

Attachment A

Resolution No. 2026-25

RESOLUTION NO. 2026- __

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)

WHEREAS, Section 200 of the City Charter, of the City of Newport Beach ("City"), 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 City 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 ("State");

WHEREAS, the last comprehensive update of the City's General Plan ("General Plan") occurred in 2006;

WHEREAS, the City Council adopted Resolution No. 2019-7 on January 22, 2019 (subsequently amended pursuant to Resolution No. 2019-20), establishing the General Plan Update Steering Committee ("Original GPUSC") and initiating a comprehensive review and update of the General Plan;

WHEREAS, subsequent to the initiation, it became clear the 6th Cycle Regional Housing Needs Assessment ("RHNA") allocation for the City would be unprecedentedly high and, as such, the City Council directed City 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;

WHEREAS, therefore, the City Council dissolved the Original GPUSC and established the Housing Element Update Advisory Committee ("HEUAC") pursuant to Resolution No. 2020-6 on January 14, 2020;

WHEREAS, on January 25, 2022, the City Council adopted Resolution No. 2022-2, reestablishing the General Plan Update Steering Committee, which was subsequently amended pursuant to Resolution No. 2025-3 ("GPUSC"), to assist the City in reviewing and updating the General Plan ("General Plan Update");

WHEREAS, on September 13, 2022, the City Council adopted Resolution No. 2022-59, establishing the General Plan Advisory Committee (“GPAC”), comprised of up to 30 community members to review and provide guidance on policy changes associated with the General Plan Update;

WHEREAS, the Housing Element was certified as statutorily compliant with State law by the California Department of Housing and Community Development (“HCD”) on October 5, 2022;

WHEREAS, the City Council adopted amendments to the Noise and Land Use Elements of the General Plan that were necessary to implement the Housing Element pursuant to Resolution Nos. 2023-74 and 2024-51;

WHEREAS, additionally, City staff began working on the comprehensive General Plan Update;

WHEREAS, the draft General Plan Update evolved over the course of a combined 100 meetings between the GPUSC, GPAC, and the GPAC’s various subcommittees, and includes input from hundreds of community members;

WHEREAS, the draft General Plan Update incorporates amendments to the Arts & Culture, Harbor, Bay, and Beaches, Historical Resources, Land Use, Natural Resources, Noise, Recreation, and Safety Elements;

WHEREAS, 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 incorporate responsive revisions;

WHEREAS, the GPUSC and GPAC held another special joint meeting on January 21, 2026, and supported the comprehensive set of revised draft elements moving forward as the “Final GPUSC/GPAC Draft General Plan Update”;

WHEREAS, the General Plan Update is categorized as a citywide document, inclusive of the JWA Notification Area; thus, California Public Utilities Code (“CPUC”) Section 21676(b) requires the Orange County Airport Land Use Commission (“ALUC”) to review for consistency with the 2008 John Wayne Airport Environs Land Use Plan (“AELUP”);

WHEREAS, although the entire General Plan Update was referred to ALUC for a consistency determination, ALUC staff focused its review on the Land Use Element, Noise Element, and Safety Element;

WHEREAS, on March 19, 2026, ALUC conducted a public hearing on the General Plan Update and, noting that it perpetuates the amendments that were the subject of previous determinations of inconsistency, unanimously determined it to be inconsistent with the following provisions of the AELUP:

- a. 2.1.1 (Aircraft Noise), which provides in part that "aircraft noise emanating from airports may be incompatible with the general welfare of the inhabitants within the vicinity of an airport";
- b. 2.1.2 (Safety Compatibility Zones), which states that "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";
- c. Section 2.1.4 (Air Transportation) and CPUC Section 21674 which states that the Commission is charged by CPUC Section 21674(a) "to assist local agencies in ensuring compatible land uses in the vicinity of ... existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses," and CPUC Section 21674(b) which states that "to coordinate planning at the state, regional and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety and welfare"; and
- d. 3.2.1 (General Policy), which states that within the boundaries of the AELUP, any land use may be found to be inconsistent with the AELUP which... permits structures of excessive height in areas which would affect adversely the continued operation of the airport; or permits activities or facilities that would affect adversely aeronautical operations";

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 General Plan Update 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;

WHEREAS, a public hearing was held by the Planning Commission on April 23, 2026, in the Council Chambers at 100 Civic Center Drive, Newport Beach, California to consider the General Plan Update. 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) of the Newport Beach Municipal Code ("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. PC2026-____ by a _____ vote of (_ ayes, _ nays, _ recused) recommending the City Council approve the General Plan Update; and

WHEREAS, a public hearing was held on April 28, 2026, by the City Council in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California to consider the General Plan Update. 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 Chapter 20.62 (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 General Plan Update 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 General Plan Update is consistent with the noise standards of the AELUP.*

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

Section 2.1.1 of the AELUP sets forth the community noise equivalent level (“CNEL”) standards. The General Plan Update does not include uses that are incompatible with noise standards of the AELUP. To the extent that ALUC’s determination of incompatibility was based on prior General Plan amendments, those prior actions are consistent as described herein. The Housing Element allocated a total of 62 housing opportunity sites in the Airport Area. The 2006 General Plan Noise Element was based on the CNEL noise contours of the 1985 AELUP Master Plan that were updated by subsequent modeling. As a result, the Noise Element was updated applying this updated modeling.

Specifically, in 2014, the County of Orange prepared a Draft EIR in connection with the 2014 John Wayne Airport Settlement Agreement Amendment (SCH No. 2001111125). EIR No. 617 explains why the 2014 dBA CNEL noise contours have reduced in size compared to the 1985 AELUP Master Plan CNEL noise contours. EIR No. 617 observed that “the Mater Plan noise contours are considerably larger than existing noise contours due to a quieter fleet of existing commercial aircraft and a dramatic reduction in the number of generation aviation operations”¹ The 2014 CNEL contours were also based on a newly adopted, “state-of-the-art” noise modeling program.² EIR No. 617 found that the 65 dBA CNEL contour area was 114% smaller than the analog from the 1985 Master Plan.

As the EIR explained, “one of the most important factors in generating accurate noise contours is the collection of accurate operational data.” Airport noise contours generated in the noise study uses the INM Version 7.0d which was released for use in May 2013 and is state-of-art in airport noise modeling. Although the 2014 Settlement Agreement Amendment and associated EIR were predicated on updated noise contours, the AELUP - which ALUC bases its land use compatibility or incompatibility determinations on - still relies on the outdated noise contours from the 1985 JWA Master Plan. The Noise Element has been in effect since 2023 and is consistent with the noise contours established pursuant to the 2014 Settlement Agreement Amendment.

The General Plan Update does not include uses that are incompatible with noise standards of the AELUP. Moreover, the General Plan Update includes a number of policies, including Policies N-3.1 and N-3.2, designed to safeguard against noise impacts for development adjacent to JWA. Therefore, the General Plan Update is consistent with the noise standards of the AELUP.

¹ EIR No. 617 at 4.6-34. [CC 5A Appendices to FEIR 617](#)

² *Id.* at 4.6-31. Airport noise contours were generated using the INM Version 7.0d. The latest version, INM Version 7.0d, was released for use in May 2013 and is the state-of-the-art in airport noise modeling.

B. The General Plan Update is consistent with the safety standards of the AELUP.

Section 2.1.2 (Safety Compatibility Zones) of the AELUP sets forth zones depicting which land uses are acceptable in various portions of JWA environs. The General Plan Update does not include uses that are incompatible with safety standards of the AELUP. To the extent that ALUC's determination of incompatibility was based on prior General Plan amendments, those prior actions are consistent as described herein. The Housing Element allocated a total of 62 housing opportunity sites in the Airport Area. Most of the housing opportunity sites, except for portions of three properties, are all within Safety Zone 6. Allowed uses in Safety Zone 6 include residential and most nonresidential uses except 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. The Newport Beach Golf Course and the Young Men's Christian Association properties are included as housing opportunity sites in the Housing Element. Portions of those properties are within Safety Zone 4 with the remaining portions lying in Safety Zone 6. Safety Zone 4 limits residential uses to very low density (if not deemed unacceptable because of noise) and advises to avoid nonresidential uses having moderate or higher usage intensities.

The General Plan Update's Safety Element includes Policy S-9.1 (Land Use Compatibility), which demonstrates that the City acknowledges the importance of the JWA Safety Zones:

"Policy S-9.1: Land Use Compatibility. Participate in the planning process for projects related to John Wayne Airport, including any future updates to its Airport Environs Land Use Plan (AELUP). Continue to ensure new development land use intensity and compatibility align with the most currently available AELUP for John Wayne Airport to minimize potential safety impacts on residents."

The General Plan Update excludes any changes to the adopted and certified Housing Element and does not include any housing opportunity sites in the JWA Clear Zone/Runway Protection Zone. Compliance with these policies and regulations will ensure that future development within the JWA Airport Planning Area will follow the safety standards of the AELUP.

Safety concerns have been raised during previous amendments that carried forward with this General Plan Update due to the location of proposed residential sites within the AELUP's Safety Zones, particularly Zone 4 (Outer Approach/Departure Zone) and Zone 6 (Traffic Pattern Zone); therefore, it has been recommended that the City recognize safety concerns in the context of the General

Plan Update and make adjustments and modifications to eliminate, where possible, such safety concerns. The "Basic Compatibility Qualities" listed for Zone 4 (Outer Approach/Departure Zone) state "[i]n undeveloped areas, limit residential uses to very low densities (if not deemed unacceptable because of noise); if alternative uses are impractical, allow higher densities as infill in urban areas." Similarly, the Basic Compatibility Qualities" for Zone 6 "allow residential uses." The AELUP defines "allow" to mean "use is acceptable." A total of 62 new housing opportunity sites were identified in the Airport Area according to the Housing Element. Of those sites, 48 are located wholly or partially outside the 65 dBA CNEL contour boundary as identified in 2014 Settlement Agreement Amendment EIR. Fourteen housing opportunity sites are located wholly within the updated 65 dBA CNEL contour boundary. Given the urban and developed state of the Airport Area, future residential development on sites located wholly or partially outside the 2014 65 dBA CNEL contour would constitute urban infill development. The 14 housing opportunity sites located wholly within the 2014 65 dBA CNEL are explicitly recognized as suitable for nonresidential uses under the policies carried forward in the General Plan Update. Therefore, the General Plan Update does not create an inherent conflict between the land use compatibility criteria for Zones 4 and 6 and the location of certain housing opportunity sites in the City's Housing Element.

Lastly, it is important to note that no height increases to any particular property or development proposal are proposed in the General Plan Update. The City will ensure that all appropriate consideration is given to this topic in future planning decisions concerning building heights in the Airport Area.

- C. *The General Plan Update is consistent with the air transportation standards of the AELUP and will not result in incompatible land uses adjacent to JWA.*

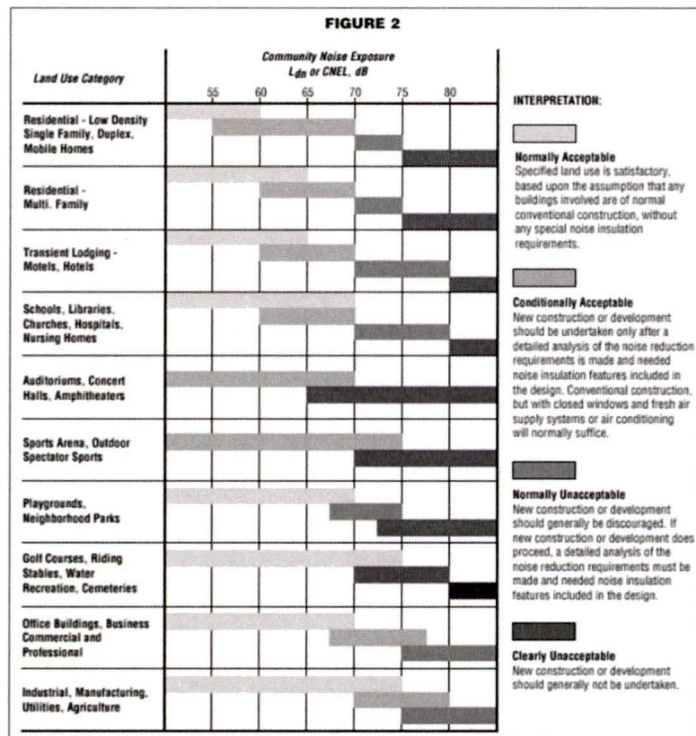
The standards and policies set forth in AELUP Sections 2 and 3 were adopted to prevent the creation of new noise and safety problems. California Government Code Section 65302 sets forth the requirements for Noise Elements in each jurisdiction's General Plan. Government Code Section 65302(f) mandates that each local agency's general plan includes a noise element that identifies and appraises noise problems in the community by analyzing and quantifying, to the extent practicable, current and projected noise levels from airport and airport operations. This is quantified by way of noise contours stated in terms of CNEL or day-night average sound level.

The CNEL contours from the 2014 Settlement Agreement Amendment EIR No. 617 were based on a newly adopted, "state-of-the-art" noise modeling program. It is reasonable to conclude that the updated noise modeling data taken in

conjunction with EIR No. 617 are the more optimal choice to satisfy this statutory requirement than the outdated 1985 Master Plan CNEL contours.

Furthermore, the General Plan Update is consistent with the Appendix D Noise Element Guidelines developed by the Governor's Office of Land Use and Climate Innovation ("LCI") (formerly the Office of Planning & Research or "OPR") (the "Noise Element Guidelines"). The Noise Element Guidelines were developed to aid local agencies in adopting (and updating) statutorily required noise elements. Among other things, the Noise Element Guidelines recommend that "Noise contours for larger airport facilities and major industrial sites are sufficiently complex that they must be developed via sophisticated computer techniques available through recognized acoustical consulting firms. Noise Element Guidelines at 371). The Noise Element Guidelines also recommend an "assessment of the present- day noise environment ..."

In addition to this recommendation, the Noise Element Guidelines include recommended exterior and interior noise level standards for local jurisdictions to identify and prevent the creation of incompatible land uses. The Noise Element Guidelines contain a land use compatibility table that describes the compatibility of various land uses with a range of environmental noise levels in terms of the CNEL. As noted in Figure 2 below, Residential-Multifamily Uses are "conditionally acceptable" between 60 and 70 dBA CNELs.



As set forth above, any development on the proposed housing opportunity sites will comply with the noise criteria and safety standards established in Sections 2 and 3, and consistent with policies contained in the Amendments to Land Use and Noise Elements and comply with standard conditions proposed for Title 20 of the NBMC and the Newport Place and Newport Airport Village planned communities. Parcels or sites bisected by the updated 65 dBA CNEL noise contour could support future housing; whereas parcels or sites located wholly within the updated 65 dBA CNEL noise contour could support housing, if deemed necessary to satisfy the RHNA mandate. Lastly, compliance with the AELUP and City standards will also be evaluated and demonstrated at the time development projects are proposed in the future. Future development projects will be subject to compliance with FAR Part 77 surfaces for JWA. Existing regulations and the proposed Amendments require projects to be submitted to the FAA for a review and clearance.

Section 2: Based on the foregoing findings, the City Council provides this notice of intention to overrule the ALUC's determination that the General Plan Update 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 General Plan Update is 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 ("CEQA Guidelines"), 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 City's proposal to overrule the ALUC's determination and does not commit the City to approve the General Plan Update. Furthermore, the General Plan Update is being evaluated pursuant to CEQA and independently reviewed. A draft Addendum has prepared to the previously certified Final Program Environmental Impact Report for the City of Newport Beach Housing Element Implementation Program ("PEIR") (SCH No. 2023060699), which was done in compliance with CEQA, as set forth in the CEQA Guidelines, and City Council Policy K-3 (Implementation Procedures for the California Environmental Quality Act). The Addendum will be provided for the City Council's review at the time it considers the adoption of the General Plan Update.

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 28th day of April, 2026.

Lauren Kleiman
Mayor

ATTEST:

Lena Shumway
City Clerk

**APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE**



Aaron C. Harp
City Attorney