



AIRPORT LAND USE COMMISSION

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

MINUTES OF REGULAR MEETING

MAY 16, 2019

- PLACE:** John Wayne Airport Administration Building
Airport Commission Hearing Room
3160 Airway Avenue
Costa Mesa, California 92626
- TIME:** Regular Meeting called to order at 4:00 p.m. by Chairman
Bresnahan
- COMMISSIONERS PRESENT:** Gerald Bresnahan, Stephen Beverburg, Schelly Sustarsic,
Alan Murphy
Alternate Commissioners Present: Tim O'Rourke, Patti
Campbell
- COMMISSIONERS ABSENT:** Jeff Mathews, Jeff Herdman, Mark Monin
- STAFF PRESENT:** Lea U. Choum, Executive Officer
Jeff Stock, County Counsel
Martha McCool, Secretary
- PLEDGE:** Chairman Gerald Bresnahan led all present in the Pledge of
Allegiance.

APPROVAL OF MINUTES:

Chairman Bresnahan asked for a correction to the minutes of the February 21, 2019. The minutes were corrected to state that Commissioner Monin (not Chairman Monin) asked that mixed-use plans in addition to school sites be reviewed within air traffic areas. A motion to approve the minutes with this correction for the February 21, 2019 ALUC meeting minutes was made by Commissioner Beverburg and seconded by Commissioner Sustarsic. Commissioners voted unanimously for the approval of the minutes from February 21, 2019.

Introductions:

Lea U. Choum was introduced as the new Executive Officer for the ALUC.

NEW BUSINESS:

1. Request for determination of the Legacy Sunflower Residential Development for the City of Santa Ana:

Lea U. Choum, Executive Officer provided background on the proposed project. She reported that Legacy Homes is proposing to develop multi-family apartments on a 3.59- acre site located at 651 Sunflower Avenue in the City of Santa Ana. The project proposes 226 apartments in a five-story building. A six-level parking structure, with one level of subterranean parking and five levels above ground.

The project includes 35 studio apartments, 114 one-bedroom apartments and 77 two-bedroom apartments. The apartment building would be 75 feet in height to the top of the roof and the parking structure would be 70 feet in height.

The project site is north of Sunflower Avenue and east of Flower St. The site is currently developed with Sound Church and will be demolished with the development of the proposed project. Surrounding land uses include Taft Elementary school to the north, Enclave apartment development to the south, multi-family homes to the east, and multi-family units to the west.

The project was referred to the Commission because of the project's location within the Airport Planning Area for JWA and because the project requires a General Plan Amendment and Zone Change through the City of Santa Ana. The project site is designated Low-Density Residential land use by the Santa Ana General Plan. The project applicant is requesting a general plan amendment to Urban Neighborhood and a zone change from Single-family Residence to Specific Development.

The project was reviewed with respect to AELUP issues. The project is not located within the 60 and 65 CNEL noise contour for JWA (John Wayne Airport). No noise mitigation measures are required. Regarding Height Restrictions, the proposed project is located within the AELUP Notification Area for JWA. At the maximum height of 110 feet above mean sea level (AMSL), the notification service would be penetrated at 96.2 feet AMSL. The project proponent filed Form 7460-1 with the Federal Aviation Administration and received a Determination of No Hazard to Air Navigation. The proposed maximum building height at this site is 110 feet AMSL, which is 96 feet below the horizontal surface. Because the project falls below the horizontal surface, the project will not impact areas reserved for air navigation.

Ms. Choum also explained that the proposed project falls within Safety Zone 6 for JWA. Per the California Airport Land Use Planning Handbook (October 2011), residential uses

are normally allowed, outdoor stadiums and similar uses with very high intensities should be avoided, and uses such as children's schools, large care centers, hospitals, and nursing homes are limited. The proposed multi-family development is a normally allowed use within Safety Zone 6 for JWA.

Heliports are not proposed as part of the project. The Santa Ana General Plan includes language that states proposals to develop new heliports must be submitted through the City to the ALUC for review and action pursuant to Public Utilities Code Section 21661.5 and includes the requirement that proposed heliport projects must comply fully with the State permit procedure provided by law and with all conditions of approval imposed or recommended by FAA, by the ALUC for Orange County and by Caltrans/Division of Aeronautics.

A review was done with respect to compliance with the AELUP for JWA and Heliports. Ms. Choum recommended that the commission find that the proposed Legacy Sunflower Multi-Family Project located at 651 Sunflower Avenue Consistent with the AELUP for JWA and the AELUP for Heliports.

Ms. Choum introduced Ivan Orozco from the City of Santa Ana Planning Department and Pam Zepeto, the Consultant for Legacy Homes.

Chairman Bresnahan opened for questions to the public; no questions were asked.

Chairman Bresnahan commented that the land parcel is located under the traffic pattern for the right runway of JWA, which is subject to overflight and hopes the new residents are aware of their location within the traffic pattern.

Alternate Campbell questioned if cities are asking residents to sign acknowledgments stating their awareness that there is an airport in the vicinity and that they are subject to aircraft overflight. Commissioner Beverburg asked the same question and recalled past projects where residents were required to sign such acknowledgments.

Staff stated these requirements are only for projects that fall within the 60 to 65 noise contours. Ms. Choum explained the proposed project falls outside of those contours. The AELUP for JWA and the Airport Land Use Planning Handbook do not restrict residential development within Traffic Pattern 6.

Chairman Bresnahan recalled that an acknowledgment was still a state law. Jeff Stock, County Counsel, could not corroborate the law but would review the law to confirm.

Commissioner Murphy acknowledged the law but reiterated that the criteria would be for projects within the 60 to 65 noise contours. Commissioner Murphy also noted that the City of Santa Ana's submittal package utilized current noise contours for JWA. He wanted to make sure that the City of Santa Ana was aware that the noise contours established in 1985 and depicted in the AELUP for JWA are the contours that should be utilized for planning

purposes. The use of the existing contours did not impact the proposed project, but Commissioner Murphy wanted the City to be aware for future project submittals.

Commissioner Murphy moved the staff recommendation and Commissioner Sustarsic seconded. Commissioner Beverburg asked the developer if they would agree to notify their tenants of an airport in the vicinity. The developer agreed to Commissioner Beverburg's request and will provide notice to future tenants.

Ms. Choum asked the commission if they would like to update the recommended action to include the notification requirement.

Commissioner Murphy added the additional notification requirement to his motion and Commissioner Sustarsic seconded the motion. The motion was approved unanimously by the Commission.

2. **Administrative Status Report**

Lea Choum, Executive Officer spoke on the various pieces of correspondence provided to the Commission. She referred to the JWA monthly statistics, correspondence with the City of Santa Ana regarding Agenda Item 1 and the follow up letter the commission requested for the Charter School in Irvine that include the flight track information. She also pointed out the copies of notification letters that were sent to cities within the airport planning area for Fullerton Municipal Airport (FMA) regarding the amended AELUP for FMA.

3. **Proceedings with Consistent Agencies:**

No issues

4. **Proceedings with Inconsistent Agencies:**

Ms. Choum stated she spoke with staff from the City of Laguna Woods Planning Department regarding their inconsistency status with the *AELUP for Heliports*. ALUC staff recommended language to include in their next general plan update. The City of Laguna Woods reviewed their General Plan and do not currently see where it is inconsistent or conflicts with the heliport language provided. The City is currently reviewing the Zoning Code and most likely will be making changes to clarify the current heliport language.

5. **Items of Interest to the Commissioners:**

Commissioner Sustarsic asked about the General Aviation Improvement Plan at JWA. Ms. Choum reported it was heard by the County of Orange, Board of Supervisors on May 7, 2019 and was continued to June 25, 2019. Supervisor Do had suggested modifying Project Alternative 1, that was proposed in the Environmental Impact Report.

6. **Items of Interest to the Public:**

No Items.

ADJOURNMENT:

There being no further business before the Commission, the meeting was adjourned at approximately 4:20 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Lea U. Choum". The signature is written in a cursive style with a horizontal line at the end.

Lea U. Choum
Executive Officer