City and must be included in the public record of any final decision to overrule the ALUC, which may only be adopted by a two-thirds vote of the City's governing body.

Please be advised that 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 June 13, 2025, the City of Newport Beach submitted the proposed Snug Harbor Surf Park (Project) for a consistency review with the *Airport Environs Land Use Plan for John Wayne Airport (AELUP for JWA)*. The Project site is located south of John Wayne Airport on the middle of the three parcels that comprise the Newport Beach Golf Course. The 15.38-acre Project site currently

includes a turf driving range, putting green, three of the golf course's 18 holes (holes 1, 2, and 9), a pro shop and restaurant building, and a surface parking lot. The Project would remove the existing improvements and develop a surf lagoon with warming pools, a spa, and seating areas; a three-story clubhouse; a two-story, 20-unit athlete accommodation building; ancillary storage and maintenance areas; and associated parking areas providing a total of 351 parking spaces. Solar panels would be installed on building rooftops and on carport structures in parking areas.

At a Special Meeting on August 7, 2025, the ALUC reviewed the proposed Project and determined it to be Inconsistent with the *AEUP for JWA* based on land use intensity, safety, and noise exposure within established approach and departure corridors. The determination was based on AELUP Section 2.1.2 (Safety Compatibility Zones), which establishes criteria to minimize the number of people exposed to potential aircraft accident hazards; AELUP Section 2.1.3 (Height Restrictions) and Section 2.1.4 (Overflight), which address protection of navigable airspace and public awareness of aircraft operations; and AELUP Section 3.2.1 (General Policy), which allows a land use to be found inconsistent where it places people in areas adversely affected by aircraft operations or concentrates people in areas susceptible to aircraft accidents.

On September 9, 2025, the City Council adopted Resolution No. 2025-60 declaring its intent to overrule and, on September 11, 2025, transmitted its Notice of Intent to Overrule to the ALUC along with the adopted findings.

Response to Finding “a” Noise Exposure

As noted in the City's finding, the *AEUP for JWA* is intended to reduce public exposure to aircraft noise and maintain compatibility between airport operations and surrounding land uses. The Project includes multiple outdoor recreational and spectator areas within the 65 CNEL contour, with portions of the site extending into the 70 CNEL contour. The City's analysis relies on interior noise standards under the State Building Code and disclosure signage; however, these measures do not mitigate aircraft noise exposure in outdoor areas such as the surf lagoon, seating areas, or open-air gathering spaces. AELUP Section 3.2.1 (General Policy) emphasizes avoidance of exposure rather than mitigation through interior design or notification. The ALUC maintains that outdoor exposure to aircraft noise at this location is inconsistent with the purpose and intent of the *AEUP for JWA*.

Response to Finding “b” Safety / Intensity of Use in Safety Zones

The Project site is located within the Safety Compatibility Zones for JWA. Approximately 38 percent (5.85 acres) of the site is within Zone 2 (Inner Approach/Departure Zone), 22 percent (3.38 acres) within Zone 4 (Outer Approach/Departure Zone), and 40 percent (6.15 acres) within Zone 6 (Traffic Pattern Zone). The City classified the site as “Urban,” but the ALUC determined that the site and surrounding area is *Suburban* in character based on existing low-rise development and surrounding land uses. Under the Suburban classification, the *California Airport Land Use*

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Planning Handbook limits intensity to 40 to 60 persons per gross acre (80 to 120 per single acre). Based on the project plans submitted and the City's estimate of approximately 5,000 to 10,000 spectators during special events, the project could result in occupancy well in excess of the land use compatibility standards defined by Caltrans in the *Handbook*. The congregation and attraction of a significant number of people to the project area represents an incompatible condition within Safety Zones 2, 4, and 6 under the *AEUP for JWA*.

Response to Finding "c" Height / Part 77 / Navigable Airspace

As noted in the City's finding, the proposed structures will not penetrate FAA Part 77 surfaces, and the FAA has issued Determinations of No Hazard to Air Navigation. The ALUC acknowledges this compliance but notes that AELUP Section 2.1.3 (Height Restrictions) provides that a Determination of No Hazard does not automatically equate to ALUC consistency. Accordingly, height compliance with FAA standards does not alter the ALUC's overall inconsistency determination.

Response to Finding "d" Overflight Exposure

The City's finding states that aircraft overflight frequency will not increase and that disclosure language will be provided to patrons. While flight operations at JWA will remain constant, the proposed project would substantially increase the number of people located beneath existing approach and departure paths. Flight track data from the John Wayne Airport Noise Office show that numerous aircraft pass adjacent to the site at altitudes as low as 500 feet above mean sea level. AELUP Sections 2.1.4 (Overflight) and 3.2.1 (General Policy) call for minimizing the number of people exposed to aircraft overflight. The ALUC concluded that concentrating large numbers of people directly under active flight paths is inconsistent with the intent and policies of the *AEUP 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,

Signed by:

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Gerald A. Bresnahan
Chairman

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