Attachment F

ALUC Staff Report Dated July 16, 2020

AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

AGENDA ITEM 1

July 16, 2020

TO: Commissioners/Alternates

FROM: Lea U. Choum, Executive Officer

SUBJECT: City of Newport Beach Request for Consistency Determination for Newport Airport Village Planned Community

Background

The City of Newport Beach is proposing a General Plan Amendment and a Zoning Code Amendment for the Newport Airport Village Planned Community which would be located on a 16.46-acre site adjacent to and just southeast of John Wayne Airport. The property is bound by Campus Drive, MacArthur Boulevard and Birch Street and includes the following addresses: 4320, 4340, 4360, 4400, 4500, 4520, 4570, 4600, and 4630 Campus Drive; 4525, 4533 and 4647 MacArthur Boulevard; and 4341, 4361, and 4501 Birch Street. The location is shown in Attachment 1.

The proposed mixed-use project includes construction of up to 444 residential units and up to 297,000 square feet of commercial and office development. The site is currently designated in the Newport Beach General Plan as Airport Office (AO) which is intended to provide uses "that support or benefit from airport operations," including professional offices, aviation retail, automobile rental, sales, and service, hotels, and ancillary retail, restaurant and service uses. The General Plan Amendment would change the designation to Mixed-Use Horizontal (MU-H2) which would provide for a mix of multi-family residential, hotel, industrial and commercial offices. The proposed General Plan Amendment would allow for 329 residential units, plus an additional 115 units under California Government Code Section 65915 (which allows a density bonus for providing a certain number of affordable units). This would result in a maximum total of 444 residential units on the site, where residential use is currently not allowed.

The applicant is requesting a zone change from the current Office Airport (OA) designation to Planned Community (PC) in order to allow for the adoption of the Newport Airport Village Planned Community Development Plan (PC-60). The PC district would allow for the mix of uses delineated in the MU-H2 General Plan area. While no development plans have been submitted, the conceptual plans include residential buildings up to 85 feet in height, commercial buildings up to 55 feet in height, and adjacent parking and open space.

The project is being referred to your Commission because of the project's location within the Airport Planning Area for John Wayne Airport (JWA) and because the project requires a change to the Newport Beach Zoning Code and a General Plan Amendment.

The City of Newport Beach schedule for the proposed project is as follows:

April 2020 - Planning Commission Study Session
June 2020 - Planning Commission Public Hearing (recommended approval)
August 2020 - City Council (tentative)

AELUP Issues

The project has been evaluated for conflicts with respect to aircraft noise, safety zones, building heights, and overflight.

Regarding Aircraft Noise Impacts

The proposed project is located partially within the 65 dBA CNEL and partially within 60 dBA CNEL noise contours for JWA (see Attachment 2). The applicant is proposing to locate the residential portion of the project in the 60 dBA CNEL area just outside of, but adjacent to the 65 dBA CNEL contour. The Draft Newport Airport Village Planned Community Development Plan (PC-60) indicates in Section F.10. that interior noise attenuation will meet 45 dBA standards. In addition, Section G.12. of the Development Plan states that a written disclosure statement will be provided to owners and residents regarding airport noise.

Regarding Height Restrictions

In Section 2.1.3 of the AELUP for JWA, the Commission has incorporated the standards for height limits for determining obstructions, and has incorporated the definitions of "imaginary surfaces" for airports as defined in Federal Aviation Regulations (FAR) Part 77. The proposed project is located within the FAR Part 77 "imaginary surfaces" referral area (see Attachment 3). The proposed maximum height for the project is 129 feet above mean sea level (AMSL) for the residential buildings and 99 feet AMSL for the commercial office buildings. The proposed buildings would not penetrate the obstruction imaginary surface of 200' AMSL.

Attachment 4 shows that the proposed project is located within the notification area for JWA which would be penetrated at 72.6 feet AMSL. The proposed maximum building height at this site is 129 feet AMSL and penetrates the notification surface.

The City of Newport Beach included in their June 29, 2020, submittal to ALUC, an FAA Determination of No Hazard to Air Navigation (Aeronautical Study No. 2020-AWP-4497-OE) which showed that a height of 85 feet above ground level, or 129 feet AMSL would not exceed obstruction standards and would not be a hazard to air navigation as long as certain standard conditions are met. ALUC staff contacted the FAA with a question regarding this Determination (Aeronautical Study No. 2020-AWP-4497-OE) and was told by FAA staff that this

Determination of No Hazard was terminated, and is now invalid. The FAA website confirms that this Aeronautical Study/Determination is invalid (see Attachment 5).

ALUC staff then contacted the City of Newport Beach staff, and the city provided an FAA Determination of No Hazard for a structure up to 80 feet in height, or 124 AMSL (Aeronautical Study No. 2020-AWP-3998-OE). Therefore, the only valid Determination of No Hazard to Air Navigation (FAA Aeronautical Study No. 2020-AWP-3998-OE) for this project site is for a building of 80 feet above ground level, or 124 feet AMSL (see Attachment 6).

Regarding Flight Tracks and Safety Zones

As shown in Attachment 7, the proposed project is located within Safety Zones 3 and 6. The applicant is proposing to locate the residential portion of the development in Safety Zone 6 - Traffic Pattern Zone. According to the California Airport Land Use Planning Handbook, noise and overflight should be considered in Safety Zone 6.

The commercial part of the project would be located in Safety Zone 3 – Inner Turning Zone. The California Airport Land Use Planning Handbook policies for Safety Zone 3 are to avoid commercial and other nonresidential uses having high intensities (no more than 100-150 people per acre on average, and no more than 300 to 450 people per single acre in urban areas).

John Wayne Airport Noise Office provided flight tracks for the property on two separate days in January (see Attachment 8). As shown on the exhibits, on Sunday, January 19, 2020, there were 19 operations directly over the property with an average altitude of 350 feet AMSL. With a proposed maximum building height of 129 AMSL, these flights would be, on average, only 221 feet above the building with many of the flights closer. On Thursday, January 23, 2020, there were 40 flights directly over the property with an average altitude of 409 feet AMSL.

The location of this high intensity project within Safety Zones 3 and 6, and directly under the flight path of regular general aviation flights, suggests that it would be prudent to exclude the residential use at the proposed project site.

Heliports

No heliports are proposed as part of this project. The proposed Newport Airport Village Planned Community Development Plan included in the attached City of Newport Beach ALUC submittal does not include heliports in this area. If a heliport use were proposed in the future, an amendment to the Planned Community would be required, thereby triggering ALUC review.

Environmental Compliance

The City has determined that the proposed project will not result in any new significant impacts that were not previously analyzed in the Program EIR for the 2006 General Plan Update and Supplemental EIR for the 2014 Update to the Land Use Element of the General Plan. Therefore, the City has determined that an Addendum to the previous Environmental documents will suffice for the proposed project.

Conclusion

Attachment 9 includes letters sent to the City of Newport Beach from ALUC and John Wayne Airport regarding the proposed project. The City of Newport Beach submittal to ALUC is provided in Attachment 10.

ALUC staff has reviewed this project for compliance with the *AELUP for John Wayne Airport* (JWA) including review of noise, height restrictions, overflight and imaginary surfaces. The recommendation below is based on the project's introduction of residential and high-intensity commercial uses in close proximity to John Wayne Airport.

Recommendation:

That the Commission find the proposed General Plan Amendment and Zoning Change for the Newport Airport Village Inconsistent with the *AELUP for JWA* per:

1. Section 2.1.1 Aircraft Noise that the "aircraft noise emanating from airports may be incompatible with general welfare of the inhabitants within the vicinity of an airport."

2. Section 2.1.2 Safety Compatibility Zones in which "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."

3. Section 2.1.3 Building Height Restrictions which states that "the results of an aeronautical study conducted by the FAA… will be utilized to help determine if a structure will have an adverse effect on the airport or on aeronautical operations." The Aeronautical study provided was for structures 124 feet AMSL, while the General Plan Amendment and Development Plan indicate the maximum height would be 129 feet AMSL, and

4. Section 2.1.4, and PUC Section 21674 which state that the Commission is charged by PUC 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 PUC Section 21674(b) "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."

Respectfully submitted,

Lea U. Choum

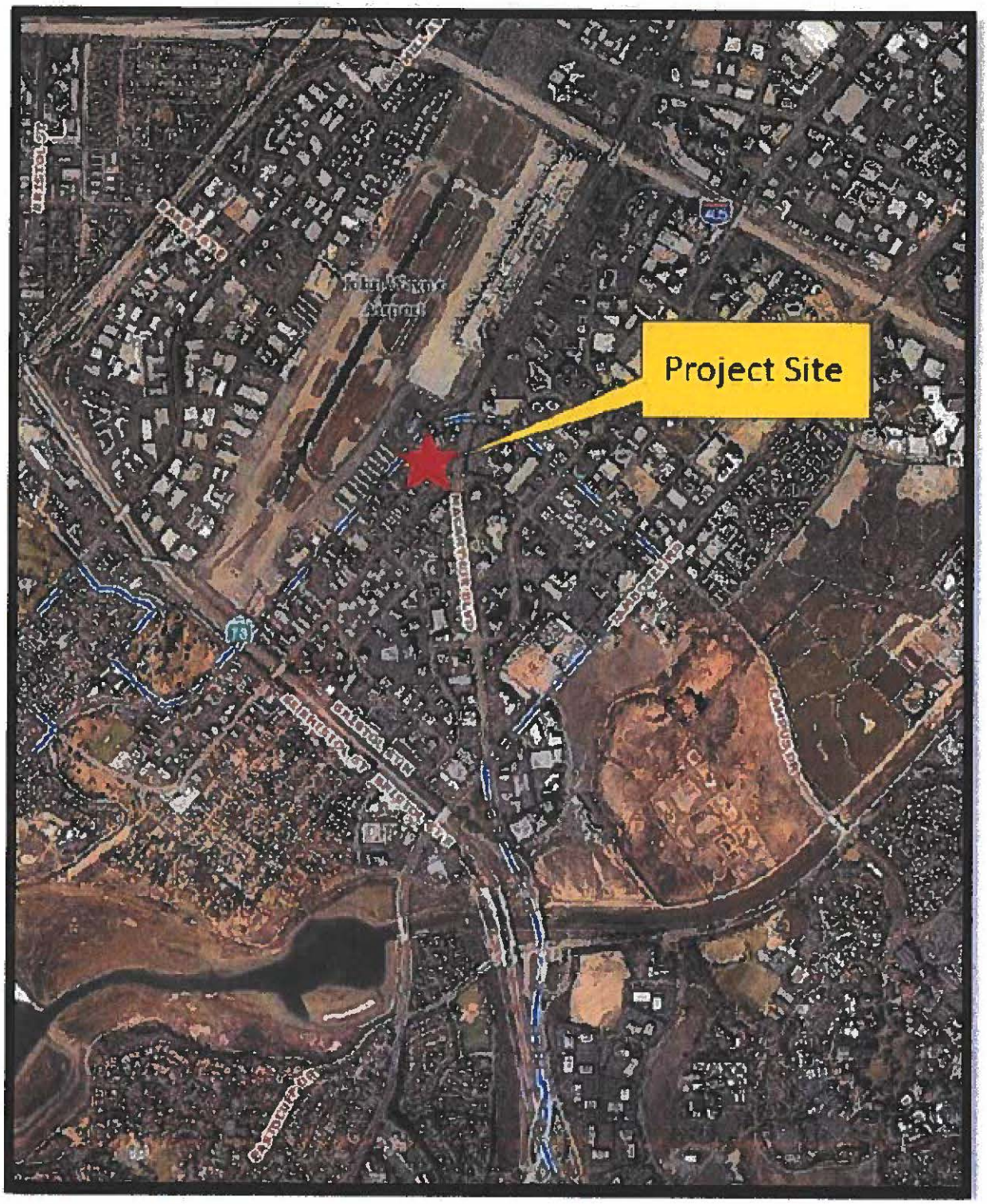
Lea U. Choum
Executive Officer

Attachments:

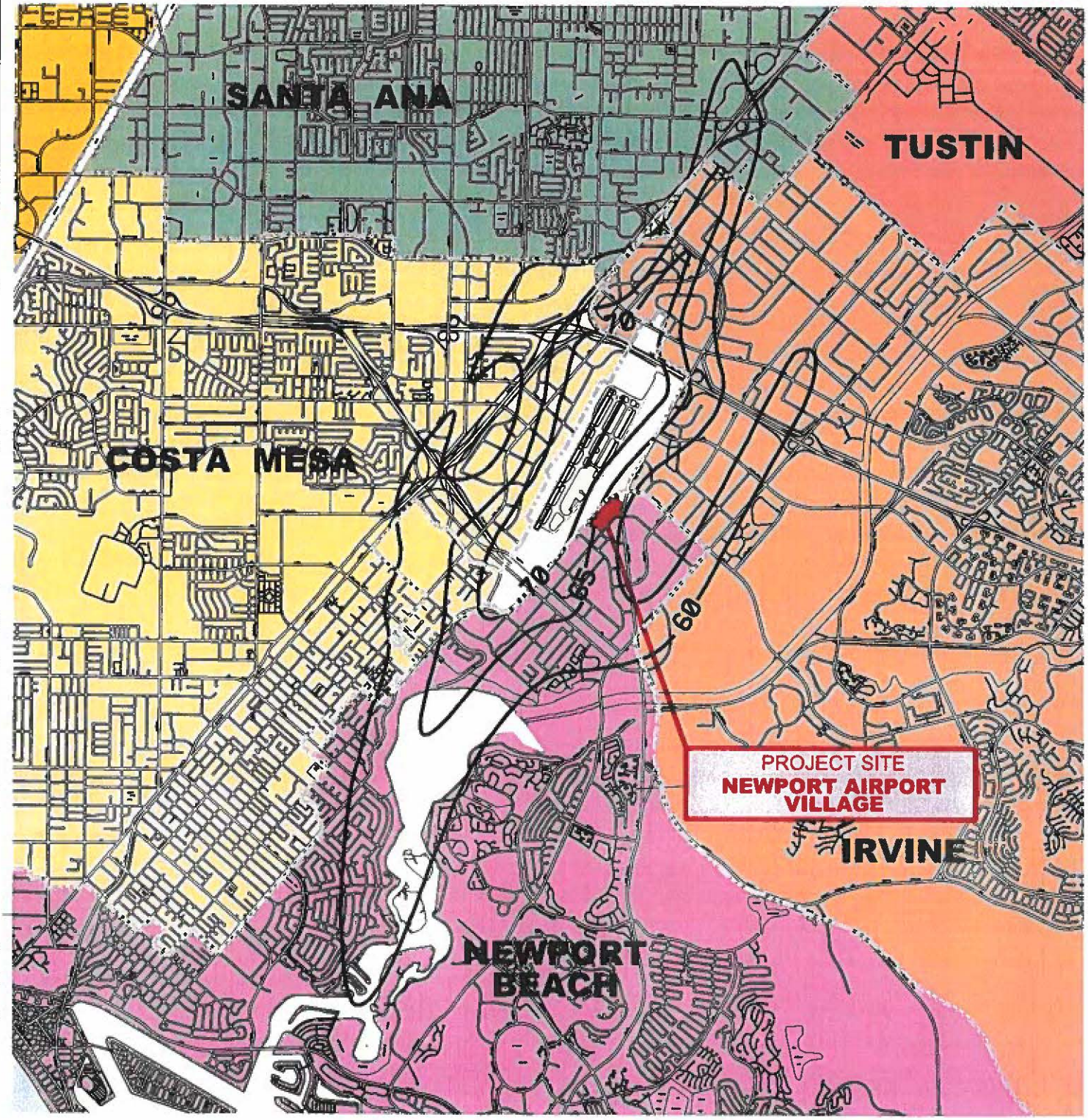
1. Project Location
2. JWA CNEL Contours
3. Obstruction Imaginary Surfaces
4. FAR Part 77 Notification Area for JWA
5. FAA Aeronautical Study No. 2020-AWP-4497-OE
6. FAA Aeronautical Study No. 2020-AWP-3998-OE
7. JWA Safety Zones
8. JWA Flight Tracks
9. Letters from JWA and ALUC to City of Newport Beach
10. Newport Beach Submittal

ATTACHMENT 1

Newport Airport Village Location



ATTACHMENT 2



Note: County Unincorporated areas are shown in white.

John Wayne Airport Impact Zones

Composite contour from John Wayne Airport Project Case–1990 and 2005 (see section 2.2.1)

LEGEND

- 65 CNEL CONTOUR
- RUNWAY PROTECTION ZONE
- CITY BOUNDARIES
- AIRPORT BOUNDARIES

Scale in Feet

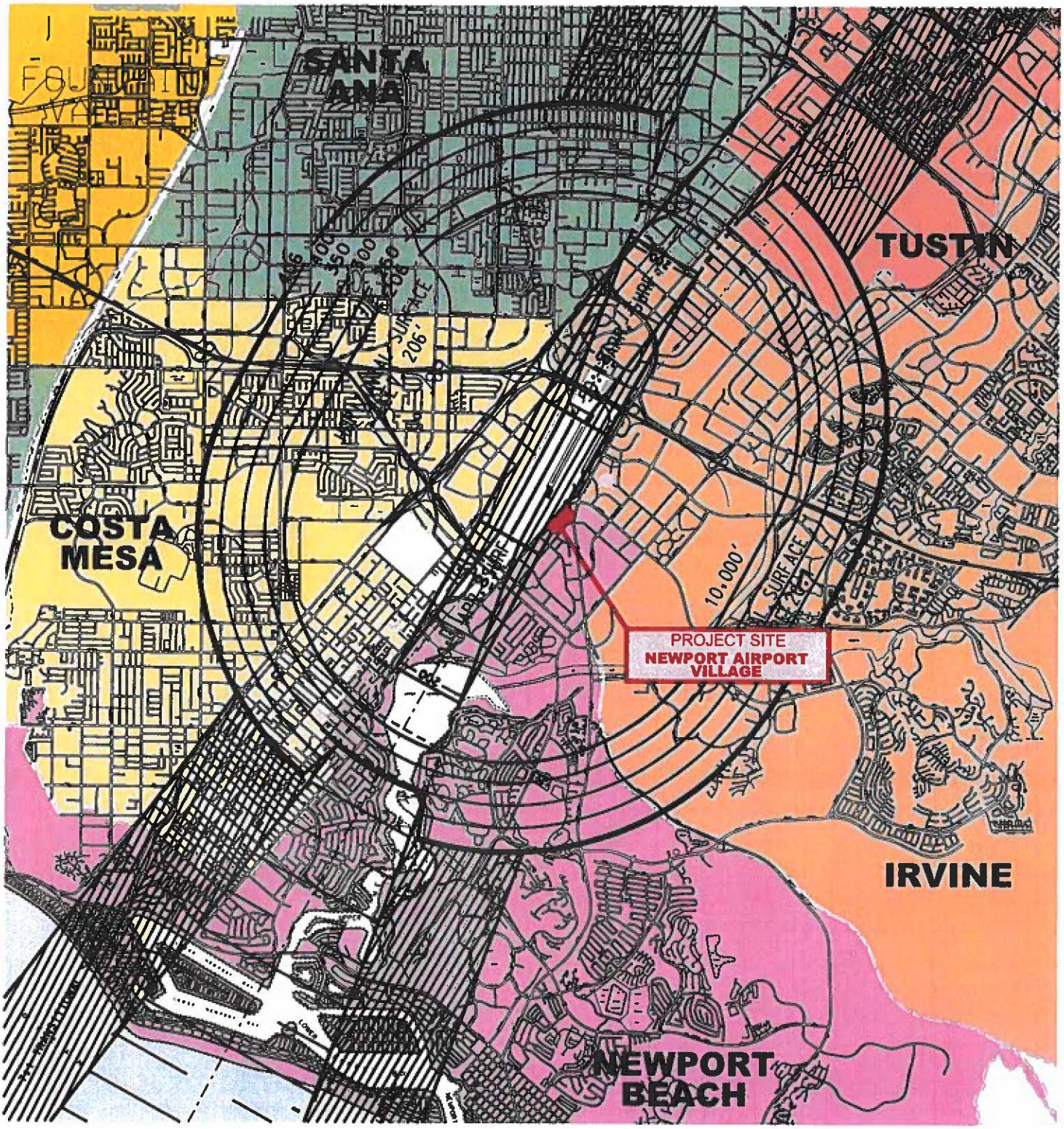
CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

Lea Choum, Executive Officer Date

AELUP-2007/NewportAirportVillage.dgn

ATTACHMENT 3



Note: County Unincorporated areas are shown in white.

FAR PART 77
John Wayne Airport Obstruction Imaginary Surfaces

LEGEND

CITY BOUNDARIES

AIRPORT BOUNDARIES

CERTIFICATION

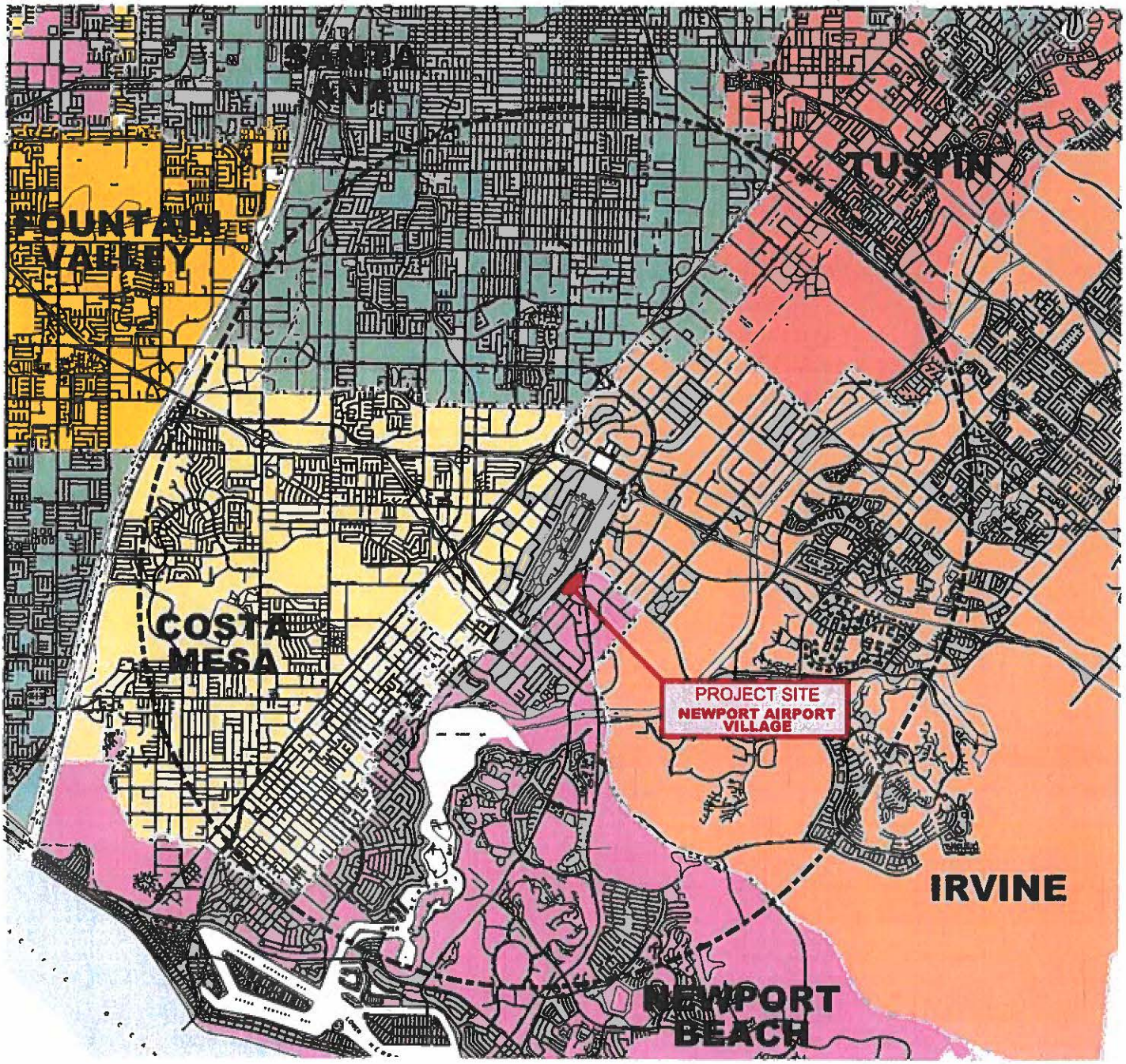
Adopted by the Airport Land Use Commission for Orange County

Lea Choum, Executive Officer Date

AELUP-2007/NewportAirportVillage.dgn

ATTACHMENT 4

AELUP Notification Area for JWA



Note: County Unincorporated areas are shown in white.

FAR PART 77

Notification Area for John Wayne Airport: 20,000' Radius at 100:1 Slope

LEGEND

- 20,000'Radius
- CITY BOUNDARIES
- AIRPORT BOUNDARIES

Scale In Feet

CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

Lea Choum, Executive Officer Date

AELUP-2007/Jwanotf-NewportAirportVillage.dgn

ATTACHMENT 5

Federal Aviation Administration

The site will be off-line intermittently all day Saturday, 11 July 2020 for upgrades. Please plan accordingly.

Search Archived Cases

Searches - Desk Reference Guide V_2018.2.0

- Search the entire archive of OE/AAA cases.
- Enter/select any combination of fields to construct a desired query.
- Note. the system returns a maximum of 2000 records.

Please enter a valid ASN. The ASN you requested was terminated and is no longer valid. For additional information click here to contact the appropriate representative.

Search For: (•) **Off Airport Cases or** ( ) **On Airport Cases**

Year:	2020	**ASN:**	2020 - AWP - 4497 - OE
FAA Region:		**FCC Number:**	
City:		**Status:**	All
State:		**7460-2 Filed:**	

Search for OE/AAA off airport cases by Signature Control Number
This number is located on the bottom of letters and postcards

Signature Control Number: -

Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2020-AWP-4497-OE
Prior Study No.
2020-AWP-3998-OE

Issued Date: 04/28/2020

Patrick B. Strader
Starpointe Ventures
19700 Fairchild Road Suite 240
Irvine, CA 92612

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building Newport Airport Village
Location:	Newport Beach, CA
Latitude:	33-40-13.00N NAD 83
Longitude:	117-52-00.00W
Heights:	44 feet site elevation (SE)
	85 feet above ground level (AGL)
	129 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

_____ At least 10 days prior to start of construction (7460-2, Part 1)
__X__ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination expires on 10/28/2021 unless:

(a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
(b) extended, revised, or terminated by the issuing office.
(c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

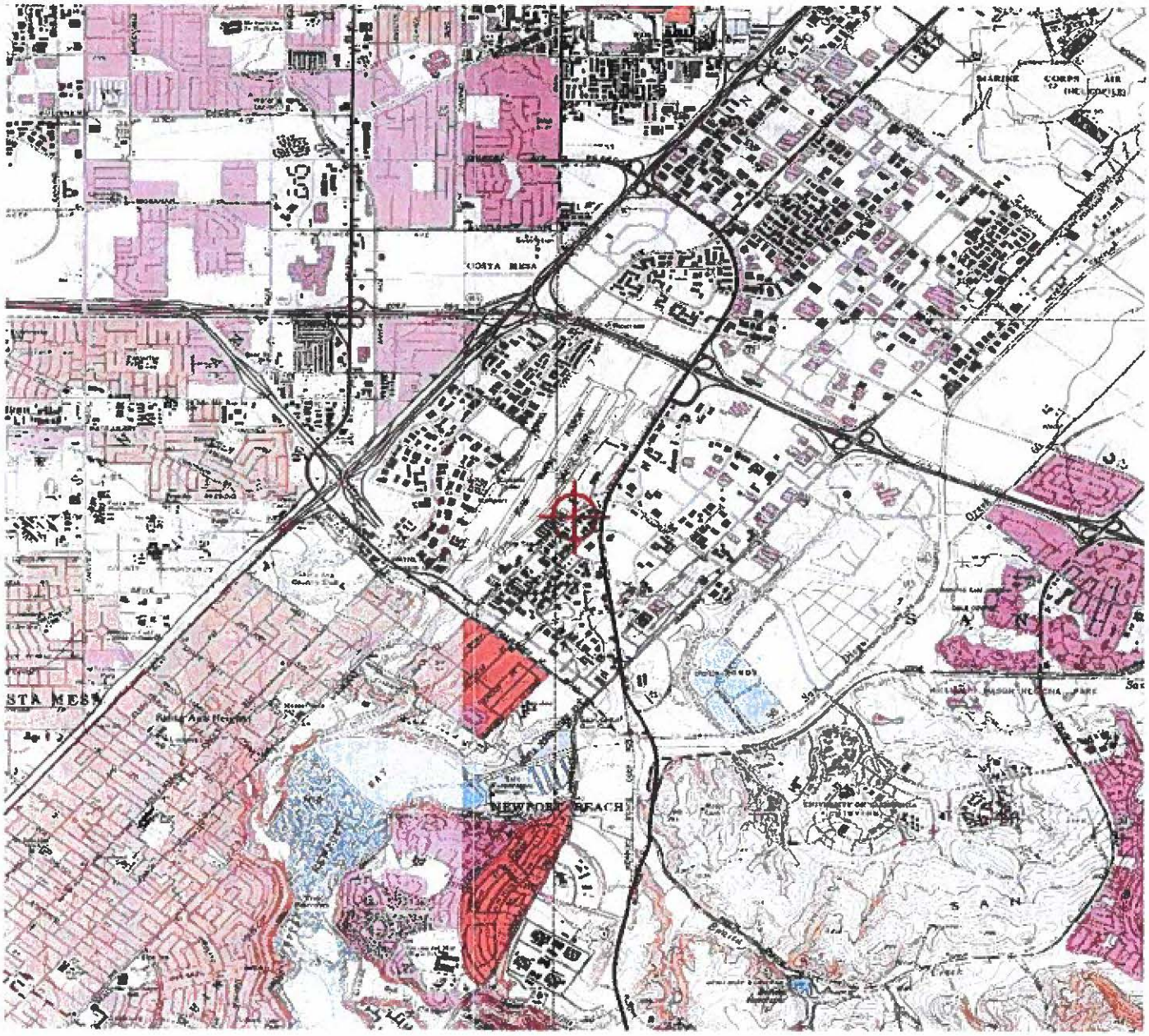
This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

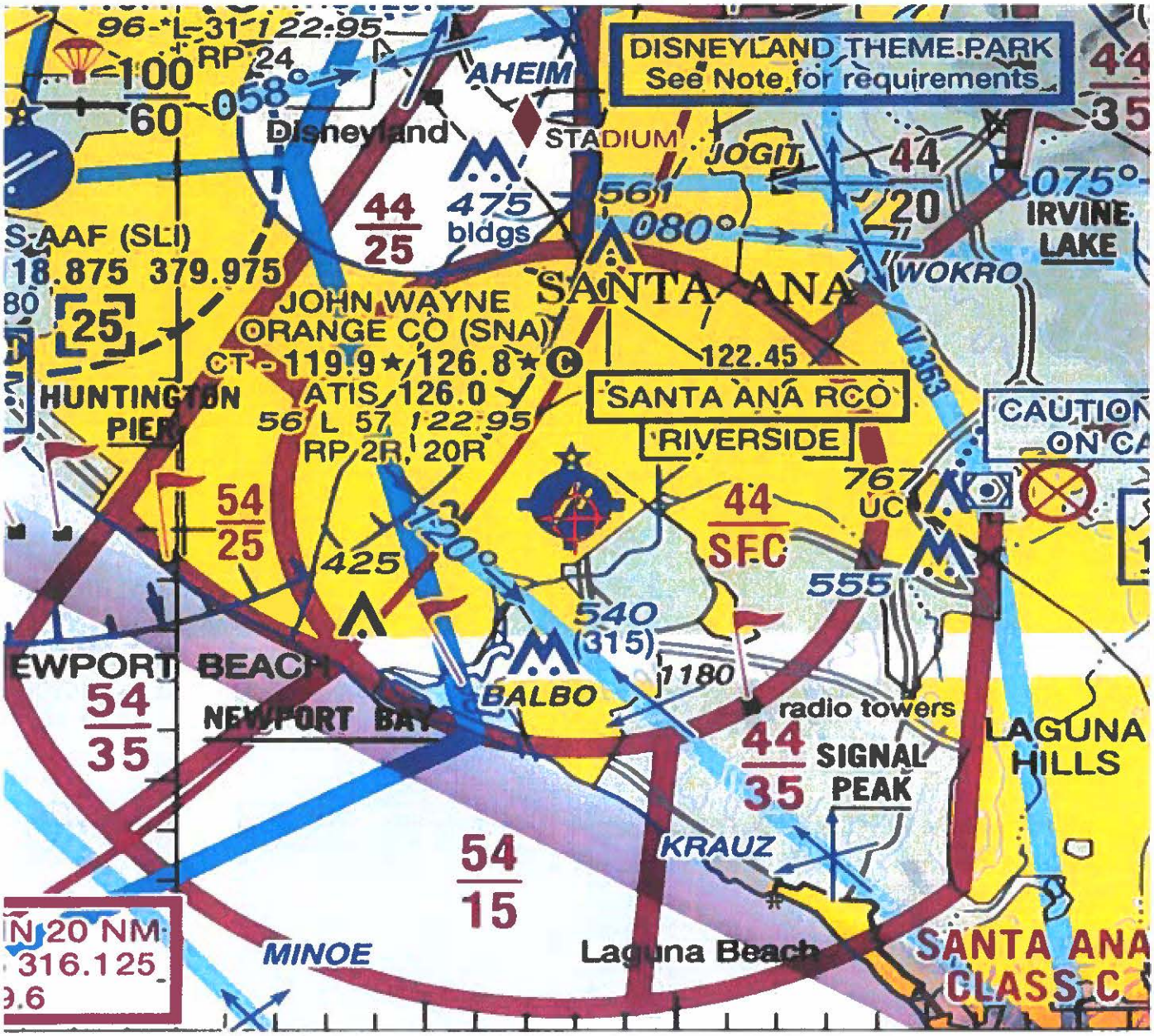
If we can be of further assistance, please contact our office at (206) 231-2877, or Nicholas.Sanders@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-AWP-4497-OE.

Signature Control No: 436817885-437918405 (DNE)
Nicholas Sanders
Technician

Attachment(s)
Map(s)

TOPO Map for ASN 2020-AWP-4497-OE




DISNEYLAND THEME PARK
See Note for requirements
Disneyland
STADIUM
JOGIT
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bldgs
IRVINE
LAKE
WOKRO
SANTA ANA
JOHN WAYNE
ORANGE CO (SNA)
CT 119.9 126.8
ATIS 126.0
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SANTA ANA RCO
RIVERSIDE
HUNTINGTON
PIER
CAUTION
ON CA
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SFC
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NEWPORT BAY
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SIGNAL
PEAK
LAGUNA
HILLS
KRAUZ
MINOE
Laguna Beach
SANTA ANA
CLASS C
316.125

ATTACHMENT 6

Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2020-AWP-3998-OE

Issued Date: 04/16/2020

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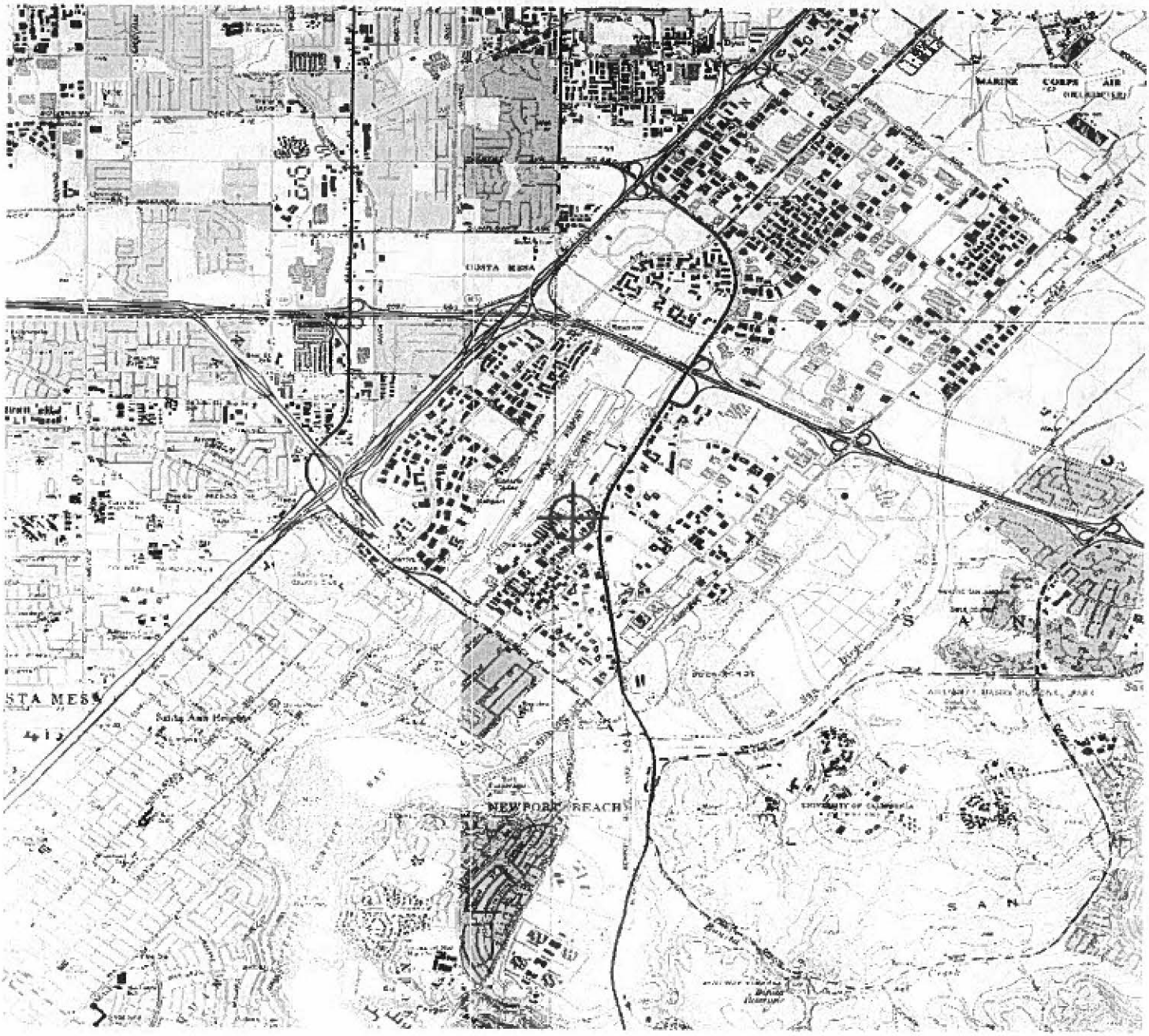
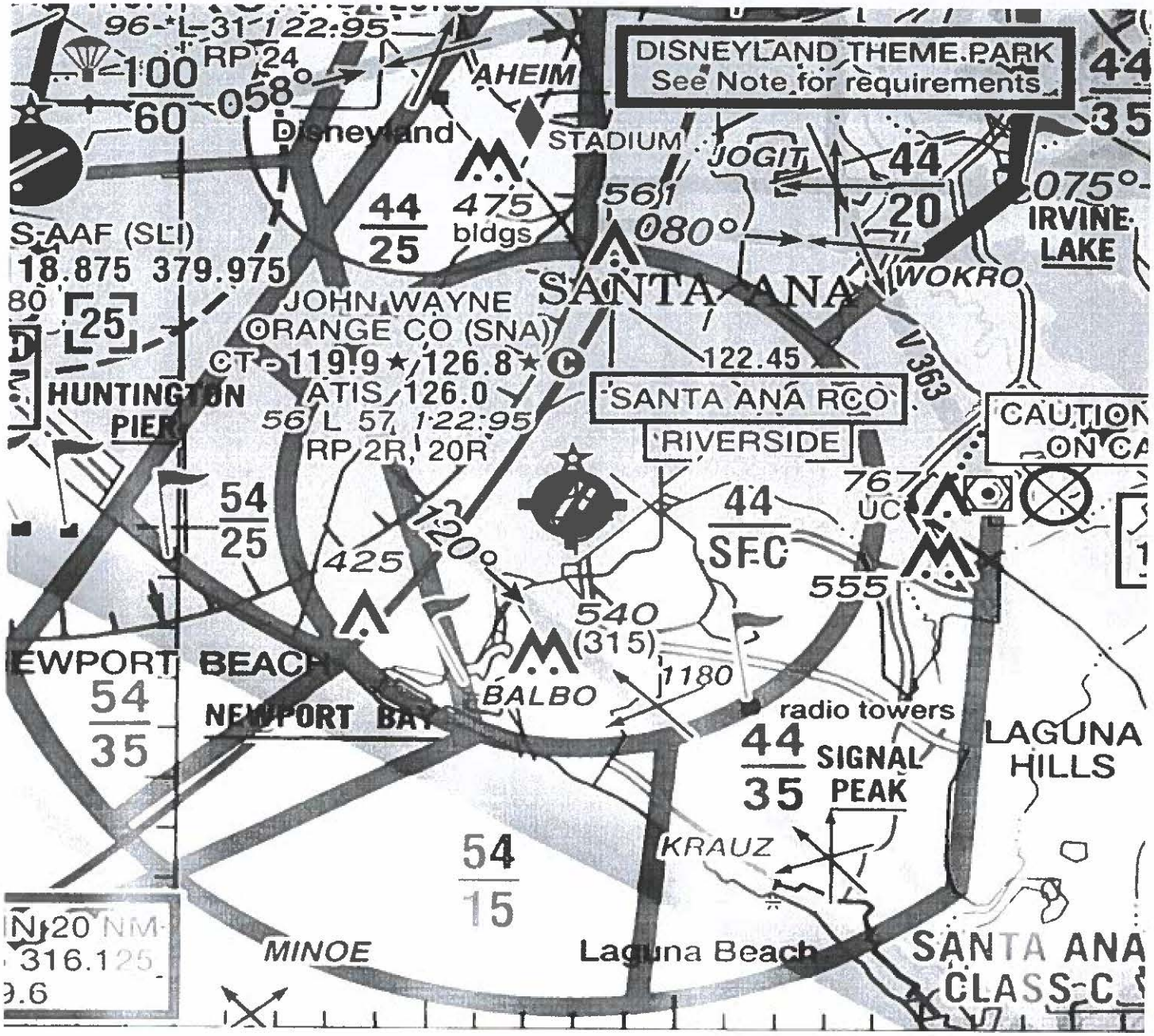
Signature Control No: 435810593-436724664 (DNE)
Nicholas Sanders
Technician

Attachment(s)
Map(s)


MARINE CORPS AIR
COSTA MESA
NEWPORT BEACH
SAN
SAN


DISNEYLAND THEME PARK
See Note for requirements
AHEIM
Disneyland
STADIUM
JOGIT
475
bldgs
44
25
561
080°
SANTA ANA
WOKRO
IRVINE
LAKE
075°
20
JOHN WAYNE
ORANGE CO (SNA)
CT 119.9 ★ 126.8 ★
ATIS 126.0
56 L 57 122.95
RP 2R, 20R
122.45
V 363
SANTA ANA RCO
RIVERSIDE
CAUTION
HUNTINGTON
PIER
54
25
425
120°
44
SEC
767
UC
555
540
(315)
1180
BALBO
EWPORT BEACH
NEWPORT BAY
54
35
radio towers
44
35
SIGNAL
PEAK
LAGUNA
HILLS
KRAUZ
54
15
MINOE
Laguna Beach
SANTA ANA
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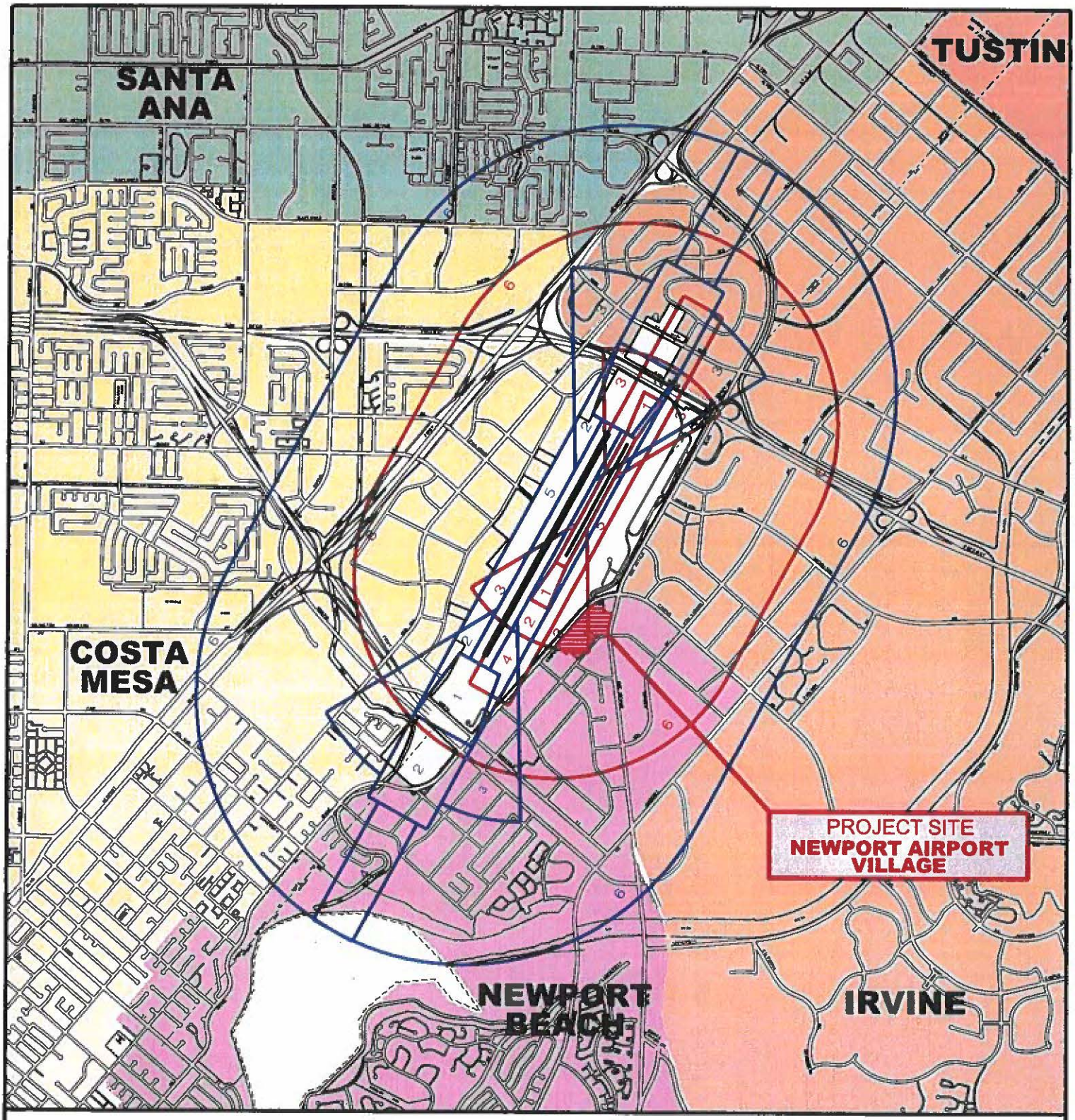
ATTACHMENT 7



John Wayne Airport Safety Zone Reference Map

LEGEND

1. RUNWAY PROTECTION ZONE
2. INNER APPROACH / DEPARTURE ZONE
3. INNER TURNING ZONE
4. OUTER APPROACH / DEPARTURE ZONE
5. SIDELINE ZONE
6. TRAFFIC PATTERN ZONE

1-6 SAFETY COMPATIBILITY ZONES FOR RUNWAY 2L & 20R (A MEDIUM GENERAL AVIATION RUNWAY AS DESCRIBED IN THE CALIFORNIA AIRPORT LAND USE PLANNING HANDBOOK, JANUARY 2002 EDITION)

1-6 SAFETY COMPATIBILITY ZONES FOR RUNWAY 2R & 20L (A SHORT GENERAL AVIATION RUNWAY AS DESCRIBED IN THE CALIFORNIA AIRPORT LAND USE PLANNING HANDBOOK, JANUARY 2002 EDITION)

Scale in Feet

CERTIFICATION

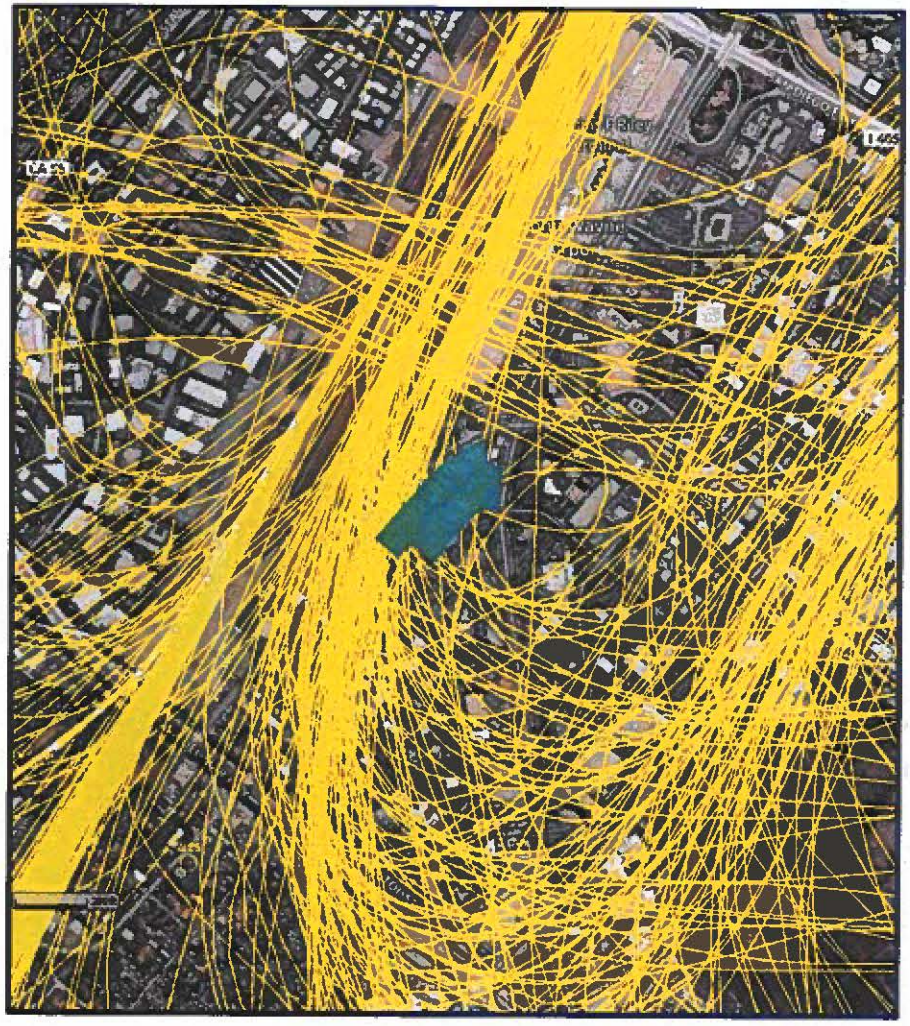
Adopted by the Airport Land Use Commission for Orange County

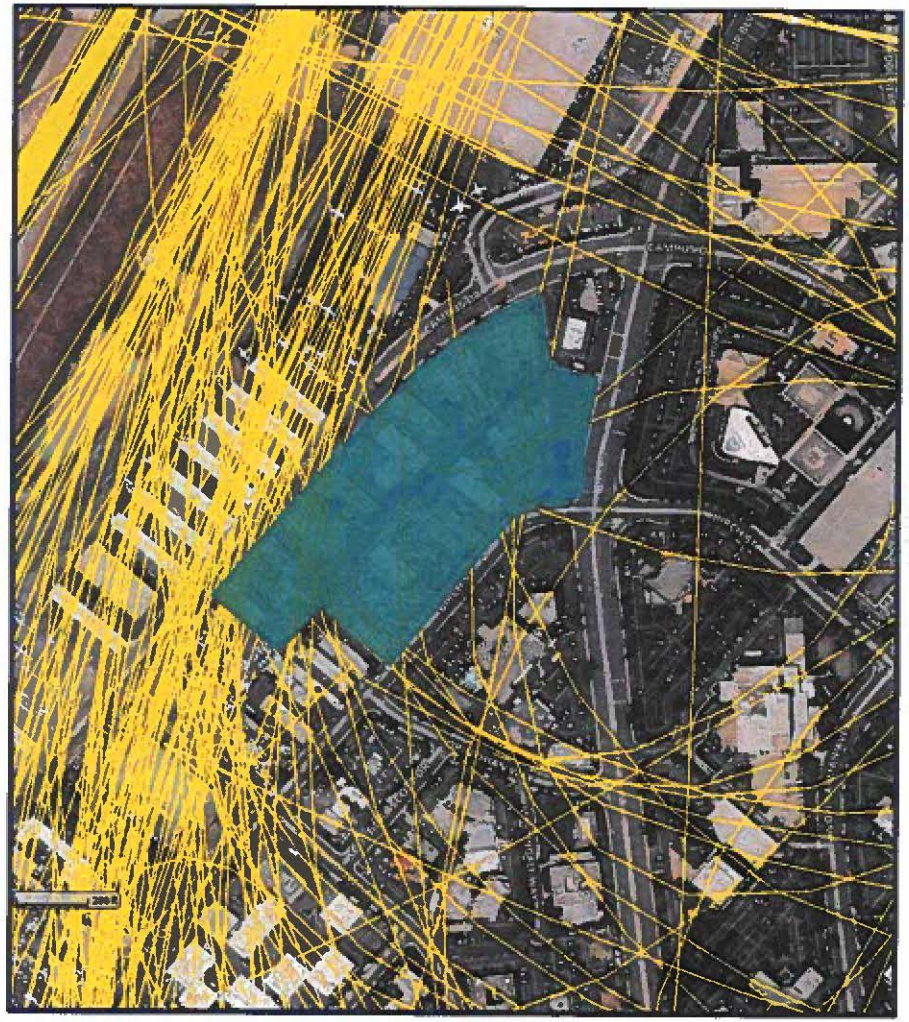
Lea Choum, Executive Officer Date

AELUP-2007/jwastzonerf-NewportAirportVillage.dgn

ATTACHMENT 8

John Wayne Airport Flight Tracks
Newport Airport Village
Sunday, January 19, 2020
19 Operations | Avg. Altitude = 398 ft. MSL





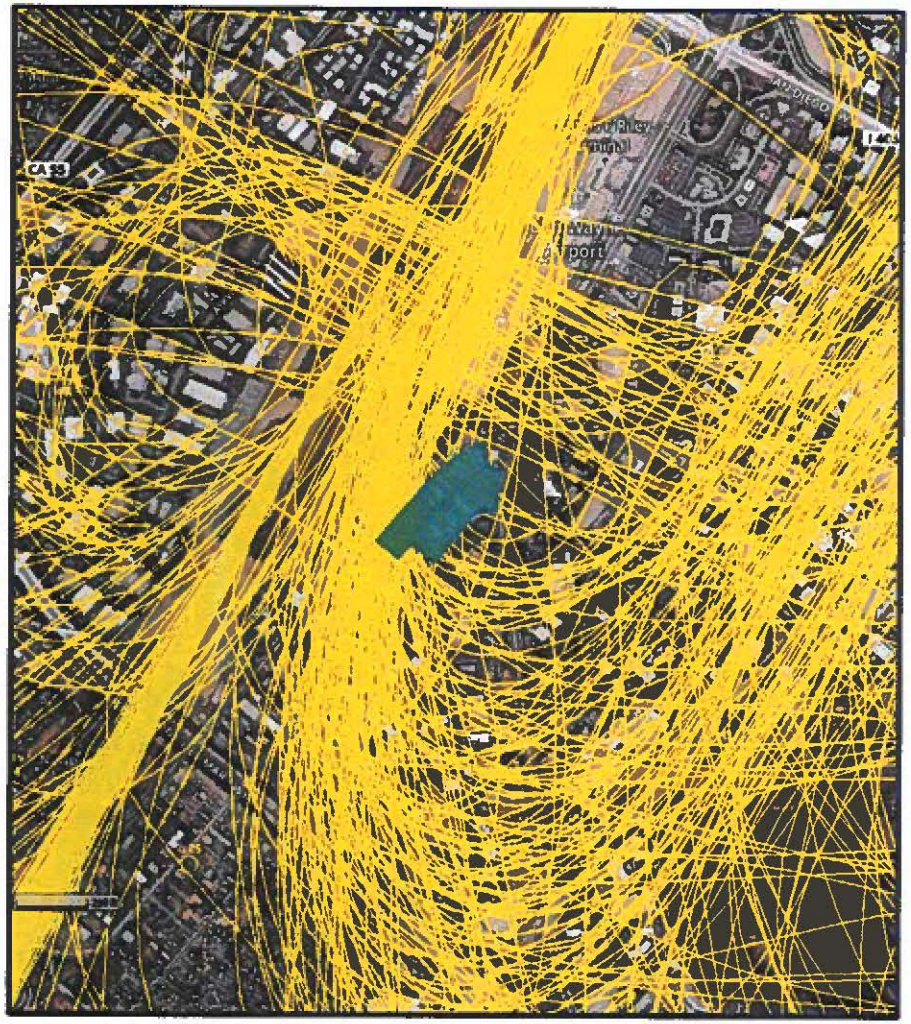
Flight Tracks for Newport Airport Village*

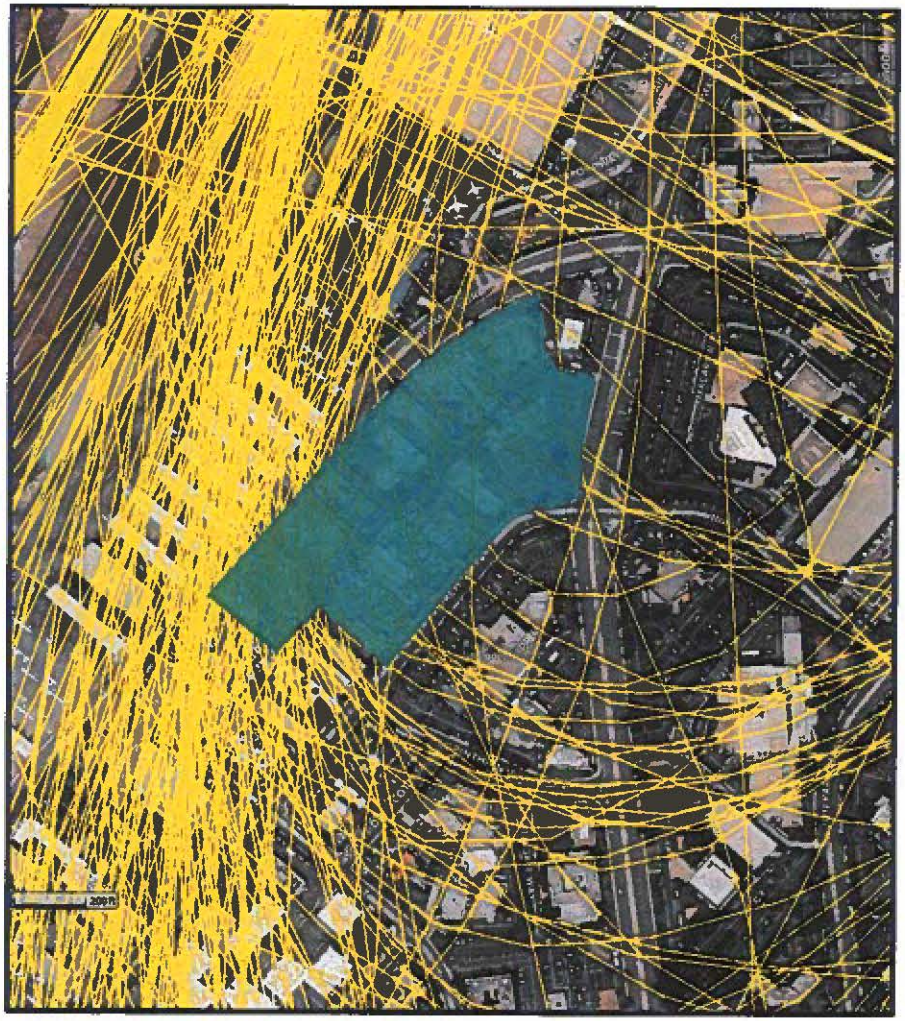
Sunday, January 19, 2020 (Standard Operations)

Time	Aircraft Type	Altitude (Feet AMSL)
9:09:17	C172	613
9:40:08	P28A	295
10:55:52	C172	133
11:57:43	BE33	236
12:11:38	R22	313
12:28:54	P28A	414
12:29:45	EVSS	458
12:46:39	C210	190
13:22:07	C172	405
13:24:10	C172	391
14:21:37	C172	317
14:29:59	C172	260
14:33:46	EVSS	381
14:47:00	E300	737
14:49:36	C172	321
15:54:18	C152	391
16:30:51	EVSS	721
17:20:24	BL8	495
18:24:04	P28A	498
Avg. Alt. (ft) MSL		398

* Includes all flights directly over:
4320, 4340, 4360, 4400, 4500, 4520, 4570, 4600, and 4630 Campus Drive;
4525, 4533 and 4647 MacArthur Boulevard;
and 4341, 4361, and 4501 Birch Street.

John Wayne Airport Flight Tracks
Newport Airport Village
Thursday, January 23, 2020
40 Operations | Avg. Altitude = 412 ft. MSL





Flight Tracks for Newport Airport Village*

Thursday, January 23, 2020 (Standard Operations)

Time	Aircraft Type	Altitude (Feet AMSL)	Time	Aircraft Type	Altitude (Feet AMSL)
7:18:22	C182	326	12:56:06	C172	267
9:14:39	M20P	415	13:00:43	C172	352
9:16:52	CRUZ	421	13:02:46	C172	289
9:30:55	R44	442	13:09:05	C172	324
9:48:24	C172	390	13:19:48	C182	437
10:01:44	C172	401	13:42:01	P28A	245
10:06:43	C172	392	14:04:24	C172	230
10:35:05	R44	414	14:06:04	C172	498
10:42:33	R44	401	14:14:54	C172	455
11:01:14	AS50	311	14:18:22	AL3	521
11:11:33	C172	405	15:16:14	C172	537
11:19:47	C120	189	15:33:24	E300	738
11:20:53	R44	536	15:33:49	RV6	478
11:45:22	E300	887	15:55:08	CH7B	402
11:49:01	EVSS	285	16:37:10	EVSS	61
11:58:29	C172	413	16:40:32	C150	401
12:19:00	C182	359	16:59:21	BL8	299
12:23:53	P28A	277	17:00:37	R22	439
12:35:16	HXA	420	17:13:13	R22	267
12:36:13	C172	367	17:27:37	SR22	1182
			Avg. Alt. (ft) MSL		412

* Includes all flights directly over:
4320, 4340, 4360, 4400, 4500, 4520, 4570, 4600, and 4630 Campus Drive;
4525, 4533 and 4647 MacArthur Boulevard;
and 4341, 4361, and 4501 Birch Street.

ATTACHMENT 9

AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

April 22, 2020

City of Newport Beach Planning Commission
100 Civic Center Drive
Newport Beach, CA 92660

Subject: Planning Commission Agenda Item No. 2 – Study Session for Newport Airport Village Planned Community (PA2014-225)

Dear Planning Commissioners:

Thank you for the opportunity to provide comments on the proposed Newport Airport Village Planned Community. The proposed project would require a General Plan Amendment, Zoning Code Amendment, a Planned Community Development Plan and a Development Agreement. The proposed mixed-use project includes construction of up to 444 residential units and up to 297,000 square feet of commercial and office development on parcels adjacent to John Wayne Airport. The properties proposed for development are currently designated by the General Plan as Airport Office and Supporting Uses (AO) and zoned as Office Airport (OA).

A portion of the project site is located within the 65 CNEL noise contour and the remainder is located within the 60 CNEL noise contour. Noise sensitive uses such as residential are considered inconsistent with the 65 CNEL contour and should be limited or excluded within the 60 CNEL contour, unless sufficiently sound attenuated (as indicated in the Airport Environs Land Use Plan for John Wayne Airport).

The proposed project site falls within Safety Zone 6, Traffic Pattern Zone and a portion of the site also falls within Safety Zone 3, the Inner Turning Zone, for JWA. This zone limits residential uses and nonresidential uses having moderate or higher usage intensities, and buildings with more than three aboveground habitable floors are generally unacceptable.

The proposed project site is within the Obstruction Imaginary Surfaces for JWA. Proposed building heights should be evaluated so that they do not penetrate the obstruction imaginary surfaces as the airspace above these surfaces are reserved for air navigation.

The notification surface would be penetrated at approximately 59 feet Above Mean Sea Level (AMSL). With a ground elevation of approximately 44 feet AMSL, any buildings above 15 feet would penetrate the notification surface, which requires FAA notification. As such, Form 7460-1 Notice of Construction or Alteration should be submitted. The

FAA's lead time to complete an airspace determination is approximately eight weeks, so we recommend that it be submitted as soon as possible.

Since this project requires changes to the Newport Beach General Plan and Zoning Code, the City must submit the project to the Airport Land Use Commission for a consistency determination. ALUC would hear the item after the FAA Determination is completed, but before City Council public hearing.

Thank you again for the opportunity to review and comment on this agenda item. Please feel free to contact me at (949) 252-5123 or at lchoum@ocair.com with any questions.

Sincerely,

Lea U. Choum

Lea U. Choum, Executive Officer

cc: ALUC Commissioners
Gregg Ramirez, City of Newport Beach

JOHN WAYNE AIRPORT
ORANGE COUNTY

Barry A. Rondinella
A.A.E./C.A.E.
Airport Director

April 22, 2020

City of Newport Beach Planning Commission
100 Civic Center Drive
Newport Beach, CA 92660

Subject: Planning Commission Agenda Item No. 2 – Study Session for Newport Airport Village Planned Community (PA2014-225)

Dear Planning Commissioners:

Thank you for the opportunity to provide comments on the proposed Newport Airport Village Planned Community. The proposed project would require a General Plan Amendment, Zoning Code Amendment, a Planned Community Development Plan and a Development Agreement. The proposed mixed-use project includes construction of up to 444 residential units and up to 297,000 square feet of commercial and office development on parcels adjacent to John Wayne Airport. The properties proposed for development are currently designated by the General Plan as Airport Office and Supporting Uses (AO) and zoned as Office Airport (OA).

Due to the limited information provided in the staff report for this item, only general comments are provided at this time. The proposed project site is within Safety Zone 3, the Inner Turning Zone, for JWA. This zone limits residential uses and nonresidential uses having moderate or higher usage intensities and buildings with more than three aboveground habitable floors are generally unacceptable.

Based on the Vicinity Map included as Attachment 1 of the staff report, a portion of the project site is located within the 65 CNEL noise contour and the remainder is located within the 60 CNEL noise contour. Noise sensitive uses such as residential are considered inconsistent with the 65 CNEL contour and should be limited within the 60 CNEL contour as indicated in the Airport Environs Land Use Plan for John Wayne Airport.

The Conceptual Land Use Map in Attachment 3 of the staff report shows at least two access points off of Campus Drive, directly across from John Wayne Airport. We are concerned about the amount of traffic that would be generated from this proposed high-intensity use on the street that provides primary access to the airport.

John Wayne Airport is opposed to the project, as proposed, for the reasons provided above. We would like to be included on any further plans, environmental documents or proposed actions regarding this project.

3160 Airway Avenue
Costa Mesa, CA
92626-4608
(949) 252-5171
(949) 252-5178 FAX
www.ocair.com

Thank you again for the opportunity to review and comment on this agenda item. Please feel free to contact me at (949) 252-5270 or at lserafini@ocair.com.

Sincerely,

L. G. Serafini, JWA
Deputy Airport Director/Facilities

cc: Barry L. Rondinella, Airport Director
Gregg Ramirez, City of Newport Beach

ATTACHMENT 10

CITY OF NEWPORT BEACH
100 Civic Center Drive
Newport Beach, California 92660
949 644-3200
newportbeachca.gov/communitydevelopment

RECEIVED
JUN 29 2020
JWA

June 29, 2020

Lea Choum, Executive Officer
Airport Land Use Commission for Orange County
John Wayne Airport
3160 Airway Avenue
Costa Mesa, CA 92626

RE: Newport Airport Village (PA2014-225)
Northerly portion of the Campus Tract, generally bounded by Birch Street, Campus Drive, MacArthur Boulevard and the extension of Corinthian Way
4341, 4361, and 4501 Birch Street
4320, 4340, 4360, 4400, 4540, 4500, 4520, 4570, 4600, and 4630 Campus Drive
4525, 4533 and 4647 MacArthur Boulevard

Dear Ms. Choum:

Pursuant to Section 4.7 of the Airport Environs Land Use Plan (AELUP) for John Wayne Airport, the City of Newport Beach ("City") requests that the Airport Land Use Commission (ALUC) review the proposed Newport Airport Village project for consistency with the AELUP at its July 16, 2020, meeting.

Project Summary

The applicant requests legislative approvals consisting of a General Plan Amendment (GPA), Zoning Code Amendment to approve the Newport Airport Village Planned Community Development Plan (PCDP), and a Development Agreement (DA) for the 16.46-acre project site within the Campus Tract, adjacent to the John Wayne Airport (JWA). Ultimately up to 444 dwelling units (329 base units and 115 density bonus units) and 297,572 square feet of retail, office, and airport supporting uses could be accommodated at the project site.

The GPA would change the land use category of the site from AO (Airport Office) to MU-H2 (Mixed Use Horizontal 2). The change would permit the site to be developed with residential units currently provided for within the MU-H2 land use category. The site currently has a non-residential development limit of 358,498 gross square feet. No development capacity increase above what the City's General Plan currently allows for the Airport Area is proposed. The PCDP would establish permitted uses, development standards, and design guidelines for the future redevelopment of the project site with mixed-use and commercial development. The applicant

requests a development agreement that would provide rights to develop the PCDP and public benefits consisting of the payment of substantial fees not otherwise required. No specific development project is included in this application. Future development projects would go through the City's existing Site Development Review process prior to building permit issuance. Minor development might be approvable at the staff level and more significant projects will require a public hearing with either the Zoning Administrator or Planning Commission depending upon the size of the project.

Required Approvals

Development of the proposed project requires the following approvals from the City:

Approval	Why is it required?
General Plan Amendment (GPA)	To change the General Plan Land Use Designation of the project site from Airport Office (AO) to Mixed Use Horizontal 2 (MU-H2) and to amend Table LU2 (Anomaly Locations) to add the project site as an anomaly to allow for the development of 329 dwelling units, plus the potential for 115 density bonus units and 297,572 square feet of non-residential floor area. Currently, the General Plan allows 358,498 square feet of commercial development. See Attachment No. ALUC 2 for the GPA exhibit.
Zoning Code Amendment and Adoption of Planned Community Development Plan (PCDP)	To change the zoning district of the project site from OA (Office Airport) to PC (Newport Airport Village Planned Community) and to adopt the Newport Airport Village Planned Community Development Plan (PCDP). The PCDP sets the development, design and land use standards for the project site. Maximum allowed building height proposed is 85 feet for residential and mixed-use structures and 37 feet for commercial structures. Refer to Attachment No. ALUC 3 for the PCDP which provides more details regarding allowed land uses and development standards.
Development Agreement (DA)	The applicant has requested a development agreement, which will provide for public benefits as the project is implemented.
Addendum to two previous Environmental Impact Reports ("Addendum")	To address reasonably foreseeable environmental impacts resulting from the requested approvals pursuant to the California Environmental Quality Act (CEQA).

It should be noted that the City's Planning Commission voted unanimously (6 – 0) at its June 4, 2020 meeting to recommend the City Council certify the Addendum and approve the project.

Project Location

The 16.46-acre project site is generally located southeast of John Wayne Airport and is west of MacArthur Boulevard, south of Campus Drive, north of Birch Street, and about 550 feet north of Dove Street (Attachment No. ALUC 1). The John Wayne Airport 65-decibels (dB) Community Noise Equivalent Level (CNEL) noise contour transects the site, running from north to south and approximately half of the project site is located within the 65-dBA CNEL contour. Portions of the project site are also within the John Wayne Airport Safety Zone 3. The project site is currently developed with a variety of commercial uses, including retail, restaurants, rental vehicle facilities and office buildings.

Latitude and Longitude

The table below includes approximate latitude and longitude for the four corners of the property.

Corner	Latitude	Longitude
Northwest Corner	33.67134° N	117.86517° W
Southwest Corner	33.66859° N	117.86862° W
Northeast Corner	33.67049° N	117.86453° W
Southeast Corner	33.66778° N	117.86694° W

Surrounding Building Heights

Please refer to Attachment No. ALUC 4 to view the heights of buildings within a 1,000-foot radius of the subject property.

Surrounding Land Uses

Please refer to Attachment No. ALUC 5 for land use exhibit and a table listing existing land uses on the subject properties.

FAA Filing

The applicant received a Determination of No Hazard to Air Navigation from the Federal Aviation Administration (FAA) on April 28, 2020, for buildings up to 85 feet (Attachment No. ALUC 6). The FAA Form 7460-2 (Notice of Actual Construction or Alteration) must be filed electronically within five (5) days after the construction reaches its greatest height. The determination stated that while marking and lighting are not necessary, should they be included, the installation and maintenance would be in accordance with the FAA Advisory circular 70/7460-1 L.

JWA Related Information (Noise and Safety)

Noise Contours – The proposed project is located within Noise Impact Zone "1" – High Noise Impact (65-dB CNEL and above) and Noise Impact Zone "2" – Moderate Noise Impact (60-dB CNEL or greater, less than 65-dB CNEL). Pursuant to the proposed PCDP regulations, no residential or mixed-use land uses are allowed within Noise Impact Zone 1. The PCDP further requires that residential construction comply with Newport Beach Municipal Code (NBMC) Section 10.26.030, which requires that the interior ambient noise level of the dwelling units does not exceed 45 dBA between 7:00 a.m. and 10:00 p.m., 40 dBA between 10:00 p.m. and 7:00 a.m. Additionally, the PCDP requires notification signs to be placed in outdoor open areas and recreation areas. Residential use is considered "conditionally consistent" with the airport by the

AELUP provided interior noise mitigation and exterior notice as described is provided. Please see pages 5 to 7 of the PCDP (Attachment No. ALUC 3) for a land use map and land use regulations related to noise.

Runway Protection Zone (RPZ) – The proposed project is not located in the RPZ.

Safety Zones – Portions of the site are located in John Wayne Airport Safety Zone 3 and Safety Zone 6. Pursuant to the proposed PCDP regulations, no residential units would be allowed within Safety Zone 3. Please see pages 5 to 7 of the PCDP (Attachment No. ALUC 3) for a land use map and land use regulations. See Attachment No. ALUC 7 for location of property relative to safety zones.

Traffic Analysis - To assess any potential traffic issues, a traffic analysis was prepared by Urban Crossroads for use in the CEQA analysis based on the Newport Beach Traffic Model (NBTM).

When compared to the land uses currently allowed on the site by the current General Plan, the proposed development without the density bonus dwelling units results in four fewer AM peak hour trips, 73 fewer PM peak hour trips and 763 fewer average daily trips (ADT). With the density bonus, proposed development results in an increase of 52 AM peak hour trips, a decrease of 22 PM peak hour trips and a decrease of 199 ADT. As a result of these trip generation changes, the analysis did not identify any intersection or other traffic-related impacts that would be created by the proposed project. The traffic analysis is included as Appendix A to the EIR Addendum (Attachment No. ALUC 8).

Please note that since development is not proposed at this time, the traffic analysis compared allowed land uses only. When a development project is proposed in the future, the City will evaluate the specific land uses changes to determine if a traffic study is required. The City's Traffic Phasing Ordinance requires the preparation of a traffic study when a proposed development increases the average daily traffic by 300 trips over existing uses. Additionally, site access locations for daily use and emergency access will be examined to ensure safe and efficient vehicular circulation and access.

EIR Addendum Analysis – Please see Attachment No. ALUC 8. The following sections are most relevant to the project's relationship to JWA:

- Hazards and Hazardous Materials – Page 116
- Land Use and Planning – Page 140
- Noise – Page 158

Environmental Impact Report

An Addendum to Program Environmental Impact Report (PEIR) for the General Plan 2006 Update (SCH No. 2006011119) and Supplemental EIR (SEIR) for the 2014 Update to the Land Use Element of the General Plan (SCH No. 2013101064) was prepared. The Addendum analyzed all required topical sections including those most relevant to JWA operations. These sections include Hazards and Hazardous Materials (page 116), Land Use and Planning (page 140) and Noise (page 158). No significant unavoidable impacts were identified in the analysis. A copy of the Addendum is provided as Attachment No. ALUC 8.

Hearing/Meeting Schedule (Tentative)

- Newport Beach Planning Commission – June 4, 2020 - Unanimously voted 6-0 to recommend City Council approval
- Airport Land Use Commission (ALUC) – July 16, 2020
- Newport Beach City Council – August 2020

Should you have any questions concerning the preceding information, I can be reached at dblumenthal@newportbeachca.gov or 949-644-3204.

Sincerely,

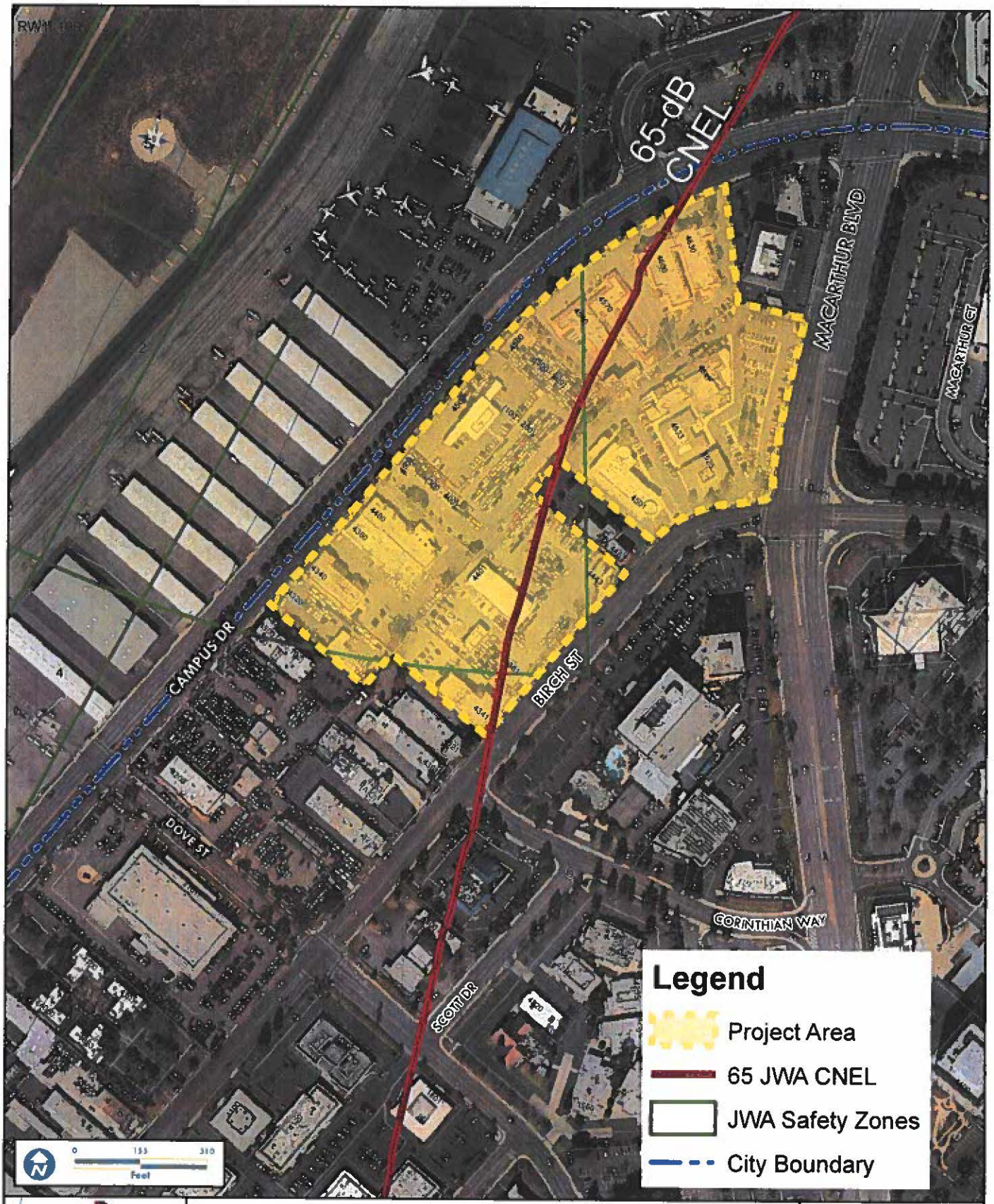
David Blumenthal, AICP,
Planning Consultant

Attachments:

ALUC 1.	Vicinity Map
ALUC 2.	General Plan Amendment Exhibit
ALUC 3.	Proposed PC-60 Development Plan
ALUC 4.	Building Heights of Surrounding Structures Map
ALUC 5.	Adjacent Land Uses Map
ALUC 6.	FAA Determination
ALUC 7.	JWA Safety Zones
ALUC 8.	Draft EIR Addendum (Flash Drive)

Attachment ALUC 1

Vicinity Map



Vicinity Map - Newport Airport Village

(PA2014-225)

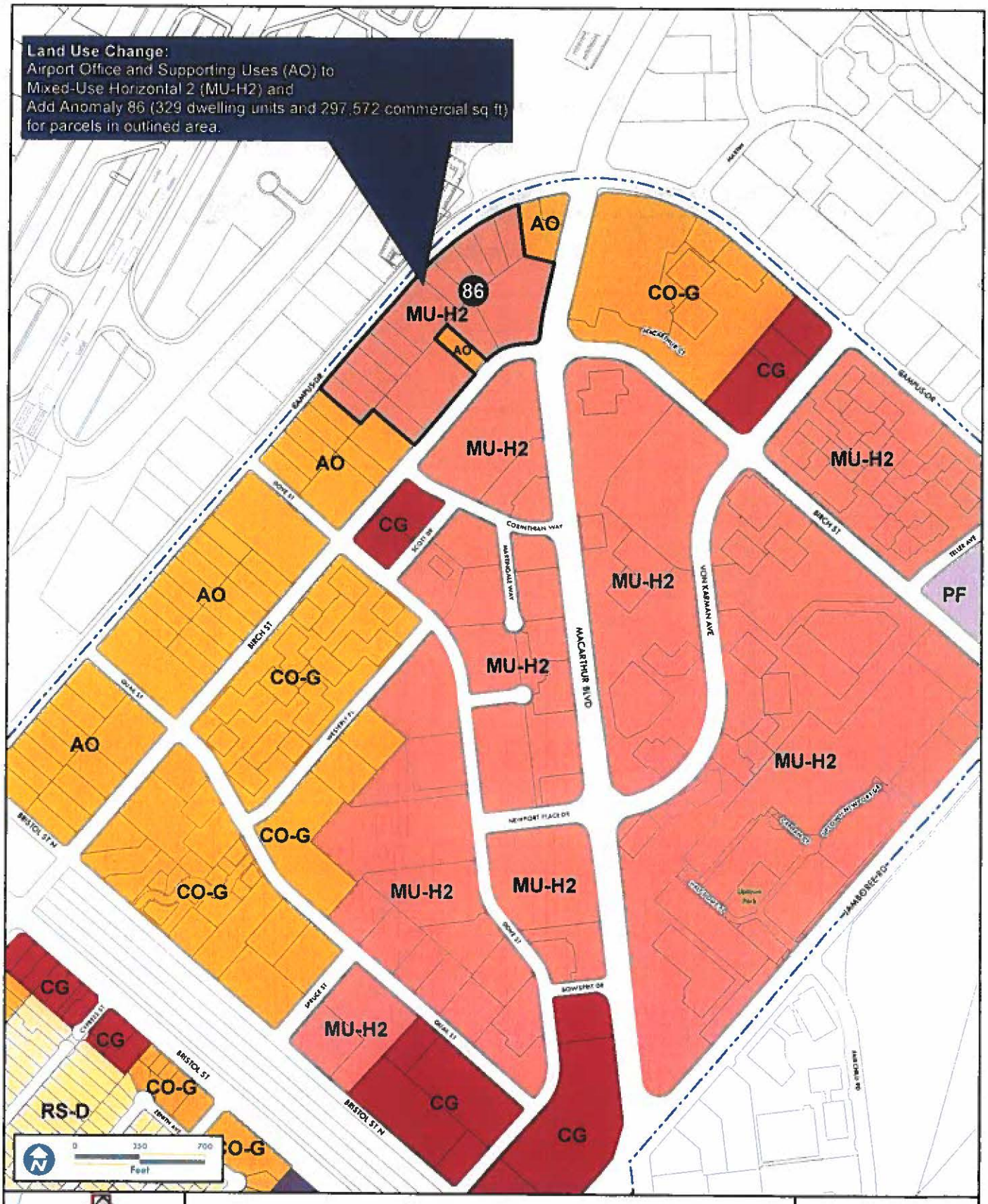
NBGIS NEWPORT BEACH

City of Newport Beach
GIS Division
April 15, 2020

PA2014-225_Staff_Report_Map.mxd

Attachment ALUC 2

General Plan Amendment Exhibit



GP2014-004 (PA2014-225)
General Plan Amendment

NBGIS NEWPORT BEACH

City of Newport Beach
GIS Division
May 29, 2020

PA2014-225_GP2014-004_Reso_Exhibit.mxd

General Plan Land Use Element Amendment

Anomaly Number 86 shall be inserted into Table LU2 and shall read as follows:

Table LU2 Anomaly Locations					
nomaly Number	***Statistical Area***	***Land Use Designation***	***Development Limit (sf)***	***Development Limit (Other)***	***Additional Information***
86	L4	MU-H2	Nonresidential development 297,572	329 dwelling units	

Attachment ALUC 3

Proposed PC-60 Development Plan

NEWPORT AIRPORT VILLAGE

PLANNED COMMUNITY DEVELOPMENT PLAN

PC-60

Adopted XXXXXX, 2020
Ordinance No. XX-2020

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NEWPORT AIRPORT VILLAGE
PLANNED COMMUNITY DEVELOPMENT PLAN (PCDP)

I. INTRODUCTION AND PURPOSE

A. Introduction

The Newport Airport Village Planned Community Development Plan (PCDP) (PC-60) is envisioned to be a horizontal mixed-use development on an approximately 16.46-acre site that is located in the northern portion of the City, near Macarthur Blvd and Campus Drive. The City of Newport Beach Municipal Code (NBMC) allows a Planned Community Development Plan to address land use designations and regulations in Planned Communities. The PCDP serves as the controlling zoning ordinance for the site and is authorized and intended to implement the provisions of the Newport Beach General Plan. The maximum buildout of the PCDP would result in 329 residential dwelling units, exclusive of any density bonus as allowed pursuant to California Government Code Section 65915; and 297,572 square feet of office, retail, and commercial use.

The Newport Airport Village Planned Community (PC) consists of approximately 16.46 acres and prior to the development pursuant to this PCDP, a variety of commercial services, including: retail, restaurants, offices, rental car agencies, and other similar uses were developed. The Newport Airport Village Design Guidelines (contained herein) provide a conceptual vision of the physical implementation of the project and have been drafted to assist the City and community to visualize the architectural theme and desired character of the development. The Design Guidelines also provides the visual and mental imagery of what the current property owner and City see for the future development of the PC.

B. Location

As shown in Figures 1 and 2, the PC District is generally located southeast of John Wayne Airport and within the "Airport Area" Sub-Area as defined by the Newport Beach General Plan. The Airport Area includes 360 acres in the northernmost portion of Newport Beach, bounded by Campus Drive to the west and north, Jamboree Road to the east, and Bristol Street to the south. The City of Irvine is located north and east of the Airport Area. The Airport Area is proximate to Interstate 405 and State Routes 55 and 73. The Airport Area initially was a light industrial and commercial office area of Newport Beach, but is gradually redeveloping into a mixed-use community integrating residential development with existing non-residential uses consistent with the 2006 Newport Beach General Plan.

Figure 1 – Vicinity Map

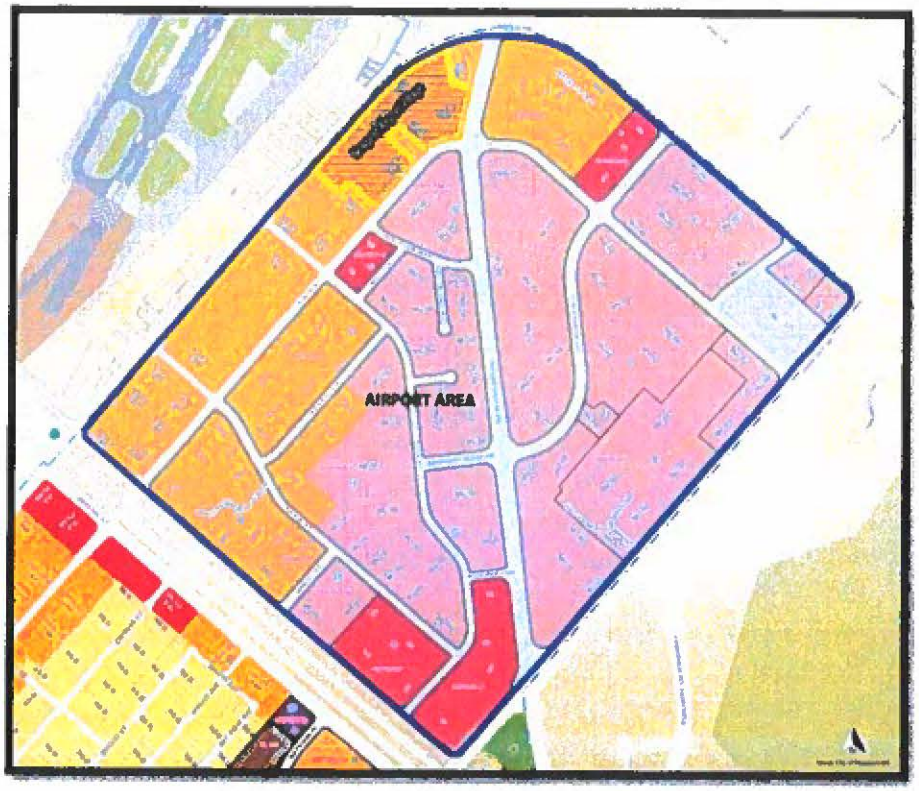


Figure 2 – Airport Area

More specifically, the PC is located west of MacArthur Boulevard, south of Campus Drive, north of Birch Street, and about 550 feet north of Dove Street, as shown in Figure 2.

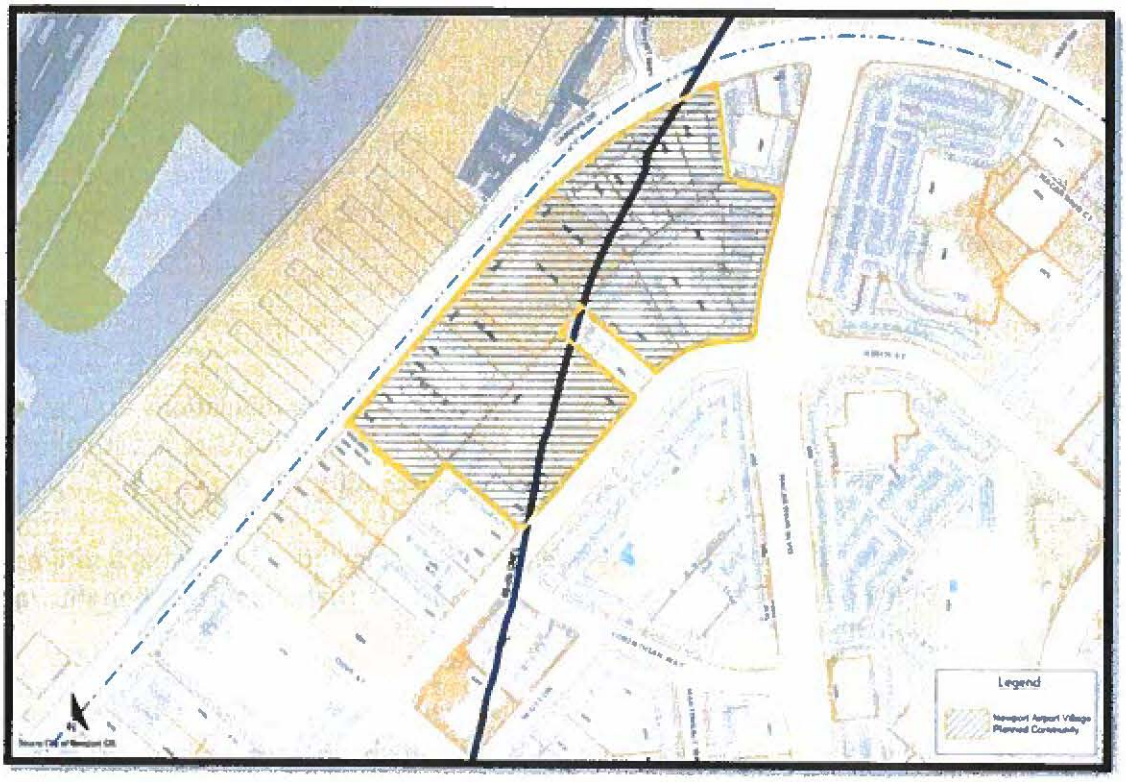


Figure 3 - Newport Airport Village Planned Community

As also noted in Figure 3, the 65-dBA CNEL noise contour line for John Wayne Airport (JWA) transects the site. Areas east of (i.e., outside) the 65 dBA CNEL line are "Clearly Compatible" or "Normally Compatible" with multi-family residential and mixed-use development under General Plan Table N2 (Land Use Noise Compatibility Matrix). Areas west of (i.e., inside) the 65 dBA CNEL line are "Normally incompatible" or "Clearly incompatible" with multi-family residential and mixed-use development under General Plan Table N2. Under the Airport Environs Land Use Plan for John Wayne Airport (AELUP), this means that areas west of the 65 dBA CNEL line are deemed suitable for residential uses and other noise-sensitive uses if the interior noise standard of 45 dBA CNEL can be maintained with an accompanying dedication of a avigation easement for noise. Additionally, building heights west of the 65 dBA CNEL line are restricted for aviation safety.

C. Surrounding Area

John Wayne Airport, a commercial and general aviation airport that is owned and operated by the County of Orange, is located to the west and north of the site (across

Campus Dr). To the immediate northeast of the site, on the southwest corner of MacArthur Blvd and Campus Dr, is a five-story office building and a small multi-tenant commercial building. Across MacArthur Boulevard, on the northeast corner of MacArthur Blvd and Campus Dr, is a nine-story office building that contains professional and medical office uses; a five-story apartment building at the intersection of Douglas and Martin Court; and multiple hotels and restaurants along MacArthur Blvd. To the east (across Birch St) are several multi-story office buildings that range from three to fourteen stories, hotels, and retail and restaurant uses. Commercial services, including vehicle sales and repairs and a pharmacy; restaurants; and office uses, including medical offices occupy the properties to the south of the PC.

D. Purpose and Objective

The purpose of the PCDP is to establish appropriate zoning regulations that govern the land use and development of the PC in a manner that is consistent with the City of Newport Beach General Plan. Implementation of the PCDP will:

- Provide a quality mixed-use development that includes residential and supporting commercial uses; as well as, commercial uses that support or benefit from the proximity to the airport.

- Create two planning areas to guide the development of the PC District (see Figure 4). Planning Area 1 will include the residential and, potentially, a complimentary retail or service commercial component of the PC District. Planning Area 2 will consist exclusively of non-residential uses.

- Provide new housing opportunities in response to increased demand for housing, reduction of vehicle trips, and an encouragement of an active lifestyle by increasing the opportunity for residents to live in proximity to jobs, services, and entertainment. Such housing will be proximate to, and interconnected with, commercial development through pedestrian walkways provided by future development within the PCDP.

- Ensure all residential units are located outside the John Wayne Airport 65 dBA CNEL noise contour and Safety Zone 3.

E. Relationship to Other Regulations

Whenever the provisions of this PCDP conflict with the regulations of the NBMC, the regulations contained herein will prevail. The NBMC including the Zoning Code apply and shall also regulate this development whenever regulations are not provided within this PCDP. Unless otherwise defined herein, all words and phrases used in this PCDP shall have the same meaning and definition as used in the NBMC.

II. LAND USE AND DEVELOPMENT REGULATIONS

The PC is subdivided into two planning areas. Figure 4 shows the Land Use Map for the PC District with the 65 dBA CNEL noise contour separating the residential use area from the non-residential use area.

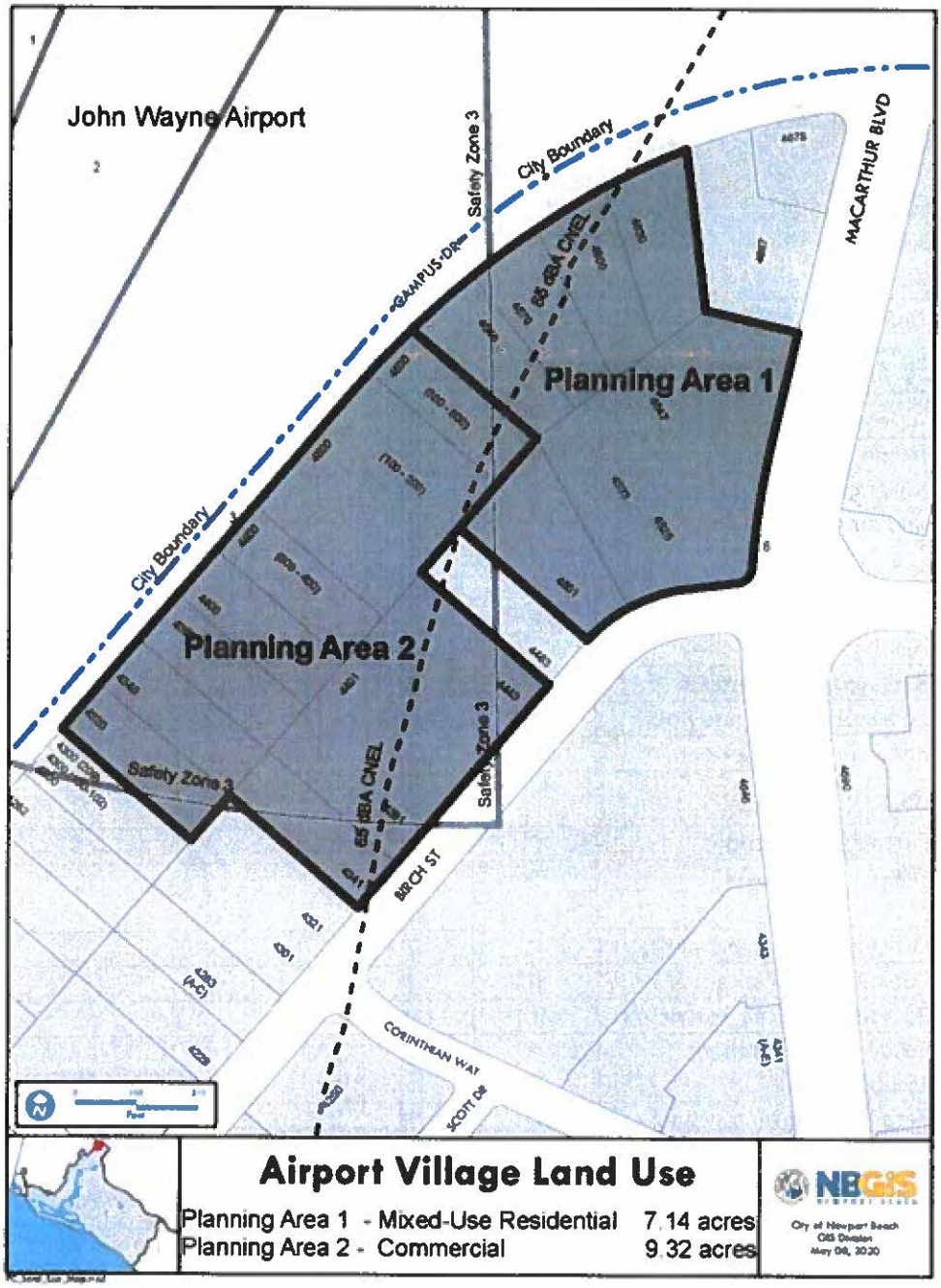


Figure 4 - Land Use Map

A. Permitted Uses

Table 1 lists the permitted uses for each planning area of the Planned Community. The uses identified within the table are not intended to be a comprehensive list, but rather major use categories. The Community Development Director may determine other uses not specifically listed herein are allowed or allowed pursuant to a MUP or CUP, provided they are consistent with the purpose of the planning areas, are compatible with surrounding uses, and are not listed as a prohibited use.

Table 1
Permitted Uses

Uses	Planning Area 1	Planning Area 2	Additional Regulations
Residential			
Multi-unit dwellings	P	-	
Live/work units	P	-	
Mixed-use development	P	-	
Accessory dwelling units	P	-	NBMC 20.48.200
Home Occupations	P	-	NBMC 20.48.110
Residential accessory uses and amenities	P	P	
Food, alcohol, entertainment			
Alcohol sales (off-site)	MUP	MUP	NBMC 20.48.030
Alcohol Sales (on-site)	CUP	CUP	NBMC 20.48.030
Bars, lounge, nightclub	CUP	CUP	NBMC 20.48.030 & 20.48.090
Food service, no late hours	MUP	MUP	NBMC 20.48.030 & 20.48.090
Food service, late hours	CUP	CUP	NBMC 20.48.030 & 20.48.090
Office, retail, service			
Financial Institutions	P	P	
Offices, business & professional	P	P	
Offices, medical and dental	P	P	
Personal services, general	P	P	
Personal services, restricted	MUP	MUP	
Retail sales (less than 10,000 sq. ft.)	P	P	
Retail sales (greater than 10,000 sq. ft.)	P	P	
Other uses			
Uses not listed herein, but allowed in the OA zone	A	A	Subject to applicable NBMC requirements

Table 1 Continued

P = Permitted Use
CUP = Conditional Use Permit
MUP = Minor Use Permit
A = Allowed subject to permit requirements provided in Table 2-4 of NBMC Section 20.20.020(C)
- = Not Permitted

B. Prohibited Uses

The following uses shall be expressly prohibited from the PCDP:

1. Any use not authorized by this PCDP unless the Community Development Director determines a particular use consistent with the purpose and intent of the PCDP,
2. Residential dwelling units within (i.e., west of) the 65 dBA CNEL (or above) noise contour from John Wayne Airport (residential accessory uses, and amenities are allowed),
3. Residential dwelling units within John Wayne Airport Safety Zone 3 (residential accessory uses, and amenities are allowed),
4. The following uses, if said structure within 250 feet of any residential dwelling unit:
    a. Handicraft Industry
    b. Industry, Small (less than 5,000 sq. ft.)
    c. Emergency Health Facilities/Urgent Care
    d. Ambulance Services
    e. Funeral Homes and Mortuaries
    f. Maintenance and Repair Services.

C. Existing Legal Nonconforming Uses and Structures

Existing legally established use and structures that no longer conform to the provisions of this PCDP shall be subject to NBMC Chapter 20.38.

D. Land Use Concept

Figure 5 depicts the conceptual development plan for Newport Airport Village Planned Community. Multi-story residential structures would be located near the north side of the site in Planning Area 1 and may have a retail/commercial component. Office, commercial and other non-residential buildings would be located south of the residential buildings in Planning Area 2. A landscaped esplanade with open space areas, pedestrian pathways with areas for passive seating, and bicycle facilities will be provided to create an efficient and safe pedestrian-friendly environment interconnecting the various land uses through-

out the site with surrounding properties and public ways. Although the PC may not be developed exactly as depicted in the conceptual land use development map, it serves as a demonstration of what could be achieved through the application of the site development standards of this PCDP.

E. Development Standards – Planning Area 1 (Mixed-Use Residential Area)

1. Permitted Height of Residential or Mixed-Use Structures: No structure, nor any portion of any structure, architectural feature, elevator penthouse, or mechanical equipment shall exceed a height of 85 feet measured consistent with the Zoning Code.

2. Permitted Height of Nonresidential Structures: No structure, nor any portion of any structure, architectural feature, elevator penthouse, or mechanical equipment shall exceed a height of 37 feet measured consistent with the Zoning Code, unless a Site Development Review is approved pursuant to NBMC Section 20.52.080, in which case the maximum shall be 55 feet.

3. Setbacks: Minimum setbacks shall be as follows:

   a. Buildings, or portion thereof, that are under 20 feet in height shall be setback a minimum of 10 feet from any street property line and a minimum of 5 feet from any internal property line.
   b. Buildings, or portion thereof, that are 20 feet or greater in height shall be setback a minimum of 20 feet from any street property line and a minimum of 5 feet from any internal property line.

4. Residential Density: Densities shall be a minimum of 30 dwelling units per acre and a maximum of 50 dwelling units per acre, not including density bonus units.

5. Residential Development Limit: A maximum of 329 dwellings units shall be permitted, exclusive of any density bonus as allowed pursuant to California Government Code Section 65915. In addition, residential development (excluding density bonus units) shall be subject to the maximum development allocation for the Airport Area established by General Plan Land Use Policy 6.15.5, or any successor policy or development limit resulting from a future General Plan Update/Amendment, provided that such allocation does not result in a reduction of the 329 permitted dwelling units in Planning Area 1.

6. Floor Area Limit: Floor area for nonresidential uses shall not exceed 94,583 square feet. This floor area limit is based on the conversion of commercial development allowed by the general plan to residential dwelling units pursuant to General Plan

Policy LU6.15.5. The 2006 General Plan allowed a 0.5 FAR (155,509 square feet) that is reduced by 60,926 square feet and converted to allow 329 dwelling units.

7. Common Open Space: All residential development shall incorporate common open space in the amount of 75 square feet per unit with minimum dimensions of 15 feet in any direction. At least half of the common open space shall consist of recreational amenities, including but not limited to the following:

   a. Swimming pools/spas and adjacent lounging decks
   b. Exercise facilities
   c. Tennis courts
   d. Basketball courts
   e. Clubhouse rooms
   f. Roof deck recreation areas
   g. Community gardens
   h. Barbecue and other active (e.g. bocce ball) or passive (e.g., reading) courtyards
   i. Other amenities as deemed appropriate by the Community Development Director

   Outdoor common areas or recreational areas shall be posted with an outdoor notification sign to users regarding the proximity to John Wayne Airport and presence of operating aircraft.

Figure 5 - Conceptual Development Plan

8. Private Open Space: All residential development shall incorporate private open space in the amount of 5% of the gross floor area (minimum) for each unit with a minimum dimension of 6 feet in any direction.

9. Affordability Requirements: Residential development shall include affordable housing as follows: a minimum of 5% of units for very-low income households, or a minimum of 10% of units for low-income households, or a minimum 10% of units for moderate-income households within a common-interest development. The following requirements also apply:

   a. Affordable units shall be provided on-site.
   b. Affordable units shall be designed and distributed within the residential as follows:
      i. *Number of Bedrooms*. Affordable units shall reflect the range of numbers of bedrooms provided in the residential development project as a whole.
      ii. *Comparable Quality and Facilities*. Affordable units shall be comparable in the facilities provided (e.g., laundry, recreation, etc.) and in the quality of construction and exterior design to the market-rate units.
      iii. *Size*. Affordable units may be smaller and have different interior finishes and features than the market-rate units, and
      iv. *Location*. Affordable units shall be dispersed throughout the residential development, unless clustering is allowed by the review authority.
   c. An Affordable Housing Implementation Plan (AHIP) shall be prepared and submitted with any site development review application seeking approval of a residential development within the PC District. The AHIP shall clearly demonstrate how the proposed residential development project will meet the affordability requirements of this PCDP and any applicable provisions of the State Density Bonus Law and the Newport Beach Municipal Code. The AHIP shall specify eligible income categories, the amount of the requested density bonus, any concession/incentives requested, and any development standards waivers or modifications sought and justifications for said concessions/incentives or development standard relief.
   d. Density bonuses/incentives or development standard concessions shall be provided pursuant to NBMC Chapter 20.32 and Section 65915 et. seq of the California Government Code.

10. Sound Mitigation: The interior ambient noise level of all new residential dwelling units shall meet applicable standards of the City's Community Noise Ordinance (NBMC Section 10.26.030). An acoustical analysis report, prepared by an acoustical engineer, shall be submitted describing the acoustical design features of the structure that will satisfy the interior noise standard. The residential units shall be constructed, and noise attenuated in compliance with the report.

11. Residential Design: Unless otherwise deemed appropriate by the City's Review Authority all residential and mixed-use buildings shall be generally consistent with the residential design guidelines as set forth in Section IV of the PCDP.

12. Notification to owners and tenants: A written disclosure statement shall be prepared prior to sale, lease, or rental of a residential unit within the development. The disclosure statement shall indicate that the occupants will be living in an urban type of environment adjacent to an airport and that the noise, odor, and outdoor activity levels may be higher than a typical suburban residential area. The disclosure statement shall include a written description of the potential impacts to residents of both the existing environment (e.g., noise from planes, commercial activity on the site and vehicles streets) and potential nuisances based upon the allowed uses in the zoning district. Each and every buyer, lessee, or renter shall sign the statement acknowledging that they have received, read, and understand the disclosure statement. A covenant shall also be included within all deeds, leases or contracts conveying any interest in a residential unit within the development that requires: (1) the disclosure and notification requirement stated herein; (2) an acknowledgment by all grantees or lessees that the property is located within an urban type of environment and that the noise, odor, and outdoor activity levels may be higher than a typical suburban residential area; and (3) acknowledgment that the covenant is binding for the benefit and in favor of the City of Newport Beach.

13. Deed notification: A deed notification shall be recorded with the County Recorder's Office, the form and content of which shall be satisfactory to the City Attorney. The deed notification document shall state that the residential unit is located in a mixed-use development and that an owner may be subject to impacts, including inconvenience and discomfort, from lawful activities occurring in the project or zoning district (e.g., noise, lighting, odors, high pedestrian activity levels, etc.).

14. Park Dedications and Fees: All residential subdivisions shall comply with all park dedications and fees, as required in NBMC Chapter 19.52.

F. Development Standards – Planning Area 2 (Non-Residential Area)

In addition to the additional development standards listed in Section II(F) of this PCDP, the following standards apply to all development in Planning Area 2.

1. Permitted Height of Structures: No structure, nor any portion of any structure, architectural feature, elevator penthouse, or mechanical equipment shall exceed a height of 37 feet, unless a Site Development Review is approved pursuant to

NBMC Section 20.52.080, in which the review authority may allow buildings or structures to exceed 37 feet to a maximum of 55 feet.

2. Setbacks: Minimum setbacks shall be 15 feet from any street property line and 5 feet from any internal property line.

3. Floor Area Ratio: Floor area ratio shall not exceed 0.5, except for warehouse uses, which are allowed a maximum floor area ratio of 0.75.

4. Lot Size and Dimensions: Newly created lots shall meet the minimum standards for lots provided in NBMC Section 20.20.030 for the OA (Office—Airport) Zoning District.

G. Additional Development Standards

In addition to the planning area specific development standards listed in Sections II(D) and II(E) of this PCDP, the following standards apply to all development within the Newport Airport Village Planned Community.

1. Maximum Intensity: The total area of all office, retail, and other commercial uses within the Newport Airport Village PC shall not exceed 297,572 square feet.

2. Parking and Circulation: Parking and on-site circulation shall comply with NBMC Chapter 20.40. All proposed development is required to be reviewed and approved by the Planning Division, Public Works Department, the City Traffic Engineer, Fire Department and Building Division. On-site circulation, including but not limited to, driveway location, sight distance, parking lot design, drive aisles, emergency vehicle access and access the disabled shall meet applicable codes, polices and design standards. All approved vehicle entry points to the PC District shall comply with applicable City of Newport Beach Public Works and Fire Department requirements regarding safe and convenient vehicular access.

3. Landscaping: A detailed landscape and irrigation plan shall be prepared by a licensed landscape architect and submitted with the Site Development Review application. Landscaping shall be designed, installed, and maintained in consistent with all requirements of NBMC Chapters 14.17 (Water Efficient Landscaping) and 20.36 (Landscaping Standards). Landscape shall also be maintained in a healthy, weed-free condition, free of litter and consistent with NBMC Section 20.30.130 (Traffic Safety Visibility Area).

4. Pedestrian and Bicycle Connection: All uses in the PC shall be interconnected through safe and efficient pedestrian and bicycle paths, including a pedestrian

connection feature between the residential and non-residential components of the PC District.

5. Lighting: A detailed lighting plan with lighting fixtures and standard designs shall be submitted with the Site Development Review application and shall comply with NBMC Section 20.30.070. The lighting system shall be designed and maintained to conceal the light source and minimize light spillage and glare outside of the boundary of the PC District. A minimum average 0.5 foot-candle shall be provided on all driving or walking surface during the hours of operation and one hour thereafter. All lighting shall comply with NBMC Section 20.30.070.

6. Utilities: A Utilities Plan shall be submitted with the Site Development Review application. The final alignment and location of utilities shall be reviewed and approved by the Public Works Department. Adequate access for maintenance vehicles shall be provided. All utilities on private property shall be privately maintained and operated.

7. Air Conditioning Units: The use of individual through-window or through-wall air conditioning units any commercial or residential unit is prohibited.

Signs: A comprehensive sign program with sign materials and lighting details shall be submitted with the Site Development Review application. All signage shall comply with the Chapter 20.42 of the Municipal Code. Should a future neighborhood public park be constructed in either Planning Area, the park shall be posted with a notification to users regarding the proximity to John Wayne Airport and aircraft overflight and noise. Outdoor common areas or recreational areas shall also be posted with an outdoor notification sign to users regarding the proximity to John Wayne Airport and presence of operating aircraft.

8. Fences, Hedges, & Walls: Fences, hedges, and walls shall be limited to the following heights, subject to the exceptions contained in NBMC Section 20.30.040:

   a. Street setback areas – 42 inches
   b. Interior setback areas – 6 feet
   c. Between residential uses and nonresidential uses and parking areas – 8 feet

9. Buffering and Screening

   a. General Requirements: Mechanical equipment must be located so that the impact of noise on residential uses is minimized to the greatest extent feasible. Screening shall be maintained in good condition at all times. Landscaping used as screening shall provide a dense, year-round screen.

b. Roof-mounted Mechanical Equipment and Appurtenances: Roof-mounted mechanical equipment and appurtenances may not be visible in any direction (360 degrees) from a public right-of-way or adjacent residential property, as may be seen from a point six feet above ground level. Methods of screening may include mechanical roof wells recessed below the roof line or by solid and permanent roof-mounted screens. Screening must be compatible with the architectural style, materials, and color of the building on which the equipment is located. Supports for window washing equipment are permitted and are not required to be screened from view. No setbacks are required for rooftop mechanical equipment or appurtenances. All roof-mounted mechanical equipment and appurtenances shall be at or below all applicable height limits.

c. Ground-mounted Mechanical Equipment: Ground-mounted mechanical equipment shall be screened from public rights-of-way and/or public property as seen from a point six feet above ground level. Methods of screening may include fences, walls, solid hedges, or other similar methods. Chain link fencing is not permitted with or without slats is not allowed.

d. Outdoor Storage: Where equipment, material, or merchandise is allowed to be stored outdoors, these items shall be screened from public view and adjacent residential areas using fences, walls, solid hedges, or other methods. Chain link fencing with or without slats is not allowed.

e. Solid Waste Storage Areas: New development shall provide adequate, enclosed areas with solid roofs for collecting, storing, and loading solid waste and recyclable materials. The square footage provided for solid waste and recyclable materials storage must be in compliance with NBMC Section 20.30.120. Solid waste and recyclable materials storage areas must be adequate in distribution to serve the project and be screened from public rights-of-way and/or public property as seen from a point six feet above ground level. Screening may consist of solid masonry walls, metal gates, landscaping, or similar methods. Structures used for solid waste screening must be visually compatible with the surrounding structures and must be properly secured to prevent access by unauthorized persons, while allowing authorized persons access for disposal of materials.

III. ARCHITECTURAL DESIGN CONSIDERATIONS

A. General Principles

The following general principles shall be considered when siting and designing new development within Newport Airport Village.

1. Development should be designed to convey a unified and high-quality character with use of consistent architectural design vocabulary, materials, and color palette.
2. Building elevations should employ architectural treatments, articulation and modulation of mass to avoid the appearance of monolithic box-like buildings.
3. High-quality doors, windows, moldings, and finishes should be used on elevations visible from streets and pedestrian paths.
4. Roof profiles should be articulated to reduce the appearance of large structures and provide visual interest.
5. Streetscape design and plant materials should reflect the street's location and nature.
6. Abundant use of landscape within interior courtyards, open spaces, and parking areas should be encouraged.
7. The design of parking areas and parking facilities should consider architectural consistency and physical integration with nearby buildings.
8. Open parking lots should be set back from public streets and screened using buildings, decorative walls, berms or dense landscaping.

B. Mixed-Use

The following principles shall be considered when siting and designing new mixed-use development.

1. Residential uses should be seamlessly integrated with nonresidential uses through pedestrian connections, landscape, and other physical connections.
2. Conflicts between different uses, such as noise, vibration, glare, odors, and similar impacts, should be minimized through careful siting, building design and incorporation of appropriate building materials.
3. Entries for residential units and nonresidential businesses should be separate and well-defined.

C. Residential Uses

The following principles shall be considered when new development includes residential use.

1. Private open space for each residential unit should be usable and functional.
2. Common residential open space should create opportunities for recreation and promote an attractive living environment.

D. Office/Commercial Uses

The following principles shall be considered when siting and designing new office or commercial development.

1. Building siting should be oriented around public spaces such as plazas, courtyards, walkways, and open spaces.
2. On-site landscaping should emphasize special features such as entryways.
3. Landscape and other amenities should be used to provide visual relief within surface parking lots.
4. A common signage program that reflects the architectural style and character of the development should be prepared to address tenant identification and wayfinding.
5. Common streetscape and lighting programs should be developed to promote pedestrian activity.
6. Site design should provide clear site access, entrance drives and building entries as well as minimize conflicts between service vehicles, private automobiles, and pedestrians.

E. Conceptual Images to Guide Development

The following images provide general direction to convey the desired quality for new development through architectural massing, detail, variety in building materials and integration of pedestrian-orientation. These images are meant to inspire designers and do not indicate the precise design of future development within Newport Airport Village. The images are grouped by land use type: mixed use, multi-unit residential buildings, and office/commercial development.

Figure 6 - Mixed-Use Conceptual Images

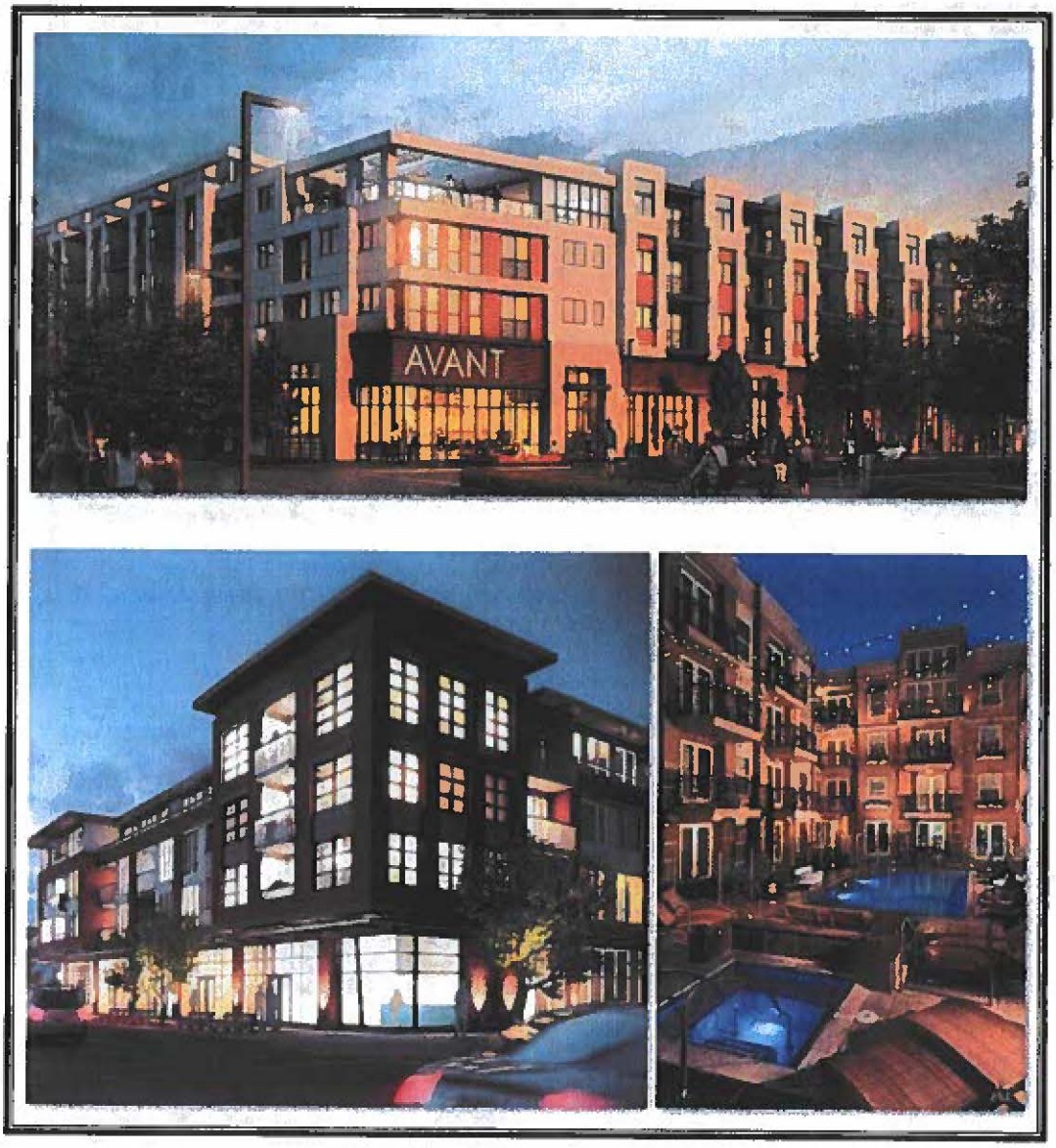


Figure 7 - Multi-Unit Residential Conceptual Images

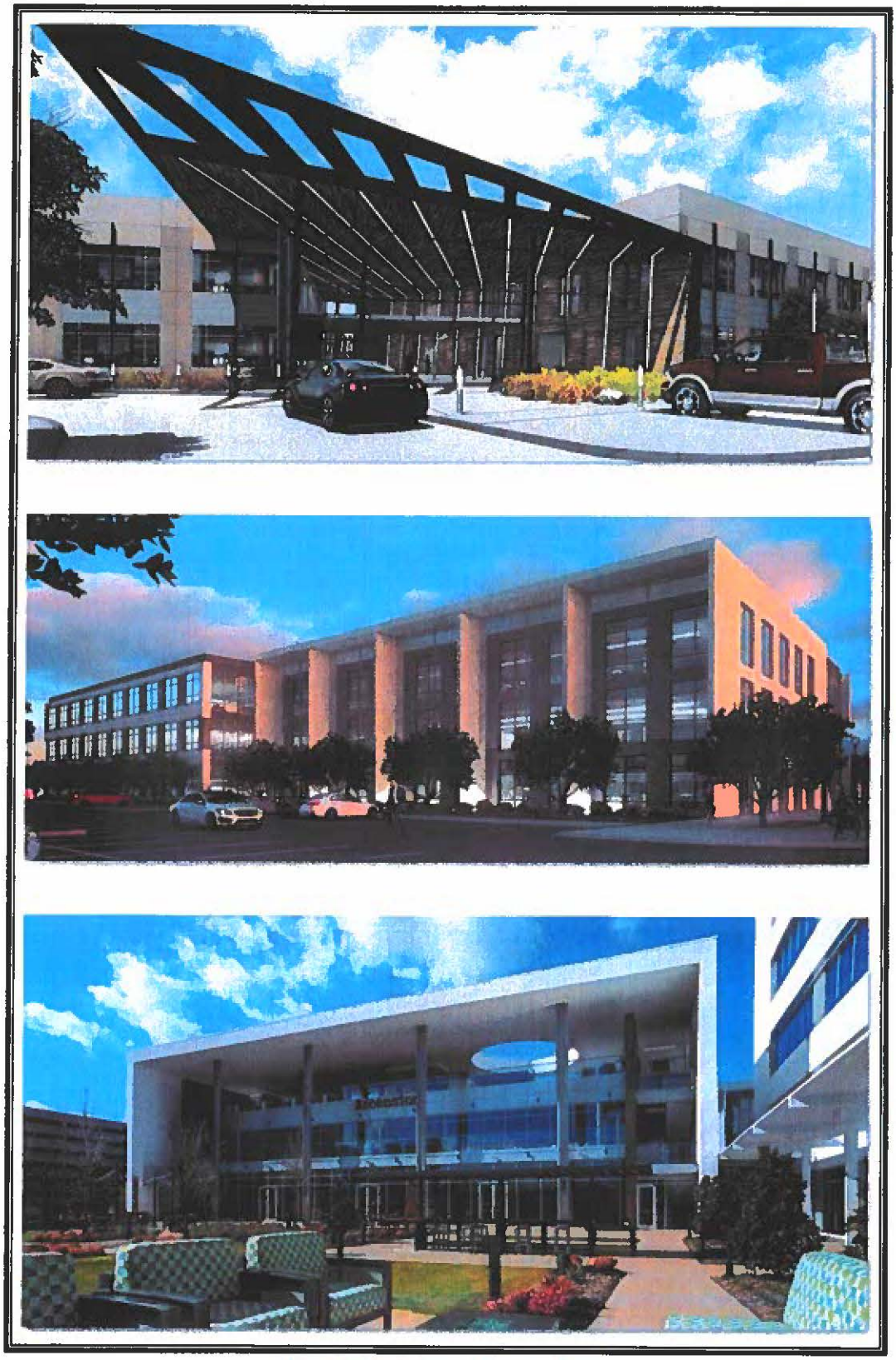


Figure 8 - Office/Commercial Conceptual Images

IV. RESIDENTIAL DESIGN GUIDELINES

The Newport Airport Village Residential Design Guidelines are intended to set parameters for the design of residential buildings and ensure an appropriate aesthetic quality is provided on all residential buildings. All residential and mixed-use buildings within Newport Airport Village PC should be generally consistent with the guidelines contained in this section of the PCDP.

A. Architectural Variety

1. Buildings should utilize more than a single-color on all façades.
2. Buildings should utilize more than a single finished material on all façades. For the purpose of this requirement, windows are not considered a finished material.
3. Building should have more than one roof height. The change in roof height shall be at least 5 feet for buildings with a height under 30 feet tall and 10 feet for buildings with a height of 30 feet or more.
4. Buildings should not have blank façades. For the purpose of these guidelines a blank façade shall mean, any portion of the façade that is above the ground level and does not have a window or balcony 15 feet in any direction.

B. Windows and Entries

1. The primary pedestrian entry into the building should lead into a common lobby or corridor and shall face the street or a common open space.
2. Ground level dwelling units are encouraged to have an individual primary entry on the exterior façade of the building.
3. Rain protection should be provided above all pedestrian entries through the use of awnings, porticos, arcades, or the like.
4. Exterior windows and doors should be inset a minimum 2-½ inches from the adjoining wall.

C. Massing and articulation

1. The first three floors of a building should have a plane-break to divide all street facing facades into segments no more than 30 feet wide. Plane-breaks shall have a minimum depth and width of 5 feet.
2. The fourth floor and above of a building should have a plane-break on all street facing facades. Plane-breaks shall have a minimum depth of 5 feet and be across 25% of the width of the building.

V. PLAN ADMINISTRATION AND IMPLEMENTATION

A. Permit Review Procedures

Approval of the Site Development Review application by the City-designated Review Authority consistent with NBMC Chapter 20.52 shall be required prior to the issuance of a grading or building permit for the construction of any new structure within the boundaries of the PCDP. The application shall include all materials necessary to clearly determine consistency with this PCDP and applicable requirements of the Newport Beach Municipal Code. The applicant shall include a descriptive narrative supported by facts, exhibits, or diagrams that clearly show how a proposed development generally conforms to the PCDP design guidelines.

B. Parcel or Tract Maps

No parcel or tract map shall be recorded prior to the approval of the Site Development Review for the entire project or significant phase so that the responsibility for performance of, and payment for, maintenance are clear.

C. Amendments to Planned Community Development Plan

Applications for amendments to this Planned Community Development Plan shall follow the process identified in the NBMC Section 20.56.050(E).

D. Administrative Responsibility

All property within this PCDP shall be subject to NBMC Chapter 20.60 that prescribes the authority and responsibilities of the Newport Beach City Council, Planning Commission, Hearing Officer, Zoning Administrator, and Community Development Director (Planning Director) in the administration of this PCDP and the Zoning Code.

E. Enforcement

All property within this PCDP shall be subject to NBMC Chapter 20.68 that establishes provisions intended to ensure compliance with this PCDP and the Zoning Code.

Attachment ALUC 4

Building Heights of Surrounding Structures Map

Newport Airport Village (PA2014-225) Building Height within 1000 ft Radius

NBGIS NEWPORT BEACH

City of Newport Beach
GIS Division
June 24, 2020

PA2014-225_Building_Heights.mxd

Attachment ALUC 5

Adjacent Land Uses Map

Newport Airport Village (PA2014-225)
Surrounding Land Uses

NBGIS NEWPORT BEACH

City of Newport Beach
GIS Division
June 29, 2020

PA2014-225_Surrounding_Uses.mxd

Attachment ALUC 6

FAA Determination

Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2020-AWP-4497-OE
Prior Study No.
2020-AWP-3998-OE

Issued Date: 04/28/2020

Patrick B. Strader
Starpointe Ventures
19700 Fairchild Road Suite 240
Irvine, CA 92612

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building Newport Airport Village
Location:	Newport Beach, CA
Latitude:	33-40-13.00N NAD 83
Longitude:	117-52-00.00W
Heights:	44 feet site elevation (SE)
	85 feet above ground level (AGL)
	129 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

_____ At least 10 days prior to start of construction (7460-2, Part 1)
__X__ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination expires on 10/28/2021 unless:

(a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
(b) extended, revised, or terminated by the issuing office.
(c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

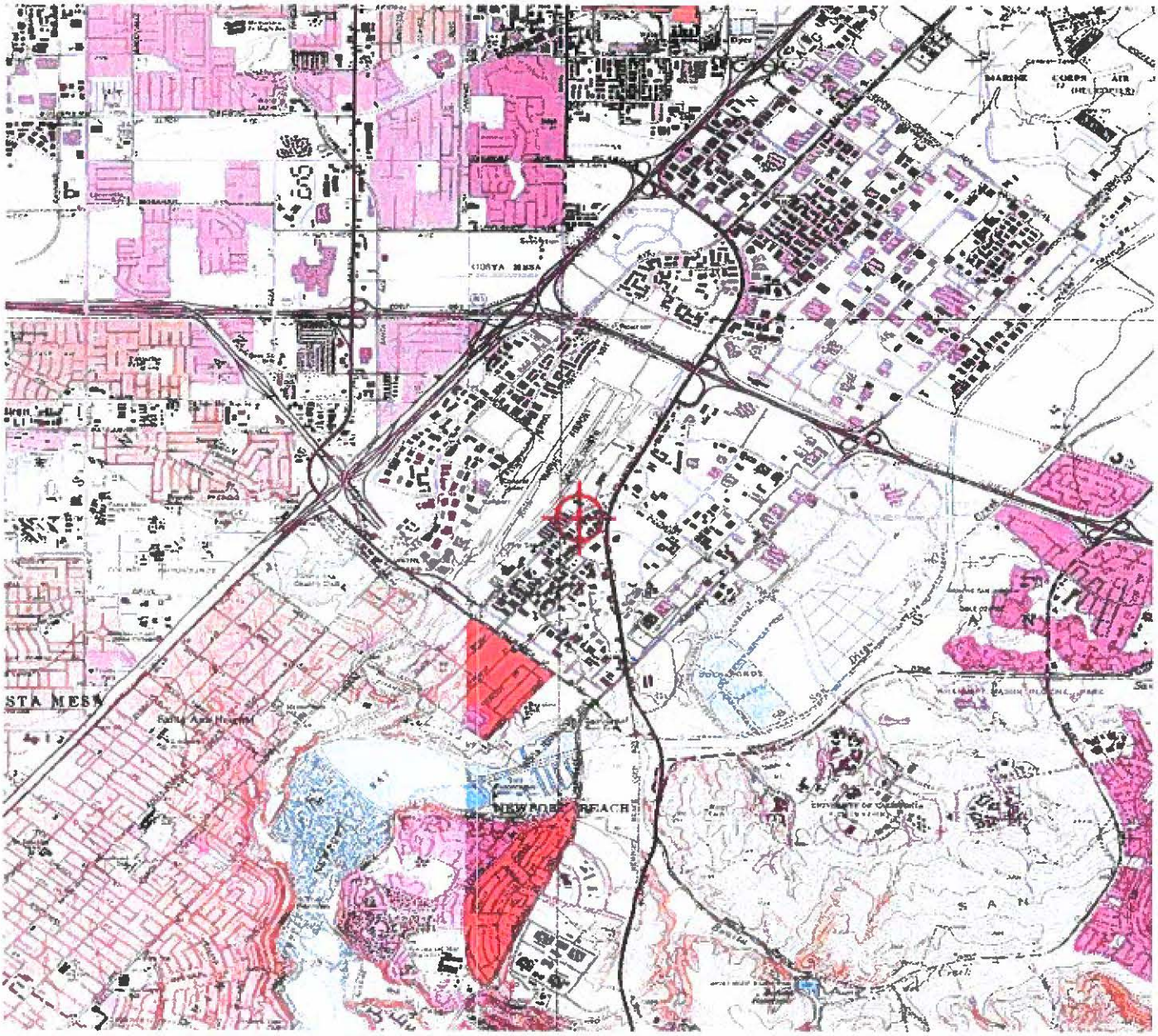
This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

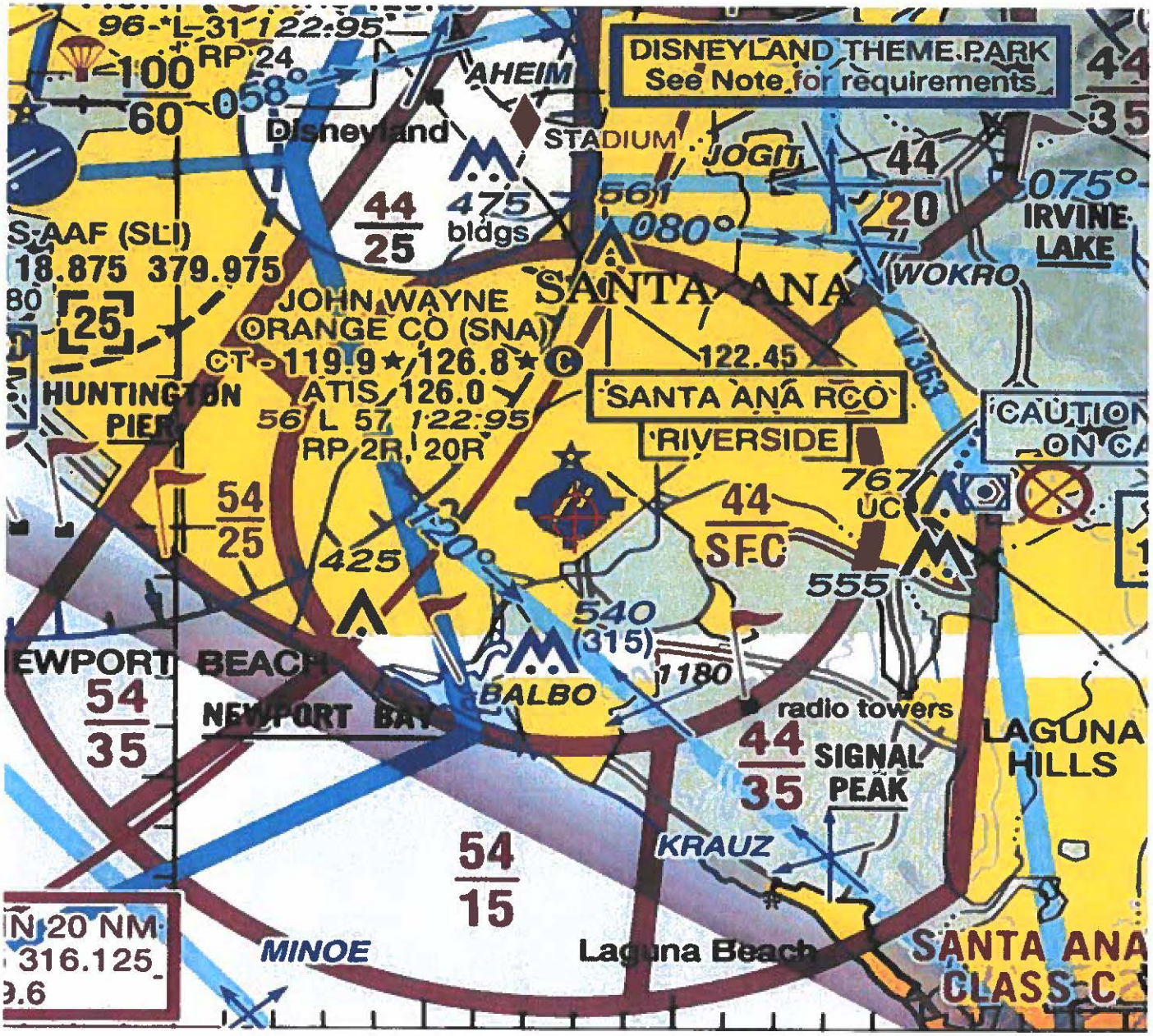
If we can be of further assistance, please contact our office at (206) 231-2877, or Nicholas.Sanders@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-AWP-4497-OE.

Signature Control No: 436817885-437918405 (DNE)
Nicholas Sanders
Technician

Attachment(s)
Map(s)

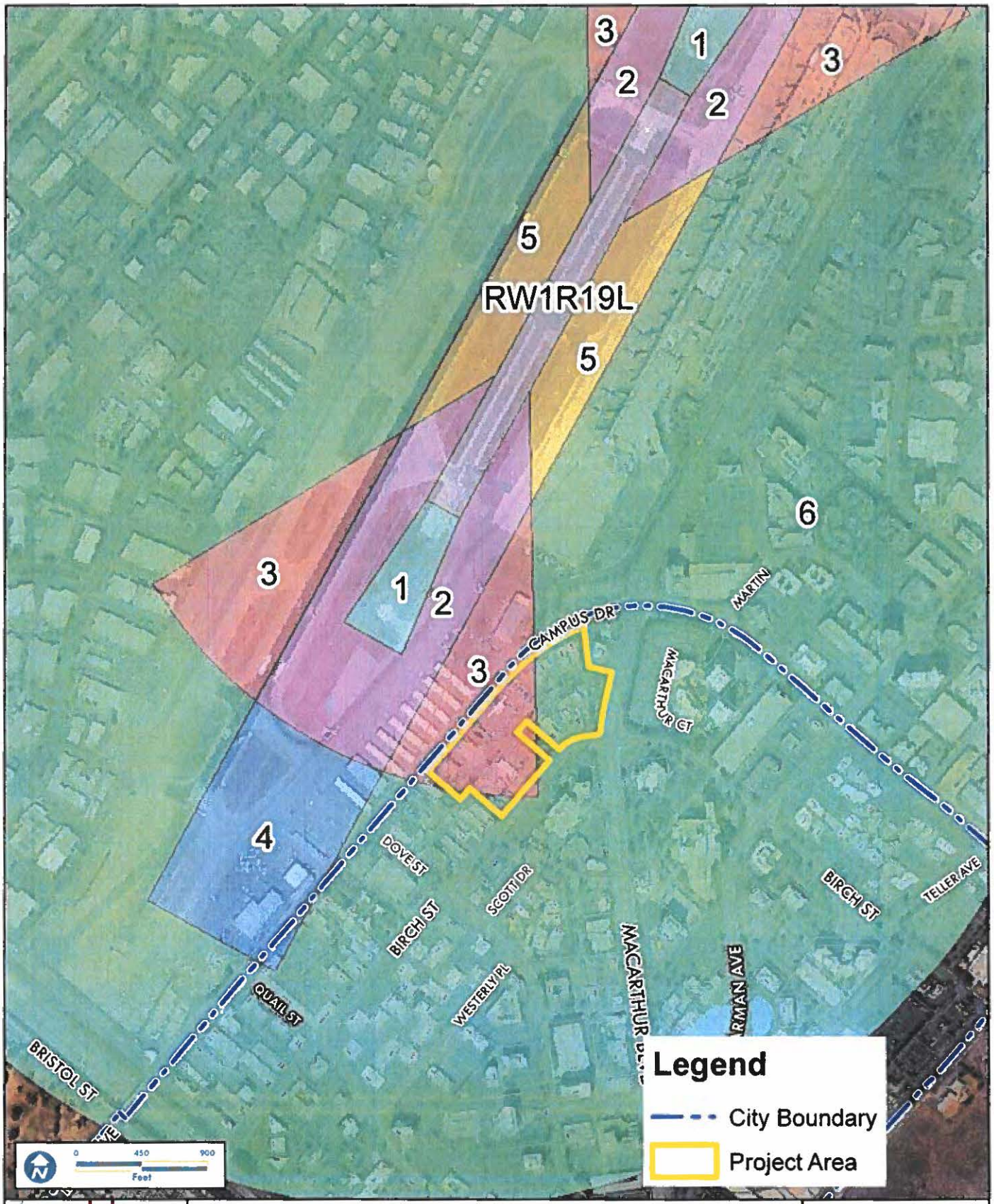
TOPO Map for ASN 2020-AWP-4497-OE




DISNEYLAND THEME PARK
See Note for requirements
Disneyland
STADIUM
JOGIT
SANTA ANA
JOHN WAYNE
ORANGE CO (SNA)
CT 119.9 126.8
ATIS 126.0
122.45
SANTA ANA RCO
RIVERSIDE
IRVINE
LAKE
WOKRO
HUNTINGTON
PIER
NEWPORT BEACH
NEWPORT BAY
BALBO
SEC
radio towers
SIGNAL
PEAK
LAGUNA
HILLS
KRAUZ
MINOE
Laguna Beach
SANTA ANA
CLASS C
CAUTION

Attachment ALUC 7

JWA Safety Zones



Newport Airport Village (PA2014-225)
JWA Safety Zones

NBGIS NEWPORT BEACH

City of Newport Beach
GIS Division
June 24, 2020

PA2014-225_Safety_Zones.mxd