



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY
3160 Airway Avenue Costa Mesa, CA 92626 (949) 252-5170 Fax (949) 252-6012

AGENDA ITEM 2

November 19, 2020

TO: Commissioners/Alternates
FROM: Lea U. Choum, Executive Officer
SUBJECT: Administrative Status Report

The following attachments are for your review and information:

- JWA Statistics for September 2020
- Determination Letter for the City of Santa Ana - General Plan Update: Golden City Beyond (2045)
- Referral confirmation letter for the City of Newport Beach – Residences at 4400 Von Karman
- ALUC Response to the City of Santa Ana Notice of Intent to Overrule the ALUC Determination of Inconsistency for the Santa Ana General Plan Update: Golden City Beyond (2045)

Respectfully submitted,

A handwritten signature in blue ink that reads "Lea U. Choum".

Lea U. Choum
Executive Officer

October 21, 2020

JOHN WAYNE AIRPORT POSTS SEPTEMBER 2020 STATISTICS

SANTA ANA, Calif. - Airline passenger traffic at John Wayne Airport decreased in September 2020 as compared with September 2019. In September 2020, the Airport served 274,813 passengers, a decrease of 68.0% when compared with the September 2019 passenger traffic count of 859,174.

Commercial aircraft operations decreased 57.2% and commuter aircraft operations increased 9.9% when compared with September 2019 levels.

Total aircraft operations decreased in September 2020 as compared with the same month in 2019. In September 2020, there were 22,844 total aircraft operations (take-offs and landings), a 12.9% decrease compared to 26,218 total aircraft operations in September 2019.

General aviation activity, which accounted for 83.9% of the total aircraft operations during September 2020, increased 4.8% when compared with September 2019.

The top three airlines in September 2020 based on passenger count were Southwest Airlines (96,587), American Airlines (59,820) and United Airlines (42,738).

**John Wayne Airport
Monthly Airport Statistics - September 2020**

	September 2020	September 2019	% Change	Year-To-Date 2020	Year-To-Date 2019	% Change
Total passengers	274,813	859,174	-68.0%	2,978,932	8,040,481	-63.0%
Enplaned passengers	136,590	428,516	-68.1%	1,489,228	4,018,364	-62.9%
Deplaned passengers	138,223	430,658	-67.9%	1,489,704	4,022,117	-63.0%
Total Aircraft Operations	22,844	26,218	-12.9%	178,286	232,898	-23.4%
General Aviation	19,186	18,309	4.8%	138,590	160,290	-13.5%
Commercial	3,151	7,360	-57.2%	35,552	67,830	-47.6%
Commuter¹	489	445	9.9%	3,722	4,026	-7.6%
Military	18	104	-82.7%	422	752	-43.9%
Air Cargo Tons²	1,612	1,435	12.3%	13,522	13,558	-0.3%

International Statistics³ (included in totals above)

	September 2020	September 2019	% Change	Year-To-Date 2020	Year-To-Date 2019	% Change
Total Passengers	0	12,585	-100.0%	17,246	137,519	-87.5%
Enplaned passengers	0	6,275	-100.0%	8,703	69,452	-87.5%
Deplaned passengers	0	6,310	-100.0%	8,543	68,067	-87.4%
Total Aircraft Operations	0	118	-100.0%	172	1,318	-86.9%

1 Aircraft used for regularly scheduled air service, configured with not more than seventy (70) seats, and operating at weights not more than ninety thousand (90,000) pounds.

2 All-Cargo Carriers: 1,450 tons
 Passenger Carriers (incidental belly cargo): 162 tons
 (Current cargo tonnage figures in this report are for August 2020)

3 Includes all Canada and Mexico Commercial passengers and operations.

-###-

John Wayne Airport (SNA) is owned by the County of Orange and is operated as a self-supporting enterprise that receives no general fund tax revenue. The Airport serves more than 10 million passengers annually and reaches more than 20 nonstop destinations in the United States, Canada and Mexico. More information can be found at www.ocair.com. Like us on [facebook.com/johnwaynearport/](https://www.facebook.com/johnwaynearport/), or follow us on [Twitter @johnwaynear](https://twitter.com/johnwaynear) and [Instagram @johnwaynear](https://www.instagram.com/johnwaynear).

To receive John Wayne Airport news releases automatically, go to www.ocair.com and click [Subscribe](#).



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

October 20, 2020

Vince Fregoso, AICP
Planning Manager
City of Santa Ana
20 Civic Center Plaza
P.O. Box 1988
Santa Ana, CA 92702

Subject: City of Santa Ana General Plan Update, Golden City Beyond (2045)

Dear Mr. Fregoso:

During the public meeting held on October 15, 2020, the Airport Land Use Commission (ALUC) for Orange County considered the subject project. The matter was duly discussed, and with a unanimous vote of 6-0, the Commission found the proposed Santa Ana General Plan Update: Golden City Beyond (2045):

1. Inconsistent with the *AELUP for JWA* as per Sections 1.2, 2.1.4, and 3.2.1. and PUC Section 21674 due to:
 - a. The proposed changes in Land Use in the 55/Dyer Focus Area would result in 9,952 total residential units within the flight corridor for John Wayne Airport subjecting future residents to noise and safety issues, and
 - b. The proposed land use designation for a portion of the South Bristol Street Focus Area (between MacArthur Boulevard and Sunflower Avenue) would allow buildings up to 25 stories which would penetrate the FAR Part 77 Obstruction Imaginary Surfaces for JWA.
2. Consistent with the *AELUP for Heliports*, with the condition that the City include a statement in the General Plan Update (Safety Element Policy S-4.4) that any proposals for heliports/helipads within the City be submitted through the City to ALUC for a consistency determination.

Please contact Julie Fitch at (949) 252-5284 or at jfitch@ocair.com if you require additional information or have questions regarding this proceeding.

Sincerely,

Lea U. Choum
Executive Officer



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

November 2, 2020

Rosalinh Ung, Principal Planner
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

Subject: ALUC Referral Package Confirmation

Dear Ms. Ung:

This is to confirm that on October 28, 2020, the Airport Land Use Commission (ALUC) staff received the City of Newport Beach referral request for the Residences at 4400 Von Karman project.

Your request for a review and consistency determination by the Commission is incomplete as of November 2, 2020, and is pending receipt of the FAA Form 7460-1 Aeronautical Study Determination Letter(s). In order for the project to be agendaized at the next Commission meeting of November 19, 2020, a copy of this letter(s) must be received by our office prior to 10:00 a.m. on November 12, 2020. Please note that Wednesday, November 11th is a holiday and our offices will be closed. Upon receipt of the FAA determination(s), we will confirm the ALUC meeting date.

Consistent with the Governor's Order N 27-20 issued on March 17, 2020, the ALUC meetings are held with a teleconferencing option. We will provide call-in details when the agenda is posted. Your attendance at the meeting (in person or via teleconference) would be appreciated in case there are questions regarding this item. A copy of the meeting agenda and staff report regarding your item will be provided to you prior to the Commission meeting. Please contact Julie Fitch at (949) 252-5284 or at jfitch@ocair.com if you need additional information regarding the Commission's review of this project.

Sincerely,

Lea U. Choum
Executive Officer



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

November 12, 2020

Vince Fregoso, Planning Manager
City of Santa Ana
20 Civic Center Plaza
P.O. Box 1988
Santa Ana, CA 92702

SUBJECT: City of Santa Ana Notice of Intent to Overrule the ALUC Determination of Inconsistency for the Santa Ana General Plan Update: Golden City Beyond (2045)

Dear Mr. Fregoso:

We are in receipt of the City of Santa Ana's October 16, 2020, letter and draft Findings of Fact (Exhibit A) notifying the Airport Land Use Commission for Orange County (ALUC) of the City's intent to overrule ALUC's inconsistency determination for the Santa Ana General Plan Update. In accordance with Section 21676 of the California Public Utilities Code (PUC), the ALUC submits the following comments addressing the proposed overrule findings. ALUC contends that the City's Exhibit A lacks sufficient facts and analysis to demonstrate consistency with the Purposes of the PUC or *Airport Environs Land Use Plan for John Wayne Airport (AELUP)*.

On October 15, 2020, the ALUC found the proposed General Plan Update to be inconsistent with the *AELUP* with a vote of 5 to 0. The determination was made in accordance with *AELUP* Sections 1.2, 2.1.4, 3.2.1, and PUC Section 21674. The ALUC found the proposed General Plan Update inconsistent with the *AELUP* because the proposed General Plan Update provides for new residential units in the approach corridor for John Wayne Airport (55 Freeway/Dyer Focus Area), and buildings up to 25 stories in the Obstruction Imaginary Surface Area (in the South Bristol Street Focus Area).

The City's Exhibit A, paragraphs B.1., B.2., and B.3, all contend that the residential and commercial uses designated in the General Plan Update are consistent with the specific standards outlined in the *AELUP* and PUC Section 21670. As stated in the staff report for the October 15, 2020 ALUC meeting, various sections of the *AELUP* enable the ALUC to consider factors other than the John Wayne Airport (JWA) noise contours and Safety Zones when determining if an area will be subject to noise and safety hazards.

Section 1.2 of the *AELUP* states that the purpose of the *AELUP* is to safeguard the general welfare of the inhabitants within the vicinity of the airport and to ensure the continued operation of the airport. Specifically, the plan seeks to protect the public from the adverse effects of aircraft

noise to ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, and to ensure that no structures or activities adversely affect navigable airspace.

Section 2.1.4 of the *AE LUP* and PUC Section 21674 charge the commission to coordinate planning to protect the public health, safety and welfare. Section 3.0 of the *AE LUP* includes general and specific land use policies. Section 3.2.1 states that “within the boundaries of the *AE LUP*, any land use may be found to be inconsistent with the *AE LUP* which: 1) Places people so that they are affected adversely by aircraft noise; 2) Concentrates people in areas susceptible to aircraft accidents; 3) Permits structures of excessive height in areas which would affect adversely the continued operation of the airport; or 4) Permits activities or facilities that would affect adversely aeronautical operations.”

Exhibits showing flight tracks over the City of Santa Ana were included in the staff report for the October 15, 2020 ALUC meeting (Attachment 1). The exhibits showed that the majority of flights over the 55/Dyer Focus Area are in range of 750 to 800 feet above ground level. Based upon these aircraft arrival, departure and altitude statistics, future residents of the proposed 55/Dyer Road Focus Area as delineated in the General Plan Update *will* experience significant aircraft overflight and single event noise. Accordingly, the City’s proposed General Plan Amendment does not meet the legislative goals of “orderly development,” nor does it discourage “incompatible land uses near existing airports” (PUC Sections 21670(a) and 21674.7(b).)

The South Bristol Street Focus Area would allow up to 5,272 additional housing units. This Focus Area is located outside of the 60 and 65 dB CNEL noise contours, the safety zones, and the approach corridor, but it is located within the horizontal and conical Federal Aviation Regulation (FAR) Part 77 Obstruction Imaginary Surfaces for JWA. The South Bristol Street Focus Area between MacArthur and Sunflower has a ground elevation of approximately 25 to 30 feet, and the new land use designation would allow buildings up to 25 stories (250 feet). This area would penetrate the Obstruction Imaginary Surfaces at 206 feet above mean sea level (AMSL) and was therefore found to be inconsistent with the *AE LUP* (see Attachment 2). ALUC reminds the City that a finding of no hazard by the Federal Aviation Administration (FAA) is not a carte blanche approval. *AE LUP* Section 2.1.3 provides that “A Determination of No Hazard to Air Navigation does not automatically equate to a Consistency determination by the ALUC. The FAA may also conclude in their aeronautical study that a project is an Obstruction but not a Hazard to Air Navigation. The Commission may find a project Inconsistent based on an Obstruction determination.” Perhaps most importantly, section 2.1.3 goes on to state: “The commission may utilize criteria for protecting aircraft traffic patterns at individual airports which may differ from those contained in FAR Part 77, should evidence of health, welfare, or air safety surface sufficient to justify such an action.” As explained, ALUC’s inconsistency findings were, in part, made to protect public health, welfare and air safety in JWA’s vicinity.

While ALUC supports the city’s inclusion of the mitigation measures for sound attenuation, providing future residents with a “Notice of Airport in Vicinity,” and posting outdoor signage informing the public of the presence of operating aircraft, California Business & Professions

Code Section 11010 requires the following statement to be included on sale/lease disclosure documents for developments within an ALUC's "Airport Influence Area." Thus, the city should condition all residential projects in the 55/Dyer Focus Area to include this Notice in the sale/lease disclosure documents:

"NOTICE OF AIRPORT IN VICINITY"

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (For example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you."

Please be advised that PUC Section 21678 states: "With respect to a publicly owned airport that a public agency does not operate, if the public agency pursuant to Section 21676, 21676.5 or 21677 overrules a commission's action or recommendation, the operator of the airport shall be immune from liability for damages to property or personal injury caused by or resulting directly or indirectly from the public agency's decision to overrule the commission's action or recommendation."

We urge the City Council of the City of Santa Ana to take all these matters into consideration in their deliberations prior to deciding whether to overrule the ALUC. Thank you for the opportunity to provide these comments.

Sincerely,



Gerald A. Bresnahan, Chairman

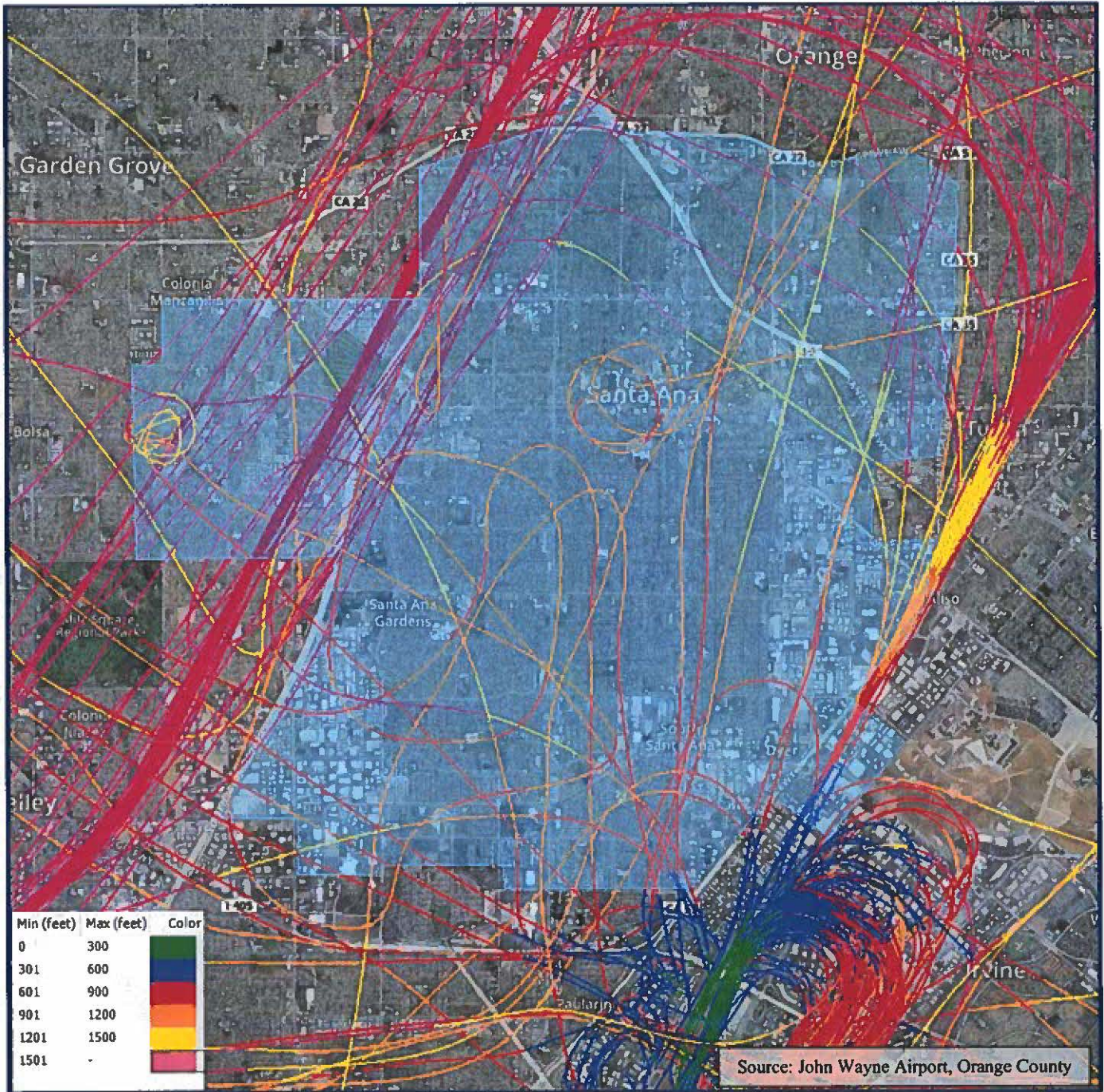
Attachment: Flight Track Exhibits

cc: Members of the Airport Land Use Commission for Orange County
Members of City of Santa Ana City Council
Kevin Ryan, Caltrans/Division of Aeronautics

ATTACHMENT 1

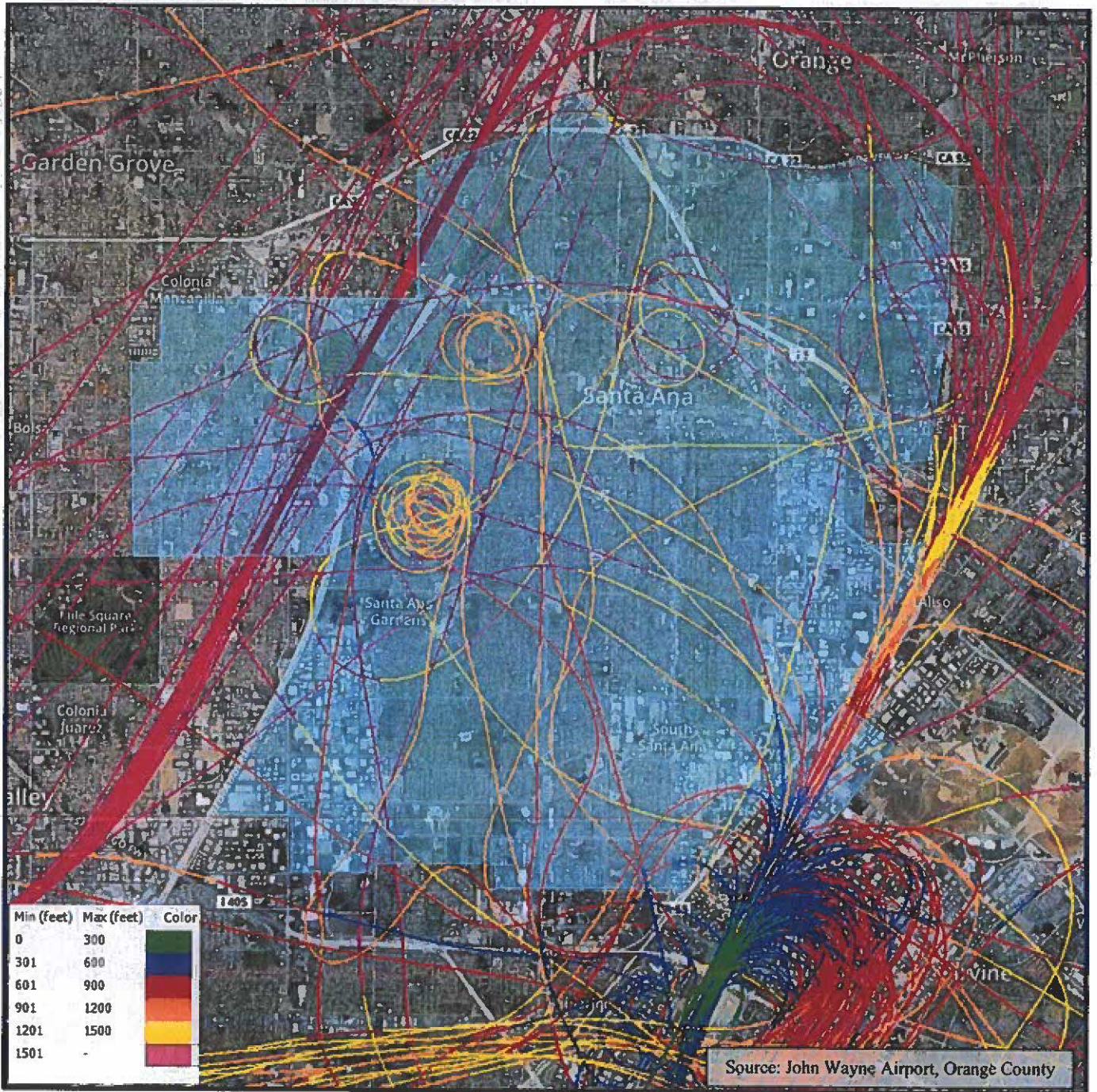


John Wayne Airport
Arrivals = 263
Wednesday, January 8, 2020



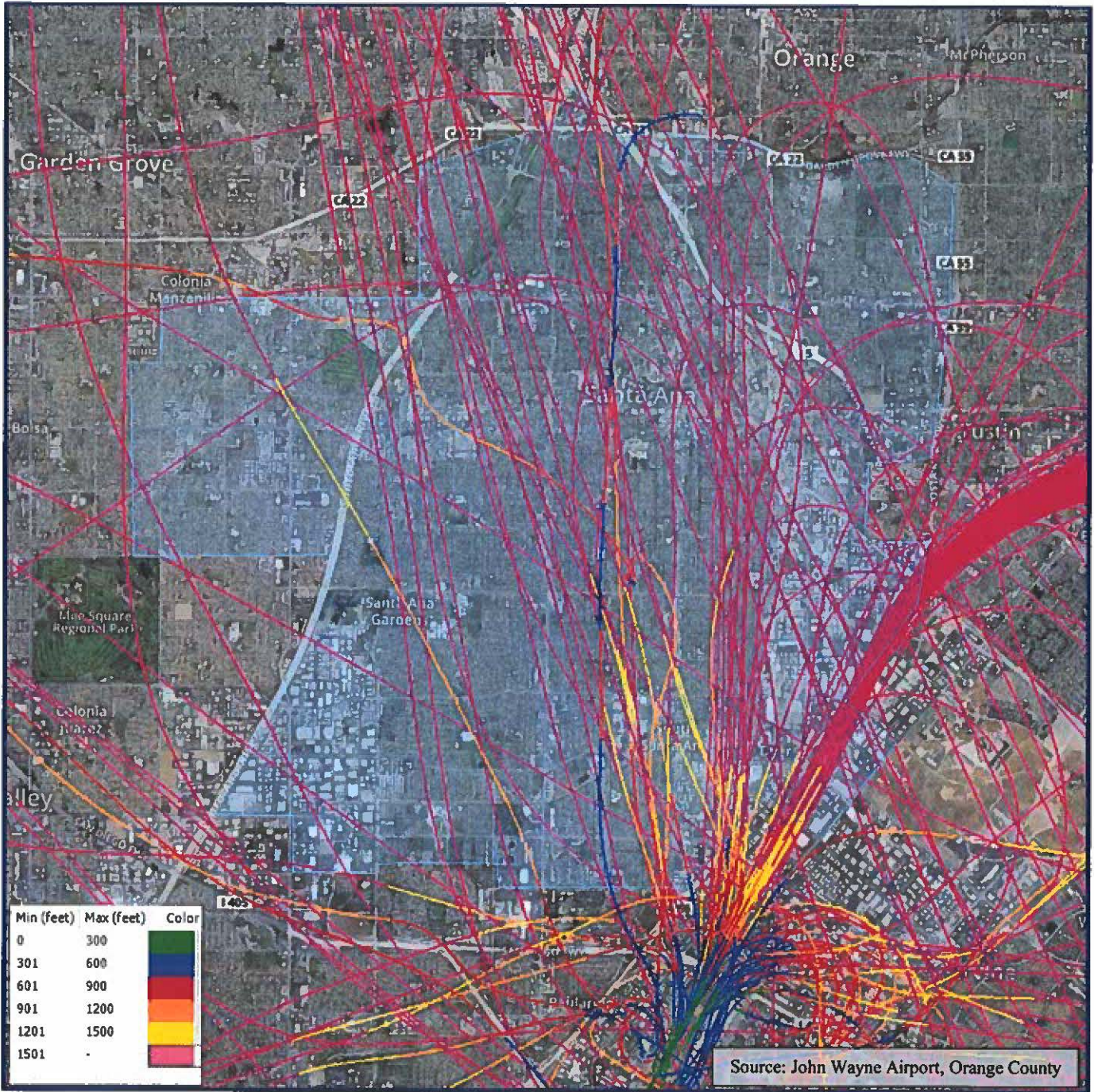


John Wayne Airport
Arrivals = 237
Saturday, January 11, 2020

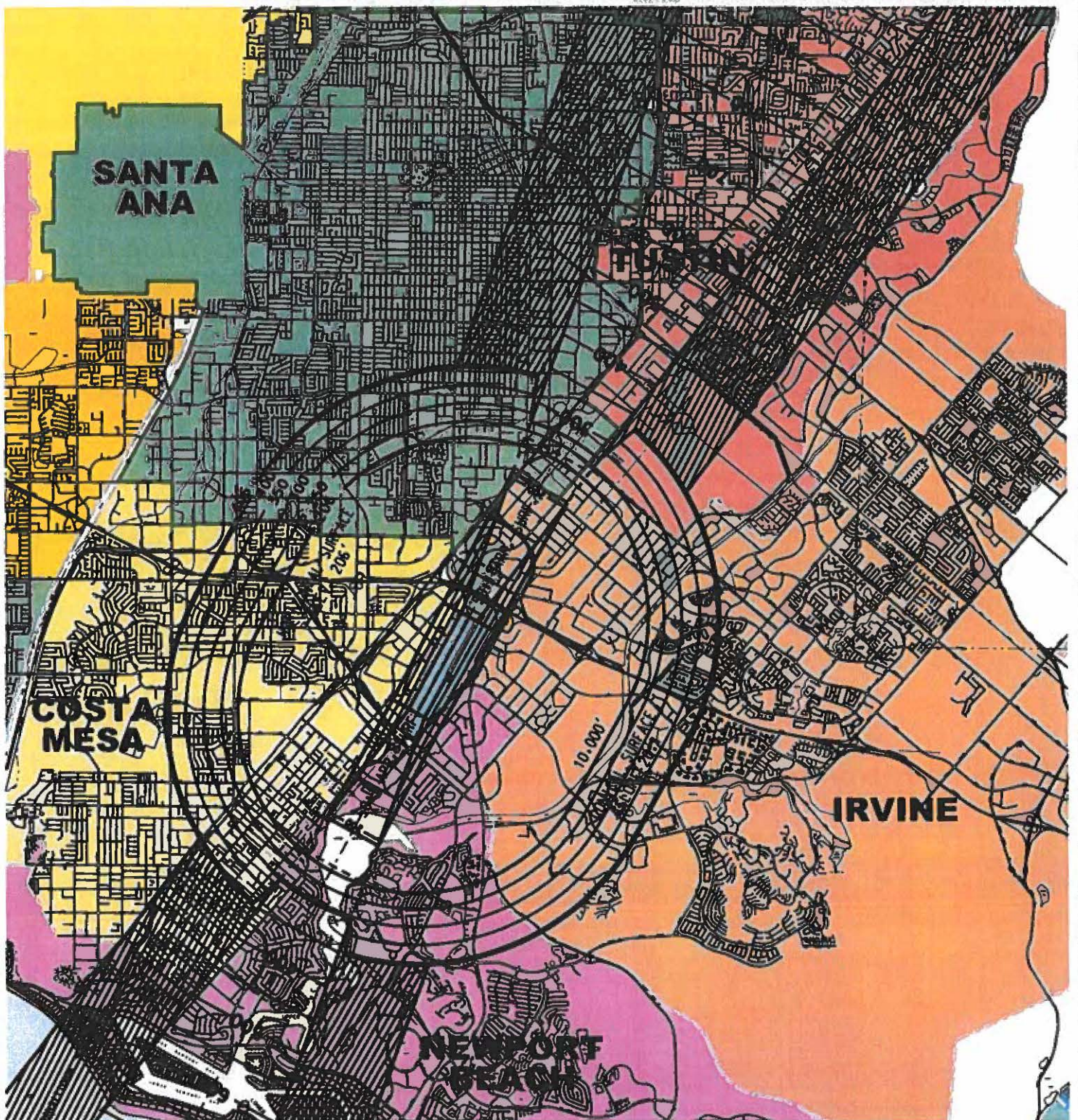




John Wayne Airport
Reverse Flow Departures = 222
Monday, January 6, 2020



ATTACHMENT 2



Note: County Unincorporated areas are shown in white.

FAR PART 77 John Wayne Airport Obstruction Imaginary Surfaces



LEGEND

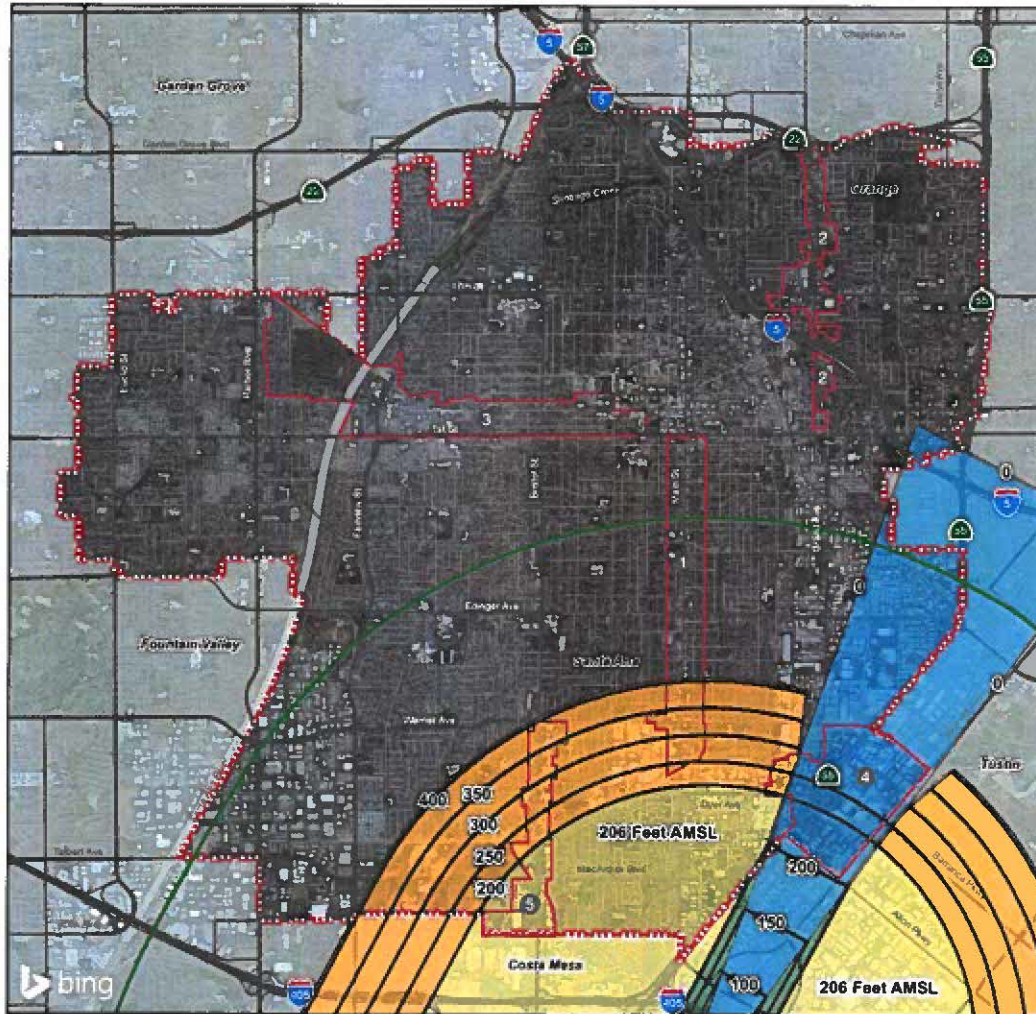
- CITY BOUNDARIES
- AIRPORT BOUNDARIES

CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

Lea Choum, Executive Officer Date

Figure 7 - ALUC Addendum
 Height Restrictions per Federal Air Regulations Part 77



- City of Santa Ana
 - Notification Area
 - Elevation Contours in feet above mean sea level (AMSL)
- Airport Surfaces**
- Horizontal Surface - Elevation 206 Feet AMSL
 - Departure Surface - Slope 50:1 (Horizontal:Vertical)
 - Transitional Surface - Slope 7:1 (Horizontal:Vertical)
 - Conical Surface - Slope 20:1 (Horizontal:Vertical)
 - Runway - Elevation 54 Feet AMSL
- Focus Areas**
- 1 South Main Street
 - 2 Grand Ave/17th Street
 - 3 West Santa Ana Boulevard
 - 4 55 Fry/Dyer Road
 - 5 South Bristol Street

Source: Orange County Airport Land Use Commission Airport Environs Land Use Plan for John Wayne Airport, 2008