



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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January 9, 2012

Rosalinh Ung, Associate Planner
City of Newport Beach
3300 Newport Boulevard
Newport Beach, CA 92658-8915

Subject: Notice of Preparation (NOP) for Uptown Newport Project

Dear Ms. Ung:

Thank you for the opportunity to review the initial study for the proposed Uptown Newport Project in the context of the Airport Land Use Commission's *Airport Environs Land Use Plan for John Wayne Airport (JWA AELUP)* and the *AELUP for Heliports*. The project proposes a mix of residential, commercial, and open space uses. Up to 1,244 residential units, 11,500 square feet of commercial space, and two acres of park space are proposed. Proposed buildings would range from 30 feet to 75 feet high, with residential towers up to 150 feet high (13 stories). The site encompasses 25 acres in the Airport Business Area of the City, and is approximately .6 mile southeast of JWA. We wish to offer the following comments and respectfully request consideration of these comments as you proceed with preparation of your Environmental Impact Report (EIR).

The initial study does include a discussion of the proposed project within the Federal Aviation Regulation (FAR) Part 77 Obstruction Imaginary Surfaces for JWA. However, there was no discussion of the proposed project being located within the FAR Part 77 Notification Area for JWA. We suggest that the Draft EIR discuss the height at which the notification surface would be penetrated compared to the proposed building heights. If the notification surface is penetrated, the applicant will be required to file form 7460-1, Notice of Proposed Construction or Alteration, with the Federal Aviation Administration (FAA).

The initial study also states that the southern and easternmost parts of the site are within the 60 db community noise equivalent level (CNEL) contours for JWA. We suggest that the Draft EIR discuss whether residential development will be located within the 60 dB CNEL noise contour.

In addition, the Draft EIR should identify if the project allows for heliports as defined in the *Orange County AELUP for Heliports*. Should the development of heliports occur within your jurisdiction, proposals to develop new heliports must be submitted through

the City to the ALUC for review and action pursuant to Public Utilities Code Section 21661.5. Proposed heliport projects must comply fully with the state permit procedure provided by law and with all conditions of approval imposed or recommended by FAA, by the ALUC for Orange County and by Caltrans/Division of Aeronautics.

A referral by the City to the ALUC may be required for this project due to the location of the proposal within a JWA AELUP Planning Area and due to the nature of the required City approvals (i.e., Planned Community Development Plan Amendment and Adoption) under PUC Section 21676(b). In this regard, please note that the Commission suggests such referrals be submitted to the ALUC for a determination, between the Local Agency's expected Planning Commission and City Council hearings. Since the ALUC meets on the third Thursday afternoon of each month, submittals must be received in the ALUC office by the first of the month to ensure sufficient time for review, analysis, and agendaing.

Thank you for the opportunity to comment on this initial study. Please contact Lea Choum at (949) 252-5123 or via email at lchoum@ocair.com if you need any additional details or information regarding the future referral of your project.

Sincerely,



Kari A. Rigoni
Executive Officer