

RESOLUTION OF THE BOARD OF SUPERVISORS OF  
ORANGE COUNTY, CALIFORNIA

June 25, 2019

WHEREAS, the County of Orange (“County”) is the owner and operator of John Wayne Airport, Orange County (“JWA” or “Airport”) and provides both general aviation and commercial air carrier facilities and services at the Airport; and

WHEREAS, beginning in 1923, the Airport began operating as a privately owned general aviation facility and first became a publicly owned facility in 1939; and

WHEREAS, general aviation services and facilities at JWA have not been comprehensively studied since 1990 and the character of general aviation has changed significantly since that time; and

WHEREAS, multiple factors supported conducting a comprehensive evaluation of general aviation facilities at this time, including, but not limited to, (1) the introduction of new aircraft into, and other changes within, the general aviation fleet; (2) the advanced age of some of JWA’s general aviation structures and resultant need for improvements; (3) the need to ensure compliance with Federal Aviation Administration (“FAA”) requirements related to proximity of buildings and airfield roadways to taxiways and runways; and (4) the expiration of a number of general aviation-related long term leases; and

WHEREAS, in 2015, the Airport initiated a comprehensive study of general aviation facilities and services at JWA, began meetings with stakeholders and development of goals and objectives for the purpose of evaluating and planning for the future needs of the general aviation community at the Airport; and

WHEREAS, this comprehensive study was designated the General Aviation Improvement Program (“GAIP”); and

WHEREAS, the GAIP would be implemented in the area of the Airport currently utilized for general aviation and would serve to maximize the efficiency and safety of facilities; and

WHEREAS, an environmental impact report (“EIR”) process, as defined by the California Environmental Quality Act (“CEQA”) (California Public Resources Code, Sections 21000 *et seq.*) was initiated and a program level EIR was prepared pursuant to CEQA, the CEQA Guidelines, and the County’s Local CEQA Procedures Manual to address the potential environmental impacts associated with the GAIP; and

WHEREAS, this EIR was designated as Program EIR 627; and

WHEREAS, Program EIR 627 addressed a Proposed Project and Alternative 1 at an equal level of detail, and a reasonable range of alternatives, including Alternative 2, Alternative 3 and

the No Project Alternative; and

WHEREAS, the Proposed Project, as designated in Program EIR 627, is hereinafter known as the GAIP “Project Proposed for Approval”; and

WHEREAS, in accordance with Section 15063 of the CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.), the County prepared an Initial Study/Environmental Checklist (“Initial Study”) for the GAIP and distributed it, along with the Notice of Preparation (“NOP”) of a Program EIR, to responsible and interested agencies and key interest groups for comment during a thirty (30) day public review period from March 30, 2017 to May 1, 2017; and

WHEREAS, a public scoping meeting was held on April 12, 2017, to solicit input from interested parties on the content of the Program EIR for the GAIP; and

WHEREAS, on September 20, 2018, the County published the Notice of Availability of Draft Program EIR 627 (SCH No. 2017031072); and

WHEREAS, Draft Program EIR 627 was circulated for a forty-five (45) day public review period, but upon request was extended an additional fifteen (15) days, for a total review period of sixty (60) days to November 21, 2018; and

WHEREAS, during the public review period, a public meeting was held on September 26, 2018, to review the findings of the Draft Program EIR and solicit input from interested parties, and a transcript of this meeting is included in the Responses to Comments document; and

WHEREAS, the County prepared responses to all written and oral comments received during the public review period; and

WHEREAS, on April 8, 2019, copies of the Responses to Comments were sent via overnight mail to all commenting agencies, and on April 9, 2019, notices of the availability of the Responses to Comments were sent to all parties that submitted comments on the Draft Program EIR. On April 9, 2019, the Responses to Comments were also posted on the JWA website and a notice was published in The Orange County Register regarding the availability of the Responses to Comments and the date for the Board of Supervisors hearing; and

WHEREAS, on April 15, 2019, copies of the updated Responses to Comments were sent via overnight mail to all commenting agencies and the updated Responses to Comments were also posted on the JWA website to notify the public of the availability of an updated Responses to Comments Volume 2A and a change in the date for the Board of Supervisors hearing. Additionally, on April 18, 2019, notices of availability of the updated Responses to Comments were sent to all parties that submitted comments on the Draft Program EIR. On April 22, 2019, a notice was also published in The Orange County Register; and

WHEREAS, the Orange County Airport Commission held a special public meeting on April 17, 2019 to receive and consider public testimony with respect to the GAIP, and continued this Airport Commission special meeting to its regularly scheduled meeting of May 1, 2019; and

WHEREAS, on April 15, 2019, the County provided notice of the April 17, 2019 Airport Commission special meeting on the GAIP and Final Program EIR 627, in accordance with the Ralph M. Brown Act, Government Code Section 54956; and

WHEREAS, on April 15, 2019, the County provided to the Commission copies of the entire Agenda packet and other materials identified above for the April 17, 2019 Airport Commission special meeting; and

WHEREAS, on April 26, 2019 the County provided notice of the Airport Commission regularly scheduled meeting of May 1, 2019 on the GAIP and Final Program EIR 627, in accordance with the Ralph M. Brown Act, Government Code Section 54950, *et seq.*; and

WHEREAS, the Airport Commission has reviewed and considered all such materials for the GAIP and Final Program EIR 627, as identified above; and

WHEREAS, on May 1, 2019, the Orange County Airport Commission voted 3 - 1 to continue the GAIP agenda item for thirty (30) days for further discussion and consideration; and

WHEREAS, in accordance with Section 15132 of the State CEQA Guidelines, Final Program EIR 627 consists of:

- a. Draft Program EIR 627 and all appendices, technical reports, survey reports, and site assessment reports to the extent applicable thereto;
- b. Comments and Responses to Comments on Draft Program EIR 627, including a list of all persons, organizations, and public agencies commenting on the Draft Program EIR;
- c. Proceedings of the public meeting held on the Draft Program EIR on September 26, 2018;
- d. Transmittal package to the Orange County Airport Commission dated April 17, 2019 (and continued to May 1, 2019);
- e. Minutes of the Orange County Airport Commission special meeting held April 17, 2019 and its regularly scheduled meeting held May 1, 2019;
- f. Transmittal package to the Board of Supervisors dated April 23, 2019;
- g. Supplemental transmittal package to the Board of Supervisors dated May 2, 2019;
- h. Proceedings of the Board of Supervisors meeting held on May 7, 2019;
- i. Public testimony provided at the Board of Supervisors meeting held on May 7, 2019;
- j. Board of Supervisors' Resolutions relating to the GAIP Project Proposed for Approval and Final Program EIR 627, including all attachments thereto;
- k. Any other written materials relevant to the Board's compliance with CEQA or its decision on the merits of the Project Proposed for Approval, including any documents or portions thereof, that were released for public review, relied upon in the environmental documents prepared for the Project Proposed for Approval, or

included in the County's retained files for the Final Program EIR 627 or the Project Proposed for Approval;

1. All attachments and documents incorporated by reference identified in items a. through k. above.

WHEREAS, Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines require that this Board make one or more of the following findings prior to approving or carrying out a project for which an EIR has been prepared identifying one or more significant effects of the project, together with a statement of facts in support of each finding:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR;
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can or should be adopted by such other agency.
- (3) Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

WHEREAS, Section 15093(a) of the State CEQA Guidelines requires this Board to balance the benefits of a proposed project against its unavoidable environmental risk in determining whether to approve the project; and

WHEREAS, Section 15093(b) of the State CEQA Guidelines requires that, where the decision of the Board allows the occurrence of significant effects which are identified in an EIR, but are not at least substantially mitigated, the Board must state in writing the reasons to support its action on the Final EIR or other information in the record; and

WHEREAS, Section 15097 of the State CEQA Guidelines requires that a mitigation monitoring and reporting program ("MMRP") designed to ensure compliance with mitigation measures imposed to avoid or substantially lessen the significant effects identified in Final Program EIR 627 be prepared.

NOW, THEREFORE BE IT RESOLVED that the County of Orange, as the airport proprietor of JWA:

1. Has reviewed and considered Final Program EIR 627 (State Clearinghouse No. 2017031072) as the Lead Agency under CEQA and finds that it is adequate, complete and contains all information required by CEQA, the State CEQA Guidelines, and the County Local CEQA Procedures Manual.
2. Has provided, and will continue to provide, Final Program EIR 627, on file with the County of Orange John Wayne Airport, 3160 Airway Avenue, Costa Mesa, California 92626.
3. Finds that Final Program EIR 627 has identified all significant environmental effects of the Project Proposed for Approval (referred to as the Proposed Project in Final

Program EIR 627) and has analyzed a range of reasonable alternatives to the Project Proposed for Approval, as set forth in the CEQA Findings, Facts in Support of the Findings, and Statement of Overriding Considerations (“Findings”), which are incorporated by reference, made an express part of this Resolution and attached to this Resolution as “Exhibit A.”

4. Adopts the appropriate finding(s) set forth in Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines with respect to each significant environmental effect identified in Final Program EIR 627, and each alternative considered in Final Program EIR 627, and the explanation of its reasoning with respect to each finding is set forth in the Findings.
5. Finds that although Final Program EIR 627 identifies certain significant environmental effects that may occur with implementation of the Project Proposed for Approval, all significant effects that feasibly can be mitigated or avoided have been reduced to an acceptable level by imposition of mitigation measures, all of which have been identified in Final Program EIR 627 and described in the attached Findings; and all of which are adopted by this Board to mitigate the environmental effects of the Project Proposed for Approval.
6. Finds that the unavoidable significant environmental effects of the Project Proposed for Approval, as identified in the attached Findings, have been lessened substantially in their severity by the imposition of mitigation measures identified in the attached Findings. This Board also finds that the remaining unavoidable significant environmental effects are outweighed by the economic, social, and other benefits of the Project Proposed for Approval, as set forth in the Statement of Overriding Considerations, as identified in the attached Findings.
7. Adopts the Statement of Overriding Considerations, as identified in the attached Findings, which supports and justifies approval of the Project Proposed for Approval notwithstanding certain unavoidably significant environmental effects that feasibly cannot be mitigated to below a level of significance.
8. Finds the MMRP, which is incorporated by reference, made an express part of the Resolution and attached to this Resolution as “Exhibit B,” establishes a mechanism and procedure for implementing and verifying the implementation of, and compliance with, the adopted mitigation measures pursuant to Public Resources Code Section 21081.6, and this Board adopts the Mitigation Monitoring and Reporting Program.
9. Finds that Final Program EIR 627 has described a reasonable range of alternatives to the Project Proposed for Approval that feasibly could obtain the basic objectives of the project (including the No Project Alternative), even when these alternatives might impede the attainment of project objectives and might be more costly.
10. Finds that there is substantial evidence in the record to support the conclusions and findings before this Board.
11. Finds that significant new information has not been added to Final Program EIR 627 since the circulation of the Draft Program EIR such that recirculation for additional public review is necessary pursuant to State CEQA Guidelines Section 15088.5. The Board further finds that no information has been presented showing new significant effects and that no feasible alternative that would clearly lessen the significant physical environmental effects identified in the Final Program EIR has been proposed and rejected by this Board.

12. Finds, based on Final Program EIR 627, that the Project Proposed for Approval will not involve removal of coastal sage scrub habitat, or result in a net loss in Reserve System acreage or a net loss in sub-regional habitat values, and the Project Proposed for Approval will be implemented in accordance with the applicable provisions of the Central-Coastal Sub-regional NCCP/HCP and associated state and federal permits.
13. Finds that Final Program EIR 627 reflects the independent review and judgement of the County.
14. Finds that Final Program EIR 627 serves as adequate, complete, and appropriate environmental documentation for the Project Proposed for Approval.
15. Certifies Final Program EIR 627 as complete and adequate in that Final Program EIR 627 addresses all environmental effects of the Project Proposed for Approval and fully complies with the requirements of CEQA, the State CEQA Guidelines and the County's local CEQA Procedures Manual.

The foregoing was passed and adopted by the following vote of the Orange County Board of Supervisors, on June 25, 2019, to wit:

AYES: Supervisors: MICHELLE STEEL, ANDREW DO, DONALD P. WAGNER  
DOUG CHAFFEE, LISA A. BARTLETT  
NOES: Supervisor(s):  
EXCUSED: Supervisor(s):  
ABSTAINED: Supervisor(s):




CHAIRWOMAN

STATE OF CALIFORNIA )  
                                  )  
COUNTY OF ORANGE )

I, ROBIN STIELER, Clerk of the Board of Orange County, California, hereby certify that a copy of this document has been delivered to the Chairman of the Board and that the above and foregoing Resolution was duly and regularly adopted by the Orange County Board of Supervisors

IN WITNESS WHEREOF, I have hereto set my hand and seal.

  
\_\_\_\_\_  
ROBIN STIELER  
Clerk of the Board  
County of Orange, State of California



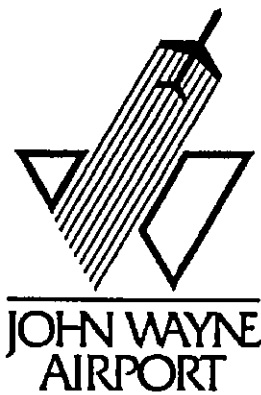
Resolution No: 19-049  
Agenda Date: 06/25/2019  
Item No: 45



I certify that the foregoing is a true and correct copy of the Resolution adopted by the Board of Supervisors, Orange County, State of California

Robin Stieler, Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy



**EXHIBIT A**

**CEQA FINDINGS, FACTS IN SUPPORT OF FINDINGS,  
AND STATEMENT OF OVERRIDING CONSIDERATIONS  
FOR FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT 627**

**PROPOSED PROJECT**



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## **1.0 INTRODUCTION**

### **1.1 STATUTORY REQUIREMENTS FOR FINDINGS**

The California Environmental Quality Act ("CEQA") (*California Public Resources Code*, Section 21081) and the State CEQA Guidelines ("the Guidelines") (*California Code of Regulations*, Title 14, Section 15091 and 15093) require that no public agency approve or carry out a project in which a certified Environmental Impact Report ("EIR") identifies one or more significant effects of the project on the environment unless it (the public agency) makes one or more written findings for each significant effect, accompanied by a brief explanation of the rationale for each finding. Section 15091 of the Guidelines states the following:

- a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
  - 1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR;
  - 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can or should be adopted by such other agency.
  - 3) Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
- b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

- e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

Section 15093 of the Guidelines states the following:

- a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological or other benefits, including region-wide or statewide environmental benefits of a proposed project, against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological or other benefits, including region-wide or statewide environmental benefits, or a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

In addition, CEQA requires a public agency to make a finding that the EIR reflects the public agency's independent review and judgment. Therefore, in accordance with the provisions of CEQA and the Guidelines, the Orange County Board of Supervisors ("Board"), acting in its capacity as the CEQA lead agency and the proprietor of John Wayne Airport ("JWA" or "Airport"), expressly finds that Final EIR 627 (SCH No. 2017031072) for the John Wayne Airport General Aviation Improvement Program ("GAIP") reflects the County's independent review and judgment.

Final Program EIR 627 (or "Final Program EIR") identifies significant or potentially significant environmental effects, prior to and after mitigation, which may occur as a result of the Board's approval of the GAIP. In accordance with the provisions of CEQA and the Guidelines, the Board adopts these Findings as part of its certification of Final Program EIR 627.

## **1.2 ORGANIZATION/FORMAT OF FINDINGS**

In compliance with the statutory requirements, the Findings are organized as follows:

1. Introduction to the CEQA Findings, Facts in Support of Findings, and Statement of Overriding Considerations for Final EIR 627.

2. An overview of background, including applicable regulations that must be considered in conjunction with the approval of the GAIP, including the Project Proposed for Approval.
3. Description of the GAIP and the Project Proposed for Approval, including an overview of the discretionary actions required for the Project approval and a statement of the Project Objectives.
4. Findings regarding the environmental impacts that were determined as a result of the Initial Study, Notice of Preparation ("NOP"), and consideration of comments received during the NOP comment period that were assessed as having no impact and did not receive further evaluation in the Draft Program EIR.
5. Findings regarding potentially significant effects identified in the Final Program EIR, which the County has determined would be less than significant with applicable standard conditions of approval, or regulatory requirements identified in the Draft Program EIR. This section includes environmental impacts that were initially identified as less than significant through the Initial Study process, but nonetheless were discussed and analyzed in the Draft Program EIR and confirmed in the Draft Program EIR to be less than significant.
6. Findings regarding potentially significant or significant effects identified in the Final Program EIR which the County has determined, with feasible mitigation measures identified in the Draft Program EIR, are less than significant.
7. Findings regarding significant effects identified in the Final Program EIR that cannot be feasibly mitigated to below the level of significance.
8. Findings regarding project alternatives.
9. Statement of Overriding Considerations.

Each category that discusses the environmental impacts of the Project Proposed for Approval, identifies the significance of the effects; applicable regulatory requirements, standard conditions of approval and mitigation measures relevant to the specific effects being considered; and the findings and facts in support of those findings.

To the extent relevant, the above-enumerated components of these Findings are accompanied by a discussion of significant effects, mitigation measures relevant to the specific effects being considered, findings, and facts in support of those findings.

### **1.3 RECORD OF PROCEEDINGS**

For purposes of CEQA and these Findings of Fact, the Record of Proceedings for the Final Program EIR 627 consists of the following documents and other evidence, at a minimum:

- a. Draft Program EIR 627 and Appendices A through I, technical reports, survey reports, and site assessment reports to the extent applicable, thereto;
- b. Comments and Responses to Comments (Volumes 1A, 1B, 2A, and 2B) on Draft EIR Program 627, which includes a list of all persons, organizations, and public agencies commenting on the Draft Program EIR;

- c. Proceedings of the public meeting held on the Draft Program EIR, on September 26, 2018, held at the JWA Administrative Offices;
- d. Transmittal package to the Orange County Airport Commission dated April 17, 2019;
- e. Minutes of the Orange County Airport Commission meeting held April 17, 2019 and continued to May 1, 2019;
- f. Transmittal package to the Board of Supervisors for their April 23, 2019 meeting;
- g. Supplemental transmittal package to the Board of Supervisors dated May 2, 2019;
- h. Public testimony provided at the Board of Supervisors meeting held on May 7, 2019;
- i. Board of Supervisors' Resolutions Nos. 19-\_\_ and 19-\_\_ relating to the GAIP and Final Program EIR 627, including all attachments thereto;
- j. The Mitigation Monitoring and Reporting Program.
- k. The Agenda Staff Report prepared and resolutions adopted by the County of Orange in connection with the Project.
- l. Matters of common knowledge to the County, including but not limited to federal, State, and local laws and regulations.
- m. Any documents expressly cited in these Findings of Fact.
- n. Any other relevant materials required to be in the record of proceedings by Section 21167.6(e) of the *California Public Resources Code*.
- o. All attachments and documents incorporated by reference identified in items a. through n. above, including the non-privileged, retained files on the Project. All such Project documents and materials, and Record of Proceedings, listed and identified above are fully incorporated by reference into these Findings.

## **1.4 LOCATION AND CUSTODIAN OF DOCUMENTS**

The documents and other materials that constitute the record of proceedings on which these Findings of Fact are based are at the Airport Administrative Office, located at 3160 Airway Avenue, Costa Mesa, California. The custodian for these documents is the County of Orange. Copies of the documents that constitute the record of proceedings are, and at all relevant times have been and will be, available upon request at the County of Orange. This information is provided in compliance with Section 21081.6(a)(2) of the California Public Resources Code and with the California Code of Regulations, Title 14, Chapter 3, Section 15091(e).

## **1.5 PROGRAM LEVEL EIR**

Final Program EIR 627 was prepared as a Program EIR pursuant to CEQA and the Guidelines. Section 15165 of the State CEQA Guidelines states, "where individual projects are, or a phased project is, to be undertaken and where the total undertaking comprises a project with significant environmental effect, the Lead Agency shall prepare a single program EIR for the ultimate project as described in Section 15168."

As a Program EIR, it is recognized that the GAIP would be implemented over a period of years. As such, subsequent activities would be examined in light of the Final Program EIR to determine whether additional CEQA documentation would be required pursuant to the requirements of Section 21166 of CEQA (i.e., California Public Resources Code, Section 21166) and Sections 15162 and 15168 of the State CEQA Guidelines for subsequent site development approvals.

## **1.6 ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION**

In conformance with CEQA and the State CEQA Guidelines, the County conducted an extensive environmental review of the Project. This process included an initial project scoping with outreach to agencies and the public for input on the issues to be evaluated in the Draft Program EIR; the public review of the Draft Program EIR; and preparation of Responses to Comments on all written comments received during the public review period for the Draft Program EIR. The following is an overview of the major milestones in the environmental review and public participation process:

- In accordance with Section 15063 of the State CEQA Guidelines, the County prepared an Initial Study/Environmental Checklist for the GAIP and distributed it along with the Notice of Preparation (“NOP”) to responsible and interested agencies and key interest groups. The NOP was distributed to 75 individuals and agencies for a 30-day review period beginning on March 30, 2017. In addition, email notices regarding the availability of the NOP on the JWA website were sent to all the lessees at the Airport, and the NOP was posted on the JWA website.
- A Scoping Meeting was held on April 12, 2017, from 6:00 to 8:00 PM at the JWA Administrative Office in the Airport Commission Meeting Room to facilitate agency and public review and comment on the NOP. Approximately 30 people attended the Scoping Meeting (28 people signed the sign-in sheet). A total of 13 comment letters were received during the 30-day NOP review period. The NOP, distribution list, and all comments received on the NOP have been included in Appendix A of the Draft Program EIR.
- In compliance with Section 15087 of the State CEQA Guidelines, the County of Orange circulated a Notice of Completion and copies of Draft Program EIR 627 (State Clearinghouse No. 2017031072) to the State Clearinghouse, responsible and trustee agencies, local agencies, and any other interested parties for a 45-day public review period. The public review period began on September 20, 2018, and was noticed as ending November 6, 2018. The Draft Program EIR consists of the following elements:
  - Draft Program EIR 627
  - Appendix A: NOP, Comments, and Handouts
  - Appendix B: General Aviation Opportunities Facilities Layout Report
  - Appendix C: General Aviation Forecasting and Analysis Technical Report
  - Appendix D: Orange County/John Wayne Airport (JWA) General Aviation Improvement Program (GAIP) Based Aircraft Parking—Capacity Analysis and General Aviation Constrained Forecasts
  - Appendix E: Air Quality Technical Report



- Appendix F: Hazards and Hazardous Materials Reports
  - Appendix F-1: Phase II Environmental Site Assessment Report
  - Appendix F-2: Hazardous Materials Survey Report – South Coast Hangar
  - Appendix F-3: Hazardous Materials Survey Report – Executive Hangars
  - Appendix F-4: Hazardous Materials Survey Report – Signature Flight Support
  - Appendix F-5: Hazardous Materials Survey Report – Atlantic Aviation
  - Appendix F-6: Hazardous Materials Survey Report – Jay’s Aircraft Maintenance
  - Appendix F-7: Hazardous Materials Survey Report – Signature Flight Support East
  - Appendix F-8: Hazardous Materials Survey Report – County Hangars 7 & 13
  - Appendix F-9: Hazardous Materials Survey Report – ACI Jet
- Appendix G: Greenhouse Gas Technical Report
- Appendix H: John Wayne Airport General Aviation Improvement Program Noise Analysis Technical Report
- Appendix I: General Aviation Improvement Program Traffic Impact Analysis (April 2018)
- A Notice of Availability of the Draft Program EIR and for the September 26, 2018 public meeting was published in The Orange County Register, on September 20, 2018, as well as posted on the John Wayne Airport website. Notices were also sent (via U.S. mail or email, dependent on the contact information provided) to attendees of the public scoping meeting or parties that had requested the Airport add their contact information to the mailing list. A total of 756 notices were sent to various agencies, elected officials, organizations, businesses, and individuals.
- Copies of the Draft Program EIR, supporting technical appendices, and cited or referenced studies or reports were made available for review at the JWA Administrative Offices located at 3160 Airway Avenue in Costa Mesa, California 92626. The Draft Program EIR and technical appendices were also available online at [www.ocair.com/DEIR627](http://www.ocair.com/DEIR627) and at 11 local branch libraries.
- A public meeting was held on September 26, 2018 at the JWA Administrative Offices in Costa Mesa. The presentation at the public meeting provided an overview of the GAIP and the findings of the Draft Program EIR. The public was also given an opportunity to provide input on the Draft Program EIR and to ask questions about the Project. Eight individuals provided public comments at the meeting during the public comment period of the meeting; however, additional comments were made during the public presentation portion of the meeting. A transcript of the public meeting was prepared and is included in Volume 1B, of the Responses to Comments of the Final Program EIR.
- Prior to the end of the public review period, the County received requests for a time extension. The County extended the review period until November 21, 2018, resulting in a 60-day public review period. In conjunction with the time extension, the County of

Orange sent letters on November 1, 2018 to all the original recipients of the Draft Program EIR and the Notice of Availability to inform them of the time extension. In addition, a notice of time extension was published in the Orange County Register. The notice was also posted on the JWA website.

- A total of 288 comment letters/cards/e-mails were received during the 60-day review period. Of these, 150 letters were a standardized form letter. Additionally, a number of the commenters submitted the same set of comments more than once or in multiple formats (i.e., electronically and hard copy). In addition, 28 comment letters/cards/e-mails were received after the end of the public review period, 10 of which are the standardized form letter, and one comment letter was sent to a member of the Board of Supervisors. Although the County is not required to respond to late comments, written responses to these comments have been prepared and are included in the Responses to Comments.
- As required by Section 15132(d) of the CEQA Guidelines, the Final Program EIR responds to comments regarding "significant environmental points raised in the review and consultation process". Many of the comments received do not identify any environmental issues or questions on the adequacy of the Draft Program EIR; therefore, pursuant to CEQA, no response is required. However, as part of these Responses to Comments, information is provided to enhance the commenters' understanding of the GAIP. The majority of this information is contained in the Draft Program EIR.
- The Responses to Comments component of the Final Program EIR provides additional information in responses to comments and questions from agencies and the public. This additional information does not constitute significant new information requiring recirculation but rather, the additional information merely clarifies, amplifies, or makes minor modifications in an adequate Draft Program EIR. The Board of Supervisors finds that this additional information does not constitute significant new information requiring recirculation but rather, that the additional information merely clarifies, amplifies, or makes insignificant modifications in an adequate EIR. Specifically, the Board of Supervisors finds that the additional information (including the changes described above), does not show that any of the following would occur:
  - (1) A new significant environmental impact would result from implementation of the Project or from a new mitigation measure proposed to be implemented.
  - (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
  - (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the Project, but the Project's proponents decline to adopt it.
  - (4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

In summary, the Board of Supervisors hereby finds that no significant new information has been added to the Final EIR since public notice was given of the availability of the Draft EIR that would require recirculation of the EIR.

- In keeping with the requirements of Section 21092.5 of CEQA, which requires the Lead Agency to provide a copy of the written response to each public agency that commented on the Draft Program EIR, the County of Orange provided an electronic copy of the Responses to Comments to the public agencies that commented. In addition, the County sent a notification of the availability of the Responses to Comments to all parties that commented on the Draft Program EIR. The notice also provided detail on the hearing dates before the Orange County Airport Commission and the Board of Supervisors. The notices were sent at least ten days prior to the Board of Supervisors certifying the Final Program EIR. The Responses to Comments, which becomes part of the Final Program EIR, was released on April 9, 2019 and posted on the Airport's website. The notice was also published in The Orange County Register on April 9, 2019.
- An updated Volume 2A was posted to the Airport's website on April 15, 2019 to include the Health Risk Assessment (HRA), which was an attachment inadvertently missing in the original document. Copies of the updated Responses to Comments were also sent via overnight mail to all commenting agencies, which were received on April 16, 2019. Notices were sent on April 18, 2019 to all parties that submitted comments on the Draft Program EIR to notify the public of the availability of an updated Responses to Comments Volume 2A and a change in the date for the Board of Supervisors hearing.
- A notice was published in The Orange County Register on Monday, April 22, 2019 regarding the availability of an updated Responses to Comments Volume 2A and a change in the date for the Board of Supervisors hearing.
- The Orange County Airport Commission held a special meeting on April 17, 2019, which was continued to its regularly scheduled meeting of May 1, 2019. There was an opportunity for the public to address the Commission and provide public testimony at each of these meetings.
- This item appeared on the agenda for the April 23, 2019 and May 7, 2019 meetings of the Orange County Board of Supervisors, in the Board Chambers at 333 West Santa Ana Boulevard in Santa Ana, California. A notice of time, place, and purpose of the aforesaid meeting was provided in accordance with CEQA and the County's noticing requirements.

## **1.7 MITIGATION MONITORING AND REPORTING PROGRAM**

As required by Public Resources Code Section 21081.6, the Board, in adopting these findings, also adopts the Mitigation Monitoring and Reporting Program ("MMRP") developed for the GAIP. The MMRP complies with the requirements to identify the method by which the adopted measure will be implemented; the responsible party for verifying the measure has been satisfactorily completed; the method of verification; and the appropriate time or phase for the implementation of each mitigation measure. The MMRP is designed to ensure that, during implementation of the GAIP, the County and other responsible parties will comply with the adopted mitigation measures, summarized below.

The MMRP, which is provided as Exhibit B to the Resolution, incorporates all components of the Mitigation Program identified in the Final Program EIR 627. The Mitigation Program identified in Final Program EIR 627 includes both mitigation measures ("MM") and minimization measures ("MN"). A mitigation measure is a Project-specific measure that has been developed to reduce a

potentially significant impact. A minimization measure is a condition proposed to reduce an adverse effect of the Project even when that effect does not result in a significant impact. As such minimization measures go beyond the requirements of CEQA. In addition, to facilitate tracking the MMRP includes the regulatory requirements and standard conditions of approval, which are also identified in the Final Program EIR. The regulatory requirements are based on local, State, or federal regulations or laws that are frequently required independently of CEQA review and also serve to offset or prevent specific impacts. The standard conditions of approval are taken from the County of Orange adopted Standard Conditions of Approval. These are conditions frequently required independently of CEQA review that serve to offset or prevent specific impacts; however, there is not a formally adopted regulation.

Recognizing this is a Program EIR, certain details of the Project design are unknown at this time. During subsequent levels of approval, the County will have the discretion to substitute a different, environmentally equivalent, measure that would result in the same or superior effect on the environment as those described in this Program EIR. It should also be noted, additional mitigation measures and requirements may also be required in association with approval of subsequent levels of planning in accordance with the law.

## **2.0 PROJECT LOCATION AND BACKGROUND**

### **2.1 PROJECT LOCATION**

The GAIP would be implemented at JWA, which is within an unincorporated area of Orange County and a portion within the City of Costa Mesa boundary. Although the Airport encompasses approximately 504 acres, the aviation activities at JWA are located on approximately 400 acres. Aviation activities are located south of Interstate ("I") 405, north of State Route ("SR") 73, west of MacArthur Boulevard, and east of Airway Avenue. The Airport area is surrounded by the cities of Newport Beach, Irvine, and Costa Mesa, as well as several unincorporated County islands.

Permanent improvements associated with the GAIP will be located on both sides of the runways in the area currently used for general aviation activities (i.e., south of the Airport Way on the east side and south of Paularino Avenue on the west side of the Airport). Construction staging/laydown areas are identified on Airport property located in the southwest quadrant of Bristol Street and Irvine Avenue and in a portion of the long-term parking lot located north of I-405 and south of Main Street.

### **2.2 PROJECT BACKGROUND**

From 1923 to 1939, the Airport operated as a privately owned general aviation facility. JWA became a publicly owned facility in 1939. After serving as a military base during World War II, it was returned by the federal government to the County. A passenger terminal was built in 1967 but was demolished in 1994 after a new terminal and parking structure facilities opened in 1990. Through all of the improvements, the County remained committed to maintaining both general aviation and commercial aviation uses.

In 2016, general aviation accounted for the majority of JWA's total aircraft operations (takeoffs and landings). The level of general aviation at the Airport has varied over the years with a high of 503,829 operations in 1991 and a low of 174,726 in 2013. However, general aviation has consistently represented the majority of operations at the Airport. In 2016, there were 192,800 general aviation operations, which represents nearly 67 percent of the Airport's total number of operations (JWA 2017a). Although general aviation accounts for the majority of JWA's total aircraft operations, over the past approximately 25 years, there has been an overall decline (-19.2 percent) in general aviation aircraft based at JWA (JWA 2017b).

Historical general aviation trends have shown a consistent decline in single-engine aircraft since 1980 at the Airport. Multi-engine piston aircraft experienced a sharp decline in the early 1990s and have continued to decrease, although at a slower rate; turbine-powered aircraft (turbo prop and jet) experienced variable growth at the Airport. Business jet operations steadily increased from 2003 to 2006, where it tapered to around 25,000 in annual operations and has remained relatively stable since then (AECOM 2018). Although the Project Proposed for Approval would reduce the number of general aviation aircraft based at JWA and the total number of general aviation operations, the majority of the flights at the Airport would continue to be general aviation operations. Additionally, the physical area at the Airport dedicated to general aviation would remain unchanged.

A number of factors led to the proposed comprehensive update of JWA's general aviation facilities. General aviation services and facilities at the Airport have not been comprehensively studied since 1990; and the character of general aviation has changed significantly since that time including, but not limited to (1) the introduction of new aircraft into, and other changes within, the general aviation fleet; (2) the advanced age of some of JWA's general aviation structures and resultant need for improvements; (3) the need to ensure compliance with FAA requirements related to proximity of buildings to taxiways and runways; and (4) the fact that a number of general aviation-related long-term leases have expired or are nearing expiration.

JWA is the home base for more than 480 private general aviation aircraft including helicopters and single-engine, multi-engine, and turbine aircraft. Currently, JWA has two full-service Fixed Based Operators ("FBOs") (Atlantic Aviation and ACI Jet) and two limited service FBOs (Martin Aviation and Jay's Aircraft Maintenance). The full service FBOs provide aircraft fueling services, supplies, aircraft maintenance, flying lessons, and other services at the Airport. The Airport is also home to three flight schools (Sunrise Aviation, Orange County Flight Center, and Revolution Aviation). In addition to 379 general aviation tie-down/hangar spaces leased by the County, tie-down and hangar spaces are also provided by FBOs and other leaseholders at the Airport.

As part of its ongoing efforts to operate JWA in a manner sensitive to the residents who live under the approach and departure corridors, the County of Orange has established a sophisticated Airport Noise Monitoring System ("ANMS"), which monitors aircraft noise levels and obtains accurate data regarding aircraft flight tracks and fleet mix. The noise levels of all commercial aircraft operations and many general aviation operations are recorded at 10 permanent noise monitoring stations ("NMS") around the Airport as part of the ANMS. Three of the NMS are located in Santa Ana Heights (1S, 2S, and 3S), which has been annexed by the City of Newport Beach; four are located in the City of Newport Beach (4S, 5S, 6S, and 7S), one is located in Irvine (8N), one is located in Santa Ana (9N), and one is located in Tustin (10N).

## **2.3 APPLICABLE REGULATORY REQUIREMENTS AND PROGRAMS**

### **2.3.1 AIRPORT NOISE AND CAPACITY ACT OF 1990**

A key federal regulation governing the operation of airports is the *Airport Noise and Capacity Act of 1990* ("ANCA;" 49 U.S.C. Section 47521 et seq.). In the legislative findings, the U.S. Congress explained that "aviation noise management is crucial to the continued increase in airport capacity" because "community noise concerns have led to uncoordinated and inconsistent restrictions on aviation that could impede the national air transportation system." (49 United States Code [U.S.C.] Section 47521(1)-(2).) Therefore, the U.S. Congress emphasized that a "noise policy must be carried out at the national level." (49 U.S.C. Section 47521(3).) As a general matter, ANCA precludes the local imposition of noise and access restrictions that are not otherwise in accordance with the national noise policy.

A limited set of exemptions to the requirements of ANCA were provided upon ANCA's enactment. ANCA's limitations do not apply to JWA's existing curfew for commercial carrier operations, limitations on the number of annual passengers, number of average daily departures, or similar existing limitations because the 1985 Settlement Agreement, as amended, is "an intergovernmental agreement including an airport noise or access restriction in effect on

November 5, 1990" (49 U.S.C. Section 47524(d)(3)).<sup>1</sup> That being said, the exemptions do not extend to general aviation. The County, as the Airport proprietor is not allowed to place a cap on the number of general aviation operations at the Airport, without complying with the requirements of ANCA, including under most circumstances, prior FAA approval. Operational restrictions like those established in the JWA 1985 Settlement Agreement and enforced through the JWA Phase 2 Commercial Airline Access Plan and Regulation ("Access Plan") and the General Aviation Noise Ordinance are permitted only when an airport proprietor meets six specific and extremely difficult statutory criteria and receives approval from the Secretary of Transportation. Since the implementation of ANCA, no airport has successfully completed this review and approval process.

### **2.3.2 JWA PHASE 2 COMMERCIAL AIRLINE ACCESS PLAN AND REGULATION**

The County's Phase 2 Commercial Airline Access Plan and Regulation, also known as the Access Plan, provides definitions that must be used to determine whether an operation and/or operator at the Airport is "Regularly Scheduled Air Service" and/or a "Regularly Scheduled Commercial User" (see, Access Plan, Sections 2.39 and 2.40, respectively).

Section 2.39 defines "Regularly Scheduled Air Service" to include "... all operations conducted by a Regularly Scheduled Commercial User at JWA." Operations which qualify under these definitional terms must comply with the regulations set forth in the Access Plan, including, but not limited to, the Million Annual Passenger ("MAP") limitation at the Airport, which is provided in Section 2.26 of the Access Plan.

Section 2.40 defines "Regularly Scheduled Commercial User" as "...any person conducting aircraft operations at JWA for the purpose of carrying passengers, freight, or cargo where such operations: (i) are operated in support of, advertised, or otherwise made available to members of the public by any means for commercial air transportation purposes, and members of the public may travel or ship Commercial Cargo on the flights; (ii) the flights are scheduled to occur, or are represented as occurring (or available) at specified times and days; and (iii) the person conducts, or proposes to operate, departures at JWA at a frequency greater than two (2) times per week during any consecutive three (3) week period."

General aviation operations, which do not fall within the definitional provisions of a "Regularly Scheduled Commercial User" or "Regularly Scheduled Air Service" set forth in Section 2.39 or 2.40 of the Access Plan must adhere to the regulations set forth in the General Aviation Noise Ordinance ("GANO"). There are no operational limitations placed on general aviation operations or general aviation passenger totals at the Airport. To the extent that general aviation charter operations fall within the definition of Section 2.39, they would need to comply with the provisions of the Access Plan, including the limitation on the number of passengers (i.e., the million annual passenger cap in the 2014 Settlement Agreement Amendment).

<sup>1</sup> In adopting the 1985 Master Plan and as mitigation under EIR 508, the County adopted, modified, or left intact various operational restrictions for JWA, including limits on operations during certain nighttime hours, maximum permitted single-event noise levels at defined noise monitoring station locations, limitations on the number of average daily departures by commercial airplane operators, and various other restrictions.

### **2.3.3 GENERAL AVIATION NOISE ORDINANCE**

The County's General Aviation Noise Ordinance ("GANO")<sup>2</sup> establishes limitations on the maximum single event noise levels, which are applicable to both commercial and general aviation operations and noise restrictions applicable to nighttime operations (i.e., a curfew). The principal policy objective of the GANO is to exclude from operations at JWA general aviation aircraft which generate noise levels greater than the noise levels permitted for aircraft used by commercial air carriers.

The Airport maintains 10 permanent noise monitoring stations ("NMS") located to the north and south of the Airport. The GANO specifies noise limits at each NMS that vary by time of day. Compliance with the GANO is mandatory unless deviations are made necessary by air traffic control instructions, weather, a medical or in-flight emergency, or other safety considerations.

Generally, general aviation operations are permitted 24 hours a day, subject to daytime and nighttime noise limits. However, the curfew prohibits all regularly scheduled commercial operations and general aviation operations exceeding 86 dB SENEL at specified noise-monitoring terminals from taking off between the hours of 10:00 PM and 7:00 AM (8:00 AM on Sundays) and from landing between 11:00 PM and 7:00 AM (8:00 AM on Sundays). These local proprietor restrictions were adopted prior to the passage of the ANCA. Therefore, these restrictions are "grandfathered" under the terms of that statute and its implementing regulations.

### **2.3.4 SOUND ATTENUATION PROGRAMS**

The Airport has adopted two noise attenuation programs. The Santa Ana Heights Acoustical Insulation Program ("AIP") was extensively implemented at JWA as a mitigation measure for the 1985 Master Plan EIR. AIP eligibility was based on the future 65dB-Community Noise Equivalent Level ("CNEL") contour predicted in the 1985 Master Plan. Sound insulation was provided for 71 percent of the eligible residences (427 residences) in the AIP area. Of those not insulated, five residences were found to already have sufficient insulation to reduce interior noise levels to less than 45 CNEL. Avigation easements were acquired from the property owners for 16 residences. Seventy six (76) dwelling units were found to be non-conforming uses located in an area zoned for business park uses; prescriptive avigation easements were acquired for these residences. Of the 78 remaining residences that were not insulated, 19 homeowners declined the offer, and 59 homeowners did not respond despite a good faith effort to contact them. As noted, this program has been deemed complete.

A second Sound Insulation Program ("SIP") was adopted in conjunction with the 2014 Settlement Agreement Amendment. The program, adopted with the certification of Final EIR 617, provides a monitoring program to compare future noise levels to those of the 2013 Annual Noise Report. For properties in the County jurisdiction, if the noise levels have increased by 1.5 dB or more, over the 2013 levels at NMS 1S, 2S, and 3S, all noise-sensitive uses represented by that NMS not previously insulated under the 1985 AIP, will be eligible for evaluation for

<sup>2</sup> Orange County Municipal Code Article 3 Section 2-1-30.



participation in the SIP. For properties in the City of Newport Beach, an increase of 1.0 dB has been established for evaluating eligibility.

When it is determined that a noise-sensitive use is significantly impacted based on measured noise levels and the relevant significance thresholds, that use will be evaluated by the County of Orange for eligibility for sound insulation. The evaluation will be performed by measuring the indoor noise levels for each habitable room or educational space. If the average noise level in all habitable rooms or education spaces of a use is greater than an average of 45 CNEL, then the use will be eligible for sound insulation. Additionally, if the average noise level is less than 45 CNEL, any use with a noise level greater than an average of 45 CNEL in any habitable room or educational space also will be eligible for sound insulation if the FAA waives its requirement that noise levels be averaged across all habitable rooms or education spaces. The implementation of sound insulation will depend on satisfying the FAA criteria described in Chapter 812 of Order 5100.38C Airport Improvement Program Handbook.

This program has not been initiated because to date an increase in noise levels sufficient to require implementation of the SIP has not occurred. It should also be noted that the analysis in Final EIR 617 assumed a continuation of the 2013 fleet mix. Improvements in aircraft may reduce the projected noise levels.

## **3.0 PROJECT DESCRIPTION**

### **3.1 DESCRIPTION OF THE PROJECT PROPOSED FOR APPROVAL**

The Project Proposed for Approval is the GAIP, which is intended to provide the framework for general aviation improvements at the Airport by conducting a comprehensive evaluation of the general aviation facilities. By providing a concept that maximizes the efficiency and safety of facilities, the Airport will be able to prioritize future improvements, and the GAIP can be the basis for the review of potential future improvements proposed either by the County or by FBOs and other tenants as part of the leases at the Airport. The intent of the GAIP is not to eliminate any of the FBO services currently provided at the Airport, but rather allow more efficient operations that can better serve the long-term demand at the Airport.

The precise size and configuration of the improvements will be determined at the implementation phase of the GAIP and further project specific environmental review would be required. To provide for an environmental worst-case assessment, the concepts presented in Final Program EIR 627 for the Proposed Project and the alternatives, other than Alternative 3 and the No Project Alternative, generally represent the maximum amount of development for the various leaseholds.

For purpose of these Findings, the improvements identified as the Proposed Project in Final Program EIR 627 have been identified as the Project Proposed for Approval. General aviation at the Airport would continue to serve fixed wing piston aircraft (single- and multi-engine), fixed wing turbine aircraft (turboprop and turbojet); and helicopters. The Project Proposed for Approval would reduce the capacity for based aircraft by approximately 41 percent, compared to Baseline (2016) and approximately 27 percent compared to the number of based aircraft at the Airport in the Baseline condition. The Project Proposed for Approval would provide facilities to serve an increase in the number of general aviation jets.

The Project Proposed for Approval includes the following key design elements:

- Two Full Service FBOs—one on the east side of the Airport and one on the west side of the Airport, each with hangars and based aircraft located on the apron;
- Provisions for an optional general aviation terminal and General Aviation Facility (“GAF”)<sup>3</sup> that would be constructed at one of the Full Service FBO locations but would be accessible to all general aviation users;
- One Limited Service FBO, in addition to the Martin Aviation Limited Service FBO, for a total of two Limited Service FBOs;<sup>4</sup>
- Correction of four existing non-standard design features (relocation of the perimeter road on east and west side of the airfield because they are within the Object Free Area [“OFA”] of Taxiways A and B, respectively; removal of two community hangars from the

<sup>3</sup> A GAF is a general aviation aircraft screening facility for Customs and Border Protection, Department of Homeland Security, for international general aviation arrivals.

<sup>4</sup> Martin Aviation is not included in the GAIP because the lease extends to 2036, which is beyond the horizon year of the program.

existing Full Service Southeast FBO to comply with FAA height restrictions; and removal of 31 transient aircraft apron parking areas at the southeast portion of the Airport currently in the OFA for the approach to Runway 2L;

- Facilities to serve the Orange County Sherriff's Department ("OCSD") (hangar and tie-downs for OCSD helicopters);
- Flight schools, with aircraft parking on the apron;
- Capacity for approximately 354 based aircraft located in box hangars, community hangars, T-hangars, tie-downs and FBO apron spaces;
- Forecasted 167,900 annual aircraft operations (an operation is defined as either a takeoff or landing, each counting as one operation);
- Vehicle parking to accommodate the various uses;
- A self-service aircraft fueling station and aircraft wash rack;
- A potential left turn-lane on Campus Drive to provide access to the east side Full Service FBO; and
- Redesign of the Campus Drive and Quail Street access point to allow both ingress and egress (right-in and right-out) at the intersection. The redesign would require the security entrance gate to be moved further from the Campus Drive. The curb line would remain the same as existing conditions.

The construction of the improvements would be phased to minimize disruption to Airport operations and reduce the need to temporarily relocate based aircraft to other airports in the region. The phasing would require temporary relocation of uses while each area on the Airport is under construction. Construction is anticipated to take more than seven years to complete.

## **3.2 PROJECT OBJECTIVES**

Consistent with the requirements of CEQA, project objectives were developed to aid in the selection process by providing a standard against which to measure Project alternatives. The following objectives have been identified for the GAIP:

- To enhance safe and secure operations
- To utilize limited land area efficiently and economically
- To enhance compatibility between general and commercial aviation operations
- To embrace flexibility to allow for technological advances and market trends
- To maximize economic, self-sustaining, revenue producing facilities
- To assess the ability of existing infrastructure to support general aviation facilities

The Project Proposed for Approval would be able to fully meet five of the Project Objectives and would partially meet one of the Objectives. The Project Proposed for Approval is fully able to meet Objective 1. The Project Proposed for Approval would eliminate four non-standard design features at the Airport; therefore, it would enhance the safe and secure operations at the Airport

(Objective 1). The Project Proposed for Approval would also fully meet Objectives 2, 3, 5, and 6. As discussed in Section 5.5 of the Final Program EIR, the Project Proposed for Approval fulfills Objectives 2 and 5 because this scenario would provide the size and type of facilities that would be responsive to market trends and would fully utilize the facilities at the Airport. By providing facilities that would be fully utilized, it would enhance the County's ability to maximize the area that would support revenue-producing facilities. Similarly, the Project Proposed for Approval would also fully meet Objective 3. The Project Proposed for Approval would eliminate the non-standard features and would minimize the need to tow aircraft across the runway because the FBO sites would be consolidated. The Project Proposed for Approval would fully meet Objective 6 because the sizing of the proposed improvements would not exceed the capacity or conflict with the infrastructure that is in place to support the general aviation activities at the Airport.

The Project Proposed for Approval was identified as partially meeting Objective 4. This Alternative increases the number of community hangars, which by design provide the greatest flexibility; however, they are not maximized. Therefore, they do enhance the ability to meet market trends compared to existing conditions but would potentially not be as flexible in the future.

### **3.3 PROJECT APPROVALS**

The County of Orange, as the lead agency, is responsible for discretionary actions as a part of Project approval and implementation. The anticipated discretionary approvals are as follows:

- Certification by the Board of Supervisors of the Final Program EIR 627, which evaluates the environmental impacts resulting from the Project, in accordance with the California Environmental Quality Act of 1970 ("CEQA"), as amended (*California Public Resources Code*, Sections 21000 et seq.) and the State CEQA Guidelines (*California Code of Regulations*, Title 14, Sections 15000 et seq.).
- Selection by the Board of Supervisors of the GAIP Project Proposed for Approval.

As a Program EIR, it is recognized that the GAIP would be implemented over a period of years. As such, subsequent activities that may be examined in light of the Final Program EIR 627 to determine whether additional CEQA documentation would be required pursuant to the requirements of Section 21166 of CEQA (i.e., *California Public Resources Code*, Section 21166) and Sections 15162 and 15168 of the State CEQA Guidelines for subsequent site development approvals, include:

- Approval by the Orange County Board of Supervisors of real property and license agreements such as leases
- Approval of development design and construction plans and issuance of building permits by Orange County Public Works
- Issuance of permits by the Orange County Health Care Agency for the self-serve fueling station

The Final Program EIR may also provide environmental information to responsible agencies and other public agencies that may be required to grant approvals and permits or coordinate with

the County as a part of GAIP implementation. These agencies include, but may not be limited to, those listed below.

- **City of Newport Beach.** Issuance of encroachment permits for work in City right-of-way on Campus Drive for construction of the left-turn lane providing access to the east side full service FBO.
- **City of Costa Mesa.** Issuance of use permits and City Fire Department approvals associated with improvements on the Southwest Limited Service FBO and Full Service Northwest FBO.
- **Orange County Fire Authority.** Issuance of permits for installation of the self-serve fueling station.
- **South Coast Air Quality Management District.** Issuance of permits, including provisions in Rule 201 (Permit to Construct); Rule 203 (Permit to Operate), and Rule 1401 (New Source Review of Toxic Air Contaminants), would be applicable for the self-serve fueling station.

Additionally, federal approvals would be required prior to implementation of the Project Proposed for Approval. An FAA-approved Airport Layout Plan ("ALP"), showing the location of existing and planned development would be required. All improvements would be required to comply with the applicable FAA design requirements and FAA approval would also be required for improvements on the airfield portion of the Airport. If a GAF is constructed, as provided for in the Project Proposed for Approval, it would need approvals from Customs and Border Protection ("CBP") and comply with applicable CBP design requirements. Federal approvals would require compliance with the requirements of the National Environmental Policy Act ("NEPA").

## 4.0 EFFECTS DETERMINED TO HAVE NO IMPACT OR LESS THAN SIGNIFICANT IMPACT AND NOT EVALUATED IN THE ENVIRONMENTAL IMPACT REPORT

State CEQA Guidelines Section 15091 does not require specific findings to address environmental effects that an EIR evaluates and identifies as “no impact” or a “less than significant” impact. Nevertheless, these Findings of Fact fully account for all environmental categories, including environmental categories that were analyzed and determined to have either no impact or a less than significant impact on the environment. In accordance with Section 15128 of the State CEQA Guidelines, the following identifies the areas on the Initial Study checklist (circulated as part of the NOP) where it was assessed that the GAIP would have “no impact” or “less than significant impact” and the reasons supporting this assessment. The Board hereby finds that the Project Proposed for Approval would either have no impact or a less than significant impact without the implementation of mitigation measures in the following resource areas:

- **Aesthetics:** JWA is located in an urbanized area of the County with no scenic resources on or adjacent to the Airport. All GAIP modifications would be located within the Airport boundaries. Therefore, no impacts to a scenic vista or scenic highway would occur (Environmental Checklist question 1[a]). There are no designated or eligible State or local scenic highways within the vicinity of the Airport. There are also no historic buildings adjacent to the Airport site (Environmental Checklist question 1[b]).
- **Agriculture and Forestry Resources:** The GAIP would not result in any impacts to farmlands listed as “Prime,” “Unique,” or of “Statewide Importance” based on the 2014 Orange County Important Farmland Map prepared by the California Department of Conservation (Environmental Checklist question 2[a]). The Project would not result in pressures to convert farmlands to other uses, and the Project site is not within a Williamson Act contract (Environmental Checklist question 2[b]). No part of the GAIP site or adjacent areas is zoned forest land, timberland, or timberland zoned for Timberland Production, nor would the GAIP result in the loss of forest land or conversion to non-forest use (Environmental Checklist questions 2[c] through 2[e]).
- **Air Quality (odors):** The GAIP does not propose any land uses or modification to operations that would result in the creation of odors. The existing operations at the Airport involve minor odor-generating activities such as airplane exhaust; however, these types of odors are typical of an airport and would not create an odor nuisance pursuant to South Coast Air Quality Management District ‘s (“SCAQMD’s”) Rule 402 or extend beyond the limits of the Airport (Environmental Checklist question 3[e]).
- **Biological Resources:** The GAIP would not result in any direct habitat removal or modification to habitat that supports candidate, sensitive, or special status species listed by the California Department of Fish and Wildlife and/or the U.S. Fish and Wildlife Services (Environmental Checklist questions 4[a] and 4[b]). No designated wetlands or jurisdictional waters are located on the Airport property. The GAIP would also not result in indirect impacts to downstream resources because the GAIP would not change the water characteristics or discharge points for flows leaving the Airport (Environmental Checklist question 4[c]). The GAIP would not interfere with the movement of any native resident

or migratory wildlife species or impede the use of native wildlife nursery sites, as the GAIP does not adversely affect any waters supporting marine life and does not alter the existing Wildlife Hazard Management Plan ("WHMP") or introduce other elements that would increase the potential for aircraft collisions with migratory birds (Environmental Checklist question 4[d]). The GAIP would not result in removal of trees; thus, the GAIP would not conflict with a tree preservation policy and would not impact nesting birds through removal of vegetation (Environmental Checklist question 4[e]). The GAIP would not interfere with the goals of the Natural Community Conservation Plan/Habitat Conservation Plan ("NCCP/HCP") because it does not substantially impact habitat, species, or uses of the Upper Newport Bay Ecological Reserve. The GAIP would not substantially change the noise or other characteristics that would have the potential to jeopardize local populations of wildlife species and other target species covered under the NCCP/HCP or designated sensitive habitats (Environmental Checklist question 4[f]).

- **Geology and Soils:** No earthquake faults are identified on the GAIP site, and the GAIP site is not located within a designated Alquist-Priolo Earthquake Fault Zone. The northern portion of the Airport site (i.e., north of Runway 20R and the long-term and employee parking areas north of I-405) is subject to liquefaction; however, this area would not be affected by the GAIP improvements. The Airport site is flat and would not be subject to landslides (Environmental Checklist questions 6[a] through 6[d]). The GAIP does not propose any physical improvements that would require an alternative wastewater disposal system; therefore, no soils impacts related to septic tanks or alternative wastewater disposal systems would occur (Environmental Checklist question 6[e]).
- **Hazards and Hazardous Materials (hazardous materials sites; airport land use plans; private airstrips; emergency evacuation plan; wildlands):** The closest Cortese List site is approximately 1 mile southwest of the Airport; therefore, the GAIP would not expose the public to hazardous materials associated with the sites on the Cortese List (Environmental Checklist question 8[d]). No private airstrips are in the vicinity of the GAIP site, and the GAIP would not require an amendment to the Airport Environs Land Use Plan prepared for JWA (Environmental Checklist questions 8[e] and 8[f]). The GAIP would not impair or interfere with implementation of the emergency evacuation plan because it would not alter the types of facilities on site or access to the Airport (Environmental Checklist question 8[g]). The GAIP is located in an urbanized area and is not adjacent to wildlands (Environmental Checklist question 8[h]).
- **Hydrology (groundwater; drainage patterns; flood hazard areas; flooding; inundation):** The Airport does not provide for groundwater recharge and does not use groundwater. As a result, the GAIP would not involve any activities that would alter groundwater supplies (Environmental Checklist question 9[b]). The improvements associated with the GAIP would not substantially change the quantity of storm water or the points of discharge of runoff from the Airport to off-site areas; downstream drainage patterns would not be changed (Environmental Checklist questions 9[c] and 9[d]). The northern portion of the airfield is subject to potential flooding; however, this portion of the Airport is not an area used for general aviation, and the County has implemented several improvements to reduce flooding and ponding conditions at the Airport. Therefore, structures that may be constructed as part of the GAIP would not be subjected to a 100-year flood hazard. Additionally, the Airport is not in proximity to water bodies that would result in exposure to flooding as a result of failure of a levee or dam, nor would it be subject to inundation by seiche, tsunami, or mudflow (Environmental Checklist questions 9[g] through 9[j]).

- **Land Use and Planning (divide an established community; habitat conservation plan/natural community conservation plan):** The GAIP does not propose any physical improvements that would extend beyond the Airport limits or changes that would substantially modify the interface of the Airport with the surrounding land uses; therefore, it would not physically divide an established community (Environmental Checklist question 10[a]). The GAIP would not substantially change the noise or other characteristics; and would not jeopardize local populations of species covered under the NCCP/HCP; and, therefore, would not conflict with provisions of an approved local, regional, or State habitat conservation plan (Environmental Checklist question 10[c]).
- **Mineral Resources:** The JWA site does not have significant existing or potential mineral or energy resources within its boundaries (Environmental Checklist questions 11[a] and 11[b]).
- **Noise (groundborne vibration, private airstrips):** Groundborne vibration has not been identified as noticeable outside the Airport property; mass grading or blasting would not be required for implementation; and no part of the GAIP would change the Airport's vibration-generation potential. Therefore, the GAIP would not result in excessive groundborne vibration (Environmental Checklist question 12[b]). JWA is a commercial airport, and no private airstrips are in the vicinity of the GAIP site (Environmental Checklist question 12[f]).
- **Population and Housing:** The GAIP does not propose any development that would increase the population in the study area or within Orange County, nor would the GAIP be expected to have an effect on the population projections for Orange County because it would not provide infrastructure improvements that would lead to population increase. No housing is present on the GAIP site; therefore, the GAIP would not result in the displacement of people or housing (Environmental Checklist questions 13[a] through 13[c]).
- **Public Services:** The response times from the Orange County Fire Authority (OCFA) facilities to the Airport would remain unchanged, and the GAIP would not result in the need for new or upgraded fire protection facilities. The GAIP would not result in the addition of new access points to the airfield or changes in the nature of the Airport operations and, therefore, would not result in an increased demand for police protection services. The GAIP would not result in development of any residential units and, therefore, would not create an increased demand on schools, neighborhood and regional parks, or other public facilities, such as libraries. (Environmental Checklist questions 14[a][i] through 14[a][v]).
- **Recreation:** The GAIP would not generate an increase in population or provide development that would result in increased usage of existing neighborhood and regional parks. No physical deterioration would occur to existing recreational facilities as a result of GAIP implementation (Environmental Checklist questions 15[a] and 15[b]).
- **Transportation/Traffic (air traffic; hazards due to design features/incompatible uses; inadequate emergency access; conflict with policies, plans, and programs):** The GAIP may result in an incremental increase in certain types of general aviation flights and facilitate the transition to newer aircraft operating at the Airport; however, it would not change the air traffic patterns or result in a substantial safety risk due to an increase in operations (Environmental Checklist question 16[c]). The GAIP does not propose any substantial modifications to the Airport access points that would alter the operations of



the off-site circulation network. Therefore, the GAIP is not anticipated to result in impacts associated with design features; emergency access would not be impeded; and there would be no conflict with policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities (Environmental Checklist questions 16[d] through 16[f]).

- **Utilities and Service Systems (storm water drainage facilities; sufficient landfill capacity; compliance with statutes and regulations):** The Airport site is fully developed, and storm drains have been sized to accommodate storm flows in compliance with applicable standards. Changes to the quantity or flow rates of runoff from the Airport are not anticipated (Environmental Checklist question 18[c]). Any increased solid waste generated at the Airport would be able to be accommodated with the current landfill capacity and would comply with existing regulations pertaining to solid waste (Environmental Checklist questions 18[f] and 18[g]).

## **5.0 EFFECTS DETERMINED TO BE LESS THAN SIGNIFICANT AND NOT REQUIRING MITIGATION**

This section makes findings regarding the potential effects of the Project Proposed for Approval that were determined to be less than significant under both a project-level and cumulative impacts evaluation. The thresholds identified in the discussions below are the thresholds of significance used in Final Program EIR 627 and reflect the questions contained in the County's Environmental Checklist. No mitigation measures are required for the impacts to be less than significant for these thresholds. However, there are several thresholds where regulatory requirements, standard conditions of approval, and/or minimization measures have been identified. As previously noted, for purposes of tracking compliance, those requirements are also incorporated into the MMRP. For the reasons described in more detail below, the Board hereby finds that the Project Proposed for Approval would have less than significant impacts without the implementation of mitigation measures in the following resource areas:

### **5.1 AESTHETICS**

#### **5.1.1 FINDING**

Implementation of the Project Proposed for Approval would not result in significant Project or cumulative aesthetics impacts associated with the below-mentioned thresholds:

**Threshold 4.1-1** Would the Project substantially degrade the existing visual character or quality of the Project site and its surroundings?

**Threshold 4.1-2** Would the Project create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

#### **5.1.2 FACTS IN SUPPORT OF FINDINGS**

##### **Threshold 4.1-1**

Final Program EIR 627 evaluated the potential for both short-term (construction) and long-term (operational) impacts on the visual character of the Project site and the surrounding areas. Key views from public vantage points surrounding the Airport were evaluated.

Demolition, grading, and construction activities associated with implementation of the Project Proposed for Approval would present views of demolition debris, small amounts of excavated soils, and heavy equipment (e.g., backhoes, bulldozers, dump trucks) and activities and debris. The Final Program EIR identified that views of construction activities may be considered unappealing by some; however, other forms of development are common sights and interruptions to the visual character of urban areas and are largely accepted as temporary. As a result of the incremental implementation of the improvements, views of demolition and construction activities would not affect the same areas throughout all project phases. The staging or laydown areas are the only locations where components of construction may be visible during all phases of construction. These locations would be visible from the adjacent public roadways. Although not identified as a significant impact, the Airport has agreed to MN AES-1 (listed below)

that would provide for opaque security fencing surrounding the lay-down/staging areas. Given the urban context of the Airport site, views of construction would not substantially degrade the existing visual character or quality of the Project site and its surroundings. Therefore, impacts would be less than significant.

Long-term, the character of the improvements for the Project Proposed for Approval would be consistent with the visual character of the Airport. The Project would have to comply with existing FAA regulations related to building height, lighting and markings (see RR AES-1, listed below). This would further ensure the character of the Airport would not be substantially changed. It should be noted, the requirements in RR AES-1 were not adopted to preserve visual character, but compliance with these requirements would establish various design parameters for the GAIP improvements. The replacement of older facilities with new facilities would result in a visual improvement from most public vantage points. Therefore, the Project Proposed for Approval would not substantially degrade the existing visual character or quality of the site and its surroundings and no mitigation measures are required.

The Project Proposed for Approval would not contribute to a significant cumulative impact on the visual character or quality of the Airport or surrounding viewshed. As discussed in Final Program EIR 627, in order for a cumulative aesthetic impact to occur, the proposed elements of the cumulative projects would need to be seen together or in proximity to each other. If the projects were not in proximity to each other, the viewer would not perceive them in the same scene. The context in which a project is being viewed will also influence the significance of the aesthetic impact. Given the developed nature of the area surrounding the Airport, the only cumulative project that would contribute to a change in the visual character is the Wickland Pipeline project, located on the west side of the Airport. Final Program EIR 627 identifies that the combined Project Proposed for Approval and the Wickland Pipeline project will result in an intensification of development on the Airport. However, both the Project Proposed for Approval and the Wickland Pipeline project would be consistent with the visual character of the Airport. Buildings surrounding the Airport provide visual screening of much of the site from off-Airport vantage places. No significant cumulative impacts have been identified and no mitigation measures are required.

For the reasons described above, the Board hereby finds that the Project Proposed for Approval would have less than significant direct and cumulative impacts on the existing visual character and quality of the site without the implementation of mitigation measures. Although significant impacts were not identified, the following regulatory requirement and minimization measure would apply to the Project Proposed for Approval. Although regulatory requirements and minimization measures are not identified as mitigation measures, the County does include them in the MMRP to ensure implementation tracking. The following regulatory requirement and minimization measure are identified in Final EIR 627.

**RR AES-1** Prior to issuance of any building permit for individual general aviation projects at JWA, the contractor shall file a Notice of Proposed Construction or Alteration (FAA Form 7460-1) with the FAA regional office that will show compliance with the FAR Part 77 regulation, as it relates to building or structure heights, markings, lighting, and other standards. The FAA's Determination of No Hazard shall be submitted to the County prior to the start of construction.

**MN AES-1** Construction contract specifications for any phase of development where the Airport property on the southwest corner of Irvine Avenue and Bristol Street

South (i.e., golf course area) will be used as a construction laydown area/staging area, shall include security fencing with opaque screening around the construction sites and staging areas to block the ground-level views of the site. No removal of trees shall be allowed at the staging area.

## **Threshold 4.1-2**

Final Program EIR 627 evaluated the potential for both short-term (construction) and long-term (operational) impacts associated with light and glare.

There would be some construction activities that would occur during the nighttime hours, resulting in the need for temporary lighting. Lighting would have to comply with FAR Part 77 regulations (RR AES-1, identified above) to prevent hazards to aircraft operations. Given the lack of sensitive receptors adjacent to the construction site, impacts associated with lighting would be less than significant, and no mitigation is required.

All new long term light sources and potential glare sources would have to comply with FAR Part 77 regulations (RR AES-1, identified above), including types of lights and intensity of lighting and night/day lighting combinations. By complying with these regulations, the sources and intensity of lighting would be similar to existing lighting. In addition to avoiding the creation of hazards to Airport operations, compliance with these requirements would prevent the creation of new sources of substantial light or glare that would result in significant visual impacts.

Final Program EIR 627 evaluated potential glint and glare associated with the installation of solar panels. The greatest potential for glint and glare is generally associated with installation of large arrays of solar panels. Solar panels with an anti-reflective coating on the solar cells substantially reduces the potential for glint and glare. The coating also would increase the solar module's light absorption properties, making them more efficient. Given the limited size of the Airport and the facilities being proposed (i.e., the largest FBO buildings would be about 21,653 square feet), the size of the solar installations would also be limited. Additionally, there are no sensitive views adjacent to the Airport; therefore, the aesthetic impacts would be less than significant. MN AES-2 would require an applicant to perform a glare study in accordance with FAA guidance prior to installing solar panels.

None of the cumulative projects would result in substantial light and glare. Both the GAIP and the Wickland Pipeline project would be required to comply with FAA requirements pertaining to lighting and use of reflective materials, thereby minimizing the potential for light and glare impacts. Cumulative visual impacts would be less than significant for this threshold.

For the reasons described above, the Board hereby finds that the Project Proposed for Approval would have less than significant direct and cumulative light and glare impacts without the implementation of mitigation measures. Although no significant impacts have been identified, RR AES-1, listed above, would also serve to reduce potential impacts associated with light and glare. MN AES-2, listed below, would apply if as part of the site development process, installation of solar panels is proposed. Regulatory requirements and minimization measures are not identified as mitigation measures; however, the County does include them in the MMRP to ensure implementation tracking. The following minimization measure is identified in Final EIR 627.

**MN AES-2** Prior to issuance of a building permit for any project proposing the use of solar panels, the applicant shall prepare an evaluation of glare and glint on surrounding land uses and effects on navigation. The evaluation shall include description of the number, style, and placement of all solar panels. Additionally, evaluation shall include an analysis consistent with FAA guidance on evaluating solar technologies at the Airport. The evaluation shall be approved by the John Wayne Airport, Deputy Director, Facilities.

## **5.2 AIR QUALITY**

### **5.2.1 FINDING**

Implementation of the Project Proposed for Approval would not result in significant Project or cumulative air quality impacts associated with the below-mentioned thresholds:

**Threshold 4.2-1** Would the Project conflict with or obstruct implementation of the applicable air quality plan?

**Threshold 4.2-2** Would the Project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

**Threshold 4.2-3** Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

**Threshold 4.2-4** Would the Project expose sensitive receptors to substantial pollutant concentrations?

### **5.2.2 FACTS IN SUPPORT OF FINDINGS**

#### **Threshold 4.2-1**

John Wayne Airport is located in the South Coast Air Basin ("SoCAB"). The U.S. Environmental Protection Agency ("USEPA"), the California Air Resources Board ("CARB"), and the South Coast Air Quality Management District ("SCAQMD") regulate air quality in the SoCAB. The SCAQMD and Southern California Association of Governments ("SCAG"), in coordination with local governments and the private sector, develop the Air Quality Management Plan ("AQMP") for the SoCAB to satisfy the requirements of the Federal Clean Air Act for areas designated as nonattainment.

Final Program EIR 627 evaluated consistency with the 2016 AQMP adopted by the SCAQMD, which was then incorporated into the State Implementation Plan ("SIP") in 2017. SCAQMD's 2016 AQMP relies on the latest scientific and technological information and planning assumptions relevant to air quality, including information regarding regional growth forecasts and transportation control measures in the *2016-2040 Regional Transportation Plan/Sustainable Communities Strategy* ("RTP/SCS"), which was adopted by the SCAG Regional

Council in 2017. The 2016 AQMP also is built on extensive consultation between CARB and SCAQMD regarding the reduction of emissions from mobile sources. In that vein, the 2016 AQMP recognizes that some sources – referred to as “federally controlled sources” in the AQMP – are under the jurisdiction of the U.S. EPA; the 2016 AQMP explicitly recognizes aircraft as a federally controlled source.

As discussed in the Final Program EIR, JWA staff participated in SCAG’s Aviation Technical Advisory Committee and coordinated with SCAQMD to ensure that aircraft operations data specific to the Airport (such as the number of operations, fleet mix and taxi times) were accounted for throughout the forecasted planning period for both the RTP/SCS and AQMP. JWA staff also provided SCAQMD with information regarding estimated construction-related emissions at the Airport during the subject planning period, including those associated with the development of any GAIP-facilitated facilities. As a result of this inter-agency coordination, emissions associated with the GAIP have been planned for and accounted for in the 2016 AQMP.

By the nature of the applicable regional air quality plans, cumulative projects have been incorporated by way of the regional growth projections. By being consistent with the 2016 AQMP, the Project Proposed for Approval would neither conflict with nor obstruct implementation of the 2016 AQMP; therefore, no direct or cumulative impact has been identified. For the reasons described above, the Board hereby finds that the Project Proposed for Approval would not conflict with or obstruct implementation of the applicable air quality plan; therefore, direct and cumulative impacts would be less than significant impacts without the implementation of mitigation measures.

## **Threshold 4.2-2**

### **Operational Emissions<sup>5</sup>**

The Project Proposed for Approval would result in changes to the Airport’s general aviation aircraft operations and fleet mix. The Project Proposed for Approval would not change the number of commercial air carrier operations, fleet mix, runway use, flight tracks, or terminal area.

The analysis in the Final Program EIR used the required Federal Aviation Administration’s (“FAA”) Aviation Environmental Design Tool (“AEDT”, Version 2d) to model operational emissions from aircraft operations, auxiliary power units (“APU”), and ground support equipment (“GSE”) at the Airport. The analysis evaluated projected ultimate fleet mix and number of operations, as well as an evaluation of overlapping impacts when construction and operational emissions would occur at the same time.

The daily net impacts of operational emissions were calculated by subtracting the operational emissions of the Baseline (2016) Conditions from those of the Baseline Plus the Project Proposed for Approval. When compared to the SCAQMD regional and localized significance thresholds, no operational exceedances have been identified. Therefore, operational emissions of criteria pollutants would be less than significant for operations.

The cumulative impacts analysis for air quality is based on the guidance provided by SCAQMD. Pursuant to that guidance, projects that exceed the project-specific significance thresholds are

<sup>5</sup> Construction impacts for this threshold are discussed in Section 6.1 of these Findings.

considered by the SCAQMD to be cumulatively considerable. Projects that do not exceed the project-specific thresholds are generally not considered cumulatively significant. Therefore, the Project Proposed for Approval would not contribute to a cumulatively significant operational air quality impact.

For the reasons described above, the Board hereby finds that the operational emissions associated with the Project Proposed for Approval would not violate air quality standards or contribute substantially to an existing or projected air quality violation; therefore, direct and cumulative impacts would be less than significant without the implementation of mitigation measures. Although significant operational impacts were not identified, MN AQ-2, listed below, requires the use of Zero Emission Vehicle ("ZEV") GSE where available (e.g. tugs, water carts, lavatory carts, other ramp service equipment/vehicles) for 90 percent or greater of the GSE operating hours. Although minimization measures are not identified as mitigation measures, the County does include them in the MMRP to ensure implementation tracking. The following minimization measure is identified in Final EIR 627.

**MN AQ-2** General Aviation FBOs shall employ Zero Emission Vehicle ("ZEV") GSE where available (e.g. tugs, water carts, lavatory carts, other ramp service equipment/vehicles) for 90 percent or greater of the GSE operating hours. Where ZEVs are not available, vehicles shall meet Ultra Low Emission Vehicle ("ULEV") requirements. Where ULEVs are not available, and only diesel fuel engine trucks are available, the diesel-fueled truck shall comply with the On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation.

FBOs shall maintain monthly records regarding GSE type, make, model, year, fuel type, horsepower (if non-electric), and hours in-use. Monthly records are subject to audit and verification by JWA. These records shall be provided to JWA annually in June.

### **Threshold 4.2-3**

The cumulative air quality impacts analysis in the Final Program EIR is based on the guidance provided by SCAQMD that states projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. Projects that do not exceed the project-specific thresholds are generally not considered cumulatively significant.

### ***Operational Emissions***

As noted under Threshold 4.2-2, the operational emissions associated with the Project Proposed for Approval are less than significant. Therefore, consistent with the SCAQMD's guidance for assessing a project's contribution to cumulative impacts, the Project Proposed for Approval would not be considered cumulatively significant.

As discussed under Threshold 4.2-2, although the operational air emissions would be less than significant, a minimization measure (MN AQ-2) was identified that would further reduce the air emissions associated with the Project Proposed for Approval. Additionally, the Project Proposed for Approval has been included as part of the regional long-range forecasted planning period for both the 2016-2040 RTP/SCS and 2016 AQMP (see Threshold 4.2-1). These regional planning programs are designed to meet the requirements of the Federal Clean Air Act ("CAA") demonstrating attainment of the National Ambient Air Quality Standards ("NAAQS") for the

South Coast Air Basin ("SoCAB") and utilize the long-range growth forecasts to address the cumulative development in the region. Therefore, based on the SCAQMD guidance, the quantitative analysis conducted for Final Program EIR 627, and consistency with regional planning programs that reflect the GAIP, the Project Proposed for Approval would not result in a cumulatively considerable net increase of any criteria pollutant for which the SoCAB region has a non-attainment status under an applicable federal or state ambient air quality standard and impacts would be less than significant.

For the reasons described above, the Board hereby finds that the operational emissions associated with the Project Proposed for Approval would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard; therefore, impacts would be less than significant without the implementation of mitigation measures.

#### **Threshold 4.2-4**

As part of the Final Program EIR, the potential impact from toxic air contaminants ("TAC") was evaluated. A GAIP-specific Health Risk Assessment ("HRA") was prepared using the American Meteorological Society/Environmental Protection Agency Regulatory Model Improvement Committee Model ("AERMOD") to estimate dispersion factors (i.e., TAC concentrations) resulting from emissions from aircraft, APU, GSE, and the avgas storage tank at nearby receptors. Receptors evaluation followed SCAQMD guidance<sup>6</sup>, as well as discrete receptors placed at sensitive locations within 1,000 meters of the Airport. Both current and future sensitive receptors are included in this analysis. This includes planned residential developments, such as the Koll Center Residences and Newport Crossings, which are located within 1,000 meters of the Project. Off-site worker receptors are also evaluated in the HRA.

Lifetime cancer risk, chronic hazard index ("HIC"), and acute hazard index ("HIA") were calculated at each receptor for the Project Proposed for Approval as compared to the Baseline conditions. The exposure parameters used to estimate excess lifetime cancer risks (over a lifetime of 70 years) for all potentially exposed populations were obtained using risk assessment guidelines from California Office of Environmental Health Hazard Assessment ("OEHHA"). These exposure assumptions, designed to be protective of children younger than age 16, are assumed to be adequately protective of residents older than 30 years of age, including the elderly. For worker exposure, the total exposure duration analyzed is 25 years.

The incremental health risk results of this HRA were compared at the fence line of JWA to the SCAQMD thresholds of 10 in one million for cancer risk, and 1.0 for HIC and HIA. The maximum cancer risk for the Project Proposed for Approval is 0.27, at a worker receptor on the northern fence line of JWA. The maximum HIC and HIA are less than 1.0 for the Project Proposed for Approval at all receptors.

As noted under Threshold 4.2-2, the guidance provided by SCAQMD is if projects exceed the project-specific significance thresholds then they are considered by the SCAQMD to be cumulatively considerable. Projects that do not exceed the project-specific thresholds are generally not considered cumulatively significant. Based on the analysis provided as part of Final

<sup>6</sup> SCAQMD. 2018. *SCAQMD Modeling Guidance for AERMOD*. Available at: <https://www.aqmd.gov/home/air-quality/air-quality-data-studies/meteorological-data/modeling-guidance>. Accessed: January 2019.



Program EIR 627, the Project Proposed for Approval would not contribute to a cumulatively significant impact associated with sensitive receptors exposed to substantial pollutant concentrations. Therefore, no mitigation measures are required and impacts would be less than significant related to health risks and exposure of sensitive receptors to substantial pollutant concentrations.

For the reasons described above, the Board hereby finds that the Project Proposed for Approval would not expose sensitive receptors to substantial pollutant concentrations; therefore, direct and cumulative impacts would be less than significant without the implementation of mitigation measures. Although the impacts are less than significant and no mitigation is required, MN AQ-2 (use of ZEV GSE where available) would further reduce potential TAC emissions associated with the Project Proposed for Approval. MN AQ-2 is provided above, under Threshold 4.2-2.

## **5.3 CULTURAL AND SCIENTIFIC RESOURCES**

### **5.3.1 FINDING**

Implementation of the Project Proposed for Approval would not result in significant Project or cumulative impacts to cultural and scientific resources associated with the below-mentioned thresholds:

**Threshold 4.3-1** Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

**Threshold 4.3-2** Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

**Threshold 4.3-3** Would the Project disturb any human remains, including those interred outside of dedicated cemeteries?

**Threshold 4.3-4** Would the Project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

### **5.3.2 FACTS IN SUPPORT OF FINDINGS**

#### **Threshold 4.3-1**

In conjunction with the preparation of Final Program EIR 627, a cultural resources records search was conducted at the South Central Coastal Information Center ("SCCIC") at California State University, Fullerton. Although the Project Proposed for Approval will not involve improvements to the entire Airport site, for purposes of the cultural resources record search, the approximately 400 acres of the Airport dedicated to aviation activity was assumed as the GAIP Area of Potential Effect ("APE"). Few archaeological resources have been identified near the GAIP APE, and there is no record of significant archaeological resource within the area affected by the Project Proposed for Approval. The Airport site has been heavily disturbed from previous construction activities and the shallow depth of excavation associated with the improvements for the Project Proposed for Approval would minimize the potential for the discovery of significant archaeological resources. Additionally, Standard Condition ("SC") SC CULT-1 requires

a County-certified archaeologist to monitor grading activities should construction disturb native soil. The County routinely applies this standard condition to avoid and/or minimize the potential for impacts to archaeological resources. With application of this standard condition, no significant impacts would occur and no mitigation measures are identified as necessary in the Final Program EIR to protect archaeological resources.

In light of the low potential for impacts to archaeological resources and the site-specific nature of the resource, the Project Proposed for Approval would not contribute to a significant cumulative impact. Final Program EIR 627 acknowledged regional growth would include previously undeveloped land, which could lead to accelerated degradation of previously unknown archaeological resources. Each cumulative development proposal would be required to undergo environmental review and would be subject to similar resource protection requirements as the Project Proposed for Approval. Additionally, the specific list of cumulative projects identified on the Airport are not expected to disturb unknown cultural resources because of the shallow depth of excavation or in the case of the 2014 Settlement Agreement Amendment, the lack of physical improvements.

For the reasons described above, the Board hereby finds that the Project Proposed for Approval would not result in a substantial adverse change in the significance of an archaeological resource; therefore, direct and cumulative impacts would be less than significant without the implementation of mitigation measures. As previously noted, although standard conditions are not identified as mitigation measures, the County does include them in the MMRP to ensure implementation tracking. The following standard condition is identified in Final EIR 627.

**SC CULT-1** Prior to the issuance of the first grading permit, the applicant shall provide written evidence to the Manager, Building and Safety, that applicant has retained a County-certified archaeologist, to observe grading activities and salvage and catalogue archaeological resources as necessary. The archaeologist shall be present at the pre-grade conference, shall establish procedures for archaeological resource surveillance, and shall establish, in cooperation with the applicant, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the artifacts as appropriate. If the archaeological resources are found to be significant, the archaeological observer shall determine appropriate actions, in cooperation with the project applicant, for exploration and/or salvage.

Prior to the release of the grading bond the applicant shall obtain approval of the archaeologist's follow-up report from the Manager, Building and Safety. The report shall include the period of inspection, an analysis of any artifacts found and the present repository of the artifacts. The archaeologist shall prepare excavated material to the point of identification. Applicant shall offer excavated finds for curatorial purposes to the County of Orange, or its designee, on a first refusal basis. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Manager, Building and Safety. Applicant shall pay curatorial fees if an applicable fee program has been adopted by the Board of Supervisors, and such fee program is in effect at the time of presentation of the materials to the County of Orange or its designee, all in a manner meeting the approval of the Manager, Building and Safety. (County Standard Condition of Approval A02)

## **Threshold 4.3-2**

The improvements associated with the Project Proposed for Approval would be conducted in an entirely built-out environment, substantially minimizing the potential for disturbance of paleontological resources. Based on a paleontological resources records search and literature review conducted by staff of the Los Angeles County Natural History Museum, no fossil localities have been recorded within the Airport boundary. Due to the expected shallow depth of construction, disturbance would occur predominately in the younger alluvial deposits, which would not be likely to yield fossils. The County routinely applies SC CULT-2, which requires a paleontologist be retained to observe grading activities, to avoid or minimize potential impacts. With application of this standard condition no significant impacts would occur and no mitigation measures were identified as necessary in the Final Program EIR to protect paleontological resources. There are no unique geologic features on the Airport site; therefore, no impacts would occur.

In light of the low potential for impacts to paleontological resources and the site-specific nature of the resource, the Project Proposed for Approval would not contribute to a significant cumulative impact. Final Program EIR 627 acknowledged regional growth would include previously undeveloped land, which could lead to accelerated degradation of previously unknown paleontological resources. Each cumulative development proposal would be required to undergo environmental review and would be subject to similar resource protection requirements as the Project Proposed for Approval. Additionally, the specific list of cumulative projects identified on the Airport are not expected to disturb unknown cultural resources because of the shallow depth of excavation or in the case of the 2014 Settlement Agreement Amendment, the lack of physical improvements.

For the reasons described above, the Board hereby finds that the Project Proposed for Approval would not result in a substantial adverse change in the significance of a paleontological resource or unique geologic feature; therefore, direct and cumulative impacts would be less than significant without the implementation of mitigation measures. As previously noted, although standard conditions are not identified as mitigation measures, the County does include them in the MMRP to ensure implementation tracking. The following standard condition is identified in Final EIR 627.

**SC CULT-2** Prior to the issuance of the first grading permit, the project applicant shall provide written evidence to the Manager, Building and Safety, that applicant has retained a County certified paleontologist to observe grading activities and salvage and catalogue fossils as necessary. The paleontologist shall be present at the pre-grade conference, shall establish procedures for paleontological resource surveillance, and shall establish, in cooperation with the applicant, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of the fossils. If the paleontological resources are found to be significant, the paleontologist shall determine appropriate actions, in cooperation with the applicant, to ensure proper exploration and/or salvage.

Prior to the release of the grading bond the applicant shall submit the paleontologist's follow up report for approval by the Manager, Building and Safety. The report shall include the period of inspection, a catalogue and analysis of the fossils found, and the present repository of the fossils. Applicant shall

prepare excavated material to the point of identification, and offer excavated finds for curatorial purposes to the County of Orange, or its designee, on a first refusal basis. These actions, as well as final mitigation and disposition of the resources, shall be subject to approval by Manager, Building and Safety. Applicant shall pay curatorial fees if an applicable fee program has been adopted by the Board of Supervisors, and such fee program is in effect at the time of presentation of the materials to the County of Orange or its designee, all in a manner meeting the approval of the Manager, Building and Safety. (County Standard Condition of Approval A04)

### **Threshold 4.3-3**

Based on the results of the records search and literature review, human remains are not likely to be found within the APE. Due to the level of past disturbance on the Airport, project-related ground-disturbing activities are not expected to encounter human remains, including those interred outside of dedicated cemeteries. Section 7050.5 of the *California Health and Safety Code* describes the protocols to be followed in the event that human remains are accidentally discovered during excavation of a site. In addition, the requirements and procedures set forth in Section 5097.98 of the *California Public Resources Code* would be implemented. This is identified as a Regulatory Requirement ("RR") in Final Program EIR 627. Impacts would be less than significant in light of this State adopted regulation, which would apply to the Project Proposed for Approval.

The Project Proposed for Approval combined with the cumulative projects would not result in a significant impact on human remains. Discovery of human remains are site-specific and all proposed developments would undergo the same resource protection and regulatory requirements in case of discovery of human remains.

For the reasons described above, the Board hereby finds that the Project Proposed for Approval is not expected to disturb any human remains; therefore, direct and cumulative impacts would be less than significant without the implementation of mitigation measures. Although no significant impacts have been identified and regulatory requirements and standard conditions are not identified as mitigation measures, the County does include them in the MMRP to ensure implementation tracking. The following regulatory requirement is identified in Final EIR 627.

**RR CULT-1 Human Remains.** If human remains are encountered during ground-disturbing activities, Section 7050.5 of the *California Health and Safety Code* states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition of the materials pursuant to Section 5097.98 of the *California Public Resources Code*. The provisions of Section 15064.5 of the California Environmental Quality Act Guidelines shall also be followed. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner shall notify the Native American Heritage Commission ("NAHC"). The NAHC will determine and notify a Most Likely Descendent ("MLD"). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The descendent must complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. These requirements shall be included as

notes on the contractor specification and verified by the OC Development Services Department, prior to issuance of grading permits.

### **Threshold 4.3-4**

The Project Proposed for Approval would remove and replace most of the buildings currently used for general aviation. Based on the review of aerial photography, Final Program EIR 627 documented that the buildings on west side of the Airport are all less than 50 years old. Additionally, none of these buildings were found to meet the Secretary of Interior's standards for historic significance. Several of the buildings on the east side of the Airport, and across Campus Drive in the city of Newport Beach were built prior to 1970. Most notably are the rows of T-hangars adjacent to Campus Drive. However, based on the review of more recent aerial photography, several of the T-hangars along Campus Drive have been replaced or relocated over the years because the locations of the hangars are slightly different (located farther to the south than what is shown in the 1970 aerial photograph). Based on the changes to the configuration of the other buildings on the east side of the Airport, the buildings shown in the 1970 aerial photograph have also been altered or replaced. The T-hangars do not have any distinctive architecture or features; rather, they are similar to other structures on the Airport, utilitarian in form, and consistent with the design of hangars on other airports. None of the Secretary of Interior's criteria would apply to the buildings on the east side of the Airport or adjacent to the Airport.

The Project Proposed for Approval would not have any direct impact on the buildings located across Campus Drive. The record search and review of the City of Newport Beach *Historic Resources Element of the General Plan* does not identify any resources adjacent to the Airport as being listed on the federal, State, or local registers for historic resources. The buildings on Campus Drive are low-lying office and commercial buildings without distinctive architectural character. Additionally, a comparison of the 1970 aerial photograph to current conditions shows that a number of the buildings have been altered over the years.

No impacts on historic resources would occur and no standard conditions or regulatory requirements have been identified as being applicable to the Project Proposed for Approval for the protection of historic resources. Since the Project Proposed for Approval would not have any impacts, it would not contribute to a cumulative impact. Additionally, none of the cumulative projects were identified as having impacts on historic resources.

For the reasons described above, the Board hereby finds that the Project Proposed for Approval would not cause a substantial adverse change in the significance of a historical resource; therefore, direct and cumulative impacts would be less than significant without the implementation of mitigation measures.

## **5.4 GREENHOUSE GAS EMISSIONS**

### **5.4.1 FINDING**

Implementation of the Project Proposed for Approval would not result in significant Project or cumulative greenhouse gas emissions ("GHG") impacts associated with the below-mentioned thresholds:

**Threshold 4.4-1** Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

**Threshold 4.4-2** Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

## **5.4.2 FACTS IN SUPPORT OF FINDINGS**

### **Threshold 4.4-1**

In the context of CEQA, "GHG impacts are exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective." This characterization of GHG impacts is consistent with the recognition that climate change is a global phenomenon, and that GHG emissions do not result in localized impacts but rather contribute to overall atmospheric concentrations of GHGs that then influence the global climate.

Final Program EIR 627 evaluated the GHG impacts associated with both construction and operations for the Project Proposed for Approval. Construction emission estimates for the Project were developed using California Emissions Estimator Model ("CalEEMod", Version 2016.3.2). The CalEEMod model calculates total emissions resulting from each construction activity. Construction estimates (including phase durations and estimated quantities) for the Project Proposed for Approval are based on the preliminary engineering data available at the time the modeling was completed for the Program EIR. Consistent with SCAQMD recommendations, construction-related GHG emissions are amortized over the life of the project, defined as 30 years, to determine significance.

The required FAA's AEDT was used to model operational emissions from aircraft operations, APU, and GSE at the Airport. The evaluation focused on general aviation related activities because the Project Proposed for Approval would not change the number of commercial air carrier operations, fleet mix, runway use, flight tracks, or terminal area. Operational impacts from the Project Proposed for Approval are evaluated in comparison to the Baseline (2016) conditions. The net operational emissions (Baseline Plus Project Proposed for Approval less Baseline emission) plus the annual amortized construction emissions are then compared to the SCAQMD's significance threshold of 10,000 metric tons of carbon dioxide equivalent per year ("MTCO<sub>2e</sub>/year") used for industrial projects.

Final Program EIR 627 identifies the total net annual GHG emissions associated with the Project Proposed for Approval are substantially below the 10,000 MTCO<sub>2e</sub>/year threshold established by the SCAQMD for industrial projects.

For the reasons described above, the Board hereby finds that the Project Proposed for Approval would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; therefore, no mitigation measures are required. Although impacts are less than significant and no mitigation measures are required, Final Program EIR 627 did identify the following regulatory requirements to further reduce construction and operational emissions. In addition, MN AQ-1, included in Section 6.1, and MN AQ-2, provided in Section 5.2, of these Findings, would also serve to reduce GHG impacts. Regulatory requirements are not identified as mitigation measures; however, the County does include them in the MMRP

to ensure implementation tracking. The following regulatory requirements are identified in Final EIR 627.

**RR GHG-1** GAIP facilities must be designed in accordance with the applicable Title 24 Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations [CCR], Title 24, Part 6). These standards are updated, approximately every three years, to incorporate improved energy efficiency technologies and methods. The Manager of Building & Safety, or designee shall ensure compliance prior to the issuance of each building permit.

**RR GHG-2** GAIP facilities must be designed in accordance with applicable requirements of the California Green Building Standards (CALGreen) Code (24 CCR 11). The Manager of Building & Safety, or designee shall ensure compliance prior to the issuance of each building permit.

### **Threshold 4.4-2**

Executive Order S-3-05, AB 32, and SB 32 are the primary State policies adopted for the purpose of reducing GHG emissions. Statewide regulations adopted in furtherance of those State policies, including GHG emissions standards for vehicles, are being implemented at the statewide level. For example, CARB's Mobile Source Strategy and 2017 Scoping Plan include actions to deploy zero-emission technologies across a broad spectrum of sources, including airport GSE and off-road construction equipment.

The Airport has developed the *John Wayne Airport Climate Action Plan* ("CAP"), which establishes a framework to minimize Airport-related GHG emissions. The CAP establishes emission reduction goals and a process for implementation, monitoring, and reporting. The CAP was developed in furtherance of mitigation measures developed for the commercial carrier operations provided in the JWA Settlement Agreement Amendment EIR No. 617.

The GHG emissions for the Project Proposed for Approval would be less than significant (see Threshold 4.4-1). Additionally, the Project Proposed for Approval would implement applicable emissions-reducing strategies identified in CARB's Mobile Source Strategy and 2017 Scoping Plan, to the extent required by law. As noted above, Final Program EIR 627 would apply the provisions of the JWA CAP to the Project Proposed for Approval (MN GHG-1). Therefore, the Project Proposed for Approval would not conflict with any applicable plan, policy or regulation established for reducing GHG emissions impacts and impacts would be less than significant. No mitigation measures would be required; however, as noted above, the regulatory requirements and MN GHG-1 would further reduce GHG emissions.

For the reasons described above, the Board hereby finds that the Project Proposed for Approval would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases; therefore, no mitigation measures are required. Although impacts are less than significant and no mitigation measures are required, Final Program EIR 627 did identify the following minimization measure to further reduce GHG emissions. Minimization measures are not identified as mitigation measures; however, the County does include them in the MMRP to ensure implementation tracking. The following minimization measure is identified in Final Program EIR 627.

**MN GHG-1** JWA shall require that all general aviation-related development and uses facilitated by approval of the GAIP comply with applicable measures set forth in its *Climate Action Plan*. This compliance requirement shall be set forth in all leasehold agreements for GAIP-related development. Additionally, compliance with building design-related measures shall be verified by JWA Deputy Director, Facilities or designee, prior to the issuance of building permits for GAIP-related development.

## **5.5 HAZARDS AND HAZARDOUS MATERIALS**

### **5.5.1 FINDING**

Implementation of the Project Proposed for Approval would not result in significant Project or cumulative hazards and hazardous materials impacts associated with the below-mentioned thresholds:

**Threshold 4.5-1** Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

**Threshold 4.5-2** Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

**Threshold 4.5-2** Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or wastes within one-quarter mile of an existing or proposed school?

### **5.5.2 FACTS IN SUPPORT OF FINDINGS**

#### **Threshold 4.5-1 and Threshold 4.5-2**

Final Program EIR 627 evaluated both construction and operations impacts as it pertains to these thresholds.

#### ***Short-Term Construction Impacts***

The Project Proposed for Approval would result in a variety of demolition, relocation, and construction activities. Improvements would be confined to the existing Airport footprint (i.e., no expansion of the general aviation uses beyond the current Airport limits). The demolition and construction activities would involve the use, storage, and handling of hazardous and non-hazardous materials as well as the generation of hazardous waste. Additionally, hazardous materials such as asbestos-containing materials and lead-based paint may be encountered during demolition and relocation activities associated with the Project Proposed for Approval.

In conjunction with the preparation of Final Program EIR 627, Hazardous Materials Survey Reports were prepared for the existing general aviation facilities that would be demolished as



part of the Project Proposed for Approval. The facilities located where a portion of the box hangars, flight school facilities, and a portion of the proposed T-Hangars would be located were the only facilities with asbestos containing materials ("ACM") requiring further remediation prior to demolition or construction activities. Lead-based paint ("LBP") samples were identified in two locations within the general aviation facilities including the area proposed for box hangars, flight school facilities, and a portion of the proposed T-Hangars.

In addition to demolition, construction activities would require hazardous materials be transported to the site. All hazardous materials used or generated as part of construction activities would be regulated by existing federal, State, and local regulations. By adhering to regulatory requirements and compliance with the County standard conditions, potential impacts associated with hazardous material use or generation due to demolition and construction of the Proposed Project would be maintained to below a level of significance.

### ***Long-Term Operational Impacts***

Operation and maintenance activities associated with the Project Proposed for Approval would be consistent with the existing conditions at the Airport (i.e., the services offered at the Airport would not change). Activities involving the use of hazardous materials include, but are not limited to, aircraft fueling and aircraft maintenance. Final Program EIR 627 includes a list of hazardous materials and wastes that would be associated with maintenance activities. Aircraft maintenance activities would be in designated maintenance, repair, and overhaul ("MRO") areas designed for adherence to best management practices ("BMPs") and control measures for handling and storing various types and quantities of regulated hazardous materials used to service several different aircraft at any given time. Standard design practices, such as hangars incorporating subfloor design measures to mitigate fuel and oil spillage would also reduce the potential for contamination or release of hazardous materials. These would be consistent with current regulations for the handling of hazardous materials and are required by standard conditions identified in Final Program EIR 627 and included below.

The Project Proposed for Approval incorporates provisions for the installation of a self-serve fueling station for avgas conceptually located on the west side of the Airport. The design requirements for the self-serve fuel station would include a secondary containment system to avoid release of fuel beyond the immediate area. Orange County Fire Authority ("OCFA") personnel from the Airport Rescue and Fire Fighting ("ARFF") station are located on site to intervene to prevent a fire, contain the spill, and/or prevent spilled fuel from entering the storm drain system. Compliance with applicable regulatory requirements (listed below) would be required for all fuel handling and transport activities.

Because hazardous materials are often site-specific and localized, the potential for cumulative impacts is limited. For cumulative hazards and hazardous materials impacts to occur, the projects would need to be relatively close to each other so cumulative impacts would collectively pose a significant impact. The Wickland Pipeline project and Settlement Agreement Amendment are cumulative projects that would also increase the amount of fuel stored and/or used at the Airport. The risks associated with the increased fuel storage were evaluated in the environmental documents prepared for these projects and the risks of a substantial spill or substantial rupture of the tanks is very remote. The most probable accident scenario for the bulk fuel storage tanks involves minor leakage or release of fuel (e.g., from valves or seals) into the bermed containment area that surrounds the tanks and does not represent a public or environmental health risk. In light of the adopted safety programs that are currently in operation

and would be applicable to all the projects on JWA, the potential health risks are low because the fuel spills are contained and cleaned up and do not enter the Airport drainage system. Therefore, the cumulative impacts would be less than significant.

For the reasons described above, the Board hereby finds that the Project Proposed for Approval would not (1) create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; nor (2) would it create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Therefore, direct and cumulative impacts would be less than significant without the implementation of mitigation measures. Although impacts are less than significant and no mitigation measures are required, Final Program EIR 627 did identify the following regulatory requirements and standard conditions that are designed to reduce impacts associated with the handling, use, and transport of hazardous materials. Regulatory requirements and standard conditions are not identified as mitigation measures; however, the County does include them in the MMRP to ensure implementation tracking. The following regulatory requirements and standard conditions are identified in Final Program EIR 627.

**RR HAZ-1** Prior to the start of demolition or construction at the facilities, an asbestos abatement work plan shall be prepared in compliance with federal, State, and local regulations for any necessary removal and disposal of such materials, (including, but not limited to, 40 CFR 61 Subpart M, Occupational Safety and Health Administration 8 CCR 1529, and South Coast Air Quality Management District Rule 1403) and shall include: (1) demolition plans and specifications incorporating any necessary abatement measures for the removal of materials containing asbestos or assumed to contain asbestos in compliance with federal, State, and local regulations; (2) A licensed California Department of Occupational Safety and Health contractor, certified by the CSLB and registered with Cal/OSHA shall perform all "asbestos-related work" that disturbs asbestos-containing materials or asbestos-containing construction materials at the facilities; (3) All persons who may come into contact with any asbestos-containing material during demolition, construction, and maintenance at the facilities shall be notified in writing to avoid removal or disturbance of the asbestos-containing material; (4) any suspect material not identified but assumed to contain asbestos disturbed during the course of demolition shall require a cease work order and examination by a California Department of Industrial Relations Division of Occupational Safety and Health certified asbestos consultant; (5) all known asbestos-containing material or asbestos-containing construction material, to the extent that the asbestos-containing material or asbestos-containing construction material becomes friable, must be removed prior to demolition; and (6) asbestos-containing waste material that is generated during demolition at the facilities shall be properly handled and disposed of in compliance with applicable federal, State, and local regulations.

**RR HAZ-2** Prior to the start of any construction/demolition at the facilities, a lead-based paint/lead-containing paint abatement work plan shall be prepared in compliance with federal, State, and local regulations (including, but not limited to Occupational Safety and Health Administration CCR Title 17 Section 37000-

37100 and Title 8 Section 1532.1 and South Coast Air Quality Management District Rule 301) for any necessary removal and disposal of such materials.

The work plan implementing these regulations shall also include the following elements as per the Hazardous Materials Survey Report: (1) demolition plans and specifications shall incorporate any necessary abatement measures for the removal of materials containing lead-based paint and/or lead-containing paint in compliance with federal, state, and local regulations; (2) paints identified as lead-based and in poor condition (peeling or chipped) and all loose, flaking, or otherwise deteriorated lead paint shall be stabilized prior to any other construction-related activity and/or demolition on site. The stabilization process must be completed by California Department of Public Health Certified Workers under a California Department of Public Health Certified Supervisor, and all loose and flaking paint shall be removed from all work areas; (4) lead-based paints, i.e., paint on the floor of Hangar 62, in good condition may be left in place if exposure to employees and the environment is controlled and the lead-containing waste is properly tested and disposed based on the test results; (5) compliance with recommendations contained in a negative exposure assessment, which has been prepared meeting Cal-OSHA standards, for the appropriate handling of materials tested, via XRF, and found to contain lead in amounts that may be a source of exposure to workers or may not meet testing limits for disposal including ceramic tiles in the restrooms prior to renovation or demolition; and (6) work area preparations as well as adequate worker protection and employee exposure monitoring and material testing as it relates to disposal will be required during any equipment demolition activity.

**RR HAZ-3** All transportation of hazardous materials at the facilities is regulated at the federal (Title 49 of the *Code of Federal Regulations* ["49 CFR"]) and State (Title 13 of the *California Code of Regulations* ["13 CCR"]) levels and requires compliance with all applicable federal, State, and local regulations pertaining to hazardous materials to ensure that the risk associated with the use and storage of the materials, after transport to JWA, is minimal. All hazardous materials shall be handled in full compliance with applicable requirements, and the necessary permits maintained by JWA. Carriers responsible for the transportation of hazardous materials are required to have a hazardous materials transportation license, issued by the California Highway Patrol ("CHP"). All fuel deliveries from suppliers within California will comply with all applicable requirements of the CHP's biennial inspection of terminals ("BIT") program.

**RR HAZ-4** Per USEPA requirements, a *Spill Prevention, Control, and Countermeasure Plan* is required to address all fueling related activities. Pursuant to 40 CFR Section 112, physical modifications to fueling facilities (i.e., the extension of the hydrant fueling system) may require a technical amendment to a SPCC Plan. Should SNAFuel, the operator of the hydrant fueling system, agree to extend the system to the East Full Service FBO(s), the JWA Environmental Engineer shall determine if an amendment to the SNAFuel SPCC Plan is required. Said amendment, if determined necessary, would be prepared in compliance with the requirements of the U.S. Environment Protection Agency as provided for in 40 CFR Section 112 to the satisfaction of the JWA Environmental Engineer.

- RR HAZ-5** A *Spill Prevention, Control, and Countermeasure Plan* or an amendment to an existing SPCC may be required to address the additional fueling related activities Prior to construction of the self-service fueling station. The JWA Environmental Engineer shall determine if an amendment to an existing SPCC Plan or a new plan is required. Prior to the self-serve fueling station becoming operational, said document, would be prepared in compliance with the requirements of the U.S. Environment Protection Agency as provided for in 40 CFR Section 112 to the satisfaction of the JWA Environmental Engineer.
- SC HAZ-1** Prior to the issuance of a building permit for installation of an industrial oven, spray booth, powder-coating operation, dust collection equipment, welding operation, refrigeration system, or other hazardous equipment, the applicant shall provide the Manager, Permit Services with a clearance from OCFA, or other Local Fire Agency (if applicable), indicating plan compliance with Fire Code and all guidelines specific to the operation. (County Standard Condition FP02)
- SC HAZ-2** Prior to the issuance of a grading permit or building permit, whichever comes first, for installation of an aboveground or an underground tank used for the storage of flammable, combustible, or hazardous liquids, the applicant shall provide the Manager, Permit Services with a clearance from OCFA indicating compliance with Guideline G-08. (County Standard Condition FP12)
- SC HAZ-3** A. Prior to the issuance of a building permit, the applicant shall provide the Manager, Permit Services with a clearance from OCFA, or other Local Fire Agency (if applicable), indicating compliance with Guideline G-06.  
B. Prior to the final inspection approval, the applicant shall provide the Manager, Permit Services with a clearance from OCFA, or other Local Fire Agency (if applicable), indicating a "Hazardous Materials Disclosure Chemical Inventory and Business Emergency Plan" packet has been submitted to the OCFA for review and approval. (County Standard Condition FP15)
- SC HAZ-4** Applicant/operator shall store, manifest, transport, and dispose of all on-site generated waste that meets hazardous materials criteria in accordance with the *California Code of Regulations* Title 22 and in a manner to meet the satisfaction of the Manager, Health Care Agency ("HCA")/Hazardous Materials Program. Applicant shall keep storage, transportation, and disposal records on site and open for inspection by any government agency upon request. Applicant shall store used oil filters in a closed, rainproof container that is capable of containing all used oil and shall manage the container as specified in Title 22, Chapter 30, Division 4, Section 66828 of the *California Code of Regulations*. (County Standard Condition RC02)

### **Threshold 4.5-3**

The Project Proposed for Approval will redevelop and operate on the same portion of the Airport that is currently being used for general aviation uses. Mariner's Christian School, located at Red Hill Avenue and Fisher Avenue, is approximately 0.25 mile west of the Airport facilities. The operation and maintenance activities would be consistent with the existing conditions at the Airport. The Project Proposed for Approval would not alter the delivery routes for fuel or require

substantially greater quantities of fuel being delivered to the Airport. None of the characteristics associated with the Project Proposed for Approval would substantially increase the quantity or nature of hazardous materials on the Airport. The Project Proposed for Approval does not propose changes to the adopted procedures for handling hazardous materials, which are all handled in full compliance with applicable codes. The adopted safety programs currently in operation are able to reduce the potential health risks because the fuel spills are contained and cleaned up on site and historically have not left the Airport. These adopted ongoing programs and procedures reduce the potential for risk of exposure to schools in proximity to the Airport. Impacts would be less than significant with implementation of the regulatory requirements and standard conditions listed above.

For the reasons described above, the Board hereby finds that the Project Proposed for Approval would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or wastes within one-quarter mile of an existing or proposed school; therefore, direct and cumulative impacts would be less than significant without the implementation of mitigation measures.

## **5.6 LAND USE AND PLANNING**

### **5.6.1 FINDING**

Implementation of the Project Proposed for Approval would not result in significant Project or cumulative on-site land use<sup>7</sup> and planning impacts associated with the below-mentioned thresholds:

**Threshold 4.6-1** Would the Project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

### **5.6.2 FACTS IN SUPPORT OF FINDINGS**

#### **Threshold 4.6-1**

##### ***Onsite Land Uses***

Final Program EIR 627 evaluated the potential conflict with a land use plan, policy, or regulation as it pertains to compatibility with land uses on site (i.e., on-Airport impacts). The proposed GAIP improvements would not introduce any uses that would be incompatible with the current general aviation functions at the Airport because the type of improvements (i.e., FBOs, hangars, and tie-downs) are consistent with the type of uses currently on site. Additionally, the area on the Airport dedicated to general aviation uses would not substantially change. The only reduction in overall area for general aviation uses would be associated with the transient aircraft

<sup>7</sup> Potential impacts to surrounding land uses are discussed in Section 7.1.

apron parking area located at the south end of the Airport. Aircraft are parked in an OFA for Runway 2L, and the Project Proposed for Approval would correct this non-standard condition.

Currently, there are license agreements for perimeter fence access for freight, cargo, and maintenance operations incidental to the transportation of passengers into the Airport from 3000 Airway Avenue in Costa Mesa (located immediately north of the Limited Service Southwest FBO). The parcel is not part of the Airport; however, the entry gate provides access to the secured portion of the airfield pursuant to "through the gate" license agreements with the County. No significant impact would be associated with maintaining access at this location. However, to ensure as development occurs in this location that full access between the gate and Perimeter Road is maintained MN LU-1, which is listed below, is included in the Final Program EIR.

Recognizing the constrained capacity at the Airport, one of the objectives of the GAIP is to utilize limited land area efficiently and economically. The GAIP includes facilities that recognize the trend toward the reduction of small single-engine fixed-wing piston aircraft and an increase in turboprops and business/private jets, and proposes facilities to accommodate this trend. However, an effect of this is a reduction in the number of general aviation aircraft based at the Airport. The type of aircraft that would be most affected by the reduction in general aviation capacity would be the single-engine fixed-wing piston aircraft. Even with the reduction, the majority of the space for based aircraft at the Airport would remain dedicated to fixed wing piston aircraft, and specifically single-engine fixed wing piston aircraft. The Project Proposed for Approval would result in a reduction of approximately 242 spaces compared to current capacity and a reduction of approximately 128 compared to the number of based aircraft in the Baseline (2016) condition.

Impacts similar in nature could occur during construction. Although the phasing of the Project Proposed for Approval is designed to minimize disruption at the Airport, during construction, current users of the general aviation facilities (i.e., FBOs and aircraft owners) would need to be temporarily relocated either to alternative locations on the Airport or to other airports in the region while each area on the Airport is under construction.

The loss of aircraft parking spaces may be perceived as adverse because it reduces the overall capacity at the Airport; however, it would not result in an incompatible land use or conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The Airport is committed to maintaining general aviation uses; however, there are no requirements that establish a minimum or maximum amount of general aviation. JWA would continue to serve general aviation uses. The aircraft are accommodated on the Airport through lease agreements, which have established expiration dates or provisions for cancelation of the lease. The improvements would be phased, allowing additional time for aircraft owners to make other accommodations. Currently, both Fullerton Municipal Airport and Long Beach Airport have sufficient capacity to accommodate the displaced aircraft. Therefore, the reduction in the overall number of aircraft based at JWA would not result in a significant environmental impact. No mitigation measures are required for on-site land uses.

None of the cumulative projects would have impacts of the same nature as those discussed above; therefore, the potential for a cumulative on-site or policy impact is less than significant.

For the reasons described above, the Board hereby finds the Project Proposed for Approval would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental

effect; therefore, direct and cumulative impacts would be less than significant without the implementation of mitigation measures. Although minimization measures are not identified as mitigation measures, the County does include them in the MMRP to ensure implementation tracking. The following minimization measure is identified in Final EIR 627.

MN LU-1 In conjunction with the review of development construction plans for facilities adjacent to 3000 Airway Avenue, Costa Mesa, California, the applicant shall ensure, and the JWA Deputy Airport Director, Facilities, or designee, shall verify, that secured gate access used to facilitate the movement of cargo and other items into and out of the Airport is maintained for an adequate connection to Perimeter Road. The precise location and configuration of the gate may be modified within this parcel but the function of the gate shall not be compromised.

### ***Policy Consistency Analysis***

Final Program EIR 627 evaluated consistency with policies of the *Airport Environs Land Use Plan for John Wayne Airport* ("AELUP"), the *2016-2040 Regional Transportation Plan/Sustainable Communities Strategy*, the *Orange County General Plan*, and the General Plans of the jurisdictions immediately adjacent to the Airport (cities of Newport Beach, Irvine, and Costa Mesa). It should be noted, the cities of Newport Beach and Costa Mesa have been identified as responsible agencies. The City of Irvine does not have jurisdiction over any component of the Project Proposed for Approval; therefore, the analysis of the City of Irvine General Plan policies is provided in the Final Program EIR for informational purposes and was not used for the basis of making a determination of a significant impact.

The AELUP, the *Orange County General Plan*, and the *City of Newport Beach General Plan* have incorporated the 1985 Master Plan 65 CNEL noise contours as the Policy Implementation Line ("PIL") for assessing land use compatibility. Although this contour is larger than the existing 65 CNEL contour, it is the basis of the Settlement Agreement, as amended. Final Program EIR 627 did identify there would be additional residences in the 65 to 70 CNEL contour when compared to the Baseline (2016) contour (see Section 7.1 of these Findings). However, the noise contours for the Baseline (2016) Plus Project Proposed for Approval does not exceed the policy implementation line for JWA. Therefore, the Project Proposed for Approval is consistent with the policies of the AELUP and the Orange County and City of Newport Beach General Plans. The Final Program EIR also identified that these homes either have aviation easements or are included in the area covered by the Acoustical Insulation Program ("AIP") approved in conjunction with the 1985 Master Plan.

No policy inconsistencies were identified with the City of Costa Mesa General Plan or the 2016-2040 RTP/SCS.

No significant impacts were identified and no mitigation measures are required.

## **5.7 NOISE**

### **5.7.1 FINDING**

Implementation of the Project Proposed for Approval would not result in significant Project or cumulative noise impacts associated with the below-mentioned thresholds:

- Threshold 4.7-1** Would the Project expose persons to or generate noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies?
- Threshold 4.7-2** Would the Project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- Threshold 4.7-3** Would the Project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
- Threshold 4.7-4** Would the Project expose people residing or working within an airport land use plan area to excessive noise levels?

## 5.7.2 FACTS IN SUPPORT OF FINDINGS

### Threshold 4.7-1, Threshold 4.7-2, and Threshold 4.7-4

To determine the incremental increase in noise attributable to the Project Proposed for Approval, the noise analysis contained in Final Program EIR 627 compared the Baseline (2016) noise contours and applied the Project Proposed for Approval 2026 general aviation fleet mix and operations (i.e., an existing condition compared to existing plus project evaluation). The analysis was conducted using the required FAA AEDT model for estimating aircraft noise. AEDT requires the input of the physical and operational characteristics of the airport. Physical characteristics include runway coordinates, airport altitude, and temperature, and optionally, topographical data. Operational characteristics include various types of aircraft data. This includes not only the aircraft types and flight tracks, but also departure procedures, arrival procedures and stage lengths (flight distance) that are specific to the operations at the airport.

As outlined in Final Program EIR 627 Section 4.7 and the *John Wayne Airport General Aviation Improvement Program Noise Analysis Technical Report* [Appendix H], the key assumptions for the noise modeling include:

- The percentage of day, evening, and night distribution of future aircraft operations would be consistent with the percentage of existing operations.
- The total yearly commercial carrier operations (number of flights and fleet mix) for the Baseline (2016) plus No Project and the Baseline (2016) plus Project Proposed for Approval, are the same because the Project Proposed for Approval would not modify existing or future commercial carrier operations approved as part of the 2014 Settlement Agreement Amendment. The operations and fleet mix for the Project Proposed for Approval were developed based on the *Orange County/John Wayne Airport (JWA) General Aviation Improvement Program (GAIP) Based Aircraft Parking—Capacity Analysis and General Aviation Constrained Forecasts* (April 3, 2018), provided as Appendix D to the Final Program EIR.
- The flight tracks and runway use developed for the Baseline (2016) condition has been used for the Project Proposed for Approval. Runway use at JWA is based on aircraft size



with commercial aircraft and large jets using Runway 20R and smaller general aviation aircraft primarily using Runway 20L.

Using the AEDT model output, the specific CNEL values at each NMS for the Baseline (2016) and the Baseline (2016) Plus Project Proposed for Approval scenario was developed and the incremental change in noise levels between the Baseline (2016) and the Project Proposed for Approval were calculated. Impacts were then assessed. Consistent with State standards used for establishing a regional level of land use compatibility between airports and their surrounding environs, the 65 CNEL was used for assessing when potential compatibility impacts with noise sensitive uses would occur.

The County of Orange aircraft noise increase significance thresholds were used to assess the potential for a significant project-related impact. Using the County's aircraft noise increase significance threshold, a sensitive receptor with noise exposures exceeding 65 CNEL with the project will be considered significantly impacted if the noise level with the project increases by 1.5 dB or more over the existing noise exposure. Sensitive receptors with noise exposures between 60 and 65 CNEL will be considered significantly impacted if the noise level with the project is 3.0 dB or more than the existing noise level. Sensitive receptors with noise exposures between 45 and 60 CNEL will be considered significantly impacted if the noise level with the project is 5.0 dB or more than the existing noise level.

### ***Project Impacts***

Final Program EIR 627 quantified the aviation noise levels at each NMS for the Project Proposed for Approval. NMS 1S, 2S, 3S, located in the Santa Ana Heights community in the City of Newport Beach, and NMS 8N, located in the City of Irvine, all have noise levels above 65 CNEL in the Baseline (2016) the Baseline Plus No Project, and the Baseline Plus Project Proposed for Approval scenarios. However, NMS 8N is located in a commercial area with no nearby noise sensitive uses. To assess the potential for a significant impact based on the thresholds (discussed above), the change in future noise values compared to the Baseline (2016) conditions were calculated because this represents the increased noise that would be attributable to the Project Proposed for Approval. At all the NMS, the change in CNEL value compared to the Baseline (2016) was substantially less than the significance threshold.

The Project Proposed for Approval does provide for construction of on-site office space and a flight school, which would be required to meet the interior noise criteria as specified in the Noise Element and Land Use/Noise Compatibility Manual. This requirement is contained in SC NOI-1.

Changes in traffic patterns caused by the Project Proposed for Approval would result in a slight increase in traffic noise levels along the roadways on the west side of the Airport and a slight decrease in traffic noise levels on the east side of the Airport. Changes in CNEL traffic noise levels along roadways in the vicinity of JWA were calculated using the traffic volumes provided in the *Traffic Impact Analysis* (Appendix I to Final Program EIR 627). The greatest changes in the noise levels attributable to changes in traffic volumes is projected to be an increase of 0.5 dB on Paularino Avenue between Red Hill Avenue and Airway Avenue. This increase in noise level would not be detectable to an average person. Additionally, this segment of roadway is a low volume roadway (4,000 average daily trips in the Baseline condition); therefore, roadway noise would not be substantial, and there are no adjacent noise-sensitive land uses. Impacts associated with traffic noise levels would be less than significant.

## ***Cumulative Impacts***

Final Program EIR 627 evaluated cumulative noise impacts. Because of the way noise levels are combined, in order for two noise sources to result in a cumulative impact, the noise levels generated by the sources need to generate similar noise levels that are just below or exceeding an applicable noise standard, 65 CNEL for residences. Two noise sources generating equal noise levels will result in a cumulative noise level 3 dB greater than the level from only one of the sources. Therefore, the noise levels from two individual sources would need to be within 3 dB of the standard for a cumulative impact to be possible. If the noise levels from two sources differ by 10 dB or more, the cumulative noise level is the same as the louder noise source. The noise levels must be within 4 dB of each other for the cumulative noise level to be 1.5 dB greater than the loudest noise level. These facts considerably limit the situations where cumulative noise impacts could occur.

The cumulative projects that would contribute to a change in the noise environment at the JWA are the FAA's SoCal Metroplex project and the 2014 John Wayne Airport Settlement Agreement Amendment. The final procedures in the Metroplex are still being evaluated by FAA; therefore, as discussed in the Final Program EIR it would be speculative to assume a flight path that differs from what was being used at the time the analysis was prepared. The cumulative analysis assumes the Phase 3 (2026 to 2030) operation of the commercial carriers consistent with the 2014 JWA Settlement Agreement Amendment and the 2026 general aviation projections associated with the Project Proposed for Approval. The noise analysis does take into account an increase in the use of aircraft in the Boeing 737-MAX and Airbus A320-NEO families based on the current aircraft orders reported by Boeing and Airbus in the U.S.

Similar to the project-level analysis, quantitative analysis for the cumulative conditions has been calculated for each NMS. NMS 1S, 2S, 3S, and 8N have noise levels above 65 CNEL in the Baseline (2016), the Cumulative No Project, and the Cumulative Project Proposed for Approval scenarios. As previously noted, NMS 8N is located in a commercial area with no nearby noise sensitive uses.

To assess the potential for a significant impact based on the thresholds (discussed above), the change in cumulative noise values compared to the Baseline (2016) conditions were calculated because this represents the increased noise that would be attributable to the cumulative conditions and the contribution of the Project Proposed for Approval to that incremental increase. At all the NMS, the change in CNEL value for the cumulative scenario compared to the Baseline (2016) was substantially less than the significance threshold. Additionally, a comparison of the data for the Project Proposed for Approval and the Future No Project Alternative, demonstrates that the majority of the change in noise levels in 2026 is associated the approved increase in commercial carrier operations provided for through the 2014 JWA Settlement Agreement Amendment. However, the change in noise level does not increase at a level greater than the significance threshold at any NMS even when comparing the 2026 cumulative noise levels (i.e., increase in commercial carrier operations and the GAIP operations) to the Baseline (2016) condition.

For the reasons described above, the Board hereby finds that the Project Proposed for Approval would not (1) expose persons to or generate noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies; (2) result in a substantial permanent increase in ambient noise levels; and (3) expose people residing or working within an airport land use plan area to excessive noise levels. Therefore, direct and cumulative impacts would be less than significant without the implementation of mitigation

measures. Although impacts are less than significant and no mitigation measures are required, Final Program EIR 627 did identify the following regulatory requirement and minimization measure to further reduce potential noise impacts. Regulatory requirements and minimization measures are not identified as mitigation measures; however, the County does include them in the MMRP to ensure implementation tracking. The following regulatory requirement and standard condition are identified in Final Program EIR 627.

**RR NOI-1** The Orange County Municipal Code Article 3 Section 2-1-30, General Aviation Noise Ordinance, prohibits nighttime general aviation operations that exceed the specified SENEL noise limit at each of the noise monitoring locations.

**SC NOI-1** Except when the interior noise level exceeds the exterior noise level, the applicant shall sound attenuate all nonresidential structures against the combined impact of all present and projected noise from exterior noise sources to meet the interior noise criteria as specified in the Noise Element and Land Use/Noise Compatibility Manual.

Prior to the issuance of any building permits, the applicant shall submit to the Manager, Building and Safety, an acoustical analysis report prepared under the supervision of a County-certified acoustical consultant which describes in detail the exterior noise environment and the acoustical design features required to achieve the interior noise standard and which indicates that the sound attenuation measures specified have been incorporated into the design of the project. (County Standard Condition N02)

### **Threshold 4.7-3**

Construction activities would result in a temporary increase in ambient noise. Construction noise is related primarily to the use of heavy equipment. The analysis conducted in Final Program EIR 627 evaluated the noise associated with construction equipment in both stationary and mobile modes. Construction activities are exempt from the quantitative limits of the Orange County Noise Ordinance provided the construction does not take place between the hours of 8:00 PM and 7:00 AM on weekdays, including Saturday, or at any time on Sunday or a federal holiday. However, due to FAA safety restrictions it is anticipated that some night construction would occur.

The Final Program EIR identifies the nearest sensitive land uses to the construction area for the Project Proposed for Approval is a new multi-story residential building on the south corner of Baker Street and SR-55. These residences are located about 1,760 feet from the nearest section of the construction zone. Existing commercial buildings are located between the Airport and the residential buildings, which provide attenuation to the construction noise. Based on this distance and the height of the intervening buildings, the worst-case mitigated peak ( $L_{max}$ ) construction noise levels would be in the 44- to 59-dBA range at those residences on the east side of SR-55 for very short periods. The average noise levels are typically 5 to 15 dB lower than the peak noise levels. Average noise levels ( $L_{eq}$ ) at the nearby residences could be in the range of 34 to 49 dBA. These noise levels are below the nighttime noise ordinance level (50 dBA) for the City of Costa Mesa, and the resultant noise levels are lower than existing ambient conditions in this area, which are about 65 dB CNEL. Therefore, noise from construction activities at the Airport for the

Project Proposed for Approval would not impact the noise-sensitive land uses nearest to the proposed construction area.

The cumulative projects involving construction activities are expected to be completed prior to the initiation of construction of the Project Proposed for Approval. Additionally, due to the built-out nature of the area immediately surrounding the Airport, there is limited potential for other large construction projects that would result in cumulative construction noise impacts. Therefore, cumulative construction noise would be less than significant.

The increases in noise associated with operation (i.e., aviation activity) of the Project Proposed for Approval, is evaluated under Thresholds 4.7-1, 4.7-2, and 4.7-4.

For the reasons described above, the Board hereby finds that the Project Proposed for Approval would not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity. Therefore, direct and cumulative impacts would be less than significant without the implementation of mitigation measures.

## **5.8 TRANSPORTATION/TRAFFIC**

### **5.8.1 FINDING**

Implementation of the Project Proposed for Approval would not result in significant Project or cumulative transportation/traffic impacts associated with the below-mentioned thresholds:

**Threshold 4.8-1** Would the Project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

**Threshold 4.8-2** Would the Project conflict with an applicable congestion management program, including, but not limited to level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

### **5.8.2 FACTS IN SUPPORT OF FINDINGS**

#### **Threshold 4.8-1**

The traffic study area for the Project Proposed for Approval was identified in cooperation with the local jurisdictions surrounding the Airport (i.e., cities of Costa Mesa, Newport Beach, and Irvine). The analysis considers two study areas. The "primary study area" encompasses those intersections that are included in the peak hour impact analysis. The criteria for selecting this primary study area mirrors the significance criteria used for identifying Project impacts and includes those intersections that have a "measurable" change in traffic as defined by the performance criteria of the local jurisdiction (i.e., a peak hour ICU increase of more than 1.0

percent). The “secondary study area” is the area for which average daily traffic (“ADT”) data is presented and includes the roadway system surrounding the Airport. Because of the specific intersection selection, the primary study area is more focused than the secondary study area.

The quantitative traffic analysis conducted for the Project Proposed for Approval identified an overall reduction in the number of vehicle trips from general aviation activities accessing the Airport when compared to Baseline (2016). The reduction in general aviation vehicle trips is not proportional to the reduction in the number of annual operations because the lower number of aircraft operations in the future is offset by the higher average trip generation rates caused by the greater proportion of larger general aviation aircraft.

In addition to the change in trip generation rates, the traffic analysis also evaluated the redistribution of trips on the roadway network surrounding the Airport. Although in the Baseline (2016) condition, there are hangars and tie-downs on the west side of the Airport, the Project Proposed for Approval would redistribute some trips to the west side of the Airport because it would consolidate the activities of one of the full service FBO to the west side of the Airport. The analysis evaluated the change in AM and PM peak hours and ADT.

The traffic forecast data used to portray future cumulative conditions are taken from the traffic modeling forecasts prepared by the three cities in the project vicinity. They represent long range cumulative conditions rather than a specific year (for example the Irvine Transportation Analysis Model [“ITAM”] volumes are labeled as “post-2035” while the Costa Mesa forecasts are referred to as “2035”). Hence, the 2026 projections include cumulative projects plus other anticipated growth in each city, and growth in the region through traffic on those roadways that serve regional and local traffic.

The Intersection Capacity Utilization (“ICU”) analysis identified that in the future year (2026), all Project intersections would be operating at a satisfactory level of service (“LOS”) D or better, which is the threshold used by the local jurisdictions. The highest contribution by the Project Proposed for Approval to any ICU value is 0.01 and the change in traffic volumes does not result in an exceedance of the LOS D performance criteria. Therefore, the Project Proposed for Approval does not have any significant impacts at the study intersections.

An analysis of the vehicle miles traveled (“VMT”) was also conducted. The VMT analysis is not specific to a defined study area but estimates the overall change in VMT caused by trips generated by the Project Proposed for Approval. Measures include the absolute change in VMT and the change in VMT per capita. The latter recognizes that VMT will increase with increasing population in a region, and the analysis thereby evaluates whether any increase in VMT is higher or lower than the increase in population in the area being considered. The analysis identified, when compared to the No Project scenario, there would be a 0.6 percent decrease in VMT between the 2016 Plus Project scenario and the 2026 scenario. Therefore, the Project Proposed for Approval would not result in a substantial increase in regional VMT.

The short-term traffic construction impacts were also evaluated. The analysis evaluated each of the primary construction phases. When multiple tasks are included in a phase, the highest number of construction trips are used in this analysis. In cases where the construction involves facilities such as T-hangars and box-hangars, the use of the construction trip rates for office/industrial land use probably overestimates the trips for these facilities, since they have considerably less structural and architectural components than the office and FBO facilities.

The highest number of construction trips with the Project Proposed for Approval occurs in Phase 13 and comprises 82 daily vehicle trip ends, with 15 in the AM peak hour and 9 in the PM peak hour. For the west side, the peak-hour construction trip generation is considerably less than the general aviation trips calculated (57 and 54 in the AM and PM, respectively). The full allocation of west side general aviation trips would not occur until the facilities are completed, so at no time would the construction trips be additive to the long-term operational trips. Hence, any potential impacts due to construction traffic would be less than those addressed as part the general aviation traffic impact analysis. Therefore, the peak hour construction trips will not cause the LOS for any area intersections or road segments to become deficient, and therefore the Project's construction-related traffic impacts are less than significant.

For the east side, the construction trips would be additive to the background traffic. However, it must be noted that an early construction phase is the construction of the Full Service West FBO, after which some functions currently on the east side of the Airport would be relocated to the new facility. The currently split (partial operations on northeast and northwest sides) Full Service FBO will have all activities moved to the west side and some of the existing trips accessing the Airport on the east side would then access on the west side, thereby reducing the trips on the east side roadway network. Hence, the construction traffic on the east side would be compensated for by the reduction in general aviation traffic due to relocation of FBO facilities to the west side. Since the construction traffic is less than the relocated FBO traffic, the result is no net increase in traffic on the east side. Construction impacts on the circulation network would be less than significant.

Final Program EIR 627 also evaluated the effects of the displacement of aircraft. Under existing conditions 49 percent of the total general aviation operations are from based aircraft (versus transient aircraft). The Project Proposed for Approval would result in approximately 218 weekday vehicle trips related to displaced aircraft. Using the average trip distance for JWA-related general aviation trips of 15.25 miles, displaced aircraft under the Project Proposed for Approval result in a weekday VMT of 3,325 (218 trips times 15.25 miles). This number of VMT was compared to total regional VMT to assess the likelihood of an impact on the regional circulation network. The added VMT for the Project Proposed for Approval represents an increase of 0.0022 percent. This increase would have a negligible impact on the region's traffic, and the impact is considered less than significant.

The Final Program EIR evaluated the potential impacts on mass transit and non-motorized travel. Bus Routes 76 and 212 serve the JWA commercial terminal, Route 71 provides service along Red Hill Avenue, and Route 178 provides service along Birch Street. The Project Proposed for Approval would not interfere with any of these routes because improvements are mostly internal to the Airport. The only potential element of the improvements that would extend into public right-of-way would be the improvements at the two intersections on Campus Drive. This would not cause interference with the bus routes because there are no routes along Campus Drive. As noted, the Campus Drive/Quail Street improvements would be internal to the Airport and the curb line would not change.

No designated bike routes on Campus Drive would be impacted during construction. The sidewalk on the west side of Campus Drive ends at the Quail Street/Campus Drive intersection. Therefore, pedestrians would be directed to the east side of the street, thereby minimizing potential conflict with pedestrians. The vehicle trip estimates for the Project Proposed for Approval do not assume any use of public transit, but these bus routes do provide a transit mode

option, particularly for general aviation workers. Impacts would be less than significant and no mitigation is required.

For the reasons described above, the Board hereby finds that the Project Proposed for Approval would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation. Therefore, direct and cumulative impacts would be less than significant without the implementation of mitigation measures. Although impacts are less than significant and no mitigation measures are required, Final Program EIR 627 did identify the following standard condition as applicable to the implementation of roadway improvements (i.e., Campus Drive and Quail Street and the Full Service FBOs on the east side of the Airport). Standard conditions are not identified as mitigation measures; however, the County does include them in the MMRP to ensure implementation tracking. The following standard condition is identified in Final Program EIR 627.

**SC TRA-1** Prior to the issuance of any grading permits, the applicant shall provide adequate sight distance per Standard Plan 1117 at all street intersections, in a manner meeting the approval of the Manager, OC Infrastructure/Traffic Engineering. The applicant shall make all necessary revisions to the plan to meet the sight distance requirement such as removing slopes or other encroachments from the limited use area in a manner meeting the approval of the Manager, Building and Safety. (County Standard Condition of Approval T10)

### **Threshold 4.8-2**

The study intersections evaluated in Final Program EIR 627 were identified because the GAIP had the potential to result in “measurable” change in traffic as defined by the performance criteria of the local jurisdiction. None of the six study area intersections are designated Congestion Management Plan (“CMP”) intersections, and none of the roadways adjacent to the Airport are part of the CMP Highway System. The closest CMP facility (i.e., roadway or intersection) is Jamboree Road located approximately 0.75 mile to the east of the Airport in the cities of Irvine and Newport Beach. Therefore, the Board hereby finds that the Project Proposed for Approval would not conflict with the CMP and no mitigation is required.

## **5.9 TRIBAL CULTURAL RESOURCES**

### **5.9.1 FINDING**

Implementation of the Project Proposed for Approval would not result in significant Project or cumulative tribal cultural resources impacts associated with the below-mentioned thresholds:

**Threshold 4.9-1** Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1 (k), or
- ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

## **5.9.2 FACTS IN SUPPORT OF FINDINGS**

### **Threshold 4.9-1**

The Native American Heritage Commission (“NAHC”) conducted a Sacred Lands File (“SLF”) search for the Airport area. The search failed to identify any sacred places or objects with cultural value to a California Native American tribe on the Airport property. Consistent with requirements of AB 52, the County of Orange sent letters to tribes that have expressed an interest in being consulted regarding Native American resources for the projects being undertaken in unincorporated Orange County. Based on the response, the County initiated consultation with the Gabrielino Band of Mission Indians – Kizh Nation.

The Airport Project site lies within an area where ancestral territories of Kizh Gabrielino Tribe villages adjoined and overlapped, at least during the Late Prehistoric (before European contact) and Protohistoric Periods (Post-contact). Mr. Salas recommended that a certified Native American monitor be onsite during ground disturbing activities.

For purposes of impact analysis, a tribal cultural resource is considered a site, feature, place, cultural landscape, sacred place, or object which is of cultural value to a California Native American Tribe and is either eligible for the California Register of Historic Resources (“CRHR”) or a local register. A recorded archaeological site (CA-ORA-1223) is located approximately  $\frac{1}{3}$  mile south of the Airport in a developed area. The site will not be affected by the Project Proposed for Approval. Given the disturbed nature of the site, impacts on tribal cultural resources listed or eligible for listing on the CRHR are not expected. The County of Orange does not have a local listing.

Although tribal cultural resources impacts are site-specific with regard to any given resource (e.g. resources of important cultural value to Native Americans), impacts may be considered cumulative simply because they relate to the loss of tribal cultural resources in general over time throughout the region. Cumulative development associated with regional growth (i.e., development off Airport property) would have similar potential for impacts to unknown resources. However, each of these development proposals would undergo environmental review and would be subject to similar resource protection requirements as determined by the local lead agency.

For the reasons described above, the Board hereby finds the Project Proposed for Approval would not cause a substantial adverse change in the significance of a tribal cultural resource; therefore, direct and cumulative impacts would be less than significant without the implementation of mitigation measures. Although the Project Proposed for Approval is not



expected to result in significant direct or cumulative impacts to tribal cultural resources, and mitigation is not required, the following minimization measure is included in Final Program EIR 627 to further reduce the potential for an impact to currently unknown tribal cultural resources should construction extend into native soil.

**MN TCR-1 Tribal Cultural Resources Observation and Salvage.** Prior to the issuance of any grading permit in which native soil is disturbed, the applicant shall provide written evidence to the Manager, Permit Services, that a Native American monitor has been retained to observe grading activities in native sediment and to salvage and catalogue tribal cultural resources as necessary. The Native American monitor, which shall be a representative of a tribe with ancestral connection to the land, shall be present at the pre-grade conference, shall establish procedures for tribal cultural resource surveillance, and shall establish, in cooperation with the County, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the tribal cultural resource as appropriate. If the tribal cultural resources are found to be significant, the Native American observer shall determine appropriate actions, in cooperation with the County for exploration and/or salvage.

## **5.10 UTILITIES AND SERVICE SYSTEMS**

### **5.10.1 FINDING**

Implementation of the Project Proposed for Approval would not result in significant Project or cumulative utilities and service system impacts associated with the below-mentioned thresholds:

**Threshold 4.10-1** Would the Project exceed the wastewater treatment requirements of the applicable Regional Water Quality Control Board ("RWQCB")?

**Threshold 4.10-2** Would the Project require or result in the construction of new water or wastewater treatment facilities or the expansion of existing facilities, the construction of which could cause significant environmental impacts?

**Threshold 4.10-3** Would the Project not have sufficient water supplies available to serve the Project from existing entitlements and resources, or new or expanded entitlements would be needed?

**Threshold 4.10-4** Would the Project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

## **5.10.2 FACTS IN SUPPORT OF FINDINGS**

### **Threshold 4.10-1 through Threshold 4.10-4**

#### ***Wastewater***

The majority of JWA is serviced by the Orange County Sanitation District ("OCSD") sewers. The area along the western boundary of JWA is served by sewer mains owned and maintained by the Costa Mesa Sanitation District ("CMSD"), which conveys flows to OCSD facilities for treatment. Wastewater treatment requirements under Order No. R8-2012-0035 have been issued by the Santa Ana RWQCB for the OCSD treatment plants to ensure that adequate levels of treatment would be provided for the wastewater flows emanating from all land uses within its service area.

The new, reconstructed and/or reconfigured general aviation facilities under the Project Proposed for Approval would have to comply with the wastewater regulations and requirements of OCSD and/or CMSD in order to obtain sewer service. This would include design and construction of sewer system connections; installation of required pretreatment equipment, pollution control facilities, spill containment facilities, accidental slug control plans, and/or monitoring/metering facilities; application for the necessary discharge permits; and compliance with CMSD and/or OCSD ordinances that have been developed to comply with the Statewide General Waste Discharge Requirements ("WDR") for Sanitary Sewer Systems (Order No. 2006-0003-DWQ) and the Santa Ana Regional Water Quality Control Board ("RWQCB") as the WDR and National Pollutant Discharge Elimination System ("NPDES") Permit (Order No. R8-2012-0035).

The Project Proposed for Approval would result in a minimal increase in the number of people being served at the Airport. New facilities constructed under the Project Proposed for Approval would need to comply with the current building codes; therefore, older plumbing fixtures and appliances would be replaced with fixtures and appliances that comply with current code requirements. Water-efficient systems would offset the projected increase in wastewater generation. Thus, the wastewater generation under Project Proposed for Approval would not affect the ability of OCSD to serve the wastewater treatment demand generated by the increase in the number of persons at the site.

The Project Proposed for Approval would result in a limited increase in the average number of people using the Airport on an average day, resulting in a nominal increase in water demand and wastewater generation. A review of the cumulative projects indicates that only the 2014 Settlement Agreement Amendment would result in an increased demand for water and wastewater generation. As part of the analysis and coordination with OCSD conducted for the Settlement Agreement Amendment, it is estimated that under the 1990 Service Agreement between JWA and the OCSD, there is capacity to serve approximately 12.96 million annual passengers ("MAP"). Therefore, cumulative impacts associated with wastewater treatment requirements or capacity would be less than significant.

#### ***Water Resources***

The Mesa Water District provides potable (domestic) water service to JWA and has been identified in the District's *2015 Urban Water Management Plan* ("UWMP") as one of the major regional facilities in the service area. The increase in water demand under the Project Proposed

for Approval would be minimal and could be serviced within the water supplies outlined in the UWMP. Similar to wastewater, water-efficient appliances, plumbing fixtures, and landscape irrigation systems installed in new construction would offset those in existing older buildings, in compliance with the CALGreen Code and the County's Landscape Water Use Standards (RR UTL-2). Thus, the Project Proposed for Approval would not create substantial demands for water nor require the construction of new water treatment facilities or expansion of existing facilities. Existing distribution water lines on site may be removed and new ones constructed to serve new buildings in accordance with Mesa Water regulations (RR UTL-3), but service connections and water mains would remain.

Mesa Water District, through the development of the UWMP, has demonstrated they have sufficient capacity to meet sufficient water supplies available to serve cumulative development during normal, dry and multiple dry years. Less than significant impacts are expected.

For the reasons described above, the Board hereby finds that the Project Proposed for Approval would not (1) exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board; (2) require construction of new water or wastewater treatment facilities or the expansion of existing facilities; (3) exceed water supplies available to serve the Project from existing entitlements; nor (4) exceed the wastewater treatment provider capacity to serve the project's projected demand in addition to the provider's existing commitments. Therefore, direct and cumulative impacts would be less than significant without the implementation of mitigation measures. Although no significant impacts have been identified and regulatory requirements are not identified as mitigation measures; the County does include them in the MMRP to ensure implementation tracking. The following regulatory requirements are identified in Final Program EIR 627.

**RR UTL-1** In conjunction with the development of the GAIP projects, building plans and site improvement plans shall show compliance with pertinent regulations of CMSD and/or OCSD related to sewer system connections, installation of on-site facilities for industrial dischargers and food service establishments (e.g., pretreatment equipment, pollution control facilities, spill containment facilities, accidental slug control plans, and monitoring/metering facilities), as well as obtain the necessary discharge permits and comply with the discharge limits, prohibitions, monitoring and reporting, inspection and sampling, and other provisions of the permit. Compliance shall be in a manner meeting the approval of the Manager, Building and Safety compliance prior to issuance of any building permit.

**RR UTL-2** In conjunction with the development of the GAIP projects, building plans and site improvement plans shall demonstrate compliance with applicable non-residential mandatory measures in the California Green Building Standards Code (CALGreen Code) and the County's Landscape Water Use Standards in a manner meeting the approval of the Manager, Building and Safety compliance prior to issuance of any building permit.<sup>8</sup>

<sup>8</sup> CALGreen Appendix A4 contains the voluntary measures (Tier 1 and Tier 2) that were developed to provide a statewide method of enhancing green construction practiced beyond the Code's minimum levels. It should be noted, although RR UTL-2 identifies compliance with the California Green Building Standards Code, the *John Wayne Airport Climate Action Plan* requires fixed based operators and vendors to meet stringent energy efficiency requirements equivalent of CalGreen Tier 1 and Envision Gold or higher for applicable components of GAIP facilities. This requirement is identified

**RR UTL-3** In conjunction with the development of the GAIP projects, new or modified water service to the site shall comply with Mesa Water District's rules and regulations, including design and construction of connections and water facilities, payments for service, conditions for service, and compliance with its permanent and emergency water conservation programs that outline water waste prohibitions, escalating water restrictions under water supply shortage conditions and other general provisions.

## **5.11 WATER QUALITY**

### **5.11.1 FINDING**

Implementation of the Project Proposed for Approval would not result in significant Project or cumulative water impacts associated with the below-mentioned thresholds:

**Threshold 4.11-1** Would the Project violate any water quality standards or waste discharge requirements?

**Threshold 4.11-2** Would the Project create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

**Threshold 4.11-3** Would the Project otherwise substantially degrade water quality?

### **5.11.2 FACTS IN SUPPORT OF FINDINGS**

#### ***Threshold 4.11-1 through Threshold 4.11-3***

##### **Short-Term Construction Impacts**

Demolition and construction activities associated with implementation of the Project Proposed for Approval would generate pollutants that may enter storm water runoff and downstream water bodies. Construction site runoff would flow into adjacent catch basins and storm drainage lines and would contribute to pollutants in the storm water, if not treated. Compliance with regulatory requirements and standard conditions would require construction contractors to obtain coverage under the NPDES Construction General Permit for sites of one acre or more. This permit requires the discharger to prepare and implement a Storm Water Pollution Prevention Plan ("SWPPP"), which must include erosion-control and sediment-control Best Management Practices ("BMPs"), wind and water tracking controls, hazardous material management practices, and other site-management BMPs that would meet or exceed measures required by the determined risk level of the Construction General Permit. Contractors on sites less than one acre would still need to prepare a SWPPP that would also prevent and/or minimize pollutants on storm water runoff.

in the consistency evaluation with the CAP, provided in Table 4.4-10, item E-11 (included in Section 4.4, Greenhouse Gas Emissions).

Compliance with RR WQ-1, SC WQ-1 through SC WQ-4, and SC WQ-6, listed below, would ensure that demolition and construction activities for the Project Proposed for Approval do not violate water quality standards or substantially degrade water quality. Short-term construction impacts on water quality would be less than significant, and no mitigation is required.

The cumulative projects identified on the Airport would not be under construction concurrent with the GAIP improvements; therefore, they would not contribute to construction-related water quality impacts. Construction of other projects outside the Airport but within the Newport Bay watershed, together with the proposed GAIP projects, would have the potential to result in cumulative impacts on water quality. However, implementation of BMPs listed in individual SWPPPs, which are required for coverage under the NPDES Construction General Permit would reduce storm water pollutants during demolition and construction activities to less than significant levels. This condition would apply to all significant construction projects in the watershed.

### Long-Term Operational Impacts

The Project site is largely paved and would remain paved with the Project Proposed for Approval. Although no substantial increase in the extent of impervious surfaces would occur and no substantial change in the volume of runoff would be generated at the Airport, additional structural treatment controls would be required. FBO and maintenance areas of the Airport operate under the NPDES Industrial General Permit; and other areas operate under the Orange County municipal separate storm sewer system ("MS4"). Under the MS4 permit, the Project Proposed for Approval would be considered a Priority Redevelopment Project because it proposes redevelopment or replacement of 5,000 square feet or more of impervious surface.

As part of the Industrial General Permit requirements, JWA has prepared and implements a SWPPP and a Monitoring Implementation Plan ("MIP"). The SWPPP is designed to identify potential sources of pollutants and work practices and management procedures that are implemented to minimize pollutants from entering the storm water. Under the MS4 permit, a Conceptual or Preliminary Water Quality Management Plan ("WQMP") and a final Project WQMP would be required. All elements of the Project Proposed for Approval would need to comply with applicable federal, state, and local requirements. The Project Proposed for Approval would not violate water quality standards or waste discharge requirements, create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, or otherwise substantially degrade water quality. Impacts would be less than significant.

For cumulative long-term operational impacts, the existing BMPs and other practices that are implemented at the Airport would continue to be implemented as part of the MS4 Permit regulations and the Industrial General Permit for the Airport and in compliance with pertinent County Code regulations. These would apply to the GAIP and other Airport projects. Cumulative projects in the watershed, but off Airport property, would also be required to comply with the MS4 Permit issued for new development and major redevelopment projects. Should, as part of the regional growth, other industrial uses be proposed, industrial dischargers would also have to obtain coverage under the Industrial General Permit and comply with the applicable requirements to protect water quality. Therefore, cumulative adverse impacts related to water quality would be less than significant, and no mitigation is required.

For the reasons described above, the Board hereby finds that the Project Proposed for Approval would not (1) violate water quality standards or waste discharge requirements; (2) result in runoff water that would exceed the capacity of existing storm water drainage systems or provide substantial additional sources of polluted runoff; nor (3) substantially degrade water quality. Therefore, direct and cumulative impacts would be less than significant without the implementation of mitigation measures. Although regulatory requirements and standard conditions are not identified as mitigation measures; the County does include them in the MMRP to ensure implementation tracking. The following regulatory requirement and standard conditions are identified in Final Program EIR 627.

**RR WQ-1** If groundwater is encountered during ground disturbance activities at JWA, the contractor shall provide evidence to the County that it has applied for coverage under Order No. R8-2015-0004 for the disposal of acceptable construction dewatering discharges to the local storm drainage system, through the submission of a copy of the completed Notice of Intent for the project and Santa Ana Regional Water Quality Control Board's ("RWQCB's") Discharge Authorization Letter. The contractor shall comply with the discharge prohibitions; conduct groundwater testing to show the discharge would not exceed the set effluent limitations and applicable surface water limitations, including the provision of needed facilities and systems of treatment and control to meet the limitations; and implement a monitoring and reporting program.

If the proposed discharge is not eligible for coverage under this Order, an individual National Pollutant Discharge Elimination System ("NPDES") permit shall be obtained. The contractor shall provide a copy of the NPDES permit to the Orange County Building and Safety Division and implement the conditions of approval during construction dewatering activities.

**SC WQ-1** Prior to the issuance of any grading or building permits, the applicant shall submit for review and approval by the Manager, Building and Safety, a Water Quality Management Plan ("WQMP") specifically identifying Best Management Practices ("BMPs") that will be used on site to control predictable pollutant runoff. The applicant shall utilize the Orange County Drainage Area Management Plan ("DAMP"), Model WQMP, and Technical Guidance Manual for reference, and the County's WQMP template for submittal. This WQMP shall include the following:

- Detailed site and project description
- Potential storm water pollutants
- Post-development drainage characteristics
- Low Impact Development ("LID") BMP selection and analysis
- Hydromodification Control BMP selection and analysis
- Structural and Non-Structural source control BMPs
- Site design and drainage plan (BMP Exhibit)
- Geographic Information Systems ("GIS") coordinates for all LID and Treatment Control BMPs

- Operation and Maintenance (“O&M”) Plan that (1) describes the long-term operation and maintenance requirements for BMPs identified in the BMP Exhibit; (2) identifies the entity that will be responsible for long-term operation and maintenance of the referenced BMPs; and (3) describes the mechanism for funding the long-term operation and maintenance of the referenced BMPs

The BMP Exhibit from the approved WQMP shall be included as a sheet in all plan sets submitted for plan check, and all BMPs shall be depicted on these plans. Grading and building plans must be consistent with the approved BMP exhibit. (County Standard Condition WQ01)

**SC WQ-2**

Prior to the issuance of a certificate of use and occupancy, the applicant shall demonstrate compliance with the County’s NPDES Implementation Program in a manner meeting the satisfaction of the Manager, Orange County (“OC”) Inspection, including:

- Demonstrate that all structural Best Management Practices (“BMPs”) described in the BMP Exhibit from the project’s approved WQMP have been implemented, constructed, and installed in conformance with approved plans and specifications
- Demonstrate that the applicant has complied with all non-structural BMPs described in the project’s WQMP
- Submit for review and approval an Operations and Maintenance (“O&M”) Plan for all structural BMPs (the O&M Plan shall become an attachment to the WQMP)
- Demonstrate that copies of the project’s approved WQMP (with attached O&M Plan) are available for each of the initial occupants
- Agree to pay for a Special Investigation from the County of Orange for a date twelve (12) months after the issuance of a Certificate of Use and Occupancy for the project to verify compliance with the approved WQMP and O&M Plan
- Demonstrate that the applicant has RECORDED one of the following:
  1. The covenants, conditions, and restrictions (“CC&Rs”) (that must include the approved WQMP and O&M Plan) for the project’s Home Owner’s Association
  2. A water quality implementation agreement that has the approved WQMP and O&M Plan attached
  3. The final approved Water Quality Management Plan (“WQMP”) and Operations and Maintenance (“O&M”) Plan

(County Standard of Approval WQ02)

**SC WQ-3**

Prior to the issuance of any grading or building permits, the applicant shall demonstrate compliance with California’s General Permit for Stormwater

Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing in a manner meeting the satisfaction of the Manager, Permit Intake. Projects subject to this requirement shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for County review on request. (County Standard of Approval WQ04)

**SC WQ-4** Prior to the issuance of any grading or building permit, the applicant shall submit an Erosion and Sediment Control Plan (ESCP) in a manner meeting approval of the Manager, Permit Intake, to demonstrate compliance with the County's NPDES Implementation Program and state water quality regulations for grading and construction activities. The ESCP shall identify how all construction materials, wastes, grading or demolition debris and stockpiles of soil, aggregates, soil amendments, and other on-site materials shall be properly covered, stored, and secured to prevent transport into local drainages or coastal waters by wind, rain, tracking, tidal erosion, or dispersion. The ESCP shall also describe how the applicant will ensure that all BMPs will be maintained during construction of any future public rights-of-way. The ESCP shall be updated as needed to address the changing circumstances of the project site. A copy of the current ESCP shall be kept at the project site and be available for County review on request. (County Standard of Approval WQ05)

**SC WQ-5** Prior to the issuance of building permits for any tank or pipeline, the uses of said tank or pipeline shall be identified, and the applicant shall submit a Chemical Management Plan in addition to a WQMP with all appropriate measures for chemical management (including, but not limited to, storage, emergency response, employee training, spill contingencies, and disposal) in a manner meeting the satisfaction of the Manager, Permit Intake, in consultation with the Orange County Fire Authority, the Orange County Health Care Agency and wastewater agencies, as appropriate, to ensure implementation of each agency's respective requirements. A copy of the approved "Chemical Management Plans" shall be furnished to the Manager, OC Inspection, prior to the issuance of any Certificates of Use and Occupancy. (County Standard of Approval WQ06)

**SC WQ-6** For industrial facilities subject to California's General Permit for Stormwater Discharges Associated with Industrial Activity as defined by Standard Industrial Classification ("SIC") Code.

Prior to grading or building permit close-out and/or the issuance of a certificate of use and occupancy, the applicant shall demonstrate that compliance with the permit has been obtained by providing a copy of the Notice of Intent ("NOI") submitted to the State Water Resources Control Board and a copy of the notification of the issuance of a Waste Discharge Identification ("WDID") Number



or other proof of filing to the satisfaction of the Manager, OC Inspection.<sup>9</sup> (County Standard of Approval WQ07)

<sup>9</sup> Alternatively, the facility may provide documentation to be added to the Airport's existing SWPPP and demonstrate the BMPs implemented by the facility meet the requirements of the Industrial General Permit.

## **6.0 SIGNIFICANT EFFECTS THAT CAN BE FEASIBLY MITIGATED TO BELOW SIGNIFICANCE**

The following potentially significant environmental impacts were analyzed in the Final Program EIR and the effects of the Project Proposed for Approval were considered. Compliance with existing laws, codes and statutes and the imposition of feasible mitigation measures and development requirements have reduced potential Project direct and cumulative impacts to a level considered less than significant as determined by the County in accordance with CEQA. Therefore, as set forth in detail below, the Board of Supervisors, in accordance with Section 21081(a)(1) of CEQA and Section 15091(a)(1) of the State CEQA Guidelines, makes the finding that, with respect to each of the impact areas described in this Section 6.0, changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

### **6.1 AIR QUALITY**

**Threshold 4.2-2** Would the Project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

**Threshold 4.2-3** Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

#### **6.1.1 SIGNIFICANT EFFECTS**

Implementation of the Project would exceed established air quality standards during construction resulting in a potentially significant impact; however, implementation of a mitigation measure discussed below would reduce the impact to less than significant.

#### **6.1.2 FINDINGS**

Based on the facts in support set forth below, the Board adopts the following CEQA Finding:

**Threshold 4.2-2** With implementation of MM AQ-1, changes or alterations have been required in, or incorporated into, the Project Proposed for Approval, which mitigate or avoid the significant effects from construction air emissions on the environment to a less than significant level.

**Threshold 4.2-3** With implementation of MM AQ-1, changes or alterations have been required in, or incorporated into, the Project Proposed for Approval, which mitigate or avoid the significant effects from construction air emissions on the environment to a less than significant level.

## **6.1.3 FACTS IN SUPPORT OF FINDINGS**

### **Threshold 4.2-2 and 4.2-3**

#### ***Construction Emissions***

Construction emissions were calculated using the California Emissions Estimator Model ("CalEEMod", Version 2016.3.2). CalEEMod is a computer program accepted by the SCAQMD that can be used to estimate criteria pollutant and GHG emissions associated with land development projects in California. CalEEMod has separate databases for specific counties and air districts. The Orange County database was used for the proposed Project. CalEEMod defaults were used for equipment and trip generation data. The CalEEMod calculations incorporate the emission reductions associated with SCAQMD's Rules 402, 403, and 1113, which are listed in Final Program EIR 627 as RR AQ-1 and RR AQ-2.

The air quality analysis in Final Program EIR 627 discloses that the quantitative emissions during construction would exceed the daily mass significance thresholds for NO<sub>x</sub> established by the SCAQMD for the SoCAB prior to implementation of mitigation. All other criteria pollutants would be below both the SCAQMD mass regional significance thresholds. It should be noted, all criteria pollutants, including NO<sub>x</sub> would be below the SCAQMD localized significance thresholds.

To reduce maximum daily construction NO<sub>x</sub> emissions from the Project Proposed for Approval to less than significant, MM AQ-1, which requires construction equipment to meet or exceed the USEPA's Tier 4 off-road emissions engine standards, must be implemented. With implementation of MM AQ-1, maximum daily construction emissions would be less than significant, as documented in Final Program EIR 627.

The cumulative air quality impacts analysis in the Final Program EIR is based on the guidance provided by SCAQMD that states projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. Projects that do not exceed the project-specific thresholds are generally not considered cumulatively significant. Although, prior to mitigation, the Project Proposed for Approval would contribute to a cumulatively considerable increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (NO<sub>x</sub> is an ozone precursor), the net increase would be less than significant with implementation of MM AQ-1.

For the reasons described above, the Board hereby finds that the construction-related emissions associated with the Project Proposed for Approval would not violate air quality standard or substantially contribute, either directly or cumulatively, to an existing or projected air quality violation with implementation of mitigation.

Although significant impacts were not identified for VOCs, the County has incorporated MN AQ-1, which would further reduce the impacts associated with architectural coatings applied to the East and West Access Roads.

Regulatory requirements and minimization measures are not identified as mitigation measures; however, the County does include them in the MMRP to ensure implementation tracking. Therefore, in addition to the mitigation measure (MM AQ-1) required to reduce the construction

emissions to less than significant, the following regulatory requirements and minimization measures are also identified in Final EIR 627.

- RR AQ-1** During construction, the developer shall comply with South Coast Air Quality Management District (“SCAQMD”) Rules 402 and 403, in order to minimize short-term emissions of dust and particulates. SCAQMD Rule 402 requires that air pollutant emissions not be a nuisance off site. SCAQMD Rule 403 requires that fugitive dust be controlled with the best available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. This requirement shall be included as notes on the contractor specifications. Table 1 of Rule 403 prescribes the Best Available Control Measures that are applicable to all construction projects. The developer shall provide the Manager of Building & Safety, or designee, with an SCAQMD-approved Dust Control Plan or other sufficient proof of compliance with Rule 403, prior to issuance of a grading permit.
- RR AQ-2** Architectural coatings shall be selected so that the volatile organic compound (“VOC”) content of the coatings is compliant with SCAQMD Rule 1113. This requirement shall be included as notes on the contractor specifications. The specifications for each project within the GAIP area shall be reviewed by the Manager of Building & Safety, or designee, for compliance with this requirement prior to issuance of a building permit.
- MN AQ-1** JWA shall require architectural coatings applied to the East and West Access Roads be low VOC coatings.<sup>10</sup> Specifically, JWA shall require the use of a paint for markings with less than 50 grams of VOC emissions per liter of paint.
- MM AQ-1** JWA shall require heavy-duty, off-road, diesel-powered construction equipment to meet or exceed the USEPA’s Tier 4 off-road emissions engine standards during Airport construction in order to reduce construction-related NOx emissions.

<sup>10</sup> Sherwin Williams, *Pro-Park Waterborne Traffic Marking Paint B97 Series*, July 2017. Available on-line: <https://www.sherwin-williams.com/document/PDS/en/035777081228/> Accessed January 2018.

## **7.0 SIGNIFICANT EFFECTS THAT CANNOT BE FEASIBLY MITIGATED TO BELOW SIGNIFICANCE**

The following section sets forth the significant unavoidable effects of the Project Proposed for Approval. For this significant unavoidable impact, the Board has determined that (1) even with compliance with existing laws, codes, and statutes and/or the identification or imposition of feasible mitigation measures, potentially significant impacts cannot be reduced to a level of less than significant or (2) no feasible mitigation measures or alternatives are available to mitigate the potentially significant impact. Therefore, for the significant unavoidable effect listed below, the County, in accordance with Section 21081 of CEQA and Section 15091 of the State CEQA Guidelines, makes one or more of the following findings:

- Finding 1** Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant effects on the environment.
- Finding 2** Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- Finding 3** Specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

## **7.1 LAND USE AND PLANNING**

- Threshold 4.6-1** Would the Project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

### **7.1.1 SIGNIFICANT EFFECT**

Implementation of the Project Proposed for Approval would result in significant direct and cumulative land use and planning impacts in connection with the compatibility with surrounding land uses. As a result of the incremental increase in noise associated with the change in fleet mix under the Project Proposed for Approval, there would be an increased number of sensitive receptors and physical area projected to occur in the 65 to 70 CNEL contour. No additional schools, hospitals, or places of worship would be included in the 65 to 70 CNEL contour when the Baseline (2016) condition is compared to the Baseline Plus Project Proposed for Approval. In the cumulative scenario, there would be one less place of worship in the 65 to 70 CNEL contour.

However, the incremental increase in the 65 to 70 CNEL contour associated with the Baseline Plus Project Proposed for Approval would result in 12 residential parcels being exposed to noise levels in excess of the 65 CNEL, which is the threshold established for land use compatibility.

Of the 12 residences, avigation easements or prescriptive avigation easements have been acquired on all but 3 units. For the nine residential units with avigation easements, the impacts would be less than significant because mitigation has been provided to the conforming uses (i.e., those in a residential land use designation); and the avigation easement was granted for all nine of the units.

As part of the County's AIP, implemented in conjunction with the 1985 Master Plan, the three units without avigation easements were offered sound insulation. One of these three units declined the offer of acoustical insulation and no response was received from two of the units despite genuine effort to offer insulation.

For those units without avigation easements, exposure to noise levels in excess of 65 CNEL would be a significant impact. There are no feasible mitigation measures to reduce exterior noise levels to below 65 CNEL, consistent with the County of Orange standards for noise sensitive uses. Additionally, there is the potential that interior noise levels would exceed established 45 CNEL interior noise standards for land use compatibility for residential uses.

In the cumulative condition, there would be 27 additional parcels compared to Baseline (2016) that would be in the 65 to 70 CNEL contour. These units are all located in the AIP from the 1985 Master Plan. For the units in the AIP that have received sound attenuation, the land use impacts would be less than significant. However, similar to the direct impacts for the Project Proposed for Approval, there are residential units where the homeowner has been offered sound attenuation, although it has not been implemented for any variety of reasons. In these cases, the noise exposure would potentially result in interior and exterior noise levels in excess of policies adopted to avoid or mitigate an environmental effect. For these units there would be a significant cumulative land use compatibility impact.

In addition to the 27 units identified above, there are two parcels in the 2026 cumulative 65 CNEL contour that are outside of the AIP. These two parcels were not included in the AIP because the livable areas (i.e., the houses and backyards) were not in the 65 CNEL contour. This condition remains unchanged (i.e., both the 1985 and the projected 2026 cumulative 65 CNEL contour line do not include areas that would be considered a habitable room or outdoor living areas based on the General Plan). Only the periphery of these long parcels would be affected. Because the living areas would not be exposed to the projected cumulative 65 CNEL contour, there would not be a land use compatibility impact based on the Orange County General Plan standard with the Project Proposed for Approval.

Although the area exposed to noise levels exceeding 70 CNEL would increase by 0.01 square mile (1.1 percent) in the Baseline Plus Project Proposed for Approval scenario, no sensitive receptors would be adversely affected under the Project Proposed for Approval. In the cumulative scenario, the area in the 70 CNEL or greater contour would be reduced by 0.05 square mile; however, there would also be two units in the greater than 70 CNEL contour. Both of these residences received sound insulation through the AIP and avigation easements have been recorded. Therefore, these two residences would not be identified as incompatible uses.

## **7.1.2 FINDINGS**

The Board finds that, after implementation of all feasible mitigation measures, the Project Proposed for Approval would result in significant unavoidable impacts and the Board adopts the CEQA Findings 1, 2, and 3 listed in this Section 7.0 above.

## **7.1.3 FACTS IN SUPPORT OF FINDING**

The additional residential units that are projected to be in the 65-70 CNEL contour with full (2026) implementation of the Project Proposed for Approval are all within the 65 CNEL contour from the 1985 Master Plan and the 2014 Settlement Agreement Amendment. With adoption of the 2014 Settlement Agreement Amendment and certification of Final EIR 617, the County of Orange adopted a Sound Insulation Program ("SIP") for reduction of interior noise levels that are projected to potentially be in excess of the 65 CNEL threshold. The SIP would also be applicable to the residential units identified as being impacted in the cumulative condition.

The precise timing of when these residences would be located in the future cumulative 65 CNEL contour is not known because it would be dependent on the actual noise levels associated with both general aviation and commercial carrier operations. However, the SIP would offer interior noise attenuation to these homes, thereby reducing interior noise levels to a less than significant level and aviation easements would be obtained.

The SIP requires that, starting with the JWA 2015 Fourth Quarter Noise Report, the annual noise levels at NMS 1S, 2S, and 3S be compared by the County of Orange to the 2013 annual noise levels. If the noise levels have increased by 1.5 dB or more at any of these NMS, all noise sensitive uses represented by that NMS (i.e., that is the closest NMS to the parcel) that have not been previously insulated under the 1985 AIP will be eligible for evaluation for participation in the SIP. For residences within the City of Newport Beach, the required increase is 1.0 dB or more at these same NMS.

Once residences have been identified as eligible for evaluation for participation in the SIP, interior noise levels for each habitable room would be taken. If the average noise level in all habitable rooms or education spaces of a use is greater than an average of 45 CNEL then the use will be eligible for sound insulation.

Installation of the sound insulation would provide mitigation for the interior noise levels and impacts would be less than significant. However, based on two considerations this impact is being identified as a significant unavoidable impact. First, these units were offered sound attenuation as part of the AIP implemented in conjunction with the 1985 Master Plan. One unit declined acoustical insulation and two units did not respond after genuine effort to offer insulation to two units was made. There is no certainty that the owners of these units will accept the sound insulation as part of the SIP. Secondly, as noted in Final EIR 617, until interior noise measurements are taken, it cannot be determined if all the noise-sensitive uses with interior noise levels in excess of 45 CNEL would qualify for sound attenuation based on FAA criteria.

Although the Board of Supervisors has already made a finding addressing this issue, it is being identified as a significant impact to ensure the decision-makers understand that the Project Proposed for Approval would result in three residential units not currently in the Baseline (2016) 65 CNEL contour now being identified as incompatible. Furthermore, to the extent the

residences qualify for sound attenuation and are offered attenuation, but decline sound attenuation, an avigation easement is not available absent payment for the easement. However, for purposes of determination of conformity with the State variance requirements, these residences would arguably be deemed in conformance with the noise guidelines (21 CCR 5014)<sup>11</sup> if a genuine effort is made to acoustically treat the residences, but the property owners refuse to take part in the program. The impact to the residences that have been offered sound attenuation, but have declined to take part in the program, and residences without avigation easements, has been a known impact associated with the long-term operation of the Airport and is associated even with the No Project Alternative.

As noted above, with adoption of the 2014 Settlement Agreement Amendment and certification of Final EIR 617, the County of Orange adopted a SIP for reduction of interior noise levels that are projected to potentially be in excess of the 65 CNEL threshold. The SIP would serve as mitigation for both direct and cumulative impacts. These mitigation measure, listed below, were adopted with certification of Final EIR 617. Although the mitigation measures would serve to reduce the Project's land use and planning impacts, it cannot be determined if all the noise sensitive uses with interior noise levels in excess of 45 CNEL would qualify for sound attenuation based on FAA criteria. Given the uncertainty that this measure is feasible to adequately reduce interior noise levels at all potentially impacted uses, these impacts have been determined to be significant and unavoidable. Pursuant to Section 15091(a)(3) of the State CEQA Guidelines, there are no additional feasible measures that would mitigate the impacts to below a level of significance. Therefore, it is an impact common to all Alternatives, and the determination of a significant, unavoidable impact is a conservative finding.

**617 LU-1** Starting with the 2015 Annual Noise Report, the annual noise contours presented in the report will be used by the County of Orange/JWA to identify parcels with noise sensitive uses (i.e., residences, schools, or churches) that are newly located either partially or completely within the 65 CNEL contour as compared to their location relative to the 65 CNEL contour in the 2013 Annual Contours, which will serve as the baseline condition. All uses that were established before 1985 and have not been insulated under the previous AIP will be eligible for evaluation under the SIP described in Mitigation Measure (617) N-3. Those uses with an average interior noise levels exceeding 45 CNEL will be eligible for insulation under the SIP described in Mitigation Measure (617) N-3.

**617 N-1** Starting with the 2015 Fourth Quarter Noise Report, the annual noise levels at NMS 1S, 2S, and 3S will be compared by the County of Orange to the 2013 annual noise levels. If the noise levels have increased by 1.5 dB or more at any of these NMS, all noise sensitive uses represented by that NMS (i.e., that is the closest NMS to the parcel) that have not been previously insulated under the 1985 AIP will be eligible for evaluation for participation in the Sound Insulation Program ("SIP") as described

<sup>11</sup> 21 CCR 5014 is part of the California Airport Noise Standards, which pertains to incompatible land uses within the airport noise boundary. This section of the regulations identifies when residences in an airport noise impact area can be found to be compatible. The following are two provision in the regulation that would be applicable to JWA:

(a)(1) an avigation easement for aircraft noise has been acquired by the airport proprietor; and

(a)(4) if the airport proprietor has made a genuine effort as determined by the department in accordance with adopted land use compatibility plans and appropriate laws and regulations to acoustically treat residences exposed to an exterior CNEL less than 80 dB (75 dB if the residence has an exterior normally occupiable private habitable area such as a backyard, patio, or balcony) or acquire avigation easements, or both, for the residences involved, but the property owners have refused to take part in the program.



in Mitigation Measure (617) N-3. Those uses with interior noise levels exceeding an average of 45 CNEL will be eligible for insulation under the SIP as described in the mitigation measure.

For those uses with interior noise levels less than 45 CNEL, the amount of outdoor-to-indoor noise reduction for each habitable room will be recorded. In each subsequent Fourth Quarter Noise Report, the noise level impacting these uses and the measured noise reduction will be used to estimate the interior noise level. If the estimated interior noise level exceeds an average of 45 CNEL, then the use will be eligible for re-evaluation in the form of new interior noise level measurements. If the interior noise level in any habitable room exceeds an average of 45 CNEL, then the use will be eligible for the SIP described in Mitigation Measure (617) N-3.

**617 N-2** Starting with the 2015 Fourth Quarter Noise Report, the annual noise levels at NMS 1S, 2S, and 3S will be compared by JWA to the 2013 annual noise levels. If the noise levels have increased by 1.0 dB or more at any of these NMS, all noise sensitive uses represented by that NMS (i.e., that is the closest NMS to the parcel) exposed to noise levels of 65 CNEL or greater that have not been previously insulated under the 1985 AIP will be eligible for evaluation for participation in the Sound Insulation Program (“SIP”) as described in Mitigation Measure (617) N-3. Those uses with interior noise levels exceeding 45 CNEL will be eligible for insulation under the SIP as described in the mitigation measure.

For those uses with interior noise levels less than 45 CNEL, the amount of outdoor-to-indoor noise reduction for each habitable room will be recorded. In each subsequent Fourth Quarter Noise Report, the noise level impacting these uses and the measured noise reduction will be used to estimate the interior noise level. If the estimated interior noise level exceeds an average of 45 CNEL then the use will be eligible for re-evaluation in the form of new interior noise level measurements. If the interior noise level in any habitable room exceeds an average of 45 CNEL then the use will be eligible for the SIP described in Mitigation Measure (617) N-3.

**617 N-3** The only practical way to mitigate indoor noise levels is through a Sound Insulation Program (“SIP”). Mitigation Measure (617) LU-1, as described in the Section 4.5, Land Use [of Final EIR 617], and Mitigation Measures (617) N-1 and (617) N-2, described above, will determine the sensitive land uses that will be eligible for participation in the SIP described below as Mitigation Measure N3. FAA regulations require that residences be exposed to an outdoor noise level of 65 CNEL or greater and interior noise levels greater than 45 CNEL for FAA or Airport funds to be used for sound insulation. The referring Mitigation Measures, (617) LU-1, (617) N-1, and (617) N-2, will ensure the outdoor noise criterion is met. The interior noise level criterion will be determined in the evaluation phase of Mitigation Measure (617) N-3. Sensitive uses with interior noise levels greater than 45 CNEL will be eligible for sound insulation.

The FAA guidance for implementing sound insulation programs specifically states that the average noise level in all habitable rooms of a residence or all educational spaces in school must be greater than 45 CNEL for the use to be eligible for sound insulation funded by the Airport or FAA. However, the County’s noise standards specifically require that the noise level in any habitable room or educational space must be less than 45 CNEL. This is implied in the City of Newport Beach’s noise

standards, as well. Under CEQA, the lead agency's noise standard is used to determine impacts. Therefore, a noise sensitive use is considered significantly impact if the noise level in any habitable room or educational space exceeds 45 CNEL.

As discussed below, the Airport will request that the FAA waive its requirement that the average noise level in all habitable rooms or educational spaces exceed 45 CNEL in order for sound insulation to be funded by the FAA or Airport in order that all noise related impacts are mitigated to a less than significant level in a timely manner. If the FAA does not agree to waive this requirement, then uses with one or more habitable rooms or educational spaces exceeding 45 CNEL but with the average noise level in all habitable rooms or educational spaces less than 45 CNEL would be significantly and unavoidably impacted as there is no other funding source for a SIP. However, these uses would be eligible for insulation when and if the average noise level exceeded 45 CNEL. As discussed in Mitigation Measures, (617) LU-1, (617) N-1, and (617) N-2, if an individual land use is not eligible for insulation because the interior noise level does not exceed 45 CNEL, there are criteria for re-evaluation. If the annual report noise levels and previous evaluation measurements indicate that the use may meet the interior noise requirement it will be re-evaluated for insulation eligibility.

**Part 1, Evaluation:** When Mitigation Measures (617) LU-1, (617) N-1, or (617) N-2 determines that a noise sensitive use is significantly impacted based on measured noise levels and the relevant significance thresholds, that use will be evaluated by the County of Orange for eligibility for sound insulation. The evaluation will be performed by measuring the indoor noise levels for each habitable room or educational space. If the average noise level in all habitable rooms or education spaces of a use is greater than an average of 45 CNEL then the use will be eligible for sound insulation. Additionally, if the average noise level is less than 45 CNEL, any use with a noise level greater than an average of 45 CNEL in any habitable room or educational space also will be eligible for sound insulation if the FAA waives its requirement that noise levels be averaged across all habitable rooms or education spaces.

Per FAA guidance, noise levels will be measured with all windows and doors closed. Uses with measured interior noise levels less than 45 CNEL that do not have an existing central ventilation system, but rely on keeping windows open for air circulation will be eligible for a Continuous Positive Ventilation System. Implementation of such a system will be dependent on meeting the FAA requirements for implementation of such a system.

**Part 2, Sound Insulation Program:** Schools or residences that have interior noise levels exceeding 45 CNEL as determined by the evaluation measurements will be eligible for sound insulation. The implementation of sound insulation will depend on satisfying the FAA criteria described in Chapter 812 of Order 5100.38C Airport Improvement Program Handbook.

Note that as an alternative to providing sound insulation, an impacted property may also be mitigated by converting an incompatible use to a compatible use or removing the incompatible use.

## 8.0 FEASIBILITY OF PROJECT ALTERNATIVES

Section 15126.6 of the State CEQA Guidelines provides that an "EIR shall describe a range of reasonable alternatives to the project . . ." As stated in CEQA Section 21002:

"[It] is the policy of the State that public agencies should not approve projects as proposed if there are feasible alternatives or mitigation measures available which would substantially lessen the significant effects of such projects...The legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such project alternatives or mitigation measures, individual project may be approved in spite of one or more significant effects thereof."

Consistent with Section 15126.6(f) of the State CEQA Guidelines, the EIR must focus its analysis of alternatives on alternatives that "could feasibly attain most of the basic objectives of the project." Therefore, in evaluating the reasonableness of the range of alternatives and making any findings, CEQA requires consideration the Project Objectives as identified in Section 3.2 hereof. Section 15126.6(b) of the State CEQA Guidelines also specifies that an EIR should examine alternatives "capable of avoiding or lessening" environmental effects even if these alternatives "would impede to some degree the attainment of the project objectives or would be more costly."

Section 15364 of the State CEQA Guidelines provides the following definition of the term "feasible" as it applies to the findings requirement: "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." Section 21081 of the *California Public Resources Code* further provides that "[s]pecific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report."

The concept of "feasibility," as it applies to findings, involves a balancing of various economic, environmental, social, legal, and technological factors. (See *California Public Resources Code*, Section 21061.1 and California Code of Regulations, Title 14, Section 15364; see also *City of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564–566 and *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 415–417.) Further, it has been recognized that, for purposes of CEQA, "feasibility" encompasses "desirability" to the extent that the latter is based on a reasonable balancing of the relevant economic, environmental, social and technological factors (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001). This balancing is harmonized with CEQA's fundamental recognition that policy considerations may render alternatives impractical or undesirable (*Ibid.*; see also *California Public Resources Code*, Section 21081 and California Code of Regulations, Title 14, Sections 15126.6(c), 15364).

When significant and unavoidable impacts have been identified, CEQA requires the lead agency to consider the feasibility of environmentally superior alternatives to the project. As reflected in the Final Program EIR and the following, the Project Proposed for Approval (three Full Service FBOs), was identified as best meeting the Project Objectives and the significant environmental impacts are comparable to the alternative identified in the Final Program EIR as the

environmentally superior alternative. The Board of Supervisors finds, after due consideration of the reasonable range of alternatives as set forth in the Final Program EIR and below, as follows with respect to the alternatives to the Project.

## **8.1 ALTERNATIVE NOT CARRIED FORWARD**

Development of the alternative recommended as part of the NOP, to develop the site with a hotel, conference facility, restaurants, and hospitality and media meeting rooms, all geared toward the general aviation pilot and corporate aircraft charter services was not carried forward for detailed consideration because based on preliminary evaluation was found not to be feasible. Applicable federal laws, that run with the property when it was deeded by the federal government to the County, state the expressed purpose is for operating a public airport. Additionally, under the *Airport and Airway Improvement Act*, as amended, Grant Assurances do not allow non-aeronautical uses to replace aeronautical uses when there is aeronautical demand for the space. In general, the use of airport facilities for non-aeronautical use requires the expressed permission of the Secretary of Transportation. To apply for this permission, the Airport must show that there is no aeronautical demand for the facilities. Given the constrained facilities at the Airport, no space is available at JWA where aeronautical use is not in demand. Additionally, this Alternative would not meet many of the objectives established for the GAIP.

## **8.2 ALTERNATIVES FOR ANALYSIS**

In accordance with Section 15126.6(a) of the State CEQA Guidelines, a reasonable range of alternatives have been selected for the GAIP. Other than the “No Project” alternative(s), which is required by CEQA, each alternative must be capable of avoiding or substantially lessening potentially significant effects of the Project. Qualifying alternatives can be considered even if the alternatives would impede to some degree the attainment of the Project objectives, or would be more costly.

These Findings contrast and compare the alternatives, where appropriate, to show that the selection of the Project Proposed for Approval while still resulting in significant environmental impacts, has substantial environmental, planning, fiscal, and other benefits. In rejecting certain alternatives, the County has examined both the environmental impacts and the Project Objectives and weighed the ability of the various alternatives to meet the objectives. The County Board of Supervisors finds, after due consideration of a reasonable range of alternatives as set forth in the EIR and below, that based on aviation forecast, the Project Proposed for Approval best meets the long-term general aviation demand at JWA, protects against local environmental impacts, and best meets the Project Objectives.

In addition to the Project Proposed for Approval, the following alternatives were analyzed in the Draft EIR:

- **Alternative 1 –Three Full-Service Fixed Based Operators.** This alternative would involve the development of three Full Service Fixed Based Operators—one on the west side of the Airport and two on the east side of the Airport. Other facilities and services would be similar to those of the Project Proposed for Approval. The reduction in the number of based aircraft would also be comparable to the Project Proposed for Approval;

however, there would be a slight increase in the number of general aviation jets based at the Airport. The number of operations would also be incrementally increased.

- **Alternative 2 – Two East Side Full-Service Fixed Based Operators.** This alternative would involve the development of two Full Service Fixed Based Operators—both on the east side of the Airport. Other facilities and services would be similar to those of the Project Proposed for Approval. The reduction in the number of based aircraft would also be comparable to the Project Proposed for Approval; however, there would be a slight decrease in the number of general aviation jets based at the Airport. The number of operations would be incrementally increased.
- **Alternative 3 – Correction of Non-Standard Conditions.** This alternative corrects non-standard design features at the Airport but does not provide for new general aviation facilities. This alternative provides for more based aircraft than the Project Proposed for Approval; however, less than the Baseline (2016 condition). The total number of operations would increase compared to Baseline and the Project Proposed for Approval.
- **No Project Alternative—No Modification.** This alternative does not propose any modifications to facilities nor correction of non-standard design features. However, the forecasted growth in operations would occur.

In accordance with Section 15126.6(a) of the State CEQA Guidelines, the Draft Program EIR provides a comparison of the environmental effects and the merits and/or disadvantages of each alternative in relation to the Project Proposed for Approval, as well as each alternative's ability to achieve the Project Objectives.

Although alternatives were evaluated that contained different fleet mix and number of general aviation operations, the significant, unavoidable land use compatibility impact is common to all alternatives, including the No Project Alternative.

The existing environmental setting of the site would be the same for the Project Proposed for Approval and the alternatives. Additionally, unless specifically identified, the following evaluates each alternative as if the Mitigation Program identified for the Project Proposed for Approval would also apply to the alternative.

## **8.2.1 ALTERNATIVE 1 – THREE FULL-SERVICE FIXED BASED OPERATORS**

### **Alternative Description**

This alternative, identified as Alternative 1 in the Draft Program EIR, proposes a Full Service West FBO and two Full Service East FBOs, for a total of three full service FBOs. The total aircraft storage capacity under this Alternative is approximately 356 based aircraft and the aviation forecast projects 168,600 annual operations. Although there would be a reduction in overall number of annual operations, when compared to the Baseline (2016), there would be an increase in general aviation jet aircraft operations, which is consistent with the national trends. This alternative would result in a reduction of capacity for based aircraft. Compared to the Baseline (2016) the capacity of the Airport would be reduced by 240 fewer aircraft, which is 126 fewer

aircraft than was based at the Airport in the Baseline. All other key design elements would be the same as for the Project Proposed for Approval (see description in Section 3.1 of these Findings).

### **Ability of the Alternative to Avoid Significant Impacts**

This alternative, designated as Alternative 1 in the Draft Program EIR would have similar impacts as the Project Proposed for Approval. However, it would have incrementally greater quantities of criteria pollutant and GHG emissions, although these impacts were not identified as significant and unavoidable. It would result in the displacement of two fewer aircraft than the Project Proposed for Approval; however, displacement of aircraft is not identified as a significant environmental impact.

Prior to mitigation, this Alternative would have significant construction air quality impacts; however, as with the Project Proposed for Approval this impact would be reduced to less than significant with mitigation.

This alternative would not avoid the significant unavoidable land use compatibility impact identified with the Project Proposed for Approval. As with the Project Proposed for Approval, three residential additional units without aviation easements have been projected as being in the 65 to 70 CNEL contour when compared to Baseline (2016). Under cumulative conditions, the number of additional parcels included in the 65 CNEL contour compared to the Baseline (2016) condition would be 29, which is two more than with the Project Proposed for Approval. As with the Project Proposed for Approval, these units would be eligible for consideration under the SIP. However, as with the Project Proposed for Approval, there is no certainty that sound insulation would be installed, and impacts would remain significant and unavoidable.

### **Ability of Alternative to Meet the Project Objectives**

This alternative would fully meet all six Project Objectives, whereas the Project Proposed for Approval would fully meet five of the Project Objectives and partially meet one of the Project Objectives. Alternative 1 would be more effective than the Project Proposed for Approval in providing the flexibility to meet future market trends (Objective 4: "To embrace flexibility to allow for technological advances and market trends") because it offers a greater number of community hangars. Alternative 1, would be better able to adapt to potential changes in the fleet mix.

### **Reasons for Rejecting the Alternative**

The Project Proposed for Approval was identified in the Draft Program EIR as the environmentally superior alternative because of the incremental reduction of non-significant impacts. Therefore, in light of these reasons, the Board finds this Alternative is not as desirable.

## **8.2.2 ALTERNATIVE 2 – TWO EAST SIDE FULL-SERVICE FIXED BASED OPERATORS.**

### **Alternative Description**

This alternative proposes development of two Full Service FBOs; a Full Service Northeast FBO and a Full Service Southeast FBO. This alternative minimizes the extent that general aviation aircraft have to cross Runway 20R/2L to access the shorter general aviation runway (Runway 20L/2R). The total aircraft storage capacity for all the facilities included under this Alternative is approximately 361 based aircraft and the aviation forecast projects 169,400 annual operations. Although there would be a reduction in overall number of annual operations, when compared to the Baseline (2016), there would be an increase in general aviation jet aircraft operations, which is consistent with the national trends. Compared to the Baseline (2016) the capacity of the Airport would be reduced by 235 fewer aircraft, which is 121 fewer aircraft than was based at the Airport in the Baseline condition. All other key design elements would be the same as for the Project Proposed for Approval (see description in Section 3.1 of these Findings).

### **Ability of the Alternative to Avoid Significant Impacts**

The impacts associated with this Alternative are similar to the impacts identified for the Project Proposed for Approval. Prior to mitigation, this Alternative would have significant construction air quality impacts; however, as with the Project Proposed for Approval this impact would be reduced to less than significant with mitigation. Alternative 2 would result in the displacement of seven fewer aircraft than the Project Proposed for Approval; however, displacement of aircraft is not identified as a significant environmental impact.

This alternative would not avoid the significant unavoidable land use compatibility impact identified with the Project Proposed for Approval. As with the Project Proposed for Approval, residential additional units without avigation easement could be exposed to noise levels in excess of the 65 CNEL when compared to Baseline (2016) under both the Baseline Plus Alternative 2 and the cumulative conditions. As with the Project Proposed for Approval, these units would be eligible for consideration under the SIP. However, as with the Project Proposed for Approval, there is no certainty that sound insulation would be installed and impacts would remain significant and unavoidable.

### **Ability of Alternative to Meet the Project Objectives**

As with the Project Proposed for Approval, this Alternative would fully meet five of the six Project Objectives and partially meet one of the Project Objectives. Alternative 2 would only partially meet Objective 4 (“To embrace flexibility to allow for technological advances and market trends”).

### **Reasons for Rejecting the Alternative**

This Alternative would not provide sufficient environmental benefits to offset the loss of flexibility. Therefore, in light of these reasons, the Board finds this Alternative is not desirable.

## **8.2.3 ALTERNATIVE 3 – CORRECTION OF NON-STANDARD CONDITIONS**

### **Alternative Description**

Alternative 3 would correct the same existing non-standard conditions as the Project Proposed for Approval. This Alternative does not propose any of the other facility improvements that are offered by the Project Proposed for Approval.

As a result of the correction of the non-standard conditions, aircraft storage capacity would be reduced by approximately 42 spaces. However, Alternative 3 would accommodate 72 more general aviation aircraft than were based at the Airport in the Baseline (2016) condition and 200 more spaces than the Project Proposed for Approval. Although the displacement of aircraft was not identified as a significant environmental impact.

This Alternative would result in an increase in the number of annual general aviation operations when compared to the Baseline (2016) condition. In 2016, there were 192,800 annual general aviation operations. With Alternative 3 this would increase to 197,600 annual operations. The aviation forecast identifies the growth as being increases in general aviation jet aircraft operations, which is consistent with the national trends.

### **Ability of the Alternative to Avoid Significant Impacts**

Alternative 3 would reduce the construction air emissions because limited construction efforts are required to implement this Alternative. Although the construction impacts for the Project Proposed for Approval would have significant impacts prior to mitigation, these impacts would be reduced to less than significant with mitigation. Therefore, although there is a reduction in impacts, it does not result in the avoidance of a significant impact.

This Alternative would not avoid the significant unavoidable land use compatibility impact identified with the Project Proposed for Approval. The noise characteristics of this Alternative would be comparable to the No Project Alternative based on the number of aviation operations and projected fleet mix. As with the Project Proposed for Approval, additional residential units without aviation easements could be exposed to noise levels in excess of the 65 CNEL when compared to Baseline (2016) under both the Baseline Plus Alternative 3 and the cumulative conditions. As with the Project Proposed for Approval, these units would be eligible for consideration under the SIP. However, as with the Project Proposed for Approval, there is no certainty that sound insulation would be installed and impacts would remain significant and unavoidable.

### **Ability of Alternative to Meet the Project Objectives**

Alternative 3 would fully meet two of the six Project Objectives, partially meet three of the Project Objectives, and would not meet the objective pertaining to flexibility to allow for technological advances and market trends. This Alternative would not be as effective in meeting the Project Objectives because it would maintain one split-location FBO, where a portion of the northeast side Full Service FBO would still remain on the west side of the Airport. This



necessitates the need to tow aircraft across the airfield and cross Runway 20R/2L, which is used by commercial carriers; therefore, it would not enhance compatibility between general and commercial aviation operations. As a result of the correction of non-standard conditions, Alternative 3 would provide fewer community hangar spaces compared to Baseline (2016) and the Project Proposed for Approval (i.e., removal of two community hangars from the Full Service Southeast FBO). Alternative 3 would not fully meet the Project Objectives of “utilize limited land area efficiently and economically” nor “maximize economic, self-sustaining, revenue-producing facilities” because, based on the trends in general aviation fleet mix, Alternative 3 would result in facilities going unused because they are not responsive to the type of facilities required (i.e., Alternative 3 provides more tie-down area for more small aircraft than there is demand for). Since this Alternative would not provide replacement/upgrades of any of the facilities, it would not be responsive to the national trends, which have been experienced at the Airport to accommodate the increased demand for general aviation jet aircraft.

### **Reasons for Rejecting the Alternative**

In light of these reasons, the Board finds this Alternative 3, though technically feasible, does not provide sufficient environmental benefits in light of the inability to effectively meet the Project Objectives; therefore, the Board rejects this Alternative on that basis.

## **8.2.4 NO PROJECT ALTERNATIVE**

### **Alternative Description**

The No Project Alternative would not implement any improvements or modifications to the general aviation facilities at the Airport. This Alternative assumes no change in the Baseline aircraft fleet mix and the theoretical Airport capacity would remain at 596 based aircraft.

Section 15126.6(e)(3)(A) of the State CEQA Guidelines, in describing the content of the No Project Alternatives, identifies when the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the “no project” alternative will be the continuation of the existing plan, policy or operation into the future. Therefore, the aviation forecast allowed the number of based aircraft to increase following the growth estimated from the unconstrained forecast until it reaches the maximum capacity identified under the capacity analysis. Once the number of based aircraft demand for each type of aircraft reaches the maximum capacity, the growth for the corresponding type of aircraft is constrained. Therefore, because the types of facilities do not fully align with the demand, in 2026 the total number of based aircraft is projected to be 505 aircraft. This reflects the fleet mix that would be reasonably accommodated at the Airport. The aviation forecast does project an increase in operations compared to the Baseline (2016). The No Project is projected to generate 201,000 annual general aviation operations, which is the highest number of operations for any of the alternatives evaluated.

### **Ability of the Alternative to Avoid Significant Impacts**

The No Project Alternative would eliminate the construction air emissions because no improvements would implement with this Alternative. Therefore, there is a reduction in impacts

compared to the Project Proposed for Approval, although this impact is less than significant with mitigation.

This Alternative would not avoid the significant unavoidable land use compatibility impact identified with the Project Proposed for Approval. The noise characteristics of this Alternative would be comparable to the Project Proposed for Approval. The No Project Alternative would result in the same number of sensitive receptors without aviation easements exposed to noise levels in excess of 65 CNEL. In the cumulative scenario, when compared to the Project Proposed for Approval, there would be a reduction of three units in the 65 CNEL contour, although, all these units are within the AIP area. Additionally, as with the Project Proposed for Approval, these units would be eligible for consideration under the SIP. However, as with the Project Proposed for Approval, there is no certainty that sound insulation would be installed and impacts would remain significant and unavoidable.

### **Ability of Alternative to Meet the Project Objectives**

The No Project Alternative is unable to adequately meet the Project Objectives. It only partially meets three of the six objectives and does not meet two of the objectives. Only one objective, ability of existing infrastructure to support general aviation facilities, is fully met with this Alternative.

The No Project Alternative would not enhance safe and secure operations because it would not correct the existing non-standard design features at the Airport. It also would not meet the objective pertaining to flexibility to allow for technological advances and market trends because no improvements would be provided.

This Alternative, which maintains a portion of a full service FBO on the west side of the Airport, necessitates the need to tow aircraft across the airfield and cross Runway 20R/2L used by commercial carriers. Therefore, it would not enhance compatibility between general and commercial aviation operations. The No Project Alternative would not fully meet the Project Objectives of "utilize limited land area efficiently and economically" nor "maximize economic, self-sustaining, revenue-producing facilities" because based on the trends in general aviation fleet mix, facilities going unused because they are not responsive to the type of facilities required (i.e., providing more tie-down area for more small aircraft than there is demand for). Since this Alternative would not provide replacement/upgrades of any of the facilities, it would not be responsive to the national trends, which have been experienced at the Airport to accommodate the increased demand for general aviation jet aircraft.

### **Reasons for Rejecting the Alternative**

In light of the reasons discussed above, the Board finds the No Project Alternative, though technically feasible, does not provide sufficient environmental benefits in light of the inability to effectively meet the Project Objectives; therefore, rejects this Alternative on that basis.

### **8.3 ALTERNATIVE SUBMITTED FOR CONSIDERATION SUBSEQUENT TO THE CLOSE OF PUBLIC COMMENT PERIOD ON THE DRAFT PROGRAM EIR**

At the April 17, 2019 Airport Commission hearing on the GAIP, the Southern California Pilots Association (SoCal Pilots) submitted their "Alternative 4" concept, for consideration by the decision-makers. According to the limited information submitted, the concept identifies leaseholds for three Full Service FBOs and two Limited Service FBOs. The SoCal Pilots' concept was submitted for consideration subsequent to circulation of the Draft Program EIR and after the close of public comment and issuance of the notices of availability of the responses to comments. Therefore, this proposed concept has not been addressed as part of the Final Program EIR. In addition, when submitting this concept to the Airport Commission, no additional design information was provided; therefore, there is not sufficient information to develop a project description for the SoCal Pilots concept or evaluate the potential environmental impacts in light of the analysis prepared in Final Program EIR 627. Therefore, there is insufficient information about this proposed concept for the Board to evaluate this concept in the context of the Project Objectives and environmental analysis.

## **9.0 STATEMENT OF OVERRIDING CONSIDERATIONS**

### **9.1 INTRODUCTION**

Section 15093 of the State CEQA Guidelines provides the following:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to supports its action based on the final EIR and/or other information in the record. This statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

In accordance with the provisions of CEQA and the State CEQA Guidelines and as part of its certification of the adequacy of Final Program EIR 627 for the John Wayne Airport General Aviation Improvement Program, the Board finds that the mitigation program discussed in these Findings of Fact and the MMRP, when implemented, avoid or substantially lessen the significant effects identified in the Final Program EIR. Nonetheless, direct and cumulative land use planning significant effects of the Project Proposed for Approval are unavoidable even after incorporation of all feasible mitigation measures. As disclosed in the Final Program EIR, even with the approval of the Project and implementation of the mitigation program described in the MMRP, the effects described in more detail in Section 7.0 of these Findings of Fact are considered to be significant and unavoidable at this time.

### **9.2 OVERRIDING CONSIDERATIONS**

In approving the Project Proposed for Approval, the Board of Supervisors has (i) independently reviewed the information in the Final Program EIR and the Record of Proceedings; (ii) made a reasonable and good faith effort to eliminate or substantially lessen the significant impacts resulting from the Project Proposed for Approval to the extent feasible by adopting the standard conditions, minimization measures, and mitigation measures identified in the Final Program EIR and the MMRP; and (iii) balanced the economic, legal, social, technological, or other benefits of the Project Proposed for Approval against its unavoidable environmental risks. The Board finds that the Project's significant, unavoidable effects remaining are acceptable due to specific

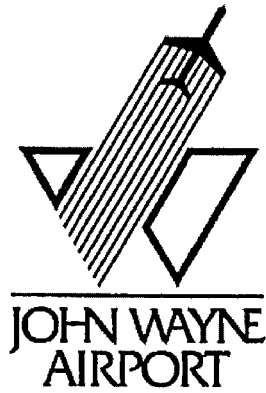
overriding economic, legal, social, technological, or other considerations described in this Section 9.2 of the Findings of Fact. All considerations are based on the facts set forth in these Findings of Fact, the MMRP, Final Program EIR 627, and the record for this Project.

The Board finds that the following overriding considerations, individually and cumulatively, are relevant and valid reasons that make the Project Proposed for Approval acceptable despite the fact that significant, unavoidable adverse effects of the Project remain. The following described economic, legal, social, technological, or other benefits of the Project outweigh the Project's significant unavoidable adverse environmental impacts.

- 1) The general aviation facilities have remained mostly unchanged for more than 20 years. Many are in need of repairs and do not meet the current aviation facility demands. The Project Proposed for Approval would provide the mechanism for upgrading these facilities.
- 2) The aging general aviation facilities do not meet the current fleet mix demands. The Project Proposed for Approval would provide for facilities to better meet the current and future general aviation fleet mix demand in light of the space constraints at the Airport.
- 3) The correction of existing non-standard design features to meet FAA design criteria will enhance the safety of operations at the Airport. The improvements intend to reduce incursions between aircraft and ground vehicles and eliminate known obstructions to airport airspace.
- 4) Adoption of the Project Proposed for Approval provides improvements that will enhance the Airport's safety by meeting Federal Aviation Administration ("FAA") design standards to the maximum extent feasible for the reasons discussed and explained in Final Program EIR Sections 1.5, 3.6.1, 3.6.2, and 5.5. Correcting the existing non-standard design features would facilitate FAA's approval of the Airport's future Airport Layout Plan submittals.
- 5) Adoption of the Project Proposed for Approval encourages economic growth within the region by providing for the employment of construction workers and construction supply workers.
- 6) Adoption of the Proposed Project for Approval implements the Airport's goals, objectives and performance targets for sustainability within proposed development projects for the reasons discussed and explained in Final Program EIR Section 6.4. All new facilities would need to comply with the current requirements for sustainability, including but not limited to Title 24 of the *California Code of Regulations* (Energy Efficiency Standards for Residential and Non-residential Buildings); the California Green Building Standards Code (CALGreen code); the *JWA Climate Action Plan*; and the water quality requirements (a combination of Best Management Practices, low impact development, and/or hydromodification techniques) pursuant to the Santa Ana RWQCB NPDES Permit No. CAS618030.

In light of the foregoing, and in recognition of additional information contained within the Final Program EIR and other portions of the record of proceedings, the Orange County Board of Supervisors concludes that implementation of the Project Proposed for Approval will result in economic, legal, social, technological, or other benefits. The Board of Supervisors further concludes that these benefits outweigh the significant, unavoidable environmental

impacts associated with the Project Proposed for Approval and, accordingly, adopts these Findings of Fact and Statement of Overriding Considerations.



**EXHIBIT B**

**MITIGATION MONITORING AND REPORTING PROGRAM  
FOR FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT 627**

**PROPOSED PROJECT**

**Mitigation Monitoring and Reporting Program for  
Final Program Environmental Impact Report No. 627  
John Wayne Airport  
General Aviation Improvement Program  
SCH No. 2017031072**

**May 2019**



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# MITIGATION MONITORING AND REPORTING PROGRAM

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## 1.1 INTRODUCTION

In accordance with the requirements of Public Resources Code Section 21081.6, and as part of its certification of the adequacy of Final Program Environmental Impact Report No. 627 (Final Program EIR 627) for the John Wayne Airport, Orange County (JWA" or "Airport) General Aviation Improvement Program (GAIP" or "Project), the Board of Supervisors (Board) of the County of Orange (County) adopts the following "Mitigation Monitoring and Reporting Program" (MMRP). The Board adopts this MMRP in its capacity as the lead agency for Final Program EIR 627 in accordance with the provisions of the California Environmental Quality Act (CEQA) (*California Public Resources Code* §21000 et seq.) and the State CEQA Guidelines (14 California Code of Regulations § 15000 et seq.).

The principal purpose of the MMRP is to ensure that the Board-approved mitigation measures for the adopted Project are reported and monitored so as to ensure compliance with the measures' requirements. In general, John Wayne Airport (JWA) is responsible for overseeing implementation and completion of the adopted mitigation measures. This includes the review of all monitoring reports, enforcement actions, and document disposition, unless otherwise noted in the attached MMRP Table. However, the Board retains overall responsibility for verifying implementation of all adopted mitigation measures.

## 1.2 MITIGATION MONITORING PROCEDURES

The County is the designated lead agency for the MMRP. JWA is the department responsible for review of all monitoring reports, enforcement actions, and document disposition, unless otherwise noted in the MMRP Table.

## 1.3 MITIGATION MONITORING AND REPORTING PLAN

The MMRP is provided in tabular format to facilitate effective tracking and documentation of the status of Mitigation Program. Although regulatory requirements and standard conditions, which are described below, are not considered mitigation, the County has included these provisions in the MMRP to ensure the tracking and implementation of the measures. Additionally, Final Program EIR 627 included several minimization measures, which have been adopted to further reduce potential impacts although the impacts have not been identified as significant. All these elements are included in the Mitigation Program adopted with Final Program EIR 627. The attached MMRP Table provides the following monitoring information:

- **Mitigation Program.** The text of all adopted Regulatory Requirements, Standard Conditions of Approval, Minimization Measures and Mitigation Measures that will serve to avoid or minimize impacts. The components are defined as follows:
  - **Regulatory Requirements.** These regulations are based on local, State, or federal regulations or laws that are frequently required independently of CEQA review and also serve to offset or prevent specific impacts. Typical regulatory

requirements include compliance with the provisions of the California Building Code, South Coast Air Quality Management District Rules, local agency fees, etc. Additional requirements may be imposed on the Project by government agencies during the approval process, as appropriate. These regulatory requirements are not unique to the Project but have been identified to facilitate the reader's understanding of the established requirements applicable to the Project. Adherence to these requirements, as applicable, will be verified or applied during the development review and/or ministerial permit processes (e.g. building permit).

- **Standard Conditions of Approval.** The County of Orange has adopted a set of Standard Conditions of Approval. These are conditions frequently required independently of CEQA review that serve to offset or prevent specific impacts; however, there is not a formally adopted regulation. When an adopted Orange County Standard Condition of Approval is identified, the number of the condition is listed in parentheses. Adherence to these conditions will be verified or applied during the development review and/or ministerial permit processes (e.g. building permit).
- **Minimization Measures.** The County has agreed to incorporate minimization measures into the Project. A minimization measure is a condition proposed to reduce an adverse effect of the Project even when that effect does not result in a significant impact.
- **Mitigation Measures.** Where a potentially significant environmental effect has been identified and is not reduced to a level considered less than significant through the application of a regulatory requirement or standard conditions of approval, Project-specific mitigation measures have been identified.
- **Approving or Verifying Authority.** The County Department(s) or other public agency(ies) responsible for overseeing the implementation and completion of each mitigation measure.
- **Date of Completion.** The date the mitigation measure is completed. (This column of the MMRP Table is to be filled in by the approving/verifying authority at a later date.)

# ACRONYM LIST

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The following are acronyms used in the Mitigation Monitoring Matrix:

<b>A</b>	
AES	Aesthetics
AQ	Air Quality
<b>B</b>	
BIT	Biennial Inspection of Terminals
BMP	Best Management Practices
Board	County of Orange Board of Supervisors
<b>C</b>	
Cal/OSHA	California Department of Occupational Safety and Health
CALGreen	California Green Building Standards
CC&Rs	Covenants, Conditions, and Restrictions
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CHP	California Highway Patrol
CMSD	Costa Mesa Sanitation District
CNEL	Community Noise Equivalent Level
County	County of Orange
CSLB	Contractors State License Board
CULT	Cultural Resources
<b>D</b>	
DAMP	Drainage Area Management Plan
dB	Decibel
<b>E</b>	
EIR	Environmental Impact Report
EIR 617	<i>2014 Final Environmental Impact Report No. 617, John Wayne Airport Settlement Agreement Amendment</i>
ESCP	Erosion and Sediment Control Plan
<b>F</b>	
FAA	Federal Aviation Administration
FAR	Federal Aviation Regulation
FBO	Fixed Based Operator
<b>G</b>	
GAIP	General Aviation Improvement Program
GHG	Greenhouse Gas Emissions
GIS	Geographic Information Systems
GSE	Ground Support Equipment
<b>H</b>	
HAZ	Hazardous Materials
HCA	Health Care Agency
<b>J</b>	
JWA	John Wayne Airport, Orange County

<b>L</b>	
LID	Low Impact Development
LU	Land Use
<b>M</b>	
MLD	Most Likely Descendent
MM	Mitigation Measure
MMRP	Mitigation Monitoring and Reporting Plan
MN	Minimization Measure
<b>N</b>	
N	Noise
NAHC	Native American Heritage Commission
NMS	Noise Monitoring Station
NOI	Noise
NOx	Nitrogen Oxides
NPDES	National Pollutant Discharge Elimination System
<b>O</b>	
O&M	Operation and Maintenance
OC	Orange County
OCFA	Orange County Fire Authority
OCSD	Orange County Sanitation District
<b>R</b>	
RR	Regulatory Requirement
RWQCB	Regional Water Quality Control Board
<b>S</b>	
SC	Standard Condition
SCAQMD	South Coast Air Quality Management District
SENEL	Single Event Noise Exposure Level
SIC	Standard Industrial Classification
SIP	Sound Insulation Program
SPCC	Spill Prevention, Control, and Countermeasure
SWPPP	Storm Water Pollution Prevention Plan
<b>T</b>	
TCR	Tribal Cultural Resources
TRA	Transportation
<b>U</b>	
ULEV	Ultra Low Emission Vehicle
USEPA	U.S. Environmental Protection Agency
UTL	Utilities
<b>V</b>	
VOC	Volatile Organic Compound
<b>W</b>	
WDID	Waste Discharge Identification
WQ	Water Quality
WQMP	Water Quality Management Plan
<b>Z</b>	
ZEV	Zero Emission Vehicle

Mitigation Program	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
<b>AESTHETICS</b>			
<b>RR AES-1</b> Prior to issuance of any building permit for individual general aviation projects at JWA, the contractor shall file a Notice of Proposed Construction or Alteration (FAA Form 7460-1) with the FAA regional office that will show compliance with the Federal Aviation Regulations (FAR) Part 77 regulation, as it relates to building or structure heights, markings, lighting, and other standards. The FAA's Determination of No Hazard shall be submitted to the County prior to the start of construction.	Prior to issuance of building permit	Manager of Building & Safety, or designee  JWA Deputy Airport Director, Facilities Development or designee	
<b>MN AES-1</b> Construction contract specifications for any phase of development where the Airport property on the southwest corner of Irvine Avenue and Bristol Street South (i.e., golf course area) will be used as a construction laydown area/staging area, shall include security fencing with opaque screening around the construction sites and staging areas to block the ground-level views of the site. No removal of trees shall be allowed at the staging area.	Identification of requirement in applicable construction contract specifications; Implementation prior to issuance of building permits for projects using staging area	Manager of Building & Safety, or designee  JWA Deputy Airport Director, Facilities Development or designee	
<b>MN AES-2</b> Prior to issuance of a building permit for any project proposing the use of solar panels, the applicant shall prepare an evaluation of glare and glint on surrounding land uses and effects on navigation. The evaluation shall include description of the number, style, and placement of all solar panels. Additionally, evaluation shall include an analysis consistent with FAA guidance on evaluating solar technologies at the Airport. The evaluation shall be approved by the John Wayne Airport, Deputy Director, Facilities.	Prior to issuance of building permit for projects with solar panels	JWA Deputy Airport Director, Facilities Development or designee	

Mitigation Program	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
<b>AIR QUALITY</b>			
<b>RR AQ-1</b> During construction, the developer shall comply with South Coast Air Quality Management District (SCAQMD) Rules 402 and 403, in order to minimize short-term emissions of dust and particulates. SCAQMD Rule 402 requires that air pollutant emissions not be a nuisance off site. SCAQMD Rule 403 requires that fugitive dust be controlled with the best available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. This requirement shall be included as notes on the contractor specifications. Table 1 of Rule 403 prescribes the Best Available Control Measures that are applicable to all construction projects. The developer shall provide the Manager of Building & Safety, or designee, with an SCAQMD-approved Dust Control Plan or other sufficient proof of compliance with Rule 403, prior to issuance of a grading permit.	Identification of requirement in construction contract specifications; Submittal of Dust Control Plan prior to issuance of grading permit; Implementation ongoing throughout construction	Manager of Building & Safety, or designee  JWA Deputy Airport Director, Facilities Development or designee	
<b>RR AQ-2</b> Architectural coatings shall be selected so that the volatile organic compound (VOC) content of the coatings is compliant with SCAQMD Rule 1113. This requirement shall be included as notes on the contractor specifications. The specifications for each project within the GAIP area shall be reviewed by the Manager of Building & Safety, or designee, for compliance with this requirement prior to issuance of a building permit.	Identification of requirement in construction contract specifications; Verification of implementation during construction	Manager of Building & Safety, or designee  JWA Deputy Airport Director, Facilities Development or designee	

Mitigation Program	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
<p><b>MNAQ-1</b> JWA shall require architectural coatings applied to the East and West Access Roads be low VOC coatings.<sup>12</sup> Specifically, JWA shall require the use of a paint for markings with less than 50 grams of VOC emissions per liter of paint.</p>	<p>Identification of requirement in construction contract specifications; Verification of implementation during with construction</p>	<p>JWA Deputy Airport Director, Facilities Development or Designee</p>	
<p><b>MNAQ-2</b> General Aviation FBOs shall employ Zero Emission Vehicle (ZEV) GSE where available (e.g., tugs, water carts, lavatory carts, other ramp service equipment/vehicles) for 90 percent or greater of the GSE operating hours. Where ZEVs are not available, vehicles shall meet Ultra Low Emission Vehicle (ULEV) requirements. Where ULEVs are not available, and only diesel fuel engine trucks are available, the diesel-fueled truck shall comply with the On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation.</p> <p>FBOs shall maintain monthly records regarding GSE type, make, model, year, fuel type, horsepower (if non-electric), and hours in-use. Monthly records are subject to audit and verification by JWA. These records shall be provided to JWA annually in June.</p>	<p>Requirement in lease agreement/Reporting ongoing</p>	<p>JWA Deputy Airport Director, Facilities Development or designee</p>	
<p><b>MM AQ-1</b> JWA shall require heavy-duty, off-road, diesel-powered construction equipment to meet or exceed the USEPA's Tier 4 off-road emissions engine standards during Airport construction in order to reduce construction-related NOx emissions.</p>	<p>Identification of requirement in construction contract specifications; Verification of implementation during construction</p>	<p>JWA Deputy Airport Director, Facilities Development or Designee</p>	

<sup>12</sup> Sherwin Williams, *Pro-Park Waterborne Traffic Marking Paint B97 Series*, July 2017. Available on-line: <https://www.sherwin-williams.com/document/PDS/en/035777081228/> Accessed January 2018.



Mitigation Program	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
<b>CULTURAL RESOURCES</b>			
<p><b>RR CULT-1</b> Human Remains. If human remains are encountered during ground-disturbing activities, Section 7050.5 of the <i>California Health and Safety Code</i> states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition of the materials pursuant to Section 5097.98 of the <i>California Public Resources Code</i>. The provisions of Section 15064.5 of the California Environmental Quality Act Guidelines shall also be followed. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner shall notify the Native American Heritage Commission (NAHC). The NAHC will determine and notify a Most Likely Descendent (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The descendent must complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. These requirements shall be included as notes on the contractor specification and verified by the OC Development Services Department, prior to issuance of grading permits.</p>	<p>Identification in construction contract specifications prior to issuance of grading permit; Implemented during construction</p>	<p>OC Development Services Department</p>	

Mitigation Program	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
<p><b>SC CULT-1</b> Prior to the issuance of the first grading permit, the applicant shall provide written evidence to the Manager, Building and Safety, that applicant has retained a County-certified archaeologist, to observe grading activities and salvage and catalogue archaeological resources as necessary. The archaeologist shall be present at the pre-grade conference, shall establish procedures for archaeological resource surveillance, and shall establish, in cooperation with the applicant, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the artifacts as appropriate. If the archaeological resources are found to be significant, the archaeological observer shall determine appropriate actions, in cooperation with the project applicant, for exploration and/or salvage.</p> <p>Prior to the release of the grading bond the applicant shall obtain approval of the archaeologist's follow-up report from the Manager, Building and Safety. The report shall include the period of inspection, an analysis of any artifacts found and the present repository of the artifacts. The archaeologist shall prepare excavated material to the point of identification. Applicant shall offer excavated finds for curatorial purposes to the County of Orange, or its designee, on a first refusal basis. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Manager, Building and Safety. Applicant shall pay curatorial fees if an applicable fee program has been adopted by the Board of Supervisors, and such fee program is in effect at the time of presentation of the materials to the County of Orange or its designee, all in a manner</p>	<p>Prior to issuance of grading permit</p> <p>Prior to release of grading bond</p>	<p>Manager of Building &amp; Safety, or designee</p> <p>Manager of Building &amp; Safety, or designee</p>	

Mitigation Program	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
meeting the approval of the Manager, Building and Safety. (County Standard Condition of Approval A02)			
<p><b>SC CULT-2</b> Prior to the issuance of the first grading permit, the project applicant shall provide written evidence to the Manager, Building and Safety, that applicant has retained a County certified paleontologist to observe grading activities and salvage and catalogue fossils as necessary. The paleontologist shall be present at the pre-grade conference, shall establish procedures for paleontological resource surveillance, and shall establish, in cooperation with the applicant, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of the fossils. If the paleontological resources are found to be significant, the paleontologist shall determine appropriate actions, in cooperation with the applicant, to ensure proper exploration and/or salvage.</p> <p>Prior to the release of the grading bond the applicant shall submit the paleontologist's follow up report for approval by the Manager, Building and Safety. The report shall include the period of inspection, a catalogue and analysis of the fossils found, and the present repository of the fossils. Applicant shall prepare excavated material to the point of identification, and offer excavated finds for curatorial purposes to the County of Orange, or its designee, on a first refusal basis. These actions, as well as final mitigation and disposition of the resources, shall be subject to approval by Manager, Building and Safety. Applicant shall pay curatorial fees if an applicable fee program has been adopted by the Board of Supervisors, and such fee program is in effect at the time of presentation of the materials to the County of Orange or its designee, all in a manner meeting the approval of</p>	Prior to issuance of grading permit	Manager of Building & Safety, or designee	

Mitigation Program	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
the Manager, Building and Safety (County Standard Condition of Approval A04)			
<b>GREENHOUSE GAS EMISSIONS</b>			
<b>RR GHG-1</b> GAIP facilities must be designed in accordance with the applicable Title 24 Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations [CCR], Title 24, Part 6). These standards are updated, approximately every three years, to incorporate improved energy efficiency technologies and methods. The Manager of Building & Safety, or designee shall ensure compliance prior to the issuance of each building permit.	In conjunction with Site Plan Review	Manager of Building & Safety or designee  JWA Deputy Airport Director, Facilities Development or designee	
<b>RR GHG-2</b> GAIP facilities must be designed in accordance with applicable requirements of the California Green Building Standards (CALGreen) Code (24 CCR 11). The Manager of Building & Safety, or designee shall ensure compliance prior to the issuance of each building permit. <sup>13</sup>	In conjunction with Site Plan Review	Manager of Building & Safety, or designee  JWA Deputy Airport Director, Facilities Development or designee	
<b>MN GHG-1</b> JWA shall require that all general aviation-related development and uses facilitated by approval of the GAIP comply with applicable measures set forth in its <i>Climate Action Plan</i> . This compliance requirement shall be set forth in all leasehold agreements for GAIP-related development. Additionally, compliance with building design-related measures shall be verified by JWA Deputy Director, Facilities or designee, prior to the issuance of building permits for GAIP-related development.	Requirement in lease agreement; Verified during Site Plan Review and ongoing	JWA Deputy Airport Director, Facilities Development or designee	

<sup>13</sup> CALGreen Appendix A4 contains the voluntary measures (Tier 1 and Tier 2) that were developed to provide a statewide method of enhancing green construction practiced beyond the Code's minimum levels. It should be noted, although RR UTL-2 identifies compliance with the California Green Building Standards Code, the *John Wayne Airport Climate Action Plan* requires fixed based operators and vendors to meet stringent energy efficiency requirements equivalent of CalGreen Tier 1 and Envision Gold or higher for applicable components of GAIP facilities. This requirement is identified in the consistency evaluation with the CAP, provided in Table 4.4-10, item E-11 (included in Section 4.4, Greenhouse Gas Emissions).

Mitigation Program	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
<b>HAZARDS AND HAZARDOUS MATERIALS</b>			
<p><b>RR HAZ-1</b> Prior to the start of demolition or construction at the facilities, an asbestos abatement work plan shall be prepared in compliance with federal, State, and local regulations for any necessary removal and disposal of such materials, (including, but not limited to, 40 CFR 61 Subpart M, Occupational Safety and Health Administration 8 CCR 1529, and South Coast Air Quality Management District Rule 1403) and shall include: (1) demolition plans and specifications incorporating any necessary abatement measures for the removal of materials containing asbestos or assumed to contain asbestos in compliance with federal, State, and local regulations; (2) A licensed California Department of Occupational Safety and Health contractor, certified by the CSLB and registered with Cal/OSHA shall perform all "asbestos-related work" that disturbs asbestos-containing materials or asbestos-containing construction materials at the facilities; (3) All persons who may come into contact with any asbestos-containing material during demolition, construction, and maintenance at the facilities shall be notified in writing to avoid removal or disturbance of the asbestos-containing material; (4) any suspect material not identified but assumed to contain asbestos disturbed during the course of demolition shall require a cease work order and examination by a California Department of Industrial Relations Division of Occupational Safety and Health certified asbestos consultant; (5) all known asbestos-containing material or asbestos-containing construction material, to the extent that the asbestos-containing material or asbestos-containing construction material becomes friable, must be removed prior to demolition; and (6) asbestos-containing waste material that is generated during</p>	<p>Identification in construction contract specifications prior to issuance of demolition permit; Implemented during demolition or construction</p>	<p>JWA Deputy Airport Director, Facilities Development or designee  Manager of Building &amp; Safety or designee</p>	

Mitigation Program	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
<p>demolition at the facilities shall be properly handled and disposed of in compliance with applicable federal, State, and local regulations.</p>			
<p><b>RR HAZ-2</b> Prior to the start of any construction/demolition at the facilities, a lead-based paint/lead-containing paint abatement work plan shall be prepared in compliance with federal, State, and local regulations (including, but not limited to Occupational Safety and Health Administration CCR Title 17 Section 37000-37100 and Title 8 Section 1532.1 and South Coast Air Quality Management District Rule 301) for any necessary removal and disposal of such materials.</p> <p>The work plan implementing these regulations shall also include the following elements as per the Hazardous Materials Survey Report: (1) demolition plans and specifications shall incorporate any necessary abatement measures for the removal of materials containing lead-based paint and/or lead-containing paint in compliance with federal, state, and local regulations; (2) paints identified as lead-based and in poor condition (peeling or chipped) and all loose, flaking, or otherwise deteriorated lead paint shall be stabilized prior to any other construction-related activity and/or demolition on site. The stabilization process must be completed by California Department of Public Health Certified Workers under a California Department of Public Health Certified Supervisor, and all loose and flaking paint shall be removed from all work areas; (4) lead-based paints, i.e., paint on the floor of Hangar 62, in good condition may be left in place if exposure to employees and the environment is controlled and the lead-containing waste is properly tested and disposed based on the test results; (5) compliance with recommendations contained in a negative exposure assessment, which</p>	<p>Identification in construction contract specifications prior to issuance of demolition permit; Implemented during demolition or construction</p>	<p>JWA Deputy Airport Director, Facilities Development or designee</p> <p>Manager of Building &amp; Safety or designee</p>	

Mitigation Program	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
<p>has been prepared meeting Cal-OSHA standards, for the appropriate handling of materials tested, via XRF, and found to contain lead in amounts that may be a source of exposure to workers or may not meet testing limits for disposal including ceramic tiles in the restrooms prior to renovation or demolition; and (6) work area preparations as well as adequate worker protection and employee exposure monitoring and material testing as it relates to disposal will be required during any equipment demolition activity.</p>			
<p><b>RR HAZ-3</b> All transportation of hazardous materials at the facilities is regulated at the federal (Title 49 of the <i>Code of Federal Regulations</i> ["49 CFR"]) and State (Title 13 of the <i>California Code of Regulations</i> [13 CCR]) levels and requires compliance with all applicable federal, State, and local regulations pertaining to hazardous materials to ensure that the risk associated with the use and storage of the materials, after transport to JWA, is minimal. All hazardous materials shall be handled in full compliance with applicable requirements, and the necessary permits maintained by JWA. Carriers responsible for the transportation of hazardous materials are required to have a hazardous materials transportation license, issued by the California Highway Patrol (CHP). All fuel deliveries from suppliers within California will comply with all applicable requirements of the CHP's biennial inspection of terminals (BIT) program.</p>	<p>Identification in construction contract specifications prior to issuance of building permit; Implemented during demolition or construction</p>	<p>JWA Deputy Airport Director, Facilities Development or designee</p> <p>Manager of Building &amp; Safety or designee</p>	

Mitigation Program	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
<p><b>RR HAZ-4</b> Per USEPA requirements, a <i>Spill Prevention, Control, and Countermeasure Plan</i> is required to address all fueling related activities. Pursuant to 40 CRF Section 112, physical modifications to fueling facilities (i.e., the extension of the hydrant fueling system) may require a technical amendment to a SPCC Plan.<sup>14</sup> Should SNAFuel, the operator of the hydrant fueling system, agree to extend the system to the East Full Service FBO(s), the JWA Environmental Engineer shall determine if an amendment to the SNAFuel SPCC Plan is required. Said amendment, if determined necessary, would be prepared in compliance with the requirements of the U.S. Environment Protection Agency as provided for in 40 CFR Section 112 to the satisfaction of the JWA Environmental Engineer.</p>	<p>In conjunction with Site Plan Review</p>	<p>JWA Deputy Airport Director, Facilities Development or designee</p>	
<p><b>RR HAZ-5</b> A <i>Spill Prevention, Control, and Countermeasure Plan</i> or an amendment to an existing SPCC may be required to address the additional fueling related activities Prior to construction of the self-service fueling station. The JWA Environmental Engineer shall determine if an amendment to an existing SPCC Plan or a new plan is required. Prior to the self-serve fueling station becoming operational, said document, would be prepared in compliance with the requirements of the U.S. Environment Protection Agency as provided for in 40 CFR Section 112 to the satisfaction of the JWA Environmental Engineer.</p>	<p>In conjunction with Site Plan Review</p>	<p>JWA Deputy Airport Director, Facilities Development or designee</p>	

<sup>14</sup> The need for a technical amendment to the Plan requires engineering judgment. Examples of when a technical amendment is required includes, but is not limited to, the replacement, reconstruction, or installation of oil transfer piping systems. Oil is defined to include any kind or in any form, including, but not limited to: fats, oils, or greases of animal, fish, or marine mammal origin; vegetable oils, including oils from seeds, nuts, fruits, or kernels; and, other oils and greases, including petroleum, fuel oil, sludge, synthetic oils, mineral oils, oil refuse, or oil mixed with wastes other than dredged spoil. (Wood 2016 [definition taken from 40 CFR Section 112.2 – Definitions])



Mitigation Program	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
<p><b>SC HAZ-1</b> Prior to the issuance of a building permit for installation of an industrial oven, spray booth, powder-coating operation, dust collection equipment, welding operation, refrigeration system, or other hazardous equipment, the applicant shall provide the Manager, Permit Services with a clearance from OCFA, or other Local Fire Agency (if applicable), indicating plan compliance with Fire Code and all guidelines specific to the operation. (County Standard Condition FP02)<sup>15</sup></p>	<p>Prior to the issuance of a building permit</p>	<p>Manager, Permit Services with a clearance from the Orange County Fire Authority</p>	
<p><b>SC HAZ-2</b> Prior to the issuance of a grading permit or building permit, whichever comes first, for installation of an aboveground or an underground tank used for the storage of flammable, combustible, or hazardous liquids, the applicant shall provide the Manager, Permit Services with a clearance from OCFA indicating compliance with Guideline G-08.<sup>16</sup> (County Standard Condition FP12)</p>	<p>Prior to the issuance of a grading permit or building permit, whichever comes first</p>	<p>Manager, Permit Services with a clearance from the Orange County Fire Authority</p> <p>JWA Deputy Airport Director, Facilities Development or designee</p>	
<p><b>SC HAZ-3</b></p> <p>A. Prior to the issuance of a building permit, the applicant shall provide the Manager, Permit Services with a clearance from OCFA, or other Local Fire Agency (if applicable), indicating compliance with Guideline G-06.<sup>17</sup></p> <p>B. Prior to the final inspection approval, the applicant shall provide the Manager, Permit Services with a clearance from OCFA, or other Local Fire Agency (if applicable), indicating a "Hazardous Materials Disclosure Chemical Inventory and Business Emergency Plan" packet has been submitted to the</p>	<p>Prior to the issuance of a building permit</p> <p>Prior to the final inspection approval</p>	<p>Manager, Permit Services with a clearance from the Orange County Fire Authority</p> <p>JWA Deputy Airport Director, Facilities Development or designee</p>	

<sup>15</sup> This is a County Standard Condition of Approval; therefore, the wording has not been changed from the text of the adopted condition. However, it should be noted the lease agreements do not permit all these activities to occur on the Airport.

<sup>16</sup> Guideline G-08 is an OCFA document titled *Installation and Modification of Aboveground Equipment Components of Fuel Dispensing Operations*. The current version is dated January 1, 2017.

<sup>17</sup> Guideline G-06 is an OCFA document titled *Completion of the Chemical Classification Packet*. The current version is dated January 1, 2017.

Mitigation Program	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
OCFA for review and approval. (County Standard Condition FP15)			
<b>SC HAZ-4</b> Applicant/operator shall store, manifest, transport, and dispose of all on-site generated waste that meets hazardous materials criteria in accordance with the <i>California Code of Regulations</i> Title 22 and in a manner to meet the satisfaction of the Manager, Health Care Agency (HCA)/Hazardous Materials Program. Applicant shall keep storage, transportation, and disposal records on site and open for inspection by any government agency upon request. Applicant shall store used oil filters in a closed, rainproof container that is capable of containing all used oil and shall manage the container as specified in Title 22, Chapter 30, Division 4, Section 66828 of the <i>California Code of Regulations</i> . (County Standard Condition RC02)	In conjunction with Site Plan Review; Implementation ongoing	Manager, Health Care Agency/Hazardous Materials Program	
<b>LAND USE AND PLANNING</b>			
<b>MN LU-1</b> In conjunction with the review of design and construction plans for GAIP facilities adjacent to 3000 Airway Avenue, Costa Mesa, California, the applicant shall ensure, and the JWA Deputy Airport Director, Facilities, or designee shall verify, that secured gate access, used to facilitate the movement of cargo and other items into and out of the Airport, is maintained for an adequate connection to Perimeter Road. The precise location and configuration of the gate may be modified within this parcel but the function of the gate shall not be compromised.	In conjunction with Site Plan Review	JWA Deputy Airport Director, Facilities Development or designee	

Mitigation Program	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
<b>APPLICATION OF SOUND INSULATION PROGRAM FOR FINAL EIR 617<sup>18</sup></b>			
<p><b>617 LU-1</b> Starting with the 2015 Annual Noise Report, the annual noise contours presented in the report will be used by the County of Orange/JWA to identify parcels with noise sensitive uses (i.e., residences, schools, or churches) that are newly located either partially or completely within the 65 CNEL contour as compared to their location relative to the 65 CNEL contour in the 2013 Annual Contours, which will serve as the baseline condition. All uses that were established before 1985 and have not been insulated under the previous AIP will be eligible for evaluation under the SIP described in Mitigation Measure (617) N-3. Those uses with an average interior noise levels exceeding 45 CNEL will be eligible for insulation under the SIP described in Mitigation Measure (617) N-3.</p> <p>For those uses with interior noise levels less than 45 CNEL, the amount of outdoor-to-indoor noise reduction for each habitable room will be recorded. In each subsequent Annual Noise Report, the noise level impacting these uses and the measured noise reduction will be used to estimate the interior noise level. If the estimated interior noise level exceeds 45 CNEL, then the use will be eligible for re-evaluation in the form of new interior noise level measurements. If the interior noise level in any habitable room exceeds 45 CNEL, then the use will be eligible for the SIP described in Mitigation Measure (617) N-3.</p>	Starting with the 2015 Annual Noise Report	JWA Deputy Airport Director, Facilities Development or designee	

<sup>18</sup> Final Program EIR 627 identifies that residential units that will be included in the future (2026) 65 CNEL contour that do not have aviation easements and have not received prior sound attenuation from the Airport would be eligible for participation in the Sound Insulation Program (SIP) adopted in conjunction with the 2014 Settlement Agreement Amendment. The following four measures ((617) LU-1 and (617) N-1 through (617) N-3) are taken from MMRP for the 2014 Settlement Agreement Amendment.

Mitigation Program	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
<p><b>617 N-1</b> Starting with the 2015 Fourth Quarter Noise Report, the annual noise levels at NMS 1S, 2S, and 3S will be compared by the County of Orange to the 2013 annual noise levels. If the noise levels have increased by 1.5 dB or more at any of these NMS, all noise sensitive uses represented by that NMS (i.e., that is the closest NMS to the parcel) that have not been previously insulated under the 1985 AIP will be eligible for evaluation for participation in the Sound Insulation Program (SIP) as described in Mitigation Measure (617) N-3. Those uses with interior noise levels exceeding an average of 45 CNEL will be eligible for insulation under the SIP as described in the mitigation measure.</p> <p>For those uses with interior noise levels less than 45 CNEL, the amount of outdoor-to-indoor noise reduction for each habitable room will be recorded. In each subsequent Fourth Quarter Noise Report, the noise level impacting these uses and the measured noise reduction will be used to estimate the interior noise level. If the estimated interior noise level exceeds an average of 45 CNEL, then the use will be eligible for re-evaluation in the form of new interior noise level measurements. If the interior noise level in any habitable room exceeds an average of 45 CNEL, then the use will be eligible for the SIP described in Mitigation Measure (617) N-3.</p>	Starting with the 2015 Fourth Quarter Noise Report	JWA Deputy Airport Director, Facilities Development or designee	
<p><b>617 N-2</b> Starting with the 2015 Fourth Quarter Noise Report, the annual noise levels at NMS 1S, 2S, and 3S will be compared by JWA to the 2013 annual noise levels. If the noise levels have increased by 1.0 dB or more at any of these NMS, all noise sensitive uses represented by that NMS (i.e., that is the closest NMS to the parcel) exposed to noise levels of 65 CNEL or greater that have not been previously insulated under the 1985 AIP will be eligible for evaluation for participation in the Sound Insulation</p>	Starting with the 2015 Fourth Quarter Noise Report	JWA Deputy Airport Director, Facilities Development or designee	

Mitigation Program	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
<p>Program (SIP) as described in Mitigation Measure (617) N-3. Those uses with interior noise levels exceeding 45 CNEL will be eligible for insulation under the SIP as described in the mitigation measure.</p> <p>For those uses with interior noise levels less than 45 CNEL, the amount of outdoor-to-indoor noise reduction for each habitable room will be recorded. In each subsequent Fourth Quarter Noise Report, the noise level impacting these uses and the measured noise reduction will be used to estimate the interior noise level. If the estimated interior noise level exceeds an average of 45 CNEL then the use will be eligible for re-evaluation in the form of new interior noise level measurements. If the interior noise level in any habitable room exceeds an average of 45 CNEL then the use will be eligible for the SIP described in Mitigation Measure (617) N-3.</p>			
<p><b>617 N-3</b> The only practical way to mitigate indoor noise levels is through a Sound Insulation Program (SIP). Mitigation Measure (617) LU-1, as described in the Section 4.5, Land Use [of Final EIR 617], and Mitigation Measures (617) N-1 and (617) N-2, described above, will determine the sensitive land uses that will be eligible for participation in the SIP described below as Mitigation Measure (617) N-3. FAA regulations require that residences be exposed to an outdoor noise level of 65 CNEL or greater and interior noise levels greater than 45 CNEL for FAA or Airport funds to be used for sound insulation. The referring Mitigation Measures, (617) LU-1, (617) N-1, and (617) N-2, will ensure the outdoor noise criterion is met. The interior noise level criterion will be determined in the evaluation phase of Mitigation Measure (617) N-3. Sensitive uses with</p>	<p>Completion of measures (617) LU-1, (617) N-1 and (617) N-2</p>	<p>JWA Deputy Airport Director, Facilities Development or designee</p>	

Mitigation Program	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
<p>interior noise levels greater than 45 CNEL will be eligible for sound insulation.</p> <p>The FAA guidance for implementing sound insulation programs specifically states that the average noise level in all habitable rooms of a residence or all educational spaces in school must be greater than 45 CNEL for the use to be eligible for sound insulation funded by the Airport or FAA. However, the County's noise standards specifically require that the noise level in <u>any</u> habitable room or educational space must be less than 45 CNEL. This is implied in the City of Newport Beach's noise standards, as well. Under CEQA, the lead agency's noise standard is used to determine impacts. Therefore, a noise sensitive use is considered significantly impact if the noise level in any habitable room or educational space exceeds 45 CNEL.</p> <p>As discussed below, the Airport will request that the FAA waive its requirement that the average noise level in all habitable rooms or educational spaces exceed 45 CNEL in order for sound insulation to be funded by the FAA or Airport in order that all noise related impacts are mitigated to a less than significant level in a timely manner. If the FAA does not agree to waive this requirement, then uses with one or more habitable rooms or educational spaces exceeding 45 CNEL but with the average noise level in all habitable rooms or educational spaces less than 45 CNEL would be significantly and unavoidably impacted as there is no other funding source for a SIP. However, these uses would be eligible for insulation when and if the average noise level exceeded 45 CNEL. As discussed in Mitigation Measures, (617) LU-1, (617) N-1, and (617) N-2, if an individual land use is not eligible for insulation because the interior noise level does not exceed 45 CNEL, there are criteria for re-evaluation. If</p>			

Mitigation Program	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
<p>the annual report noise levels and previous evaluation measurements indicate that the use may meet the interior noise requirement it will be re-evaluated for insulation eligibility.</p> <p><b>Part 1, Evaluation:</b> When Mitigation Measures (617) LU-1, (617) N-1, or (617) N-2 determines that a noise sensitive use is significantly impacted based on measured noise levels and the relevant significance thresholds, that use will be evaluated by the County of Orange for eligibility for sound insulation. The evaluation will be performed by measuring the indoor noise levels for each habitable room or educational space. If the average noise level in all habitable rooms or education spaces of a use is greater than an average of 45 CNEL then the use will be eligible for sound insulation. Additionally, if the average noise level is less than 45 CNEL, any use with a noise level greater than an average of 45 CNEL in any habitable room or educational space also will be eligible for sound insulation if the FAA waives its requirement that noise levels be averaged across all habitable rooms or education spaces.</p> <p>Per FAA guidance, noise levels will be measured with all windows and doors closed. Uses with measured interior noise levels less than 45 CNEL that do not have an existing central ventilation system, but rely on keeping windows open for air circulation will be eligible for a Continuous Positive Ventilation System. Implementation of such a system will be dependent on meeting the FAA requirements for implementation of such a system.</p> <p><b>Part 2, Sound Insulation Program:</b> Schools or residences that have interior noise levels exceeding 45 CNEL as determined by the evaluation measurements</p>			

Mitigation Program	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
<p>will be eligible for sound insulation. The implementation of sound insulation will depend on satisfying the FAA criteria described in Chapter 812 of Order 5100.38C Airport Improvement Program Handbook.</p> <p>Note that as an alternative to providing sound insulation, an impacted property may also be mitigated by converting an incompatible use to a compatible use or removing the incompatible use.</p>			
<b>NOISE</b>			
<p><b>RR NOI-1</b> The Orange County Municipal Code Article 3 Section 2-1-30, General Aviation Noise Ordinance, prohibits nighttime general aviation operations for operations that exceed the specified SENEL noise limit at each of the noise monitoring locations.</p>	Ongoing	JWA Manager, Access and Noise Office	
<p><b>SC NOI-1</b> Except when the interior noise level exceeds the exterior noise level, the applicant shall sound attenuate all nonresidential structures against the combined impact of all present and projected noise from exterior noise sources to meet the interior noise criteria as specified in the Noise Element and Land Use/Noise Compatibility Manual.</p> <p>Prior to the issuance of any building permits, the applicant shall submit to the Manager, Building and Safety, an acoustical analysis report prepared under the supervision of a County-certified acoustical consultant which describes in detail the exterior noise environment and the acoustical design features required to achieve the interior noise standard and which indicates that the sound attenuation measures specified have been incorporated into the design of the project. (County Standard Condition N02)</p>	Prior to the issuance of building permits	Manager, Building and Safety	



Mitigation Program	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
<b>TRANSPORTATION/TRAFFIC</b>			
<p><b>SC TRA-1:</b> Prior to the issuance of any grading permits, the applicant shall provide adequate sight distance per Standard Plan 1117 at all street intersections, in a manner meeting the approval of the Manager, OC Infrastructure/Traffic Engineering. The applicant shall make all necessary revisions to the plan to meet the sight distance requirement such as removing slopes or other encroachments from the limited use area in a manner meeting the approval of the Manager, Building and Safety. (County Standard Condition of Approval T10)</p>	<p>Prior to the issuance of any grading permits</p>	<p>Manager, OC Infrastructure/Traffic Engineering</p>	
<b>TRIBAL CULTURAL RESOURCES</b>			
<p><b>MN TCR-1 Tribal Cultural Resources Observation and Salvage.</b> Prior to the issuance of any grading permit in which native soil is disturbed, the applicant shall provide written evidence to the Manager, Permit Services, that a Native American monitor has been retained to observe grading activities in native sediment and to salvage and catalogue tribal cultural resources as necessary. The Native American monitor, which shall be a representative of a tribe with ancestral connection to the land, shall be present at the pre-grade conference, shall establish procedures for tribal cultural resource surveillance, and shall establish, in cooperation with the County, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the tribal cultural resource as appropriate. If the tribal cultural resources are found to be significant, the Native American observer shall determine appropriate actions, in cooperation with the County for exploration and/or salvage.</p>	<p>Prior to issuance of grading permit</p>	<p>Manager, Permit Services</p>	

Mitigation Program	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
<b>UTILITIES</b>			
<b>RR UTL-1</b> In conjunction with the development of the GAIP projects, building plans and site improvement plans shall show compliance with pertinent regulations of CMSD and/or OCSO related to sewer system connections, installation of on-site facilities for industrial dischargers and food service establishments (e.g., pretreatment equipment, pollution control facilities, spill containment facilities, accidental slug control plans, and monitoring/metering facilities), as well as obtain the necessary discharge permits and comply with the discharge limits, prohibitions, monitoring and reporting, inspection and sampling, and other provisions of the permit. Compliance shall be in a manner meeting the approval of the Manager, Building and Safety compliance prior to issuance of any building permit.	In conjunction with Site Plan Review	Manager, Building and Safety JWA Deputy Airport Director, Facilities Development or designee	
<b>RR UTL-2</b> In conjunction with the development of the GAIP projects, building plans and site improvement plans shall demonstrate compliance with applicable non-residential mandatory measures in the California Green Building Standards Code (CALGreen Code) and the County's Landscape Water Use Standards in a manner meeting the approval of the Manager, Building and Safety compliance prior to issuance of any building permit. <sup>19</sup>	In conjunction with Site Plan Review	Manager, Building and Safety JWA Deputy Airport Director, Facilities Development or designee	

<sup>19</sup> CALGreen Appendix A4 contains the voluntary measures (Tier 1 and Tier 2) that were developed to provide a statewide method of enhancing green construction practiced beyond the Code's minimum levels. It should be noted, although RR UTL-2 identifies compliance with the California Green Building Standards Code, the *John Wayne Airport Climate Action Plan* requires fixed based operators and vendors to meet stringent energy efficiency requirements equivalent of CalGreen Tier 1 and Envision Gold or higher for applicable components of GAIP facilities. This requirement is identified in the consistency evaluation with the CAP, provided in Table 4.4-10, item E-11 (included in Section 4.4, Greenhouse Gas Emissions).

Mitigation Program	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
<p><b>RR UTL-3</b> In conjunction with the development of the GAIP projects, new or modified water service to the site shall comply with Mesa Water District's rules and regulations, including design and construction of connections and water facilities, payments for service, conditions for service, and compliance with its permanent and emergency water conservation programs that outline water waste prohibitions, escalating water restrictions under water supply shortage conditions and other general provisions.</p>	<p>In conjunction with Site Plan Review</p>	<p>Manager, Building and Safety JWA Deputy Airport Director, Facilities Development or designee</p>	
<b>WATER QUALITY</b>			
<p><b>RR WQ-1</b> If groundwater is encountered during ground disturbance activities at JWA, the contractor shall provide evidence to the County that it has applied for coverage under Order No. R8-2015-0004 for the disposal of acceptable construction dewatering discharges to the local storm drainage system, through the submission of a copy of the completed Notice of Intent for the project and Santa Ana Regional Water Quality Control Board's (RWQCB's) Discharge Authorization Letter. The contractor shall comply with the discharge prohibitions; conduct groundwater testing to show the discharge would not exceed the set effluent limitations and applicable surface water limitations, including the provision of needed facilities and systems of treatment and control to meet the limitations; and implement a monitoring and reporting program.</p> <p>If the proposed discharge is not eligible for coverage under this Order, an individual National Pollutant Discharge Elimination System (NPDES) permit shall be obtained. The contractor shall provide a copy of the NPDES permit to the Orange County Building and Safety Division and implement the conditions of approval during construction dewatering activities.</p>	<p>In conjunction with Site Plan Review; Implementation during construction</p>	<p>Manager, Building and Safety JWA Deputy Airport Director, Facilities Development or designee</p>	

Mitigation Program	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
<p><b>SC WQ-1</b> Prior to the issuance of any grading or building permits, the applicant shall submit for review and approval by the Manager, Building and Safety, a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used on site to control predictable pollutant runoff. The applicant shall utilize the Orange County Drainage Area Management Plan (DAMP), Model WQMP, and Technical Guidance Manual for reference, and the County's WQMP template for submittal. This WQMP shall include the following:</p> <ul style="list-style-type: none"> <li>• Detailed site and project description</li> <li>• Potential storm water pollutants</li> <li>• Post-development drainage characteristics</li> <li>• Low Impact Development (LID) BMP selection and analysis</li> <li>• Hydromodification Control BMP selection and analysis</li> <li>• Structural and Non-Structural source control BMPs</li> <li>• Site design and drainage plan (BMP Exhibit)</li> <li>• Geographic Information Systems (GIS) coordinates for all LID and Treatment Control BMPs</li> <li>• Operation and Maintenance (O&amp;M) Plan that (1) describes the long-term operation and maintenance requirements for BMPs identified in the BMP Exhibit; (2) identifies the entity that will be responsible for long-term operation and maintenance of the referenced BMPs; and (3) describes the mechanism for funding the long-term operation and maintenance of the referenced BMPs</li> </ul>	<p>Prior to issuance of grading or building permits</p>	<p>Manager, Building and Safety JWA Deputy Airport Director, Facilities Development or designee</p>	

Mitigation Program	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
<p>The BMP Exhibit from the approved WQMP shall be included as a sheet in all plan sets submitted for plan check, and all BMPs shall be depicted on these plans. Grading and building plans must be consistent with the approved BMP exhibit. (County Standard Condition WQ01)</p>			
<p><b>SC WQ-2</b> Prior to the issuance of a certificate of use and occupancy, the applicant shall demonstrate compliance with the County's NPDES Implementation Program in a manner meeting the satisfaction of the Manager, Orange County (OC) Inspection, including:</p> <ul style="list-style-type: none"> <li>• Demonstrate that all structural Best Management Practices (BMPs) described in the BMP Exhibit from the project's approved WQMP have been implemented, constructed, and installed in conformance with approved plans and specifications</li> <li>• Demonstrate that the applicant has complied with all non-structural BMPs described in the project's WQMP</li> <li>• Submit for review and approval an Operations and Maintenance (O&amp;M) Plan for all structural BMPs (the O&amp;M Plan shall become an attachment to the WQMP)</li> <li>• Demonstrate that copies of the project's approved WQMP (with attached O&amp;M Plan) are available for each of the initial occupants</li> <li>• Agree to pay for a Special Investigation from the County of Orange for a date twelve (12) months after the issuance of a Certificate of Use and Occupancy for the project to verify compliance with the approved WQMP and O&amp;M Plan</li> </ul>	<p>Prior to the issuance of a certificate of use and occupancy</p>	<p>Manager, Orange County Inspection JWA Deputy Airport Director, Facilities Development or designee</p>	

Mitigation Program	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
<ul style="list-style-type: none"> <li>• Demonstrate that the applicant has RECORDED one of the following:               <ol style="list-style-type: none"> <li>1. The covenants, conditions, and restrictions (CC&amp;Rs) (that must include the approved WQMP and O&amp;M Plan) for the project's Home Owner's Association</li> <li>2. A water quality implementation agreement that has the approved WQMP and O&amp;M Plan attached</li> <li>3. The final approved Water Quality Management Plan (WQMP) and Operations and Maintenance (O&amp;M) Plan</li> </ol> </li> </ul> <p>(County Standard of Approval WQ02)</p>			
<p><b>SC WQ-3</b> Prior to the issuance of any grading or building permits, the applicant shall demonstrate compliance with California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing in a manner meeting the satisfaction of the Manager, Permit Intake. Projects subject to this requirement shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for County review on request. (County Standard of Approval WQ04)</p>	<p>Prior to issuance of grading or building permits</p>	<p>Manager, Permit Intake  JWA Deputy Airport Director, Facilities Development or designee</p>	
<p><b>SC WQ-4</b> Prior to the issuance of any grading or building permit, the applicant shall submit an Erosion and Sediment Control Plan (ESCP) in a manner meeting approval of the Manager, Permit Intake, to demonstrate compliance with the County's NPDES Implementation Program and state water quality regulations for</p>	<p>Prior to issuance of grading or building permits</p>	<p>Manager, Permit Intake  JWA Deputy Airport Director, Facilities Development or designee</p>	

Mitigation Program	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
<p>grading and construction activities. The ESCP shall identify how all construction materials, wastes, grading or demolition debris and stockpiles of soil, aggregates, soil amendments, and other on-site materials shall be properly covered, stored, and secured to prevent transport into local drainages or coastal waters by wind, rain, tracking, tidal erosion, or dispersion. The ESCP shall also describe how the applicant will ensure that all BMPs will be maintained during construction of any future public rights-of-way. The ESCP shall be updated as needed to address the changing circumstances of the project site. A copy of the current ESCP shall be kept at the project site and be available for County review on request. (County Standard of Approval WQ05)</p>			
<p><b>SC WQ-5</b> Prior to the issuance of building permits for any tank or pipeline, the uses of said tank or pipeline shall be identified, and the applicant shall submit a Chemical Management Plan in addition to a WQMP with all appropriate measures for chemical management (including, but not limited to, storage, emergency response, employee training, spill contingencies, and disposal) in a manner meeting the satisfaction of the Manager, Permit Intake, in consultation with the Orange County Fire Authority, the Orange County Health Care Agency and wastewater agencies, as appropriate, to ensure implementation of each agency's respective requirements. A copy of the approved "Chemical Management Plans" shall be furnished to the Manager, OC Inspection, prior to the issuance of any Certificates of Use and Occupancy. (County Standard of Approval WQ06)</p>	<p>Prior to issuance of building permits for any tank or pipeline</p> <p>Prior to Certificates of Use and Occupancy</p>	<p>Manager, Permit Intake in consultation with the Orange County Fire Authority, the Orange County Health Care Agency and wastewater agencies</p> <p>Manager, OC Inspection</p> <p>JWA Deputy Airport Director, Facilities Development or designee</p>	

<b>Mitigation Program</b>	<b>Timing of Mitigation</b>	<b>County Department or Other Agency for Review/Approval</b>	<b>Completion Date</b>
<p><b>SC WQ-6</b> For industrial facilities subject to California's General Permit for Stormwater Discharges Associated with Industrial Activity as defined by Standard Industrial Classification (SIC) Code.</p> <p>Prior to grading or building permit close-out and/or the issuance of a certificate of use and occupancy, the applicant shall demonstrate that compliance with the permit has been obtained by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing to the satisfaction of the Manager, OC Inspection.<sup>20</sup> (County Standard of Approval WQ07)</p>	<p>Prior to grading or building permit close-out and/or the issuance of a certificate of use and occupancy</p>	<p>Manager, OC Inspection</p> <p>JWA Deputy Airport Director, Facilities Development or designee</p>	

<sup>20</sup> Alternatively, the facility may provide documentation to be added to the Airport's existing SWPPP and demonstrate the BMPs implemented by the facility meet the requirements of the Industrial General Permit.